

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, JUNE 19, 2018  
AGENDA

---

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

---

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

---

**MISCELLANEOUS ITEM**

---

Approval of the May 22, 2018 Board of Adjustment Panel A Public Hearing Minutes	M1
--	----

---

**UNCONTESTED CASES**

---

<b>BDA178-066(OA)</b>	12505 E. Northwest Highway <b>REQUEST:</b> Application of Andrew Boshears, Murphey Oil USA, Inc., represented by William Lotz of Greenberg Farrow, for a special exception to the landscape regulations	1
<b>BDA178-067(OA)</b>	4116 Walnut Hill Lane <b>REQUEST:</b> Application of Kevin Walsh for special exceptions to the fence standards regulations	2

---

**HOLDOVER CASE**

---

<b>BDA178-047(OA)</b>	12000 E. Northwest Highway <b>REQUEST:</b> Application of Tricolor Auto Group, represented by Laura Castillo, for special exceptions to the sign regulations	3
-----------------------	---	---

---

**REGULAR CASES**

---

<b>BDA178-054(SL)</b>	10261 E. Technology Boulevard <b>REQUEST:</b> Application of Nick Flaherty, represented by Brad Williams of Winstead, to appeal the decision of the administrative official	4
<b>BDA178-073(OA)</b>	5333 Deloache Avenue <b>REQUEST:</b> Application of Blake Byrd of Tatum Brown Custom Homes, represented by Blake Byrd, for a variance to the front yard setback regulations, and for special exceptions to the fence standards and visual obstruction regulations	5

---

---

## 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:** BDA178-066(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Andrew Boshears, Murphey Oil USA, Inc., represented by William Lotz of Greenberg Farrow, for a special exception to the landscape regulations at 12505 E Northwest Highway. This property is more fully described as Lot 1A, Block A/8047 and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 12505 E Northwest Highway

**APPLICANT:** Andrew Boshears, Murphey Oil USA, Inc.  
Represented by William Lotz of Greenberg Farrow

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain a motor vehicle fueling station/convenience-store use/structure, and not fully meet the landscape regulations, more specifically, to provide small trees along Shiloh Road in the parkway as required street trees.

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

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The Chief Arborist recommends approval of the alternative landscape plan because strict compliance with the Article X regulations for large street trees will unreasonably burden the use of the property given the existing utility easements on the site, and the special exception will not adversely affect neighboring properties.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: IR (Industrial/research)  
North: IR (Industrial/research)  
South: IR (Industrial/research)  
East: MC-1 (Multiple Commercial) & CS (Commercial Service)  
West: IR (Industrial/research) & PD-5 (Planned Development)

**Land Use:**

The subject site is undeveloped. The areas to the north and east are undeveloped; the area to the west is developed with retail and automobile service uses; and the area to the south is developed with industrial uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a motor vehicle fueling station/convenience-store use/structure, and not fully meet the landscape regulations, more specifically, to substitute the required large trees for small trees along Shiloh Road.
- 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).

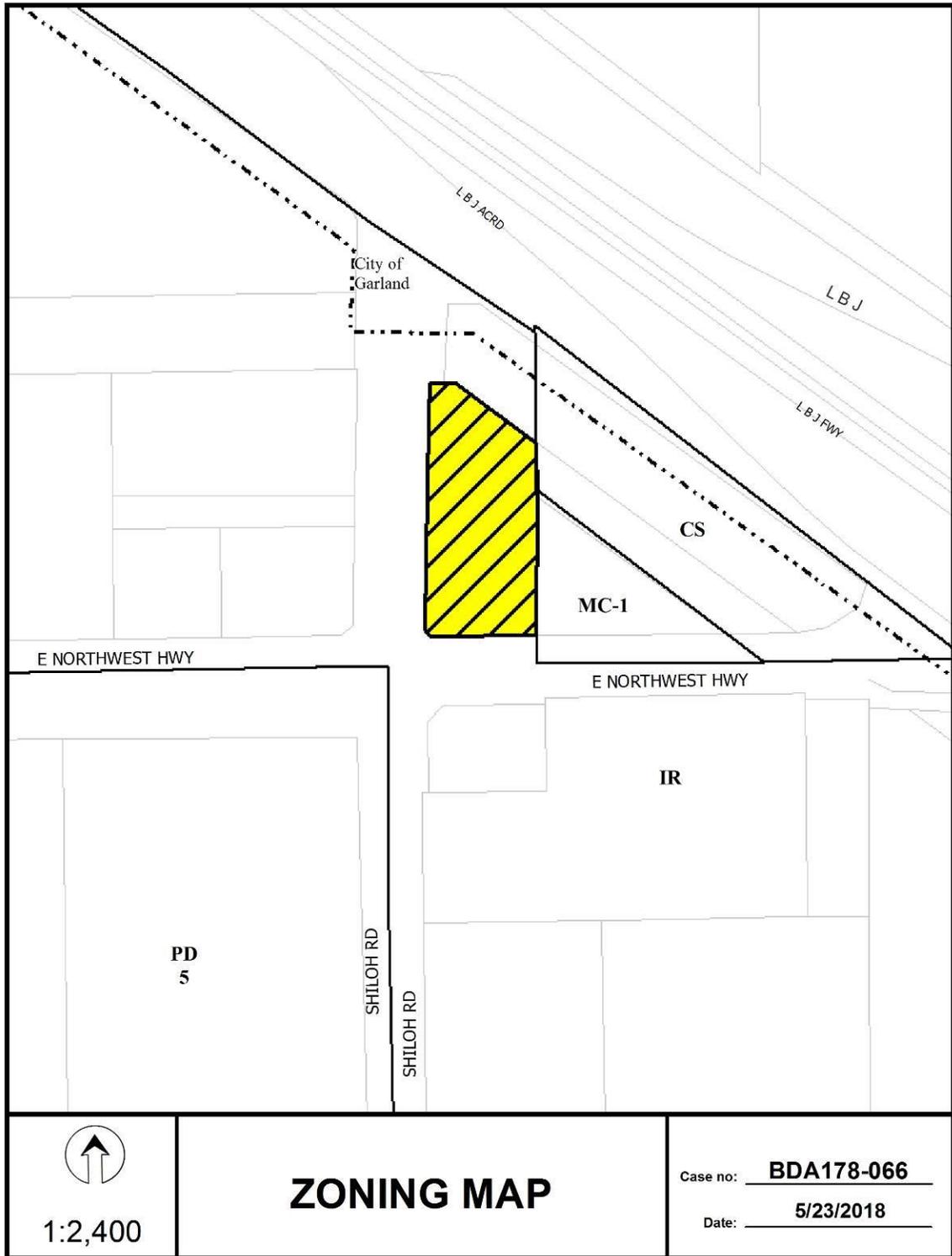
- The Chief Arborist’s memo states the following with regard to “request”:
  - The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of an alternate landscape plan to provide small trees (Silver Texas Mountain Laurel) along Shiloh Road in the parkway as required street trees.
- The Chief Arborist’s memo states the following with regard to “provision”:
  - The alternate landscape plan provides all Article X landscape requirements with the exceptions noted below. Irrigation provisions are sufficient to maintain the plants in a healthy growing condition.
- The Chief Arborist’s memo states the following with regard to “deficiencies”:
  - The Article X landscape ordinance requires large street trees to be provided at a ratio of 1 per 50 linear feet of street frontage and planted within 30 feet of the street curb (10.125(b)(4)). The plan provides for the required number of trees but they are a small species (less than 30’ in height).
- The Chief Arborist recommends approval of the alternative landscape plan because strict compliance with the Article X regulations for large street trees will unreasonably burden the use of the property, and the special exception will not adversely 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 permitted to provide small trees along Shiloh Road in the parkway as required street trees.

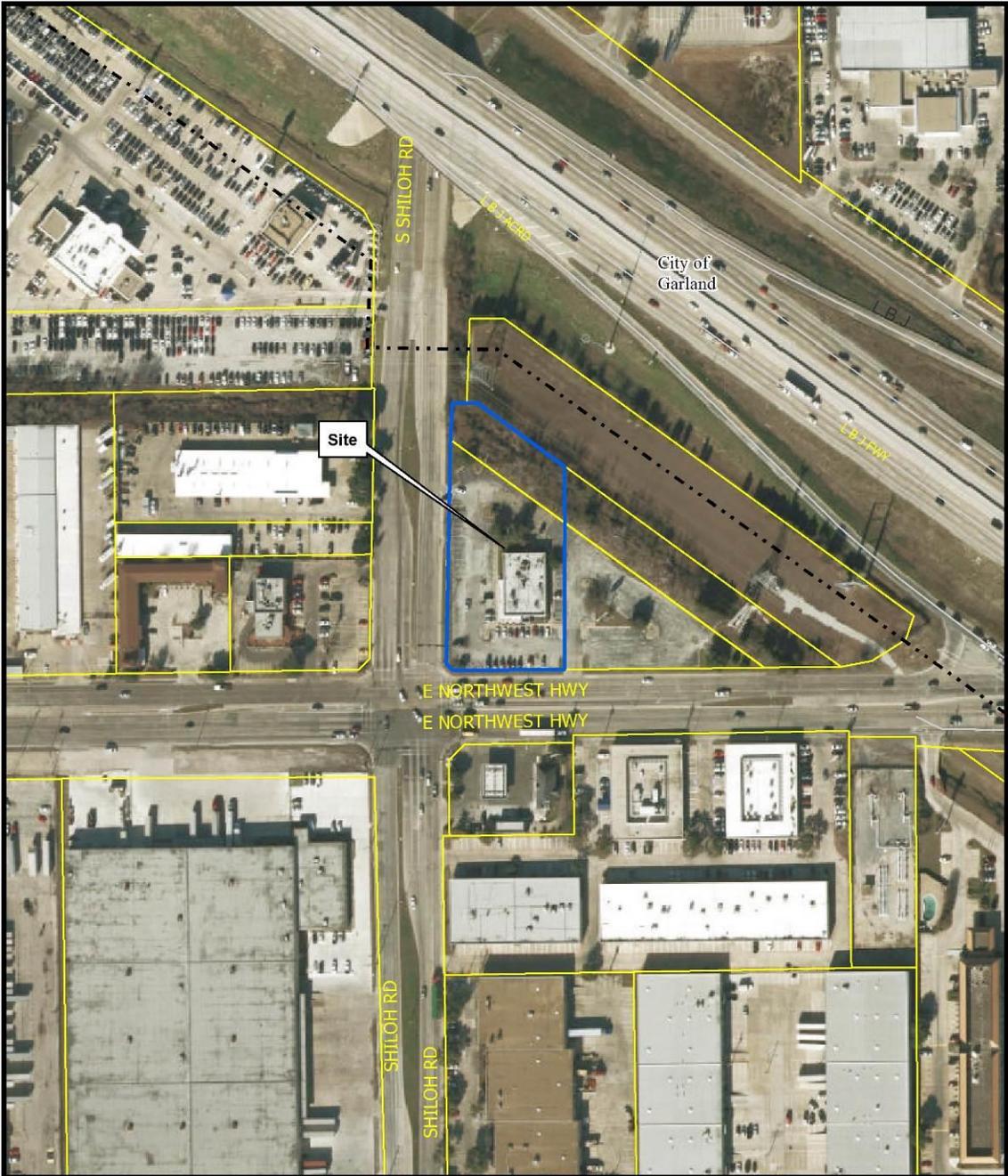
**Timeline:**

- March 15, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- May15, 2018: 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 May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> 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.

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

June 8, 2018 The City of Dallas Chief Arborist submitted a memo regarding this request.





1:2,400

# AERIAL MAP

Case no: BDA178-066  
Date: 5/23/2018

## Memorandum



CITY OF DALLAS

Date June 8, 2018  
To Oscar Aguilera, Board Administrator  
Subject BDA #178-066 12505 E Northwest Highway

### Request

The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of an alternate landscape plan to provide small trees (silver Texas mountain laurel) along Shiloh Road in the parkway as required street trees.

### Provision

The alternate landscape plan provides all Article X landscape requirements with the exceptions noted below. Irrigation provisions are sufficient to maintain the plants in a healthy growing condition.

### Deficiencies

The Article X landscape ordinance requires large street trees to be provided at a ratio of 1 per 50 linear feet of street frontage and planted within 30 feet of the street curb (10.125(b)(4)). The plan provides for the required number of trees but they are a small species (less than 30' in height).

### Factors

The property is restricted in the front yard by existing utility easements. This prohibited the planting of trees within that zone. An effort was made to provide the required street trees in the public right-of-way, which is allowed by ordinance, but the applicant could not be approved for a license to plant large trees along Shiloh Road due to a restriction of overhead electric lines in that area. The applicant has submitted the alternate landscape plan which may gain city license authorization for the planting of the small trees as described on this plan. Large canopy trees will be planted in the parkway along Northwest Highway.

### Recommendation

The chief arborist recommends approval of the alternative landscape plan because strict compliance with the Article X regulations for large street trees will unreasonably burden the use of the property. The special exception will not adversely effect neighboring properties.

Philip Erwin  
Chief Arborist  
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-066

Data Relative to Subject Property:

Date: 3-23-18

Location address: 12505 E. Northwest Highway Zoning District: IR

Lot No.: 1A Block No.: A/8047 Acreage: 1.3 Census Tract: 126.01

Street Frontage (in Feet): 1) 126' 2) 394' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Northwest Shiloh, LLC

Applicant: Andrew Boshears, Murphy Oil USA, Inc. Telephone: 870-881-6639

Mailing Address: 200 East Peach St., El Dorado, AR Zip Code: 71730

E-mail Address: Andrew.Boshears@murphyusa.com

Represented by: William Lotz, GreenbergFarrow Telephone: 770-881-1384

Mailing Address: 1430 W. Peachtree St. NW, Suite 200, Atlanta, GA Zip Code: 30309

E-mail Address: wlotz@greenbergfarrow.com

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

(a) Along E. Northwest Highway, a 25-foot wide water and wastewater easement abuts the street right-of-

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:

way and prohibits large trees from being planted within 30 feet of the curb; and (b) a 20-foot wide water easement abutting Shiloh Rd., a Lone Star gas easement, and a drainage easement crossing Shiloh Rd. collectively prevent large trees from being planted within 30 feet of the curb. (c) Additionally, large trees cannot be planted in Shiloh Rd. ROW due to overhead electric lines, so smaller trees are requested to be planted.

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 Andrew Boshears (Affiant/Applicant's name printed)

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

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 15th day of March, 2018

(Rev. 08-01-11)

TAMMY TAYLOR UNION COUNTY NOTARY PUBLIC - ARKANSAS My Commission Expires September 07, 2024 Commission No. 12400715 1-8

Notary Public in and for Dallas County, Texas Union Arkansas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

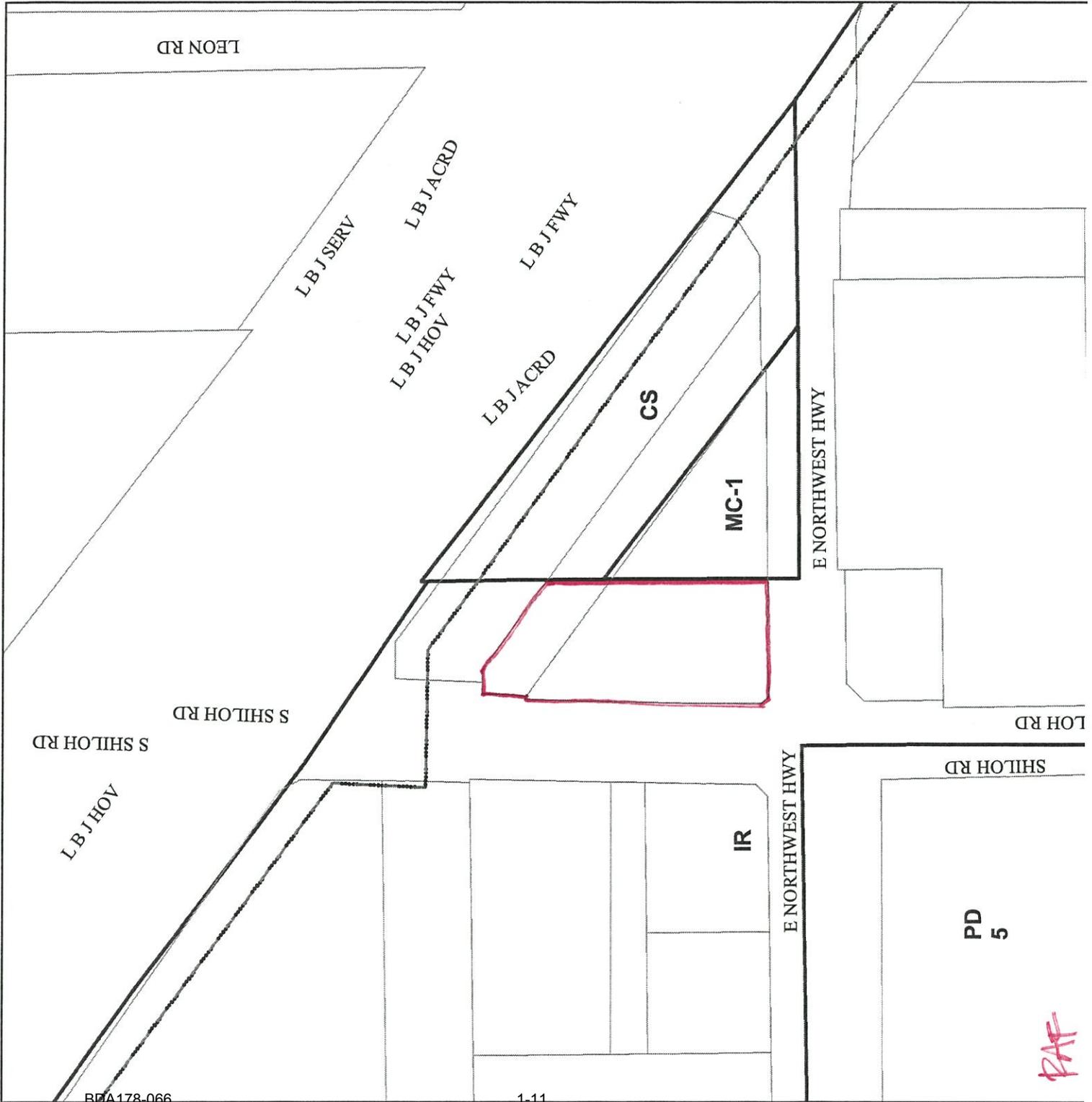
I hereby certify that     ANDREW BOSHEARS  
                                  represented by     Greenberg Farrow  
did submit a request     for a special exception to the landscaping regulations  
                                  at           12505 E Northwest Highway

BDA178-066. Application of ANDREW BOSHEARS represented by Greenberg Farrow for a special exception to the landscaping regulations at 12505 E Northwest Hwy. This property is more fully described as Lot 1A, Block A/8047 and is zoned IR, 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.

Sincerely,

  
Philip Sikes, Building Official





LEON RD

LBJSERV

LBJACRD

LBJFWY

LBJFWY

LBJACRD

CS

MC-1

E NORTHWEST HWY

LOH RD

S SHILOH RD

S SHILOH RD

LBJHOV

IR

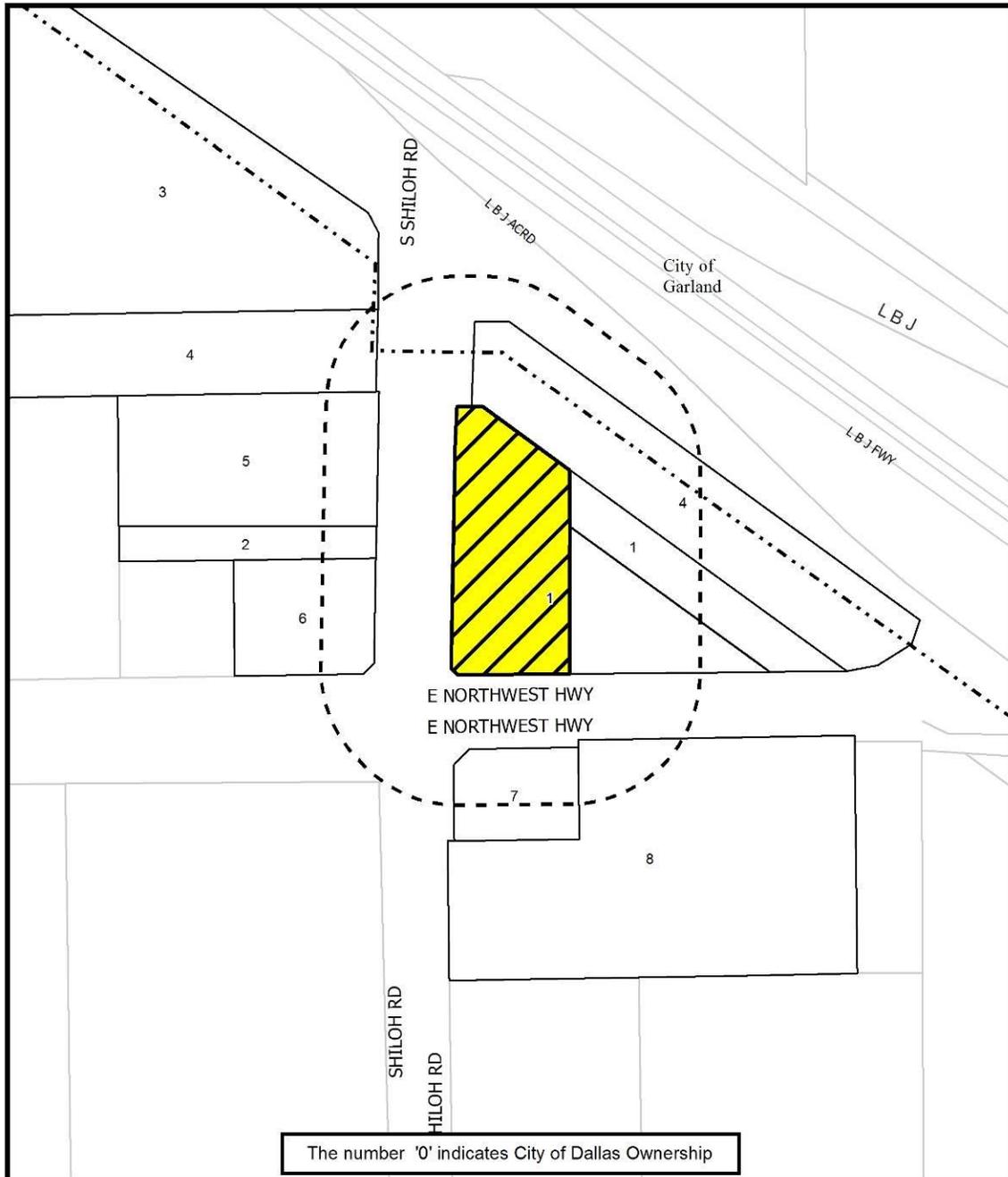
E NORTHWEST HWY

SHILOH RD

PD 5

PAF





 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA178-066</b>
	<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;">8</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>5/23/2018</b>	

# ***Notification List of Property Owners***

***BDA178-066***

## ***8 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	12505 E NORTHWEST HWY	MBRE LLC
2	12303 SHILOH RD	PAYNE WILLIAM INVEST
3	12277 SHILOH RD	ALLEE JIM OLDS CO
4	12200 SHILOH RD	TEXAS UTILITIES ELEC CO
5	12243 SHILOH RD	ALMARK HOLDING CORP
6	12475 E NORTHWEST HWY	CJS TACO CABANA DALLAS LLC
7	12516 E NORTHWEST HWY	GLITTER GEMS LLC
8	12610 E NORTHWEST HWY	G&I VII NE CROSSING LP

**FILE NUMBER:** BDA178-067(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Kevin Walsh for special exceptions to the fence standards regulations at 4116 Walnut Hill Lane. This property is more fully described as Lot 6, Block 2/6147, and is zoned R-10(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/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/maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

**LOCATION:** 4116 Walnut Hill Lane

**APPLICANT:** Kevin Walsh

**REQUESTS:**

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

1. A request for a special exception to the fence standards regulations related to height of 5' is made to maintain an 8' 3" – 9' high board-on-board wood fence in the one of the site's two required front yards (Ontario Lane); and
2. A request for special exception to the fence standards regulations related to fence materials is made to maintain a fence with panels with surface areas that are less than 50 percent open less than 5' from the front lot line are made to maintain the aforementioned 8' 3" – 9' high board-on-board wood fence along Ontario Lane located less than 5' from these front lot lines.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-10(A) (Single family district 10,000 square feet)  
North: PD 416 (Planned Development)  
South: R-10(A) (Single family district 10,000 square feet)  
East: R-10(A) (Single family district 10,000 square feet)  
West: R-10(A) (Single family district 10,000 square feet)

### **Land Use:**

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

### **Zoning/BDA History:**

1. BDA 145-122, Property at 4106 Walnut Hill Lane (adjacent to the subject site) On December 14, 2015, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations to construct and maintain an 8' 6" high board-on-board wood fence in one of the site's two required front yards (Lakemont Drive) on a site that is developed with a single family home.

### **GENERAL FACTS/STAFF ANALYSIS:**

- The requests for special exceptions to the fence standard regulations are twofold. A special exception to the fence standards regulations related to height of 4' is to maintain an 8' 3" – 9' high solid board-on-board wood fence in one of the site's two required front yards (Ontario Lane). And a special exception to the fence standard regulations related to a fence with panels with surface areas less than 50 percent open is made to maintain an 8' 3" – 9' high solid board-on-board wood fence located on Ontario Lane's front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-10(A).
- 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 site is located at the southwest corner of Walnut Hill Lane and Ontario Lane. Regardless of how the home on the site is oriented to front northward to Walnut Hill Lane and to side eastward onto Ontario Drive, the site has two required front yards. The site has a 50' required front yard along Walnut Hill Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district, and a 30' required front yard along Ontario Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where an 8' 3" – 9' high board-on-board wood fence would be allowed by right. But the

site's Ontario Lane frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented eastward towards Ontario Lane.

- No part of the application is made to address any fence in the site's Walnut Hill Lane required front yard.
- The applicant has submitted a site plan and elevation of the proposal Ontario Lane 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 site plan:
  - The proposal is represented as being approximately 83' in length parallel to the Ontario Lane, and approximately 30' perpendicular to Ontario Lane on the north and south sides of the site in this front yard setback.
  - The proposal is represented as being located approximately on the Ontario Lane front property line. (The distance between the fence and the pavement line is approximately 11').
- The existing fence is located across from one single family home, a property that has an approximately 8' high solid wood fence in its front yard setback along Ontario Lane.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several fences that appeared to be above 4' in height and located in a front yard setback. These similar fences are located on the properties directly west and east of the subject site. (Note that the fence to the west appears to be a result of an approved fence special exception request in 2015; the fence to the east has no recorded BDA history).
- As of June 8<sup>th</sup>, no letters in opposition have been submitted, and 8 letters have been submitted in support.
- 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 with surface areas less than 50 percent open located less than 5' from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

### **Timeline:**

March 23, 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.

