

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, NOVEMBER 13, 2012
AGENDA

BRIEFING	5/E/S	11:00 a.m.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the **Tuesday, October 16, 2012** Board of Adjustment Public Hearing Minutes M1

EXECUTIVE SESSION: M2
Executive session for attorney briefing pursuant to Tex. Gov't Code Section 551.071, regarding *Greg Hunsicker v. Dallas Board of Adjustment*, Cause No. DC-11-06581, BDA 101- 039, Property at 2819 Greenville Avenue

UNCONTESTED CASES

BDA 112-106	5319 Manett Street REQUEST: Application of Steven McLemore for a variance to the front yard setback regulations	1
BDA 112-111	8181 S. Lancaster Road REQUEST: Application of Santos T. Martinez of Masterplan Consultants to enlarge a nonconforming use	2
BDA 112-113	4651 Chapel Hill Road REQUEST: Application of Rob Baldwin for a special exception to the single family zoning use regulations	3

REGULAR CASE

BDA 112-116

908 N. Bishop Avenue

REQUEST: Application of David W. Spence for a special exception to the landscape regulations and variances to the off-street parking regulations

4

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, October 16, 2012 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

Executive session for attorney briefing pursuant to Tex. Gov't Code Section 551.071, regarding *Greg Hunsicker v. Dallas Board of Adjustment*, Cause No. DC-11-06581, BDA 101- 039, Property at 2819 Greenville Avenue.

FILE NUMBER: BDA 112-106

BUILDING OFFICIAL'S REPORT:

Application of Steven McLemore for a variance to the front yard setback regulations at 5319 Manett Street. This property is more fully described as part of Lot 9 in City Block 3/1974 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a structure and provide a 20 foot front yard setback, which will require a variance of 5 feet.

LOCATION: 5319 Manett Street

APPLICANT: Steven McLemore

REQUEST:

A variance to the front yard setback regulations of 5' is requested in conjunction with constructing and maintaining a single family home on an undeveloped lot, part of which would be located in the site's 25' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to compliance with the submitted site plan

Rationale:

- The lot's restrictive area (a lot size that is about 3,000 square feet less than other R-7.5(A) zoned lots) preclude its development in a manner commensurate with other developments found on similarly-zoned R-7.5(A) lots – which in this case, according to the applicant's submittals, is a two-story single family home with approximately 2,600 square feet of living area. The applicant has stated that if the site were more aptly zoned to its lot size of R-5(A) (Single family district 5,000 square feet), his proposal would not require a front yard setback variance since it would be in compliance with the 20' front yard setback required on R-5(A) zoned properties.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is undeveloped. The areas to the north, east, south, and west appear to be developed with residential uses.

Zoning/BDA History:

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

Timeline:

- September 25, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 10, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- October 10, 2012: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 30, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

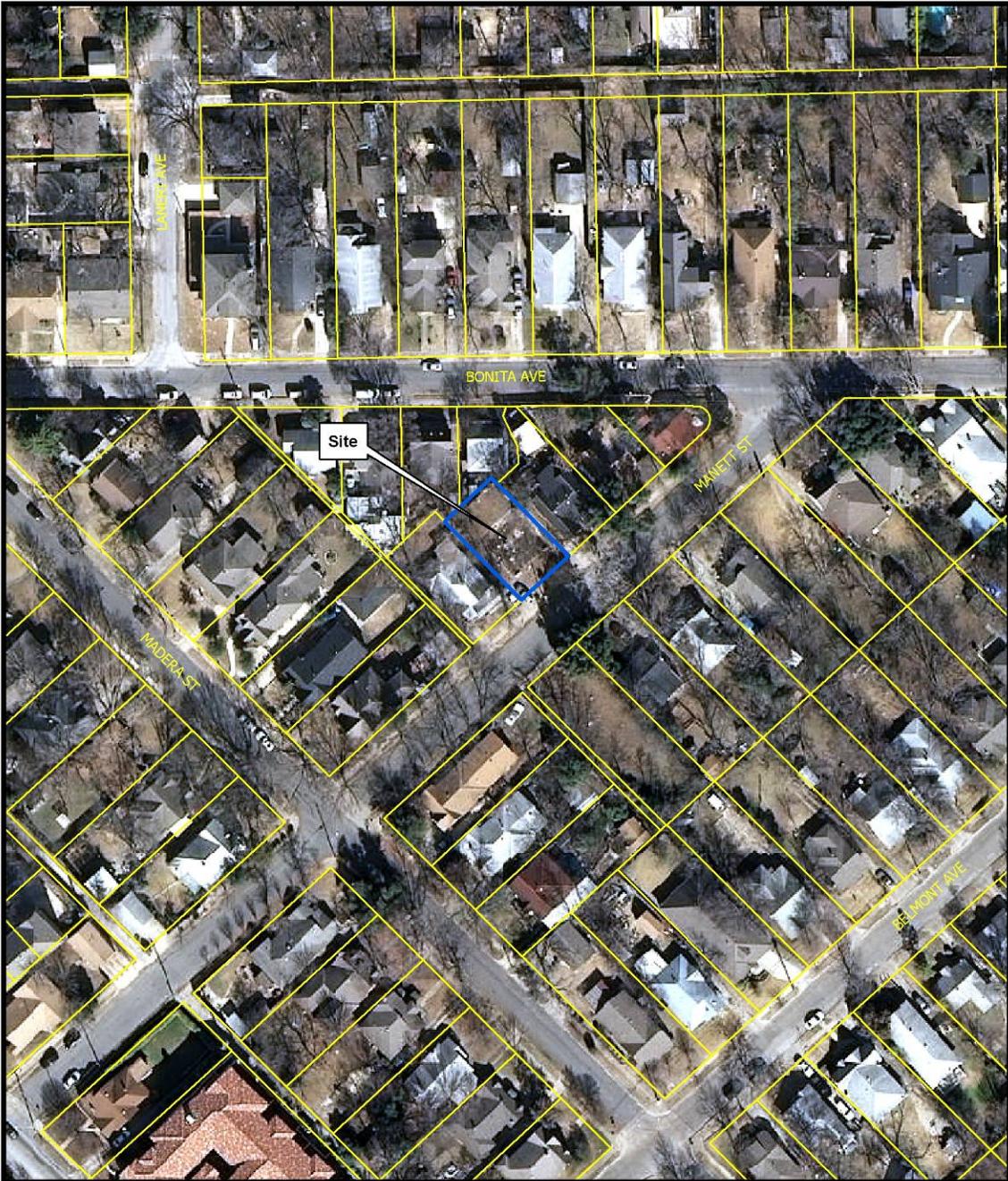
No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a single family home on an undeveloped lot, part of which would be located in the site's 25' front yard setback.
- A 25' front yard setback is required for properties zoned R-7.5(A) Single Family.
- A site plan has been submitted indicating a structure/building footprint of approximately 1,700 square feet located 20' from the front property line or 5' into the 25' front yard setback along Madera Street.
- According to calculations taken from the submitted site plan by the Board Administrator, about 90 square feet (or 5 percent of the total) approximately 1,700 square foot building footprint is located in the 25' front yard setback.
- The site is flat, rectangular in shape (90' x 50'), and approximately 4,500 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- According to DCAD records, the "main improvement" at 5319 Manett Street is a structure built in 1927 with 960 square feet of living area. (This structure is no longer on the property).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance to front yard setback regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

- If the Board were to grant the front yard variance request, imposing a condition whereby the applicant must comply with the submitted site plan, the structure in the front yard setback would be limited to that what is shown on the submitted plan – a structure that could be located 20' from the front property line or 5' into the 25' front yard setback.





1:1,200

AERIAL MAP

Case no: BDA112-106

Date: 10/25/2012



A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-106

Data Relative to Subject Property:

Date: 9-25-12

Location address: 5319 MANETT ST, Zoning District: R-7.5(A)

Lot No.: 9 Block No.: 3/1974 Acreage: 0.10 Census Tract: 10.02

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

902A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): NICKOLAUS McEMORE AND TALOR ROSS

Applicant: STEVE McEMORE Telephone: 972.335.6830

Mailing Address: 11916 PADUCAH DR., FRISCO, TX. Zip Code: 75035

E-mail Address: McEMORE 10 @ AOL.COM

Represented by: STEVE McEMORE Telephone: 972.335.6830

Mailing Address: 11916 PADUCAH DR., FRISCO, TX. Zip Code: 75035

E-mail Address: McEMORE 10 @ AOL.COM

Affirm that an appeal has been made for a Variance , or Special Exception _____, of 5 FEET
TO THE FRONT YARD SETBACK.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
DUE TO THE RESTRICTIVE SIZE OF THE PROPERTY
PLEASE REFER TO ATTACHED STATEMENT EXPLAINING APPEAL

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 STEVE McEMORE
(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/authorized representative of the subject property.

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

Subscribed and sworn to before me this 21 day of September, 2012

Mitch Makowka
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that STEVEN ALLEN MCLEMORE
did submit a request for a variance to the front yard setback regulations
at 5319 Manett Street

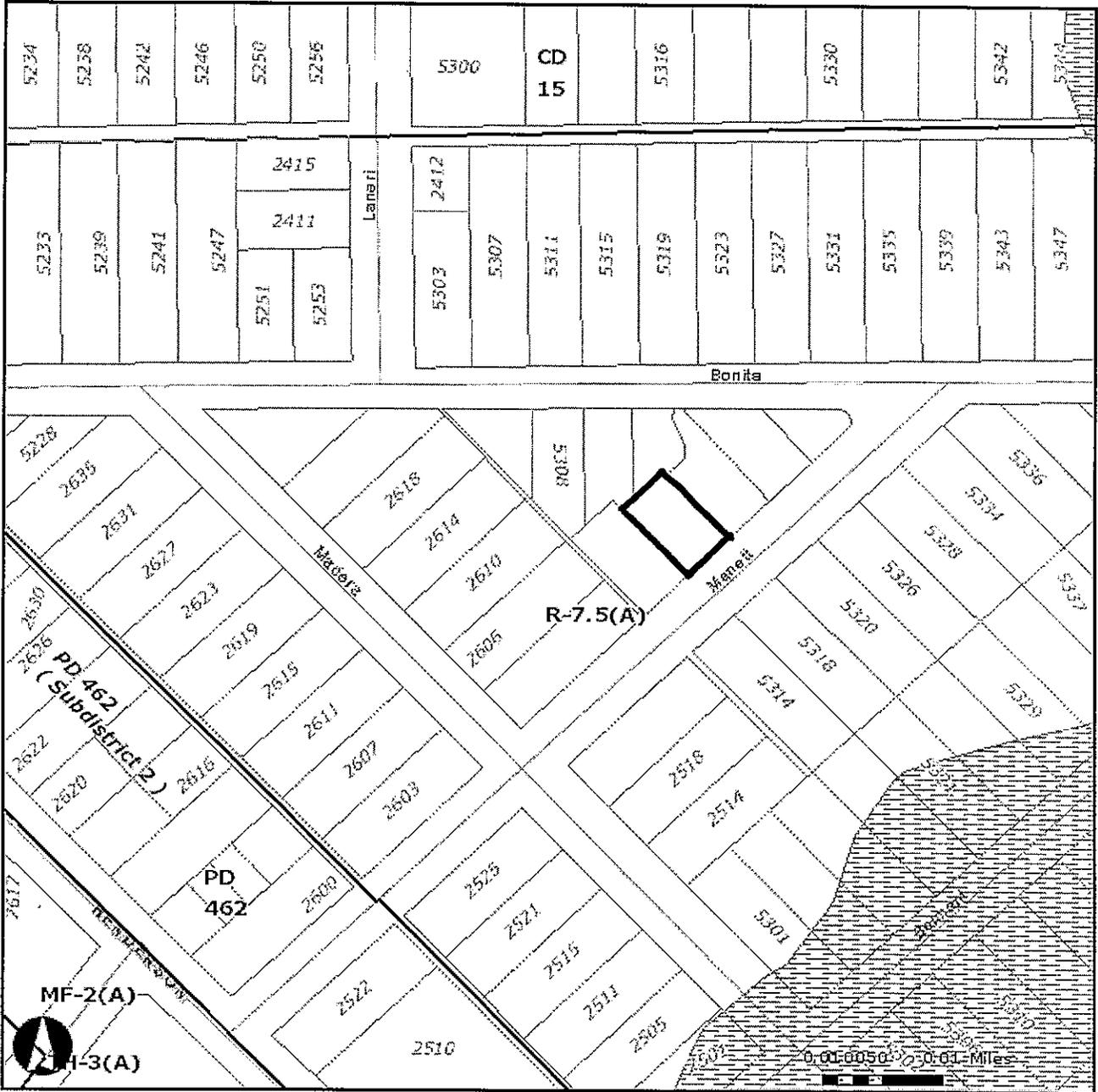
BDA112-106. Application of Steven Allen McLemore for a variance to the front yard setback regulations at 5319 Manett Street. This property is more fully described as part of lot 9 in city block 3/1974 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 20 foot front yard setback, which will require a 5 foot variance to the front yard setback regulation.

Sincerely,


Lloyd Denman, Building Official

109
365
1-8

City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

- Dry Overlay
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- Environmental Corridors

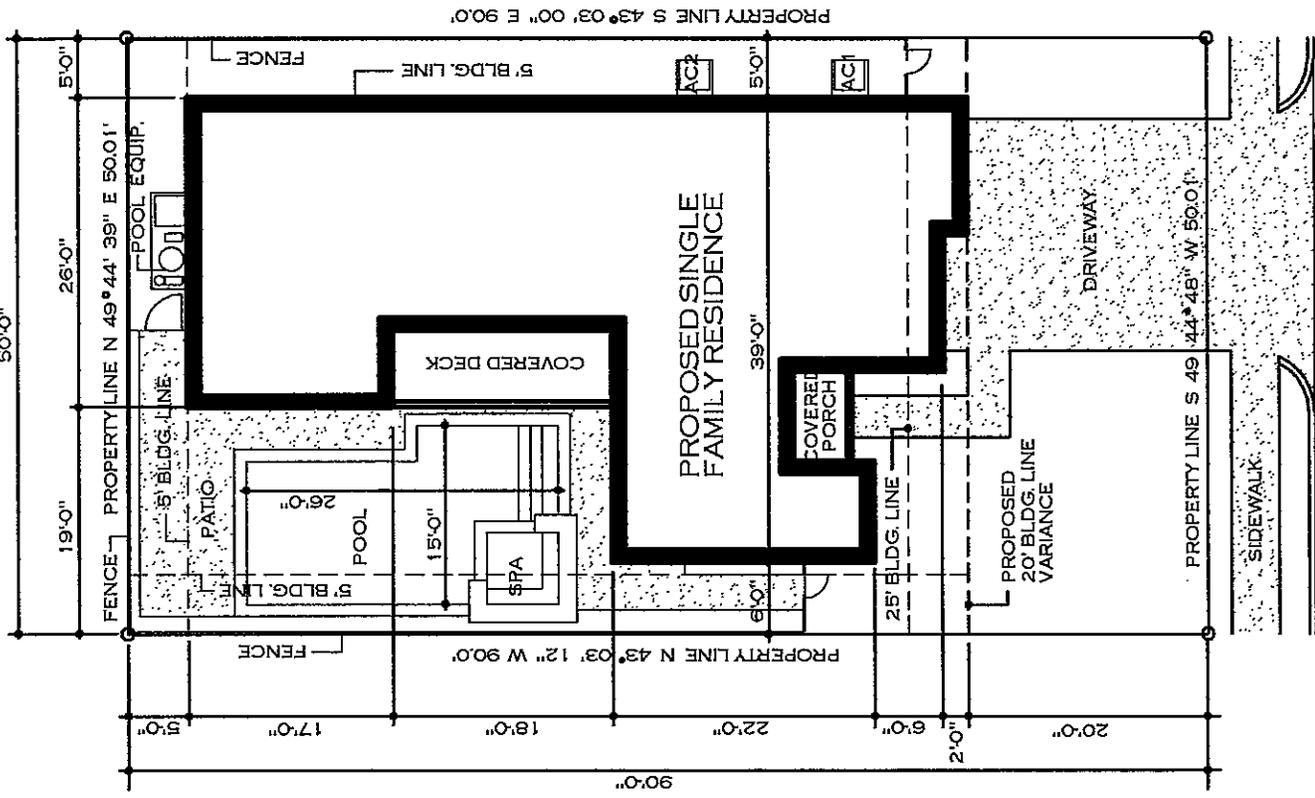
SMC

THESE PLANS HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF DALLAS CONSTRUCTION CODES. ALL WORK PERFORMED IN CONJUNCTION WITH THESE PLANS IS SUBJECT TO FIELD INSPECTOR'S APPROVAL.

MCLEMORE & ASSOCIATES
 ARCHITECTS • BUILDERS • DEVELOPERS
 11916 PADUCAH DRIVE
 FRISCO, TEXAS 75035
 2142779714
 MCLEMORE10@AOL.COM

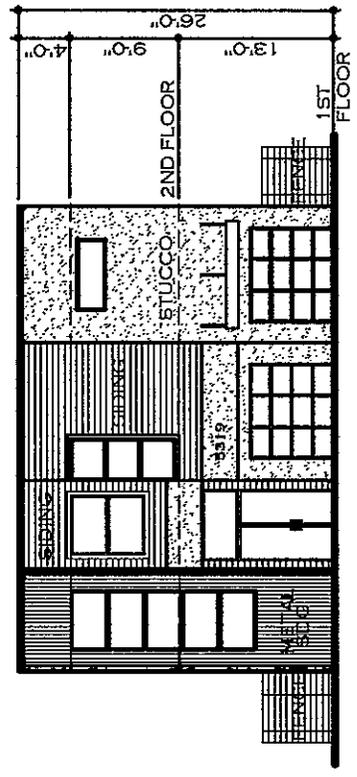
A NEW SINGLE FAMILY RESIDENCE
 5319 MANETT STREET
 DALLAS, TEXAS

09-24-2012
 JOB: 01-09
 SHEET
A1
 OF 2

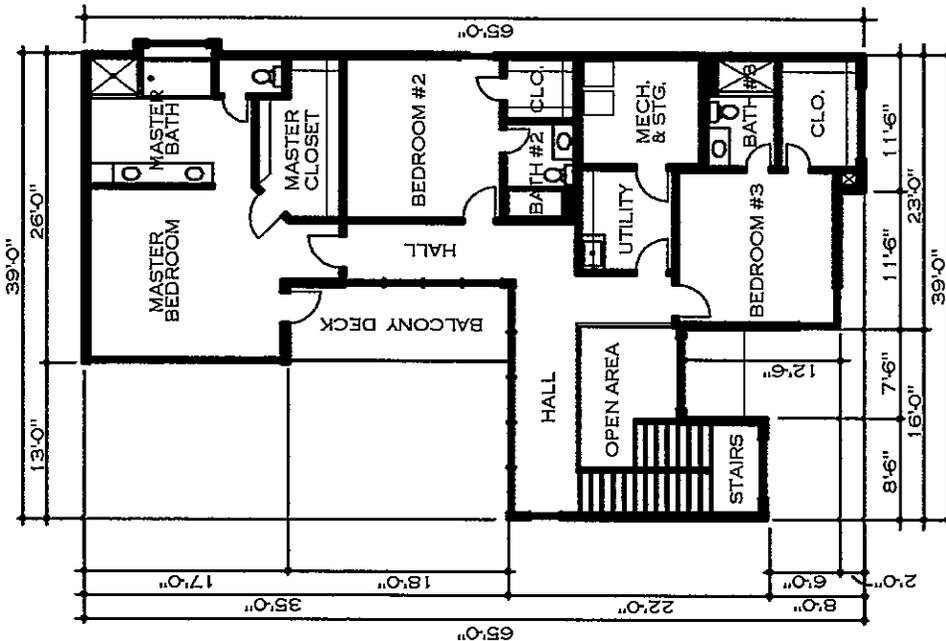
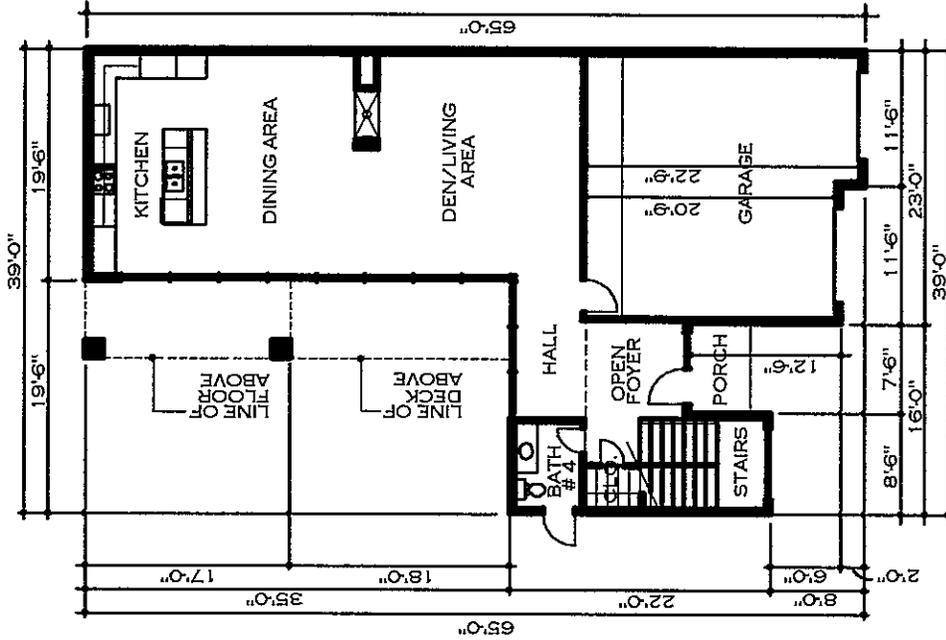


SITE PLAN
 SCALE 1/8" = 1'-0"

5319 MANETT



FRONT ELEVATION
 SCALE 1/8" = 1'-0"



FIRST FLOOR

SCALE: 1/8" = 1'-0"

SECOND FLOOR

SCALE: 1/8" = 1'-0"

THESE PLANS HAVE NOT BEEN
 REVIEWED FOR COMPLIANCE WITH THE
 CITY OF DALLAS CONSTRUCTION CODES.
 ALL WORK PERFORMED IN CONJUNCTION
 WITH THESE PLANS IS SUBJECT TO FIELD
 INSPECTOR'S APPROVAL

5319 Manett Variance Request

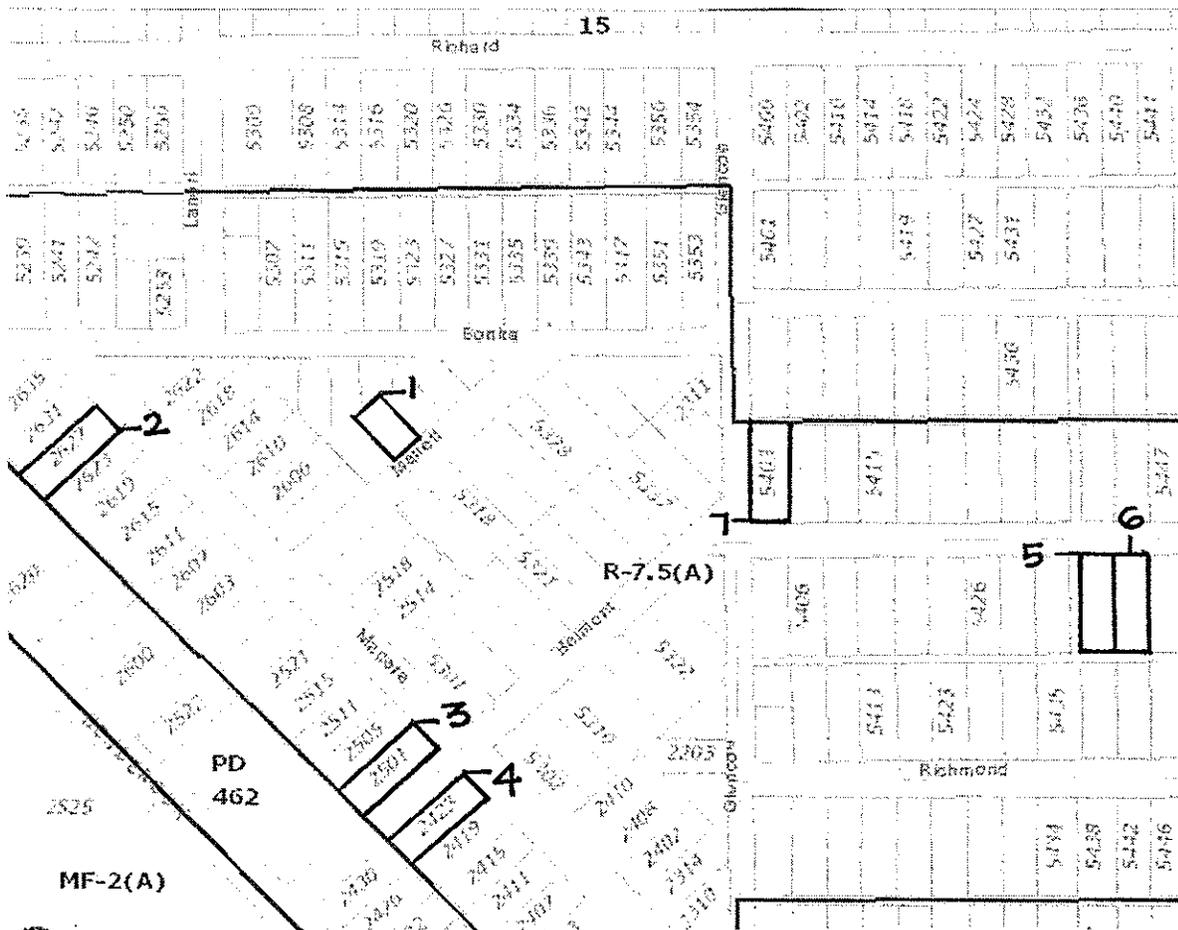
The subject property we are requesting the variance for is in an established neighborhood and previously had a duplex on the site that was removed prior to purchase. The adjacent properties to this site also have existing duplex units still existing and most if not all are occupied. The property is now zoned R7.5 and the City of Dallas requires that a single family dwelling must be built and will not allow a new duplex to be constructed. The R7.5 zoning requires that a lot must be 7,500 square foot; however, many of these duplex lots are much smaller. The subject site is 50 wide and 90 foot deep only providing a total developable area of 4,500 square feet.

