

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 17, 2018
AGENDA

BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

MISCELLANEOUS ITEMS

	Approval of the September 19, 2018 Board of Adjustment Panel B Public Hearing Minutes	M1
	Consideration and approval of Panel B's 2019 Public Hearing Calendar	M2
BDA178-013(SL)	5750 E. Lovers Lane REQUEST: To waive the two-year limitation on a final decision of Board of Adjustment Panel B on January 17, 2018 regarding an application of Karl A. Crawley for a special exception to the landscape regulations	M3

UNCONTESTED CASES

BDA178-111(OA)	10650 Strait Lane REQUEST: Application of Karl Crawley for special exceptions to the fence standards regulations	1
BDA178-121(SL)	8282 Park Lane REQUEST: Application of Costco Wholesale, represented by Jenifer Murillo, for a special exception to restore a nonconforming use and a request to enlarge a nonconforming use	2

BDA178-115(OA) 5222 Maple Springs Boulevard 3
REQUEST: Application of Terry Burt for a special
Exception to the single-family use regulations

REGULAR CASE

BDA178-114(OA) 1508 El Campo Drive 4
REQUEST: Application of Matthew Shipley for a special
exception to the side yard setback regulations for a carport

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 3

FILE NUMBER: BDA178-013

REQUEST: To waive the two year limitation on a final decision reached by Board of Adjustment Panel B on January 17, 2018 - a request for a special exception to the landscape regulations that was granted subject to compliance with the submitted alternate landscape plan.

LOCATION: 5750 E. Lovers Lane

APPLICANT: Karl A. Crawley

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

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

GENERAL FACTS/TIMELINE:

January 17, 2018: The Board of Adjustment Panel B granted a request for special exception to the landscape regulations imposing the submitted alternate landscape plan as a condition to this request.

The case report stated that the request was made to allow the extension of the City's Trail Network (hike-and-bike) on a site developed with an approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the perimeter buffer landscape requirements for residential adjacency in the southeastern quadrant of the property. (See Attachment A for information related to this application).

September 24, 2018: The applicant submitted a letter to staff requesting that the Board waive the two year limitation on the request for a special exception to the landscape regulations granted by Board of Adjustment Panel B in January of 2018 (see Attachment B). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a landscape special exception on the property.

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

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

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

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

September 24, 2018: The Board Administrator emailed the applicant information regarding his miscellaneous item request (see Attachment C).



City of Dallas

M3
Attach A
P01

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-013

Data Relative to Subject Property:

Date: 11-16-17

Location address: 5750 E LOVERS LN Zoning District: PD610

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

Street Frontage (in Feet): 1) 537 ^{LOVERS} 2) 720 ^{MATILDA} 3) 395 ^{MILTON} 4) 441 ^{GREENVILLE} 5) _____

To the Honorable Board of Adjustment:

Lincoln Lag, Ltd.

Owner of Property (per Warranty Deed): ~~SEE ATTACHED~~ & L.W. Hedrick Trust

Applicant: KARL A CRAWLEY Telephone: 214 761-9197

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

E-mail Address: karl@masterplanconsultants.com

Represented by: SAME AS APPLICANT Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
THE EXTENSION OF THE CITY'S TRAIL NETWORK
ALONG WITH THE LOCATION OF EXISTING ELECTRIC
TRANSMISSION LINES WILL REQUIRE THE REMOVAL OF
EXISTING REQUIRED LANDSCAPING

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

Affidavit

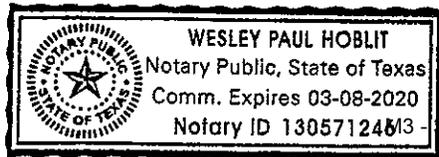
Before me the undersigned on this day personally appeared KARL A CRAWLEY
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 14th day of November, 2017

(Rev. 08-01-11)



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

M3
Attach A
P52

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

WEDNESDAY, JANUARY 17, 2018

FILE NUMBER: BDA178-013(SL)

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

LOCATION: 5750 E. Lovers Lane

APPLICANT: Karl A. Crawley

REQUEST:

A request for a special exception to the landscape regulations is made, according to the application, to allow the extension of the City's Trail Network (hike-and-bike) on a site developed with an approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the perimeter buffer landscape requirements for residential adjacency in the southeastern quadrant of the property.

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

Section 51A-10.110 of the Dallas Development Code states that the Board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

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

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

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



M3
Attach A
p53

January 23, 2018

Karl Crawley
Masterplan
900 Jackson Street, Suite 640
Dallas, TX 75202

Re: BDA178-013(SL), Property at 5750 E. Lovers Lane

Dear Mr. Crawley:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, January 17, 2018 granted your request for a special exception to the landscape regulations, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

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

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

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

Steve Long, Chief Planner/Board Administrator
Board of Adjustment
Sustainable Development and Construction

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

M3
Attach A
Pg 4

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing 1-17-18

Appeal was Granted OR Denied

Remarks Granted -
Must Comply with the
Submitted Alternate
Landscape plan is
required.

Scott H...
Chairman

Building Official's Report

I hereby certify that Karl A. Crawley
did submit a request for a special exception to the landscaping regulations
at 5750 E. Lovers Lane

BDA178-013. Application of Karl A. Crawley for a special exception to the landscaping regulations at 5750 E. Lovers Lane. This property is more fully described as Lot 1A, Block G/5402, and is zoned PD-610, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE _____ DAY OF

January, 20 18

[Signature]
ADMINISTRATOR

Sincerely,

Philip Sikes
Philip Sikes, Building Official

M3
Attach B
PS 1



Masterplan

Texas Land Use Consultants

September 24, 2018

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

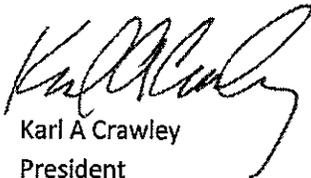
RE: 5750 E. Lovers Lane, Central Market

Steve:

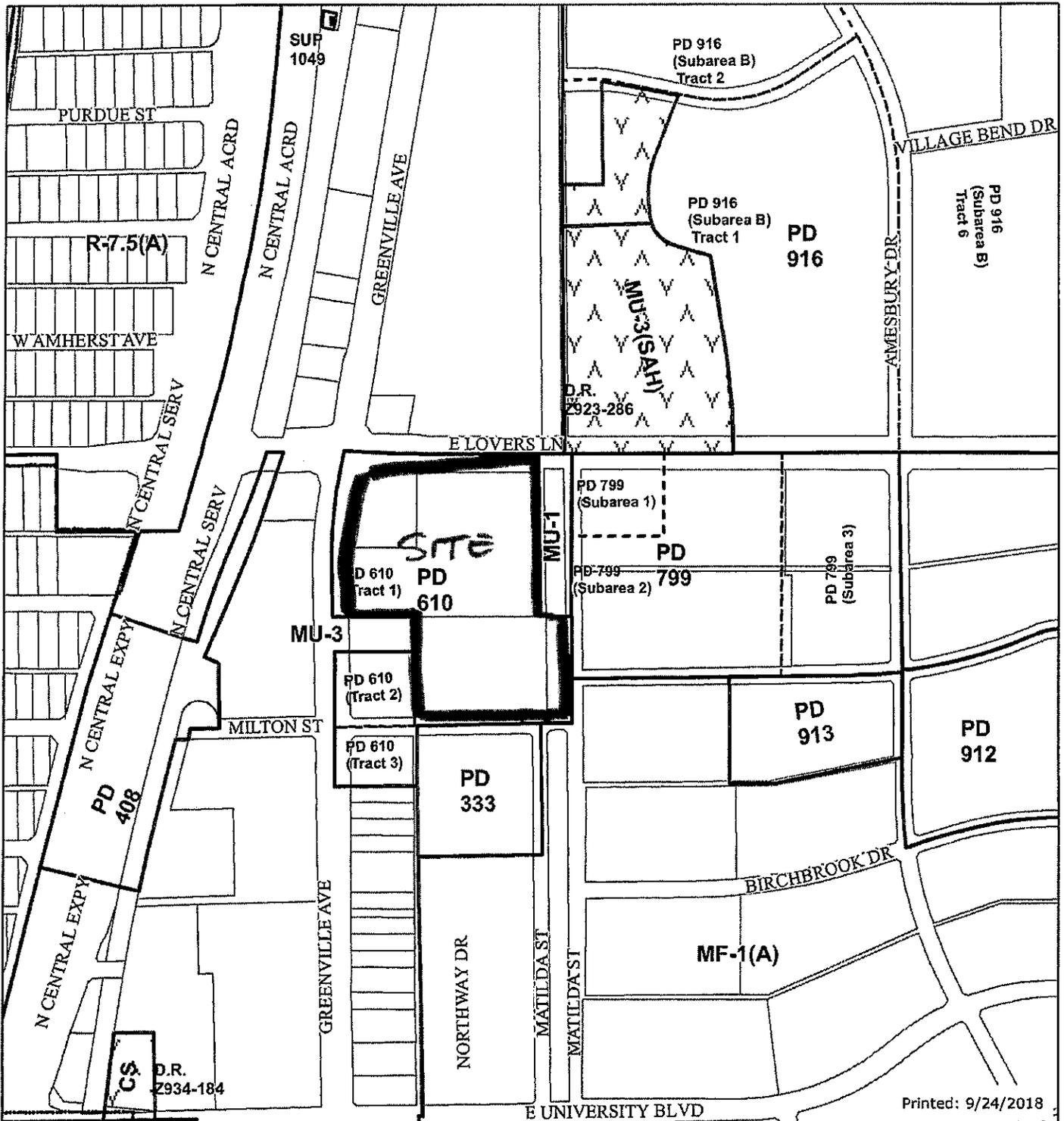
As the authorized representative for both HEB-Central Market and Lincoln Lag, Ltd., I am requesting a waiver of the two-year waiting period to submit a new application for a Special Exception for an Alternative Landscape Plan. On January 17, 2018, the Board of Adjustment approved a Special Exception for an alternate landscape plan for the above site, since the time of approval an agreement has been reached with the City of Dallas through the Park and Recreation Department for the extension of a pedestrian and bike trail through this area and the adjacent property has set to be abandoned and brought into the request site. As part of that extension/abandonment a portion of the existing landscaping will be required to be removed to construct the trail and parking area. This landscaping is part of the required landscaping both under the provisions of Article X and the recently approved alternate landscape plan.

At the time of the recent approval the final agreement had not been reached on the abandonment and construction of the proposed pedestrian trail. The location of the trail has been determined and cannot be relocated. Construction of the trail and parking cannot wait two years for the required two year waiting period to reapply.

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



Karl A Crawley
President



Printed: 9/24/2018

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Hill'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)



1:4,800

Long, Steve

M3
Attach C
Pg 1

From: Long, Steve
Sent: Monday, September 24, 2018 12:48 PM
To: 'Karl Crawley'
Cc: Dean, Neva; Pham, Theresa Y; Aguilera, Oscar E; Erwin, Philip; Trammell, Charles
Subject: RE: BDA178-013, Property at 5750 E. Lovers Lane
Attachments: Panel B hearing date and deadlines.doc; documentary evidence.pdf; 2 year waiver letter.pdf; 178-013 history.pdf; 2 year waiver.pdf

Dear Karl,

Here is information regarding your miscellaneous item request for a waiver of the two year limitation to the board of adjustment regarding the application referenced above that I believe I may have sent to your old email address earlier today:

1. Your letter of request of the waiver of the two-year limitation - which will be emailed to you and the board members about a week ahead of your October 17th Board of Adjustment Panel B public hearing.
2. The provisions/standard from the Dallas Development Code allowing the board to waive the two year time limitation on a final decision reached on an application on the same matter (other than a decision of denial without prejudice) (51A-4.703(e)(3)) - which in your case, is a waiver of the two year time limitation in place on a request for a special exception to the landscape regulations (BDA178-013) granted by Board of Adjustment Panel B (with certain conditions) on January 17, 2018.
3. Materials related to BDA178-013
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance (or someone who can speak on your behalf) at your October 17th public hearing to be held at 1:00 p.m. in Dallas City Hall is strongly encouraged).
5. The board's rule pertaining to documentary evidence.

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

Thank you,

Steve



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



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

M3
ATTACH C
PS 2

From: Karl Crawley <Karl@masterplantexas.com>
Sent: Monday, September 24, 2018 11:11 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: Two Year Waiver Central Market

Steve

Per our conversation of last week, please find attached a letter requesting a two year waiver item to be placed on the first available Panel B agenda for the Central Market site located at Greenville and Lovers. The request is needed because the adjacent right of way for the western portion of Matilda is to be abandoned and incorporated into the store site and landscaping, parking and a hike and bike trail extension is being added either on the store site or adjacent. Because of these changes the existing Board approved landscape plan will have to be modified and because of the Oncor power lines an alternative plan must be proposed.

Please let me know if you have any questions.

Karl A. Crawley
President
Masterplan Consultants
900 Jackson Street, Suite 640
Dallas TX 75202

214 761 9197 Office
972 342 3707 Mobile

Please note my new email address: karl@masterplantexas.com
Visit our updated website! <http://masterplantexas.com>

FILE NUMBER: BDA178-111(OA)

BUILDING OFFICIAL'S REPORT: Application of Karl Crawley for special exceptions to the fence standards regulations at 10650 Strait Lane. This property is more fully described as Lot 4B, Block 5519, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence standards regulations, and to construct and/or maintain fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 10650 Strait Lane

APPLICANT: Karl Crawley

REQUESTS:

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

1. a special exception to the fence height regulations of 5' is made to construct and maintain a 7' high combination solid stone veneer/wrought iron picket fence with 9" high stone veneer columns and an 8' 4" high solid wood and decorative steel entry gate located in this front yard setback; and
2. a special exception to the fence standards related to fence materials with panels with surface areas that are less than 50 percent open less than 5' from the front lot line is made to construct and maintain the aforementioned 7' high combination solid stone veneer/wrought iron picket fence with 9" high stone veneer columns located less than 5' from this front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA156-066, Property at 10650 Strait Lane (the subject site)
On June 29, 2016, Board of Adjustment Panel B denied a request for a special exception to fence height regulations of 9' 9" without prejudice.
The case report stated the request was made to construct and maintain a 7' high solid stone veneer fence with 7' 8" high stone veneer columns and a 9' 9" high solid metal entry gate on an undeveloped site.

2. BDA156-005, Property at 10650 Strait Lane (the subject site)
On January 20, 2016, the Board of Adjustment Panel B denied a request for a special exception to fence height regulations of 9' 9" without prejudice.
The case report stated the request was made to replace an existing approximately 5' high open wrought iron fence and approximately 9' high arched wrought iron entry gate with a 7' 4" high solid stone veneer fence with 8' 4" high stone veneer columns and a 9' 9" high metal entry gate on an undeveloped site.

3. BDA023-113, Property at 10647 Strait Lane (the lot northwest of the subject site)

On August 26, 2003, the Board of Adjustment Panel A granted a request for a special exception to fence height regulations of 4' 9" and imposed the submitted scaled elevation/site plan as a condition to the request.

The case report stated the request was made to construct and maintain a 6' high open wrought iron fence with 7' high brick columns and two 6' – 8' 9" high open wrought iron entry gates.

4. BDA001-172, Property at 10660 Strait Lane (the lot north of the subject site)

On March 27, 2001, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 6' and a special exception to allow a 2nd electrical meter on the site. The Board imposed the submitted elevation and site/landscape plan as a condition to these requests.

The case report stated the requests were made to construct and maintain a maximum 7' high combination open fence with a 2' 4" solid masonry base and a 10' high PVC-coated metal tennis court fence, and a special exception to allow a 2nd electrical meter on a site.

4. BDA012-221, Property at 10620 Strait Lane (the lot south of the subject site)

On August 13, 2002, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 8' 1" and imposed the submitted site plan and fence elevations as a condition to this request.

The case report stated the requests were made to construct and maintain an 8' high open metal fence with 8' 1" high metal posts, 9' 4.5" high entry columns and a 12' 1" high arched entry gate.

GENERAL FACTS/STAFF ANALYSIS:

- The focus of the requests for special exceptions to the fence standard regulations are twofold:
 1. a special exception related to the height of 5' focuses on constructing and maintaining a 7' high combination solid stone veneer/wrought iron picket fence with 9" high stone veneer columns and an 8' 4" high solid wood and decorative steel entry gate located in this front yard setbacks.

2. a special exception related to a fence with panels with surface areas less than 50 percent open focuses on constructing and maintaining the aforementioned 7' high combination solid stone veneer/wrought iron picket fence with 9" high stone veneer columns located less than 5' from this front lot line.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
 - The Dallas Development Code states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
 - The subject site is zoned R-1ac(A) and has a 40' front yard setback.
 - The applicant has submitted a site plan and elevation of the proposal with a fence that reaches up to 9' in height and with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
 - The following additional information was gleaned from the submitted full site plan:
 - The proposal is represented as being approximately 230' in length parallel to Strait Lane.
 - The proposed fence is represented as being located on the front property line, or approximately 16' from the pavement line, and the proposed gate is represented as being located 12' from the front property line, or approximately 28' from the pavement line.
 - The Board Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north and south of the subject site) and noted a number of other fences over 4' in height and in front yard setbacks. These properties have recorded BDA history for requests for special exceptions to fence height regulations.
 - As of October 5, 2018, no letters have been submitted in support of or in opposition to the request.
 - The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over 4' in the front yard setback and related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line will not adversely affect neighboring property.
 - Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels less than 50 percent open to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

July 30, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 11, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the

same request, that case must be returned to the panel hearing the previously filed case.”

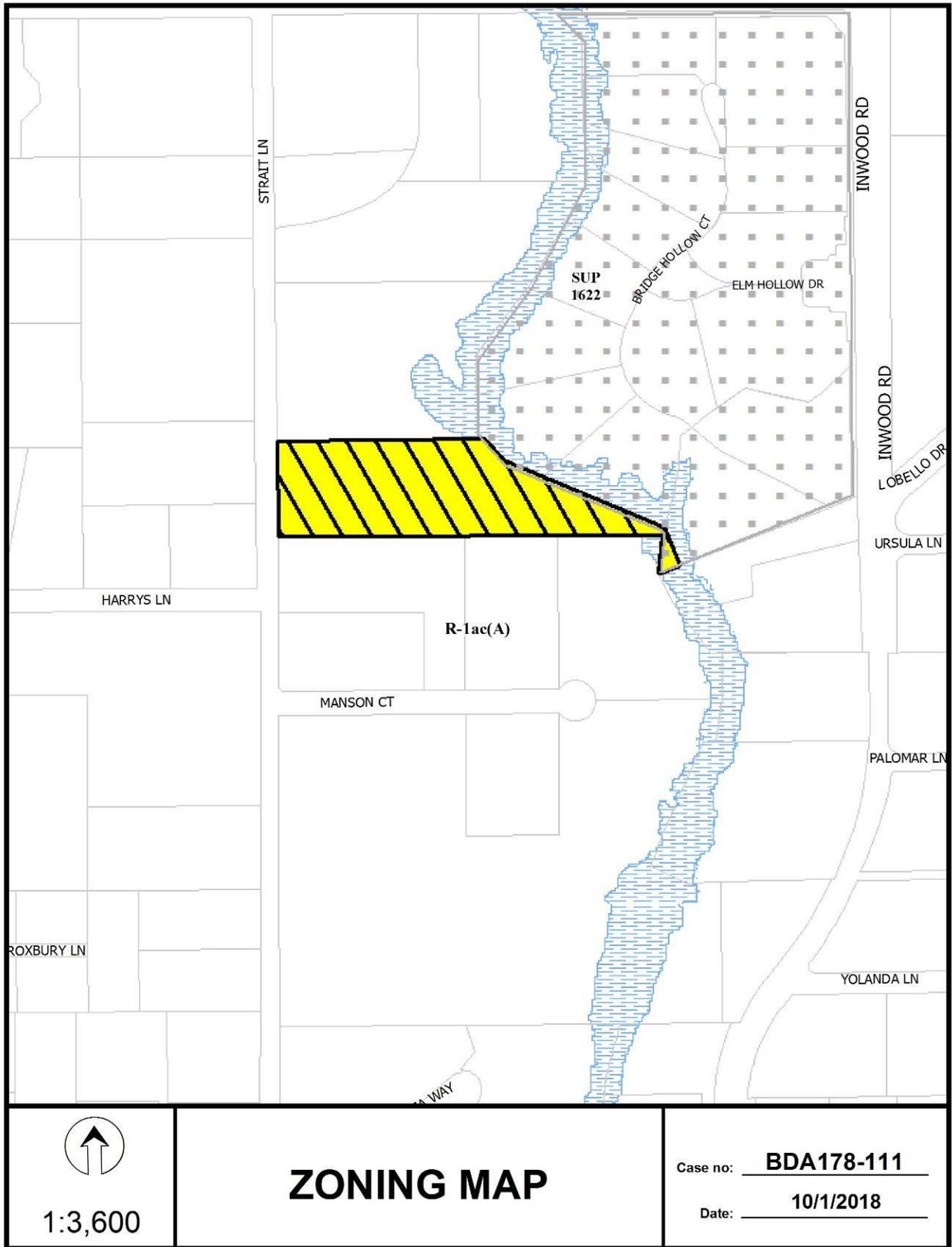
September 13, 2018: The Sustainable Development and Construction Department Senior Planner, emailed the applicant’s representative the following information:

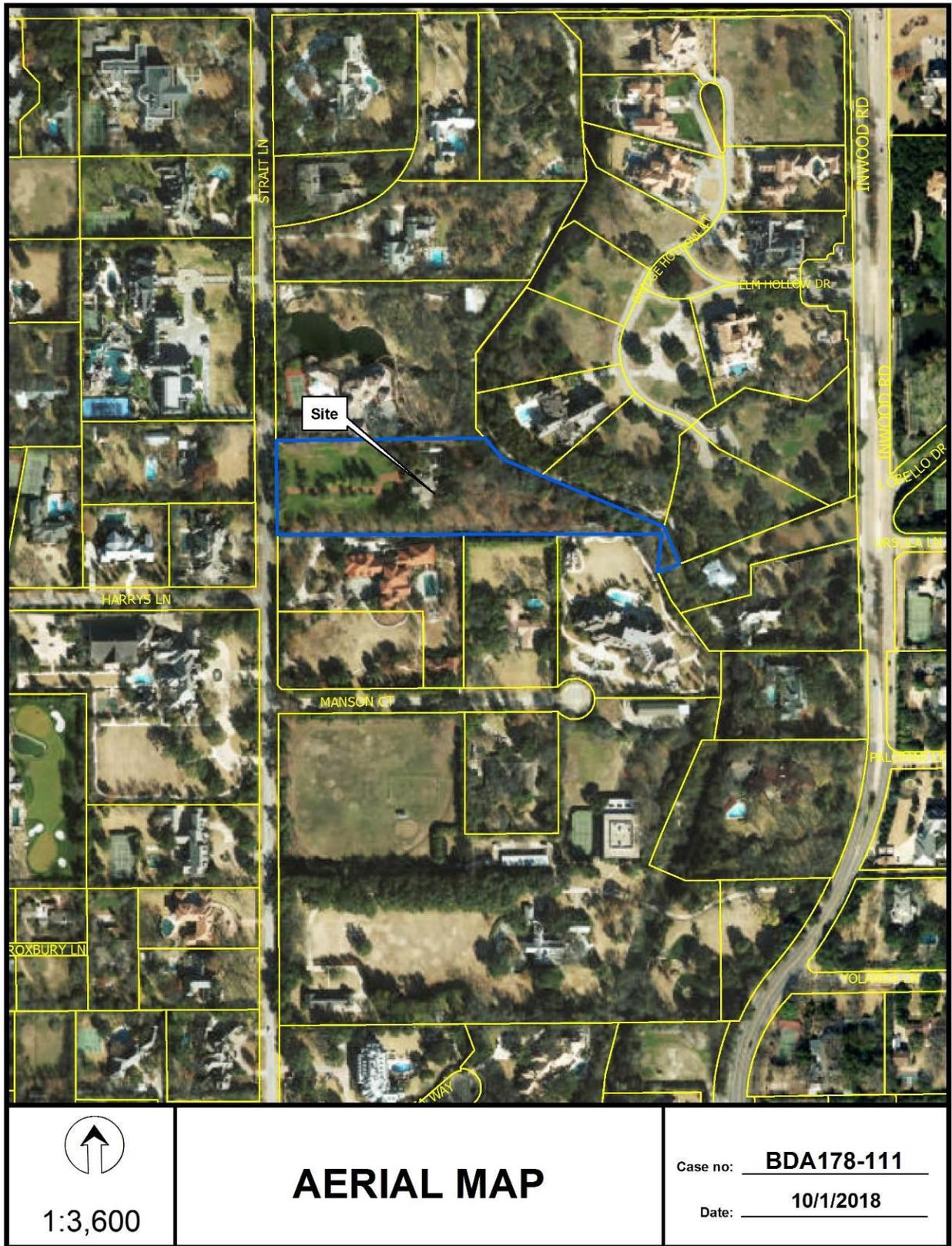
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 26th deadline to submit additional evidence for staff to factor into their analysis; and the October 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 25, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





1:3,600

AERIAL MAP

Case no: BDA178-111

Date: 10/1/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-111

Date: 7-30-18

Data Relative to Subject Property:

Location address: 10650 Strait Lane Zoning District: R-1ac.(A)

Lot No.: 4B Block No.: 5519 Acreage: 3.97 ac. Census Tract: 76.01

Street Frontage (in Feet): 1) 231' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bryan Wilburn and Shanin Wilburn

Applicant: Karl Crawley/Masterplan Telephone: 214 761 9197

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

E-mail Address: karl@masterplantexas.com

Represented by: Karl Crawley Telephone: 214 761 9197

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

E-mail Address: karl@masterplantexas.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 1) fence height of 3 feet, column height of 3 feet 8 inches and gate height of 4 feet 4 inches; and 2) open fence standards of less than 50% open surface area.

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: Fence height is commensurate with area and adjacent properties. A fence with a height of greater than four (4) feet is required to provide security and privacy for the property and residence.

