

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, MARCH 19, 2014
AGENDA

BRIEFING	5ES, DALLAS CITY HALL	11:30 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS, DALLAS CITY HALL 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the February 19, 2014 Board of Adjustment Panel B Public Hearing Minutes M1

UNCONTESTED CASES

BDA 134-021	10501 N. Central Expressway REQUEST: Application of Maxwell Fisher for a special exception to the off-street parking regulations	1
BDA 134-022	1615 Market Center Boulevard REQUEST: Application of Ed Simons for a variance to the landscape regulations	2
BDA 134-029	6639 Joyce Way REQUEST: Application of Allison Waldie for a variance to the front yard setback regulations and a special exception to the fence height regulations	3

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 February 19, 2014 public hearing minutes.

FILE NUMBER: BDA 134-021

BUILDING OFFICIAL'S REPORT: Application of Maxwell Fisher for a special exception to the off-street parking regulations at 10501 N. Central Expressway. This property is more fully described as Lot 1A, Block 15/7289 and is zoned GO(A), which requires off-street parking to be provided. The applicant proposes to construct/maintain a structure for medical clinic or ambulatory surgical center use, office use, and financial institution with drive-in window use and provide 170 of the required 185 off-street parking spaces, which will require a 15 space special exception to the off-street parking regulations.

LOCATION: 10501 N. Central Expressway

APPLICANT: Maxwell Fisher

REQUEST:

A special exception to the off-street parking regulations of 15 spaces is requested to lease and maintain an existing approximately 48,400 square foot structure with a mix of office, medical clinic or ambulatory surgical center, and financial institution with drive-in window uses and providing 170 (or 92 percent) of the 185 off-street parking spaces required by code.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A).
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.

- (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
 - 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
 - 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.

STAFF RECOMMENDATION (off-street parking special exception):

Approval, subject to the following condition:

- The special exception of 15 spaces shall automatically and immediately terminate if and when the mix of office, medical clinic or ambulatory surgical center, and financial institution with drive-in window uses that would normally need no more than 185 required parking spaces is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objections to the applicant's request.
- The applicant has substantiate how the parking demand generated by the mix of office, medical clinic or ambulatory surgical center, and financial institution with drive-in window uses does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

BACKGROUND INFORMATION:

Zoning:

Site: GO(A) (General Office)
North: GO(A) (General Office)
South: RR (Regional Retail)
East: PD 895 (Planned Development)
West: GO(A) (General Office)

Land Use:

The subject site is developed with an approximately 48,400 square foot structure that according to the applicant is about 71 percent leased. The area immediately north is the developed with multifamily use; the area to the east is North Central Expressway; the area to the south is developed with retail uses; and the area to the west is developed with office uses.

Zoning/BDA History:

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

Timeline:

January 16, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 13, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 13, 2014: The Board Administrator shared the following information with the applicant via email:

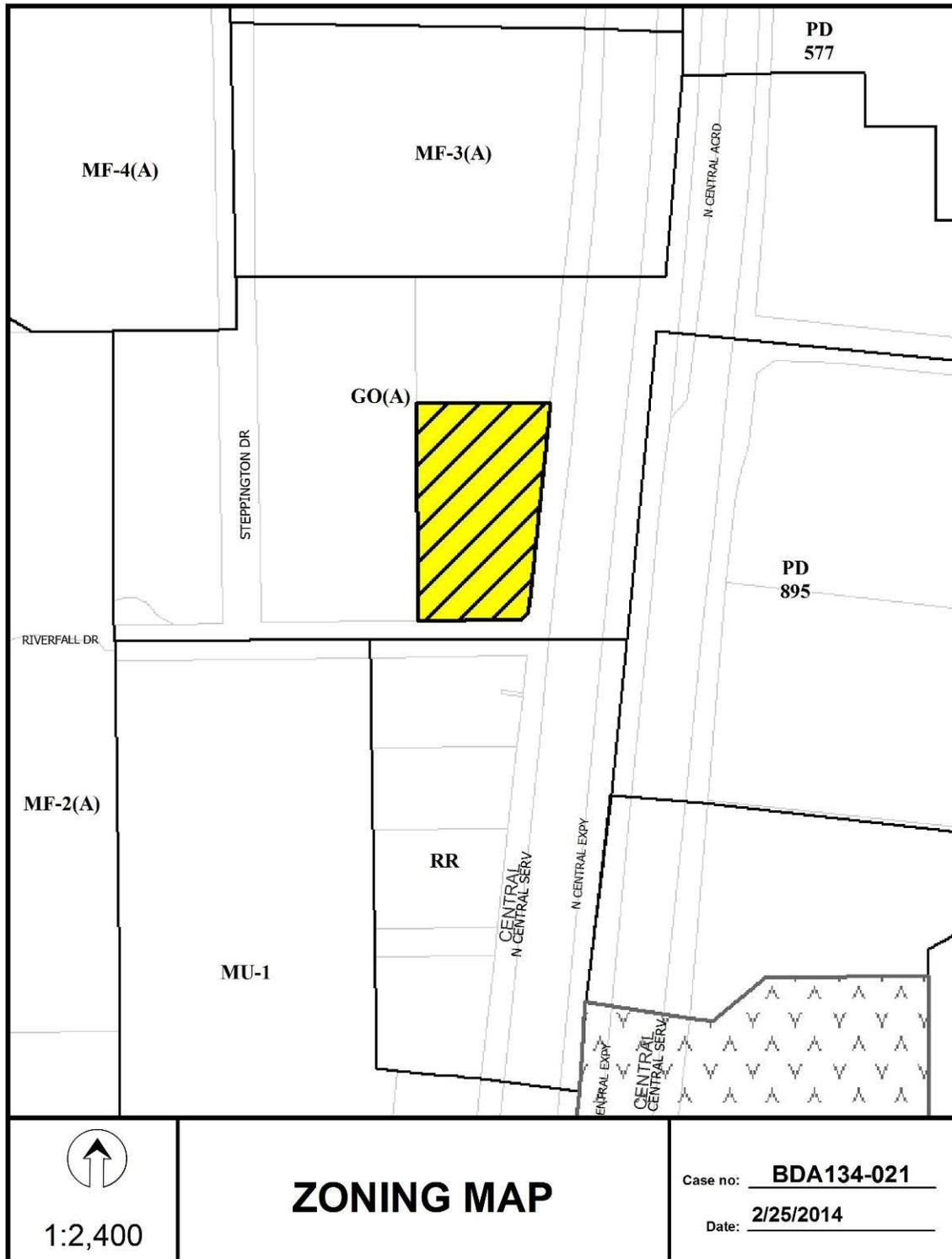
- an attachment that provided the public hearing date and panel that will consider the application; the February 26th deadline to submit additional evidence for staff to factor into their analysis; and the March 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

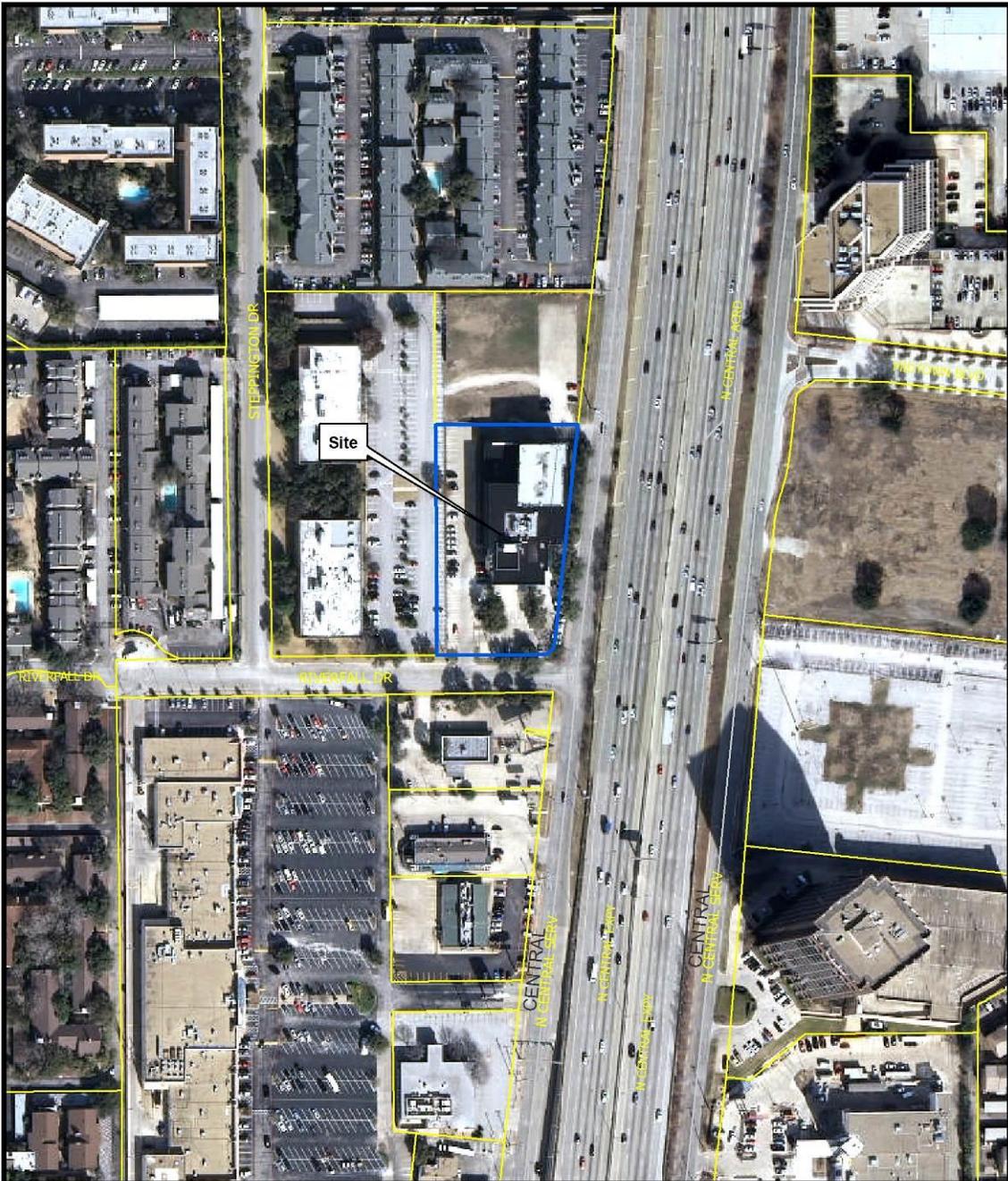
March 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director,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

March 6, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections” commenting “ITE 4th Edition actually recommends 175 spaces (8 more); however, we have no objections and believe adequate parking is provided.”

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on leasing and maintaining an existing approximately 48,400 square foot structure with a mix of office, medical clinic or ambulatory surgical center, and financial institution with drive-in window uses and providing 170 (or 92 percent) of the 185 off-street parking spaces required by code
- The Dallas Development Code requires the following off-street parking requirement:
 - Office: one space per 333 spaces of floor area.
 - Medical clinic or ambulatory surgical center: One space per 200 square feet of floor area.
 - Financial institution with drive-in window: One space per 333 square feet of floor area.
- The applicant has submitted a document stating that 170 of the 185 required off-street parking spaces are proposed to be provided.
- The applicant has provided a document stating that this request is prompted with the applicant’s interest in converting square footage within the existing structure from general office and financial institution uses where the parking requirement is 1 space per 333 square feet to medical clinic use where the parking requirement is 1 space per 200 square feet.
- The applicant has conducted a parking demand analysis and found that the potential parking needs in the event that up to 20,000 square feet of floor area is devoted to medical uses, the parking generation at 167 spaces is likely a high projection, and that the actual parking demand at peak hour would likely be no higher than 150 spaces. (The applicant proposes to provide 170 off-street parking spaces).
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections” commenting “ITE 4th Edition actually recommends 175 spaces (8 more); however, we have no objections and believe adequate parking is provided.”
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed office, medical clinic or ambulatory surgical center, and financial institution with drive-in window uses does not warrant the number of off-street parking spaces required, and
 - The special exception of 15 spaces (or an 8 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 15 spaces shall automatically and immediately terminate if and when the office, medical clinic or ambulatory surgical center, and financial institution with drive-in window uses is changed or discontinued, the applicant would be allowed to lease and maintain the existing structure with these uses and provide 170 of the 185 code required off-street parking spaces.





