

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, DECEMBER 11, 2017
AGENDA

BRIEFING	ROOM 5ES 1500 MARILLA STREET DALLAS CITY HALL	10:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Neva Dean, Assistant Director
Steve Long, Board Administrator/ Chief Planner
Jennifer Munoz, Senior Planner

MISCELLANEOUS ITEM

Approval of the November 13, 2017 Board of Adjustment M1
Panel C Public Hearing Minutes

UNCONTESTED CASES

BDA167-132(SL)	4104 Duncanville Road REQUEST: Application of John Chisolm, represented by Shea Kirkman, for a special exception to the landscape regulations	1
BDA167-134(SL)	1614 Melbourne Avenue REQUEST: Application of Vaughn C. Williams for a special exception to the side yard setback regulations for a carport	2
BDA167-136(SL)	454 W. Greenbriar Lane REQUEST: Application of Steven Wood for a variance to the front yard setback regulations	3
BDA167-139(SL)	1555 San Saba Drive REQUEST: Application of Jessica W. Hammons, represented by Erik Thornton, for special exceptions to the fence standards	4

BDA167-140(JM)	10564 Lennox Lane REQUEST: Application of Eric Eisenberg, represented by Bob Mirabito, for special exceptions to the fence standards	5
BDA178-001(SL)	2600 (aka 2604) Main Street REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the off-street parking regulations	6

HOLDOVER CASE

BDA167-116(SL)	6770 Abrams Road REQUEST: Application of Roger Albright for a special exception to the off-street parking regulations	7
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REGULAR CASES

BDA167-135(SL)	4300 Marvin D. Love Freeway REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the tree preservation regulations	8
BDA167-137(SL)	6480 Royalton Drive REQUEST: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations	9
BDA167-138(SL)	6821 Southridge Drive REQUEST: Application of Robert Reeves to appeal the decision of the administrative official	10
BDA167-142(JM)	2802 Lourdes Street REQUEST: Application of Gerardo Ornelas for a variance to the front yard setback regulations, and special exceptions to the fence standards	11

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA167-132(SL)

BUILDING OFFICIAL'S REPORT: Application of John Chisolm, represented by Shea Kirkman, for a special exception to the landscape regulations at 4104 Duncanville Road. This property is more fully described as Lot 3, Block A/8032, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4104 Duncanville Road

APPLICANT: John Chisolm
Represented by Shea Kirkman

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a commercial/office use/structure, and not fully meet the landscape regulations, more specifically, to not meet street tree location requirements on the subject site.

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

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements of Article X will unreasonably burden the use of the property (the location of easements on the site does not allow the applicant to comply with street tree location requirements), and that the special exception will no negative impacts on neighboring property.

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

Land Use:

The subject site is undeveloped. The area to the north is developed with an office/warehouse use, and the areas to the east, south, and west are undeveloped.

Zoning/BDA History:

1. BDA134-119, Property at 4243 Duncanville Road (three lots south of subject site)

On December 15, 2014, the Board of Adjustment Panel C granted a request for a special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition. The case report states that the request was made to maintain a motor vehicle fueling station use (Questar Fueling Station), and not fully meet the landscape regulations - more specifically, according to the City of Dallas Chief Arborist, the submitted alternate landscape plan did not provide the required street trees factored at one tree per 50 linear feet of frontage within 30 feet of the curb.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a commercial/office use/structure, and not fully meeting the landscape regulations, more specifically, not providing street trees in the required location within 30' from the back of the street curb.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant requests a special exception to the landscape regulations in Article X for the construction of a non-residential structure. The special exception would allow for required street trees to be planted more than 30 feet from the back of the street curb (Sec. 51A-10.125(b)(4)).
- The Chief Arborist's memo states the following with regard to "provision":
 - The applicant is proposing to provide an alternative landscape plan which would comply with Article X with the exception of street tree location requirements. The street buffer design standard is provided on the plan which will provide one large non-canopy tree with each required canopy tree. The property will also retain a 3.5 acre preserved wooded area with a floodway easement.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The property would not provide street trees within 30 feet of the curb, as required by ordinance. Two large easements forces trees to the edge of the easement and away from Duncanville Road. The easement areas in the front yard will be maintained with permeable groundcover.
- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because strict compliance with the Article X regulations will unreasonably burden the use of the property, and that the special exception will have no negative impacts on neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from providing the street trees in the required location on the subject site.

Timeline:

September 22, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 3, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

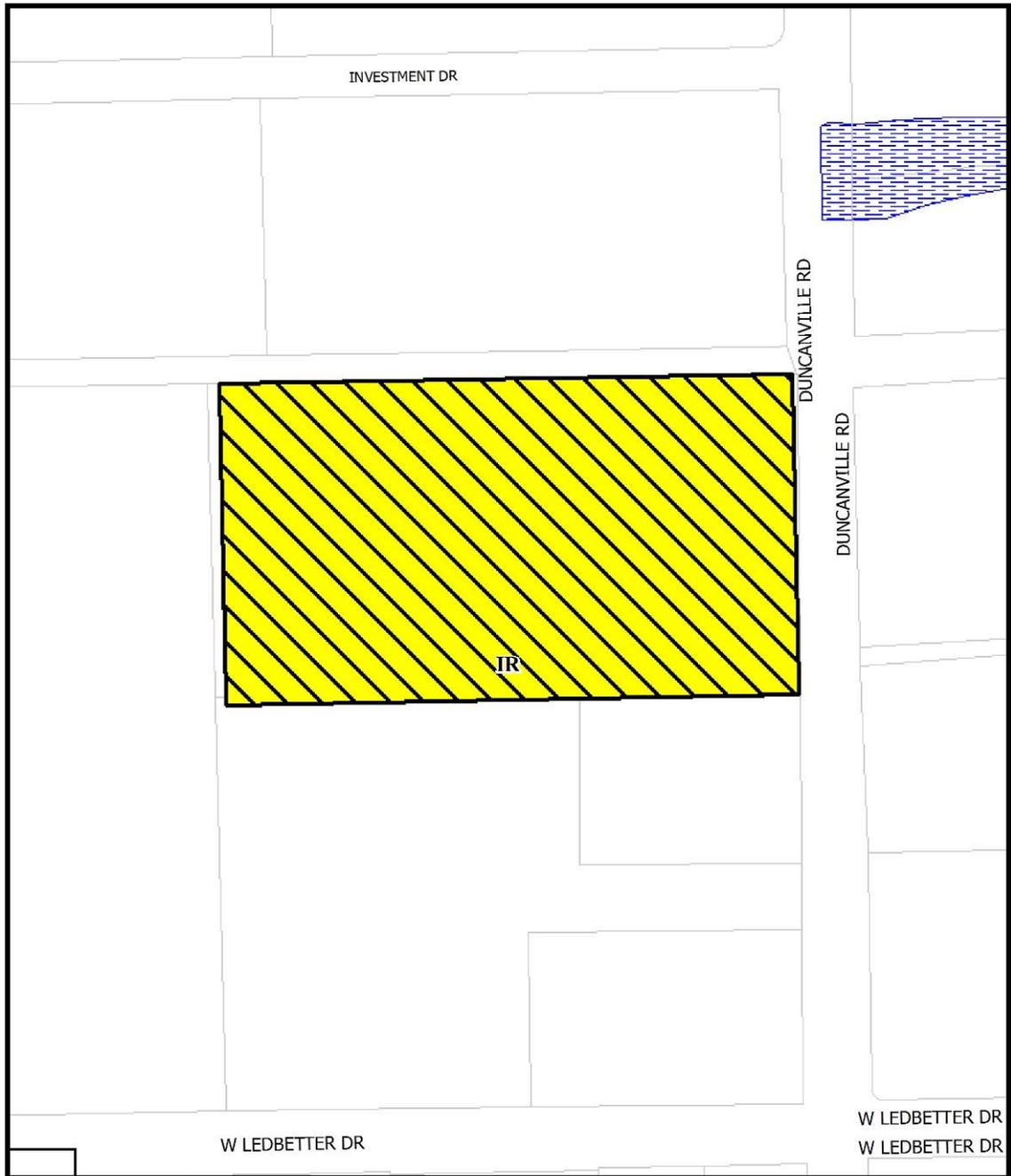
November 6, 2017: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st 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 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

November 30, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).

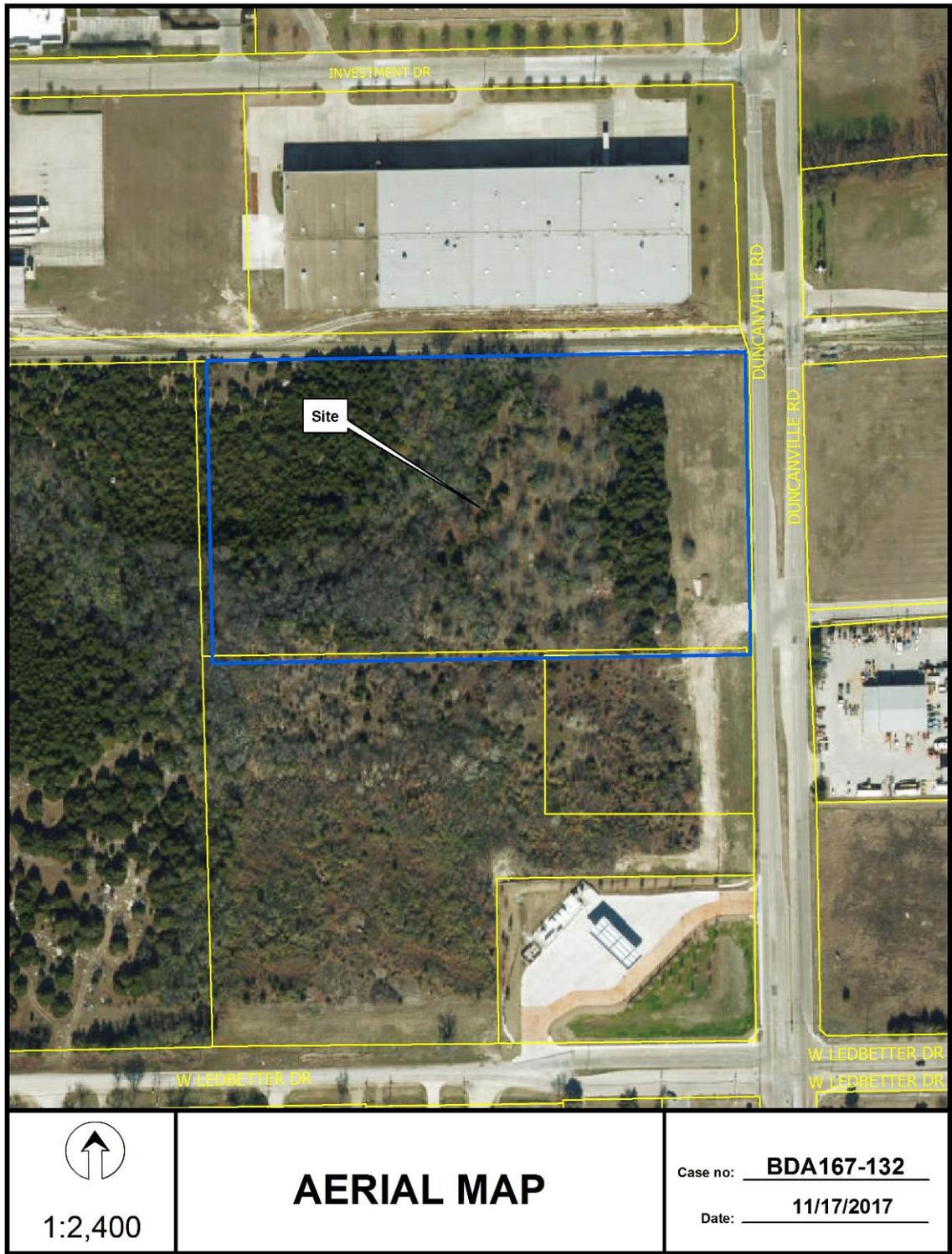


1:2,400

ZONING MAP

Case no: BDA167-132

Date: 11/17/2017



Memorandum



Date November 30, 2017
To Steve Long, Board Administrator
Subject BDA #167-132 4104 Duncanville Road Arborist report

Request

The applicant is requesting a special exception to the landscape regulations of Article X for the construction of a non-residential structure. The special exception would allow for required street trees to be planted more than 30 feet from the back of the street curb (Sec. 51A-10.125(b)(4)).

Provision

The applicant is proposing to provide an alternative landscape plan which would comply with Article X with the exception of street tree location requirements. The street buffer design standard is provided on the plan which will provide one large non-canopy tree with each required canopy tree. The property will also retain a 3.5 acre preserved wooded area with a floodway easement.

Deficiency

The property would not provide street trees within 30 feet of the curb, as required by ordinance. Two large easements forces trees to the edge of the easement and away from Duncanville Road. The easement areas in the front yard will be maintained with permeable groundcover.

Recommendation

The chief arborist recommends approval of the alternative landscape plan because strict compliance with Article X will unreasonably burden the use of the property, and the special exception will have no negative impacts on neighboring properties.

Philip Erwin
Chief Arborist
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-132

Data Relative to Subject Property:

Date: 09/22/2017

Location address: 4104 Duncanville Road Dallas, TX Zoning District: IR

Lot No.: 3 Block No.: A/8032 Acreage: 10.00 Census Tract: CT-165.20

Street Frontage (in Feet): 1) 495 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Johnny Ringo, LLC

Applicant: John Chisolm Telephone: 214-226-4626

Mailing Address: 2905 Dublin Road, Parker, TX Zip Code: 75002

E-mail Address: johnc@wbsservice.com

Represented by: Shea Kirkman Telephone: 817-488-4960

Mailing Address: 4821 Merlot Avenue, Grapevine, TX Zip Code: 76051

E-mail Address: shea.kirkman@trustke.com

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

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The property in question has two 30' gas easements that begin on the eastern property line being the western right of way line of Duncanville road. These easements do not allow trees to be planted above the large gas lines in order to prevent roots from destroying the lines and creating a hazard. Trees will need to be planted 60' inside of the property line.
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.

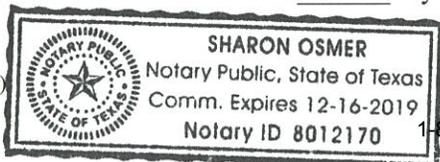
Affidavit

Before me the undersigned on this day personally appeared John Chisolm
(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 20th day of September, 2017



[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

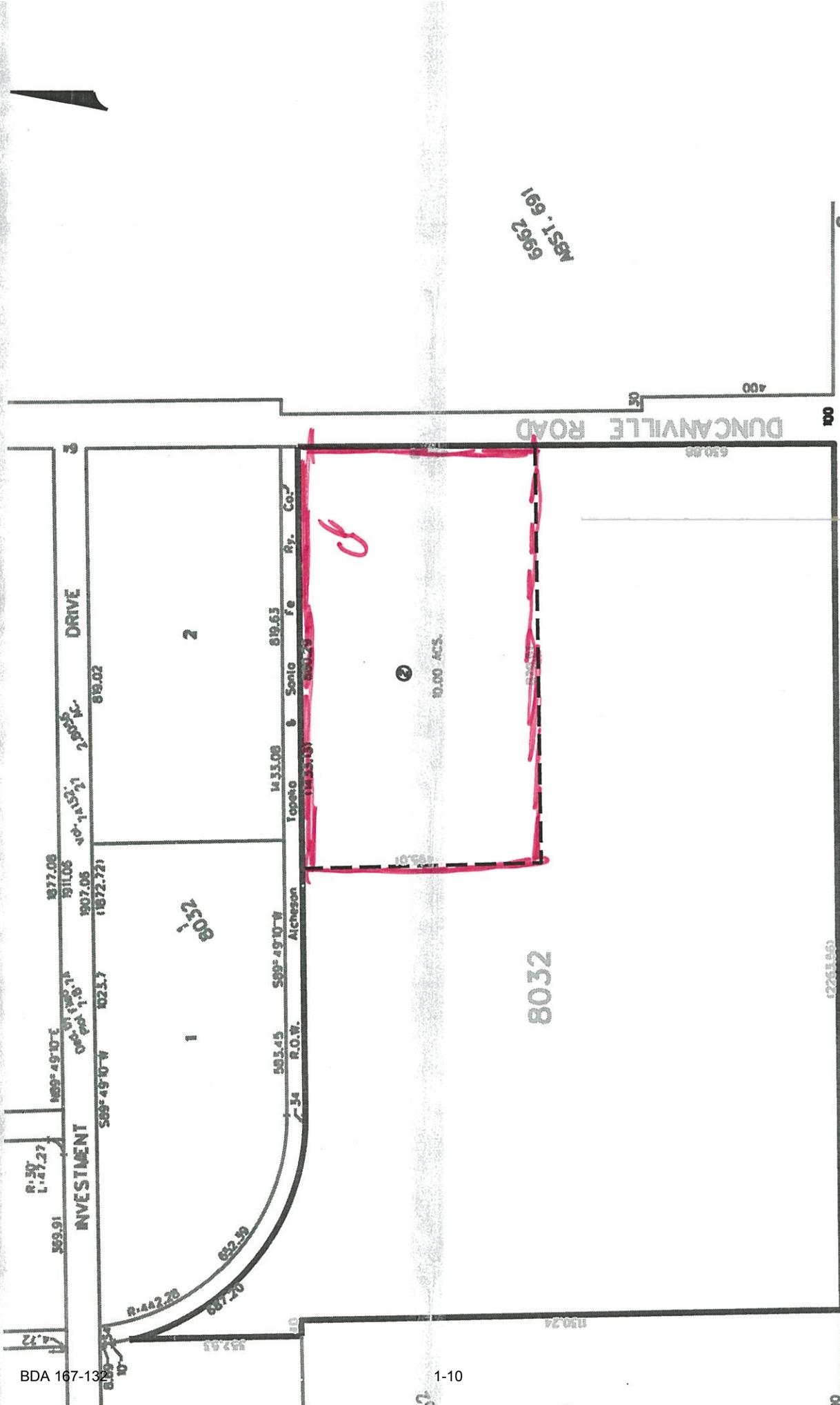
Building Official's Report

I hereby certify that John Chisolm
represented by Shea Kirkman
did submit a request requires mandatory landscaping and tree mitigation
at 4104 Duncanville Road

BDA167-132. Application of John Chisolm represented by Shea Kirkman requires mandatory landscaping and tree mitigation at 4104 Duncanville Road. This property is more fully described as Lot 3, Block A/8032, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require a special exception to the landscape and tree preservation regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



BDA 167-132

6962
Absl. 691

190
LEDBETTER Absl. 885
Absl. 745
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DUNCANVILLE ROAD
630.88
400
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8032

2

1

DRIVE

INVESTMENT

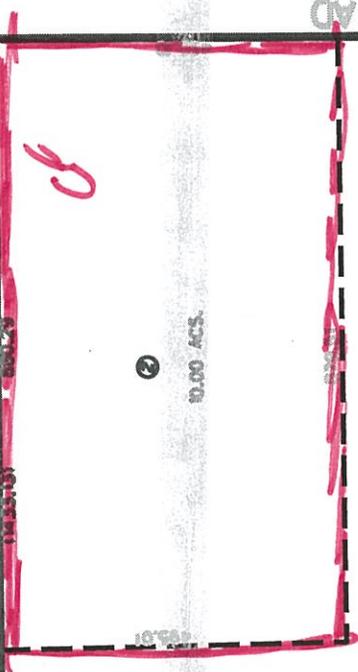
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1910.06
1907.05
(1872.72)

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R.O.W.
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189° 49' 10" E
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1877.08
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Topoko & Santa Fe Ry. Co.
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190

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

4104 duncanville

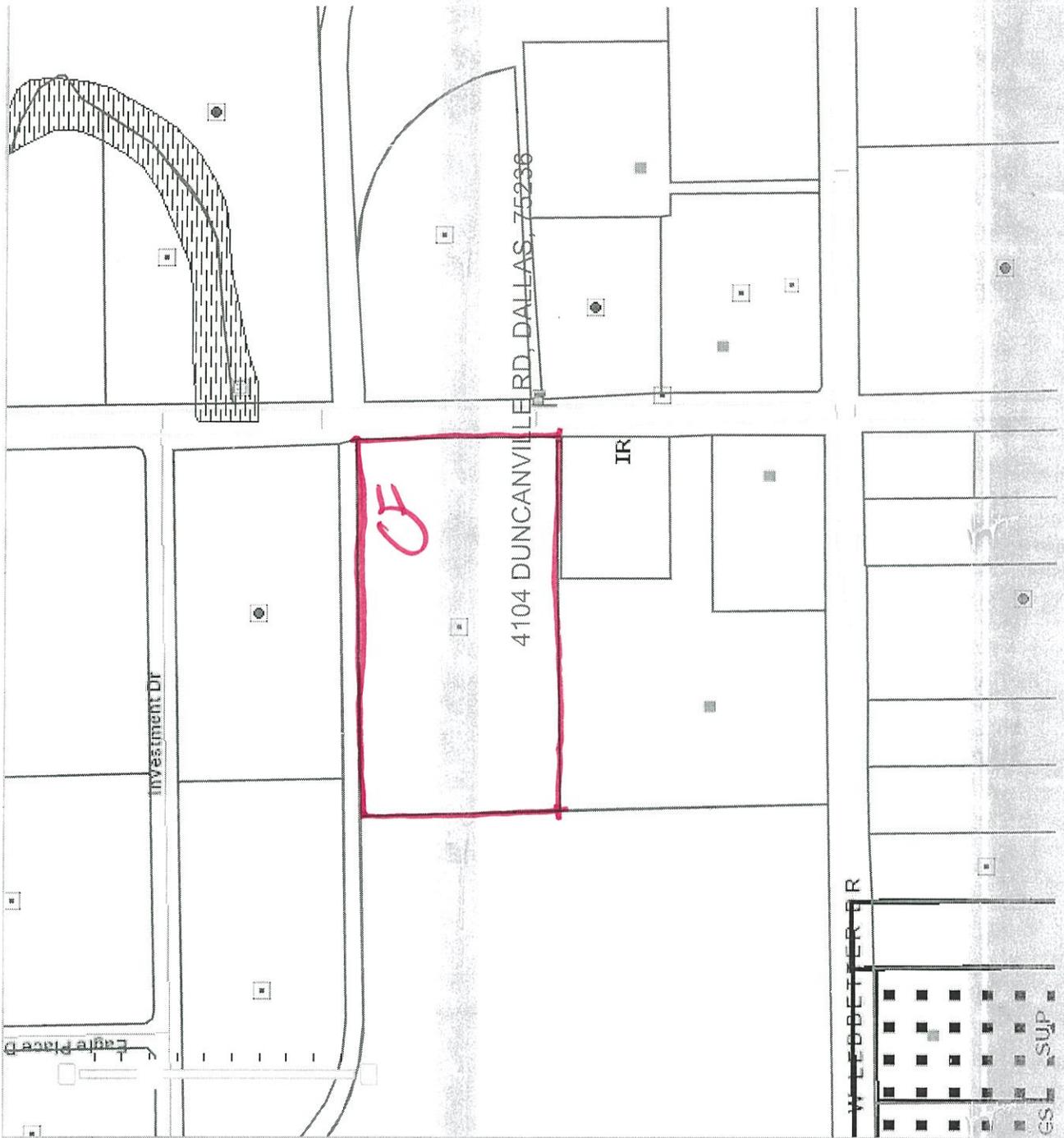
Locate

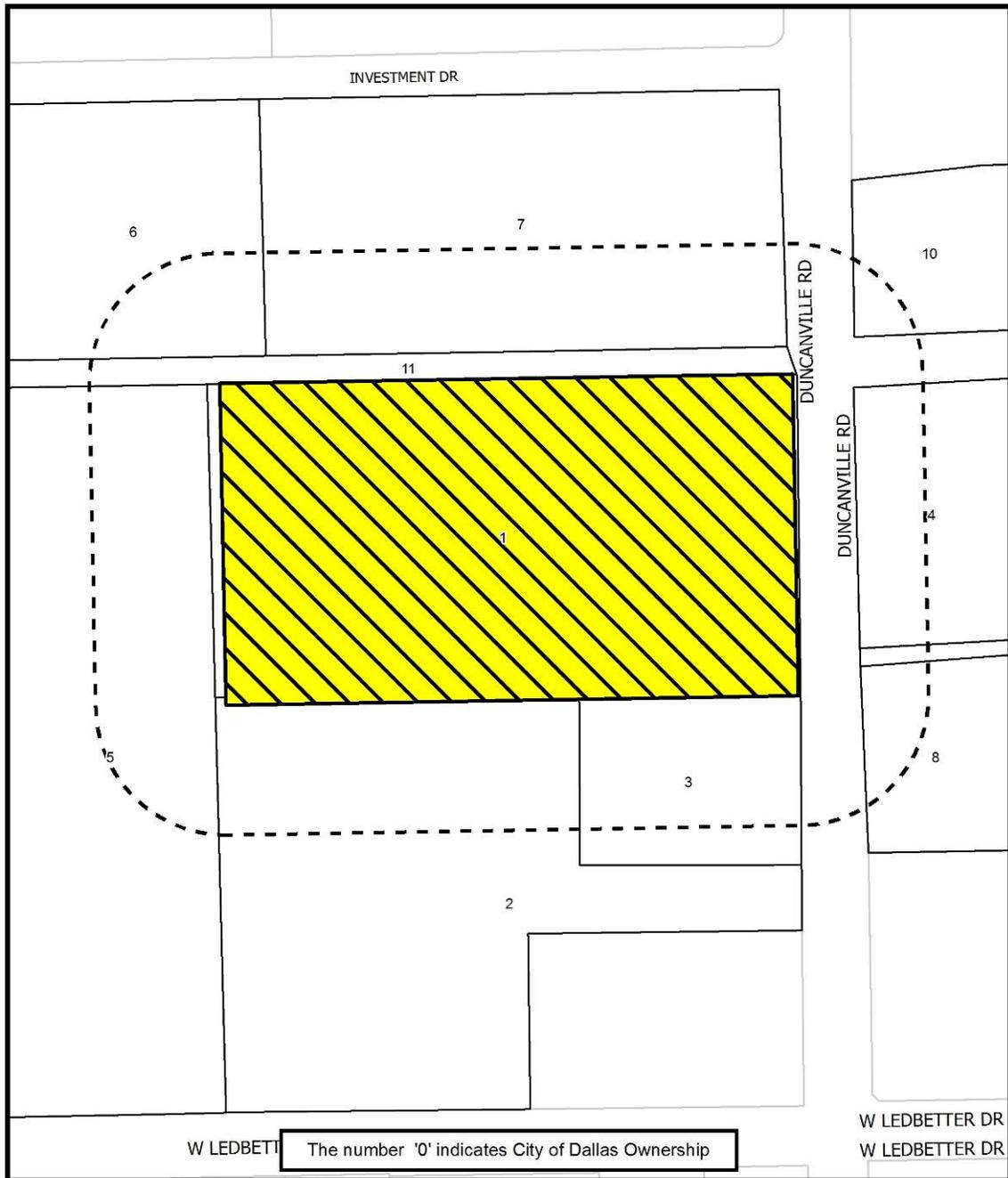
OR

Parcel address.

Use street type for better re

Locate





 1:2,400	NOTIFICATION		Case no: BDA167-132
	<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: 11/17/2017	

Notification List of Property Owners

BDA167-132

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4200 DUNCANVILLE RD	RINGO JOHNNY LLC
2	4200 DUNCANVILLE RD	REI LEASING MANAGEMENT LLC
3	4200 DUNCANVILLE RD	PROPIEADAES LOPEZ HOLDINGS LC
4	4040 DUNCANVILLE RD	TEXAS UTILITIES ELEC CO
5	8032 W LEDBETTER DR	DV REALM CO
6	5252 INVESTMENT DR	REAL PARTNER INVEST LLC
7	5050 INVESTMENT DR	ETH INVESTMENT GROUP LLC
8	4100 DUNCANVILLE RD	ATKINSON SAMUEL J &
9	4060 DUNCANVILLE RD	NAUGATUCK LC
10	3930 DUNCANVILLE RD	BOISE CASCADE BUILDING MATERIALS DISTRIBUTION LLC
11	2300 AL LIPSCOMB WAY	BNSF RAILWAY

FILE NUMBER: BDA167-134(SL)

BUILDING OFFICIAL'S REPORT: Application of Vaughn C. Williams for a special exception to the side yard setback regulations for a carport at 1614 Melbourne Avenue. This property is more fully described as Lot 5, Block 10/4750, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport in a required side yard and provide a 2 foot 6 inch setback, which will require a 2 foot 6 inch special exception to the side yard setback regulations.

LOCATION: 1614 Melbourne Avenue

APPLICANT: Vaughn C. Williams

REQUEST:

A request for a special exception to the side yard setback regulations of 2' 6" is made to maintain a carport located 2' 6" from the site's eastern side property line or 2' 6" into this 5' required side yard setback on a site developed with a single family home structure/use.

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

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>East:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>West:</u>	R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The subject site is developed with a single family home. The area to the north, east, south, 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 for a special exception to the side yard setback of 2' 6" focuses on maintaining an approximately 290 square foot carport located 2' 6" from the site's eastern side property line or 2' 6" into the site's eastern 5' required side yard setback, on a site developed with a single family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The submitted a site plan and elevation indicates the size and materials of the carport, and its location 2' 6" from the site's eastern side property line.
- The submitted site plan represents the following:
 - The carport is approximately 24' in length and approximately 12' in width (approximately 290 square feet in total area) of which approximately 20 percent is located in the eastern 5' side yard setback.
- The submitted elevation represents the following:
 - 7' 8" in height
 - 8" C Purlin 14 Gauge (8" x 2.5") sheet metal fascia roof
 - 4" 14 Gauge square tubing columns
- The Board Administrator conducted a field visit of the area approximately 500 feet east and west of the subject site and noted no other carports that appeared to be in a side yard setback.
- As of December 1, 2017, two letters had been submitted in support of the request, and no letters had been submitted in opposition to this application.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 2' 6" will not have a detrimental impact on surrounding properties.

- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

Timeline:

September 28, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 3, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 6, 2017: The Board Administrator emailed the applicant the following information:

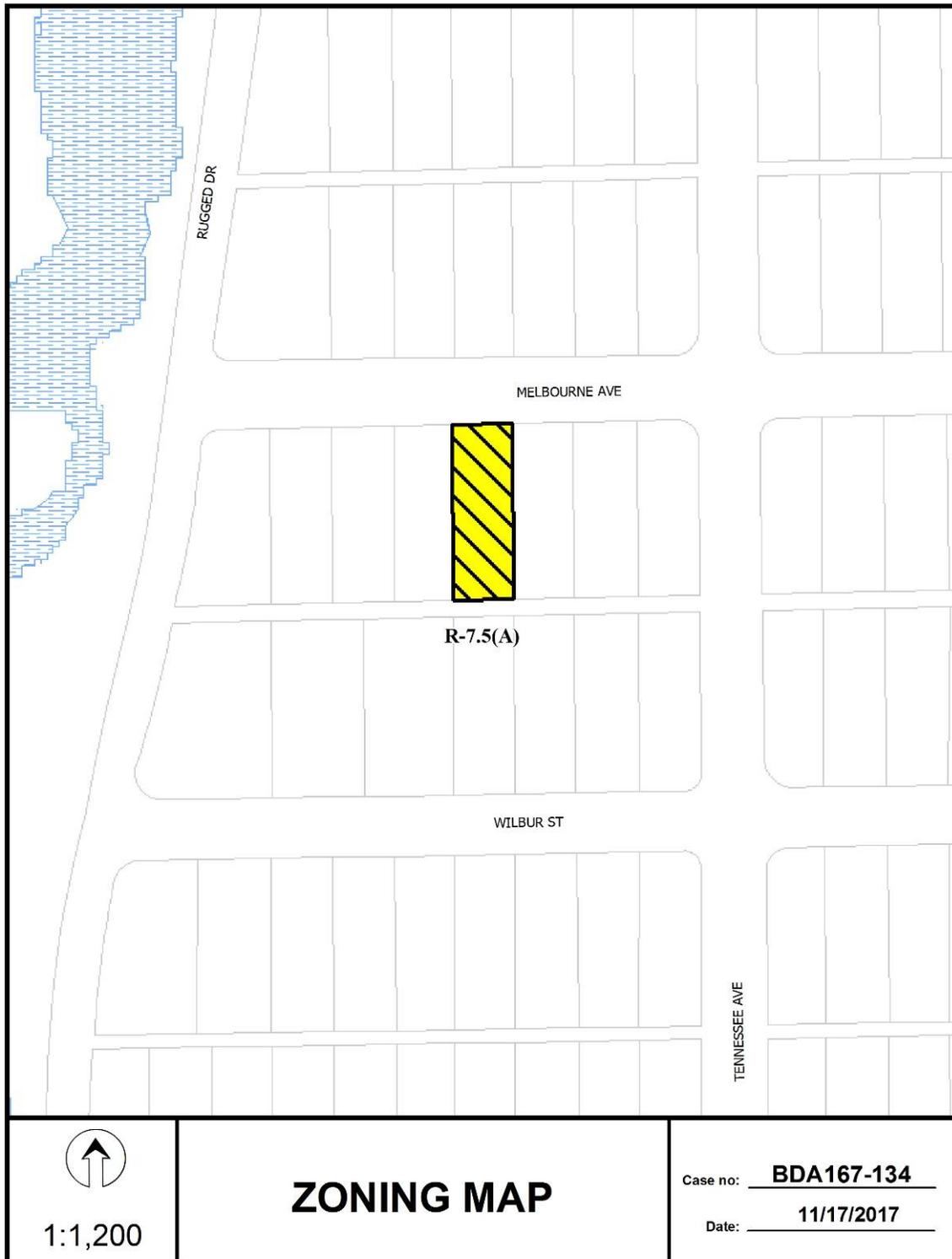
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st 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.”

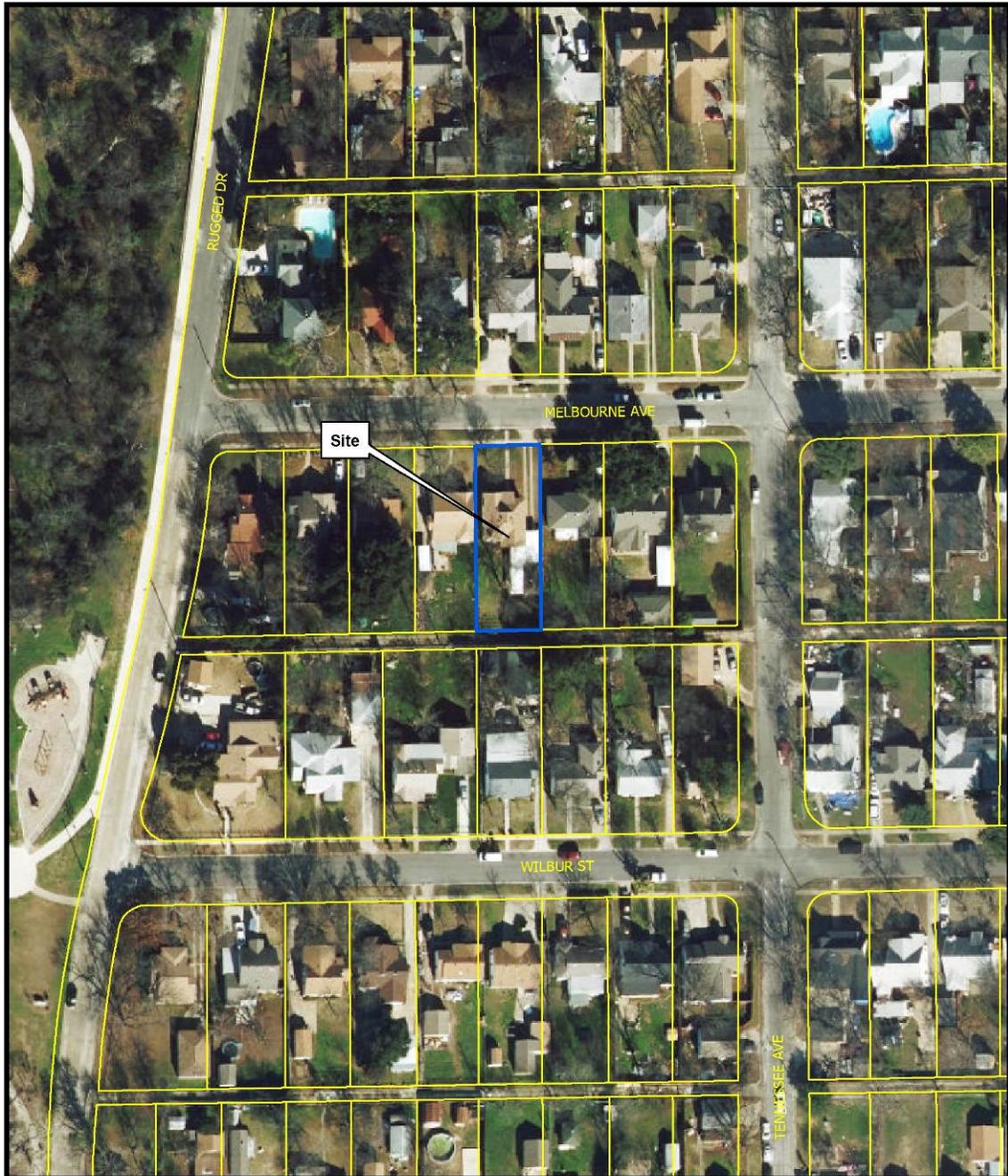
November 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

November 29, 2017: The Board Administrator emailed the applicant the following information:

- when the board grants this type of application, they typically impose the applicant's submitted site plan and elevation as a condition to the request;
- that he contact Building Inspection prior to his hearing on December 11th to establish that they would be able to issue a permit for the carport in the side yard setback if the board were to grant your request and impose your submitted site plan and elevation as a condition, and that for any reason a determination was made that plans would need to be amended to meet building code, he could submit a revised site plan and/or elevation to staff to your December 11th hearing.





1:1,200

AERIAL MAP

Case no: BDA167-134

Date: 11/17/2017



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-134

Data Relative to Subject Property:

Date: 9-28-17

Location address: 1614 Melbourne Avenue, Dallas, TX 75224 Zoning District: R-7.5(A)

Lot No.: 5 Block No.: 10/4750 Acreage: .17 Census Tract: 63.02

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Vaughn C. Williams

Applicant: Vaughn C. Williams Telephone: (972) 603-5563

Mailing Address: 1614 Melbourne Avenue, Dallas, TX Zip Code: 75224

E-mail Address: vcwpearl@yahoo.com

Represented by: self Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of a 2' 6" sideyard setback. FOR A CARPORT

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:

When the house was originally constructed in 1950, a single car, detached garage was appropriate; however, it does not provide for reasonable use of the property by today's standards. The exception is requested in order to provide adequate coverage and protection for the occupant's vehicle. The carport structure creates no adverse effect on and will not detract from or pose a safety hazard to the neighboring properties or the community.

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

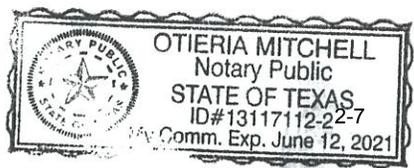
Before me the undersigned on this day personally appeared Vaughn Williams
(Affiant/Applicant's name printed)

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 24 day of August, 2017

(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 Vaughn Williams

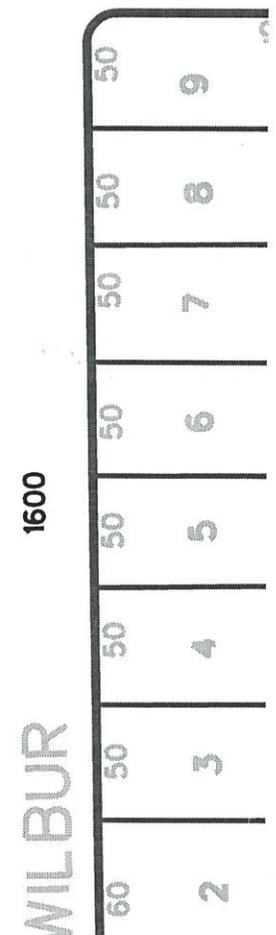
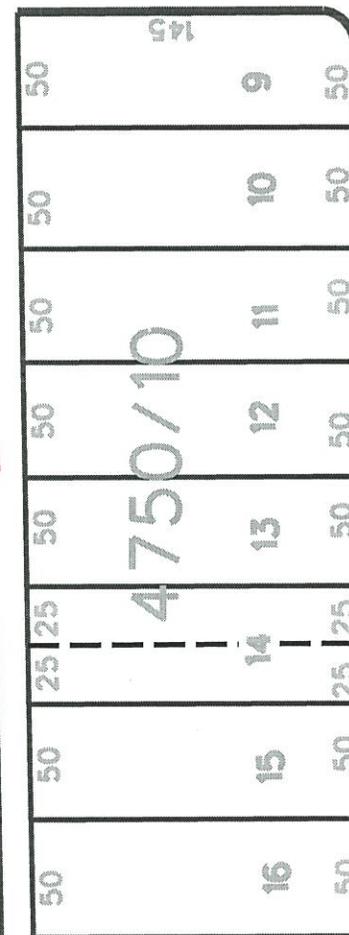
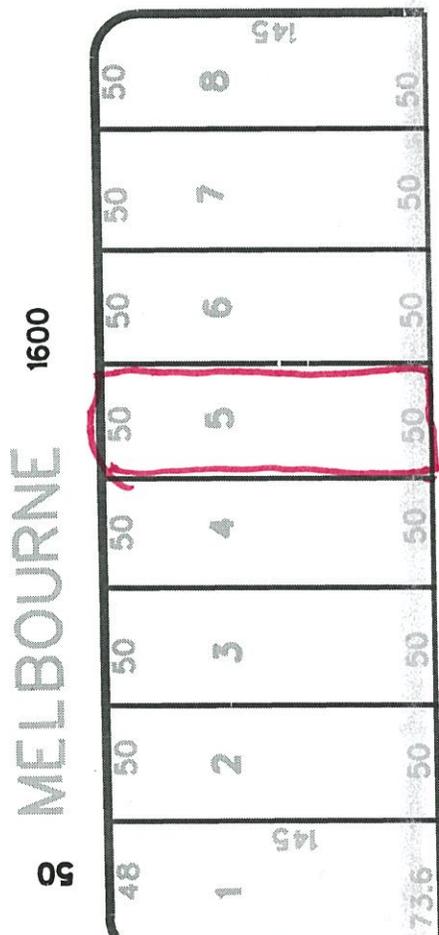
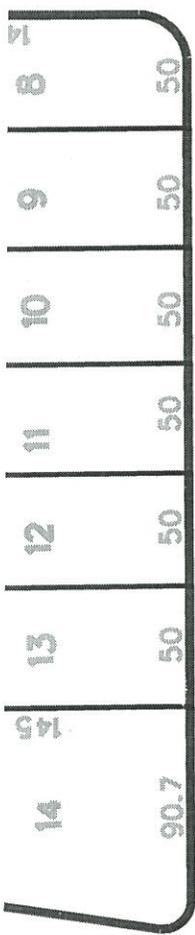
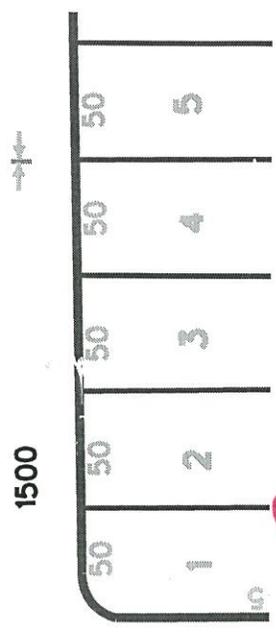
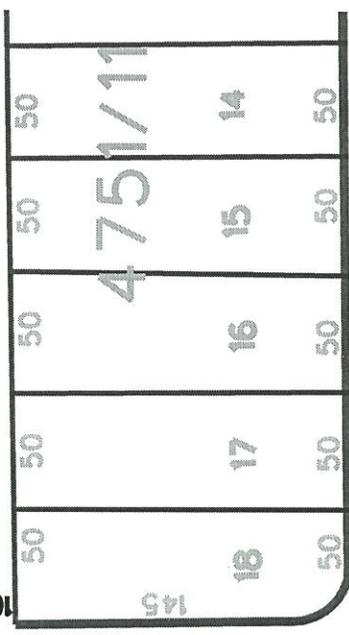
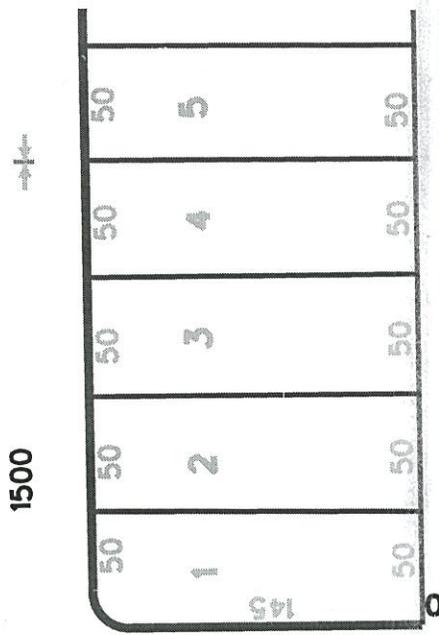
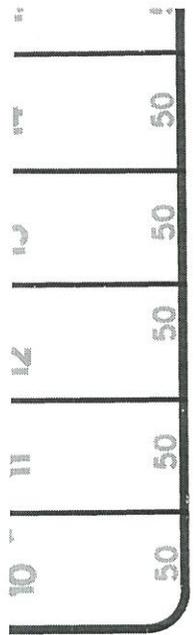
did submit a request for a special exception to the side yard setback regulations
at 1614 Melbourne Avenue

BDA167-134. Application of Vaughn Williams for a special exception to the side yard setback regulations at 1614 Melbourne Avenue. This property is more fully described as Lot 5, Block 10/4750, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 2 foot 6 inch setback, which will require a 2 foot 6 inch special exception to the side yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

12



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

1614 melbourne

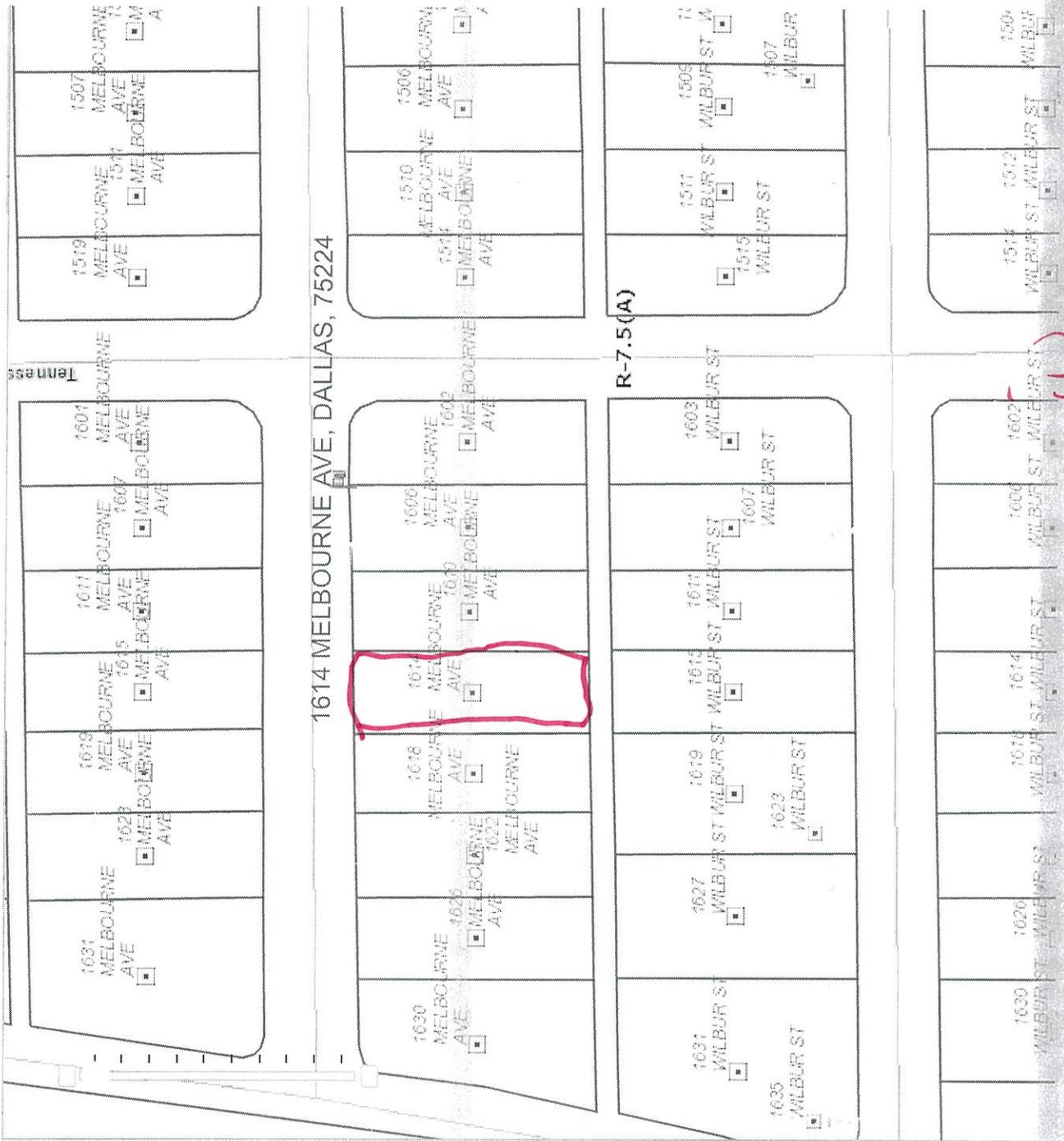
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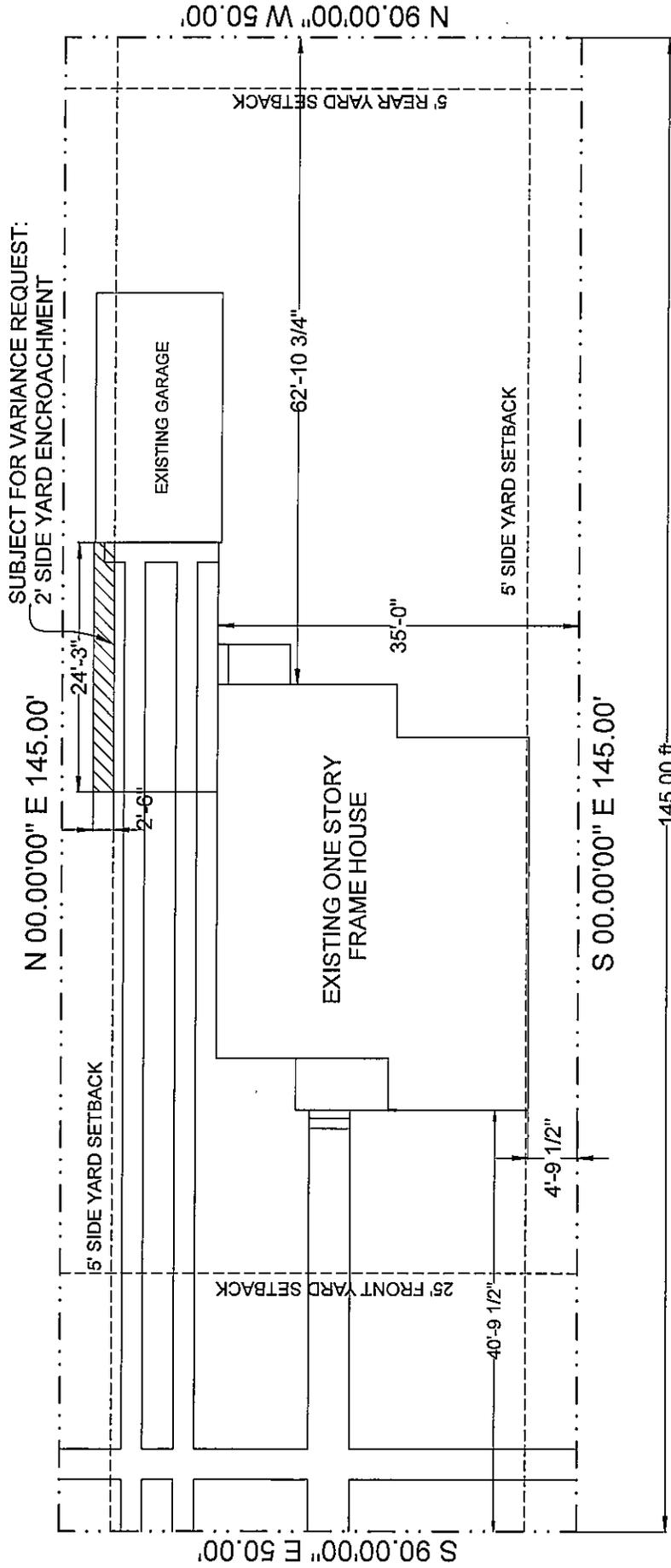
OR

Parcel address.

Use street type for better re

Locate



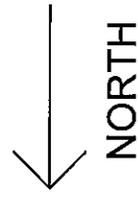


NOTES:

- 1. LOT 5, BLOCK 10 / 4750 ELMWOOD ADDITION NO. 3
- 2. CURRENT ZONING: R7.5, MINIMUM SITE AREA REQUIRED, 7,500sf.
- 3. EXISTING SIRE AREA: 7,250 sf



Michael Gandy



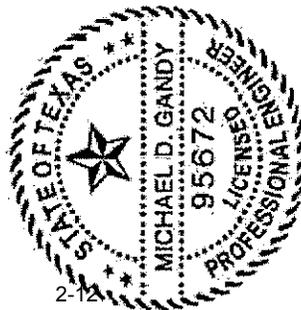
Lighthouse Engineering

Michael Gandy, P.E. Phone: 214-577-1077
E-Mail: MikeGandy@LighthouseEng.com
Registered Engineering Firm F-9334

SEPTEMBER 4, 2017
APPROX. SCALE 1" = 10'

SITE PLAN

ADDRESS:	1614 MELBOURNE AVE., DALLAS	FILE NO.:	16142017	DATE:	09/04/2017
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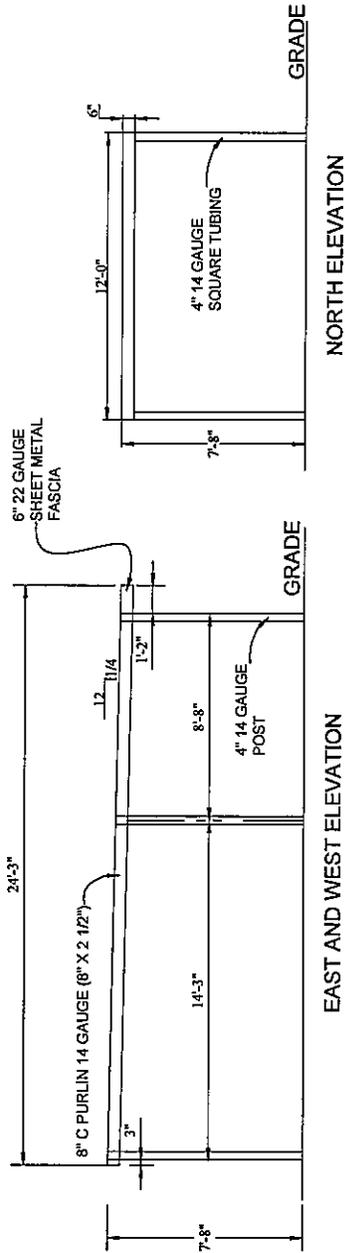


Michael Gandy

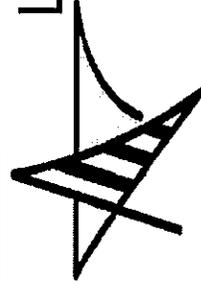
SEPTEMBER 4, 2017

APPROX. SCALE 3/16" = 1'

CARPORT ELEVATIONS



Lighthouse Engineering



Michael Gandy, P.E. Phone: 214-577-1077
E-Mail: MikeGandy@LighthouseEng.com
Registered Engineering Firm F-9334

ADDRESS: 1614 MELBOURNE AVE., DALLAS	FILE NO.: 16142017	DATE: 09/04/2017	DRAWING NO. 1002
--------------------------------------	--------------------	------------------	------------------

July 15, 2017

I, Rufina Villarreal (Ceja), of 1610 Melbourne Avenue, Dallas, Texas, 75224, have no problem, issue or dispute with the carport belonging to Vaughn Williams, of 1614 Melbourne Avenue, Dallas, Texas 75224.

CELL # 214-864-9986
Sincerely,

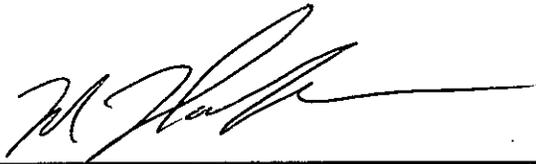
A handwritten signature in blue ink that reads "Rufina Ceja". The signature is written in a cursive style and is underlined with a single horizontal stroke.

July 30,2017

I, Molly Hagler, of 1618 Melbourne Avenue, Dallas, Texas, 75224, have no problem, issue or dispute with the property belonging to Vaughn Williams, of 1614 Melbourne Avenue, Dallas, Texas 75224.

Cell # (817)307-5776

Sincerely,





The number '0' indicates City of Dallas Ownership

 1:1,200	NOTIFICATION	Case no: BDA167-134			
	<table border="1"> <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
200'	AREA OF NOTIFICATION				
23	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-134

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1614 MELBOURNE AVE	WILLIAMS VAUGHN C
2	1601 MELBOURNE AVE	PENA MARGARITA M
3	1607 MELBOURNE AVE	MONGE SERAFIN & ISABEL
4	1611 MELBOURNE AVE	ESPINOZA EDUARDO & LUZ E
5	1615 MELBOURNE AVE	MARTINEZ MARIA ANTONIA
6	1619 MELBOURNE AVE	MORENO ROSA I
7	1623 MELBOURNE AVE	HALL PATRICK
8	1631 MELBOURNE AVE	RODRIGUEZ LAURA
9	1630 MELBOURNE AVE	JARAMILLO LEONOR
10	1626 MELBOURNE AVE	HOOVER RICHARD R
11	1622 MELBOURNE AVE	DEVINCENZO PHILLIP LEON &
12	1618 MELBOURNE AVE	HAGLER MOLLY
13	1610 MELBOURNE AVE	VILLAREAL RUFINA
14	1606 MELBOURNE AVE	MORALES ALICK J
15	1602 MELBOURNE AVE	ADKINS CARLA ANN CENATIEMPO & BRYAN GREGORY ADKINS
16	1603 WILBUR ST	YOUNG KENNETH E
17	1607 WILBUR ST	GOMEZ AURORA E
18	1611 WILBUR ST	ONTIVEROS MARIO
19	1615 WILBUR ST	ESQUIVEL JESUS M EST OF
20	1619 WILBUR ST	TOMLIN JACK D
21	1627 WILBUR ST	YOUNG MIRANDA CONSUELA KEIRNS &
22	1631 WILBUR ST	RIVERA RAMON G &
23	1514 MELBOURNE AVE	RODRIGUEZ JESUS &

FILE NUMBER: BDA167-136(SL)

BUILDING OFFICIAL'S REPORT: Application of Steven Wood for a variance to the front yard setback regulations at 454 W. Greenbriar Lane. This property is more fully described as Lot A, Block 6/4640, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 16 foot front yard setback, which will require a 9 foot variance to the front yard setback regulations.

LOCATION: 454 W. Greenbriar Lane

APPLICANT: Steven Wood

REQUEST:

A request for a variance to the front yard setback regulations of 9' is made to add and maintain a 2nd floor addition to an existing one-story single family home structure (a structure that is in part a nonconforming structure and in part a structure that is a result of a variance granted by the Board of Adjustment in 2007: BDA067-131), part of which would be located 16' from one of the site's two front property lines (Woodlawn Avenue) or 9' into this 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, 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 plan is required

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 60' wide subject site has 30' of developable width available once a 25' front yard setback is accounted for on the west and a 5' side yard setback is accounted for on the east. If the lot were more typical to others in the zoning district with only one front yard setback, the 60' wide site would have 50' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the total home size of the home with the proposed addition on the subject site at approximately 4,100 square feet is commensurate to 12 other homes in the same R-7.5(A) zoning district that have an average home size of approximately 4,400 square feet.
- Granting the variance does not appear to be contrary to public interest since the addition in the front yard setback would be located farther from the Woodlawn Avenue front property line than the existing structure that is in part a nonconforming structure and in part a structure granted a variance to the Woodlawn Avenue front yard setback in 2007.