May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

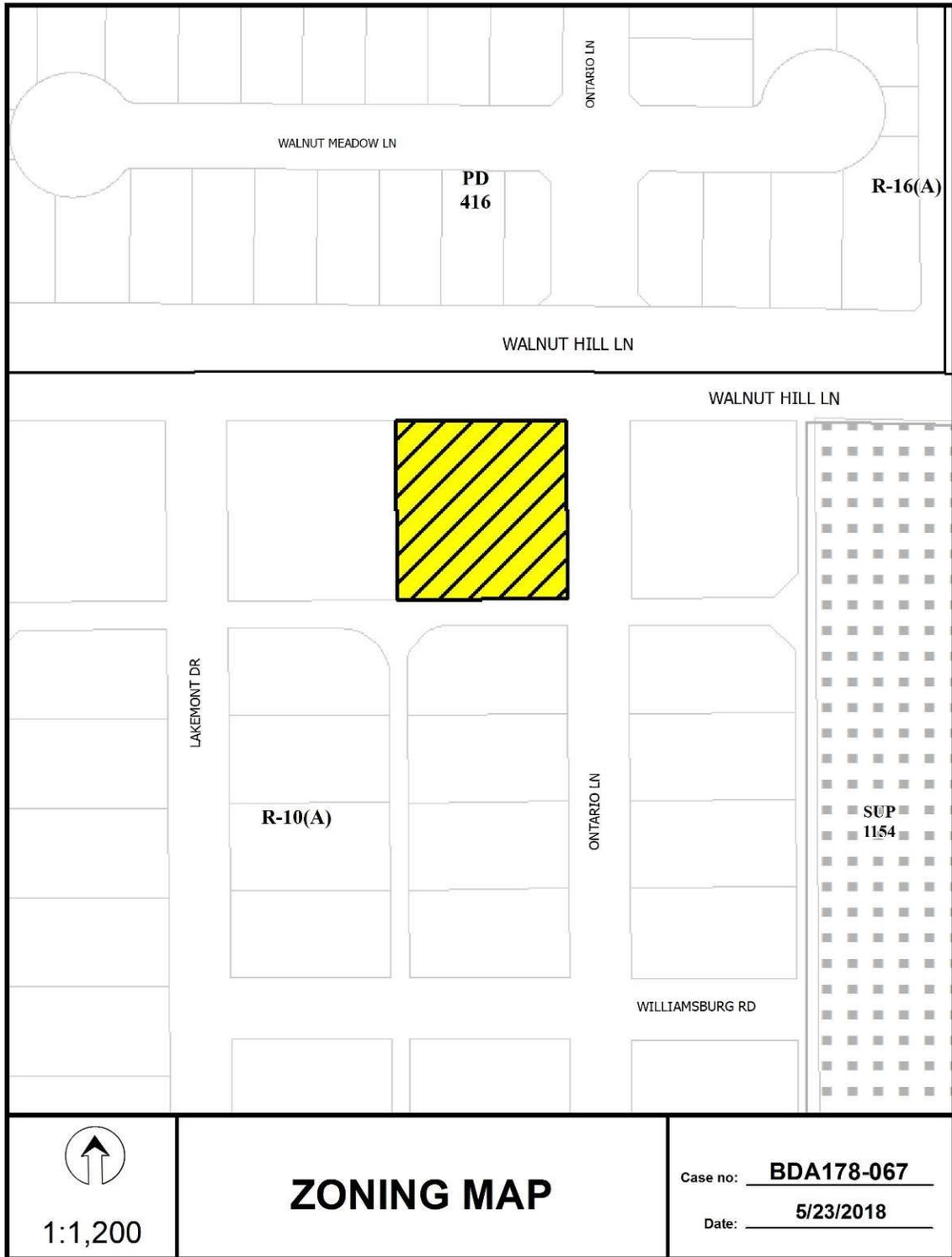
May 15, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

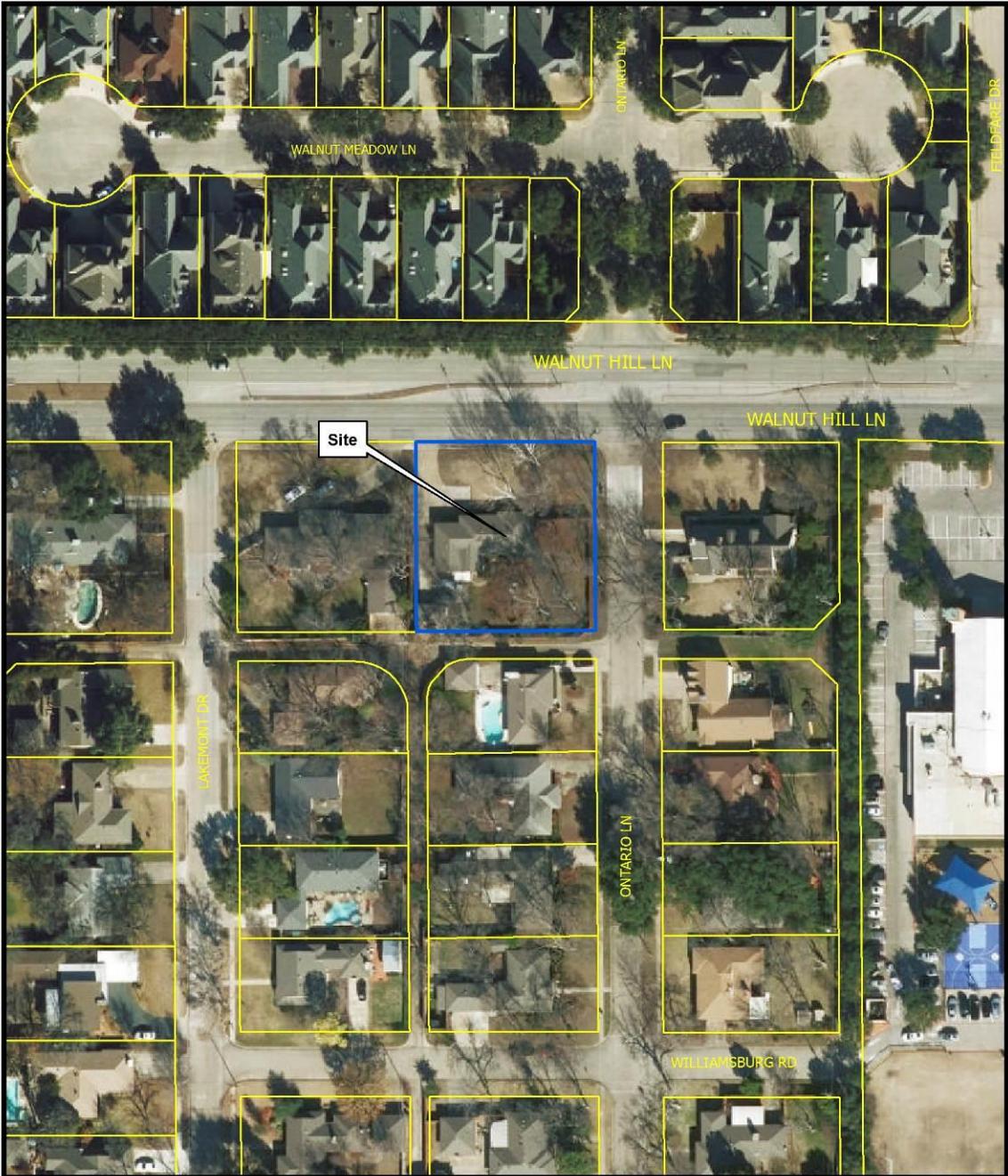
- an attachment that provided the public hearing date and panel that will consider the application; the May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's 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.

May 30, 2018: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment 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: BDA178-067

Date: 5/23/2018

Special Exception Case Number: **BDA 178-067**

Name: Kevin Walsh  
Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

<input checked="" type="checkbox"/>	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
<input checked="" type="checkbox"/>	It provides a visual and noise screen from the traffic on Walnut Hill Lane
<input checked="" type="checkbox"/>	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

Donna Blumberg  
Signed

DONNA BLUMBERG  
Print Name

9949 Ontario Lane  
Address 75220

5-29-18  
Date

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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

Special Exception Case Number: **BDA 178-067**

Name: Kevin Walsh  
Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

✓	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
✓	It provides a visual and noise screen from the traffic on Walnut Hill Lane
✓	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

Margaret Ann O'Hearn  
Signed

Margaret Ann O'Hearn  
Print Name

9945 Ontario Ln  
Address

5-28-18  
Date

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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

Special Exception Case Number: **BDA 178-067**

Name: Kevin Walsh  
Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

<input checked="" type="checkbox"/>	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
<input checked="" type="checkbox"/>	It provides a visual and noise screen from the traffic on Walnut Hill Lane
<input checked="" type="checkbox"/>	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

David M Weyl  
Signed

David M Weyl  
Print Name

9948 Ontario Ct  
Address

5/28/2016  
Date

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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

Special Exception Case Number: **BDA 178-067**

Name: Kevin Walsh  
Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

<input checked="" type="checkbox"/>	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
<input checked="" type="checkbox"/>	It provides a visual and noise screen from the traffic on Walnut Hill Lane
<input checked="" type="checkbox"/>	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

*Lawrence Guadalupe*  
Signed

LARRY UUCIDO  
Print Name

9939 Ontario Lane  
Address Dallas, TX 75220

05/28/18  
Date

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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

Special Exception Case Number: **BDA 178-067**

Name: Kevin Walsh  
 Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
 Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

/	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
/	It provides a visual and noise screen from the traffic on Walnut Hill Lane
/	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

Carlo Lucido  
 Signed

CARLO LUCIDO  
 Print Name

9914 Lakemont Dr.  
 Address Dallas Texas 75220

05/28/18  
 Date

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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

Special Exception Case Number: **BDA 178-067**

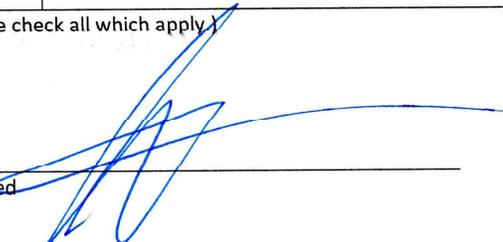
Name: Kevin Walsh  
Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

<input checked="" type="checkbox"/>	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
<input type="checkbox"/>	It provides a visual and noise screen from the traffic on Walnut Hill Lane
<input type="checkbox"/>	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

  
 Signed \_\_\_\_\_ Print Name James Mendez  
4130 Walnut Hill Ln Dallas TX 75229 5/29/2018  
 Address \_\_\_\_\_ Date \_\_\_\_\_

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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

Special Exception Case Number: **BDA 178-067**

Name: Kevin Walsh  
Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

<input checked="" type="checkbox"/>	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
<input checked="" type="checkbox"/>	It provides a visual and noise screen from the traffic on Walnut Hill Lane
<input checked="" type="checkbox"/>	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

  
Signed

Catherine Jennings  
Print Name

4106 Walnut Hill Lane  
Address

5/29/18  
Date

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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

Special Exception Case Number: **BDA 178-067**

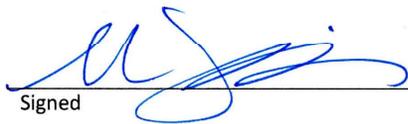
Name: Kevin Walsh  
Address: 4116 Walnut Hill Lane, Dallas, TX 75229  
Lot 6, Block 2/6147

**Neighbor Letter of Support**

As a neighbor to 4116 Walnut Hill Lane, I agree with the following statements about the fence:

<input checked="" type="checkbox"/>	It is a visually appealing and well-built 8' to 9' replacement fence which enhances the neighborhood.
<input checked="" type="checkbox"/>	It provides a visual and noise screen from the traffic on Walnut Hill Lane
<input checked="" type="checkbox"/>	It is constructed on the same fence line as the previous 6' wood privacy fence.

(Please check all which apply.)

  
Signed

MARC JENNINGS  
Print Name

4106 WALNUT HILL LN.  
Address

5.29.18  
Date

Please feel free to email [oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com) or mail additional comments to Oscar at the following address before the hearing on June 19<sup>th</sup>, 2018:

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



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-067

Data Relative to Subject Property:

Date: 3-23-18

Location address: 4116 Walnut Hill Lane / Zoning District: R10(A)

Lot No.: 6 Block No.: 2 / 6147 Acreage: 0.5 Census Tract: 94.02

Street Frontage (in Feet): 1) 137.5 2) 144.7 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kevin G Walsh

Applicant: Kevin Walsh Telephone: 214-460-7059

Mailing Address: 4116 Walnut Hill Lane Zip Code: 75229

E-mail Address: walsh.keving@gmail.com

Represented by: Self Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of 5' Fence in a required front yard for a total fence height of 9' and a special exception to the 50% open panel rule. Also an exception to one of the dimensions of the visibility triangle.

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 replacement fence will not adversely affect the neighborhood for several reasons. It is constructed in the same location as the 6' wood privacy fence that existed from 1952 to 2013. This 8' privacy fence provides a much better screen from this noise and visual chaos that is on Walnut Hill Lane protecting the residential properties to the south of this parcel benefiting the neighborhood as noise and traffic on Walnut Hill has increased.

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 Kevin Walsh  
(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: Kevin Walsh  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of March 2018

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

(Rev. 08-01-11)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that KEVIN WALSH

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

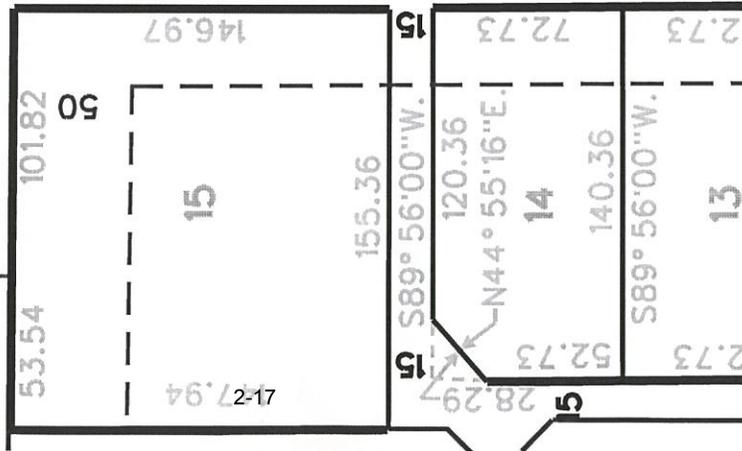
at 4116 Walnut Hill Lane

BDA178-067. Application of Kevin Walsh for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, at 4116 Walnut Hill Ln. This property is more fully described as Lot 6, Block 2/6147, and is zoned R-10(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,

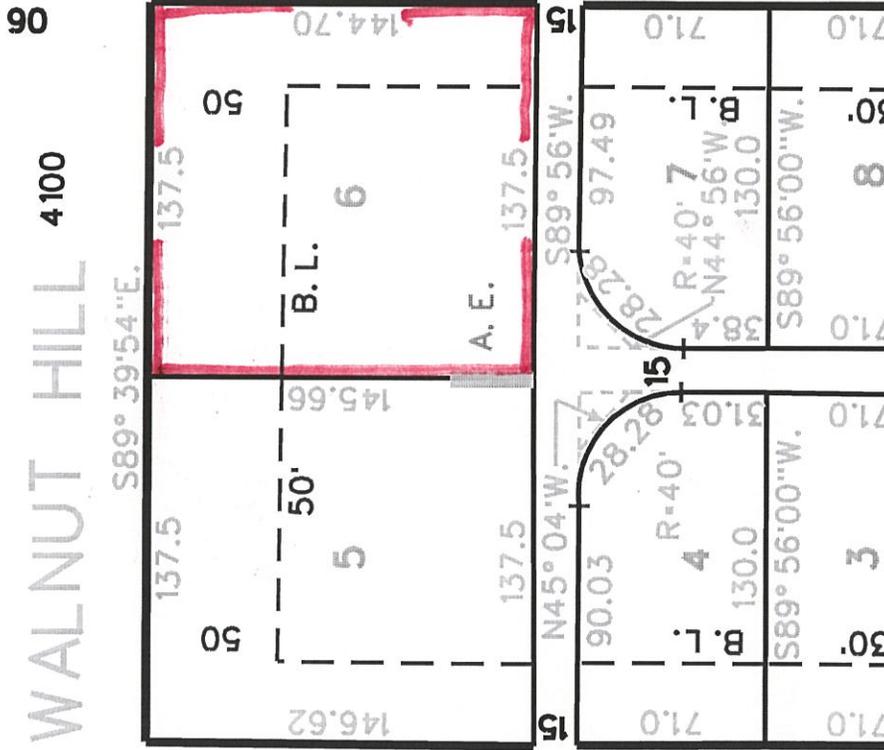
*Philip Sikes*  
Philip Sikes, Building Official

4000  
A=114.19.16  
R=11.0°16'07"

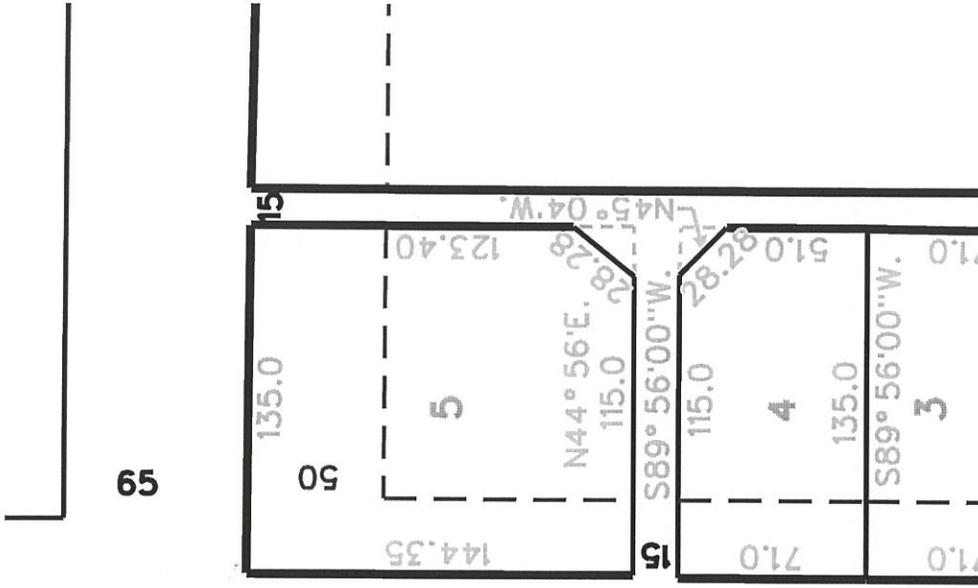


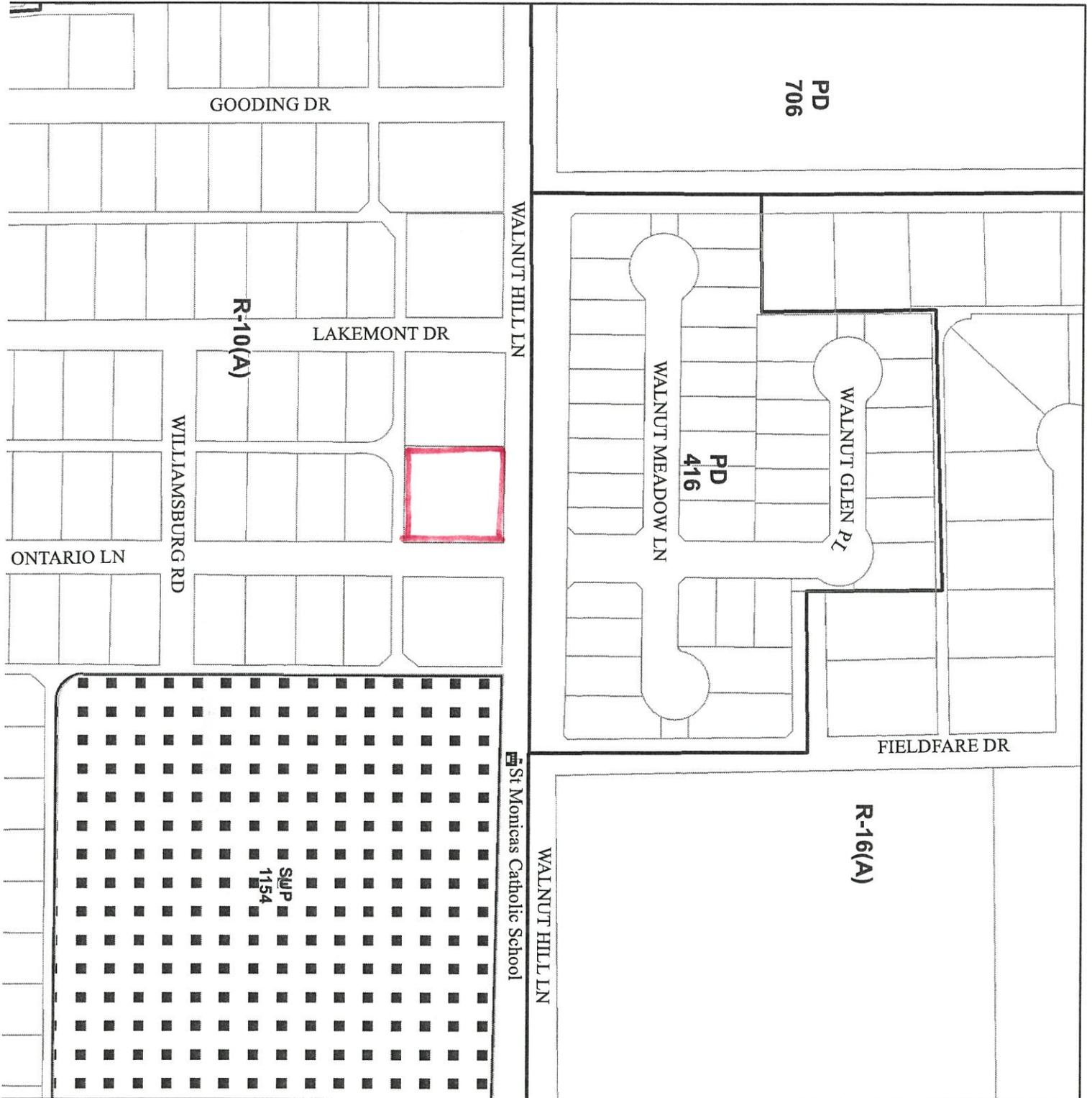
DRIVE

WALNUT HILL 4100



LANE



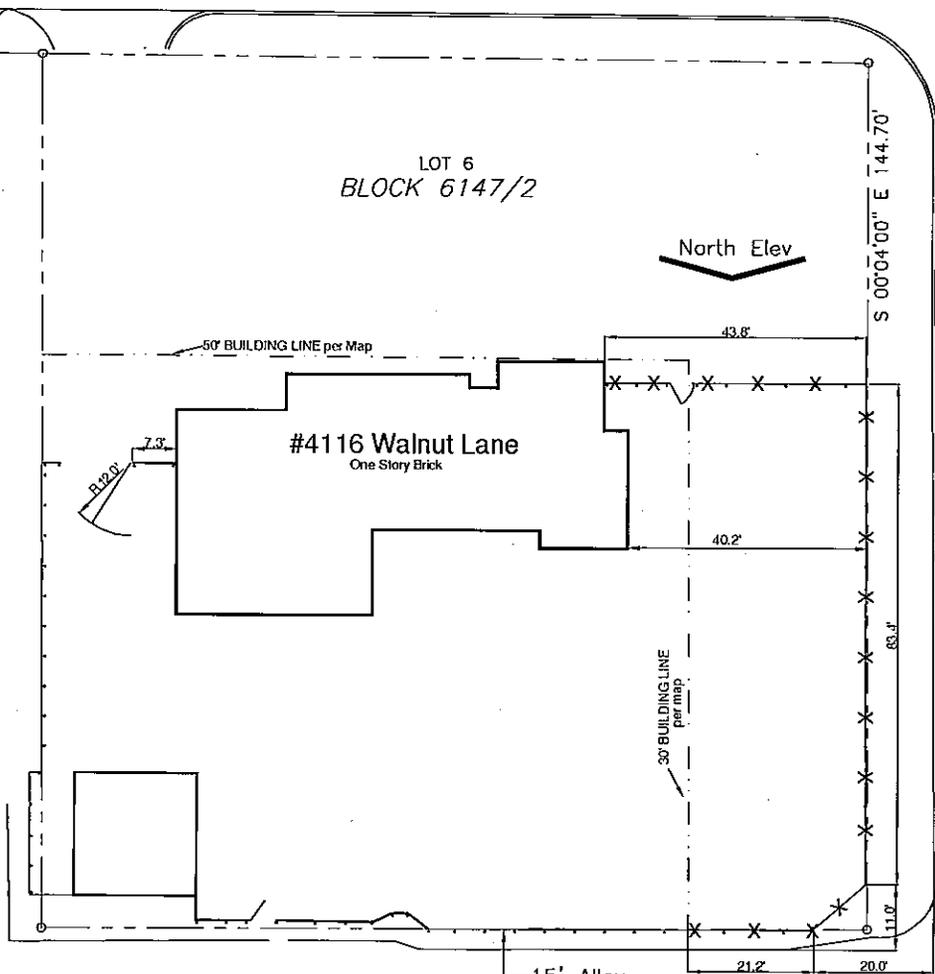


WALNUT HILL LANE



LOT 6  
BLOCK 6147/2

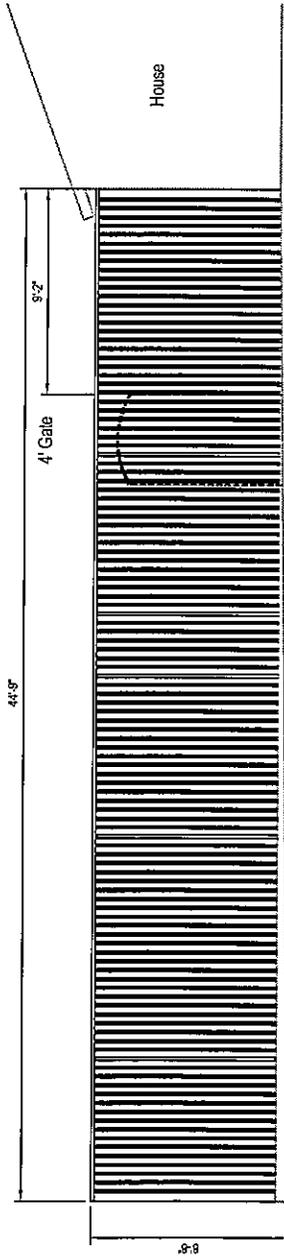
North Elev



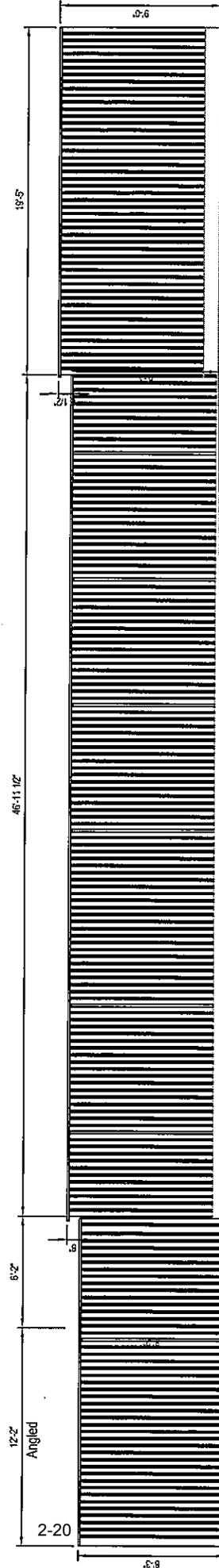
ONTARIO LANE

East Elev

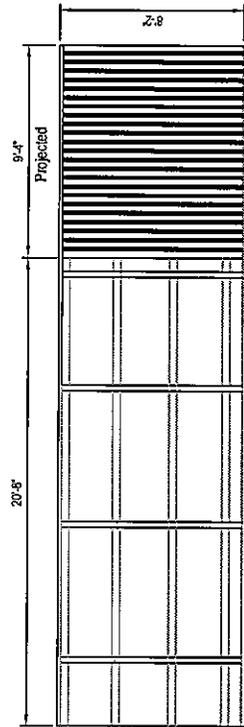
South Elev



North Elevation  
6" Board on Board Stained Cedar



East Elevation  
6" Board on Board Stained Cedar

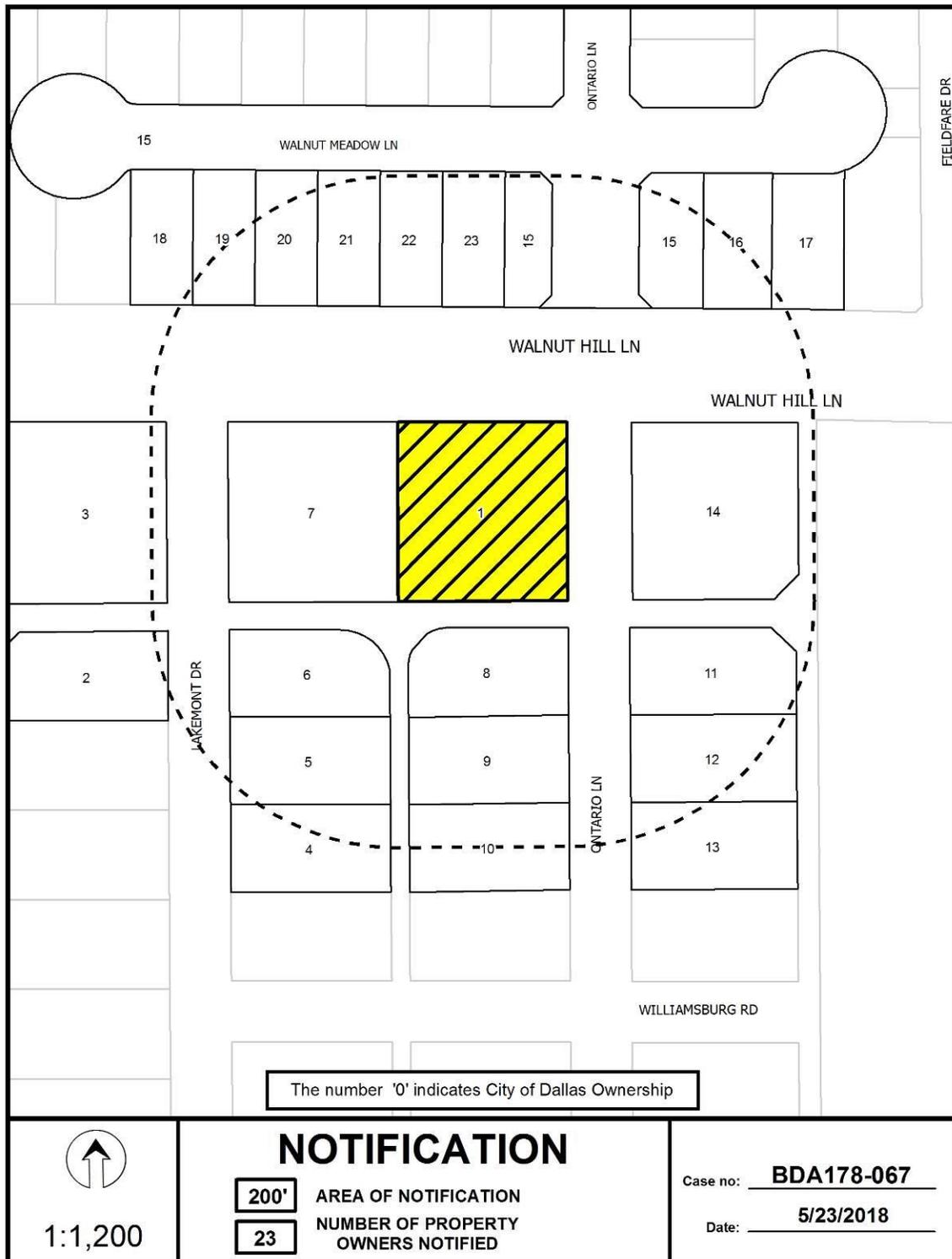


South Elevation  
6" Board on Board Stained Cedar

4116 Walnut Hill Lane

3/16" = 1'-0"

March 23, 2018



## *Notification List of Property Owners*

**BDA178-067**

### *23 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4116 WALNUT HILL LN	WALSH KEVIN G
2	9951 LAKEMONT DR	WALKER DONALD B & CHRISTINA M
3	4080 WALNUT HILL LN	FLORES JAVIER &
4	9936 LAKEMONT DR	THOMAS SCOTT
5	9942 LAKEMONT DR	JONES VIRGINIA L
6	9948 LAKEMONT DR	BEST CURTIS ALLEN
7	4106 WALNUT HILL LN	JENNINGS CATHERINE
8	9949 ONTARIO LN	BLUMBERG DONNA
9	9945 ONTARIO LN	OHEARN LOUIS DAN & ANN
10	9939 ONTARIO LN	LUCIDO LAWRENCE M
11	9930 ONTARIO LN	FULCHER JOHN G
12	9938 ONTARIO LN	KEARNEY WILLIAM R
13	9942 ONTARIO LN	DEUTSCHE BANK NATION TRUST
14	4130 WALNUT HILL LN	59TH STREET PROPERTY
15	4650 WALNUT MEADOW LN	WALNUT MEADOWS JV I
16	4158 WALNUT MEADOW LN	WATKINS PAMELA G
17	4164 WALNUT MEADOW LN	MARSHALL JACOB B &
18	4116 WALNUT MEADOW LN	GOLEMON JAMES S & GLENDA M
19	4122 WALNUT MEADOW LN	CAITHNESS ANTIONETTE G &
20	4128 WALNUT MEADOW LN	TANNER MAX H JR & SALLY A TRUSTEES
21	4134 WALNUT MEADOW LN	CREEKMORE JOSEPH M & SUSAN F
22	4140 WALNUT MEADOW LN	SHAMOUN JOE & PHYLLIS
23	4146 WALNUT MEADOW LN	RANDALL CHRISTOPHER P & DEBORAH G

**FILE NUMBER:** BDA178-047(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Tricolor Auto Group, represented by Laura Castillo, for special exceptions to the sign regulations at 12000 E. Northwest Highway. This property is more fully described as Tract 12, Block 3/6583 and is zoned MC-3, which limits the number of detached signs on a premise to one per street frontage other than expressways, and limits the setback of a detached sign on a premise. The applicant proposes to construct and/or maintain one additional detached premise sign, which will require a special exception to the sign regulations, and to locate and maintain a detached premise sign in a required setback, which will require up to a 10% setback special exception to the sign regulations.

