

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, AUGUST 19, 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

BRIEFING ITEM

Briefing on recent state legislation affecting the Board of Adjustment
Theresa Pham, Assistant City Attorney

MISCELLANEOUS ITEM

Approval of the June 17, 2019 Board of Adjustment
Panel C Public Hearing Minutes M1

UNCONTESTED CASES

BDA189-078(SL)	435 W. Tenth Street REQUEST: Application of Garrett Ratner, represented by Amber Meharg, for special exceptions to the fence standards and visual obstruction regulations	1
BDA189-082(SL)	4000 Stonebridge Drive REQUEST: Application of Rob Baldwin of Baldwin Associates for a variance to the front yard setback regulations	2
BDA189-088(SL)	5934/5944 Luther Lane REQUEST: Jonathan Vinson of Jackson Walker LLP for a special exception to the off-street parking regulations	3

BDA189-089(SL) 514 S. Westmoreland Road 4
REQUEST: Application of Erica Campos, represented
by Milton Campos, for variances to the front and side
yard setback regulations

REGULAR CASE

BDA189-080(SL) 6465 E. Mockingbird Lane 5
REQUEST: Application of Rob Baldwin of Baldwin
Associates for a special exception to the sign 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: BDA189-078(SL)

BUILDING OFFICIAL'S REPORT: Application of Garrett Ratner, represented by Amber Meharg, for special exceptions to the fence standards and visual obstruction regulations at 435 W. Tenth Street. This property is more fully described as Lot 1-B, Block 36/3156, and is zoned PD 830 (Subdistrict 3), which limits the height of a fence in the front yard to 4 feet, and requires 20 foot visibility triangles at driveways. The applicant proposes to construct and/or maintain an 8 foot 9 inch high fence in required front yards, which will require 4 foot 9 inch special exceptions to the fence standard regulations, and to locate and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 435 W. Tenth Street

APPLICANT: Garrett Ratner
Represented by Amber Meharg

REQUESTS:

The following requests have been made on a site that is developed with a duplex structure/use:

1. Requests for special exceptions to the fence standards regulations related to the fence height of up to 4' 9" is made to maintain an open decorative metal fence/gates ranging in height from 6' 10" – 8' 9" in the site's two 10' front yard setbacks on W. Tenth Street and N. Adams Avenue.
2. Requests for special exceptions to the visual obstruction regulations are made to maintain the aforementioned open decorative metal fence ranging in height from 6' 10" – 8' 9":
 - a) in the two 20' visibility triangles at the drive approach into the site from W. Tenth Street; and
 - b) in the two 20' visibility triangles at the drive approach into the site from N. Adams Avenue.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards regulations 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 (fence standards regulations):

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

STAFF RECOMMENDATION (visual obstruction regulations):

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevations 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 condition imposed) because the items to be maintained in the visibility triangles do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: PD 830 (Subdistrict 3) (Planned Development)
North: PD 830 (Subdistrict 3) (Planned Development)
South: PD 830 (Subdistrict 3) (Planned Development)
East: PD 830 (Subdistrict 3) (Planned Development)
West: PD 830 (Subdistrict 3) (Planned Development)

Land Use:

The subject site is being developed with a duplex structure/use. The areas to the north, south, and east are developed with residential uses, and the area to the west is undeveloped.

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 (fence standards special exceptions):

- The requests for special exceptions to the fence standards regulations of up to 4' 9" on a site developed with a duplex structure/use focus on maintaining an open decorative metal fence/gates ranging in height from 6' 10" – 8' 9" in two of the site's two 10' front yard setbacks on W. Tenth Street and N. Adams Avenue.
- The subject site is zoned PD 830 (Subdistrict 3) which requires a minimum front yard of 0' and a maximum front yard of 10'.
- The site is located at the northeast corner of W. Tenth Street and N. Adams Avenue. The site has two front yard setbacks along both street frontages.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan and elevations of the proposal/existing fence. The site plan and elevation represent a fence that is open and over 4' in height in the W. Tenth Street and N. Adams Avenue front yard setbacks.
- The following additional information was gleaned from the submitted elevations:
 - Along W. Tenth Street: a decorative metal fence represented as being 8' – 8' 9" in height.
 - Along North Adams Avenue: a decorative metal fence represented as being 7' – 8' 1" in height.
- The following additional information was gleaned from the submitted site plan:
 - Along W. Tenth Street: the proposal is represented as being about 62' in length parallel to the street and approximately 9' perpendicular to this street on the sides in this required front yard, located about 1' from the front property line or about 15' from the pavement line.
 - Along N. Adams: the proposal is represented as being about 95' in length parallel to the street and approximately 9' perpendicular to this street on the north side in this required front yard, located about 1' – 5' from the front property line or about 15' – 19' from the pavement line.
- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and the surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of August 9, 2019, a petition with nine signatures has been submitted in support of the request, and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4' in height in the front yard setbacks to be maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations on a site being developed with a duplex structure/use focus on maintaining an open

decorative metal fence ranging in height from 6' 10" – 8' 9" in five, 20' driveway visibility triangles on the site:

- a) in the two 20' visibility triangles at the drive approach into the site from W. Tenth Street; and
 - b) in the two 20' visibility triangles at the drive approach into the site from N. Adams Avenue.
- 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 property is located in PD 830 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
 - A site plan and elevations have been submitted indicating portions of an open decorative metal fence ranging in height from 6' 10" – 8' 9" in four, 20' driveway visibility triangles on the subject site.
 - 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 these requests do not constitute a traffic hazard.
 - Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevations would limit the items to be maintained in the five 20' visibility triangle at the driveways into the site to that what is shown on these documents - portions an open decorative metal fence ranging in height from 6' 10" – 8' 9".

Timeline:

April 24, 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.

July 10, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

July 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant's representative the following information:

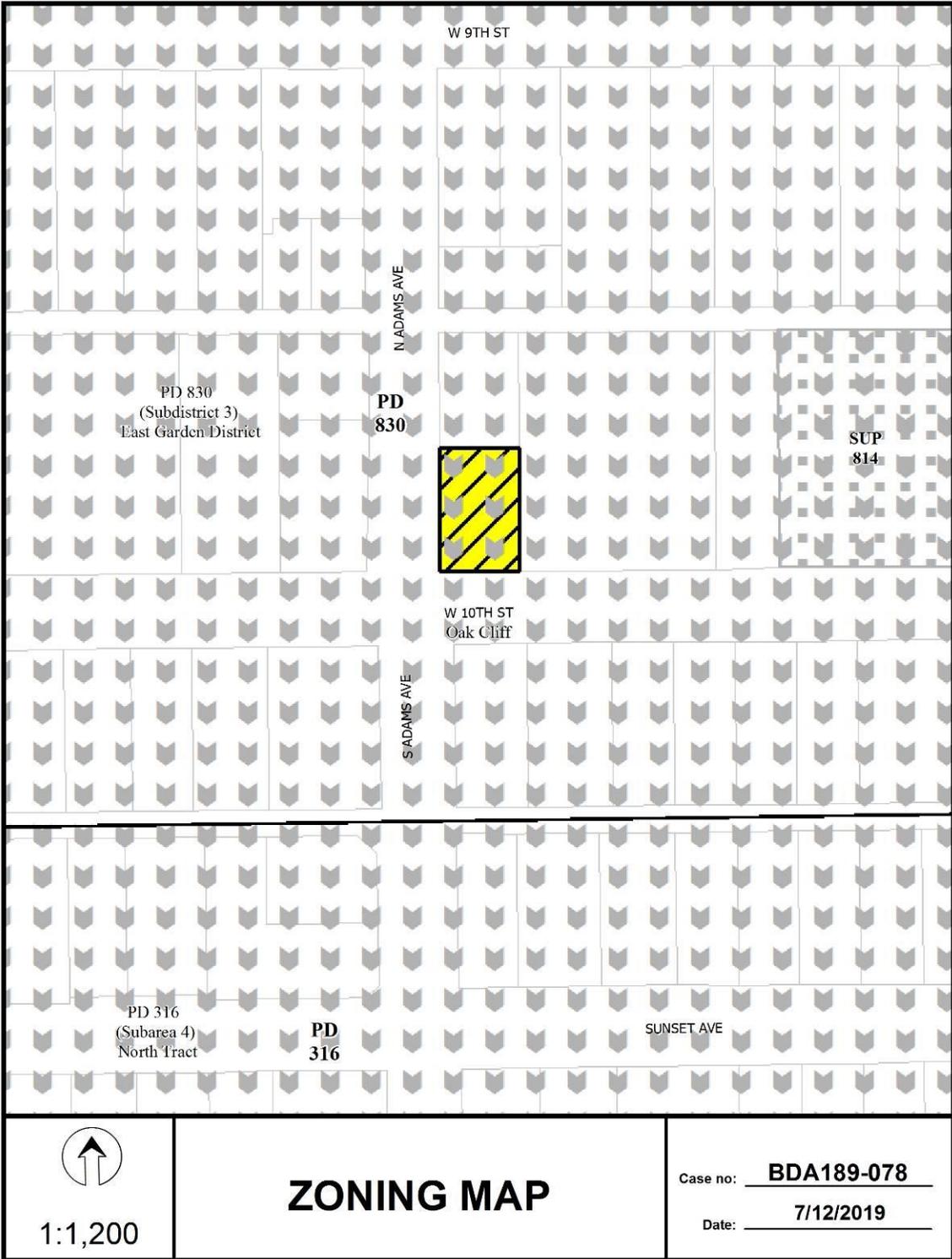
- a copy of the application materials including the Building Official's report on the application;

- an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

July 29, 2019: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

August 6, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

August 7, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.



1:1,200

ZONING MAP

Case no: BDA189-078

Date: 7/12/2019



1:1,200

AERIAL MAP

Case no: BDA189-078

Date: 7/12/2019

435 West 10th

Approach Visibility Triangle

BDA 18A-07B
Attach A
PS1



1-9



Please note that

- 1) the visibility triangles are largely not impeded when the gates are open (which is the only time a car will be moving in and out of the driveway)
- 2) The gates are made of a 95% see through grate material so even when they are closed we can see through them



BDA189-078

Allen A

P32

BOA189-078

AHLLA

P53



10th Street Approach looking East and West from inside the "gates"



10th Street Approach looking East and West from inside the "gates" (inside car)

DOA189-078
Attach A
Pg 4



DDA189-078
ATTACH A
P. 5

Adams Approach looking south and north from inside the "gates"



Adams Approach looking south and north from inside the "gates" (inside car)

20A189-078

Attch A

P56



Neighbors Approach looking south

Note: They have a 40' approach and can park 4 rows of cars

BDA 18-1-078

Allen A

PS 7

BDA 184-D 78
Attach A
P 58

To Whom it May Concern,

I live and/or own in the area immediately around 435 West 10th street. I have looked at the proposed plans for the gates/fence surrounding this home and am supportive of the owners ability to secure their parking area/yard with the proposed plan even though it will clip the driveway approach visibility triangles as detailed in the plan (which I have seen).

1) Name: W. J. Jappay
Address(es): 430 WEST TENTH

Signature: [Signature]
Owner or Tenant

Name: Cory Turner
Address(es): 427 West Tenth
300

Signature: [Signature]
Owner or Tenant

Name: Mike Bryson
Address(es): 505 W 10th St

Signature: [Signature]
Owner or Tenant Owner

Name: Chip Carlson
Address(es): 505 W. 10th St.

Signature: [Signature]
Owner or Tenant Tenant

Name: Abel Portillo
Address(es): 510 W. 10th St

Signature: [Signature]
Owner or Tenant Tenant

Name: Ashly Case
Address(es): 510 10th St #C

Signature: [Signature]
Owner or Tenant 510 10th St APT D

Name: SKULLER FIFE
Address(es): 510 W 10TH ST. #A

Signature:
Owner or Tenant

Name: Dixie Hendley
Address(es): 510 W 10th St, Apt B

Signature: [Signature]
Owner or Tenant Tenant

BDA 189-078
Attch A
B9

To Whom it May Concern,

I live and/or own in the area immediately around 435 West 10th street. I have looked at the proposed plans for the gates/fence surrounding this home and am supportive of the owners ability to secure their parking area/yard with the proposed plan even though it will clip the driveway approach visibility triangles as detailed in the plan (which I have seen).

Name: *Marissa L Wallace*
Address(es): *115 N. Adams St B*

Signature: *Marissa Wallace*
Owner or Tenant

Name:
Address(es):

Signature:
Owner or Tenant



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-078

Data Relative to Subject Property:

Date: 4-24-19

Location address: 435 W. 10th St 75208

Zoning District: ~~East Garden~~ PD 830
Subdistrict 3

Lot No.: 1-B Block No.: 36/3156 Acreage: .139

Census Tract: Dallas 19060 47.00

Street Frontage (in Feet): 1) 97.12' ^{W 10th} 2) 62.50' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ripple DTB CO. / Garrett Rather

Applicant: Garrett Rather

Telephone: 214-213-1924

Mailing Address: 3723 Greenville Ave Dallas TX Zip Code: 75206

E-mail Address: g@ripple.build

Represented by: Amber Melham Telephone: 817-319-2558

Mailing Address: 3723 Greenville Ave Dallas TX Zip Code: 75206

E-mail Address: am@ripple.build

Affirm that an appeal has been made for a Variance, or Special Exception X, of fence/gate
in visibility triangle of driveway corner of the
corner of the street intersection at 4.9' to the required
4.5' ft. and provide a fence height of 8.9' 4.9' total fence height
8.9''

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:

Allow parking of standard vehicles behind a gate/fence
that is in the driveway visibility triangle (NOT
the corner of the street intersection)

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

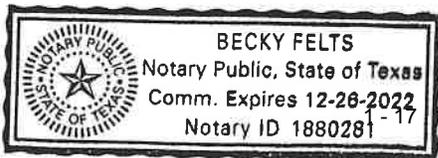
Before me the undersigned on this day personally appeared Garrett Rather
(Affiant/Applicant's name printed)

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

Subscribed and sworn to before me this 17th day of April, 2019

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

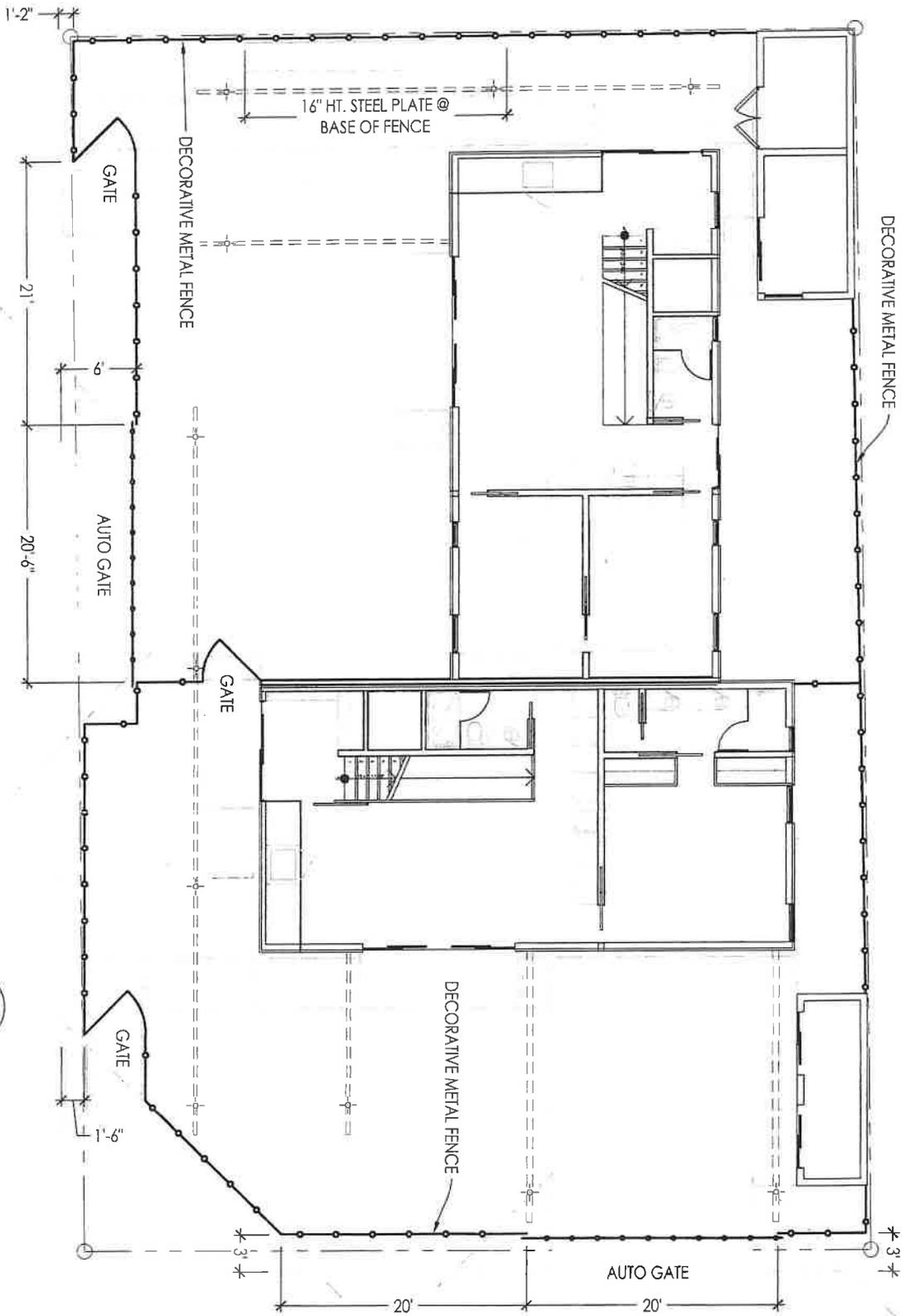
Building Official's Report

I hereby certify that Garrett Ratner
represented by AMBER MEHARG
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 435 W. 10Th Street

BDA189-078. Application of Garrett Ratner represented by AMBER MEHARG for a special exception to the visibility obstruction regulations, and for a special exception to the fence standards regulations at 435 W 10TH ST. This property is more fully described as Lot 1-B Block 36/3156, and is zoned PD-830 (subdistrict 3), which requires a 20 foot visibility triangle at driveway and alley approaches and limits the height of a fence in the front yard to 4 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 8 foot 9 inch high fence in a required front yard, which will require a 4 foot 9 inch special exception to the fence standard regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



N. Adams

1 FENCE & GATE PLAN
SCALE: 1/8" = 1'-0"



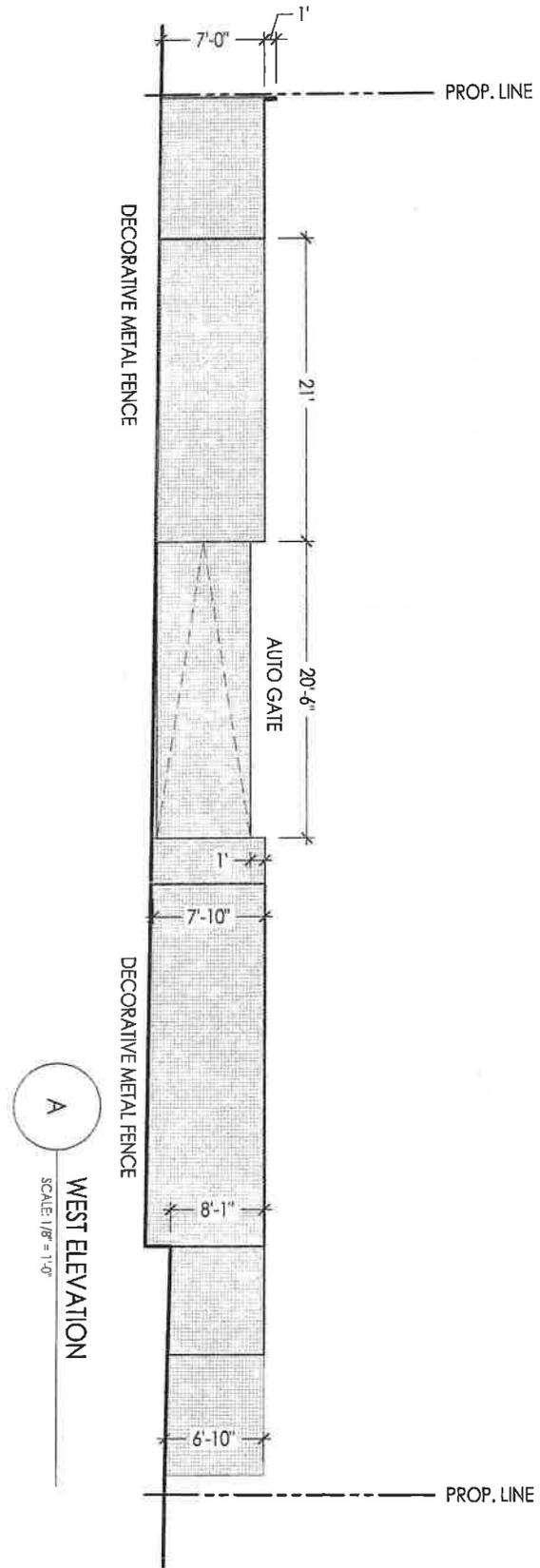
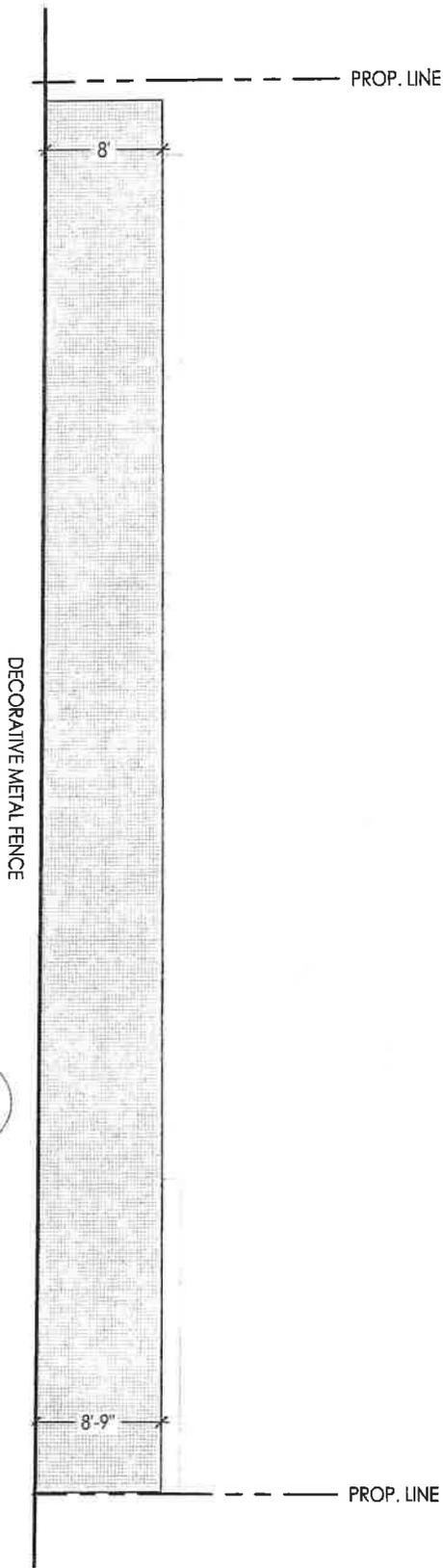
F1.0

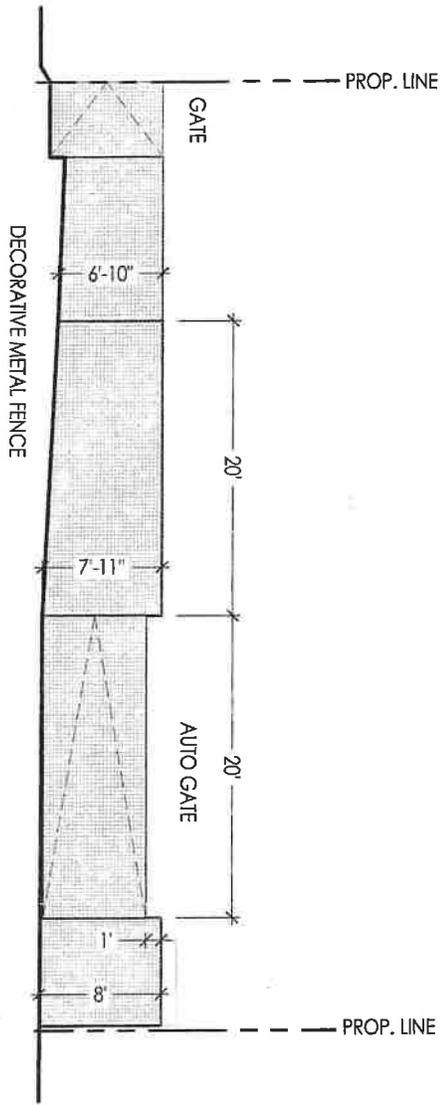
4-19-2019

CLOUD RESIDENCES

435 W 10th STREET; DALLAS, TX 75208

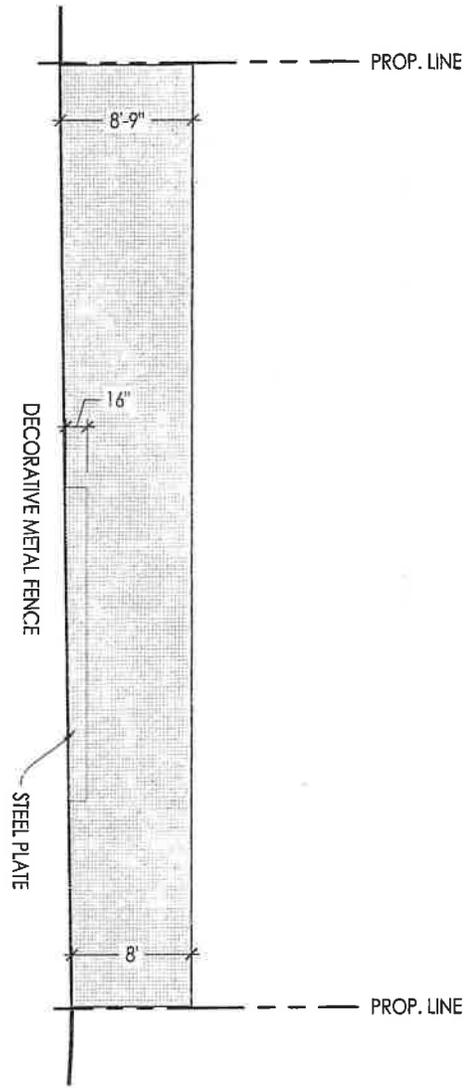
W. 10th





D

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



C

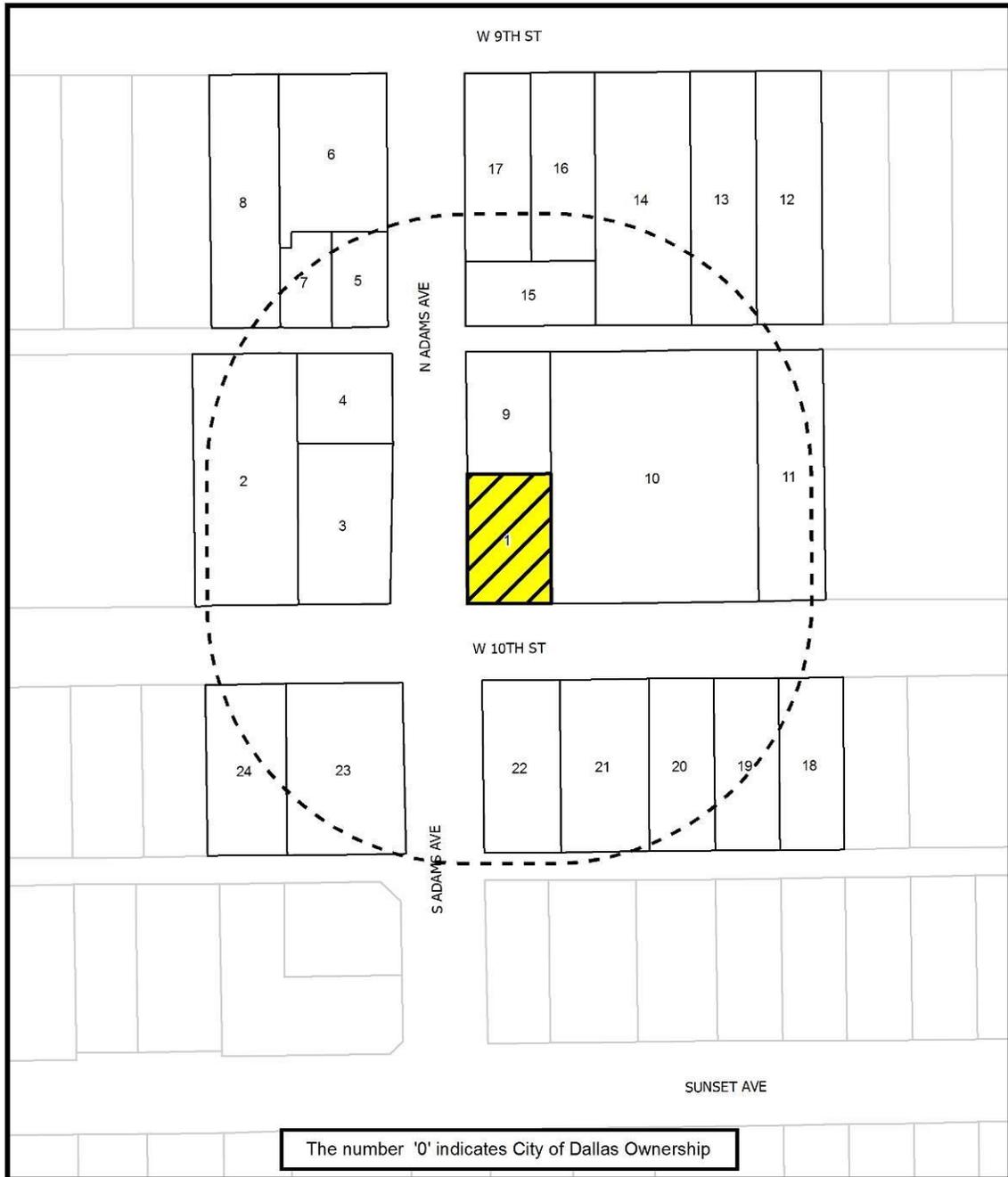
NORTH ELEVATION
SCALE: 1/8" = 1'-0"

F1.2

4-19-2019

CLOUD RESIDENCES

435 W 10th STREET; DALLAS, TX 75208



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-078**

Date: **7/12/2019**

Notification List of Property Owners

BDA189-078

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	435 W 10TH ST	RIPPLE DB CO
2	505 W 10TH ST	BRYSON JOHN M
3	501 W 10TH ST	PAOG MALENA MEAZELL ET AL
4	115 N ADAMS AVE	MJ REVEILLE LLC
5	125 N ADAMS AVE	RUBIO REGINALDO &
6	119 N ADAMS AVE	CANO RAQUEL
7	504 W 9TH ST	RUBIO REGINALDO &
8	508 W 9TH ST	HERNANDEZ ELEAZAR
9	110 N ADAMS AVE	GUPTA PREETI & SINGH MUKESH
10	427 W 10TH ST	SZK DEVELOPMENT LLC
11	419 W 10TH ST	SALVADOR GARCIA JIMENEZ &
12	422 W 9TH ST	AMBROSIA ENTERPRISES LLC
13	424 W 9TH ST	COG DALLAS HOMES II LLC
14	430 W 9TH ST	HOMETOWN CLASSIC
15	118 N ADAMS AVE	RIBERA FRANCISCO M
16	432 W 9TH ST	HURLEY DONNA L
17	440 W 9TH ST	TOVAR JOSE S JR &
18	418 W 10TH ST	CALDERON JUAN CARLOS
19	426 W 10TH ST	JEFFUS WAYNE
20	424 W 10TH ST	BISHOP ARTS VILLAGE LLC
21	430 W 10TH ST	JEFFUS WAYNE K
22	438 W 10TH ST	TRIPLE L PLACE LLC
23	502 W 10TH ST	LILY ENTERPRISES INC
24	510 W 10TH ST	BRYSON INVESTMENTS INC

FILE NUMBER: BDA189-082(SL)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a variance to the front yard setback regulations at 4000 Stonebridge Drive. This property is more fully described as Lot 6, Block 5/2023, and is zoned PD 193 (R-7.5), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 15 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

LOCATION: 4000 Stonebridge Drive

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST:

A request for a variance to the front yard setback regulations of up to 10' is made to construct and maintain a two-story single family home structure with an approximately 2,600 square foot building footprint (and with approximately 4,500 square feet of "conditioned" space), part of which is to be located as close as 15' from the front property line or as much as 10' into the 25' front yard setback on a site that is undeveloped.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD 193 (R-7.5) zoning district in that it is somewhat sloped (ranging from 484' on the west to 493' on the east) and irregular in shape (ranging from about 43' – 103' in width).
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the square footage of the proposed home on the subject site with approximately 4,500 square feet of “conditioned” space is commensurate with development found on other lots in the same zoning where 29 other homes in PD 193 (R-7.5) zoning district have an average square footage of approximately 4,200 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (R-7.5) (Planned Development, Single family district 7,500 square feet)
North: PD 193 (R-7.5) (Planned Development, Single family district 7,500 square feet)
South: PD 193 (R-7.5) (Planned Development, Single family district 7,500 square feet)
East: PD 193 (MF-2) (Planned Development, Multifamily district)
West: PD 193 (R-7.5) (Planned Development, Single family district 7,500 square feet)

Land Use:

The subject site is undeveloped. The areas to the north, south and west are developed with single family uses, and the area to the east is the Katy Trail.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for variance to the front yard setback regulations of up to 10' focuses on constructing and maintaining a two-story single family home structure with an approximately 2,600 square foot building footprint (and with approximately 4,500 square feet of “conditioned” space), part of which is to be located as close as 15' from the front property line or as much as 10' into the 25' front yard setback on a site that is undeveloped.
- The property is located in PD 193 (R-7.5) zoning district which requires a minimum front yard setback of 25 feet.
- The submitted site plan indicates that the proposed structure is located as close as 15' from the front property line or as much as 10' into the 25' front yard setback.

