

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, NOVEMBER 14, 2012
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:30 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Wednesday, October 17, 2012 Board of Adjustment Public Hearing Minutes	M1
BDA 112-060	2237 Madera Street REQUEST: Application of Robert Hunt to extend the time to file an application for a building permit for certificate of occupancy an additional 180 days beyond the 180 days from the Board of Adjustment's favorable action for requests for a variances to the front yard setback regulations	M2

REGULAR CASES

BDA 112-107	19353 Preston Road REQUEST: Application of David Tayyari for a special exception to the landscape regulations	1
BDA 112-108	1803 Rock Island Street REQUEST: Application of Colesen C. Evans to appeal the decision of the administrative official	2
BDA 112-109	1809 Rock Island Street REQUEST: Application of Colesen C. Evans to appeal the decision of the administrative official	3
BDA 112-110	1811 Rock Island Street REQUEST: Application of Colesen C. Evans to appeal the decision of the administrative official	4
BDA 112-115	801 N. Bishop Avenue REQUEST: Application of David W. Spence for a special exception to the landscape regulations and for a variance to the off-street parking regulations	5

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 October 17, 2012 public hearing minutes.

FILE NUMBER: BDA 112-107

BUILDING OFFICIAL'S REPORT:

Application of David Tayyari for a special exception to the landscape regulations at 19353 Preston Road. This property is more fully described as Lot 3 in City Block 22/8736 and is zoned CS, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception.

LOCATION: 19353 Preston Road

APPLICANT: David Tayyari

REQUEST:

A special exception to the landscape regulations is requested in conjunction with maintaining a site developed with a "vehicle display, sales, and service" use (Silver Star Motor Cars), and not fully meeting the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property.
- The City’s Chief Arborist recommends denial of the request, part of which appears to be based upon the fact that aside from the physical restrictions for planting large trees along the street frontages of the property, strict compliance with all other requirements of the landscape regulations of the Dallas Development Code will not unreasonably burden the use of the property.

BACKGROUND INFORMATION:

Zoning:

- Site: CS (deed restricted*) (Commercial Service)
- North: City of Plano
- South: PD 170 (Planned Development)
- East: CR & RR (deed restricted) (Community Retail and Regional Retail)
- West: CS (deed restricted) (Commercial Service)

* The deed restrictions on this property do not appear to be in conflict with what the applicant seeks in this application.

Land Use:

The site is currently developed with a “vehicle display, sales, and service” use (Silver Star Motor Cars). The area to the north is the President George Bush Turnpike and the City of Plano, the area to the east is developed with retail/commercial uses, the area to the south is developed with multifamily, and the area are undeveloped, the area to the south is developed as townhomes, and the area to the west is developed with hotel/motel use.

Zoning/BDA History:

- | | |
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| <ol style="list-style-type: none"> 1. BDA 989-108, Property at 19383 Preston Road (two lots immediately west of the subject site) | <p>On October 20, 1998, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the following condition: “that strict compliance with a revised landscape plan showing further landscaping enhancements and relocation of the fence on the southwestern corner reflect what is required by the deed restrictions on the property.” The case report that the request was made in</p> |
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conjunction with constructing and maintaining a mini-warehouse on the site. (The case report also references the following: “On August 7, 1995, deed restrictions were submitted and recorded on the land including the site and the area immediately east of the site to Preston Road. The deed restrictions included a specific list of uses permitted on the property, and landscape provisions requiring certain features to be placed on the land upon development. The Board Administrator, the Chief Arborist, and the Board of Adjustment Review Team Development Code Specialist have reviewed these deed restrictions and have indicated that there would be no breach of these restrictions if this special exception was granted.”

Timeline:

- September 19, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 10, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 10, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 23, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

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

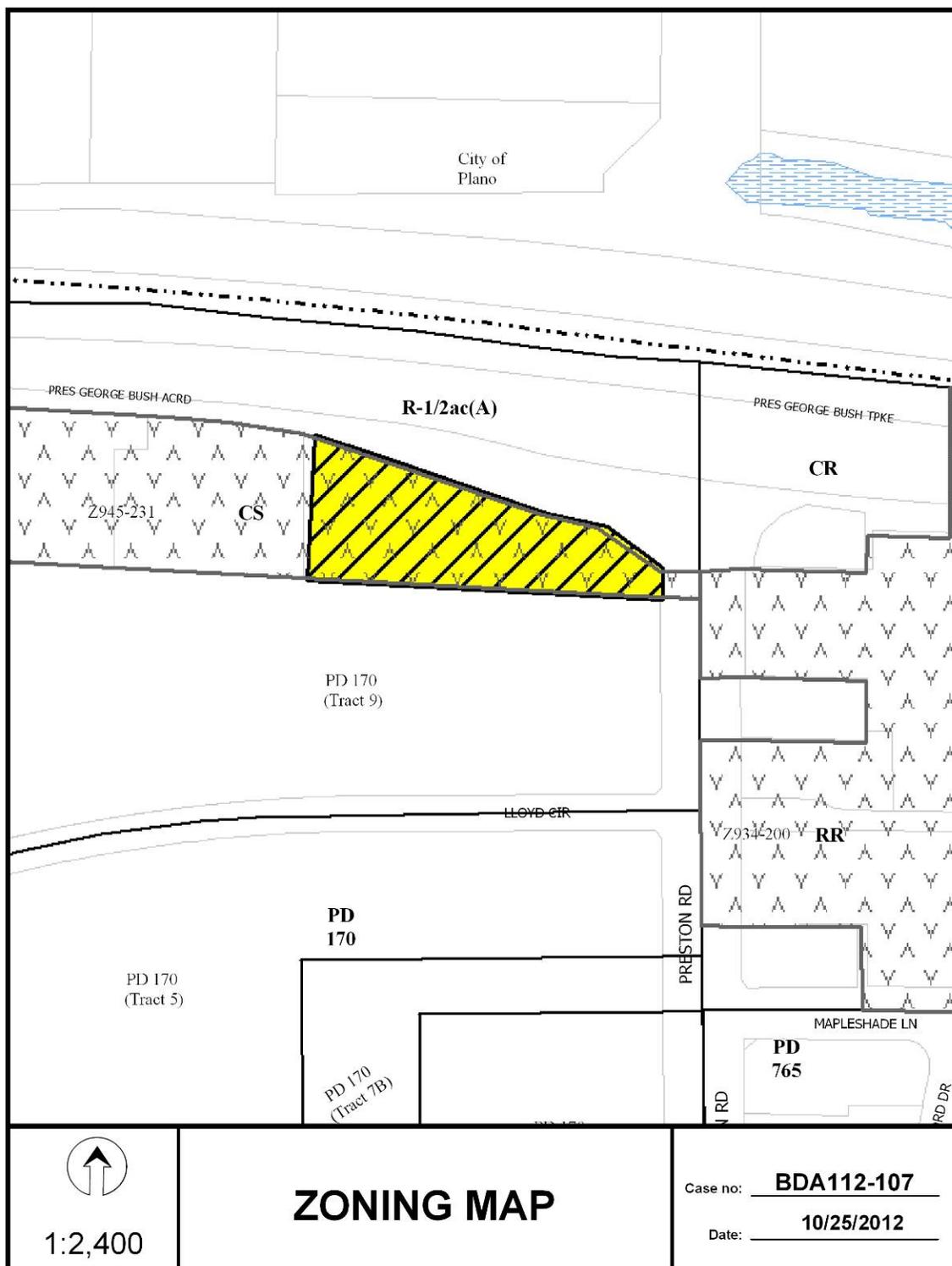
November 6, 2012: The City of Dallas Chief Arborist submitted a memo (with related plans) that provided his comments regarding the request (see Attachment B).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a site developed with a “vehicle display, sales, and service” use (Silver Star Motor Cars), and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site is deficient: 1) the perimeter landscape buffer strip and required plant group; 2) street tree; 3) parking lot tree; and 4) two design standard requirements of the Landscape Regulations.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo (with related plans) to the Board Administrator regarding the applicant’s request (see Attachment B). The memo states how this request is triggered by new construction of a vehicle display, sales, and service use where three building permits issued in 2000 and 2004 have all expired, and where the new building permit was created on March 1, 2011 to finish work on all previous building permits. This permit with all site plan amendments has not been issued and is on hold pending a code compliant landscape plan approval for installation since December of 2011.
- The City of Dallas Chief Arborist states that no landscape materials installed on the property have been inspected for approval. The initial landscape plans previously submitted by the owner, and approved for permit identified a minimum 10’ landscape buffer along the south side of the property, and multiple trees species were identified on tables of the submitted plans. The proposed landscape plan does not identify species of trees but they are listed as “unknown.” Multiple paved slots are placed in the mandatory perimeter landscape buffer strip and cross onto the adjacent property. Vehicles are stored on these slots in the buffer where the lengths of these slots are not of sufficient length to prevent the vehicle from encroaching into the