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

Land Use:

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

Zoning/BDA History:

1. BDA067-131, Property located at 454 W. Greenbriar Lane (the subject site)

On September 17, 2007, the Board of Adjustment Panel C granted a variance to the front yard setback regulations of 20' and imposed the following condition: Compliance with the submitted site plan is required.

The case report stated that the variance request was made to construct and maintain a bedroom/bath addition in the site's Woodlawn Avenue 25' front yard setback; the proposed addition would connect an existing single family home to an existing detached garage both of which are located in the Woodlawn Avenue front yard setback as well.

The case report also stated the a scaled site plan has been submitted that showed that the addition would be located 5' from the site's Woodlawn Avenue front property line (or 20' into the 25' front yard setback). This site plan showed that the existing house on the site was located as close as 7' from the front property line and the detached garage was located as close as 8' from the property line. These existing structures were most likely deemed to be nonconforming structures since they were built, according to DCAD, in 1947. The applicant had been apprised of the nonconforming structure provisions in the Dallas Development Code and had chosen to not seek variances to remedy the existing structures given that unless intentionally destroyed by the owner or his agent, nonconforming structures can be renovated, repaired, rebuilt, or enlarge if the work does not cause the structure to become more nonconforming to as to the yard, lot, and space regulations.

GENERAL FACTS/STAFF ANALYSIS:

- This request for variance to the front yard setback regulations of 9' focuses on adding and maintaining an approximately 760 square foot 2nd floor addition to an existing one-story single family home structure with approximately 1,800 square feet of floor area (a structure that is in part a nonconforming structure and in part a structure that is a result of a variance granted by the Board of Adjustment in 2007: BDA067-131), part of which is to be located 16' from one of the site's two front property lines (Woodlawn Avenue) or 9' into this 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 subject site is located at the southeast corner of W. Greenbriar Lane and Woodlawn Avenue. Regardless of how the existing structure is oriented to front W. Greenbriar Lane, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along W. Greenbriar Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Woodlawn Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. But the site's Woodlawn Avenue frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the south that front/are oriented westward towards Woodlawn Avenue.
- The submitted scaled site plan indicates an "existing residence" footprint located approximately 7' from the Woodlawn Avenue front property line and a "line of second floor addition" on this footprint located 16' from the Woodlawn Avenue front property line or 9' into this 25' front yard setback. (No encroachment is shown or requested to be located in the site's Greenbriar Lane 25' front yard setback).
- According to DCAD records, the "main improvement" for property addressed at 454 W. Greenbriar Lane is structure built in 1947 with 1,906 square feet of living/total area, and that "additional improvements" is a 440 square foot attached garage. Because records show that the main improvement/structure on this site was built in the 1940's, it is assumed that the part of the "existing residence" represented on the submitted site plan 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 2nd floor addition in the Woodlawn Avenue front yard setback, and not to remedy/address the nonconforming aspect of the existing structure in the front yard setback.
- In September of 2007, the Board of Adjustment Panel C granted a variance to the front yard setback regulations of 20' (BDA067-131) construct and maintain a bedroom/bath addition in the site's Woodlawn Avenue 25' front yard setback- an proposed addition that was to connect an existing single family home to an existing detached garage both of which are located in the Woodlawn Avenue front yard setback as well. Part of the existing residence represented on the site plan submitted in conjunction with this application is a result of this variance.
- The site plan denotes that the total living area of the home with the addition is 3,030 square feet (total living of first floor at 2,269 square feet, total living area of second floor at 857 square feet).
- According to calculations made by the Board Administrator from the submitted site plan, approximately 130 square feet of the 2nd floor addition would be located in the Woodlawn Avenue 25' front yard setback.
- The applicant has submitted a document indicating among other things that that the total home size of the home on the subject site with the proposed addition is approximately 4,100 square feet, and the average of 12 other properties in the same zoning is approximately 4,400 square feet.
- The site is somewhat sloped, rectangular in shape (approximately 190' x 60') and 11,400 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site has two 25' front yard setbacks and two 5' side yard setbacks. Most lots in the R-7.5(A) zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- Most lots in the R-7.5(A) zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and two 5' side yard setbacks.
- The 60' wide subject site has 30' of developable width available once a 25' front yard setback is accounted for on the west and a 5' side yard setback is accounted for on the east. If the lot were more typical to others in the zoning district with only one front yard setback, the 60' wide site would have 50' of developable width.
- No variance would be necessary for the 2nd floor addition if the Woodlawn Avenue frontage were a side yard since the site plan represents that the proposed 2nd floor addition being 16' from the Woodlawn Avenue property line and the side yard setback for properties zoned R-7.5(A) is 5'.
- 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 2nd floor addition that would be located 16' from the site's Woodlawn Avenue front property line (or approximately 9' into this 25' front yard setback).
- Note that the applicant is aware that granting the request for a variance to the front yard setback regulations will not provide any relief to the existing nonconforming structure in the front yard setback since the applicant did not request that the Board consider this aspect as part of this application.
- Granting this request for a variance to the front yard setback regulations will not provide any relief to existing noncompliance on the site related to fence standards and/or off-street parking regulations.

Timeline:

September 11, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 3, 2017: 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".

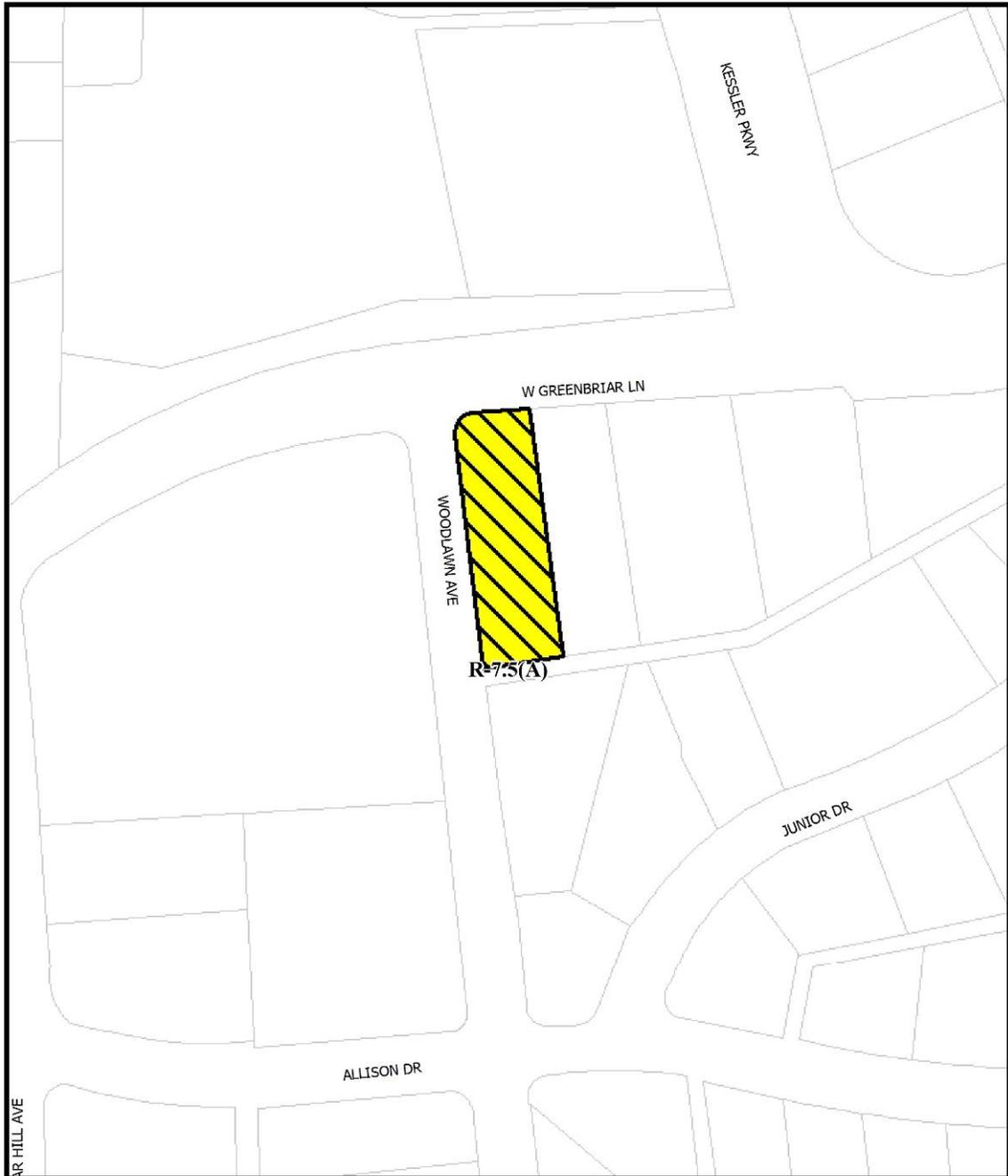
November 6, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st 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 27, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

November 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

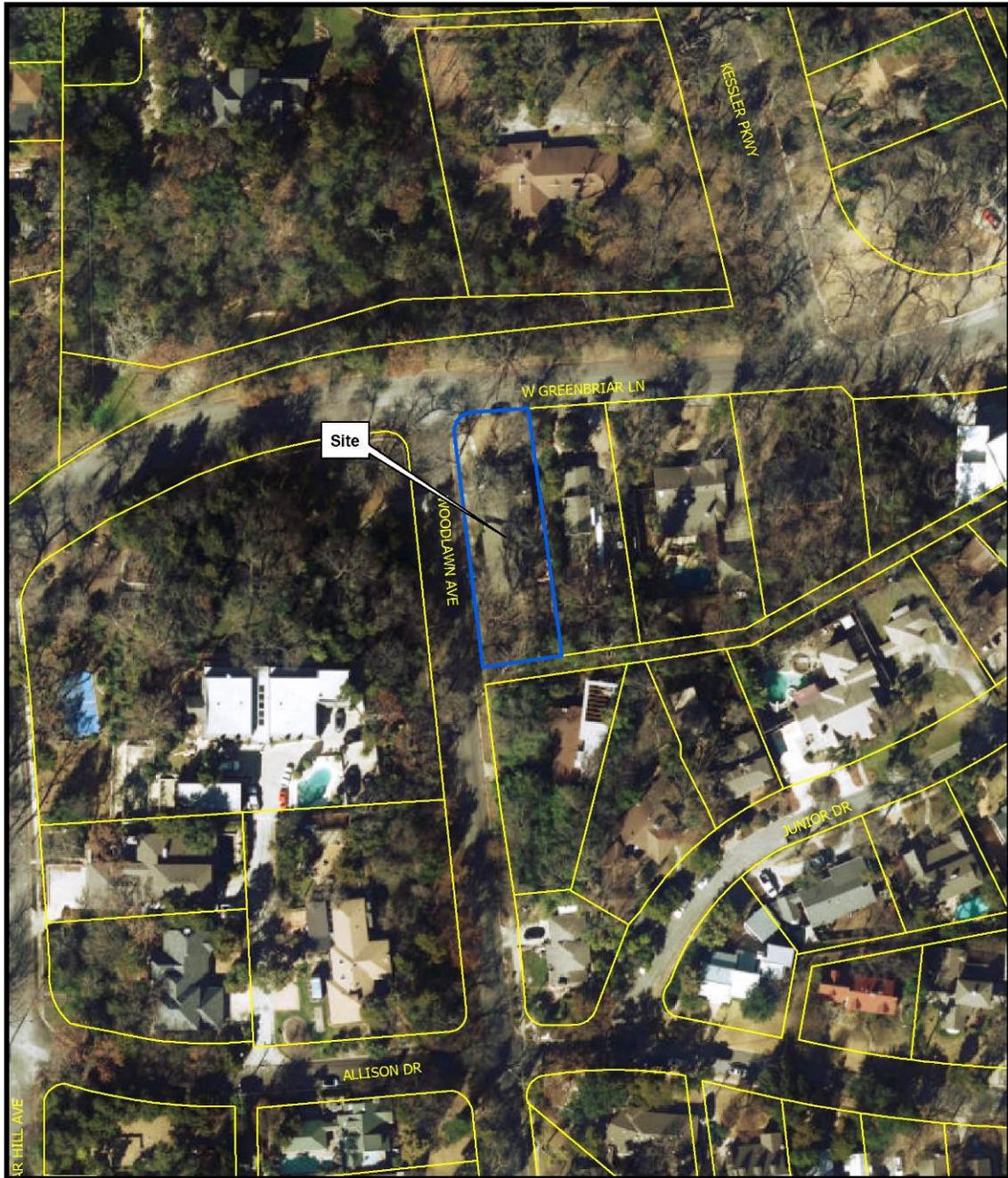
No review comment sheets were submitted in conjunction with this application.




1:1,200

ZONING MAP

Case no: BDA167-136
Date: 11/17/2017



1:1,200

AERIAL MAP

Case no: BDA167-136

Date: 11/17/2017

Long, Steve

From: Steven Wood <steven@txpermit.com>
Sent: Monday, November 27, 2017 10:24 AM
To: Long, Steve
Subject: 454 W Greenbair
Attachments: Blank.pdf

PS 1

We are requesting this variance for the second story setback that will be into the front yard requirement along the W Greenbriar side of our property. We believe that with with the addition we will still be commensurate with the zoning district and more so the neighborhood. The average square footage that I have found for an R7.5 home is about 4358 as you will see in the chart attached below. We do not believe that this addition will adversely effect the neighborhood in any way nor will it be our intention to do so.

Steven Wood
Texas Permit & Development
Development Consultant
PO Box 3293
Forney, Texas 75126
C: (817) 682-7218

BDA 167-137
 Attach A
 P 2

605 Murdock	2195			
510 W Greenbriar	7162			
6725 Northridge	3830			
910 Kessler Pkwy	5920			
1514 Junior Drive	4365			
1514 Cedar Hill	5970		Average Size	
6555 Bob O Link	4743		4358	
6022 Ellsworth	2563			
6260 Mccommas	5272			
6429 Malcolm	3043			
6267 Malcolm	2796			
4170 Gladewater	2482			
454 W Greenbriar	4148			



C

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-136

Data Relative to Subject Property:

Date: 9/11/2017

Location address: 454 W Greenbriar Lane Zoning District: R-7.5 (A)

Lot No.: A Block No.: 6/4640 Acreage: .27 Census Tract: 42.01

Street Frontage (in Feet): 1) 195.34 2) 60.09 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Eric Tschetter

Applicant: Steven Wood Telephone: (817) 682-7218

Mailing Address: P.O. Box 3290, Forney, Texas Zip Code: 75216

E-mail Address: steven@txpermit.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 9'-0" to the front yard setback along the Woodlawn Ave

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:

We are asking for the variance of 9' to the Woodlawn Ave front yard setback because this property has two front yard setback imposed on it due to it being on a corner and the continuity of the block face. We are not trying to over build our lot, just trying to build something commiserate with the neighborhood. With the imposed double front it renders us to build on a significantly smaller lot.

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

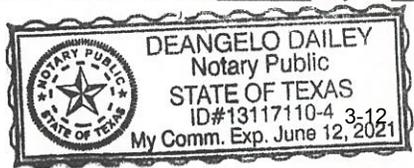
Before me the undersigned on this day personally appeared Steven Wood

(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 Oct, 2017



DeAngelo Dailey
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 Steven Wood
did submit a request for a variance to the front yard setback regulations
at 454 W. Greenbriar Lane

BDA167-136. Application of Steven Wood for a variance to the front yard setback regulations at 454 W. Greenbriar Lane. This property is more fully described as Lot A, Blo 6/4640, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applica proposes to construct a single family residential structure and provide a 16 foot front yard setback, which will require a 9 foot variance to the front yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

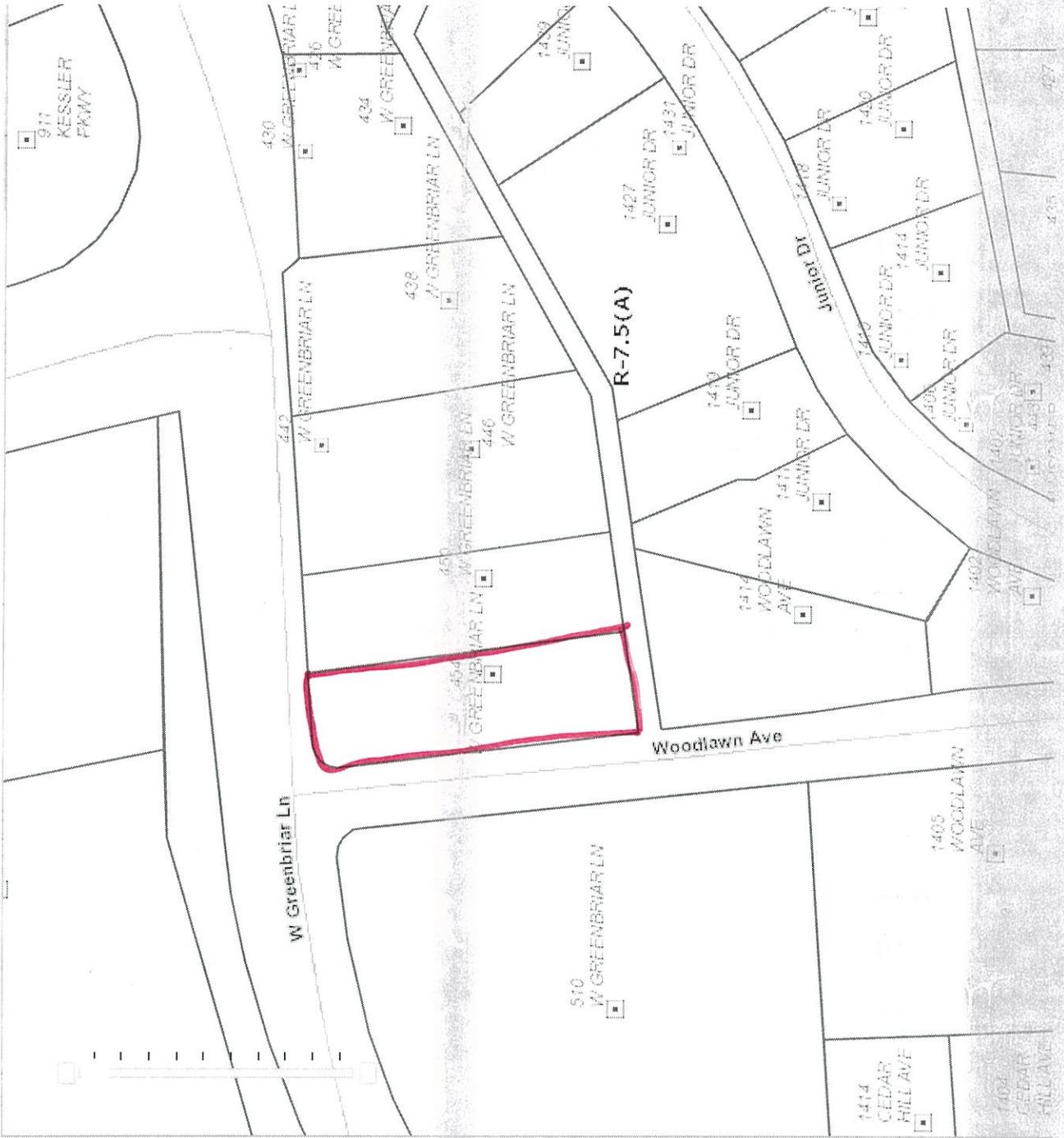
Street address.

Locate

OR

Parcel address.
Use street type for better re

Locate



GREENBRIAR

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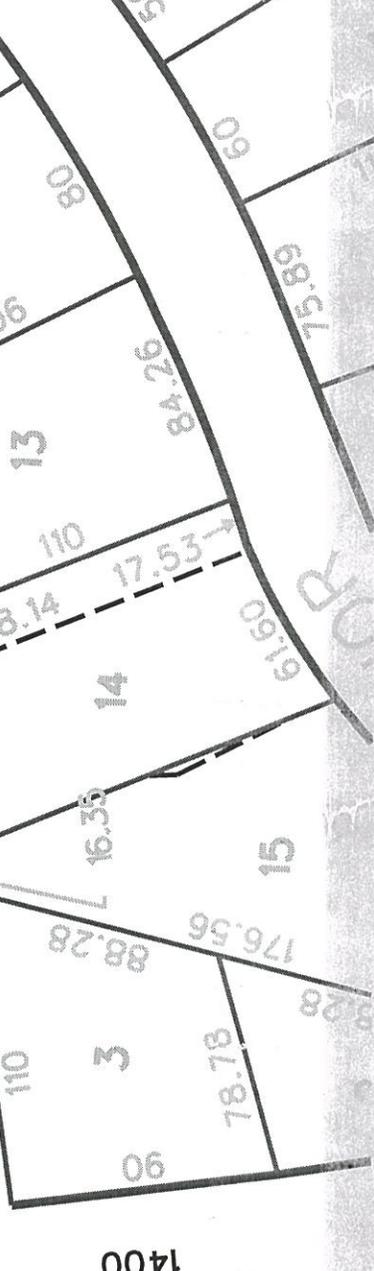
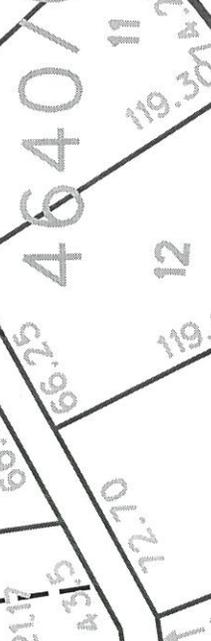
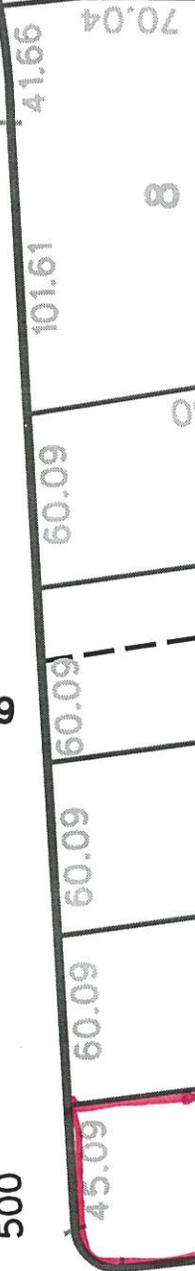
267.54

B.L.

25'

500

60



24



 1:1,200	NOTIFICATION		Case no: BDA167-136
	<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;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 11/17/2017

Notification List of Property Owners

BDA167-136

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	454 W GREENBRIAR LN	TSCHETTER ERIC P
2	1405 WOODLAWN AVE	TEEGARDIN SUSAN
3	510 W GREENBRIAR LN	SALDIVAR ARMANDO &
4	1402 WOODLAWN AVE	GAMBER ROYAL NATHANIEL
5	1414 WOODLAWN AVE	MAHAN MARK H
6	450 W GREENBRIAR LN	BASS BRENDAN M
7	446 W GREENBRIAR LN	PARRILL ELLEN M
8	438 W GREENBRIAR LN	LIBERDA CURTIS A
9	1427 JUNIOR DR	GAMBER VIBEKE M LIFE ESTATE
10	1419 JUNIOR DR	STONE SUSAN KAY
11	906 KESSLER PKWY	HANCHIN J PAUL & ANNE C
12	455 W GREENBRIAR LN	EAST KESSLER PARK NEIGHBORHOOD ASSOC
13	910 KESSLER PKWY	KRISHNAN LIVING TRUST THE

FILE NUMBER: BDA167-139(SL)

BUILDING OFFICIAL'S REPORT: Application of Jessica W. Hammons, represented by Erik Thornton, for special exceptions to the fence standards at 1555 San Saba Drive. This property is more fully described as Lot 14, Block L/5319, and is zoned R-10(A), NSO 5, which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 1555 San Saba Drive

APPLICANT: Jessica W. Hammons
Represented by Erik Thornton

REQUESTS:

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

1. A special exception to the fence standards related to fence height is made to construct and maintain an 8' high solid cedar board-on-board wood fence in one of the site's two 50' front yard setbacks (Old Gate Lane); and
2. A special exception to the fence standards related to fence materials is made to construct and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned 8' high solid cedar board-on-board wood fence) in the site's Old Gate Lane front yard setback and on this front property line (or less than 5' from this front lot line).

(No request has been made in this application to construct/maintain any structure or fence in the site's San Saba Drive front yard setback).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

Zoning:

- Site: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
- North: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
- South: R-7.5(A) (Single family residential 7,500 square feet)
- East: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
- West: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)

Land Use:

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

Zoning/BDA History:

1. BDA167-103(SL), Property located at 1555 San Saba Drive (the subject site)
On September 20, 2017, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations of up to 19' and imposed the following condition: Compliance with the submitted site plan is required.
The case report stated that the variance request was made to construct and maintain an approximately 680 square foot accessory structure and an approximately 760 square foot pool structure to be located as close as 19' from one of the site's two front property lines (Old Gate Lane) or as much as 31' into this 50' required front yard setback.

GENERAL FACTS/STAFF ANALYSIS:

- These requests for special exceptions to the fence standards focus on constructing and maintaining an 8' high solid cedar board-on-board wood fence - a fence higher than 4' high in one of the site's two front yard setbacks (Old Gate Lane) and on this front property line or less than 5' from this front lot line.

- The subject site is zoned R-16(A)(NSO 5) which requires a minimum 50' front yard setback. (Prior to the creation of the NSO (Neighborhood Stabilization Overlay) district in 2007, the minimum front yard setback for the site that had been zoned R-10(A) was 30').
- The subject site has two 50' front yard setbacks (one on the northeast along San Saba Drive, the other on the southwest along Old Gate Lane) since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- Regardless of how the home is oriented to front onto San Saba Drive (and "back" to Old Gate Lane), the site has two 50' front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain a solid fence higher than 4' in height in the site's front yard setback on Old Gate Lane. (No part of the application is made to construct/maintain a fence in the site's San Saba Drive front yard setback).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
- The submitted site plan denotes the only fence proposed to exceed 4' in height on the subject site is in the Old Gate Lane front yard setback. This fence is proposed to be 8' in height, approximately 100' in length parallel to the street and approximately 50' in length perpendicular to the street on the northwest and southeast sides of the site in this front yard setback.
- The submitted elevation denotes an 8' high cedar board-on-board wood fence.
- The site plan denotes that the proposed fence is located approximately 14' from the pavement line.
- The proposal is located across from single family lots that have side yards along their Old Gate Lane street frontage – lots that front San Leandro Drive and Groveland Drive. Neither of these lots have fences higher than 4' but could have 9' high fences by right since the Old Gate Lane frontage of these lots is a side yard.
- The Board Administrator conducted a field visit of the site and surrounding area along Old Gate Lane and noted two other fences along this street that appeared to be above 4' in height. The two lots immediately southeast of the site have approximately 6' high solid wood fences in their Old Gate Lane frontage with no recorded BDA history.
- As of December 1, 2017, no letters have been submitted in support of or in opposition to these requests.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the Old Gate Lane front yard setback and materials/height of the proposed fence relative to the front lot line will not adversely affect neighboring property.

- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents –a solid 8' high wood fence in the site's Old Gate Lane front yard setback/front lot line.

Timeline:

October 17, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 3, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. Even though Board of Adjustment Panel B granted a variance to the front yard setback regulations on this property, the assignment of this application for a fence standard special exception did not conflict 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” – a fence standard special exception request is not the same request as a front yard variance request.

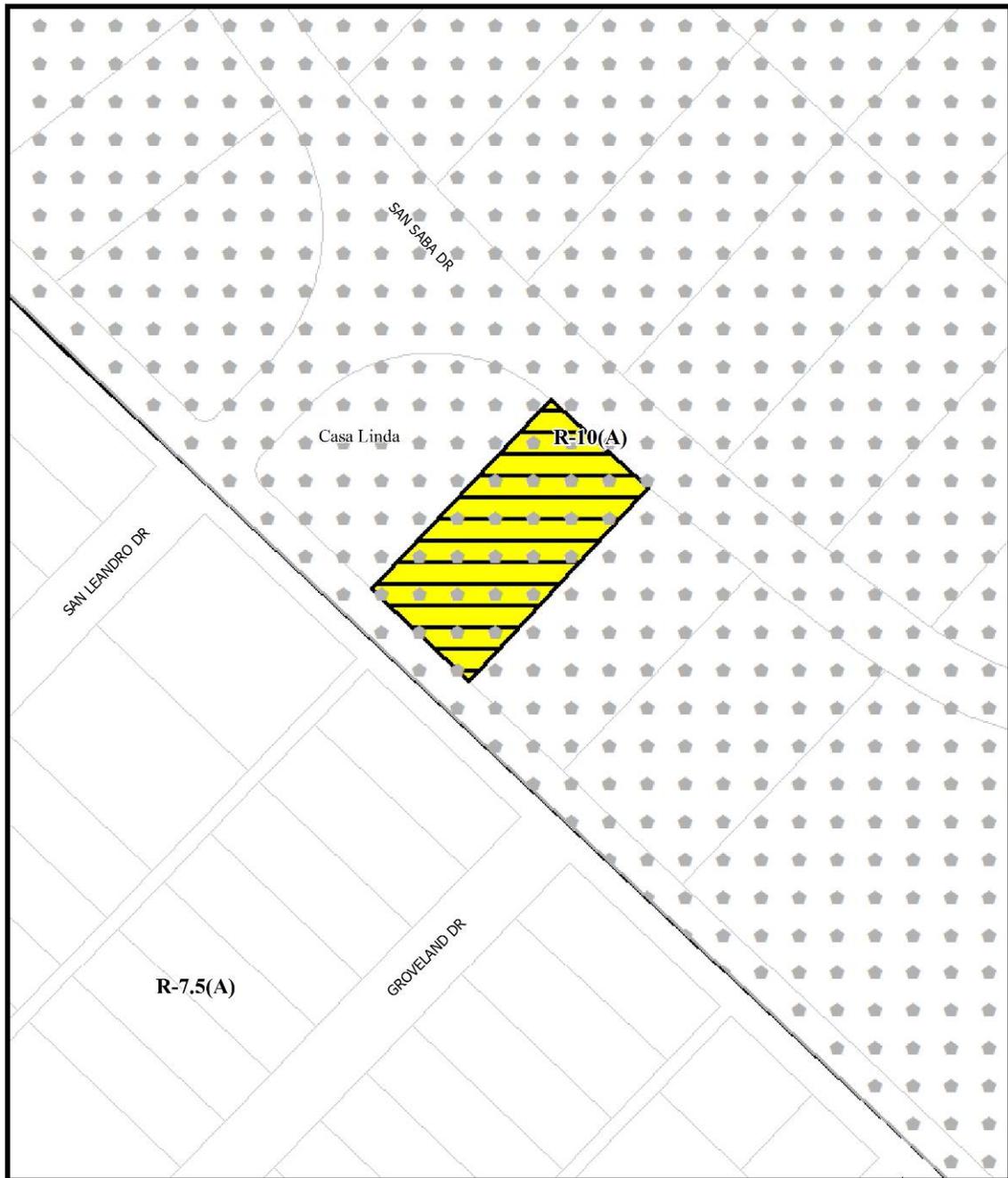
November 6, 2017: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st 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 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable

Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

ZONING MAP

Case no: BDA167-139

Date: 11/17/2017



1:1,200

AERIAL MAP

Case no: BDA167-139

Date: 11/17/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-139

Data Relative to Subject Property:

Date: October 17, 2017

Location address: 1555 San Saba Drive Zoning District: R-10(A)NS05

Lot No.: 14 Block No.: L/5319 Acreage: 0.458 Census Tract: 81.00

Street Frontage (in Feet): 1) 100ft. 2) 99.15ft. 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ronald L. Hammons II and Jessica W. Hammons

Applicant: Jessica W. Hammons Telephone: 214.316.8169

Mailing Address: 1555 San Saba Drive Zip Code: 75218

E-mail Address: jessica.hammons@tklaw.com

Represented by: Erik Thornton Telephone: 214.769.7054

Mailing Address: 4016 W. Plano Pkwy, Plano Zip Code: 75093

E-mail Address: EThornton@riverbendsandler.com

Affirm that an appeal has been made for a Variance _____, or Special Exception , of Special exception to the 4 foot fence height requirement of 4 feet (allowing for an 8-foot fence, and a special exception to the fence panel 50% open surface area requirement to 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:

Fence will not adversely affect other properties. It will complement the heights and designs of neighboring fences.

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

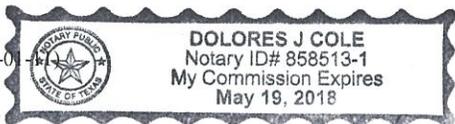
Before me the undersigned on this day personally appeared Jessica W. Hammons
(Affiant/Applicant's name printed)

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: Jessica W. Hammons
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 17th day of October, 2017

(Rev. 08-0)



Dolores J. Cole
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 Jessica W. Hammons

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

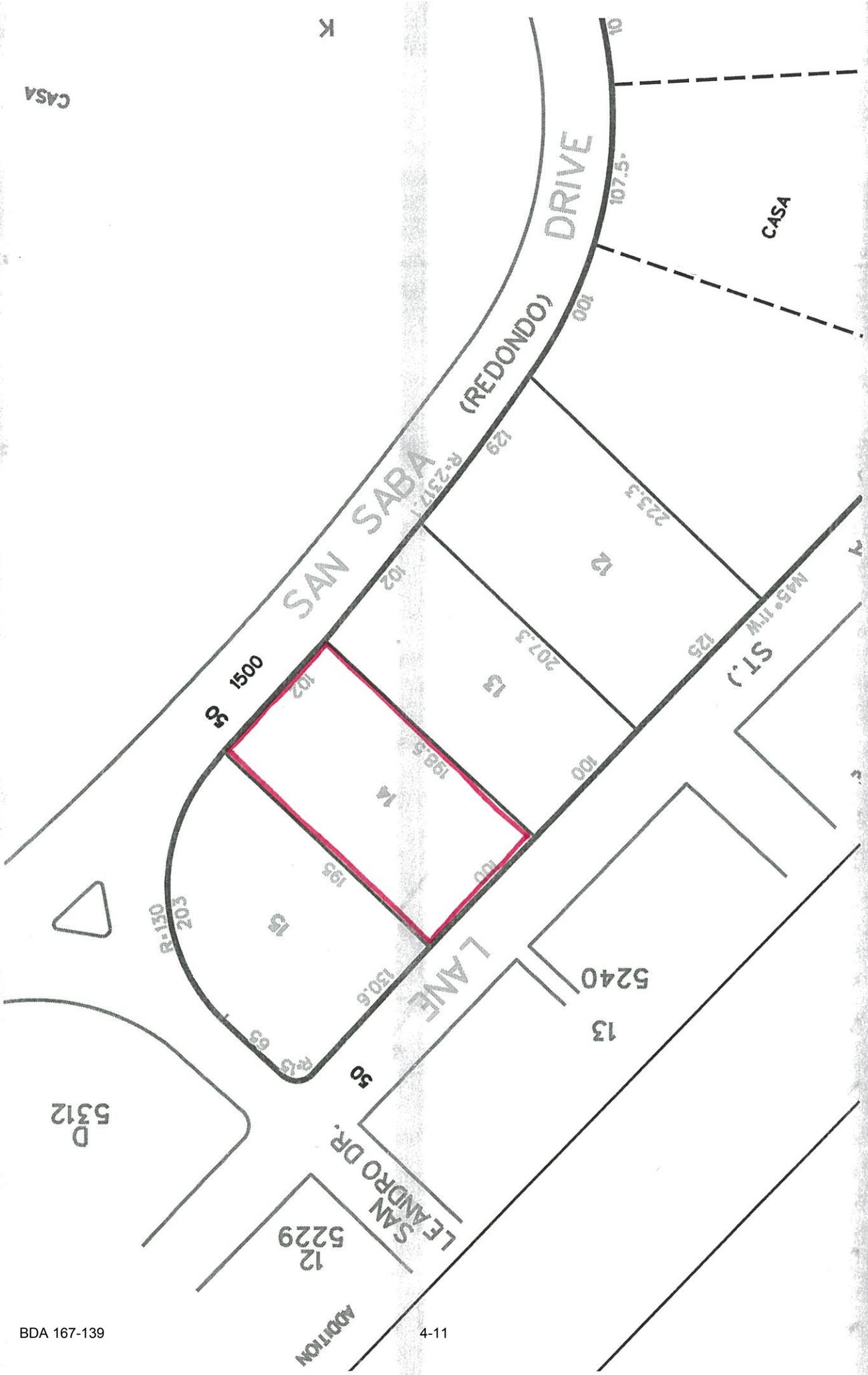
at 1555 San Saba Drive

BDA167-139. Application of Jessica W. Hammons for a special exception to the fence height regulations and a special exception to the fence standards regulations at 1555 San Saba Drive. This property is more fully described as Lot 14, Block L/5319, and is zoned R-10(A), NSO 5, which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

Handwritten signature



CASA

CASA

5312
D

5240

5229
12

ADDITION

PROPERTY DESCRIPTION

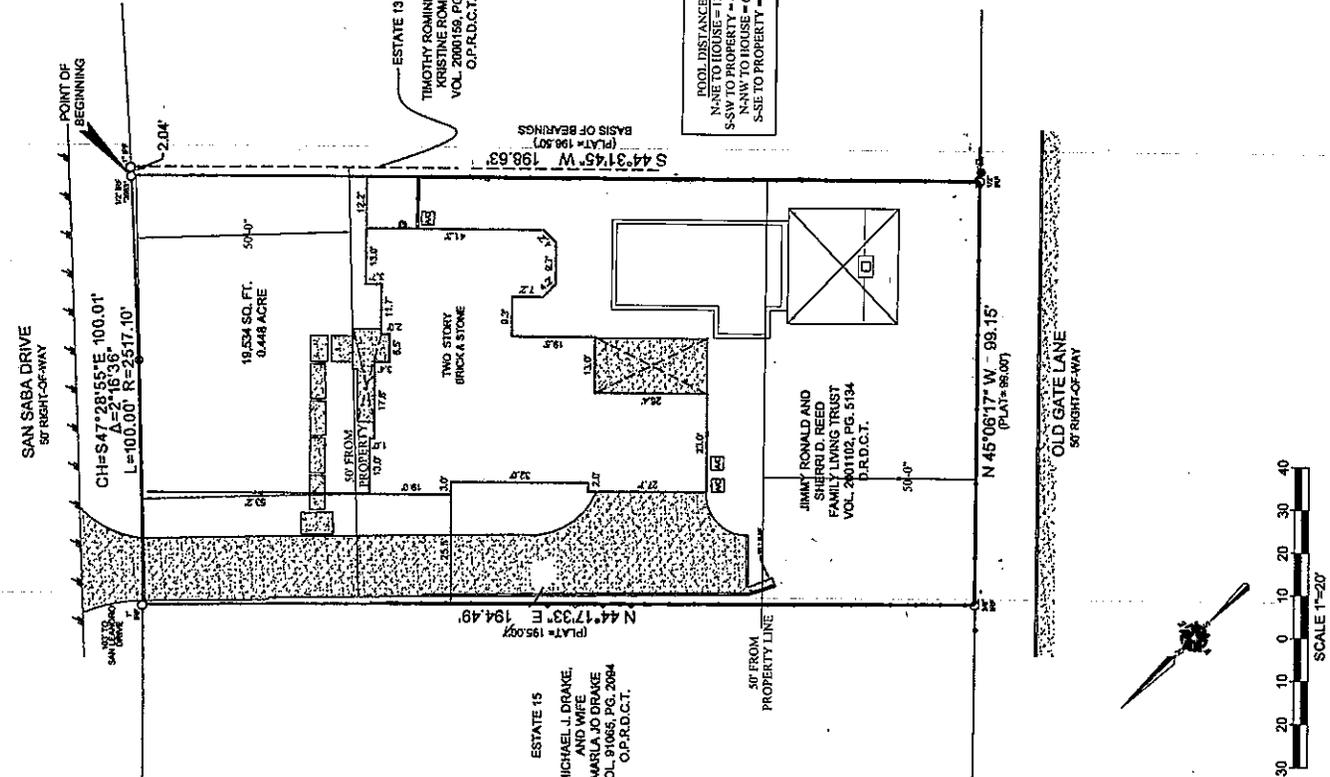
Being a portion of Estate 14, in Block L5319, of Casa Linda Estates, an addition to the City of Dallas, Dallas County, Texas, as being in the plat thereof recorded in Volume 57, Page 424-A, Map Records, Dallas County, Texas, also being in the plat thereof recorded in Volume 2001102, Page 852, Official Public Records, Dallas County, Texas, a distance of 198.63 feet, to a 1/2 inch iron rod found for corner in the Northwesterly right-of-way line of Old Gale Lane (50' right-of-way);

THENCE South 44 degrees 31 minutes 45 seconds West, along the common Lot Line of said Jimmy Ronald and Sherri D. Reed Family Living Trust tract and the Northwest line of a tract of land conveyed to Timothy Romine and Kistline Romine by Warranty Deed recorded in Volume 2000150, Page 852, Official Public Records, Dallas County, Texas, a distance of 194.49 feet to a 1 inch iron rod found for corner in the Southwesterly right-of-way line of said San Saba Drive, same being the beginning of a curve to the left with a Radius of 2437.10 feet, a central angle of 02 degrees 16 minutes 35 seconds, and a chord which bears S 47 degrees 28 minutes 55 seconds East for a chord distance of 100.01 feet;

THENCE North 45 degrees 06 minutes 17 seconds West, along the Northwesterly right-of-way line of said Old Gale Lane and the Southwesterly line of said Jimmy Ronald tract, a distance of 99.15 feet to a 3/8 inch iron rod found for corner, also being the most Southerly corner of Estate 15, of said Casa Linda Estates;

THENCE North 44 degrees 17 minutes 33 seconds East, along the Northwesterly line of Jimmy Ronald tract and the Southwesterly line of a tract of land conveyed to Michael J. Drake, and wife Marie Job, Drake by Warranty Deed recorded in Volume 91065, Page 2094, Official Public Records, Dallas County, Texas, a distance of 194.49 feet to a 1 inch iron rod found for corner in the Southwesterly right-of-way line of said San Saba Drive, same being the beginning of a curve to the left with a Radius of 2437.10 feet, a central angle of 02 degrees 16 minutes 35 seconds, and a chord which bears S 47 degrees 28 minutes 55 seconds East for a chord distance of 100.01 feet;

THENCE along said curve to the left, and with the Southwesterly right-of-way line of said San Saba Drive to the POINT OF BEGINNING, and containing 19,534 square feet, or 0.458 acre of land.



BDA 167-139

ESTATE 15
MICHAEL J. DRAKE,
AND WIFE
MARLA JO DRAKE
VOL. 91065, PG. 2094
O.P.R.D.C.T.

4-12

REVISIONS	
No.	Revision/Issue

LEGEND	
(S)	UNDEVELOPED SPACE
(O)	PAVING SPACE
(R)	IRON ROD SET
(X)	IRON ROD SET "70"±
(P)	IRON PIPE FOUND
(F)	FRANCE PART CORNER
(T)	"X" FOUND/SET
(E)	ELECTRIC METER
(M)	CONCRETE METER
(A)	ASPHALT PAVING
(C)	CHARLAME FENCE
(D)	WOOD FENCE
(W)	WIRE FENCE
(I)	IRON FENCE
(P)	PIPE FENCE
(S)	CONCRETE POOL
(D)	DECK OR DECKPORT
(C)	CONCRETE PAVING
(R)	ROAD OR DRIVE
(O)	OVERHEAD ELECTRIC SERVICE
(P)	OVERHEAD POWERLINE
(S)	SANITARY SERVICE LINE

GENERAL NOTES

1) According to the F.L.S. No. 441 1000000, the subject property lies in Zone "C" and does not lie within a Flood-Prone Hazard Area.

2) Bearings are based on the Northwesterly line (N 44° 31' 45" E) of the Timothy Romine and Kistline Romine tract by Warranty Deed recorded in Volume 2000150, Page 852, Official Public Records, Dallas County, Texas.

TEXAS HERITAGE
SURVEYING, LLC

10610 Menck Drive, Suite D4, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
tsh@heritage.com
Firm No. 10169300

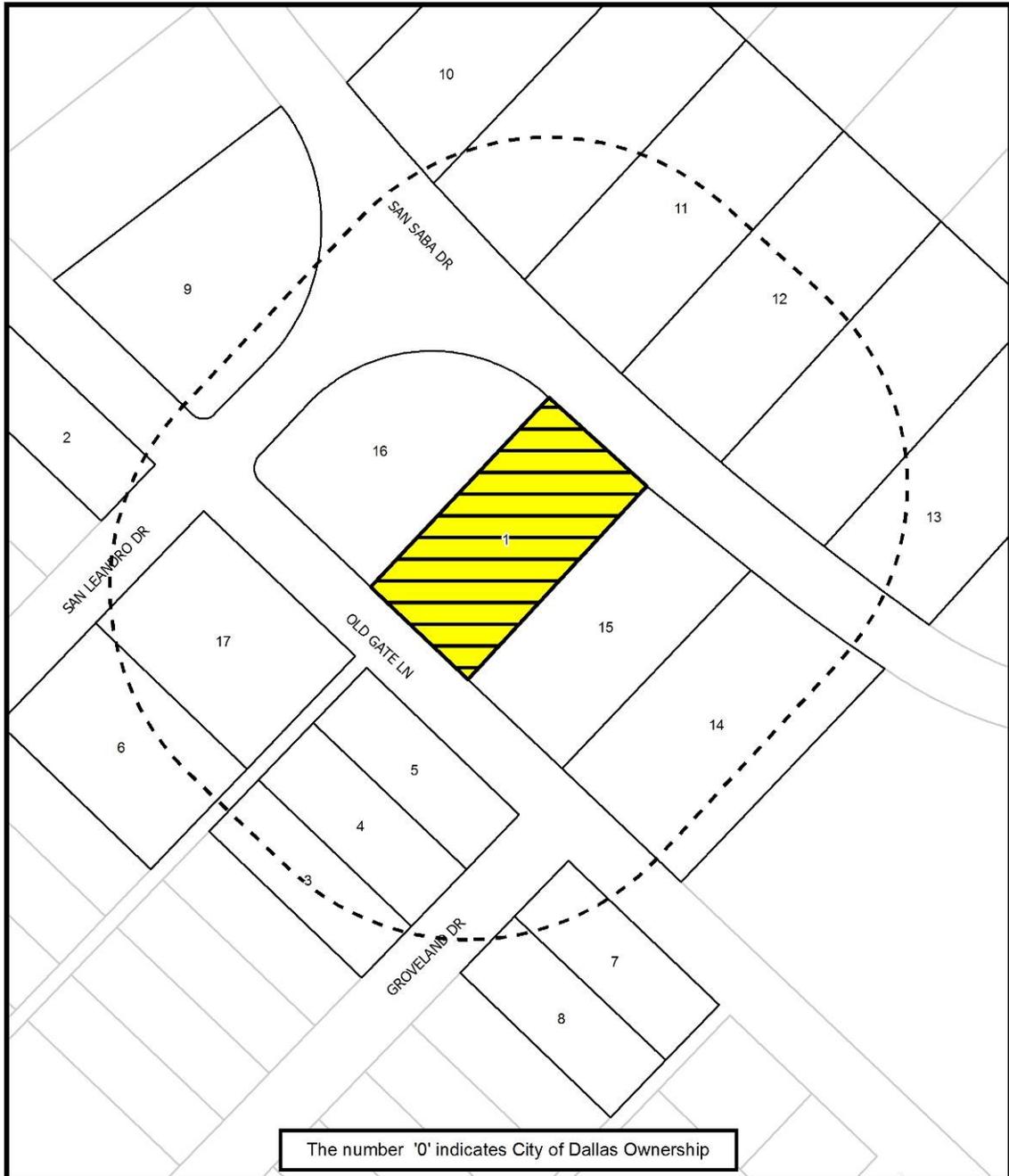
TITLE METES
AND BOUNDS METES
1535 SAN SABAS DRIVE
PART OF ESTATE 14, BLOCK L/5319
CASA LINDA ESTATES
DALLAS, DALLAS COUNTY

Book No. 1600784-1
Page No. JAM
Date 03/09/2016
Scale 1" = 20'

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (J. R. January) hereby certifies to Ronald L. Hammors, II and Jessica W. Hammors; NTFN, Inc. dba Premier Nationwide Lending; Fidelity National Title Insurance Company and Lawyers Title Company; in connection with the transaction described in G.F. No. LT-1978-1900781600208-01 that: (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries, the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

ACCEPTED BY: _____ DATE: _____




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
17 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA167-139
 Date: 11/17/2017

Notification List of Property Owners

BDA167-139

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1555 SAN SABA DR	HAMMONS RONALD L II & JESSICA W
2	9035 SAN LEANDRO DR	BRITTON CHRISTOPHER L
3	9027 GROVELAND DR	DORRELL ROBERT E
4	9031 GROVELAND DR	MARTIN CARLA ANN
5	9037 GROVELAND DR	MCGEE JANE A & CHARLES R
6	9026 SAN LEANDRO DR	HICKS PAULA
7	9034 GROVELAND DR	4TH OF JULY PROPERTIES
8	9030 GROVELAND DR	RYNEARSON MARILYN
9	1543 SAN SABA DR	LEWIS LILIAN M
10	1532 SAN SABA DR	KEENE WILLIAM &
11	1540 SAN SABA DR	SEXTON CAREY &
12	1544 SAN SABA DR	RICH VERONICA
13	1552 SAN SABA DR	KUTAC GARY & ANGELA
14	1563 SAN SABA DR	LOOKABAUGH HARRY
15	1559 SAN SABA DR	ROSS CHARLES C & CHRISTINE N
16	1551 SAN SABA DR	DRAKE MICHAEL J &
17	9034 SAN LEANDRO DR	BEAUDETTE JOSEPH E &

FILE NUMBER: BDA167-140(JM)

BUILDING OFFICIAL'S REPORT: Application of Eric Eisenberg, represented by Bob Mirabito, for special exceptions to the fence standards at 10564 Lennox Lane. This property is more fully described as Lot 3, Block 2/5521, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 10564 Lennox Lane

APPLICANT: Eric Eisenberg
Represented by Bob Mirabito

REQUEST:

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

1. A request for a special exception to the fence standards related to fence height of 2' is made to construct and maintain a fence higher than 4' in height in the site's Lennox Lane 40' front yard setback – a 6' high wrought iron fence with 6' high wrought iron swing gates and 6' high brick columns;
2. A request for a special exception to the fence standards related to fence height of 2' is made to construct and maintain a fence higher than 4' in height in the site's Harrys Lane 40' front yard setback – a 6' solid wood fence and a 6' high wrought iron fence with 6' high wrought iron sliding gates and 6' high brick columns;
3. A request for a special exception to the fence standards related to fence materials is made to construct and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned 6' high solid wood fence along Harrys Lane) located on the Harrys Lane front lot line to the northeast (or less than 5' from this front lot line); and

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION (fence standards):

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

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

Zoning/BDA History:

1. BDA078-061, Property at 10564 Lennox Lane (the subject site)
On May 19, 2008, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4' and imposed the submitted revised site plan and elevation as a condition.
The case report stated the request was made to construct and maintain a 6' high wrought iron fence with 6' 6" high columns and a 5' 7" high entry gate with 8' high stone columns.

2. BDA956-177, Property located at 10615 Lennox Lane (northwest of subject site)
On April 23, 1996, the Board of Adjustment Panel C reversed the decision of the Building Official, denied a request for a variance to the front yard setback regulations without prejudice, and granted a request for a special exception to the fence height regulations of 4' and imposed the following condition: subject to a revised site plan/elevation and a landscape plan. The revised site plan/elevation and landscape plan are to be submitted to the Board Administrator subject to the condition that the height of the fence at the corner of Harry's Lane and Lennox Lane transitions from 6' 6" at that portion parallel

along Lennox Lane to 9' at the column located along Harry's Lane approximately 20' west of the northwest corner of Lennox Lane and Harry's Lane.

The case report stated the requests were made to: 1) appeal the Building Official's decision that the portion of the subject site along Harry's lane is a front yard rather than a side yard; 2) maintain portions of an existing fence along Harry's Lane and a proposed fence along Lennox Lane exceed the maximum permitted height for fences in front yards; and 3) maintain a portion of an existing house and an existing fence along Harry's Lane that do not comply with the maximum setbacks and heights for structures and fences in front yards.

- 3. BDA078-053, Property at 10453 Lennox Lane (southwest of the subject site)

On April 14, 2008, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 6' and imposed the submitted revised site/elevation as a condition.

The case report stated the request was made to construct and maintain a 6' high open metal fence with 6' 6" high stucco columns and two gates (one at 10' in height, the other at 7' in height) in the front yard setback on a site that was developed with a single family house.

- 4. BDA989-277, Property located at 10522 Lennox Lane (southeast of subject site)

On August 24, 1999, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4' and imposed the submitted revised site and elevation plan dated June 1999 as a condition.

The case report stated the request was made to construct and maintain a 5' high open metal fence with 6' 3" high brick columns and a 7' 6" high gate with 8' high brick columns.

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The focus of the three requests for special exceptions to the fence standards (two are related to height of up to 2' and one is related to fence materials) is constructing

and maintaining **1**) a 6' high wrought iron fence with 6' high wrought iron swinging gates and 6' high brick columns in the site's Lennox Lane 40' front yard setback along the property line; and, **2 & 3**) a 6' high wrought iron fence with 6' high wrought iron sliding gates and 6' high brick columns and a 6' high *solid wood* fence in the site's Harrys Lane 40' front yard setback along the property line on a site developed with a single family home.

- The subject site is zoned R-1ac(A) which requires a 40' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- Additionally, the Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
- The site is located at the southeast corner of Lennox Lane and Harrys Lane.
- Given the R-1ac(A) single family zoning and location of the corner lot subject site, it has two 40' front yard setbacks – a front yard setback along Lennox 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 Harrys Lane, (the longer of the two frontages which is typically considered a side yard where on this R-1ac(A) zoned property where a 9' high fence could be erected by right). However, the site has a front yard setback along Harrys Lane to maintain continuity of the established front yard setback along this street frontage where a home/lot to the east of the subject site “fronts” on Harrys Lane.
- The applicant has submitted a site plan and elevation documents of the proposed fences in the front yard setbacks with notations indicating that the proposal reaches a maximum height of 6'.
- The applicant has submitted a site plan/elevation of the proposal along Harrys Lane with a fence panel having a surface area that is less than 50 percent open and located less than 5' from this front lot line – a 6' high solid wood fence approximately 70' in length located on this front lot line to the northeast.
- The following additional information was gleaned from the submitted site plan:
 - Along Lennox Lane: the proposal is represented as being approximately 194' in length parallel to the street and approximately 40' perpendicular to the street on the southwest side of the site in this required front yard; located on the front property line or approximately 19' from the pavement line (according to the applicant and not depicted on the plan); two single family lots front the proposal, both with fences taller than 4' in the front yard setbacks, one of which that appears to be result of fence height special exceptions granted by the Board.
 - Along Harrys Lane: the proposal is represented as being approximately 252' in length parallel to the street and approximately 40' perpendicular to the street on the east side of the site in this required front yard; located approximately on the front property line or approximately 15' from the pavement line (according to the applicant and not depicted on the plan); two single family lots front the proposal, one with a fence taller than 4' in the front yard setback that appears to be a result of fence height special exception granted by the Board.

