

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JANUARY 22, 2014
AGENDA

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

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, November 20, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-125	323 E. Woodin Boulevard REQUEST: Application Lillie M. Peterson, represented by Mike Olscher, for a variance to the front yard setback Regulations	1
BDA 134-004	9919 Crestline Avenue REQUEST: Application of Mary McLean for a special exception to the fence height regulations	2

REGULAR CASES

BDA 123-115	1899 McKinney Avenue REQUEST: Application of Robert Baldwin for a variance to the off-street parking regulations	3
BDA 134-005	5361 Livingston Avenue REQUEST: Application of William Mark Moore for a special exception to the visual obstruction 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]

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B November 20, 2013 public hearing minutes.

FILE NUMBER: BDA 123-125

BUILDING OFFICIAL'S REPORT: Application of Lillie M. Peterson, represented by Mike Olscher, for a variance to the front yard setback regulations at 323 E. Woodin Boulevard. This property is more fully described as Lot 7, Block 18/3609, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 15 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

LOCATION: 323 E. Woodin Boulevard

APPLICANT: Lillie M. Peterson
Represented by Mike Olscher

REQUEST:

A variance to the front yard setback regulations of 10' is requested in conjunction with constructing and maintaining a one-story single family home structure, part of which would be located in one of the site's two 25' front yard setbacks (Alabama Avenue) on a site that is currently developed with a single family home that the applicant intends to demolish. (No request has been made in this application to construct/maintain any structure in the site's E. Woodin Boulevard front yard setback).

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is a corner lot with a restrictive area due to its size/width and its two front yard setbacks. The atypical two front yard setbacks on the approximately 7,800 square foot lot preclude the applicant from developing it in a manner commensurate with development on other similarly zoned R-7.5(A) properties with one front yard setback.
- In this case, the proposed development on the property with an approximately 1,900 square foot building footprint appears to be of a size similar to the existing home on the site constructed in the 1940's that does not appear to provide a 25' Alabama Avenue front yard setback and to other homes in the zoning district. The site has a 22' width for development once a 25' front yard setback is accounted for on the east and a 5' side yard setback is accounted for on the west of the 52' wide subject site. If this R-7.5(A) zoned property were not a corner lot with two front yard setbacks, there would be a 42' width for development once two 5' side yard setbacks are accounted for.

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-10(A) (Single family district 10,000 square feet)

Land Use:

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

Zoning/BDA History:

1. Miscellaneous Item #2, Property at 323 E. Woodin Boulevard (the subject site) On September 18, 2013, the Board of Adjustment Panel B granted a request for a waiver of the filing fee to be submitted in conjunction with this application.

Timeline:

October 22, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 11, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If any preliminary action is required on a case, including but not limited to a fee waiver or waiver of the two year waiting period, the case must be returned to the panel taking the preliminary action.”

December 12, 2013: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 30th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director and Senior Engineer, the Assistant Building Officials, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

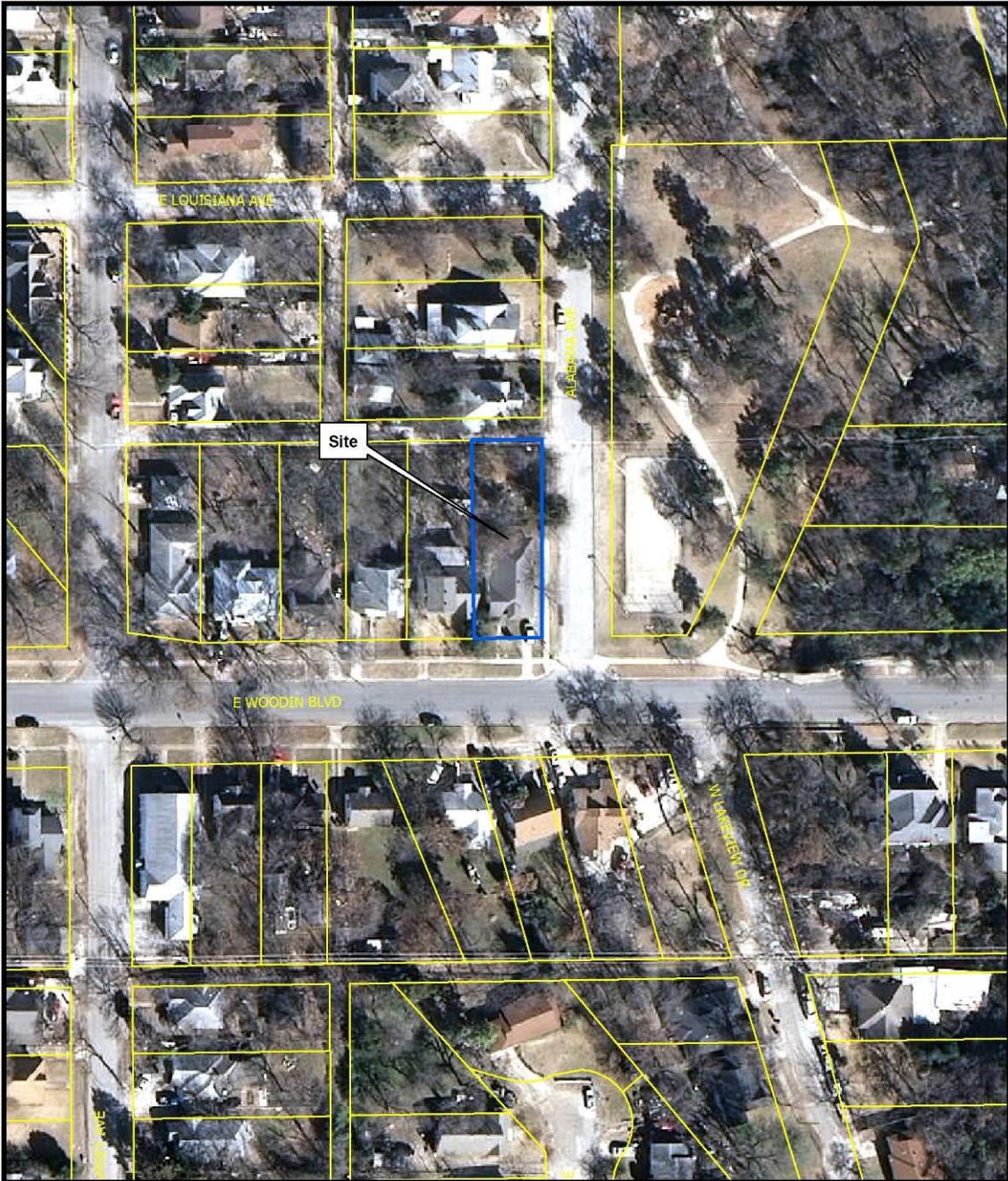
GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a one-story single family structure, part of which would be located in one of the two 25’ front yard setbacks (Alabama Avenue) on a site that is currently developed with a single family home that the applicant intends to demolish.
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25’.

- The subject site is located at the northwest corner of E. Woodin Boulevard and Alabama Avenue. Regardless of how the proposed single-family structure appears to be oriented towards E. Woodin Boulevard, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along E. Woodin Boulevard, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Alabama Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required. But the site's Alabama Avenue frontage is side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes north of the site that front/are oriented eastward towards Alabama Avenue.
- A scaled site plan has been submitted indicating that the proposed single family home would be located approximately 16' from the Alabama Avenue front property line or 9' into the 25' front yard setback. (No encroachment is proposed in the E. Woodin Boulevard 25' front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed home to be located in the site's Alabama Avenue 25' front yard setback is approximately 500 square feet in area or approximately 1/4 of the approximately 1,900 square foot building footprint.
- According to DCAD records, the "main improvement" at 323 E. Woodin Boulevard is a structure with 1,500 square feet of living/total area built in 1945. (No additional improvements are noted at this address).
- The subject site is flat, rectangular in shape, (150' x 52.5'), and approximately 7,800 square feet in area. The site has two 25' front yard setbacks; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- The site has an approximately 22' width for development once a 25' front yard and a 5' side yard setback is accounted for on the approximately 52' wide subject site.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Alabama Avenue 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 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 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 variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure to be located 15' from the Alabama Avenue front property line (or 10' into this 25' front yard setback).





1:1,200

AERIAL MAP

Case no: BDA123-125

Date: 12/23/2013



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-125

Date: 10-22-13

Data Relative to Subject Property:

Location address: 323 E. WOODIN BLVD

Zoning District: R-7.5(A)

Lot No.: 7 Block No.: 18/3609 Acreage: LESS THAN ONE (1,950 SF)

Census Tract: 54.00

Street Frontage (in Feet): 1) 52.5 2) 150 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

SN 18

Owner of Property (per Warranty Deed): LILLIE M. PETERSON

Applicant: LILLIE M. PETERSON

Telephone: 469-524-9996

Mailing Address: 323 E. WOODIN BLVD

Zip Code: 75216

E-mail Address: -NONE-

Represented by: MIKE OLSCHER

Telephone: 214-670-4927

Mailing Address: 1500 MARILLA ST. GCN DALLAS TX Zip Code: 75201

E-mail Address: michel.olscher@dallascityhall.com

Affirm that an appeal has been made for a Variance or Special Exception of 10' on the SECOND FRONT YARD SETBACK

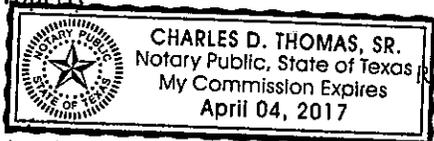
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

THIS VARIANCE WILL ALLOW THE NEW HOUSE TO FIT IN WITH THE REST OF THE NEIGHBORHOOD WITHOUT PUTTING UNDOE BURDENSHIP ON THE OWNER.

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 Lillie M. Peterson (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.



Respectfully submitted: LILLIE M. PETERSON (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of October 2013

Charles D. Thomas, Sr. 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 _____

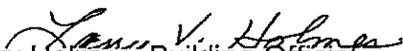
Chairman

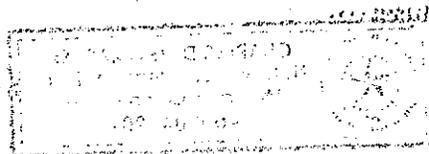
Building Official's Report

I hereby certify that Lillie Peterson
represented by Mike Olscher
did submit a request for a variance to the front yard setback regulations
at 323 E. Woodin Blvd.

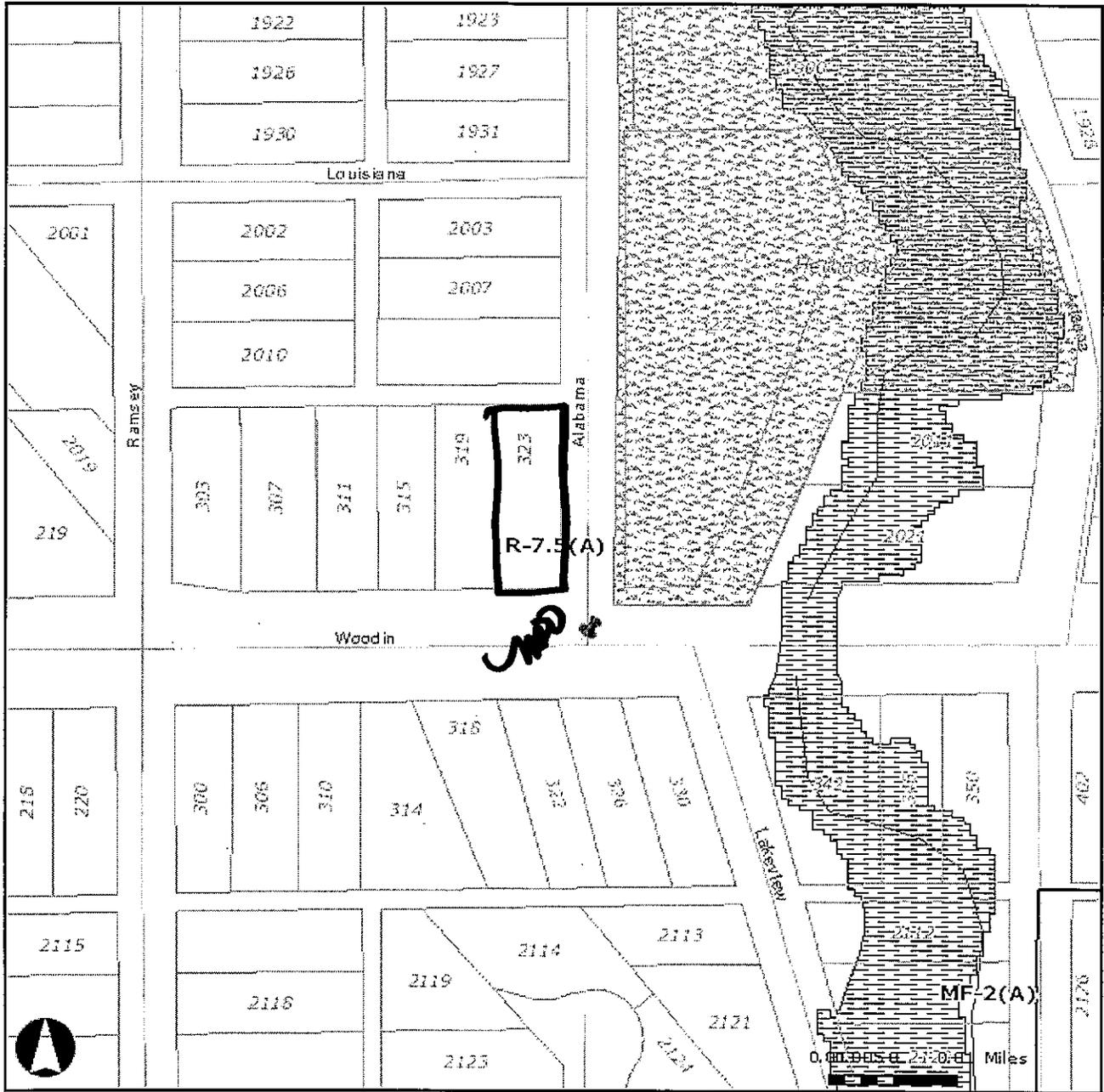
BDA123-125. Application of Lillie Peterson represented by Mike Olscher for a variance to the front yard setback regulations at 323 E. Woodin Blvd. This property is more fully described as Lot 7, Block 18/3609, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 15 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

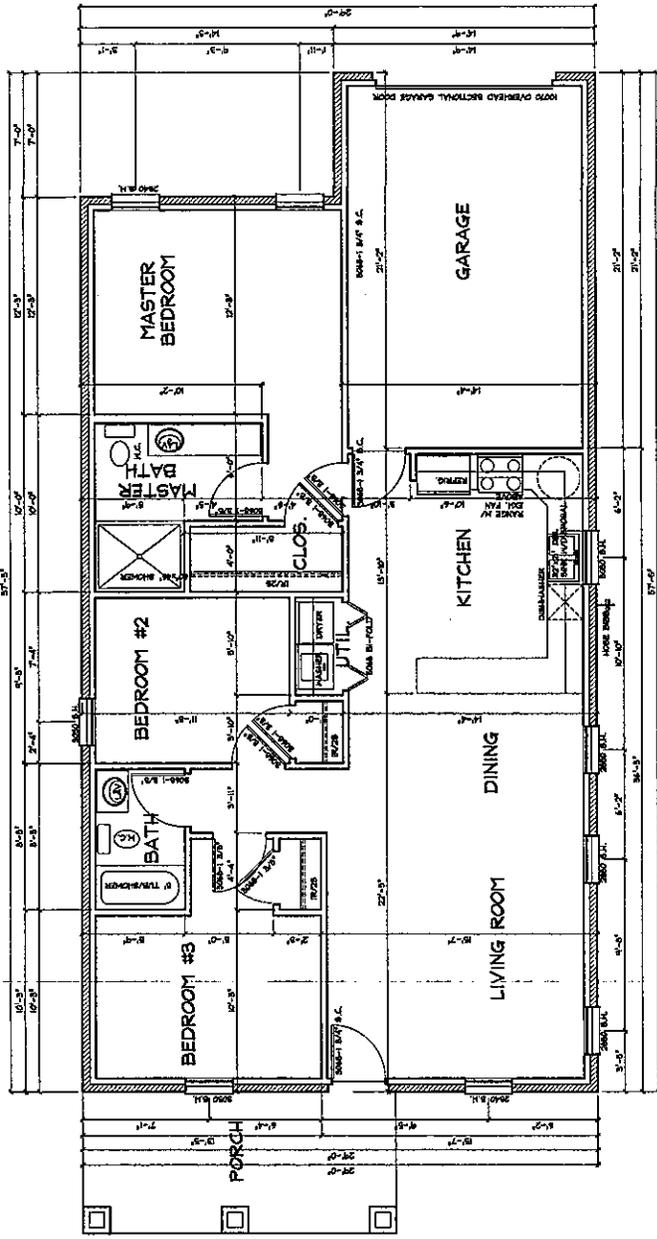
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

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

PDS Subdistricts

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



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

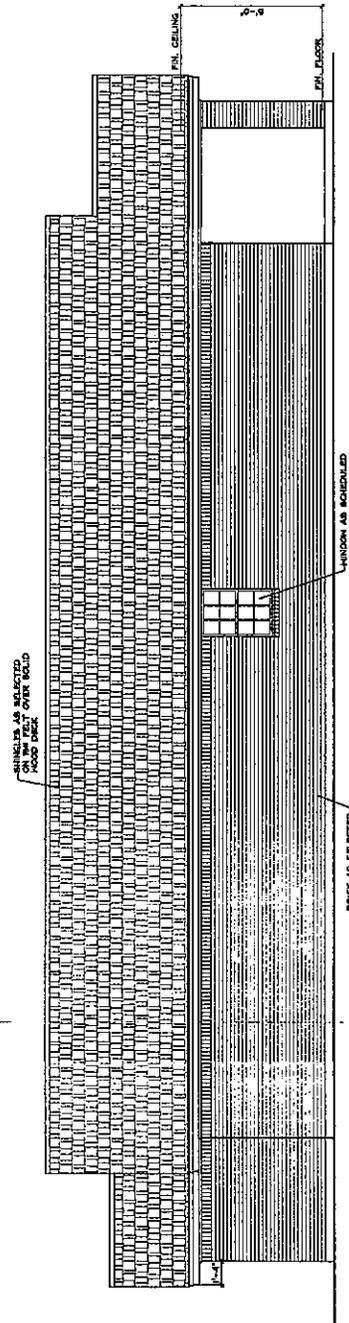
A-3
SHEET NO.

