

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, APRIL 17, 2019
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 ITEM

Approval of the March 20, 2019 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA189-041(OA)	5000 Worth Street REQUEST: Application of Paul Herrington for special exceptions to the visual obstruction regulations	1
BDA189-042(OA)	712 N. Bond Avenue REQUEST: Application of Marcelino Ruiz Lopez for a special exception to the side yard setback regulations for a carport	2
BDA189-049(OA)	5750 E. Lovers Lane REQUEST: Application of Karl A. Crawley for a special exception to the landscape regulations	3

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA189-041(OA)

BUILDING OFFICIAL'S REPORT: Application of Paul Herrington for special exceptions to the visual obstruction regulations at 5000 Worth Street. This property is more fully described as Lot 20, Block J/688, and is zoned PD 97, H-11 which requires 20-foot visibility triangles at driveway and alley approaches. The applicant proposes to locate and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 5000 Worth Street

APPLICANT: Paul Herrington

REQUESTS:

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

1. A request is made to maintain portions of an 8' 6" high solid wood fence and portions of an 8' 6" high rolling solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Collett Avenue; and
2. A request is made to maintain portions of an 8' 6" high solid wood fence in the 20' visibility triangle at where the alley meets Collett Avenue.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 97 (H-11) (Planned Development) (Munger Place Historic District 11)
North: PD 97 (H-11) (Planned Development) (Munger Place Historic District 11)
South: PD 97 (H-11) (Planned Development) (Munger Place Historic District 11)
East: PD 97 (H-11) (Planned Development) (Munger Place Historic District 11)
West: PD 97 (H-11) (Planned Development) (Munger Place Historic District 11)

Land Use:

The subject site is developed with a single family home. The areas 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 requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on:
 1. maintaining portions of an 8' 6" high solid wood fence and portions of an 8' 6" high rolling solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Collett Avenue; and
 2. maintaining portions of an 8' 6" high solid wood fence in the 20' visibility triangle at where the alley meets Collett Avenue.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in PD 97 (H11) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- The property is located within the Munger Place Historic District. On January 25, 2019, the applicant received a Certificate of Appropriateness to replace a rotten wood fence with a new 8'-0" high wood fence in the rear and side yards (see Attachment A)

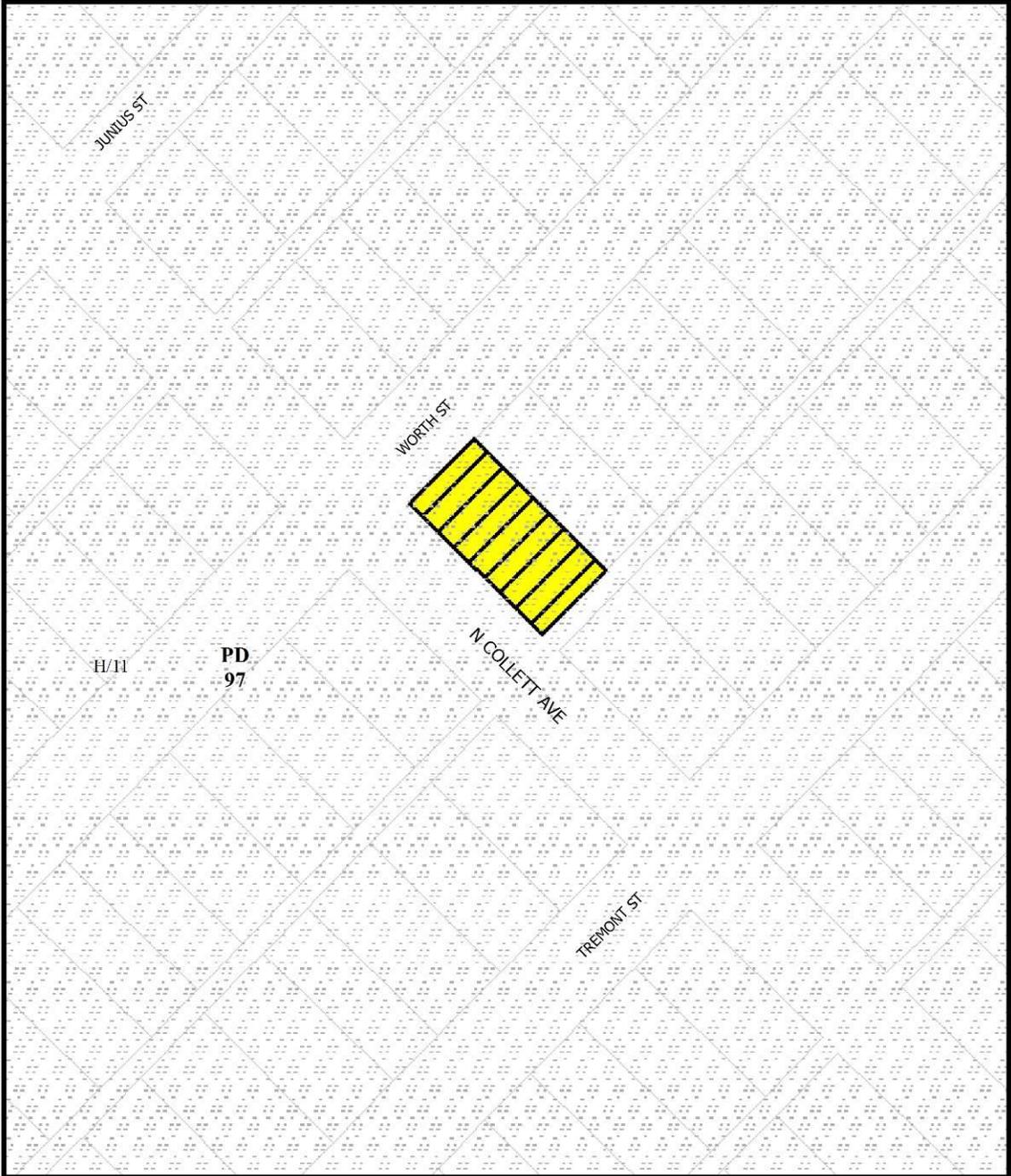
- A site plan and elevation have been submitted indicating portions of an 8' 6" high solid wood fence and portions of an 8' 6" high rolling wood gate located in the two 20' visibility triangles on both sides of the driveway into the site from Collett Avenue, and indicating portions of an 8' 6" high solid wood fence located in the 20' visibility triangle at where the alley meets Collett Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting these requests to maintain portions of an 8' 6" high solid wood fence and portions of an 8' 6" high rolling solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Collett Avenue, and indicating portions of an 8' 6" high solid wood fence located in the 20' visibility triangle at where the alley meets Collett Avenue, do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20' drive approach visibility triangles into the site from Collett Avenue and in the 20' visibility triangle where the alley meets Collett Avenue, to that what is shown on these documents – portions of an 8' 6" high solid wood fence and portions of an 8' 6" high rolling solid wood gate.

Timeline:

- February 11, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 13, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant/owner the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 26, 2019: The Historic Preservation Chief Planner forwarded a Certificate of Appropriateness for a replacement of a rotten wood fence with new 8'-0" high wood fence in rear and side yards (see Attachment A).
- April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public

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

April 3, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

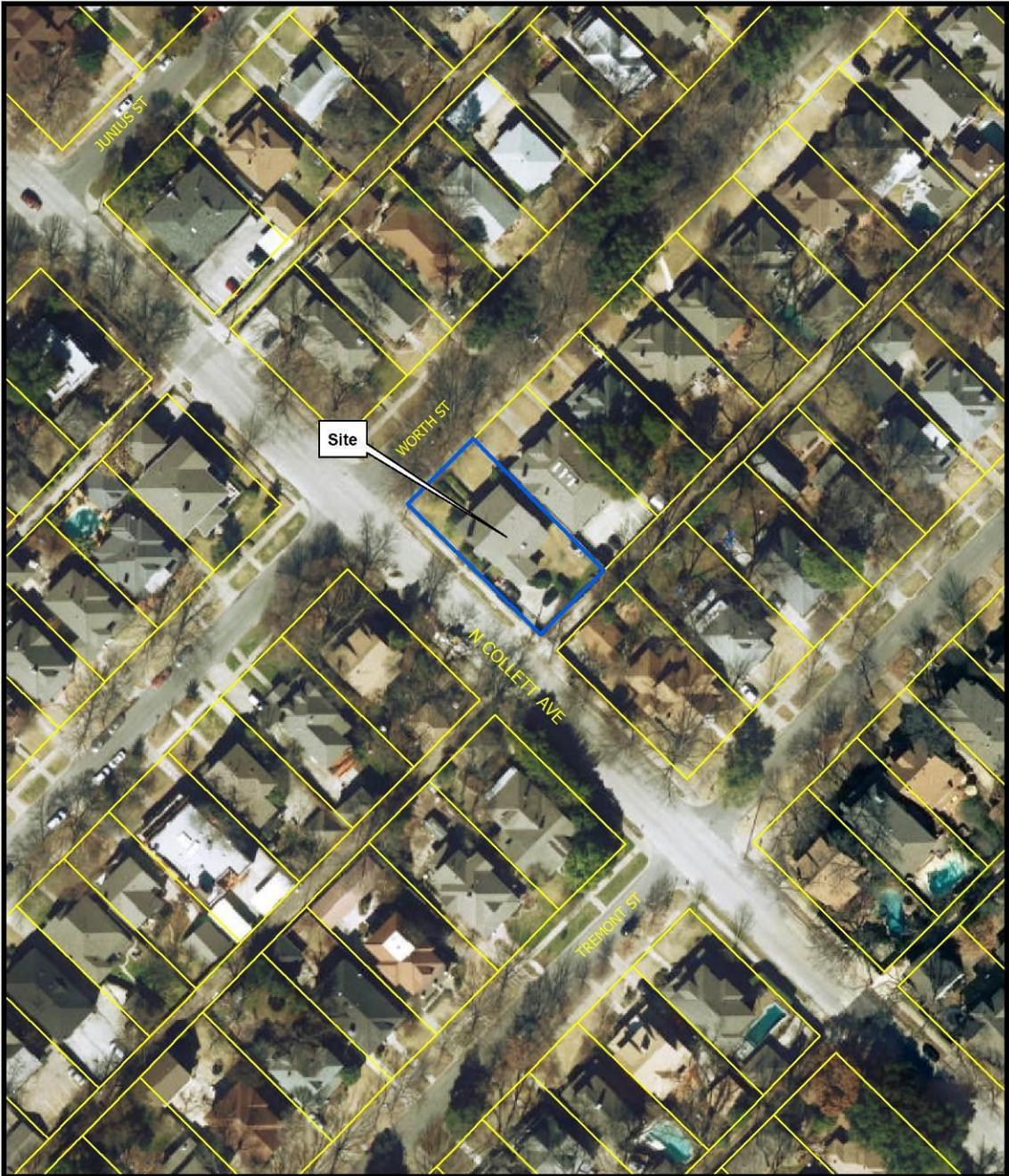


1:1,200

ZONING MAP

Case no: BDA189-041

Date: 3/25/2019



1:1,200

AERIAL MAP

Case no: BDA189-041

Date: 3/25/2019

From: Doty, Mark
Sent: Tuesday, March 26, 2019 11:15 AM
To: Hill, Phyllis (Elaine); Aguilera, Oscar E; Dean, Neva; Denman, Lloyd; Erwin, Philip; Kay, Kiesha; Kidd, Lynetta; Long, Steve; Nevarez, David; Pham, Theresa Y; Sikes, Phil; Sweckard, Kris; Thompson, Pam; Trammell, Charles; Wimer, Megan
Cc: Parent, Melissa
Subject: RE: BDA April Staff Review dockets for Panels, C, A and B
Attachments: CA189-246(MLP)_Routine_5000 Worth_012519.pdf

BDA189-041, 5000 Worth Street, is located in the Munger Place Historic District.

The Applicant has received a Certificate of Appropriateness application for the fence replacement. See attached.

Please let us know if there are any questions or concerns.

Thank you,
Mark



Mark Doty
Chief Planner – Historic Preservation
City of Dallas | www.dallascityhall.com
 Sustainable Development and
 Construction Department
 1500 Marilla Street 5BN
 Dallas, TX 75201
 O: 214 671 9260 |
mark.doty@dallascityhall.com



From: Hill, Phyllis (Elaine) <phyllis.hill@dallascityhall.com>
Sent: Tuesday, March 26, 2019 11:01 AM
To: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>; Doty, Mark <mark.doty@dallascityhall.com>; Erwin, Philip <philip.erwin@dallascityhall.com>; Kay, Kiesha <kiesha.kay@dallascityhall.com>; Kidd, Lynetta <lynetta.kidd@dallascityhall.com>; Long, Steve <steve.long@dallascityhall.com>; Nevarez, David <david.nevarez@dallascityhall.com>; Pham, Theresa Y <theresa.pham@dallascityhall.com>; Sikes, Phil <philip.sikes@dallascityhall.com>; Sweckard, Kris <Kris.Sweckard@dallascityhall.com>; Thompson, Pam <pam.thompson@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>
Subject: BDA April Staff Review dockets for Panels, C, A and B

Hello,

Please see the attached staff review dockets.

Respectfully,

BDA189-04 / ATTACHMENT A $\frac{2}{5}$

Certificate of Appropriateness

January 25, 2019

Routine		PLANNER:	Melissa Parent
FILE NUMBER:	CA189-246(MLP)	DATE FILED:	January 25, 2019
LOCATION:	5000 WORTH ST	DISTRICT:	Munger Place Historic District
COUNCIL DISTRICT:	14	MAPSCO:	46-B
ZONING:	PD-97	CENSUS TRACT:	0013.02

APPLICANT: PAUL HERRINGTON
REPRESENTATIVE:
OWNER: DAVIS CAROLYN M

The staff decision is: Approved

Information regarding requests:

- 1) Replace rotten wood fence with new 8'-0" wood fence in rear and side yards. Work completed without C of A. Approve

Conditions: The proposed work is consistent with preservation criteria Section 51P.97-111(c)(2)(B) and meets the standards in City Code Section 51A-4.501(g)(5)(B)(iv).