- The Board Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height and located in a front yard setback. Four fences noted appear to be a result of special exceptions granted by the Board of Adjustment, including the subject site. (The "Zoning/BDA History" section of this case report provides details on these neighboring fences).
- As of December 1, 2017, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height of 4' and to location on Lennox and Harrys Lanes and materials on Harrys Lane will not adversely affect neighboring property.
- Granting these special exceptions to the fence standards related to height of up to 4' and to location and materials in certain areas on the site with a condition imposed that the applicant complies with the submitted site plan/elevation documents, would require the proposal exceeding 4' in height in the front yard setbacks and in some areas solid fence panels on the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

October 10, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

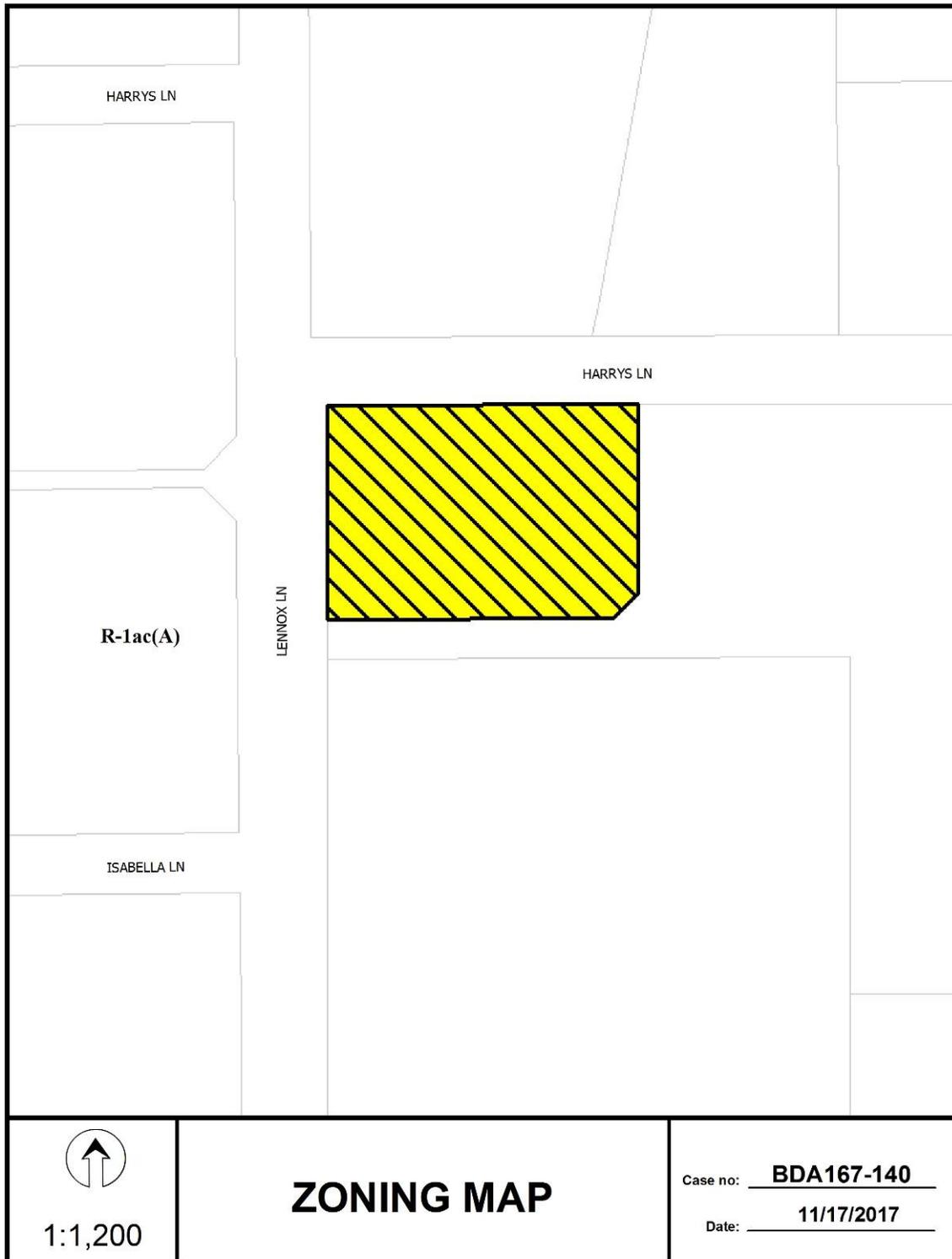
November 6, 2017: The Board Senior Planner emailed the applicant the following information:

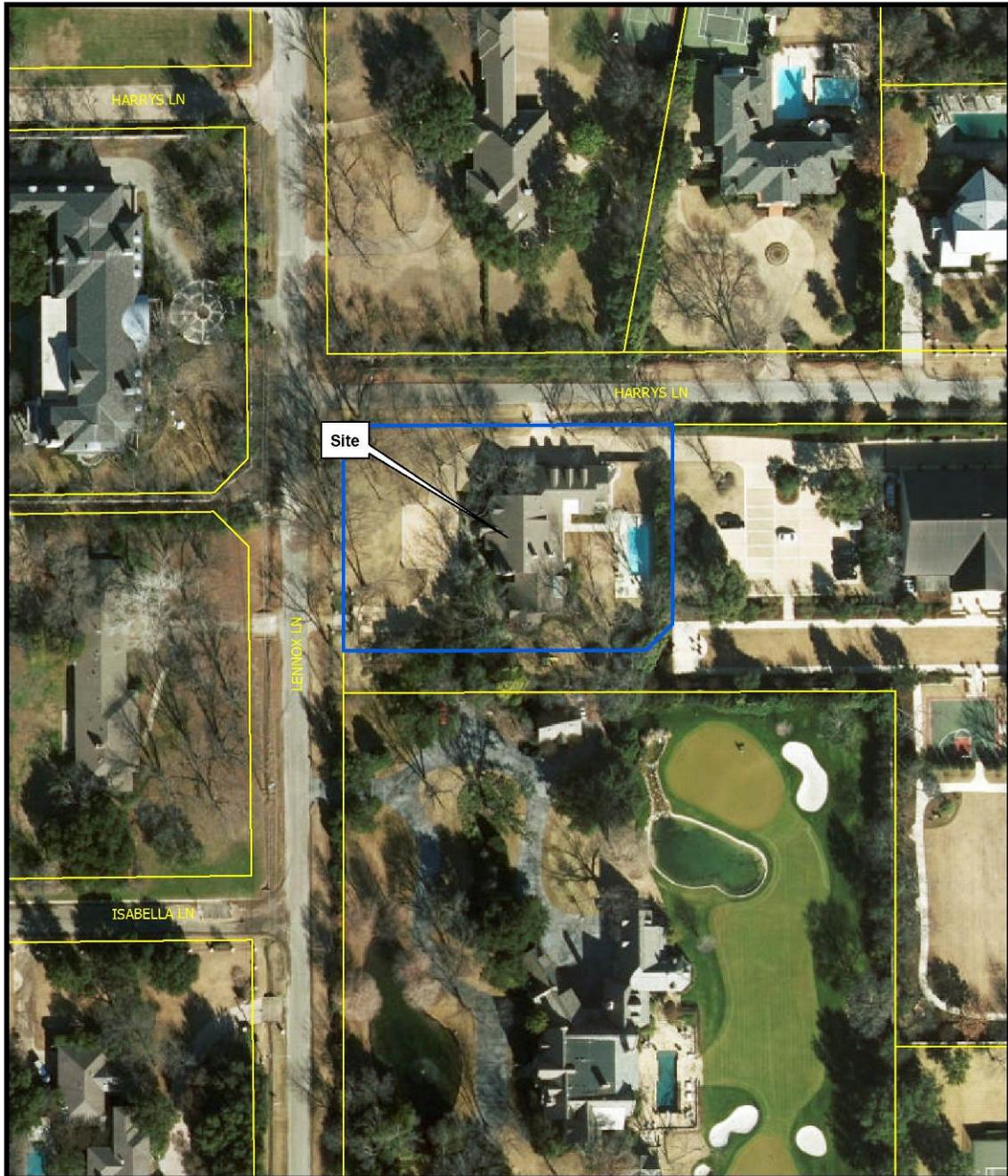
- an attachment that provided the public hearing date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 28, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable

Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA167-140

Date: 11/17/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-140

Data Relative to Subject Property:

Date: October 10, 2017

Location address: 10564 Lennox Lane, Dallas, TX 75229 Zoning District: R-1ac(A)

Lot No.: 3 Block No.: 2/5521 Acreage: 1.002 Census Tract: 33.07

Street Frontage (in Feet): 1) 145 ft 2) 228 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment: Kenny A. Truitt, Trustee of the Kenny A. and Lisa C. Truitt Community Trust Estate, a part of the Truitt Family Trust

Applicant: Eric Eisenberg Telephone: 972-977-8600

Mailing Address: 10595 Strait Lane, Dallas, TX Zip Code: 75229

E-mail Address: eric.5249@yahoo.com

Represented by: Bob Mirabito Telephone: 214-908-5435

Mailing Address: 4013 Halifax Dr. Plano, TX Zip Code: 75023

E-mail Address: bobmirabito@verizon.net

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 3' to
replace 4ft wrought iron fence facing Lennox Lane and Hamis with
6ft wrought iron fence and raise 4 adjoining brick columns by
finches and 9 adjoining brick columns by 24 inches 50% open surface
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: panels

To make front and side fence consistent with existing fence
to enhance the aesthetics of the property. The 6' wrought iron fence
will NOT have any adverse effect to the neighborhood. It will
be consistent with other fences in the neighborhood

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

Affidavit

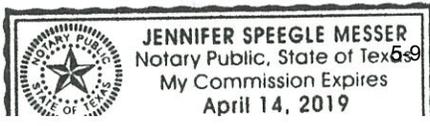
Before me the undersigned on this day personally appeared Eric Eisenberg
(Affiant/Applicant's name printed)

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 10th day of October, 2017

BDA 167-140 (Rev. 08-01-11)



Jennifer Messer
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 Eric Eisenberg
represented by Bob Mirabito
did submit a request for a special exception to the fence height regulations, and for a special
exception to the fence standards regulations
at 10564 Lennox Lane

BDA167-140. Application of Eric Eisenberg represented by Bob Mirabito for a special exception to the fence height regulations and a special exception to the fence standards regulations at 10564 Lennox Lane. This property is more fully described as Lot 3, Block 2/5521, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Addresses

Dallas Zoning

Floodplain

Building Inspection

DART

Licenses in ROW

Real Estate

Alcohol

Plats

Areas of Request

Thoroughfare Plan

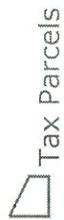
Long Range Plans

Capital Improvemen

Program

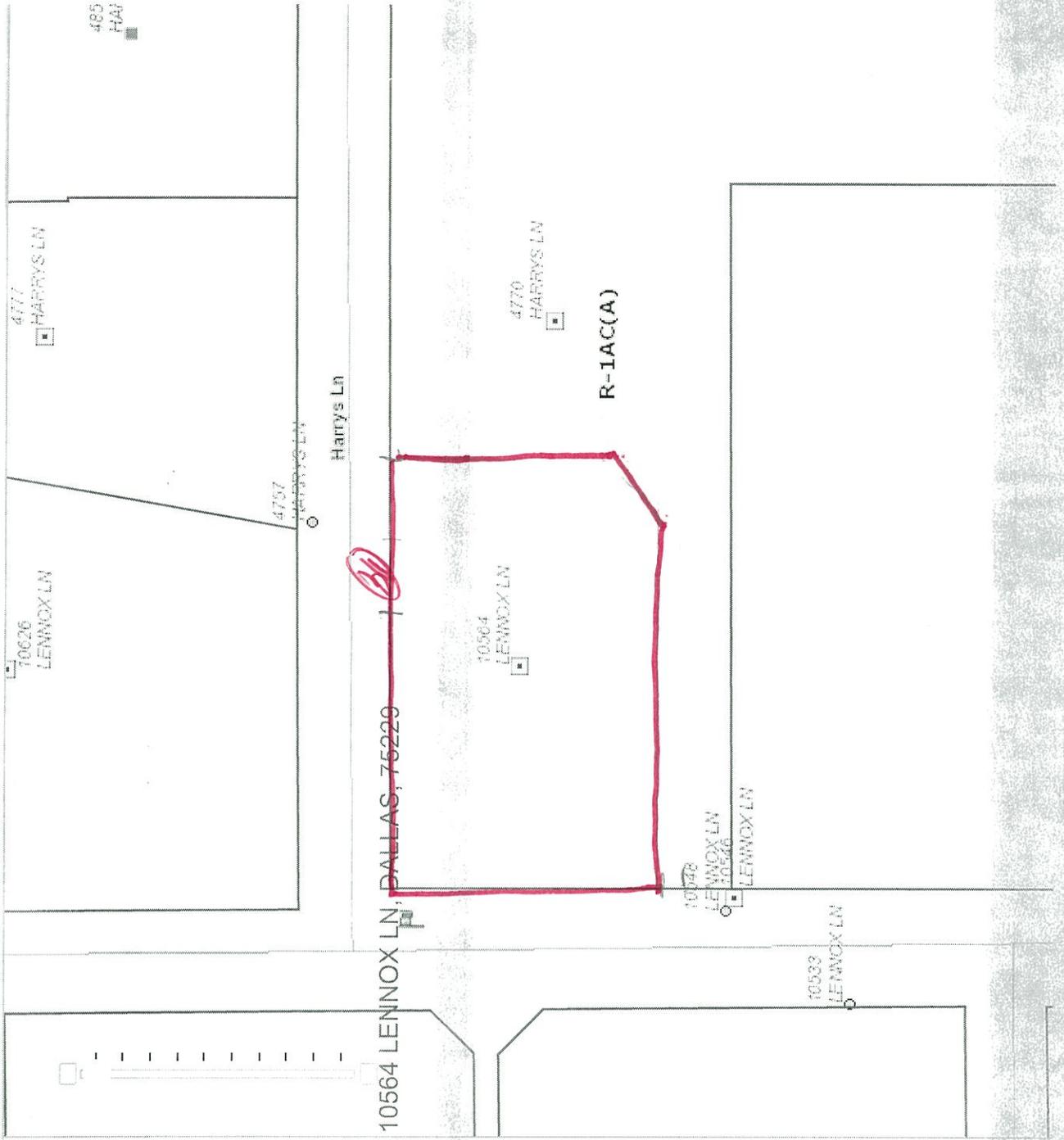
Council and Census

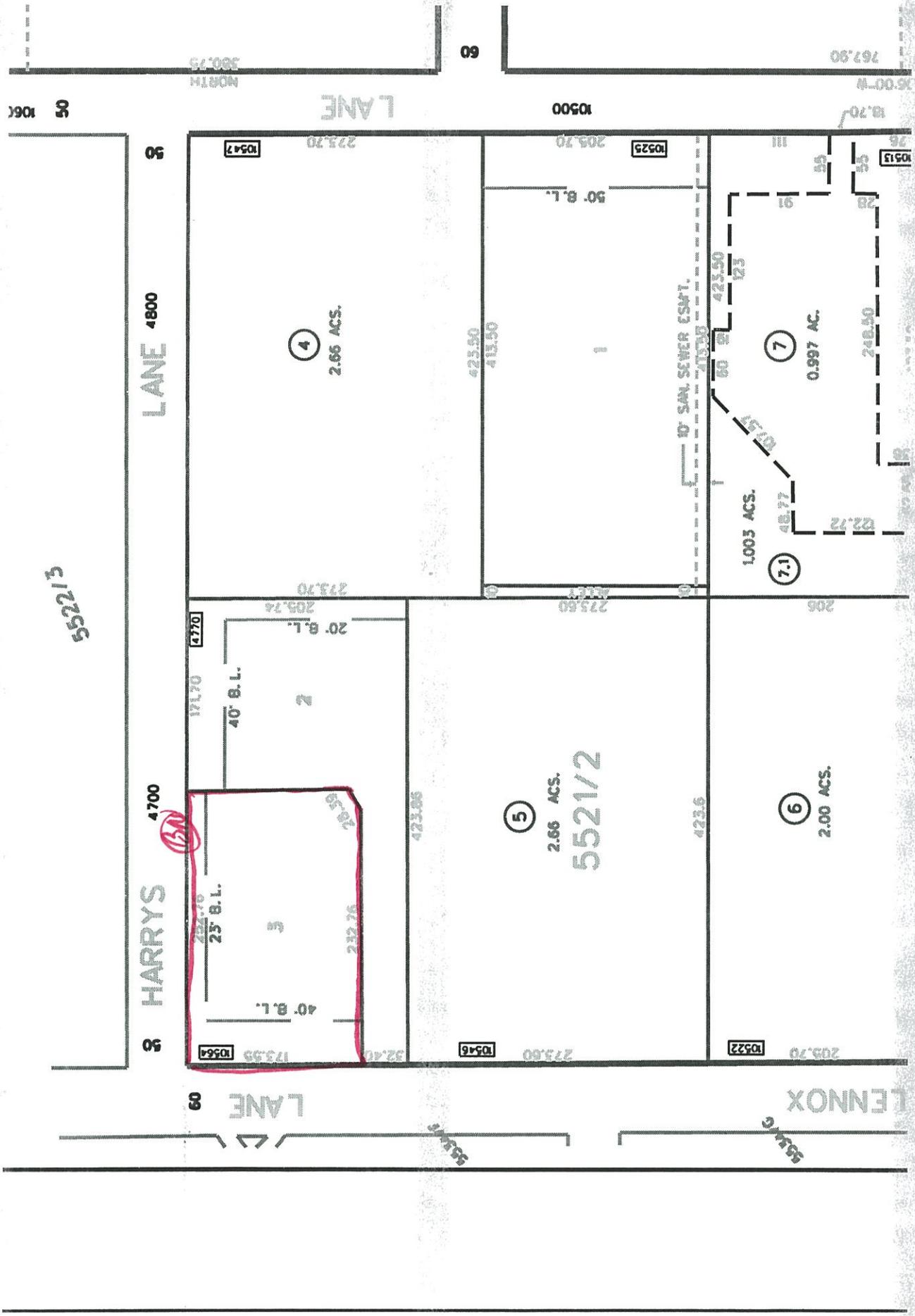
Roads



Tax Parcels

Zoning Grid





552213

HARRY'S LANE 4800

HARRY'S LANE 4700

LANE 60

LANE 10500

LANE 60

10' SAN SEWER ESAPT.

55212
2.66 ACS.

State of Texas
County of Dallas

CERTIFIED TO: COUNTESS DIANA, LTD AND TO STEWART TITLE NORTH TEXAS in connection with GF No. 10712351
Date Surveyed September 19, 2007
Revised in Office Only September 25, 2007

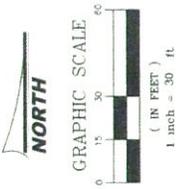
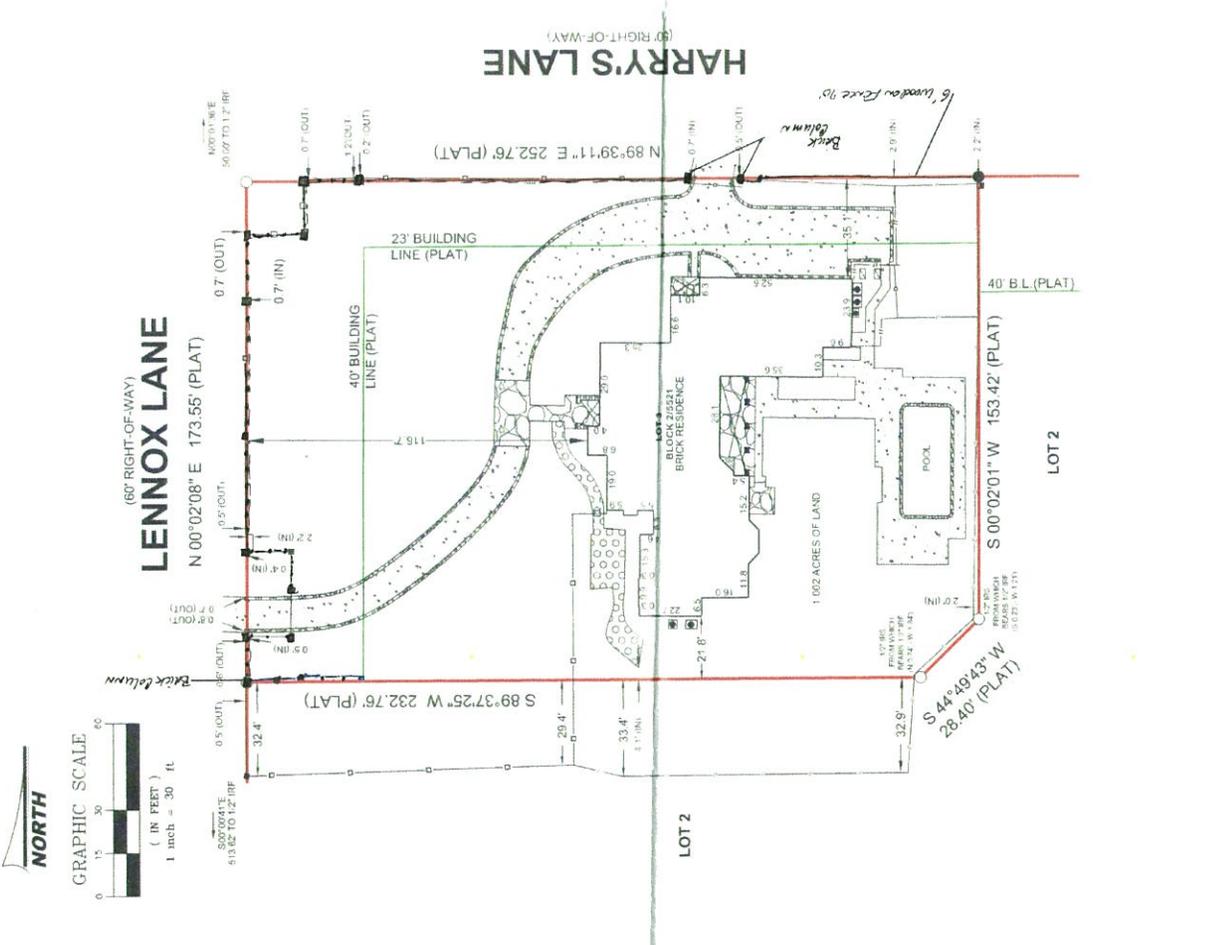
This is to certify that I have this date made a careful and accurate survey on the ground, of property located in Dallas County, Texas, and the plat shown hereon is a correct and accurate representation of the property being surveyed. The location of all buildings, structures, encroachments or protrusions on the ground, and EXCEPT AS SHOWN, there are no visible and apparent easements, encroachments or protrusions on the ground. This survey was performed exclusively for the parties in connection with the G. F. Number shown hereon and is licensed for a single use. This survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written consent of the Surveyor. This survey is an original work protected by United States Copyright law and international treaties. All rights reserved. Do not make illegal copies.

DESCRIPTION OF PROPERTY

Lot 3 in Block 2,552-1 of C. Blaylock Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 81035, Page 1985 Plat Records, Dallas County, Texas



Scott P. Anderson - Registered Professional
Land Surveyor No. 4888



LEGEND

●	2\"/>
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SCALE 1\"/>

DATE 09/19/2007

JOB NO 07-3220

DRAWN BY 002

A & W SURVEYORS, INC.
P.O. BOX 870029, MESQUITE, TX 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM



October 16, 2017

Kenny and Lisa Troutt
10595 Strait Lane
Dallas, Texas 75229

Re: Neighbor Approval Letter for Fence Construction

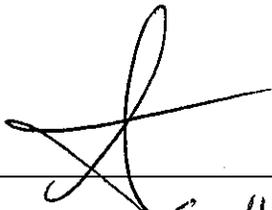
Dear Kenny and Lisa,

I, Scott Everett, have been made aware of the fence construction project at 10564 Lennox Lane, Dallas, Texas 75229, pursuant to which you plan to replace the 4 ft. wrought iron fence facing Lennox Lane and Harry's with a 6 ft. wrought iron fence and to raise four adjoining brick columns by 7 inches and nine adjoining brick columns by 24 inches (the "Fence Project").

The purpose of this letter is to inform you that I approve of said Fence Project.

Sincerely,

Signature:



Printed Name:

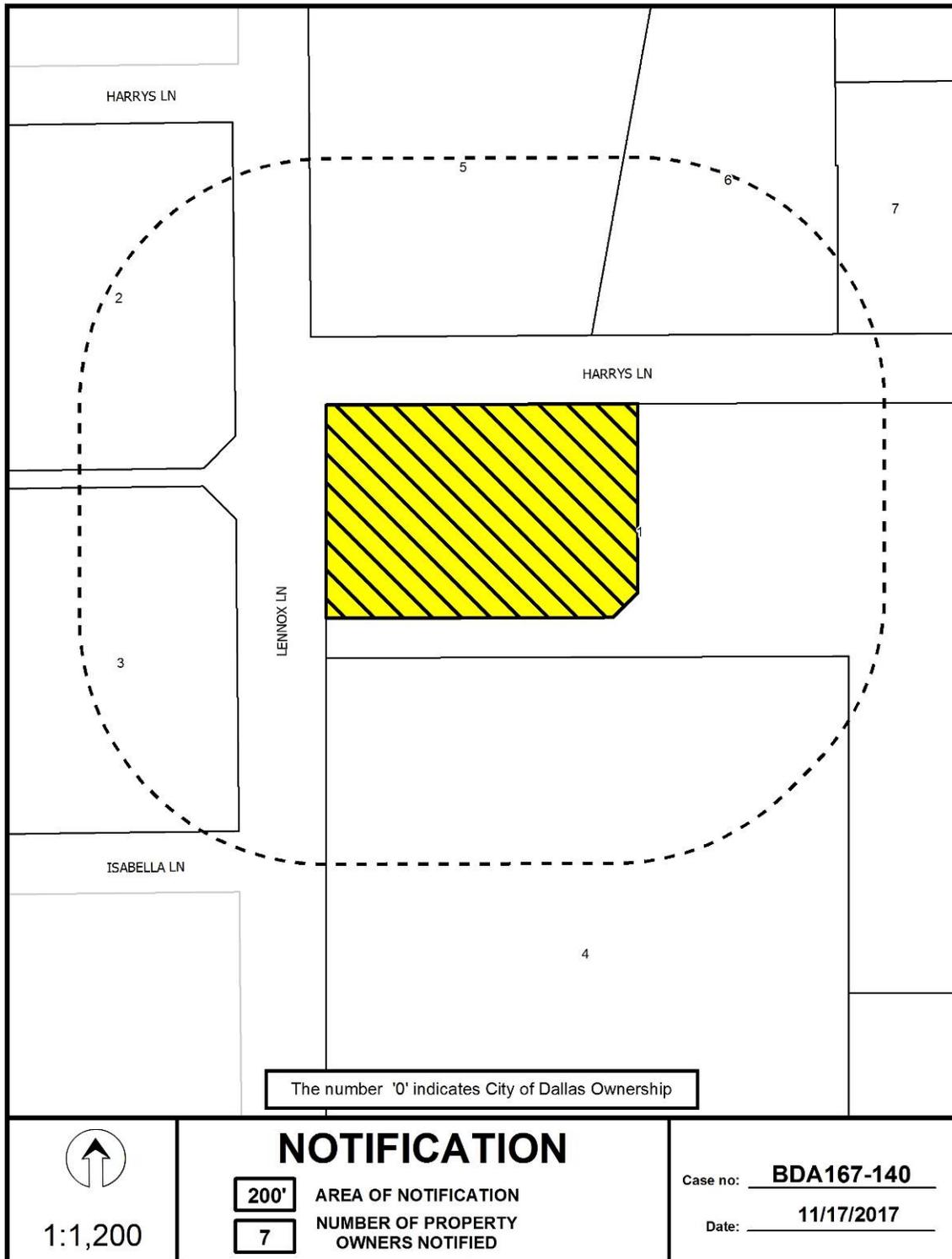
Scott Everett

Address:

10545 Lennox Ave
Dallas TX 75229

Telephone No.:

(214) 642-3769



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

7

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-140**

Date: **11/17/2017**

11/17/2017

Notification List of Property Owners

BDA167-140

7 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10595 STRAIT LN	TROUTT KENNY A & LISA C
2	10615 LENNOX LN	AZOUZ DAVID & ANGIE B
3	10545 LENNOX LN	LENNY TRUST
4	10540 LENNOX LN	ANDERSON MICHAEL SCOTT
5	10626 LENNOX LN	JUTRAS ROBERT N & DORIS L
6	4777 HARRYS LN	MARTIN PAUL A
7	4851 HARRYS LN	CHAPMAN JEFFREY A

FILE NUMBER: BDA178-001(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the off-street parking regulations at 2600 (aka 2604) Main Street. This property is more fully described as Lot 2, Block A/183, and is zoned PD 269 (Tract A), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a commercial amusement (inside) use, and provide 96 of the required 192 off-street parking spaces, which will require a 96 space special exception to the off-street parking regulations.

LOCATION: 2600 (aka 2604) Main Street

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a special exception to the off-street parking regulations of 96 spaces is made to occupy and lease an existing approximately 21,000 square foot vacant structure, and construct and maintain an approximately 3,000 square foot addition with an inside commercial amusement (a bowling alley with 8 bowling lanes) use, and provide 96 (or 50 percent) of the 192 off-street parking spaces required by code.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 96 spaces shall automatically and immediately terminate if and when the commercial amusement (inside) is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Assistant Director of Engineering indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 269 (Tract A) (Planned Development)
<u>North:</u>	PD 269 (Tract A) (Planned Development)
<u>South:</u>	PD 269 (Tract A) (Planned Development)
<u>East:</u>	PD 269 (Tract A) (Planned Development)
<u>West:</u>	PD 269 (Tract B) (Planned Development)

Land Use:

The subject site is developed with a vacant, approximately 21,000 square foot vacant structure. The area immediately north is a surface parking lot; and the areas to the east, south, and west are developed with a mix of residential and nonresidential uses.

Zoning/BDA History:

1. BDA167-097(SL), Property at 2600 Main Street (the subject site)

On October 16, 2017, the Board of Adjustment Panel C denied a request for a special exception to the off-street parking regulations of 144 spaces without prejudice.

The case report states that the request was made to occupy and lease an existing approximately 21,000 square foot vacant structure, and construct and maintain an approximately 3,000 square foot addition with an inside commercial amusement (bowling alley) use, and provide 48 (or 25 percent) of the 192 off-street parking spaces required by code).
2. BDA012-119, Property at 2600 Main Street (the subject site)

On January 22, 2002, the Board of Adjustment Panel C granted a request for a variance to the off-street parking regulations and imposed the following conditions: 1) compliance with the submitted site plan is required; and 2) that the variances be changed from 15 spaces to 8 spaces.

The case report states that the request for variance to the off-street parking regulations of 15 spaces was made to transition and expand spaces in an existing vacant restaurant/bar structure (a structure that formerly housed the Copper

3. BDA956-134, Property at 2600 Main Street (the subject site)

Tank Brewing Company was being transitioned to the American's Pub).

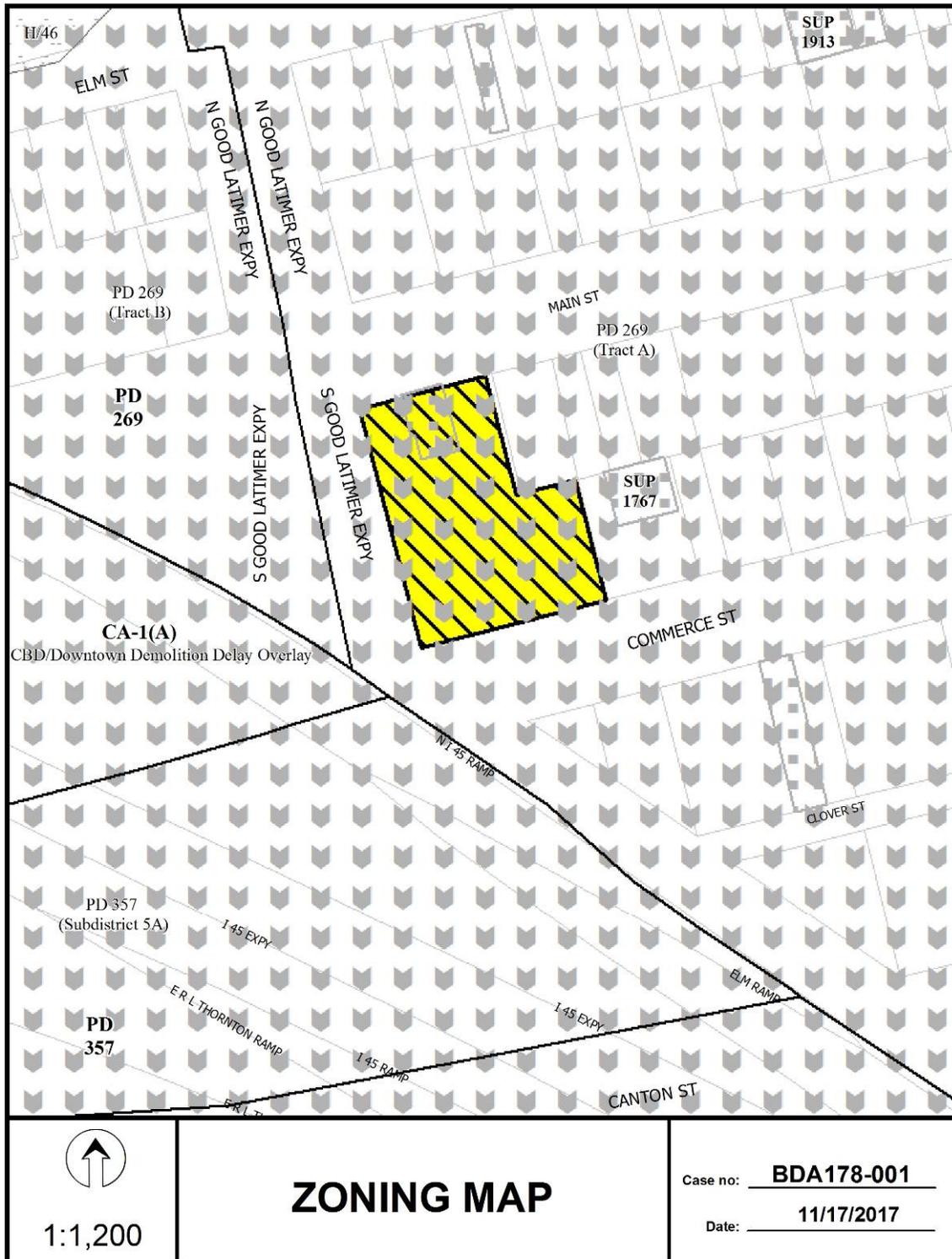
On January 23, 1996, the Board of Adjustment Panel C granted a request for a variance to the off-street parking regulations of 31 spaces needed to complete and maintain a 14,000 square foot restaurant/bar use (Copper Tank Brewing Company). The Board imposed the following conditions: That this variance terminates in two years or when the zoning regulations applying to this use are amended by the City Council to reduce the number of parking spaces whichever comes first.

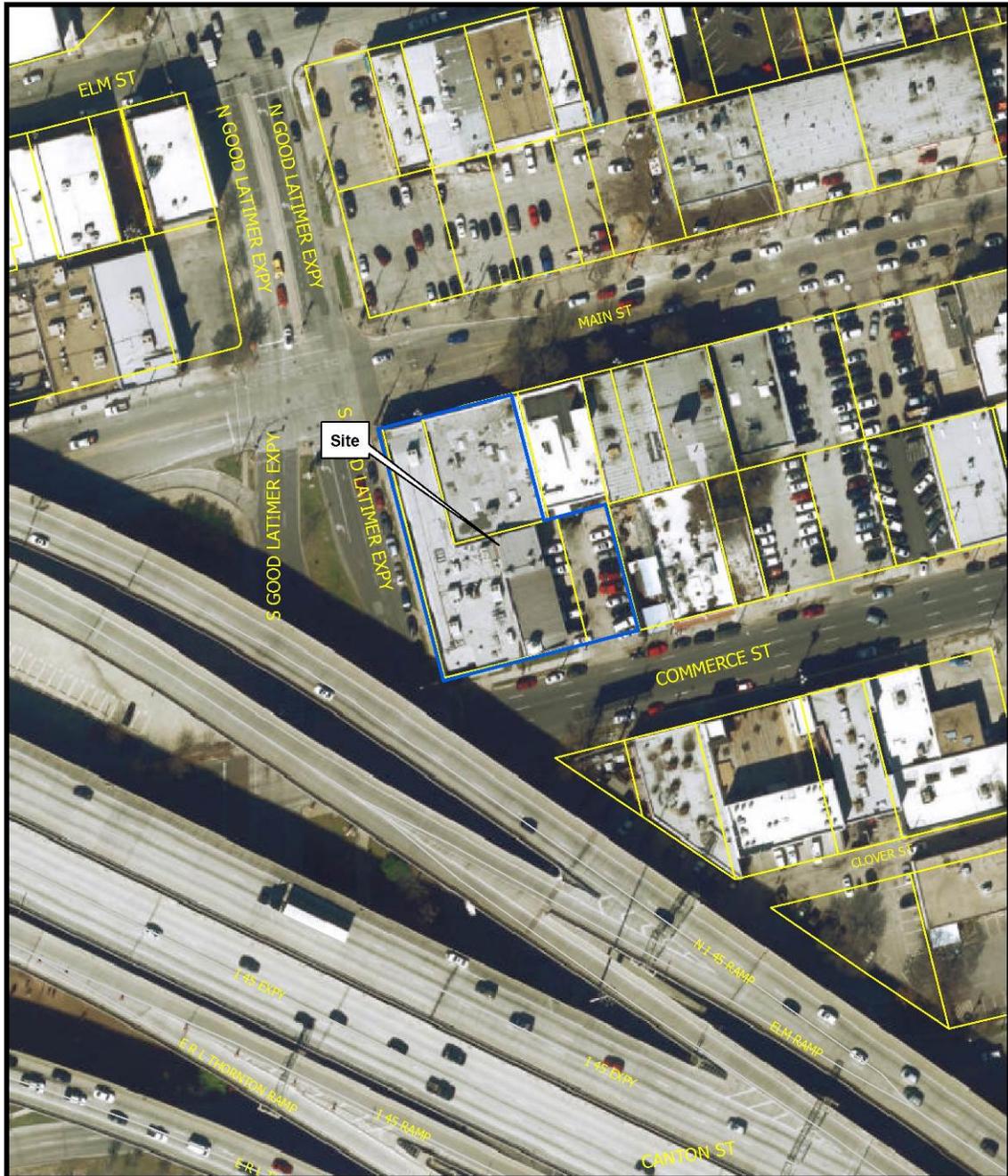
GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on occupying and leasing an existing approximately 21,000 square foot vacant structure, and constructing and maintaining an approximately 3,000 square foot addition with an inside commercial amusement (a bowling alley with 8 bowling lanes) use, and providing 96 (or 50 percent) of the 192 off-street parking spaces required by code.
- While PD 269 specifies off-street parking requirements for certain uses permitted in the zoning district, does not provide a specific off-street parking requirement for the proposed inside commercial amusement use. As a result, the PD ordinance states that the off-street parking requirement for this use is that what is provided in Chapter 51. Chapter 51 requires the following off-street parking requirement:
 - Inside commercial amusement: one space per 100 square feet of floor area.
- The Sustainable Development and Construction Department Assistant Director of Engineering submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed inside commercial inside (bowling alley) use does not warrant the number of off-street parking spaces required, and
 - The special exception of 96 spaces (or a 96 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 96 spaces shall automatically and immediately terminate if and when the commercial amusement inside use is changed or discontinued, the applicant could occupy and lease the existing structure and construct and maintain the addition on the subject site with commercial amusement inside use, and provide 96 (or 50 percent) of the 192 required off-street parking spaces.

Timeline:

- October 20, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 3, 2017: 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".
- November 6, 2017: 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 November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st 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 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- November 29, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- December 1, 2017: The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked "Has no objections".





1:1,200

AERIAL MAP

Case no: BDA178-001

Date: 11/17/2017

BDA178-001
Attach A

Long, Steve

From: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Sent: Wednesday, November 29, 2017 12:23 PM
To: Long, Steve
Cc: Rob Baldwin
Subject: BDA178-001
Attachments: Coppertank Parking Demand Study DG17075_06202017.pdf

PS 1

Good afternoon Steve,

Per your conversation with Rob, please accept the attached parking demand study for the Board's case materials in consideration of this application. Please note that this is the same exact report as was submitted previously (BDA167-097) and this study supported a greater reduction than our current application (BDA178-001) is requesting of the Board.

Thank you,
Jennifer

Jennifer Hiromoto
Baldwin Associates
3904 Elm Street Suite B
Dallas, TX 75226
Office: 214-824-7949
Cell: 469-275-2414



TECHNICAL MEMORANDUM

To: Scott Rohrman — 42 Deep Ellum, LP
Cc: Robert Baldwin — Baldwin Associates
From: David Nevarez, PE, PTOE — *DeShazo Group, Inc.*
Date: June 20, 2017
Re: **Parking Analysis for Coppertank Building at 2600 Main Street in Dallas, Texas**
DeShazo Project No. 17075

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis. The services of DeShazo were retained to study the parking needs for a proposed commercial development located at 2600 Main Street in Dallas, Texas. The property owner is proposing to replat 2600 Main Street with an adjacent property (2604 Main Street) to build a one-story building with a total of 23,835 square feet of gross building area. The proposed tenant is an 8-lane bowling alley.

This report presents a summary of a technical evaluation of the parking needs for the proposed eight-lane bowling alley at 2600 Main Street. Findings of this analysis are intended to support a reduction of the City of Dallas off-street parking requirements.

CODE PARKING REQUIREMENT

The property is located in Planned Development (PD) District 269—the Deep Ellum/Near East Side District. It is subject to the off-street parking requirements stipulated in Section 51P-269.105(j)(1): An Inside Commercial Amusement use requires one space per 100 square feet of floor area. However, no off-street parking is required for the first 2,500 square feet of floor area in an *Original Building*¹. Also, no off-street parking spaces are required for the first 5,000 square feet of floor area in an *Original Building* for retail-related uses or professional, personal service, and custom crafts uses. **Table 1** provides a summary of the Code parking requirement for 2600 Main Street.

Table 1. Default City Code Parking Requirement for 2600 Main Street

TENANT	LAND USE	CITY CODE	AMOUNT	RATE (1 space per)	REQUIRED PARKING
Suite A	Personal Service	51P-269.105(j)(1)(M)	2,263 SF	--	0
Suite 110	Inside Comm. Amusement	51P-269.105(j)(1)(K)	23,835 SF minus 2,500 SF	100 SF	213
TOTAL:					213 spaces

¹ An *Original Building* is defined in section 51P-269.104(c)(27) as a *building constructed on or before June 27, 1984, with a floor area that has not been increased by more than 5,000 square feet.*

Furthermore, Section 51P-269.105(j)(4)(5) allows a reduction of ten percent of the parking requirement for uses located within one-fourth of a mile (or 1,320 feet) of a rail station. The property is located approximately 1,000 feet from the Deep Ellum DART Station and qualifies for the reduction as calculated in **Table 2**.

Table 2. Code Parking Requirement for 2600 Main Street

PARKING REQUIREMENT	SPACES
Default Parking Requirement (<i>See Table 1</i>)	213
10% Reduction for proximity to DART Station [51P-269.105(j)(4)(5)]	-21
Total Parking Requirement:	192 Spaces

As shown in **Table 2**, a total of 192 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code. DeShazo acknowledges that City Code requirements establish standards for the functional design of efficient parking facilities, thus reducing congestion and minimizing external effects on neighboring land uses, as stated in the *City of Dallas Development Code*. However, based upon DeShazo’s professional experience in the analysis of parking demands, the operational characteristics and, consequently, parking needs of the proposed land use, there is merit in examining the parking demand for this specific property.

NOTE: PD 269 does not provide stipulations or parking requirements specifically for bowling alleys. Instead, bowling alleys are classified as Inside Commercial Amusement use. For reference purpose only, the parking requirement for bowling alleys per Chapter 51A [Section 51A-4.210(a)(7)(C)(ii)] is six spaces per lane. 51A also allows an administrative reduction of twenty percent for retail and personal services uses located within 1,200 feet of a rail station. Thus, the theoretical parking requirement per Chapter 51A for the proposed eight-lane tenant would be 39 spaces.

PUBLISHED DATA

As a validation for the recommended parking supply for the proposed bowling alley, published parking demand data is available from the Institute of Transportation Engineers (ITE). Their *Parking Generation* manual, 4th Edition (2010) provides a reliable compilation of parking demand data from various land uses collected around the country over several years. ITE defines a Bowling Alley (LU 437) as “...recreational facilities that include bowling lanes. A small lounge, restaurant, and/or snack, video games and pool tables may also be available.” **Table 3** provides an excerpt of the published parking demand rates.

Table 3. Published Parking Demand Data for Bowling Alley

	URBAN	SUBURBAN (<i>for reference only</i>)
Observed Range	2.21-4.08 vehicles per lane	4.42-5.95 vehicles per lane
Avg. Peak Demand	3.13 vehicles per lane	5.02 vehicles per lane
85th Percentile	3.78 vehicles per lane	5.58 vehicles per lane

SOURCE: The Institute of Transportation Engineers (ITE) Parking Generation manual, 4th Edition (2010), LU 437

Based upon ITE data, the 85th percentile peak parking demand (a design value) of 3.78 spaces per lane equates to 30 vehicles for the proposed eight-lane bowling alley.

UNIQUE PARKING CHARACTERISTICS

The proposed bowling alley will consist of eight bowling lanes. Bowling alleys are generally visited by patrons arriving in groups. It is common for a significant number of guests to arrive in single vehicles. In addition, given the trends and characteristics of the Deep Ellum district, it is reasonable to anticipate a significant number of patrons to use alternative modes of transportation such as ride-sharing companies (e.g. Uber, Lyft).

The site is located within convenient walking distance (approximately 1,000 linear feet or less than five minutes) of DART Rail System’s Green Line (the Deep Ellum Station). Several DART public bus routes (11; 19; 76; and D-LINK, Route 722) are also within walking distance and provide an alternative mode of transportation for employees and patrons.

AVAILABLE PUBLIC PARKING

DeShazo conducted field observations and parking accumulation counts of available public parking in the immediate vicinity of the subject site on Saturday, June 10 and June 17, 2017. Field observations consisted of parking accumulation counts at 9:00 PM and 11:00 PM, which are typical peak hours for both the proposed tenant and adjacent uses. Findings indicate that sufficient pay-for-parking is currently available in the immediate vicinity of the subject property—specifically in City-owned public lots located immediately west of the site, across from Good Latimer Expressway. Parking lot locations and utilization data are illustrated in **Exhibit 1**.

SUMMARY

This study summarizes the Code parking requirement and projected parking needs for a proposed bowling alley (or “Inside Commercial Amusement” use) located at 2600 Main Street in Dallas, Texas. Based upon application of the standard parking requirements from the City of Dallas Development Code, 192 parking spaces are required for the development. However, a parking reduction is supported based upon the property’s specific location, the proposed land use’s specific characteristics, and anecdotal experience from similar developments in the Dallas-Fort Worth area.

In accordance with Section 51A-4.311(a)(1), the Board of Adjustment may grant a special exception to authorize a maximum reduction of 75% of the number of off-street parking spaces required for “Inside Commercial Amusement” uses. DeShazo supports the maximum exception allowed (i.e. a reduction) of 144 spaces (or 75% of the required 192 spaces) based upon the results of this technical analysis, professional judgment and experience from similar parking. Table 4 summarizes parking comparisons for the proposed bowling alley.

Table 4. Parking Analysis Summary for the Proposed Bowling Alley

REFERENCE	PARKING
ITE’s Projected Peak Demand	30 vehicles
Ch. 51A (<i>For reference purpose only</i>)	39 spaces
Proposed Supply (75% Reduction)	48 spaces
Code Requirement per PD 269	192 spaces

PARKING SPECIAL EXCEPTION REQUEST

A Parking Special Exception is requested from the City of Dallas Board of Adjustment. Based upon findings of this analysis, a requirement of 48 spaces will satisfy the parking needs for the proposed bowling alley at 2600 Main Street in Dallas, Texas. A reduction of 144 required spaces is warranted based upon the following considerations as specified in the Dallas Development Code §51A-4.311(a)(2):

(A) The extent of which the parking spaces provided will be assigned, shared, or packed.

The parking reduction request is a function of the site's specific parking demand characteristics. This analysis includes public pay-for-parking available in the immediate vicinity of the site. In addition, per Section 51P-269.105(j)(4)(5), *on-street parking spaces may be counted toward the parking requirement of the use adjacent to the on-street parking space*. A total of eleven public, metered parking spaces are provided along the frontage on Good Latimer Expressway and Commerce Street.

(B) The parking demand characteristics for the occupancy for which the reduction is requested.

According to the ITE *Parking Generation* manual (4th Edition), the projected 85th percentile parking demand for the proposed bowling alley is 30 parking cars based on a rate of 3.78 *vehicles per lane*. Furthermore, the projected parking generation for this use is expected to be significantly reduced due to the typical characteristics of the urban environment in the Deep Ellum area.

(C) Whether or not the subject property is part of a modified delta overlay district.

The requested parking reduction is based upon the site's unique parking demand characteristics and is not based upon any special zoning adjustments.

(D) Current and probably future capacities of adjacent streets based upon city's thoroughfare plan.

The surrounding street system is developed and is generally constructed to the anticipated ultimate plans. The site provides ample site access to the surrounding roadway network.

(E) The availability of public transit and the likelihood of its use.

The site is located within convenient walking distance (approximately 1,000 linear feet or less than five minutes) of DART Rail System's Green Line (the Deep Ellum Station). Several DART public bus routes (11; 19; 76; and D-LINK, Route 722) are also within walking distance and provide an alternative mode of transportation for employees and patrons.

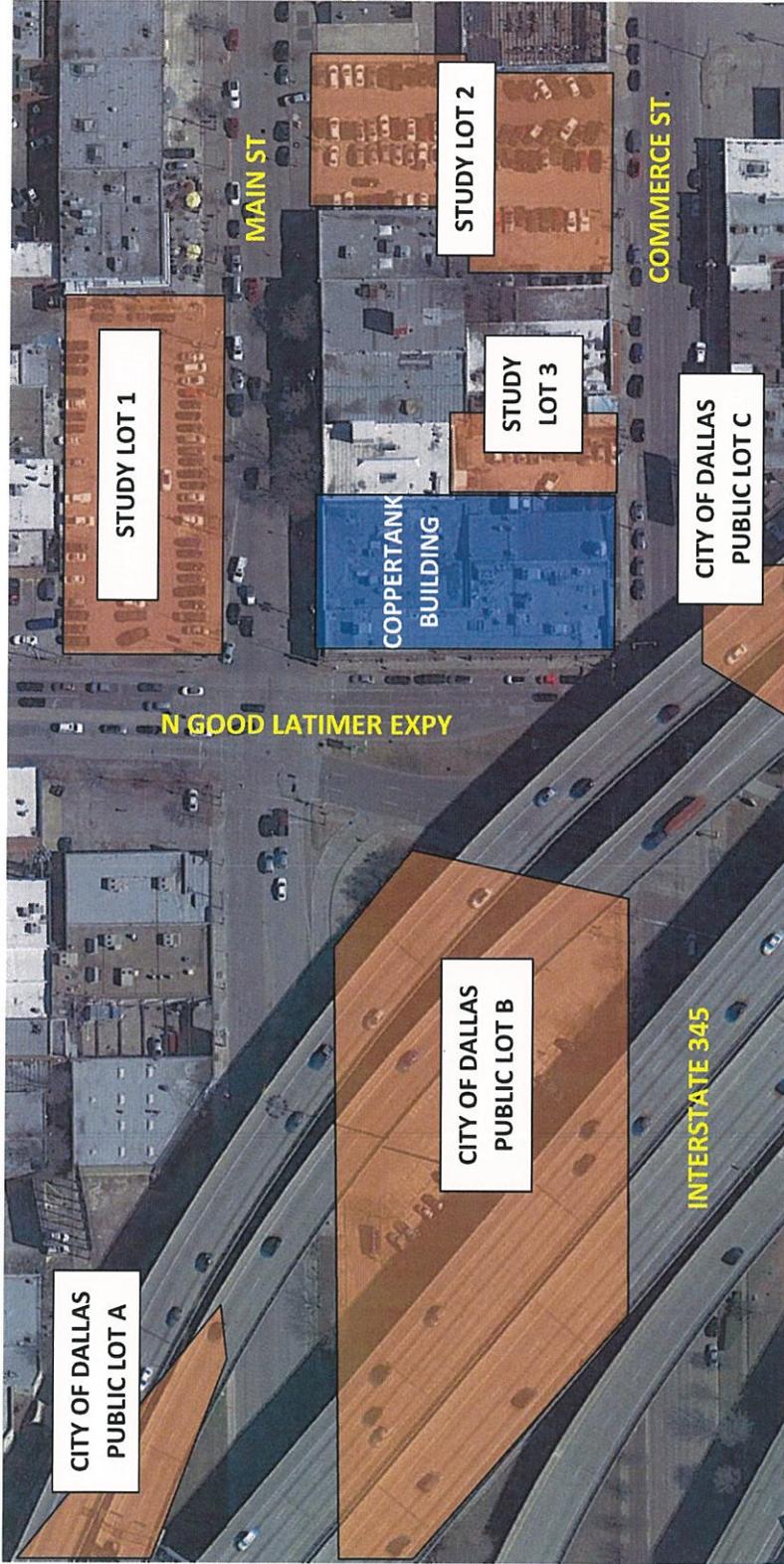
(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

The use of alternative modes of transportation is a significant factor in the determination of an adequate parking supply for the proposed bowling alley. The site's strategic location in the Deep Ellum area is an attractive destination for employees and patrons to rely on public transit and other alternative modes of transportation (e.g. Uber, Lyft). The projected parking demand should also include efficiencies as a result of synergy among other uses in the area (e.g., patrons visiting other bars or restaurants before and/or after visiting the bowling alley).

In summary, DeShazo recommends approval of the 144-space reduction to authorize the proposed land use operation. The requested parking reduction will neither create a traffic hazard nor restrict the subject property's operations. It is also presumed that it is in the best interest of the property owner to provide an appropriate parking environment for their patrons.

END OF MEMO

Exhibit 1. Available Off-Street Public Parking Data



NOTE: DeShazo commissioned additional parking demand observations on Saturday, June 17, 2017 during a scheduled event at *The Bomb Factory*. Public lots A and B still provided more than 80 available spaces during the event around 9:00 PM.

Lot	Supply	Observed Parking on June 10, 2017			Available Parking at 9 PM
		9 PM	11 PM	11 PM	
Public Lot A	50	4 (8%)	4 (8%)	46 (92%)	
Public Lot B	159	68 (43%)	78 (49%)	91 (57%)	
Public Lot C	90	33 (37%)	24 (27%)	57 (63%)	
Study Lot 1	75	75 (100%)	75 (100%)	--	
Study Lot 2	93	93 (100%)	93 (100%)	--	
Study Lot 3	19	17 (89%)	17 (89%)	--	
Total:				194 spaces	

BDA 178-001
Attach A
pg 6

BDA 178-001

Attach A

pg 7

APPENDIX

Land Use: 437 Bowling Alley

Description

Bowling alleys are recreational facilities that include bowling lanes. A small lounge, restaurant and/or snack bar, video games and pool tables may also be available.

Database Description

The database consisted of a mix of suburban and urban sites. Parking demand rates at the suburban sites differed from those at urban sites and, therefore, the data were analyzed separately.

- Average site parking supply ratio: 5.6 spaces per lane (13 study sites).

Saturday parking demand was observed at one study site with 64 lanes in a suburban setting. The peak period parking demand ratio was 3.47 vehicles per lane between 11:00 p.m. and 12:00 a.m.

All of the study sites were counted during non-summer months.

Factors such as the extent of ancillary activities (for example, billiards, lounge) and transitions between activities (when one bowling league had not yet ended and the next was about to begin) may have affected parking demand.

The following table presents the time-of-day distribution of parking demand, based on data from the two suburban sites and three urban sites.

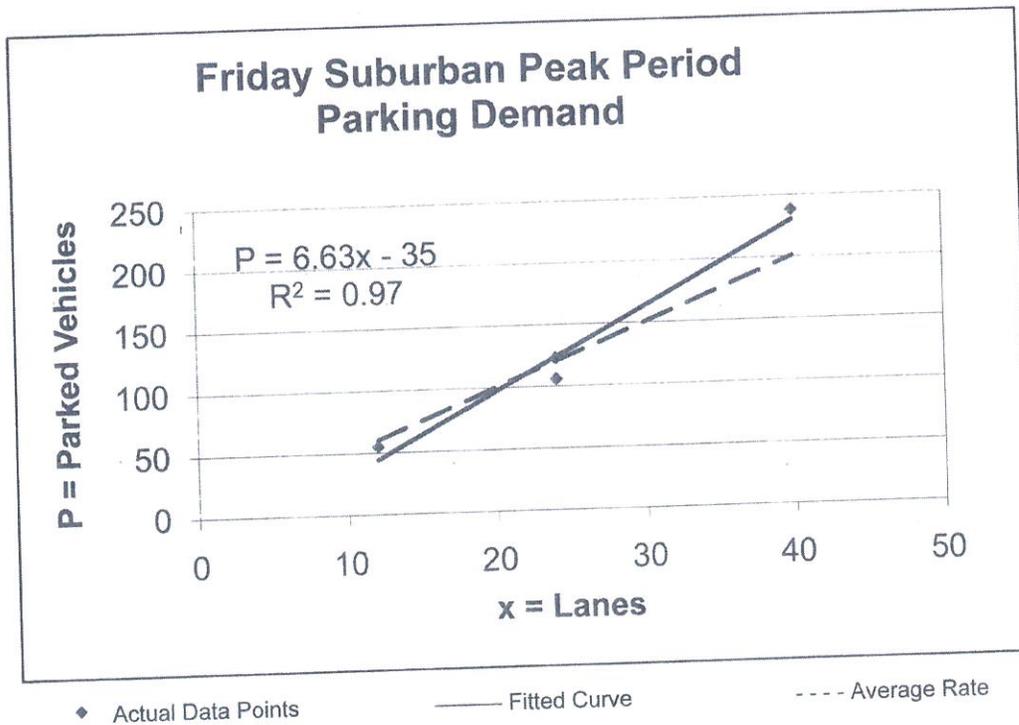
Based on Vehicles per Lane	Non-Friday Weekday	
	Percent of Peak Period	Number of Data Points*
Hour Beginning		
12:00-4:00 a.m.	—	0
5:00 a.m.	—	0
6:00 a.m.	—	0
7:00 a.m.	—	0
8:00 a.m.	—	0
9:00 a.m.	—	0
10:00 a.m.	—	0
11:00 a.m.	—	0
12:00 p.m.	—	0
1:00 p.m.	—	0
2:00 p.m.	—	0
3:00 p.m.	—	0
4:00 p.m.	—	0
5:00 p.m.	51	5
6:00 p.m.	83	5
7:00 p.m.	99	5
8:00 p.m.	100	5
9:00 p.m.	81	5
10:00 p.m.	—	0
11:00 p.m.	—	0

* Subset of database

Land Use: 437 Bowling Alley

Average Peak Period Parking Demand vs. Lanes
 On a: Friday
 Location: Suburban

Statistic	Peak Period Demand
Peak Period	7:00-8:00 p.m.
Number of Study Sites	4
Average Size of Study Sites	25 lanes
Average Peak Period Parking Demand	5.02 vehicles per lane
Standard Deviation	0.69
Coefficient of Variation	14%
Range	4.42-5.95 vehicles per lane
85th Percentile	5.58 vehicles per lane
33rd Percentile	4.58 vehicles per lane

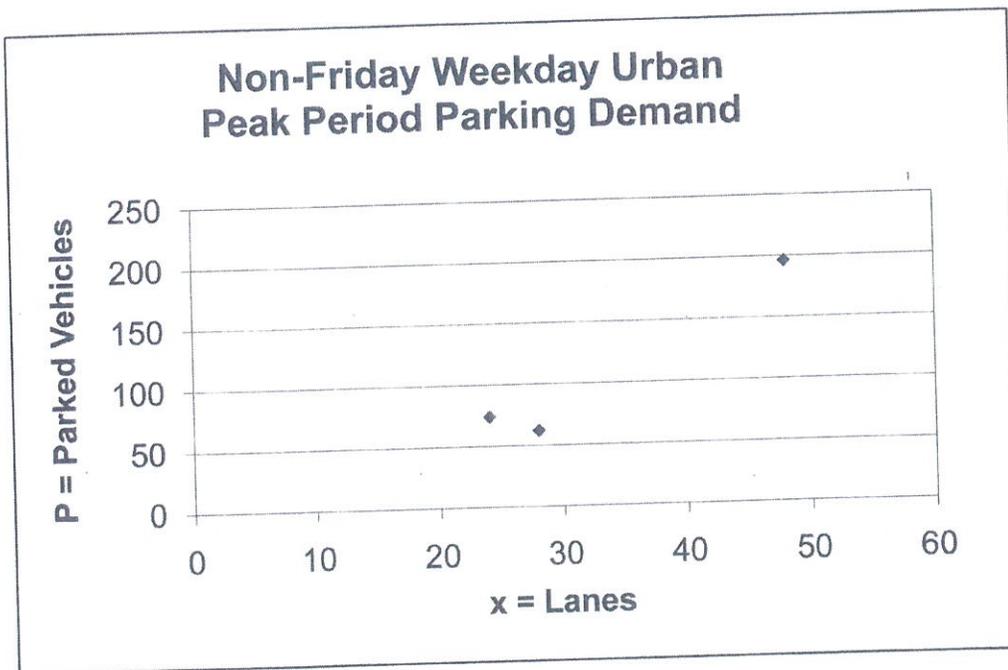


BDA 178-001
 Attach A
 ps 10

Land Use: 437 Bowling Alley

Average Peak Period Parking Demand vs. Lanes
 On a: Non-Friday Weekday
 Location: Urban

Statistic	Peak Period Demand
	7:00-10:00 p.m.
Peak Period	3
Number of Study Sites	33 lanes
Average Size of Study Sites	3.13 vehicles per lane
Average Peak Period Parking Demand	0.94
Standard Deviation	30%
Coefficient of Variation	2.21-4.08 vehicles per lane
Range	3.78 vehicles per lane
85th Percentile	2.79 vehicles per lane
33rd Percentile	



◆ Actual Data Points



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-001

Data Relative to Subject Property:

Date: October 20, 2017

Location address: 2600 and 2604 Main St Zoning District: PD 269 Tract A

Lot No.: Tr 2 Block No.: 183 Acreage: 0.5 ac Census Tract: 204.00

Street Frontage (in Feet): 1) 200 2) 104.5 3) 110 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): AP Deep Ellum, 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 __, or Special Exception X, of the parking regulations of 96 spaces (50%) for an inside commercial amusement use of the 192 spaces required.

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 proposed commercial amusement will be for a bowling alley with eight bowling lanes. The property has multiple public owned parking lots and commercial parking lots within 1,500 feet of the site. It is within walking distance to the Deep Ellum DART station. Also see submitted parking study.

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.