MP DESIGN ASSOCIATES
DATE: 5-28-80
NO. ONE ROAD
TOWNSHIP (PA) 171-400
TELEPHONE (717) 871-4000

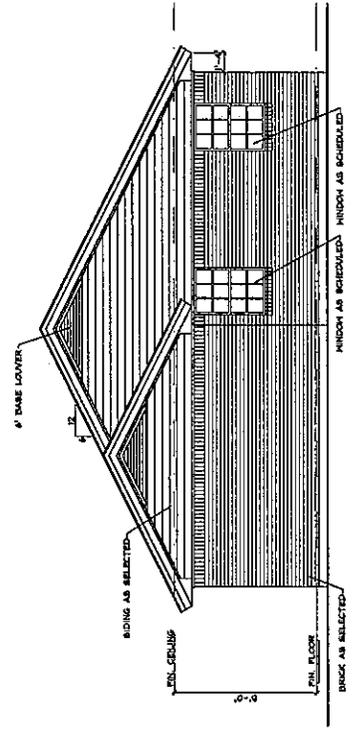
TORRES CONSTRUCTION COMPANY
Telephone No. 214-693-3314
Fax No. 214-275-0582

PROPOSED RESIDENCE
HOME PROJECT-124 & 2
NO. 02-1-80

EXTERIOR ELEVATIONS



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



RIGHT SIDE ELEVATION
SCALE 1/8"=1'-0"



 1:1,200	NOTIFICATION	Case no: BDA123-125			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
17	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA123-125

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	323 WOODIN BLVD	PETERSON LILLIE M
2	2021 ARIZONA AVE	JACKSON CARL C
3	2002 RAMSEY AVE	HUNTER DAISY
4	2006 RAMSEY AVE	PINEDA RICARDO
5	2010 RAMSEY AVE	ALVES MICHELLE &
6	311 WOODIN BLVD	LANGKOP REALTY #2 LLC
7	307 WOODIN BLVD	E T I MANAGEMENT CO INC
8	315 WOODIN BLVD	STRICKLAND COLLINS JR & THELMA
9	319 WOODIN BLVD	DIAZ DE LEON SALVADOR & DIAZ DE LEON ZAI
10	2011 ALABAMA AVE	WALLACE HARRY SR %LOUISE WILLIS
11	2007 ALABAMA AVE	TORRES AMPARO
12	314 WOODIN BLVD	WALKER MARGARET H
13	318 WOODIN BLVD	VILLELA JOSE & ESTELA
14	322 WOODIN BLVD	THOMAS MATTIE L
15	326 WOODIN BLVD	VILLELA JOSE & ESTELA
16	330 WOODIN BLVD	VILLELA JOSE & ESTELA
17	342 WOODIN BLVD	OKPUZOR SHEILIA & DIMPLE WATSON

FILE NUMBER: BDA 134-004

BUILDING OFFICIAL'S REPORT: Application of Mary McLean for a special exception to the fence height regulations at 9919 Crestline Avenue. This property is more fully described as Lot 10, Block 5542, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 6 foot high fence, which will require a 2 foot special exception to the fence height regulations.

LOCATION: 9919 Crestline Avenue

APPLICANT: Mary McLean

REQUEST:

A special exception to the fence height regulations of 2' is requested in conjunction with constructing and maintaining a 6' high solid pre-cast concrete and wood fence in the site's 30' front yard setback on Walnut Hill Lane on a site that is currently being developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: R-1ac(A) (Single family district 1 acre)
West: R-10(A) (Single family district 10,000 square feet)

Land Use:

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

Zoning/BDA History:

1. BDA 123-099, Property at 4410 Walnut Hill Lane (the lot immediately east of subject site)
On October 21, 2013, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 3.5 feet and imposed the submitted site plan and “plan and elevations” document as a condition to the request. The case report stated the application was made in conjunction completing and maintaining a stone fence/wall with columns in the site’s Walnut Hill Lane 40’ front yard setback on a site that was developed with a single family home – a fence/wall with columns that according to the applicant’s submittal ranged in height given grade changes on the property from 5’ – 7’ 6”.
2. BDA 078-116, Property at 4421 Walnut Hill Lane (three lots northeast of subject site)
On October 14, 2008, the Board of Adjustment Panel A denied a request for a special exception to the fence height regulations of 4 feet without prejudice. The case report stated the application was made in conjunction with completing and maintaining an 8’ high solid cedar board-on-board fence/wall with two 7’ 6” high open wrought iron gates in the site’s 35’ front yard setback on a site developed with a single family home.

Timeline:

November 14, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 11, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 12, 2013: 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 December 30th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director and Senior Engineer, the Assistant Building Officials, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

January 8 & 11, 2014:

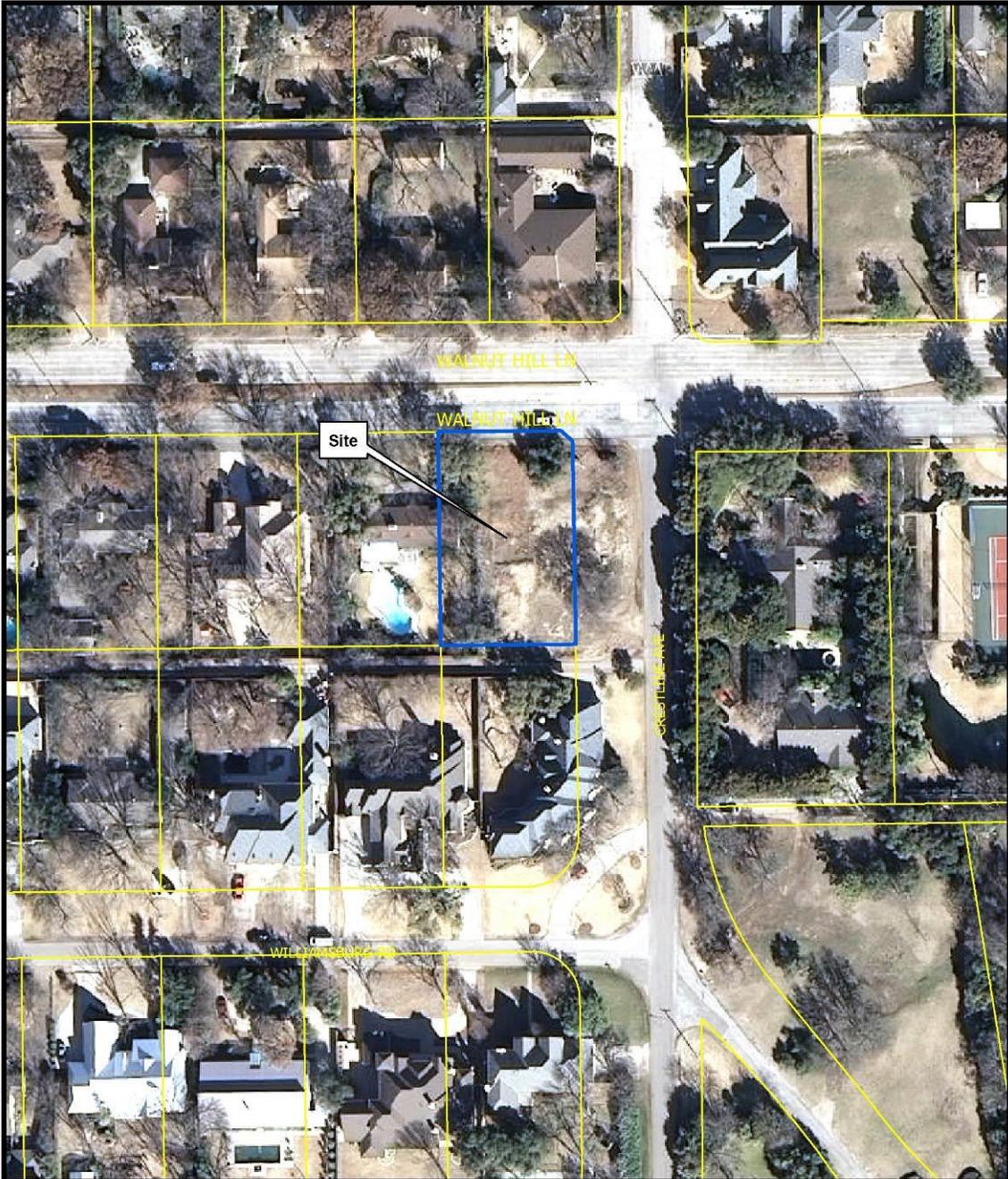
The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachments A and B).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 6' high solid pre-cast concrete and wood fence in the site's 30' front yard setback along Walnut Hill Lane on a site that is currently being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southwest corner of Walnut Hill Lane and Crestline Avenue. The site has one 30' front yard setback along Walnut Hill Lane.
- The applicant has submitted a site plan and elevation of the proposal with notations indicating that the proposal in the front yard setback reaches a maximum height of 6'.

- The following additional information was gleaned from the submitted site plan:
 - The proposal in the Walnut Hill Road front yard setback is represented as being approximately 70' in length parallel to Walnut Hill Lane and approximately 30' in length perpendicular to Walnut Hill Lane on the east and west sides of the site in the Walnut Hill Lane front yard setback.
 - The proposal is represented as being located approximately on the front property line or about 12' from the pavement line.
- The following additional information was gleaned from the submitted elevation:
 - The proposed fence parallel to Walnut Hill Lane is to be of "pre-cast concrete;" the proposed fence perpendicular to Walnut Hill Lane on the west side in the front yard setback is shown to be "1 x 4 cedar SBS dog eared w/ galv posts"; and the proposed fence perpendicular to Walnut Hill Lane on the east side in the front yard setback is to shown to be "2 x 6 horiz shadowbox fence."
- The proposal is located across from two single family homes, neither of which have fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above 4' in height and located in a front yard setback. These two fences are both east of the subject site, the one immediately east being a 5' – 7.5' high solid stone fence that appears to be the result of a granted fence height special exception in October 2013 (BDA 123-116); the other fence being one lot further east- an approximately 8' high wood fence/7' high brick fence with no recorded BDA history.
- As of January 13, 2014, five letters/emails have been submitted in support of the request, and no letters/emails have been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.





1:1,200

AERIAL MAP

Case no: BDA134-004

Date: 12/23/2013

BDA134-004
Attach A pg 1

Long, Steve

From: Mary McLean <mmcleantx@earthlink.net>
Sent: Wednesday, January 08, 2014 12:13 PM
To: Long, Steve
Cc: Randy Walker
Subject: Re: BDA 134-004, Property at 9919 Crestline Avenue
Attachments: 4410WNH.pdf; ATT6727263.htm; 4330WNH.pdf; ATT6727264.htm

Steve, I hope you are having a Happy New Year!

As I understand it, our fence-exception hearing is scheduled for Wednesday, January 22nd. Is there a particular time I should pencil in for the hearing, or should I plan to block out the whole day?

Also, please find attached two e-mails of support from our neighbors at 4410 Walnut Hill and 4330 Walnut Hill. As a reminder, our property is located at 9919 Crestline Ave. (the southwest corner of Walnut Hill and Crestline). The fence-exception request is for our fence along Walnut Hill. The attached e-mails of support are from our immediate neighbors on Walnut Hill.

Last night, I talked to our neighbor directly across Walnut Hill from us (4339 Walnut Hill Ln. at the northwest corner of Crestline and Walnut Hill). He indicated he has no problem with our fence. I doubt he will put this in writing though.

I hope to have more letters/e-mails of support for you soon.

Hope this finds you doing exceedingly well, and thank you for all your help!

Best regards,
Mary McLean
9919 Crestline Ave.
Dallas, TX 75220

BDA 134 -004
Attach A
P2

From: "Curl, Steve" <Steve.Curl@bbvacompass.com>
Date: December 16, 2013 7:35:22 PM CST
To: "rwalker@PHILLIPSIND.com" <rwalker@PHILLIPSIND.com>
Cc: "mmcleantx@earthlink.net" <mmcleantx@earthlink.net>, "rocknrollpoodle@aol.com" <rocknrollpoodle@aol.com>
Subject: Walnut Hill Ln. Fence Height Exception
Reply-To: "Curl, Steve" <Steve.Curl@bbvacompass.com>

Randy:

Am writing to confirm our support of your proposed pre-cast wall/fence height exception where our property lines meet on Walnut Hill Lane. If you, or your designee, need to contact me further regarding this matter, I can be reached during normal business hours either by phone or at this email address.

Thanks.

Best regards,

Steve Curl
4330 Walnut Hill Lane
Dallas, Texas 75229

Sent via the Samsung Galaxy S[™]III, an AT&T 4G LTE smartphone

From: Jeff Davis <jeff.davis@accessdmc.com>
Date: January 6, 2014 11:04:31 AM CST
To: "mmcleantx@earthlink.net" <mmcleantx@earthlink.net>, "Randy Walker (rwalker@PHILLIPSIND.com)" <rwalker@PHILLIPSIND.com>
Subject: Dallas Board of Adjustment

Dear Board of Adjustment,

We are close neighbors of Randy Walker and Mary McLean at 9919 Crestline Avenue. We were able to review their wall/fence drawings and are so excited about their design. In fact, it's going to be a wonderful enhancement to the neighborhood.

Without a doubt, we approve and have no objections to their plan.

We support approval of their application!

Thank you!

Jeff Davis and Bobby Turner
4410 Walnut Hill Lane

Jeff Davis
ACCESS Destination Services®
(formerly Outstanding Productions)
p 214.350.6282 | f 214.350.9188 | c 214.906.4076
8888 Governors Row | Dallas, Texas 75247
www.accessdmc.com

Arizona | California | Florida | Illinois | Nevada | Texas

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law.

Any unauthorized disclosure, duplication, or distribution of this message, is strictly prohibited.

BDA 134-004
Attach B pg 1

Long, Steve

From: Mary McLean <mmcleantx@earthlink.net>
Sent: Saturday, January 11, 2014 2:06 PM
To: Long, Steve
Cc: Randy Walker
Subject: Re: BDA 134-004, Property at 9919 Crestline Avenue
Attachments: img20140111_13480030.pdf; ATT575849.htm

Steve, thank you for this e-mail. I appreciate your copying me on it.

I just got the attached letters of support from three other neighbors for my proposed six-foot fence along Walnut Hill.

These letters are from homeowners at the following addresses:

- 9909 Crestline Ave., the property at Crestline and Williamsburg directly south of my home on Crestline.
- 4432 Walnut Hill Lane, the property two doors east of my home on Walnut Hill Lane.
- 4411 Williamsburg, the property southeast of my home at Crestline and Williamsburg that is currently under construction.

Please let me know if you have any questions.

Thank you for all that you do!

Best regards,
Mary McLean
9919 Crestline Ave.
Dallas, TX 75220

January 2014

BDA134-004
Attach B
Pg 2

Dear Board of Adjustment:

We are neighbors of the property which Mary McLean and Randy Walker own at 9919 Crestline Ave.

We have reviewed the plans that Mary McLean & Randy Walker have for a fence along Walnut Hill, which meet with our approval. As a result, we encourage you to support the construction of their fence along Walnut Hill.

Sincerely,

Evelyn Cole

Name (please print)

9909 Crestline Avenue

Address

Evelyn Cole

Signature

1/11/2014

Date

January 2014

BDA134-004

Att. B

P3

Dear Board of Adjustment:

We are neighbors of the property which Mary McLean and Randy Walker own at 9919 Crestline Ave.

We have reviewed the plans that Mary McLean & Randy Walker have for a fence along Walnut Hill, which meet with our approval. As a result, we encourage you to support the construction of their fence along Walnut Hill.

Sincerely,

NEIL HUPFAUER

Name (please print)

4432 WALNUT HILL LANE

Address

Neil Hupfauer

Signature

1-10-13

Date

January 2014

BDA134-004
Attach B
p54

Dear Board of Adjustment:

We are neighbors of the property which Mary McLean and Randy Walker own at 9919 Crestline Ave.

We have reviewed the plans that Mary McLean & Randy Walker have for a fence along Walnut Hill, which meet with our approval. As a result, we encourage you to support the construction of their fence along Walnut Hill.

Sincerely,

Travis E. (Gene) Lunceford Jr.

Kay R. Lunceford

Name (please print)

4411 Wittigmsberg

Address

[Handwritten signatures]

Signature

1/22/14

1/11/14

Date



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-004

Data Relative to Subject Property:

Date: 11/14/13

Location address: 9919 CRESTLINE AVE Zoning District: R-10(A)

Lot No.: 10 Block No.: 3542 Acreage: .39 Census Tract: 0206.00

Street Frontage (in Feet): 1) 104.50' 2) 191.75' 3) _____ 4) _____ 5) _____ NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARY E. McLEAN + R.J. WALKER

Applicant: MARY E. McLEAN Telephone: (214) 335-4552

Mailing Address: 3721 N. HALL ST. #408 Zip Code: 75219

E-mail Address: mmcleantx@earthlink.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception of TWO- FEET TO FENCE HEIGHT IN FRONT YARD

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: IN ORDER TO ENHANCE THE AESTHETICS AND SECURITY WITHIN THE NEIGHBORHOOD.

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.