**LOCATION:** 12000 E. Northwest Highway

**APPLICANT:** Tricolor Auto Group  
Represented by Laura Castillo and Maxwell Fisher

**REQUEST:**

The following requests have been made on a site that is being developed with a "vehicle display, sales, or service" use:

1. A request for special exception to the sign regulations related to the setbacks is made to construct and maintain a 35' high detached premise sign to be located 50' away or 10 percent into the required 55' setback; and
2. A request for special exception to the sign regulations is made to construct and maintain an additional detached premise sign.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A DETACHED PREMISE SIGN OF UP TO TEN PERCENT OF THE SETBACK AREA:**

Section 51A-7.703(d)(1) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, permit for detached premise signs of up to 10 percent of the setback effective area, and height requirements established by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

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

Section 51A-7.703(d)(2) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

**STAFF RECOMMENDATION (detached premise sign of up to ten percent of the setback):**

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the June 5<sup>th</sup> staff review team meeting that the applicant had not substantiated that strict compliance with the requirement of the sign regulations (in this case, the site's being limited to a 35' high detached premise sign to be located 55' from the property line) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

**STAFF RECOMMENDATION (additional detached sign):**

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the June 5<sup>th</sup> staff review team meeting that that the applicant had not substantiated that strict compliance with the requirement of the sign regulations (in this case, the site's Northwest Highway frontage being limited to one sign) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: MC-3 (Multiple Commercial)  
North: CS (Commercial Service) & CR (Community Retail)  
South: MC-3 (Multiple Commercial) & R-7 (Single family district 7,500 square-foot)  
East: MC-3 ((Multiple Commercial) & RR (General Office and Regional Retail)  
West: RR (General Office and Regional Retail) & & R-7 (Single family district 7,500 square-foot)

### **Land Use:**

The site is currently developed with a “vehicle display, sales, or service” use. The area to the north is developed with retail and a public park; the area to the west and east are developed with retail; and the area to the south is developed with a vacant lot and single family residential lots.

### **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 (detached premise sign of up to ten percent of the setback):**

- The request for a special exception to the sign regulations related to the setbacks focuses on constructing and maintaining a 35’ high detached premise sign to be located 50’ away or 10 percent into the required 55’ setback on a site developed with a “vehicle display, sales, or service” use.
- Section 51A-7.304(c) (1) (B) (2) of the Dallas Development Code requires a 35’ high detached premise sign to be located 55’ from the property line.
- A sign elevation denoting the proposed detached non-monument new sign has been submitted.
- The submitted site plan and elevation represents a 35’ high detached premise sign that is located 50 from the property line. Hence, a request for a special exception in order to locate this 35’ high detached premise sign 10 percent into the required 55’ setback.
- The applicant has the burden of proof in establishing the following:
  - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to 35’ high detached premise sign to be located 55’ from the property line) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

- If the Board were to grant this request and impose the submitted site plan and elevation as a condition, the sign on the site would be held to features as shown on these documents, which in this case is to allow a 35' high detached premise sign to be located 50' away or 10 percent into the required 55' setback on a site developed with a car and service dealership.

**GENERAL FACTS/STAFF ANALYSIS (additional detached sign):**

- The request for a special exception to the sign regulations focuses on locating and maintaining an additional sign on a site being developed with a “vehicle display, sales, or service” use.
- Section 51A-7.304(b) (4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways.
- The submitted site plan indicates the location of two detached non-monument signs, (represented as “proposed new sign” and “existing sign”) on the site’s Northwest Highway frontage, hence this request for a special exception to the sign regulations for an additional detached sign.
- A sign elevation denoting the “proposed new sign” detached non-monument sign has been submitted.
- The applicant has the burden of proof in establishing the following:
  - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.
- If the Board were to approve the request for a special exception to the sign regulations, the board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation.

**Timeline:**

- February 22, 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.
- April 11, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 13, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 11<sup>th</sup> 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.

May 2, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 11, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment B). Note that this information was not factored into the staff recommendation since it was submitted after the May 8<sup>th</sup> staff review team meeting.

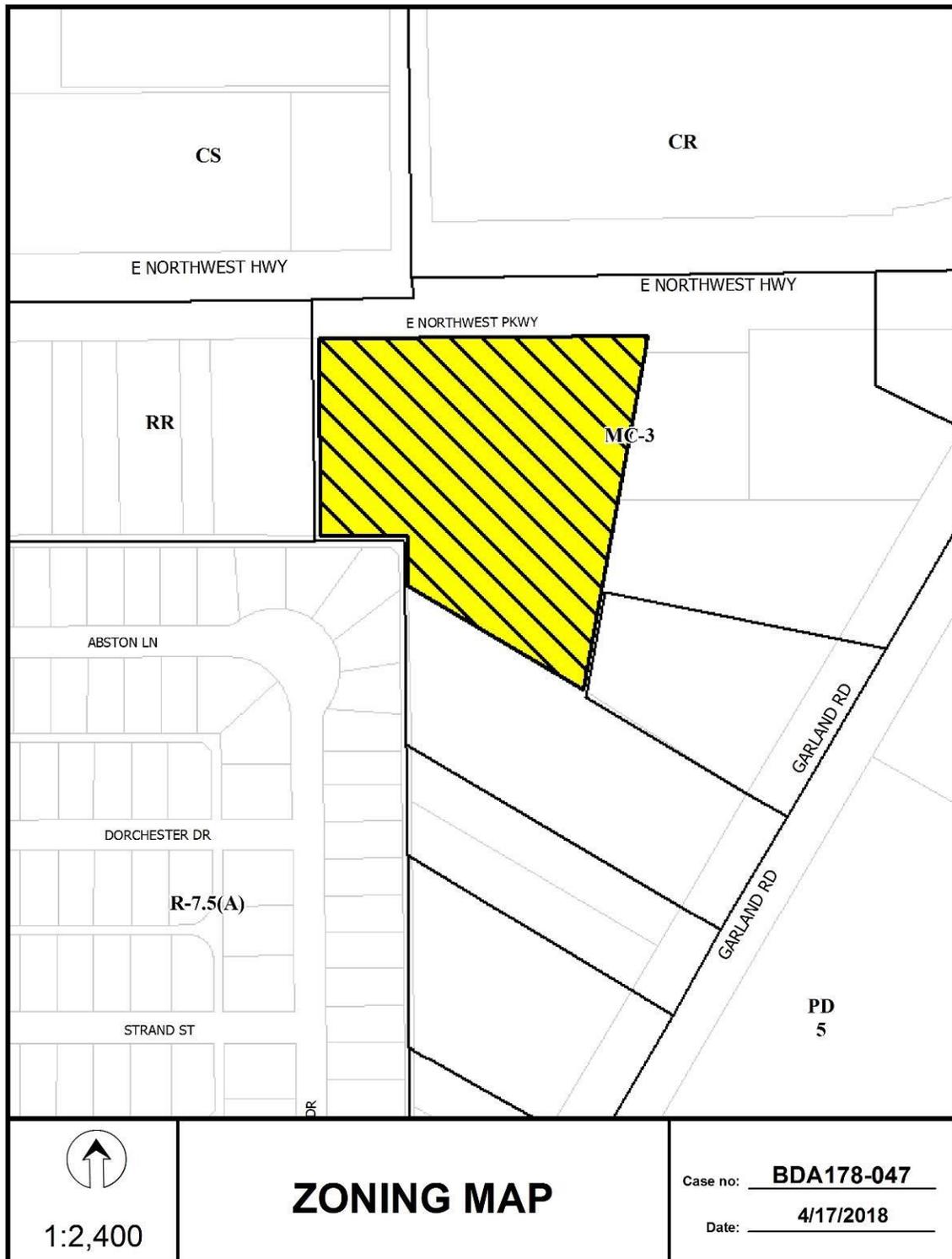
May 22, 2018: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application until their next public hearing to be held on June 19, 2018.

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

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

June 8, 2018:

The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment C). Note that this information was not factored into the staff recommendation since it was submitted after the June 6<sup>th</sup> staff review team meeting.

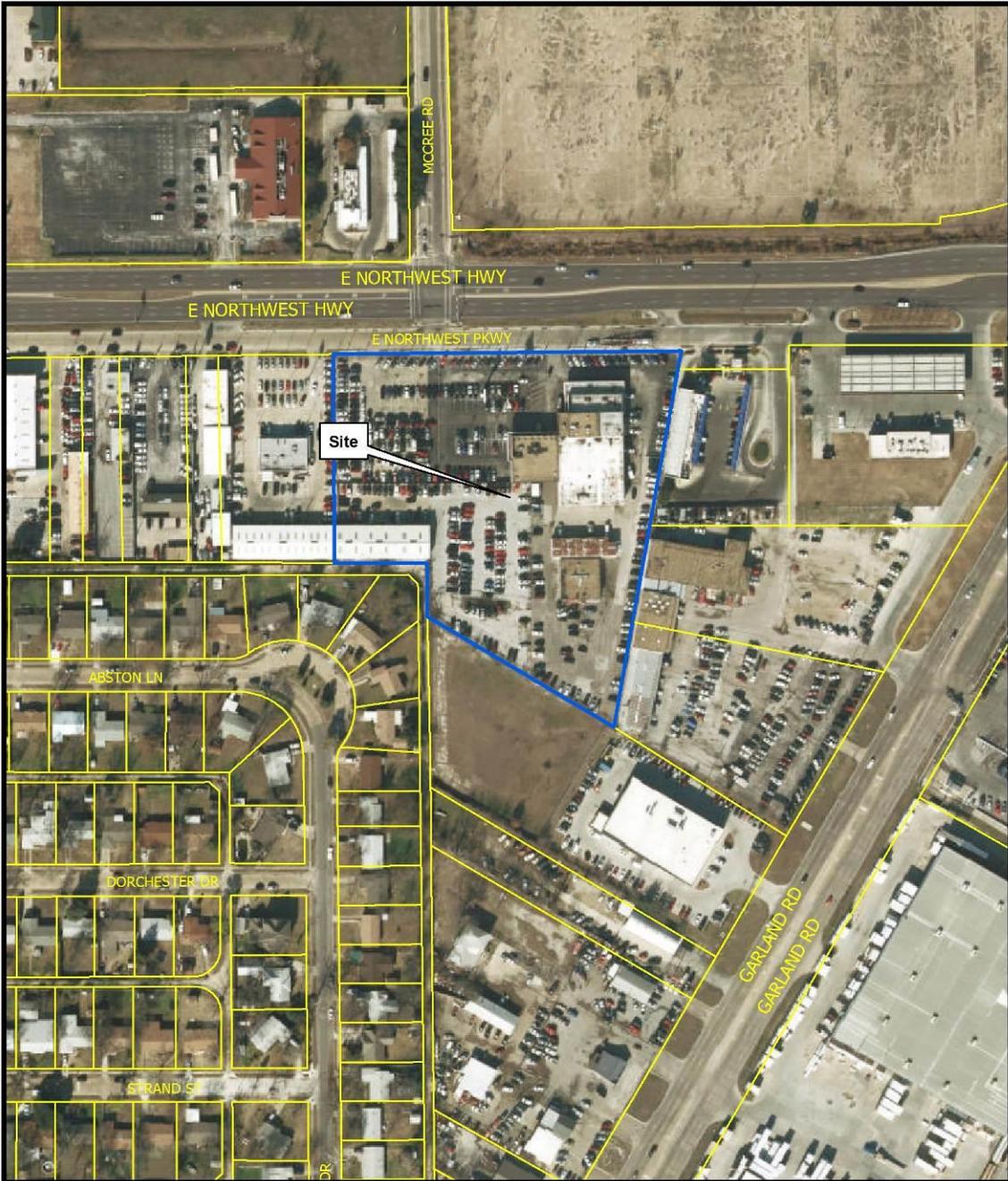


1:2,400

# ZONING MAP

Case no: BDA178-047

Date: 4/17/2018



1:2,400

# AERIAL MAP

Case no: BDA178-047

Date: 4/17/2018



### Documentary Evidence

RE: 12000 E Northwest Hwy, Dallas, 75218

Attention Board Members:

Tricolor Auto has been in business in your city for 10 years. Dallas has been great to us and we continue to grow in this city and make investments to benefit both. We currently have a site that is larger than most of which we need to modify in order to sustain the location.

A second detached premise sign is requested for the above property as currently only about 1/3 of the property is being used while still paying rent for the entire property.

This property is wider/larger than most in the area. It is large enough to sustain a second sign as it is about 5 acres and has 5 buildings.

We will be opening a second dealership on premise in order to allow us to sustain and make rent payments. It will also assist with sustaining our current business as it currently looks vacant due to us only using 1/3 of it.

Not allowing the second sign will result in an inequity to the second dealership as it will not have the ability to market and advertise as the other businesses around the area are able to.

It will also result in a financial hardship for the company as we will not be able to sell and meet the quotas necessary to sustain the large property and rent payments. We have the potential to lose about \$3,000,000 in annual revenue for the new dealership as not having a second sign will not allow us to have the visibility needed in this highly competitive market.

We are also losing revenue on our existing business, as per mentioned above, the business/location currently looks empty and customers think we are going out of business when in reality the property is just too large to fill with existing inventory. Our current sales have gone down about 15% due to this.

We have used this model, 2 dealerships side by side, in some of our other locations and it has proven to be successful. Customers want to see a location with a lot of inventory and show an investment has been made to the property to feel confident they are shopping with a sustainable business.

We are also requesting a height and setback variance as to allow us to be at the height and level as the nearby existing signs. Having our sign smaller and further back will also help for showing standardization to the area.

We thank you for your assistance with this.

Respectfully

Daniel Chu, President



## Masterplan

DATE: 11 May 2018

TO: Dallas Board of Adjustment

FROM: Maxwell Fisher, AICP

RE: BDA 178-047 - 12000 E. Northwest Highway

BDA 178-047 ATTACH B  
PS 1/2

On behalf of Tri-Color Auto Group, LLC, Masterplan requests approval of variances to allow a second detached premise sign and to allow a 35-foot tall sign, set back 50 feet from the property line. The subject property, at 12000 E. Northwest Highway, is inordinately large compared to other automotive sales properties in the area. As such, a large section remains vacant. Tri-Color is in the process of adding a second automotive sales business to increase revenue, and off-set high rents and taxes incurred by such a large property. As such, Tri-Color requests a second detached sign in front of the new business, a minimum of 200 feet east from the existing detached sign.

**Unique Physical Characteristic.** The five-acre property possesses approximately 470 feet of street frontage and contains five buildings. If this property were on a highway, the amount of frontage would allow a second premise sign. The property is exceptionally deep for a retail site, which creates inefficiencies in business production compared to the high rent and taxes. The existing business, using only a portion of the property, is also negatively impacted as it gives the impression that the current business is struggling due to vacancy. There is also an intervening service road that creates a 40-foot separation between the property and the main travel lanes of Northwest Highway. This physical characteristic hinders marketing and visibility for pass-by traffic.

**Financial hardship.** A second premise sign is essential to the success of the second automotive business and its ability to market and advertise the product. With approximately 25 dealerships within a 1.5-mile radius, this is a highly competitive area for automotive facilities. Having a highly visible sign for each business is critical. If the 2<sup>nd</sup> sign is not granted, the lack of ability to attract pass-by traffic would have a severe negative impact on annual revenue.

Of the various sources of sales including media and referrals, walk-ins account for approximately 18% of traffic generation. Since the sign is a fixed capital cost, this form of advertisement is the lowest revenue impact channel for optimizing profitability. By significantly reducing or eliminating this channel to reach the same number of sales, Tri-Color would have to invest more heavily into other more costly lead generation sources, creating a financial hardship.

Two automotive sales facilities within proximity of the subject property have two signs. Moreover, it is not uncommon for automotive dealerships to have more than one detached premise sign to advertise different components of the facility. Granting a second sign will distinguish the on-site businesses and provide adequate and necessary wayfinding for prospective customers.

**Subdivision Platting and City Exaction Hardship.** If the property were sub-divided into two lots, each business would be permitted one sign each, allowing the two signs for the same amount of property. Re-platting is not a feasible option given that the city exactions required with such land subdivision are disproportional to the existing and proposed improvements. The city could require land dedication as right of way, utility upgrades, and additional easement encumbrances, and possible storm water upgrades

regardless of planned improvements. These potential required improvements and financial outlay is prohibitive unless the property were re-developing with significant planned investment. The property directly east of the site was platted in 2005 and required to dedicated 25 feet of right-of-way. It is likely that the same dedication would be required on this tract resulting in a loss of one row of display vehicles. This row consists of approximately 40 vehicles, many of which could not be replaced because of the proximity of the existing buildings.

In addition to the number of signs, this application includes a request to increase the height of the sign from 30 to 35 feet with a setback of 50 feet from the property line. Complying with code would place the second business at a competitive disadvantage. Many of the prevailing signs on adjacent automotive sales properties are set back no more than 20 to 30 feet. Besides the sheer size and amount of frontage, there is the aforementioned intervening local service street that distances the property from the main travel lane of Northwest Highway. As such, detached premise signs are displaced an additional 40 feet from the main travel lane, hindering visibility. The proposed location, set back 50 feet instead of 55 feet, places it relatively closer to the street and increases visibility amid other signs located closer to the street. This measure also attempts to standardize sign distance with respect to our other sign.

We look forward to working with the city and the Board on this endeavor. Thank you for your time and consideration. Should you have any questions or need additional information, please contact [maxwell@masterplanconsultants.com](mailto:maxwell@masterplanconsultants.com) or 214.761.9197.

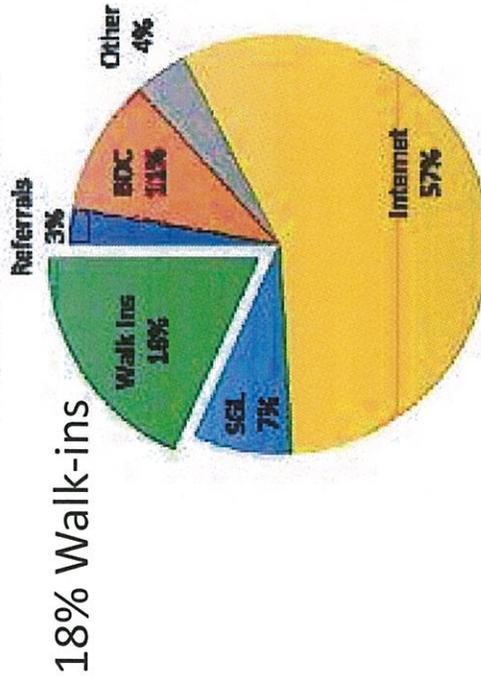
BDA178-047 ATTACH C  
(pg 1/3)

# Marketing Cost Share



BDA178-047  
12000 E NW Highway

### Source % of Traffic



### Cust Acquisition Cost by Channel



A sign is a fixed capital cost.

BDA178-047 ATTACH C  
(pg 3)

# Financial Hardship Lost Revenue and Additional Marketing Cost

BDA178-047  
12000 E NW Highway



Walk-in traffic yields 8 sales per month (18%)  
\$12,100 (avg. sales price) x 8 = \$96,800

To compensate through digital advertising:

- 9 leads = 1 sale
- 72 leads = 8 sales
- 1 digital lead acquisition costs \$85
- 72 leads cost \$6,120
- \$6,120/month
- Additional \$73,440/year

BDA178-047 ATTACH C  
(pg 3/3)





3 signs on 2 lots.

BDA178-047 ATTACH C  
(PS 5/5)

# Auto Felix - 12253 Self Plaza Drive





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-047

Data Relative to Subject Property:

Date: 2/22/18

Location address: 12000 E Northwest Hwy Zoning District: MC-3

Lot No.: T1212 Block No. 3/0583 Acreage: 4.9422 Census Tract: 128.00

Street Frontage (in Feet): 1) 492.83 2) 39.87 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Salehoun Family Limited Partnership

Applicant: Tricolor Auto Group, LLC Telephone: 972-996-5524

Mailing Address: 1111 W. Mockingbird Lane, #1500 Zip Code: 75247

E-mail Address: lcastillo@tricolorauto.com

Represented by: Laura Castillo Telephone: 214-906-6684

Mailing Address: 1111 W. Mockingbird Lane #1500 Zip Code: 75247

E-mail Address: lcastillo@tricolorauto.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of Authorize one additional detached premise sign in excess of the number permitted

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:

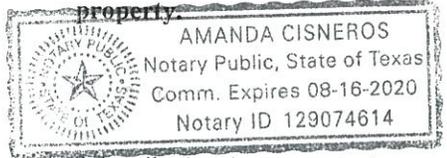
Authorize a second detached pole sign on premise. Property has the 200 ft of space needed for separation from existing pole sign. New sign will have a 50ft setback and be 35 ft in height. Requesting allowance for both items.

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 Laura Castillo (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 22 day of February, 2018

A. Cisneros  
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 LAURA CASTILLO

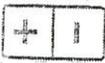
did submit a request for a special exception to the sign regulations, and for a special exception to the sign regulations

at 12000 E Northwest Hwy

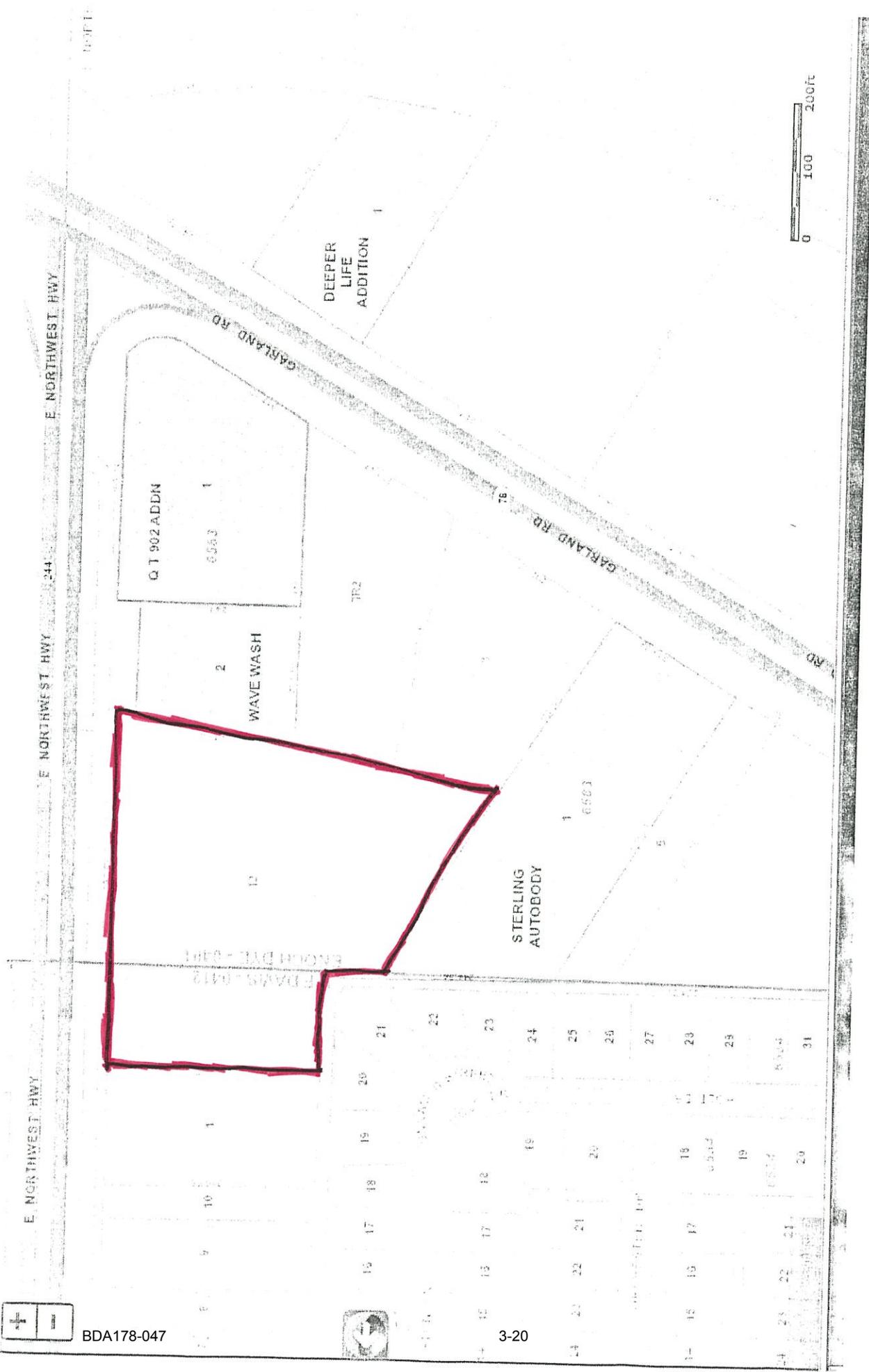
BDA178-047. Application of Laura Castillo for a special exception to the sign regulations, and for a special exception to the sign regulations at 12000 E Northwest Hwy. This property is more fully described as Tract 12, Block 3/6583 and is zoned MC-3, which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway and limits the setback of a detached sign on a premises. The applicant proposes to construct a detached premise sign on a nonresidential premise, which will require a special exception to allow up to a 10% variance of the setback requirement, and to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulations.

