

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, NOVEMBER 16, 2015
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:30 A.M.
TRAINING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:30 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 ITEM

Approval of the October 19, 2015 Board of Adjustment
Panel C Public Hearing Minutes M1

UNCONTESTED CASES

BDA145-112(SL)	1724 Poplar Street REQUEST: Application of Angelos Kolobotos to restore a nonconforming use	1
BDA145-118(SL)	1712 Commerce Street REQUEST: Application of Marc Verduin for variances to the front yard setback regulations and variances to the minimum sidewalk regulations	2
BDA145-119(SL)	10545 Lennox Lane REQUEST: Application of Danny Sipes for a special exception to the single family use regulations	3

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)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C October 19, 2015 public hearing minutes.

FILE NUMBER: BDA 145-112(SL)

BUILDING OFFICIAL'S REPORT: Application of Angelos Kolobotos to restore a nonconforming use at 1724 Poplar Street. This property is more fully described as Lot 17, Block F/1606, and is zoned PD 595 (R-5(A)), which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming multifamily use, which will require a special exception to the nonconforming use regulations.

LOCATION: 1724 Poplar Street

APPLICANT: Angelos Kolobotos

REQUEST:

A request for a special exception to restore/reinstate nonconforming use rights is made to obtain a Certificate of Occupancy (CO) for a "multifamily" use on the subject site even though this nonconforming use was discontinued for a period of six months or more.

STANDARD FOR A SPECIAL EXCEPTION TO OPERATE A NONCONFORMING USE IF THAT USE IS DISCONTINUED FOR SIX MONTHS OR MORE: The Dallas Development Code states that the Board may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 595 (R-5(A)) (Planned Development, Single family)
North: PD 595 (R-5(A)) (Planned Development, Single family)
South: PD 595 (R-5(A)) (Planned Development, Single family)
East: PD 595 (R-5(A)) (Planned Development, Single family)
West: PD 595 (R-5(A)) (Planned Development, Single family)

Land Use:

The subject site is developed with a vacant multifamily structure. The areas to the north, east, south, and west are developed with what appears to be either residential uses or vacant lots.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request is made to restore/reinstate nonconforming use rights for a “multifamily” use that has been discontinued for six months or more, and to obtain a Certificate of Occupancy (CO) for this use.
- The Dallas Development Code defines “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time”.
- The nonconforming use regulations state it is the declared purpose of the nonconforming use section of the code that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
- The nonconforming use regulations also state that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.
- The subject site is zoned PD 595 (R-5(A)) – a zoning district that does not permit a “multifamily” use.
- A document has been included in the case file that states the “multifamily” use at 1724 Poplar Street is a nonconforming use.
- Building Inspection has stated that while a certificate of occupancy has not been included in this case file, the finding that the use was nonconforming on the subject site was established through permit records.
- Building Inspection has stated that these types of special exception requests originate from when an owner/officer related to the property applies for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of 6 months since the issuance of the last valid CO. The owners/officers must submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.

- If the Board were to grant this request, the nonconforming “multifamily use on the site would be subject to the possibility of an application that could be brought to the Board of Adjustment requesting that the board establish a compliance date as is the case with any other nonconforming use in the city.
- The applicant could achieve conforming use status for the “multifamily” use on the site with a change in zoning from the City Council.
- The owner could develop the site with any use that is permitted by right in the site’s existing PD 595 (R-5(A)) zoning classification.
- The applicant has the burden of proof in establishing the following related to the special exception request:
 - There was a clear intent not to abandon the nonconforming “multifamily” use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming “multifamily” use rights that were lost when the use was abandoned for a period of six months or more.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code by the Board of Adjustment as any other nonconforming use in the city. (The applicant has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).

Timeline:

September 14, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

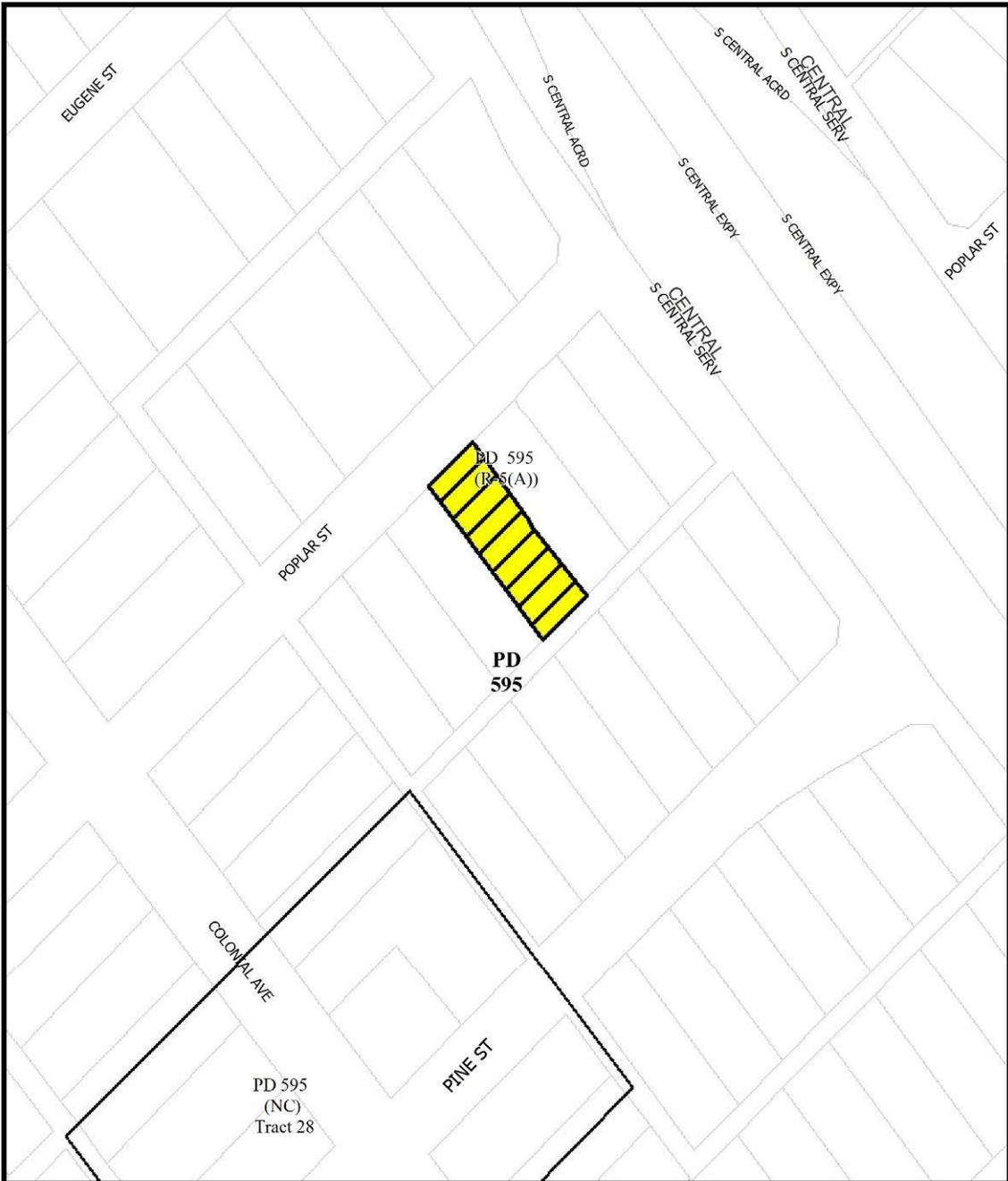
October 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

October 14, 2015: The Board Administrator contacted the applicant and emailed the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 28th deadline to submit additional evidence for staff to factor into their analysis; and the November 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

November 3, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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



1:1,200

ZONING MAP

Case no: BDA145-112

Date: 10/22/2015



1:1,200

AERIAL MAP

Case no: BDA145-112

Date: 10/22/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-112

Date: 9-14-15

Data Relative to Subject Property:

Location address: 1724 POPLAR STREET

Zoning District: PD545(R-5(A))

Lot No.: 17 Block No.: F/1606 Acreage: .23

Census Tract: 40.00

Street Frontage (in Feet): 1) 48' 2) 3) 4) 5) 5026

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ANGELOS KOLOBOTOS

Applicant: ANGELOS KOLOBOTOS #405 Telephone: (214) 701-4751

Mailing Address: 4848 LEMMON AVENUE DALLAS Zip Code: 75219

E-mail Address: bigbuilddude@yahoo.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of RESTORATION OF A NON-CONFORMING MULTI-FAMILY USE

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 a complete renovation, I have lost my non-conforming multi use for a multi-family use.

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

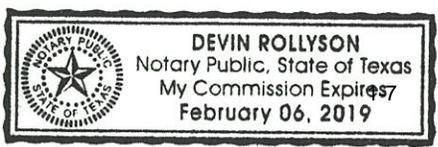
Affidavit

Before me the undersigned on this day personally appeared ANGELOS KOLOBOTOS (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: A. Kolobots (Affiant/Applicant's signature)

Subscribed and sworn to before me this 9 day of March, 2015



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 *Angelos Kolobotos*
did submit a request to restore a nonconforming use
at 1724 Poplar Street

BDA145-112. Application of Angelos Kolobotos to restore a nonconforming use at 1724 Poplar Street. This property is more fully described as Lot 17, Block F/1606, and is zoned PD-595 (R-5(A)), which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming multifamily residential use, which will require a special exception the nonconforming use regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





F 1609

4200

EXPRES-

14.54
15.42

14.71

16.14
59.71
122.99
139.76
148.63

PINE

POPLAR

1606/F

1601/B

ST.

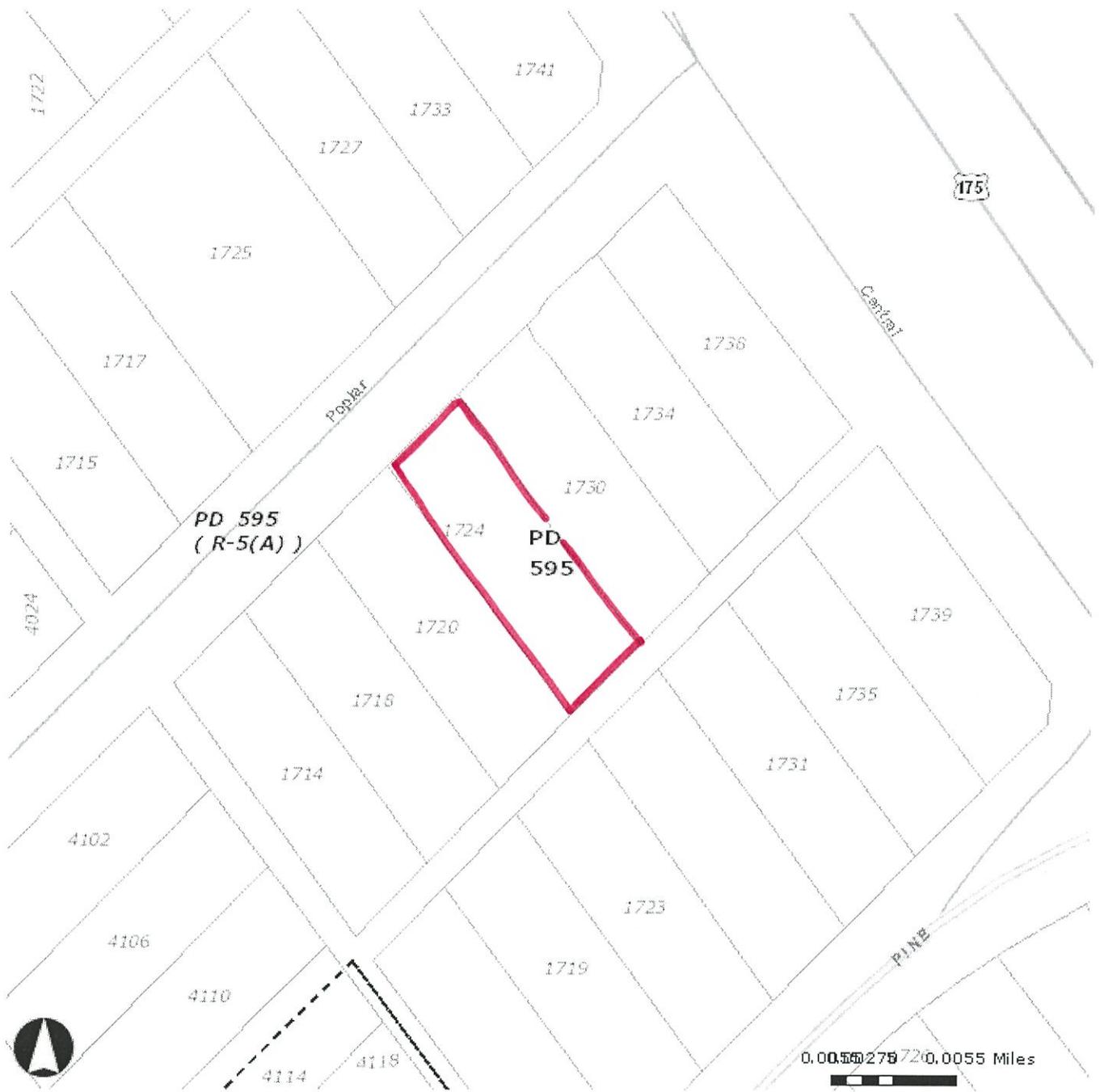
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4000

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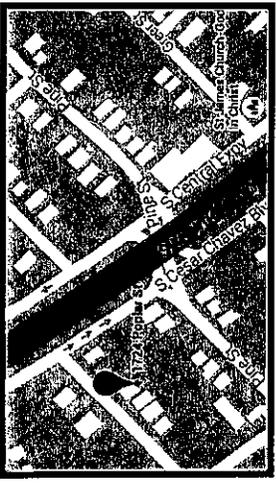


CONSTRUCTION CONCEPTS, INC.
 Planning and Designing a Better Tomorrow
 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 948-4300
 FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF SERVICE, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. THE ARCHITECT ASSUMES LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASER OF THESE PLANS ENTERS THE BUILDER TO CONSTRUCT THIS HOUSE ONLY ONCE ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATIONS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS.

