

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 15, 2018
AGENDA

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

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

MISCELLANEOUS ITEMS

Approval of the September 17, 2018 Board of Adjustment Panel C Public Hearing Minutes	M1
Consideration and approval of Panel C's 2019 Public Hearing Calendar	M2

UNCONTESTED CASES

BDA178-101(SL)	120 W. Commerce Street REQUEST: Application of David Martin of Winstead, PC, for variances to the minimum and maximum front yard setback regulations	1
BDA178-105(OA)	6605, 6615, and 6625 Bandera Avenue REQUEST: Application of Kurt Michels for a special exception to the landscape regulations	2
BDA178-108(OA)	5014 Stanford Avenue REQUEST: Application of Denise Moore, represented by Robert O'Malley, for a special exception to the single-family use regulations	3

REGULAR CASE

BDA178-113(SL) 6141 Sherry Lane 4
REQUEST: Application of Tom Leiser, represented by
Mark Fewin of Guidon Real Estate Solutions, for a variance
to the off-street parking regulations

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA178-101(SL)

BUILDING OFFICIAL'S REPORT: Application of David Martin of Winstead, PC, for variances to the minimum and maximum front yard setback regulations at 120 W. Commerce Street. This property is more fully described as Lot 1A, Block 1/6810, and is zoned PD 714 (Subdistrict 1A), which requires a minimum front yard setback of 6 feet with at least 50 percent of the front facade at the minimum front yard setback and requires a maximum front yard setback of 15 feet. The applicant proposes to construct and/or maintain structures and provide a 173 foot front yard setback with 0 percent of the front facade at the minimum 6 foot front yard setback, which will require a 167 foot variance to the minimum front yard setback regulation, and to construct and/or maintain structures and provide a 173 foot front yard setback, which will require a 158 foot variance to the maximum front yard setback regulations.

LOCATION: 120 W. Commerce Street

APPLICANT: David Martin of Winstead PC

REQUESTS:

Requests for variances to the PD 714 (Subdistrict 1A) minimum and maximum front yard setback regulations are made to construct and maintain structures (two, 4-story, 45' high apartment building structures, a 5-story, 55' high parking garage structure, and two, 1-story, 30' high restaurant structures) of unspecified square footages on an approximately 4.7 acre subject site that is partly undeveloped and partly developed with a warehouse that the application intends to demolish – more specifically:

1. Variances to the required 6' (minimum/maximum) front yard setback for at least 50 percent of the front façade along W. Commerce Street, Beatrice Street and the east/west street easement between Beatrice Street and Beckley Avenue are made to construct and maintain structures with a setback of up to 173' away from the one of the site's six front property lines (the dead-end of Beatrice Street) since over 50 percent of the façade of one of the structures is proposed to be located as far as 173' from one of the site's six front property lines (the dead-end of Beatrice Street), which will require a variance of up to 167'; and
2. Variances to the required 15' maximum front yard setback along W. Commerce Street, the dead-end of Beatrice Street, and the east/west easement between Beatrice Street and Beckley Avenue are made to construct and maintain a structure with a setback of up to 173' away from a front property line (the dead-end of Beatrice Street) since a structure is proposed to be located as far as 173' from one of the site's six front property lines (the dead-end of Beatrice Street), which will require a variance of 158'.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While staff recognized that the subject site has six front yard setbacks, is somewhat sloped, and is irregular in shape, staff concluded that the applicant had not substantiated how these features preclude the applicant from developing it in a manner commensurate with the development upon other parcels of land with the same PD 714 (Subdistrict 1A) zoning, and had not substantiated how granting these variances are not needed to relieve a self-created hardship.

BACKGROUND INFORMATION:

Zoning:

Site: PD 714 (Subdistrict 1A) (Planned Development)
North: PD 714 (Subdistrict 1A) (Planned Development)
South: PD 714 (Subdistrict 1A) (Planned Development)
East: PD 714 (Subdistrict 1A) (Planned Development)
West: PD 714 (Subdistrict 1A) (Planned Development)

Land Use:

The subject site is partly undeveloped and partly developed with a warehouse that the application intends to demolish. The areas to the north, south, east, and west are a mix of undeveloped land and mostly commercial uses.

Zoning/BDA History:

1. BDA167-120, Property at 120 W. Commerce Street (the subject site)

On November 13, 2017, the Board of Adjustment Panel C denied requests for variances to the front yard setback regulations without prejudice.

The case report stated that requests were made to construct and maintain a mixed use structure/development of an unspecified square footage and height on an approximately 4-acre subject site that is partly undeveloped and partly developed with a warehouse that the application intends to demolish.

GENERAL FACTS /STAFF ANALYSIS:

- The requests for variances to the required minimum/maximum and maximum front yard setback regulations focuses on constructing and maintaining structures (two, 4-story, 45' high apartment building structures, a 5-story, 55' high parking garage structure, and two, 1-story, 30' high restaurant structures) of unspecified square footages unspecified square footages and heights on an approximately 4.7 acre subject site that is partly undeveloped and partly developed with a warehouse that the application intends to demolish.
- The subject site is located in/zoned PD 714 (Subdistrict 1A).
- PD 714 (Subdistrict 1A) states the following with regard to "Front yard":
 1. Minimum front yard is 6'. At least 50 percent of the front façade must be at the minimum front yard setback.
 2. Maximum front yard is 15'.
 3. An additional 20' front yard setback is required for that portion of a structure above 45' in height.
- The subject site has 6 street frontages with minimum/maximum and/or maximum front yard setbacks required on each.
- The submitted site plan denotes the areas of the subject site that require variances to the 6' minimum/maximum and 15' maximum front yard setback regulations.
- The submitted site plan denotes variances to the 6' minimum/maximum front yard setback on the north (a 7' 2" variance on a portion of W. Commerce Street); on the south (a 166' 8" variance on the dead-end of Beatrice Street), and on the southeast (a 147' 4" variance on east/west easement between Beatrice Street and Beckley Avenue).
- The submitted site plan denotes variances to the 15' maximum front yard setback on the north (a 12' variance on a portion of W. Commerce Street), on the south (an approximately 158' variance on the dead-end of Beatrice Street), on the southeast (an approximately 139' variance on east/west easement between Beatrice Street and Beckley Avenue). The site plan represents compliance with minimum and maximum front yard setbacks along Beckley Avenue, Wink Street, Langford Street, and Beatrice Street (excluding the dead-end portion).

- The applicant has provided a document stating among other things that the subject site has hardship because of having 6 front yards and irregular shape.
- According to DCAD records, there are “no improvements” for property addressed at 120 W. Commerce Street.
- The site is relatively flat but (with according to the applicant) an approximately 8 foot grade change on the northeastern portion of the site, irregular in shape, and according to the application is approximately 4.748 acres in area. The site has six front yard setbacks.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances to front yard setback regulations are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 714 (Subdistrict 1A) zoning classification.
 - The variances to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 714 (Subdistrict 1A) zoning classification.
- If the Board were to grant the requests for variances to the front yard setback regulations and impose the applicant’s submitted site plan as a condition, the structure that do not comply with front yard setbacks would be limited to that what is shown on this document.

Timeline:

June 20, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 11, 2018: 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”.

September 11, 2018: 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 September 26th deadline to

submit additional evidence for staff to factor into their analysis; and the October 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

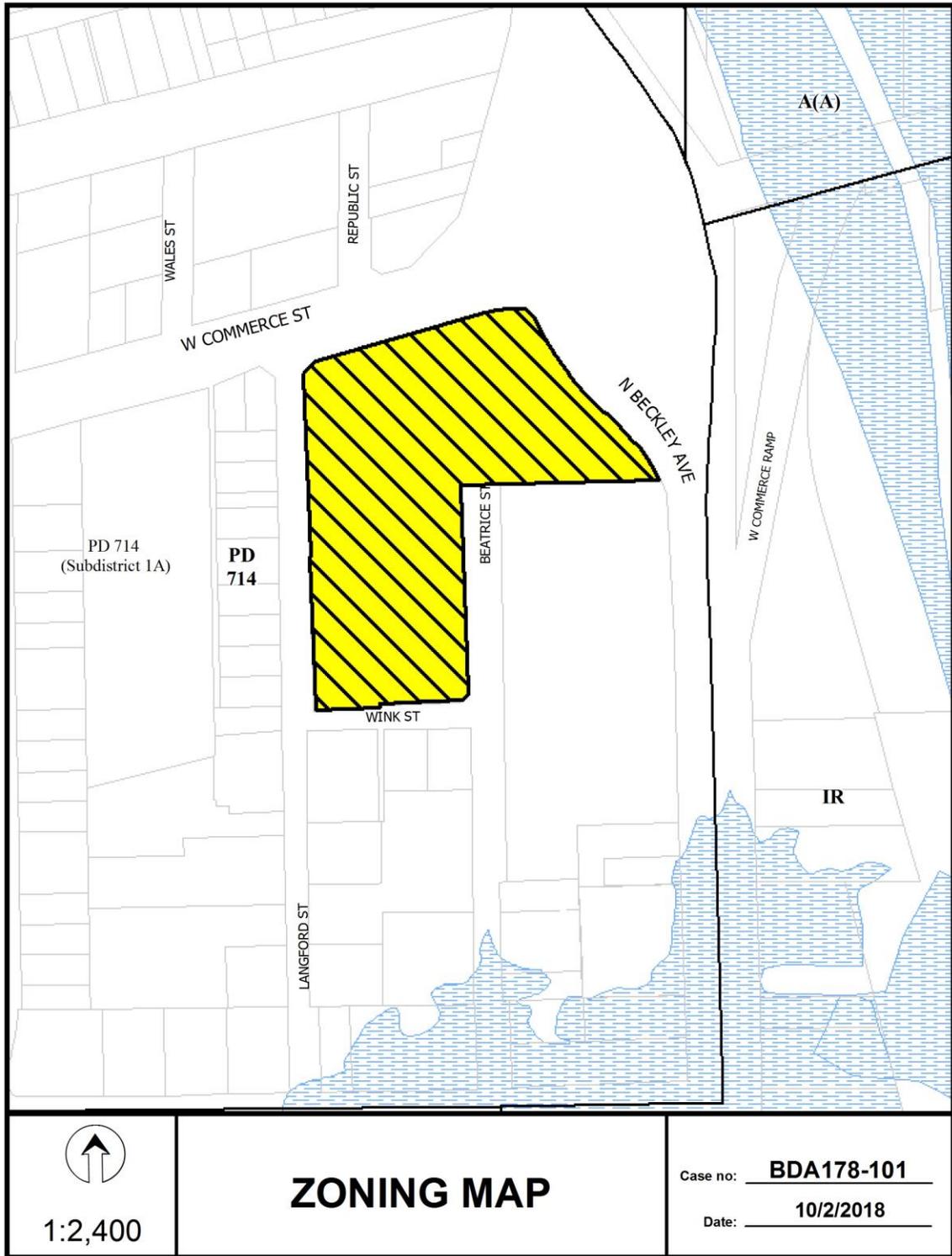
September 26 &
October 1, 2018:

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

October 2, 2018:

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

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





1:2,400

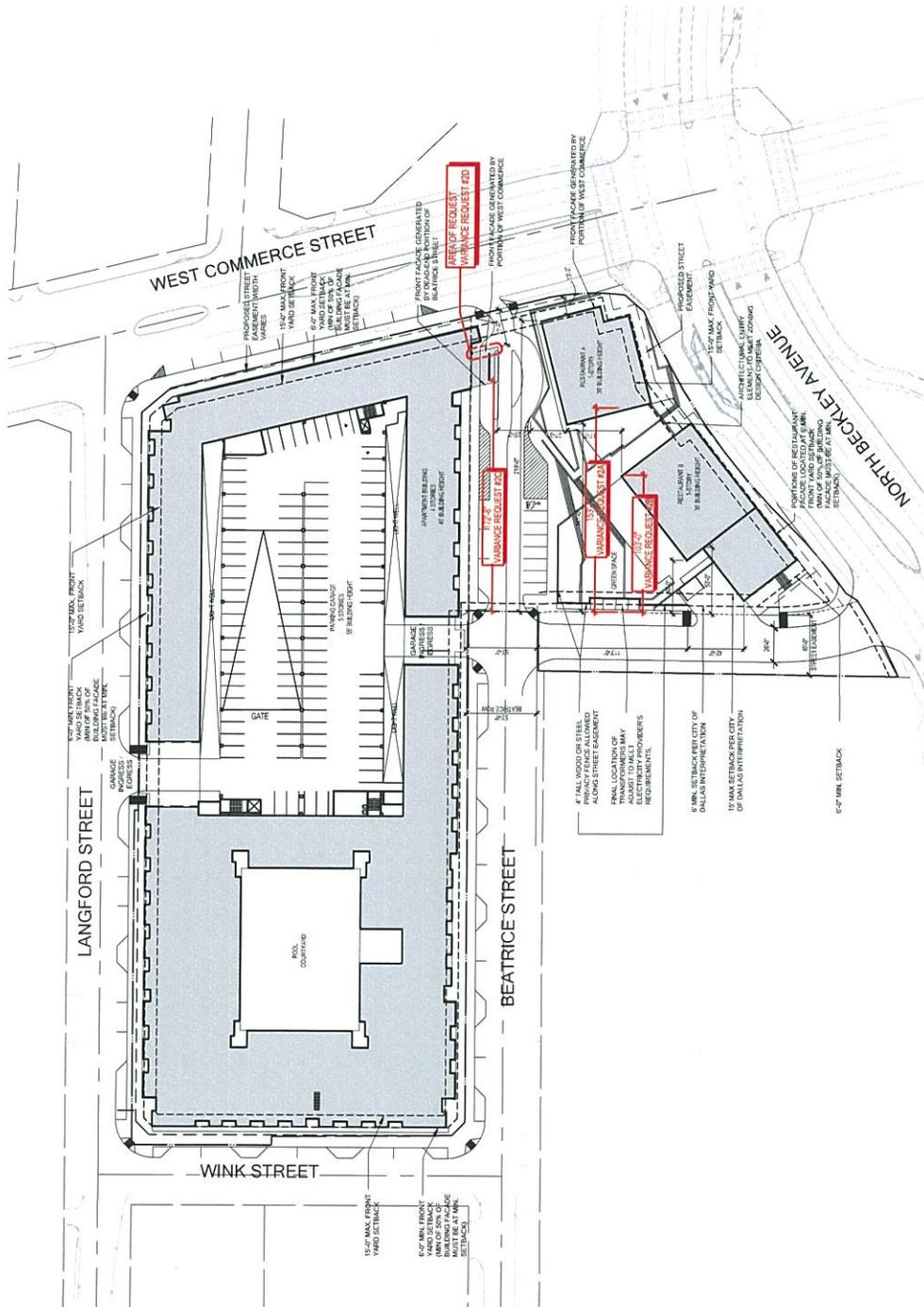
AERIAL MAP

Case no: BDA178-101

Date: 10/2/2018

VARIANCE REQUEST #2

VARIANCES FROM THE 15-FOOT MAXIMUM FRONT YARD SETBACK.
 VARIANCE REQUEST #2A, 134-FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM STREET EASEMENT. (SECTION 51P-714.106(C)(1)(ii))
 VARIANCE REQUEST #2B, 68-FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM STREET EASEMENT. (SECTION 51P-714.106(C)(1)(ii))
 VARIANCE REQUEST #2C, 158-FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM THE DEAD END OF BEATRICE. (SECTION 51P-714.106(C)(1)(ii))
 VARIANCE REQUEST #2D, 17-FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM WEST COMMERCIAL. (SECTION 51P-714.106(C)(1)(ii))



Job #: 18075
 File Name: 180924_SP-BOARD OF ADJUSTMENT.dwg
 Date: 9/24/2018
 Drawn by: ELBUJWWIKS

SITE PLAN - BOARD OF ADJUSTMENT
 Express West Commerce
 Dallas, Texas



Dallas | Fort Worth | Austin

VARIANCE REQUEST #1

VARIANCES FROM THE REQUIREMENT THAT 50% OF EACH FRONT FACADE BE LOCATED AT THE 6'-0" FOOT MINIMUM MAXIMUM SETBACK.

