

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 18, 2017
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.

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

MISCELLANEOUS ITEMS

Approval of the September 20, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
Consideration and approval of Panel C's 2018 Public Hearing Calendar	M2

UNCONTESTED CASES

BDA167-105(JM)	9203 Sunnybrook Lane REQUEST: Application of Michelle Brooks /Mark Molthan Construction, Inc., represented by Michelle Brooks, Wyatt Seals, or Paul Steinbrecher, for special exceptions to the fence standards	1
BDA167-111(SL)	5750 E. Lovers Lane REQUEST: Application of Karl A. Crawley for a special exception to the landscape regulations	2
BDA167-117(JM)	10802 Dove Brook Circle REQUEST: Application of Kip Petroff for special exceptions to the fence standards	3

REGULAR CASE

BDA167-110(SL) 633 Elwayne Avenue 4

REQUEST: Application of Rosalba Robledo, represented by Elias Rodriguez of Construction Concepts, for a special exception to the side yard setback regulations for a carport

EXECUTIVE SESSION NOTICE

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

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

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WENDESDAY, OCTOBER 18, 2017

FILE NUMBER: BDA167-105(JM)

BUILDING OFFICIAL'S REPORT: Application of Michelle Brooks/Mark Molthan Construction, Inc., represented by Michelle Brooks, Wyatt Seals, or Paul Steinbrecher, for special exceptions to the fence standards at 9203 Sunnybrook Lane. This property is more fully described as Lots 7 & 8, Block 13-A/5586, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 9203 Sunnybrook Lane

APPLICANT: Michelle Brooks/Mark Molthan Construction, Inc.
Represented by Michelle Brooks, Wyatt Seals, or Paul Steinbrecher

REQUEST:

The following requests for special exceptions to the fence standards have been made on a site that is developed with a single-family home (under construction):

- 1) A special exception related to fence height of 4' is made to complete and maintain a fence higher than 4' in height in the front yard setback (a 7' 6" wrought iron fence with 8' stone columns and stone wing walls); and
- 2) A special exception related to fence materials is made to complete and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home (under construction). The areas to the north, east, and south are developed with single family uses. A creek exists to the west (floodplain).

Zoning/BDA History:

1. BDA145-008, Property at 9246 Sunnybrook Lane (northeast of the subject site)

On January 20, 2015, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4'. The case report stated that the request was made in conjunction with constructing and maintaining an 8' high limestone masonry fence towards the northwest of the property, a 6'-2" high painted steel fence between 2 evergreen hedges towards the west and south sides of the property, one 6'-2" high painted steel service gate towards the south of the property, and one 8' high painted steel vehicular gate towards the northwest of the property, parallel and perpendicular to Sunnybrook Lane.

2. BDA967-128, Property at 4936 Radbrook Place (southwest of the subject site)

On November 18, 1996, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of up to 6' and a special exception to the visibility triangle regulations. The case report stated that the request was made in conjunction with constructing and maintaining a 6' wrought iron fence with 7' gates and 10' stone columns (the latter from BDA action in 1985, but the fence was never constructed).

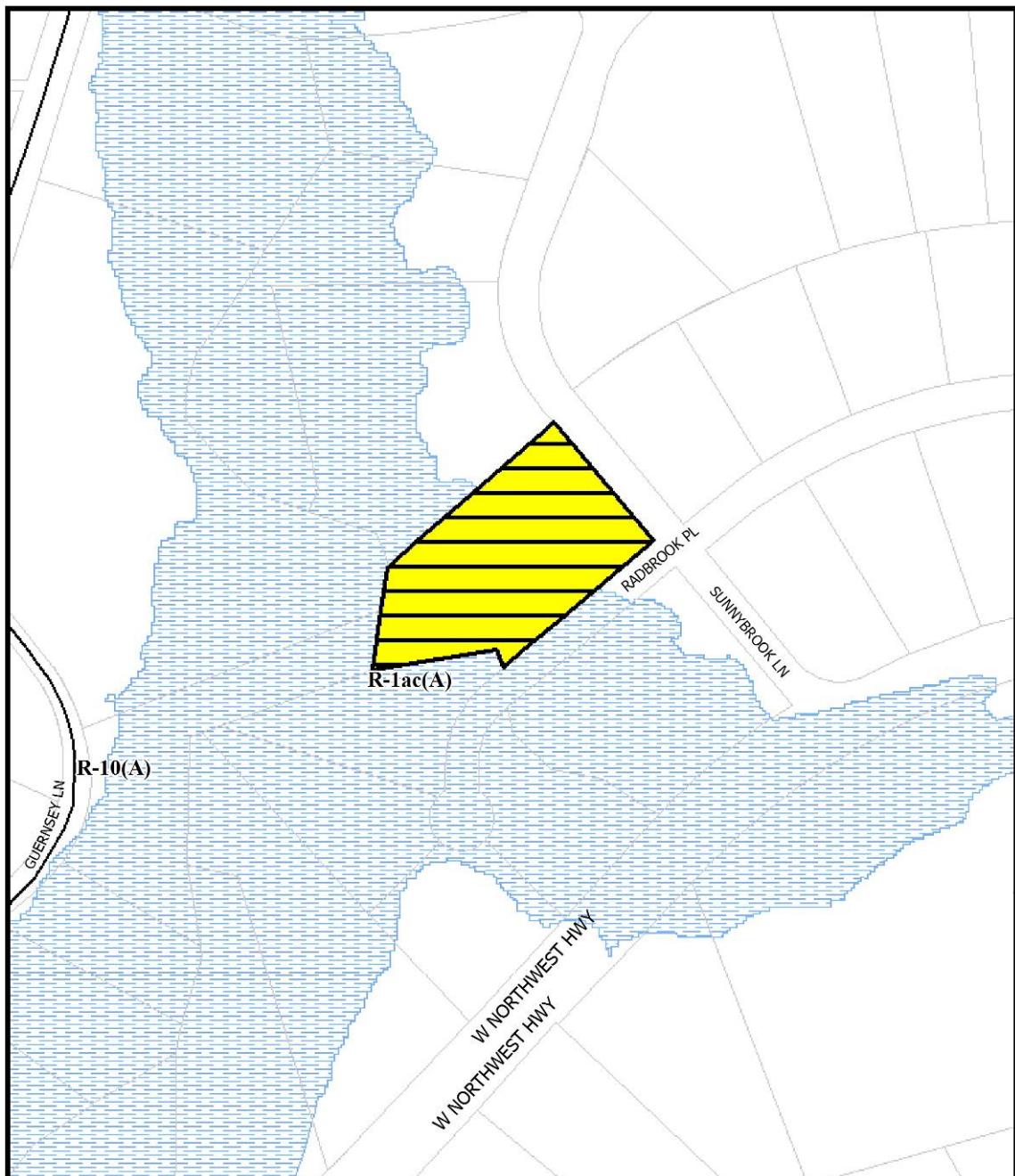
GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards focus on completing and maintaining: 1) a fence higher than 4' in height in the front yard setback (a 7' 6" wrought iron fence with 8' stone columns and stone wing walls); and, 2) a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-1ac(A).
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fence in the front yard setback:
 - The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
 - The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
 - The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height is represented as being approximately 38' 10" along the northeast property boundary (1' 2" from the property line on Sunnybrook Ln.); 240' 1" along the property line parallel to Sunnybrook Ln.; and, 297' along the south property boundary, parallel to Radbrook Pl. (8' 5" from the southwest boundary with the floodplain and on the property line at the corner of Sunnybrook Ln. and Radbrook Pl.)—all within the front yard setback.
- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence:
 - The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
 - With regard to the special exception to the fence standards pertaining to the location and materials of the proposed fence, the applicant has submitted a site plan and elevation of the fence with fence panels with surface areas that are less than 50 percent open (a 7' 6" wrought iron fence with 8' stone columns and stone wing walls) located as close as on the front lot line (or less than 5' from this front lot line).
- The Board Senior Planner conducted a field visit of the site and surrounding area within the same block facing Sunnybrook Ln. and Radbrook Pl. and noted **four fences** that appeared to be above 4' in height and located in a front yard setback. Two cases had BDA history as noted in the history section of this report.

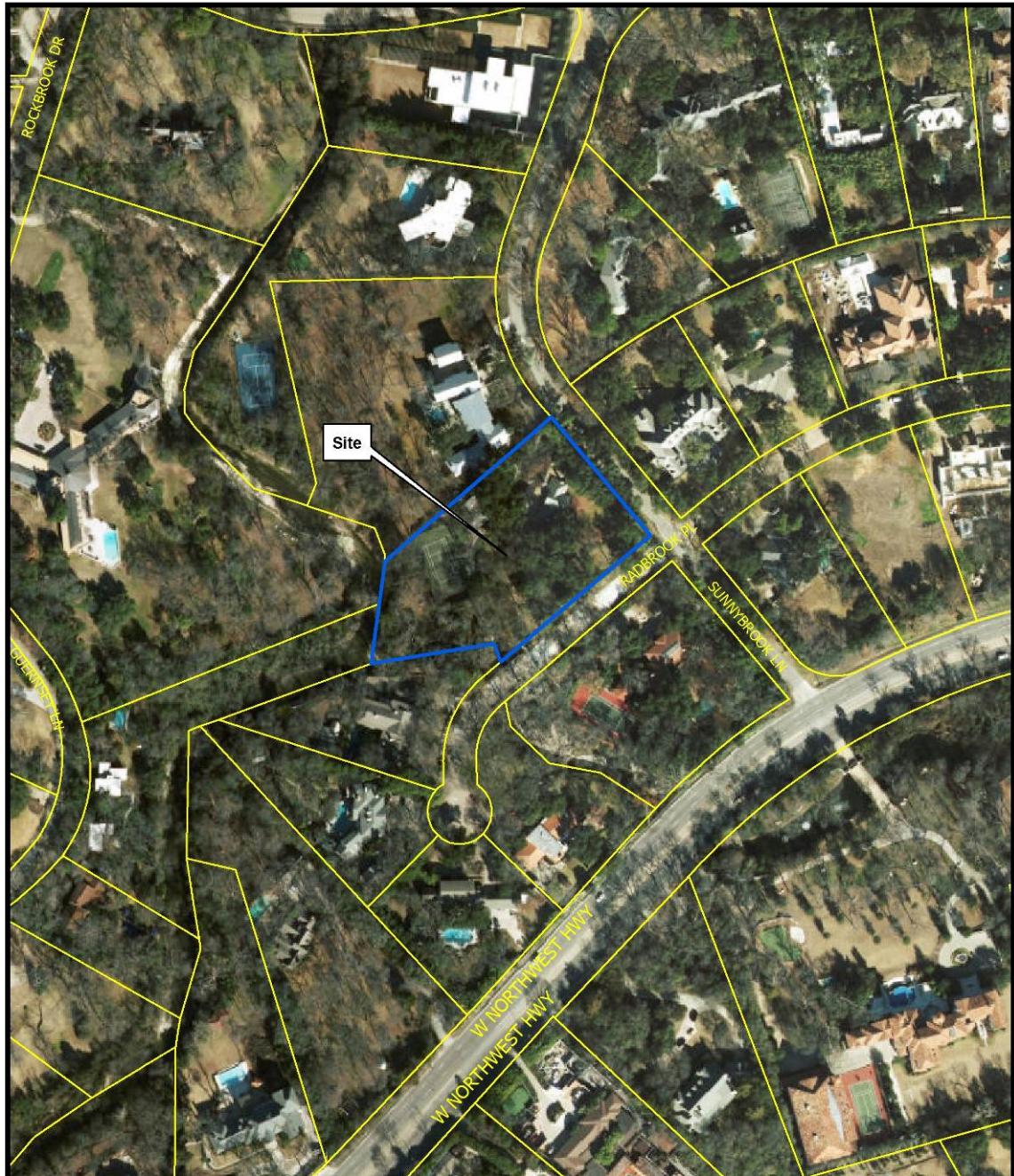
- As of October 6, 2017, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setback and materials/height/location of the proposed fence will not adversely affect neighboring property. Evidence was submitted with this application and is provided in within the application materials.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

July 18, 2017:	The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
September 12, 2017:	The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
September 18, 2017:	The Board Senior Planner emailed the applicant’s representative the following information: <ul style="list-style-type: none"> • a copy of the application materials including the Building Official’s report on the application; • an attachment that provided the public hearing date and panel that will consider the application; the September 27th deadline to submit additional evidence for staff to factor into their analysis; and the October 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials; • the criteria/standard that the board will use in their decision to approve or deny the request; and • the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
October 3, 2017:	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 Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
	No review comment sheets were submitted in conjunction with this application.



1:2,400	ZONING MAP	Case no: <u>BDA167-105</u>
		Date: <u>9/21/2017</u>



1:2,400

AERIAL MAP

Case no: BDA167-105

Date: 9/21/2017



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-105

Data Relative to Subject Property:

Date: 7.18.17

Location address: 9203 Sunnybrook Lane Zoning District: R-1AC (A)

Lot No.: 7 & 8 Block No.: 13-A/5586 Acreage: 2.1190 Census Tract: 206.00

Street Frontage (in Feet): 1) 240' 2) 506.91 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeremy Denning and Deanna Denning (Denning Revocable Trust)

Applicant: Michelle Brooks/Mark Molthan Construction, Inc. Telephone: 214.908.5320

Mailing Address: 4347 W. Northwest Hwy, Suite 130-240, Dallas, TX Zip Code: 75220

E-mail Address: michelle@markmolthan.com

Represented by: Michelle Brooks, Wyatt Seals or Paul Steinbrecher Telephone: 214.908.5320

Mailing Address: 4347 W. Northwest Hwy, Suite 130-240, Dallas, TX Zip Code: 75220

E-mail Address michelle@markmolthan.com

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

- 1) 4' tall fence in the front yard, and
- 2) Fence panels with less than 50% open area less than 5' from the property line.

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:

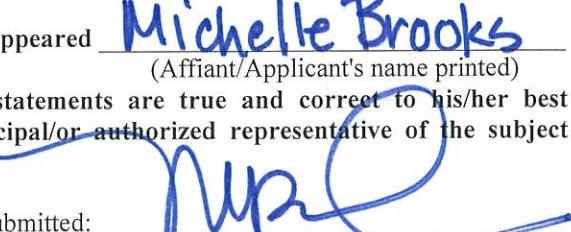
The owners of the property believe the fence will improve the value of the property, lending it more of an estate feel. The fence will be wrought iron and stone columns, which will allow for an open feel. This will improve not on the value of the property, but also of the entire neighborhood and will not have an adverse affect on the neighbors.

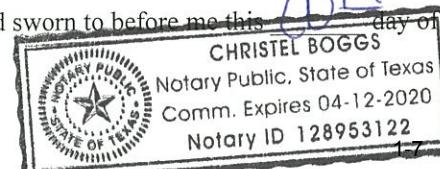
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Michelle Brooks
(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 20th day of July, 2017

Notary Public in and for Dallas County, Texas
(Rev. 08-01-11)
BDA 167-105

**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 Michelle Brooks

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations
at 9203 Sunnybrook Lane

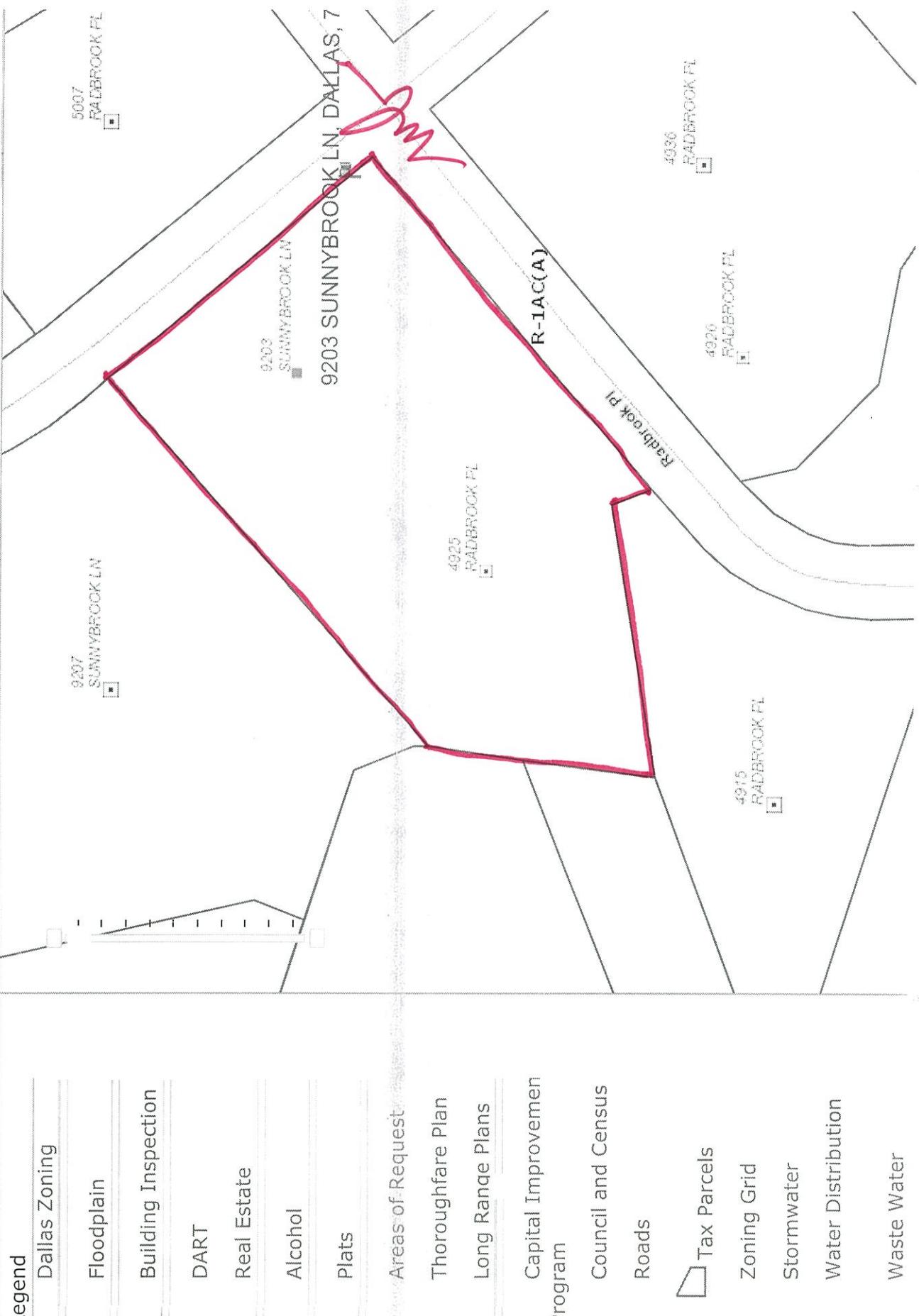
BDA167-105. Application of Michelle Brooks for a special exception to the fence height regulations and a special exception to the fence standards regulations at 9203 Sunnybrook Lane. This property is more fully described as Lots 7 & 8, Block 13-A/5586, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulation.