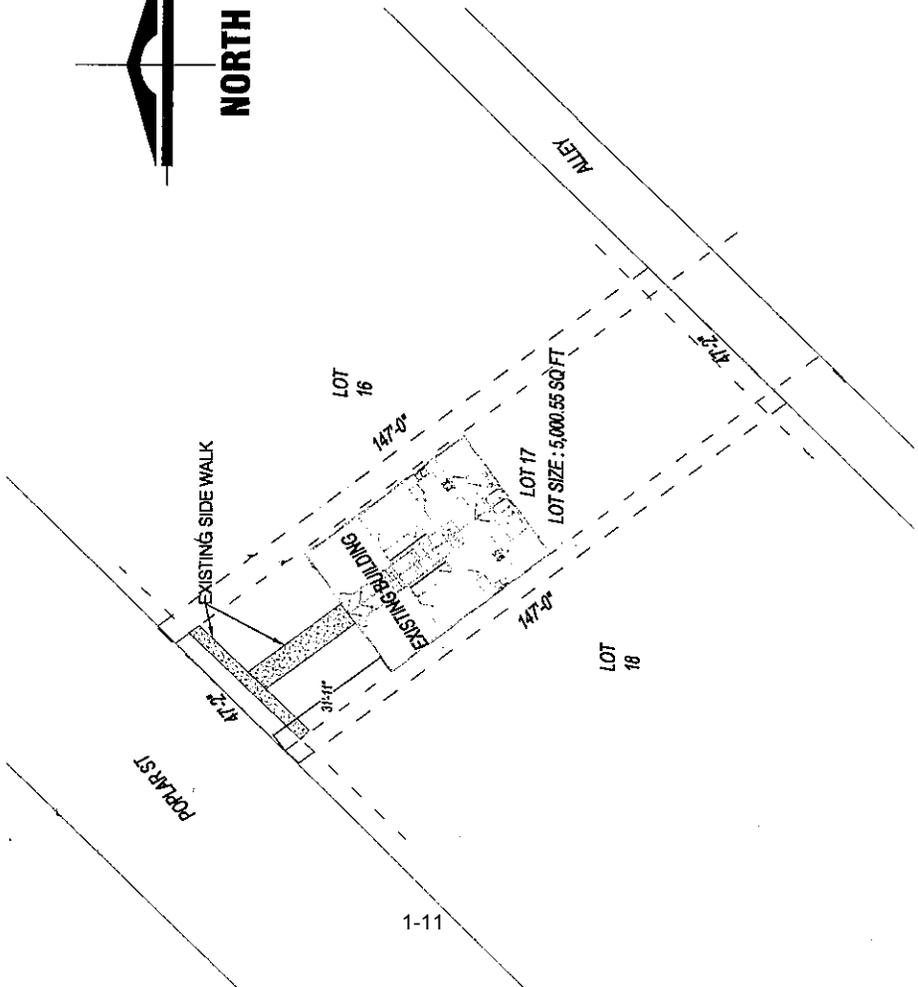
Project Name & Address
 1724 POPLAR ST
 DALLAS, TEXAS
 75215

Sheet
1
 Project
 SITE PLAN
 Date
 06/05/15
 Scale
 1" = 30'
 Drawn By
 GE

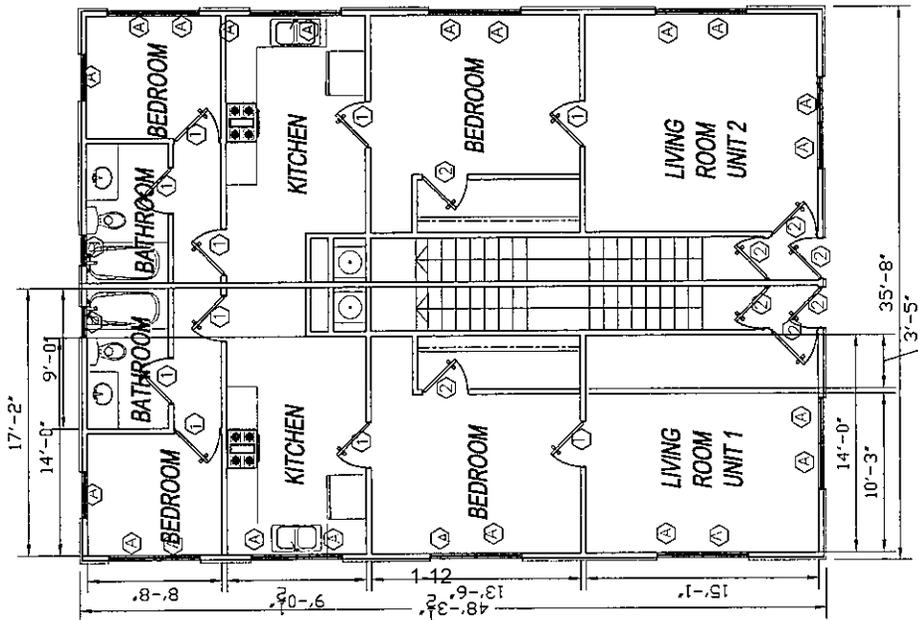


VICINITY MAP
 for reference only

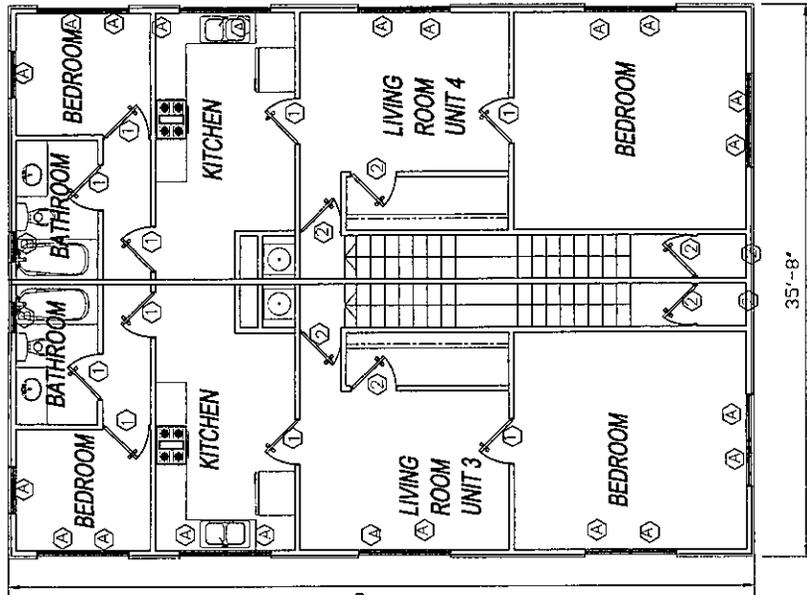
LEGAL DESCRIPTION:
 COLONIAL
 BLK F71606 LOT 17
 ZONING:
 MULTIFAMILY DISTRICT 2



SQUARE FOOTAGE	
UNIT 1	811.84 S.F.
UNIT 2	811.84 S.F.
UNIT 3	811.84 S.F.
UNIT 4	811.84 S.F.
1ST FLOOR LIVING AREA (INCLUDING UNIT 1 AND 2)	1,639.44 S.F.
2ND FLOOR LIVING AREA (INCLUDING UNIT 3 AND 4)	1,639.44 S.F.
SITE AREA (INCLUDING 1ST FLOOR AND 2ND FLOOR)	3,278.88 S.F.
% OF LOT	32.78 %



FIRST FLOOR INCLUDING UNIT 1 AND UNIT 2
1,639.44 SQ FT (TOTAL)



SECOND FLOOR INCLUDING UNIT 3 AND UNIT 4
1,639.44 SQ FT (TOTAL)

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 DALLAS, TX. 75203
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THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBMITTAL BUILDING STRUCTURE THESE PLANS USE BE VERIFIED AND CHECKED BY THE BUILDER, HOWEVER, ANY ALL CONTRACTORS OR ENGINEERS TO BE EMPLOYED BY THE BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, P.L.C. AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION. ANY KIND NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS HAVE PRECEDENCE OVER ANY PART OF THESE PLANS.
 GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, CONSTRUCTION CONDITIONS, OR REFERENCES ON THESE PLANS, BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 THE PURCHASER OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONCE ANY COPIES, TRACINGS, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
 1724 POPLAR ST
 DALLAS, TEXAS
 75215

Project FLOOR PLAN Sheet
 Date 06/08/2015
 Scale 1/4" = 1'-0"
 Drawn By GE
2

DOOR SCHEDULE / FLOOR		
DOOR	SIZE	DESCRIPTION QUANTITY
1	3'-0" x 6'-8"	S.C. 10
2	2'-8" x 6'-8"	H.C. 8

S.C. = SOLID CORE
 H.C. = HOLLOW CORE

WINDOW SCHEDULE / FLOOR		
WINDOW	SIZE	DESCRIPTION QUANTITY
A	3'-0" x 5'-0"	S.H. 22
B	2'-0" x 2'-6"	S.H. 2

S.H. = SINGLE HUNG

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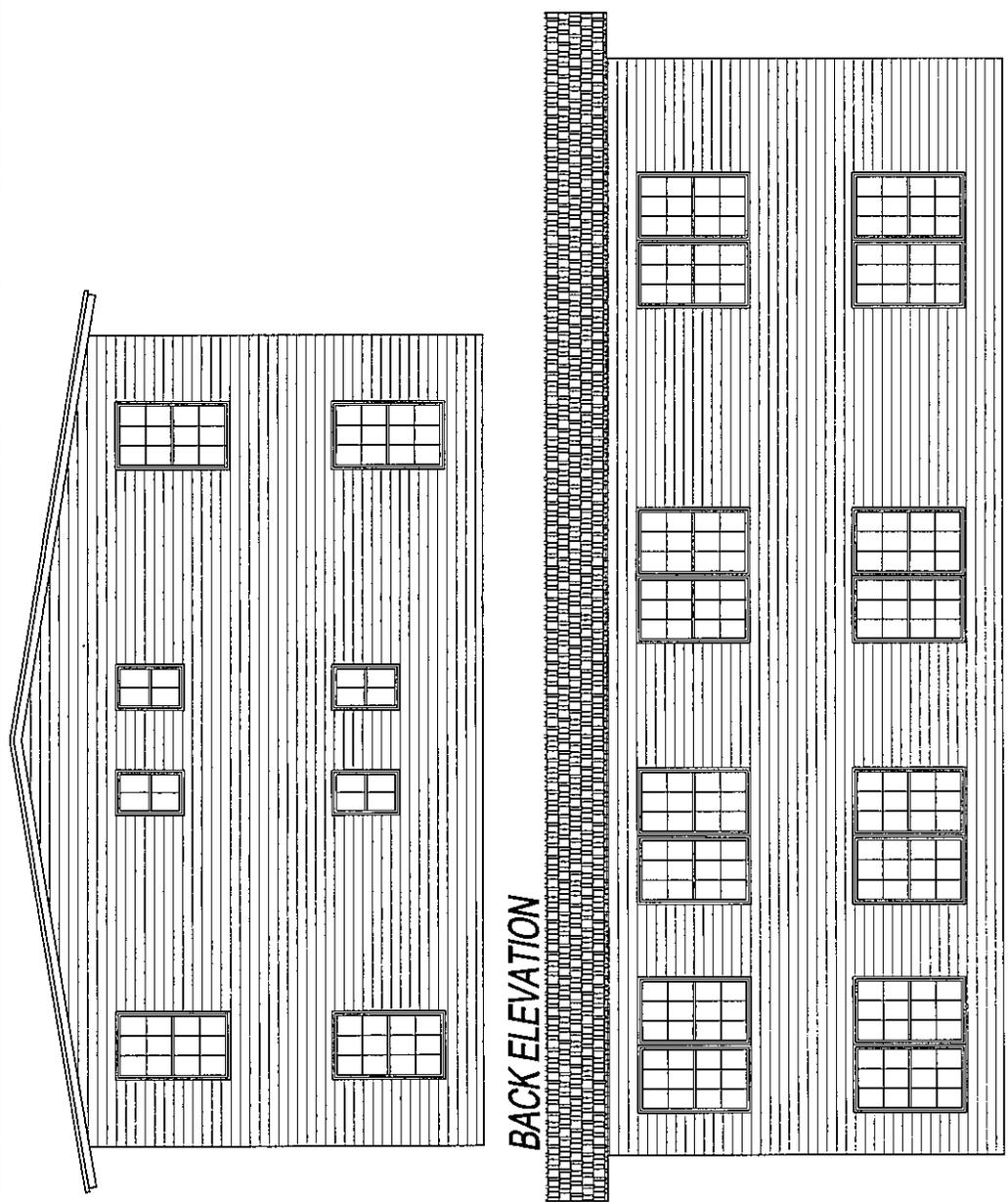
317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 946-4300
 FAX (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THE STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE AND LOCAL CODES AND REGULATIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, CONSTRUCTION CONDITIONS, AND OTHER FACTORS, THE BUILDER MUST BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TAMPING OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATIONS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
 1724 POPLAR ST
 DALLAS, TEXAS
 75215

Sheet
5.2
 Project ELEVATION
 PLAN
 Date 06/08/2015
 Scale 3/16" = 1'-0"
 Drawn By GE



BACK ELEVATION

RIGHT SIDE ELEVATION

Board of Adjustment Appeal BDA 145-112

Property address: 1724 Poplar Street

The use in the above appeal,

Multifamily dwelling

has been identified by Building Inspection to be a nonconforming use.

Appeal for a special exception to enlarge a nonconforming use per Sec. 51A-4.704(b)(5)

Section 51A-4.704. Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

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

or

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

SECTION 51A-4.704. NONCONFORMING USES AND STRUCTURES.

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

(1) Amortization of nonconforming uses.

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

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



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">23</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	23	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-112</u> Date: <u>10/22/2015</u>
200'	AREA OF NOTIFICATION					
23	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-112

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1724 POPLAR ST	KOLOBOTOS ANGELOS
2	4020 COLONIAL AVE	TECTONA HOLDINS LLC
3	4024 COLONIAL AVE	BELL U R TR &
4	1715 POPLAR ST	CUNNINGHAM T BLAKE &
5	1725 POPLAR ST	MOSS JOHNSON GWENDOLYN R
6	1727 POPLAR ST	PRINCE KEVIN C
7	1733 POPLAR ST	MYERS KIRK
8	4110 COLONIAL AVE	SOTO CESAR JR
9	4118 COLONIAL AVE	WHITTAKER WENDY A
10	4114 COLONIAL AVE	DALLAS HOUSING ACQUISITION & DEV CORP
11	1715 PINE ST	PONCE ELIAS
12	1719 PINE ST	SHELLEY SHAWN R
13	1723 PINE ST	JOHNSON BARBARA
14	1725 PINE ST	JORDAN L M JR
15	1731 PINE ST	GREATER NEW ZION BAPTIST
16	1735 PINE ST	DESOTO REAL ESTATE RESOURCE LLC
17	1739 PINE ST	WEBSTER AUGUSTINE
18	1738 POPLAR ST	PONCE ELIAS I
19	1734 POPLAR ST	WALTON NETTIE EST OF
20	1730 POPLAR ST	GARCIARAMOS WENDY L &
21	1720 POPLAR ST	MOSLEY LATASHA
22	1718 POPLAR ST	COIT WALTER R JR
23	1714 POPLAR ST	HERNANDEZ MARIE

FILE NUMBER: BDA 145-118(SL)

BUILDING OFFICIAL'S REPORT: Application of Marc Verduin for variances to the front yard setback regulations and variances to the minimum sidewalk regulations at 1712 Commerce Street. This property is more fully described as Block 136/97-1/4, and is zoned PD 619 (Subdistricts A, B, & C), which requires a front yard setback of 10 feet from the street curb per the SP Secondary Pedestrian Precinct overlay in Section 51A-4.124(a)(8) and requires mandatory minimum sidewalks. The applicant proposes to construct and maintain a structure and provide 5 foot front yard setbacks from the street curb, which will require 5 foot variances to the front yard setback regulations, and to provide an alternate sidewalk plan, which will require variances to the minimum sidewalk regulations.

LOCATION: 1712 Commerce Street

APPLICANT: Marc Verduin

REQUESTS:

The following requests have been made on a site that is in part developed with two multi-story office structures that the applicant intends to convert to hotels, and in part developed with a surface parking lot that the applicant intends to develop with a ten-level parking garage for use by the hotels:

1. Requests for variances of up to 5' to the required minimum 10' foot setback measured from the street curb are made to construct and maintain the aforementioned ten-level parking garage to be located as close as 5' from the S. Ervay Street, Jackson Street, and Prather Street curb lines or as much 5' into these 10' required front yard setbacks;
2. Requests for variances to the minimum sidewalk regulations are made to construct and maintain the aforementioned ten-level parking garage and provide sidewalks along S. Ervay Street, Jackson Street, and Prather Street at a minimum 6' width when an average minimum sidewalk width of 15 feet and a minimum of width of 9' are required.

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plans is required.

Rationale:

- The applicant had substantiated how the physical features of the flat, irregularly shaped, and approximately 40,500 square foot subject site preclude him from developing it in a manner commensurate with the development upon other parcels of land in districts with the same PD 619 zoning classification.
- The subject site/block is one of the smallest in PD 619 and is additionally encumbered by area taken to accommodate a turning lane at the intersection of Jackson Street and Ervay Street. The reduced block perimeter and lot size of the subject site creates a unique hardship in developing it in a manner commensurate with other lots in PD 619 most of which are larger in area and are regular in shape.
- Granting the variances with a condition that the applicant must comply with the submitted site plan would not be contrary to the public interest since the structures proposed to be located in the front yard setbacks and the areas of noncompliance to sidewalk regulations are minimal.

BACKGROUND INFORMATION:

Zoning:

Site: PD 619 (Subdistricts A, B, &C) (Planned Development District)
North: PD 619 (Subdistricts A, B, &C) (Planned Development District)
South: CA-1 (Central Area)
East: PD 619 (Subdistricts A, B, &C) (Planned Development District)
West: PD 619 (Subdistricts A, B, &C) (Planned Development District)

Land Use:

The subject site is in part developed with two multi-story office structures, and in part developed with a surface parking lot. The areas to the north, east, and west are

developed with a mix of retail, office, and residential uses; and the area to the south is developed with a surface parking lot.