1:2,400

AERIAL MAP

Case no: BDA134-021

Date: 2/25/2014



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-021

Date: 16 January 2014

Data Relative to Subject Property:

Location address: 10501 N. Central Expressway Zoning District: GO(A)

Lot No.: 1A Block No.: 15/7289 Acreage: 1.62 Census Tract: 0131.075

Street Frontage (in Feet): 1) 340 2) 150 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE4S

Owner of Property (per Warranty Deed): Chartown NC General PS

Applicant: Maxwell Fisher ~~of Dallas Gothrum, Masterplan~~ Telephone: 214.761.9197

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

E-mail Address: maxwell@masterplanconsultants.com

Represented by: -- Telephone: --

Mailing Address: -- Zip Code: --

E-mail Address: --

Affirm that an appeal has been made for a Variance , or Special Exception X, of Section 51A-4.301 Off-street Parking Regulations: decrease the off-street parking requirement from 185 to 170 spaces, or by 9 percent.

to accommodate additional Medical offices along with existing retail bank w/ drive through and general offices

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:
Refer to the enclosed memorandum.

Actual parking generation warrants reduction.

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.

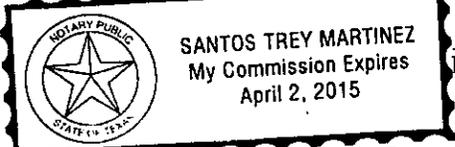
Affidavit

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

Subscribed and sworn to before me this 16 day of JANUARY, 2014

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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

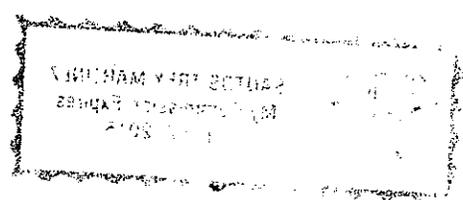
I hereby certify that Maxwell Fisher

did submit a request for a special exception to the parking regulations
at 10501 N. Central Expressway

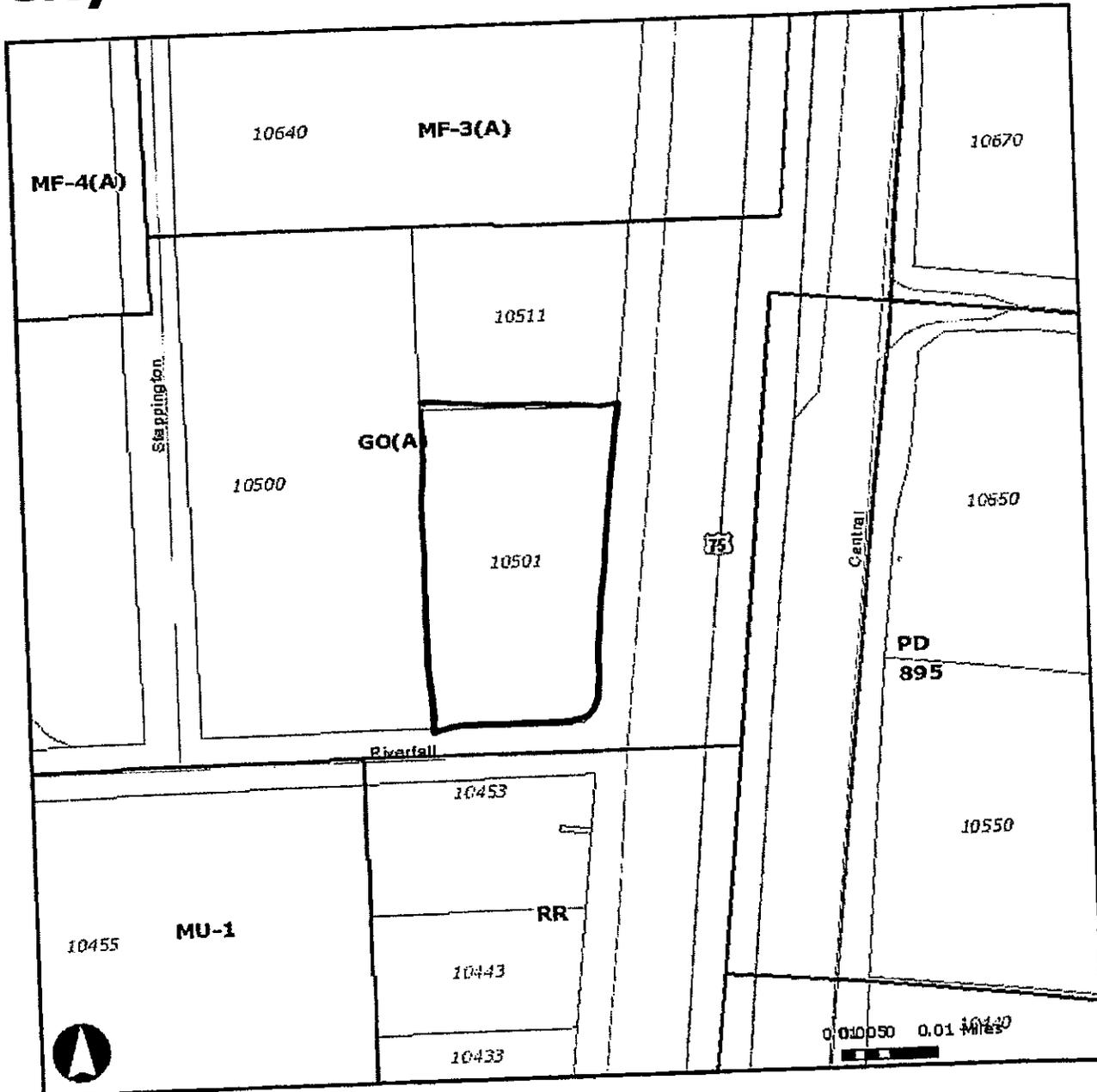
BDA134-021. Application of Maxwell Fisher for a special exception to the parking regulations at 10501 N. Central Expressway. This property is more fully described as Lot 1A, Block 15/7289 and is zoned GO(A), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for medical clinic o ambulatory surgical center use, office use, and financial institution with drive-in window use and provide 170 of the required 185 parking spaces, which will require a 15 space special exception (8% reduction) to the parking regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts

Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay

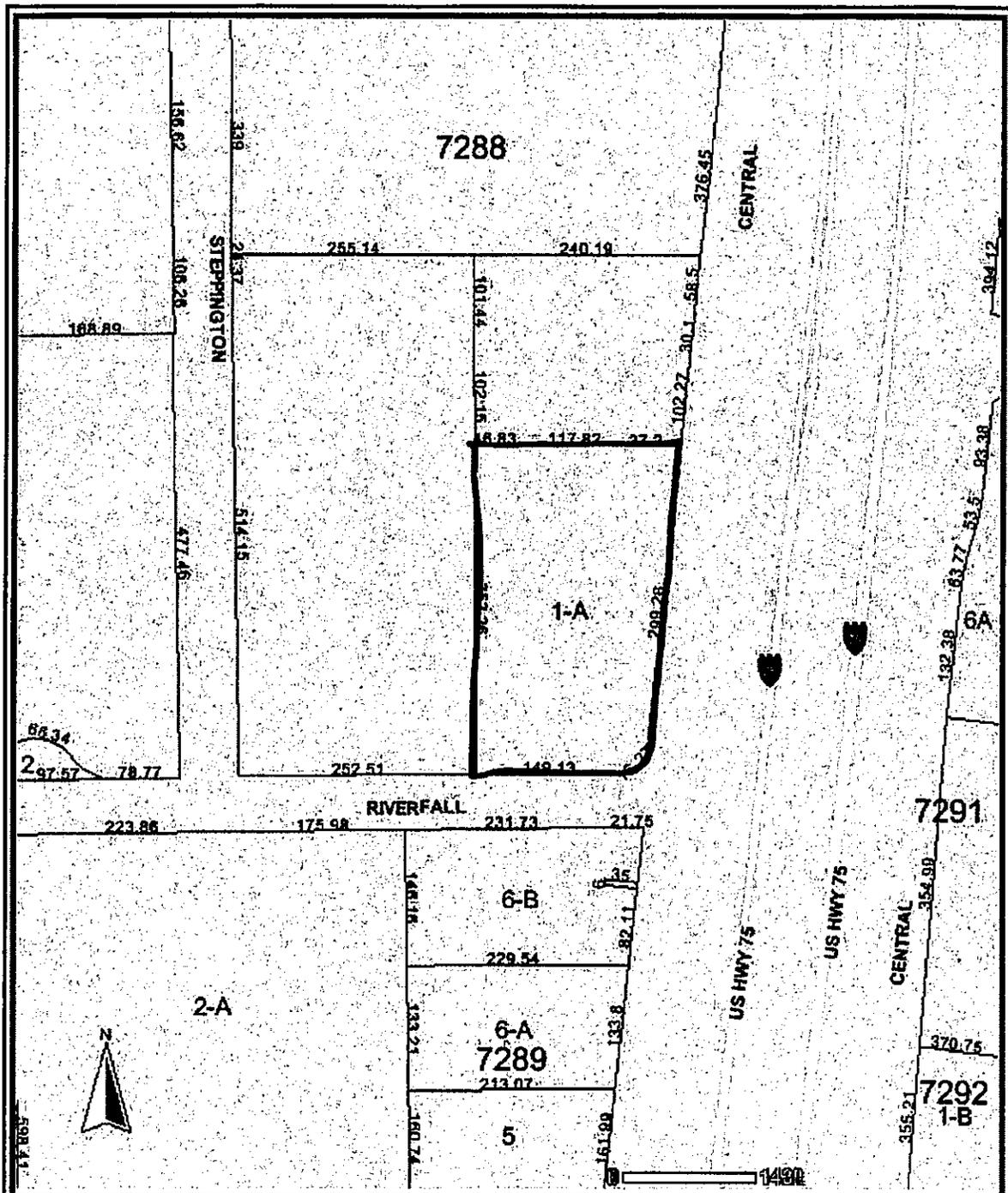
Base Zoning



Floodplain

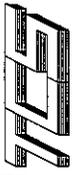


Pedestrian Overlay



Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

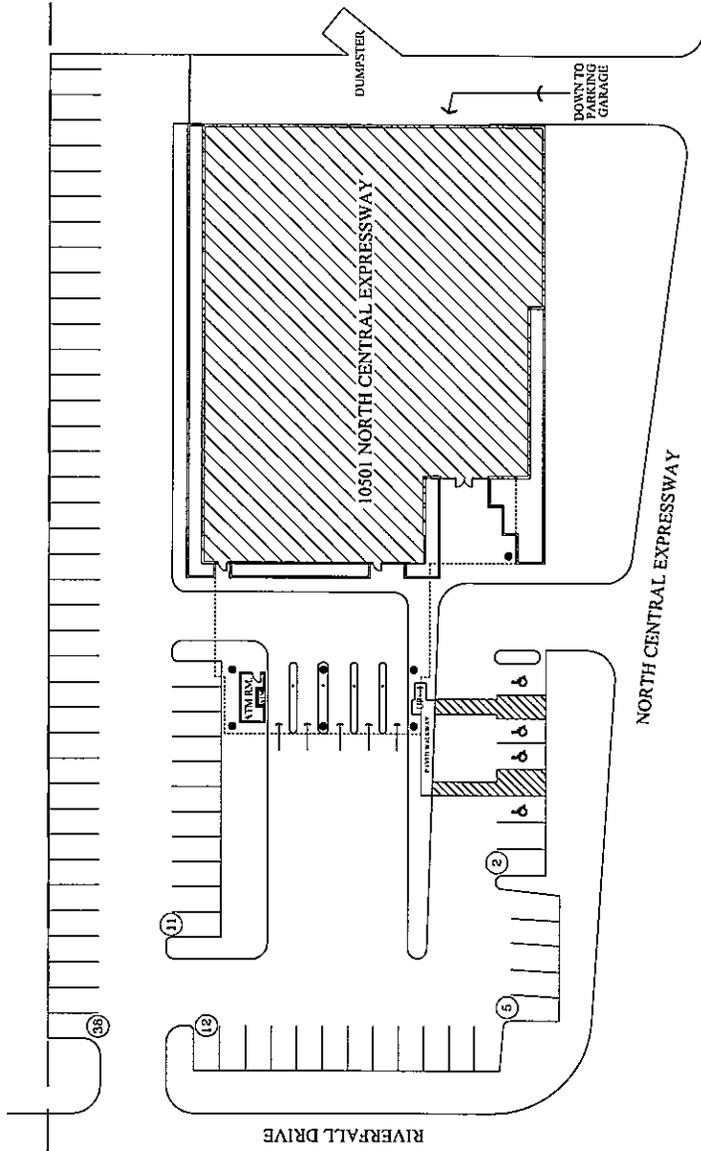


THOMPSON CONSULTING SERVICES, INC.
 1837 Collins, McKinney, Texas
 Fort Worth, Texas 75116
 (972) 544-5233

