

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, NOVEMBER 14, 2016
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the October 17, 2016 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA156-107(SL)	5126 Monticello Avenue REQUEST: Application of Jeff Baron for a variance to the front yard setback regulations and for variances to the side yard setback regulations	1
BDA156-112(SL)	2311 Glencoe Street REQUEST: Application of Zach Baugh, represented by Eric Rodriguez, for a variance to the front yard setback regulations	2

REGULAR CASES

BDA156-114(SL)	4310 N. Central Expressway REQUEST: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations	3
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BDA167-002(SL)

4303 W. Lovers Lane

REQUEST: Application of Meredith Wallace for a variance to the building height regulations

4

EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

(Rev. 6-24-02)

FILE NUMBER: BDA156-107(SL)

BUILDING OFFICIAL'S REPORT: Application of Jeff Baron for a variance to the front yard setback regulations and for variances to the side yard setback regulations at 5126 Monticello Avenue. This property is more fully described as Lot 1, Block W/2191, and is zoned CD 9, which requires a front yard setback of 35 feet 2 inches and requires a side yard setback of 5 feet on the west side and 10 feet on the east side. The applicant proposes to construct a structure and provide a 42 foot 1 inch front yard setback, which will require a 6 foot 11 inch variance to the front yard setback regulations, to provide a 2 foot side yard setback on the west side, which will require a 3 foot variance to the 5 foot side yard setback regulations on the west side, and to provide an 8 foot side yard setback on the east side, which will require a 2 foot variance to the 10 foot side yard setback regulations on the east side.

LOCATION: 5126 Monticello Avenue

APPLICANT: Jeff Baron

REQUESTS:

The following requests are made on property developed with 1-story, single family home structure straddling a property line between the subject site and the lot to the east that the applicant proposes to replace with a 2-story single family home structure on the subject site:

- A variance to the maximum front yard setback regulations of 6' 11" is made to construct and maintain the structure to be located 42' 1" from the front property line or 6' 11" further back than or behind the required 35' 2" front yard setback.
- A variance to the side yard setback regulations of up to 3' on the west is made to construct and maintain the structure as close as 2' from the site's western side property line or as much as 3' into the site's 5' side yard setback on the west.
- A variance to the side yard setback regulations of 2' on the east is made to construct and maintain the structure 8' from the site's eastern side property line or 2' into the site's 10' side yard setback on the east.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval of the requests, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- Staff concluded that the variances should be granted because the subject site is unique and different from other lots in CD 9 by being of a restrictive area (only approximately 5,800 square feet - less than the typical lot size of 7,500 square feet typical in the zoning district, and according to the applicant, 20-26 percent smaller than the typical lot in the zoning district); and of an irregular shape (a lot shape which causes only a 12' 3" width for development at the required maximum front yard setback which, according to the applicant, is not large enough to meet the architectural features required by CD 9).
- Furthermore, staff concluded that the variances should be granted because the applicant provided information documenting that the proposed structure is commensurate with development found on other properties in CD 9 that are regular in shape and of typical size, more specifically, the applicant has provided information stating that the average home square footage of 12 properties in CD 9 is approximately 2,600 square feet slightly larger than that what is proposed on the site at approximately 2,200 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: CD 9 (Conservation District)
North: CD 9 (Conservation District)
South: CD 9 (Conservation District)
East: CD 9 (Conservation District)
West: PD 193 (Planned Development District)

Land Use:

The subject site is currently developed with a 1-story single family structure/use on a recognized building site that straddles a property line between the subject site and the lot to the east of the subject site. The areas to the north, south, and east are developed with single family uses; and the area to the west is US 75/North Central Expressway.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS (front yard):

- The request for a variance of 6' 11" to the maximum front yard setback regulations focuses on replacing an existing 1-story single family home on a recognized building site that straddles the property line between the subject site and the lot to the east with a 2-story home (with an approximately 1,100 square foot building footprint and approximately 2,200 square feet of HVAC space) located 42' 1" from the site's front property line or 6' 11" further back than or behind the required 35' 2" front yard setback.
- The subject site is zoned CD (Conservation District) 9.
- The subject site is located at the southeast corner of Monticello Avenue and the Central Expressway service road. The site has one front yard setback on Monticello Avenue.
- Front yard setbacks for main structures in CD 9 are as follows: The minimum front yard setback for the main structure is the average of the front yard setback of the two adjacent houses. The maximum front yard setback for main structures is the greater setback of the two adjacent houses.
- The Building Inspection Senior Plans Examiner/Development Code Specialist has stated that a determination has been made that the front yard setback on this property is 35' 2" which is the front yard setback of the only house adjacent to the subject site. (The property to the east of the subject site is developed with a single family home; the property to the west of the subject site is the US 75/Central Expressway service road).
- The applicant has submitted a revised site plan that represents that the proposed single family home structure is to be located 42' 1" from the front property line or 6' 11" further back than the 35' 2" required maximum front yard setback.
- The applicant has provided a document stating among other things that:
 1. the already restrictive shape of the lot was reduced by eminent domain when, in 1949, the State of Texas reduced the size of the lot from 7,700 square feet to 5,802 square feet;

2. typical lot widths in the neighborhood are between 50' – 60' providing 35' – 45' of buildable width where the subject site has a property frontage of approximately 23' (54 - 61 percent smaller than the standard lot) that without variance, the buildable width would be 12' 3" – not large enough to meet the architectural features required by CD 9;
 3. the subject site at 5,802 square feet is 20- 26 percent smaller than the typical lot area found in the zoning district;
 4. the typical lot shape is rectangular whereas the site is a polygon; and
 5. the average lot size of 12 other properties in CD 9 is 7,440 square feet (the site is 5,802 square feet) and the average home square footage of 12 properties in CD 9 is 2,558 (the site is 2,190).
- According to DCAD records, the “main improvement” at 5134 Monticello Avenue (which the applicant states is the address listed for the subject site on DCAD) is a structure built in 1935 with 995 square feet of living/total area; and with “additional improvements” listed as a 240 square foot attached garage.
 - The site is flat, irregular in shape (approximately 23' on the north; approximately 67' on the south; approximately 141' on the east; and approximately 140' on the west), and according to the application is 0.134 acres (or approximately 5,800 square feet) in area.
 - The site is zoned CD 9 where prior to its creation in 2002 was zoned R-7.5(A) where lots are typically 7,500 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 to front yard setback regulations 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 CD 9 zoning classification.
 - The variance to front yard setback regulations 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 CD 9 zoning classification.
 - If the Board were to grant the request for a variance to the front yard setback regulations and impose the applicant's submitted revised site plan as a condition, the structure in the front yard setback would be limited to that what is shown on this plan which in this case is a single family home structure to be located 42' 1' from the site's front property line or 6' 11" further back than the required 35' 2" front yard setback.

GENERAL FACTS /STAFF ANALYSIS (side yards):

- The requests for variances to the side yard setback regulations of up to 3' on the west and of 2' on the east focus on replacing an existing 1-story single family home on a recognized building site that straddles the property line between the subject site and the lot to the east of the subject site with a 2-story home (with an approximately 1,100 square foot building footprint and approximately 2,200 square feet of HVAC space) that is as close as 2' from the site's western side property line or as much as 3' into the site's 5' side yard setback on the west, and 8' from the site's eastern side property line or 2' into the site's 10' side yard setback on the east.
- The subject site is zoned CD (Conservation District) 9.
- The subject site is located at the southeast corner of Monticello Avenue and the Central Expressway service road. The site has one front yard setback on Monticello Avenue.
- Side yard setbacks for main structures in CD 9 are as follows: Except for houses located on Homer Street, the minimum front yard setback for main structure is 5' on the west side and 10' on the east side.
- The applicant has submitted a revised site plan that represents that the proposed single family home structure is to be located as close as 2' from the site's western side property line (or 3' into this 5' side yard setback) and 8' from the site's eastern side property line (or 2' into this 10' side yard setback).
- The applicant has provided a document stating among other things that:
 - 1) the already restrictive shape of the lot was reduced by eminent domain when, in 1949, the State of Texas reduced the size of the lot from 7,700 square feet to 5,802 square feet;
 - 2) typical lot widths in the neighborhood are between 50' – 60' providing 35' – 45' of buildable width where the subject site has a property frontage of approximately 23' (54- 61 percent smaller than the standard lot) that without variance, the buildable width would be 12' 3" – not large enough to meet the architectural features required by CD 9;
 - 3) the subject site at 5,802 square feet is 20- 26 percent smaller than the typical lot area found in the zoning district;
 - 4) the typical lot shape is rectangular whereas the site is a polygon; and
 - 5) the average lot size of 12 other properties in CD 9 is 7,440 square feet (the site is 5,802 square feet) and the average home square footage of 12 properties in CD 9 is 2,558 (the site is 2,190).
- According to DCAD records, the "main improvement" at 5134 Monticello Avenue (which the applicant states is the address listed for the subject site on DCAD) is a structure built in 1935 with 995 square feet of living/total area; and with "additional improvements" listed as a 240 square foot attached garage.
- The site is flat, irregular in shape (approximately 23' on the north; approximately 67' on the south; approximately 141' on the east; and approximately 140' on the west), and according to the application is 0.134 acres (or approximately 5,800 square feet) in area.

- The site is zoned CD 9 where prior to its creation in 2002 was zoned R-7.5(A) where lots are typically 7,500 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances to side yard setback regulations 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 CD 9 zoning classification.
 - The variances to side yard setback regulations 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 CD 9 zoning classification.
- If the Board were to grant the requests for variances to the side yard setback regulations and impose the applicant's submitted revised site plan as a condition, the structure in the side yard setbacks would be limited to that what is shown on this plan which in this case is a single family home structure to be located as close as 2' from the site's western side property line or as much as 3' into the site's 5' side yard setback on the west, and 8' from the site's eastern side property line or 2' into the site's 10' side yard setback on the east.

Timeline:

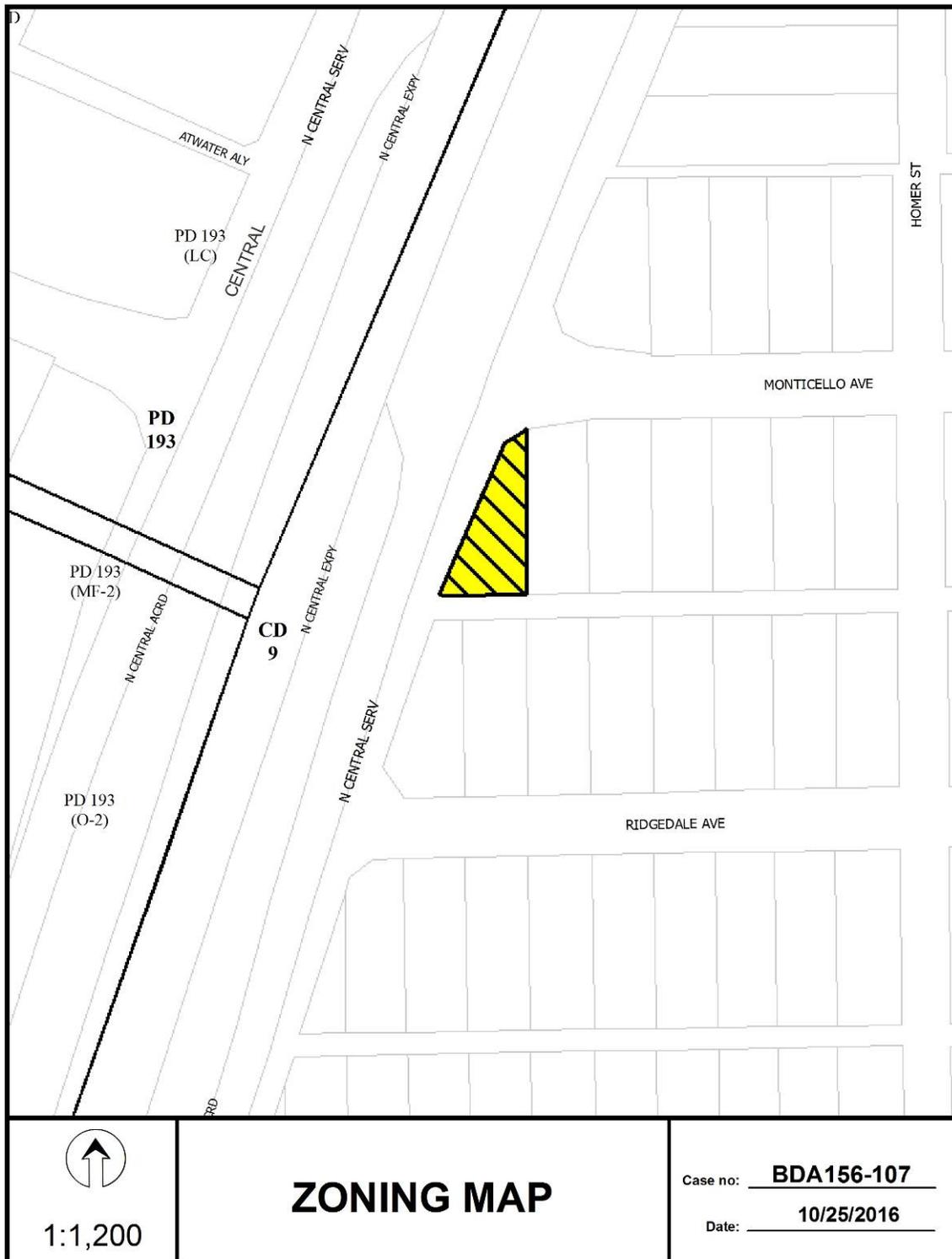
- August 30, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 10, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- October 10, 2016: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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."

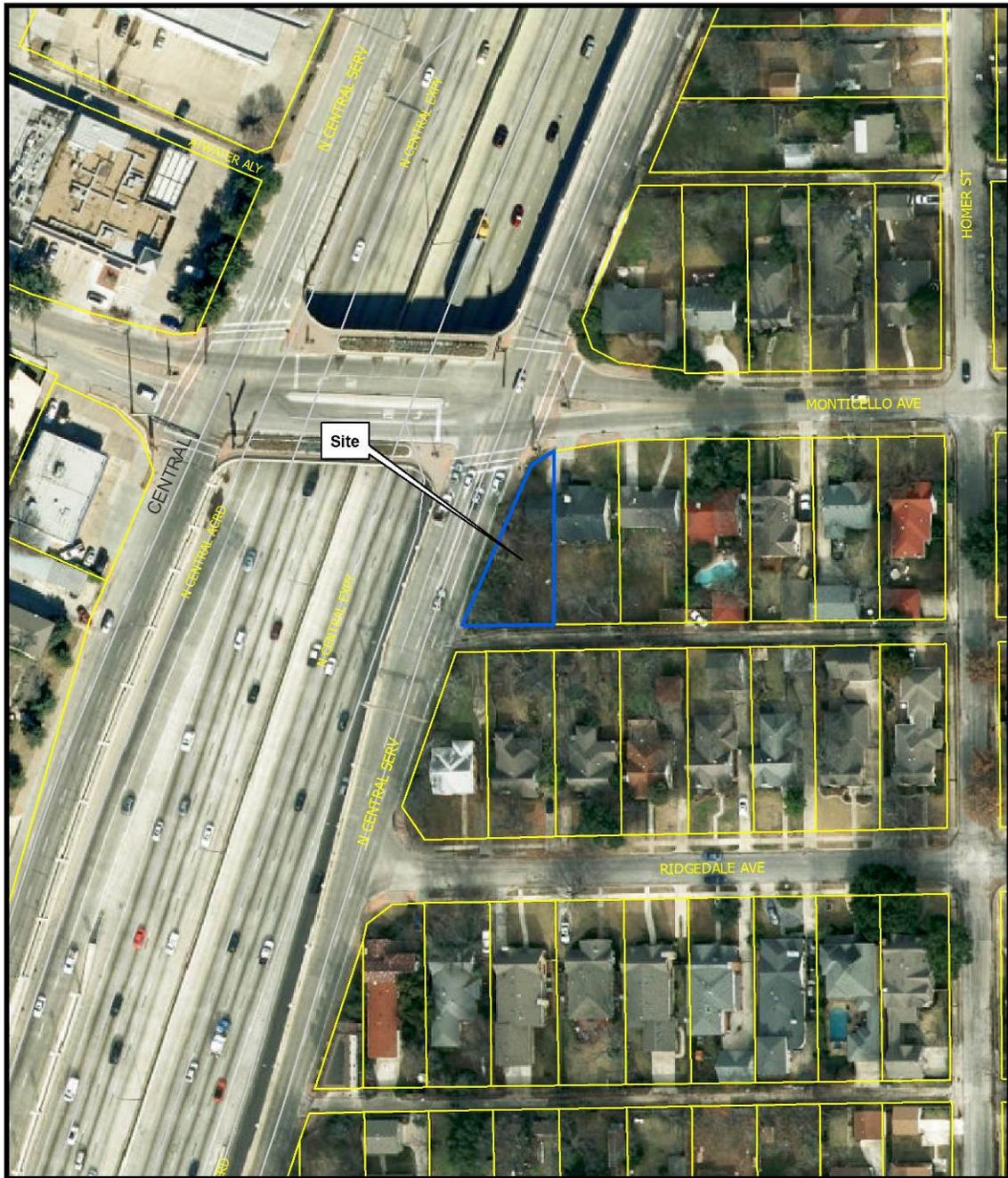
October 25 & 26,
2016:

The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, 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: BDA156-107

Date: 10/25/2016

We are applying for a variance to the front and side yard setbacks at 5126 Monticello to allow construction of a single family residence commensurate with the size and style of other homes within CD #9, MStreets.

The variance is necessary due to a hardship created by the restrictive area and shape of the lot, which differs from other parcels of land within the same area.

Hardship-

A hardship was created when the already restrictive shape of the lot was reduced by eminent domain. In 1949 the State of Texas reduced the size of the lot from 7700 Sq. ft to 5802 sq. ft. This land was used in the mid 1990's when central expressway was expanded. In November 2002, CD #9 was passed which implemented increased setback restrictions to require a 10' east setback, 5' west setback, and the front yard setback to be the average of the adjacent properties. Typical lot widths in the neighborhood are between 50'-60' providing 35'-45' of buildable width. Without a variance the buildable width of 5126 Monticello is 12'3". This is not large enough to meet the architectural features required by CD #9

Restrictive Area-

Typical Lots Range in frontage width from 50' to 60' and depths from 130' to 145'. The typical area of lots range from 7250 Sq. Ft. - 7800 Sq. Ft.

The subject property has a frontage of 23.21' which is 54%- 61% smaller than they standard lot

The Subject property has an area of 5802 sq. ft. which is 20%-26% smaller than the typical lot area.

Restrictive Shape-

The typical lot shape is rectangular with frontages between 50' and 60' and depths of 130' to 145'. Our property is a polygon, which is narrow on the front street and wide at the rear property line. As discussed above, the restrictive shape of the lot provides a buildable width of 12'3" given the zoning restrictions. At this width a house of similar characteristics is not able to be built. By providing a variance to the front yard setback, the house will be moved 6'11" further from Monticello. This in conjunction with the side yard variances requested provides a buildable width of 19' 9-1/2" and width to meet the architectural requirements of CD #9.

With the current variances requested the structure would encroach:

26 sq. ft. or 1.9% of the total slab area into the west 5' setback.

54 sq. ft. or 3.9% of the total slab area into the east 10' setback

Below is a table showing a selection of 12 properties located within CD #9. The table lists the property dimensions and lot size, as well as the size of the structure. The average Lot size of these 10 properties is 7440 sq. ft. and the average home size is 2558 sq. ft. Our proposed structure is 2190 sq. ft on a lot that is 5802 Sq. ft.

Sample Lot and Home Sizes in Greenland Hills, M Streets CD #9

Address	Lot Dim.	Lot Size	Home Sq. Ft		Yr Blt.
5142 Monticello Ave	50x145	7,250	2979	sq. ft	1924
5223 Monticello	50x145	7,250	3063	sq. ft	1930
5206 Monticello	50x145	7,250	2092	sq. ft	1930
5231 Monticello	50x145	7,250	2375	sq. ft	1928
5307 Mercedes	60x130	7,800	3181	sq. ft	1927
5239 Monticello	50x145	7,250	2509	sq. ft	1930
5242 Monticello	50x145	7,250	2468	sq. ft	1930
5302 Monticello	54x145	7,830	2131	sq. ft	1926
5609 Morningside	60x130	7,800	2017	sq. ft	1927
5302 Merrimac	57x130	7,410	2720	sq. ft	1929
5307 Monticello	53x145	7,685	2450	sq. ft	1930
5314 Monticello	50x145	7,250	2710	sq. ft	1930
	Average	7,440	2,558	sq. ft	

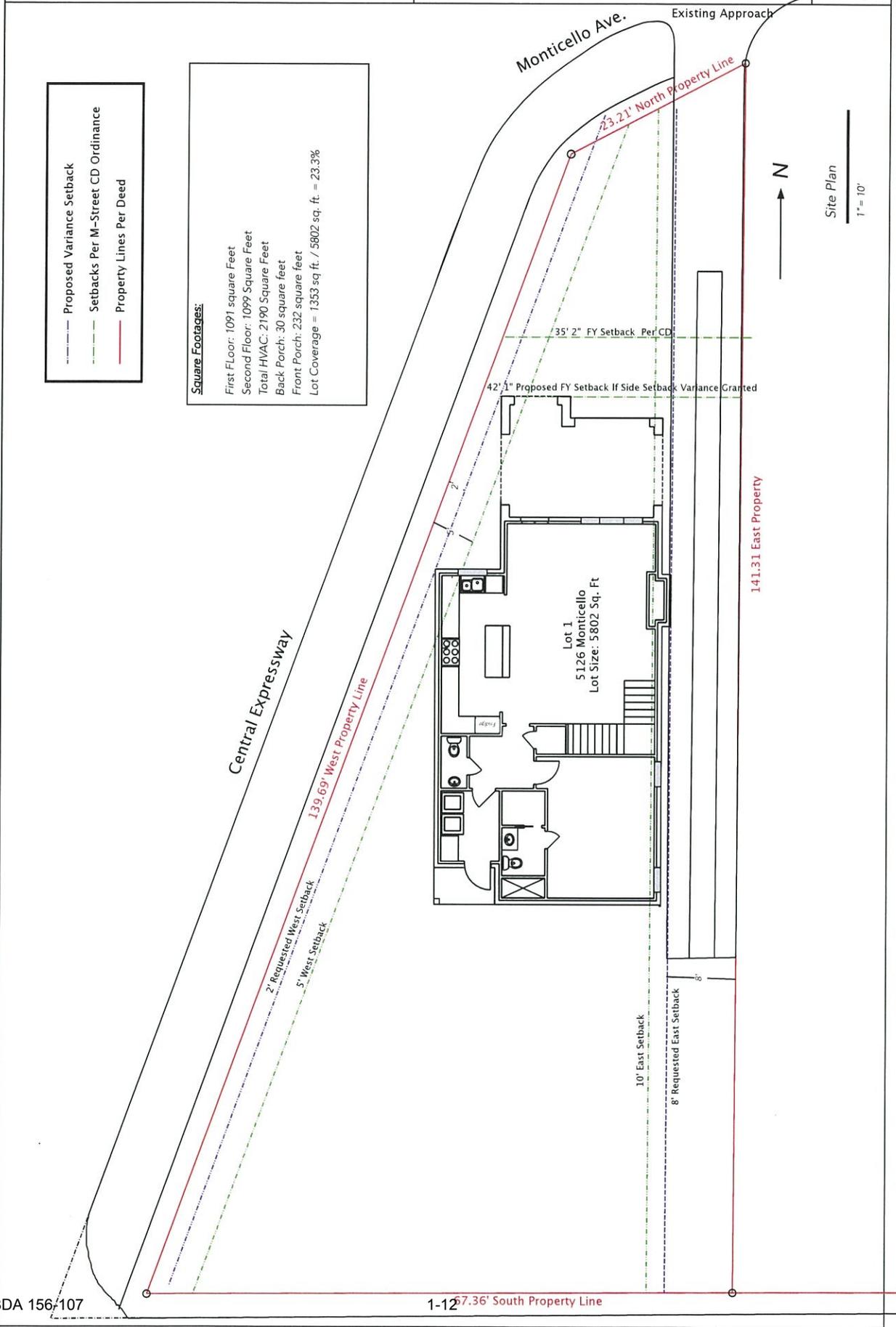
Lot Requesting Variance	Lot Size	Proposed Sq. Ft.
5126 Monticello- Current Size	5,802	2190

I believe that the above information supports that an undue hardship has been created by the restrictive area and shape of our lot requiring the variances we are requesting to develop the property with commensurate homes to the area.

New Residence:
5126 Monticello
Dallas, Tx 75206

Jeff Baron Homes
6203 Velasco Avenue
Dallas, Texas 75214
P: 214-256-5835 F: 214-206-1858

A1
8/16/16



Proposed Variance Setback
Setbacks Per M-Street CD Ordinance
Property Lines Per Deed

Square Footages:
First Floor: 1091 square feet
Second Floor: 1099 square feet
Total HVAC: 2190 square feet
Back Porch: 30 square feet
Front Porch: 232 square feet
Lot Coverage = 1353 sq. ft. / 5802 sq. ft. = 23.3%

BDA156-107
Attach A
P54

From: Cindy SBC cindy_whitaker@sbcglobal.net
Subject: RE: 5126 & 5130 Monticello
Date: September 29, 2016 at 10:30 PM
To: Jeff's Gmail jeffbaronhomes@gmail.com, tbthompson@aol.com
Cc: Greenland Hills Neighborhood greenlandhills@gmail.com, president@mstreets.org

Hello Jeff! I hope you are doing well.

I am sorry we did not get to have our board meeting on the 20th as many people could not attend, so I had to e-mail out your application and drawing to the board and allow them time to review and provide feedback.

I really want to thank you for reaching out to us and working with us on your plans. Although we would prefer that all requirements of the Conservation District are met we understand the difficulty here and appreciate you working with us to resolve many of the issues. I want to let you know that the GHNA Board will not be protesting your application. We look forward to seeing the entry off Monticello change for the better. If there are any questions as you start building or on any other sites you may work on please feel free to reach out.