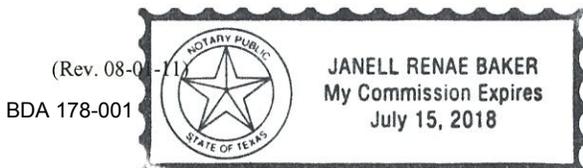
Affidavit

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

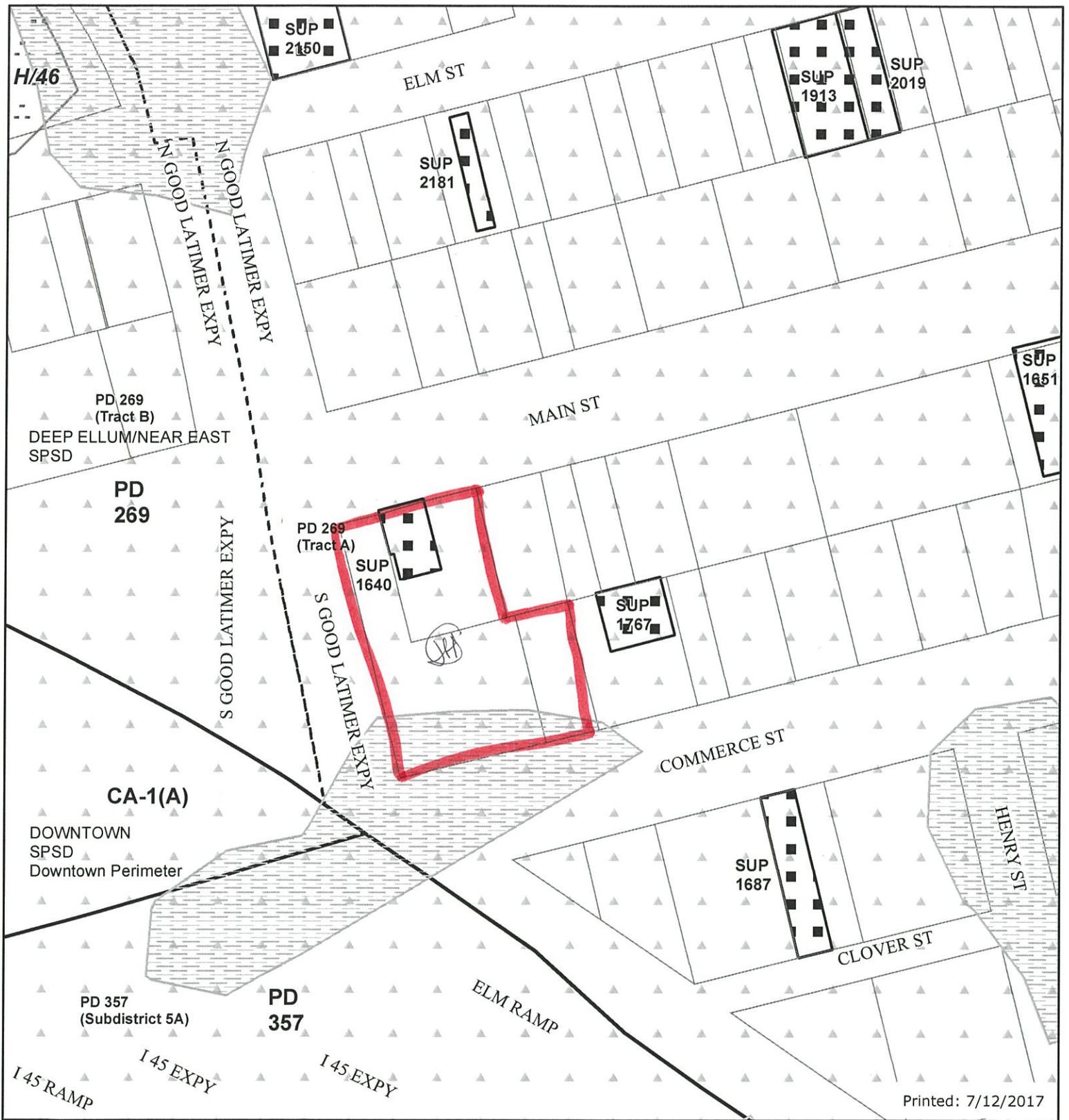
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 20 day of October, 2017



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



Printed: 7/12/2017

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 | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA 176-001 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)

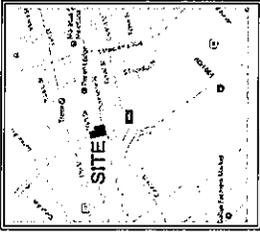


2600 MAIN STREET
CITY OF DALLAS, TEXAS

Baldwin
Associates

BALDWIN
ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

07/19/2017



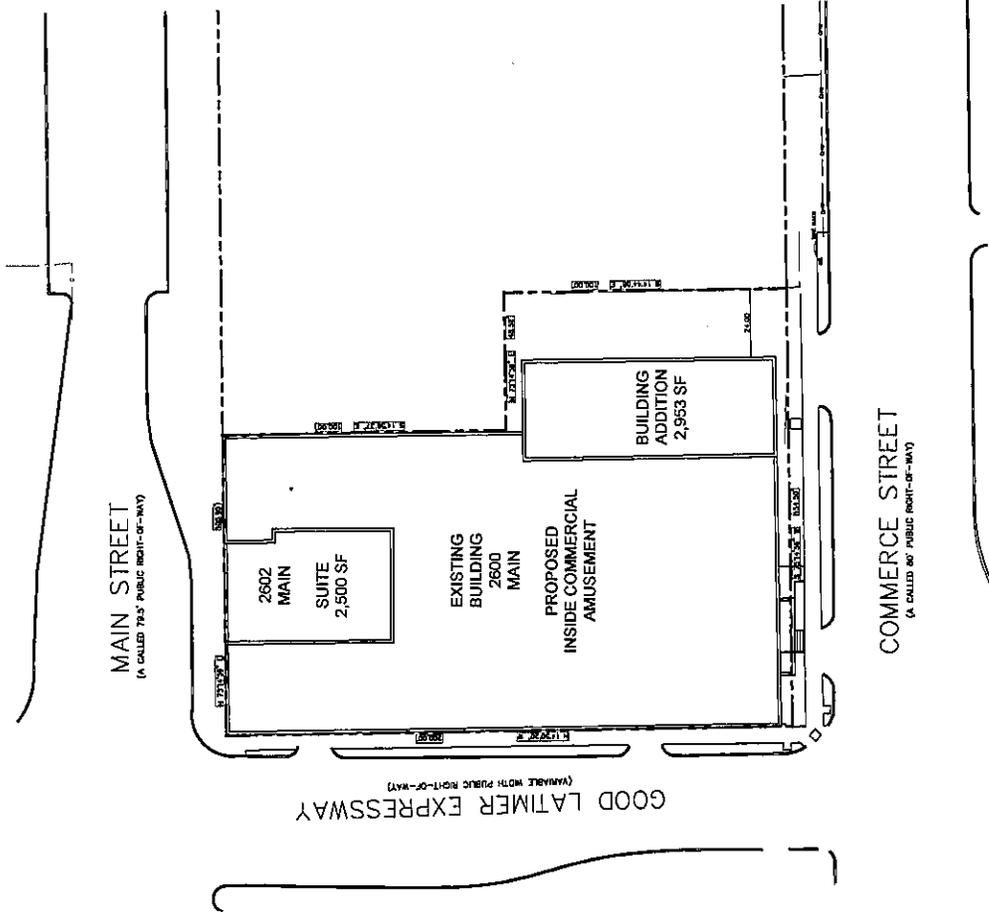
VICINITY MAP
NTS



SITE INFORMATION

2600 MAIN STREET
USE: INSIDE COMMERCIAL AMUSEMENT
AREA: 23,835 SF

2602 MAIN STREET
USE: PERSONAL SERVICE (TATTOO PARLOR)
AREA: 2,500 SF



MAIN STREET
(A CALLED 75' PUBLIC RIGHT-OF-WAY)

GOOD LATIMER EXPRESSWAY
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

COMMERCE STREET
(A CALLED 60' PUBLIC RIGHT-OF-WAY)



BOARD OF ADJUSTMENT SITE PLAN
SCALE: 1" = 20'-0"





The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA178-001
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">15</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 11/17/2017

Notification List of Property Owners

BDA178-001

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2611 COMMERCE ST	42 DEEP ELLUM LLC
2	2625 MAIN ST	42 DEEP ELLUM LP
3	2509 MAIN ST	WESTDALE MAIN LTD
4	2612 COMMERCE ST	DEEP ELLUM HOLDINGS LLC
5	2604 ELM ST	SEJ ASSET MGMT & INVESTMENT CO
6	2610 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
7	2523 MAIN ST	ELM STREET LOFTS LTD
8	2603 MAIN ST	PARKIN ART JOINT VENTURE
9	2612 MAIN ST	KRISITIAN KEVIN 2612 LLC
10	2623 COMMERCE ST	KLUCK LINDA LOU
11	2620 MAIN ST	42 DEEP ELLUM LP
12	2622 MAIN ST	BLANTON JEANNE
13	2630 COMMERCE ST	WESTDALE PPTIES AMERICA I
14	2622 COMMERCE ST	SDL PARTNERS LTD
15	2616 COMMERCE ST	NOLA LTD

FILE NUMBER: BDA167-116(SL)

BUILDING OFFICIAL'S REPORT: Application of Roger Albright for a special exception to the off-street parking regulations at 6770 Abrams Road. This property is more fully described as Lot 1A, Block 1/5435, and is zoned CR, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a restaurant without drive-in or drive-through service use, office use, medical clinic or ambulatory surgical center use, personal service use, dry cleaner or laundry store use, general merchandise or food store 3500 square feet or less use, and theater use, and provide 664 of the required 781 parking spaces, which will require a 117 space special exception to the off-street parking regulations.

LOCATION: 6770 Abrams Road

APPLICANT: Roger Albright

REQUEST:

A request for a special exception to the off-street parking regulations of 117 spaces is made to transition uses that are/were within an existing shopping center (Creekside Shopping Center) that has approximately 72,000 square feet currently being remodeled (but not expanded), with office, medical clinic or ambulatory surgical center, restaurant without drive-in or drive through service, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses, and to provide 664 (or 85 percent) of the 781 required off-street parking spaces on the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is

greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 117 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use, office use, medical clinic or ambulatory surgical center use, personal service use, dry cleaner or laundry store use, general merchandise or food store 3500 square feet or less use, and theater use that are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Assistant Director of Engineering has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community retail)
- North: PD 65 (Planned Development)
- South: R-7.5(A) (Single family residential 7,500 square feet)
- East: CR (Community retail)
- West: CR (Community retail)

Land Use:

The subject site is developed with a shopping center use much of which is currently being remodeled (Creekside Shopping Center). The area to the north is undeveloped; and the areas to the south, east and west are developed with retail uses.

Zoning/BDA History:

1. BDA023-125, Property at 6770 Abrams Road (the subject site)

On September 15, 2003, the Board of Adjustment Panel C granted a variance to the height regulations of 39' and imposed the following conditions: 1) Compliance with the submitted site plan is required; and 2) Compliance with a revised elevation to be submitted to the Board Administrator that shows installation of a flush mount antenna is required.

The case report stated the request was made to construct and maintain a 65' high cellular monopole tower on a site developed with retail uses.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 117 spaces focuses on transitioning uses that are/were within an existing shopping center (Creekside Shopping Center) that has approximately 72,000 square feet currently being remodeled (but not expanded), with office, medical clinic or ambulatory surgical center, restaurant without drive-in or drive through service, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses, and providing 664 (or 85 percent) of the 781 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirements:
 - Restaurant without drive-in or drive through service: As a main use, 1 space per 100 square feet of floor area. As a limited or accessory use, 1 space per 200 square feet of floor area.
 - Office use: 1 space per 333 square feet of floor area.
 - Office Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area.
 - Personal service: 1 space per 200 square feet of floor area.
 - Dry cleaner or laundry store: 1 space per 200 square feet of floor area.
 - General merchandise or foot store 3,500 square feet or less: 1 space per 200 square feet of floor area.
 - Theater: 1 space per 28 square feet of seating area.
- The application states among other things that the submitted professional engineer parking study shows that the uses within the center could support not only the requested 117 space reduction request but a 182 space reduction.
- On November 1 and December 1, 2017, the Sustainable Development and Construction Department Assistant Director of Engineering submitted review comment sheets marked "Has no objections".
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the restaurant without drive-in or drive through service, office, medical clinic or ambulatory surgical center, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 117 spaces (or 15 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 117 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive through service, office, medical clinic or ambulatory surgical center, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses are changed or discontinued, the applicant could lease the shopping center with these uses, and provide 664 (or 85 percent) of the 781 required off-street parking spaces.

Timeline:

- August 21, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- October 9, 2017: 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 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd 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 31, 2017: 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 Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- November 1, 2017: The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked "Has no objections".
- November 13, 2017: The Board of Adjustment Panel C conducted a public hearing on this application. The applicant submitted additional information to the Board at the public hearing (see Attachment A). The Board delayed action on this application until their next public hearing to be held on December 11, 2017.
- November 17, 2017: The Board Administrator wrote the applicant a letter of the board's action; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st deadline to submit additional evidence to be incorporated into the Board's docket materials.

November 22, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and at the November 13th public hearing (see Attachment B).

November 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

December 1, 2017: The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked "Has no objections".

BOARD OF ADJUSTMENT ACTION: NOVEMBER 13, 2017

APPEARING IN FAVOR: Roger Albright, 3301 Elm Street, Dallas, TX
Cory McCord, 6904 Blake Dr., Arlington, TX
Christy Lambeth, 400 S. Houston St., Dallas, TX

APPEARING IN OPPOSITION: No one

APPEARING FOR THE CITY: David Cossum, Director, 1500 Marilla St., Dallas, TX

MOTION: **Agnich**

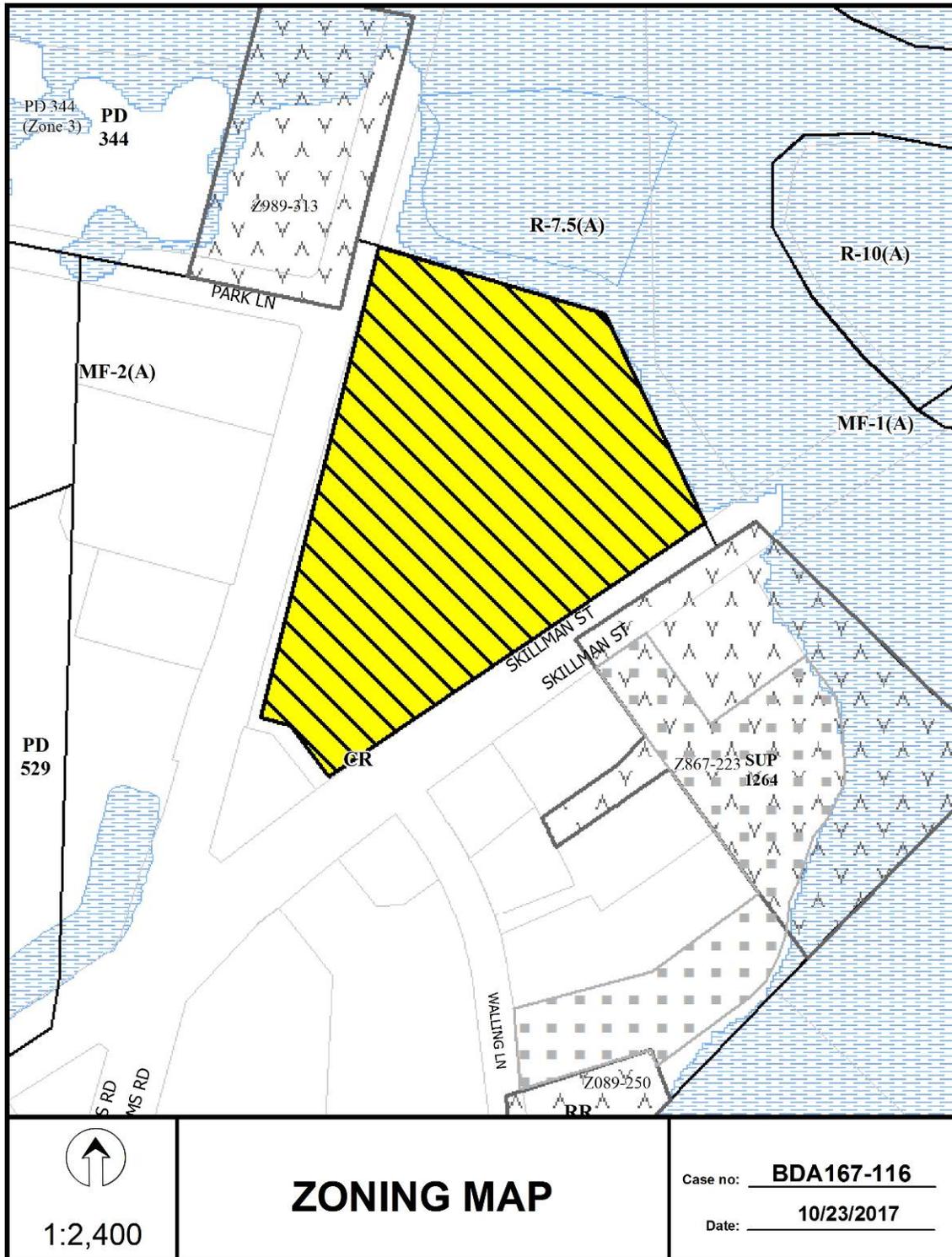
I move that the Board of Adjustment in Appeal No. **BDA 167-116** hold this matter under advisement until **December 11, 2017**.

SECONDED: **Brooks**

AYES: 5 – Richardson, Gambow, Agnich, Behring, Brooks

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)





1:2,400

AERIAL MAP

Case no: BDA167-116

Date: 10/23/2017

Long, Steve

BDA167-116
Attach A #91

From: Kathy Patrick-Head <kpatrickhead@lawoffices.email>
Sent: Monday, November 13, 2017 10:02 AM
To: Long, Steve; Law, Trena
Cc: Roger Albright
Subject: BDA Case No. 167-116 / 6770 Abrams
Attachments: Board documents.pdf

Importance: High

Dear Mr. Long and Ms. Law -

Pursuant to Mr. Albright's instructions, attached please find documentation for the Board of Adjustment members regarding the above referenced matter. Please deliver said documents to the Board prior to the briefing scheduled today at 11:00 a.m. Should there be any questions, please do not hesitate to call. Thank you.

Kathy Patrick-Head

for Roger Albright
Law Offices of Roger Albright
3301 Elm Street
Dallas, Texas 75226-1637
214.939.9224
214.939.9229 (Telecopier)
E-mail: kpatrickhead@lawoffices.email

ROGER ALBRIGHT

Attorney & Counselor at Law

3301 ELM STREET
DALLAS, TEXAS 75226-1637
rogeralbright@gmail.com

BDA 167-116
Attach A
pg 2

Licensed in
Texas and California

Phone (214) 939-9222
Fax: (214) 939-9229

BDA 167-116 (SL)

TO THE MEMBERS OF THE BOARD OF ADJUSTMENT, PANEL C:

The undersigned has made application for a special exception to the off-street parking requirement for the Creekside Shopping Center located at 6770 Abrams Road. Staff has recommended approval subject to a condition. The Applicant respectfully suggests that the language of the condition is inconsistent with typical language which has been historically used by the Board in approving special exceptions for shopping centers since in the natural dynamic of a shopping center allowed and approved uses (e.g., retail, personal service, office, medical office and theater uses) may frequently change or be discontinued without affecting the off-street parking requirements of the allowed mix of uses. (See, for example, the special exception approved by BDA 090-047 on April 27, 2010 regarding NorthPark Shopping Center). I, therefore, request that staff recommendation for approval be followed but that the approval instead be subject to the following condition:

The special exception of 117 spaces shall automatically and immediately terminate when and if the property is no longer used for office uses or retail and personal service uses as permitted in the subject site CR (Community Retail) zoning district with the combination of those uses not to exceed 781 required parking spaces.



CITY OF DALLAS

BDA167-116

Attach A

Pg 3

April 27, 2010

John J. DeShazo, Jr
400 S. Houston Street, Suite 330
Dallas, TX 75202

Re: BDA 090-047
7901 W. Northwest Highway

Dear Mr. DeShazo:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, April 21, 2010 granted your request for a special exception to the off-street parking regulations of 2,018, subject to the following conditions:

- The special exception of 2,018 spaces shall automatically and immediately terminate when and if the property is no longer used for office uses, or retail and personal service uses permitted in the subject site's RR (Regional Retail) zoning district; with the combination of those uses not to exceed 11,011 required parking spaces.
- The applicant or property owner must submit a parking analysis of the site to the Department of Sustainable Development and Construction Project Engineer no later than December 31, 2013. Should the parking analysis show any parking deficiency, the applicant or property owner must immediately mitigate that deficiency as may be agreed between the applicant or property owner and the Department of Sustainable Development and Construction.
- The applicant or property owner must continue to maintain the existing DART shuttle between the shopping center and the DART rail station in the future. Failure by the applicant or property owner to maintain the DART shuttle service in the future will result in the loss of credit for 275 off-street parking spaces only.

Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS****WEDNESDAY, APRIL 21, 2010****FILE NUMBER:** BDA 090-047**BUILDING OFFICIAL'S REPORT:**

Application of John J. DeShazo, Jr, represented by DeShazo Tang & Associates, for a special exception to the parking regulations at 7901 W. Northwest Highway. This property is more fully described as Lot 1A in City Block K/5453 and is zoned RR which requires parking to be provided. The applicant proposes to construct and maintain a structure for office uses, and retail and personal service uses, and provide 8,993 of the required 11,011 parking spaces which will require a 2,018 space special exception (18% reduction) to the parking regulations.

LOCATION: 7901 W. Northwest Highway**APPLICANT:** John J. DeShazo, Jr,
Represented by DeShazo Tang & Associates**REQUEST:**

- A special exception to the off-street parking regulations of 2,018 parking spaces (or an 18 percent reduction of the required off-street parking) is requested in conjunction with, according to application materials, accommodating the proposed conditions at NorthPark Center with a proposed building program including (according to the application) General Merchandise, Restaurant, Office, Bank, Movie Theater, and other uses inherent to a "Retail Mall." The applicant proposes to provide 8,993 of the 11,011 off-street parking spaces required in conjunction with occupying the existing center with the proposed anticipated uses.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. The special exception of 2,018 spaces shall automatically and immediately terminate when and if the property is no longer used for office uses, or retail and personal service uses permitted in the subject site's RR (Regional Retail) zoning district.
2. The applicant or property owner must submit a parking analysis of the site to the Department of Sustainable Development and Construction Project Engineer no later than December 31, 2013. Should the parking analysis show any parking deficiency, the applicant or property owner must immediately mitigate that deficiency as may be agreed between the applicant or property owner and the Department of Sustainable Development and Construction.
3. The applicant or property owner must continue to maintain the existing DART shuttle between the shopping center and the DART rail station in the future. Failure by the

- (A) establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) impose restrictions on access to or from the subject property; or
 - (C) impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
 - 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

GENERAL FACTS:

- According to a study submitted in conjunction with the application, NorthPark Center is situated on an 85.8-acre tract of land that currently contains approximately 2.2 million gross square feet of area and includes 225 stores and restaurants. The study provides a table of "existing conditions" including the following listed use categories each with a different parking requirement: retail, restaurant, furniture use, mall office use, bank office building, and theater use.
- The submitted study states that NorthPark Center is proposing a number of modifications to the existing building program to accommodate current marked demands including: providing awnings on the existing outdoor dining areas; changes in use of existing leased areas; and renovating the façade of an existing tenant that results in a minimal increase in building area.
- The applicant is proposing to provide 8,993 (or 82 percent) of the required 11,011 parking spaces required in conjunction with the existing and proposed uses on the subject site.

BACKGROUND INFORMATION:

Zoning:

- Site: RR (Regional Retail)
- North: SUP 1447, PD No. 260, SUP 1414
- South: PD No. 463
- East: PD No. 55, PD No, 92, and GO (A)
- West: SUP 30, and SUP 477

Land Use:

The subject site is developed as a retail center (NorthPark Center). The area to the north is developed with private school, multifamily and retails uses; the area to the east is developed with a freeway (Central Expressway); the area to the south is developed with retail uses; and the area to the west is developed with cemetery and philanthropic/institutional use.

Zoning/BDA History:

1. BDA 82-213, 8687 North Central Expressway (the subject site)*
 On July 27, 1982, the Board of Adjustment granted a request for a variance to the parking regulations of 737 spaces. The applicant proposed to provide 7,842 of the 8,579 parking spaces required. This variance was in conjunction with constructing a 158,612 square foot addition and conversion of 23,000 square feet of retail space into restaurant uses. (The staff had recommended that the request be denied). *Note that according to information submitted by the applicant, the parking variance of 737 parking spaces was not reflected in calculations that resulted in their conclusion that 11,153 parking spaces are required in association with the proposed additions.

2. BDA 034-129, Property at 8687 N. Central Expressway (the subject site)
 On February 18, 2004, the Board of Adjustment Panel B granted a special exception to the off street parking regulations of 1,998 parking spaces (or 18 percent of the total off-street parking requirement) which, according to the case report, was requested in conjunction with expanding an existing 1,552,282 square foot retail/restaurant/office use (NorthPark Center) by adding 693,973 sq. ft. of new area. The Board imposed the following conditions in conjunction with this request:
 1. The special exception of 1,794 spaces shall automatically and immediately terminate if and when the mixed use (shopping center) on the site is changed or discontinued;
 2. Applicant/property owner must submit a parking analysis of the site to the Department of Development Services Engineer no later than two years from the

BDA167-116
Attachment B
B1

Long, Steve

From: Roger Albright <ralbright@lawoffices.email>
Sent: Wednesday, November 22, 2017 12:15 PM
To: Long, Steve; Duerksen, Todd; Trammell, Charles; Wimer, Megan; Erwin, Philip; Dean, Neva; Cossum, David T; Williams, Kanesia; Burgess, Casey; Denman, Lloyd; Nevarez, David
Cc: Trey Hodge (thodge@retailplazas.com); Cory Mccord (cmccord@retailplazas.com)
Subject: RE: BDA167-116, Property at 6770 Abrams Road
Attachments: BDA 167-116 additional documents.pdf

Steve,
Attached is your approval letter dated 2/19/04 for BDA 034-129 . As set forth therein the Board approved a 1,794 parking space special exception with the condition indicating that the special exception " shall automatically and immediately terminate if and when the mixed use (shopping center) on the site is changed or discontinued". Again, this condition is similar to what the current applicant has proposed and what the Board approved in the NorthPark case which is the additional information i provided to the Board on the 13th. Would you please include this information for staff discussion on 11/28 and the Board docket which will be email out the week of 12/4?
Thanks again for all your assistance.

Roger Albright
Law Offices of Roger Albright
3301 Elm Street
Dallas, TX 75226-2562
214.939.9224
214.939.9229 (Fax)
E-mail: ralbright@lawoffices.email

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, November 21, 2017 9:36 AM
To: Duerksen, Todd <todd.duerksen@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>; Erwin, Philip <philip.erwin@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>; Cossum, David T <david.cossum@dallascityhall.com>; Williams, Kanesia <kanesia.williams@dallascityhall.com>; Burgess, Casey <casey.burgess@dallascityhall.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>; Nevarez, David <david.nevarez@dallascityhall.com>
Cc: Roger Albright <ralbright@lawoffices.email>
Subject: FW: BDA167-116, Property at 6770 Abrams Road

Attached is additional information that the applicant (Roger Albright) submitted at the November 13th public hearing regarding the application referenced above that I have labeled Attachment A. This information will become part of what is discussed at the November 28th staff review team meeting, and what is included in the docket that is assembled and emailed to you, the applicant, and the board members the week of December 4th.

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

Thank you,

Steve

BDA167-116

Attch B

PS2



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



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From: Long, Steve
Sent: Thursday, November 02, 2017 10:03 AM
To: 'Roger Albright' <ralbright@lawoffices.email>; 'Christy Lambeth' <christy.lambeth@deshazogroup.com>; Dean, Neva <neva.dean@dallascityhall.com>; Williams, Kanesia <kanesia.williams@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>
Cc: Denman, Lloyd <lloyd.denman@dallascityhall.com>
Subject: FW: BDA167-116, Property at 6770 Abrams Road

Attached is the review comment sheet from Lloyd Denman, Sustainable Development and Construction Department Assistant Director Engineering, regarding the application referenced above. This will be incorporated into the case report/docket that is emailed to you and the board members next week.

Please write, call, or see me if you have any concerns or questions.

Thank you,

Steve



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



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

From: Roger Albright [<mailto:ralbright@lawoffices.email>]
Sent: Wednesday, October 11, 2017 7:15 AM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: Re: BDA167-116, Property at 6770 Abrams Road

Thanks

Sent from my iPhone

On Oct 11, 2017, at 6:06 AM, Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Roger,

Please be advised that I am not able to reassign an application to another board of adjustment panel, and let me know if I can assist you in any other way on this application.

Thank you,

Steve

<image007.png>

Steve Long

Board of Adjustment Chief Planner

City of Dallas | www.dallascityhall.com

Current Planning Division

Sustainable Development and Construction

1500 Marilla Street, 5BN

Dallas, TX 75201

O: 214-670-4666

steve.long@dallascityhall.com

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<image011.png> <image012.png>

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

From: Roger Albright [<mailto:ralbright@lawoffices.email>]
Sent: Tuesday, October 10, 2017 5:45 PM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Trey Hodge (thodge@retailplazas.com) <thodge@retailplazas.com>
Subject: RE: BDA167-116, Property at 6770 Abrams Road

Steve, My client is out of the city on 11/13. Any chance we can be heard on Tuesday or Wednesday of that week instead? We don't have time to wait until December/.

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Monday, October 9, 2017 7:32 AM
To: Roger Albright <ralbright@lawoffices.email>
Cc: Duerksen, Todd <todd.duerksen@dallascityhall.com>; McCrum, Susan <susan.mccrum@dallascityhall.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>; Christy Lambeth <christy.lambeth@deshazogroup.com>
Subject: FW: BDA167-116, Property at 6770 Abrams Road

BDA 167-116
Attach B
PS 4

Dear Roger,

Here is information regarding your board of adjustment application referenced above:

1. Your submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled November 13th Board of Adjustment Panel C public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a special exception to the off-street parking regulations (51A-4.311(a)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 18 in these attached materials). Please contact Todd at 214/948-4475 or at todd.duerksent@dallascityhall.com no later than 1 p.m., Wednesday, October 25th with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report stating that the applicant proposes to construct and/or maintain a structure for a restaurant without drive-in or drive through service, office, medical clinic or ambulatory surgical center, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater use and provide 664 of the required 781 parking spaces which will require a 117 space special exception to the off-street parking regulations, or any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested off-street parking special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, you may want to contact Lloyd Denman, City of Dallas Sustainable Development Department Assistant Director Engineering at 214/948-4354 or at Lloyd.Denman@DallasCityHall.com to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on your request.

Thank you,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address by the deadlines attached in this email:

<image013.png>

Steve Long

Board of Adjustment Chief Planner

City of Dallas | www.dallascityhall.com

Current Planning Division

Sustainable Development and Construction

1500 Marilla Street, 5BN

Dallas, TX 75201

O: 214-670-4666

steve.long@dallascityhall.com

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<image022.png> <image023.png>

BDA-167-116

Attach B

B5

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

From: Duerksen, Todd

Sent: Thursday, October 05, 2017 10:49 AM

To: Christy Lambeth <christy.lambeth@deshazogroup.com>; Long, Steve <steve.long@dallascityhall.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>

Cc: Wimer, Megan <megan.wimer@dallascityhall.com>; 'John DeShazo' <john.deshazo@deshazogroup.com>; Roger Albright <ralbright@lawoffices.email>; 'Trey Hodge' <thodge@retailplazas.com>

Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

I am normally in the office and available Monday-Thursday, 8am-4pm. I am usually not available Fridays.

<image024.png>

Todd Duerksen

Sr. Plans Examiner - Zoning Code Consultant

City of Dallas | DallasCityNews.net

Building Inspection Division

Department of Sustainable Development & Construction

Oak Cliff Municipal Center

320 E. Jefferson Blvd., Rm. 105

214-948-4475

todd.duerksen@dallascityhall.com

<image014.png>

<image022.png> <image023.png>

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

From: Christy Lambeth [<mailto:christy.lambeth@deshazogroup.com>]

Sent: Wednesday, October 04, 2017 5:06 PM

To: Duerksen, Todd <todd.duerksen@dallascityhall.com>; Long, Steve <steve.long@dallascityhall.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>

Cc: Wimer, Megan <megan.wimer@dallascityhall.com>; 'John DeShazo'

<john.deshazo@deshazogroup.com>; Roger Albright <ralbright@lawoffices.email>; 'Trey Hodge'
<thodge@retailplazas.com>
Subject: FW: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception -
BDA#167-116

BDA167-116
Hazel B
AS 6

Hi Steve, Todd, and Lloyd,

Are you available...

Monday, Oct 9

Tuesday after 2:00, Oct 10

Wednesday, Oct 11

Kind Regards,
Christy

Christy Lambeth, P.E,

DeShazo Group, Inc.

Traffic Engineering | Transportation Planning | Parking Analysis | Traffic-Transportation-Parking Design
400 S. Houston Street, Suite 330, Dallas, Texas 75202
(214) 748-6740 | christy.lambeth@deshazogroup.com

From: Wimer, Megan [<mailto:megan.wimer@dallascityhall.com>]
Sent: Wednesday, October 4, 2017 4:53 PM
To: Christy Lambeth <christy.lambeth@deshazogroup.com>
Cc: 'Roger Albright' <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception -
BDA#167-116

Monday, Tuesday after 2:00, or Wednesday will work on my end.

<image025.png>

Megan Wimer, AICP
Assistant Building Official
City of Dallas | DallasCityNews.net
Sustainable Development and Construction
320 E. Jefferson Boulevard, Room 115
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com
<image026.png>
<image027.png> <image028.png>

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

From: Christy Lambeth [<mailto:christy.lambeth@deshazogroup.com>]
Sent: Wednesday, October 04, 2017 4:52 PM
To: Wimer, Megan <megan.wimer@dallascityhall.com>
Cc: 'Roger Albright' <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception -
BDA#167-116

BDA167-116
A-Hall B
B 7

Yes, I think it is important to have at least Todd and/or Steve there as well as Lloyd.

John, Roger and I are available the following next week – Can you look at your calendar then we can give the others options?

- Monday, Oct 9
- Tuesday morning or after 2:00, Oct 10
- Wednesday, Oct 11
- Friday, Oct 13

We have concerns about parking special exceptions for shopping centers, in this situation for Creekside/Alamo – but this would have impacts on future special exceptions for other shopping centers as well.

Thank you,
Christy

Christy Lambeth, P.E,

DeShazo Group, Inc.

Traffic Engineering | Transportation Planning | Parking Analysis | Traffic-Transportation-Parking Design
400 S. Houston Street, Suite 330, Dallas, Texas 75202
(214) 748-6740 | christy.lambeth@deshazogroup.com

From: Wimer, Megan [<mailto:megan.wimer@dallascityhall.com>]
Sent: Wednesday, October 4, 2017 4:22 PM
To: Duerksen, Todd <todd.duerksen@dallascityhall.com>; Long, Steve <steve.long@dallascityhall.com>; Christy Lambeth <christy.lambeth@deshazogroup.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>; Sikes, Phil <philip.sikes@dallascityhall.com>
Cc: 'Roger Albright' <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

Depending on what needs to be discussed, should we push it to next week?

<image029.png>

Megan Wimer, AICP
Assistant Building Official
City of Dallas | DallasCityNews.net
 Sustainable Development and Construction
 320 E. Jefferson Boulevard, Room 115
 Dallas, TX 75203
 O: 214-948-4501
megan.wimer@dallascityhall.com
 <image026.png>
 <image027.png> <image028.png>

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

From: Duerksen, Todd
Sent: Wednesday, October 04, 2017 4:02 PM
To: Long, Steve <steve.long@dallascityhall.com>; Christy Lambeth <christy.lambeth@deshazogroup.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>; Sikes, Phil <philip.sikes@dallascityhall.com>
Cc: Wimer, Megan <megan.wimer@dallascityhall.com>; 'Roger Albright' <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

Please be advised that I am unable to attend this meeting.

<image030.png>

Todd Duerksen
Sr. Plans Examiner - Zoning Code Consultant
City of Dallas | DallasCityNews.net
 Building Inspection Division
 Department of Sustainable Development & Construction
 Oak Cliff Municipal Center
 320 E. Jefferson Blvd., Rm. 105
 214-948-4475
todd.duerksen@dallascityhall.com
 <image031.png>
 <image032.png> <image033.png>

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

From: Long, Steve
Sent: Wednesday, October 04, 2017 3:14 PM
To: Christy Lambeth <christy.lambeth@deshazogroup.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Sikes, Phil <philip.sikes@dallascityhall.com>
Cc: Wimer, Megan <megan.wimer@dallascityhall.com>; 'Roger Albright' <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

Please be advised that I am unable to attend this meeting.

Steve

<image034.png>

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

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<image032.png> <image033.png>

BDA167-116

Attach B

PS 9

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

From: Christy Lambeth [<mailto:christy.lambeth@deshazogroup.com>]
Sent: Wednesday, October 04, 2017 1:45 PM
To: Denman, Lloyd <lloyd.denman@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Long, Steve <steve.long@dallascityhall.com>; Sikes, Phil <philip.sikes@dallascityhall.com>
Cc: Wimer, Megan <megan.wimer@dallascityhall.com>; 'Roger Albright' <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

Hello Lloyd, Todd, Steve and Phil,

Megan is available to meet this Friday after 3:00 to discuss Creekside/Alamo parking special exception. Are you available as well? We can meet at Oak Cliff.

Kind regards,
Christy

Christy Lambeth, P.E,

DeShazo Group, Inc.

Traffic Engineering | Transportation Planning | Parking Analysis | Traffic-Transportation-Parking Design
400 S. Houston Street, Suite 330, Dallas, Texas 75202
(214) 748-6740 | christy.lambeth@deshazogroup.com

From: Wimer, Megan [<mailto:megan.wimer@dallascityhall.com>]
Sent: Wednesday, October 4, 2017 1:33 PM
To: Christy Lambeth <christy.lambeth@deshazogroup.com>
Cc: Roger Albright <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

I am, thanks. Did you receive a response from the others? Do we need Lloyd, Todd, or Steve?

BDA167-116

Attachment B

PS 10

<image025.png>

Megan Wimer, AICP
Assistant Building Official
City of Dallas | DallasCityNews.net
Sustainable Development and Construction
320 E. Jefferson Boulevard, Room 115
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com
<image026.png>
<image027.png> <image028.png>

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

From: Christy Lambeth [<mailto:christy.lambeth@deshazogroup.com>]
Sent: Wednesday, October 04, 2017 1:29 PM
To: Wimer, Megan <megan.wimer@dallascityhall.com>
Cc: Roger Albright <ralbright@lawoffices.email>; 'John DeShazo' <john.deshazo@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

I hope you are feeling better today! Thank you for replying, I know you are busy.

We are also available after 3:00 this Friday – what time would you like for us to come to OCMC?

FYI - John DeShazo, Roger Albright and myself will all be coming.

Thank you so much for your help!
Christy

Christy Lambeth, P.E,

DeShazo Group, Inc.

Traffic Engineering | Transportation Planning | Parking Analysis | Traffic-Transportation-Parking Design
400 S. Houston Street, Suite 330, Dallas, Texas 75202
(214) 748-6740 | christy.lambeth@deshazogroup.com

From: Wimer, Megan [<mailto:megan.wimer@dallascityhall.com>]
Sent: Wednesday, October 4, 2017 1:22 PM
To: Christy Lambeth <christy.lambeth@deshazogroup.com>
Subject: RE: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

Hi, Christy. Sorry for the delay in responding, I was out sick. I am available on Friday after 3:00. If we can meet here at OCMC, that would be great (that way Steve would be the only staff member having to travel).

Thanks,
Megan

BDA 167-116

Attach B

PS 11

<image025.png>

Megan Wimer, AICP
Assistant Building Official
City of Dallas | DallasCityNews.net
Sustainable Development and Construction
320 E. Jefferson Boulevard, Room 115
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com
<image026.png>
<image027.png> <image028.png>

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

From: Christy Lambeth [<mailto:christy.lambeth@deshazogroup.com>]
Sent: Monday, October 02, 2017 2:55 PM
To: Wimer, Megan <megan.wimer@dallascityhall.com>
Cc: 'John DeShazo' <john.deshazo@deshazogroup.com>; Denman, Lloyd <lloyd.denman@dallascityhall.com>; Sikes, Phil <philip.sikes@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Roger Albright <ralbright@lawoffices.email>; Kay, Kiesha <kiesha.kay@dallascityhall.com>; Long, Steve <steve.long@dallascityhall.com>
Subject: Alamo Theater at Creekside Shopping Center - Meeting Re: Parking Special Exception - BDA#167-116

Good afternoon Megan,

We are working with Roger Albright on the parking special exception for Alamo Theater at Creekside Shopping Center. John DeShazo, Roger and I would love to meet with you, Lloyd, Steve, Todd, and/or Phil to discuss this case. Would you be available to set up this meeting?

John, Roger and I are available the following times this week:

Tuesday afternoon, 10-3

Wednesday, 10-4

Friday, 10-6

We appreciate your help!

Kindly,
Christy

Christy Lambeth, P.E.

DeShazo Group, Inc.

Traffic Engineering | Transportation Planning | Parking Analysis | Traffic-Transportation-Parking Design
400 S. Houston Street, Suite 330, Dallas, Texas 75202
(214) 748-6740 | christy.lambeth@deshazogroup.com



CITY OF DALLAS

BDA(167)-116

Attach B

PS R

FEB 21 2004

February 19, 2004

Exhibit 2

John DeShazo, Jr.
400 S. Houston, Suite 330
Dallas, TX 75202

Re: BDA 034-129
8687 N. Central Expressway

Dear Mr. DeShazo:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, February 18, 2004, granted your request for a special exception of 1,794 parking spaces to the off-street parking regulations, subject to the following conditions:

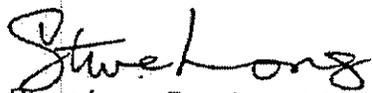
- The special exception of 1,794 spaces shall automatically and immediately terminate if and when the mixed use (shopping center) on the site is changed or discontinued;
- Applicant/property owner must submit a parking analysis of the site to the Department of Development Services Engineer no later than two years from the date of completion of the expansion and build out of the proposed additions to the shopping center. Should the parking analysis show any parking deficiency, applicant/property owner must immediately mitigate that deficiency as may be agreed between the applicant/property owner and the Department of Development Services; and
- Applicant/property owner must continue to maintain the existing DART shuttle service between the shopping center and the DART rail station in the future in order to continue the transit credit of 167 parking spaces. Failure by the applicant/property owner to main the DART shuttle service in the future will result in loss of the credit for the 167 parking spaces only.

Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

BDA167-116
Attach B
P13

February 19, 2004
Page 2
BDA 034-129

Should you have any further questions regarding the Board's action, please contact me at (214) 670-5834.



Steve Long, Board Administrator
Board of Adjustment
Department Development Services

SL/ti

c: Cherrita Johnson, Code Enforcement, Room 6/C/S
Danny Sipes, Bldg. Inspection, 320 E. Jefferson #105
File



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-116

Data Relative to Subject Property:

Date: 08/21/2017

Location address: 6770 Abrams Road Zoning District: CR

Lot No.: 1A Block No.: 1/5435 Acreage: 7.73 Census Tract: 78.21

Street Frontage (in Feet): 1) 787 2) 479 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property/or Principal: RPI Skillman Abram S.C., Ltd.

Applicant: Roger Albright

Mailing Address: 3301 Elm Street, Dallas, Texas Zip Code: 75226-1637

Represented by: Roger Albright Telephone: 214.939.9224

Mailing Address: 3301 Elm Street, Dallas, Texas Zip Code: 75226-1637

Affirm that a request has been made for a Variance, or Special Exception X, of 117 spaces in the number of off-street parking spaces required for the Creekside Shopping Center which does or will contain the following uses: restaurant without drive-in or drive-thru service; office, medical clinic or ambulatory surgical center, personal service, dry cleaner or laundry store, general merchandise or a food store. 3,500 sq. ft. or less, theater or any combination of these uses which would normally need no more than 781 required off-street parking spaces. This proposed 117 space reduction from 781 spaces required by Code to the 664 spaces to be provided constitutes a 15% reduction.

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

This shopping center includes a theater use known as Alamo Draft House. This is not a conventional motion picture theater, but rather a "cinema eatery" which incorporates a full service restaurant use whereby staff provides food and beverage service to movie patrons in the movie theater auditoriums. The necessary inclusion of tables or other eating surfaces and necessary service aisles within the movie auditoriums results in less patrons being seated in a given square (continued on next page)

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.

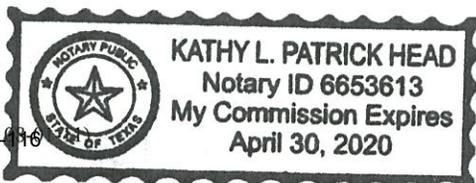
Affidavit

Before me the undersigned on this day personally appeared (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 29th day of September, 2017.



(Notary Public 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

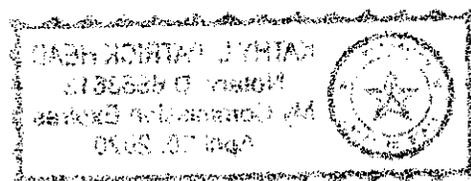
I hereby certify that Roger Albright

did submit a request for a special exception to the parking regulations
at 6770 Abrams Road

BDA167-116. Application of Roger Albright for a special exception to the parking regulations at 6770 Abrams Road. This property is more fully described as Lot 1A, Block 1/5435, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, office use, medical clinic or ambulatory surgical center use, personal service use, dry cleaner or laundry store use, general merchandise or food store 3500 square feet or less use, and theater use, and provide 664 of the required 781 parking spaces, which will require a 117 space special exception (15% reduction) to the parking regulation

Sincerely,

Philip Sikes
Philip Sikes, Building Official

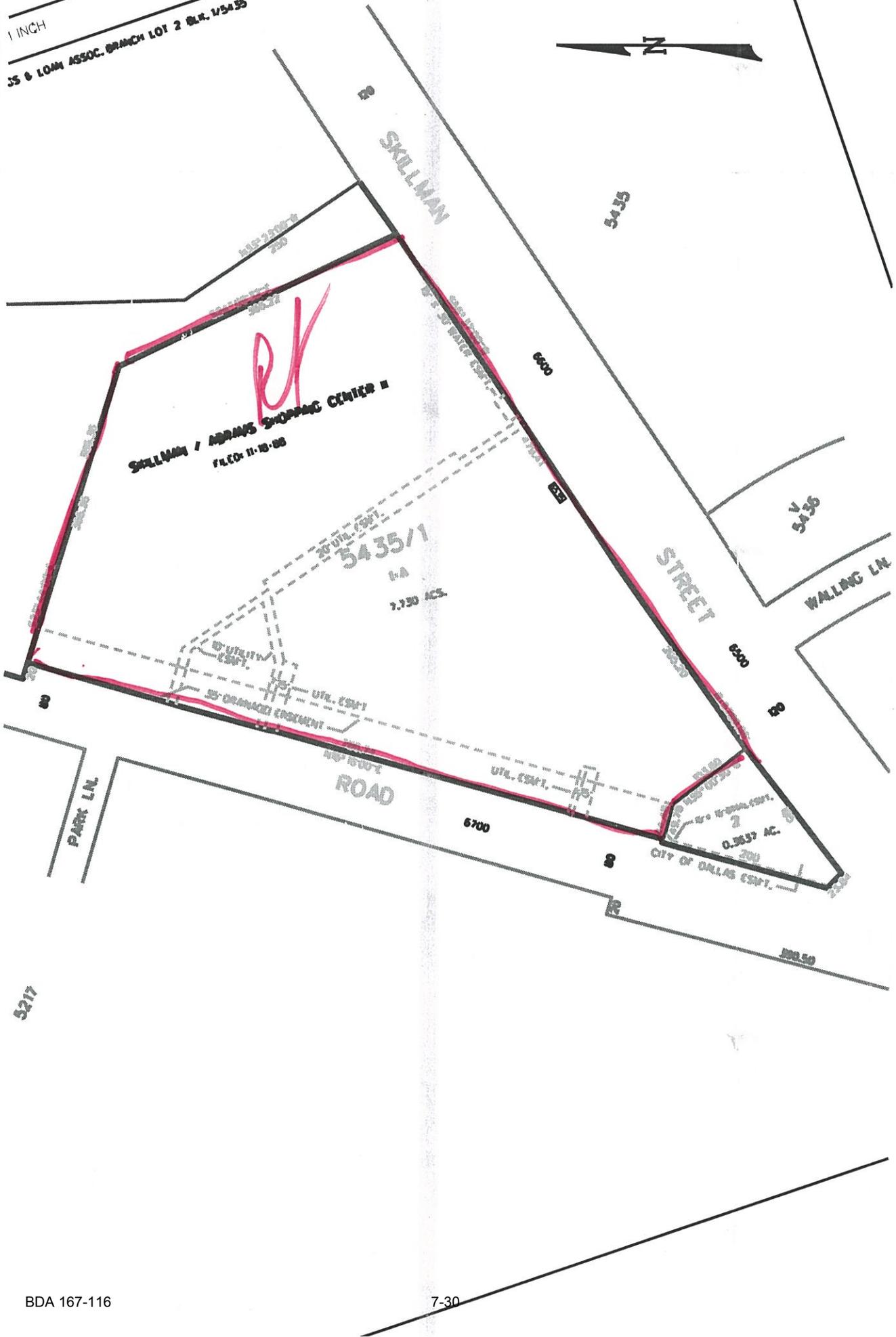


BCC.

00 7-11-

1 INCH

35 & LOAN ASSOC. BRANCH LOT 2 B.L.R. 19435



5217

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

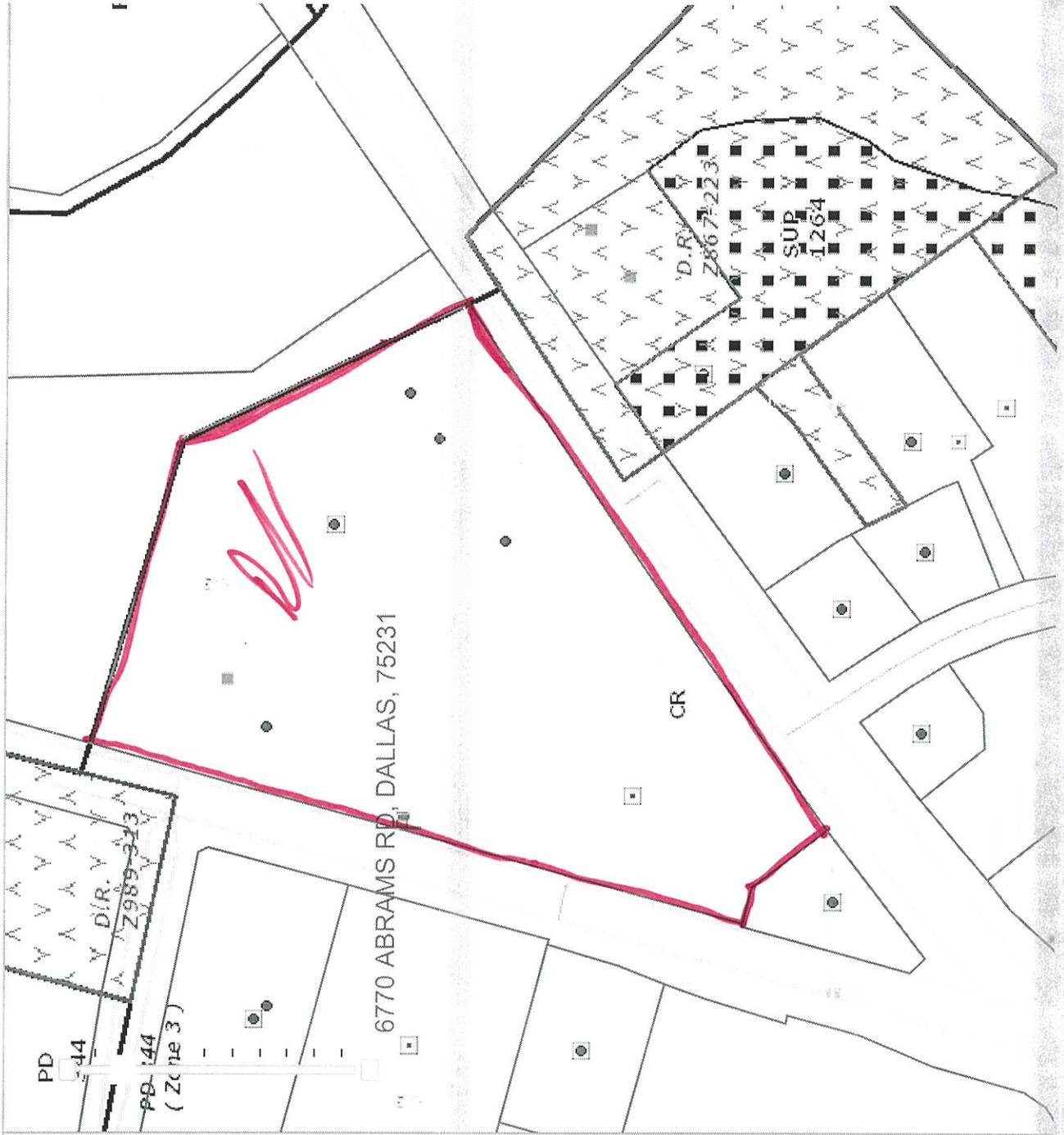
Street address,
6770 abrams

Locate

OR

Parcel address,
Use street type for better re

Locate



Continued from first page –

footage of seating area within the auditoriums where the movies are shown. This difference in layout and form of the cinema eatery use is not reflected in the required off-street parking requirement for theater uses contained within the Development Code which requires 1 space per 28 sq. ft. of seating area. Under that requirement, the theater use would require 346 off-street parking spaces. The previous theater parking requirement contained in Chapter 51 and still used as the basis for required parking for theater uses within the boundaries of PD-193 (e.g., the Magnolia Theater in West Village) is only one space for every 4 seats. In the case of the Alamo Drafthouse use which has a total of 816 seats, Chapter 51 would only require 204 off-street parking spaces rather than 346, a reduction of 142 spaces. Applicant only seeks a 117 space reduction. As set forth in the DeShazo Group parking study filed with this Application, the parking demand generated by the theater use does not warrant the number of off-street parking spaces required and the proposed Special Exception would not create a traffic hazard or increase traffic congestion on the adjacent or nearby streets. Nationally published data for theater seating would support a 126 space reduction; the shared parking analysis contained within the DeShazo Study would also support the requested special exception; DeShazo's shared parking analysis of all the Creekside uses would support a 182 space reduction. The applicant only seeks a 117 space/15% reduction.

Overall Parking Chart

for properties regulated by Dallas Development Code, Chapter 51A

Address: 6780 Skillman St. Dallas, TX 75231

Suite Number	Suite Name	Suite Type	Suite Area	Required	Parking
100	Proposed	Restaurant	2,573	1/100 SF	25.73
100 (remote)	Proposed	Restaurant	6,329	1/100 SF	63.29
101 south	Proposed	Restaurant	3,293	1/100 SF	32.93
105 (remote)	Proposed	Restaurant	4,231	1/100 SF	42.31
107 north	Bahama Bucks	Restaurant	1,740	1/100 SF	17.40
109 B	Subway	Restaurant	1,140	1/100 SF	11.40
110	Proposed	Restaurant	1,600	1/100 SF	16.00
119 south	Wingstop	Restaurant	1,500	1/100 SF	15.00
180	Proposed	Restaurant	1,600	1/100 SF	16.00
190	Proposed	Restaurant	3,178	1/100 SF	31.78
			27,484	Total	274.84
103 A	Liberty Tax	Office	919	1/333 SF	2.76
205	Proposed	Office	2,163	1/333 SF	6.50
210	Proposed	Office	2,045	1/333 SF	6.14
215	Proposed	Office	3,357	1/333 SF	10.08
			8,484	Total	25.48
101 north	Colorful Nails	Personal Service	1,020	1/200 SF	5.10
105	Proposed	Retail	1,749	1/200 SF	8.75
107 south	Proposed	Retail	1,800	1/200 SF	9.00
109	Proposed	Retail	1,619	1/200 SF	8.10
111	Proposed	Retail	2,400	1/200 SF	12.00
115 south	Proposed	Retail	1,440	1/200 SF	7.20
115 north	Best Clips	Personal Service	1,200	1/200 SF	6.00
119 north	Abrams Cleaners	Dry Cleaners	3,236	1/200 SF	16.18
201	Dentist - Dr. Jeffrey Jones	Medical Office	1,500	1/200 SF	7.50
203	Foot Doctor	Medical Office	1,454	1/200 SF	7.27
207	South Texas Dental Office	Medical Office	4,745	1/200 SF	23.73
209	My Salon Suites	Personal Service	5,298	1/200 SF	26.49
			27,461	Total	137.51
123	Alamo Drafthouse	Theater	9,690	1/28 SF	346.07
			9,690	Total	346.07
	Total		72,819		781

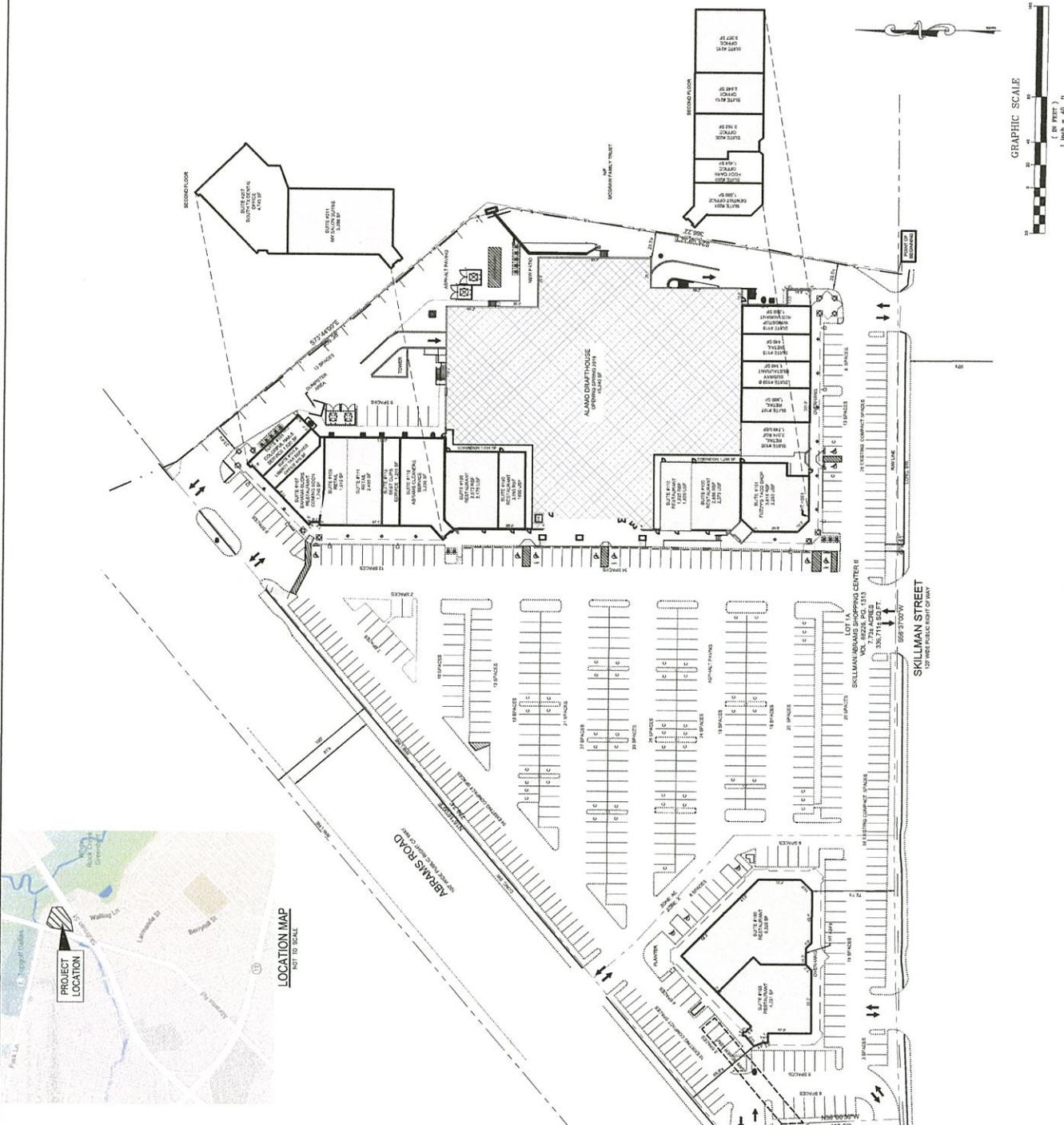
PRELIMINARY
NOT FOR CONSTRUCTION

NO.	DATE	REVISIONS/COMMENTS

Creekside Shopping Center
6750-6780 Skillman
Dallas, Texas

Parking Analysis

SCALE:	1" = 40'
DRAWN BY:	MT
CHECKED BY:	MT
PROJECT NO.:	2017-028
DATE:	APRIL 2017
SHEET:	1 OF 1



RESTAURANT (1:100 SF)	
SUITE #100 6,328 SF	
SUITE #105 4,231 SF	
SUITE #100 2,973 USF	
SUITE #101 PUZZY'S TACO SHOP 3,233 USF	
SUITE #107 BANANA BUNCH 1,740 SF	
SUITE #109 B. SUBWAY RESTAURANT 1,140 SF	
SUITE #110 2,000 USF	
SUITE #118 WINGSTOP RESTAURANT 1,000 SF	
SUITE #190 3,178 USF	
TOTAL RESTAURANT 27,184 SF	
OFFICE SPACE (1:333 SF)	
SUITE #103 A. LIBERTY TAX SERVICE 819 SF	
SUITE #205 2,163 SF	
SUITE #210 2,045 SF	
SUITE #215 3,307 SF	
TOTAL OFFICE 6,484 SF	
RETAIL (1:100 SF)	
SUITE #101 COLORFUL NAILS 1,020 SF	
SUITE #105 1,740 USF	
SUITE #107 1,800 SF	
SUITE #109 1,810 SF	
SUITE #111 2,400 SF	
SUITE #115 1,440 SF	
SUITE #119 ABRAMS CLEANERS 3,236 SF	
SUITE #211 MY SALON SUITES 5,208 SF	
SUITE #201 DENTIST OFFICE 1,500 SF	
SUITE #203 FOOT CARE 1,454 SF	
SUITE #207 SOUTH TX DENTAL 4,745 SF	
TOTAL RETAIL 27,461 SF	

PARKING PROVIDED	550
SURFACE PARKING	484
LANDSCAPE PARKING	17
COMPACT PARKING	208
BIKE PARKING	30
OFFICE SPACE (1:333 SF)	6,484 S.F.
RETAIL (1:100 SF)	27,461 S.F.
RESTAURANT (1:100 SF)	27,184 S.F.
BIKE PARKING (1/25 PARKING SPACES)	637 SPACES
PARKING REDUCTION (1/8 BIKE PARKING)	35 BIKES
TOTAL REQUIRED PARKING	778
OVERSPACE	8,992 S.F.
APPROXIMATE PROPOSED GREENSPACE	6,220 S.F.