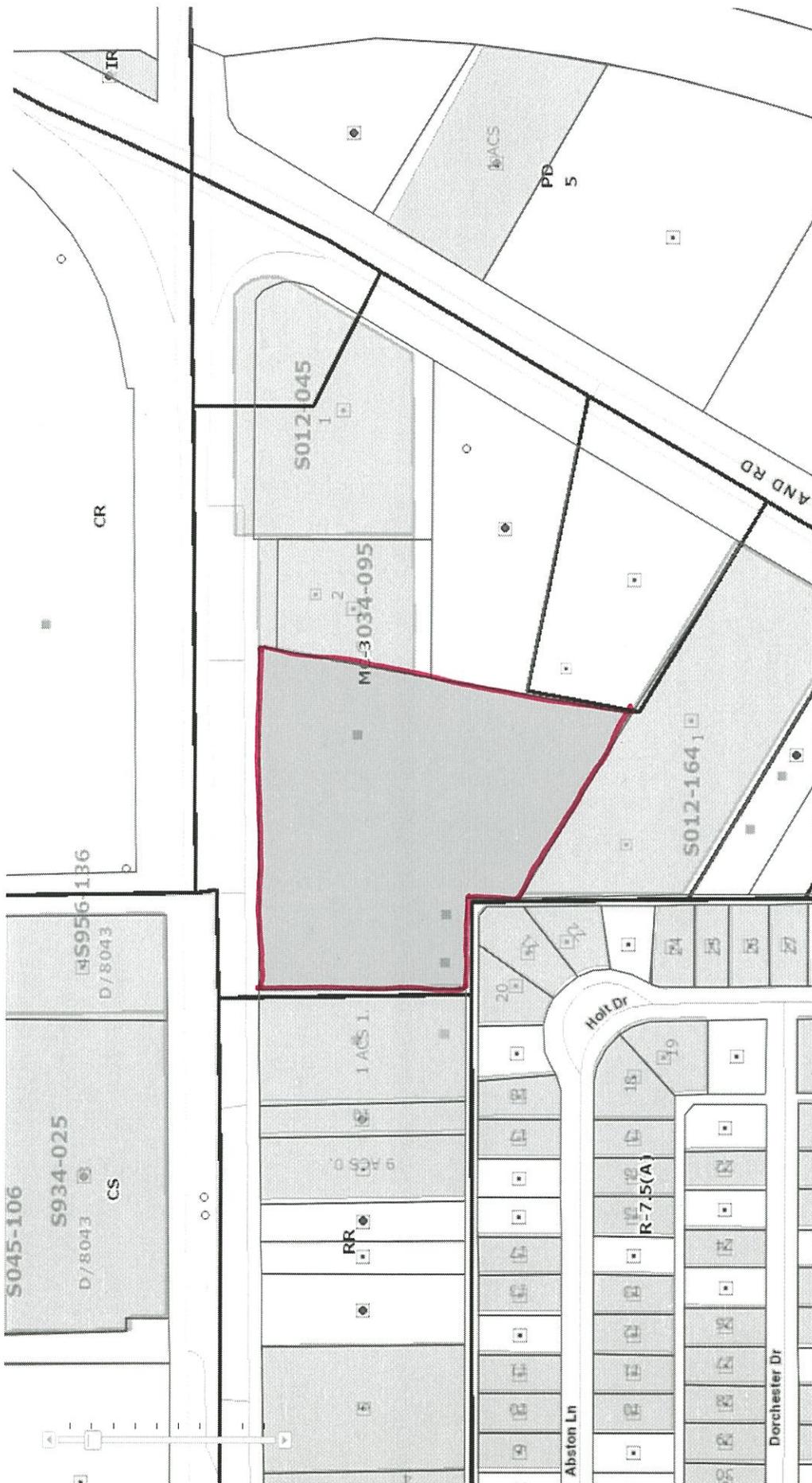
Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



BDA178-047





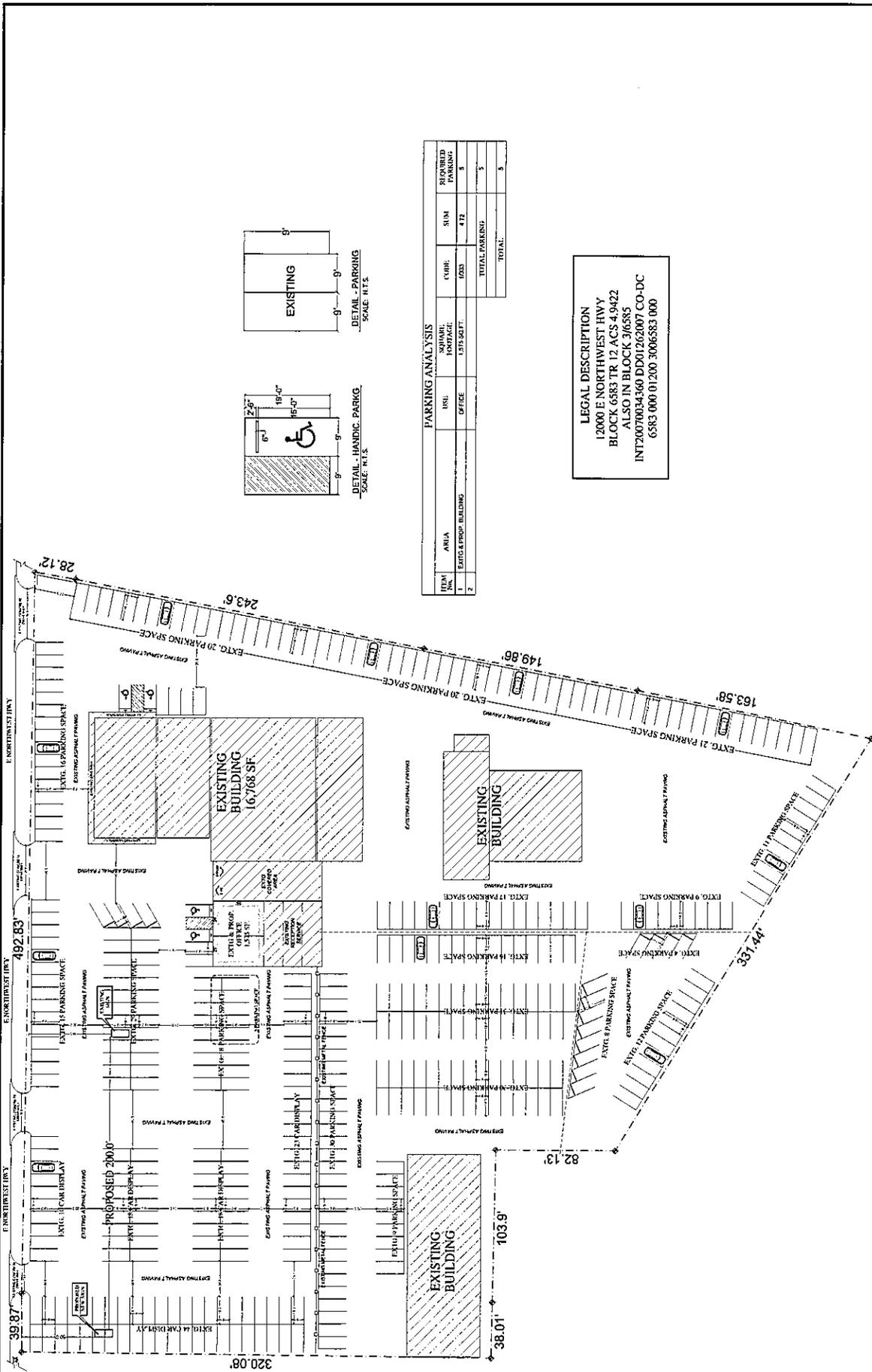
**SITE PLAN**

SCALE: 1/30" = 1'-0"  
24 X 36



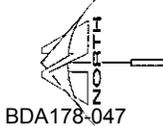
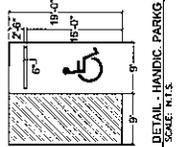
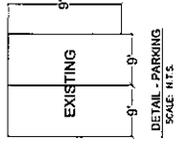
**TRICOLOR AUTO GROUP**  
12000 E NORTHWEST HWY  
DALLAS, TX 75218

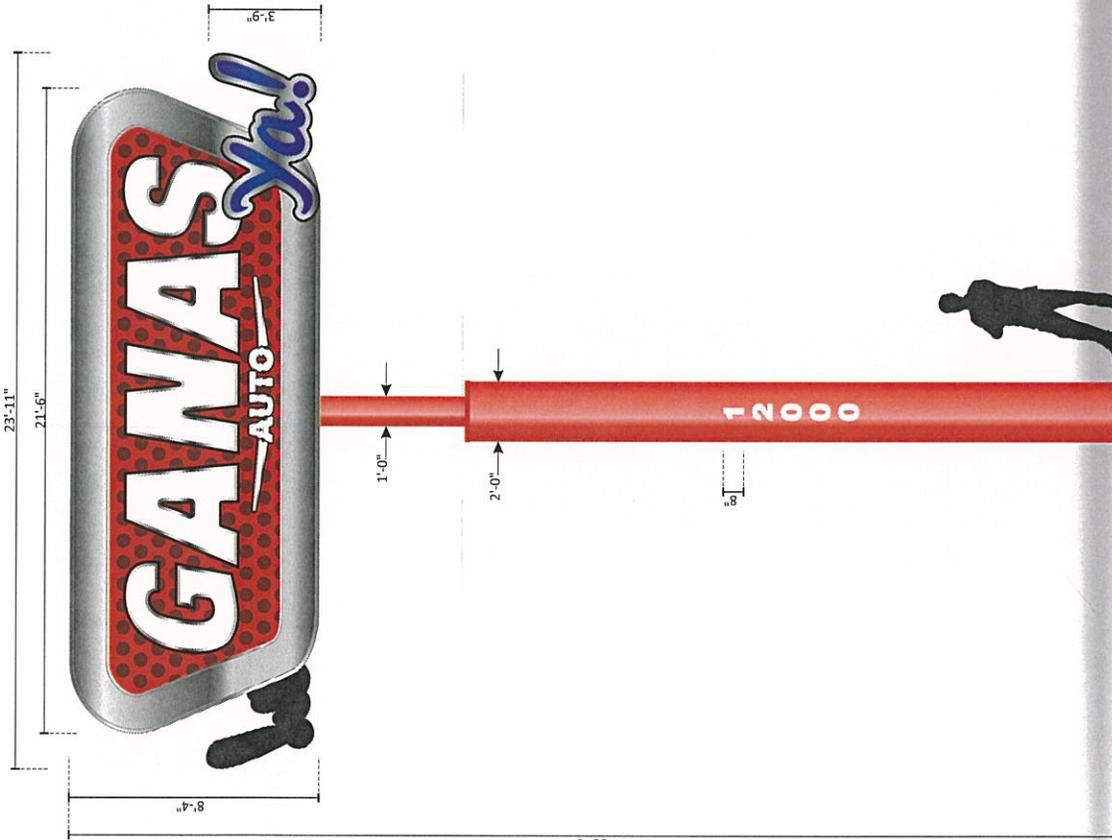
DATE	NO.	DATE	DESCRIPTION



AREA	USE	TYPE	COEFF.	AREA	NO. OF SPACES
1	OFFICE	OFFICE	1.0	167,768	472
2	OFFICE	OFFICE	1.0	167,768	472
TOTAL					944

**LEGAL DESCRIPTION**  
12000 E NORTHWEST HWY  
BLOCK 6583 TR 12 ACS 4.9422  
ALSO IN BLOCK 3/6585  
INT20070034360 DD01202007 CO-DC  
6583 000 01200 3006583 000





ALUMINUM SIGN CABINET PAINTED WHITE INTERNALLY ILLUMINATED WITH WHITE LED'S WITH FLEX BLEED FACES TO HAVE DIGITALLY PRINTED TRANSLUCENT VINYL OVERLAYS

"YA!" LETTERS TO BE 5" DEEP ALUMINUM FACE LIT, INTERNALLY ILLUMINATED WITH WHITE LED'S - SILVER TRIM CAP AND BLACK RETURNS/BACKS - WHITE ACRYLIC FACES TO HAVE DIGITALLY PRINTED TRANSLUCENT VINYL OVERLAYS - MOUNTED FLUSH TO SURFACE MECHANICALLY

STEEL POST SUPPORTS PAINTED RED PMS 186C WITH CONCRETE FOOTING TO MEET CITY CODE

ADDRESS NUMBERS TO BE WHITE REFLECTIVE VINYL

55'-0" SETBACK PER CODE @ 35'-0" O.A.H.

SIDE VIEW

TRICOLOR (GAMAS YA)

<b>Design #</b>	0998257A1
<b>Sheet 1 of</b>	7
<b>Client</b>	TRICOLOR (GAMAS YA)
<b>Address</b>	12000 NW HWY DALLAS, TX
<b>Account Rep.</b>	MSW/JA
<b>Designer</b>	RFF
<b>Date</b>	02.07.18
<b>Approval / Date</b>	
<b>Client</b>	
<b>Sales</b>	
<b>Estimating</b>	
<b>Art</b>	
<b>Engineering</b>	
<b>Landlord</b>	
<b>Revision / Date</b>	

R1 sdr-2/2/18: added option A, mod. to bring to site plan

**CHANDLER**  
SIGN

chandler signs.com

National Headquarters: 4301 Governor Road #1021  
Houston, TX 77041  
Phone: 281.486.8600 Fax: 281.486.8601

San Antonio: 2727 San Pedro Ave.  
San Antonio, TX 78212  
Phone: 210.352.2200 Fax: 210.352.2201

West Coast: 2727 Greenwood Ridge Dr.  
Fremont, CA 94538  
Phone: 925.438.2200 Fax: 925.438.2201

Northwest: 2727 Greenwood Ridge Dr.  
Fremont, CA 94538  
Phone: 925.438.2200 Fax: 925.438.2201

Florida: 2584 Wood Hill Road Circle  
Tampa, FL 33613  
Phone: 813.234.8800 Fax: 813.234.8801

Georgia: 311 Woodstone Drive  
Lawrenceville, GA 30046  
Phone: 770.962.8800 Fax: 770.962.8801

South Texas: PO BOX 132 206 Doran Drive  
Houston, TX 77066  
Phone: 281.486.8600 Fax: 281.486.8601

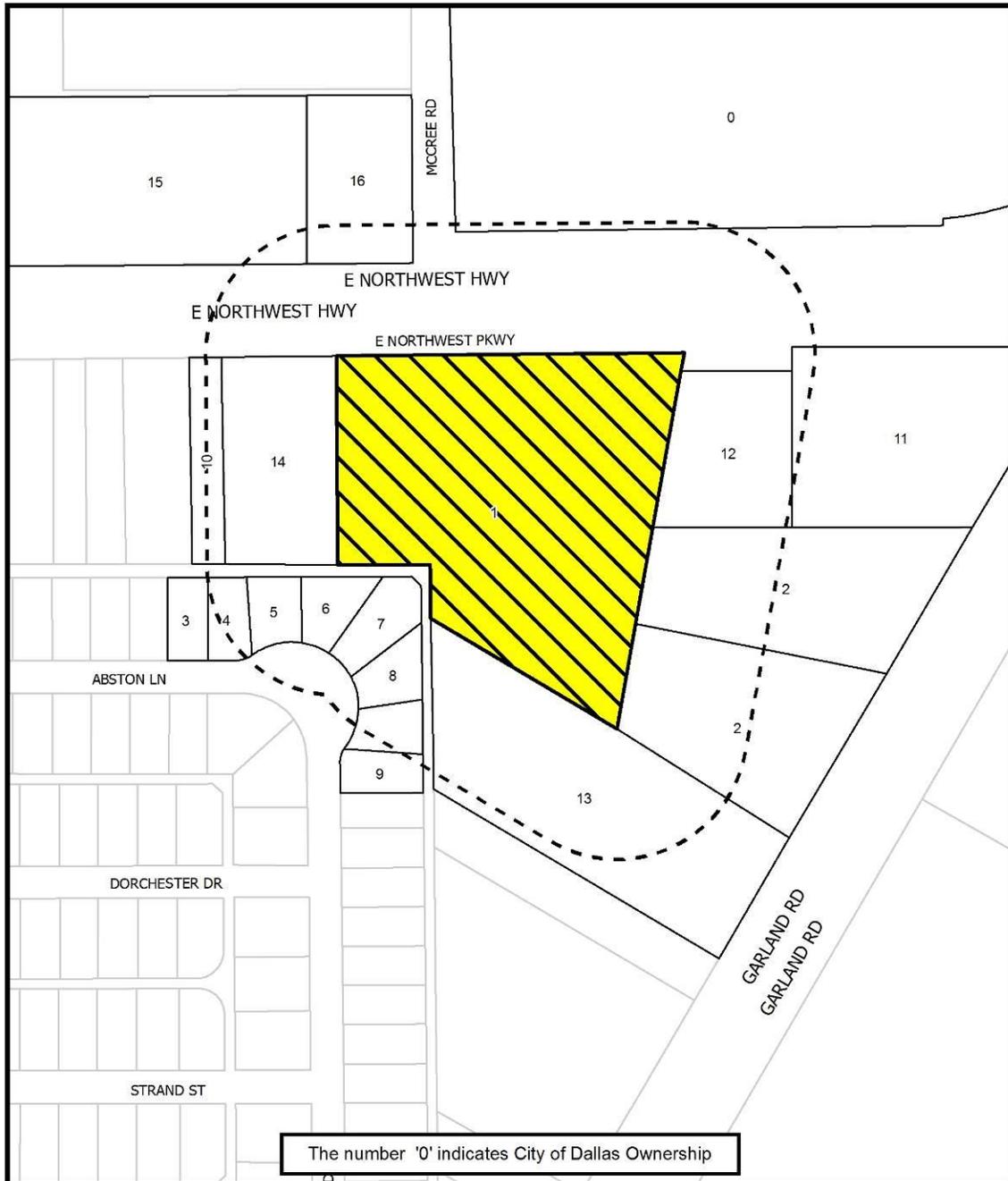
This drawing is the property of Chandler Signs, LLC. All rights to use for reproduction are reserved by Chandler Signs, LLC.

**FINAL ELECTRICAL CONNECTION BY CUSTOMER**

UL

**A** D/F PYLON SIGN @ 35FT OPTION 1 SCALE: 1/4" = 1'-0"  
ONE (1) REQUIRED - MANUFACTURE & INSTALL

SING & TENANT SIGN.  
51



 1:2,400	<b>NOTIFICATION</b>	Case no: <b>BDA178-047</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
16	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

***BDA178-047***

### *16 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	12000 E NORTHWEST HWY	SALEHOUN FAM LP
2	12113 GARLAND RD	WARRIACH INC
3	11831 ABSTON LN	CERVANTES TINA
4	11837 ABSTON LN	MCKENZIE RONALD G
5	11841 ABSTON LN	PEREZ MELISSA
6	12330 HOLT DR	JEFFRESS T J JR
7	12324 HOLT DR	GOSMAN SALVADOR S &
8	12320 HOLT DR	VILLARREAL JAIME G
9	12312 HOLT DR	MORENO DAVID
10	11838 E NORTHWEST HWY	ARLEDGE E K & J IV
11	12100 E NORTHWEST HWY	QUIKTRIP CORP
12	12050 E NORTHWEST HWY	WAVE WASH II LP
13	12111 GARLAND RD	SDALLAS TX REALTY LTD PS
14	11844 E NORTHWEST HWY	ELYON EL & LYON
15	11917 E NORTHWEST HWY	COMMERCIAL NET LEASE
16	11921 E NORTHWEST HWY	SRI REAL ESTATE PROPERTIES

**FILE NUMBER:** BDA178-054(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Nick Flaherty, represented by Brad Williams of Winstead, to appeal the decision of the administrative official at 10261 E. Technology Boulevard. This property is more fully described as Lot 1.5, Block C/6499, and is zoned IR, which requires compliance with the IR district use regulations. The applicant proposes to appeal the decision of an administrative official.

**LOCATION:** 10261 E. Technology Boulevard.

**APPLICANT:** Nick Flaherty  
Represented by Brad Williams of Winstead

**REQUEST:**

A request is made to appeal the decision of the administrative official, more specifically, the February 27, 2018 use determination by the Chief Planner, on a site developed with, according to DCAD, a "theme restaurant".

**STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:**

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

**BACKGROUND INFORMATION:**

**Zoning:**

Site: IR (Industrial/research)  
North: MU-3 (Mixed Use)  
South: IR (Industrial/research)  
East: IR (Industrial/research)  
West: IR (Industrial/research)

**Land Use:**

The subject site is developed with, according to DCAD, a “theme restaurant”. The areas to the north and east and west are developed with retail uses; and the areas to the south and west are undeveloped.

**Zoning/BDA History:**

1. Z178-240, Property at 10261 E. Technology Boulevard (the subject site)      A request for a zoning change from property zoned IR to CS has been filed, and is tentatively scheduled to be heard by the City Plan Commission on July 19, 2018.

**GENERAL FACTS/STAFF ANALYSIS:**

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

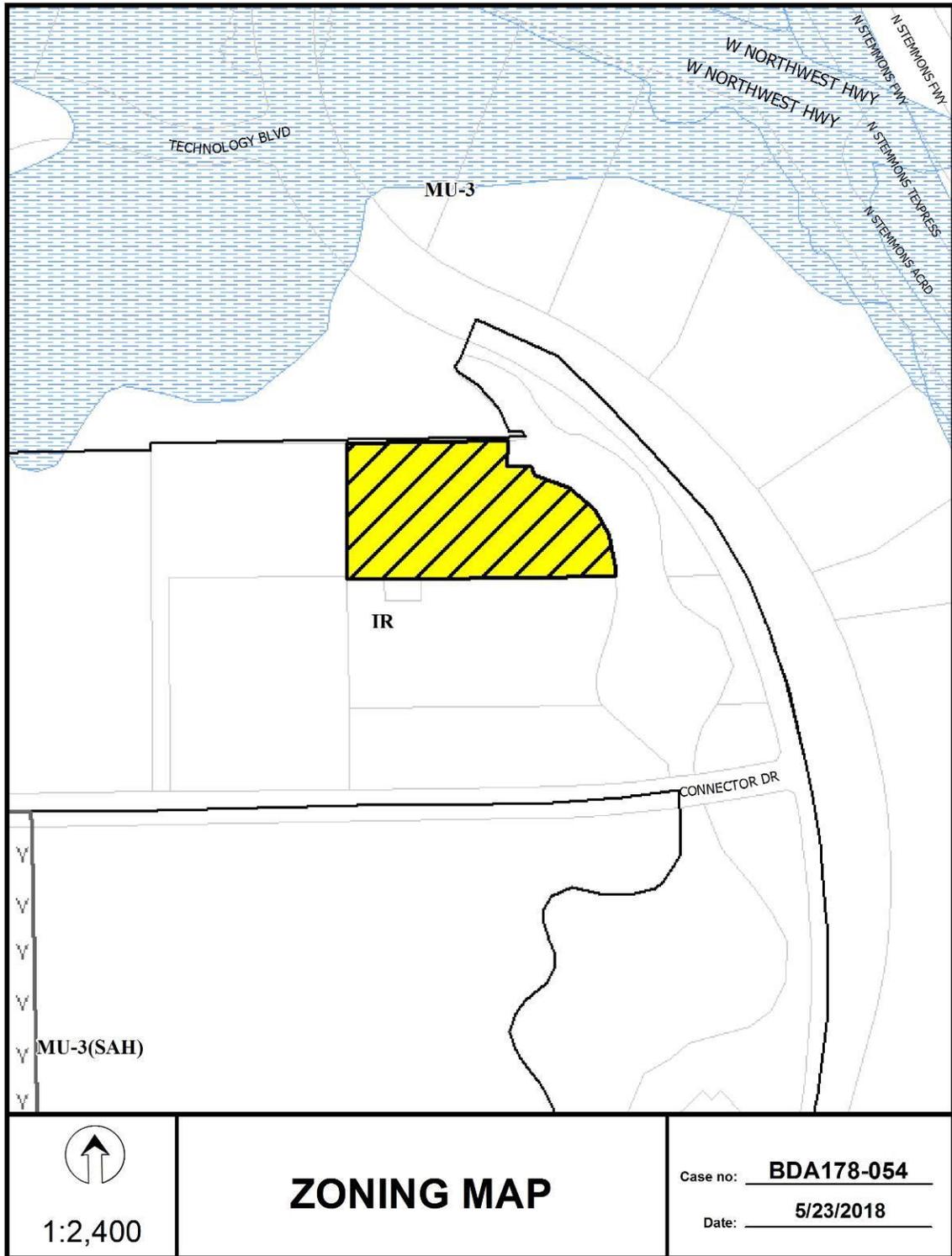
**Timeline:**

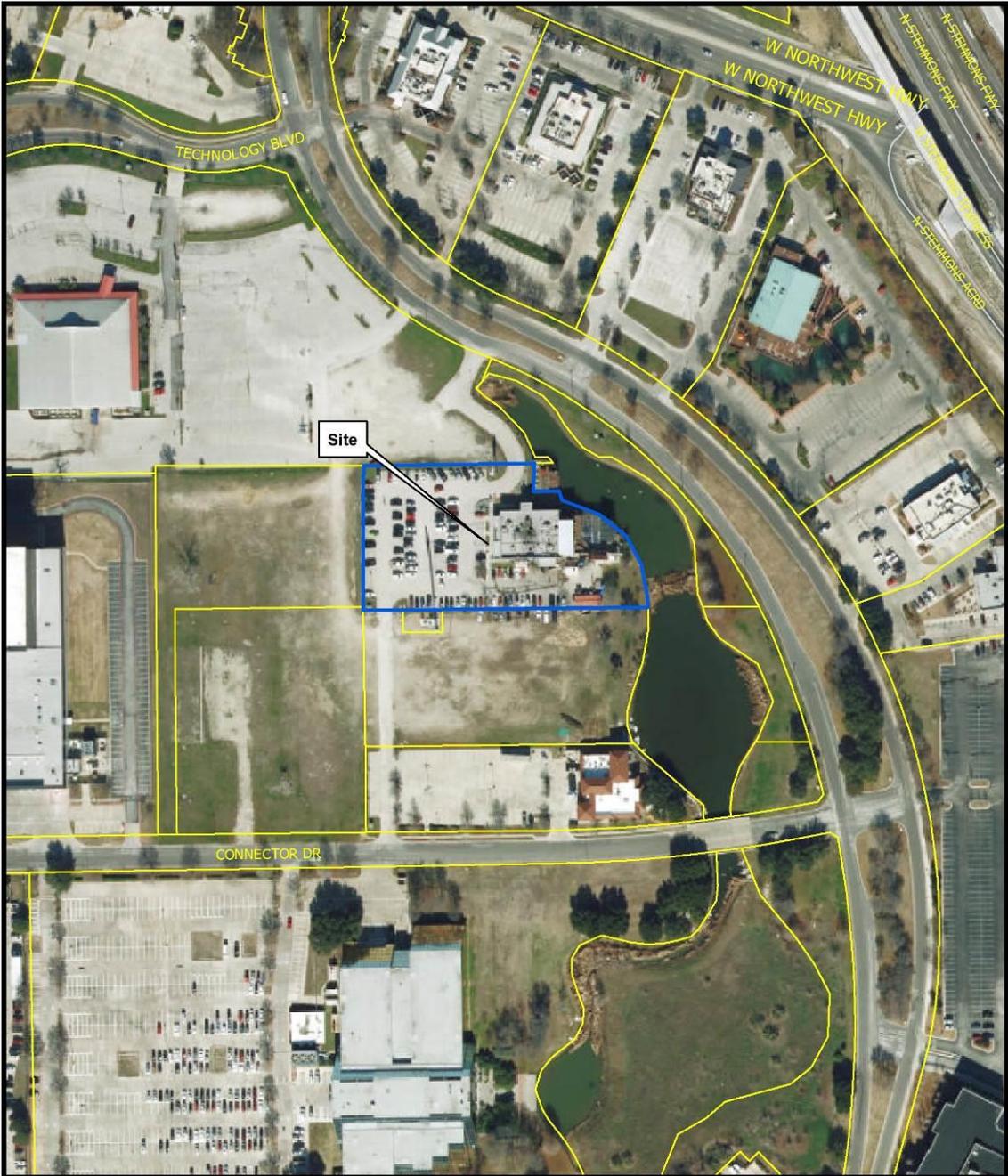
- March 13, 2018:      The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2018:      The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 2018:      The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the appeal date and panel that will consider the appeal; the May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of appeal); and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- June 6, 2018:      The applicant’s representative submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

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

June 8, 2018: The applicant's representative submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment B).





1:2,400

# AERIAL MAP

Case no: BDA178-054

Date: 5/23/2018

**Long, Steve**

---

**From:** Long, Steve  
**Sent:** Wednesday, June 06, 2018 6:01 AM  
**To:** 'Williams, Brad'  
**Subject:** RE: BDA178-054, Property at 10261 E. Technology Boulevard

Dear Brad,

I will.

Thank you,

Steve



**Steve Long**  
*Chief Planner*  
City of Dallas | [www.dallascityhall.com](http://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](mailto: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:** Williams, Brad [mailto:[bwilliams@winstead.com](mailto:bwilliams@winstead.com)]  
**Sent:** Tuesday, June 05, 2018 3:13 PM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Cc:** Williams, Kanesia <[kanesia.williams@dallascityhall.com](mailto:kanesia.williams@dallascityhall.com)>; Pham, Theresa Y <[theresa.pham@dallascityhall.com](mailto:theresa.pham@dallascityhall.com)>; Trammell, Charles <[charles.trammell@dallascityhall.com](mailto:charles.trammell@dallascityhall.com)>; Kay, Kiesha <[kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)>; Dean, Neva <[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)>; Aguilera, Oscar E <[oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com)>  
**Subject:** RE: BDA178-054, Property at 10261 E. Technology Boulevard

Thank you Steve. Please forward the request to the Board.

Thanks.

**Brad R. Williams**, Attorney  
Winstead PC | 2728 N. Harwood Street, Suite 500 | Dallas, Texas 75201  
214.745.5264 *direct* | 214.745.5390 *fax* | [bwilliams@winstead.com](mailto:bwilliams@winstead.com) | [www.winstead.com](http://www.winstead.com)

---

**From:** Long, Steve [mailto:[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)]  
**Sent:** Tuesday, June 05, 2018 6:01 AM

**To:** Williams, Brad  
**Cc:** Williams, Kanesia; Pham, Theresa Y; Trammell, Charles; Kay, Kiesha; Dean, Neva; Aguilera, Oscar E  
**Subject:** RE: BDA178-054, Property at 10261 E. Technology Boulevard

BDA178-054  
Attach A pgs 2

Dear Brad,

Please be advised that at this point in the process, staff cannot remove the board of adjustment application/appeal referenced above from the June docket and place it on the September docket.