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

Affidavit

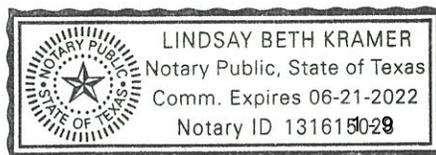
Before me the undersigned on this day personally appeared Karl Crawley (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 30th day of JULY, 2018

(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 Karl A. Crawley

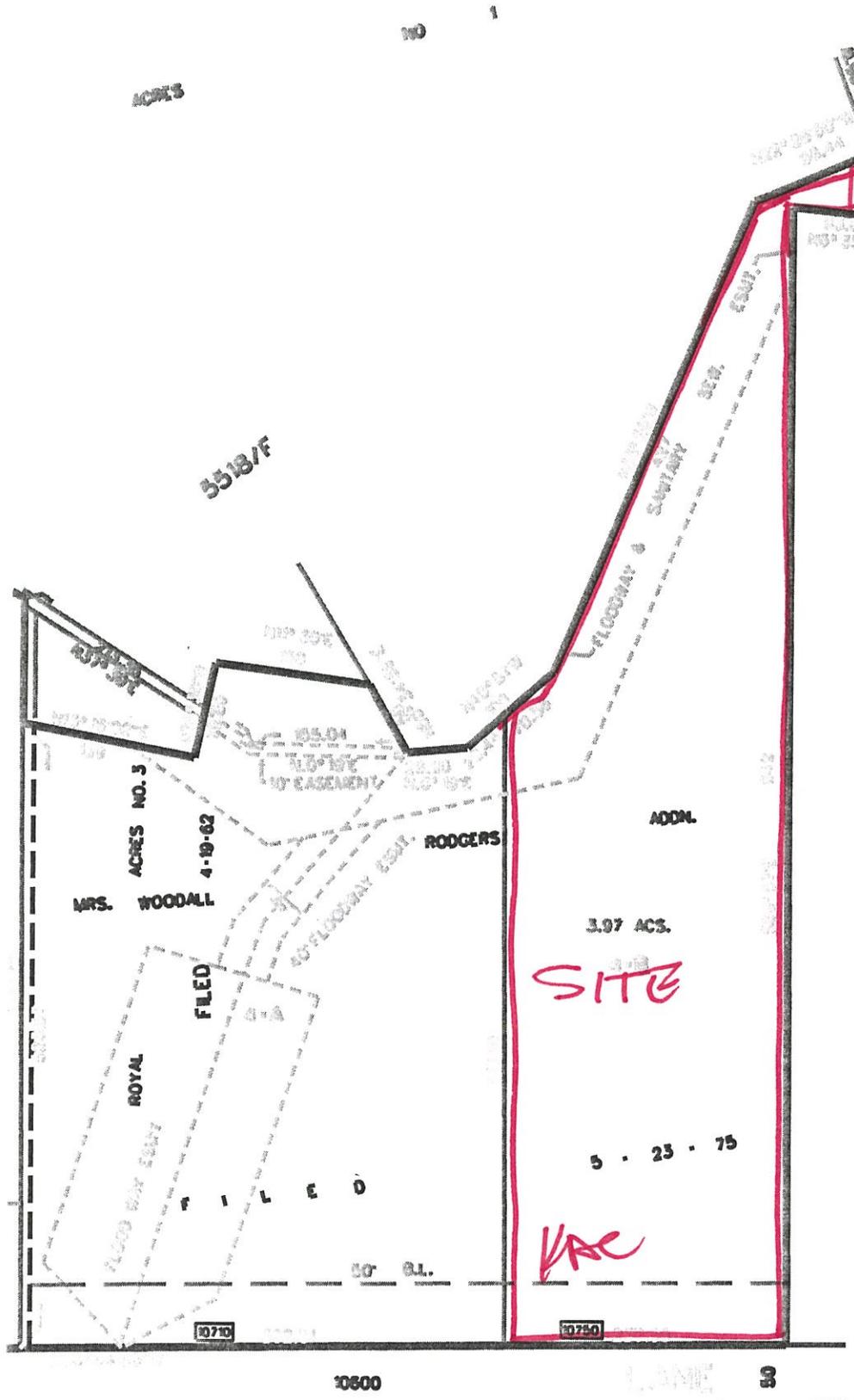
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 10650 Strait Lane

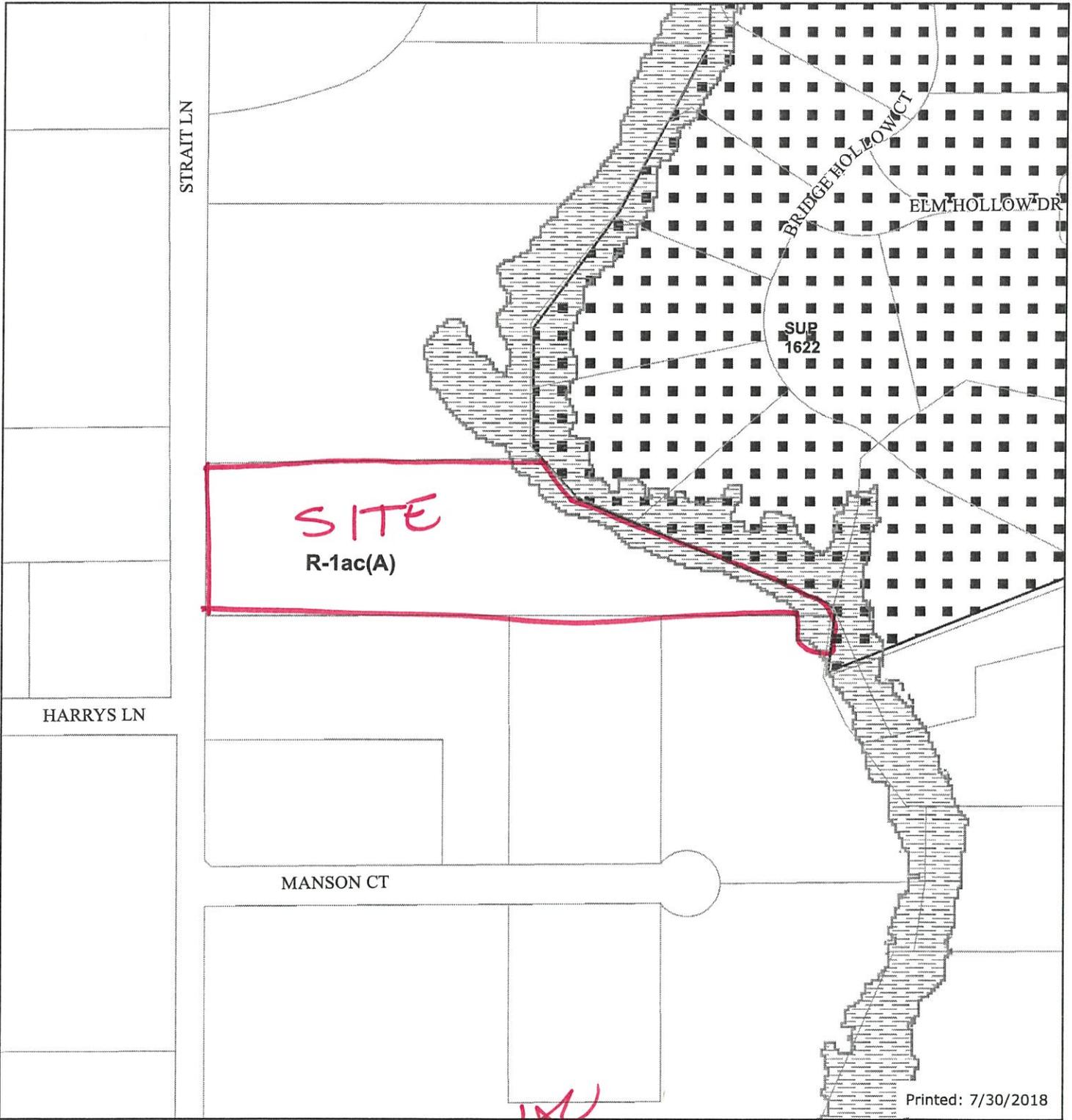
BDA178-111. Application of Karl A. Crawley for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 10650 STRAIT LN. This property is more fully described as Lot 4B, Block 5519, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



22/3



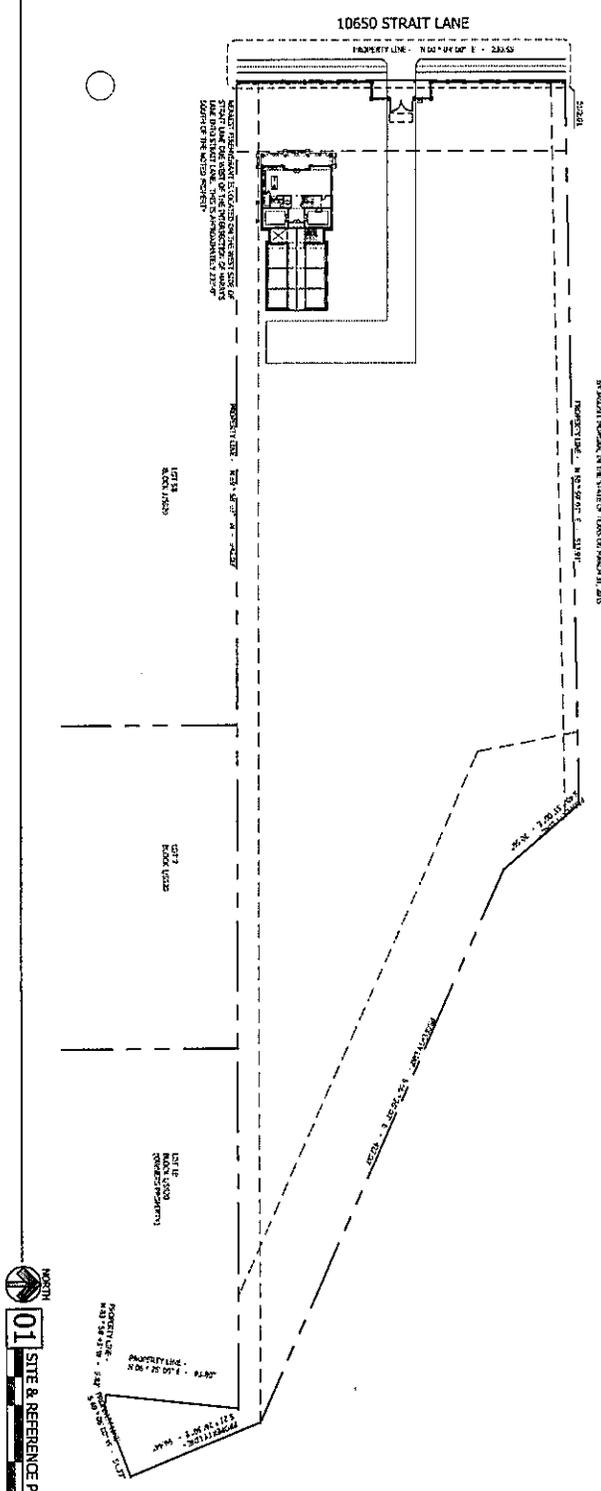
Printed: 7/30/2018

Legend

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





DESIGNED BY: ARCHITECTURAL DESIGN GROUP, INC.
 PREPARED FOR: ABBOTT SERVICE OF REAL ESTATE, INC.
 PROJECT NO.: 10650 STRAIT LANE, DALLAS, TEXAS

- ### GREEN ORDINANCE NOTES
1. EXISTING TREES TO BE REMOVED SHALL BE REPLANTED AT THE SAME LOCATION AND SPECIES AS THE ORIGINAL TREE. TREES SHALL BE REPLANTED WITHIN 90 DAYS OF THE DATE OF REMOVAL.
 2. NEW TREES SHALL BE PLANTED AT THE SAME LOCATION AND SPECIES AS THE ORIGINAL TREE. TREES SHALL BE REPLANTED WITHIN 90 DAYS OF THE DATE OF REMOVAL.
 3. TREES SHALL BE PLANTED AT THE SAME LOCATION AND SPECIES AS THE ORIGINAL TREE. TREES SHALL BE REPLANTED WITHIN 90 DAYS OF THE DATE OF REMOVAL.
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 10. TREES SHALL BE PLANTED AT THE SAME LOCATION AND SPECIES AS THE ORIGINAL TREE. TREES SHALL BE REPLANTED WITHIN 90 DAYS OF THE DATE OF REMOVAL.

- ### ARCHITECTURAL DRAWING NOTES
1. ALL CONSTRUCTION SHALL COMPLY WITH ALL CITY, COUNTY, STATE, AND FEDERAL REGULATIONS AND ORDINANCES.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS ZONING ORDINANCES AND THE DALLAS SUBDIVISION ACT.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DALLAS SUBDIVISION ACT AND THE DALLAS ZONING ORDINANCES.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DALLAS SUBDIVISION ACT AND THE DALLAS ZONING ORDINANCES.
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 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DALLAS SUBDIVISION ACT AND THE DALLAS ZONING ORDINANCES.

- ### GENERAL CONSTRUCTION NOTES
1. ALL CONSTRUCTION SHALL COMPLY WITH ALL CITY, COUNTY, STATE, AND FEDERAL REGULATIONS AND ORDINANCES.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS ZONING ORDINANCES AND THE DALLAS SUBDIVISION ACT.
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01 SITE & REFERENCE PLAN

PROJECT DIRECTORY PROJECT: 10650 STRAIT LANE CLIENT: ABBOTT SERVICE OF REAL ESTATE, INC. DATE: 08/22/2016	PROJECT LOCATION 10650 STRAIT LANE DALLAS, TEXAS 75243	ZONING/BUILDING CODES ZONING: RESIDENTIAL SINGLE-FAMILY (RS) BUILDING: CITY OF DALLAS	AREA CALCULATIONS TOTAL AREA: 10,000 SQ. FT. BUILDING FOOTPRINT: 2,000 SQ. FT. YARD AREA: 8,000 SQ. FT.	SHEET LISTING SHEET NO.: 01 SHEET TITLE: SITE & REFERENCE PLAN
---------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------	----------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

ISSUE DATE: 08/22/2016

ISSUE FOR: PERMIT

ISSUE BY: ARCHITECTURAL DESIGN GROUP, INC.

A NEW RESIDENCE TO BE BUILT AT

10650 STRAIT LANE

IN THE CITY OF DALLAS TEXAS

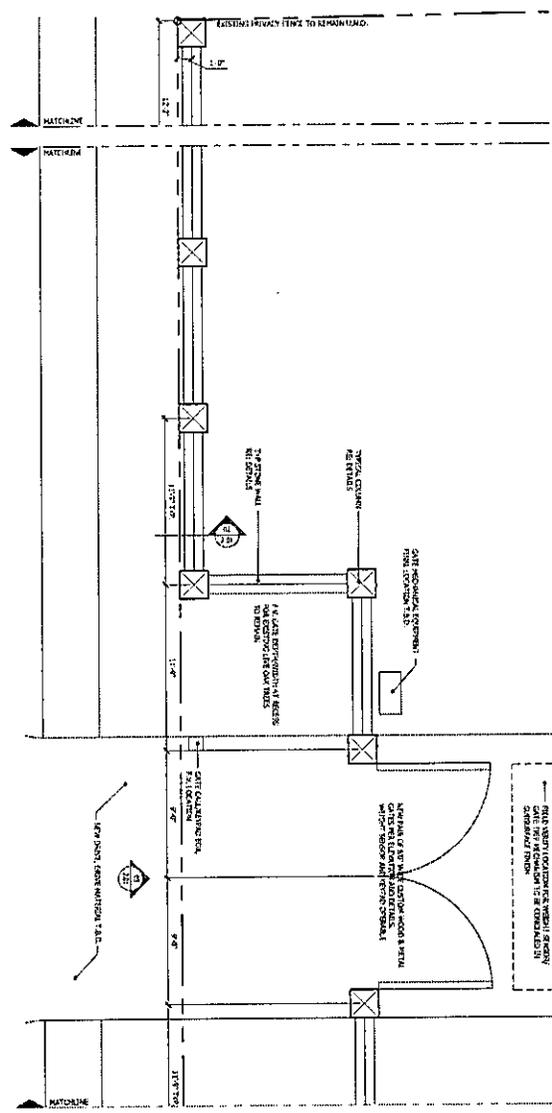
FOR BRYAN WILBURN

PROJECT: 10650 STRAIT LANE

SHEET: 01

TITLE: SITE & REFERENCE PLAN

issued for PERMIT/CONSTRUCTION

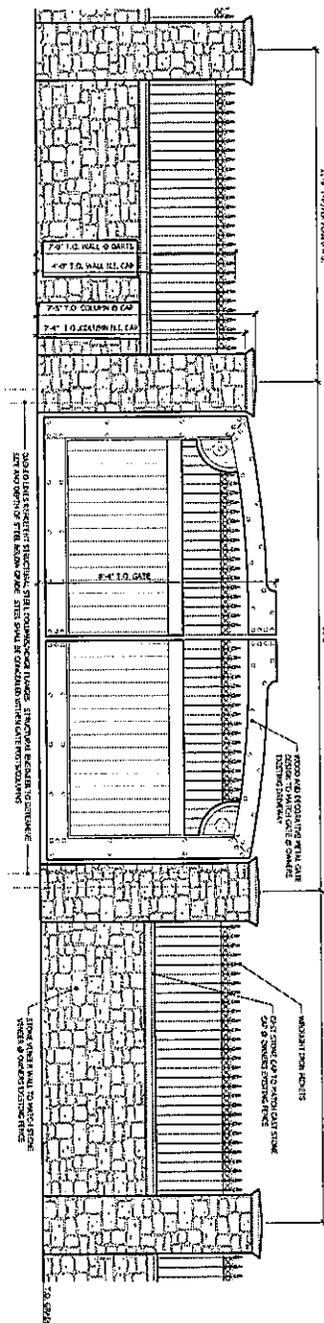


<p>PROJECT 15-42</p>	<p>SHEET # 1</p>
	<p>TITLE GATE PLAN AND DETAILS</p>
	<p>DATE DEC 22 2016 - ISSUE FOR PERMIT</p>
	<p>DATE DEC 31 2016 - REV FOR PERMIT</p>

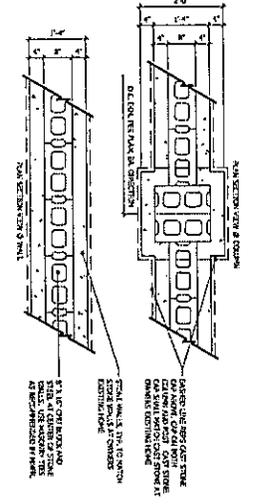
A NEW RESIDENCE TO BE BUILT AT
10650 STRAIT LANE
 IN THE CITY OF DALLAS TEXAS
 FOR BRYAN WILBUR
 1 - 14

03 ENLARGED GATE ELEVATION

02 PRIVACY FENCE WALL DETAIL

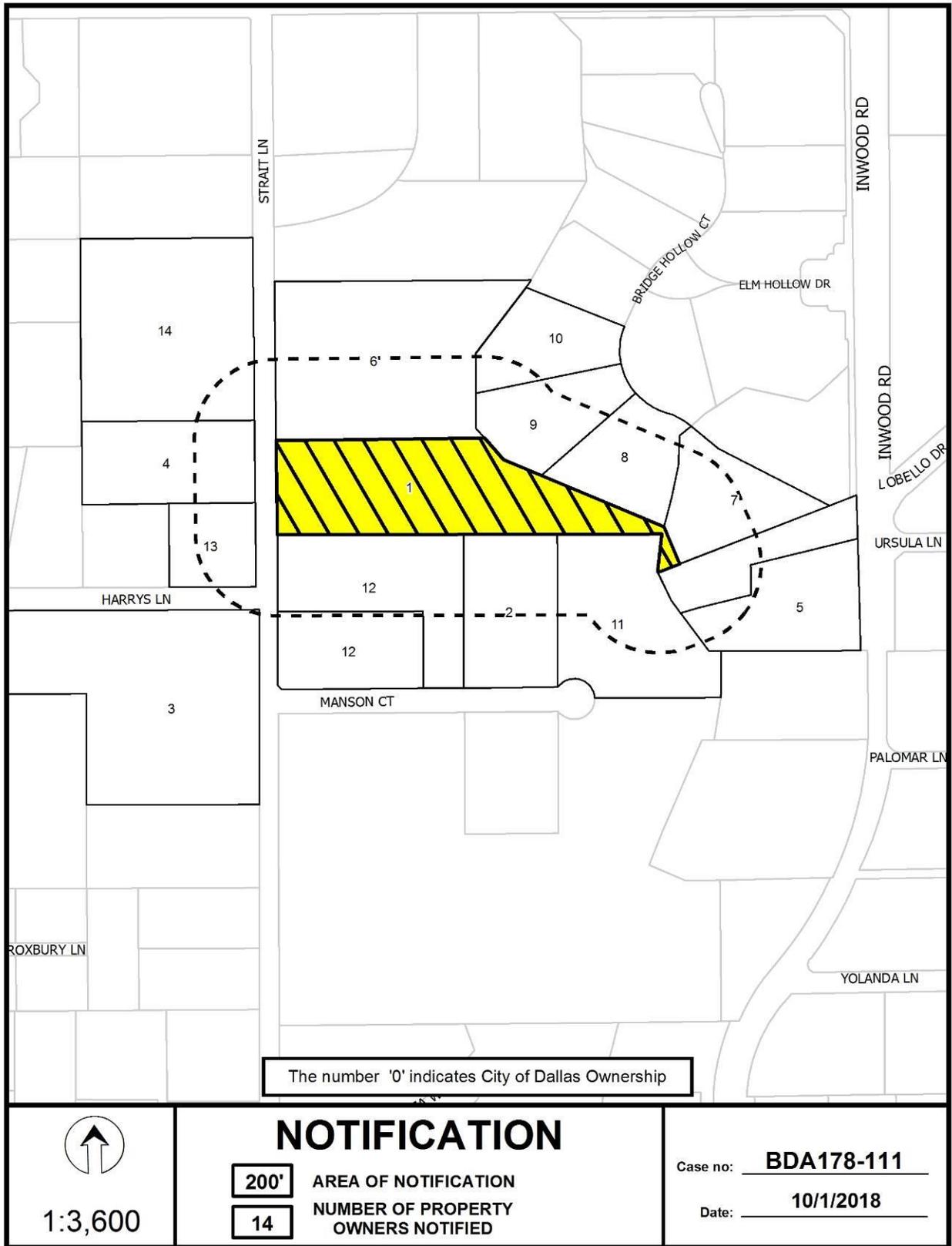


04 PRIVACY FENCE WALL PLAN DETAIL



issued for PERMIT/CONSTRUCTION

BLUE C DESIGN
 314.666.4680
 www.blue-c-designs.com



Notification List of Property Owners

BDA178-111

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10650 STRAIT LN	WILBURN BRYAN & SHANIN
2	4929 MANSON CT	BUCY J FRED JR
3	10595 STRAIT LN	TROUTT KENNY A & LISA C
4	10621 STRAIT LN	WILSON ROBERT A & LAURA C
5	10573 INWOOD RD	KRUSE DENNIS A &
6	10660 STRAIT LN	CADG 10660 STRAIT LANE LLC
7	10603 BRIDGE HOLLOW CT	KRONPOUND LLC
8	10617 BRIDGE HOLLOW CT	CARTER ROBERT W & JANICE
9	10627 BRIDGE HOLLOW CT	QUINN DAVID W & STEPHANIE
10	10635 BRIDGE HOLLOW CT	CREEKS OF PRESTON HOLLOW
11	4939 MANSON CT	WILBURN BRYAN & SHANIN
12	10620 STRAIT LN	K & P STRAIT LANE LTD PS
13	10611 STRAIT LN	RAJ GANESH &
14	10711 STRAIT LN	MALOUF RICHARD J & STEPHANIE L

FILE NUMBER: BDA178-121(SL)

BUILDING OFFICIAL'S REPORT: Application of Costco Wholesale, represented by Jenifer Murillo, for requests for a special exception to restore a nonconforming use and to enlarge a nonconforming use at 8282 Park Lane. This property is more fully described as Lot 3A, Block 12/5203, and is zoned MU-2, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming "general merchandise or food store 100,000 square feet or more" use, which will require a special exception to the nonconforming use regulations, and to enlarge a nonconforming general merchandise or food store 100,000 square feet or more" use, which will require a request to enlarge a nonconforming use.

LOCATION: 8282 Park Lane

APPLICANT: Costco Wholesale
Represented by Jenifer Murillo

REQUESTS:

The following requests have been made on the subject site that is developed with a vacant "general merchandise or food store 100,000 square feet or more" use:

1. A request for a special exception to restore/reinstate nonconforming use rights for a "general merchandise or food store 100,000 square feet or more" use on the subject site that was discontinued for a period of six months or more is made to obtain a Certificate of Occupancy (CO) for this use; and
2. A request is made to enlarge the approximately 133,900 square foot "general merchandise or food store 100,000 square feet or more" use specifically by adding approximately 18,200 square feet to the building footprint.

STANDARD FOR A SPECIAL EXCEPTION TO OPERATE A NONCONFORMING USE IF THAT USE IS DISCONTINUED FOR SIX MONTHS OR MORE: Section 51A-4.704(a)(2) of the Dallas Development Code states that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

STANDARD FOR ENLARGING A NONCONFORMING USE:

Section 51A-4.704(b)(5)(B) of the Dallas Development Code states the board may allow the enlargement of a nonconforming use when, in the opinion of the Board, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was

originally established by right; and 3) will not have an adverse effect on the surrounding area.

STAFF RECOMMENDATION (special exception to reinstate a nonconforming use):

No staff recommendation is made on this or any request for a special exception to operate a nonconforming use if that use is discontinued for six months or more since the basis for this type of appeal is based on whether the board determines that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

STAFF RECOMMENDATION (request to enlarge a nonconforming use):

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on when, *in the opinion of the Board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

Zoning:

Site: MU-2 (Mixed Use)(Deed restricted)*
North: MU-2 (Mixed Use)
South: LI (Light Industrial) and MU-2 (Mixed Use)
East: MF-2(A) (Multifamily)
West: MU-3 (Mixed Use)

* The applicant has provided a record of how the proposal on the subject site meets the aspects of the deed restrictions on the property. (A copy of this written response has been filed in the case file).

Land Use:

The subject site is developed with, according to DCAD, a 136,122 square foot “discount store” built in 1992. The areas to the north, south, and west are developed mostly with retail uses, and the area to the west is developed with multifamily use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (special exception to reinstate a nonconforming use):

- This request focuses on restoring/reinstating nonconforming use rights for a “general merchandise or food store 100,000 square feet or more” use on the subject site that was discontinued for a period of six months or more in order for the applicant to obtain a Certificate of Occupancy (CO) for this use.
- The Dallas Development Code defines “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time”.
- The nonconforming use regulations state it is the declared purpose of the nonconforming use section of the code that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
- The nonconforming use regulations also state that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.
- The site is zoned MU-3 that permits a “general merchandise or food store 100,000 square feet or more” use only with a Specific Use Permit (SUP).
- According to DCAD records, the “improvements” for the property addressed at 8282 Park Lane is a 136,122 square foot “discount store” built in 1992.
- A document is included in the case file that establishes that the “general merchandise or food store 100,000 square feet or more” use on the subject site is a nonconforming use and became nonconforming in 2004.
- Building Inspection has stated that these types of special exception requests originate from when an owner/officer related to the property applies for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of six months since the issuance of the last valid CO. The owners/officers must submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.
- The applicant has been informed of the Dallas Development Code provisions pertaining to “Nonconforming Uses and Structures,” and how nonconforming uses can be brought to the Board of Adjustment for amortization where if the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for that nonconforming use - a compliance date that is provided under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- The applicant has the burden of proof in establishing the following related to the special exception request:

- There was a clear intent not to abandon the nonconforming “general merchandise or food store 100,000 square feet or more” use on the site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the “general merchandise or food store 100,000 square feet or more” use rights that were lost when the use was abandoned for a period of six months or more.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code as any other nonconforming use in the city. (The applicant has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).
- The applicant could make an application for an SUP that, if approved by the City Council, would make the “general merchandise or food store 100,000 square feet or more” use on the property a conforming use.

GENERAL FACTS/STAFF ANALYSIS (request to enlarge a nonconforming use):

- This request focuses on the enlargement of a nonconforming “general merchandise or food store 100,000 square feet or more” use on the subject site, which in this particular case, involves adding approximately 18,200 square feet to the existing approximately 133,900 square foot building footprint. (The applicant is aware of the fact that consideration of this request by the Board at the October 17th public hearing is contingent whether the board grants the request for a special exception to reinstate the nonconforming use on the subject site).
- A site plan has been submitted that documents the size and location of the existing structure on the site and the proposed addition.
- The site is zoned MU-3 that permits a “general merchandise or food store 100,000 square feet or more” use only with a Specific Use Permit (SUP).
- According to DCAD records, the “improvements” for the property addressed at 8282 Park Lane is a 136,122 square foot “discount store” built in 1992.
- A document is included in the case file that establishes that the “general merchandise or food store 100,000 square feet or more” use on the subject site is a nonconforming use and became nonconforming in 2004.
- Section 51A-4.704(b)(5)(A) of the Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- The applicant has been informed of the Dallas Development Code provisions pertaining to “Nonconforming Uses and Structures,” and how nonconforming uses can be brought to the Board of Adjustment for amortization where if the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for that nonconforming use - a compliance date that is provided under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:
 1. does not prolong the life of the nonconforming use;
 2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
 3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, with a condition imposed that the applicant comply with the submitted site plan, the enlargement of the nonconforming use would be limited to what is shown on this document.

Timeline:

August 13, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

September 11, 2018: The Board Administrator emailed the applicant’s representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 26th deadline to submit additional evidence for staff to factor into their analysis; and the October 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 27, 2018: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report regarding the application (see Attachment A). This revised report reflected the applicant’s added request for the Board to consider enlargement of the nonconforming use.

September 27, 2018: The Board Administrator emailed the applicant’s representative the following information:

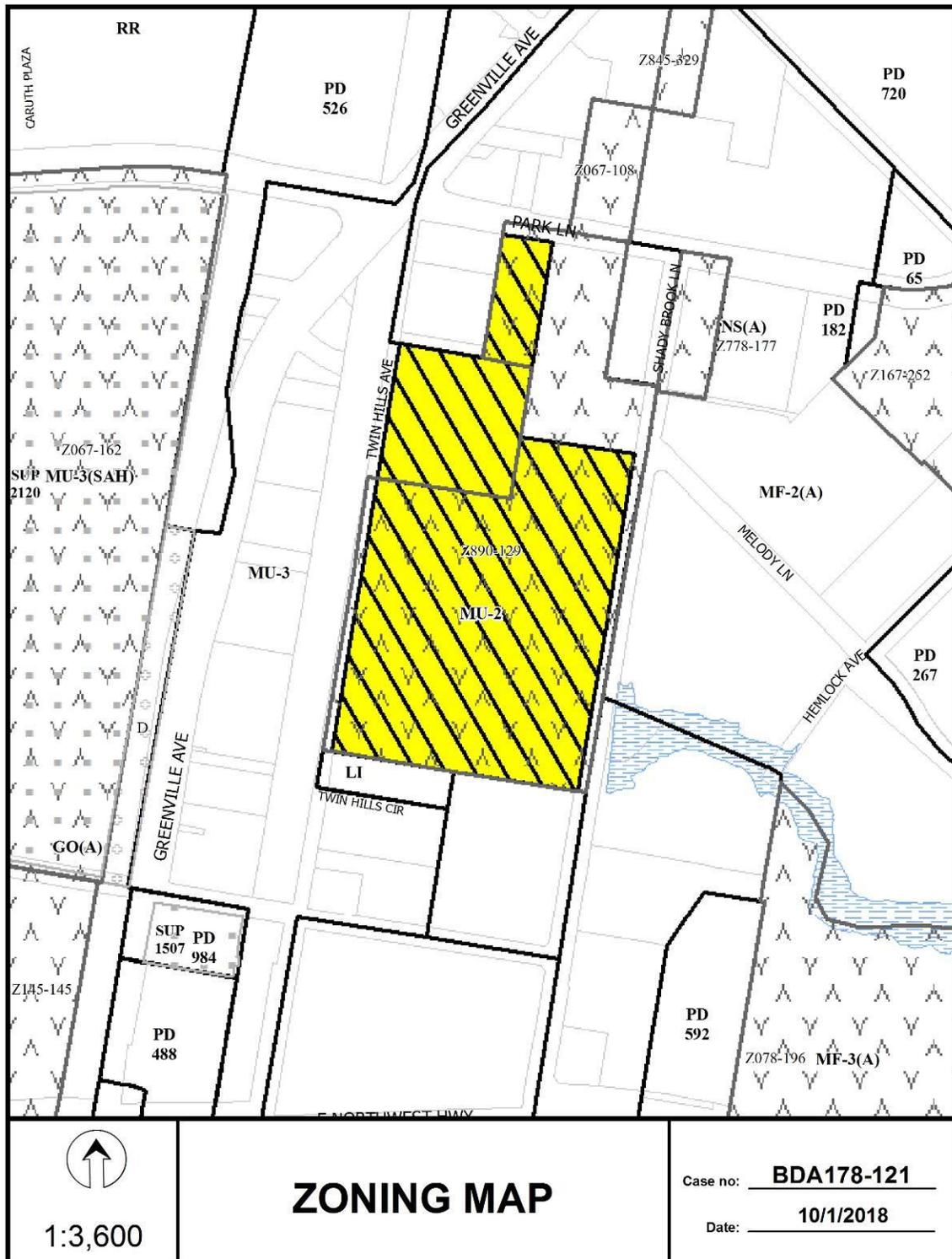
- an attachment that provided the public hearing date and panel that will consider the application; the September 26th deadline to submit additional evidence for staff to factor into their analysis; and the October 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the added request;
- the section from the Dallas Development Code pertaining to +nonconforming uses and structures;
- the fact that the added request for the board to consider enlarging the nonconforming use scheduled for October 17th will be contingent upon the board granting the original request at this hearing – that the recent added request to enlarge the nonconforming use will be only for the board to consider (and grant) if the board first grants the request to reinstate the nonconforming use at this hearing.