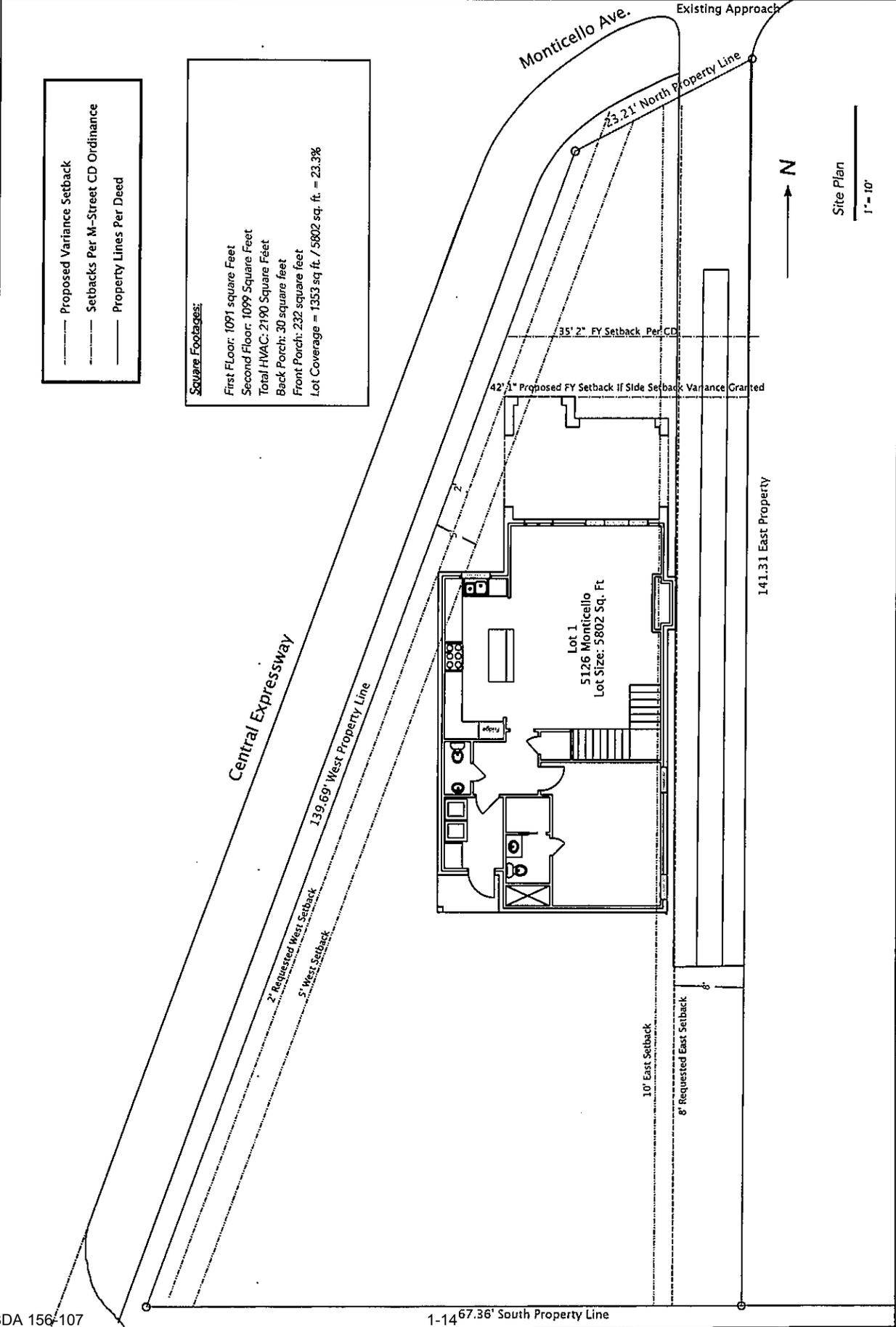
Thank you,

Cindy Klymov
President
Greenland Hills Neighborhood Association

New Residence:
5126 Monticello
Dallas, TX 75206

Jeff Baron Homes
6203 Velasco Avenue
Dallas, Texas 75214
P: 214-256-5835 F: 214-206-1838

A1
8/16/16



10-750



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-107

Data Relative to Subject Property:

Date: 8-30-16

Location address: 5126 Monticello Ave. Zoning District: CD9

Lot No.: L Block No.: W/2191 Acreage: .134 Census Tract: 3.00

Street Frontage (in Feet): 1) 23.21 2) 139.69 3) ~~67.35~~ 4) ~~141.31~~ 5) _____

SE 2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Stuart & Kathryn Qualia

Applicant: Jeff Baron Telephone: 214-256-5835

Mailing Address: 6203 Velasco Ave, Dallas, TX Zip Code: 75214

E-mail Address: jeff@jeffbaronhomes.com

Represented by: Jeff Baron Telephone: 214-256-5835

Mailing Address: 6203 Velasco Ave., Dallas TX Zip Code: 75214

E-mail Address: jeff@jeffbaronhomes.com

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

3x 3' variance on the West side yard
2' variance on the East side yard
6" variance on the front yard

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:

A variance is requested to compensate for this property's severely restricted overall area, buildable area and restrictive shape, which is not commensurate with the other properties within the same zoning district.

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

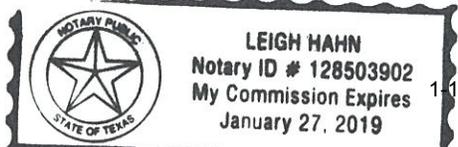
Before me the undersigned on this day personally appeared Jeff Baron
(Affiant/Applicant's name printed)

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 30 day of August, 2016

Leigh Hahn
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

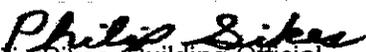
Building Official's Report

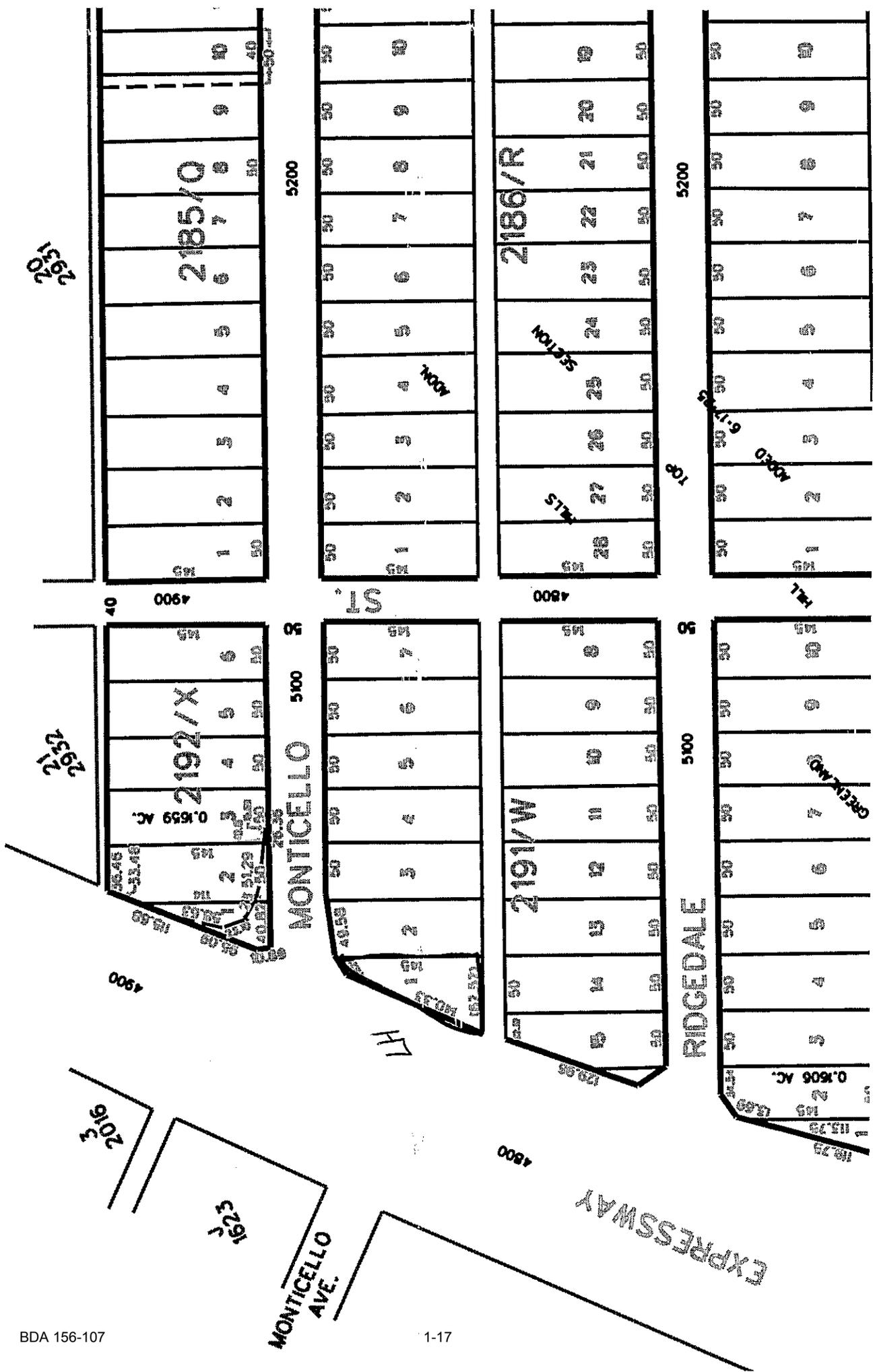
I hereby certify that Jeff Baron

did submit a request for a variance to the front yard setback regulations, and for variances to the side yard setback regulations
at 5126 Monticello Avenue

BDA156-107. Application of Jeff Baron for a variance to the front yard setback regulation: and for variances to the side yard setback regulations at 5126 Monticello Avenue. This property is more fully described as Lot 1, Block W/2191, and is zoned CD 9, which require: a front yard setback of 35 feet 2 inches and requires a side yard setback of 5 feet on the west side and 10 feet on the east side. The applicant proposes to construct a single family residential structure and provide a 42 foot 1 inch front yard setback, which will require a 6 foot 11 inch variance to the required 35 foot 2 inch front yard setback regulation, and to construct a single family residential structure and provide a 2 foot side yard setback on the west side, which will require a 3 foot variance to the 5 foot side yard setback regulation, and to provide an 8 foot side yard setback on the east side, which will require a 2 foot variance to the 10 foot side yard setback regulation.

Sincerely,


Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

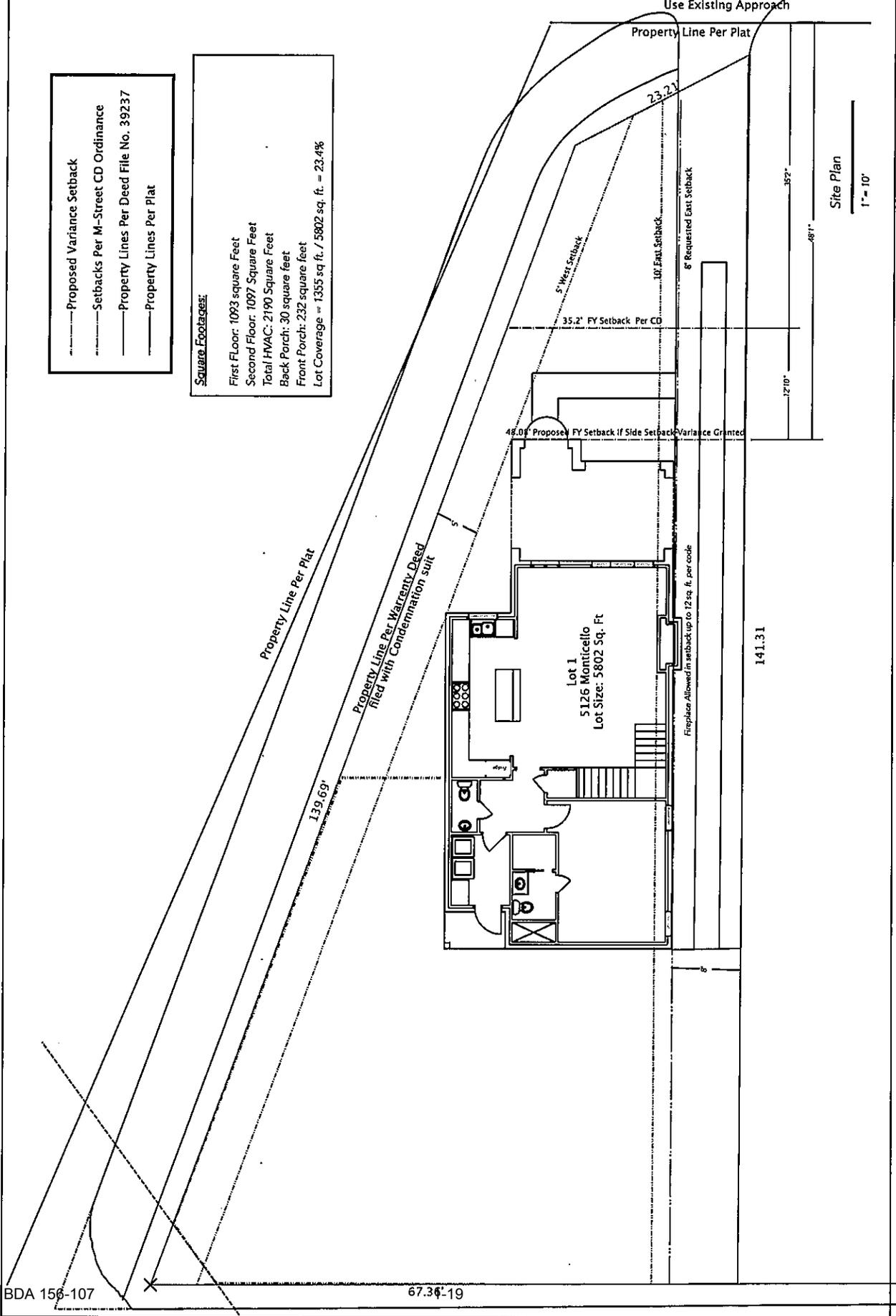
Legend

Locate Property



- Proposed Variance Setback
- Setbacks Per M-Street CD Ordinance
- Property Lines Per Deed File No. 39237
- Property Lines Per Plat

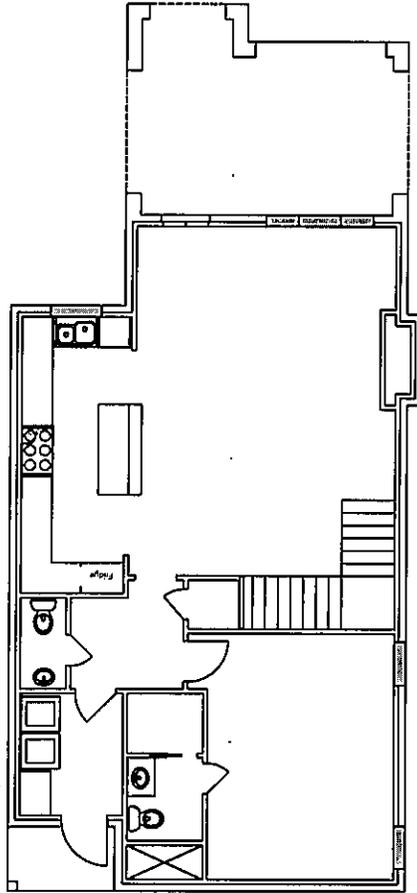
Square Footages:
 First Floor: 1093 square feet
 Second Floor: 1097 square feet
 Total HVAC: 2190 square feet
 Back Porch: 30 square feet
 Front Porch: 232 square feet
 Lot Coverage = 1355 sq. ft. / 5802 sq. ft. = 23.4%



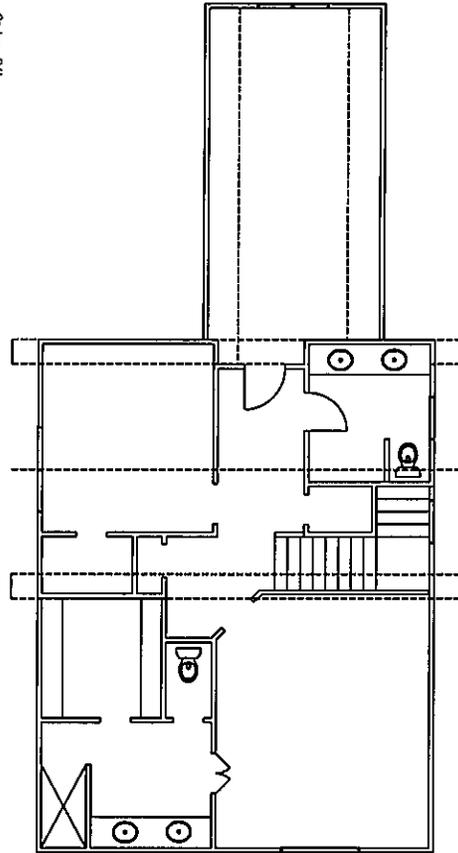
BDA 156-107

67.36'-19

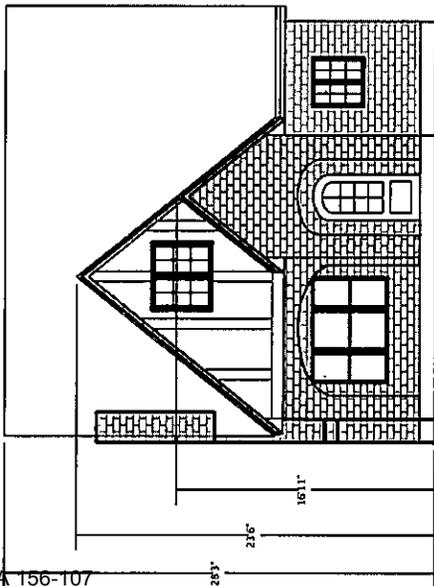
Site Plan
1" = 10'



First Floor
1/8" = 1'-0"

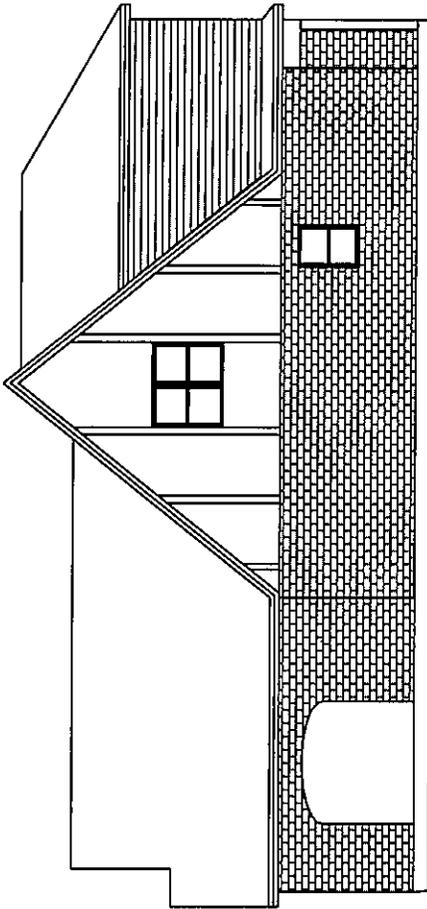


Second Floor
1/8" = 1'-0"

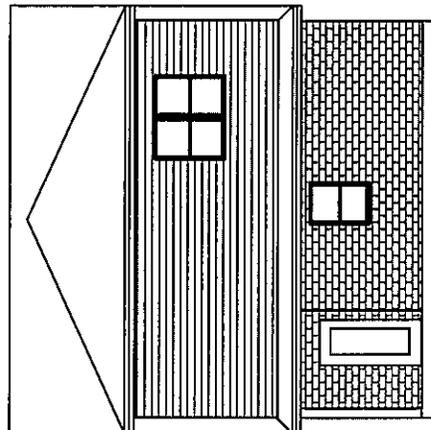


North Elevation
1/8" = 1'-0"

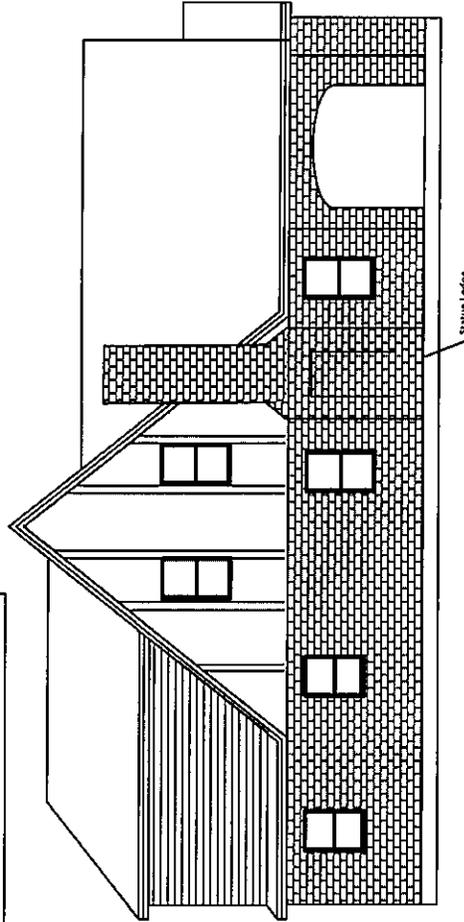
Optional Design Features:
 (1) Arched doorway which matches the shape of the front porch arches
 (2) Stucco with wood half-timbering in projecting front-facing gables.
 (3) Blond or Light-Colored Brick compatible with original houses.
 (4) Open-air front porch.



West Elevation
1/8" = 1'-0"



South Elevation
1/8" = 1'-0"



East Elevation
1/8" = 1'-0"





 1:1,200	NOTIFICATION		Case no: BDA156-107
	<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;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/25/2016	

Notification List of Property Owners

BDA156-107

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5130 MONTICELLO AVE	QUALIA STUART &
2	5134 MONTICELLO AVE	HENVEY JOHN SCOTT
3	5138 MONTICELLO AVE	ENGLISH RONNIE O
4	5142 MONTICELLO AVE	FERRIS PETER & CATHERINE D WATSON-FERRIS
5	5146 MONTICELLO AVE	RODRIGUEZ DIRK &
6	5143 RIDGEDALE AVE	SMITH WILLIAM
7	5139 RIDGEDALE AVE	BENDER KEVIN &
8	5135 RIDGEDALE AVE	HOPKINS MICA POWELL & MICHAEL HOPKINS
9	5131 RIDGEDALE AVE	WEST OLIN N & SHAUNA BETH
10	5125 RIDGEDALE AVE	LUECKEMEYER DOUGLAS ET AL
11	5123 RIDGEDALE AVE	YOUNG DIEDRA D
12	5135 MONTICELLO AVE	VALENZUELA RYAN N
13	5139 MONTICELLO AVE	GEE MELANIE
14	5143 MONTICELLO AVE	ESTES SONIA D

FILE NUMBER: BDA156-112(SL)

BUILDING OFFICIAL'S REPORT: Application of Zach Baugh, represented by Eric Rodriguez, for a variance to the front yard setback regulations at 2311 Glencoe Street. This property is more fully described as Lot 11, Block 4/1975, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a structure and provide a 20 foot front yard setback, which will require a 5 foot variance to the front yard setback regulations.

LOCATION: 2311 Glencoe Street

APPLICANT: Zach Baugh
Represented by Eric Rodriguez

REQUEST:

A request for a variance to the front yard setback regulations of 5' is made to complete and maintain a 3-story single family home structure, part of which is to be located as close as 20' from the front property line or as much as 5' into the 25' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the variance should be granted because the subject site is unique and different from other lots in R-7.5(A) by being of a restrictive area (only approximately 5,700 square feet – approximately 1,800 square feet less than the typical lot size of 7,500 square feet typical in the zoning district; and of an irregular shape.
- Staff concluded that the variance should be granted because the applicant provided information documenting that the proposed structure is commensurate with development found on other properties in R-7.5(A) that are regular in shape and of typical size, more specifically, the applicant has provided information stating that the average living space square footage of 5 properties in R-7.5(A) is approximately 3,300 square feet, slightly larger than that what is proposed on the site at approximately 3,100 square feet.
- Lastly, staff concluded that granting the variance in this application would not be contrary to the public interest since only a very small part of the structure (an approximately 25 square foot triangular area) would be located in the front yard setback, and that the variance is only required/requested because the 2nd and 3rd floor balconies that are a part of this structure in the front yard setback projecting up to five feet into the required front yard cannot be interpreted as “cantilevered” since these balconies are enclosed/connected by support walls on either side of them.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single family residential 7,500 square feet)
- North: R-7.5(A) (Single family residential 7,500 square feet)
- South: R-7.5(A) (Single family residential 7,500 square feet)
- East: CD 15 (Conservation District)
- West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

The subject site is being developed with a single family home structure. The areas to the north, east, south, and west are developed with residential 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 variance to the front yard setback regulations of 5' focuses on completing and maintaining a 3-story single family home structure with a building footprint of approximately 610 square feet and approximately 3,100 square feet of living area, part of which (two balconies with support walls on either side of them) is

to be located as close as 20' from the front property line or as much as 5' into the 25' front yard setback.

- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The minimum front yard provisions in the Dallas Development Code states the following:
 - Required front yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.
- A scaled site plan has been submitted indicating that the “overhang of second and third floor balconies” structure is located as close as 20' from the front property line or as much as 5' into this 25' front yard setback.
- The Building Inspection Senior Plans Examiner/Development Code Specialist has stated that the proposal in this case requires variance to the front yard setback regulations because the 2nd and 3rd floor balconies that are a part of this structure in the front yard setback projecting up to five feet into the required front yard cannot be interpreted as “cantilevered” since these balconies are enclosed/connected by support walls on either side of them.
- The applicant’s representative has submitted a document showing that the average total living area of 5 other properties zoned R-7.5(A) is 3,309 square feet and that the total living area of the structure on the site is 3,111 square feet.
- According to DCAD records, the “main improvement” for property addressed at 2311 Glencoe Street is a structure built in 2016 with 2,920 square feet of living/total area with the following “additional improvements”: an “unassigned” frame deck.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.13 acres (or approximately 5,700 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area. The subject site is about 1,800 square feet smaller than most lots in this zoning district.
- 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-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located as close as 20’ from the site’s front property line (or as much as 5’ into the 25’ front yard setback).
- The applicant’s representative has written that they are amenable to any condition the board would want to impose which would prohibit future use that would preclude the balconies in the front yard setback from being converted into enclosed living space.

Timeline:

September 14, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 10, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

October 10, 2016: The Board Administrator emailed the applicant’s representative the following information:

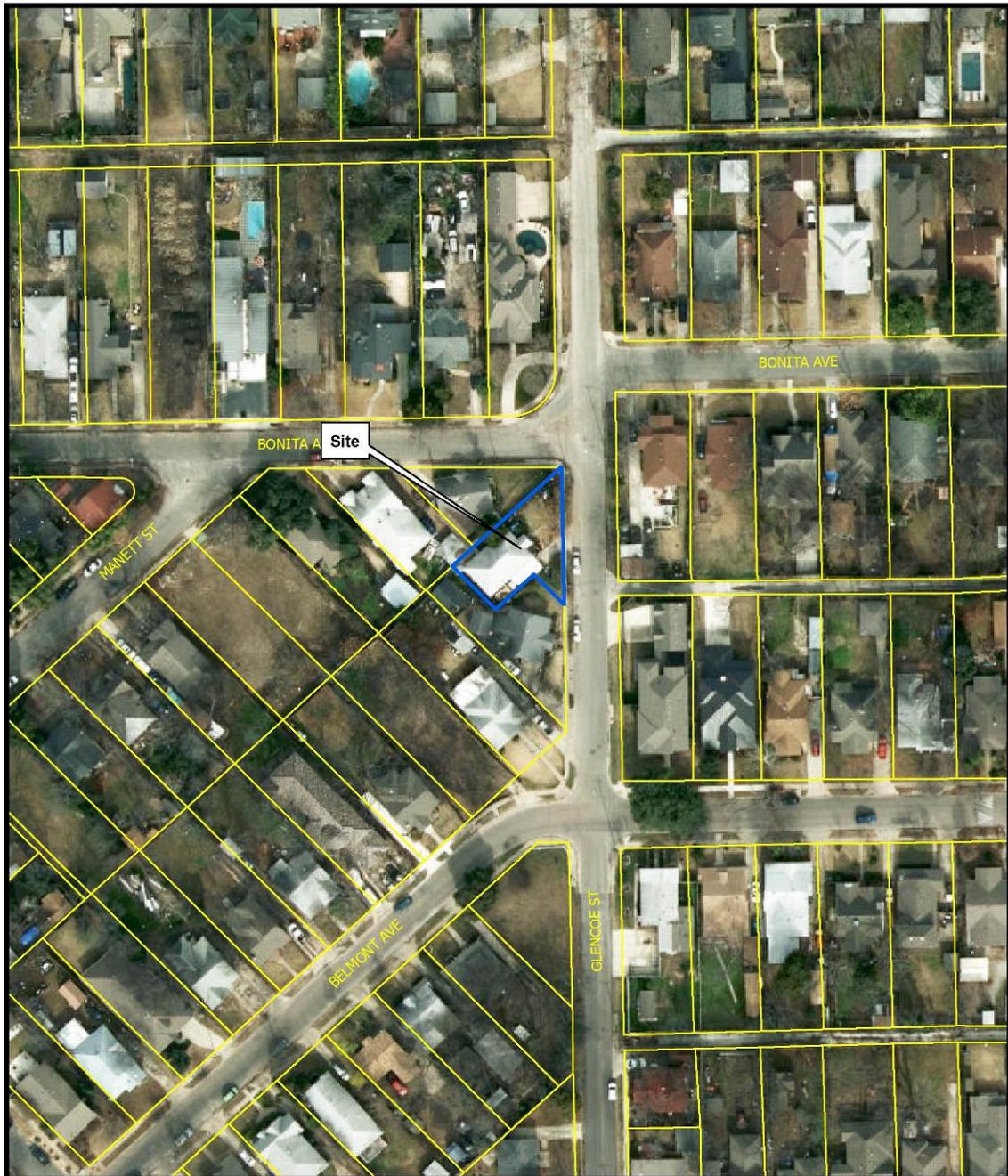
- an attachment that provided the public hearing date and panel that will consider the application; the October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- 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.”