PROJECT:
10501 NORTH CENTRAL EXPRESSWAY
10501 NORTH CENTRAL EXPRESSWAY
 DALLAS, TEXAS
 LOCATION:
SITE PLAN

DATE: 01-16-14
 SCALE: 1" = 20'-0"
 DRAWN BY: KH
 CHECKED BY: BS
 PROJECT #: 0274
 REVISION: _____ DATE: _____

SHEET TITLE:
SITE PLAN
SURFACE PLAN
 DRAWING NUMBER:
SP-1



68 SURFACE PARKING SPACES
 4 HANDICAP SURFACE PARKING SPACES
 72 TOTAL SURFACE PARKING SPACES



SITE DATA TABLE	
# OF STORIES	1 STORIES - 1 STORY PARKING GARAGE
SITE AREA	1.52 ACRES
TOTAL BUILDING AREA	44,114 SF
TOTAL TPZ PARKING SPACES	72 SPACES



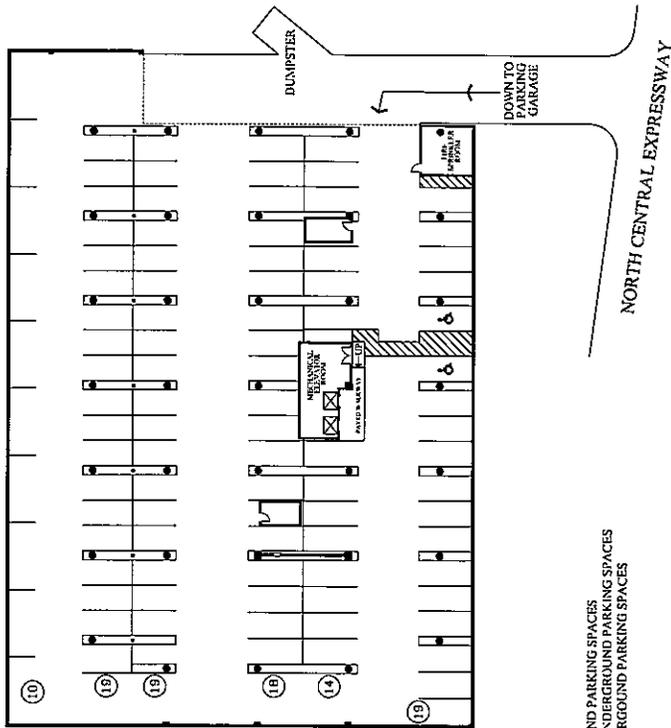
TCS ENGINEERING SERVICES, INC.
 1377 Galloway, Sherman, Texas
 Phone: 972-344-1125
 Fax: 972-344-1122

PROJECT:
10501 NORTH CENTRAL EXPRESSWAY
10501 NORTH CENTRAL EXPRESSWAY
 DALLAS, TEXAS

LOCATION:
SITE PLAN

DATE: 01-18-14
 SCALE: 1" = 20'-0"
 DRAWN BY: ROK
 CHECKED BY: BS
 PROJECT #: 0274
 REVISION: DATE

SHEET TITLE:
SITE PLAN
PARKING GARAGE
 DRAWING NUMBER:
SP-2



96 UNDERGROUND PARKING SPACES
 2 HANDICAP UNDERGROUND PARKING SPACES
 98 TOTAL UNDERGROUND PARKING SPACES

SITE PLAN - PARKING GARAGE
SCALE: 1" = 20'-0"





Masterplan

Land Use Consultants

TO: Steve Long, Board of Adjustment Administrator 16 January 2014
 FROM: Maxwell Fisher, AICP and Dallas Cothrum, Ph. D.
 RE: Special Exception to Off-Street Parking Regulations at 10501 N. Central Expressway

This memorandum pertains to an application for a special exception to the off-street parking requirements at 10501 N. Central Expressway. The 3-story office building was constructed in 1983 and is comprised of approximately 48,000 square feet of floor area, containing a mixture of general office and medical users, as well as a retail bank with drive through on the first floor.

This section of the Central Expressway corridor is becoming a medical node of various health care services. The health care services include North American Spine, Eye Institute of Texas, Kindred Hospital, Texas Retina, Forest Park Medical, as well as other medical offices and related imaging centers. In fact, the office building immediately west, contains medical imaging services.

The medical industry is also rapidly changing by adopting new technologies. In many cases, this is already impacting medical offices. For instance, electronic records have reduced numbers of employees; and likewise, better scheduling typically results in shorter waiting times. This is particularly evident on billboards within the city that show ER waiting times.

The subject office building is undergoing a transition of accommodating more medical users. A decrease in the minimum number of required parking spaces would allow occupancy of a greater proportion of health services. The parking requirement for medical clinics is one parking space for each 200 square feet of floor area, whereas general offices and the retail bank require one parking space for each 333 square feet of floor area. Accordingly, conversion of general office space to medical (or occupying vacant space with space historically used as general office) would require additional parking spaces.

Currently 34,374 square feet, or 71% of the total 48,372 square feet of floor area is occupied, requiring 120 parking spaces. The site plan, dated November 7, 2012, reflects the availability of 170 parking spaces including 72 spaces on the surface lot and 98 spaces in the garage.

Parking Demand Analysis: Masterplan conducted a parking study on multiple days mid-week to determine the number of parking spaces occupied during office hours at 71% occupancy. The results reveal that only about half the parking spaces are occupied at peak hour:

PARKING	10AM	2PM	4PM
Surface	43	51	42
Garage	45	41	41
Total	88	92	83

It should also be known, Masterplan has significant experience in this area having worked on the retail center to the south and office uses to the north and west. In all instances, parking demand is markedly low.

In addition to the empirical study of the current and prospective on-site parking demand, the data below provides a theoretical perspective supported by engineering data from the *Institute of Transportation Engineers, Parking Generation, 3rd Edition*.

In order to determine the potential parking demand created by additional medical use, the parking generation ratio is per 1,000 square feet of floor area: bank, 2.7; medical clinic, 4.7; and, general office, 2.8. The peak parking generation data is based on the highest parking generation of overlapping peak hours for bank retail, general office and medical office, which is at 10AM on weekdays.

Applying these rates to the current and prospective floor areas, it reveals the following theoretical parking generation:

STATUS	OCCUPIED FLOOR AREA	RETAIL BANK FLOOR AREA	GENERAL OFFICE FLOOR AREA	MEDICAL FLOOR AREA	PARKING GENERATION PEAK HOUR
Current Lease Out (23% Medical)	34,374	4,291	22,079	8,194	112
Maximum Lease Out (23% Medical)	48,372	4,291	32,956	11,125	156
Maximum Lease Out (41% Medical)	48,372	4,291	24,081	20,000	167

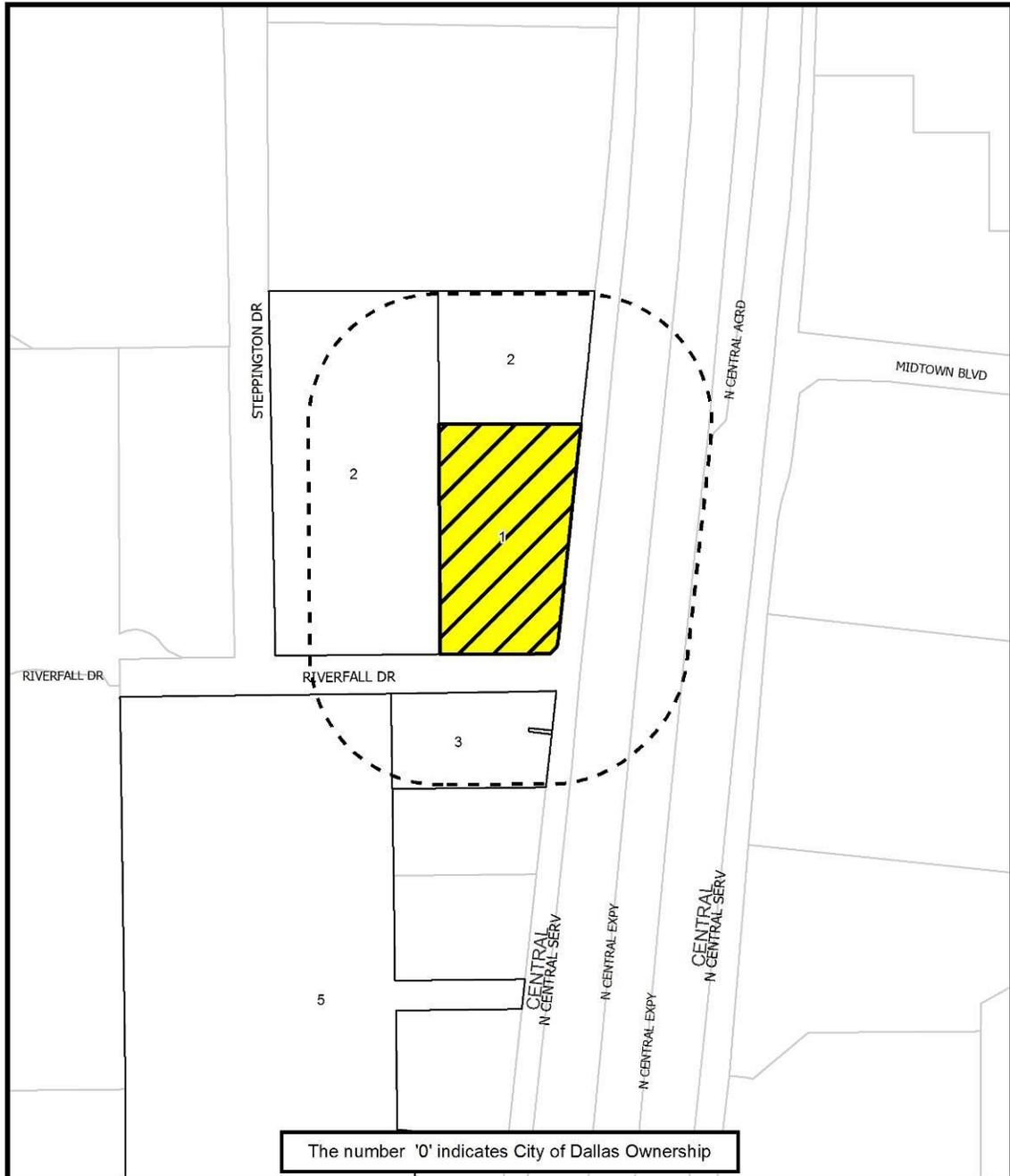
The chart above summarizes the potential parking needs in the event that up to 20,000 square feet of floor area is devoted to medical uses. Also, the theoretical numbers reflect that 112 parking spaces are currently needed; however, as reflected in the on-site study, only about 90 spaces are actually needed. This illustrates the theoretical numbers are conservatively high by as much as 20%. As such, even with 20,000 square feet of medical, the parking generation at 167 is likely a high projection. The actual parking demand at peak hour would likely be no higher than 150 spaces.

The City of Dallas would require 185 total parking spaces if 20,000 square feet of floor area is devoted to medical. As such, we request a special exception from 185 to 170 parking spaces -- a modest 9% reduction. With 170 parking spaces, including 72 located on the surface lot, a special exception is warranted to better utilize the building without impact to the adjacent streets or properties.

