

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, OCTOBER 18, 2016

Briefing:	11:00 A.M.	L1FN CONFERENCE CENTER AUDITORIUM
Public Hearing:	1:00 P.M.	L1FN CONFERENCE CENTER AUDITORIUM

Purpose: To take action on the attached agenda, which contains the following:

- 1) Zoning Board of Adjustment appeals of cases the Building Official has denied.
- 2) And any other business that may come before this body and is listed on the agenda.

***All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas 75201**

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

10-18-2016

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, OCTOBER 18, 2016
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the September 20, 2016 Panel A Public Hearing Minutes	M1
Consideration and approval of Panel A's 2017 Public Hearing Calendar	M2

UNCONTESTED CASES

BDA156-100(SL)	4176 Park Lane REQUEST: Application of J. Mark Barry for a special exception to the fence height regulations	1
BDA156-102(SL)	12230 Coit Road REQUEST: Application of David Nevarez, represented by DeShazo Group, Inc., for a special exception to the off-street parking regulations	2

HOLDOVER CASES

BDA156-087(SL)	611 Largent Avenue REQUEST: Application of Toby Gray for special exceptions to the fence height and visual obstruction regulations	3
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BDA156-093(SL) 10715 Wyatt Street 4
REQUEST: Application of Karen Leger for special exceptions to the fence height and visual obstruction regulations

REGULAR CASES

BDA156-091(SL) 5017 W. Lovers Lane 5
REQUEST: Application of Thomas Barnhart for a variance to the off-street parking regulations

BDA156-101(SL) 8989 Gaston Parkway (aka: 8989 Garland Road) 6
REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the landscape regulations

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices.. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

(Rev. 6-24-02)

FILE NUMBER: BDA156-100(SL)

BUILDING OFFICIAL'S REPORT: Application of J. Mark Barry for a special exception to the fence height regulations at 4176 Park Lane. This property is more fully described as Lot 24, Block 10/6147, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

LOCATION: 4176 Park Lane

APPLICANT: J. Mark Barry

REQUEST:

A request for a special exception to the fence height regulations of 4' is made to complete and maintain a fence higher than 4' (an 8' high solid cement board fence) in the site's 30' Saranac Drive front yard setback on the subject site that is developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence height regulation of 4' focuses on completing and maintaining an 8' high solid cement board fence in the site's 30' Saranac Drive front yard setback on the subject site that is developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-10(A) which requires a 30' front yard setback.
- The subject site is located at the west corner of Park Lane and Saranac Drive.
- Given the single family zoning and location of the corner lot subject site, it has two 30' front yard setbacks – a front yard setback along Park Lane (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Saranac Drive, (the longer of the two frontages which is typically considered a side yard where on this R-10(A) zoned property a 9' high fence could be erected by right). However the site has a front yard setback along Saranac Drive in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the west “front” on Saranac Drive.
- The applicant has submitted a site plan and an elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 8'.
- The submitted site plan and elevation only represents a fence to exceed 4' in height in the site's Saranac Drive front yard setback.
- The following additional information was gleaned from the submitted site plan:
 - The fence proposal is represented as being approximately 60' in length parallel to the Saranac Drive, and approximately 30' in length perpendicular to this street on the east and west sides of the site in this front yard setback.
 - The fence proposal is represented to be located as close as on the Saranac Drive front property line or approximately 12' from the Saranac Drive pavement line.
- The proposal is located on the site where two single family homes/lots have direct frontage, neither with a fence above 4' in height in the front yard setback.

- The Board Administrator conducted a field visit of the site and surrounding area along Saranac Drive (from Park Lane to approximately 500' west of the site) and noted no other fences above 4 feet high which appeared to be located in the front yard setback.
- As of October 7th, 2016, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

August 18, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

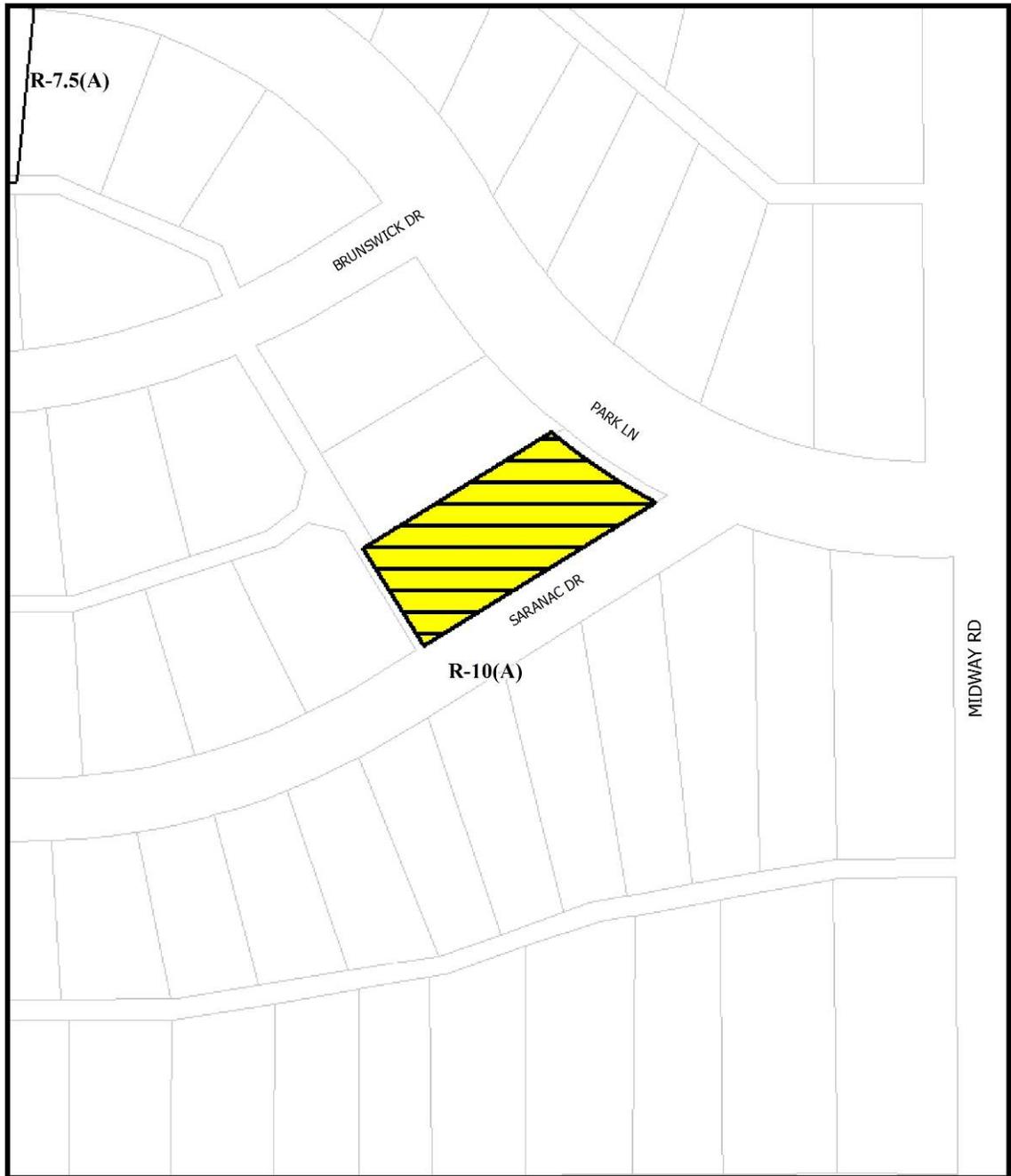
September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 13, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the 1 p.m., 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."

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



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ZONING MAP

Case no: BDA156-100

Date: 9/28/2016



1:1,200

AERIAL MAP

Case no: BDA156-100

Date: 9/23/2016



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-100

Data Relative to Subject Property:

Date: 08-18-16

Location address: 4176 PARK LANE Zoning District: R-10(A)

Lot No.: 24 Block No.: 10/G147 Acreage: 16,387 sq ft Census Tract: -

Street Frontage (in Feet): 1) 210.21 2) 103 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JAMES MARK BARRY & CELINA ABEYTA BARRY

Applicant: J. MARK BARRY AIA Telephone: 214-455-7254

Mailing Address: 4176 PARK LANE DALLAS TX 75220 Zip Code: 75220

E-mail Address: MARK@BARRYBULLBALLAS.COM

Represented by: J. MARK BARRY AIA Telephone: 214-455-7254

Mailing Address: SAME Zip Code: SAME

E-mail Address: SAME

Affirm that an appeal has been made for a Variance , or Special Exception , of fence height regulations between street & building line of 4' in a front yard

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
to allow an 8' tall fence in place of a 4' fence within the 30' building line for safety, privacy & security for the installation of a swimming pool!

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.

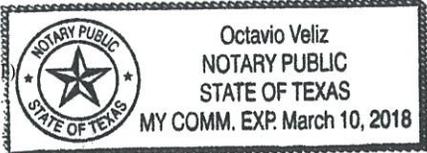
Affidavit

Before me the undersigned on this day personally appeared J. MARK BARRY AIA
(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: Mark Barry AIA
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 24th day of June, 2014



[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 J. Mark Barry

did submit a request for a special exception to the fence height regulations
at 4176 Park Lane

BDA156-100. Application of J. Mark Barry for a special exception to the fence height regulations at 4176 Park Lane. This property is more fully described as Lot 24, Block 10/6147, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

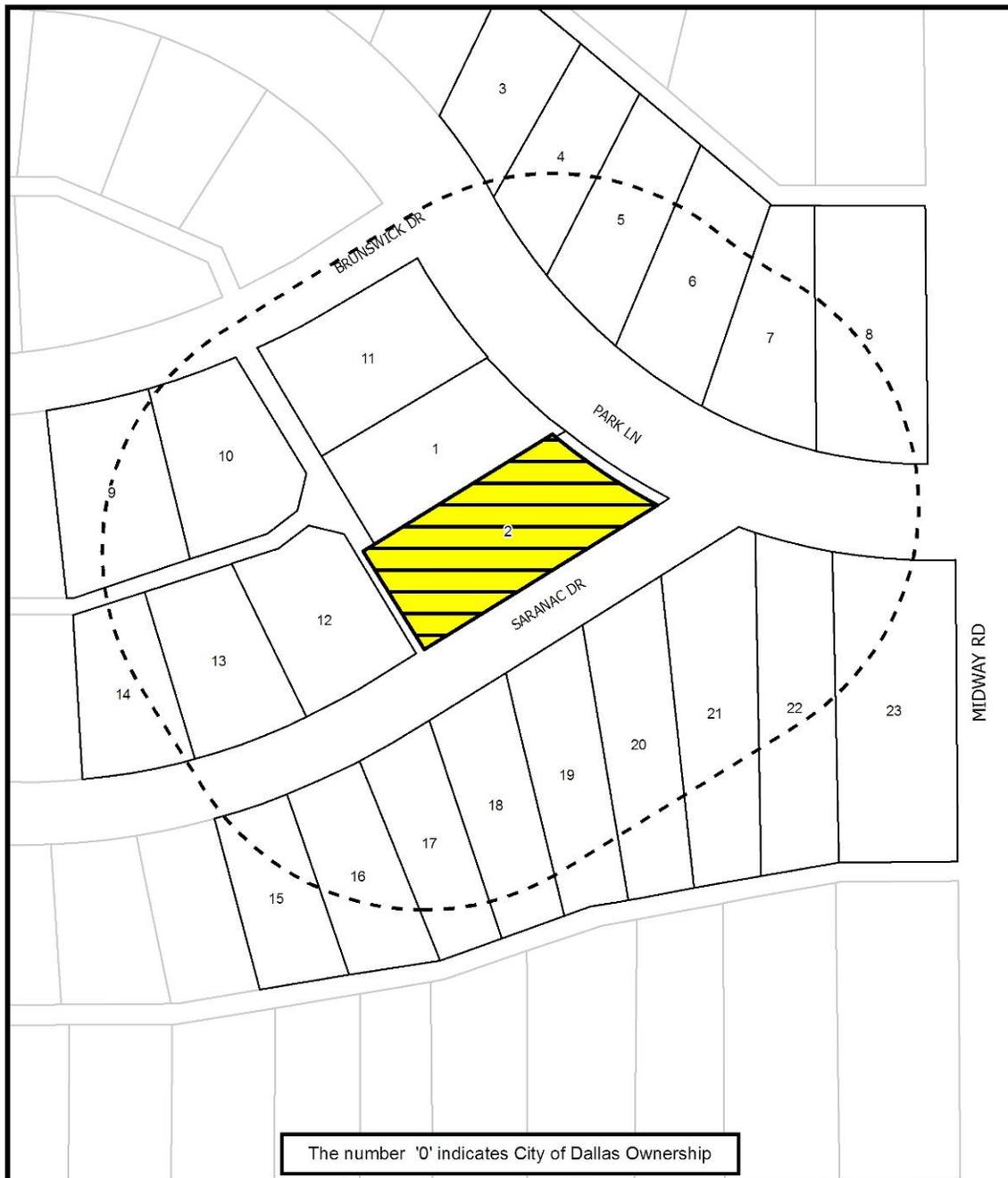
City of Dallas

Internal Development Research Site

Legend

Locate Property





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NOTIFICATION

200'

AREA OF NOTIFICATION

23

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-100**

Date: **9/23/2016**

Notification List of Property Owners

BDA156-100

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4170 PARK LN	KEARNS PATRICK & HELEN Y
2	4176 PARK LN	BARRY MARK &
3	4175 PARK LN	COLLINS COLLEN C & JOSEPH O JR
4	4179 PARK LN	ALLEN ANDREA
5	4185 PARK LN	HOFFMAN KEITH BRADFORD
6	4191 PARK LN	PORTER JOHN C & SHARON C
7	4195 PARK LN	DOWD HEDDA GIOIA
8	4199 PARK LN	WEEKS MARVIN N
9	4154 BRUNSWICK DR	MCINTOSH JEAN CAMP ROBILLARD
10	4160 BRUNSWICK DR	DODSON LISELOTTE
11	4168 BRUNSWICK DR	MANKIN JOHN MATTHEW
12	4177 SARANAC DR	CONN RYAN CLAYTON
13	4171 SARANAC DR	ORR JASON ROBERT
14	4165 SARANAC DR	ASAY MERCER W & DEBORAH
15	4170 SARANAC DR	BYLAND SANDRA J EST OF
16	4174 SARANAC DR	WALSH RICHARD L & CONNIE A
17	4178 SARANAC DR	NORRIS JOHN
18	4182 SARANAC DR	QUEST IRA INC FBO NATHANIEL DRAPER &
19	4186 SARANAC DR	LEARY STEPHEN P &
20	4194 SARANAC DR	BOREN BRYANT CARROLL &
21	4198 SARANAC DR	BUSH ANN K & ZACHARY E
22	4184 PARK LN	MCNALLY RUSSELL JEFF &
23	4194 PARK LN	HAFNER JAMES ROBERT II &

FILE NUMBER: BDA156-102(SL)

BUILDING OFFICIAL'S REPORT: Application of David Nevarez, represented by DeShazo Group, Inc., for a special exception to the off-street parking regulations at 12230 Coit Road. This property is more fully described as Lot 2, Block A/7751, and is zoned MU-3, which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for a medical clinic or ambulatory surgical center use and provide 150 of the 166 required off-street parking spaces, which will require a 16 space special exception to the off-street parking regulations.

LOCATION: 12230 Coit Road

APPLICANT: David Nevarez
Represented by DeShazo Group, Inc.

REQUEST:

A request for a special exception to the off-street parking regulations of 16 spaces is made to eliminate some of the existing compact off-street parking spaces and meet ADA standards for the existing approximately 33,200 square foot, two-story structure on the subject site with medical clinic or ambulatory surgical center use, and provide 150 (or 90 percent) of the 166 required off-street parking spaces.

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

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

parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 16 spaces shall automatically and immediately terminate if and when the medical clinic or ambulatory surgical center use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3 (Mixed use)
North: MU-3 (Mixed use)
South: MU-3 (Mixed use)
East: MU-3 (Mixed use)
West: MU-3 (Mixed use)

Land Use:

The subject site is developed with an existing two-story structure that has approximately 33,200 square feet of floor area of medical clinic use. The areas to the north, south, and west are developed with commercial/retail uses; and the area to the east is North Central Expressway.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 16 spaces focuses on eliminating some of the existing compact off-street parking spaces and meeting ADA standards for the existing approximately 33,200 square foot two-story structure on the subject site with medical clinic or ambulatory surgical center use, and providing 150 (or 90 percent) of the 166 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
 - Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area.
- The applicant has stated among other things that the property is currently operating a two-story (33,196 square foot) medical clinic or ambulatory surgical center use, that no changes are proposed to the land use or tenants in connection with this request, that the site is exceeding the number of compact parking spaces and deficient of one van-accessible space, and that on-site parking accumulation counts show a maximum parking demand of 94 vehicles. (The applicant proposes to provide 150 spaces).
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the request.

- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the “medical clinic or ambulatory surgical center” use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 16 spaces (or a 10 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 16 spaces shall automatically and immediately terminate if and when the medical clinic use is changed or discontinued, the applicant would be allowed to eliminate some of the existing compact off-street parking spaces and meet ADA standards for the existing approximately 33,200 square foot two-story structure on the subject site with medical clinic or ambulatory surgical center use, and provide 150 (or 90 percent) of the 166 required off-street parking spaces.

Timeline:

August 9, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 13, 2016: The Board Administrator emailed the applicant the following information:

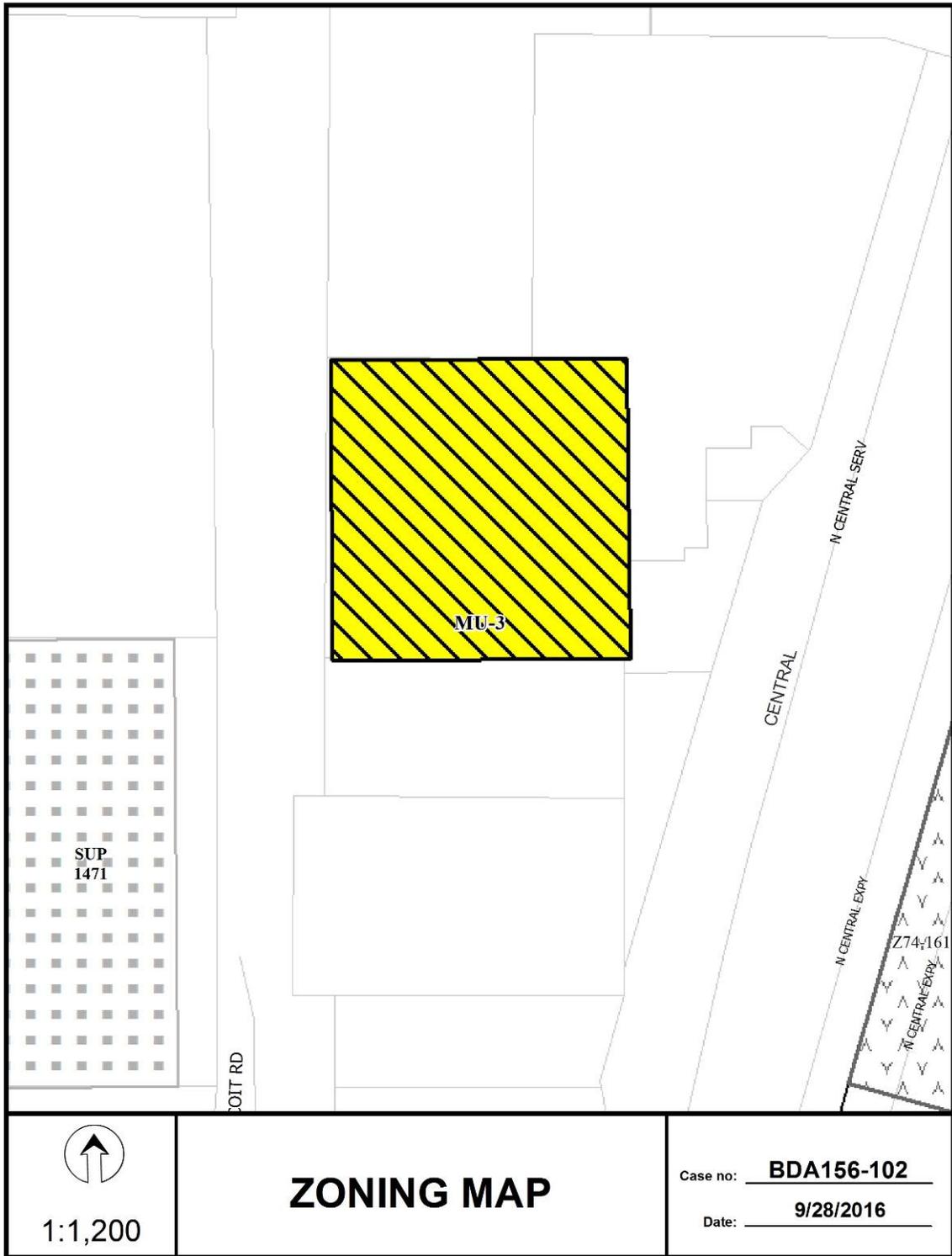
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board’s docket 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.”

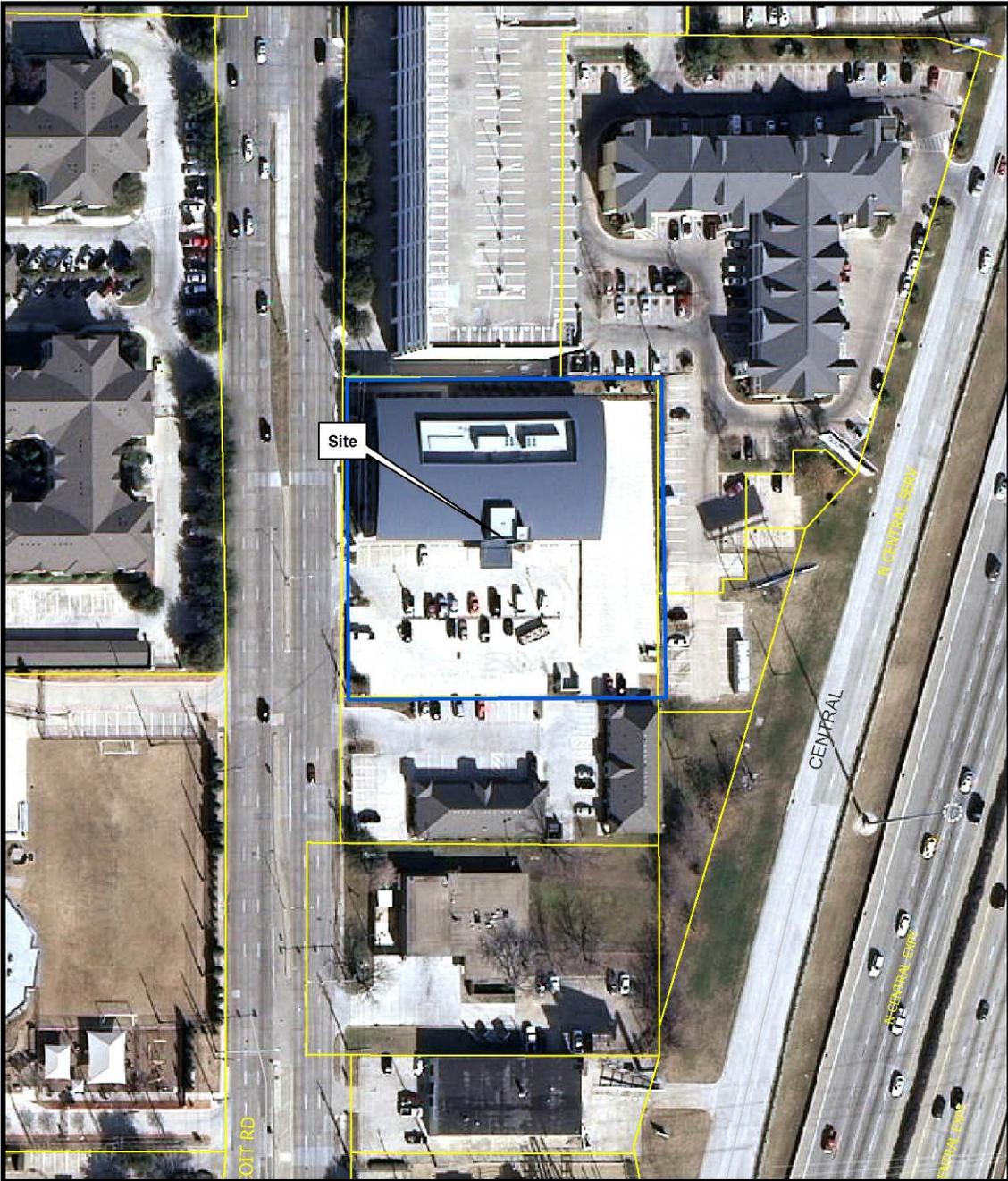
September 22, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction

Department Project Engineer, and the Assistant City Attorney to the Board.

October 6, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objection".





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AERIAL MAP

Case no: BDA156-102

Date: 9/23/2016

Long, Steve

From: David Nevarez <david.nevarez@deshazogroup.com>
Sent: Thursday, September 22, 2016 3:25 PM
To: Buehrle, Clayton
Cc: Long, Steve; Duerksen, Todd; Gary Horn; Ross Kahn; John DeShazo
Subject: BDA156-102, 12230 Coit Rod
Attachments: 16103 Tech Memo 090816.pdf

Clayton,

We are scheduled to present a request for a parking special exception on October 18. Attached is a technical analysis for your review. The following points also summarize our request:

1. 12230 Coit Road is currently operating a two-story (33,196 SF) medical clinic or ambulatory surgical center use. No changes are proposed to the land use or tenants in connection with the request.
2. A review of the property found that the site is currently non-compliant by exceeding the number of compact parking spaces (52% of the total supply) and a deficit of one van-accessible parking space.
3. While doing site observations, we found that the property provides ample parking for the existing land use but the excessive 7.5-foot stalls create a problem where one single vehicle encroaches on more than one stall.
4. DeShazo prepared a proposed parking layout (included in the attached report) that eliminates existing 7.5-ft stalls and meets ADA standards as well. The proposed layout will provide a better parking environment for the property. In general, improvements would maximize parking on the property but also result in a code-deficit of 16 spaces.
6. Based on our field observations and familiarity with the subject site as well as our studies of other similar tenants, we can fully corroborate that the proposed 150 spaces will provide more than ample parking to meet the maximum parking demand for the *medical clinic or ambulatory surgical center* use. If any concerns of parking demand existed in the past, it would be due to an inefficient parking layout that provides excessive 7.5-ft stalls.

Please review our report and let me know if you have any comments. Thank you.

DAVID NEVAREZ, P.E.

DeShazo Group, Inc.

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

BDA156 702
Attach A pg 2

PARKING ANALYSIS FOR 12230 COIT ROAD IN DALLAS, TEXAS

Prepared for:

Gary A. Horn

Mohr Capital
14643 Dallas Parkway, Suite 1000
Dallas, Texas 75254

Prepared by:

DeShazo Group, Inc.

400 South Houston Street
Suite 330 • Union Station
Dallas, Texas 75202
Phone (214) 748-6740



August 9, 2016



Traffic. Transportation Planning. Parking. Design.
Texas Registered Firm – 3199

DeShazo #16103

BDA 156-102
PS3

Parking Analysis for
12230 Coit Road
in Dallas, Texas
DeShazo Project No. 16103
---◇---

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TECHNICAL MEMORANDUM

To: Mr. Gary A. Horn — Mohr Capital
From: David Nevarez, P.E. — DeShazo Group, Inc.
Date: August 9, 2016
Re: **Parking Analysis for 12230 Coit Road in Dallas, Texas**
DeShazo Project No. 16103

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis. The services of DeShazo were retained by Mohr Capital (Client) to study the parking provisions for an existing medical office building located at 12230 Coit Road in Dallas, Texas.

The subject property is zoned as mixed use (MU-3) district and subject to the off-street parking requirements established in the City of Dallas Development Code. The property includes a two-story building with approximately 33,196 square feet of gross building area. All current tenants are classified as medical clinic or ambulatory surgical center use. This report presents a summary of a technical evaluation of the parking needs for the existing use and recommended on-site parking supply.

PURPOSE

Findings of this study are intended to provide the basis for a Parking Special Exception request to reduce the direct City of Dallas Code parking requirement. This memorandum summarizes the code parking requirement and the projected parking demand based upon field observations. Recommendations are also supported by published national technical data and DeShazo's professional judgment and experience from prior parking studies.

PARKING SUPPLY

DeShazo commissioned a field-verified inventory of the existing parking supply. The subject property currently provides 156 off-street parking spaces with approximately 50% compact spaces. In order to comply with City Code, DeShazo prepared a proposed layout with 150 off-street parking spaces, including no more than 28 compact stalls (or 19% of the total proposed supply).

CODE PARKING REQUIREMENT

The study site is currently zoned MU-3 and subject to direct application of the Dallas Development Code §51A. The parking requirement for medical office is *one space per 200 square feet*.

Table 1. City Code Parking Requirement Summary

USE	CITY OF DALLAS DEVELOPMENT CODE	AMOUNT	PARKING CODE RATE (1 space per)	REQUIRED PARKING
Medical Office	4.207 (4)(C)	33,196 SF	200 SF	166.0
TOTAL:		33,196 SF		166 spaces

As shown in **Table 1**, 166 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code.

DeShazo acknowledges that City Code requirements do establish standards for the functional design of efficient parking facilities, thus reducing congestion and minimizing external effects on neighboring land uses, as stated in the *City of Dallas Development Code*. However, based upon DeShazo’s professional experience in the analysis of parking demands, the operational characteristics and, consequently, parking needs of medical-related land uses have evolved in the recent years. Therefore, there is merit in examining the parking demand for this specific property.

ON-SITE PARKING OBSERVATIONS

DeShazo conducted on-site parking accumulation counts on Thursday, August 4 and Tuesday, August 9, 2016. Field observations consisted of hourly parking counts from 9:00 am to 12:00 pm during typical peak hours as determined by published data. The property owner also confirmed a 100% building occupancy at the time of these observations. DeShazo’s parking accumulation counts show a maximum parking demand of 94 vehicles at 12230 Coit Road. Detailed data are provided in the Appendix.

PUBLISHED DATA

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

Table 2. Published Parking Demand Data for Medical Office Buildings

Publication	Parking Rates
ITE <i>Parking Generation</i> (4 th Ed)	Average Peak: 3.20 vehicles/kSF (1 vehicle/312.5 SF)
	Parking Demand: 4.27 vehicles/kSF (1 vehicle/234 SF)
	85 th Percentile: 4.27 vehicles/kSF (1 vehicle/234 SF)
ULI <i>Shared Parking</i> (2 nd Ed)	Recommended: 4.50 vehicles/kSF (1 vehicle/222 SF)
	Parking Supply: 4.50 vehicles/kSF (1 vehicle/222 SF)

SOURCES: *Institute of Transportation Engineers (ITE) Parking Generation, 4th Edition (2010)*, *Land Use 720* and *Urban Land Institute (ULI) Shared Parking, 2nd Edition (2005)*

Furthermore, DeShazo has conducted numerous parking accumulation studies of existing medical office developments in the Dallas-Fort Worth over several years. The actual peak parking demand for medical office uses in urban areas has been studied on numerous occasions. As with the ITE studies, data have consistently found parking demands lower than the default *one space per 200 square feet* at peak times. A graphical summary of these findings is provided in the Appendix.

CONCLUSION

This study summarizes the code parking requirement and the actual parking needs for an existing 33,196-SF medical office use located at 12230 Coit Road in Dallas, Texas. Based upon application of the standard parking requirements from the City of Dallas Development Code Chapter §51A, 166 parking spaces would typically be required for the development. However, a parking requirement reduction is supported based upon published parking demand characteristics as well as anecdotal experience from similar developments in the Dallas-Fort Worth area.

A proposed parking supply of 150 spaces will reduce the number of compact spaces and result in a parking deficit. As a result of this discrepancy, the owner is requesting a Parking Special Exception of 16 parking spaces, or a 9.6% reduction from the default requirement. Table 3 summarizes the results of the analysis outlined in this memorandum. A graphical summary is provided in the Appendix.

**Table 3. Parking Analysis Summary for
 12230 Coit Road**

APPROACH	SPACES	PERCENT OF BASE CODE REQUIREMENT
Direct Dallas Development Code	166	--
ITE Projected Peak Parking Demand	106	64%
ULI Recommended Supply	149	90%
Actual Observed Parking Demand	94	57%
Proposed Parking Supply	150	90%

The objective of this memorandum was to provide technical support for a proposed Parking Special Exception. Based upon the results of this technical analysis, professional judgment and experience from similar parking studies, DeShazo recommends approval of the 16-space Parking Special Exception.