October 26, 2016: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, 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: BDA156-112

Date: 10/25/2016

BDA156-112

Attach A PSI

Long, Steve

From: e.rodriquez@dicamniconsulting.com
Sent: Wednesday, October 26, 2016 10:31 AM
To: Long, Steve
Subject: revise letter with plans for Glencoe
Attachments: Glencoe Variance Letter.pdf; 2311 Glencoe St.-1 SITE.pdf; 2311 Glencoe St.-2 FLOOR.pdf

Good mourning Steve,

I amended a two plans that better explain what it is exasctly we are asking for as well the change in wording in the letter. Please let me know if this is any better. Again thanks for all your help.

Sincerely,

Eric

2311 Glencoe St Dallas, TX. 75206

Project: 2311 Glencoe St. Dallas, TX. 75206	Owners: Baugh Harbor Series LLC. 5810 Kenwood Ave. Dallas, TX. 75206	Consulting Firm: Dicamni Consulting 1001 N. Bishop Ave. Dallas, TX. 75208	Project Details: Henderson Addition Blk 4/1975 NE PT LT 11
--	--	---	--

Dear Board Members,

I am writing in regards to the above-mentioned address for our request for a variance on the second & third story balcony area, which protrudes into the front yard setback. We have an approved building permit as well as multiple green tags for the structure, electrical and foundation.

Per the City of Dallas building codes, the enclosed portion of the wall connected to balcony of the southeast side of the second & third floor of the building protrudes into the front building set back. The actual foot print of the structure follows the building setbacks.

The property does commensurate with square footage of other properties in the same zoning district. The properties below show that we conform to the same standards and that we are not over building our structure. The listed sq. footage of the lot in a (R7.5) zoning is 7,500 sq. ft. Our property is listed at 4,809 sq. ft. Due to not having a normal lot square footage & size of lot for an (R7.5) zoning. We would like to submit an amended set of architectural designs, which better illustrates the variance which we are applying for. I would like to stress to the board that we like to add any conditions necessary for the variance approval, which prohibits future use to modify the balcony into living space for any reason at all. Below is a table and photos to better help you understand.

PROPERTY TABLE				
Address	Zoning	Living Space	Lot Area sq.ft	PROPERTY ADD
5403 Belmont Ave.	R 7.5	3,902	8,064	Vickery Place
5247 Bonita Ave	R 7.5	3,114	9,800	Vickery Place
2035 Cullen Ave	R 7.5	2,465	7,950	Ross Ave.
5353 Bonita Ave	R 7.5	3,754	9,800	Vickery Place
Totals		13,235		
Total living Area Average		3,309		
PROJECT ADDRESS TABLE				
Address	Zoning	Living Space sq.ft.	Lot Area sq.ft.	Property ADD.
2311 Glencoe St	R 7.5	3,111 sq.ft.	4,809	Henderson
Totals		3,111 sq.ft.		
Total Living Area Average		3,111 sq.ft		

BDA 156-112

Attach A

PS 3

2311 Glencoe St Dallas, TX. 75206

Description	Photo
Cantilever protruding in to front yard set back	



BDA 156-112
Attachment #4

2311 Glencoe St Dallas, TX. 75206





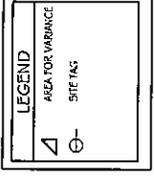
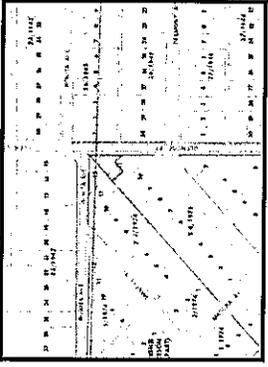
DICAMINI CONSULTING
1001 N RISHOP AVE
DALLAS, TX 75208
(214) 848,0040 OFFICE

Project address:
2311 GLENCOE ST
DALLAS, TX 75206

Job no.: 4720
Issue date: 10/20/16
Drawn by: AE
Checked by: EP
Issued for:

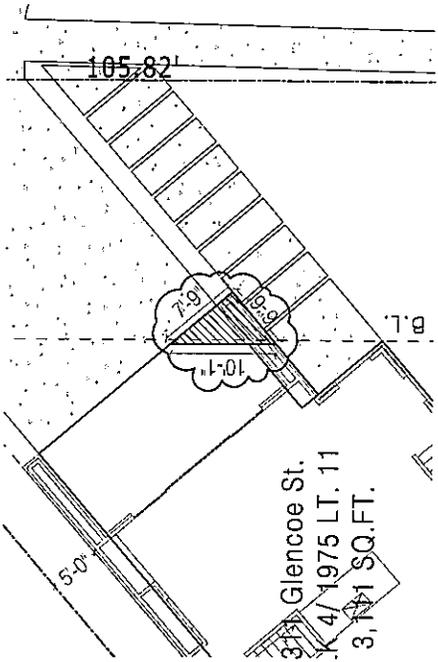
Sheet title:
SITE PLAN

Sheet no.:
1

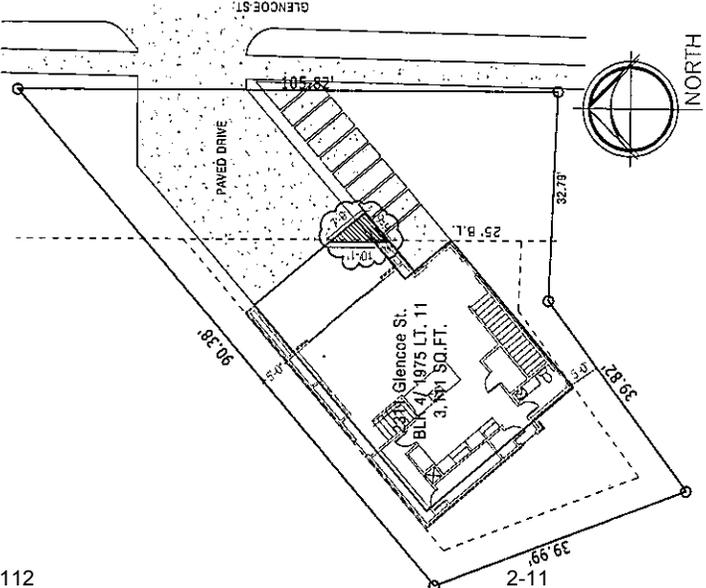


- PROJECT NOTES:**
- BALCONY WILL NOT BE ABLE TO BE CONVERTED TO LIVING SPACE AS PART OF THE CONDITION OF VARIANCE APPROVAL.
 - REFERENCE TABLE IS TO SHOW OTHER PROPERTIES IN DIFFERENT ADDITIONS & IN SAME ZONING DISTRICT AS OUR PROPERTY.
 - VARIANCE IS FOR THE AREA OF THE 2ND & 3RD FLOOR BALCONY PROTRUDING INTO FRONT YARD SET BACK.

PROPERTY ADDRESS	ZONING DISTRICT	LIVING AREA SQ.FT.	PROPERTY AREA	PROPERTY
2311 GLENCOE ST.	R 7.5A	3,111	4,869	REBERSON
TOTALS		3,111	4,869	
TOTAL LIVING AREA AVERAGE				



PROPERTY ADDRESS	ZONING DISTRICT	LIVING AREA SQ.FT.	PROPERTY AREA	PROPERTY ADD.
5403 BEDOUIN AVE.	R 7.5A	3,362	8,264	VICKERY
5247 BONITA AVE.	R 7.5A	3,114	9,800	PACIFIC PARK
2035 COLLETT AVE.	R 7.5A	2,465	7,950	ROSS AVE
5053 BONITA AVE.	R 7.5A	3,754	9,800	VANNEY PARK
TOTALS		13,235		
TOTAL LIVING AREA AVERAGE			3,309	

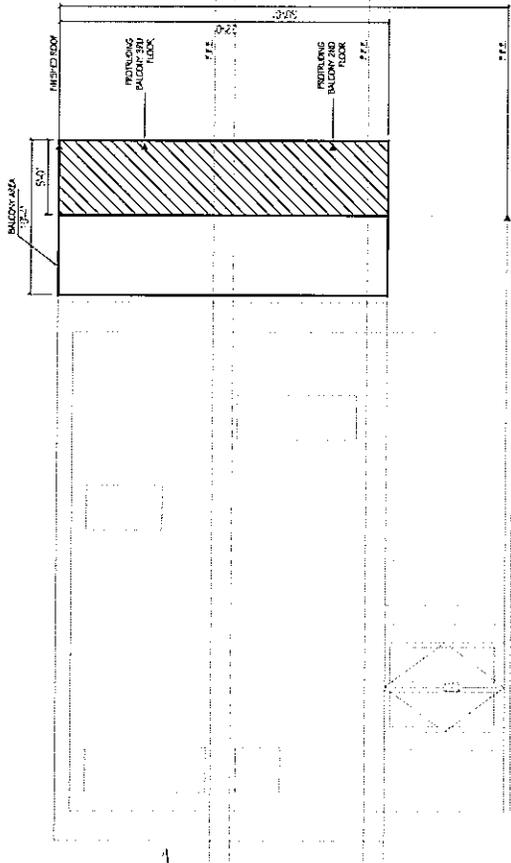


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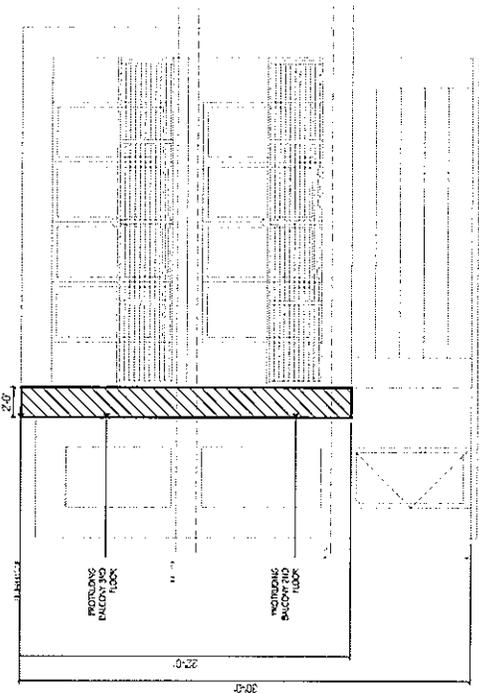
DICAMINI CONSULTING
 1001 N BISHOP AVE
 DALLAS, TX 75208
 (214) 848-0040 OFFICE

Project address:
 2311 GLENCOE ST
 DALLAS, TX, 75206
 HENDERSON ADDITION
 BK: 41875
 LOT: NE PT LOT 11
 JOB NO: A700
 Issue date: 10/20/15
 Drawn by: AE
 Checked by: ER
 Issued for:

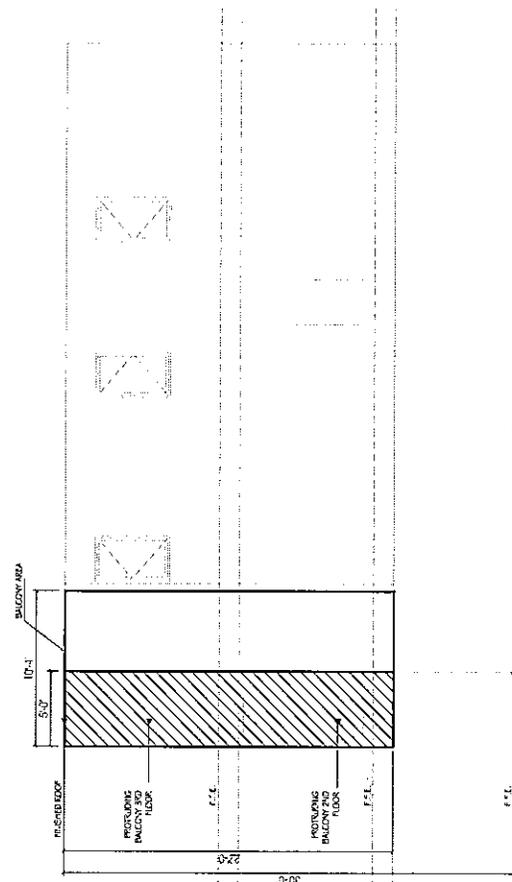
Sheet title:
ELEVATION & ROOF
 Sheet no.: **2**



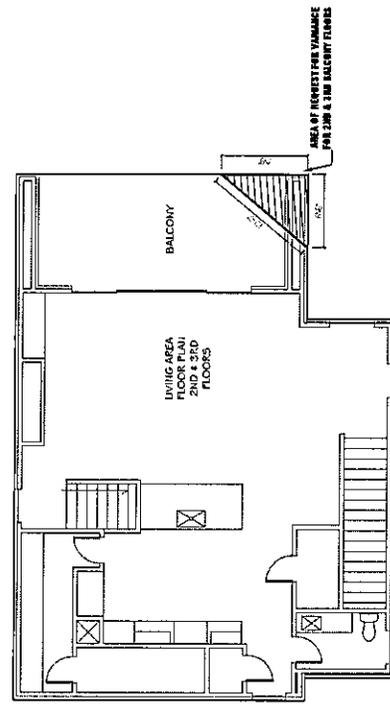
1 FRONT ELEVATION
 Scale: 1/8"=1'-0"



2 RIGHT ELEVATION
 Scale: 1/8"=1'-0"



3 LEFT ELEVATION
 Scale: 1/8"=1'-0"



4 TOP VIEW
 Scale: 1/8"=1'-0"

NOTE:
 TOP VIEW OF HOUSE TO SHOW THE AREA OF THE BALCONY WHICH PROTRUDES INTO THE FRONT YARD SET BACK



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-112

Data Relative to Subject Property:

Date: 09-14-16

Location address: 2311 Glenroe ST Zoning District: R-75(A)

Lot No.: 11 Block No.: 4/1975 Acreage: .13 Census Tract: 10.02

Street Frontage (in Feet): 1) 90' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

SE24

Owner of Property (per Warranty Deed): Zach Baugh

Applicant: Zach Baugh Telephone: 214 980-3433

Mailing Address: 5810 Kenwood Ave. Dallas, TX Zip Code: 75206

E-mail Address: kbaugh@briggsfreeman.com

Represented by: Eric Rodriguez Telephone: 214 948 0040

Mailing Address: 1001 N. Bishop Ave #8 Dallas Zip Code: 75208

E-mail Address: e.rodriguez@dicamniconsulting.com

Affirm that an appeal has been made for a Variance or Special Exception , of ~~the protrusion of front balcony into front yard side back~~ 5 feet to

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: Due to the size & shape of the property, the front balcony protrudes over the 25ft front yard building set back in the front of the property.

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

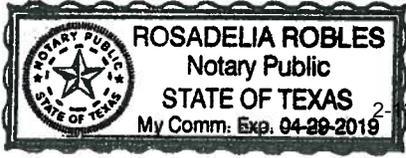
Before me the undersigned on this day personally appeared Zach Baugh (Affiant/Applicant's name printed)

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 14 day of September, 2016

Rosadela Robles 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 Zach Baugh
represented by Eric Rodriguez
did submit a request for a variance to the front yard setback regulations
at 2311 Glencoe Street

BDA156-112. Application of Zach Baugh represented by Eric Rodriguez for a variance to the front yard setback regulations at 2311 Glencoe Street. This property is more fully described as Lot 11, Block 4/1975, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 20 foot front yard setback, which will require a 5 foot variance to the front yard setback regulation.

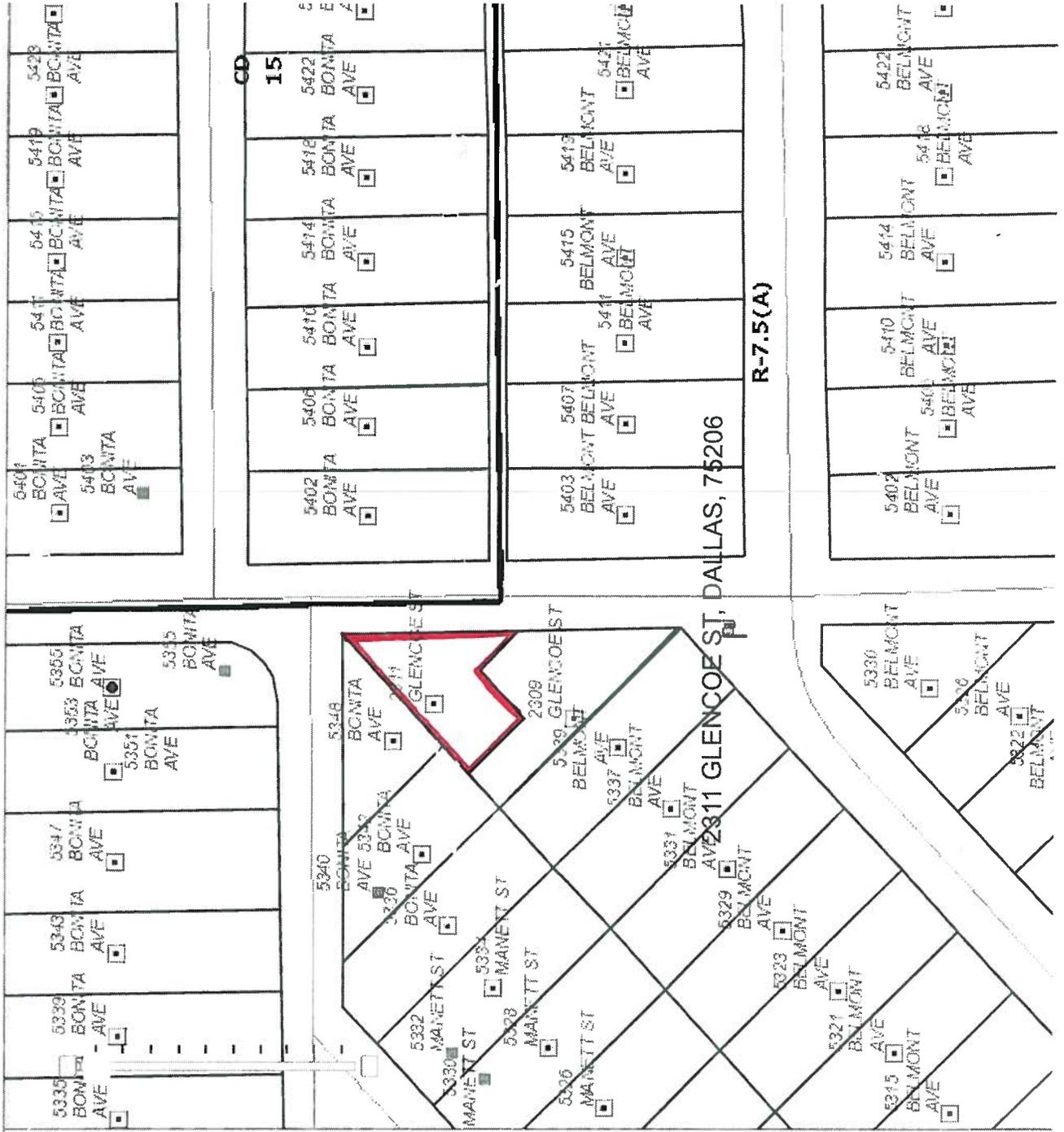
Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend



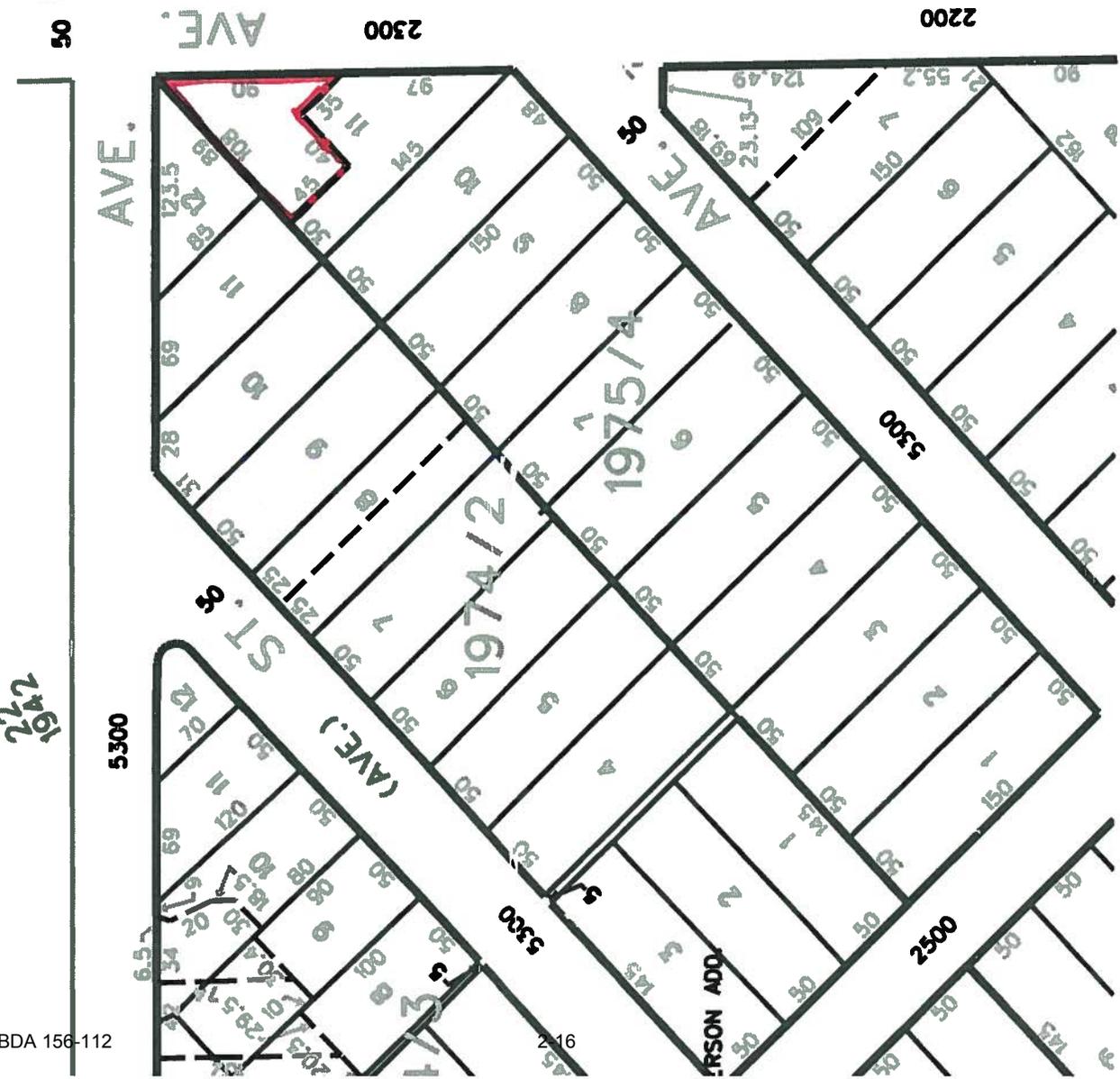


A.C.

1945

1946

BELMONT AVE.



SHEET INDEX

ARCHITECTURAL 12.01.2014	A1.01	SITE PLAN
12.01.2014	A2.01	FIRST FLOOR PLAN
12.01.2014	A3.01	SECOND FLOOR PLAN
12.01.2014	A2.02	THIRD FLOOR PLAN
12.01.2014	A3.02	EXTERIOR ELEVATIONS
12.01.2014	A4.01	BUILDING SECTIONS
12.01.2014	A5.01	DOOR SCHEDULE
12.01.2014	A5.02	WINDOW SCHEDULE
12.01.2014	A6.01	ROOF PLAN
ELECTRICAL 12.01.2014	E1.01	FIRST FLOOR ELECTRICAL LIGHT
12.01.2014	E1.02	SECOND FLOOR ELECTRICAL LIGHT
STRUCTURAL 12.01.2014	S1.01	FOUNDATION PLAN

PROPERTY ADDRESS

2311 GLENCOE STREET
DALLAS, TX 75226

ZONING INFORMATION

R-7.5A) - SINGLE FAMILY 7,500 SQUARE FEET DISTRICT

LOT COVERAGE & SETBACKS

LOT AREA: 87 x 107 (Irregular)
4274.2 SQ.FT.
FRONT SETBACK: 25'-0"
SIDE SETBACKS: 5'-0"
REAR SETBACK: 5'-0"
MAXIMUM LOT COVERAGE: 45%
ALLOWABLE LOT COVERAGE: (45% x 4274.2) = 1923.36 SQ.FT.
ACTUAL LOT COVERAGE: 1188 SQ.FT.

BUILDING HEIGHT

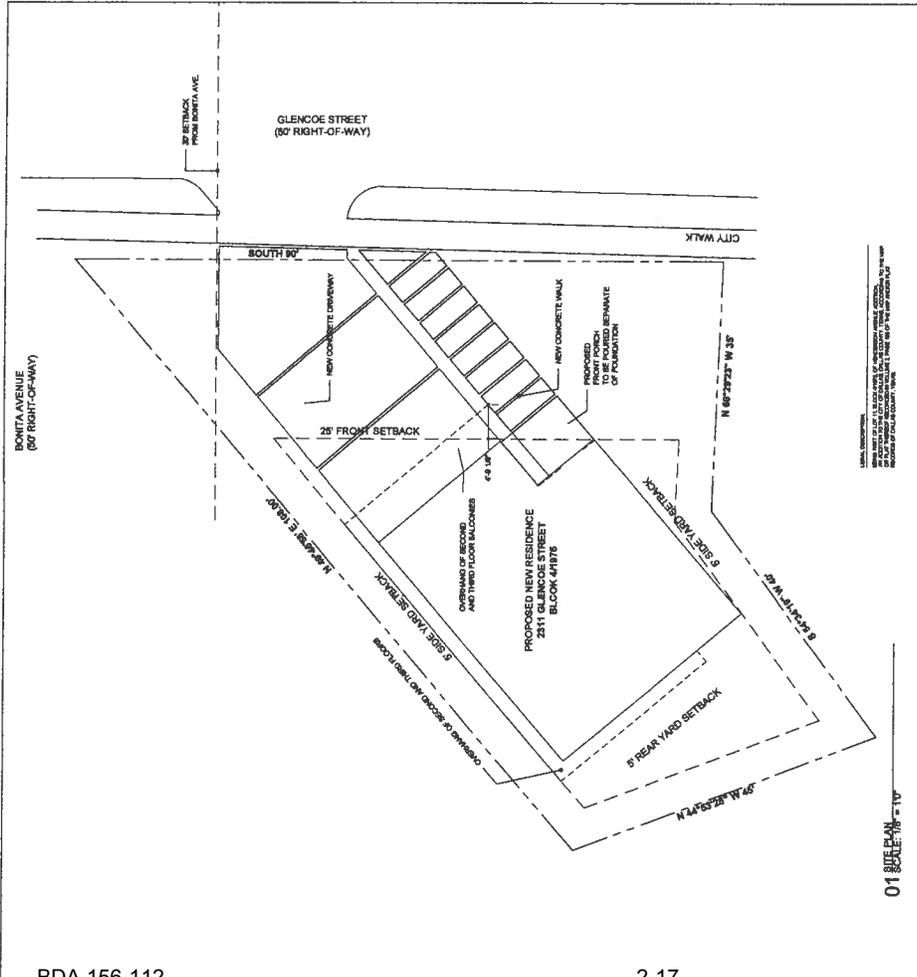
MAXIMUM BUILDING HEIGHT: 30'-0"

AREA TABULATIONS

FIRST FLOOR: 609 SQ.FT.
SECOND FLOOR: 1251 SQ.FT.
THIRD FLOOR: 552 SQ.FT.
GARAGE: 58 SQ.FT.
PATIO: 58 SQ.FT.
BALCONIES: 520 SQ.FT.
TOTAL UNDER ROOF: 4218 SQ.FT.

GREEN REVIEW

AS LISTED OR SIMILAR RATED
LG DISHWASHER MODEL NUMBER LD640211HW ENERGY STAR RATING 82% GALLONS PER CYCLE 3.4
ALL LAVATORY FAUCETS IN THE BUILDING ARE TO BE AT A FLOW RATE OF 1.5 GPM OR LESS
ALL SHOWERHEADS IN THE BUILDING ARE TO BE AT A FLOW RATE OF 1.75 GPM OR LESS
ALL TOILETS IN THE BUILDING ARE TO BE AT A FLUSH RATE OF 1.28 GPF
DRIP IRRIGATION EMITTERS WILL BE USED IN ALL BEDDING AREAS OF THE LANDSCAPE PLAN IN ADDITION TO THE PARKWAY AREA OF THE LOT.