Importantly, this reduction would accommodate the emerging market trends in an area needing revitalization. Should you have any questions, feel free to email me at maxwell@masterplanconsultants.com or call me at 214.761.9197.

10501 N. Central Expressway

SUITE	TENANT	USE TYPE	FLOOR AREA	PARKING FACTOR	REQUIRED PARKING	OFFICE	MEDICAL	BANK
100	Chase Bank	Bank	4,291	333	12.89	6.90	4.87	12.89
101	Texas Cardiology Association	Medical	974	200	4.87	1.16	33	
102	Texas Anti Aging Medicine Institute	Office	2,298	333	6.90	0.68	2.88	
103	Interfending	Office	387	333	1.16	11.91		
103A	Cook & Carr	Office	226	333	0.68	1.65		
106	Franklin Shierski Lovall Hayward	Office	3,967	333	11.91	0.83		
150	Vacant	Vacant - Office	548	333	1.65	0.57		
160	Maintenance Office	Office	276	333	0.83	7.39		
170	Vacant	Office	190	333	0.57	8.33		
200	Dallas Center for Pelvic Medicine	Medical	6,644	200	33.22	12.65		
201	Dallas Center for Pelvic Medicine - Storage	Medical	576	200	2.88	5.44		
210	Alternative Options (Dallas) Mortgage	Office	2,462	333	7.39	3.44		
213	Dallas Vet Center	Office	2,775	333	8.33	3.29		
214/215	Vacant	Vacant - Office	4,211	333	12.65	4.87		
2300	Vacant	Vacant - Office	1,813	333	5.44	3.22		
2301	Swift	Office	1,145	333	3.44	8.56		
303	Tripro Management	Office	1,096	333	3.29	16.59		
304	Vacant	Vacant - Office	1,623	333	4.87	1.98		
308	Alliance	Office	1,072	333	3.22	4.97		
309	Vacant	Vacant - Office	2,852	333	8.56	3.32		
310	Orr & Horner	Office	5,525	333	16.59	107.77	40.97	12.89
313	PAIC	Office	660	333	1.98			
314	Vacant	Vacant - Office	1,656	333	4.97			
316	Vacant	Vacant - Office	1,105	333	3.32	108	41	13
			48,372			162		
					Total			
					Parking	170		



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">5</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	5	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA134-021</u> Date: <u>2/25/2014</u>
200'	AREA OF NOTIFICATION					
5	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA134-021

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10501 CENTRAL EXPY	CHARTOWN NC GENERAL PS
2	10500 STEPPINGTON DR	STEPPINGTON SLJ MCKINNEY LP
3	10453 CENTRAL EXPY	MEADOW & CENTRAL LTD PS SUITE 500
4	10453 CENTRAL EXPY	PRESCOTT INTERESTS BILLBOARDS LTD
5	10455 CENTRAL EXPY	MEADOW & CENTRAL LTD PS

FILE NUMBER: BDA 134-022

BUILDING OFFICIAL'S REPORT: Application of Ed Simons for a variance to the landscape regulations at 1615 Market Center Boulevard. This property is more fully described as Lots 1 through 9 and Lots 11 through 16, Block 7/6837 and is zoned PD-621 (Subdistrict 1), which requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan, which will require a variance to the landscape regulations.

LOCATION: 1615 Market Center Boulevard

APPLICANT: Ed Simons

REQUEST:

A variance to the landscape regulations is requested to construct and maintain a "building"/structure on a site currently developed with a number of commercial structure/uses, some of which the applicant intends to retain, others that he intends to demolish, and not fully meeting the landscape regulations.

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 alternate landscape plan is required.

Rationale:

- The subject site is unique and different from most lots in the PD 621 zoning district in that it is of a restrictive size and of an irregular/virtually triangular shape. The narrowness of the site and its irregular shape precludes the applicant from developing it in a manner commensurate with development on other similarly zoned properties that are wider and are not irregularly shaped.
- The City's Chief Arborist recommends approval of the applicant's request because, in his opinion, the applicant has demonstrated the physical site restrictions resulting from the narrow triangular shape of the property with the proposed use significantly limits the application of required landscape planting areas.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 621 (Planned Development, Subdistrict1)
<u>North:</u>	PD 621 (Planned Development, Subdistrict1)
<u>South:</u>	PD 621 (Planned Development, Subdistrict1)
<u>East:</u>	PD 621 (Planned Development, Subdistrict1)
<u>West:</u>	PD 621 (Planned Development, Subdistrict1)

Land Use:

The site is currently developed with a number of commercial structures/uses. The areas to the north, south, east, and west appear to be developed mostly with commercial/retail uses.

Zoning/BDA History:

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

Timeline:

January 17, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 13, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 13, 2014: The Board Administrator shared the following information with the applicant via email:

- an attachment that provided the public hearing date and panel that will consider the application; the February 26th deadline to submit additional evidence for staff to factor into their analysis; and the March 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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

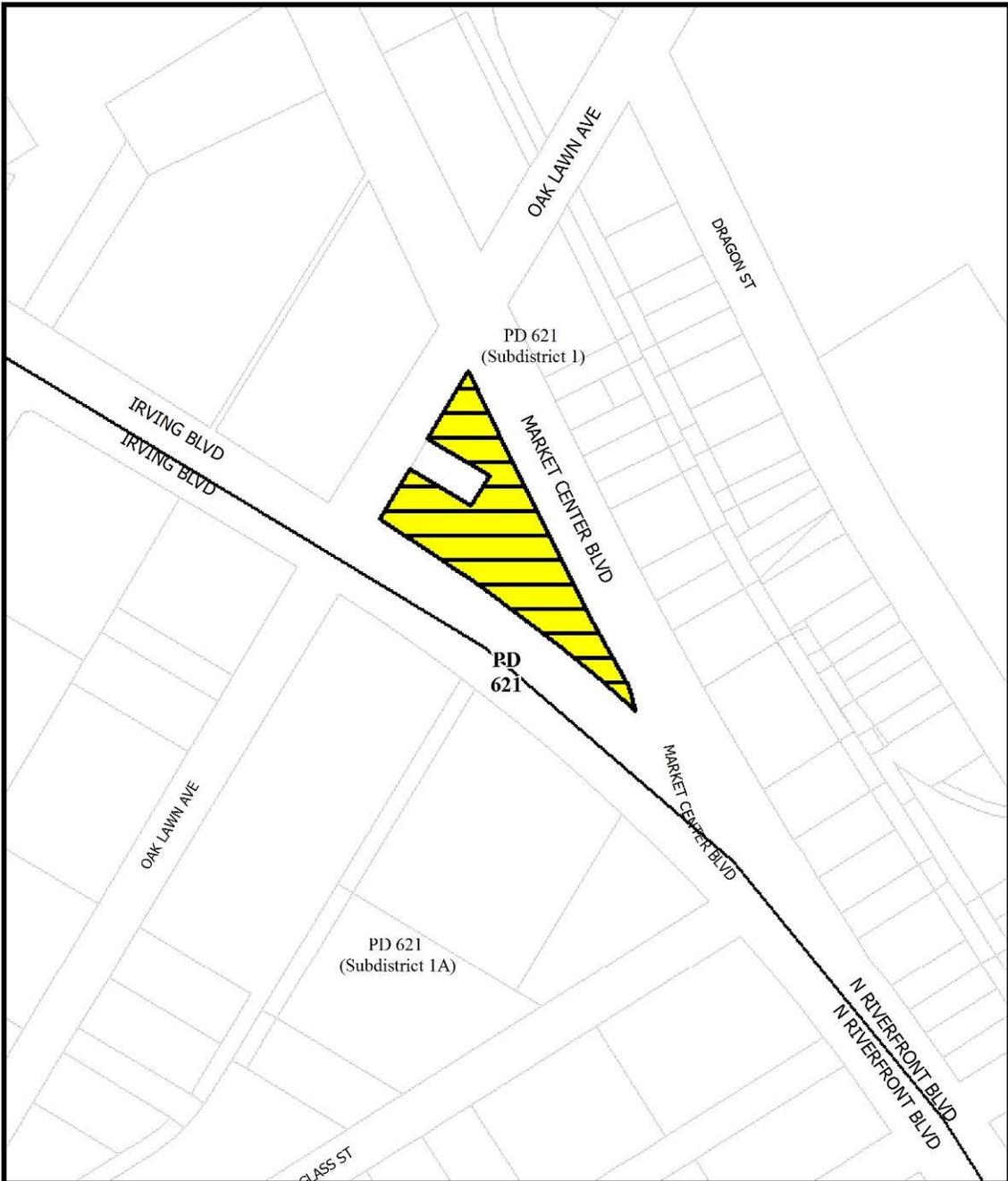
March 6, 2014: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a "building"/structure on a site currently developed with a number of commercial structure/uses, some of which the applicant intends to retain, others that he intends to demolish, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the proposal does not comply with street tree and parking lot buffer requirements of PD 621.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- Given specific provisions of the landscape provisions of PD No. 621, the applicant can only seek these leniencies from the board of adjustment by requesting a *variance* to the landscape regulations within this PD as opposed to the more typical *special exception* to the landscape regulations.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states new construction on this property zoned PD 621 requires application of landscape requirements not included on the Article X landscape .

- The Chief Arborist’s memo lists the following ways in which development of the site is deficient in meeting the landscape requirements of PD 621:
 1. Street trees: 1 tree per 25 linear feet of frontage is required; the applicant proposes to provide 25 of the required 50 trees.
 2. Parking lot buffer: A 5’ wide buffer along parking row with trees is required; the applicant proposes to not provide buffer or trees due to site restrictions.
- The Chief Arborist’s memo lists the following factors for consideration:
 1. The property is a triangle-shaped site and located at the intersection of Market Center Boulevard and Irving Boulevard. The completion of the building/structure, required off-street parking, sidewalks, and vehicle maneuvering areas within restricted areas will limit the ability to place adequate landscape beds for required landscaping. All sides of the property are surrounded with street frontages.
 2. On-street parking spaces adjacent to a building site are specifically accepted for required parking in PD 621. The rows of on-street parking, nearby off-street parking, and the necessary 5’ wide sidewalk located on private property restrict the planting of additional street trees.
 3. The proposed landscape plan complies with all other PD 621 landscape requirements (landscape points- lighting, seasonal color, and native plants) and applicable Article X requirements (site trees, parking lot trees).
- The City of Dallas Chief Arborist recommends approval of this request because in his opinion the applicant has demonstrated the physical site restrictions resulting from the narrow triangular shape of this property (with the proposed use) significantly limits the application of required landscape planting areas).
- The site is flat, virtually triangular in shape, and is approximately 1.3 acres in area. The site is zoned PD 621 (Subarea 1). The site has three front yard setbacks along each street frontages which is typical of any lot that encompasses virtually an entire block not zoned agricultural, single family, or duplex.
- According to DCAD records, the “improvements” at 1615 Market Center Boulevard is a 7,425 square foot “cocktail lounge” built in 1951.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the landscape regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 621 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 PD No. 621 zoning classification.

- If the Board were to grant this request and impose a condition that the applicant must comply with the submitted landscape plan, the site would be “varied” from certain street tree and parking lot buffer requirements of PD No. 621 as shown on this submitted alternate landscape plan.



1:2,400

ZONING MAP

Case no: BDA134-022

Date: 2/27/2014



1:2,400

AERIAL MAP

Case no: BDA134-022

Date: 2/27/2014

BDA 134-022

Attach A

pg 2

Recommendation

The chief arborist recommends approval of the variance request for this property because, in my opinion, the applicant has demonstrated the physical site restrictions resulting from the narrow triangular shape of this property, with the proposed use, significantly limits the application of required landscape planting areas.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-022

Data Relative to Subject Property:

Date: January 17, 2014

Location address: 1615 Market Center Boulevard Zoning District: PD 621

Lot No.: 1-9 and 11-16 Block No.: 7/6837 Acreage: 1.2617 Census Tract: 0100.0

Street Frontage (in Feet): 1 579.82 2 210 3) 490.34 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property/or Principal Prescott Interests, Ltd

Applicant: Ed Simons Telephone: 214-761-9197

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

Represented by: Same Telephone: Same

Mailing Address: Same Zip Code: Same

Affirm that a request has been made for a Variance __, or Special Exception X, of Landscape regulations of PD 621

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The applicant proposes an alternate landscape plan that meets the intent of the PD regulations.