TECHNICAL MEMORANDUM

To: Trey Hodge — Retail Plazas, Inc.
From: Christy Lambeth, P.E. — DeShazo Group, Inc.
Date: August 15, 2017
Re: Parking Analysis for the Creekside Shopping Center at 6770 Abrams Road in Dallas, Texas
DeShazo Project Number 17099

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis. The services of DeShazo were retained by RPI Skillman Abrams S.C., LTD (Client) to study the parking provisions for the Creekside Shopping Center, an existing center located at the northeastern intersection of Abrams Road and Skillman Street, bound by White Rock Creek Trail to the north, legally described as Lot 1A, Block 1/5435 in Dallas Texas.

The Creekside Shopping Center is zoned as Community Retail (CR) district and subject to the off-street parking requirements established in the City of Dallas Development Code Chapter §51A. The shopping center has retail, office, restaurant and theater uses. The anchor tenant is Alamo Cinema Drafthouse. The Alamo Cinema Drafthouse has 9,690 SF of seating area with 816 seats.

PURPOSE

This report presents a summary of a technical evaluation of the parking needs for the proposed Alamo Drafthouse Cinema and the Creekside Shopping Center. Findings of this analysis are intended to support a Parking Special Exception request to reduce the direct City of Dallas Code Chapter §51A parking requirement for the shopping center. This memorandum summarizes the code parking requirement and the projected parking demand based upon published national technical data and DeShazo's professional judgment and experience from prior parking studies.

PARKING SUPPLY

The shopping center currently provides a total supply of 664 off-street parking spaces.

CODE PARKING REQUIREMENT

As shown in **Table 1**, 781 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code.

Table 1. City Code Parking Requirement Summary

LAND USE	CITY CODE	TOTAL AMOUNT	RATE (1 space per)	REQUIRED PARKING
Restaurant	51A-4.210(b)(24)(C)(i)	27,184 SF	100 SF	271.84
Office	51A-4.207(5)(C)	8,484 SF	333 SF	25.48
Retail	51A-4.210(b)(13)(C)/ 51A-4.210(b)(14)(C)	27,461 SF	200 SF	137.31
Cinema Movie Theater (Alamo Drafthouse Cinema)	51A-4.210(b)(30)(C)	9,690 SF	28 SF	346.07
			TOTAL:	781 spaces

Bicycle Parking Reduction

In accordance with Section §51A-4.314 of the City of Dallas Development Code, off-street parking may be reduced if bicycle parking is provided. The Code allows for a reduction of *one off-street parking space for every six Class I bicycle parking spaces provided*, but a *bicycle parking reduction cannot exceed five percent of the total required off-street parking spaces for a building site*.

Following the City Code requirements, The Creekside Shopping Center may receive an off-street parking reduction if bicycle parking spaces are provided. However, this analysis does not account for bicycle parking, therefore, there will be an additional parking supply that is not accounted for in this study.

UNIQUE CHARACTERISTICS FOR THEATERS

The proposed theater will not be a conventional motion picture theater, but rather a “cinema eatery” whereby staff provides food and beverage service to movie patrons in the movie auditoriums. The necessary inclusion of tables or other eating surfaces and necessary service aisles within the movie auditoriums results in less patrons being seated in a given square footage of seating area within the auditorium where the movies are shown. An illustration comparing traditional theater seating and Alamo Drafthouse Cinema theater seating is provided in the **Appendix**.

This difference in layout and form of cinema eatery use is not reflected in the required off-street parking requirement within the City of Dallas Development Code Chapter §51A, which requires 1 space per 28

square feet of seating area, which means that this theater would require 346 off-street parking spaces. The Alamo Theater and seating spaces are more spaced out than a traditional movie theater. Therefore, parking should be required based on number of seat rather than square footage.

PARKING DATA FOR THEATERS

As a validation for the recommended parking rate for Movie Theater uses, published parking demand data is available from the *Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition (2010)* and from the *Urban Land Institute (ULI) Shared Parking (2010)* publication. These publications provide a reliable compilation of parking demand data from various land uses collected around the country over several years.

Table 2. Parking Data for Movie Theaters

<i>Reference</i>	<i>Parking Rates</i>	<i>Parking Spaces for the Theater</i>	
Dallas City Code Chapter §51A	1 space/28 SF	346 spaces	—
ITE Parking Generation ¹	0.26 vehicles/seat (1 vehicle/3.85 Seats)	212 spaces	(134 spaces less than code)
ULI Shared Parking ²	0.27 vehicles/seat (1 vehicle/3.70 Seats)	220 spaces	(126 spaces less than code)

¹Institute of Transportation Engineers (ITE) Parking Generation, 4th Edition (2010), Land Use 444

²Urban Land Institute (ULI) Shared Parking, 2nd Edition (2005)

Note: Alamo Cinema Drafthouse has 816 seats, throughout 8 auditoriums/theaters.

SHARED PARKING ANALYSIS FOR THE SHOPPING CENTER

Study Approach

To analyze the projected parking needs for the Creekside Shopping Center, DeShazo customized a version of the DeShazo Shared Parking Model. This model is a mathematical analysis tool used to identify shared parking opportunities and project the hourly parking demands of mixed use developments. It incorporates a variety of site-specific factors and other concepts known to affect the parking demand at mixed use developments. It is derived from technical publications and supplemented by proprietary data from previous studies performed by DeShazo. The following sections summarize the application of this model.

Shared Parking Model

The *DeShazo Shared Parking Model* derives from the concepts of the Urban Land Institute (ULI) *Shared Parking, 2nd Edition (2005)* and utilizes published parking demand data from ULI and the Institute of Transportation Engineers (ITE) *Parking Generation, 4th Edition (2010)*, as well as historical, local parking data and experience compiled by DeShazo over many years. As needed, the model is customized to reflect actual conditions for specific developments and anticipated tenants.

Shared Parking Definition

"Shared parking" is a concept that acknowledges the efficiencies of the net parking demand within a common parking facility that is generated by multiple land uses. Efficiency is realized due to the nature of combining multiple tenants with complementary parking demand.

The *time-of-day* component of shared parking considers offsets in the parking demand peaks of various land uses which permits a single parking space to be used during part of the day for a given use and an earlier or later part of the day for one or more other uses.

Shared Parking Model Methodology

The concepts and methods of customizing the *DeShazo Shared Parking Model* for the *Creekside Shopping Center* are explained in the following steps.

1. For each land use category, two independent parking rates were applied: a long-term (e.g., employees, residents) and a short-term (e.g., customer, visitor) parking ratio in terms of number of cars per unit. Parking ratios are based on data published by ULI and ITE as well as local historical data compiled by DeShazo over many years. Ratios are intended to reflect anticipated parking characteristics based on propriety data and the client's description of the proposed tenants.
2. Urban developments normally experience additional reduction factors that account for the use of transit and/or latest trends in local ridership (e.g., Uber, Lift). However, no further reductions were considered in this analysis based upon a subjective evaluation of the study site location. Albeit alternative modes of transportation may play an important role at Creekside Shopping Center in the future, their impact will only reduce parking projections presented in this study.
3. After calculating hourly parking demands for each land use, totals were tabulated by hour of day to identify the cumulative parking demand of each study area on a typical weekday and Saturday.

Shared Parking Analysis Results

Based upon the shared parking analysis, the projected peak parking demand for the shopping center is 599 vehicles, thereby supporting a 182-parking space reduction from the 781-parking space code requirement. The demand is graphically presented in **Figure 1** and details of the cumulative hourly parking demand are included in the Appendix.

Figure 1A. Shared Parking Demand at Creekside Shopping Center
WEEKDAY PARKING DEMAND

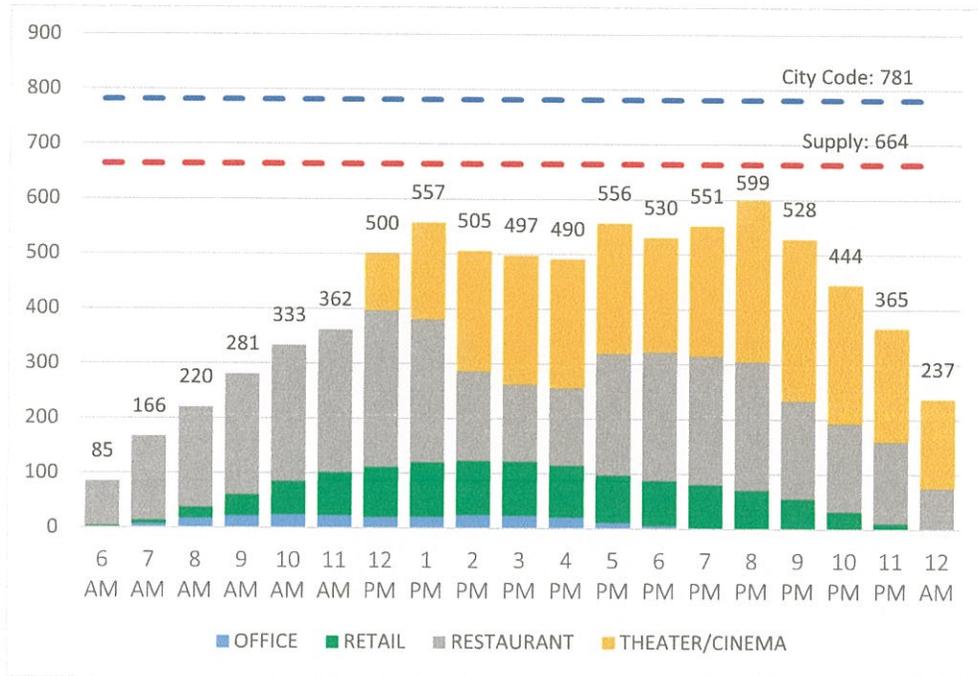
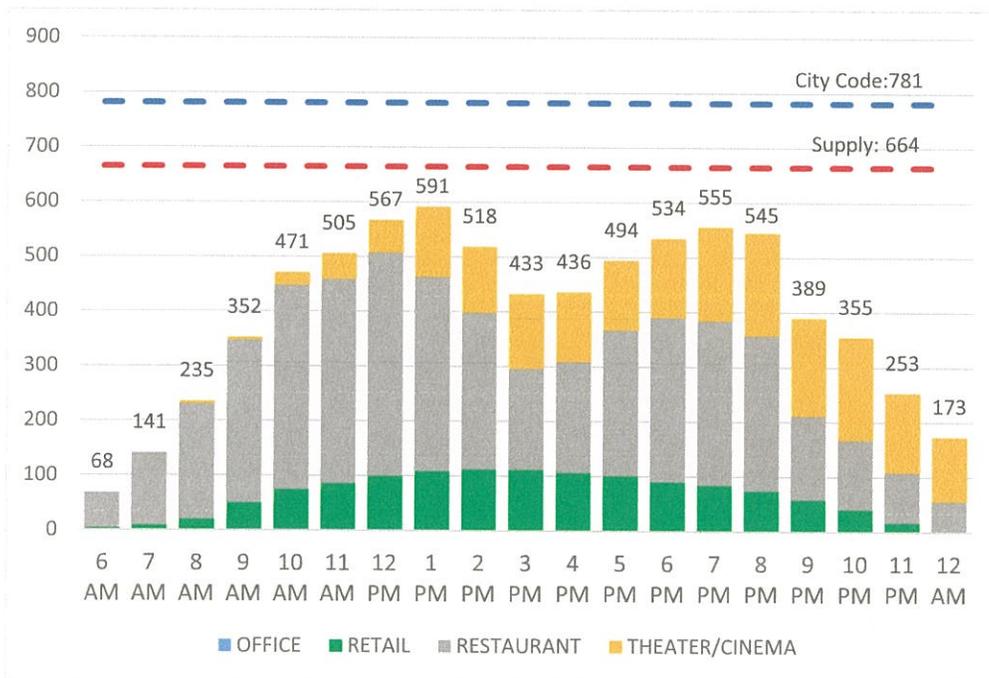


Figure 1B. Shared Parking Demand at Creekside Shopping Center
SATURDAY PARKING DEMAND



SUMMARY

This study summarizes the code parking requirements for the Creekside Shopping Center located at the northeastern intersection of Abrams Road and Skillman Street in Dallas, Texas. Based upon application of the standard parking requirements from the City of Dallas Development Code Chapter §51A, a total off-street parking supply of 781 parking spaces would typically be required for the development. However, a parking requirement reduction is supported based upon published parking demand characteristics for a movie theater, as well as shared parking analysis for the shopping center, as summarized below.

- Nationally published data for theater seating (shown in **Table 2**):
126-parking space reduction from code requirement is warranted
- Shared parking analysis for Creekside Shopping Center (shown in **Figure 1**):
182-parking space reduction from code requirement is warranted

In accordance with Section 51A-4.311(a)(1), the Board of Adjustment may grant a special exception to authorize a maximum reduction of 25% of the number of off-street parking spaces required. DeShazo supports the exception of 117 spaces (or 15% of the required 781 spaces) based upon the results of this technical analysis, professional judgment and experience from similar parking.

Table 3. Parking Special Exception Request

<i>Reference</i>	<i>Number of Parking Spaces</i>
Parking Supply	664 spaces
Dallas City Code <i>Chapter §51A</i>	781 spaces
Deficit (Request):	117 spaces (15%)

The objective of this memorandum was to provide technical support for a proposed Parking Special Exception. Based upon the results of this technical analysis, professional judgment and experience from similar parking studies, DeShazo recommends approval of the 117-space (15%) Parking Special Exception.

PARKING SPECIAL EXCEPTION REQUEST

A Parking Special Exception is requested from the City of Dallas Board of Adjustment. Based upon findings of this analysis, 664 spaces (i.e., 15% reduction) will satisfy the parking needs for the Creekside Shopping Center in Dallas, Texas. A reduction of 117 required spaces is warranted based upon the following considerations as specified in the Dallas Development Code §51A-4.2(a)(2):

(A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*

A parking reduction justification for the subject property is a function of actual parking characteristics inherent to community, mixed-use developments and does not rely upon remote or packed parking.

(B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*

The projected parking demand takes into consideration the needs of the fully functional shopping center. In determining an appropriate parking demand, DeShazo consulted parking demand data published on ITE's *Parking Generation* manual, 4th Edition (2010); *the Urban Land Institute (ULI) Shared Parking (2010)* publication; and DeShazo's professional judgment and experience from similar parking analyses in the Dallas-Fort Worth area.

(C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*

The subject site is zoned CR. This request is based upon the subject site's independent projected parking demands and not upon any special zoning adjustments.

(D) *The current and probably future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides convenient site access to the surrounding roadway network.

(E) *The availability of public transit and the likelihood of its use.*

The site is located approximately a mile and a half from Dallas Area Rapid Transit (DART) Rail System's Red Line Park Lane Station and approximately a mile from the Blue Line White Rock Station. DART public transit Bus Routes 582 and 583 is also within convenient walking distance. However, transit is not considered a factor in the justification of a parking reduction.

(F) *The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

The parking reduction is justified by specific parking demand characteristics for the Creekside Shopping Center. This study does not account for the parking reduction due to bicycle parking, which will provide additional spaces. No other parking mitigation measure is considered significant in the evaluation of the property's parking needs.

In summary, DeShazo recommends approval of a 117-space (15%) reduction to authorize the proposed layout with 664 off-street parking spaces. The requested parking reduction will neither create a traffic hazard nor restrict the subject property parking operations. It is also presumed that it is in the best interest of the property owner to provide an appropriate parking environment for their tenants.

END OF MEMO

DeShazo Shared Parking Analysis for
Creskide Shopping Center
WEEKDAY

SEE EXHIBIT 1

Quantities **8,484** SF GBA **27,461** SF GBA **27,184** SF GBA **816** Seats

LAND USE	OFFICE (General) ITE-701 (spaces/kSF)			RETAIL (Strip/Mixed) ITE-820 (spaces/kSF)			RESTAURANT (Hi-TO Fam/Chain) ITE-932 (spaces/unit)			THEATER/CINEMA (W/ Matinee) ITE-444 (spaces/unit)		
	employee	visitor	TOTAL	employee	customer	TOTAL	employee	customer	TOTAL	employee	customer	TOTAL
PEAK RATIO	2.59	0.25	2.84	0.70	2.90	3.60	1.50	9.00	10.50	0.01	0.35	0.36
(1 space/unit)	386	4000	352	1429	345	278	667	111	95	-	-	-

I. Hourly Rates (as percent, proprietary data available upon request)

IIIa. Long-Term Parking Subtotals (employee, resident, etc.)

6:00 AM	1		2		20		0		23
7:00 AM	7		3		31		0		40
8:00 AM	16		8		37		0		61
9:00 AM	21		14		37		0		72
10:00 AM	22		16		41		0		79
11:00 AM	22		18		41		0		81
12:00 PM	20		19		41		4		84
1:00 PM	20		19		41		5		85
2:00 PM	22		19		41		5		87
3:00 PM	22		19		31		6		78
4:00 PM	20		19		31		6		76
5:00 PM	11		18		39		8		76
6:00 PM	5		18		39		8		71
7:00 PM	2		18		39		8		67
8:00 PM	2		17		39		8		66
9:00 PM	1		14		33		8		56
10:00 PM	0		8		27		8		43
11:00 PM	0		3		27		6		35
12:00 AM	0		0		14		4		18

IIIb. Short-Term Parking Subtotals (customer, guest, etc.)

Peak Hour Demand: 87

6:00 AM	0	1	61	0	62
7:00 AM	0	4	122	0	126
8:00 AM	0	12	147	0	159
9:00 AM	1	24	183	0	209
10:00 AM	2	44	208	0	254
11:00 AM	1	60	220	0	281
12:00 PM	0	72	245	100	417
1:00 PM	1	80	220	171	472
2:00 PM	2	80	122	214	418
3:00 PM	1	80	110	228	419
4:00 PM	0	76	110	228	415
5:00 PM	0	68	183	228	480
6:00 PM	0	64	196	200	459
7:00 PM	0	60	196	228	484
8:00 PM	0	52	196	286	533
9:00 PM	0	40	147	286	472
10:00 PM	0	24	135	243	401
11:00 PM	0	8	122	200	330
12:00 AM	0	0	61	157	218

IV. Weekday Total Parking Demand

Peak Hour Demand: 533

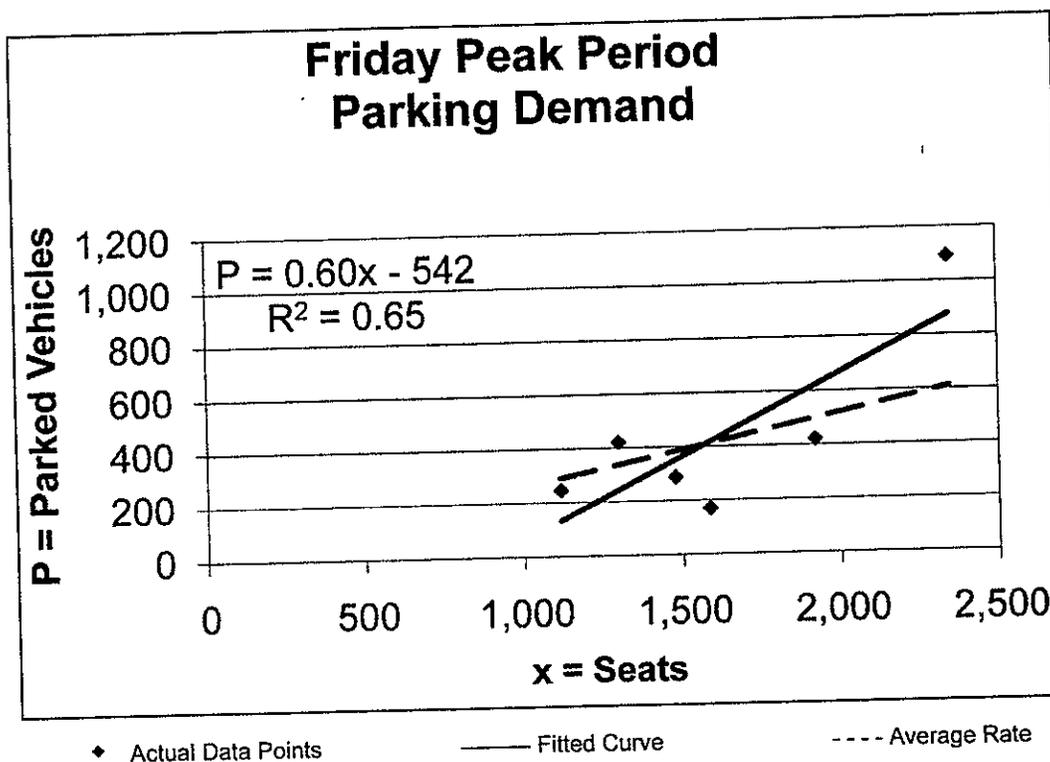
6:00 AM	1	3	82	0	85
7:00 AM	7	7	153	0	166
8:00 AM	17	20	183	0	220
9:00 AM	22	38	220	0	281
10:00 AM	24	60	249	0	333
11:00 AM	23	78	261	0	362
12:00 PM	20	91	285	104	500
1:00 PM	21	99	261	176	557
2:00 PM	24	99	163	219	505
3:00 PM	23	99	141	235	497
4:00 PM	20	95	141	235	490
5:00 PM	11	86	222	237	556
6:00 PM	6	82	234	208	530
7:00 PM	2	78	234	237	551
8:00 PM	2	69	234	294	599
9:00 PM	1	54	179	294	528
10:00 PM	0	32	161	251	444
11:00 PM	0	11	149	206	365
12:00 AM	0	0	75	161	237

Peak Hour Pkg Demand: 599

Land Use: 444 Movie Theater with Matinee

**Average Peak Period Parking Demand vs. Seats
On a Friday**

Statistic	Peak Period Demand
Peak Period	8:00-10:00 p.m.
Number of Study Sites	6
Average Size of Study Sites	1,600 seats
Average Peak Period Parking Demand	0.26 vehicles per seat
Standard Deviation	0.12
Coefficient of Variation	49%
Range	0.11-0.46 vehicles per seat
85th Percentile	0.36 vehicles per seat
33rd Percentile	0.21 vehicles per seat



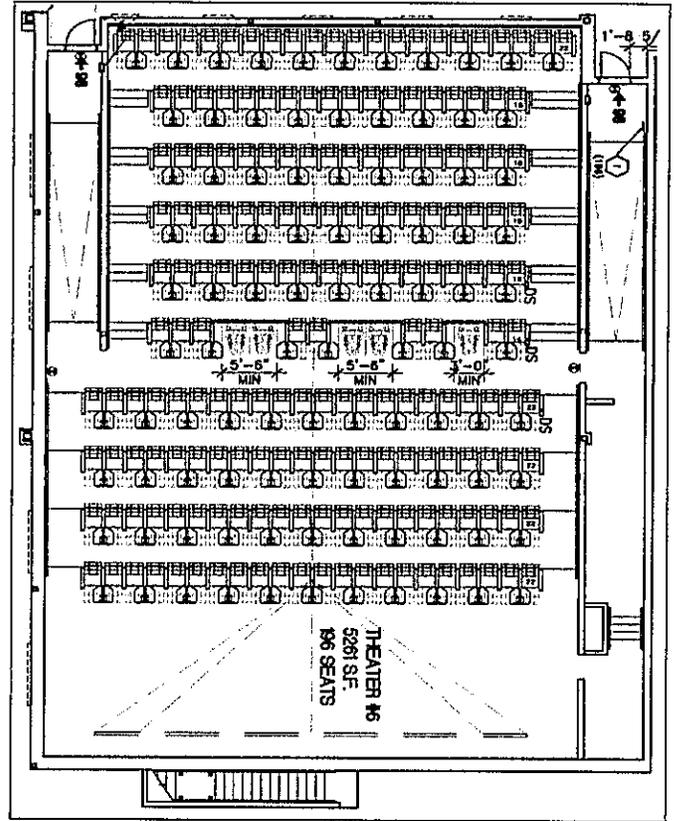
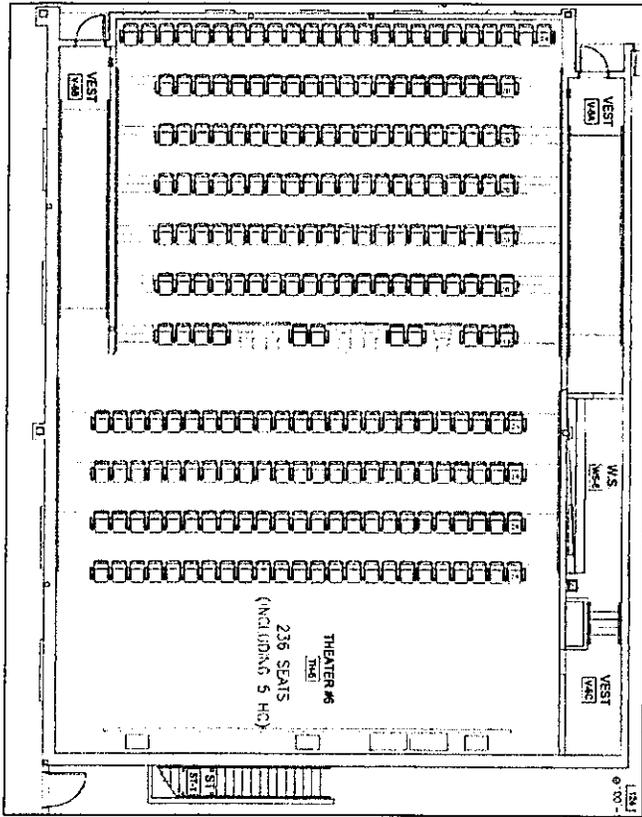
Layout Comparison between a Traditional Theater Seating and Alamo Draffhouse Seating

Alamo Cinema Draffhouse at Creekside Shopping Center will have 8 auditoriums/theaters.

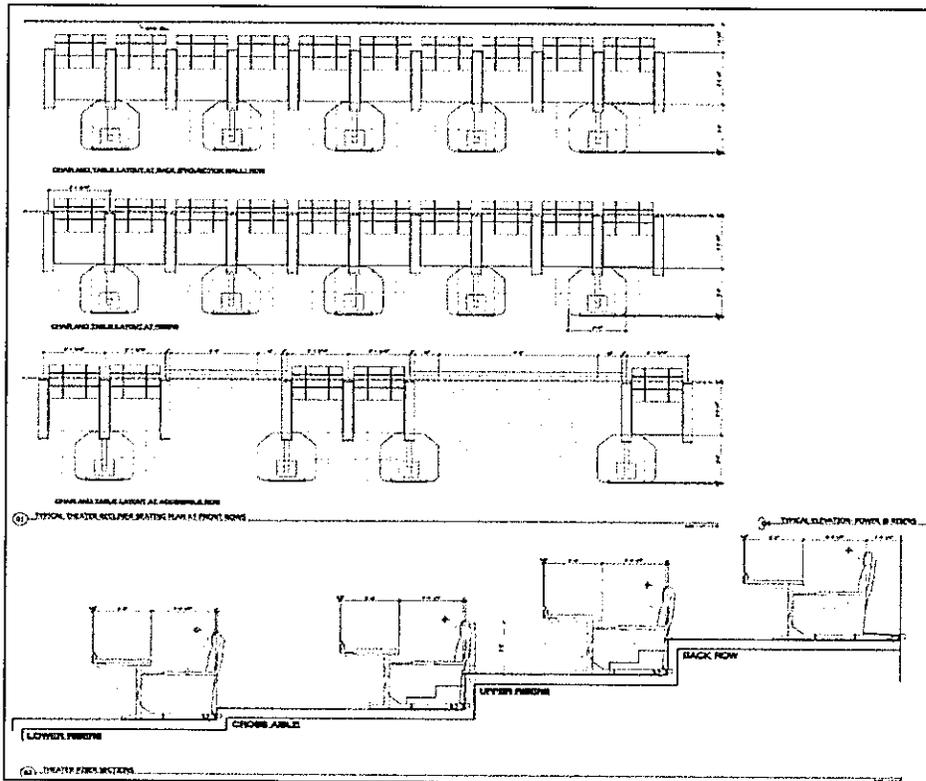
Below is a comparison of what one auditorium may look like between traditional movie theater and Alamo seating.

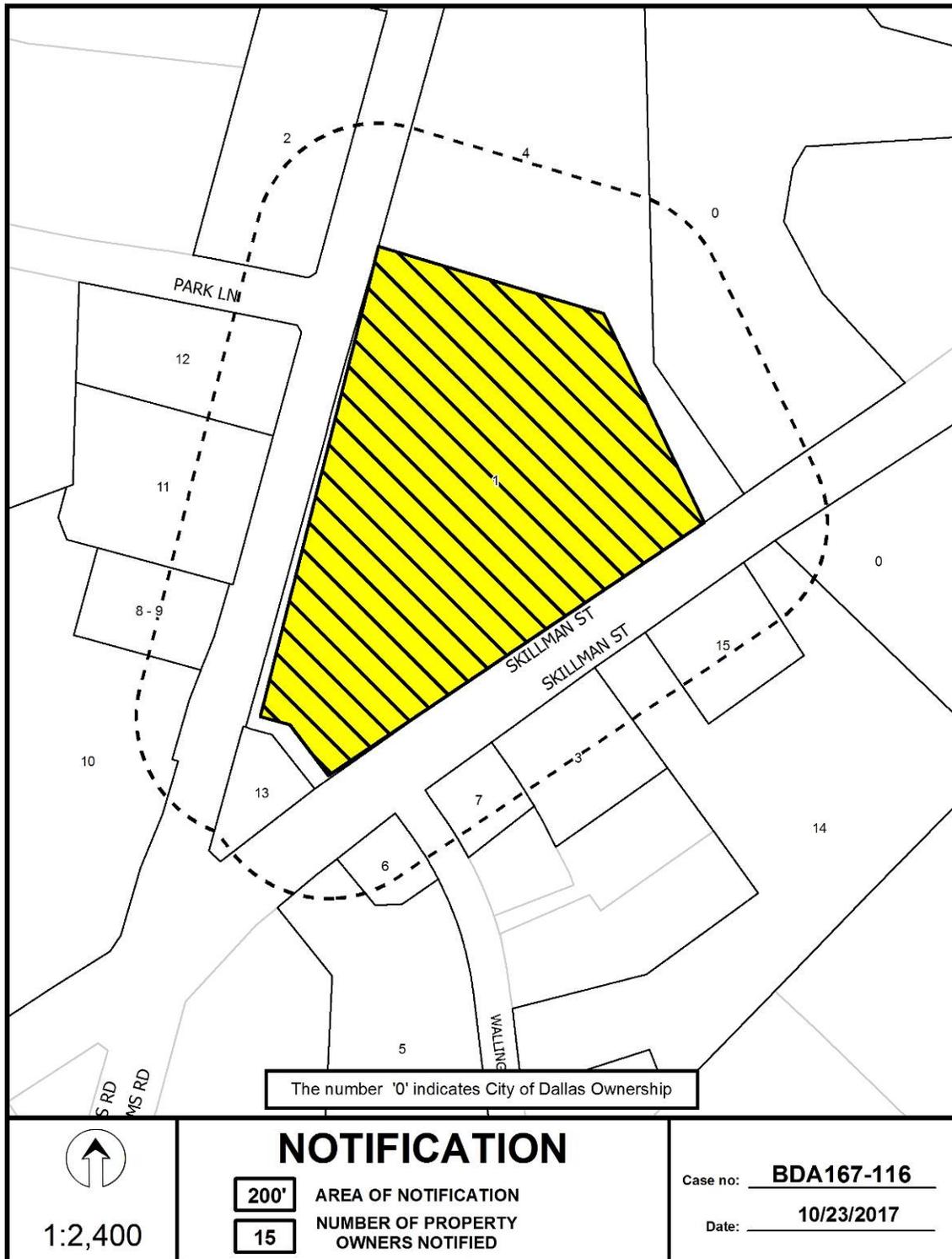
Traditional Theater Seating (236 Seats)

Alamo Draffhouse Seating (196 Seats)



Alamo Draffhouse Seating (Plan and Section View)





Notification List of Property Owners

BDA167-116

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6770 ABRAMS RD	RPI SKILLMAN ABRAMS S C LTD
2	6801 ABRAMS RD	CARUTH EARLE CLARK TRUST
3	6616 SKILLMAN ST	NEWMAN ROSE CO
4	6800 ABRAMS RD	RPI CREEKSIDE II LTD
5	6520 SKILLMAN ST	ARIAN SYLVIA SEPARATE
6	6556 SKILLMAN ST	HOSSAIN MOHAMMED A
7	6606 SKILLMAN ST	NASH GLORIA
8	6749 ABRAMS RD	WYNN BARBARA A
9	6749 ABRAMS RD	BURGER KING
10	6419 SKILLMAN ST	DAYTON HUDSON CORP
11	6751 ABRAMS RD	J EVANS FAMILY PS KNOX LTD
12	6769 ABRAMS RD	IM & AY LLC
13	6535 SKILLMAN ST	WORLD SAVINGS & LOAN ASSN
14	6640 SKILLMAN ST	SECURITY PORTFOLIO IV LP
15	6666 SKILLMAN ST	DRKZ INC

FILE NUMBER: BDA167-135(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the tree preservation regulations at 4300 Marvin D. Love Freeway. This property is more fully described as Tract 1, a 4.38 acre tract in Block 6048, and is zoned R-7.5(A), which requires mandatory landscaping. The applicant proposes to construct and maintain structures and provide an alternate tree mitigation plan, which will require a special exception to the tree preservation regulations.

LOCATION: 4300 Marvin D. Love Freeway

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A special exception to the tree preservation regulations is requested in conjunction with, according to the application, trees removed without a permit and allowing "a time extension for completion of tree mitigation" on a property that is undeveloped.

STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The City of Dallas Chief Arborist recommends denial of the request in that he does not believe that strict compliance with the tree preservation regulations places an unreasonable burden on the use of the property.

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: TH-1(A) (Townhouse)
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

The subject site is undeveloped. The areas to the north, south, and west are developed with single family uses; and the area to the east is the Marvin D. Love Freeway.

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 special exception to the tree preservation regulations focuses on trees removed without a permit on the undeveloped site, and allowing “a time extension for completion of tree mitigation”, more specially, fully mitigating trees removed on the subject site within two years of December 11, 2017.
- On November 30th, the City of Dallas Chief Arborist has submitted a memo regarding this request (see Attachment B).
- The Chief Arborist’s memo states the following with regard to “request”:
 - The applicant is requesting a special exception to the tree preservation regulations of Article X for a time extension to complete required tree replacement. As stated in Attachment A, the special exception is a request to allow for ‘an extended time in which to plant trees on the property to mitigate trees that were removed without a permit.’ The applicant requests up to two years to plant the required trees, but does not request a reduction in the amount of inches to be mitigated.

- The Chief Arborist’s memo states the following with regard to “provision”:
 - The applicant has proposed a two year extension to the allotted time provided in Article X. On June 7, 2017, a tree removal application was issued to the owner for protected trees which had been removed during the week prior to that date. Under the application, the Article X regulations for timing (Sec. 51A-10.134(5)) was enacted on the property which requires mitigation within 30 days, or up to six months upon request. As of today, the six month time period is near to completion.
 - The applicant has the remaining ability by ordinance to request an extension through the building official to extend to no more than 18 months from removal, with the provision of a letter of credit or performance bond for the total cost of purchasing and planting replacement trees on the property.
 - Article X provides alternative methods of compliance for when it is ‘impracticable or imprudent’ to plant a replacement tree on the lot. These include planting within one mile of the property, donating trees to the Park Department, creation of a conservation easement, or payment into the Reforestation Fund. The owner had discussed the option for planting trees with the Park Department, but the department used its allowed discretion in not receiving the trees at the time
- The Chief Arborist’s memo states the following with regard to “deficiency”:
 - The property has a tree mitigation requirement based on the removal of 70 protected trees for a total of 1,181 inches. The Reforestation Value equivalent is \$98,656.00. Additional protected trees remain on the property and may become additional tree mitigation with any future development. A tree survey has not yet been created for the remaining trees so we cannot state the potential future mitigation total.
 - The request is for an extension of time to plant on the property, but it is not expected that full tree replacement could be fulfilled by planting on the property only. There is no provided conceptual plan or development plan design to provide any assessment of how many inches of protected trees may be planted on the property with construction. Any additional tree mitigation could occur by available alternative means authorized in Article X or with a plan that is confirmed at the discretion of the Board.
- The City of Dallas Chief Arborist recommends ~~arborist recommends~~ denial of the request for a special exception, and makes the following comments:
 - In the development of the 4.4 acre property with restrictions for slope and a creek, it is not expected that full tree replacement will occur on the property as landscape space for planting trees will be reduced.
 - Only a portion of the current mitigation, and any additional mitigation, could be planted on the property.
 - The ordinance provisions for alternative methods of completion allow options for the mitigation which could not be applied on to the tree removal property.
 - Strict compliance with the regulations does not place an unreasonable burden on the use of the property.

- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code (i.e. mitigating all protected trees removed on the site within 30 days – 18 months from removal) will unreasonably burden the use of the property.
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant the applicant’s request, and impose a condition that the applicant must fully mitigate trees removed on the subject site by December 11, 2019, the applicant would be granted exception from full compliance to the tree preservation regulations – that being additional time (two years from the hearing date: December 11, 2017) in which to fully mitigate trees removed on the subject site.

Timeline:

September 27, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 3, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 6, 2017: 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 November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st 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.

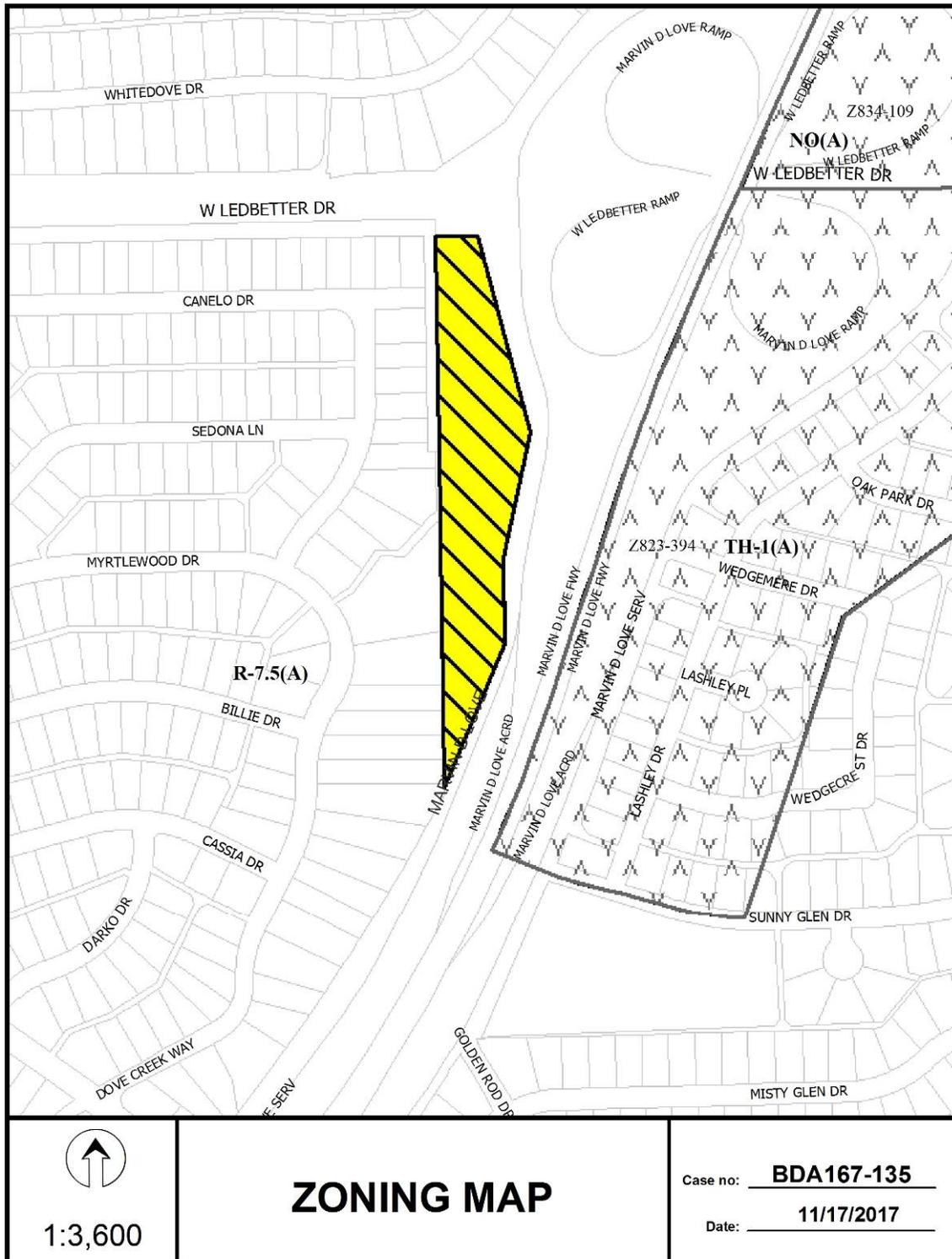
November 22, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

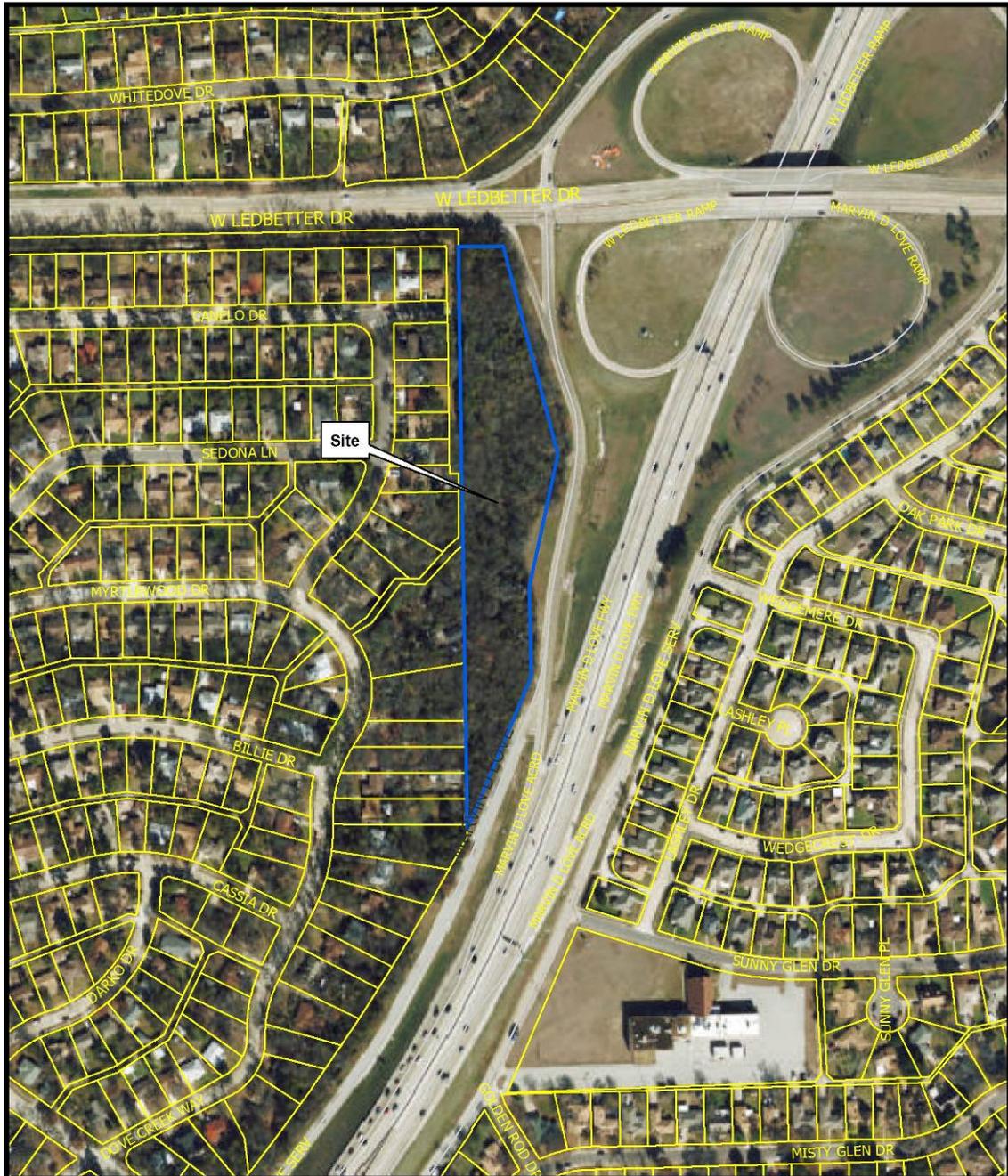
November 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable

Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

November 30, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).





1:3,600

AERIAL MAP

Case no: **BDA167-135**

Date: **11/17/2017**

BDA167-135

Attach A
PS1

Baldwin
Associates

November 22, 2017

Steve Long
Board of Adjustment Chief Planner
City of Dallas
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201

Re: BDA 167-135

Dear Mr. Long,

As you are aware, this firm represents the owner of the property known as 4300 Marvin D Love Freeway and this property is subject to a Special Exception request known as BDA 167-135. This request is to allow for an extended time in which to plant trees on the property to mitigate trees that were removed without a permit. In this case there were trees removed without a permit in anticipation of development of the property. The property owner has never developed property in the city before and was unaware of the requirement to obtain a tree removal permit before removing trees. We are seeking a Special Exception to allow up to two (2) years to plant the required trees. We are not asking for any reduction in the number of trees required to be planted; just the time in which to plant the mitigation trees.

We believe the two-year extension is a reasonable request as the property owner is working on a development plans and a possible rezoning for the property. Before any building permit can be issued for the property, the property must be platted. Our recent experience tells us that it is taking between 8-10 months to successfully plat a piece of property for a shared-access residential development. We are currently working on the engineering plans needed to initiate the plat process and expect to have the plat filed in mid-December. Normally, a tree removal permit is approved once the civil engineering plans have been reviewed and approved. In this case, the normal procedure has occurred out of sequence.

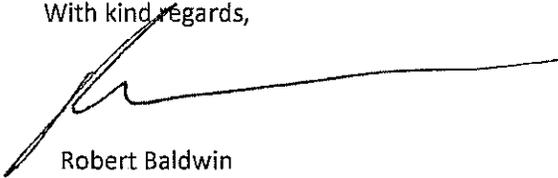
The tree mitigation requirements were not imposed by a site-specific landscape plan, nor will the Special Exception negatively affect neighboring property owners as the trees have already been removed. The strict compliance with the timing provision of Article X will unreasonably burden the property as it will cause the trees to be removed again once the platting process is complete and development of the property is underway.

BDA167-135
Attach A
Pg 2

We hope staff can support this request to extend the time frame for planting the required trees back on the site. If the Special Exception is not approved, it is likely that any trees planted, will have to be removed during the development process on the property. We hope that you all can agree that this is not a preferred situation.

Thank you for your time. Please do not hesitate to contact me if I can be of any assistance.

With kind regards,

A handwritten signature in black ink, appearing to read 'Robert Baldwin', with a long horizontal stroke extending to the right.

Robert Baldwin

BDA 167-135
Attach B
PSI

Memorandum



Date November 30, 2017
To Steve Long, Board Administrator
Subject BDA #167-135 4300 Marvin D Love Freeway Arborist report

Request

The applicant is requesting a special exception to the tree preservation regulations of Article X for a time extension to complete required tree replacement. As stated in Attachment A, the special exception is a request to allow for 'an extended time in which to plant trees on the property to mitigate trees that were removed without a permit.' The applicant requests up to two years to plant the required trees, but does not request a reduction in the amount of inches to be mitigated.

Provision

The applicant has proposed a two year extension to the allotted time provided in Article X. On June 7, 2017, a tree removal application was issued to the owner for protected trees which had been removed during the week prior to that date. Under the application, the Article X regulations for timing (Sec. 51A-10.134(5)) was enacted on the property which requires mitigation within 30 days, or up to six months upon request. As of today, the six month time period is near to completion.

The applicant has the remaining ability by ordinance to request an extension through the building official to extend to no more than 18 months from removal, with the provision of a letter of credit or performance bond for the total cost of purchasing and planting replacement trees on the property.

Article X provides alternative methods of compliance for when it is 'impracticable or imprudent' to plant a replacement tree on the lot. These include planting within one mile of the property, donating trees to the Park Department, creation of a conservation easement, or payment into the Reforestation Fund. The owner had discussed the option for planting trees with the Park Department, but the department used its allowed discretion in not receiving the trees at the time.

Deficiency

The property has a tree mitigation requirement based on the removal of 70 protected trees for a total of 1,181 inches. The Reforestation Value equivalent is \$98,656.00. Additional protected trees remain on the property and may become additional tree mitigation with any future development. A tree survey has not yet been created for the remaining trees so we cannot state the potential future mitigation total.

The request is for an extension of time to plant on the property, but it is not expected that full tree replacement could be fulfilled by planting on the property only. There is no provided conceptual plan or development plan design to provide any assessment of how many inches of protected trees may be planted on the property with construction. Any additional tree mitigation could occur by

available alternative means authorized in Article X or with a plan that is confirmed at the discretion of the Board.

Recommendation

The chief arborist recommends denial of the request for a special exception. In the development of the 4.4 acre property with restrictions for slope and a creek, it is not expected that full tree replacement will occur on the property as landscape space for planting trees will be reduced. Only a portion of the current mitigation, and any additional mitigation, could be planted on the property. The ordinance provisions for alternative methods of completion allow options for the mitigation which could not be applied on to the tree removal property. I do not believe that strict compliance with the regulations places an unreasonable burden on the use of the property.

Philip Erwin
Chief Arborist
Building Inspection



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-135

Data Relative to Subject Property:

Date: September 27, 2017

Location address: 4300 Marvin D Love Frwy Zoning District: R-7.5(A)

Lot No.: Tr 1 Block No.: 6048 Acreage: 4.38 acres Census Tract: 110.01

Street Frontage (in Feet): 1) 106' 2) 1393' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SNSA Group, 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 , or Special Exception X, of Article X to allow a time extension for completion of tree mitigation

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:

Trees on the property were removed without a permit. The trees were removed in anticipation of development. The property owners are now aware of tree mitigation requirements and request additional time above Article X allowances in order to make progress on a suitable development, which may require a rezoning application. We respectfully request a time extension of two years.

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.

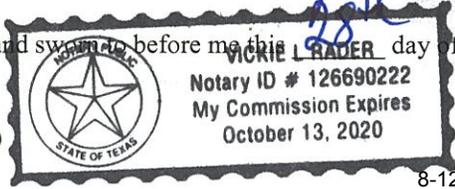
Affidavit

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 28th day of September, 2017



[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

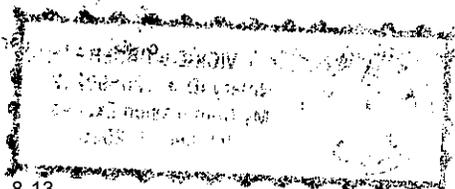
I hereby certify that Robert Baldwin

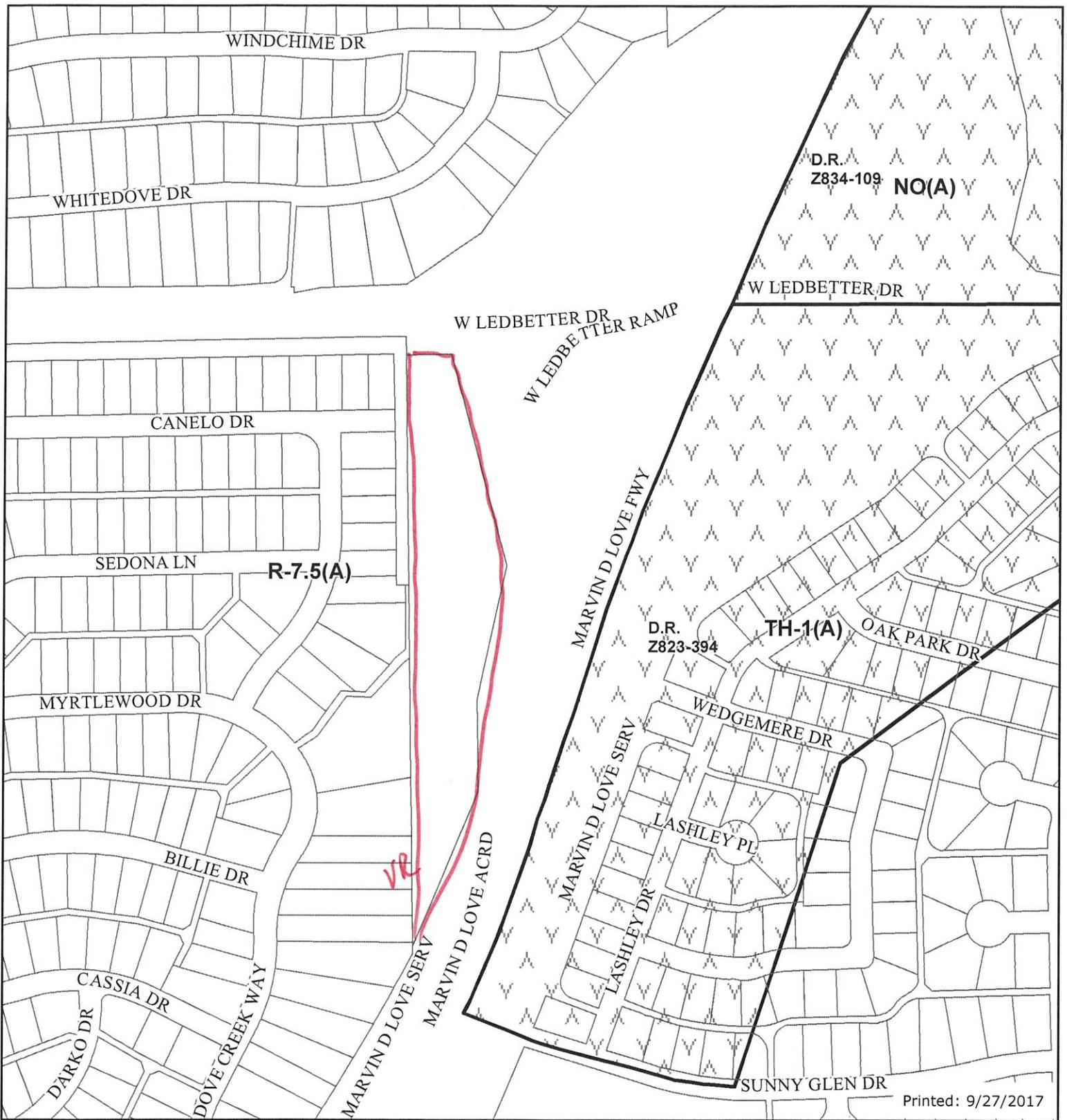
did submit a request for a special exception to the landscaping regulations
at 4300 Marvin D. Love Freeway

BDA167-135. Application of Robert Baldwin for a special exception to the landscaping regulations at 4300 Marvin D. Love Freeway. This property is more fully described as Trac 1, a 4.38 acre tract in Block 6048, and is zoned R-7.5(A), which requires mandatory landscaping. The applicant proposes to construct residential structures and provide an alternate landscape plan, which will require a special exception to the landscape regulator

Sincerely,

Philip Sikes
Philip Sikes, Building Official





D.R. 2834-109 NO(A)

R-7.5(A)

D.R. 2823-394 TH-1(A)

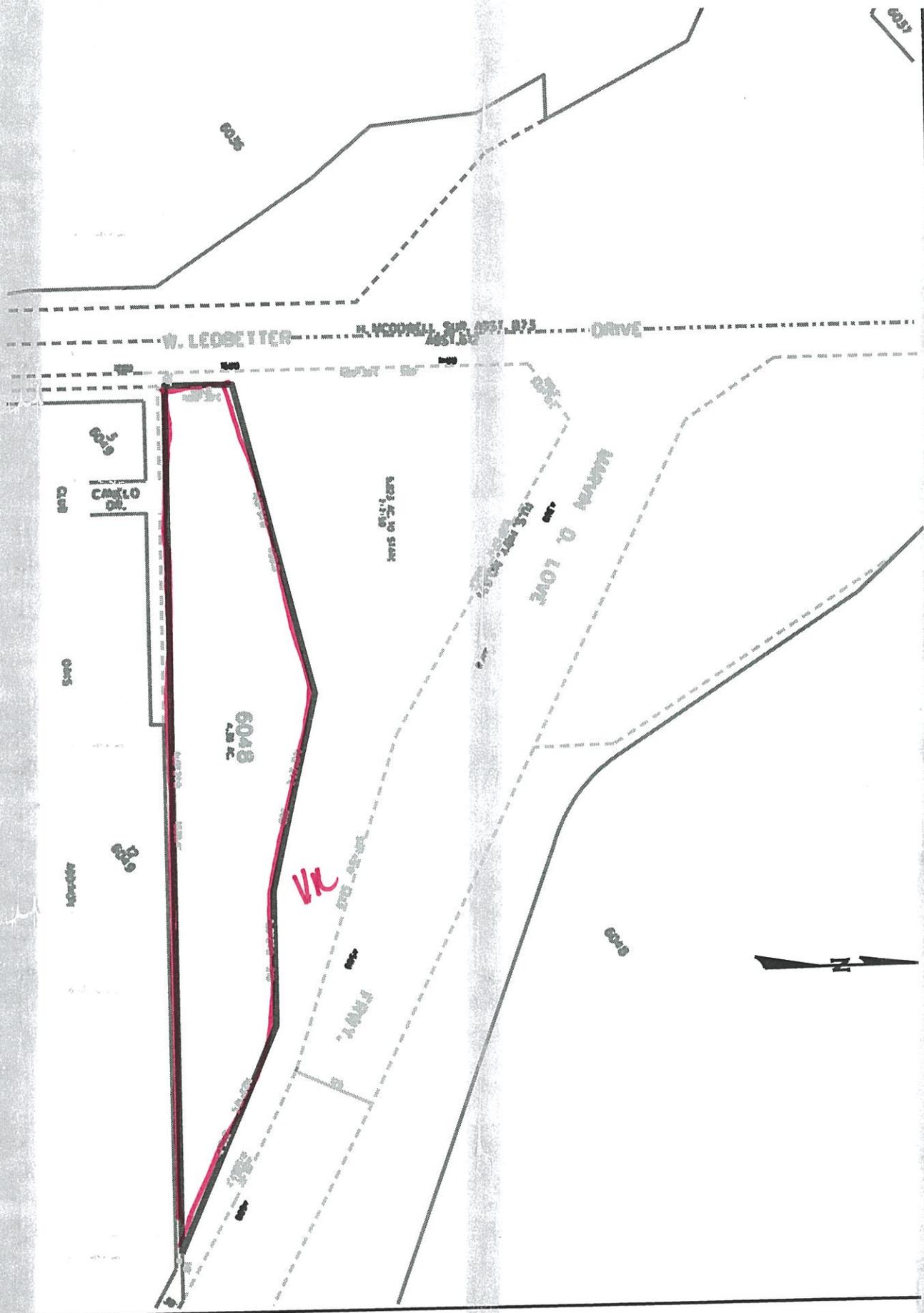
Printed: 9/27/2017

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 | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA 167-135 SUP | Historic Overlay | 8-14 Shop Front Overlay |
| | | Height Map Overlay | |

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







CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 167-135

I, SNSA Group LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4300 Marvin D Love Freeway
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

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

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

Specify: Article X / Tree mitigation

Ahmad Ahmad ~~Signature~~ 9-28-17
 Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared Ahmad Ahmad

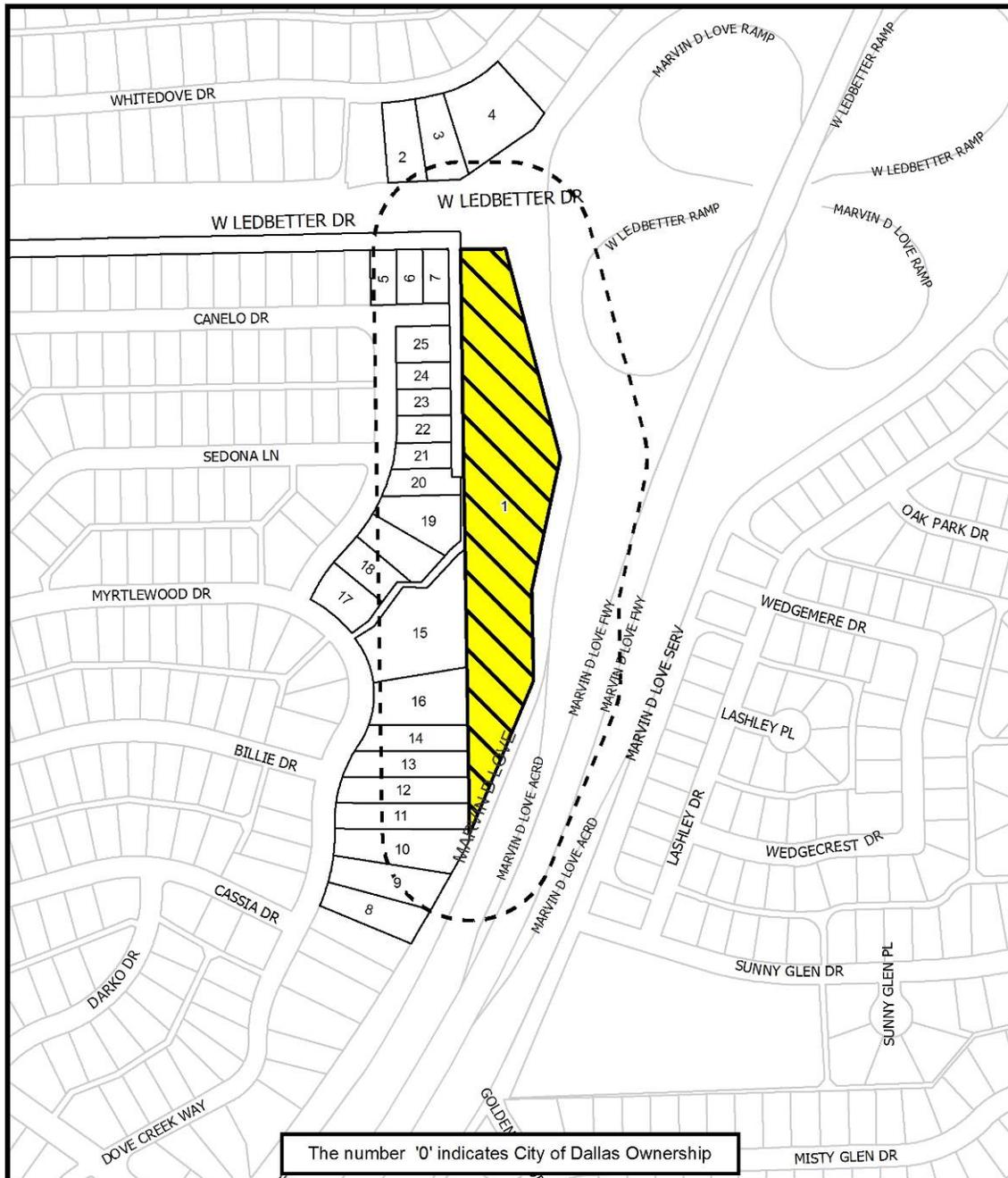
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 28 day of September, 2017

Janelle Baker
 Notary Public for Dallas County, Texas

Commission expires on July 15, 2018





 1:3,600	NOTIFICATION		Case no: BDA167-135
	<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;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 11/17/2017	

Notification List of Property Owners

BDA167-135

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4300 MARVIN D LOVE FWY	SNSA GROUP LLC
2	1640 WHITEDOVE DR	HURD BONNER & ANNIE
3	1630 WHITEDOVE DR	HERNANDEZ MINNIE & BENITO
4	1626 WHITEDOVE DR	BLACKBURN JULIA MAE
5	1803 CANELO DR	CARLISLE BILLY WAYNE &
6	1729 CANELO DR	VANWINKLE MILDRED
7	1725 CANELO DR	NABORS BARBARA
8	4718 DOVE CREEK WAY	GLOBAL PEAK INVESTMENTS
9	4712 DOVE CREEK WAY	KUKIS DUSTIN &
10	4708 DOVE CREEK WAY	MASSIRER LORENE M
11	4702 DOVE CREEK WAY	HARVEY TIMOTHY EARL SR & PAULA K
12	4640 DOVE CREEK WAY	VARA CRISTINA
13	4636 DOVE CREEK WAY	MENDEZ JOSE & MARIA
14	4630 DOVE CREEK WAY	HOLT LUBERTA EST OF
15	4620 DOVE CREEK WAY	REYES JAVIER
16	4626 DOVE CREEK WAY	RAMIREZ ARMANDO F
17	4518 DOVE CREEK WAY	LACY DARRIN
18	4516 DOVE CREEK WAY	MICHAEL REYES &
19	4508 DOVE CREEK WAY	JONES LELAND & MELODY
20	4504 DOVE CREEK WAY	BURRELL BETTIE J
21	4420 DOVE CREEK WAY	BOLEN PHILLIP E
22	4416 DOVE CREEK WAY	MCQUAID PATRICIA E
23	4412 DOVE CREEK WAY	FRANKLIN CAROL
24	4408 DOVE CREEK WAY	ARPS CHARLIE E
25	4404 DOVE CREEK WAY	MOORE BERNETTA K
26	1600 W LEDBETTER DR	NABORS BARBARA

FILE NUMBER: BDA167-137(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations at 6480 Royalton Drive. This property is more fully described as Lot 4A, Block B/5500, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct and maintain a structure and provide a 5 foot front yard setback, which will require a 30 foot variance to the front yard setback regulations.