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

**NOVO DEVELOPMENT AND CONSTRUCTION
HENDERSON AVENUE**

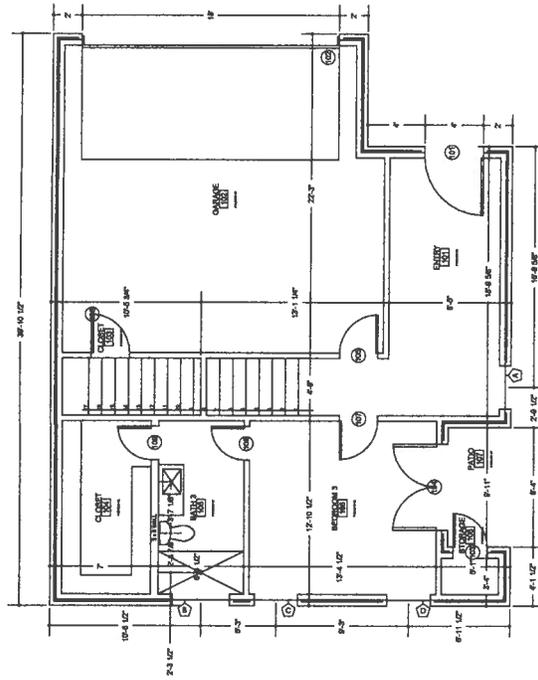
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GC_2311-01

01.06.2016

Site Plan

A1.01



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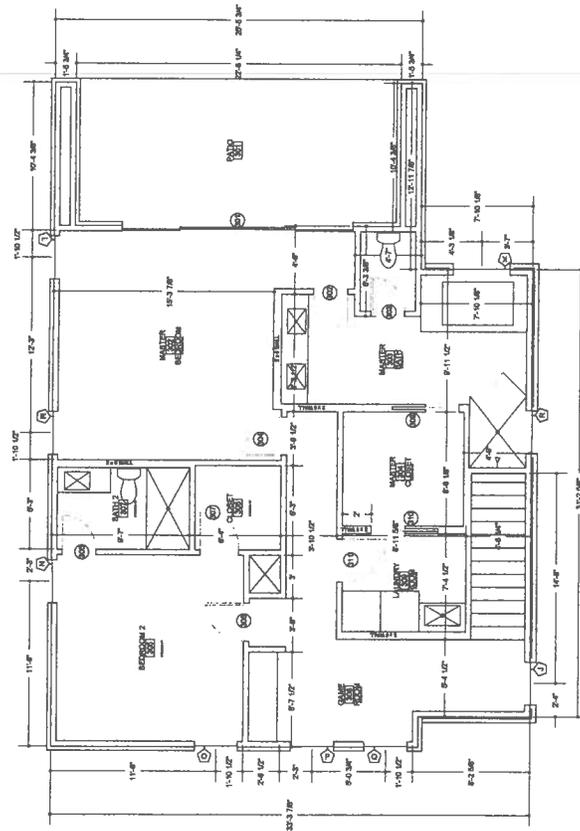
GC_2311-01

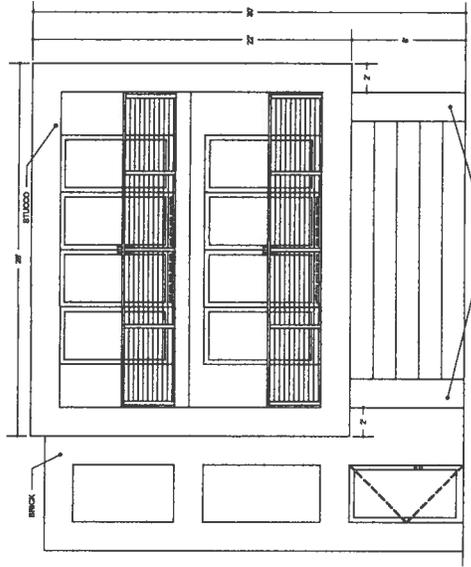
01.06.2016

First Floor Plan

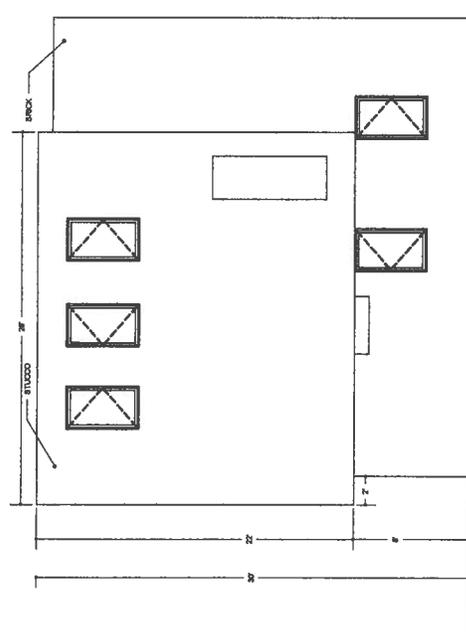
A2.01

01 FIRST FLOOR PLAN





01 EAST ELEVATION (FRONT)



02 WEST ELEVATION (REAR)

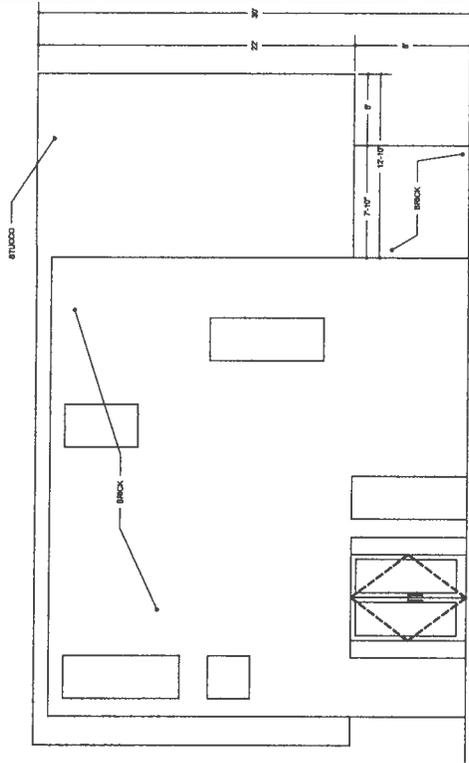
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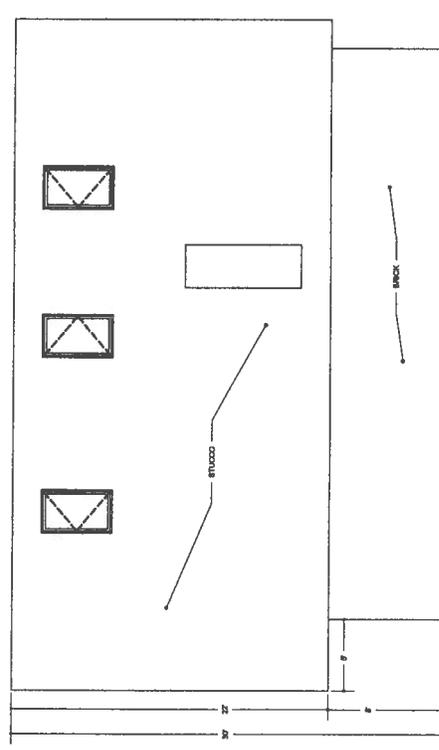
01.06.2016

Elevations

A3.01



01 NORTH ELEVATION



02 SOUTH ELEVATION



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

30

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-112**

Date: **10/25/2016**

Notification List of Property Owners

BDA156-112

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2311 GLENCOE ST	BAUGH HARBOR SERIES G LLC
2	5353 BONITA AVE	FUNDERBURK JEFFREY A &
3	5351 BONITA AVE	HERNANDEZ FRANCISCO &
4	5347 BONITA AVE	GRANT DEIRDRE
5	5343 BONITA AVE	CABRERA JOSE & NOREEN
6	5339 BONITA AVE	BOSO JASON
7	5411 BONITA AVE	BENNETT SARAH
8	5405 BONITA AVE	STRICKER PETER
9	5401 BONITA AVE	SANCHEZ FRANK
10	5402 BONITA AVE	GAYTAN RICARDO
11	5406 BONITA AVE	LOZANO ERNEST
12	5410 BONITA AVE	COUNCE MEREDITH &
13	5414 BONITA AVE	FERNANDEZ ESPERANZA
14	5415 BELMONT AVE	VECCHIO ROBERT F TRUST
15	5411 BELMONT AVE	ZUNIGA JORGE & ROSALBA
16	5407 BELMONT AVE	KUPRYCZ CHRISTOPHER P &
17	5403 BELMONT AVE	CLOUD C L
18	5402 BELMONT AVE	HERNANDEZ J GUADALUPE
19	5334 MANETT ST	RAGHU MONIKA & CARL BANZHOF
20	5336 BONITA AVE	CARLSON WAYNE R
21	5342 BONITA AVE	LAKIS GUS & ZEYING
22	5348 BONITA AVE	MCCLESKEY CHELSEA
23	5330 BELMONT AVE	TSANG THOMAS
24	5329 BELMONT AVE	ZORINSKY DAVID AARON
25	5331 BELMONT AVE	PHAM DANA
26	5337 BELMONT AVE	MALEKAN DAVID & CHARLOTTE BROOKE

10/25/2016

Label #	Address	Owner
27	5339 BELMONT AVE	ZAVALA NICOLAS L &
28	2309 GLENCOE ST	ZAVALA NICHOLAS L
29	5326 MANETT ST	I BEAM HOLDINGS LLC
30	5328 MANETT ST	KLEIN DEREK ANTHONY & COURTNEY L

FILE NUMBER: BDA156-114(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations at 4310 N. Central Expressway. This property is more fully described as a .324 acre unplatted tract in Block G/1998, and is zoned CR, which requires a front yard setback of 15 feet. The applicant proposes to construct and maintain a structure and provide a 0 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

LOCATION: 4310 N. Central Expressway

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a variance to the front yard setback regulations of 15' is made to replace an existing stair structure and to construct/maintain an ADA ramp structure as close as on one of the site's two front property lines (Elbert Street) or as much as 15' into this 15' front yard setback on a site developed with an office use that is under renovation.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff concluded that the variance should be denied because there was no property hardship to the site that warranted a variance to the front yard setback. While staff recognized that the site was slightly irregular in shape, the applicant had not demonstrated how the physical features of the flat, somewhat irregular in shape, and approximately 14,000 square foot site preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification while simultaneously complying with code provisions including front yard setback regulations.
- Staff concluded that the variance should be denied because the applicant had not substantiate how the stair and ADA ramp structures proposed to be located in the Elbert Street front yard setback could not be located elsewhere on the property in compliance with setbacks.

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community retail)
- North: CR (Community retail)
- South: CR (Community retail)
- East: R-5(A) (Single family residential 5,000 square feet)
- West: PD 193 (Planned Development)

Land Use:

The subject site is developed with an office structure under renovation. The areas to the north and south are developed with nonresidential uses; the area to the east is developed with single family uses; and the area to the west is US 75/North Central Expressway.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a variance to the front yard setback regulations of 15' focuses on replacing an existing stair structure and constructing/maintaining an ADA ramp structure as close as on one of the site's two front property lines (Elbert Street) or as much as 15' into this 15' front yard setback on a site developed with an office use that is under renovation.
- The site is located at the northeast corner of US 75/North Central Expressway and Elbert Street and has two front yard setbacks as would any lot with two street frontages that is not zoned single family, duplex, or agricultural.

- Structures on lots zoned CR are required to provide a minimum front yard setback of 15’.
- Two site plans have been submitted in conjunction with this application – 1) a full scale plan and 2) a reduction plan. On October 28th, the Board Administrator brought this to the applicant’s attention. If the Board were to grant this request, they may want to determine from the applicant which site plan he is officially submitting for their consideration.
- Both submitted site plans indicate that stair and ADA ramp structures are located in the 15’ front yard setback along Elbert Street. The application states a request for a 15’ variance is requested to the 15-foot front yard setback requirements hence an assumption is made that there are structures over 6” in height that are located as close as on the Elbert Street front property line even though this is not clearly represented on the submitted site plan.
- Both submitted site plans include the following notes:
 - “Area related to variance request for BOA. All items are within property lines and only items within area are code compliant items: code compliant steps, ADA ramp”;
 - “New ramp for ADA access for ADA access to main exit and ADA parking space (minimum width allowed)”;
 - “New steps to replace existing due to cracking as well as existing steps do not meet uniform riser height per code (riser heights vary outside ranges per code). Steps are also pushed out to allow for 5’ turning diameter at top of ramp per TAS/DAAG”.
- A document has been submitted with the application stating that both the ramp and steps proposed to be located in the front yard setback are the minimum allowed in terms of depth, height and width in striving to comply with current codes while working within the existing site constraints.
- The submitted full scale site plan also represents that the existing structure is located in the two 15’ front yard setbacks on Elbert Street and North Central Expressway.
- According to DCAD records, the “improvements” for property addressed at 4310 N. Central Expressway is an “office building” built in 1954 with 6,474 square feet of area. Because records show that the existing structure on this site was built in the 50’s, it is assumed that the existing structure is a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The applicant has chosen to seek variance to the front yard setback regulations for only the new stair and ADA ramp structures in the Elbert Street front yard setback and not to remedy/address the nonconforming aspect of the existing nonconforming

structure in the site's front yard setbacks on Elbert Street and North Central Expressway.

- The subject site is flat, somewhat irregular in shape, and according to the submitted application is 0.324 acres (or approximately 14,000 square feet) in area. The site is zoned CR (Community retail).
- The subject site has two front yard setbacks as would any lot with two street frontages that is not zoned single family, duplex, or agricultural.
- 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 CR 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 CR zoning classification.
- If the Board were to grant the variance request, and impose a site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case appears to be a replacement stair structure and a new ADA ramp structure located as close as on the site's Elbert Street front property line or as much as 15' into this 15' front yard setback.
- Because two different site plans have been submitted in conjunction with this application, the Board may want to determine from the applicant which site plan (the submitted full scale plan or reduction plan) he is officially submitting for their consideration. If the Board were to grant the request, and impose a site plan as a condition, the structures in the setback would be limited to that what is shown on any such plan, which in this case are replacement stair and ADA ramp structures to be located in the site's Elbert Street front yard setback.
- If the Board to grant the variance request, and impose a site plan as a condition, no relief would be provided to the existing nonconforming structure in the front yard setbacks since the applicant did not request that the Board consider this aspect as part of his application. If the nonconforming structure on the subject site is destroyed by the intentional act of the owner or the owner's agent, any new structure would be required to provide a 15' front yard setback on US 75/North Central Expressway and Elbert Street.

Timeline:

September 15, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

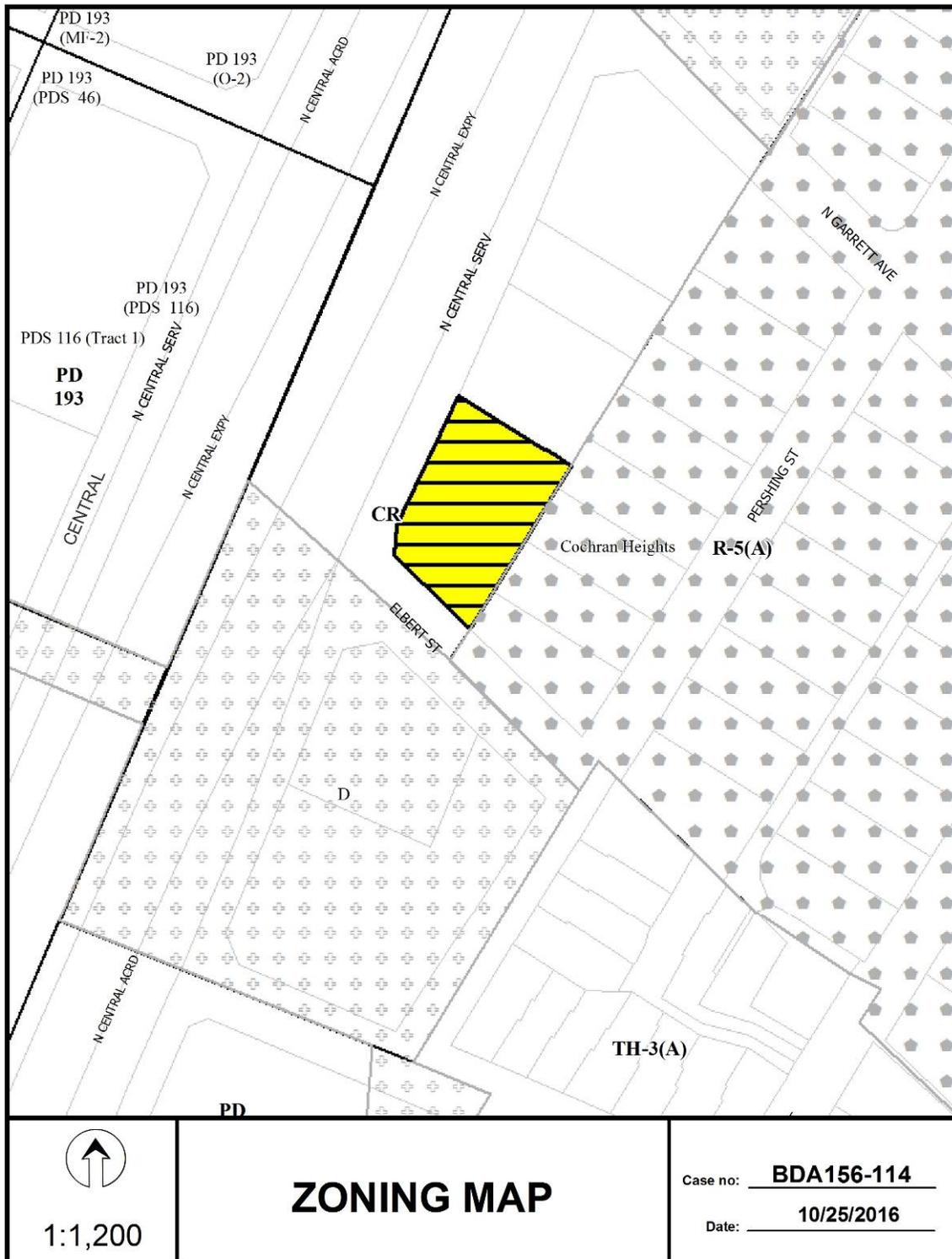
October 10, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

October 10, 2016: 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 October 26th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th 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."

November 1, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-114

Data Relative to Subject Property:

Date: September 15, 2016

Location address: 4310 N. Central Expressway Zoning District: CR

Lot No.: Tract Block No.: G/1998 Acreage: 0.324 acres Census Tract: 9.00

Street Frontage (in Feet): 1) 129 ft 2) 99 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bike Housing, LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X , or Special Exception , of 15 feet to the 15-foot front yard setback requirements

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

The property is a corner lot developed with an office building constructed approximately 1954. Subsequently, Central Expressway reduced the size of the property and ADA regulations were established in 1990. The public entrance does not comply with ADA accessibility requirements. The proposed setback variance will allow for ballards, a ramp, and a reconfiguration of existing stairs at the public entrance of the building to allow for public access into the building to be available to handicapped persons.

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

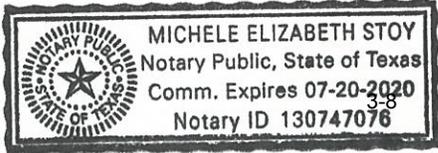
Affidavit

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

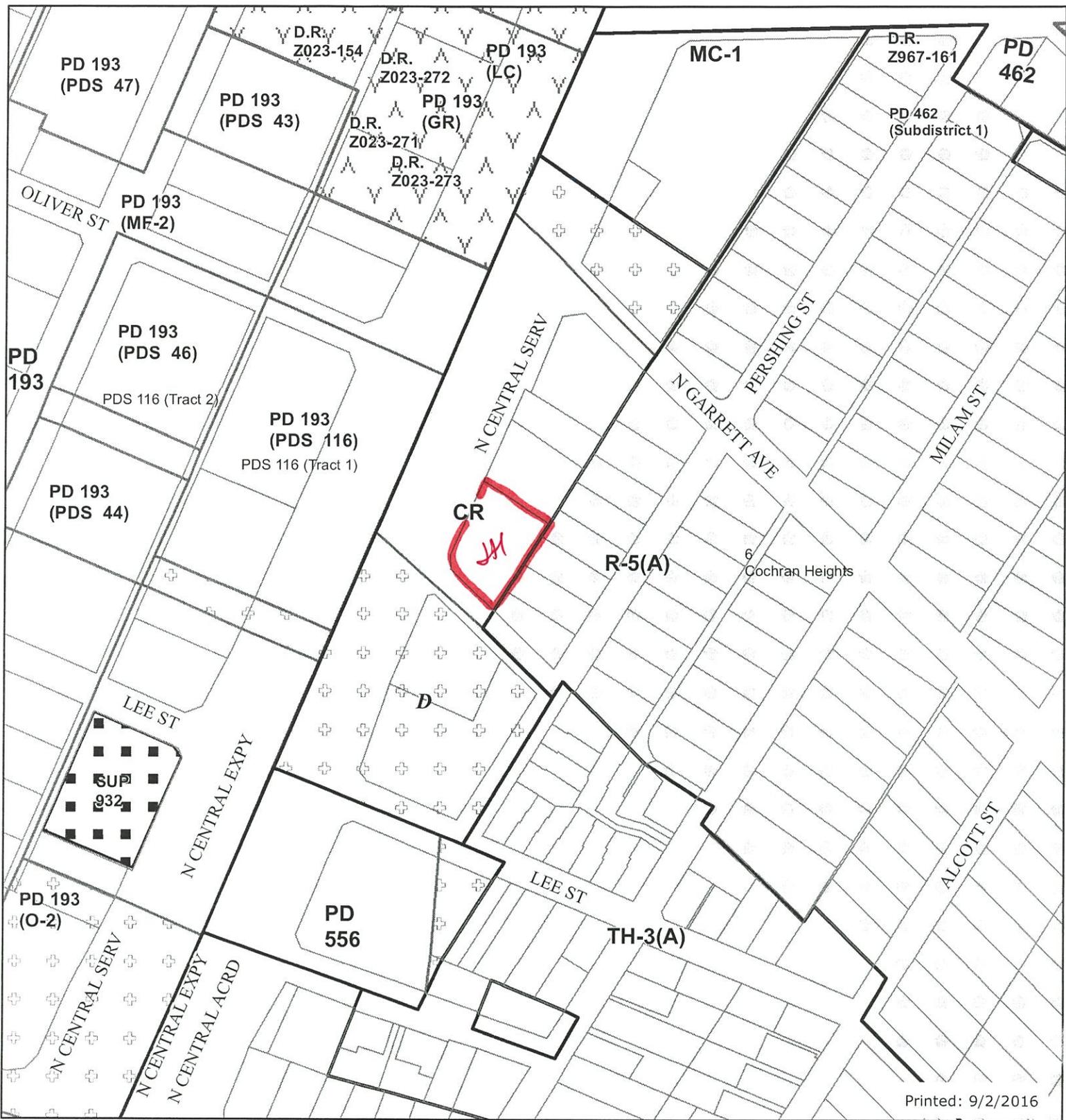
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 15 day of September, 2016



Michele Elizabeth Stoy
Notary Public in and for Dallas County, Texas



Printed: 9/2/2016

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 3-10 |
| Parks | BDA 156-144 | Historic Overlay | Shop Front Overlay |
| | SUP | Height Map Overlay | |

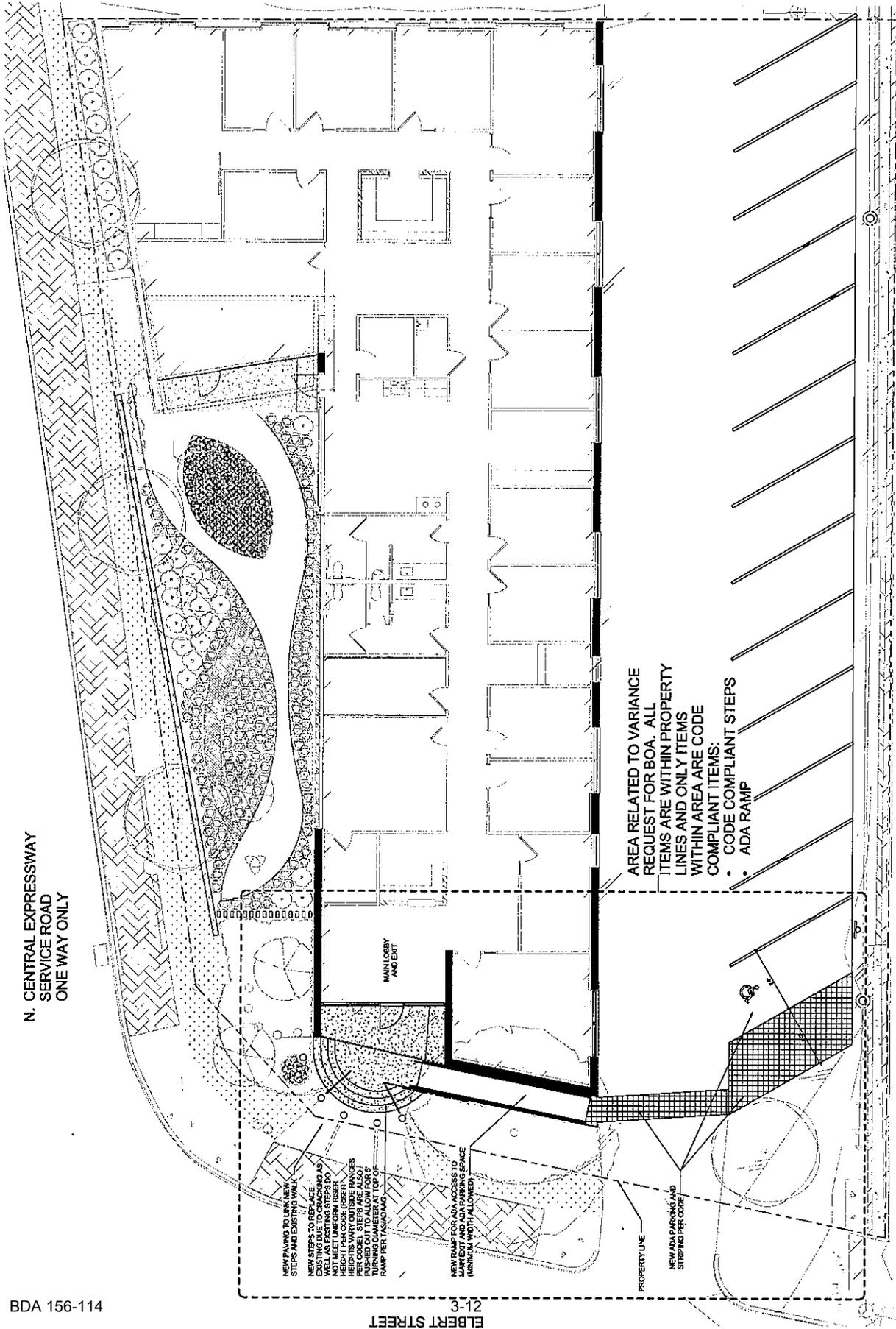
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





NO.	REVISION	DATE
1	IFC SH	07/22/14

N. CENTRAL EXPRESSWAY
 SERVICE ROAD
 ONE WAY ONLY



AREA RELATED TO VARIANCE
 REQUEST FOR BOA. ALL
 ITEMS ARE WITHIN PROPERTY
 LINES AND ONLY ITEMS
 WITHIN AREA ARE CODE
 COMPLIANT ITEMS:
 • CODE COMPLIANT STEPS
 • ADA RAMP

NEW PAVING TO LINK NEW
 STEPS AND EXISTING WALK
 EXISTING DUE TO CRACKING AS
 NOT MEET FUNCTIONAL
 HEIGHT PER CODE (ISSUE)
 NEW PAVING TO LINK NEW
 STEPS AND EXISTING WALK
 EXISTING DUE TO CRACKING AS
 NOT MEET FUNCTIONAL
 HEIGHT PER CODE (ISSUE)
 NEW PAVING TO LINK NEW
 STEPS AND EXISTING WALK
 EXISTING DUE TO CRACKING AS
 NOT MEET FUNCTIONAL
 HEIGHT PER CODE (ISSUE)

NEW RAMP FOR ADA ACCESS TO
 MAIN EXIT AND ADA PARKING SPACE
 (TURNING WIDTH ALLOWED)

NEW ADA PARKING AND
 STOPPING PER CODE

ELBERT STREET
 3-12



www.plus1dc.com
521 Goodwin Drive
Richardson, TX 75081
o. 214.564.3202
f. 866-799-0268

Ben DuBose
Bike Housing LLC
6510 Abrams Rd., Suite 630
Dallas, TX 75231

October 19, 2016

**RE: PLUSone project #15-07-100
DuBose Law Firm**

Dear Ben,

We are writing this letter as supplemental information regarding the Board of Adjustments meeting to review the location of the new steps and new ramp. Per our previous discussions, the location of the new ramp is based on the main entry and the ADA/TAS parking space in the existing parking lot. As you know, there is not currently a ramp/ADA access/ADA parking space to the building from the parking lot.