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

Respectfully submitted: Ed Simons Applicant's name printed [Signature] Applicant's signature

Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 17 day of JANUARY 2014



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

(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

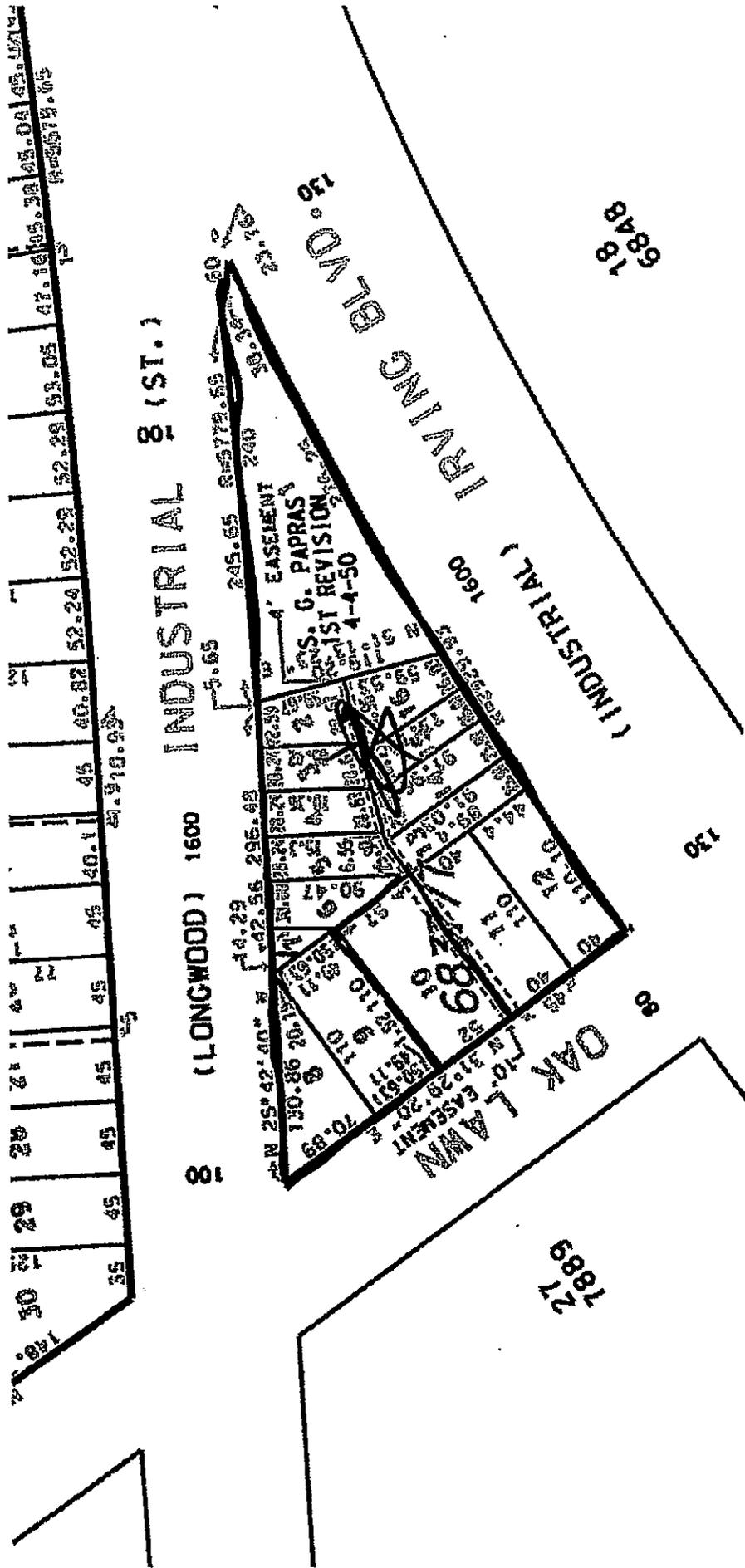
I hereby certify that Ed Simons

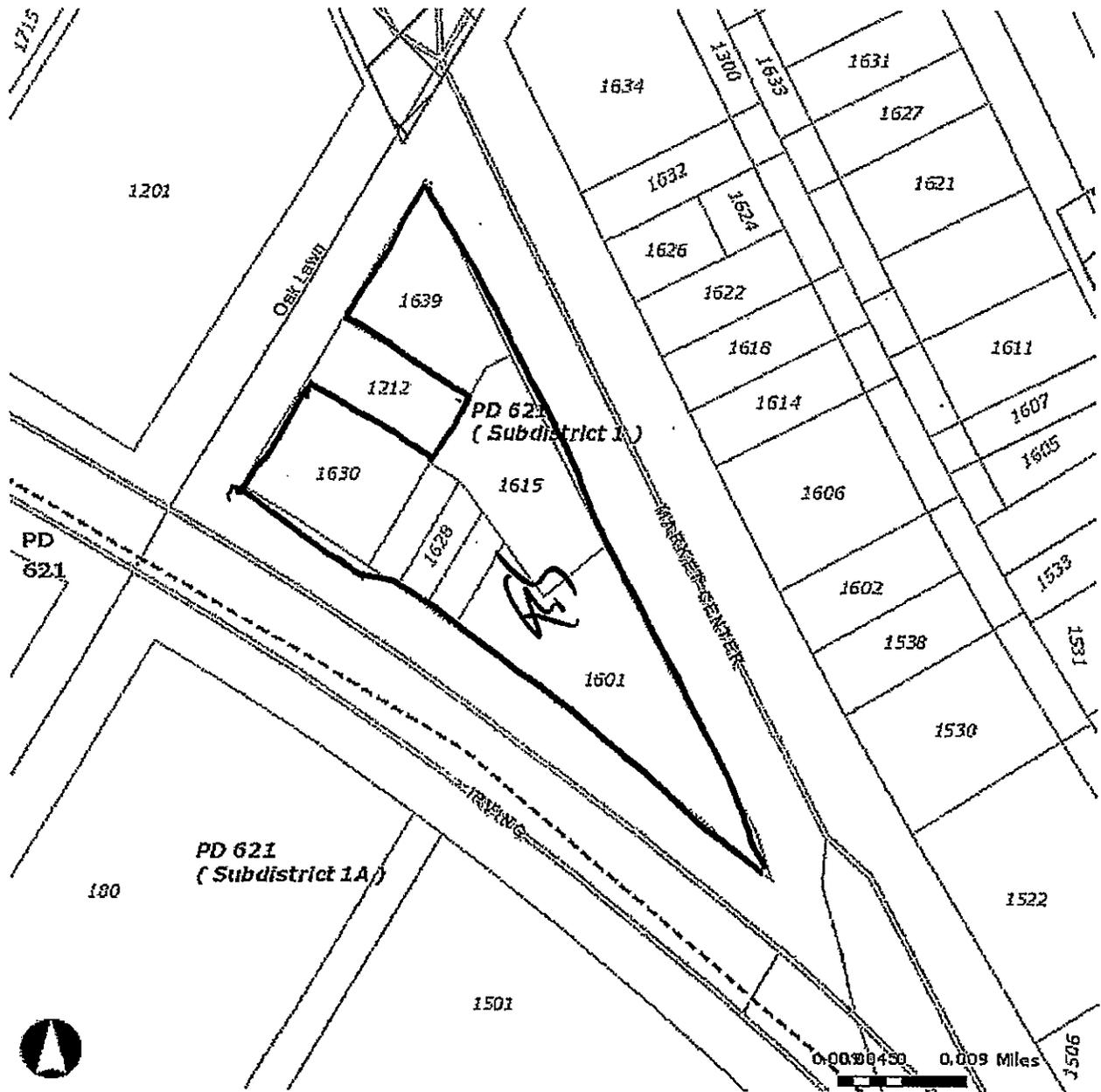
did submit a request for a variance to the landscaping regulations
at 1615 Market Center Blvd.

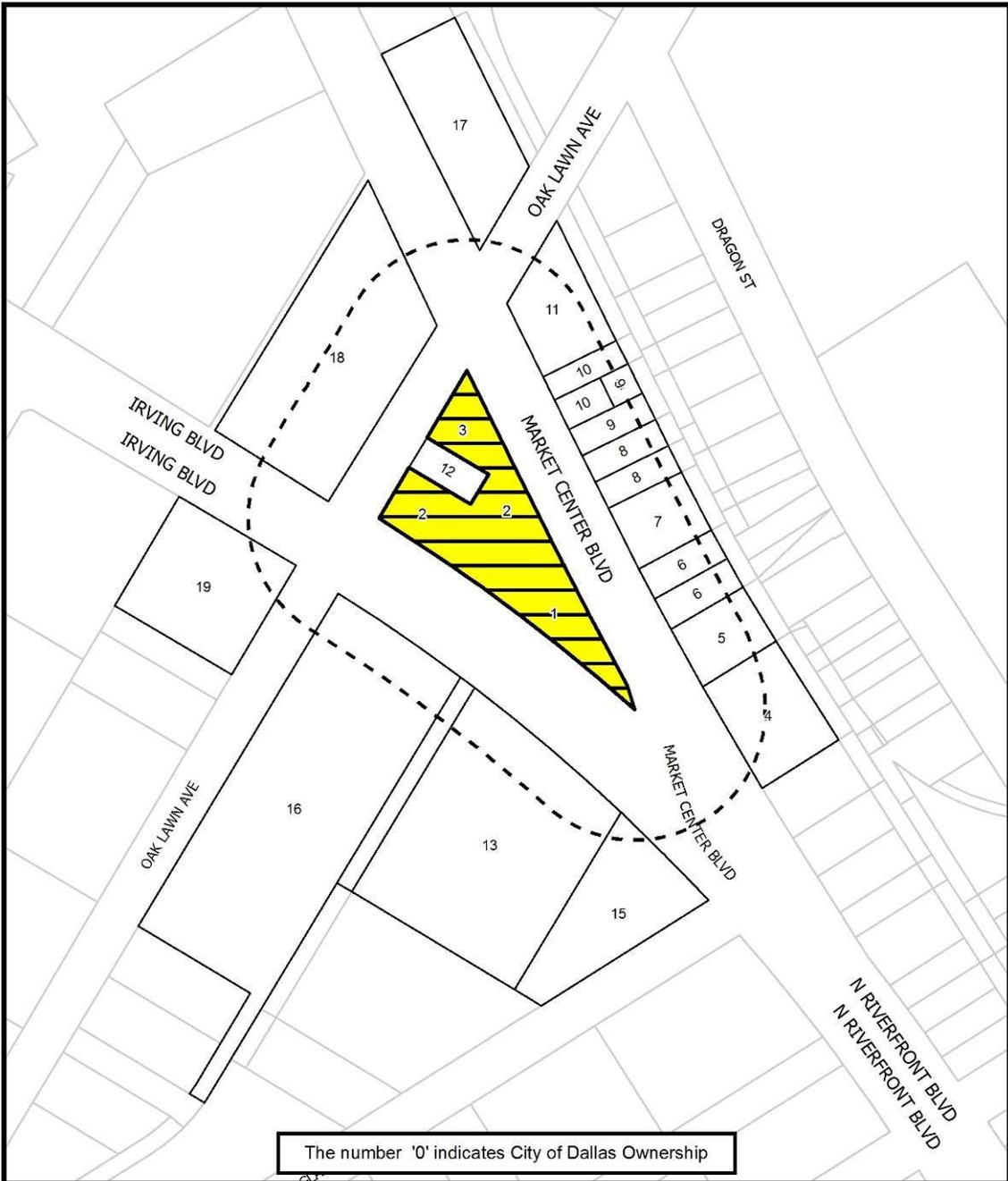
BDA134-022. Application of Ed Simons for a variance to the landscaping regulations at 1615 Market Center Blvd. This property is more fully described as Lots 1 through 9 and Lots 11 through 16, Block 7/6837 and is zoned PD-621 (Subdistrict 1), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a variance to the landscape regulations.