Zoning/BDA History:

1. BDA 145-063, Property located at 1712 Commerce Street (the subject site)

On August 25, 2015, the Board of Adjustment Panel C denied requests for variances to the front yard setback, minimum sidewalk regulations, and a special exception to the landscape regulations without prejudice.

The case report stated that the requests were made on a site developed with two existing office towers that the applicant intended to convert to hotels, and to develop the remaining part of the subject site developed with a surface parking lot with a ten-level parking garage for use by the hotels.

GENERAL FACTS/STAFF ANALYSIS (front yard variances):

- This request focuses on constructing and maintaining a ten-level parking garage on the subject site to be located as close as 5' from the S. Ervay Street, Jackson Street, and Prather Street curb lines or as much as 5' into these 10' required front yard setbacks. The proposed parking garage is to serve in part the hotel uses to be located in adjacent former office towers/structures.
- The subject site is located in PD 619 (Subdistricts A, B, and C) where yard regulations contained in CA-1(A) and where SP Secondary Pedestrian Precinct overlays apply.
- The Dallas Development Code states that lots located within a CA -1(A)-SP zoning district are required to provide a 10' setback measured from the street curb.
- Site plans (ground floor and parking garage levels) have been submitted that indicates a structure as close as 5' from the S. Ervay Street, Jackson Street, and/or Prather Street curb lines or as much 5' into these 10' required front yard setbacks.
- While the site plans indicates that a portion of the existing structures on the site do not comply with the required front yard setback, the applicant has stated that his application is only focused on the new parking garage structure and not to remedy any aspect of nonconforming structures on the subject site.
- According to DCAD records, the "improvements" at 1712 Commerce Street is an "office building" that is 190,271 square feet in area built in 1956 and at 1700 Commerce Street is office building that is 132,218 square feet in area built in 1926.
- The two existing structures on the block are contributing structures to the Downtown Dallas National Register of Historic Places, one of which is currently going through local designation process (1700 Commerce Street, constructed in 1926).

- The proposed development on the request site, a 10 story parking garage, is being developed to support the uses of the two existing structures on the block being rehabilitated.
- The subject site is flat, slightly irregular in shape, and is according to the application, 0.93 acres (or approximately 40,500 square feet) in area. The site is zoned PD 619 (Subdistricts A, B, and C). The site has four, 10' front yard setbacks which is typical of any lot that with four 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 variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 619 zoning classification.
 - The variances 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 619 zoning classification.
- If the Board were to grant the variance requests and impose the submitted site plans as a condition, the structure in the front yard setbacks would be limited to what is shown on this document where portions of the parking garage structure would be located as close as 5' into the required 10' front yard setbacks.

GENERAL FACTS/STAFF ANALYSIS (sidewalk variances):

- This request focuses on constructing and maintaining a ten-level parking garage on the subject site and providing 5' wide sidewalks along S. Ervay Street, Jackson Street, and Prather Street when an average minimum sidewalk width of 15' and a minimum of width of 9' are required.
- The subject site is located in PD 619 (Subdistricts A, B, and C) where additional provisions applicable to CA-1(A) and where SP Secondary Pedestrian Precinct overlays apply.
- The Dallas Development Code states certain sidewalk regulations for properties within CA -1(A)-SP zoning district, specifically that a building with a floor area ratio of 15 to one or less must have an average sidewalk of 15 feet and a minimum sidewalk width of 9 feet that is unobstructed by any structure or planting.
- A site plan has been submitted that indicates sidewalks along S. Ervay Street, Jackson Street, and Prather Street some of which are at a minimum 5' width.
- While the site plan indicates that sidewalks around the existing structures on the site do not comply with the sidewalk regulations, the applicant has stated that his application is only focused on sidewalks around the new parking garage structure

and not to remedy any aspect of nonconforming sidewalks around the existing structures on the subject site.

- According to DCAD records, the “improvements” at 1712 Commerce Street is an “office building” that is 190,271 square feet in area built in 1956 and at 1700 Commerce Street is office building that is 132,218 square feet in area built in 1926.
- The two existing structures on the block are contributing structures to the Downtown Dallas National Register of Historic Places, one of which is currently going through local designation process (1700 Commerce Street, constructed in 1926).
- The proposed development on the request site, a 10 story parking garage, is being developed to support the uses of the two existing structures on the block being rehabilitated.
- The subject site is flat, slightly irregular in shape, and is according to the application, 0.93 acres (or approximately 40,500 square feet) in area. The site is zoned PD 619 (Subdistricts A, B, and C). The site has four, 10’ front yard setbacks which is typical of any lot that with four 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 variances to the minimum sidewalk regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 619 zoning classification.
 - The variances 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 619 zoning classification.
- If the Board were to grant the variance requests and impose the submitted site plan, the width of the sidewalks on the subject site would be limited to what is shown on this document where sidewalks along S. Ervay Street, Jackson Street, and Prather Street would have a minimum 5’ width.

Timeline:

September 28, 2015: 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 14, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the

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

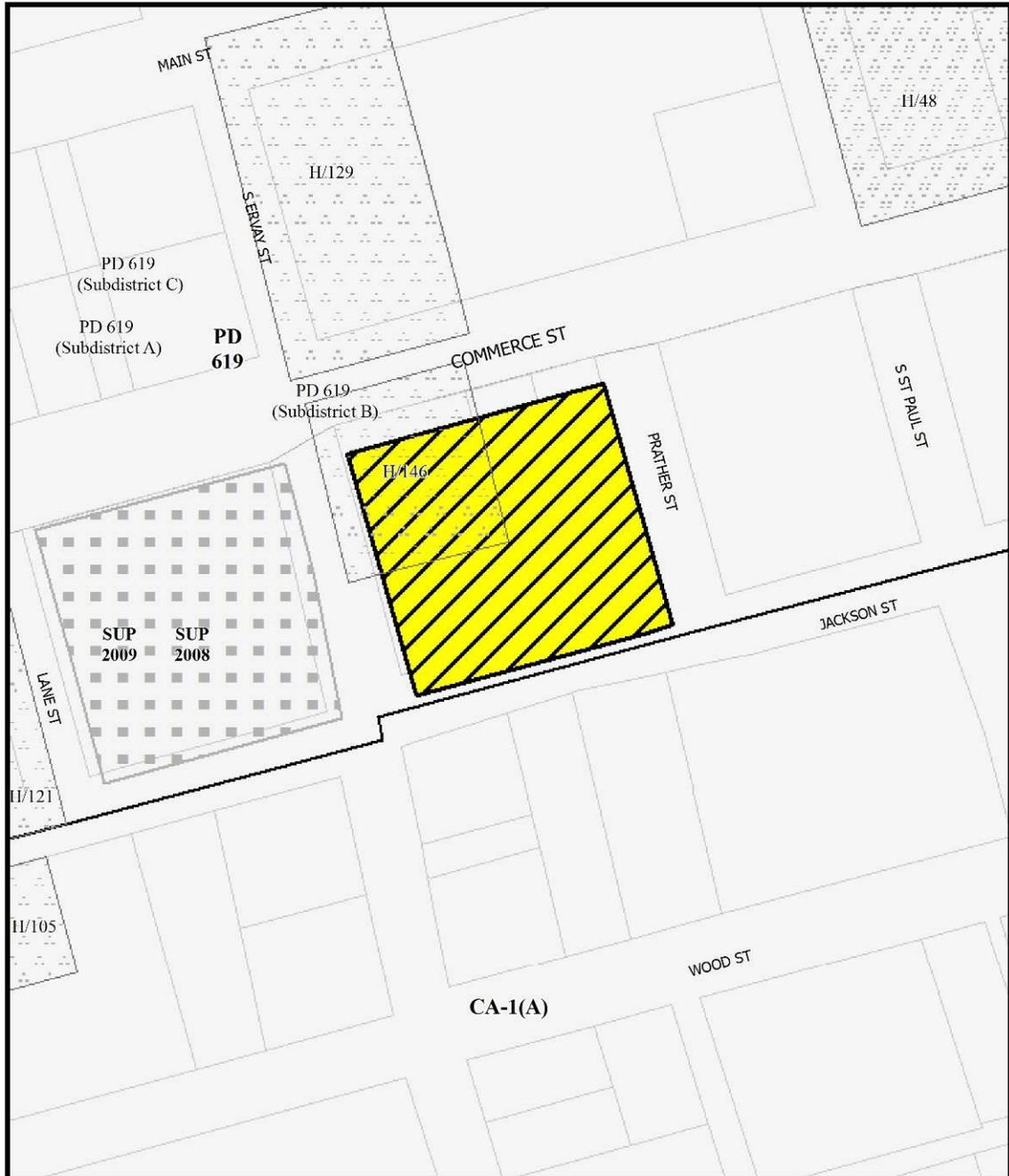
October 14, 2015: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 28th deadline to submit additional evidence for staff to factor into their analysis; and the November 6th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 29, 2015: The Sustainable Development and Construction Historic Preservation Senior Planner emailed the Board Administrator the following comment: “BDA 145-118, 1712 Commerce Street is adjacent to the Allen Building (H-146). No adverse effect to the historic overlay is expected from the proposed.”

November 3, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

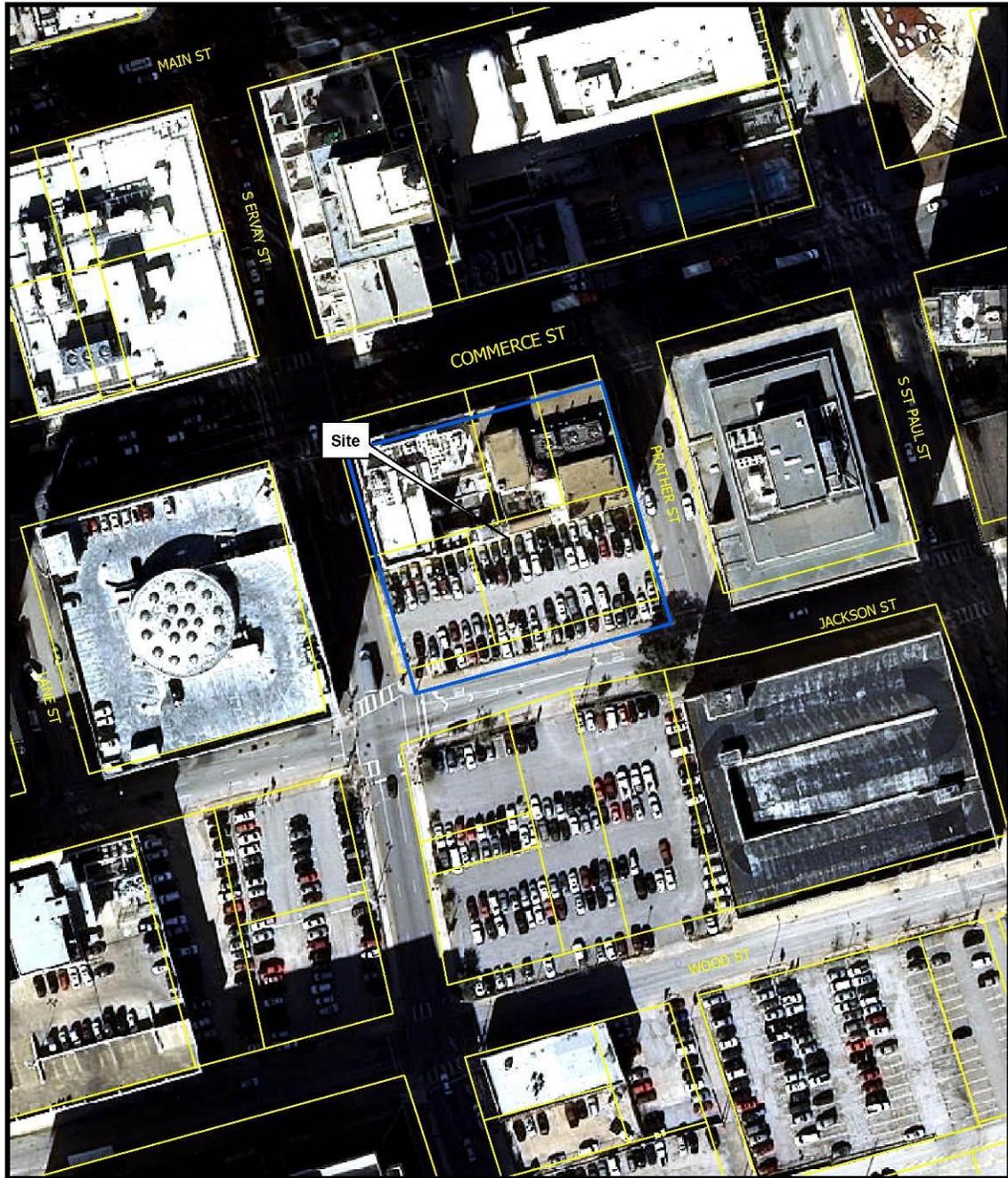


1:1,200

ZONING MAP

Case no: BDA145-118

Date: 10/22/2015



1:1,200

AERIAL MAP

Case no: BDA145-118

Date: 10/22/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-118

Data Relative to Subject Property:

Date: September 28, 2015

Location address: 1712 Commerce St. Zoning District: PD 619 (Subd. A,B,C)

Lot No.: All Block No.: 136/97 1/4 Acreage: .93 Census Tract: 31.01

Street Frontage (in Feet): 1) 106.61 2) 193.16 3) 185.17 4) 197.63 5) SC28A

To the Honorable Board of Adjustment:

Owner of Property: Supreme Bright Dallas, LLC and Supreme Bright Dallas II, LLC

Applicant: Marc Verduin Telephone: 214-347-8093

Mailing Address: 300 N Field St, Dallas, TX Zip Code: 75202

E-mail Address: marc@verduin-llc.com

Represented by: Same Telephone:

Mailing Address: Same Zip Code:

Affirm that an appeal has been made for a Variance X, or Special Exception, of a 5'-0" building setback, and the minimum sidewalk 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 applicant proposes a new 10 story parking garage to be located on the existing surface parking lot with the building setback (minimum 6'-0" from back of curb) aligned with the property line and existing buildings to maximize parking for the adjacent hotel use. An average sidewalk of 15' will be provided along the Prather Street, Jackson Street, and S. Ervay Street with obstructions that will reduce the sidewalk to a 6' minimum where it abuts with the existing buildings. This block is one of the smallest within the PD and already minimized by existing buildings, has a dedicated turning lane encroaching into the block that has no requirement or need for traffic flow after discussions with City of Dallas Engineering, and a two-lane dead end street (Prather St.) both directions on one side of the block with no thoroughfare potential.

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

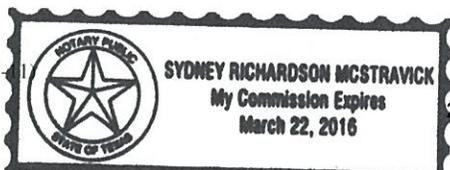
Before me the undersigned on this day personally appeared Marc Verduin (Affiant/Applicant's name printed)

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 28 day of September, 2015

(Rev. 08-01-11) BDA 145-118



[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

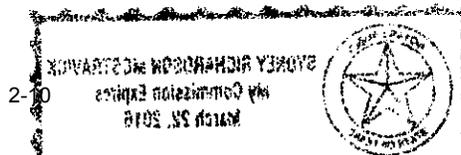
I hereby certify that **MARC VERDUIN**

did submit a request for a variance to the front yard setback regulations, and for a variance to the minimum sidewalk regulations
at 1712 Commerce Street

BDA145-118. Application of Marc Verduin for a variance to the front yard setback regulations and a variance to the minimum sidewalk regulations at 1712 Commerce Street. This property is more fully described as Block 136/97-1/4, and is zoned PD-619 (Subdistricts A, B, & C), which requires a front yard setback of 10 feet from the street curb per the SP Secondary Pedestrian Precinct overlay in Section 51A-4.124(a)(8) and requires mandatory minimum sidewalks. The applicant proposes to construct and maintain a nonresidential structure and provide a 5 foot front yard setback from the street curb, which will require a 5 foot variance to the front yard setback regulation, and to provide an alternate sidewalk plan, which will require a variance to the minimum sidewalk regulations.