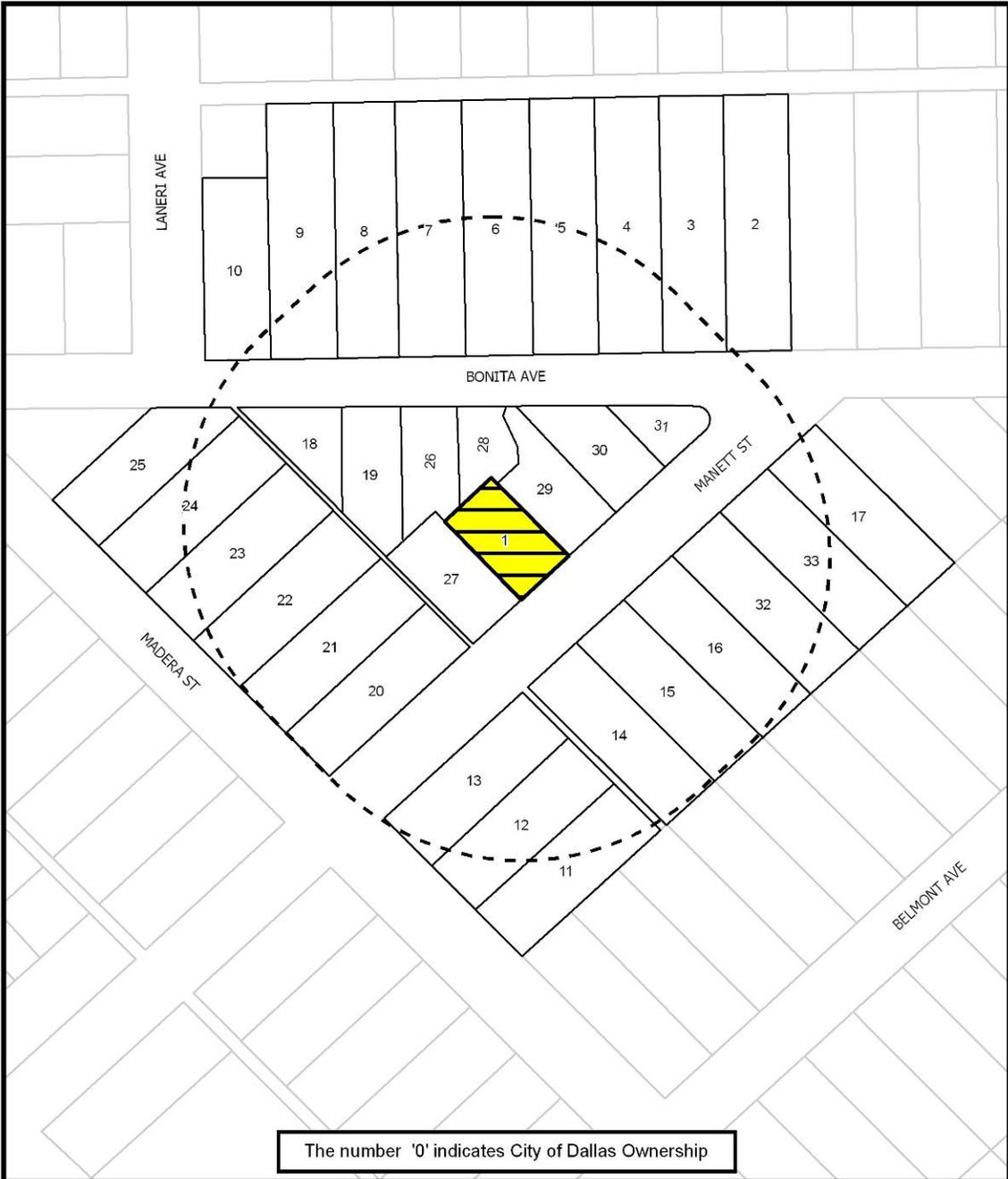
Current Dallas R7.5 zoning requires a 5 foot side and rear yard setback and a 25 foot front yard setback. R5 zoning for 5,000 square foot lots have the same side and rear yard setbacks but only require a 20 foot front yard setback. In addition, duplex zoning has the same zoning setback requirements as the R5 and also allows for a 20 foot front yard setback. In addition, all of the existing duplex units as well as many of the single family units along this street and in the area have reduced lot sizes and have front yard setbacks ranging from 20 foot to as little as 15 feet in the immediate area.

We are therefore requesting your consideration to grant a variance to reduce the more restrictive 25 foot front yard required for a 7,500 square foot lot, to a 20 foot front yard setback due to the smaller 4,500 square foot size of the subject site. We do not feel this would be contrary to the public interest and will allow development of the site to be commensurate and accommodate typical amenities provided in a single family dwelling.

The following information is for a comparison of newer homes that have been constructed in the area in relation to what we are proposing. As you will note the lot sizes range from 7,200 square feet up to 8,064 square feet and all have new two story homes ranging from 2,696 square feet up to 3,902 square feet. All sites have 50 feet of frontage with the exception of one site having 56 feet. The proposed residence for the subject site is two stories with 2,600 square feet of living area and the site has 50 feet of frontage but only 90 feet of depth. Due to the restrictive depth of the lot we are requesting your consideration for a front yard setback line variance from 25 feet to 20 feet.

EXISTING AREA SITE INFORMATION RELEVANT TO SUBJECT SITE							
SITE #	LOCATION	LOT SIZE	LOT AREA	LIVING AREA	COVERAGE	HEIGHT	BUILT
1	SUBJECT SITE - 5319 MANETT	50 X 90	4,500 SQ. FT.	2,600 SQ. FT.	58%	2 STORY	
2	2627 MADERA STREET	50 X 145	7,250 SQ. FT.	2,696 SQ. FT.	37%	2 STORY	1983
3	2501 MADERA STREET	50 X 145	7,250 SQ. FT.	2,992 SQ. FT.	41%	2 STORY	1984
4	2423 MADERA STREET	50 X 145	7,250 SQ. FT.	2,711 SQ. FT.	37%	2 STORY	2008
5	5438 BELMONT AVENUE	50 X 144	7,200 SQ. FT.	3,679 SQ. FT.	51%	2 STORY	2006
6	5442 BELMONT AVENUE	50 X 144	7,200 SQ. FT.	3,666 SQ. FT.	51%	2 STORY	2007
7	5403 BELMONT AVENUE	56 X 144	8,064 SQ. FT.	3,902 SQ. FT.	48%	2 STORY	2008





1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
33 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA112-106**

Date: **10/25/2012**

Notification List of Property Owners

BDA112-106

33 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5319 MANETT ST	NOBLES DAVID &
2	5335 BONITA AVE	HERNANDEZ VICTOR
3	5331 BONITA AVE	WELTY JOHN B & AMY E
4	5327 BONITA AVE	SANCHEZ JUAN SALVADOR
5	5323 BONITA AVE	BROWN JENNIFER L RYAN BRENDAN J
6	5319 BONITA AVE	TREVINO JOSE & EVANGELINA
7	5315 BONITA AVE	TREVINO ANA MARIA
8	5311 BONITA AVE	NAJERA IRENE C
9	5307 BONITA AVE	RAMIREZ MARIA RAMIREZ IGNACIA
10	5303 BONITA AVE	TODD ANDREW B
11	2514 MADERA ST	ESPINOZA FELIPE ROSALES
12	2518 MADERA ST	GUEDIN ROBERT M JR &
13	2522 MADERA ST	RODRIGUEZ MARGARITA
14	5314 MANETT ST	SOSA EUGENE
15	5318 MANETT ST	OCAMPO MARIA GREGORIA
16	5320 MANETT ST	BENAVIDES DAVID & TERRI M BENAVIDES
17	5334 MANETT ST	MUNOZ JOSEFINA G & GUADALUPE MUNOZ
18	5302 BONITA AVE	ALMARAZ NOEMI A
19	5308 BONITA AVE	RODRIGUEZ PEDRO & DORA E RODRIGUEZ
20	2600 MADERA ST	WEST OLIN
21	2606 MADERA ST	QUINONES DANIEL
22	2610 MADERA ST	ROJAS AGAPITO H & SOCORRO
23	2614 MADERA ST	GUEVARA PABLO
24	2618 MADERA ST	KELLY DINEEN A
25	2622 MADERA ST	PINN GROUP LLC
26	5310 BONITA AVE	JAIMES EMMANUEL
27	5315 MANETT ST	SOLARES ALICE
28	5318 BONITA AVE	HORN RICHARD CAMDEN & NICHOLE ANGELIC
29	5321 MANETT ST	GOMEZ JOB & MARIA V
30	5327 MANETT ST	KHAN ESTHER

31	5330	BONITA AVE	GATTINI ANTONIO
32	5326	MANETT ST	TORRES FELIX & RAMONA
33	5328	MANETT ST	LOPEZ JAVIER & JOSEPHINE LOPEZ

FILE NUMBER: BDA 112-111

BUILDING OFFICIAL'S REPORT:

Application of Santos T. Martinez of Masterplan Consultants to enlarge a nonconforming use at 8181 S. Lancaster Road. This property is more fully described as Lot 1, Block A/7609 and is zoned CS, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming commercial motor vehicle parking use, which will require a request to enlarge to a nonconforming use.

LOCATION: 8181 S. Lancaster Road

APPLICANT: Santos T. Martinez of Masterplan Consultants

REQUEST:

A request is made to enlarge a nonconforming "commercial motor vehicle parking" use by (according to the application) installing new equipment (overhead trusses connected to a 240 square foot equipment room with canopy) in the parking lot that will enable vehicles to park without idling their engines.

STANDARD FOR ENLARGING A NONCONFORMING USE:

The board may allow the enlargement of a nonconforming use when, in the opinion of the Board, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

STAFF RECOMMENDATION:

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on when, *in the opinion of the Board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

BACKGROUND INFORMATION:

Zoning:

Site: CS (Commercial Service)

North: LO-1 (Limited Office)
South: IR (Industrial Research)
East: R-7.5(A), CR, & NS(A) (Single family, Community Retail and Neighborhood Service)
West: MF-2(A) (Multiple family)

Land Use:

The subject site is developed with a nonconforming “commercial motor vehicle parking” use. The areas to the north and west are undeveloped, and the areas to the east and south are developed with commercial and 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:

September 26, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 10, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 10, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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 section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 23,
November 1 & 2,
2012:

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

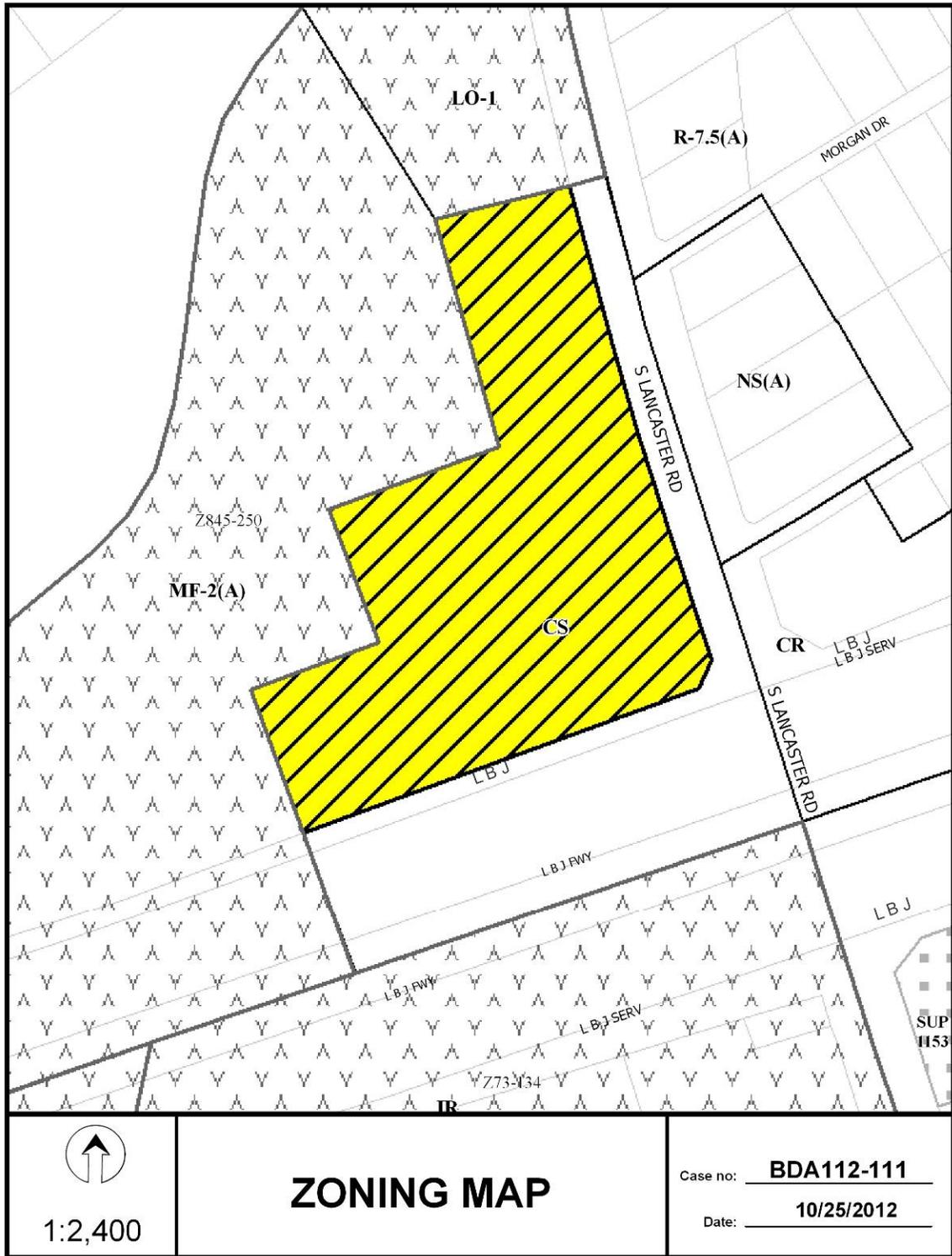
October 30, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on enlarging a nonconforming “commercial motor vehicle parking” use on the subject site - an enlargement that according to the application involves installing new equipment (overhead trusses connected to a 240 square foot equipment room with canopy) in the parking lot that will enable vehicles to park on the site without idling their engines.
- The applicant has stated that the proposed 240 square foot equipment room structure would house the required HVAC systems, satellite and internet servers, and other equipment related to the overhead trusses that would connect to the commercial vehicles parked on the site.
- The applicant has submitted a revised site plan (see Attachment C) that denotes the location of the proposed equipment room/canopy and related trusses.
- The Dallas Development Code defines a nonconforming use as “a use that does not conform to the use regulations of this chapter, but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.”
- The Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- The application states that the site is 7.99 acres in area.
- The subject site is zoned CS (Commercial Service).
- A “commercial motor vehicle parking” use is permitted in CS districts by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the zoning district at issue. (A portion of land immediately east of the subject site is zoned R-7.5(A) Single Family Residential).
- DCAD states that the property at 8181 S. Lancaster Road has the following improvements: a convenience store with 5,355 square feet built in 1994.
- Records from Building Inspection Department indicate that the date in which the “commercial motor vehicle parking” use became nonconforming on October 9, 2002, and that reason that the use is classified as nonconforming: “new use classification created by city council in 2002 and requirement for all uses on the property must be listed as main uses created the nonconformity.
- A copy of a Certificate of Occupancy has been included in the case file for a “motor vehicle fueling station” use (DBA: Eliza USA Travel Center) located at 8181 S. Lancaster Road (CO #0902171094) issued on March 5, 2009.

- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:
 1. does not prolong the life of the nonconforming use;
 2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
 3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, with a condition imposed that the applicant comply with the submitted revised site plan, the enlargement of the nonconforming use would be limited to what is shown on this document which in this case is a relatively small proposed equipment room/canopy with related trusses on the approximately 8 acre subject site .



1:2,400

ZONING MAP

Case no: BDA112-111

Date: 10/25/2012



October 15, 2012

Mr. Steve Long
Board of Adjustment
City of Dallas
1500 Marilla, Room 5BN
Dallas, Texas 75201

RE: BDA 112-111, 8181 S. Lancaster

Dear Mr. Long:

The property listed above was developed in 1993 as a motor vehicle fueling station. The original development of the property included the fueling station for personal and commercial vehicles, restaurants, a retail store, and a large parking lot. The restaurants and motor vehicle fueling station maintain proper certificates of occupancies.

In 2002, the Dallas City Council created a new use (commercial motor vehicle parking) for the temporary, daily, or overnight parking of commercial vehicles greater than 26,000 pounds. A commercial motor vehicle parking use was created nine years after the original development of the property. This council action also requires that this commercial motor vehicle parking use cannot be classified as an accessory parking use.

The new owners of the property seek to install new equipment for commercial vehicles that park on their property. This new equipment allows drivers to connect to an overhead system that administers individual controlled air conditioning or heaters, internet service, satellite television, and electrical connections. The overhead trusses are connected to an equipment room that houses the required HVAC systems, satellite and internet servers, and other equipment. This structure is 8'x 30'. It has been determined that the placement of this mechanical and equipment room will create new floor area for a non-conforming commercial motor vehicle parking use on the site.

I have included a site plan to show the area where the new floor area will be placed. I have also provided a floor plan for the equipment room and elevations for the new trusses. Again, we have been informed that the actual floor area of the new equipment room is what is triggering this request.

In order to place this structure on the site, the property owner intends to remove ten (10) existing commercial parking spaces. Although some parking areas will be restriped, it will not allow the owner to regain these ten spaces.

MASTERPLAN
900 Jackson Street, Suite 640
Dallas, Texas 75202

Phone: (214) 761-9197
Fax: (214) 748-7114
Web: masterplanconsultants.com



The placement of this equipment does not prolong the life of a commercial motor vehicle parking use. This use could continue to operate without the placement of this equipment. In fact, the placement of this structure actually diminishes the existing use by ten parking spaces. More importantly, the placement of this equipment and structure will allow commercial vehicles to park without idling their engines for long periods of time. This removes the noise and air pollution that impacts the surrounding area.

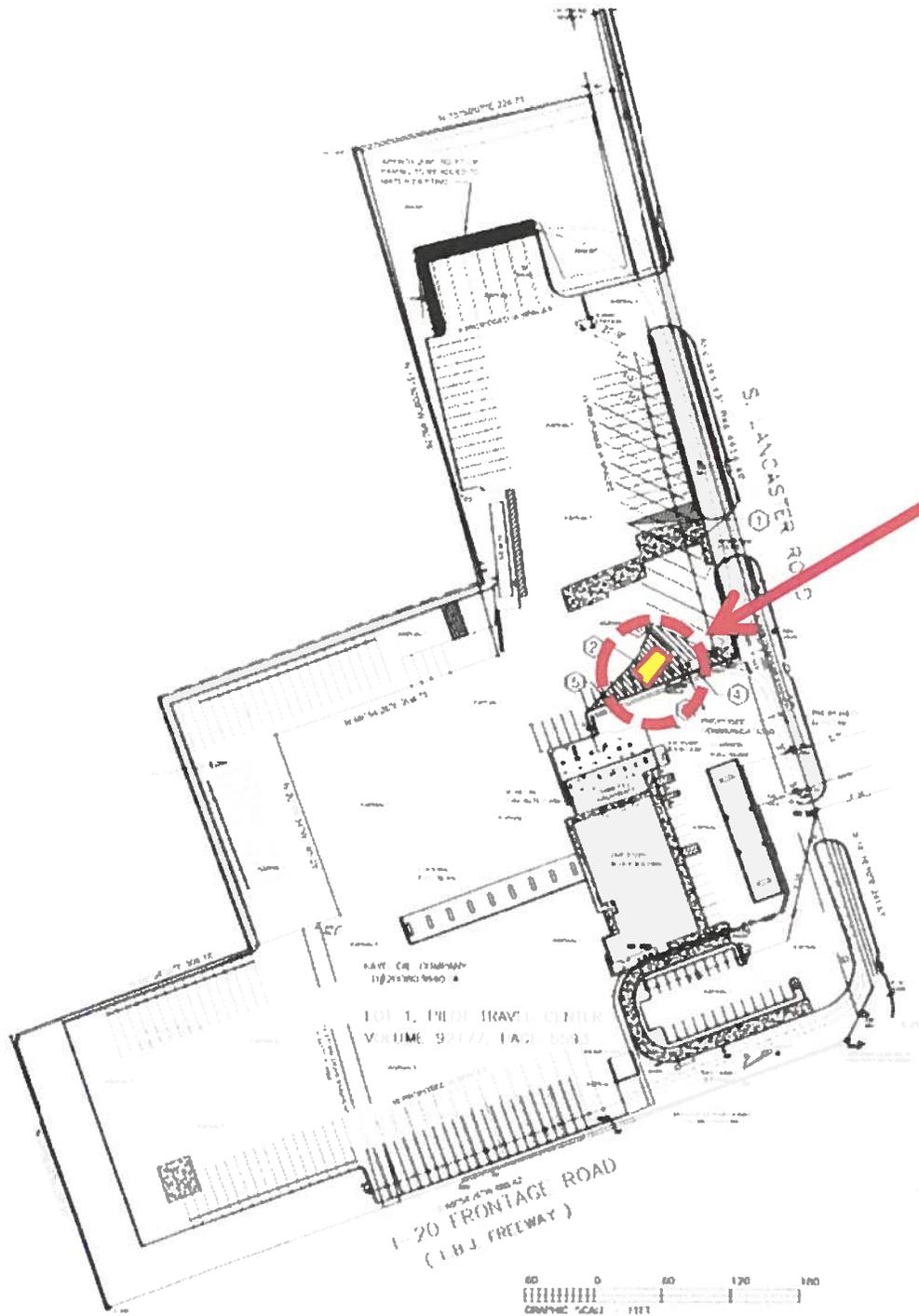
Please feel free to contact our offices if you need any additional information regarding this request.