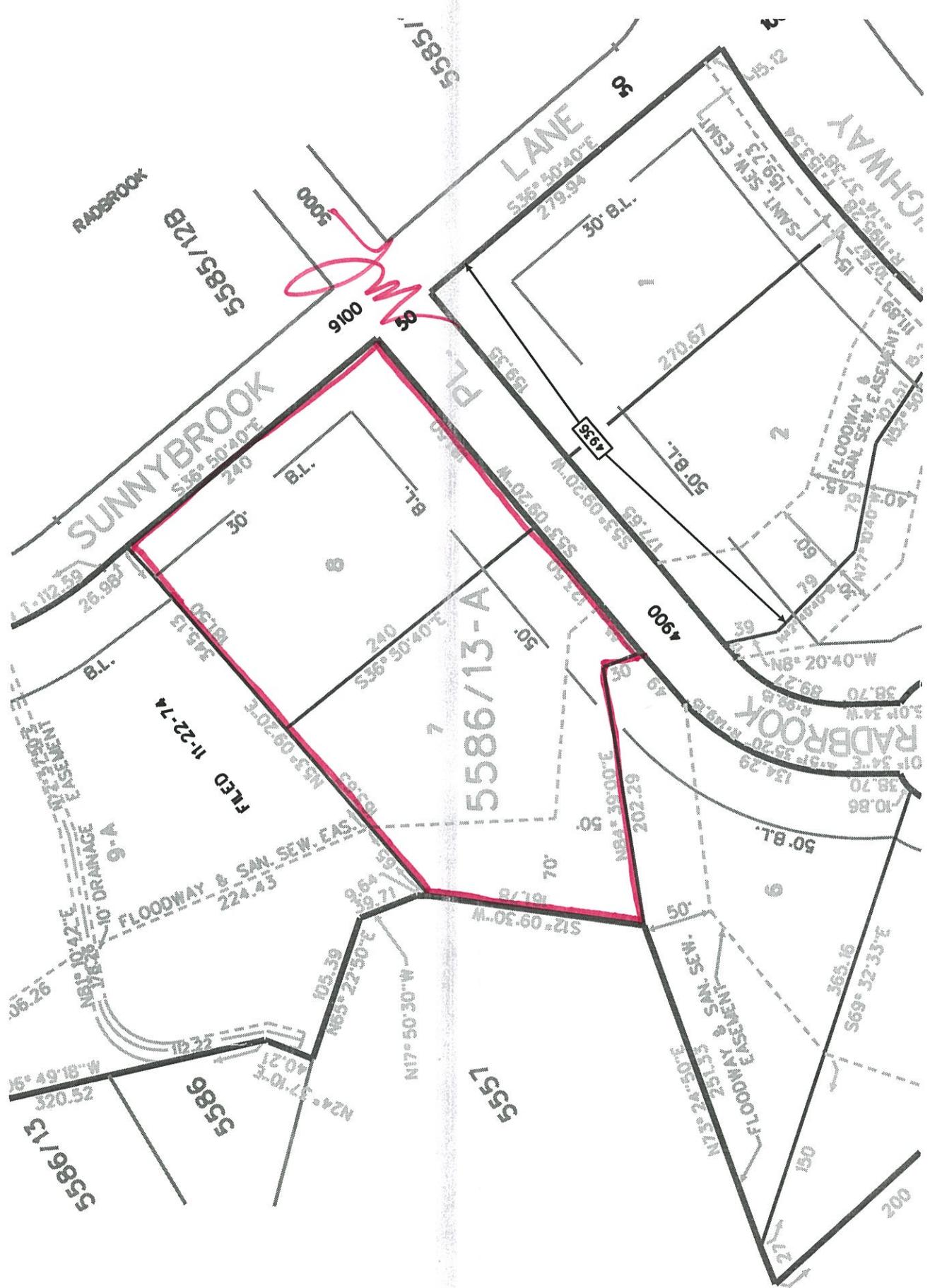
Sincerely,

Philip Sikes
Philip Sikes, Building Official

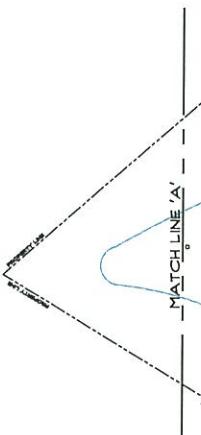
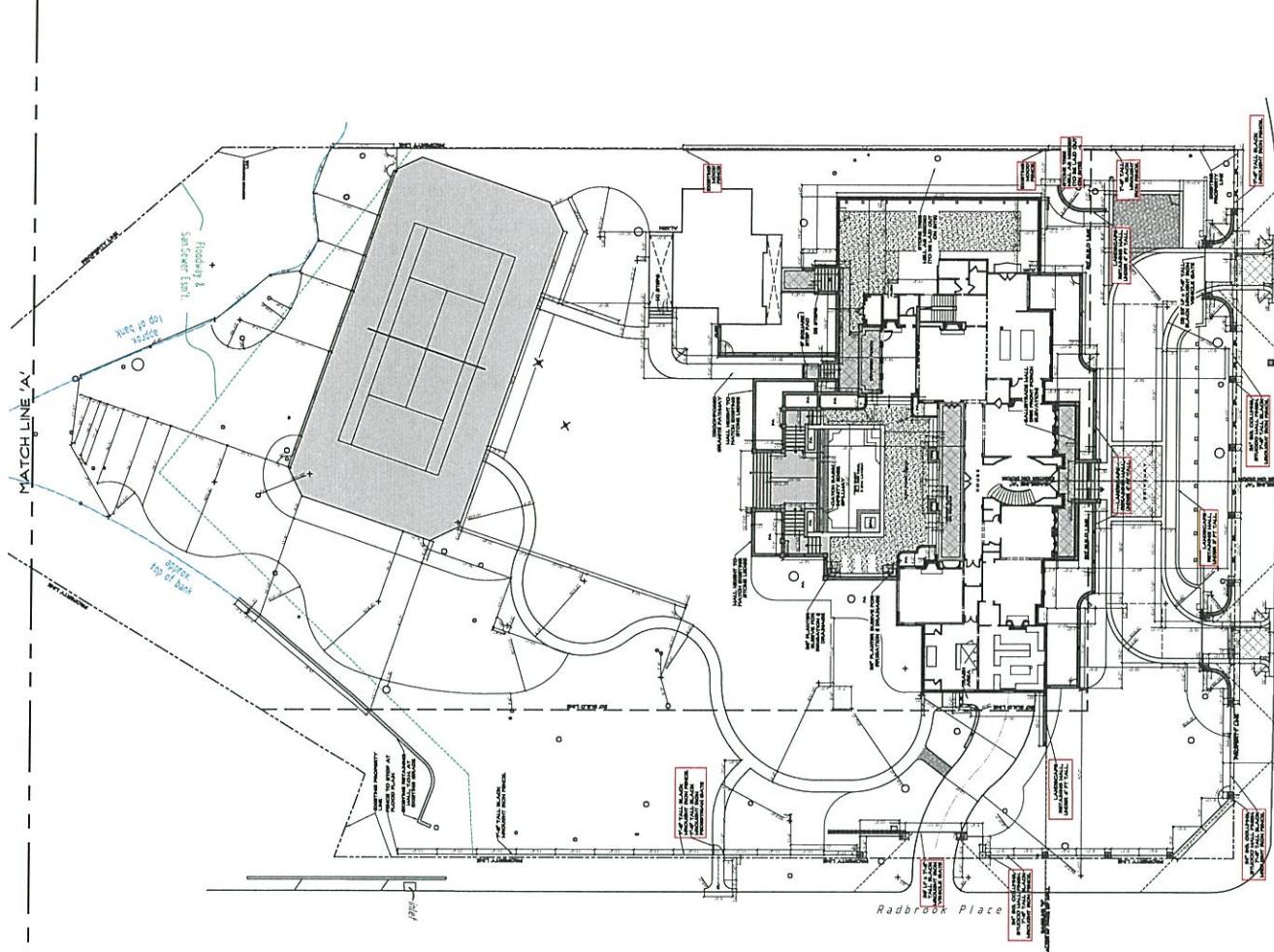
City of Dallas

Internal Development Research Site





KEVIN CLARK NAUD BURNETT		LANDSCAPE ARCHITECTS • CONSULTANTS MANAGEMENT • SITE PLANNING LOT 7 & 8, BLOCK 13-A/5586, 1500 N CENTRAL EXPRESSWAY SUITE 600 • DALLAS TX 75201 1514-1525-0014 • FAX 1514-1525-1600 • DALLAS TX 75220 www.naudburnett.com	9203 SUNNYBROOK LANE DALLAS, TX 75220 Raddbrook Estates No. 3 A LANDSCAPE DEVELOPMENT PLAN FOR:	THE DENNING RESIDENCE	L-1
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9203 Sunnybrook Lane
Neighboring Fence Locations

Attached please find a supplement to the fence height variance request for the property located at 9203 Sunnbyrook Lane.

Please reference the attached map for proximity to subject.

9203 Sunnybrook Lane
Neighboring Fences

1 - 4939 Radbrook Place



9203 Sunnybrook Lane
Neighboring Fences

2 - 9301 Sunnybrook Lane

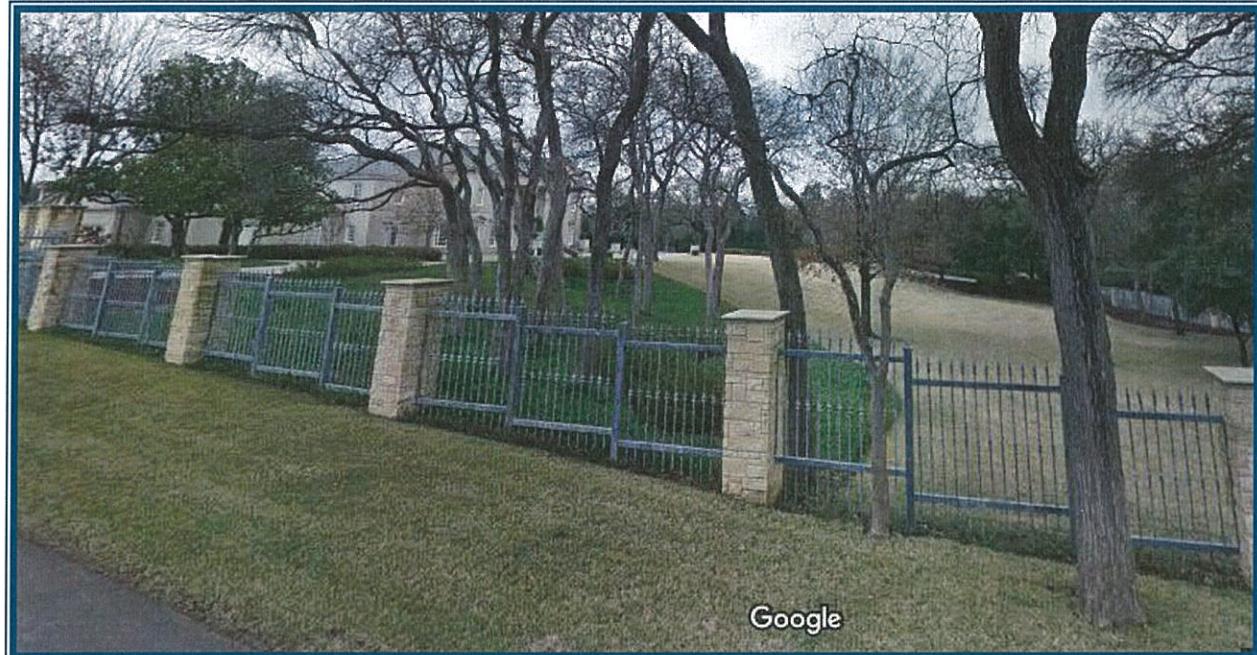


3 - 4926 Deloache Avenue



9203 Sunnybrook Lane
Neighboring Fences

4 - 4930 Park Lane



5 - 4660 Park Lane



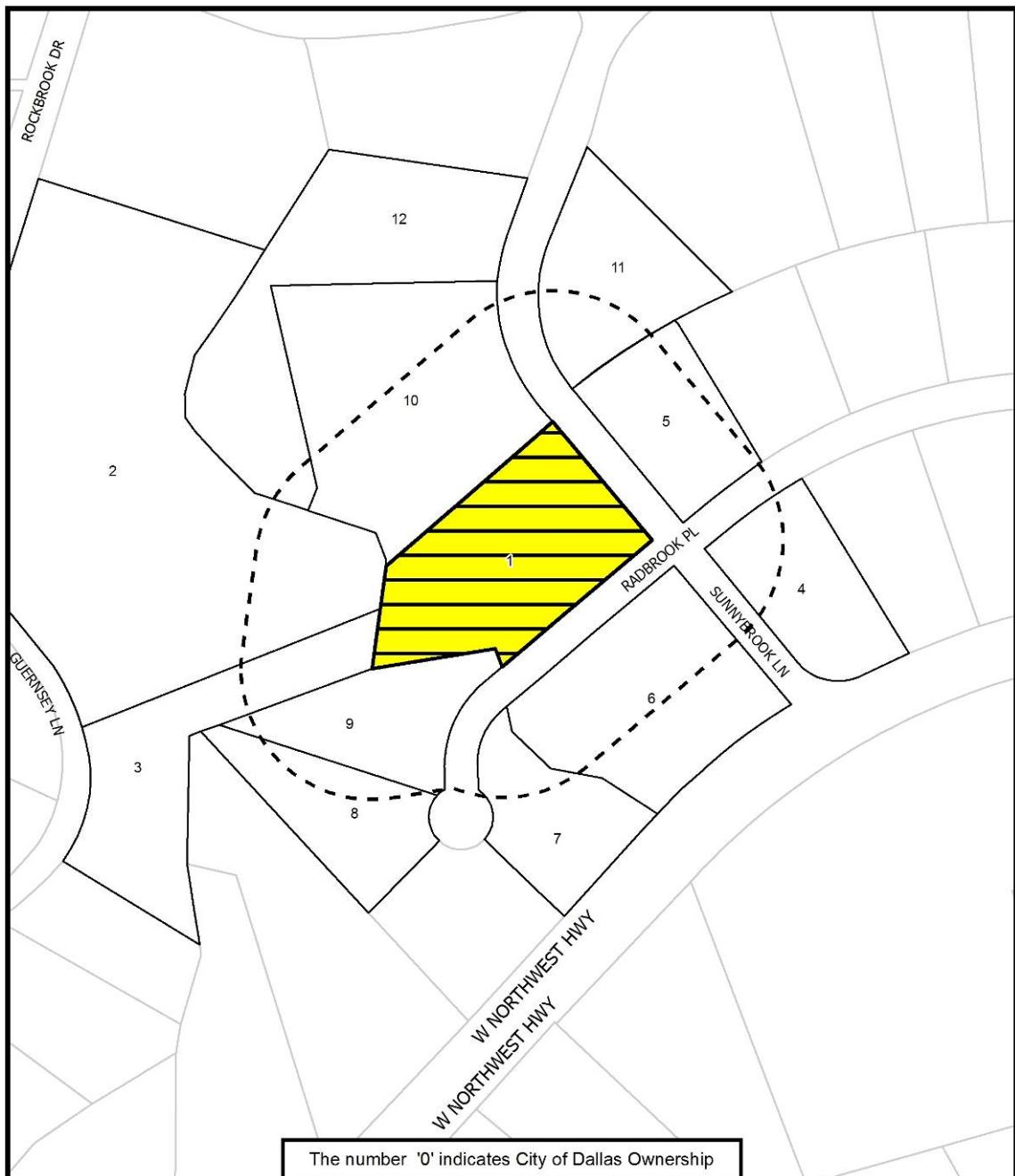
9203 Sunnybrook Lane
Neighboring Fences

6 - 9769 Audubon Place



7 - 9773 Audubon Place





1:2,400	NOTIFICATION 200' AREA OF NOTIFICATION 12 NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA167-105</u> Date: <u>9/21/2017</u>
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Notification List of Property Owners

BDA167-105

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9203 SUNNYBROOK LN	DENNING REVOCABLE TRUST
2	9400 ROCKBROOK DR	BISHOP MICHAEL & ELYSIANN
3	9316 GUERNSEY LN	VOGELSON JAY M
4	5008 RADBROOK PL	JONES JUDSON WADE & TIFFANY W
5	5007 RADBROOK PL	MORASH JASON & JENNIFER
6	4936 RADBROOK PL	BALLAS VICTOR & JOANN
7	4916 RADBROOK PL	MOISE GRANT S
8	4905 RADBROOK PL	GRAHAM JAMES P
9	4915 RADBROOK PL	DUTTON DIANA C &
10	9207 SUNNY BROOK LN	VITULLO ANTHONY L & HOLLY P
11	9220 SUNNY BROOK LN	GONZALEZ CARLOS
12	9221 SUNNY BROOK LN	JAYASEELAN NIRMAL S &

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WENDESDAY, OCTOBER 18, 2017

FILE NUMBER: BDA167-111(SL)

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley for a special exception to the landscape regulations at 5750 E. Lovers Lane. This property is more fully described as Lot 1A, Block G/5402, and is zoned PD-610 (Tract 1), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5750 E. Lovers Lane

APPLICANT: Karl A. Crawley

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain an approximately 7,000 square foot addition to an existing approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the mandatory perimeter landscape buffer strip with buffer plant materials on southeast corner of the on the subject site.

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

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements will unreasonably burden the use of the property, and that the special exception will not adversely affect/negatively impact neighboring property.
- In making this conclusion, staff considered that the following facts:
 - Street trees have been located in approved locations around the property so that the full requirement of street trees is provided throughout all other street frontages outside of the utility easement.
 - The site east of this property, and north of Milton Street, has been rezoned to a non-residential district in PD 799 since the initial development of this property, therefore, the residential adjacency landscape requirements no longer exist for the Matilda Street perimeter in that location, and only applies to the southeastern corner of the site.
 - The developed site complies with all other Article X requirements.

BACKGROUND INFORMATION:

Zoning:

Site: PD 610 (Planned Development)
North: MU-3 (Mixed Use)
South: MU-3 & PD 333 (Mixed Use and Planned Development)
East: PD 799 (Planned Development)
West: MU-3 (Mixed Use)

Land Use:

The subject site is developed with a general merchandise or food store use (Central Market). The areas to the north and west are developed with retail uses; the area to the east is developed with multifamily use; and the area to the south is developed retail and storage uses.