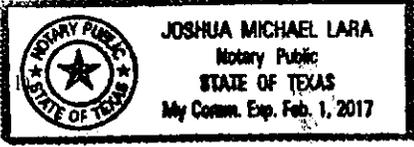
Affidavit

Before me the undersigned on this day personally appeared MARY E. McLEAN (Affiant/Applicant's name printed)

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

Respectfully submitted: Mary E. McLean (Affiant/Applicant's signature)

Subscribed and sworn to before me this 14th day of November, 2013



Joshua Lara
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

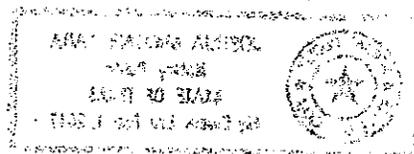
I hereby certify that MARY MCLEAN

did submit a request for a special exception to the fence height regulations
at 9919 Crestline Avenue

BDA134-004. Application of Mary McLean for a special exception to the fence height regulations at 9919 Walnut Hill Lane. This property is more fully described as Lot 10, Bloc 5542, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

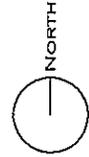
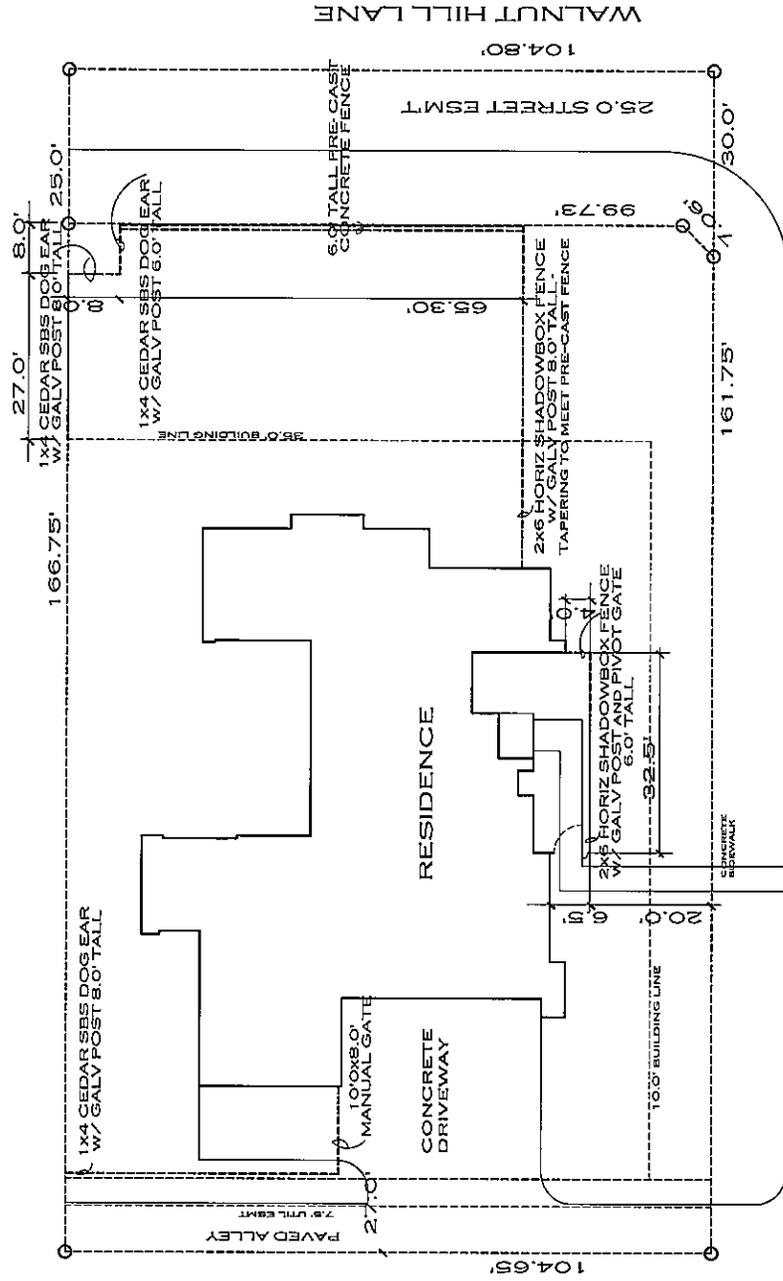
SUP

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

PDS Subdistricts

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

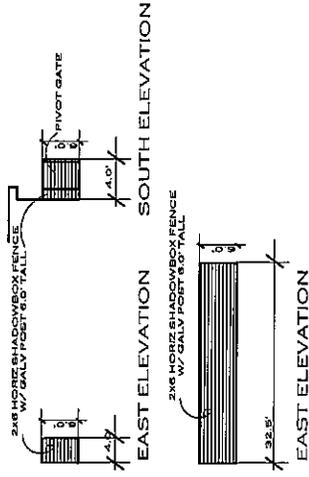
MEM



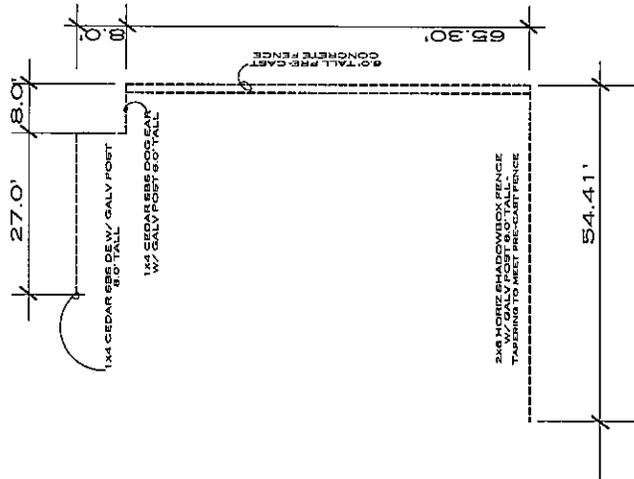
LOT 10, BLOCK A/5542
MEADOWWOOD ESTATES
DALLAS, DALLAS CNTY, TEXAS

9919 CRESTLINE AVE

PROPOSED FENCE PLAN
SCALE 1"=10.0'
NOVEMBER 13, 2013



PROPOSED COURTYARD FENCE PLAN



PROPOSED SCREENING FENCE PLAN

SCALE 1"=10'
NOVEMBER 13, 2013



314.202.0801
DALLAS, TEXAS
GREGCOHOMES.COM

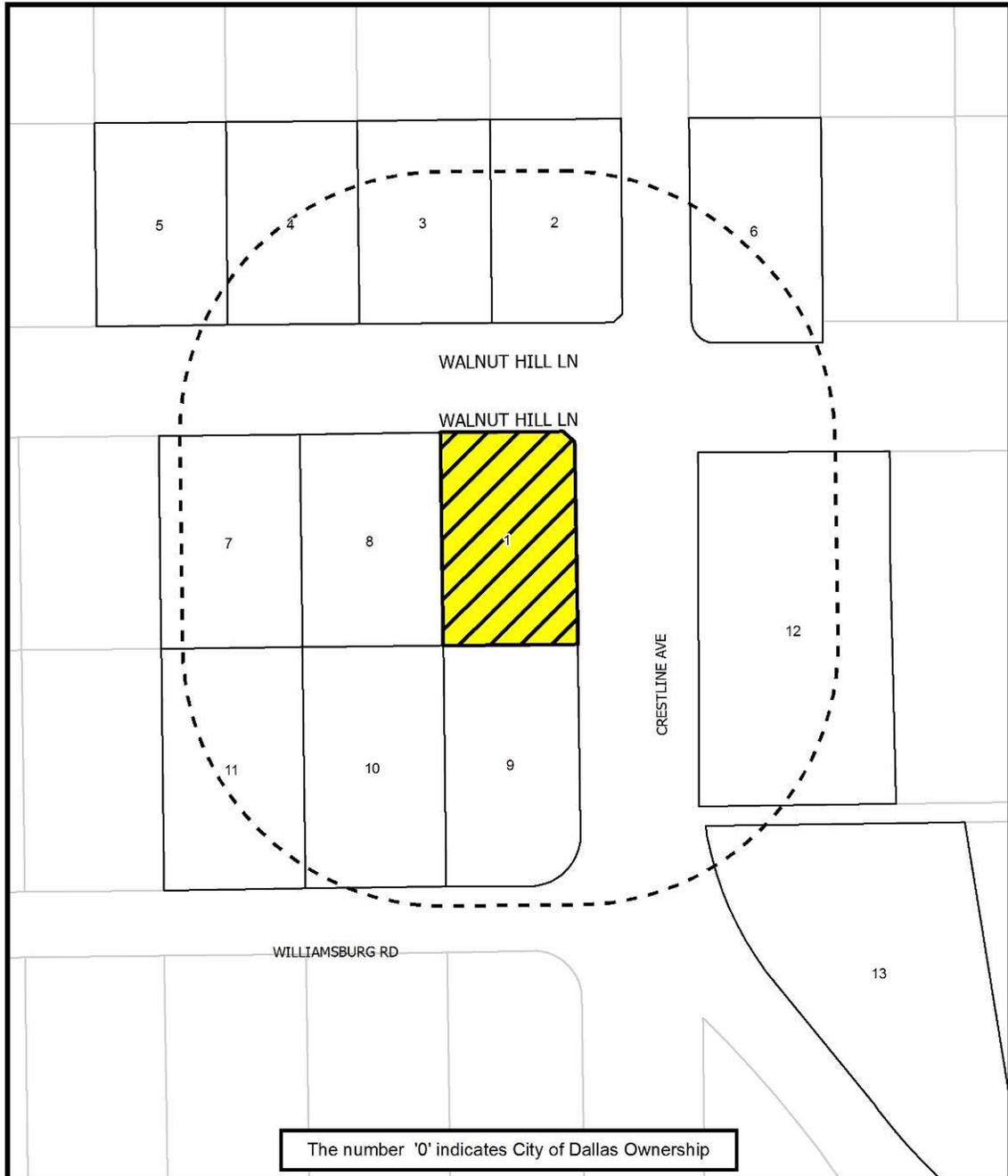
DATE
041813

CRESTLINE
PROJECT

PROJECT
9919
CRESTLINE
LANE

LOT 10
BLOCK A/5642
MEADOWWOOD
ESTATES
SECT 5
DALLAS,
TEXAS
GNTXTEXAS

SHEET
FENCE
2 OF 2



 1:1,200	NOTIFICATION		Case no: BDA134-004
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 12/23/2013

Notification List of Property Owners

BDA134-004

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9919 CRESTLINE AVE	MCLEAN MARY E & R J WALKER
2	4339 WALNUT HILL LN	TONNEMACHER DEBORAH
3	4331 WALNUT HILL LN	GONZALES JOSEPH D & DORIS P
4	4323 WALNUT HILL LN	HVIDSTEN HEATHER
5	4315 WALNUT HILL LN	MCDONNELL MYRTLE M
6	4407 WALNUT HILL LN	RUDERER TAMI G
7	4322 WALNUT HILL LN	JONES LAURIE E
8	4330 WALNUT HILL LN	CURL STEVEN M & KATHLEEN L
9	9909 CRESTLINE AVE	COLE RICHARD B & EVELYN L
10	4329 WILLIAMSBURG RD	KERNODLE HAROLD B & CECILIA G
11	4323 WILLIAMSBURG RD	GAMMILL BILL & GAMMILL CHRISTY
12	4410 WALNUT HILL LN	TURNER ROBERT THOMAS &
13	4411 WILLIAMSBURG RD	LUNCEFORD TRAVIS EUGENE JR & KAY REYNOLD

FILE NUMBER: BDA 123-115

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a variance to the off-street parking regulations at 1899 McKinney Avenue. This property is more fully described as a 0.45 acre tract in Block 293 and is zoned PD-193(HC), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a restaurant without drive-in or drive-through [THRU is not a word] use and provide 21 of the required 71 off-street parking spaces, which will require a 50 space variance to the off-street parking regulations.

LOCATION: 1899 McKinney Avenue

APPLICANT: Robert Baldwin

REQUEST:

A request for a variance to the off-street parking regulations of 50 spaces is made in conjunction with leasing a vacant approximately 7,100 square foot one-story structure with a restaurant without drive-in or drive-through use, where the applicant proposes to provide 21 (or 30 percent) of the required 71 required off-street parking spaces.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While the site is somewhat sloped, virtually rectangular in shape, and with three front yard setbacks, staff recommends denial of this request since the applicant has not provided documentation to show how any of these features preclude him from developing it in a manner commensurate with the development of other parcels of land in the same PD 193 (HC) zoning.
- The features of this site do not preclude the applicant from leasing the existing structure built in the 60's with a use permitted in the zoning district where an off-street parking reduction request would not be necessary.
- The applicant has not substantiated how this variance for specific uses (restaurant without drive-in or drive-through is not needed to relieve a self-created hardship.
- Granting the variance appears to be contrary to public interest since the Sustainable Development and Construction Department Engineering Division Assistant Director has recommended that this request be denied based on his conclusion that the proposal to provide only 30 percent of the required off-street parking is not sufficient for the use in a congested area.

BACKGROUND INFORMATION:

Site: PD 193 (HC) (Planned Development, Heavy Commercial)
North: PD 193 (HC) (Planned Development, Heavy Commercial)
South: PD 193 (HC) (Planned Development, Heavy Commercial)
East: PD 193 (HC) (Planned Development, Heavy Commercial)
West: PD 193 (HC) (Planned Development, Heavy Commercial)

Land Use:

The subject site is developed avacant structure. The areas to the north, east, south, and west is developed with a mix of uses, most of which appear to be office uses.

Zoning/BDA History:

1. BDA 101-106, Property at 1899 McKinney Avenue(the subject site)

On November 16, 2011, the Board of Adjustment Panel B granted a request for a variance to the off-street parking regulations of 71 spaces and imposed the following condition: 71 off-street parking spaces must be provided for the restaurant use within a walking distance of 600 feet from the subject site. The case report stated that the request for a variance to the off-street parking regulations of 36 parking spaces (or a 51 percent reduction of the 71 off-street parking spaces that are required) was requested in conjunction with maintaining an approximately 7,100 square foot structure as “restaurant without drive-in or drive through service” use (Glass at 1899).

2. BDA 001-155, Property at 1899 McKinney Avenue (the subject site)

On February 20, 2001, Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition. The case report stated that the request was made in conjunction with renovating and expanding an existing office building on the site where the existing building footprint would remain intact and eight floors would be added atop that would include 19 residential units.

Timeline:

August 26, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 11, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

December 12, 2013: 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 December 30th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 6, 2014: The newly designated applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

January 7, 2014: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's Report on this application to the Board Administrator (see Attachment B).

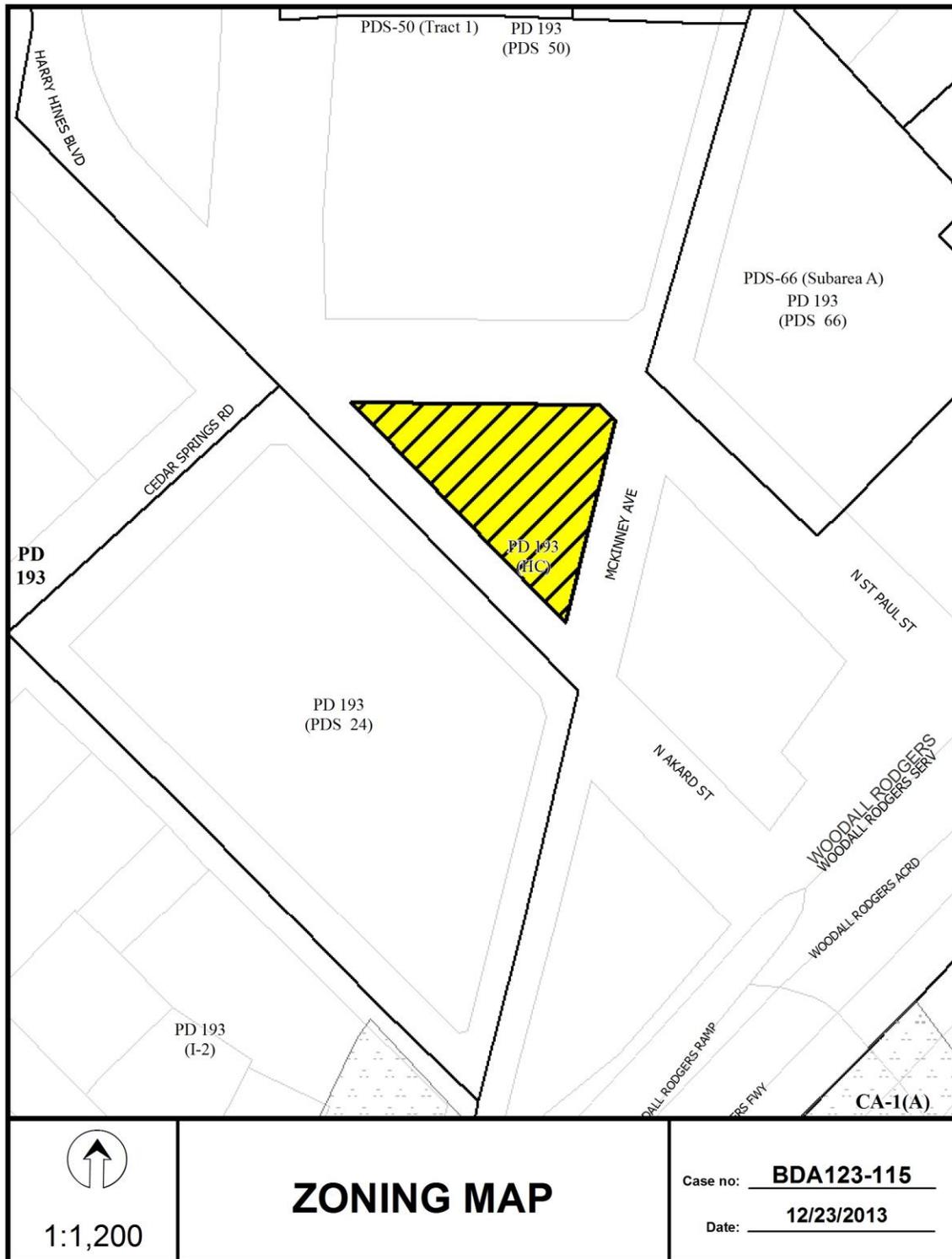
January 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director and Senior Engineer, the Assistant Building Officials, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