- According to DCAD records there are no improvements listed for property addressed at 4000 Stonebridge Drive.
- The subject site is somewhat sloped (ranging from 484' on the west to 493' on the east), irregular in shape (ranging from about 43' – 103' in width), and, according to the application, is 0.26 acres (or approximately 11,300 square feet) in area. The site is zoned PD 193 (R-7.5) where lots are typically 7,500 square feet in area.
- The applicant has submitted a document that represents that the average square footage of 29 other properties in the PD 193 (R-7.5) zoning district is about 4,200 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (R-7.5) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (R-7.5) zoning classification.
- 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 structure that would be located as close as 15' from the site's front property line (or as much as 10' into the 25' front yard setback).

Timeline:

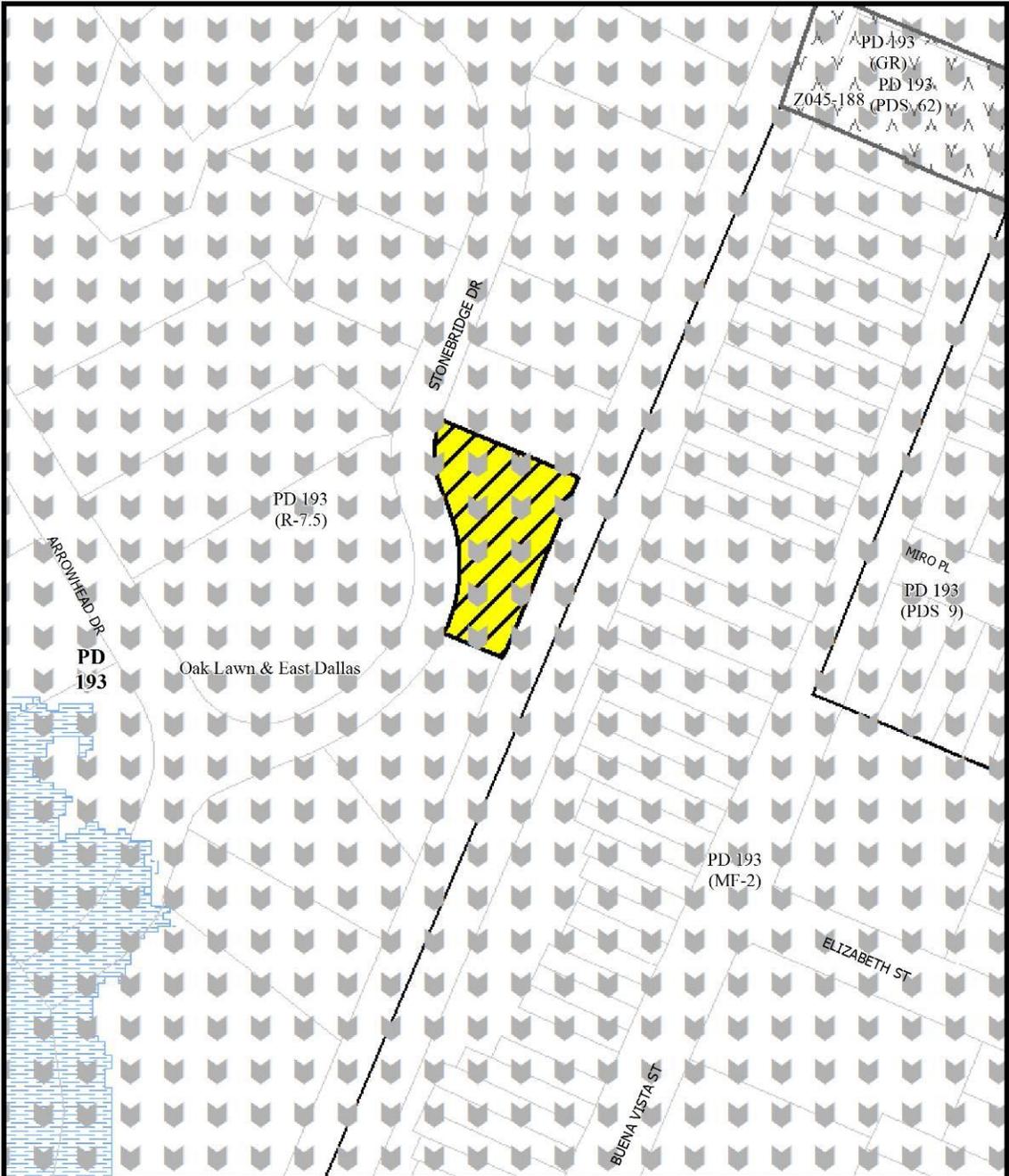
- April 30, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 10, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

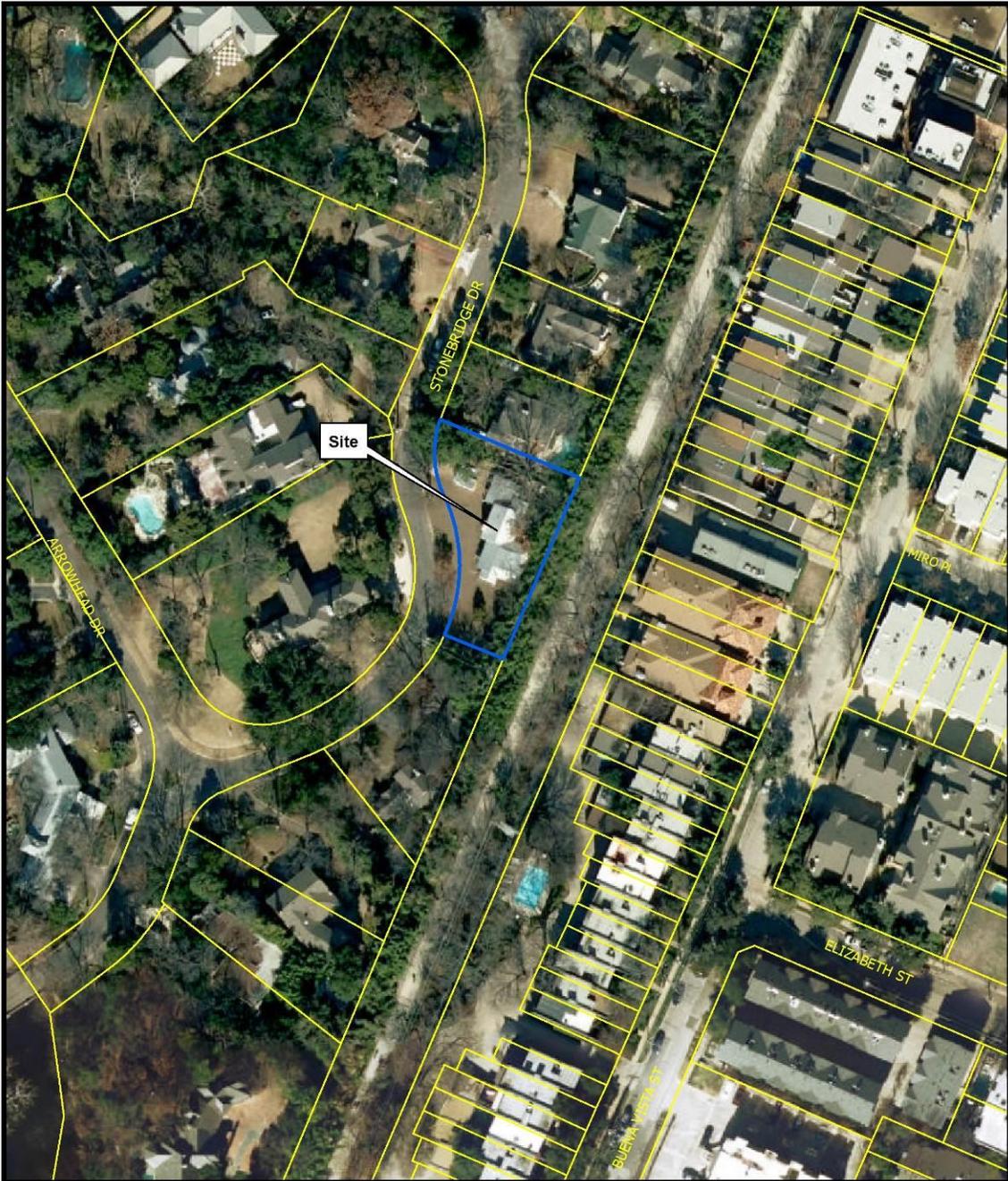
July 31, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

August 6, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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



 1:1,200	<h2>ZONING MAP</h2>	Case no: BDA189-082 Date: 7/12/2019
--	---------------------	--



1:1,200

AERIAL MAP

Case no: **BDA189-082**

Date: **7/12/2019**

Baldwin
Associates

BDA 189 - 082
Attach A
B1

July 31, 2019

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

RE: BDA189-082
4000 Stonebridge Drive variance

Dear Mr. Long:

Our firm is helping the property owner with their variance request at the above referenced property. The property is irregularly shaped due to the curvature of Stonebridge Drive and is some what sloped, with nine feet of grade change across the property. The proposed single family structure will provide a 15-foot setback along Stonebridge Drive if this variance is approved. The proposed structure will be two stories with a garage basement and approximately 4,525 square feet according to the submitted floor plans.

We examined the floor area data on DCAD for this neighborhood which is zoned PD 193 R-7.5. Please see the attached table for the DCAD data findings. The effective age of homes ranges from construction in 2015 to 1922. The average square footage of the homes in this neighborhood is 4,172 SF. The proposed home at the subject property will be commensurate with the homes in this neighborhood.

We respectfully ask for your support of the requested variance. If you have any questions or would like to speak with us about this, please call me or Rob Baldwin at 214-824-7949 or email me at jennifer@baldwinplanning.com or Rob at rob@baldwinplanning.com. We will be happy to discuss this matter with you.

With kind regards,



Jennifer Hiromoto

BDA 189-082

Attch A

P 2

DCAD Survey for BDA189-082 / 4000 Stonebridge Dr

	Address	SF	Year built
3511	Arrowhead	4,172	1957
3520	Arrowhead	3,880	1945
3521	Arrowhead	6,352	1930
3525	Arrowhead	5,622	1925
3526	Arrowhead	3,873	1945
3514	Rock Creek	5,209	1938
3520	Rock Creek	4,516	1950
3525	Rock Creek	3,603	2007
4000	Rock Creek	5,521	1922
4103	Rock Creek	2,952	1948
4107	Rock Creek	3,840	1971
4111	Rock Creek	5,138	1938
4115	Rock Creek	3,473	1948
4119	Rock Creek	3,221	1948
3529	Stonebridge	5,227	2015
3900	Stonebridge	6,355	2000
3909	Stonebridge	5,978	1951
3910	Stonebridge	3,542	1972
3916	Stonebridge	4,090	1936
3922	Stonebridge	2,453	1943
3925	Stonebridge	4,583	2015
4007	Stonebridge	7,260	1974
4014	Stonebridge	2,492	1951
4018	Stonebridge	3,267	2005
4108	Stonebridge	2,670	1936
4111	Stonebridge	1,886	1936
4116	Stonebridge	2,603	1990
4118	Stonebridge	4,118	2003
4120	Stonebridge	3,091	1980

Average SF 4,172

4000 Stonebridge Proposed SF 4525



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 188-082

Date: 4-30-19

Data Relative to Subject Property:

Location address: 4000 Stonebridge Dr Zoning District: PD 193 R-7.5

Lot No.: 6 Block No.: 5/2023 Acreage: 0.26 acres Census Tract: 6.06

Street Frontage (in Feet): 1) 174 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Hammond Properties, Inc.

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 X, or Special Exception , of , of the front yard regulations. Requesting a 10' variance and provide a 15' setback where PD 193 R-7.5 requires a 25' setback for a single family structure.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The property is irregularly shaped due to the curvature of Stonebridge Drive. The lot depth ranges from 42.96'-102.71'. The property is sloped and has 9' of grade change. The requested variance is not due to a self created hardship and is necessary for a modest backyard and have some privacy from the Katy Trail.

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 29 day of April, 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

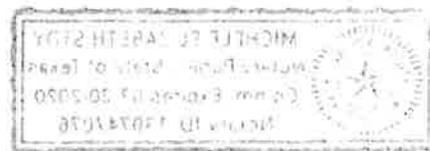
I hereby certify that BALDWIN AND ASSOCIATES

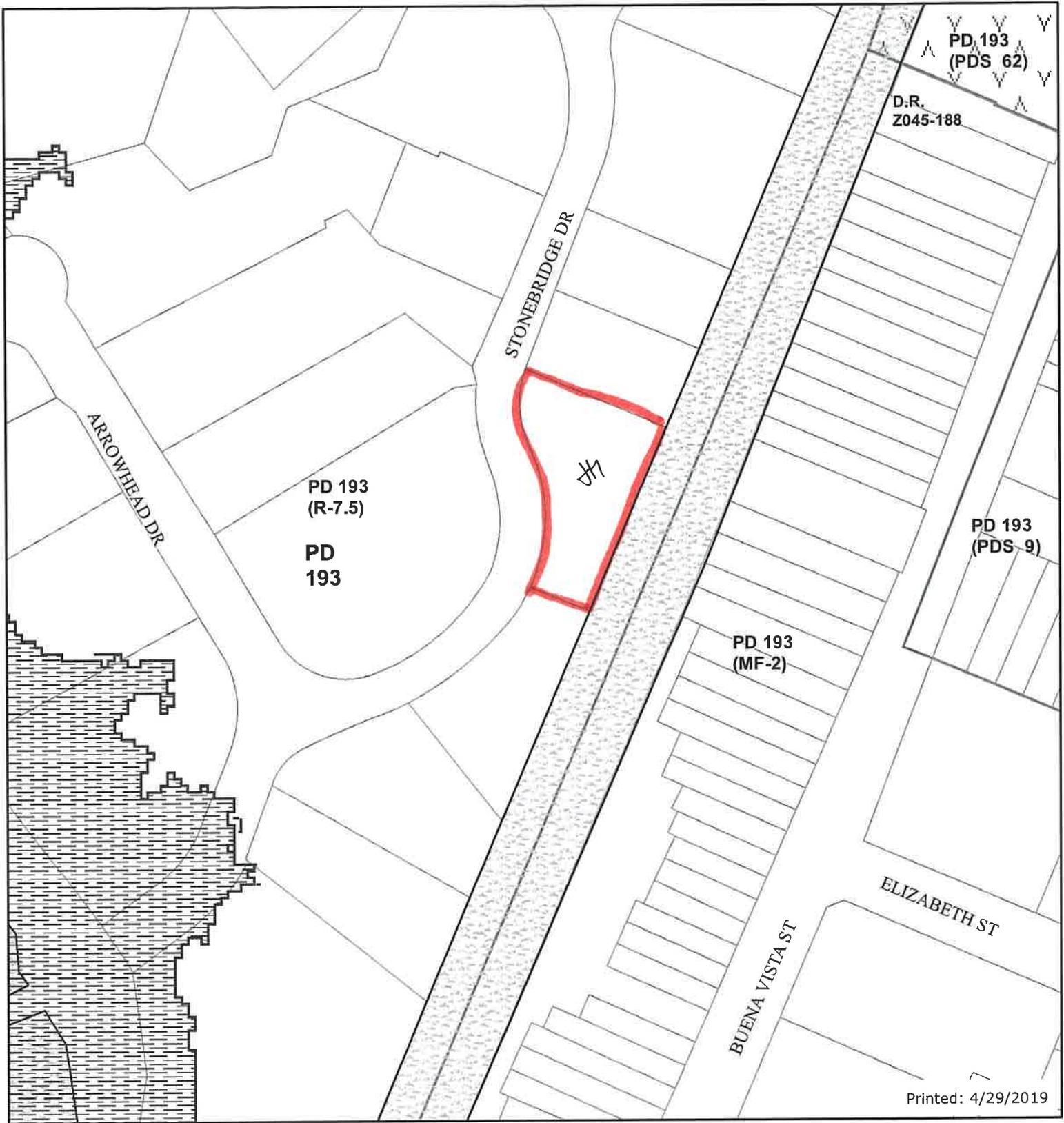
did submit a request for a variance to the front yard setback regulations
at 4000 Stonebridge Drive

BDA189-082. Application of BALDWIN AND ASSOCIATES for a variance to the front yard setback regulations at 4000 STONEBRIDGE DR. This property is more fully described as Lot 6, Block 5/2023, and is zoned PD-193 (R-7.5), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 15 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





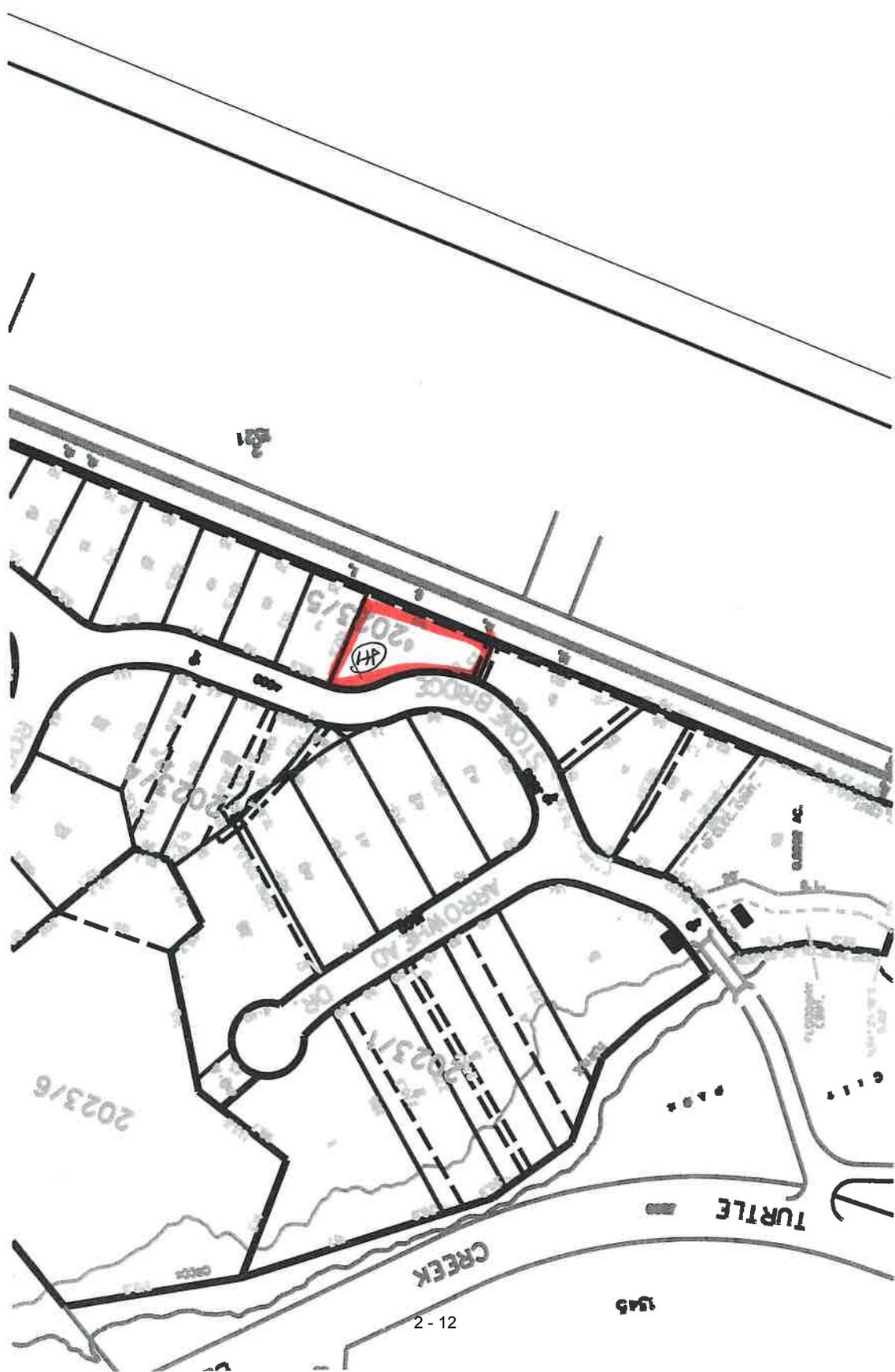
Printed: 4/29/2019

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

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





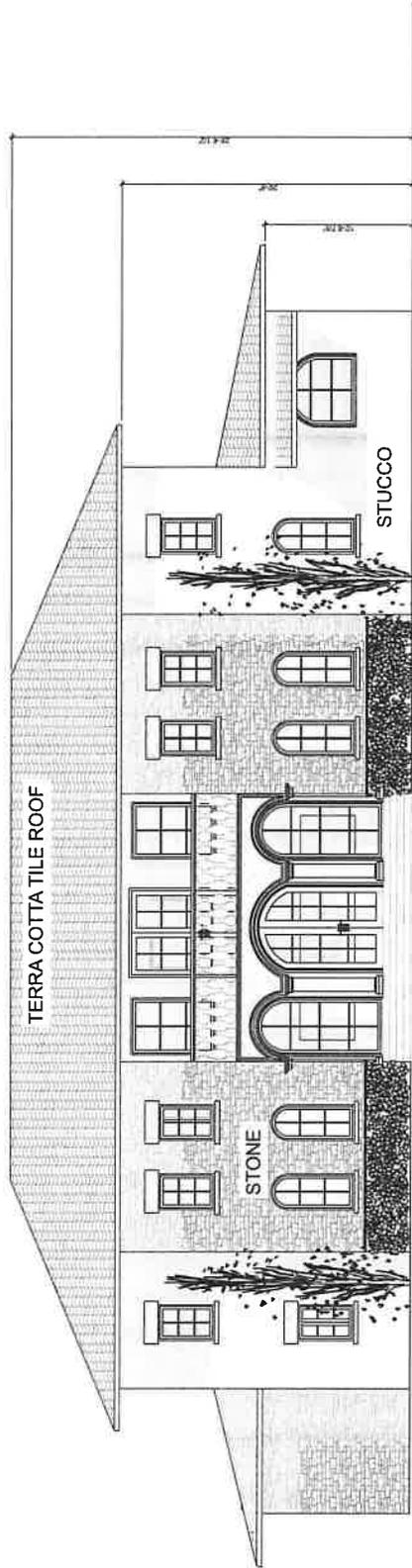


FORGE CRAFT
 ARCHITECTURE
 208 West Avenue Street, Suite C
 Austin, Texas 78704
 www.forgecraftarchitecture.com

Scott Grider, Texas Architect
 Registered Professional
 The design of this building
 has not been approved by
 a local, state, federal, or
 international authority.

Scott Grider - Texas Architect
 Registration No. 052176

Stonebridge Passive
 4000 Stonebridge Drive
 Dallas, TX 74204



REV DATE DESCRIPTION

DATE: 07/29/20
 PROJECT NAME: 2019-JR-B
 SHEET TITLE: WEST ELEVATION

SD2.01
 ©2019 Forge Craft Architecture

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



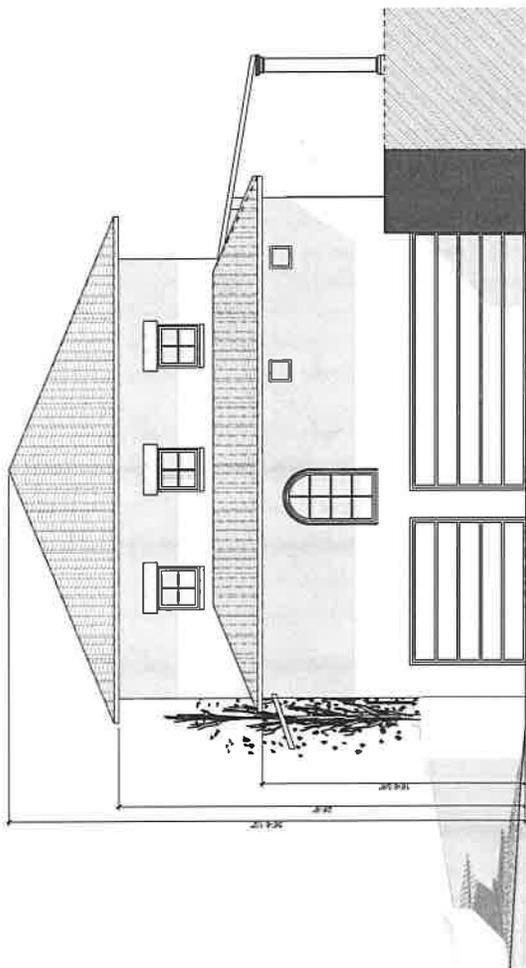
FORGE CRAFT
 ARCHITECTURE
 608 West Irving Street, Suite 204
 Dallas, TX 75204
 214.722.6655
 www.forgecraftarchitecture.com

Lead Architect: Thomas H. H. H. H. H.
 Registration # 21124

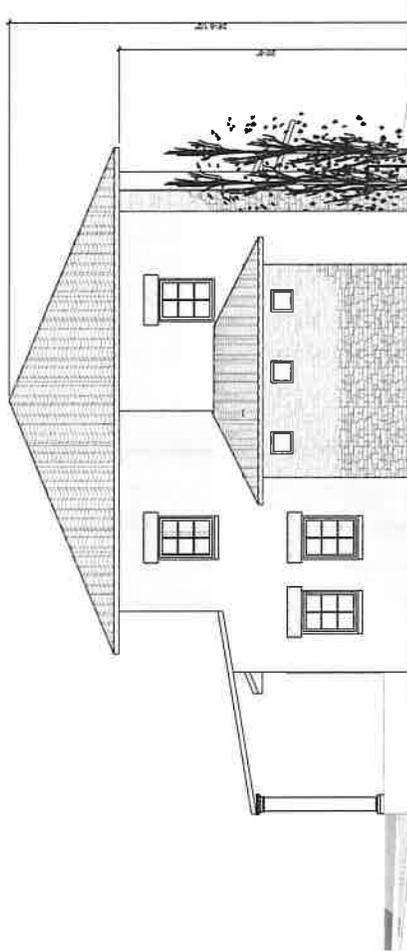
This document is confidential and
 may not be used for regulatory
 or other purposes without the
 written consent of the
 architect.