Zoning/BDA History:

1. BDA067-046, Property at 5750 E. Lovers Lane (the subject site)

On March 21, 2007, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations (subject to compliance with the submitted site/development plan), and on April 18, 2007, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the following conditions: 1) All landscaping identified on the landscape plan more than 50 feet beyond the shown construction areas (including courtyard) must be installed and maintained, and the landscaping must be inspected by the city arborist by June 2, 2007; and 2) All remaining landscaping shown on the landscape plan must be installed and inspected by the city arborist prior to final inspection of the new building addition.

The case report stated that the requests were made to construct and maintain additions to the existing retail structure (Central Market).

2. BDA023-008, Property at 5750 E. Lovers Lane (the subject site)

On November 12, 2002, the Board of Adjustment Panel A granted a request for a special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition.

The case report states that the request was made to "remove all trees from ONCOR utility easement" needed to obtain a final Certificate of Occupancy for the retail use on the site (Central Market).

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining an approximately 7,000 square foot addition to an existing approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meeting the landscape regulations, more specifically not providing the mandatory perimeter landscape buffer strip with buffer plant materials on southeast corner of the subject site.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to the landscape regulations of Article X. The proposed landscape plan is a revision of a landscape plan approved by the Board in 2002.
- The Chief Arborist's memo states the following with regard to "provision":
 - The property is developed with landscaping approved during review for the initial permit for construction in 2002. Site plan changes, approved under an amendment to the development plan in PD 610, will modify the landscape conditions on the eastern side of the building. The project does not trigger new Article X regulations, but the modification requires approval by the Board.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The southeastern corner of the property has direct residential adjacency to an MF-1(A) area which requires a mandatory perimeter landscape buffer strip (10.125(b)(1)) with buffer plant materials (10.125(b)(7)). Although the landscape area is provided, the overhead electric utility prohibits the planting of the required large trees within the landscape area. A grouping of 8 pine trees which buffer the building facing Matilda Street are to be removed for the new building expansion.
- The Chief Arborist's memo states the following with regard to "factors":
 - Street trees have been located in approved locations around the property so that the full requirement of street trees is provided throughout all other street frontages outside of the utility easement. This is no longer a deficiency to the site.
 - The site east of this property, and north of Milton Street, has been rezoned to a non-residential district in PD 799 since the initial development of this property. Therefore, the residential adjacency landscape requirements no longer exist for the Matilda Street perimeter in that location. It only applies to the southeastern corner of the site.
 - The developed site complies with all other Article X requirements.

- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because strict compliance with the Article X regulations will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the mandatory perimeter landscape buffer strip with buffer plant materials on southeast corner of the subject site.

Timeline:

August 15, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 12, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

September 12, 2017: The Board Administrator emailed the applicant the following information:

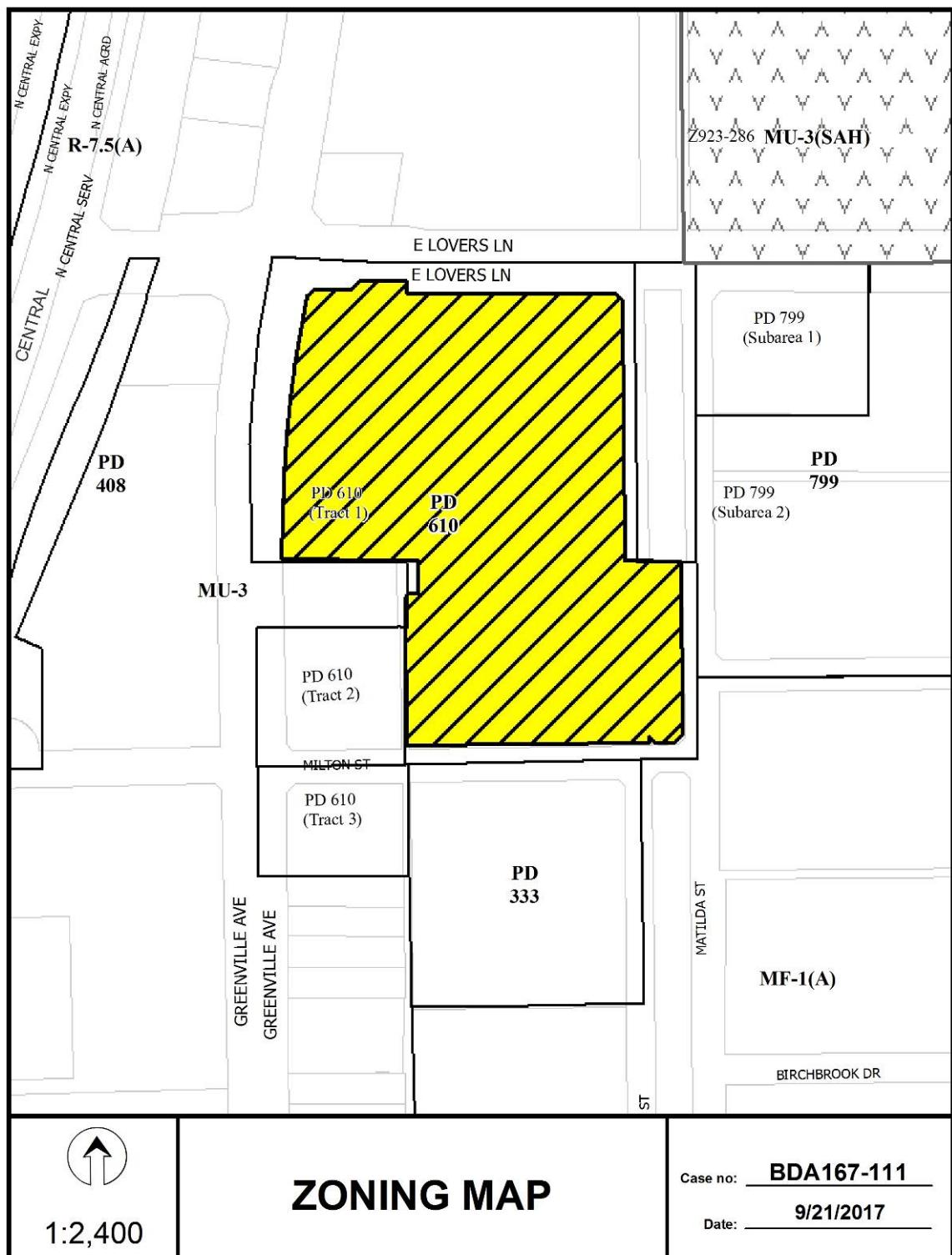
- an attachment that provided the public hearing date and panel that will consider the application; the September 27th deadline to submit additional evidence for staff to factor into their analysis; and the October 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

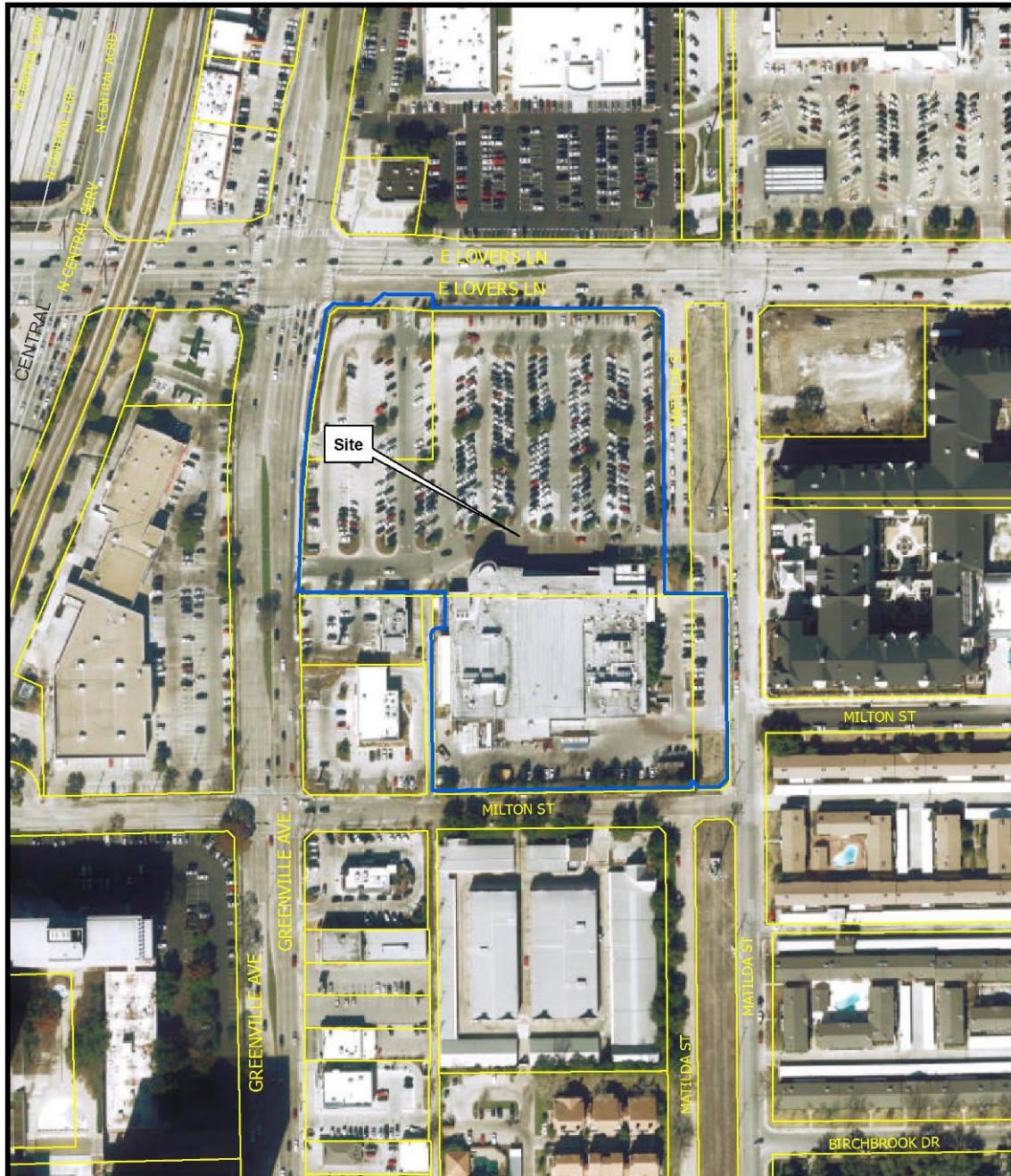
September 27, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 3, 2017: 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 Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

October 4, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).





1:2,400	AERIAL MAP	Case no: <u>BDA167-111</u>
		Date: <u>9/21/2017</u>



BDA 167-111

Attachment A
pg 1

September 27, 2017

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

RE: BDA 167-111, 5750 Lovers Lane

Mr. Long:

HEB/Central Market is in the process of enlarging their current store at 5750 Lovers Lane, at the intersection of Lovers Lane, Greenville Avenue, Matilda Street and Milton Street. The site is currently developed with an approximately 96,000 sf grocery store. The proposed addition is approximately 7,000 square feet and is located on the eastern side of the existing store. The proposed addition by itself would not trigger compliance with Article X of the Development Code if not for the fact that the site had an approved Special Exception for landscaping approved in 2007 which must be modified/replaced to accommodate the proposed addition.

The site is surrounded on all sites by streets with the additional problem of overhead Oncor transmission lines along the east side of the site. The surrounding zoning is predominantly non-residential districts except for the southeast corner of the site at the intersection of Matilda and Milton. The areas across those streets at this intersection are zoned MF-2(A) which requires different landscaping because of the residential adjacency. This is also the corner most affected by the overhead transmission lines.

The attached Landscape Plan is being proposed as an alternative to that required under Article X with residential adjacency, the site is required to have an enhanced Perimeter Buffer Strip where across the street from residential zoning. This Perimeter Buffer strip requires the planting of varying mixtures of large trees. Normally this is not a problem but with the transmission lines, trees are not allowed to be planted under the lines. The previously approved Landscape Plan was for a similar request to not plant trees under the transmission lines.

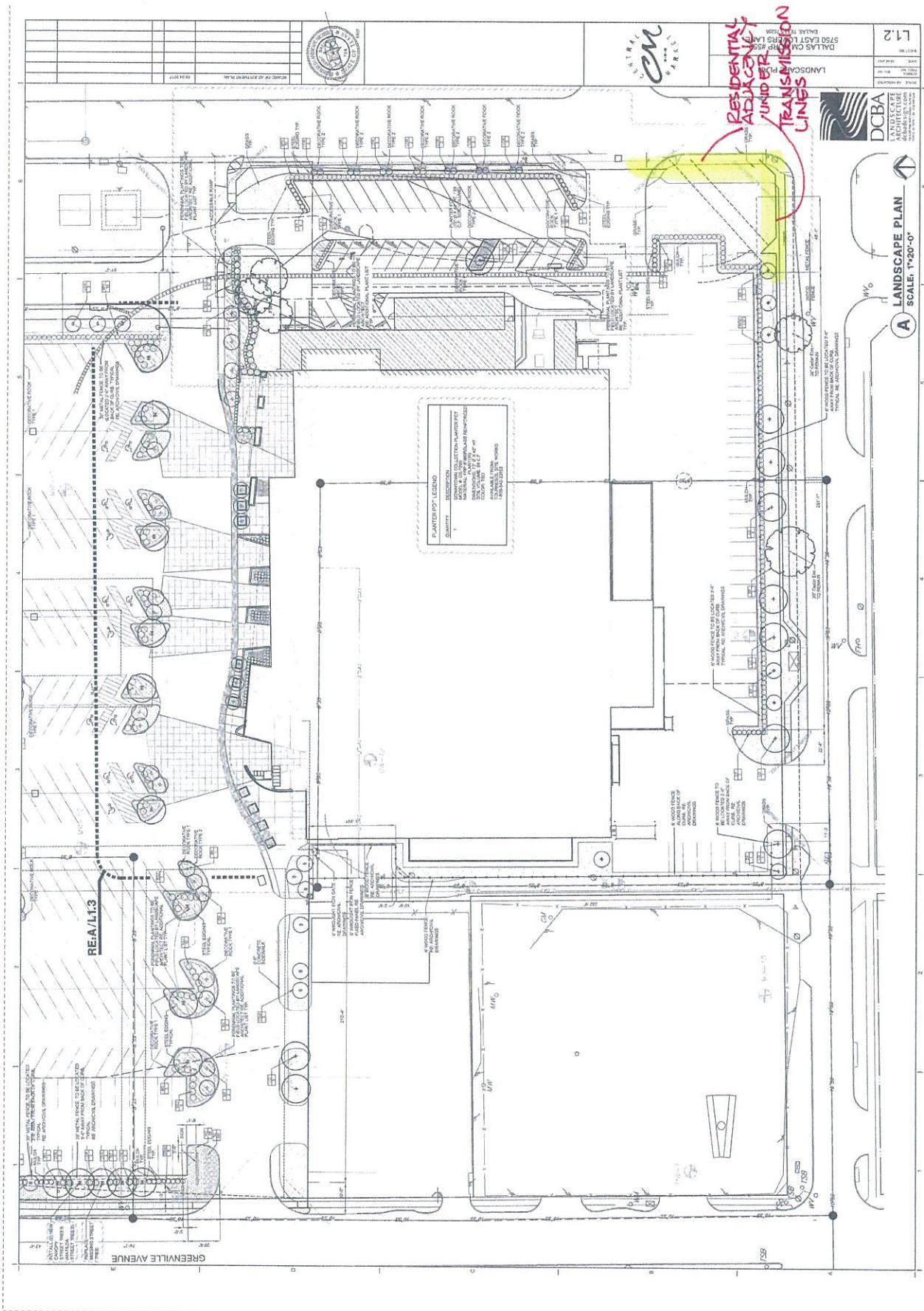
The attached Landscape Plan complies with all other requirements of Article X. The existing site is well landscaped and the proposed alternative Landscape Plan meets the intent of the ordinance and is an asset to the community. If not for the existing transmission lines the required trees could and would have been planted in the area. Current regulations from the Department of Homeland Security prohibit the planting of large trees under or near electric transmission lines.

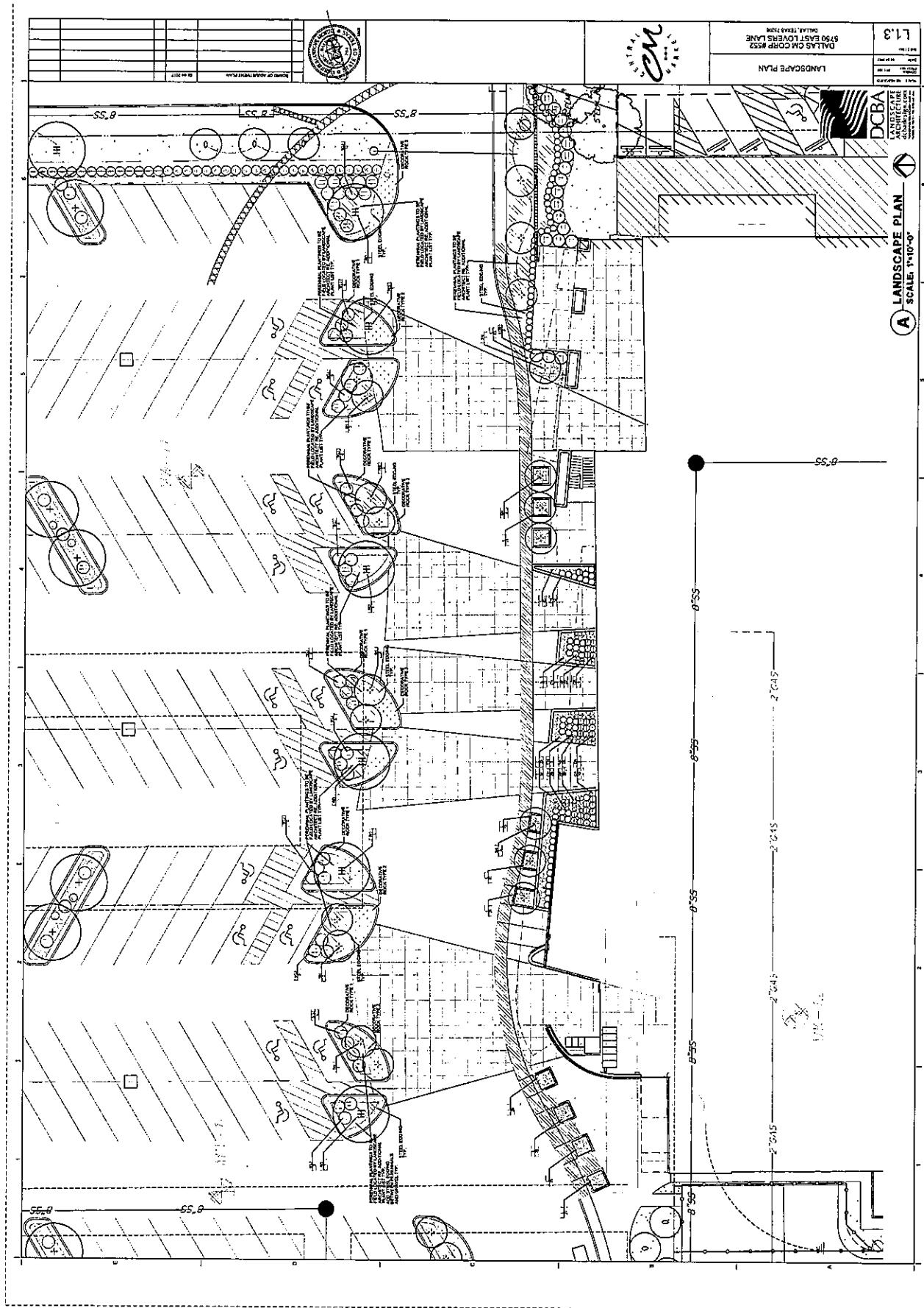
Sincerely,

A handwritten signature in black ink, appearing to read "Karl A. Crawley".