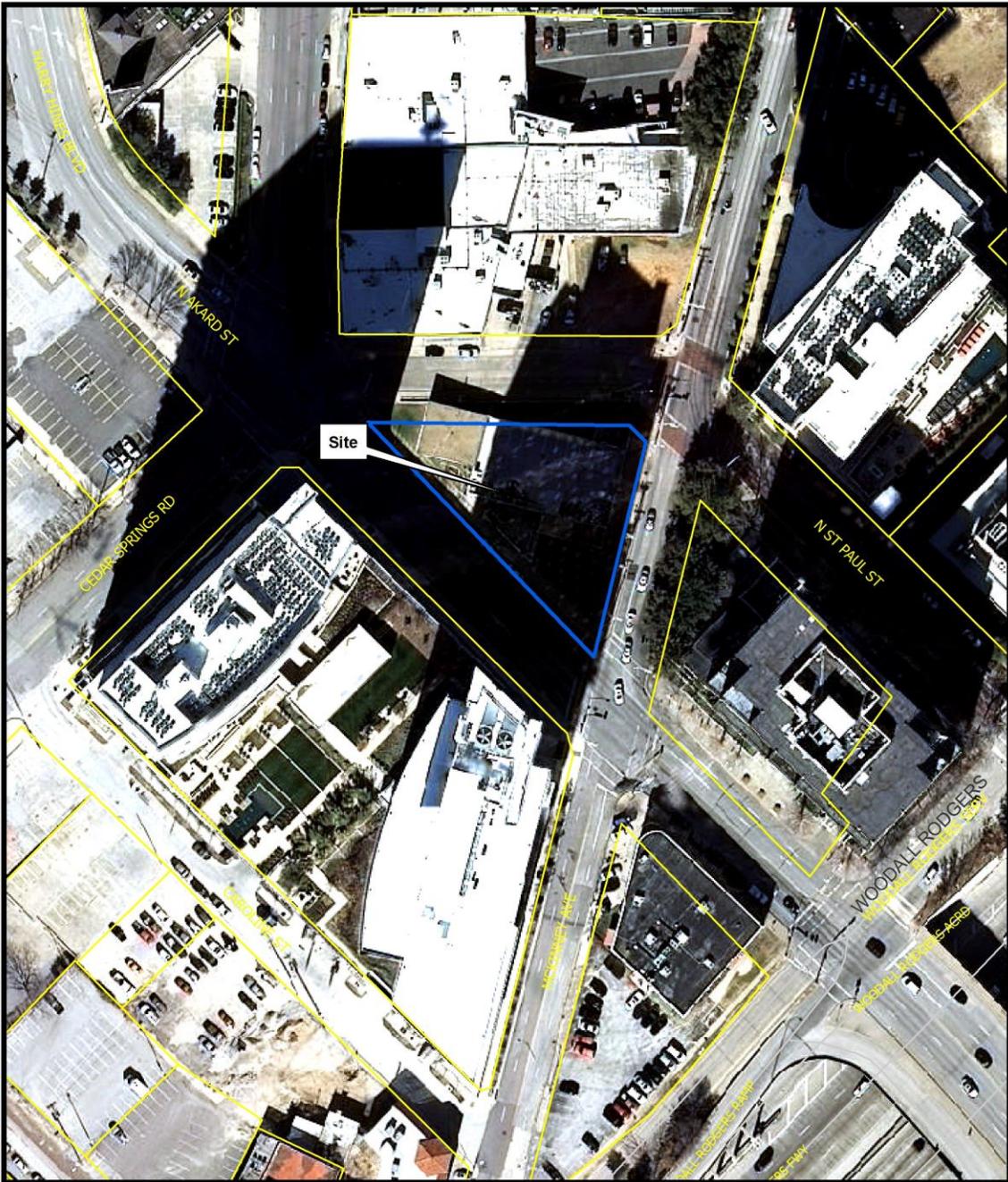
January 9, 2014: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "The proposed parking is not sufficient for the use in a congested area."

GENERAL FACTS/ STAFF ANALYSIS:

- The request focuses on leasing a vacant approximately 7,100 square foot one-story structure with a restaurant without drive-in or drive-through use, where the applicant proposes to provide 21 (or 30 percent) of the required 71 required off-street parking spaces.

- The subject site is zoned PD 193 (HC) that requires the following off-street parking requirement:
 - Restaurant without drive-in or drive-through service: 1 space per 100 square feet of floor area
- The Sustainable Development and Construction Department Project Engineer has submitted a Review Comment Sheet marked “Recommends that this be denied” commenting “The proposed parking is not sufficient for the use in a congested area.”
- The site is somewhat sloped, virtually triangular in shape, and according to the application, 0.45 acres in area. The site is zoned PD 193 (HC). Given that the site is zoned PD 193 (HC) and has three street frontages, the subject site has three front yard setbacks as would any property with two street frontages not zoned agricultural, single family, or duplex.
- DCAD records indicate that the “improvements” at 1899 McKinney is an “office building” with 7,953 square feet built in 1966.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD193 (LC) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (LC) zoning classification.
- If the Board were to grant this request, the applicant would be required to provide only 21 (or 30 percent) of the 71 off-street parking spaces required to lease the vacant 7,100 square foot structure with restaurant without drive-in or drive-through use on the subject site.





1:1,200

AERIAL MAP

Case no: BDA123-115

Date: 12/23/2013

Baldwin
Associates

January 6, 2014

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

Re: BDA123-115: 1899 McKinney Avenue

Dear Steve:

This firm has recently been retained to assist Pearl Realty Holdings, LLC, the owner of the property known as 1899 McKinney Avenue, in their efforts to obtain a parking variance for the property. This case was filed by another party and I am now the official representative for this matter.

The subject property is a triangular 0.447-acre parcel of land bounded by McKinney Avenue, St. Paul Street and N. Akard Street. There is a one-story building on the property that was built in 1966. Historically, the off-street parking for the property was located on the roof of the building. There were approximately 21 parking spaces on the roof. The property was originally built as an office building, but was converted to a restaurant in 2011. When the building was converted to a restaurant, the parking on the roof was removed and the required parking was provided via an off-site parking agreement. This parking agreement has been terminated and the property owner has tried in vain to reinstate an off-site parking agreement for the property. Given the scarcity of land in the vicinity, the owner has been unable to secure the required parking. Given the triangular shape of the lot, along with the existing improvements on the property, it is impossible to provide additional parking on-site. Hence the need for this variance request.

The owner is in the process of re-establishing the parking on the roof, so the actual variance request is for 50 spaces, or 70% of the required parking and not the 71 spaces or 100% initially requested.

The owner of the property has retained the DeShazo Group to perform a parking analysis in the area. The DeShazo Group undertook a parking count of parking available in proximity to the site on a Friday evening when the Dallas Stars had a home game. This time was chosen as it appeared that this would put the greatest strain on finding parking in the area, given it's location in proximity to the American Airlines Center. The DeShazo study concluded that given the location of an existing commercial parking lot to

BDA 123-115
Attach A
pg 2

the west of the subject property, coupled with the on-street parking immediately adjacent to the site, there is adequate parking in the area to justify this request. I have attached a copy of the DeShazo study to this letter for your review and use.

Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert B. Baldwin', with a long horizontal flourish extending to the right.

Robert B. Baldwin, AICP



Traffic. Transportation Planning. Parking. Design.

400 S. Houston Street, Suite 330
Dallas, TX 75202
214.748.6740 □ Fax: 214.748.7037
deshazogroup.com

December 30, 2013

Mr. Bruce Thompson
Pearl Realty Holdings, LLC
2701 E. Plano Parkway #100
Plano, Texas 75074

RE: Parking Data Collection for 1899 McKinney Avenue
DeShazo Project Number 13213

Dear Mr. Thompson:

Pursuant to your request, DeShazo Group, Inc. has conducted a parking occupancy study in the vicinity of your subject property location at 1899 McKinney Avenue. The data was collected on Friday evening, December 27, 2013. (NOTE: A Dallas Stars professional hockey game was held at the nearby American Airlines Center on the evening of the counts.) The parking data collection consisted of counting the number of total parking spaces available and the number of spaces available in the public surface parking lot located immediately west of the site and all of the public on-street parking spaces along the streets immediately adjacent to the site and the public parking lot. Exhibit 1 depicts the site location and the location of the parking supplies counted in this exercise.

The data from the counts is provided in the attached table (Table 1) and is graphically summarized in Exhibit 2. The results indicate that, during the 9:00 PM hour, 70 total spaces were available for public use. For the 10:00 PM and 11:00 PM hours, 81 and 243 spaces were available, respectively. Other publicly available parking spaces were provided in the area at greater walking distance.

Please contact me with any questions you may have regarding these data. Thank you.

Sincerely,

DeSHAZO GROUP, INC.

A handwritten signature in black ink that reads "Steve E. Stoner". The signature is written in a cursive style and is positioned above the printed name.

Steve E. Stoner, P.E., PTOE - Principal

Cc: Mr. Rob Baldwin -- Baldwin Associates, LP

BDA 23-115

Attach A

Pg 4

Attachments:

- > Exhibit 1 - Site Location Map/Study Area
- > Exhibit 2 – Summary of On-Street Parking in Vicinity of Site at 1899 McKinney Avenue
- > Table 1 - Parking Accumulation Data .

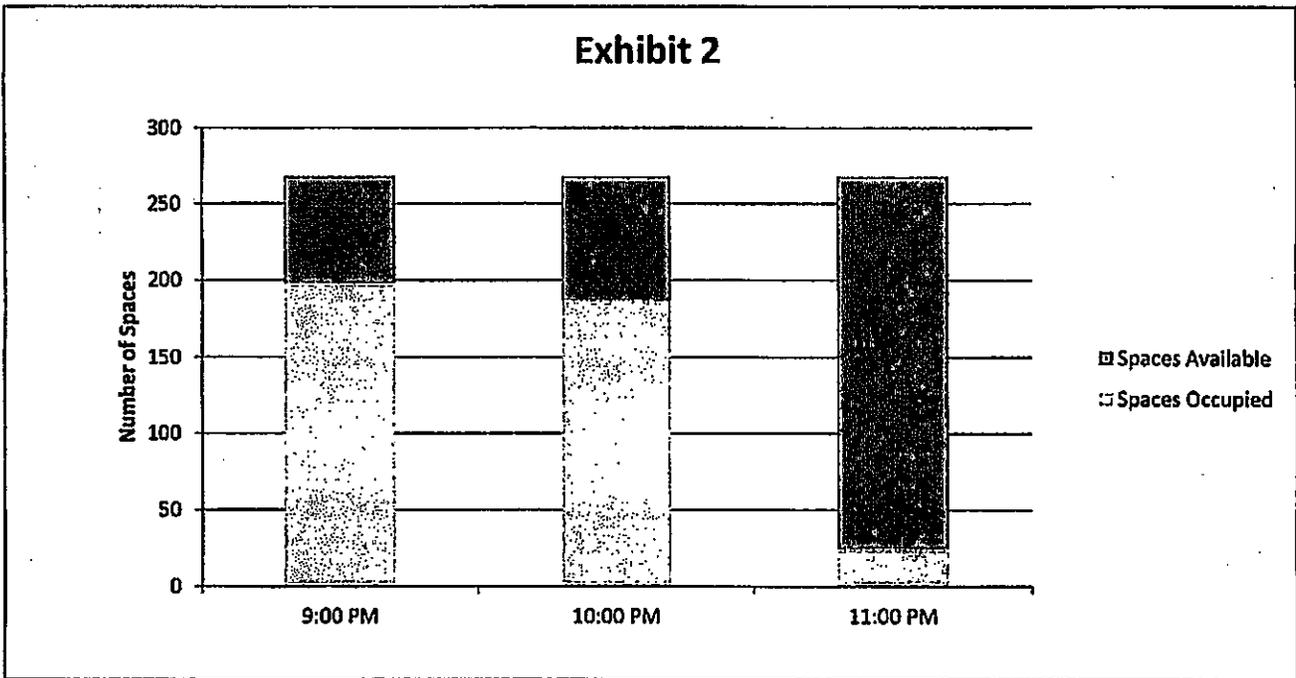


Table 1

DeShazo Group, Inc.

Date of Collection: Friday, December 27, 2013

	Total Spaces				Parked Vehicles				Spaces Available			
	Lot	On-Street		Total	Lot	On-Street		Total	Lot	On-Street		Total
		Metered	Non-metered			Metered	Non-metered			Metered	Non-metered	
9:00 PM	190	39	39	268	136	37	25	198	54	2	14	70
10:00 PM	190	39	39	268	131	33	23	187	59	6	16	81
11:00 PM	190	39	39	268	11	9	5	25	179	30	34	243

- *7 Metered Spaces were uncouncted due to being bagged
- *16 Non-metered Spaces were estimated to be 22 ft in length
- *2 illegally Parked vehicles for 9:00 PM and 1 illegally parked vehicle for 10:00 PM

BDA 123-115
Attn A
Pg 8



AFFIDAVIT

BDA Case # _____

The undersigned Pearl Realty Holdings, L.L.C., Owner of the subject property at: 1899 McKinney Avenue

Authorizes (applicant) Robert Baldwin

To pursue an appeal to the City of Dallas Board of Adjustment for the following request (s)

X Variance (please specify)

Parking

Special Exception (please specify)

Other (please specify)

PEARL REALTY HOLDINGS, L.L.C.

By: Randall G. Ray
Randall G. Ray, Authorized Representative

January 2, 2014

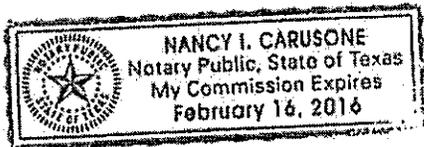
Print name of property owner

Signature of property owner

Date

Before me the undersigned on the day of personally appeared Randall G. Ray, Authorized Representative of Pearl Realty Holdings, L.L.C., 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 2nd day of January, 2014



Nancy Carusone

Notary Public on and for

Dallas County, Texas

Commission expires on 2-16-16

WIA WIER & ASSOCIATES, INC.
 ENGINEERS SURVEYORS LAND PLANNERS
 201 HICKORY LANE, SUITE 200, FORT WORTH, TEXAS 76104 (817) 343-7700
 FROM PLAN REGISTERED IN 2009 UNDER NO. 495

BOUNDARY SURVEY OF
 0.447 ACRE OF LAND
 LOCATED IN THE JOHN GROSSY SURVEY, ABSTRACT NO. 495,
 CITY OF DALLAS, DALLAS COUNTY, TEXAS.

CONTRACT NO. 0308
 DATE OF SURVEY: 10/14/09
 SHEET NO. 1 OF 1

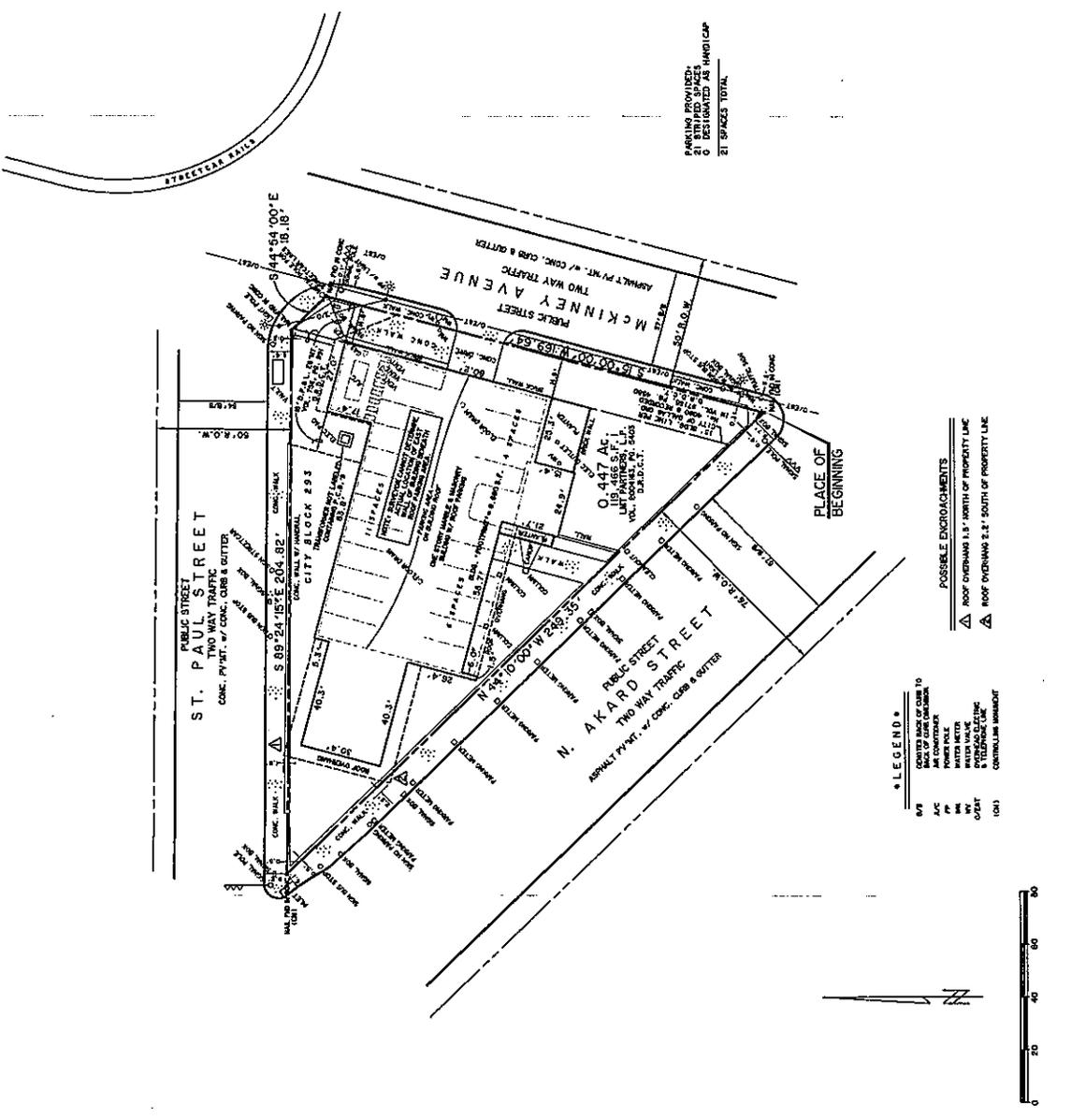
*** METES & BOUNDS DESCRIPTION ***
 BEING 0.447 acre of land located in the JOHN GROSSY SURVEY, Abstract No. 495, Dallas County, Texas, being a portion of City Block 235, (Official) City Number and being all that certain tract of land described in Page 5403 of the David Records of Dallas County, Texas and more particularly described by meter and bounds as follows:
 BEGINNING at a well found in concrete sidewalk at the most southerly corner of the intersection of North Akard Street (72 feet wide right-of-way) and North Paul Street (72 feet wide right-of-way); thence S 89° 24' 15" E, 204.32 feet to a well found in concrete sidewalk at the south end of the sidewalk; thence S 44° 54' 00" E, 18.16 feet to a well found in concrete sidewalk at the corner of McKinley Avenue; thence S 15° 00' 00" W, 181.64 feet to the PLACE OF BEGINNING, containing 0.447 acre (126,466 square feet) of land.

