

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, FEBRUARY 18, 2014

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 which 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**

02-18-2014

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, FEBRUARY 18, 2014
AGENDA

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

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Tuesday, January 21, 2014 Board of Adjustment Public Hearing Minutes	M1
BDA 123-086	5410 Melrose Avenue REQUEST: Of Robert V. Hunt, represented by Brittany Harris, to extend the time to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment's favorable action for variances to the front yard setback, lot coverage, and off-street parking regulations	M2

UNCONTESTED CASES

BDA 134-011	2359 Reagan Street REQUEST: Application of Ed Simons for special exceptions to the landscape and visual obstruction regulations	1
BDA 134-012	2363 Reagan Street REQUEST: Application of Ed Simons for special exceptions to the landscape and visual obstruction regulations	2
BDA 134-013	2829 W. Northwest Highway REQUEST: Application of Santos T. Martinez for a special exception to the landscape regulations	3

BDA 134-014

9805 Bowman Boulevard

4

REQUEST: Application of Irma Elias for a special exception to the fence height 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. 6-24-12)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A January 21, 2014 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 123-086

REQUEST: To extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment's favorable action on the requests for variances to the front yard setback regulations of 19', to the lot coverage regulations of 465 square feet; and to the off-street parking regulations of 5' 6" granted by Board of Adjustment Panel A on October 22, 2013.

LOCATION: 5410 Melrose Avenue

APPLICANT: Robert V. Hunt
Represented by Brittany Harris

STANDARD FOR EXTENDING THE TIME PERIOD IN WHICH TO APPLY FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY:

- The Dallas Development Code states:
The applicant shall file an application for a building permit or certificate of occupancy within 180 days for the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.
- The *Board of Adjustment Working Rules of Procedure* state the following with regard to extensions of the time period for making application for a building permit or certificate of occupancy:
A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a *specific finding* based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the board extend the time period beyond 18 months from the date of its favorable action.

Timeline:

October 22, 2013: The Board of Adjustment Panel A granted variances to the front yard setback regulations of 19', to the lot coverage regulations of 465 square feet; and to the off-street parking regulations of 5' 6",

and imposed the following conditions to these requests: 1) compliance with the submitted revised site plan is required, 2) automatic garage doors must be installed and maintained in working order at all times, and 3) at no time may the areas in front of the garage be used for parking of vehicles. The case report stated that requests were made in conjunction with constructing and maintaining a two-story single family home structure on a site that is currently developed with a one-story nonconforming duplex structure that the applicant intends to demolish, and not complying with front yard, lot coverage, and off-street parking regulations. (See Attachment A for a copy of the case materials related to this application).

January 28, 2014: The Board Administrator emailed the applicant's representative acknowledging her January 28th request for the Board to extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days that the applicant had to do so from the October 22, 2013 favorable action (see Attachment B). The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date of the request; and 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;
- an attachment of materials related to BDA 123-086; and
- The Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."



City of Dallas

M2
Attach A
Pg 1

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-086

Data Relative to Subject Property:

Date: 7-10-13

Location address: 5410 MELROSE AVE. / ~~2247 MADERA~~ Zoning District: R-7.5 (A)
part of 7

Lot No.: 48 Block No.: C/1978 Acreage: 1.15 acre Census Tract: 10.02
Madera: Melrose:

Street Frontage (in Feet): 1) 123.5' 2) 127.36' 4) _____ 5) _____ SE 24

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): RNH Real Estate Opportunity Fund, LLC

Applicant: Robert V. Hunt, manager Telephone: 214.824.5750

Mailing Address: 5811 Gaston Ave. Dallas, TX Zip Code: 75214

E-mail Address: robert.v.hunt@sbcglobal.net

Represented by: Robert V. Hunt Telephone: same

Mailing Address: same Zip Code: same

E-mail Address: same

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of _____
A variance of 19' to the front yard setbacks from the roof eave, (17' from the foundation) on Madera & Melrose resulting in a 8' setback to the foundation and a 6' setback to the roof eave., a variance of 12' to the off street parking requirements for an enclosed parking space, & a variance of not to exceed 465' to the lot coverage, not to exceed 52 % lot coverage.

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:
Owing to 1.) the restrictive triangular shape of the lot, 2.) the small size of the lot, 862' smaller than required in a R-7.5 (A) zone, and 3.) the burden of two front yard setbacks where a single family property in a R-7.5 zone would normally have only one front yard setback. The two front yard setbacks, combined with the small irregularly shaped lot would severely limit the buildable area, size, and shape of the buildable area. No height variance nor side or rear yard variance is requested.

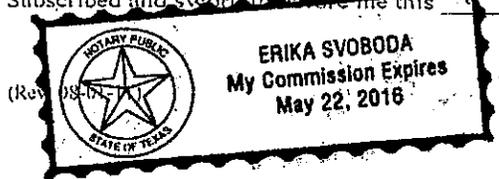
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared ROBERT VILLAREAL HUNT
(Affiant/Applicant's name printed)
who in his/her own behalf 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: Robert V. Hunt
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10th day of July, 2013



Erika Svoboda
Notary Public in and for Dallas County, Texas

M2
Attach A
p 2

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

TUESDAY, OCTOBER 22, 2013

FILE NUMBER: BDA 123-086

BUILDING OFFICIAL'S REPORT: Application of Robert V. Hunt for variances to the front yard setback, lot coverage, and off-street parking regulations at 5410 Melrose Avenue. This property is more fully described as Lot 7 and part of Lot 8, Block C/1978 and is zoned R-7.5(A), which requires a 25 foot front yard setback, limits the maximum lot coverage to 45 percent, and requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct/maintain a structure and provide a 6 foot front yard setback, which will require a 19 foot variance to the front yard setback regulations, and to construct/maintain a structure with a lot coverage of 52 percent, which will require a 465 square foot variance to the lot coverage regulations, and to locate/maintain enclosed parking spaces 8 feet from a right-of-way line, which will require a variance of 12 feet to the off-street parking regulations.

LOCATION: 5410 Melrose Avenue

APPLICANT: Robert V. Hunt

REQUESTS:

The following appeals have been made in conjunction with constructing and maintaining a two-story single family home structure on a site that is currently developed with a one-story nonconforming duplex structure that the applicant intends to demolish:

1. Variances to the front yard setback regulations of 19' is requested as the proposed structure would be located 6' (roof eaves) from the site's two front property lines or 18' into the required 25' front yard setbacks along Melrose Avenue and Madera Avenue.
2. A variance to the lot coverage regulations of 465 square feet is requested as (according to the applicant) this request would allow up to 3,451 square feet of maximum lot coverage when 2,987 square feet is allowed now (or 45 percent) on the 6,638 square foot subject site.
3. A variance to the off-street parking regulations of 5' 6" is requested as the proposed home would have parking spaces enclosed in a proposed garage that would be located 14' 6" from the Melrose Avenue property/right-of-way line or as much as 5' 6" into the required 20' distance from this street right-of-way. (Note that the applicant's original request was for variances to the off-street parking regulations of 12' as the proposed home was proposed to have parking spaces enclosed in the proposed garages that would have been located 8' from the Melrose Avenue and Madera Avenue property/right-of-way lines or as much as 12' into the required 20' distance from these street right-of-way lines).

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A-2
B-3

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Oct 22, 2013

Appeal was--Granted OR Denied

Remarks Granted -
compliance with the
submitted revised site plan
required.
Automatic garage doors
must be installed and
maintained in working order
at all times.
At no time may the areas
in front of the garage be
used for parking of vehicles.

Robert T. Schwartz
Chairman

Building Official's Report

I hereby certify that Robert V. Hunt

did submit a request for a variance to the front yard setback regulations, and for a variance to the maximum lot coverage regulation, and for a variance to the off-street parking regulation

at 5410 Melrose Avenue

BDA123-086. Application of Robert V. Hunt for a variance to the front yard setback regulations and a variance to the maximum lot coverage regulation and a variance to the off-street parking regulation at 5410 Melrose Avenue. This property is more fully described as Lot 7 and part of Lot 8, Block C/1978 and is zoned R-7.5(A), which requires a 25 foot front yard setback and limits the maximum lot coverage to 45% and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 6 foot front yard setback, which will require a 19 foot variance to the front yard setback regulation, and to construct a single family residential structure with a lot coverage of 52%, which will require a 465 square foot variance to the lot coverage regulation, and to construct a single family residential structure with a front yard setback of 8 feet, which will require a variance of 12 feet to the off-street parking regulation.

Hold to Oct. 22, 2013

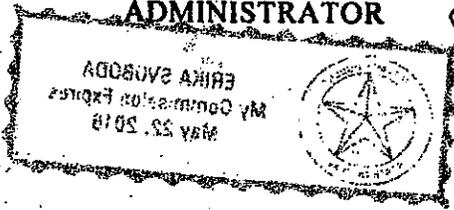
BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT

THIS THE 23 DAY OF October, 20 13

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official

Stu Hood
ADMINISTRATOR



November 1, 2013

Robert V. Hunt
5811 Gaston Avenue
Dallas, TX 75214

Re: BDA 123-086, Property at 5410 Melrose Avenue

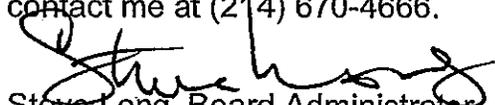
Dear Mr. Hunt:

The Board of Adjustment Panel A, at its public hearing held on Tuesday, October 22, 2013 took the following actions:

1. Granted your request for a variance of 19 feet to the front yard setback regulations, subject to the following conditions:
 - Compliance with the submitted revised site plan is required.
2. Granted your request for a variance of 465 square foot to the lot coverage regulations, subject to the following condition:
 - Compliance with the submitted revised site plan is required.
3. Granted your request for a variance of 12 feet to the enclosed parking space setback regulations, subject to the following conditions:
 - Compliance with the submitted revised site plan is required.
 - Automatic garage doors must be installed and maintained in working order at all times
 - At no time may the areas in front of the garage be used for parking of vehicles.

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

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.



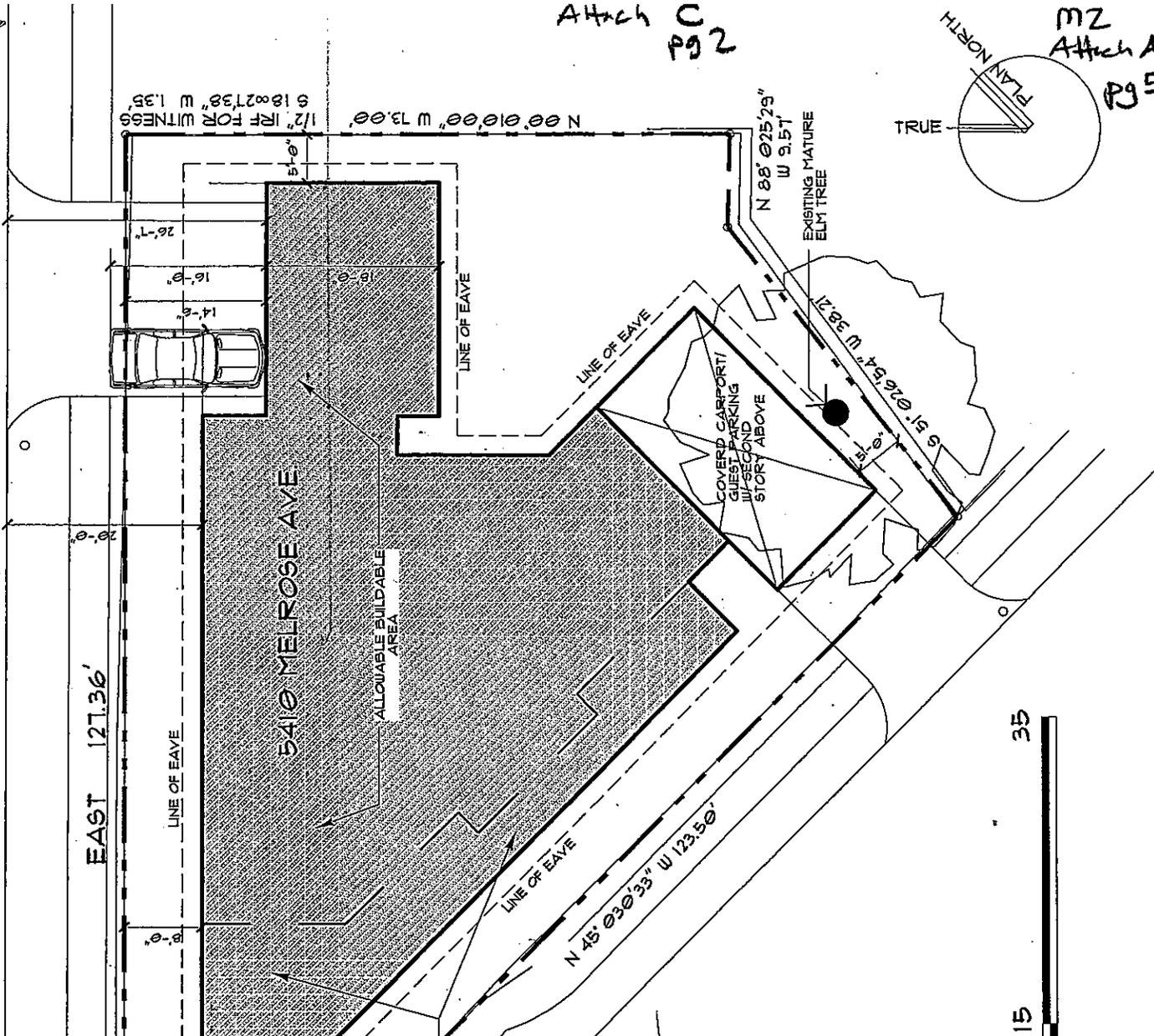
Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

c: James Martin, Code Enforcement, 3112 Canton, RM 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

REVISED SITE PLAN

Attach C Pg 2

MZ Attach A Pg 5



BDA 1225 & 860

PLANS APPROVED
 SUBJECT TO
 BALCONY ABOVE
 BOARD ACTION

10-23-13
 DATE

[Signature]
 ADMINISTRATOR

PART OF LOTS 148
 BLOCK C/1918
 6,638 SQ. FT./0.15 ACRES

LOT COVERAGE
 51.8% / 3,440 SQ FT

SCALE 1/16" = 1'-0"
 0 5 15 35

M2
Attach B
pg 1

Long, Steve

From: Long, Steve
Sent: Tuesday, January 28, 2014 1:15 PM
To: 'Harris, Brittany M'
Cc: 'robertvhunt@sbcglobal.net'; Duerksen, Todd; Denman, Lloyd; Morrison, Laura; Law, Trena
Subject: RE: BDA 123-086, Property at 5410 Melrose Avenue requested 12 month extension to file application of building permit

Dear Ms. Harris,

Please consider this **revised** email as official notice that the miscellaneous item request for a time extension in which to file for a building permit or certificate of occupancy beyond the 180 days your associate and original applicant, Robert V. Hunt, has to do so from the October 22, 2013 favorable action by Board of Adjustment Panel A in conjunction with the board of adjustment application referenced above has been scheduled for the Tuesday, **FEBRUARY 18th** Panel A public hearing to be held in Dallas City Hall at 1:00 p.m. in the L1 Conference Center Auditorium.

The information that I attached in the email I sent to you earlier today still applies with the exception of noting that your hearing is FEBRUARY 18th not January 18th. ☺

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on your request.

Thanks,

Steve

From: Long, Steve
Sent: Tuesday, January 28, 2014 12:30 PM
To: 'Harris, Brittany M'
Cc: 'robertvhunt@sbcglobal.net'; Duerksen, Todd; Dean, Neva; Morrison, Laura; Law, Trena
Subject: RE: BDA 123-086, Property at 5410 Melrose Avenue requested 12 month extension to file application of building permit

Dear Ms. Harris,

Please consider this email as official notice that the miscellaneous item request for a time extension in which to file for a building permit or certificate of occupancy beyond the 180 days your associate and original applicant, Robert V. Hunt, has to do so from the October 22, 2013 favorable action by Board of Adjustment Panel A in conjunction with the board of adjustment application referenced above has been scheduled for the Tuesday, January 18th Panel A public hearing to be held in Dallas City Hall at 1:00 p.m. (room location still to be determined).

Here is additional information regarding your miscellaneous item time extension request:

1. Your email of request below- which will be included in a docket that is emailed to you and the board members about a week ahead of your January 18th public hearing.
2. Related documents to BDA 123-086.
3. The provision from the Board's Working Rules of Procedure allowing the board to extend the time period in which to make application for a building permit or certificate of occupancy (Section 9.(j)).
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
5. The board's rule pertaining to documentary evidence.

M2 Attach B Pg 2

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on your request.

Thanks,

Steve

From: Harris, Brittany M [<mailto:brittany.harris@mavs.uta.edu>]

Sent: Tuesday, January 28, 2014 11:11 AM

To: Long, Steve

Cc: robertvhunt@sbcglobal.net; Harris, Brittany M

Subject: BDA 123-086, Property at 5410 Melrose Avenue requested 12 month extension to file application of building permit

Hi Steve,

It's me again! I would like to request a 12 month extension of the above variance approval, currently expiring April 20, 2014. We are seeking NO changes to the conditions approved on the date of favorable action, October 22, 2013 in the public hearing by the Board of Adjustment.

Thank you so much for your time. I look forward to hearing from you on this matter.