Karl A. Crawley
President

BDA 167-111
Attachment A PS 3





Memorandum



CITY OF DALLAS

Date October 4, 2017
To Steve Long, Board Administrator
Subject BDA #167-111 5750 E Lovers Lane

Request

The applicant is requesting a special exception to the landscape regulations of Article X. The proposed landscape plan is a revision of a landscape plan approved by the Board in 2002.

Provision

The property is developed with landscaping approved during review for the initial permit for construction in 2002. Site plan changes, approved under an amendment to the development plan in PD 610, will modify the landscape conditions on the eastern side of the building. The project does not trigger new Article X regulations, but the modification requires approval by the Board.

Deficiencies

The southeastern corner of the property has direct residential adjacency to an MF-1(A) area which requires a mandatory perimeter landscape buffer strip (10.125(b)(1)) with buffer plant materials (10.125(b)(7)). Although the landscape area is provided, the overhead electric utility prohibits the planting of the required large trees within the landscape area. A grouping of 8 pine trees which buffer the building facing Matilda Street are to be removed for the new building expansion.

Factors

- Street trees have been located in approved locations around the property so that the full requirement of street trees is provided throughout all other street frontages outside of the utility easement. This is no longer a deficiency to the site.
- The site east of this property, and north of Milton Street, has been rezoned to a non-residential district in PD 799 since the initial development of this property. Therefore, the residential adjacency landscape requirements no longer exist for the Matilda Street perimeter in that location. It only applies to the southeastern corner of the site.
- The developed site complies with all other Article X requirements.

Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because strict compliance with the regulations will unreasonably burden the use of the property and the special exception will not adversely affect neighboring property.

Philip Erwin
Chief Arborist
Building Inspection



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-111

Data Relative to Subject Property:

Date: 8-15-17

Location address: 5750 E. LOVERS LN. Zoning District: PD 610

Lot No.: 1A Block No.: G/5402 Acreage: 8.51 AC Census Tract: 79.13

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SEE ATTACHED

Applicant: Karl A. CRAWLEY Telephone: 214 761-9199

Mailing Address: 900 JACKSON ST. STE 640 DALLAS TX Zip Code: 75202

E-mail Address: karl@masterplanconsultants.com

Represented by: SAME AS APPLICANT Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

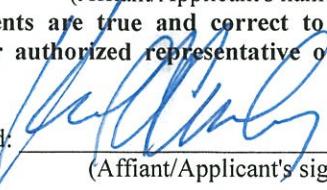
PORTION OF THE PROPERTY IS WITHIN AN
ONCOR TRANSMISSION LINE WHICH PROHIBITS
CERTAIN TREES AND OTHER LANDSCAPING.

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

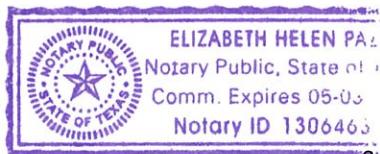
Before me the undersigned on this day personally appeared Karl A CRAWLEY
(Affiant/Applicant's name printed)

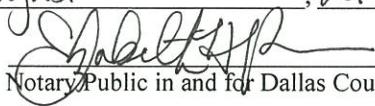
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: 
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 11th day of August, 2017

(Rev. 08-01-11)




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

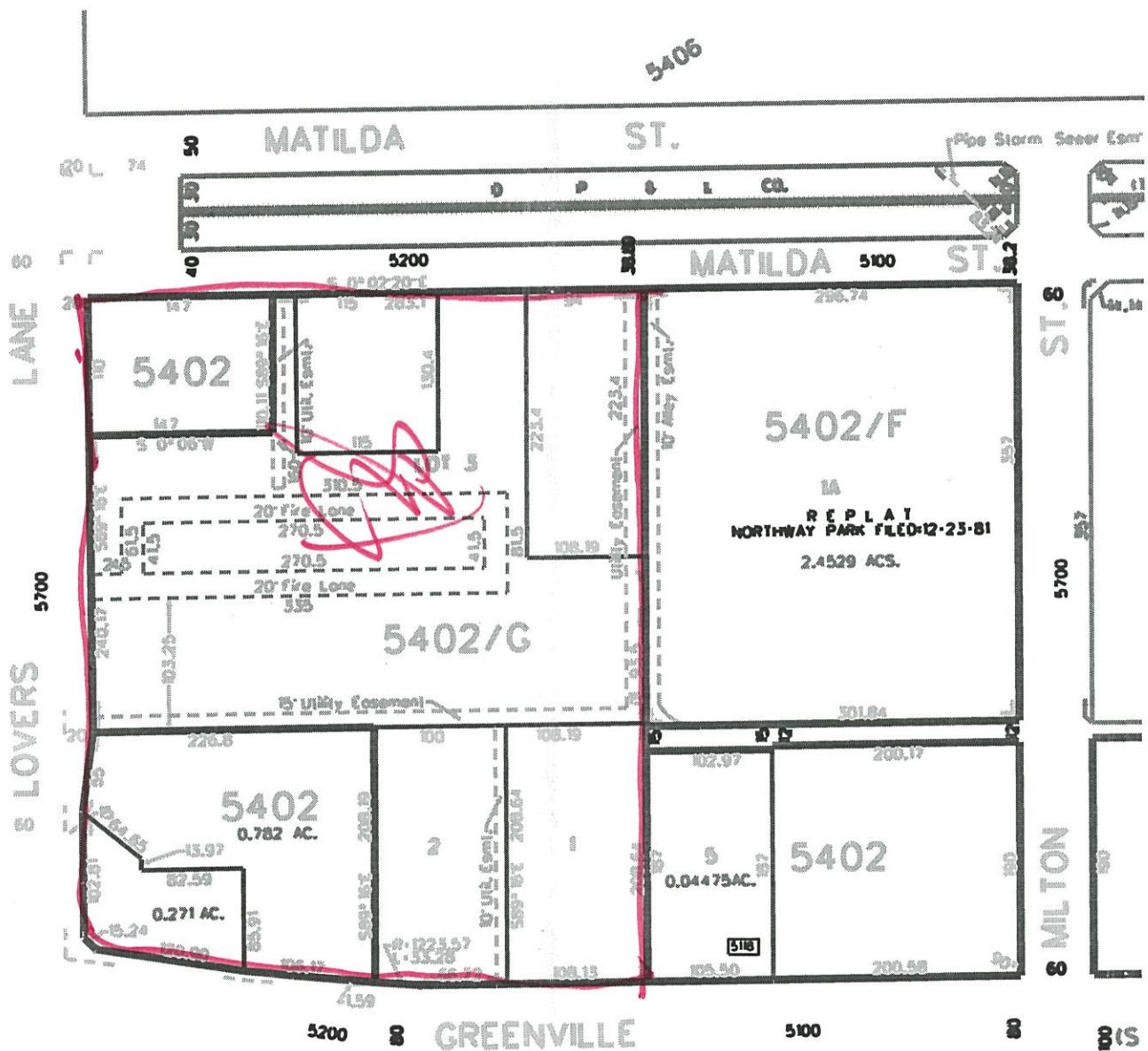
I hereby certify that Karl A. Crawley

did submit a request for a special exception to the landscaping regulations
at 5750 E. Lovers Lane

BDA167-111. Application of Karl A. Crawley for a special exception to the landscaping regulations at 5750 E. Lovers Lane. This property is more fully described as Lot 1A, Block G/5402, and is zoned PD-610 (Tract 1), 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
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

[Legend](#)

[Locate Property](#)

Search by:

GIS Account #

[Locate](#)

OR

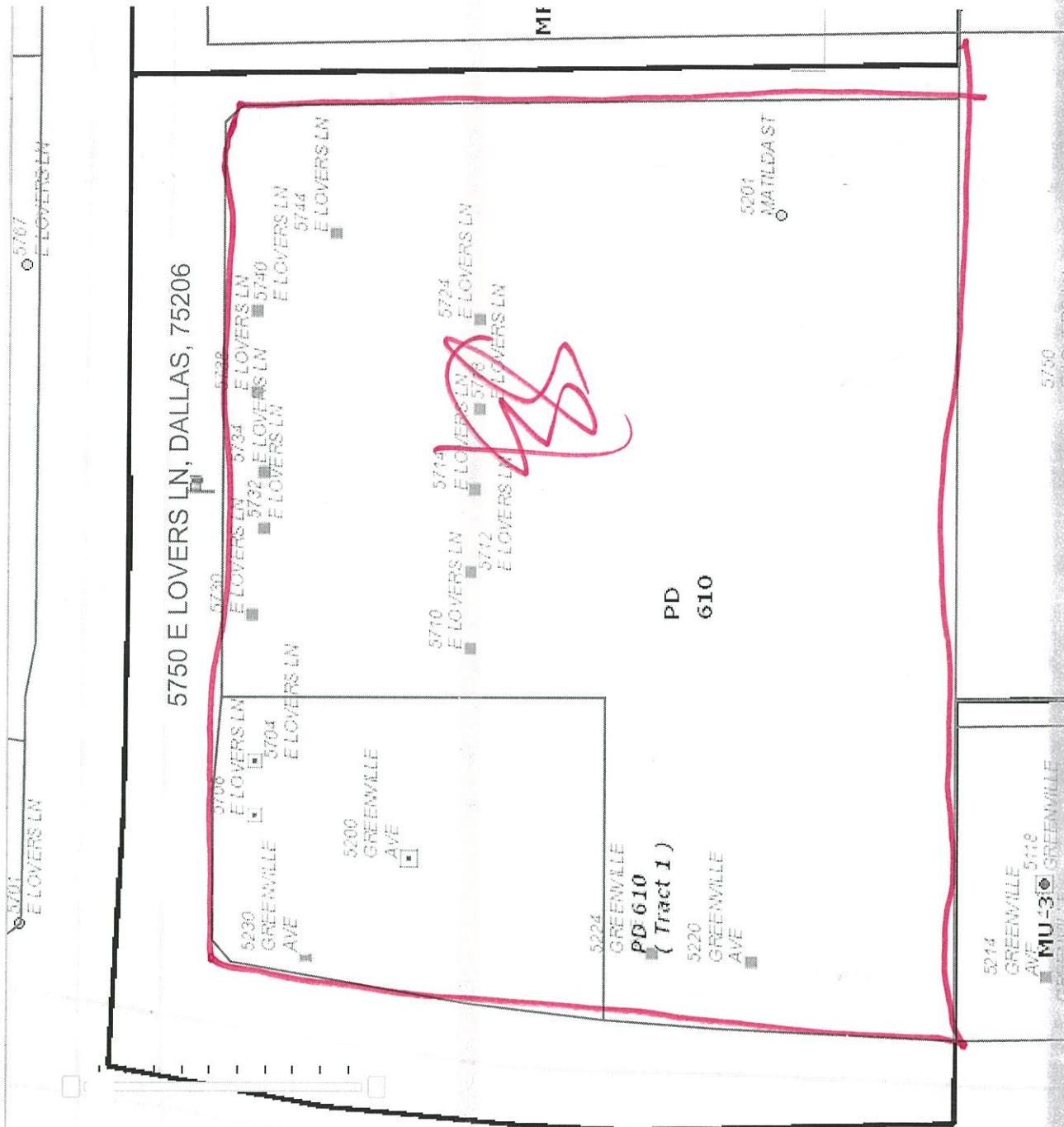
Street address:
5750 e lovers

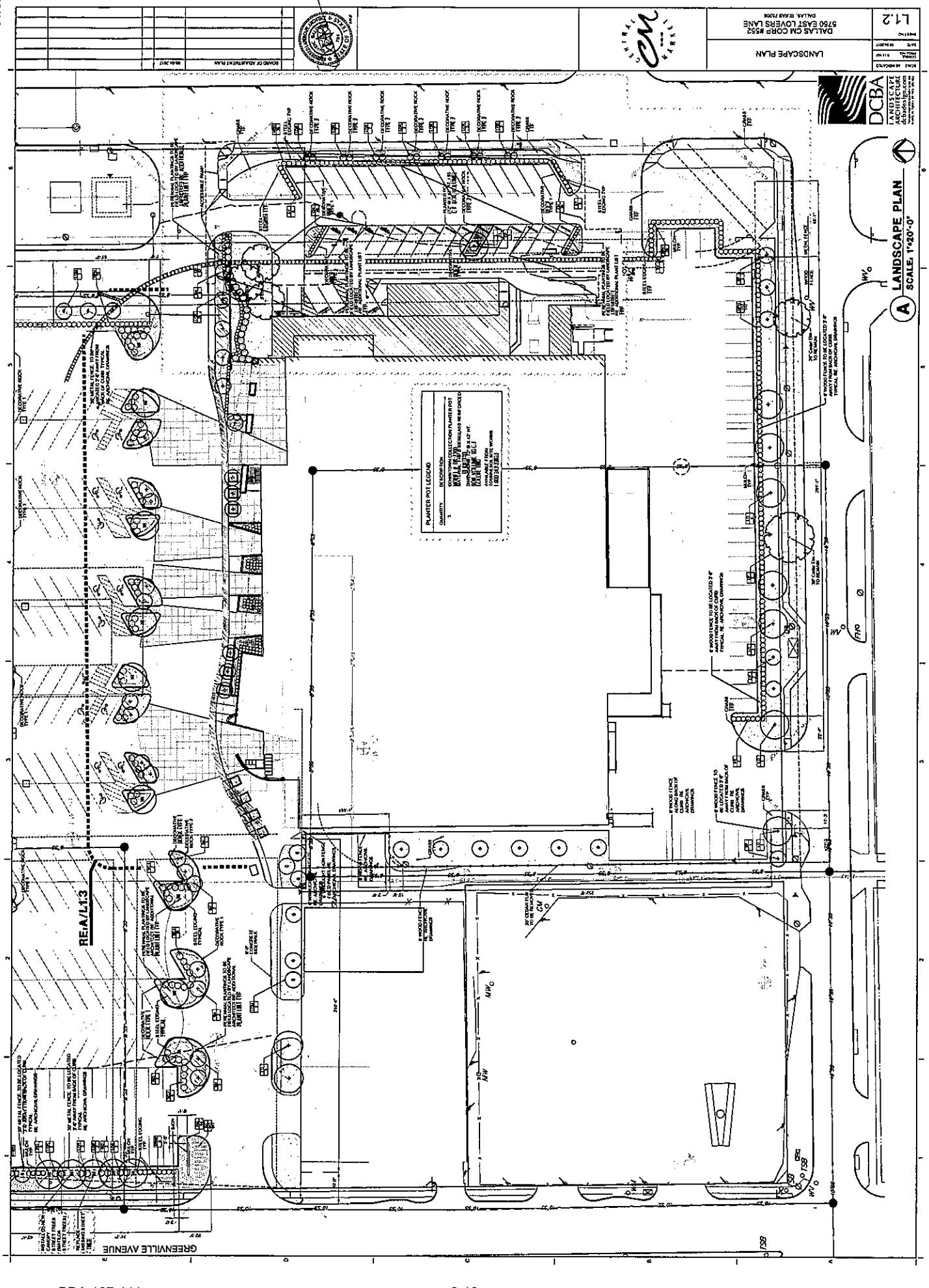
[Locate](#)