PARKING SPECIAL EXCEPTION REQUEST

A Parking Special Exception is requested from the City of Dallas Board of Adjustment. Based upon findings of this analysis, 150 spaces (i.e., 9.6% reduction) will satisfy the parking needs for the medical office use at 12230 Coit Road, Dallas, Texas. A reduction of 16 required spaces is warranted based upon the following considerations as specified in the Dallas Development Code §51A-4.2(a)(2):

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

The parking reduction is fully a function of specific parking demand characteristics for the medical office building a lower-than-expected parking demand. This analysis does not rely upon remote or packed parking.

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

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

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

The subject site is zoned MU-3. This request is based upon the subject site's independent projected parking demands and not upon any special zoning adjustments.

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

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

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

The site is located approximately three miles from Dallas Area Rapid Transit (DART) Rail System's Red and Orange Line LBJ/Central Station. DART public transit Bus Route 360 is also within convenient walking distance. However, transit is not considered a factor in the justification of a parking reduction.

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

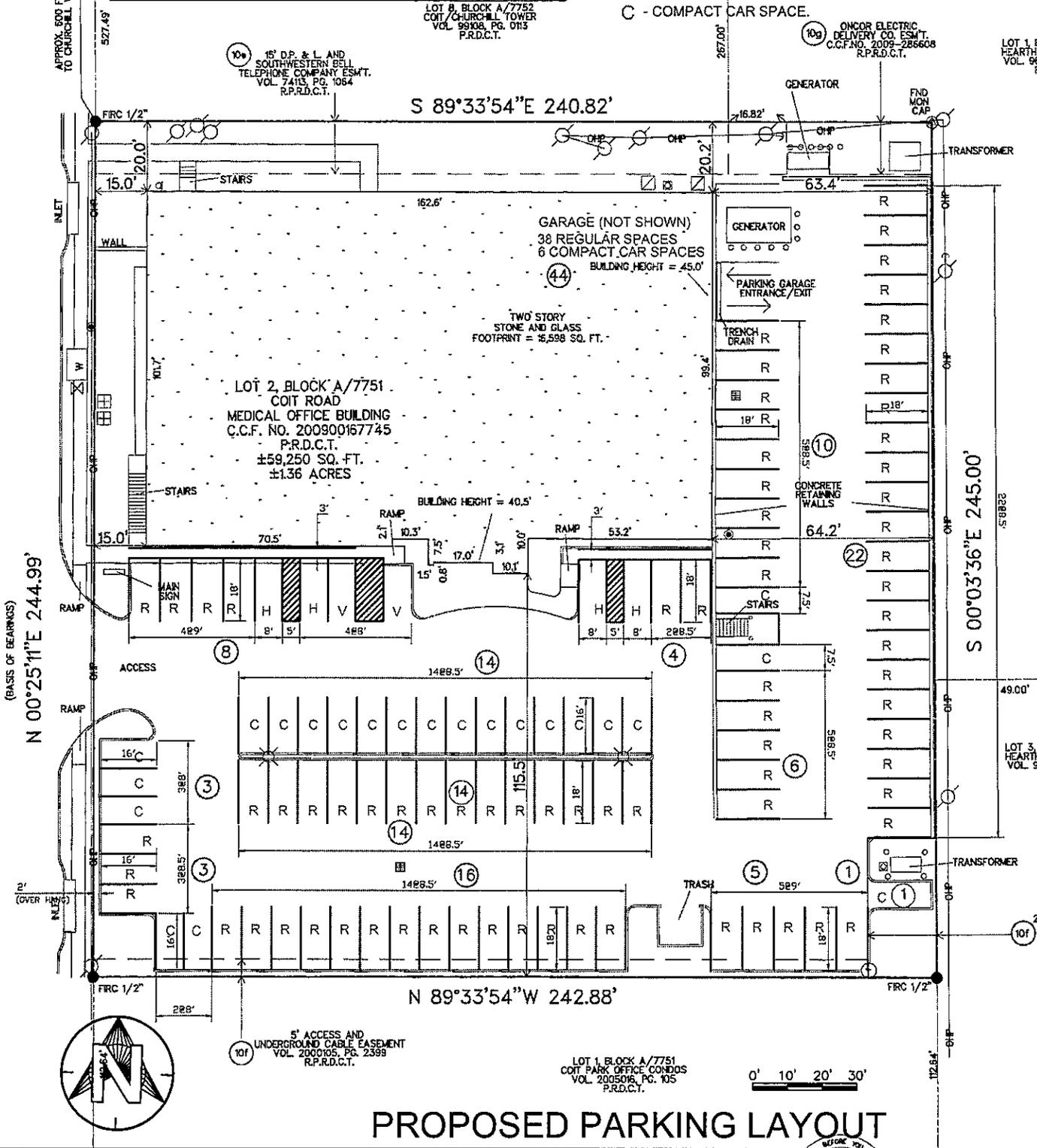
The parking reduction is justified by specific parking demand characteristics for the medical office building. No other parking mitigation measure is considered significant in the evaluation of the property's parking needs.

In summary, DeShazo recommends approval of a 16-space reduction to authorize the proposed layout with 150 off-street parking spaces and up to 19% compact parking. The requested parking reduction will neither create a traffic hazard nor restrict the subject property parking operations. It is also presumed that it is in the best interest of the property owner to provide an appropriate parking environment for their tenants.

END OF MEMO

PARKING COUNT:		
ACCESSIBLE PARKING SPACE	-	6 SPACES
STANDARD PARKING SPACE	-	116 SPACES
COMPACT CAR PARKING	-	28 SPACES (18.7%)
TOTAL PARKING SPACES:	-	150 SPACES

- V - VAN ACCESSIBLE SPACE.
- H - REGULAR ACCESSIBLE SPACE.
- R - STANDARD CAR SPACE
- C - COMPACT CAR SPACE.



PROPOSED PARKING LAYOUT

DeShazo Group
 ENGINEERS • PLANNERS
 400 S. Houston Street Suite 330
 Dallas, Texas 75202-4802
 (214) 748-6740
 Fax: (214) 748-7037
 Texas Registered Engineering Firm F-3199

12230 COIT ROAD PARKING LAYOUT, DALLAS

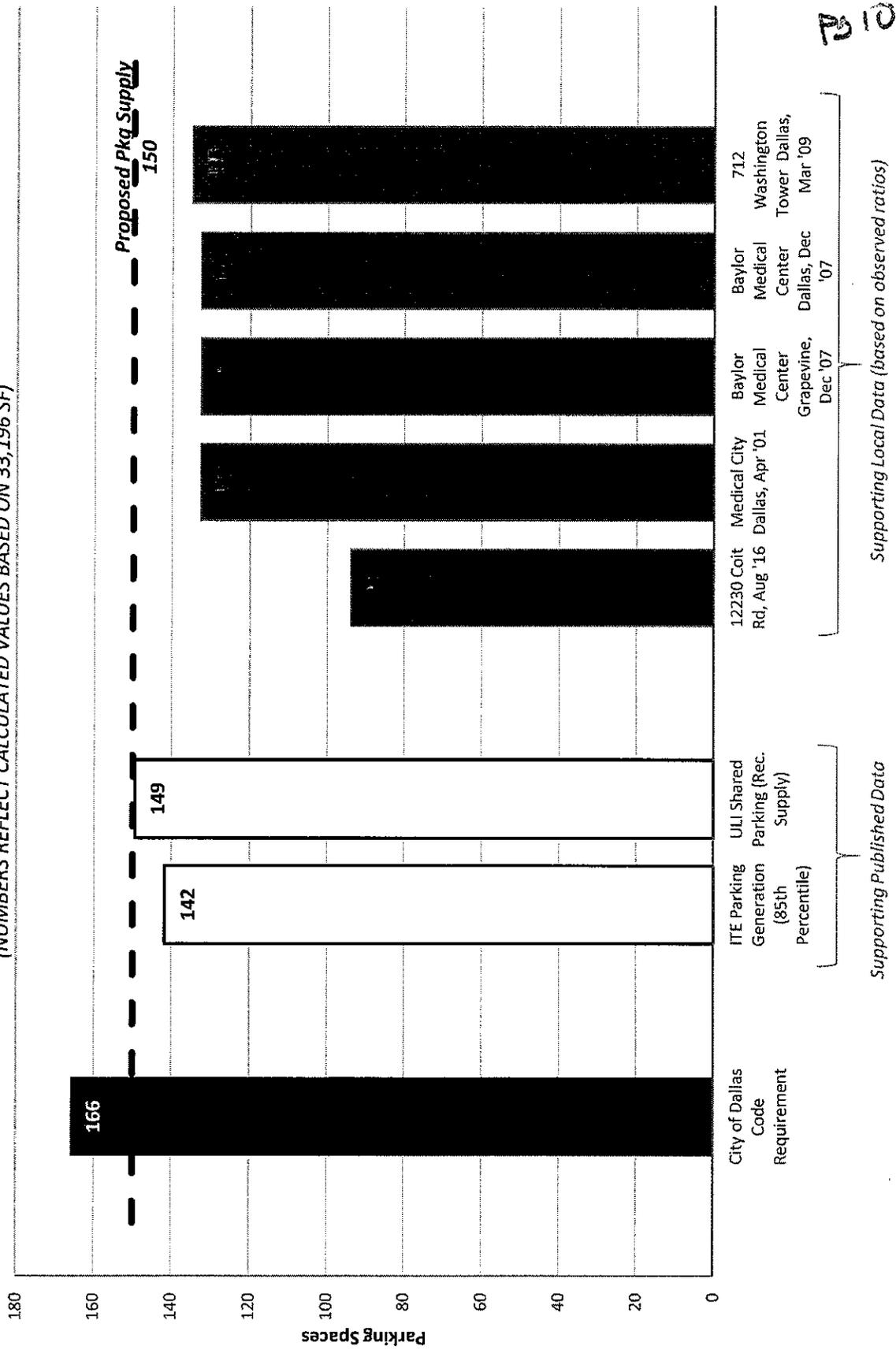
PREPARED BY : A C JOB 16103 DATE: 08-23-16

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1

BDA156-102
Attach A
PS 9

APPENDIX

Parking Analysis Summary for 12230 Coit Road
(NUMBERS REFLECT CALCULATED VALUES BASED ON 33,196 SF)



BDA 156-102

Attach A

B10

Land Use: 720 *Attach A* Medical-Dental Office Building *pg 11*

Description

A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. Clinic (Land Use 630) is a related use.

Database Description

The database consisted of a mix of urban and suburban sites. Parking demand rates at the suburban sites were similar to those at urban sites and, therefore, the data were combined and analyzed together.

- Average parking supply ratio: 4.0 spaces per 1,000 square feet (sq. ft.) gross floor area (GFA) (77 study sites).

The two study sites with weekend parking demand observations had Saturday peak demand rates 18 and 25 percent less than the weekday peak demand rates for the same study sites.

The following table presents the time-of-day distribution of parking demand, based on data from sites with at least five hours of continuous count data.

Based on Vehicles per 1,000 sq. ft. GFA	Weekday	
	Percent of Peak Period	Number of Data Points*
Hour Beginning		
12:00-4:00 a.m.	—	0
5:00 a.m.	—	0
6:00 a.m.	—	0
7:00 a.m.	18	2
8:00 a.m.	64	3
9:00 a.m.	85	17
10:00 a.m.	100	19
11:00 a.m.	100	19
12:00 p.m.	88	19
1:00 p.m.	81	19
2:00 p.m.	90	18
3:00 p.m.	93	18
4:00 p.m.	86	17
5:00 p.m.	52	11
6:00 p.m.	63	1
7:00 p.m.	—	0
8:00 p.m.	—	0
9:00 p.m.	—	0
10:00 p.m.	—	0
11:00 p.m.	—	0

* Subset of database

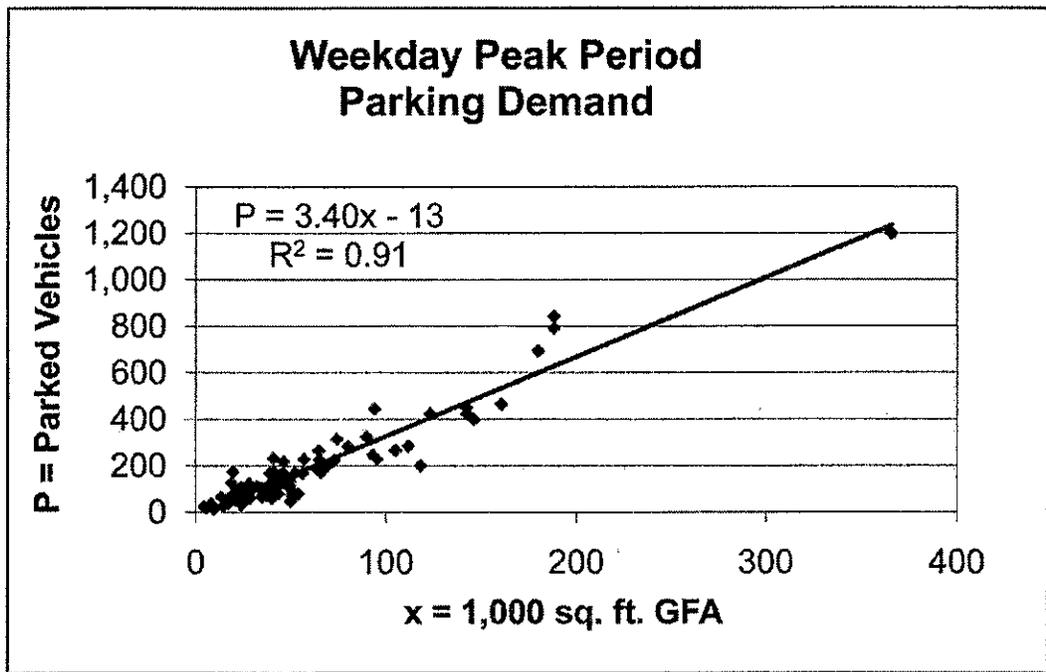
Future studies should include data on the number of doctors working at a study site.

BDA 156-102
 Attach A
 P312

Land Use: 720
 Medical-Dental Office Building

Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA
 On a: Weekday

Statistic	Peak Period Demand
Peak Period	10:00 a.m.–12:00 p.m.; 2:00–3:00 p.m.
Number of Study Sites	86
Average Size of Study Sites	57,000 sq. ft. GFA
Average Peak Period Parking Demand	3.20 vehicles per 1,000 sq. ft. GFA
Standard Deviation	1.22
Coefficient of Variation	38%
95% Confidence Interval	2.94–3.46 vehicles per 1,000 sq. ft. GFA
Range	0.96–5.65 vehicles per 1,000 sq. ft. GFA
85th Percentile	4.27 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.68 vehicles per 1,000 sq. ft. GFA



◆ Actual Data Points — Fitted Curve/Average Rate



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-102

Data Relative to Subject Property:

Date: 08/09/2016

Location address: 12230 Coit Road Zoning District: MU-3

Lot No.: 2 Block No.: A/7751 Acreage: 1.36 acres Census Tract: 0132.00

Street Frontage (in Feet): 1) 235 FT 2) 3) 4) 5)

NEAS

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Coit Medical LLC

Applicant: David Nevarez, P.E. Telephone: (214) 748.6740

Mailing Address: 400 S. Houston Street, Suite 330 ZIP CODE: 75202

E-mail Address: david.nevarez@deshazogroup.com

Represented by: DeShazo Group, Inc. Telephone: (214) 748.6740

Mailing Address: 400 S. Houston Street, Suite 330 ZIP CODE: 75202

E-mail Address: david.nevarez@deshazogroup.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 16 spaces (or 9.6%) out of the 166 spaces required by the City of Dallas Development Code. for a medical clinic or ambulatory surgical center use.

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

A comprehensive parking analysis for this development indicates that a reduction to the Code-required parking is appropriate based upon on-site parking accumulation studies, DeShazo's professional judgment and experience, and national published data from the Institute of Transportation Engineers Parking Generation, 4th Edition (2010) and the Urban Land Institute Shared Parking, 2nd Edition (2005).

Note to Applicant: If the relief 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.

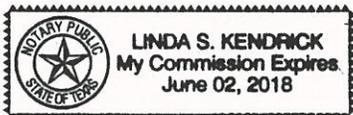
Affidavit

Before me the undersigned on this day personally appeared DAVID NEVAREZ, P.E. (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 16th day of August, 2016



[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 David Nevarez

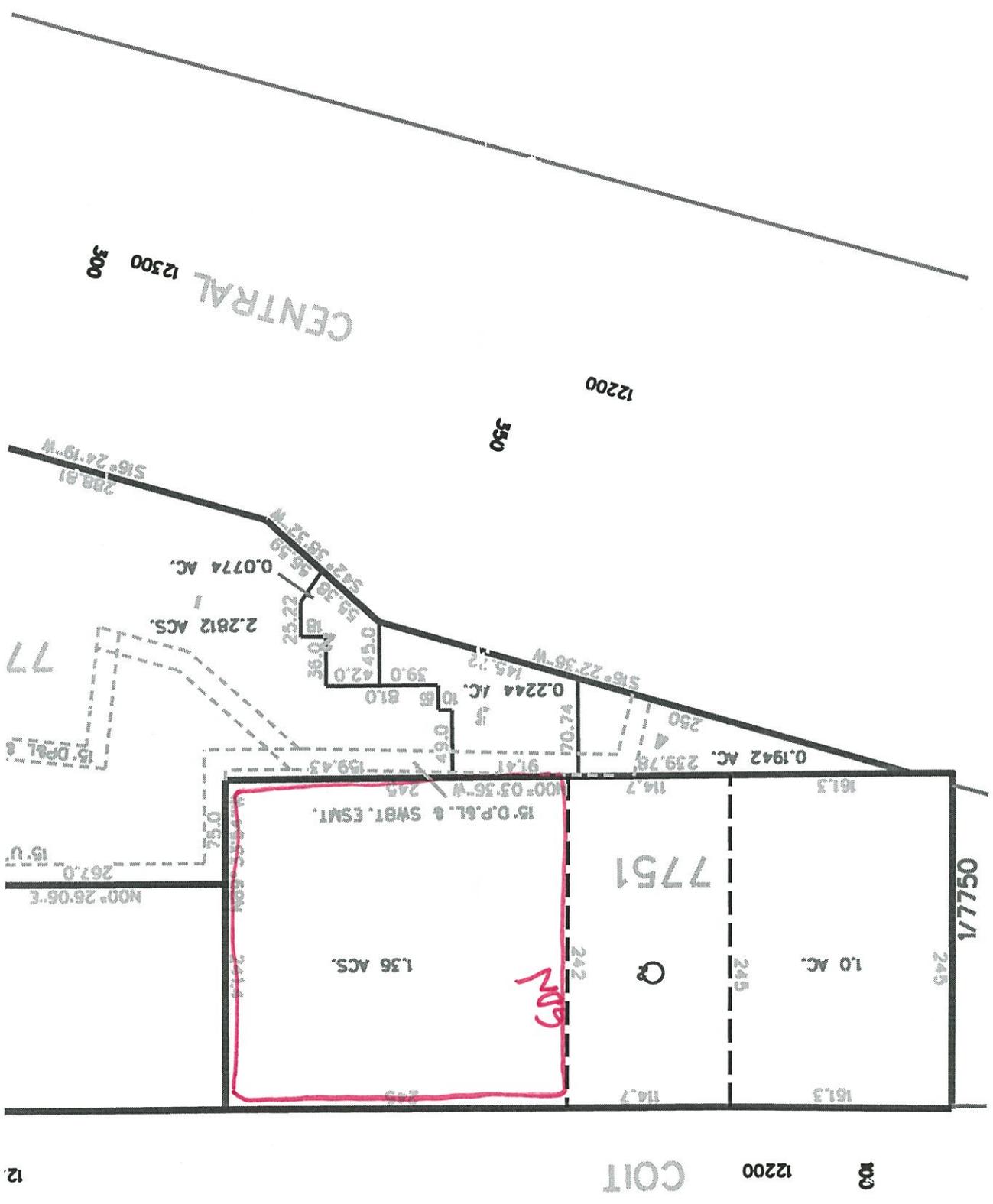
did submit a request for a special exception to the parking regulations
at 12230 Coit Road

BDA156-102. Application of David Nevarez for a special exception to the parking regulations at 12230 Coit Road. This property is more fully described as Lot 2, Block A/7751, and is zoned MU-3, which requires parking to be provided. The applicant propose to construct a nonresidential structure for a medical clinic or ambulatory surgical center us and provide 150 of the 166 required parking spaces, which will require a 16 space special exception (9.6% reduction) to the parking regulation.

I AND DAVID NEVAREZ

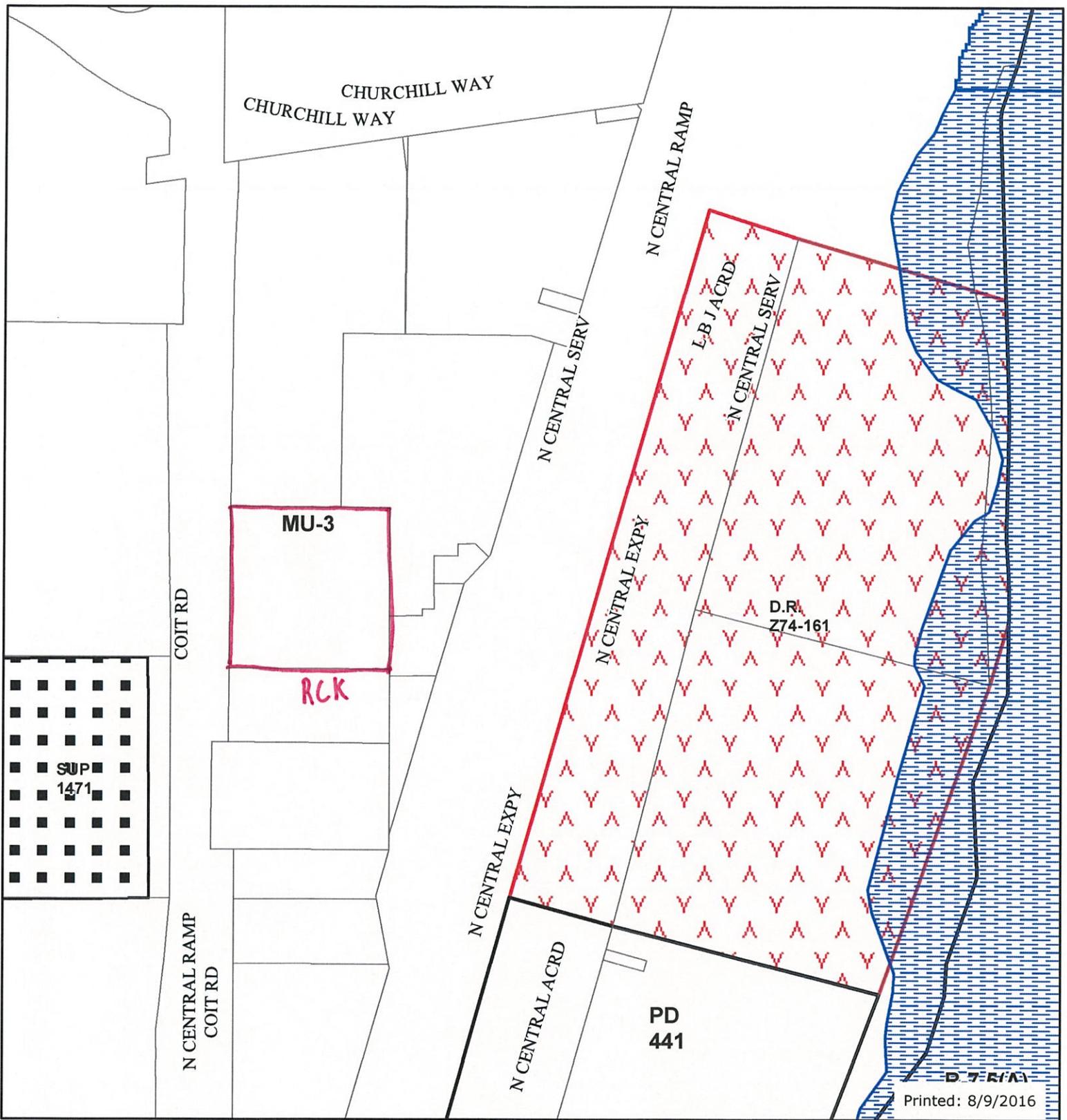
Sincerely,

Philip Sikes
Philip Sikes, Building Official



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Printed: 8/9/2016

Legend

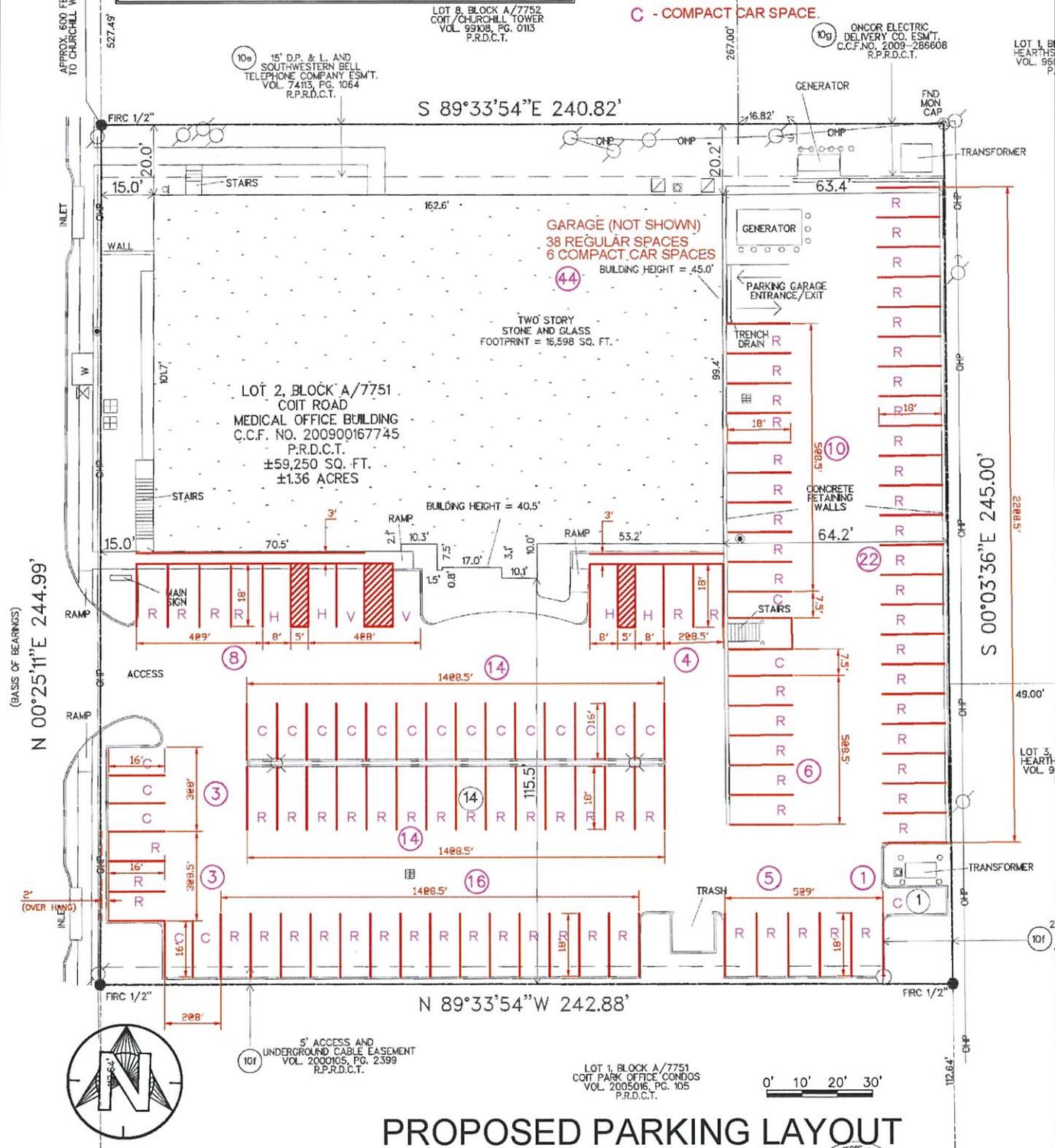
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA 156-102 SUP | Historic Overlay | 2-23 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)



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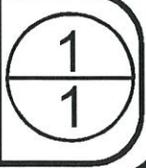


PROPOSED PARKING LAYOUT

12230 COIT ROAD PARKING LAYOUT, DALLAS

DeShazo Group
 ENGINEERS • PLANNERS
 400 S. Houston Street Suite 330
 Dallas, Texas 75202-4802
 (214) 748-6740
 Fax: (214) 748-7037
 Texas Registered Engineering Firm F-3199

PREPARED BY : A C JOB 16103 DATE: 08-23-16



PARKING ANALYSIS FOR 12230 COIT ROAD IN DALLAS, TEXAS

Prepared for:

Gary A. Horn

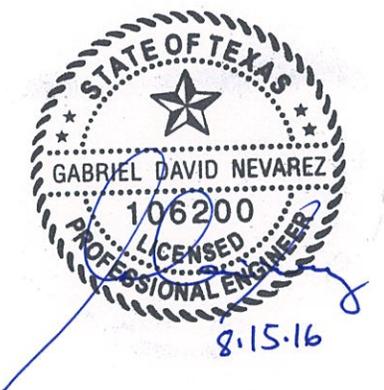
Mohr Capital
14643 Dallas Parkway, Suite 1000
Dallas, Texas 75254

Prepared by:

DeShazo Group, Inc.

400 South Houston Street
Suite 330 • Union Station
Dallas, Texas 75202
Phone (214) 748-6740

August 9, 2016



Traffic. Transportation Planning. Parking. Design.

Texas Registered Firm – 3199

DeShazo #16103

Parking Analysis for
12230 Coit Road
in Dallas, Texas
DeShazo Project No. 16103
---◇---

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COde Parking Requirement	1
ON-SITE PARKING OBSERVATIONS	2
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CONCLUSION	3
PARKING SPECIAL EXCEPTION REQUEST	4

TECHNICAL MEMORANDUM

To: Mr. Gary A. Horn — Mohr Capital
From: David Nevarez, P.E. — *DeShazo Group, Inc.*
Date: August 9, 2016
Re: **Parking Analysis for 12230 Coit Road in Dallas, Texas**
DeShazo Project No. 16103

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis. The services of DeShazo were retained by Mohr Capital (Client) to study the parking provisions for an existing medical office building located at 12230 Coit Road in Dallas, Texas.

The subject property is zoned as mixed use (MU-3) district and subject to the off-street parking requirements established in the City of Dallas Development Code. The property includes a two-story building with approximately 33,196 square feet of gross building area. All current tenants are classified as medical clinic or ambulatory surgical center use. This report presents a summary of a technical evaluation of the parking needs for the existing use and recommended on-site parking supply.

PURPOSE

Findings of this study are intended to provide the basis for a Parking Special Exception request to reduce the direct City of Dallas Code parking requirement. This memorandum summarizes the code parking requirement and the projected parking demand based upon field observations. Recommendations are also supported by published national technical data and DeShazo's professional judgment and experience from prior parking studies.

PARKING SUPPLY

DeShazo commissioned a field-verified inventory of the existing parking supply. The subject property currently provides 156 off-street parking spaces with approximately 50% compact spaces. In order to comply with City Code, DeShazo prepared a proposed layout with 150 off-street parking spaces, including no more than 28 compact stalls (or 19% of the total proposed supply).

CODE PARKING REQUIREMENT

The study site is currently zoned MU-3 and subject to direct application of the Dallas Development Code §51A. The parking requirement for medical office is *one space per 200 square feet*.

Table 1. City Code Parking Requirement Summary

USE	CITY OF DALLAS DEVELOPMENT CODE	AMOUNT	PARKING CODE RATE (1 space per)	REQUIRED PARKING
Medical Office	4.207 (4)(C)	33,196 SF	200 SF	166.0
TOTAL:		33,196 SF		166 spaces

As shown in **Table 1**, 166 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code.

DeShazo acknowledges that City Code requirements do establish standards for the functional design of efficient parking facilities, thus reducing congestion and minimizing external effects on neighboring land uses, as stated in the *City of Dallas Development Code*. However, based upon DeShazo’s professional experience in the analysis of parking demands, the operational characteristics and, consequently, parking needs of medical-related land uses have evolved in the recent years. Therefore, there is merit in examining the parking demand for this specific property.