Senior Planner

January 25, 2019

Date

Please take any signed drawings to Building Inspection for permits.

January 25, 2019

PAUL HERRINGTON
13207 BRITTANY CIR,
DALLAS, TX 75230

**RE: CA189-246(MLP)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
5000 WORTH ST**

Dear PAUL HERRINGTON:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review on January 25, 2019.

Be aware that you may need to bring your CA and approved drawings and/or blueprints to Building Inspection for a building permit. Before starting any approved work, be sure to post your CA in a front window or other prominent location on the structure so it may be seen by City officials to ensure work is performed as approved by the Landmark Commission. Please see enclosed Certificate of Appropriateness for Details.

If you have any questions, please contact me by email at melissa.parent@dallascityhall.com.



Melissa Parent

Enclosure

Remove Maintenance

Certificate of Appropriateness (CA) City of Dallas Landmark Commission

CA <u>189 - 246</u> [MVP] Office Use Only

Name of Applicant: PAUL D. HERRINGTON
 Mailing Address: 12307 BRITANY CIRCLE
 City, State and Zip Code: DALLAS TX 75230
 Daytime Phone: 901-877-2004 Alternate Phone: _____
 Relationship of Applicant to Owner: SELF

OFFICE USE ONLY Main Structure: <input checked="" type="checkbox"/> Contributing <input type="checkbox"/> Non-contributing
--

PROPERTY ADDRESS: 5000 WORTH ST, DALLAS 75214
 Historic District: MUNGER

PROPOSED WORK:

Please describe your proposed work simply and accurately. DO NOT write "see attached." Attach extra sheets if necessary and supplemental material as requested in the submittal criteria checklist.

REMOVE EXISTING FENCE. REPLACE WITH 8' BOARD ON BOARD USING 1x6 CEDAR PICKETS, 1x6 CEDAR FOR BASE + TOP TRIM AND 2x8 CEDAR TOP CAP. INSTALL NEW SLIDING GATE WITH MATCHING BOARD ON BOARD ON EXTERIOR FACE. STAIN + SEAL WITH A 50/50 MIX OF THOMPSON READY SEAL PECAN + KATHOGARDY. (STAIN WILL BE SIMILAR TO 503 TREMOUNT)

RECEIVED BY

Signature of Applicant: Paul Herrington Date: 1/24/19
 Signature of Owner: _____ Date: JAN 25 2019
 (IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material must be **completed and submitted by the FIRST THURSDAY OF EACH MONTH, 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. This form along with any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201.

Current Planning

Please use the enclosed criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner at 214/670-4209 to make sure your application is complete.

OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

Please review the enclosed Review and Action Form
 Memorandum to the Building Official, a Certificate of Appropriateness has been:

- APPROVED.** Please release the building permit.
- APPROVED WITH CONDITIONS.** Please release the building permit in accordance with any conditions.
- DENIED.** Please do not release the building permit or allow work.
- DENIED WITHOUT PREJUDICE.** Please do not release the building permit or allow work.

Signed drawings and/or specifications are enclosed Yes No

Melissa Parent _____ 1/25/2019
 Sustainable Construction and Development Date



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-041

Data Relative to Subject Property:

Date: 2-11-19

Location address: 5000 WORTH ST, DALLAS, TX Zoning District: H-11 + PD 97
70' OF THE SW OF

Lot No.: 20 Block No.: T/688 Acreage: .229 Census Tract: 13.02

Street Frontage (in Feet): 1) 70 2) 142.5 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): R+H RENOVATIONS LLC

Applicant: PAUL D. HERTZINGTON Telephone: 901-277-2004

Mailing Address: 12307 BRITANNY CIRCLE, DALLAS TX Zip Code: 75230

E-mail Address: OFAR2@BELLSOUTH.NET

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception of IMPLEMENTATION OF VISIBILITY TRANGES, ENCROACHMENT OF VISIBILITY CHANGE

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 Special Exception would allow us to match the original fence footprint. This design conforms to the existing design of all other fences presently in place in the Munger Place Historical District that are corner lots also abutting to an alley. We considered an alley entrance but encountered water, sewer and gas utilities along the alley property line. The alley behind this property is limited use.

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 Paul D. HERTZINGTON (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: Paul D. Hertzington (Affiant/Applicant's signature)

Subscribed and sworn to before me this 7th day of February, 2019

(Rev. 08-01-11)



Brianna Nicole Norris 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

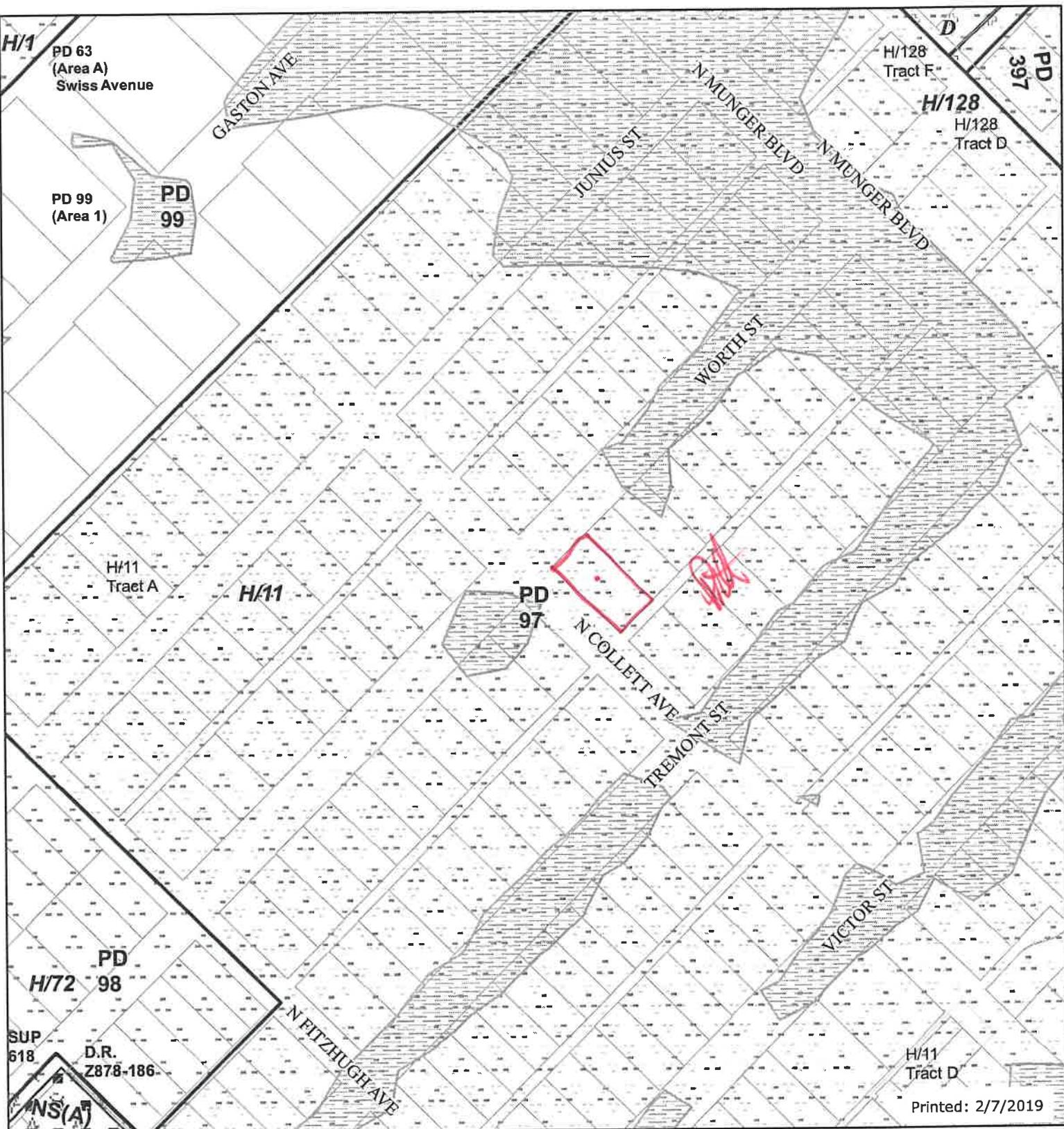
I hereby certify that PAUL HERRINGTON

did submit a request for a special exception to the visibility obstruction regulations
at 5000 Worth Street

BDA189-041. Application of PAUL HERRINGTON for a special exception to the visibility obstruction regulations at 5000 WORTH ST. This property is more fully described as Lot 20, Block J/688, and is zoned H-11 and PD-97, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 2/7/2019

Legend

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







BAUSCH ARCHITECTURE
 5005 WORTH ST., SUITE 200
 DALLAS, TEXAS 75236
 TEL: 972-443-1111
 WWW.BAUSCHARCHITECTURE.COM

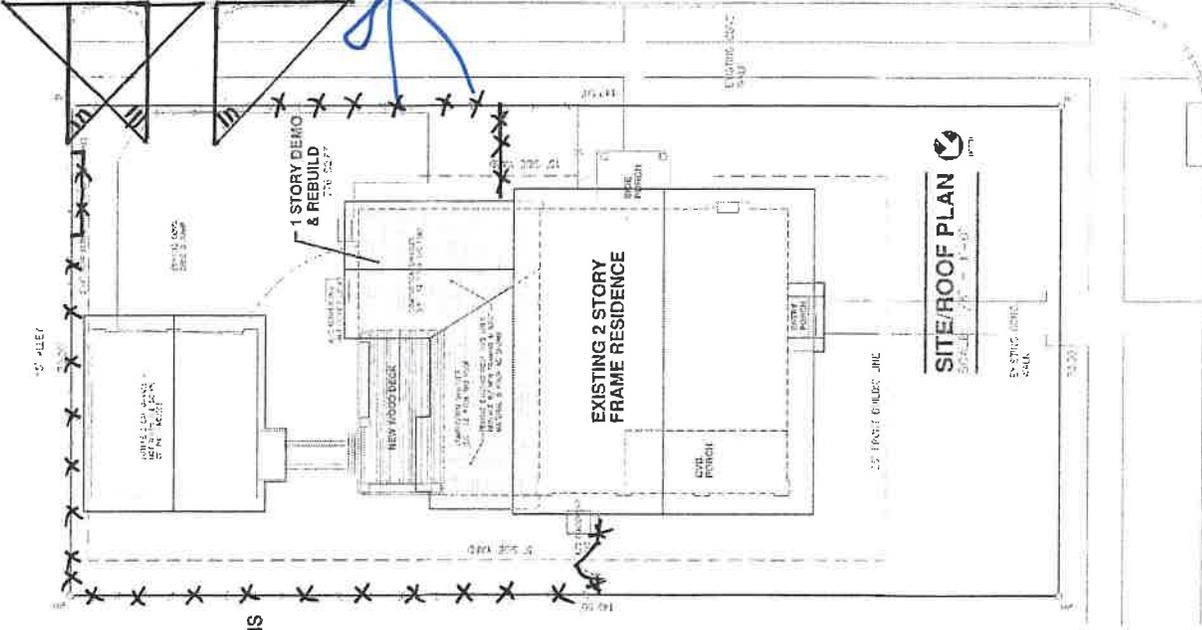


Fence

A GARAGE ADDITION
 & RENOVATIONS TO
 5000 WORTH ST.,
 DALLAS, TEXAS

NO. 007 25 THIRTY-THREE
 COUNTY OF DALLAS
 HENRIETTA PARK
 FORTWORTH, TEXAS

COLLETT AVENUE

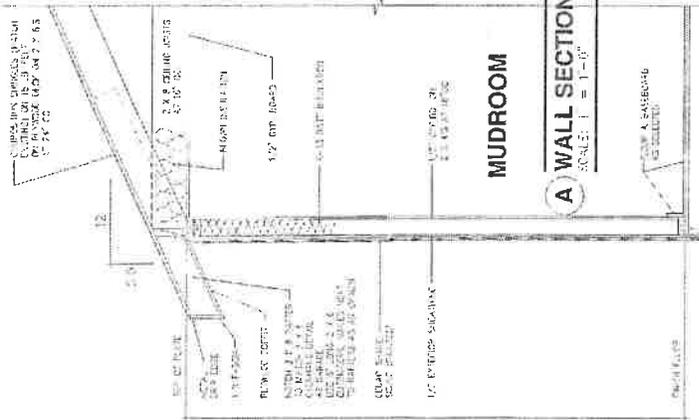


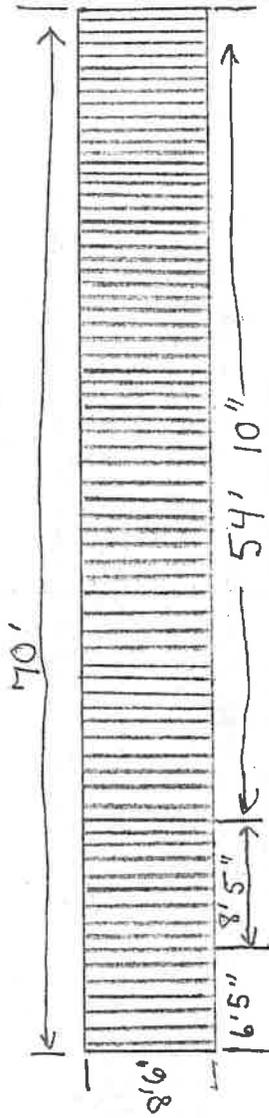
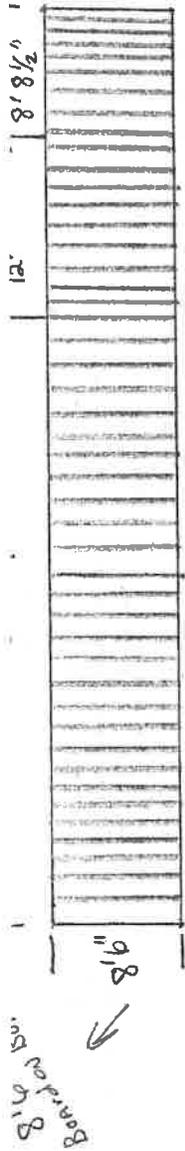
1