I can forward the email below to the board for them to consider your request at the June 19<sup>th</sup> hearing on this appeal where the board can, at that time.: 1) affirm the decision of the administrative official, 2) overturn the decision of the administrative official, 3) modify the decision of the administrative official, or 4) delay action.

Please let me know what you would like me to forward to the board for their consideration on this appeal at their June 19<sup>th</sup> hearing.

Thank you,

Steve



Steve Long  
Chief Planner  
City of Dallas | [www.dallascityhall.com](http://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](mailto: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:** Williams, Brad [<mailto:bwilliams@winstead.com>]  
**Sent:** Monday, June 04, 2018 3:59 PM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Subject:** RE: BDA178-054, Property at 10261 E. Technology Boulevard

Steve,

After confirming with the Applicant, please consider this correspondence as our formal request that this case be removed from the June BDA docket and placed on the September BDA docket. The reason for this request is that the Applicant has a pending zoning application with the city to resolve the issues raised in this appeal. That zoning case is tentatively scheduled for August 2018.

Please let me know if this request will be honored and if you have any questions or need additional information.

Thanks.

**Brad R. Williams**, Attorney  
Winstead PC | 2728 N. Harwood Street, Suite 500 | Dallas, Texas 75201  
214.745.5264 *direct* | 214.745.5390 *fax* | [bwilliams@winstead.com](mailto:bwilliams@winstead.com) | [www.winstead.com](http://www.winstead.com)

BDA178-054

Attach A

pg 3

---

**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Tuesday, May 15, 2018 12:18 PM  
**To:** Williams, Brad  
**Cc:** Trammell, Charles; Aguilera, Oscar E; Wimer, Megan; Kay, Kiesha; Sikes, Phil; Dean, Neva  
**Subject:** BDA178-054, Property at 10261 E. Technology Boulevard

Dear Brad,

Here is information regarding the appeal to the board of adjustment referenced above that you are representing for Nick Flaherty:

1. The application and submitted materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of your tentatively scheduled June 19<sup>th</sup> Board of Adjustment Panel A hearing.
2. The provision from the Dallas Development Code that allows the board to consider appeals of an administrative official (Section 51A-4.703(a)(2)).
3. The outline of procedure for appeals from decisions of an administrative official by the board of adjustment.
4. A document that lists dates including your hearing date and other deadlines for submittal of additional information to staff/the board. (**Please note that staff does not form a recommendation on this type of appeal**).
5. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 6 in these attached materials). Please contact Charles Trammell at 214/948-4618 or [charles.trammell@dallascityhall.com](mailto:charles.trammell@dallascityhall.com) no later than 1 p.m., Wednesday, May 30<sup>th</sup> with regard to anything you feel is missing from what you originally submitted, or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that any statement in the Building Official's report is incorrect.

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 this appeal.

Thank you,

Steve

PS: If there is anything that you want to submit to the board for me to include in their docket beyond what has been included in the attached materials, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or mail it to me at the following address no later than 1 p.m., Friday, June 8<sup>th</sup>:

BDA178-054

Attachment A

pg 4



Steve Long  
Chief Planner  
City of Dallas | [www.dallascityhall.com](http://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](mailto: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.\*\*

---

Information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

--

--

BDA178-054  
Attachment B  
PS1

**Williams, Brad**

---

**From:** Kay, Kiesha <kiesha.kay@dallascityhall.com>  
**Sent:** Wednesday, June 06, 2018 4:23 PM  
**To:** Wimer, Megan; Williams, Brad  
**Cc:** Mann, Tommy  
**Subject:** Re: BDA178-054, Property at 10261 E. Technology Boulevard

Brad,

No, I do not. We have available space on the September docket.

Thank you,

Kiesha Kay

Get [Outlook for Android](#)

---

**From:** Williams, Brad <bwilliams@winstead.com>  
**Sent:** Wednesday, June 6, 2018 3:02:04 PM  
**To:** Kay, Kiesha; Wimer, Megan  
**Cc:** Mann, Tommy  
**Subject:** FW: BDA178-054, Property at 10261 E. Technology Boulevard

Kiesha,

Do you anticipate any objection from the Building Official on postponing this appeal until September?

**Brad R. Williams**, Attorney  
Winstead PC | 2728 N. Harwood Street, Suite 500 | Dallas, Texas 75201  
214.745.5264 *direct* | 214.745.5390 *fax* | [bwilliams@winstead.com](mailto:bwilliams@winstead.com) | [www.winstead.com](http://www.winstead.com)

---

**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Wednesday, June 06, 2018 6:16 AM  
**To:** Williams, Kanesia; Pham, Theresa Y; Trammell, Charles; Kay, Kiesha; Dean, Neva; Aguilera, Oscar E; Wimer, Megan; Sikes, Phil  
**Cc:** Williams, Brad  
**Subject:** FW: BDA178-054, Property at 10261 E. Technology Boulevard

Attached is additional information from the applicant's representative (Brad Williams ) regarding the appeal referenced above that I have labeled Attachment A. This information will become part of what is included in the docket that is assembled and emailed to you, the applicant, and the board members next week.

Please write or call me if you have questions or concerns.

Thank you,

Steve



A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-054

Date: 3/13/2018

Data Relative to Subject Property:

Location address: 10261 E. Technology Blvd. Zoning District: IR

Lot No.: 1.5 Block No.: C/6499 Acreage: 1.902 Census Tract: 0099.00

Street Frontage (in Feet): 1) -0- 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MDF Global Asset Management LLC

Applicant: Nick Flaherty Telephone: 917-239-0864

Mailing Address: 117 Wrangler Dr., Suite 100, Coppell, TX Zip Code: 75019

E-mail Address: nick@gmbg.com

Represented by: Brad Williams, Winstead PC Telephone: 214-745-5264

Mailing Address: 2728 N. Harwood St., Suite 500, Dallas, TX Zip Code: 75201

E-mail Address: bwilliams@winstead.com

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

Appeal the February 27, 2018, use determination by the Chief Planner (Exhibit A).

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 correct use of the subject property is a Restaurant. In the alternative, the commercial amusement (outside) use is permitted on the subject property as an accessory use to the restaurant. The Chief Planner's determination to the contrary is in error.

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

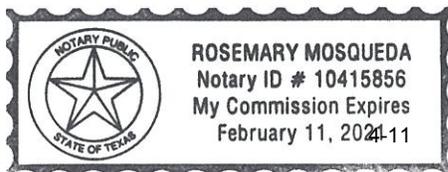
Before me the undersigned on this day personally appeared Nick Flaherty  
(Affiant/Applicant's name printed)

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 12th day of March 2018

(Rev. 08-01-11) Rosemary Mosqueda  
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 Nick Flaherty  
represented by Brad Williams  
did submit a request to appeal the decision of the administrative official  
at 10261 E Technology Blvd.

BDA178-054 Application of Nick Flaherty represented by Brad Williams to appeal the decision of the administrative official at 10261 E Technology Blvd. This property is more fully described as Lot 1.5, Block C/6499, and is zoned IR, which requires compliance with the IR district use regulations. The applicant proposes to appeal the decision of an administrative official.

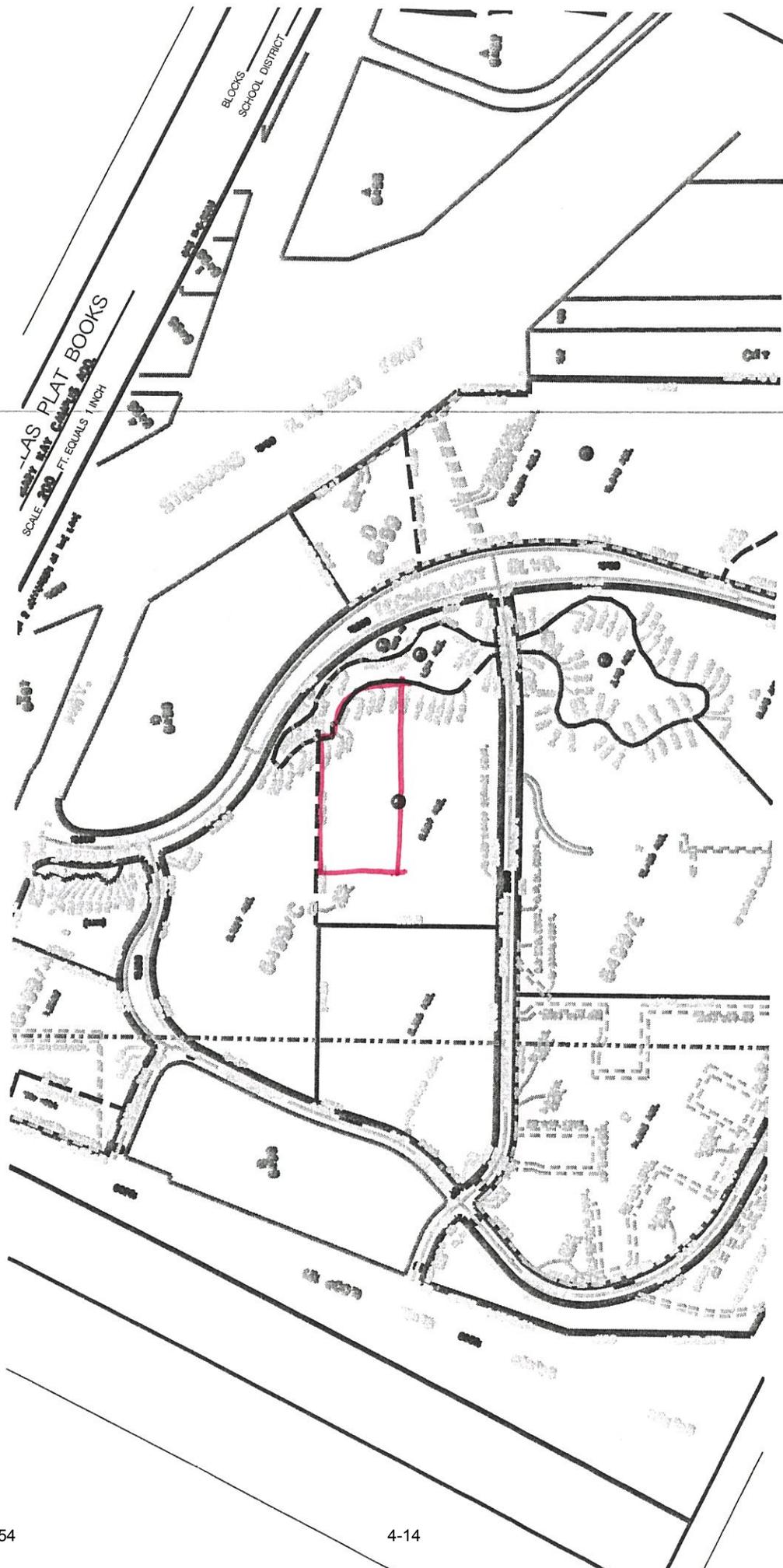
Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

BL  
3/13/18



182  
3/13/18





CITY OF DALLAS



February 27, 2018

Brad R. Williams  
Winstead Attorneys  
2728 N Harwood  
Dallas, TX 75201

**RE: Zoning Determination Request of Land Use; 10261 E Technology, Lot 1.5 and Block C/6499**

Dear Mr. Williams:

As detailed in your letter dated February 17, 2018 and attached, you have requested a written determination of land use.

Per the attached land use statement, the following land uses have been determined:

Restaurant without drive-in or drive-through service, per Sec.51A-4.210(b)(24). This land use is defined as an establishment principally for the sale and consumption of food on the premises. This use does not include a restaurant with drive-in or drive-through service. Additional provisions pertaining to this land use is the sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited if this use is located in a liquor control overlay district.

The second land use established per the land use statement is commercial amusement (outside), per Sec.51A-4.210(b)(8). This land use is defined as a facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This use includes, but is not limited to a golf driving range or miniature golf house.

The property referenced above is located in the IR Industrial Research zoning district. The land use of restaurant without drive-in or drive-through service is allowed by right. The land use of commercial amusement (outside), as described in the attached land use statement is not a permitted use in the IR district.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions, please contact me at 214-948-4476 or [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com).

Respectfully,

Kiesha Kay  
Chief Planner  
Building Inspection Division

cc: Megan Wimer, Assistant Building Official



AFFIDAVIT

Appeal number: BDA 178-054

I, MDF Global Asset Management LLC, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10261 E. Technology Blvd.  
(Address of property as stated on application)

Authorize: Nick Flaherty  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Appeal the February 27, 2018, use determination by the Chief Planner.

<u>MDF Global Asset Management LLC*</u>	<u><i>Nick Flaherty</i></u>	<u>3-12-2018</u>
Print name of property owner/agent	Signature of property owner/agent	Date

Before me, the undersigned, on this day personally appeared Nick Flaherty

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

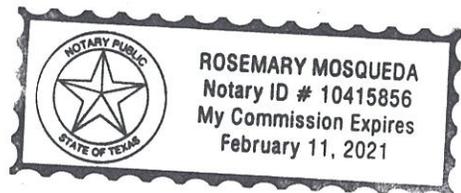
Subscribed and sworn to before me this 12<sup>th</sup> day of March, 2018

\*By: Nick Flaherty

Rosemary Mosqueda  
Notary Public for Dallas County, Texas

Its: Authorized Signatory

Commission expires on 02/11/2021





## CITY OF DALLAS

### **Outline of Procedure for Appeals from Decisions of an Administrative Official**

An appeal of an administrative official's decision may have very structured procedures that resemble a court hearing, or it may have more informal procedures that resemble a typical case brought before the Board of Adjustment. The parties can decide how they want to present their case. This document accounts for both scenarios. Please note that although there are time limits listed in this outline, the presiding officer reserves the right to alter these time limitations to promote fairness and efficiency.

- I. Explanation of the procedures by the presiding officer
- II. Swearing in of all persons who will testify in the case
- III. Applicant's case: 20 minute limit
  - a. This may resemble a typical Board case where the applicant merely presents his argument to the Board. It may also resemble a court hearing where the applicant gives an opening statement, calls witnesses, and offers evidence.
  - b. If the applicant calls a witness, the administrative official is able to cross examine the witness.
  - c. The applicant may conduct a redirect of his witness.
  - d. The applicant may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
  - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- IV. The Administrative Official's case: 20 minute limit
  - a. This may resemble a typical Board case where the administrative official presents his argument to the Board. It may also resemble a court hearing where the administrative official gives an opening statement, calls witnesses, and offers evidence.

- b. If the administrative official calls a witness, the applicant is able to cross examine the witness.
  - c. The administrative official may conduct a redirect of his witness.
  - d. The administrative official may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
  - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- V. Rebuttal by the applicant (optional): 3 minutes
- VI. Closing Statements
- a. Applicant's closing statement (optional): 3 minutes
  - b. The administrative official's closing statement (optional): 3 minutes
- VII. Move and second to either affirm, reverse, or amend the administrative official's decision.
- VIII. Open discussion of the case by Board members
- IX. Voting: Four concurring votes are required to reverse or amend the administrative official's decision.

BDA178-054  
Attach B  
PSZ



500 Winstead Building  
2728 N. Harwood Street  
Dallas, Texas 75201  
214.745.5400 OFFICE  
214.745.5390 FAX  
winstead.com  
bwilliams@winstead.com  
214.745.5264 DIRECT

February 17, 2018

VIA EMAIL: [kiesha.kay@dallascityhall.com](mailto:kiesha.kay@dallascityhall.com)

Kiesha Kay  
Chief Planner  
City of Dallas  
320 E. Jefferson Street  
Dallas, Texas 75203

Re: Use determination request; Gas Monkey Bar N' Grill (the "Gas Monkey");  
10261 E. Technology Blvd. (the "Property")

Kiesha,

The purpose of this letter is to confirm the appropriate use classification for the Gas Monkey under Chapter 51A, Dallas City Code (the "Code"). The Gas Monkey is the current occupant of the Property. According the zoning map, the Property is zoned IR (Exhibit A). In April 2013, the City correctly issued a valid Certificate of Occupancy ("CO") (#1303251082) to the Gas Monkey for a Restaurant use on the Property (Exhibit B). Based on information provided to us by representatives of the Gas Monkey, we understand the current use of the Property to be consistent with the following:

The Gas Monkey is as full-service restaurant that serves both lunch and dinner, seven days a week. Alcohol sales at the Gas Monkey are less than 50% of total receipts. In connection with its food service, the Gas Monkey offers live musical entertainment for its guests several nights per week.<sup>1</sup> From time-to-time, the Gas Monkey will also host touring musicians for which tickets may be purchased ahead of time as well as at the door. Regardless of the size of the audience or the popularity of the performers, the Gas Monkey kitchen is open and food service is available. Customers are never required to purchase concert tickets in order to have lunch or dinner at the Gas Monkey. Ordinarily, the Gas Monkey closes at midnight during the week and as late as 2:00 am on weekends, with music generally concluding by 11:00 pm. The entertainment portion of the outdoor patio at the Gas Monkey consists of approximately 1,680 square feet, which,

<sup>1</sup> It should be noted that the subject of this request is The Gas Monkey *Bar N' Grill*, which is a separate use and property than the related and nearby Gas Monkey *Live!*, which is an indoor concert venue.

when compared to the lot area of 82,851 square feet, constitutes only 2.0% of the lot.

A survey of COs for similar uses in the City reveals identical classifications as restaurant. The most similar of which is likely The Rustic, located at 3656 Howell Street (Exhibit C). However, the stage and outdoor portion of The Rustic is notably larger than the Gas Monkey. Other similar uses with a restaurant CO include Truckyard, located at 5624 Sears Street (Exhibit D); Chicken Scratch/The Foundry, located at 2303 Pittman Street (Exhibit E); The Armory, located at 2714 Elm Street (Exhibit F); and Lee Harvey's, located at 1807 Gould Street (Exhibit G). All of these uses and locations include outdoor music in connection with their food and drink service. Photographs illustrating the similarity between the referenced uses, particularly the outdoor/patio elements, are enclosed herewith (Exhibit H).

*Based on the description of the Gas Monkey use above, as well as the COs and photographs for similar uses enclosed herewith, please confirm that the Gas Monkey is correctly classified as a Restaurant use under the Code.*

As stated above, the outdoor entertainment portion of the Property consists of only 2.0% of the lot. *If you determine that this aspect of the Gas Monkey cannot be considered part of the Restaurant main use, please confirm that it is nevertheless permitted as an accessory use under Sec. 51A-4.217.*

If you cannot confirm either of the statements above, please indicate the correct use classification for the Gas Monkey and provide an explanation for that classification in light of the similar uses cited herein. Please let me know if you require any additional information to assist you in addressing the questions presented herein. At your earliest convenience, please provide a letter answering the questions along with a final invoice.

Sincerely,



Brad R. Williams

Encls: Exhibits A-H

Cc: Tommy Mann, of the firm

# Certificate of Occupancy

Address: 10261 E TECHNOLOGY BLVD 75220

Owner: GMG HOLDINGS  
117 WANGLER COPPELL TX 75019

DBA: GAS MONKEY GRILL

Land Use: (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

Occupied Portion:

C.O.#: 1303251082

Lot: 1.5 Block: C/6499 Zoning: IR PDD: SUP: Park Agrmt: N  
Historic Dist: Consrv Dist: Pro Park: 142 Req Park: 66 Total Area: 12000  
Dwlg Units: 1 Stories: 1 Occ Code: A3 Lot Area: 82851 Dance Floor: N  
Type Const: VB Sprinkler: All Occ Load: Alcohol: Y

Remarks: EXISTING USE CO#0203181032 HEALTH PERMIT #47326. 5-20-2013  
TABC MB, LB. AFFIDAVIT ON FILE.  
occ load inside 316/ occ load on patio 314

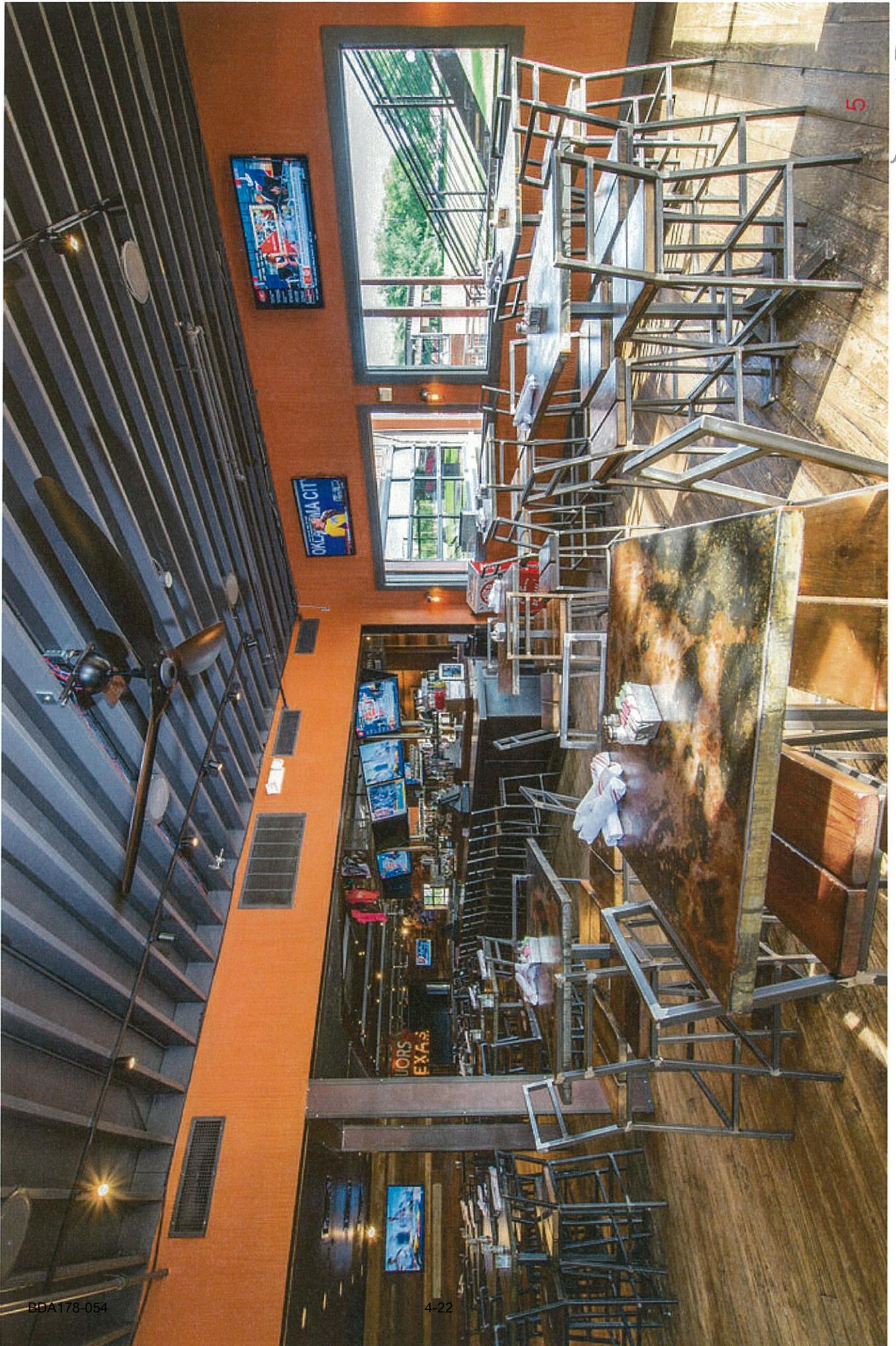
Signature: Larry V. Holmes  
Title: Larry Holmes, Building Official

Issued: 04/03/2013

BDA178-054  
Att. B  
P34

This certificate shall be displayed on the above premise at all times.

BDA  
178-  
054  
Attach  
B  
195





6



Dallas Home Building Inspection Home Offices Records Newsletter Government

Master Permit - 0312051004

- Details
- Trades
- Documents
- Zoning Info

Property

Street Address

View 10261 E TECHNOLOGY BLVD

Status: Work Completed

Application Date: Dec 5, 2003
Issue Date: Jan 23, 2004
Completed Date: Sep 10, 2004

Applicant

JB JONES

Contractor

JONES BAKER
501 2ND
A-800
DALLAS, TX 75226
(214) 827-4300

Owner Category: PRIVATE
Work Description: REMODEL
Land Use Description: RESTAURANT WITHOUT DRIVE-IN SERVICE

Fee Web Contractor:

Project

Doing business as: FIREWATER BAR AND GRILL
Activity: (B) Alteration or Reconstruction or Renovation
Occupancy: A21
Constr. Type: V1HR

Selling Alcohol: [ ] Dwelling Units: 0
Dance Floor: [ ] Stories: 1
Bedrooms: 0
Bathrooms: 0

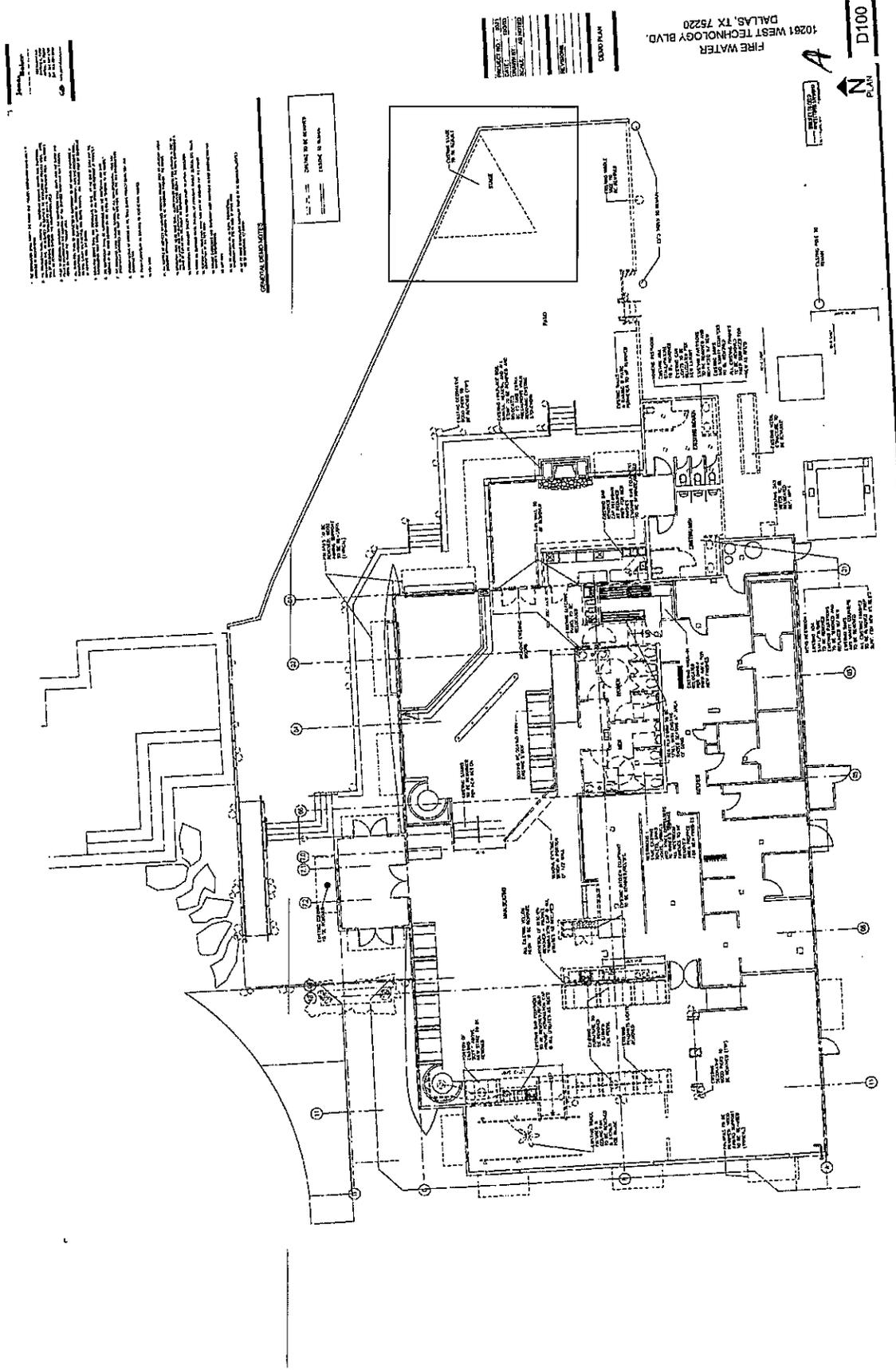
Table with columns: Sq Ft, Cost, and various project metrics like New, Remodel, Total, Job Value, and Proposed Parking.