Sincerely,


Larry Holmes, Building Official

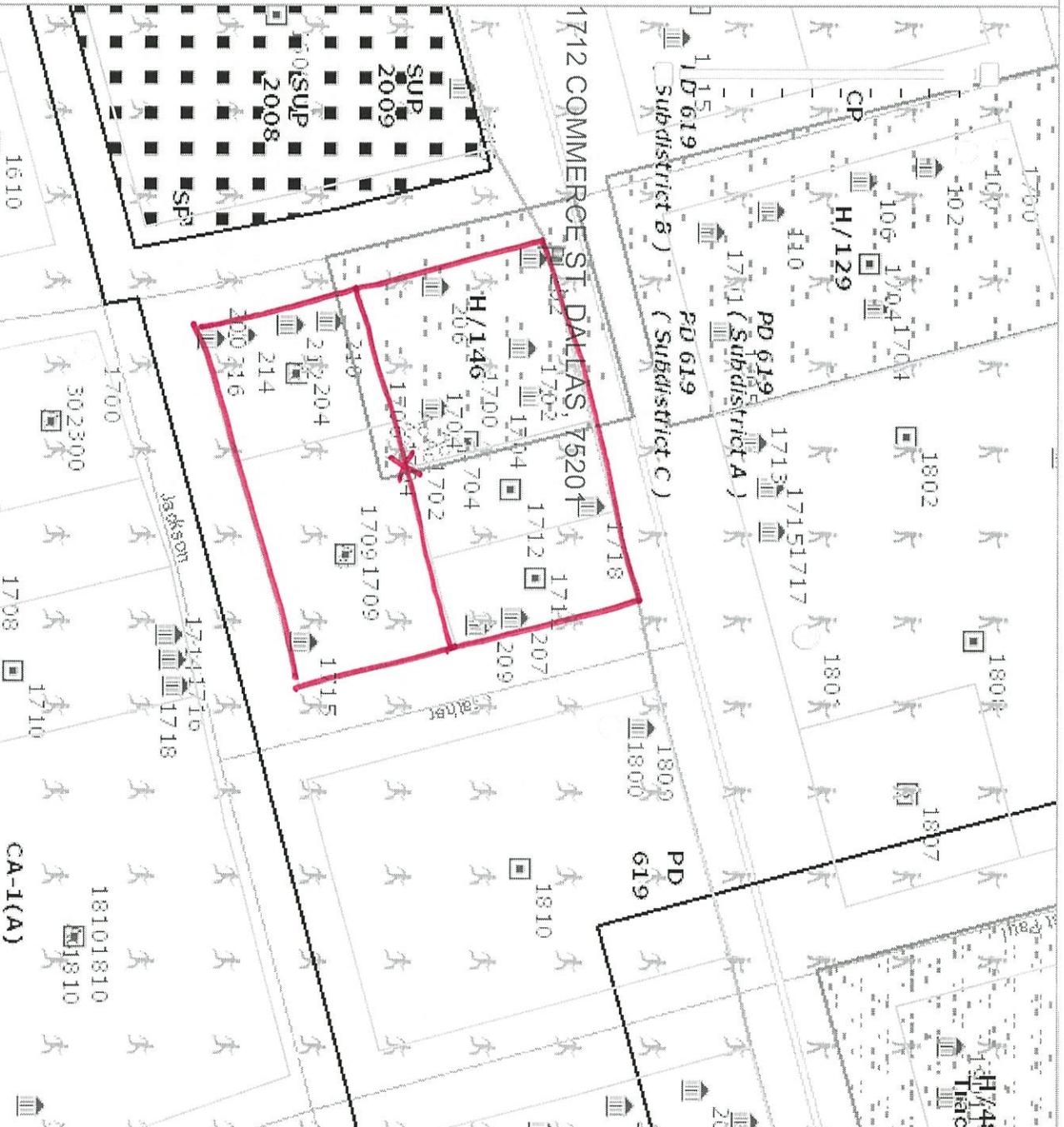


City of Dallas

Internal Development Research Site

Legend

Locate Property



Handwritten signature in red ink.



MW

MERRIMAN ASSOCIATES/ARCHITECTS, INC.

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September 25, 2015
Board of Adjustments
1500 Marilla, Room 5B North
Dallas, TX 75202

Re: 1712 Commerce Street – Parking Garage
Building Setback and Sidewalk Waiver

Dear Sir,

This letter is written documentation to support the attached drawings for a variance to the building setback and sidewalk standards within the proposed CA-1 district. A 10-story parking garage is proposed for the site to provide hotel parking for the two existing buildings at 1700 Commerce and 1712 Commerce. The new construction requires a 10'-0" building setback from the back of curb and a 15'-0" average sidewalk width with a minimum 9'-0" sidewalk between obstructions. To provide a parking garage that allows maximum parking within the restraints of the existing site, we are proposing a variance of:

- Building setback of 5'-0" minimum to align with the property line and adjacent existing buildings on the site
- Average sidewalk width of 15'-0" with obstructions allowed for structural columns, exiting requirements and service dock that may reduce the unobstructed sidewalk to 6' minimum, which aligns with the existing building sidewalks.

The request for this variance is based on the hardships that this site presents for new construction. These hardships are:

1. An existing, dedicated turn lane on Jackson Street impedes on the possible sidewalk width and ability to align with sidewalks on adjacent properties. After discussions with the City of Dallas Engineering, no distinct information can be found for the validity of the turn lane. The curb placement for the turn lane also forces the building setback further into the site along Jackson Street.
2. The existing site is smaller than other sites within the zoned PD 619 or CA-1(A). Other blocks have been developed with smaller building setbacks and sidewalk widths. The small size of the block and having (2) existing buildings on the site create a hardship to develop the block in a manner commensurate with other blocks in the same PD-619 zone.
3. Prather Street along the east side of the site is a 35'-0" wide, (2) lane street that dead ends into Commerce St. and Jackson St. that has minimal traffic with no thoroughfare and limited sidewalk width for both sides of the street.
4. Existing sidewalks adjacent to existing buildings (1700 Commerce St. and 1712 Commerce St.) restrict sidewalk widths beyond the parking garage location. Existing building setbacks for the same buildings warrant the new construction to be abutted to the same setbacks.

merriman-maa.com

BDA 145-118

300 n. field street dallas, texas 75202 t.214.987.1299 f.214.987.2138
dallas · austin · charlotte



MERRIMAN ASSOCIATES/ARCHITECTS, INC.

architecture · planning · interiors

As you can see on the attached drawings, we propose to push the face of the 1st Floor back to allow the average 15'-0" sidewalk width with only structural columns, exiting and loading dock obstructing this width. Also, we are proposing the building setback at the property line and the 2nd Floor of the parking garage extending over the 1st Floor. We feel this proposed design incorporates the intent of the CA-1(A) standards while working with the presented hardships of this property.

Please let me know if you have any questions or need more information.

Regards,

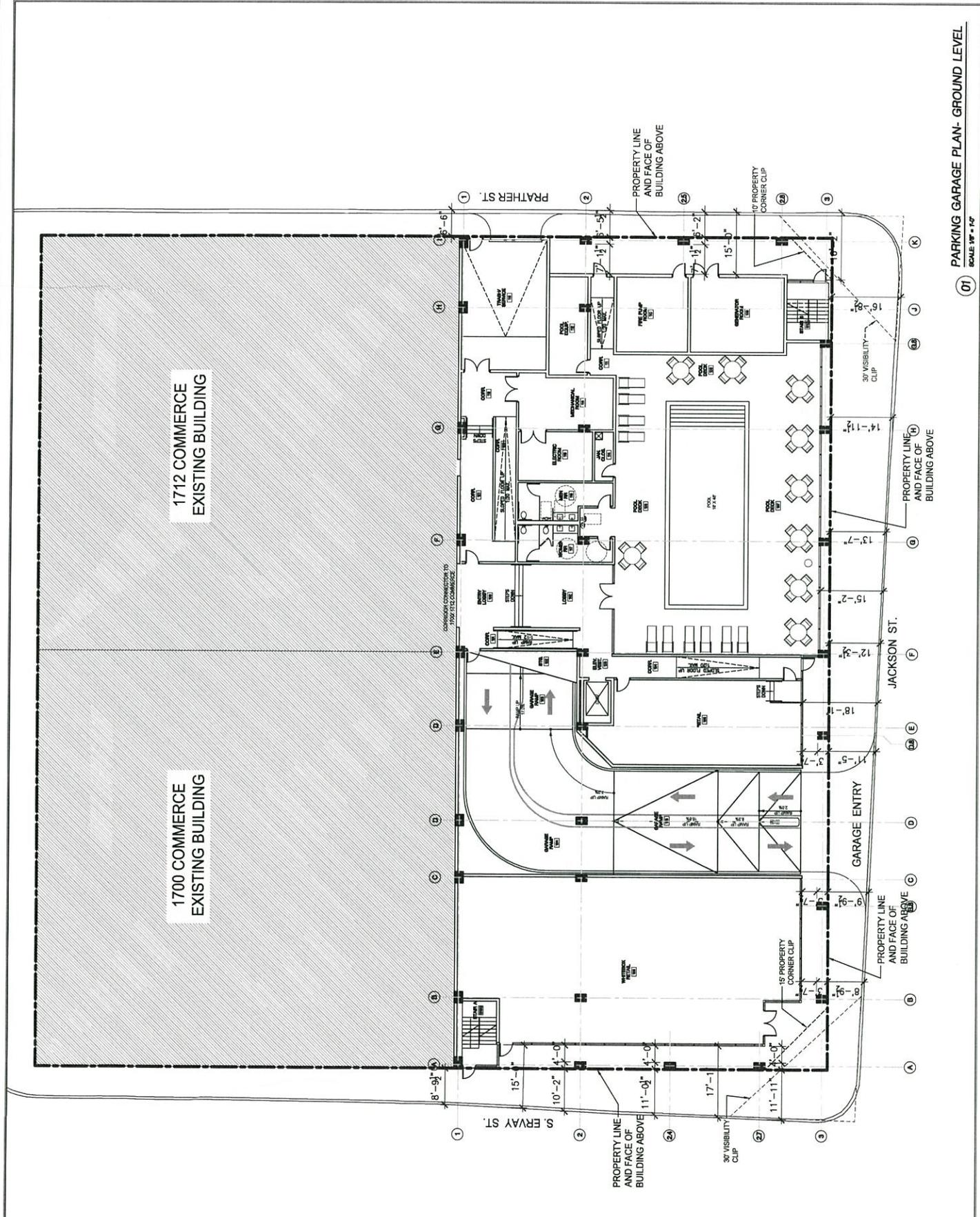
Marc Verduin



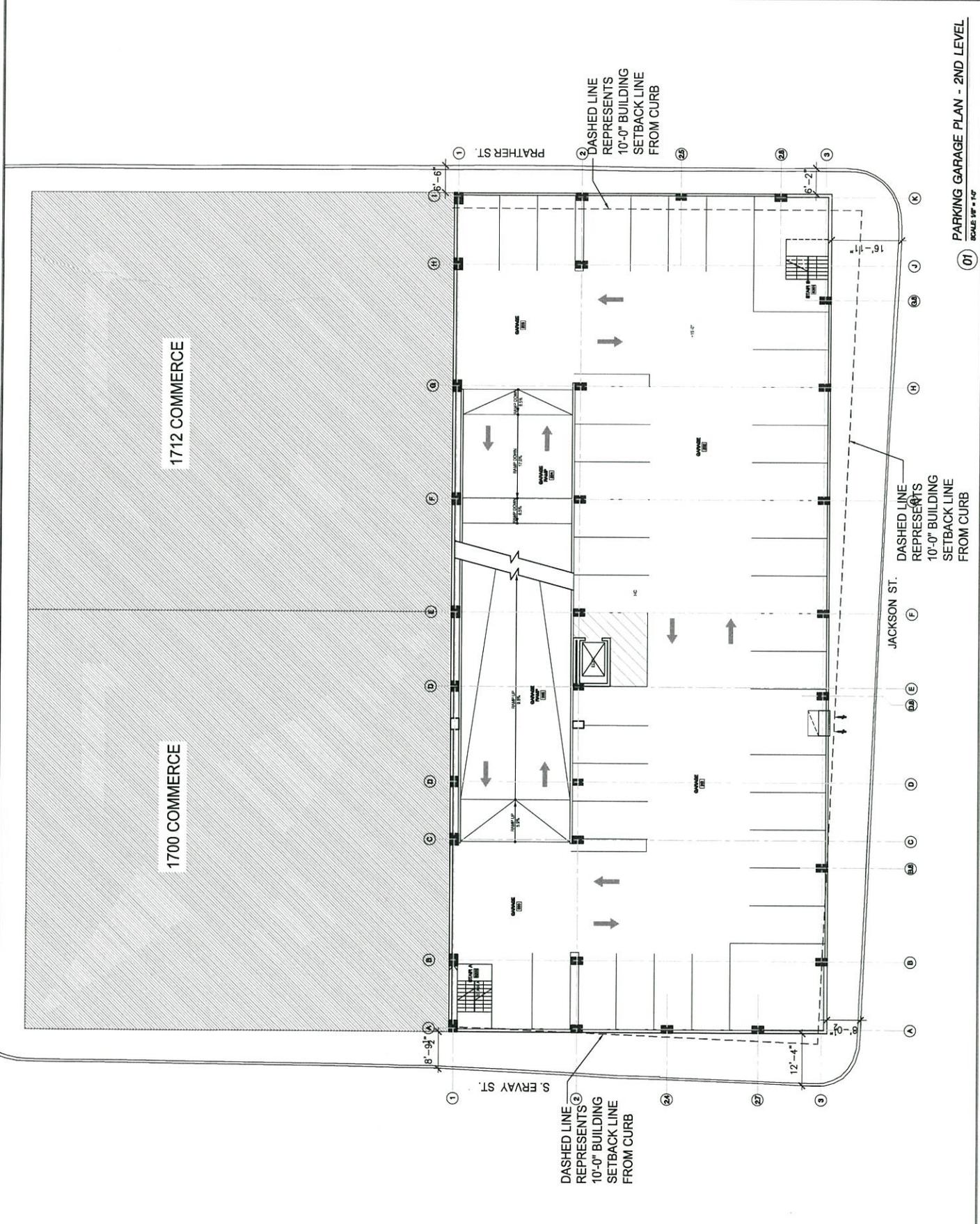
Merriman Associates/ Architects, Inc. (maa)