VARIANCE REQUEST #1A. VARIANCE FROM THE REQUIREMENT THAT 50% OF THE FRONT FACADE BE LOCATED AT A 6'-0" FOOT SETBACK FOR 50% OF EACH FACADE FRONTING THE STREET EASEMENT. (SECTION S17-14.10B(C)(1)(A))

VARIANCE REQUEST #1B. VARIANCE FROM THE REQUIREMENT THAT 50% OF THE FRONT FACADE BE LOCATED AT A 6'-0" MIN SETBACK FOR 50% OF THE FACADE FRONTING THE ROAD END OF BEATRICE. (SECTION S17-14.10B(C)(1)(A))

VARIANCE REQUEST #1C. VARIANCE FROM THE REQUIREMENT THAT 50% OF THE FRONT FACADE BE LOCATED AT A 6'-0" FOOT SETBACK FOR 50% OF THE FACADE FRONTING WEST COMMERCE. (SECTION S17-14.10B(C)(1)(A))

VARIANCE REQUEST #2

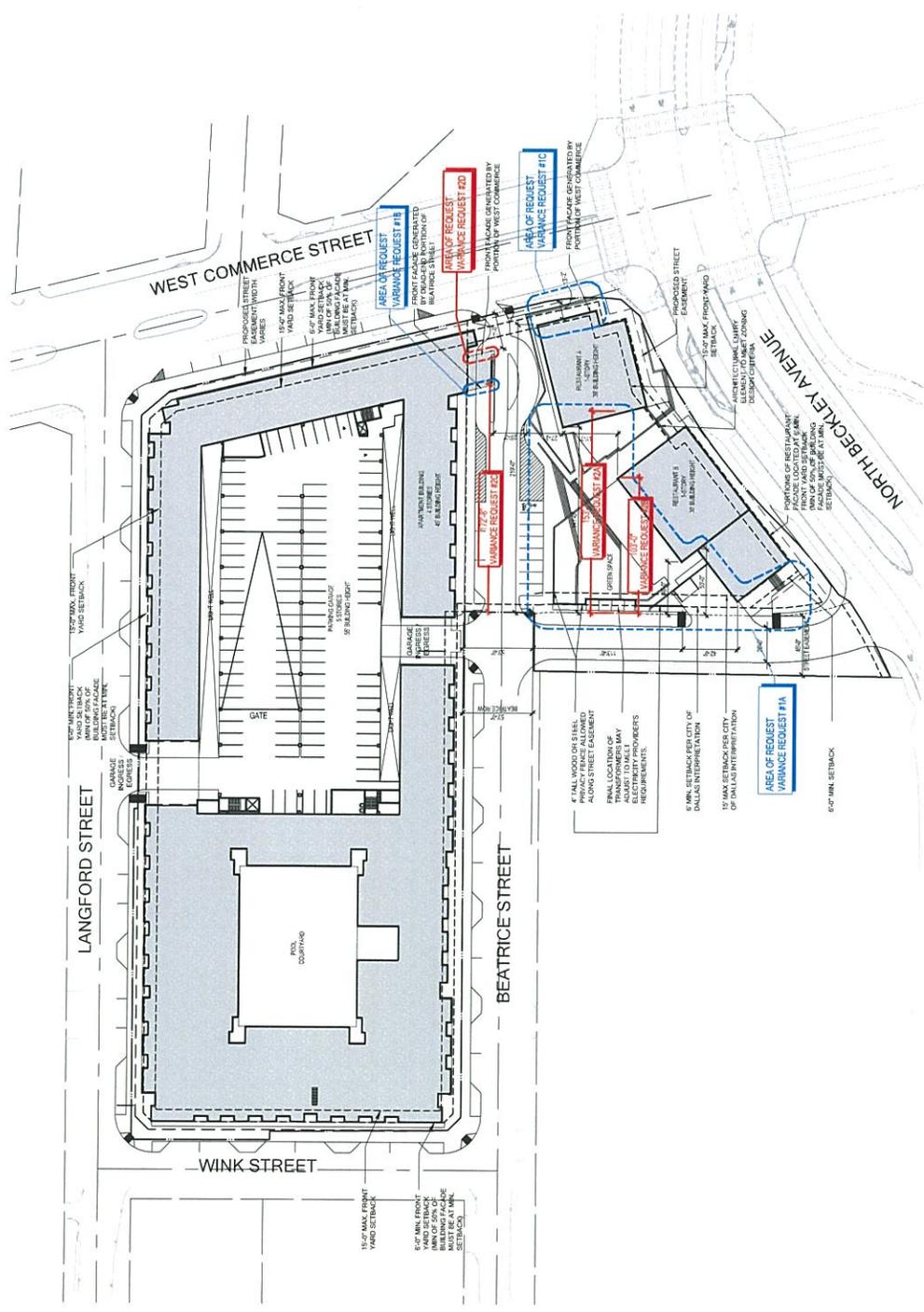
VARIANCES FROM THE 15'-0" FOOT MAXIMUM FRONT YARD SETBACK.

VARIANCE REQUEST #2A. 139'-0" FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM STREET EASTMENT. (SECTION S17-14.10B(C)(1)(B))

VARIANCE REQUEST #2B. 88'-0" FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM STREET EASTMENT. (SECTION S17-14.10B(C)(1)(B))

VARIANCE REQUEST #2C. 158'-0" FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM THE ROAD END OF BEATRICE. (SECTION S17-14.10B(C)(1)(B))

VARIANCE REQUEST #2D. 113'-0" FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 15 FEET FROM WEST COMMERCE. (SECTION S17-14.10B(C)(1)(B))



BDA178-101
 Attach A
 P33



Job #: 18075
 File Name: 180918_SP-BOARD OF ADJUSTMENT.dwg
 Date: 9/24/2018
 Drawn by: ELBU/WW/KS

SITE PLAN - BOARD OF ADJUSTMENT
 Express West Commerce
 Dallas, Texas

BDA178-101
Attach B
PS1

500 Winstead Building
2728 N. Harwood
Dallas, TX 75201

214.745.5400 OFFICE
214.745.5390 FAX
214.745.5724 DIRECT DIAL
tmann@winstead.com

September 26, 2018

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

Re: BDA 178-101 – SW Corner of West Commerce Street and Beckley Avenue

Dear Steve:

Our firm represents the prospective purchaser of the property. We are submitting this letter for the Board's review in support of the prospective purchaser's request for the variances discussed below.

Introduction

There are several variances requested as part of this application, and the purpose of this letter is to identify those physical characteristics of the property that necessitate each variance.

This letter begins with a summary of the relevant physical characteristics of the property and then includes a short description of how those characteristics contribute to the need for each of the requested variances. Generally speaking, there are two front yard setback requirements of the zoning from which the variances are requested:

- (1) At least 50% of each front building façade must be located at a setback of exactly 6 feet; and
- (2) The maximum setback for any front building façade is 15 feet.

Physical Characteristics of the PropertyA. Topography

The northeastern portion of the site fronting on W. Commerce contains significant topographical change. The existing sidewalk elevation is approximately 8 feet above the existing grade level at the entrances to the retail building as well as the mixed-use building. A greater setback in these areas allows for absorption of the grade change to occur, which in turn allows for ADA accessible ramps to the front doors of the buildings to be constructed.

Attached to this letter is a copy of the topographical survey demonstrating the grade change in this area of the site.

B. Configuration/6 Front Yards/No Rear Yards

There are two key aspects of the property's configuration that significantly impact its ability to be developed in a manner commensurate with similarly zoned properties: (1) it is irregular in shape; and (2) the property has 6 front yards with no rear yards.

The existing zoning of the property strongly encourages a mixture of retail and multifamily uses. However, the configuration and multiple frontages of the property make the development of retail uses very difficult. Specifically, retail and restaurant uses necessitate dumpsters, employee parking areas, and focused "front door" areas on streets with higher pedestrian and vehicular traffic. Two of the site's abutting streets, Beckley and W. Commerce, are regional connectors that carry significant pedestrian and vehicular traffic. As such, these are the logical "front doors" of the retail uses, and the buildings are designed accordingly. However, this site has no "rear yards" within which the necessary service components for these retail uses can be located.

Moreover, the portion of the site east of Beatrice is oddly configured, and after retail buildings are placed within the maximum setbacks along W. Commerce and Beckley, a void is left in the site. This void is the ideal location for employee parking, service entrances, open space and dumpsters. However, this area is technically a front yard because a street easement for a required fire lane runs from Beatrice to Beckley. This street easement does not carry meaningful pedestrian and vehicular traffic and would be an extremely unappealing location for storefronts. Stated differently, this street easement naturally functions as the rear of the property.

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September 26, 2018
Page 3

Proposed Variances

A. West Commerce Setbacks

In order to accommodate the grade changes and achieve the required accessibility, minimal variances to the maximum 15-foot setback and exact 6-foot setback are necessary in the locations shown on the site plan.

B. Street Easement Setbacks

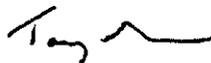
The remaining variances in this application occur along the street easement that connects Beatrice to Beckley. As discussed above, this site has no rear yards, and this oddly-shaped area along the street easement functions as the rear of the property.

Despite these conditions, the same setbacks applicable along W. Commerce are applicable because of the street easement. For the reasons stated above, these variances are necessary to allow the development to designate an area to function as a rear yard, particularly given the retail and restaurant uses planned and encouraged by the zoning.

Conclusion

Finally, none of the characteristics of the property noted in this letter have been created by the applicant. Given this fact coupled with the other factors outlined herein, the standard for approval of the requested variances has been demonstrated. Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,



Tommy Mann

Cc: Charles Trammell
David Martin

BDA178-101

ATTACH B

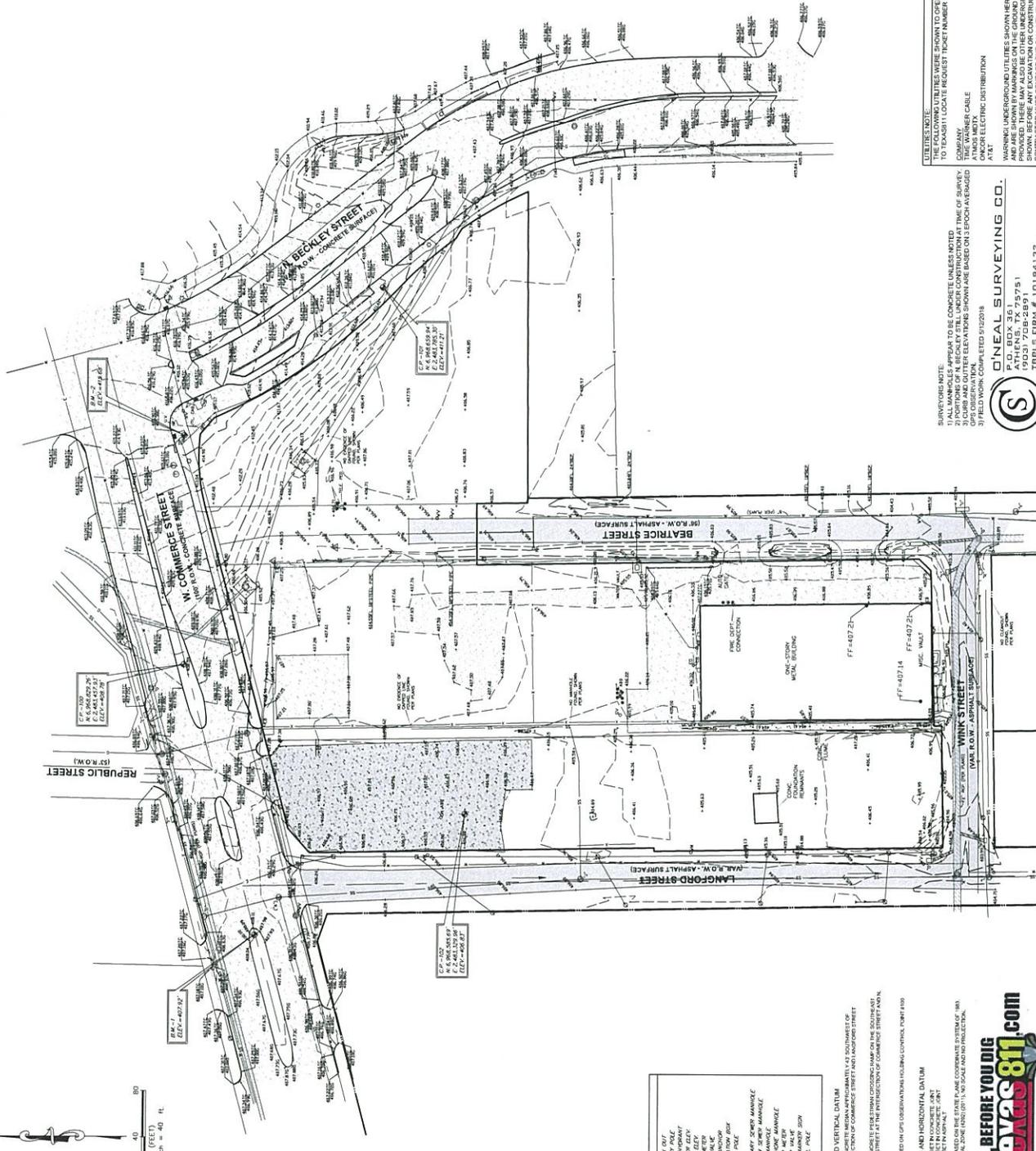
PG 4

BDA 178-101
September 26, 2018
Page 4

Topographic Map

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TOPOGRAPHIC SURVEY
SHOWING
A PORTION OF
BLOCK 17810 & BLOCK 276810
CITY OF DALLAS
DALLAS COUNTY, TEXAS



DATE	MAY 14, 2018
CHECKED BY	LOD
DESIGNED BY	LOD
PREPARED FOR	URS & A STRUCTURE
SHEET NO.	1 of 1
PROJECT NO.	810 DALLAS TRUCK WHITE 905
DATE	2/25/2018

UTILITY NOTES:
1. UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. TO EXAMINE LOCAL UTILITY RECORDS, CONTACT THE AREA ENGINEERING DEPARTMENT.
3. COMPANY: THE WARNER CABLE
4. ANCHOR ELECTRIC DISTRIBUTION
5. AT&T

WARNING: UNDERGROUND UTILITIES SHOWN HEREIN ARE APPROXIMATE ONLY. VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BEFORE ANY EXCAVATION OR CONSTRUCTION OPERATIONS BEGIN. THE SURVEYOR IS NOT RESPONSIBLE FOR DAMAGE TO OR INTERFERENCE WITH THE UTILITIES OR THE OWNERS OF THE UTILITIES TO VERIFY THEIR LOCATION.

ONEAL SURVEYING CO.
P.O. BOX 3161
ATHENS, TX 75751
TELEPHONE # 10194132
WWW.ONEALSURVEYING.COM

BEFORE YOU DIG
TEXAS 811.COM

Panel C

Long, Steve

From: Martin, David <dmartin@winstead.com>
Sent: Monday, October 01, 2018 2:46 PM
To: Long, Steve
Cc: Mann, Tommy
Subject: RE: BDA178-101, 120 W. Commerce Street - Manner commensurate
Attachments: Map - 305, 120 W. Commerce.pdf

Pg 1

Steve-

Please find the below and attached showing that our variance request is necessary to permit development of the property (120 W. Commerce) because the restrictive area, shape, and slope does not allow it to be developed in a manner commensurate with other parcels with the same zoning.

Like our property, property located at 305 W. Commerce (the "305 W. Commerce Property") is zoned PD 714-Subdistrict 1A. Like our property, the 305 W. Commerce Property is developed with a mixed use project consisting of multifamily and retail uses. However, because the 305 W. Commerce Property has only one front yard, owners and tenants can locate parking, dumpsters, and other facilities accessory to and necessary for the development to be located in the rear of the property.

In our case, because the 120 W. Commerce Property has no rear or side yards and is oddly shaped, there is nowhere to locate necessary parking for owners, tenants, or customers. Furthermore, the slope from W. Commerce St. requires the buildings to be set back further from the street to allow for ADA accessible ramps.

Maps of the 305 W. Commerce and 120 W. Commerce properties are provided in the attachment for reference.

Thank you,

David Martin, Attorney

Winstead PC | 500 Winstead Building | 2728 N. Harwood Street | Dallas, Texas 75201
 214.745.5440 *direct* | 650.814.5477 *cell* | dmartin@winstead.com | www.winstead.com



 Please consider the environment before printing.

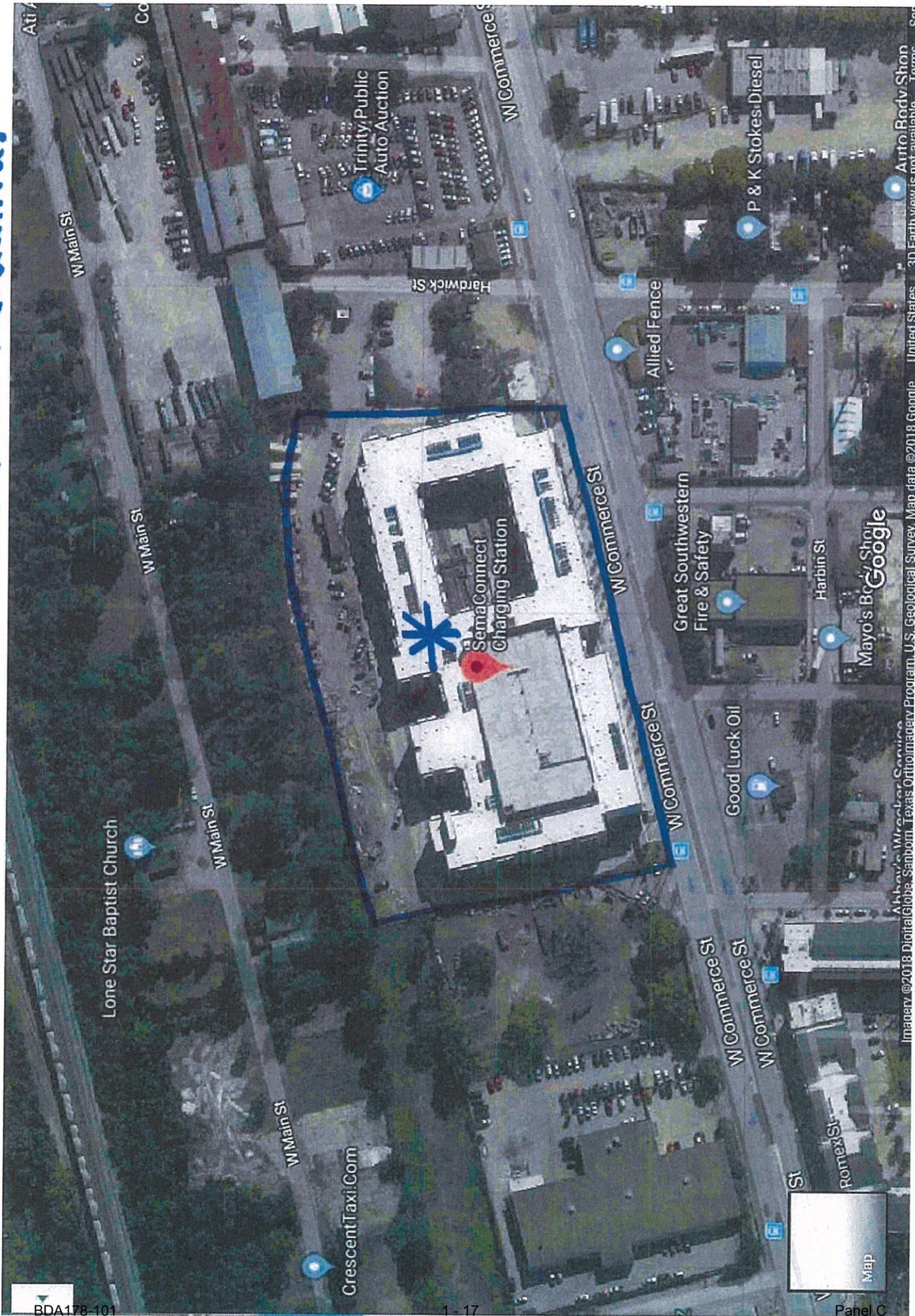
From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Thursday, September 27, 2018 8:03 AM
To: Martin, David
Subject: RE: BDA178-101, Property at 120 W. Commerce Street

I have incorporated it into this revised Attachment B.