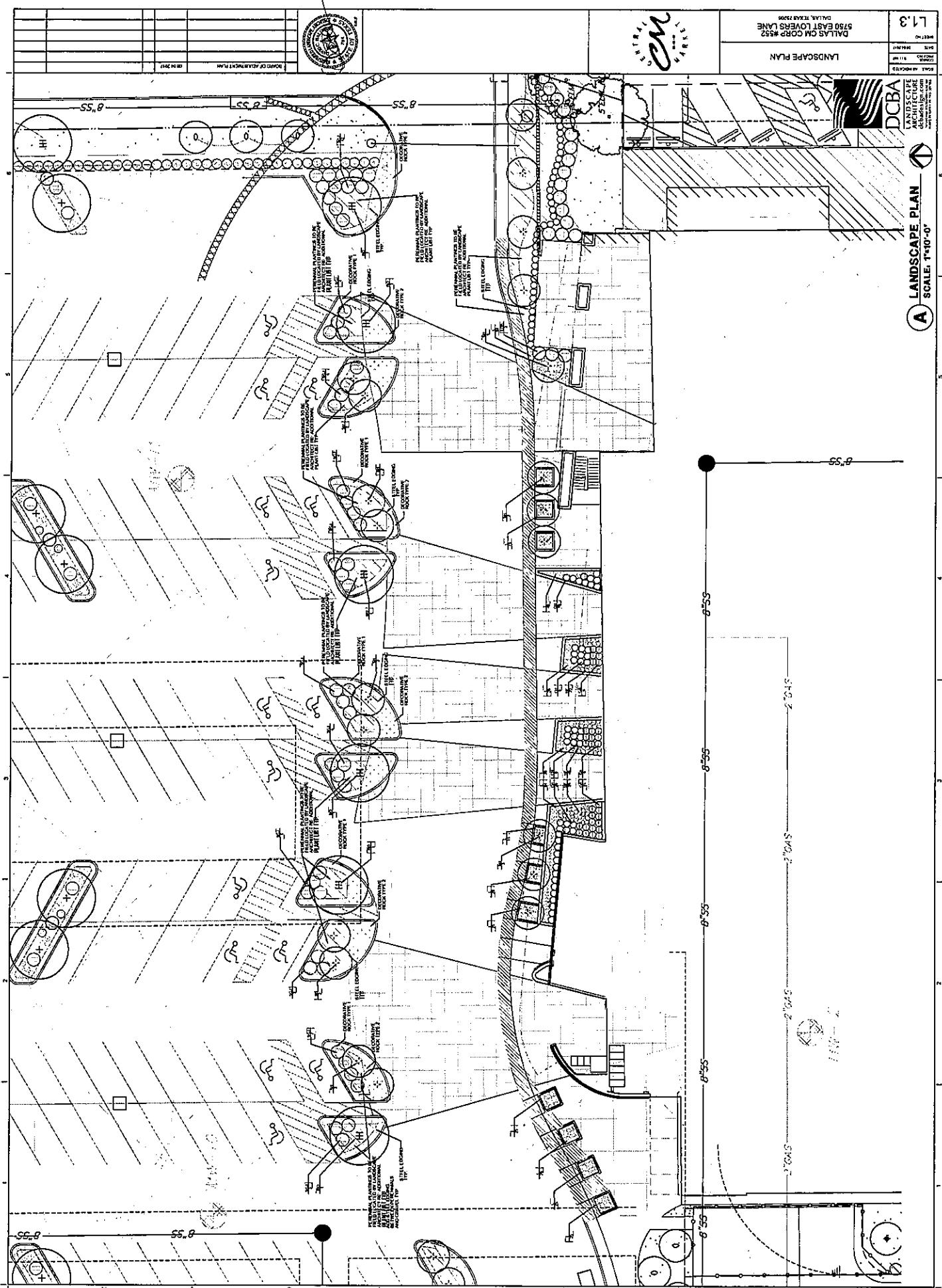
OR

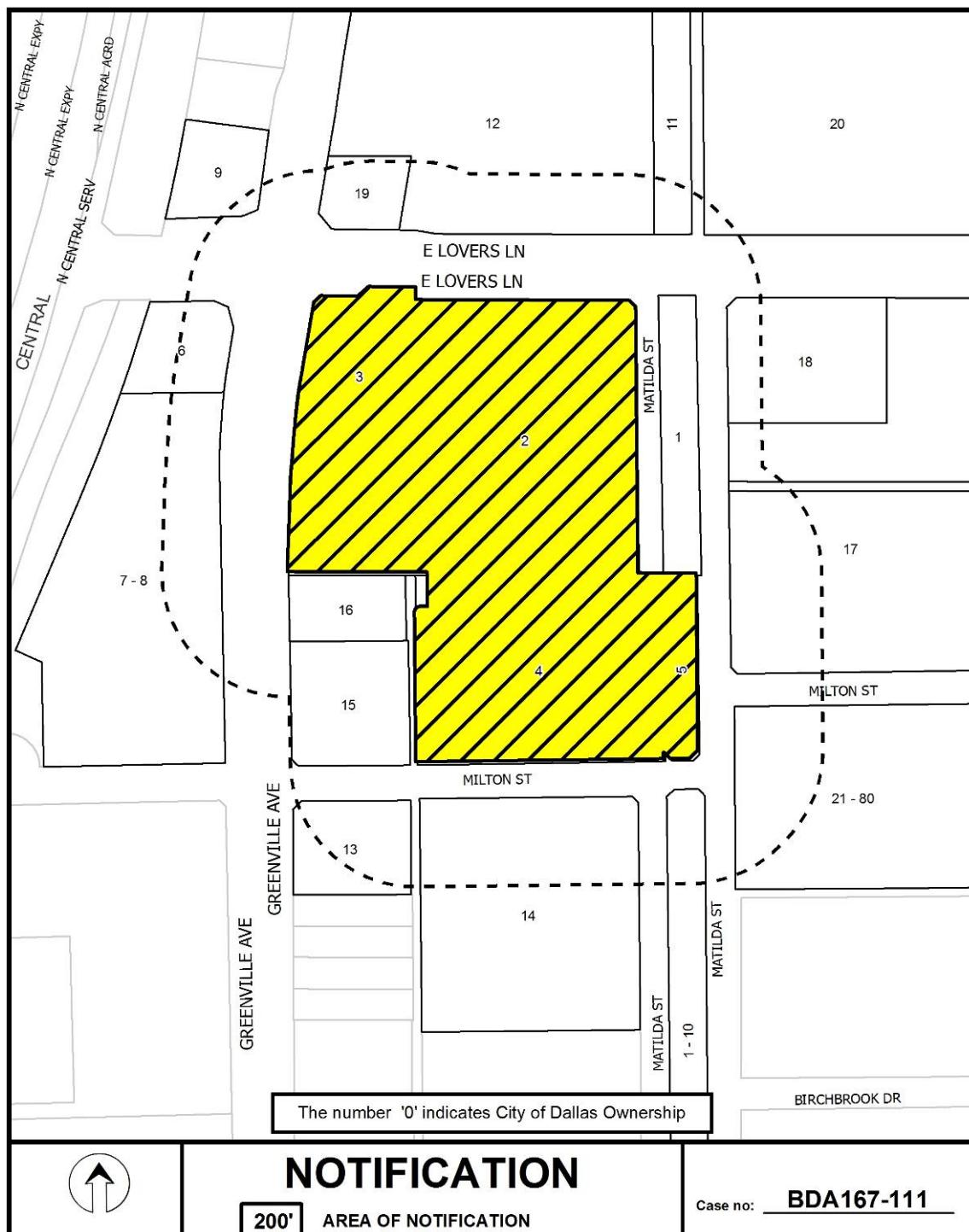
Parcel address.
Use street type for better re

[Locate](#)









Notification List of Property Owners

BDA167-111

80 Property Owners Notified

Label #	Address	Owner
1	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
2	5750 E LOVERS LN	LINCOLN LAG LTD
3	5200 GREENVILLE AVE	HEDRICK L W TRUST
4	5750 LOVERS LN	LINCOLN LAG LTD
5	4500 GREENVILLE AVE	LINCOLN LAG LTD
6	5233 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
7	5111 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
8	5111 GREENVILLE AVE	OFFICE DEPOT
9	5315 GREENVILLE AVE	INWOOD CORP
10	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
11	5700 E LOVERS LN	TEXAS UTILITIES ELEC CO
12	5500 GREENVILLE AVE	WPF OPERATING LLC
13	5030 GREENVILLE AVE	CCP CANES GREENVILLE LP
14	5720 MILTON ST	SH 710 LLC
15	5114 GREENVILLE AVE	MUSSO & CIVELLO ET AL
16	5118 GREENVILLE AVE	LINCOLN LAG TWO LTD
17	5850 E LOVERS LN	LOVERS TRADITION II LP
18	5800 E LOVERS LN	LOVERS MEDICAL INVESTORS LP
19	5302 GREENVILLE AVE	OT CHATSWORTH TEXAS LLC
20	5809 E LOVERS LN	OT CHATSWORTH TEXAS LLC
21	5804 MILTON ST	JACKSON OLIVIA ZENA
22	5804 MILTON ST	MCKAY CHARLES E
23	5808 MILTON ST	SELVADURAI JOHNSON J & SABRINA
24	5808 MILTON ST	ROSE SHEILA DIANNE
25	5804 MILTON ST	FANTA SOLOMON
26	5804 MILTON ST	ACEVEDO MARIA C

Label #	Address	Owner
27	5808 MILTON ST	WANG SUIJUN &
28	5808 MILTON ST	YILMA ALEMNESH F
29	5812 MILTON ST	BAKEWELL THOMAS B
30	5812 MILTON ST	BERNSTEIN ALAINE SUZANNE
31	5816 MILTON ST	FIELDS MARION LYNN
32	5816 MILTON ST	COFFEY BARBARA
33	5820 MILTON ST	HENDERSON DONALD JR & LINDA
34	5820 MILTON ST	SEUFERT MICHAEL &
35	5816 MILTON ST	MCCULLY MICHAEL JOHN
36	5816 MILTON ST	BROOKGREEN PROPERTIES LLC
37	5820 MILTON ST	WULF JOSHUA
38	5820 MILTON ST	BENSKIN NORA &
39	5098 MATILDA ST	JONES RANDY L & LU ANN
40	5098 MATILDA ST	PORRAS MARLENE YEPEZ
41	5098 MATILDA ST	DIAZ OSCAR
42	5098 MATILDA ST	COLEMAN BENNIE J JR
43	5090 MATILDA ST	MOORE PARWIN
44	5088 MATILDA ST	VANDERHEYDEN TERRANCE
45	5088 MATILDA ST	DELGADO CABRERA JUAN
46	5090 MATILDA ST	HAYNES KELLY
47	5090 MATILDA ST	SHELMIRE CLARENCE R III
48	5088 MATILDA ST	CHONG YANWAH
49	5088 MATILDA ST	HOANG MINH THI
50	5086 MATILDA ST	COTTLE LAWRENCE W JR
51	5086 MATILDA ST	MULLER DANIEL V
52	5086 MATILDA ST	KHLAF HUSAM
53	5086 MATILDA ST	MISHRA MEENA
54	5084 MATILDA ST	LUNA GERARDO
55	5084 MATILDA ST	PATEL VIREN S
56	5084 MATILDA ST	MACALUSO MATTIE G
57	5084 MATILDA ST	ABREHAM HAILE S MR

Label #	Address	Owner
58	5082 MATILDA ST	BASU AMIT & EUGENIA D
59	5082 MATILDA ST	HUTTASH JAMES ADAM
60	5082 MATILDA ST	GILVALENZUELA LIBRADA
61	5082 MATILDA ST	NANASI JANOS
62	5072 MATILDA ST	SAVAGE SHANNON COOPER
63	5072 MATILDA ST	BARRIOS ALBERT &
64	5074 MATILDA ST	SUPUNYABOOT SUNISA
65	5074 MATILDA ST	DAVIS JANIS
66	5076 MATILDA ST	WEISS JERRY I
67	5076 MATILDA ST	AGANLIC MUHAMED
68	5078 MATILDA ST	PEDIGO PATRICK J & SAMIA
69	5078 MATILDA ST	ZUHEIRI HAIDAR AL
70	5080 MATILDA ST	BOGGS NANCY A
71	5080 MATILDA ST	ROCK HIVE LLC
72	5072 MATILDA ST	BIADAILIGNE HABTAMU
73	5072 MATILDA ST	BARRIOS ALBERT &
74	5074 MATILDA ST	EATON DONNA &
75	5074 MATILDA ST	ROUNGRONG PORNTHIP &
76	5076 MATILDA ST	GRIMES MATHEW
77	5078 MATILDA ST	REDA FREWEINI ASMEROM
78	5078 MATILDA ST	PUMPHANG KRAISORN
79	5080 MATILDA ST	CHEN LIJUN
80	5080 MATILDA ST	WILLIAMS BARTRICIA

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WENDESAY, OCTOBER 18, 2017

FILE NUMBER: BDA167-117(JM)

BUILDING OFFICIAL'S REPORT: Application of Kip Petroff for special exceptions to the fence standards at 10802 Dove Brook Circle. This property is more fully described as Lot 34, Block Y/7288, and is zoned R-13(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 10802 Dove Brook Circle

APPLICANT: Kip Petroff

REQUEST:

The following requests for special exceptions to the fence standards have been made on a site that is developed with a single-family home (under construction):

- 1) A special exception related to fence height of 4' is made to complete and maintain a fence higher than 4' in height in the front yard setback (an 8' solid wood fence with cap); and
- 2) A special exception related to fence materials is made to complete and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-13(A) (Single family district 13,000 square-feet)
North: R-13(A) (Single family district 13,000 square-feet)
South: MF-2(A) (Multifamily district)
East: MF-2(A) (Multifamily district)
West: R-13(A) (Single family district 13,000 square-feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards focus on completing and maintaining: 1) a fence higher than 4' in height in the front yard setback (8' solid wood fence with cap); and, 2) a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-13(A).
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fence in the front yard setback:
 - The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
 - The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
 - The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height is represented as being approximately 15' along the north property boundary (on the property line); 130' along the property line parallel to Stone Canyon Rd.; and, 15' along the south

perpendicular to Stone Canyon Rd. and up to the property line—all within the 15' front yard setback on Stone Canyon Rd.

- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence:
 - The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
 - With regard to the special exception to the fence standards pertaining to the location and materials of the proposed fence, the applicant has submitted a site plan and elevation of the fence with fence panels with surface areas that are less than 50 percent open (8' solid wood fence with cap) located as close as on the front lot line (or less than 5' from this front lot line).
- The Board Senior Planner conducted a field visit of the site and surrounding area within the same block facing Dove Brook Cir. and Stone Canyon Rd. and noted **no other fences** that appeared to be above 4' in height and located in a front yard setback.
- As of October 6, 2017, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setback and materials/height/location of the proposed fence will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

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

September 12, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

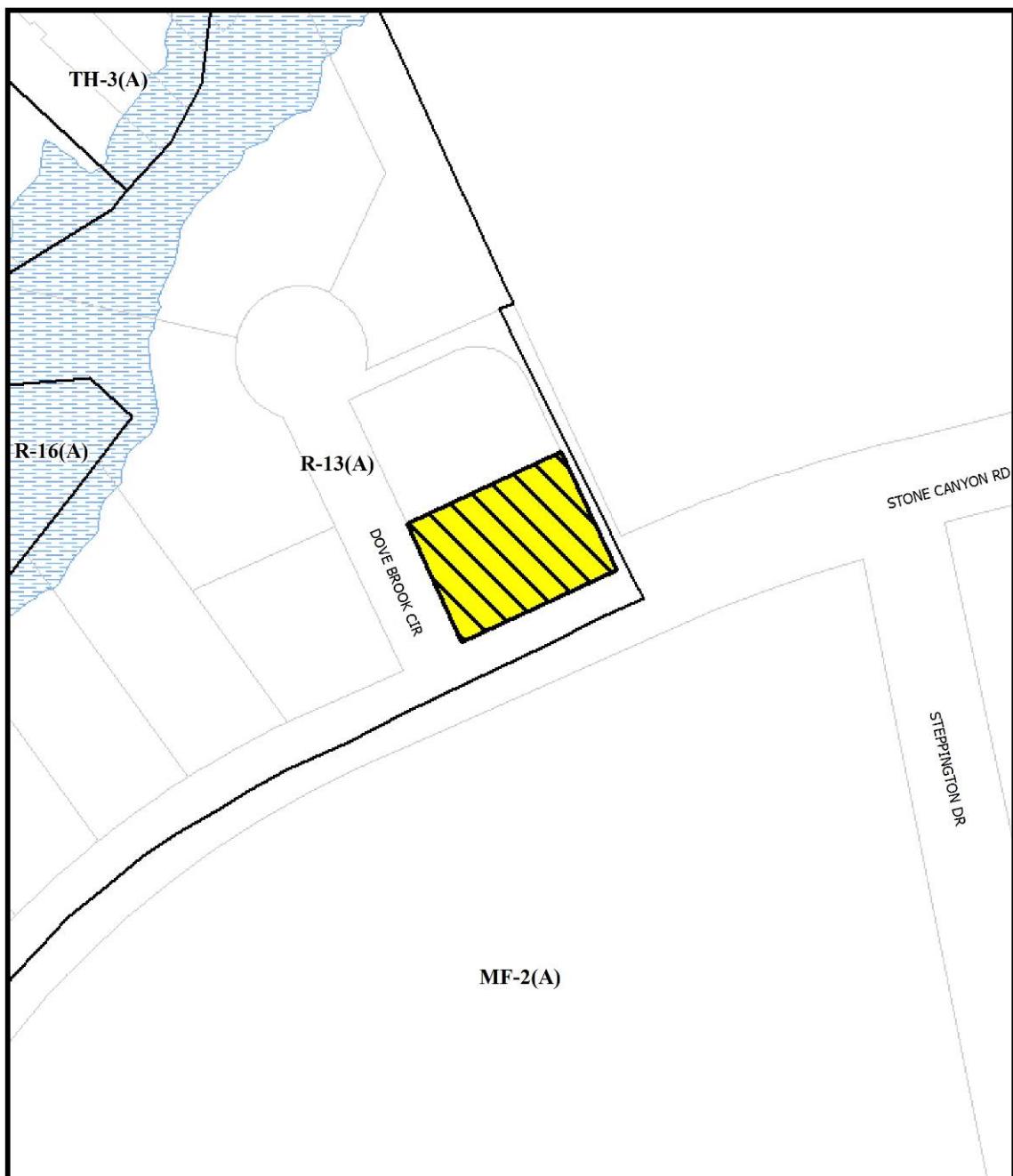
September 18, 2017: The Board Senior Planner emailed the applicant's representative the following information:

- a copy of the application materials including the Building Official's report on the application;