CA Not Required: [ ] Subdivision not Required: [ ]





BDA178-054  
A4-4B  
PS10  
10



GENERAL NOTES:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.  
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.  
5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO ANY EXCAVATION WORK.  
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.  
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.  
9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.  
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

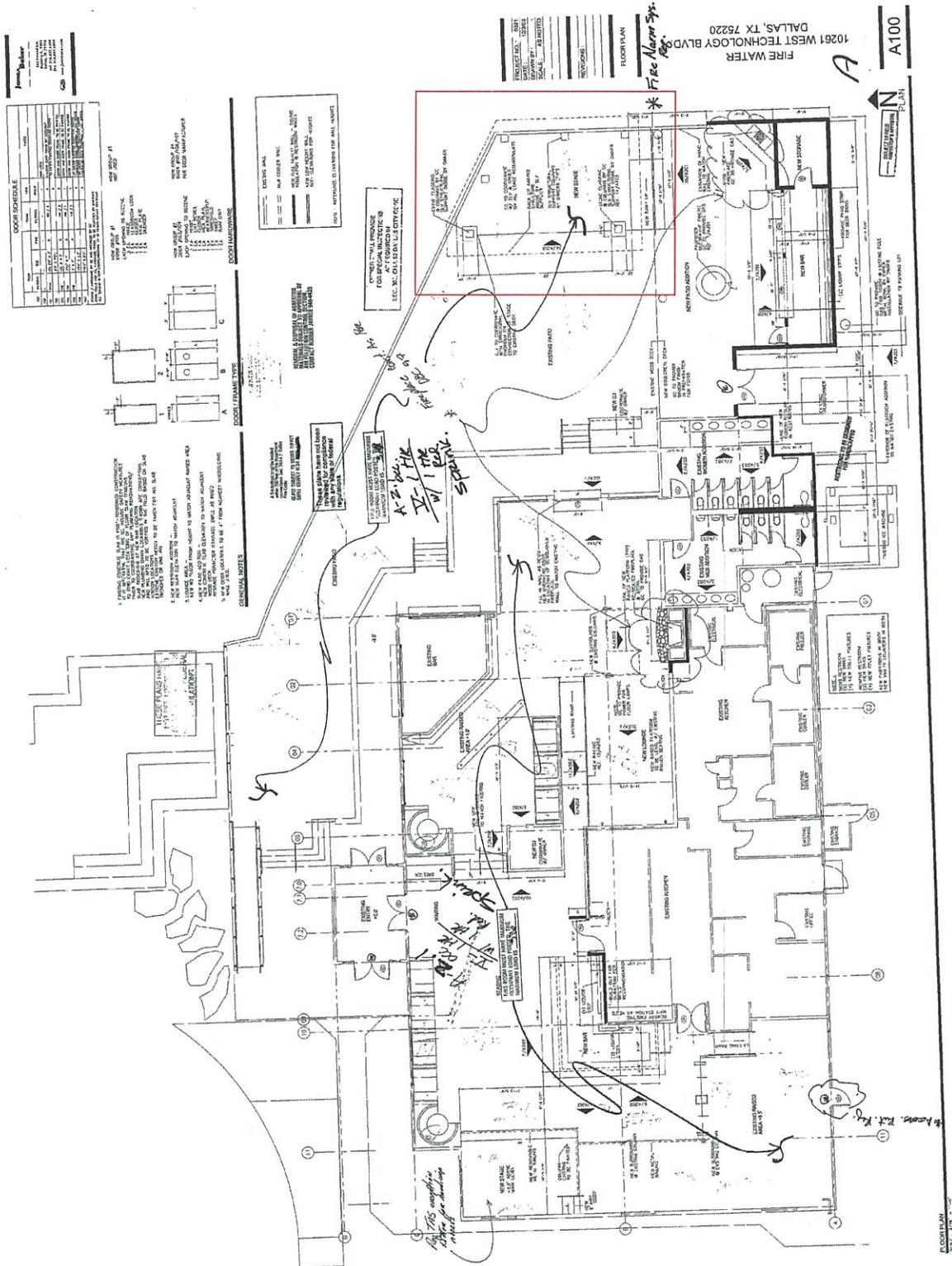
NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

FIRE WATER  
10281 WEST TECHNOLOGY BLVD.  
DALLAS, TX 75220

D100  
PLAN  
A

BDA178-054  
ALTA B  
vs 11

11



NOTE: This is a microfilm copy from the Building Inspection Central Files Office. Copies cannot be Refiled. DO NOT RETURN



BDA 178-054  
 A1449  
 1513  
 13

**FINISH SCHEDULE**

NO.	DESCRIPTION	FINISH
1	CEILING	AC-A
2	FLOOR	AC-A
3	WALL	AC-A
4	DOOR	AC-A
5	WINDOW	AC-A
6	STAIR	AC-A
7	ELEVATOR	AC-A
8	MECHANICAL	AC-A
9	ELECTRICAL	AC-A
10	PLUMBING	AC-A
11	PAINT	AC-A
12	GLASS	AC-A
13	METAL	AC-A
14	WOOD	AC-A
15	TEXTILE	AC-A
16	LEATHER	AC-A
17	STONE	AC-A
18	BRICK	AC-A
19	CONCRETE	AC-A
20	INSULATION	AC-A
21	ROOFING	AC-A
22	MECHANICAL	AC-A
23	ELECTRICAL	AC-A
24	PLUMBING	AC-A
25	PAINT	AC-A
26	GLASS	AC-A
27	METAL	AC-A
28	WOOD	AC-A
29	TEXTILE	AC-A
30	LEATHER	AC-A
31	STONE	AC-A
32	BRICK	AC-A
33	CONCRETE	AC-A
34	INSULATION	AC-A
35	ROOFING	AC-A

**FURNITURE SCHEDULE**

NO.	DESCRIPTION	FINISH
1	OFFICE DESK	AC-A
2	OFFICE CHAIR	AC-A
3	RECEPTION DESK	AC-A
4	RECEPTION CHAIR	AC-A
5	CONFERENCE TABLE	AC-A
6	CONFERENCE CHAIR	AC-A
7	BAR SEAT	AC-A
8	BAR TABLE	AC-A
9	STAIR CASE	AC-A
10	ELEVATOR CASE	AC-A
11	MECHANICAL CASE	AC-A
12	ELECTRICAL CASE	AC-A
13	PLUMBING CASE	AC-A
14	PAINT CASE	AC-A
15	GLASS CASE	AC-A
16	METAL CASE	AC-A
17	WOOD CASE	AC-A
18	TEXTILE CASE	AC-A
19	LEATHER CASE	AC-A
20	STONE CASE	AC-A
21	BRICK CASE	AC-A
22	CONCRETE CASE	AC-A
23	INSULATION CASE	AC-A
24	ROOFING CASE	AC-A

**BAR EQUIPMENT SCHEDULE**

NO.	DESCRIPTION	FINISH
1	BAR	AC-A
2	SEAT	AC-A
3	TABLE	AC-A
4	STAIR	AC-A
5	ELEVATOR	AC-A
6	MECHANICAL	AC-A
7	ELECTRICAL	AC-A
8	PLUMBING	AC-A
9	PAINT	AC-A
10	GLASS	AC-A
11	METAL	AC-A
12	WOOD	AC-A
13	TEXTILE	AC-A
14	LEATHER	AC-A
15	STONE	AC-A
16	BRICK	AC-A
17	CONCRETE	AC-A
18	INSULATION	AC-A
19	ROOFING	AC-A



**GENERAL NOTES**

1. ALL FINISHES SHALL BE AS SHOWN ON FINISH SCHEDULE.
2. ALL FINISHES SHALL BE APPLIED TO ALL SURFACES UNLESS OTHERWISE NOTED.
3. ALL FINISHES SHALL BE APPLIED TO ALL SURFACES UNLESS OTHERWISE NOTED.
4. ALL FINISHES SHALL BE APPLIED TO ALL SURFACES UNLESS OTHERWISE NOTED.
5. ALL FINISHES SHALL BE APPLIED TO ALL SURFACES UNLESS OTHERWISE NOTED.

**REVISIONS**

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		

**PROJECT INFORMATION**

PROJECT NO. 10261 WEST TECHNOLOGY BLVD.  
 SHEET NO. 10261 WEST TECHNOLOGY BLVD.  
 DATE 10/17/13

**SCALE**

1" = 1'-0"

**DATE**

10/17/13

**DESIGNER**

ARCHITECT

**CONTRACTOR**

CONTRACTOR

**CLIENT**

CLIENT

**PROJECT LOCATION**

10261 WEST TECHNOLOGY BLVD., DALLAS, TX 75220

**PROJECT DESCRIPTION**

PROJECT DESCRIPTION

**PROJECT CONTACT**

PROJECT CONTACT

**PROJECT PHONE**

PROJECT PHONE

**PROJECT FAX**

PROJECT FAX

**PROJECT EMAIL**

PROJECT EMAIL

**PROJECT WEBSITE**

PROJECT WEBSITE

**PROJECT ADDRESS**

PROJECT ADDRESS

**PROJECT CITY**

PROJECT CITY

**PROJECT STATE**

PROJECT STATE

**PROJECT ZIP**

PROJECT ZIP

**PROJECT COUNTY**

PROJECT COUNTY

**PROJECT COUNTRY**

PROJECT COUNTRY

**PROJECT TIMEZONE**

PROJECT TIMEZONE

**PROJECT CURRENCY**

PROJECT CURRENCY

**PROJECT LANGUAGE**

PROJECT LANGUAGE

**PROJECT UNIT**

PROJECT UNIT

**PROJECT METRIC**

PROJECT METRIC

**PROJECT SYSTEM**

PROJECT SYSTEM

**PROJECT STANDARD**

PROJECT STANDARD

**PROJECT CODE**

PROJECT CODE

**PROJECT ID**

PROJECT ID

**PROJECT KEY**

PROJECT KEY

**PROJECT INDEX**

PROJECT INDEX

**PROJECT MAP**

PROJECT MAP

**PROJECT PLAN**

PROJECT PLAN

**PROJECT SECTION**

PROJECT SECTION

**PROJECT ELEVATION**

PROJECT ELEVATION

**PROJECT DETAIL**

PROJECT DETAIL

**PROJECT DRAWING**

PROJECT DRAWING

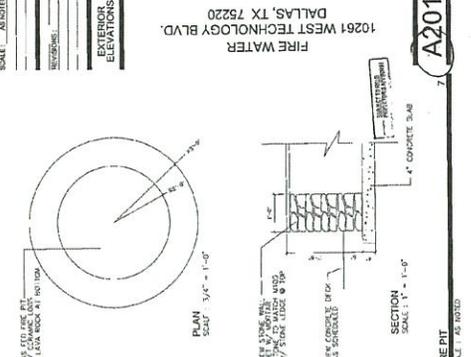
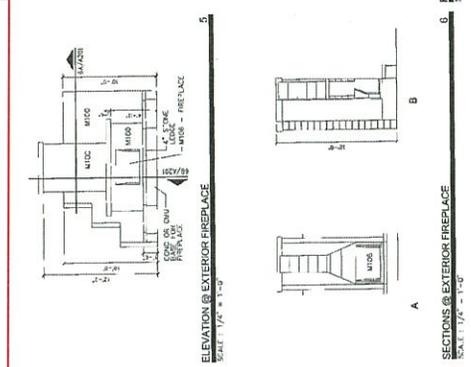
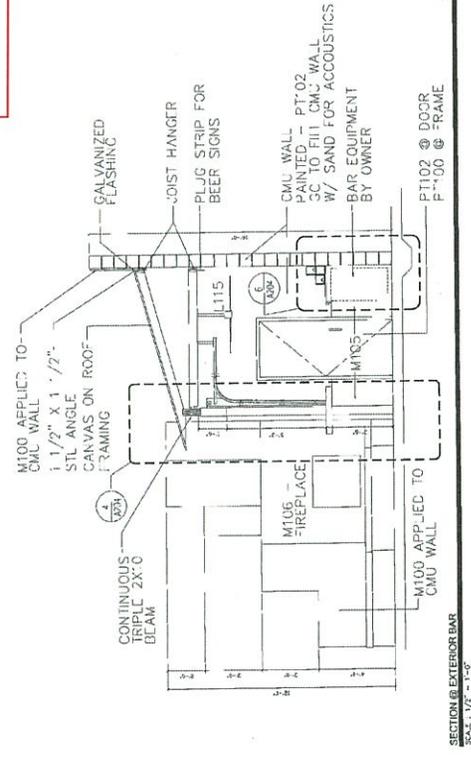
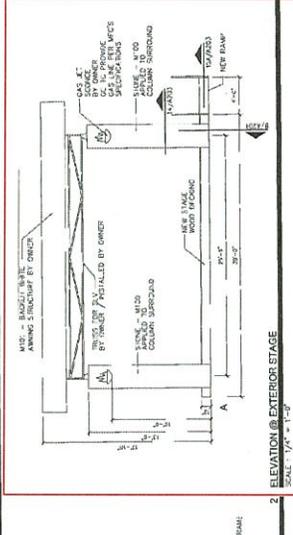
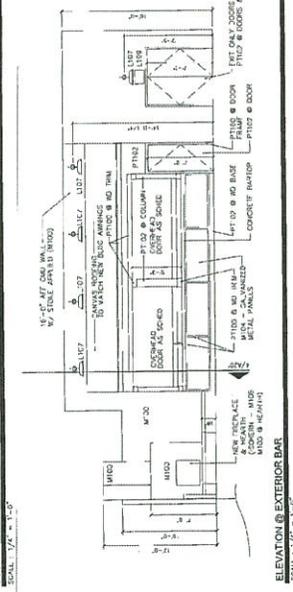
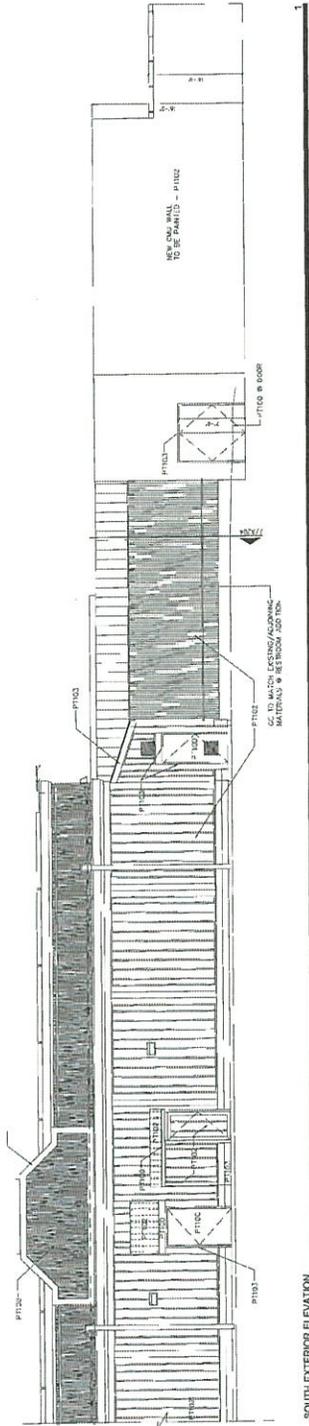
**PROJECT DOCUMENT**

PROJECT DOCUMENT

**PROJECT RECORD**

PROJECT RECORD

**James**  
 Architect  
 1100 West Loop  
 Suite 1000  
 Dallas, Texas 75208  
 Tel: 214-750-1000  
 Fax: 214-750-1001  
 www.jamesarchitect.com



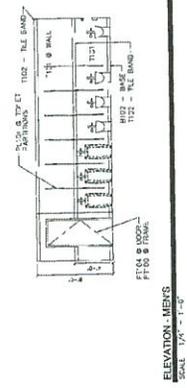
10261 WEST TECHNOLOGY BLVD.  
 DALLAS, TX 75220  
 FIRE WATER

A201

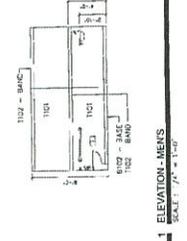
150-AL-V004  
 H.L.B  
 PSL4

14

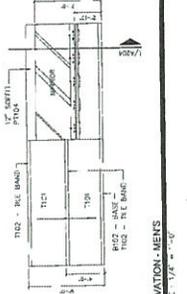




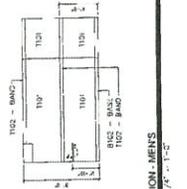
ELEVATION - MENS  
 SCALE: 1/4" = 1'-0"



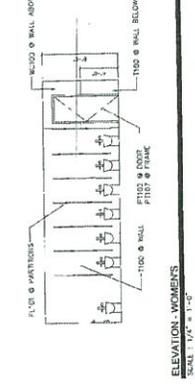
ELEVATION - MENS  
 SCALE: 1/4" = 1'-0"



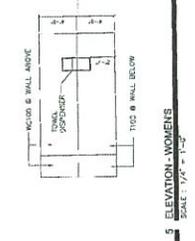
ELEVATION - MENS  
 SCALE: 1/4" = 1'-0"



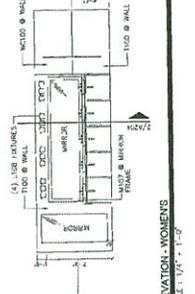
ELEVATION - MENS  
 SCALE: 1/4" = 1'-0"



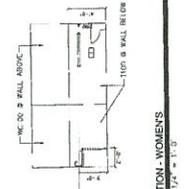
ELEVATION - WOMENS  
 SCALE: 1/4" = 1'-0"



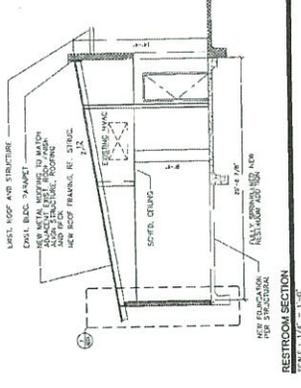
ELEVATION - WOMENS  
 SCALE: 1/4" = 1'-0"



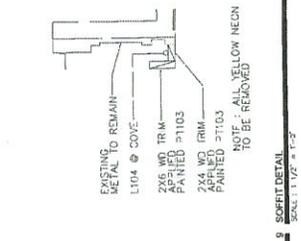
ELEVATION - WOMENS  
 SCALE: 1/4" = 1'-0"



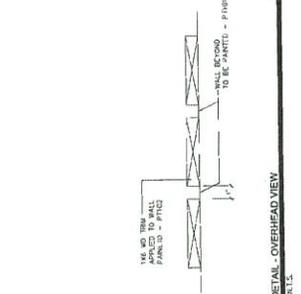
ELEVATION - WOMENS  
 SCALE: 1/4" = 1'-0"



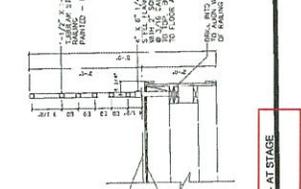
RESTROOM SECTION  
 SCALE: 1/4" = 1'-0"



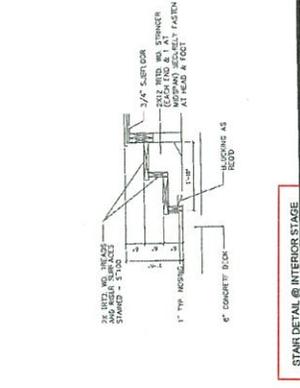
SOFFIT DETAIL  
 SCALE: 1/2" = 1'-0"



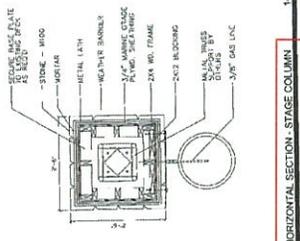
WALL DETAIL - OVERHEAD VIEW  
 SCALE: 1/4" = 1'-0"



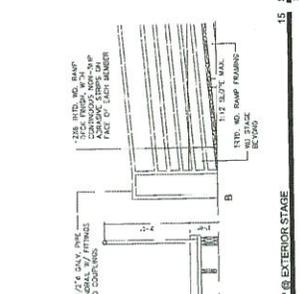
RAILING DETAIL - AT STAGE  
 SCALE: 1/4" = 1'-0"



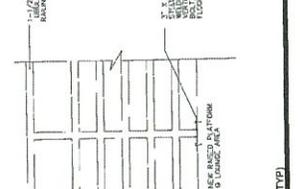
STAIR DETAIL @ INTERIOR STAGE  
 SCALE: 1/4" = 1'-0"



HORIZONTAL SECTION - STAGE COLUMN  
 SCALE: 1/4" = 1'-0"



SECTION - RAMP @ EXTERIOR STAGE  
 SCALE: 1/4" = 1'-0"



SECTION @ RAILING (TYP)  
 SCALE: 1/4" = 1'-0"

FIRE WATER  
 10261 WEST TECHNOLOGY BLVD.  
 DALLAS, TX 75220

**A203**





City of Dallas

# Certificate of Occupancy

Address: 10261 E TECHNOLOGY BLVD 75220

Owner: MELVIS DENMAN  
3641 AMES RD  
LANCASTER TX 75134

DBA: FIRE WATER BAR & GRILL

Land Use: (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

C.O.#: 0704111110 Issue Date: 04/12/2007

Lot:	1.5	Block:	C/6499	Zoning:	IR, MU-3	PDD:		SUP:	
Historic Dist:		Consrv Dist:		Pro Park:		Req Park:		Park Agrmt:	N
Dwlg Units:	1	Stories:	1	Occ Code:	A2	Lot Area:	0	Total Area:	8993
Type Const:	VA	Sprinkler:	All	Occ Load:		Alcohol:	N	Dance Floor:	N

Remarks: EXISTING USE/W/1HR MAX OCC 814 A2.1 =367 OUT A-2.1 =447 PER  
CO#0308181089 HEALTH APL #40017

*Stacey O'Donnell*

Building Official

This certificate shall be displayed on the above premise at all times.

Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

BDA178 054  
A-H-M 5  
P310



Legend  
📍 10261 Technology Blvd E

100 ft 19  
N

BDA178-  
054  
Att:UB  
PS19

3.31.2005

Google Earth



# Certificate of Occupancy

City of Dallas

Address: 10261 E TECHNOLOGY BLVD 75220 Issued Date: 06/24/2011

Owner: MARY L DAVIS  
P O BOX 270087 FLOWER MOUND TX 75027

DBA: MARY'S SOUTHERN CUISINE AND ENTERTAINMENT

Land Use: (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

C.O.#: 1012091104

Lot:	1.5	Block:	C/6499	Zoning:	IR	PDD:	SUP:
Historic Dist:		Consrv Dist:		Pro Park:		Req Park:	Park Agrmt: N
Dwlg Units:	1	Stories:	1	Occ Code:	A2	Lot Area:	Total Area: 7626
Type Const:	VA	Sprinkler:	All	Occ Load:		Alcohol:	Dance Floor:N

Remarks: EXISTING USE

*Batsheba Antebi*

Batsheba Antebi, Building Official

BDA178-054

ATTN B  
P520

20

This certificate shall be displayed on the above premise at all times.

Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com



Legend

10261 Technology Blvd E

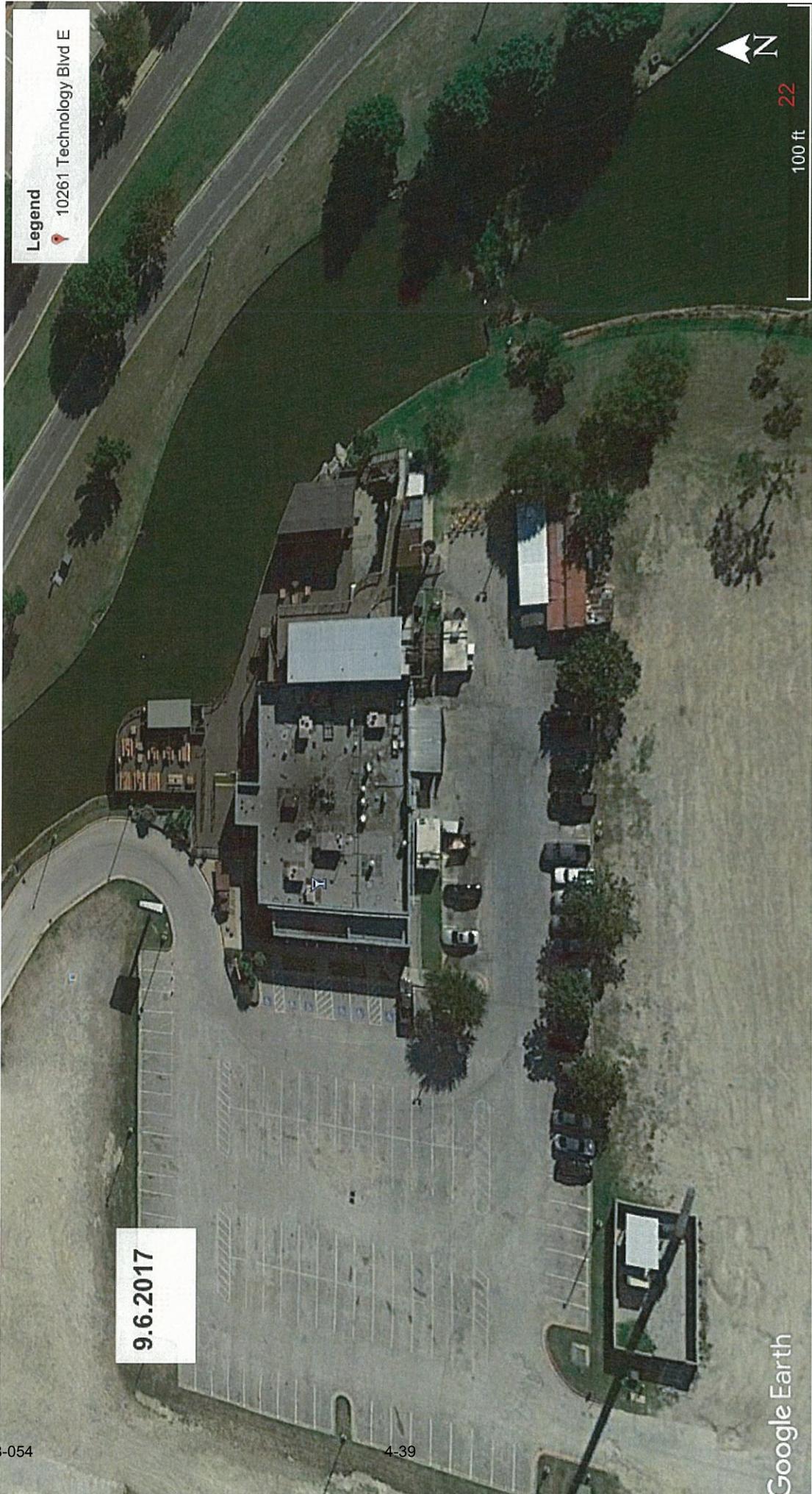


100 ft 21

12.4.2009

Google Earth

BDA178-054  
Attch 3  
P521



Legend

10261 Technology Blvd E



100 ft 22

9.6.2017

Google Earth

BDA178-054  
ATTN: B  
PS 22

BD178-054  
A to B  
PS23

Print

The Dallas City Code

**SEC. 51A-4.217. ACCESSORY USES.**

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

(1) Accessory community center (private).

(A) Definition: An integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(B) District restrictions:

(i) This accessory use is not permitted in A(A), office, retail, CS, industrial, multiple commercial, and P(A) districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and urban corridor districts.

(C) Required off-street parking:

(i) Except as provided in this subparagraph, one space for each 100 square feet of floor area.

(ii) No off-street parking is required if this use is accessory to a multifamily use and is used primarily by residents.

(D) Required off-street loading: None.

# Certificate of Occupancy

Address: [REDACTED] 3656 HOWELL ST Issued: 10/12/2015

Owner: [REDACTED] FREE RANGE PRESENTS DALLAS LLC  
8111 PRESTON RD SUITE 610  
DALLAS TX 75225

DBA: [REDACTED] THE RUSTIC

Land Use: [REDACTED] (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

Occupied Portion: [REDACTED]

C.O.#: [REDACTED] 1409301032

Lot:	Block:	Zoning:	PDD:	SUP:
Historic Dist:	Consvy Dist:	Pro Park:	Req Park:	Park Agrmt:
Dwlg Units:	Stories:	Occ Code:	Lot Area:	Total Area:
Type Const:	Sprinkler:	Occ Load:	Alcohol:	Dance Floor:

Remarks: HEALTH # 47856. ADDED OCC CLASS, CONST TYPE AND SPRINKLER STATUS PER PERMIT #1409301030 11-24-15 BW.

*Larry V. Holmes*  
Larry Holmes, Building Official

This certificate shall be displayed on the above premise at all times.