ON-SITE PARKING OBSERVATIONS

DeShazo conducted on-site parking accumulation counts on Thursday, August 4 and Tuesday, August 9, 2016. Field observations consisted of hourly parking counts from 9:00 am to 12:00 pm during typical peak hours as determined by published data. The property owner also confirmed a 100% building occupancy at the time of these observations. DeShazo’s parking accumulation counts show a maximum parking demand of 94 vehicles at 12230 Coit Road. Detailed data are provided in the Appendix.

PUBLISHED DATA

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

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Furthermore, DeShazo has conducted numerous parking accumulation studies of existing medical office developments in the Dallas-Fort Worth over several years. The actual peak parking demand for medical office uses in urban areas has been studied on numerous occasions. As with the ITE studies, data have consistently found parking demands lower than the default *one space per 200 square feet* at peak times. A graphical summary of these findings is provided in the Appendix.

CONCLUSION

This study summarizes the code parking requirement and the actual parking needs for an existing 33,196-SF medical office use located at 12230 Coit Road in Dallas, Texas. Based upon application of the standard parking requirements from the City of Dallas Development Code Chapter §51A, 166 parking spaces would typically be required for the development. However, a parking requirement reduction is supported based upon published parking demand characteristics as well as anecdotal experience from similar developments in the Dallas-Fort Worth area.

A proposed parking supply of 150 spaces will reduce the number of compact spaces and result in a parking deficit. As a result of this discrepancy, the owner is requesting a Parking Special Exception of 16 parking spaces, or a 9.6% reduction from the default requirement. Table 3 summarizes the results of the analysis outlined in this memorandum. A graphical summary is provided in the Appendix.

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Proposed Parking Supply	150	90%

The objective of this memorandum was to provide technical support for a proposed Parking Special Exception. Based upon the results of this technical analysis, professional judgment and experience from similar parking studies, DeShazo recommends approval of the 16-space Parking Special Exception.

PARKING SPECIAL EXCEPTION REQUEST

A Parking Special Exception is requested from the City of Dallas Board of Adjustment. Based upon findings of this analysis, 150 spaces (i.e., 9.6% reduction) will satisfy the parking needs for the medical office use at 12230 Coit Road, Dallas, Texas. A reduction of 16 required spaces is warranted based upon the following considerations as specified in the Dallas Development Code §51A-4.2(a)(2):

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

The parking reduction is fully a function of specific parking demand characteristics for the medical office building a lower-than-expected parking demand. This analysis does not rely upon remote or packed parking.

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

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

The subject site is zoned MU-3. This request is based upon the subject site's independent projected parking demands and not upon any special zoning adjustments.

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

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

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

The site is located approximately three miles from Dallas Area Rapid Transit (DART) Rail System's Red and Orange Line LBJ/Central Station. DART public transit Bus Route 360 is also within convenient walking distance. However, transit is not considered a factor in the justification of a parking reduction.

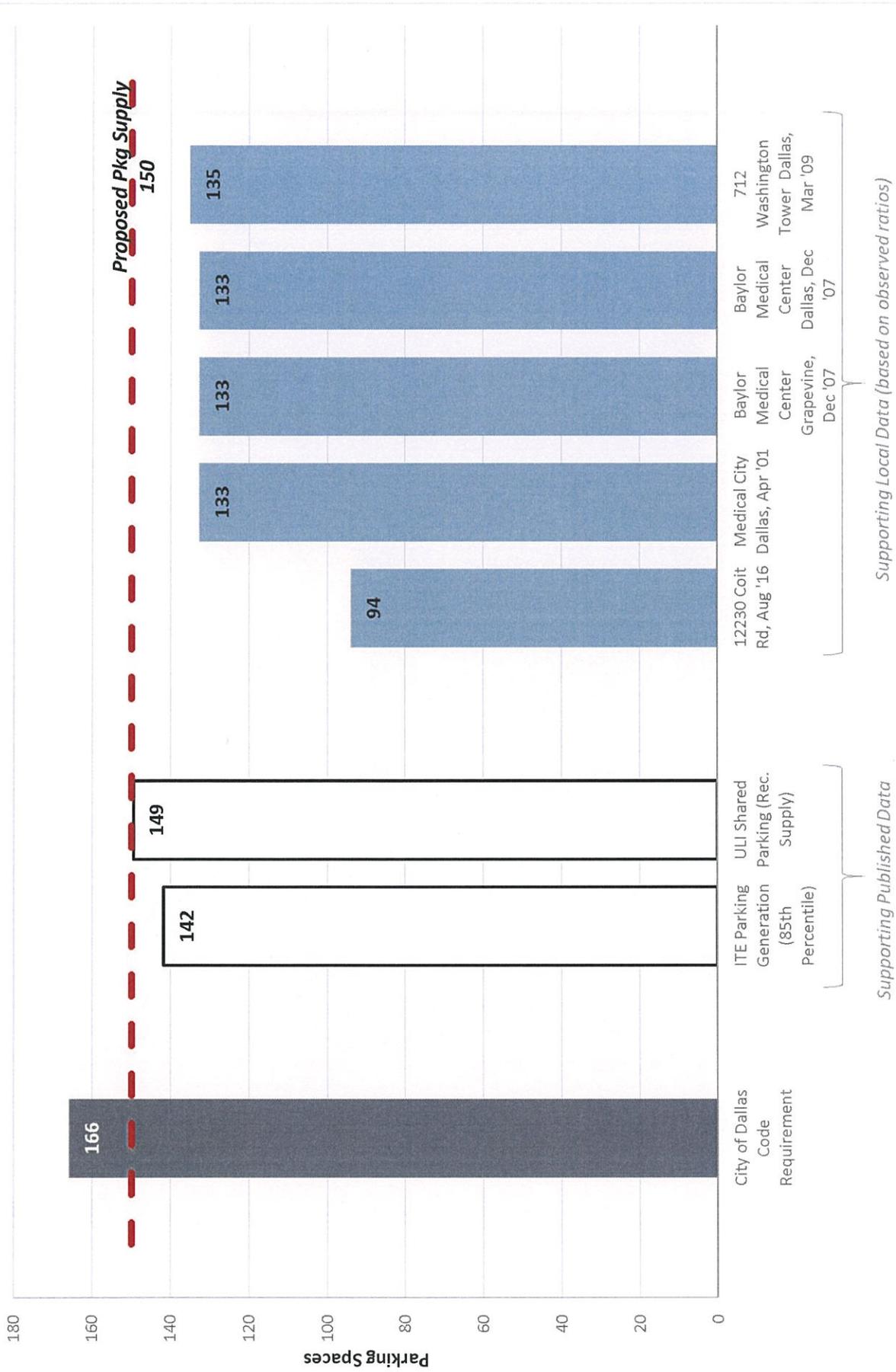
- (F) *The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

The parking reduction is justified by specific parking demand characteristics for the medical office building. No other parking mitigation measure is considered significant in the evaluation of the property's parking needs.

In summary, DeShazo recommends approval of a 16-space reduction to authorize the proposed layout with 150 off-street parking spaces and up to 19% compact parking. The requested parking reduction will neither create a traffic hazard nor restrict the subject property parking operations. It is also presumed that it is in the best interest of the property owner to provide an appropriate parking environment for their tenants.

END OF MEMO

Parking Analysis Summary for 12230 Coit Road



APPENDIX

Land Use: 720

Medical-Dental Office Building

Description

A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. Clinic (Land Use 630) is a related use.

Database Description

The database consisted of a mix of urban and suburban sites. Parking demand rates at the suburban sites were similar to those at urban sites and, therefore, the data were combined and analyzed together.

- Average parking supply ratio: 4.0 spaces per 1,000 square feet (sq. ft.) gross floor area (GFA) (77 study sites).

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<i>Based on Vehicles per 1,000 sq. ft. GFA</i>	<i>Weekday</i>	
	<i>Percent of Peak Period</i>	<i>Number of Data Points*</i>
Hour Beginning		
12:00-4:00 a.m.	-	0
5:00 a.m.	-	0
6:00 a.m.	-	0
7:00 a.m.	18	2
8:00 a.m.	64	3
9:00 a.m.	85	17
10:00 a.m.	100	19
11:00 a.m.	100	19
12:00 p.m.	88	19
1:00 p.m.	81	19
2:00 p.m.	90	18
3:00 p.m.	93	18
4:00 p.m.	86	17
5:00 p.m.	52	11
6:00 p.m.	63	1
7:00 p.m.	-	0
8:00 p.m.	-	0
9:00 p.m.	-	0
10:00 p.m.	-	0
11:00 p.m.	-	0

* Subset of database

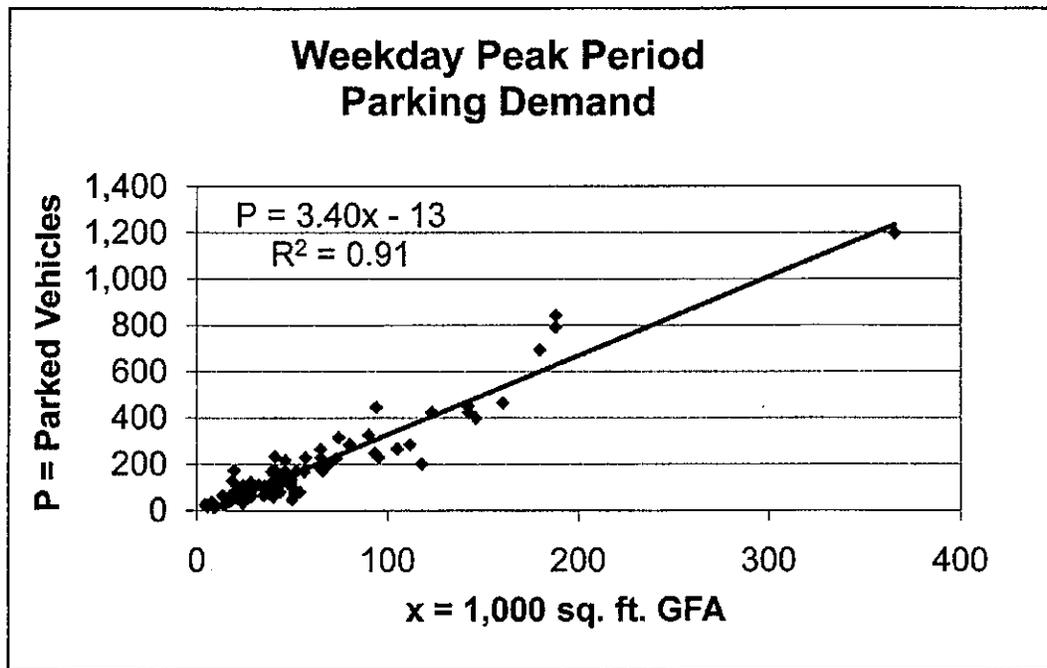
Future studies should include data on the number of doctors working at a study site.

Land Use: 720

Medical-Dental Office Building

Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA
On a Weekday

Statistic	Peak Period Demand
Peak Period	10:00 a.m.–12:00 p.m.; 2:00–3:00 p.m.
Number of Study Sites	86
Average Size of Study Sites	57,000 sq. ft. GFA
Average Peak Period Parking Demand	3.20 vehicles per 1,000 sq. ft. GFA
Standard Deviation	1.22
Coefficient of Variation	38%
95% Confidence Interval	2.94–3.46 vehicles per 1,000 sq. ft. GFA
Range	0.96–5.65 vehicles per 1,000 sq. ft. GFA
85th Percentile	4.27 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.68 vehicles per 1,000 sq. ft. GFA



◆ Actual Data Points

— Fitted Curve/Average Rate

Table 2-2 Summary of Recommended Base Parking Ratios (Spaces per Unit Land Use)

Land Use	Weekday		Weekend		Unit	Source
	Visitor	Employee	Visitor	Employee		
Community Shopping Center (<400,000 sq. ft.)	2.9	0.7	3.2	0.8	/ksf GLA	1
Regional Shopping Center (400,000 to 600,000 sq. ft.)	Sliding scale between 400,000 and 600,000 sq. ft.				/ksf GLA	1
Super Regional Shopping Center (>600,000 sq. ft.)	3.2	0.8	3.6	0.9	/ksf GLA	1
Fine/Casual Dining	15.25	2.75	17.0	3.0	/ksf GLA	2, 3
Family Restaurant	9.0	1.5	12.75	2.25	/ksf GLA	3
Fast-Food Restaurant	12.75	2.25	12.0	2.0	/ksf GLA	2
Nightclub	15.25	1.25	17.5	1.5	/ksf GLA	3
Active Entertainment	Custom to each tenant					
Cineplex	0.19	0.01	0.26	0.01	/seat	3, 2
Performing Arts Theater	0.3	0.07	0.33	0.07	/seat	2
Arena	0.27	0.03	0.3	0.03	/seat	3
Pro Football Stadium	0.3	0.01	0.3	0.01	/seat	3
Pro Baseball Stadium	0.31	0.01	0.34	0.01	/seat	3
Health Club	6.6	0.4	5.5	0.25	/ksf GFA	3, 4
Convention Center	5.5	0.5	5.5	0.5	/ksf GLA	3
Hotel—Business	1.0	0.25	0.9	0.18	/room	2, 3
Hotel—Leisure	0.9	0.25	1.0	0.18	/room	2, 3
Restaurant/Lounge	10.0	—	10.0	—	/ksf GLA	2, 3, 5
Conference Center/Banquet (20 to 50 sq. ft./guest room)	30.0	—	30.0	—	/ksf GLA	2, 3, 5
Convention Space (>50 sq. ft./guest room)	20.0	—	10.0	—	/ksf GLA	2, 3, 5
Residential, Rental	0.15	1.5 ²	0.15	1.5 ²	/unit	2
Residential, Owned	0.15	1.7 ²	0.15	1.7 ²	/unit	2
Office (<25,000 sq. ft.)	0.3	3.5	0.03	0.35	/ksf GFA	2
Office (25,000 to 100,000 sq. ft.) Sliding scale between					/ksf GFA	2
25,000 sq. ft.:	0.3	3.5	0.03	0.35		
100,000 sq. ft.:	0.25	3.15	0.03	0.32		
Office (100,000 to 500,000 sq. ft.) Sliding scale between					/ksf GFA	2
100,000 sq. ft.:	0.25	3.15	0.03	0.32		
500,000 sq. ft.:	0.2	2.6	0.02	0.26		
Office >500,000 sq. ft.	0.2	2.6	0.02	0.26	/ksf GFA	2
Data Processing Office	0.25	5.75	0.03	0.58	/ksf GFA	2, 3
Medical/Dental Office	3.0	1.5	3.0	1.5	/ksf GFA	2, 3
Bank, Branch with Drive-in	3.0	1.6	3.0	1.6	/ksf GFA	2

Notes

Ratios based on peak parking spaces required with virtually 100% auto use and typical ridesharing for suburban conditions.

¹ /ksf = per thousand sq. ft.

² 1.0 spaces reserved for residents' sole use, 24 hours a day, remainder shared with visitors and other uses.

Sources:

1. *Parking Requirements for Shopping Centers*, 2nd ed. (Washington, D.C.: ULI—the Urban Land Institute, 1999).
2. *Parking Generation*, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).
3. Data collected by team members.
4. John W. Dorsett, "Parking Requirements for Health Clubs," *The Parking Professional*, April 2004.
5. Gerald Salzman, "Hotel Parking: How Much Is Enough?" *Urban Land*, January 1988.

Observed Parking Demand Summary:

12230 Coit Road
Dallas, Texas 75251
DeShazo Project No. 16103



- Gross Building Area: 33,196 SF (16,598 SF x 2 floors)
- Land Use: Mixed Use (MU-3)
- Tenant Occupancy: 100% at time of study
- Date of Field Observation: August 4, 2016
- Existing Parking Supply: 156 spaces (surface and garage)
- Observed Parking Demand:

TIME	OBSERVED DEMAND	OBSERVED PEAK DEMAND RATE*
10:00 AM	94 veh.	2.83 spaces/kGSF (or, 1 space per 353 GSF)
11:00 AM	89 veh.	
12:00 PM	90 veh.	

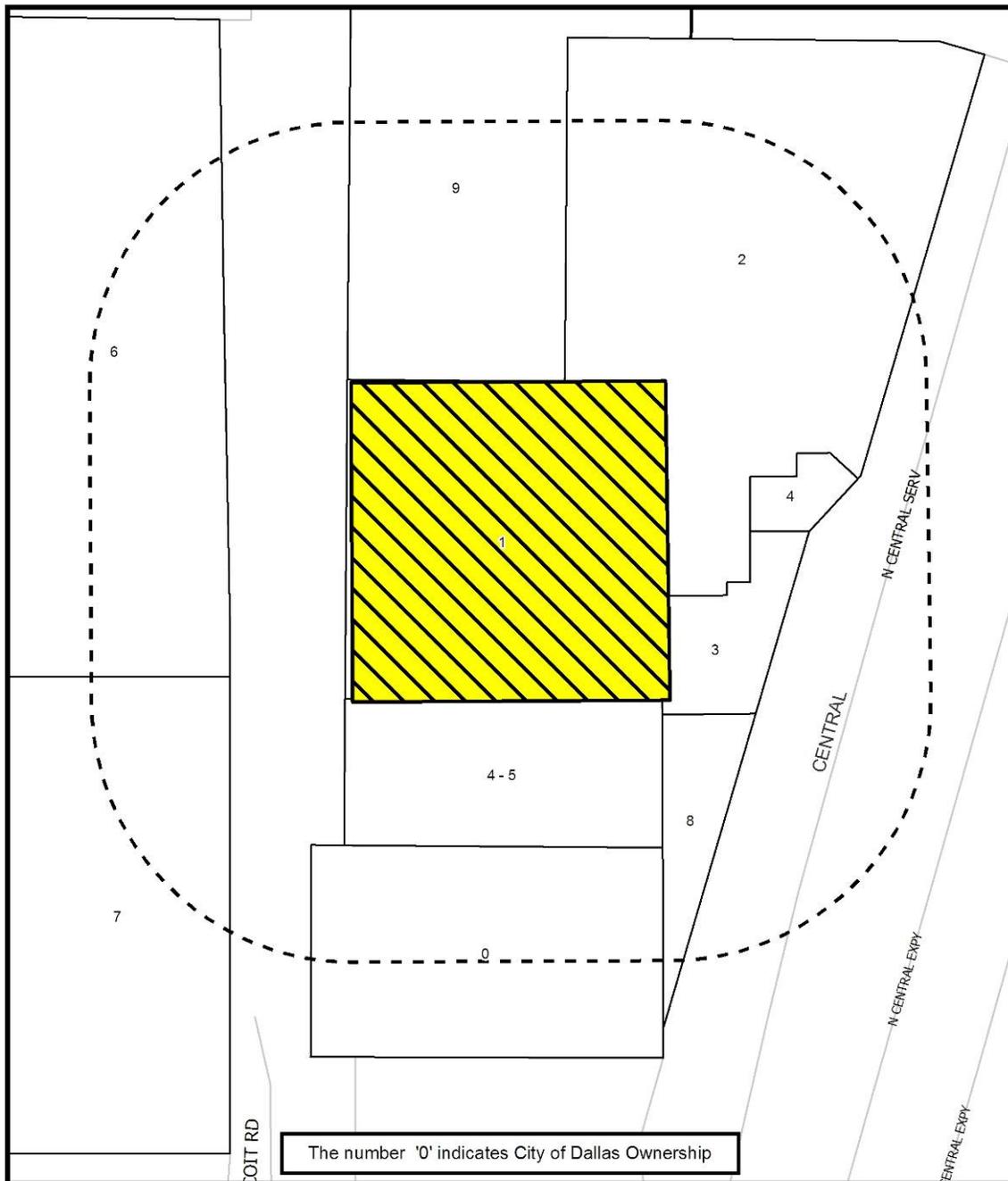
*Reflects current building occupancy.

Calculation:

$$\text{Observed Demand Rate} = \frac{\text{Observed Parking Demand}}{\text{Gross Building Area} \times \text{Occupancy}} \times 1,000$$

Conversions:

$$1 \text{ space per } \#\# \text{ GSF} = \frac{1,000}{\text{XX spaces per thousand GSF}}$$



 1:1,200	NOTIFICATION		Case no: BDA156-102
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 9/23/2016	

Notification List of Property Owners

BDA156-102

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	12230 COIT RD	COIT MEDICAL LLC
2	12301 N CENTRAL EXPY	JALARAM HOTEL LLC
3	12200 N CENTRAL EXPY	NSX PROPTERTIES LLC
4	12200 N CENTRAL EXPY	NSX PROPERTIES LLC
5	12222 COIT RD	NSX PROPERTIES LLC
6	12271 COIT RD	DALLAS TX 1 SENIOR PROPERTY LLC
7	12324 MERIT DR	AIKBA /YAVNEH CAMPUS INC
8	12200 N CENTRAL EXPY	NSX PROPERTIES LL C
9	12400 COIT RD	AMERICAN NATL INS CO

FILE NUMBER: BDA156-087(SL)

BUILDING OFFICIAL'S REPORT: Application of Toby Gray for special exceptions to the fence height and visual obstruction regulations at 611 Largent Avenue. This property is more fully described as Lots 1, 2, and part of Lot 9, Block C/2777, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 611 Largent Avenue

APPLICANT: Toby Gray

REQUESTS:

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

1. A request for a special exception to the fence height regulations of up to 4' is made to maintain an existing cedar board-on-board fence (ranging from 5' 6" – 8' in height given grade changes on the property) in the site's Junius Street 30' front yard setback.
2. Requests for special exceptions to the visual obstruction regulations are made to maintain the aforementioned solid cedar board-on-board fence in the two, 20' visibility triangles on the both sides of the driveway into the site from Junius Street.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION (fence height):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Denial

Rationale:

- Staff concurred with the Sustainable Development and Construction Department Project Engineer who recommends denial of these requests stating that the fence encroachment into the visibility triangles creates a safety hazard to pedestrian traffic, and that the applicant's convex mirrors do not provide an equivalent reliable zone of visibility as compared to if no obstruction occurred in the first place.
- The applicant had not substantiated how the location and maintenance of a 5' 6" – 8' cedar board-on-board fence in the two 20' drive approach visibility triangles into the site from Junius Street does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: R-10(A) (Single family district 10,000 square feet)
West: PD 397 (Planned Development)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence height):

- This request for a special exception to the fence height regulations of up to 4' focuses on maintaining an existing cedar board-on-board fence (ranging from 5' 6"– 8' in height given grade changes on the property) in the site's Junius Street 30' front yard setback.
- The subject site is zoned R-10(A) which requires a minimum front yard setback of 30'.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located at the south corner of Largent Avenue and Junius Street.
- Given the single family zoning and location of the corner lot subject site, it has two 30' front yard setbacks – a front yard setback along Largent Avenue (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Junius Street, (the longer of the two frontages which is typically considered a side yard where on this R-10(A) zoned property a 9' high fence could be erected by right). However the site has a front yard setback along Junius Street in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the southwest “front” on Junius Street.
- A scaled site plan and fence elevations have been submitted indicating a fence proposal that will reach 8' in height in the 30' Junius Street front yard setback.
- The submitted site plan represents only a fence to exceed 4' in height in the Junius Street front yard setback and not into the site's Largent Avenue front yard setback.
- The following information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 110' in length parallel to the Junius Street, and approximately 30' in length perpendicular to this street on the northeast and southwest sides of the site in this front yard setback.
 - The proposal is represented as being located mostly on the Junius Street front property line or approximately 11' from the pavement line. (Note that a small portion/length of the fence is noted to be located in the public right-of-way. While the site plan denotes “area of possible right-of-way widening (no documentation provided)”, the request to the board of adjustment for the special exception to the fence height regulations will not remedy or address any portion of any item that is located in a right-of-way or easement. Any item located in a public right-of-way or easement will require a license from City Council or written approval by the agencies having interest in the easement).
- The proposal is located across from a properties developed with a nonresidential uses with no fence in the front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area along Junius Street (approximately 200' northeast and southwest of the subject site) and noted a no other fences that appeared to be above 4' in height in front yards.
- As of October 7th , 2016, three letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception request of 4' with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4' in height in the Junius Street front yard setback to be maintained in the location and of the heights and material as shown on these documents.
- Note that no part of this application to the Board will provide any relief to any item that may be located in a public right-of-way or easement.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- These requests for special exceptions to the visual obstruction regulations focus on maintaining an existing cedar board-on-board fence (ranging from 5' 6" – 8' in height given grade changes on the property) in the two, 20' visibility triangles on the both sides of the driveway into the site from Junius Street.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a site plan and elevations representing a solid cedar fence (ranging from 5' 6" – 8' in height given grade changes on the property) in the two, 20' visibility triangles on the both sides of the driveway into the site from Junius Street.
- The proposal is represented as being located mostly on the Junius Street front property line or approximately 11' from the pavement line. (Note that a small portion/length of the fence is noted to be located in the public right-of-way. While the site plan denotes "area of possible right-of-way widening (no documentation provided)", the request to the board of adjustment for the special exception to the visual obstruction regulations will not remedy or address any portion of any item that is located in a right-of-way or easement. (Any item located in a public right-of-way or easement will require a license from City Council or written approval by the agencies having interest in the easement).
- On September 7th, the Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" with the following additional comment: "The fence encroachment into the visibility triangle creates a safety hazard to pedestrian traffic".
- On October 6th, the Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" with the following additional comment: "The fence encroachment into the visibility triangle creates a safety hazard to pedestrian traffic. The applicant's convex mirrors do not provide an equivalent reliable zone of visibility as compared to if no obstruction occurred in the first place".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain an existing cedar board-on-board fence (ranging from 5' 6" – 8' in height given grade changes on the property) in the two, 20' visibility triangles on the both sides of the driveway into the site from Junius Street do not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted site plan and elevations would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents.

- Note that no part of this application to the Board will provide any relief to any item that may be located in public right-of-way or easement.

Timeline:

- May 10, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 4, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 5, 2016: 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 August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 6, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- September 7, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Recommends that this be denied” with the following additional comment: “The fence encroachment into the visibility triangle creates a safety hazard to pedestrian traffic”.
- September 9, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A). Note that this information was not factored into the staff recommendation suggested to the Board in September

since it was submitted after the September 6th staff review team meeting.

September 20, 2016: The Board of Adjustment Panel A conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on October 18, 2016.

September 22, 2016: The Board Administrator wrote the applicant a letter that provided the board's action; and the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials. (Note that the applicant has not submitted any additional documents from what was presented before/at the September 20th public hearing).

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

October 6, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" with the following additional comment: "The fence encroachment into the visibility triangle creates a safety hazard to pedestrian traffic. The applicant's convex mirrors do not provide an equivalent reliable zone of visibility as compared to if no obstruction occurred in the first place".

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 20, 2016

APPEARING IN FAVOR: Toby Gray, 611 Largent Ave, Dallas, TX
Collin O'Hara, 611 Largent Ave., Dallas, TX

APPEARING IN OPPOSITION: Donna Lake, 6216 Junius St., Dallas, TX
Joel Bozath, 6216 Junius St., Dallas, TX

MOTION: Agnich

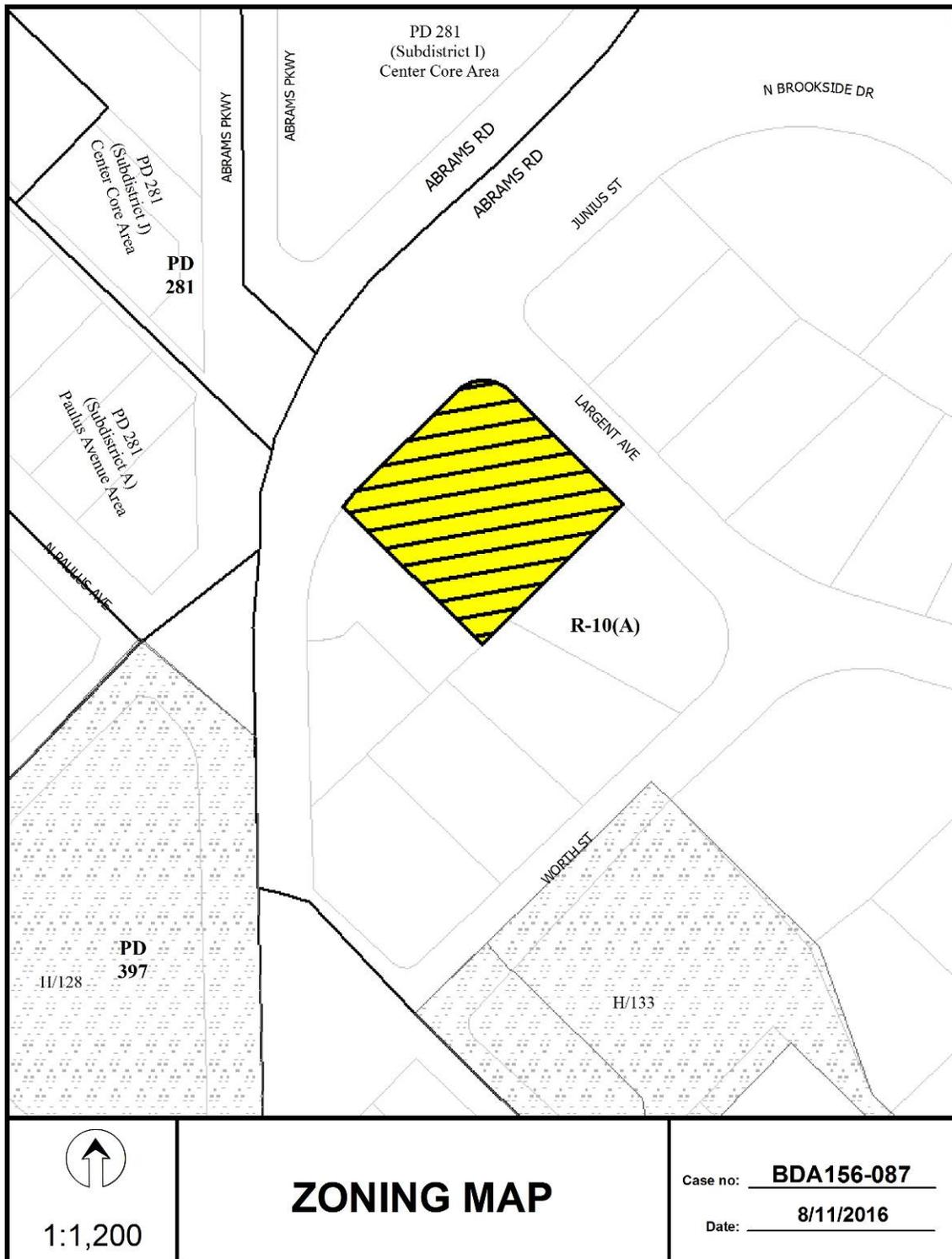
I move that the Board of Adjustment in Appeal No. **BDA 156-087**, hold this matter under advisement until **October 18, 2016**.