• Location Constraints

The building sits facing Elbert Street to the south as the main entry and we worked within the existing site and building. The building is restrained from the north based on rear of building's location to the property line, the I-75 service road sits to the west, and the parking lot/drive aisle is between the east side and property line. The entrance to the building is on the south side of the building facing onto Elbert Street. The proposed parking/ramp/steps, as discussed below, are the only location in which to place these items to be in compliance with TAS/ADA.

• TAS/ADA requires the parking, ramp & entry steps to be located as shown

We understand the new steps and ramp are within the setback. However, due to existing site conditions and existing building location, the proposed locations are the best possible and should not deem any issues to the Public. Both the ramp and steps are the minimum allowed in terms of depth, height and width – as we have strived to comply with current codes while working within the existing site constraints.

In working to meet the location of the ramp, we are bound by TAS 208.3/1 which states that the ADA compliant parking space/s shall be located on the shortest accessible route to the entrance. In this case, the proposed parking/ramp/entry is the shortest route to the entrance.

Additionally, the steps are replacing the existing steps in terms of location which allows access from the walk to the entrance. The existing steps are cracked and split, not in good condition, and not in compliance with either IBC or TAS requirements for riser uniformity, depth, etc. The new steps will comply with both IBC and TAS/ADA

521 Goodwin Drive | Richardson, TX 75081
214.564.3202 | 866.799.0268
www.plus1dc.com

We ask that this request be granted due to the existing site/building constraints and compliance with TAS and IBC for entrance/access/etc.

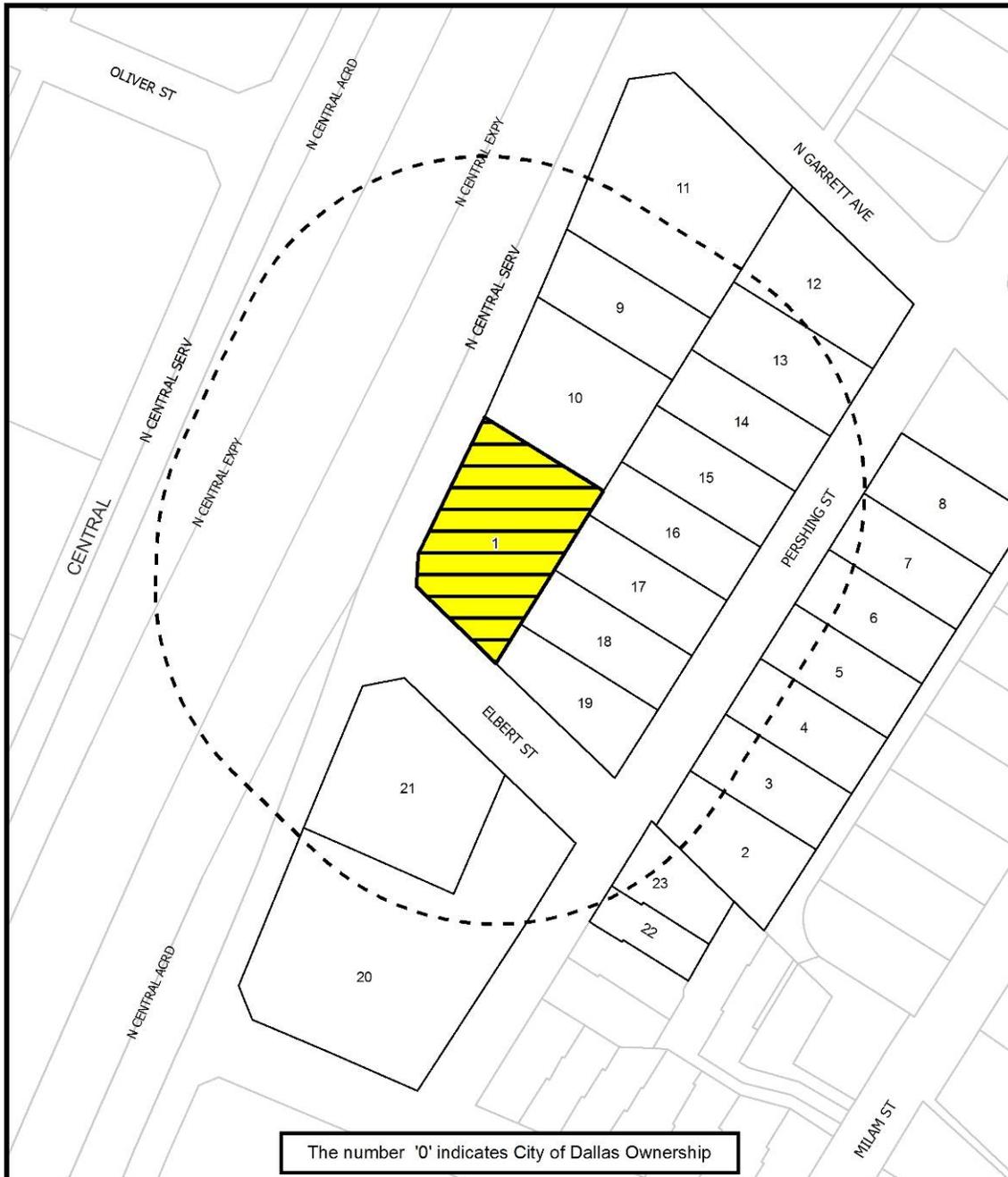
Please let us know if you have any questions, thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Pickens". The signature is stylized and cursive.

David Pickens, AIA

Cc: File



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

23

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-114**

Date: **10/25/2016**

Notification List of Property Owners

BDA156-114

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4310 N CENTRAL EXPY	CALLEJO WILLIAM F
2	5020 PERSHING ST	VARGAS ANTONIO JOSE &
3	5024 PERSHING ST	ROTHENBACH CARMEN S EST OF
4	5030 PERSHING ST	FEELEY JOSEPH
5	5034 PERSHING ST	HUGHES ANDREW GEORGE
6	5038 PERSHING ST	MEHBOOB YASIR & FARIAL SABRINA ANAM
7	5040 PERSHING ST	RAINS J KYLE
8	5044 PERSHING ST	5044 PERSHING LLC
9	4340 N CENTRAL EXPY	MANNING JACK
10	4330 N CENTRAL EXPY	AAB LLC
11	4350 N CENTRAL EXPY	MODY GROUP LTD
12	5053 PERSHING ST	SCAMMEL LEE
13	5049 PERSHING ST	ZAGROS MANAGEMENT HOLDINGS LLC
14	5045 PERSHING ST	ANDRADE GUILLERMO &
15	5041 PERSHING ST	CHHUTANI SHEILA
16	5037 PERSHING ST	ANDRADE URIEL
17	5033 PERSHING ST	GANNON JASMINE PERLIC
18	5029 PERSHING ST	TING SIMON
19	5025 PERSHING ST	CLEVELAND RICHARD &
20	4300 N CENTRAL EXPY	KOC GRAN VIA 4300 CENTRAL LLC
21	4306 N CENTRAL EXPY	HERRIN INVESTMENTS LLC
22	5016 PERSHING ST	MCEACHERN JERRY JR
23	5018 PERSHING ST	CADY ROBERT M II

FILE NUMBER: BDA167-002(SL)

BUILDING OFFICIAL'S REPORT: Application of Meredith Wallace for a variance to the building height regulations at 4303 W. Lovers Lane. This property is more fully described as Lot 1A, Block D/4974, and is zoned PD-326 (Area A), which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and/or maintain a structure with a building height of 33 feet 10 inches, which will require a 7 foot 10 inch variance to the maximum building height regulations.

LOCATION: 4303 W. Lovers Lane

APPLICANT: Meredith Wallace
Represented by Suzan Kedron and Jonathan Vinson of Jackson Walker, LLP

REQUEST:

A variance to the height regulations (specifically to the residential proximity slope) of 7' 10" is requested to complete and maintain a 33' 10" high office structure that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the R-10(A) single family residentially-zoned property immediately north of the subject site.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval of the requests, subject to the following condition:

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

Rationale:

- Staff concluded that the variance should be granted because the subject site is unique and different from other lots in PD 326 by being of a restrictive area caused by having two front yard setbacks and being smaller in area than other lots in the same PD 326 zoning district.
- Furthermore, staff concluded that granting the variance would not be contrary to public interest given that the one single family property to the immediate north is oriented to face away from the development on the site and is separated by an ally easement and mature trees, and that the building on the site requiring the height variance is more than 50' from the rear property line when the required rear yard setback in PD 326 is 20'.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 326 (Area A) (Planned Development)
- North: R-10(A) (Single family residential 10,000 square feet)
- South: PD 326 (Area A) (Planned Development)
- East: PD 326 (Area A) (Planned Development)
- West: PD 326 (Area A) (Planned Development)

Land Use:

The subject site is being developed with an office structure/use. The area to the north is developed with single family uses; and the areas to the east, south, and west are developed with what appears to be mostly office uses.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- The request for a variance to the height regulations (specifically to the residential proximity slope) of 7' 10" focuses on completing and maintaining a two-story, 33' 10" high structure (with approximately 5,500 square feet in area) that exceeds the maximum 26' in height permitted by residential proximity slope that begins at the R-10(A) single family residentially-zoned property immediately north of the subject site.

- While the application references a request for a variance to the building height and to appeal the decision of the Building Official, the Building Inspection Senior Plans Examiners/Development Code Specialist forwarded an additional document on this matter to the Board Administrator (see Attachment B). The Building Inspection Senior Plans Examiners/Development Code Specialist stated the following:
 1. payment was accepted only for, and the Building Official's report was written only for a variance appeal to the residential proximity slope height, because an appeal of "the decision of the Building Official to issue a stop work order" is not under the jurisdiction of the zoning board of adjustment.
 2. An appeal of "the decision of the Building Official to issue a stop work order" falls under the jurisdiction of the building code Advisory, Examining and Appeals Board per Chapter 52: Administrative Procedures for the Construction Codes, Subchapter 2: Organization and Enforcement, Section 204: Advisory, Examining and Appeals Board.
- The subject site is zoned PD 326 (Area A). The ordinance states that Area A (along with Area A-1) is to provided uses similar to the LO-1 Limited Office District, as opportunities for limited neighborhood serving retail uses and single family uses in combination or singularly.
- The site is located at the northeast corner of W. Lovers Lane and N. Cresthaven Road.
- The minimum front yard setback for properties in PD 326 is 15'.
- Given the zoning and location of the corner lot subject site, it has two 15' front yard setbacks – a front yard setback along W. Lovers Lane (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along N. Cresthaven Road, (the longer of the two frontages which is typically considered a side yard). However the site has a front yard setback along N. Cresthaven Road in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the north “front” on N. Cresthaven Road.
- The maximum height for a structure in PD 326 is 30', however, any portion of a structure over 26' in height cannot be located above a residential proximity slope originating from an R, R(A), D, D(A), TH, or TH(A) district.
- A building permit was issued for the structure on June 29, 2016. Since that time, it has been determined that the structure encroaches into the residential proximity slope.
- Building Inspection staff has confirmed that the structure complies with the maximum height of the district if not for the residential proximity slope.

- In this case, given that the subject site is adjacent to single family residentially-zoned property (R-10(A)) to the north (with a land use as a single family), the height of a structure must comply with a 1:3-slope (or 1 foot in height for every 3 foot away from the property line in an R, R(A), D, D(A), TH, TH(A) residential zoning district). The RPS on the subject site originates at the R-10(A) zoned property line north of the site.
- According to DCAD records, there are “no improvements” at 4303 W. Lovers Lane. However the office building is currently under construction.
- The site is flat, rectangular in shape (approximately 168’ x 68’), and according to the application is 0.27 acres (or approximately 11,700 square feet) in area. The site has two 15’ front yard setbacks, and two 5’ side yard setbacks. Most lots in this zoning district would have one 15’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the height 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 to height regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 326 zoning classification.
 - The variance to height setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 326 zoning classification.
- If the Board were to grant the request for a variance to the height regulations and impose the applicant’s submitted site plan and exterior elevations documents as a condition, the structure above the RPS line would be limited to that what is shown on these documents.

Timeline:

November 2, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 2, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

November 4, 2016: The Board Administrator emailed the applicant's representative with the following information:

- a copy of the submitted application materials;
- the provision from the Dallas Development Code allowing the board to grant variance to the height regulations (51A-3.102(d)(10)); and
- The board's rule pertaining to documentary evidence.

The email also called to the representatives' attention: 1) the newspaper ad in the November 4th newspaper; 2) that this ad stated that a 7 foot 10 inch variance to the maximum building height is required; 3) the deadline to submit additional materials to be included in the board's docket was 1 p.m. November 4th, which would hopefully include among other things a representation of how much of the structure requires variance and/or is above the RPS line since from what the Board Administrator had reviewed, of the difficulty he had in making this representation since the two elevations submitted with the application did not provide a reference point of where the RPS line starts from.

November 4, 2016: The applicant's representative submitted additional information to staff (see Attachment A).

November 4, 2016: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a document to the Board Administrator (see Attachment B).

November 7, 2016: A staff review team meeting was held regarding this request. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, and the Assistant City Attorney to the Board.

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





 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA167-002</u> Date: <u>11/4/2016</u>
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Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

November 4, 2016

Via Scan/Email

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

Re: BDA 167-002: 4303 West Lovers Lane.

Dear Members of Panel C:

We are sending you this letter to explain the rationale for our request for a variance of 7 feet, 10 inches to the height regulations of P.D. 326 and the *Dallas Development Code* for a very limited protrusion into the arguably applicable residential proximity slope on the project currently under way at 4303 West Lovers Lane: how we meet the required variance standards; and to respectfully ask for your approval of variance request.

I. The Site; Existing Conditions. The request site consists of 0.262 acres of land addressed as 4303 West Lovers Lane, on the north side of Lovers Lane at the east corner of North Cresthaven Road (the "Property"). The Property is owned by CLH Operating, LLC, which received Building Permits and is under construction for a small-scale office building. The owner has so far expended approximately \$450,000 for construction of the project until it was recently subjected to a stop work order from the City.

Accompanying this letter are a zoning map excerpt (*Attachment A*) and an aerial photograph (*Attachment B*) to orient you to the Property. The Property is zoned P.D. 326. A series of photographs of the Property in its current condition are attached (*Attachment C*).

II. Building Permit Issuance and Background.

First, you should be aware that this project had been extensively reviewed and Building Permits issued well prior to the issuance of a recent stop work order on the Property. We had intended to also appeal the decision of the Building Official to issue the stop work order on the Property. Pursuant to Sec. 51A-3.102(d)(1), the Board has jurisdiction "To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city". However, even though that appeal request was clearly stated on our application form (which you will have been provided with by the City Staff in your packet), for

17239783v.2

November 4, 2016
Page 2

some reason a fee for that was not requested and our appeal was not noticed for hearing. In any event, that factual background is critical to an understanding of our situation and our variance request.

We believe that the referenced stop work order was issued erroneously. Construction drawings and plans were submitted to the City for review with a Permit application date of May 4, 2016. The plans were reviewed and a Building Permit issued on June 29, 2016 (*see copies of Permits, Attachment D*). Subsequent inspections indicated no issues, and construction proceeded to its current state, that is, near-completion.

It was recently alleged that the project as designed and permitted intruded into the residential proximity slope. It is apparently on that basis that the stop work order was issued. We disagree with the interpretation upon which this action was apparently based.

We note, first, that the Property is located within P.D. 326, the West Lovers Lane Special Purpose District, Area A. Area A is also designated as a "limited office/limited retail/single family area", and its purpose is "to provide uses similar to the LO-1 Limited Office district". While not at issue before the Board, the proposed office use is a main use permitted by right on the Property.

Sec. 51P-326.106(b)(6)(A) states that the residential proximity slope applies to structures over 26 feet in height, with the exceptions permitted in Sec. 51A-4.408(a)(2) being allowed to project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Under Sec. 51P-326.106(b)(6)(B), maximum structure height is 30 feet (*see copy of P.D. 326, attached as Attachment E*).

Under Sec. 51A-4.408(a)(2) (*Attachment F*) a number of types of structures on top of a building are allowed to project a maximum of 12 feet above the maximum structure height specified in the district regulations (in this instance, 30 feet). Among these items are "visual screens which surround roof mounted mechanical equipment". This is the structure which is in question here. You can see from the site photographs that the roof facing the rear of the property is a gabled, sloped roof with the ridge running basically north-south. This sloped roof hides the mechanical equipment for the building inside the structure and is decorative only.

To further orient you, our Site Plan is attached as *Attachment G* and an Elevation Exhibit is attached as *Attachment H*. The Elevation Exhibit, in particular, illustrates the varying interpretations which can be given to the P.D. 326 height regulations and the resulting differences in the alleged amount of protrusion into the residential proximity slope. You should also be aware that the residential proximity slope regulations specify that the "Site of Origination" is at the private property line of the Site of Origination and does not include alleys. In this instance, the adjacent "alley" is a 7.5 foot alley easement, but is not actual right-of-way, meaning that we do not benefit from a point of origination on the *far* side of that alley easement.

You can see from the various applicable regulations that there are several aspects of this situation which are difficult to interpret and, in fact, are subject to varying interpretations. This

17239783v.2

November 4, 2016
Page 3

is borne out by the fact that the plans were initially thoroughly reviewed by the City Staff in May and June. After the May 4 application date and subsequent review, a Q Team meeting occurred on June 8. The Building Permit based on that review was issued on June 15. An interior structural design change was made to the building, for which plans were resubmitted on August 3, with the exact same building envelope. The plans were then circulated for full plan review for nearly a month, then reapproved and stamped. The final Building Permit was then issued in August.

In this instance, we believe that the Building Official erred in the interpretation of this provision by apparently alleging that the protrusion into the residential proximity slope is not permitted under these applicable regulations. We would have liked to have appealed that decision to you, but because of the notification error described above we do not now have that opportunity, therefore, we must rely on our variance request discussed below.

III. Height Variance Request.

We are asking for a variance to the applicable height regulations to allow the building as currently configured to be completed. The Building Inspection Staff advised, by scaling the plans, that a variance of up to 7 feet, 10 inches, was needed for this purpose, although we believe the actual dimension to be less than that (refer again to the Elevation Exhibit, *Attachment H*). There are several property hardship conditions which support the granting of our requested variance. These are the following:

A. Reliance on Issued Building Permit and Construction of Improvements. Our first hardship condition is the fact that Permits were issued by the City and on that basis, construction was commenced and \$450,000 worth of improvements were built and affixed to the Property. Specifically, a Building Permit was issued on June 15, 2016, and construction began. The project proceeded quickly and as of late October, the building was largely complete, as depicted in the attached series of photographs, with approximately \$450,000 expended on the project to that point.

As also discussed above, it appears to us that the proximity slope provision at issue, which we consider to be subject to interpretation, obviously has been inconsistently applied. Further, Sec. 51P-326.106(h)(2)(C) actually *requires* a "gable, gambrel, hip, or mansard roof as illustrated in Exhibit 326B". The sloped roof as designed, an architectural element that is required by the P.D., is the only element of the structure which arguably protrudes into the slope.

B. Relatively Small Size of Lot. Second, and as stated above, the Property is slightly over one quarter acre in size. As illustrated on the Zoning Map, *Attachment A*, you can see that a number of the lots facing West Lovers Lane within P.D. 326 are larger in size, some with notably more depth off of Lovers Lane, as well. Therefore, the variance is necessary to develop the Property in a manner commensurate with other properties in P.D. 326.

C. Two Front Yards. Third, the Property, has two front yards, the West Lovers Lane frontage and the North Cresthaven Road frontage. The required front yard setback in P.D. 326 is 15 feet, significantly reducing the buildable area of this already relatively smaller lot.

17239783v.2

November 4, 2016
Page 4

D. Parking Requirements; Site Planning Issues. Because of the particular landscape and street tree requirements of P.D. 326, this dictated building placement to allow for accommodation both of the required street trees as well as the required off-street parking for the project. This further restricted development on the Property and constitutes an additional hardship condition.

IV. How We Meet the Variance Standard. This variance request meets the property hardship standard mandated by the *Dallas Development Code* in several respects. First, the fact that a Building Permit was issued and extensive work already done on that basis, including expenditure of about \$450,000 in construction costs, with the building framed and mostly completed, constitutes a property hardship condition. The fact that a Permit was issued, even if in error, and this amount of work done, is in no way the fault of the property owners, whose architects believed that they were proceeding according to Code and more importantly, in reliance on the issued Building Permit.

The improvements constructed on the Property in the location shown render the improvements as built to be a property hardship condition, that is, an existing physical characteristic of the Property. Obviously, these improvements cannot be modified to pull back under the residential proximity slope without extremely costly and impractical measures to do so.

This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification. I have attached a table as Attachment I which shows other development in this block of P.D. 326, Area A, which shows that other properties are mostly significantly larger in land area, and either now have, or would allow for future redevelopment, significantly more building density (given the P.D. 325 allowable Floor Area Ratio of 0.5:1). Further, this situation was not self-created by the owner (recall that the City issued Permits for the project) nor is it personal to the owner, nor is the variance requested for financial reasons only.

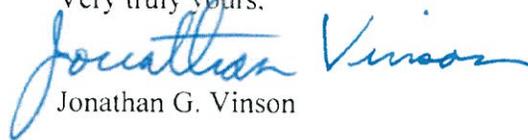
V. The Public Interest. Finally, the granting of this variance would not in any way be contrary to the public interest. Allowing this building to be completed in its current configuration will have absolutely no adverse impact on anyone else anywhere in the neighborhood. The one single-family property to the immediate north of the Property is oriented to face away from the project, and is further separated from the Property by an alley easement and mature trees, in addition to an additional 50 feet of setback from the rear property line of the Property to the rear building façade. Bear in mind that the P.D. 326 required rear yard setback is only 20 feet, so our 50 foot setback is much better for the adjacent owners.

Further, the proposed development is entirely consistent with very similar office and commercial development all along West Lovers Lane in P.D. 326. In fact, approval of this variance will be in the public interest by allowing construction on the basis of this design, which is very respectful of adjacent properties and is very much in context with the neighborhood. We also have been in touch with the Bluffview Neighborhood Association, and we understand that they have no objection to our request.

November 4, 2016
Page 5

VI. Conclusion. Thank you very much for your consideration of our points. We will respectfully be asking at our hearing that you approve our appeal of the decision of the Building Official or, alternatively, our height variance request. Thank you very much.

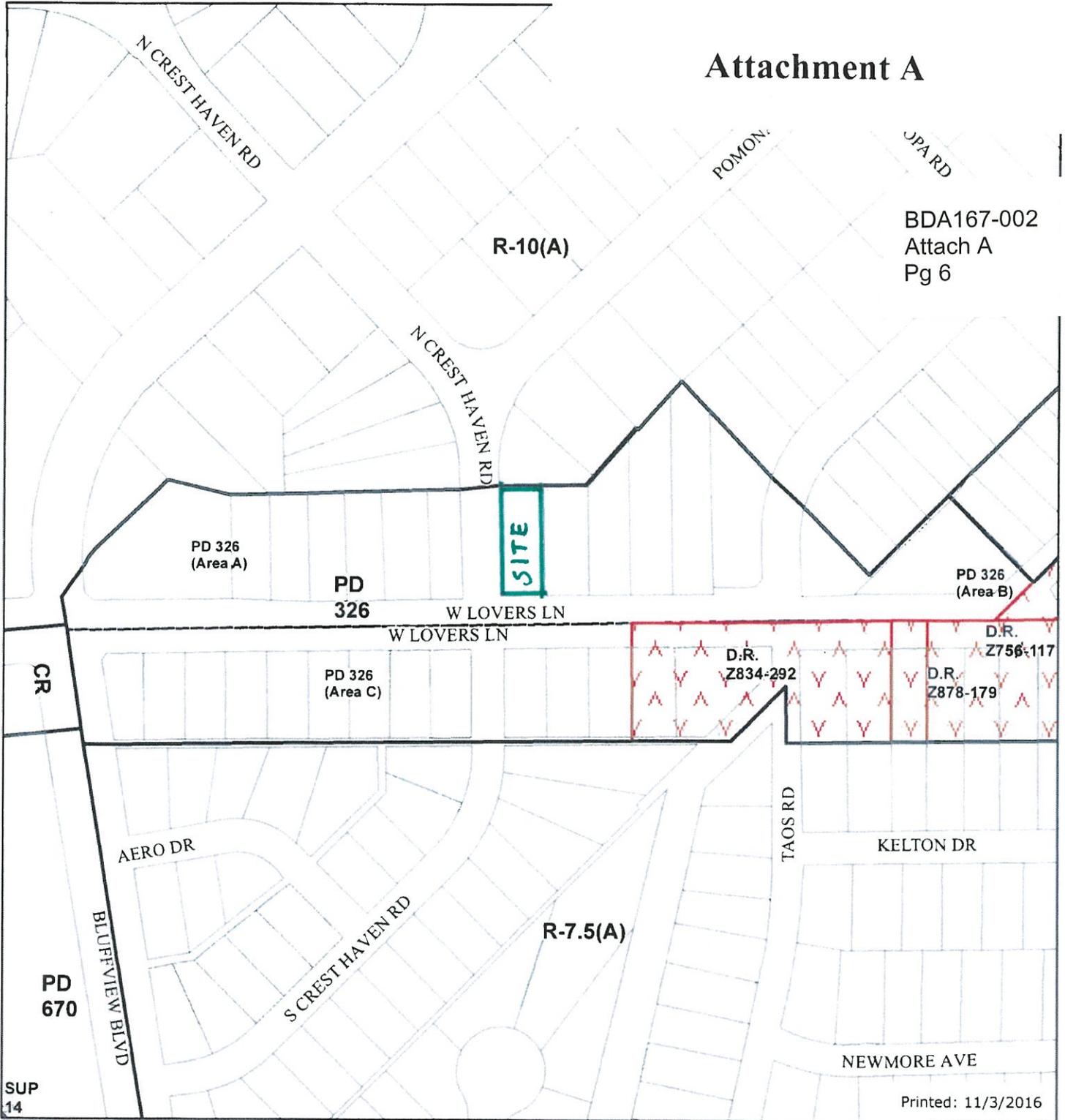
Very truly yours,


Jonathan G. Vinson

cc: Tom Barrow
Meredith Wallace
Liz Johnson
Suzan Kedron

Attachment A

BDA167-002
Attach A
Pg 6



Printed: 11/3/2016

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)



Attachment B



Attachment C



**Side views
(from Cresthaven)**



**Rear yard views
(building on right)**



**Views in rear yard
(rear of building; facing
alley easement)**



Views of side yard on east

Attachment D



City of Dallas

Permit # 1605041025

BDA167-002
Attach A
Pg 12

Issue Date: 06/29/2016

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

Address: 4303 W LOVERS LN, SITEWORK 75209

Land Use Description: OFFICE BUILDING

Work Description: NEW CONSTRUCTION OFFICE BLDG

Value Of Work: \$0.00

Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225

Applicant: jessica gingrich

Contractor: BARROW DURRETT MANAGEMENT

Business Address: 6026 WAGGONER DR, DALLAS, TX 75230

Telephone: 0 / - Fax:

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consrv Dist: West Lovers	Pro Park:	Req Park:	Park Agmt: N
Dwlg Units:	Stories:	New Area: 0	Lot Area: 11413	Total Area: 0
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



City of Dallas

Contractor's Authorization

Trade Type: Building

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NW

Validation #: 1605041025101

Address: 4303 W LOVERS LN, SITEWORK 75209

Issue Date: 06/29/2016

Land Use Description: OFFICE BUILDING

Work Description: NEW CONSTRUCTION OFFICE BLDG

Authorized Date: 06/29/2016

Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225

Applicant: jessica gingrich

Contractor: BARROW DURRETT MANAGEMENT

Business Address: 6026 WAGGONER DR,

Telephone: 0 / - **Fax:**

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consv Dist: West Lovers	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units:	Stories:	New Area: 0	Lot Area: 11413	Total Area: 0
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	

For inspections call 214/670-5313, 24 hours. You will need your validation number 1605041025101 and one of the inspection types from the list below.