*** NOTES ***
 1. ACCORDING TO SURVEYOR'S INTERPRETATION OF INFORMATION SHOWN ON THE NATIONAL FLOOD HAZARD AREA MAP (REVISED AUGUST 23, 2001), NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA (AREA INDICATED BY 100-YEAR FLOOD ZONE AS DEFINED BY THE U.S. DEPARTMENT OF COMMERCE, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION, ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY).
 2. THE ABOVE REFERENCED "FIRM" MAP IS FOR USE IN ADMINISTERING THE "NFIP". IT DOES NOT NECESSARILY SHOW ALL AREAS SUBJECT TO FLOODING, PARTICULARLY FROM LOCAL SOURCES OF SMALL STREAMS OR SURFACE CONDITIONS EXISTING ON OR NEAR THE SUBJECT PROPERTY WHICH ARE NOT SHOWN AS FLOOD ZONE ON THE "NFIP".
 3. THIS BOUNDARY SURVEY WAS PREPARED WITH THE BENEFIT OF A COPY OF THE COMPLETION OF THE RECORD WHICH HAVE BEEN REPORTED TO THIS SURVEYOR IN SCHEDULE "B" OF SAID COMMITMENT FOR TITLE INSURANCE.
 4. THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM EXISTING DRAWINGS, RECORDS AND FIELD LOCATIONS. UNLESS INDICATED OTHERWISE, THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT GUARANTEE THAT THE UTILITIES SHOWN ARE COMPLETELY ACCURATE. THE SURVEYOR HAS BEEN NOTICED THAT THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
 5. ALL UTILITY RODS SET WITH CAP STAMPED "WIER & ASSOC., INC.", UNLESS NOTED OTHERWISE.
 6. ALL BEARINGS CORRELATED TO THE SOUTH LINE OF UPTOWN METROPOLITAN TRACT, PER DEED RECORDED IN VOL. 2006003, PG. 0062, D.R.D.C.T. IN 44-10-00-011

*** SURVEYOR'S STATEMENT ***
 TO: PEARL REALTY HOLDINGS, LLC, TEXAS CAPITAL BANK, CENTURION ACQUISITIONS, INC., CHECKCAST, INC., LMT PARTNERS, L.P., A TEXAS LIMITED PARTNERSHIP, LAWYERS TITLE CORPORATION, AND SENDERA TITLE.
 I hereby certify that on the 7th day of October, 2009:
 (a) this survey was made on the ground surveyed on the ground January 14, 2005) as per the field notes thereon and the survey was made in accordance with the best standards of the profession and the location of the right-of-way, easements and any other matters of record for which I have knowledge or have been advised by others, and that I have not been advised of any matters of record which would affect the subject property in any way; and that I have not been advised of any matters of record which would affect the subject property in any way;
 (b) except as shown on the survey, there are no (1) encroachments upon the subject property by any person or persons, (2) easements or other interests in the subject property, (3) visible conflicts or delays by any visible improvements on the subject property, (4) party wall, or (5) visible conflicts or delays by power, dedicated public right-of-way maintained by the City of Dallas,
 (c) ingress to and egress from the subject property is provided by McKinley Avenue, the same being a public right-of-way maintained by the City of Dallas,
 (d) titled building set back lines on the subject property are located as shown hereon,
 (e) the subject property lies within a flood plain or flood prone area or a flood way of any body of water, and
 (f) this survey conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category IA, Condition 1 Survey
 SURVEYED ON THE GROUND
 OCTOBER 31, 1997
 OCTOBER 5, 2000
 OCTOBER 14, 2008
 JANUARY 14, 2009



Robert L. Wier
 10/14/09
 STATE OF TEXAS No. 57413



*** LEGEND ***
 1/4" SECTION LINE OF 1/4 ACRES
 1/4" BACK OF CURB OR GUTTER
 1/4" EASEMENT
 1/4" WATER RIGHTS
 1/4" WATER RIGHTS
 1/4" 5' TYPICAL LINE
 1/4" CONTINUOUS BOUNDARY

POSSIBLE ENCROACHMENTS
 ▲ ROOF OVERHANG 1.5' NORTH OF PROPERTY LINE
 ▲ ROOF OVERHANG 2.2' SOUTH OF PROPERTY LINE





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-115

Data Relative to Subject Property:

Date: 13SEP13

Location address: 1899 MCKINNEY DALLAS, TEXAS Zoning District: PD 193 (HC)

Lot No.: - Block No.: 293 Acreage: 0.45 Census Tract: 19.00

Street Frontage (in Feet): 1) 169' 2) 249' 3) 205' 4) 18' 5) SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): PEARL REALTY HOLDINGS, LLC

Applicant: Carlos D. Goyne, Cafe Build LLC Telephone: 214.793.8181

Mailing Address: 1529 Dragon Street, Dallas, Texas Zip Code: 75207

E-mail Address: cdgoyne@goyne.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception , of the reduction of required parking by 71 spaces in order to allow the use of the building space to be a bar/restaurant use requiring 1 space per 100 square feet without any adverse affect on the City for reasons that the size, shape, and slope of the property prohibit the location of the required spaces on the site, but that there are adjacent public parking lots available via agreement which will allow for more than our required amount of parking and will be available during our business hours.

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:

We will have access to public parking at adjacent lots, as our site does not allow for the parking of the city required parking, as the size shape and slope of the property does not allow for the required 71 spaces to be obtained on the site. We will illustrate the available public parking immediately adjacent to the building.

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

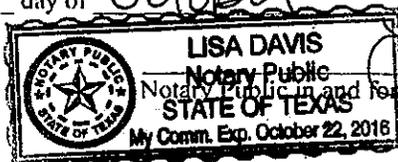
Before me the undersigned on this day personally appeared Carlos D. Goyne
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 24 day of October 2013

(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

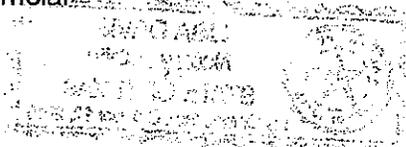
I hereby certify that CARLOS GOYNE

did submit a request for a variance to the parking regulations
at 1899 McKinney Avenue

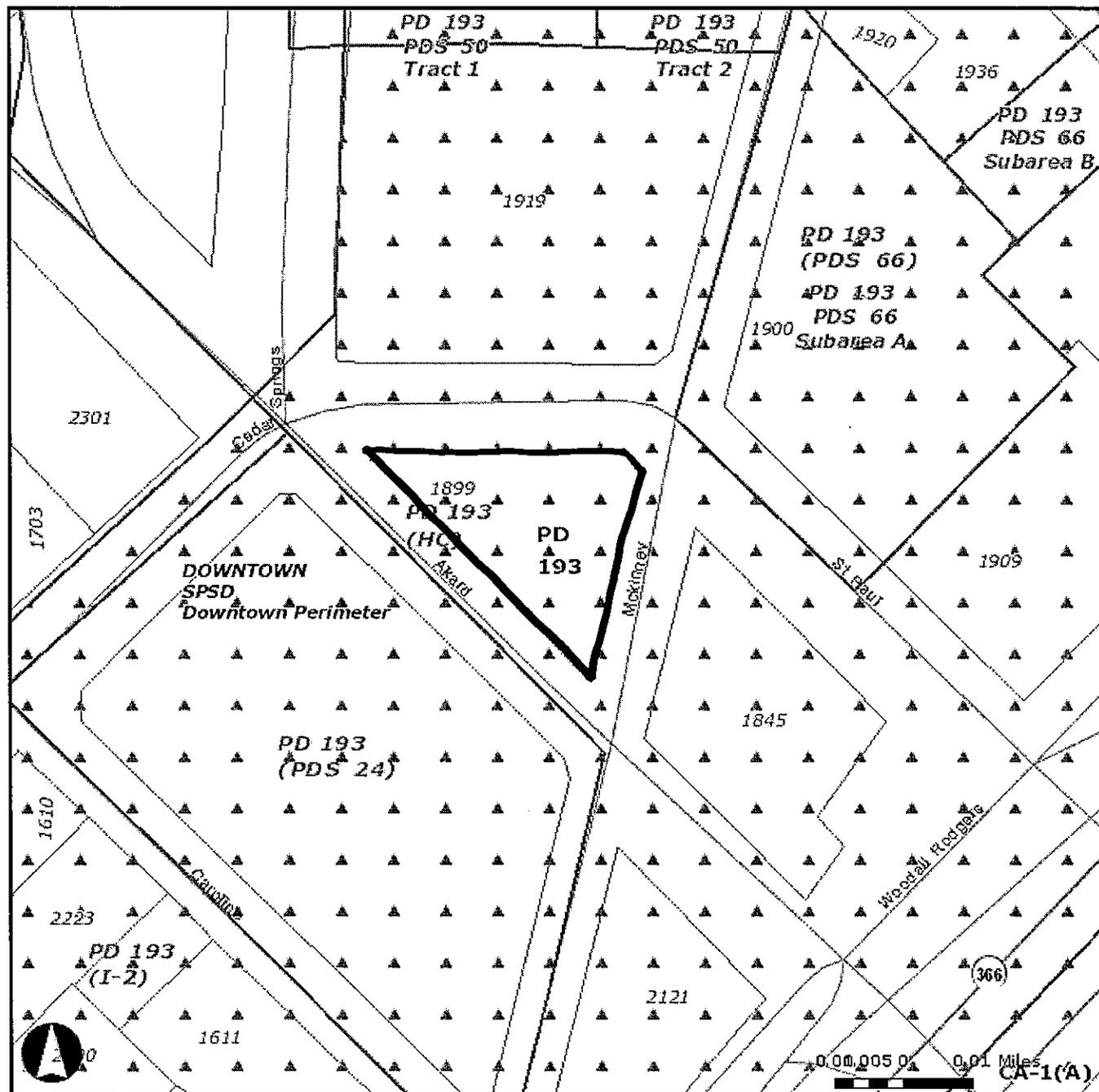
BDA123-115. Application of Carlos Goyne for a variance to the parking regulations at 1899 McKinney Avenue. This property is more fully described as a .45 acre tract in Block 293 and is zoned PD-193(HC), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant without drive-in or drive-thru use and provide 0 of the required 71 parking spaces, which will require a 71 space variance (100% reduction) to the parking regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

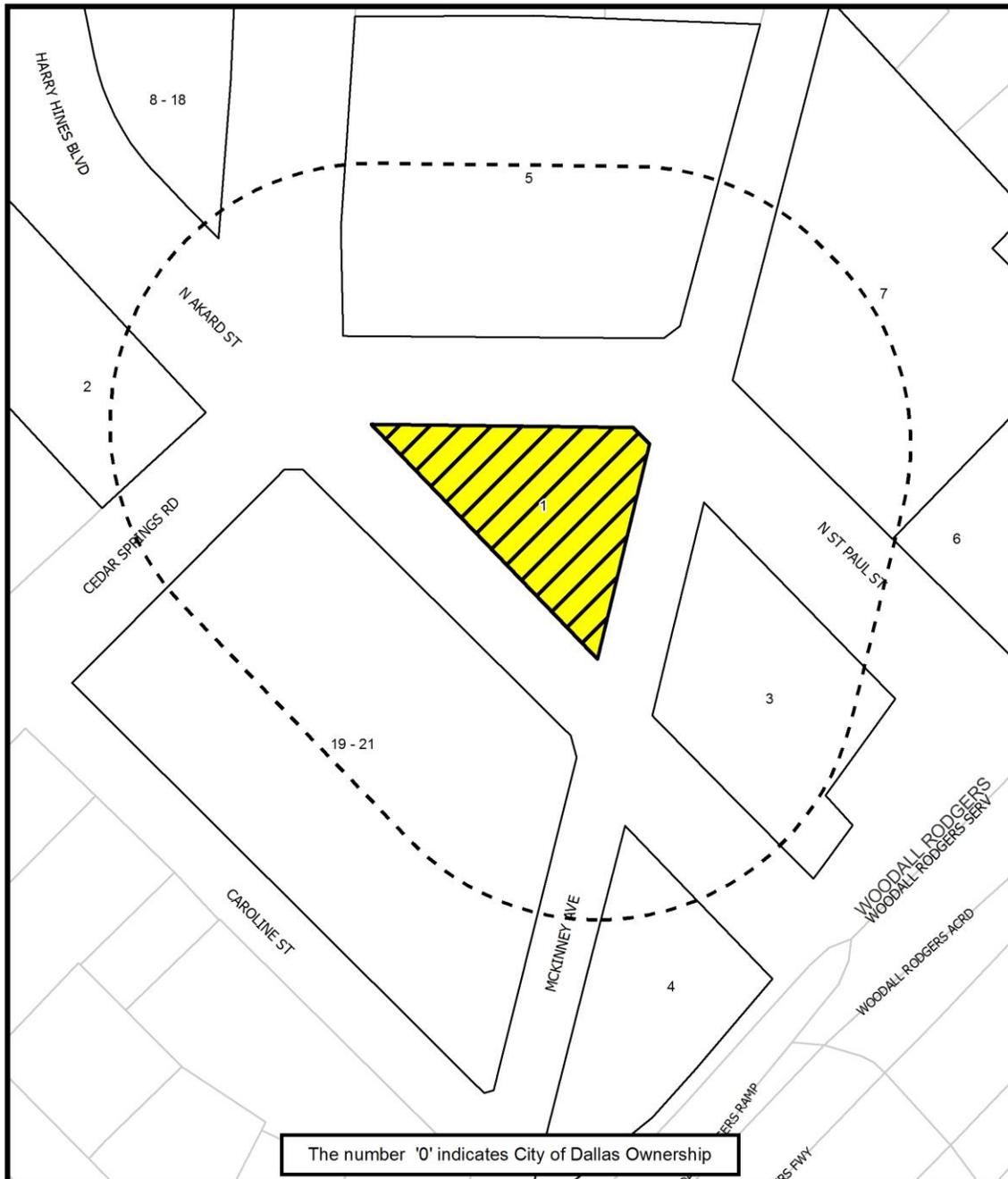
- SUP
- Dry Overlay
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts

PDS Subdistricts

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

Handwritten initials/signature.

Steve's
Copy - January
Note: No DMG's
& Analysis
of Parking
per SEC.



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">21</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	21	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-115 Date: 12/23/2013
200'	AREA OF NOTIFICATION					
21	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-115

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1899 MCKINNEY AVE	PEARL REALTY HOLDINGS LLC
2	2301 AKARD ST	RED AKARD PLACE LLC SUITE 300
3	1845 WOODALL RODGERS FWY	1845 WF FREEWAY LLC ATTN ROBERT EARLY
4	2121 AKARD ST	2121 AKARD PS LP
5	1919 MCKINNEY AVE	HKS BUILDINGS LP % ECOM REAL ESTATE MGMT
6	1909 WOODALL RODGERS FWY	L & W REAL ESTATE LLC DANNA OFFICE LP
7	1900 MCKINNEY AVE	1900 MCKINNEY PROPERTIES ATTN: B&D EQUIT
8	1925 CEDAR SPRINGS RD	KIRK JAMES R UNIT 101
9	1925 CEDAR SPRINGS RD	MARTIN CHRISTOPHER H & MARTIN STACIE W
10	1925 CEDAR SPRINGS RD	WARPAINT HQ LLC % CRISTIN ADAMS
11	1925 CEDAR SPRINGS RD	ROMANO PHILIP J
12	1925 CEDAR SPRINGS RD	THREE BRIDS PROPERTY LP
13	1925 CEDAR SPRINGS RD	ROLLINS PROPERTIES LP % JAMES KIRK
14	1925 CEDAR SPRINGS RD	ROLLIN PROPERTIES LP % JAMES KIRK
15	1925 CEDAR SPRINGS RD	DAWSON WILLIAM B & PATRICIA A STE
16	1925 CEDAR SPRINGS RD	SMITH THOMAS L UNIT #301
17	1925 CEDAR SPRINGS RD	REEDER JAMES B LOFT 302
18	1925 CEDAR SPRINGS RD	BALDRIDGE JERALD TR ETAL SUITE 303
19	1717 MCKINNEY AVE	GPI-M UPTOWN LP
20	1700 CEDAR SPRINGS RD	LG CEDAR SPRINGS LP SUITE 800
21	1717 MCKINNEY AVE	GIP-M UPTOWN LP

FILE NUMBER: BDA 134-005

BUILDING OFFICIAL'S REPORT: Application of William Mark Moore for a special exception to the visual obstruction regulations at 5361 Livingston Avenue. This property is more fully described as Lot 16, Block B/2478, and is zoned R-7.5(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 5361 Livingston Avenue

APPLICANT: William Mark Moore

REQUEST:

A special exception to the visual obstruction regulations is made in conjunction with maintaining an existing 7' high hedge located in the 45' visibility triangle at the intersection of Livingston Avenue and Westside Drive on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director recommends that this request be denied because the dense vegetation compromises visibility for public safety.
- The applicant has not substantiated how the 7' high hedge located in the 45' visibility triangle at the intersection of Livingston Avenue and Westside Drive does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family residential 7,500 square feet)
North: R-7.5(A) (Single family residential 7,500 square feet)
South: R-7.5(A) (Single family residential 7,500 square feet)
East: Town of Highland Park
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

The subject site is developed with a single family home. The areas to 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 5, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 11, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 12, 2013: 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 December 30th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 23 & 26,