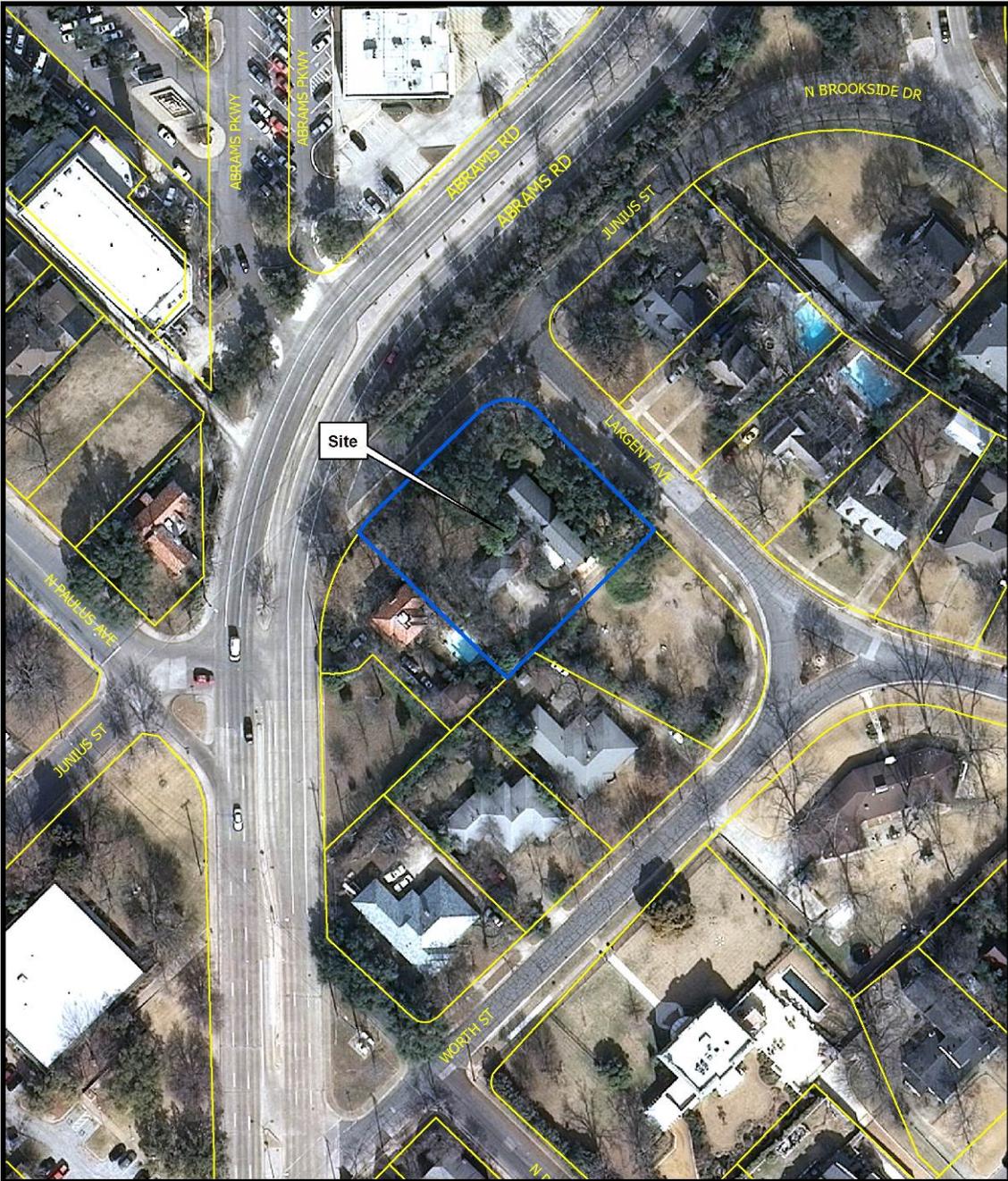
SECONDED: **Sibley**

AYES: 4 – Gibson, Nelson, Agnich, Sibley

NAYS: 0

MOTION PASSED: 4 – 0 (unanimously)





1:1,200

AERIAL MAP

Case no: BDA156-087

Date: 8/11/2016

Long, Steve

BDA156-087
Attach A

From: Toby Gray <tobygray5@gmail.com>
Sent: Friday, September 09, 2016 9:13 AM
To: Long, Steve
Subject: Re: BDA156-087, Property at 611 Largent Avenue

pg 1

The provided attachment shows the following items:

1. Images taken from street view of Google maps of Junius street in June of 2014 and the corner of Junius and Largent in May of 2015. These images are included for comparison with the current images in order to show the condition of the property line along Junius and visibility along the property line prior to the construction of the fence.
2. Emails from the neighbors at 614, 618/622, and 626 Largent indicating that they have no objections to the fence.
3. Diagrams of convex mirrors we are adding to the fence post at each side of the driveway in order to provide for pedestrians on the sidewalk to have increased visibility of the driveway when the gate is open.

Thank you,
Toby Gray

On Fri, Sep 9, 2016 at 7:08 AM, Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Dr. Gray,

I printed your attachment but I'm wondering if you want to "cover" the attachment with a letter or email that says what the attachment is – particularly an explanation of what the last two pages are – pages that show the convex mirrors. While one may deduce certain things from these elevations, it may be easy for you to do a very quick explanation as to what those elevations are – I have reason to believe they are convex mirrors that you are offering to install on your property at the Junius Street driveway. Are they?

If I don't have anything else from you by 1 o'clock today, I will just go with what you have sent me.

Thank you,

Steve

From: Toby Gray [mailto:tobygray5@gmail.com]
Sent: Thursday, September 08, 2016 8:55 PM
To: Long, Steve
Subject: Re: BDA156-087, Property at 611 Largent Avenue

BDA 156-087
Attach A
p 2

Gmail - Fw: fence at 611 Largent Ave

9/8/16, 7:40 PM



Toby Gray <tobygray5@gmail.com>

Fw: fence at 611 Largent Ave

Toby Gray <tobygray5@gmail.com>
To: "Long, Steve" <steve.long@dallascityhall.com>

Wed, Sep 7, 2016 at 2:58 PM

Email from 614 Largent

----- Forwarded message -----

From: **Collin OHara** <cjw0918@yahoo.com>
Date: Tue, Sep 6, 2016 at 2:00 PM
Subject: Fw: fence at 611 Largent Ave
To: Toby Gray <tobygray5@gmail.com>

On Saturday, August 27, 2016 12:19 PM, Jim Lindsley <wpjim@sbcglobal.net> wrote:

Collin, I am Kandace Lindsey and my husband, Jim, and I live at 614 Largent; the red brick house across the street from you. We will agree to anything you want to do, so you have our permission to finish your house and yard however you see fit. I know you are so busy, but if you ever have a few minutes I would love to meet you and your boys. I have 7 grandchildren...all girls! Sorry this is so late, but welcome to our wonderful neighborhood!

Sent from my iPhone

On Aug 27, 2016, at 12:07 PM, Collin OHara <cjw0918@yahoo.com> wrote:

Hi Jim,

I'm Collin O'Hara and my husband Toby Gray and I live at 611 Largent (Mr. Alford's old house) with our two young boys. As you may have seen the signs in our yard, we are in the process of obtaining permission to keep our fence along Junius street (the northwest side of our house) the way it is. I wanted to reach out to you and ask you if you have any objections to this. The builder did not obtain the proper permit to build at that fence height along that side of the house, so that is why we are doing this now. Please let me know if this is ok with you or if you have concerns. I would have come to your door and asked you directly, but I didn't want to catch you at a bad time or put you on the spot.

Also, I apologize for all of the pool/backyard construction that has been prolonged. Several rain delays have pushed the project way behind schedule. So sorry for any inconvenience this has caused.

BDA156-087

Attach A

P53



Toby Gray <tobygray5@gmail.com>

Fw: fence at 611 Largent

Toby Gray <tobygray5@gmail.com>
To: "Long, Steve" <steve.long@dallascityhall.com>

Wed, Sep 7, 2016 at 2:59 PM

Email from 618 Largent which includes response from 622 Largent

----- Forwarded message -----
From: **Collin OHara** <cjw0918@yahoo.com>
Date: Tue, Sep 6, 2016 at 1:59 PM
Subject: Fw: fence at 611 Largent
To: Toby Gray <tobygray5@gmail.com>

On Saturday, August 27, 2016 3:40 PM, Ed Cloutman <ecloutman@lawoffices.email> wrote:

Hi, Collin-

This is Ed Cloutman across the street at 618 Largent.

In response to your e-mail and the fence height issue before the City's Board of Adjustment, my wife, Betsy Julian, and I have no objection to the fence height along Junius, and especially so because it faces a cul-de-sac and then tapers back and down as it joins the back fence paralleling Abrams Road.

I just mentioned this to Gill (H. Gill-King) at 622 Largent, and he authorized me to indicate our position as his view on the fence height. I don't know whether you need this stated by him directly or not (you know, the pesky hearsay problem).

On the pool construction, we all understand the delays and hassles of pool construction and maintenance, as both our homes have them. Not to worry about this temporary issue, as you two and your boys will enjoy the heck out of the pool as they grow up.

Ed, Betsy and Gill.

Sent from my iPhone

On Aug 27, 2016, at 12:11 PM, Collin OHara <cjw0918@yahoo.com> wrote:

Hi Ed,

I'm Collin O'Hara and my husband Toby Gray and I live at 611 Largent (Mr. Alford's old house) with our two young boys. As you may have seen the signs in our yard, we are in the process of obtaining permission to keep our fence along Junius street (the northwest side of our house) the way it is. I wanted to reach out to you and ask you if you have any objections to this. The builder did not obtain the proper permit to build at that fence height along that side of the house, so that is why we are doing this now. Please let me know if this is ok with you or if you have concerns. I would have come to your door and asked you directly, but I didn't want to catch you at a bad time or put you on the spot.

Also, I apologize for all of the pool/backyard construction that has been prolonged. Several rain delays have pushed the project way behind schedule. So sorry for any inconvenience this has caused.

Thank you,
Collin O'Hara
214-923-9584

BDA56-087
Attach A
PS 4

Gmail - Fw: fence at 611 Largent

9/8/16, 7:44 PM



Toby Gray <tobygray5@gmail.com>

Fw: fence at 611 Largent

Toby Gray <tobygray5@gmail.com>
To: "Long, Steve" <steve.long@dallascityhall.com>

Wed, Sep 7, 2016 at 3:01 PM

Email from 626 Largent

----- Forwarded message -----
From: **Collin OHara** <cjw0918@yahoo.com>
Date: Tue, Sep 6, 2016 at 2:00 PM
Subject: Fw: fence at 611 Largent
To: Toby Gray <tobygray5@gmail.com>

On Sunday, August 28, 2016 10:50 AM, Jeff Stroh <JStroh@aguirreroden.com> wrote:

We don't have an issue with the fence

Sent from my iPhone

On Aug 27, 2016, at 12:17 PM, Collin OHara <cjw0918@yahoo.com> wrote:

Hi Jeff,

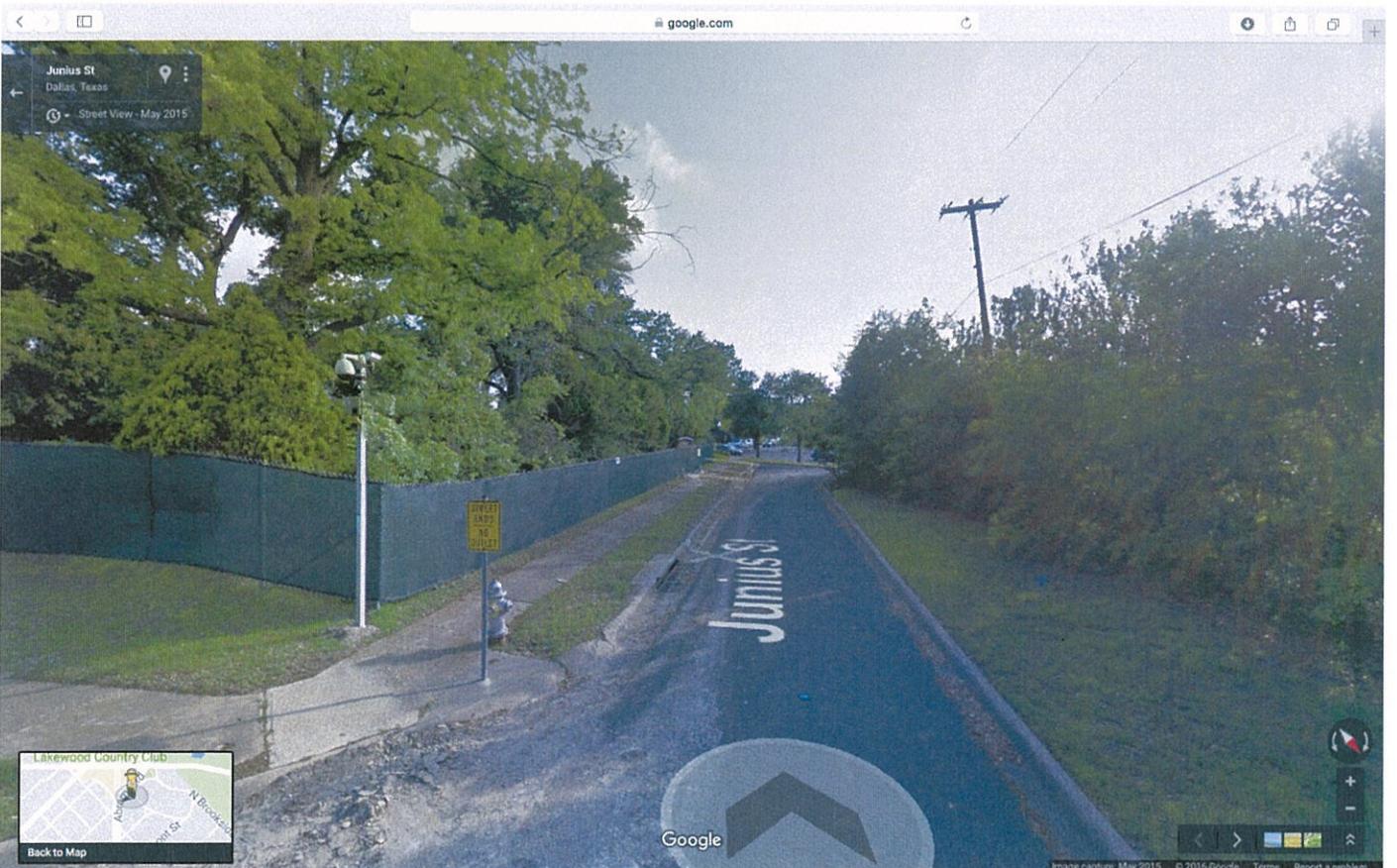
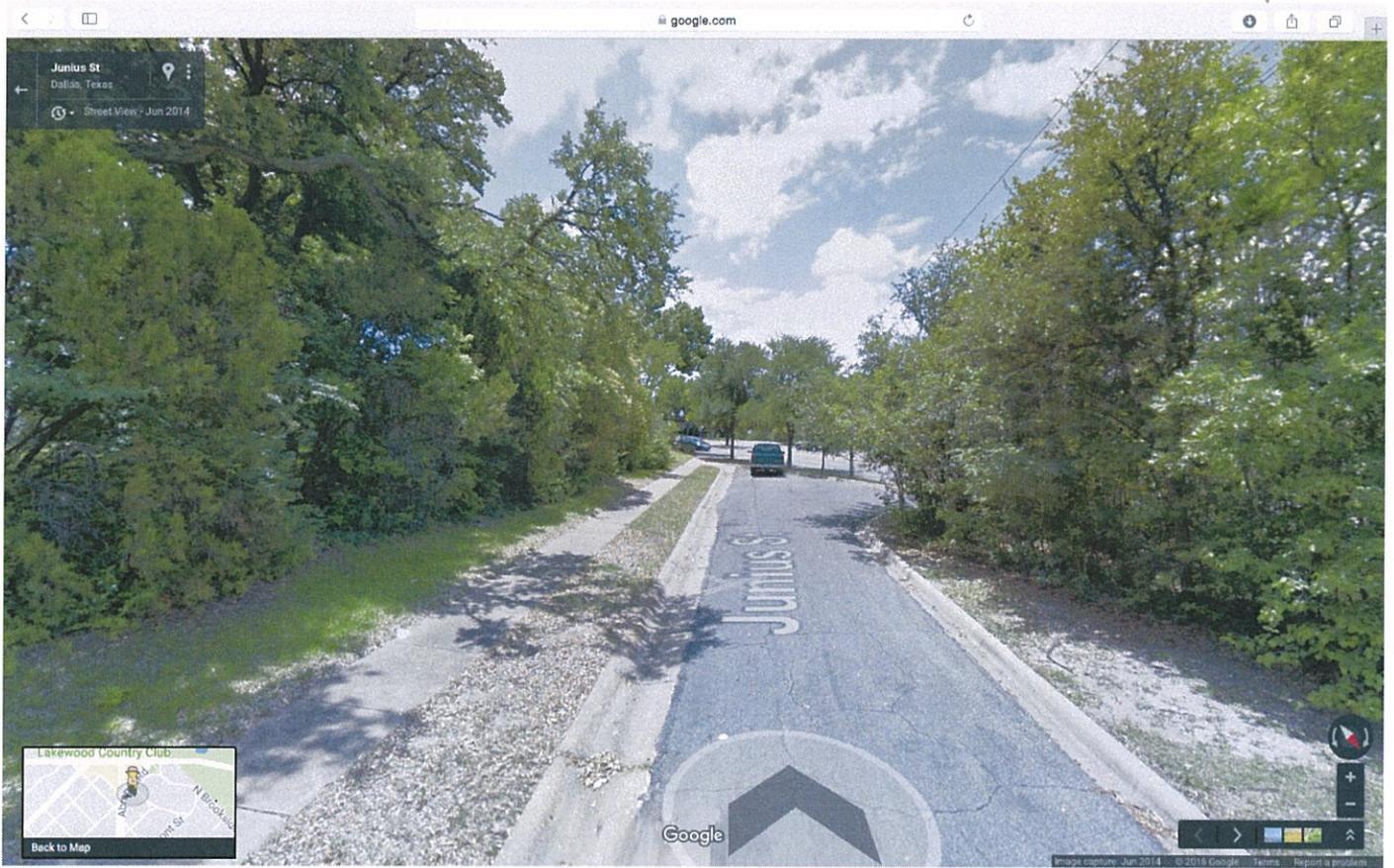
As you may have seen the signs in our yard, we are in the process of obtaining permission to keep our fence along Junius street (the northwest side of our house) the way it is. I wanted to reach out to you and ask you if you have any objections to this. The builder did not obtain the proper permit to build at that fence height along that side of the house, so that is why we are doing this now. Please let me know if this is ok with you or if you have concerns. I would have come to your door and asked you directly, but I didn't want to catch you at a bad time or put you on the spot.

Thank you,
Collin O'Hara
[214-923-9584](tel:214-923-9584)

<https://mail.google.com/mail/u/0/?ui=2&ik=d4bad646bc&view=pt&search=inbox&msg=157063d877817dbc&dsqt=1&siml=157063d877817dbc>

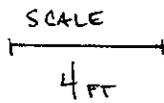
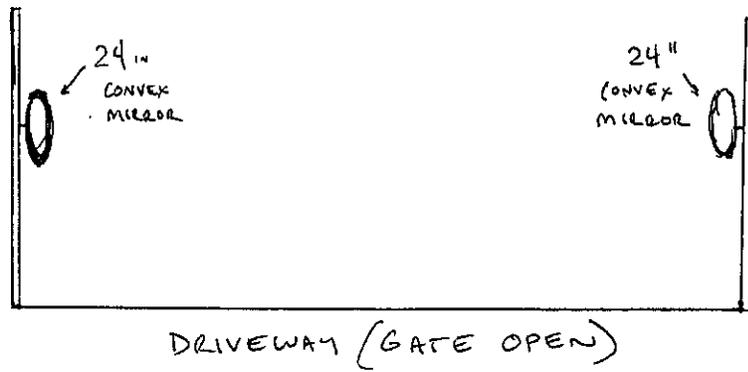
Page 1 of 1

BDA156-087
Attach A pgs

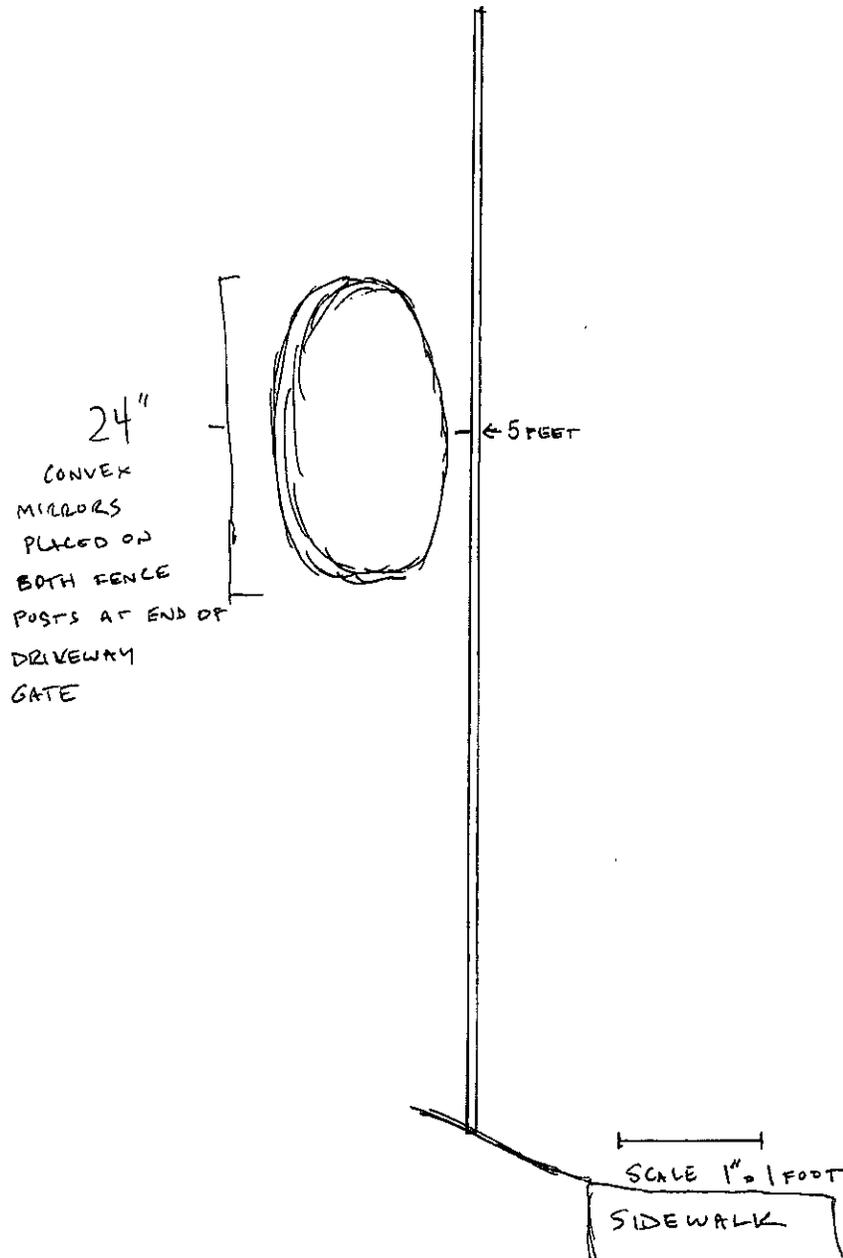


BDA 156-087
ATTACH A
P. 6

CONVEX MIRROR ADDITION



CONVEX MIRROR ADDITION





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-087

Data Relative to Subject Property:

Date: 5/10/16

Location address: 611 LARGENT AVE Zoning District: R-10(A)

Lot No.: 42 ^{PORTION} Block No.: C/2777 Acreage: 0.596 Census Tract: 13.01

Street Frontage (in Feet): 1) 145.82' 2) ~~22.41'~~ 3) 145.04' 4) _____ 5) 5024

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): TOBY GRAY AND COLIN O'HARA

Applicant: TOBY GRAY Telephone: 214-927-9155

Mailing Address: 611 LARGENT AVE, DALLAS TX Zip Code: 75214

E-mail Address: tobygray5@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of 4 FEET OF FENCING FOR A FRONT YARD PLACEMENT OF FENCE IN A VISIBILITY TRIANGLE AT DRIVEWAY.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
FENCE IS PRESENT ALONG DEAD END STREET WITH ONLY THE DRIVEWAY ACCESSIBLE FROM JUNIUS ROAD, AND DOES NOT CAUSE VISUAL OBSTRUCTION FOR PEDESTRIAN OR MOTOR TRAFFIC. FENCE WAS IN PLACE PRIOR TO PURCHASE OF PROPERTY.

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

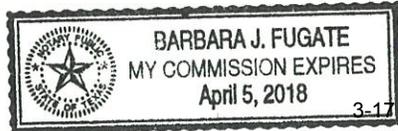
Affidavit

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

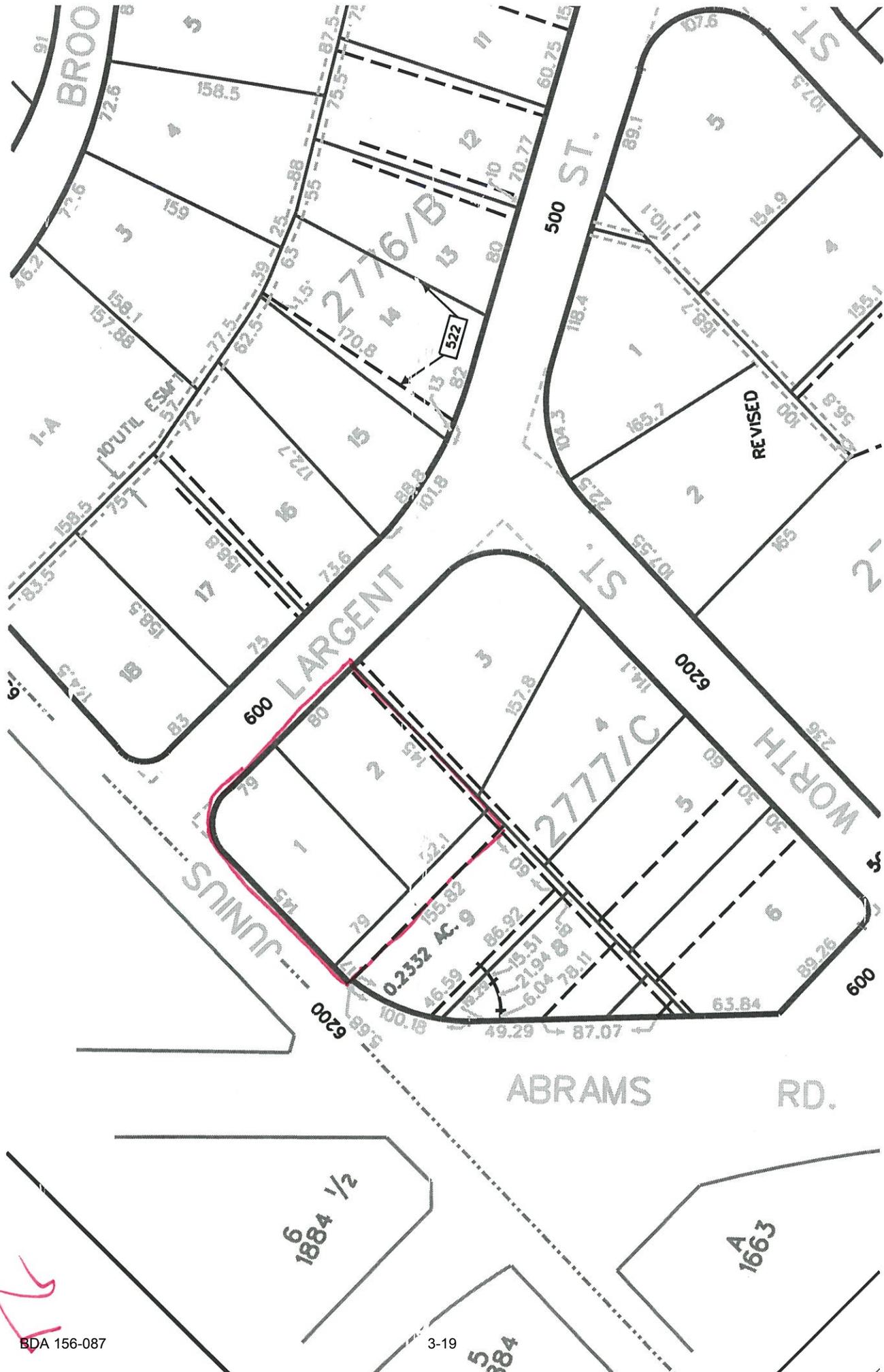
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 11 day of May, 2016



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



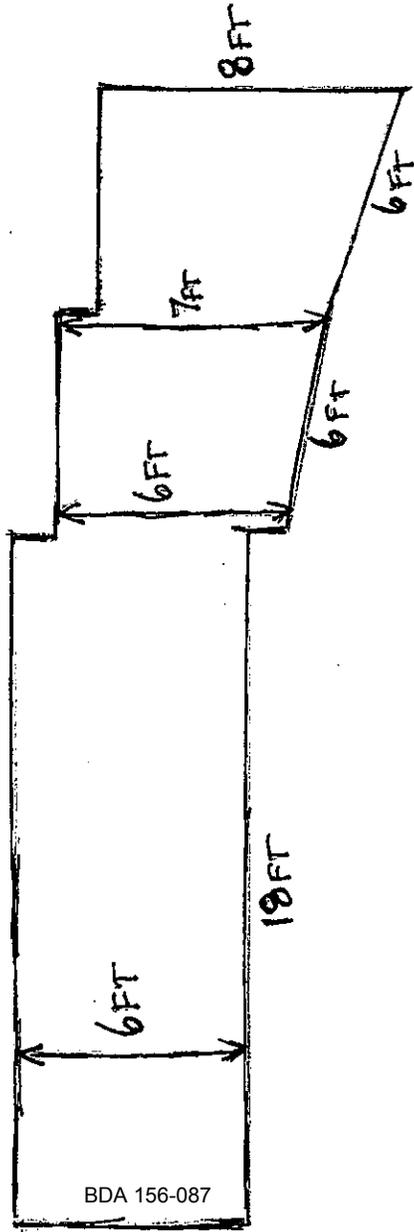
BDA 156-087

6
1884 1/2

A
1663

5
1884

FRONT (FACING LARGENT)



BDA 156-087

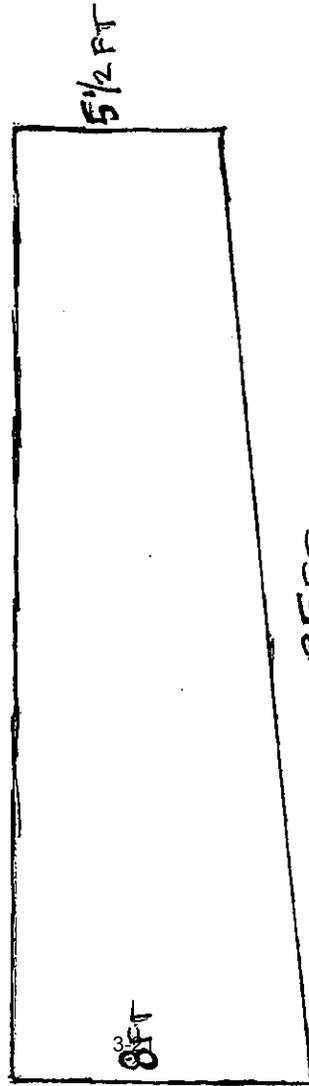
CEDAR BOARD ON BOARD

SCALE

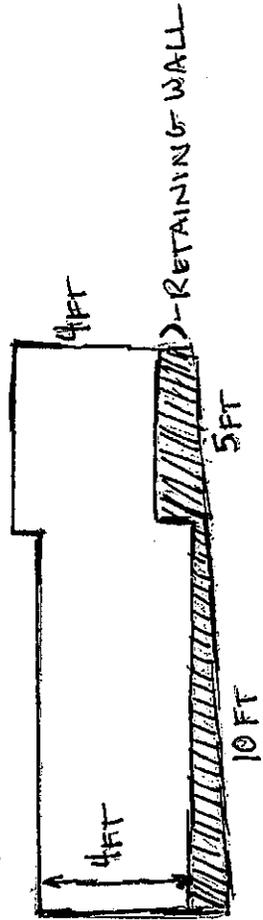


1 INCH = 5 FEET

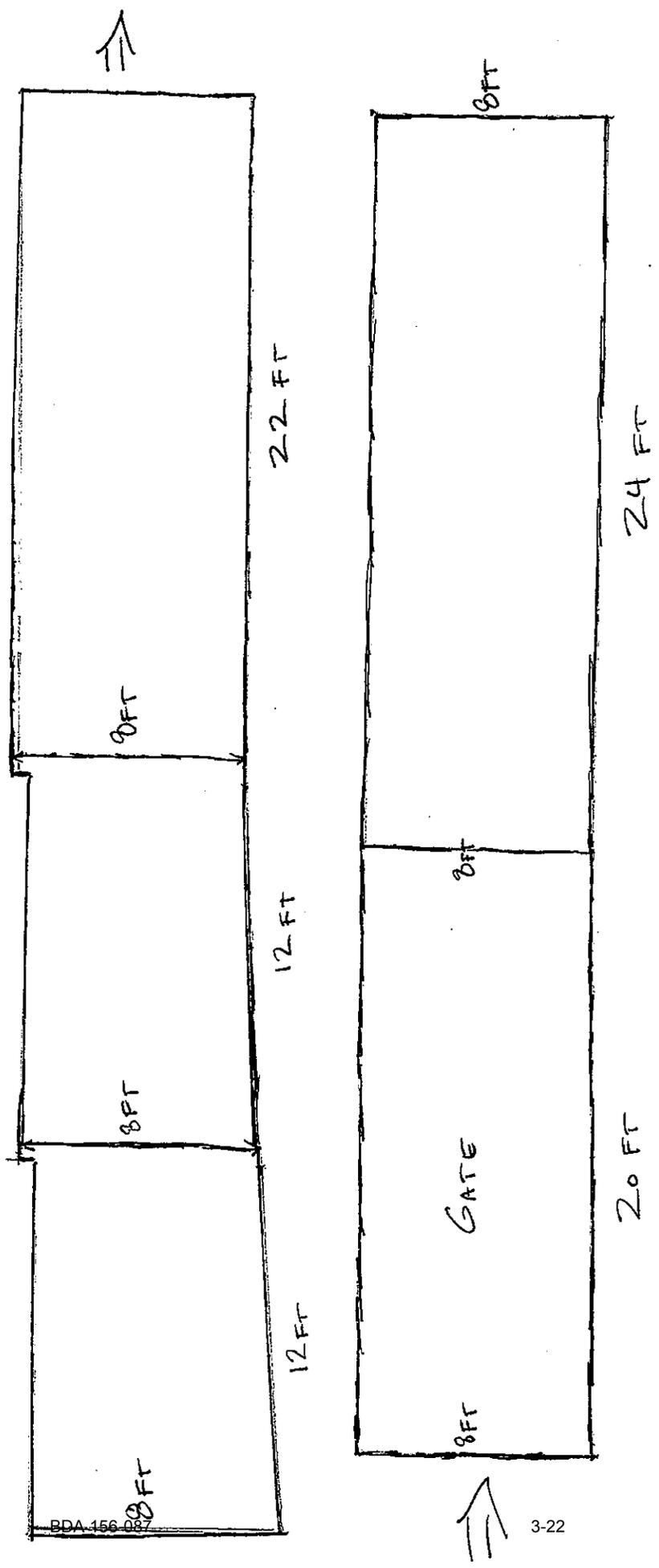
REAR ANGLED PORTION (FACING LOT 9)



REAR STRAIGHT PORTION (FACING LOT 9)



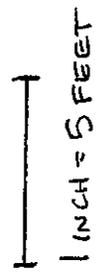
LONG PORTION WITH GATE (FACING JUNIUS)



BDA 156 887

CEDAR BOARD ON BOARD

SCALE













1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

17

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-087**

Date: **8/11/2016**

Notification List of Property Owners

BDA156-087

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	611 LARGENT AVE	A & A RESIDENTIAL DESIGN LLC
2	6312 LA VISTA DR	WILLINGHAM W W III ET AL
3	700 PAULUS AVE	SLOCUM WILLIAM C III
4	708 PAULUS AVE	WILLINGHAM WW 3 TRUSTEE &
5	714 PAULUS AVE	WILLINGHAM W W III TR &
6	1824 ABRAMS RD	1924 ABRAMS LTD
7	522 LARGENT AVE	SPIVEY CRAIG G &
8	614 LARGENT AVE	LINDSEY JAMES D
9	618 LARGENT AVE	CLOUTMAN E B III
10	622 LARGENT AVE	KING HARRELL GILL
11	626 LARGENT AVE	STROH DENA DENOYER &
12	6223 WORTH ST	ADAMS RONALD B II & ANN A
13	6211 WORTH ST	TESFAY SEIFU T &
14	6201 WORTH ST	CAMPBELL EUGENE W
15	6216 JUNIUS ST	LAKE DONNA M
16	6228 WORTH ST	STRAUGHN CHRISTOPHER J &
17	6220 WORTH ST	ROGERS MARK A

FILE NUMBER: BDA156-093(SL)

BUILDING OFFICIAL'S REPORT: Application of Karen Leger for special exception to the fence height and visual obstruction regulations at 10715 Wyatt Street. This property is more fully described as Lot 17, Block 8/5364, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a 9 foot high fence, which will require a 5 foot special exception to the fence height regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 10715 Wyatt Street

APPLICANT: Karen Leger

ORIGINAL REQUESTS (September 2016):

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

1. A request for a special exception to the fence height regulations of 5' was originally made to replace an existing 6' high open wrought iron picket fence with a solid cedar fence (ranging from 5' 8" – 5' 9" in height) to be located atop a proposed concrete retaining wall (ranging from 2' 2" – 3' 4" in height) in the site's Maplegrove Lane 30' required front yard.
2. Requests for special exceptions to the visual obstruction regulations were originally made to replace and maintain the aforementioned open wrought iron picket fence with a solid cedar fence in: 1) the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane, and 2) the 45' visibility triangle at the intersection of Maplegrove Lane and Wyatt Street.