Project Name: Stonebridge Passive
 Project Number: 2019-001
 Date: 04/25/19

Stonebridge Passive
 4000 Stonebridge Drive
 Dallas, TX 74204



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



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

REV DATE DESCRIPTION

DATE: 04/25/19
 PROJECT NUMBER: 2019-001
 SHEET TITLE: N/S ELEVATIONS

SD2.02
 (Copyright Reserved)



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
36 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-082**
 Date: **7/12/2019**

Notification List of Property Owners

BDA189-082

36 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4000 STONEBRIDGE DR	HAMMOND PROPERTIES INC
2	4057 BUENA VISTA ST	PHASE ONE PART II HOA INC
3	4067 BUENA VISTA ST	SEGEL DANIEL
4	4069 BUENA VISTA ST	NEWTON SHERRY E PROPERTIES LLC
5	4071 BUENA VISTA ST	KRISCUNAS STEVEN MICHAEL
6	4073 BUENA VISTA ST	WONG WESLEY
7	4075 BUENA VISTA ST	BROOKER RICHARD ISAAC &
8	4101 BUENA VISTA ST	NASUHOGLU DURIYE
9	4103 BUENA VISTA ST	FLATHERS COLLIN K
10	4105 BUENA VISTA ST	JOHNSON JODIE L
11	4107 BUENA VISTA ST	JACKSON JOHN MILLS
12	4109 BUENA VISTA ST	REGESTER JAMES
13	4119 BUENA VISTA ST	HASSO HOLDINGS LLC
14	4121 BUENA VISTA ST	BRAY SHELDON
15	4123 BUENA VISTA ST	TRAISTER JENNIFER
16	4125 BUENA VISTA ST	ALLUMS JAMES L & CLAUDIA
17	4127 BUENA VISTA ST	SWIGGART JEFFERY M
18	4129 BUENA VISTA ST	ESTERLINE BRUCE & DIANA
19	4131 BUENA VISTA ST	WARREN RANDY
20	4133 BUENA VISTA ST	BROWN RON L &
21	4135 BUENA VISTA ST	RUSCHHAUPT REED
22	4137 BUENA VISTA ST	PYLE MICHAEL SCOTT
23	3500 ROCK CREEK DR	NDMI CREEKVIEW LLC
24	3520 ARROWHEAD DR	RYBURN FRANK S & MARY J
25	4007 STONEBRIDGE DR	CRICHTON THOMAS IV &
26	3916 STONEBRIDGE DR	WYLY ANDREW D

07/12/2019

Label #	Address	Owner
27	3922 STONEBRIDGE DR	GARVIN DIANE COFFMAN
28	4014 STONEBRIDGE DR	PETERSON GORDON L
29	4018 STONEBRIDGE DR	DOUBLEDAY JOHN E
30	4022 STONEBRIDGE DR	LEATHERWOOD MIKE
31	4111 BUENA VISTA ST	ELLIS GEORGE H & ANNE V
32	4113 BUENA VISTA ST	NAZERIAN MICHAEL
33	4115 BUENA VISTA ST	DESIRE ANDRE & SUKIE
34	4117 BUENA VISTA ST	JOHNSTON JAMES &
35	3526 ARROWHEAD DR	CROW TRAMMELL S
36	3925 STONEBRIDGE DR	PENINSULA LANE VENTURES LLC

FILE NUMBER: BDA189-088(SL)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson of Jackson Walker LLP for a special exception to the off-street parking regulations at 5934/5944 Luther Lane. This property is more fully described as PT of Lot 3A, block 3/5625, and is zoned PD 314, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for an office use where 306 of the required 470 spaces will be provided, and for a hotel use where 172 of the required 229 spaces will be provided, which will require a 221 space special exception to the off-street parking regulations.

LOCATION: 5934/5944 Luther Lane

APPLICANT: Jonathan Vinson of Jackson Walker LLP

REQUEST:

A request for a special exception to the off-street parking regulations of a total of 221 spaces is made to construct and maintain a mixed-use structure with office (approximately 82,000 square feet) and hotel (229 rooms) uses on the subject site that is currently developed in part as a surface parking lot, and in part with an existing office structure/use. The applicant proposes to provide 306 (or 65 percent) of the 470 required off-street parking spaces for the part of the proposed structure that would be hotel use, and provide 172 (or 75 percent) of the 221 required off-street parking spaces for the part of the proposed structure that would be office use.

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 221 spaces shall automatically and immediately terminate if and when the office and hotel uses are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Senior Engineer indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 314 (Tract 2) (Planned Development)
North: PD 314 (Tract 2) (Planned Development)
South: PD 314 (Tract 2) (Planned Development)
East: PD 314 (Tract 2) (Planned Development)
West: R-16(A) (Single family residential)

Land Use:

The subject site is developed in part as a surface parking lot, and in part with an existing office structure/use. The area to the north is developed with a high-rise residential use; the area to the east is developed with a hotel use; and area to the south is developed with office use; and the area to the west is the Dallas North Tollway.

Zoning/BDA History:

1. BDA078-008, Property at 5944/5954 Luther Lane (the lots part of which include and part of which is to the east of the subject site)

On January 15, 2008, the Board of Adjustment Panel A granted a request for a special exception to the off-street parking regulations of 298 spaces and imposed the following condition: The special exception shall automatically and immediately terminate if and when the office, financial institution with drive-in window, and hotel or motel uses on the site are changed or discontinued. The case report stated the request was made to made in conjunction with replacing an existing surface parking lot (that provides required off-street parking for an existing office tower on the site) with a new approximately 220,000 square foot office tower where 892 of the 1,190 spaces were to be provided.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of a total of 221 spaces focuses on constructing/maintaining a mixed use structure with office (approximately 82,000 square feet) and hotel (229 rooms) uses on the subject site

that is currently developed in part as a surface parking lot, and in part with an existing office structure/use.

- The applicant proposes to provide 306 (or 65 percent) of the 470 required off-street parking spaces for the part of the proposed structure that would be hotel use, and provide 172 (or 75 percent) of the 221 required off-street parking spaces for the part of the proposed structure that would be office use.
- The applicant has submitted a parking study that states among other things that while 699 off-street parking spaces are required for the proposed uses on the site, 478 off-street parking spaces will be provided, and the parking demand for these uses would be 440 spaces.
- The Dallas Development Code requires the following off-street parking requirement:
 - Office use: 1 space per 333 square feet of floor area.
 - Hotel use: 1 space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus 1 space per 200 square feet of meeting room.
- 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 the following:
 - The parking demand generated by the office and hotel uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 221 spaces (would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets).
- If the Board were to grant this request and impose the condition that the special exception of 221 spaces shall automatically and immediately terminate if and when the office and hotel uses are changed or discontinued, the applicant would be required to only provide a total of 478 spaces of the 699 off-street parking spaces required by code.

Timeline:

- May 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.
- July 29, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 29, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;

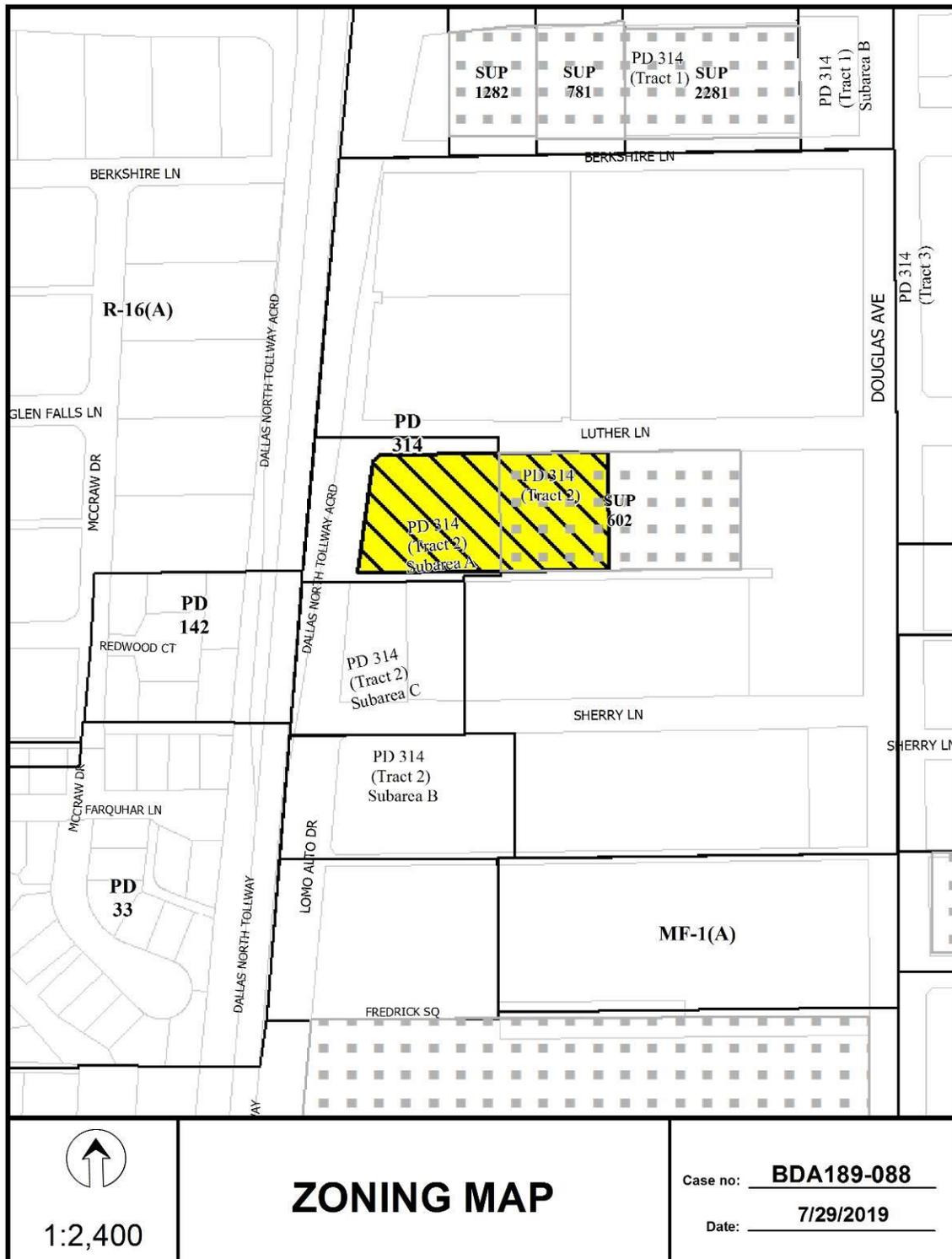
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

July 31, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

August 6, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

August 7, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.

August 9, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application and what was discussed at the August 7th staff review team meeting (see Attachment B).



1:2,400

ZONING MAP

Case no: **BDA189-088**

Date: **7/29/2019**



Site



1:2,400

AERIAL MAP

Case no: BDA189-088

Date: 7/29/2019

BDA 189-088

ATTN: A

F-3'



Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

July 31, 2019

Via Hand Delivery

Mr. Steve Long, Board Administrator
Zoning Board of Adjustment
Current Planning Division
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: Supplemental Information for Staff; BDA 189-088; 5934/5944 Luther Lane

Dear Mr. Long:

In preparation for the Staff team meeting on this case, we are providing Staff with additional information to aid in understanding the reasons for, and the context of, this parking special exception request. Therefore, I have enclosed with this letter copies of the following items:

1. "Parking Amendment Exhibit A" (Proposed Conditions) and "Parking Amendment Exhibit B" (Current Conditions), with Parking Summary (Proposed) table;
2. Series of visuals including rendering of the proposed project, aerial view of site, parking plans, and ground level and office plans; and
3. Parking Memorandum dated April 26, 2019, prepared by Kimley-Horn & Associates, Inc. (the "Kimley-Horn Memorandum"), affirming that the proposed off-street parking supply for 5934/5944 Luther Lane of 478 spaces provides adequate parking for all of the current and proposed uses on 5934 and 5944 Luther Lane.

The Kimley-Horn Memorandum thoroughly discusses the actual parking demand in comparison with the parking requirements under P.D. 314 and the *Dallas Development Code*. The summary conclusion is that peak *demand* of the 5934/5944 Luther Lane uses is 446 spaces, while we propose to provide 478 parking spaces. In particular, parking demand generated by hotel uses is much less than was contemplated decades ago when the parking ratios were adopted.

When these ratios were developed, many travelers arrived in their own vehicles, either personally owned or rented. In recent years, the advent and accelerating use of ride-sharing services such as Uber and Lyft have significantly reduced the parking demand at hotels. There is

23472781v.1 127088/00023

July 31, 2019

Page 2

ample evidence to support this. In particular, this will be more of a boutique, urban-style hotel, not located on, for example, an Interstate Highway, where more guest vehicle use, and thus more parking demand, might be anticipated. In fact, the adjacent Park Cities Hilton, which opened in 2001, bears out the lessened need for parking in Preston Center. Further, the City has granted much larger parking reductions for boutique hotel developments in other instances.

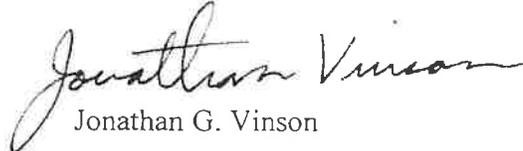
Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability, runoff, the heat island effect, and other factors. There is also a particular premium placed by the City on efficient and compact building design facing Lomo Alto because of the very restrictive proximity slope regulations which affect the site.

We have also met with Mr. David Nevarez and our understanding is that Mr. Nevarez accepts and agrees with our conclusion and is prepared to recommend approval of our request.

The conclusion is clear based on this information that this request *meets the standard for approval* of a parking special exception, in that the parking demand generated by the use does not warrant the number off street parking spaces otherwise required, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

Since this request clearly meets the Development Code standard for approval, we respectfully ask that the Staff formulate a recommendation of *approval* on this case to go to the Board. We look forward to answering any questions you might have, and we appreciate your time and consideration.

Very truly yours,



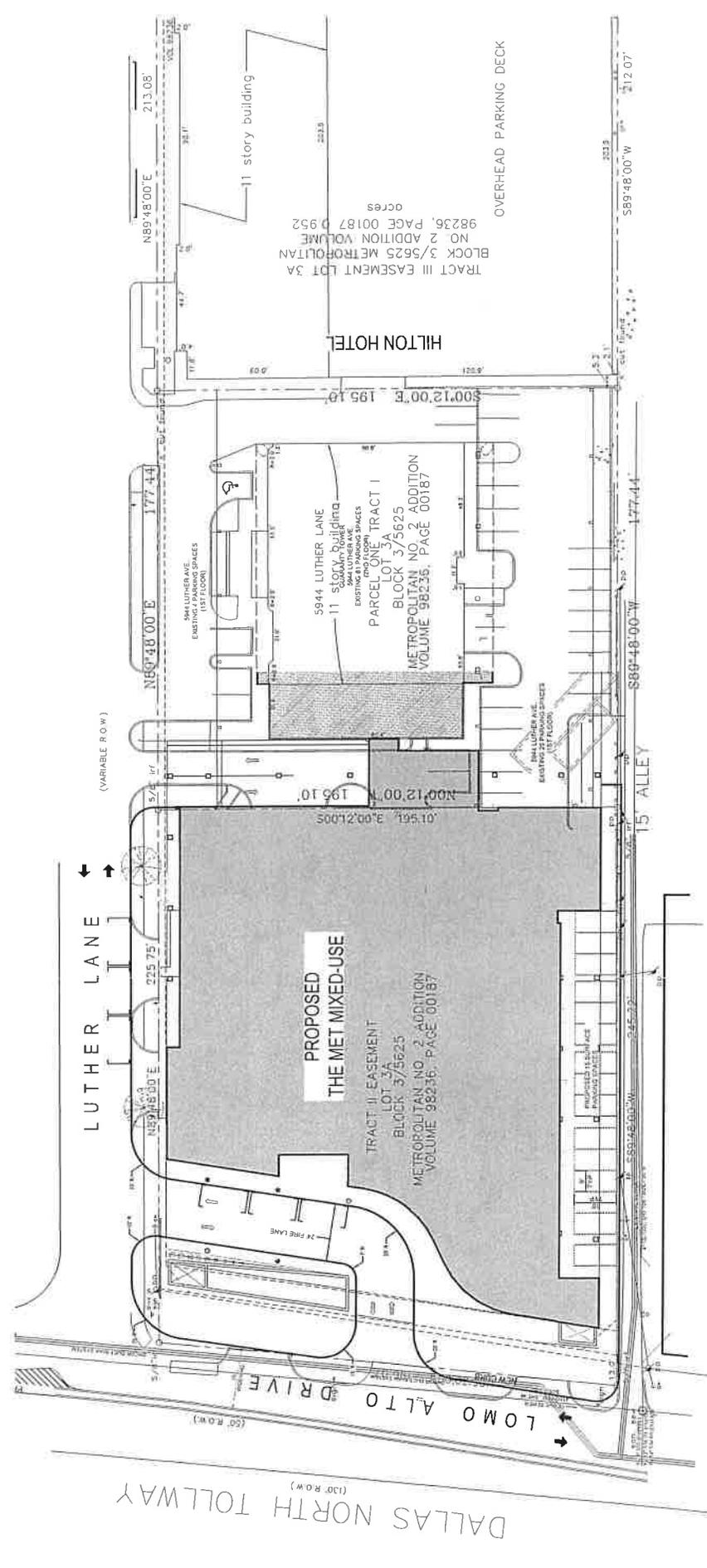
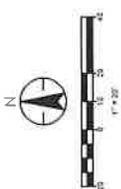
Jonathan G. Vinson

JGV:rm
Enclosures

cc: R. Maurice Crowe, Jr.
Tom Morabito
Kevan Dilbeck
Scot Johnson, P.E.
Hiron Fernando, P.E.

B01
184-09B
A.H.L.A
P.33

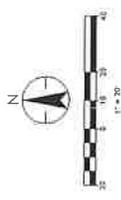
PARKING BOUNDARY (PROPOSED)	
PARKING LOCATION	PARKING SPACES
B2-PARKING (NEW)	113
B1-PARKING (NEW)	111
P1-GROUND (SURFACE)	15
P2-ELEVATED PARKING (NEW/2ND FLR)	14
SMALL LUTHER LANE (1ST FLOOR)	24
SMALL LUTHER LANE (2ND FLOOR)	51
OFF-SITE PARKING (HILTON HOTEL)	90
OFF-SITE PARKING (DOUGLAS ST.)	30
TOTAL	478



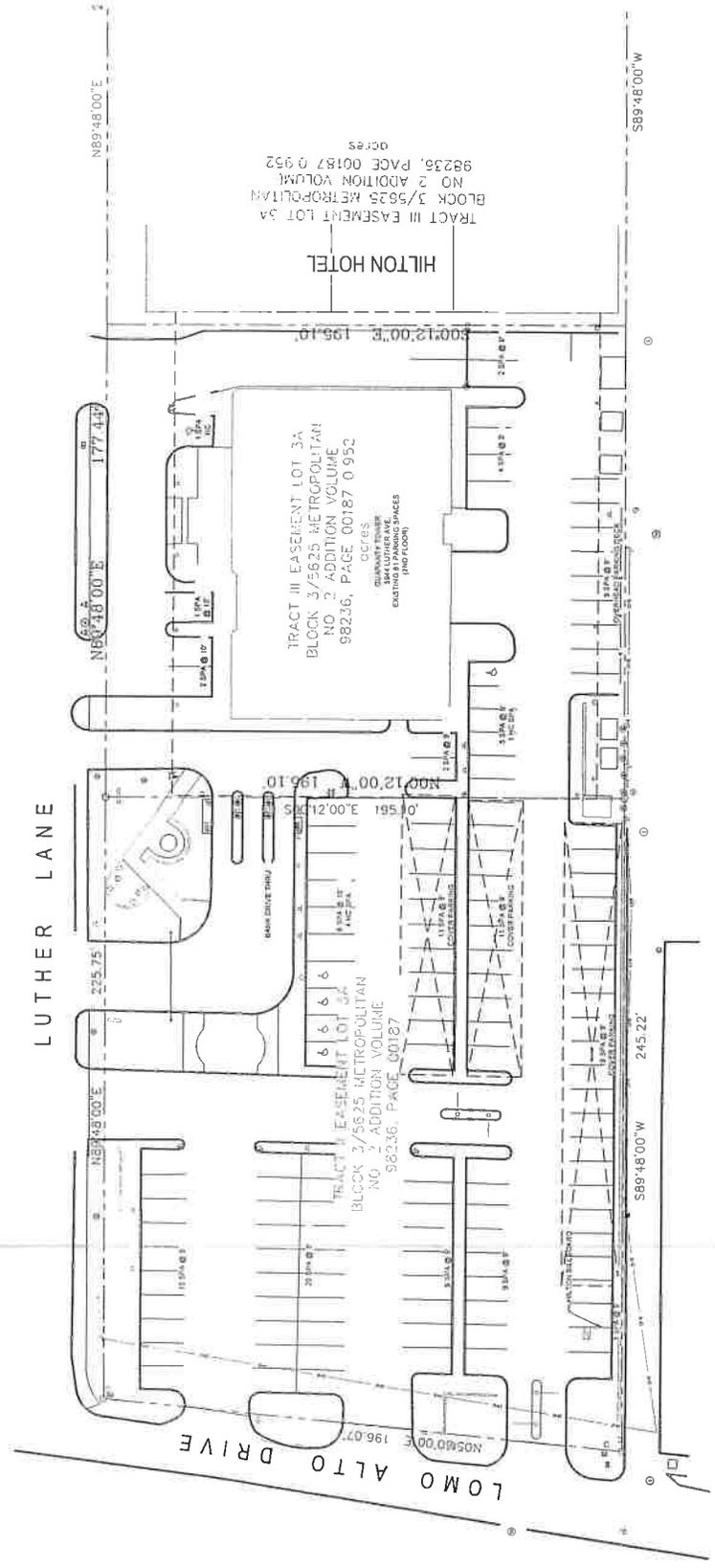
PARKING AMENDMENT EXHIBIT A
PROPOSED CONDITIONS
THE MET - DALLAS
CITY OF DALLAS, DALLAS COUNTY, TEXAS



BDP189-088
 AL-6A
 P34



PARKING SUMMARY (PROPOSED)	
PARKING LOCATION	PARKING SPACES
D2 - PARKING (NEW)	113
B1 - PARKING (NEW)	111
P1 - PARKING (SURFACE)	15
P2 - ELEVATED PARKING (NEW 2ND FLR)	14
S84 LUTHERLANE (14 FLOOR)	24
S84 LUTHERLANE (2ND FLOOR)	81
OFF-SITE PARKING (HILTON HOTEL)	90
OFF-SITE PARKING (DOUGLAS HT)	30
TOTAL	478



PARKING AMENDMENT EXHIBIT B
 CURRENT CONDITIONS
 THE MET - DALLAS
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



CUBE 3

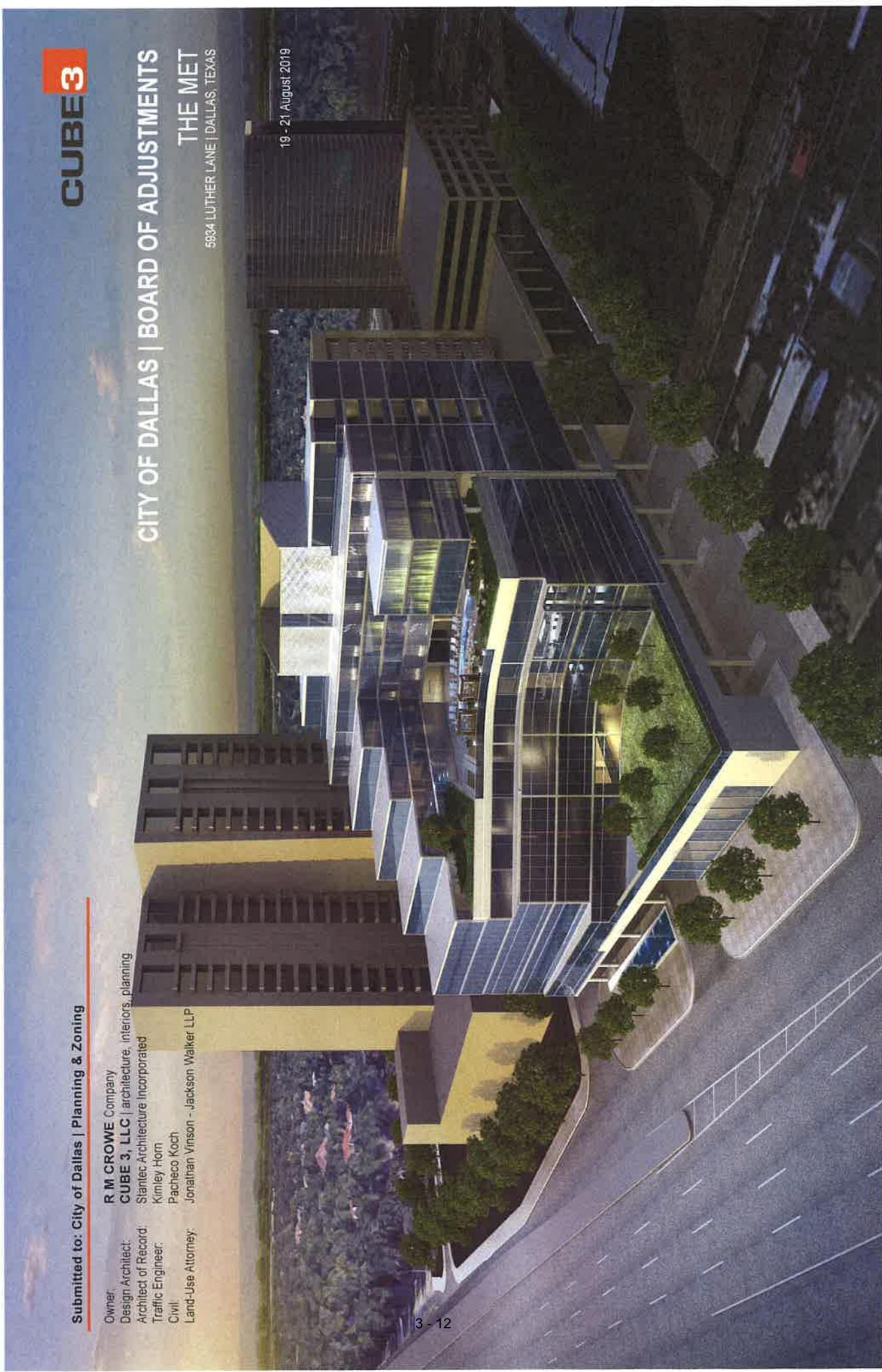
CITY OF DALLAS | BOARD OF ADJUSTMENTS THE MET 5834 LUTHER LANE | DALLAS, TEXAS

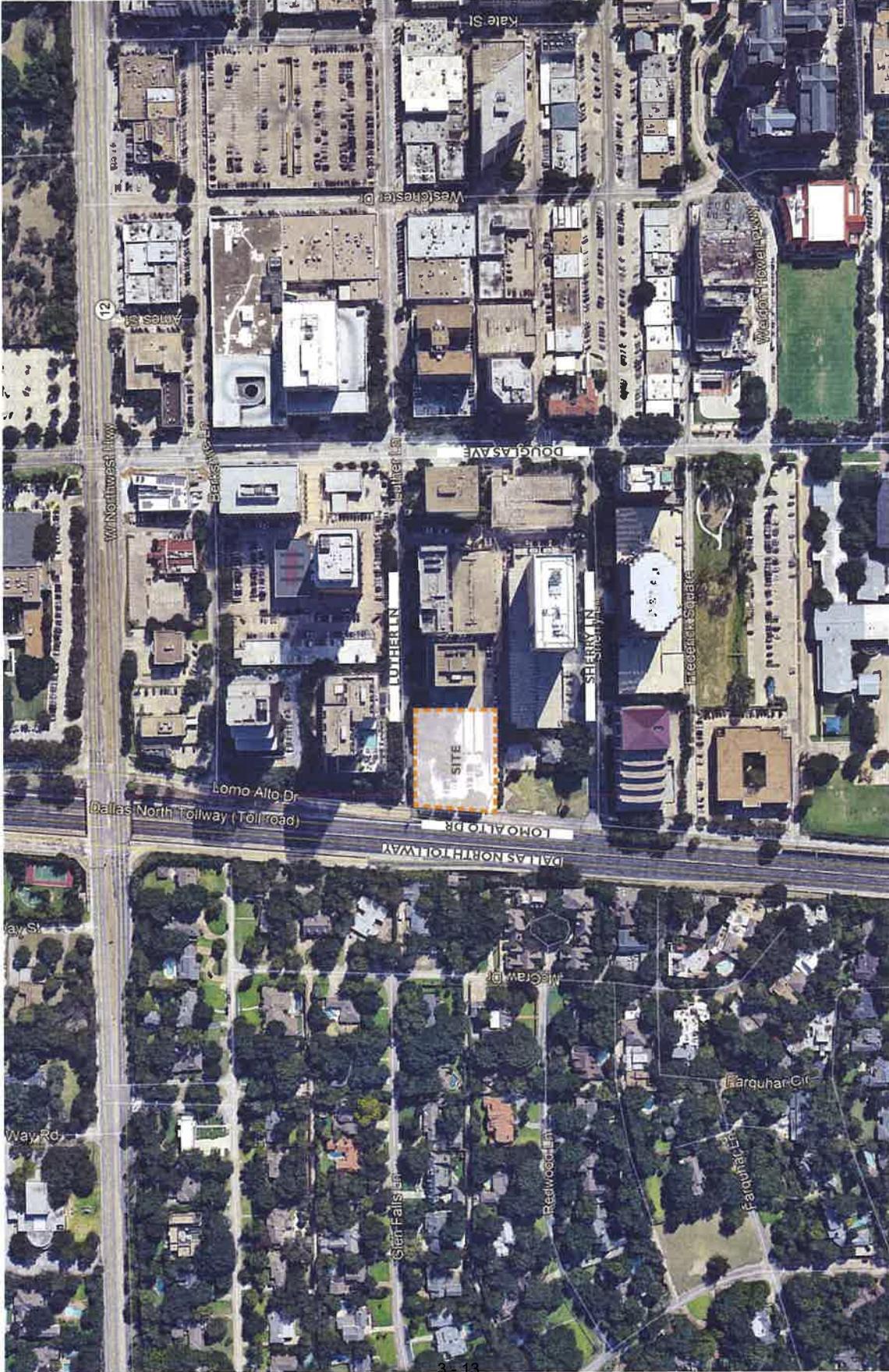
19 - 21 August 2019

Submitted to: City of Dallas | Planning & Zoning

Owner: R M CROWE Company
Design Architect: CUBE 3, LLC | architecture, interiors, planning
Architect of Record: Siantec Architecture Incorporated
Traffic Engineer: Kimley Horn
Civil: Pacheco Koch
Land-Use Attorney: Jonathan Vinson - Jackson Walker LLP