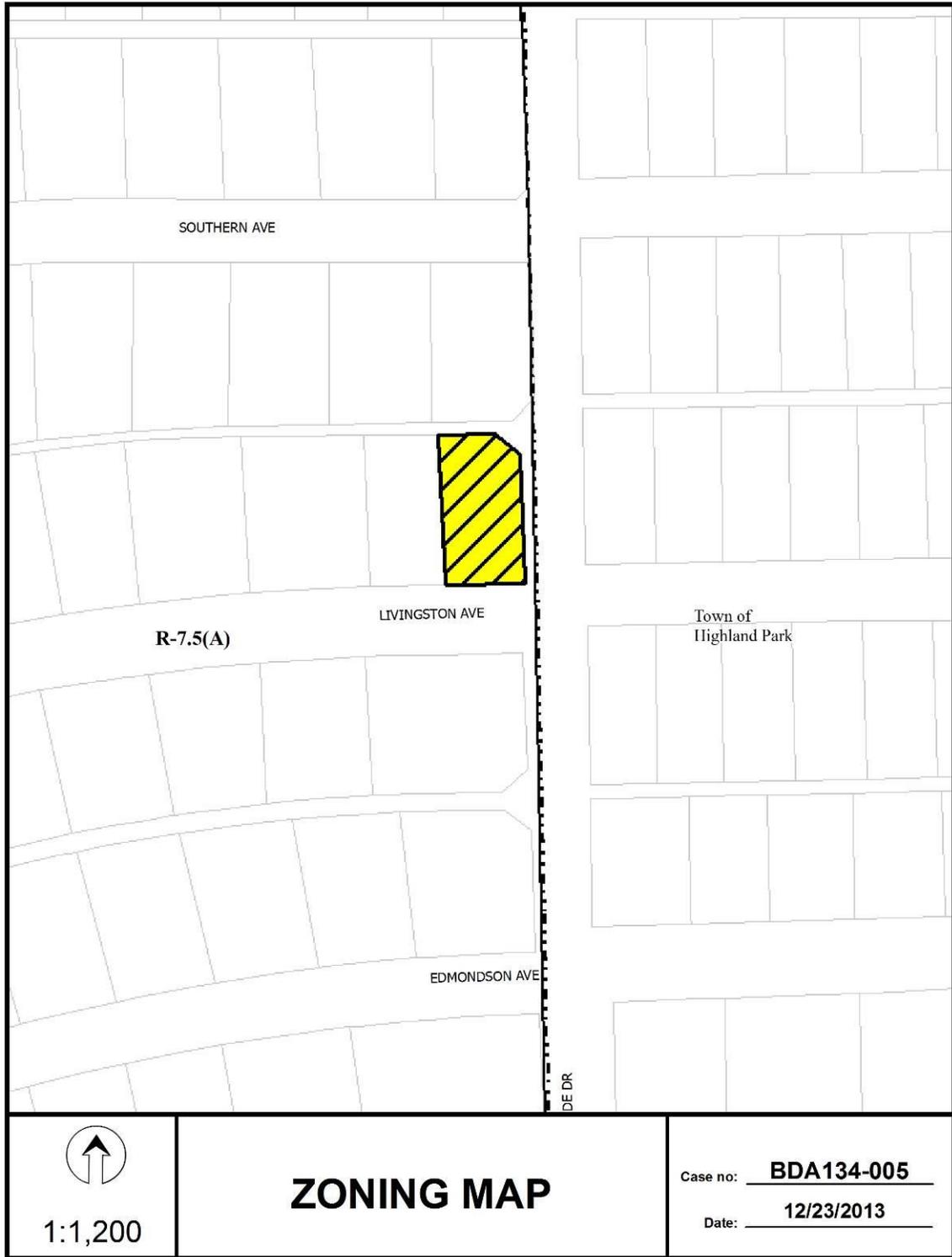
And January 2, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A, B, and C).

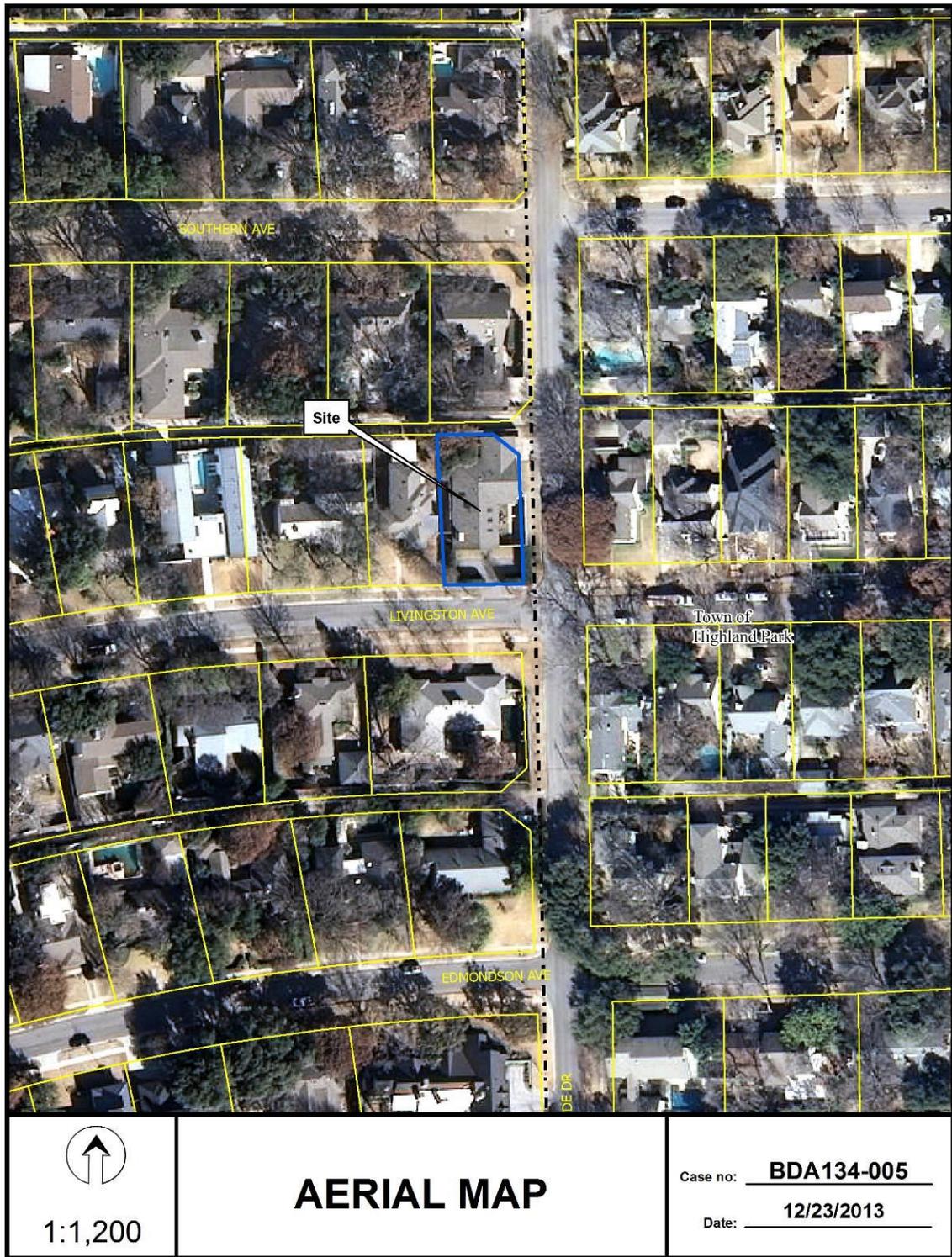
January 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director and Senior Engineer, the Assistant Building Officials, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

January 9, 2014: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "The dense vegetation compromises visibility for public safety."

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining an existing 7' high hedge located in the 45' visibility triangle at the intersection of Livingston Avenue and Westside Drive on a site developed with a single family home.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A revised site plan and elevation have been submitted indicating portions of a 7' high hedge in the 45' visibility triangle at the intersection of Livingston Avenue and Westside Drive.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "The dense vegetation compromises visibility for public safety."
- The applicant has the burden of proof in establishing how granting the request for special exception to the visual obstruction regulations to maintain portions of an existing 7' high hedge located in the 45' visibility triangle at the Livingston Avenue/Westside Drive intersection does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted revised site plan and elevation would limit the item located in the 45' visibility triangle at the Livingston Avenue/Westside Drive intersection to that what is shown on these documents - a 7' high hedge.





Long, Steve

From: Mark Moore <markmoore214@mac.com>
Sent: Monday, December 23, 2013 10:57 AM
To: Long, Steve
Subject: Re: BDA 134-005, Property at 5361 Livingston Avenue
Attachments: 20131223105313793.pdf

Steve,

If this works for you then consider my site plan revised with the attached to clean up any issues with visibility triangles around the drive area.

Mark

On Dec 23, 2013, at 08:19 AM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Mr. Moore,

Please let me know by the end of this week if you wish to substitute (as we discussed on the phone) a revised site plan in conjunction with this application – a revised site plan that would represent only items in the visibility triangle at the street intersection, and not in the visibility triangles at the drive approach into the site from Livingston Avenue.

Thanks,

Steve

From: Long, Steve
Sent: Friday, December 13, 2013 10:06 AM
To: Mark Moore
Subject: RE: BDA 134-005, Property at 5361 Livingston Avenue

Yes, what you have drawn is close to what I did. Let me know if you decide to submit a revised site plan that shows no item in the drive approach triangles.

Thanks,

From: Mark Moore [<mailto:markmoore214@mac.com>]
Sent: Friday, December 13, 2013 9:46 AM
To: Long, Steve
Subject: Re: BDA 134-005, Property at 5361 Livingston Avenue

Steve,

Thanks for you call this morning. i took a quick stab at this when i got in. can you tell me if i'm drawing the triangles correctly (or close enough)? i have started at the street line and drawn each back 20 feet, (which is one inch in the scale) then down the street by 20 feet and connected them. if my highlight in RED is close, then i can easily just eliminate that part of hedge and no issue.

Mark

On Dec 13, 2013, at 08:51 AM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Mr. Moore

Here is information regarding your board of adjustment application referenced above, most of which we just discussed on the phone:

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 tentatively scheduled January 22nd Panel B public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the visual obstruction regulations (51A-4.602(d)(3)).
3. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application (page 2 of 6 in the application materials that is attached) and contact Todd Duerksen at 214/948-4475 no later than noon, Monday, December 30th with regard to any amendment that you feel is necessary to address the issue at hand – an amendment that may include you adding special exceptions to maintain the hedge shown on your submitted site plan in the two 20' visibility triangles on either side of the driveway into the site from Livingston Avenue. (Note that the discovery of any additional appeal needed other than the requested visual obstruction special exception beyond December 30th will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, you may want to contact Lloyd Denman, Assistant Director of Engineering, at 214/948-4354 to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on your request.

Please write or call me at 214/670-4666 if you have any questions/concerns, 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 has been included in the attached 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

Long, Steve

BDA134-005
Attach B

pg 1

From: Mark Moore <markmoore214@icloud.com>
Sent: Thursday, December 26, 2013 11:43 AM
To: Long, Steve
Subject: BDA 134-005, Property at 5361 Livingston Avenue
Attachments: 20131226113502986.pdf

Steve,

I have revised the previous document to show the inclusion of the Magnolia trees which do not reside in any visibility corridor.

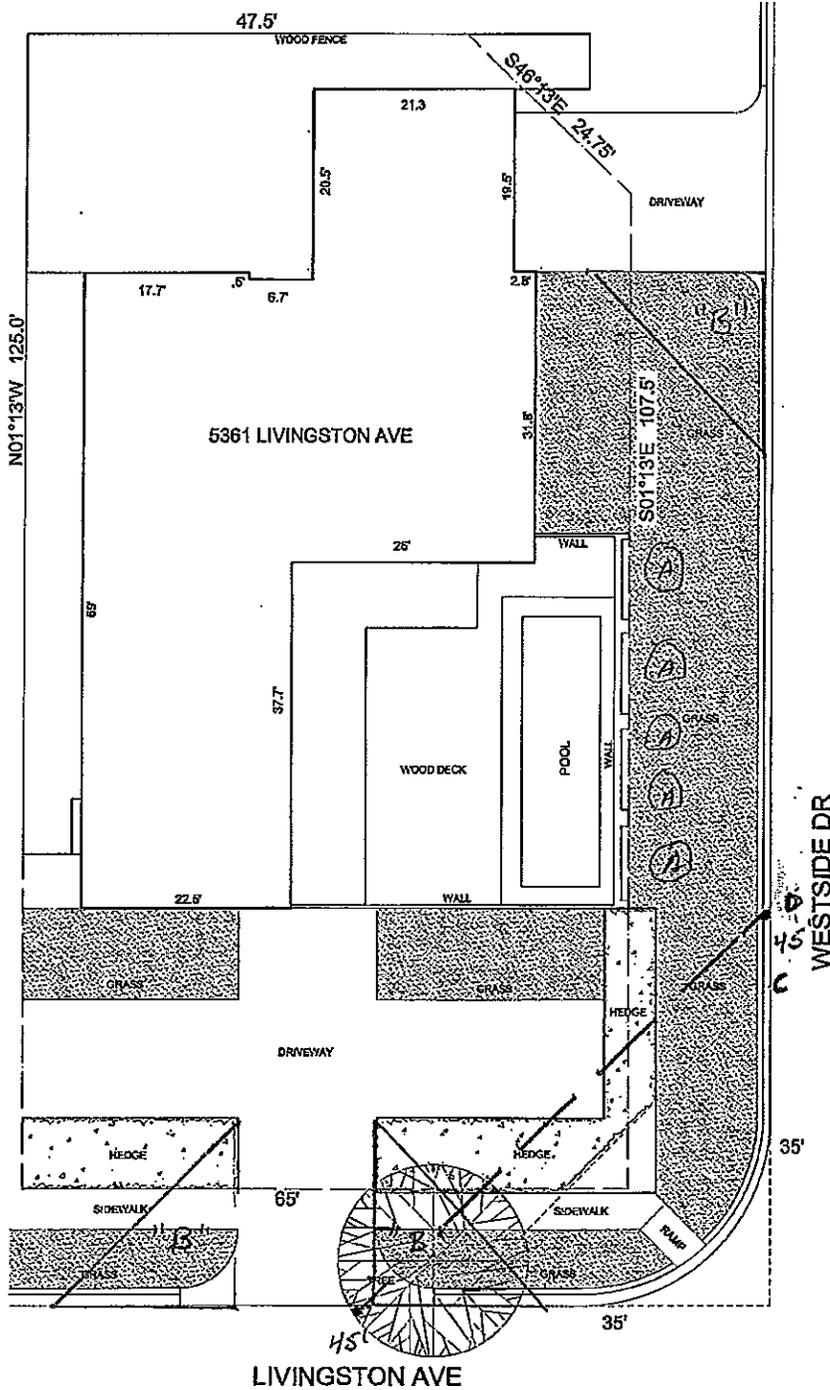
I have also included the 20' visibility triangle by my garage drive to further illustrate that none of the Magnolia trees on either end are in the visibility triangle.

Additionally, i have indicated where the 45' visibility corridor is and where the 35' corridor that i have requested lie.

i will be taking some photos over the weekend that i will submit to you next week.

Thanks again for your time on this matter. if you or any of your co-workers have any questions or comments please feel free to email me or call me at 214-679-7388

William Mark Moore
5361 Livingston Avenue
Dallas, Texas 75209

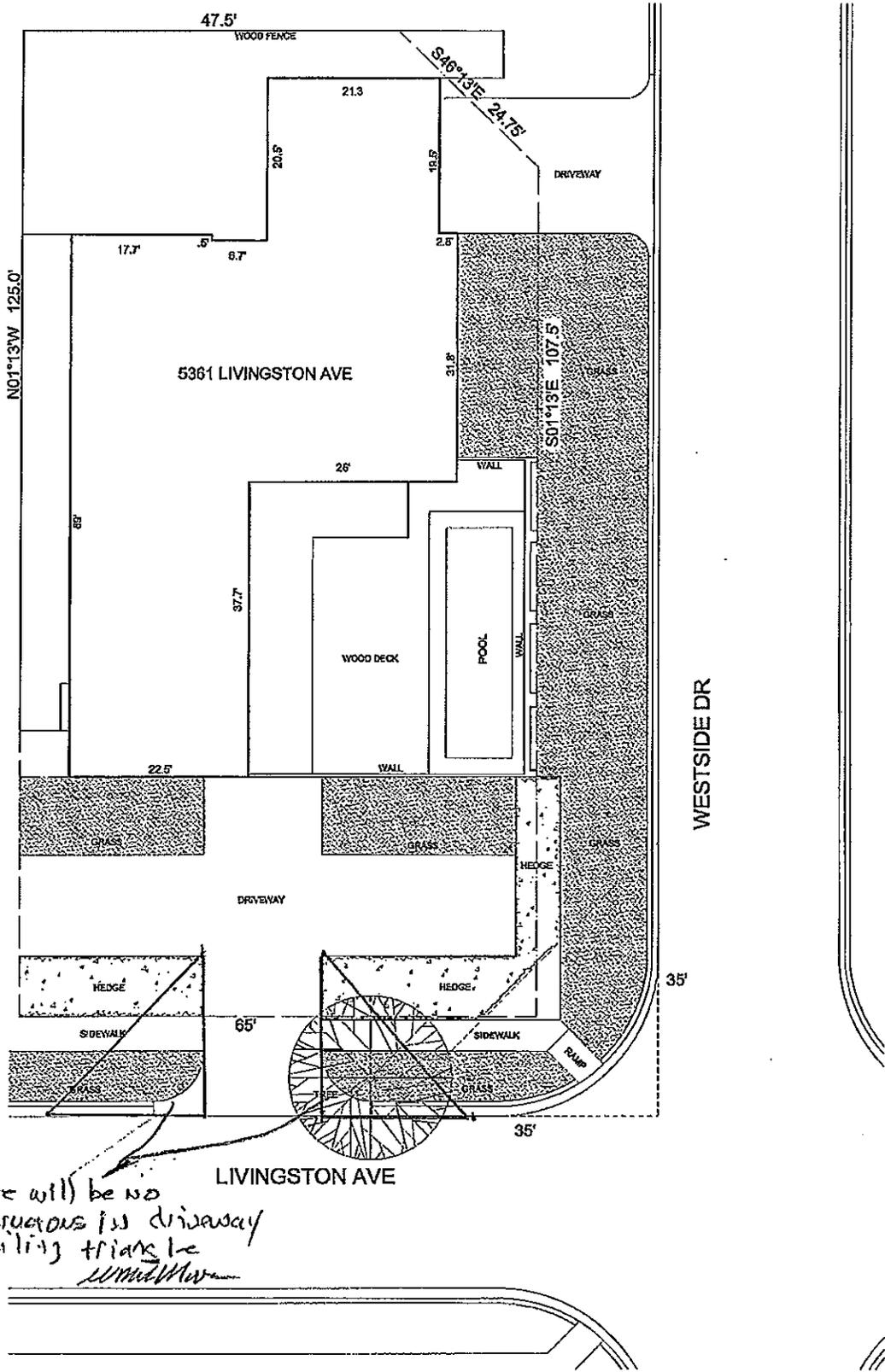


A = Magnolia Trees
 B = 20' visibility triangle
 C = 35' visibility triangle
 D = 45' visibility triangle

There will be no obstructions in visibility triangles labeled "B"

SCALE 1"=20'

5361 LIVINGSTON AVE



There will be no
obstructions in driveway
visiting triangle
Wm/Mw

SCALE 1"=20'
5361 LIVINGSTON AVE

Long, Steve

From: Mark Moore <markmoore214@icloud.com>
Sent: Thursday, January 02, 2014 7:58 AM
To: Long, Steve
Subject: BDA 134-005, Property at 5361 Livingston Avenue

Steve,

Thank you again for your time regarding this matter. As we discussed, I thought I would provide a little background on this issue.