Sincerely,


Larry Holmes, Building Official







 1:2,400	NOTIFICATION		Case no: BDA134-022
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 2/27/2014

Notification List of Property Owners

BDA134-022

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1601 MARKET CENTER BLVD	DIXIE FAMILY LTD PS 1
2	1615 MARKET CENTER BLVD	DIXIE FAMILY LTD PS 2
3	1639 MARKET CENTER BLVD	DIXIE FAMILY LTD PS 3
4	1522 MARKET CENTER BLVD	HARGROVE ELECTRIC CORP
5	1530 MARKET CENTER BLVD	HENSLEY SUSAN JUNE
6	1538 MARKET CENTER BLVD	XFP LTD PS
7	1606 MARKET CENTER BLVD	K&B INVESTMENTS INC
8	1614 MARKET CENTER BLVD	PADIAN JOSEPH J
9	1622 MARKET CENTER BLVD	MARTIN CHARLES
10	1626 MARKET CENTER BLVD	ESTRELLO RAYMONDO C
11	1634 MARKET CENTER BLVD	PRESCOTT INTERESTS 1300 OAK LAWN LTD
12	1212 OAK LAWN AVE	3999 LTD
13	1501 MARKET CENTER BLVD	CHANG GEORGE C M & JIA CHEN WANG
14	1501 RIVERFRONT BLVD	GREEN VALLEY INTL INC
15	167 GLASS ST	DALLAS CONTEMPORARY ATTN GWYNETH LLOYD
16	180 OAK LAWN AVE	JLK LTD
17	1708 MARKET CENTER BLVD	STEVENS DAVID & SHELLEY
18	1201 OAK LAWN AVE	343 W SUNSET LTD
19	175 OAK LAWN AVE	WSL JKO VENTURES LTD

FILE NUMBER: BDA 134-029

BUILDING OFFICIAL'S REPORT: Application of Allison Waldie for a variance to the front yard setback regulations and a special exception to the fence height regulations at 6639 Joyce Way. This property is more fully described as Lot 14, Block 3/5478 and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain a structure and provide a 9 foot 3 inch front yard setback (measured at the roof eave), which will require a 15 foot 9 inch variance to the front yard setback regulations, and to construct/maintain an 8 foot 6 inch high fence, which will require a 4 foot 6 inch special exception to the fence height regulations.

LOCATION: 6639 Joyce Way

APPLICANT: Allison Waldie

REQUESTS:

The following appeals have been made on a site that is currently developed with a single family home:

1. A variance to the front yard setback regulations of 15' 9" is requested to complete and maintain an addition to the existing single family structure, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Thackery Street).
2. A special exception to the fence height regulations of 4' 6" is requested to maintain an 8' 6" high solid board-on-board wood fence in the one of the site two 25' front yard setbacks (Thackery Street).

(No request has been made in this application to construct/maintain any fence or structure in the site's Joyce Way 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.

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 (variance):

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 in the R-7.5(A) zoning district in that it is a corner lot with a restrictive area due to its two front yard setbacks. The atypical two front yard setbacks on the lot preclude the applicant from developing it in a manner commensurate with development on other similarly zoned properties with one front yard setback. Documentation submitted by the applicant shows that the existing development on the site including the addition has a total square footage of 4,358 square feet which is near/slightly below the total square footage average of 7 other homes in the area and of the same zoning at 4,494 square feet.
- Completion/maintenance of the addition to the single family home would require no variance if the lot's Thackery Road frontage were a side yard as many other corner lots in this zoning district since a 9' 3" front yard setback (measured at the roof eave) is provided and a 5' side yard setback is required in the R-7.5(A) zoning district.

STAFF RECOMMENDATION (fence special exception):

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

February 10, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 20, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 21, 2014: The Board Administrator contacted the applicant and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the February 26th deadline to submit additional evidence for staff to factor into their analysis; and the March 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 26, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

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

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

GENERAL FACTS/STAFF ANALYSIS (variance):

- This request focuses on completing and maintaining an addition to the existing single family structure, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Thackery Street). (No request has been made in this application to construct/maintain any structure in the site's Joyce Way front yard setback).
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The site is located on the northwest corner of Joyce Way and Thackery Street. The site has two 25' front yard setbacks. The site has a 25' front yard setback along Thackery Street because: 1) it is the shorter of the two frontages at 113.5', which is always deemed the front yard setback on a corner lot in a single-family zoning district; and 2) the one lot north of the site at the southwest corner of Walnut Hill Lane and Thackery Street - a lot that technically "fronts" eastward to Thackery Street given that it is shorter in length than its Walnut Hill Lane frontage. The site also has a 25' front yard setback along Joyce Way, the longer of the two frontages of this corner lot at 115', which is typically regarded as a side yard where only a 5' setback is required. But the site's Joyce Way frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes west of the site that front/are oriented southward towards Joyce Way.
- Regardless of how the existing home is oriented to front onto Joyce Way (and "side" to Thackery Street), the site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to complete and maintain an addition in the site's front yard setback on Thackery Street. (No part of the application is made to construct/maintain a structure in the site's Joyce Way front yard setback).
- The submitted site plan denotes that the addition is located as close as 12' from the site's Thackery Street front property line or 13' into this 25' front yard setback. However the Building Official's report states that a 9' 3" front yard setback is provided (measured at the roof eave) whereby the structure (including the roof eave as shown on the applicant's submitted structure elevation) is 15' 9" into the Thackery Street front yard setback.
- According to calculations taken from the site plan, about 400 square feet (or approximately 70 percent) of the approximately 540 square addition (or approximately 12 percent of the total approximately 3,400 square foot building footprint) is located in the site's Thackery Street 25' front yard setback.
- The subject site is flat, rectangular in shape, and according to the applicant's representative, is 0.30 acres (or approximately 13,000 square feet) in area. The site is zoned R-7.5(A) where lots typically are 7,500 square feet in area.
- The site has two front 25' front yard setbacks; and two 5' side yard setbacks; most R-7.5(A) residentially-zoned lots have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback. (Note that if this were a typical R-7.5(A) zoned lot with one front yard, two side yards, and one rear yard, the applicant would not be required to seek a variance to the side yard setback since the proposal is

proposes 9' 3" from the Thackery Street property line, and a 5' side yard setback is required in this zoning district).

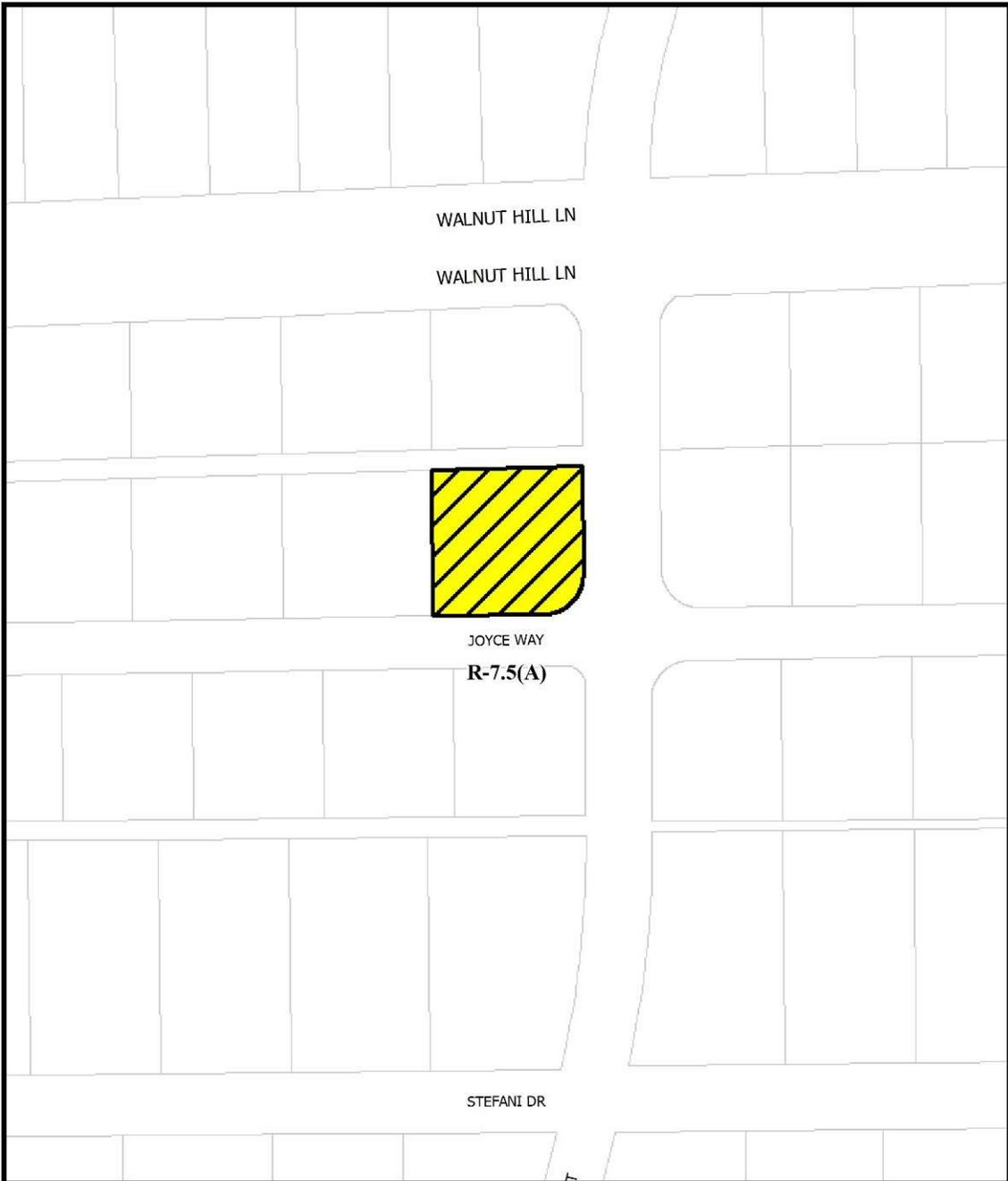
- According to DCAD records, there are “main improvements” at 6639 Joyce Way is a structure built in 1950 with 3,800 square feet of living area and 4,358 square feet of total area. The “additional improvements” at this address include a 546 square foot attached garage and a 558 square foot room addition.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Thackery Street 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 (roof eave) located as close as 9' 3" from the site's Thackery Street front property line (or 15' 9" into this 25' front yard setback).

GENERAL FACTS/STAFF ANALYSIS (fence special exception):

- This request focuses on maintaining an 8' 6" high solid board-on-board wood fence in the one of the site two 25' front yard setbacks (Thackery Street) on a site 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 on the northwest corner of Joyce Way and Thackery Street. The site has two 25' front yard setbacks. The site has a 25' front yard setback along Thackery Street because: 1) it is the shorter of the two frontages at 113.5', which is always deemed the front yard setback on a corner lot in a single-family zoning district; and 2) the one lot north of the site at the southwest corner of Walnut Hill Lane and Thackery Street - a lot that technically “fronts” eastward to Thackery Street given that it is shorter in length than its Walnut Hill Lane frontage. The site also has a 25' front yard setback along Joyce Way, the longer of the two frontages of this corner lot at 115', which is typically regarded as a side yard where only a 5' setback is required. But the site's Joyce Way frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback

established by the lots developed with single family homes west of the site that front/are oriented southward towards Joyce Way.

- Regardless of how the existing home is oriented to front onto Joyce Way (and “side” to Thackery Street), the site has two 25’ front yard setbacks where the focus of the applicant’s request in this application is only to maintain a fence higher than 4’ in the site’s front yard setback on Thackery Street. (No part of the application is made to address any fence in the site’s Joyce Way front yard setback).
- The applicant has submitted a site plan and an elevation of the proposal in the Thackery Street front yard setback with notations indicating that the fence reaches a maximum height of 8’ 6”.
- The following additional information was gleaned from the submitted site plan:
 - The proposed fence in Thackery Street required front yard setback is represented as being approximately 75’ in length parallel to the street; and approximately 25’ and 12’ in length perpendicular to the street on the lot’s north and south sides of the site in the Thackery Street front yard setback.
 - The proposal is represented as being located approximately on the front property line or approximately 8’ from the pavement line.
- The proposal is located across from one single family home which does not have a fence in its *side* yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4’ in height and located in a front yard setback – an approximately 8.5’ high solid wood fence immediately north of the subject site- a fence with no recorded BDA history.
- The applicant states that the fence that is of issue in this request replaced a fence that had been on the property for over 10 years in the identical location - a fence that was about 8’ tall.
- As of March 10, 2014, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4’ 6” will not adversely affect neighboring property.
- Granting this special exception of 4’ 6” 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.