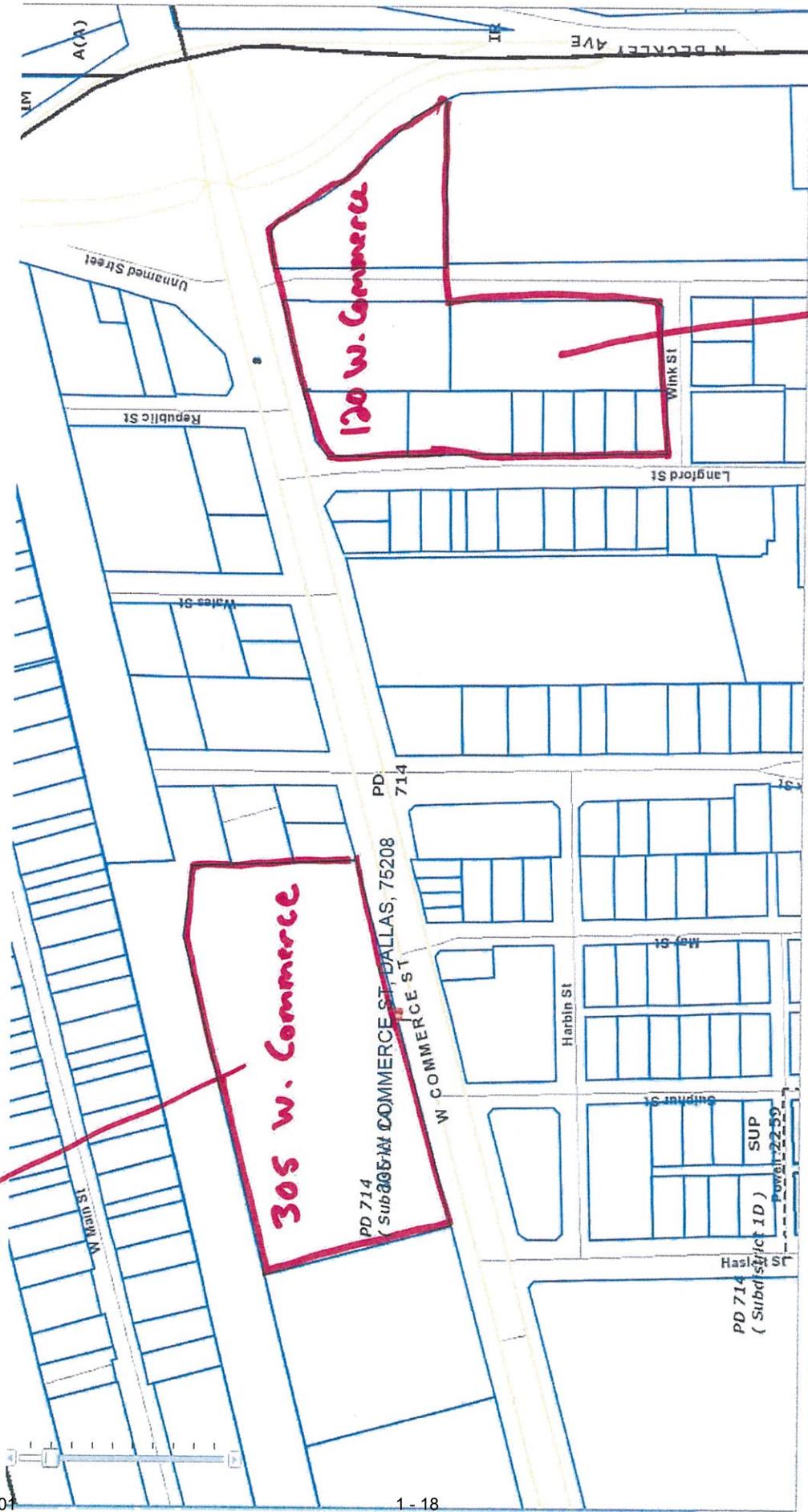
S.

From: Martin, David <dmartin@winstead.com>
Sent: Wednesday, September 26, 2018 12:35 PM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: RE: BDA178-101, Property at 120 W. Commerce Street

* 305 W. Commerce — Mixed use with residential



Other parcel of land with same zoning (PD 714 - Subdistrict 1A)



Subject property



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-101

Data Relative to Subject Property:

Date: 6-20-18

Location address: 120 W. Commerce St. Zoning District: PD-714

Lot No.: 1A Block No.: 1/6810 Acreage: 4.748 Census Tract: 43.00

Street Frontage (in Feet): 1) 568 2) 411 3) 480 4) 521 5) 283

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): West Commerce Investments LLC

Applicant: David Martin (Winstead PC) Telephone: 214.745.5440

Mailing Address: 2728 N. Harwood St. - 5th Floor Zip Code: 75201

E-mail Address: dmartin@winstead.com

Represented by: n/a Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X , or Special Exception , of the requirement that 50% of each front facade be located at a 6-foot setback per Section 51P-714.108(c)(1)(A) and the 15-foot maximum setback requirement per Section 51P-714.108(c)(1)(B).

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: Literal enforcement of the front yard setback would result in unnecessary hardship and the granting of the variance will observe the spirit of the ordinance and substantial justice will be done; the unique shape of the property prevents the property from being developed in a manner commensurate with the development of the land with the same zoning; and the hardship is not self-created.

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.

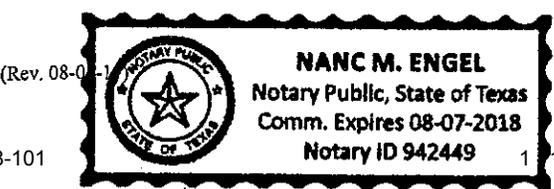
Affidavit

Before me the undersigned on this day personally appeared David Martin (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: David Martin (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19th day of June, 2018



Nancy M. Engel
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 DAVID MARTIN

did submit a request for a variance to the front yard setback regulations
at 120 W Commerce Street

BDA178-101. Application of DAVID MARTIN for a variance to the front yard setback regulations at 120 W COMMERCE ST. This property is more fully described as Lot 1A, Block 1/6810, and is zoned PD-714 (Subdistrict 1A), which requires a minimum front yard setback of 6 feet with at least 50 percent of the front facade at the minimum front yard setback and requires a maximum front yard setback of 15 feet. The applicant proposes to construct a mixed use project consisting of a residential and nonresidential structures and provide a 173 foot front yard setback with 0 percent of the front facade at the minimum 6 foot front yard setback, which will require a 167 foot variance to the minimum front yard setback regulation and to construct a mixed use project consisting of a residential and nonresidential structures and provide a 173 foot front yard setback, which will require a 158 foot variance to the maximum front yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



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 |
| 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)



VARIANCE REQUESTS

VARIANCE REQUEST #1A, VARIANCE FROM THE REQUIREMENT THAT 50% OF THE FRONT FACADE BE LOCATED AT A 4-FOOT SETBACK FROM 50% OF EACH FACADE FRONTING THE STREET EASEMENT. [SECTION 51P-714.138(C)(1)(A)]

VARIANCE REQUEST #1B, 139 FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 35 FEET FROM STREET EASEMENT. [SECTION 51P-714.138(C)(1)(B)]

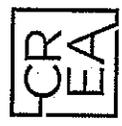
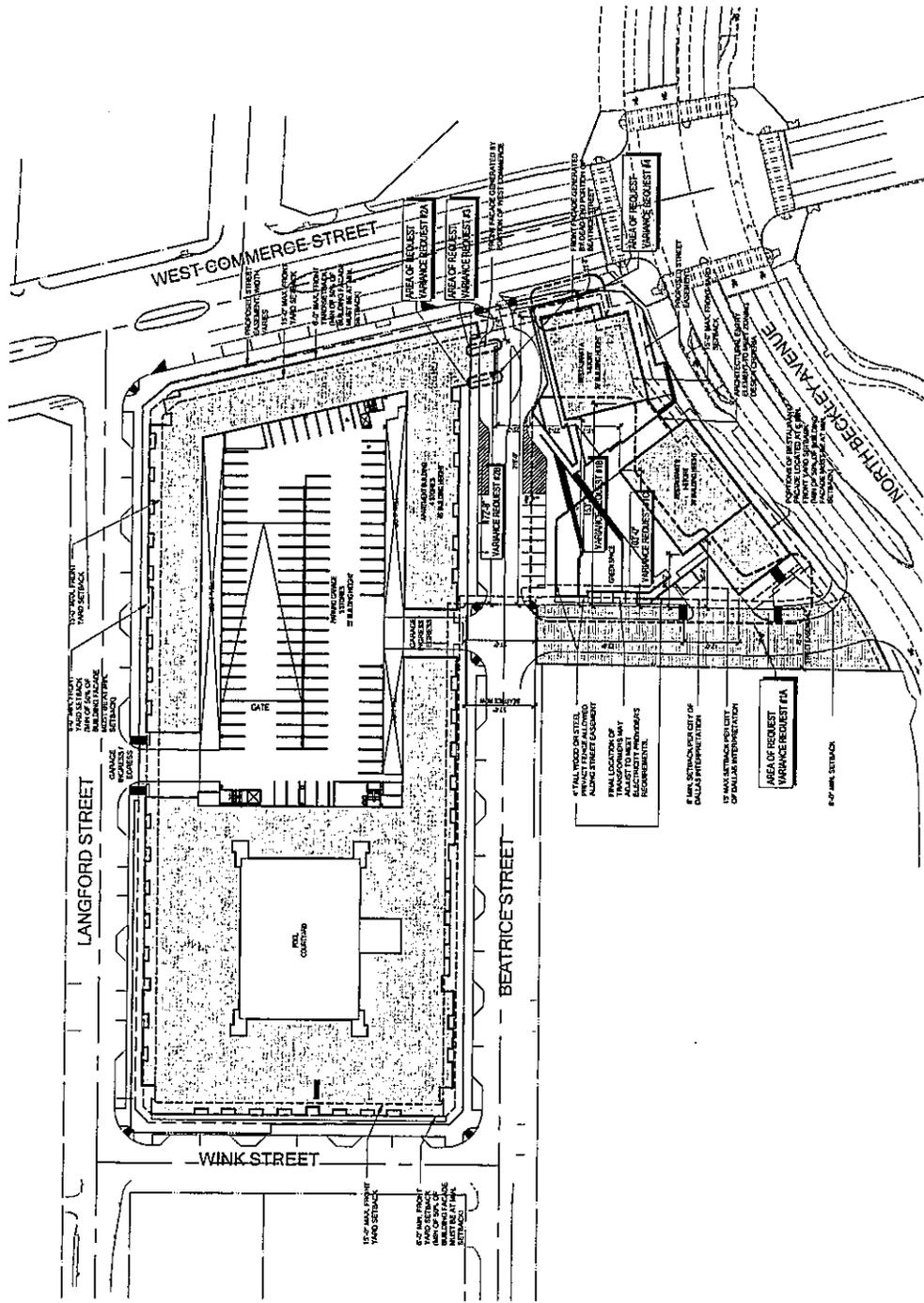
VARIANCE REQUEST #1C, 88 FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 35 FEET FROM STREET EASEMENT. [SECTION 51P-714.138(C)(1)(C)]

VARIANCE REQUEST #2A, VARIANCE FROM THE REQUIREMENT THAT 50% OF THE FRONT FACADE BE LOCATED AT A 4-FOOT SETBACK FROM 50% OF EACH FACADE FRONTING THE END OF BEATRICE. [SECTION 51P-714.138(C)(2)(A)]

VARIANCE REQUEST #2B, 139 FOOT VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 35 FEET FROM THE DEAD END OF BEATRICE. [SECTION 51P-714.138(C)(2)(B)]

VARIANCE REQUEST #3, 31-FEET VARIANCE FROM THE MAXIMUM SETBACK REQUIREMENT OF 35 FEET FROM THE DEAD END OF BEATRICE. [SECTION 51P-714.138(C)(3)]

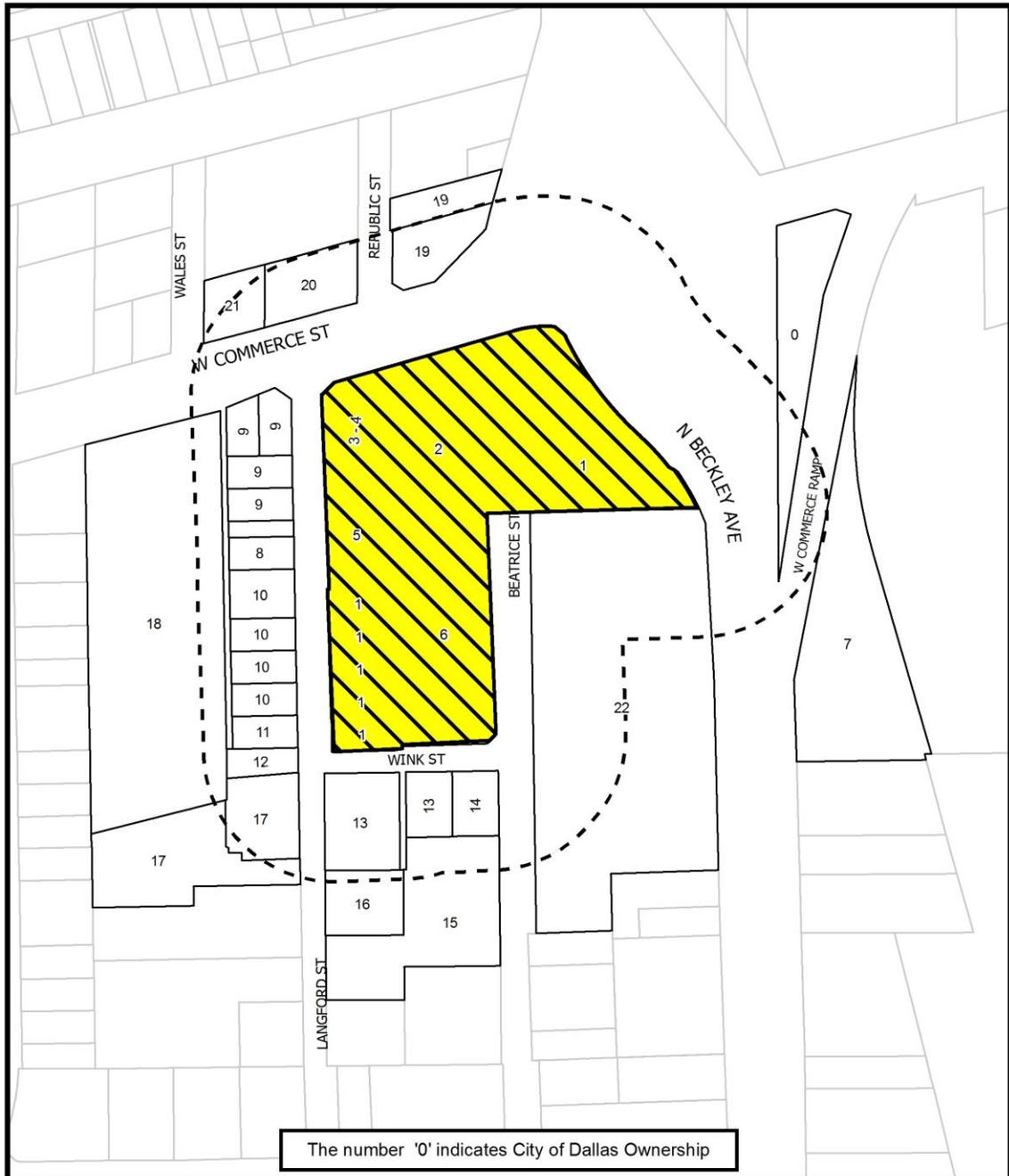
VARIANCE REQUEST #4, VARIANCE FROM THE REQUIREMENT THAT 50% OF THE FRONT FACADE BE LOCATED AT A 4-FOOT SETBACK FROM 50% OF EACH FACADE FRONTING WEST COMMERCE [SECTION 51P-714.138(C)(4)]



Job #: 18075
 File Name: 180904_SP-BOARD OF ADJUSTMENT.dwg
 Date: 8/31/2018
 Drawn by: ELB/JMW/KS

SITE PLAN - BOARD OF ADJUSTMENT
 City of West Commerce
 Dallas, Texas





1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

22

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-101**

Date: **10/2/2018**

Notification List of Property Owners

BDA178-101

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	120 W COMMERCE ST	WEST COMMERCE INVESTMENTS LLC
2	2332 N BECKLEY AVE	RSDC LLC &
3	2343 N BECKLEY AVE	BLANKS INVESTMENT
4	2439 BEATRICE ST	WEST COMMERCE INVESTMENTS LLC
5	2415 BEATRICE ST	WEST COMMERCE INVESTMENTS LLC

FILE NUMBER: BDA178-105(OA)

BUILDING OFFICIAL'S REPORT: Application of Kurt Michels for a special exception to the landscape regulations at 6605, 6615, and 6625 Bandera Avenue. This property is more fully described as Lot 8A, Block 6/5464, and is zoned MF-1(A), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 6605, 6615, and 6625 Bandera Avenue

APPLICANT: Kurt Michels

REQUEST:

A request for a special exception to the landscape regulations is made to maintain a multifamily use (Drexel Park Hollow Condominiums), and not fully meet the landscape regulations more specifically, to not provide the required site trees and the residential adjacency buffer 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;
- 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 revised alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because strict compliance with the Article X regulations for adjusting for the street trees and the perimeter landscape buffer will unreasonably burden the use of the property. I believe the special exception will not adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

Site: MF-1(A) (Multifamily)
North: D (A) (Duplex)
South: PD 570 (Planned Development)
East: MF-1(A) (Multifamily) and MF-3 (A) (Multifamily)
West: MF-1(A) (Multifamily)

Land Use:

The subject site is developed with multifamily use. The area to the north is developed with townhome uses, and the areas to the east, south, and west are developed with multifamily uses.

Zoning/BDA History:

1. BDA145-014, Property at 6405 Bandera Avenue (the lot north to the subject site)

On March 18, 2014, the Board of Adjustment Panel C granted a request for a special exception to the landscape regulations and imposed the submitted alternate revised landscape plan as a condition.

The case report states that the request was made to maintain a multifamily use /structure 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 the north perimeter buffer and no buffer plant groups when 1 large tree per 50 linear feet of adjacency (or 22 large

trees) is required. (A tall solid screen fence provides the only visual buffer between the multifamily use and the adjacent residential uses).