Sustainable Development and Construction | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

BDA178-054  
Attch B  
PS 24



BDA178-05  
AHLUB  
PS 25

25

# Certificate of Occupancy

Address: [REDACTED] 2303 PITTMAN ST, Suite A & B 75208 Issued: 12/16/2011

Owner: [REDACTED] COMPOUND RESTAURANT MGMNT II, LLC  
901 FW AV  
DALLAS, TX, 75208

DBA: [REDACTED] CHICKEN SCRATCH / THE FOUNDRY

Land Use: [REDACTED] (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

Occupied Portion: [REDACTED]

C.O.#: [REDACTED] 1110171078

Lot:	3	Block:	1/6817	Zoning:	PD-714	PDD:	714	SUP:	
Historic Dist:		Consrv Dist:	Fort Worth Av	Pro Park:	49	Req Park:	49	Park Agrmt:	N
Dwlg Units:		Stories:	1	Occ Code:	A2	Lot Area:	70540	Total Area:	4854
Type Const:	VB	Sprinkler:	Partial	Occ Load:	165	Alcohol:	Y	Dance Floor:	N

Remarks: 11-23-11 LB, FB, RM. AFFIDAVIT ON FILE.  
OCC FOR BUILDING A = 68 BUILDING B = 97  
occ load for outside is 188 updated 10/4/12 by sw



Lloyd Denman, Building Official

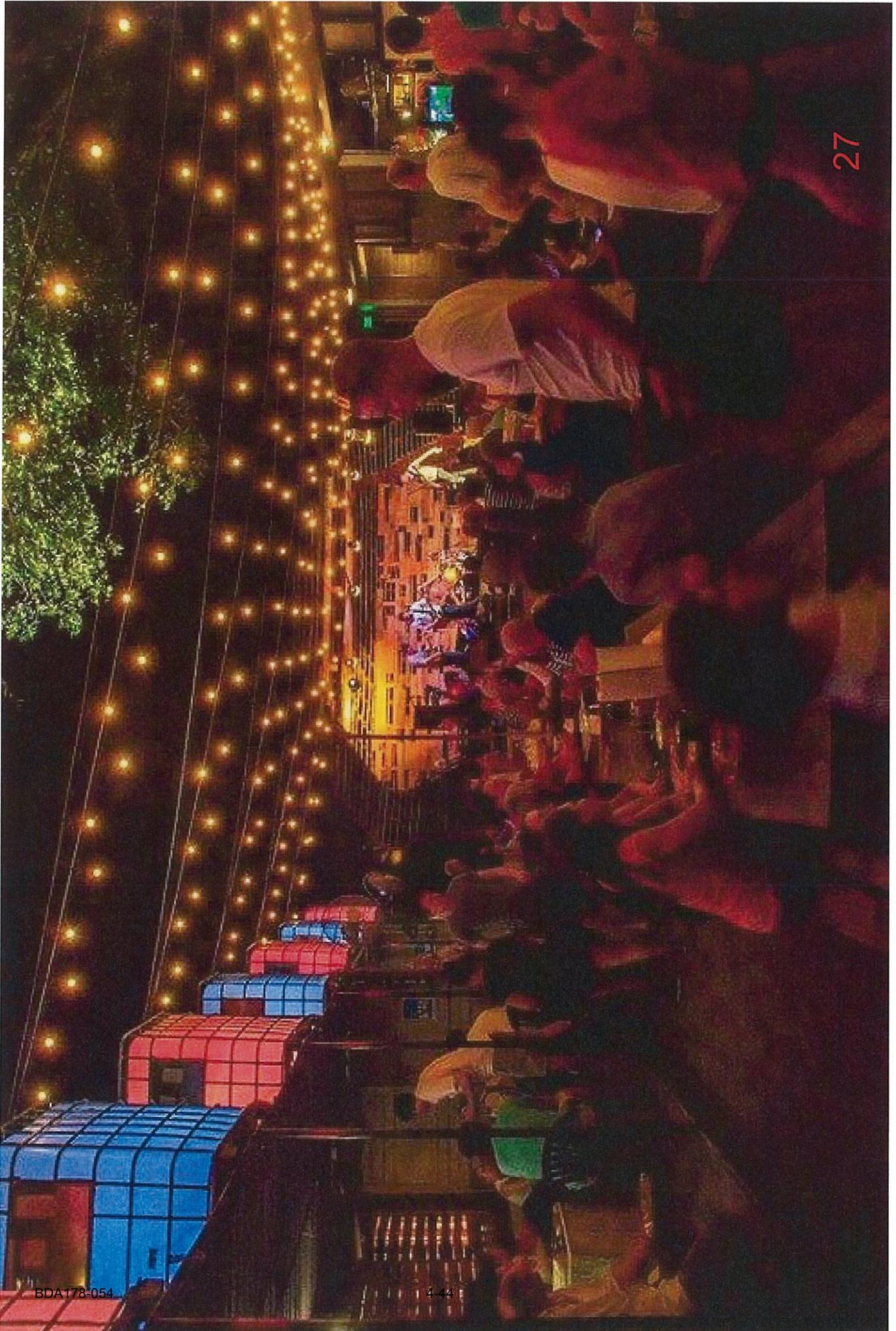
This certificate shall be displayed on the above premise at all times.

Sustainable Development and Construction | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

BDA 178-054  
Athena B  
DS 26

27

BDA  
178-  
054  
A144  
B  
PS  
27





# Certificate of Occupancy

City of Dallas

Address: 1807 GOULD ST 75215 Issued Date: 12/31/2008

Owner: SETH SMITH  
1816 CLARENCE  
DALLAS, TX,  
DBA: LEE HARVEY'S

Land Use: (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

C.O.#: 0810071095

Lot:	6	Block:	D/905	Zoning:	PD-317	PDD:	317	SUP:	
Historic Dist:		Consrv Dist:		Pro Park:	26	Req Park:	26	Park Agrmt:	N
Dwlg Units:		Stories:		Occ Code:	A2	Lot Area:	0	Total Area:	2604
Type Const:	VB	Sprinkler:	None	Occ Load:		Alcohol:	N	Dance Floor:	N

Remarks: 9 DELTA CREDITS AND 17 PARKING SPACES LOCATED AT 1401 BEAUMONT. W/2 HR FIRE BARRIERS. OCC. LOAD INSIDE 43-COVERED PATIO 99.BW 10-16-08.

*Zaida Basora*

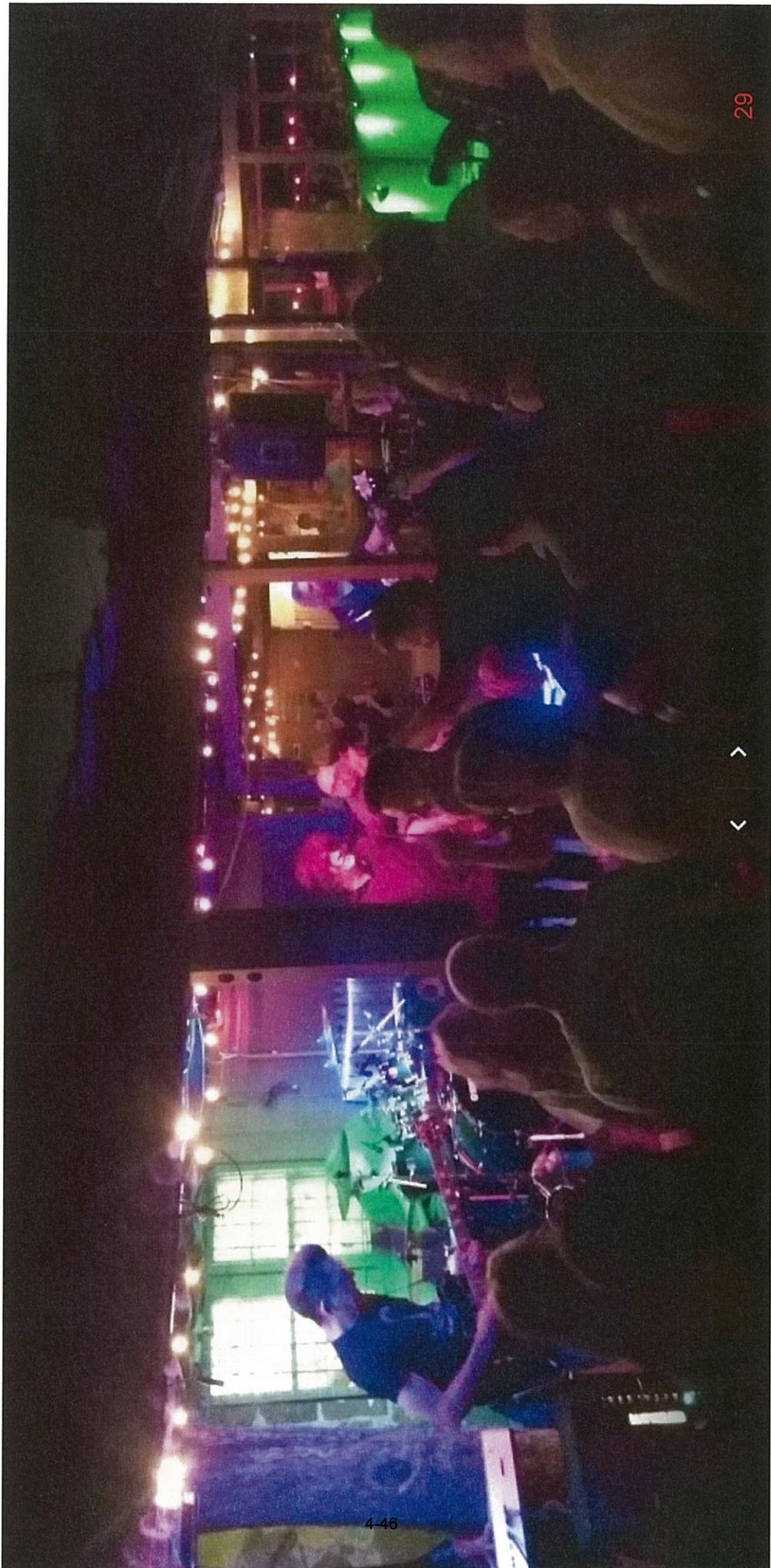
Zaida Basora, Building Official

PDA-78-054  
ATTN: B  
PS 28

This certificate shall be displayed on the above premise at all times.  
Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com



BDA178-054



4-46

BDA178-  
054  
Att 4 B  
p. 29

29



# Certificate of Occupancy

City of Dallas

Issued: 12/21/2017

Address: 5624 SEARS ST 75206

Owner: Jason

10815 BRANCH OAKS CIR , DALLAS TEXAS 752304466 UNITED STATES OF AMERICA

DBA: Truck Yard Restaurant Outhouse

Land Use: (5811) RESTAURANT WITHOUT DRIVE-IN SERVICE

Occupied Portion:

C.O.#: 1310011092

Lot:	7	Block:	C/1983	Zoning:	PD-842	PDD:	SUP:
Historic Dist:		Consrv Dist:	Belmont To	Pro Park:	23	Req Park:	23
Dwlg Units:		Stories:		Occ Code:	A2	Lot Area:	8975
Type Const:	VB	Sprinkler:	None	Occ Load:		Alcohol:	N
						Dance Floor:	N
						Park Agrmt:	N
						Total Area:	2339

Remarks: PER PREVIOUS CO, OCC LOAD INSIDE 78- PATIO 85.

*Philip Sikes*

Philip Sikes, Building Official

BDA 178-054  
ATTN B  
PS 30

This certificate shall be displayed on the above premise at all times.

Sustainable Development and Construction | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

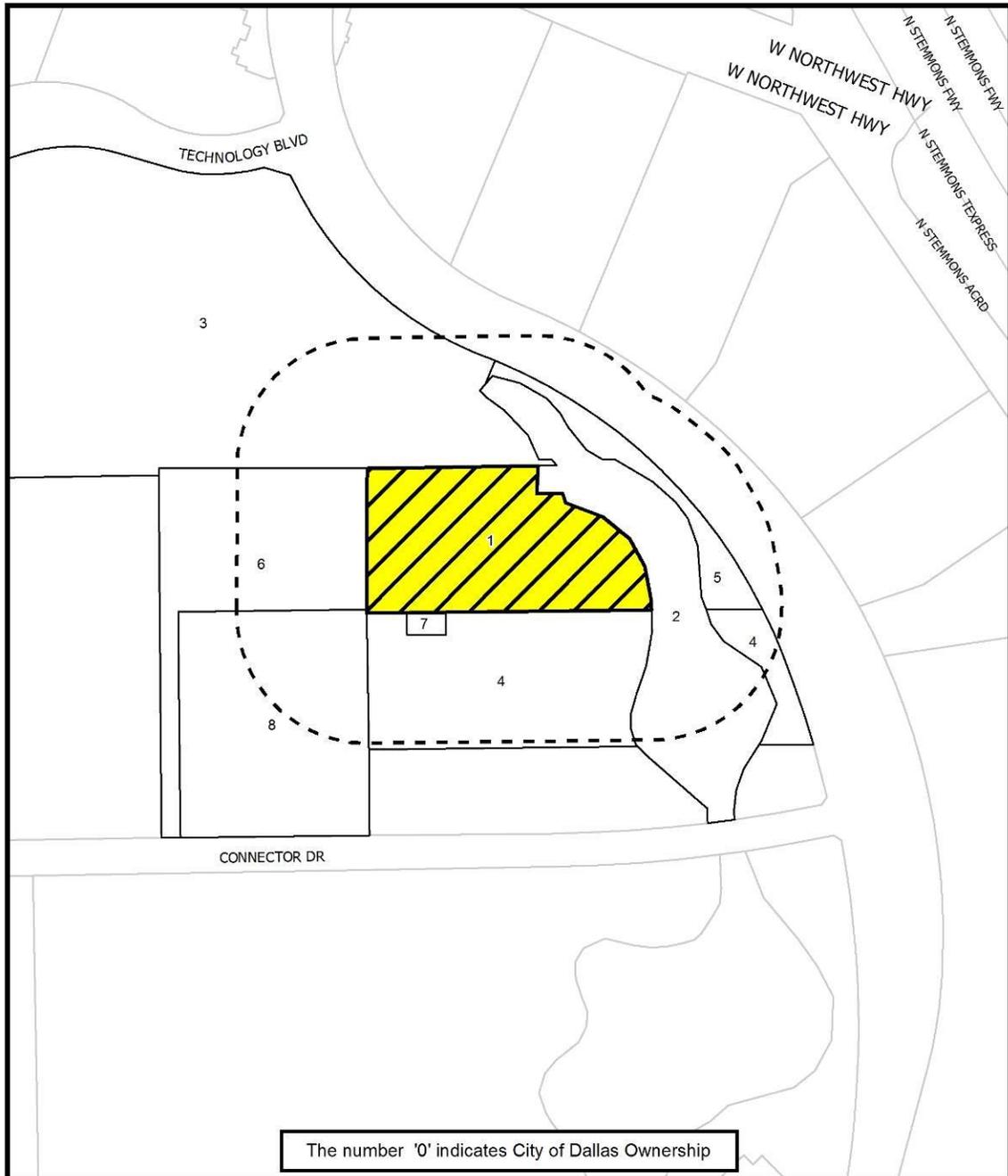


BDA  
178-  
031  
Attch  
PS 3





BDA  
178-  
654  
Att: E  
Pg 32



 1:2,400	<h2>NOTIFICATION</h2>	Case no: <b>BDA178-054</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>8</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>8</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>8</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

# *Notification List of Property Owners*

***BDA178-054***

## ***8 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10261 E TECHNOLOGY BLVD	MDF GLOBAL ASSET MGMT LLC
2	2200 CONNECTOR DR	THIRD Coast TRADING
3	10310 E TECHNOLOGY BLVD	DDRR LP
4	2200 CONNECTOR DR	MDF GLOBAL ASSET MGMT LLC
5	10100 E TECHNOLOGY BLVD	UNITED STATES OF AMERICA
6	2225 CONNECTOR DR	RED RIVER ENTERPRISES LLC
7	2225 CONNECTOR DR	CONNELL DEVELOPMENT CO
8	2225 CONNECTOR DR	BIJAL HOSPITALITY LLC

**FILE NUMBER:** BDA178-073(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Blake Byrd of Tatum Brown Custom Homes, represented by Blake Byrd, for a variance to the front yard setback regulations, and for special exceptions to the fence standards and visual obstruction regulations at 5333 Deloache Avenue. This property is more fully described as Lot 16, Block 5/5595, and is zoned R-1ac(A), which requires a front yard setback of 40 feet, limits the height of a fence in the front yard to 4 feet, and requires a 20 foot visibility triangle at driveway approaches and a 45 foot visibility triangle at street intersections. The applicant proposes to construct/maintain a structure and provide a 7 foot front yard setback, which will require a 33 foot variance to the front yard setback regulations, to construct/maintain a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence standards regulations, and to locate/maintain items in required visibility triangles at driveway approaches and at a street intersection, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5333 Deloache Avenue

**APPLICANT:** Blake Byrd of Tatum Brown Custom Homes  
Represented by Blake Byrd

**REQUESTS:**

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

1. A variance to the front yard setback regulations of 33' is made to construct/maintain a fountain structure to be located 7' from the front property line or 33' into this 40' front yard setback;
2. A special exception to the fence standards related to height of 2' 6" is made to construct/maintain a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel rod swinging gates in the site's required front yard;
3. Special exceptions to the visual obstruction regulations are made to construct and maintain:
  - a) portions of the aforementioned 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and a steel rod swinging gate in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court; and
  - b) portions of the aforementioned 6' high open combination steel rod/stone fence with 6' 6" high brick columns in the 45' visibility triangle at the intersection of Deloache Avenue and Alva Court.

**STANDARD FOR A VARIANCE:**

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

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

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION:**

Denial.

Rationale:

- Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-1ac(A) zoning district.

**STAFF RECOMMENDATION (fence standards):**

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

**STAFF RECOMMENDATION (visual obstruction special exceptions 20' visibility triangles at the driveway):**

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 request.
- Staff concluded that the request for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the item located in the visibility triangles do not constitute a traffic hazard.

**STAFF RECOMMENDATION (visual obstruction special exceptions 45' visibility triangle at intersection of Alva Court and Deloache Avenue):**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request commenting that: 1) The property proposes a visibility improvement to intersection leaving a 30' by 30' visibility triangle; 2) The intersection effectively functions as a T-Intersection; and 3)The background traffic is generally limited to 9 homes.

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

### **Zoning/BDA History:**

1. BDA056-003, Property at 9423 Alva Court (the lot north to the subject site)

On October 18, 2005, the Board of Adjustment Panel A granted requests for a special exception to the fence regulations of 3' and for special exceptions to the visual obstruction regulations, and imposed the following condition: Compliance with submitted revised site plan and revised fence elevation is required.

The case report stated the special exception to the fence standards was made to construct and maintain a 4' 8" high open metal fence (with an 18" brick base), 5' high brick columns, two 7' high arched entry gates with 6' high brick entry columns; and that the special exceptions to the visibility obstruction regulations were made to construct and maintain the fence and columns as described above in four, 20'-visibility triangles at the two drive approaches to the site on Alva Court.
2. BDA178-041, Property at 9434 Alva Court (the lot northeast to the subject site)

On May 21, 2018, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 8' 4". The board imposed the following condition: compliance with the submitted site/landscape plan is required.

The case report stated that the request was made to construct 9' high columns, and two 8' high entry gates one of which has 12' 4' high entry gate columns and an 8' high open wrought iron fence.

### **GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- The request for a variance to the front yard setback regulations of 33' focuses on constructing and maintaining a fountain structure to be located 7' from the front

property line or 33' into this 40' front yard setback on a site that is currently being developed with a single family home.

- The subject site is zoned R-1ac (A) which requires a 40' front yard setback.
- The subject site is located at the northwest corner of Deloache Avenue and Alva Court. This site has one front yard setback on Alva Court.
- The submitted plan represents that a fountain structure is proposed to be located as close as 7' from the site's front property line (or 33' into the 40' front yard setback).
- The following additional information was gleaned from the submitted site plan and elevation:
  - The fountain structure is represented as being approximately 55' in length parallel to Alva Court.
  - The fountain structure is represented as being located approximately 7'- 21' from the property line.
  - The fountain structure reaches approximately a maximum height of 5' 5'.
- The subject site is flat, rectangular in shape, and according to the application, is 0.947 acres (or approximately 41,251 square feet) in area. The site is zoned R-1 ac (A) where the typical lot size is 43,560 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1ac(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.
- If the Board were to grant this request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a fountain structure to be located 7' from the site's front property line or 33' into the required 40' front yard setback.

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- The request for a special exception to the fence standards related to height of 2' 6" focuses on constructing/maintaining a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel rod swinging gates in the site's required front yard on a site being developed with a single family home.
- The subject site is zoned R-1 AC (A) which requires a 40' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.

- The site is located at the northwest corner of Deloache Avenue and Alva Court. The site has one front yard setback on Alva Court.
- The applicant submitted site plan and a site plan/elevation representing the proposed fences in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 6".
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 164' in length parallel to Alva Court and approximately 40' perpendicular to Alva Court on the north and south sides of the site in this front yard setback.
  - The proposal is represented as being located approximately at the front property line or approximately 12' – 14' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Alva Court and Deloache Ave located in front yard setback, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details, one that does not.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to fence height of 6' 6" will not adversely affect neighboring property.
- As of June 8<sup>th</sup>, no letters have been submitted in support of or in opposition to this request.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 2' 6" in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

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

- These requests for special exceptions to the visual obstruction regulations focus on constructing/maintaining portions of a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and a steel rod swinging gate in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court.
- The Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant is requesting for special exceptions to the visual obstruction regulations to the required two 20 foot visibility triangles on both sides of the north driveway into the site on Alva Court.
- The applicant submitted site plan and a site plan/elevation indicating portions of a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel

rod swinging gate located in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court.

- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to locate and maintain portions of a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel rod swinging gate in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items located in two 20' visibility triangles on both sides of the north driveway into the site on Alva Court to that what is shown on these documents – 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and a steel rod swinging gate.

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions 45' visibility triangle):**

- This request for special exception to the visual obstruction regulations focuses on locating and maintaining a 6' high open combination steel rod/stone fence with 6' 6" high brick columns in the 45' visibility triangle at the northwest corner of Deloache Avenue and Alva Court on a site that is currently being developed with a single family home.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The subject site is zoned R-1 AC (A) which requires a 45 foot visibility triangle at the intersection of two streets.
- A site plan and an elevation have been submitted indicating a 6' high open combination steel rod/stone fence with 6' 6" high brick columns located in the 45' visibility triangle at the intersection of Deloache Avenue and Alva Court.
- 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 this request to locate and maintain a 6' high open combination steel rod/stone fence with 6' 6" high brick columns in the 45' visibility triangle at the intersection of Deloache Avenue and Alva Court does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item to be located and maintained

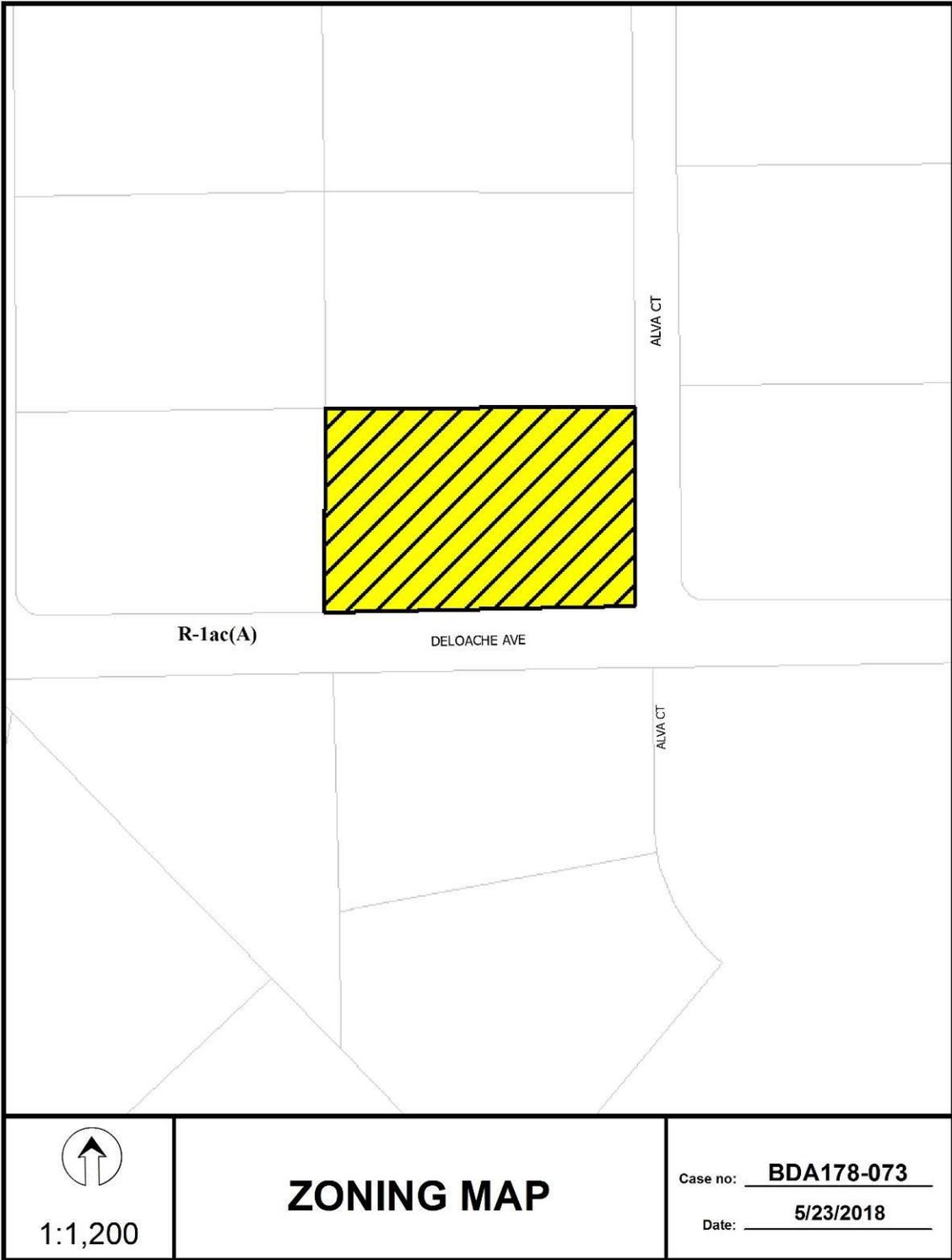
in the 45' intersection visibility triangle to that what is shown on these documents – a 6' high open combination steel rod/stone fence with 6' 6" high brick columns.

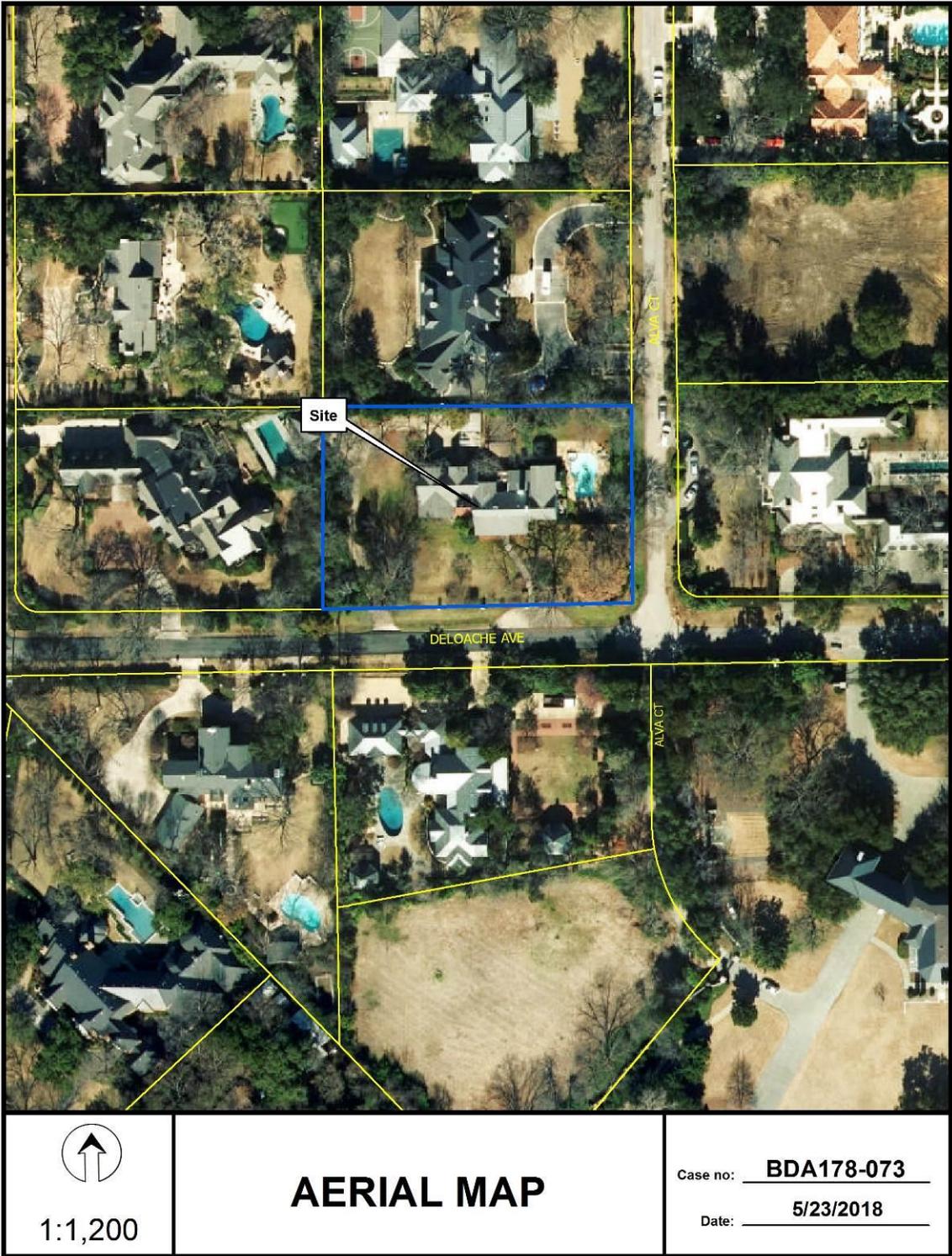
**Timeline:**

- April 17, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- May 17, 2017: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> 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.
- June 4, 2018: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).
- June 4, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

June 7, 2018

The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".







# TATUM BROWN

---

## CUSTOM HOMES

### Board of Adjustment Notice

5333 Deloache Ave

5/15/18

Dear Board of Adjustment:

The homeowners at 5333 Deloache Ave, Mr. & Mrs. Kumar, are applying for three different items to be submitted to the board of adjustment with the City of Dallas that we are asking for your support on.