- DRAWING INDEX**
- 1 SITE PLAN / WALL SECTION / ROOF FRAMING AT ADDITION
 - 2 1ST FLOOR PLAN & 2ND FLOOR PLAN
 - 3 3RD FLOOR PLAN / EXTERIOR ELEVATIONS
 - 4 EXTERIOR ELEVATIONS / DECK FRAMING
 - 5 ELECTRICAL PLANS

LOT COVERAGE

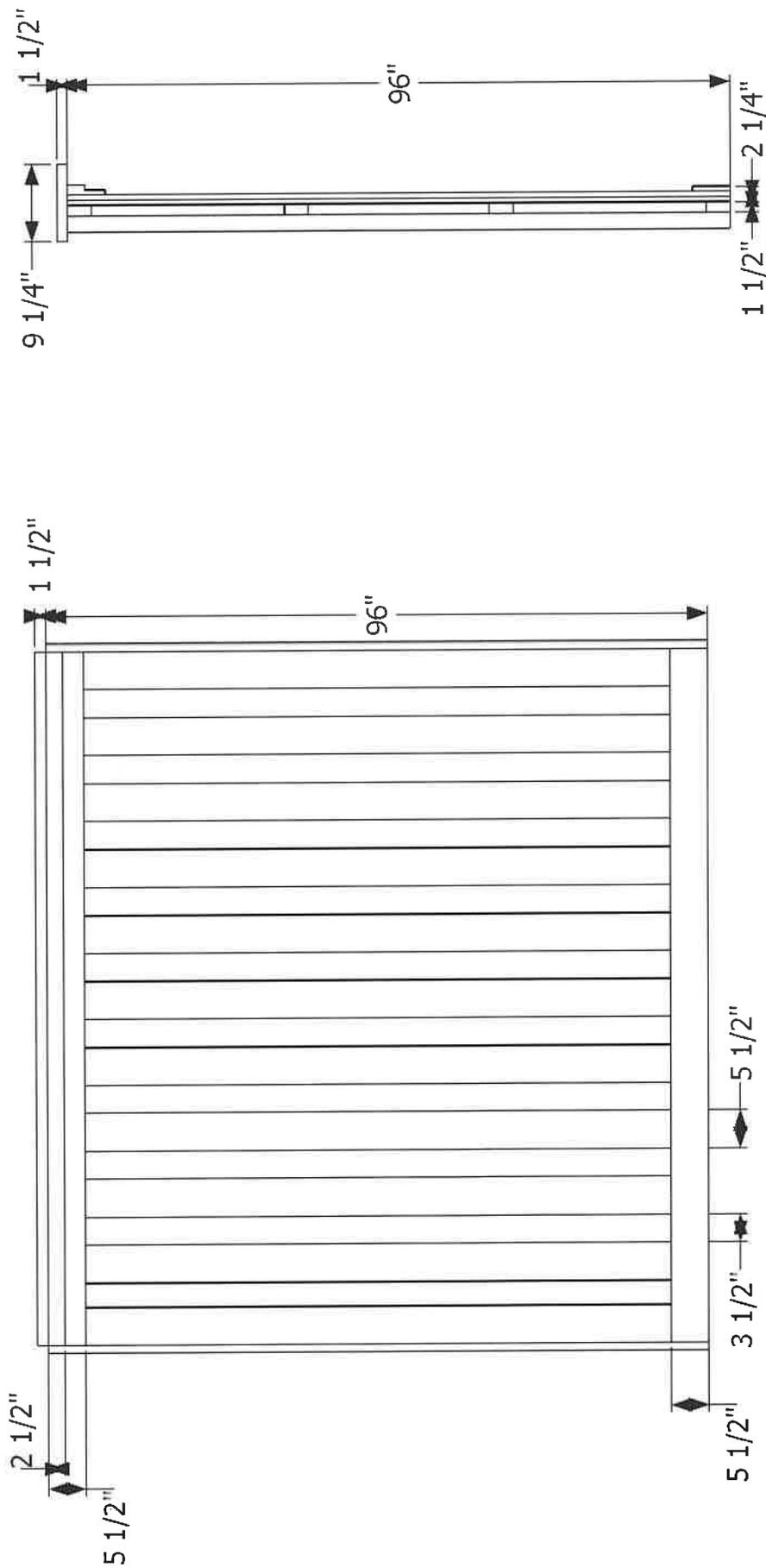
LOT 3022 (20' X 165')	9975 SQ. FT.
EXISTING HOME W/ PORCHES	2275 SQ. FT.
EXISTING FOOD TRUCK	296 SQ. FT.
EXISTING 1ST STORY	368 SQ. FT.
EXISTING 2ND STORY	752 SQ. FT.
EXISTING 3RD STORY	2248





→ Bump IN for Access to water meter, Sewer Clean out
 Located Centered on property Line. Fence Section
 Bumps back 6".

$$\frac{1}{8}'' = 1$$

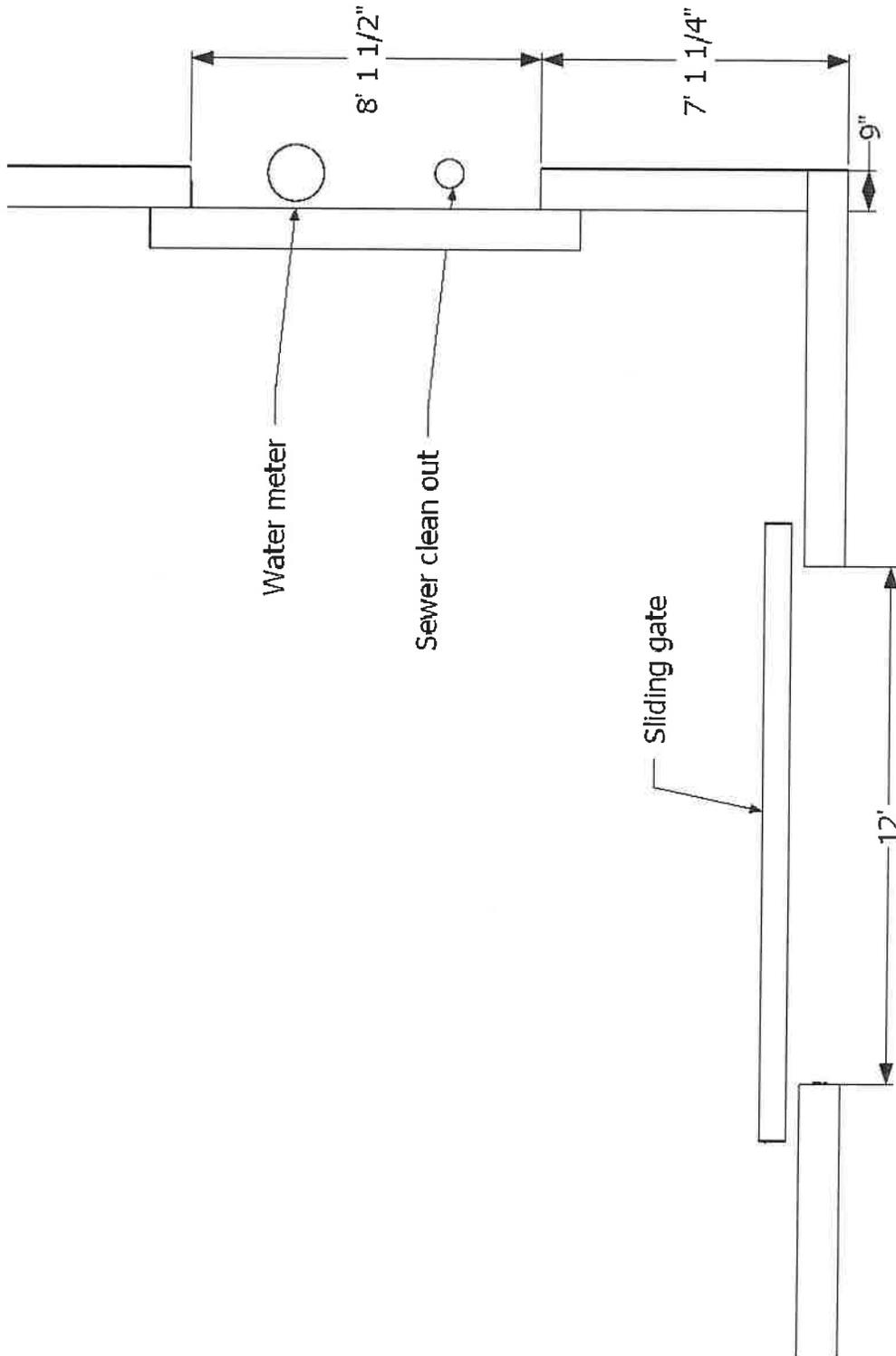


REVISIONS		REMARKS
MM/DD/YY		
1		
2		
3		
4		
5		


Ripley Renovations
 COLLABORATE • CREATE

5000 Worth Fence

Section Dimensions



3 Alley/Collett corner
A 03 Scale: 1/4" = 1'

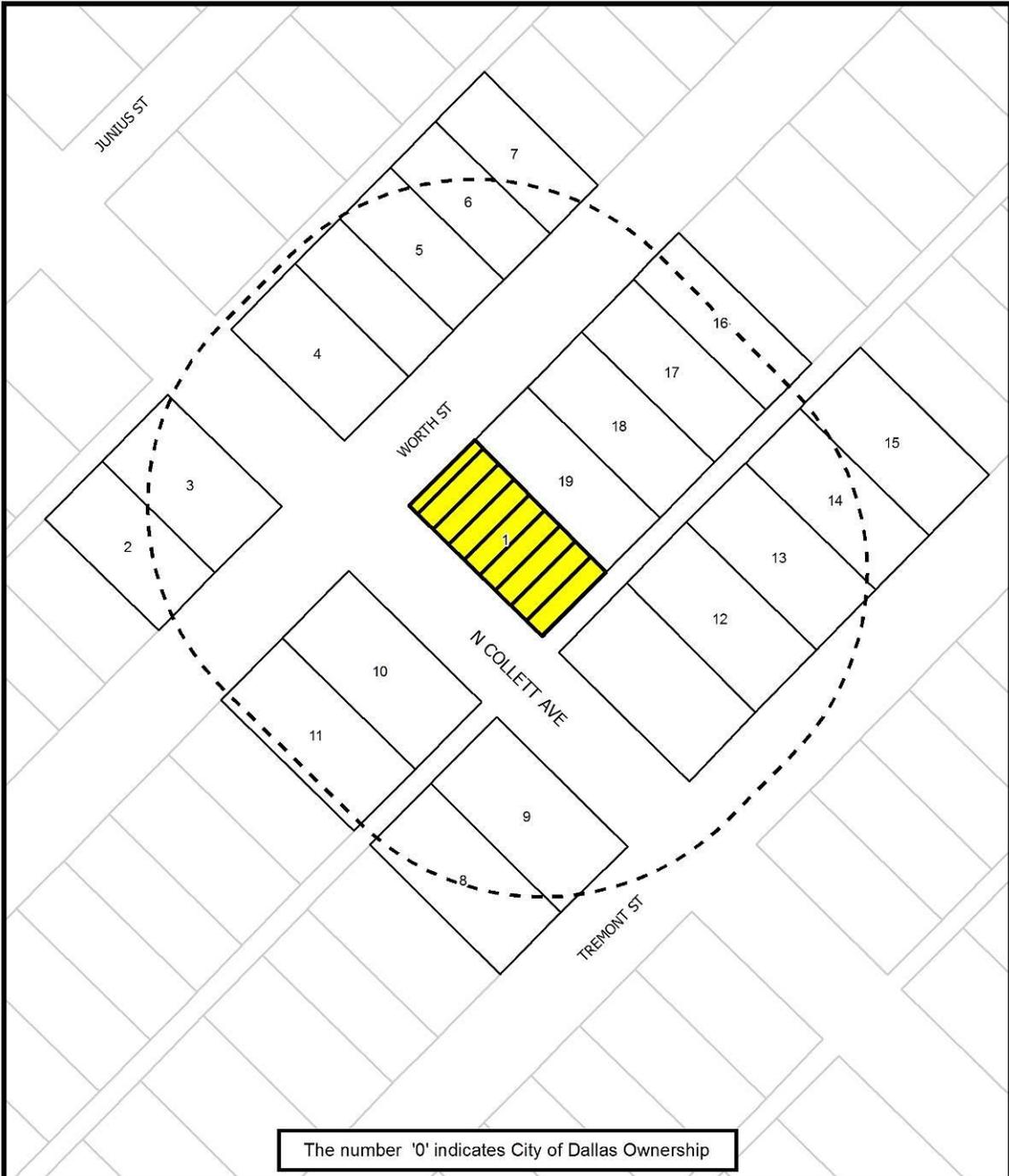
REVISIONS

MM/DD/YY	REMARKS
1	
2	
3	
4	
5	



Fence Corner Top View

5000 Worth Fence



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

19

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-041**

Date: **3/25/2019**

Notification List of Property Owners

BDA189-041

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5000 WORTH ST	R & H RENOVATIONS LLC
2	4937 WORTH ST	COLMENERO DAVID
3	4939 WORTH ST	LEWIS STANTON A &DAWN L
4	5003 WORTH ST	PATEL V J
5	5011 WORTH ST	BEHRENDT MATTHEW &
6	5015 WORTH ST	GILLETTE KATHERINE REID
7	5019 WORTH ST	ROGERS DEBBY G &
8	4933 TREMONT ST	HANSEN THOMAS R
9	4939 TREMONT ST	GUERNSEY CHLOE &
10	4940 WORTH ST	GIBSON HARRY B
11	4936 WORTH ST	FREE54 PROPERTIES LLC
12	5007 TREMONT ST	HOWERTON VERNON C JR &
13	5011 TREMONT ST	MCCAIN KAREN J
14	5015 TREMONT ST	MCBEE DAVID A SR
15	5019 TREMONT ST	MUNGER TED F &
16	5018 WORTH ST	WILSON MIKE D & LORI B
17	5014 WORTH ST	RUPRECHT SHELLEY &
18	5010 WORTH ST	ORLOVSKY DANIEL T
19	5004 WORTH ST	MCINNES JASON JAMES

FILE NUMBER: BDA189-042(OA)

BUILDING OFFICIAL'S REPORT: Application of Marcelino Ruiz Lopez for a special exception to the side yard setback regulations for a carport at 712 N. Bond Avenue. This property is more fully described as Lot 8, Block 17/8335, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport in a required side yard and provide a 0-foot setback, which will require a 5-foot special exception to the side yard setback regulations.