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on maintaining multifamily use (Drexel Park Hollow Condominiums), and not fully meeting the landscape regulations more specifically, not providing the required site trees and the residential adjacency buffer requirements on the subject site.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of an alternate landscape plan to authorize the completion of the development with the existing landscaping after installation from before 2009.
- The Chief Arborist's memo states the following with regard to "provision":
 - The alternate landscape plan provides for a landscape layout which does not fully comply with Article X requirements at the time of permit, but is established with required street trees and design standards. On-site parking is fully concealed.
- The Chief Arborist's memo states the following with regard to "deficiencies":

The plan fails to provide for the following:

 - the northern perimeter landscape buffer strip and the required plant groups (Sec. 51A-10.125(b)(1) and (b)(7));
 - the 1.936 acre property requires 21 site trees. Twelve small trees are provided on the lot. The large established street trees planted slightly off the property do not apply as site trees, per ordinance. However, the established trees are uniformly spaced in open landscape areas.
- The Chief Arborist's memo states the following with regard to "factors":
 - The property was built before 2009 without the completion of final landscape review and inspections. Since this time, the Drexel projects came under a process with city inspectors to bring the site into compliance with all city regulations. The completion of landscaping is a part of this process;
 - Tree mitigation was resolved with the installation of landscaping and is not under consideration.

- The City of Dallas Chief Arborist The chief arborist recommends approval of the alternate landscape plan because strict compliance with the Article X regulations for adjusting for the street trees and the perimeter landscape buffer will unreasonably burden the use of the property. I believe the special exception will not adversely affect neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from providing the site trees in the required location and the residential adjacency buffer requirements on the subject site.

Timeline:

July 2, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

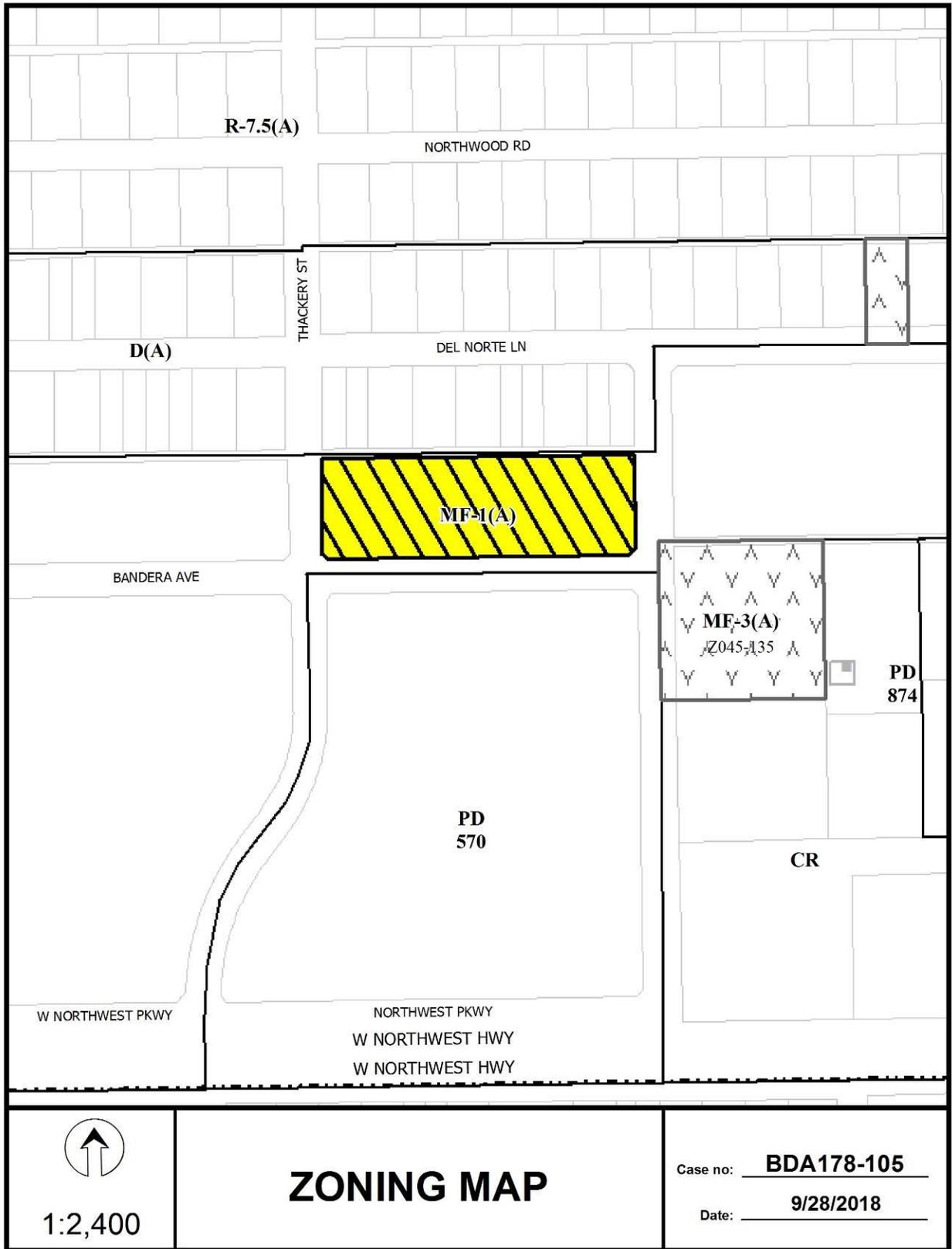
September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.

September 13, 2018: 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 September 26th deadline to submit additional evidence for staff to factor into their analysis; and the October 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



1:2,400

ZONING MAP

Case no: BDA178-105
 Date: 9/28/2018




 1:2,400

AERIAL MAP

Case no: BDA178-105
 Date: 9/28/2018

Memorandum



Date October 4, 2018
To Oscar Aguilera, Board Administrator
Subject BDA #178-105 6605, 6615, 6625 Bandera Avenue

Request

The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of an alternate landscape plan to authorize the completion of the development with the existing landscaping after installation from before 2009.

Provision

The alternate landscape plan provides for a landscape layout which does not fully comply with Article X requirements at the time of permit, but is established with required street trees and design standards. On-site parking is fully concealed.

Deficiencies

The plan fails to provide for the following:

1. the northern perimeter landscape buffer strip and the required plant groups (Sec. 51A-10.125(b)(1) and (b)(7));
2. the 1.936 acre property requires 21 site trees. Twelve small trees are provided on the lot. The large established street trees planted slightly off the property do not apply as site trees, per ordinance. However, the established trees are uniformly spaced in open landscape areas.

Factors

The property was built before 2009 without the completion of final landscape review and inspections. Since this time, the Drexel projects came under a process with city inspectors to bring the site into compliance with all city regulations. The completion of landscaping is a part of this process.

Tree mitigation was resolved with the installation of landscaping and is not under consideration.

Recommendation

The chief arborist recommends approval of the alternate landscape plan because strict compliance with the Article X regulations for adjusting for the street trees and the perimeter landscape buffer will unreasonably burden the use of the property. I believe the special exception will not adversely affect neighboring properties.

Philip Erwin
Chief Arborist
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-105

Data Relative to Subject Property:

Date: 07/02/18

Location address: 6605, 6615 & 6625 BANDERA Zoning District: MF-1(A)

Lot No.: 8A Block No.: 6/5464 Acreage: 1.936 Census Tract: 0077.00

Street Frontage (in Feet): 1) 165.0 2) 511.25 3) 165.0 4) — 5) —

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DREXEL PARK HOLLOW CONDOMINIUM ASSOCIATION

Applicant: KURT MICHELS Telephone: 512-560-4889

Mailing Address: 6615 BANDERA AVE APT 2A, DALLAS TX Zip Code: 75225

E-mail Address: KURT.MICHELS@ATT.NET

Represented by: KURT MICHELS Telephone: 512-560-4889

Mailing Address: 6615 BANDERA AVE APT 2A, DALLAS TX Zip Code: 75225

E-mail Address: KURT.MICHELS@ATT.NET

Affirm that an appeal has been made for a Variance, or Special Exception , of LANDSCAPE REGULATIONS

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: SEE ATTACHED LETTER

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

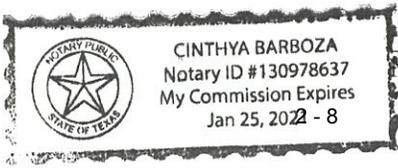
Before me the undersigned on this day personally appeared KURT S. MICHELS (Affiant/Applicant's name printed)

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 02nd day of July, 2018

(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 Kurt Michels

did submit a request for a special exception to the landscaping regulations
at 6605,6615,6625 Bandera Avenue

BDA178-105. Application of Kurt Michels for a special exception to the landscaping regulations at 6605,6615,6625 Bandera Avenue. This property is more fully described as Lot 8A, Block 6/5464, and is zoned MF-1(A), which requires mandatory landscaping. The applicant proposes to construct and or maintain a multi-family residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 7/10/2018

Legend

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

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City of Dallas – Board of Adjustments

Application for Appeal

Re: 6605, 6615 and 6625 Bandera Avenue Dallas, TX 75225

Explanation / Reasons for Appeal

This is issued to better explain the reasons for the appeal being present to the Board for the subject properties listed above. This is part of the standardized Application/Appeal form.

The appeal is made as a Special Exception to the city Landscape regulations.

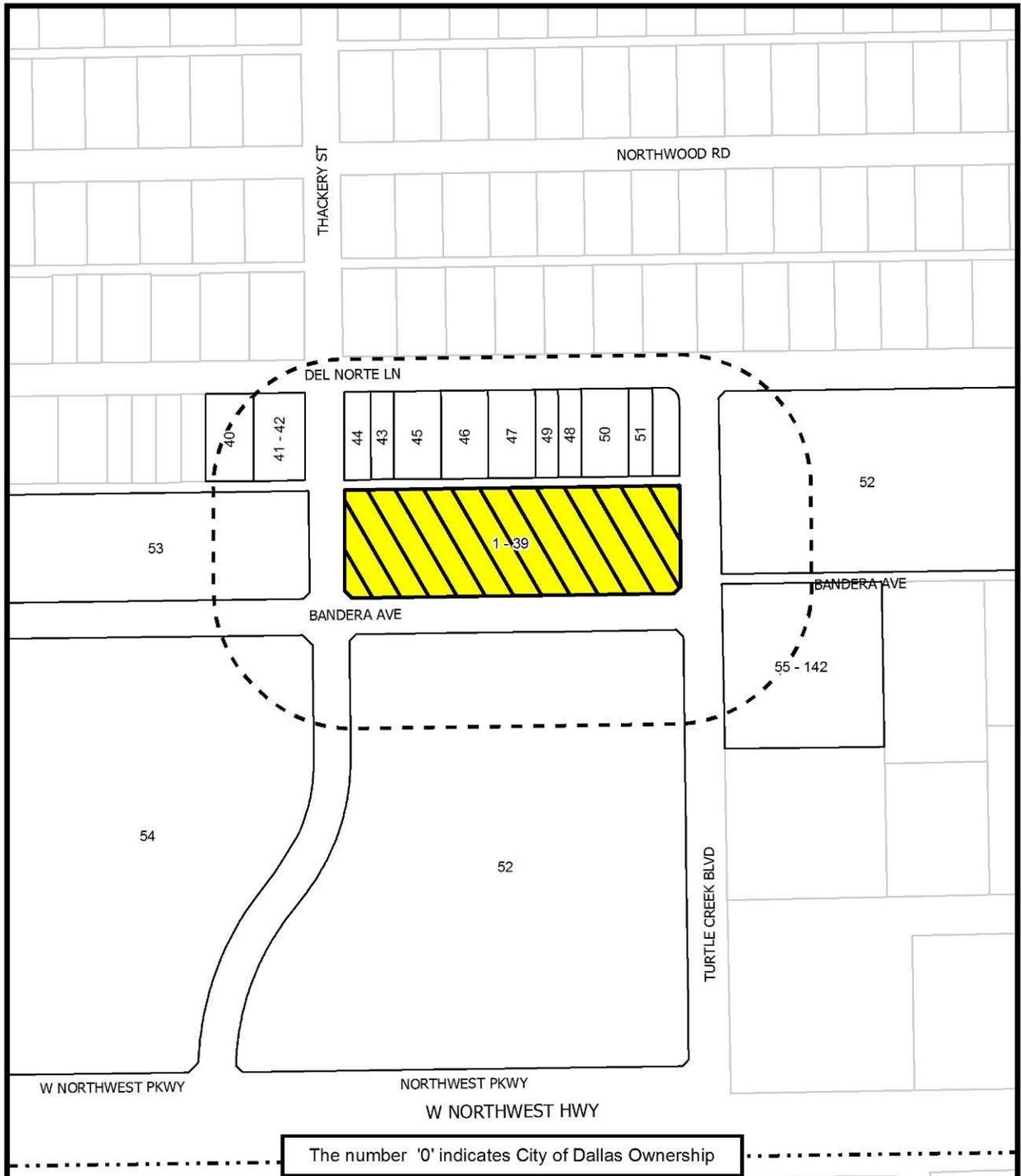
This site consists of three condominium buildings platted on one lot. These buildings called Drexel Park Hollow Condominiums were constructed between 2006 and 2008, as part of an overall 10 building project developed by Drexel Bandera I LP. The other 7 buildings were also completed during this time frame and have been for rental apartment units since opening.

The original developer never obtained city final inspections for completions, including landscaping. The landscape design and work was completed without the city's residential adjacency buffer requirements being met. This required perimeter buffer was not met only on one side, the north side, of the property.

The north side condition is built out as a shared paved alleyway with the residential homes along Del Norte Lane. 10 years after completion under the present built conditions, it highly impractical to meet the conditions to fulfill this portion of the landscape ordinance.

The previously mentioned other 7 buildings of this development applied for the same exception to the landscape regulations. The case for their filing was number BDA 145-014. On March 18, 2015 the case was approved by the BOA as part of a consent agenda.

We appreciate the Board of Adjustment review of our case and ask for your recommendation of approval of this request.



 1:2,400	<h2 style="margin: 0;">NOTIFICATION</h2>	Case no: BDA178-105			
	<table border="1" style="margin: 0 auto;"> <tr> <td style="padding: 2px 5px;">200'</td> <td style="padding: 2px 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px 5px;">142</td> <td style="padding: 2px 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	142	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
142	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA178-105

142 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6605 BANDERA AVE	LAIN DANNY B & SARA K
2	6605 BANDERA AVE	HICKMAN BETSY B
3	6605 BANDERA AVE	GLUCK MARTIN R & SUSAN B
4	6605 BANDERA AVE	DUNN PETER A
5	6605 BANDERA AVE	SG HEALTH GROUP LLC
6	6605 BANDERA AVE	POWERS DAVID LEON &
7	6605 BANDERA AVE	BOND WILLIAM M
8	6605 BANDERA AVE	TEEGARDEN DAVID KENT &
9	6605 BANDERA AVE	WYSONG KATHARINE L
10	6605 BANDERA AVE	WOOLDRIDGE KAREN A
11	6605 BANDERA AVE	DEVAULT DAVID & JOANNA
12	6605 BANDERA AVE	LERMAN MELVYN & ELAINE
13	6605 BANDERA AVE	DEVRIES WILLEML J & ASA C
14	6605 BANDERA AVE	STETSON ROBERT J &
15	6615 BANDERA AVE	CROSBY JULIE B
16	6615 BANDERA AVE	WILLIAMS SCOTT D & LESLIE C
17	6615 BANDERA AVE	LEE MING-ZE & PEARL TANG
18	6615 BANDERA AVE	RIVERA ELIZABETH
19	6615 BANDERA AVE	CHOATE WADE
20	6615 BANDERA AVE	KASPAR MARK & KIMBERLYNN FAMILY
21	6615 BANDERA AVE	ROLLINS NANCY K
22	6615 BANDERA AVE	MICHELS KURT S & JESSICA M
23	6615 BANDERA AVE	FRONZAGLIO JOSEPH G &
24	6615 BANDERA AVE	LEE MING-ZE
25	6615 BANDERA AVE	MCCARTHY MASOUMEH HASHEMI
26	6615 BANDERA AVE	MICHELS KURT S & JESSICA M

Label #	Address	Owner
27	6615 BANDERA AVE	PERRY KENNETH W & MARY S
28	6615 BANDERA AVE	COYLE FRANCIS P & DEDMON JUDITH
29	6615 BANDERA AVE	IKPH 2010 LLC
30	6615 BANDERA AVE	ACKERMAN NEEL B &
31	6625 BANDERA AVE	BARTON BENNY M
32	6625 BANDERA AVE	HERMAN JES ALEXIS
33	6625 BANDERA AVE	NORVELL SAM & PATSY
34	6625 BANDERA AVE	GIBSON BURNEY W
35	6625 BANDERA AVE	NELSON ALAN D & ANGELA V
36	6625 BANDERA AVE	CONNELL B ALLEN & KATHLEEN C
37	6625 BANDERA AVE	DAWSON G & M
38	6625 BANDERA AVE	ALCOTT MAGGIE
39	6625 BANDERA AVE	RIGNEY ONESIA
40	6534 DEL NORTE LN	SHERER DAVID M
41	6540 DEL NORTE LN	BRADEN CAROLE L
42	6538 DEL NORTE LN	BRADEN CAROLE L
43	6604 DEL NORTE LN	BURGOS DANTE & LORI
44	6602 DEL NORTE LN	RICE DARREL A & JEFFREY T
45	6608 DEL NORTE LN	GUTHRIE MAURA P
46	6616 DEL NORTE LN	JGH LLC
47	6620 DEL NORTE LN	T & A RESOURCE LTD
48	6626 DEL NORTE LN	ARTERBURN DIXEY
49	6624 DEL NORTE LN	6624 DEL NORTE LLC
50	6630 DEL NORTE LN	SLACK CHARLES STEWART & KATHRYN YOUNG
51	6636 DEL NORTE LN	BALDWIN BARRY KEITH &
52	6800 DEL NORTE LN	INTERCITY INVESTMENTS
53	6565 BANDERA AVE	Q AT 5 LLC &
54	8523 THACKERY ST	INTERCITY INVESTMENTS
55	8616 TURTLE CREEK BLVD	ONEAL DON M & MARY ANN M
56	8616 TURTLE CREEK BLVD	HAYES KATHY
57	8616 TURTLE CREEK BLVD	CHURCH OMA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	8616	TURTLE CREEK BLVD MCDONALD PAMELA M
59	8616	TURTLE CREEK BLVD GIROIR FREIDA T
60	8616	TURTLE CREEK BLVD LAURENCE CAROLYN M
61	8616	TURTLE CREEK BLVD NASH CAMERON RAY
62	8616	TURTLE CREEK BLVD ABBOTT PAMELA R
63	8616	TURTLE CREEK BLVD MARLEY WAYNE ROBERT &
64	8616	TURTLE CREEK BLVD LAVENDER JOY M
65	8616	TURTLE CREEK BLVD SEARS SHARON B
66	8616	TURTLE CREEK BLVD EVANS G RANDALL & DOLORES J
67	8616	TURTLE CREEK BLVD FACTOR DENNIS J & FREDYE
68	8616	TURTLE CREEK BLVD BAIN JOHN ALAN & LINDA D
69	8616	TURTLE CREEK BLVD HUNT LAMAR JR & RITA
70	8616	TURTLE CREEK BLVD CASAZZA MARY ANN
71	8616	TURTLE CREEK BLVD SANDFIELD NORMAN L LIV TR THE
72	8616	TURTLE CREEK BLVD RYAN BRITTANY
73	8616	TURTLE CREEK BLVD DEAN DIANA DANIELLE IRREVOCABLE TRUST
74	8616	TURTLE CREEK BLVD VEERASAMY KUMUTHAVALLY &
75	8616	TURTLE CREEK BLVD NUDO BENJAMIN P JR
76	8616	TURTLE CREEK BLVD PATEL ANATRAI MATHURBHAI &
77	8616	TURTLE CREEK BLVD DOMINGUEZ AIDA
78	8616	TURTLE CREEK BLVD DARICEK GAINOR
79	8616	TURTLE CREEK BLVD NGUYEN NICOLE N
80	8616	TURTLE CREEK BLVD WATSON KRISTEN
81	8616	TURTLE CREEK BLVD GREEN KELLY
82	8616	TURTLE CREEK BLVD DUNHAM LINDSAY ALANE
83	8616	TURTLE CREEK BLVD AWADALLAH SARA
84	8616	TURTLE CREEK BLVD BAUBLITS KATHI J & BOB E JR
85	8616	TURTLE CREEK BLVD CONTRERAS CAROLYN E
86	8616	TURTLE CREEK BLVD ALBAHRA SAWSSAN & MOTAZ
87	8616	TURTLE CREEK BLVD DENEGRI MAGDA ARCIA RODRIGUEZ
88	8616	TURTLE CREEK BLVD SORRENTO 309 PROPERTY LLC