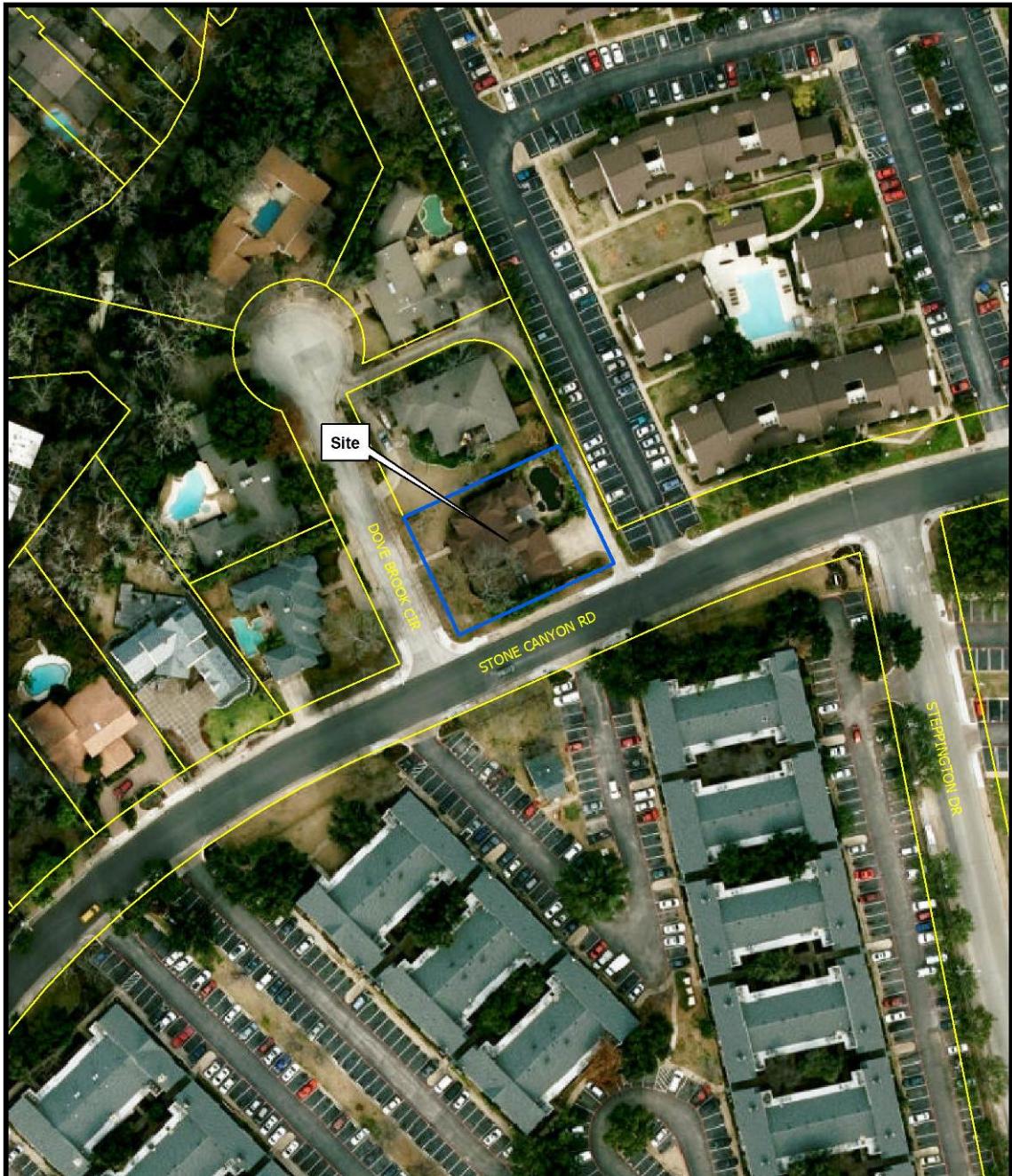
- an attachment that provided the public hearing date and panel that will consider the application; the September 27th deadline to submit additional evidence for staff to factor into their analysis; and the October 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 3, 2017: 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 Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200	ZONING MAP	Case no: <u>BDA167-117</u>
		Date: <u>9/21/2017</u>



1:1,200

AERIAL MAP

Case no: BDA167-117

Date: 9/21/2017



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-117

Date: 8-22-17

Data Relative to Subject Property:

Location address: 10802 Dove Brook Circle Zoning District: R-13(A)

Lot No.: 34 Block No.: 4/7288 Acreage: .29 Census Tract: 131.05

Street Frontage (in Feet): 1) 100' 2) 130' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kip Petroff and Suzanne Petroff

Applicant: Kip Petroff Telephone: 214-668-7288

Mailing Address: 10802 Dove Brook Circle Dallas Zip Code: 75230

E-mail Address: Kpetroff@pctroffassociates.com

Represented by: Self Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of four feet for a fence in a front yard ~~feet~~ and fence panels with a surface area less than fifty percent open with in five feet of a property line

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:

There will be no adverse effect on neighboring property or on the neighborhood because the fence will be made of high quality materials on a front yard that functions as a 5' side yard. It will complement the neighborhood and blend in with other fences in the area.

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 Kip Petroff (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.

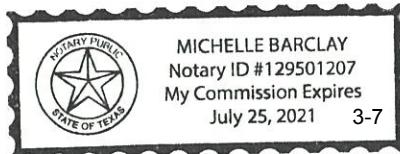
Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22nd day of August, 2017

(Rev. 08-01-11)

BDA 167-117



**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman _____

Building Official's Report

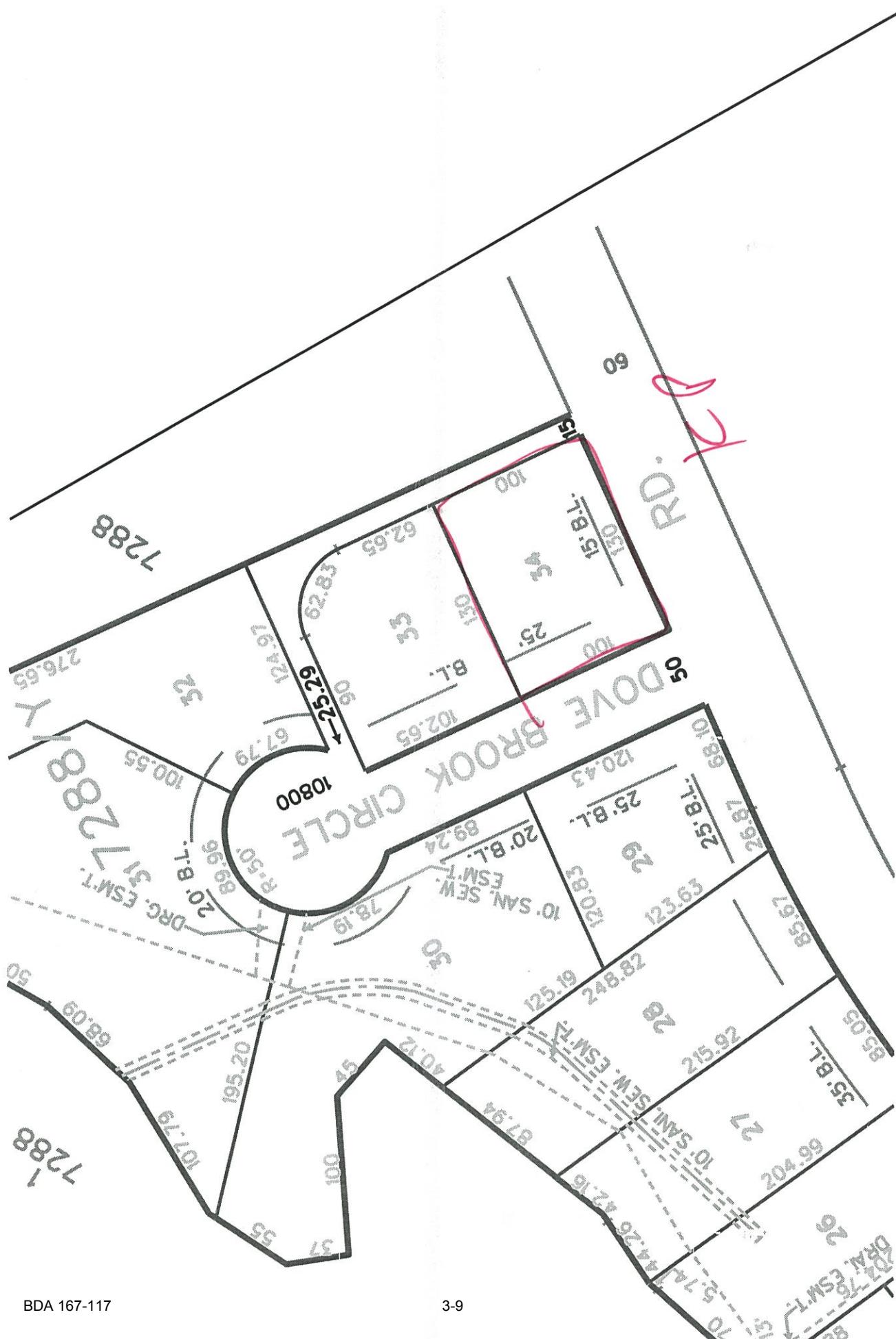
I hereby certify that Kip Petroff

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence regulations
at 10802 Dove Brook Circle

BDA167-117. Application of Kip Petroff for a special exception to the fence height regulations and a special exception to the fence standards regulations at 10802 Dove Brook Circle. This property is more fully described as Lot 34, Block Y/7288, and is zoned R-13(A) which limits the height of a fence in the front yard to 4 feet and requires a fence panel with surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to construct fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

BDA 167-117

Addresses

Dallas Zoning

Floodplain

Building Inspection

DART

Real Estate

Alcohol

Plats

Areas of Request

Thoroughfare Plan

Long Range Plans

Capital Improvement Program

Council and Census

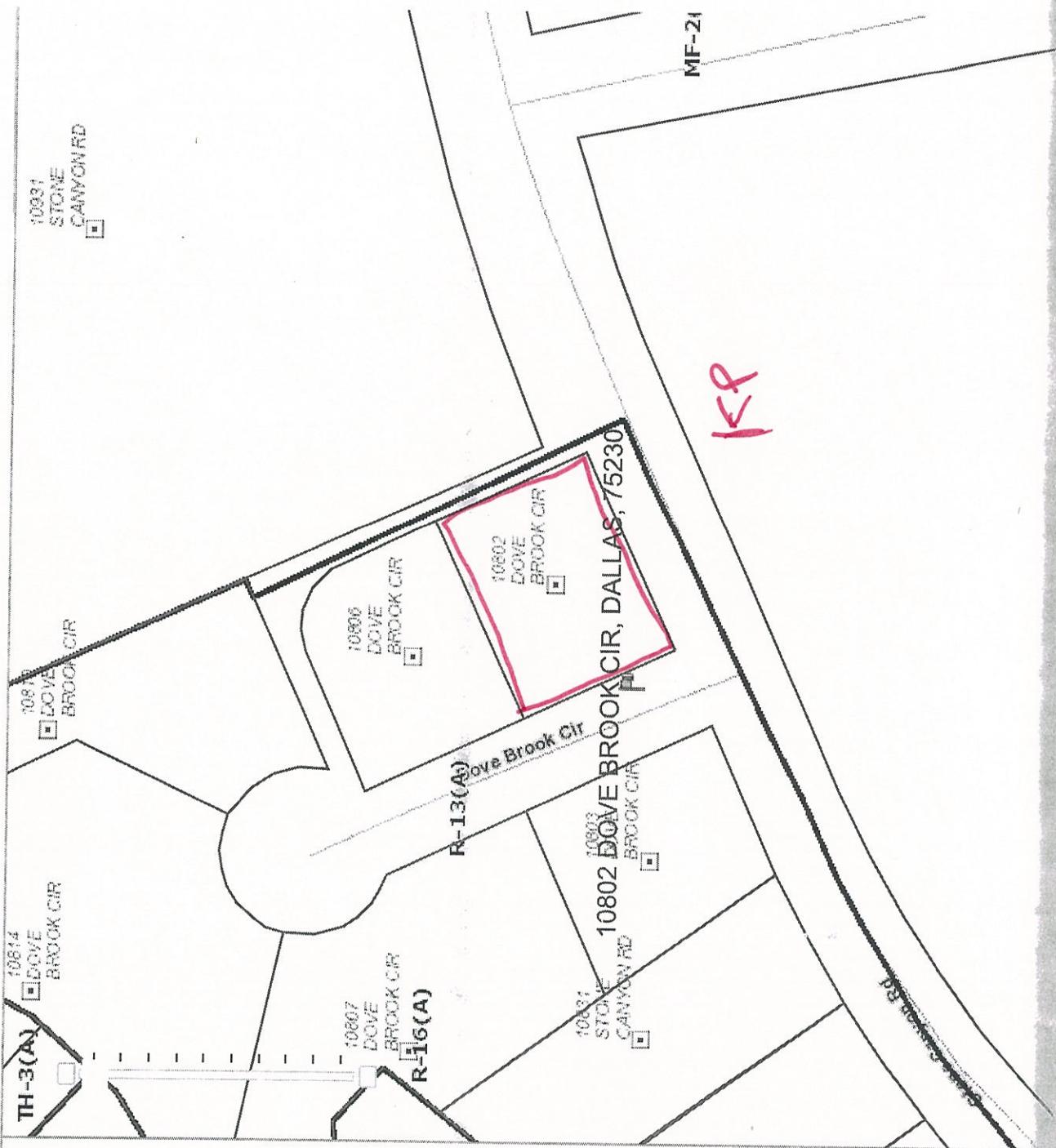
Roads

Tax Parcels

Zoning Grid

Stormwater

Water Distribution



GENERAL NOTES

1. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS & INDUSTRY STANDARDS.
 2. ALL WORK MUST BE DONE ACCORDING TO ALL CONCERNED CODE & REGULATIONS.
 3. A STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
 4. CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
 5. VERIFICATION CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
 6. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIALS, THE CONTRACTOR AND ITS SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS, AND

10802 DOVE BROOK CI
Block Y/7288 Lot 34
Dallas, Texas 75280

SITE PLAN

1

f2

SITE PLAN INFORMATION

LOT SIZE	15,000 S.F.
BUILDING AREA	3,865 S.F.
PERCENT LOT COVERED	29.7%

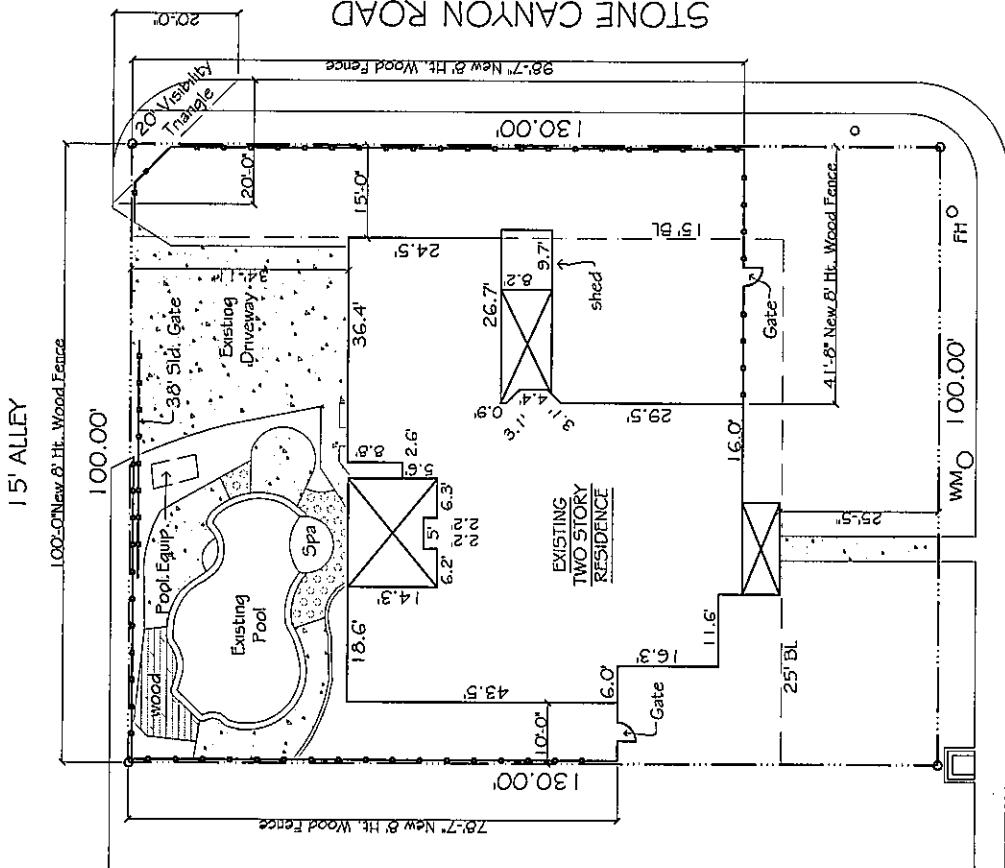
A MINIMUM OF 70% OF THE NON-ROOF AREA OF THE LOT COVERED WILL HAVE LANDSCAPE (GRASS, TREES, ETC.)

By

SCALE: 1"=20'-0"

f2

STONE CANYON ROAD
(60, R.O.W.)