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

October 5, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment B).





1:3,600

AERIAL MAP

Case no: **BDA178-121**

Date: **10/1/2018**

THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

ONE ARTS PLAZA
1722 ROUTH STREET, SUITE 1500
DALLAS, TX 75201
214.969.1700
FAX 214.969.1751
www.tklaw.com

JAMES B. HARRIS
DIRECT DIAL: (214) 969-1102
EMAIL: james.harris@tklaw.com

BDA178-121
Attach B
151

AUSTIN
DALLAS
FORT WORTH
HOUSTON
LOS ANGELES
NEW YORK
ALGIERS
LONDON
MÉXICO CITY
MONTERREY

October 5, 2018

Via E-mail and Hand Delivery

Steve Long, Chief Planner
City of Dallas
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, Texas 7201

Re: Board of Adjustment case involving 8282 Park Lane

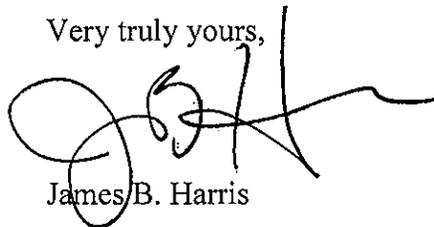
Dear Mr. Long:

Enclosed please find the following documentary evidence we ask be included in the materials provided to the panel that will hear the above referenced request to reinstate a non-conforming use and to enlarge a non-conforming use:

1. An aerial photograph of the general area of request;
2. Affidavit of Corey Wiemann with attached exhibits;
3. Report of Peter Kavanagh regarding enlargement of non-confirming use with attached exhibits; and
4. Email in support of request from Steven Cole.

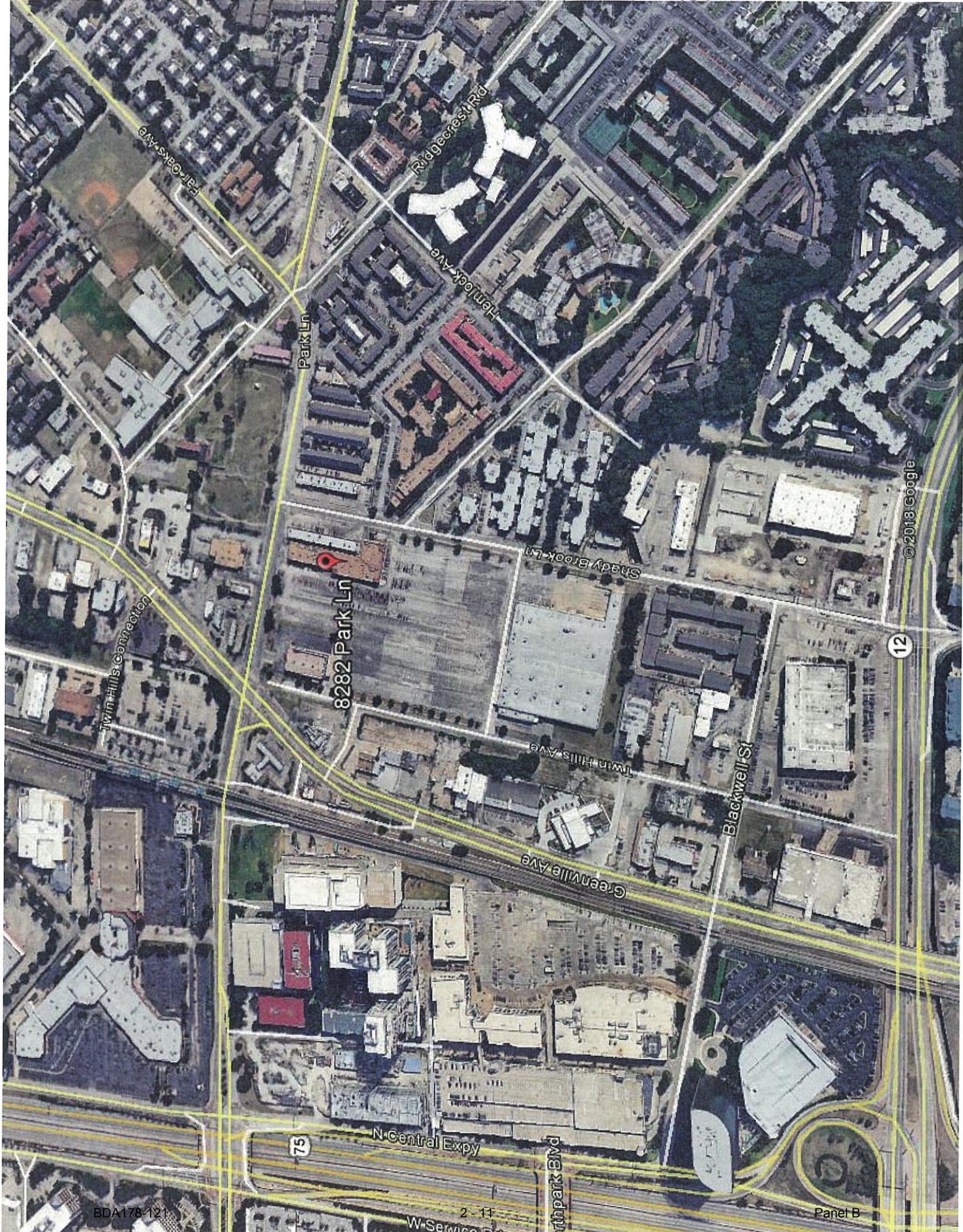
If you should have any questions about the attached, please do not hesitate to contact me.

Very truly yours,



James B. Harris

Cc: Jenifer Murillo
Corey Wiemann
Peter Kavanagh



© 2013 Google

12

75

BDA-178-121
Attach B
Pg 3

STATE OF MISSOURI

§
§
§
§
§

COUNTY OF BOONE

AFFIDAVIT OF COREY WIEMANN

BEFORE ME, the undersigned authority personally appeared Corey Wiemann, who after being duly sworn, deposed and stated as follows:

1. My name is Corey Wiemann and I am competent to make this affidavit. The following statements are within my personal knowledge or based on diligent inquiry and are true and correct to the best of my knowledge and belief.

2. I am the Director of Leasing for Greenville Centre LC ("Greenville Center"), which owns property in the City of Dallas with a street address of 8282 Park Lane. The only structure on that property is a single story building approximately 138,000 square feet in area that was designed and constructed to accommodate a "big box" retail operation and will be referred to as the "Big Box Retail Building" or the "Building." A big box retailer is a retail store that occupies an enormous amount of physical space and offers a variety of products to its customers. These stores achieve economies of scale by focusing on large sales volumes. Because volume is high, the profit margin for each product can be lowered, which results in very competitively priced goods. The term "big-box" is derived from the store's physical appearance. Located in large-scale buildings of more than 50,000 square feet, the store is usually plainly designed and often resembles a large box. Walmart, Home Depot and Ikea are examples of big-box retailers

3. The Big Box Retail Building received a certificate of occupancy from the City of Dallas on January 9, 1992, authorizing the operation of a general merchandise or food store of

more than 3,500 square feet. A copy of that certificate of occupancy is attached as Exhibit 1. Construction of that Building was completed on April 15, 1992. From that date until 2011, the property was leased to Sam's Wholesale, which conducted a big box retail operation in the Building.

4. In 2011, Sam's Wholesale relocated its big box retail operation to a new building at the southeast corner of Northwest Highway and Skillman. The lease expired in May of 2012.

5. Notwithstanding the loss of Sam's Wholesale as a tenant, Greenville Centre's clear intent in 2011 and today was to continue to use the Building as a general merchandise or food store of more than 100,000 square feet and lease it to a big box retail operation. All of Greenville Centre's actions since Sam's Wholesale left have been consistent with that clear intent.

6. For that reason, Greenville Centre has never terminated the certificate of occupancy issued in 1992 nor has that certificate of occupancy been revoked by the city. The existence of a valid certificate of occupancy establishes that the City of Dallas does not disagree with Greenville Center's intent to use the Building for a big box retail operation.

7. The height, layout, and design of the Building only lend themselves to a big box retail use. Any other use would require extensive renovation or demolition of the structure and construction of a new building or buildings.

8. There have been no structural changes to the building since 2011. Attached to this affidavit as Exhibits 2 – 7 are aerial photographs of the building and its associated parking lot for the years 2012 through 2017. You will note that there have been no changes to the building or its associated parking area during that period.

9. Since 2011, other than a few limited instances where the interior was used for filming, no use inconsistent with a big box retail operation has been made of the Building.

10. Utility connections have been maintained since 2011 and the owner has paid nearly \$50,000 dollars in utility bills since 2011.

11. The owner has sought to “mothball” the building until it can find a replacement big box retail operation. The Building could be reopened as a big box retail operation with no structural repairs, although it would necessarily have to be “freshened up” consistent with changes made any time a replacement tenant comes into a big box building.

12. In order to insure the Building is available for nearly immediate occupancy, Greenville Centre has spent since 2011 nearly \$48,000 on maintenance and repair, almost \$27,000 on landscaping, more than \$65,000 on mowing services, over \$20,000 on custodial services and significant additional expense insuring the Building.

13. Since 2011, the Dallas Central Appraisal District has valued the building as a big box retail operation using the income approach. In other words, the appraisal district considered the highest and best use for the building to be big box retail and valued it accordingly, even though it has been empty since 2011.

14. Since 2011, Greenville Centre has made no attempts to sell the property. It has been approached by numerous prospective purchasers and has turned them down because it wanted to retain the property and the building and the primary focus was to lease it to a big box retail operation.

15. Given the design and location of the building, Greenville Centre has believed the highest and best use for the property is as a big box retail location.

16. Since before 2011, Greenville Centre has actively sought to lease the Building for a big box retail operation to replace Sam’s Wholesale and has contacted and been contacted by big box retailers about leasing the Building. Because of economic and financial pressures on big box

retailers, Greenville Centre was unable until recently to come to terms with a big box retailer. The last several years have seen significant changes in the retail industry. For instance, based on information shared with Greenville Centre by brokers, the amount of available big box retail space to lease in the DFW area increased from 3.7 million square feet in 2013 to over 6 million square feet in 2016. Since 2016 there have been store closings by several big box retailers in the DFW area including ToysRus, Sears, Macy's, JC Penny, and Sports Authority. These trends contributed to difficulty in finding a replacement tenant on viable economic terms.

17. Among the big box retail operations that Greenville Centre discussed leasing the Building was Costco. The initial contact occurred in 2010 when it was publicly known that the Sam's Wholesale operation was ending its lease of the Building and would be relocating. After significant review by Costco, the company concluded that the site did not meet Costco's then criteria for a location. In 2014, Costco developed a new big box concept that combined retail activity with a business to business model. At that time, Costco expressed renewed interest in the building for that concept and negotiations continued through 2017 with Costco and Greenville Centre reaching a tentative agreement to lease based on Costco being able to obtain a building permit. Costco understood, based on advice from the building inspection department of the City of Dallas, that a building permit could be issued for its big box concept in the Building without needing a specific use permit.

18. That advice turned out to be incorrect because the property had not had a big box retail operation for more than six months, meaning there was a presumption that Sam's Wholesale's big box retail use in 2011, which at that time was a legal non-conforming use, had terminated. That presumption can be overcome if Greenville Centre did not intend to abandon the use and has not taken any action inconsistent with an intent not to abandon. As the foregoing

BDA178-121
Attach B
p. 7

demonstrates, Greenville Centre clearly never intended to abandon a big box retail use and all of its actions since 2011 are consistent with that clear intent not to abandon a big box retail operation at the Building.



Name: Corey Wiemann

SWORN AND SUBSCRIBED TO BEFORE ME, a Notary Public, on this 5th day of October, 2018, to certify which witness my hand and seal of office.

Debi Barton
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Boone County
My Commission Expires: 3/26/2021
ID #13450605


Notary Public – State of Missouri
My Commission Expires: 3/26/21



Dallas Home Building Inspection Home Offices Records Newsletter Government

Certificate of Occupancy - 9111151111

Details Holds Documents Zoning Info

Property

Street Address

View 8282 PARK LN

Status: CO Issued Application Date: Nov 15, 1991 Issue Date: Jan 9, 1992 Completed Date: Apr 15, 1992

Applicant:

Owner Category:

PRIVATE

Land Use Description: GEN MERCHANDISE OR FOOD STORE > 3500 SQ. FT.

Temporary Address:

Project

Doing business as: SAM'S WHOLESALE

Certificate Type:

Health Permit Number:

Use of Property:

Occupancy: (None) Selling Alcohol: [] Dwelling Units: 0
Constr. Type: (None) Dance Floor: [] Stories: 0
Sq. Footage: 138,145 Occupancy Load: Sprinkler: (None) Required Parking: 691 Proposed Parking: 899

Development Services Building Inspection Division || 320 E. Jefferson Dallas, Texas 75203 || 214/948-4480

Save Changes

Main Menu

EXHIBIT 1

BDA178-121

AH-a B

PS 9

January 2017



EXHIBIT 2

BDA178-121
Attach B
Pg 10

April 2016



EXHIBIT 3

BDA178-121
Attn B
PS11

March 2015

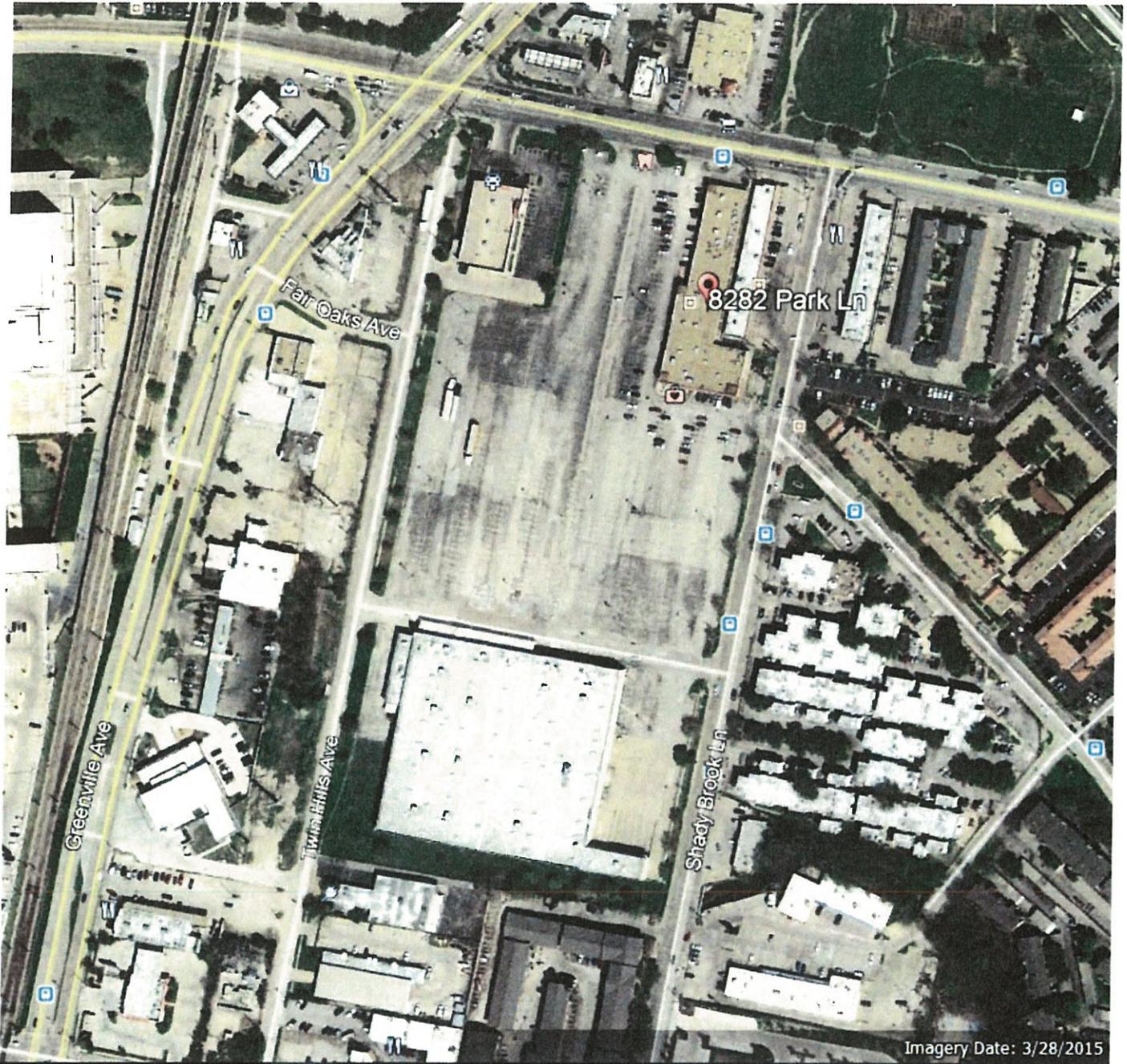


EXHIBIT 4

BDA178-121
Attach B
PS 12

Feb 2014



EXHIBIT 5

BDA178-121
Att. 4 B
pg 13

Jan 2013



EXHIBIT 6

BDA178-121
A42.6 B
PS 14

April 2012



EXHIBIT 7

October 3, 2018

Mr. James Harris
Thompson and Knight
1722 Routh Street, Suite 1500
Dallas, TX 75201

Re: 8282 Park Lane Dallas
Non-conforming use as
A General Merchandise or Food Store 100,000 Square Feet or More

Dear Mr. Harris:

You have requested a report on whether the conditions found in §51A-4.704(b)(5) to allow the enlargement of a legal nonconforming use are satisfied in connection with a request to slightly enlarge a 138,000 square foot building at 8282 Park Lane that formerly housed a big box retail operation -- Sam's Wholesale. The building at 8282 Park Lane was constructed in 1992 when the property was zoned Mixed Use-2 (MU-2) and Mixed Use-3 (MU-3), which is the current zoning. The property received its Certificate of Occupancy for a "General Merchandise store over 3,500 square feet." Subsequent to construction and occupancy of the building by Sam's Wholesale, the Dallas Development Code was amended to add a new use -- "General Merchandise or food Store 100,000 square feet or more." That use requires a specific use permit in MU-2 and MU-3 zoning districts. Because the Sam's Wholesale was in a building larger than 100,000 square feet in area it was considered to be this new use. However, because it was in place before the Development Code was changed, that use could continue at that location as a legal non-conforming use.¹

The owners of the property have a tentative agreement to lease the building to Costco to resume a big box retail operation, if the building can be slightly enlarged. The proposed expansion described in Exhibit A involves enclosing the existing loading dock area and providing a new loading dock. The expansion would increase floor area by approximately 18,000 square feet or about 13% of the existing floor area.

The Board can allow the enlargement if the following three conditions are met:

1. The enlargement does not prolong the life of the nonconforming use;
2. The enlargement would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right;
3. The enlargement will not have an adverse effect on the surrounding area.

¹ The Dallas Development Code provides for a nonconforming use. Nonconforming use is defined in the Dallas Development Code in §51A-2.102(90). The definition reads: NONCONFORMING USE means a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

BDA178-121
Attachment B
ps 16

In my professional opinion all three conditions are satisfied in connection with the proposed enlargement.²

The enlargement will not adversely effect surrounding property.

Compatibility. The impact of the enlargement is directly related to the reopening of a big box retail operation that will have a positive effect on surrounding property. It will serve as an anchor for the surrounding retail use and represents positive activity. The opening of a nationally known big box retail operation and the added population during operating hours will greatly benefit the other retail stores while providing more accessible retail to the area residents. Retail use is expected in the retail type of zoning now on the property. The Dallas comprehensive plan calls for this area to be an "Urban Mixed-Use area." This large retailer will serve as part of the existing urban mixed-use area and complement the other retailers and serve local residents while serving businesses and residents from other areas. Attached are renderings depicting the new Costco. The updating is compatible with surrounding retail businesses and will positively impact adjacent properties.³

Public Health and Safety. The new store will provide increased security due to the presence of employees and customers who will represent more "eyes" on the area.

Traffic and Parking. Given the small size of the enlargement it will not impact traffic and the property was already overparked from a required parking standpoint so there will be no spill-over parking associated with the enlargement. This conclusion is further supported by the fact that the expansion is needed primarily for Costco's business-to-business operations, not retail operations.

Employment. The new Costco is expected to provide 198 new jobs that residents of the area could apply for, providing a positive economic impact. The starting salary for those jobs is expected to be at least \$14.00 an hour. Costco intends to conduct hiring and recruiting efforts in the surrounding area.

The enlargement would have been permitted under the original zoning.

The enlargement satisfies the use, yard, height, floor area ratio and parking requirements in effect when the use commenced in 1992.

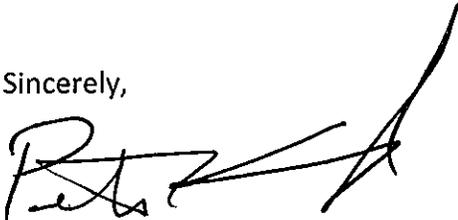
The enlargement will not prolong the life of the nonconforming use.

² Attached as Exhibit B is my resume providing details on my background, training and experience in planning.

³ Attached Exhibits C to F depict the anticipated updating.

The enlargement is intended to allow a more efficient use of existing space in connection with Costco's business-to-business activities. By itself, it cannot and will not prolong the life of the nonconforming use. It is not creating a new facility or replacing a dilapidated existing building but only slightly renovating existing space. The enlargement does not change the life of the building nor does it impact the life of the use. The continued life of the use is tied to economic factors impacting big box retail operations, not the addition of approximately 18,000 square feet of space.

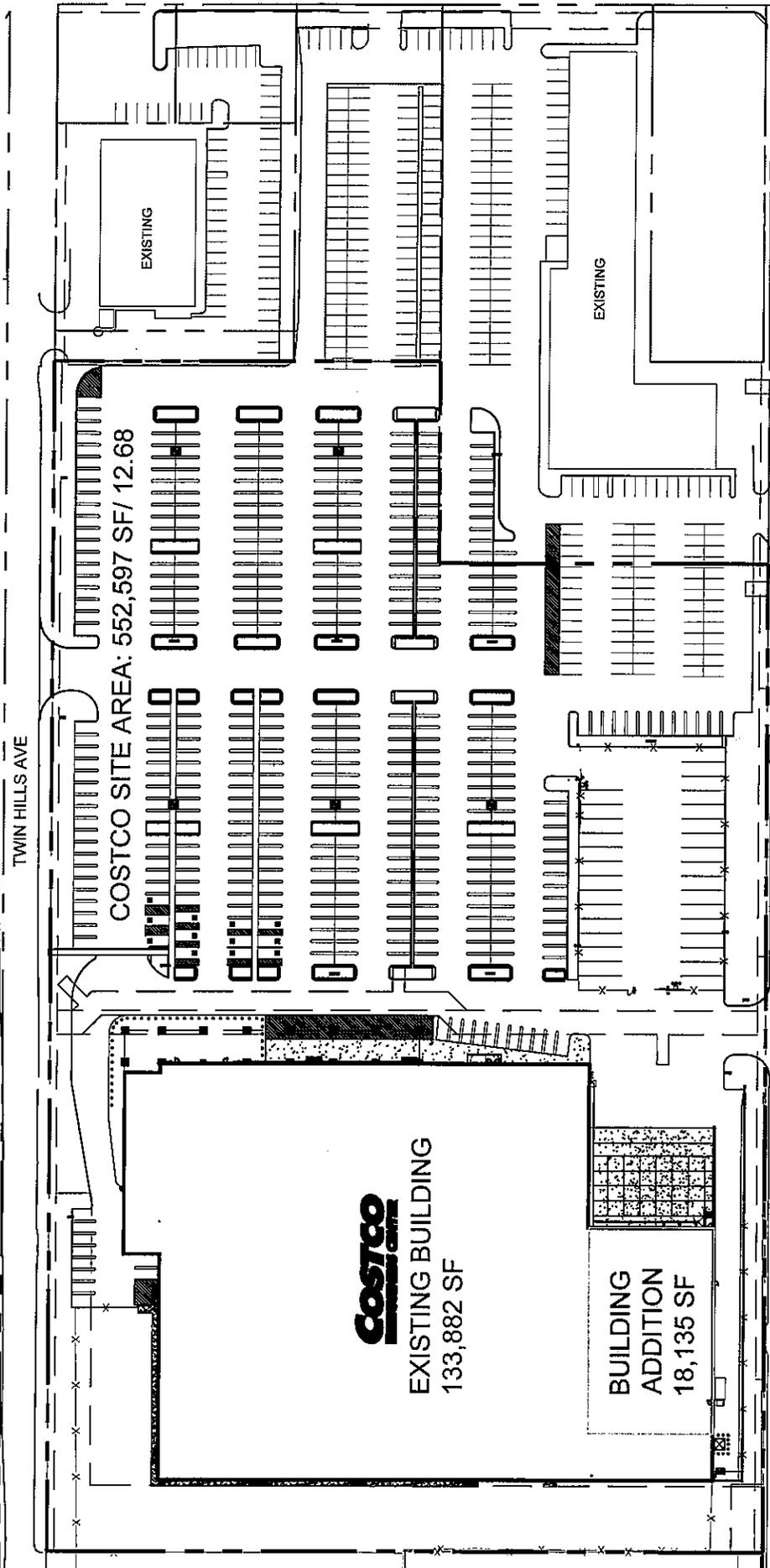
Sincerely,



Peter Kavanagh

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 Attach B
 p 518

EXHIBIT A



SITE PLAN
 SCALE: 1/128"=1'-0"

BUILDING DATA:	
EXISTING BUILDING AREA:	133,882 SF
WAREHOUSE ADDITION AREA:	18,135 SF
WAREHOUSE TOTAL AREA:	152,035 SF

PARKING DATA:	
TOTAL COSTCO PARKING PROPOSED:	527
① 10' WIDE EXISTING STALLS	50
② 10' WIDE PROPOSED STALLS	435
③ ACCESSIBLE STALLS (2 PER 100)	12
④ TRUCK STALLS	30
NUMBER OF STALLS PER 1000 SF OF BUILDING AREA:	3.5

BUILDING DATA:
 COSTCO WHOLESALE
 989 LAKE DRIVE
 ISSAQUAH, WA 98027

PROJECT ADDRESS:
 8282 PARK LANE
 DALLAS, TX 75231

TOTAL SITE AREA: 552,597 SF (12.68 ACRES)

JURISDICTION: CITY OF DALLAS

ZONING: MU-2

ACTUAL FRONT: 580'+

REQUIRED FRONT: 15'

ACTUAL SIDE: N/A

REQUIRED SIDE: 20' (ADJACENT TO RESIDENTIAL)

ACTUAL REAR: 60'

REQUIRED REAR: 20'

BOUNDARIES INFORMATION: TBD

NOTES: EXISTING CONDITIONS TO BE FIELD VERIFIED.



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Attach B
ps 19

PETER KAVANAGH

ZONE SYSTEMS, INC.

Zone Systems, Inc. is a land use consulting firm in Dallas, Texas. The firm began in 1995. The firm provides zoning and other land use representation to clients in the North Texas area, Oklahoma and Louisiana. The firm represents individuals, institutions, small and large businesses including Fortune 500 firms.

The business has flourished in the strong real estate markets in North Texas for nearly twenty years. One of the keys to the business is consistency of representation of clients before the over 100 cities in the North Texas area. Cities have worked with Zone Systems for over twenty years. Cities have worked with Peter Kavanagh, principal for thirty years.

Peter Kavanagh has represented many properties over the last thirty years including over 1,000 cell sites for various cellular carriers. The growth of cellular carriers' networks has matched and exceeded the growth of the North Texas area particularly the Dallas Fort Worth Metroplex.

The Dallas Fort Worth area has grown from just over three million persons in 1980 to 7 million persons in 2018. This growth has fostered need for constant land use modifications as open fields have changed to major retail centers and expansive residential neighborhoods.

Zone Systems continues to provide land use services to private property owners who need professional direction and assistance in dealing with land use challenges before the many cities in the North Texas Area.

Peter Kavanagh, principal is a graduate of Wichita State University. Mr. Kavanagh began his planning work in the City of Dallas Planning Department and has been in private practice for thirty years representing private property owners before local government.