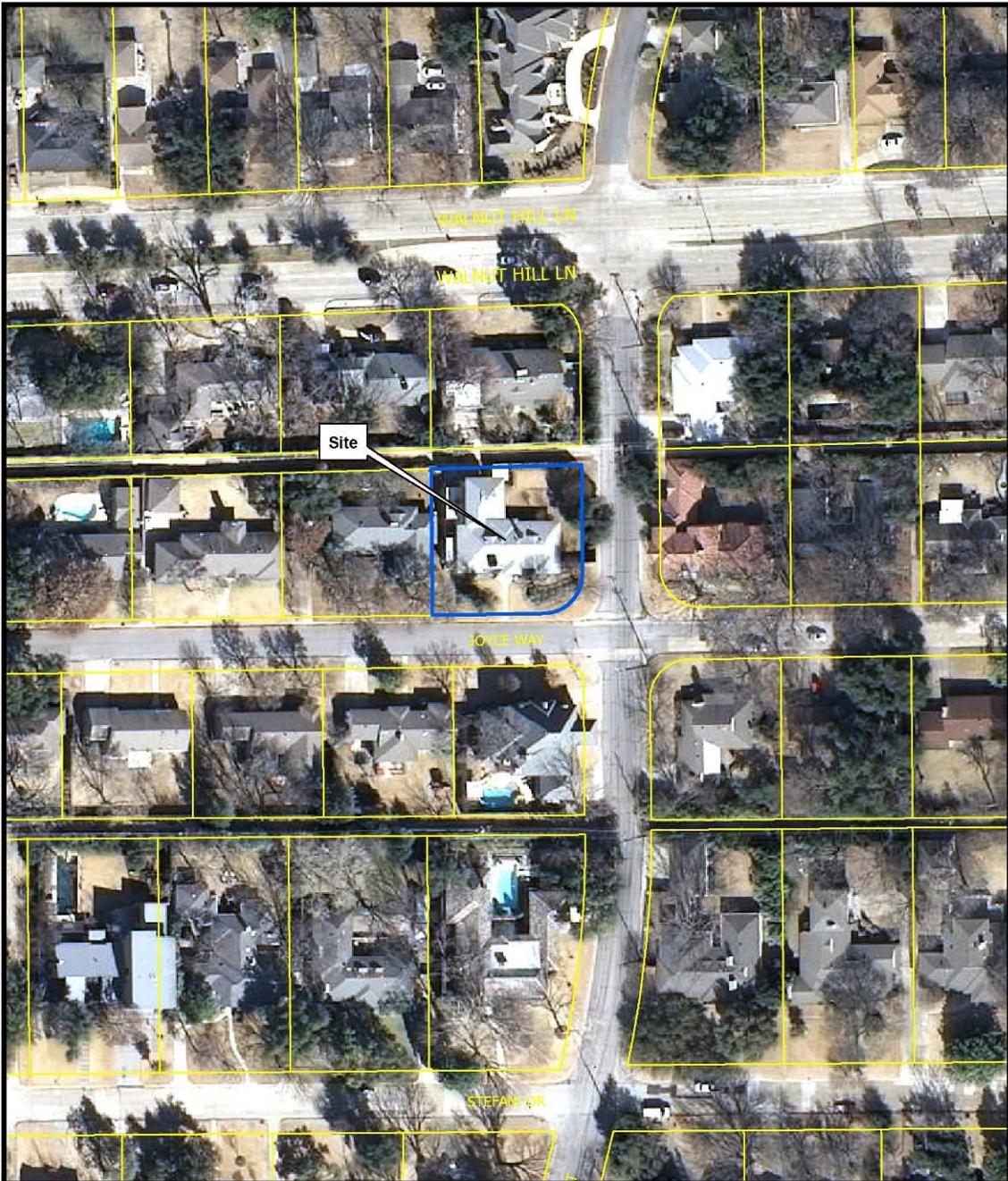


1:1,200

ZONING MAP

Case no: BDA134-029

Date: 2/27/2014



1:1,200

AERIAL MAP

Case no: BDA134-029

Date: 2/27/2014

6639 Joyce Way Variance Application & Special Exception Application – Additional Information

In October 2013, DFW Improved, the contractor we had hired, applied for and was granted permits by the City of Dallas to renovate and add additional square footage to our existing home at 6639 Joyce Way. The permits were paid for, and as far as we have been made aware, had no restrictions placed upon them. Construction began shortly thereafter on the project with no changes to the floor plan or drawings that were used as the basis for obtaining the permit. Throughout construction, it is our understanding that the contractor followed all required procedures, obtained the necessary inspections and made any required changes necessary in order to obtain green tags and proceed, and has continued to do so to date.

In January 2014, construction had progressed to the point where we were ready to replace our existing fence, which had been on the property for over 10 years, with a similar fence as a result of general aging. The fence builder was hired independent of the general contractor and completed building on 1/21/14. Within a few days of the fence's completion, we were notified by the City of Dallas that the fence builder had not obtained a permit prior to building the fence. At our request, the builder, Texas Best Fence, went to through the proper procedures to rectify the situation and attempted to obtain the permit for the fence. It was at this time that the permit officials discovered that due to the dimensions of the property, we were deemed to have two front yards under the zoning code. As a result, the permit request was denied and we were informed that the City of Dallas had 'made a mistake' in issuing the permits for the construction of the addition back in October and as such the permits would be put on hold and construction was to cease immediately.

As soon as this issue was brought to our attention, we have been working with the City officials to understand and comply with the required procedures in order to obtain the necessary variance and special exception. All construction completed to date was performed in good faith that the permits were obtained properly and all procedures followed correctly. Furthermore, we believe the zoning requirements place undue restrictions on our property for the reasons presented in our application and that the improvements made would not cause harm to others in our neighborhood. As such, we hope to obtain approval from the board of adjustments and look forward to providing any additional information that would be useful in supporting our application.

Additional Information – Variance

As put forward in our application for a variance of the front yard setback requirement, we would also like to note that the building of the additional approximate 560 square feet to our existing home is proportionate to other homes in the surrounding neighborhood which consists of a combination of older ranch homes and new construction. The table below shows that our property, at a total square footage of 4,358 (including all additions) would not exceed the average size of the homes in the area.

Address	Total Square Footage (per DCAD)
6639 Joyce Way	4,358
6701 Joyce Way	4,551
6638 Joyce Way	3,908
6706 Stefani	7,102
6631 Stefani	3,891
6630 Stefani	6,225
6631 Joyce Way	2,370
6611 Joyce Way	3,413

Additional information – Special Exception

As noted above, we replaced an existing fence which has been on the property for over 10 years with a similar fence in the identical location. The new fence is 8 foot 6 inches tall as compared to the fence that was replaced that was 8 feet tall. This was done solely to enhance the longevity of the fence and is consistent with majority of fences in the surrounding neighborhood. Furthermore, the replacement fence was built with the supporting post facing the interior of the backyard to better comply with the suggestions of the neighborhood home organization. As such, we believe the fence does not negatively impact the surrounding neighbors but rather represents an upgrade of the neighborhood aesthetics.



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-029

Data Relative to Subject Property:

Date: 10 Feb. 2014

Location address: 6639 Joyce Way Zoning District: R-7.5(A)

Lot No.: 14 Block No.: 3/5478 Acreage: .30 Census Tract: 77.00

Street Frontage (in Feet): 1) 113 2) 115 3) _____ 4) _____ 5) _____ NEB

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jason Waldie and Allison Waldie

Applicant: Allison Waldie Telephone: 773 655 5799

Mailing Address: 6639 Joyce Way, Dallas, TX Zip Code: 75225

E-mail Address: allie.waldie@gmail.com

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 13' to the front yard setback, and a special exception of 4'-6" to the fence height in a front yard.

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

The variance is requested to overcome the restrictive hardship of our property being deemed to have two front yards. A special exception is requested to retain consistency of fence height along ~~parkway~~ street throughout the neighborhood. [See attached further details.]

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.

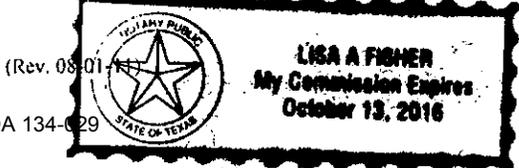
Affidavit

Before me the undersigned on this day personally appeared Allison Waldie (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 10 day of February, 2014



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

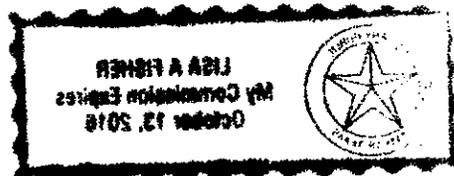
Building Official's Report

I hereby certify that Allison Waldie
did submit a request for a variance to the front yard setback regulations, and for a special
exception to the fence height regulations
at 6639 Joyce Way

BDA134-029. Application of Allison Waldie for a variance to the front yard setback regulations and a special exception to the fence height regulations at 6639 Joyce Way. The property is more fully described as Lot 14, Block 3/5478 and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 6 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 9 foot 3 inch front yard setback (measured at the roof eave), which will require a 15 foot 9 inch variance to the front yard setback regulation, and to construct and maintain an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

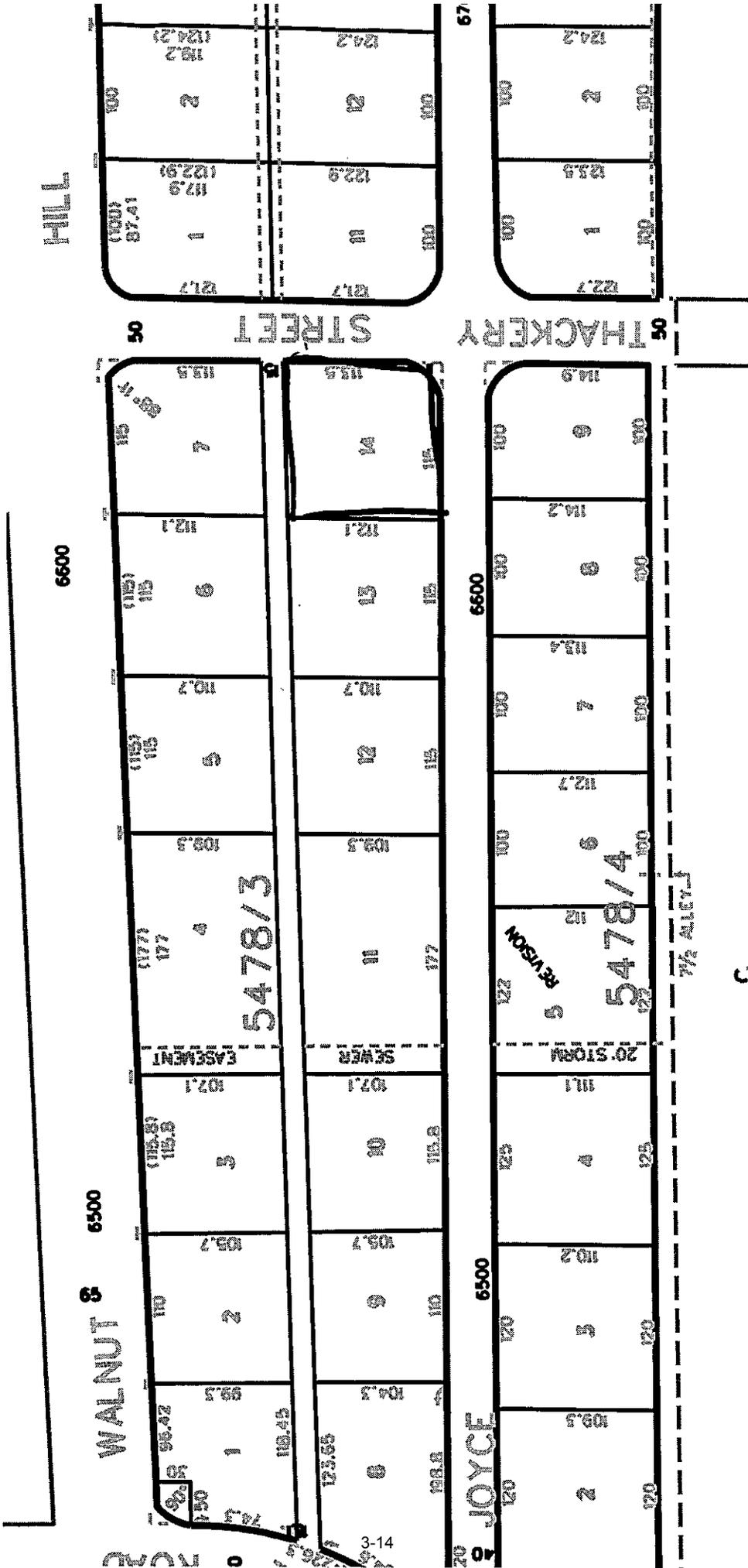


City of Dallas Zoning



- | | | |
|--|--|---|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> | <p>Dry Overlay</p> <p>D</p> <p>D-1</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> | <p>Base Zoning</p> <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> |
|--|--|---|