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	8616 TURTLE CREEK BLVD	CAMPBELL PATRICIA E
90	8616 TURTLE CREEK BLVD	HERNDON SARA
91	8616 TURTLE CREEK BLVD	STEVEN TORKILDSON TRUST &
92	8616 TURTLE CREEK BLVD	RYAN JAMES P & ANDREA W
93	8616 TURTLE CREEK BLVD	ARZAC JORGE & SUSAN
94	8616 TURTLE CREEK BLVD	SHERIDAN DENIS
95	8616 TURTLE CREEK BLVD	SULLIVAN KEVIN FRANCIS &
96	8616 TURTLE CREEK BLVD	CONGDON MICHAEL S & LANETTE I
97	8616 TURTLE CREEK BLVD	SPRINGER LILY
98	8616 TURTLE CREEK BLVD	KATINAS STEPHAN & DIONNE
99	8616 TURTLE CREEK BLVD	CLINTON SHAUN E & KERSTIN E
100	8616 TURTLE CREEK BLVD	PELLERITO LISA &
101	8616 TURTLE CREEK BLVD	MOORE HAZEN
102	8616 TURTLE CREEK BLVD	JOUNG GRANT
103	8616 TURTLE CREEK BLVD	NEUKOM STEPHEN E
104	8616 TURTLE CREEK BLVD	HOLTBERG ARNOLD E & JAN L
105	8616 TURTLE CREEK BLVD	MCAVOY JAMES M &
106	8616 TURTLE CREEK BLVD	ANDERSON JUSTIN
107	8616 TURTLE CREEK BLVD	GULLORD KATHRYN
108	8616 TURTLE CREEK BLVD	OBZUD JOHN M &
109	8616 TURTLE CREEK BLVD	DENECHAUD CHARLES & PATRICIA
110	8616 TURTLE CREEK BLVD	CONANT SARAH
111	8616 TURTLE CREEK BLVD	KOPITA JEFFREY M & ALISONE
112	8616 TURTLE CREEK BLVD	MCCLELLAND JOANNE MARIE & WILLIAM JAMES
113	8616 TURTLE CREEK BLVD	ROST RANDALL J & CHRISTINE P
114	8616 TURTLE CREEK BLVD	JENKINS MICHAEL
115	8616 TURTLE CREEK BLVD	GENTER SUSIE E
116	8616 TURTLE CREEK BLVD	HOPEMAN SUSAN E
117	8616 TURTLE CREEK BLVD	MENCHACA JOSE &
118	8616 TURTLE CREEK BLVD	NEWTON TRUDY L
119	8616 TURTLE CREEK BLVD	AGUIRRE ROBERTO & MARIA T

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	8616 TURTLE CREEK BLVD	DAVILA RICHARD R II
121	8616 TURTLE CREEK BLVD	SPRINGER BARBARA JOHNSON
122	8616 TURTLE CREEK BLVD	SULLIVAN BARBARA B
123	8616 TURTLE CREEK BLVD	VALDES ENIDH
124	8616 TURTLE CREEK BLVD	STUART WILLIAM M & KATHRYN B
125	8616 TURTLE CREEK BLVD	SANGUINO GERALD &
126	8616 TURTLE CREEK BLVD	BAILEY CLAUDIA W
127	8616 TURTLE CREEK BLVD	CURIA CHRISTOPHER R
128	8616 TURTLE CREEK BLVD	ELLINGTON SHARON L
129	8616 TURTLE CREEK BLVD	LEMKE MARC R
130	8616 TURTLE CREEK BLVD	GANZER JAMES MICHAEL
131	8616 TURTLE CREEK BLVD	LIVELY M MICHELLE
132	8616 TURTLE CREEK BLVD	KIRK DONALD RAY
133	8616 TURTLE CREEK BLVD	CERGE OLGA
134	8616 TURTLE CREEK BLVD	LOVETT ALICE R
135	8616 TURTLE CREEK BLVD	KEITH JACK A & LOIS E
136	8616 TURTLE CREEK BLVD	DICHNER ALLAN
137	8616 TURTLE CREEK BLVD	GENTER SUSIE E & ROGER C
138	8616 TURTLE CREEK BLVD	NOVICK MICHAEL L & TINA B
139	8616 TURTLE CREEK BLVD	WESTERLUND ROBERT
140	8616 TURTLE CREEK BLVD	HALL LARRY MYRON & MARGARET TARPLEY
141	8616 TURTLE CREEK BLVD	BRADLEY DEBRA
142	8616 TURTLE CREEK BLVD	EVANS JAMES KEITH & MARILYN J

FILE NUMBER: BDA178-108(OA)

BUILDING OFFICIAL'S REPORT: Application of Denise Moore, represented by Robert O'Malley, for a special exception to the single-family use regulations at 5014 Stanford Avenue. This property is more fully described as Lot 4, Block B/5007, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single-family zoning use regulations.

LOCATION: 5014 Stanford Avenue

APPLICANT: Denise Moore
Represented by Robert O'Malley

REQUEST:

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

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the single-family use regulations focuses on constructing and maintaining a two-story additional “dwelling unit” structure on a site developed with a 1-story main single-family home/dwelling unit structure.
- The site is zoned R-7.5(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single-family use regulations of the Dallas Development Code states that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be used as a rental accommodations; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single-family main structure and the smaller of the two denoted as “new studio type dwelling unit”.
- The submitted floor plan of what appears to be the “new studio type dwelling unit” denoted on the site plan shows a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one

or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”

- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “new studio type dwelling unit” structure, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made for: “home owner’s guests only, not to be used as a rental property”.
- According to DCAD records, the “main improvement” for property addressed at 5014 Stanford Avenue is a structure built in 1954 with 1,218 square feet of total/living area with the following “additional improvements”: a 480 square-foot detached garage, and a pool.
- According to the submitted site plan the main structure contains 1,251 square feet and the additional dwelling unit structure contains 780 square feet.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “new studio type dwelling unit” as an additional “dwelling unit”.

Timeline:

July 23, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.

September 13, 2018: The Board Senior Planner emailed the applicant the following information:

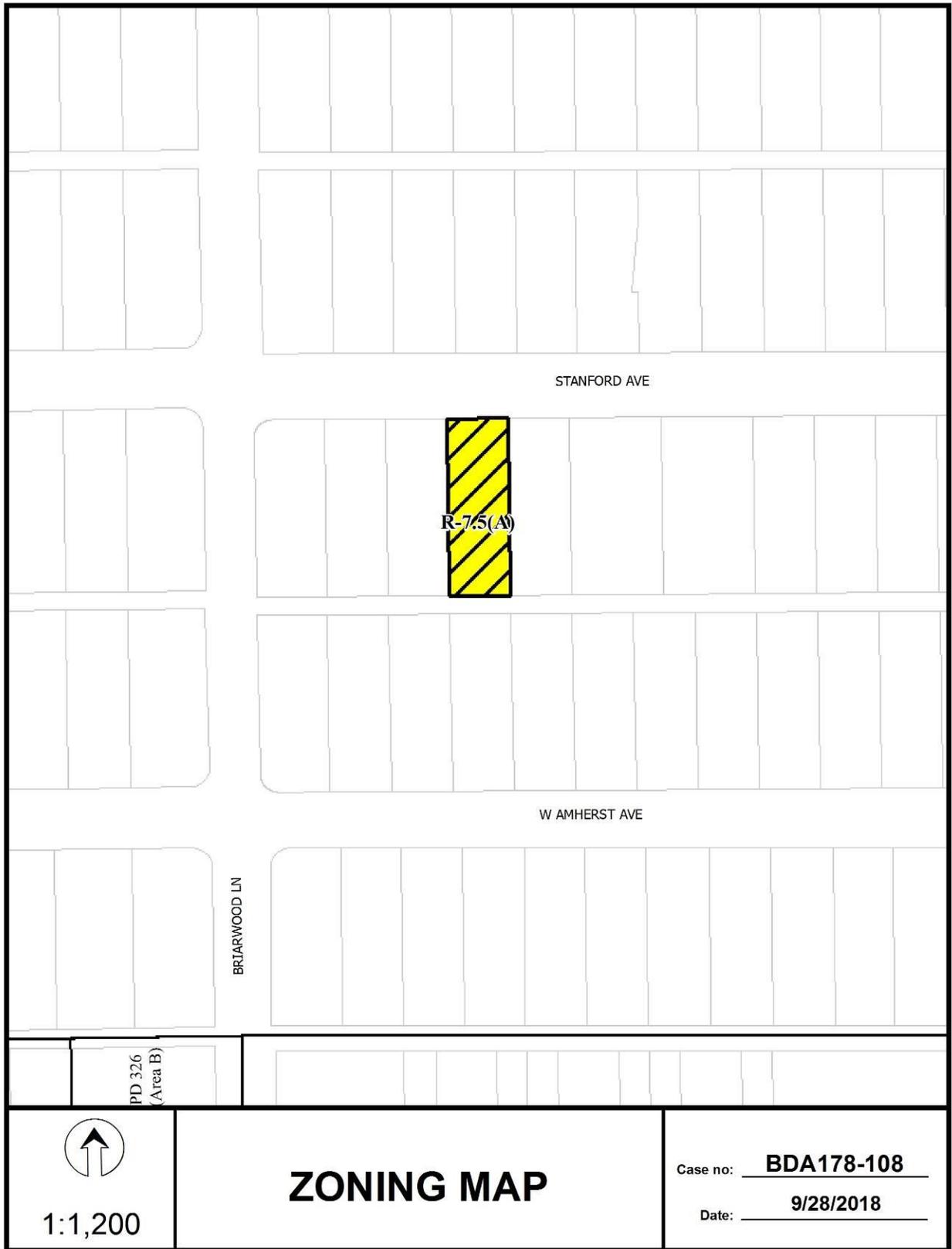
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 26th deadline to submit additional evidence for staff to factor into their analysis;

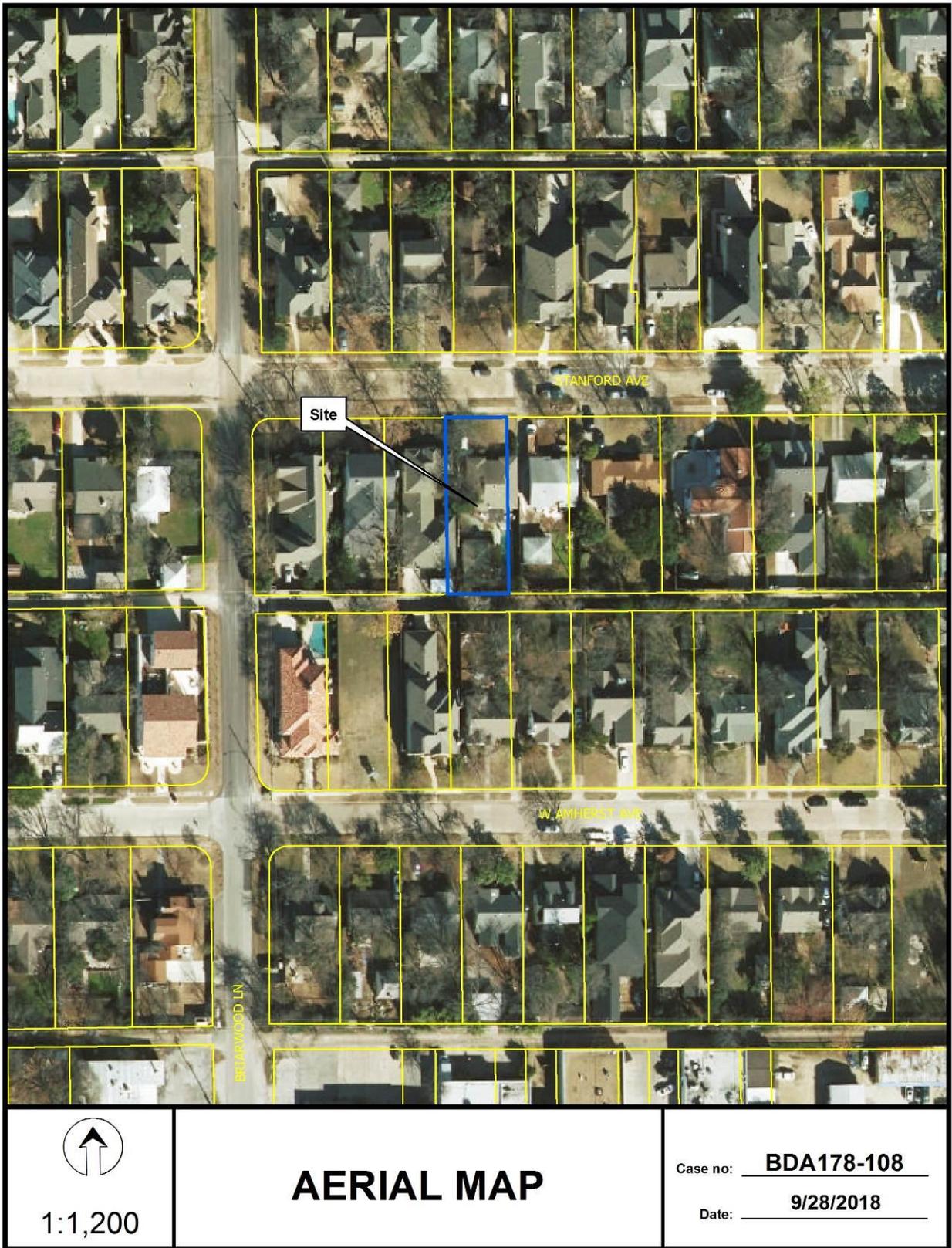
and the October 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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







APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-108

Data Relative to Subject Property:

Date: 7-23-18

Location address: 5014 STANFORD AVE.

Zoning District: R-7.5(A)

Lot No.: 4 Block No.: B/9007 Acreage: .168

Census Tract: 73.02

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): DENISE MOORE

Applicant: DENISE MOORE

Telephone: 469-999-1070

Mailing Address: 5014 STANFORD

Zip Code: 75209

E-mail Address: dmoore9948@yahoo.com

Represented by: ROBERT O'MALLEY

Telephone: 206-363-6452

Mailing Address: 1725 HILLSIDE DR. NE.

206-331-6972 (CELL)

LAKE FOREST PARK, WASHINGTON

Zip Code: 98157

E-mail Address: rhtomalley53@gmail.com

Affirm that an appeal has been made for a Variance, or Special Exception, of THE CONSTRUCTION OF AN ADDITIONAL STUDIO TYPE DWELLING UNIT ABOVE A NEW SINGLE CAR GARAGE AND CARPORT WITH ACCESS TO EXISTING ALLEY.

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:

- 1) THE PROPERTY WILL BE DEED RESTRICTED TO PREVENT THE USE OF THE ADDITIONAL DWELLING AS RENTAL ACCOMODATIONS. 2) NEW STRUCTURE AND USE ARE SIMILAR TO OTHER NEIGHBORHOOD PROPERTY. 3) EXISTING ALLEY HAS 10 OR 11 LOTS WITH GARAGE ACCESS SIMILAR TO PROPOSAL. PROPOSED SCALE IS IN KEEPING WITH NEW CONSTRUCTION ON THE STREET.