Santos T. Martinez

Authorized representative for
Idle Air

MASTERPLAN
500 South Ervay, Suite 112B
Dallas, Texas 75201

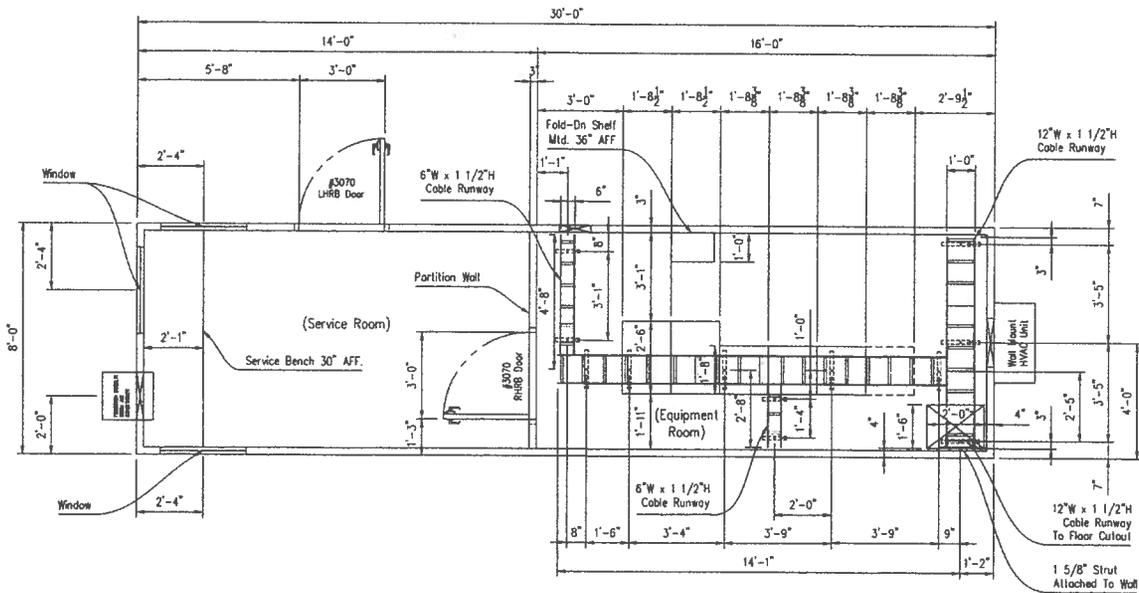
Phone: (214) 761-9197
Fax: (214) 748-7114
Web: masterplanconsultants.com



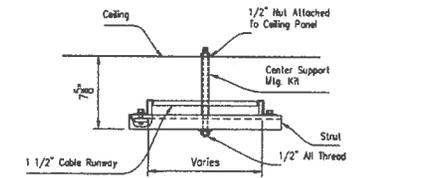
New Floor Area

BDA 112-111
 Attach A
 Pg 3

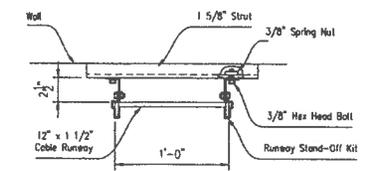
BDA 112-111



Plan View



Cable Runway Ceiling Mtg. Detail



Cable Runway Wall Mtg. Detail

Note: Unistrut with "Nutserts" will be used to support all cable runway-spaced not more than 60"
 Sammy fasteners may not be used to support cable runway



Reference Note:
 Building Can Be Built Mirror Image

WINDLOADS: ASCE 7-05, 30 PSF
 WIND SPEED: 90 MPH
 WIND CONTROLS



Rev. #	Revision	By	Date	Rev. #	Revision	By	Date

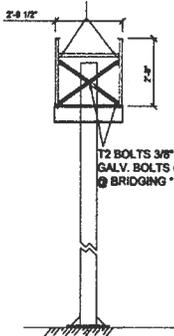


Metal Systems, Inc.
 1919 Polymer Drive
 Chattanooga, Tennessee 37421

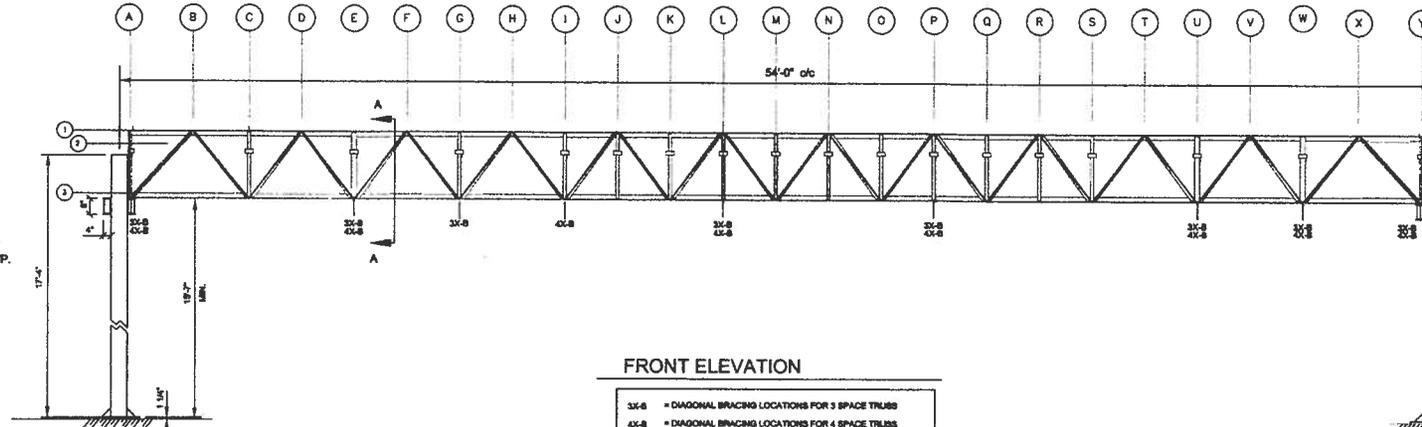
Tel: (423)-894-9288 Fax: (423)-894-9337 Wets: (800)-445-8791

Drawn By: D. Cobble	Job Title: 8'x30' Equipment Center (Configuration "B")
Checked By: -	Customer: IdleAire Technologies
Scale: None	Drawing #: Config B-100
Date: 04/20/12	Rev. #

T1 BOLTS
1/2" X 1 1/2" GALV. BOLTS A325
TYP. @ BEARING CLIPS *



T2 BOLTS 3/8" X 1 1/4"
GALV. BOLTS GR 5 TYP.
@ BRIDGING *

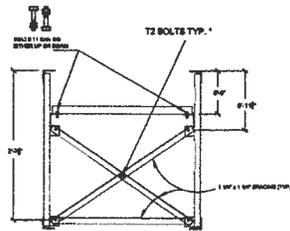


FRONT ELEVATION

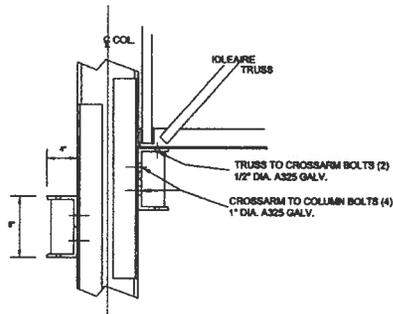
- 3X-B = DIAGONAL BRACING LOCATIONS FOR 3 SPACE TRUSS
- 4X-B = DIAGONAL BRACING LOCATIONS FOR 4 SPACE TRUSS

TO PROTECT COLUMN FROM DAMAGE, CONCRETE BOLLARD MAY BE REQUIRED.
HOWEVER, COLUMN DESIGN DOES NOT REQUIRE THEM.

SIDE ELEVATION



SECT. A-A
PROFILE AT CROSS BRACING



TRUSS TO COLUMN CONN.

DESIGN PARAMETERS:

PER 2003 INTERNATIONAL BUILDING CODE
WIND LOAD - BASED ON BASIC WIND SPEED, V = 115 mph AND
NO SIGNAGE CONSIDERED
OR
BASIC WIND SPEED, V = 90 mph AND
100% SIGNAGE CONSIDERED

UP TO TWO SATELLITE DISHES WITH NO MORE THAN
2750 IN² SURFACE AREA COMBINED AND ONE WEATHER
STATION WITH NO MORE THAN 14 IN² SURFACE AREA
MAY BE MOUNTED ON THE FIRST OR LAST TRUSS OF A
ROW WITHIN THE TWO PANELS NEAREST THE END OF
THE ROW.

DEAD LOADS

- 4 MECHANICAL UNITS (210 lbs. EA.)
- BUSWAY AND POPULATED CABLE TRAY 35 PLF
- IT PANEL - 200 lbs.
- SERVICE MODULE HOSES 4 @ 75 lbs EA.
- TRUSS SELF WEIGHT - 1850 lbs.

LIVE LOADS

- 40 PLF ALONG LENGTH OF TRUSS
- "BREAKAWAY" LOAD OF 1000 lbs. TENSION ON MODULE HOSE
DIRECTED IN A 45 DEGREE ANGLE- ONE PER TRUSS

STEEL FABRICATION

- STEEL FABRICATOR SHALL BE I.C.B.O. APPROVED
- ALL WELDS TO BE PERFORMED BY AN A.W.S. CERTIFIED WELDER.
- ALL WELDS TO BE E70XX U.N.O.
- ALL ANGLE TO BE ASTM A529 Gr. 50
- ALL TUBE STEEL TO BE ASTM A500 Gr. B
- ALL PLATE MATERIAL TO BE ASTM A36
- ALL BOLTS TO BE ASTM A325 OR SAE J429 Gr. 5

* ALL BOLTS TO USE THE AISC TURN-OF-THE-NUT METHOD.
T1 BOLTS USE 1/2" DIA. WASHER F436 GALV. & 1/2" DIAM NUT A563 GR. A HVY HEX GALV.
T2 BOLTS USE 3/8" DIA. WASHER GR. 5 GALV. & 3/8" DIAM NUT GR. 5 A HVY HEX GALV.
T3 BOLTS USE 1" DIA. WASHER F436 GALV. & 1" DIAM NUT A563 GR. A HVY HEX GALV.

OWNED:
Idleair
Sleep better. Save money.
2587 PRIMEWAY, SUITE 101
KNOXVILLE, TN 37918
PHONE: 865.232.1702
FAX: 865.232.1699
WWW.IDLEAR.COM
CONTACT:
CONSTRUCTION DEPARTMENT



ENGINEER:
ESJ
ILLINOIS

LOUIS J. CORTINA P.E.
SUITE 101
299 N. WEISGARBER ROAD
KNOXVILLE, TENNESSEE 37919

PHONE: 865.504.0099
FAX: 865.584.5213
COMB# 120119

**IDLEAR TRAVEL CENTER
ELECTRIFICATION PROJECT
LOCATION:
FLYING J TRAVEL CENTER**

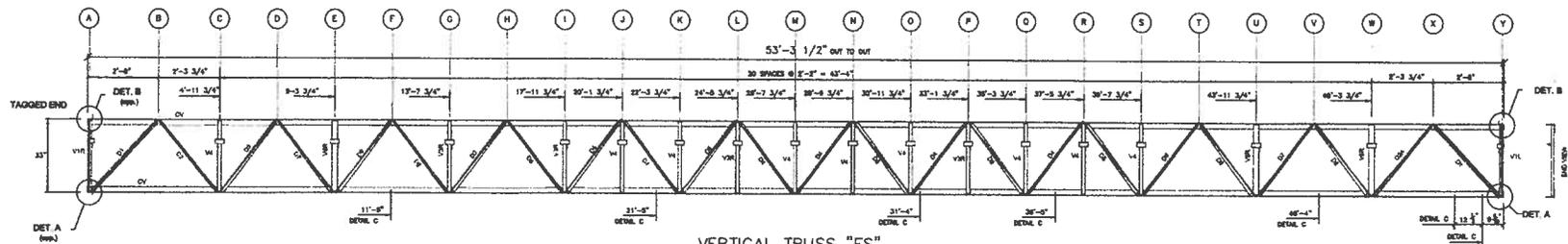
SITE ADDRESS:
7425 BONNIE VIEW ROAD
DALLAS, TEXAS
75241

REVISIONS	
A	INITIAL RELEASED 11-12-12
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-	-
-	-
-	-
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-	-
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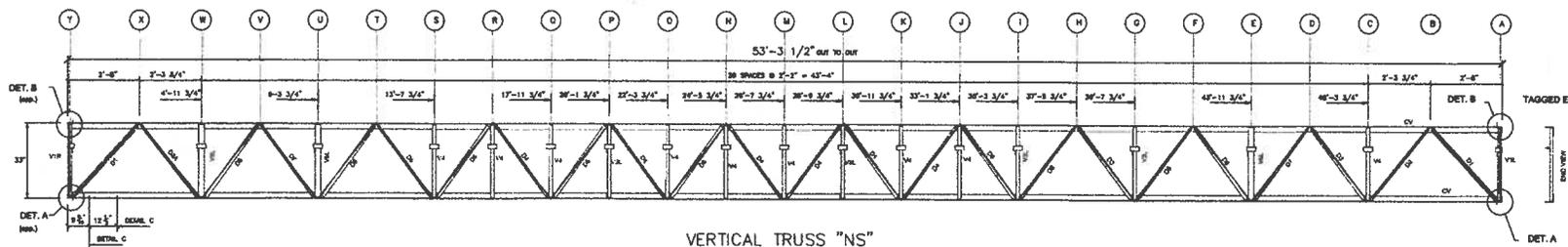
DATE: 2-10-12
DWG SIZE: 11x17
SHEET: 6 OF 6
CAD FILE SCALE: 1"=1'-0"
TRU

DATE: 2-10-12
DWG SIZE: 11x17
SHEET: 6 OF 6
CAD FILE SCALE: 1"=1'-0"
TRU

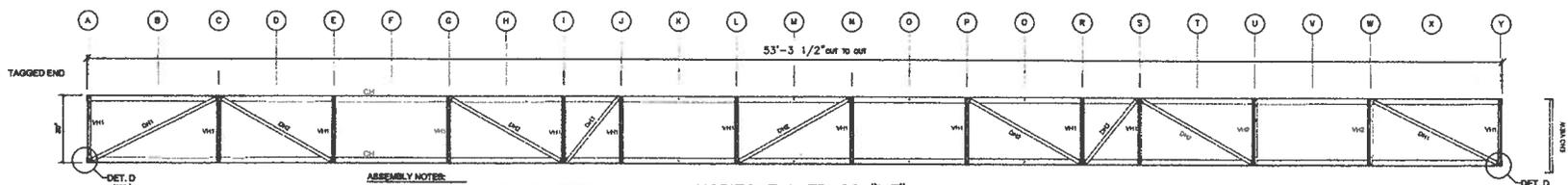
BDA112-111
Attach A
Pg 6



VERTICAL TRUSS "FS"



VERTICAL TRUSS "NS"



HORIZONTAL TRUSS "HT"

ASSEMBLY NOTES:
 TRUSS IS TO BE SHIPPED TO JOBSITE FULLY ASSEMBLED
 THIS TRUSS IS USED FOR BOTH 3 AND 4 SPACE APPLICATIONS
 FOR ASSEMBLY OF 3 SPACE TRUSS A SET OF DIAGONAL BRACING IS
 INSTALLED ASSEMBLED ON LINE 9 AND NOT ON LINE 1
 FOR ASSEMBLY OF 4 SPACE TRUSS A SET OF DIAGONAL BRACING IS
 INSTALLED ASSEMBLED ON LINE 1 AND NOT ON LINE 0

Mark	Qty	Description	Length	Unit Weight	Mark	Qty	Description	Length	Unit Weight	Mark	Qty	Description	Length	Unit Weight
CV	4	1/2" x 4" x 8.75"	57'-3 1/2"		WS	4	78 1/2" x 1/2"	2'-3 3/4"		CHG 2	2	1.7" x 8.5"	8'-0"	
D1	4	78 1/2" x 1/2"	2'-3 3/4"		WS	4	78 1/2" x 1/2"	2'-3 3/4"		CHG 0	2	1.7" x 8.5"	8'-0"	
D2	2	1" x 1/2"	2'-4 1/4"		VA	16	78 1/2" x 1/2"	2'-3 3/4"		CHG 1	26	1.7" x 8.5"	8'-0"	
D3A	2	1" x 1/2"	2'-3 3/4"		VA	3	78 2/2" x 1/2" x 2 1/2"	2'-3 3/4"		CHG J	26	PLATE 1/2" x 2"	8'-0"	
D3	4	78 1/2" x 1/2"	2'-3 3/4"		WS	2	78 2/2" x 1/2" x 2 1/2"	2'-3 3/4"						
D4	10	1" x 1/2"	2'-3 3/4"		CH	2	1.2" x 8.5"	57'-3 1/2"		TY	26	1/2" ANGLE BOLT BRUSH	1'-0"	
D5	16	78 1/2" x 1/2"	2'-3 3/4"		DH1	2	78 1/2" x 1/2"	8'-0"		TY	26	3/8" ANGLE BOLT BRUSH	1'-0"	
D6	6	1" x 1/2"	2'-3 3/4"		DH2	6	78 1/2" x 1/2"	8'-0"						
D7	4	1" x 1/2"	2'-3 3/4"		DH3	2	78 1/2" x 1/2"	2'-11 3/4"		TY	16	1.1" x 2.5" x 8.5" 1/2"	2'-11 3/4"	
D8	8	78 1/2" x 1/2"	2'-3 3/4"		WH	16	1.5" x 2.5" x 1/2"	2'-5 1/2"		TY	8	1.1" x 2.5" x 8.5" 1/2"	2'-5 1/2"	
V1	2	78 1/2" x 1/2"	2'-3 3/4"		WS	2	1.2" x 2.5"	2'-5 1/2"		NO	2	1.2" x 4" x 1/2"	2'-5 1/2"	
V1R	2	78 1/2" x 1/2"	2'-3 3/4"											

FABRICATION NOTES:
 SEE ACCOMPANYING SHEET F15 FOR DETAILS
 CHANNEL TRUSSES 7/8" AND 1/2" 1/4"
 NO CHANNEL FOR HORIZONTAL TRUSS
 ALL ANGLE TO BE ASTM A36 GR. 50
 ALL PLATE STEEL TO BE ASTM A572 GR. 50
 YIELD POINT THROUGHOUT ENTIRE PERIMETER OF PAYING SURFACES
 ALL WELDS TO BE 5/16" UNAD.
 ALL WELDS TO BE PERFORMED BY AN A.W.S. CERTIFIED WELDER.
 TO BE BRUSHED - APPLY NO PRIMER - ALL WELDS TO BE BEAD
 EDGES OF ALL MEMBERS TO BE WELDED WITH FLLET SAME THICKNESS AS MATERIAL.

OWNER:

 Idle Air
 Sleep better. Save money.
 2667 PRIMEWAY, SUITE 101
 KNOXVILLE, TN 37918
 PHONE: 865.232.1702
 FAX: 865.232.1000
 WWW.IDLEAIR.COM
 CONTACT:
 CONSTRUCTION DEPARTMENT



ENGINEER:

 ESJ
 ENGINEERING

LOUIS J. CORTINA P.E.
 SUITE 101
 280 N. WEISGARBER ROAD
 KNOXVILLE, TENNESSEE 37910
 PHONE: 865.584.0690
 FAX: 865.584.5213
 CELL# 120119

**IDLEAIR TRAVEL CENTER
 ELECTRIFICATION PROJECT
 LOCATION:
 FLYING J TRAVEL CENTER**

SITE ADDRESS:
 7425 BONNIE VIEW ROAD
 DALLAS, TEXAS
 75241

REVISIONS

NO.	DATE	DESCRIPTION
A	4-10-15	INITIAL RELEASE
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

DTR: RES
ENGR: BLM
DATE: 2-10-15
DWG SIZE: D
SHEET: 1 OF 1
CAD FILE: TX1003.F102
SCALE: NTS

November 1, 2012

Mr. Steve Long
Board of Adjustment
City of Dallas
1500 Marilla, Room 5BN
Dallas, Texas 75201

BDA 112-111
Attach B
Pg 1

RE: BDA 112-111, 8181 S. Lancaster

Dear Mr. Long:

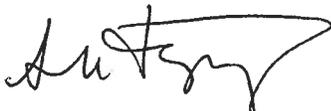
I have amended the previous notes that were labeled on our last site plan. Although the site plan indicated the location of new floor area and trusses, I did not label the trusses accordingly.

This exhibit shows the location for the new trusses highlighted in yellow.

In order to place these structures on the property, the owner will restripe the existing parking lot. The existing parking layout accommodates 140 commercial vehicles. Once the new structures are in place and the parking restriped, the parking layout will accommodate 105 commercial vehicles.

I would also like to point out that the revised floor plans for the new equipment room includes a 9' x 27' canopy.

Please feel free to contact our offices if you need any additional information regarding this request.



Santos T. Martinez
Authorized representative for
Idle Air

MASTERPLAN
900 Jackson Street, Suite 640
Dallas, Texas 75202

Phone: (214) 761-9197
Fax: (214) 748-7114
Web: masterplanconsultants.com

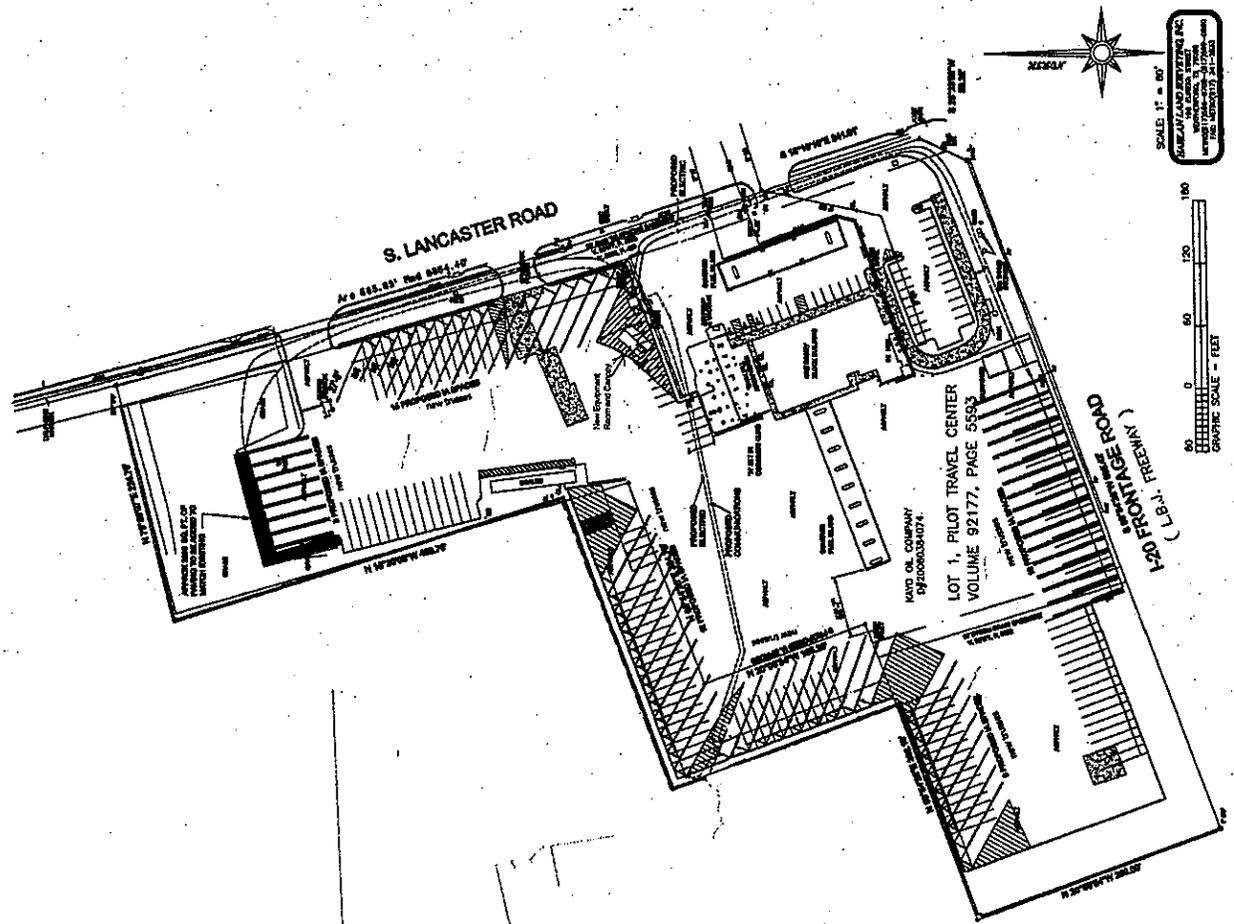
BDA 112-111
 Attach C

SITE ADDRESS:
 8105 S LANCASTER ROAD
 DALLAS, TX

DATE	NO.
10-18-83	1
DATE	NO.
10-18-83	1
DATE	NO.
10-18-83	1
DATE	NO.
10-18-83	1
DATE	NO.
10-18-83	1

DATE
 10-18-83
 SHEET
 1 OF 1
 SCALE
 1" = 40'
 DRAWN BY
 J. W. BROWN
 CHECKED BY
 J. W. BROWN
 DATE
 10-18-83
 PROJECT NO.
 BDA 112-111
 TYPED BY
 J. W. BROWN

CLEAR SITE
 TYPED





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-111

Data Relative to Subject Property:

Date: 9.26.12

Location address: 8181 S. Lancaster Zoning District: CS

Lot No.: 1 Block No.: A/7609 Acreage: 7.99 Census Tract: 167.01

Street Frontage (in Feet): 1) 807.21' 2) 685.42' 3) na 4) na 5) na

To the Honorable Board of Adjustment :

gnw 12

Owner of Property/or Principal: DFW Oil, Inc.