Brittany Harris
Assistant to Robert V Hunt

Robert V. Hunt & Associates
www.melrosemodern.com
5811 Gaston Avenue
Dallas, TX 75214
Office: (214) 824-5750
Cell: (214) 202-3226

Long, Steve

From: Harris, Brittany M <brittany.harris@mavs.uta.edu>
Sent: Tuesday, January 28, 2014 11:11 AM
To: Long, Steve
Cc: robertvhunt@sbcglobal.net; Harris, Brittany M
Subject: BDA 123-086, Property at 5410 Melrose Avenue requested 12 month extension to file application of building permit

Hi Steve,

It's me again! I would like to request a 12 month extension of the above variance approval, currently expiring April 20, 2014. We are seeking NO changes to the conditions approved on the date of favorable action, October 22, 2013 in the public hearing by the Board of Adjustment.

Thank you so much for your time. I look forward to hearing from you on this matter.

Brittany Harris
Assistant to Robert V Hunt

Robert V. Hunt & Associates
www.melrosemodern.com
5811 Gaston Avenue
Dallas, TX 75214
Office: (214) 824-5750
Cell: (214) 202-3226

FILE NUMBER: BDA 134-011

BUILDING OFFICIAL'S REPORT: Application of Ed Simons for special exceptions to the landscape and visual obstruction regulations at 2359 Reagan Street. This property is more fully described as Lot 7 and part of Lot 8 to be re-platted as Lot 7A, Block 29/2281, and is zoned PD-193 (LC), which requires a 20 foot visibility triangle at driveway approaches and requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to locate/maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 2359 Reagan Street

APPLICANT: Ed Simons

REQUESTS:

The following appeals have been made on a site that is undeveloped:

1. A special exception to the landscape regulations is requested in conjunction with constructing and maintaining a "building"/structure, and not fully providing required landscaping.
2. A special exception to the visual obstruction regulations is made in conjunction with locating and maintaining a 6' high open iron fence in the 20' visibility triangle at the driveway approach into the site from Reagan Street.

(Note that this application abuts a property to the northeast where the same applicant seeks similar landscape and visual obstruction special exceptions from Board of Adjustment Panel A on February 18th: BDA 134-012).

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

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 (landscape):

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City of Dallas Chief Arborist supports the request because the applicant has demonstrated the unified plan reasonably complies with the spirit and intent of PD 193.

STAFF RECOMMENDATION (visual obstruction):

Approval, subject to the following condition:

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

Rationale:

- The applicant has substantiated how granting this request to locate/maintain an open iron fence in the 20' visibility triangle at the driveway approach into the site from Reagan Street would not constitute a traffic hazard.
- The Sustainable Development and Construction Department Senior Engineer has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 193 (LC) (Planned Development, Light Commercial)
- North: PD 193 (TH-3) (Planned Development, Townhouse)
- South: PD 193 (I-2) (Planned Development, Industrial)
- East: PD 193 (LC) (Planned Development, Light Commercial)
- West: PD 193 (LC) (SUP 215) (Planned Development, Specific Use Permit)

Land Use:

The subject site is undeveloped. The areas to the north, east, and south appear to be mostly undeveloped land; and the area to the west is developed with an institutional use (Phoenix House).

Zoning/BDA History:

1. BDA 134-012, Property at 2363 Reagan Street (the lot immediately northeast of subject site)

On February 18, 2014, the Board of Adjustment Panel A will consider requests for special exceptions to the landscape and visual obstruction regulations requested in conjunction with paving an undeveloped lot and not fully providing required landscaping, and locating items in the 20' visibility triangle at the driveway approach into the site from Reagan Street.

2. BDA 101-001, Property at 2345 Reagan Street (the lot immediately southwest of subject site)

On March 14, 2011, the Board of Adjustment Panel C granted a special exception to the landscape regulations requested in conjunction with constructing and maintaining a "proposed building expansion" on a site developed with an institutional use/structure (Phoenix House). The board imposed the following conditions to this request: Compliance with the submitted alternate landscape plan is required; If a sidewalk is required by the City, a sidewalk waiver must be approved for Sylvester Street. If a waiver is not required, a sidewalk with a minimum width of four feet (or as required by the Director of Sustainable Development and Construction) must be provided along Sylvester Street; Any tree on the landscape plan that dies must be replaced with at least one tree at a minimum of 3.5" and in close proximity to the original established tree; and no new landscaping may be located in required visibility triangles.

Timeline:

December 13, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

- January 15, 2014: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the January 29th deadline to submit additional evidence for staff to factor into their analysis; and the February 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 requests;
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence".
- February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- February 6, 2014: The City of Dallas Chief Arborist submitted a memo regarding the landscape special exception request within this application (see Attachment A).
- February 6, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).
- February 6, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations marked "Has no objections."

GENERAL FACTS/ STAFF ANALYSIS (landscape):

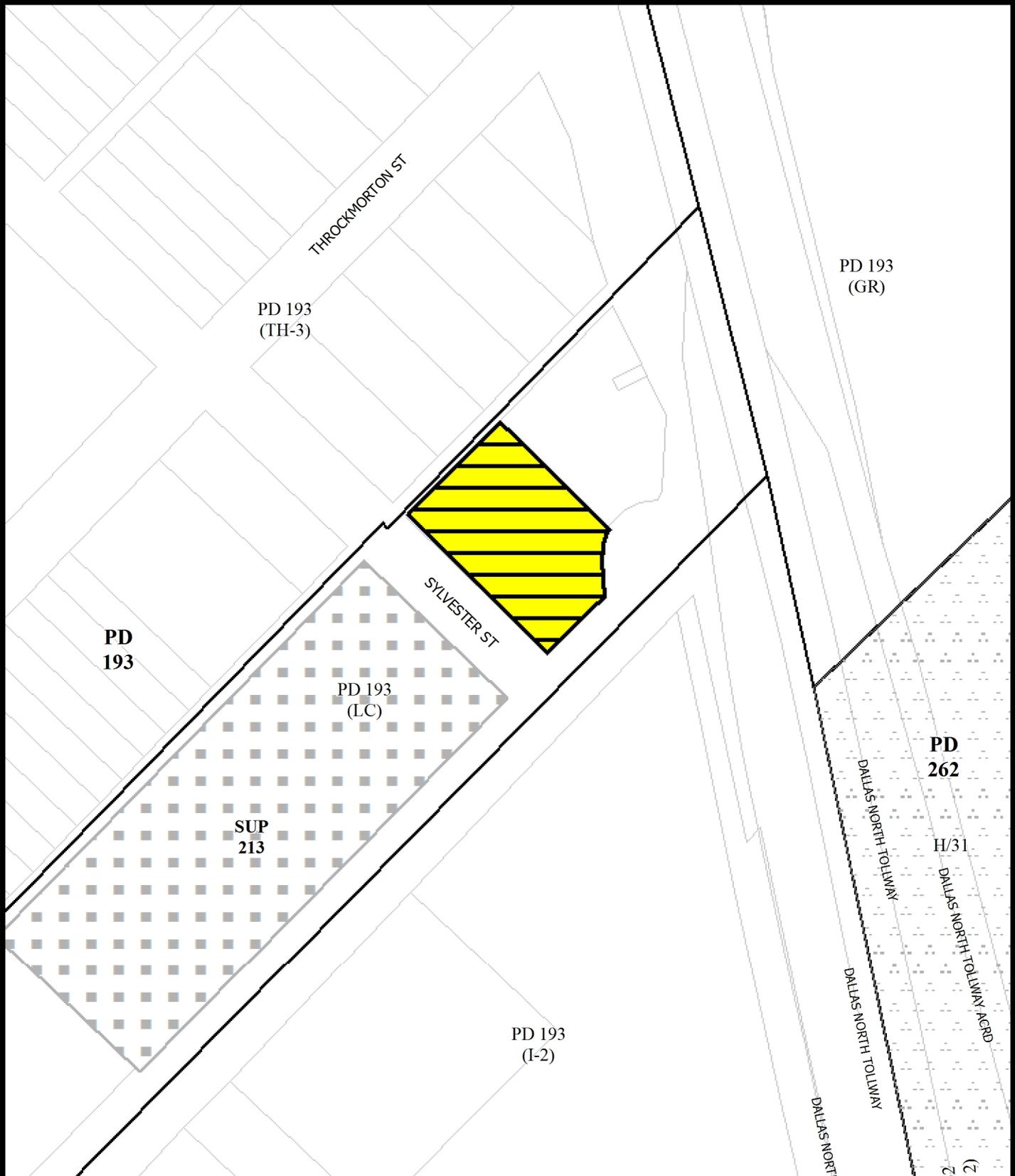
- This request focuses on constructing and maintaining a "building"/structure, and not fully providing required landscaping, and not fully providing required landscaping.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

- The City of Dallas Chief Arborist states in a memo (see Attachment A) that the request in this case and the related adjacent case (BDA 134-012) is triggered by new construction on both vacant properties.
- The Chief Arborist notes that the submitted landscape plan is deficient in that the combined properties (BDA 134-011 and BDA 134-012) do not fully provide the Landscape Site Area (LSA) in the front yard, that street trees along Reagan Street are not in the required tree planting zoned of 2.5' – 5' from back of curb, and specific to BDA 134-012, there are no street trees or sidewalk provided along the Dallas Tollway street frontage.
- The Chief Arborist listed several factors for consideration on this request and to the related adjacent case (BDA 134-012):
 1. the plan is presented as a single, unified development but the project is to be built on two separate properties with their own landscape requirements;
 2. the plan provides for the required number of trees along Sylvester Street and Reagan Street and screens all off-street parking; all other standards apply;
 3. trees along Reagan Street are set back to lessen the conflict with overhead utility lines;
 4. the plan calls for screening vines to grow along the Tollway frontage; and
 5. there is no pedestrian access to the Tollway.
- The Chief Arborist recommends approval of the landscape special exceptions for this application and the adjacent application (BDA 134-012) because the applicant has demonstrated the unified plan reasonably complies with the spirit and intent of PD 193, Part 1.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a site plan has been submitted that is deficient in meeting the sidewalk, tree, and landscape site area requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126, "Landscape, streetscape, screening, and fencing standards".
- If the Board were to grant this request, the site would be granted exception from full compliance to sidewalk, tree, and landscape site area requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction):

- This request focuses on locating and maintaining a 6' high open iron fence in the 20' visibility triangle at the driveway approach into the site from Regan 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).

- PD 193 defines “visibility triangle” as
 1. where a street designated on the city’s thoroughfare plan intersects another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;
 2. where two streets not designated on the city’s thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection;
 3. where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there are no street curbs, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.
- A site plan has been submitted indicating portions of a 6’ high open iron fence in the 20’ visibility triangle at the driveway approach into the site from Reagan Street.
- An elevation has been submitted indicating that the fence is 6’ high and comprised of open metal rails.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant’s request for a special exception to the visual obstruction regulations marked “Has no objections.”
- The applicant has the burden of proof in establishing how granting the request for special exception to the visual obstruction regulations to locate/maintain a 6’ high open iron fence in the 20’ visibility triangle at the driveway approach into the site from Reagan Street does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item located in the 20’ visibility triangle at the driveway into the site from Reagan Street to that what is shown on these documents - a 6’ high open iron fence.



1:1,200

ZONING MAP

Case no: BDA134-011

Date: 1/24/2014



1:1,200

AERIAL MAP

Case no: BDA134-011

Date: 1/24/2014

Memorandum



DATE February 6, 2014
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 134 - 011 2359 Reagan Street
BDA 134 - 012 2363 Reagan Street

The applicant is requesting a special exception to the landscape requirements of PD 193, Part 1 (LC district) for both adjoining properties.

Trigger

New construction on both vacant properties.

Deficiencies

2359 and 2363 Reagan – The combined properties are deficient Landscape Site Area (LSA) in the front yard, and street trees along Reagan Street are not in the tree planting zone (2.5-5' from back of curb). Specific to 2363 Reagan, there are no street trees (tree planting zone) or sidewalk provided along the Dallas Tollway street frontage.

Factors

The plan is presented as a single, unified development. The project is to be built on two separate properties with their own landscape requirements.

The plan provides for the required number of trees along Sylvester and Reagan Streets and screens all off-street parking. All other standards comply. Trees along Reagan are set back to lessen the conflict with overhead utility lines. The plan calls for screening vines to grow along the Tollway frontage. There is no pedestrian access to the Tollway.

Recommendation

The chief arborist recommends approval of the landscape special exceptions for both 2359 Reagan Street and 2363 Reagan Street, because the applicant has demonstrated the unified plan reasonably complies with the spirit and intent of PD 193, Part 1.

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

Long, Steve

From: Ed Simons <esimons@masterplanconsultants.com>
Sent: Thursday, February 06, 2014 12:11 PM
To: Hatefi, Alireza; Long, Steve
Subject: RE: BDA review comment sheets today?
Attachments: Entrance Gate elevation.pdf

Ali, The rails are 11/4" and are spaced 4" o.c. Ed

From: Hatefi, Alireza [<mailto:alireza.hatefi@dallascityhall.com>]
Sent: Thursday, February 06, 2014 9:56 AM
To: Long, Steve
Cc: Ed Simons
Subject: RE: BDA review comment sheets today?

That will be great.
Thanks,

Ali Hatefi, PE, CFM
Sustainable Development & Construction/Engineering
T 214-948-5379

From: Long, Steve
Sent: Thursday, February 06, 2014 9:55 AM
To: Hatefi, Alireza
Cc: Ed Simons
Subject: RE: BDA review comment sheets today?

Dear Ali,

Ok. And by the way, I have just spoken with Ed Simons who is hoping he will have that elevation to us by noon today.

Thanks,

Steve

From: Hatefi, Alireza
Sent: Thursday, February 06, 2014 9:33 AM
To: Long, Steve
Subject: RE: BDA review comment sheets today?

Steve,

I am planning to provide you my comments by the end of today. However, it would be good if I receive any detail about the gate/fence for 011 and 012 cases. But if not, I would address my concern in my comments.

Thanks,

Ali Hatefi, PE, CFM
Sustainable Development & Construction/Engineering

From: Long, Steve
Sent: Thursday, February 06, 2014 9:20 AM
To: Hatefi, Alireza
Subject: BDA review comment sheets today?

Dear Ali,

Please let me know if you will have any trouble with forwarding me review comment sheets on the following cases by the end of the day today:

011 (Reagan), 012 (Reagan), 009 (Bretton Bay), 127 (LBJ), and 008 (Maple Springs)

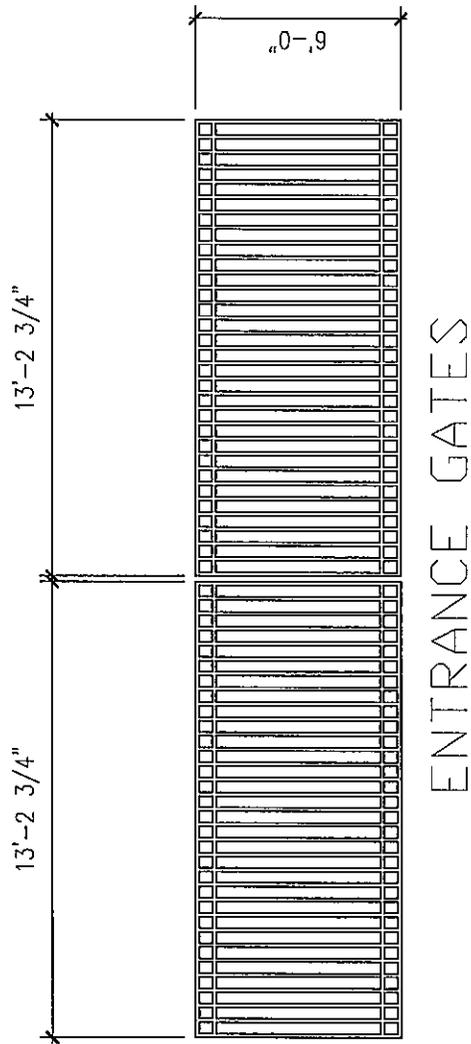
Thanks,

Steve

BDA134-011 & 012

Attach B

PJ3





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-011

Data Relative to Subject Property:

Date: December 13, 2013

Location address: 2359 Reagan St Zoning District: PD 193 (LC)

Lot No.: 7 and PT 8 Block No.: 29/2281 Acreage: .50 Census Tract: 4.01
Street Frontage (in Feet): 1 150 2 48 3) _____ 4) _____ 5) _____

SW 22

To the Honorable Board of Adjustment:

Owner of Property/or Principal Prescott Interests LLC

Applicant: Ed Simons Telephone: 214-914-9646

Mailing Address 900 Jackson Street, Suite 640 Zip Code: 75202

Represented by: Same Telephone: Same

Mailing Address: Same Zip Code: Same

Affirm that a request has been made for a Variance , or Special Exception X, of Alternante landscape plan and a special exception for an open steel gate in the visibility corner clip at the drive.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: This property has grade issues and is part of a redevelopment that is on 2 lots. Our alternate plan meets the spirit of and intent of PD 193. There is such limited traffic at the approach and the gate can be seen through.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Respectfully submitted: Ed Simons
Applicant's name printed

[Signature]
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Ed Simons who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 13 day of December, 2013

[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 **ED SIMONS**

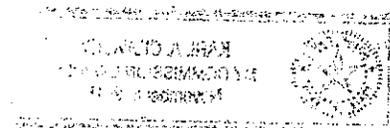
did submit a request for a special exception to the landscaping regulations, and for a special exception to the visibility obstruction regulations