EXHIBIT B



BDA178-121



NEW/OLD COMPARISON

APRIL 15TH, 2016 V.10
17-0393-C
DALLAS, TX





SITE CONTEXT

APRIL 15TH, 2018 V10
17-0395-01
DALLAS, TX





COLORED SITE PLAN

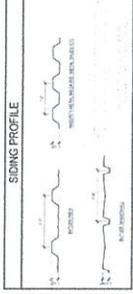
APRIL 15TH, 2016
17-0395-01 V 1.0
DALLAS, TX



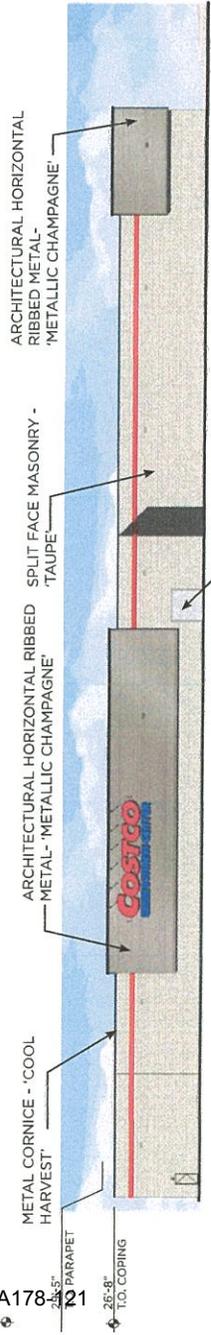
BDA178-121



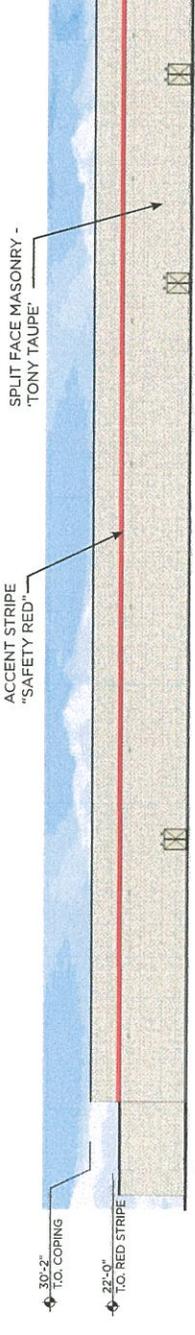
SIGNAGE AREA TABULARY (WALL SIGNS)	
NO.	DESCRIPTION
1	10' x 12' SIGNAGE AREA
2	12' x 12' SIGNAGE AREA
3	12' x 10' SIGNAGE AREA
4	10' x 10' SIGNAGE AREA
5	12' x 10' SIGNAGE AREA
6	10' x 12' SIGNAGE AREA
7	12' x 12' SIGNAGE AREA
8	12' x 10' SIGNAGE AREA
9	10' x 10' SIGNAGE AREA
10	12' x 10' SIGNAGE AREA
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44	10' x 10' SIGNAGE AREA
45	12' x 10' SIGNAGE AREA
46	10' x 12' SIGNAGE AREA
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48	12' x 10' SIGNAGE AREA
49	10' x 10' SIGNAGE AREA
50	12' x 10' SIGNAGE AREA



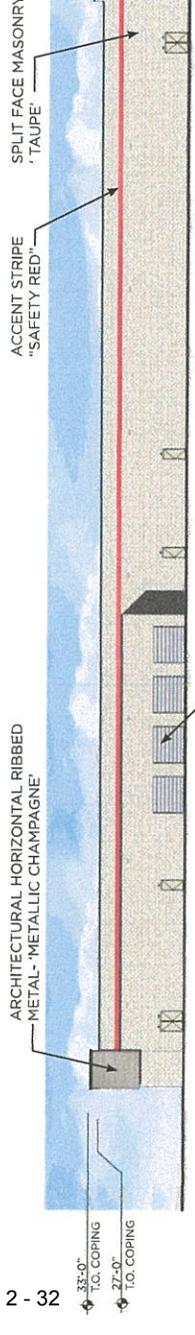
6 WAREHOUSE SIGNAGE DETAILS
SCALE: NTS



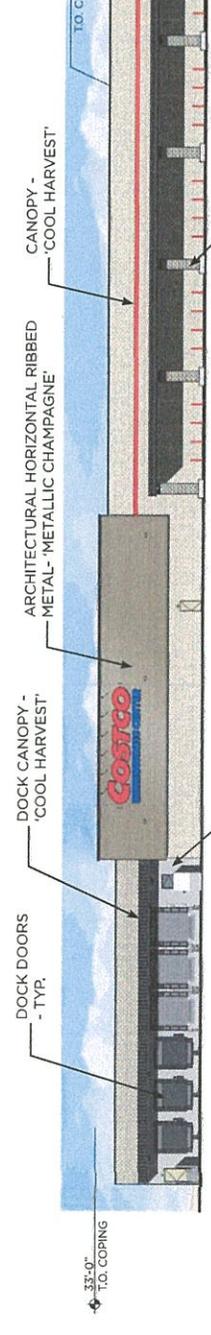
1 EAST ELEVATION
SCALE: NTS



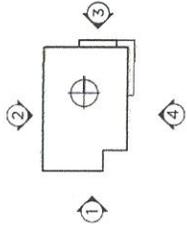
2 SOUTH ELEVATION
SCALE: NTS



4 WEST ELEVATION
SCALE: NTS



5 NORTH ELEVATION
SCALE: NTS



CONCEPT WAREHOUSE ELEVATIONS

APRIL 15/14, 2016
17-0395-01 V1.0
DALLAS, TX



Panel B

BDA178-121
Attachment B
PS 24

Long, Steve

From: Steven Cole
Sent: Friday, September 14, 2018 1:50 PM
To: Trammell, Charles; Long, Steve
Subject: Re: BDA178-121

Charles / Steve,

As we spoke I am an adjoining property owner at 6862 Greenville Ave the old Filling Station building now a Schlotzsky's. We have been there 2+ years now, kind of on an island by ourselves. This is a dream come true for us and the neighborhood! So much good for everyone involved will come from this expansion by Costco.

As an aside, the people of this neighborhood are great hard working folks, contrary to popular opinion. At the risk of jinxing myself, we have had not one bad experience with our property to date.

I am super excited and will help in anyway I can.

Thanks for all your hard work,

Steve

On Fri, Sep 14, 2018 at 1:41 PM, Trammell, Charles <charles.trammell@dallascityhall.com> wrote:

Hi Steve,

Thank you for contacting the City of Dallas Board of Adjustment. If you would like to submit an approval email or letter, you will need to send the email to steve.long@dallascityhall.com his contact number is 214-670-4666.

Thanks,



Charles Trammell
Sr. Plans Examiner
City of Dallas | DallasCityNews.net
Sustainable Development & Construction

Building Inspection

320 E. Jefferson Blvd Rm 105

Dallas, TX 75201

O: 214-948-4618

Charles.Trammell@dallascityhall.com





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-121

Data Relative to Subject Property:

Date: 8-13-18

Location address: 8282 Park Ln. Zoning District: MU-2

Lot No.: 3A Block No.: 12/5203 Acreage: 13.539 Census Tract: 0078.19

Street Frontage (in Feet): 1) 1000 2) 125 3) 1000 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Greenville Centre LC

Applicant: Costco Wholesale Telephone: _____

Mailing Address: 999 Lake Dr, Issaquah, WA Zip Code: 98027

E-mail Address: _____

Represented by: Jenifer Murillo Telephone: (714) 328-7269

Mailing Address: 9 Corporate Park, Ste 230, Irvine, CA Zip Code: 92606

E-mail Address: jmurillo@costco.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Re-instate non-conforming rights for General merchandise or food store 100,000 sf. or more (GMFS) and expand 18,153 sf.

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 use operated as a GMFS over 100,000sf from 1992 - 2011. Our plan proposes to re-use the existing building for the same purpose as it was originally established.

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 Jenifer Murillo
(Affiant/Applicant's name printed)

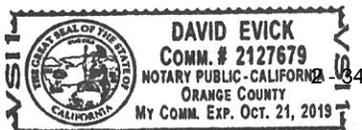
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Jenifer Murillo
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 13 day of August, 2018

DAVID EVICK
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

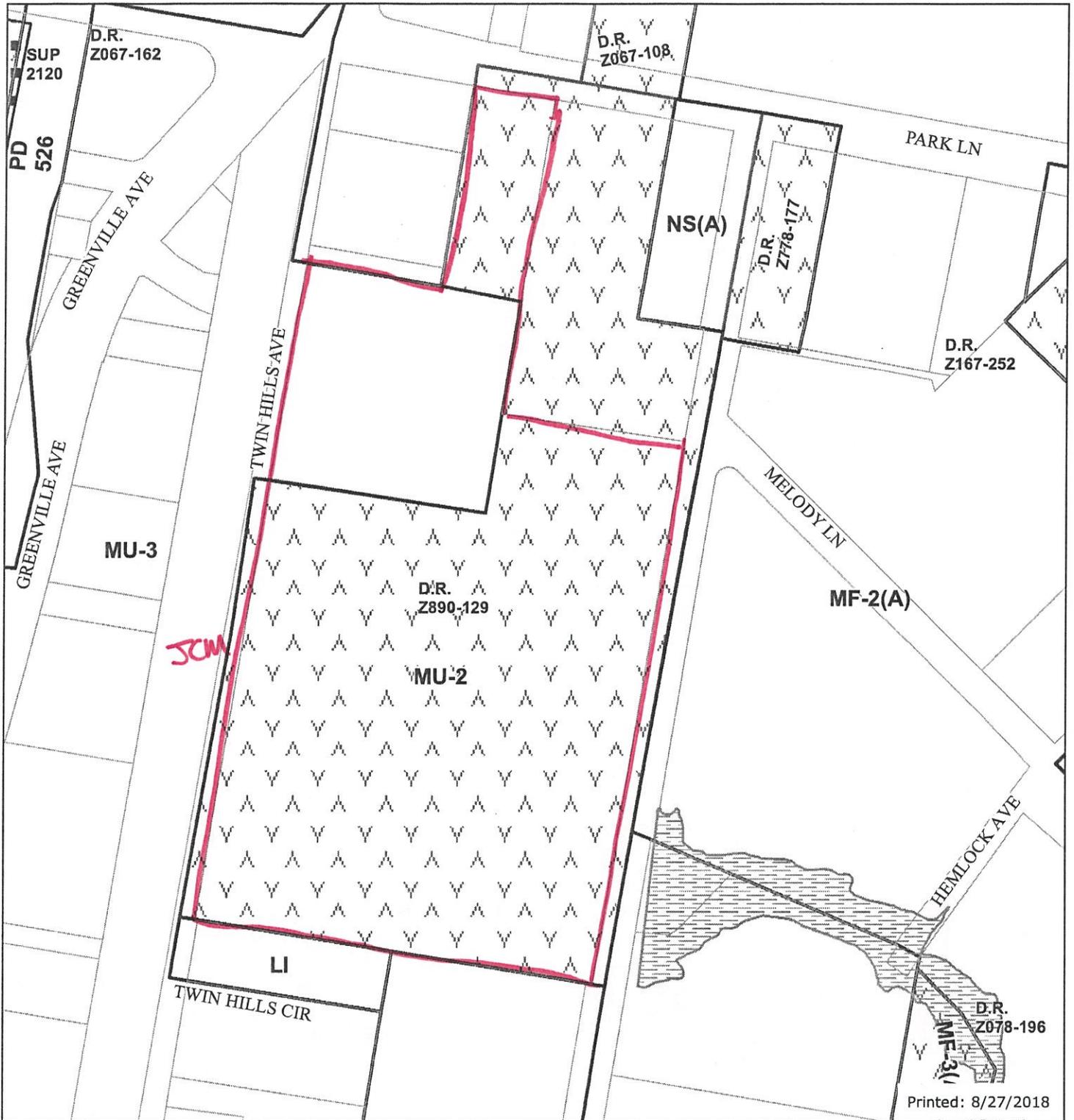
Building Official's Report

I hereby certify that COSTCO WHOLESALE
represented by COSTCO WHOLESALE
did submit a request to restore a nonconforming use
at 8282 Park Lane

BDA178-121. Application of COSTCO WHOLESALE represented by COSTCO WHOLESALE to restore a nonconforming use at 8282 PARK LN. This property is more fully described as Lot 3A, Block 12/5203, and is zoned MU-2, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming General merchandise or Food Store Greater Than 100,000 Square Foot use, which will require a special exception to the nonconforming use regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 8/27/2018

Legend

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



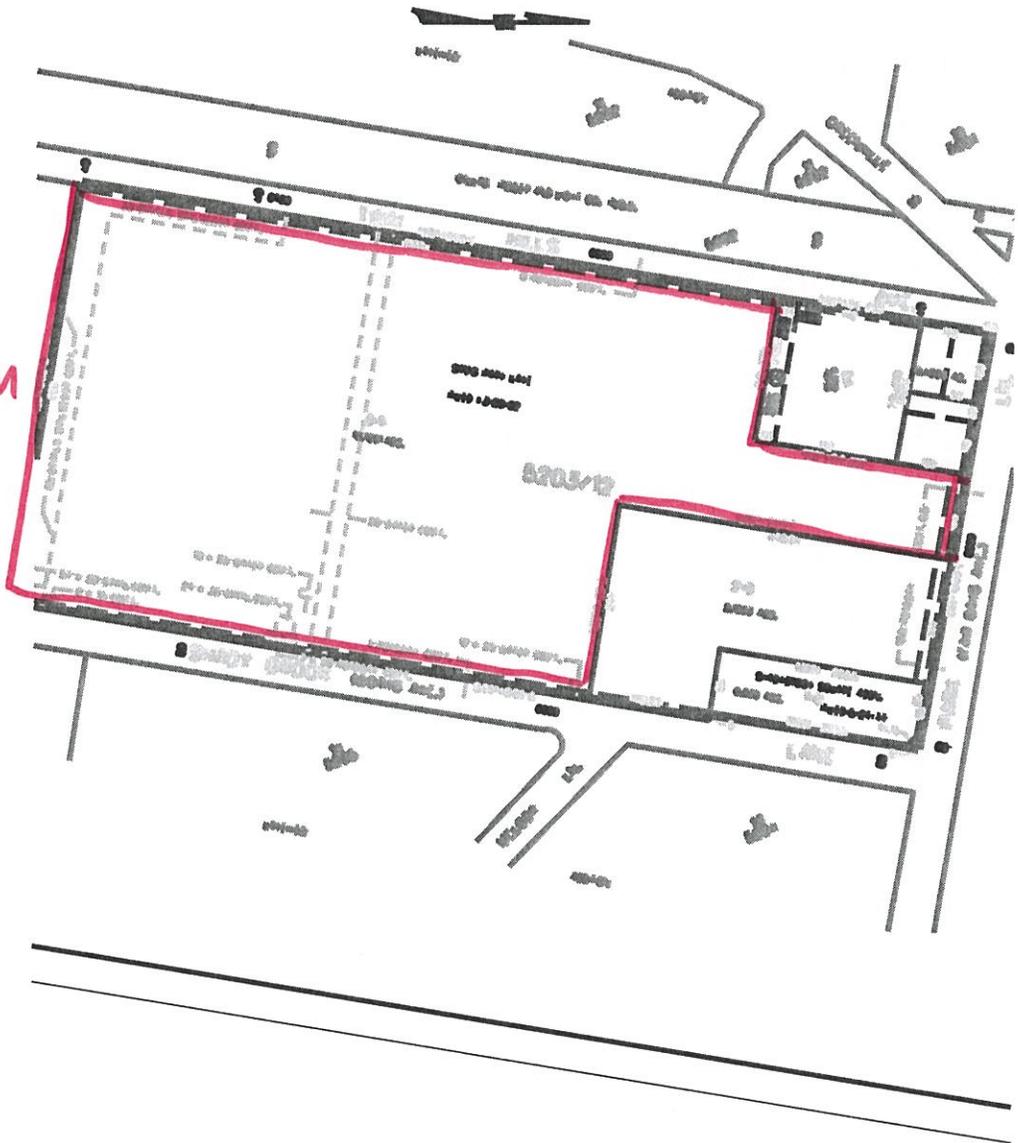
ANNEXED March 1, 1949 ORD. NO. 2807
SURVEY Willam Jones ABST. 107

CITY OF DALLAS PLAT BOOKS
ADDITION 1.421110
SCALE 100 FT. EQUALS 1 INCH

RECORD & RETURN TO:
CITY OF DALLAS, TEXAS
PLAT BOOKS SECTION, 2ND FLOOR, 500 MARSHALL ST.

75-20-2

JCM



Board of Adjustment

Appeal to establish a compliance date for a nonconforming use. Sec. 51A-4.704(a)(1)(A)

or

Appeal to restore a nonconforming use. Sec. 51A-4.704(a)(2)

SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

Property address: 8282 Park Lane

- 1. The nonconforming use being appealed/restored: General Merchandise Food Store
(The land use as stated on the Certificate of Occupancy. Attach a copy of the C.O.) > 100,000 sf.
- 2. Reason the use is classified as nonconforming: Large Retail Ordinance applies to all GMFS > 100,000 sf after adoption
(Was there a change in the zoning or in the use requirements?)
- 3. Current zoning of the property on which the use is located: MU-2
- 4. Date the nonconforming use was discontinued: 2011
- 5. Date that the nonconforming use became nonconforming: October 27, 2004
(Date the property zoning or use requirements changed.)
- 6. Previous zoning of the property on which the use is located: NA
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 04/04/14)

John Smith
8/27/10



DATE: 11/11/11
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT
2	11/11/11	ISSUED FOR PERMIT
3	11/11/11	ISSUED FOR PERMIT
4	11/11/11	ISSUED FOR PERMIT
5	11/11/11	ISSUED FOR PERMIT
6	11/11/11	ISSUED FOR PERMIT
7	11/11/11	ISSUED FOR PERMIT
8	11/11/11	ISSUED FOR PERMIT
9	11/11/11	ISSUED FOR PERMIT
10	11/11/11	ISSUED FOR PERMIT
11	11/11/11	ISSUED FOR PERMIT
12	11/11/11	ISSUED FOR PERMIT
13	11/11/11	ISSUED FOR PERMIT
14	11/11/11	ISSUED FOR PERMIT
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100	11/11/11	ISSUED FOR PERMIT

PROJECT DATA

PROJECT NO.	111111
PROJECT NAME	111111
CLIENT	111111
ARCHITECT	111111
DATE	11/11/11
SCALE	1/8" = 1'-0"
PROJECT LOCATION	111111
PROJECT AREA	111111
PROJECT TYPE	111111
PROJECT STATUS	111111
PROJECT PHASE	111111
PROJECT DESCRIPTION	111111
PROJECT NOTES	111111

FLOOR PLAN
SCALE: 1/8" = 1'-0"

FLOOR PLAN
SCALE: 1/8" = 1'-0"

NOTE: FINISH FLOOR ORIGIN AS SHOWN. SEE OTHER SHEETS FOR FINISH FLOOR ELEVATIONS.

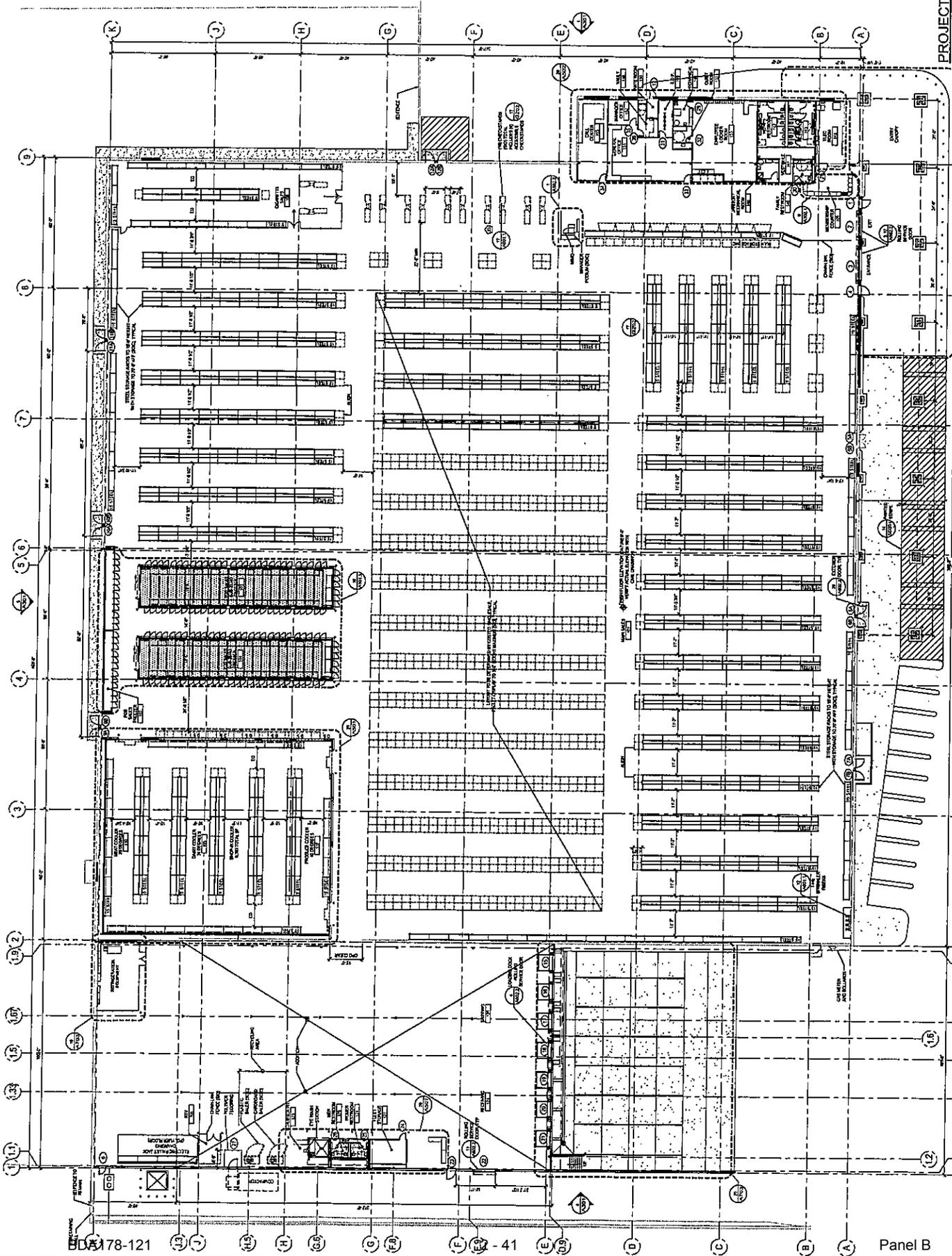
NOTE: ADDITIONAL INSULATION AT PLUMBING LOCATED AGAINST THE EXTERIOR WALL - SEE 17.1001.

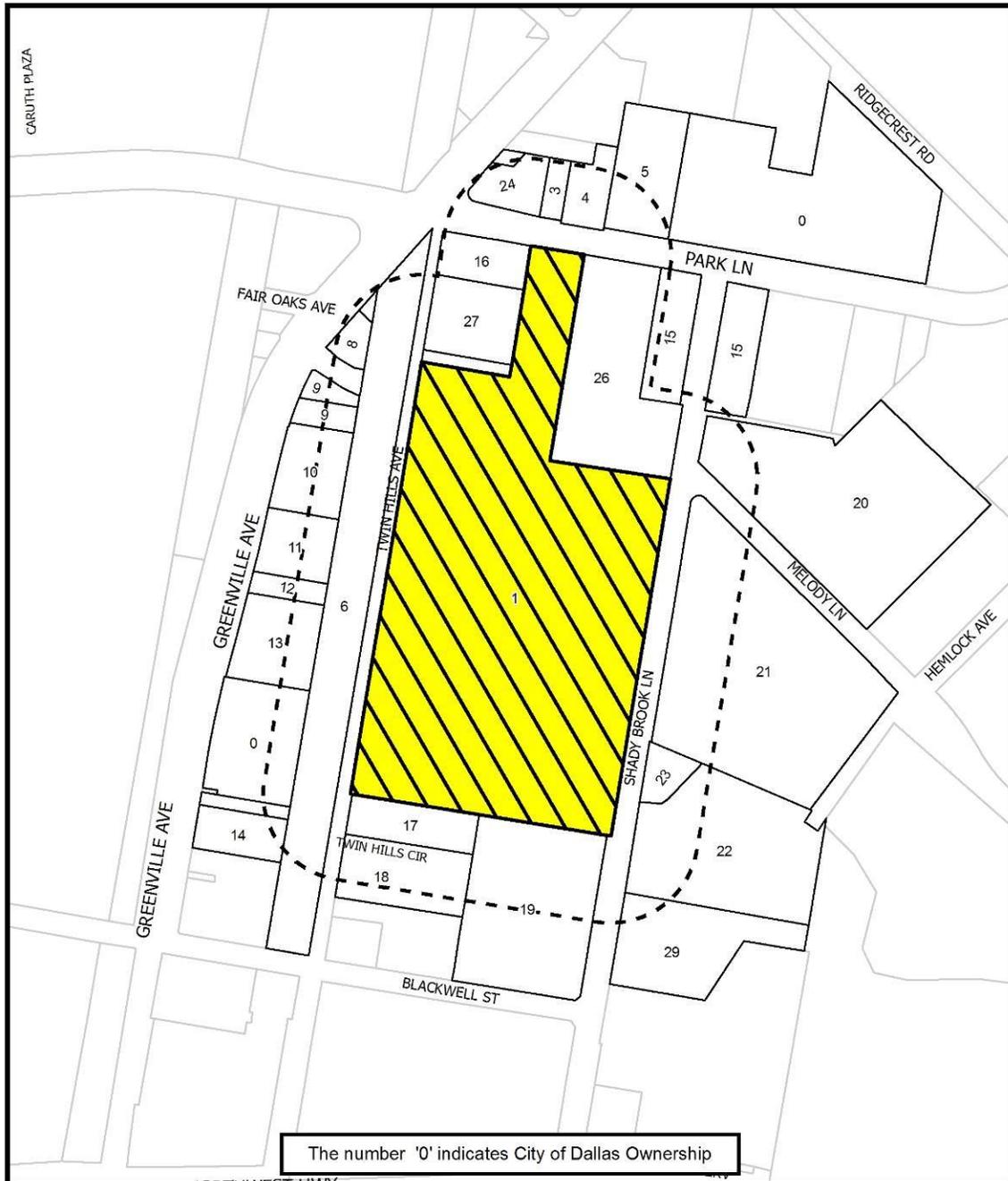
NOTE: COORDINATE ROOMS AS DIRECTED BY FIRE DEPT. SEE OTHER SHEETS FOR ROOM SIZES AND FINISH LOCATIONS.

NOTE: ADDITIONAL INSULATION AT PLUMBING LOCATED AGAINST THE EXTERIOR WALL - SEE 17.1001.

NOTE: COORDINATE ROOMS AS DIRECTED BY FIRE DEPT. SEE OTHER SHEETS FOR ROOM SIZES AND FINISH LOCATIONS.

NOTE: ADDITIONAL INSULATION AT PLUMBING LOCATED AGAINST THE EXTERIOR WALL - SEE 17.1001.





 1:3,600	NOTIFICATION		Case no: BDA178-121
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">29</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/1/2018	

Notification List of Property Owners

BDA178-121

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8282 PARK LN	GREENVILLE CENTRE LC
2	6910 GREENVILLE AVE	LOUIS G REESE INC
3	8219 PARK LN	OLIVERIE GERALD C &
4	8227 PARK LN	FONBERG INVEST CORP ET AL
5	8231 PARK LN	VIC PO LTD
6	5700 E NORTHWEST HWY	TEXAS UTILITIES ELEC CO
7	6868 GREENVILLE AVE	BLACKWELL SHERRY
8	6862 GREENVILLE AVE	6862 GREENVILLE AVE LLC
9	6852 GREENVILLE AVE	6846 6848 GA LTD
10	6846 GREENVILLE AVE	6846 48 GA LTD
11	6826 GREENVILLE AVE	FURRH INC
12	6818 GREENVILLE AVE	CLUB PTS INC
13	6810 GREENVILLE AVE	BOGART LYNNE ET AL
14	6770 GREENVILLE AVE	MIEGEL INVESTMENTS LLC
15	6889 SHADY BROOK LN	SHADYBROOK SQUARE LTD
16	6886 TWIN HILLS AVE	SHRINERS HOSPITALS ET AL
17	6770 TWIN HILLS AVE	POLYSPEDE ELECTRONICS
18	6758 TWIN HILLS AVE	SOUTHWESTERN BELL
19	6727 SHADY BROOK LN	CONCORD 5827 BLACKWELL LLC
20	5929 MELODY LN	APARTMENT VENTURES LLC
21	6810 SHADY BROOK LN	URBANO GW PARTNERS I LP
22	6748 SHADY BROOK LN	HEMLOCK REAL ESTATE HOLDINGS PO LLC
23	6756 SHADY BROOK LN	CHANTILIS ANGELO S
24	8209 PARK LN	DEVEN AJAY LLC
25	6778 GREENVILLE AVE	6778-6790 GREENVILLE AVE
26	8224 PARK LN	RIVERPARK ASSOCIATES LP

09/28/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	8208 PARK LN	TODORA TONY ET AL
28	6860 TWIN HILLS AVE	SAN MARINO SAVINGS
29	6730 SHADY BROOK LN	HALF PRICE BOOKS RECORDS

FILE NUMBER: BDA178-115(OA)

BUILDING OFFICIAL'S REPORT: Application of Terry Burt for a special exception to the single-family use regulations at 5222 Maple Springs Boulevard. This property is more fully described as Lot 20, Block C/2334, and is zoned PD-193 (R-7.5A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain a structure for servants' or caretakers' quarters, which will require a special exception to the single-family use regulations.