LOCATION: 712 N. Bond Avenue

APPLICANT: Marcelino Ruiz Lopez

REQUEST:

A request for a special exception to the side yard setback regulations of 5' is made to maintain a carport located on the site's southern side property line or 5' into this 5' 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-7.5(A) (Single-family district 7,500 square feet)

North: R-7.5(A) (Single-family district 7,500 square feet)

South: R-7.5(A) (Single-family district 7,500 square feet)

East: R-7.5(A) (Single-family district 7,500 square feet)

West: R-7.5(A) (Single-family district 7,500 square feet)

Land Use:

The subject site is developed with a single-family home. The 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 request for a special exception focuses on maintaining an approximately 900 square foot carport that is located on the site's south side property line or 5' into this 5' side yard setback on a site developed with a single-family home structure/use.
- The subject site is zoned R-7.5(A) which requires a 5' side yard setback.
- The applicant has submitted a document (a site plan/elevation) indicating the size and materials of the carport, and its location on the site's south side property line.
- The submitted site plan represents the following:
 - The carport is approximately 70' in length and approximately 12' 6" in width (approximately 900 square feet in total area) of which approximately 40 percent is located in the south 5' side yard setback.
- The submitted elevations represent the following:
 - Ranging in height from approximately 8' – 9'.
 - Metal roof with metal columns embedded into a concrete footing.
- The Senior Planner conducted a field visit of the area approximately 500 feet north and south of the subject site and noted 4 other carports that appeared to be located in a side yard. These carports were located across the street and north of the subject site with no recorded BDA history.
- As of April 5, 2019, no letters had been submitted in support of or in opposition to this application.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 5' 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 elevation 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 elevation as a condition to the request, the structure in the side setback would be limited to that what is shown on this document – a carport located on the site’s southern side property line or 5’ into this required 5’ side yard setback.

Timeline:

February 12, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

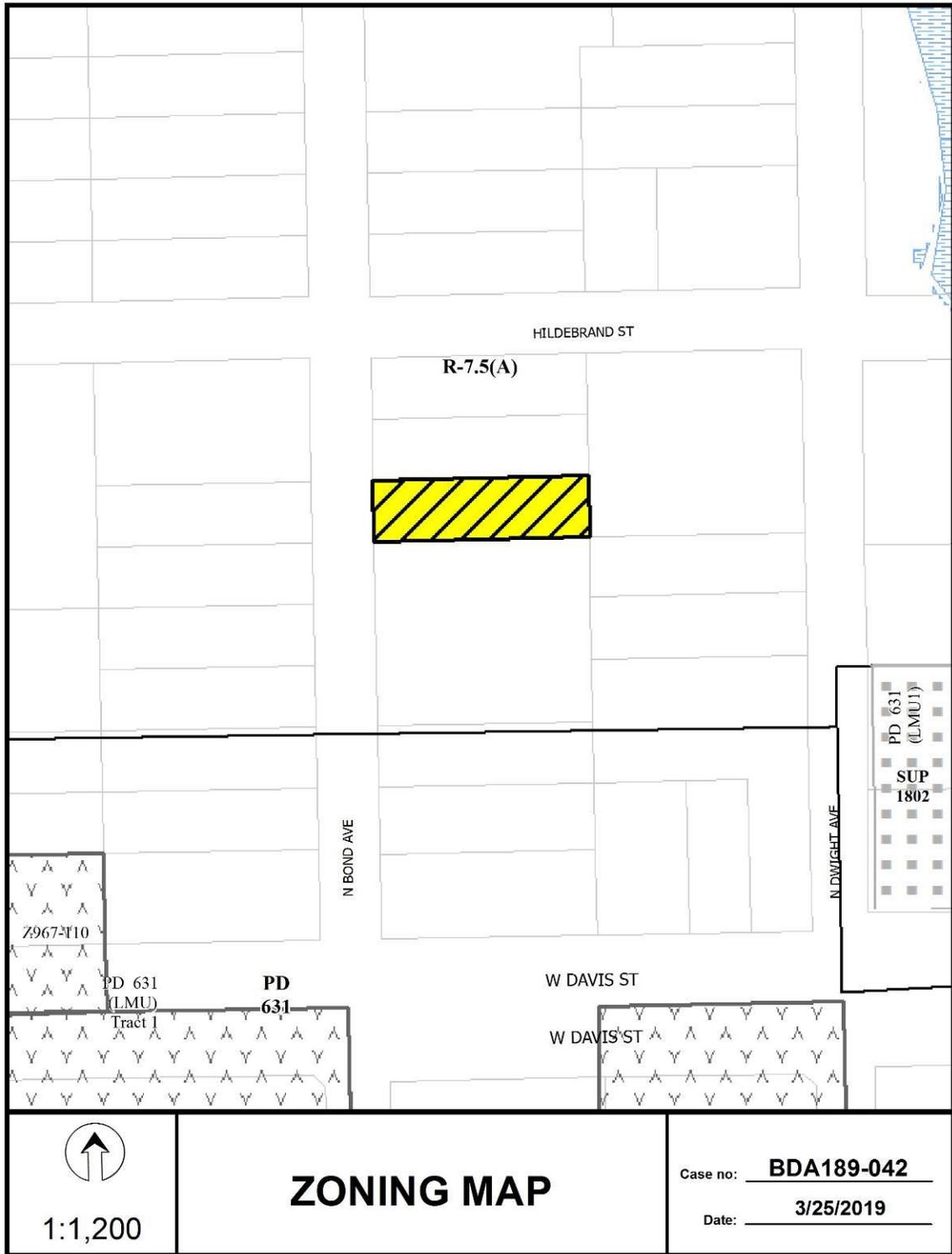
March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

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

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

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





1:1,200

AERIAL MAP

Case no: BDA189-042

Date: 3/25/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-042

Data Relative to Subject Property:

Date: 2-12-19

Location address: 712 N BOND AVE Zoning District: R-7.5(A)

Lot No.: 8 Block No.: 17/8335 Acreage: _____ Census Tract: 107.01

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Teresa Lopez Serra
MARCELINO RUIZ LOPEZ

Applicant: MARCELINO RUIZ LOPEZ Telephone: 214-772-0424

Mailing Address: 712 N. BOND AVE. DALLAS TX. Zip Code: 75211

E-mail Address: YURITZI LOPEZ 4544 @ GMAIL.COM

Represented by: MARCELINO RUIZ LOPEZ Telephone: 214-772-0424

Mailing Address: 712 N. BOND AVE. DALLAS TX. Zip Code: 75211

E-mail Address: YURITZI LOPEZ 4544 @ GMAIL.COM

Affirm that an appeal has been made for a Variance __, or Special Exception X, of A CARPORT IN THE SIDEYARD 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:

THE OWNER OF THE PROPERTY HAS A HEART PROBLEMS. PART OF HIS HEART NO LONGER FUNCTIONS AND OVER TIME IT WILL CONTINUE TO DETERIORATE. THE CARPORT WILL PROTECT HIM FROM THE ELEMENTS, ESPECIALLY WHEN IT IS RAINING AND HE GOSE TO DOCTOR'S VISITS.

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

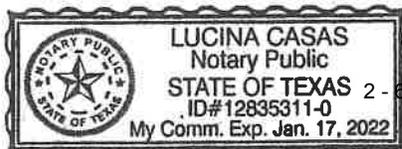
Before me the undersigned on this day personally appeared Marcelino Lopez Ruiz
(Affiant/Applicant's name printed)

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: Marcelino Lopez Ruiz
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of February, 2019

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that MARCELINO LOPEZ

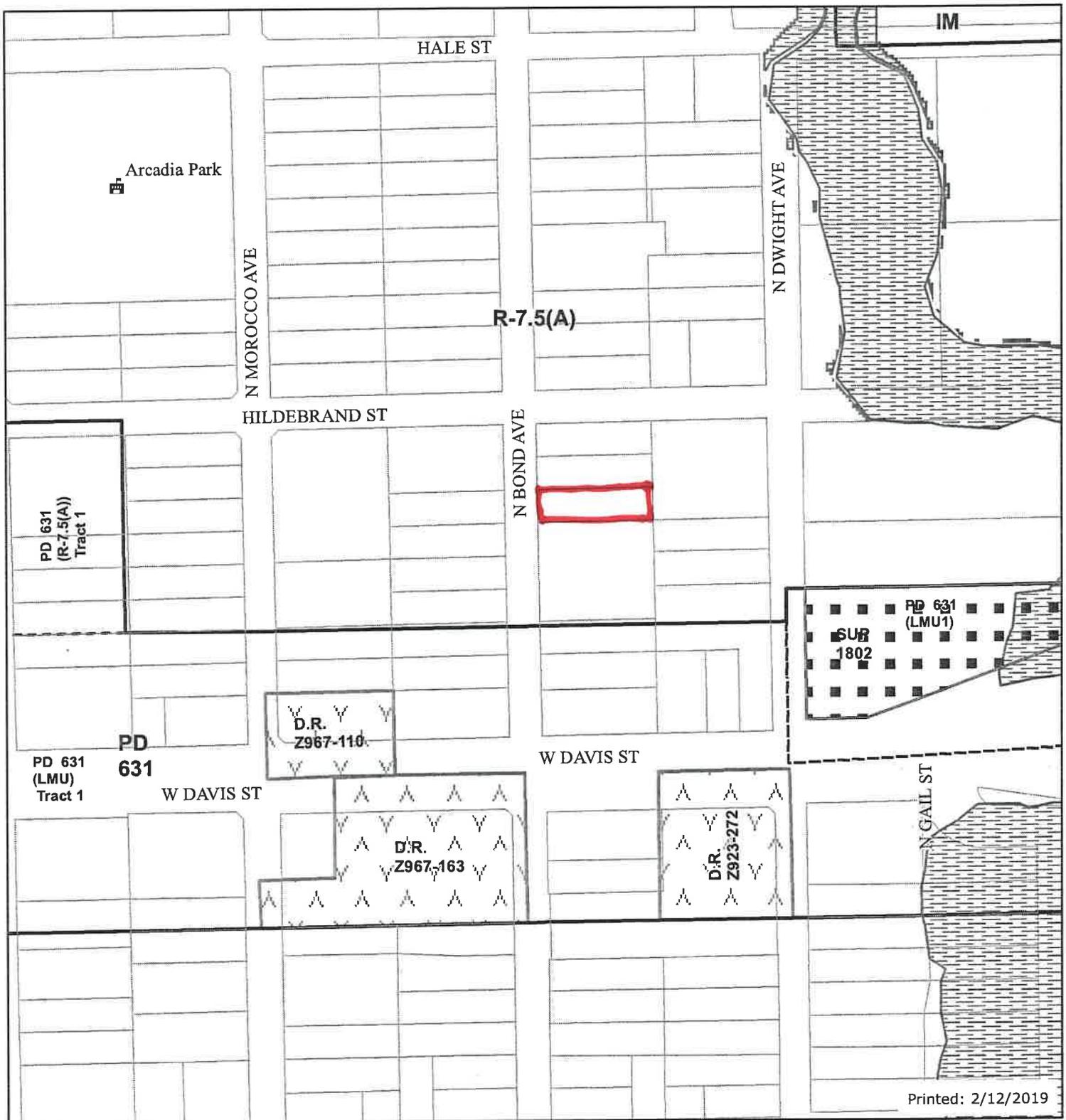
did submit a request for a special exception to the side yard setback regulations
at 712 N Bond Avenue

BDA189-042. Application of MARCELINO LOPEZ for a special exception to the side yard setback regulations at 712 N BOND AVE. This property is more fully described as Lot 8, Block 17/8335, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a required side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Legend

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

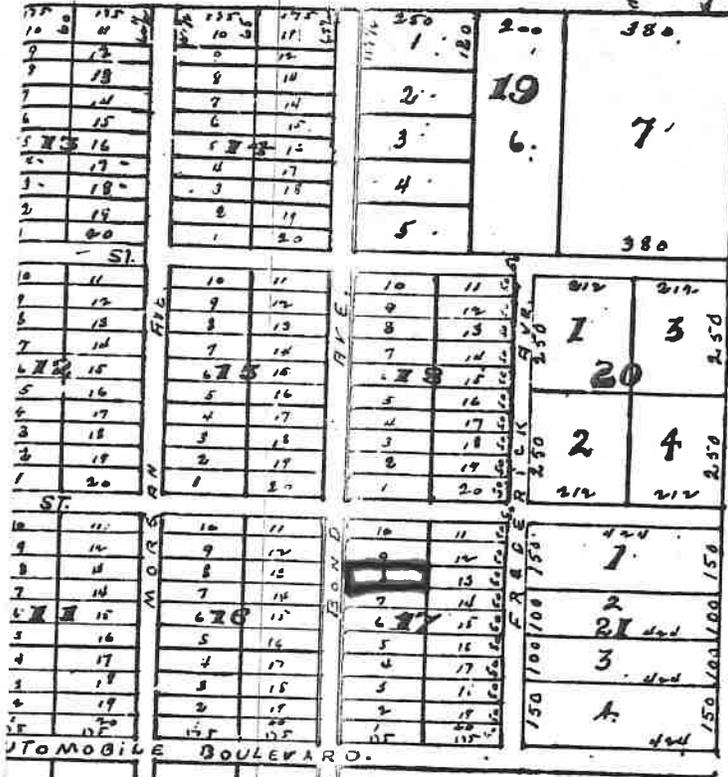
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



451

GARDENS.