REVISED REQUESTS (October 2016):

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

1. A request for a special exception to the fence height regulations of 3' 10" is made to replace an existing 6' high open wrought iron picket fence with a solid cedar fence (ranging from 4' 6" – 5' 9" in height) to be located atop a proposed concrete retaining wall (ranging from 2' 2" – 3' 4" in height) in the site's Maplegrove Lane 30' required front yard.
2. A request for a special exception to the visual obstruction regulations is made to replace and maintain the aforementioned open wrought iron picket fence with a solid cedar fence in the 45' visibility triangle at the intersection of Maplegrove Lane and Wyatt Street. (The applicant's submitted revised site plan/elevation of October 6th no

longer shows any item located in the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION (fence height):

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

SEPTEMBER 20th STAFF RECOMMENDATION (visual obstruction special exceptions):

Denial of the request for a special exception to the visual obstruction regulations related to locating and maintaining a solid cedar fence in the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane

Rationale:

- Staff had concurred with the Sustainable Development and Construction Department Project Engineer who had recommended denial of this request stating that the proposed fence in this triangle would create a safety hazard to pedestrian traffic.
- The applicant had not substantiated how the location and maintenance of the proposed fence in this 20' drive approach visibility triangle does not constitute a traffic hazard.

Approval of the request for a special exception to the visual obstruction regulations related to locating and maintaining a solid cedar fence in the 45' visibility triangle at the intersection of Maplegrove Lane and Wyatt Street, subject to the following condition:

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

Rationale:

- Staff had concurred with the Sustainable Development and Construction Department Project Engineer who had no objection to that the proposed fence in this triangle.

OCTOBER 18th STAFF RECOMMENDATION (visual obstruction special exceptions):

Denial of the original request for a special exception to the visual obstruction regulations related to locating and maintaining a solid cedar fence in the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane without prejudice

Rationale:

- The applicant has submitted a revised site plan/elevation on October 6th that no longer shows any item located in the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane.

Approval of the request for a special exception to the visual obstruction regulations related to locating and maintaining a solid cedar fence in the 45' visibility triangle at the intersection of Maplegrove Lane and Wyatt Street, subject to the following condition:

- Compliance with the submitted revised site plan/elevation is required.

Rationale:

- Staff concurs with the Sustainable Development and Construction Department Project Engineer who has no objection to that the proposed fence in this triangle.

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:

1. Miscellaneous Item #2, BDA 156-093, Property at 10715 Wyatt Street (the subject site) On September 20, 2016, the Board of Adjustment Panel A denied the request to reimburse the filing fee made in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS (fence height):

- The original request for a special exception to the fence height regulations of 5' focused on replacing an existing 6' high open wrought iron picket fence with a solid cedar fence (ranging from 5' 8" – 5' 9" in height) to be located atop a proposed concrete retaining wall (ranging from 2' 2" – 3' 4" in height) in the site's Maplegrove Lane 30' required front yard.
- The applicant submitted a revised site plan/elevation on October 6, 2016 (see Attachment A). The revised request for a special exception to the fence height regulations of 3' 10" focuses on replacing an existing 6' high open wrought iron picket fence with a solid cedar fence (ranging from 4' 6" – 5' 9" in height) to be located atop a proposed concrete retaining wall (ranging from 2' 2" – 3' 4" in height) in the site's Maplegrove Lane 30' required front yard.
- The subject site is zoned R-7.5(A) which requires a minimum front yard setback of 25'. The subject site has a 30' platted building line on both Maplegrove Lane and Wyatt Street.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located at the northeast corner of Maplegrove Avenue and Wyatt Street.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards. The site has a 30' required front yard along Maplegrove Lane (the shorter of the two frontages of the subject site which is always a front yard), and a 30' required front yard along Wyatt Street, (the longer of the two frontages which is typically considered a side yard where on this R-7.5(A) zoned property a 9' high fence could be erected by right). However the site has a required front yard along Wyatt Street in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the east "front" on Wyatt Street.
- A scaled site plan/fence elevation had been submitted indicating a fence proposal that will reach 9' in height in the 30' Maplegrove Lane required front yard.
- A revised scaled site plan/fence elevation has been submitted indicating a fence proposal that will reach 7' 10" in height in the 30' Maplegrove Lane required front yard.
- The applicant has stated that the proposed solid cedar fence would be in approximately the same location as the existing open wrought iron picket fence on the property.

- The following information was gleaned from the originally submitted site plan/elevation:
 - The proposal was represented as being approximately 56' in length parallel to the Maplegrove Lane, and 30' in length perpendicular to this street on the north and south sides of the site in this required front yard.
 - The proposal was represented as being located approximately on the Maplegrove Lane front property line or 12' from this pavement line.
- The proposal is located across from a lot developed with a single family home that fronts south to Wyatt Street with no fence in the front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area along Maplewood Lane (approximately 200' north and south of the subject site) and noted a no other fences that appeared to be above 4' in height in front yards.
- As of September 9, 2016, a petition with 14 signatures and two letters has been submitted in support of the request, and no letters have been submitted in opposition.
- As of October 7, 2016, a petition with 14 signatures and two letters has been submitted in support of the request, and 10 letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 10" will not adversely affect neighboring property.
- Granting this special exception request of 3' 10" with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the Maplegrove Lane required front yard to be constructed and maintained in the location and of the heights and material as shown on this document.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The original requests for special exceptions to the visual obstruction regulations focused on replacing an existing 6' high open wrought iron picket fence with a solid cedar fence (ranging from 5' 8" – 5' 9" in height) to be located atop a proposed concrete retaining wall (ranging from 2' 2" – 3' 4" in height) in: 1) the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane, and 2) the 45' visibility triangle at the intersection of Maplegrove Lane and Wyatt Street.
- The applicant submitted a revised site plan/elevation on October 6, 2016 (see Attachment A). The revised site plan/elevation on October 6th no longer shows any item located in the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45 foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

- The applicant had originally submitted a site plan/elevation representing a solid cedar fence (ranging from 5' 8" – 5' 9" in height) to be located atop a proposed concrete retaining wall (ranging from 2' 2" – 3' 4" in height) in: 1) the 20' visibility triangle on the south side of the driveway into the site from Maplegrove Lane, and 2) the 45' visibility triangle at the intersection of Maplegrove Lane and Wyatt Street.
- The applicant had stated that the proposed solid cedar fence would be in approximately the same location as the existing open wrought iron picket fence on the property.
- The Sustainable Development and Construction Department Project Engineer had submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following additional comment: "There are no objections to the proposed fence encroachment into the intersection visibility triangle. Engineering recommends denial of the proposed fence into the driveway visibility triangle as this would create a safety hazard to pedestrian traffic".
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to locate and maintain a solid cedar fence (ranging from 4' 6" – 5' 9" in height) to be located atop a proposed concrete retaining wall (ranging from 2' 2" – 3' 4" in height) in the 45' visibility triangle at the intersection of Maplegrove Lane and Wyatt Street does not constitute a traffic hazard.
- The Board should make a separate determination of the requests for special exceptions to the visual obstruction regulation in this application. While the applicant's submitted revised site plan/elevation no longer shows any item located in the drive approach visibility triangle, the application still technically includes two requests to the visual obstruction regulations since the board's rules preclude the applicant to request withdrawal of the drive approach visibility triangle that is no longer needed. Granting the request for the special exception for the fence in the Maplegrove Lane/Wyatt Street intersection visibility triangle with the condition that the applicant complies with the submitted revised site plan/elevation would require the item in this visibility triangle to be limited to and maintained to the locations, height and materials as shown on this document.

Timeline:

- June 24, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 4, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

- August 5, 2016: 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 August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- September 6, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- September 7, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following additional comment: "There are no objections to the proposed fence encroachment into the intersection visibility triangle. Engineering recommends denial of the proposed fence into the driveway visibility triangle as this would create a safety hazard to pedestrian traffic".
- September 20, 2016: The Board of Adjustment Panel A conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on October 18, 2016.
- September 22, 2016: The Board Administrator wrote the applicant a letter that provided the board's action; and the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

October 6, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application and at the September 20th public hearing (see Attachment A).

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 20, 2016

APPEARING IN FAVOR: Karen Leger, 10715 Wyatt St, Dallas, TX
Justin Leger, 10715 Wyatt St., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Sibley**

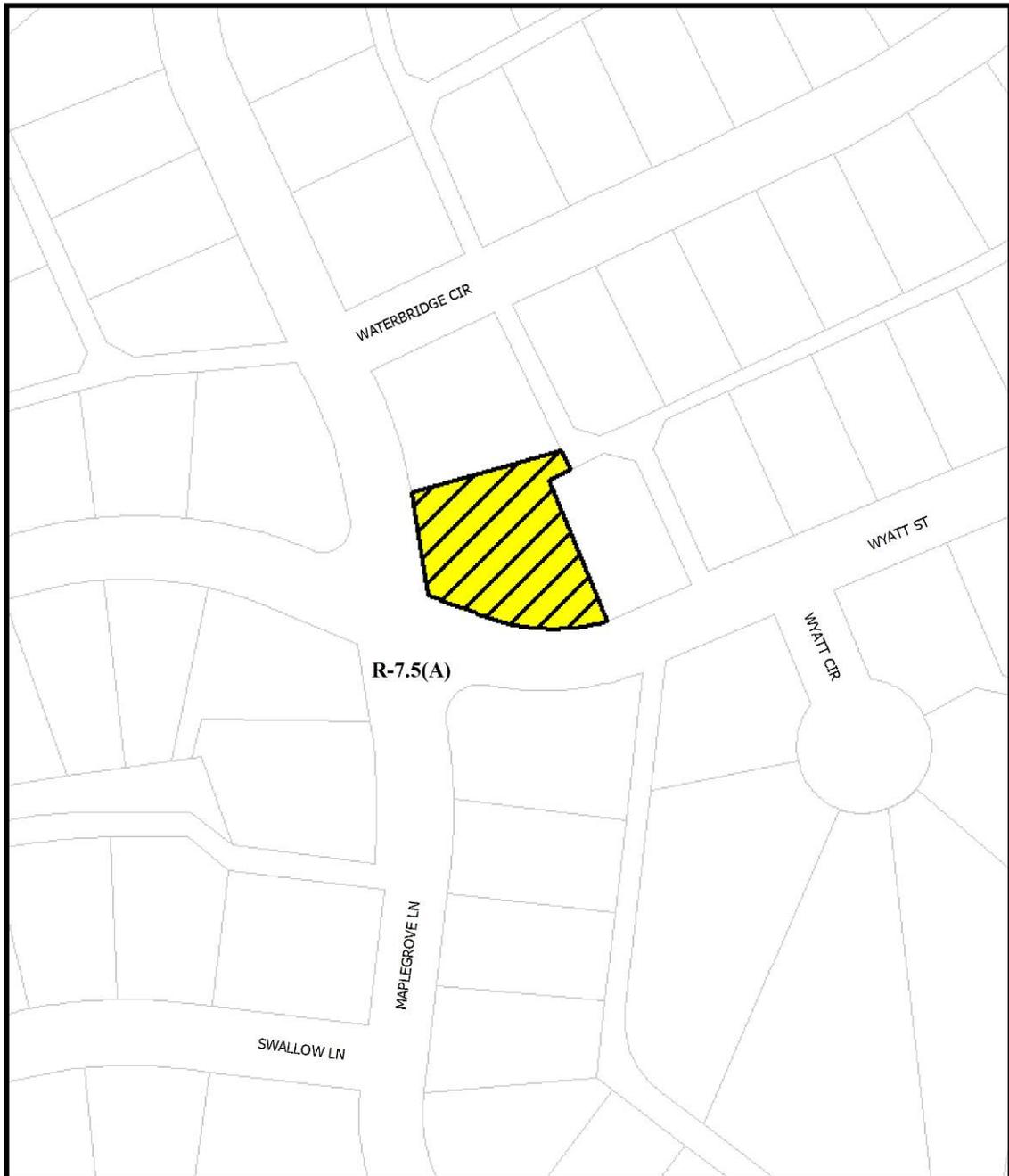
I move that the Board of Adjustment in Appeal No. **BDA 156-093**, hold this matter under advisement until **October 18, 2016**.

SECONDED: **Gibson**

AYES: 4 –Gibson, Nelson, Agnich, Sibley

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

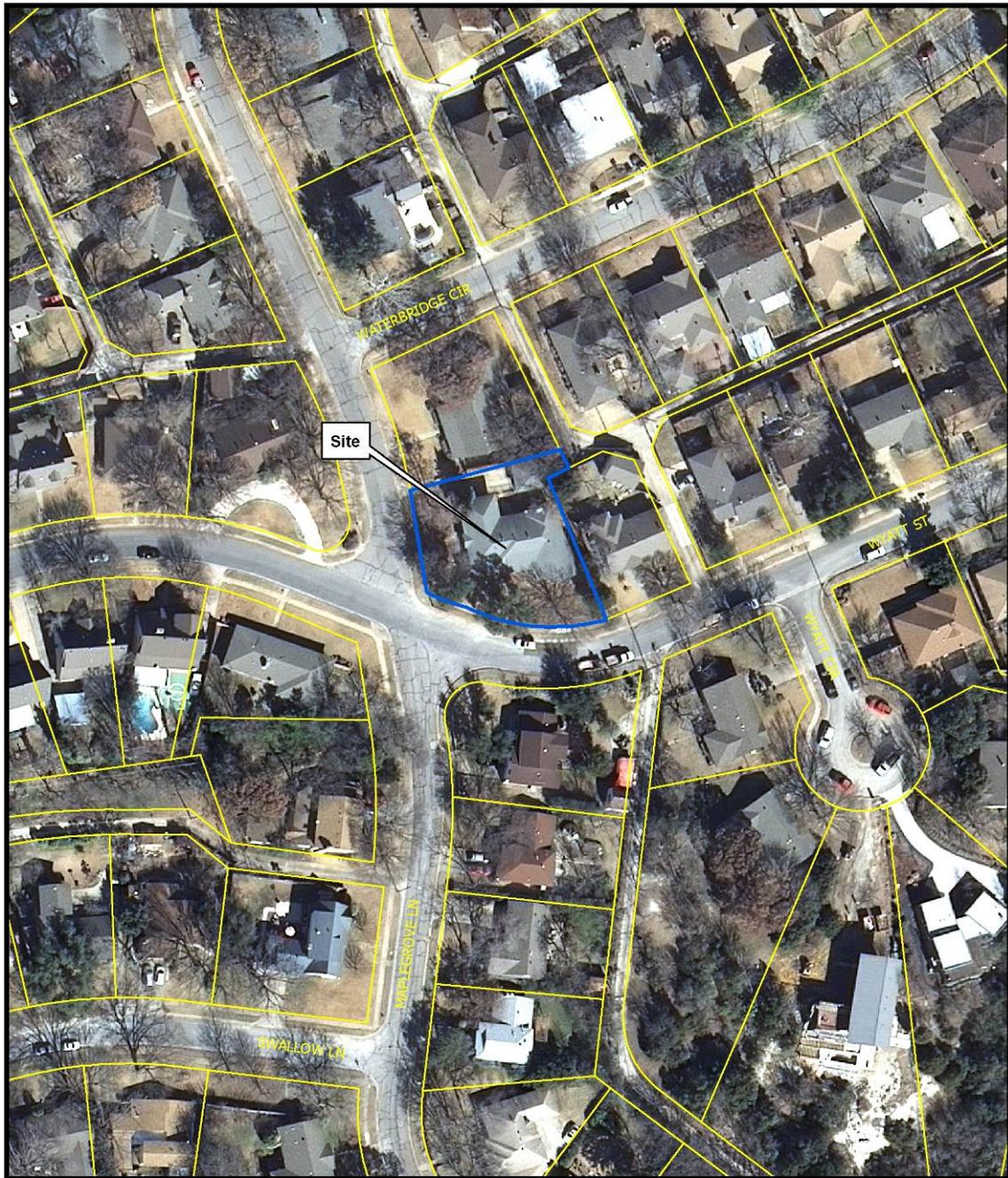


1:1,200

ZONING MAP

Case no: BDA156-093

Date: 8/11/2016



1:1,200

AERIAL MAP

Case no: BDA156-093

Date: 8/11/2016

BDA156-093

Attach A

pg 1

Karen Léger
10715 Wyatt St.
Dallas, TX 75218
469-693-0768
karenbartonleger@gmail.com

Todd Duerksen
320 E. Jefferson Blvd., Room 105
Dallas, TX 75203
214-948-4475

Dear Todd Duerksen,

In an attempt to address some the Board of Approvals possible concerns with our request for a fence height variance and fence visibility triangle variance, we have updated our plans in two places. First, the location of the fence has only changed where we are accommodating for the driveway visibility triangle. Second, the fence height has been lowered by 14 inches. The plan's building material have not changed and will remain the same.

I am attaching a quick reference diagram, noting where the changes to plans by circling and numbering the changes in red and providing a corresponding numbered reference list below.

1. Changed fence layout to comply driveway visibility triangle.
2. Corrected our 45-foot measurement of the street visibility to be more accurate and in line with Steve Long's assessment.
3. Lowered Wyatt St. fence corner height from 9-foot to 7-Foot 10-inches.
4. Lowered driveway fence corner height from 7-foot 11-Inches to 6-Foot 9-inches.
5. Showing 7-inch stepdown in the horizontal wood that lowers the overall fence height.

If you have any question with these changes, please do not hesitate to call or email. Thank you very much for your time and assistance on this matter.

Sincerely,

Karen Léger



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-093

Data Relative to Subject Property:

Date: 6-24-16

Location address: 10715 Wyatt Street Zoning District: R-7.5(A)

Lot No.: 17 Block No.: 815364 Acreage: .3190 Census Tract: 128.00

Street Frontage (in Feet): 1) 95.35' 2) 136.51' 3) 4) 5) 306A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Justin and Karen Leger

Applicant: Karen Leger Telephone: 469-693-0768

Mailing Address: 10715 Wyatt Street Dallas, TX Zip Code: 75218

E-mail Address: karenbartonleger@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of 5 feet allowed over fence height and driveway visibility triangle. As well as street visibility triangle.

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

The request and design has no bearing on the neighbors or traffic visibility. This is solely for the safety of our children and integrity of our land as it falls into the sidewalk. The majority of neighbors have also signed approval plans - attached.

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 Karen Leger (Affiant/Applicant's name printed)

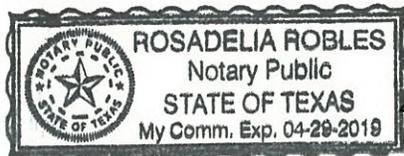
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 19 day of July, 2016

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

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks

Chairman

Building Official's Report

I hereby certify that Karen Leger

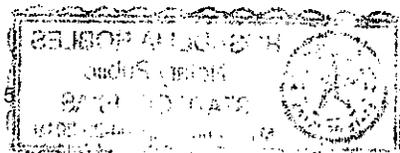
did submit a request for a special exception to the fence height regulations, and for special exceptions to the visibility obstruction regulations

at 10715 Wyatt street

BDA156-093. Application of Karen Leger for a special exception to the fence height regulations and for special exceptions to the visibility obstruction regulations at 10715 Wyatt Street. This property is more fully described as Lot 17, Block 8/5364, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation, and to construct single family residential fence structure in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

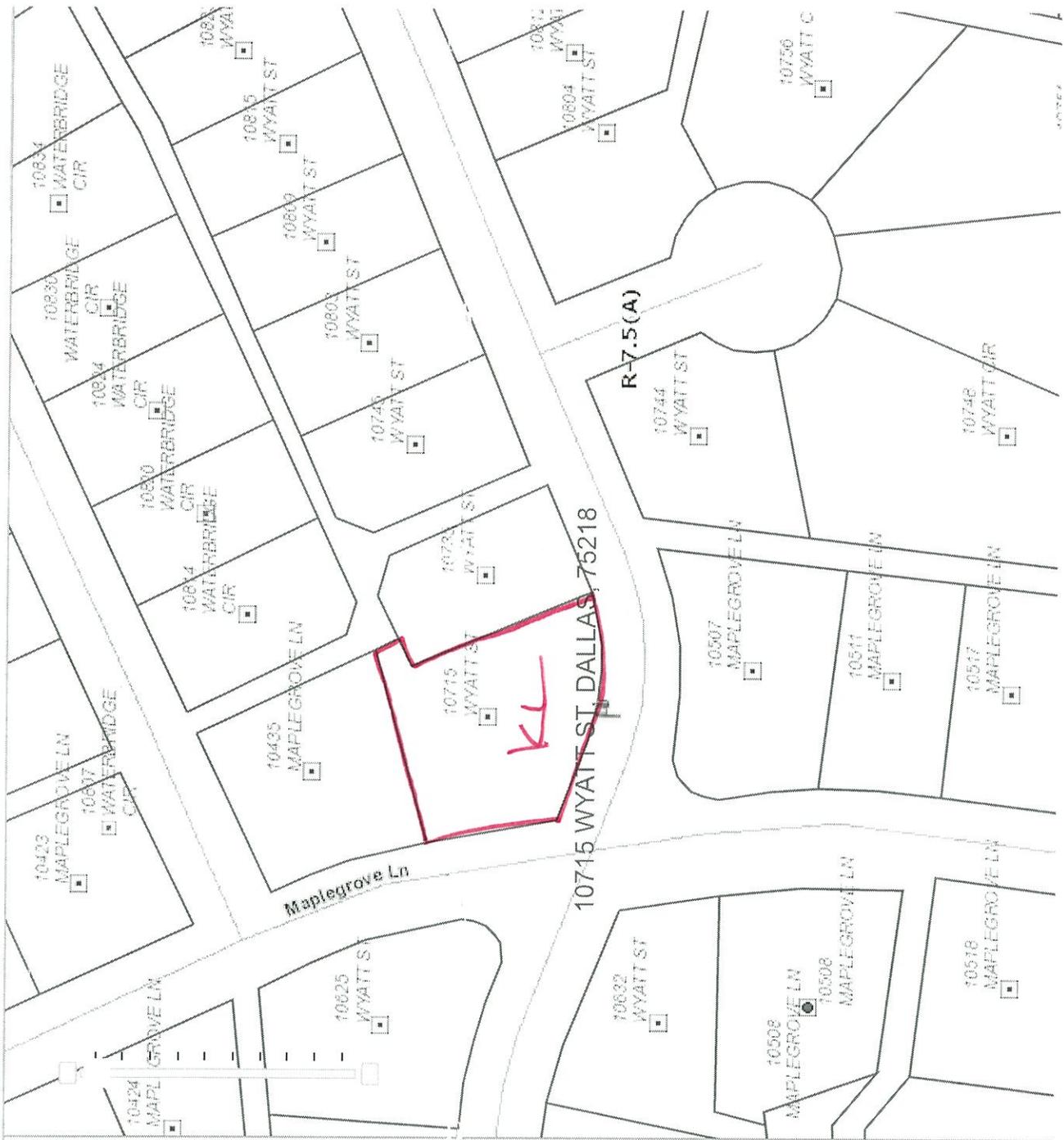


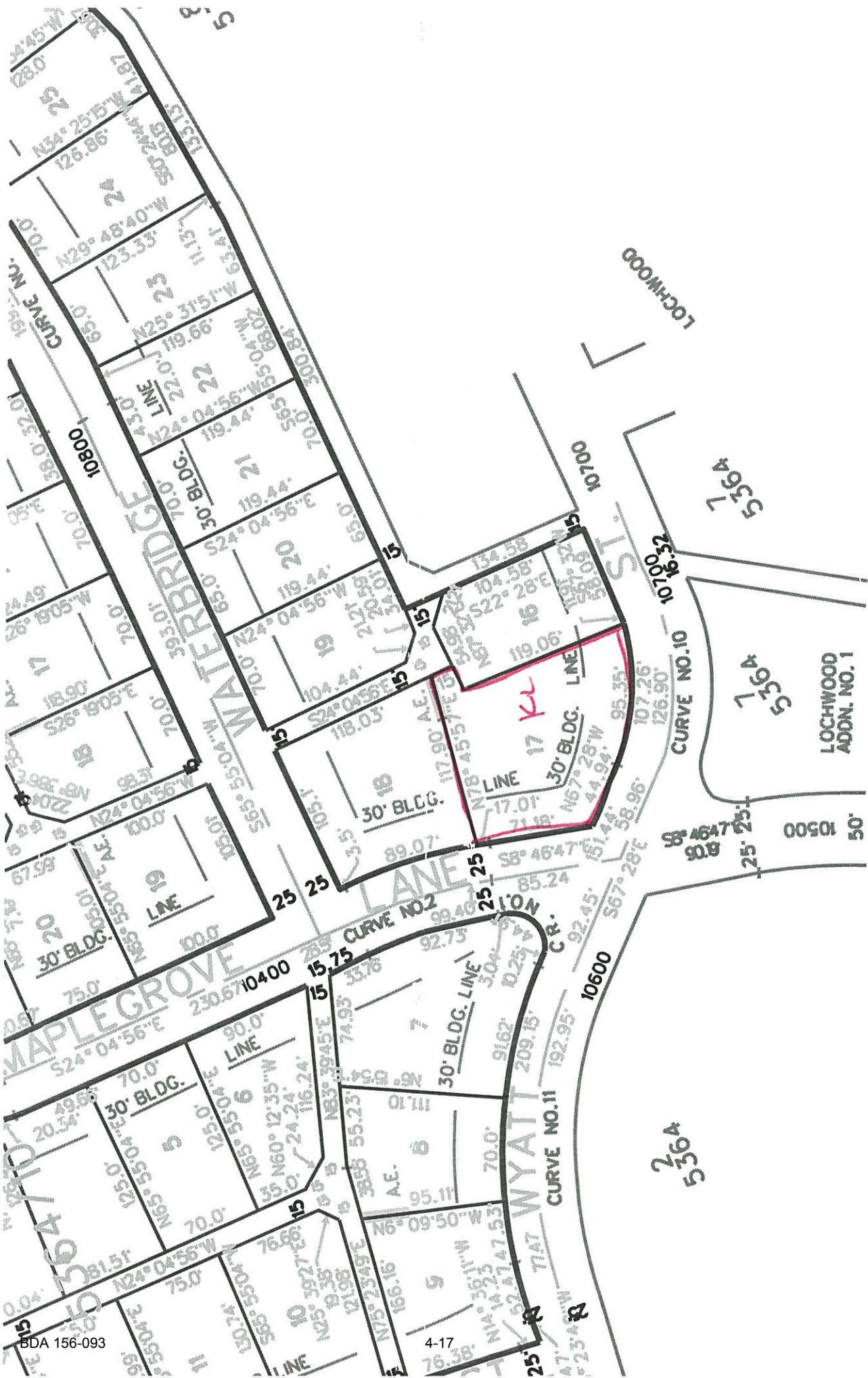
City of Dallas

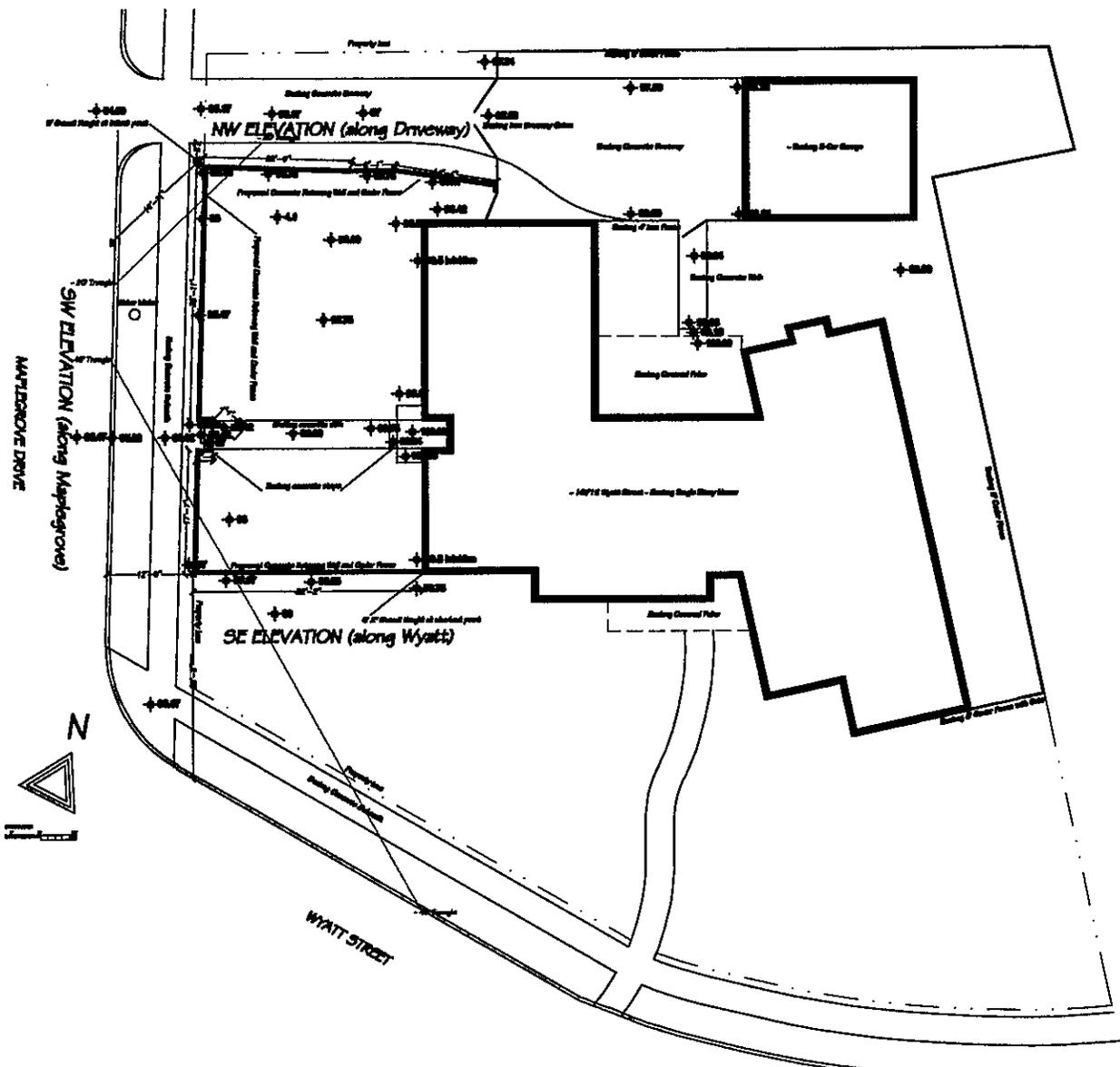
Internal Development Research Site

Legend

Locate Property



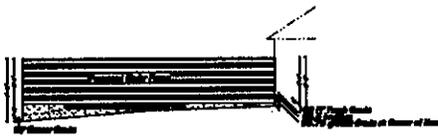




FB



SW ELEVATION (along Maplegrove)