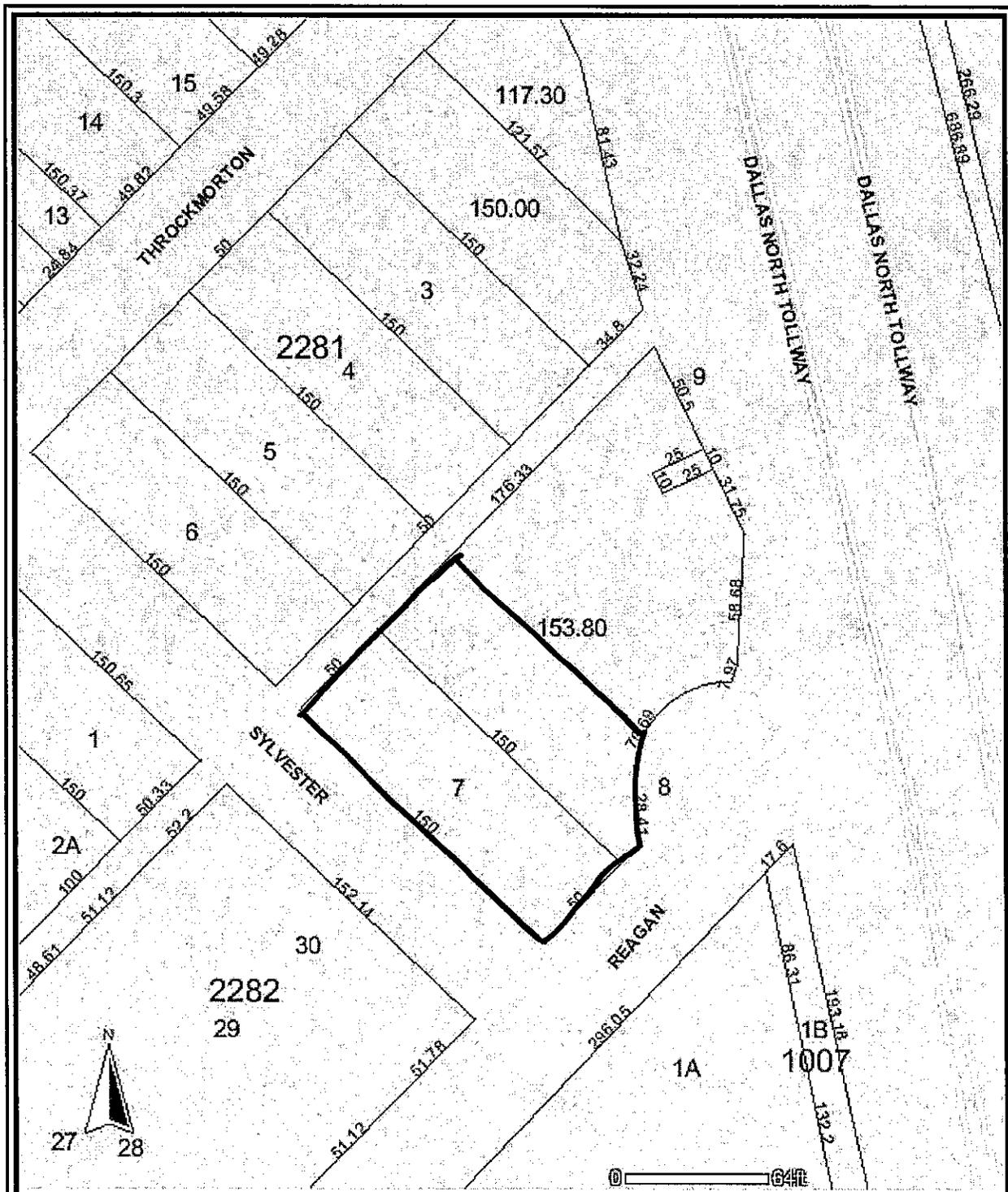
at **2359 Reagan Street**

BDA134-011. Application of Ed Simons for a special exception to the landscaping regulations and a special exception to the visibility obstruction regulations at 2359 Reagan Street. This property is more fully described as Lot 7 and part of Lot 8 to be re-platted as Lot 7A, Block 29/2281, and is zoned PD-193 (LC), which requires a 20 foot visibility triangle at driveway approaches and requires mandatory landscaping. The applicant proposes to construct a nonresidential use and provide an alternate landscape plan, which will require special exception to the landscape regulations, and to construct a nonresidential use in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



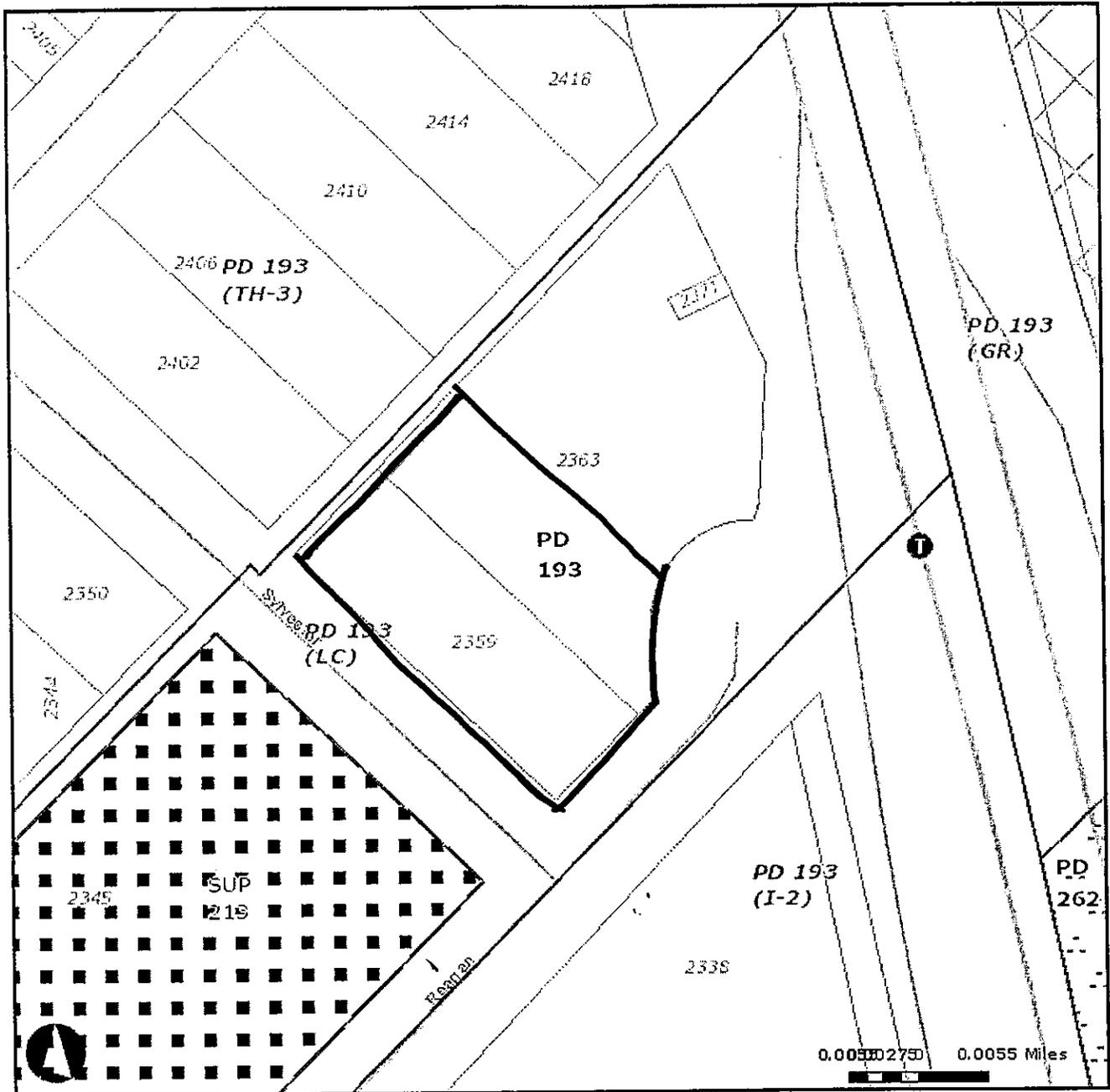


**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

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.

City of Dallas Zoning



- | | | |
|--|--|---|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> | <p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> | <p>Base Zoning</p> <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> |
|--|--|---|

NOTHING TO BE COVERED BY THIS PLAN SHALL BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PROJECT SUMMARY
PROPERTY ADDRESS
 2359 REAGAN STREET
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

ZONING SUMMARY
 PUD / IHS (L) Light Commercial
 TOTAL PROPERTY ACRES 0.68
 TOTAL PROPERTY SQ. FT. 29,416.00 sq. ft.

LANDSCAPE REGULATORY REQUIREMENTS
 - 10% OF DALLAS PLANTED TREE MINIMUM: TOTAL TREES PLANTED 79 TREES

ADDITIONAL/ALTERNATE REQUIREMENTS
 - THESE PLANTED TREE AREAS WILL BE COVERED BY THESE PLANS AND SHALL BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

GENERAL NOTES
 - THE PLAN SHOWS ALL VEHICLE TRAFFIC INTERSECTIONS AT ALL STREET INTERSECTIONS AND EXCEPT WHERE SHOWN OTHERWISE, ALL INTERSECTIONS WILL BE REQUIRED FOR THE SAME DATE WITHIN THE VEHICLE TRAFFIC.

ONE-STREET PARKING SCREENING
 THIS PLAN SHOWS ALL ONE-STREET PARKING SCREENING FROM THE STREET AND ANY INCIDENTAL EXCEPT WHERE SHOWN OTHERWISE.

STREET TREE REQUIREMENTS
 THIS PLAN SHOWS ALL STREET TREE REQUIREMENTS AS NOTED BELOW. STREET TREES SHALL BE PLANTED AT THE INTERSECTION OF REAGAN STREET AND SYLVESTER STREET. STREET TREES SHALL BE PLANTED AT THE INTERSECTION OF REAGAN STREET AND SYLVESTER STREET.

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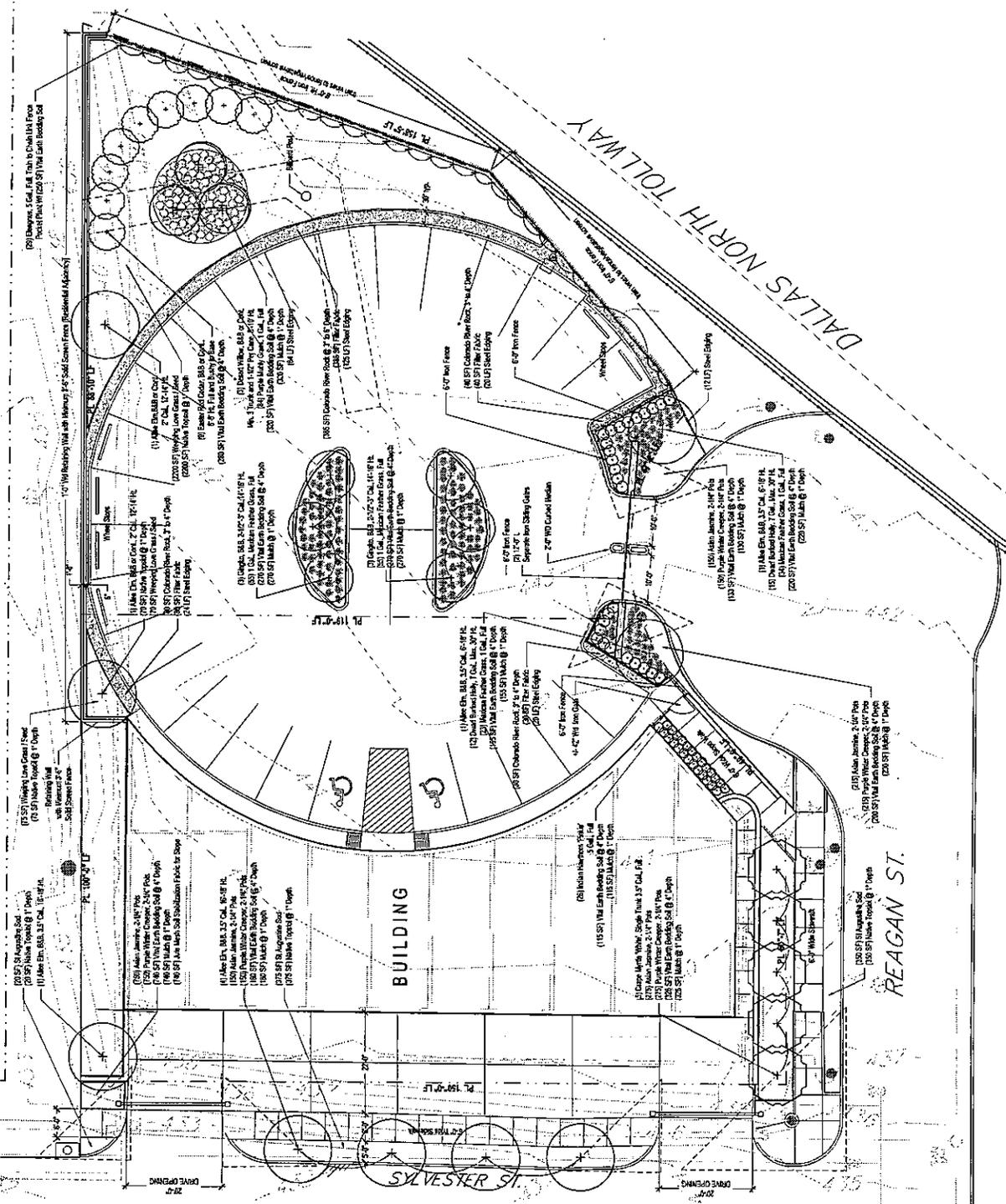
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OWNER/CLIENT
 CARLISLE INTERESTS
 DALLAS, TEXAS

B.O.A. PLAN
SUBMITTAL



JOHN H. ARMSTRONG, ASLA
 November 15, 2013 Review Set
 November 25, 2013 BOA
 Submittal

CARLISLE INTERESTS
 2359 Reagan Street
 Dallas, Texas

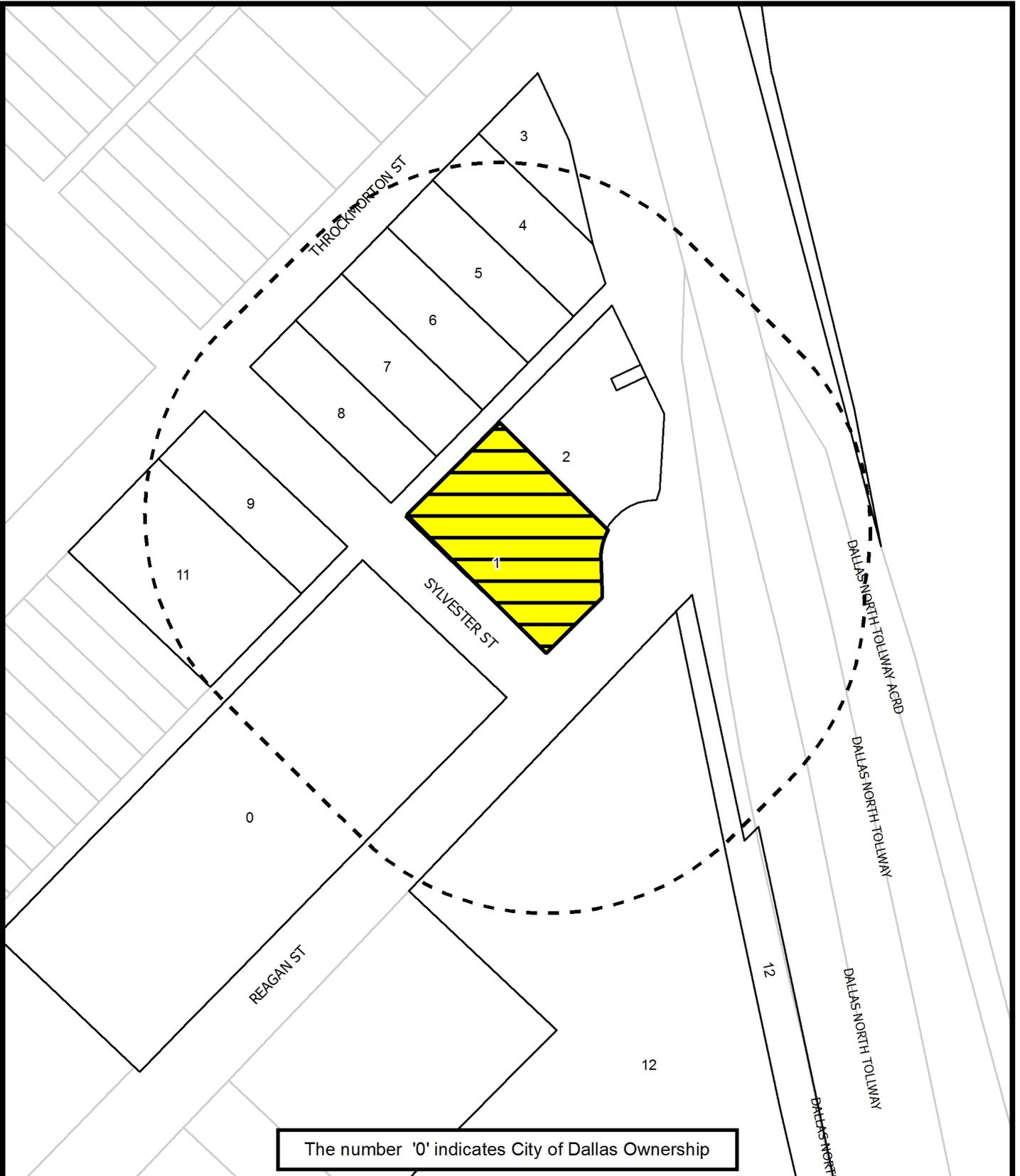
ALTERNATE LANDSCAPE PLAN

DATE: 09 August 2013
SCALE: 1" = 10'-0"
PROJ. NO.: 04000-002
DRAWING: JHS
APP'D: JHS
DRAWING NO.:



0 5' 10' 20'
 GRAPHIC SCALE 1" = 10'-0"

L1.01



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

12

NUMBER OF PROPERTY OWNERS NOTIFIED

1-18

Case no: **BDA134-011**

Date: **1/24/2014**

Notification List of Property Owners

BDA134-011

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2359 REAGAN ST	PRESCOTT INTERESTS LC STE 225
2	2363 REAGAN ST	PRESCOTT INTERESTS LTD STE 225
3	2422 THROCKMORTON ST	GARRISON RICHARD T
4	2418 THROCKMORTON ST	MEDRANO JOE N
5	2414 THROCKMORTON ST	RAMOS CLEMENTINA M
6	2410 THROCKMORTON ST	MANZANARES MARY L & JOSEPHINE E MUNOZ
7	2406 THROCKMORTON ST	PINEDA JOSEPHINE EST OF
8	2402 THROCKMORTON ST	BALLAS BARRY BULL INC
9	2350 THROCKMORTON ST	LEE ANNIE D
10	3819 MAPLE AVE	OLD PARKLAND UNIT K LLC
11	2344 THROCKMORTON ST	LEWIS JACK V &
12	2338 REAGAN ST	NORTH TEXAS TOLLWAY AUTHORITY

FILE NUMBER: BDA 134-012

BUILDING OFFICIAL'S REPORT: Application of Ed Simons for special exceptions to the landscape and visual obstruction regulations at 2363 Reagan Street. This property is more fully described as Lot 9 and part of Lot 8, Block 29/2281, and is zoned PD-193 (LC), which requires a 20 foot visibility triangle at driveway approaches and requires mandatory landscaping. The applicant proposes to increase the nonpermeable coverage on the lot and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to locate/maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 2363 Reagan Street

APPLICANT: Ed Simons

REQUESTS:

The following appeals have been made on a site that is undeveloped:

1. A special exception to the landscape regulations is requested in conjunction with paving/increasing the nonpermeable coverage of the lot, and not fully providing required landscaping.
2. A special exception to the visual obstruction regulations is made in conjunction with locating and maintaining a 6' high open iron fence in the 20' visibility triangle at the driveway approach into the site from Reagan Street.

(Note that this application abuts a property to the northeast where the same applicant seeks similar landscape and visual obstruction special exceptions from Board of Adjustment Panel A on February 18th: BDA 134-011).

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS
IN OAK LAWN:**

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

**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 (landscape):

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City of Dallas Chief Arborist supports the request because the applicant has demonstrated the unified plan reasonably complies with the spirit and intent of PD 193.

STAFF RECOMMENDATION (visual obstruction):

Approval, subject to the following condition:

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

Rationale:

- The applicant has substantiated how granting this request to located/maintain an open iron fence in in the 20' visibility triangle at the driveway approach into the site from Reagan Street would not constitute a traffic hazard.
- The Sustainable Development and Construction Department Senior Engineer has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (Planned Development, Light Commercial)
North: PD 193 (TH-3) (Planned Development, Townhouse)
South: PD 193 (I-2) (Planned Development, Industrial)
East: PD 193 (LC) (Planned Development, Light Commercial)
West: PD 193 (LC) (Planned Development, Light Commercial)

Land Use:

The subject site is undeveloped. The areas to the north, south, and west appear to be mostly undeveloped land; and the area to the east is the Dallas North Tollway.

Zoning/BDA History:

1. BDA 134-011, Property at 2359 Reagan Street (the lot immediately southwest of subject site)

On February 18, 2014, the Board of Adjustment Panel A will consider requests for special exceptions to the landscape and visual obstruction regulations requested in conjunction with constructing a structure on an undeveloped lot and not fully providing required landscaping, and locating items in the 20' visibility triangle at the driveway approach into the site from Reagan Street.

2. BDA 101-001, Property at 2345 Reagan Street (two lots immediately southwest of subject site)

On March 14, 2011, the Board of Adjustment Panel C granted a special exception to the landscape regulations requested in conjunction with constructing and maintaining a "proposed building expansion" on a site developed with an institutional use/structure (Phoenix House). The board imposed the following conditions to this request: Compliance with the submitted alternate landscape plan is required; If a sidewalk is required by the City, a sidewalk waiver must be approved for Sylvester Street. If a waiver is not required, a sidewalk with a minimum width of four feet (or as required by the Director of Sustainable Development and Construction) must be provided along Sylvester Street; Any tree on the landscape plan that dies must be replaced with at least one tree at a minimum of 3.5" and in close proximity to the original established tree; and no new landscaping may be located in required visibility triangles.

Timeline:

December 13, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 15, 2014: The Board Administrator contacted the applicant and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the January 29th deadline to

submit additional evidence for staff to factor into their analysis; and the February 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 requests;
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence".

February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

February 6, 2014: The City of Dallas Chief Arborist submitted a memo regarding the landscape special exception request within this application (see Attachment A).

February 6, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

February 6, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations marked "Has no objections."

GENERAL FACTS/ STAFF ANALYSIS (Landscape):

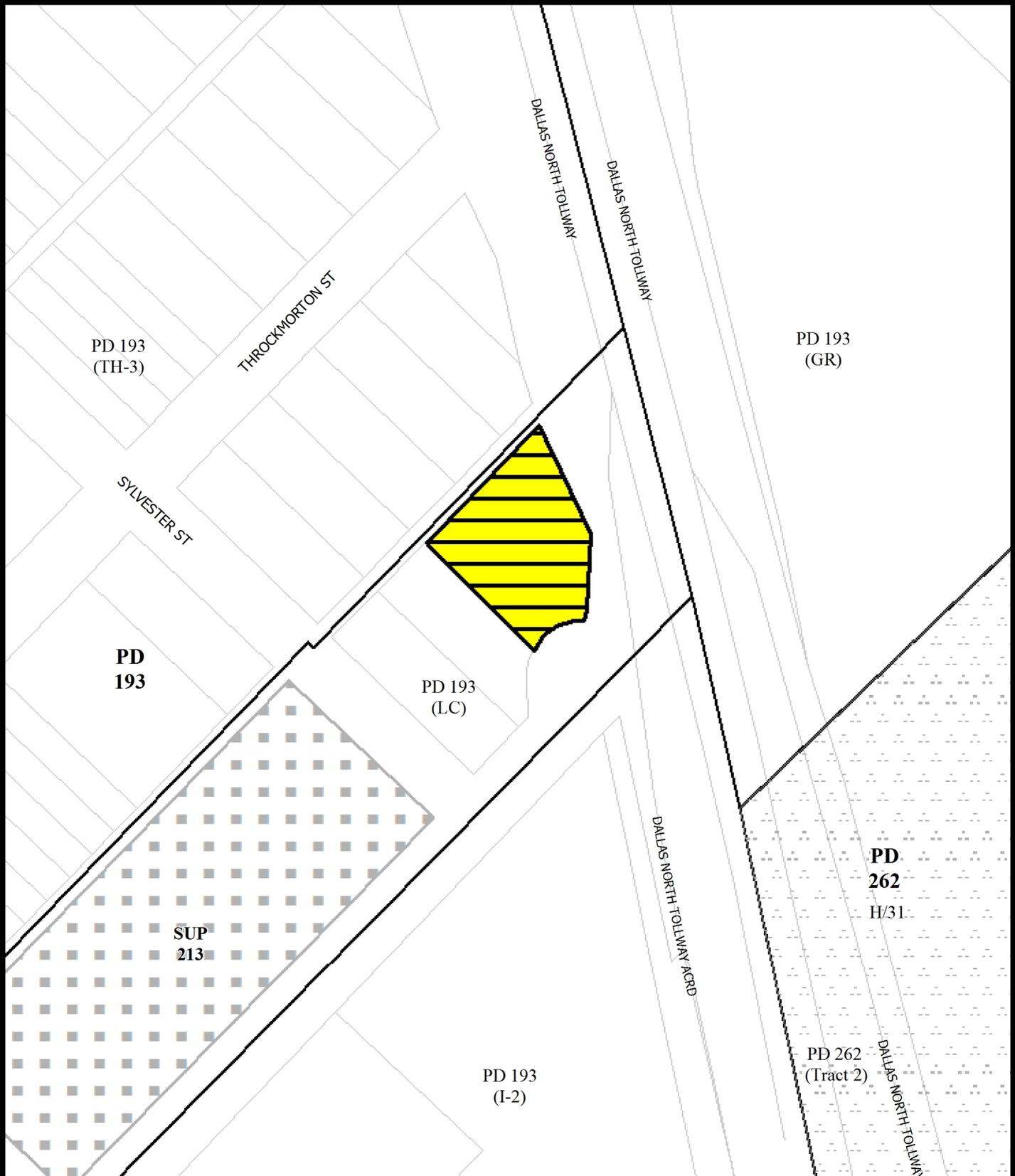
- This request focuses on paving/increasing the nonpermeable coverage of an undeveloped lot, and not fully providing required landscaping.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

- The City of Dallas Chief Arborist states in a memo (see Attachment A) that the request in this case and the related adjacent case (BDA 134-011) is triggered by new construction on both vacant properties.
- The Chief Arborist notes that the submitted landscape plan is deficient in that the combined properties (BDA 134-011 and BDA 134-012) do not fully provide the Landscape Site Area (LSA) in the front yard, that street trees along Reagan Street are not in the required tree planting zoned of 2.5' – 5' from back of curb, and specific to BDA 134-012, there are no street trees or sidewalk provided along the Dallas Tollway street frontage.
- The Chief Arborists listed several factors for consideration on this request and to the related adjacent case (BDA 134-011):
 1. the plan is presented as a single, unified development but the project is to be built on two separate properties with their own landscape requirements;
 2. the plan provides for the required number of trees along Sylvester Street and Reagan Street and screens all off-street parking; all other standards apply;
 3. trees along Reagan Street are set back to lessen the conflict with overhead utility lines;
 4. the plan calls for screening vines to grow along the Tollway frontage; and
 5. there is no pedestrian access to the Tollway.
- The Chief Arborist recommends approval of the landscape special exceptions for this application and the adjacent application (BDA 134-011) because the applicant has demonstrated the unified plan reasonably complies with the spirit and intent of PD 193, Part 1.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a site plan has been submitted that is deficient in meeting the sidewalk, tree, and landscape site area requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126, "Landscape, streetscape, screening, and fencing standards".
- If the Board were to grant this request, the site would be granted exception from full compliance to sidewalk, tree, and landscape site area requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance.

GENERAL FACTS/STAFF ANALYSIS (Visual obstruction):

- This request focuses on locating and maintaining a 6' high open iron fence in the 20' visibility triangle at the driveway approach into the site from Reagan 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).
- PD 193 defines "visibility triangle" as

1. where a street designated on the city's thoroughfare plan intersects another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;
 2. where two streets not designated on the city's thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection;
 3. where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there are no street curbs, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.
- A site plan has been submitted indicating locating and maintaining a 6' high open iron fence in the 20' visibility triangle at the driveway approach into the site from Reagan Street.
 - An elevation has been submitted indicating that the fence is 6' high and comprised of open metal rails.
 - The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations marked "Has no objections."
 - The applicant has the burden of proof in establishing how granting the request for special exception to the visual obstruction regulations to locate/maintain a 6' high open iron fence in the 20' visibility triangle at the driveway approach into the site from Reagan Street does not constitute a traffic hazard.
 - Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item located in the 20' visibility triangle at the driveway into the site from Reagan Street to that what is shown on these documents - a 6' high open iron fence.



1:1,200

ZONING MAP

Case no: BDA134-012

Date: 1/24/2014



1:1,200

AERIAL MAP

Case no: BDA134-012

Date: 1/24/2014

Memorandum



DATE February 6, 2014
 TO Steve Long, Board of Adjustment Administrator
 SUBJECT # BDA 134 - 011 2359 Reagan Street
 # BDA 134 - 012 2363 Reagan Street

The applicant is requesting a special exception to the landscape requirements of PD 193, Part 1 (LC district) for both adjoining properties.

Trigger

New construction on both vacant properties.

Deficiencies

2359 and 2363 Reagan – The combined properties are deficient Landscape Site Area (LSA) in the front yard, and street trees along Reagan Street are not in the tree planting zone (2.5-5' from back of curb). Specific to 2363 Reagan, there are no street trees (tree planting zone) or sidewalk provided along the Dallas Tollway street frontage.

Factors

The plan is presented as a single, unified development. The project is to be built on two separate properties with their own landscape requirements.

The plan provides for the required number of trees along Sylvester and Reagan Streets and screens all off-street parking. All other standards comply. Trees along Reagan are set back to lessen the conflict with overhead utility lines. The plan calls for screening vines to grow along the Tollway frontage. There is no pedestrian access to the Tollway.

Recommendation

The chief arborist recommends approval of the landscape special exceptions for both 2359 Reagan Street and 2363 Reagan Street, because the applicant has demonstrated the unified plan reasonably complies with the spirit and intent of PD 193, Part 1.

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

Long, Steve

From: Ed Simons <esimons@masterplanconsultants.com>
Sent: Thursday, February 06, 2014 12:11 PM
To: Hatefi, Alireza; Long, Steve
Subject: RE: BDA review comment sheets today?
Attachments: Entrance Gate elevation.pdf

Ali, The rails are 11/4" and are spaced 4" o.c. Ed

From: Hatefi, Alireza [<mailto:alireza.hatefi@dallascityhall.com>]
Sent: Thursday, February 06, 2014 9:56 AM
To: Long, Steve
Cc: Ed Simons
Subject: RE: BDA review comment sheets today?

That will be great.
Thanks,

Ali Hatefi, PE, CFM
Sustainable Development & Construction/Engineering
T 214-948-5379

From: Long, Steve
Sent: Thursday, February 06, 2014 9:55 AM
To: Hatefi, Alireza
Cc: Ed Simons
Subject: RE: BDA review comment sheets today?

Dear Ali,

Ok. And by the way, I have just spoken with Ed Simons who is hoping he will have that elevation to us by noon today.

Thanks,

Steve

From: Hatefi, Alireza
Sent: Thursday, February 06, 2014 9:33 AM
To: Long, Steve
Subject: RE: BDA review comment sheets today?

Steve,

I am planning to provide you my comments by the end of today. However, it would be good if I receive any detail about the gate/fence for 011 and 012 cases. But if not, I would address my concern in my comments.

Thanks,

Ali Hatefi, PE, CFM
Sustainable Development & Construction/Engineering

From: Long, Steve
Sent: Thursday, February 06, 2014 9:20 AM
To: Hatefi, Alireza
Subject: BDA review comment sheets today?