LOCATION: 5222 Maple Springs Boulevard

APPLICANT: Terry Burt

REQUEST:

A request for a special exception to the single-family use regulations is made to construct and maintain a two-story servants' or caretakers' quarters" on a site developed with a one-story main single-family home/dwelling unit structure.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51P.193.107(a)(1)(E)(i) states that the board may grant a special exception to authorize the use of a structure or a portion of a structure for servants' or caretakers' quarters in any subdistrict when, in the opinion of the board, the structure or portion of the structure will be used by bonafide servants or caretakers and will not be rental accommodations.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when, in the opinion of the board, the structure or portion of the structure will be used by bonafide servants or caretakers and will not be rental accommodations.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (R-7.5) (Planned Development, Single-family)
North: PD 193 (R-7.5) (Planned Development, Single-family)
South: PD 193 (R-7.5) (Planned Development, Single-family)
East: PD 193 (R-7.5) (Planned Development, Single-family)
West: PD 193 (R-7.5) (Planned Development, Single-family)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the single-family use regulations focuses on constructing and maintaining a two-story “servants’ or caretakers’ quarters” on a site developed with a one-story main single-family home/dwelling unit structure.
- The site is zoned PD 193 (R-7.5) where the Dallas Development Code permits one dwelling unit per lot.
- Section 51P-193.107(1) states that only one dwelling unit may be located on a lot.
- Section 51P-193.107(a)(1)(E)(i) states that the board of adjustment may grant a special exception to authorize the use of a structure or a portion of a structure for servants’ or caretakers’ quarters in any subdistrict when, in the opinion of the board, the structure or portion of the structure will be used by bonafide servants or caretakers and will not be rental accommodations.
- Section 51P-193.106(1) defines “single family” use as “one dwelling unit located on a lot.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single-family main structure and the smaller of the two denoted as “line of the new second floor above existing garage”.
- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “line of new second floor above existing garage” structure, specifically its collection of rooms/features shown on the floor plan.
- According to DCAD records, the “main improvement” for property addressed at 5222 5222 Maple Springs Boulevard is a structure built in 1928 with 1,228 square feet of total/living area with the following “additional improvements”: 400 square foot detached quarters.
- According to the submitted site plan the main structure contains 1,234 square feet and the caretakers’ quarters contains 522 square feet.
- On September 26, 2018, the applicant provided four letters from his neighbors supporting the proposed “servants’ or caretakers’ quarters, located at 5222 Maple Springs Boulevard, to the Board of Adjustment Senior Planner (see Attachment A).
- The applicant has the burden of proof in establishing that the use of the structure for servants’ or caretakers’ quarters will be used by bonafide servants or caretakers and will not be rental accommodations.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will be used by bonafide servants or caretakers

and will not be rental accommodations. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing a servants' or caretakers' quarters on the site (i.e. development on the site must meet all other code requirements).

Timeline:

August 14, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

September 13, 2018: The Board Senior Planner emailed the applicant the following information:

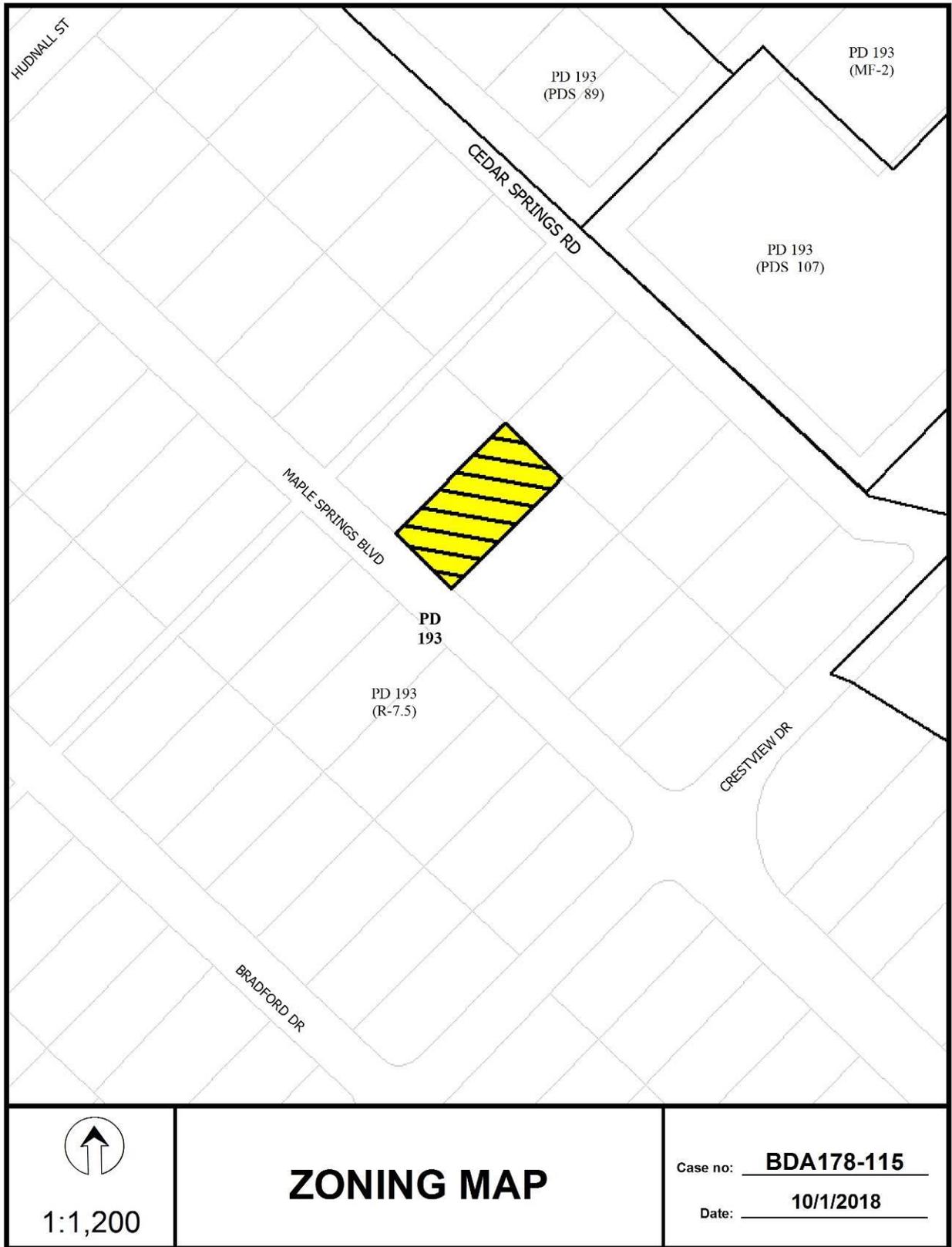
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 26th deadline to submit additional evidence for staff to factor into their analysis; and the October 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

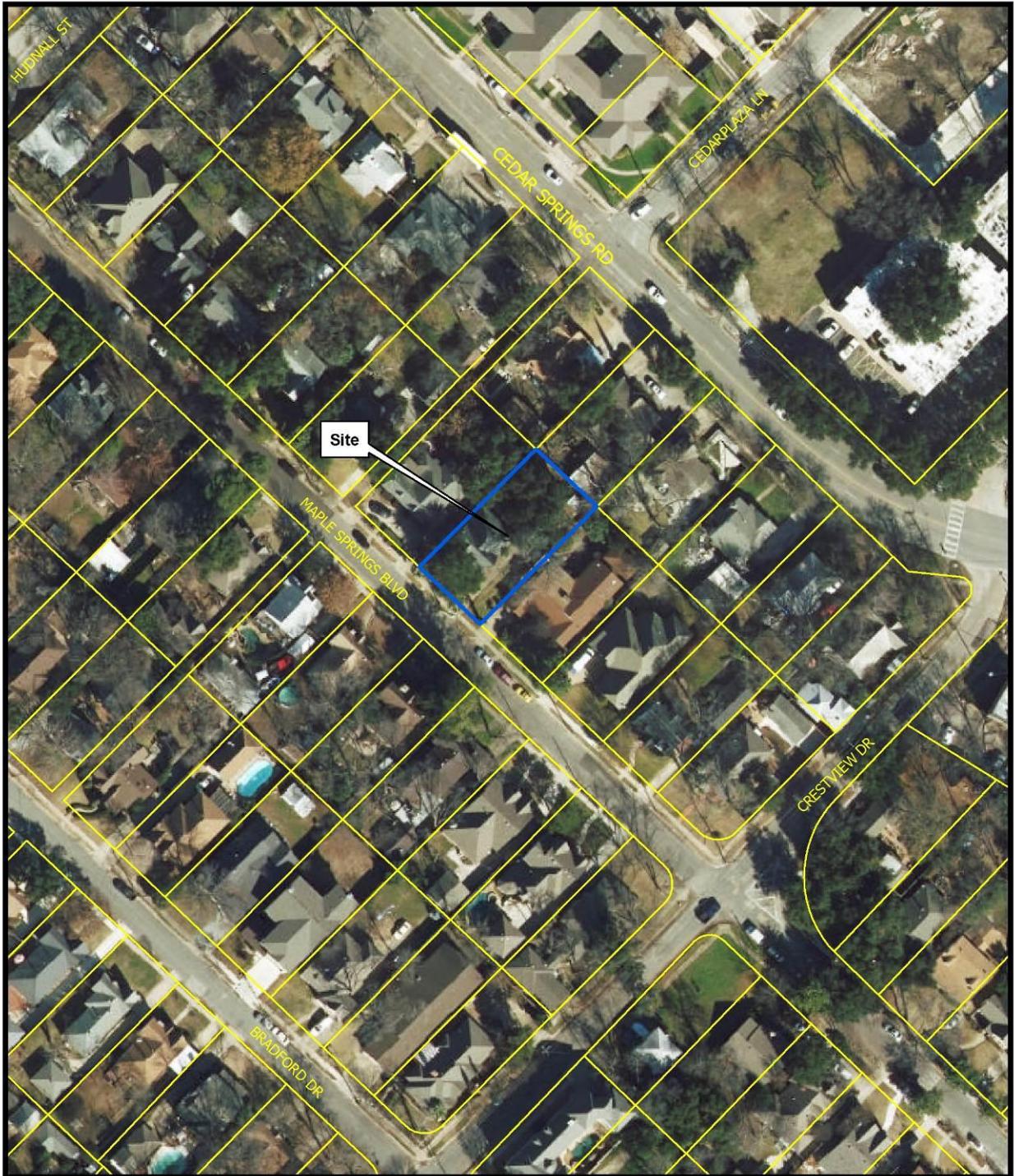
September 26, 2018: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

October 1, 2018: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board

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






1:1,200

AERIAL MAP

Case no: BDA178-115
Date: 10/1/2018

5222 Maple Springs Blvd. Special Exception

Case No.: BDA 178-115

Date: 9/21/2018

Data Relative to Subject Property:

Location address : 5222 Maple Springs Blvd. Zoning District: R75(A)
Lot No.: 20 Block: C/2334 Acreage .188 Census Tract: 4.04
Street Frontage (in feet): 65

To the Honorable Board of Adjustment:

Owner of the Property (per Warranty Deed): Terry Burt

APPLICANT: Terry Burt

E-Mail Address: t3rryb.n0h8@gmail.com

Owner of the Neighboring Property: Thomas E. Bowers

Neighboring Property Address: 5229 Maple Springs Blvd.

Neighbor/Owner Email: TEB1955@AOL.COM

I affirm that the requested additional dwelling unit requested by Terry Burt at 5222 Maple Springs Blvd. will not adversely affect neighboring properties and will not be contrary to any public interests.

Neighbor/Owner Signature: Thomas E. Bowers

Date: 9-21-18

5222 Maple Springs Blvd. Special Exception

Case No.: BDA 178-115

Date: 9/21/2018

Data Relative to Subject Property:

Location address : 5222 Maple Springs Blvd. Zoning District: R75(A)
Lot No.: 20 Block: C/2334 Acreage .188 Census Tract: 4.04
Street Frontage (in feet): 65

To the Honorable Board of Adjustment:

Owner of the Property (per Warranty Deed): Terry Burt

APPLICANT: Terry Burt

E-Mail Address: t3rryb.n0h8@gmail.com

Owner of the Neighboring Property : RICHARD RET

Neighboring Property Address: 5212 MAPLE SPRINGS BLVD

Neighbor/Owner Email: RICHARD@RICHARDRET.COM

I affirm that the requested additional dwelling unit requested by Terry Burt at 5222 Maple Springs Blvd. will not adversely affect neighboring properties and will not be contrary to any public interests.

Neighbor/Owner Signature: [Handwritten Signature]

Date: 9/26/18

5222 Maple Springs Blvd. Special Exception

Case No.: BDA 178-115

Date: 9/21/2018

Data Relative to Subject Property:

Location address : 5222 Maple Springs Blvd. Zoning District: R75(A)
Lot No.: 20 Block: C/2334 Acreage .188 Census Tract: 4.04
Street Frontage (in feet): 65

To the Honorable Board of Adjustment:

Owner of the Property (per Warranty Deed): Terry Burt

APPLICANT: Terry Burt

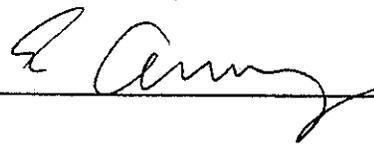
E-Mail Address: t3rryb.n0h8@gmail.com

Owner of the Neighboring Property: Eric Alvey

Neighboring Property Address: 5303 Maple Springs Blvd

Neighbor/Owner Email: eric.alvey@gmail.com

I affirm that the requested additional dwelling unit requested by Terry Burt at 5222 Maple Springs Blvd. will not adversely affect neighboring properties and will not be contrary to any public interests.

Neighbor/Owner Signature: 

Date: 9-26-18

5222 Maple Springs Blvd. Special Exception

Case No.: BDA 178-115

Date: 9/21/2018

Data Relative to Subject Property:

Location address : 5222 Maple Springs Blvd. Zoning District: R75(A)

Lot No.: 20 Block: C/2334 Acreage .188 Census Tract: 4.04

Street Frontage (in feet): 65

To the Honorable Board of Adjustment:

Owner of the Property (per Warranty Deed): Terry Burt

APPLICANT: Terry Burt

E-Mail Address: t3rryb.n0h8@gmail.com

Owner of the Neighboring Property : Wesley Hiatt
Neighboring Property Address: 5228 Maple Springs Blvd
Neighbor/Owner Email: Wesley Hiatt@gmail.com

I affirm that the requested additional dwelling unit requested by Terry Burt at 5222 Maple Springs Blvd. will not adversely affect neighboring properties and will not be contrary to any public interests.

Neighbor/Owner Signature: [Handwritten Signature]
Date: 9/21/18

From: Terry Burt <t3rryb.n0h8@gmail.com>
Sent: Monday, October 01, 2018 3:40 PM
To: Long, Steve; Aguilera, Oscar E
Subject: Re: FW: BDA178-115, Property at 5522 Maple Boulevard
Attachments: image008.png

Steve/Oscar,

Thanks for advising me on the additional guidelines. Even though I stated the use would be for a family member the original functional use was to be for a caretaker. Please consider my original application for a special exception amended to correctly state the use of the additional dwelling unit will be for a caretaker.

Terry Burt
214 208-2008
t3rryb.n0h8@gmail.com

On Mon, Oct 1, 2018 at 2:17 PM Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Mr. Burt,

I just left you a detailed message about your application referenced above.

Attached per my message is the correct/applicable standard that the board will be required to use on this application located in PD 193: Section 51P-193.107(E). (This standard is to replace the one Oscar emailed to you on September 13th).

Please carefully review this standard specifically how it states that the board may grant a special exception to authorize the use of a structure or a portion of a structure for servants' or caretakers' quarters in any subdistrict when, in the opinion of the board, the structure or portion of the structure will be used by bonafide servants or caretakers and will not be rental accommodations.

Please let me or Oscar know by noon tomorrow, Tuesday, October 2nd if you want to proceed with this application given this discovery and the fact that your application references the additional dwelling unit to allow family members (as opposed to servants or caretakers).

Thank you,

Steve

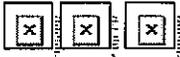


Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division

Sustainable Development and Construction

1500 Marilla Street, 5BN

Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



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

From: Aguilera, Oscar E
Sent: Thursday, September 27, 2018 9:44 AM
To: Long, Steve <steve.long@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>
Cc: t3rryb.n0h8@gmail.com
Subject: FW: BDA178-115, Property at 5522 Maple Boulevard.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-115

Data Relative to Subject Property:

Date: 8-14-18

Location address: 5222 Maple Springs Blvd Planning District: R 7.5(A)

Lot No.: 20 Block No.: C/2334 Acreage: .188 ~~87334~~ Census Tract: 4.04

Street Frontage (in Feet): 1) 65 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Terry Burt

Applicant: Terry Burt Telephone: _____

Mailing Address: 5222 Maple Springs Blvd Dallas Zip Code: 75235

E-mail Address: t3rryb.nph8@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception __, of an additional dwelling unit, to allow family member use for extended periods.

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: additional dwelling unit will be good restricted to prevent becoming rental unit. structure is of like materials as main structure.

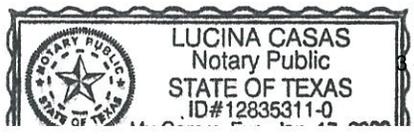
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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

Subscribed and sworn to before me this 14 day of August, 2018



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

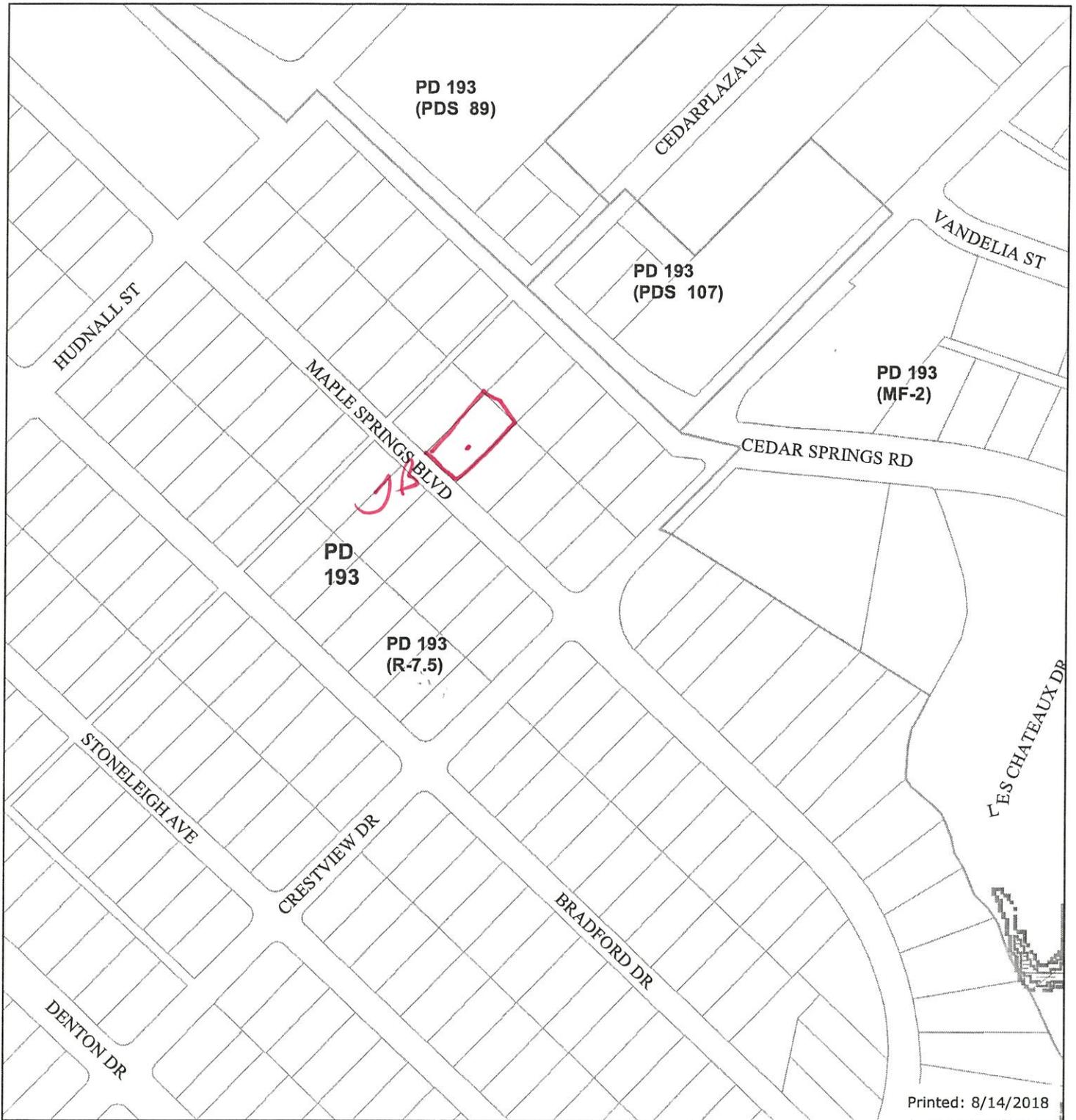
I hereby certify that TERRY BURT

did submit a request for a special exception to the single family regulations
at 5222 Maple Springs Blvd.

BDA178-115. Application of TERRY BURT for a special exception to the single family regulations at 5222 MAPLE SPRINGS BLVD. This property is more fully described as Lot 20, Block C/2334, and is zoned PD-193 (R-7.5A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 8/14/2018

Legend

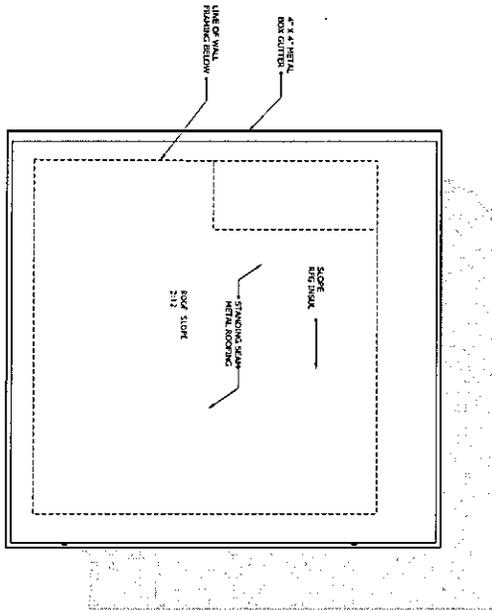
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood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

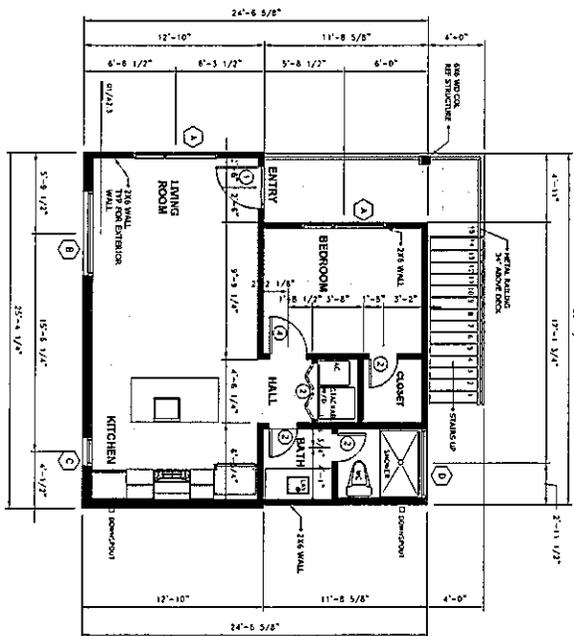




ROOF PLAN
SCALE: 1/8" = 1'-0"



FLOOR PLAN
SCALE: 1/8" = 1'-0"



NO.	DATE	REVISIONS

2018.130
 PROJECT NUMBER
 A2.1
 PLANS
 DATE OF ORIGINAL ISSUE
 10 AUGUST 2018
 DATE OF REVISIONING
 10 AUGUST 2018

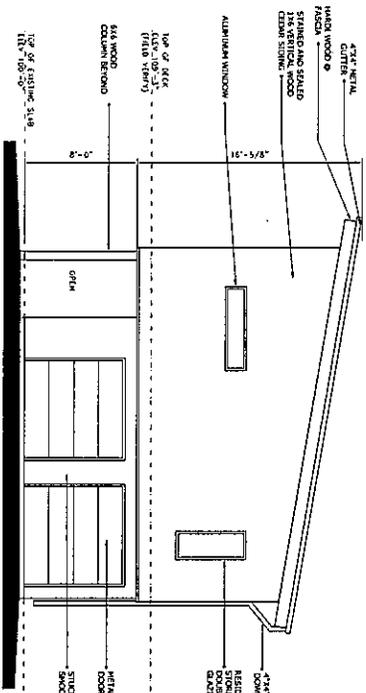
BURT RESIDENCE
GARAGE 2ND FLOOR ADDITION
 5222 MAPLE SPRINGS
 DALLAS, TX 75235

CONTRACTOR SHALL VERIFY ALL
 CONDITIONS AND DIMENSIONS
 BEFORE BEGINNING WORK.
 THE ARCHITECTS OF ANY DISCREPANCIES
 BETWEEN THE CONTRACT DOCUMENTS
 SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
 THE ARCHITECTS SHALL NOT BE RESPONSIBLE
 FOR ANY DISCREPANCIES BETWEEN THE
 CONTRACT DOCUMENTS.

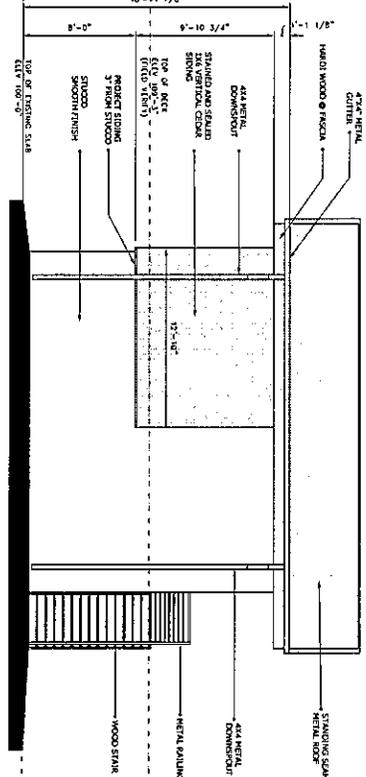
KH ARCHITECT
 1000 WEST END AVENUE
 SUITE 1000
 DALLAS, TEXAS 75201
 TEL: 214.782.1100
 FAX: 214.782.1101
 WWW.KHARCHITECT.COM



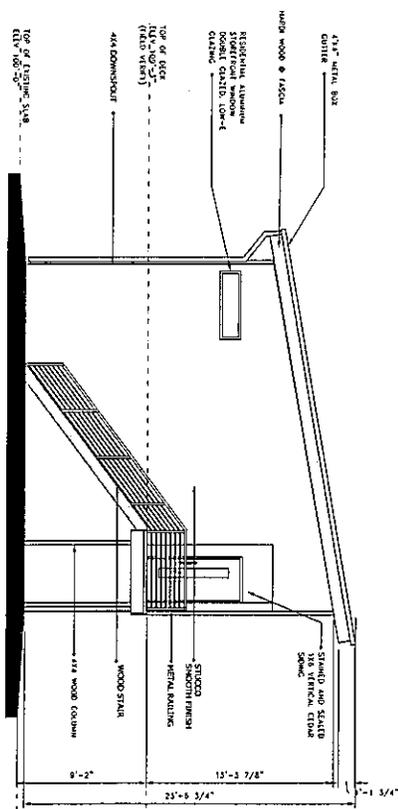
Part B



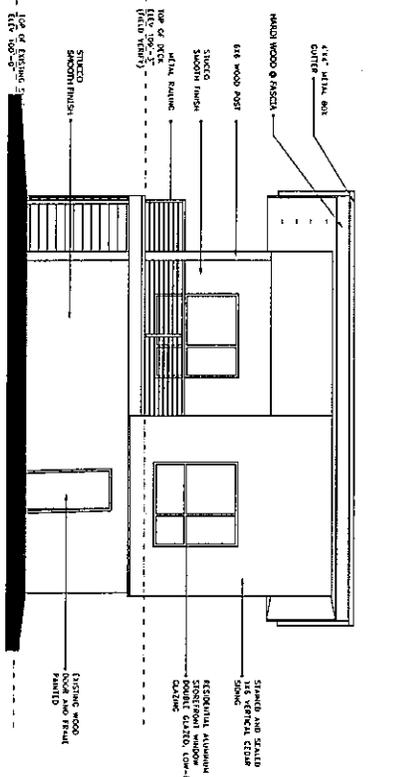
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



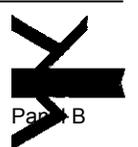
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



KH ARCHITECT
4200 GOLF COURSE
DALLAS, TX 75204
214.420.0000
www.kharchitect.com

CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND CONDITIONS
ON SITE PRIOR TO COMMENCEMENT
OF WORK. THE ARCHITECT IS NOT
RESPONSIBLE FOR ANY
MISUNDERSTANDING OR
MISAPPROPRIATE WORK
RESULTING FROM
IMPROPER SCALE DIMENSIONS.