G. JESTER of part of the
T.M. ARCHER Surveys
Dallas County, TEXAS.



by these presents: That I, F.G. Jester, the
 the Archer and Horton surveys as shown
 recorded in Vol. 585, page 160 of the
 , which said ~~XXX~~ 122.56 acres of land
 per the attached plat, do hereby adopt
 "ARCADIA GARDENS" as a true and correct
 plats thereon to the use of the public

F.G. Jester.

I, undersigned authority, on this day person-
 e to be the person whose name is subscribed
 knowledged to me that he executed the
 tion therein expressed.

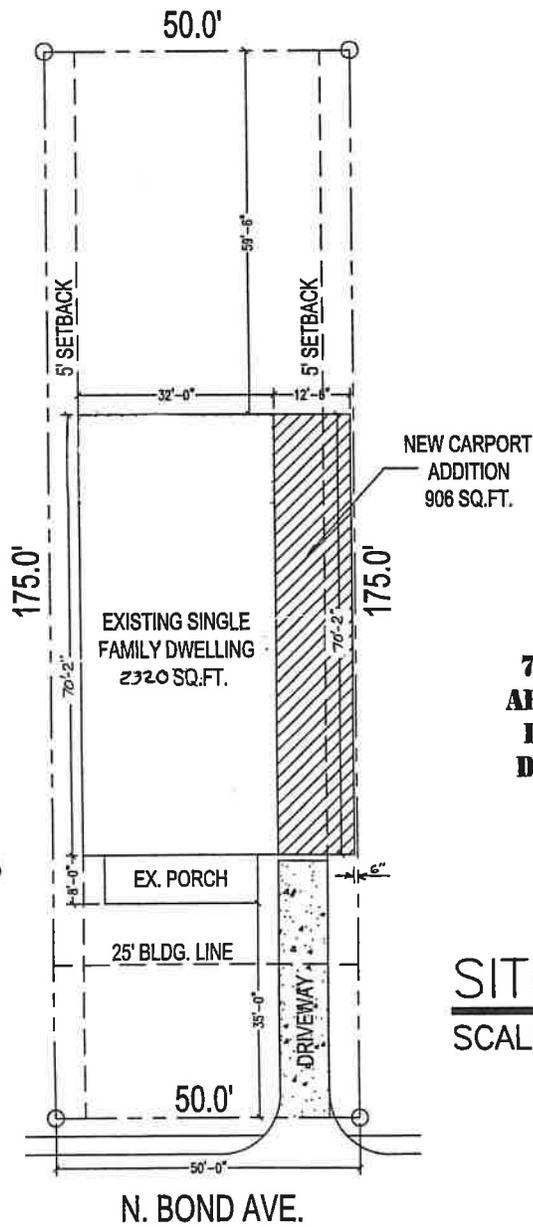
l of office this the 12th. day of June, A.D. 1913.
 las County, Texas.

10 A.M., J.P. Record, Co. Clerk. By Sam Barnett-Deputy
 o. Clerk. By J.M. Beunder Deputy.

---000---

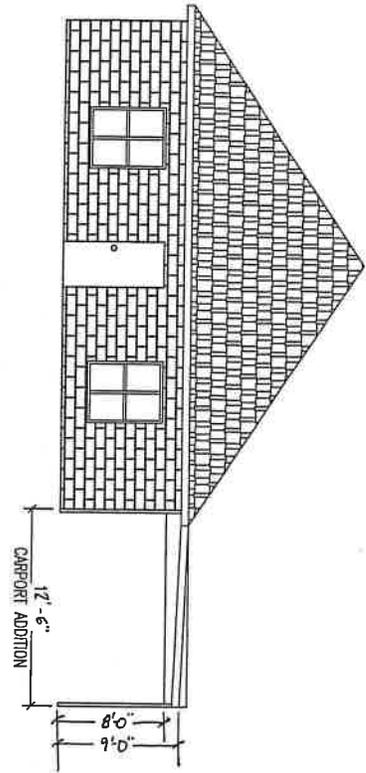
Handwritten signature/initials

Handwritten initials 'H + S'



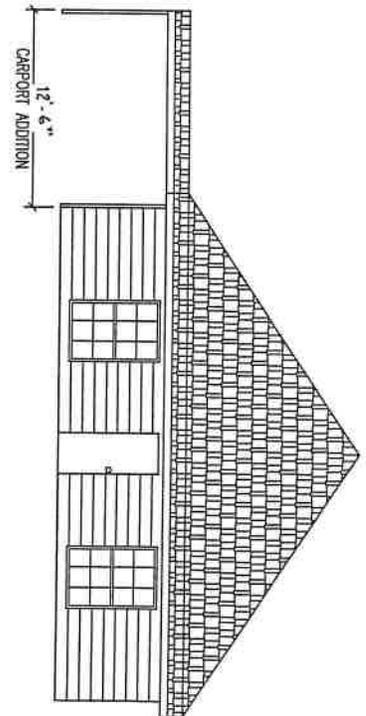
**712 N. BOND AVE
ARCADIA GARDENS
LOT 8, BLOCK 17
DALLAS, TX 75211**

SITE PLAN
SCALE 1"=20'-0"



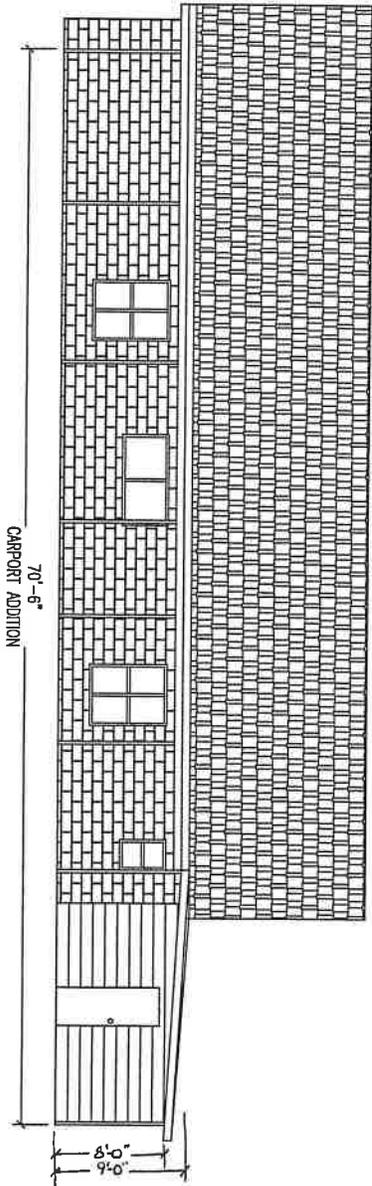
LEFT ELEVATION *WEST*

SCALE 1/8"=1'-0"



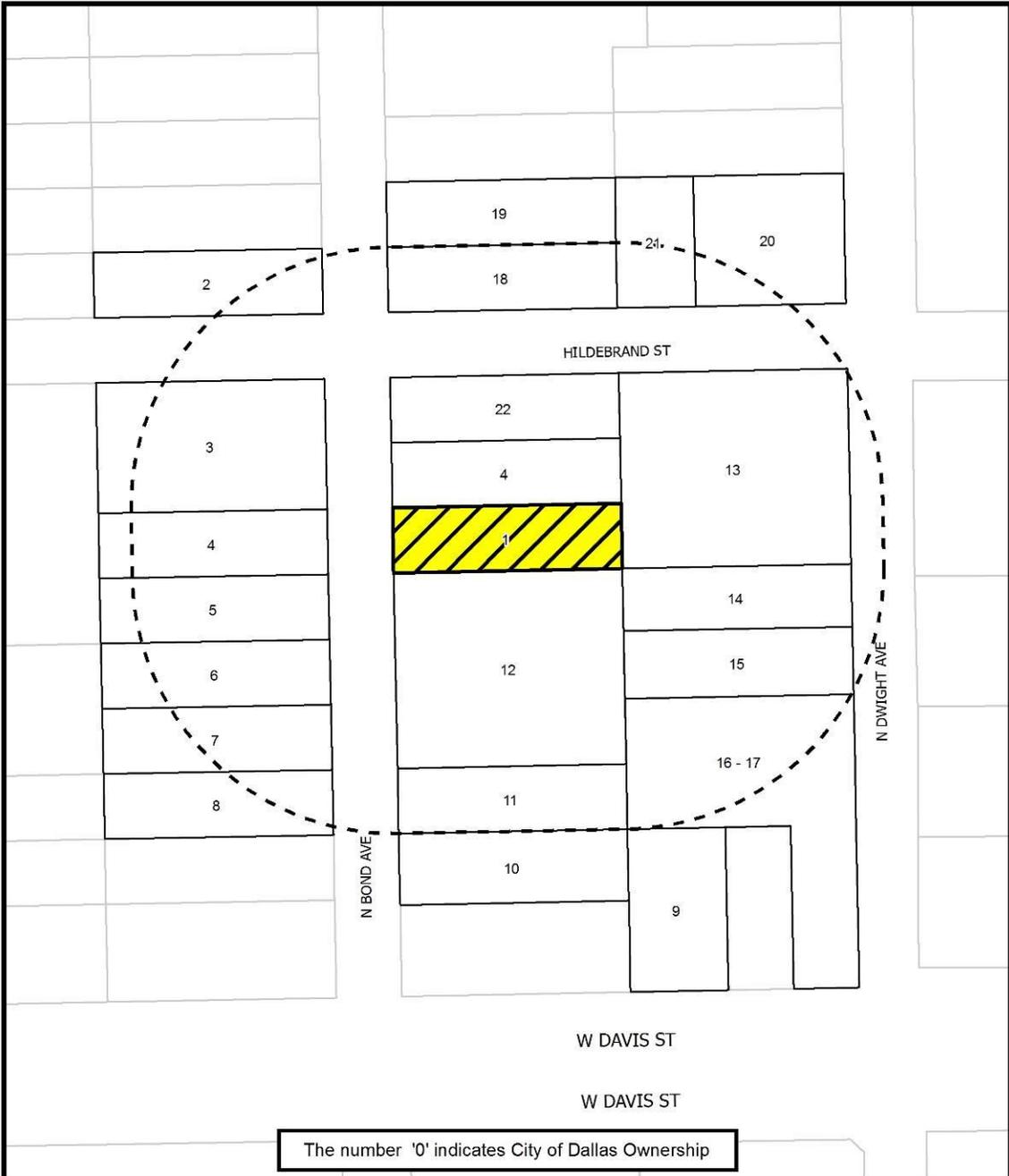
REAR ELEVATION *EAST*

SCALE 1/8"=1'-0"



RIGHT ELEVATION *SOUTH*

SCALE 1/8"=1'-0"



 1:1,200	NOTIFICATION		Case no: BDA189-042
	<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;">22</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/25/2019

Notification List of Property Owners

BDA189-049

143 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5750 E LOVERS LN	LINCOLN LAG LTD
2	5200 GREENVILLE AVE	HEDRICK L W TRUST
3	5750 LOVERS LN	LINCOLN LAG LTD
4	4500 GREENVILLE AVE	LINCOLN LAG LTD
5	5233 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
6	5111 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
7	5111 GREENVILLE AVE	OFFICE DEPOT
8	5315 GREENVILLE AVE	INWOOD CORP
9	5010 GREENVILLE AVE	5010 GREENVILLE LLC
10	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
11	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
12	5700 E LOVERS LN	TEXAS UTILITIES ELEC CO
13	5500 GREENVILLE AVE	WPF OPERATING LLC
14	5603 MILTON ST	DALLAS AREA RAPID TRANSIT
15	5030 GREENVILLE AVE	CCP CANES GREENVILLE LP
16	5720 MILTON ST	SH 710 LLC
17	5118 GREENVILLE AVE	LINCOLN LAG TWO LTD
18	5850 E LOVERS LN	LOVERS TRADITION II LP
19	5800 E LOVERS LN	LOVERS MEDICAL INVESTORS LP
20	5302 GREENVILLE AVE	OT CHATSWORTH TEXAS LLC
21	5809 E LOVERS LN	OT CHATSWORTH TEXAS LLC
22	401 S BUCKNER BLVD	DART
23	5805 BIRCHBROOK DR	BLACKMAN CLAIRE R LIFE ESTATE
24	5805 BIRCHBROOK DR	SMITH CHRISTINA
25	5811 BIRCHBROOK DR	MCMILLAN DARLENE J
26	5811 BIRCHBROOK DR	LUEDTKE GRETCHEN M