LOCATION: 6480 Royalton Drive

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a variance to the front yard setback regulations of 30' is made to construct and maintain a pool structure, which is to be located 5' from one of the site's two front property lines (Lavendale Avenue) or 30' into this 35' front yard setback on a site that is being developed with a single family home.

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:

Denial

Rationale:

- While staff recognized that the subject site is unique and different from most lots in the R-16(A) zoning district in that it is irregular in shape and restrictive in area due to having two, 35' front yard setbacks, staff concluded that the applicant had not substantiated how this lot could not be developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning district. The site is over 23,000 square feet in area (or approximately 7,000 square feet larger than the typical lot in this zoning district), and the applicant has represented that the single family home being developed on the site has "house size" of approximately 6,900 square feet which is over 1,000 square feet larger than the average square footage of 12 other "built lots" the applicant identified at approximately 5,600 square feet.

BACKGROUND INFORMATION:

Zoning:

- Site: R-16(A) (Single family district 16,000 square feet)
- North: R-16(A) (Single family district 16,000 square feet)
- South: R-16(A) (Single family district 16,000 square feet)
- East: R-16(A) (Single family district 16,000 square feet)
- West: R-16(A) (Single family district 16,000 square feet)

Land Use:

The subject site is being developed with a single family home. The area to the north, east, south, 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 for variance to the front yard setback regulations of 30' focuses on constructing and maintaining an approximately 900 square foot pool structure, which is to be located 5' from one of the site's two front property lines (Lavendale Avenue) or 30' into this 35' front yard setback on a site being developed with a single family home with a house size of approximately 6,900 square feet.

- The property is located in an R-16(A) zoning district which requires a minimum front yard setback of 35 feet.
- The subject site is located at the northwest corner of Royalton Drive and Lavendale Avenue. Regardless of how the structure is proposed to be oriented to front Royalton Drive, the subject site has 35' front yard setbacks along both street frontages. The site has a 35' front yard setback along Royalton Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 35' front yard setback along Lavendale Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 10' side yard setback is required. But the site's Lavendale Avenue frontage that would function as a side/rear30 yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the west that front/are oriented southward towards Lavendale Avenue.
- The originally submitted site plan noted a 40' platted building line on Royalton Drive and a 30' platted building line on Lavendale Avenue.
- The Building Inspection Senior Plans Examiner/Development Code Specialist submitted made notations on the originally submitted site plan (see Attachment A). This plan notes an area along Lavendale Avenue labeled: "A re-plat will request to remove the 30' building line here only. Within this area then is a 35' FYSB for which a 29' 6" variance is being requested"; and an area on Lavendale Avenue labeled: "Within this area is a front yard, with a 30' platted B.L.".
- The only structure requiring variance to the front yard setback regulations is the pool structure in the Lavendale Avenue 35' front yard setback.
- A revised site plan represents that the "proposed pool location" with "36" raised beam backdrop wall on pool beam" located 5' from the Lavendale Avenue front property line which will require a 30' variance to the front yard setback regulations on Lavendale Avenue.
- The applicant has submitted a document that represents that the single family home being developed on the site has "house size" of approximately 6,900 square feet, and that the average square footage of 12 other "built lots" the applicant identified is approximately 5,600 square feet.
- According to DCAD records, the "main improvement" for property addressed at 6480 Royalton Drive is a structure built in 2017 with 6,929 square feet of total area/living area, and the following "additional improvements": a 60 square foot outbuilding, a 647 square foot outdoor living area, a 299 square foot attached garage, and a 567 square foot attached garage.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.54 acres (or approximately 23,522 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- The subject site has two 35' front yard setbacks and two 10' side yard setback. Most lots in the R-16(A) zoning district have one 35' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback; this site has two 25' front yard setbacks and two 5' side yard setbacks.
- 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-16(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-16(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted revised 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 pool structure that would be located 5’ from the site’s Lavendale Avenue front property line (or 30 into this 35’ front yard setback).

Timeline:

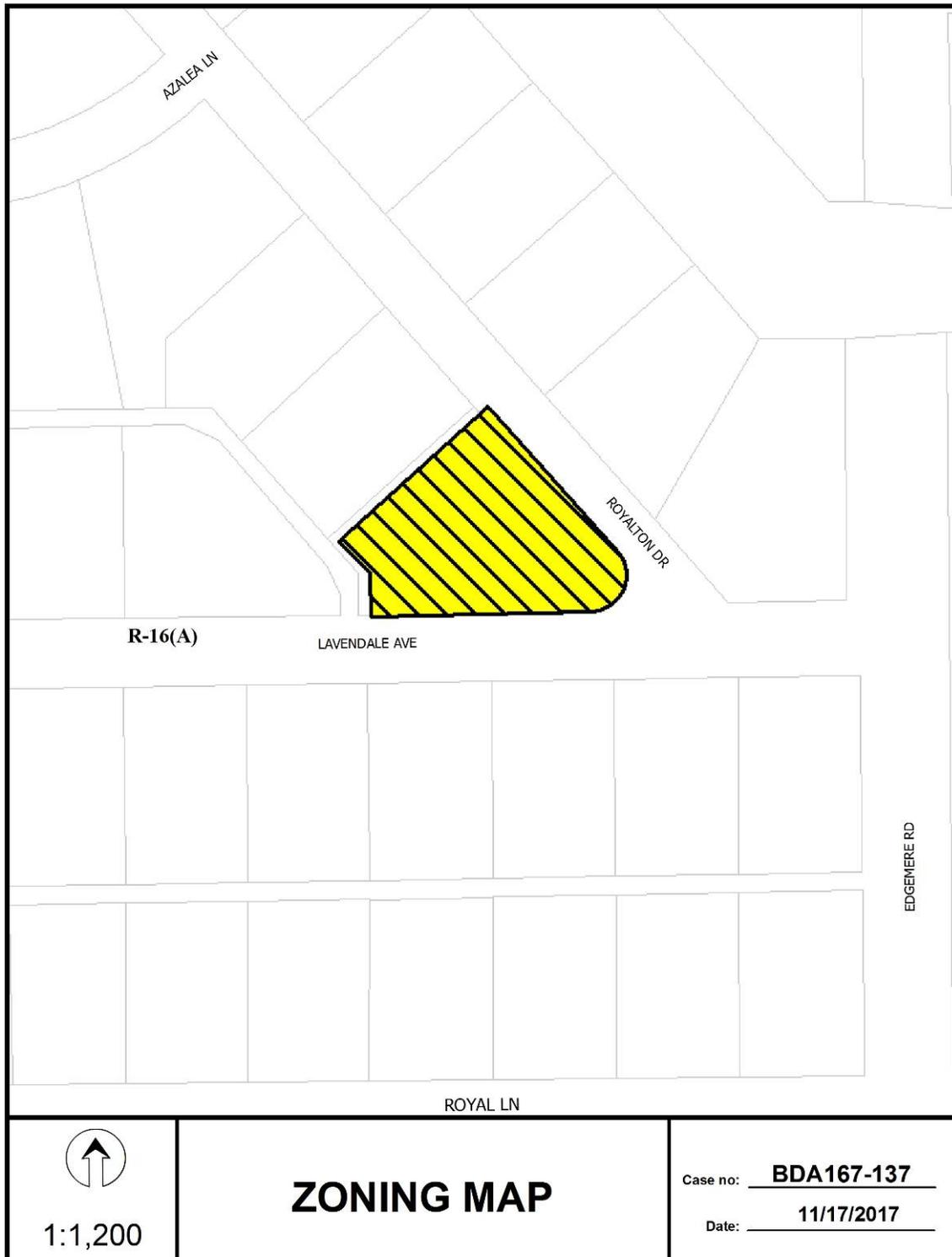
- August 10, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 3, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- November 6, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st 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 9, 2017: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded the applicant’s originally submitted site plan with notations of setbacks on this site to the Board Administrator (see Attachment A).
- November 20, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments B and C).

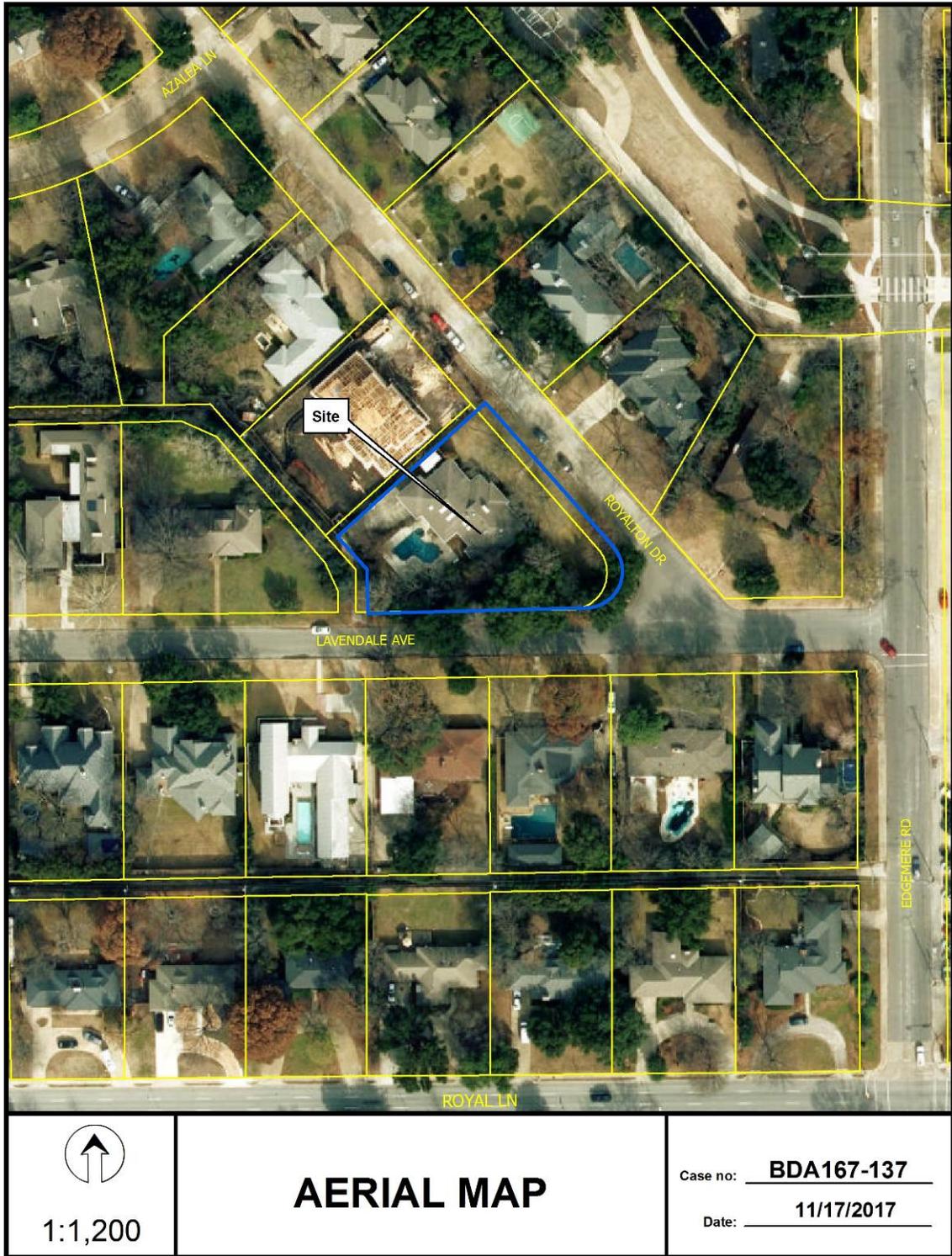
November 22, 2017: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a copy of a revised application and Building Official's report to the Board Administrator (see Attachment D).

November 20, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment E).

November 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA167-137

Date: 11/17/2017

Baldwin
Associates

BDA167-137

Attachment B

PS1

November 20, 2017

Steve Long, Board Administrator
City of Dallas Board of Adjustment
1500 Marilla 5BN
Dallas, TX 75201

RE: BDA167-137, 6480 Royalton Drive

Dear Mr. Long:

Our firm is assisting Milan Design + Build as the property owner of 6480 Royalton Drive in two applications before the City of Dallas. The property is located at the northwest corner of Royalton and Lavendale Avenue. The property currently has a 40' platted building line along Royalton and a 30' platted building line along Lavendale. The zoning rules considers both the Royalton and Lavendale frontages as front yards and impose 35-foot setbacks.

The front yard regulations do not allow swimming pools in the required front yard. We are applying to alter the Lavendale platted building line to go around the proposed pool (and maintain the Royalton building line) and for a setback variance to allow a swimming pool within the Lavendale front yard. The revised site plan shows a 36" wall that is incorporated into the pool that will have jets. The wall will also serve as a sound buffer. The proposed pool will have a 4' fence on the property line as allowed in a front yard setback and will be screened with landscaping. No other structures are proposed to violate the zoning setback. The house will be maintained at the 30-foot building line. The proposed pool equipment is shown on the site plan at the rear of the house.

The property is an irregular shape with two front yards. Behind the "rear" yard, there is an alley that bends as it goes north away from Lavendale Avenue. Because of the lot dimension tapering on this western side, the lot does not have the same "back yard" area as other lots in the neighborhood. To demonstrate that the subject property has a restrictive size, please consider the below analysis of the buildable area after setbacks.

Lot Area Subject Property (sf)	24,108 sf
Royalton FY 40' BL	-7,639
Lavendale FY 30' BL	-6,351
North Side Yard 1 - 10'	-1,600
West Side Yard 2 - 10'	-718
Buildable area	7,800 sf
Percent buildable area	32%

Typical interior lot	R-16(A)
110 X 160	17,600 sf
FY 40' BL	-4,400
2 10' Side Yards	-3,200
10' Rear yard	-1,100
Buildable area	8,900 sf
Percent buildable area	51%

We are also providing as an attachment to this letter a survey of house sizes, lot area, and lot coverages and a map of the properties we evaluated. As you can see, the subject property is larger than most lots, however, the map shows most lots are rectangularly shaped. This survey also reflects that the area is redeveloping with larger single family homes. With a 29% lot coverage, the subject property is developing commensurate with properties in the neighborhood. From aerial photos and DCAD records, nine pools are noticeable on properties within our survey area.

Our request for a variance for a swimming pool will allow this property to have a functional "back yard". We hope you can support our request. Please contact me with any questions or concerns.

With kind regards,

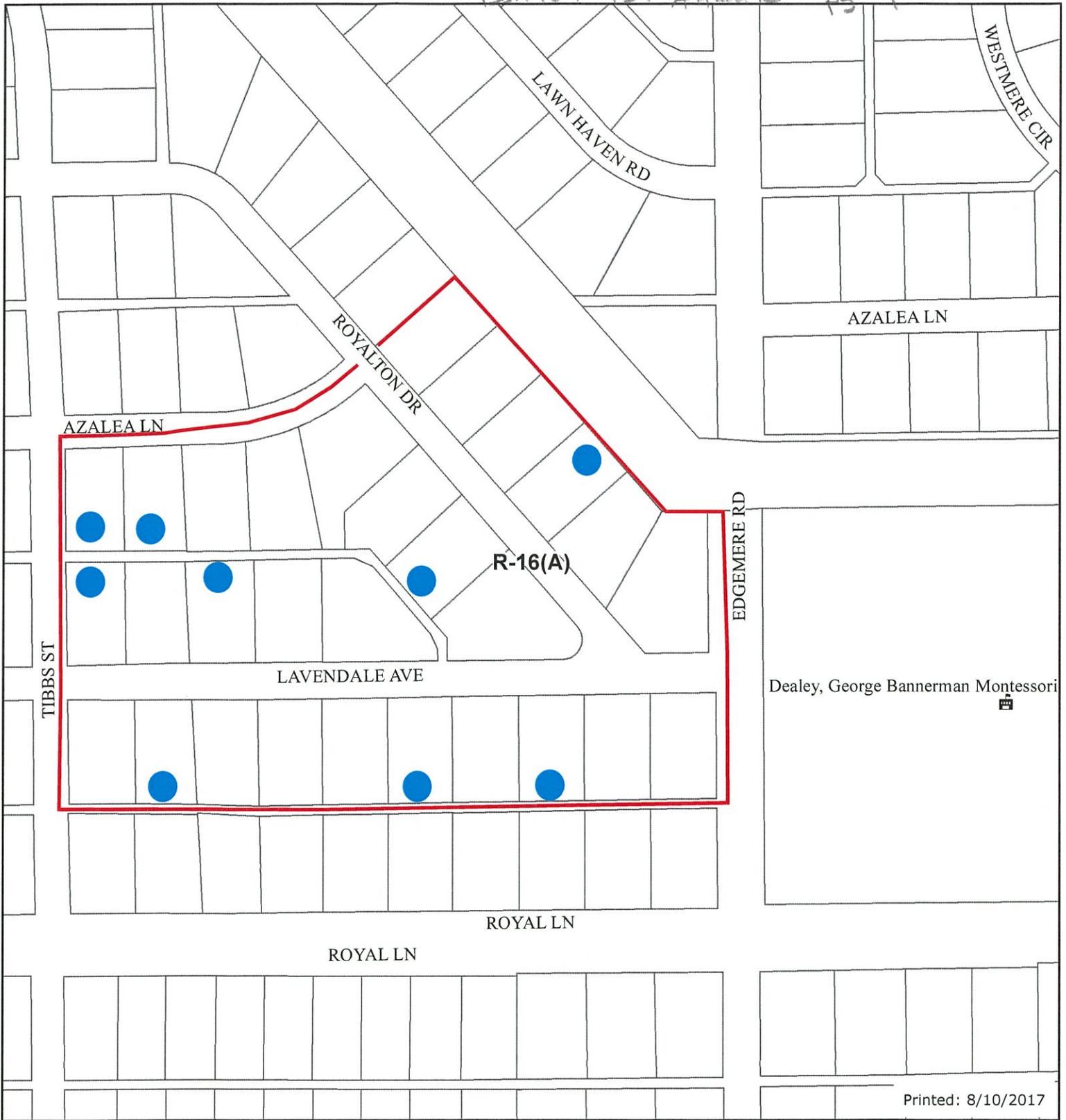


Rob Baldwin

Milan / 6480 Royalton
Neighborhood survey of built conditions

Address	House Size	Lot Size	Lot Coverage	Notes	Year Built	Pool / Accessory structure
6404 Lavendale	0	15,900	0%	Demo'd 2017	--	
6473 Royalton	0	16,000	0%	Demo'd 2013	--	
6465 Royalton	1,685	16,000	11%		1953	
6458 Lavendale	1,976	15,900	12%	**very poor cond.	1954	pool
6452 Lavendale	2,379	15,900	15%		1953	
6499 Royalton	2,703	25,540	11%	*poor condition	1953	
6491 Royalton	3,257	17,100	19%		2005	
6426 Azalea	3,488	16,809	21%		1953	
6474 Lavendale	3,963	15,900	25%		2001	cabana
6436 Lavendale	4,280	15,900	27%		2002	
6405 Lavendale	4,304	14,310	30%		2012	pool
6412 Lavendale	4,413	15,325	29%		2004	pool
6457 Royalton	4,532	16,000	28%		2009	
6428 Lavendale	4,608	15,105	31%		2004	
6412 Azalea	4,647	14,628	32%		2004	pool
6481 Royalton	4,865	16,000	30%		2002	pool, quarters
6404 Azalea	5,063	14,310	35%		1951	pool
6421 Lavendale	5,164	16,380	32%		2000	pool
6420 Lavendale	5,180	15,423	34%		2017	
6429 Lavendale	5,248	15,900	33%		2008	
6444 Lavendale	5,418	15,900	34%		2005	pool, cabana
6472 Royalton	5,567	17,600	32%		2014	pool
6466 Lavendale	5,645	15,900	36%		2017	
6411 Lavendale	5,659	15,630	36%		2007	
6420 Azalea	6,048	15,746	38%		2017	
6464 Royalton	6,799	16,900	40%		2016	
6441 Lavendale	6,868	20,212	34%		2016	
6480 Royalton	6,929	24,108	29%	Subject Property	2017	
6456 Royalton	7,358	22,730	32%		2015	

Average lot size 16,864
 Average square footage of built lots 4,742
 Average lot coverage of built lots 28%



Printed: 8/10/2017

Legend

- City Limits
- School
- Floodplain
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks

Survey boundary

- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- BDA 167-137 SUP

- Dry Overlay
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Height Map Overlay

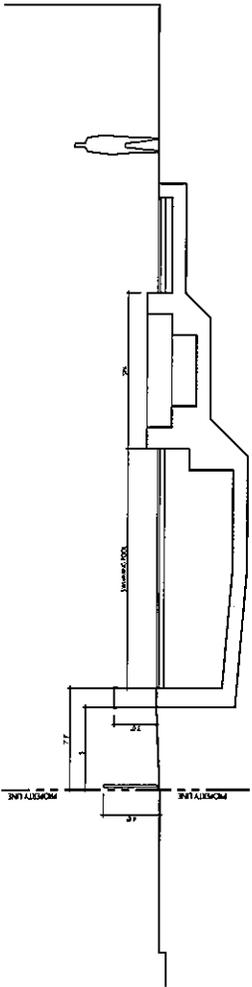
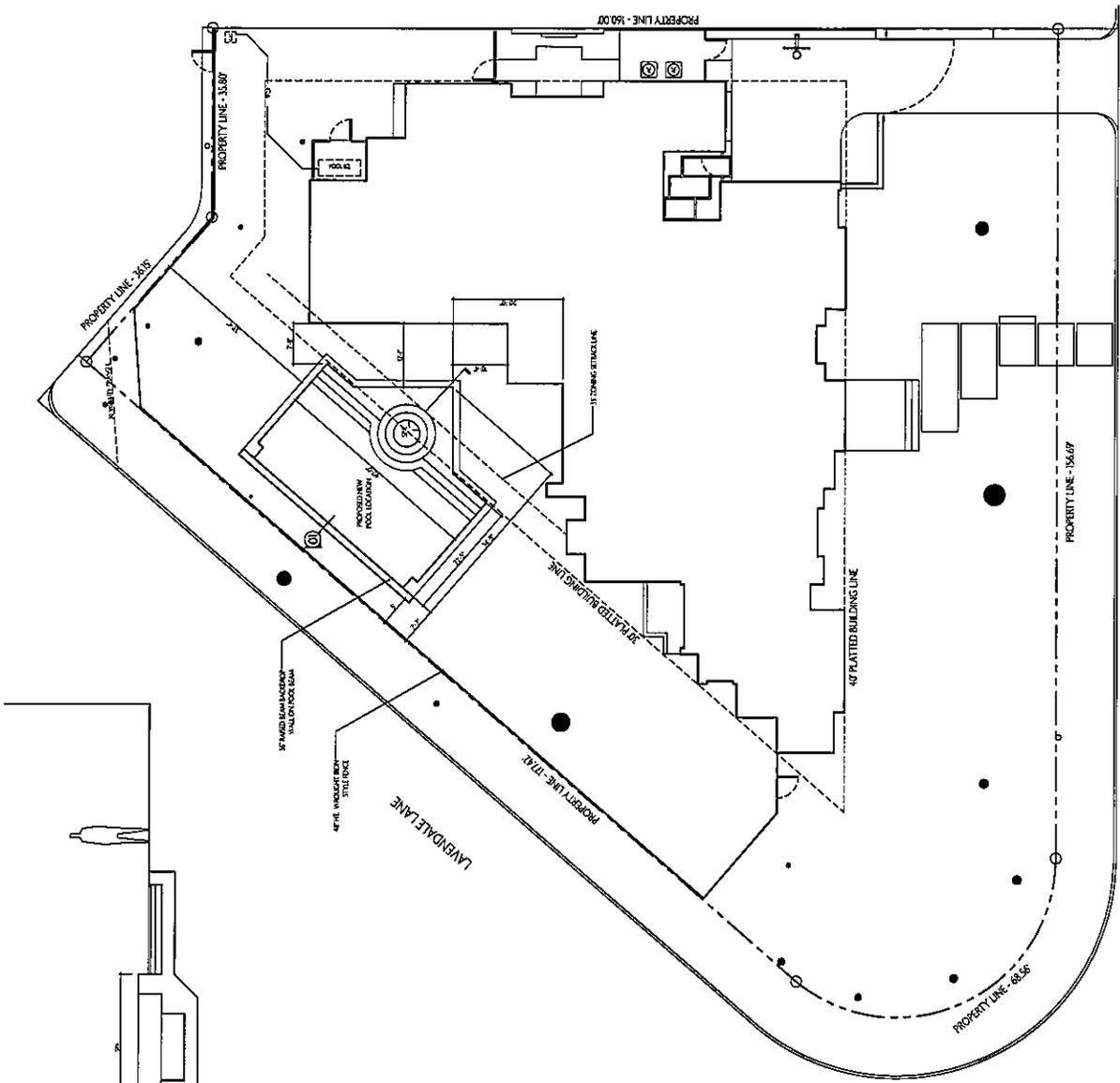
Pool

- CD Subdistricts
- PD Subdistricts
- PDS Subdistricts
- NSO Subdistricts
- NSO_Overlay
- Escarpment Overlay
- Parking Management Overlay
- Front Overlay

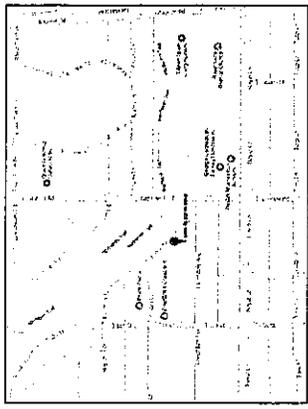
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



PDA
167-
137
Attach
C



01 POOL SECTION
SCALE: 1/4" = 1'-0"



03 VICINITY MAP
SCALE: 1" = 100'

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

BDA167-137
Attach D
PS 1

Long, Steve

From: Trammell, Charles
Sent: Wednesday, November 22, 2017 10:18 AM
To: Duerksen, Todd; Long, Steve
Subject: FW: Scanned from a Xerox Multifunction Printer
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Steve,

Please see the attached document. This is the best I can clean it up. Let me know if this is acceptable.

Thanks,

Charles Trammell
Sr. Plans Examiner
City of Dallas | DallasCityNews.net
Sustainable Development & Construction
Building Inspection
320 E. Jefferson Blvd Rm 105
Dallas, TX 75201
O: 214-948-4618
Charles.Trammell@dallascityhall.com

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

-----Original Message-----

From: Printers@dallascityhall.com [mailto:Printers@dallascityhall.com]
Sent: Wednesday, November 22, 2017 10:26 AM
To: Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: 320 E Jefferson Blvd / Room 105
Device Name: Printer-OCMC-105

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-137

Data Relative to Subject Property:

Date: August 10, 2017

Location address: 6480 Royalton Drive Zoning District: R-16(A)

Lot No.: 4A Block No.: B/5500 Acreage: 0.54 acres Census Tract: 133.00

Street Frontage (in Feet): 1) 177 ft 2) 156 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Milan Design and Build, 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 30' of 29 feet 30' - 29' 30" the front yard regulations to allow a swimming pool

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 with two 35-foot front yard setbacks. The property is irregularly shaped. The property's "back yard" tapers and has an obtuse angle where the alley bends along the rear property line, making the placement of a pool in the back yard impractical. The proposed pool in the Lavendale Lane front yard will be fenced and act as the property's "back yard".

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

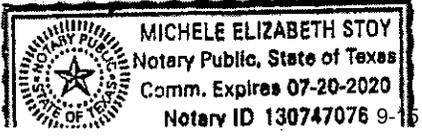
Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

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 12 day of September, 2017

(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 Robert Baldwin

did submit a request for a variance to the front yard setback regulations
at 6480 Royalton Drive

BDA167-137. Application of Robert Baldwin for a variance to the front yard setback regulations at 6480 Royalton Drive. This property is more fully described as Lot 4A, Block B/5500, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 30 foot variance to the front yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

BDA167-137

Attach E

Long, Steve

From: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Sent: Monday, November 27, 2017 12:31 PM
To: Long, Steve
Cc: Rob Baldwin
Subject: RE: BDA167-137, Property at 6480 Royalton Drive
Attachments: Neighborhood lot sizes_Survey area.pdf; Neighborhood lot sizes_Block only.pdf

PS1

Hi Steve,

I updated the chart to only include properties in our block. I sorted by lot coverage. I also noticed that the original version I provided might not have been sorted by lot coverage, so I have updated that one as well. I hope this addresses your concern.

Thanks,
Jennifer

Jennifer Hiromoto
Baldwin Associates
3904 Elm Street Suite B
Dallas, TX 75226
Office: 214-824-7949
Cell: 469-275-2414

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Wednesday, November 22, 2017 10:48 AM
To: Dean, Neva <neva.dean@dallascityhall.com>; Williams, Kanesia <kanesia.williams@dallascityhall.com>; Kay, Kiesha <kiesha.kay@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Jennifer Hiromoto <jennifer@baldwinplanning.com>; Rob Baldwin <rob@baldwinplanning.com>
Subject: FW: BDA167-137, Property at 6480 Royalton Drive

Attached is additional information from the applicant (Rob Baldwin) and Building Inspection (Charles Trammell and Todd Duerksen) regarding the application referenced above that I have labeled Attachments A, B, C, and D. This information will become part of what is discussed at the November 28th staff review team meeting, and what is included in the docket that is assembled and emailed to you, the applicant, and the board members the week of December 4th.

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

Thank you,

Steve

BDA 167-137
 Attach E
 Pg 2

Milan / 6480 Royalton
 Neighborhood survey of built conditions

Address	House Size	Lot Size	Lot Coverage	Notes	Year Built	Pool / Accessory structure
6426 Azalea	3,488	16,809	21%		1953	
6480 Royalton	6,929	24,108	29%	Subject Property	2017	
6405 Lavendale	4,304	14,310	30%		2012	pool
6421 Lavendale	5,164	16,380	32%		2000	pool
6472 Royalton	5,567	17,600	32%		2014	pool
6412 Azalea	4,647	14,628	32%		2004	pool
6456 Royalton	7,358	22,730	32%		2015	
6429 Lavendale	5,248	15,900	33%		2008	
6441 Lavendale	6,868	20,212	34%		2016	
6404 Azalea	5,063	14,310	35%		1951	pool
6411 Lavendale	5,659	15,630	36%		2007	
6420 Azalea	6,048	15,746	38%		2017	
6464 Royalton	6,799	16,900	40%		2016	

Average lot size 17,328
 Average square footage of built lots 5,626
 Average lot coverage of built lots 33%



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-137

Data Relative to Subject Property:

Date: August 10, 2017

Location address: 6480 Royalton Drive Zoning District: R-16(A)

Lot No.: 4A Block No.: B/5500 Acreage: 0.54 acres Census Tract: 133.00

Street Frontage (in Feet): 1) 177 ft 2) 156 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Milan Design and Build, 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 , or Special Exception , of 29 feet the front yard regulations to allow a swimming pool

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 with two 35-foot front yard setbacks. The property is irregularly shaped. The property's "back yard" tapers and has an obtuse angle where the alley bends along the rear property line, making the placement of a pool in the back yard impractical. The proposed pool in the Lavendale Lane front yard will be fenced and act as the property's "back yard".

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.

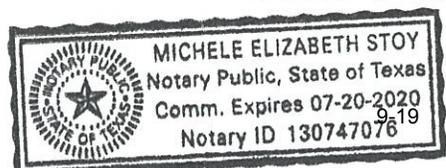
Affidavit

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 12 day of September, 2017



Michele Elizabeth Stoy
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 Robert Baldwin
did submit a request for a variance to the front yard setback regulations
at 6480 Royalton Drive

BDA167-137. Application of Robert Baldwin for a variance to the front yard setback regulations at 6480 Royalton Drive. This property is more fully described as Lot 4A, Block B/5500, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential structure and provide a 6 foot front yard setback, which will require a 29 foot variance to the front yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





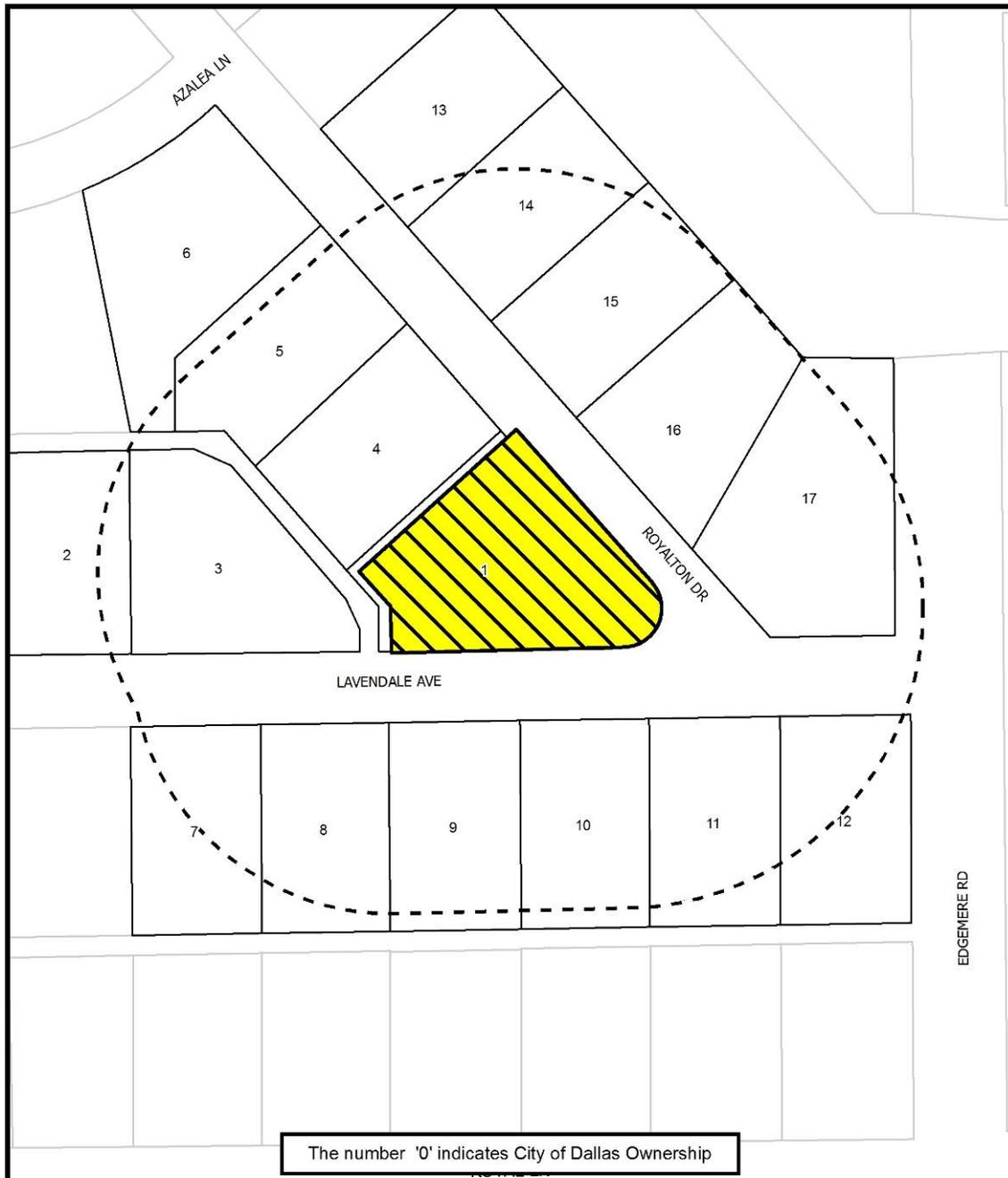
Printed: 8/10/2017

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 | SPSPD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 9-21 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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





1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
17 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-137**

Date: **11/17/2017**

Notification List of Property Owners

BDA167-137

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6480 ROYALTON DR	MILAN DESIGN & BUILD LLC
2	6429 LAVENDALE AVE	WEINBERG THOMAS L & ALISON A
3	6441 LAVENDALE AVE	JOHNSTON ESPEDAL DESIGN LLC
4	6472 ROYALTON DR	TRUITT MICHAEL & JENNIFER
5	6464 ROYALTON DR	6464 ROYALTON LLC
6	6456 ROYALTON DR	SOMMERMAN ANDREW B
7	6436 LAVENDALE AVE	WEEKS JAMES JUSTIN &
8	6444 LAVENDALE AVE	GAULT ROGER C
9	6452 LAVENDALE AVE	LOEB FAMILY TRUST
10	6458 LAVENDALE AVE	QUINLAN EDWARD J III
11	6466 LAVENDALE AVE	SOUTHERN STAR CAPITAL LLC
12	6474 LAVENDALE AVE	HANRAHAN JOSEPH G
13	6465 ROYALTON DR	VAKKERT BARN LIVING TRUST
14	6473 ROYALTON DR	MARTINEAU DAVID T
15	6481 ROYALTON DR	WENNING CRAIG & JULIE
16	6491 ROYALTON DR	ABBATE JOE W &
17	6499 ROYALTON DR	KANCHERLA ANU &

FILE NUMBER: BDA167-138(SL)

BUILDING OFFICIAL’S REPORT: Application of Robert Reeves to appeal the decision of the administrative official at 6821 South Ridge Drive. This property is more fully described as Lot 10, Block L/2984, and is zoned R-7.5(A), NSO 3, which requires that the building official shall deny the issuance of a building permit when the application does not comply with the zoning regulations. The applicant proposes to appeal the decision of an administrative official in the denial of the issuance of a building permit.

LOCATION: 6821 Southridge Drive

APPLICANT: Robert Reeves

REQUEST:

A request is made to appeal the decision of the administrative official, in this particular application, the Building Official, where the submitted application states “Site is located in Neighborhood Stabilization Overlay District #3 which prohibits garages from having access from the rear of the property. A permit for a carport was denied on 10/3/2017. A carport is not a garage” on a site that is being developed with a single family home.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

Zoning:

Site: R-7.5(A)(NSO 3) (Single family residential 7,500 sq ft)(Neighborhood Stabilization Overlay)
North: R-7.5(A)(NSO 3) (Single family residential 7,500 sq ft)(Neighborhood Stabilization Overlay)
South: R-7.5(A)(NSO 3) (Single family residential 7,500 sq ft)(Neighborhood Stabilization Overlay)
East: R-7.5(A)(NSO 3) (Single family residential 7,500 sq ft)(Neighborhood Stabilization Overlay)
West: R-7.5(A)(NSO 3) (Single family residential 7,500 sq ft)(Neighborhood Stabilization Overlay)

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 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:

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

Timeline:

October 10, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 3, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 6, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the appeal date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of application); and the December 1st deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

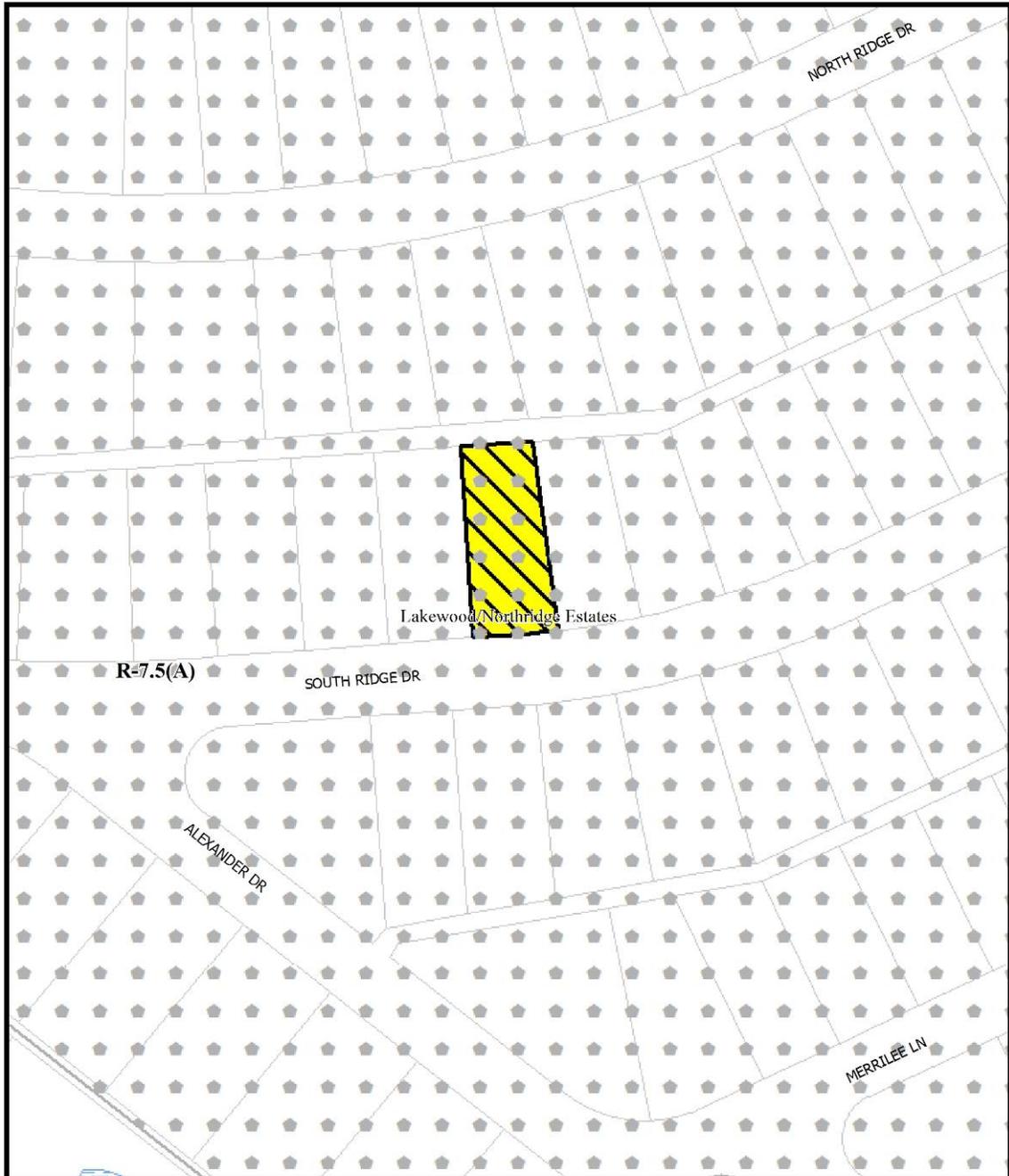
November 27, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board

Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

December 1, 2017: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).

December 1, 2017: The Assistant City Attorney assisting the Building Official on the appeal submitted documentation to the Board Administrator (see Attachment B).

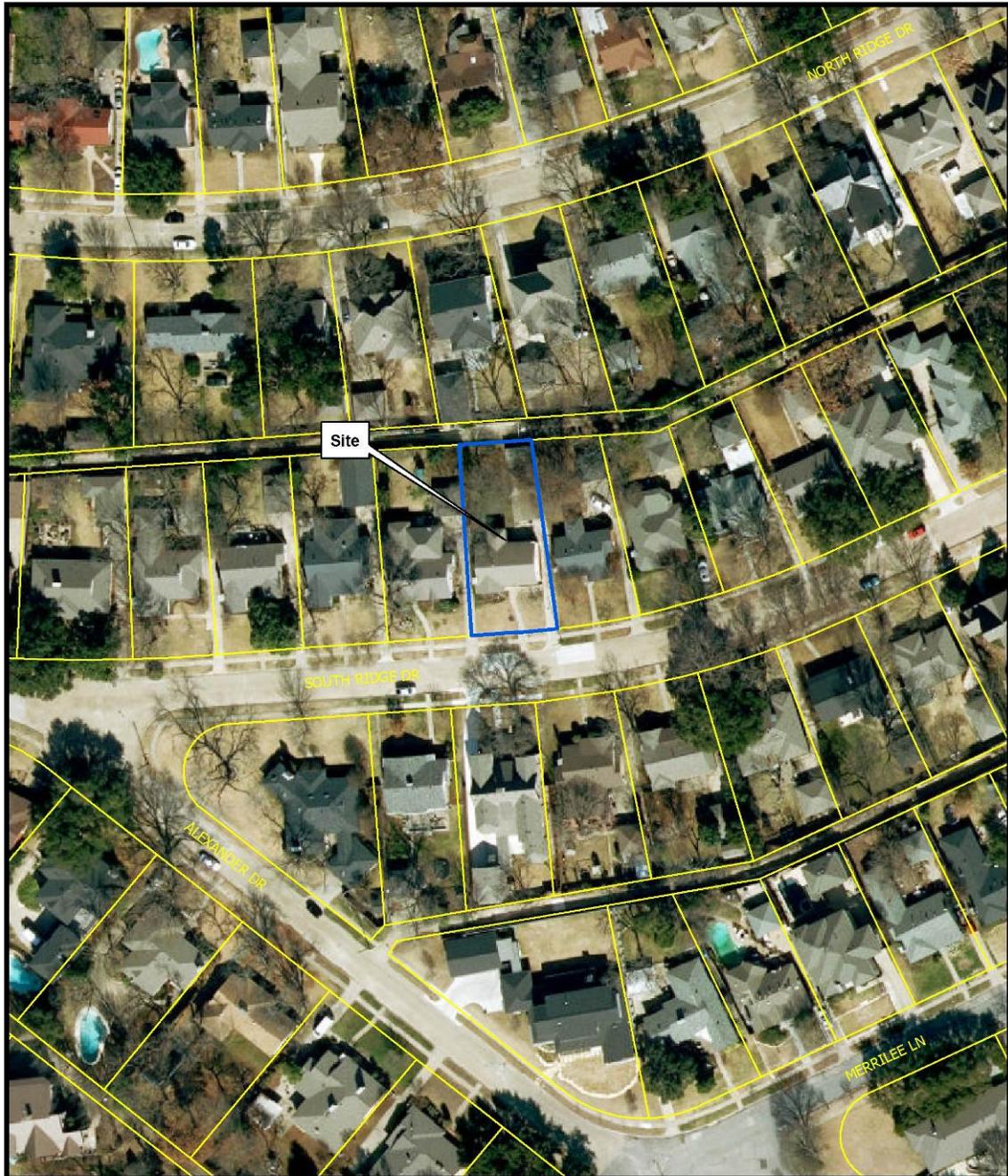


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ZONING MAP

Case no: BDA167-138

Date: 11/17/2017



1:1,200

AERIAL MAP

Case no: BDA167-138

Date: 11/17/2017

BDA167-138

Attach A

PS1

ROBERT REEVES

& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

November 30, 2017

Steve Long, Administrator
Board of Adjustment, Panel C
Department of Sustainable Development & Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: BDA 167-138, 6821 Southridge Drive

Dear Mr. Long:

As you may know, I have an undergraduate degree in architecture from the University of Texas at Austin and a Masters in Public Administration of the University of North Texas. I worked for the City of Dallas in the Planning and Department for sixteen years beginning in June 1969 through July 1985. Prior to leaving the City, I was Assistant Director of Planning and Development for over two years. As Assistant Director, I was responsibility for administering zoning, subdivision, board of adjustment and construction code activities. The Building Official reported directly to me. One of my main responsibilities was to interpret the zoning ordinance and my decision could be appealed to the board of adjustment. Since I left the City, I have been a zoning consultant for over 31 years, for a total of 47 years in the zoning and planning field.

I personally believe that City has made an erroneous and egregious decision, which precipitated this board case. Therefore, on behalf of my clients, Dr. Vincent Chan and Dr. Lillienne Yoon Chan, I have appealed the decision of the Building Official to deny a permit to construct a rear entry carport located at 6821 Southridge Drive.

My clients purchased this lot in order to construct a new single-family home for their residence. The site falls within Neighborhood Stabilization Overlay District No. 3, which states, "*Garage access must be front entry (from the front lot line) or side entry (from the side lot line) and garages must be to the rear of the single family structure.*" It is my client's position that a carport is not a garage and the construction of a rear entry carport does not violate Neighborhood Stabilization Overlay District No. 3. The Building Inspection staff, has consistently supported this position until, for some inexplicable reason, the Director of Sustainable Development reversed the previous decisions and has now denied a permit for a rear entry carport.

BDA 167-138

A Hank A

P3 2

This process began on 9/6/16 when my clients put in an offer purchase 6821 Southridge Dr. Throughout, the purchase, design, and permit process, my clients have relied on the consistent interpretation of the City that they were allowed to construct a rear entry carport. They have incurred significant expenses relying on the City's support, a total of \$279,132.26.

Attached is an information package for the board's consideration supporting our request to reverse the Building Official's decision to deny our permit for a rear entry carport.

Respectfully:



Robert Reeves, President
Robert Reeves & Associates

**Appeal of the Decision of the Building Official to Deny the Construction of a Rear
Entry Carport located at 6821 Southridge Drive, BDA167-138**

By

Dr. Vincent Chan & Dr. Lillienne Yoon Chan

11/30/17

I. Introduction

Dr. Vincent Chan and Dr. Lillienne Yoon Chan have appealed the decision of the Director of Sustainable Development and Construction/Building Official to deny a permit to construct a rear entry carport located at 6821 Southridge Drive. The site falls within Neighborhood Stabilization Overlay District No. 3, which states, "*Garage access must be front entry (from the front lot line) or side entry (from the side lot line) and garages must be to the rear of the single family structure.*"

It is my client's position that a carport is not a garage and the construction of a rear entry carport does not violate Neighborhood Stabilization Overlay District No. 3. Based on Building Inspection staff's input that a rear entry carport is allowed, my clients purchased this lot on 10/18/17. They then proceeded with design, received a permit, and proceeded with construction based on staff approval. We have had six different City staff members involved from plan review, zoning, and field inspection who all told us to move forward with construction of my client's home with a rear entry carport. This included field inspection and green tags of the foundation forms before the concrete was poured. The City staff has consistently supported this position until, for some inexplicable reason, the Director of Sustainable Development and Construction and Building Official reversed their previous decision and has now denied our permit for a rear entry carport.

II. Definition of Carport

(a) We believe that most folks' understanding of a carport is that it is a structure with multiple open sides generally attached to a main structure. Whereas, a single family garage is a structure fully enclosed with a garage door. (Exhibits 1a-1d)

(b) Unfortunately, the City has no definition in the zoning ordinance, Chapter 51A for a carport, but Building Inspection's policy has been that a carport must be open on two sides. However, Chapter 51A recognizes carports and garages as different structure types with separate regulations. For example, the ordinance provides for a special exception to allow carports in the required front and side yards, which does not apply to other enclosed structures such as a garage.

SEC. 51A-4.401(c) Front Yards:

"The board may grant a special exception to the minimum front yard requirements in this section for a carport for a single family or duplex use...."

SEC. 51A-4.402(c) Side Yards:

"The board may grant a special exception to the minimum side yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board, the carport will not have a detrimental impact on surrounding properties."

(c) Chapter 53, Dallas Building Code also recognizes carports and garages as different structure types with separate regulations.

http://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/Pages/construction_codes.aspx

BDA 167-138
Athen A
PS 5

Section 406.3.5 Carports:

“Carports shall be open on at least two sides. Carport floor surfaces shall be of an approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the requirements for private garages.”

(d) Webster defines a carport as an open-sided automobile shelter by the side of a building and a garage as a shelter or repair shop for automotive vehicles.

(e) Other cities' definition of carports:

- Fort Worth: Carport/Porte Cochere means an open-sided extension of the roof of the principal building, or an accessory open-sided detached building/structure on the same lot, used for the shelter or storage of occupant owned motor vehicles as an accessory use only.

- Mesquite: A carport means a structure designed or used to shelter vehicles, which is open on at least two sides. Carport shall not include the covered portion of a circular drive, a porte cochere or similar covers, which shall comply with the requirements for a principal building.

- Garland: A carport means a roofed structure, open on a minimum of two and three-fourth sides when attached to the primary structure and open on three sides when detached from the primary structure.

- Carrollton: Carport means a permanent roofed structure entirely open on at least two (2) sides, designed for or occupied by private passenger vehicles.

- Frisco: Carport means a structure open on a minimum of two sides designed or used to shelter not more than three (3) vehicles and not to exceed twenty-four (24) feet on its longest dimension. Also called “covered parking area”.

- Richardson: Carport means an enclosure, not exceeding 12 feet in height and completely open to the free movement of air from floor to roof on at least two sides, designed primarily for the shelter of motor vehicles.

- The Colony: Carport means a structure that is open on a minimum two (2) sides and designed or used to shelter not more than three (3) vehicles and not the exceed twenty-four (24) on its longest dimension.

III. Chronology of Key Events:

(a) 9/6/16: Clients’ place an offer on 6821 Southridge.

(b) 9/12/16: Jimmy Tanghongs, builder, first contacts Building Inspection, and received preliminary approval of site plan.

(c) 9/20/16: Builder again contacts Building Inspection and received preliminary site plan approval.

(d) 9/21/16: Builder meets with Building Inspection staff and shows site plan and received preliminary approval.

(e) 10/18/16: Client closes on the property.

(f) 11/1/16: Demolition of existing home is completed.

(g) 11/1/16: Begin preparation of full set of architectural drawings.

(h) 3/17/17: Plans approved by Zoning review staff: Bryant Thompson.

- (i) 3/17/17: Permit issued to begin construction on single family dwelling, Exhibit II, Permit #1703171041, Exhibit III, and Contractor's Authorization, Validation #1703171041261, Exhibit IV.
- (j) 3/22/17: Final plans approved by Zoning review staff: W. Franklin.
- (k) 3/27/17: Lot preparation begins per approved site plan.
- (l) 3/31/17: Foundation forms are constructed.
- (m) 4/4/17: Survey completed.
- (n) 4/13/17: Builder receives a phone call from neighboring homeowner, Scott Frieling, saying that a garage cannot be accessed from an alley. Builder told Mr. Frieling it was a carport.
- (o) 4/14/17: Builder called Build Inspection District Office and asked if there were any issues and was told that there were no issues. The builder was told that he should call Howard Middlebrooks, District Supervisor, if there were any issues.
- (p) 4/19/17: Piers poured and inspected by RCS Enterprises, engineers.
- (q) 4/20/17: The builder received a letter from Mr. Frieling saying there cannot be a rear entry garage. Builder wrote back stating that they don't have a garage, but a carport.
- (r) 4/21/17: Builder called Howard Middlebrook, Building Inspection District Supervisor, and he reiterated that the City has approved the plans, and everything is legal, and to move forward.

- (s) 4/24/17: Builder met with Jenniffer Allgaier, Zoning Inspector III on the site and said that everything was good and to continue construction.
- (t) 5/11/17: Builder received a call from Jim Gay, Plan Reviewer, who said that David Cossum, Director of Sustainable Development and Construction, said that a carport is treated as a garage.
- (u) 5/11/17: Builder called David Cossum to ask for a meeting and talked with his assistant.
- (v) 5/12/17: Builder called David Cossum and, once again, talked with his assistant who said he returns calls between 4-5 PM each day.
- (w) 5/24/17: Builder begins rough plumbing, called for an inspection, and received a green tag.
- (x) 5.24.17: Builder completed rough electrical and received a green tag.
- (y) 5/31/17: Builder received a call from Jennifer Allgaier, Zoning Inspector, who issued a stop-work-order.
- (z) 6/8/17: Builder and client met with Megan Wimer, Chief Planner, and Ed Dryden, Assistant Building Official, who provided limited options, which included appealing the board of adjustment.
- (aa) 6/22/17: Robert Reeves, Robert Reeves & Associates, Zoning Consultant, was retained by client.
- (bb) 6/30/17: Met with David Cossum, Director, Neva Dean, Assistant Director, Robert Reeves, clients, and builder. The purpose of the meeting was to ask David Cossum. to reverse his decision and reinstate the

permit. He said he was leaving on vacation for three weeks and said he would have Megan Wimer would call me.