Applicant: Santos T. Martinez Telephone: _____

Mailing Address: 11551 FOREST CENTRAL DR Suite 230 Zip Code: 75243

Represented by: Masterplan Telephone: 214-761-9197

Mailing Address: 900 Jackson #640 Zip Code: 75202

Affirm that a request has been made for a Variance or Special Exception expansion of non-conforming commercial motor vehicle parking lot use.

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: Property was developed prior to the creation of a said use. The property owner seeks to install new equipment in its parking lot that will enable vehicles to park without idling their engines. The property owner seeks to expand this use by installing this equipment.

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: Santos T. Martinez Applicant's name printed *Santos T. Martinez* Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez 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.

Santos T. Martinez Affiant (Applicant's signature)

Subscribed and sworn to before me this 26 day of September, 2012

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 _____

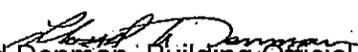
Chairman

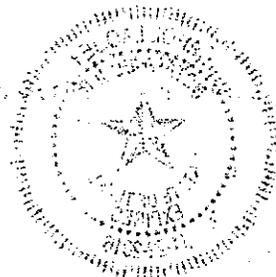
Building Official's Report

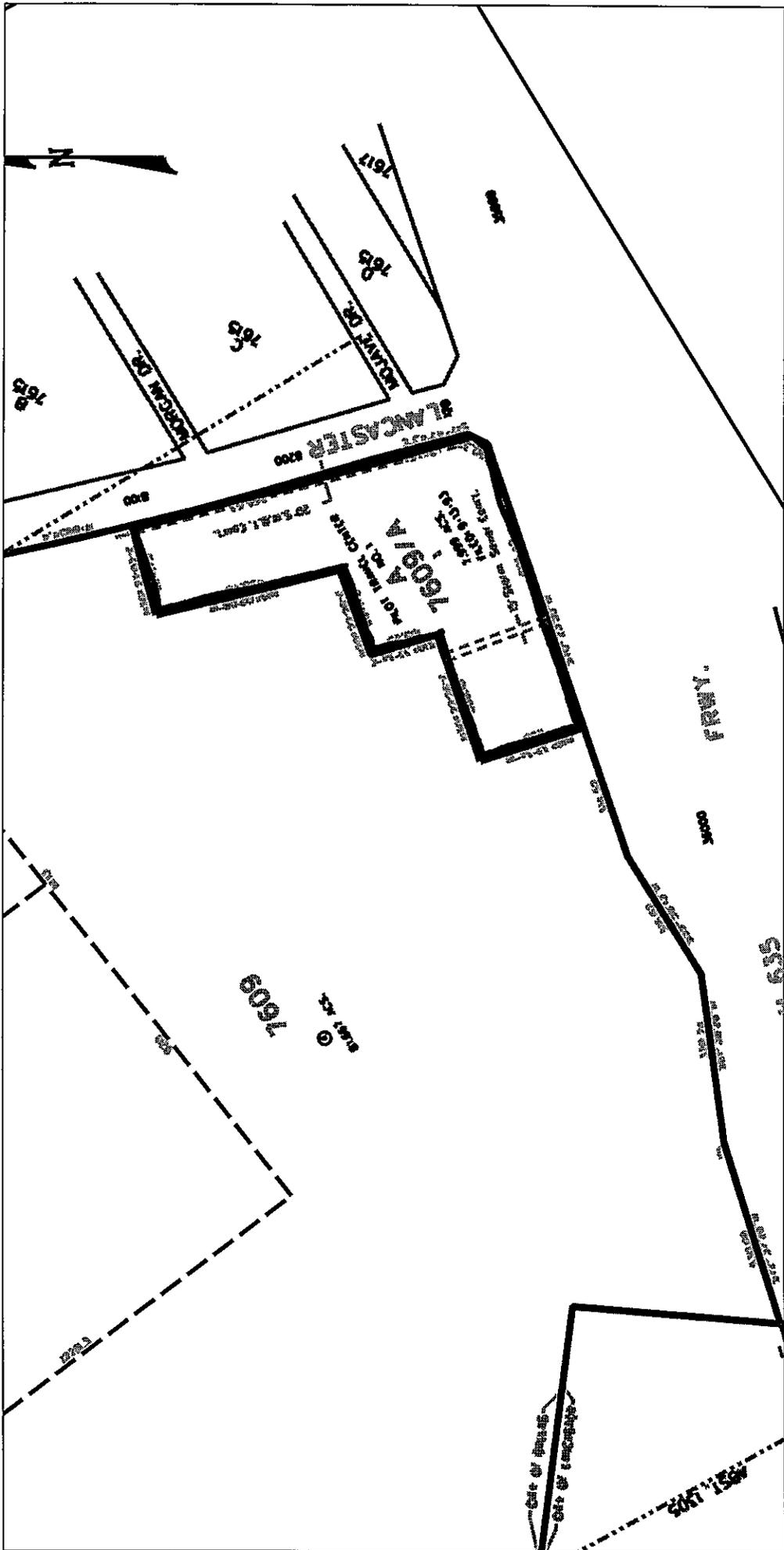
I hereby certify that Santos T. Martinez
represented by MASTERPLAN CONSULTANTS
did submit a request to enlarge a nonconforming use
at 8181 S. Lancaster Road

BDA112-111. Application of Santos T. Martinez of Masterplan Consultants to enlarge a nonconforming use at 8181 S. Lancaster Road. This property is more fully described as lot 1 in city block A/7609 and is zoned CS, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming commercial motor vehicle parking lot use, which will require a special exception to the nonconforming use regulation.

Sincerely,

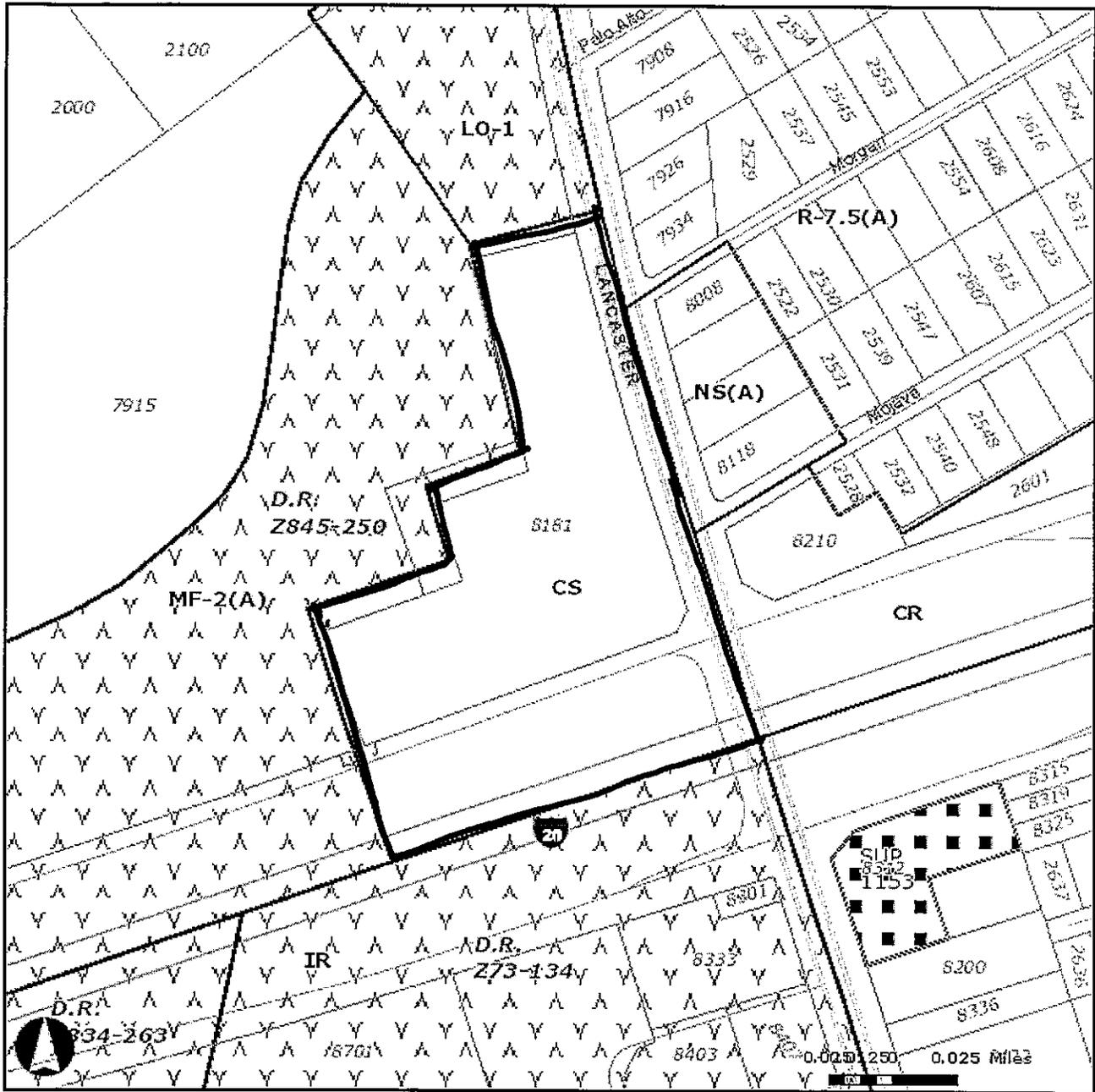

Lloyd Denman, Building Official





7M

City of Dallas Zoning



- | | | |
|-------------------|-----------------------|-------------------------|
| City Boundaries | Dry Overlay | Base Zoning |
| County | D | Floodplain |
| Certified Parcels | D-1 | 100 Flood Zone |
| DISD Sites | Historic Overlay | Mill's Creek |
| Council Districts | Historic Subdistricts | Peak's Branch |
| Waterways | NSO Overlay | X PROTECTED BY LEVEE |
| Parks | NSO Subdistricts | Pedestrian Overlay |
| | MD Overlay | CP |
| | | SP |
| | | Environmental Corridors |

MMX



City of Dallas

Zoning Board of Adjustment

Appeal for a special exception to enlarge a nonconforming use.

Sec. 51A-4.704. Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

Property address: 8181 S. Lancaster

1. The nonconforming use being appealed: commercial motor vehicle parking lot
(The use as stated on the current valid Certificate of Occupancy. Copy of C.O. attached)

2. Reason the use is classified as nonconforming: new use classification created by the city council in 2002 and requirement that all uses on the property must be listed as main uses created the nonconformity.
(i.e.: Was there a change in zoning of the property or in the use requirements. Be specific.)

3. Date that the nonconforming use became nonconforming: Oct 9, 2002
(Date the property zoning or use requirements changed.)

4. Current zoning of the property on which the use is located: CS

5. Previous zoning of the property on which the use is located: N/A - annexed
(Applies if a zoning district change caused the use to become nonconforming.)

(Rev. 07/11/12)



OWNER:
 SLEEP BETTER. SAVE MONEY.
 267 FRIEMAN WAY, SUITE 101
 KNOXVILLE, TN 37918
 PHONE: 615.221.1702
 FAX: 615.221.1699
 WWW.SLEEP.COM
 CONTRACTOR: CONSTRUCTION DEPARTMENT



ENGINEER:
LOUIS J. CORTINA, P.E.
 208 N. WELLSBORER ROAD
 KNOXVILLE, TENNESSEE 37919
 PHONE: 615.646.0988
 FAX: 615.584.5210
 CO#0447 120119

**BUILDING TRAVEL CENTER
 EQUIPMENT PROJECT
 LOCATION:**
 FLYING J TRAVEL CENTER

SITE ADDRESS:
 7425 Bonnie View Blvd
 Dallas, Texas 75241

REVISIONS:

A INITIAL RELEASE

DATE: 12.13.11
SCALE: 1/4" = 1'-0"
DRAWN BY: JLD
CHECKED BY: JLD
DATE FILED: 7/19/2012
SCALE: 1/4" = 1'-0"
SITE:

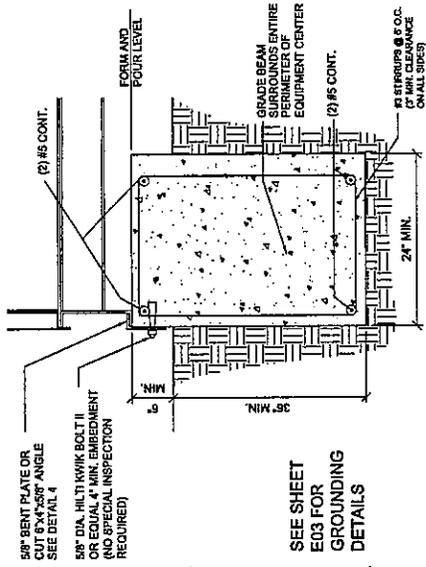
SP03

1/4" = 1'-0" SCALE

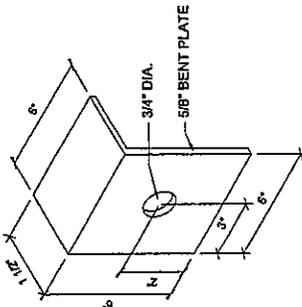
DESIGN LOAD TABLE	
WIND SPEED	30 MPH (30 MIN. WIND)
IMPORTANCE FACTOR	1.0
WIND EXPOSURE	C
INTERNAL PRESSURE COEFFICIENT	0.18
COMPONENT AND CLADDING PRESSURE	26.31 PSF
DESK LOADS:	
FLAT ROOF SNOW LOAD	1.0
SNOW EXPOSURE FACTOR C_e	1.0
IMPORTANCE FACTOR	1.0
THERMAL FACTOR	1.0
ROOF LIVE LOAD	20 PSF (SLOPED ROOF)
ALLOWABLE SOIL BEARING PRESSURE	2,000 PSF (ASSUMED)
EQUIPMENT CENTER WEIGHT	18,100
SEISMIC DATA:	
SEISMIC USE GROUP	I
S44	0.175
S41	0.08
S42	0.08
S43	0.08
S44	0.08
SITE DESIGN CATEGORY	
BASIC SEISMIC FORCE RESISTING SYSTEM:	
LIGHT FRAMED WALLS WITH SHEAR PANELS	
R4-4	
EQUIVALENT LATERAL FORCE PROCEDURE	
0.2066 KIPS	

CONCRETE
 (1) CONCRETE SHALL DEVELOP A 28-DAY COMPRESSIVE STRESS (F_c) OF AT LEAST 4,000 PSI AND SHALL BE IN ACCORDANCE WITH ACI 301. 4,000 PSI IS FOR DURABILITY. 2800 PSI IS REQUIRED FOR DESIGN (FOR 28-DAY STRENGTH).
 (2) CONCRETE SHALL BE PLACED AND CURED IN ACCORDANCE WITH ACI 117. FINISH TOLERANCE SHALL BE IN ACCORDANCE WITH ACI 117.
 (3) TESTING SHALL BE THE SOLE RESPONSIBILITY OF THE BUILDER, AND ANY SUBSTANDARD STRENGTHS SHALL BE REPORTED TO IDEALRE AND CONSIDERED AS ANY NATURE, INCLUDING FLY ASH, SHALL BE INTRODUCED INTO THE CONCRETE WITHOUT THE SPECIFIC WRITTEN AUTHORIZATION OF THE DESIGN ENGINEER. WHILE SOME SHRINKAGE CRACKING IS TO BE EXPECTED IN THE CONCRETE, IT HAS BEEN TAKEN INTO CONSIDERATION IN THE DESIGN AND CONSTRUCTION PROCEDURES AND PROPER CONTROL OF ADMIXTURES.
 (4) ALL REINFORCING STEEL - ASTM A615, GRADE 60.
 (5) CONCRETE ANCHORS SHALL BE MOLLY PANDA BOLT, HILTI TYPE, UNLESS OTHERWISE SPECIFIED, APPROVED EQUAL.
 (6) PROVIDE SMOOTH TROWEL FINISH.

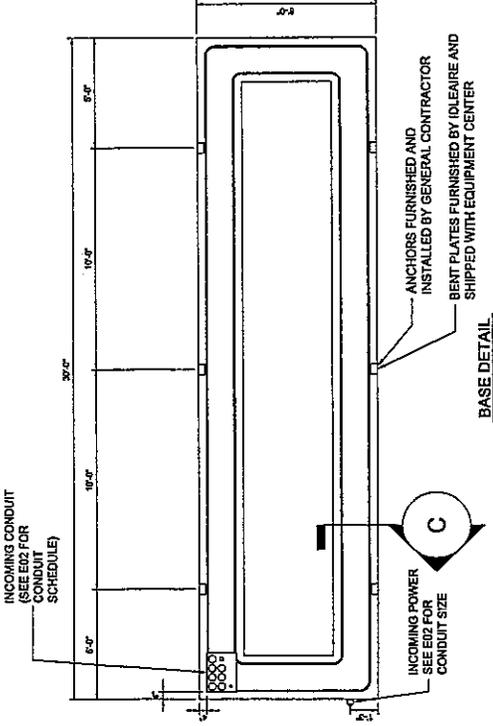
GENERAL NOTES
 (1) CONTRACTOR RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION IN REGARDS TO JOBSITE SAFETY.



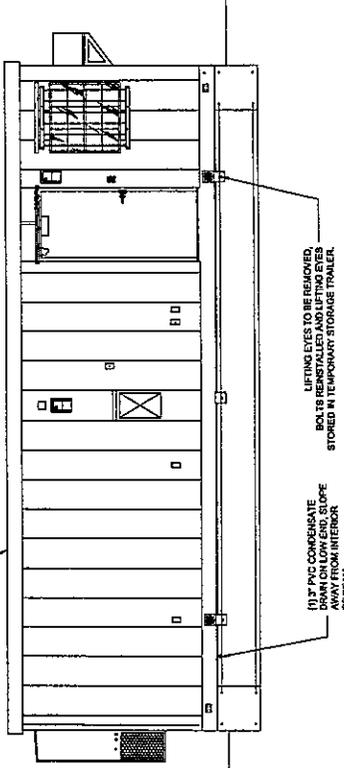
C SECTION
 SP03 NO SCALE



D CLIP DETAIL
 SP03 NO SCALE



A PLAN
 SP03 NO SCALE



B ELEVATION
 SP03 NO SCALE

CONFIGURATION B

THESE PLANS HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF DALLAS CONSTRUCTION CODES. ALL WORK PERFORMED IN CONJUNCTION WITH THESE PLANS IS SUBJECT TO FIELD INSPECTOR'S APPROVAL.

OWNER:
ES&E
 Save money.
 2807 PRINCEWAY, SUITE 101
 KNOXVILLE, TN 37918
 PHONE: 615.232.1702
 FAX: 615.232.1699
 WWW.ES&E.COM
 CONSTRUCTION DEPARTMENT



ENGINEER:
ES&E
 ENGINEERING & SURVEYING

LOUIS J. CORTINA P.E.
 SUITE 101
 2807 PRINCEWAY ROAD
 KNOXVILLE, TENNESSEE 37918
 PHONE: 615.232.1702
 FAX: 615.232.1699
 CELL: 615.232.1702

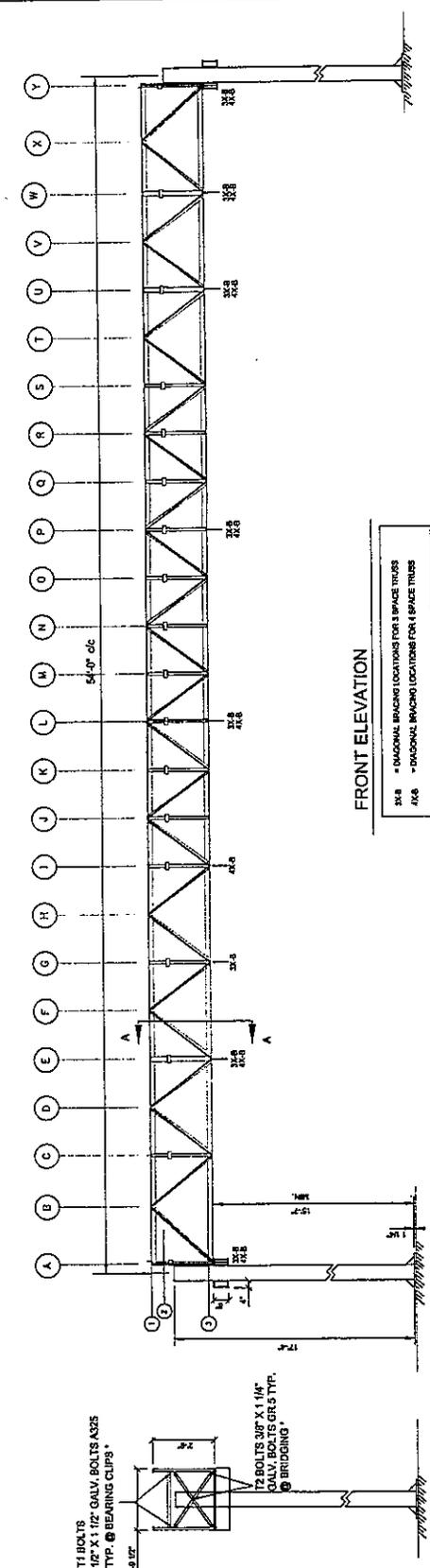
**DELEARN TRAVEL CENTER
 ELECTRIFICATION PROJECT**
 FLYING J TRAVEL CENTER

BSITE ADDRESS:
 7426 BONNIE VIEW ROAD
 DALLAS, TEXAS
 75241

REVISIONS

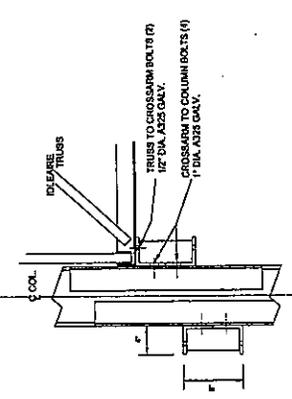
NO.	DATE	DESCRIPTION
1	2-18-12	INITIAL RELEASE

DATE: 2-18-12
SCALE: 1/8" = 1'-0"
PROJECT NO.: TX19031781
TRUSS ELEVATION: 3.1.4 DAY
DRWING NO.: F01
SCALE: 1/8" = 1'-0"
DATE: 2-18-12

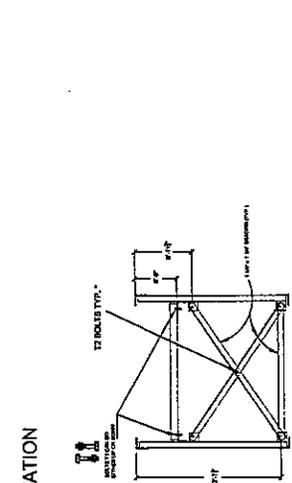


FRONT ELEVATION

3x8 = DIAGONAL BRACING LOCATIONS FOR 3 SPACE TRUSS
 4x8 = DIAGONAL BRACING LOCATIONS FOR 4 SPACE TRUSS

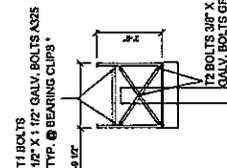


TRUSS TO COLUMN CONN.