SE ELEVATION (along Wyatt)



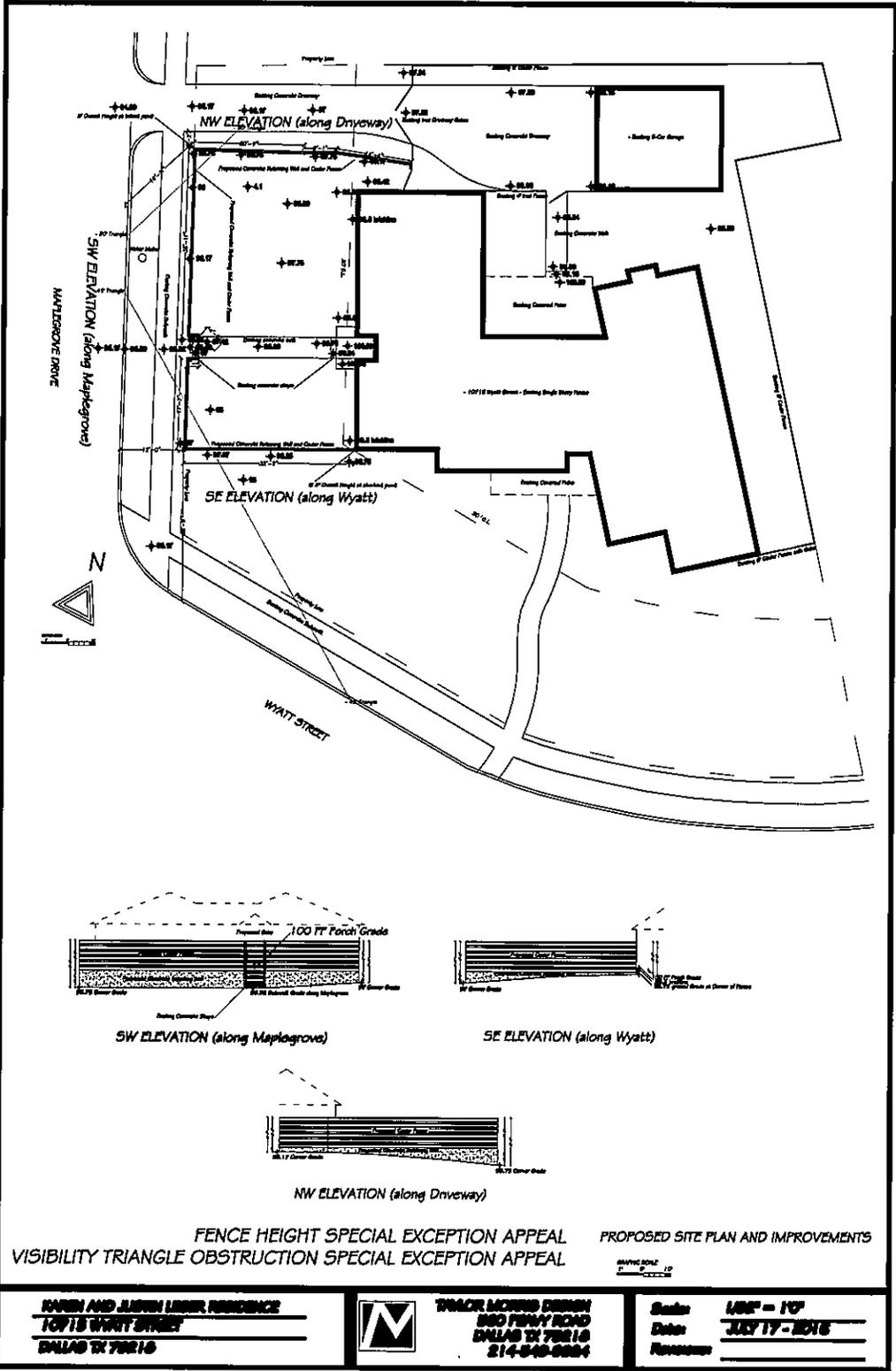
NW ELEVATION (along Driveway)

FENCE HEIGHT SPECIAL EXCEPTION APPEAL
 VISIBILITY TRIANGLE OBSTRUCTION SPECIAL EXCEPTION APPEAL
 PROPOSED SITE PLAN AND IMPROVEMENTS

EVAN AND JAWN LINDER RESIDENCE
 10715 WYATT STREET
 DALLAS TX 75216

M TRACI MORIS DESIGN
 4-19 580 FERRY ROAD
 DALLAS TX 75248
 214-549-9984

Scale: 1/8" = 1'-0"
 Date: JUNE 20, 2015
 Revision:



July 16, 2016

Karen and Justin Léger
10715 Wyatt Street
Dallas TX 75218
469-693-0768

Dear Neighbors,

Please allow us to introduce ourselves if we have not yet formally met. Our names are Karen and Justin Leger, we are your neighbors on the corner house of Wyatt St. and Maplegrove Ln. We are in the process of getting permits to replace our wrought iron side yard fence with a new one. The city informed us that we will need to file for an exception in order for the permits to be issued as the previous owner did not build the fence to code or on the property line.

Our reason to replace the fence is to clean up the corner look and appeal. We want to add a retaining wall to hold the earth from falling on the sidewalk. As well as a wood fence on top to allow for more privacy for our growing children's playground.

We are attaching an illustration of the plans for the new fence. It was suggested from the city to aid in the process of the approval by having all neighbors, who are in view of the new construction, sign a petition stating that they are okay with the plans. If you would kindly review, and sign your approval, with the date and your address, on the attached diagram. Please give us a call at the number above if you have any questions regarding this request, we would be more than happy to discuss this with you. We are asking that you return this to us as soon as possible as we are trying to submit everything for the next hearing and the due date is July 22nd.

Thank you for your time and consideration! We greatly appreciate you working with us.

Best regards,

Karen and Justin Leger

JEFF KINSEER

10435 MAPLE GROVE LANE 75218

J. Kinser

Your signature signifies that you agree to the attached plan design for a new fence to be constructed at 10715 Wyatt Street Dallas, Texas 75218. We will be showing the signed petition to the Board of Appeals at a hearing anticipated for August 15, 2016.

	Print Name	Signature	Date
Wyatt St			
left	10619 Wyatt St Dallas, TX 75218	K. Fontes	7/16
	10622 Wyatt St Dallas, TX 75218		
	10625 Wyatt St Dallas, TX 75218	Cynthia J. Ray	7/16
	10632 Wyatt St Dallas, TX 75218	Michael Brund	7/16
left	10735 Wyatt St Dallas, TX 75218		
left	10745 Wyatt St Dallas, TX 75218		
	10803 Wyatt St Dallas, TX 75218	J. S. Fennig	7/16
left	10804 Wyatt St Dallas, TX 75218	A E D W A P D S	7/17
	10809 Wyatt St Dallas, TX 75218		
Wyatt Cir			
left	10744 Wyatt Cir Dallas, TX 75218	R. Lawson	7/18
	10748 Wyatt Cir Dallas, TX 75218	Kevin Gay	7/17
Maple Grove Ln			
	10423 Maple Grove Ln Dallas, TX 75218	Troy Bruce	7/17
	10424 Maple Grove Ln Dallas, TX 75218	MATHEW MCLURE	7/16
left	10435 Maple Grove Ln Dallas, TX 75218	Jeff Kinsler	7/18/16
	10507 Maple Grove Ln Dallas, TX 75218	Rebecca A. Gonzalez Guadalupe Moralez	7/16
	10508 Maple Grove Ln Dallas, TX 75218	Nancy Clarke	7/16
left	10511 Maple Grove Ln Dallas, TX 75218		
	10517 Maple Grove Ln Dallas, TX 75218	Sherry James	7/17

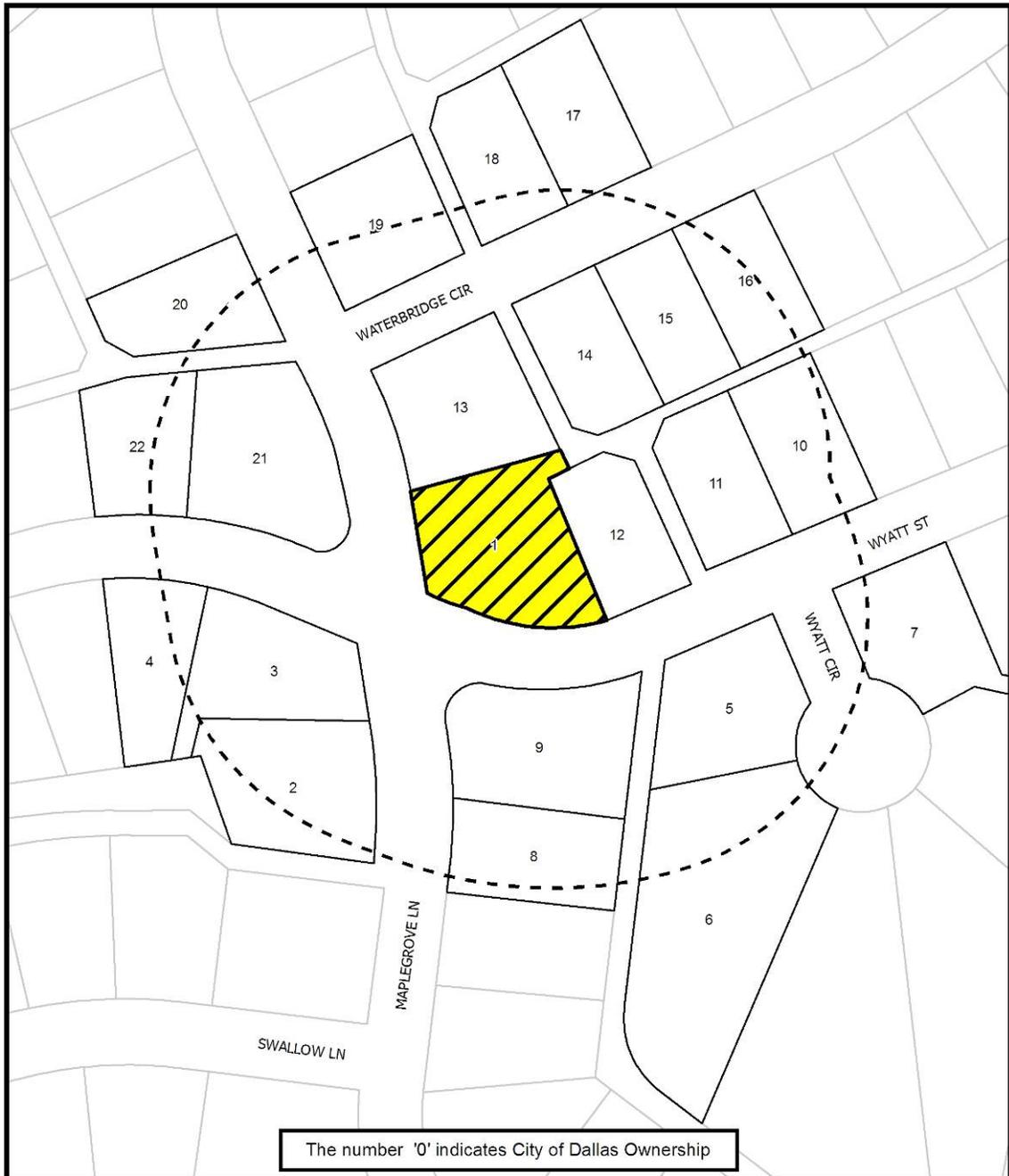
Print Name

Signature

Date

Waterbridge Cir			
10814 Waterbridge Cir Dallas, TX 75218	Nolley, F.E	Nolley, fe	7/16
10815 Waterbridge Cir Dallas, TX 75218	Wilson, Joanne	Wilson, Joanne	7/16
10820 Waterbridge Cir Dallas, TX 75218			
10821 Waterbridge Cir Dallas, TX 75218			
10824 Waterbridge Cir Dallas, TX 75218	Judy Lowe Judy Lowe	Judy Lowe	7/16

Left
Left




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
22 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-093**
 Date: **8/11/2016**

Notification List of Property Owners

BDA156-093

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10715 WYATT ST	LEGER JUSTIN & KAREN
2	10508 MAPLEGROVE LN	SCHERER NANCY CLARKE
3	10632 WYATT ST	BRANDT MICHAEL DEAN
4	10622 WYATT ST	NAZARI MEHDI G
5	10744 WYATT ST	LAWSON RITA M
6	10748 WYATT ST	POLING REBECCA J &
7	10804 WYATT ST	ELLISON AMBER &
8	10511 MAPLEGROVE LN	ASFOUR CECIL
9	10507 MAPLEGROVE LN	GONZALEZ REBECCA B
10	10803 WYATT ST	FENNIG JACK STANLEY & MILDRED
11	10745 WYATT ST	VILLAGRANA EDUARDO & KELLY
12	10735 WYATT ST	VULK JOSEPH P
13	10435 MAPLEGROVE LN	KINSER JEFFERY
14	10814 WATERBRIDGE CIR	NOLLEY FRANCES EMILY
15	10820 WATERBRIDGE CIR	BARACANI LORI ELLEN &
16	10824 WATERBRIDGE CIR	LOWE JUDY A REVOCABLE LIVING TRUST
17	10821 WATERBRIDGE CIR	HARDING STEPHEN &
18	10815 WATERBRIDGE CIR	WILSON JOANNE MILLER
19	10423 MAPLEGROVE LN	BEVER TROY D & JULIEANN
20	10424 MAPLEGROVE LN	COLLINS DOROTHY EST OF
21	10625 WYATT ST	RAY CYNTHIA J
22	10619 WYATT ST	PHILLIP KYLE R & BETHANY K

FILE NUMBER: BDA156-091(SL)

BUILDING OFFICIAL'S REPORT: Application of Thomas Barnhart for a variance to the off-street parking regulations at 5017 W. Lovers Lane. This property is more fully described as Lot 34, Block A/5006, and is zoned CR, which requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and/or maintain a structure and not provide the required screening, which will require a variance to the off-street parking regulations.

LOCATION: 5017 W. Lovers Lane

APPLICANT: Thomas Barnhart

REQUEST:

A variance to the off-street parking regulations, more specifically the screening provisions for off-street parking, is made to lease and maintain a general merchandise or food store less than 3,500 square foot use on the subject site that is developed with a vacant nonresidential structure, and with no screening between the required off-street parking on the site for this proposed use and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated how the physical features of the flat, rectangular in shape (59'x 25'), 0.8 acres (or approximately 3,500 square feet) site preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification.
- Staff concluded that any hardship in this case is self-created in that the required screening that the applicant seeks variance for is prompted by the applicant's proposal/choice to obtain a certificate of occupancy (CO) for a new general merchandise or food store less than 3,500 square foot use that requires a greater number of off-street parking spaces than the original use, and that the City could issue a new CO to the applicant for the same use that had occupied the site with no screening required or variance to the off-street parking regulations related to screening required.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: R-7.5(A) (Single family residential 7,500-square feet)
South: PD 771 & MC-1 (Planned Development and Multiple commercial)
East: CR (Community retail)
West: CR (Community retail)

Land Use:

The subject site is developed with a vacant nonresidential structure. The area to the north is developed with a single family residential; the areas to the east and west are developed with retail uses; and the area to the south appears to be developed with office uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (screening of off-street parking variance):

- This request for a variance to the off-street parking regulations focuses on leasing and maintaining a general merchandise or food store less than 3,500 square foot use on the subject site that is developed with a vacant nonresidential structure, and with no screening between the required off-street parking on the site for this proposed use and the property to the north across an alley zoned R-7.5(A) and single family residential in use.
- The Dallas Development Code states the following related to the screening of off-street parking:
 - (1) The owner of off-street parking must provide screening to separate the parking area from:
 - (A) a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use; or
 - (B) a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use.
 - (2) If an alley separates a parking area from another use, the use is considered contiguous to the parking area. If a street separates a parking area from another use, the use is not considered contiguous to the parking area.
- The Dallas Development Code states that the screening for off-street parking required under Subsection (f)(1) must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence that is not less than six feet in height. The wall or fence may not have more than ten square inches of open area for each square foot of surface area, and may not contain any openings or gates for vehicular access. The owner of off-street parking must maintain the screening in compliance with these standards.
- The applicant submitted a site plan that indicates no screening to be provided between the off-street parking on the site and the property to the north across an alley zoned R-7.5(A) and single family residential in use.
- Building Inspection has stated that the required screening that the applicant seeks variance for is prompted by the applicant's proposal/choice to obtain a certificate of occupancy (CO) for a new use that requires a greater number of off-street parking spaces than the original use, and that the City could issue a new CO to the applicant for the same use that had occupied the site with no screening required or variance to the off-street parking regulations related to screening required.
- According to DCAD records, the "improvements" for property addressed at 5017 W. Lovers Lane is a 1,500 square foot "free standing retail store" constructed in 1946.
- The subject site is flat, rectangular in shape (59'x 25'), and according to the application, 0.8 acres (or approximately 3,500 square feet) in area.
- 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 CR zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CR zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the applicant would be able to lease the vacant nonresidential structure on the site as a general merchandise or food store less than 3,500 square foot use with no screening between the required off-street parking for this proposed use on the site and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

Timeline:

- July 12, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 4, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 5, 2016: 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 August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th 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 6, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

September 20, 2016: While this application was listed on the Board of Adjustment Panel A docket, no public hearing occurred on this application because a quorum of members was lost as a result of having only three members present. No formal motion made on this application, and the hearing/action on it was postponed until October 18, 2016.

September 22, 2016: The Board Administrator wrote the applicant a letter that provided the October 18th public hearing date; and the September 28th deadline to submit additional evidence for staff to factor into their analysis, and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.

September 27, 2016: A person on behalf of the applicant submitted additional information to staff beyond what was submitted with the original application and at the September 6th staff review team meeting (see Attachment A).

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

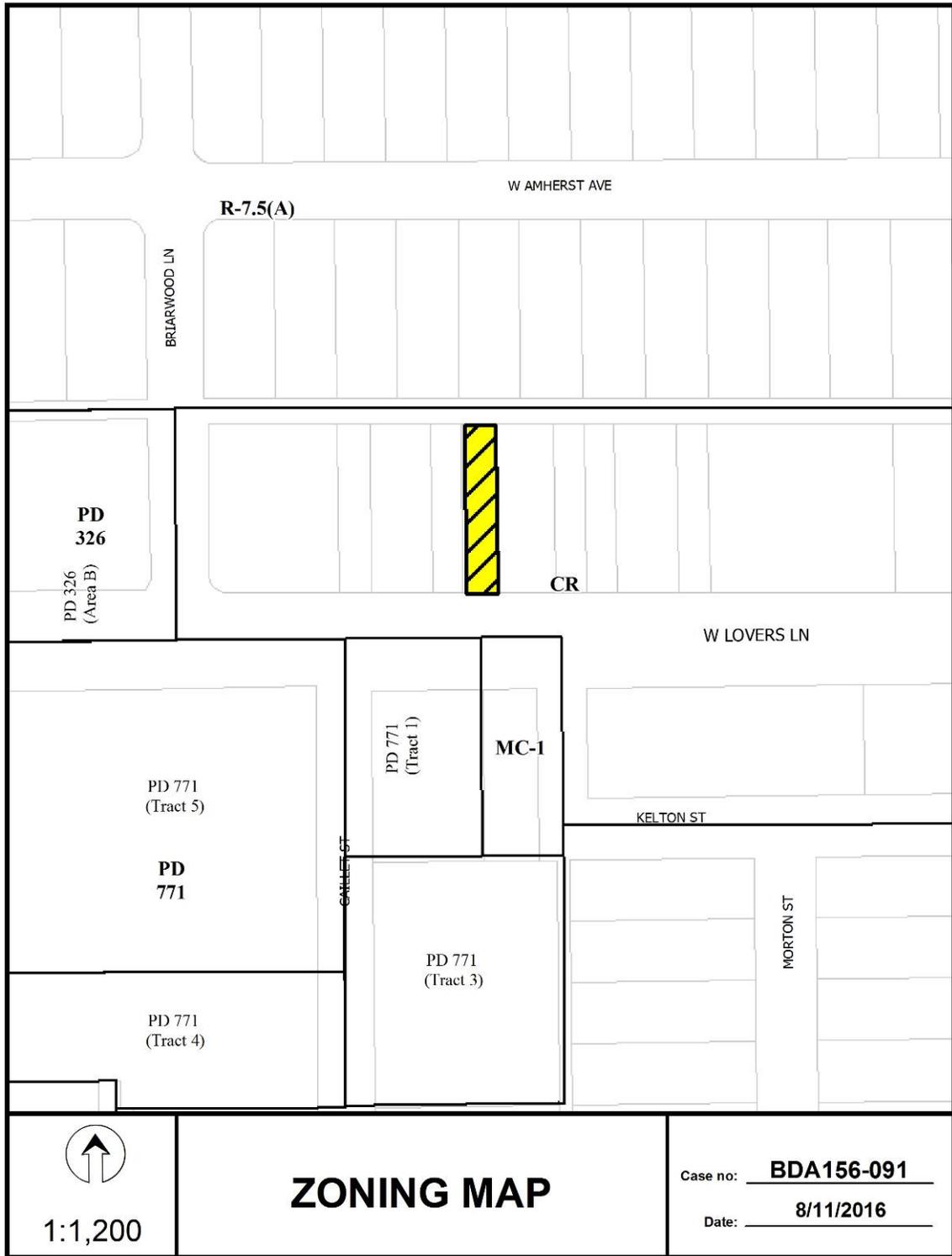
No review comment sheets were submitted in conjunction with this application.

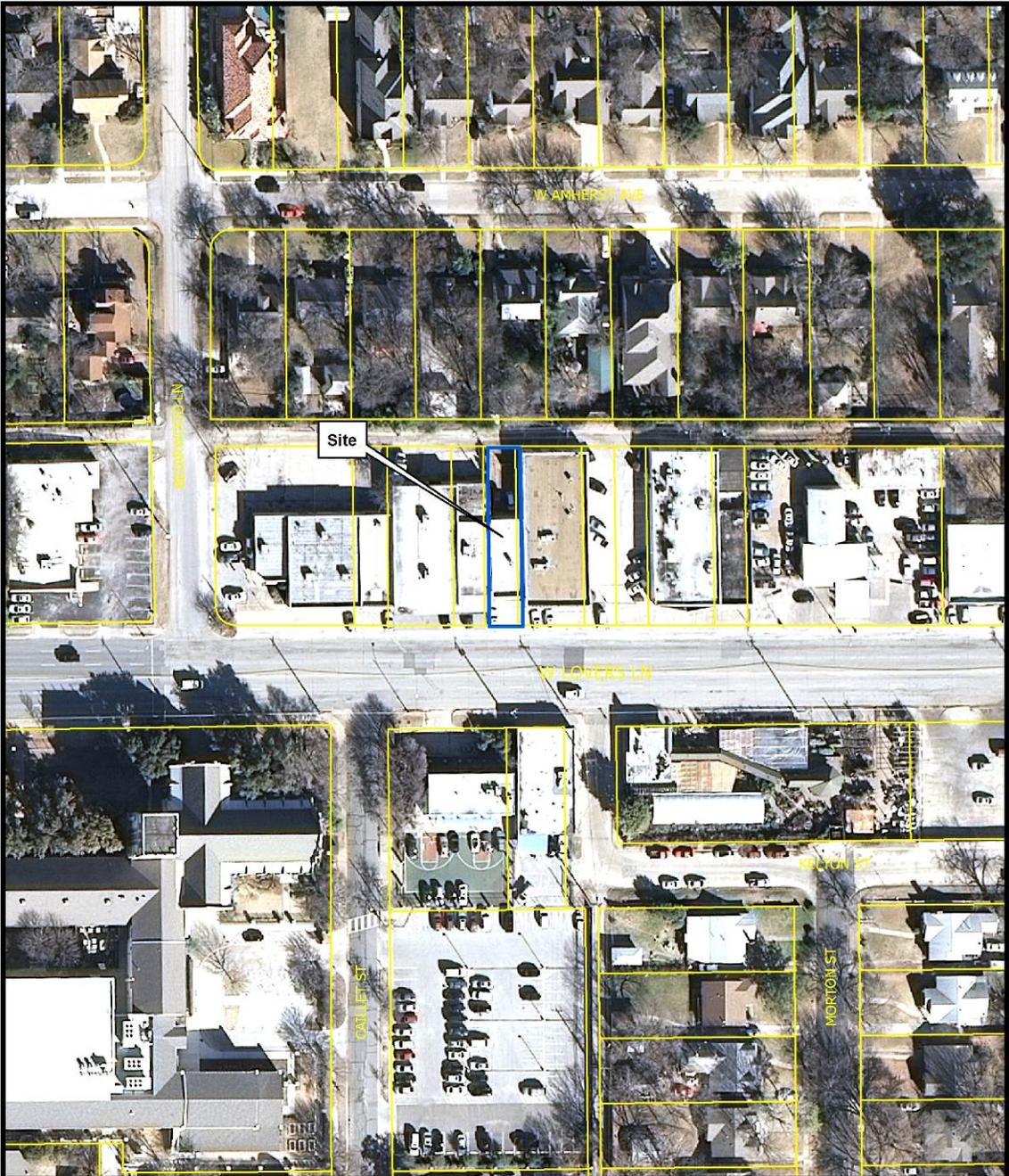
BOARD OF ADJUSTMENT ACTION: SEPTEMBER 20, 2016

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

*Member Sibley was excused and left the meeting for the day. The quorum of members was lost as a result of having only three members present. No formal motion made on this application, and the hearing/action on it was postponed until **October 18, 2016**.





1:1,200

AERIAL MAP

Case no: BDA156-091

Date: 8/11/2016

Long, Steve

From: Joslyn Barnhart <joslyn_b@yahoo.com>
Sent: Tuesday, September 27, 2016 3:11 PM
To: Long, Steve
Subject: Additional Information for Variance Request at 5017 Lovers Lane
Attachments: Materials for City.pdf

pg 1

Dear Mr. Long,

My father Tom Barnhart indicated that we could provide additional information for consideration of our request for a screening variance at 5017 W. Lovers Lane.

Attached are additional materials we would like to include in our file for city consideration. If you could write to confirm that you have received our materials before the deadline at noon tomorrow, I would greatly appreciate it.

Best regards,

Joslyn Barnhart

Information for City Staff Review, Appeal #: BDA156-091

We are converting a playground in the rear of 5017 W. Lovers Lane back to paved parking and want to do so in accordance with city ordinances to the greatest degree possible. Upon review of our project with city staff, we found that the impossible hurdle is the requirement for a 6' high screen with no gates shielding the parking from the residences across the alley. After significant review, it was determined that there was no way to provide the screen given the width constraints of the 25' wide lot. Request for the screening variance was suggested in the attached email written by Megan Wimer expressing the position of David Cossum. Mr. Cossum has indicated that he will take care of all other ordinance matters if this screening variance is granted, which he acknowledged as the purview of the Board of Appeals.

Our family has owned this building since 1946, soon after its construction and before off-street parking regulations were established. When parking regulations were introduced in 1947, buildings were assigned some number of delta credits in accordance with their occupancy at that time. Owners were not asked at that time how we wanted to be zoned. The assignment of delta credits for our building did not, however, take place until 2002. At that time, we were assigned five delta credits and were stripped of 3 parking spaces in the front of the building. This assignment of delta credits was based on the fact that the building had been a preschool-kindergarten in 1946. We played no role whatsoever in determining this parking allowance as it was stipulated by parking ordinances that took effect after the preschool was open.

Without exception, no one in this community retail area has requested to formalize their off-street parking since the ordinances were originally put into place. Why would they? All nearby buildings have been grandfathered since 1947 when they were retail spaces.

Ten of the eleven buildings on our block are currently retail. The eleventh space is an auto garage. All of these neighboring buildings which do not back up completely to the alley utilize unscreened parking in the rear. Importantly, 100% of the residential properties across the alley possess fences of 6' or higher that screen their properties in the way that this ordinance intended. These residential properties on Amherst Ave. have accepted the task of screening and will logically continue to do so. These neighbors have indicated that delivery trucks in the alley are a concern, even if parking is not, so they will continue to maintain their screens no matter what we do with the back of our building. The surrounding businesses will remain grandfathered because they will have no reason to change their retail classifications.

In 2002, the Happy Hour Preschool that had existed in this space since 1946 closed its doors. At that time, the building was leased as a chiropractic office, a lease that continued until early 2016. During the chiropractor's tenancy, three employee cars parked in the rear of the building on the dirt playground surface. In early 2016, a plot plan review was initiated to determine how the property could be updated from its 1946 condition. High on the list was removing the weed-growing playground dirt from the ad hoc parking area. After much discussion regarding whether the building was originally a daycare or a kindergarten and whether the chiropractor was an office or a medical office, the city assigned the building four delta credits for parking.

BDA 156-091
Attachment A
p 3

What are the implications if this variance is not granted? First, the city has indicated that tenants can park in the rear of our building without a screen as long as the building remains a day care or office. The effect of the variance decision will therefore have little impact on the residents whom this ordinance is intended to protect. Meanwhile, these residents maintain sufficient screens of their own and are unlikely to remove these screens any time soon. We sent a letter to all residents on Amherst Ave. who might be affected by the variance and these residents expressed no concern about our variance request, and instead have issued letters of support.

Second, if the variance is not granted, the building will continue to sit unused and will not contribute to this vibrant retail community. Since February 2016, the building has been professionally marketed for lease as a preschool, office, or any other occupancy that would qualify given the building's current parking constraints. As the attached letter from our realtor at Weitzman Group attests, we have received absolutely no interest from this sector of tenants. Of the 40 potential tenants who have expressed interest in the property, *zero* qualify to occupy the building given its current parking constraints. That the building has remained on the market for nine months is highly unusual in an area that averages less than 30 days for conversion. In short, the 25' wide, 1500-square foot property has proved to be un-leasable in this retail area with its current parking constraints.

Our intention is to ensure the building is commensurate with neighboring properties. The property cannot be fully commensurate, however, as the other properties are exempt from the off-street parking regulations. Our property at 5017 will be the only one that has attempted to comply with these regulations. By working with Megan Wimer's office, we have managed to get very close to compliance. The one outstanding requirement is for screening, which we are physically not able to provide if we are to access the parking.