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5805 BIRCHBROOK DR	BRATTON REID
28	5805 BIRCHBROOK DR	KALKER AVIE
29	5811 BIRCHBROOK DR	MCDANIEL STEPHEN D &
30	5811 BIRCHBROOK DR	ELLIOTT WENDY
31	5819 BIRCHBROOK DR	EMMONS MIKE
32	5819 BIRCHBROOK DR	JONES TRICIA L
33	5833 BIRCHBROOK DR	PLIMPTON PAMELA
34	5833 BIRCHBROOK DR	FANTINI DAVID P
35	5825 BIRCHBROOK DR	CLUMPNER JUSTIN & ANASTASIA L VILLES CAS
36	5833 MILTON ST	BELL ELLEN M
37	5833 BIRCHBROOK DR	TWAY DUANE C & CONSTANCE
38	5010 MATILDA ST	AGUILAR JOSE I
39	5010 MATILDA ST	MCBEATH SHERRY L
40	5010 MATILDA ST	CARLSTROM ERIC C
41	5010 MATILDA ST	ZAVITKOVSKY F KARL &
42	5016 MATILDA ST	MORGAN BRYAN II
43	5016 MATILDA ST	BLANKENSHIP JAMES T &
44	5020 MATILDA ST	MUSTANG PROPERTIES LLC
45	5020 MATILDA ST	VERSCOYLE JOAN
46	5016 MATILDA ST	REYNOLDS ROBERT F & HOANG
47	5016 MATILDA ST	PEDIGO PATRICK J &
48	5020 MATILDA ST	LI TIANYI
49	5020 MATILDA ST	WHISNANT DENISE
50	5026 MATILDA ST	ZABY VINCENT RAY
51	5026 MATILDA ST	BRYSON MARK H
52	5026 MATILDA ST	JONES BRADY
53	5026 MATILDA ST	HOANG TINA THANH
54	5032 MATILDA ST	BATCHELOR BONNIE D
55	5032 MATILDA ST	TSADA NEGUSE &
56	5032 MATILDA ST	FORTENBERRY AUSTIN
57	5032 MATILDA ST	FORTENBERRY AUSTIN EVIN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	5038 MATILDA ST	FANTINI DAVID
59	5038 MATILDA ST	MEINHARDT CONNIE
60	5038 MATILDA ST	ANSLEY WILLIAM F
61	5038 MATILDA ST	BENAVIDES NATHAN
62	5044 MATILDA ST	SHEEHAN JOHN RESIDENCE &
63	5044 MATILDA ST	JONES LAUREN DRISKELL
64	5050 MATILDA ST	SMITH MAC A &
65	5050 MATILDA ST	CHAMBLESS RYAN & MARY MAHAN
66	5056 MATILDA ST	YADETE NATAN &
67	5056 MATILDA ST	GARCIA ERIC
68	5062 MATILDA ST	FRANKLIN JOSHUA
69	5062 MATILDA ST	SOTELO ANTONIA
70	5068 MATILDA ST	ROBERTSON JESSICA R
71	5068 MATILDA ST	EVANS REAGAN &
72	5044 MATILDA ST	MONGARAS JAMES J
73	5044 MATILDA ST	HARMAN MICHAEL J
74	5050 MATILDA ST	MANGER TEDDY DAVE
75	5050 MATILDA ST	YANG VICTOR
76	5056 MATILDA ST	ANSTEAD CLIFFORD R
77	5056 MATILDA ST	GOLDIN LILIA
78	5062 MATILDA ST	KIDANE TEFAMARIAN &
79	5062 MATILDA ST	IBRAHIM DANA L
80	5068 MATILDA ST	ASSEFA HAILE A
81	5068 MATILDA ST	WELCH JULIE
82	5804 MILTON ST	JACKSON OLIVIA ZENA
83	5804 MILTON ST	MCKAY CHARLES E
84	5808 MILTON ST	SELVADURAI JOHNSON J & SABRINA
85	5808 MILTON ST	ROSE SHEILA DIANNE
86	5804 MILTON ST	FANTA SOLOMON
87	5804 MILTON ST	ACEVEDO MARIA C
88	5808 MILTON ST	WANG SUIJUN &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	5808 MILTON ST	YILMA ALEMNESH F
90	5812 MILTON ST	BAKEWELL THOMAS B
91	5812 MILTON ST	BERNSTEIN ALAINE SUZANNE
92	5816 MILTON ST	FIELDS MARION LYNN
93	5816 MILTON ST	COFFEY BARBARA
94	5820 MILTON ST	HENDERSON DONALD JR & LINDA
95	5820 MILTON ST	SEUFERT MICHAEL &
96	5816 MILTON ST	MCCULLY MICHAEL JOHN
97	5816 MILTON ST	KIRBY TATE E & JEFFREY D
98	5820 MILTON ST	WULF JOSHUA
99	5820 MILTON ST	BENSKIN NORA &
100	5098 MATILDA ST	JONES RANDY L & LU ANN
101	5098 MATILDA ST	PORRAS MARLENE YEPEZ
102	5098 MATILDA ST	DIAZ OSCAR
103	5098 MATILDA ST	COLEMAN BENNIE J JR
104	5090 MATILDA ST	HUTTASH HARRY JAMES
105	5090 MATILDA ST	MOORE PARWIN
106	5088 MATILDA ST	VANDERHEYDEN TERRANCE
107	5088 MATILDA ST	DELGADO CABRERA JUAN
108	5090 MATILDA ST	HAYNES KELLY
109	5090 MATILDA ST	SHELMIRE CLARENCE R III
110	5088 MATILDA ST	CHONG YANWAH
111	5088 MATILDA ST	HOANG MINH THI
112	5086 MATILDA ST	COTTLE LAWRENCE W JR
113	5086 MATILDA ST	MULLER DANIEL V
114	5086 MATILDA ST	KHLAF HUSAM
115	5086 MATILDA ST	GRANTHAM TYLER
116	5084 MATILDA ST	LUNA GERARDO
117	5084 MATILDA ST	PATEL VIREN S
118	5084 MATILDA ST	MACALUSO MATTIE G
119	5084 MATILDA ST	ABREHAM HAILE S MR

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	5082 MATILDA ST	BASU AMIT & EUGENIA D
121	5082 MATILDA ST	PERES FLAVIO L & KATY S
122	5082 MATILDA ST	GILVALENZUELA LIBRADA
123	5082 MATILDA ST	NANASI JANOS
124	5072 MATILDA ST	SAVAGE SHANNON COOPER
125	5072 MATILDA ST	KARADZOVSKI GLENDA J
126	5074 MATILDA ST	SUPUNYABOOT SUNISA
127	5074 MATILDA ST	DAVIS JANIS
128	5076 MATILDA ST	WEISS JERRY I
129	5076 MATILDA ST	AGANLIC MUHAMED
130	5078 MATILDA ST	PEDIGO PATRICK J & SAMIA
131	5078 MATILDA ST	ZUHEIRI HAIDAR AL
132	5080 MATILDA ST	BOGGS NANCY A
133	5080 MATILDA ST	ROCK HIVE LLC
134	5072 MATILDA ST	BIADAILIGNE HABTAMU
135	5072 MATILDA ST	HENRY AMANDA LEE
136	5074 MATILDA ST	EATON DONNA &
137	5074 MATILDA ST	ROUNGRONG PORNTHIP &
138	5076 MATILDA ST	MISHRA MEENA
139	5076 MATILDA ST	GRIMES MATHEW
140	5078 MATILDA ST	REDA FREWEINI ASMEROM
141	5078 MATILDA ST	PUMPHANG KRAISORN
142	5080 MATILDA ST	CHEN LIJUN
143	5080 MATILDA ST	WILLIAMS BARTRICIA

FILE NUMBER: BDA189-049(OA)

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/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5750 E. Lovers Lane

APPLICANT: Karl A. Crawley

REQUEST:

A request for a special exception to the landscape regulations is made, according to the application, to incorporate a portion of land, approximately 15,250 square foot, resulting from the abandonment of Matilda street and the adjacent electric easement as parking area 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, the applicant requests approval of a revised alternate landscape plan to continue and expand on approved landscaping previously granted on this site by Board of Adjustment Panel B.

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.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements will unreasonably burden the use of the property, and that the special exception will not adversely affect/negatively impact neighboring property.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 610 (Planned Development)
- North: MU-3 (Mixed Use)
- South: MU-3 & PD 333 (Mixed Use and Planned Development)
- East: PD 799 (Planned Development)
- West: MU-3 (Mixed Use)

Land Use:

The subject site is developed with a general merchandise or food store use (Central Market). The areas to the north and west are developed with retail uses; the area to the east is developed with multifamily use; and the area to the south is developed retail and storage uses.

Zoning/BDA History:

1. BDA167-111, Property at 5750 E. Lovers Lane (the subject site)

On January 17, 2018, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations (subject to compliance with the submitted alternate landscape plan). 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.

2. BDA167-111, Property at 5750 E. Lovers Lane (the subject site)

On October 18, 2017, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations (subject to compliance with the submitted alternate landscape plan). The case report stated that the request was made to construct and maintain an approximately 7,000 square foot addition to an existing approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the mandatory perimeter landscape buffer strip with buffer plant materials on southeast corner of the on the subject site (Central Market). (On November 15, 2017, the Board of Adjustment Panel B granted the applicant's request to waive the two year limitation on a final decision reached on this application which allowed him to re-file a new application for a special exception to the landscape regulations on this site.

3. BDA067-046, Property at 5750 E. Lovers Lane (the subject site)

On March 21, 2007, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations (subject to compliance with the submitted site/development plan), and on April 18, 2007, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the following conditions: 1) All landscaping identified on the landscape plan more than 50 feet beyond the shown construction areas (including courtyard) must be installed and maintained, and the landscaping must be inspected by the city arborist by June 2, 2007; and 2) All remaining landscaping shown on the landscape plan must be installed and inspected by the city arborist prior to final inspection of the new building

addition.

The case report stated that the requests were made to construct and maintain additions to the existing retail structure (Central Market).

4. BDA023-008, Property at 5750 E. Lovers Lane (the subject site)

On November 12, 2002, the Board of Adjustment Panel A granted a request for a special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition.

The case report states that the request was made to “remove all trees from ONCOR utility easement” needed to obtain a final Certificate of Occupancy for the retail use on the site (Central Market).

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on, according to the application, incorporating a portion of land, approximately 15,250 square foot, resulting from the abandonment of Matilda street and the adjacent electric easement as parking area 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, the applicant requests approval of a revised alternate landscape plan to continue and expand on approved landscaping previously granted by Board of Adjustment Panel B.
- Section 51A-10.121(c) of the Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant’s request (see Attachment A).
- The Chief Arborist’s memo states the following with regard to “request”:
 - The applicant is requesting a special exception to the landscaping regulations of Article X as specified in PD 610. Specifically, the applicant requests approval of a revised alternate landscape plan to continue and expand on approved landscaping by previous Board of Adjustment review.
- The Chief Arborist’s memo states the following with regard to “provision”:
 - The original landscape plan was approved for the new construction of a retail grocery store. The approved plan was necessary to address conflicts with overhead electric utility lines with a significant ONCOR utility easement and property.

- Revisions were later completed to address store renovations and the continued conditions of various underground and overhead utilities running through the property. The property and its trees continue to age and grow.
- The abandonment of a portion of a street easement for Matilda and inclusion and the addition of property with the ONCOR utility requires an additional revision to the previous approved landscape plans to incorporate additions and changes to the property to Matilda Street.
- ONCOR restricts the planting of trees (typically above 12' in height, or altogether) within their transmission line corridor. The plan calls for new shrubs along the corridor which will also feature a new trail extension in working with the Park Department. The new plan includes all original and new landscape elements.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The property cannot apply the required street trees along Matilda due to overhead electric utility restrictions.
- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan for this property because full compliance with Article X for street tree and buffer requirements will unreasonably burden the use of the property, and the special exception will not negatively affect neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided certain leniency from full compliance with the landscape regulations beyond what was previously granted on this property by Board of Adjustment Panel B.

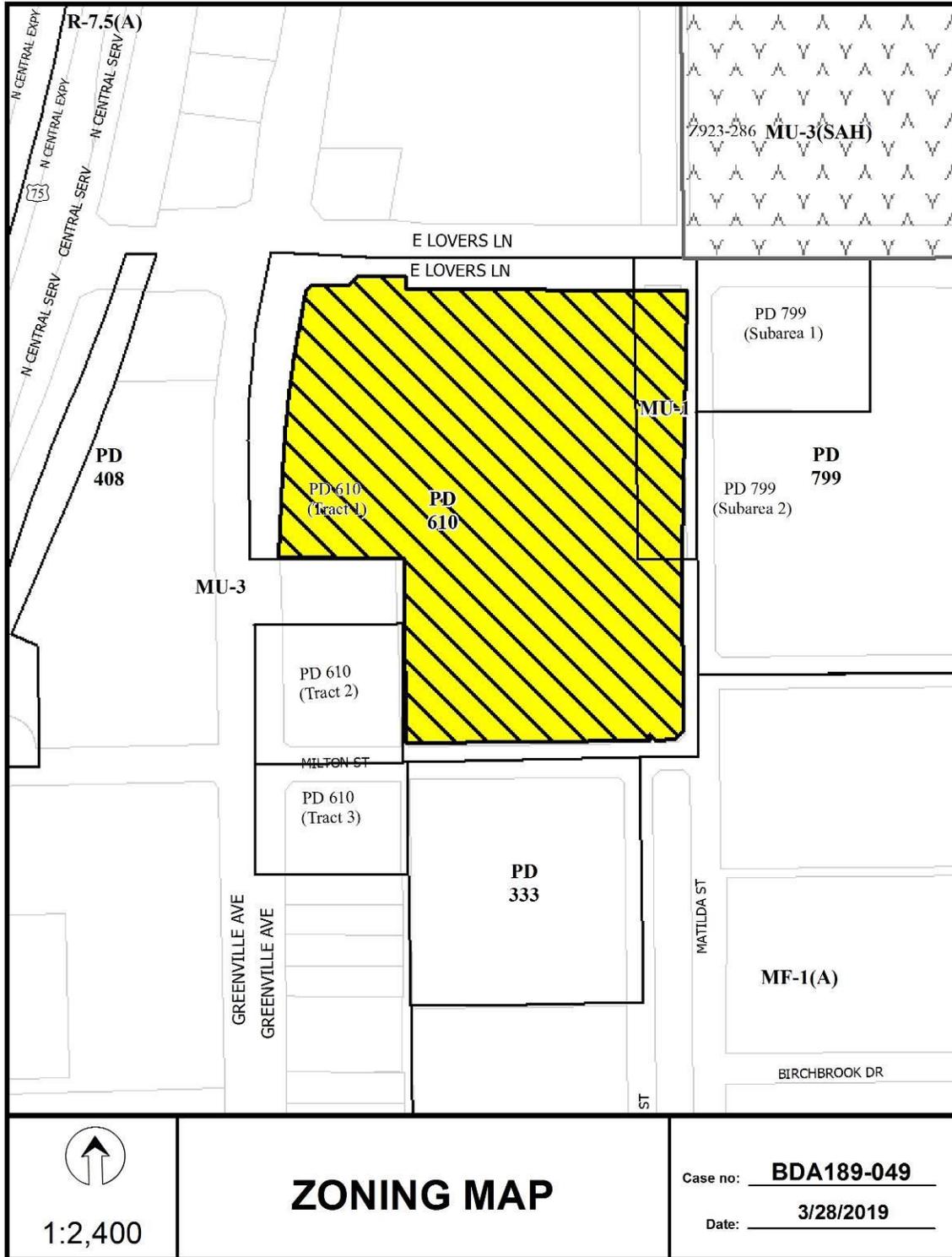
Timeline:

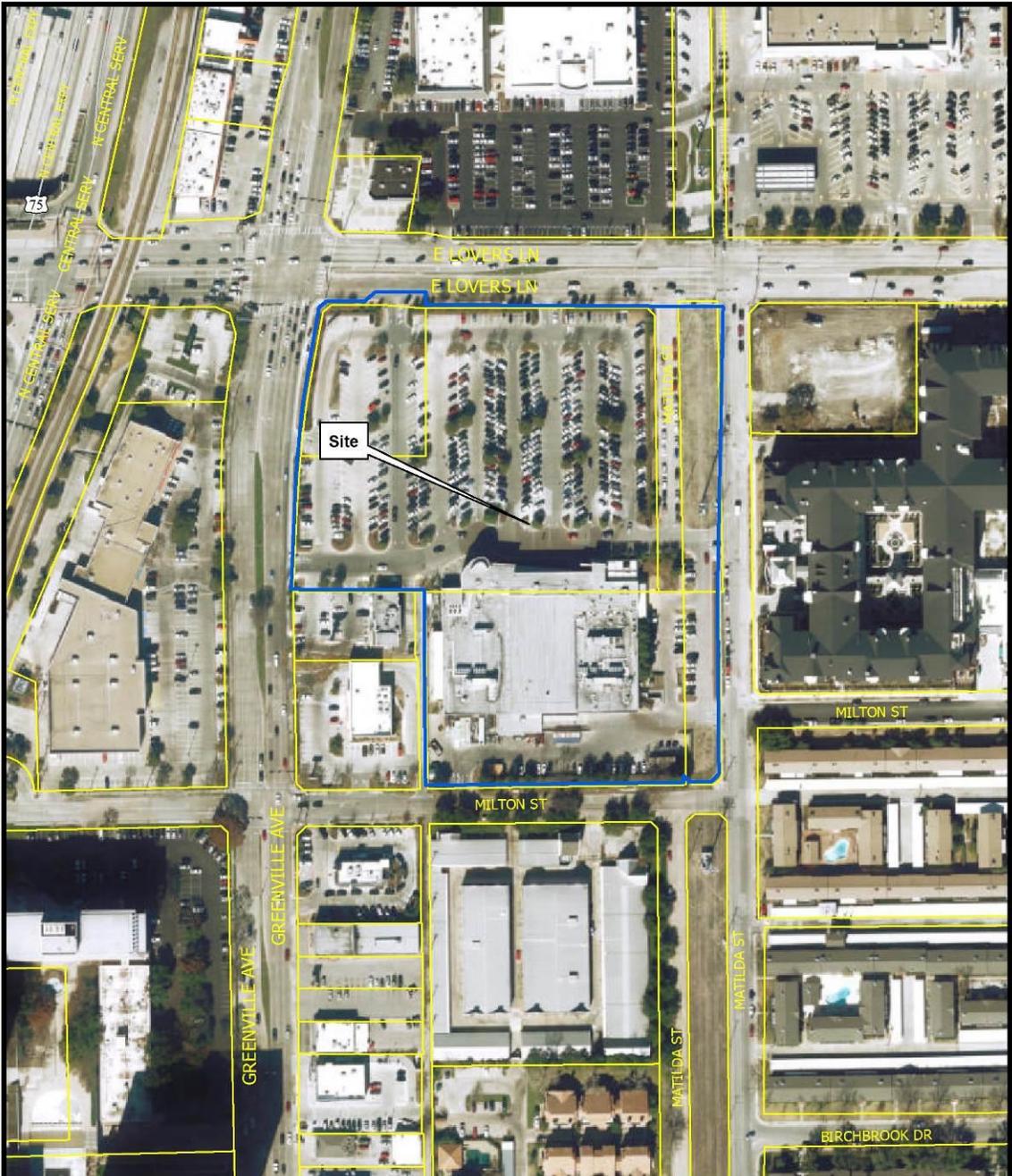
- February 22, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 11, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".
- March 13, 2019: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

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

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





1:2,400

AERIAL MAP

Case no: BDA189-049

Date: 3/28/2019

Memorandum



CITY OF DALLAS

Date April 5, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-049 5750 E Lovers Lane Arborist report

Request

The applicant is requesting a special exception to the landscaping regulations of Article X as specified in PD 610. Specifically, the applicant requests approval of a revised alternate landscape plan to continue and expand on approved landscaping by previous Board of Adjustment review.

Provision

- The original landscape plan was approved for the new construction of a retail grocery store. The approved plan was necessary to address conflicts with overhead electric utility lines with a significant ONCOR utility easement and property.
- Revisions were later completed to address store renovations and the continued conditions of various underground and overhead utilities running through the property. The property and its trees continue to age and grow.
- The abandonment of a portion of a street easement for Matilda and inclusion and the addition of property with the ONCOR utility requires an additional revision to the previous approved landscape plans to incorporate additions and changes to the property to Matilda Street.
- ONCOR restricts the planting of trees (typically above 12' in height, or altogether) within their transmission line corridor. The plan calls for new shrubs along the corridor which will also feature a new trail extension in working with the Park Department. The new plan includes all original and new landscape elements.

Deficiency

- The property cannot apply the required street trees along Matilda due to overhead electric utility restrictions.

Recommendation

The chief arborist recommends approval of the revised alternate landscape plan for this property because full compliance with Article X for street tree and buffer requirements will unreasonably burden the use of the property, and the special exception will not negatively affect neighboring properties.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-049

Date: 2-22-19

Data Relative to Subject Property:

Location address: 5750 E. LOVERS LN Zoning District: PD610

Lot No.: 1B Block No.: G/5402 Acreage: 8.86 AC Census Tract: 79.13

Street Frontage (in Feet): 1) 546 2) 441 3) 395 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LINCOLN LAG LTD AND L.W. HEORICK 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@masterplantexas.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 ALTERNATIVE 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 ABANDONMENT OF A STREET EASEMENT AND THE ADJACENT ELECTRIC TRANSMISSION LINES REQUIRE A CHANGE TO THE EXISTING BDA APPROVED PLAN.

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

Affidavit

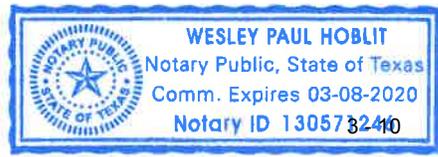
Before me the undersigned on this day personally appeared KARL A CRAWLEY (Affiant/Applicant's name printed)

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 21st day of February, 2019

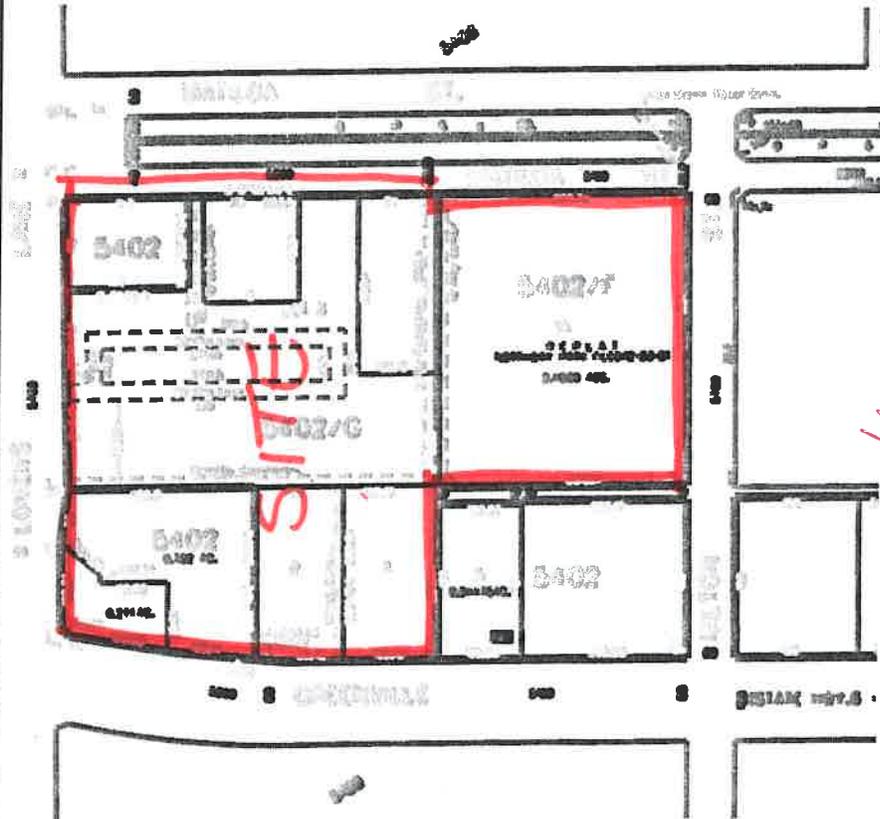
(Rev. 08-01-11) Notary Public in and for Dallas County, Texas



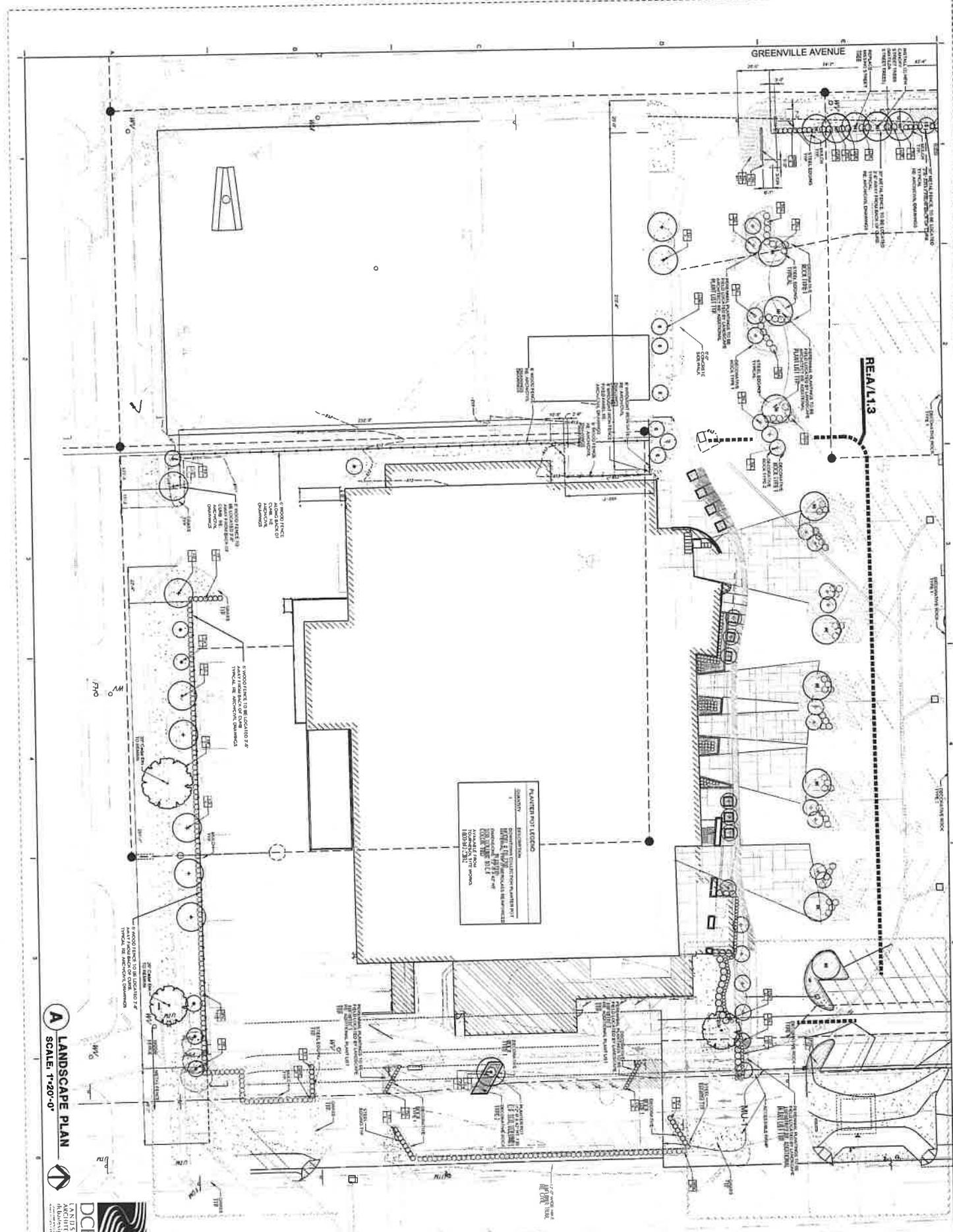
ANNEXED MAY 25, 1945 ORD. NO. 3020
SURVEY WAL. P. CARROLL ABST. 202