**SECT. A-A
 PROFILE AT CROSS BRACING**

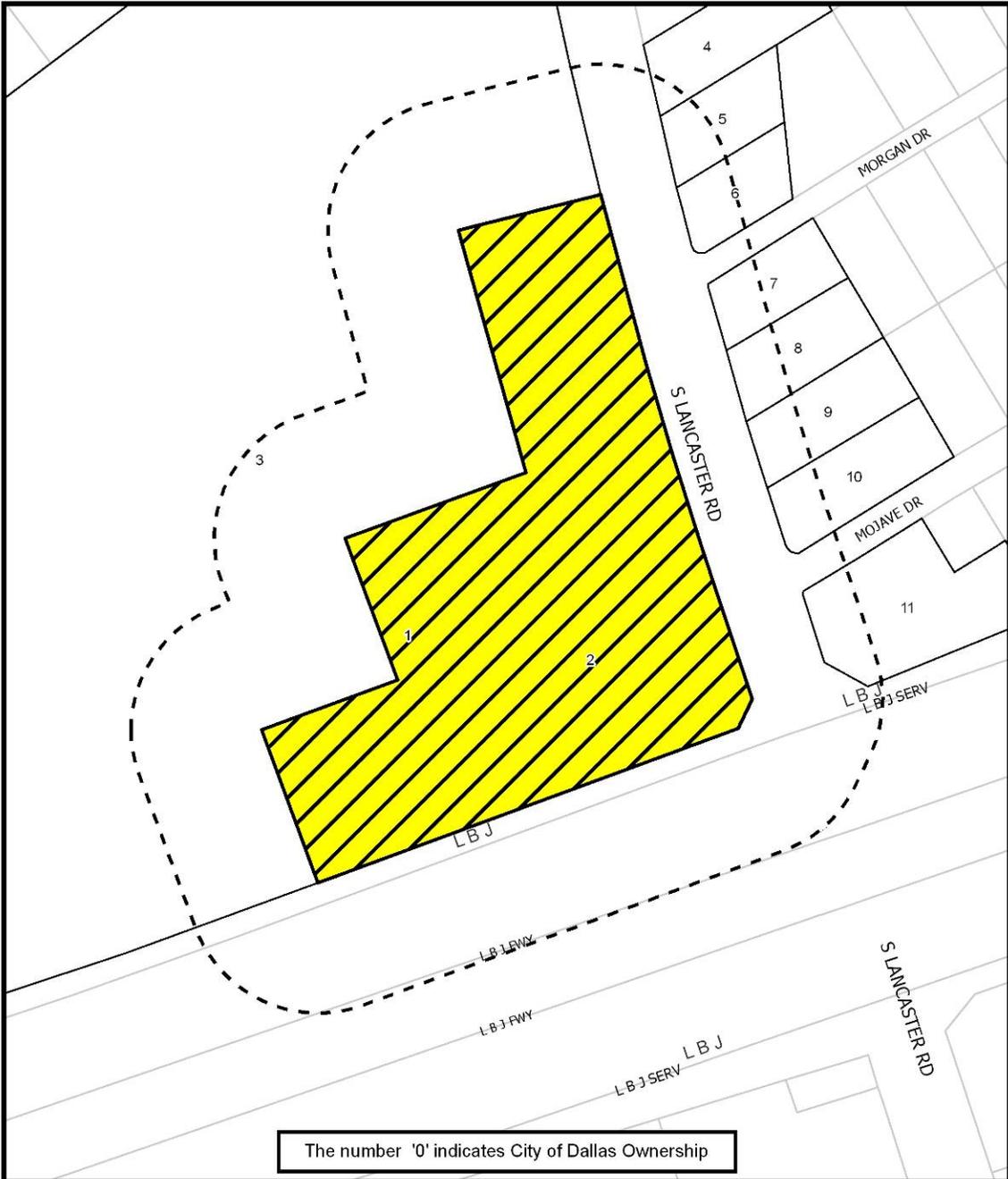
SIDE ELEVATION



TO PROTECT COLUMN FROM DAMAGE, CONCRETE BOLLARD MAY BE REQUIRED.
 HOWEVER, COLUMN DESIGN DOES NOT REQUIRE THEM.

T1 BOLTS USE THE AISC TURN-OF-THE-NUT METHOD.
 T2 BOLTS USE 3/8\"/>

THESE PLANS HAVE NOT BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF DALLAS CONSTRUCTION CODES. ALL WORK PERFORMED IN CONJUNCTION WITH THESE PLANS IS SUBJECT TO FIELD INSPECTOR'S APPROVAL.



 1:2,400	NOTIFICATION		Case no: BDA112-111
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/25/2012	

Notification List of Property Owners

BDA112-111

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7915 LANCASTER RD	ALL SAINTS INC
2	8181 LANCASTER RD	DFW OIL INC STE 230
3	7915 LANCASTER RD	SUN NLF LIMITED PS SUITE 135
4	7916 LANCASTER RD	RODRIGUEZ JOEL & EVA
5	7926 LANCASTER RD	CLEMMONS ANNIE
6	7934 LANCASTER RD	CLEMONS BEULAH V
7	8008 LANCASTER RD	WASHINGTON STANFORD L & GLADYS L
8	8018 LANCASTER RD	A TASTE OF TX USA INC DBA BIG BRUCES BAR
9	8108 LANCASTER RD	MEDINA BILLY &
10	8118 LANCASTER RD	MEDINA BILLY&
11	8210 LANCASTER RD	DFW CONVENIENCE STORES LP %GUY FRENCH

FILE NUMBER: BDA 112-113

BUILDING OFFICIAL'S REPORT:

Application of Rob Baldwin for a special exception to the single family zoning use regulations at 4651 Chapel Hill Road. This property is more fully described as Lot 11 in City Block D/4405 and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 4651 Chapel Hill Road

APPLICANT: Rob Baldwin

REQUEST:

A request for a special exception to the single family use development standard regulations is requested in conjunction with replacing an existing one-story garage/storage building on the site with an additional dwelling unit structure (a one-story, detached "pool cabana" structure) on a site currently developed with a one-story dwelling unit/single family home structure.

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

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

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

STAFF RECOMMENDATION:

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

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

Zoning:

Site: R-1ac(A) (Single family district 1 acre)
North: R-1ac(A) (Single family district 1 acre)
South: R-1ac(A) (Single family district 1 acre)
East: R-1ac(A) (Single family district 1 acre)
West: R-1/2ac(A) (Single family district 1/2 acre)

Land Use:

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

Zoning/BDA History:

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

Timeline:

September 27, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 10, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 10, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 23, 2012: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

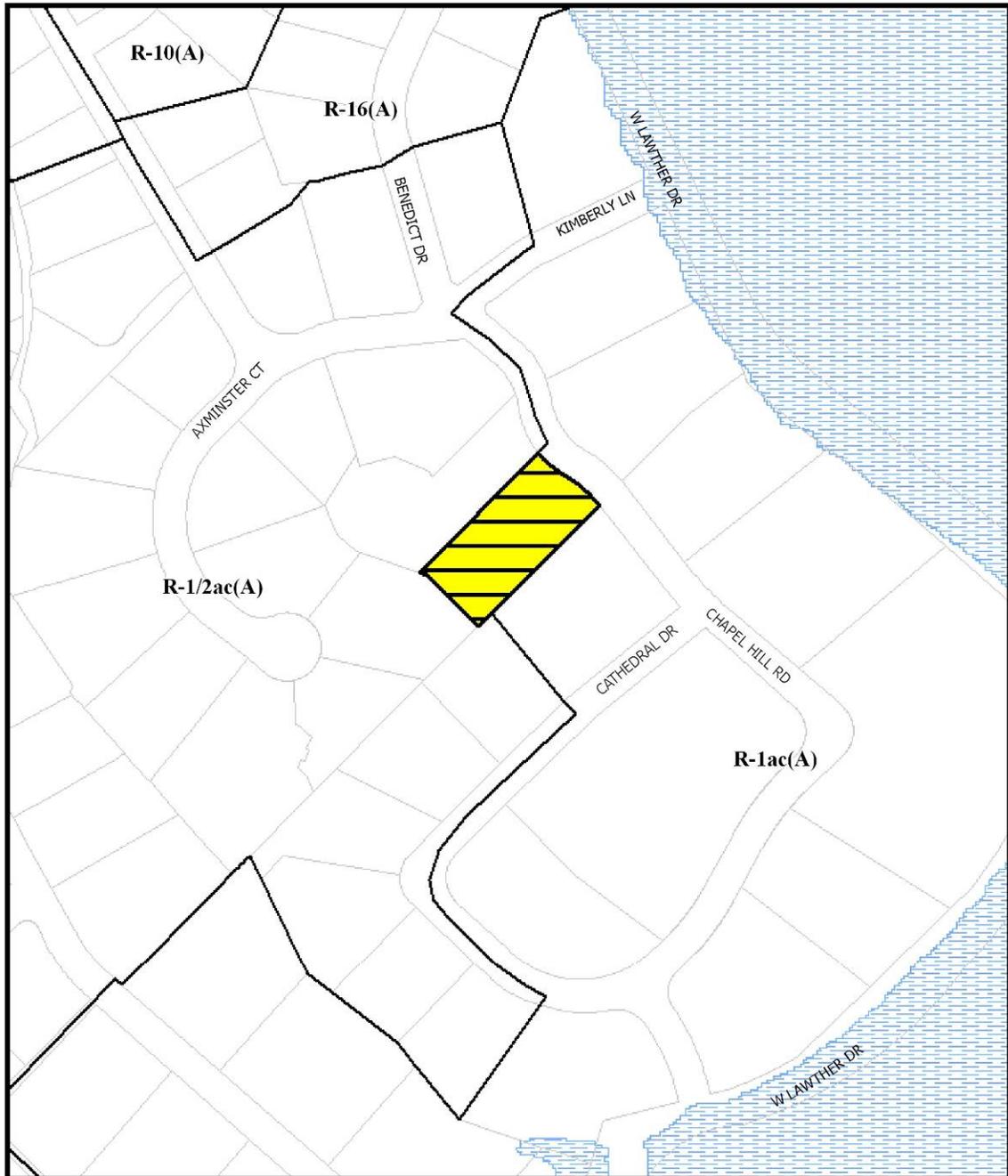
October 30, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on replacing an existing one-story garage/storage building with an additional dwelling unit structure (a one-story, detached “pool cabana” structure) on a site currently developed with a one-story dwelling unit/single family home structure. (The submitted site plan represents that the new dwelling unit/cabana structure is of virtually the same size and in the same location as the existing garage/storage building on the site that the applicant intends to demolish).
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The site is zoned R-1ac(A) (Single Family District 1 acre) where the Dallas Development Code permits one dwelling unit per lot.
- A site plan has been submitted denoting the locations of the two building footprints, the larger of the two being the existing dwelling unit on the site and the smaller being the additional dwelling unit. The site plan represents the sizes and locations of the two building footprints relative to the entire lot/property.
- An elevation has been submitted of the second/additional dwelling unit/ “pool cabana” structure denoting a one-story structure that is approximately 15’ in height.
- A floor plan has been submitted of the second/additional dwelling unit/ “pool cabana” structure denoting the rooms/spaces that appear to be a kitchen, a bathroom, and two other unlabeled rooms.
- DCAD records indicate that the property at 4651 Chapel Hill Road has the following improvements:
 - “main improvement:” a structure built in 1965 with 4,399 square feet of living area; and

- "additional improvement:" 290 square foot detached garage, 232 square foot cabana, and pool.
- Building Inspection staff has reviewed the submitted floor plan of the proposed pool cabana" structure and deemed it a "dwelling unit" - that is per Code definition: "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."
- This request appears to center on the function of what is proposed to be located inside the proposed "pool cabana" structure. If the board were to deny this request, it appears that this structure could be constructed and maintained with merely modifications to the function/use inside it (or to the floor plan) since the proposed structure appears (and is represented by the applicant's representative) to comply with the applicable zoning code development standards (i.e. no application has been made for variance to setbacks or any other zoning code provision). The applicant has written that if the kitchen of the proposed structure was removed, it would not be considered a dwelling unit, and the structure then could be built by right as shown on the submitted site plan; and that once a kitchen is added, the city considers the structure a dwelling unit and a Board of Adjustment hearing is required.
- As of November 5, 2012, no letters had been submitted to staff in support or in opposition to the application.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve the request for a special exception to the single family regulations, the Board may want to impose a condition that the applicant comply with the submitted site plan, floor plan, and/or elevation to ensure that the special exception will not adversely affect neighboring properties. Note that granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including but not limited to setback and coverage requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.



1:2,400

ZONING MAP

Case no: BDA112-113

Date: 10/25/2012



1:2,400

AERIAL MAP

Case no: **BDA112-113**

Date: **10/25/2012**

BDA 112-113

Attach A

Pg 1

Long, Steve

From: Robert Baldwin [rob@baldwinplanning.com]
Sent: Tuesday, October 23, 2012 11:55 AM
To: Long, Steve
Subject: Re: BDA 112-113, Property at 4651 Chapel Hill Road

Steve,

Thank you for your email. You are correct that if we remove the kitchen of the proposed structure it would not be considered a dwelling unit and we could build it by right on the property as shown on the site plan. Once a kitchen is added, the city considers the structure a dwelling unit and a Board of Adjustment hearing is required.

Thanks for your help. Please do not hesitate to contact me if I can be of any assistance.

Rob

Rob Baldwin

Baldwin Associates LLC
 214.729-7949 (cell)
 Rob@baldwinplanning.com

From: Steve Long <steve.long@dallascityhall.com>
Date: Tuesday, October 23, 2012 9:21 AM
To: Robert Baldwin <rob@baldwinplanning.com>
Subject: FW: BDA 112-113, Property at 4651 Chapel Hill Road

Dear Rob,

Can you represent to the board that if your special exception request is denied, that the structure could be constructed and maintained with merely modifications to the function/use inside it (or to the floor plan) since the proposed structure as it is represented on your submitted site plan complies with all other applicable zoning code development standards other than the single family use provisions in Chapter 51A?

Steve

From: Long, Steve
Sent: Wednesday, October 10, 2012 2:05 PM
To: 'Robert Baldwin'
Cc: Duerksen, Todd
Subject: BDA 112-113, Property at 4651 Chapel Hill Road

Dear Rob,

Here is information regarding your application to the board of adjustment at the address referenced above, most of which I believe you are aware of given your experience with the board:

1. Your submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your November 13th public hearing.
2. The single family use provisions from the Dallas Development Code that provides: a) the regulation from which you are seeking special exception from (51A-4.209(6)(A)); b) the standard as to how the board is able to grant a special exception to this regulations (51A-4.209(6)(E)(v)); and c) the accessory structure

BDA 112-113

Attach A

pg 2

provisions (51A-4.209(6)(vii)).

- 3. A sample deed restriction template that you would be required to submit after your public hearing if your request is granted by the board.
- 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.

Would you be able to represent to the board that if your special exception request were denied, that the structure could be constructed and maintained with merely modifications to the function/use inside it (or to the floor plan) since the proposed structure as it is represented on your submitted site plan complies with all other applicable zoning code development standards other than the single family use provisions in Chapter 51A since no application has been made for variance to setbacks or any other zoning code provision?

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 this application.

Thanks,

Steve

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

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: 112-113

Date: 9-27-12

Data Relative to Subject Property:

Location address: 4651 Chapel Hill Road Zoning District: R-1ac(A)

Lot No.: 11 Block No.: D/4405 Acreage: 32,859 sq. ft. Census Tract: 80

Frontage (in Feet): 1) 124.07 ft 2) 3) 4) 5)

To the Honorable Board of Adjustment :

SE SB

Owner of Property/or Principal: Steve and Leslie Irwin

Applicant: Robert Baldwin Telephone: 214.824.7949

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

Represented By: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street - Suite B Zip Code: 75226

Affirm that a request has been made for a Variance __, or Special Exception _X, of To allow for a second dwelling unit on the property.

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: The applicant is seeking permission to construct an accessory dwelling unit on the property. The second dwelling unit will not be used as rental accomodations.

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.

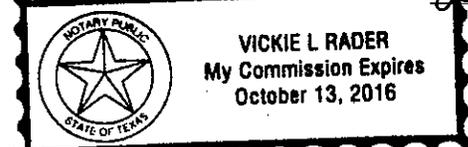
Respectfully submitted: Robert Baldwin Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin 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.

Affiant (Applicant's signature)

Subscribed and sworn to before me this 26th day of September, 2012



[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

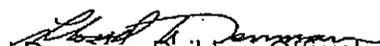
I hereby certify that ROB BALDWIN

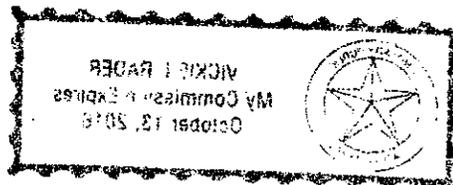
did submit a request for a special exception to the single family regulations

at 4651 Chapel Hill Road

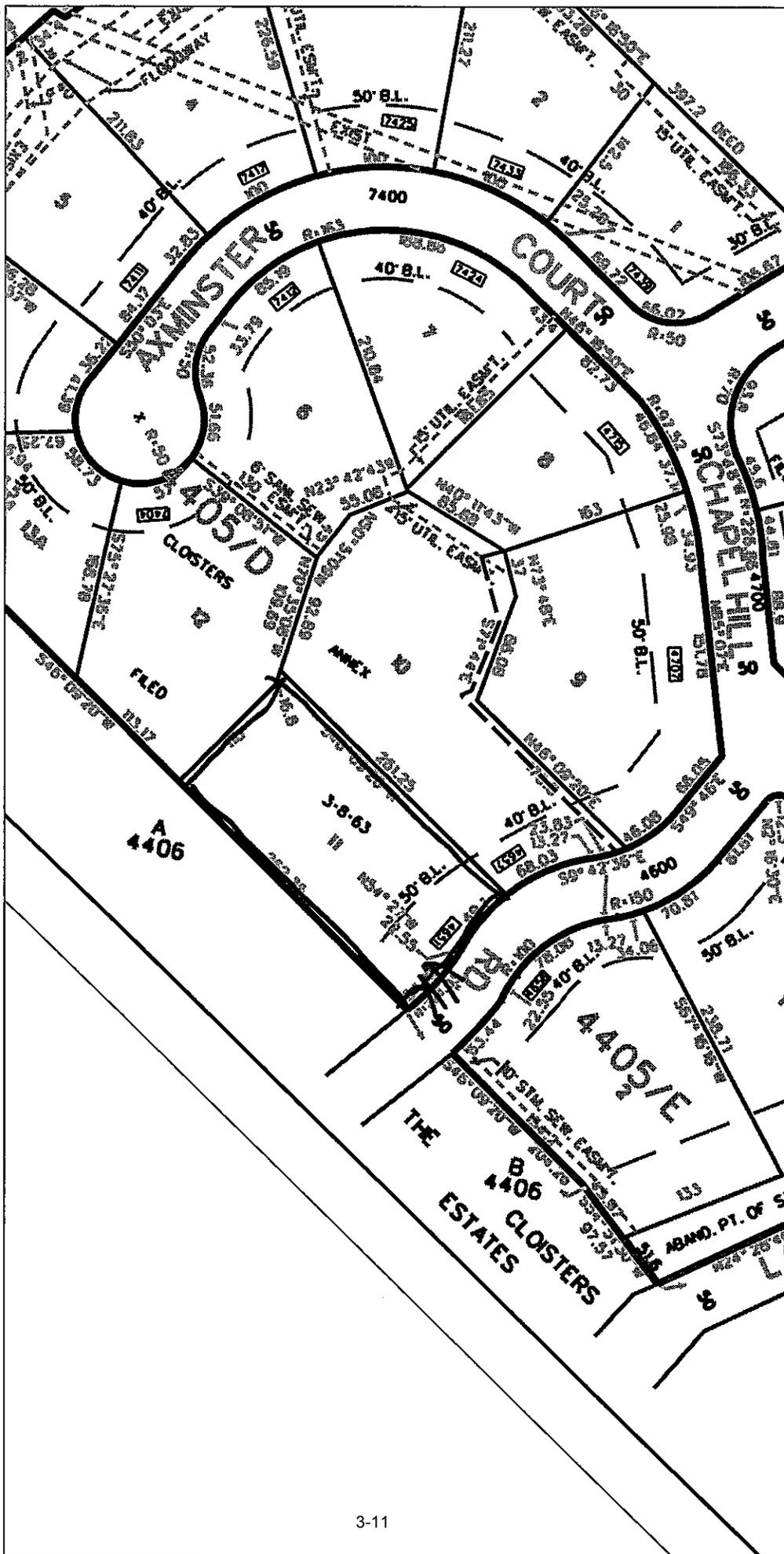
BDA112-113. Application of Rob Baldwin for a special exception to the single family regulations at 4651 Chapel Hill Road. This property is more fully described as lot 11 in city block D/4405 and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