(cc) 7/6/17: Robert Reeves emailed Megan Wimer asked if she had heard from David Cossum. She was told that he client intended to file an appeal to the board and needed a response, Exhibit V.

(dd) 7/6/17 11:11 AM: Megan Wimer emailed Robert Reeves and stated "No need to file appeal", Exhibit VI.

(ee) 7/6/17 11:50 AM: Robert Reeves emailed Megan Wimer and said he will hold tight and asked that she please elaborate, Exhibit VII.

(ff) 7/6/17 11:51 AM: Megan Wimer emailed Robert Reeves and stated that a carport is not a garage and the plans were approved correctly. She also needed to let the neighbors know before the City removes the stop-work-order, Exhibit VIII.

(gg) 7/7/17 10:51 AM: Robert Reeves received an email from Megan Wimer with her response to the neighbors, Exhibit IX.

(hh) 7/7/17 10:51 AM: Megan Wimer emailed Jennifer Allgaier, Zoning Inspector, with instruction to remove the stop-work-order, Exhibit X.

(ii) 7/7/17 4:43 PM: Jennifer Allgaier emailed the builder and told him to resume work, Exhibit XI.

(ij) 8/3/17: Second stop-work-order issued, Exhibit XII.

BDA 167-138
Attached
Pg 10

(kk) 9/12/17: David Cossum verbally communicated to Robert Reeves that he reversed himself and determined that a carport is a garage and suggested that if we wanted to appeal his decision that we amend our permit and submit a permit only for a carport. He offered no explanation for the permit denial and reversal of his earlier decision to proceed, which was communicated in MeganWimer's 7/6/17 email, see Exhibit VIII.

(ll) 9/26/17: Permit amended, and new application filed only for the carport, Exhibit XIII.

(mm) 10/3/17: Permit for a carport denied, Exhibit XIV.

IV. Summary of Costs Incurred by Chans'

• Down payment on 6821 Southridge Dr. purchase:	\$87,400.00
• Loan origination fees:	\$19,487.76
• Preparation of architectural drawings and permits:	\$30,032.50
• Lot preparation:	\$15,500.00
• Construction:	\$119,622.00
• Zoning Consultant:	<u>\$ 7,090.00</u>
Total:	\$279,132.26*

* Excludes loan payments

V. Conclusions:

a) Although the zoning ordinance does not specifically define carports or garages, the zoning ordinance does treat carports differently from a garage under the special exception provisions for front yards and side yards for single family and duplex uses.

b) The Dallas Building Code does define carports and states that carports not open on at least two sides are considered a garage.

c) The Building Inspection staff has considered carports differently from garages for years and, by policy, requires that they be open on two sides.

d) The Chan's have repeatedly relied on staff approval of their plans and construction, which has always included a rear entry carport. This includes six, (6), different Building Inspection staff, plus the written opinion of Megan Wimer, Chief Planner, representing the position of the Director of Sustainable Development and Construction and the Building Official. Ms. Wimer has now been promoted to Assistant Building Official over zoning in the Building Inspection Division.

e) The Director of Sustainable Development and Construction has now flipped-flopped and reversed himself without an explanation. Based on the Director's current interpretation, a garage now includes a carport and an enclosed garage is now allowed in the required front and side yards under the special exception rules and not under the property hardship rules. This makes no sense and is inconsistent with the City's policy, which has been in effect for many years.

f) We have reasonably relied on the City's permission before proceeding with the construction. We would not have otherwise incurred this cost, \$279,132.26, if not for the City's guidance on the matter. If the City's guidance was inaccurate, then we have relied on such guidance to our detriment, and have incurred potential damages as a result. Therefore, the City should be estopped from asserting an alternative interpretation that differs from what it represented to us on multiple occasions.

g) If the neighbors intended to prohibit rear entry carports in the NSO, then the City should amend the ordinance accordingly.

BDA 167-138
ATTACH A
PS 13

EXHIBITS

BDA 167-138
Attached
PS 14

EXHIBIT Ia

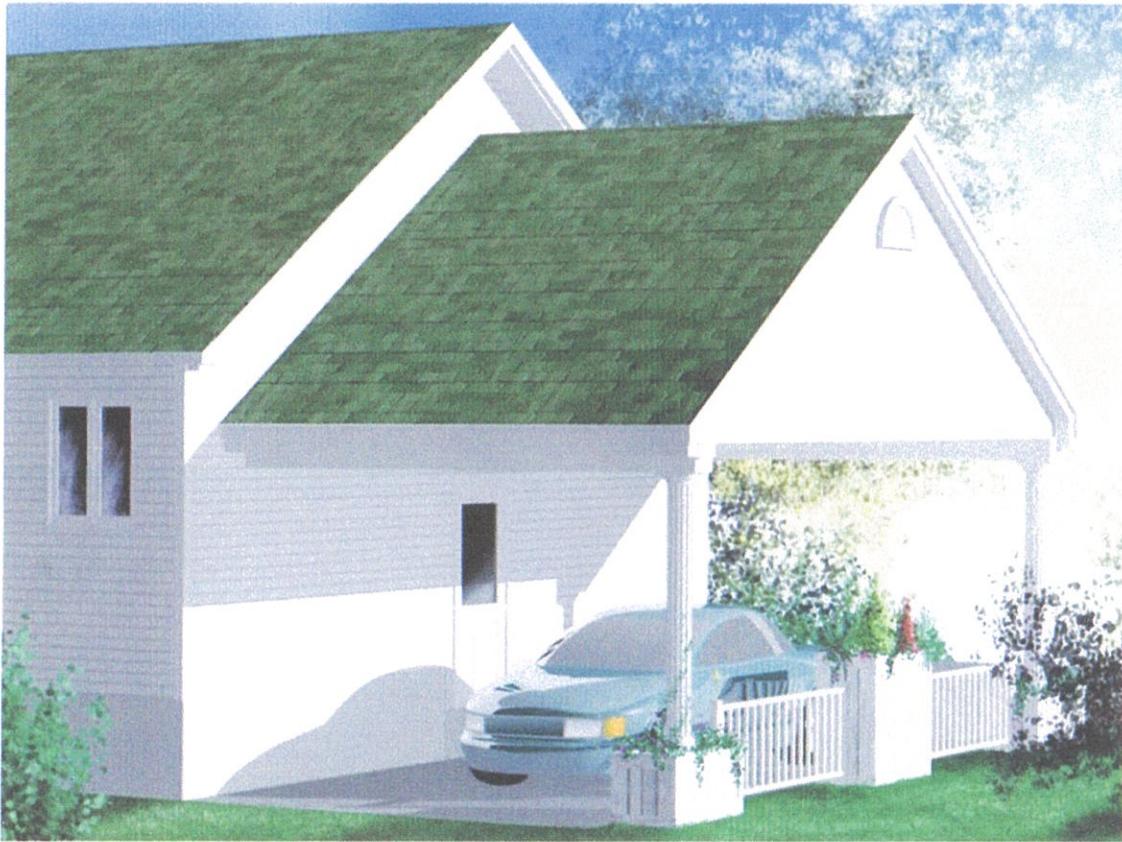
Attached Carport



BDA 167-138
Attach A
ps 15

EXHIBIT Ib

Attached Carport



BDA 167-138
Alter w/A
PS 16

EXHIBIT 1c

Enclosed Garage



BDA 167-138
Attadi A
PS 17

EXHIBIT Id Enclosed Garage



BDA167-138
Attach A
PS18

EXHIBIT II

Proposed Carport
6821 Southridge Drive





City of Dallas

EXHIBIT III Permit # 1703171041

BDA 167-178
Attach A
p3 19

Issue Date: 03/17/2017

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

Address: 6821 SOUTH RIDGE DR 75214

Land Use Description: SINGLE FAMILY DWELLING

Work Description: CONSTRUCT NEW SFD

Value Of Work: \$600,000.00

Owner Or Tenant: VINCENT CHAN
6742 E. MOCKINGBIRD LN
DALLAS, TX

Applicant: JAMES TANGHONGS
Contractor: THE NEW MODERN HOME
Business Address: 13927 BROOKGREEN DR, DALLAS, TX 75240
Telephone: 214/702-9345 **Fax:**

Lot: 10	Block: L/2984	Zoning: R-7.5(A)	PDD:	SUP:
Historic Dist:	Conserv Dist:	Pro Park: 2	Req Park: 1	Park Agrmt: N
Dwlg Units: 1	Stories: 2	New Area: 4724	Lot Area: 8916	Total Area: 4724
Type Const: VB	Sprinkler:	Occ Code: R3	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

EXHIBIT IV

Contractor's Authorization

Trade Type: Green

BDA 167-138
A-Hecl. A
PS 20

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

District Office SE

Validation #: 1703171041261

Address: 6821 SOUTH RIDGE DR 75214

Issue Date: 03/17/2017

Land Use Description: SINGLE FAMILY DWELLING

Work Description: 1035-Green certifications

Authorized Date:
Owner Or Tenant: VINCENT CHAN
6742 E. MOCKINGBIRD LN
DALLAS, TX

Applicant: JAMES TANGHONGS

Contractor:

Business Address:

Telephone:

Fax:

Lot: 10	Block: L/2984	Zoning: R-7.5(A)	PDD:	SUP:
Historic Dist:	Consrv Dist:	Pro Park: 2	Req Park: 1	Park Agrmt: N
Dwlg Units: 1	Stories: 2	New Area: 4724	Lot Area: 8916	Total Area: 4724
Type Const: VB	Sprinkler:	Occ Code: R3	Occ Load:	

For inspections call 214/670-5313, 24 hours. You will need your validation number 1703171041261 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) 670-8160 from 8 AM to 4:30 PM Monday through Friday.

EXHIBIT V

BDA 167-138
Attach A
PS 21

Subject: 6831 Southridge
Date: Thursday, July 6, 2017 at 8:58:42 AM Central Daylight Time
From: Robert Reeves
To: Megan Wimer

Megan:

I have been retained by the owner of a proposed home located at 6831 Southridge. This is the home that has a rear entry carport and the staff has issued a stop work order after we received a permit because site is located in NSO No. 3, which prohibits rear entry garages.

The client and I met with David Cossum last Friday to see if he would reverse his decision or work out a compromise. He said he wanted to talk with you (staff) prior to going on vacation for three weeks. Did he ever talk with you? If he decides not to reverse his decision, we would still like to work out a compromise.

Since he is gone for three weeks, we feel that we need to appeal the staff's decision to stop our construction to the board. The slots fill up fast and we don't want to miss a deadline waiting on a decision from David. If he reverses the stoppage, we can always withdraw our application. However, I understand that Todd will not be back until July 15 and the receptionist said that no one else is authorized to accept board applications. Is that true? Surely not.

Thanks.

Robert Reeves

*Robert Reeves & Associates, Inc.
900 Jackson Street, Suite 160
Dallas, Texas 75202
214-749-0530
FAX: 214-749-5605
rob.reeves@sbcglobal.net*

EXHIBIT VI

BDA167-138

Appeal A

ps 22

Subject: RE: 6831 Southridge

Date: Thursday, July 6, 2017 at 11:11:19 AM Central Daylight Time

From: Wimer, Megan

To: Robert Reeves

No need to file the appeal.



Megan Wimer, AICP
Chief Planner
City of Dallas | DallasCityNews.net
Sustainable Development and
Construction
320 E. Jefferson Boulevard, Room 118
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com



EXHIBIT VII

BDA 167-138

Attach A

P. 23

Subject: Re: 6831 Southridge

Date: Thursday, July 6, 2017 at 11:50:12 AM Central Daylight Time

From: Robert Reeves

To: Wimer, Megan

OK, we will hold tight. When you catch up, please elaborate.

Thanks.

Robert Reeves

*Robert Reeves & Associates, Inc.
900 Jackson Street, Suite 160
Dallas, Texas 75202
214-749-0530
FAX: 214-749-5605
rob.reeves@sbcglobal.net*

EXHIBIT VIII

BDA 167-138
AHHK A

Ps 24

Subject: RE: 6831 Southridge

Date: Thursday, July 6, 2017 at 11:51:56 AM Central Daylight Time

From: Wimer, Megan

To: Robert Reeves

A carport is not a garage so the plans were approved correctly. We will be letting the neighbors know.



Megan Wimer, AICP
Chief Planner
City of Dallas | DallasCityNews.net
Sustainable Development and
Construction
320 E. Jefferson Boulevard, Room 118
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com



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

EXHIBIT IX

BDA167-138
Attach A

PS 25

Subject: NSO District No. 3 (6821 South Ridge Drive)
Date: Friday, July 7, 2017 at 10:23:02 AM Central Daylight Time
From: Wimer, Megan
To: Wimer, Megan

Thank you for reaching out to us about the construction at 6821 South Ridge Drive. While we put much consideration into the neighborhood's concerns, after additional review and discussion, staff has concluded that the initial interpretation was correct. NSO District No. 3 does not regulate the placement of carports.

The NSO ordinance establishes the option to regulate garage location, placement, and connection (i.e., whether a garage is attached or detached; has front, side, or rear entry; and whether it is located in front of, behind, or to the side of the main structure). The NSO ordinance does not provide an option to regulate vehicular access, parking location, or covered parking (i.e. carports).

Chapter 51A of the Dallas Development Code recognizes carports and garages as different structure types with separate regulations. For example, the code provides for a special exception to allow carports within a required front yard setback; this provision does not apply to other enclosed parking structures (i.e. garages).

Before lifting the stop work order, we wanted to let the neighborhood know that since it has been determined that the proposed carport does not violate NSO District No. 3, work at 6821 South Ridge Drive may resume in accordance with the approved plans.

We understand that this is of great concern to the neighborhood. If the additional buffer provided by a side driveway required for a front or side entry garage is something the neighborhood wants to ensure, we suggest an amendment to the NSO to regulate side yard setbacks in addition to, or in lieu of, regulating garage access. While this wouldn't address 6821 South Ridge, we'd be happy discuss that process if you wish to explore that option for future construction.

Sincerely,



Megan Wimer, AICP
Chief Planner
City of Dallas | DallasCityNews.net
Sustainable Development and
Construction
320 E. Jefferson Boulevard, Room 118
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com



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EXHIBIT X

BPA 167-138
Attach A

PS 26

Subject: FW: NSO District No. 3 (6821 South Ridge Drive)
Date: Friday, July 7, 2017 at 10:51:18 AM Central Daylight Time
From: Wimer, Megan
To: Allgaier, Jenniffer
CC: Jimmy Tanghongs, Robert Reeves, Sikes, Phil

Please remove the SWO. I have removed the hold in Posse.



Megan Wimer, AICP
Chief Planner
City of Dallas | DallasCityNews.net
Sustainable Development and
Construction
320 E. Jefferson Boulevard, Room 118
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com



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EXHIBIT XI

BDA 167-138
Att: A

PS 27

Subject: RE: NSO District No. 3 (6821 South Ridge Drive)

Date: Friday, July 7, 2017 at 4:43:30 PM Central Daylight Time

From: Allgaier, Jenniffer

To: Jimmy Tanghongs

CC: Robert Reeves, Sikes, Phil, Wimer, Megan

My apologies. I did not see this email until I had already returned to the district office this afternoon and, therefore, did not go by this location to remove the stop work order today. I will go by this location on Monday. However, Mr. Tanghongs, you are welcome to remove the placard yourself before resuming work if I do not make it to your job site before work is set to begin on Monday.

Regards,



Jenniffer Allgaier, M.Arch
Inspector III - Zoning
City of Dallas |
www.dallascityhall.com
Sustainable Development &
Construction
Southeast District Building Inspection
725 N. Jim Miller Rd., Suite A
Dallas, TX 75217
O: 214.670.8112
jenniffer.allgaier@dallascityhall.com



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

STOP WORK ORDER

WORK PERFORMED ON THESE PREMISES IS IN VIOLATION
OF CHAPTER 52 OF THE DALLAS CITY CODE

ANY PERSON OR PERSONS PERFORMING CONSTRUCTION
RELATED ACTIVITIES WHILE THIS NOTICE IS IN EFFECT
COMMITTS AN OFFENSE PUNISHABLE BY A FINE NOT TO
EXCEED \$2000 EACH DAY

ADDRESS: *6821 Southridge*



City of Dallas

FOR MORE INFORMATION CALL BUILDING INSPECTION:
PHONE: *214 998 4347 / 214-670 6398*

EXHIBIT XII
Second
Stop-Work-Order
8/3/17

EXHIBIT XIII New Application only for Carport

DATE: 09/24/2017
 EXPRESS PLAN REVIEW



City of Dallas

TYPE ACTIVITY
 CHANGE ORDER
 GENERAL CONSULTING

BUILDING INSPECTION DIVISION ADDENDUM APPLICATION

STREET ADDRESS OF PROPOSED PROJECT <u>6821 Southridge Dr</u>		SUITE/BLDG/FLOOR NO	USE OF PROPERTY <u>Single Family / Residential</u>	
ORIGINAL PERMIT NO <u>1703171041</u>	CERTIFICATE OF OCCUPANCY NO (IF APPLICABLE)		ORIGINAL PERMIT ISSUE DATE <u>03/17/2017</u>	
OWNER/TENANT <u>Vincent Chan</u>	ADDRESS <u>6742 E Mockingbird Ln</u>	CITY <u>Dallas</u>	STATE <u>Texas</u>	ZIP CODE
APPLICANT <u>Hilda Perez</u>	COMPANY NAME <u>The New Modern Home</u>	E-MAIL ADDRESS <u>hilda@thenewmodernhome.com</u>		
ADDRESS	CITY	STATE	ZIP CODE	PHONE NO / FAX NO

DESCRIPTION OF PROPOSED REVISION <u>Request an area for Carport/Parking</u>	CONST AREA (sq ft)	ORIGINAL AREA	ORIG VALUATION
		ADDTL AREA	ADDTL COSTS
		REVISED AREA	TOTAL VALUATION

PLEASE INDICATE ALL TYPES OF WORK IN THIS PROJECT THAT WILL BE REVISED BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING PLUMBING FENCE DRIVE APPROACH BACKFLOW GREEN BUILDING
 ELECTRICAL FIRE SPRKLR SIGN SWIMMING POOL CUSTOMER SVC HEALTH
 MECHANICAL FIRE ALARM LANDSCAPE LAWN SPRINKLER FLAMMABLE LIQUID OTHER:

WILL ALCOHOL BE SOLD/SERVED? YES NO PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? YES NO
 WILL THERE BE A DANCE FLOOR? YES NO ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? YES NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	PARKING AGREEMENT		NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

REMARKS	FEE CALCULATIONS (\$)	
	PERMIT FEE	
	PLAN REVIEW FEE	
	EXPRESS PLAN REVIEW RATE: \$1,000 PER HOUR	

ROUTE TO	REVIEWER	DATE	ROUTE TO	REVIEWER	DATE	COMMENTS
ZONING			GREEN BUILDING			
BUILDING			FIRE			
ELECTRICAL			WATER			
PLUMBING/MECHANICAL			HISTORICAL/CONSERV DISTRICT			
LANDSCAPING			FLOOD PLAIN/DRAINAGE			
HEALTH			AVIATION/TRAFFIC/OTHER			

EXHIBIT XIV

Denial of Carport Permit

10/3/17

DATE: _____
 EXPRESS PLAN REVIEW

DENIED

DATE 10.3.17
 BY E. Robie
 PHONE 214 448 2144
 REASON See note



City of Dallas

TYPE ACTIVITY

CHANGE ORDER

GENERAL CONSULTING

BUILDING INSPECTION DIVISION ADDENDUM APPLICATION

STREET ADDRESS OF PROPOSED PROJECT: 6821 Southridge Dr. SUITE/BLDG/FLOOR NO: _____ USE OF PROPERTY: Residential / Single Home

ORIGINAL PERMIT NO: 1703171041 CERTIFICATE OF OCCUPANCY NO (IF APPLICABLE): _____ ORIGINAL PERMIT ISSUE DATE: _____

OWNER/TENANT: Vincent (Man) ADDRESS: 6742 E Mockingbird Ln CITY: Dallas STATE: Texas ZIP CODE: _____

APPLICANT: Hilda Perez COMPANY NAME: The New Modern Home E-MAIL ADDRESS: hilda@thenewmodernhome.com

ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ PHONE NO: 469 952 4398 FAX NO: _____

DESCRIPTION OF PROPOSED REVISION: Add carport to the house.

CONST AREA (sq ft)	ORIGINAL AREA	VALUATION (\$)	ORIG VALUATION
	ADDTL AREA		ADDTL COSTS
	REVISED AREA		TOTAL VALUATION

PLEASE INDICATE ALL TYPES OF WORK IN THIS PROJECT THAT WILL BE REVISED BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

- BUILDING
- ELECTRICAL
- MECHANICAL
- PLUMBING
- FIRE SPRKLR
- FIRE ALARM
- FENCE
- SIGN
- LANDSCAPE
- DRIVE APPROACH
- SWIMMING POOL
- LAWN SPRINKLER
- BACKFLOW
- CUSTOMER SVC
- FLAMMABLE LIQUID
- GREEN BUILDING
- HEALTH
- OTHER:

WILL ALCOHOL BE SOLD/SERVED? YES NO

WILL THERE BE A DANCE FLOOR? YES NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? YES NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? YES NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: *Hilda Perez*

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	BOA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	PARKING AGREEMENT		NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

REMARKS: Per U.S.O. #3 GARAGE/CARPETS NOT ALLOWED ACCESS FROM THE REAR OF THE PROPERTY (SBE SEC. 2 #5) ER

FEE CALCULATIONS (\$)

PERMIT FEE	
PLAN REVIEW FEE	
EXPRESS PLAN REVIEW RATE \$1,000 PER HOUR	
HEALTH PERMIT FEE	
RECORD CHANGE FEE	
ADDENDUM FEE	
OTHER FEES	
TOTAL FEES	\$

ROUTE TO	REVIEWER	DATE	ROUTE TO	REVIEWER	DATE	COMMENTS
ZONING			GREEN BUILDING			
BUILDING			FIRE			
ELECTRICAL			WATER			
PLUMBING/MECHANICAL			HISTORICAL/ CONSERV DISTRICT			
LANDSCAPING			FLOOD PLAIN DRAINAGE			
HEALTH			AVIATION/TRAFFIC/ OTHER			

BDA167-138
Attachment B
B1



CITY OF DALLAS

December 1, 2017

***Via Email to Board of Adjustment Administrator
steve.long@dallascityhall.com***

Board of Adjustment, Panel C
1500 Marilla St., 5BN
Dallas, Texas 75201

Re: BDA167-138 City Staff's Brief in the Appeal of a Building Official
decision regarding 6821 South Ridge

Dear Board Members:

Below is a summary of the key points that will be addressed by City staff in response to the homeowner's appeal of the Building Official's decision to deny issuance of a building permit for 6821 South Ridge Drive.

I. Facts

A master building permit for construction of a single family dwelling was issued for 6821 South Ridge Dr, Dallas, Texas 75214 ("Site") on March 17, 2017. Later, an application was made for an additional building permit to add a carport with alley access at the rear of the house on the Site. That application was denied on October 3, 2017.

II. Reason for denying issuance of building permit

Under Section 51A-4.507 of the Dallas City Code, the general purpose and intention of a Neighborhood Stabilization Overlay ("NSO") is to preserve the existing character of single family neighborhoods by imposing neighborhood-specific yard, lot, and space regulations that reflect that existing character, and to ensure that new single family structures are compatible with existing single family structures in the neighborhood. *See Exhibit A.*

NSO District #3 requires that garage access must be front or side entry. *See Ordinance No. 26551 Section 2(5), attached as Exhibit B.* The ordinance for NSO District #3 makes no mention of carports. The Dallas City Code also does not provide definitions of a carport or garage. However, given the purpose and intention of an NSO to preserve neighborhood character as to yard, lot, and space regulations, and that carports and garages serve the same functional purpose, City staff believes that carports should be subject to the same restrictions as garages under NSO District #3.

BDA 167-138
Attch B
P52

December 1, 2017

Page 2

III. Relief

It is requested the Board of Adjustment – Panel C affirm the Building Official’s decision in this appeal. The Building Official’s determination denying issuance of a permit for a carport with rear entry on the Site follows the spirit and intention of the NSO District #3 standards.

Respectfully,



Kristen Monkhouse
Dallas Assistant City Attorney
(214) 671-8974
kristen.monkhouse@dallascityhall.com

Enclosure

SEC. 51A-4.507. NEIGHBORHOOD STABILIZATION OVERLAY.

(a) Findings and purpose.

(1) The city council finds that the construction of new single family structures that are incompatible with existing single family structures within certain established neighborhoods is detrimental to the character, stability, and livability of that neighborhood and the city as a whole.

(2) The neighborhood stabilization overlay is intended to preserve single family neighborhoods by imposing neighborhood-specific yard, lot, and space regulations that reflect the existing character of the neighborhood. The neighborhood stabilization overlay does not prevent construction of new single family structures or the renovation, remodeling, repair or expansion of existing single family structures, but, rather, ensures that new single family structures are compatible with existing single family structures.

(3) The yard, lot, and space regulations of the neighborhood stabilization overlay are limited to facilitate creation and enforcement of the regulations.

(4) Neighborhood stabilization overlay districts are distinguished from historic overlay districts, which preserve historic residential or commercial places; and from conservation districts, which conserve a residential or commercial area's distinctive atmosphere or character by protecting or enhancing its significant architectural or cultural attributes.

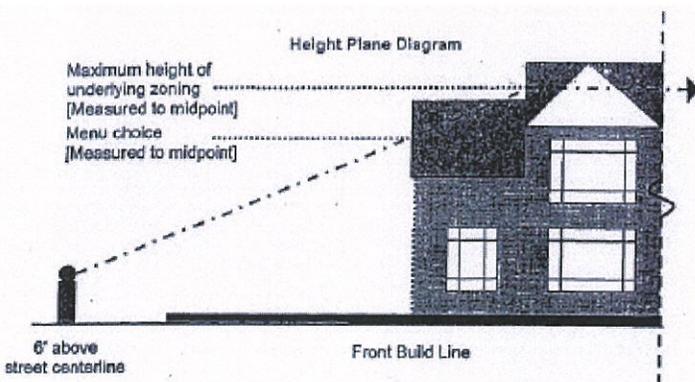
(b) Definitions. In this section:

(1) **BLOCKFACE** means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street dead-ends, the terminus of the dead-end will be treated as an intersecting street.

(2) **CORNER SIDE YARD** is a side yard abutting a street.

(3) **DISTRICT** means a neighborhood stabilization overlay district.

(4) **HEIGHT PLANE** means a plane projecting upward and toward the subject lot from a point six feet above grade at the center line of the street adjacent to the front property line, and extending to the intersection of a vertical plane from the front building line with the maximum height established by the neighborhood stabilization overlay and continuing at the same angle to the maximum height of the underlying zoning. The height plane is illustrated below.



(6) **MEDIAN** means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(7) **NEIGHBORHOOD COMMITTEE** means the owners of at least 10 properties within a proposed district.

(8) **SINGLE FAMILY STRUCTURE** means a main structure designed for a single family use, without regard to whether the structure is actually used for a single family use. For example, a house containing a child care facility is a single family structure, but an institutional building, such as a church or school, converted to a single family use is not.

(c) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) A neighborhood stabilization overlay may only be placed on an area that is zoned as a single family residential district and developed primarily with single family structures. A neighborhood stabilization overlay may not be placed on a conservation district or a neighborhood with a historic overlay. A neighborhood stabilization overlay may be placed on an established neighborhood even though it contains vacant lots. A neighborhood stabilization overlay may not be placed on a new subdivision being developed on a tract of land.

(3) A district must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. The minimum area of a subdistrict within a district is one blockface.

(4) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(5) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed district as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(6) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed district, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the district.

(7) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed district in support of the proposed district.

(i) For a proposed district with 50 or fewer single family structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed district with more than 50 single family structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(B) The application fee, if applicable.

(i) If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed district is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of any neighborhood associations that represent the interests of property owners within the proposed district.

(E) A list of the names and addresses of the neighborhood committee members.

(F) Any other information the director determines is necessary.

(8) A public hearing to create a district is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(9) For purposes of Section 51A-4.701, "Zoning Amendments," once a complete petition has been submitted to the director, the neighborhood stabilization overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(10) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood stabilization overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood stabilization

overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition, and summarize any comments.

(e) Neighborhood stabilization overlay.

(1) In general.

(A) A neighborhood stabilization overlay is not required to specify standards for each category of yard, lot, and space regulation in this subsection, but if it does, the regulations must be selected from the options described in this subsection.

(B) The yard, lot, and space regulations of the neighborhood stabilization overlay must reflect the existing conditions within the neighborhood.

(C) Except as provided in the neighborhood stabilization overlay, the yard, lot, and space regulations of the underlying zoning remain in effect.

(D) The provisions of Section 51A-4.704(c), regarding renovation, remodeling, repair, rebuilding, or enlargement of nonconforming structures, remain in effect.

(E) The yard, lot, and space regulations of the neighborhood stabilization overlay apply only to single family structures.

(F) The yard, lot, and space regulations of the neighborhood stabilization overlay must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between the neighborhood stabilization overlay and Division 51A-4.400, the neighborhood stabilization overlay controls.

(2) Front yard setback. The minimum front yard setback must be within the range between the setback of the underlying zoning and the median front yard setback of single family structures within the district. This range may allow for a front yard setback that is greater or lesser than the front yard setback of the underlying zoning. For example, if the minimum front yard setback of the underlying zoning is 25 feet and the median front yard setback of single family structures within the district is 40 feet, the minimum front yard setback selected must be between 25 feet and 40 feet.

(3) Corner side yard setback. The minimum corner side yard setback must be within the range between the setback of the underlying zoning and the median corner side yard setback of single family structures within the district. This range may allow for a corner side yard setback that is greater or lesser than the corner side yard setback of the underlying zoning. For example, if the minimum corner side yard setback of the underlying zoning is five feet and the median corner side yard setback of single family structures within the district is 20 feet, the minimum corner side yard setback selected must be between five feet and 20 feet.

(4) Interior side yard setback. The minimum interior side yard setback must be within the range between the setback of the underlying zoning and the median interior side yard setback of single family structures within the district. This range may allow for an interior side yard setback that is greater or lesser than the interior side yard setback of the underlying zoning. For example, if the minimum interior side yard setback of the underlying zoning is five feet and the median interior side yard setback of single family structures within the district is 20 feet, the minimum interior side yard setback selected must be between five feet and 20 feet. The minimum side yard setback for each side yard may be separately established. For example, the minimum side yard on the west side may be five feet, and the minimum side yard on the east side may be 10 feet.

(5) Height.

(A) If the petition is signed by the owners of more than 50 percent but less than 60 percent of the lots within the district, height regulations may not be included in the overlay.

(B) If the petition is signed by the owners of 60 percent or more of the properties within the district, the maximum height selected must be selected from the following:

(i) If the median height of single family structures within the district is 20 feet or more, then the district height must be within the range between the median height of single family structures within the district and the maximum height of the underlying zoning.

(ii) If the median height of single family structures within the district is less than 20 feet, then the district height must be either the median height of single family structures within the district or within the range between 20 feet and the maximum height of the underlying zoning.

(C) If the district regulates height, single family structures may not be built to heights that exceed the height plane, except structures listed in Section 51A-4.408(a)(2). Height is measured from grade to the midpoint between the lowest eaves and the highest ridge of the structure. See Paragraph 51A- 2.102(47), "Height."

(6) Garage access, connection, location. The garage access, connection, or location must be selected from one or more of the following options:

(A) garage access of:

EXHIBIT A

- (i) front entry;
- (ii) side entry; or
- (iii) rear entry;

(B) garage connection of:

- (i) attached to the single family structure; or
- (ii) detached from the single family structure; and

(C) garage location:

- (i) in front of the single family structure;
- (ii) to the side of the single family structure; or
- (iii) to the rear of the single family structure. (Ord. 26161)

EXHIBIT B

1-5-07

ORDINANCE NO. 26551

An ordinance changing the zoning classification on the following property:

Being all of City Blocks E/2984, K/2984, L/2984, M/2984, N/2984, Lots 12 through 27 in City Block D/2984, Lots 5 through 9 in City Block J/2984, Lots 4 through 7 in City Block L-1/2984, and Lots 1 through 8 in City Block O/2984, as shown on the attached Exhibit A, beginning at the intersection of Sperry Street and the alley north of and parallel to North Ridge Drive, then southeast along Sperry Street to the alley south of and parallel to Merrilee Lane, then southwest along the alley to Alexander Drive, then northwest along Alexander Drive to Merrilee Lane, then southwest along Merrilee Lane to the alley that follows the rear lot lines of the properties on the southwest lines of Alexander Drive, South Ridge Drive and Hillbrook Street, then northwest along the alley and the rear lot lines to the southwest lot line of Lot 7 in City Block L-1/2984, then northwest along the lot line to North Ridge Drive, then crossing North Ridge Drive to the alley adjacent to the southwest and west line of Lot 4 in City Block L-1/2984, then northwest and north along the alley to the alley parallel to and north of North Ridge Drive, then along the alley to Sperry Street, the point of beginning, and containing approximately 26.55 acres;

by establishing Neighborhood Stabilization Overlay District No. 3 (Lakewood/North Ridge Estates); providing procedures and regulations for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to establish this neighborhood stabilization overlay district; Now, Therefore,

EXHIBIT B**26551****070196**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed by establishing Neighborhood Stabilization Overlay District No. 3 (Lakewood/North Ridge Estates) on the following property:

Being all of City Blocks E/2984, K/2984, L/2984, M/2984, N/2984, Lots 12 through 27 in City Block D/2984, Lots 5 through 9 in City Block J/2984, Lots 4 through 7 in City Block L-1/2984, and Lots 1 through 8 in City Block O/2984, as shown on the attached Exhibit A, beginning at the intersection of Sperry Street and the alley north of and parallel to North Ridge Drive, then southeast along Sperry Street to the alley south of and parallel to Merrilee Lane, then southwest along the alley to Alexander Drive, then northwest along Alexander Drive to Merrilee Lane, then southwest along Merrilee Lane to the alley that follows the rear lot lines of the properties on the southwest lines of Alexander Drive, South Ridge Drive and Hillbrook Street, then northwest along the alley and the rear lot lines to the southwest lot line of Lot 7 in City Block L-1/2984, then northwest along the lot line to North Ridge Drive, then crossing North Ridge Drive to the alley adjacent to the southwest and west line of Lot 4 in City Block L-1/2984, then northwest and north along the alley to the alley parallel to and north of North Ridge Drive, then along the alley to Sperry Street, the point of beginning, and containing approximately 26.55 acres.

SECTION 2. That, except as provided in Section 51A-4.507, the following regulations apply to structures and property within this neighborhood stabilization overlay district:

1. FRONT YARD SETBACK: Minimum front yard is 36 feet.
2. CORNER SIDE YARD SETBACK: Minimum corner side yard is 17 feet.
3. INTERIOR SIDE YARD SETBACK: Minimum interior side yard is 5 feet.
4. HEIGHT: Maximum structure height may not exceed the height plane, which is 25 feet at the front building line.
5. GARAGE ACCESS: Garage access must be front entry (from the front lot line) or side entry (from the side lot line).
6. GARAGE LOCATION: Garages must be to the rear of the single family structure.

EXHIBIT B

26551

070196

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the centerline of all adjacent streets and alleys.

SECTION 4. That the establishment of this neighborhood stabilization overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 5. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 6. That the director of development services shall correct Zoning District Maps No. H-8 and H-9 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

EXHIBIT B

26551

070196

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

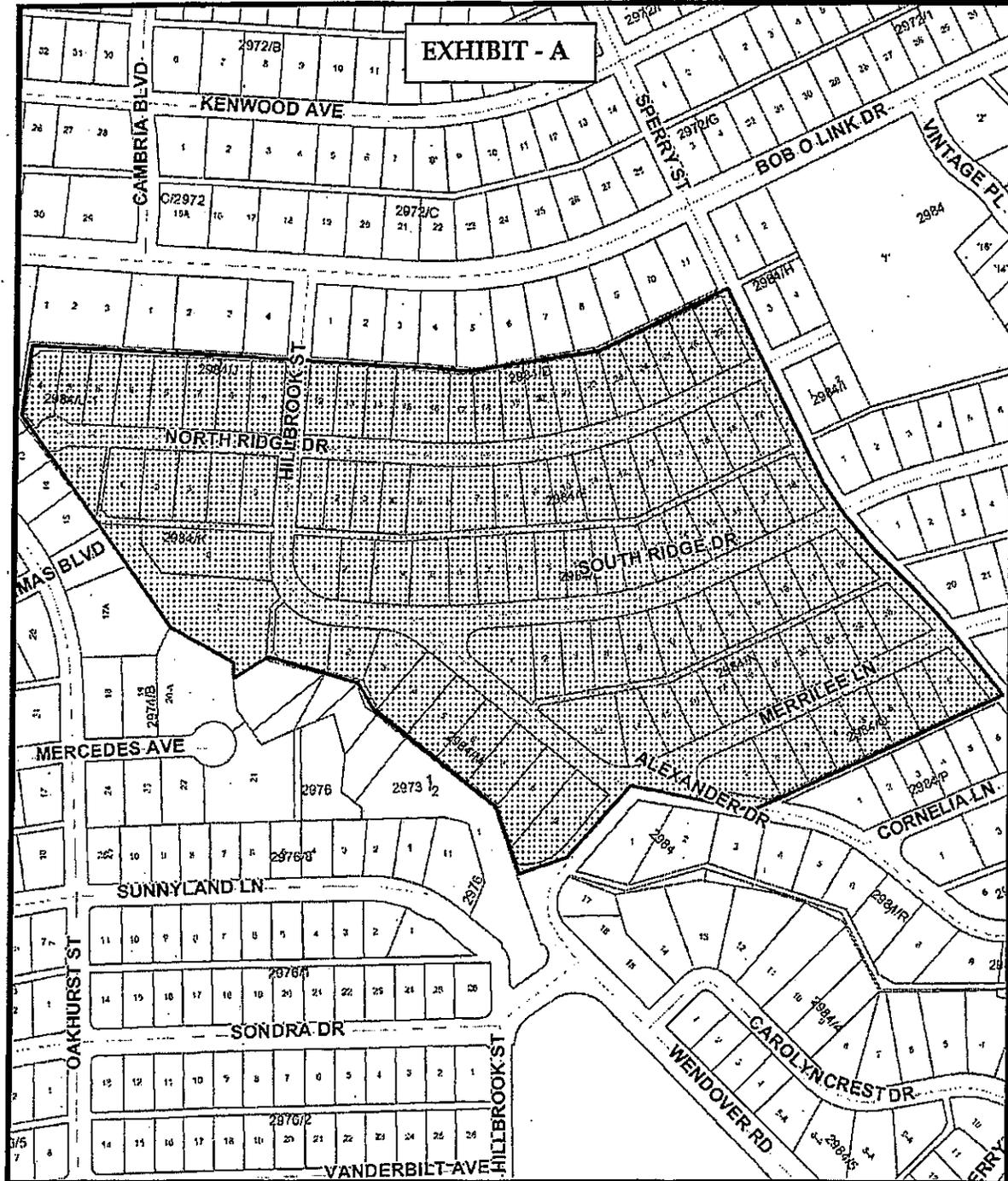
THOMAS P. PERKINS, JR., City Attorney


By _____
Assistant City Attorney

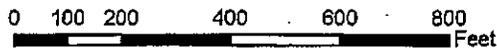
Passed JAN 10 2007

26551

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**Neighborhood Stabilization Overlay
Lakewood/North Ridge Estates
Z056-332 (MF) - NSO No. 3**



26551

070196



1:4,800

ZONING AND LAND USE

Map no: H-8 & H-9

Case no: Z056-332(MF)



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-138

Data Relative to Subject Property:

Filed Date: 10/10/2017

Location address: 6821 Southridge Dr. Zoning District: R-7.5(A) NSO-3 Overlay

Lot No.: 10 Block No.: L/2984 Acreage: 9,129 sf .21 acres Census Tract: 0080.00

Street Frontage (in Feet): (1) Southridge Dr. 65' (2) (3) (4)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Vincent Chan and Lillienne Chan, a married couple

Applicant: Robert Reeves Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160 Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance, or Special Exception of the decision of the Building Official per City Code 51A-3.102(d)(1), City Code 51A-7.703(a)(2)

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Site is located in Neighborhood Stabilization Overlay District #3 which prohibits garages from having access from the rear of the property. A permit for a carport was denied on 10/3/2017. A carport is not a garage.

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.

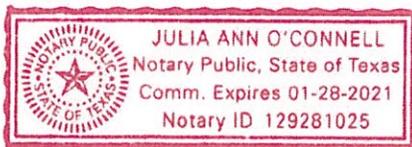
Affidavit

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

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 10th day of October, 2017.



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



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

6821 south ridge

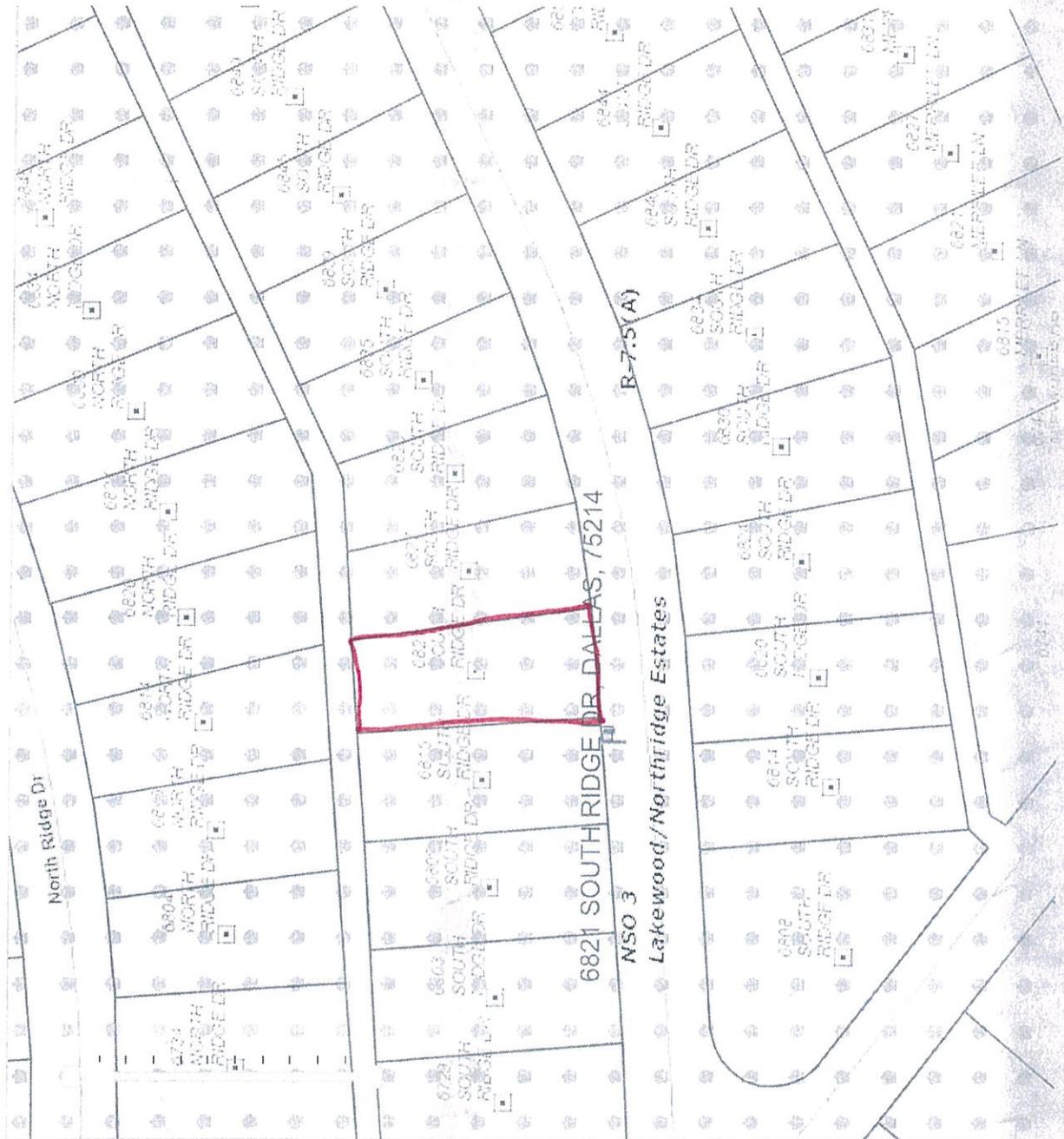
Locate

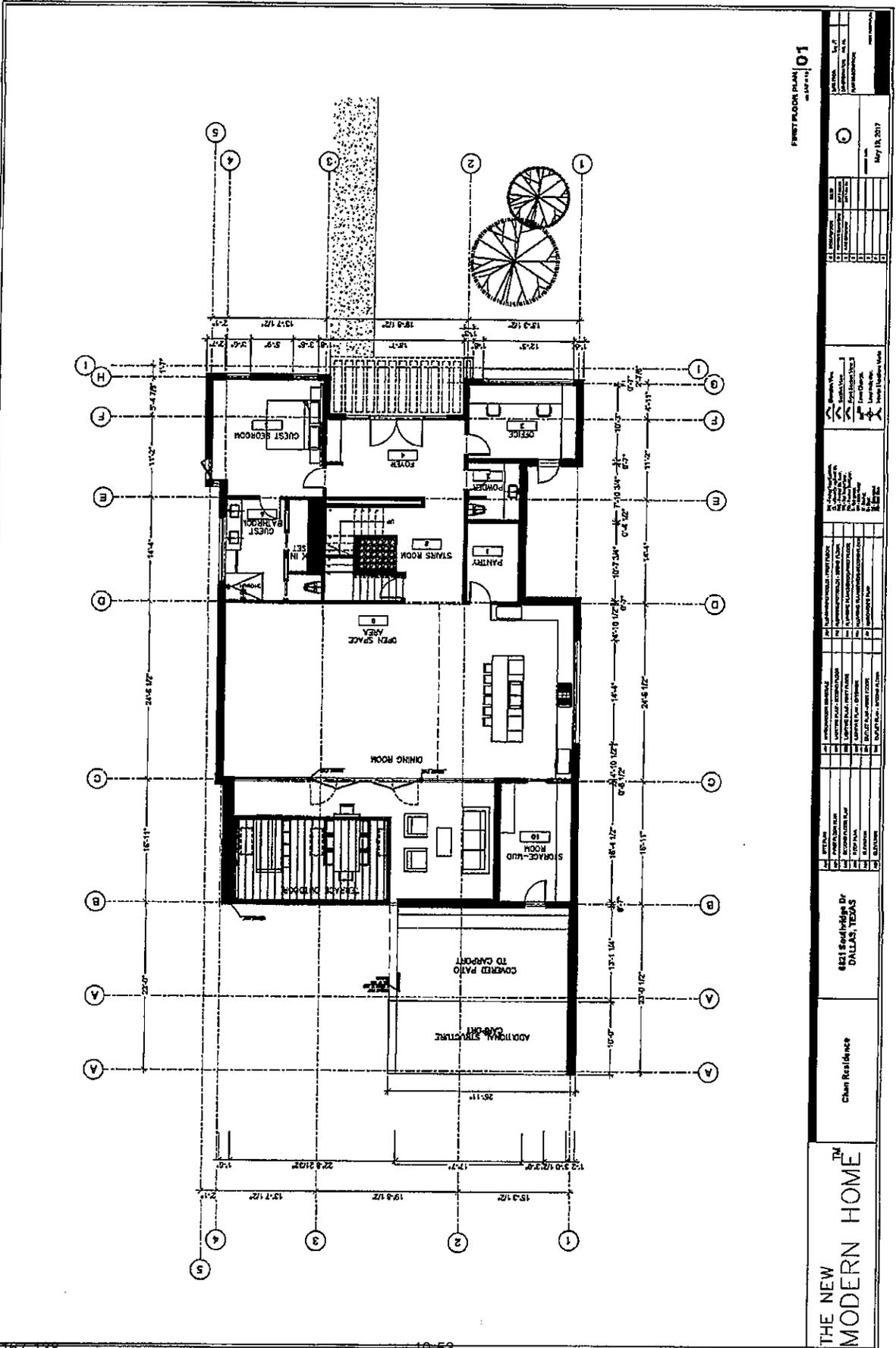
OR

Parcel address.

Use street type for better re

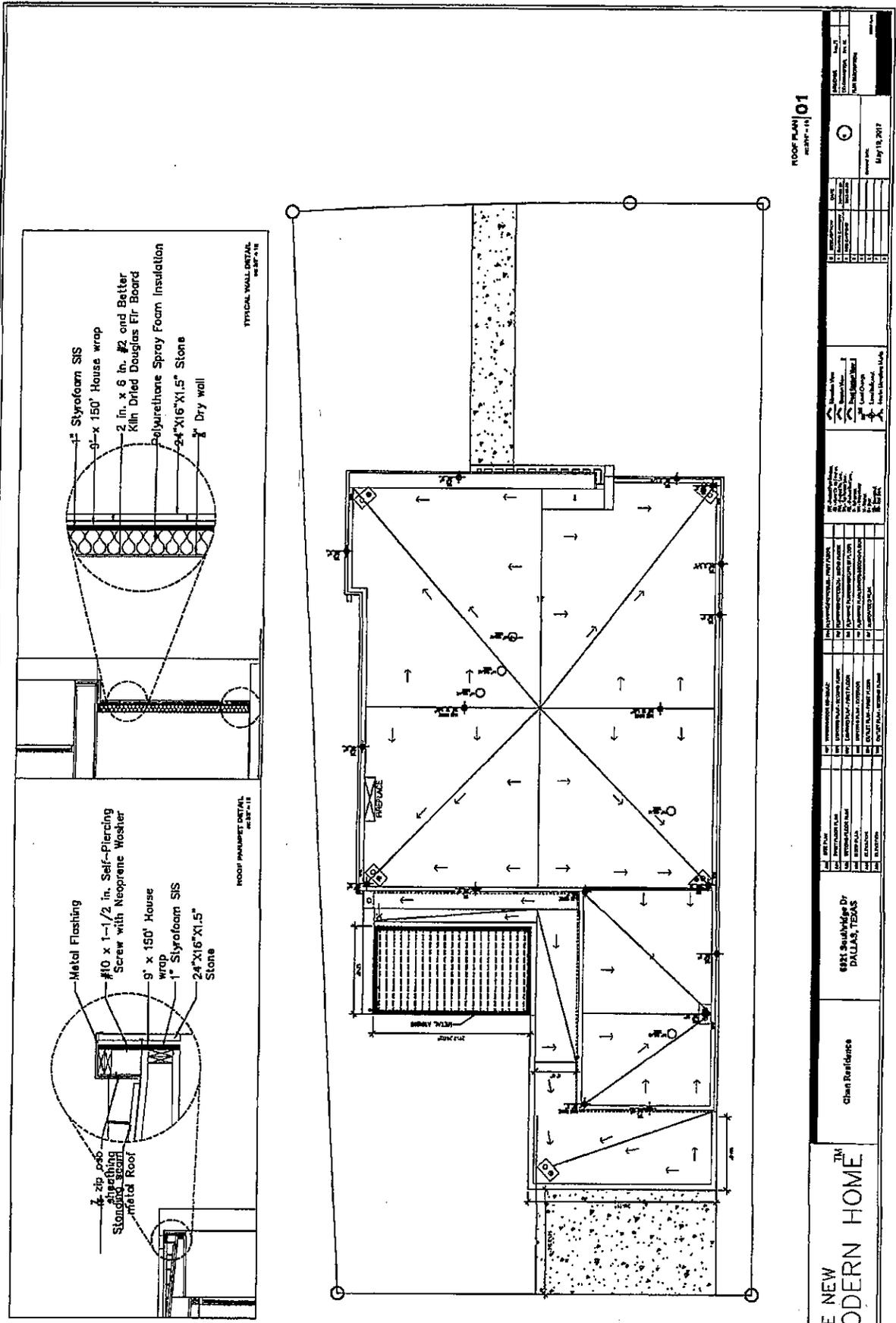
Locate





FIRST FLOOR PLAN
 10-11-17 | 01

THE NEW MODERN HOME™		Cham Residence		6211 Sandridge Dr DALLAS, TEXAS	
PROJECT NO. 10-11-17		DATE: May 18, 2017		PROJECT: Cham Residence	
ARCHITECT: [Firm Name]		DESIGNER: [Firm Name]		CONTRACTOR: [Firm Name]	
PROJECT NO. 10-11-17		DATE: May 18, 2017		PROJECT: Cham Residence	
ARCHITECT: [Firm Name]		DESIGNER: [Firm Name]		CONTRACTOR: [Firm Name]	
PROJECT NO. 10-11-17		DATE: May 18, 2017		PROJECT: Cham Residence	
ARCHITECT: [Firm Name]		DESIGNER: [Firm Name]		CONTRACTOR: [Firm Name]	



ROOF PLAN | 01

<p>THE NEW MODERN HOME™</p> <p>Client Residence</p> <p>6821 Southridge Dr DALLAS, TEXAS</p>		<p>DATE: May 13, 2017</p> <p>PROJECT: 10-56</p> <p>SCALE: 1/8" = 1'-0"</p>
<p>BY: [Signature]</p> <p>DATE: [Date]</p>	<p>BY: [Signature]</p> <p>DATE: [Date]</p>	<p>BY: [Signature]</p> <p>DATE: [Date]</p>
<p>PROJECT: 10-56</p> <p>DATE: May 13, 2017</p>	<p>PROJECT: 10-56</p> <p>DATE: May 13, 2017</p>	<p>PROJECT: 10-56</p> <p>DATE: May 13, 2017</p>

DATE: _____
 EXPRESS PLAN REVIEW

DENIED
 DATE 10.3.17
 BY E. Roberts
 PHONE 214 948-
 REASON See note.



City of Dallas

TYPE ACTIVITY
 CHANGE ORDER
 GENERAL CONSULTING

**BUILDING INSPECTION DIVISION
 ADDENDUM APPLICATION**

STREET ADDRESS OF PROPOSED SUBJECT: 6821 Southridge Dr. SUITE/BLDG/FLOOR NO: _____ USE OF PROPERTY: Residential/Single Home

ORIGINAL PERMIT NO: 1703171041 CERTIFICATE OF OCCUPANCY NO (IF APPLICABLE): _____ ORIGINAL PERMIT ISSUE DATE: _____

OWNER/TENANT: Vincent Chan ADDRESS: 6742 E Mockingbird Ln CITY: Dallas STATE: Texas ZIP CODE: _____

APPLICANT: Hilda Perez COMPANY NAME: The New Modern Home E-MAIL ADDRESS: hilda@thenewmodernhome.com PHONE NO: 469 952 8388 FAX NO: _____

DESCRIPTION OF PROPOSED REVISION: Add Carport to the house.

CONST AREA (sq ft)	ORIGINAL AREA	VALUATION (\$)	ORIG VALUATION
	ADDTL AREA		ADDTL COSTS
	REVISED AREA		TOTAL VALUATION

PLEASE INDICATE ALL TYPES OF WORK IN THIS PROJECT THAT WILL BE REVISED BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

- BUILDING
- PLUMBING
- FENCE
- DRIVE APPROACH
- BACKFLOW
- GREEN BUILDING
- ELECTRICAL
- FIRE SPRKLR
- SIGN
- SWIMMING POOL
- CUSTOMER SVC
- HEALTH
- MECHANICAL
- FIRE ALARM
- LANDSCAPE
- LAWN SPRINKLER
- FLAMMABLE LIQUID
- OTHER: _____

WILL ALCOHOL BE SOLD/SERVED? YES NO
 WILL THERE BE A DANCE FLOOR? YES NO
 PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? YES NO
 ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? YES NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: *Hilda Perez*

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	PARKING AGREEMENT		NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

REMARKS: PER N.S.O. #3 GARAGES/CARPETS NOT ALLOWED ACCESS FROM THE REAR OF THE PROPERTY (SBE SEC. 2 WS) ER

ROUTE TO	REVIEWER	DATE	ROUTE TO	REVIEWER	DATE	COMMENTS
ZONING			GREEN BUILDING			
BUILDING			FIRE			
ELECTRICAL			WATER			
PLUMBING/ MECHANICAL			HISTORICAL/ CONSERV DISTRICT			
LANDSCAPING			FLOOD PLAIN/ DRAINAGE			
HEALTH			AVIATION/TRAFFIC/ OTHER			

FEE CALCULATIONS (\$)

PERMIT FEE
PLAN REVIEW FEE
EXPRESS PLAN REVIEW RATE: \$1,000 PER HOUR
HEALTH PERMIT FEE
RECORD CHANGE FEE
ADDENDUM FEE
OTHER FEES
TOTAL FEES
\$

1-5-07

ORDINANCE NO. 26551

An ordinance changing the zoning classification on the following property:

Being all of City Blocks E/2984, K/2984, L/2984, M/2984, N/2984, Lots 12 through 27 in City Block D/2984, Lots 5 through 9 in City Block J/2984; Lots 4 through 7 in City Block L-1/2984, and Lots 1 through 8 in City Block O/2984; as shown on the attached Exhibit A, beginning at the intersection of Sperry Street and the alley north of and parallel to North Ridge Drive, then southeast along Sperry Street to the alley south of and parallel to Merrilee Lane, then southwest along the alley to Alexander Drive, then northwest along Alexander Drive to Merrilee Lane, then southwest along Merrilee Lane to the alley that follows the rear lot lines of the properties on the southwest lines of Alexander Drive, South Ridge Drive and Hillbrook Street, then northwest along the alley and the rear lot lines to the southwest lot line of Lot 7 in City Block L-1/2984, then northwest along the lot line to North Ridge Drive, then crossing North Ridge Drive to the alley adjacent to the southwest and west line of Lot 4 in City Block L-1/2984, then northwest and north along the alley to the alley parallel to and north of North Ridge Drive, then along the alley to Sperry Street, the point of beginning, and containing approximately 26.55 acres;

by establishing Neighborhood Stabilization Overlay District No. 3 (Lakewood/North Ridge Estates); providing procedures and regulations for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to establish this neighborhood stabilization overlay district; Now, Therefore,

26551

070196

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed by establishing Neighborhood Stabilization Overlay District No. 3 (Lakewood/North Ridge Estates) on the following property:

Being all of City Blocks E/2984, K/2984, L/2984, M/2984, N/2984, Lots 12 through 27 in City Block D/2984, Lots 5 through 9 in City Block J/2984, Lots 4 through 7 in City Block L-1/2984, and Lots 1 through 8 in City Block O/2984, as shown on the attached Exhibit A, beginning at the intersection of Sperry Street and the alley north of and parallel to North Ridge Drive, then southeast along Sperry Street to the alley south of and parallel to Merrilee Lane, then southwest along the alley to Alexander Drive, then northwest along Alexander Drive to Merrilee Lane, then southwest along Merrilee Lane to the alley that follows the rear lot lines of the properties on the southwest lines of Alexander Drive, South Ridge Drive and Hillbrook Street, then northwest along the alley and the rear lot lines to the southwest lot line of Lot 7 in City Block L-1/2984, then northwest along the lot line to North Ridge Drive, then crossing North Ridge Drive to the alley adjacent to the southwest and west line of Lot 4 in City Block L-1/2984, then northwest and north along the alley to the alley parallel to and north of North Ridge Drive, then along the alley to Sperry Street, the point of beginning, and containing approximately 26.55 acres.

SECTION 2. That, except as provided in Section 51A-4.507, the following regulations apply to structures and property within this neighborhood stabilization overlay district:

1. FRONT YARD SETBACK: Minimum front yard is 36 feet.
2. CORNER SIDE YARD SETBACK: Minimum corner side yard is 17 feet.
3. INTERIOR SIDE YARD SETBACK: Minimum interior side yard is 5 feet.
4. HEIGHT: Maximum structure height may not exceed the height plane, which is 25 feet at the front building line.
5. GARAGE ACCESS: Garage access must be front entry (from the front lot line) or side entry (from the side lot line).
6. GARAGE LOCATION: Garages must be to the rear of the single family structure.