Dear Ali,

Please let me know if you will have any trouble with forwarding me review comment sheets on the following cases by the end of the day today:

011 (Reagan), 012 (Reagan), 009 (Bretton Bay), 127 (LBJ), and 008 (Maple Springs)

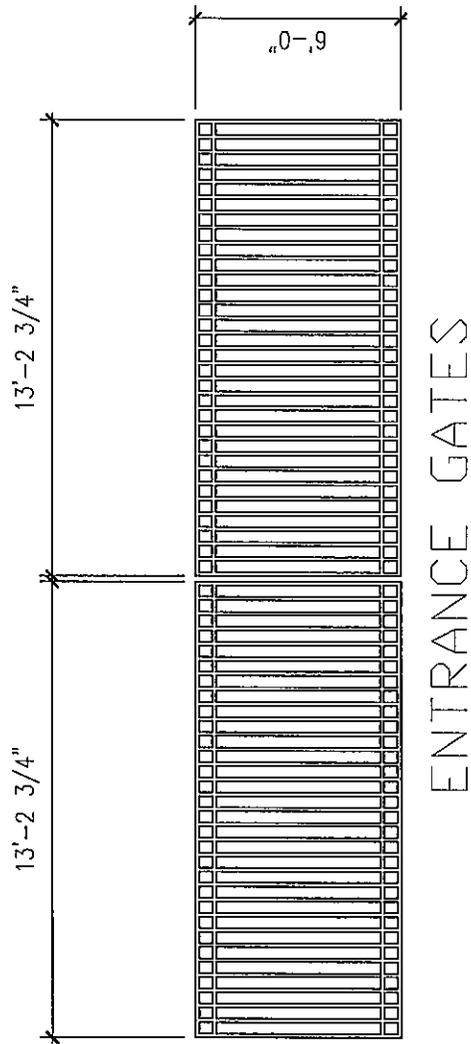
Thanks,

Steve

BDA134-011 & 012

Attach B

PJ3





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-012

Data Relative to Subject Property:

Date: December 13, 2013

Location address: 2363 Reagan St. Zoning District: PD 193 (LC)

Lot No.: 9 Block No.: 29/2281 Acreage: .43 Census Tract: 4.01

Street Frontage (in Feet): 1 47' 2 _____ 3) _____ 4) _____ 5) _____

SW 22

To the Honorable Board of Adjustment:

Owner of Property/or Principal Prescott Interests LLC

Applicant: Ed Simons Telephone: 214-914-9646

Mailing Address 900 Jackson Street, Suite 640 Zip Code: 75202

Represented by: Same Telephone: Same

Mailing Address: Same Zip Code: Same

Affirm that a request has been made for a Variance , or Special Exception X, of Alternante landscape plan and a special exception for an open steel gate in the visibility corner clip at the drive.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: This property has grade issues and is part of a redevelopment that is on 2 lots. Our alternate plan meets the spirit of and intent of PD 193. There is such limited traffic at the approach and the gate can be seen through.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Respectfully submitted: Ed Simons
Applicant's name printed

[Signature]
Applicant's signature

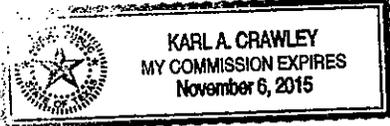
Affidavit

Before me the undersigned on this day personally appeared Ed Simons who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 13 day of December 2013

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



(Rev. 08-20-09)

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

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman

Building Official's Report

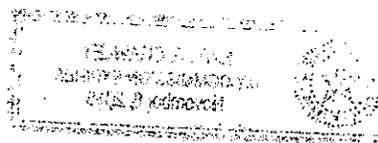
I hereby certify that **ED SIMONS**

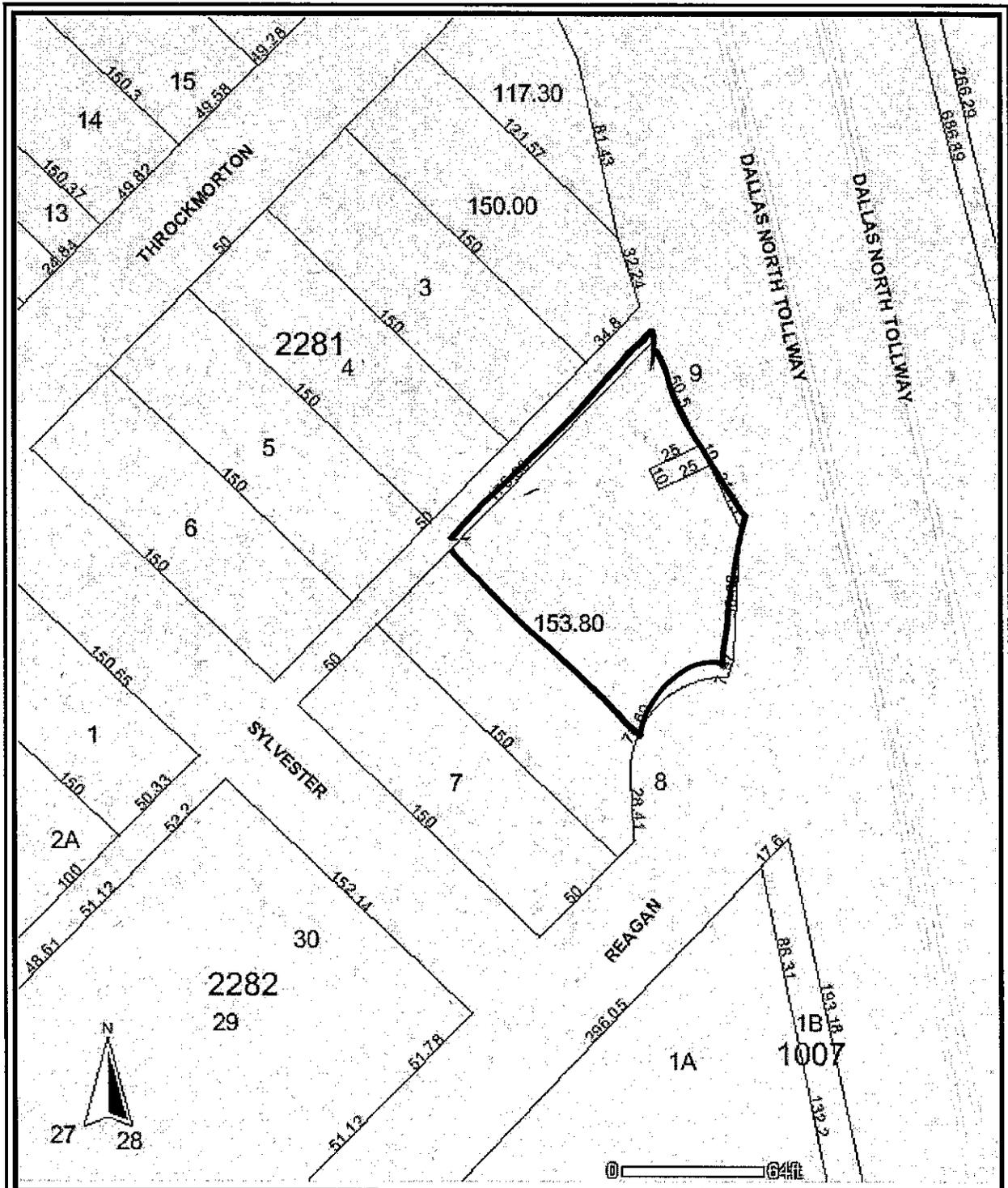
did submit a request for a special exception to the landscaping regulations, and for a special exception to the visibility obstruction regulations
at **2363 Reagan Street**

BDA134-012. Application of Ed Simons for a special exception to the landscaping regulations and a special exception to the visibility obstruction regulations at 2363 Reagan Street. This property is more fully described as Lot 9 and part of Lot 8, Block 29/2281, and is zoned PD-193 (LC); which requires a 20 foot visibility triangle at driveway approaches and requires mandatory landscaping. The applicant proposes to construct a nonresidential use and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct nonresidential use in a required visibility obstructic triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Larry V. Holmes
 Larry Holmes, Building Official



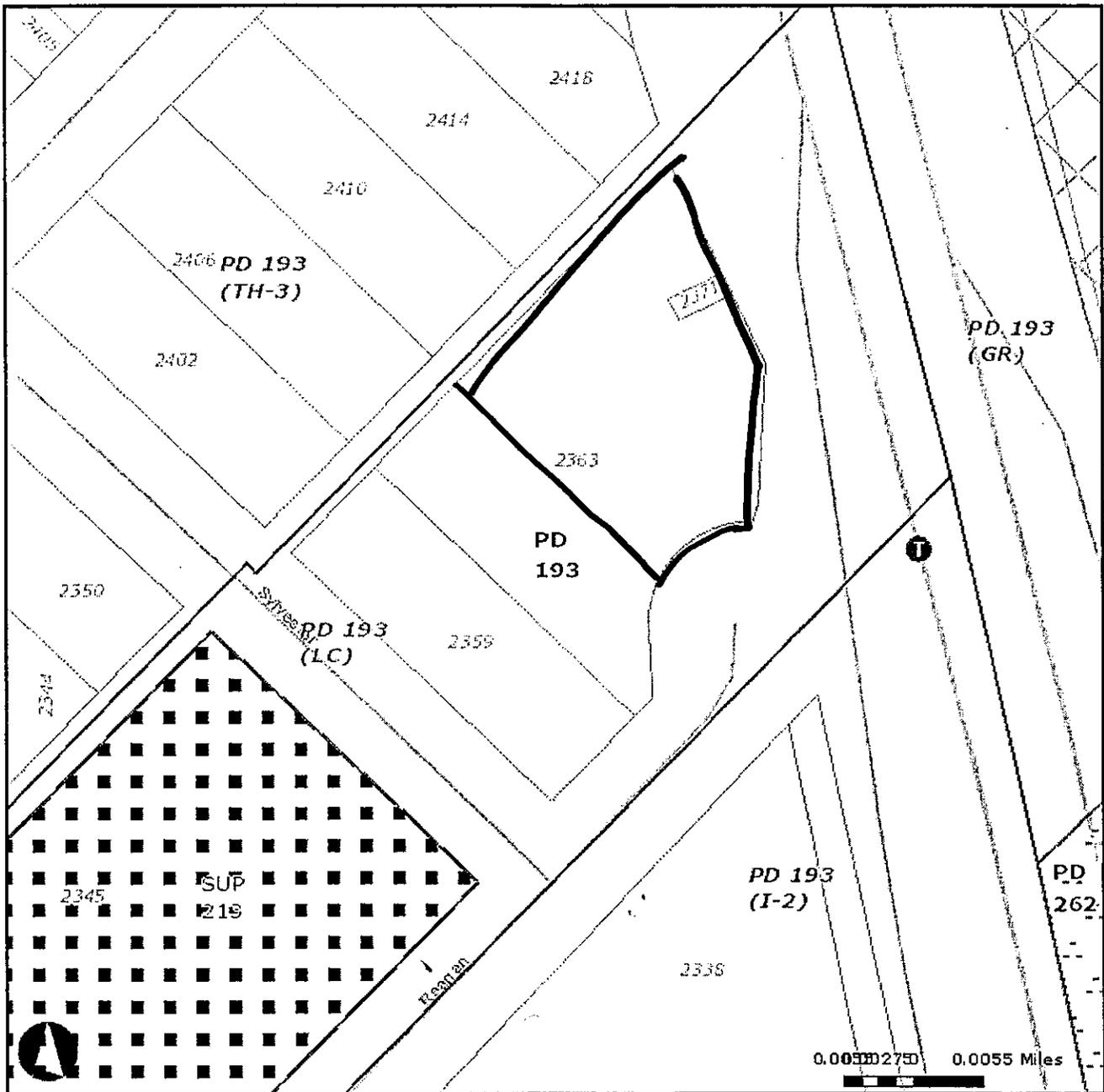


**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

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.

City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Dry Overlay



Historic Overlay



Historic Subdistricts



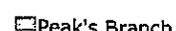
NSO Overlay



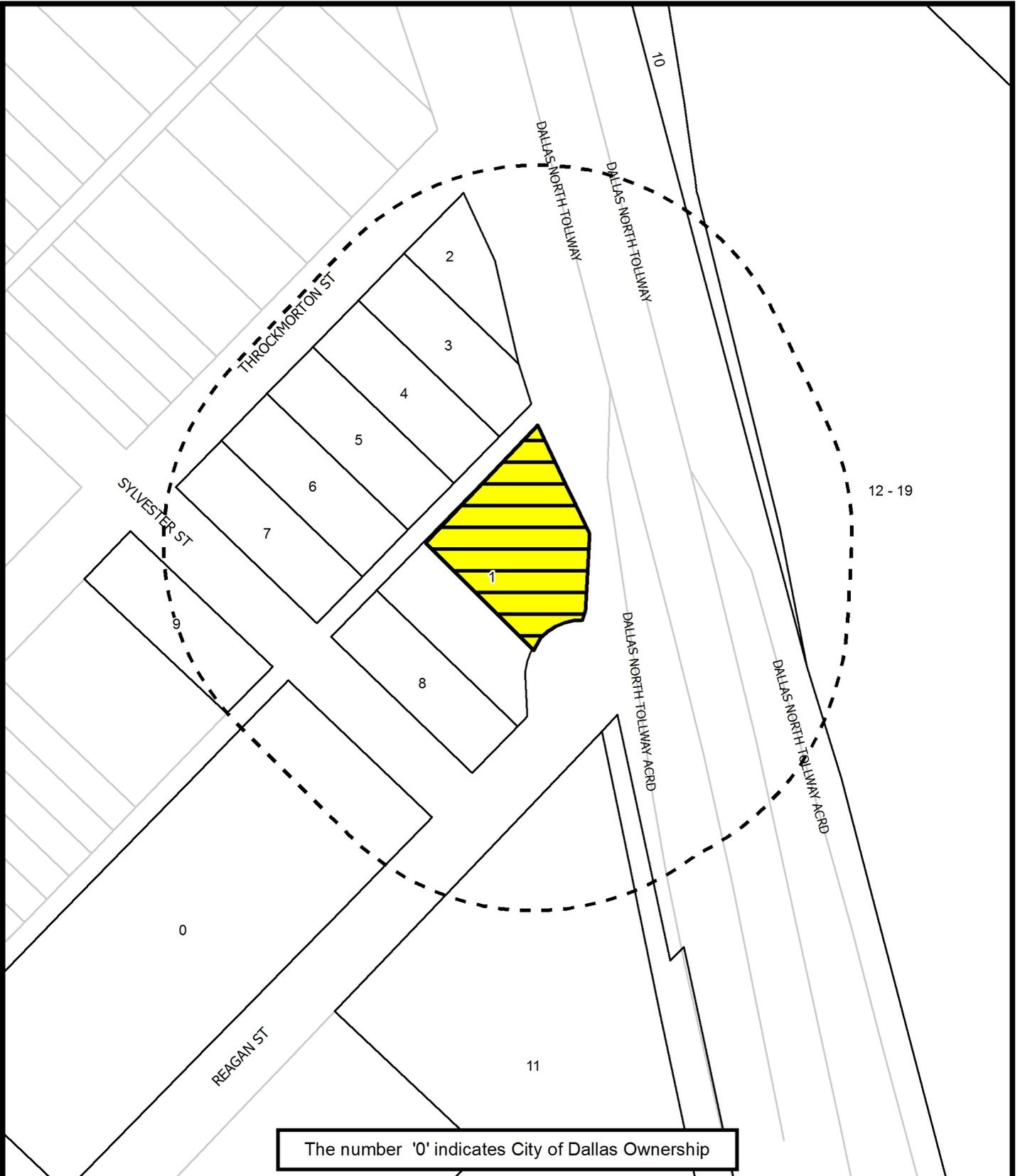
Base Zoning



Floodplain



Pedestrian Overlay



The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

2-18

Case no: BDA134-012
 Date: 1/24/2014

Notification List of Property Owners

BDA134-012

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2363 REAGAN ST	PRESCOTT INTERESTS LTD STE 225
2	2422 THROCKMORTON ST	GARRISON RICHARD T
3	2418 THROCKMORTON ST	MEDRANO JOE N
4	2414 THROCKMORTON ST	RAMOS CLEMENTINA M
5	2410 THROCKMORTON ST	MANZANARES MARY L & JOSEPHINE E MUNOZ
6	2406 THROCKMORTON ST	PINEDA JOSEPHINE EST OF
7	2402 THROCKMORTON ST	BALLAS BARRY BULL INC
8	2359 REAGAN ST	PRESCOTT INTERESTS LC STE 225
9	2350 THROCKMORTON ST	LEE ANNIE D
10	3819 MAPLE AVE	OLD PARKLAND UNIT K LLC
11	2338 REAGAN ST	NORTH TEXAS TOLLWAY AUTHORITY
12	3819 MAPLE AVE	OLD PARKLAND UNIT A LLC
13	3949 OAK LAWN AVE	OLD PARKLAND UNIT B LLC
14	3953 MAPLE AVE	OLD PARKLAND UNIT C LLC
15	3963 MAPLE AVE	OLD PARKLAND UNIT D LLC
16	4001 MAPLE AVE	TRT OLD PARKLAND LLC
17	2215 OAK LAWN AVE	OLD PARKLAND UNIT G LLC
18	2215 OAK LAWN AVE	OLD PARKLAND UNIT H LLC
19	3819 MAPLE AVE	OLD PARKLAND UNIT K LLC

FILE NUMBER: BDA 134-013

BUILDING OFFICIAL'S REPORT: Application of Santos T. Martinez for a special exception to the landscape regulations at 2829 (AKA 2807) W. Northwest Highway. This property is more fully described as Lots 1-8, Block B/5786 and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2829 (AKA 2807) W. Northwest Highway

APPLICANT: Santos T. Martinez

REQUEST:

A special exception to the landscape regulations is requested in conjunction with constructing and maintaining a general merchandise or food store greater than 3,500 square feet use/structure (RaceTrac) on a site currently under development, and not fully meeting the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

The board may grant a special exception to the landscape 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 conditions:

1. Compliance with the submitted alternate landscape plan is required.

2. The remainder of the subject site outside the portion designated as an “artificial lot” as shown on the landscape plan must comply with Article X of Chapter 51A.

Rationale:

- The applicant has substantiated how strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property. The applicant’s alternate landscape plan complies with all requirements of Article X of Chapter 51A other than providing only one of two required design standards, a deficiency caused by existing utilities on the site.
- The City’s Chief Arborist recommends approval of the applicant’s request.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: CR (Community retail)
South: CR (Community retail)
East: CR (Community retail)
West: CR (Community retail)

Land Use:

The site is currently under development. The area to the north, south, east, and west appear to be developed mostly with commercial/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.

Timeline:

December 18, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 15, 2014: 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 January 29th deadline to submit additional evidence for staff to factor into their analysis;

and the February 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.