adjacent fire lane. The existing plant material in the buffer is not in compliance with Article X requirements for large trees.

- The City of Dallas Chief Arborist recommends denial of this request.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the perimeter landscape buffer strip and required plant group, street tree, parking lot tree, and design standard requirements of Article X: The Landscape Regulations.





 1:2,400	<h1>AERIAL MAP</h1>	Case no: <u>BDA112-107</u> Date: <u>10/25/2012</u>
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APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No. 112 – 107: 19353 Preston Road (Dallas Khodrow, Inc.)

Addendum No. 1

The following addendum to be added to our appeal item No. 1 (Type of trees).

With reference to *Special Exception, Sec. 51A-10.110 (a)(1)*, I am bringing to your attention that originally this type of the tree (pear trees) were approved by the City of Dallas's Arborist prior to the construction of the site. I believe that the requirement of cutting down the trees and replacing with the required evergreen trees is an **unreasonable burden** that is being imposed on the ownership of the property. I appeal to the board for acceptance of the trees and provide adjustment on the relating requirements.

The following addendum to be added to our appeal item No. 2 (concrete pads within the buffer zone).

With reference to *Special Exception, Sec. 51A-10.110 (a)(1)*, I am bringing to your attention that the site was squeezed to the current size due to Highway 190 (George Bush Turnpike) reconstruction/widening project resulting the reduction in our auto sales area. We have added concrete pads to the landscape strip to the south side of our site within the landscape zone to recover some auto show area. **Strict compliance with the requirements will unreasonably burden the use of the property.**

Additionally, with reference to *Special Exception, Sec. 51A-10.110 (a)(2)*, the concrete pads in the landscaped buffer zone are hidden behind a six (6) foot screening fence; therefore, I firmly believe that the concrete pads **will not adversely affect the neighboring property**. We appeal to the board to allow the concrete pads in the landscaped area for the business's survival.

Sincerely,

David F. Tayyari 10/23/2012

David F. Tayyari, P.E.
Tayyari Consulting
1456 Apenzell Lane,
Lewisville, TX 75067
214-718-4582

Memorandum



CITY OF DALLAS

DATE November 6, 2012
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 112 - 107 19353 Preston Road

The applicant is requesting a special exception to the landscape requirements of Article X of the Dallas Development Code. Specifically, the exception is for the mandatory provisions of Section 51A-10.125(b)(1), (b)(4), (b)(5), (b)(7), and for the requirement of two design standards of Section 51A-10.126. The applicant proposes an alternate landscape plan.

Trigger

New construction of a commercial use for vehicle display, sales and service requires the installation of required landscaping per Article X.

- The initial building permit with an approved landscape plan was issued February 8, 2000. A final inspection was not requested. (Plan: January 2000)
- A second building permit for an addition was approved and issued with an amended landscape plan on September 11, 2000. A final inspection was not requested. (Plan: August 2000)
- A third building permit for an addition to the western portion of the property was issued with an amended landscape plan (western section only) on June 21, 2004. A final inspection was not requested. (Plan: 2004)
- All three permits were expired. A new building permit was created on March 1, 2011 to finish work on all previous building permits. The permit with all site plan amendments has not been issued, and is on hold pending a code compliant landscape plan approval for installation since December 8, 2011.

Deficiencies

The proposed plan is deficient 1) the perimeter landscape buffer strip and required plant groups, 2) street trees, 3) parking lot trees, and 4) two design standards. Designated 'small trees' (Bradford pear) are planted throughout the property, which is contrary to parking lot and street tree requirements of Section 51A-10.125(b).

Factors

The property is adjacent to PD 170 (Tract 9) with multifamily use along its southern boundary. Specifically, development regulations for Tract 9 of PD 170 are for 'Multiple-Family-1 District uses and standards.' A lot with residential adjacency is defined under Section 51A-10.101 as 'a building site containing a nonresidential use that is adjacent to or directly across a street 64 feet or less in width, or an alley, from private property in a agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district.'