I have lived in my home for 11 years and the hedges in front have never been an issue. They have been in place, as they are, for over 15 years and there has never been any comment made to me in the time I have lived here by anyone in regards to them. To my knowledge they have never hindered visibility and there has never been an accident at the intersection.

In April, 2013 I decided to plant some Magnolia trees along the East side of my property. The trees I planted are marked on "Exhibit B" to BDA-005. They are outside of any "visibility triangles" on my property.

On May 7, 2013 I received a notice from the Department of Code Compliance that my hedges needed to be trimmed. I spoke to the Code compliance officer and she told me someone had "called in". About 2 weeks later I was outside my home with a gardener that was doing a significant trimming of all my hedges and trees and a neighbor walked by and stated "I don't know why you're trimming those hedges, I hate those Magnolia trees down the way"

I have to admit, this is all new to me. I have never heard of visibility triangles before but have done everything I believe I can to improve visibility in the triangle without removing a substantial portion of the landscape and 15 year old hedges in the front of my home.

When the complaint was filed with the city, I would estimate the "triangle" was about 15 feet. Since I have been made aware of all of this, I have pruned, cut, trimmed and removed bushes and plants to get the triangle to 35 feet (10 feet more than would be required on the alley that runs behind my home on the same street).

I have attached some photos to this email to try and illustrate my point. I have not been able to figure out how to put a label on the photo itself but they are labeled in the file name.

There are 2 pictures that are taken if you are driving southbound on Westside Drive looking toward the stop sign on Livingston. In both of these photos, one from the 45 foot point of the visibility triangle and one from the 35 foot point of the triangle, you can see that there is absolutely no problem seeing an automobile (and plenty of room behind the auto) either 35 or 45 feet. In fact there is not a material difference.

Additionally, there are 2 photos taken from the point a driver would be sitting if the car were stopped a few feet behind the stop sign on Livingston looking toward the north on Westside

Drive. In both of these photos you can see clearly that there is no obstruction to the view by the hedges. Cutting the hedges back further to 45 feet would not provide any additional visibility for a driver.

I hope this helps clarify my issues,

Please let me know if i can provide anything further.

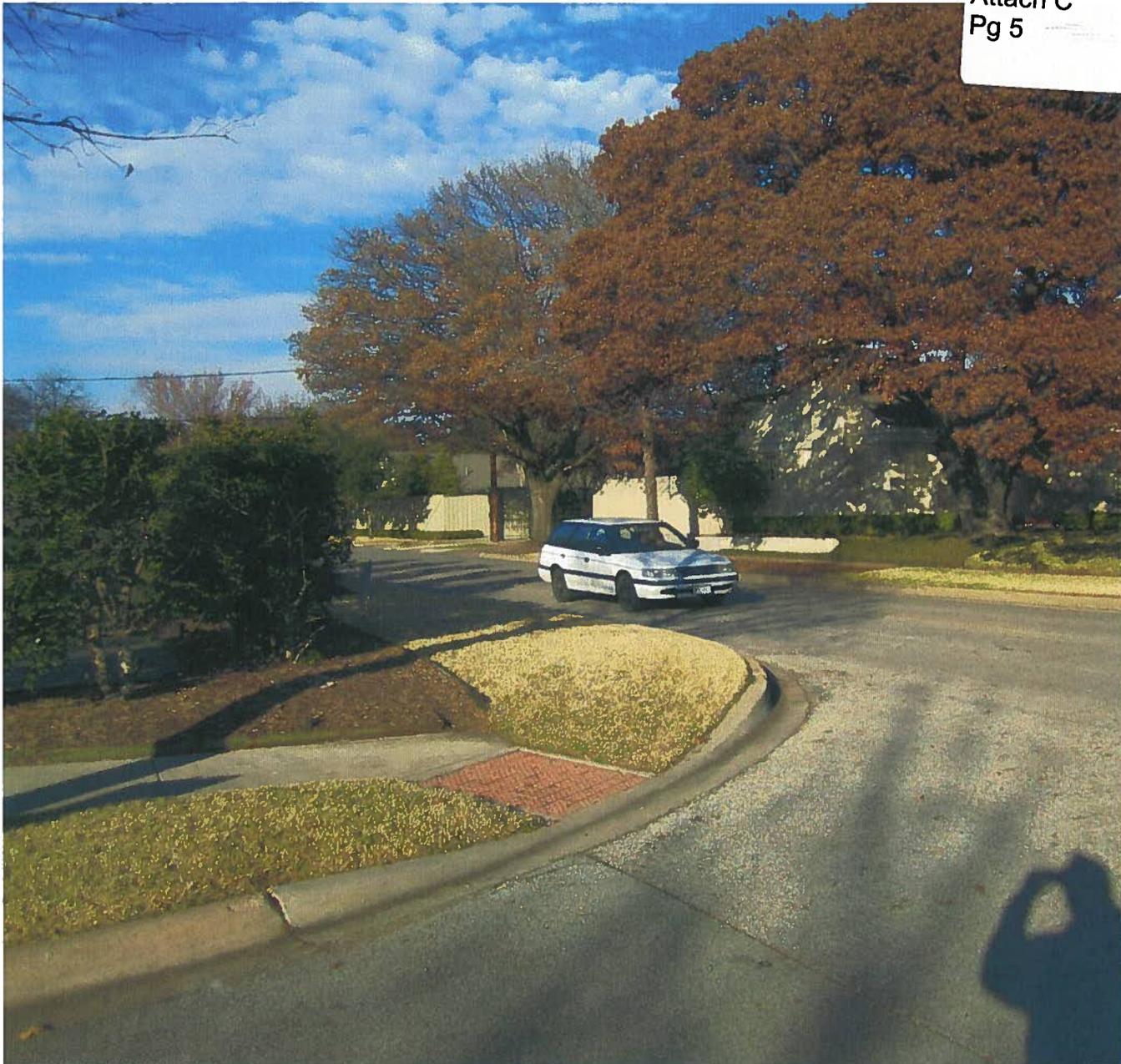
Sincerely,

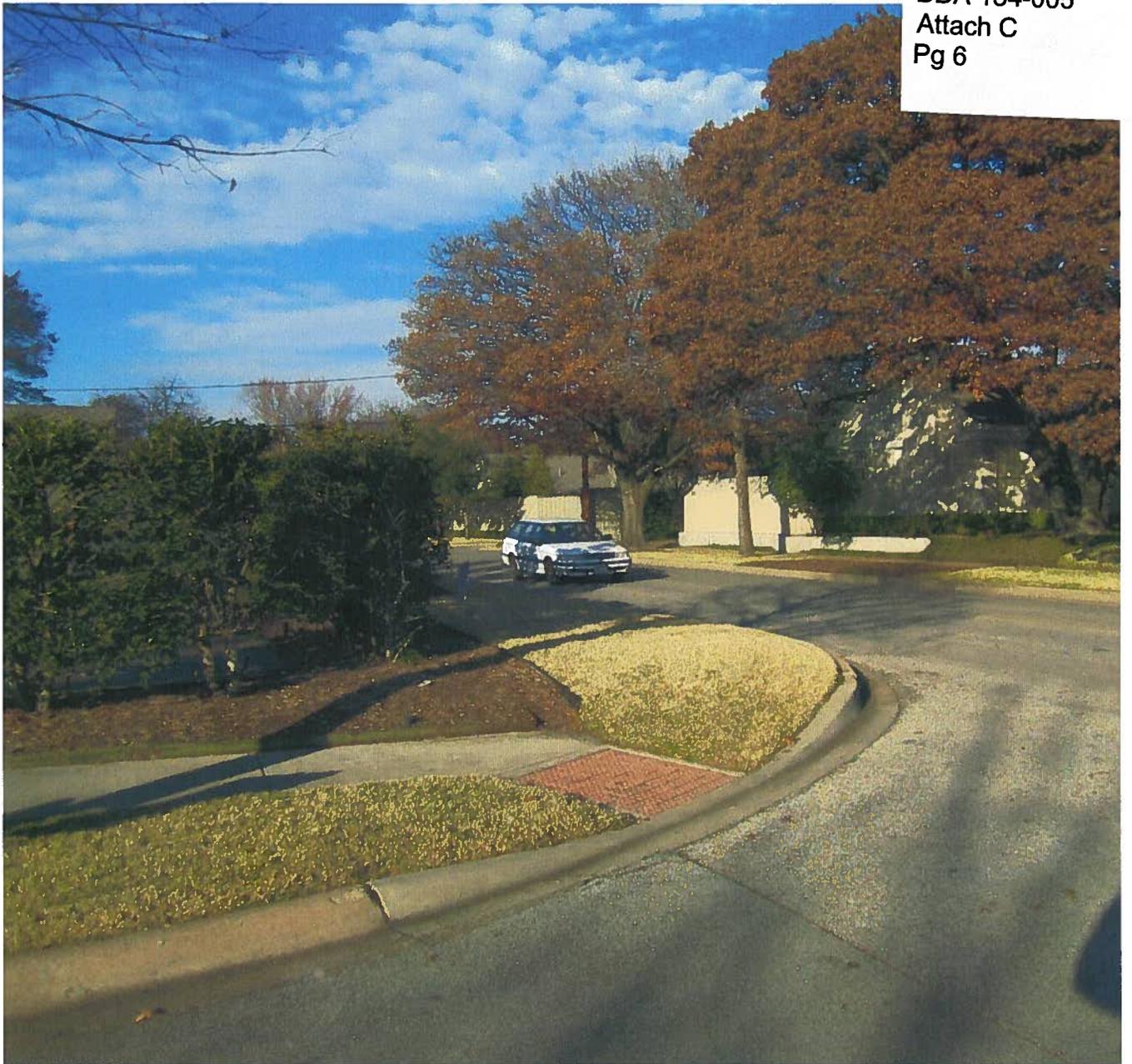
William Mark Moore

BDA 134-005
Attach C
Pg 2











City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-005

Date: 9-5-2013

Data Relative to Subject Property:

Location address: 5361 Livingston Avenue Zoning District: R-7.5(A)

Lot No.: 16 Block No.: B2478 Acreage: .16 Census Tract: 6.01

Street Frontage (in Feet): 1) 65 2) 107 3) _____ 4) _____ 5) _____ SW22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): William Mark Moore

Applicant: William Mark Moore Telephone: 214 679-7388

Mailing Address: 5361 Livingston Avenue Zip Code: 75209

E-mail Address: MARK.MOORE214@MAC.COM

Represented by: (self) Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception of the visibility / margin from 45' to 20' (same as alley or driveway)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
1) Hedge has been in place for 15 years 2) Neighbor's lot street does not end into alleyway in block 3) Alleys behind all houses so only local traffic on street 4) Will cause significant loss in value to home 5) Hedge included in survey when house purchased 11 years ago

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.

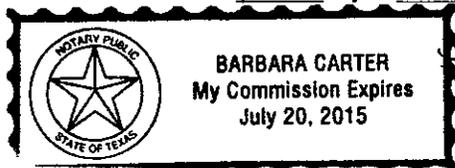
Affidavit

Before me the undersigned on this day personally appeared William Mark Moore
(Affiant/Applicant's name printed)

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

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

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

(Rev. 08-01-11)  Barbara Carter
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

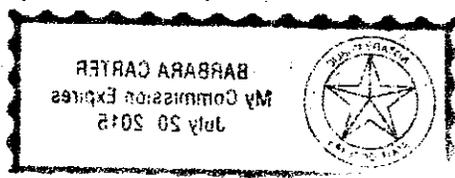
I hereby certify that **WILLIAM MOORE**
did submit a request for a special exception to the visibility obstruction regulations
at 5361 Livingston Avenue

BDA134-005. Application of William Moore for a special exception to the visibility obstruction regulations at 5361 Livingston Avenue. This property is more fully described as Lot 16, Block B/2478, and is zoned R-7.5(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a single family residential dwelling with vegetation in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

[Faint handwritten notes]

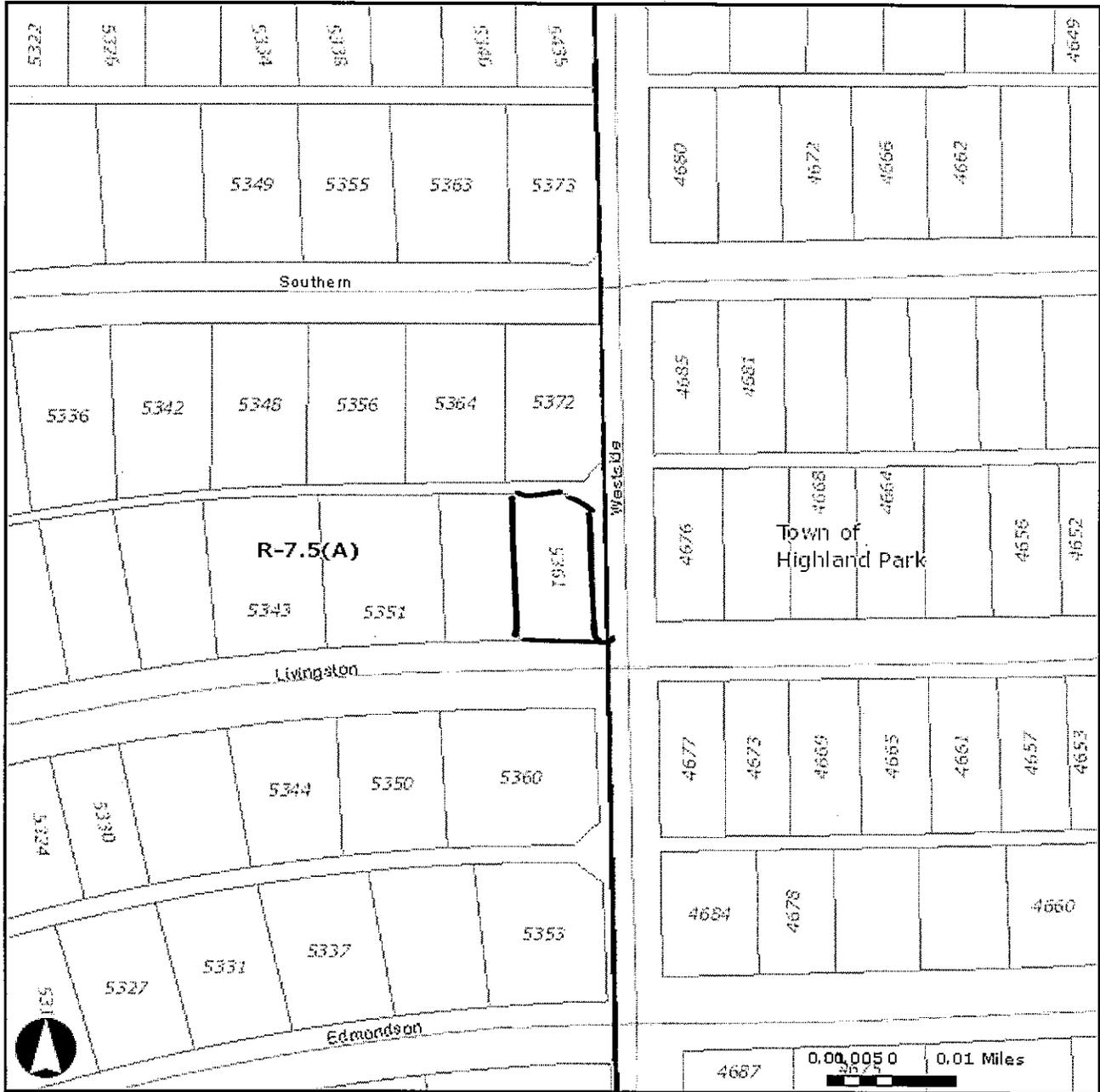
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





City of Dallas Zoning



City Boundaries



Certified Parcels



Deed Restrictions



SUP



Dry Overlay



Historic Overlay

NSO Overlay



NSO Subdistricts



MD Overlay



CD Subdistricts



PD Subdistricts



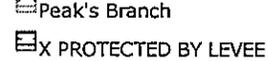
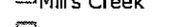
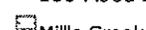
PD193 Oak Lawn