January 27, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

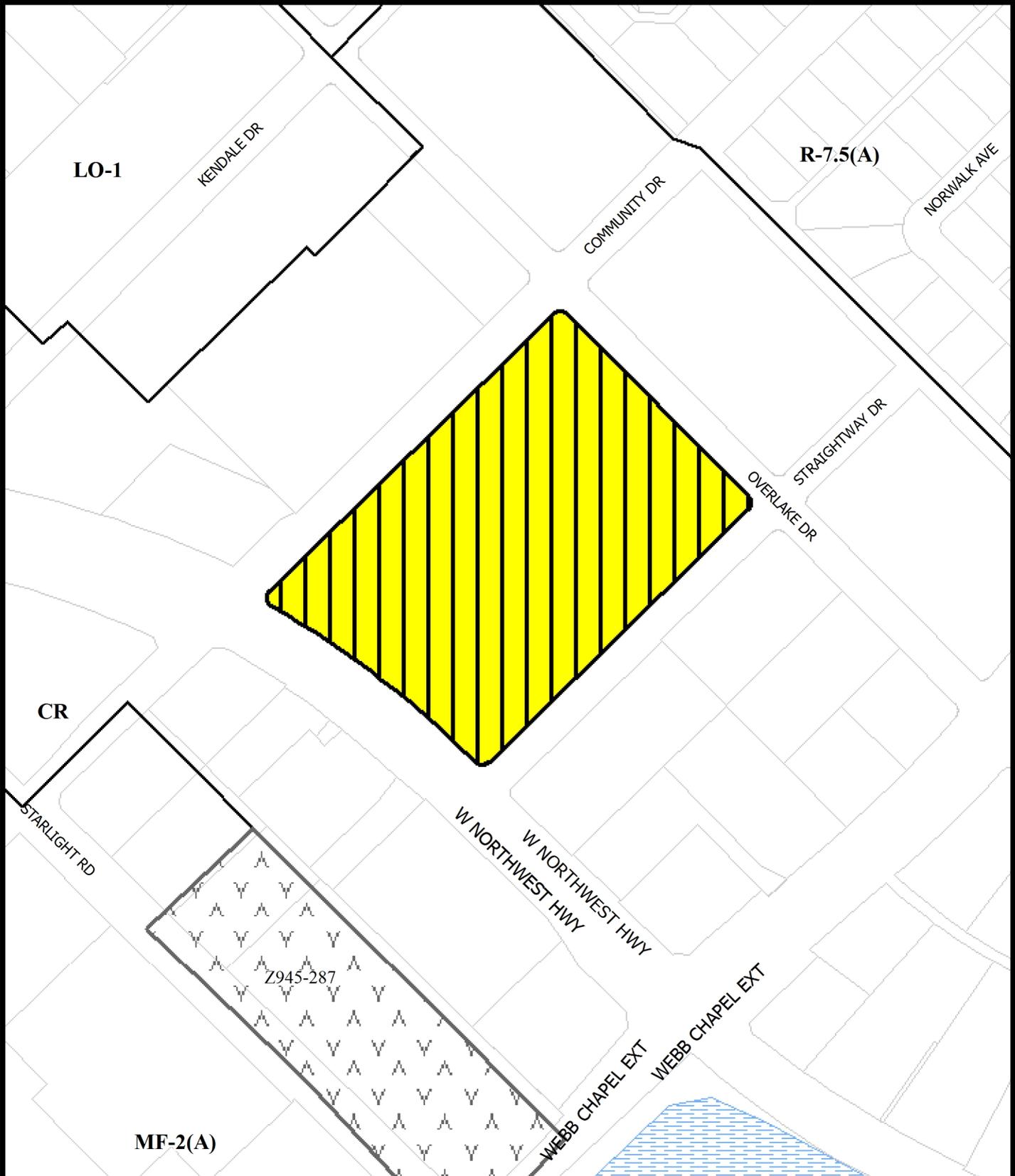
February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

February 6, 2014: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a general merchandise or food store greater than 3,500 square feet use/structure (RaceTrac) on a site currently under development, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site does not comply with the landscape regulations in that it only provides for one of two required design standards.
- 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 new construction within a portion of a greater property over two acres in size.
- The Chief Arborist's memo lists the following factors for consideration:
 1. The site for approval is an area located within an "artificial lot" at the southwest corner of the larger property. An artificial lot is "an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122)."

2. The plan presents all required street trees for the artificial lot to be placed along the Community Drive frontage in order to avoid conflict with utilities.
 3. A small portion of screening plant material for one parking space near Community Drive extends off-site into the right-of-way. The owner is responsible for obtaining any necessary authorization or licensing that may be required for placement of these plant materials.
 4. The site complies with all other requirements of Article X.
- The City of Dallas Chief Arborist recommends approval of this request for the provided building site area but states that as a condition, the remainder of this property must comply with Article X, as amended.
 - 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 landscape plan as a condition to the request, the site would be provided exception from full compliance with the design standard requirements of Article X.



1:2,400

ZONING MAP

Case no: BDA134-013

Date: 1/24/2014



1:2,400

AERIAL MAP

Case no: BDA134-013

Date: 1/24/2014



January 27, 2014

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

RE: BDA 134-013; 2829 W. Northwest Highway

Mr. Long

We are respectfully seeking approval of an alternate landscape plan for the property listed above. The applicant seeks to construct a new store at the southwest corner of the block. This property was previously developed as a shopping center with over 100,000 square feet of floor area. It was commonly known as European Crossroads.

A building permit was issued for this project and construction has begun to develop a general merchandise or food store greater than 3500 square feet. However, in our early phase of construction, it was determined that additional right of way and a public drainage easement exist along the Northwest Highway portion of the property.

The applicant has relocated most of their required new trees to the Community Drive portion of the property because of this development. The applicant is able to satisfy all the other requirements of Article X with the exception of a second design standard.

The proposed alternate landscape plan seeks to provide additional landscaping features along the Northwest Highway frontage of the development in order to satisfy this requirement. Due to the easement location and right of way, the applicant proposes enhanced landscaping elements that are permitted to be planted in these types of situations. This proposed plan includes an additional 800 square feet of enhanced landscaping at the proposed drive approaches. It also includes roughly 1700 square feet of landscaping along the development's street frontages.



BDA 134-013
Attach A
Pg 2

I have attached a color copy of this proposed request for your file.

Please let me know if you need any additional information regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Santos T. Martinez'.

Santos T. Martinez
Authorized representative for
RaceTrac

Memorandum



CITY OF DALLAS

DATE February 6, 2014
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 134 - 013 2829 W Northwest Highway

The applicant is requesting a special exception to the landscape requirements of Article X.

Trigger

New construction within a portion of a greater property over 2 acres in size.

Deficiencies

The proposed plan provides for one design standard. Article X requires a building site to comply with a minimum of two design standards.

Factors

The site for approval is an area located within an 'artificial lot' at the southwest corner of the larger property. An artificial lot is "an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122)."

The plan presents all required street trees (baldcypress) for the artificial lot to be placed along the Community Drive frontage in order to avoid conflict with utilities.

A small portion of screening plant material for one parking space near Community Drive extends off-site into the right-of-way. The owner is responsible for obtaining any necessary authorization or licensing that may be required for placement of these plant materials.

The site complies with all other requirements of Article X.

Recommendation

The chief arborist recommends approval of the landscape special exception for the provided building site area. As a condition, the remainder of this property on Block B/5786 must conform to the regulations of Article X, as amended.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-013

Data Relative to Subject Property:

Date: 12-18-13

Location address: 2829 2807 W. Northwest Hwy Zoning District: CR

Lot No.: 1-8 Block No.: B/5786 Acreage: 5.75 Census Tract: 72.01

Street Frontage (in Feet): 1) 403 2) 563 3) 408 4) 611 5) NA

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Northwest Overlake LLC

Applicant: Santos T. Martinez Telephone: _____

Mailing Address: 8411 Preston Road #711 Dallas, TX Zip Code: 75225

E-mail Address: _____

Represented by: Masterplan Telephone: 214-761-9197

Mailing Address: 900 Jackson, Suite 640 Dallas, TX Zip Code: 75202

E-mail Address: santos@masterplanconsultants.com

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

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
applicant seeks approval for an alternate landscape plan. The proposed plan would provide additional landscaping along Northwest Highway and enhance intersection of Community and Northwest Highway. These landscaping features would substitute for one required design standard.

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 Santos T. Martinez (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 December, 2013

Carol Laquey 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 **SANTOS MARTINEZ**
did submit a request for a special exception to the landscaping regulations
at **2829 W. Northwest Hwy.**

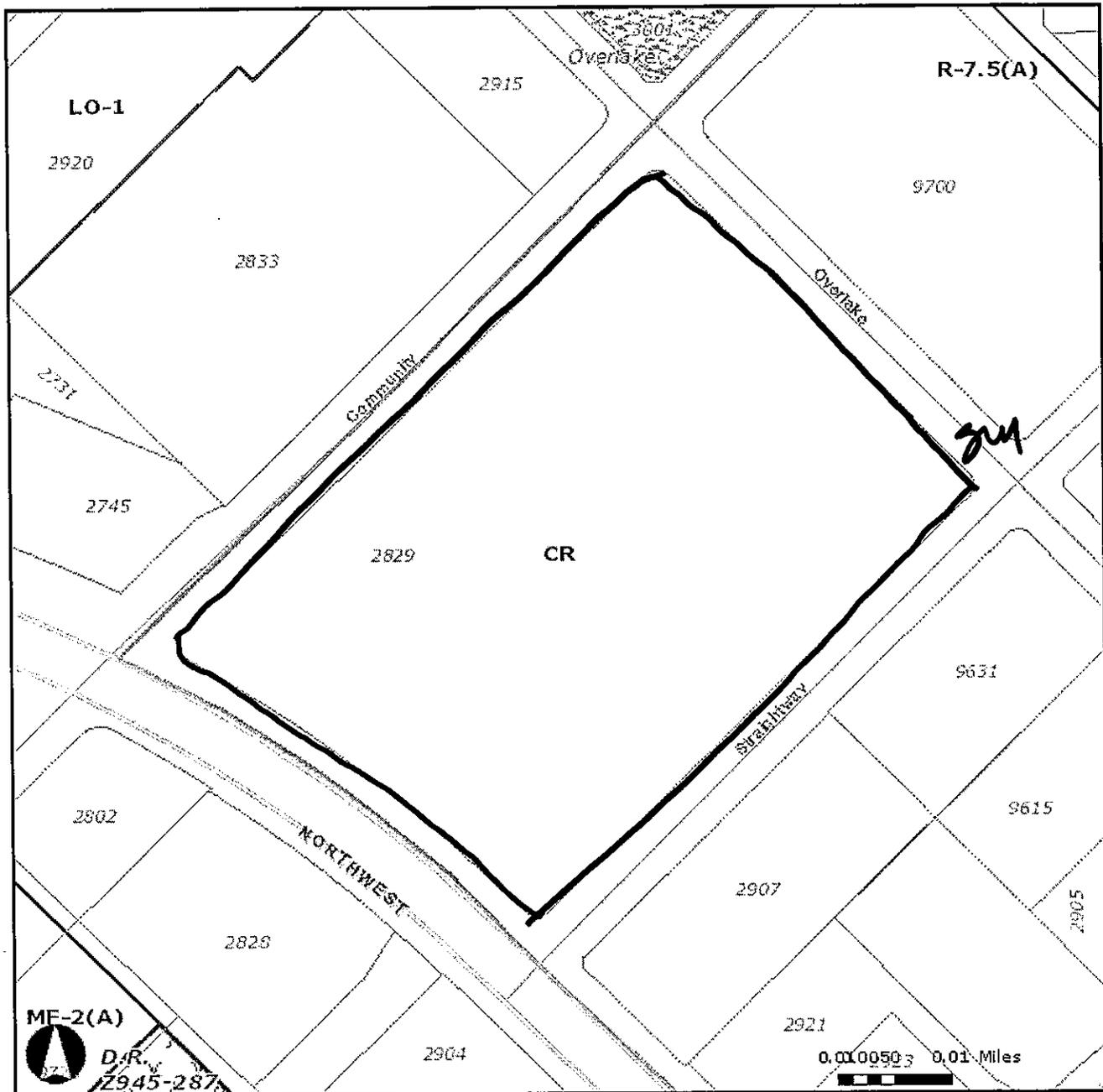
BDA134-013. Application of Santos Martinez for a special exception to the landscaping regulations at 2829 W. Northwest Highway. This property is more fully described as Lots 1-8, Block B/5786 and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

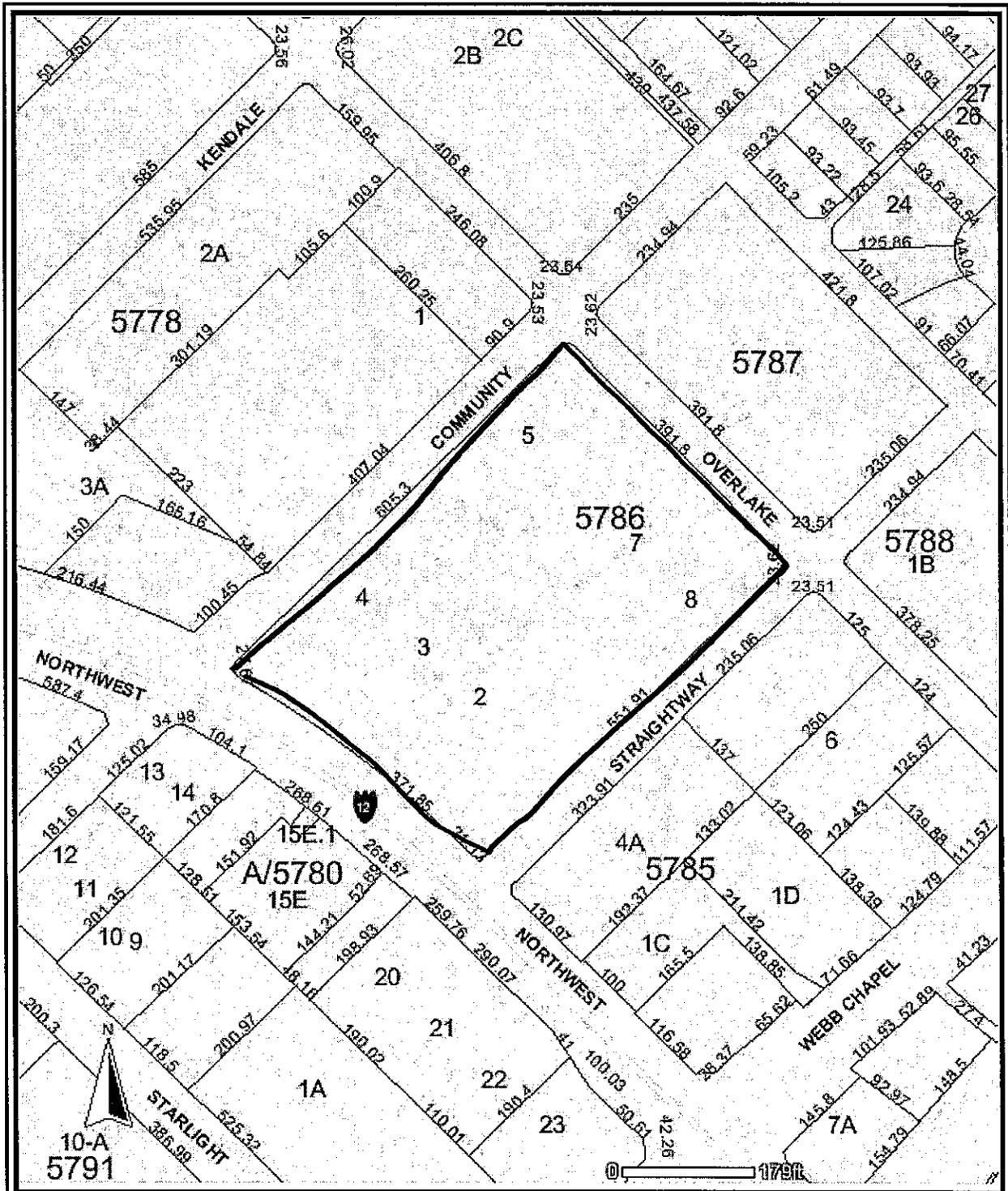
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites

SUP

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts

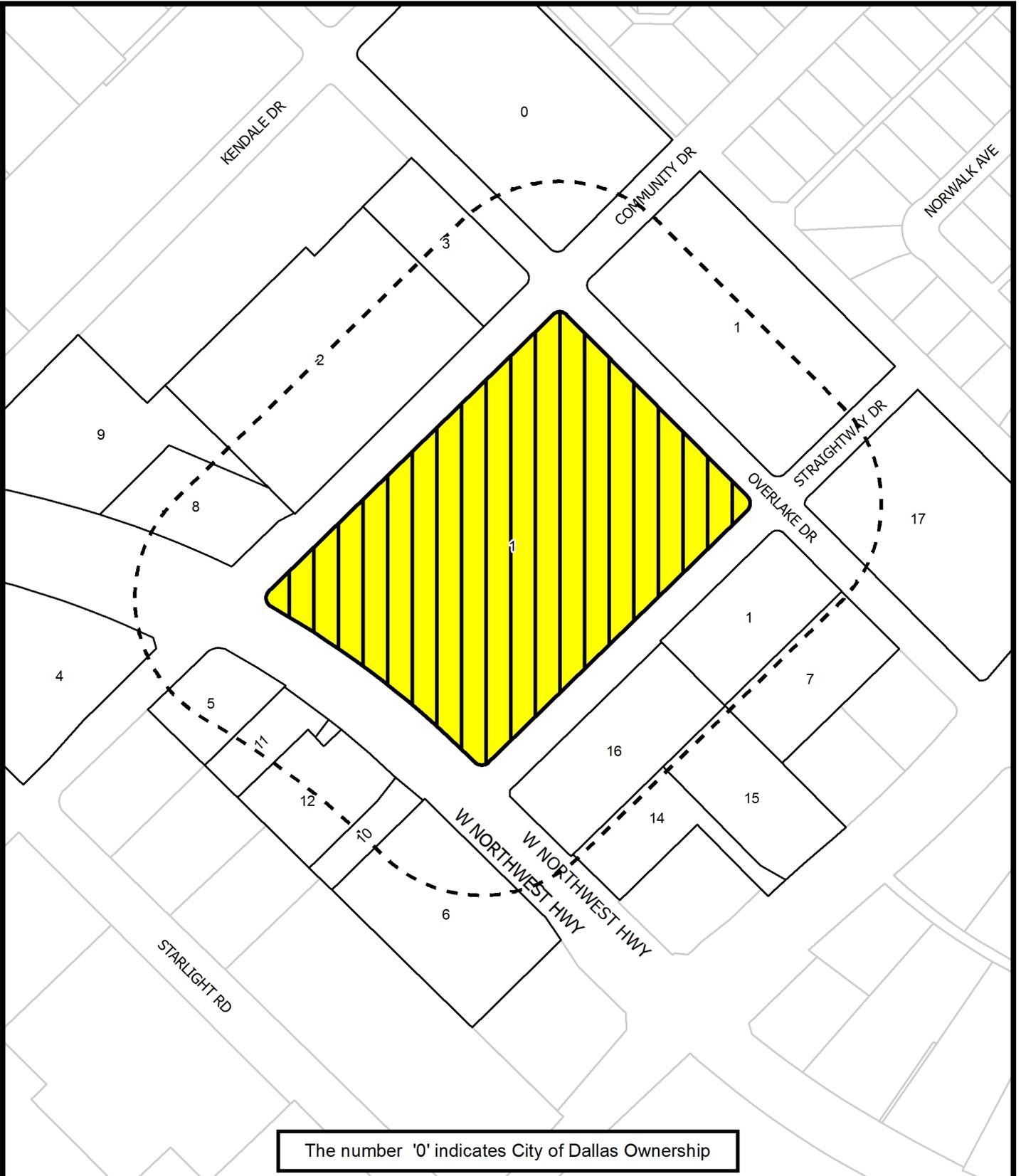
PDS Subdistricts

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch



**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER
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.



The number '0' indicates City of Dallas Ownership


 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
17 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA134-013**
 Date: **1/24/2014**