- | | | |
|----------------------------------|------------------|-----------------|
| 120 Pier, Foundation, Excavation | 123 Floor Joists | 127 Frame Walls |
| 130 Frame All | 132 Frame Other | 140 Final |

Your inspector is: David Sullivan at (214) 671-1546

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 671-0720 from 8 AM to 4:30 PM Monday through Friday.



City of Dallas

Contractor's Authorization

Trade Type: Landscape

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NW

Validation #: 1605041025141
Address: 4303 W LOVERS LN, SITEWORK 75209
Issue Date: 06/29/2016
Land Use Description: OFFICE BUILDING
Work Description:

Authorized Date:
Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225

Applicant: jessica gingrich

Contractor:

Business Address:

Telephone:

Fax:

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consrv Dist: West Lovers	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units:	Stories:	New Area: 0	Lot Area: 11413	Total Area: 0
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	

For inspections call 214/670-5313, 24 hours. You will need your validation number 1605041025141 and one of the inspection types from the list below.

940 Landscape

Your Inspector is: Allison Headley at (214) 948-4172

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 671-0720 from 8 AM to 4:30 PM Monday through Friday.



City of Dallas

Permit # 1605041026

Issue Date: 06/29/2016

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

Address: **4303 W LOVERS LN Ste:100 75209**

Land Use Description: **SHELL BUILDING**

Work Description: **NEW CONSUTRCTION OFFICE BLDG**

Value Of Work: **\$437,500.00**

Owner Or Tenant: **TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225**

Applicant: **jessica gingrich**

Contractor: **BARROW DURRETT MANAGEMENT**

Business Address: **6026 WAGGONER DR, DALLAS, TX 75230**

Telephone: **0 / -** Fax:

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consrv Dist: West Lover:	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units:	Stories:	New Area: 2608	Lot Area: 11413	Total Area: 2608
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL.....SHELL 1ST FLOOR

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



Contractor's Authorization

City of Dallas

Trade Type: Building

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NW

Validation #: 1605041026101
Address: 4303 W LOVERS LN Ste:100 75209
Issue Date: 06/29/2016
Land Use Description: SHELL BUILDING
Work Description: NEW CONSUTRCTION OFFICE BLDG

Authorized Date: 06/29/2016
Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225
Applicant: jessica gingrich
Contractor: BARROW DURRETT MANAGEMENT
Business Address: 6026 WAGGONER DR,
Telephone: 0 / - **Fax:**

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consrv Dist: West Lovers	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units:	Stories:	New Area: 2608	Lot Area: 11413	Total Area: 2608
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	

For inspections call 214/670-5313, 24 hours. You will need your validation number 1605041026101 and one of the inspection types from the list below.

- | | | |
|----------------------------------|------------------|-----------------|
| 120 Pler, Foundation, Excavation | 123 Floor Joists | 127 Frame Walls |
| 130 Frame All | 132 Frame Other | 140 Final |

Your Inspector is: David Sullivan at (214) 671-1546

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 671-0720 from 8 AM to 4:30 PM Monday through Friday.



City of Dallas

Contractor's Authorization

Trade Type: Green

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NW

Validation #: 1605041026261

Address: 4303 W LOVERS LN Ste:100 75209

Issue Date: 06/29/2016

Land Use Description: SHELL BUILDING

Work Description: 1035-Green certifications

Authorized Date:

Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225

Applicant: jessica gingrich

Contractor:

Business Address:

Telephone:

Fax:

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consv Dist: West Lovers	Pro Park:	Req Park:	Park Agrmt: N
Dwig Units:	Stories:	New Area: 2608	Lot Area: 11413	Total Area: 2608
Type Const: UNK	Sprinkler:	Occ Code: NA	Occ Load:	

For inspections call 214/670-5313, 24 hours. You will need your validation number 1605041026261 and one of the inspection types from the list below.

801 Contact your 3rd party green provider

Your inspector is: Tyrus Small at (214) 948-4035

Note: 7 AM cut-off for same day inspections! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 671-0720 from 8 AM to 4:30 PM Monday through Friday.



Permit # 1605041027

City of Dallas

Issue Date: 06/29/2016

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

Address: **4303 W LOVERS LN Ste:200 75209**
Land Use Description: OFFICE BUILDING
Work Description: NEW CONSUTRCTION OFFICE BLDG
Value Of Work: \$437,500.00

Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225
Applicant: jessica gingrich
Contractor: BARROW DURRETT MANAGEMENT
Business Address: 6026 WAGGONER DR, DALLAS, TX 75230
Telephone: 0 / - Fax:

Lot: 1 Block: D/4974 Zoning:PD-326 PDD: 326 SUP:
Historic Dist: Consrv Dist: West Lover: Pro Park: Req Park: Park Agrmt: N
Dwlg Units: Stories: 2 New Area: 2609 Lot Area: 11413 Total Area: 2609
Type Const: HB Sprinkler: None Occ Code: B Occ Load:48
Inches Of Removed Trees:

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.



Contractor's Authorization

City of Dallas

Trade Type: Building

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NW

Validation #: 1605041027101

Address: 4303 W LOVERS LN Ste:200 75209

Issue Date: 06/29/2016

Land Use Description: OFFICE BUILDING

Work Description: NEW CONSUTRCTION OFFICE BLDG

Authorized Date: 06/29/2016

Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225

Applicant: jessica gingrich

Contractor: BARROW DURRETT MANAGEMENT

Business Address: 6026 WAGGONER DR,

Telephone: 0 / - **Fax:**

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consv Dist: West Lovers	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 2609	Lot Area: 11413	Total Area: 2609
Type Const: IIB	Sprinkler: None	Occ Code: B	Occ Load:48	

For inspections call 214-670-5313, 24 hours. You will need your validation number 1605041027101 and one of the inspection types from the list below.

- | | | |
|----------------------------------|------------------|-----------------|
| 120 Pier, Foundation, Excavation | 123 Floor Joists | 127 Frame Walls |
| 130 Frame All | 132 Frame Other | 140 Final |

Your inspector is: David Sullivan at (214) 671-1546

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 671-0720 from 8 AM to 4:30 PM Monday through Friday.



City of Dallas

Contractor's Authorization

Trade Type: Green

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NW

Validation #: 1605041027261
Address: 4303 W LOVERS LN Ste:200 75209
Issue Date: 06/29/2016
Land Use Description: OFFICE BUILDING
Work Description: 1035-Green certifications

Authorized Date:
Owner Or Tenant: TOM BARROW
5950 BERKSHIRE LN #1250
DALLAS TX 75225

Applicant: jessica gingrich

Contractor:

Business Address:

Telephone:

Fax:

Lot: 1	Block: D/4974	Zoning: PD-326	PDD: 326	SUP:
Historic Dist:	Consv Dist: West Lovers	Pro Park:	Req Park:	Park Agrmt: N
Dwlg Units:	Stories: 2	New Area: 2609	Lot Area: 11413	Total Area: 2609
Type Const: IIB	Sprinkler: None	Occ Code: B	Occ Load:48	

For inspections call 214/670-5313, 24 hours. You will need your validation number 1605041027261 and one of the inspection types from the list below.

801 Contact your 3rd party green provider

Your inspector is: Tyrus Small at (214) 948-4035

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 671-0720 from 8 AM to 4:30 PM Monday through Friday.



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Master Permit - 1605041025

Details **Trades** **Documents** **Zoning Info**

Property

Street Address

View 4303 W LOVERS LN

Status: Permit Issued
 Application Date: May 4, 2016
 Issue Date: Jun 29, 2016
 Completed Date:

Applicant

jessica gingrich

Contractor

BARROW DURRETT MANAGEMENT
 6026 WAGGONER DR
 DALLAS, TX 75230
 (0) -

Owner Category: PRIVATE
 Work Description: NEW CONSTRUCTION OFFICE BLDG
 Land Use Description: OFFICE BUILDING
 Fee Web Contractor:

Project

Doing business as: TBD
 Activity: (A) New Construction
 Occupancy: NA
 Constr Type: UNK
 Selling Alcohol:
 Dance Floor:
 Dwelling Units:
 Stories:
 Bedrooms:
 Bathrooms:

	Sq Ft		Cost
New.	0	New.	\$0.00
Remodel.		Remodel	
Total	0	Job Value.	\$0.00

CA Not Required Subdivision not Required

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Master Permit - 1605041026

Details Trades Documents Zoning Info

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Property

Street Address

View 4303 W LOVERS LN Ste. 100

Status: Permit Issued

Application Date: May 4, 2016
Issue Date: Jun 29, 2016
Completed Date:

Applicant

jessica gingrich

Contractor

BARROW DURRETT MANAGEMENT
6026 WAGGONER DR
DALLAS, TX 75230
(0) -

Owner Category PRIVATE

Fee Web Contractor:

Work Description: NEW CONSUTRCTION OFFICE BLDG

Land Use Description: SHELL BUILDING

Project

Doing business as: TBD

Activity (A) New Construction

Occupancy NA

Selling Alcohol: [] Dwelling Units:

Constr. Type: UNK

Dance Floor: [] Stories:

Bedrooms

Bathrooms:

Table with columns Sq Ft and Cost. Rows: New (2,608, \$437,500.00), Remodel., Total (2,608, \$437,500.00). Includes checkboxes for Sprinkler, Required Parking, Proposed Parking.

CA Not Required: []

Subdivision not Required: []

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Master Permit - 1605041027

Details **Trades** **Documents** **Zoning Info**

Property

Street Address

View 4303 W LOVERS LN Ste:200

Status: Permit Issued

Application Date: May 4, 2016

Issue Date: Jun 29, 2016

Completed Date

Applicant

jessica gingrich

Contractor

BARROW DURRETT MANAGEMENT
6026 WAGGONER DR
DALLAS, TX 75230
(0) -

Owner Category: PRIVATE

Fee Web Contractor

Work Description: NEW CONSUTRCTION OFFICE BLDG

Land Use Description: OFFICE BUILDING

Project

Doing business as: BORROW DORRETT

Activity: (A) New Construction

Occupancy: B

Selling Alcohol

Dwelling Units: 0

Constr. Type: IIB

Dance Floor

Stories: 2

Bedrooms:

Bathrooms:

Sprinkler: None

Required Parking: 0

Proposed Parking: 0

	Sq Ft	Cost
New:	2,609	New \$437,500.00
Remodel:		Remodel.
Total:	2,609	Job Value \$437,500.00

CA Not Required

Subdivision not Required.

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Certificate of Occupancy - 1605041028

Details **Holds** **Documents** **Zoning Info**

Property

Street Address

[View](#) 4303 W LOVERS LN Ste 200

Status: CO Pending Application Date: May 04, 2016
Issue Date: Jun 29, 2016
Completed Date:

Applicant: jessica gingrich

Owner Category:

PRIVATE

Land Use Description: OFFICE BUILDING

Temporary Address:

Project

Doing business as: BARROW DORRETT

Certificate Type: CO

Health Permit Number:

Use of Property: (6300) OFFICE BUILDING

Occupancy: B Selling Alcohol: Dwelling Units
Constr. Type: IIB Dance Floor: Stones: 2
Sq Footage: 5,217 Occupancy Load: 48
Sprinkler: None
Required Parking: 17
Proposed Parking: 17

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

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Vinson, Jonathan

From: Elizabeth Johnson <ljohnson@wallacejohnsonstudio.com>
Sent: Friday, November 04, 2016 12:34 PM
To: Vinson, Jonathan; Kedron, Suzan
Cc: 'Meredith Wallace'
Subject: FW: 4303 W Lovers - Addendum

From: Shelton, James [<mailto:james.shelton2@dallascityhall.com>]
Sent: Wednesday, August 24, 2016 3:04 PM
To: Tom Barrow
Cc: Jessica Gingrich; Elizabeth Parham Johnson
Subject: RE: 4303 W Lovers - Addendum

Tom,

Not at this time. We need to verify the setbacks and the other items in the new set of plans.

Thank you,

Jim Shelton

Coordinator III Q-Team
Office: 214-948-4306
320 E. Jefferson Rm. 204
Dallas, Tx. 75203

james.shelton2@dallascityhall.com

Attachment E

ARTICLE 326.

PD 326.

West Lovers Lane Planned Development District

SEC. 51P-326.101. LEGISLATIVE HISTORY.

PD 326 was established by Ordinance No. 20502, passed by the Dallas City Council on November 8, 1989. Ordinance No. 20502 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Ordinance No. 20502 was amended by Ordinance No. 20516, passed by the Dallas City Council on November 29, 1989. (Ord. Nos. 10962; 19455; 20502; 20516; 25850)

SEC. 51P-326.102. PROPERTY LOCATION AND SIZE.

PD 326 is established on property generally located on both sides of West Lovers Lane, extending from Bluffview Boulevard to Briarwood Lane on the north side of West Lovers Lane, and extending from Bluffview Boulevard to Linwood Avenue on the south side of West Lovers Lane. The size of PD 326 is approximately 11.86 acres. (Ord. Nos. 20502; 25850)

SEC. 51P-326.103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions.

(1) Unless the context clearly indicates otherwise, in this article:

(A) DELICATESSEN means a shop that sells cooked or prepared foods ready for serving for off-premise consumption only.

(B) GABLE means the triangular wall section at the ends of a pitched roof, bounded by the two roof slopes and the ridge pole. (See Exhibit 326B.)

(C) GAMBREL ROOF means a ridged roof with two slopes on each side, the lower slope having the steeper pitch. (See Exhibit 326B.)

(D) HIP ROOF means a roof having sloping edges and sides. (See Exhibit 326B.)

(E) MANSARD ROOF means a roof having two slopes on all four sides, with the lower slopes almost vertical and the upper slopes almost horizontal. (See Exhibit 326B.)

(F) NEWSSTAND means a facility for the retail sale of newspapers and periodicals.

(G) POLICE STOREFRONT OPERATION means an office operated by the city for the use of the police or other governmental department.

(H) REFLECTIVE GLASS means glass with an exterior visible reflectance percentage in excess of 15 percent. Visible reflectance is the percentage of available light energy reflected

away from the exterior of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.

(I) RIDGE POLE means a horizontal beam at the ridge of a roof to which the rafters are attached.

(2) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In the event of a conflict, this section controls.

(b) Interpretations.

(1) Unless otherwise stated, all references to code articles, divisions, or sections in this article refer to articles, divisions, or sections in Chapter 51A.

(2) The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations." relating to site plans, conceptual plans, and development plans do not apply to this district.

(3) Section 51A-2.101, "Interpretations," applies to this article.

(4) The following rules apply in interpreting the use regulations in this article:

(A) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(B) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(C) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(D) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800.) (Ord. Nos. 20502; 25850)

SEC. 51P-326.104. NAME OF DISTRICT.

PD 326 is to be known as the West Lovers Lane PD. (Ord. Nos. 20502; 25850)

SEC. 51P-326.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 326A: area boundary map.

(2) Exhibit 326B: roof styles and use chart.

(3) Exhibit 326C: development plan for Area A-1. (Ord. 27650)

SEC. 51P-326.104.2. DEVELOPMENT PLAN.

Development and use of Area A-1 must comply with the development plan for Area A-1 (Exhibit 326C). If there is a conflict between the text of the article and the development plan for Area A-1, the text of this article controls. (Ord. 27650)

SEC. 51P-326.105. CREATION OF SEPARATE AREAS.

The district is divided into five areas: Areas A, A-1, B, C, and D. The boundaries of all areas are verbally described in Exhibit B attached to Ordinance No. 20502, as amended. A map showing the boundaries of the various areas is labelled Exhibit 326A. In the event of a conflict, the verbal descriptions in Exhibit B attached to Ordinance No. 20502, as amended, control over the graphic description in Exhibit 326A. (Ord. Nos. 20502; 25850; 27650)

SEC. 51P-326.106. USE REGULATIONS AND DEVELOPMENT STANDARDS.

(a) Uses.

(1) Areas A and A-1 (Limited Office/Limited Retail/Single Family Area).

(A) Purpose. To provide uses similar to the LO-1 Limited Office District, as well as opportunities for limited neighborhood serving retail uses and single family uses in combination or singularly. Area A serves as the entry way to the West Lovers Lane PD at Lemmon Avenue.

(B) Uses permitted.

(i) Agricultural uses.

-- None permitted.

(ii) Commercial and business service uses.

- Building repair and maintenance shop. [SUP]
- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair. [SUP]
- Electronics service center. [SUP]
- Medical or scientific laboratory. [SUP]

(iii) Industrial uses.

-- None permitted.

(iv) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]

- Child-care facility. [SUP]
 - Church.
 - College, university, or seminary.
 - Community service center.
 - Convent or monastery.
 - Institution for special education. [SUP]
 - Library, art gallery, or museum.
 - Public or private school. [RAR]
- (v) Lodging uses.
- None permitted.
- (vi) Miscellaneous uses.
- Carnival or circus (temporary). *[By special authorization of the building official.]*
 - Temporary construction or sales office.
- (vii) Office uses.
- Financial institution without drive-in window.
 - Financial institution with drive-in window. [SUP]
 - Medical clinic or ambulatory surgical center.
 - Office.
- (viii) Recreation uses.
- Country club with private membership.
 - Private recreation center, club, or area. [SUP]
 - Public park, playground, or golf course.
- (ix) Residential uses.
- College dormitory, fraternity, or sorority house.
 - Single family.
- (x) Retail and personal service uses. All retail and personal service uses are limited to 3,500 square feet or less.
- Antique shop.
 - Baby/toddler shop.
 - Bakery.
 - Barber and beauty shop.
 - Bicycle shop.
 - Book store.
 - Business school.
 - Camera shop.
 - Candy store.
 - Cigar and tobacco shop.
 - Clothing store.
 - Computer store.
 - Custom print/duplication shop.

- Delicatessen.
- Drug store. *[L]*
- Dry cleaning/laundry pick-up and delivery only.
- Dry goods.
- Electronics store. *[SUP]*
- Fabric store.
- Film developing shop.
- Florist shop.
- Furrier.
- Gift shop.
- Haberdashery.
- Handcrafted art work studio.
- Hobby and art supply store.
- Home accessory store.
- Household equipment and appliance repair.
- Institutional arts studio.
- Jewelry store.
- Key shop.
- Leather goods and luggage store.
- Mailing service.
- Medical appliance fitting and sales.
- Millinery store.
- Music store.
- Newsstand.
- Notions.
- Novelty store. *[SUP]*
- Optical shop.
- Paint and wallpaper. *[SUP]*
- Photography studio.
- Photography supply.
- Piano store.
- Record store. *[SUP]*
- Retail food store. *[SUP]*
- Shoe repair.
- Shoe store.
- Sporting goods.
- Stamp and coin shop.
- Stationery store.
- Tailor, custom sewing shop.
- Toy store.
- Travel bureau.
- Watch and clock shop.

(xi) Transportation uses.

- Transit passenger shelter.

(xii) Utility and public service uses.

- Commercial radio or television transmitting station.
[SUP]
- Electrical substation.
- Local utilities.

- Police or fire station. [SUP]
- Police storefront operation.
- Post office. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [Limited to a mounted cellular antenna. Permitted in Area A-1 only.]
- Utility or government installation other than listed. [SUP]

(xiii) Wholesale, distribution, and storage uses.

- None permitted.

(xiv) Accessory uses.

- Accessory game court (private).
- Amateur communication tower.
- Home occupation.
- Occasional sales (garage sales).
- Swimming pool (private).

(2) Area B (Neighborhood Service/Single Family Area).

(A) Purpose. To provide uses similar to the NS(A) Neighborhood Service District, as well as single family uses in combination or singularly.

(B) Uses permitted.

(i) Agricultural uses.

- None permitted.

(ii) Commercial and business service uses.

- None permitted.

(iii) Industrial uses.

- None permitted.

(iv) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery.
- Institution for special education. [SUP]
- Library, art gallery, or museum.
- Public or private school. [RAR]

- (v) Lodging uses.
 - None permitted.
- (vi) Miscellaneous uses.
 - Carnival or circus (temporary). *[By special authorization of the building official.]*
 - Temporary construction or sales office.
- (vii) Office uses.
 - Financial institution without drive-in window.
 - Medical clinic or ambulatory surgical center.
 - Office.
- (viii) Recreation uses.
 - Country club with private membership.
 - Private recreation center, club, or area. *[SUP]*
 - Public park, playground, or golf course.
- (ix) Residential uses.
 - College dormitory, fraternity, or sorority house. *[SUP]*
 - Single family.
- (x) Retail and personal service uses.
 - Animal shelter or clinic without outside run. *[SUP]*
 - Dry cleaning or laundry store.
 - General merchandise or food store 3,500 square feet or less.
 - Personal service uses.
 - Restaurant without drive-in or drive-through service. *[RAR]*
 - Restaurant with alcoholic beverages. (Restricted to City Block I/5685, Lots 9, 17, 18, 19, and 20, and City Block J/5125, Lot 14, the west 25 feet of Lot 13, and the east 15 feet of Lot 15.)
- (xi) Transportation uses.
 - Transit passenger shelter.
- (xii) Utility and public service uses.
 - Electrical substation. *[SUP]*
 - Local utilities.
 - Police or fire station. *[SUP]*
 - Police storefront operation.
 - Post office. *[SUP]*
 - Radio, television, or microwave tower. *[SUP]*

-- Utility or government installation other than listed.
[SUP]

(xiii) Wholesale, distribution, and storage uses.

-- None permitted.

(xiv) Accessory uses.

-- Accessory game court (private).
-- Home occupation.
-- Occasional sales (garage sales).
-- Swimming pool (private).

(3) Area C (Neighborhood Office/Neighborhood Service/Single Family Area).

(A) Purpose. To provide opportunities for neighborhood office, limited neighborhood serving retail uses, and single family uses in combination or singularly.

(B) Uses permitted.

(i) Agricultural uses.

-- None permitted.

(ii) Commercial and business service uses.

-- Building repair and maintenance shop. [SUP]
-- Catering service.
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
[SUP]
-- Electronics service center. [SUP]

(iii) Industrial uses.

-- None permitted.

(iv) Institutional and community service uses.

-- Adult day care facility. [SUP]
-- Child-care facility. [SUP]
-- Church.
-- Library, art gallery, or museum.
-- Public or private school. [RAR]

(v) Lodging uses.

-- None permitted.

(vi) Miscellaneous uses.

-- None permitted.

(vii) Office uses.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(viii) Recreation uses.

- Public park, playground, or golf course.

(ix) Residential uses.

- Single family.

(x) Retail and personal service uses. All retail and personal service uses are limited to 3,500 square feet or less.

- Animal shelter or clinic without outside run. *[SUP]*
- Antique shop.
- Baby/toddler shop.
- Bakery.
- Barber and beauty shop.
- Bicycle shop.
- Book store.
- Business school.
- Camera shop.
- Candy store.
- Cigar and tobacco shop.
- Clothing store.
- Computer store.
- Custom print/duplication shop.
- Delicatessen.
- Drug store. *[L]*
- Dry cleaning/laundry pick-up and delivery only.
- Dry goods.
- Electronics store. *[SUP]*
- Fabric store.
- Film developing shop.
- Florist shop.
- Furrier.
- Gift shop.
- Haberdashery.
- Handcrafted art work studio.
- Hobby and art supply store.
- Home accessory store.
- Household equipment and appliance repair.
- Institutional arts studio.
- Jewelry store.
- Key shop.
- Leather goods and luggage store.
- Mailing service.
- Medical appliance fitting and sales.

- Millinery store.
- Music store.
- Newsstand.
- Notions.
- Novelty store. [SUP]
- Optical shop.
- Paint and wallpaper. [SUP]
- Photography studio.
- Photography supply.
- Piano store.
- Record store. [SUP]
- Retail food store. [SUP]
- Shoe repair.
- Shoe store.
- Sporting goods.
- Stamp and coin shop.
- Stationery store.
- Tailor, custom sewing shop.
- Toy store.
- Travel bureau.
- Watch and clock shop.

(xi) Transportation uses.

- Transit passenger shelter.

(xii) Utility and public service uses.

- Local utilities.
- Police storefront operation.

(xiii) Wholesale, distribution, and storage uses.

- None permitted.

(xiv) Accessory uses.

- Home occupation.
- Swimming pool (private).

(4) Area D (Multifamily/Limited Retail/Single Family Area).

(A) Purpose. To provide uses similar to the MF-2(A) Multifamily District, as well as opportunities for limited neighborhood serving retail uses and single family uses in combination or singularly.

(B) Uses permitted.

(i) Agricultural uses.

- None permitted.

(ii) Commercial and business service uses.

- Building repair and maintenance shop. *[SUP]*
- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
[SUP]
- Electronics service center. *[SUP]*

- (iii) Industrial uses.
 - None permitted.

- (iv) Institutional and community service uses.
 - Adult day care facility. *[SUP]*
 - Child-care facility. *[SUP]*
 - Church.
 - Library, art gallery, or museum.
 - Public or private school. *[RAR]*

- (v) Lodging uses.
 - None permitted.

- (vi) Miscellaneous uses.
 - None permitted.

- (vii) Office uses.
 - Financial institution without drive-in window.
 - Medical clinic or ambulatory surgical center.
 - Office.

- (viii) Recreation uses.
 - Public park, playground, or golf course.

- (ix) Residential uses.
 - Multifamily.
 - Single family.

- (x) Retail and personal service uses. All retail and personal service uses are limited to 3,500 square feet or less.
 - Animal shelter or clinic without outside run. *[SUP]*
 - Antique shop.
 - Baby/toddler shop.
 - Bakery.
 - Barber and beauty shop.
 - Bicycle shop.
 - Book store.

- Business school.
- Camera shop.
- Candy store.
- Cigar and tobacco shop.
- Clothing store.
- Computer store.
- Custom print/duplication shop.
- Delicatessen.
- Drug store. *[L]*
- Dry cleaning/laundry pick-up and delivery only.
- Dry goods.
- Electronics store. *[SUP]*
- Fabric store.
- Film developing shop.
- Florist shop.
- Furrier.
- Gift shop.
- Haberdashery.
- Handcrafted art work studio.
- Hobby and art supply store.
- Home accessory store.
- Household equipment and appliance repair.
- Institutional arts studio.
- Jewelry store.
- Key shop.
- Leather goods and luggage store.
- Mailing service.
- Medical appliance fitting and sales.
- Millinery store.
- Music store.
- Newsstand.
- Notions.
- Novelty store. *[SUP]*
- Optical shop.
- Paint and wallpaper. *[SUP]*
- Photography studio.
- Photography supply.
- Piano store.
- Record store. *[SUP]*
- Retail food store. *[SUP]*
- Shoe repair.
- Shoe store.
- Sporting goods.
- Stamp and coin shop.
- Stationery store.
- Tailor, custom sewing shop.
- Toy store.
- Travel bureau.
- Watch and clock shop.

(xi) Transportation uses.

- Transit passenger shelter.

(xii) Utility and public service uses.

- Local utilities.
- Police storefront operation.

(xiii) Wholesale, distribution, and storage uses.

- None permitted.

(xiv) Accessory uses.

- Home occupation.
- Swimming pool (private).

(b) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(1) Front yard. Minimum front yard setback is 15 feet.

(2) Side yard.

(A) Single family structures. No minimum side yard setback.

(B) Other permitted structures. Minimum side and rear yard is five feet.

(3) Rear yard. Minimum rear yard setback is 20 feet.