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

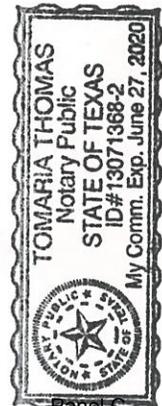
Before me the undersigned on this day personally appeared DENISE MOORE (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Denise Moore (Affiant/Applicant's signature)

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

[Signature]

Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

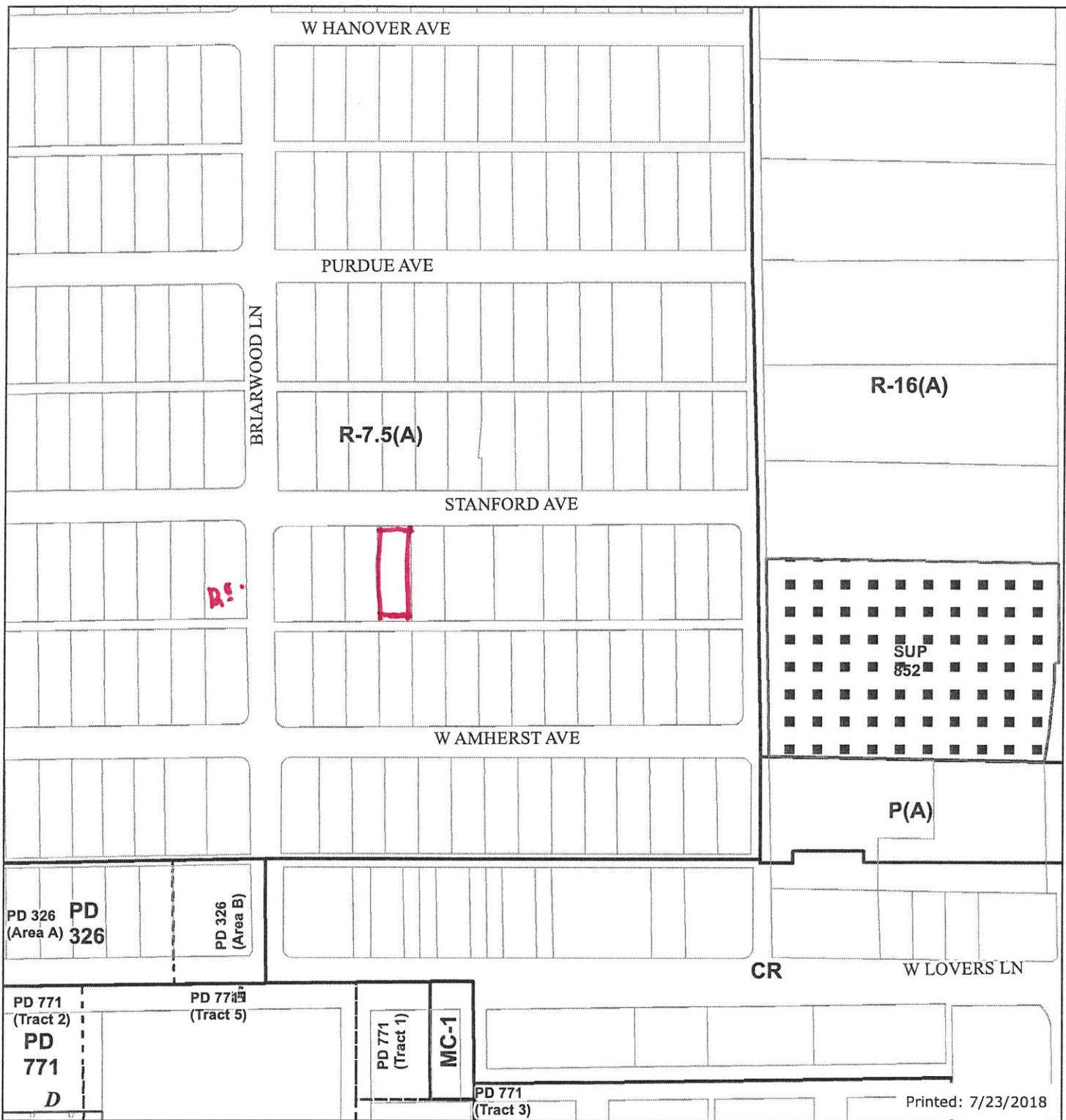
Building Official's Report

I hereby certify that Denise Ann Moore
represented by ROBERT O'MALLEY
did submit a request for a special exception to the single family regulations
at 5014 Stanford Ave

BDA178-108. Application of Denise Ann Moore represented by ROBERT O'MALLEY for a special exception to the single family regulations at 5014 STANFORD AVE. This property is more fully described as Lot 4, Block B/5007, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Legend

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

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



CITY OF DALLAS PLAT BOOKS

ADDITION ORIANWOOD NO. 1 & 2

BLOCKS A 1
5006

SCALE 100 FT. EQUALS 1 INCH

RECORDED - 6-12-97 - 1448

SCHOOL DISTRICT 4

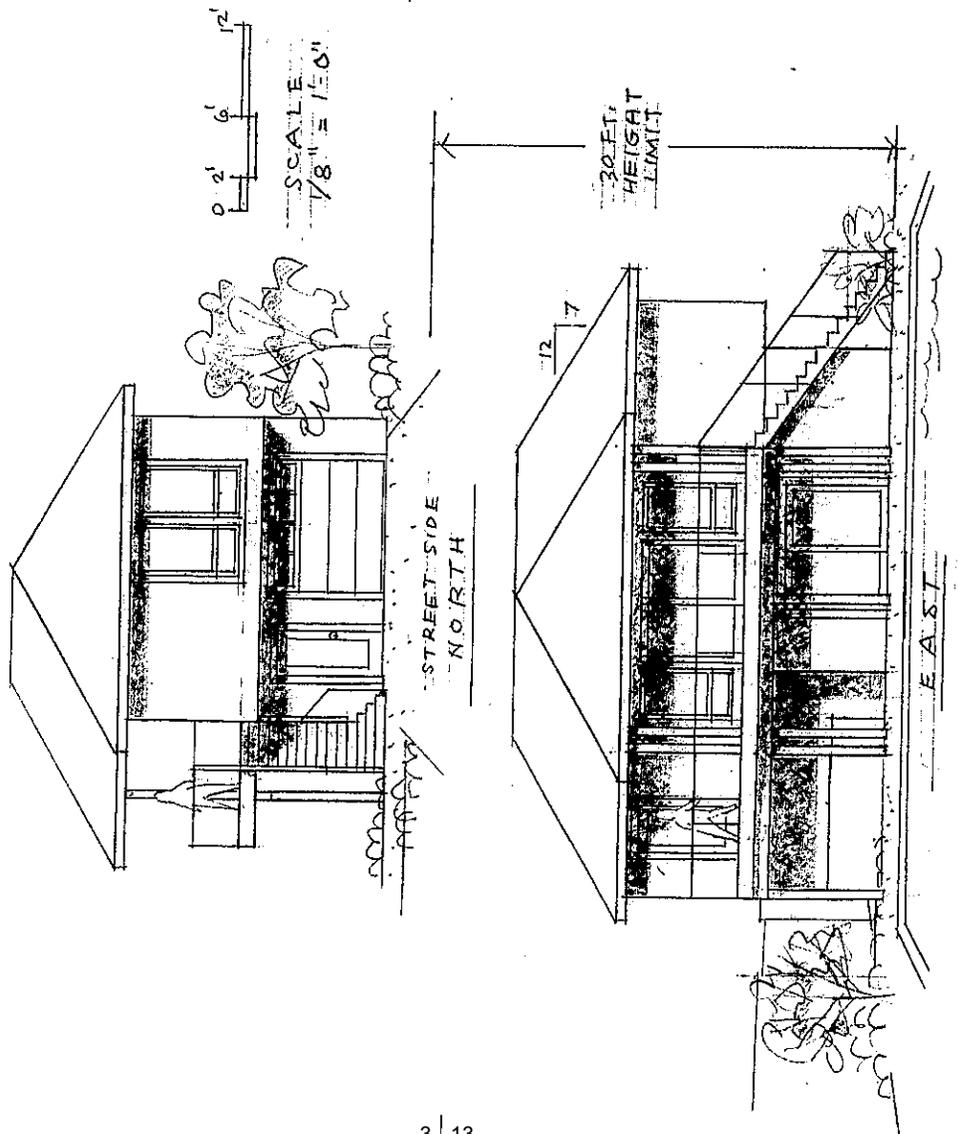
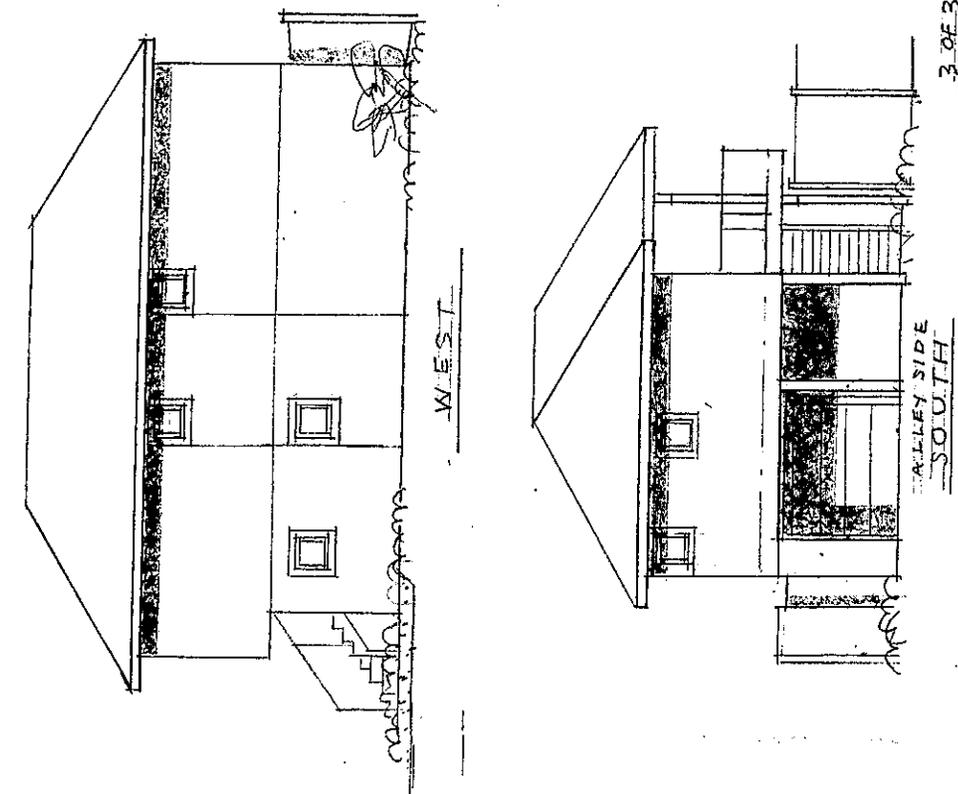


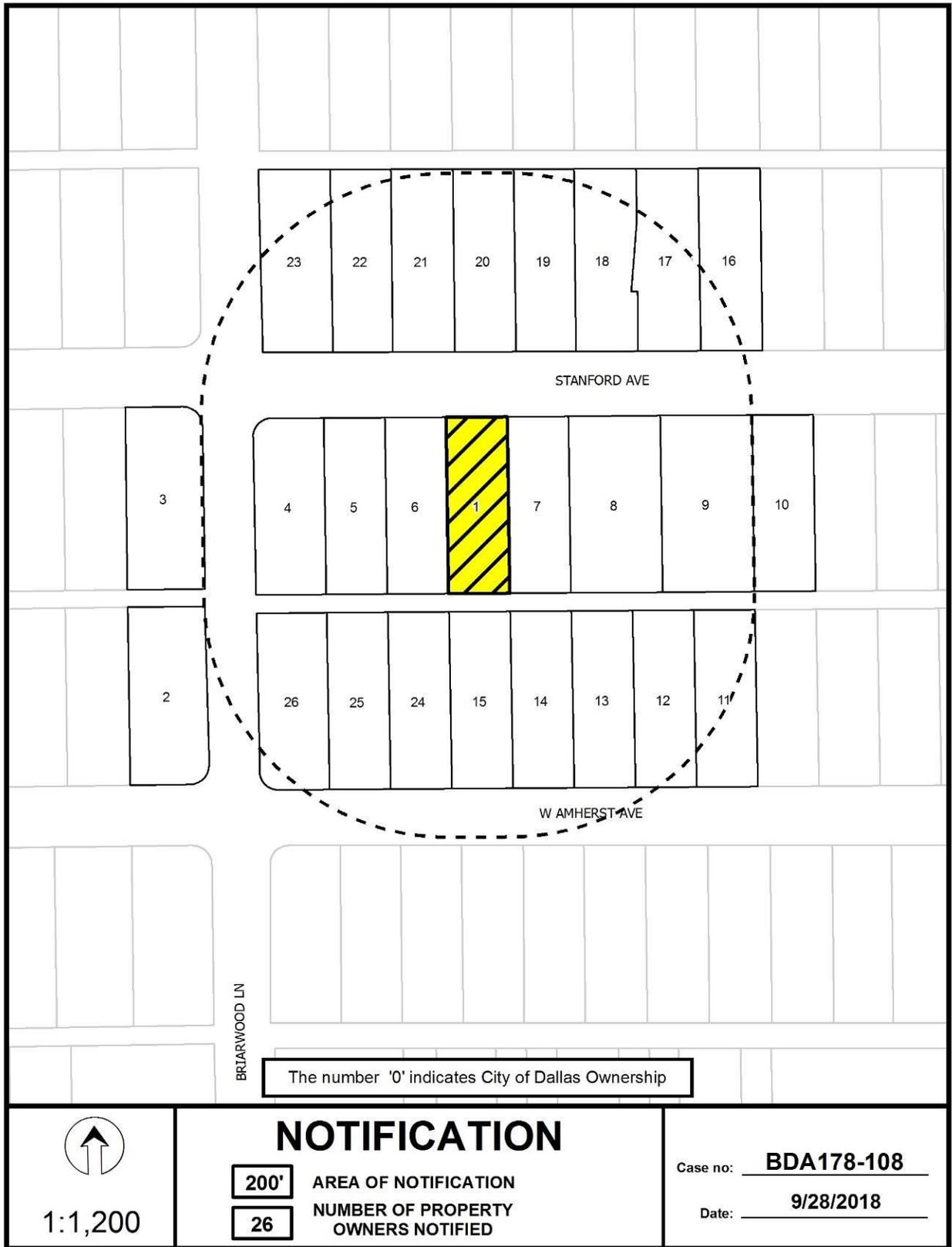
ESTATES

ADDITION

3574







Notification List of Property Owners

BDA178-108

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5014 STANFORD AVE	MOORE DENISE ANN
2	4931 W AMHERST AVE	FELLMAN BRADLEY R & KIM NGAN P
3	4930 STANFORD AVE	WELSZ THOMAS J &
4	5002 STANFORD AVE	KEITH WENDELL P JR & CAROL N
5	5006 STANFORD AVE	ZOLFO LINDSEY MICHELLE
6	5010 STANFORD AVE	BILY DOUGLAS R &
7	5018 STANFORD AVE	LUECKEMEYER EDWARD C &
8	5024 STANFORD AVE	LUDT MARY L &
9	5100 STANFORD AVE	ROGERS CHARLENE
10	5106 STANFORD AVE	HUSSEY JANE &
11	5101 W AMHERST AVE	MADOLE REBECCA E
12	5027 W AMHERST AVE	HOLSINGER LINDA L
13	5023 W AMHERST AVE	LADUE SUZANNE
14	5019 W AMHERST AVE	STANLEY MICHAEL L
15	5015 W AMHERST AVE	STEWART MICHAEL L &
16	5101 STANFORD AVE	ALLIO JOSEPH G &
17	5027 STANFORD AVE	FLASPOEHLER EDWARD P JR
18	5023 STANFORD AVE	WEIDENBAKER TODD
19	5019 W STANFORD AVE	KITFIELD JOSHUA J & KAREY
20	5015 STANFORD AVE	HILLEBRANDCORY LORI ANN
21	5011 STANFORD AVE	CHRISTOPHERSON MARY SUE
22	5007 STANFORD AVE	STONE ROBERT REX &
23	5001 STANFORD AVE	COHEN JULIUS S
24	5011 W AMHERST AVE	BOYLAN DAVID S
25	5007 W AMHERST AVE	KOLAR RONALD CHADWICK &
26	5001 W AMHERST AVE	WOLFORD JOHN L

09/28/2018

Label # Address

Owner

FILE NUMBER: BDA178-113(SL)

BUILDING OFFICIAL'S REPORT: Application of Tom Leiser, represented by Mark Fewin of Guidon Real Estate Solutions, for a variance to the off-street parking regulations at 6141 Sherry Lane. This property is more fully described as Lot 5, Block 4/5624, and is zoned PD 314 (Tract 6), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for financial Institution with drive-in window and office uses, and provide 11 of the required 17 parking spaces, which will require a 6 space variance to the off-street parking regulations.

LOCATION: 6141 Sherry Lane

APPLICANT: Tom Leiser
Represented by Mark Fewin of Guidon Real Estate Solutions

REQUEST:

A request for a variance to the off-street parking regulations of 6 spaces is made to replace an existing one-story (according to DCAD) approximately 3,500 square foot "medical office building" constructed in 1958 with a 2-story, approximately 5,700 square foot combination "financial institution with drive-in window" and "office" use/structure, and provide 11 (or 64 percent) of the 17 required off-street parking spaces on the subject site.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how the variance to the off-street parking regulations of 6 spaces is necessary to permit development of this flat, shaped, approximately 8,700 square foot site in order for it to be developed in a manner commensurate with the development upon other parcels of land with the same PD 314 (Tract 6) zoning. The features of the site has not restricted it from being developed with a one-story office that complies with off-street parking regulations.
- The applicant has not substantiated how granting the variance is not to relieve a self created or personal hardship, nor for financial reasons, particularly when this request focuses on demolishing an existing one-story office structure use that complies with off-street parking, and replacing it with a two-story office that because of its proposed square footage seeks variance from the off-street parking requirement.
- Lastly, granting the variance appears to be contrary to public interest since the Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Recommends denial" with the following comments: "The parking demand for the proposed 5690 square foot financial institution with drive-thru plus office is anticipated to exceed a parking supply of 14 spaces during its peak hours of operation. Shared parking is not a practical approach at this location given existing, strict parking management strategies and enforcement of reserved parking by neighboring tenants."

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 314 (Tract 6) (Planned Development)
<u>North:</u>	PD 314 (Tract 3) (Planned Development)
<u>South:</u>	PD 314 (Tract 6) (Planned Development)
<u>East:</u>	PD 314 (Tract 6) (Planned Development)
<u>West:</u>	PD 314 (Tract 6) (Planned Development)

Land Use:

The subject site is developed with an existing one-story office use. The areas to the east and west are developed with retail uses; the area to the north is developed with a parking garage; and the area to the south is developed with what appears to be mostly office uses.

Zoning/BDA History:

1. BDA056-052, Property at 6147 Sherry Lane (the lot immediately On December 12, 2005, the Board of Adjustment Panel C granted requests for

east of the subject site)

a variance to the off-street parking regulations of 18 spaces (where 32 off-street parking spaces were required) and a special exception to the landscape regulations. The board imposed the submitted revised site plan as a condition to these requests.