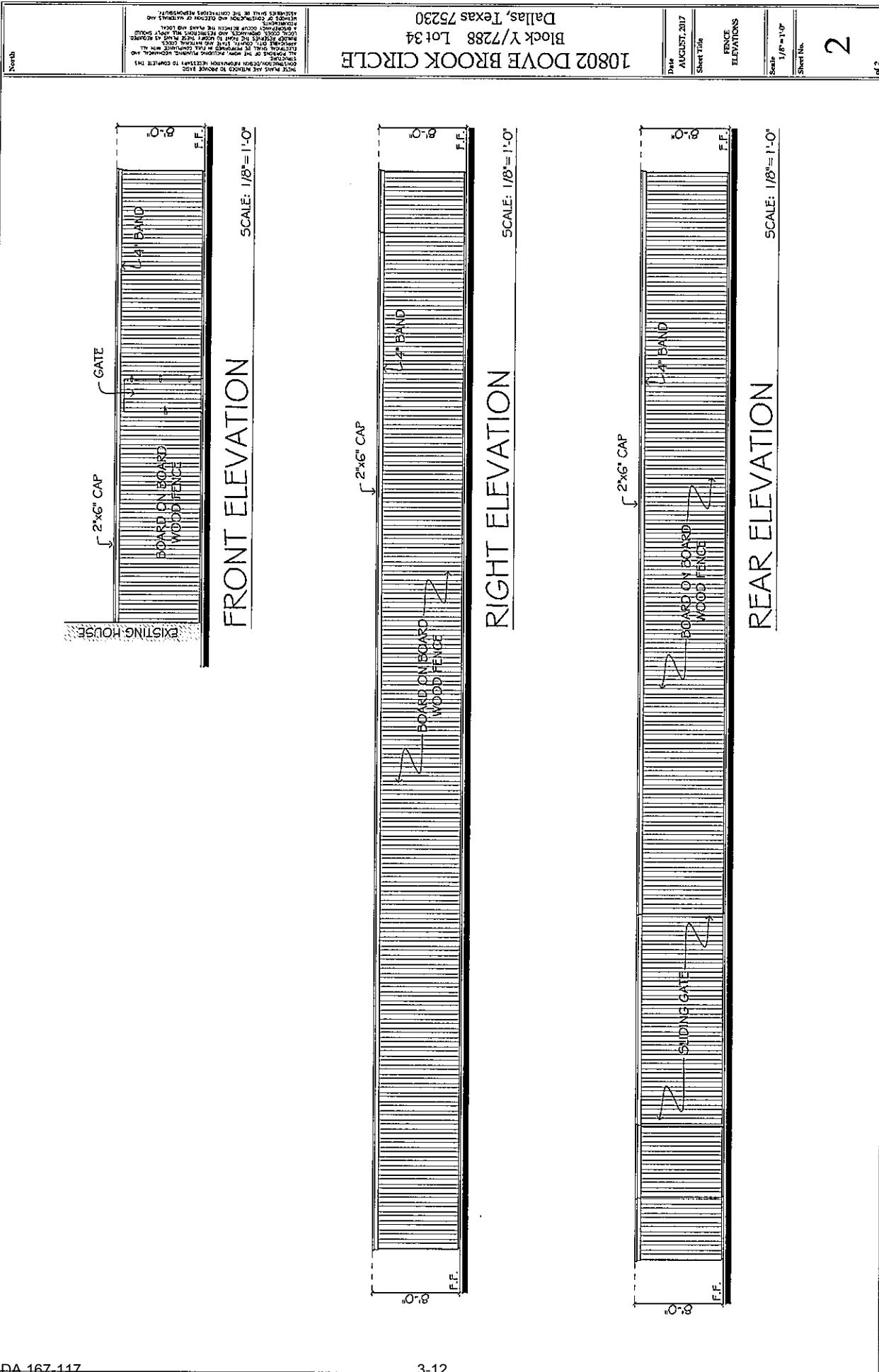


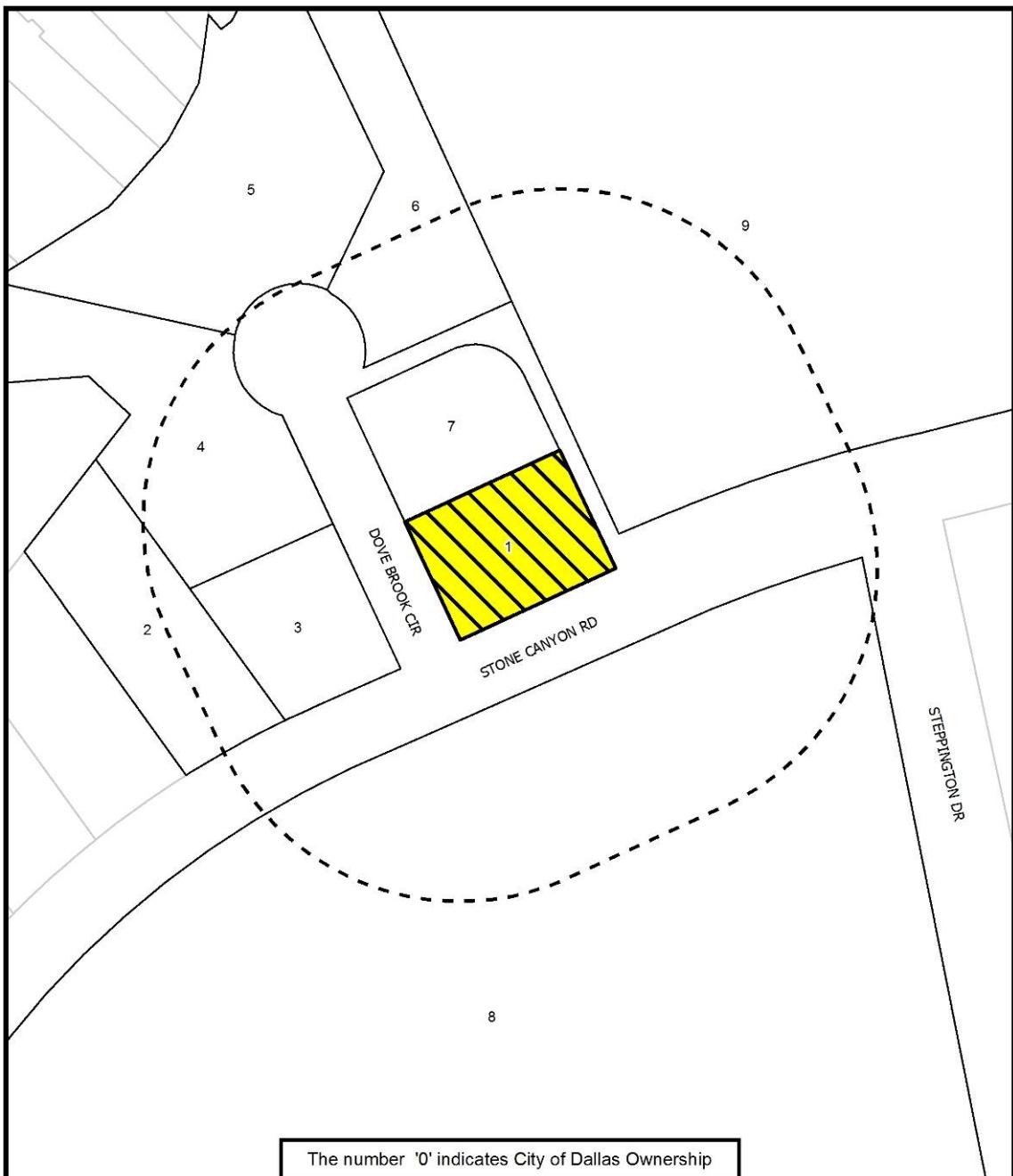
DOVE BROOK CIRCLE
(50' R.O.W.)

二〇一〇年

SCALE: 1" = 20'-0"

f2





The number '0' indicates City of Dallas Ownership

	NOTIFICATION		Case no:	BDA167-117
1:1,200	200'	AREA OF NOTIFICATION	Date:	9/21/2017
	9	NUMBER OF PROPERTY OWNERS NOTIFIED		

Notification List of Property Owners**BDA167-117****9 Property Owners Notified**

Label #	Address	Owner
1	10802 DOVE BROOK CIR	PETROFF KIP & SUZANNE
2	10831 STONE CANYON RD	FLACK DAVID A & EMBER REVOCABLE MANAGEMENT TRUST
3	10803 DOVE BROOK CIR	DAVIS DANIEL ROBERT
4	10807 DOVE BROOK CIR	WILLIAMS RHOD &
5	10814 DOVE BROOK CIR	FLORES JESSICA CHARAY
6	10810 DOVE BROOK CIR	PITRE TRAVIS
7	10806 DOVE BROOK CIR	SULLIVAN MARK
8	10830 STONE CANYON RD	AVONDALE APARTAMENTS
9	10931 STONE CANYON RD	CHASE CROSSING ASSOC LTD

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WENDESDAY, OCTOBER 18, 2017

FILE NUMBER: BDA167-110(SL)

BUILDING OFFICIAL'S REPORT: Application of Rosalba Robledo, represented by Elias Rodriguez of Construction Concepts, for a special exception to the side yard setback regulations for a carport at 633 Elwayne Avenue. This property is more fully described as Lot 24, Block 3/6251, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport and provide a 2 foot 5 inch setback, which will require a 2 foot 7 inch special exception to the side yard setback regulations.

LOCATION: 633 Elwayne Avenue

APPLICANT: Rosalba Robledo
Represented by Elias Rodriguez of Construction Concepts

REQUEST:

A request for a special exception to the side yard setback regulations of 2' 7" is made to maintain a carport located 2' 5" from the site's southern side property line or 2' 7" into this 5' required side yard setback on a site developed with a single family home structure/use.

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

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

(1) Whether the requested special exception is compatible with the character of the neighborhood.

- (2) Whether the value of surrounding properties will be adversely affected.
(3) The suitability of the size and location of the carport.
(4) The materials to be used in construction of the carport.

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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 area to the north, east, and west are developed with single family uses, and the area to the south is undeveloped.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the side yard setback of 2' 7" focuses on maintaining an approximately 740 square foot carport 2' 5" from the site's southern side property line or 2' 7" into the site's southern 5' required side yard setback, on a site developed with a single family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The submitted site plan and elevations represent the size and materials of the carport, and its location 2' 5" from the site's southern side property line.
- The submitted site plan represents the following:
 - The carport is approximately 62' in length and approximately 12' in width (approximately 740 square feet in total area) of which approximately 20 percent is located in the southern 5' side yard setback.
- The submitted elevations represent the following:
 - Ranging in height from 6' 9" – 7' 4".
 - Gauge metal roofing.
 - Metal columns.

- On September 29, 2017, the Board Administrator made the applicant's representative aware of the fact that the submitted elevations do not reflect the features of the existing structure. The applicant's representative said that he would submit revised elevations.
- On October 6, 2017, the Board Administrator emailed the applicant's representative that the following points would be incorporated into the case report on this application seeing that he had not submitted revised elevations to staff:
 1. The application is to maintain the carport on the property with any requisite modifications to be made to meet building code.
 2. The applicant's representative is aware of the fact that the elevation submitted with the original application does not match the existing carport on the property.
 3. The applicant's representative intends to submit revised elevations to Building Inspection prior to your submittal of "the /Building Inspection-approved" elevations to the board at the October 18th public hearing.
- The Board Administrator conducted a field visit of the area approximately 500 feet north and south of the subject site and noted one other carport that appeared to be located in a side yard setback. A carport that appeared to be located in a side yard was noted two lots south of the subject site with no recorded BDA history.
- As of October 6, 2017, no letters had been submitted in support of or in opposition to this application.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 2' 7" will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevations is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board were to grant this request and impose the submitted elevations as a condition to the request, the applicant would be required to modify the existing carport on the site to match that what is shown on these documents.
- Granting this request for a special exception to the side yard setback regulations will not provide any relief on the subject site with regard to visual obstruction regulations.

Timeline:

August 8, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 12, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

September 12, 2017: The Board Administrator emailed the applicant's representative the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 27th deadline to submit additional evidence for staff to factor into their analysis; and the October 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 29, 2017: The Board Administrator emailed the applicant's representative his discovery that the features of the existing structure on the site did not match the structure represented on his submitted elevations; and that new elevations would be submitted to staff before the October 18th hearing since typically when the board grants these requests, they impose the submitted elevation as a condition to the request.

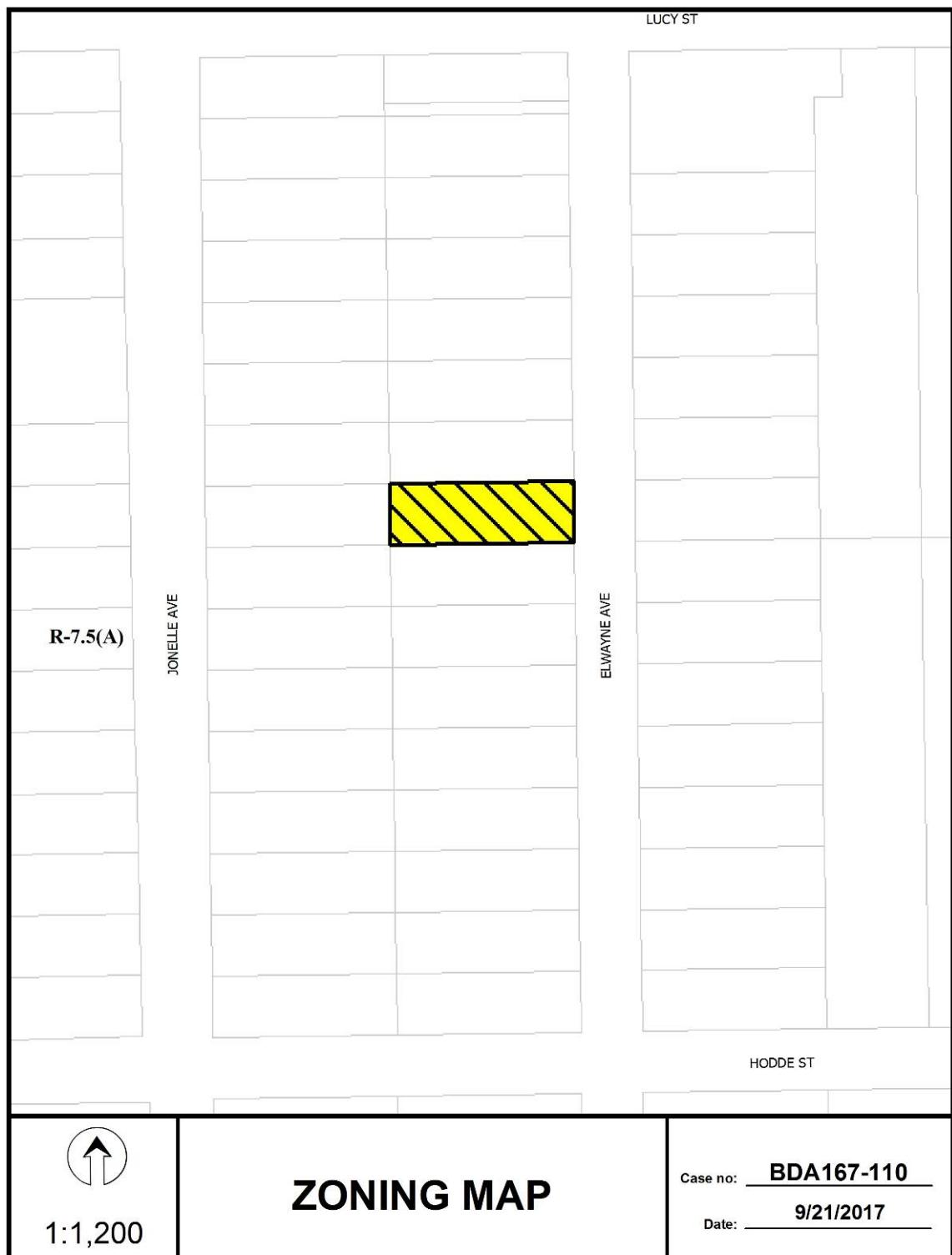
October 3, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

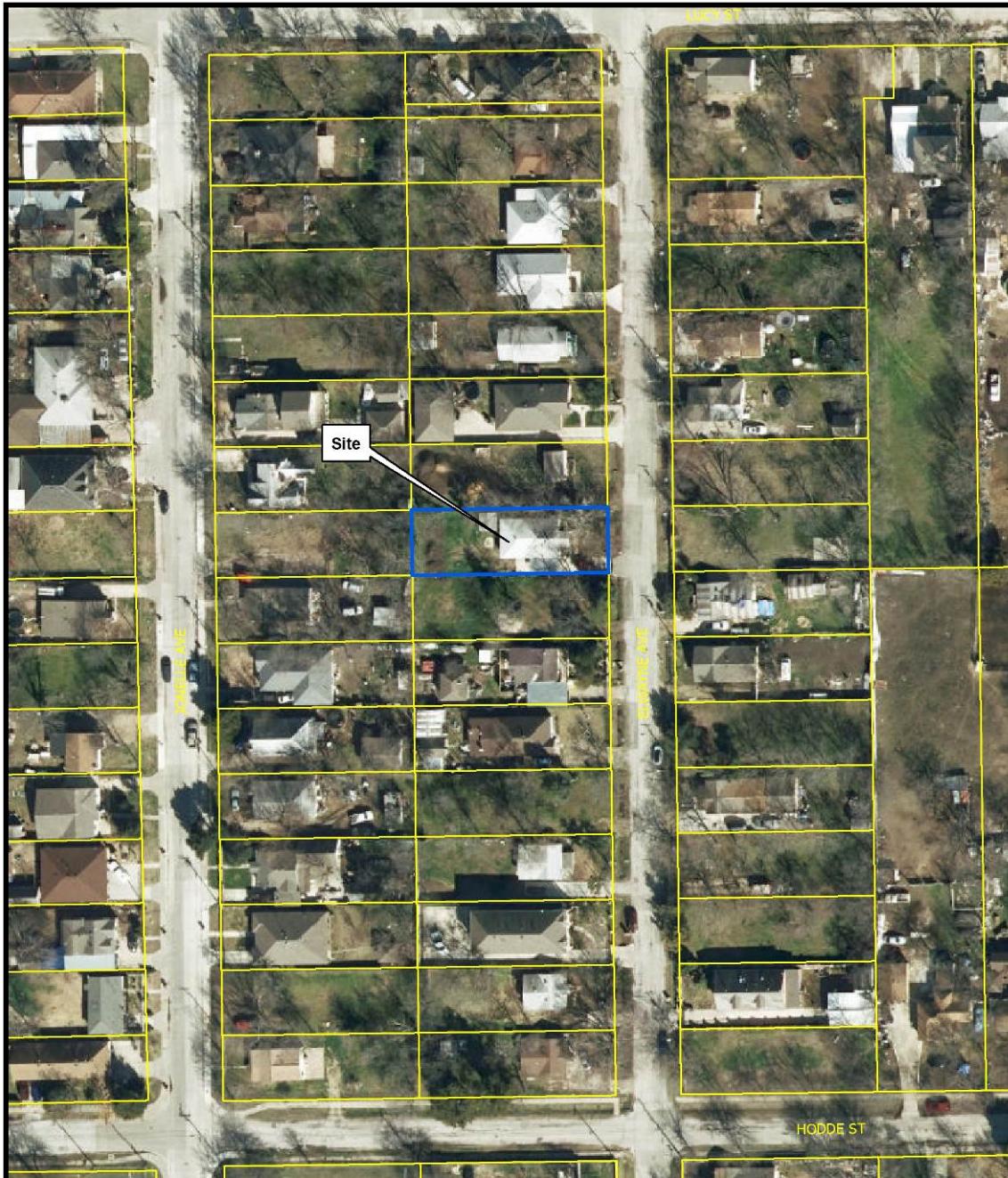
No review comment sheets were submitted in conjunction with this application.

October 6, 2017: The Board Administrator emailed the applicant's representative that the following points would be incorporated into the case report on this application seeing that he had not submitted revised elevations to staff:

1. The application is to maintain the carport on the property with any requisite modifications to be made to meet building code.
2. The applicant's representative is aware of the fact that the elevation submitted with the original application does not match the existing carport on the property.
3. The applicant's representative intends to submit revised elevations to Building Inspection prior to your submittal of "the

/Building Inspection-approved" elevations to the board at the October 18th public hearing.