Notification List of Property Owners

BDA134-013

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9631 OVERLAKE DR	NORTHWEST OVERLAKE LLC
2	2833 COMMUNITY DR	CHEUNG JACKY CHIK-KIN
3	2915 COMMUNITY DR	CENTURY 2915 LLC
4	2750 NORTHWEST HWY	NORTHWEST STARLIGHT LTD STE 400
5	2802 NORTHWEST HWY	DREYFUS ASHER JR
6	2904 NORTHWEST HWY	RP 10% SC PROPERTIES LP
7	9615 OVERLAKE DR	WOOTON DALE MUNGER SQUARE CENTER
8	2745 NORTHWEST HWY	DALLAS R&S INTERNATIONAL INC
9	2731 NORTHWEST HWY	GEMACK INCORPORATED ATTN EMMANUEL OKAFOR
10	2828 NORTHWEST HWY	RIZOS NICK S
11	2828 NORTHWEST HWY	FIRST UNITED HOLDINGS LLC
12	2828 NORTHWEST HWY	FIREBRAND PROPERTIES LP # 120-221
13	2828 NORTHWEST HWY	FIRST UNITED HOLDINGS LLC SUITE B
14	2921 NORTHWEST HWY	LAREDO NATIONAL BANK
15	2829 WEBB CHAPEL EXTENSION	EMMAUS II LLC
16	2907 NORTHWEST HWY	RIZOS FAMILY PS LTD
17	9620 OVERLAKE DR	B&MA VENTURES LTD

FILE NUMBER: BDA 134-014

BUILDING OFFICIAL'S REPORT: Application of Irma Elias for a special exception to the fence height regulations at 9805 Bowman Boulevard. This property is more fully described as Lot 7, Block O/6144, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height.

LOCATION: 9805 Bowman Boulevard

APPLICANT: Irma Elias

REQUEST:

A special exception to the fence height regulations of 4' is requested in conjunction with maintaining an 8' high combination cedar board-on-board/stone fence, and replacing an existing approximately 6' high wood fence with an 8' high combination cedar board-on-board/stone fence in the one of the site's two 25' front yard setbacks (Park Lane) on a 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-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

December 13, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 15, 2014: The Board Administrator contacted the applicant's daughter and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the January 29th deadline to submit additional evidence for staff to factor into their analysis; and the February 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."

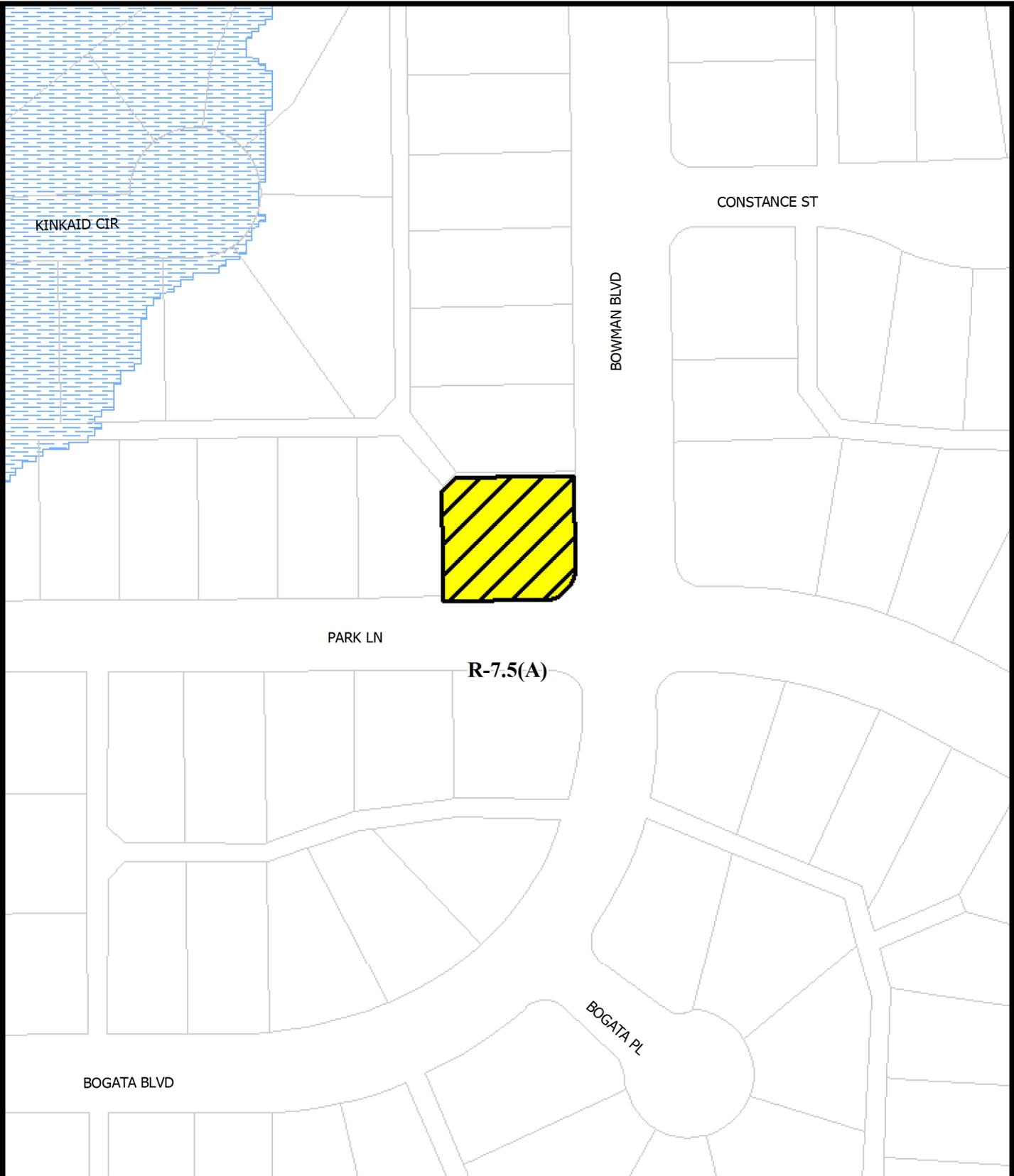
February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining an 8' high combination cedar board-on-board/stone fence and replacing an existing approximately 6' high wood fence with an 8' high combination cedar board-on-board/stone fence in the one of the site's two 25' front yard setbacks (Park Lane) on a 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 site is located at the northwest corner of Park Lane and Bowman Boulevard. The site has a 25' front yard setback along Bowman Boulevard, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Park Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required. But the site's Park Lane frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes west of the site that front/are oriented southward towards Park Lane. Regardless of how the existing home is oriented to front onto Bowman Boulevard (and "side" to Park Lane), the site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to maintain and replace/maintain a fence higher than 4' in the site's front yard setback on Park Lane. (No part of the application is made to address any fence in the site's Bowman Boulevard front yard setback).
- The applicant has submitted a site plan and elevations of the proposal in the front yard setback with notations indicating that the fence reaches a maximum height of 8' – a 6' high cedar board-on-board fence atop a 2' high stone base.
- The following additional information was gleaned from the submitted site plan:
 - The proposed fence that would replace the existing fence in the front yard setback is represented as being approximately 75' in length parallel to the Park Lane; and the existing fence to be maintained in the Park Lane front yard setback is approximately 25' in length perpendicular to Park Lane.
 - The proposal is represented as being located on the Park Lane front property line or about 13' from the Park Lane pavement line.
- The proposal is located across from two single family homes neither which have a fence in their front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of February 10, 2014, four letters/emails have been submitted in support of the request, and no letters/emails have been submitted in opposition to the request.
- 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 elevations would require the proposal

exceeding 4' in height in the front yard setback to be maintained and/or constructed maintained in the location and of the heights and materials as shown on these documents.

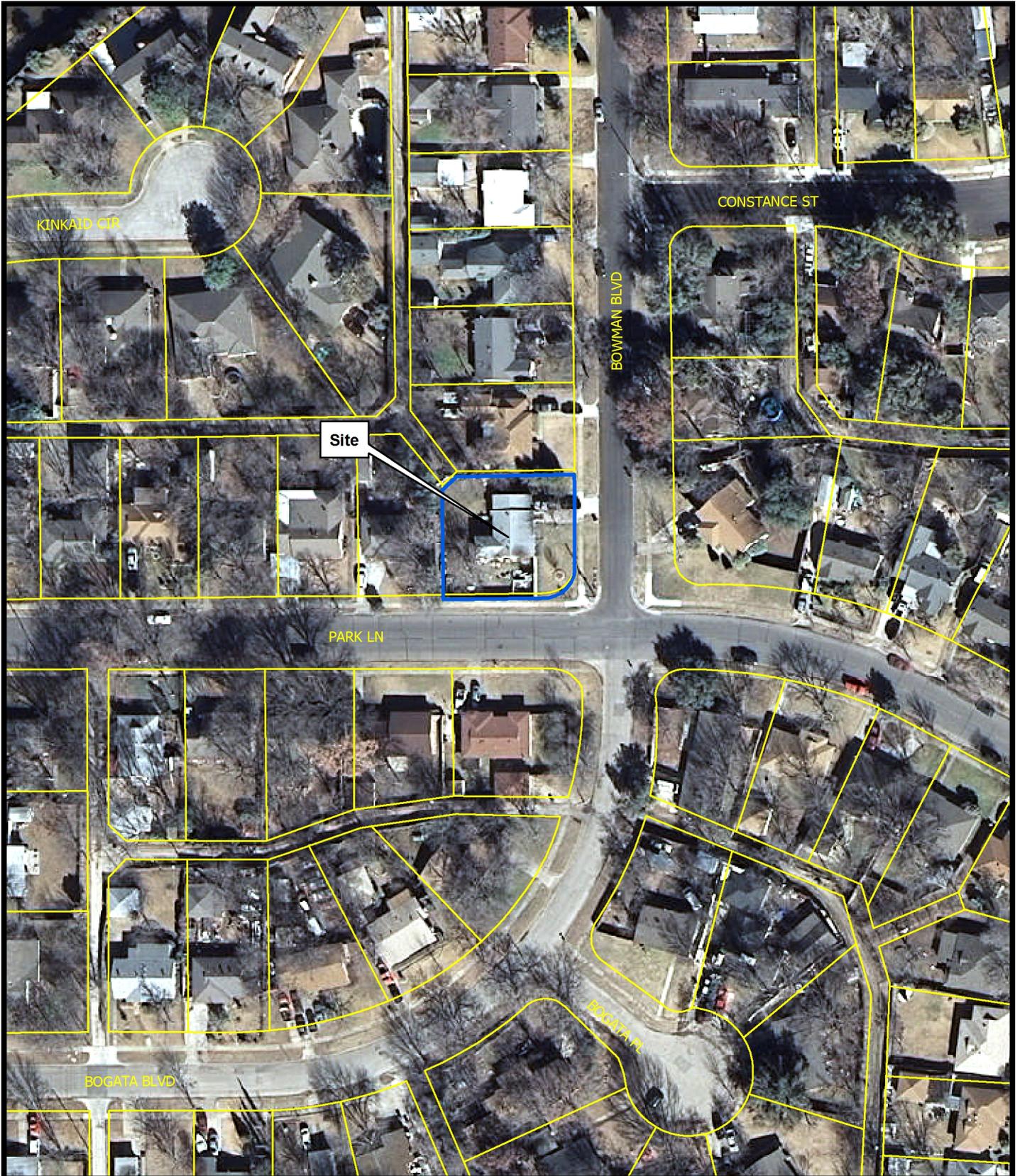


1:1,200

ZONING MAP

Case no: BDA134-014

Date: 1/24/2014



1:1,200

AERIAL MAP

Case no: BDA134-014

Date: 1/24/2014



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-014

Date: DEC 13 2013

Data Relative to Subject Property:

Location address: 9805 Bowman Blvd. Zoning District: R-7.5(A)

Lot No.: 7 Block No.: 016144 Acreage: .23 Census Tract: 98.02

Street Frontage (in Feet): 1) 95ft 2) 105ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE1

Owner of Property (per Warranty Deed): Irma Elias

Applicant: Irma Elias Telephone: (214)3578042

Mailing Address: 9805 Bowman Biv. Zip Code: 75220

E-mail Address: _____

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 fence in front yard of 4ft allowed a 8ft fence. Special exception for _____

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:

Because it makes our neighborhood look pretty and neighbors like it also protects my family from robbery and trash.

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.

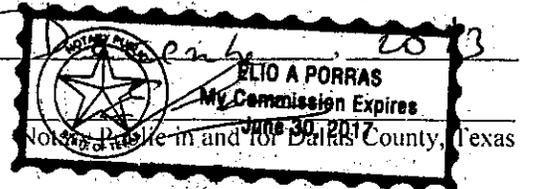
Affidavit

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

Subscribed and sworn to before me this 20th day of _____



(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 Erma Elias
did submit a request for a special exception to the fence height regulations
at 9805 Bowman Blvd.

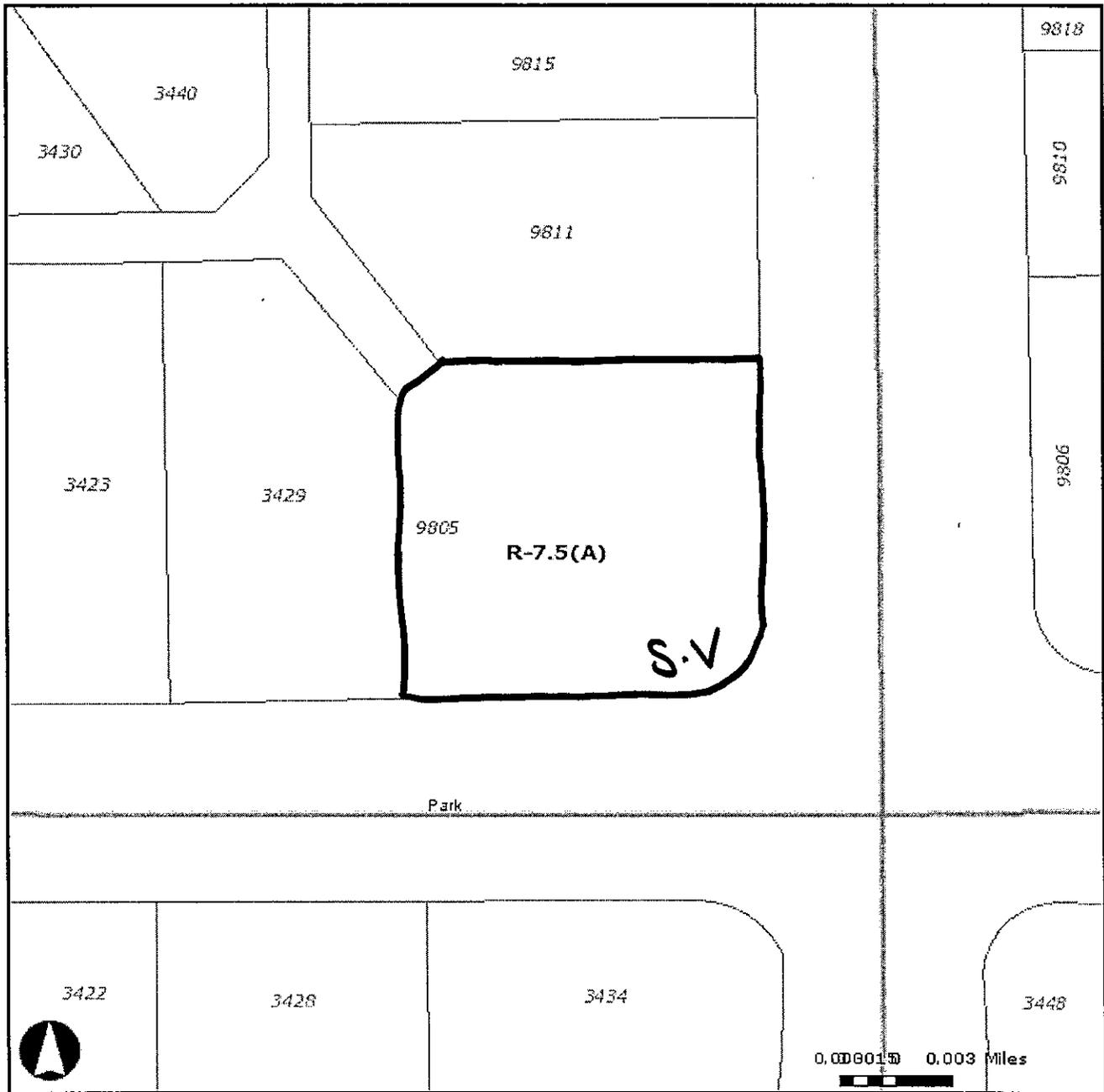
BDA134-014. Application of Erma Elias for a special exception to the fence height regulations at 9805 Bowman Blvd. This property is more fully described as Lot 7, Block O/6144, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