No landscape materials installed on the property have been inspected for approval. The initial landscape plans previously submitted by the owner, and approved for permit, identified a minimum 10' landscape buffer along the south side of the property. Multiple tree species were identified on the tables of the submitted plans.

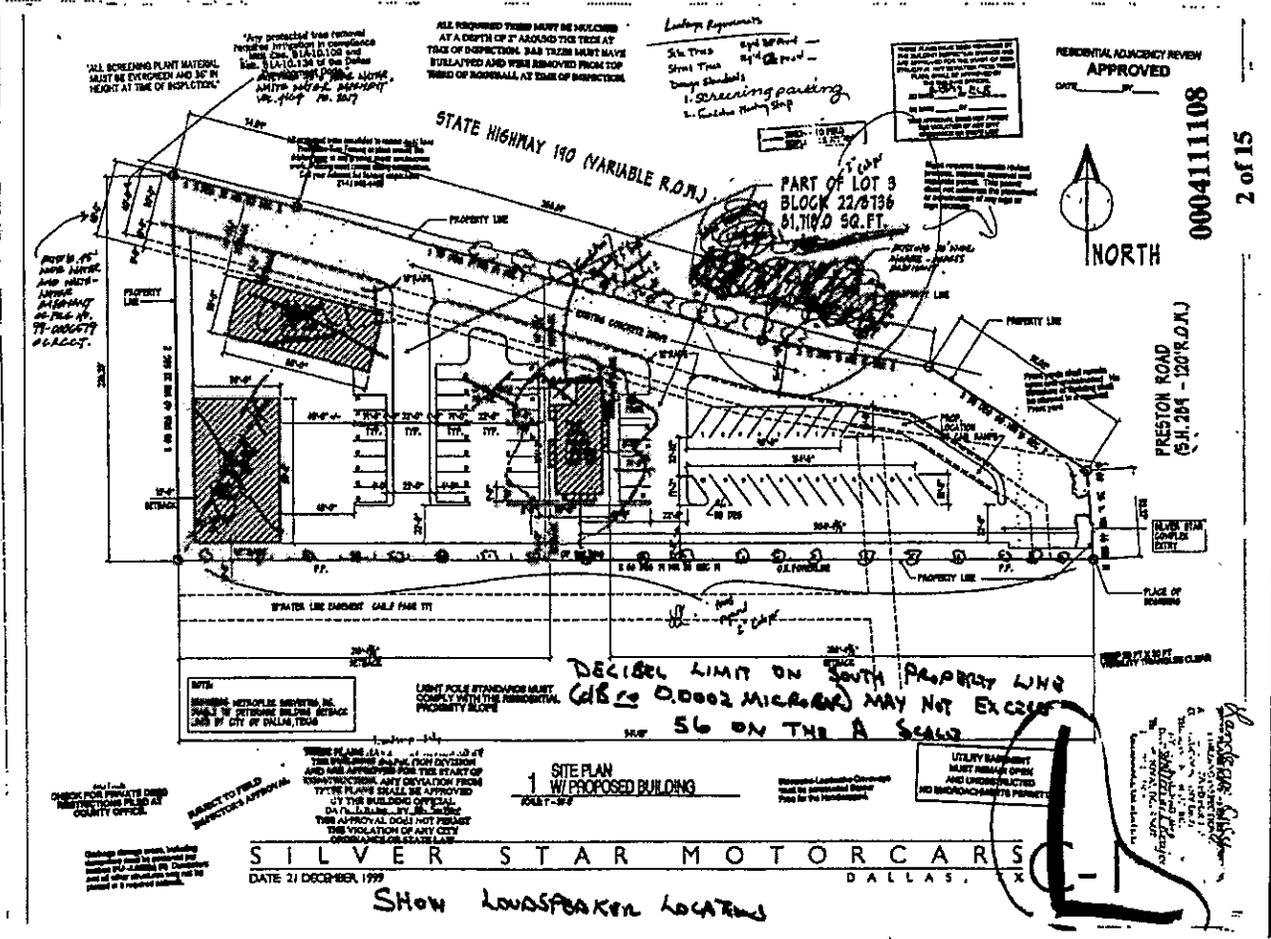
The proposed landscape plan does not identify species of trees, but they are listed as 'unknown.' Proposed additional trees are to be of similar type. Initial landscape plans identified approved trees as oak, sweetgum, and baldcypress.

Multiple paved slots are placed in the mandatory perimeter landscape buffer strip and cross onto the adjacent property. Vehicles are stored on these slots in the buffer. The slots are not of sufficient length on the property to prevent the vehicle from encroaching on the adjacent fire lane. The existing plant material in the buffer is not in compliance with Article X requirements for large trees.

Recommendation

I recommend denial of the alternate landscape plan as submitted by the applicant. Aside from the physical restrictions for planting large trees along the street frontages of the property, strict compliance with the requirements of Article X will not unreasonably burden the use of the property. The request exceeds the site's demonstrated suitability for a special exception for planting large trees within 30 feet of the curb of the street at a ratio of one per fifty linear feet of frontage.

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





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-107

Data Relative to Subject Property:

Date: 9/19/12

Location address: 19353 Preston Rd. Zoning District: CS

Lot No.: 3 Block No.: 22/8736 Acreage: 1.87 Census Tract: 0317.15

Street Frontage (in Feet): 1) 52.72' 2) _____ 3) _____ 4) _____ 5) _____ NE2R

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Khodron, Inc. / REZA MOGHIMI

Applicant: Reza Moghimi Telephone: (972) 931-8111

Mailing Address: 19353 Preston Rd. Zip Code: 75252

E-mail Address: ray@silverstarmotors.com

Represented by: David Tayyari (214-718-4582) Telephone: 972/931-8111

Mailing Address: 19353 Preston Rd, Dallas, TX Zip Code: 75252

E-mail Address: apftayyari@gmail.com

Affirm that an appeal has been made for a Variance, or Special Exception of type of trees, buffer zone, and street trees for an alternate landscape plan.

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

- 1- Typed trees (pear tree in lieu of canopy tree) which were planted in accordance with approved plans.
- 2- concrete pads were placed in buffer zone but additional landscape was augmented on adjacent property.
- 3- Street tree please see attachment Exhibit A.

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.