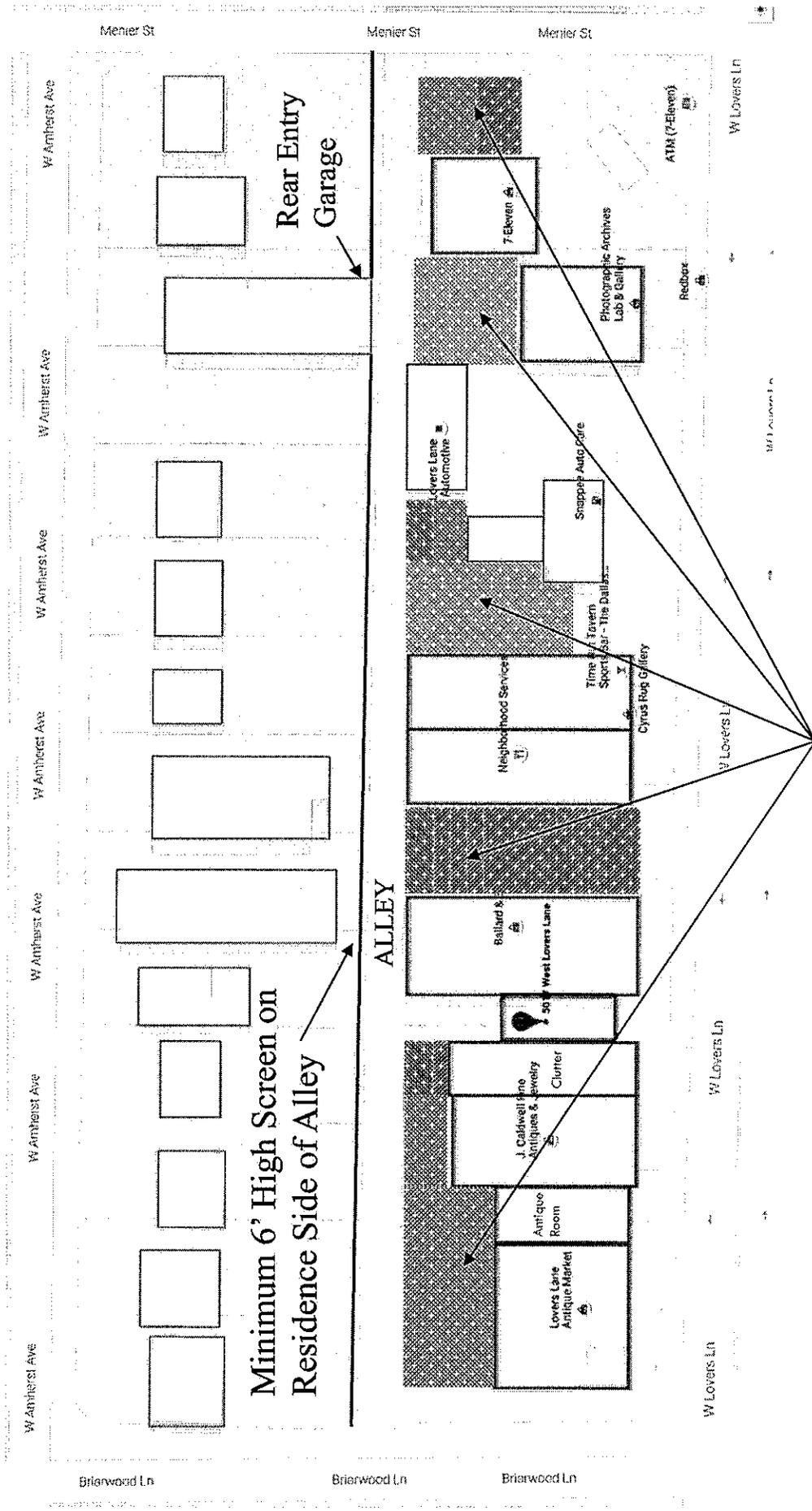
In summary:

- The current off-street parking constraints were dictated by city regulations that went into effect after our occupation of the building in 1946.
- The surrounding neighborhood is 95% retail. The building has been marketed for lease for nine months. All interested renters have included at least some retail concept in their proposed use of this space. Offices and schools have shown no interest in moving into this retail area.
- Denial of this variance will not serve its intended effect – to protect residents – since all residents maintain sufficient screens and since all neighboring commercial buildings already park in unscreened areas along the alley.

Attached is a map of the area indicating existing unscreened parking as well as letters from Michelle Kaplan of Weitzman Group, Megan Wimer and a letter of support from Maude Hutchinson of 5010 Amherst Ave.

Thank you for your time and consideration.

Joslyn Barnhart



Unscreened Parking

Michelle Caplan
Executive Vice President

mcaplan@weitzmangroup.com

September 15, 2016

Board of Adjustments
1500 Marilla Street
5DN
Dallas, TX 75201

RE: *5017 W Lovers Lane Leasing and Marketing Efforts*

To Whom It May Concern,

I have been responsible for the marketing and procuring of a tenant for 5017 Lovers Lane from approximately May 2016 through today. The building had been available for lease since February 2016 but attempts to find a suitable tenant had failed. I am currently a sales agent at the Weitzman Group, a Texas based full service commercial real estate office.

Our marketing efforts include contacting existing businesses, fielding sign calls and reaching out to the brokerage community. We run a void analysis, cold call logical businesses, tour the property with prospects, and broadcast marketing materials to our local, regional and national database, highlighting the listing at national trade shows, etc.

I handle several properties along Lovers Lane and the corridor has continued to evolve into a vibrant collection of unique retailers and higher end restaurants. At present, 100% of similar storefronts on this block of Lovers Lane are retail concepts or restaurants. Approximately 90% of all similar spaces east of property to Inwood are retail.

In the case of this property, the most interested and qualified users were retail concepts. Of the roughly 40 qualified tenants who have called expressing interest in the building, 100% of them have been either retail or dining focused. The types of businesses that could lease 5017 Lovers Lane with the existing parking, such as an office or day care facility, have to date not expressed any interest in locating within this predominantly retail area.

3102 Maple Avenue Suite 350 Dallas, Texas 75201 214.954.0600 fax 214.953.0866

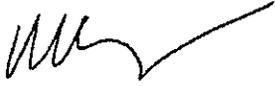
www.WeitzmanGroup.com

The Weitzman Group is the brokerage division of Weitzman Management Corporation, a regional realty corporation which also does business through its management and development division, Cencor Realty Services

BDA156-091
Attach A
P24

While most similar spaces in this area are on the market for less than one month before receiving viable, qualified interest, this building has now been on the market for 9 months. The most organic and fitting use seems to be a retailer that is of equal quality to and consistent and complementary with its adjacent neighbors.

Thank you for your consideration in the matter,



Michelle Caplan
Executive Vice President

BDA156-091

Attach A

PS7

----- Original message -----

From: "Wimer, Megan" <megan.wimer@dallascityhall.com>

Date: 7/5/16 6:16 PM (GMT-05:00)

To: Thomas Barnhart <tombarnhart@sbcglobal.net>

Cc: "Cossum, David" <david.cossum@dallascityhall.com>, "Sikes, Phil" <philip.sikes@dallascityhall.com>

Subject: 5017 W. Lovers Lane

Hi, Mr. Barnhart. Per your request, below is a recap of our discussion:

- We will acknowledge four delta credits. Therefore, only three off-street parking spaces will need to be provided to accommodate a retail use.
- Since the use does not require more than 10-off street parking spaces, handicapped parking will not be required. With the elimination of the van accessible loading area, there is adequate room for three parking spaces and onsite maneuvering.
- Given the two determinations listed above, your application to the Board of Adjustment will only need to include a variance to the screening provisions for off-street parking with residential adjacency.
- If the variance is approved, David will sign off on the Director's approval for alley access.

I have copied David and Phil (the Building Official) on this email so we're all on the same page. Please bring the revised plans to me, and I will complete the zoning review. If you need anything else in the meantime, let me know.

Megan

Megan Wimer, AICP

Chief Planner

Building Inspection Division

Department of Sustainable Development and Construction

214-948-4501

BDA156-091
Attach A
PS B

Subject: Code variance

From: Maude Hutchinson (maude@maudehutchinson.com)

To: joslyn_b@yahoo.com;

Cc: dawn@dbranam.com;

Date: Thursday, September 15, 2016 3:40 AM

From: Dawn Branam
Maude Hutchinson
5010 West Amherst Avenue
Dallas, Texas 75209

To: Joslyn Barnhart
5017 West Lovers Lane
Dallas, Texas 75209

Re: Code variance to add 3 parking spaces

Dear Neighbor,

My daughter, Dawn, purchased our home in 2000; and, since then, we have been very pleased to live in our neighborhood.

In the 16 years that we have lived here, we have not encountered any disturbances from any of the commercial businesses behind our home; and, due to the fact that our home is fenced along the alley way, we are not exposed to anything that transpires beyond the fence.

We support you as you seek a code variance regarding visual screening of the proposed parking area, especially since the homes backing up to the alley all have fences that are, in essence, screening us from activities of the commercial businesses, thus becoming the required screening.

Sincerely yours,

Maude Hutchinson
Dawn Branam

Sent from my iPad



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-091

Data Relative to Subject Property:

Date: 7-12-16

Location address: 5017 W LOVEDS LANE Zoning District: CR

Lot No.: 34 Block No.: A/5006 Acreage: .08 Census Tract: 73.02

Street Frontage (in Feet): 1) 25 2) 3) 4) 5) NW21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JOSLYN NICOLE BARNHART

Applicant: THOMAS BARNHART Telephone: 214 924 9112

Mailing Address: 4515 GLOSTER RD Zip Code: 75220

E-mail Address: tombarhart@sbcglobal.net

Represented by: THOMAS BARNHART Telephone:

Mailing Address: 4515 GLOSTER RD Zip Code: 75220

E-mail Address: tombarhart@sbcglobal.net

Affirm that an appeal has been made for a Variance or Special Exception of SEC. 51A-4.301 (4)(1)(A) STRONG THE OWNER MUST PROVIDE SCREENING FOR OFF STREET PARKING TO SEPARATE THE PARKING AREA FROM CONTIGUOUS RESIDENTIAL USE R DISTRICT AND THE PARKING AREA SERVES A NONRESIDENTIAL USE.

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

DUE TO SIZE OF PROPERTY - PRIMARILY 25 FEET WIDTH - ENGINEERING STUDIES HAVE FAILED TO DERIVE A PLAN TO PROVIDE BOTH SCREENING AND ACCESS TO OFF STREET PARKING. ALTHOUGH ZONED COMMUNITY RETAIL THE PROPERTY HAS ONLY 4 DEDICATED CREDITS AND THREE ADDITIONAL OFF STREET PARKING SPACES ARE REQUIRED FOR USE IN ITS ZONED PURPOSE.

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

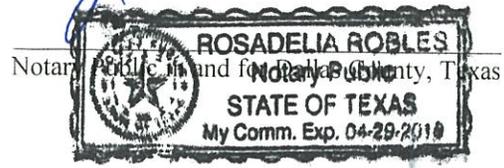
Before me the undersigned on this day personally appeared THOMAS BARNHART (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 12 day of July, 2016

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Thomas Barnhart

did submit a request for a variance to the off-street parking regulation
at 5017 W. Lovers Lane

BDA156-091. Application of Thomas Barnhart for a variance to the off-street parking regulation at 5017 W. Lovers Lane. This property is more fully described as Lot 34, Block A/5006, and is zoned CR, which requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a nonresidential structure and not provide the required screening, which will require a variance to the off-street parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

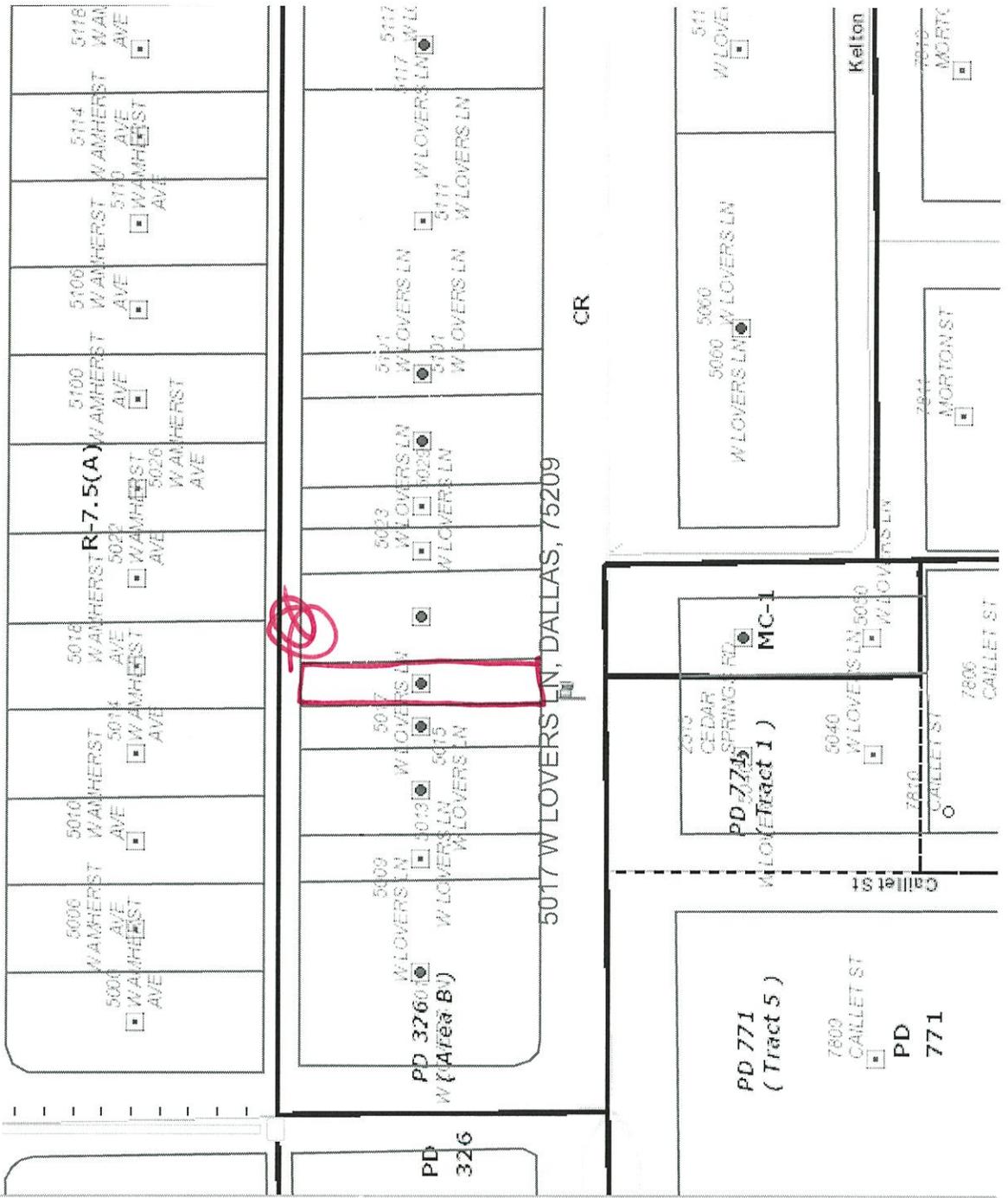
City of Dallas

Internal Development Research Site

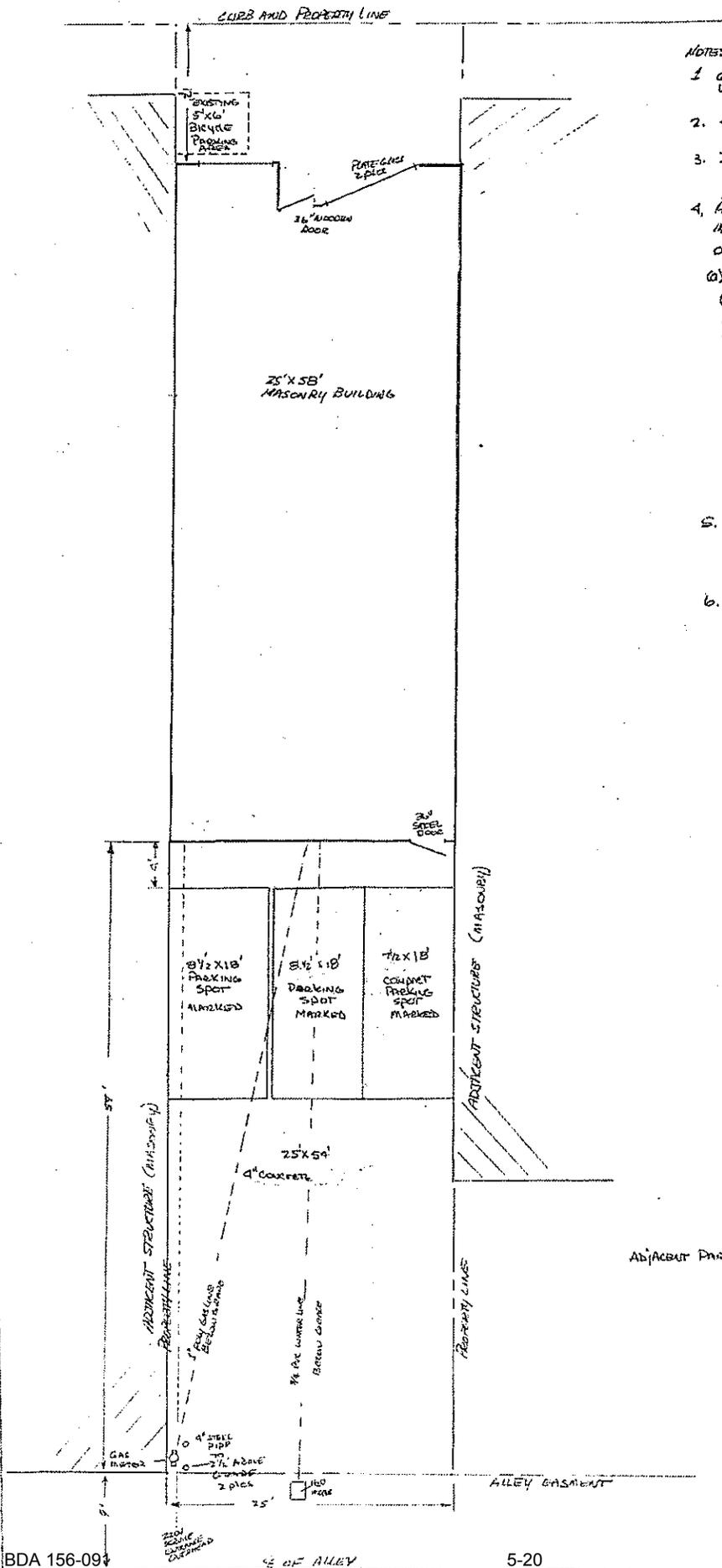
Legend

Locate Property

W Amherst Ave



W LOVERS LANE

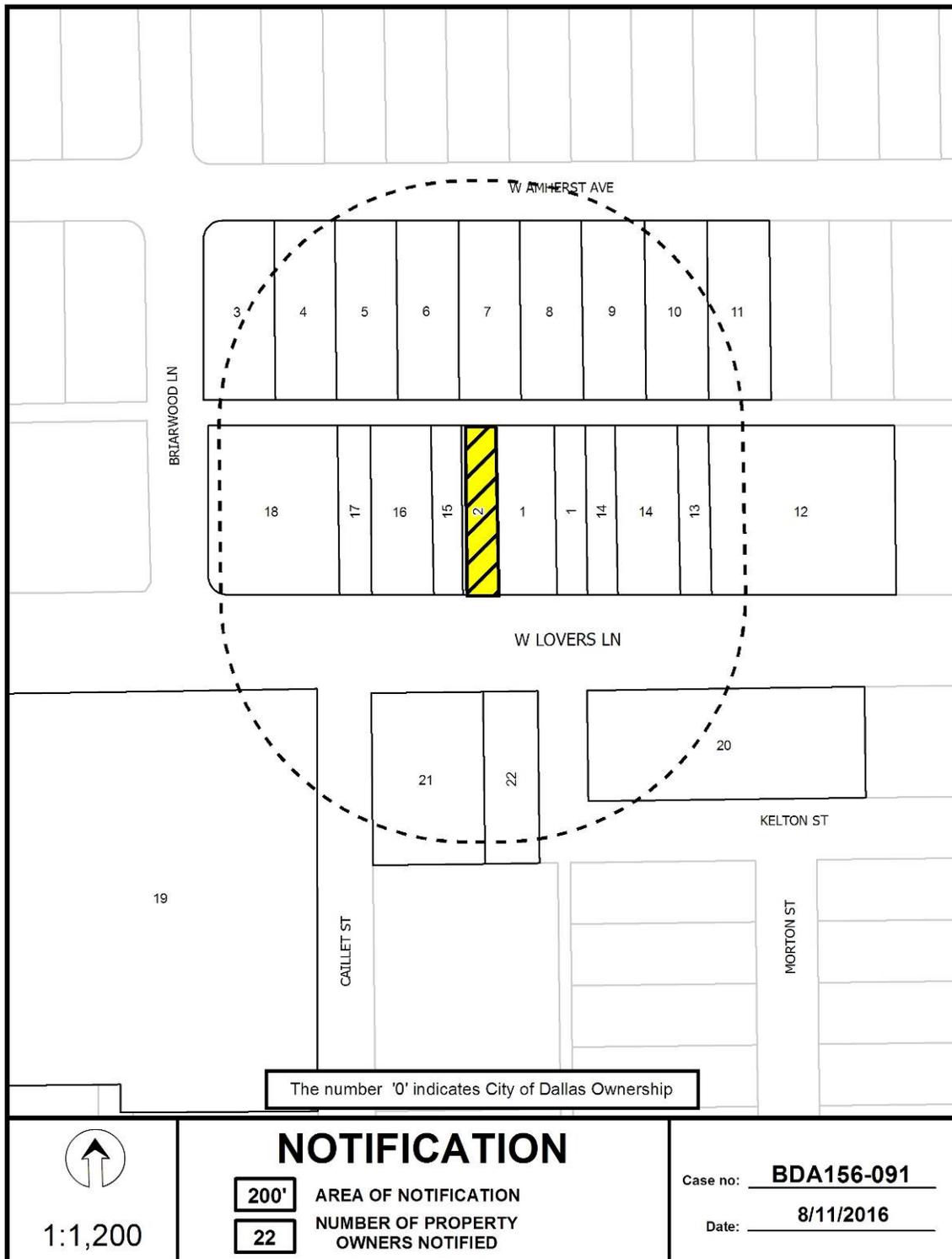


- NOTES:
1. GENERAL MERCHANDISE OR FOOD STORES LESS THAN 3500 SF
 2. 4 DELTA CREDITS FOR PARKING
 3. 3 ADDITIONAL PARKING SPOTS DESIGNATED IN ZONE OF BUILDING
 4. ACCESS TO PARKING FROM ALLEY IN ACCORDANCE WITH SEC. 51A-303 OFF STREET PARKING REGULATIONS
 - (a) GENERAL PROVISIONS
 - (1) IN AN AGRICULTURAL, MULTIFAMILY, MH(A), OR NON RESIDENTIAL DISTRICT, A PERMIT SHALL NOT BE GRANTED OR MAINTAIN A PARKING LOT OR GARAGE THAT HAS ACCESS TO A PUBLIC ALLEY OR ACCESS easement THAT ABUTS OR IS IN AN R, R(A), D, D(A), TH, TH(A), OR CH DISTRICT UNLESS THE DIRECTOR APPROVES THE MEANS OF ACCESS
 5. A 5'x6' BICYCLE PARKING SPACE IS DESIGNATED BETWEEN LOVERS LANE SIDEWALK AND FRONT OF BUILDING
 6. BICYCLE PARKING RACK CONSTRUCTED OF 2" DIAMETER STEEL TUBING SHAPED IN A U BEND WITH LEGS 22" ON CENTER AND A HEIGHT OF 36"

BDA 156-09

5-20

5017 W LOVERS LANE
 PLOT PLAN
 - 1 Foot
 TOM BARNHART
 2149249112



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
22 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-091**

Date: **8/11/2016**

Notification List of Property Owners

BDA156-091

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5023 W LOVERS LN	CROFT T GEORGE
2	5017 W LOVERS LN	BARNHART JOSLYN NICOLE
3	5000 W AMHERST AVE	JONES LAUREL
4	5006 W AMHERST AVE	MENDOZA MARIA DEL ROSARIO
5	5010 W AMHERST AVE	BRANAM DAWN M
6	5014 W AMHERST AVE	MILLER EMILY D
7	5018 W AMHERST AVE	ROLLINS CHESTER BOLTON &
8	5022 W AMHERST AVE	5022 W AMHERST LLC
9	5026 W AMHERST AVE	BLANCHARD FRANCES A TRUSTEE OF THE
10	5100 W AMHERST AVE	GUGENHEIM NANCY GENE
11	5106 W AMHERST AVE	WHITEHEAD JOHN RANDALL
12	5111 W LOVERS LN	MATUS WITOLD &
13	5101 W LOVERS LN	CHANTILIS ANGELO S
14	5027 W LOVERS LN	JOE F G
15	5015 W LOVERS LN	5013 15 LOVERS LANE PS
16	5013 W LOVERS LN	5013 15 LOVERS LANE PS
17	5009 W LOVERS LN	WALDMAN FLORENCE A &
18	5001 W LOVERS LN	LOVERS LANE ANTIQUE
19	5002 W LOVERS LN	PROVIDENCE CHRISTIAN
20	5060 W LOVERS LN	BRACKEN LINDA B FAMILY TRUST
21	5040 W LOVERS LN	PROVIDENCE CHRISTIAN
22	5050 W LOVERS LN	A & D HARRIS FMLY LTD PS

FILE NUMBER: BDA156-101(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the landscape regulations at 8989 Gaston Parkway (aka: 8989 Garland Road). This property is more fully described as Lot 1, Block 9/4413, and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 8989 Gaston Parkway (aka: 8989 Garland Road)

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A special exception to the landscape regulations is made to construct and maintain additions/second story to an existing vacant one-story nonresidential structure/office use, and not fully meet the landscape regulations, more specifically, to not provide the required perimeter landscape buffer, plant groups, street trees, site trees, parking lot trees, and design standards on the property.

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

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

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

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff concurs with the Chief Arborist and recommends denial of the request. The applicant had not substantiated how strict compliance with the requirements of the landscape regulations would unreasonably burden the use of the property; and how the special exception would not adversely affect neighboring property.
- Among other things, the applicant had not substantiated how the balance of the landscape reduction could not be reasonably compensated with an improved street frontage landscape area in an available open space which would be accounted for in Article X requirements, which would provide a positive affect to neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: MF-2 (Multifamily)
South: CR (Community retail)
East: CR (Community retail)
West: MF-1 (Multifamily)

Land Use:

The subject site is developed with a vacant nonresidential office structure. The areas to the north and west are developed with multifamily uses; and the areas to the east and south are developed with retail uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining additions/second story to an existing vacant one-story nonresidential structure/office use, and not fully meeting the landscape regulations, more specifically, not providing the perimeter landscape buffer, plant groups, street trees, site trees, parking lot trees, and design standard requirements.

- 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 B). The memo states how this request is triggered by a building story height to an existing structure.
- The Chief Arborist's memo stated that the proposed alternate landscape plan is deficient in the following:
 1. Perimeter landscape buffer (rear yard) and plant groups (10.125(b)(1) and (b)(7)) – plan does not fully comply with required dimensions and plant group materials. No plant groups provided (utility conflict); min. of 5 required.
 2. Street trees (10.125(b)(4)) – no street trees are provided, min. of 2 required.
 3. Site trees (10.125(b)(3)) – 2 site trees are provided; min. of 4 required.
 4. Parking lot trees (10.125(b)(5)) – no parking lot trees are provided.
 5. Design Standard: Foundation planting strip (10.126(g)) – plant materials only.
- The Chief Arborist's memo listed the following factors for consideration:
 1. Landscaping is made mandatory by the addition of a story to the existing structure. The rear parking area is currently fully paved. Front parking spaces are also existing.
 2. A confirmed 15' utility easement, measured from the property line, is along the southwestern and northwestern boundaries of the property. City engineering has determined that no large or small trees, or large shrubs, should be planted within the easement. The applicant had originally proposed trees for the perimeter but staff was not supportive of the materials. The revisions identify materials which staff has found acceptable for planting within the easement.
 3. The plan identifies two design standards, including enhanced pedestrian pavement and foundation planting strip. The planting strip is four feet wide and is designated for a mix of ornamental and drought tolerant plant materials to fill the bed which would also provide visual enhancement on the south and west side of the building.
 4. The applicant has stated the new use will require 17 parking spaces. Five parking spaces are provided adjacent to Gaston Parkway where they would maneuver into the right-of-way. In further review with staff, it was concluded that, under Sec. 51A-4.300(a)(7), 'head-in parking adjacent to a public street' is excluded in determining off-street parking requirements. As this area is not accountable for required parking, we view this as providing for the potential of an additional landscape area space for a large street tree which is not encumbered by building location or utility conflicts.
 5. The provided revised alternate landscape plan provides sufficient material for the perimeter buffer area with residential adjacency, but I believe the inclusion of one additional large street tree with the conversion of one full parking space along the street frontage would better compensate for the overall reduction of landscaping in relation to the neighboring properties. This would also provide the property

one additional site tree and one street tree closer to the minimum requirements. It could provide the parking lot tree compliance for three of the twelve rear parking spaces.

- The City of Dallas Chief Arborist recommends denial of the revised alternate landscape plan. Although it is shown full compliance with the regulations would place an unreasonable burden on the use of the property, and the applicant has demonstrated a reasonable effort of addressing the utility conflict in the perimeter buffer, the Chief Arborist believes the balance of the landscape reduction can be reasonably compensated with an improved street frontage landscape area in an available open space which would be accounted for in Article X requirements, and which would provide a positive affect to neighboring property.
- 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 revised landscape plan as a condition to the request, the site would be provided exception from full compliance with the perimeter landscape buffer, plant groups, street trees, site trees, parking lot trees, and design standard requirements on the subject site.

Timeline:

August 19, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 13, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the 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.”