1. We are applying for a special exception to the fence regulation, to the 4 foot maximum fence height, that we may be granted a special exception to take the fence height to 6 foot 6 inch along Alva Ct frontage. This is typical in this neighborhood and are asking for your support on the fence height special exception.
2. We are applying for a special exception to the visual obstruction regulation at the intersection of Deloache Ave and Alva court. These fences will be wrought iron, and will be see through, so the visibility around the corner should not be an issue. This is in cosmetic accordance with the rest of the neighborhood and we are asking for your support on this.
3. We are applying for a variance to the front yard set back regulation to add a fountain to the front yard, within the 40 foot front yard setback. This is not an actual accessory structure, but just a fountain. The maximum city allowed height is six inches, we are planning to build a fountain that is 3 foot 9 inches tall to the top of the wall with a fire pot on each end that will be 5 foot 5 inches. It is not uncommon for fountains to be in the front yard in this neighborhood, and this is not going to be any taller than other fountains and we ask for your support on this front yard fountain.

Tatum Brown Custom Homes appreciates your support and cooperation. Our goal is to complete the variance items in a timely manner with minimal disruption to the neighborhood.

Sincerely,

 06/04/2018

Blake Byrd

Project Manager

Tatum Brown Custom Homes



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-073

Data Relative to Subject Property:

Date: 4/17/18

Location address: 5333 Deloache Ave. Zoning District: R-1AC(A)

Lot No.: 16 Block No.: 5/5595 Acreage: .9470 Census Tract: 0206.00

Street Frontage (in Feet): 1) 160.64 2) 248.14 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Pankaj & Mahima Kumar

Applicant: Tatum Brown Custom Homes/BLAKE BYRD Telephone: 214.361.4877

Mailing Address: 1528 Slocum St. Dallas, TX Zip Code: 75207

E-mail Address: bbyrd@tatumbrown.com

Represented by: Blake Byrd Telephone: 214.232.4424

Mailing Address: 1528 Slocum St. Dallas, TX Zip Code: 75207

E-mail Address: bbyrd@tatumbrown.com

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

Proposing a fountain taller than 6" in the front yard, Eastern most distance to the front of the fountain is 33'-0 1/2" from the front yard set back \_\_\_\_\_ Proposing a fence taller than 4' in the front yard along Alva will need a variance of 2'-6" above the 4' height restriction. \_\_\_\_\_

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 taller fountain or fence will not have an effect on any property because it is consistent with other properties in the 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 Blake Byrd

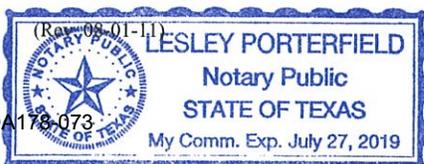
(Affiant/Applicant's name printed)

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 17th day of April, 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**

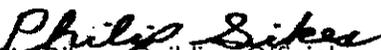
I hereby certify that **BLAKE BYRD**

**did submit a request** for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations

**at** 5333 Deloache Avenue

BDA178-073. Application of BLAKE BYRD for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations at 9407 DELOACH AVE. This property is more fully described as Lot 16, Block 5/5595, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a 45 foot visibility triangle at street intersections and requires a front yard setback of 40 feet. The applicant proposes to construct a 6 foot 6 inch high fence in a required front yard which will require a 2 foot 6 inch special exception to the fence regulations, and to construct a single family accessory structure and provide a 7 foot front yard setback, which will require a 33 foot variance to the front yard setback regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
Philip Sikes, Building Official



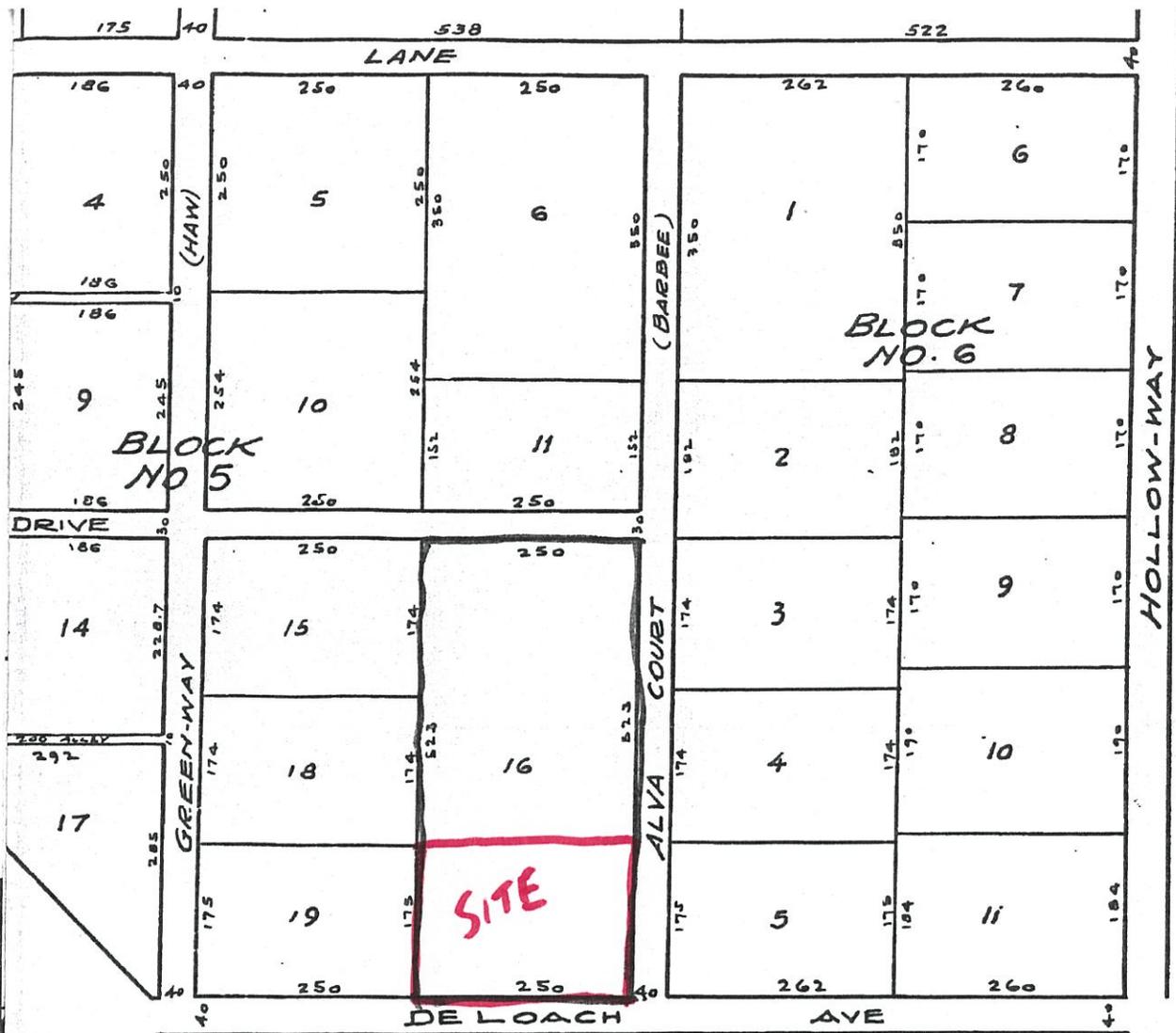
Printed: 4/17/2018

### 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)





Jno. R West, Jr.

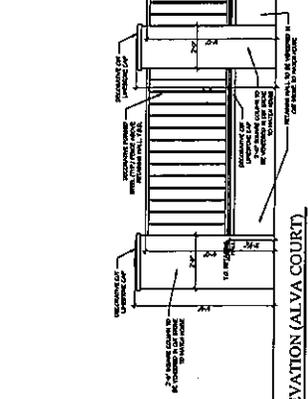
S  
 Joyce and wife Nancy E Joyce, known to me  
 acknowledged to me that they executed  
 Nancy E Joyce, wife of said A G Joyce having  
 fully explained to her, she, the said Nancy E Joyce  
 and willingly signed the same for the purposes and

day of July 1926

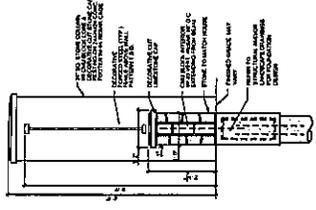
W  
 County, Texas.

*Henry May*

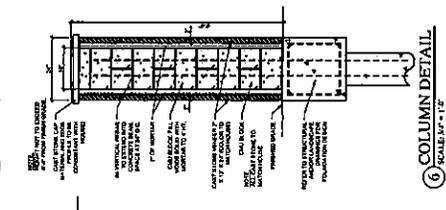
DEPUTY



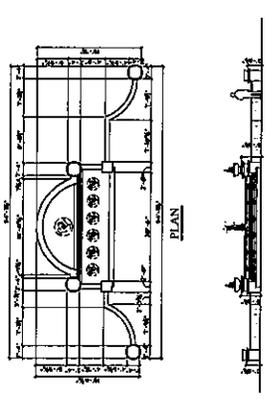
**3 ENLARGED FENCE ELEVATION (ALVA COURT)**  
SCALE: 1/4" = 1'-0"



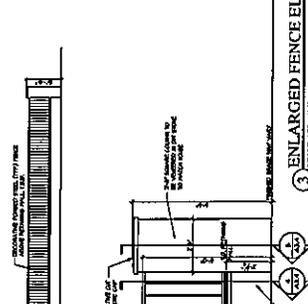
**4 FENCE DETAIL**  
SCALE: 3/4" = 1'-0"



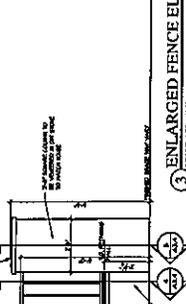
**5 COLUMN DETAIL**  
SCALE: 3/4" = 1'-0"



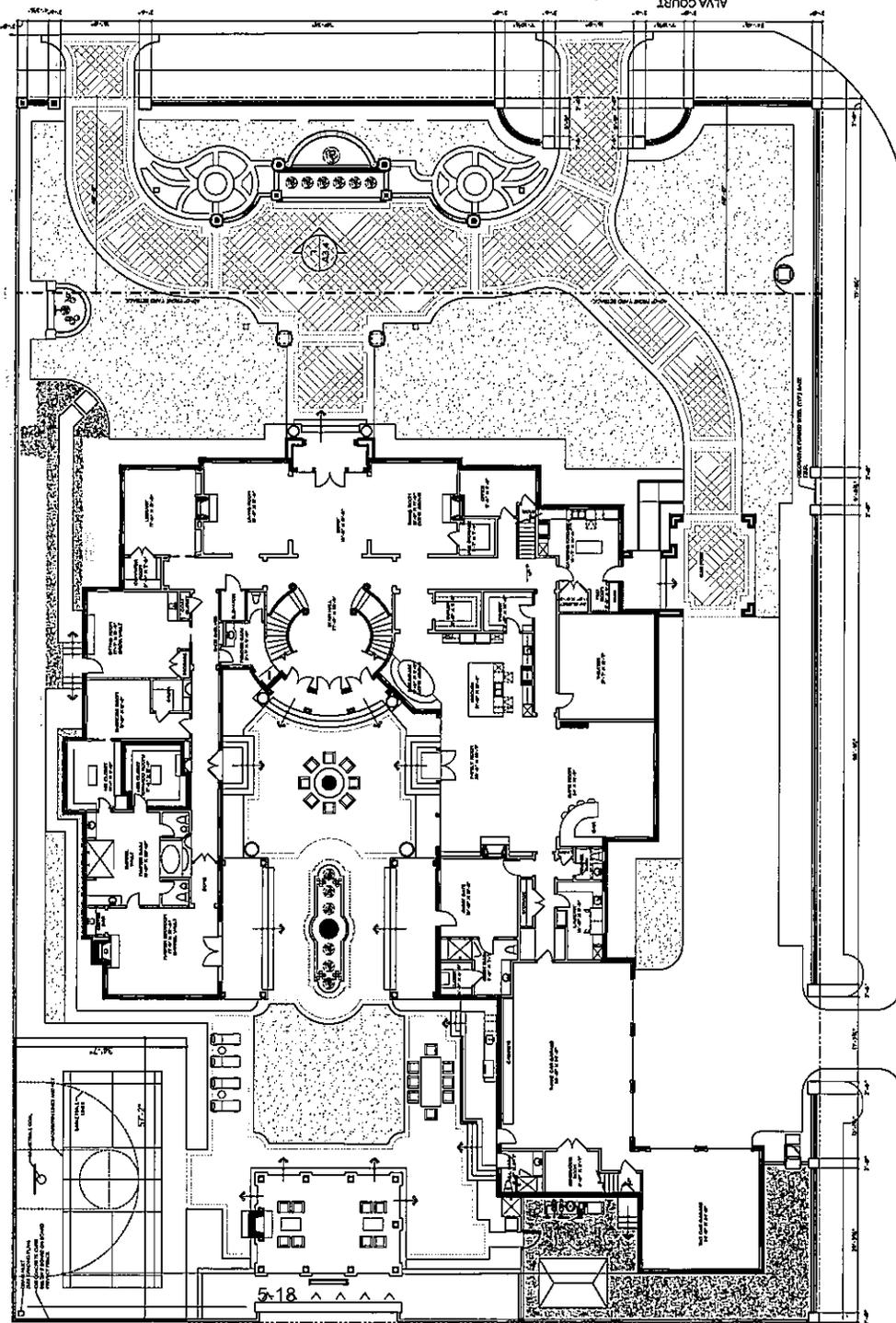
**6 FOUNTAIN ELEVATION AND PLAN**  
SCALE: 1/4" = 1'-0"



**1 FULL SOUTH ELEVATION (DELOACHE AVENUE)**  
SCALE: 1/4" = 1'-0"



**2 FULL EAST ELEVATION (ALVA COURT)**  
SCALE: 1/4" = 1'-0"



**3 SITE PLAN (FOR REFERENCE)**  
SCALE: 1/4" = 1'-0"



DELOACHE AVENUE

ALVA COURT

Revisions

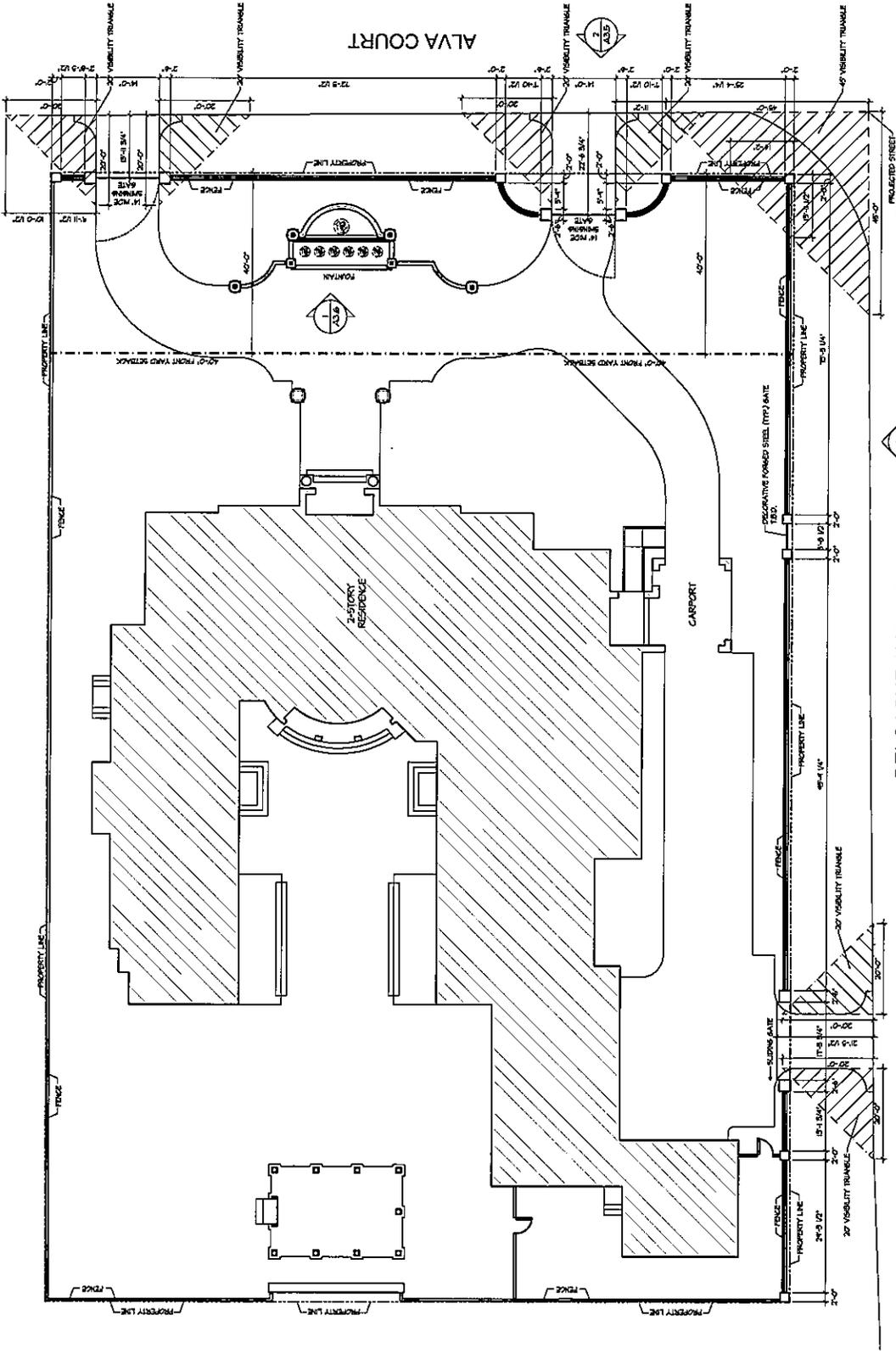
A NEW RESIDENCE FOR  
PANKAJ & MAHIMA KUMAR  
DALLAS, TEXAS

RICHARD DRUMMOND DAVIS  
ARCHITECT  
2121 FARMINGTON DRIVE, SUITE 100, DALLAS, TEXAS 75247 214-431-4143



Date: 04/13/2014  
Project Address: 10711 DELOACHE AVENUE, DALLAS, TEXAS  
County: DALLAS  
Checked by: JLL  
Sheet Number: A3.4

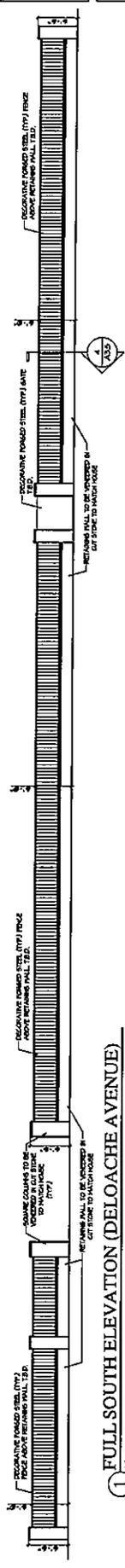
A3.4



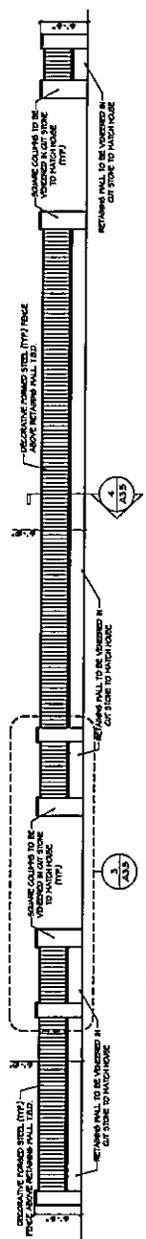
1 SITE PLAN (FOR REFERENCE)  
SCALE: 3/32" = 1'-0"



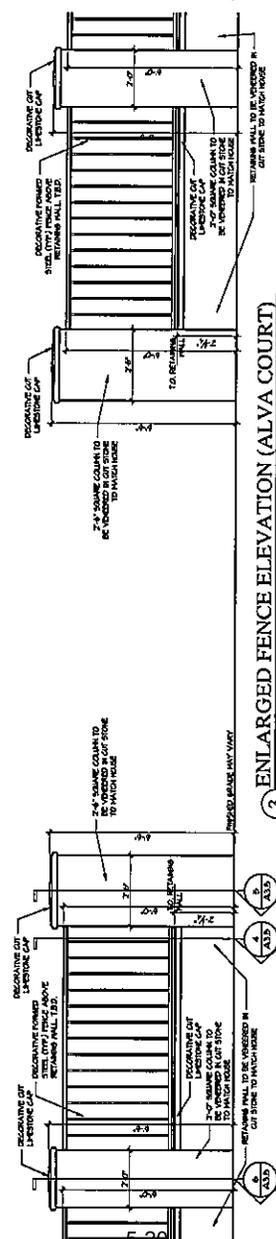
DELOACHE AVENUE



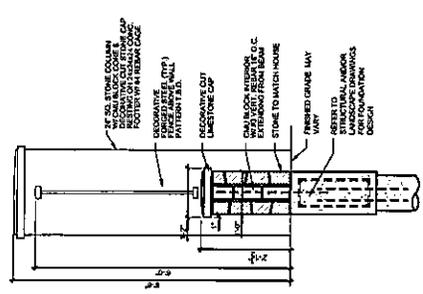
1 FULL SOUTH ELEVATION (DELOACHE AVENUE)  
 SCALE: 1/8" = 1'-0"



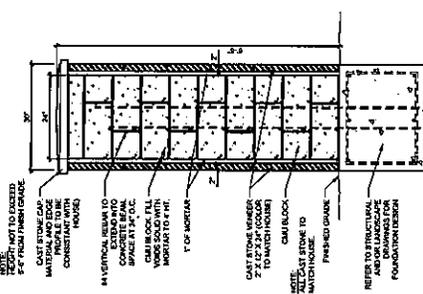
2 FULL EAST ELEVATION (ALVA COURT)  
 SCALE: 1/8" = 1'-0"



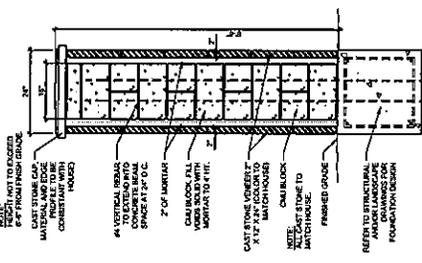
3 ENLARGED FENCE ELEVATION (ALVA COURT)  
 SCALE: 1/2" = 1'-0"



4 FENCE DETAIL  
 SCALE: 3/4" = 1'-0"



5 COLUMN DETAIL  
 SCALE: 3/4" = 1'-0"



6 COLUMN DETAIL  
 SCALE: 3/4" = 1'-0"

Revisions

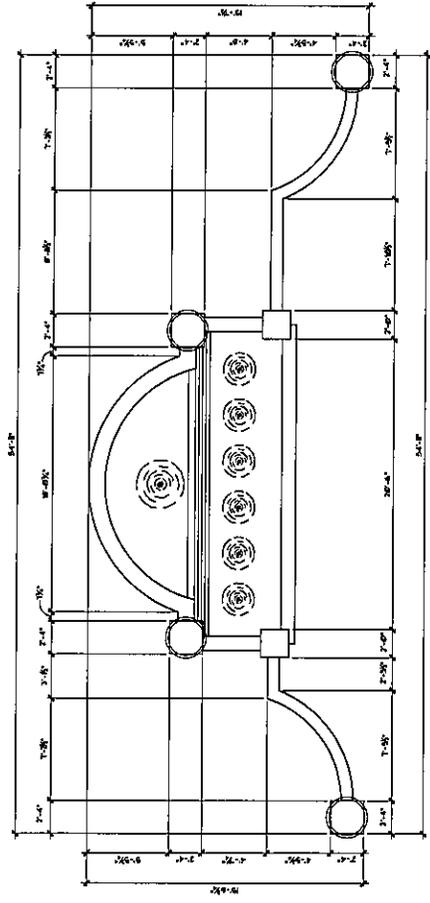
A NEW RESIDENCE FOR:  
**PANKAJ & MAHIMA KUMAR**  
 DALLAS, TEXAS

**RICHARD DRUMMOND DAVIS**  
 ARCHITECT  
 2124 Fairmont Street, Suite 402 Dallas, Texas 75207 214-621-8733

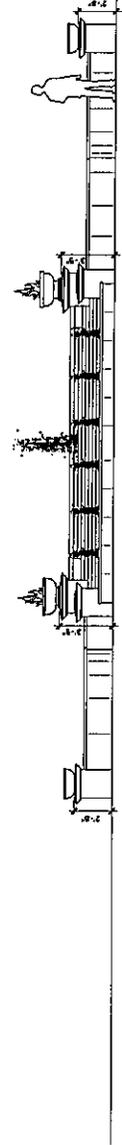


Date: 04/12/2015  
 Drawn by: MGC  
 Checked by: JLL  
 Sheet Number:

**A3.6**

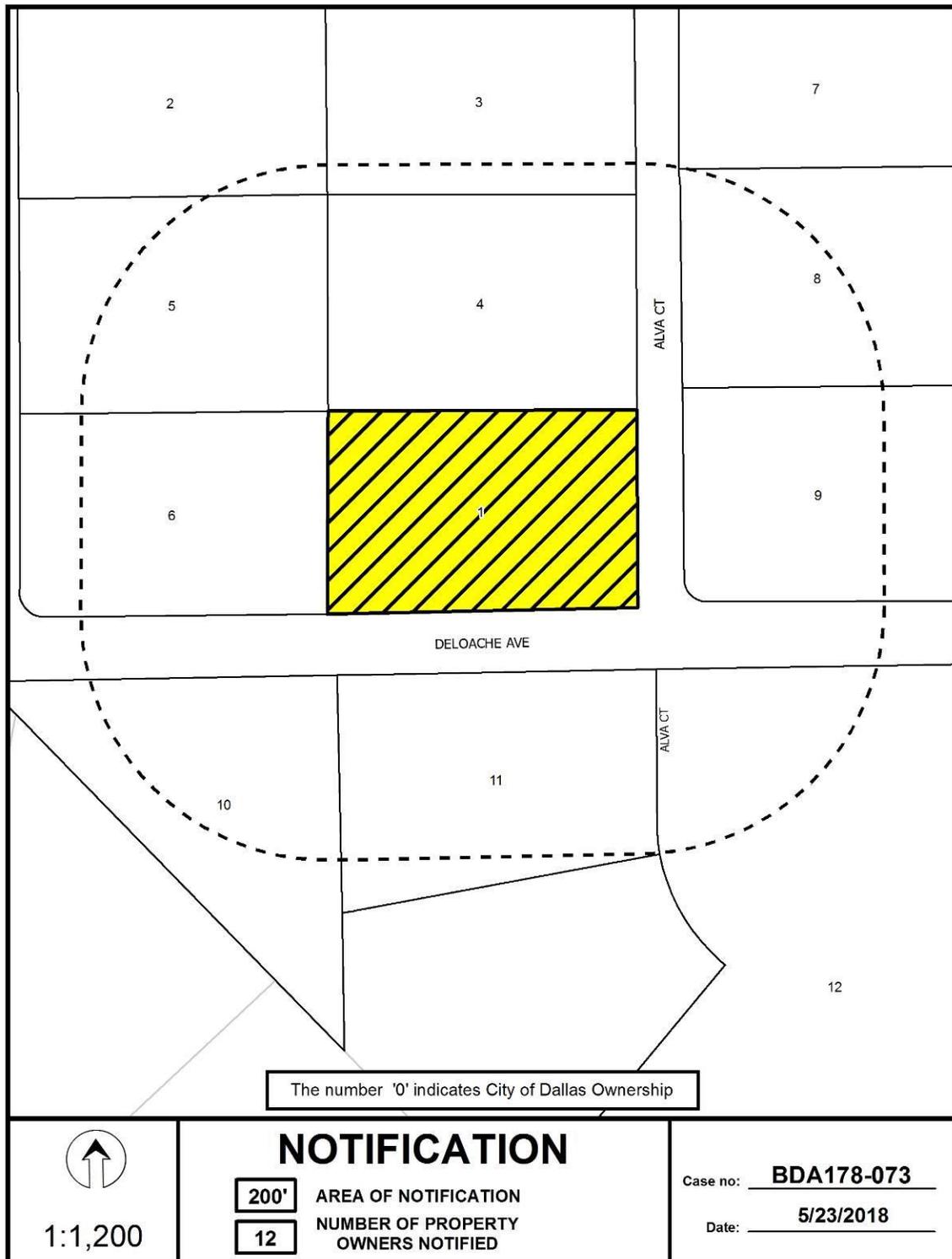


PLAN



ELEVATION

**1 FOUNTAIN ELEVATION AND PLAN**  
 SCALE: 1/4" = 1'-0"



## *Notification List of Property Owners*

***BDA178-073***

### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5333 DELOACHE AVE	KUMAR PANKAJ &
2	9436 MEADOWBROOK DR	JUNKINS MARILYN J &
3	5332 RAVINE DR	SAVOLDELLI FAMILY TRUST THE
4	9423 ALVA CT	LEDBETTER TERRY LEE &
5	9424 MEADOWBROOK DR	ROUSSOS CHRISTOPHER W &
6	9400 MEADOWBROOK DR	ACKERMAN EDWARD M EST OF
7	9434 ALVA CT	PICKENS TONI BRINKER
8	9422 ALVA CT	AARON TODD S & DAWN S
9	9410 ALVA CT	BIRENBAUM DENNIS H
10	5300 DELOACHE AVE	GOVER HERBERT C &
11	9398 ALVA CT	LANGDALE MARK
12	5424 DELOACHE AVE	CUBAN MARK