26551

070196

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the centerline of all adjacent streets and alleys.

SECTION 4. That the establishment of this neighborhood stabilization overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 5. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 6. That the director of development services shall correct Zoning District Maps No. H-8 and H-9 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

26551

070196

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

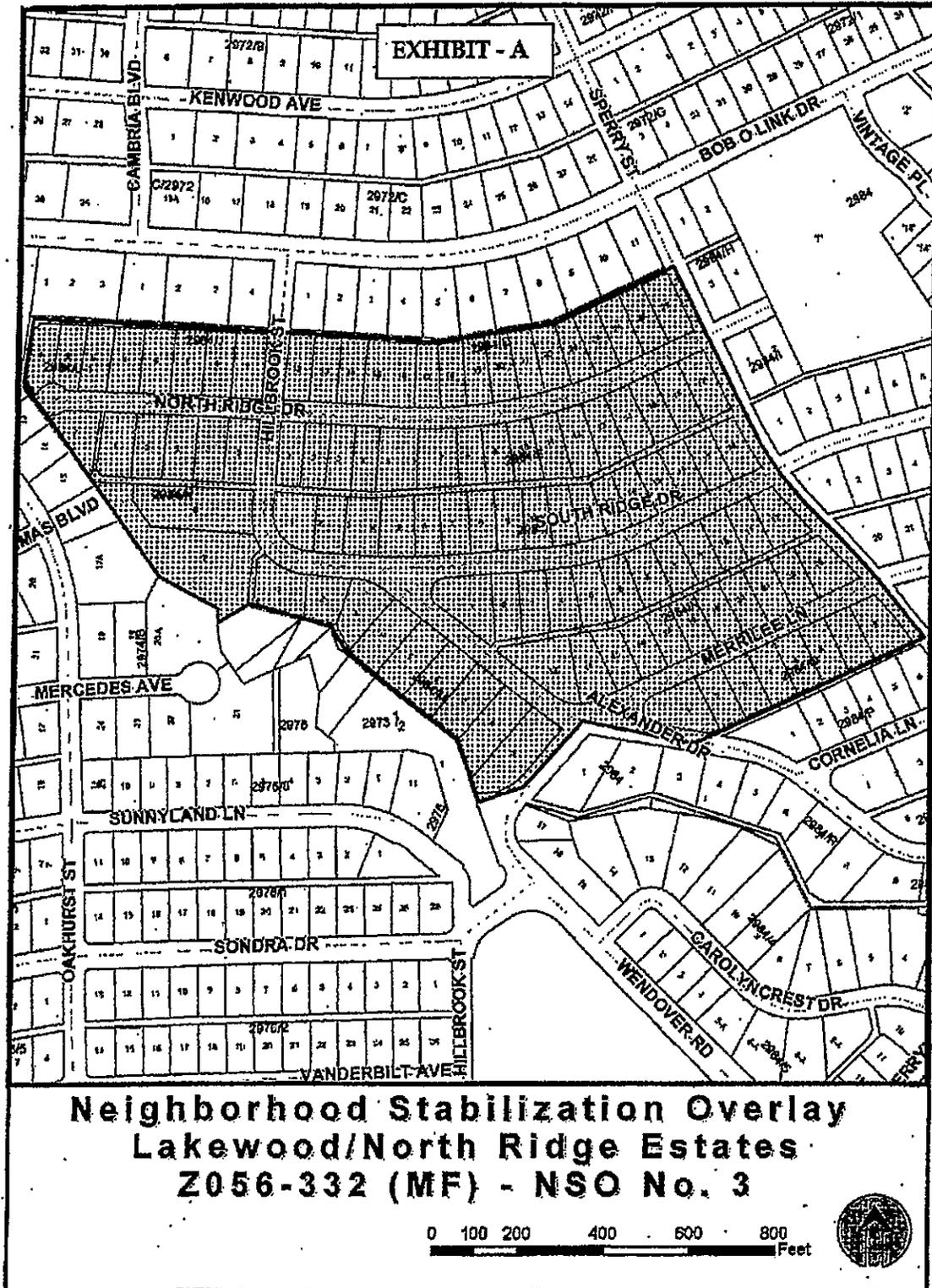
THOMAS P. PERKINS, JR., City Attorney


By _____
Assistant City Attorney

Passed JAN 10 2007

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070196



1:4,800

ZONING AND LAND USE

Map no: H-8 & H-9

Case no: Z056-332(MF)



AFFIDAVIT

Appeal number: BDA 167-138

I, Vincent Chan and Lillienne Chan, a married couple, Owners of the subject property (Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6821 Southridge Dr. Dallas, Texas 75214 (Address of property as stated on application)

Authorize: Robert Reeves & Associates, Inc. (Applicant's name as stated on application)

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

Variance (specify below)

Special Exception (specify below)

X Other Appeal (specify below)

An appeal from a decision of a Building Inspection official per City Code 51A-3.102, City Code 51A-7.703(e)

Vincent Chan Print name of property owner/agent

X [Signature] Signature of property owner/agent

6/24/17 Date

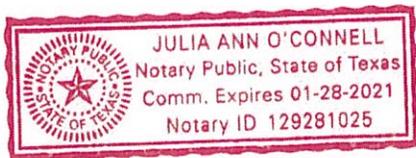
Lillienne Chan Print name of property owner/agent

[Signature] Signature of property owner/agent

6/24/17 Date

Before me, the undersigned, on this day personally appeared Vincent Chan and Lillienne Chan, a married couple. Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 24th day of June, 2017.



[Signature] Notary Public for Dallas County, Texas



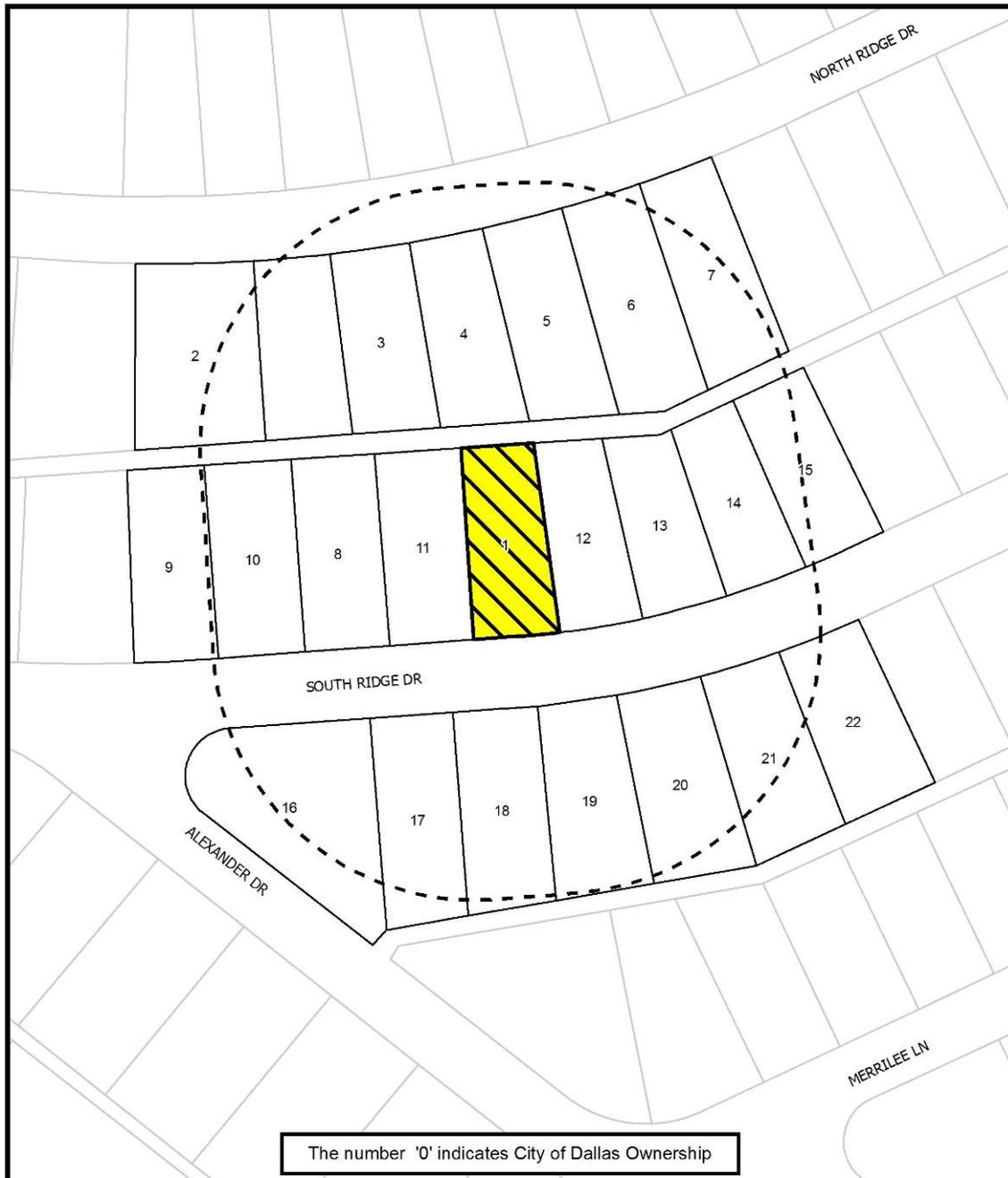
CITY OF DALLAS

Outline of Procedure for Appeals from Decisions of an Administrative Official

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

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

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



 1:1,200	NOTIFICATION	Case no: BDA167-138			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">22</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	22	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
22	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-138

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6821 SOUTHRIDGE DR	CHAN VINCENT & LILLIENNE
2	6734 NORTHRIDGE DR	ASKEW PAMELA LAKSHMI
3	6810 NORTHRIDGE DR	ROSENKRANZ TODD A & MELISSA J
4	6814 NORTHRIDGE DR	CLOSSON TROY LYNN &
5	6820 NORTHRIDGE DR	CHAMPION AUSTIN S
6	6824 NORTHRIDGE DR	FRANCIS GREGORY STUART
7	6830 NORTHRIDGE DR	OSTERBERG MATTHEW J & DOROTHY A
8	6809 SOUTHRIDGE DR	STEWART MICHAEL DEAN &
9	6729 SOUTHRIDGE DR	MEYER DAVID R & JULIE O
10	6803 SOUTHRIDGE DR	FITCH THOMAS DEARBORN &
11	6815 SOUTHRIDGE DR	FRIELING SCOTT R &
12	6827 SOUTHRIDGE DR	GATTIS JOHN D
13	6829 SOUTHRIDGE DR	MATT & PAUL LLC
14	6835 SOUTHRIDGE DR	GUSTAFSON SARAH & ANDREW
15	6839 SOUTHRIDGE DR	MEREDITH ROLLIS DANIEL
16	6808 SOUTHRIDGE DR	DITTMAR GENEVIEVE R
17	6814 SOUTHRIDGE DR	HORN ERIC VAN & AMY
18	6820 SOUTHRIDGE DR	TRIXLER TIMOTHY & LAURA
19	6824 SOUTHRIDGE DR	PATE MARGARET FINERTY
20	6830 SOUTHRIDGE DR	MCCAULEY COREY D
21	6834 SOUTHRIDGE DR	THIGPEN HELEN V
22	6840 SOUTHRIDGE DR	WALKER BRIAN & ELIZABETH

FILE NUMBER: BDA167-142(JM)

BUILDING OFFICIAL'S REPORT: Application of Gerardo Ornelas for a variance to the front yard setback regulations, and special exceptions to the fence standards at 2802 Lourdes Street. This property is more fully described as Lot 9, Block 5/6170, and is zoned R-7.5(A), which requires a front yard setback of 15 feet, and limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a structure and provide a 5 foot front yard setback, which will require a 10 variance to the front yard setback regulations, and to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 2802 Lourdes Street.

APPLICANT: Gerardo Ornelas

REQUEST:

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

1. A request for a variance to the front yard setback regulations of 10' is made to construct and maintain a one-story single-family home structure, part of which would be located 5' from one of the site's two front property lines (Westmount Avenue) or 10' into this 15' front yard setback;
2. A request for a special exception to the fence standards related to fence height of 4' is made to construct and maintain a fence higher than 4' in height in the site's Westmount Avenue 15' front yard setback— an 8' solid wood fence with crown; and,
3. A request for a special exception to the fence standards related to fence materials is made to construct and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned 8' high solid wood fence with crown along Westmount Avenue) located on the front lot line (or less than 5' from this front lot line).

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.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION (fence standards):

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While staff recognized that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it has a restrictive in area due to having two front yards, one 25' front yard setback along Lourdes Street and one 15' front yard setback along Westmount Avenue, staff concluded that the applicant had not substantiated how this lot could not be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning district. The site is over 9,000 square feet in area (or approximately 1,500 square feet larger than the typical lot in this zoning district).

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
Northwest: R-7.5(A) (Single family district 7,500 square feet)
Northeast: RR Regional Retail District (lot sizes vary)
Southeast: PD No. 714, Subdistrict 5 (lot sizes vary)

Southwest: PD No. 714, Subdistrict 5 (lot sizes vary)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The subject site is being developed with a single family home. The areas to the north and west are developed with single family uses. Warehouses exist to the northeast and southwest with undeveloped land to the southeast.

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 (variance to required front yard):

- This request for variance to the front yard setback regulations of 10' focuses on constructing and maintaining a one-story single family structure with approximately 2,330 square feet of floor area, part of which is to be located 5' from one of the site's two front property lines (Westmount Avenue) or 10' into this 15' front yard setback.
- The site is located at the southwest corner of Lourdes Street and Westmount Avenue within an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet. The subject site has a 25' front yard setback along Lourdes Street and a 15' front yard setback along Westmount Avenue.
- The site has a 25' front yard setback along Lourdes Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 15' front yard setback along Westmount Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's Westmount Avenue frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the south that front/are oriented eastward towards Westmount Avenue and zoned PD No. 714, Subdistrict 5 (which requires a 15' front yard setback).
- The submitted scaled site plan indicates a footprint located approximately 5' from the Westmount Avenue front property line 10' into this 15' front yard setback. (No encroachment is shown or requested to be located in the site's Lourdes Street 25' front yard setback).
- According to DCAD records, the "main improvement" for property addressed at 2802 Lourdes Street is a structure built in 2016 with 1,966 square feet of living/total area, and that "additional improvements" is a 337 square foot attached garage.
- According to calculations made by the Board Senior Planner from the submitted site plan, approximately 600 square feet of the floor area is located within the Westmount Avenue 15' front yard setback.

- The site is rectangular in shape (approximately 180' x 50') and 9,000 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The 50' wide subject site has 30' of developable width available once a 15' front yard setback is accounted for on the east (Westmount Avenue) and a 5' side yard setback is accounted for on the west. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- 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 single-family home that would be located 5' from the site's Westmount Avenue front property line (or approximately 10' into this 15' front yard setback).
- Granting this request for a variance to the front yard setback regulations will not provide any relief to existing noncompliance on the site related to visual obstruction regulations.

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The focus of the two requests for special exceptions to the fence standards (one is related to height of up to 4' and one is related to fence materials) is constructing and maintaining an 8' solid wood fence with crown in the site's Westmount Avenue 15' front yard setback on the front lot line on a site being developed with a single family home.
- The site is located at the southwest corner of Lourdes Street and Westmount Avenue within an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet. The subject site has a 25' front yard setback along Lourdes Street and a 15' front yard setback along Westmount Avenue.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- Additionally, the Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
- The site has a 25' front yard setback along Lourdes Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 15' front yard setback along Westmount Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's Westmount Avenue frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the south that front/are oriented eastward towards Westmount Avenue and zoned PD No. 714, Subdistrict 5 (which requires a 15' front yard setback).
- The applicant has submitted two site plan/elevation documents of the proposal fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 8' with a fence panel having a surface area that is less than 50 percent open and located less than 5' from this front lot line – an 8' high solid wood fence approximately 143' in length located on this front lot line.
- The Board Senior Planner conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback with no apparent Board of Adjustment history/action.
- As of December 1, 2017 no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height of 4' and to location and materials on Westmount Avenue will not adversely affect neighboring property.
- Granting these special exceptions to the fence standards related to height of up to 4' and to location and materials in certain areas on the site with a condition imposed that the applicant complies with the submitted site plan/elevation documents, would require the proposal exceeding 4' in height in the front yard setbacks with solid fence panels on the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

October 20, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

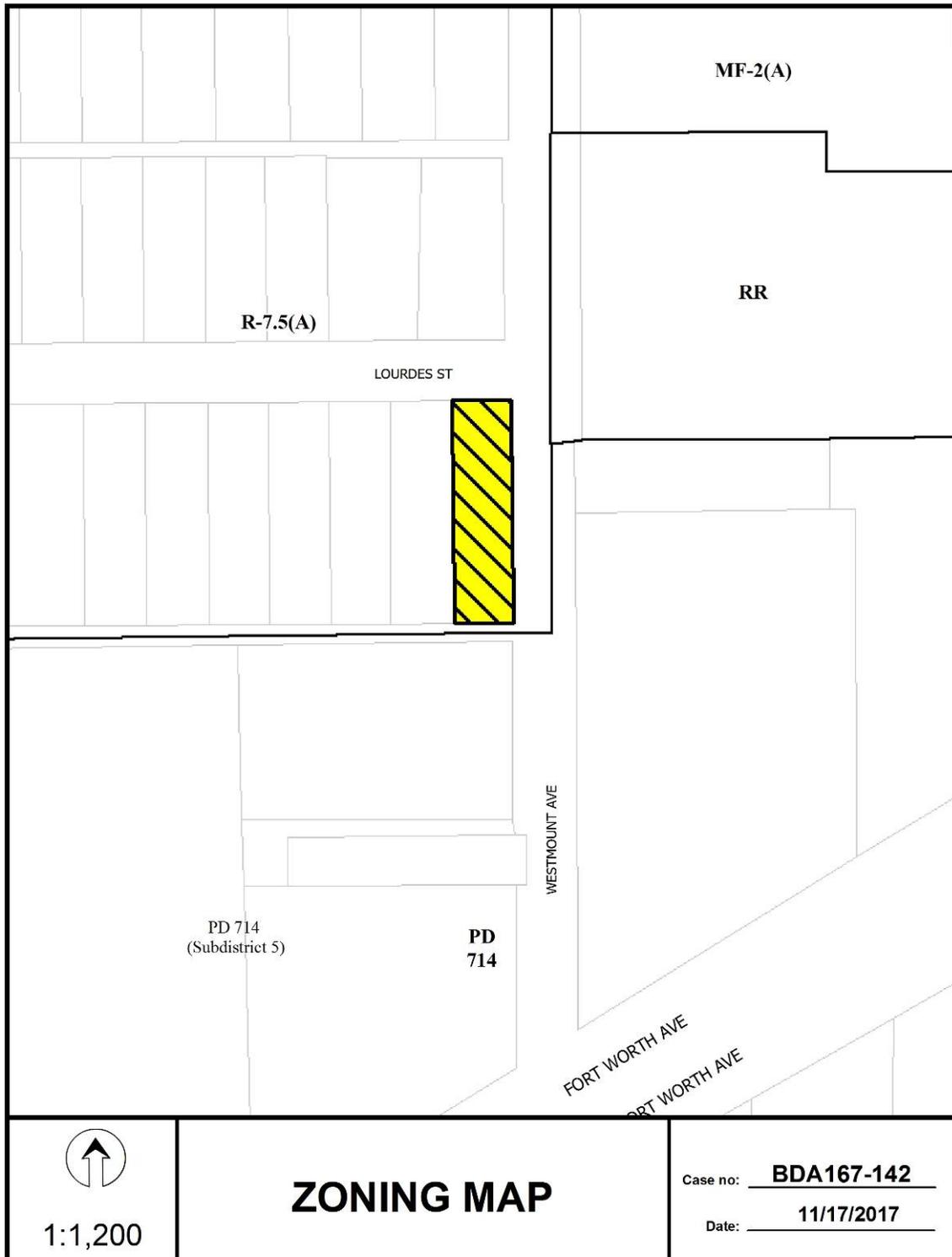
November 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 6, 2017: The Board Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 22nd deadline to submit additional evidence for staff to factor into their analysis; and the December 1st deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 28, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Director of Engineering, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

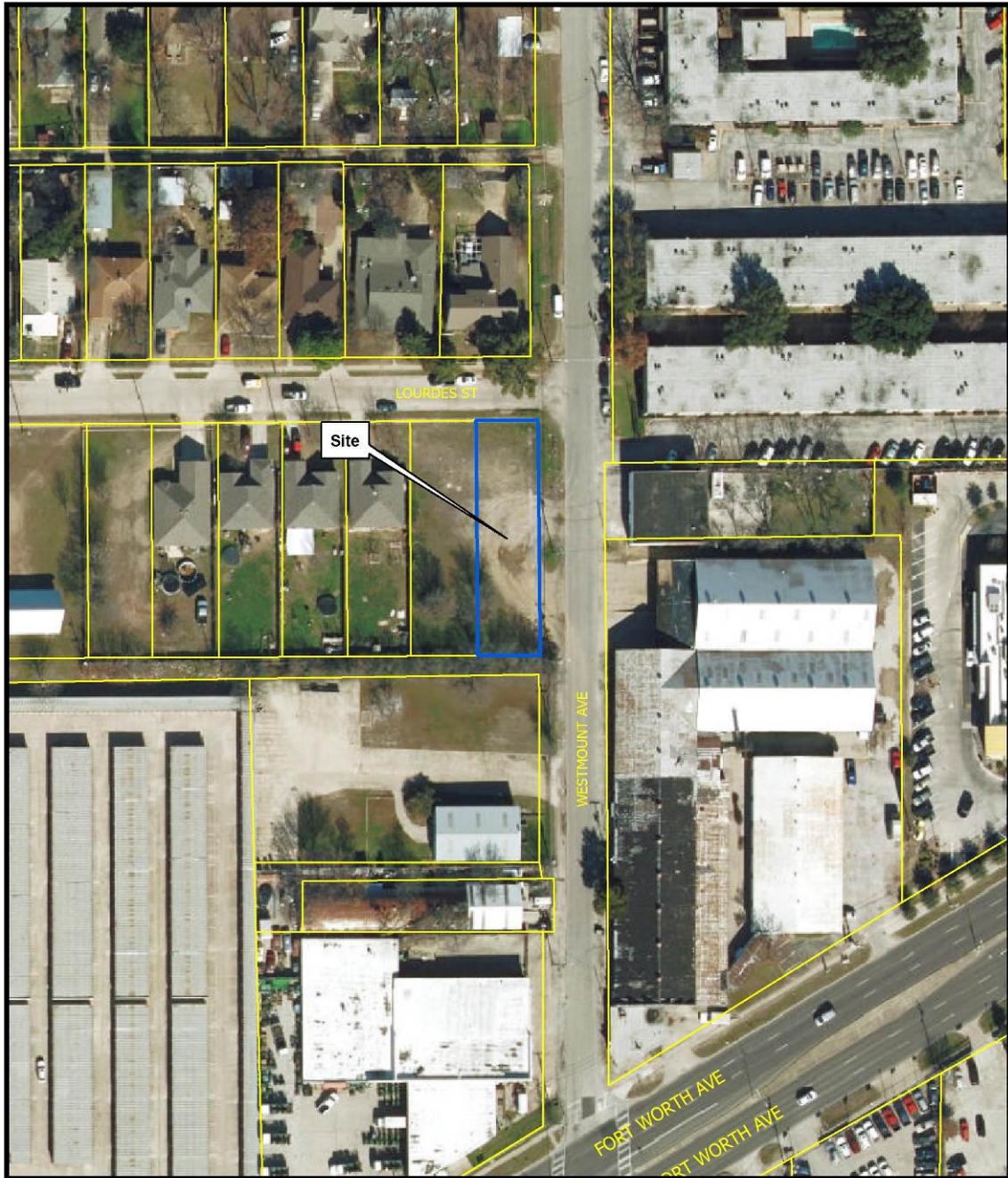


1:1,200

ZONING MAP

Case no: BDA167-142

Date: 11/17/2017



1:1,200

AERIAL MAP

Case no: **BDA167-142**

Date: **11/17/2017**



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-142

Data Relative to Subject Property:

Date: 10-20-17

Location address: 2802 Lourdes St. Zoning District: R-7.5(A)

Lot No.: 9 Block No.: 5/6170 Acreage: .20 Census Tract: 69.00

Street Frontage (in Feet): 1) 50ft 2) 180ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Gerardo Ornelas
Applicant: Gerardo Ornelas Telephone: (469)500-9664

Mailing Address: 3925 Canada Dr Dallas, TX Zip Code: 75212

E-mail Address: gerardo.ornelas3024@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance X, or Special Exception, of 10ft to the front setback a special exception of 4ft to the fence height in a front yard, a special exception to the 50% open panel rule for a fence.

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:

I need a 10ft variance to the 15ft front yard setback because without it I can't build a standard house. With 26 front yards, the property is too skinny to build a normal house. I need a special exception to build a fence that will not adversely affect neighboring property, because none of my neighbors will see the fence. The only people that can see the fence are non-residential property.

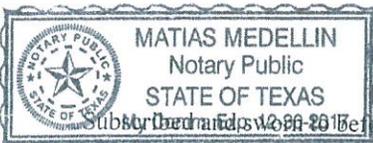
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Gerardo Ornelas (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 17 day of October, 2017

Notary Public in and for Dallas County, Texas

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

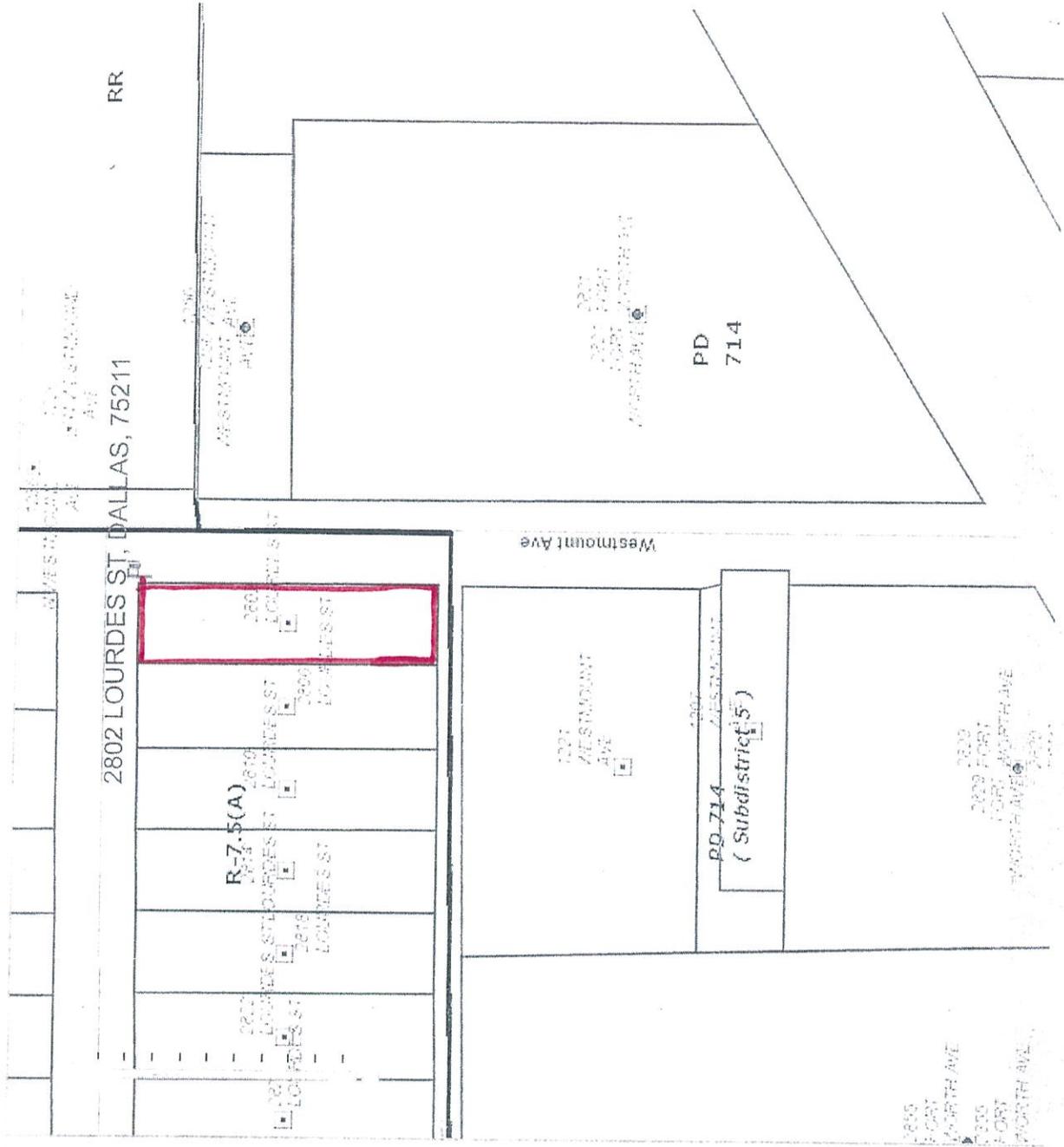
GIS Account #

OR

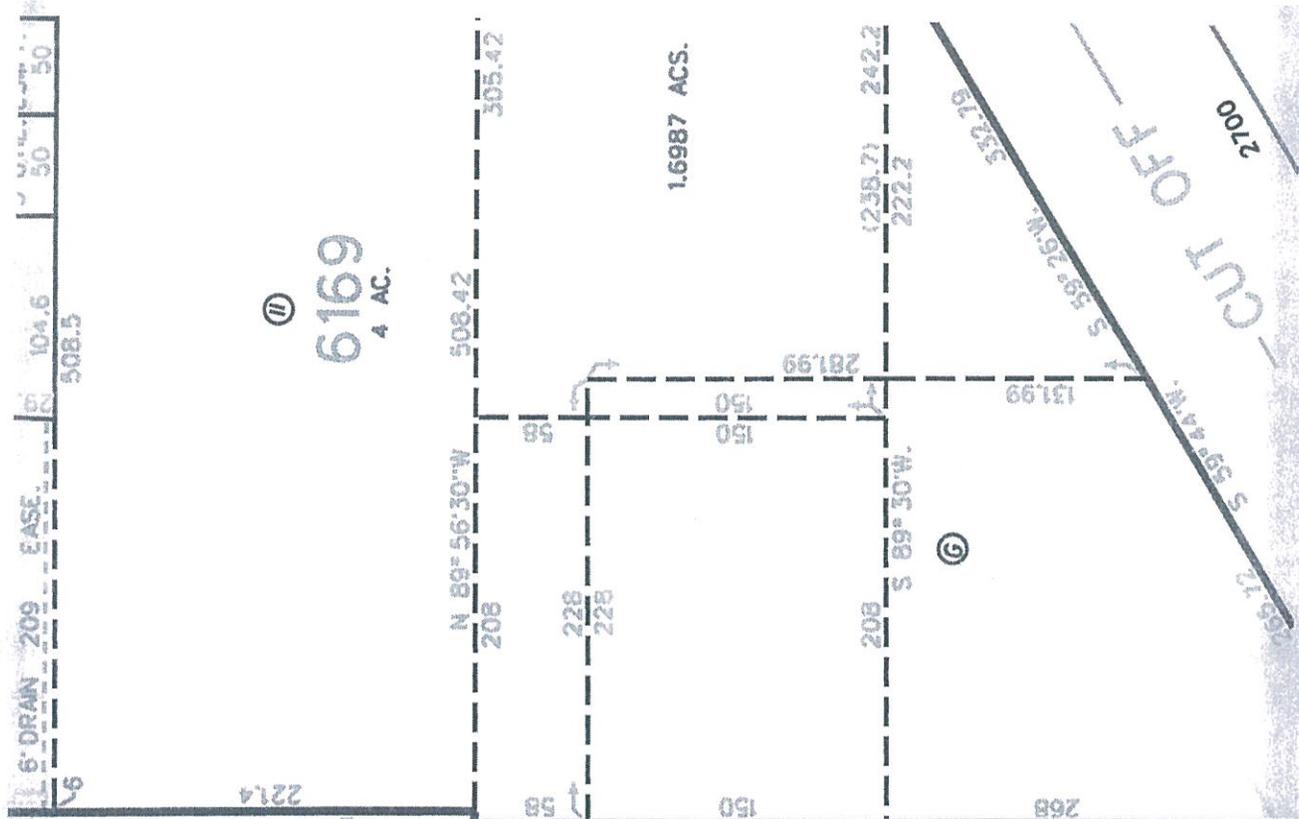
Street address.
2802 lourdes

OR

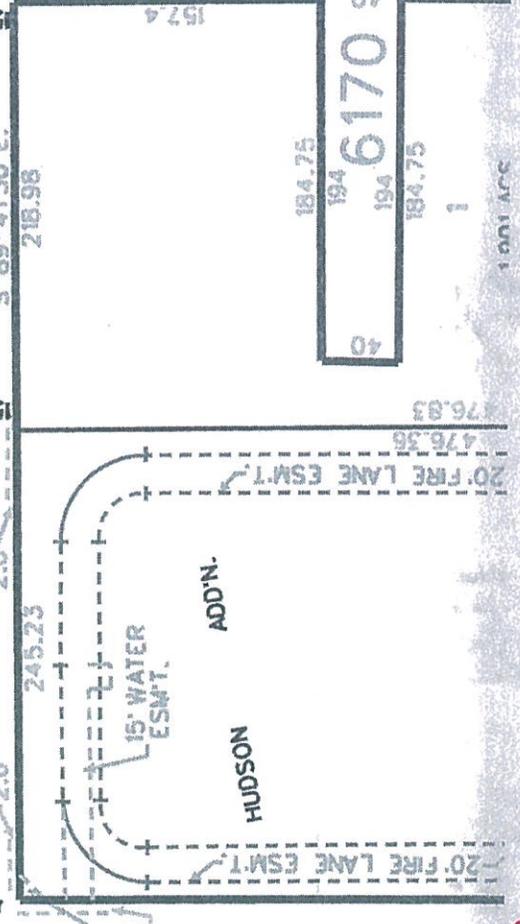
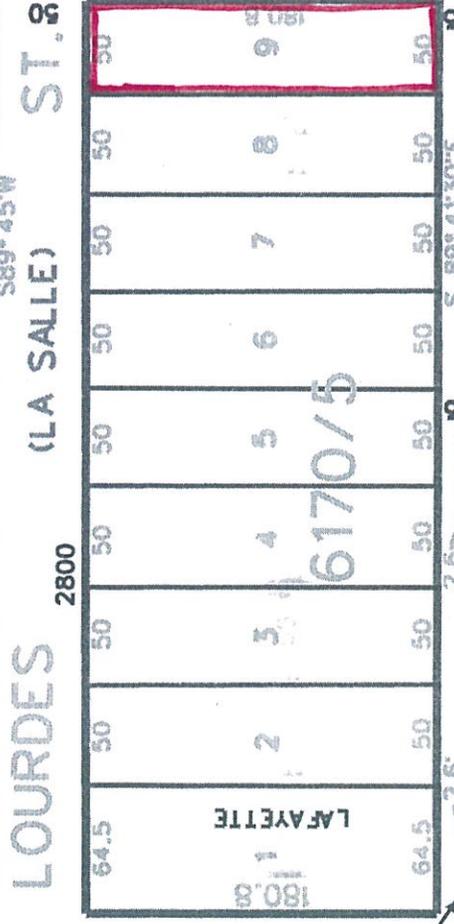
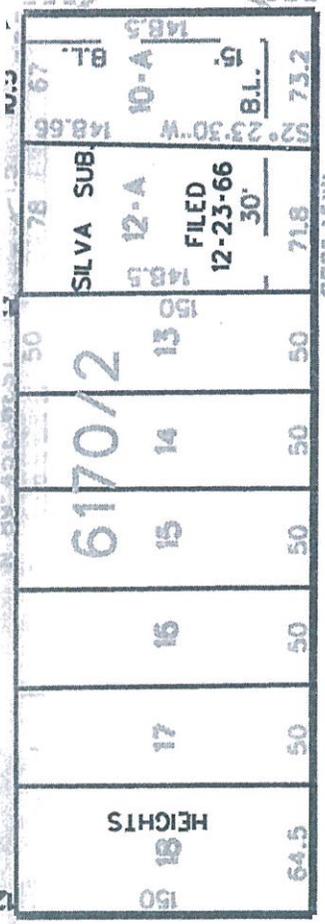
Parcel address.
Use street type for better re

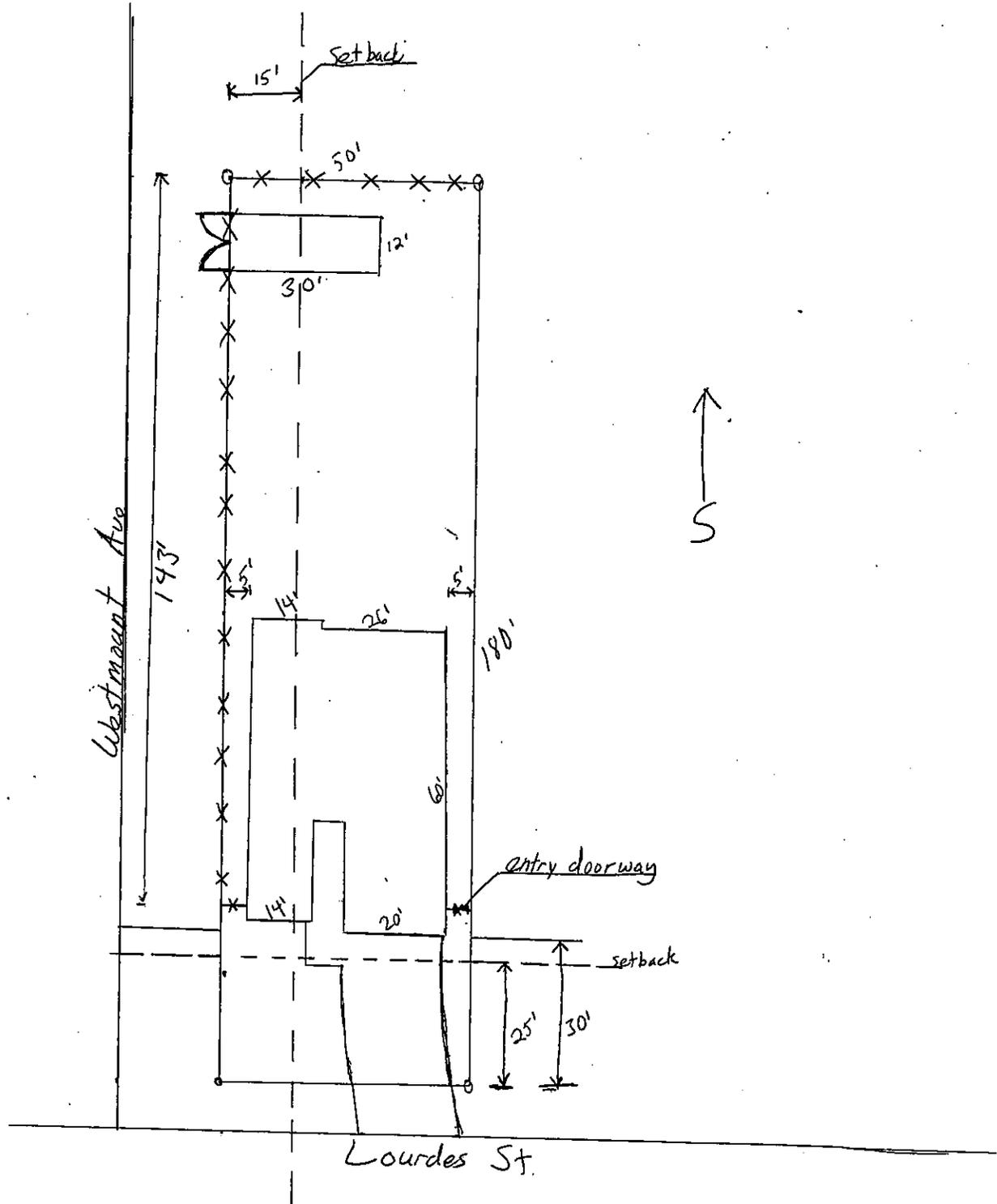


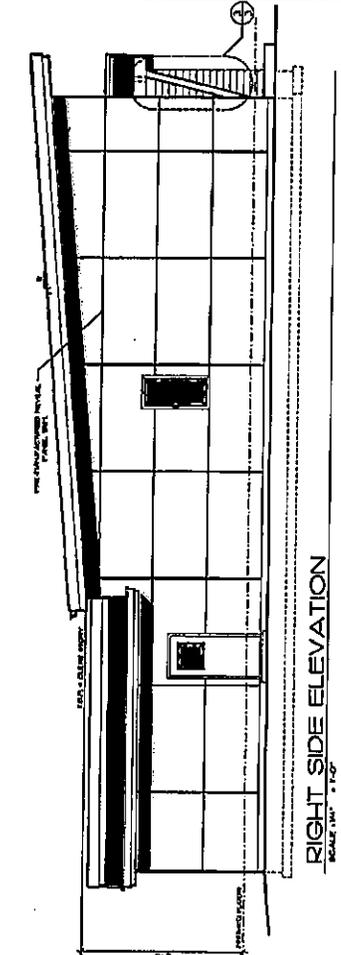
GD



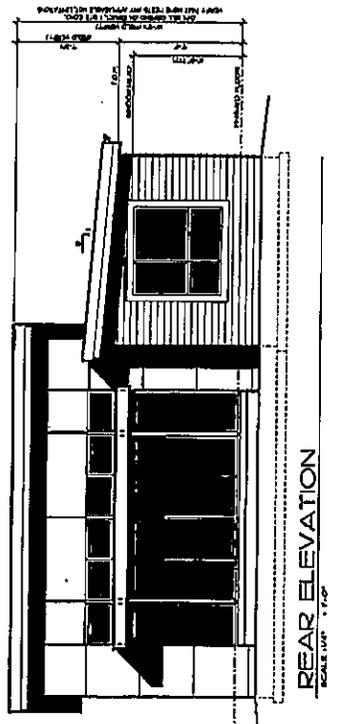
ESTMOUNT (CHALMETTE) TO COUNTY 9-7-38



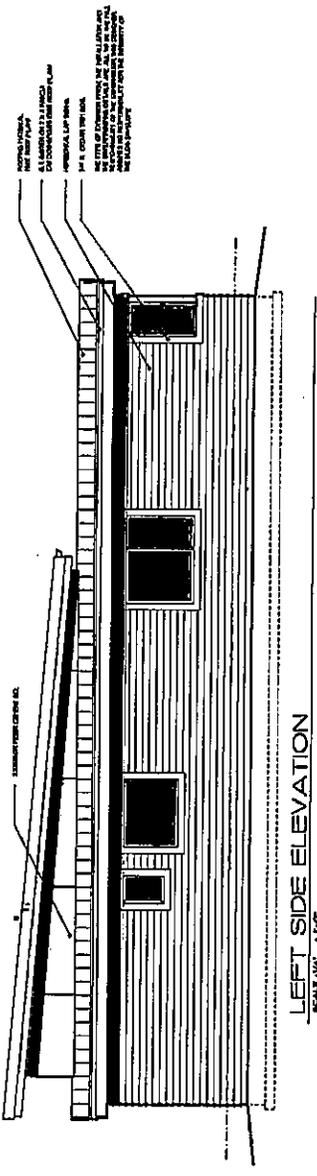




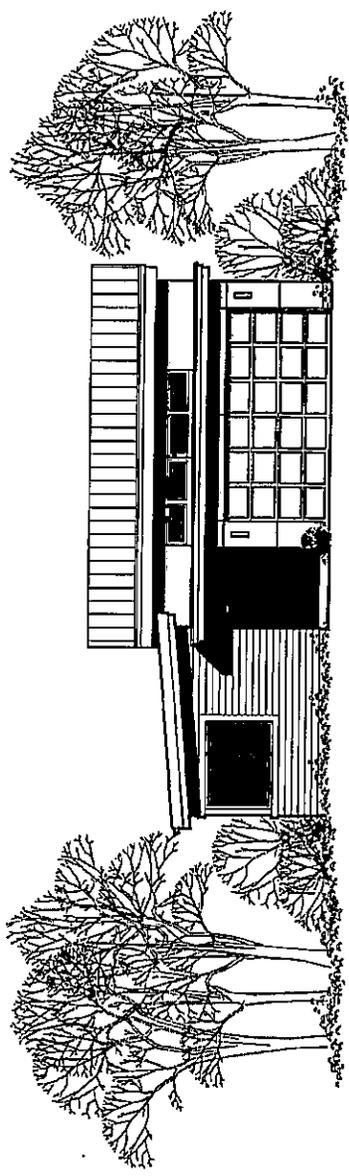
RIGHT SIDE ELEVATION
 SCALE: 1/4" = 1'-0"



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



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



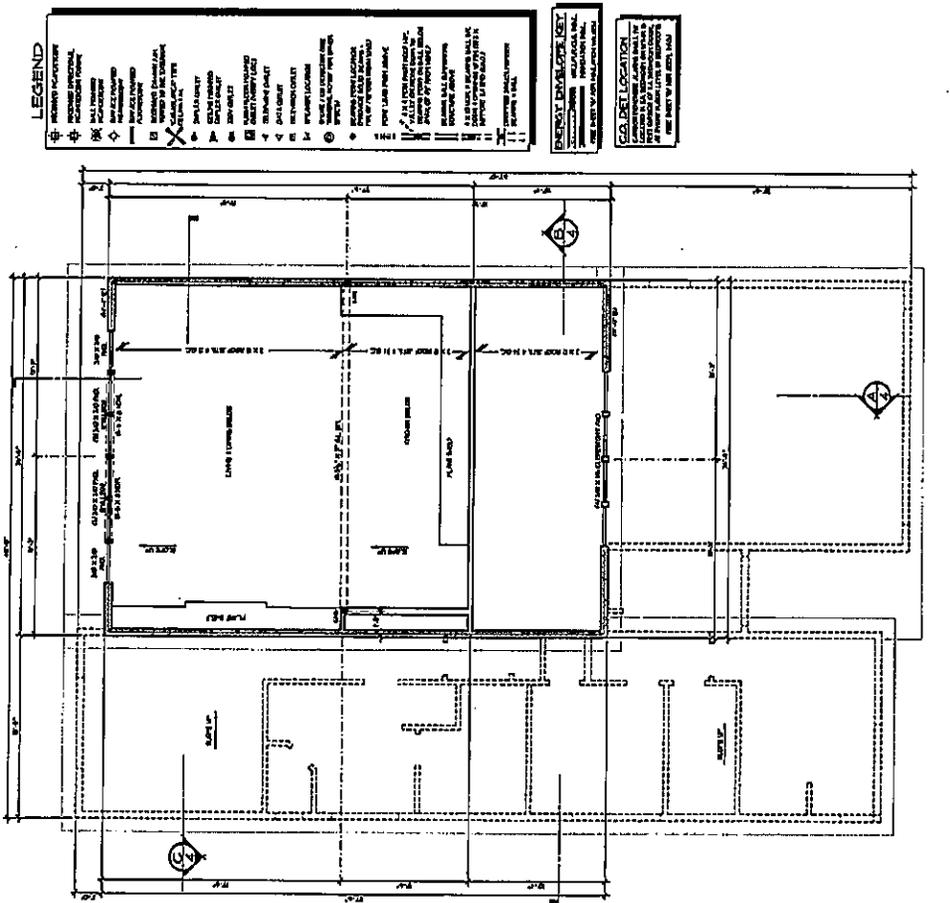
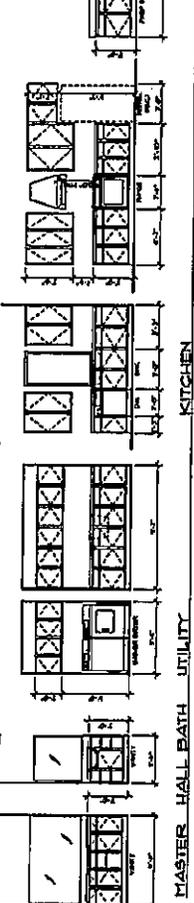
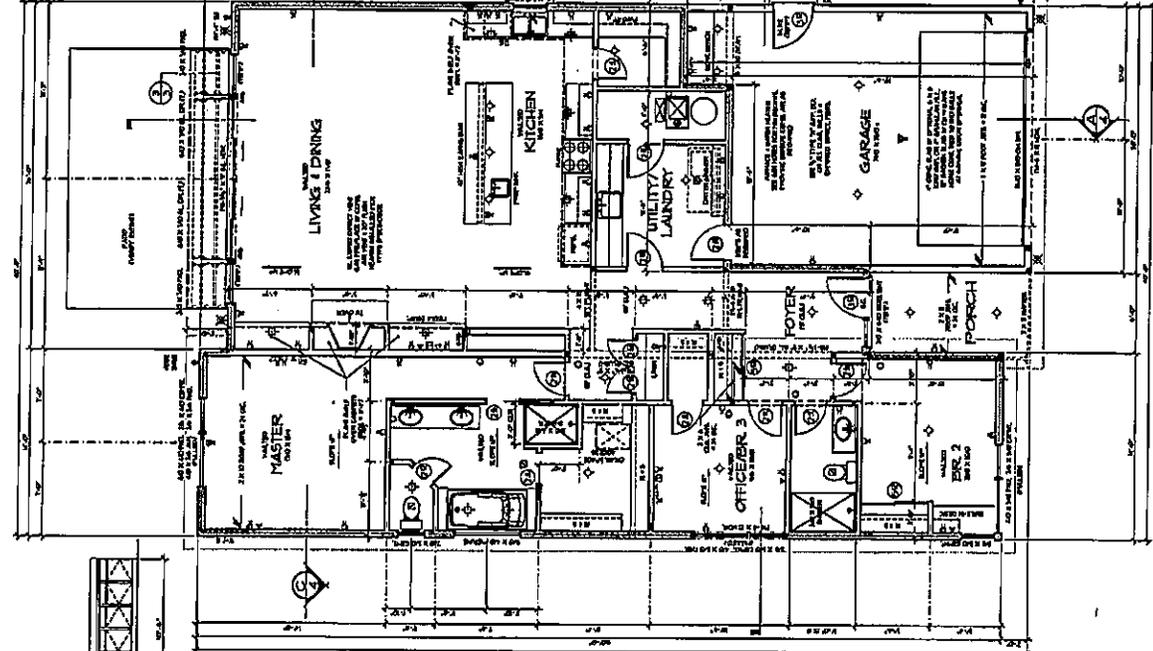
FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

When your professional is signed by
UO ARCHITECTS
 UO ARCHITECTS, P.C.
 1000 W. 10th Street, Suite 100
 Lincoln, NE 68502
 Phone: (402) 441-1111
 Fax: (402) 441-1112
 Website: www.maswood.com

Maswood
 ARCHITECTURAL FIRM
 1000 W. 10th Street, Suite 100
 Lincoln, NE 68502
 Phone: (402) 441-1111
 Fax: (402) 441-1112
 Website: www.maswood.com

Maxford
 ARCHITECTURAL FIRM
 12345 Main St.
 Anytown, CA 90210
 (555) 123-4567
 www.maxford.com

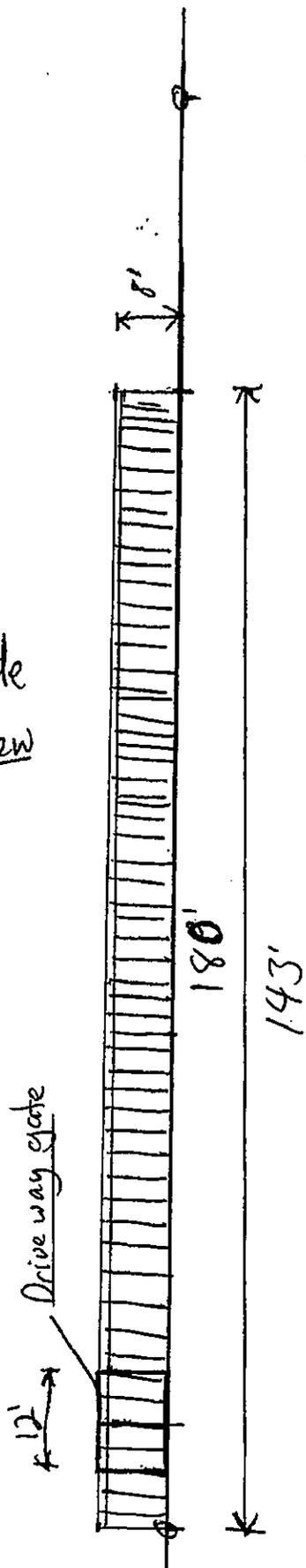
Project: 1164ES
 Client: [Redacted]
 Date: 12/20/2023



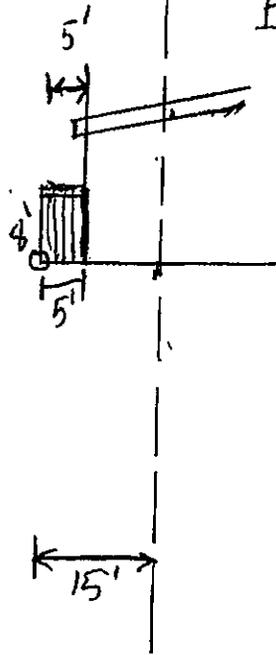
LEGEND

- 1. FINISHES: WALL, FLOOR, CEILING
- 2. DOOR SCHEDULE
- 3. WINDOW SCHEDULE
- 4. CLOSET SCHEDULE
- 5. LIGHT FIXTURES
- 6. SWITCHES
- 7. ELECTRICAL SYMBOLS
- 8. MECHANICAL SYMBOLS
- 9. PLUMBING SYMBOLS
- 10. PAINT SYMBOLS
- 11. GLASS SYMBOLS
- 12. TILE SYMBOLS
- 13. STAIR SYMBOLS
- 14. ELEVATION SYMBOLS
- 15. SECTION SYMBOLS
- 16. FINISH SYMBOLS
- 17. MATERIAL SYMBOLS
- 18. ANNOTATION SYMBOLS
- 19. DIMENSION SYMBOLS
- 20. AREA SYMBOLS
- 21. VOLUME SYMBOLS
- 22. PERIMETER SYMBOLS
- 23. CENTERLINE SYMBOLS
- 24. OFFSET SYMBOLS
- 25. FINISH LINE SYMBOLS
- 26. MATERIAL LINE SYMBOLS
- 27. DIMENSION LINE SYMBOLS
- 28. AREA LINE SYMBOLS
- 29. VOLUME LINE SYMBOLS
- 30. PERIMETER LINE SYMBOLS
- 31. CENTERLINE LINE SYMBOLS
- 32. OFFSET LINE SYMBOLS
- 33. FINISH LINE SYMBOLS
- 34. MATERIAL LINE SYMBOLS
- 35. DIMENSION LINE SYMBOLS
- 36. AREA LINE SYMBOLS
- 37. VOLUME LINE SYMBOLS
- 38. PERIMETER LINE SYMBOLS
- 39. CENTERLINE LINE SYMBOLS
- 40. OFFSET LINE SYMBOLS

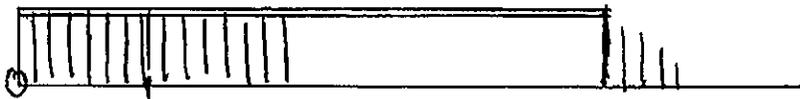
Side View



Front View



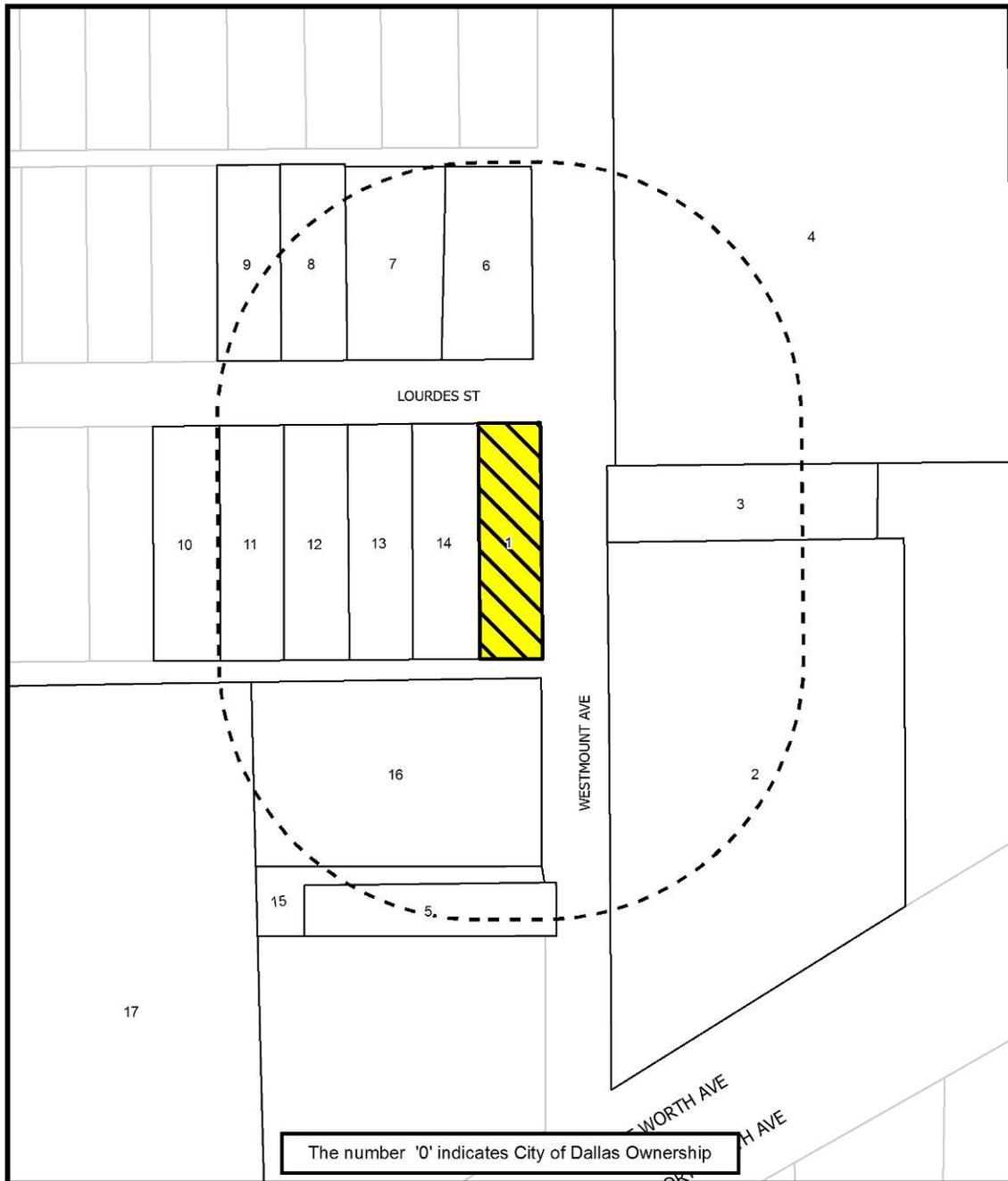
Rear View



Fence materials

Board on board (6" x 8")
Cedar with crown
design

15'
Setback



 1:1,200	NOTIFICATION		Case no: BDA167-142
	<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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 11/17/2017	

Notification List of Property Owners

BDA167-142

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2802 LOURDES ST	ORNELAS GERARDO
2	2821 FORT WORTH AVE	BANK OF THE OZARKS
3	1256 WESTMOUNT AVE	SEPULVEDA MERITH
4	1248 WESTMOUNT AVE	MOSAIC MILL RUN LLC
5	1207 WESTMOUNT AVE	JONES JAMES EDWARD
6	2803 LOURDES ST	RUIZ ARMANDO
7	2811 LOURDES ST	GONZALES JOE
8	2815 LOURDES ST	BARCENA CARLOS R &
9	2819 LOURDES ST	MORRIS JIMMY V
10	2822 LOURDES ST	ROSALES ALFREDO T ESTATE OF
11	2818 LOURDES ST	VILLEGAS DAVID GARCIA
12	2814 LOURDES ST	ESTRADA JOSE AUGUSTO
13	2810 LOURDES ST	MALDONADO MAURICIO D &
14	2806 LOURDES ST	ORNELAS MARIA CONCEPCION
15	1221 WESTMOUNT AVE	JYD PROPERTIES LLC
16	1221 WESTMOUNT AVE	DENNIS DAVID
17	2855 FORT WORTH AVE	FT WORTH AVENUE LTD