088
Att A
Pg 5

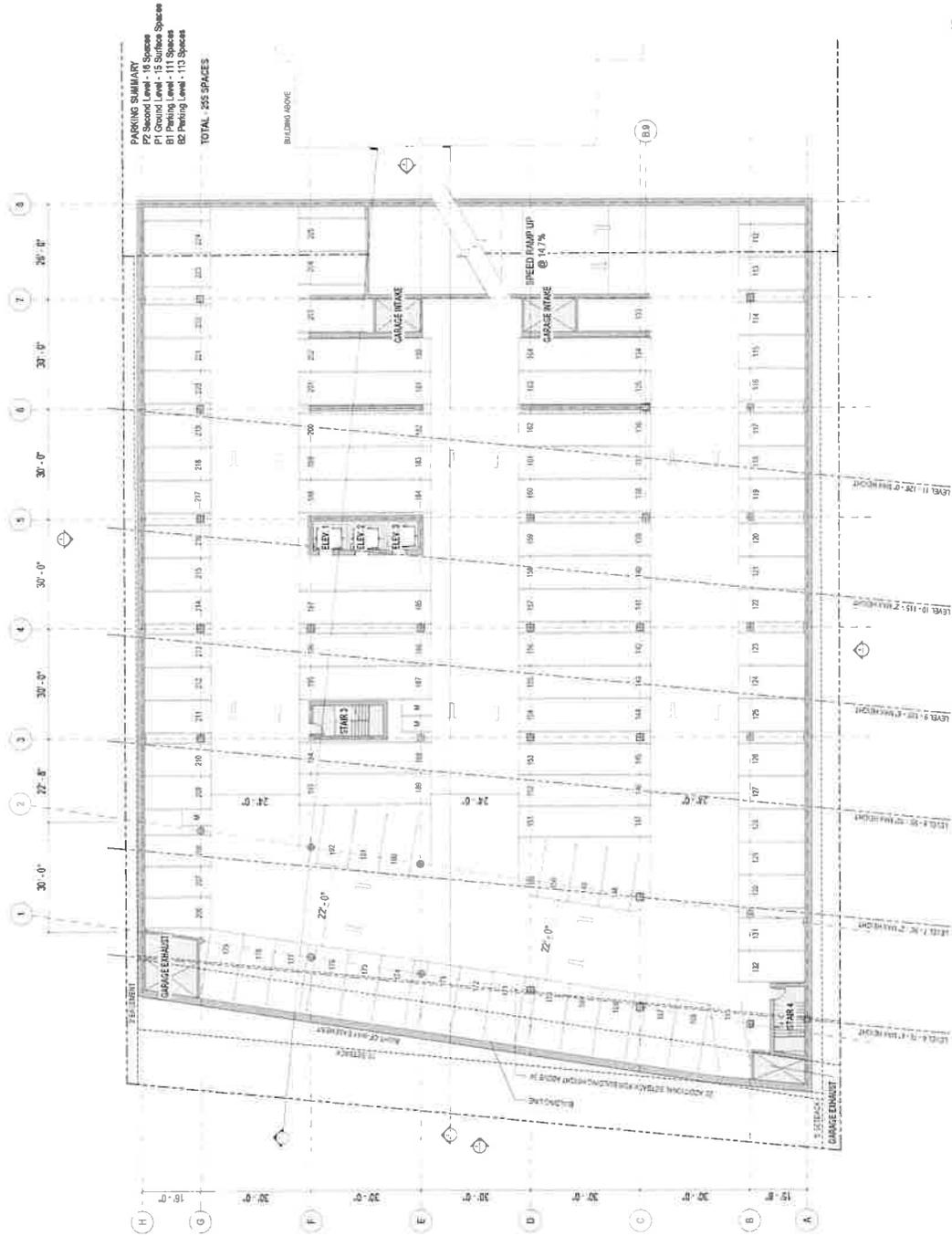




D88
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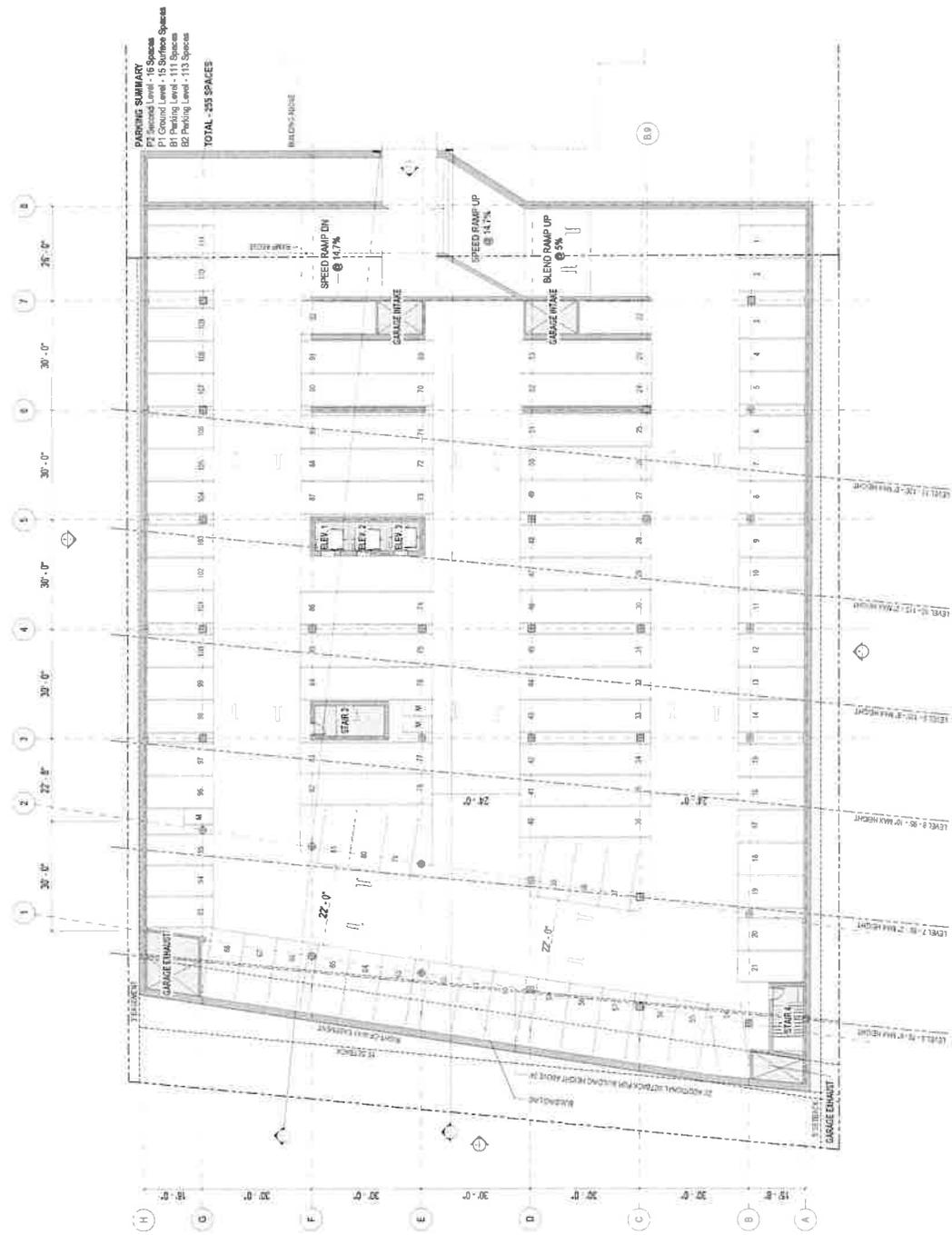


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 ATTACH A
 PS7



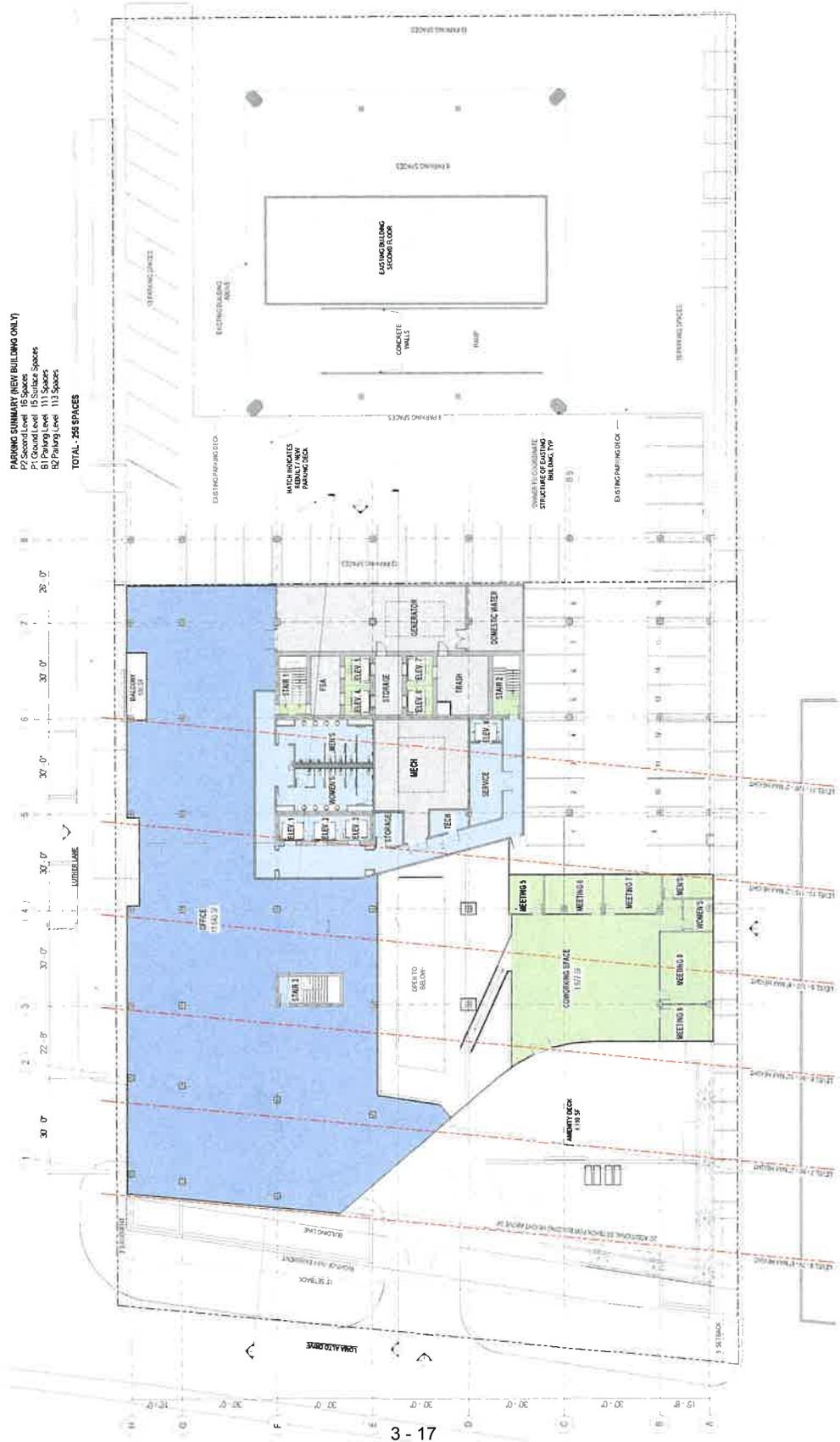


088
 Attach A
 P58





OBB
 Attach A
 P510





BDA 189-088

Attn B
PSI

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

August 9, 2019

Via Email to steve.long@dallascityhall.com

Hon. Chair and Members, Panel C
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
Current Planning Division
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 189-088; 5934/5944 Luther Lane

Dear Members of the Board of Adjustment:

We represent Metropolitan Preston Center, LLC and Luther Preston Center, LLC, the respective owners of the property at 5934 and 5944 Luther Lane. We are providing you with additional information to aid your understanding of the reasons for, and the context of, our parking special exception request to provide a total supply of 478 parking spaces, reduced from the otherwise-required 699 spaces (the *Dallas Development Code* allows for parking special exceptions for up to 25 percent of required hotel parking and 35 percent of required office parking).

This property has been owned by R.M. Crowe Co. entities since at least the 1990s, and 5934 Luther has never been developed (other than for surface parking) during that time. Attached for your reference are an aerial photograph of the site, three street view photographs, and an enlargement of the parking table referred to under Item 1 below.

I have previously provided to City Staff copies of the following items, which are also in your packets for your reference, and which I would ask that you review:

1. "Parking Amendment Exhibit A" (Proposed Conditions) and "Parking Amendment Exhibit B" (Current Conditions), with Parking Summary (Proposed) table;
2. Series of visuals including rendering of the proposed project, aerial view of site, parking plans, and ground level and office plans (*additional copy attached to this letter*); and
3. Parking Memorandum dated April 26, 2019, prepared by Kimley-Horn & Associates, Inc. (the "Kimley-Horn Memorandum"), affirming that the proposed off-street parking supply for 5934/5944 Luther Lane of 478 spaces provides adequate parking for all of the current and proposed uses on 5934 and 5944 Luther Lane.

23623527v.1 127088 00023

BDA-189-088
ATTN: B
PS 2

Conceptually, 5934 Luther and 5944 Luther will essentially share parking, and they are not separately platted. Certain spaces of the parking supply of 478 spaces are also provided off-site on other property to which the owner has certain parking rights. The Kimley-Horn Memorandum thoroughly discusses the actual parking demand in comparison with the parking requirements under P.D. 314 and the *Dallas Development Code*. The summary conclusion is that peak demand of the 5934/5944 Luther Lane uses is 446 spaces, while we propose to provide a total of 478 parking spaces, 32 more spaces than that peak demand. Page 10 of the Memorandum says the following, which indicates that actual parking demand will be even less than 478 spaces:

Observations of comparable local sites show that the effective parking demand rates are much lower than ITE [Institute of Transportation Engineers, a national standards organization] averages and the Dallas Development Code requirements. As shown in Table 1, on the purest functional level, the demand for the existing 5944 Luther Lane and 5954 Luther Lane (Hilton Hotel) developments can be expected to double for a total of 352 required parking spaces between 5944 Luther Lane, 5954 Luther Lane, and THE MET, which is well below what is supplied on site.

The functional parking demand rates in this memo are 2.05 vehicles per 1,000 SF (1 space per 487 SF) for the office uses and 0.70 vehicles per room for the hotel uses, both of which are greater than the documented observed parking rates. The functional demand of THE MET would be 446 spaces using these parking demand rates and ITE time of day factors. Applying the Dallas Development Code standards with reduction and time of day factors, the demand would be 440 spaces.

After performing the analysis, the proposed supply of 478 parking spaces, which is the parking allowed by the special exception, will be able to accommodate the parking demand from the proposed MET development and the existing 5944 Luther Lane building.

Parking demand generated by hotel uses, in Dallas and in other cities, is much less than was contemplated decades ago when the parking ratios were adopted. When these ratios were developed, many travelers arrived in their own vehicles, either personally owned or rented. In recent years, the advent and accelerating use of ride-sharing services such as Uber and Lyft have significantly reduced the parking demand at hotels. There is ample evidence to support this, with the Kimley-Horn Memorandum citing several actual examples studied.

In particular, this will be more of a boutique, urban-style hotel, not located on, for example, an Interstate Highway, where more guest vehicle use, and thus more parking demand, might be anticipated. In fact, the adjacent Park Cities Hilton, which opened in 2001, bears out the lessened need for parking in Preston Center. Further, the City has granted much larger parking reductions for boutique hotel developments in other instances. For example, in a recent amendment to P.D. 621, in the Design District, the Virgin Hotel is only being required to provide 0.55 parking spaces per guest room.

05A104-00
Attachment B
PS3

Hon. Chair and Members, Panel C
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
August 9, 2019
Page 3

Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability, runoff, the heat island effect, and other factors. There is also a particular premium placed by the City on efficient and compact building design facing Lomo Alto because of the very restrictive proximity slope regulations which affect the site.

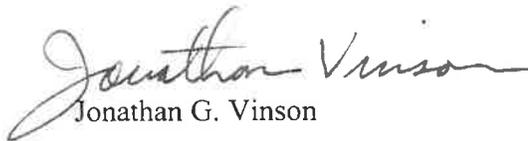
We have also met and discussed our request with Mr. David Nevarez, the City's Traffic Engineer, and Mr. Nevarez has stated on his review comment sheet (*copy attached*) that he has "no objection" to our request. I would also refer you to Pages 8 and 9 of the Kimley-Horn Memorandum for more specifics on how we meet each element for consideration under the standard.

The conclusion is clear based on this information that this request *meets the standard for approval* of a parking special exception, in that the parking demand generated by the use does not warrant the number off street parking spaces otherwise required, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

We have also done extensive outreach to our neighbors, and anticipate a high level of support. I have attached two letters from our closet neighbors stating such support, and we expect to receive more by the time of our hearing.

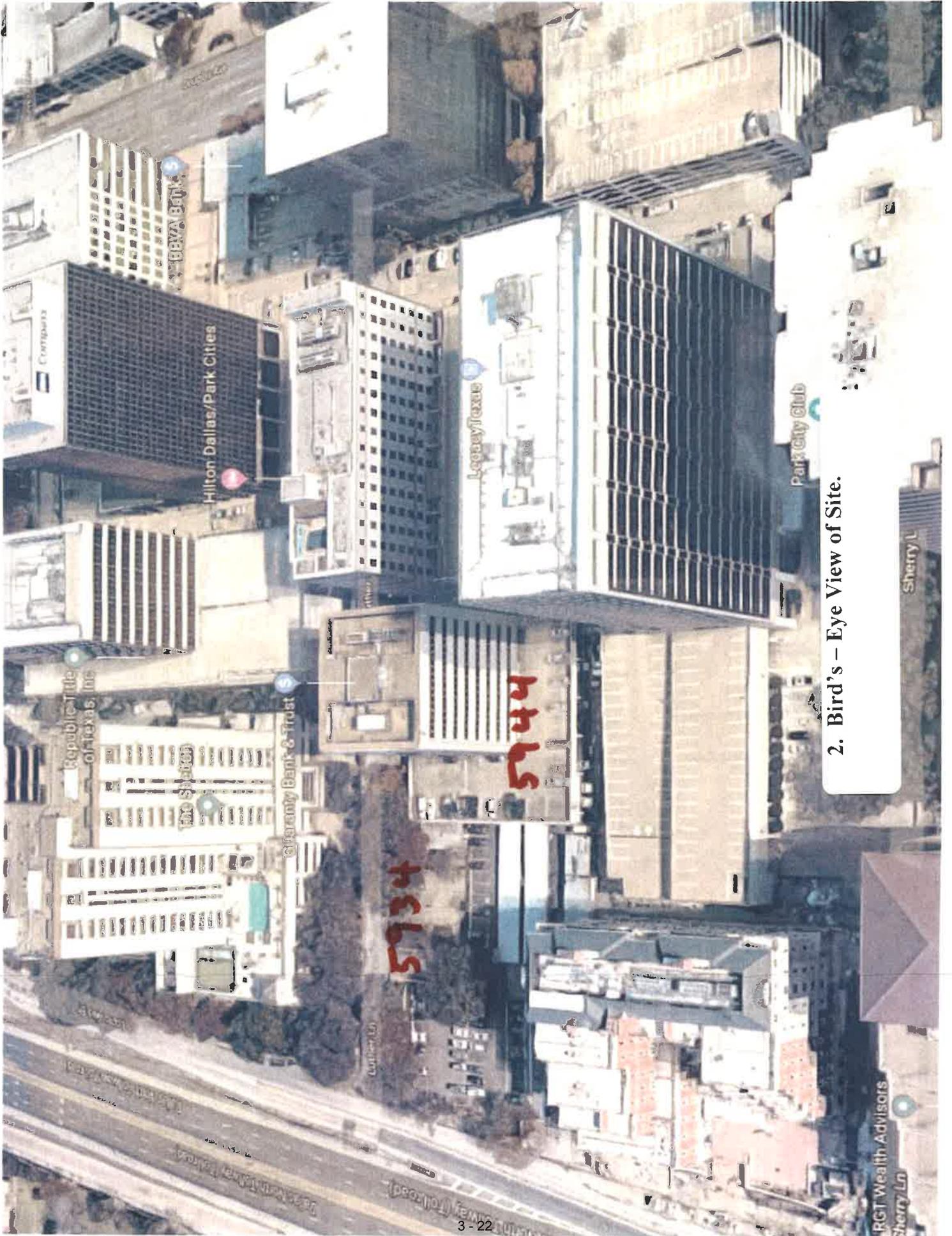
Since this request clearly meets the Development Code standard for approval, we will respectfully be asking that you *approve* our request. We look forward to appearing before you and answering any questions you might have, and we appreciate your time and consideration.

Very truly yours,

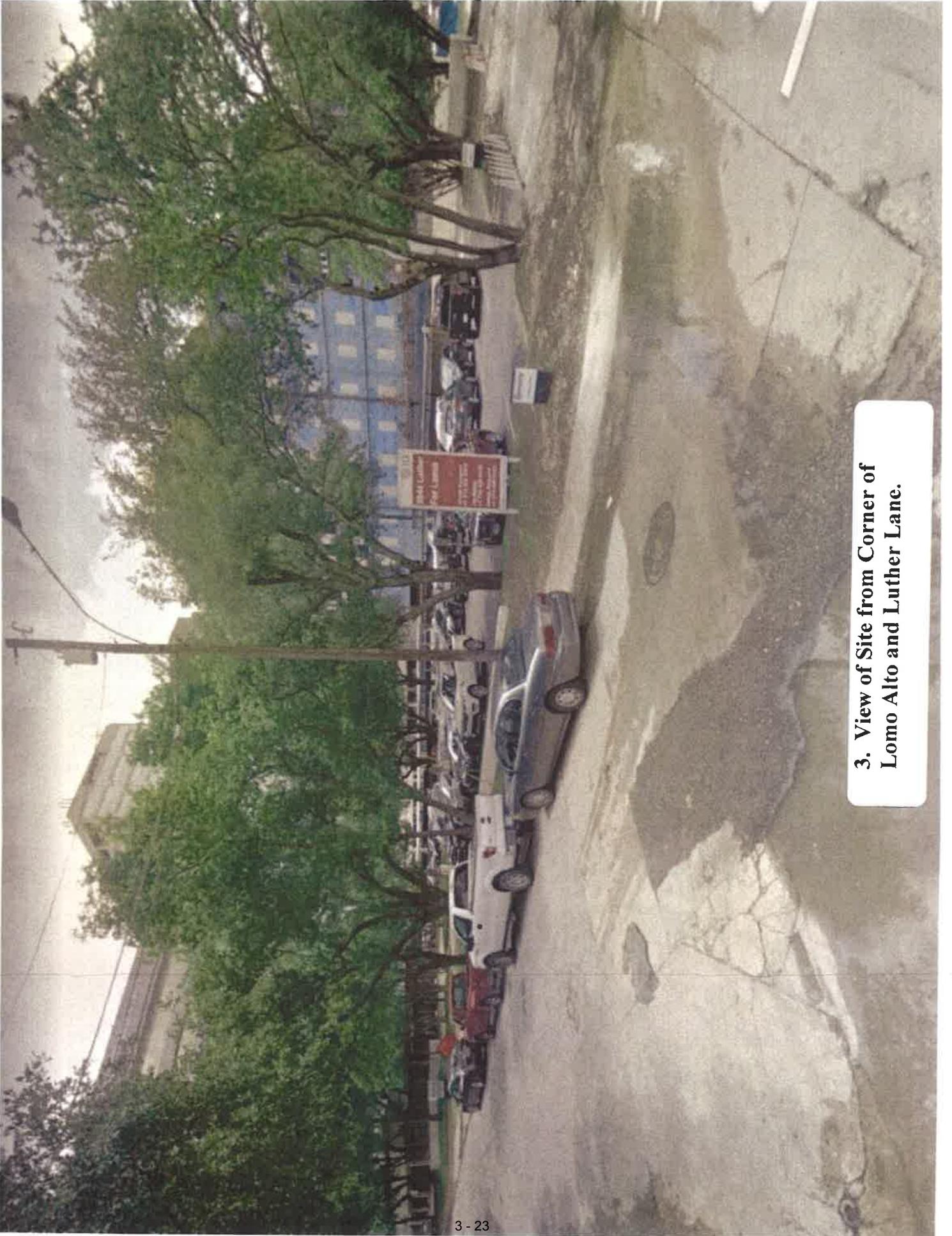

Jonathan G. Vinson

JGV:rm
Enclosures

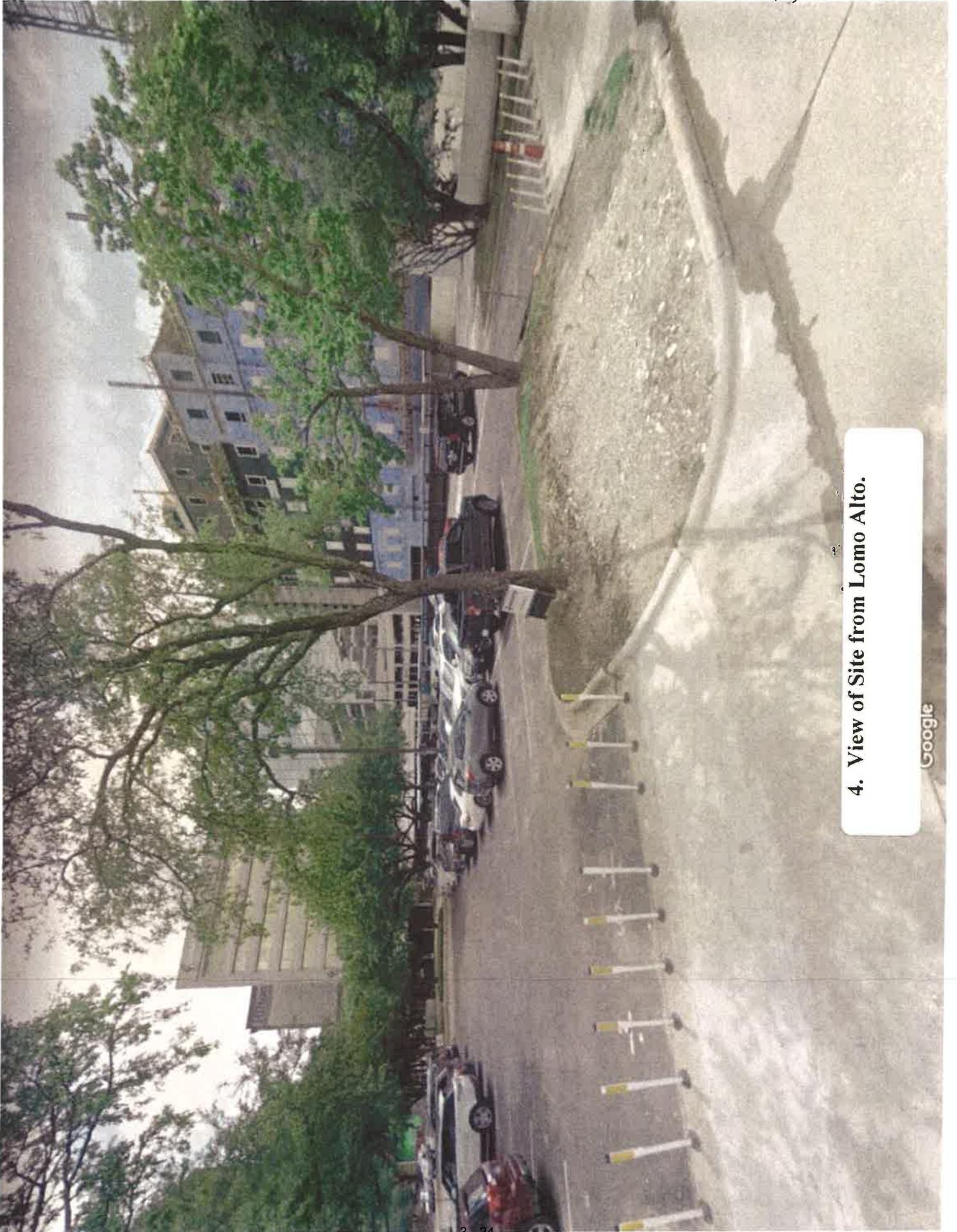
cc: R. Maurice Crowe, Jr.
Tom Morabito
Kevan Dilbeck
Scot Johnson, P.E.
Hiron Fernando, P.E.



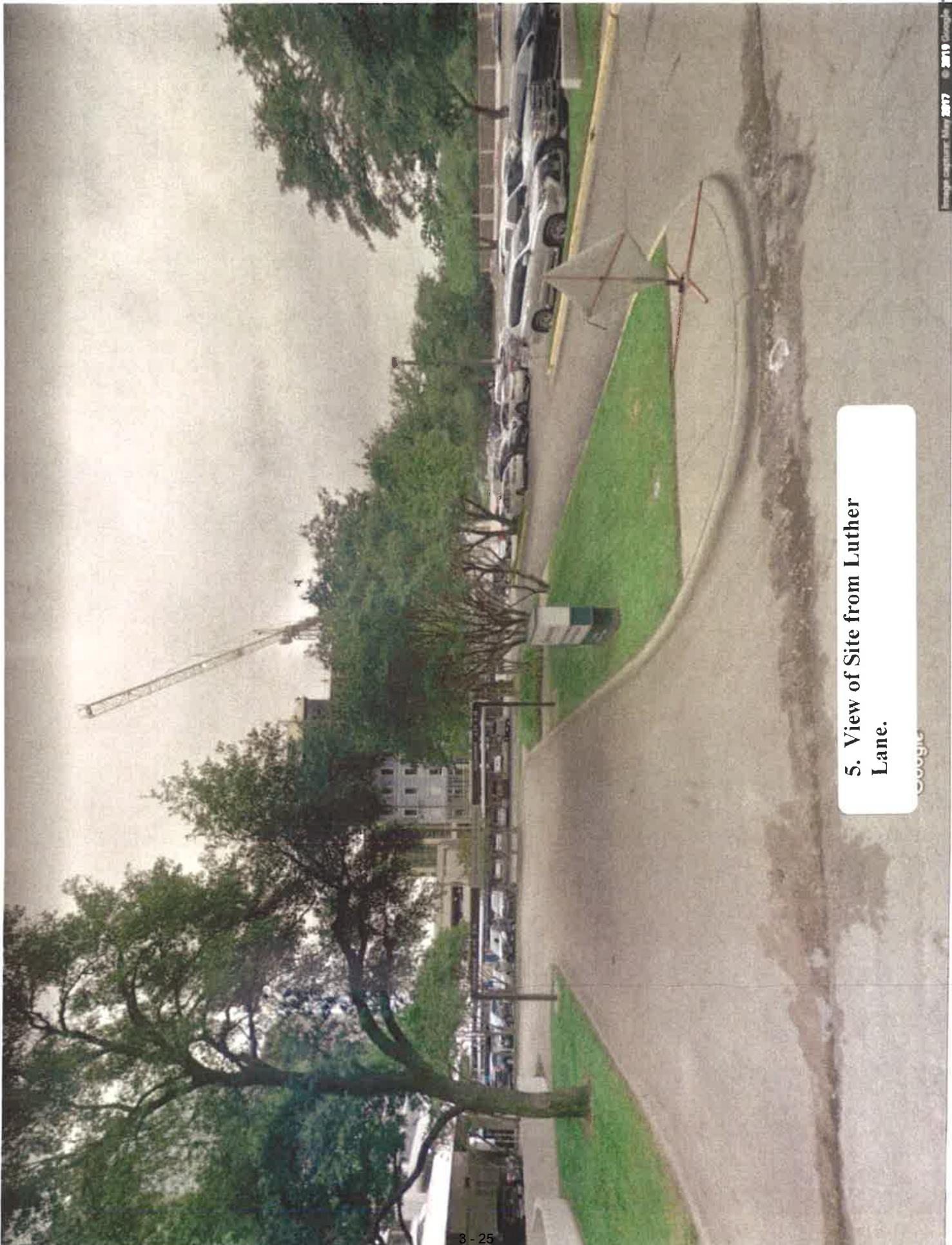
2. Bird's - Eye View of Site.