(4) Dwelling unit density.

(A) Area A, A-1, B, and C. Maximum dwelling unit ("DU") density is 14 dwelling units per acre.

(B) Area D. No maximum dwelling unit density.

(5) Floor area ratio. Maximum floor area ratio is 0.5.

(6) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 30 feet.

(7) Stories. Maximum number of stories above grade is two.

(8) Lot coverage. Maximum lot coverage is 40 percent. Surface parking lots and

underground parking structures are not included in lot coverage calculations.

(9) Lot size.

(A) Single family uses. Minimum lot area per dwelling unit is 3,000 square feet.

(B) Multifamily uses. Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
No separate bedroom	800 square feet
One bedroom	1,000 square feet
Two bedrooms	1,200 square feet
More than two bedrooms (Add this amount for each bedroom over two)	150 square feet

(C) Nonresidential uses. Minimum lot size is 7,500 square feet.

(c) Off-street parking and loading.

(1) Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for general information regarding off-street parking and loading.

(2) Only surface and underground parking is permitted.

(d) Environmental performance standards. See Article VI.

(e) Landscape regulations.

(1) In general.

(A) Compliance with Article X. Landscaping must be provided on all property in accordance with Article X, "Landscape Regulations," when an application is made for a building permit for construction work that:

(i) increases by more than 10 percent the floor area of any structure on a lot;

(ii) increases the number of stories of any structure on a lot; or

(iii) increases the number of structures on the lot.

(B) Compliance with this subsection. If and when Article X applies to a lot, the following paragraphs must also be complied with.

(2) Street trees.

(A) Caliper. Street trees must have a caliper of at least two and one-half inches.

(B) Location. If off-street parking is located in the required front yard, one street tree must be provided for each 25 feet of lot frontage. In determining the required number of trees, fractional trees are counted to the lowest whole number. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-326.107 of this article.

(3) Irrigation. An irrigation system must be provided for the maintenance of required street trees.

(4) Screening. Required screening walls must be composed of solid masonry, stucco, or wood, or a combination of masonry, stucco, and wood. Eight-foot-high walls are required when the area being screened is adjacent to a single family district. Six-foot-high walls are required when the area being screened is adjacent to a multifamily or nonresidential district. All gates must be constructed the same height as the fence.

(f) Signs.

(1) All signs must comply with the provisions for non-business zoning districts contained in Article VII, "Sign Regulations."

(2) Detached signs are prohibited.

(g) Lighting standards.

(1) In general. Except as provided below, lighting must comply with the lighting provisions for off-street parking contained in Section 51A-4.301.

(2) Bulbs. Bare bulbs, exposed filaments or arc tubes, and strings of lamps are prohibited.

(3) Height. Light sources may be erected on buildings or structures (without height extenders) or in trees at any height at any location on the site. No light source may be mounted on a pole at a height greater than 12 feet. No light source may be located above a residential proximity slope.

(4) Spillover light. The intensity of spillover light on neighboring residential lots, measured at a point five feet inside the residential lot line and five feet above the ground surface, may not exceed 0.1 footcandle.

(5) Adjacency to residential properties. A light source which is located within 200 feet of a residential lot must:

(A) be covered by a diffusing or shielded-type fixture;

(B) be installed to reduce glare and the consequent interference with boundary streets; and

(C) not be visible from the residential lot, at a point five feet inside the residential lot line and five feet above the ground surface.

(6) Conformity. These lighting standards do not apply to light sources and fixtures existing on November 8, 1989.

(h) Additional provisions.

(1) Alley access.

(A) No person may use a public alley or public access easement for the purpose of delivering or receiving any goods or services to or from a nonresidential use. It is a defense to prosecution under this subparagraph that the person is:

- (i) a governmental entity;
- (ii) a communications or utility company, whether publicly or privately owned; or
- (iii) the operator of an authorized emergency vehicle as defined in Article 6701d, Vernon's Annotated Texas Statutes.

(B) The board of adjustment may grant a special exception to the alley access restriction in Subparagraph (A) if the board finds, based on evidence presented at a public hearing, that strict compliance with the restriction would result in material and substantial impairment of access to the property as a whole. In determining whether access would be materially and substantially impaired, the board shall consider the following factors:

- (i) The extent to which access to the restricted alley is essential to the normal operation of the use or uses to which the special exception would apply.
- (ii) The extent to which the property as a whole has reasonable access to other public streets, alleys, or access easements in addition to the restricted alley.
- (iii) The extent to which strict compliance with the alley access restriction will necessarily have the effect of substantially reducing the market value of the property.

(C) In granting a special exception under this subsection, the board shall:

- (i) specify the use or uses to which the special exception applies; and
- (ii) establish a termination date for the special exception, which may not be later than five years after the date of the board's decision.

(D) In granting a special exception under this subsection, the board may:

- (i) authorize alley access only during certain hours; or
- (ii) impose any other reasonable condition that would further the purpose and intent of the alley access restriction.

(E) Notwithstanding any of the above, a special exception granted by the board under this subsection for a particular use automatically and immediately terminates if and when that use is changed or discontinued.

(2) Building materials and roof construction.

(A) Application of paragraph. The following provisions become applicable to a lot when an application is made for a building permit for construction work that:

- (i) increases by more than 10 percent the floor area of any structure on a lot;
- (ii) increases the number of stories of any structure; or
- (iii) increases the number of structures on the lot.

(B) Building materials. Reflective glass is prohibited as an exterior building material on any building or structure on the Property. Except as otherwise provided, metal facades are prohibited. Siding made of aluminum, or other metal in common use in residential construction, fabricated, and painted to resemble wood is permitted.

(C) Roof construction. No structure may be constructed on the Property without a gable, gambrel, hip, or mansard roof as illustrated in Exhibit 326B.

(3) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(4) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-2, or MF-2(A) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 20502; 20516; 25850; 27650)

SEC. 51P-326.107. LANDSCAPING IN THE PARKWAY.

(a) Private license granted. The city council hereby grants a private license to the owners of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit in accordance with Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(b) Parkway license permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate

it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees in the public right-of-way. (Ord. Nos. 20502; 25850)

SEC. 51P-326.108. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this article and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 20502; 25850)

SEC. 51P-326.109. ZONING MAP.

PD 326 is located on Zoning Map No. G-6. (Ord. 25850)



EXHIBIT 326A

PD 326 TRACT MAP
Contains 5 Areas: A (2x), A-1, B (2x), C, D

ORDINANCES: 20502, 20516, 20850, new sub

1:5,199

Matched to Parcel08 lines

09 2238

27650

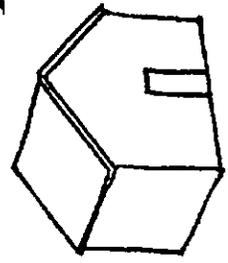
BDA167-002
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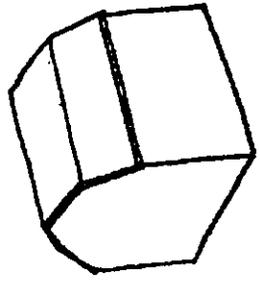
EXHIBIT 326B
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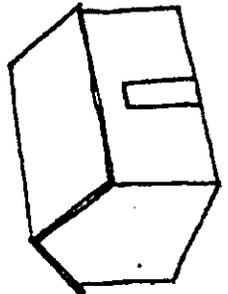
Roof Styles
Source: A Field Guide to American Houses



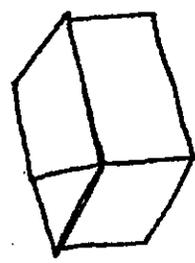
Front-gabled



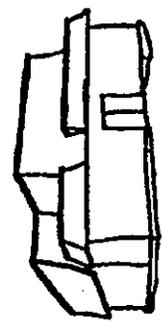
Gambrel (dual-pitched gables)



Side-gabled



Simple hipped



Mansard

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EXHIBIT 326B

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		A rea A	A rea B	A rea C	A rea D
4201	AGRICULTURAL USES				
1	Animal production				
2	Commercial stable				
3	Crop production				

		A rea A	A rea B	A rea C	A rea D
4202	COMMERCIAL AND BUSINESS SERVICE USES				
1	Building repair and maintenance shop	S		S	S
2	Bus or rail transit vehicle maintenance or storage facility				
3	Catering service	●		●	●
4	Commercial cleaning or laundry plant				
5	Custom business services	●		●	●
6	Custom woodworking, furniture construction, or repair	S		S	S
7	Electronics service center	S		S	S
8	Job or lithographic printing				
9	Machine or welding shop				
10	Machinery, heavy equipment, or truck sales and services				
11	Medical or scientific laboratory	S			
12	Technical school				
13	Tool or equipment rental				
14	Vehicle or engine repair or maintenance				

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EXHIBIT 326B

PAGE 3 OF 13

		A rea A	A rea B	A rea C	A rea D
4.203	INDUSTRIAL USES				
1	Industrial (inside) without high risk or hazardous uses				
1A	Industrial (inside) with high risk or hazardous uses				
2	Industrial (outside) without high risk or hazardous uses				
2A	Industrial (outside) with high risk or hazardous uses				
3	Metal salvage facility				
4	Mining				
5	Outside salvage or reclamation				
6	Temporary concrete or asphalt batching plant				

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**EXHIBIT 326B
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		Area A	Area B	Area C	Area D
4.204	INSTITUTIONAL AND COMMUNITY SERVICE USES				
1	Adult day care facility	S	●	S	S
2	Cemetery or mausoleum	S	S		
3	Child-care facility	S	●	S	S
4	Church	●	●	●	●
5	College, university, or seminary	●	S		
6	Community home for disabled persons				
7	Community service center	●	S		
8	Convalescent and nursing homes and related institutions				
9	Convent or monastery	●	●		
10	Establishments for the care of alcoholic, narcotic, or psychiatric patients				
11	Foster home				
12	Group homes or shelters for disabled, indigent, or abused persons				
13	Halfway house				
14	Hospital				
15	Institution for special education	S	S		
16	Library, art gallery or museum	●	●	●	●
17	Public or private school	Ⓡ	Ⓡ	Ⓡ	Ⓡ

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**EXHIBIT 326B
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		Area A	Area B	Area C	Area D
4.205	LODGING USES				
1	Hotel or motel				
2	Lodging or boarding house				
3	Residential hotel				

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		Area A	Area B	Area C	Area D
4.206	MISCELLANEOUS USES				
1	Carnival or circus (temporary)	*	*		
2	Temporary construction or sales office	●	●		

* By special authorization of the building official

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EXHIBIT 326B
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		Area A	Area B	Area C	Area D
4.207	OFFICE USES				
1A	Financial institution without drive-in window	●	●	●	●
1B	Financial institution with drive-in window	S			
2	Medical clinic or ambulatory surgical center	●	●	●	●
3	Office	●	●	●	●

		Area A	Area B	Area C	Area D
4.208	RECREATION USES				
1	Country club with private membership	●	●		
2	Private recreation center, club, or area	S	S		
3	Public park, playground, or golf course	●	●	●	●

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EXHIBIT 326B
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		Area A	Area B	Area C	Area D
4.209	RESIDENTIAL USES				
1	College dormitory, fraternity or sorority house	●	S		
2	Duplex				
3	Reserved				
4	Mobile home park or subdivision				
5	Multifamily				●
5.1	Retirement housing				
6	Single family	●	●	●	●

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		Area A	Area B	Area C	Area D
4.210	RETAIL AND PERSONAL SERVICE USES				
1	Ambulance service				
2	Animal shelter or clinic without outside run		S	S	S
2A	Animal shelter or clinic with outside run				
3	Auto service center				
4	Bar, lounge, or tavern				
5	Business school	●		●	●
6	Car wash				
7	Commercial amusement (inside)				
8	Commercial amusement (outside)				
9	Commercial parking lot or garage				
10	Drive-in theater				
11	Dry cleaning or laundry store		●		
12	Furniture store				
13	General merchandise or food store 3,500 square feet or less	*	●	*	*
14	General merchandise or food store greater than 3,500 square feet				
15	Home improvement center, lumber, brick or building materials sales yard				
16	Household equipment and appliance repair				
17	Liquor store				
18	Mortuary, funeral home, or commercial wedding chapel				
19	Motor vehicle fueling station				

* Limited to: Antique shop, Baby/toddler shop, Bakery, Barber and Beauty shop, Bicycle shop, Book store, Camera shop, Candy store, Cigar and tobacco shop, Clothing store, Computer store, Custom print/duplication shop, Delicatessen, Drug store (L), Dry cleaning/laundry pick-up and delivery only, Dry goods, Electronics store (SUP), Fabric store, Film developing shop, Florist shop, Funtier, Gift shop, Haberdashery, Handcrafted art work studio, Hobby and art supply store, Home accessory store, Instructional arts studio, Jewelry store, key shop, Leather goods and luggage store, Mailing service, Medical appliance fitting and sales, Millinery store, Music store, Newstand, Notions, Novelty store (SUP), Optical shop, Paint and wallpaper store (SUP), Photography studio, Photography supply, Piano store, Record store (SUP), Retail food store (SUP), Shoe repair, Shoe store, Sporting goods, Stamp and coin shop, Stationery store, Tailor/custom sewing shop, Toy store, Travel bureau and Watch and clock shop.

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		Area A	Area B	Area C	Area D
4.210	RETAIL AND PERSONAL SERVICE USES				
20	Nursery, garden shop, or plant sales				
21	Outside sales				
22	Pawn shop				
23	Personal service uses		●		
24	Restaurant without drive-in or drive-through service		Ⓜ		
25	Restaurant with drive-in or drive-through service				
26	Restaurant with alcoholic beverages		*		
27	Taxidermist				
28	Temporary retail use				
29	Theater				
30	Vehicle display, sales, and service				

*

The sale and/or consumption of alcoholic beverages are prohibited except on City Block 15685 lots 9, 17, 18, 19, and 20 and City Block J/5125 lot 14, the west 25 feet of lot 13 and the east 15 feet of lot 15.)

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EXHIBIT 326B 20502
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		Area A	Area B	Area C	Area D
4.211	TRANSPORTATION USES				
1	Airport or landing field				
2	Commercial bus station and terminal				
3	Heliport				
4	Helistop				
5	Private street or alley				
6	Railroad passenger station				
7	Railroad yard, roundhouse, or shops				
8	STOL (short takeoff or landing) port				
9	Transit passenger shelter	●	●	●	●
10	Surface parking				

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EXHIBIT 326B
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		Area A	Area B	Area C	Area D
4.212	UTILITY AND PUBLIC SERVICE USES				
1	Commercial radio or television transmitting station	S			
2	Electrical generating plant				
3	Electrical substation	●	S		
4	Local utilities	●	●	●	●
6	Police or fire station	S	S		
6	Post office	S	S		
7	Radio, television, or microwave tower	S	S		
8	Refuse transfer station				
9	Sanitary landfill				
10	Sewage treatment plant				
11	Utility or government installation other than listed	S	S		
12	Water treatment plant				
13	Police storefront operation	●	●	●	●

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EXHIBIT 326B

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		Area A	Area B	Area C	Area D
4.213	WHOLESALE, DISTRIBUTION, AND STORAGE USES				
1	Auto auction				
2	Building mover's temporary storage yard				
3	Contractor's maintenance yard				
4	Freight terminal				
5	Livestock auction pens or sheds				
6	Mini-warehouse				
7	Office showroom/warehouse				
8A	Outside storage (with visual screening)				
8B	Outside storage (without visual screening)				
9	Petroleum product storage and wholesale				
10	Recycling collection center				
11	Sand, gravel, or earth sales and storage				
12	Trade center				
13	Vehicle storage lot				
14	Warehouse				

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**EXHIBIT 326B
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		Area A	Area B	Area C	Area D
4.217	ACCESSORY USES				
1	Accessory community center (private)				
2	Accessory game court (private)	●	●		
3	Accessory heliport				
4	Accessory outside display of merchandise				
5	Accessory outside sales				
6	Accessory outside storage				
7	Amateur communication tower	●			
8	Home occupation	●	●	●	●
9	Occasional sales (garage sales)	●	●		
10	Private stable				
11	Swimming pool (private)	●	●	●	●

Print

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Attach A
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The Dallas City Code

SEC. 51A-4.408. MAXIMUM BUILDING HEIGHT.

(a) Special height provisions.

(1) Structures for utility and public service uses and institutional uses may be erected to any height consistent with the Federal Aviation Administration air space limitations, residential proximity slope height restrictions, and the building code. Exceptions:

(A) No portion of a structure that exceeds the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.) may be located above a residential proximity slope. See Section 51A-4.412.

(B) Local utility transmission and distribution lines and supporting structures are exempt from residential proximity slope height restrictions.

(C) A mounted cellular antenna, as defined in Paragraph 51A-4.212(10.1), attached to a utility structure is exempt from residential proximity slope height restrictions if the utility structure is greater than 65 feet in height. For purposes of this subparagraph, a utility structure means an electrical transmission distribution tower, an elevated water storage tank, and any other structure operated by a municipality, a transit authority, or a certificated, franchised, or licensed utility company in connection with provision of the utility.

(D) A tower/antenna for cellular communication, as defined in Paragraph 51A-4.212(10.1), is exempt from residential proximity slope height restrictions if a specific use permit is required, or if a modification to an existing tower/antenna for cellular communication use is modified in a manner that does not substantially change the physical dimensions of the existing tower/antenna for cellular communication or its auxiliary building. A modification substantially changes the physical dimensions of an existing tower/antenna for cellular communication or its auxiliary building if it meets any of the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(2) In a district in which building height is limited to 36 feet or less, the following structures may project a maximum of 12 feet above the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.):

(A) Structures on top of a building:

- (i) Elevator penthouse or bulkhead.
- (ii) Mechanical equipment room.
- (iii) Cooling tower.
- (iv) Tank designed to hold liquids.
- (v) Ornamental cupola or dome.
- (vi) Skylights.
- (vii) Clerestory.
- (viii) Visual screens which surround roof mounted mechanical equipment.
- (ix) Chimney and vent stacks.

Attachment F

- (x) Amateur communications tower.
- (xi) Parapet wall, limited to a height of four feet.
- (B) Structures at grade level:
 - (i) Amateur communications tower.

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Note: The heights allowed in Subsection (a)(2) are subject to any residential proximity slope height restrictions that may be contained in the district regulations for a particular district. (See Divisions 51A-4.100 et seq.).

(3) The maximum building height requirements in a planned development district are controlled by the planned development district regulations.

(4) In single family, duplex, townhouse, MF- 1(A), MF-1(SAH), MF-2(A), and MF-2(SAH) districts:

(A) no dormer eaves may project above the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.); and

(B) the highest point of a structure with a gable, hip, gambrel, or dome roof may not project more than 12 feet above the maximum height specified in the district regulations (Divisions 51A-4.100 et seq.).

(b) Schedule of maximum building heights. Except as otherwise provided in this section, a person shall not erect, alter, or convert any structure or part of a structure to exceed the maximum height standards in the district regulations (Divisions 51A-4.100 et seq.). A schedule of maximum building heights is contained in Section 51A-4.410.

(c) FAA Height Restrictions. To protect navigable airspace, no structure shall be erected, altered, or maintained at a height in excess of limits established by Federal Aviation Administration regulations. (Ord. Nos. 19455; 20037; 21663; 22639; 24543; 26578; 28072; 29984)

SEC. 51A-4.412. RESIDENTIAL PROXIMITY SLOPE.

(a) Definitions of general terms. In this section:

(1) PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

- (A) A private street or alley.
- (B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.
- (C) A railroad right-of-way.
- (D) A cemetery or mausoleum.

(2) RESTRICTED BUILDING OR STRUCTURE means the building or structure whose height is restricted by a residential proximity slope.

(3) SITE OF ORIGINATION means any private property in:

(A) an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; or

(B) an identifiable portion of a planned development or conservation district, which portion is restricted to residential uses not exceeding 36 feet in height. See the sections in this chapter governing

planned development and conservation districts for specific guidance as to how to treat identifiable portions of those districts.

(b) Residential proximity slope defined. The residential proximity slope is a plane projected upward and outward from every site of origination as defined in Subsection (a). Specifically, the slope is projected from the line formed by the intersection of:

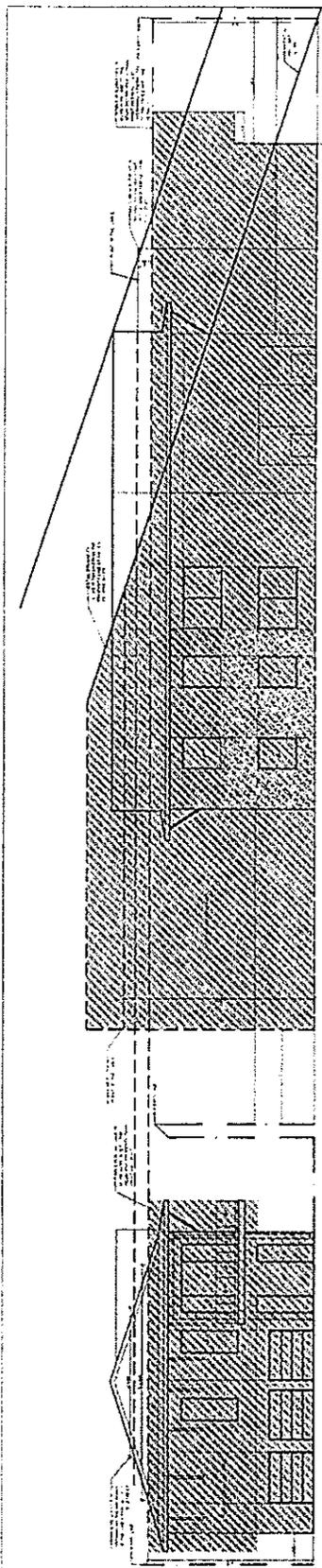
- (1) the vertical plane extending through the boundary line of the site of origination; and
- (2) the grade of the restricted building or structure.

(c) Angle and extent of projection. The angle and extent of projection of the residential proximity slope depends on the zoning category of the site of origination as follows:

ZONING CATEGORY	ANGLE OF PROJECTION	EXTENT
R, R(A), D, D(A), TH, and TH (A)	18.4° (1 to 3 slope)	Infinite.
CH, MF-1, MF-1(A), MF-2, and MF-2(A)	45° (1 to 1 slope)	Terminates at a horizontal distance of 50 feet from the site of origination.

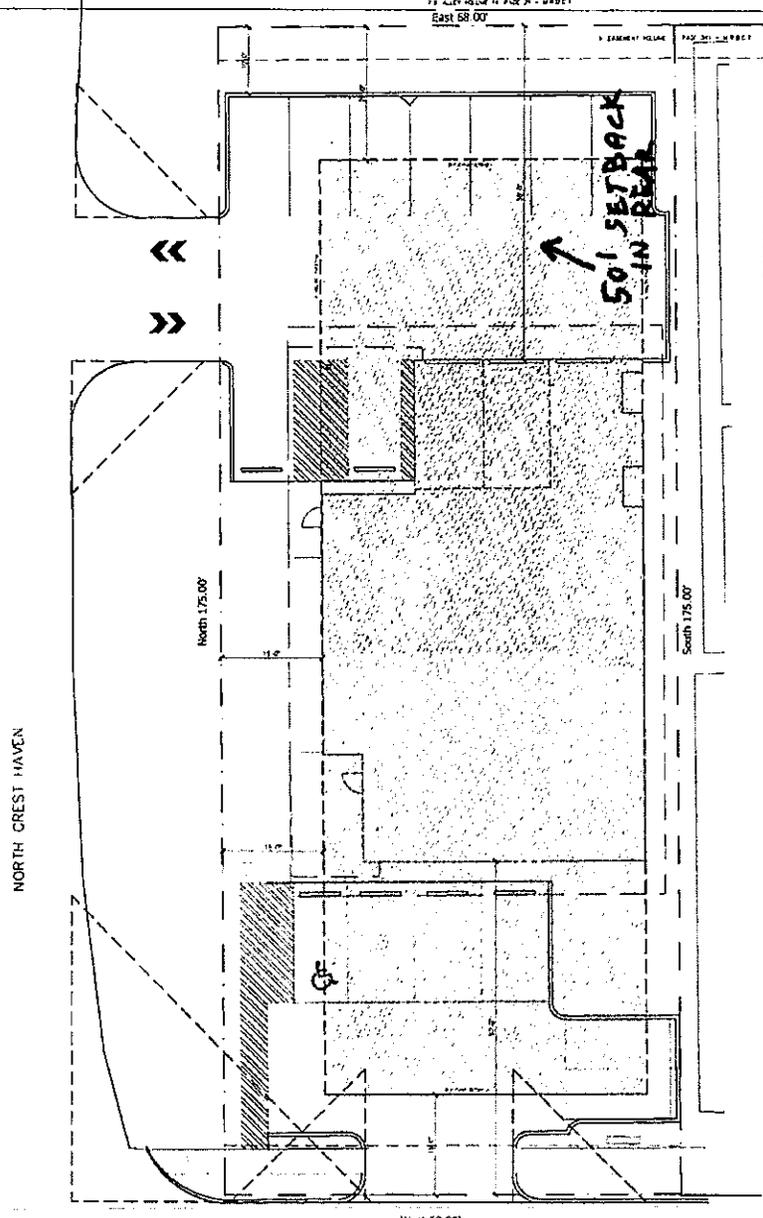
(d) Calculation of height restrictions. The horizontal distances used to calculate the height restrictions imposed by the residential proximity slope may be determined by using the lot, block, and right-of-way dimensions as shown on the official plat or zoning maps of the city, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the building official.