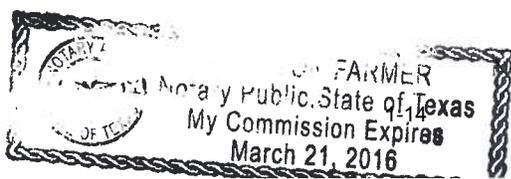
Affidavit

Before me the undersigned on this day personally appeared Reza Moghimi (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 29th day of September, 2012



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

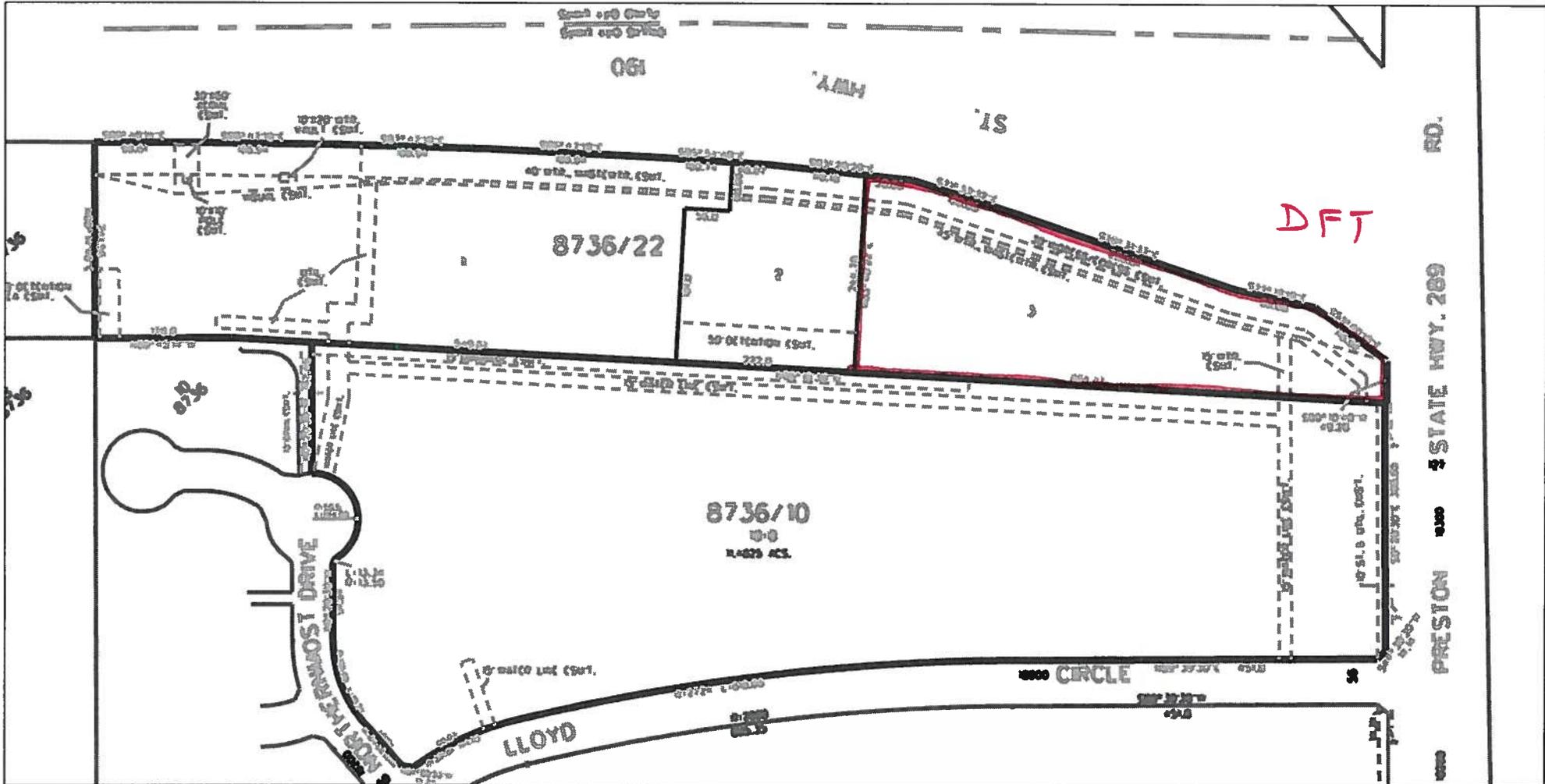
Building Official's Report

I hereby certify that Reza Moghimi
represented by David Tayyari
did submit a request for a special exception to the landscaping regulations
at 19353 Preston Road

BDA112-107. Application of Reza Moghimi represented by David Tayyari for a special exception to the landscaping regulations at 19353 Preston Road. This property is more fully described as lot 3 in city block 22/8736 and is zoned CS, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