3. View of Site from Corner of Lomo Alto and Luther Lane.



4. View of Site from Lomo Alto.



5. View of Site from Luther Lane.

Google

088

A. H. H. B.

B. S.

PARKING SUMMARY (PROPOSED)	
PARKING LOCATION	PARKING SPACES
B2 - PARKING (NEW)	113
B1 - PARKING (NEW)	111
P1 - GROUND (SURFACE)	15
P2 - ELEVATED PARKING (NEW 2nd FLR)	14
5944 LUTHER LANE (1st FLOOR)	24
5944 LUTHER LANE (2nd FLOOR)	81
OFF-SITE PARKING (HILTON HOTEL)	90
OFF-SITE PARKING (DOUGLAS ST.)	30
TOTAL	478

DALLAS SHELTON PARTNERS LLC

August 7, 2019

Hon. Board of Adjustment
c/o Mr. Steve Long, Board Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 189-088; 5934/5944 Luther Lane

Dear Members of The Board of Adjustment:

Dallas Shelton Partners LLC is the largest owner of condominium units at The Shelton Condominiums located at 5909 Luther Lane, Dallas, Texas 75205. As such we are writing you to let you know of our *support* for the request for a special exception to the current parking requirements for the development site at 5934 Luther Lane, Dallas, Texas by Metropolitan Preston Center, LLC. We respectfully ask that you *approve* this request when it comes before you for public hearing in August.

Representatives of the owners have met with us and explained the proposed development from a surface parking lot to a first class mixed use office and (primarily) hotel development. Preston Center needs a 4 star hotel and the development will make the area a more walkable, pedestrian-friendly environment.

Based on the nature of the proposed hotel and office use, and on the parking demand study performed by Kimley-Horn and Associates, Inc., off-street parking spaces are completely unnecessary. Preston Center is already full of empty parking decks as it is and this parking exception is in line with exceptions recently granted by the City. The request meets the approval standard that the parking demand generated by the use does not warrant off-street parking spaces and/or will not create a traffic hazard or increase traffic congestion.

The proposed development project will be a great addition to Preston Center. We respectfully ask that you *support* this variance request and approve it at your public hearing.

Sincerely yours,

Dallas Shelton Partners LLC

By: 
Tim Denker, Authorized Person

BDA 189 - 088
* Luther Lane
PS II



August 7, 2019

Hon. Board of Adjustment
c/o Mr. Steve Long, Board Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 189-088; 5934/5944 Luther Lane

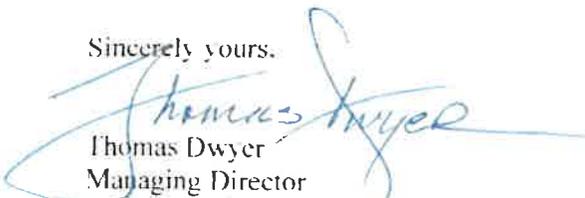
Dear Members of The Board of Adjustment:

I am writing you to let you know of my *support* for the special exception request to the current parking requirements for the development site at 5934 Luther Lane, Dallas, Texas by Metropolitan Preston Center, L.L.C. I ask that you *approve* this request when it comes before you for public hearing in August.

I am a Managing Director of Silverstone Healthcare Company, L.L.C and Silverstone Senior Living, L.L.C. We own and operate The Preston of the Park Cities Assisted Living and Memory Care community which is located adjacent to the proposed project. During the course of development, I met many times with the owner of the property at 5934 Luther Lane and we discussed the needs of Preston Center. The owner shared with me his plan to develop an office property including a four-star hotel on his property. I believe such a development will greatly benefit our community and the other commercial owners in the area. I do not believe the development will significantly impact traffic in Preston Center.

The proposed development project will be a great addition to Preston Center. I respectfully ask that you *support* this variance request and approve it at your public hearing.

Sincerely yours,



Thomas Dwyer
Managing Director
Silverstone Healthcare Company, L.L.C. and
Silverstone Senior Living, L.L.C.

BDA 189-088
*HUB
PS 12

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF AUGUST 19, 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 189-078 (SL)

BDA 189-080 (SL)

BDA 189-082 (SL)

BDA 189-088 (SL)

BDA 189-089 (SL)

COMMENTS:

None

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

Name/Title/Department

August 7, 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/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-088

Date: 5-22-19

Data Relative to Subject Property:

Location address: 5934/5944 Luther Lane Zoning District: P.D. 314, Tract 2 (includes Subarea A)

Lot No.: 3A (part) Block No.: 3/5625 Acreage: 1.8494 acres Census Tract: 0073.01

Street Frontage (in Feet): 1) 403.19 FT 2) 196.07 FT 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Metropolitan Preston Center, LLC/Luther Preston Center, LLC

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

Affirm that an appeal has been made for a Variance __, or Special Exception X, A total reduction of 221 off-street parking spaces (35% reduction for Office use from 470 required minus reduction of 164 = 306 required, and 25% reduction for Hotel use from 229 required minus reduction of 57 spaces = 172 required), to a total of 478 required parking spaces, from the applicable Development Code requirement of 699 required parking spaces.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The special exception should be granted because (i) the parking demand generated by the use does not warrant the number of off-street parking spaces required, and (ii) the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets, all of which will be documented and elaborated upon further by the Applicant's representatives in additional items to be submitted to the City Staff.

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

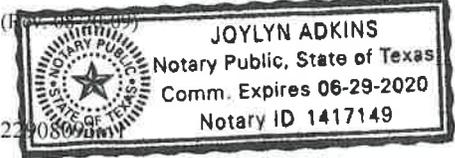
Respectfully submitted: By: Jonathan G. Vinson Jonathan G. Vinson
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Subscribed and sworn to before me this 22nd day of May, 2019
Jonathan G. Vinson
Affiant (Applicant's signature)

Joylyn Adkins
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 JONATHAN VINSON

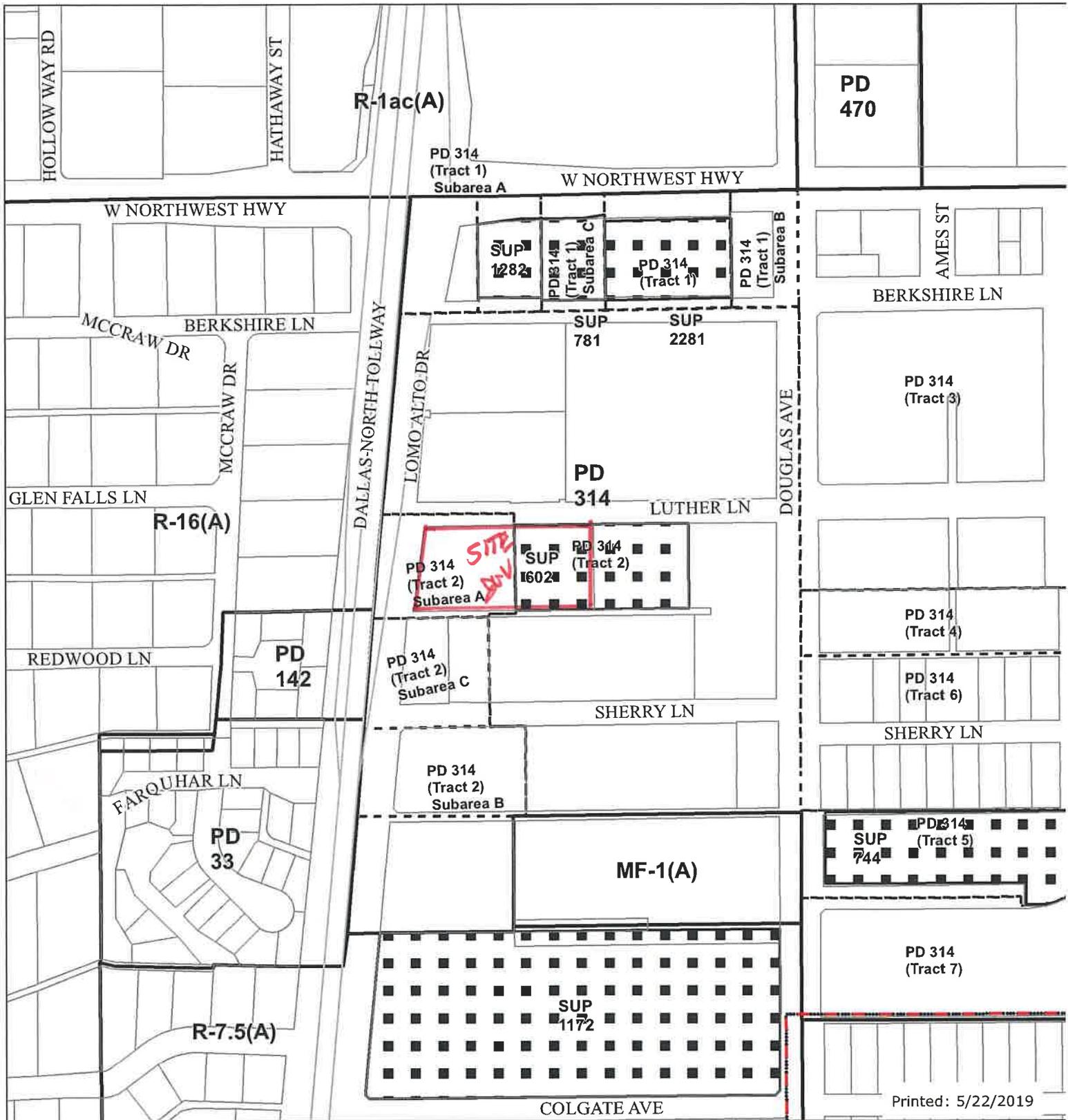
did submit a request for a special exception to the parking regulations
at 5934 & 5944 Luther Lane

BDA189-088. Application of JONATHAN VINSON for a special exception to the parking regulations at 5944 LUTHER LN. This property is more fully described as PT of Lot 3A, Block 3/5625, and is zoned PD-314, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for an office use, and provide 306 of the required 470 spaces or (35%) reduction, and for a hotel use and provide 172 of the required 229 or (25%) reduction, which will require a 221 space special exception to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 5/22/2019

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

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



CITY OF DALLAS PLAT BOOKS

ION PRESTON SQUARE

BLOCKS _____

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DISTRICT _____

ONS 1-0-2004

D.C. 3/10/95 101 24 01 10/95, 1/10/04, 2



MEMORANDUM

To: Thomas Morabito
Metropolitan Preston Center, LLC
5944 Luther Lane, Suite 1000, Dallas, Texas

From: Hiron Fernando, P.E.
Scot Johnson, P.E., PTOE
Jake Halter, EIT
Kimley-Horn and Associates, Inc.
Registered Firm F-928

Date: April 26, 2019

Subject: THE MET
5934 Luther Lane, Dallas, Texas
Parking Demands in Comparable Hotel and Office Developments

Introduction

Metropolitan Preston Center, LLC is proposing to build THE MET, a 262,000 SF Class A, investment grade office and hotel development on the west side of Preston Center at 5934 Luther Lane in Dallas, Texas. The MET will consist of 81,555 SF office and a 229-room hotel. A 275-space parking garage will service THE MET and will also add the existing parking supply of the adjacent 75,000 SF office building. This memorandum documents the two lines of inquiry which were investigated to determine if the proposed parking for THE MET development will be sufficient: national research and local observations of parking occupancy at comparable sites.

In 2007, DeShazo, Tang and Associates, Inc. performed a parking study for the subject property while planning for an office development at 5934 Luther Lane. A special exception was granted which allowed for a 2.25 space per 1000 SF (1 space per 444 SF) parking ratio by a 25% parking reduction.

Currently, BBVA Compass Bank has a parking agreement leasing 100 parking spaces from Luther Preston Center, LLC, who is the owner of the 5944 Luther Lane building. This lease can be terminated within 30 days, with written notice. The parking from these BBVA tenants was identified and removed from the observed demand in this report to tabulate the true demand from the 5944 Luther Lane building.

Based upon the analysis included in this memorandum, the total peak parking demand of THE MET and the existing 5954 Luther Lane development is 446 vehicles. The calculation for required parking from the Dallas Development Code, after the 35% office parking reduction and the 25% hotel parking reduction from a Board of Adjustments special exception, is 478 parking stalls. The 478 provided parking stalls provides adequate parking for all of the uses of THE MET and the 5944 Luther Lane building. Careful sizing of parking areas to specific uses will prevent the waste of space and building materials that is caused by providing parking which is rarely, if ever, used. Excessive parking also has negative impacts on often-hidden issues like walkable design, storm water runoff, excessive building height or depth, and urban heat island effects.

Functional Existing Demand vs Proposed Demand

In the simplest analysis, the uses of THE MET, office and hotel, are identical to the uses already present on and adjacent to the site. The current 5944 Luther Lane building contains the same genre of office users that THE MET will attract, and the same management will be over both offices. The Hilton Hotel at 5954 Luther Lane is already being used by the same type of hotel guest to which the hotel uses of THE MET will appeal. Therefore, it is reasonable to assume that the rate of future parking demand for THE MET will be similar to the existing parking demand for these two establishments. The existing observed demand for these two sites at their combined peak, 11 AM, is shown below in **Table 1**. The extrapolated proposed demand for THE MET is then calculated.

Table 1 – Existing Parking Demand Extended to Proposed Parking Demand – 5944 and 5954 Luther Lane plus THE MET

Use	5944 Luther Lane & Hilton Hotel Existing		THE MET Proposed		Totals
Office	75,000 SF	105 Vehicles	81,555 SF	114 Vehicles	156,555 SF
Hotel	224 Keys	66 Vehicles	229 Keys	67 Vehicles	454 Keys
Maximum Combined Parking Demand (11 AM)	-	171 Vehicles	-	181 Vehicles	352 Vehicles

Essentially, the demand of the current 5944 and 5954 Luther Lane sites can be expected to double with the addition of THE MET.

ITE Parking Research

ITE publishes *Parking Generation*, a compendium of parking demand research at sites across the country. ITE provides more information on each base parking demand rate than do most other sources, although the number of observations is still limited. **Table 2** shows the average rates for office and hotel uses which are in similar areas to Preston Center.

Table 2 – ITE Parking Generation Ratios

Use – ITE Classification	Unit	Average Parking Demand
Office, Dense Multi-Use Urban, Weekday	1,000 GFA	1.63
Hotel, Dense Multi-Use Urban, Weekday	Room	0.76

Dallas Development Code Requirements

THE MET, 5944 Luther Lane, and 5954 Luther Lane (Hilton Hotel) are all within Tract 2 of PD 314. The parking requirements for PD 314, including Tract 2, defer to the Dallas Development Code. The Dallas Development Code includes minimum parking requirements for all land use types. The data found in **Table 3** are taken from DDC Section 51A 4.205(1)(C) and 4.207(1)(C).

Table 3 – DDC Code Requirement for 5934 and 5944 Luther Lane

Use – DDC Classification	Parking Demand Ratio	Amount	Parking Demand
Office	1 per 333 SF	156,555 SF	470
Hotel or Motel	1 per room	229 rooms	229
Total	-	-	699

The Dallas Board of Adjustments has the power to grant a parking reduction of up to 25% for all uses and a reduction of up to 35% for office uses by issuing a special exception to the site in question. Using these reductions, the parking requirements for THE MET are calculated in **Table 4** below.

Table 4 – DDC Code requirement with Special Exception for 5934 and 5944 Luther Lane

Use – DDC Classification	Parking Demand	Reduction	Reduced Parking Demand
Office	470	35%	306
Hotel or Motel	229	25%	172
Total	-	-	478

The Dallas Board of Adjustments may also grant a parking variance to a site. Under a variance, the allowable reduction has no upper limit; the Board of Adjustments may reduce the parking requirement as much as they judge acceptable for the site in question.

Local Observations

To make empirical observations of actual parking usage, comparable hotel and office sites were found in Preston Center or in other similar areas. Observations were accomplished at the current office building located at 5944 Luther Lane and a number of local hotel sites. Some potential sites could not be accessed for observations, and others had to be discarded due to construction near the site. Parking occupancy observations were made at regular intervals throughout the day for both the hotels and the office and were also conducted overnight for the hotels, at 1 AM or later. Attached to the end of this report is a parking data table listing the results of the data collection along with graphs illustrating the parking data. The following tables show the details of each site and the observations:

Table 5 – Weekday Parking Demand at the 5944 Luther Office Site

Study Site	Size	Observed Maximum Demand	Observed Demand per 1,000 SF
5944 Luther Lane, Office Only	75,000 SF GFA	105 vehicles	1.40

Table 6 – Weekday Parking Demand at 4 Local Hotel Sites

Study Site	Rooms	Observed Maximum Demand	Observed Demand per Room
Hilton Hotel (Adjacent to Site) 5954 Luther Lane	224	66 vehicles	0.29
Wyndham Garden Hotel 2645 LBJ Freeway	377	120 vehicles	0.34
Le Meridien Hotel 13402 Noel Road	258	175 vehicles	0.68
Sheraton Hotel 4801 LBJ Freeway	308	171 vehicles	0.56

For the existing, onsite office, the weekday observed parking demand was 1.40 vehicles per 1,000 SF, or 1 space per 714 SF.

For the local hotel sites, of which the Hilton is next door to the subject site, the observed maximum parking demand ranged from 0.29 to 0.68 vehicles per room. These parking demands include parking for restaurants and event space. Since many of these hotels, including the Hilton, had restaurant uses as a part of the hotel, the proposed restaurant uses of THE MET were assumed to be accounted for in the Hotel as an accessory use. This is consistent with ITE methodology.

For the proposed development, it was assumed that the demand would fall between the national data and the local data. For the office, 2.05 vehicles per 1,000 SF (1 space per 487 SF) will be used as a conservative estimate. For the hotel, 0.70 vehicles per room will be used as a conservative estimate.

Furthermore, 5934 Luther Lane has been previously granted a special exception backed by the November 16, 2007 DeShazo, Tang & Associates, Inc. parking analysis. Although the DeShazo, Tang, and Associates study showed an office demand of only 2.21 vehicles per 1000 SF (1 space per 454 SF), the special exception provides for a parking rate of 2.25 vehicles per 1,000 SF (1 space per 444 SF) for office uses. This represents the 3.00 vehicles per 1,000 SF (1 space per 333 SF) DDC Code Requirement less the 25% parking reduction from the special exception. Therefore, using 2.05 per 1,000 SF as the proposed rate is reasonable.

Site Provided Parking

A labelled aerial, showing all of the following addresses, can be found at the bottom of this page. The site currently provides the following parking:

- 60 spaces, which are open to the public and signed for BBVA bank parking, on the 5934 Luther Lane surface lot
- 42 spaces, which are secured for office and BBVA parking only, on the 5934 Luther Lane surface lot
- 83 spaces, which are secured for office parking only, in the 5944 Luther Lane structured parking. Changes will be made to maintain this supply as the construction of the site moves forward.

The site has agreements for the following parking in surrounding Preston Center sites:

- 90 spaces, which are reserved in the Hilton garage at 5954 Luther Lane (28 spaces of which are office parking for 5944 Luther Lane, and 62 spaces of which are reserved for BBVA)
- 30 spaces, which are reserved in the garage at 8235 Douglas Avenue (all BBVA parking)

The summary of total parking spaces available to the existing 5944 Luther Lane site is:

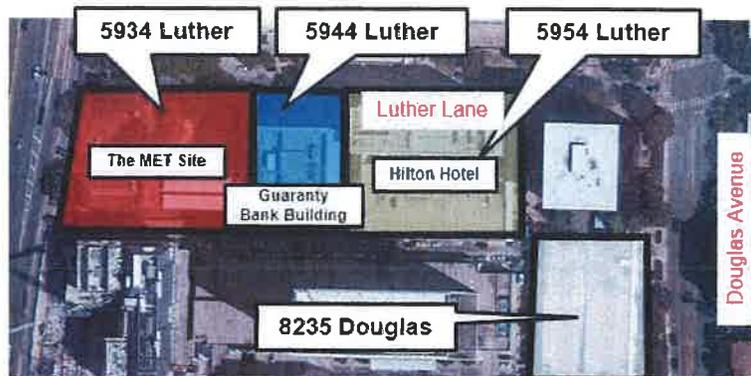
60 + 42 + 83 + 90 + 30 = 305 total spaces available to the existing 5944 Luther Lane site.

The site currently can provide 305 parking spaces, as detailed above. With the construction of the proposed site, some of the existing surface lot parking will be utilized to provide the space for the new development. The summary of the spaces gained and lost with the proposed development are listed below:

- 275 spaces of structured parking added as part of the proposed 5934 Luther Lane development, THE MET
- 60 + 42 = 102 existing surface spaces lost from 5934 Luther Lane
- 275 – 102 = 173 net spaces gained

The summary of total parking spaces for the combined 5944 Luther Lane and THE MET proposed development is:

305 spaces currently provided + 173 net spaces = 478 total spaces available to 5944 Luther Lane and THE MET at buildout.



Functional Site Parking Demand

The combined 5944 Luther Lane and THE MET site as proposed includes 229 hotel rooms, 75,000 SF existing office, and 81,555 SF new office. Using the hourly variations found for each land use in the ITE *Parking Generation* manual, the hourly parking demands for each of the two land uses were calculated and compiled. The summary sheets are attached to the end of this memo, and the graphs are reproduced in **Figure 1**.

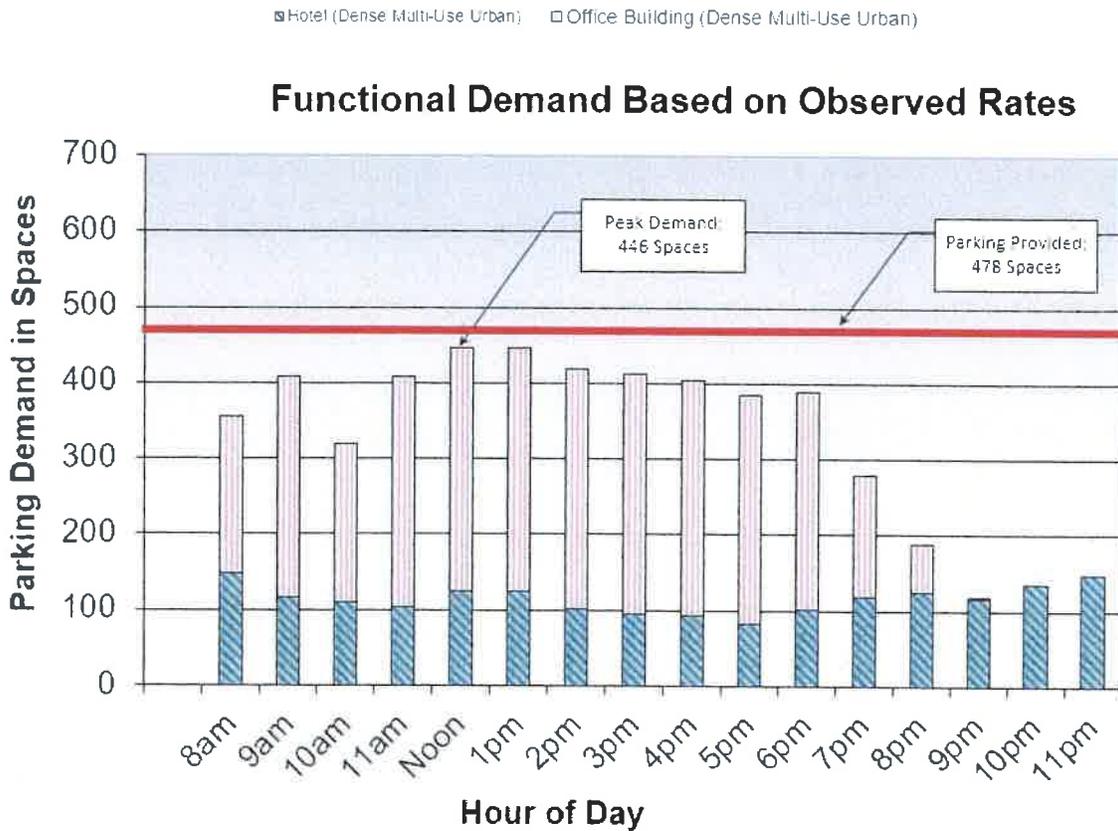


Figure 1 – Predicted Parking Demand for the Combined Development

The maximum rates used in the above analysis are as follows: the Office maximum rate is 2.05 vehicles per 1,000 SF (1 space per 487 SF), and the Hotel maximum rate is 0.7 vehicles per room.

The peak parking demand is 446 parked vehicles, and the peak occurs at noon. The site provides ample parking supply in excess of the predicted peak based on functional parking demand.

Dallas Development Code Requirements with Hourly Factors

Using the Dallas Development Code parking requirements with the 35% office reduction and the 25% hotel reduction as the daily peak parking generation, the ITE hourly parking variation rates were applied to generate an hourly parking generation analysis. The summary sheets are attached to the end of this memo, and the graphs are reproduced in **Figure 2**.

■ Hotel (Dense Multi-Use Urban) □ Office Building (Dense Multi-Use Urban)

Demand Based on Dallas Development Code Standards with 35% and 25% Reductions

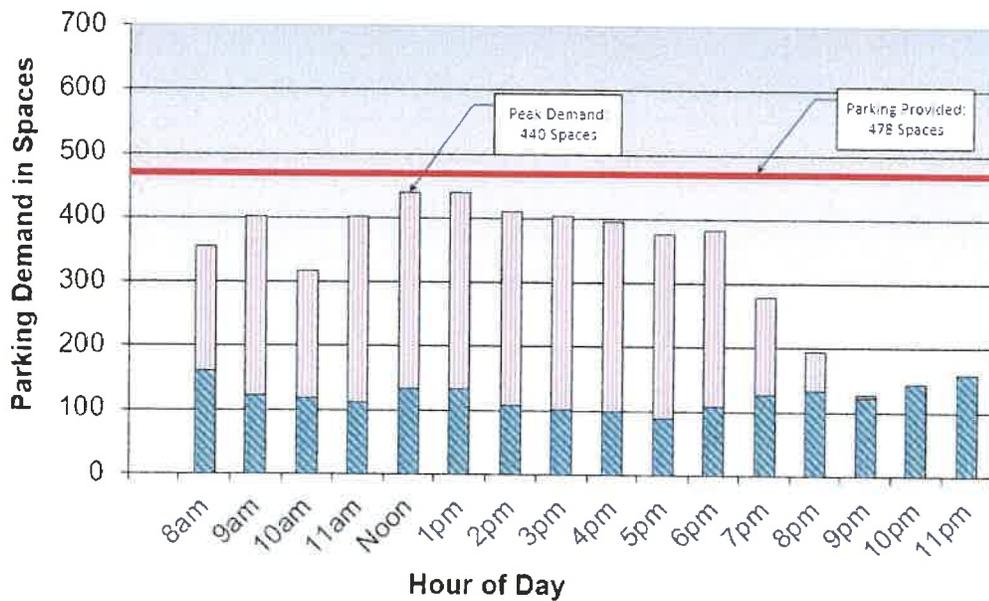


Figure 2 – Predicted Parking Demand for the Development – Dallas Development Code Ratios with Reductions

Using the Dallas Development Code parking requirements and the maximum applicable reductions for a special exception, the predicted peak demand is within the parking supply provided by the site. The peak parking demand is 440 parked vehicles, and the peak occurs at noon. THE MET as proposed is able to accommodate the predicted generated parking.

Parking Special Exception

Based on the predicted parking demand for the future THE MET development, which is based on parking ratios much higher than observed at comparable local sites, the City of Dallas Board of Adjustments is recommended to grant a Parking Special Exception, as found in Dallas Development Code Sec. 51A-4.311(a)(1). For general uses, the maximum authorized parking reduction is 25%. For office uses, the maximum reduction is 35%. The following considerations, found in DDC Sec. 51A-4.311(a)(2), are used in determining whether a reduction is appropriate. The statements from the DDC are in *italics*, and the germane explanation is included after in normal typeface.

(A) The extent to which the parking spaces provided will be remote, shared, or packed parking.

Under future conditions, 74% of the available parking is physically on the site, 19.5% is immediately adjacent to the site in the Hilton Hotel, and the remaining 6.5% is within 450' at 8235 Douglas Avenue.

The parking reductions requested are due to the parking generation by the existing and local sites being lower than either ITE or City of Dallas predictions. The parking observations at the existing 5944 Luther Lane office building show that site generates much lower parking than is used to generate the proposed parking for THE MET development. The amount of generated parking is not conditional on the location of the parking but rather on the characteristics of the site in question, which has been shown to be substantially lower than the DDC predicts.

(B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.

The parking demand characteristics of the uses of the proposed site are shown to be much lower than what the DDC predicts based on the parking counts at the existing 5944 Luther Lane office building and at the local hotels. The observed parking ratios at the hotels represent a 70% reduction from the DDC standard, so the requested 25% reduction for the proposed development is appropriate. The observed office parking ratio represents a 65% reduction from DDC standards, so 35% is a conservative reduction as well.

(C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.

Delta credits have not been applied in this analysis. Delta credits would only decrease the amount of parking required for the site. The analysis used in this report is based on actual parking behavior, and no delta credits will be applied.

(D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.

According to the City of Dallas Thoroughfare/CBD Plan, both Northwest Highway and Douglas Avenue are built to their maximum intended capacities, and the site provides acceptable access to the surrounding roadway network.

(E) The availability of public transit and the likelihood of its use.

DART Bus Route No. 36 has a stop at the intersection of Preston Road and Northwest Highway, and DART Bus Route No. 428 has stops at Preston Road and Northwest Highway and at Douglas Avenue and Northwest Highway, which is only a quarter of a mile away. Both these routes provide an alternative mode of transportation for the users of THE MET. Transportation Network Companies, such as Uber or Lyft, are prevalent now and work to supplement the local public transit, reducing the parking demand.

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

While mitigations are not expected to be necessary, the following may be applied if needed. The office uses of the site, which make up most of the expected parking generation, are very regular and do not have large seasonal variations in respect to parking. Employees in the offices may be encouraged to use the DART system, carpool, or use ridesharing services (such as Uber, Lyft or DART's vanpool carpooling service).

While the hotel uses may vary slightly more, the hotel management has many options to reduce the parking demand for the site: shuttles to and from local destinations (including the two regional airports), restricting the hotel users to one car or less per room, and utilizing ridesharing services (such as Uber or Lyft).

Summary

Observations of comparable local sites show that the effective parking demand rates are much lower than ITE averages and the Dallas Development Code requirements. As shown in **Table 1**, on the purest functional level, the demand for the existing 5944 Luther Lane and 5954 Luther Lane (Hilton Hotel) developments can be expected to double for a total of 352 required parking spaces between 5944 Luther Lane, 5954 Luther Lane, and THE MET, which is well below what is supplied on site.

The functional parking demand rates in this memo are 2.05 vehicles per 1,000 SF (1 space per 487 SF) for the office uses and 0.70 vehicles per room for the hotel uses, both of which are greater than the documented observed parking rates. The functional demand of THE MET would be 446 spaces using these parking demand rates and ITE time of day factors. Applying the Dallas Development Code standards with reduction and time of day factors, the demand would be 440 spaces.

After performing the analysis, the proposed supply of 478 parking spaces, which is the parking allowed by the special exception, will be able to accommodate the parking demand from the proposed MET development and the existing 5944 Luther Lane building.