(e) Exemption. Certain structures are exempt from the residential proximity slope. See Section 51A-4.408. (Ord. Nos. 19455; 19786; 20308; 21663; 26578)



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

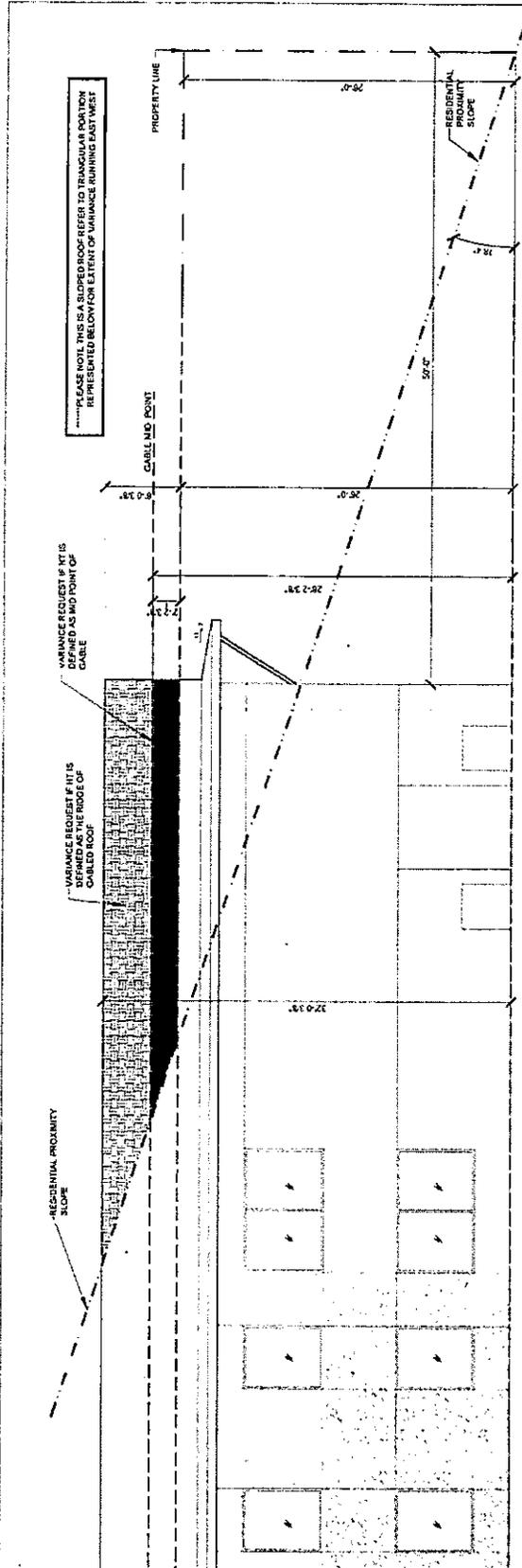
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SITE PLAN EXHIBIT
SCALE: 1/8" = 1'-0"

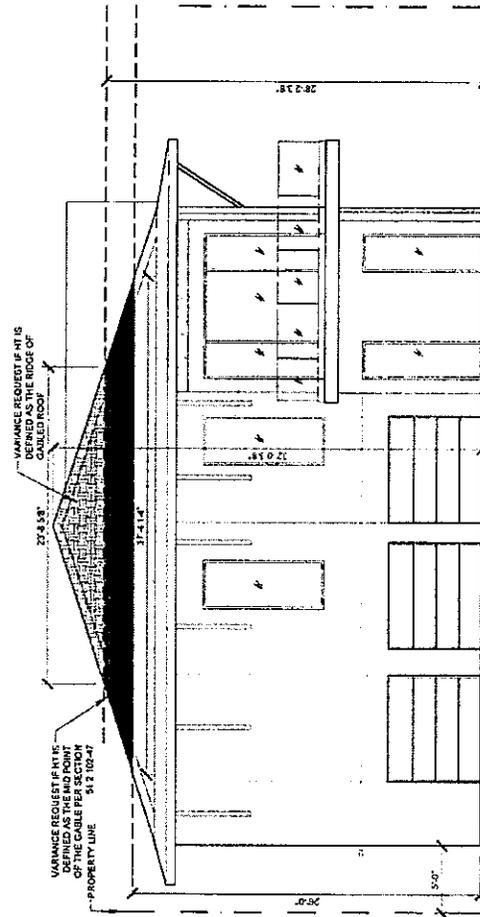
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Attachment G



ELEVATION EXHIBIT-EAST
SC167.012

02



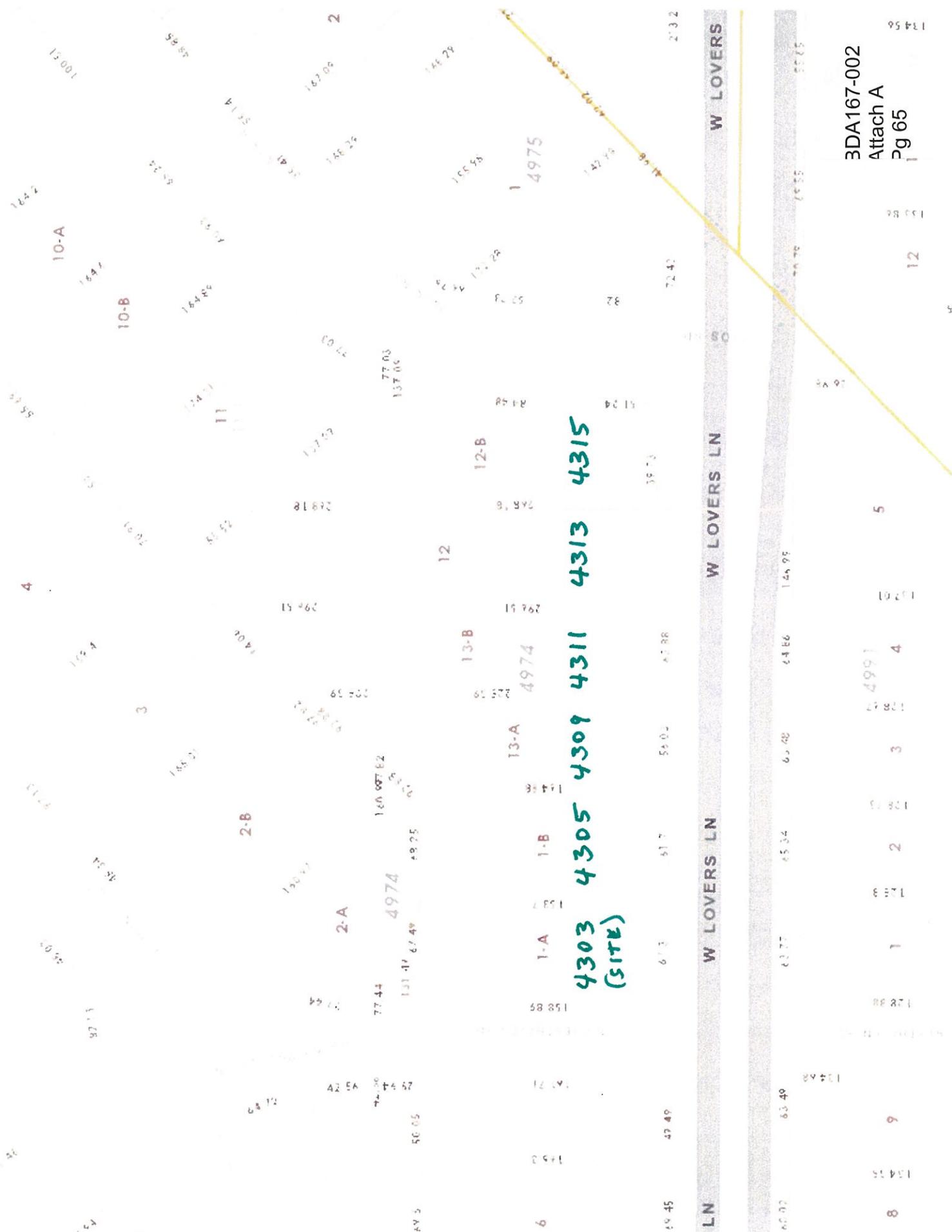
ELEVATION EXHIBIT-NORTH
SC167.012

01

Comparable Properties/Development
P.D. 326, Area A (see attached DCAD map)

<u>Address on West Lovers Lane</u>	<u>Land Area in SF Lot or Tract</u>	<u>Improvements Square Footage</u>	<u>Redevelopment Potential (0.5:1 FAR)</u>
4303	11,413	5,532 (under construction)	
4305	11,351	5,418	
4309	15,350	2,028	7,675
4311	17,517	9,164	
4313	18,180	1,202	9,090
4315	18,186	6,596	9,094

Attachment I



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 Attach A
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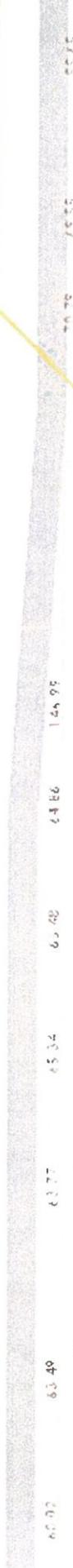
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Attach B

Long, Steve

From: Duerksen, Todd
Sent: Friday, November 04, 2016 2:30 PM
To: Long, Steve; Moorman, Donna; Dean, Neva
Subject: BDA167-002, 4303 W. Lovers Lane

Re: BDA167-002, 4303 W. Lovers Lane

The application for the above appeal was written as follows:

"Affirm that an appeal has been made for a Variance X , or Special Exception , of 7'-10" to the building height due to the residential proximity slope and to appeal the decision of the Building Official to issue a stop work order."

Payment was accepted only for, and the Building Official's report was written only for a variance appeal to the residential proximity slope height, because an appeal of "the decision of the Building Official to issue a stop work order" is not under the jurisdiction of the zoning board of adjustment.

An appeal of "the decision of the Building Official to issue a stop work order" falls under the jurisdiction of the building code Advisory, Examining and Appeals Board per Chapter 52: Administrative Procedures for the Construction Codes, Subchapter 2: Organization and Enforcement, Section 204: Advisory, Examining and Appeals Board.

Todd Duerksen
Sr. Plans Examiner - Zoning Code Consultant
City of Dallas
Building Inspection Division
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd., Rm. 105



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-002

Data Relative to Subject Property:

Date: November 2, 2016

Location address: 4303 West Lovers Lane Zoning District: P.D. 326 (Area A)

Lot No.: 1-A Block No.: D/4974 Acreage: .27 Census Tract: 0073.02

Street Frontage (in Feet): 1) 68' 2) 175' 3) 4) 5) NW 21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CLH Operating, LLC

Applicant: Meredith Wallace Telephone: 214 631 0400

Mailing Address: 1903 Anson Road Zip Code: 75235

E-mail Address: mwallace@wallacejohnsonstudio.com

Represented by: Suzan Kedron & Jonathan Vinson/Jackson Walker LLP Telephone: 214 953-5941

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

E-mail Address: skedron@jw.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 7'-10" to the building height due to the residential proximity slope and to appeal the decision of the Building Official to issue a stop work order.

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: To appeal the decision of the Building Official to issue a stop work order and to request a variance to 7'-10" in to the residential proximity slope.

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

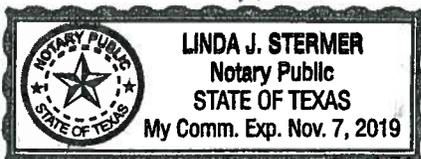
Before me the undersigned on this day personally appeared Meredith Wallace (Affiant/Applicant's name printed)

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 2nd day of November, 2016

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Meredith Wallace

did submit a request for a variance to the building height regulations
at 4303 W. Lovers Lane

BDA167-002. Application of Meredith Wallace for a variance to the building height regulations at 4303 W. Lovers Lane. This property is more fully described as Lot 1A, Block D/4974, and is zoned PD-326 (Area A), which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct a nonresidential structure with a building height of 33 feet 10 inches, which will require a 7 foot 10 inch variance to the maximum building height regulation.

Sincerely,

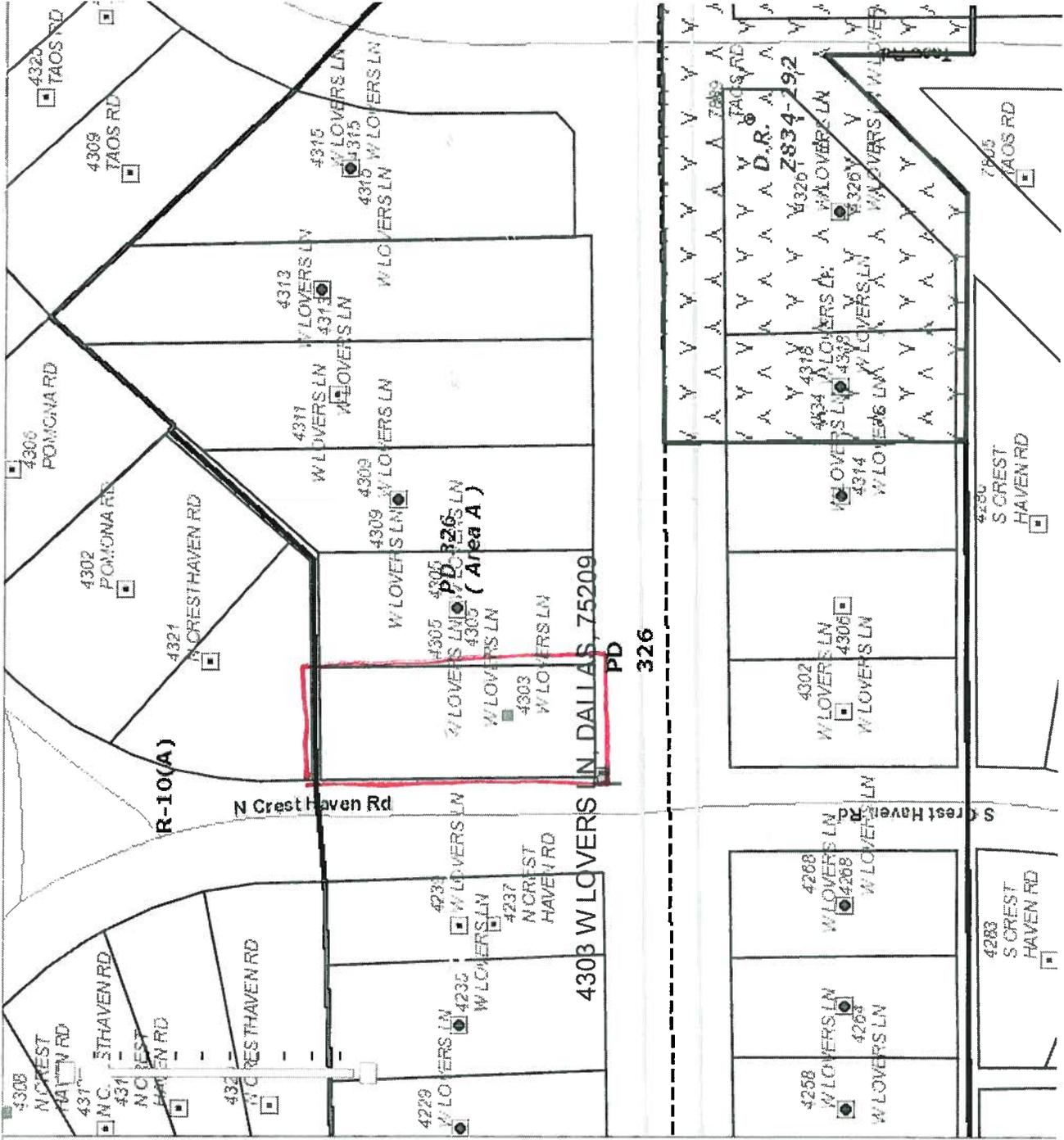
Philip Sikes
Philip Sikes, Building Official

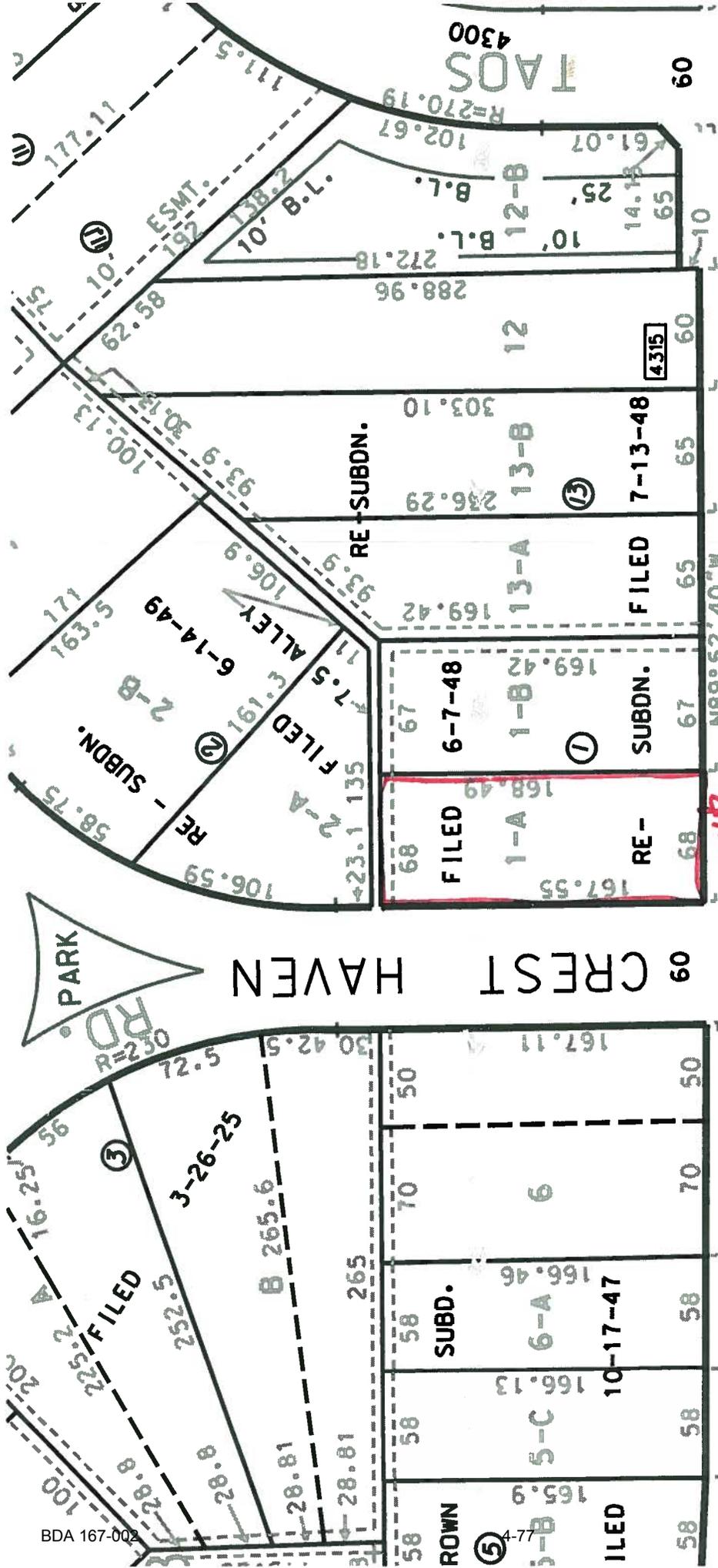
City of Dallas

Internal Development Research Site

Legend

Locate Property





4300 LN. 08

SOUTH HAVEN ROAD

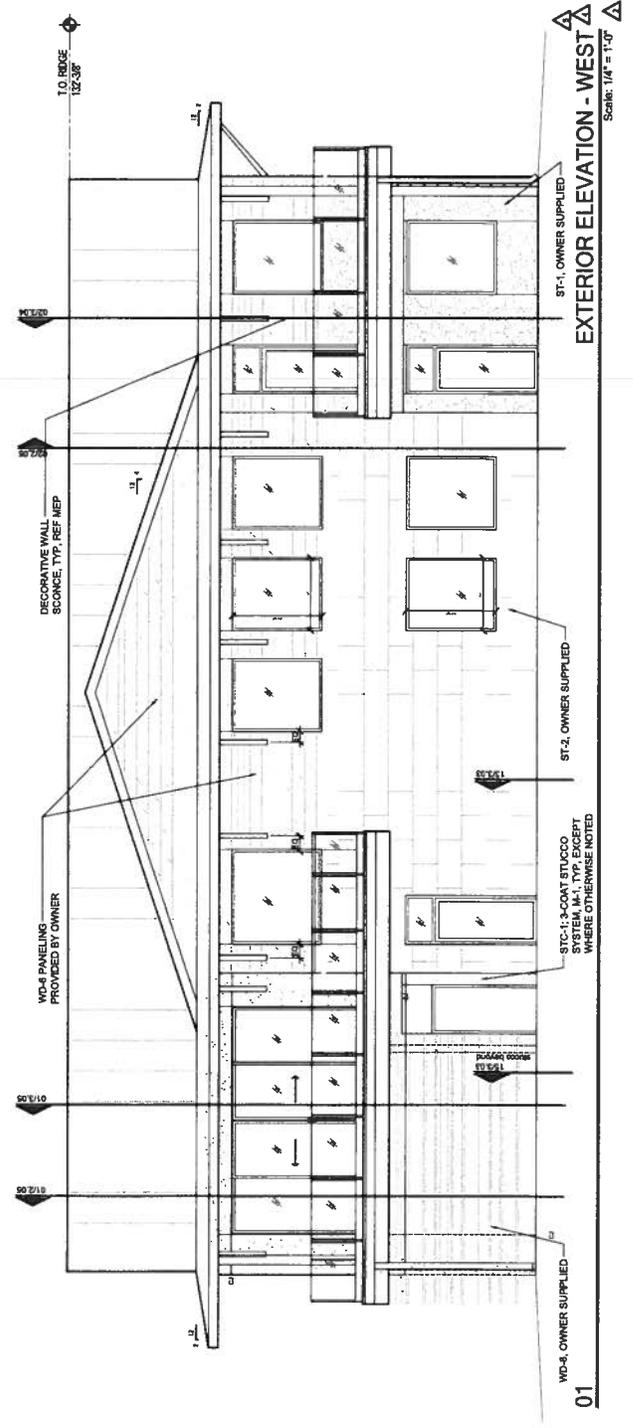
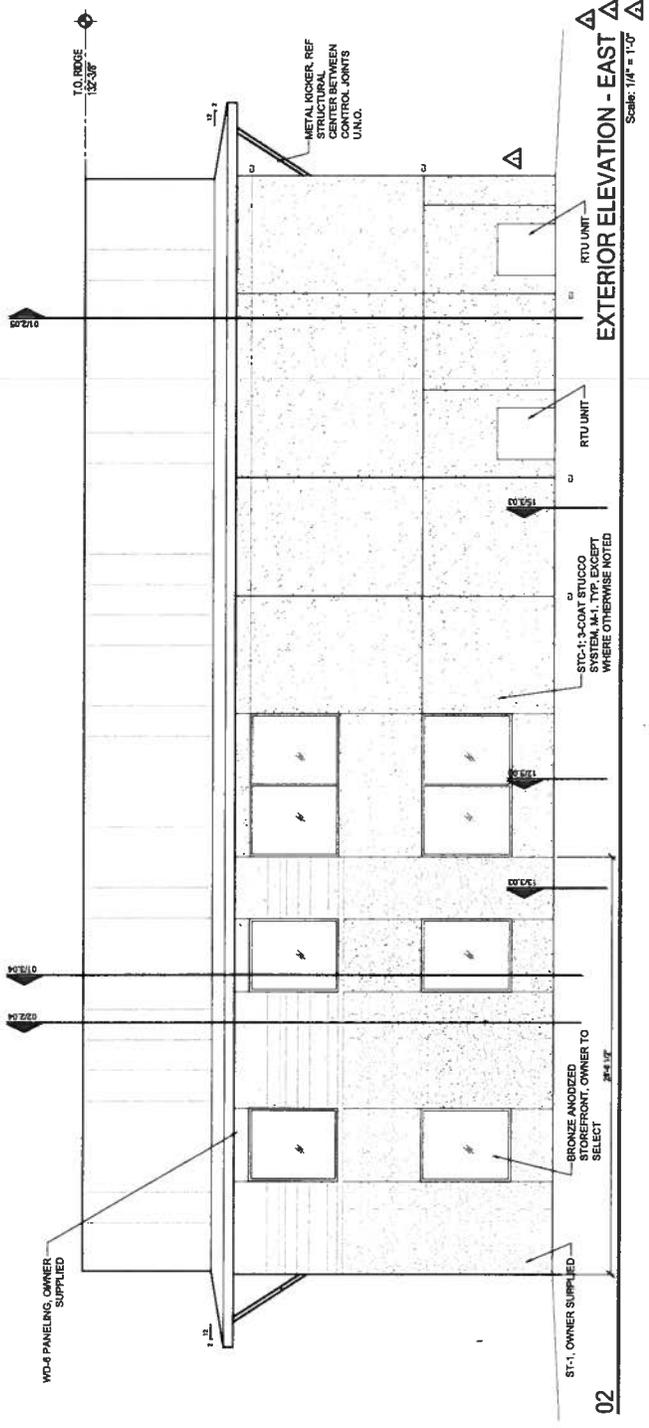
1901

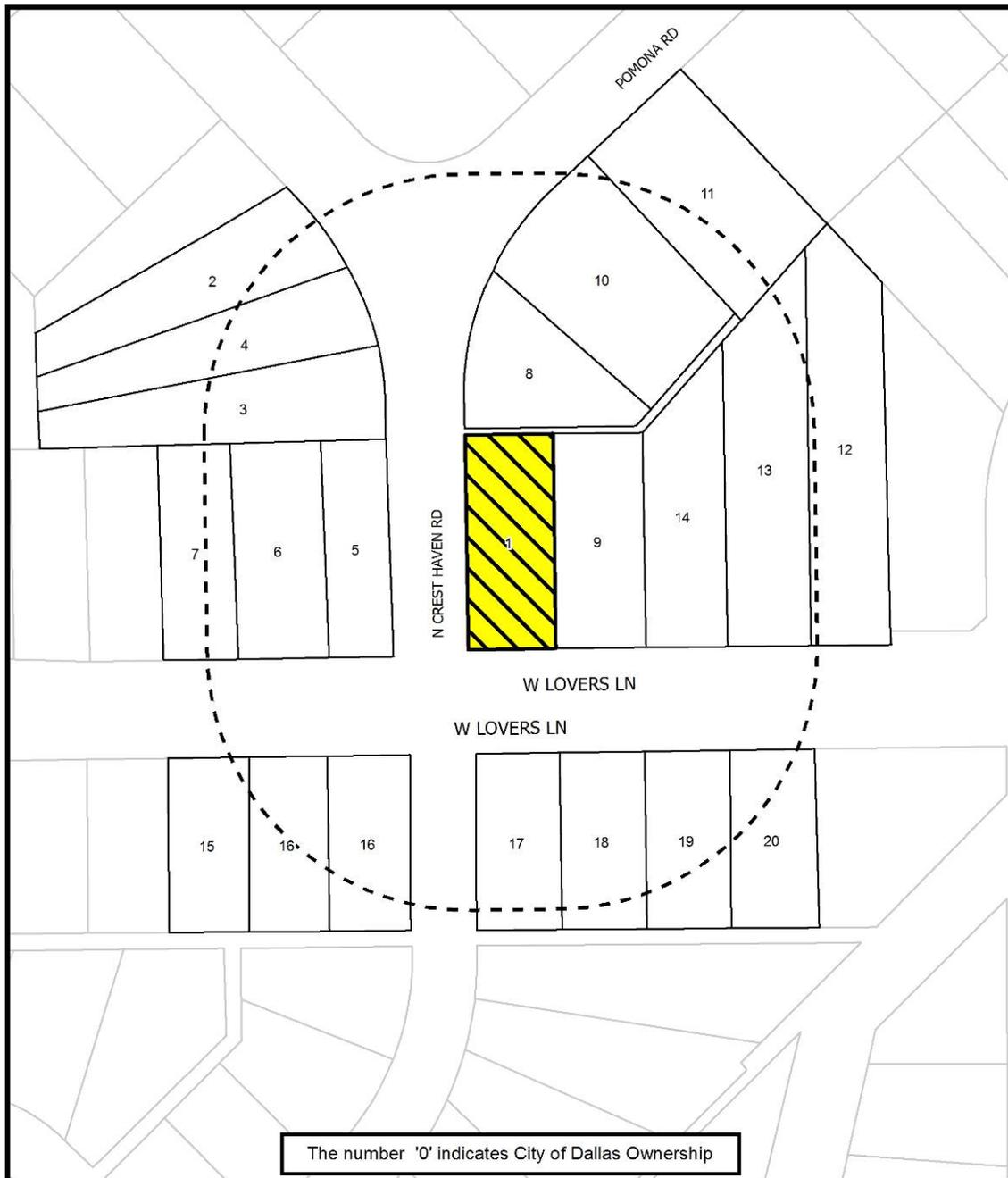
DATE	DESCRIPTION
10/24/2011	DRAWING PREPARATION
10/11/2011	STUCCO RFI
07/27/2011	ASLR
06/13/2011	ASLR
05/24/2011	CONSTRUCTION
05/13/2011	RFI
04/28/2011	PERMIT



DATE	07/27/2016
SCALE	A2.00

EXTERIOR
ELEVATIONS





 1:1,200	NOTIFICATION		Case no: BDA167-002
	<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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 11/3/2016

Notification List of Property Owners

BDA167-002

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4303 W LOVERS LN	CLH OPERATING LLC
2	4312 N CRESTHAVEN RD	MCMILLAN ROBERT S & KIMBERLY S
3	4320 N CRESTHAVEN RD	KIDD MARTY EVERETT
4	4316 N CRESTHAVEN RD	CREEKMORE CAROLYN S
5	4239 W LOVERS LN	MACK ALARIC
6	4235 W LOVERS LN	HERNANDEZ ONESIMO ESTATE
7	4229 W LOVERS LN	BANKS BENNY L
8	4321 N CRESTHAVEN RD	LEDOUX HAROLD A
9	4305 W LOVERS LN	TOBOLOWSKY IRA E
10	4302 POMONA RD	MARTELLO JOY A & KEITH T
11	4306 POMONA RD	ARMSTRONG LYNN &
12	4313 W LOVERS LN	EM COR LLC
13	4311 W LOVERS LN	DFW/MLA OPPORTUNITY FUND LTD
14	4309 W LOVERS LN	FREDDE JERRY R & DENEEN B
15	4258 W LOVERS LN	SINGLER JEFFREY JOHN
16	4264 W LOVERS LN	LOVERS LANE PROPERTIES LLC
17	4302 W LOVERS LN	CHURCH OF THE LIVING GOD
18	4306 W LOVERS LN	YBARRA CAROL LLC
19	4314 W LOVERS LN	YBARRA CARLO LLC
20	4318 W LOVERS LN	YBARRA CARLO LLC