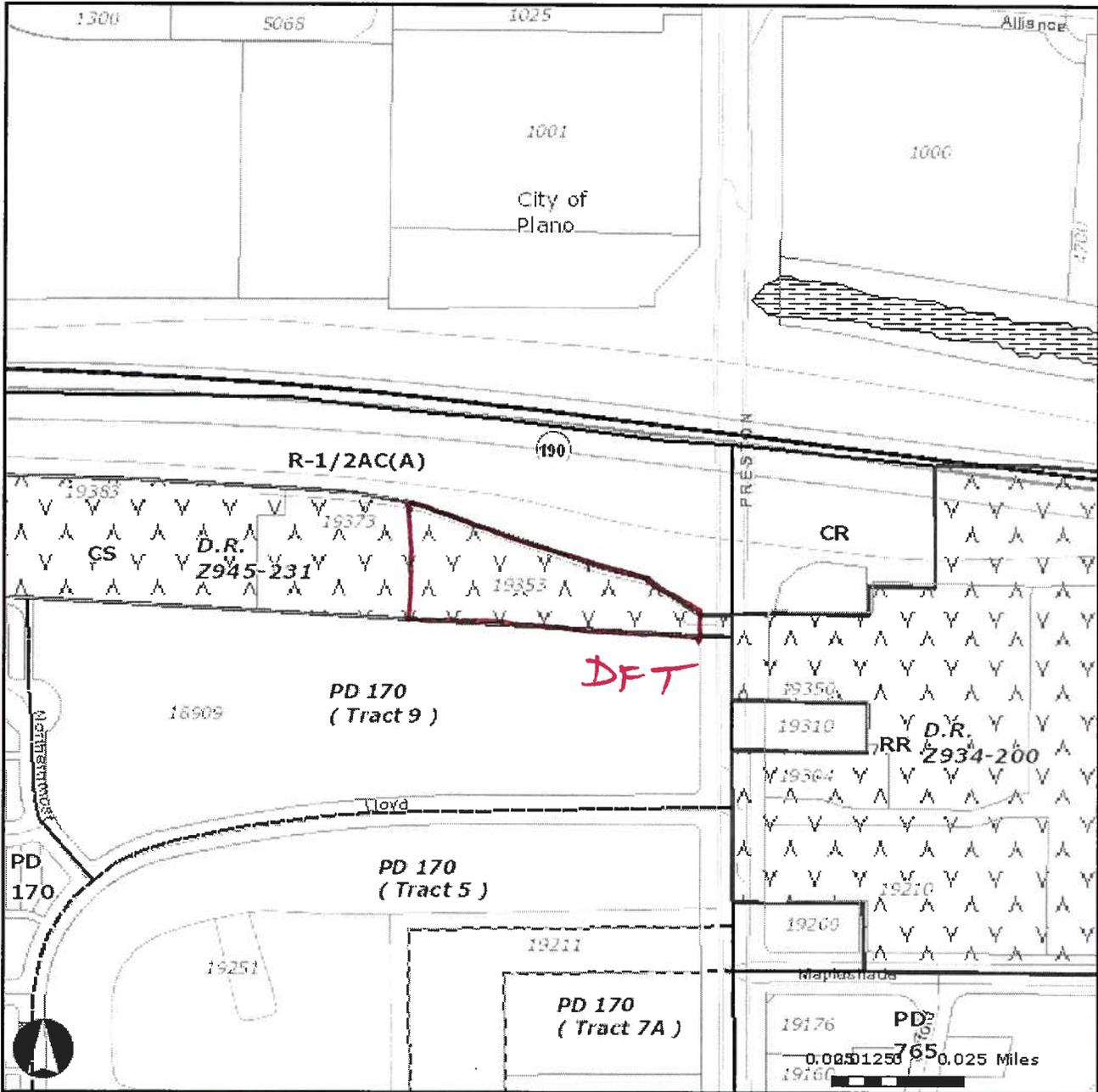
Sincerely,


Lloyd Denman, Building Official



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City of Dallas Zoning



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

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

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

LANDSCAPING GENERAL NOTES:

CERTIFICATION: This plan meets or exceeds the requirements set forth in the Screening & Landscape Standards for the City of Dallas, TX.

VISIBILITY TRIANGLES: Landscaping within the visibility triangles shall meet requirements as stated in chapter 9 of the City Code.

HANDICAPPED ACCESS: If any sidewalks are required they will be designed to provide handicap access at the drive approaches.

MAINTENANCE: The Property Owner is responsible for regular weeding, mowing, irrigation, pruning, and other maintenance of all plantings. The required landscape must be maintained in a healthy growing condition at all times.

TREE FLAGGING: All trees to be preserved shall be flagged by the developer with brightly colored tape wrapped around the main trunk. (No significant trees on site).

PROTECTIVE FENCING: All preserved trees remaining on site shall have protective fencing located approximately at the trees drip line. The fencing may be brightly colored vinyl construction fencing or similar fencing with a four foot (4') minimum height.

IRRIGATION: All required landscaping shall be irrigated by means of a permanently installed, automatic, underground irrigation system with a freeze guard set at 38° F.

CUT/FILL: A minimum of 75% of the critical root zones (CRZ) shall be preserved at natural grade, with natural ground cover. No disturbance of soil greater than 4" will be located closer to the tree trunk than 1/2 the CRZ radius distance. The design and trenching for irrigation systems shall not cross the critical root zones of the preserved trees. The irrigation trenches should be located outside of the CRZ and designed to throw water into the area within the drip line of the tree. Any trenching which must be done within the CRZ shall be dug by hand and enter the area in a radial manner, such as to a bicycle spoke configuration.

UTILITIES: The landscape and irrigation contractor shall have all underground utilities located and flagged prior to commencement of any work. Protect underground utilities, adjacent property, adjacent surfacing, water meters, hydrants, light poles and other miscellaneous appearances.

CLEAN UP: Trash and debris shall be removed from the site daily in accordance with all laws.

QUANTITIES: The landscape contractor is responsible for verifying that all quantities of plants, turf, bed preparation, and related landscape materials are correct.

BED PREPARATION: Planting areas to receive seasonal color, groundcover, shrubs, or ornamental trees shall be prepared as follows:

1. Remove existing soil as necessary to allow for the incorporation of 4" of Landscaper's Mix (Submit proposed brand of mix for approval by Owner's representative prior to submitting bid).
2. Spread Landscaper's Mix evenly.
3. Apply a balanced fertilizer having an analysis of 16-16-16 at the rate indicated on the package.
4. Roto-till to a 6" depth minimum. Remove all rocks and debris from site. Do not roto-till under any tree canopy.
5. Rake beds smoothly and evenly. Finished grade of beds may be slightly higher than surrounding turf grade but at least 3" below the finished grade of all building structures. There shall be positive drainage away from all buildings.
6. Areas to receive sod shall be sprayed with Round Up to kill weeds, lightly filled, raked smooth and sanded solidly. Water thoroughly and roll with a weighted steel roller drum to ensure root contact and even appearance. Maintain daily watering until sod has become rooted into ground. Then begin watering as required to maintain sod in healthy condition.

PLANTING:

1. All plants shall be sound, healthy and vigorous, well branched and densely foliated when in leaf and have healthy, well developed root systems and be free from disease, insects and defects.
2. The Owner's Representative may refuse acceptance of any plant material that do not meet these standards.
3. The Owner's Representative, prior to installation, shall approve location of all plant material.
4. Plants shall be handled from the bottom of the root ball only.
5. Tree pits shall be dug 6" greater than root ball on all sides. All plants shall be placed in pits at level grown in nursery and to finished grade, then backfilled with bed preparation mixture of 1/2 native soil and 1/2 Landscaper's Mix, tamping in 6" lifts. Construct a tree watering ring of soil 6" in height at the edge of all tree root balls to facilitate watering.
6. Mulch all plantings with a shredded cedar mulch a minimum of 4" in depth.
7. Plants shall be pruned only to remove deadwood and suckers.

METAL EDGING: All beds that abut turf shall be bordered with 10 gauge green painted steel edging complete with stakes. Edging shall be installed so that the top of edging is equal in height to the mowing height of surrounding turf grass.

GUARANTEE: All trees, shrubs, and sod shall be guaranteed for a period of one year from the date of final acceptance. All plant material shall be promptly replaced, once per loss, of equal size and quality, at no cost to the Property Owner.