1712 COMMERCE
 EXISTING BUILDING

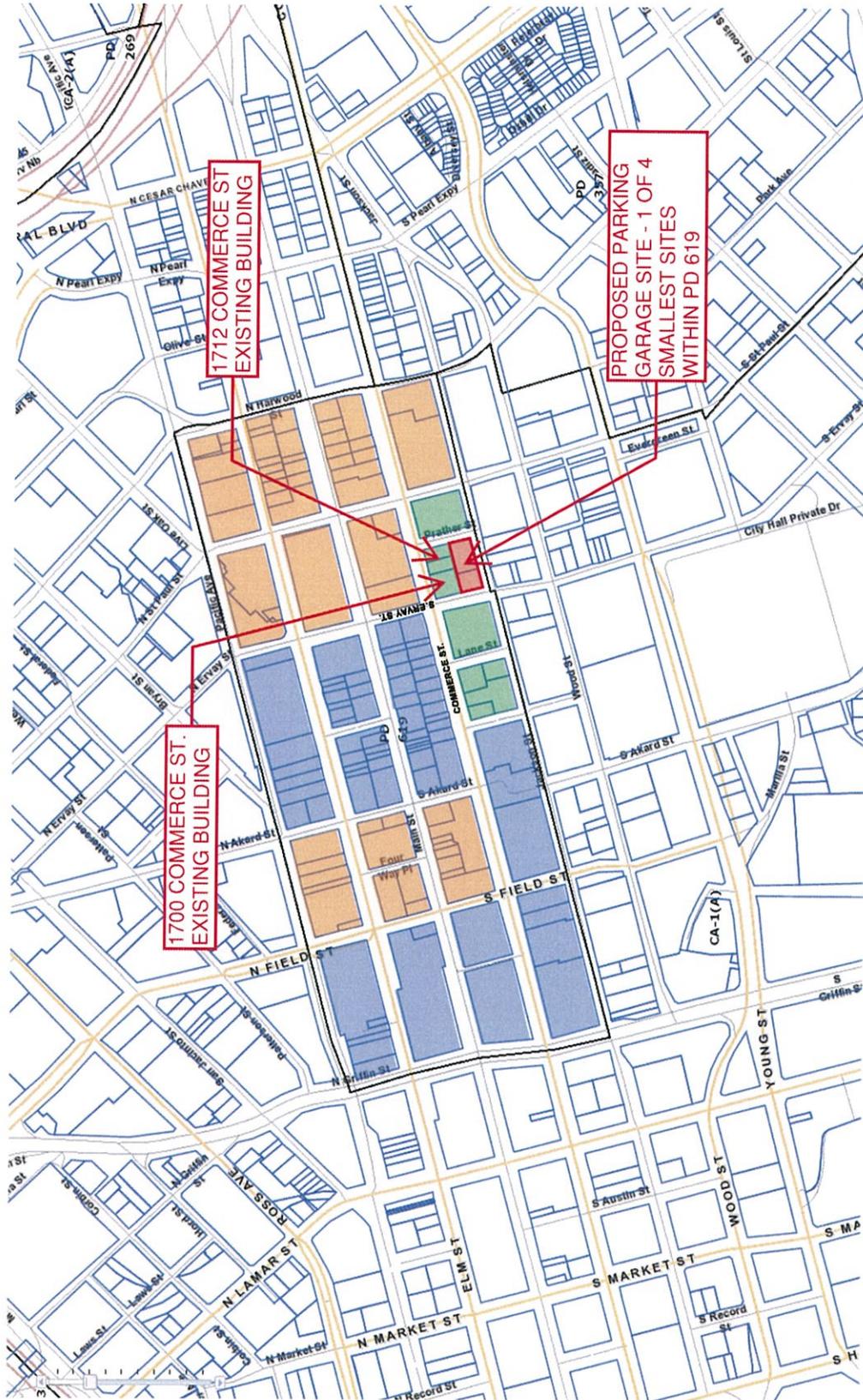
1700 COMMERCE
 EXISTING BUILDING



01 PARKING GARAGE PLAN- GROUND LEVEL
 SCALE 1/8" = 1'-0"



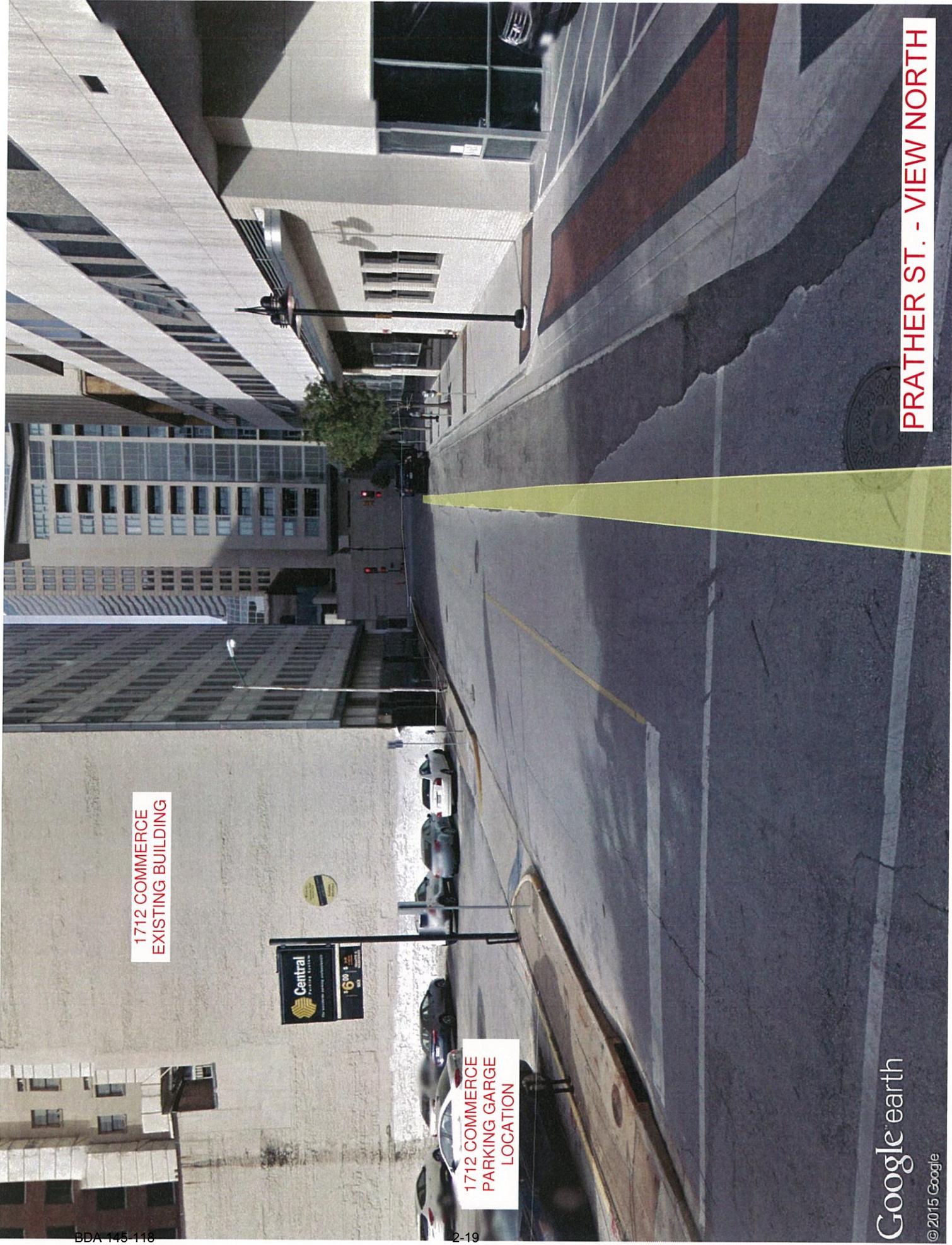
01 PARKING GARAGE PLAN - 2ND LEVEL
 SCALE 3/8" = 1'-0"



PD 619 ZONING MAP

1712 COMMERCE - RESIDENCE INN / AC HOTEL BY MARRIOTT
 dallas, texas
 maa.2014062 09.25.15

© merriman associates architects, inc. 2015



1712 COMMERCE
EXISTING BUILDING

1712 COMMERCE
PARKING GARGE
LOCATION

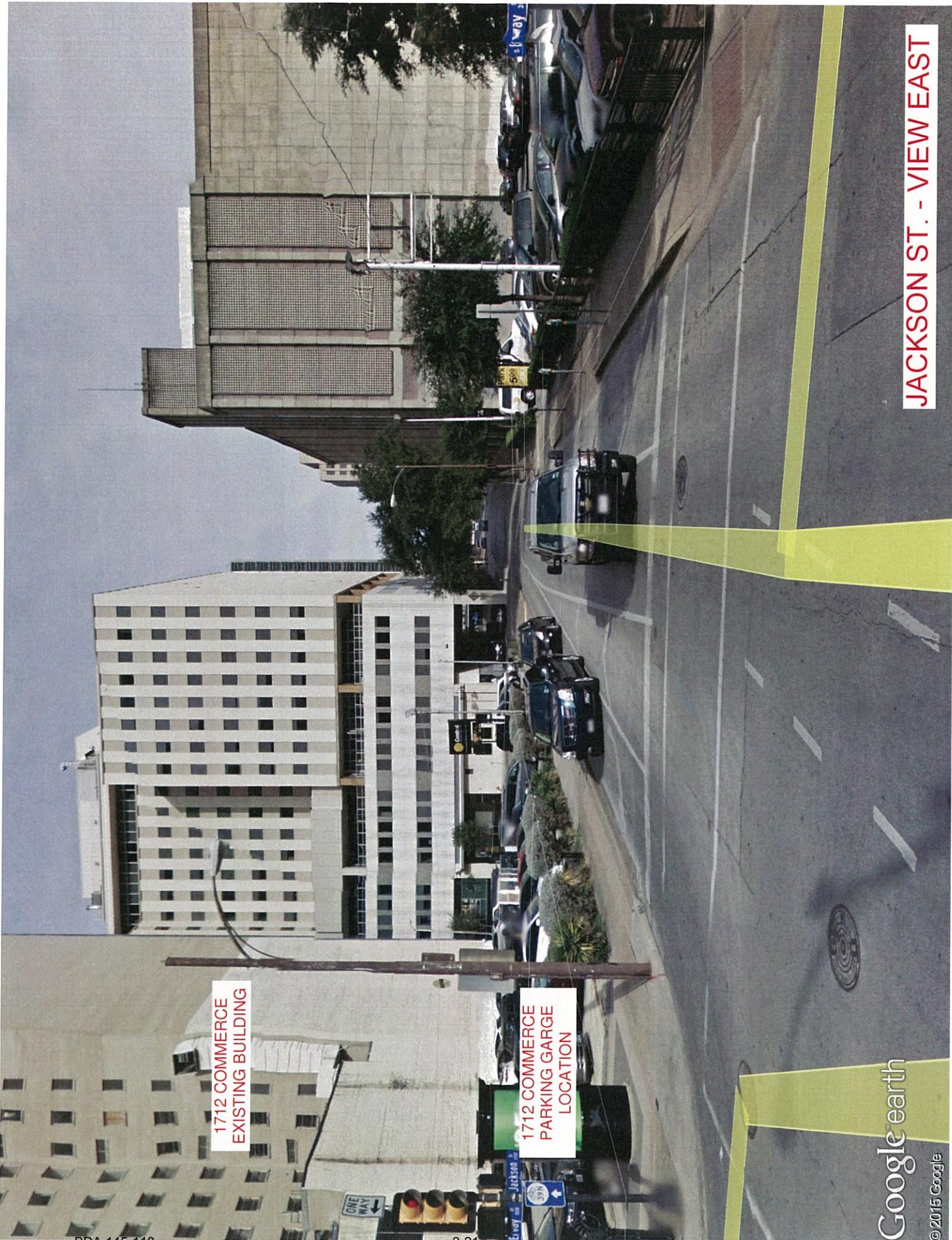
PRATHER ST. - VIEW NORTH



1700 COMMERCE
EXISTING BUILDING

1712 COMMERCE
PARKING GARAGE
LOCATION

JACKSON ST. - VIEW WEST



1712 COMMERCE
EXISTING BUILDING

1712 COMMERCE
PARKING GARAGE
LOCATION

JACKSON ST. - VIEW EAST



1700 COMMERCE
EXISTING BUILDING

1712 COMMERCE
PARKING GARGE
LOCATION

S. ERVAY ST. - VIEW NORTH

Google earth

© 2015 Google



 1:1,200	NOTIFICATION		Case no: BDA145-118
	<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: 10/22/2015

Notification List of Property Owners

BDA145-118

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1712 COMMERCE ST	MERCANTILE DEVELOPMENT
2	1712 COMMERCE ST	MERCANTILE DEVELOPMENT
3	208 ERVAY ST	MERCANTILE DEVELOPMENT
4	1700 COMMERCE ST	1700 COMMERCE STREET LP
5	1603 COMMERCE ST	NEIMAN MARCUS CO LESSEE
6	1607 COMMERCE ST	ROGERS WILLIAM S ETAL
7	1609 COMMERCE ST	NEIMAN MARCUS GROUP INC
8	1600 COMMERCE ST	DALPARK LAND LEASE LTD
9	1610 JACKSON ST	1610 JACKSON LLC
10	315 ERVAY ST	315 ERVAY LLC
11	1808 MAIN ST	FC MERC COMPLEX LP
12	1810 COMMERCE ST	FC CONTINENTAL LANDLORD LLC
13	1708 JACKSON ST	RADER PARKING SYSTEM LP
14	308 ERVAY ST	RADER PARKING SYSTEMS LP
15	1603 COMMERCE ST	NEIMAN MARCUS CO
16	1622 MAIN ST	NEIMAN MARCUS CO LESSEE
17	1600 JACKSON ST	1600 JACKSON LLC
18	1600 JACKSON ST	SABO MARY ELIZABETH
19	1800 MAIN ST	FC MERC COMPLEX LP
20	1810 JACKSON ST	1810 JACKSON GARAGE LLC

FILE NUMBER: BDA 145-119(SL)

BUILDING OFFICIAL'S REPORT: Application of Danny Sipes for a special exception to the single family use regulations at 10545 Lennox Lane. This property is more fully described as Lot 3, Block F/5534, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 10545 Lennox Lane

APPLICANT: Danny Sipes

REQUEST:

A request for a special exception to the single family use development standard regulations is made to construct and maintain a 1 1/2-story guest house/additional "dwelling unit" structure on a site being developed with a 2-story main single family home/dwelling unit structure.

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

The board may grant a special exception to the single family use development standards regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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 focuses on constructing and maintaining a 1 1/2-story guest house/additional “dwelling unit” structure on a site being developed with a 2-story main single family home/dwelling unit structure.
- The site is zoned R-1ac (A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with approximately 16,000 square feet of floor area denoted as “main dwelling unit” and the smaller of the two with approximately 2,900 square feet of floor area denoted as “guest house”. The latter structure or “guest house” has been deemed by Building Inspection, given what is denoted on a submitted floor plans, as an additional dwelling unit.
- The site plan represents the sizes and locations of the two building footprints relative to the entire lot.

- The submitted floor plans of the “guest house”/additional dwelling unit shows spaces that Building Inspection staff has reviewed and deemed a “dwelling unit” - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request appears to center on the function of what is proposed to be inside the smaller structure on the site – the guest house structure. The applicant has written the following:
 1. the applicant is allowed by code to construct the guest quarters/pool cabana as long as it does not have any type of bathing facility, any means of cooking, or any room that could be used for sleeping or bedroom;
 2. the applicant would be allowed 2 of these 3 uses but because the owner would like to incorporate all three uses/functions in the new pool cabana/guest quarters, they seek this request for an additional dwelling unit; and
 3. The applicant is aware that if the Board denies their request, they would only be allowed to utilize 2 of the 3 uses in the cabana/guest house structure.
- DCAD records indicate “no main or additional improvements” for the property at 10545 Lennox Lane.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Timeline:

September 25, 2015: 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 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

October 14, 2015: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 28th deadline to submit additional evidence for staff to factor into their analysis;