**BURT RESIDENCE
GARAGE 2ND FLOOR ADDITION**

5222 MAPLE SPRINGS
DALLAS, TX 75235
3 - 18

NO.	DATE	REVISIONS

2018.130
A2.2
EXTERIOR
ELEVATIONS
DATE OF ORIGINAL ISSUE
10 AUGUST 2018
DATE OF REVISION
10 AUGUST 2018

178-115

Trammell, Charles

From: Terry Burt <t3rryb.n0h8@gmail.com>
Sent: Tuesday, August 14, 2018 4:22 PM
To: Trammell, Charles
Subject: Missing pieces of the application for Special Exception at 5222 Maple Springs Blvd.
Attachments: 5222 Maple Springs - A2.2 Exterior Elevations 081018.pdf; 5222 Maple Springs - A2.1 Plans 081018.pdf; 5222 Maple Springs - SP1.1 Site Plan 081018.pdf

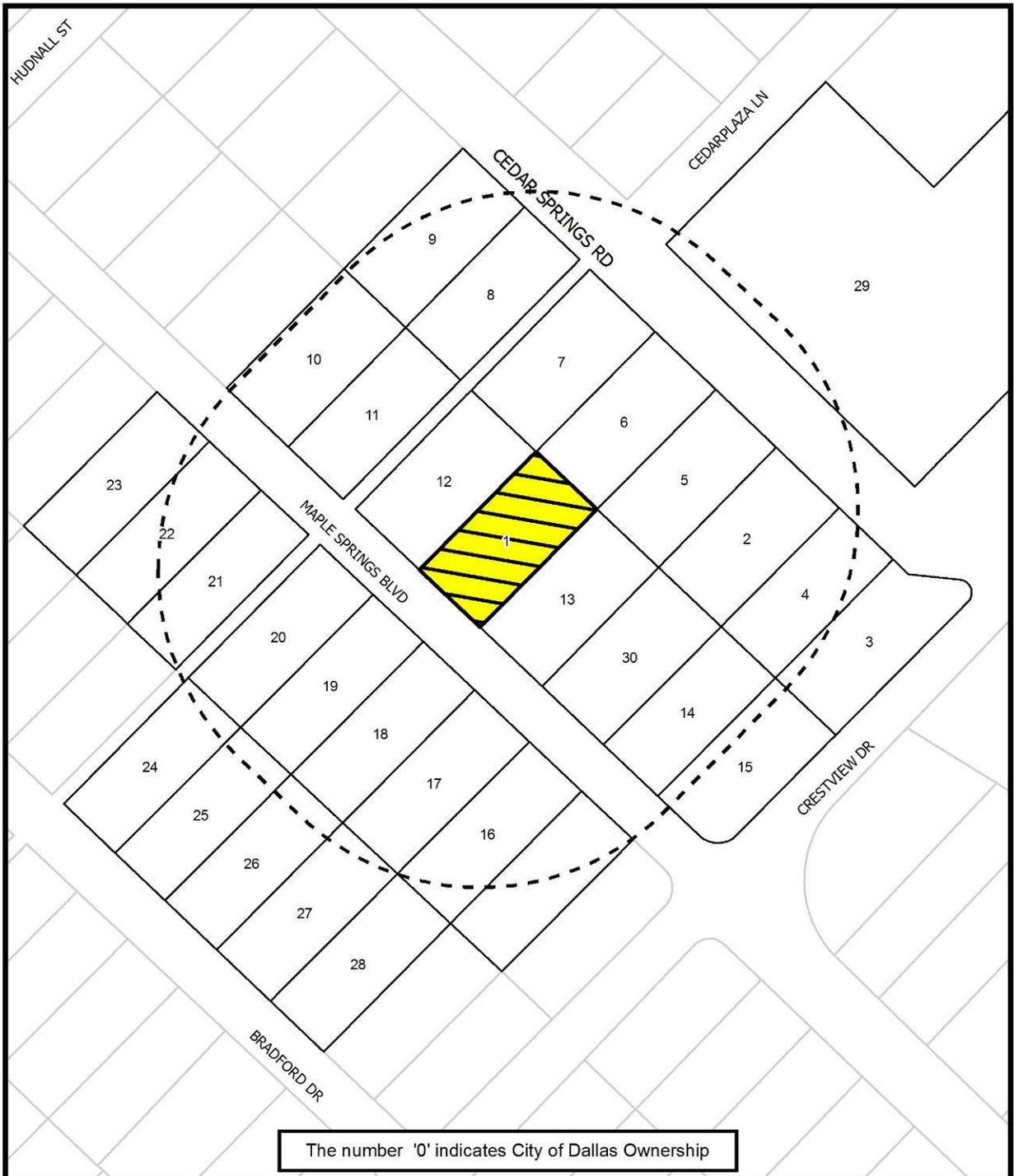
Charles,

The sq. footage of the house is 1,234.

The sq. footage of the additional dwelling is 522.

See the attached for the PDF. files of the drawings.

Terry Burt
214 208-2008
t3rryb.n0h8@gmail.com



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA178-115
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">30</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 10/1/2018

Notification List of Property Owners

BDA178-115

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5222 MAPLE SPRINGS BLVD	BURT TERRY
2	5211 CEDAR SPRINGS RD	KITTRELL JESSICA K
3	5203 CEDAR SPRINGS RD	WALLIN SVEN ANDREAS
4	5205 CEDAR SPRINGS RD	SOTO ROSENDO M &
5	5215 CEDAR SPRINGS RD	LEWIS MATTHEW
6	5219 CEDAR SPRINGS RD	THLANG TIMOTHY J
7	5223 CEDAR SPRINGS RD	ASBY SHEILA IRENE &
8	5303 CEDAR SPRINGS RD	TRIPP ERIC &
9	5307 CEDAR SPRINGS RD	LUPHER CRISSAVOL LIFE ESTATE
10	5310 MAPLE SPRINGS BLVD	GILMORE MICHAEL J
11	5302 MAPLE SPRINGS BLVD	MALDONADO GERARDO JR &
12	5228 MAPLE SPRINGS BLVD	HIATT WESLEY CRAIG
13	5216 MAPLE SPRINGS BLVD	WEIR BRADLEY J
14	5206 MAPLE SPRINGS BLVD	SENGUPTA ANITA
15	5204 MAPLE SPRINGS BLVD	EISELE MARGO
16	5211 MAPLE SPRINGS BLVD	KEARNS GARY A
17	5215 MAPLE SPRINGS BLVD	QUINN JOHN III
18	5219 MAPLE SPRINGS BLVD	CHAPPELL JIMMY L
19	5223 MAPLE SPRINGS BLVD	ROBLEDO JOHN
20	5227 MAPLE SPRINGS BLVD	BOWERS THOMAS EUGENE
21	5303 MAPLE SPRINGS BLVD	ALVEY ERIC R &
22	5305 MAPLE SPRINGS BLVD	GRAF MARTA A
23	5311 MAPLE SPRINGS BLVD	HUFFORD KENNETH
24	5226 BRADFORD DR	BOSTER JAMES DOUGLAS
25	5222 BRADFORD DR	MILBURN ROGER C
26	5218 BRADFORD DR	LAIR K BRINDLE

09/28/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5216 BRADFORD DR	HOLODNICKI JOHN B &
28	5210 BRADFORD DR	GARCIA ESPERANZA &
29	3115 CRESTVIEW DR	DALLAS CITY OF HOUSING FINANCE CORP
30	5212 MAPLE SPRINGS BLVD	HALL CHRISTIANA E

FILE NUMBER: BDA178-114(OA)

BUILDING OFFICIAL'S REPORT: Application of Matthew Shipley for a special exception to the side yard setback regulations for a carport at 1508 El Campo Drive. This property is more fully described as Lot 2, Block J/5317, and is zoned R-10(A), NSO 5, which requires a side yard setback of 12 feet. The applicant proposes to construct and/or maintain a carport and provide a 5-inch setback, which will require a 11 foot 7-inch special exception to the side yard setback regulations.

LOCATION: 1508 El Campo Drive

APPLICANT: Matthew Shipley

REQUEST:

A request for a special exception to the side yard setback regulations of 11' 7" is made to maintain a carport located as close as 5" from the site's southeastern side property line or 11' 7" into this 12' required side yard setback required side yard setback on a site developed with a single-family home structure/use.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in the construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) NSOD-5(Single-family district 10,000 square feet) (Neighborhood Stabilizing District 5)

North: R-10(A) NSOD-5(Single-family district 10,000 square feet) (Neighborhood Stabilizing District 5)

South: R-10(A) NSOD-5(Single-family district 10,000 square feet) (Neighborhood Stabilizing District 5)

East: R-10(A) NSOD-5(Single-family district 10,000 square feet) (Neighborhood Stabilizing District 5)

West: R-10(A) NSOD-5(Single-family district 10,000 square feet) (Neighborhood Stabilizing District 5)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The special exception to the side yard setback side yard setback regulations of 11' 7" focuses on maintaining an approximately 253 square foot carport 5 inches away from the site's side southeastern property line or 11' 7 into this 12' side yard setback on a site developed with a single-family home structure/use.
- The subject site is zoned R-10(A) NSOD-5 which requires a 12' side yard setback.
- The submitted site plan and the submitted three elevations represent the size and materials of the carport and its location in the site's side southeastern property line or 11' 7 into this 12' side yard setback on a site developed with a single-family home structure/use.
- The submitted site plan represents the following:
 - The carport is approximately 22' in length and approximately 12' in width (approximately 253 square feet in total area) of which all of it is located in the side yard setback.
- The submitted elevations represent the following:
 - Ranging in height from approximately 9' 7" – 10'.
 - Cedar rooftop with roof shingles.
 - Notes "structure constructed of cedar wood with 5/8 type X sheathing 1-hour fireproof materials".
 - Notes "minimum 1 hour rated wall, non-combustible materials and UL listing per Dallas Building Code".
- The Senior Planner Board Administrator conducted a field visit of the area approximately 500 feet north and south of the subject site and noted no other carports that appeared to be located in a side yard setback.

- As of October 5, 2018, a petition with seven signatures had been submitted in support of the request and five letters had been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 11’ 7” will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevations is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board were to grant this request and impose the submitted site plan and elevations as a condition to the request, the structure in the side setback would be limited to that what is shown on these documents – a carport located 5” away from the southeastern side property line or 11’7” into this required 12’ side yard setback.

Timeline:

August 7, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

September 13, 2018: The Board Administrator emailed the applicant’s representative the following information:

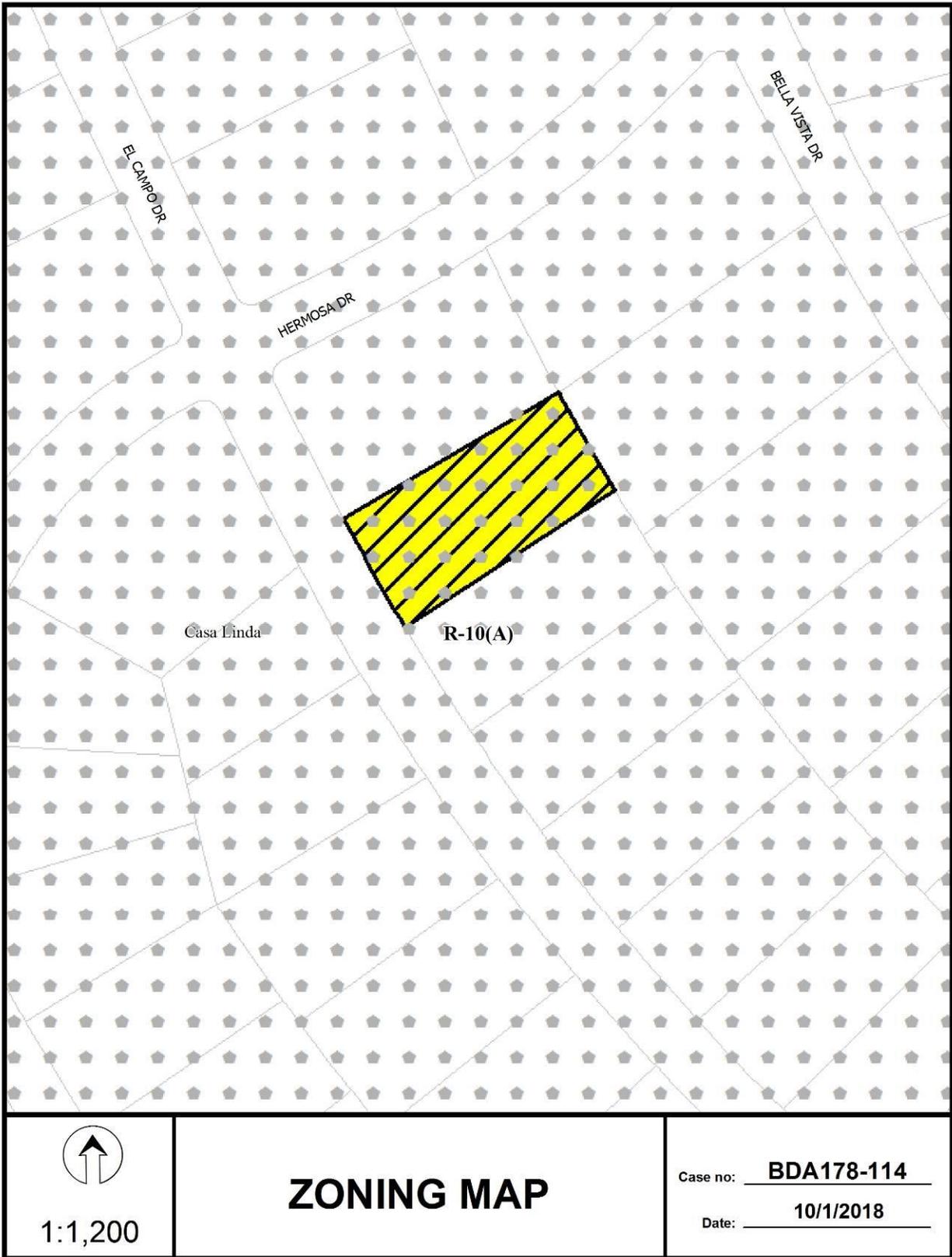
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 26th deadline to submit additional evidence for staff to factor into their analysis; and the October 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 25, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October

public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



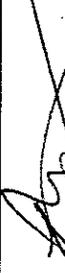


 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA178-114</u> Date: <u>10/1/2018</u>
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COVA (8-11) APPROVED R (09-19)

Support for the Shipley Carport Special Exemption at 1508 El Campo Dr.

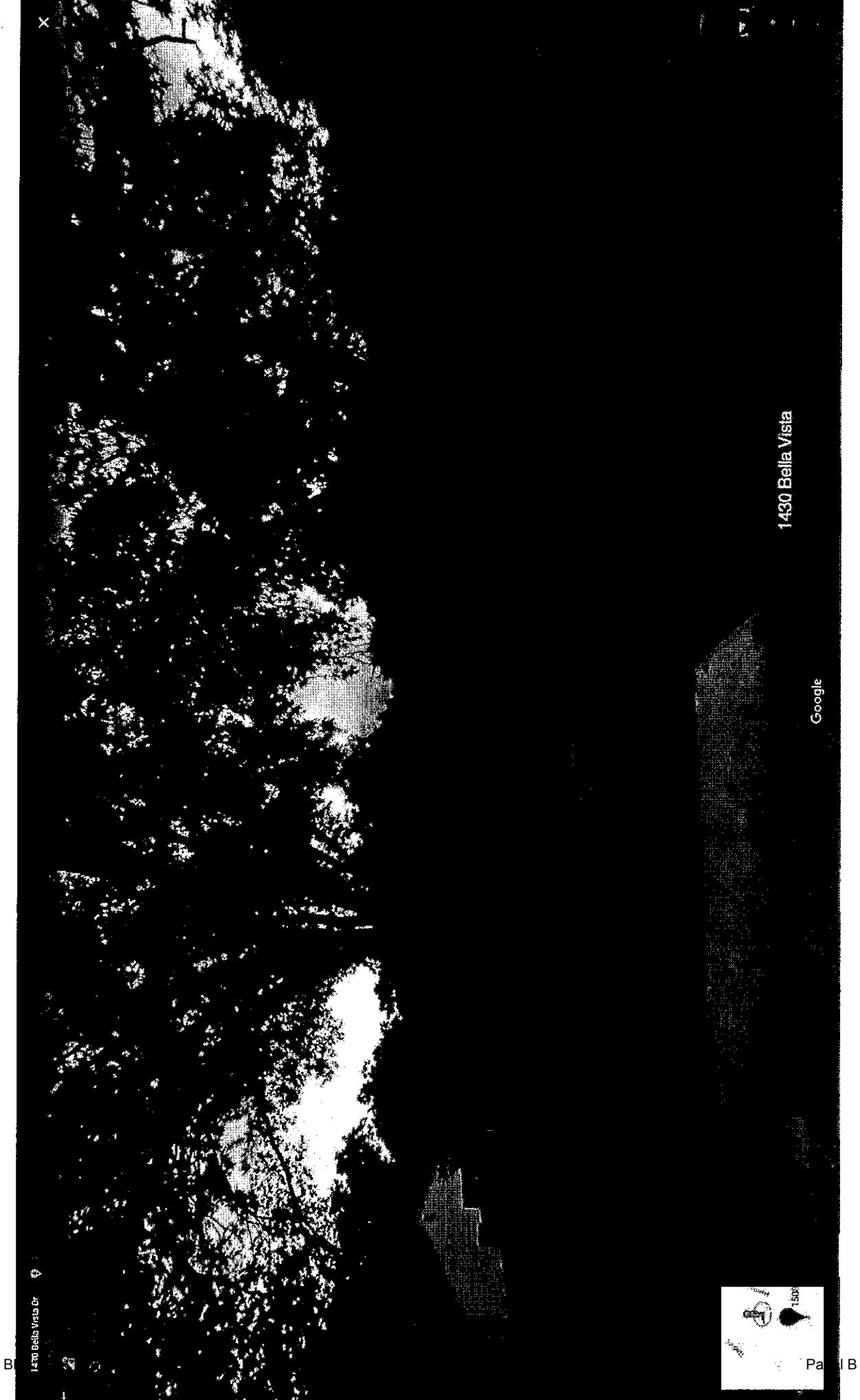
<p>Petition Summary and background</p>	<p>The Shipley family is trying to receive approval of a Special Exemption to the existing zoning of the side setback and overlay in order to keep the currently constructed carport. We are asking for the exemption of this structure only to be changed to provide for a 5in side yard setback which will require an 11ft 7in special exemption to the side yard setback regulation. We currently have a hearing set for October 17th at 1pm</p> <p>Our reasons for the carport include but are not limited to the following:</p> <ul style="list-style-type: none"> • Unable to park more than one vehicle in garage due to the limiting driveway turn radius • Creates shade and elements coverage for second vehicle, protects vehicle from tree sap, sun damage and hail and keeps the vehicle cooler when entering during the extreme heat of summer. • Creates an additional security shield due to increased theft activity in neighborhood
<p>Action requested for</p>	<p>We, the undersigned, are close neighbors that:</p> <ul style="list-style-type: none"> • Feel that the Shipley carport does not adversely affect the overall look of the neighborhood, nor does it adversely affect the adjoining property • Feel that the Shipley carport design and look matches the style of the existing house and is similar to other carports in the neighborhood

Printed Name	Signature	Address	Comment	Date
JIMMY & MARISSA MUNTZ		1518 EL CAMPO DR. DALLAS, TX 75227	STRUCTURE IS WELL BUILT & LOOKS GREAT ALONG WITH THE ARCHITECTURE OF HOME.	9-18-18
Richard Hatcher		1520 EL CAMPO DR	Build it	9-18-18
Erbert Elliott		1505 EL CAMPO RR		9-20-18
Bill Hollow		1515 El Campo		9-23-18
Paul Weese		1517 El Campo		9/23/18
THOMAS COLCOTT		1509 El Campo		9-23-18
Michael Hollar		1557 El Campo		9-23-18

1430 (pg 2/19)

1430 Bella Vista Dr

1430 Bella Vista Dr



X

1430 Bella Vista Dr

1430 Bella Vista

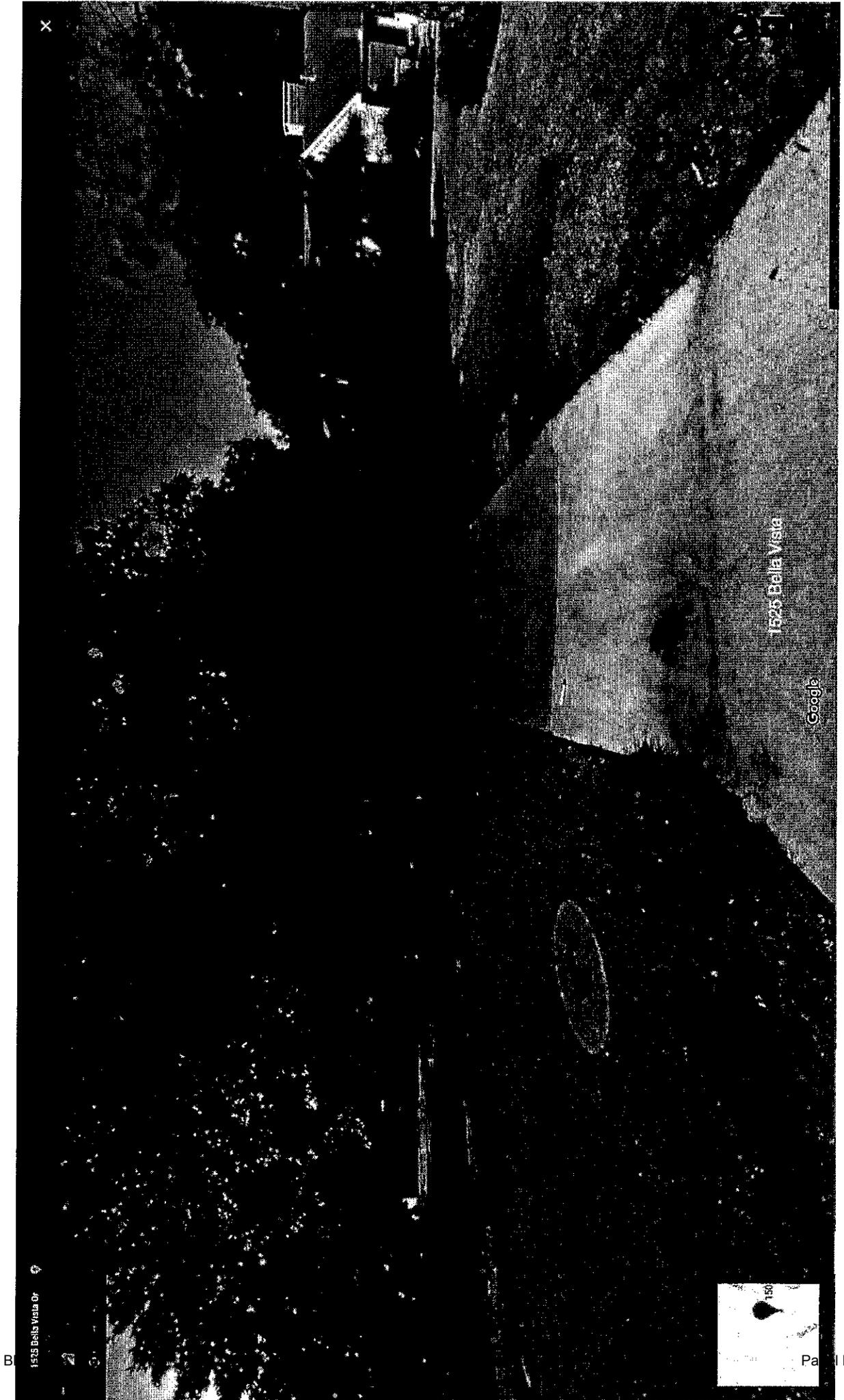
Google



Pa

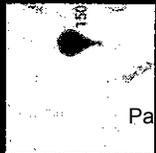
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BLWA178-1141 917AC# W (P93 19)



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1525 Bella Vista Dr



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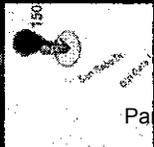
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5
EDR 172-114 ATTACH A (pg 4)



X

1508 El Campo Dr



Old View of 1508 Lot

Google

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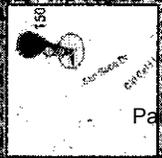
BDA 178-114 ATTACHED A (P. 5-19)



B

1509 El Campo Dr

X

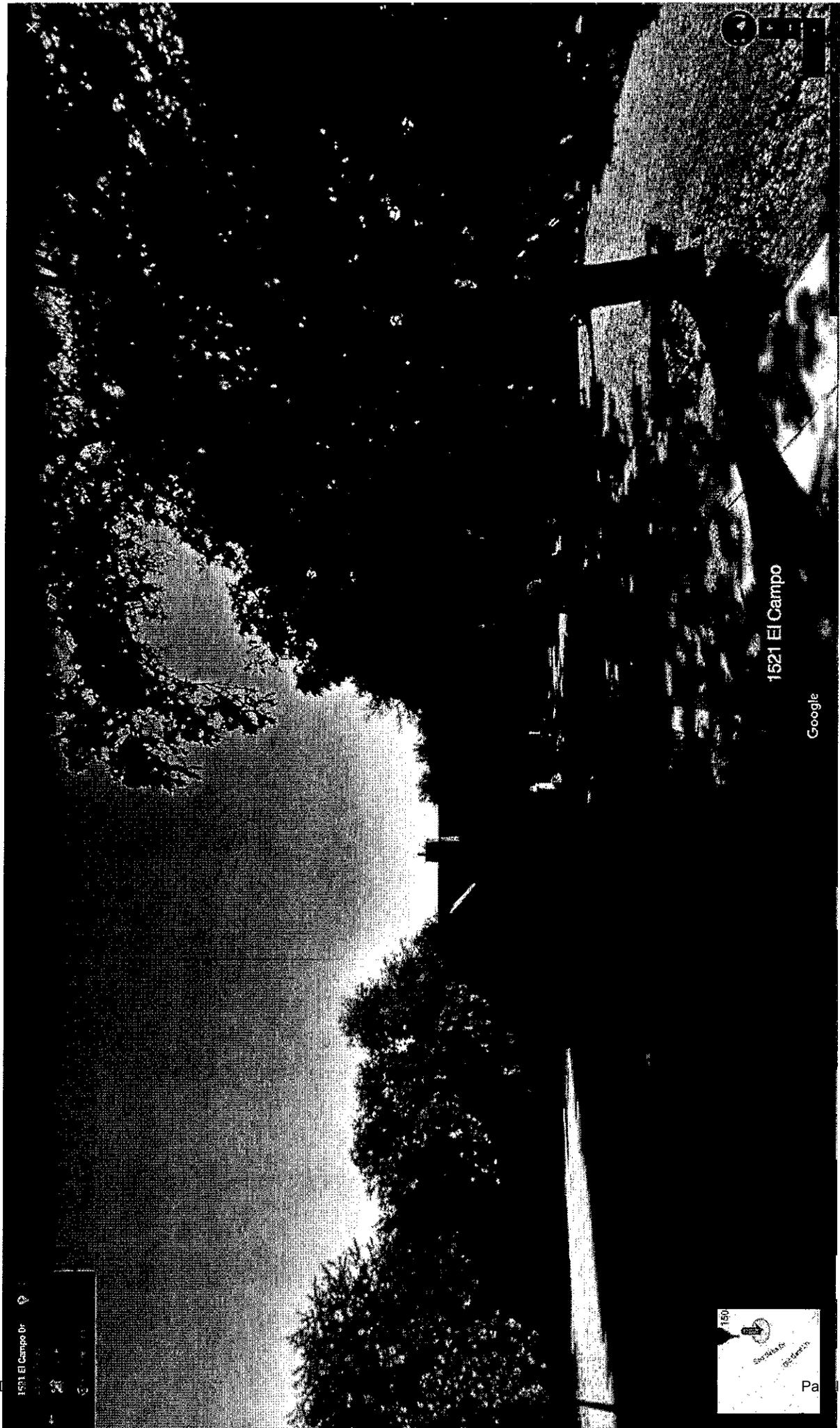


1509 El Campo

Google

Page 1 B

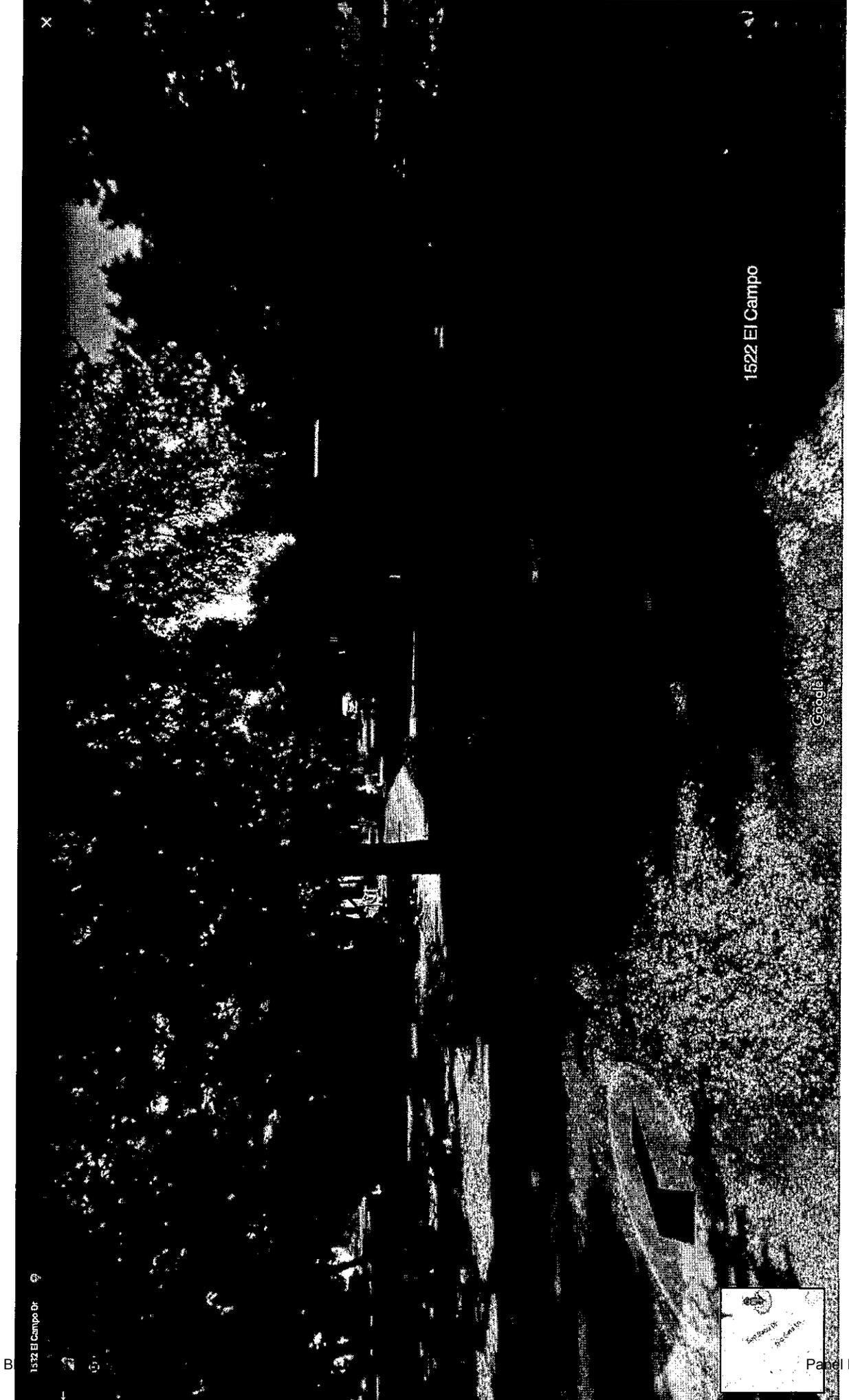
BDA178-114 ATTACH A (pg 8/9)