Larry Holmes
Larry Holmes, Building Official
E110 / BOARD
My Commission Expires
June 30, 2017



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts

Dry Overlay



Historic Overlay



Historic Subdistricts

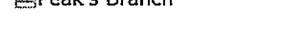
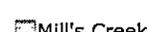


NSO Overlay

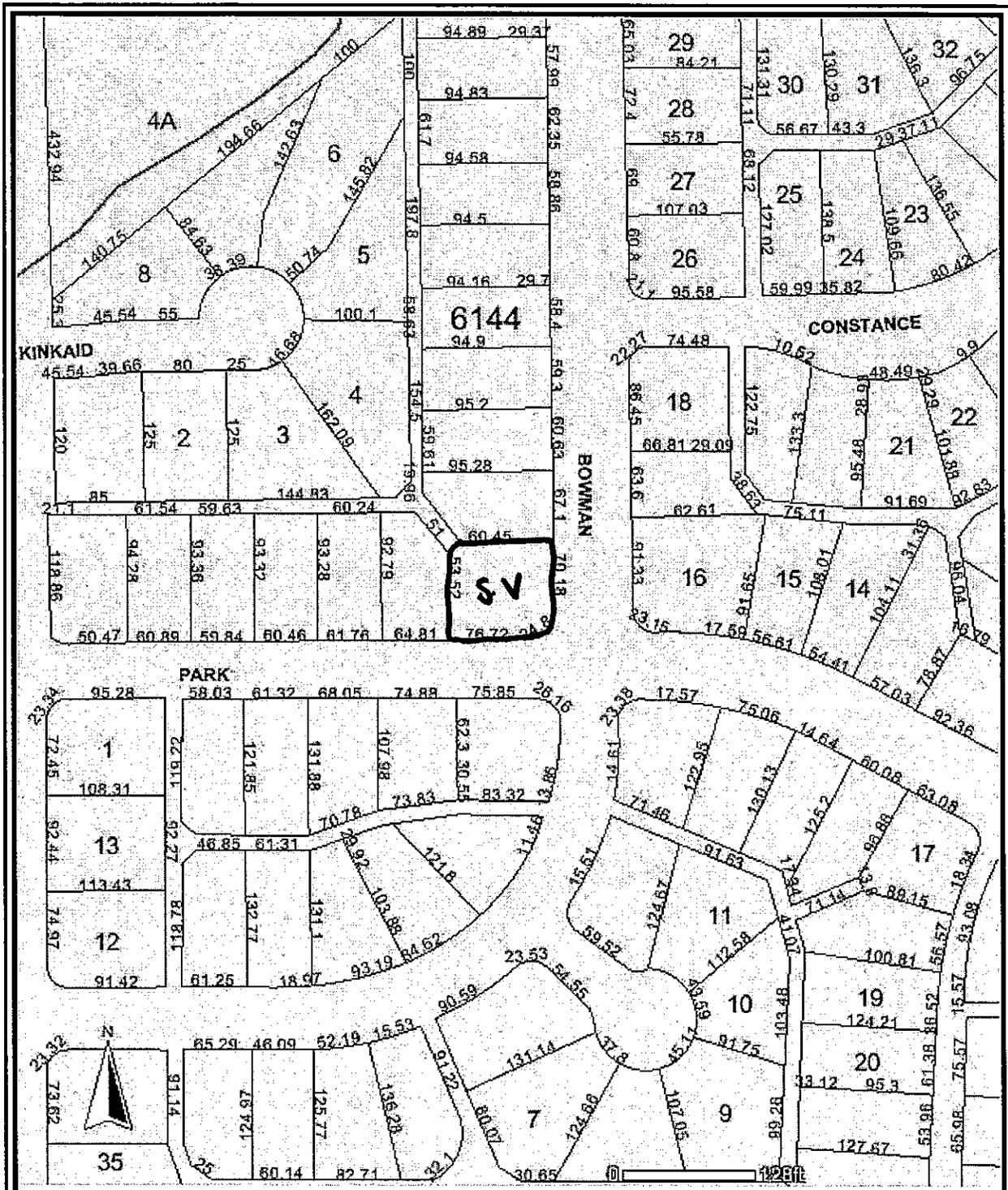
Base Zoning



Floodplain



Pedestrian Overlay

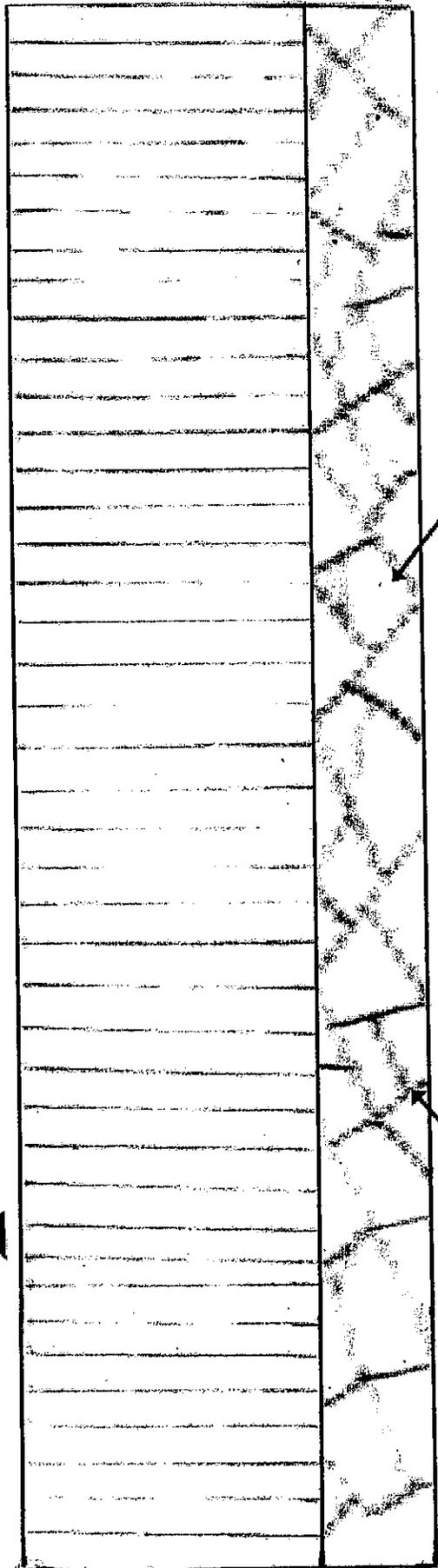


**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

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.

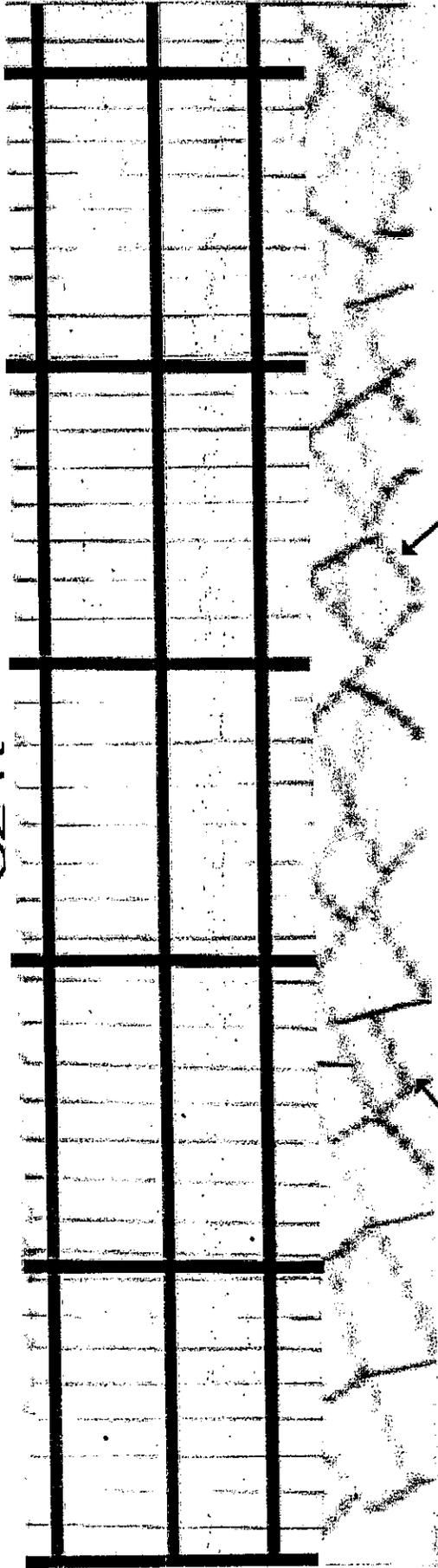
Board-on-Board
Cedar Type



Stone

32 ft

Stone



Stone

Back

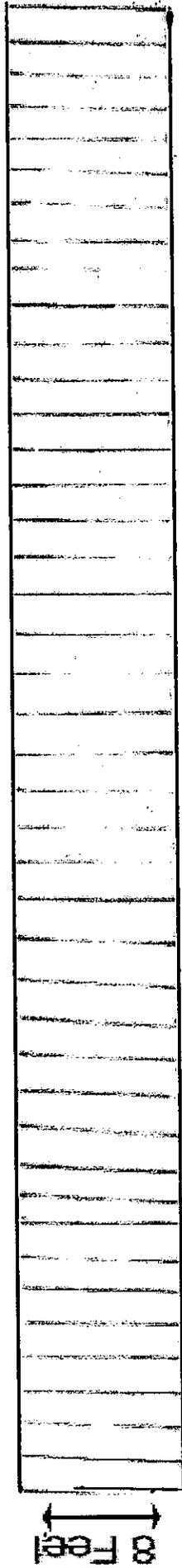
Stone

2 feet

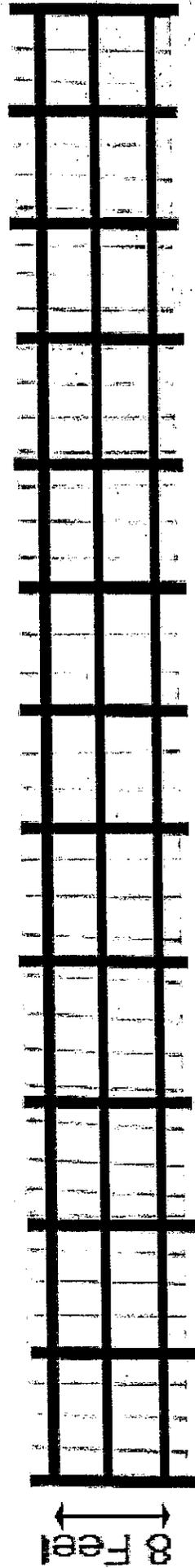
Scale

East elev.

Board-on-Board
Cedar Type



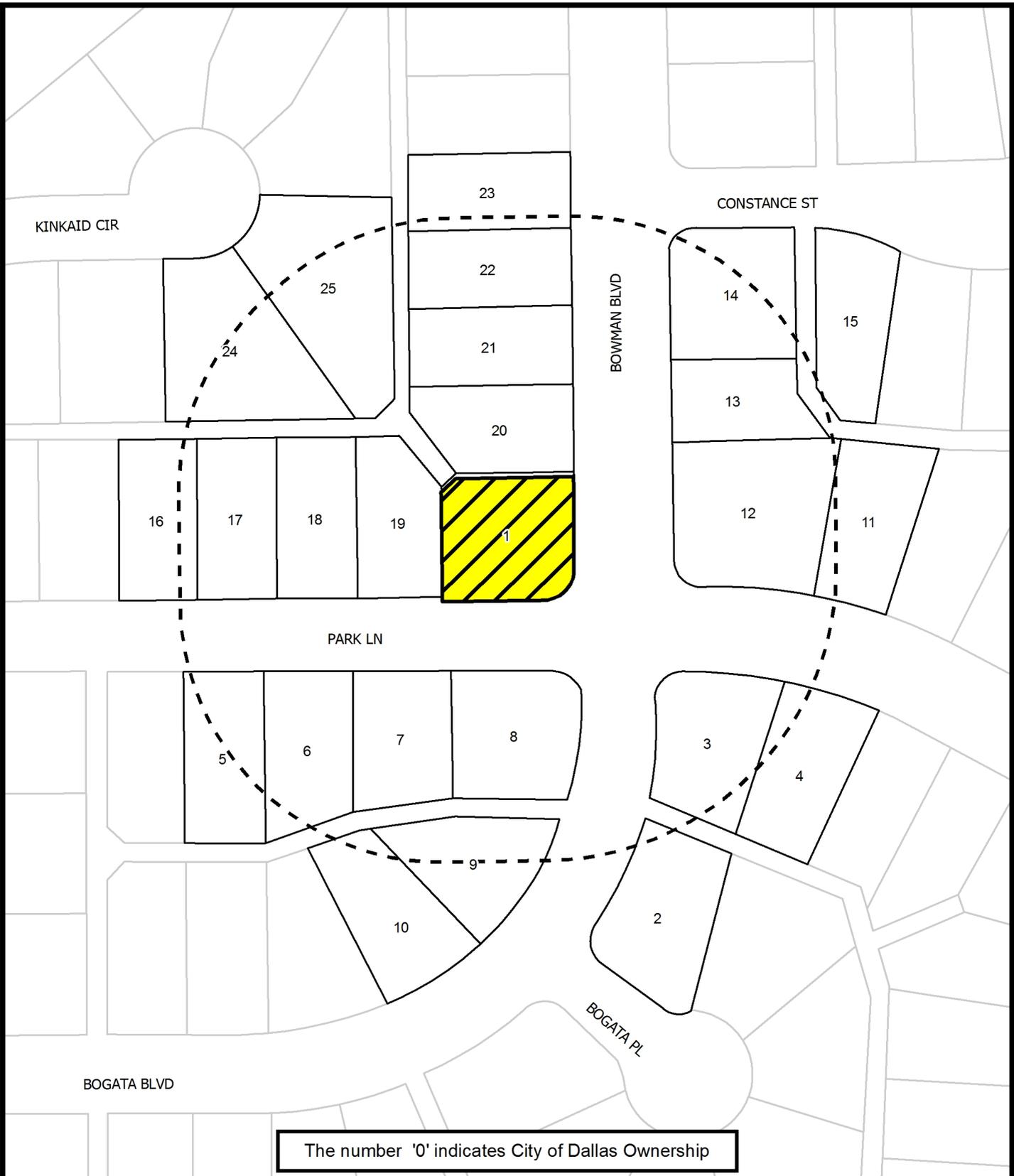
75 ft



Back

4 feet

Scale



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

25

NUMBER OF PROPERTY OWNERS NOTIFIED

4-14

Case no: **BDA134-014**

Date: **1/24/2014**

Notification List of Property Owners

BDA134-014

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9805 BOWMAN BLVD	ELIAS IRMA
2	3458 BOGATA PL	GONZALEZ NORMA
3	3448 PARK LN	NAVIA CRISTINA
4	3454 PARK LN	CORTEZ JOSE LUIS & GUADALUPE
5	3418 PARK LN	ROSS OWEN K
6	3422 PARK LN	CABRERA MARIA LILIANA & JORGE MARTIN
7	3428 PARK LN	ENRIQUEZ ZENON & HERRERA JOSE C & LEONOR
8	3434 PARK LN	ALANIZ RAMIRO JR & MARTINA
9	3439 BOGATA BLVD	BOLINGER BARBARA
10	3433 BOGATA BLVD	SOTO INEZ C
11	3453 PARK LN	ESCORZA ISIDRO & REYNA ESCORZA
12	9806 BOWMAN BLVD	GUEVARA CARLOS & MARITZA
13	9810 BOWMAN BLVD	DERR KELLY J
14	9818 BOWMAN BLVD	SWEENEY MARY DRU EST OF &
15	9902 CONSTANCE ST	HOLLEY ARANNA P
16	3415 PARK LN	OLIVARES CELEDONIO & MARIA C
17	3419 PARK LN	DAVIS STEPHANIE
18	3423 PARK LN	JASSO FRANCISCO
19	3429 PARK LN	ALATORRE ALBERTO & CARMEN
20	9811 BOWMAN BLVD	DERR DAVID L & CHRISTINE
21	9815 BOWMAN BLVD	CRUZ ANDRES & SYLVIA GOMEZ
22	9821 BOWMAN BLVD	ROSALES SALVADOR & IMELDA
23	9825 BOWMAN BLVD	CORTEZ JOSE SR & JOSE CORTEZ JR
24	3430 KINKAID CIR	RAMIREZ ADRIANA
25	3440 KINKAID CIR	SOSA VERONICA