END

Attached:

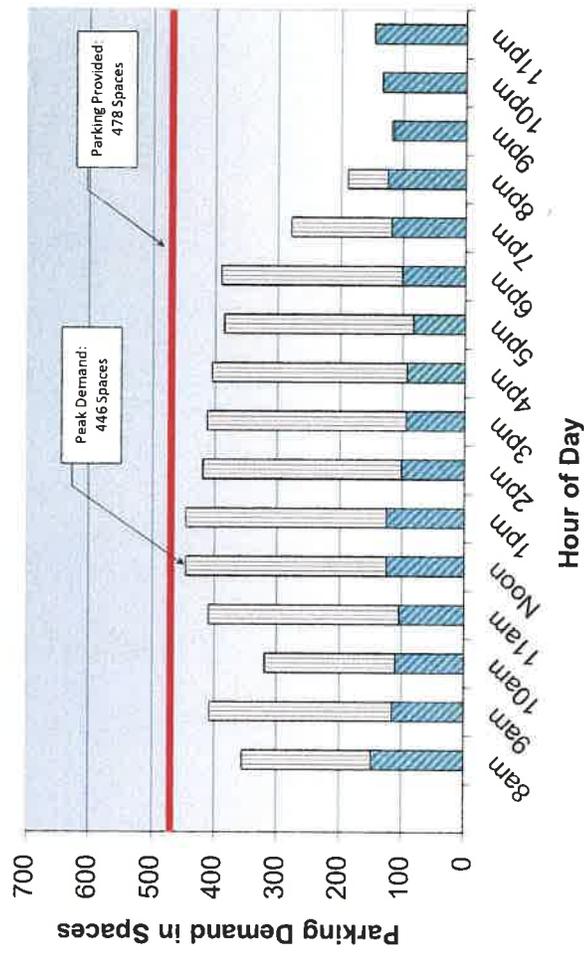
- Parking Demand – Parking Generation Planner – Two (2) Sheets
- Parking Supply Data Summary Table
- Parking Count Data Summary Charts

Parking Generation Planner (ITE Parking Generation, 5th Edition)

Weekday Parking Generation
 Demand Based on Average Rates
 Project Name: Preston Center - Dallas
 Project Number: 064540400

ITE Code	Land Use Description	Independent Variable	No. of Units	Day of Week	Peak Rates		Functional Demand Based on Observed Rates														
					Avg	Peak Demand	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm
310b	Hotel (Dense Multi-Use Urban)	Occupied Room(s)	229	Mon-Thu	0.7	160.3	149	115	111	104	125	101	95	83	101	119	125	115	135	147	
701b	Office Building (Dense Multi-Use Urban)	1,000 Sq Ft	158.56	Mon-Thu	2.05	320.93775	205	292	209	305	321	318	311	302	289	160	64	3	0	0	
							354	407	319	409	446	419	412	404	385	390	279	189	119	135	147

Functional Demand Based on Observed Rates



Office Building (Dense Multi-Use Urban)
 Hotel (Dense Multi-Use Urban)

THE MET Parking Supply Data
5934 Luther Lane, Dallas, Texas

Parking Supply	
5934 Luther Surface Lot - Open to Public - Bank Parking	60
5934 Luther Surface Lot - Secured - Office Parking	42
5944 Luther - Secured Parking (first floor)	28
5944 Luther - Secured Parking (second floor)	55
Hilton Garage - Office Reserved Parking	90
Remote Parking at 8235 Douglas Avenue	30

185 = 60+42+28+55, Existing Physical Supply on 5934 and 5944 Luther Lane
 + 120 = 90+30, Spaces Available to 5944 Luther Lane by agreement

305 = Current Parking Supply for 5944 Luther Lane

305 = Current Parking Supply

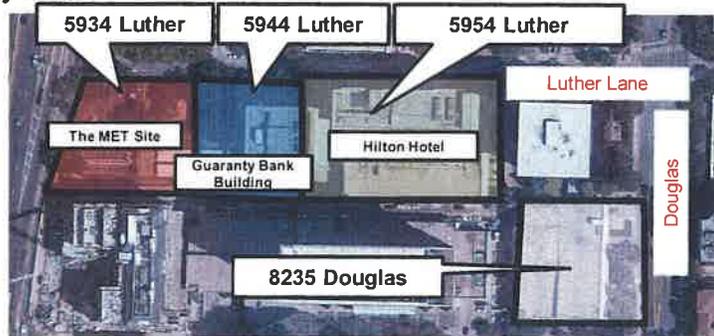
- 102 = 60+42, Spaces lost from 5934 Luther Lane surface lot

+ 275 = Structured parking on 5934 Luther Lane new development

478 = Total Parking Supply for 5944 Luther Lane and THE MET

THE MET Proposed Additional Structured Parking	275
--	-----

Parking Demand Survey Form



Land Use Code

Name of Site

Brief Description of Site

City

State Country

Transit

Area

TMP

Site Size

Site Size

Site Size

Site Size

Units	Occupancy	Land Use
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of Parking Spaces Provided at Site

OCCUPANCY

Combined 5944 Luther Lane Office Parking Demand										
Date	12/12/2018		12/12/2018		12/12/2018		12/12/2018		12/12/2018	
Day	Wednesday		Wednesday		Wednesday		Wednesday		Wednesday	
	5934 Luther Guaranty Bank Open Parking, Ground Level		5934 Luther Guaranty Bank Card Access, Ground Level		5944 Luther Guaranty Tower Card Access Office, 2nd Level		5954 Luther Hilton Hotel Office Parking		5954 Luther Hilton Hotel and Valet Parking	
	BBVA*	OFFICE	BBVA*	OFFICE		BBVA*	Office		8235 Douglas Remote Parking	
Supply	60		42		55		90		167	30
9:00 AM	17	12	1	18	31	28	25		58	
11:00 AM	21	14	2	23	39	30	29		66	
12:00 PM	18	13	1	24	38	19	20		61	
1:00 PM	16	12	1	22	43	19	19		59	
3:00 PM	23	15	2	25	46	16	18		55	
2:00 AM						8	9		47	

Person

Phone

Fax

Email

Notes

Organization

*BBVA = Vehicles parked in BBVA reserved parking zones or vehicles entered with BBVA issued secure access tags.

Kimley»Horn

Parking Demand Survey Form



Land Use Code

Name of Site

Brief Description of Site

Transit Area No
 Mixed
 TMP No

City Dallas
 State TX Country USA

Site Size	<input type="text"/>	Units	<input type="text"/>	Occupancy	<input type="text"/>	Land Use
Site Size	<input type="text"/>	Units	<input type="text"/>	Occupancy	<input type="text"/>	
Site Size	<input type="text"/>	Units	<input type="text"/>	Occupancy	<input type="text"/>	
Site Size	<input type="text"/>	Units	<input type="text"/>	Occupancy	<input type="text"/>	

Number of Parking Spaces Provided at Site

OCCUPANCY

Date	12/13/2018	12/12/2018	
Day	Thursday	Wednesday	
	Wyndham Garden Hotel Open Access Parking	Le Meridien Hotel and Valet Parking	
9:00 AM	120	51	
11:00 AM	114	41	
1:00 PM	94	35	
3:00 PM	73	38	
2:00 AM	90	73	

		Overnight Counts	
		Le Meridien Hotel and Valet Parking	Sheraton Hotel and Valet Parking
Monday	3/13/2017	70	118
Tuesday	3/14/2017	65	120
Wednesday	3/15/2017	61	120
Thursday	3/16/2017	89	136
Friday	3/17/2017	175	171
Saturday	3/18/2017	152	161

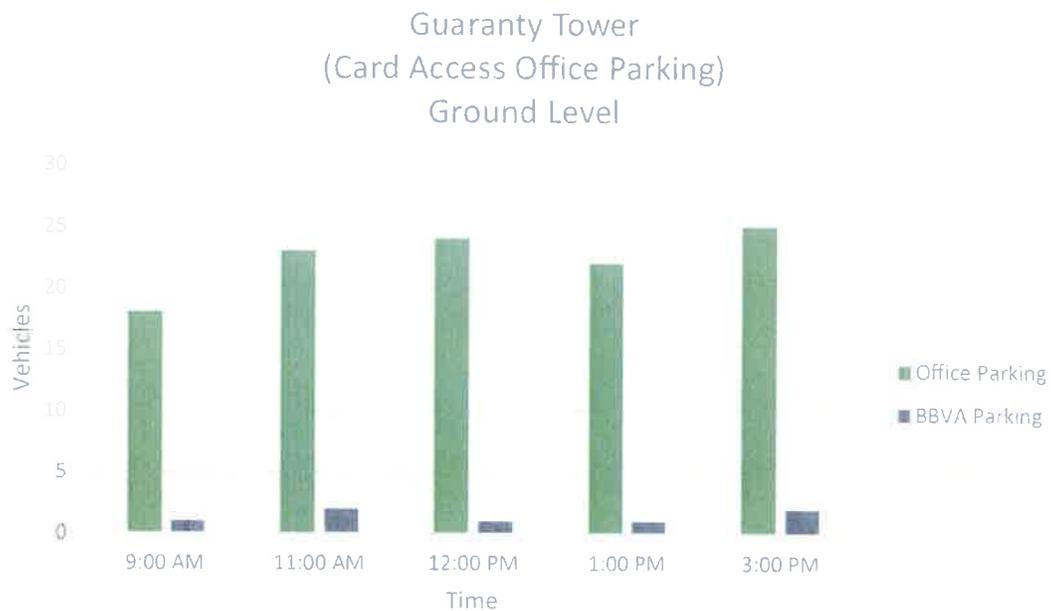
Person Scot Johnson / Hiron Fernando
 Phone 972-770-1300
 Fax
 Email scot.johnson@kimley-horn.com
 Notes

Organization KHA

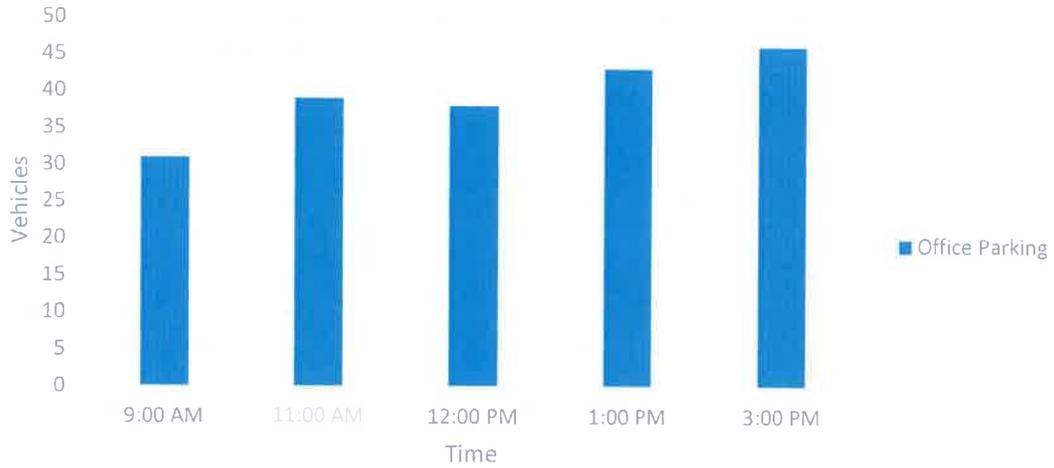
Parking Observations – 12/12/2018



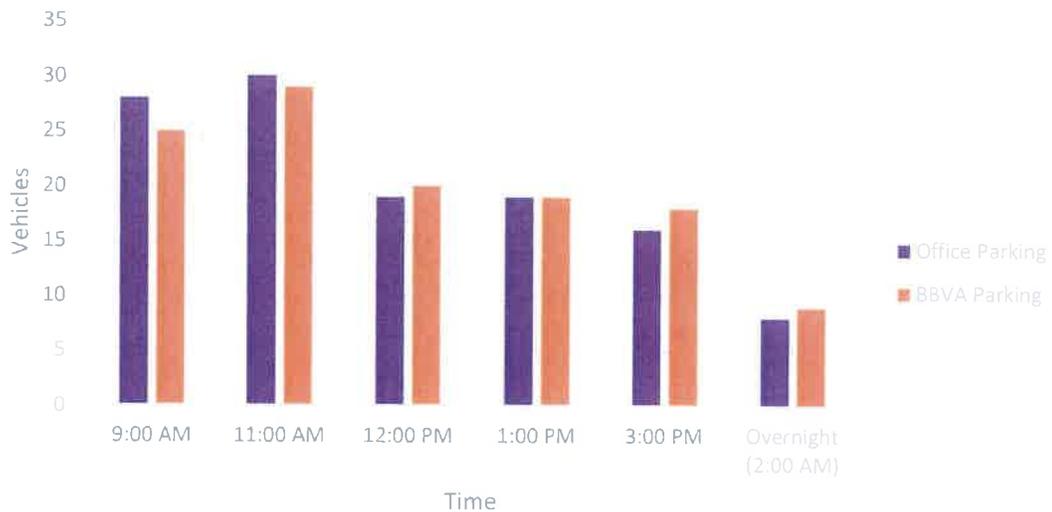
Parking Observations – 12/12/2018



Guaranty Tower (Card Access Office Parking) Second Level

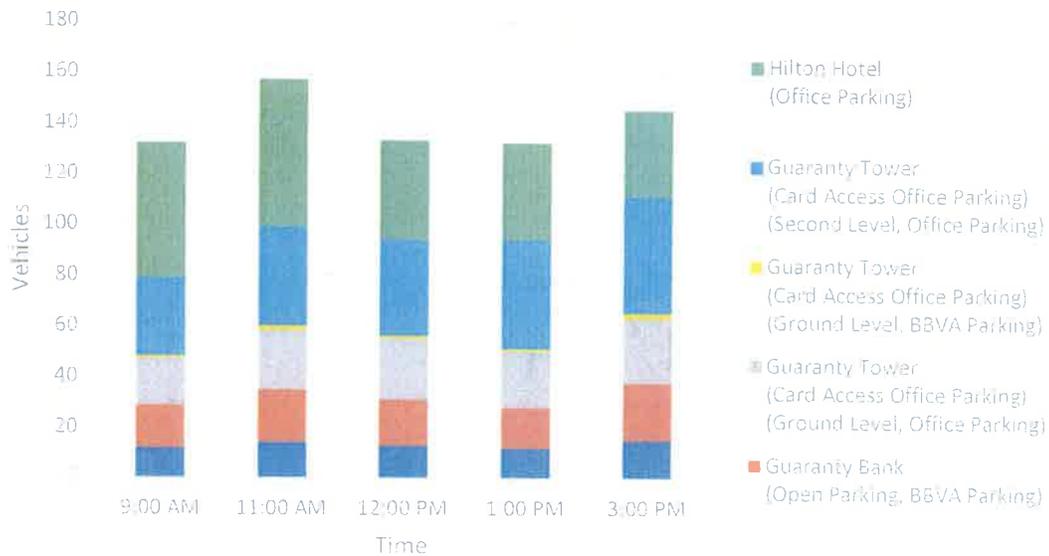


Hilton Hotel (Office Parking)

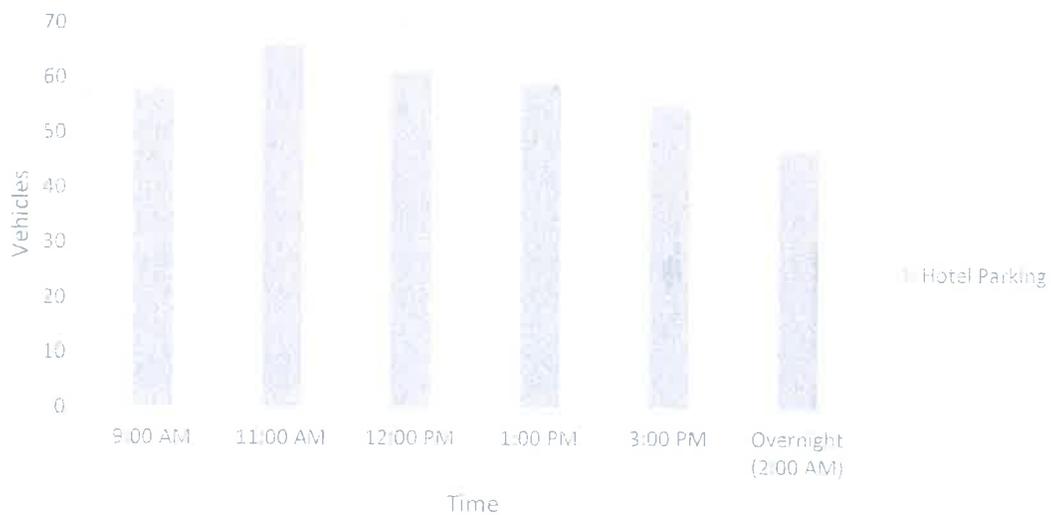


Parking Observations – 12/12/2018

5944 Luther Lane Existing Office Parking

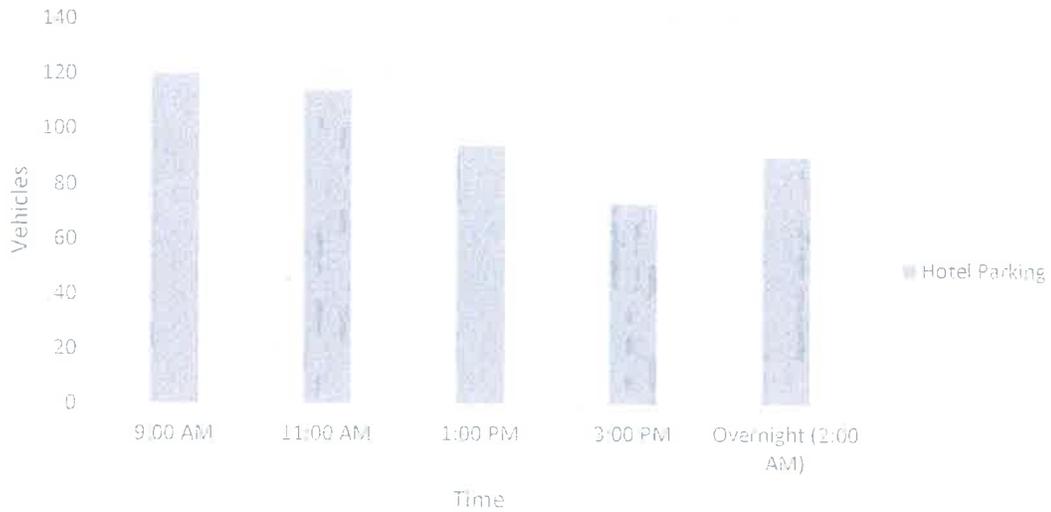


Hilton Hotel (Hotel+Valet Parking)

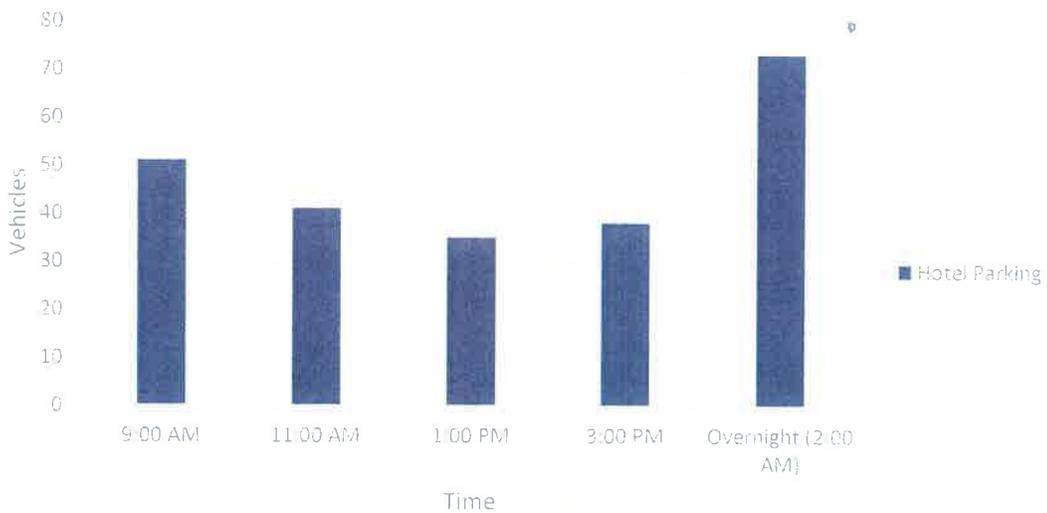


Parking Observations – 12/13/2018

Wyndham Garden Hotel
(Open Access Parking)

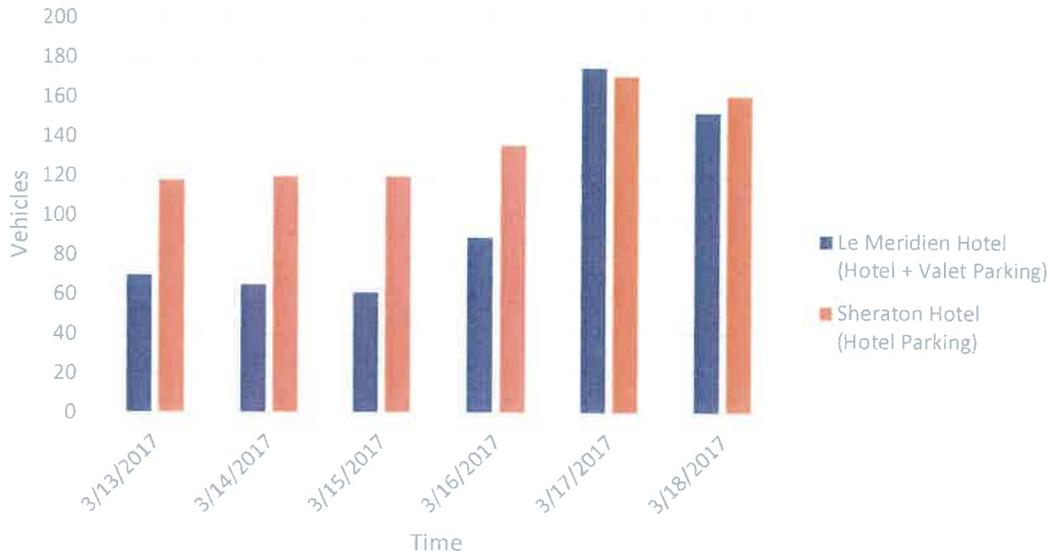


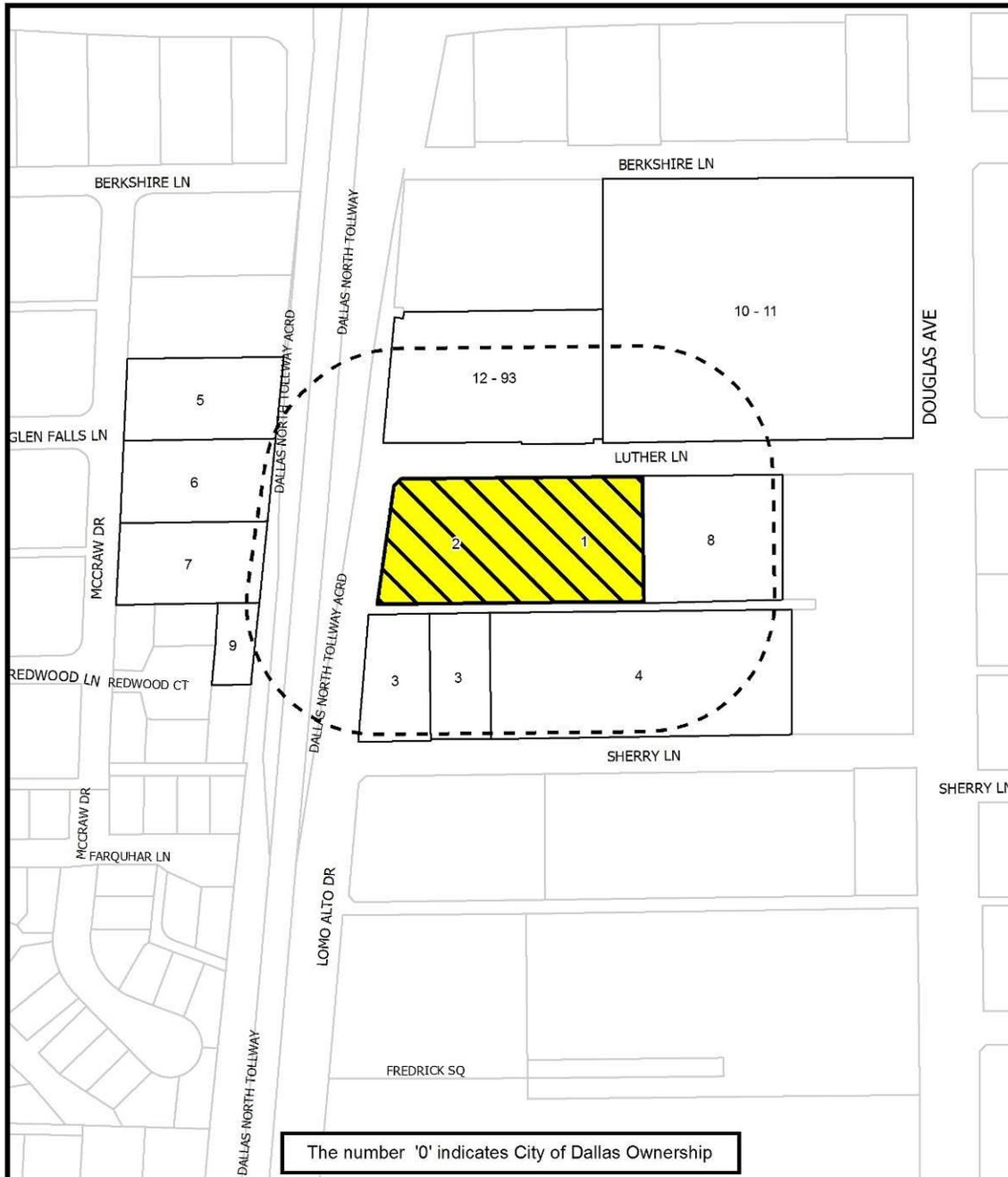
Le Meridien Hotel
(Hotel+Valet Parking)



Parking Observations – 3/13/2017 through 3/18/2017

Overnight Parking at Le Meridien and Sheraton Hotels





1:2,400

NOTIFICATION

200'
93

AREA OF NOTIFICATION
NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-088**
Date: **7/29/2019**

Notification List of Property Owners

BDA189-088

93 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5944 LUTHER LN	LUTHER PRESTON CENTER LLC
2	5934 LUTHER LN	METROPOLITAN PRESTON CENTER
3	5905 SHERRY LN	SGD BV PARK CITIES LP
4	5949 SHERRY LN	KBSIII STERLING PLAZA LLC
5	9104 MCCRAW DR	BIGGERS OLIVER ROBERT II &
6	9026 MCCRAW DR	WATERMAN KRISTY & MATTHEW
7	9018 MCCRAW DR	HARDAWAY OSCAR O &
8	5954 LUTHER LN	WOODBINE LEGACY
9	5811 REDWOOD CT	LARDNER ANN MARIE
10	8343 DOUGLAS AVE	CFO DT III LLC
11	5960 BERKSHIRE LN	CFO DT IV LLC
12	5909 LUTHER LN	FERNANDEZ ALINA MARIE CLAIRE OCARANZA
13	5909 LUTHER LN	M & J WHILHITE FAMILY PARTNERSHIP LTD
14	5909 LUTHER LN	YELLOW TRAVEL & ENTERTAINMENT INC
15	5909 LUTHER LN	ROBBINS JAY & MINDY
16	5909 LUTHER LN	YELLOW TRAVEL & ENTERTAINMENT INC
17	5909 LUTHER LN	REAL ESTATE ARBITRAGE PARTNERS LLC
18	5909 LUTHER LN	TAYLOR RICHARD C & TRACY
19	5909 LUTHER LN	TORMOS REAL ESTATE LLC
20	5909 LUTHER LN	HWANG CHIUFANG & WILLIAM
21	5909 LUTHER LN	DALLAS SHELTON PTNR LLC
22	5909 LUTHER LN	C & C RESIDENTIAL PROPERTIES INC
23	5909 LUTHER LN	JOBE HUDSON M
24	5909 LUTHER LN	RATCLIFF T PATRICK &
25	5909 LUTHER LN	HAMMOND PPTIES INC
26	5909 LUTHER LN	RATCLIFF TERRENCE P

Label #	Address	Owner
27	5909 LUTHER LN	HARE WILLIAM C III
28	5909 LUTHER LN	THURASINGHAM BHAVANI
29	5909 LUTHER LN	INGOLD HANS H & MARY ANN
30	5909 LUTHER LN	SCHWANT SANDRA M TRUST THE
31	5909 LUTHER LN	TORMOS REAL ESTATE LLC
32	5909 LUTHER LN	BIGHAM BRYAN & DEBORAH
33	5909 LUTHER LN	LEWIS LINDA B
34	5909 LUTHER LN	MAY PATRICK A & MICHAEL L
35	5909 LUTHER LN	MARTIN C JOANNE C REVOCABLE TRUST
36	5909 LUTHER LN	BLACKBURN J BLAIR & MICHELLE H
37	5909 LUTHER LN	FLEET TIMOTHY
38	5909 LUTHER LN	SNIDER ROSEMARY
39	5909 LUTHER LN	PALMER JAMES F & BETTY L
40	5909 LUTHER LN	LOESSBERG BURT JOSEPH II & EMILY KIRACOFE
41	5909 LUTHER LN	GONZALEZ GABRIEL NARANJO
42	5909 LUTHER LN	ARAVAMUTHAN VIBHAS &
43	5909 LUTHER LN	LEVANAS SUSAN Y
44	5909 LUTHER LN	ROSE PETER M & CHRISTINA G
45	5909 LUTHER LN	DALE JOHN ROBERT
46	5909 LUTHER LN	MOYE NICHOLLE &
47	5909 LUTHER LN	LANE CAROLYN HOOPER
48	5909 LUTHER LN	WILSON JOHN E & BETTY P
49	5909 LUTHER LN	FRANKE REVOCABLE TRUST
50	5909 LUTHER LN	HARVIN SUSAN
51	5909 LUTHER LN	CHEN CHYNSHYR & WU LINGCHI
52	5909 LUTHER LN	TURNER JOANNA L
53	5909 LUTHER LN	DAKIL DIANE
54	5909 LUTHER LN	RDM FAMILY TRUST
55	5909 LUTHER LN	CLARK ROLAND & LEIGH
56	5909 LUTHER LN	SORRA LP
57	5909 LUTHER LN	ONSTEAD KAY M

Label #	Address	Owner
58	5909 LUTHER LN	KOSEL CHRIS & MARTHA
59	5909 LUTHER LN	PINTO BEN J & AMY
60	5909 LUTHER LN	BLAIR RONALD M &
61	5909 LUTHER LN	PURVIN DEBORAH T &
62	5909 LUTHER LN	PIVNICK LIVING TRUST
63	5909 LUTHER LN	WRIGHT JAMES S & MARY G
64	5909 LUTHER LN	DUNNING DAVID W
65	5909 LUTHER LN	REVOCABLE TRUST OF STEVEN &
66	5909 LUTHER LN	RUBLE KARIN G
67	5909 LUTHER LN	NICHOL FRANCES VIRGINIA &
68	5909 LUTHER LN	BLACK PAULA J REVOCABLE TRUST
69	5909 LUTHER LN	CAMALIER GEORGE ROBERT & CATHY KYLE
70	5909 LUTHER LN	BROKAW SUSAN LYNN
71	5909 LUTHER LN	MENTER GILLIAN SACHAR
72	5909 LUTHER LN	SAULTER GILBERT J & MAE F
73	5909 LUTHER LN	KING SHAUNA RYAN BENEFICIARY TR &
74	5909 LUTHER LN	FIKE REBECCA & RICHARD
75	5909 LUTHER LN	LUBICK FINANCIAL GROUP LLC
76	5909 LUTHER LN	DDK HOLDINGS LLC
77	5909 LUTHER LN	JAPNY HP LLC
78	5909 LUTHER LN	ANDERSON KIMBALL R & ROBIN C
79	5909 LUTHER LN	MARES ELIA DELCARMEN
80	5909 LUTHER LN	MILLER BENJAMIN G & KELLI
81	5909 LUTHER LN	BACON TERI L
82	5909 LUTHER LN	GUTIERREZ FROYLAN
83	5909 LUTHER LN	GLOVER MARK
84	5909 LUTHER LN	FULLER REVOCABLE TRUST
85	5909 LUTHER LN	KAIHANI MICHELLE LEE
86	5909 LUTHER LN	CADG 5909 LUTHER LANE LLC
87	5909 LUTHER LN	DUPONT DENISE REVOCABLE TRUST
88	5909 LUTHER LN	KELLY RICHARD

07/29/2019

Label #	Address	Owner
89	5909 LUTHER LN	GLORIETA GESCIENCE INC 401K PLAN
90	5909 LUTHER LN	GLAZER LORI LUSKEY
91	5909 LUTHER LN	KELLY RICHARD D
92	5909 LUTHER LN	SHAPARD ROBERT S
93	5909 LUTHER LN	ZIELKE PETER B

FILE NUMBER: BDA189-089(SL)

BUILDING OFFICIAL'S REPORT: Application of Erica Campos, represented by Milton Campos, for variances to the front and side yard setback regulations at 514 S. Westmoreland Road. This property is more fully described as Lot 15, Block 3/3939 and is zoned R-7.5(A), which requires a front yard setback of 25 feet, and a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a structure and provide an 8 inch front yard setback, which will require a 24 foot 4 inch variance to the front yard setback regulations, and to construct and/or maintain a structure and provide a 4 foot side yard setback, which will require a 1 foot variance to the side yard setback regulations.