LANDSCAPE SUMMARY TABLE

ZONING (PART OF LOT 3, BLOCK 22/8736)	ALLOW/REQD	PROVIDED
USE	CS	Auto Sales/Rep
LOT AREA	-----	33,206 sqft
BUILDING AREA TOTAL	N/A	9,390 sqft
LOT COVERAGE	80%	29.5%
PARKING TOTAL	20 spaces	20 spaces
LANDSCAPE AREA	7	4,714 sqft
SITE TREES	-----	33,206 sqft
1 LARGE TREE / 4,000 sqft	8 trees	8 trees
ADJ. TO CONCRETE DRIVE	-----	176 linft
1 LARGE TREE / 50 linft	3 trees	1 trees
REAR BUFFER	-----	170 linft
1 TREE GROUP / 50 linft	3 groups	3 groups

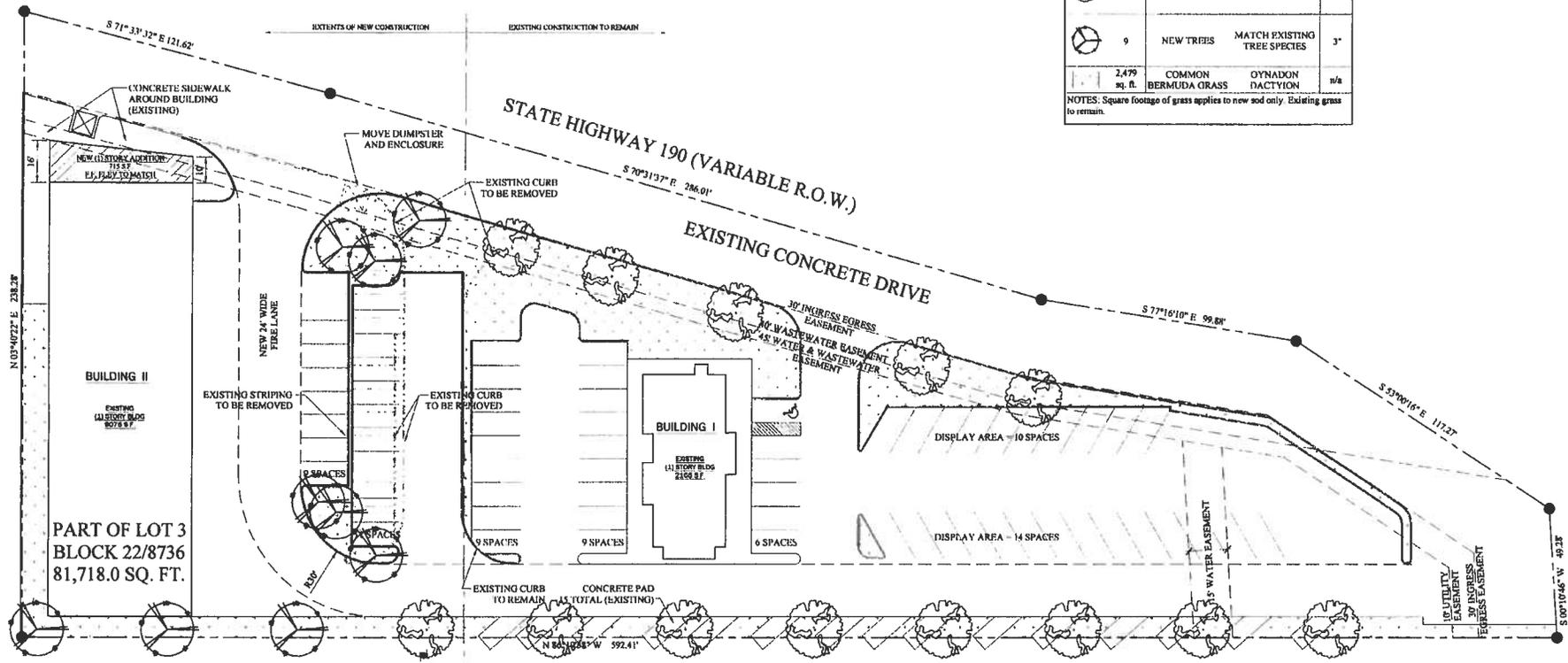
NOTES: This Landscape Summary Table is for the extents of new construction only, per the approved 2004 Landscape Plan.

Handicap parking is provided in accordance w/ ADA standards. Irrigation to be connected to existing irrigation line.

PLANTING LEGEND

SYMBOL	#	COMMON NAME	BOTANICAL NAME	CAL.
	13	EXISTING TREES	UNKNOWN	3"
	9	NEW TREES	MATCH EXISTING TREE SPECIES	3"
	2,479 sq. ft.	COMMON BERMUDA GRASS	OYNADON DACTYLON	n/a

NOTES: Square footage of grass applies to new sod only. Existing grass to remain.



1 SITE PLAN: Proposed Plan w/ 2007 Building Addition
SCALE: 1" = 20'-0"

ISSUE RECORD:

DATE	ISSUED FOR	COMMENTS

A&I ENGINEERING & CONSULTING INC.
1402 Blake Dr.
Richardson, TX 75081
ph: (972) 865-1350 fax: (972) 865-1354

Silver Star Motor Cars
19353 Preston Road,
Dallas, TX 75252

SHEET CONTENTS:
Proposed Landscape Plan
DATE: 11-23-2010

L1
1 OF 1

Exhibit A

REQUESTED EXCEPTIONS

Followings are the items for which we request compliance exceptions

- 1- Buffer zone trees – existing trees at the perimeter of the site are not of the required “large canopy tree” type
- 2- Buffer zone landscape – concrete pads exist within the grassed buffer zone
- 3- Street trees – currently there are no street trees along the frontage of the property



Prepared:

For: **Silver Star Motorcars**



By: **Tayyari Consulting**



Submitted: September 24, 2012

1- Buffer zone trees – existing trees at the perimeter of the site are not of the required “large canopy tree” type

In the year 2001, when Silver Star Motorcars’ site was constructed, my landscape architect, plan-in-hand, conversed with the City of Dallas Arborists and came to an understanding that it would be acceptable to plant 21 trees as shown on the construction plans. The plans showed/proposed planting pear trees – they were stamped by the City staff for construction. The pear trees were purchased and planted per the approved plans.

The planted pear trees have matured over the past Eleven years. These trees may be not quite the type that is specified in the ordinance but now they have matured. It would be a pity to cut them down and discard them. Please see pictures 1-A, and 1-B which show the current condition of the trees.

I am certain the board of adjustment appreciates the fact that this problem was not due to a cost cutting effort or any self interest. Based on this fact, I appeal for the board members’ understanding of the chain of events which was beyond my control and granting of an exception on this item.