CITY OF DALLAS F
ADDITION
SCALE 100 FT. EQUAL

PLAT 15-20-20 204, 204-22 1075 & 1075-20 204-22
PLAT 15-20-20 204, 204-22 1075 & 204-22



KME



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



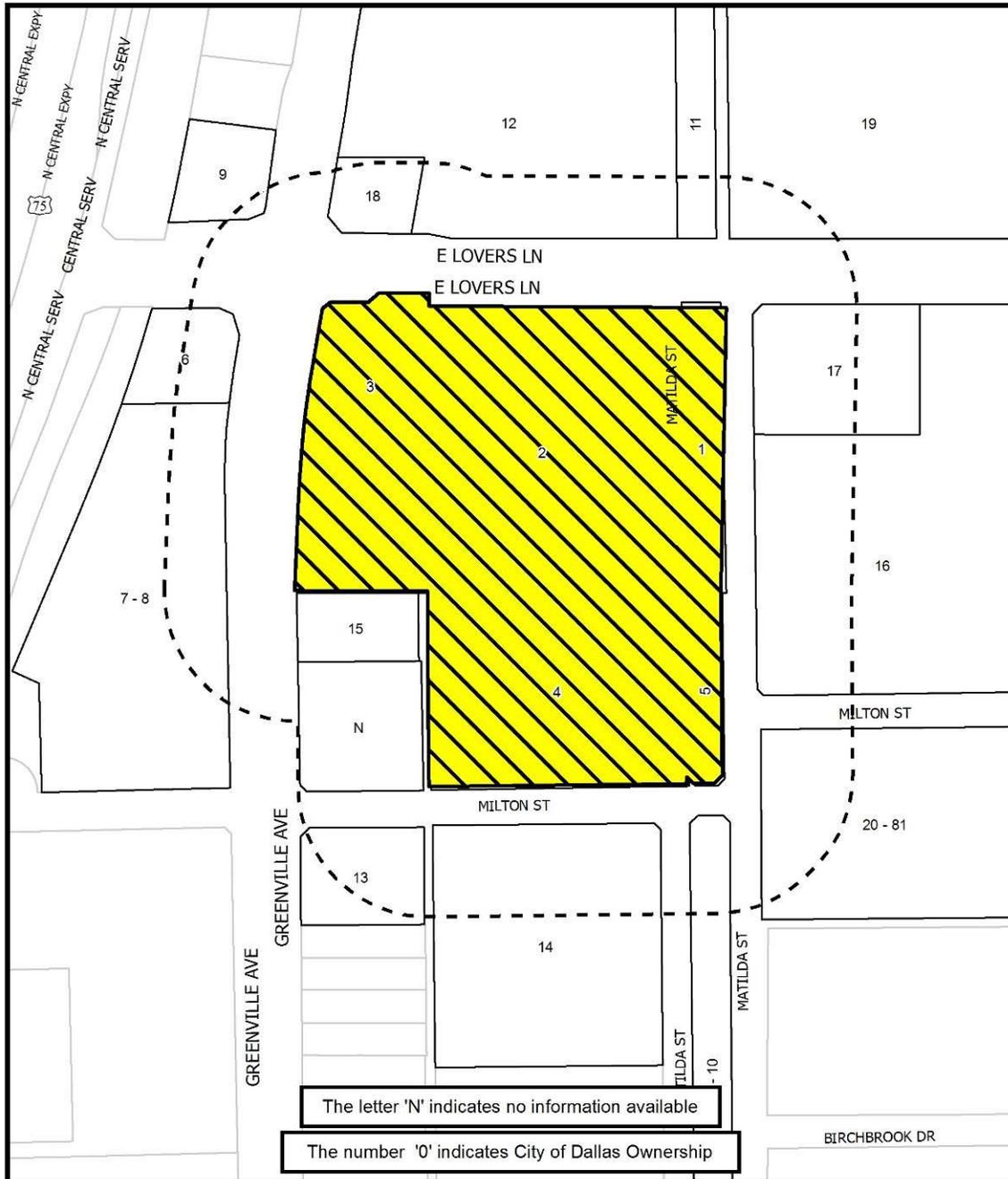
DCBA
LANDSCAPE ARCHITECTURE
11111 LANTANA DRIVE
DALLAS, TEXAS 75244
TEL: 972.382.1111
WWW.DCBA-ARCH.COM

DATE: 08/20/2017
DRAWN: J. L. HARRIS
CHECKED: M. J. HARRIS
SCALE: 1"=20'-0"
SHEET NO: 1.2

LANDSCAPE PLAN
DALLAS CM CORP #552
5750 EAST LOVERS LANE
DALLAS, TEXAS 75244



BOARD OF ADJUDICATORS PLAN	08/24/2017	
BOARD OF ADJUDICATORS PLAN	11/08/2017	
BOARD OF ADJUDICATORS PLAN	02/07/2018	



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
81 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-049**

Date: **3/28/2019**

Notification List of Property Owners

BDA189-049

143 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5750 E LOVERS LN	LINCOLN LAG LTD
2	5200 GREENVILLE AVE	HEDRICK L W TRUST
3	5750 LOVERS LN	LINCOLN LAG LTD
4	4500 GREENVILLE AVE	LINCOLN LAG LTD
5	5233 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
6	5111 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
7	5111 GREENVILLE AVE	OFFICE DEPOT
8	5315 GREENVILLE AVE	INWOOD CORP
9	5010 GREENVILLE AVE	5010 GREENVILLE LLC
10	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
11	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
12	5700 E LOVERS LN	TEXAS UTILITIES ELEC CO
13	5500 GREENVILLE AVE	WPF OPERATING LLC
14	5603 MILTON ST	DALLAS AREA RAPID TRANSIT
15	5030 GREENVILLE AVE	CCP CANES GREENVILLE LP
16	5720 MILTON ST	SH 710 LLC
17	5118 GREENVILLE AVE	LINCOLN LAG TWO LTD
18	5850 E LOVERS LN	LOVERS TRADITION II LP
19	5800 E LOVERS LN	LOVERS MEDICAL INVESTORS LP
20	5302 GREENVILLE AVE	OT CHATSWORTH TEXAS LLC
21	5809 E LOVERS LN	OT CHATSWORTH TEXAS LLC
22	401 S BUCKNER BLVD	DART
23	5805 BIRCHBROOK DR	BLACKMAN CLAIRE R LIFE ESTATE
24	5805 BIRCHBROOK DR	SMITH CHRISTINA
25	5811 BIRCHBROOK DR	MCMILLAN DARLENE J
26	5811 BIRCHBROOK DR	LUEDTKE GRETCHEN M

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5805 BIRCHBROOK DR	BRATTON REID
28	5805 BIRCHBROOK DR	KALKER AVIE
29	5811 BIRCHBROOK DR	MCDANIEL STEPHEN D &
30	5811 BIRCHBROOK DR	ELLIOTT WENDY
31	5819 BIRCHBROOK DR	EMMONS MIKE
32	5819 BIRCHBROOK DR	JONES TRICIA L
33	5833 BIRCHBROOK DR	PLIMPTON PAMELA
34	5833 BIRCHBROOK DR	FANTINI DAVID P
35	5825 BIRCHBROOK DR	CLUMPNER JUSTIN & ANASTASIA L VILLES CAS
36	5833 MILTON ST	BELL ELLEN M
37	5833 BIRCHBROOK DR	TWAY DUANE C & CONSTANCE
38	5010 MATILDA ST	AGUILAR JOSE I
39	5010 MATILDA ST	MCBEATH SHERRY L
40	5010 MATILDA ST	CARLSTROM ERIC C
41	5010 MATILDA ST	ZAVITKOVSKY F KARL &
42	5016 MATILDA ST	MORGAN BRYAN II
43	5016 MATILDA ST	BLANKENSHIP JAMES T &
44	5020 MATILDA ST	MUSTANG PROPERTIES LLC
45	5020 MATILDA ST	VERSCOYLE JOAN
46	5016 MATILDA ST	REYNOLDS ROBERT F & HOANG
47	5016 MATILDA ST	PEDIGO PATRICK J &
48	5020 MATILDA ST	LI TIANYI
49	5020 MATILDA ST	WHISNANT DENISE
50	5026 MATILDA ST	ZABY VINCENT RAY
51	5026 MATILDA ST	BRYSON MARK H
52	5026 MATILDA ST	JONES BRADY
53	5026 MATILDA ST	HOANG TINA THANH
54	5032 MATILDA ST	BATCHELOR BONNIE D
55	5032 MATILDA ST	TSADA NEGUSE &
56	5032 MATILDA ST	FORTENBERRY AUSTIN
57	5032 MATILDA ST	FORTENBERRY AUSTIN EVIN

Label #	Address	Owner
58	5038 MATILDA ST	FANTINI DAVID
59	5038 MATILDA ST	MEINHARDT CONNIE
60	5038 MATILDA ST	ANSLEY WILLIAM F
61	5038 MATILDA ST	BENAVIDES NATHAN
62	5044 MATILDA ST	SHEEHAN JOHN RESIDENCE &
63	5044 MATILDA ST	JONES LAUREN DRISKELL
64	5050 MATILDA ST	SMITH MAC A &
65	5050 MATILDA ST	CHAMBLESS RYAN & MARY MAHAN
66	5056 MATILDA ST	YADETE NATAN &
67	5056 MATILDA ST	GARCIA ERIC
68	5062 MATILDA ST	FRANKLIN JOSHUA
69	5062 MATILDA ST	SOTELO ANTONIA
70	5068 MATILDA ST	ROBERTSON JESSICA R
71	5068 MATILDA ST	EVANS REAGAN &
72	5044 MATILDA ST	MONGARAS JAMES J
73	5044 MATILDA ST	HARMAN MICHAEL J
74	5050 MATILDA ST	MANGER TEDDY DAVE
75	5050 MATILDA ST	YANG VICTOR
76	5056 MATILDA ST	ANSTEAD CLIFFORD R
77	5056 MATILDA ST	GOLDIN LILIA
78	5062 MATILDA ST	KIDANE TEFAMARIAN &
79	5062 MATILDA ST	IBRAHIM DANA L
80	5068 MATILDA ST	ASSEFA HAILE A
81	5068 MATILDA ST	WELCH JULIE
82	5804 MILTON ST	JACKSON OLIVIA ZENA
83	5804 MILTON ST	MCKAY CHARLES E
84	5808 MILTON ST	SELVADURAI JOHNSON J & SABRINA
85	5808 MILTON ST	ROSE SHEILA DIANNE
86	5804 MILTON ST	FANTA SOLOMON
87	5804 MILTON ST	ACEVEDO MARIA C
88	5808 MILTON ST	WANG SUJUN &

Label #	Address	Owner
89	5808 MILTON ST	YILMA ALEMNESH F
90	5812 MILTON ST	BAKEWELL THOMAS B
91	5812 MILTON ST	BERNSTEIN ALAINE SUZANNE
92	5816 MILTON ST	FIELDS MARION LYNN
93	5816 MILTON ST	COFFEY BARBARA
94	5820 MILTON ST	HENDERSON DONALD JR & LINDA
95	5820 MILTON ST	SEUFERT MICHAEL &
96	5816 MILTON ST	MCCULLY MICHAEL JOHN
97	5816 MILTON ST	KIRBY TATE E & JEFFREY D
98	5820 MILTON ST	WULF JOSHUA
99	5820 MILTON ST	BENSKIN NORA &
100	5098 MATILDA ST	JONES RANDY L & LU ANN
101	5098 MATILDA ST	PORRAS MARLENE YEPEZ
102	5098 MATILDA ST	DIAZ OSCAR
103	5098 MATILDA ST	COLEMAN BENNIE J JR
104	5090 MATILDA ST	HUTTASH HARRY JAMES
105	5090 MATILDA ST	MOORE PARWIN
106	5088 MATILDA ST	VANDERHEYDEN TERRANCE
107	5088 MATILDA ST	DELGADO CABRERA JUAN
108	5090 MATILDA ST	HAYNES KELLY
109	5090 MATILDA ST	SHELMIRE CLARENCE R III
110	5088 MATILDA ST	CHONG YANWAH
111	5088 MATILDA ST	HOANG MINH THI
112	5086 MATILDA ST	COTTLE LAWRENCE W JR
113	5086 MATILDA ST	MULLER DANIEL V
114	5086 MATILDA ST	KHLAF HUSAM
115	5086 MATILDA ST	GRANTHAM TYLER
116	5084 MATILDA ST	LUNA GERARDO
117	5084 MATILDA ST	PATEL VIREN S
118	5084 MATILDA ST	MACALUSO MATTIE G
119	5084 MATILDA ST	ABREHAM HAILE S MR

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	5082 MATILDA ST	BASU AMIT & EUGENIA D
121	5082 MATILDA ST	PERES FLAVIO L & KATY S
122	5082 MATILDA ST	GILVALENZUELA LIBRADA
123	5082 MATILDA ST	NANASI JANOS
124	5072 MATILDA ST	SAVAGE SHANNON COOPER
125	5072 MATILDA ST	KARADZOVSKI GLENDA J
126	5074 MATILDA ST	SUPUNYABOOT SUNISA
127	5074 MATILDA ST	DAVIS JANIS
128	5076 MATILDA ST	WEISS JERRY I
129	5076 MATILDA ST	AGANLIC MUHAMED
130	5078 MATILDA ST	PEDIGO PATRICK J & SAMIA
131	5078 MATILDA ST	ZUHEIRI HAIDAR AL
132	5080 MATILDA ST	BOGGS NANCY A
133	5080 MATILDA ST	ROCK HIVE LLC
134	5072 MATILDA ST	BIADAILIGNE HABTAMU
135	5072 MATILDA ST	HENRY AMANDA LEE
136	5074 MATILDA ST	EATON DONNA &
137	5074 MATILDA ST	ROUNGRONG PORNTHIP &
138	5076 MATILDA ST	MISHRA MEENA
139	5076 MATILDA ST	GRIMES MATHEW
140	5078 MATILDA ST	REDA FREWEINI ASMEROM
141	5078 MATILDA ST	PUMPHANG KRAISORN
142	5080 MATILDA ST	CHEN LIJUN
143	5080 MATILDA ST	WILLIAMS BARTRICIA