The case report stated that requests were made to construct and maintain a two-story retail use (Dee ad Hattie's Specialty Cleaners) with 6,340 square feet on a site that was developed with a vacant one-story retail structure.

2. BDA101-046, Property at 6150 Sherry Lane (a lot south of the subject site)

On June 14, 2011, the Board of Adjustment Panel A granted a request for a special exception to the off-street parking regulations of 4 spaces (where 17 off-street parking spaces were required) The board imposed the following condition to this request: The special xception shall automatically and immediately terminate if and when the office use is changed or discontinued.

The case report stated the request was made to construct and maintain a two-story, approximately 5,700 square foot "office" use (Bandera Ventures Headquarters) on a site that is currently undeveloped. The applicant proposed to provide 13 (or 76 percent) of the 17 off-street parking spaces that are required for the proposed approximately 5,700 square foot office use structure.

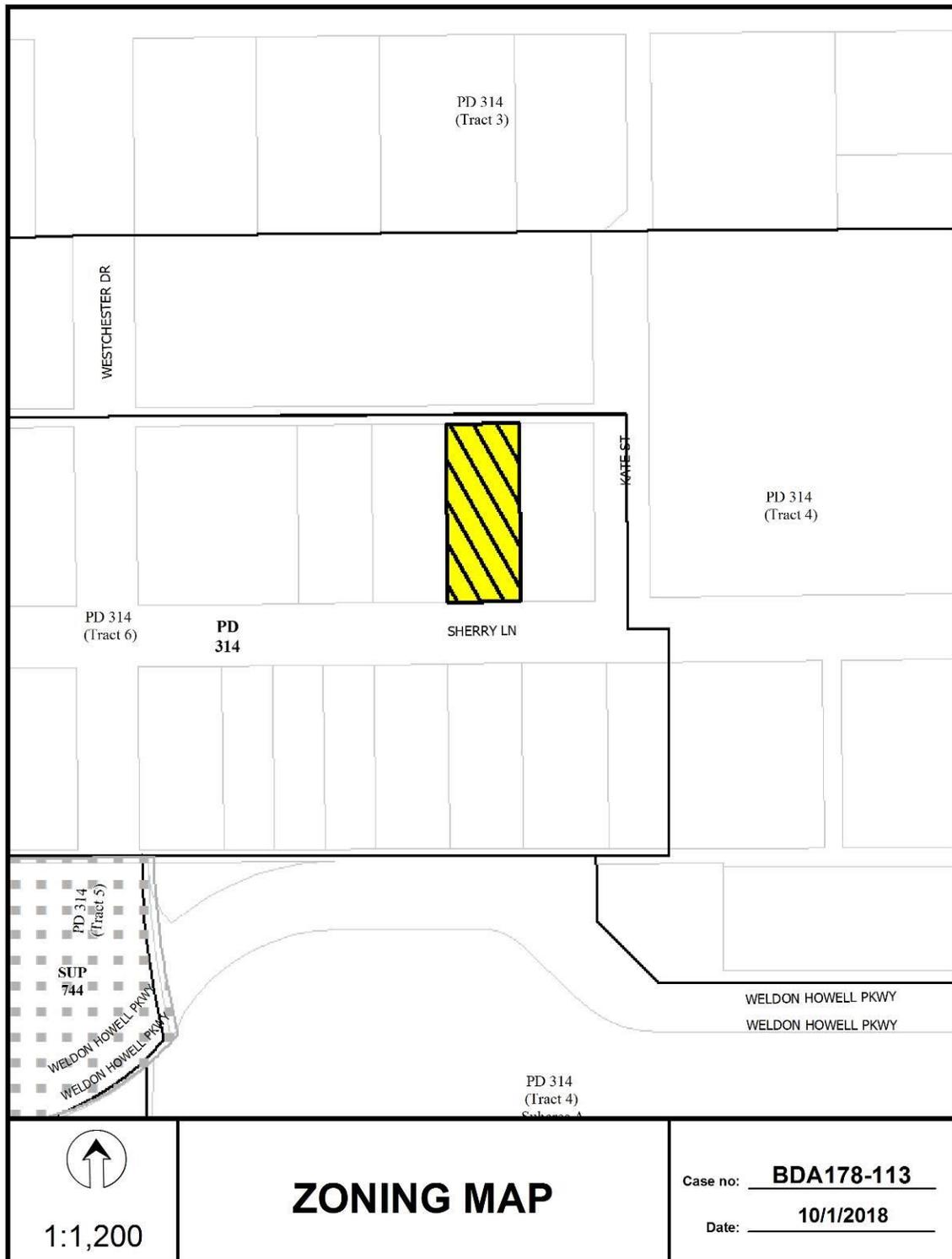
GENERAL FACTS/STAFF ANALYSIS:

- This request for a variance to the off-street parking regulations of 6 spaces (or a 35 percent reduction of the off-street parking spaces required) focuses on replacing an existing one-story (according to DCAD) approximately 3,500 square foot "medical office building" constructed in 1958 with a 2-story, approximately 5,700 square foot combination "financial institution with drive-in window" and "office" use/structure, and provide 11 (or 64 percent) of the 17 required off-street parking spaces on the subject site.

- The Dallas Development Code requires the following off-street parking requirements:
 - Financial institution with drive-in window: One space per 333 square feet of floor area.
 - Office: One space per 333 square feet of floor area
- A site plan has been submitted with this application that denotes a 5,690 square foot 2-story financial institution and office use. This plan denotes that 17 off-street spaces are required and that 11 off-street parking spaces will be provided.
- The applicant must seek this parking reduction request as a variance since the maximum reduction authorized by this code for a special exception to off-street parking regulations 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).
- According to DCAD, the “improvements” for property addressed at 6141 Sherry Lane is a “medical office building” built in 1958 with 3,552 square feet.
- The subject site is flat, rectangular in shape, and (according to the application) is 0.2 acres (or approximately 8,700 square feet) in area. The site is zoned PD 314 (Tract 6).
- On October 3, 2018, the Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Recommends denial” with the following comments: “The parking demand for the proposed 5690 square foot financial institution with drive-thru plus office is anticipated to exceed a parking supply of 14 spaces during its peak hours of operation. Shared parking is not a practical approach at this location given existing, strict parking management strategies and enforcement of reserved parking by neighboring tenants”.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking 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 PD 314 (Tract 6) zoning classification.
 - If the Board were to grant the variance, it would not be to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 314 (Tract 6) zoning classification.
- If the Board were to grant this request, and impose the submitted site plan as a condition, the applicant could construct and maintain the approximately 5,700 square foot combination “financial institution with drive-in window” and “office” use/structure and provide only 11 (or 64 percent) of the 17 required off-street parking spaces on the subject site.

Timeline:

- July 27, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- September 11, 2018: 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 September 26th deadline to submit additional evidence for staff to factor into their analysis; and October 7th 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."
- September 27, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- October 3, 2018: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Recommends denial" with the following comments: "The parking demand for the proposed 5690 square foot financial institution with drive-thru plus office is anticipated to exceed a parking supply of 14 spaces during its peak hours of operation. Shared parking is not a practical approach at this location given existing, strict parking management strategies and enforcement of reserved parking by neighboring tenants".

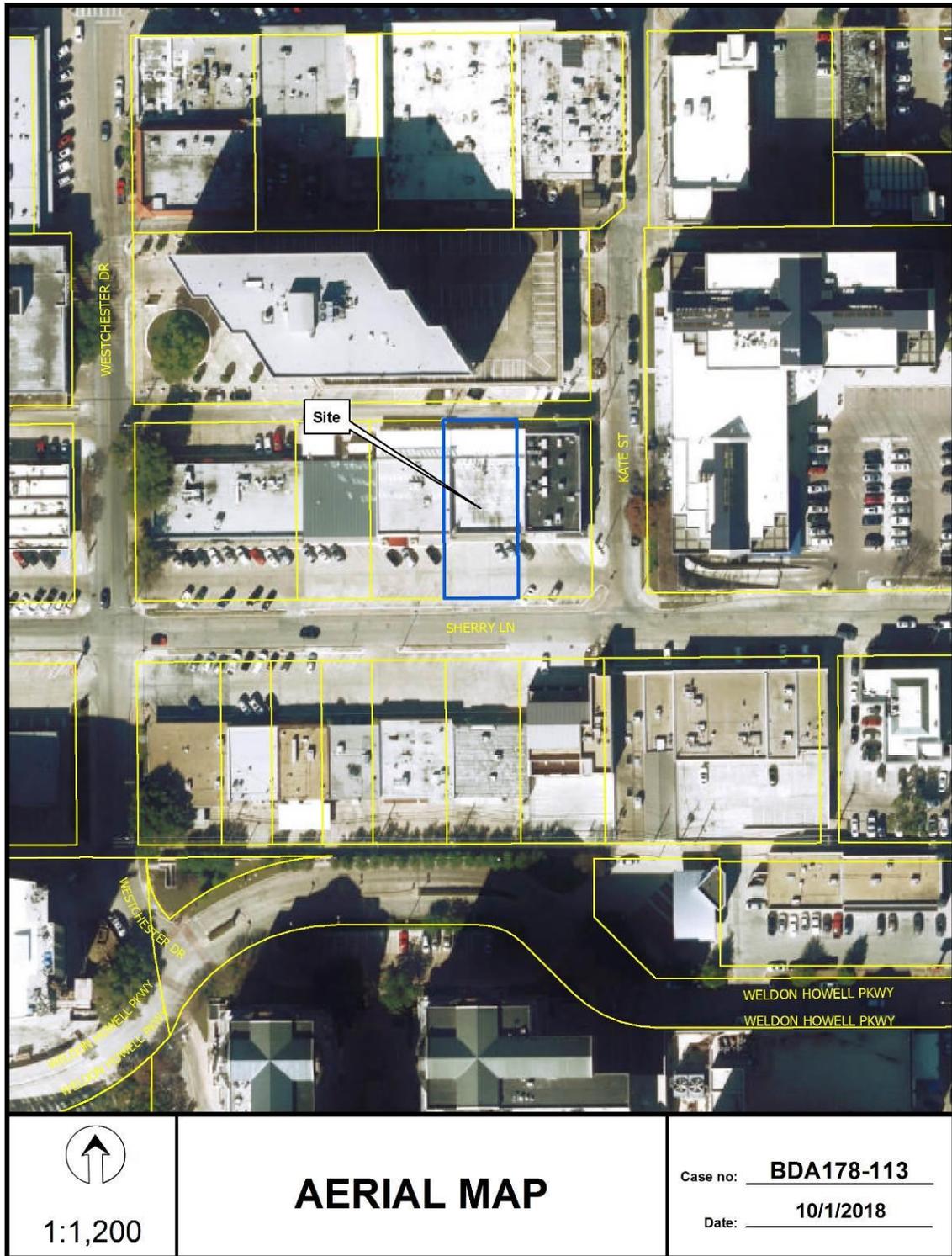


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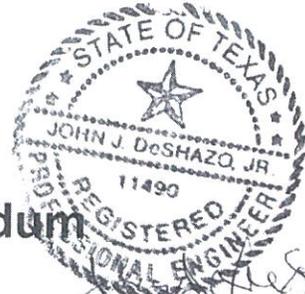
ZONING MAP

Case no: BDA178-113

Date: 10/1/2018



BDA178-113
Attach A
PS1



Handwritten signature and date: 9/27/18, 3199

Technical Memorandum

To: Mark Fewin – Guidon Real Estate Project Solutions, LLC
From: Chuck DeShazo – DeShazo Group, Inc.
Date: September 27, 2018
Re: **Parking Analysis for 6141 Sherry Lane in Dallas, Texas** (DeShazo Project No.: 18124)

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is a consulting firm providing licensed engineers and urban planners skilled in traffic operations, transportation planning, and parking design and demand studies. The services of DeShazo were retained by Guidon Real Estate Project Solutions, LLC, to conduct a parking needs analysis for 6141 Sherry Lane in Dallas, Texas. The site is located in the 6100 block of Sherry Lane between Westchester Drive and Kate Street in Preston Center. The Client proposes to demolish the current vacant building at 6141 Sherry Lane and construct a 5,690-square-foot, two-story financial institution and office building with a drive-thru. The proposal plans to provide 11 parking spaces. The City of Dallas Code Section 51A requires 17 spaces for the proposed plan.

This report presents a summary of our technical evaluation of the parking requirements and needs for the property as well as the on-site parking supply. **Table 1** shows the code parking requirement for the proposed development. **Table 2**, on the following page, shows the uses and parking requirements for the entire 6100 block of Sherry Lane.

Table 1 – 6141 Sherry Lane

Business	Function	Square Footage	Parking Requirement	Required Spaces
Financial Institution	Office	1,754.50	51A-4.207(3)(C)	5.27
Office	Office	3,935.50	51A-4.207(5)(C)	11.82
<i>Totals</i>		<i>5,690.00</i>		<i>17.09</i>

Table 2 – Current 6100 Block of Sherry Lane Uses and Parking Requirements

Business	Function	Location on Sherry Lane	Square Footage	Code Reference	Parking Requirement	Required Spaces
Clothes Circuit Upscale Resale	Retail	6105	7,260	51A-4.210(13)(C)	1 space/200 SF	36.3
Dallas Veterinary Clinic	Clinic	6125	3,600	51A-4.210(2)(C)	1 space/300 SF	12
CM Yater & Sons Jewelry	Showroom Retail	6137	4,950	51A-4.210(1.1)(C)	1 space/600 SF	24.75
Currently Vacant	Doctor's Office*	6141	3,600	51A-4.207(4)(C)	1 space/200 SF	18
Dee & Hattie	Dry Cleaners	6147	4,905	51A-4.210(1.1)(C)	1 space/200 SF	30.74
TOTAL						121.79

* Use at the time of previous occupancy.

CODE PARKING REQUIREMENT

The property is subject to a direct application of the zoning regulations stipulated in the City of Dallas Code Section 51A.

PARKING DEMAND

DeShazo Group performed a parking analysis to determine the parking demand for the 6141 Sherry Lane proposal. A parking accumulation study was conducted from 10:00 AM until 6:00 PM on Friday, September 21, and Monday, September 24. The results of that effort are presented in **Tables 3 and 4**. It should be noted that there is no on-street parking allowed on either Westchester Drive or Kate Street.

**Table 3 – Parking Accumulation at 6100 Block of Sherry Lane
 Friday, September 21, 2018**

Time	6100 Block – Front (Supply: 62 Spaces)	6100 Block – Back (Supply: 33 * Spaces)	6100 Block Total Parking Demand	6100 Block Percentage Occupied
10:00 AM	10	20	30	31.58
11:00 AM	12	23	35	36.84
12:00 PM	17	25	42	44.21
1:00 PM	15	23	38	40
2:00 PM	21	23	44	46.32
3:00 PM	10	27	37	38.95
4:00 PM	16	27	43	45.26
5:00 PM	15	23	38	40
6:00 PM	5	16	21	22.11

* Three of the 33 spaces are designated for consignor parking.

**Table 4 – Parking Accumulation at 6100 Block of Sherry Lane
 Monday, September 24, 2018**

Time	6100 Block – Front (Supply: 62 Spaces)	6100 Block – Back (Supply: 33 * Spaces)	6100 Block Total Parking Demand	6100 Block Percentage Occupied
10:00 AM	7	15	22	23.16
11:00 AM	15	17	32	33.68
12:00 PM	18	20	38	40
1:00 PM	17	20	37	38.95
2:00 PM	17	19	36	37.89
3:00 PM	17	20	37	38.95
4:00 PM	9	19	28	29.47
5:00 PM	8	21	29	30.53
6:00 PM	6	16	22	23.16

The peak observed parking demand of 44 spaces for the existing uses in the 6100 block of Sherry Lane occurred at 2:00 PM on Friday, September 21. This does not include the demand for a use in the vacant subject property at 6141 Sherry Lane.

Counts were performed at the Comerica Bank on Preston Road in Preston Center on Monday, September 24, 2018. The peak parking demand of 31 spaces occurred at 11:00 AM. This is equivalent to one space per 380 SF of financial/office use. Therefore, assuming the 6141 Sherry Lane site generates a similar demand, a total of 15 parking spaces would be needed. The proposed site plan has 11 off-street and three non-conforming spaces for a total of 14 spaces. This count was performed to establish a comparable parking demand for the subject 6141 Sherry Lane property.

**Table 5 – Comerica Bank on Luther Lane at Preston in Dallas
 Bank and Office Uses
 Monday, September 24, 2018**

Time of Day	Parking Supply		Comerica Bank Total Parking Demand
	On-Street (6 spaces)	Parking Lot (30 spaces)	
10:00 AM	6	24	30
11:00 AM	6	25	31
12:00 PM	6	22	28
1:00 PM	6	21	27
2:00 PM	5	21	26
3:00 PM	5	18	23
4:00 PM	5	21	26
5:00 PM	3	18	21
6:00 PM	0	11	11

The site plan for the proposed development at 6141 Sherry Lane will contain 5,690 square feet, 1,754.50 of which is for the financial institution and 3,935 is for an office use.

6100 Block of Sherry Lane Parking Demand

DeShazo Group's parking demand study in the 6100 block of Sherry Lane on both Friday, September 21 and Monday, September 24, 2018, showed that at no time during that two day period were a majority of the spaces in that parking area occupied. The highest parking demand on those two days occurred on Friday at 2:00 pm when 46.32 percent of the parking spaces on that lot were occupied.

CONCLUSION

In conclusion, a reduction of six (6) off-street parking spaces is warranted based upon the following considerations.

1. 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 parking or packed parking.
2. The projected parking demand takes into consideration the needs of all uses on site (existing and proposed) as well as the entire existing parking supply. The parking demand is mainly supported by actual parking demand observed on site, DeShazo's professional judgment and experience on mixed-use developments, as well as published national data.
3. The parking reduction is based upon actual parking demands and is not based upon specific zoning adjustments.
4. The surrounding thoroughfare system is built out to its ultimate plans. The site provides ample access to the surrounding roadway network.
5. The site is served by an existing DART public transit buses: Route 36 to the Cityplace/Uptown Station and Route 428 with direct access to Park Lane Station. This presents an alternative mode of transportation to 6141 Sherry Lane.
6. DART public transit is already a parking mitigation measure since it presents a viable transportation alternative for both employees and patrons.

It is our professional opinion that the requested parking reduction is not contrary to the public interest. The planned development will create neither a traffic hazard nor restrict the parking operations during typical peak hours.