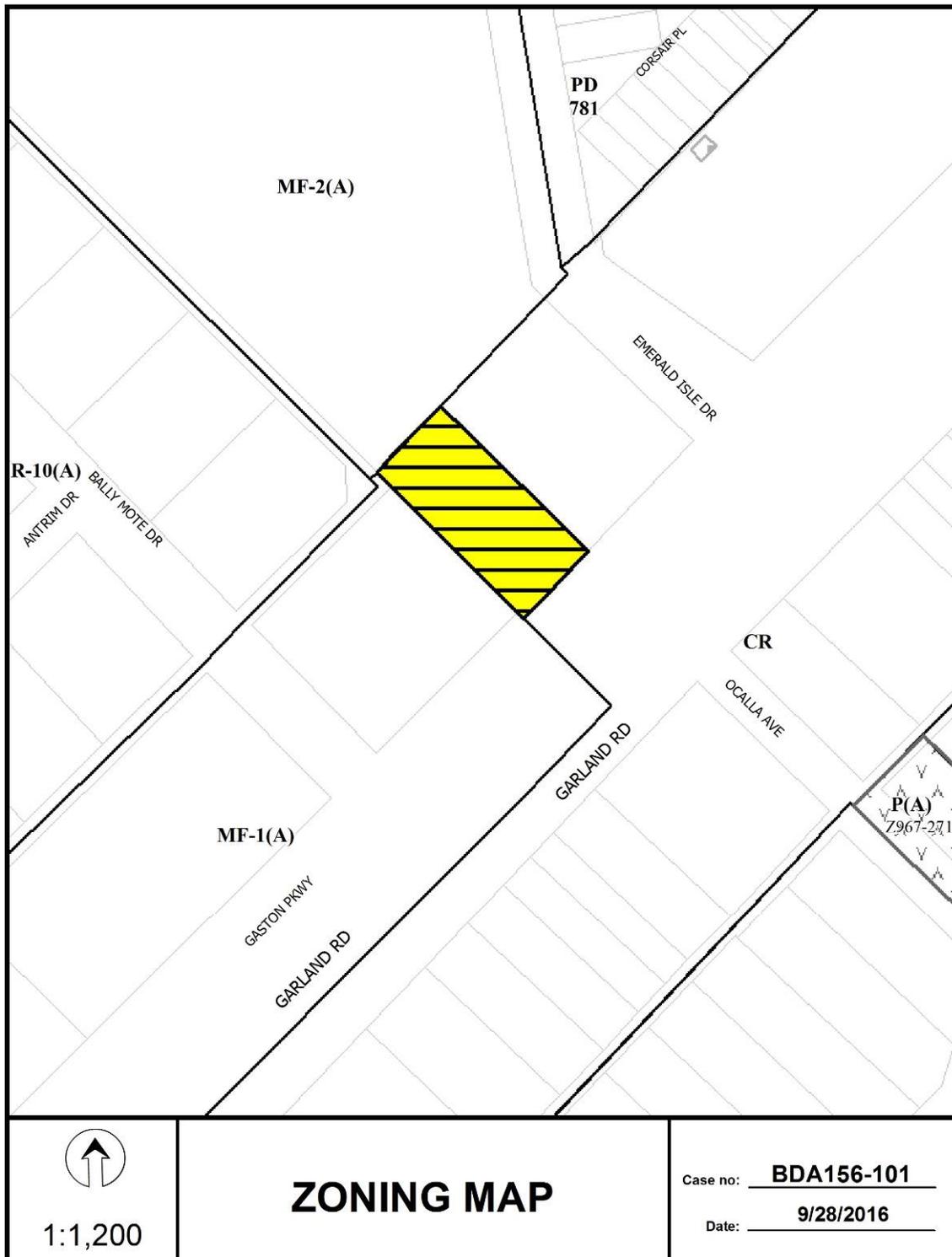
October 4, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

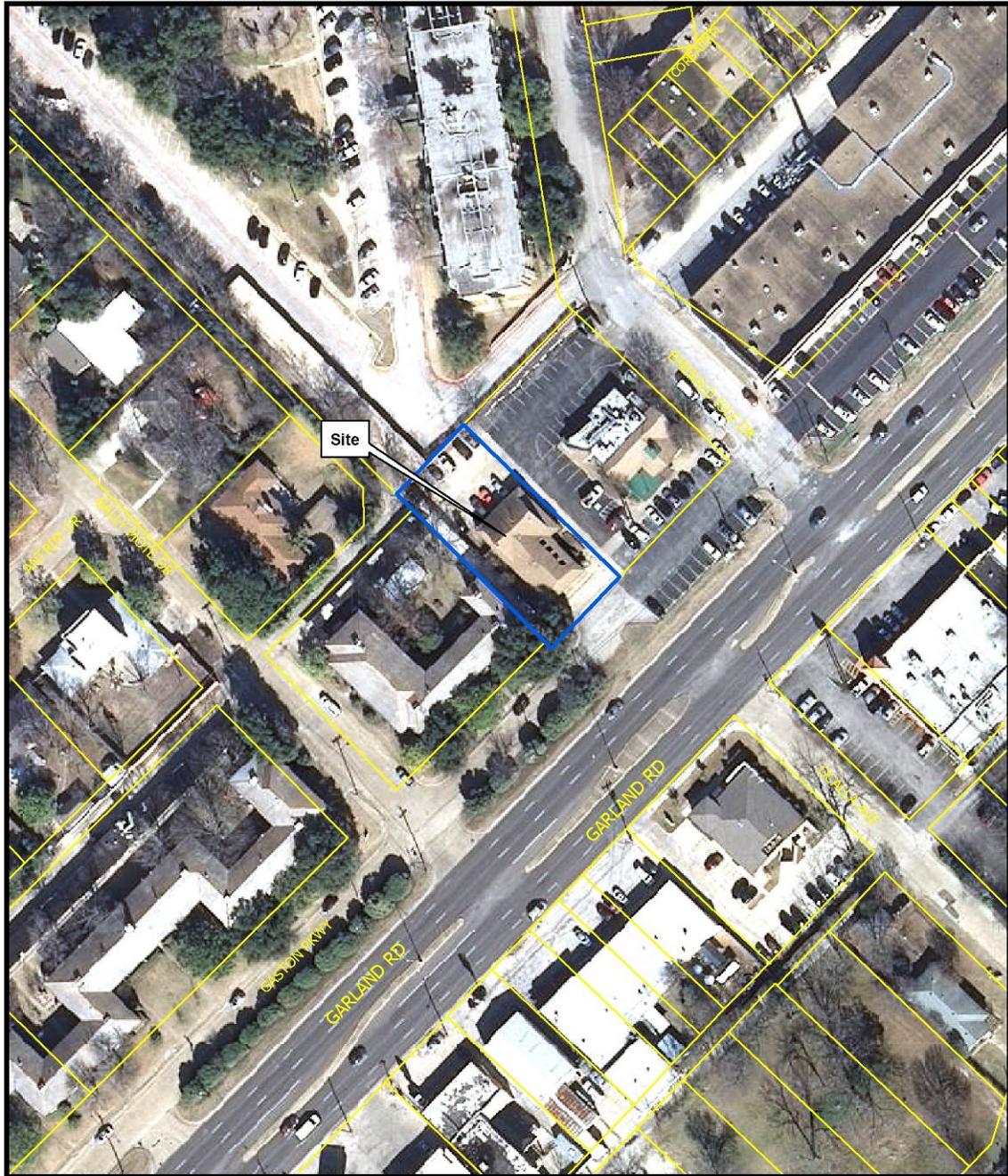
October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant

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

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

October 7, 2016: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).





1:1,200

AERIAL MAP

Case no: BDA156-101

Date: 9/23/2016

Transmittal Memo

To: Todd Duerksen
Phil Erwin
Steve Long
Date: 10/4/16
From: Jennifer Hiromoto
Zoning Case Number: BDA156-101
Project Address/Location: 8989 Gaston/Garland
Transmittal Notes: Revised landscape plan
attached.

ID	SCIENTIFIC NAME	COMMON NAME	SIZE	QUANTITY
T1	Pinus mitis	Mexican Palm	2 Cal. 14 ft.	Mexican Palm
P1	Cynodon dactylon	Bermuda Grass	2,008 sq. ft.	2,008 sq. ft.
P2	Zoysia tenuifolia	Zoysia Grass	5,024 sq. ft.	36 on center
	Yucca rostrata	Heavily Yucca	5 Cal. 24 ft.	36 on center
	Yucca filamentosa	Heavily Yucca	5 Cal. 24 ft.	36 on center
	Sida sp.	Autumn Sage	3 Cal. 18 ft.	24 on center
	Ipomoea pes-caprae	Ipomoea	3 Cal. 12 ft.	24 on center
	Ipomoea pes-caprae	Ipomoea	3 Cal. 12 ft.	24 on center
	Ipomoea pes-caprae	Ipomoea	3 Cal. 12 ft.	24 on center

1. Foundation Planting Strip
 - a. Choose from plant species and use spacing specifications provided under P2 in plant legend
2. Enhanced Pedestrian Planting
 - a. Used stained concrete as shown on plan

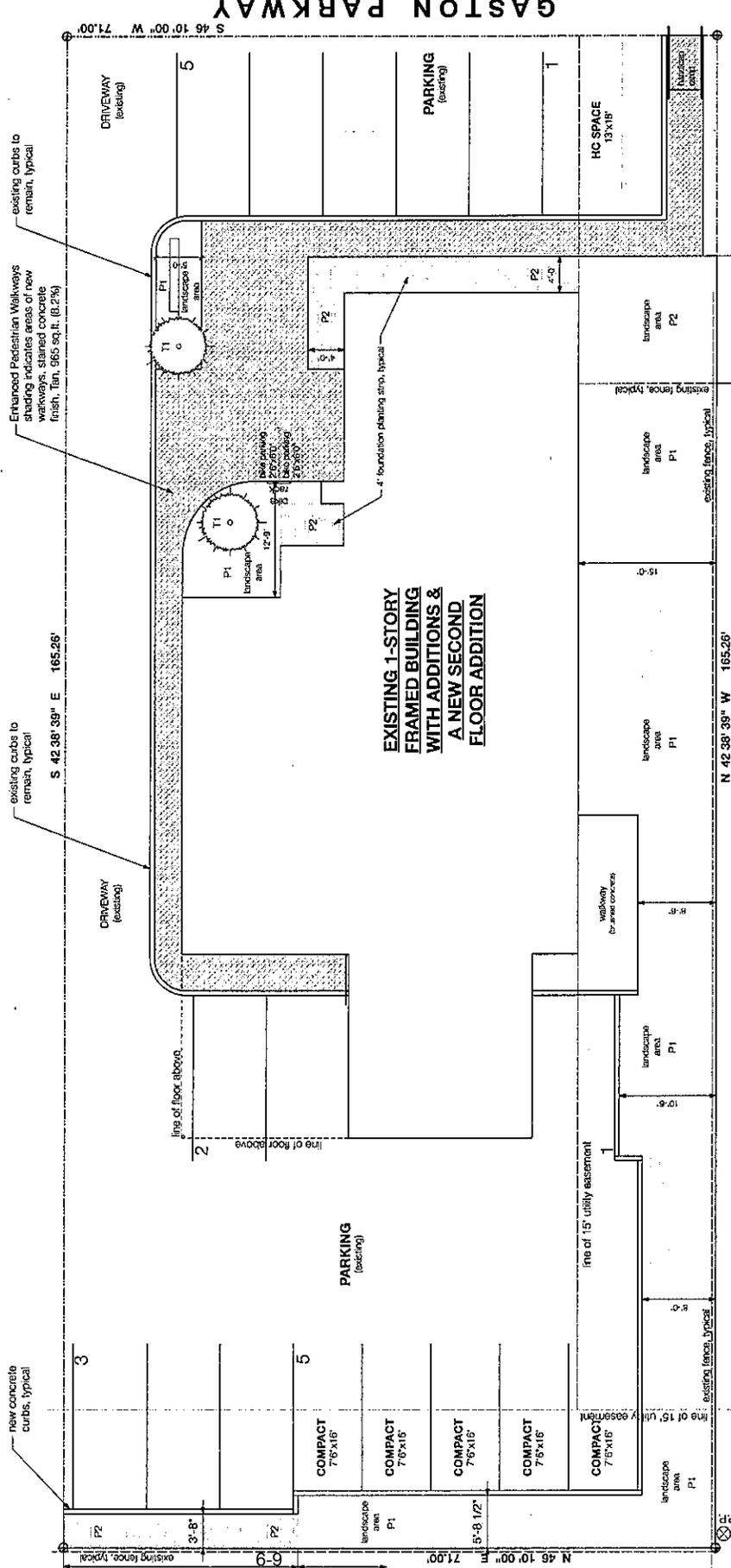
DESIGN STANDARDS

Scale: 3/16" = 1'-0"

PLANT LEGEND

Scale: 3/16" = 1'-0"

*P2 planting areas must contain a minimum of two species from the plant legend.



PROPOSED ALTERNATE LANDSCAPE PLAN

Scale: 3/16" = 1'-0"

By: Bella Vista Company Construction Services, L.P.
 Design - Build - Remodel

By: Bella Vista Construction, L.P. for Central Parkway
 Design - Build - Remodel

Bella Vista
 COMPANY

8989/8999 Garland Road
 Dallas, Texas

LANDSCAPE PLAN

1.01

BDA 156-101 Attach A 2 of 2

DRAWING ISSUE

24. September 2016 :
 25. September 2016 :
 26. September 2016 :
 27. September 2016 :
 28. September 2016 :
 29. September 2016 :

BDA156-101
Attach B Pg 1

Memorandum



CITY OF DALLAS

DATE October 7, 2016
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 156 · 101 8989 Gaston Parkway

The applicant is requesting a special exception to the landscape requirements of Article X. The property is in the CR district.

Trigger

Building story height addition to existing structure.

Deficiencies

The revised alternate landscape plan has the following deficiencies:

Perimeter landscape buffer (rear yard) and plant groups (10.125(b)(1) and (b)(7)) – plan does not fully comply with required dimensions and plant group materials. No plant groups provided (utility conflict); min. of 5 required.
Street trees (10.125(b)(4)) – no street trees are provided, min. of 2 required.
Site trees (10.125(b)(3)) – 2 site trees are provided; min. of 4 required.
Parking lot trees (10.125(b)(5)) – no parking lot trees are provided.
Design Standard: Foundation planting strip (10.126(g)) – plant materials only.

Factors

Landscaping is made mandatory by the addition of a story to the existing structure. The rear parking area is currently fully paved. Front parking spaces are also existing.

A confirmed 15' utility easement, measured from the property line, is along the southwestern and northwestern boundaries of the property. City engineering has determined that no large or small trees, or large shrubs, should be planted within the easement. The applicant had originally proposed trees for the perimeter but staff was not supportive of the materials. The revisions identify materials which staff has found acceptable for planting within the easement.

The plan identifies two design standards, including enhanced pedestrian pavement and foundation planting strip. The planting strip is four feet wide and is designated for a mix of ornamental and drought tolerant plant materials to fill the bed which would also provide visual enhancement on the south and west side of the building.

The applicant has stated the new use will require 17 parking spaces. Five parking spaces are provided adjacent to Gaston Parkway where they would maneuver into the right-of-way. In further review with staff, it was concluded that, under Sec. 51A-4.300(a)(7), 'head-in parking adjacent to a public street' is excluded in determining off-street parking requirements. As this area is not accountable for required parking,

BDA156-101
Attach B pg 2

we view this as providing for the potential of an additional landscape area space for a large street tree which is not encumbered by building location or utility conflicts.

The provided revised alternate landscape plan provides sufficient material for the perimeter buffer area with residential adjacency, but I believe the inclusion of one additional large street tree with the conversion of one full parking space along the street frontage would better compensate for the overall reduction of landscaping in relation to the neighboring properties. This would also provide the property one additional site tree and one street tree closer to the minimum requirements. It could provide the parking lot tree compliance for three of the twelve rear parking spaces.

Recommendation

The chief arborist recommends denial of the revised alternate landscape plan. Although it is shown full compliance with the regulations would place an unreasonable burden on the use of the property, and the applicant has demonstrated a reasonable effort of addressing the utility conflict in the perimeter buffer, I believe the balance of the landscape reduction can be reasonably compensated with an improved street frontage landscape area in an available open space which would be accounted for in Article X requirements, and which would provide a positive affect to neighboring property.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-101

Data Relative to Subject Property:

Date: 8/19/16

Location address: 8989 Gaston Avenue Zoning District: CR

Lot No.: 1 Block No.: 9/4413 Acreage: 0.269 acres Census Tract: 81.00

Street Frontage (in Feet): 1) 71 ft 2) _____ 3) _____ 4) _____ 5) _____

307

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARC Development, LLC

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance ____, or Special Exception X, of _____
to Article X to allow an alternate landscape plan

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The owner seeks to renovate the property which will trigger Article X. Given the current configuration of the property, they cannot comply with both Article X and the off-street parking requirement.

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

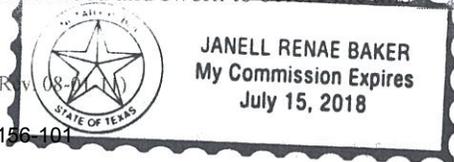
Affidavit

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

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

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of August, 2016



Janell Renae Baker
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

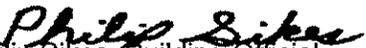
Building Official's Report

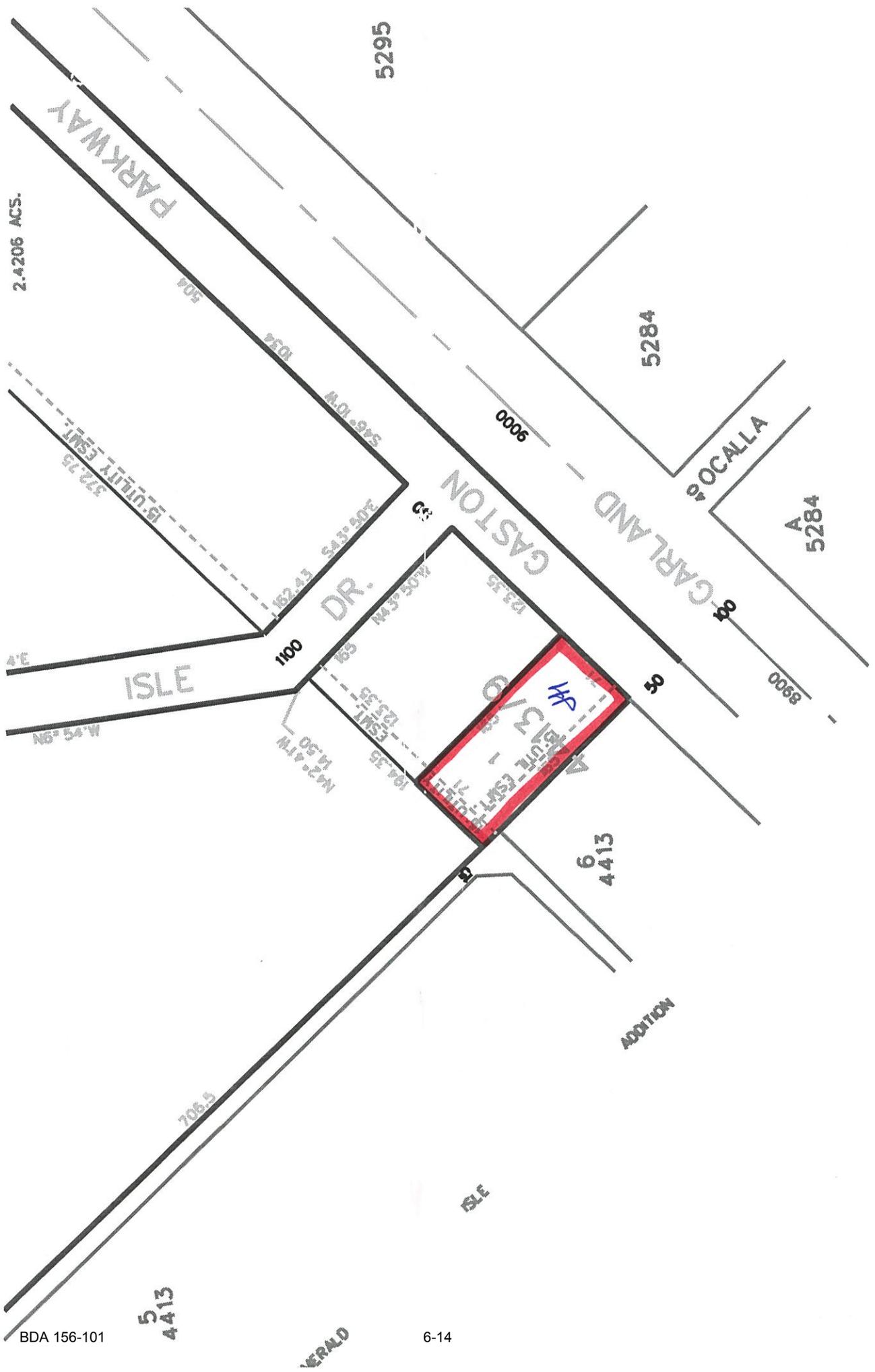
I hereby certify that Robert Baldwin

did submit a request for a special exception to the landscaping regulations
at 8989 Gaston Parkway (aka: 8989 Garland Road)

BDA156-101. Application of Robert Baldwin for a special exception to the landscaping regulations at 8989 Gaston Parkway (aka: 8989 Garland Road). This property is more fully described as Lot 1, Block 9/4413, and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Philip Sikes, Building Official



5
4413

6
4413

A
5284

5295

5284

2.4206 ACS.

PARKWAY

ISLE

DR.

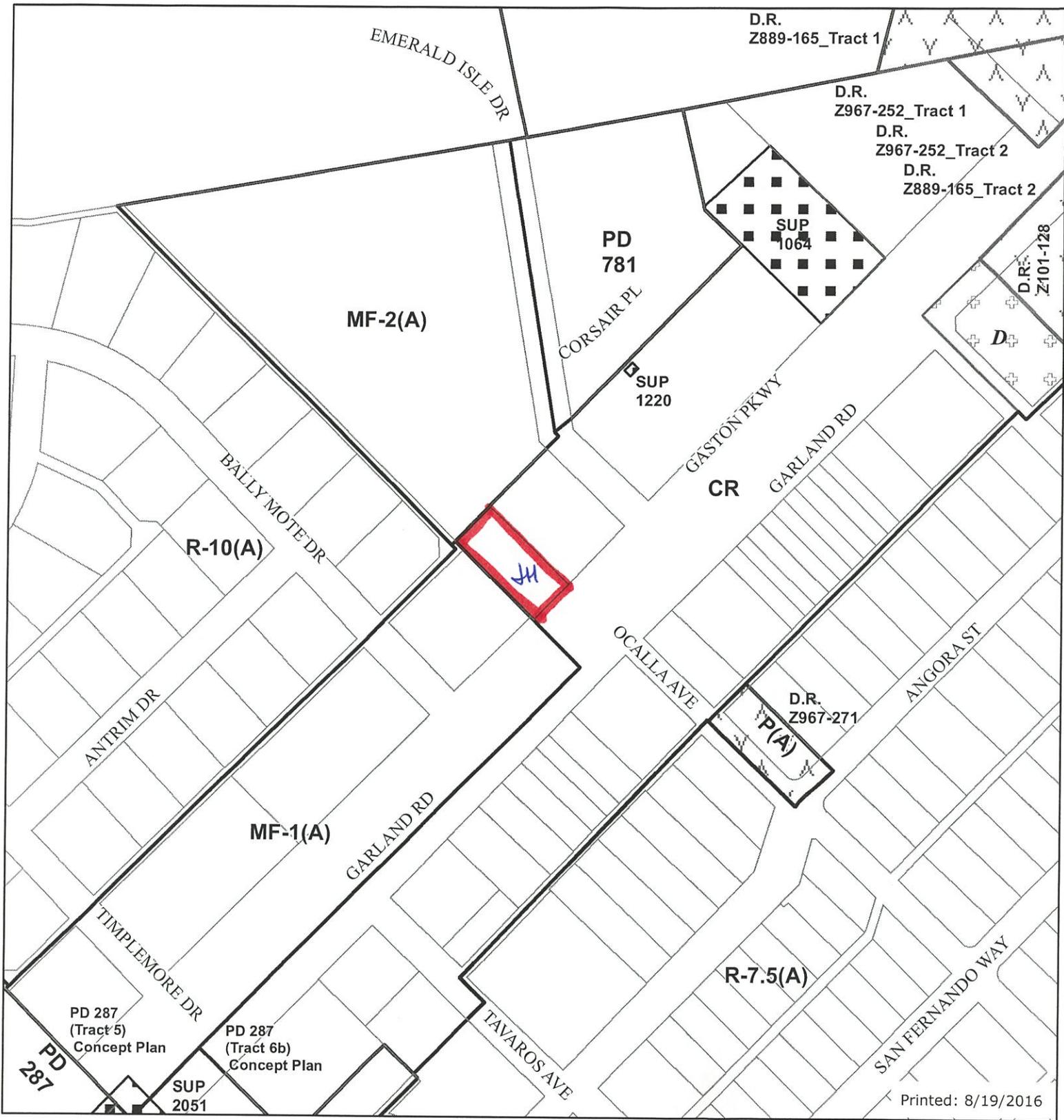
GASTON

CARLAND

POCALLA

ADDITION

VERALD



Printed: 8/19/2016

Legend

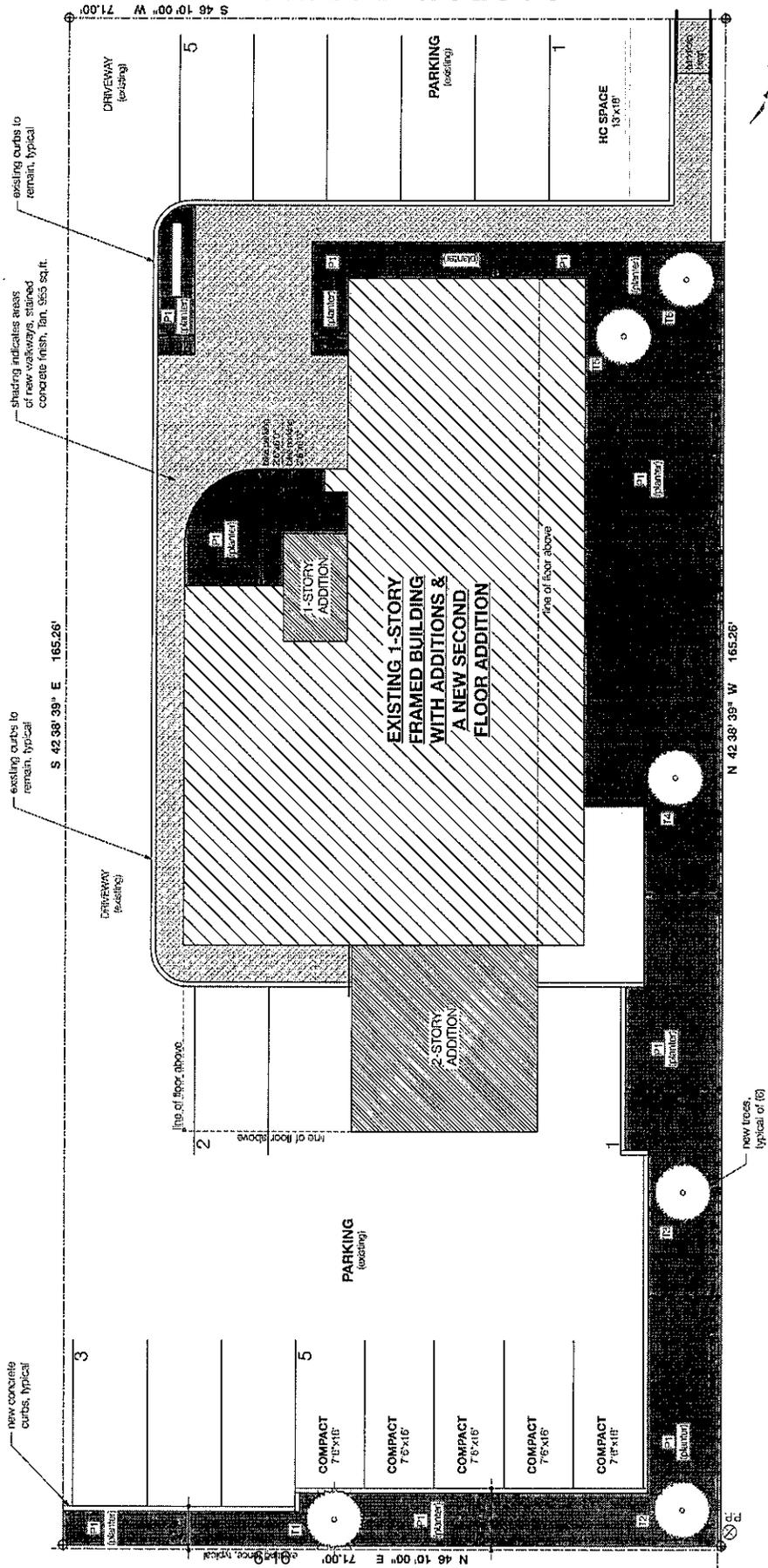
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA 156-301 SUP | Historic Overlay | End-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)



ID	SCIENTIFIC NAME	COMMON NAME
T1	Fraxinus Chinensis	Chinese Fraxinus
T2	Quercus Borealis	White Oak
T3	Sapindus Albicarpus	White Birch
T4	Prunella Americana	American Plum
T5	Quercus Virginiana	Live Oak
T6	Cornus Virginiana	Black Dogwood
P1	Trifolium Repens	White Clover

TREES & PLANTS LEGEND
 Scale: 3/16" = 1'-0"



PROPOSED ALTERNATE LANDSCAPE PLAN
 Scale: 3/16" = 1'-0"

ISSUING OFFICE:
 14, JAY ROAD,
 BELLA VISTA COMPANY
 CONSTRUCTION
 CONSULTING AND
 BUILDING SHOP
 18, AUGUST 2016
 PERMIT & CONSTRUCTION
 BUILDING SHOP

SEGNATURE BLOCK
 Bella Vista Company Construction Services, L.P.
 10121 Westview of Lakes Park
 McKinney, Texas



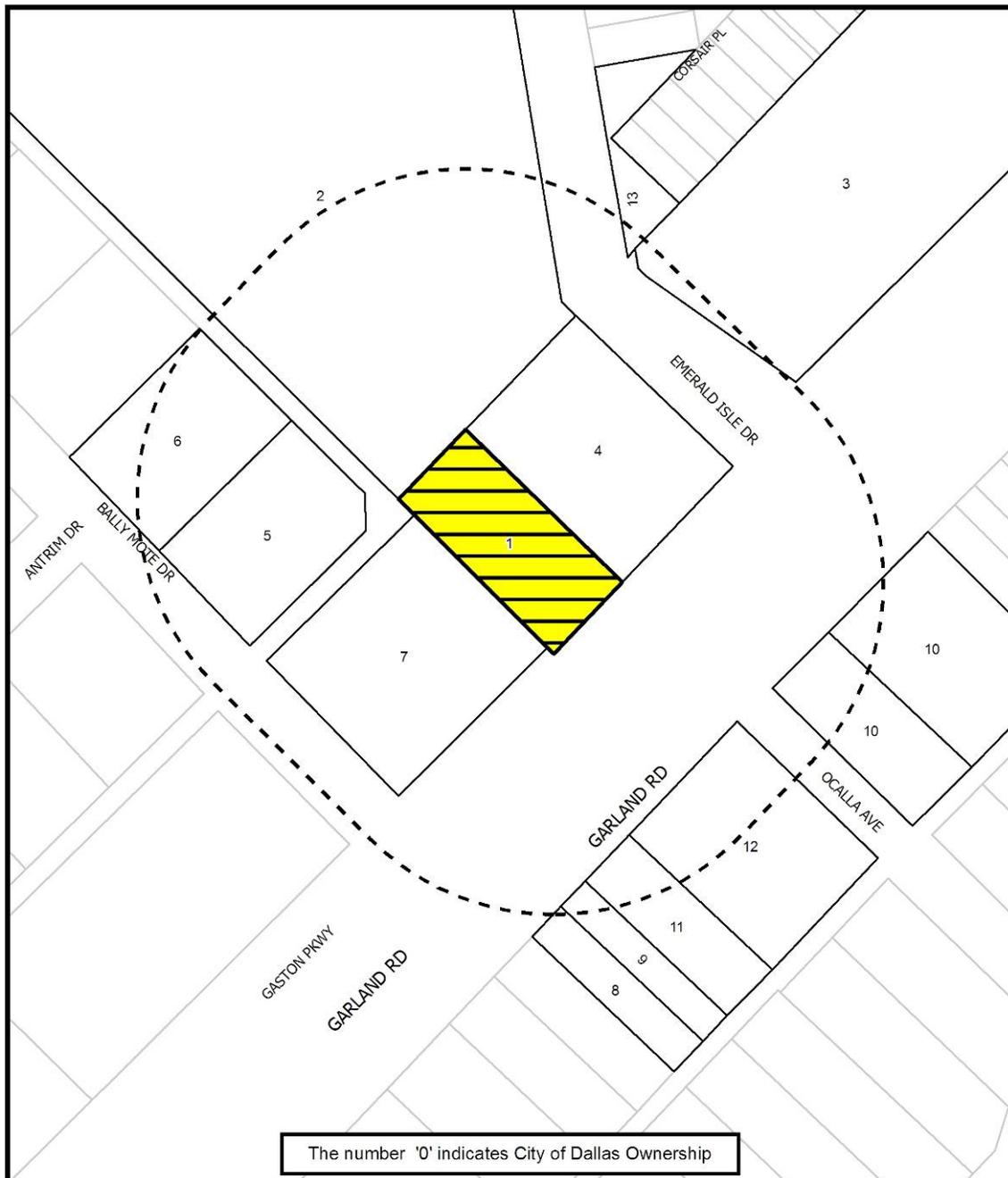
Bella Vista Company
 8989/8999 Garland Road
 Dallas, Texas

LANDSCAPE PLAN

1.01

-- design drawings for a new innovation to built for --

GASTON PARKWAY



 1:1,200	NOTIFICATION		Case no: BDA156-101
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 9/23/2016	

Notification List of Property Owners

BDA156-101

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8989 GARLAND RD	MARC DEVELOPMENT LLC
2	1100 EMERALD ISLE DR	NIC 16 AUTUMN LEAVES OWNER LLC
3	9005 GARLAND RD	WHITE ROCK SC LP
4	8949 GARLAND RD	ENG T K TRUSTEE
5	1176 BALLYMOTE DR	BALLEW KATHLEEN
6	1170 BALLYMOTE DR	MORGAN ANDREW B & CHRIS B
7	8915 GASTON PKWY	8861 GASTON PARKWAY LLC
8	8922 GARLAND RD	STEPHENSON J R
9	8924 GARLAND RD	HALLIBURTON SWIMMING POOL
10	9004 GARLAND RD	SMITH LARRY D
11	8930 GARLAND RD	WONG CHUCK HUNG &
12	8940 GARLAND RD	PSALM 37:4-5 LTD
13	1000 EMERALD ISLE DR	1000 EMERALD ISLE LP