LOCATION: 514 S. Westmoreland Road

APPLICANT: Erica Campos
Represented by Milton Campos

REQUESTS:

The following requests have been made on a site developed with a nonconforming single family home use/structure:

1. Requests for variances to the front and side yard setback regulations are made to construct and maintain a one-story detached garage/accessory structure with an approximately 315 square foot building footprint. (A request for a variance to the front yard setback regulations of 24' 4" is made to construct and maintain this structure that is proposed to be located 8" from one of the site's two front property lines (Schoolbell Drive) or 24' 4" into this 25' front yard setback; and a request for a variance to the side yard setback regulations of 1' is made to construct and maintain this structure that is proposed to be located 4' from the site's northern side property line or 1' into this 5' side yard setback).
2. Requests for variances to the front and side yard setback regulations are made to address/remedy the existing single family home structure built in the 40's that is a nonconforming structure. (A request for a variance to the front yard setback regulations of approximately 10' is made to maintain the nonconforming single family home structure located approximately 15' from the other front property line (Westmoreland Road) or 10' into this 25' front yard setback; and a request for a variance to the side yard setback regulations of 1' is made to maintain this nonconforming structure that is located 4' from the site's northern side property line or 1' into this 5' side yard setback).

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot

depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

STAFF RECOMMENDATION (front and side yard variance requests):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that 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 and having about ½ the area/square footage of most lots in the same zoning district.
- Staff concluded that the applicant has shown by submitting documents indicating that his "structure size" at about 1,100 square feet and "detached garage size" of about 280 square feet is commensurate with development found on other lots in the same zoning district where the average "structure size" in certain blocks in his zoning district is 1,137, 1,390, and 1,357 square feet, and that average "structure size" of 10 other homes in his zoning district is about 1,300 square feet with an average "detached garage size" at about 570 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: NS(A) (Neighborhood Service)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The subject site is developed with a single family home. The areas to the north and west are developed with single family uses; the area to the east is undeveloped; and the area to the south is developed with retail 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):

- The requests for variances to the front yard setback regulations in this case focuses on:
 - 1) constructing/maintaining a one-story detached garage/accessory structure with an approximately 315 square foot building footprint located 8” from one of the site’s two front property lines (School dell Drive) or 24’ 4” into this 25’ front yard setback; and
 - 2) addressing/remedying the existing single family home structure built in the 40’s (with about 1,100 square feet of total/living area) that is a nonconforming structure located approximately 15’ from the other front property line (Westmoreland Road) or 10’ into this 25’ front yard setback.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The property has two 25’ front yard setbacks (one on the west on Westmoreland Road and another on the east on School dell Drive) since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The submitted site plan indicates a “one story brick” structure located 15.3’ from the Westmoreland Road front property line, and an accessory structure located 8” from the School dell Drive front property line.
- DCAD records indicate “main improvement” for the property at 514 S. Westmoreland Road is a structure built in 1941 with 1,146 square feet of living/total area, and with “additional improvements” that are listed as a 180 square foot detached carport.
- Building Inspection staff states that the existing single family home structure is a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The application has informed staff that he has chosen to seek variance to the front yard setback regulations for the new accessory structure to be located in the

Schooldell Drive front yard setback, and the existing single family home structure located in the Westmoreland Road front yard setback.

- The subject site is flat, irregular in shape, and approximately 4,000 square feet in area. The site has two 25' front yard setbacks. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area, rectangular in shape, and have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The subject site that ranges in depth from 80' – 100' has 30' – 50' of developable space available once a 25' front yard setback is accounted for on the east and west. If the lot were more typical with one front yard setback, there would be 50 – 70' of developable space.
- The applicant has submitted documents indicating that his lot size is 4,000 square feet with a “structure size” of 1,146 square feet and a “detached garage size” of about 280 square feet where the average lot size in other blocks is 5,088, 13,152, and 11,114 square feet, and the “structure size” in these same blocks is 1,137, 1,390, and 1,357 square feet, and that average “structure size” of 10 other homes in his zoning district is about 1,300 square feet with an average “detached garage size” at about 570 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances 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 variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance requests, and impose the submitted site plan as a condition, the structures in the front yard setbacks would be limited to what is shown on this document.

GENERAL FACTS /STAFF ANALYSIS (side yard):

- The requests for variances to the side yard setback regulations in this case focuses on:
 - 1) constructing/maintaining a one-story detached garage/accessory structure with an approximately 315 square foot building footprint located 4' from the site's northern side property line (or 1' into this 5' side yard setback); and
 - 2) addressing/remedying the existing single family home structure built in the 40's (with about 1,100 square feet of total/living area) that is a nonconforming structure located approximately 4' from the site's northern side property line or 1' into this 5' side yard setback.

- The property is located in an R-7.5(A) zoning district which requires a minimum side yard setback of 5 feet.
- The property has two 25' front yard setbacks (one on the west on Westmoreland Road and another on the east on Schooldell Drive) since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The submitted site plan indicates a "one story brick" structure located 4.1' from the northern side property line, and an accessory structure located 4' from this side property line.
- DCAD records indicate "main improvement" for the property at 514 S. Westmoreland Road is a structure built in 1941 with 1,146 square feet of living/total area, and with "additional improvements" that are listed as a 180 square foot detached carport.
- Building Inspection staff states that the existing single family home structure is a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The application has informed staff that he has chosen to seek variance to the side yard setback regulations for the new accessory structure and the existing single family home structure located in the site's northern 5' side yard setback.
- The subject site is flat, irregular in shape, and approximately 4,000 square feet in area. The site has two 25' front yard setbacks. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area, rectangular in shape, and have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The subject site that ranges in depth from 80' – 100' has 30' – 50' of developable space available once a 25' front yard setback is accounted for on the east and west. If the lot were more typical with one front yard setback, there would be 50 – 70' of developable space.
- The applicant has submitted documents indicating that his lot size is 4,000 square feet with a "structure size" of 1,146 square feet and a "detached garage size" of about 280 square feet where the average lot size in other blocks is 5,088, 13,152, and 11,114 square feet, and the "structure size" in these same blocks is 1,137, 1,390, and 1,357 square feet, and that average "structure size" of 10 other homes in his zoning district is about 1,300 square feet with an average "detached garage size" at about 570 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

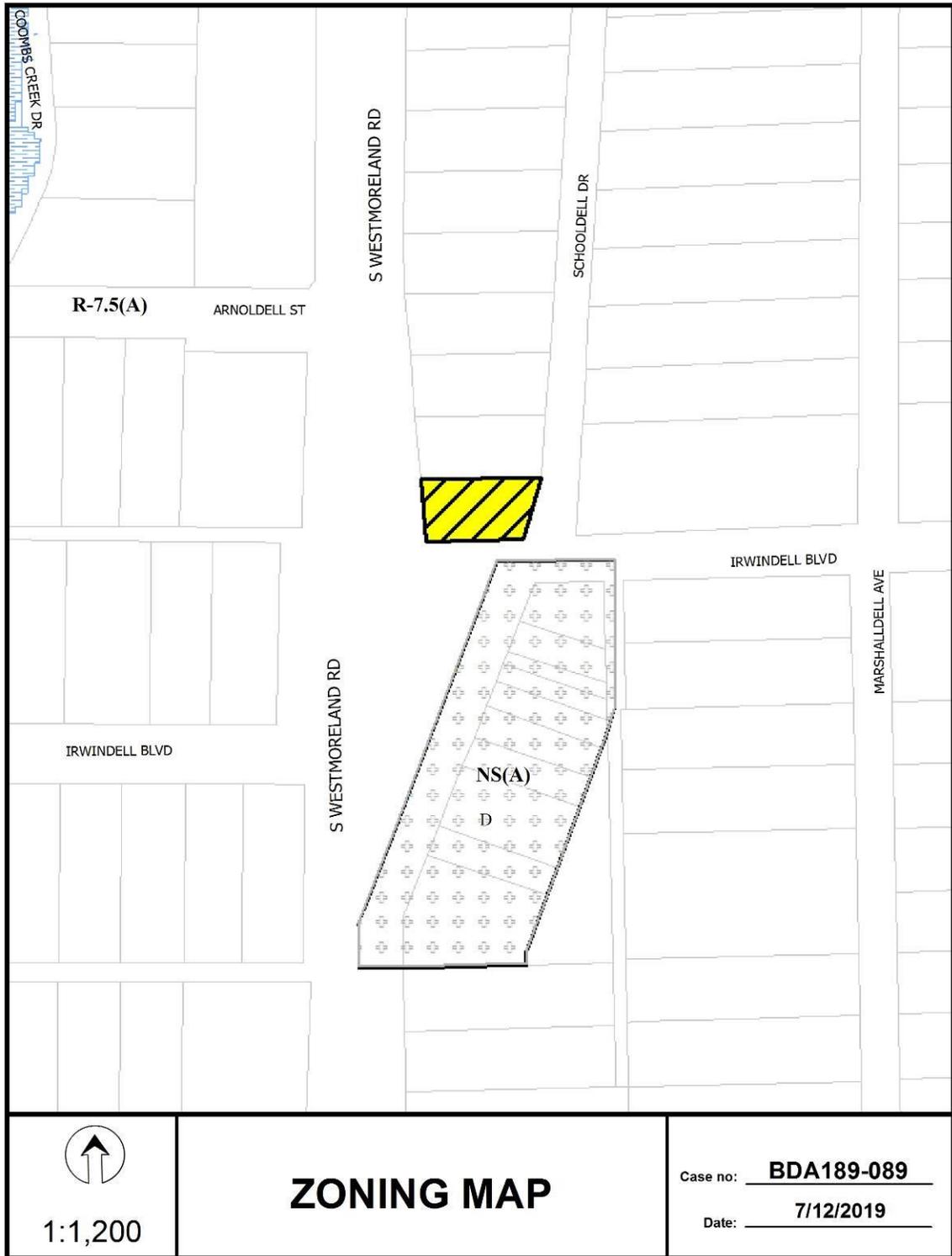
- The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance requests, and impose the submitted site plan as a condition, the structures in the side yard setback would be limited to what is shown on this document.

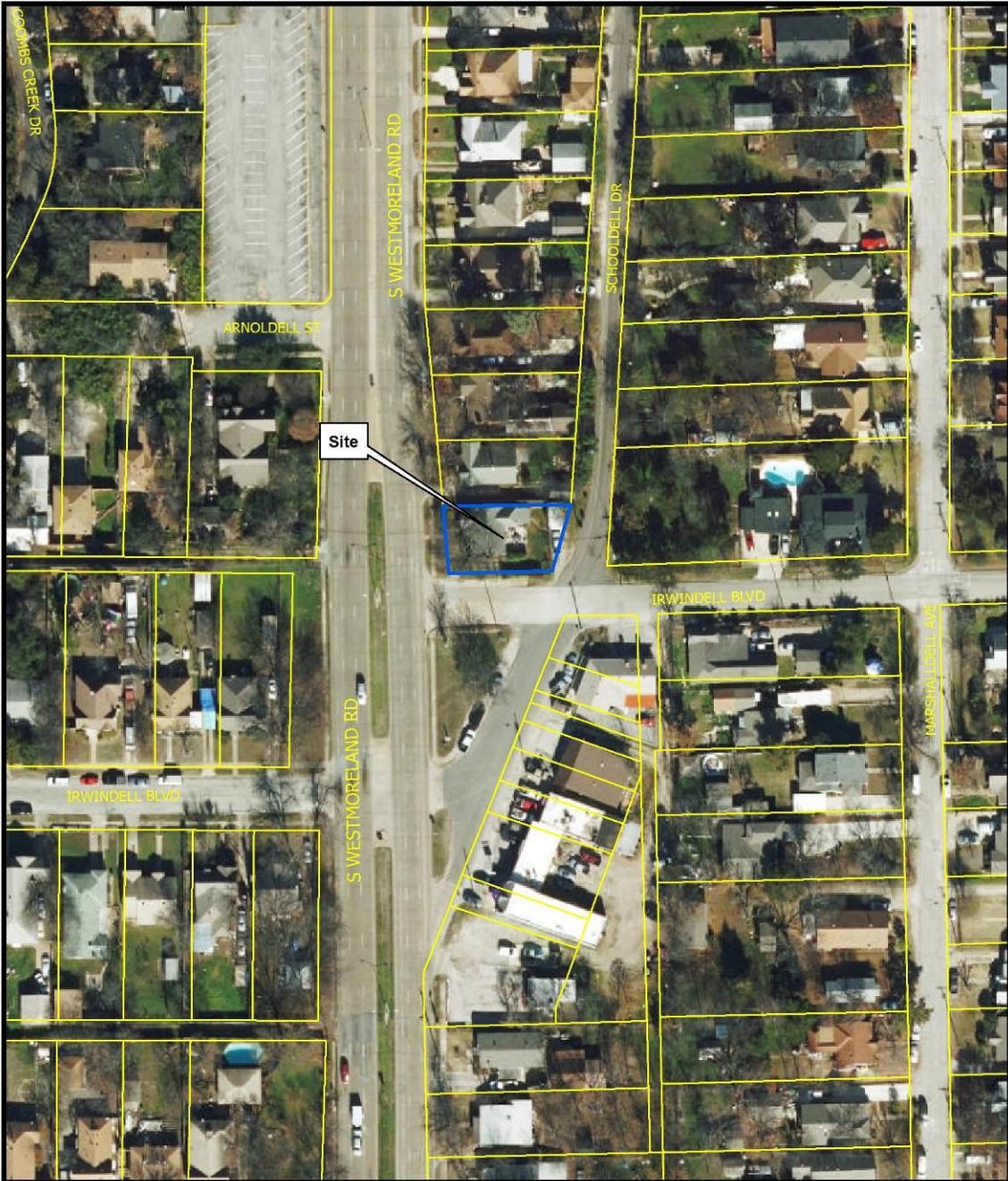
Timeline:

- May 28, 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.
- July 10, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 5, 2019: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 6, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Sustainable Development and Construction Senior Engineer, the Building

Inspection Senior Plans Examiner/Development Code Specialist,
and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA189-089

Date: 7/12/2019

BDA199-099
Attach A

Long, Steve

From: Milton Campos <mcamposhair@gmail.com>
Sent: Monday, August 05, 2019 9:48 AM
To: Long, Steve
Subject: Campos Detached Structure Comps

Hello Steve,

I apologize for the delay. We were out of town and just got these done over the weekend. Please let me know if it's not too late to add to our file and if they're on par to what you suggested originally.

Milton and Erica Campos

514 S. Westmoreland Rd.

Property Address	Structure Size	Detached Garage Size	% of Garage compared to structure size
514 S. Westmoreland	1146 sq. ft.	282 sq. ft.	24.60%

Property Comparison

Property Address	Structure Size	Detached Garage Size	% of Garage compared to structure size
514 Marshalldeil	1628 sq. ft.	832 sq. ft.	51.10%
2869 Twelfth St.	1462 sq. ft.	576 sq. ft.	39.30%
2758 Twelfth St.	1600 sq. ft.	576 sq. ft.	36%
2635 Catherine St.	1022 sq. ft.	440 sq. ft.	43%
2630 Catherine St.	963 sq. ft.	400 sq. ft.	41.50%
2609 Catherine St.	1860 sq. ft.	480 sq. ft.	55.80%
2736 Catherine St.	1125 sq. ft.	400 sq. ft.	35.50%
2757 Burlington	1252 sq. ft.	672 sq. ft.	53.60%
2760 Burlington	1515 sq. ft.	750 sq. ft.	49.50%
2732 Ivandell	904 sq. ft.	528 sq. ft.	58.40%
Average Structure/Detached Size	1333 sq. ft.	565.4 sq. ft.	46.37%

Thanks again,

Milton Campos
Urban Soul Studio
972-900-5042



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-089

Data Relative to Subject Property:

Date: ~~5-15-19~~ 5-28-19

Location address: 514 S. WESTMORELAND RD. Zoning District: R7.5(A)

Lot No.: 15 Block No.: 3/3939 Acreage: .091 Census Tract: 45.00

Street Frontage (in Feet): 1) 50' 2) 80' 3) 50' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ERICA CAMPOS

Applicant: ERICA CAMPOS Telephone: 214-404-2351

Mailing Address: 514 S. WESTMORELAND RD. Zip Code: 75211

E-mail Address: EYFIELDS@GMAIL.COM

Represented by: MILTON CAMPOS Telephone: 972-900-5042

Mailing Address: 514 S. WESTMORELAND RD. Zip Code: 75211

E-mail Address: MCAMPOSHAIR@GMAIL.COM

Affirm that an appeal has been made for a Variance , or Special Exception , of 24' 4" TO THE REQUIRED 25' FYSB AND PROVIDE A 8" FYSB. + 1' to Required 5' Sideyard + provide a 4' FYSB.

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 LOT IS ENCUMBERED BY 2-25 FT SETBACKS. MY LOT IS 80 FT LONG, WHICH LEAVES ME WITH 30 FT. TO BUILD ON. IN ADDITION, MY LOT IS ONLY 4,000 SQ FT IN A ZONING THAT REQUIRES 7,500.

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

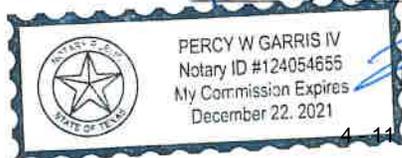
Before me the undersigned on this day personally appeared ERICA CAMPOS
(Affiant/Applicant's name printed)

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 15TH day of MAY, 2019

(Rev. 08-01-11)



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 Erica Campos
 represented by MILTON CAMPOS
 did submit a request for a variance to the front yard setback regulations, and for a variance to the
 side yard setback regulations
 at 514 S. Westmoreland Road

BDA189-089. Application of Erica Campos represented by MILTON CAMPOS for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations at 514 S WESTMORELAND RD. This property is more fully described as Lot 15, Block 3/3939 and is zoned R-7.5(A), which requires a 5 foot side yard setback and requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential accessory structure and provide a 8 inch front yard setback, which will require a 24 foot 4 inch variance to the front yard setback regulations, and to construct a single family residential accessory structure and provide a 4 foot side yard setback, which will require a 1 foot variance to the side yard setback regulations.

Sincerely,

Philip Sikes
 Philip Sikes, Building Official



Printed: 5/28/2019

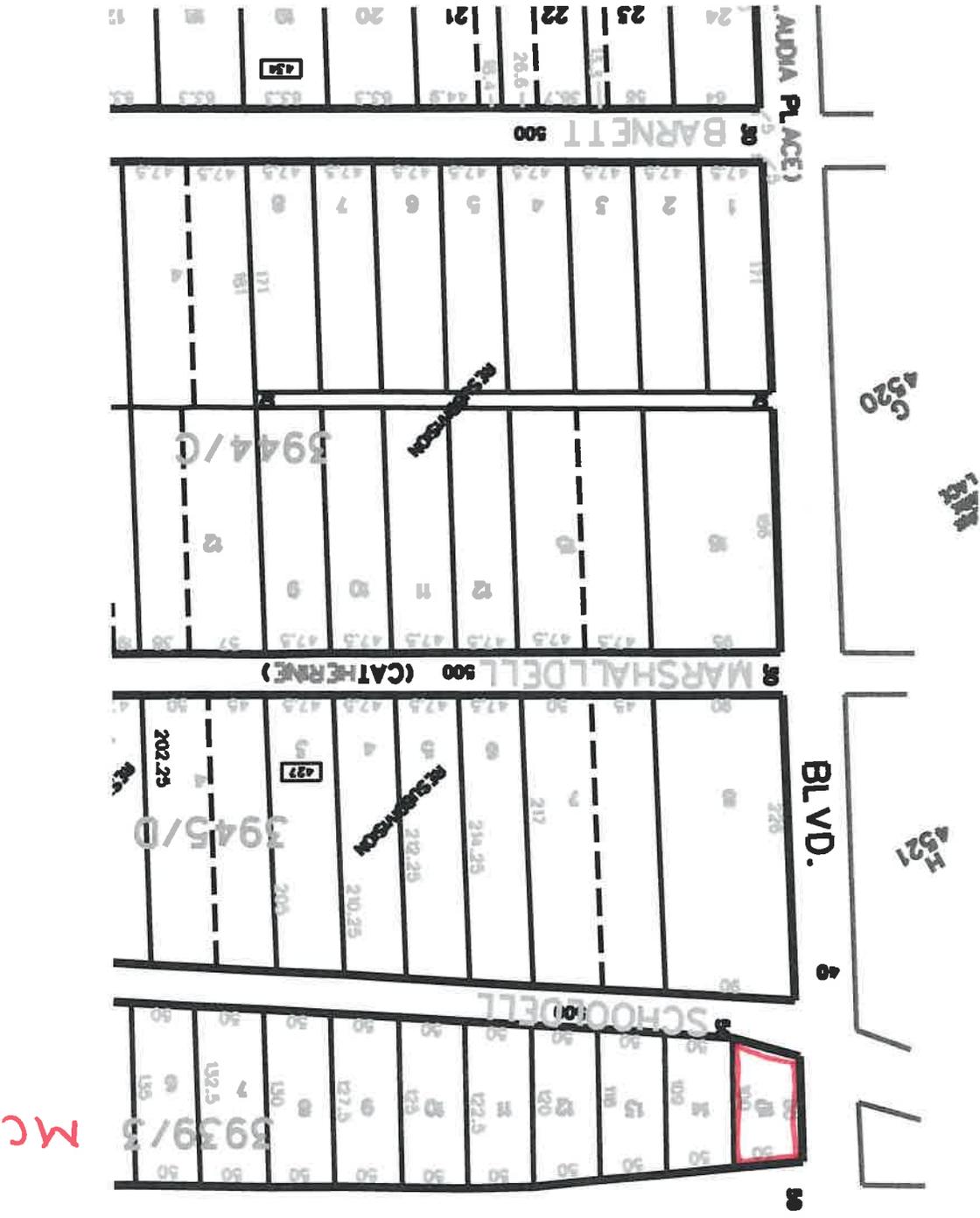
Legend

MC

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | Shop Front Overlay |
| | | Height Map Overlay | |

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





A/3942, B/3943, C/3944, D/3945 • OCT. 6, 1909
 A/3940 • OCT. 22, 1925

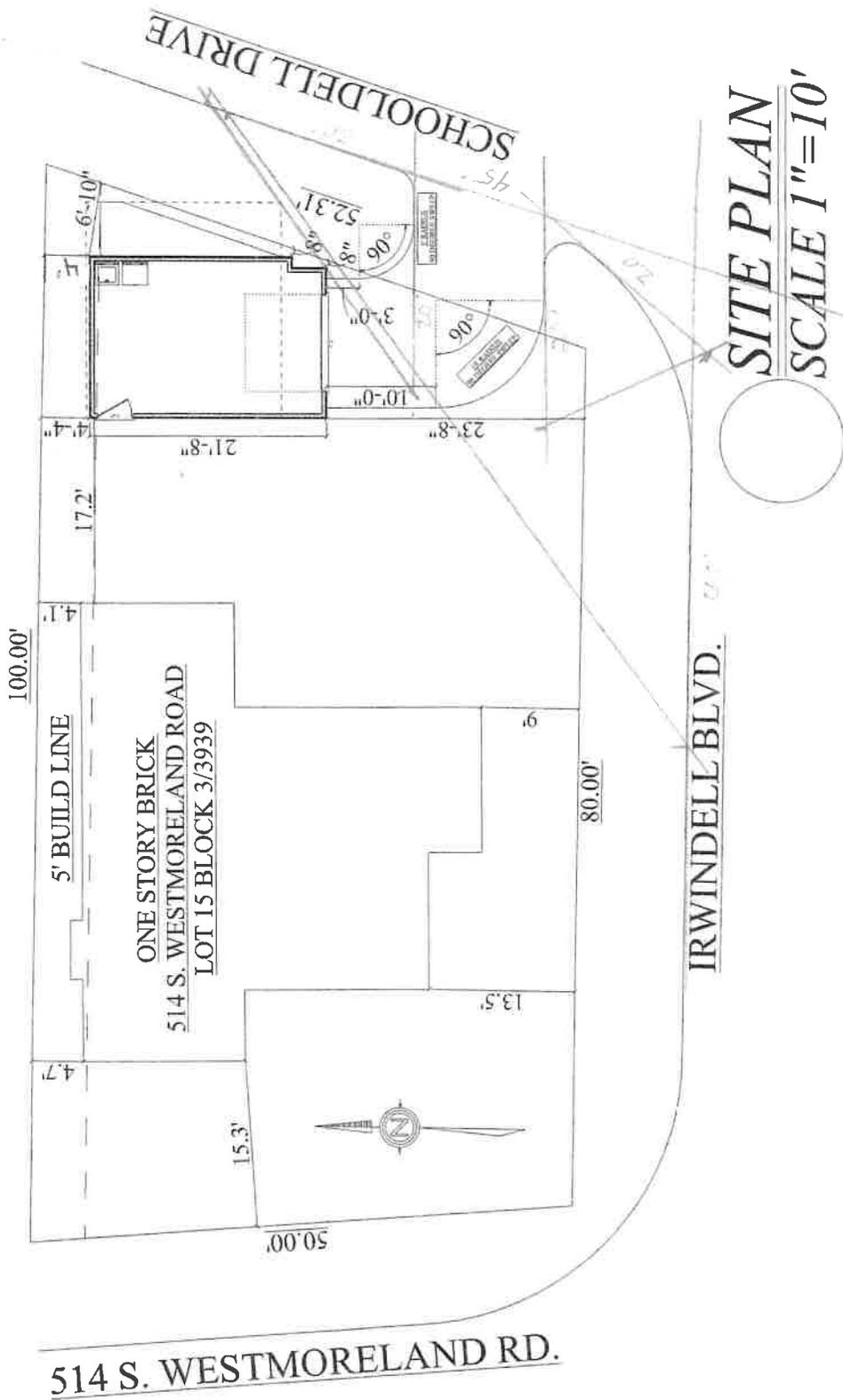
 N. COMBS

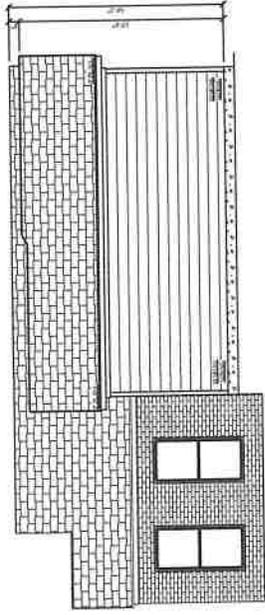
 ABST. 288

 ORD. NO.