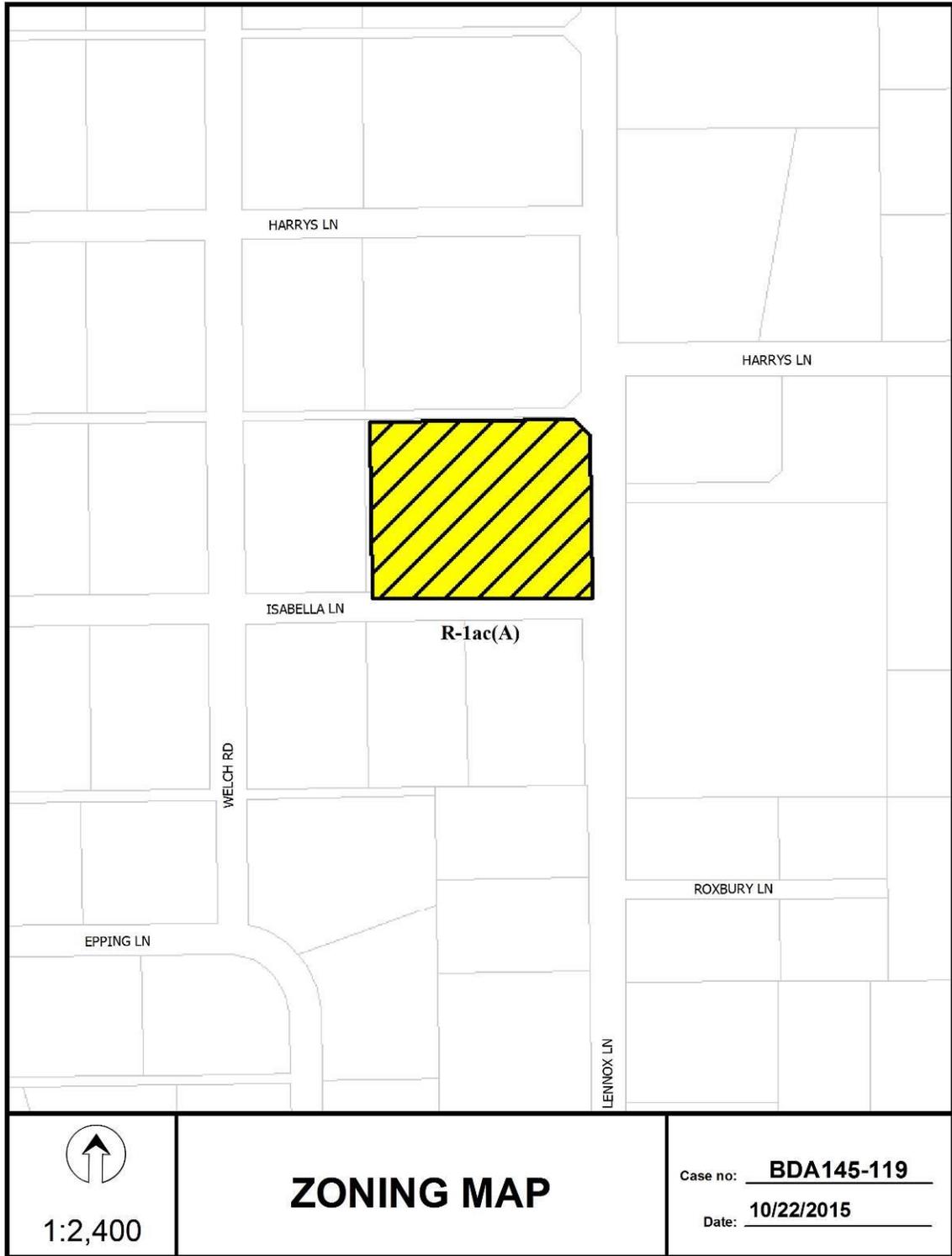
and the November 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- 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 27, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

November 3, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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



Texas Permit & Development

Attach A

Date: 10-27-2015

To: The City of Dallas Board of Adjustment Members

Re: 10545 Lennox

Hello, I am Danny Sipes with Texas Permit and Development Co. representing the owners of 10545 Lennox, for a special exception to allow an additional dwelling unit on this single family lot. The owners are in the process of constructing a new single family dwelling on this lot along with a detached accessory building to be used as a pool cabana and guest quarters. Currently they are allowed by code to construct this guest quarters/ pool cabana building as long as it does not have 1) any type of bathing facility or 2) does not have any means of cooking, or 3) any room or area that could be used for sleeping or a bedroom. They would be allowed 2 of the 3 uses. The owners would like to incorporate all three uses in their proposed new pool cabana/ guest quarters building. To provide all three uses constitutes a dwelling unit and would require a special exception from the Board of Adjustment to allow this additional dwelling unit.

The owners are fully aware that should the Board grant their request, they would be required to deed restrict this property (on a form provided by the city attorney) to prevent this additional dwelling unit from being used a rental accommodation. They are also aware that should the Board deny their request, they would only be allowed to utilize 2 of the three uses.

Respectfully submitted

Danny Sipes
Texas Permit and Development Co.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-119
Date: 9-25

Data Relative to Subject Property:

Location address: 10545 LENNOX LN. Zoning District: R-1ac(A)
Lot No.: 3 Block No: F/6534 Acreage: _____ Census Tract: _____
Street Frontage (in Feet): 1) 357 2) 855.5 3) 2.089 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ~~Scott Everett~~ - Lenny Trust
Applicant: DANNY SIPES Telephone: 214-794-0213
Mailing Address: P.O. BOX 3293 FORNEY TX Zip Code: 75126
E-mail Address: danny e txperm.it
Represented by: _____ Telephone: _____
Mailing Address: _____ Zip Code: _____
E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of Allow ~~an~~ additional dwelling unit

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 Allow an additional dwelling unit that is not adversely affecting the neighborhood or an eye-sore. We meet all setback requirements just need a approvals for the additional dwelling

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 DANNY SIPES
(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 25th day of September, 2015



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

8-29-2015

City of Dallas

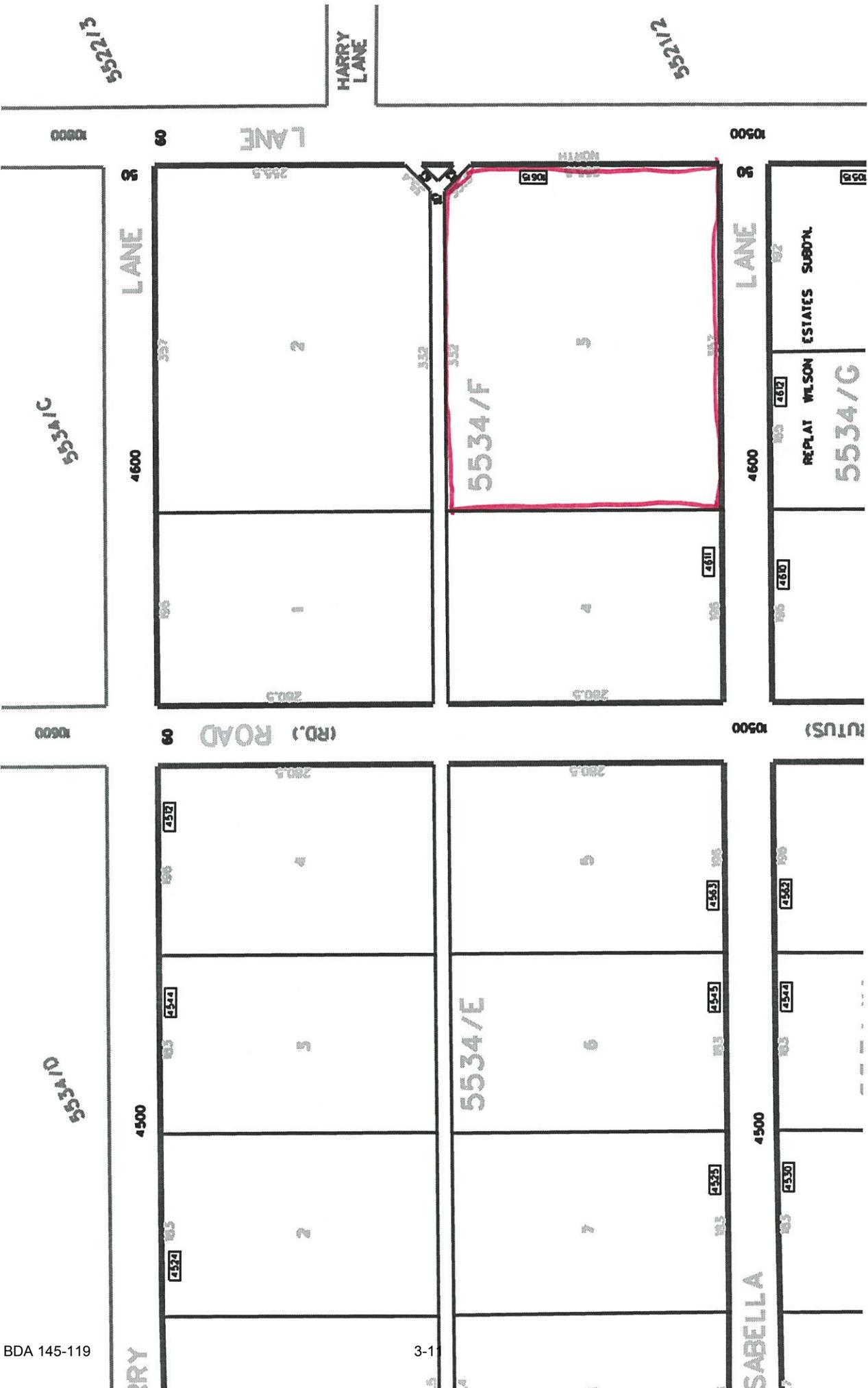
Internal Development Research Site

Legend

Locate Property

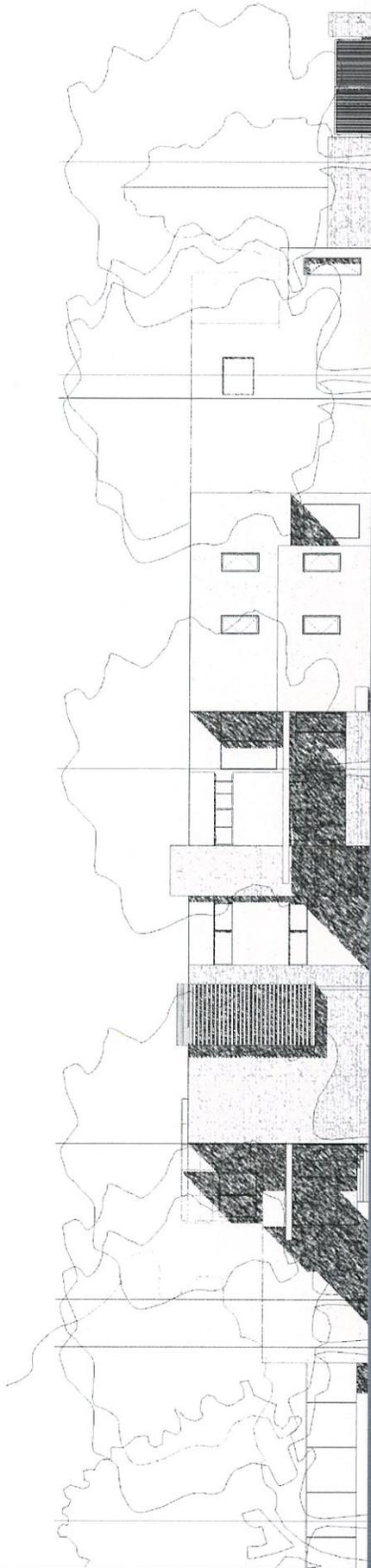


82168



BDA 145-119

3-1



M·GRAY
ARCHITECTURE

Everett Residence
10545 LENNOX LANE - DALLAS

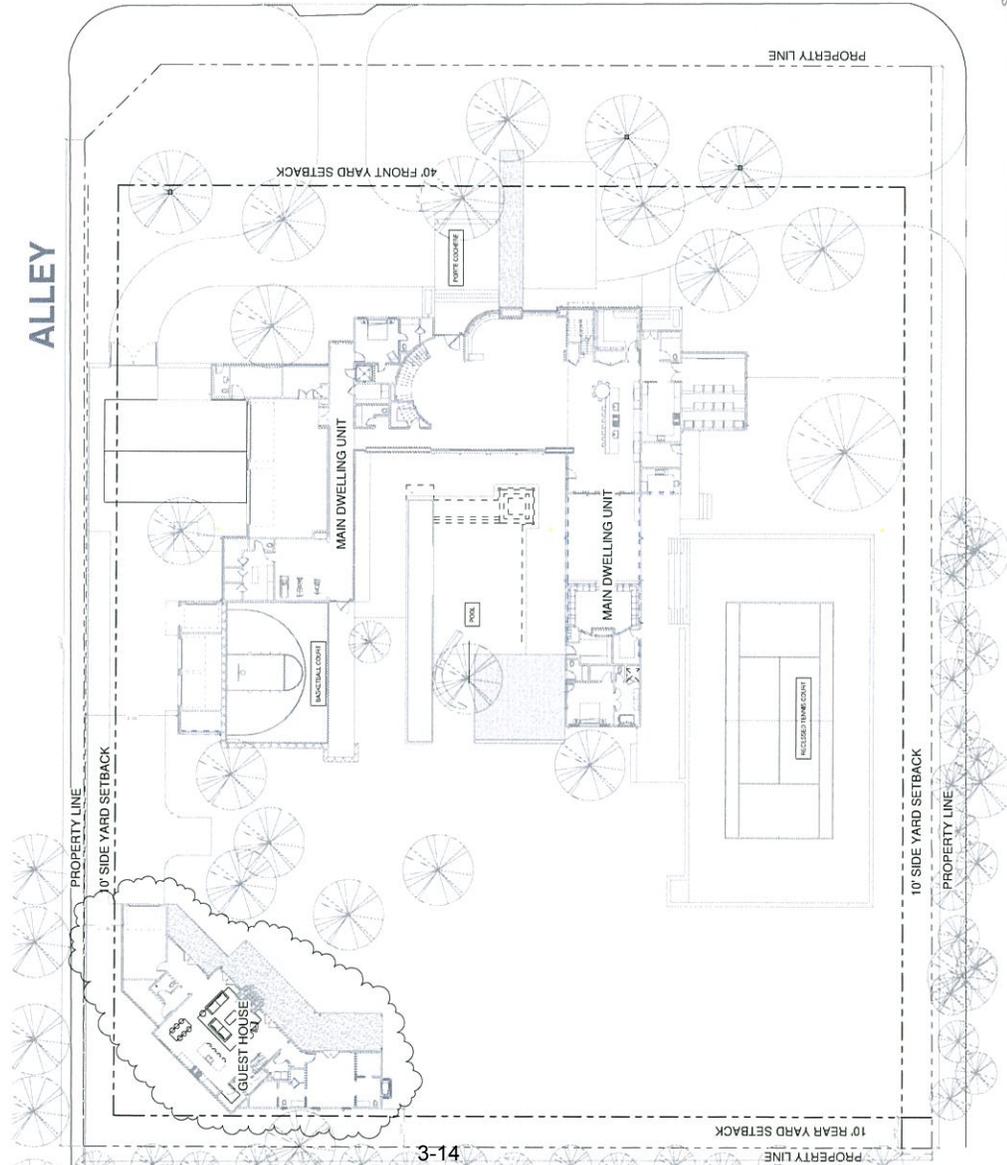
Sheet Number	Sheet Name	Original Issue Date	Current Sheet Date	ISSUE FOR PERMIT 07-15-15	REVISION #1 08-17-15	REVISION #2 09-10-15
Sheet List CABIN						
ARCHITECTURAL						
A.101E	FIRST FLOOR PLAN CABIN	07/14/15	08/16/15			
A.101F	ROOF PLAN CABIN	07/14/15	08/16/15			
A.204	EXTERIOR ELEVATIONS CABIN	07/14/15	08/16/15			
ELECTRICAL						
E.101E	FIRST FLOOR ELECTRICAL PLAN CABIN	07/14/15	08/16/15			
E.201E	SECOND FLOOR ELECTRICAL PLAN CABIN	07/14/15	08/16/15			