AW

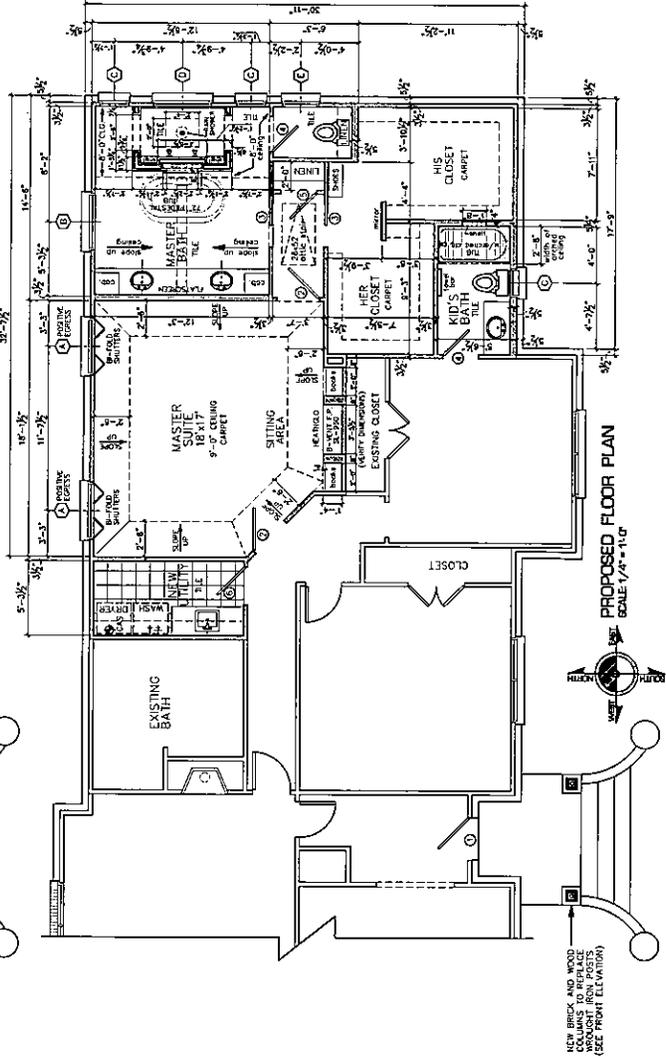
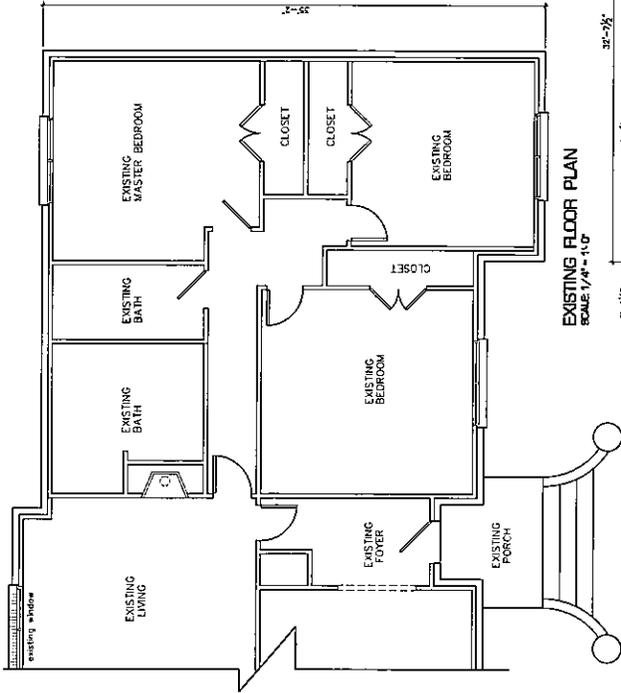


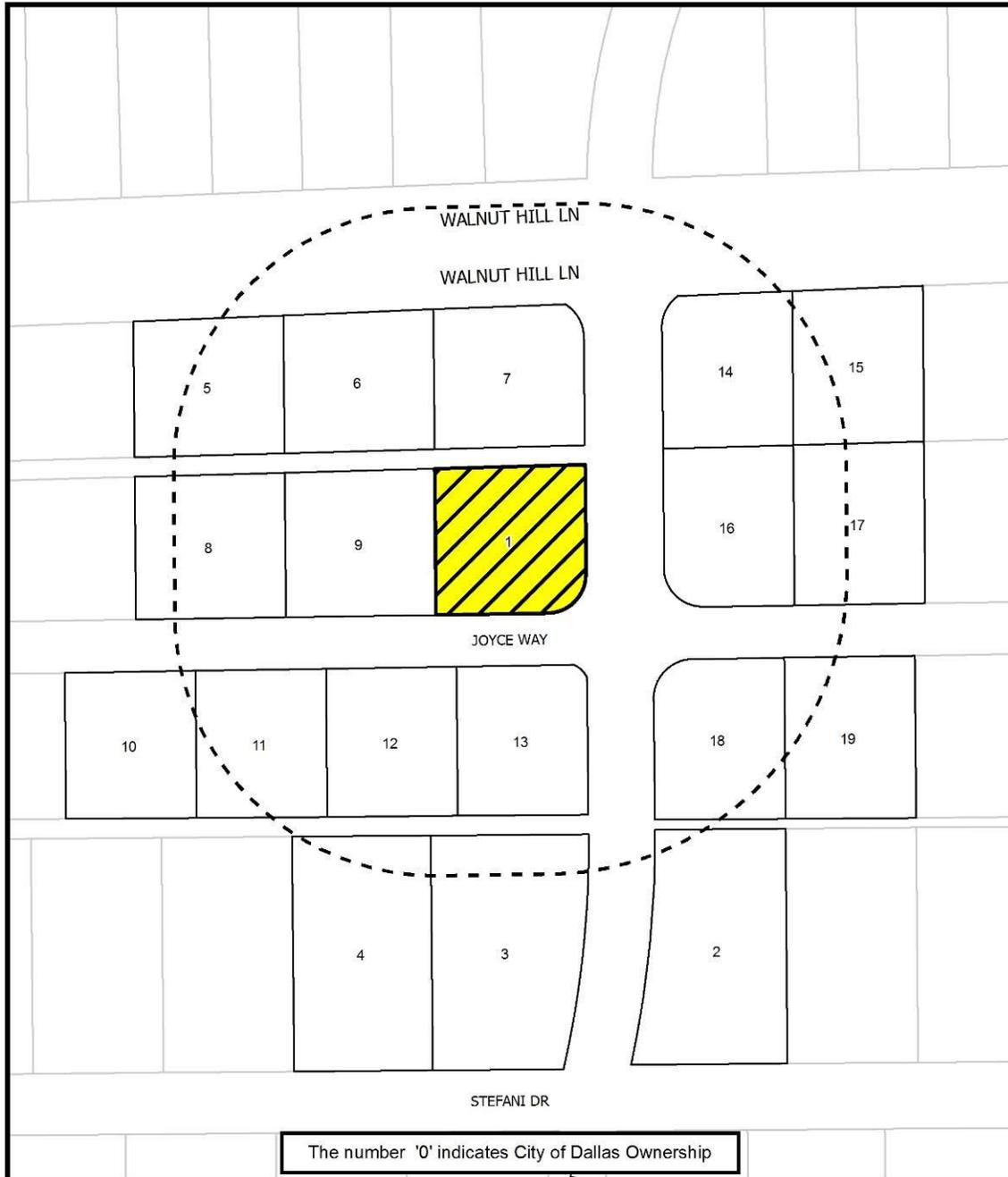
Handwritten signature or mark

A variance is being requested to overcome a restrictive hardship created by the property being deemed to have two front yards, one on the south side of the property facing Joyce Way (consistent with the other homes along the street in our neighborhood) and one on the east side of the corner property facing Thackery Street. This restriction, based upon the lot's shape, applies to only two properties within the surrounding neighborhood and results in our property being prohibited from building commensurate with other properties in the neighborhood that have only one front yard and a side yard which faces Thackery Street and is therefore not limited by the front yard setback requirement. As such, The variance requested would therefore simply allow our property to be viewed consistently with the surrounding properties and afford us the same abilities to improve our property without undue restriction.

Furthermore, we are requesting a special exception of 4'-6" to the maximum fence height allowed in a front yard. As noted above, the property has been deemed to have two front yards based on the zoning codes, however consistent with the surrounding homes we intend to use the east side of the property as a side yard and therefore request that we be allowed to retain an 8'6" fence along the property line. This height would retain consistency along Thackery Street as the surrounding homes predominantly have at least 8' fences already built. And specifically would not adversely impact the only other home with the same zoning restrictions which is located on the lot behind our property as they currently have an existing 8' fence along the same side of the street.

WINDOW SCHEDULE	
WINDOW SCHEDULE TYPES AND MANUFACTURER WITH OWNER BEFORE PURCHASE NOTES: 1. LOCATION'S SHALL COMPLY WITH IBC 2009 2. WINDOW TYPE 3. WATER-RESISTANT BARRIER AROUND WINDOW FRAME 4. WINDOW INSTALLATION WITH FULL ADHESIVE INSTALLATION	1. 3'-0" x 4'-0" DOUBLE-HUNG DIVIDED LIGHT PATTERNS 2. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 3. 3'-0" x 4'-0" DOUBLE-HUNG DIVIDED LIGHT PATTERNS POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 4. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 5. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 6. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 7. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 8. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 9. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3 10. 3'-0" x 4'-0" DOUBLE-HUNG POSITIVE EGRESS & SILL HEIGHT - SEE SHEET A-3





1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA134-029**
 Date: **2/27/2014**

Notification List of Property Owners

BDA134-029

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6639 JOYCE WAY	WALDIE JASON & ALLISON
2	6707 STEFANI DR	TOMPKINS ALAN W
3	6631 STEFANI DR	JOHNSON DUKE ALAN &
4	6623 STEFANI DR	FARRIER JON S & SUSAN K JONES-FARRIER
5	6620 WALNUT HILL LN	STEINBERG ADAM J 1997 TRUST
6	6630 WALNUT HILL LN	HIRSH CRISTY J
7	6638 WALNUT HILL LN	MATTOX MELODY L S
8	6621 JOYCE WAY	OWEN DAVID A
9	6631 JOYCE WAY	DOHEARTY KATHLEEN D & DOHEARTY THOMAS
10	6614 JOYCE WAY	HPH INVESTMENTS LTD
11	6622 JOYCE WAY	TATE PAUL V
12	6630 JOYCE WAY	STARK PATRICK W & CHARITY
13	6638 JOYCE WAY	JORGENSEN HEATHER & HANZ
14	6706 WALNUT HILL LN	KAPLAN BEATRICE S
15	6714 WALNUT HILL LN	SMITH EARL THOMAS JR
16	6701 JOYCE WAY	D & Z CAPITAL PARTNERS LP
17	6715 JOYCE WAY	COLE MARILYNN V
18	6706 JOYCE WAY	JGH LLC
19	6714 JOYCE WAY	KARPELES NORMA