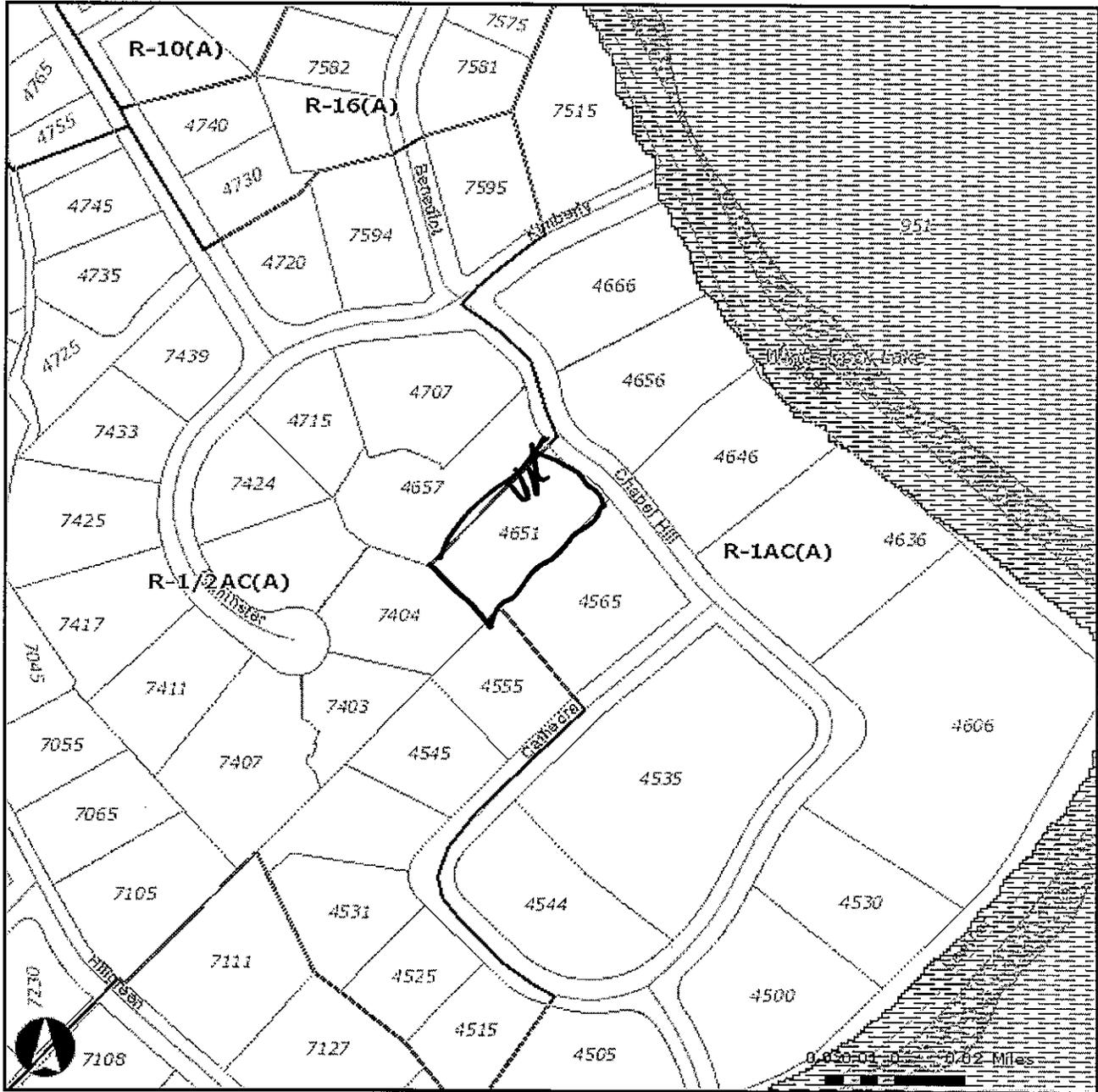

Lloyd Denman, Building Official



C:\tax_plats\4405.dgn 9/27/2012 3:02:36 PM

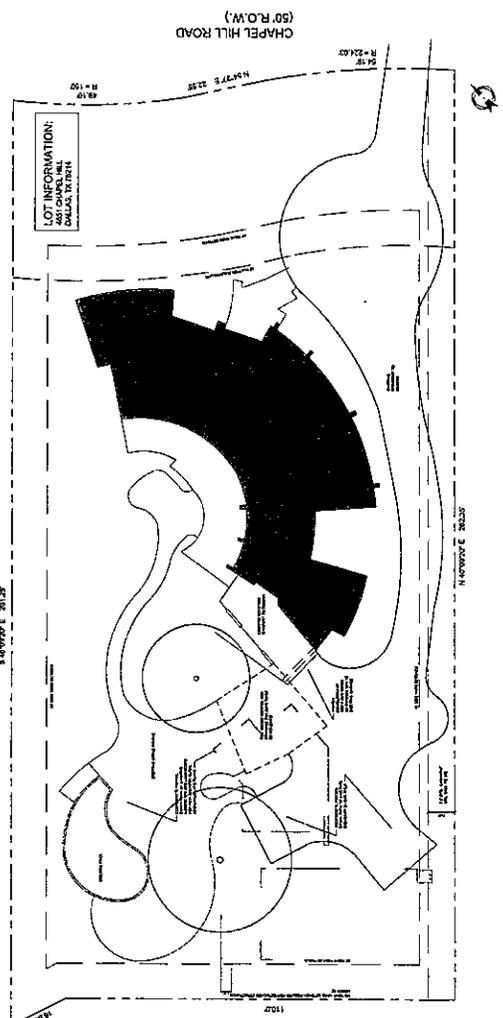
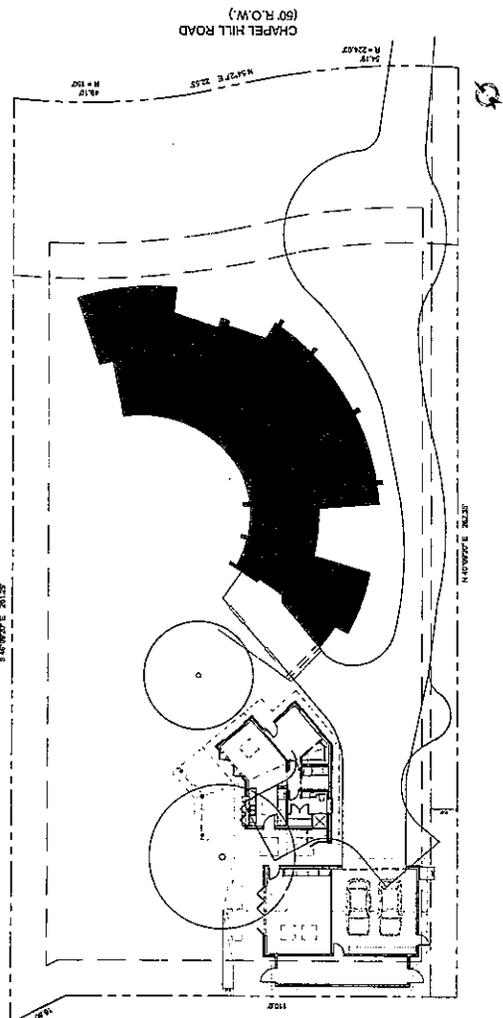
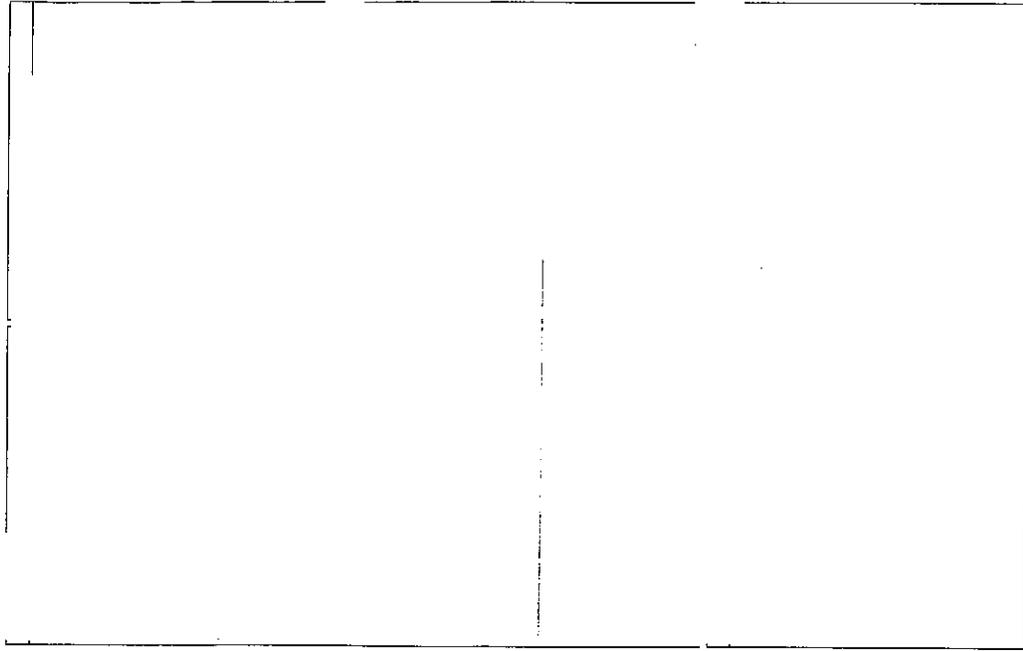


City of Dallas Zoning



- | | | |
|--|--|---|
| <p>City Boundaries</p> <p><input type="checkbox"/> City</p> <p><input type="checkbox"/> County</p> <p><input type="checkbox"/> Certified Parcels</p> <p><input type="checkbox"/> DISD Sites</p> <p><input type="checkbox"/> Council Districts</p> <p><input type="checkbox"/> Waterways</p> <p><input type="checkbox"/> Parks</p> | <p>Dry Overlay</p> <p><input type="checkbox"/> D</p> <p><input type="checkbox"/> D-1</p> <p>Historic Overlay</p> <p><input type="checkbox"/> Historic Subdistricts</p> <p>NSO Overlay</p> <p><input type="checkbox"/> NSO Subdistricts</p> <p><input type="checkbox"/> MD Overlay</p> | <p>Base Zoning</p> <p><input type="checkbox"/> Floodplain</p> <p><input type="checkbox"/> 100 Flood Zone</p> <p><input type="checkbox"/> Mill's Creek</p> <p><input type="checkbox"/> Peak's Branch</p> <p><input checked="" type="checkbox"/> X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> <p><input type="checkbox"/> CP</p> <p><input type="checkbox"/> SP</p> <p>Environmental Corridors</p> |
|--|--|---|

IRWIN GARAGE & POOL HOUSE
 4651 CHAPEL HILL
 DALLAS, TEXAS 75214



JOE BLAND, AIA, BS-C
Architect
12121 FIVE LAKES DRIVE
DALLAS, TEXAS 75244
PHONE: 972.382.1111

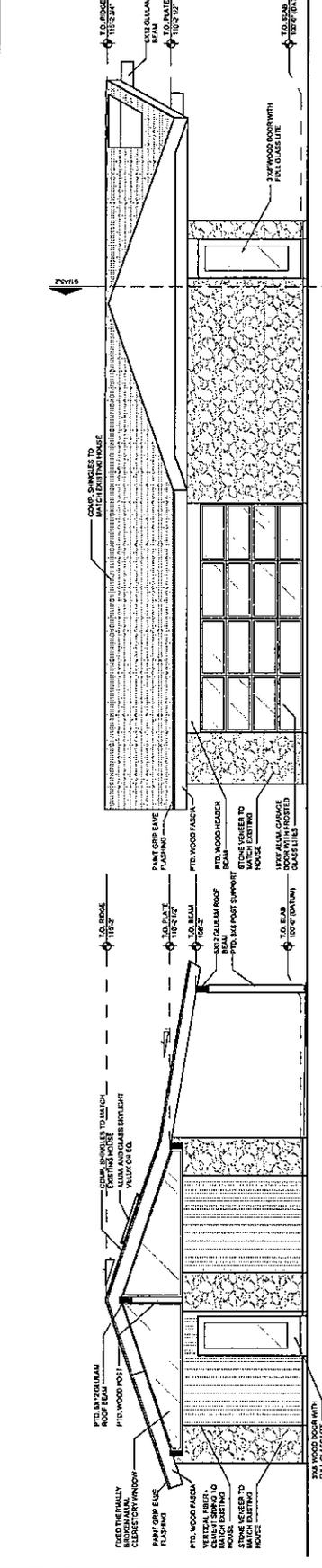
ALL DRAWINGS ARE THE PROPERTY OF JOE BLAND ARCHITECTS. NO PART OF THESE DRAWINGS ARE TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF JOE BLAND ARCHITECTS. THESE DRAWINGS ARE INCOMPLETE AND ARE NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

1 12/27/2017
2 01/21/18

IRWIN GARAGE & POOL CABANA
4651 CHAPEL HILL
DALLAS, TEXAS 75214

EXTERIOR ELEVATIONS

A4.1

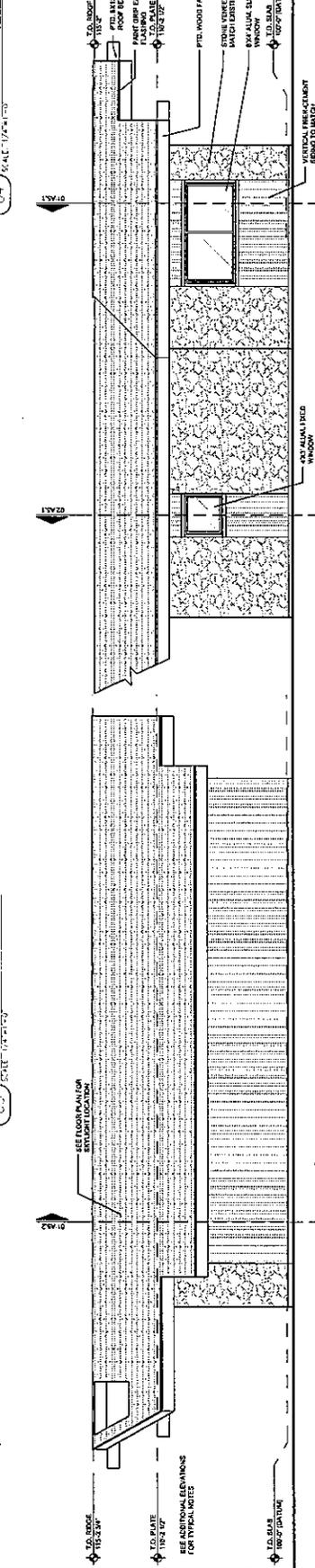


01 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

02 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

03 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

04 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

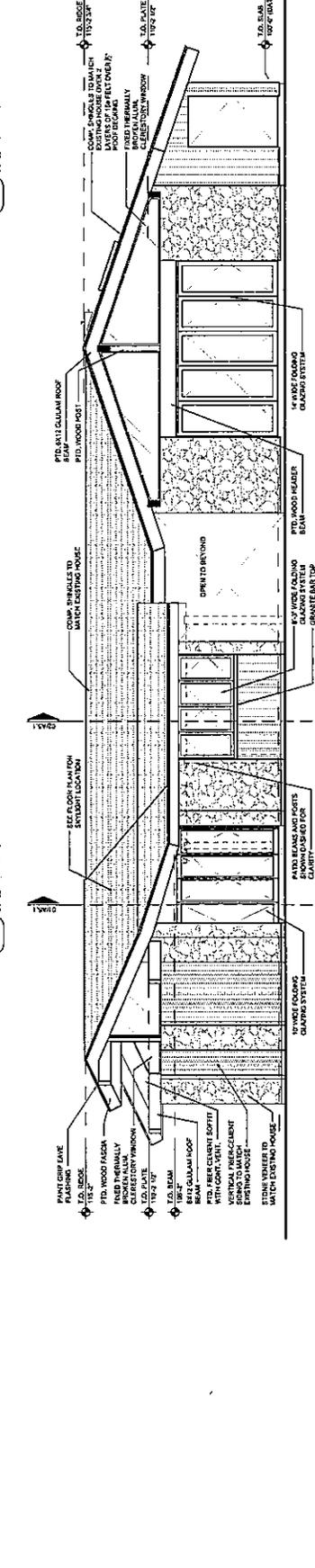


05 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

06 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

07 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

08 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



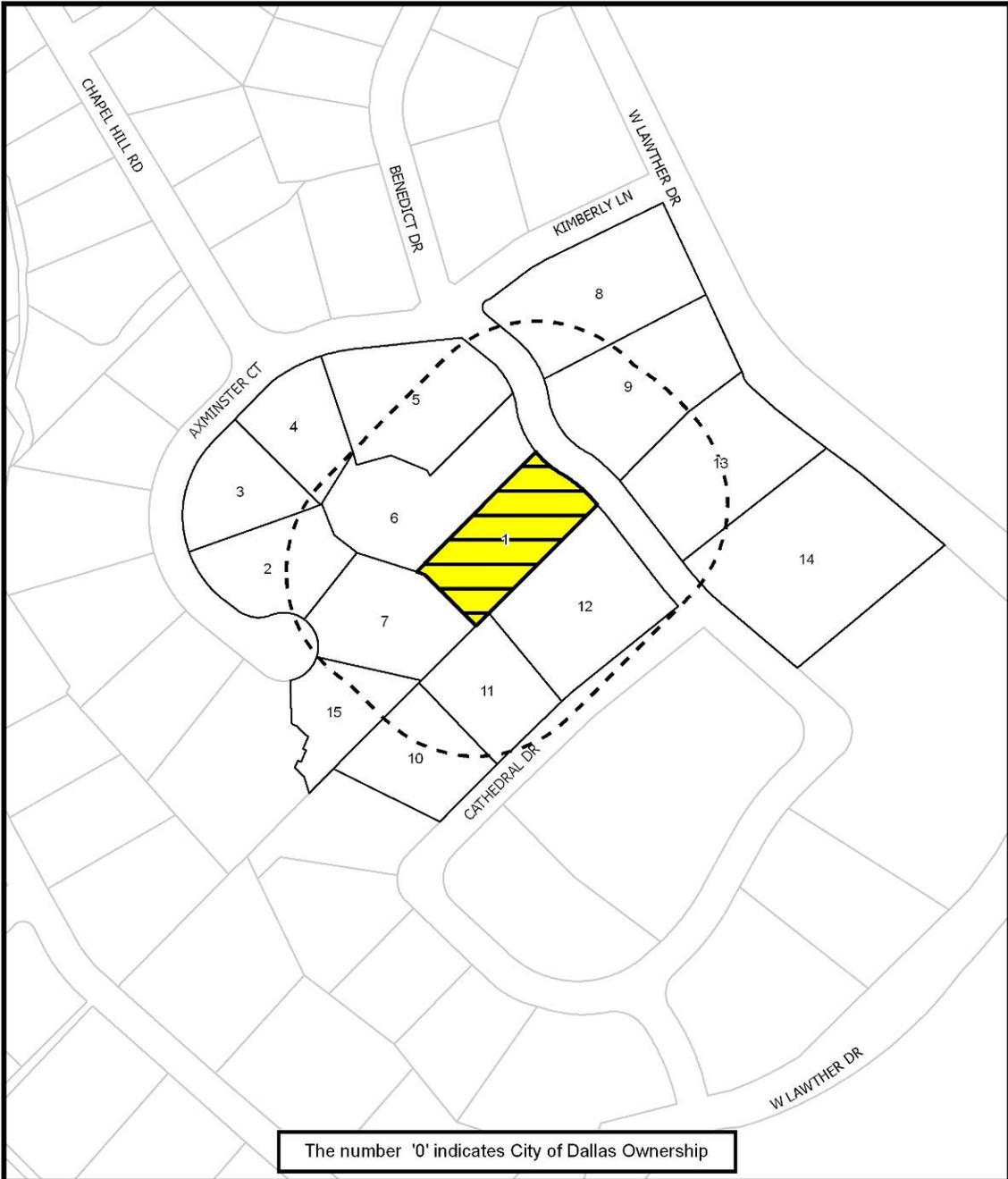
09 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

10 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

11 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

12 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

THESE DRAWINGS ARE INCOMPLETE AND ARE NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.



 1:2,400	NOTIFICATION		Case no: BDA112-113
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">15</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/25/2012	

Notification List of Property Owners

BDA112-113

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4651 CHAPEL HILL RD	IRWIN STEVE & LESLIE
2	7412 AXMINSTER CT	MUSCATO STEPHEN JOSEPH
3	7424 AXMINSTER CT	NIKULA MICHAEL &
4	4715 CHAPEL HILL RD	SKRABANEK HENRY J & ELAINE A
5	4707 CHAPEL HILL RD	ALLEN ELGIN B JR & RACHEL ALLEN
6	4657 CHAPEL HILL RD	SESSIONS JUANITA DIAZ
7	7404 AXMINSTER CT	BRADY JACK E
8	4666 CHAPEL HILL RD	JONES ELLWOOD
9	4656 CHAPEL HILL RD	FRANK GAIL
10	4545 CATHEDRAL DR	MCCOMBS ERNEST L JR
11	4555 CATHEDRAL DR	HEADY VAUGHN
12	4565 CATHEDRAL DR	FRANK PATRICIA GAIL
13	4646 CHAPEL HILL RD	GILL ANTHONY C & BARBARA M
14	4636 CHAPEL HILL RD	J SCOTT AND ILENE FOWLER INHERITORS TRUS
15	7403 AXMINSTER CT	SECKER FRED A JR & MICHELE

FILE NUMBER: BDA 112-116

BUILDING OFFICIAL'S REPORT:

Application of David W. Spence for a special exception to the landscape regulations and variances to the off-street parking regulations at 908 N. Bishop Avenue. This property is more fully described as a parcel of land to be platted as Lot 2A, Block 11/3333. This property is zoned PD-830, which requires: (1) mandatory landscaping; (2) that in an agricultural, multifamily, MH(A), or nonresidential district, a person shall not construct or maintain a parking lot that has access to a public alley that abuts or is in an R, R(A), D, D(A), TH, TH(A), or CH district unless the director approves the means of access; and (3) that the owner of off-street parking provide screening to separate the parking area from a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use. The applicant proposes to construct a multifamily structure and (1) provide an alternate landscape plan, which will require a special exception to the landscape regulations; (2) provide a parking lot that has access to a public alley; and (3) not provide the required screening to separate the parking area from a contiguous single family or duplex use.

LOCATION: 908 N. Bishop Avenue

APPLICANT: David W. Spence

REQUESTS:

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

1. A special exception to the landscape regulations is requested in conjunction with constructing and maintaining apartment units, and not fully meeting the landscape regulations related to the perimeter landscape buffer strip and consequently buffer plant materials required on the east side of the property adjacent to the alley;
2. A variance to the off-street parking regulations is requested in conjunction with constructing and maintaining the aforementioned apartment units, and not fully meeting off-street parking regulations related to required screening of off-street parking on the east side of the property adjacent to the alley, and single family uses to the east of the subject site; and
3. A variance to the off-street parking regulations is requested in conjunction with constructing and maintaining a parking lot for the aforementioned apartment units that would have access to a public alley that abuts a residential district to the east of the subject site.

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.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION (landscape special exception):

Denial

Rationale:

- The applicant has not substantiated how strict compliance with the requirements of the Dallas Development Code Landscape Regulations will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property.
- The City's Chief Arborist recommends denial of the request, part of which appears to be based upon the fact that: 1) the applicant has not provided a landscape plan that describes the proposed deficiencies nor the areas of the site that may be meeting the Landscape Regulations, and 2) that property/subject site is located in a zoning

district (PD 830) that was recently created (August of 2010) where at that time, while alterations were made in this PD to Article X: Landscape Regulations at that time, the alterations did not include the removal of the provision that the applicant seeks exception from in this application that being the perimeter landscape buffer strip requirement applied “to provide visual buffering between land uses of differing character.”

STAFF RECOMMENDATION (off-street parking screening and alley access variances):

Denial

Rationale:

- The applicant has not substantiated how a literal enforcement of the zoning code regulations would result in unnecessary hardship; how the variances are necessary to permit development of the flat, rectangular in shape, and 0.345 acre subject site in that it is different from other parcels of land by its restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels with the same PD 830 zoning district; nor how the variances are not needed to relieve a self-created or personal hardship, nor for financial reasons only.
- The applicant has not provided information to show that the requested variances are not to relieve self-created or personal hardship nor for financial reasons only.

Zoning:

Site: PD 830 (Planned Development)
North: PD 830 (Planned Development)
South: PD 830 (Planned Development)
East: PD 160 (Planned Development)
West: PD 830 (Planned Development)

Land Use:

The subject site is undeveloped. The areas to the north, south, east, and west are developed with residential uses.

Zoning/BDA History:

1. BDA 112-115, Property at 801 N. Bishop Avenue (one block south and west of the subject site) On November 14, 2012, the Board of Adjustment Panel B will hold a hearing to consider a special exception to the landscape regulations and a variance to the off-street parking (screening) regulations requested in conjunction with constructing and maintaining apartment units on the site, and not fully meeting landscape and off-

street parking regulations.

Timeline:

September 28, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 17, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 19, 2012: The Sustainable Development and Construction Department Historic Preservation Senior Planner provided the following information on this application in an email: “No comment from Historic (on the November applications) other than the N. Bishop applications are located within the Miller-Stemmons National Register District (not a local district), but the proposed work does not seem to pose an adverse effect on the district.”

October 30, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

November 2, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

November 5, 2012: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the landscape special exception request (see Attachment B).

GENERAL FACTS/STAFF ANALYSIS (special exception):

- This request focuses on constructing and maintaining apartment units, and not fully meeting the landscape regulations related to the perimeter landscape buffer strip and consequently the buffer plant material requirements required on the east side of the property adjacent to the alley.
- 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 Landscape Regulations of the Dallas Development Code state the following with regard to lots containing a use other than single family or duplex:
 - Perimeter landscape buffer strip: A landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where residential adjacency exists, exclusive of driveways and accessways at points of ingress and egress to and from the lot. The buffer strip must be at least 10 feet wide except that: (A) any portion of the buffer strip adjacent to public street frontage need not exceed 10 percent of the lot depth; and (B) any portion of the buffer strip in the front yard and adjacent to the side lot line need not exceed 10 percent of the lot width.
- The applicant has submitted a plan that indicates the following notation of the east side of the property adjacent to the alley: “vertical green screen in lieu of landscape buffer- 18” planting bed with 6’ tall woven wire trellis, posts 8’ o.c. planted in 3-gal. crossvine (*Bignonia Capreolata*) every 36” o.c.”
- The City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the applicant’s request (see Attachment B). The memo states how this request is triggered by proposed new construction on the site and how the applicant is seeking a special exception from the perimeter landscape buffer strip and consequently the buffer plant material requirements of the Landscape Regulations.
- The City of Dallas Chief Arborist notes that a landscape plan has not been provided that describes a proposed deficiency whereas the applicant has made a request to “create an Alternate Landscape Plan, modifying the landscape-buffer requirements of Sec. 51A-10.134(b)(1).” The deficiency would be the removal of: 1) the mandatory 10’ wide landscape buffer along the rear of the property; and 2) the required buffer plant group for that area where a residential adjacency exists.
- The City of Dallas Chief Arborist notes among other things in his memo that PD 830 was established in August of 2010. Alterations to the Article X: Landscape Regulations ordinance approved at that time did not include the removal of the

perimeter landscape buffer strip requirement of the landscape code which is applied “to provide visual buffering between lands uses of differing character.”

- The City of Dallas Chief Arborist recommends denial of this request.
- 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.
- Typically, if the Board were to grant this type of request, they would impose the applicant’s submitted landscape plan as a condition to the request, that would document the areas on the site that were provided leniency or exception to specific requirements of Article X: The Landscape Regulations. In this case, the City of Dallas Chief Arborist has stated that a landscape plan has not been provided that describes/documents a proposed deficiency.
- Granting the request for the special exception to the landscape regulations, and imposing any condition to this request would not provide relief from any other zoning code provision such as off-street parking regulations related to screening and alley access.