1-A



1-B

2. Buffer zone landscape – Concrete pads placed within the grassed buffer zone.

The buffer zone is tucked behind a six-foot high wood fence and cannot be seen from the adjacent apartment complex. The buffer landscape is kept in a well manicured condition and it is not objectionable to anyone even though there are new cars parked on it and used for showing merchandize. However, to keep a worthwhile business running, we need to use this area as an extension of our car lot because the land area has been squeezed due to creation of George Bush Turnpike corridor. Also it should be noted that the buffer zone is wider than that approved on the plans. The adjacent property ownership has allowed us to have a wider buffer margin extended onto their property to make up for the concrete pads. See attached plans noting the buffer zone extends south beyond the property line.

Since the area is kept in a showcase fashion, beautiful and clean, also it cannot be viewed from anywhere else but from within the business site, I am requesting an exception on this item allowing us to continue the use of the concrete pads within the buffer zone. Please refer to pictures 2-A and 2-B which show the buffer zone with concrete pads with parked cars.





3. Street trees – currently there are no street trees along the frontage of the property

There are two issues with planting street trees as follows.

- i. There are overhead electric lines as well as utility easements crossing the property frontage. Planting large trees directly under such utility lines would be unsafe and, definitely, objectionable to the related utility companies.
- ii. Frontage width of the property is less than 53 feet with a 30-foot driveway across it. There is not sufficient space at this location to plant a large street tree.

Based on these reasons, we request an exception to this requirement. Please refer to pictures 3-A and 3-B for a view of the property frontage.







CITY OF DALLAS

AFFIDAVIT

Appeal # BDA 112-107

I, Reza Moghimi, Owner of the subject property

at (address): 19353 Preston Rd. Dallas, TX 75252

Authorize (Applicant's name) David Tayyari

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

Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

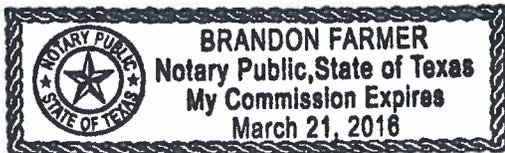
Exception on requirements for ; large canopy trees (type), concrete pads in buffer zone, and street trees.

Reza Moghimi X [Signature] 9/19/12
Print name of property owner Signature of property owner Date

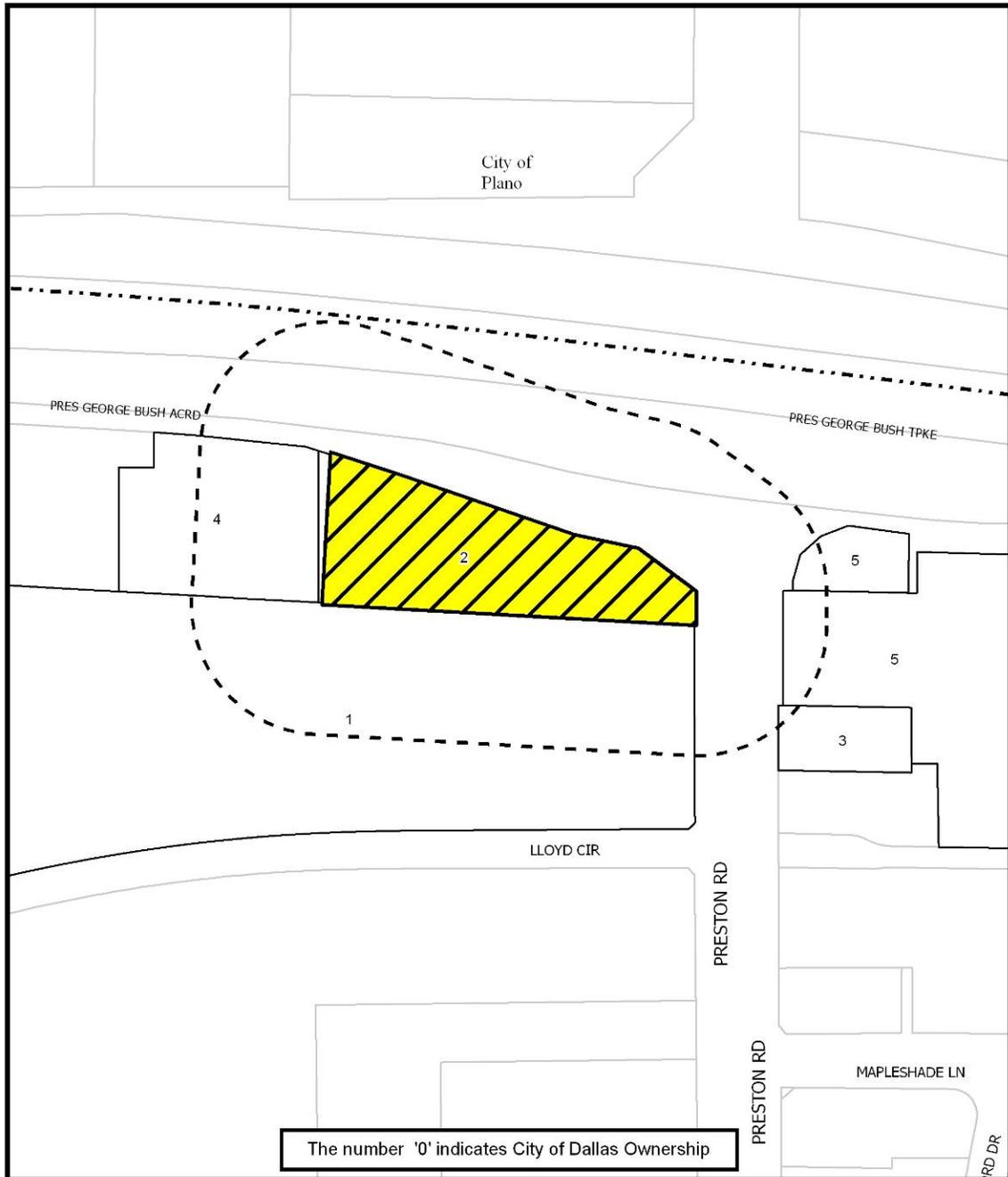
Before me the undersigned on the day of personally appeared Reza Moghimi

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 19th day of September, 2012



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 3-21-2016



 1:2,400	NOTIFICATION		Case no: BDA112-107
	<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;">5</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/25/2012	

Notification List of Property Owners

BDA112-107

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	18909 LLOYD	TEXAS SFI PPARTNERSHIP 48 LTD
2	19353 PRESTON RD	DALLAS KHODROW INC
3	19310 PRESTON	CARRIAGE CEMETERY SERVICES INC
4	19373 PRESTON	N & F INVESTMENTS INC
5	19350 PRESTON	IRONWOOD PARTNERS LTD

FILE NUMBER: BDA 112-108

BUILDING OFFICIAL'S REPORT:

Application of Colesen C. Evans to appeal the decision of the administrative official at 1803 Rock Island Street. This property is more fully described as part of Lot 16 in City Block 73/7342 and is zoned PD-784. The applicant proposes to appeal the denial of a building permit for a fence.