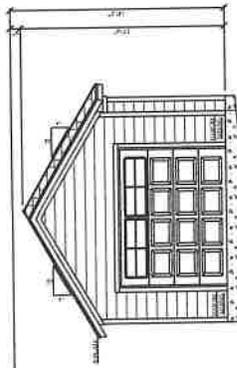
 CIT

 ADDITION

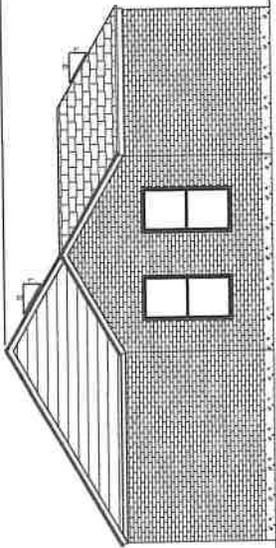




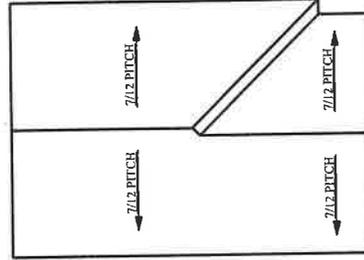
RIGHT ELEVATION SCALE 1/4" = 1'



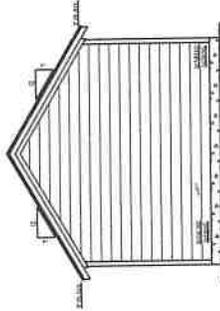
FRONT ELEVATION SCALE 1/4" = 1'



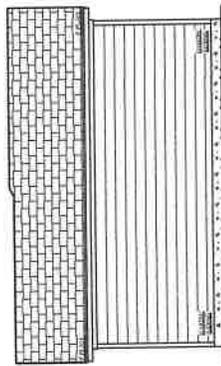
LEFT ELEVATION SCALE 1/4" = 1'



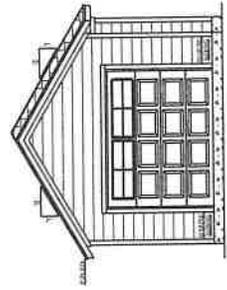
ROOF FRAMING PLAN SCALE 1/4" = 1'



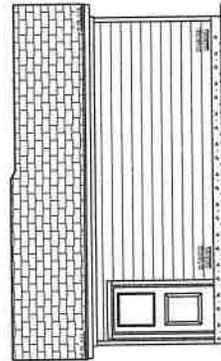
REAR ELEVATION SCALE 1/4" = 1'



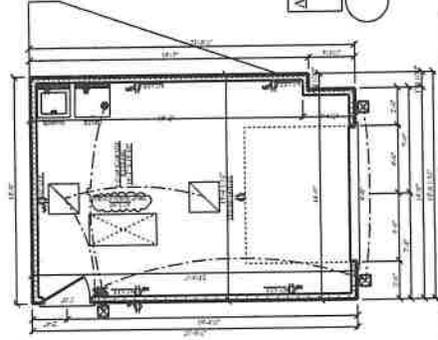
RIGHT ELEVATION SCALE 1/4" = 1'



FRONT ELEVATION SCALE 1/4" = 1'



LEFT ELEVATION SCALE 1/4" = 1'



AREA CALCULATIONS L-CAR GARAGE: 323 FLOOR PLAN SCALE 1/4" = 1'

11" X 17" PAPER TO SCALE @ 1/8" = 1'-0"

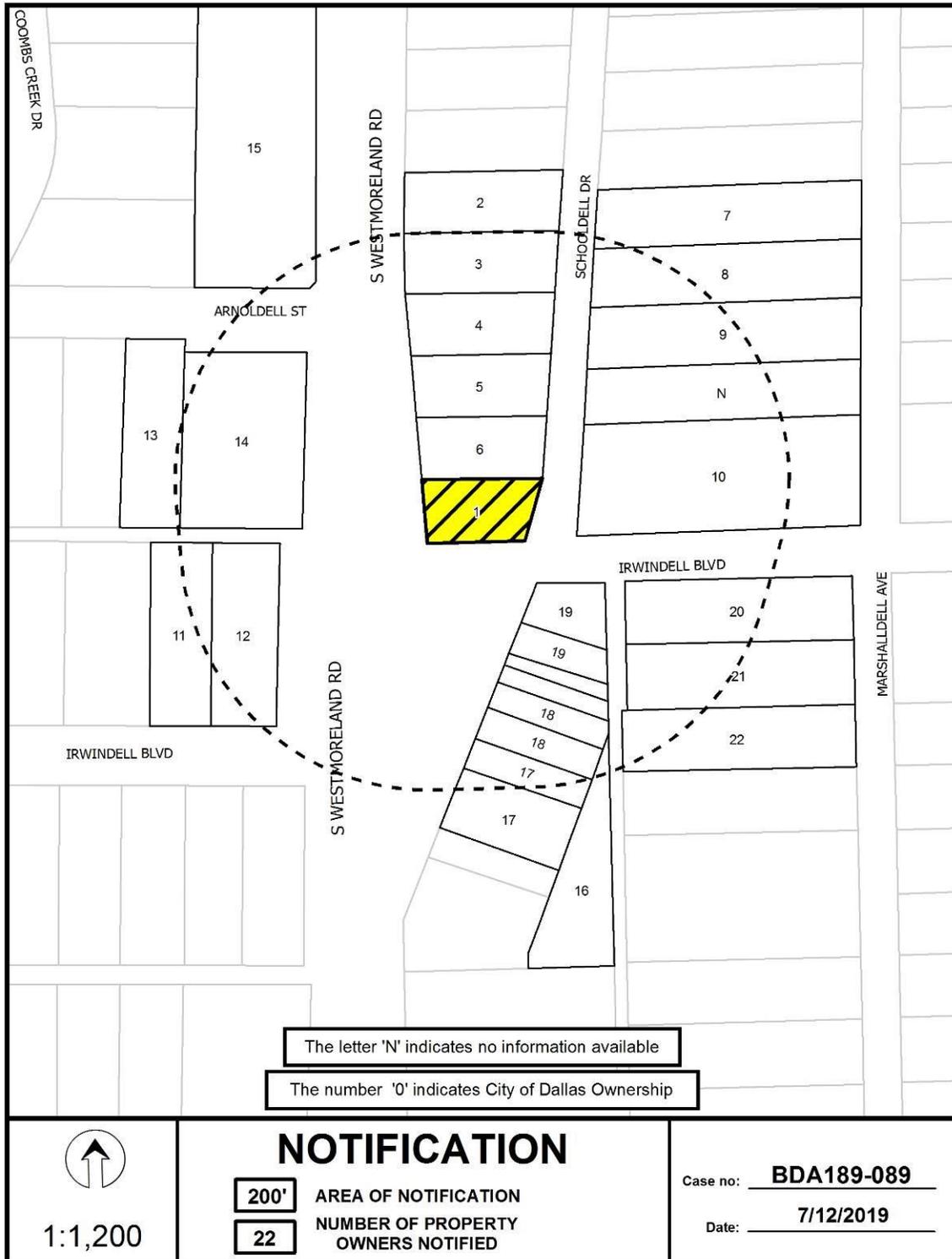
PLEASE CONTACT US IMMEDIATELY IN WRITING... 1. This drawing is prepared for the use of the client... 2. The client is responsible for obtaining all necessary permits... 3. The client is responsible for providing all necessary information...

Milton and Erica Campos

WESTMORELAND BLOCK		
Property Address	Lot Size	Structure Size
514 S. Westmoreland Rd.	4,000	1146 sq. ft.
510 S. Westmoreland Rd.	5,000	1060 sq. ft.
506 S. Westmoreland Rd.	5,450	1235 sq. ft.
502 S. Westmoreland Rd.	5,900	1105 sq. ft.
Average Lot Size/Structure Size	5,088	1137 sq. ft.

MARSHALDELL WESTERN BLOCK		
Property Address	Lot Size	Structure Size
523 Marshaldell	20,340	1822 sq. ft.
517 Marshaldell	11,000	1312 sq. ft.
513 Marshaldell	10,850	1334 sq. ft.
511 Marshaldell	10,416	1092 sq. ft.
Average Lot Size/Structure Size	13,152	1390 sq. ft.

MARSHALDELL EASTERN BLOCK		
Property Address	Lot Size	Structure Size
522 Marshaldell	17,670	1672 sq. ft.
518 Marshaldell	8,928	1107 sq. ft.
514 Marshaldell	8,928	1628 sq. ft.
510 Marshaldell	8,928	1020 sq. ft.
Average Lot Size/Structure Size	11,114	1357 sq. ft.



Notification List of Property Owners

BDA189-089

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	514	S WESTMORELAND RD CAMPOS ERICA Y & MILTON J
2	438	S WESTMORELAND RD BAXTER LOREN T
3	440	S WESTMORELAND RD MORENO JORGE & BELEN R
4	502	S WESTMORELAND RD BONNOT KEVIN & NASHAELA
5	506	S WESTMORELAND RD BECHER JUDITH A
6	510	S WESTMORELAND RD RATLIFF KENNETH JR &
7	507	MARSHALDELL AVE MENDOZA LORENZO
8	511	MARSHALDELL AVE GOMEZ ALICA M
9	513	MARSHALDELL AVE LOERA BASILIO
10	523	MARSHALDELL AVE MENDOZA CARLOS &
11	3313	IRWINDELL BLVD JIMENEZ AGUSTIN P
12	3307	IRWINDELL BLVD LEE RANDELL K
13	3314	ARNOLDELL ST BECKNER ZACHARIAH KATHLEEN
14	3308	ARNOLDELL ST GARRISON CATHERINE
15	411	S WESTMORELAND RD GRACE FELLOWSHIP IN
16	620	S WESTMORELAND RD JTM TRUST &
17	616	SCHOOLDELL DR JTM TRUST
18	610	SCHOOLDELL DR LOPEZ ERNEST
19	606	SCHOOLDELL DR RIOS HENRY &
20	3216	IRWINDELL BLVD SOTO BENITO & MARIA G
21	607	MARSHALDELL AVE SORIA HOMER
22	611	MARSHALDELL AVE RIOS SANDRA

FILE NUMBER: BDA189-080(SL)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the sign regulations at 6465 E. Mockingbird Lane. This property is more fully described as Lot 1, Block H/2956, and is zoned CR, which limits the number of detached signs on a premise to one per street frontage other than expressways. The applicant proposes to construct and maintain an additional detached premises sign, which will require a special exception to the sign regulations.

LOCATION: 6465 E. Mockingbird Lane

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST:

A request for a special exception to the sign regulations is made to replace, locate and maintain an additional detached premise sign along the site's approximately 760' long E. Mockingbird Lane street frontage on a site being developed with a shopping center (Hillside Village).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff has concluded that that the applicant had not substantiated that strict compliance with the requirement of the sign regulations (in this case, the site's Mockingbird Lane frontage being limited to one sign) would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail)
North: R-7.5(A) & D(A) (Single family residential and duplex)
South: PD 79 (Planned Development)
East: D (Duplex)
West: CR (Community Retail)

Land Use:

The site is currently developed as a shopping center (Hillside Village). The area to the north is developed with a church and residential uses; the area to the east is developed with residential uses; and the areas to the south and west are developed with retail uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the sign regulations focuses on replacing, locating and maintaining an additional sign on the subject site's approximately 760' long E. Mockingbird Lane street frontage on a site developed with a shopping center (Hillside Village).
- Section 51A-7.304(b)(4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. (The subject site's frontage along E. Mockingbird Lane is not an expressway).
- The submitted site plan indicates the location of one sign on the site's Abrams Road street frontage and two signs on the site's E. Mockingbird Lane street frontage.
- Building Inspection staff states that the site currently has two signs on the site's E. Mockingbird Lane street frontage, and that both of which are allowed since the signs were erected on this site prior to amendments made to the sign regulations in 2004. (Up until October of 2004, the sign regulations stated "Only one detached sign may be erected on any premise except that a premise that has more than 450 feet of frontage along a public way may have no more than one additional detached sign for each additional 450 feet of frontage or fraction thereof").
- One of the signs on the site's E. Mockingbird Lane frontage is allowed by right, the other sign is grandfathered or nonconforming.

- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The applicant seeks this request for a special exception since he plans to intentionally destroy the nonconforming sign on the Mockingbird Lane frontage of the subject site.
- The applicant has stated that only one special exception request is made to the Board: an additional sign along the site's E. Mockingbird Lane frontage. All other aspects of the sign regulations will be met on the site since no other request for special exception to the sign regulations has been made.
- The applicant has the burden of proof in establishing the following:
 - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.
- If the Board were to approve the request for a special exception to the sign regulations, the Board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation, however, granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code other than allowing an additional sign Mockingbird Lane frontage on the subject site.

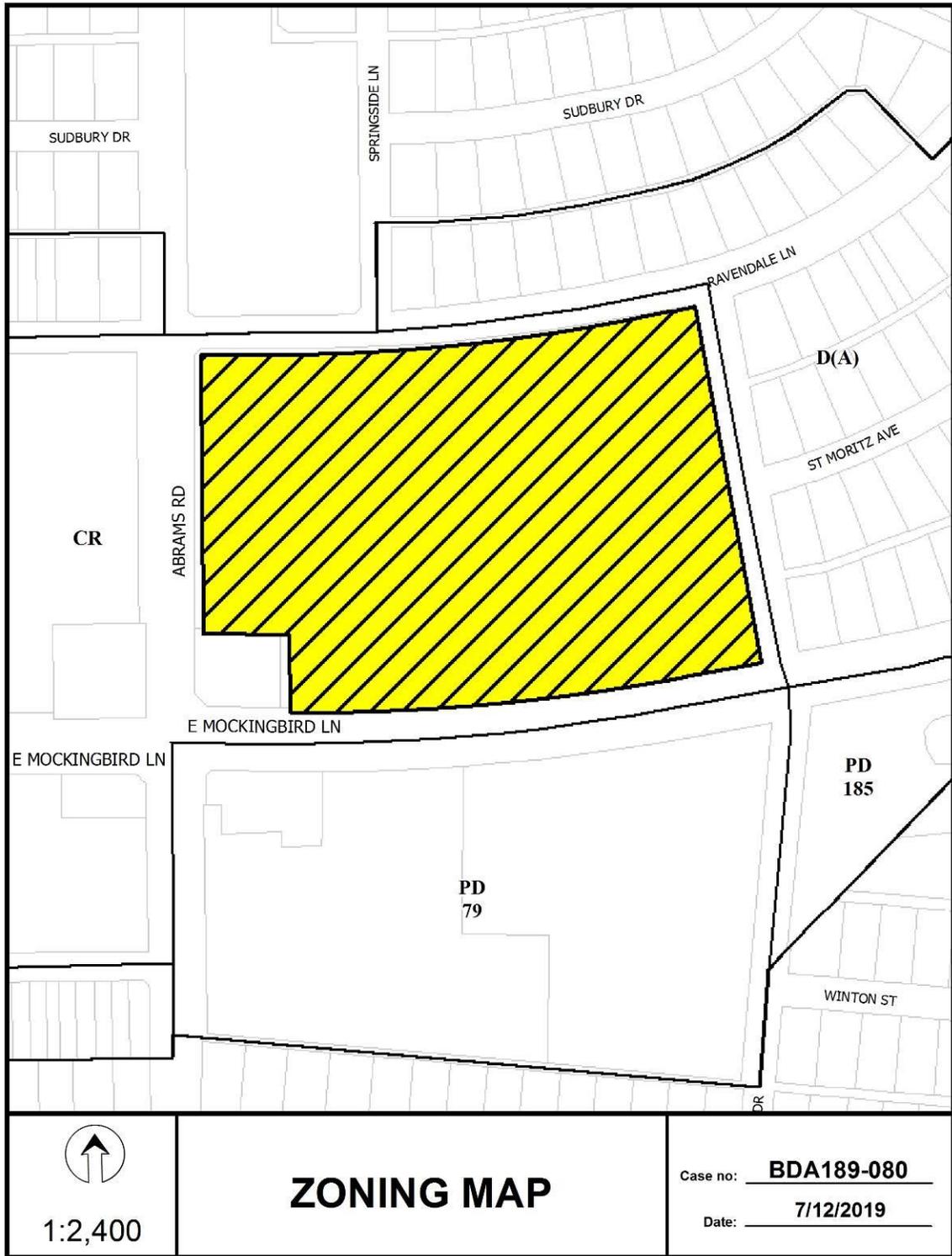
Timeline:

- April 29, 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.
- July 10, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

August 6, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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



1:2,400

ZONING MAP

Case no: BDA189-080
 Date: 7/12/2019



1:2,400

AERIAL MAP

Case no: BDA189-080

Date: 7/12/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-080

Date: 4-29-19

Data Relative to Subject Property:

Location address: 6465 E. Mockingbird Ln Zoning District: CR

Lot No.: 1 Block No.: H/2956 Acreage: 11.243 acres Census Tract: 79.02

Street Frontage (in Feet): 1) 914.7 ft 2) 581 ft 3) 770 ft 4) 591 ft 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): HSV PROPERTY OWNER LP

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 _____ to the sign regulations to allow an additional detached sign (51A-7.703(d)(2))

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The Hillside Village Shopping Center has three existing detached multi-tenant signs, two fronting on Mockingbird and one on Abrams. The request is to replace one of the Mockingbird signs with a new detached multi-tenant sign, while retaining the other existing signs. The sign will also be relocated to accommodate the re-striping of the parking lot. Retaining these detached signs is necessary due to the lease obligations with the tenants to provide the current amount of detached signage.

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)

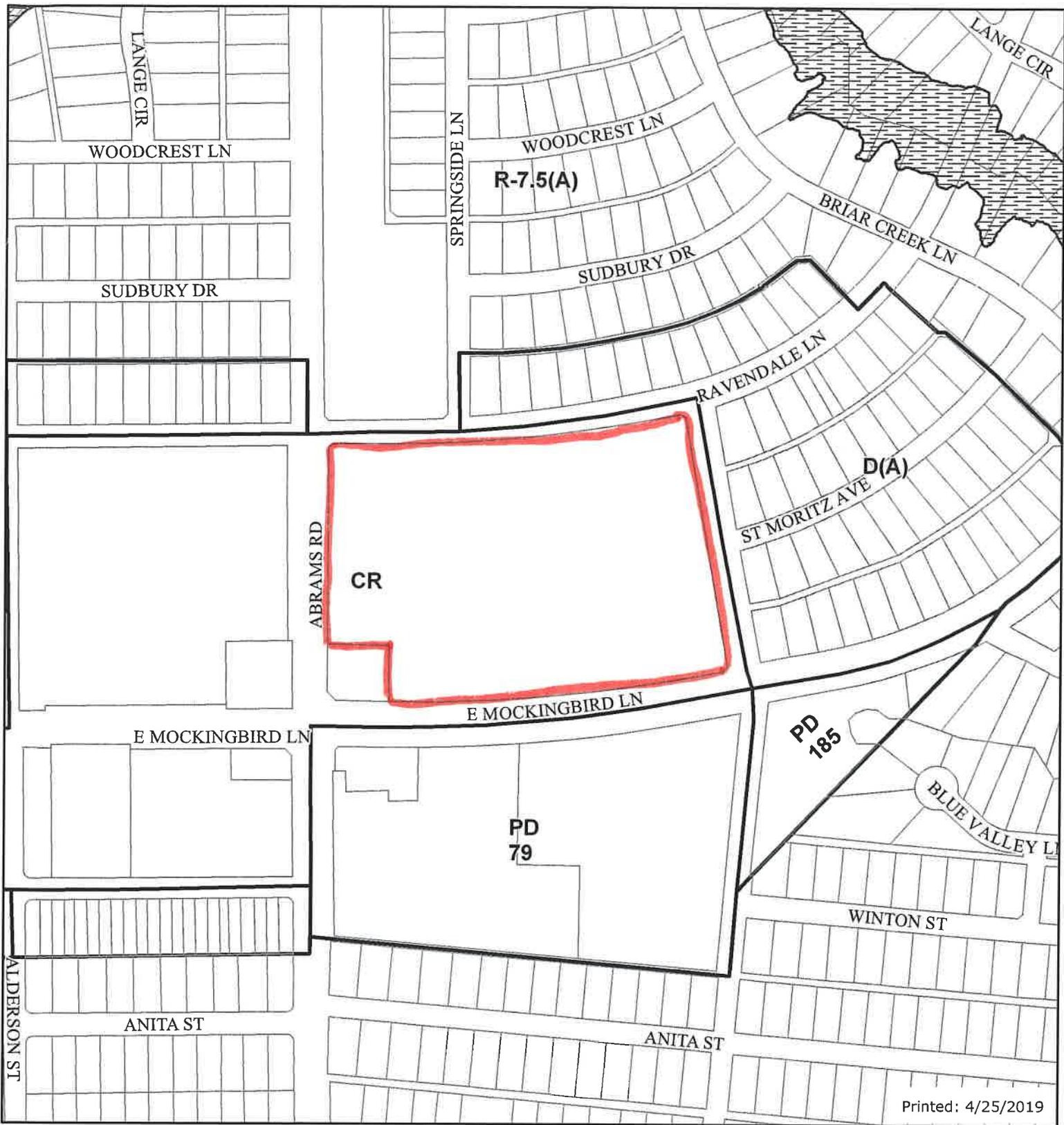
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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



Subscribed and sworn to before me this 26 day of April, 2019

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



Printed: 4/25/2019

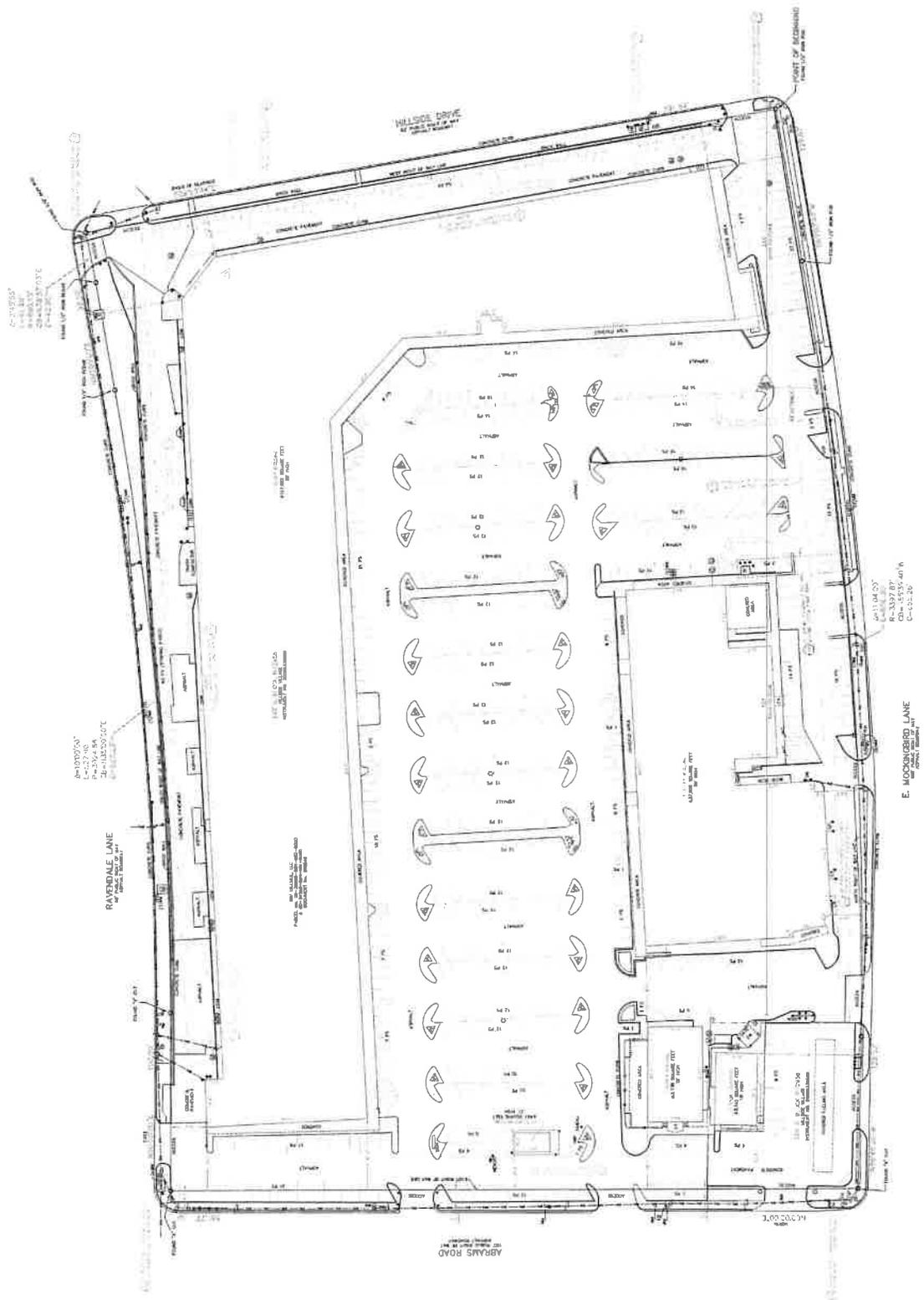
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | ShopFront 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)







HILLSIDE VILLAGE

Design # 099609A10
 Sheet 1 of 4
 Client HILLSIDE VILLAGE
 Address 6485 E. MOCKINGBIRD LN. DALLAS, TEXAS
 Assistant Rep. RAJ/JAA
 Designer RMS
 Date 9/17/17

Approval/Date
 Client
 Sales
 Estimating
 Art
 Engineering
 Landlord

Revision/Date
 r1-9/16/17
 r2-9/16/17
 r3-9/16/17
 r4-9/16/17
 r5-9/16/17
 r6-9/16/17
 r7-9/16/17
 r8-9/16/17
 r9-9/16/17
 r10-9/16/17

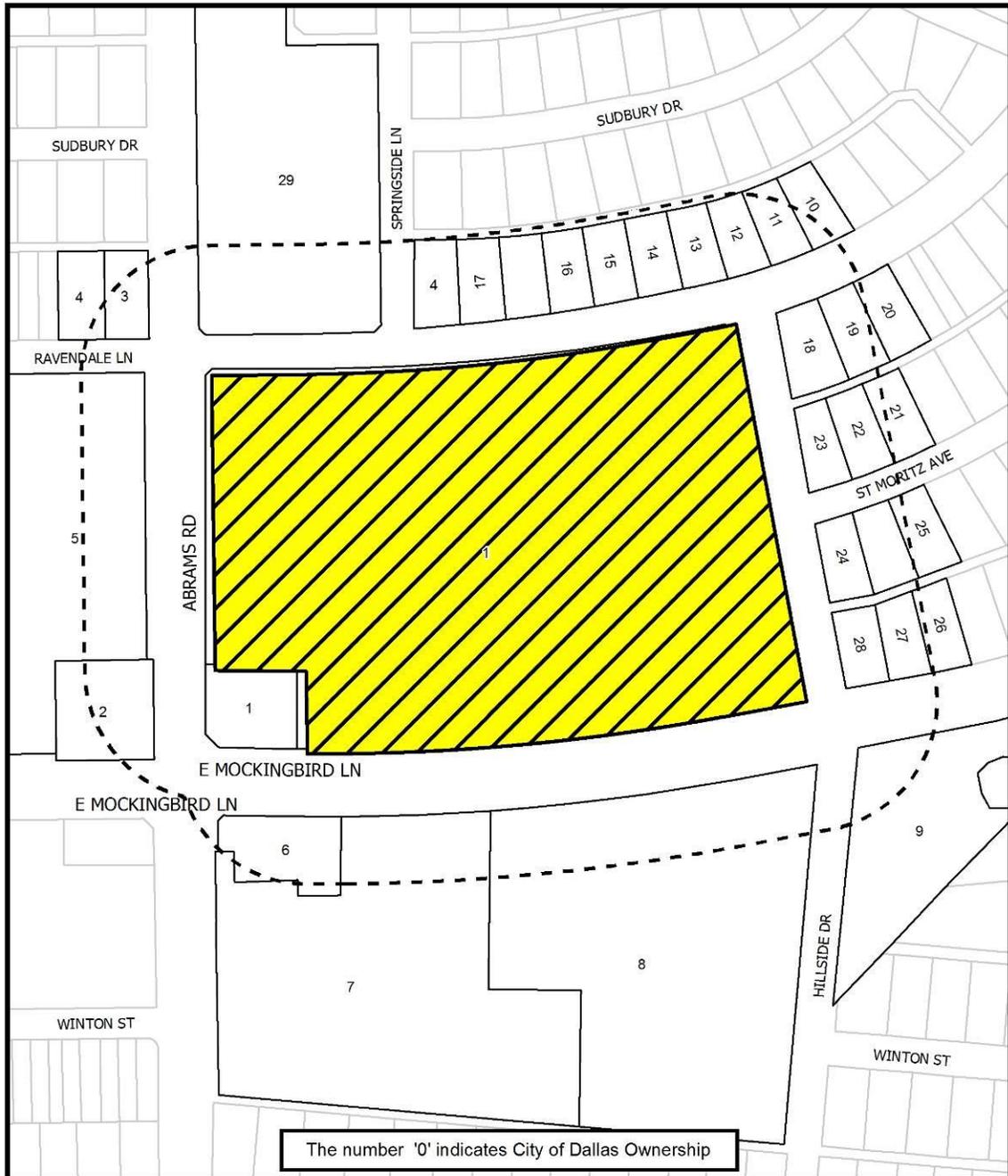
Chandler Signs
 480-242-1111
 chandleresigns.com

National Headquarters: 480-242-1111
 San Antonio: 210-480-1111
 Miami: 305-480-1111
 Dallas: 972-480-1111
 Houston: 281-480-1111
 Phoenix: 602-480-1111
 San Diego: 619-480-1111
 San Jose: 408-480-1111
 Seattle: 206-480-1111
 Tampa: 813-480-1111
 Washington DC: 202-480-1111
 Wichita: 316-480-1111
 York: 717-480-1111

FINAL ELECTRICAL CONNECTION BY CUSTOMER
 UL



A EXISTING D/F MULTI-TENANT SIGN
 REMOVE & DISPOSE OF EXISTING SIGN
 MFR & INSTALL (1) NEW D/F Pylon SIGN



 1:2,400	NOTIFICATION	Case no: BDA189-080			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">29</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
29	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA189-080

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6465 E MOCKINGBIRD LN	HSV PROPERTY OWNER LP
2	6355 E MOCKINGBIRD LN	YANG KABBOO & KIM OK
3	6345 RAVENDALE LN	JOHNSON ERIC
4	6339 RAVENDALE LN	XUEREB MARY TR
5	6333 E MOCKINGBIRD LN	REG8 MOCKINGBIRD COMMONS LLC
6	6402 E MOCKINGBIRD LN	RIVERBEND REAL ESTATE GROUP
7	6444 E MOCKINGBIRD LN	MOCKINGBIRD SQUARE LTD
8	6464 E MOCKINGBIRD LN	BRISTOL HOLDING LLC
9	6500 E MOCKINGBIRD LN	CLEMENTS RICHARD L &
10	6507 RAVENDALE LN	CURTIS JURHEE
11	6501 RAVENDALE LN	TSENG YUHAN
12	6467 RAVENDALE LN	LILLY JAMES P & MARIA C
13	6461 RAVENDALE LN	XUEREB MARY TR
14	6455 RAVENDALE LN	GALERSTON WILLIAM A & ROBYN
15	6449 RAVENDALE LN	BREWER WILLIAM L II & LINDSAY D
16	6445 RAVENDALE LN	DAVENPORT RICHARD STEELE &
17	6433 RAVENDALE LN	RODEO 6433 LLC
18	6502 RAVENDALE LN	WALLACE MARGARET ANN
19	6506 RAVENDALE LN	ESGAR ANNA RUTH
20	6512 RAVENDALE LN	DAVENPORT RICHARD S &
21	6513 ST MORITZ AVE	BONDS W A & PATRICIA
22	6509 ST MORITZ AVE	VENTRE KATRINA &
23	6503 ST MORITZ AVE	VERN T LLC
24	6502 ST MORITZ AVE	GILMORE CHARLOTTE PATRICIA
25	6510 ST MORITZ AVE	STEINBERG TEDDY C II & BETTY S TRUSTEES
26	6513 E MOCKINGBIRD LN	BECKNER MICHAEL D & LINDA M

07/12/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6507 E MOCKINGBIRD LN	ANGOTT DONNA L
28	6503 E MOCKINGBIRD LN	214 RENOVATIONS LLC
29	4316 ABRAMS RD	WILSHIRE BAPTIST CHURCH