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

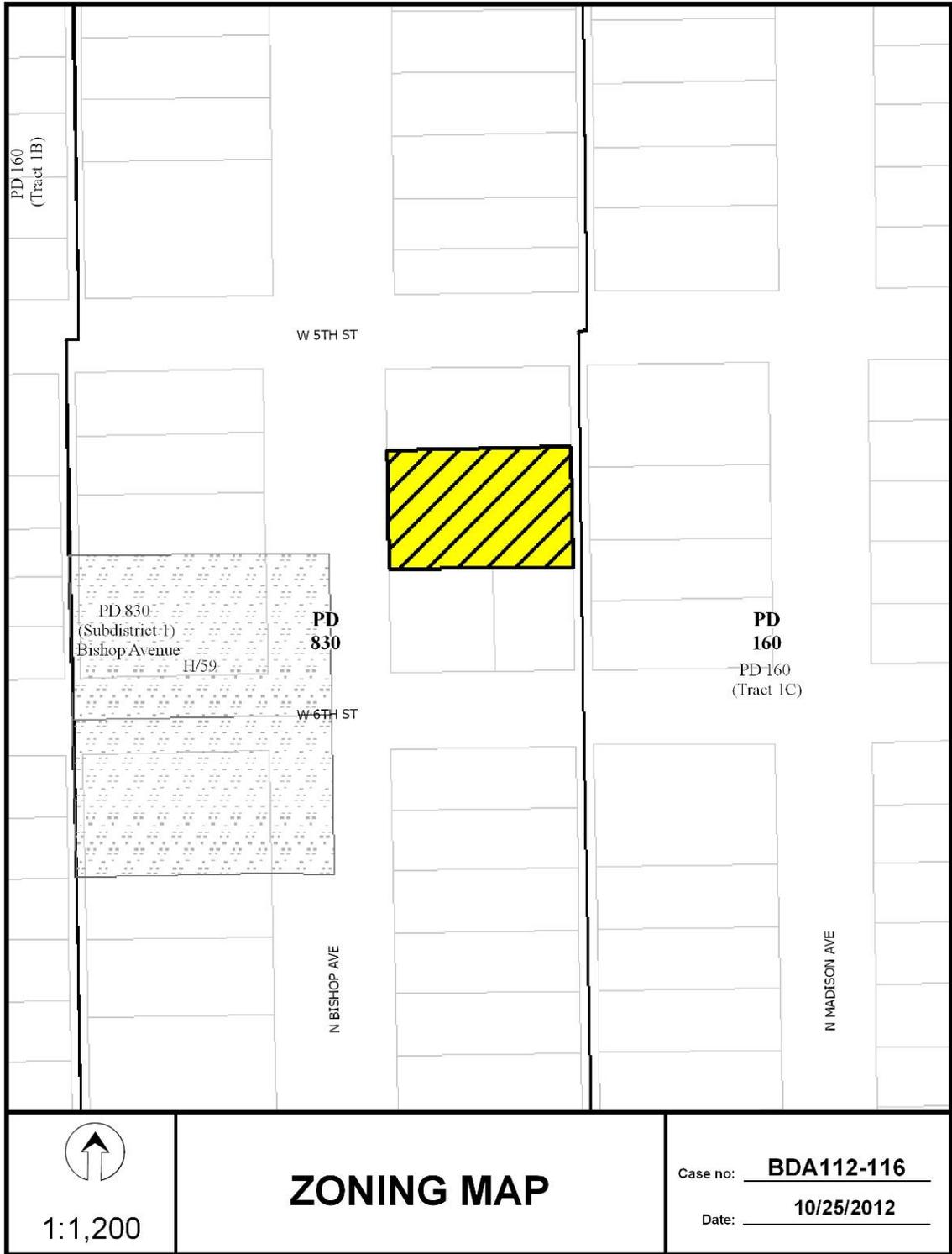
- This request focuses on a variance to the off-street parking regulations made in conjunction constructing and maintaining apartment units on the site, and not fully meeting off-street parking regulations related to required screening of off-street parking on the east side of the property adjacent to the alley, and single family uses to the east of the subject site.
- The application states that a variance to the off-street parking regulations is made specifically with regard to the Sec. 51A-4.301(F).
- The Off-Street Parking Regulations of the Dallas Development Code states the following with regard to “screening provisions for off-street parking”:
 - The owner of off-street parking must provide screening to separate the parking area from a contiguous single family or duplex use or a vacant lot if any of these are in a residential district and the parking area serves a multifamily use.
 - Screening for off-street parking required must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall that is not less than six feet in height.
- The applicant has submitted a plan that shows off-street parking for the proposed multifamily use on the property located adjacent to an alley that separates the site from a residential district immediately to the east of the subject site.
- The applicant has submitted a plan that indicates the following notation on the east side of the property adjacent to the alley: “vertical green screen in lieu of landscape buffer- 18” planting bed with 6’ tall woven wire trellis, posts 8’ o.c. planted in 3-gal. crossvine (Bignonia Capreolata) every 36” o.c.”
- The site is flat, rectangular in shape, and is (according to the application) 0.345 acres in area. The site is zoned PD 830.
- DCAD records indicate that the property at 908 N. Bishop has “no main improvement.”
- The applicant has the burden of proof in establishing the following:

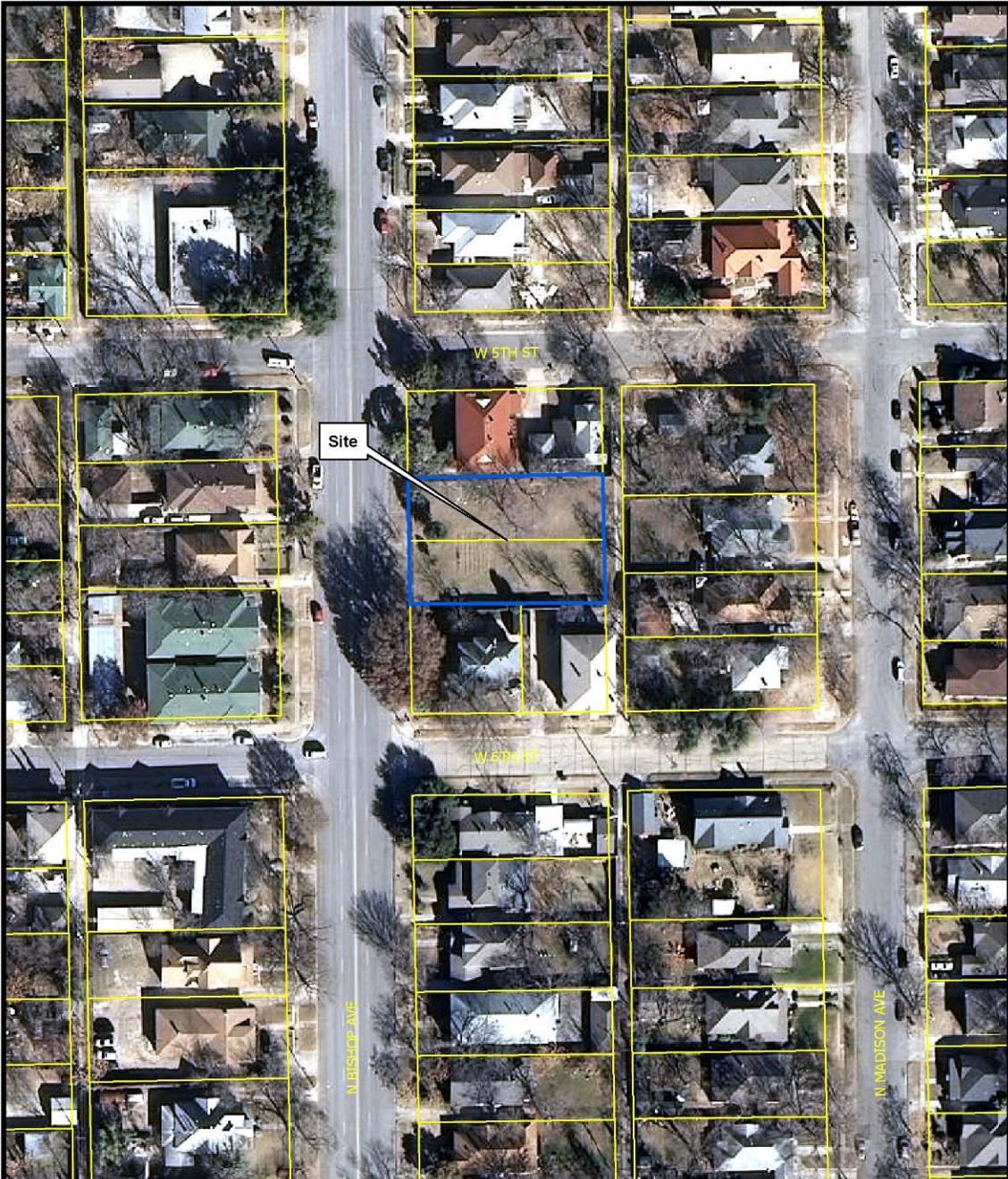
- That granting the variance to the off-street parking screening regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 830 zoning classification; and
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 830 zoning classification.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- If the Board were to grant the variance request to the off-street parking regulations related to screening, the submitted site plan may be imposed as a condition to ensure that the variance is only for the off-street parking regulations (screening), and would not provide any other relief from the zoning code such as off-street parking regulations related to alley access or to landscape regulations.

GENERAL FACTS/STAFF ANALYSIS (off-street parking alley access variance):

- This request focuses on a variance to the off-street parking regulations made in conjunction with constructing and maintaining a parking lot for the aforementioned apartment units that would have access to a public alley that abuts a residential district to the east of the subject site.
- The application states that a variance to the off-street parking regulations is made specifically with regard to the Sec. 51A-4.301(a)(13).
- The Off-Street Parking Regulations of the Dallas Development Code states the following “general provision”:
 - In a nonresidential district, a person shall not construct or maintain a parking lot or garage that has access to a public alley or access easement that abuts or is in a residential zoning district unless the director approves the means of access.
- The applicant has submitted a plan that shows off-street parking for the proposed multifamily use adjacent to an alley that separates the site from a residential district immediately to the east of the subject site.
- The site is flat, rectangular in shape, and is (according to the application) 0.345 acres in area. The site is zoned PD 830.
- DCAD records indicate that the property at 908 N. Bishop has “no main improvement.”
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking alley access regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 830 zoning classification; and
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 830 zoning classification.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- If the Board were to grant the variance request to the off-street parking regulations related to alley access, imposing the submitted site plan as a condition would ensure that the variance is only for off-street parking regulations (alley access) and would not provide any other relief from the zoning code such as but not limited to off-street parking regulations related to screening, or to landscape regulations.





1:1,200

AERIAL MAP

Case no: BDA112-116

Date: 10/25/2012

BDA 112-116
Attach A
Pg 1

Long, Steve

From: David Spence [david@goodspace.com]
Sent: Friday, November 02, 2012 3:14 PM
To: A Kidd Springs Neighbor; kiddsprings@kiddspringsna.org; Long, Steve
Cc: Randy Primrose
Subject: Copying KSNA secretary on letter to president Pam Conley
Attachments: Post-meeting letter to Pres. Conley.pdf

Dear Ms. Renfrew and Mr. Long,

Attached as a pdf please find my follow-up letter to Pam Conley, president of the Kidd Springs Neighborhood Association, following last night's neighborhood-outreach meeting at the neighborhood recreation center regarding Good Space's applications before the Board of Adjustment (112-115 and -116). Since Ms. Conley is not online, I have mailed a hard copy to her home address at 901 N. Madison. I have "cc'd" each of you.

Regards,

David Spence
Good Space

BDA112-116
Attach A
Pg 2

GOOD SPACE

Nov. 2, 2012

Pam Conley
President, Kidd Springs Neighborhood Assn.
901 N. Madison Ave.
Dallas, TX 75208

Dear Ms. Conley,

Thank you for your Oct. 25 email alerting your membership of last night's neighborhood-outreach meeting regarding Good Space's applications before the Board of Adjustment (cases 112-115 and -116). Your letter – together with posts by *Oak Cliff People*, the *Dallas Morning News* and GoOakCliff.org, our signs at 801 and 908 N.

Bishop, our email campaign in Kidd Springs, and flyers distributed to all households within 200 feet of the sites – attracted an audience of 17. No one last night identified themselves as being on KSNA's board, but I recognized several former KSNA office-holders in attendance, as well as the president of your allied association Kidd Springs Central.



Among the residents posing tough questions were an architect, attorney, and property manager, so I felt satisfied with the substance of the 90-minute Q&A session. We will continue with our outreach, which is most easily followed on Good Space's Facebook page (an image of today's post inserted here). Otherwise, we can all look forward to resolution at the hearings beginning at 1 p.m. in council chambers at city hall on Nov. 13 (908 N. Bishop, BDA #112-116) and Nov. 14 (801 N. Bishop, BDA #112-115).

Yours truly,

David W. Spence
President

cc: Nancy Renfrew, KSNA secretary, via email
Steve Long, Bd. of Adjustment Administrator, via email

Memorandum



DATE November 5, 2012
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 112 · 116 908 N Bishop

The applicant is requesting a special exception to the landscape requirements of Article X, as stated in PD 830. Specifically, the applicant seeks an exception to the requirements of Section 51A-10.125(b)(1), and consequently, (b)(7), 'Buffer plant materials.'

Trigger

Proposed new construction of a multifamily development in PD 830 on a lot with residential adjacency with property in the PD 160 residential district. The lot with residential adjacency is defined under Section 51A-10.101 as 'a building site containing a multifamily use that is adjacent to or directly across a street 64 feet or less in width, or an alley, from private property in a single family, duplex, townhouse, or CH district.' The adjacent properties to the east are in Tract 1C of PD 160 which has development 'limited to those uses permitted in an R-7.5 Single-Family District.'

Deficiencies

A landscape plan has not been provided that describes a proposed deficiency. The request is for the applicant to 'create a Alternate Landscape Plan, modifying the landscape-buffer requirements of Sec. 51A-10.134(b)(1).' The deficiency would be the removal of 1) the mandatory 10' wide perimeter landscape buffer along the rear of the property, and 2) the required buffer plant group for that area, where a residential adjacency exists.

Factors

As stated by the applicant, the proposal would include a 'green wall' between the 'property and the alley – a 6 - foot trellis of woven wire covered in evergreen native vines. That vegetation would require a planting bed of 18 inches - a reduction of 8.5 feet in the width of the buffer strip.' The applicant has suggested the use of Crossvine.

The plat record indicates the recorded alley width is 12 feet. PD 830 regulations (51P-830.120) state 'required landscaping and design standards located in adjacent rights-of-way may count toward the site requirements.' It is not clear if the proposed 18" planting bed will be inclusive of the alley, or retained solely on the property.

A perimeter buffer with a screening fence (typical of residential adjacency) requires 1 large canopy tree, or 2 large non-canopy trees, for every 50 feet of adjacency. In this case, a minimum of 2 large trees would be required in the buffer.

Other Article X minimum requirements for the property will include two street trees within 30' of the curb, four site trees (including in the parkway, per PD), all required parking spaces to be within 120 feet of the trunk of a large canopy tree on the property, and at least two design standards from Section 51A-10.126. A scaled landscape plan is not provided to identify these requirements.

Planned Development 830 was established on August 11, 2010. Alterations to the Article X ordinance approved at that time did not include the removal of the perimeter landscape buffer strip requirement of the landscape code which is applied 'to provide visual buffering between land uses of differing character.'

Recommendation

Denial of the landscape special exception to Sections 51A-10.125(b)(1) and 10.125(b)(7) as strict compliance with the requirements of Article X will not unreasonably burden the use of the property.

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

**CONTEXT OF PARCELS WITHIN N. BISHOP AVE.
 "Lot 1" = 801 N. Bishop Ave. / BDA 112-115
 "Lot 2" = 908 N. Bishop Ave. / BDA 112-116**



CONCEPTUAL - for internal use only

WB
 Wilder Belshaw Architects Inc.
 Savoye2 @ Vitruvian Pk., 3875 Ponte Ave., S. 410
 Addison, TX 75001, 214.959.0500 wilderbelshaw.com

Magnolia Property Company
 (972) 850-0929

Bishop Ave.

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A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-116

Data Relative to Subject Property:

Date: Sept. 28, 2012

Location address: 908 N. Bishop Ave. Zoning Dist: PD 830

Lot/Block Nos. Lot 2A, Block 11/3333

Acreage: .345 Census Tract: 42.01

Street Frontage (in Feet): 100'

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Good Space, Inc.

Applicant: ~~Good Space, Inc.~~ Telephone: ~~(214) 942-0690~~

Mailing Address: ~~408 W. 8th St., No. 103, Dallas, TX 75208~~

E-mail Address: ~~david@goodspace.com~~

Represented by: David W. Spence Telephone: (214) 942-0690

Mailing Address: 408 W. 8th St., No. 103, Dallas, TX 75208

E-mail Address: david@goodspace.com

Affirm that an appeal has been made for a:

SPECIAL EXCEPTION to create an Alternate Landscape Plan, modifying the landscape-buffer requirements of Sec. 51A-10.134(b)(1);

VARIANCE to the screening requirements for multi-family parking in Sec. 51A-4.301(f); and

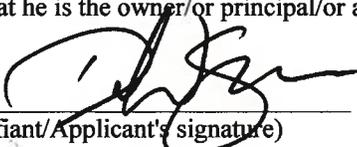
VARIANCE to the prohibition of parking-lot entry via rear alley in Sec. 51A-4.301(a)(13).

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:

Please see attached letter, dated Sept. 28, 2012

Affidavit

Before me the undersigned on this day personally appeared **David W. Spence** (Affiant/Applicant), who, on his 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.

Respectfully submitted: 
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 28th day of September, 2012.


Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that David W. Spence

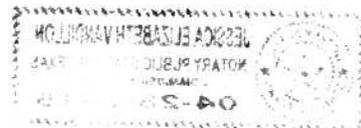
did submit a request for a special exception to the landscaping regulations, and for variances to the off-street parking regulations

at 908 N. Bishop Avenue (AKA: 908 & 912 N. Bishop Avenue)

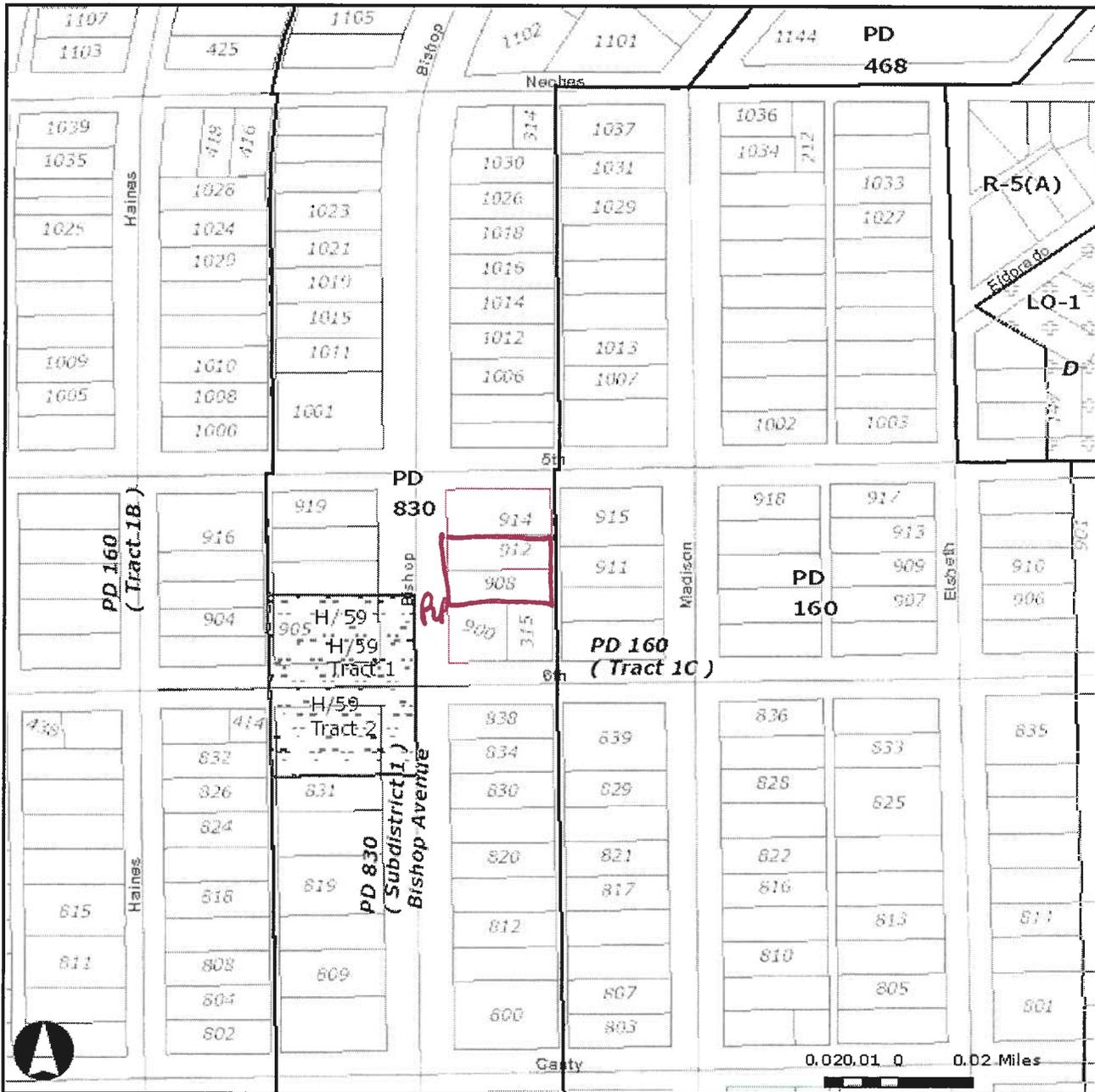
BDA112-116. Application of David W. Spence for a special exception to the landscaping regulations and variances to the off-street parking regulations at 908 N. Bishop Avenue. This property is more fully described as a parcel of land to be platted as Lot 2A, Block 11/3333 and is zoned PD-830, which requires mandatory landscaping and requires that in an agricultural, multifamily, MH(A), or nonresidential district, a person shall not construct or maintain a parking lot or garage that has access to a public alley or access easement that abuts or is in an R, R(A), D, D(A), TH, TH(A), or CH district unless the director approves the means of access, and the owner of off-street parking must provide screening to separate the parking area from a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use. The applicant proposes to construct a multifamily residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct a multifamily residential structure and provide a parking lot that has access to a public alley, and not provide required screening to separate the parking area from a contiguous single family or duplex use.