Sheet Number	Sheet Name	Original Issue Date	Current Sheet Date	ISSUE FOR PERMIT 07-15-15	REVISION #1 08-17-15	REVISION #2 09-10-15
Sheet List						
ARCHITECTURAL						
A	SHEET INDEX	07/14/15	09/01/15			
A.000	SITE AREA	08/04/15	09/16/15			
A.101E	FIRST FLOOR OVERALL	07/14/15	09/01/15			
A.101A	FIRST FLOOR PLAN SECTION A	07/14/15	09/01/15			
A.101B	FIRST FLOOR PLAN SECTION B	07/14/15	09/01/15			
A.101C	FIRST FLOOR PLAN SECTION C	07/14/15	09/01/15			
A.101D	FIRST FLOOR PLAN SECTION D	07/14/15	09/01/15			
A.102	PLAN SECOND FLOOR OVERALL	07/14/15	09/01/15			
A.102A	SECOND FLOOR PLAN SECTION A	07/14/15	09/01/15			
A.102B	SECOND FLOOR PLAN SECTION B	07/14/15	09/01/15			
A.102C	SECOND FLOOR PLAN SECTION C	07/14/15	09/01/15			
A.102D	SECOND FLOOR PLAN SECTION D	07/14/15	09/01/15			
A.104	ROOF PLAN ELEVATIONS	07/14/15	09/01/15			
A.201	EXTERIOR ELEVATIONS	07/14/15	09/01/15			
A.202	EXTERIOR ELEVATIONS	07/14/15	09/01/15			
A.203	EXTERIOR ELEVATIONS	07/14/15	09/01/15			
A.301	ECTIONS	07/14/15	09/01/15			
A.302	ECTIONS	07/14/15	09/01/15			
A.303	ECTIONS	07/14/15	09/01/15			
A.304	ECTIONS	07/14/15	09/01/15			
A.305	ECTIONS	07/14/15	09/01/15			
A.306	ECTIONS	07/14/15	09/01/15			
A.307	ECTIONS	07/14/15	09/01/15			
A.308	ECTIONS	07/14/15	09/01/15			
A.309	EXTERIOR DO	07/14/15	09/01/15			
ELECTRICAL						
E.101	FIRST FLOOR ELECTRICAL PLAN SECTION A	07/14/15	08/17/15			
E.101B	FIRST FLOOR ELECTRICAL PLAN SECTION B	07/14/15	08/17/15			
E.101C	FIRST FLOOR ELECTRICAL PLAN SECTION C	07/14/15	08/17/15			
E.101D	FIRST FLOOR ELECTRICAL PLAN SECTION D	07/14/15	08/17/15			
E.201	SECOND FLOOR ELECTRICAL PLAN SECTION A	07/14/15	08/17/15			
E.201B	SECOND FLOOR ELECTRICAL PLAN SECTION B	07/14/15	08/17/15			
E.201C	SECOND FLOOR ELECTRICAL PLAN SECTION C	07/14/15	08/17/15			
E.201D	SECOND FLOOR ELECTRICAL PLAN SECTION D	07/14/15	08/17/15			
STRUCTURAL						
S1	DETAILS	07/14/15	08/17/15			
S2	FOUNDATION	07/14/15	08/17/15			
S2.1	FOUNDATION	07/14/15	08/17/15			
S2.2	FOUNDATION	07/14/15	08/17/15			
S2.3	FOUNDATION	07/14/15	08/17/15			
S3	FRAMING	07/14/15	08/17/15			
S3.1	FRAMING	07/14/15	08/17/15			
S3.2	FRAMING	07/14/15	08/17/15			
S3.3	FRAMING	07/14/15	08/17/15			
S4	FRAMING	07/14/15	08/17/15			
S4.1	FRAMING	07/14/15	08/17/15			
S4.2	FRAMING	07/14/15	08/17/15			
S4.3	FRAMING	07/14/15	08/17/15			
S5	DETAILS	07/14/15	08/17/15			
S5.1	DETAILS	07/14/15	08/17/15			
S5.2	DETAILS	07/14/15	08/17/15			

CITY OF DALLAS GREEN ORDINANCE

- 1. THE CITY OF DALLAS GREEN ORDINANCE IS A CITY-ADOPTED ORDINANCE THAT IS INTENDED TO BE USED AS A GUIDE FOR THE DEVELOPMENT OF SUSTAINABLE COMMUNITIES.
- 2. THE CITY OF DALLAS GREEN ORDINANCE IS A CITY-ADOPTED ORDINANCE THAT IS INTENDED TO BE USED AS A GUIDE FOR THE DEVELOPMENT OF SUSTAINABLE COMMUNITIES.
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ALLEY



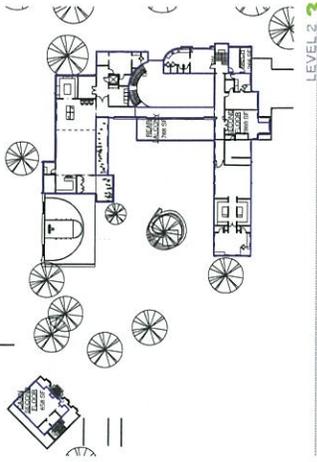
LENNOX LANE

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

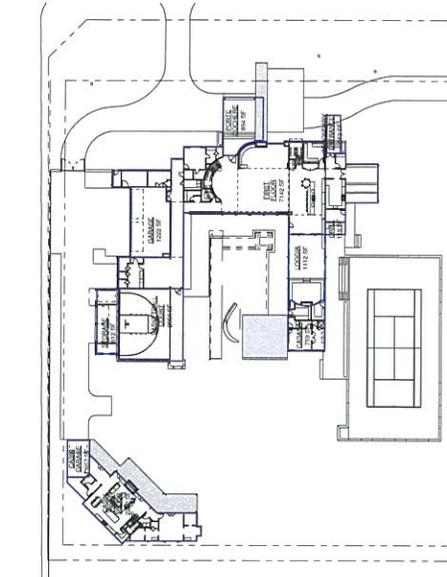
ISABELLA LANE

Level	Name	Area	Occupancy Description
LEVEL 1	FIRST FLOOR	7142 SF	AC
LEVEL 1	SECOND FLOOR	759 SF	AC
LEVEL 2	SECOND FLOOR	1578 SF	AC
LEVEL 1	CABIN FIRST FLOOR	2512 SF	AC CABIN
LEVEL 2	CABIN SECOND FLOOR	658 SF	AC CABIN
AC CABIN 2		2970 SF	
LEVEL 1	BACKSIDE SMALL COURT	2046 SF	EXTENSION NON AC
LEVEL 1	LOGGIA	1112 SF	EXTENSION NON AC
LEVEL 1	POINTE COCHRANE	894 SF	EXTENSION NON AC
LEVEL 1	POINTE COCHRANE	894 SF	EXTENSION NON AC
LEVEL 2	HEAVENLY ENTRANCE	738 SF	EXTENSION NON AC
LEVEL 2	HEAVENLY BALCONY	738 SF	EXTENSION NON AC
EXTENSION NON AC 5		5062 SF	
LEVEL 1	CABIN GARAGE	257 SF	GARAGE AC
GARAGE AC 1		257 SF	
LEVEL 1	GARAGE	1225 SF	GARAGE NON AC
LEVEL 1	GARAGE NON AC 1	1225 SF	
LEVEL 1	STORAGE	812 SF	MECH NON AC
LEVEL 1	MECH	208 SF	MECH NON AC
LEVEL 2	MECH	208 SF	MECH NON AC
MECH NON AC 3		888 SF	
GARAGE NON AC 15		2628 SF	

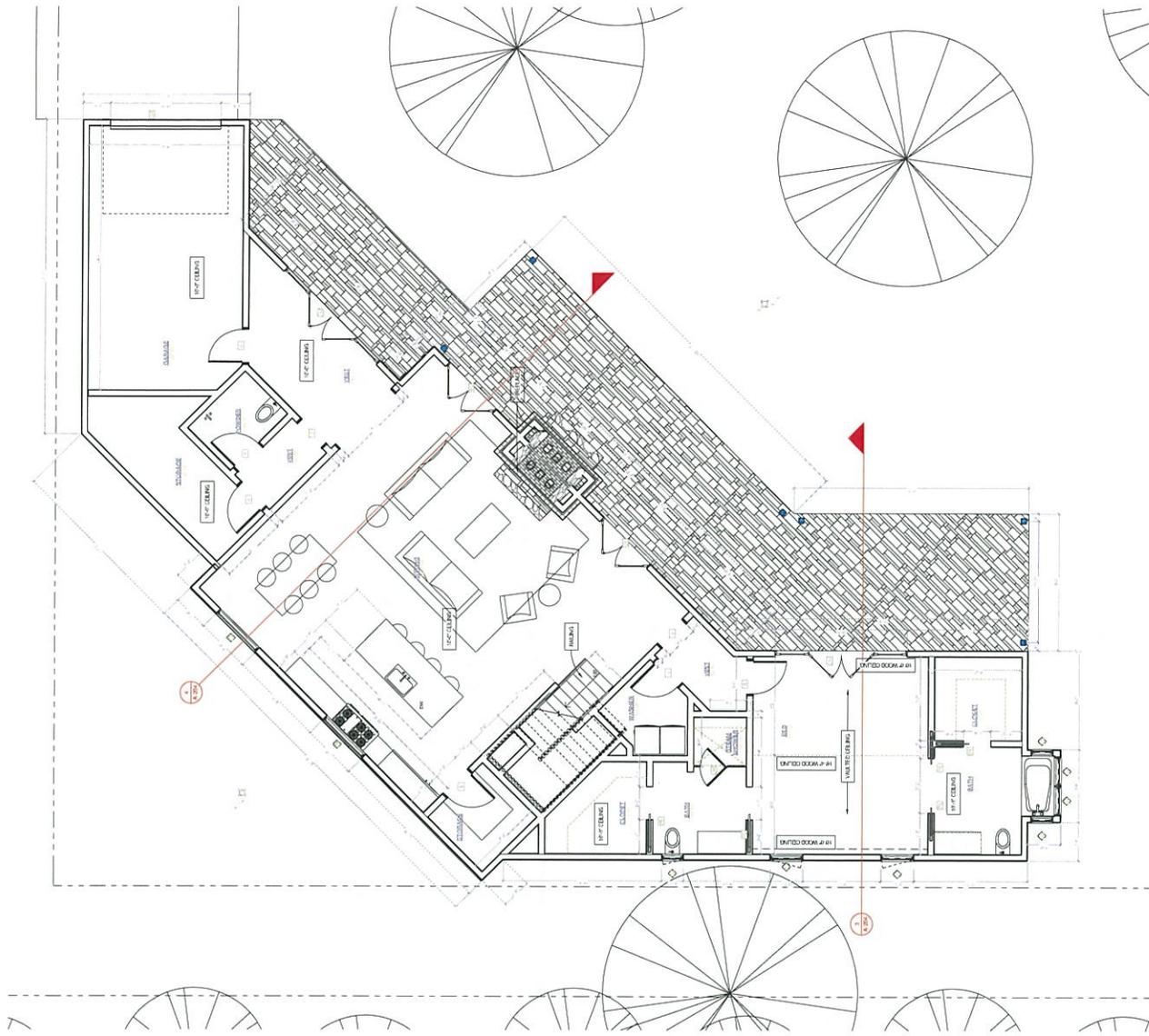
TOTAL GROUND COVER: 100,000 SF
 TOTAL ACCORDING TO UNIT FOOTPRINT (TOTAL AC 270)
 ZEPHYRUS TRAIL - 15% OF MAIN FLOOR PLANTMENT
 TOTAL GROUND COVER: 100,000 SF
 TOTAL GROUND COVER: 100,000 SF
 TOTAL GROUND COVER: 100,000 SF
 TOTAL GROUND COVER: 100,000 SF



LEVEL 2



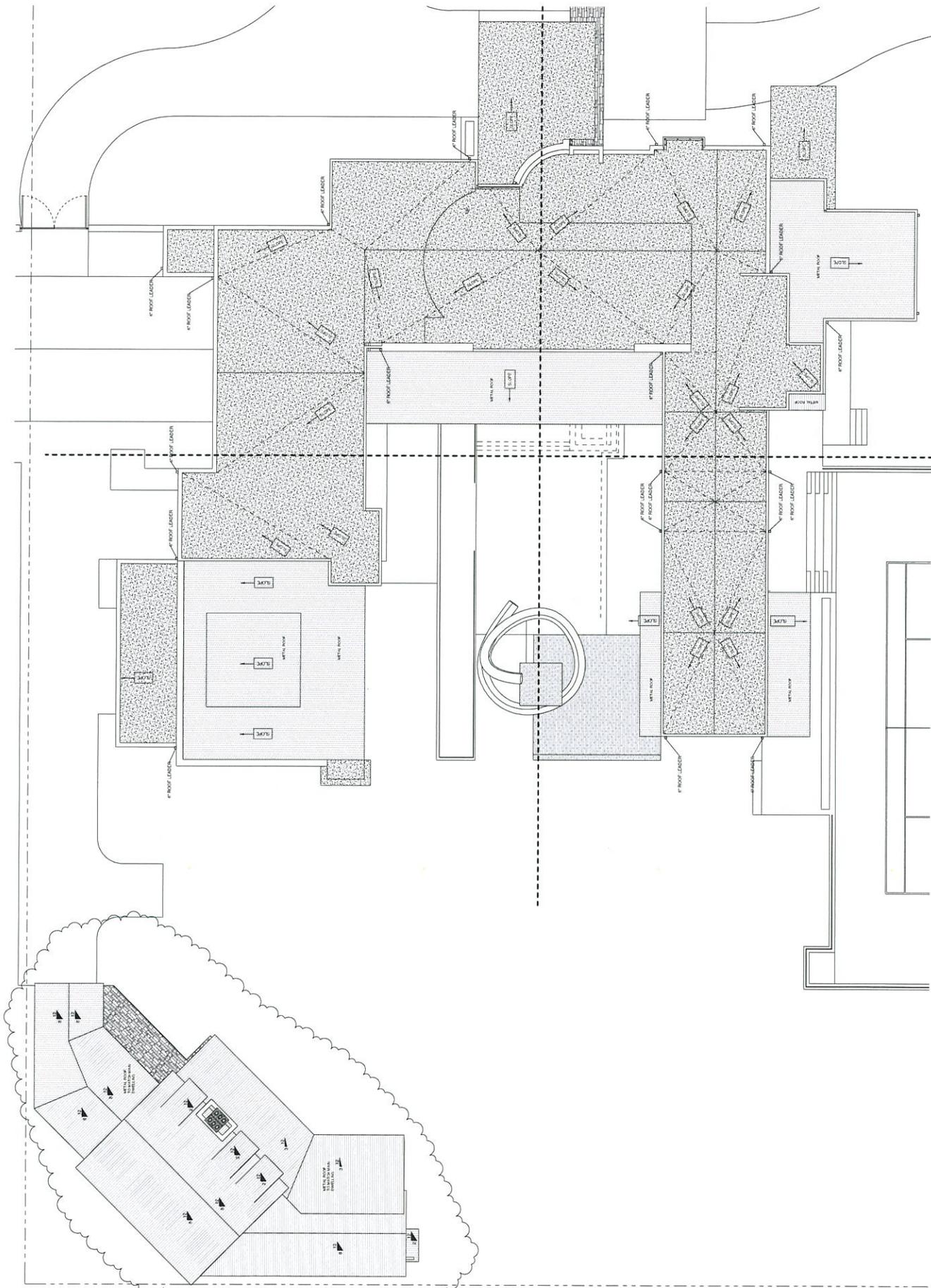
LEVEL 3



FIRST FLOOR PLAN SECTION 1

A-101E

FIRST FLOOR PLAN CABIN



BDA 145-119

3-17

ROOF 01

SCALE 1/8" = 1'-0"