B

B

BDA-1728-114 (1979)



B

1522 El Campo Dr



Panel B

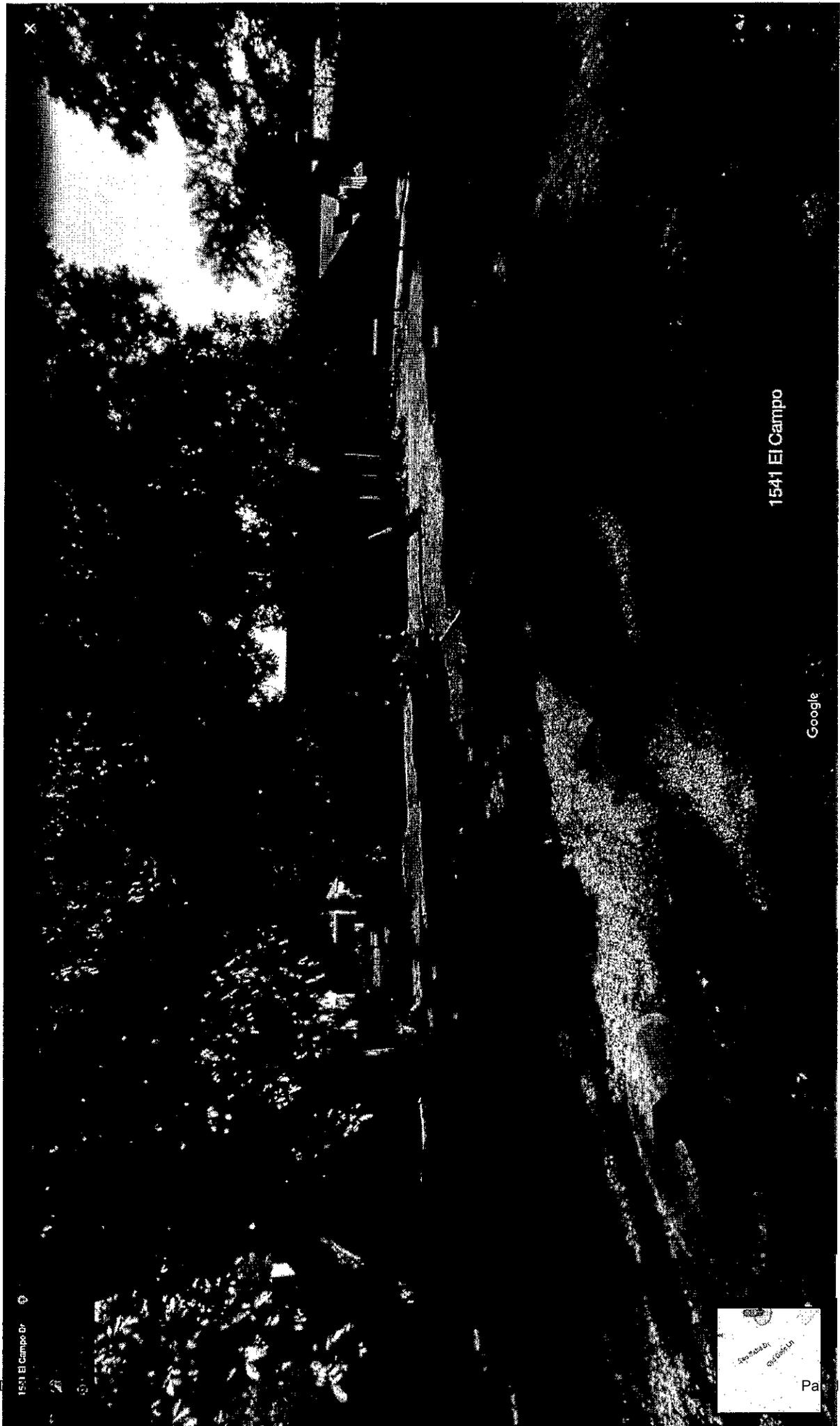
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Google

X

X

BDAV78-1111 ATTACH W 109 9



1541 El Campo Dr

1541 El Campo

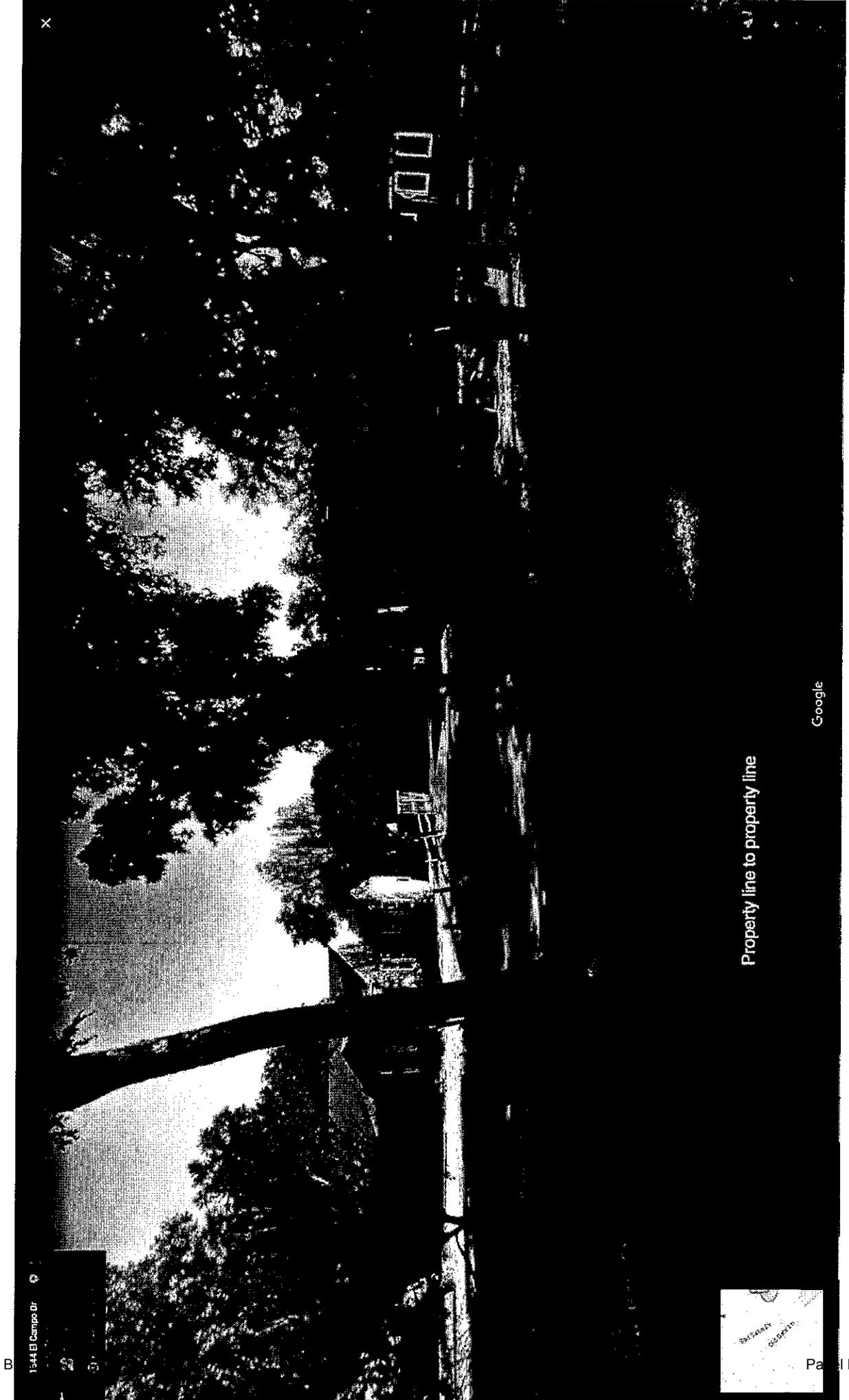
Google



B

B

RDA 178-114 ATTACHED A (008 19)



1344 El Campo Dr



Google

Property line to property line

Pa B

BDA178-114 ATINCH (P9 19)



X

1522 El Campo Dr

4+



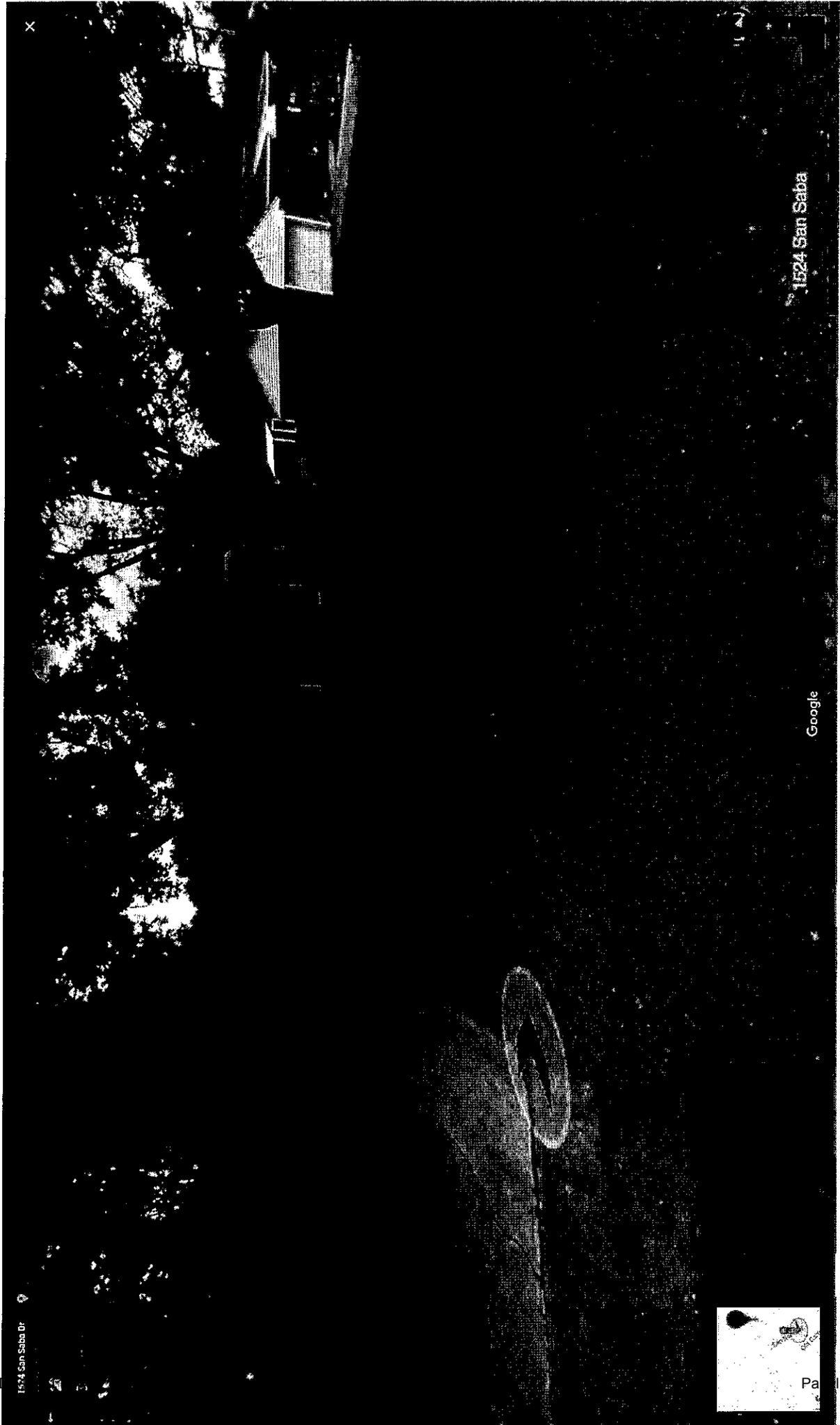
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BDBN 1718.118.118.118 (89-19)



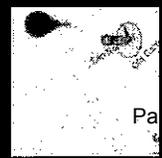
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(2)

1524 San Saba

Google

1524 San Saba 01

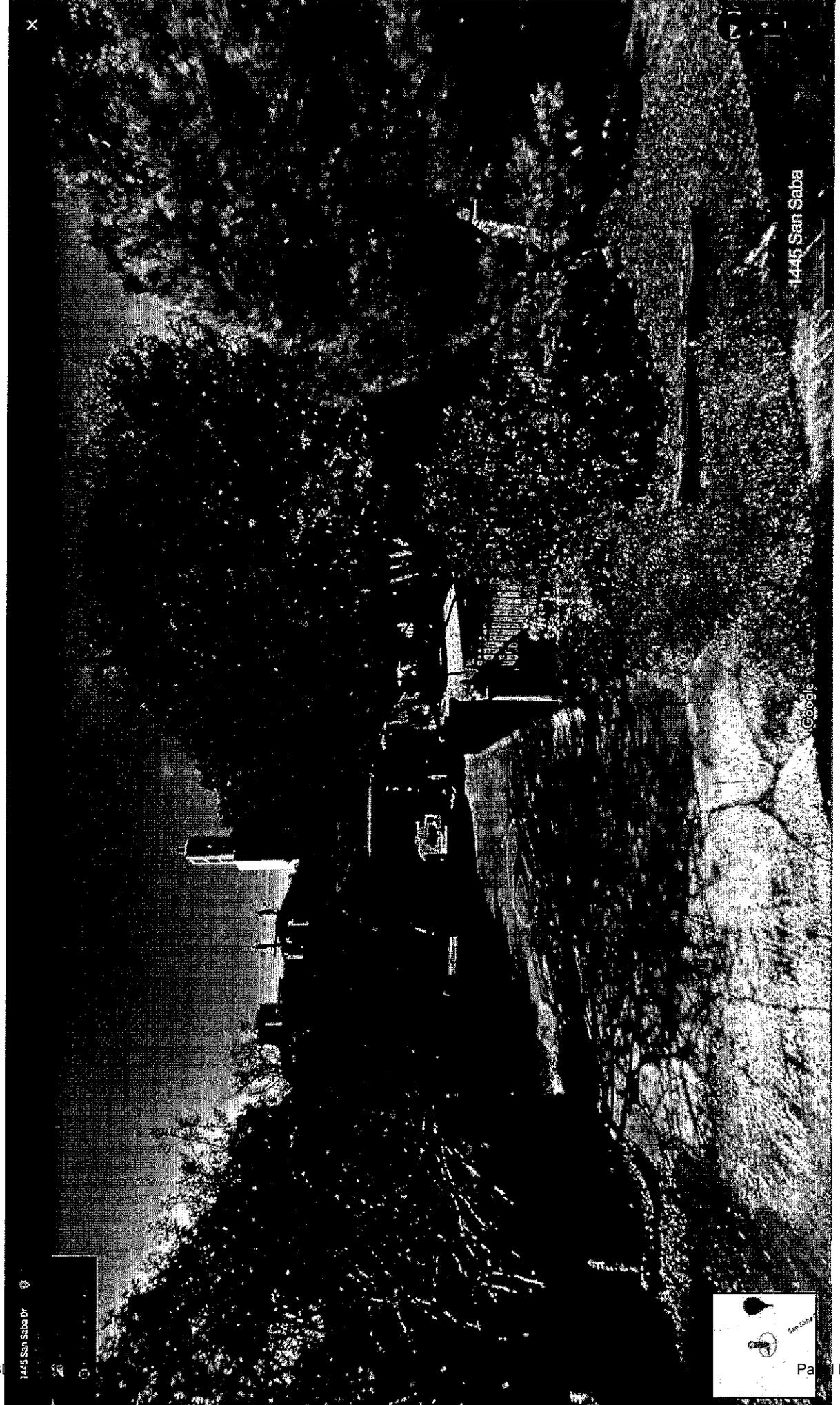


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6.000000 1445 Sam Saba



x



1445 Sam Saba

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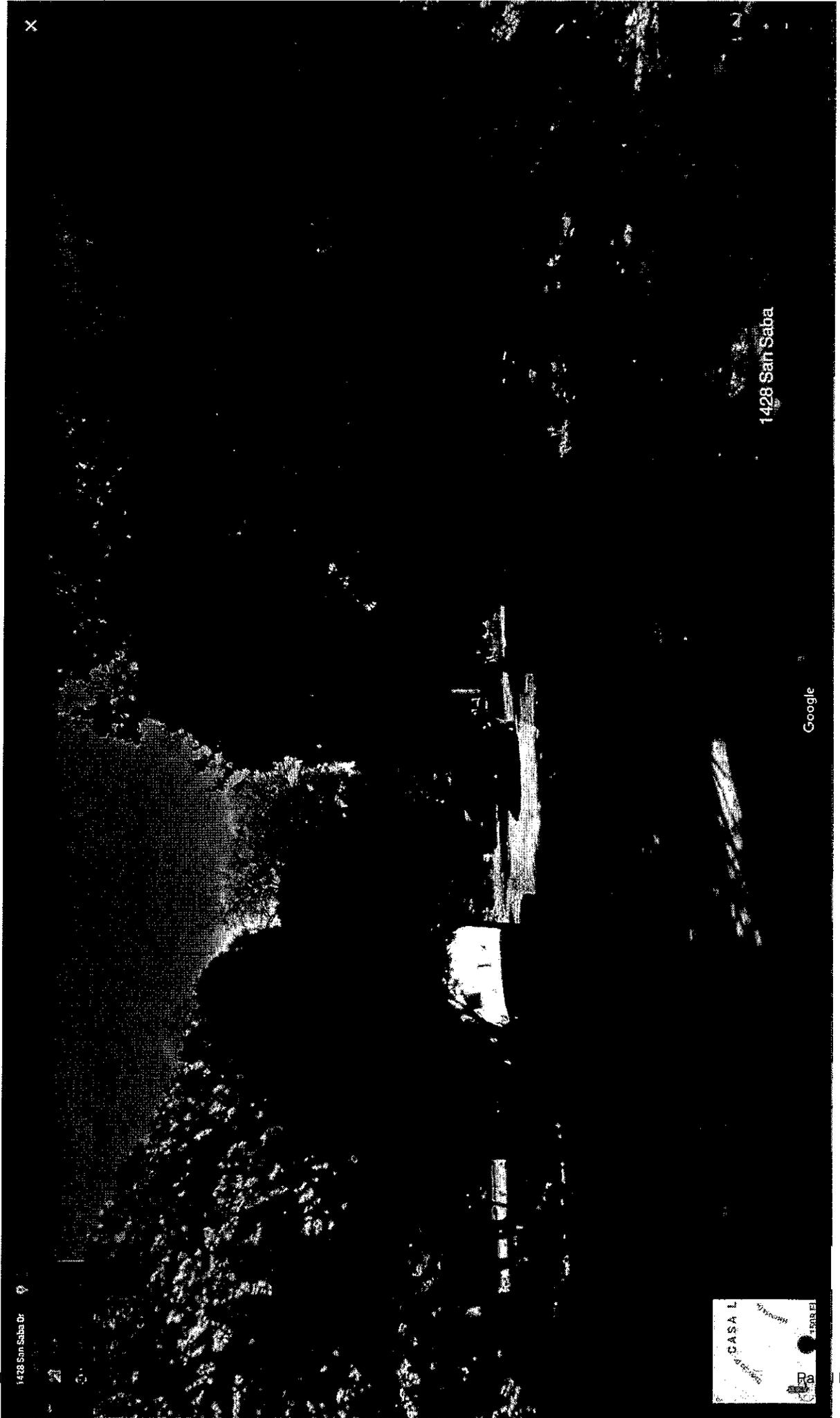
1445 Sam Saba Dr



Pa

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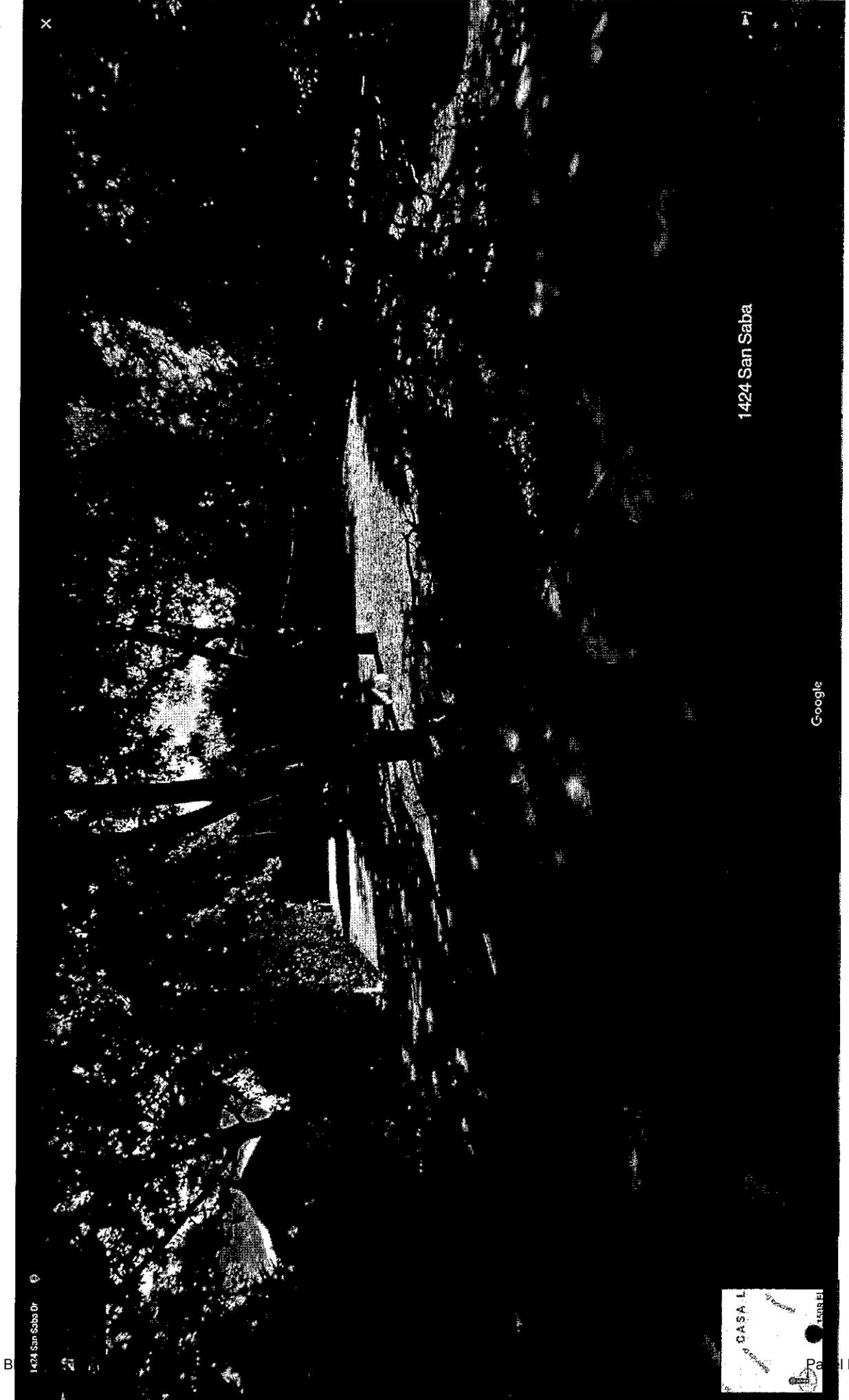
BDA 172-114 A-VI WCH A (pg 13)



B

B

DAVID L. W. (1919)



x

1424 San Saba

Google

B

1424 San Saba Dr



B

BEAR L/B - 114 ATTACHED P (Y) 2/19

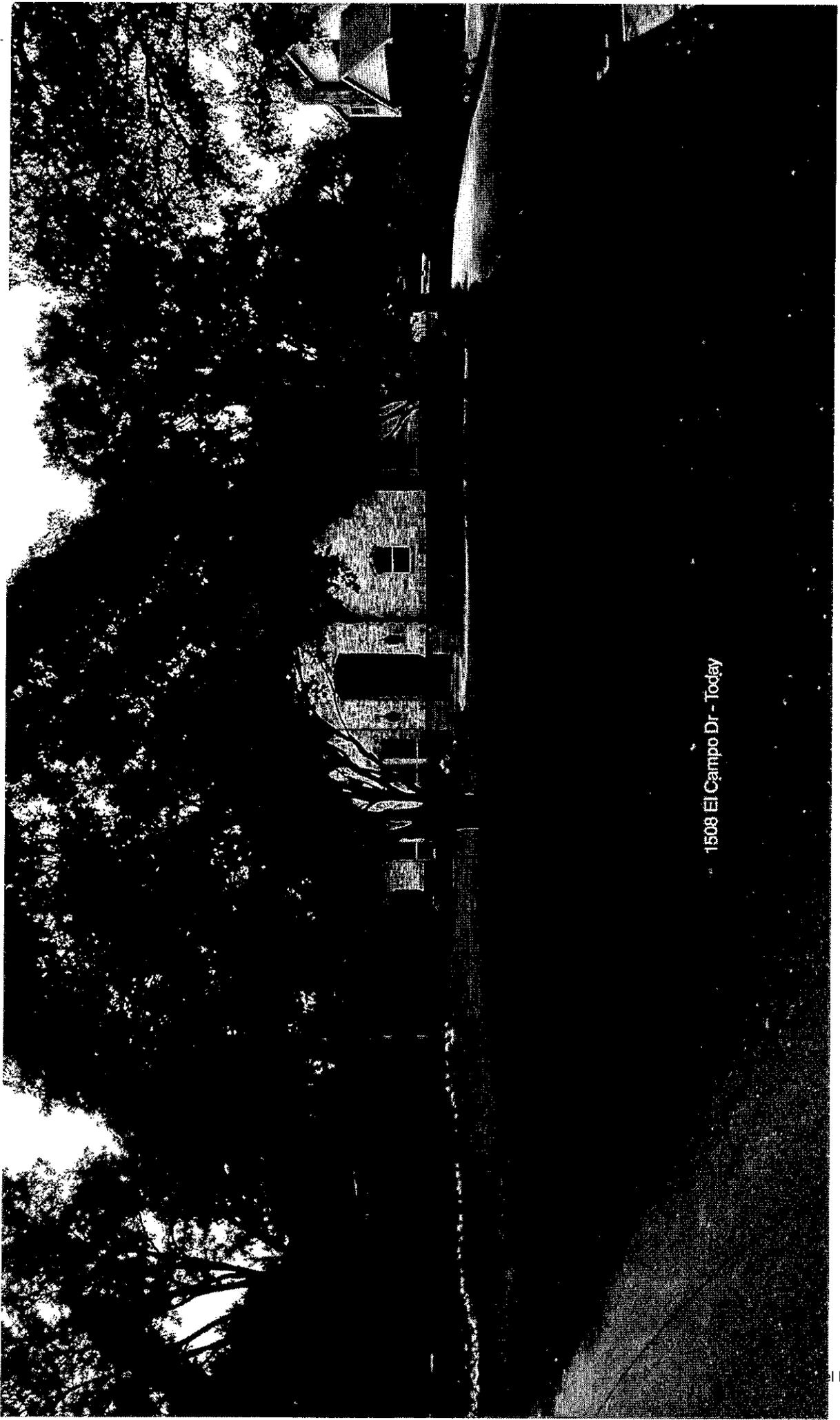
1541 El Campo Dr

0 2 7 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8 2 9 3 0 3 1 3 2 3 3 3 4 3 5 3 6 3 7 3 8 3 9 4 0 4 1 4 2 4 3 4 4 4 5 4 6 4 7 4 8 4 9 5 0 5 1 5 2 5 3 5 4 5 5 5 6 5 7 5 8 5 9 6 0 6 1 6 2 6 3 6 4 6 5 6 6 6 7 6 8 6 9 7 0 7 1 7 2 7 3 7 4 7 5 7 6 7 7 7 8 7 9 8 0 8 1 8 2 8 3 8 4 8 5 8 6 8 7 8 8 8 9 9 0 9 1 9 2 9 3 9 4 9 5 9 6 9 7 9 8 9 9