Sincerely,


Lloyd Denman, Building Official



City of Dallas Zoning



0.020, 0.1, 0.02 Miles

- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

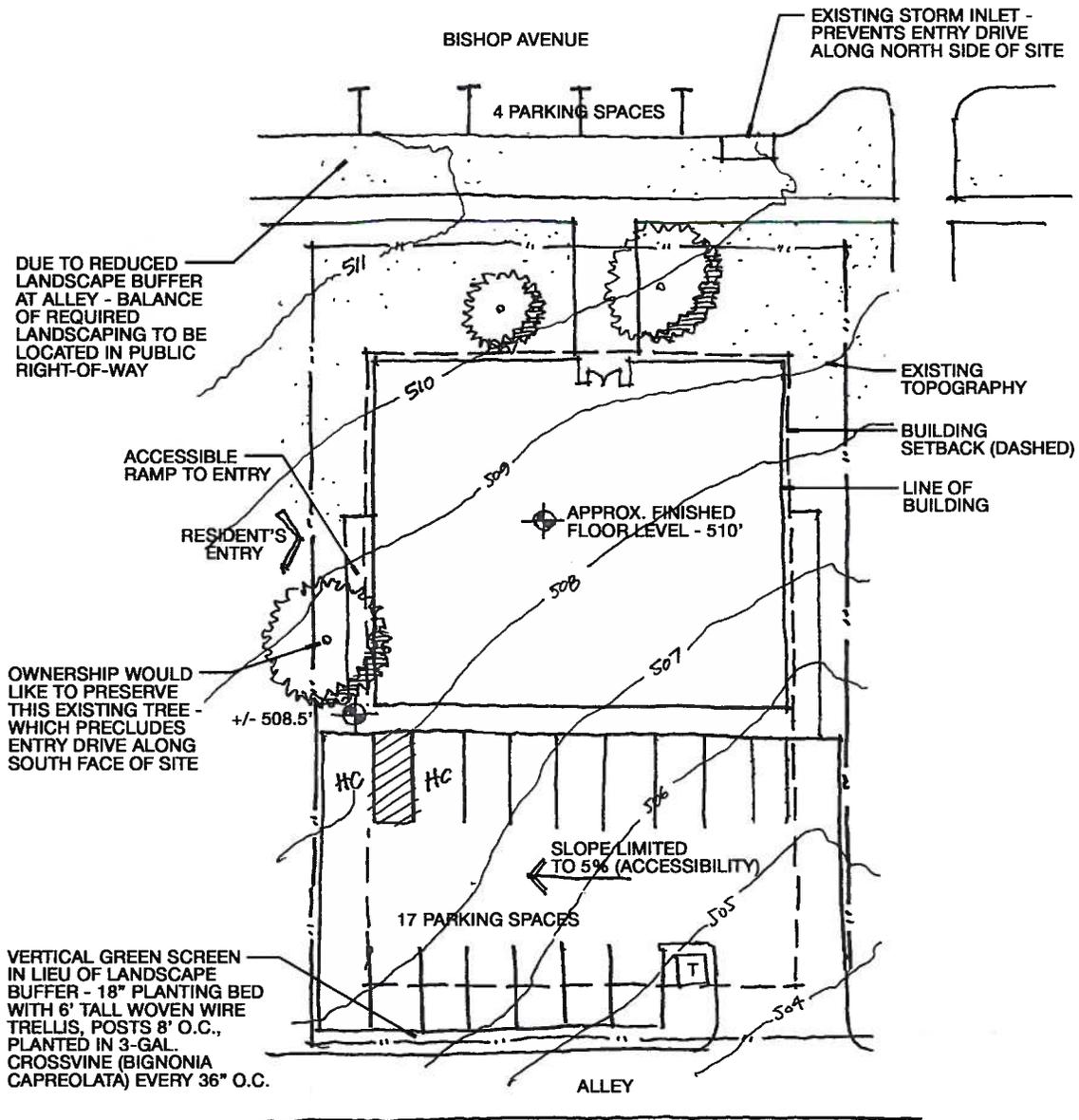
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

SITE PLAN: SPECIAL EXCEPTION & 2 VARIANCES GRANTED

908 N. Bishop Ave. / BDA 112-116

15 units (11 1-bedroom, 4 2-bedroom)



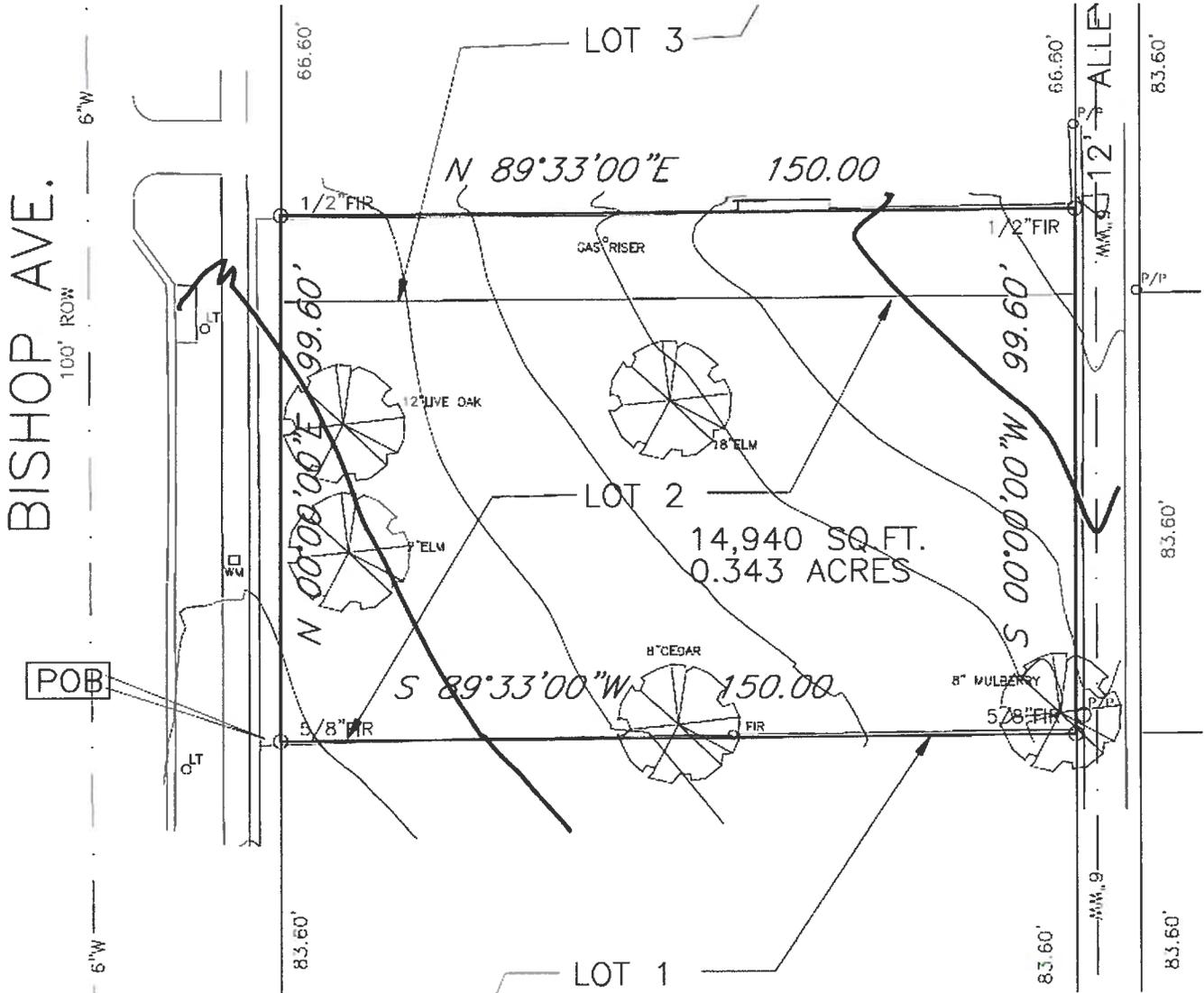
Not to Scale



Wilder Belshaw Architects Inc.
Savoye2 @ Vitruvian Park, 3875 Ponte Ave., S. 410
Addison, TX 75001, 214.969.0500 wilderbelshaw.com

MAGNOLIA - BISHOP AVENUE
27 September 2012

LAND AND TREE SURVEY, DETAIL
908 N. Bishop Ave. / BDA 112-116



Not to Scale

GOOD SPACE

408 West Eighth Street, Suite 103
Dallas, Texas 75208
www.goodspace.com

September 28, 2012

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

RE: BDA Cases 112-115 & -116: Relief sought for multifamily projects at 801 & 908 N. Bishop Ave.

Dear Mr. Long:

Good Space, Inc., a renovator and operator of historic properties in the Kidd Springs neighborhood and the Bishop Arts District, wishes to build 39 apartment units on two sites at 801 N. Bishop Ave. and 908 N. Bishop Ave. Our aim is to replicate, in new construction, our success with Bishop Terrace, Bishop Green, and Bishop Gate Apartments, all of which were built during the 1920s. As a close observer of North Oak Cliff's renaissance, my strong feeling is that the tightly-knit fabric of our century-old neighborhood should remain intact – that new structures ought to meld with our old buildings, as much as the economics of modern construction allow. In Randy Primrose, of Magnolia Properties, I have found an ally in this approach and a partner in this project.

Magnolia and Good Space need another ally in this project: The City of Dallas. Plan Commission and the City Council unanimously approved the bold rezoning of 342 acres of the Bishop/Davis corridor in August 2010 – which gave birth to Planned Development District No. 830, the ordinance Randy and I will build under. However, the urban-friendliness of PD 830 is contradicted by elements of the city's landscaping and parking regulations. The relief we seek from the Board of Adjustment would enable Magnolia and Good Space to build apartment communities that *fit* the architecture, the scale, the traffic patterns, the landscaping, and the price-point of Kidd Springs.

BDA Case 112-115: 801 N. Bishop Ave.

Special exception to landscape-buffer requirements of Article X. The 10-foot rear planting bed required by Sec. 51A-10.134(b)(1) is impracticable when applied to the space constraints of Bishop: New buildings can't be too tall, and no parking is allowed in the front yards, so putting all the residents' cars in a safe, gated area means the parking lot logically should abut the alley. This, in fact, is how every apartment community on Bishop has been laid out since the first one in 1905. At our historic apartment

buildings, Good Space has found the solution to be a “green wall” between our property and the alley – a 6-foot trellis of woven wire covered in evergreen native vines. That vegetation would require a planting bed of 18 inches – a reduction of 8.5 feet in the width of the buffer strip. In the “alternate landscape plan” proposed, we would pledge to relocate about 1,200 sq. ft. of landscaping from the hidden rear of the property to the parkway in front of our apartments, a strategy that is endorsed in PD 830 (Sec. 51P-830.120(a)(2)). This predicament doesn’t arise from trying to over-build the lot: a 24-unit development on this 150’-wide parcel would be less dense than the historic 8- and 16-unit buildings throughout Kidd Springs. None of the four existing multifamily properties on this same block of Bishop provides any rear-lot-line landscaping, nor does either of the two office buildings on the 800 block. (This special exception is also sought at 908 N. Bishop Ave., BDA #112-116.)

BDA Case 112-116: 908 N. Bishop Ave.

Special exception to landscape-buffer requirements of Article X. As at 801 N. Bishop Ave. (BDA #112-115), Good Space proposes an “alternative landscape plan” for 908 N. Bishop Ave. to screen this 15-unit building at the alley with a green wall (see paragraph above). Here, approximately 850 sq. ft. of landscaping would be moved from the rear property line to the parkway. On the 900 block, there are six historic apartment buildings – none with any rear landscaping.

Variance to screening requirements of apartment parking; variance to the prohibition of parking-lot entry via rear alley. Sec. 51A-4.301(f) mandates that a newly built apartment complex conceal its parking lot from an adjacent residential neighborhood with a masonry or wood wall 6 feet or higher – an understandable requirement for a large apartment community in a suburban setting. In a 100-year-old neighborhood, where different residential densities comeingle on every block, it makes little sense. Consider these pros and cons:

VARIANCE DENIED: Cars enter from Bishop Ave.	VARIANCE GRANTED: Cars enter from rear alley
15’ of frontage devoted to concrete	100’ of Bishop frontage uninterrupted landscaping
Bishop traffic slowed by cars entering driveway	Property mgt. keeps alley clear of limbs, clutter, etc.
South-side driveway requires removal of 8” tree	No driveway = 1,100 sf less impermeable surface
Opaque rear fence hides crime, invites graffiti	Alley safer from “surveillance” by returning residents
Bldg. the only one of its size with front entry on Bishop	Bldg. adopts same entry practices as its historic neighbors, including adjacent fourplex (315 W. 6 th)

Specifically, on this point, we ask the Board of Adjustment (1) to allow as a screening method the “green wall” described above; (2) to allow a 25% interruption of the screening along the rear property line (25 of 100 linear feet) of 908/912 Bishop to accommodate a vehicular gate; and (3) to approve vehicular access via the rear alley. As we understand Asst. Dir. David Cossum’s Oct. 12 email (attached), (1) and (2) constitute one variance, and (3) constitutes a second variance.

With reference to state law on granting a variance:

- Seeking to conform to historic building practices is in the *public interest*, not contrary to it.
- The *special conditions*, which make literal enforcement of the parking code insensible, are the historic building patterns in a neighborhood officially recognized by the National Park Service as worthy of preservation.
- An *unnecessary hardship* is one that is easily avoidable, a hardship arising from conditions surrounding a parcel and outside the control of its owners, a hardship that frustrates reasonable and sensitive development.
- The ordinance whose *spirit is to be observed* is PD 830, which clearly invites appropriately scaled multifamily development as a means of revitalizing Bishop Ave., north and south of Davis St.

To illustrate many of the points made in this letter – the prevalence of rear-alley access in Kidd Springs, the advantage of a “green wall,” Good Space’s high standards for development and property management – I have attached photographs (printed here in gray scale, but appearing in color in our hearing-day hand-outs to panel members). At the hearing, we’ll share the results of our outreach to the neighborhood.

Thank you for your attention to this application.

Yours truly,

A handwritten signature in black ink, appearing to read "David W. Spence". The signature is fluid and cursive, with a large, sweeping initial "D" and "S".

David W. Spence
President

**INSTRUCTIONS FROM ASST. DIRECTOR
908 N. Bishop Ave. / BDA 112-116**

From: Cossum, David [mailto:david.cossum@dallascityhall.com]
Sent: Friday, October 12, 2012 10:41 AM
To: David Spence; Randy Primrose
Cc: Duerksen, Todd; O'Donnell, Theresa
Subject: 908/912 N. Bishop Variance to Off-street parking provisions

Confirming my conversation with Randy this morning. All that needs to be done is to file a variance to both the off-street parking regulations.

1. Alley access restrictions 51A-4.301(a)(13)
2. Screening provisions 51A-4.301(f)

I have discussed this with Todd as well.

David

David Cossum
Assistant Director, Current Planning
Department of Sustainable Development and Construction
214-670-4216

PREVALENCE OF REAR-ALLEY ACCESS

Yellow (light) arrow = Historical rear-alley access

Red (dark) arrow = Ground-level photo of rear-alley access attached



REAR-ALLEY ACCESS: GOOD SPACE PROPERTIES



Bishop Green Apts (1925), 425 Neches St.



Bishop Gate Apts (1925), 706 N. Bishop Ave.



Bishop Terrace Apts (1929), 835 N. Bishop Ave.

ALLEY OF 900 N. BISHOP AVE.

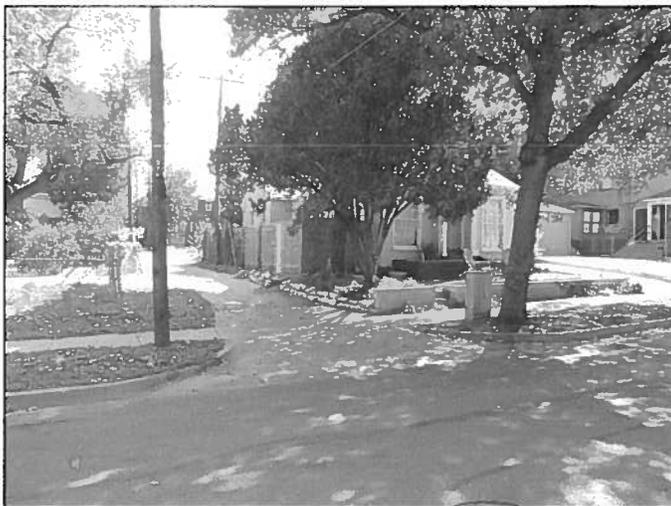
Where variances requested for rear-alley access, BDA #112-116



Adjacent 4-plex, 315 W. 6th St.



Alley directly behind 908/912 N. Bishop (looking north)



Entry to alley off W. 6th St. (looking south)

EXAMPLES OF "GREEN WALL"

Crossvine (*Bignonia capreolata*) on woven-wire trellis



8 years after planting, no irrigation (706 N. Bishop Ave.)



20 mos. after planting, no irrigation (408 W. 8th St.)



6 mos. after planting, irrigated (312 W. 8th St.)

PARKING PROFILE (COMBINED)

Application to Board of Adjustment

801 N. Bishop / BDA #112-115

908 N. Bishop / BDA #112-116

David Spence, Good Space Inc.

Randy Primrose, Magnolia Property Co.

Apartments	801	908	Total
Unit A1 - 1BR	0	3	3
Unit A2 - 1BR	0	6	6
Unit A3 - 1BR	12	1	13
Unit A4 - 1BR	8	0	8
Unit A5 - 1BR	0	1	1
Unit B1 - 2BR	4	0	4
Unit B2 - 2BR	0	4	4
	<hr/>	<hr/>	<hr/>
	24	15	39
 # of Bedrooms	28	19	47
 Required by PD 830	47		
 Parking Provided			
On site	29	19	48
Curbside	8	4	12
	<hr/>	<hr/>	<hr/>
	37	23	60
			1.54 spaces/apt



CITY OF DALLAS

AFFIDAVIT

Appeal # BDA 112-116

I, **David W. Spence**, sole director of **Good Space, Inc.**, a Texas corporation which owns the subject property at **908 N. Bishop Ave.**, Dallas County, Texas, do hereby authorize **David W. Spence** to pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- X **Variance:** To the screening requirements for multi-family parking in Sec. 51A-4.301(f)
- X **Variance:** To the prohibition of parking-lot entry via rear alley in Sec. 51A-4.301(a)(13)
- X **Special Exception:** Alternate Landscape Plan, to modify the landscape-buffer requirements of Sec. 51A-10.134(b)(1).

David W. Spence
Print name of property owner

Signature of property owner

Sept. 28, 2012
Date

Before me the undersigned on the day of personally appeared **David W. Spence**,
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

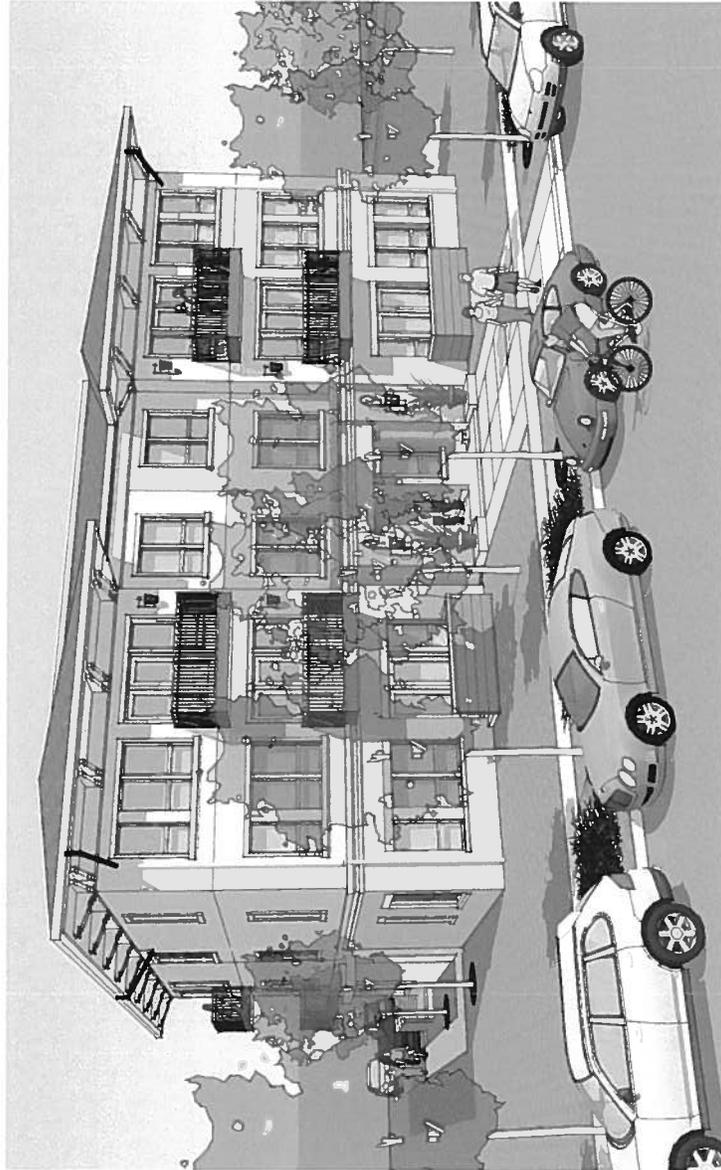
Subscribed and sworn to before me this **28th** day of **September, 2012**.



Notary Public for Dallas County, Texas

Commission expires on 4/28/2015

RENDERING: SPECIAL EXCEPTION & 2 VARIANCES GRANTED
908 N. Bishop Ave. / BDA 112-116
15 units (11 1-bedroom, 4 2-bedroom)



Lot 2

CONCEPTUAL - for internal use only

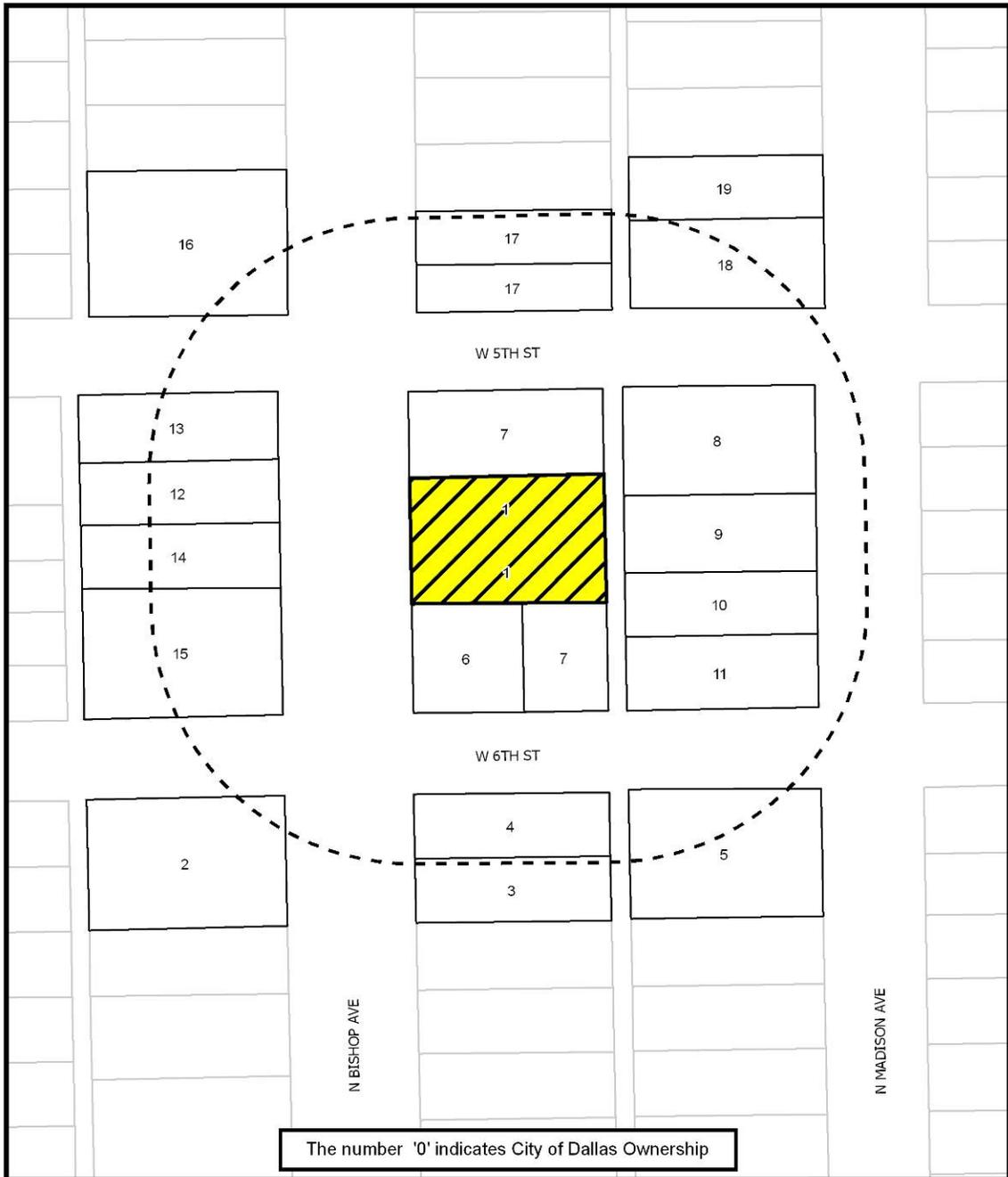


Wilder Belshaw Architects Inc.
Savoye2 • Vitruvian Park, 3875 Ponte Ave., S. 410
Addison, TX 75001, 214.969.0500 wilderbelshaw.com

Magnolia Property Company
(972) 850-0929

Bishop Ave.

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 1:1,200	NOTIFICATION		Case no: BDA112-116
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 10/25/2012

Notification List of Property Owners

BDA112-116

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	908 BISHOP AVE	GOOD SPACE INC
2	835 BISHOP AVE	GOOD SPACE PARTNERS
3	834 BISHOP AVE	GAYTAN MARTHA MILAGROS
4	838 BISHOP AVE	MENDOZA JESSE G
5	839 MADISON AVE	BAIN MICHAEL D & MELANIE M
6	900 BISHOP AVE	HURST KENNETH WAYNE
7	315 6TH ST	BISHOP PLACES LLC
8	915 MADISON AVE	STOKES BENNETT
9	911 MADISON AVE	PALMER LAURA A
10	905 MADISON AVE	FLORES RAMON & DORA L FLORES
11	901 MADISON AVE	CONLEY PAMELA J
12	913 BISHOP AVE	SALDIVAR ARMANDO JR
13	919 BISHOP AVE	DEAN GLORIA & KEITH E JASIECKI
14	911 BISHOP AVE	TORRES MARIA FELIX
15	905 BISHOP AVE	COLCHIN GREG & LANAE
16	1001 BISHOP AVE	SM BISHOP LTD
17	1002 BISHOP AVE	ESTES FAMILY TRUST
18	1001 MADISON AVE	WRIGHT CHRISTOPHER J
19	1007 MADISON AVE	GRAHAM STEPHEN