PDS Subdistricts



Floodplain



Pedestrian Overlay

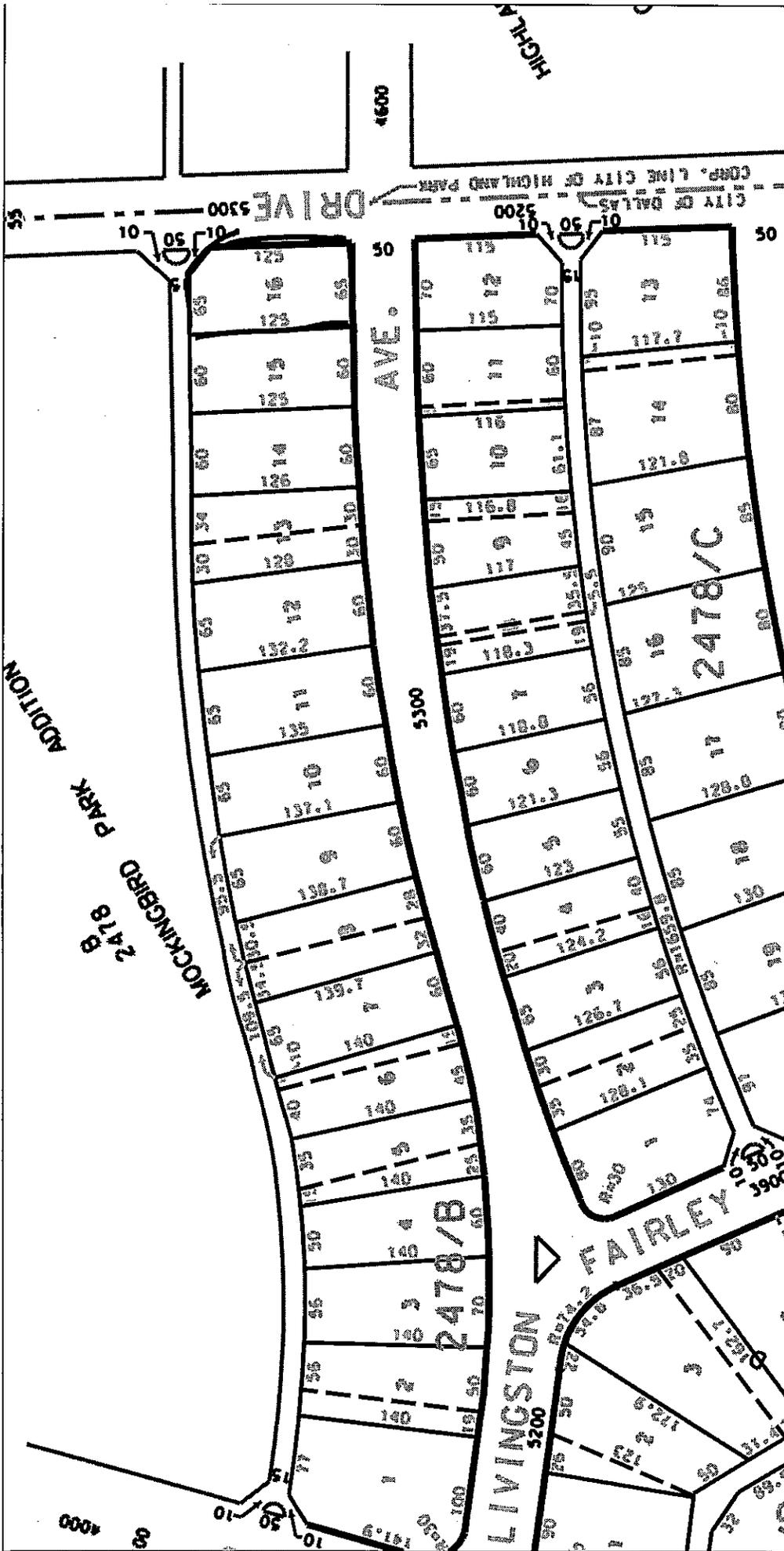


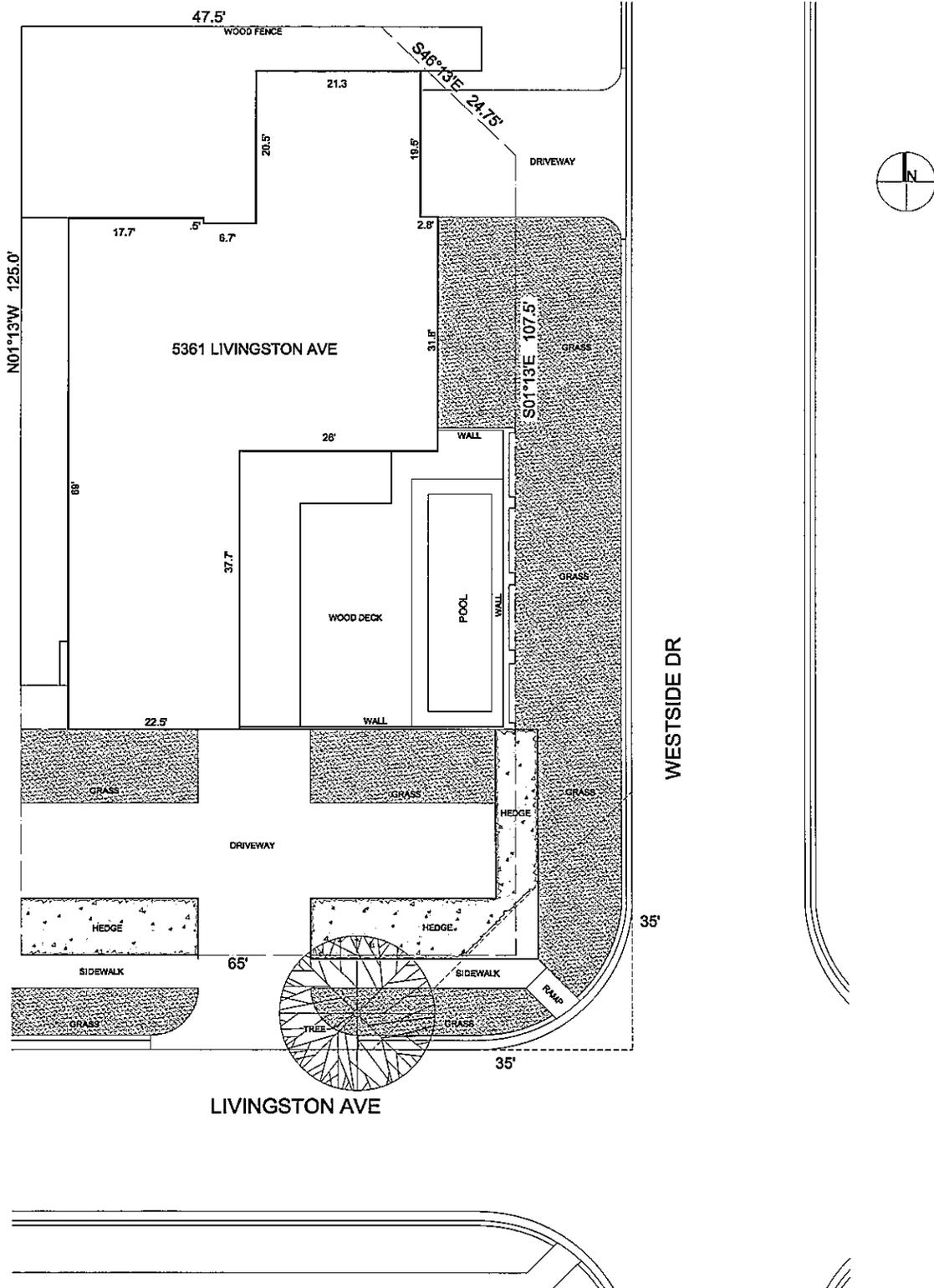
Environmental Corridors



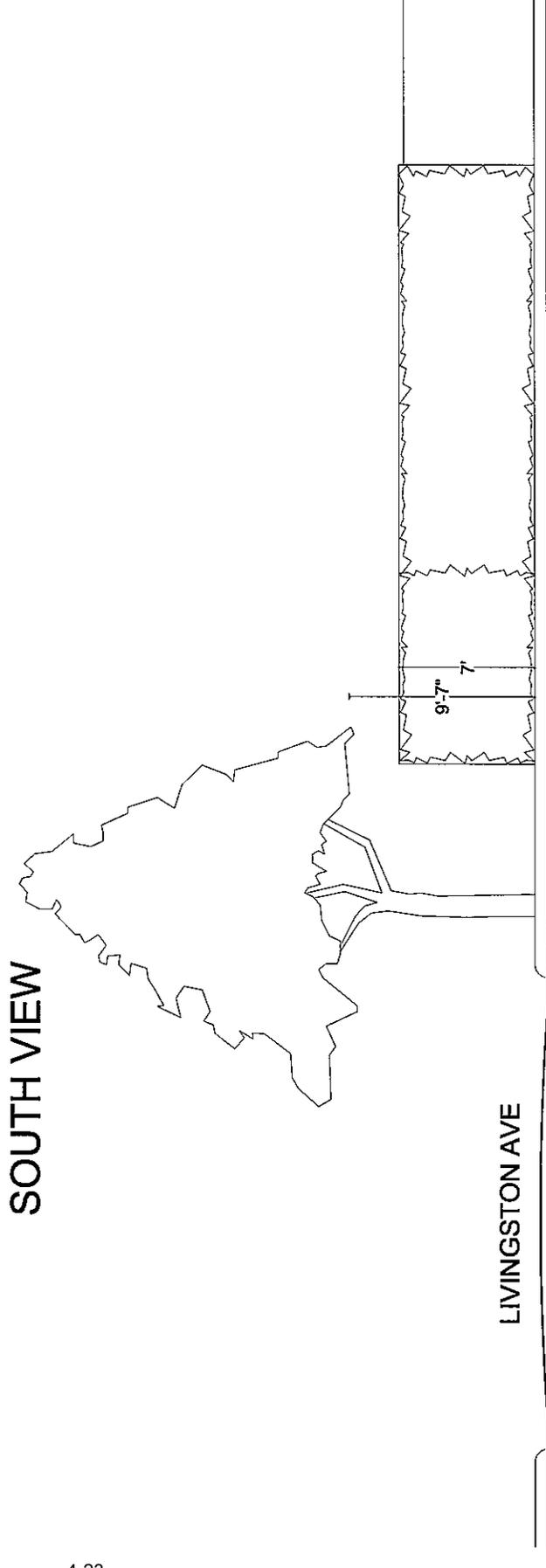
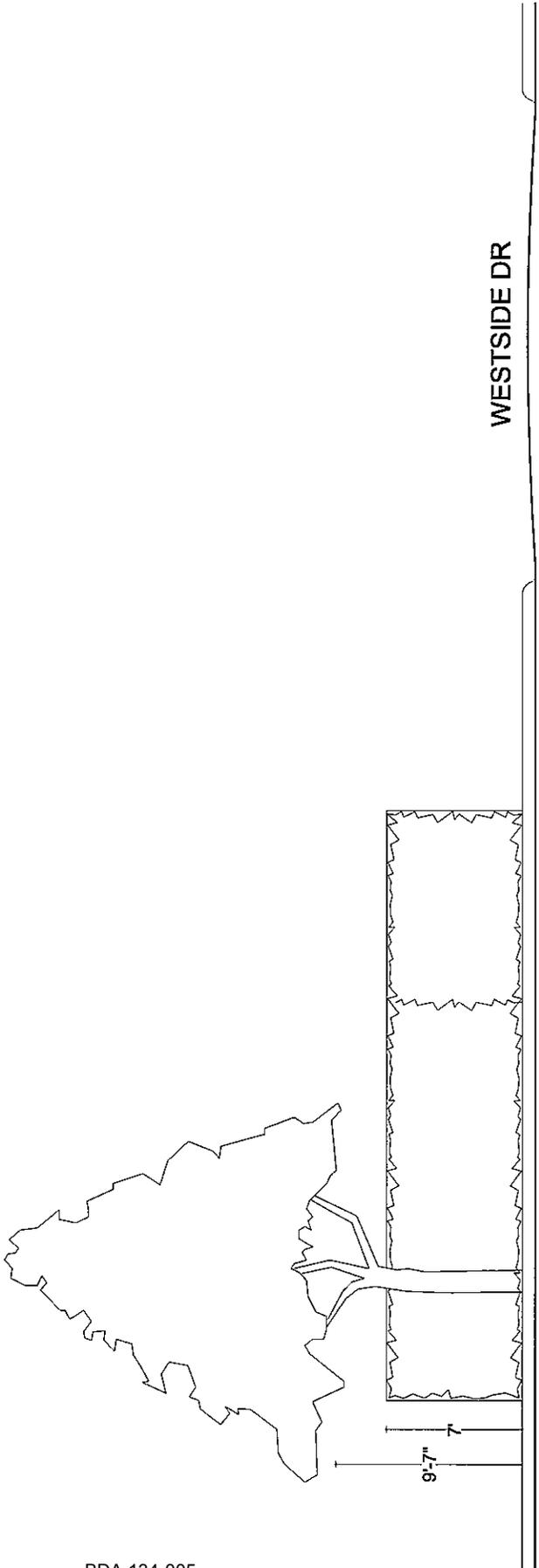
Escarpment Overlay

W

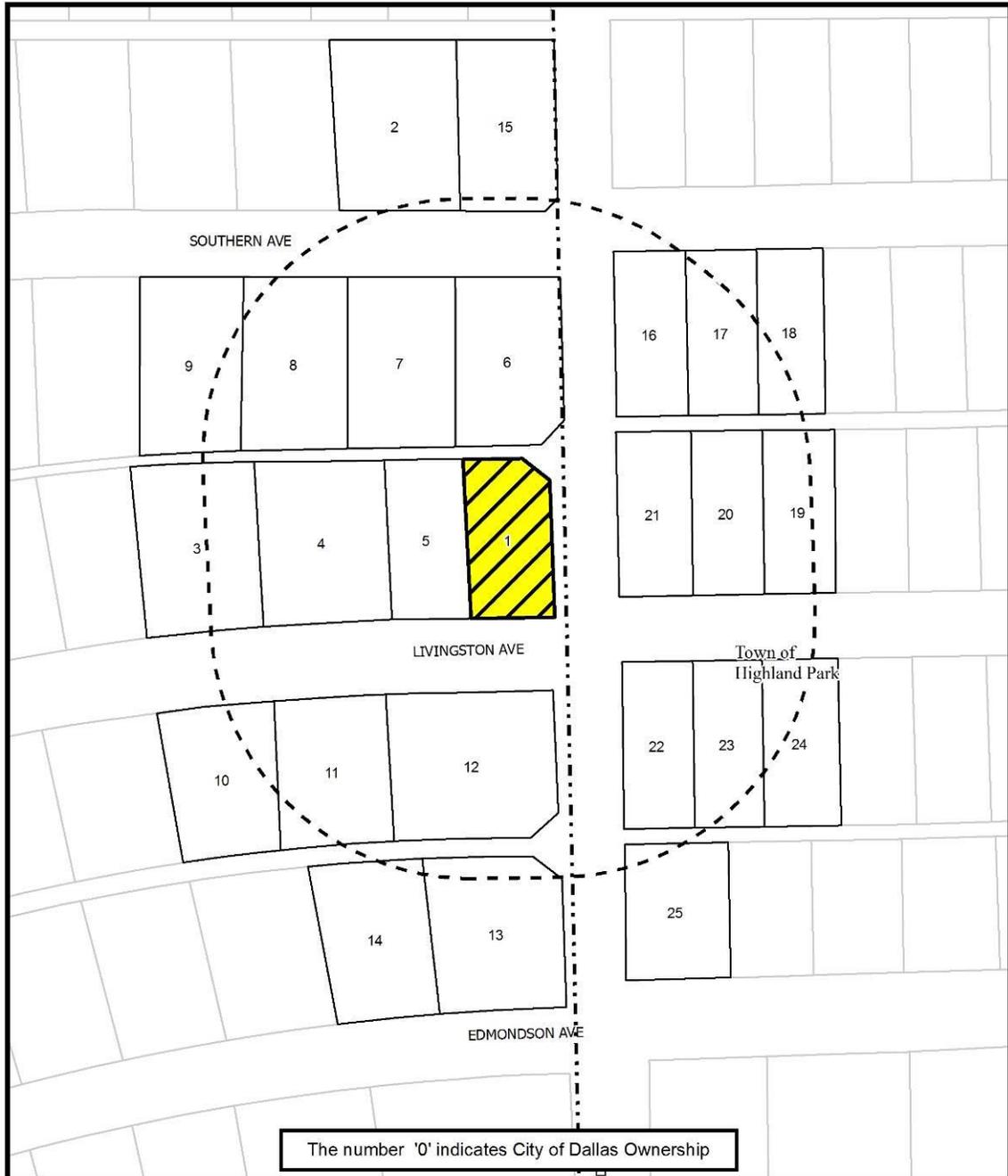




SCALE 1"=20'
 5361 LIVINGSTON AVE



SCALE 1/8"=1'
 5361 LIVINGSTON AVE



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
25 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA134-005**
 Date: **12/23/2013**

Notification List of Property Owners

BDA134-005

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5361 LIVINGSTON AVE	MOORE WILLIAM MARK
2	5363 SOUTHERN AVE	NASHER JOAN DRU
3	5343 LIVINGSTON AVE	FARRELL ROBERT S
4	5351 LIVINGSTON AVE	MALONEY DOROTHY ELOISE % MRS MIMI VANDE
5	5355 LIVINGSTON AVE	CORCORAN JOHN D & JO ALLISON STASNEY
6	5372 SOUTHERN AVE	HOMSEY GARY L
7	5364 SOUTHERN AVE	NASH HORACE REUEL JR & SUZANNE WILLIAMS
8	5356 SOUTHERN AVE	HEIN BETTY JANE LEMMON TR
9	5348 SOUTHERN AVE	LANDRY MARK C
10	5344 LIVINGSTON AVE	BARTLEY TONYA WARD
11	5350 LIVINGSTON AVE	SHAPPELL GARY
12	5360 LIVINGSTON AVE	POLFREMAN JAMES D & POLFREMAN TRACY L
13	5353 EDMONDSON AVE	GORMLEY MARGARET ELLEN
14	5343 EDMONDSON AVE	PITMAN BONNIE
15	5373 SOUTHERN AVE	CULWELL CHARLES W
16	4685 SOUTHERN AVE	MATHEWS TRAVIS H
17	4681 SOUTHERN AVE	CANTWELL LAWRENCE B
18	4677 SOUTHERN AVE	DYER JOSEPH R
19	4668 LIVINGSTON AVE	BRIGHT SUSAN
20	4672 LIVINGSTON AVE	BOTEFUHR CAROL V
21	4676 LIVINGSTON AVE	BLAIR JEFFRY M ET AL
22	4677 LIVINGSTON AVE	NETTLE ELIZABETH WATSON
23	4673 LIVINGSTON AVE	DOTSON BILL C & JOANNE P
24	4669 LIVINGSTON AVE	FITZGERALD JAMES E & ANNE B
25	4684 EDMONDSON AVE	MCEVOY BENNETT