1429 El Camino Dr

BD 178-114 ATTACH A (pg 19)

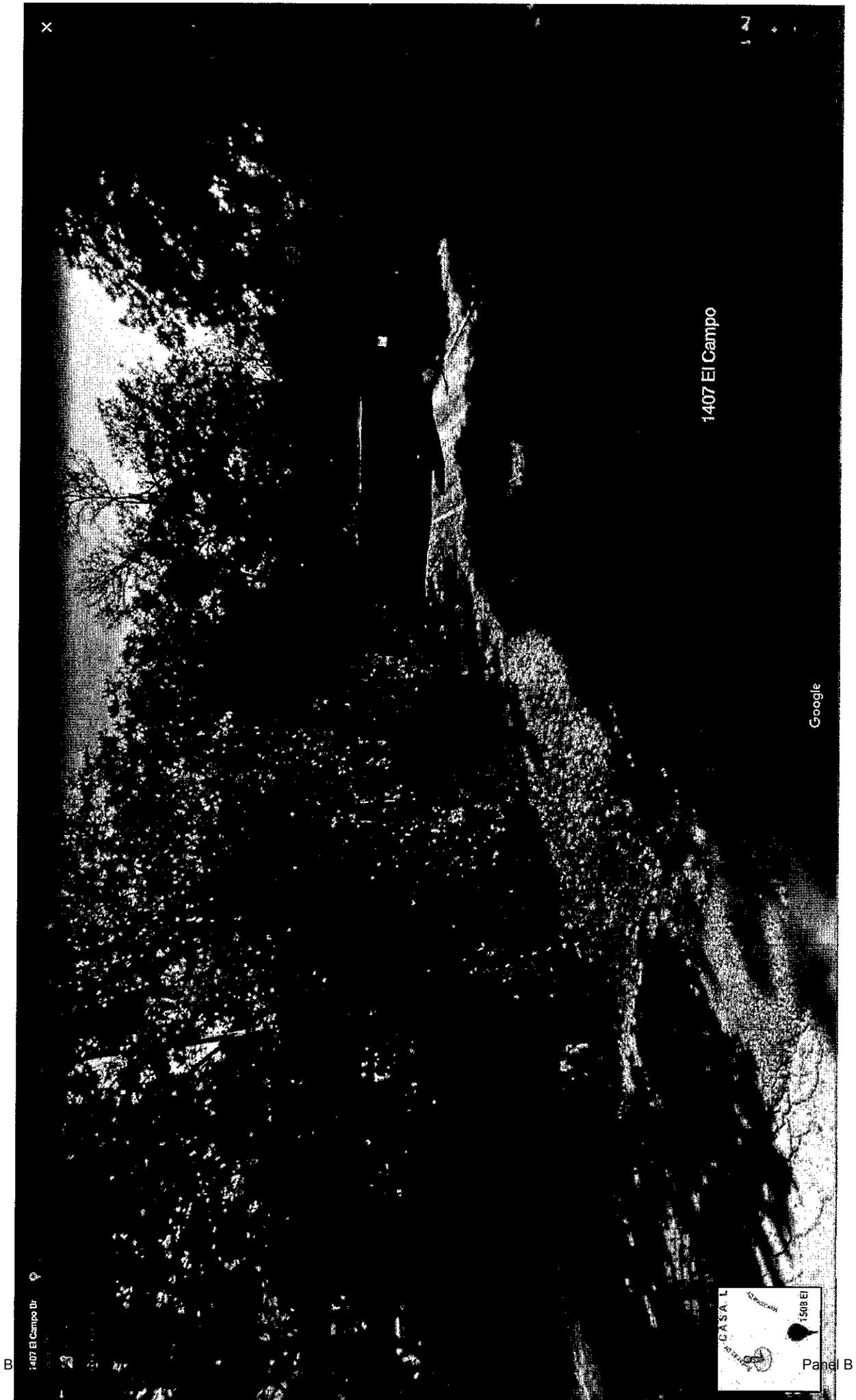


1508 El Campo Dr - Today

B

B

BDA178-114 ATTACH A (pg 19/19)



B

Panel B



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-114

Date: 8-9-18

Data Relative to Subject Property:

Location address: 1508 EL CAMPO DR. Zoning District: NSO 5 (R-10(A))

Lot No.: 2 Block No.: J/5317 Acreage: .448 Census Tract: 81.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MATTHEW SHIPLEY / GINA CORTESE

Applicant: MATTHEW SHIPLEY Telephone: 214 324 0735

Mailing Address: 1508 EL CAMPO DR Zip Code: 75218

E-mail Address: MSHIPLEY@GMAIL.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of a carport on the side yard of the main house, need special exception of 11'7" into required 12' side yard. And provide a 5" side yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
Main garage does not have a large enough turn radius to fit my truck
Large willow drips sap on entire vehicle when parked outside
No alley access to build rear detached garage
No shade to protect vehicle from sun damage
Build is similar and in likeness to other carport structures in neighborhood

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

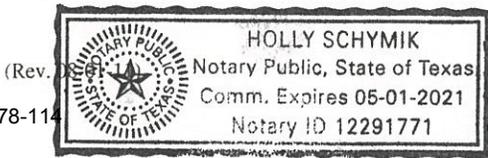
Affidavit

Before me the undersigned on this day personally appeared MATTHEW SHIPLEY
(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 7th day of August, 2018



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Matthew Shipley

did submit a request for a special exception to the side yard setback regulations
at 1508 El Campo Drive

BDA178-114. Application of Matthew Shipley for a special exception to the side yard setback regulations at 1508 EL CAMPO DR. This property is more fully described as Lot 2, Block J/5317, and is zoned NSO-5, (R-10(A), which requires a side yard setback of 12 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 5 inch setback, which will require a 11 foot 7 inch special exception to the side yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

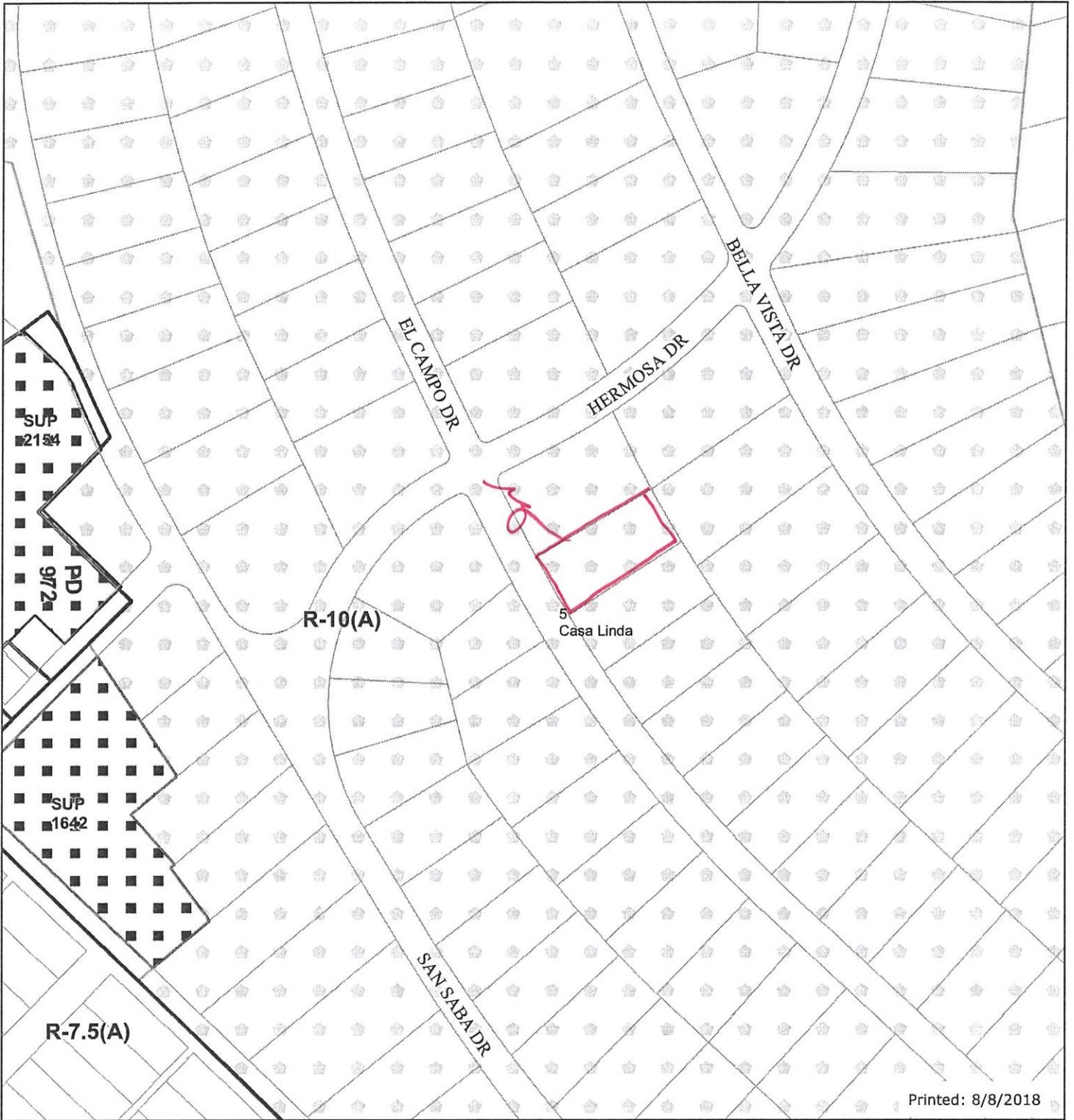




BDA178-114

4-28
BL 100128

Panel B



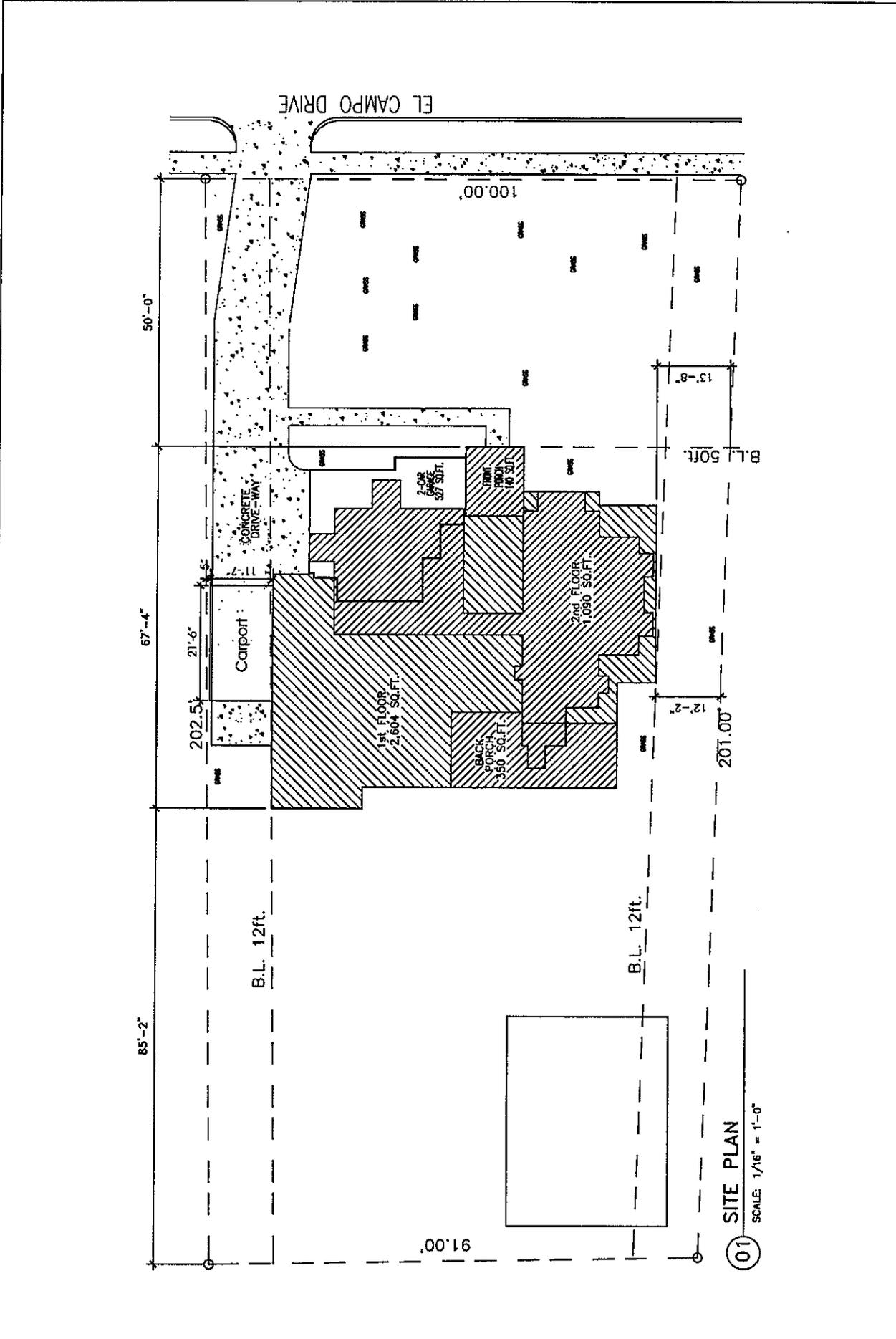
Printed: 8/8/2018

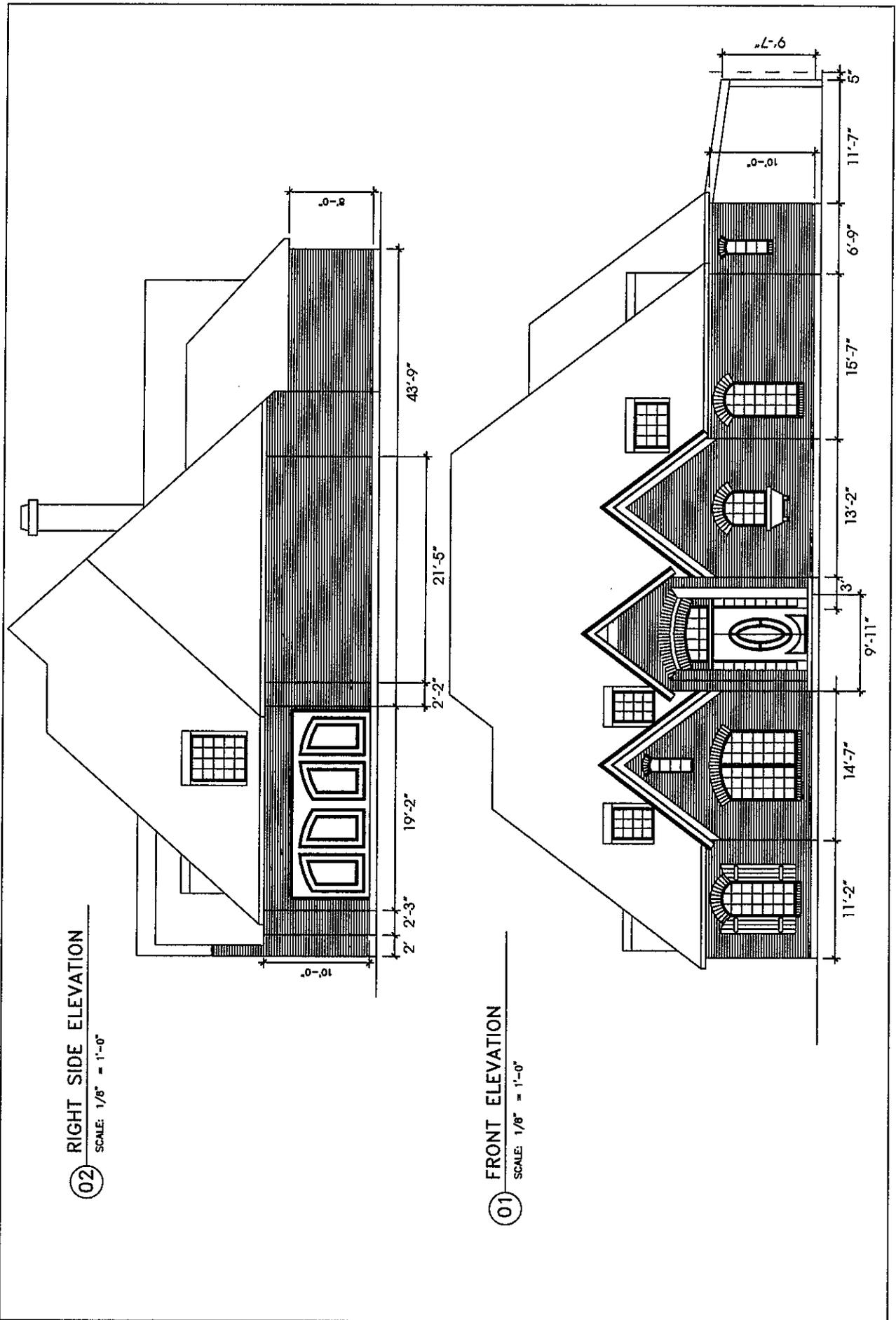
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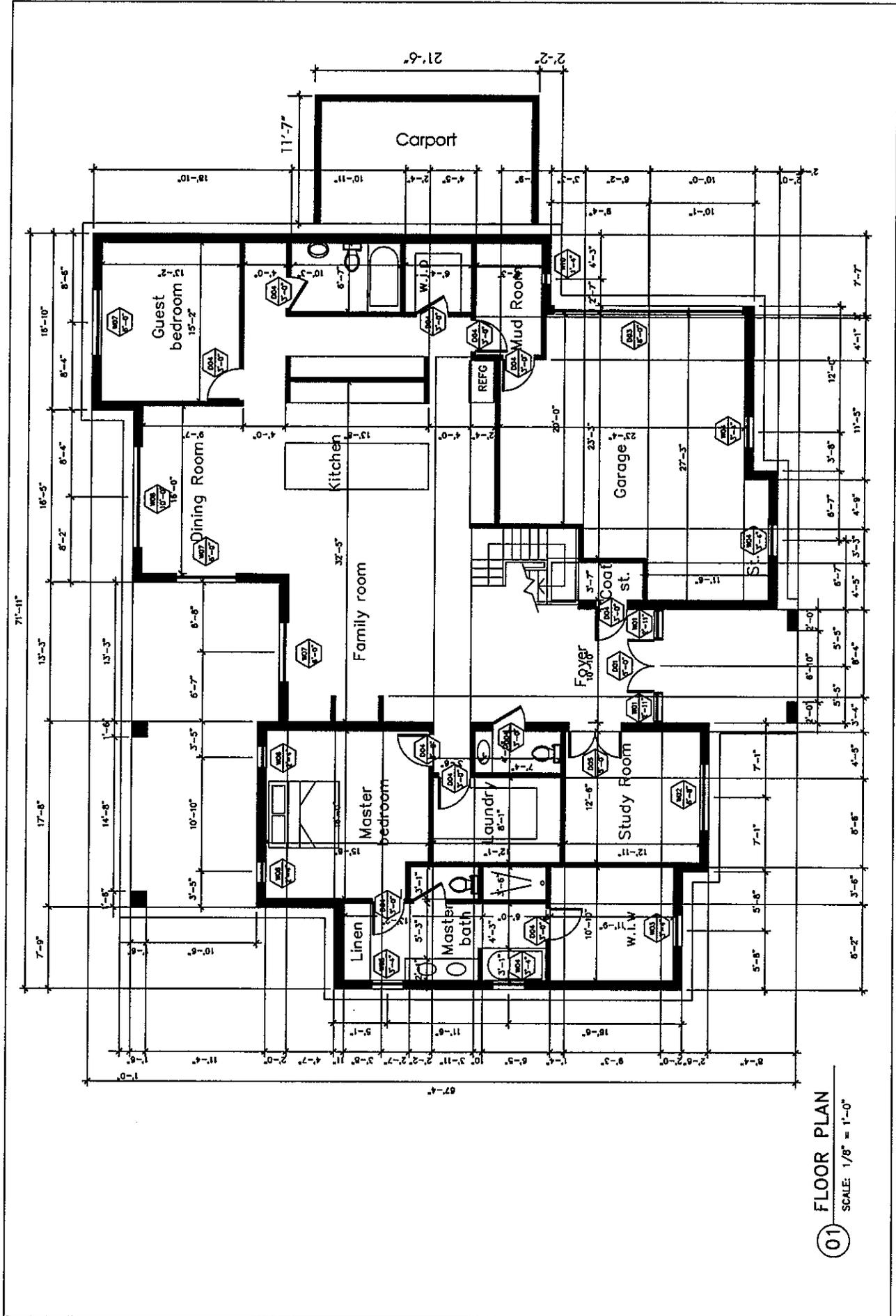
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | Shop Front Overlay |
| | | Height Map Overlay | |

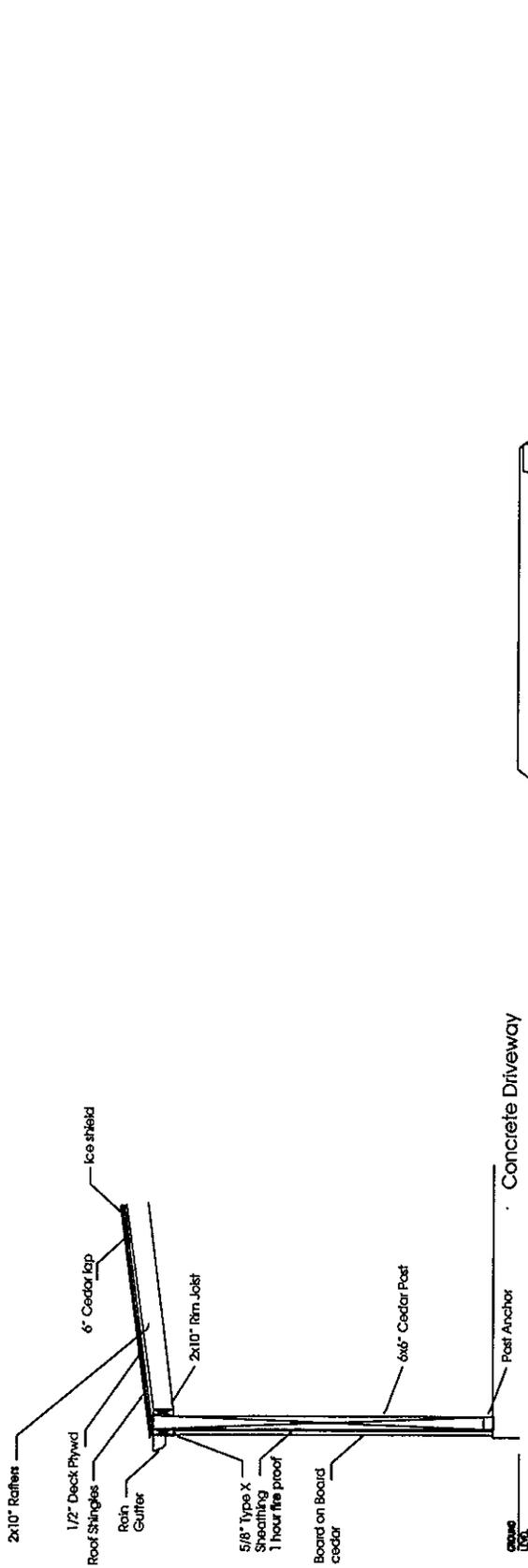
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)





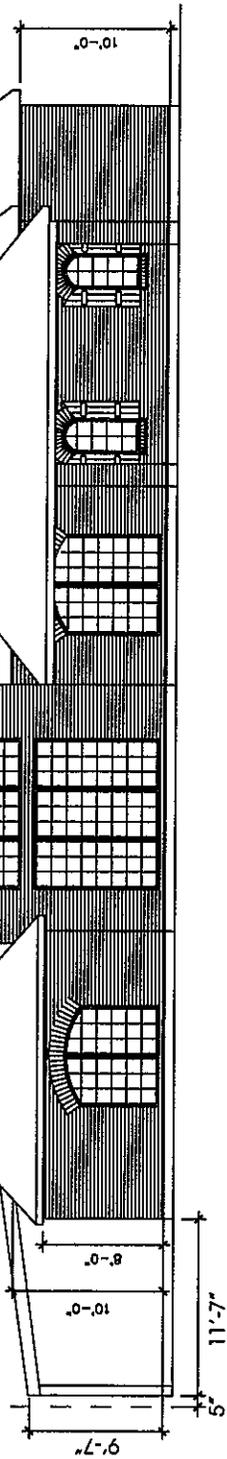






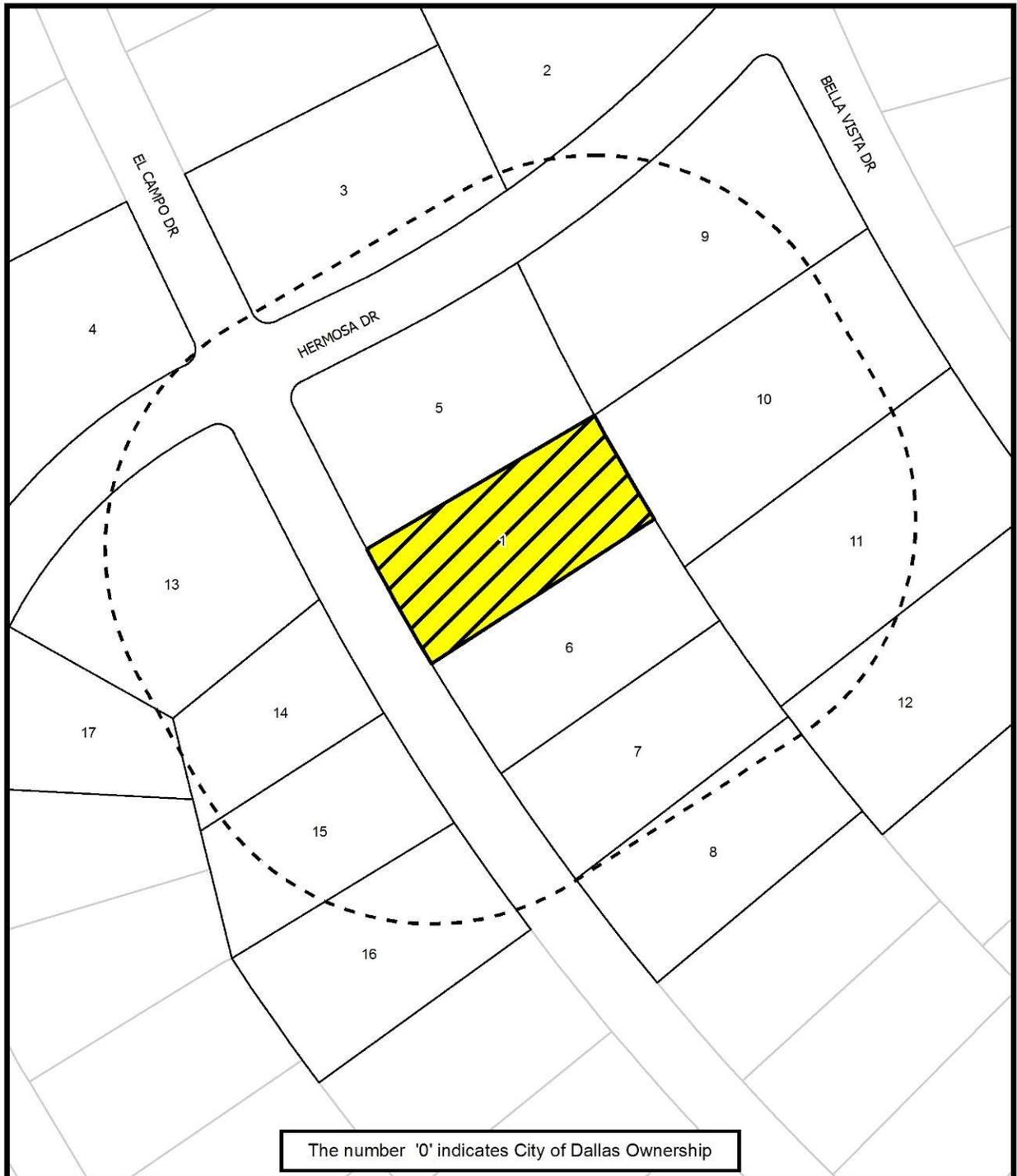
EXT. WALL SECTIONS

SCALE: NOT TO SCALE



01 BACK ELEVATION

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



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA178-114</u> Date: <u>10/1/2018</u>
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA178-114

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1508 EL CAMPO DR	SHIPLEY MATTHEW J &
2	1449 BELLA VISTA DR	MARSOLAIS PATRICIA &
3	1444 EL CAMPO DR	TIERNEY KIMBERLY
4	1441 EL CAMPO DR	HUGHES JAMES F & KELLY D
5	1504 EL CAMPO DR	ANDERSON DAVID D
6	1512 EL CAMPO DR	TUCKER WILLIAM J &
7	1518 EL CAMPO DR	WALKER JULIE
8	1520 EL CAMPO DR	GOODMAN SUSAN
9	1505 BELLA VISTA DR	NUMAN BENJAMIN
10	1509 BELLA VISTA DR	HILLIARD JAMES R &
11	1513 BELLA VISTA DR	AMBROSE GERALD T &
12	1517 BELLA VISTA DR	LATCHEM MICHAEL & JULIE
13	1505 EL CAMPO DR	ELLIOTT ROBERT W &
14	1509 EL CAMPO DR	COLCOTT THOMAS HUTSON
15	1515 EL CAMPO DR	HOLLON WILLIAM H JR
16	1517 EL CAMPO DR	WALLIS PAUL
17	9204 HERMOSA DR	KEMPER THOMAS J &