M·GR·Y 10545 LENNOX LANE - DALLAS

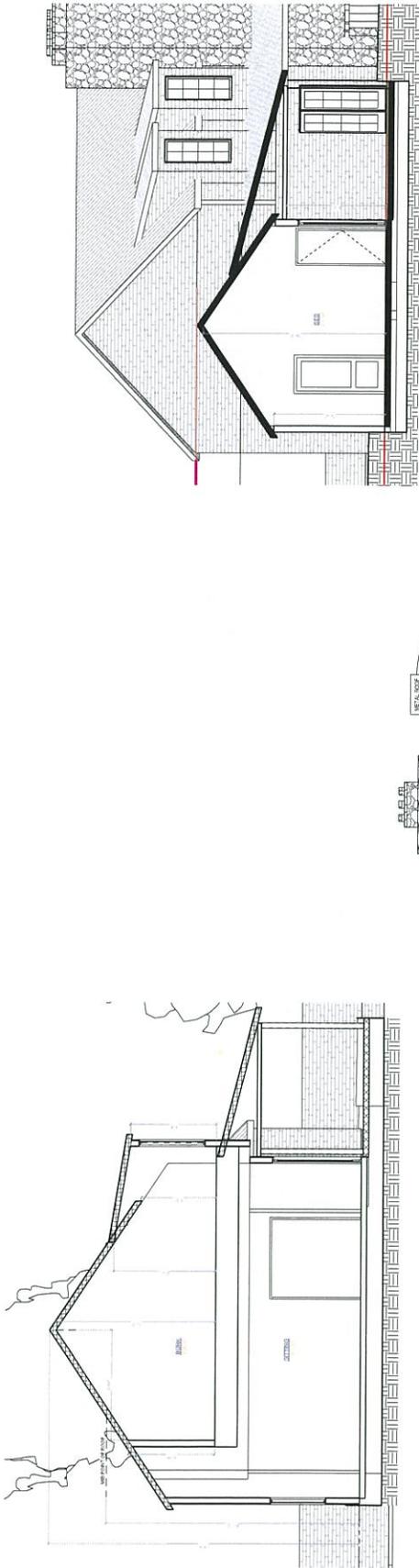
ARCHITECTURE

Everett Residence

A-104

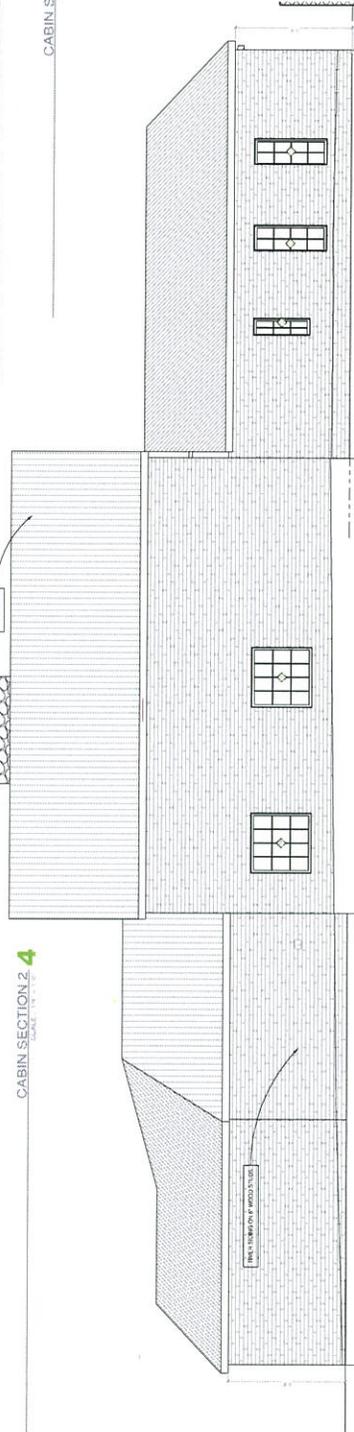
ROOF PLAN

DATE: 11-15-2017 10:58 AM PROJECT: 10545 LENNOX LANE - DALLAS

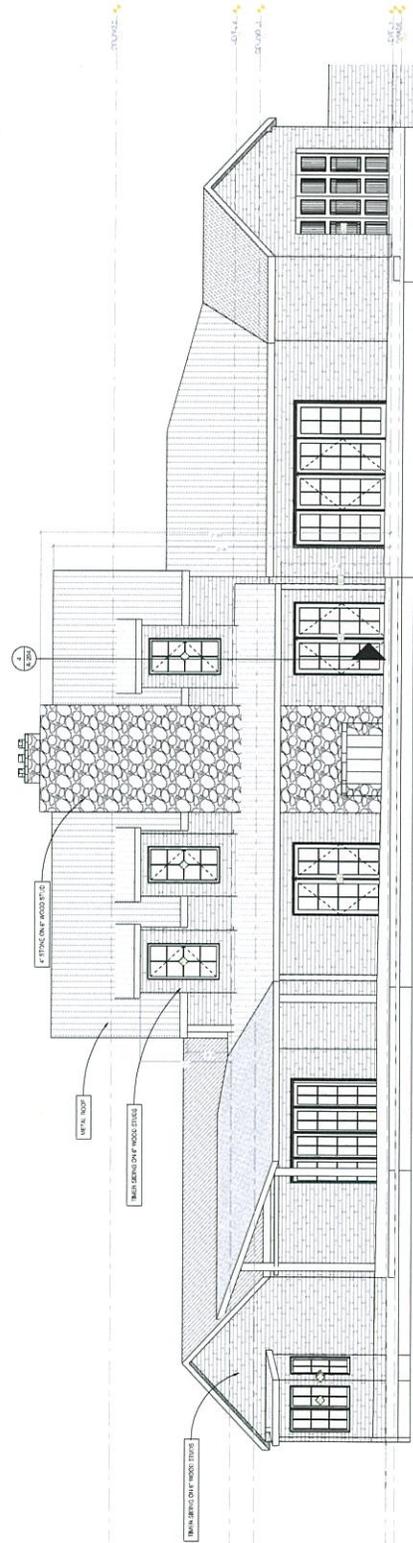


CABIN SECTION 3
EXTERIOR ELEVATION

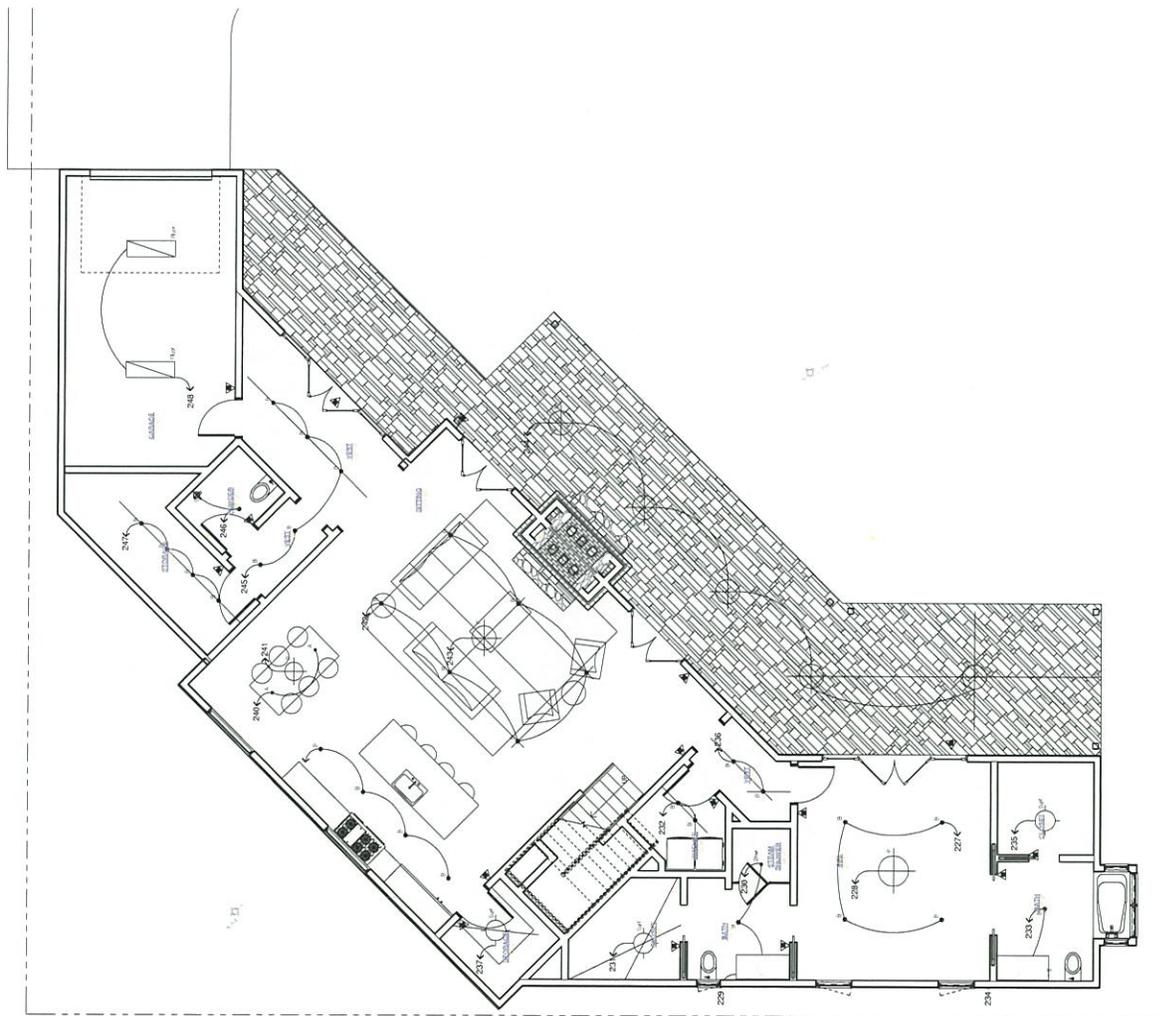
CABIN SECTION 2
INTERIOR ELEVATION



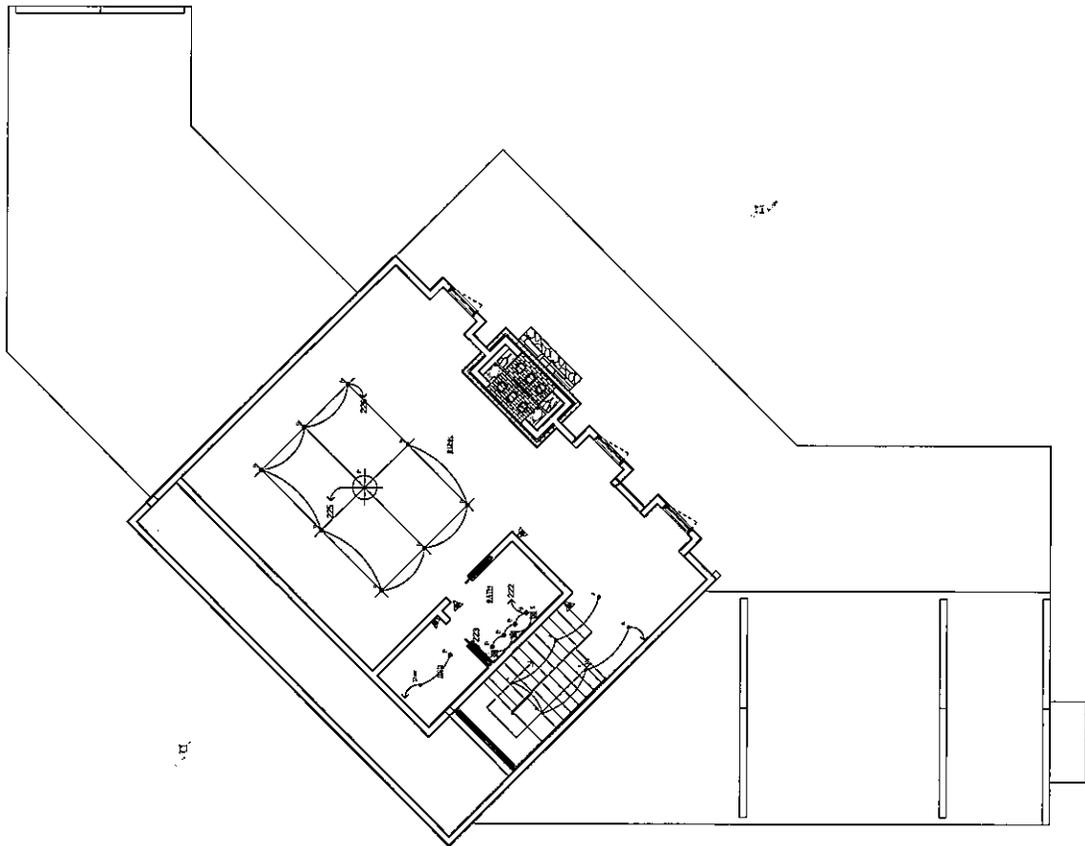
CABIN SOUTH EAST
EXTERIOR ELEVATION 1



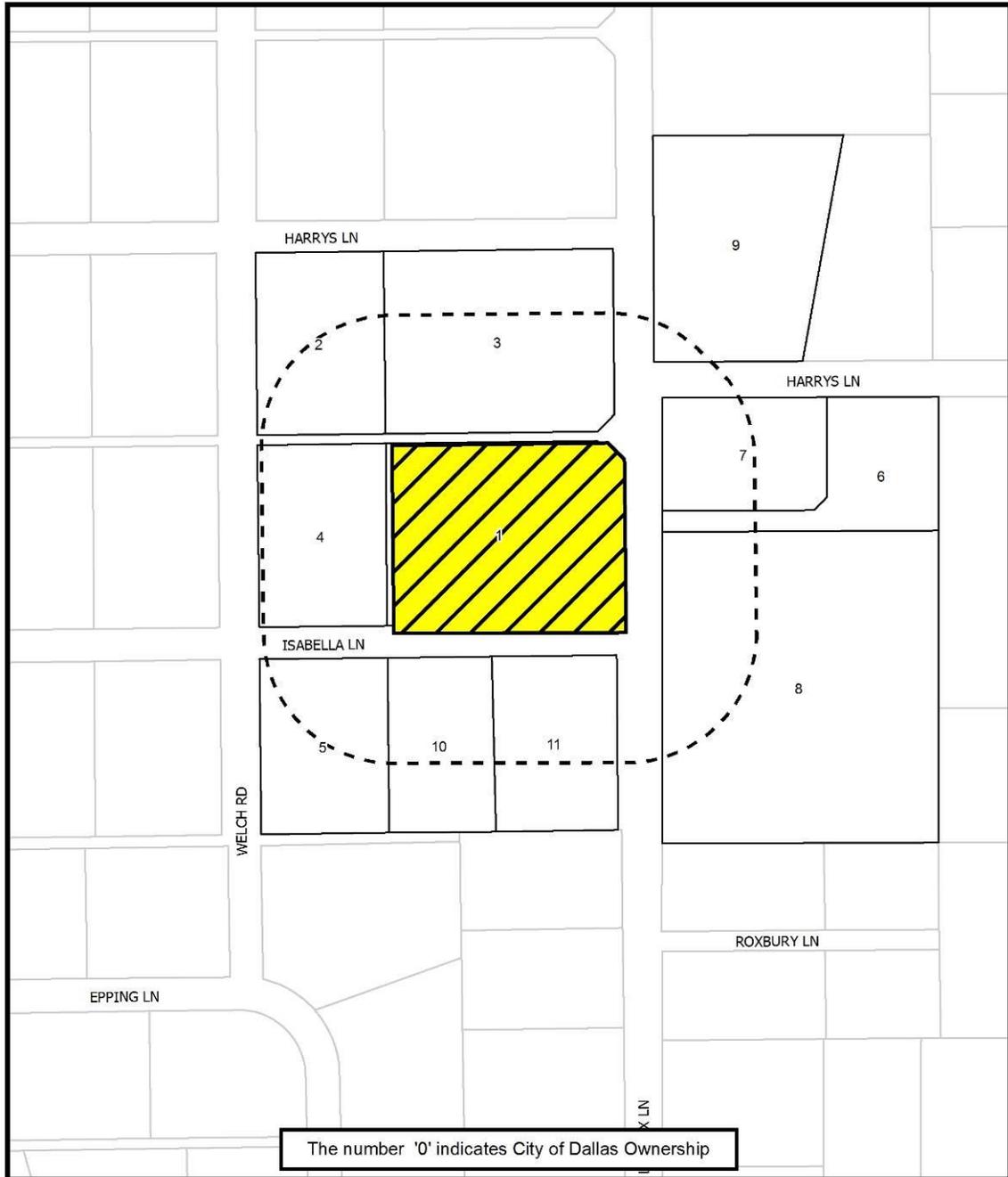
CABIN NORTH WEST
EXTERIOR ELEVATION 2



FIRST FLOOR ELECTRICAL PLAN SECTION 1
SCALE: 1/4" = 1'-0"



SECOND FLOOR ELECTRICAL PLAN SECTION 1
PAGE 1 OF 1



 1:2,400	NOTIFICATION		Case no: BDA145-119
	<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;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/22/2015	

Notification List of Property Owners

BDA145-119

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10545 LENNOX LN	MELVIN JOHN
2	10580 WELCH RD	GITELMAN AARON S & MARY GRIMES LIV TR THE
3	10615 LENNOX LN	AZOUZ DAVID & ANGIE B
4	4611 ISABELLA LN	DURHAM CLARK &
5	4610 ISABELLA LN	WILSON ELLEN E REVOCABLE TRUST
6	4770 HARRYS LN	COUNTESS DIANA LTD
7	10564 LENNOX LN	COUNTESS DIANA LTD
8	10540 LENNOX LN	ANDERSON MICHAEL SCOTT
9	10626 LENNOX LN	JUTRAS ROBERT N & DORIS L
10	4612 ISABELLA LN	WENZEL BRADLEY GENE & LEIGH A
11	10515 LENNOX LN	MARGOLIN FRED & ANN