END of MEMO

BDA178-113
Attach A
PSS

APPENDIX

Certificate of Occupancy

Address: 6141 SHERRY LN 75225 Issued: 11/09/1998

Owner: PAYNE III DDS JONATHAN M
006141 SHERRY DALLAS TX 75225

DBA: JONATHAN M PAYNE, III, DDS.

Land Use: (6517) MEDICAL CLINIC OR AMBULATORY SURGICAL CENTER

Occupied Portion:

C.O.#: 9504241021

Lot:	Block:	Zoning:	PD	PDD:	314	SUP:
Historic Dist:	Consrv Dist:	Pro Park:	0	Req Park:	12	Park Agrmt:
Dwlg Units:	Stories:	Occ Code:	B2	Lot Area:	0	Total Area:
Type Const:	Sprinkler:	Occ Load:	None	Alcohol:	N	Dance Floor:

Larry V. Holmes

Larry Holmes, Building Official

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

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

BDA178-113
Attach A
Pg 6



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-113

Data Relative to Subject Property:

Date: 7.27.18

Location address: (0141 SHERRY LANE 75225 DALLAS, TX. Zoning District: PD-314 (TRACT G)

Lot No.: 5 Block No.: 4/5624 Acreage: 0.2 (8,700SF) Census Tract: 73.01

Street Frontage (in Feet): 1) 60'-0" 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BV SHERRY III, LP

Applicant: TOM LEISER Telephone: 214.378.8200

Mailing Address: 5820 W. NW HOOY, STE. 200, DALLAS, TX Zip Code: 75225

E-mail Address: TLEISER@BANDERAVENTURES.COM

Represented by: MARK FEWIN / GUIDON REAL ESTATE SOLUTIONS Telephone: 214.695.6160

Mailing Address: 5115 MCKINNEY, STE. D. DALLAS TX. Zip Code: 75205

E-mail Address: MARK@GUIDONREPS.COM ; WILLIAM@HIGH-LINE GROUP.COM

Affirm that an appeal has been made for a Variance X, or Special Exception , of THE PARKING REGULATIONS.
WE PROPOSE TO PROVIDE 11 OF THE REQUIRED 17 PARKING SPACES. IN ADDITION WE PLAN
TO KEEP + REUSE 3 OF THE EXISTING 5 PARKING SPACES (NON-CONFORMING) PARTIALLY
LOCATED IN THE EXISTING R.O.W. OF SHERRY LANE. REQUEST 6 SPACE REDUCTION, = 35%

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:

PER SEC. 51A.3.102 (7) WE ARE REQUESTING A VARIANCE TO THE PARKING REQUIREMENTS
SO AS TO BUILD A 5,670 SF (2 STORY) STRUCTURE FOR A FINANCIAL INSTITUTION (AND/OR) OFFICE
USE ALONG W/ A DRIVE-THRU ON AN EXISTING 8,700 SF (0.2 ACRE) LOT, WHICH HAS 5 EXISTING
NON-CONFORMING SPACES THAT WE PLAN TO REUSE (3) OF AND CONVERT THE OTHER 2 EXISTING SPACES TO LANDSCAPE ISLANDS
TO HELP BRING A BEAUTIFICATION TO SHERRY LANE THROUGH THE USE OF THIS LANDSCAPE AND TO COMPLY WITH THE CITY'S ARTICLE X

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a LANDSCAPING 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 Thomas A. Leiser
(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 27th day of July, 2018



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

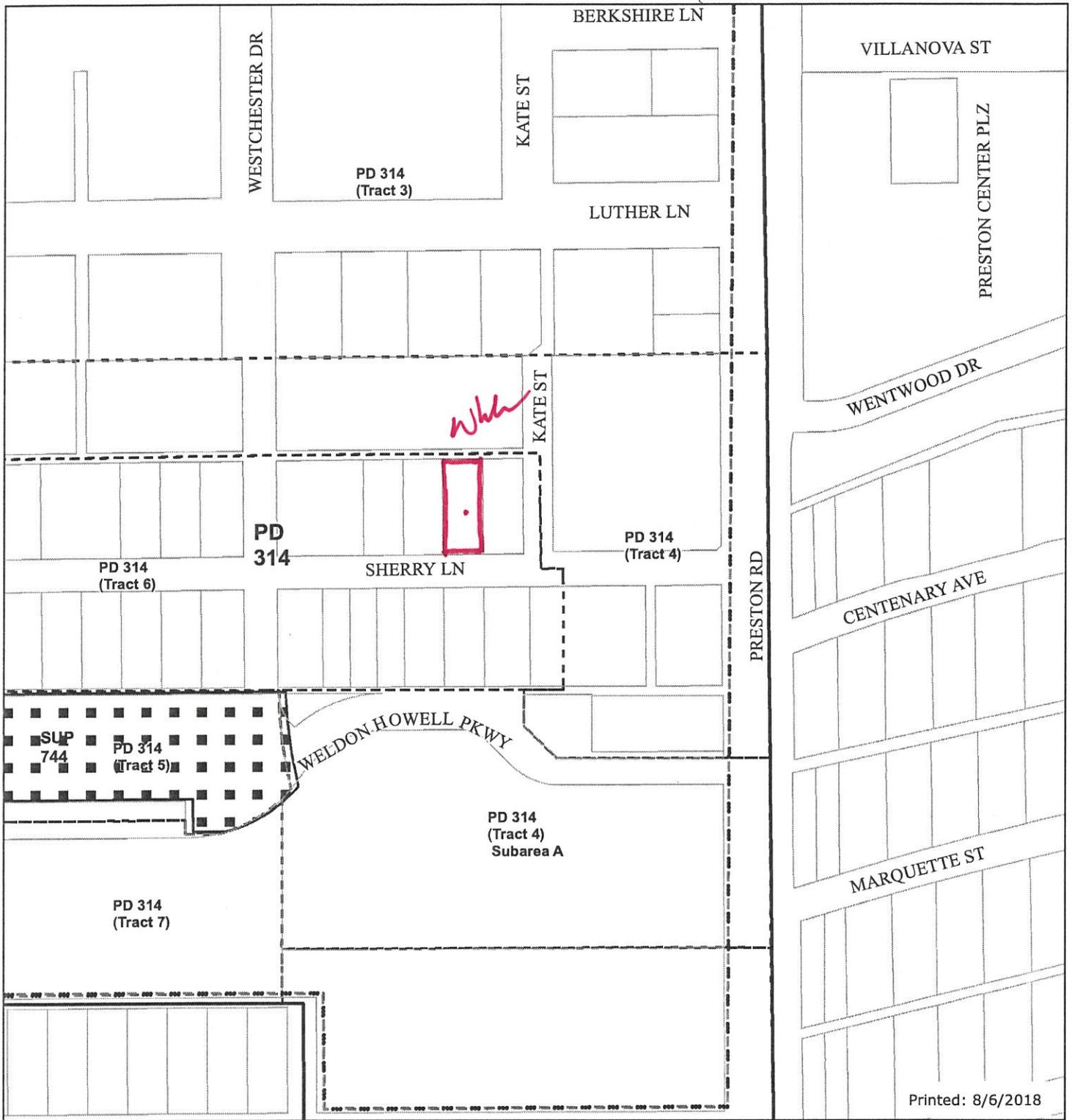
I hereby certify that Thomas A Leiser
represented by Mark Fewin
did submit a request for a variance to the parking regulations
at 6141 Sherry Lane

BDA178-113. Application of Thomas A Leiser represented by Mark Fewin for a variance to the parking regulations at 6141 SHERRY LN. This property is more fully described as Lot 5, Block 4/5624, and is zoned PD-314 (Tract 6), which requires parking to be provided . The applicant proposes to construct a nonresidential structure for a Financial Institution with drive-through ATM use, and an office use, and provide 11 of the required 17 parking spaces, which will require a 6 space variance (35.29% reduction) to the parking regulation

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 8/6/2018

Legend

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

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



PARKING ANALYSIS

PROPERTY ADDRESS	PERMITTED USE	PERMITTED PARKING SPACES
6137 SHERRY LN DALLAS, TX	EXISTING	3,720 SF
6147 SHERRY LN DALLAS, TX	EXISTING	5,800 SF
6141 SHERRY LN DALLAS, TX	PROPOSED	2,500 SF

EXISTING BUILDING INFORMATION

6137 SHERRY LN DALLAS, TX
 6147 SHERRY LN DALLAS, TX
 6141 SHERRY LN DALLAS, TX

PROPOSED BUILDING INFORMATION

6141 SHERRY LN DALLAS, TX
 PROPOSED 2,500 SF

ADDITIONAL INFORMATION

6137 SHERRY LN DALLAS, TX
 6147 SHERRY LN DALLAS, TX
 6141 SHERRY LN DALLAS, TX

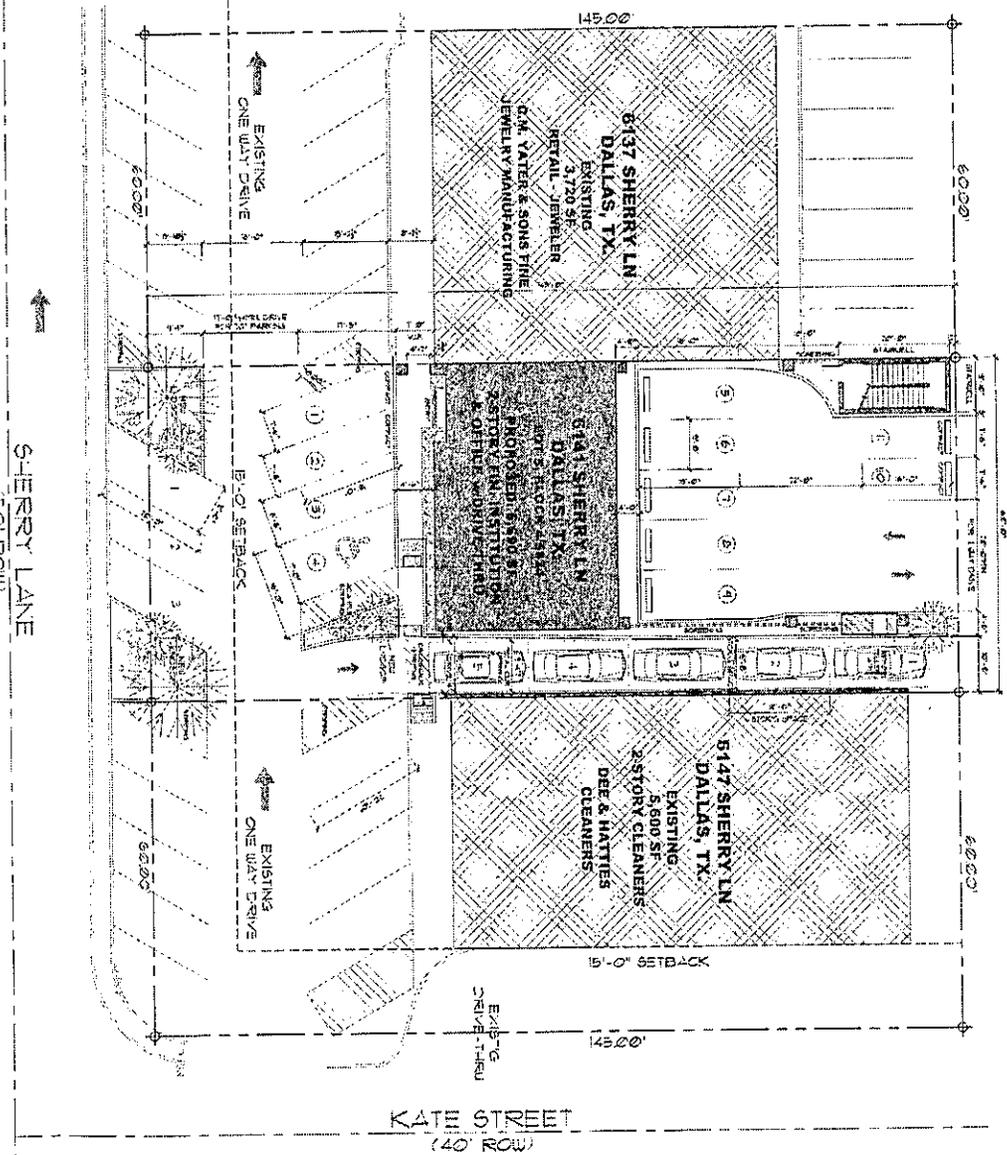
ADDITIONAL INFORMATION

6137 SHERRY LN DALLAS, TX
 6147 SHERRY LN DALLAS, TX
 6141 SHERRY LN DALLAS, TX

BUILDING INFORMATION

PARKING INFORMATION

SCALE: 1" = 10'-0"



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"



BANDERA VENTURES
 6141 SHERRY LANE DALLAS, TX 75225

DATE: 11/18/18
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

NOTATIONS

1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

4. ALL DIMENSIONS ARE TO EXTERIOR FACE UNLESS NOTED OTHERWISE.

5. ALL DIMENSIONS ARE TO INTERIOR FACE UNLESS NOTED OTHERWISE.

6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

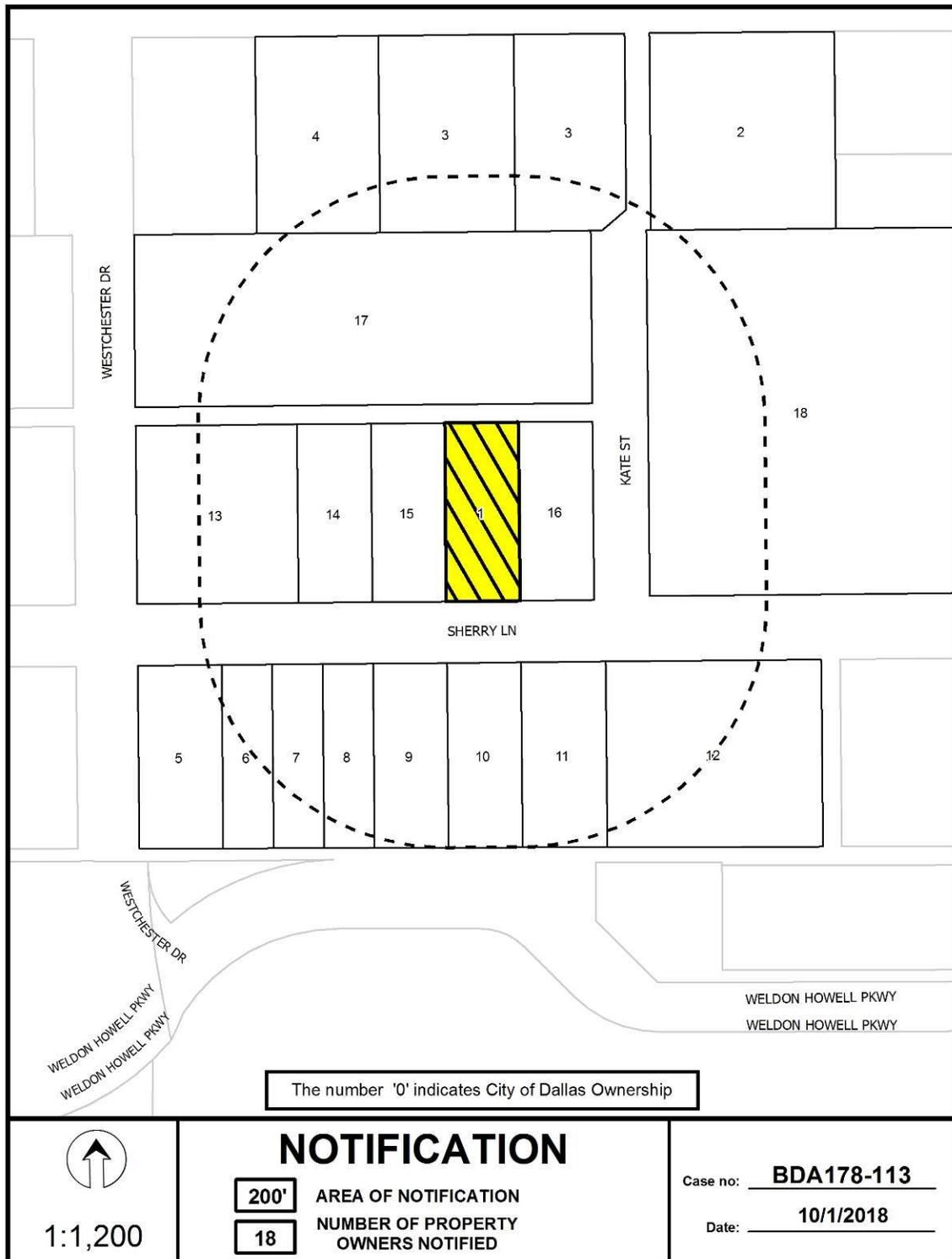
7. ALL DIMENSIONS ARE TO EXTERIOR FACE UNLESS NOTED OTHERWISE.

8. ALL DIMENSIONS ARE TO INTERIOR FACE UNLESS NOTED OTHERWISE.

HIGH LINE

ARCHITECTURE

1100 W. CALLE DEL CIELO, SUITE 100
 AUSTIN, TEXAS 78703
 TEL: 512.476.1100
 WWW.HIGHLINEARCHITECTURE.COM



Notification List of Property Owners

BDA178-113

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6141 SHERRY LN	BV SHERRY III LP
2	6132 LUTHER LN	KATE LUTHER LP
3	6126 LUTHER LN	RAMSBOTTOM PARTNERS LP
4	6110 LUTHER LN	LUTHER LANE PROPERTIES LLC
5	6110 SHERRY LN	HIGHLAND PARK PLASTIC
6	6114 SHERRY LN	RHINO VENTURE LP
7	6120 SHERRY LN	LMVA PPTIES LLC
8	6128 SHERRY LN	SHERRY LANE PROPERTIES LLC
9	6134 SHERRY LN	BECKMANN LAND LLC
10	6140 SHERRY LN	BANTA REAL ESTATE LP
11	6150 SHERRY LN	BV SHERRY LP
12	6160 SHERRY LN	ROSEBRIAR SHERRY LN LP
13	6103 SHERRY LN	OCONNOR - SHERRY LANE LTD
14	6125 SHERRY LN	CONCORD SHERRY LANE LP
15	6137 SHERRY LN	YATER C M & SONS MFG JLRS
16	6147 SHERRY LN	THP SHERRY LANE LTD
17	8214 WESTCHESTER DR	CCP PC OFFICE LP
18	8201 PRESTON RD	TRT PRESTON SHERRY LLC