1:1,200	AERIAL MAP	Case no: <u>BDA167-110</u>
		Date: <u>9/21/2017</u>



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-110

Date: 8/8/17

Data Relative to Subject Property:

Location address: 633 Elwayne Ave. Zoning District: R-7.5(A)
Lot No.: 24 Block No.: 3/6251 Acreage: .17 Census Tract: 93.03
Street Frontage (in Feet): 1) 50 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Rosalba Robledo
Applicant: Rosalba Robledo Telephone: 214-733-9992
Mailing Address: 633 Elwayne Zip Code: 75217
E-mail Address: rosalba_r633@yahoo.com
Represented by: Construction Concepts (Elias Telephone: 214-946-4300
Mailing Address: 317 E. Jefferson Blvd Zip Code: 75203
E-mail Address: Energyinspector@yahoo.com

Affirm that an appeal has been made for a Variance or Special Exception of 2 ft to the Special Exception for encroaching into left side of setback for a carport

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

Carport encroaching 2 ft into south side setback
will not have an effect on neighbor because
neighbor lot is vacant. No neighbor

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

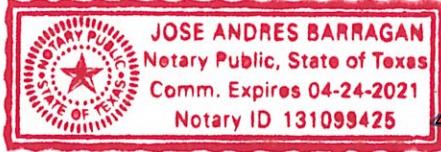
Before me the undersigned on this day personally appeared X Rosalba Robledo
(Affiant/Applicant's name printed)

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: X Rosalba Robledo
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10 day of August, 2017

(Rev. 08-01-11)



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 Rosalba Robledo
represented by Elias Rodriguez
did submit a request for a special exception to the side yard setback regulations
at 633 Elwayne Avenue

BDA167-110. Application of Rosalba Robledo represented by Elias Rodriguez for a special exception to the side yard setback regulations for a carport at 633 Elwayne Avenue. This property is more fully described as Lot 24, Block 3/6251, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 2 foot 5 inch setback which will require a 2 foot 7 inch special exception to the side yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

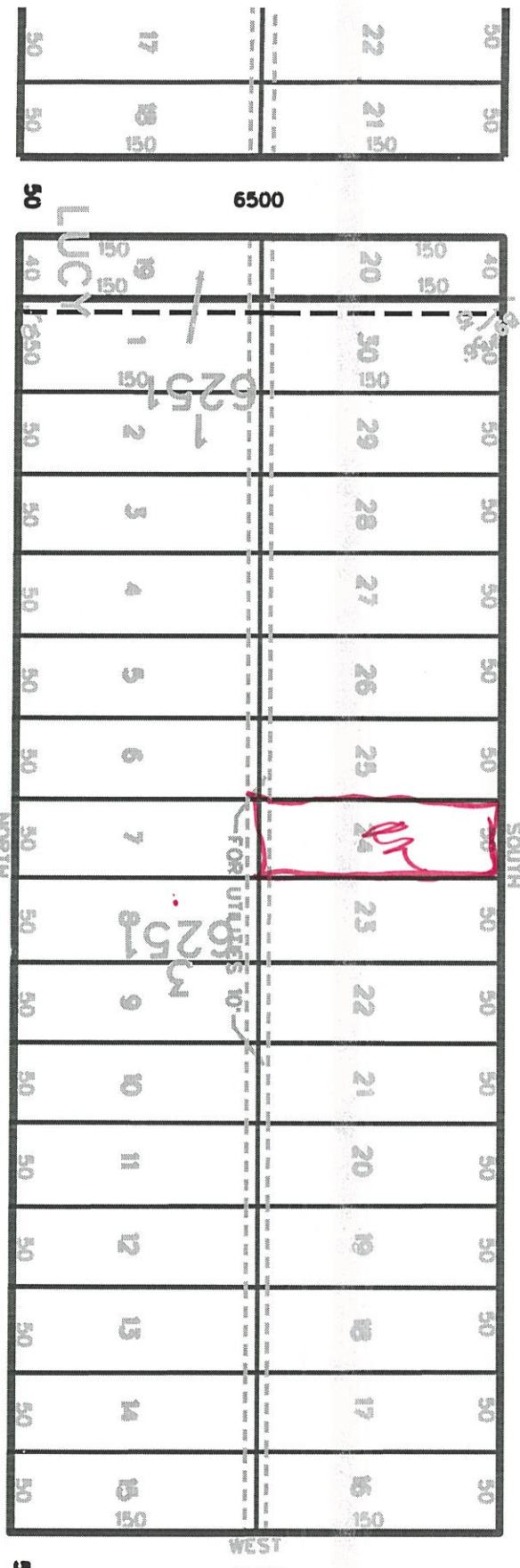
AVENUE

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AVE. 60

6256

57.5



AVE. 60

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MORTGAGE

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SUB.

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(1731)
169
169
EAST

6251

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CROSS

50

6600

City of Dallas

Internal Development Research Site

Legend**Locate Property**

Search by:

GIS Account #

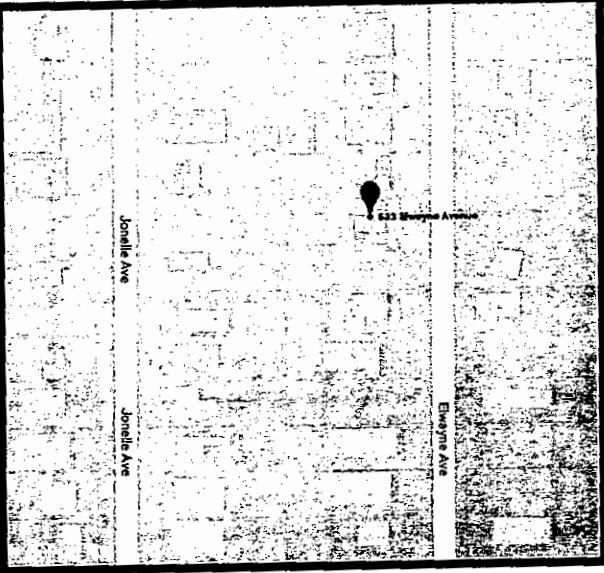
Locate

OR

Street address:
633 elwayne**Locate**Parcel address.
Use street type for better re**Locate**

4-11

656 JONELLE AVE	656 ELWAYNE AVE
652 AVE JONELLE AVE	653 ELWAYNE AVE
648 JONELLE AVE	655 ELWAYNE AVE
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636 JONELLE AVE	641 ELWAYNE AVE
632 JONELLE AVE	637 ELWAYNE AVE
628 JONELLE AVE	631 ELWAYNE AVE
624 JONELLE AVE	629 ELWAYNE AVE
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VICINITY MAP
FOR REFERENCE ONLY

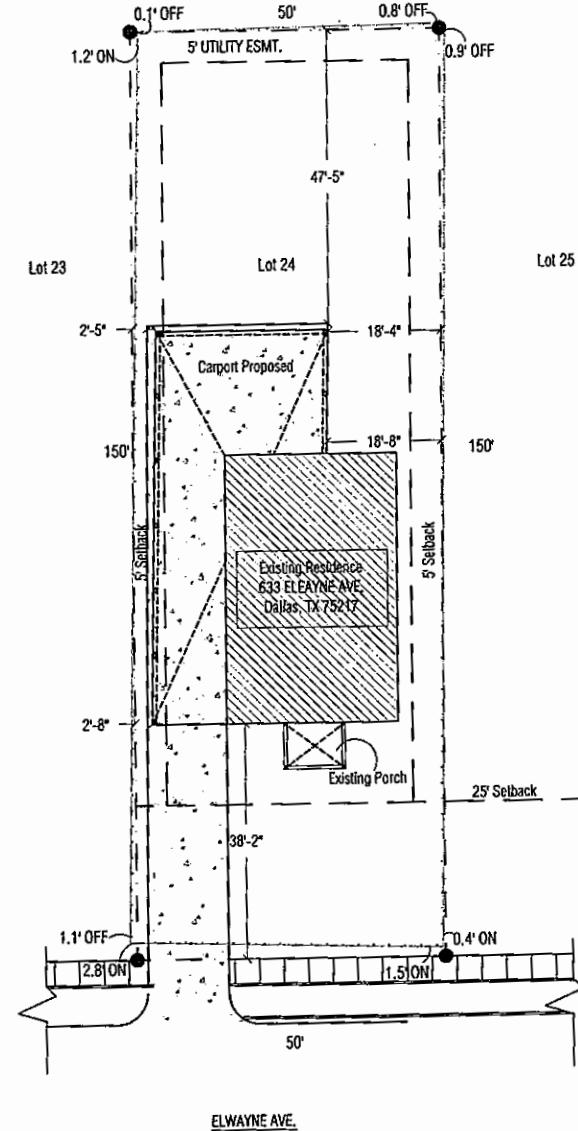
Legal Description:
Pleasant Heights
BLK 3/6251 Lot 24
Zoning:
R-7.5 (A) Single Family

SITE PLAN INFORMATION	
LOT SIZE	7,500 Sq.Ft.
TOTAL BUILDING AREA	2,348 Sq.Ft.
PERCENT LOT COVERED	37%

SQUARE FOOTAGE	
PROPOSED CARPORT	1,065 SF
EXISTING RESIDENCE	1,208 SF
PORCH	75 SF
TOTAL	2,348 SF

IMPORTANT CONTRACTORS, BUILDERS AND HOMEOWNER

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



ELWAYNE AVE.

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"

317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-0300
FAX. (214) 946-9544

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

GRADUATE AND CONTRACTOR HAVE COME INTO THE OPERATION OF THESE BUILDMENTS SEPARATELY. OWNER IS VARIOUS IN GEOGRAPHIC LOCATIONS. CONSTRUCTION, DESIGN, OR DEFICIENCIES ON THESE PLANS, OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THIS HOUSE IS NOT APPROVED FOR CONSTRUCTION. NO ADJUSTMENT OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COP-RIGHT LAWS.

Project Name & Address
633 Elwayne Ave.
DALLAS, TEXAS
75217

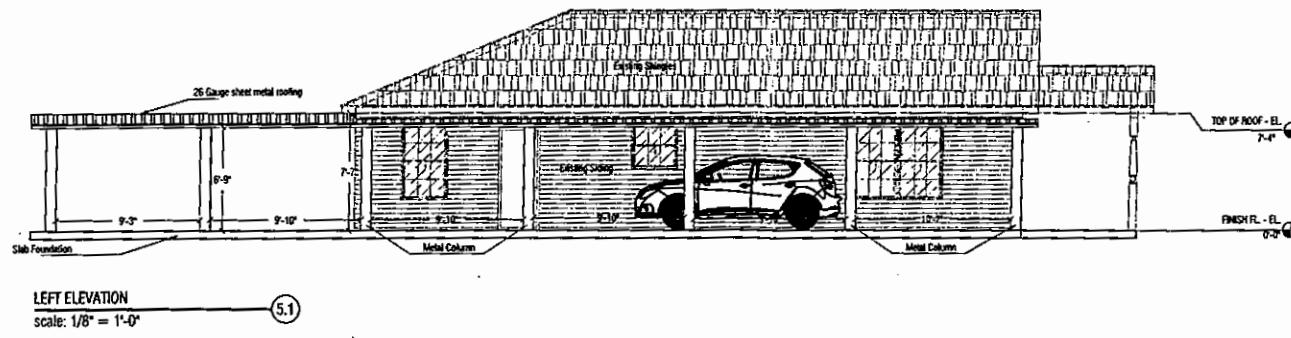
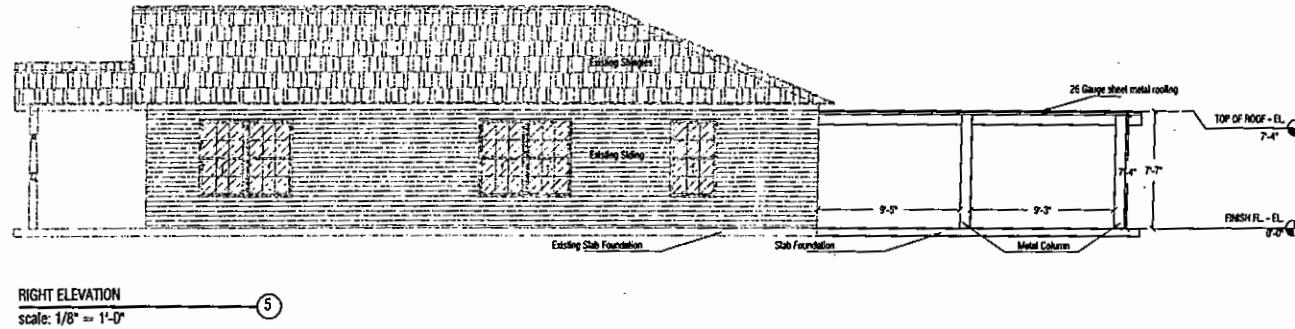
Pleasant Heights
BLK 3/6251 LOT 24

Project	Sheet
SITE PLAN	
Date	06/03/2017
Scale	1" = 20'
Drawn By	HFA

1

BDA 167-110

4-13



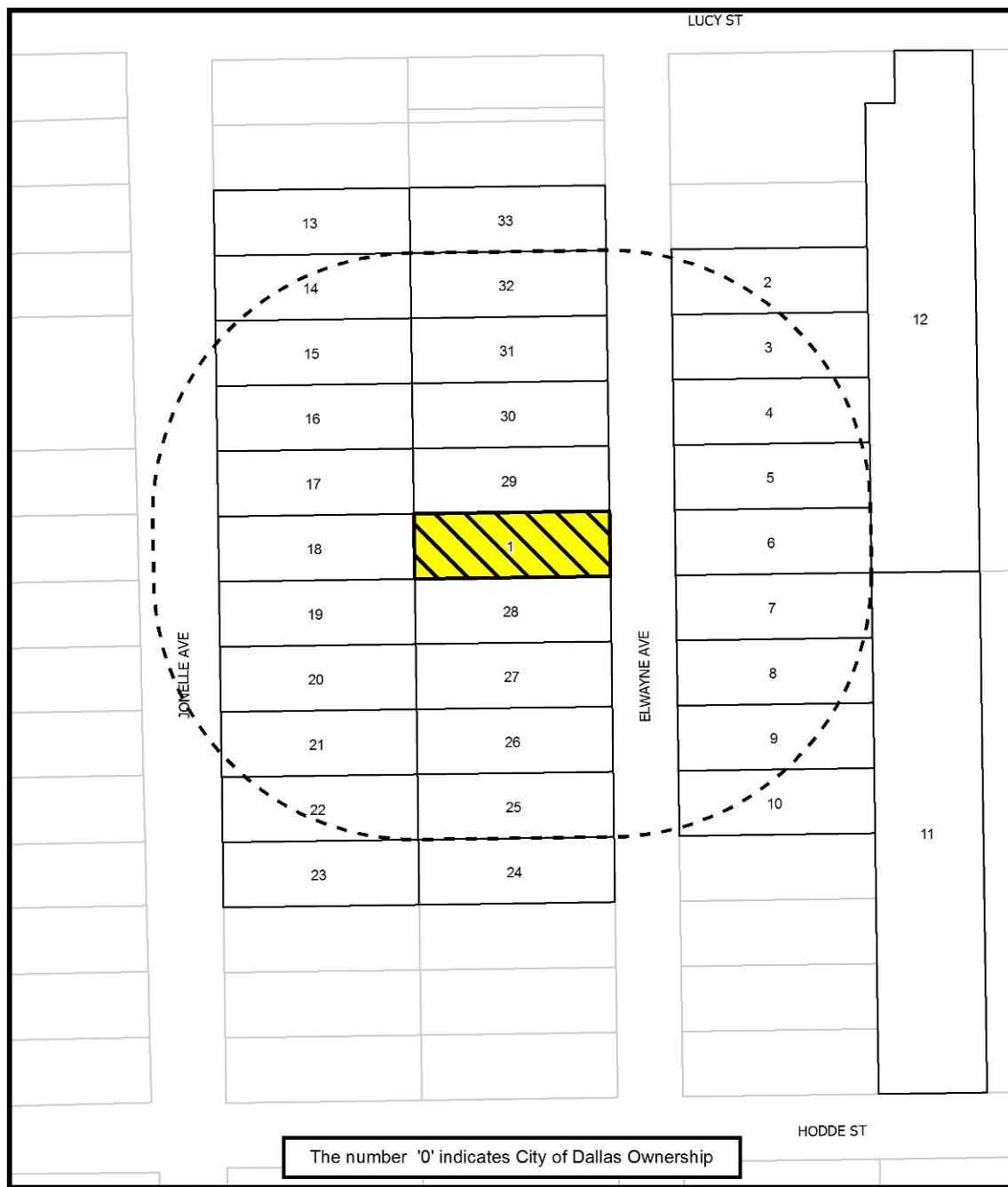
CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"

Planning and Designing a Better Tomorrow™
3117 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE THEY ARE NOT DRAWN TO GRAPHIC LOCATIONS, CONSTRUCTION CONCEPTS, INC. WILL NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER IS RESPONSIBLE TO COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCING ANY CONSTRUCTION. USE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONE, ANY CUTTING, TRAGING, OR ALTERING OF THESE PLANS IS NOT PERMITTED; VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER STATE LAW.

Project Name & Address
633 Elwayne Ave.
DALLAS, TEXAS
75217
Briarwood Heights

Project	Sheet
<u>ELEVATION</u>	
Date	08/03/2017
Scale	1/8" = 1'-0"
Drawn By	HFA



 1:1,200	NOTIFICATION <div style="display: flex; justify-content: space-between;"> 200' AREA OF NOTIFICATION </div> <div style="display: flex; justify-content: space-between;"> 33 NUMBER OF PROPERTY OWNERS NOTIFIED </div>	Case no: BDA167-110 Date: 9/21/2017
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Notification List of Property Owners

BDA167-110

33 Property Owners Notified

Label #	Address	Owner
1	633 ELWAYNE AVE	ROBLEDO ROSALBA
2	650 ELWAYNE AVE	GORE BONNIE ET AL
3	646 ELWAYNE AVE	LILLEY BRYCE A &
4	642 ELWAYNE AVE	TRISTAN JORGE E
5	636 ELWAYNE AVE	SIFUENTESALVARADO MARTIN
6	632 ELWAYNE AVE	CARDOSO ALICIA DIAZ
7	628 ELWAYNE AVE	HERNANDEZ ELEAZAR JR &
8	624 ELWAYNE AVE	MONROY DESIDERIO & VALENTINA
9	620 ELWAYNE AVE	QUINTERO JOSE L &
10	616 ELWAYNE AVE	QUINTERO JOSE L & MARIA C
11	6617 HODDE ST	CAMPOZANO ALVORO
12	6618 LUCY ST	GOMEZ BENITA & ESTEBAN
13	652 JONELLE AVE	ORTEGA JOEL & ROSA DELIA
14	648 JONELLE AVE	PICKARD C W
15	644 JONELLE AVE	HUERTA JESUS &
16	640 JONELLE AVE	BOCANEGRO PEDRO &
17	636 JONELLE AVE	DERUIZ GRACIELA MORALES
18	632 JONELLE AVE	SORIANO YADIRA &
19	628 JONELLE AVE	GOMEZGALLEGO MARIO
20	624 JONELLE AVE	JIMENEZ EUDOCIO &
21	622 JONELLE AVE	AGUIRRE EDUARDO S
22	618 JONELLE AVE	VIELMA AUGUSTINA EST OF
23	612 JONELLE AVE	LOPEZ CONCEPCION &
24	613 ELWAYNE AVE	GONSALEZ GUADALUPE
25	619 ELWAYNE AVE	BOYD VIRGIE MAY ETAL
26	621 ELWAYNE AVE	SOUPHANKHAYSY BOUN N

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	625 ELWAYNE AVE	HERNANDEZ J ELEAZAR
28	631 ELWAYNE AVE	FLEMING THOMAS C &
29	637 ELWAYNE AVE	MARROQUIN FELIPE J
30	641 ELWAYNE AVE	TRISTAN JORGE EDUARDO
31	645 ELWAYNE AVE	PAKORN RAT PRACHA
32	649 ELWAYNE AVE	HOOD JIMMY
33	653 ELWAYNE AVE	RAMSEY WANDA WHITLEY