LOCATION: 1803 Rock Island Street

APPLICANT: Colesen C. Evans

REQUEST:

An appeal has been made requesting that the Board of Adjustment reverse/overtake the Building Official's September 11, 2012 denial of a Building Inspection Application (067926451) made to install a 9' tall "R-panel fence" for properties located at 1803, 1809, and 1811 Rock Island Street.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) states that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

Site: PD 784 (Planned Development)
North: PD 784 (Planned Development)
South: PD 784 (Planned Development)
East: PD 784 (Planned Development)
West: PD 784 (Planned Development)

Land Use:

The subject site is developed with a petroleum products storage and wholesale use (Buckley Oil) but does not have a valid certificate of occupancy for that use. The areas to the north and east appear to be developed with industrial/warehouse use; and the areas to the south and west appear to be undeveloped.

Zoning/BDA History:

1. BDA 112-109, Property at 1809 Rock Island Street (the property immediately east of the subject site) On November 14, 2012, the Board of Adjustment Panel B will consider an appeal requesting that the Board of Adjustment reverse/overturn the Building Official's September 11, 2012 denial of a Building Inspection Application made to install a 9' tall "R-panel fence" for properties located at 1803, 1809, and 1811 Rock Island Street.

2. BDA 112-110, Property at 1811 Rock Island Street (the property two lots east of the subject site) On November 14, 2012, the Board of Adjustment Panel B will consider an appeal requesting that the Board of Adjustment reverse/overturn the Building Official's September 11, 2012 denial of a Building Inspection Application made to install a 9' tall "R-panel fence" for properties located at 1803, 1809, and 1811 Rock Island Street.

Timeline:

- September 25, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 10, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 10, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
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- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

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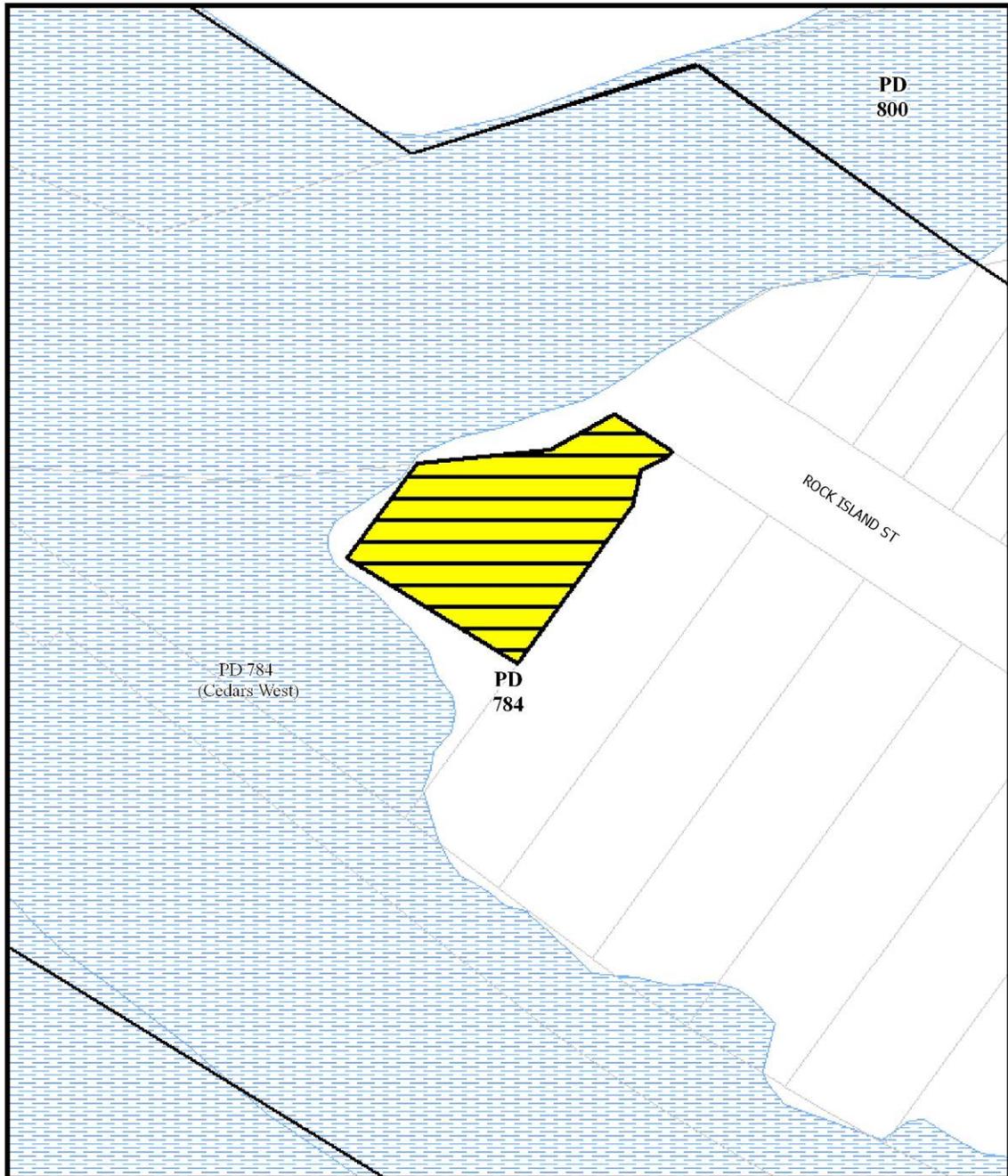
November 2, 2012: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- The Building Official’s September 11, 2012 denied Building Inspection Application (067926451) made to install a 9’ tall “R-panel fence” for properties located at 1803, 1809, and 1811 Rock Island Street is included in this case report.
- The application referenced above includes a section entitled “application remarks” stating “#C.O. D4082710 88 CO has been denied.”

GENERAL FACTS/STAFF ANALYSIS:

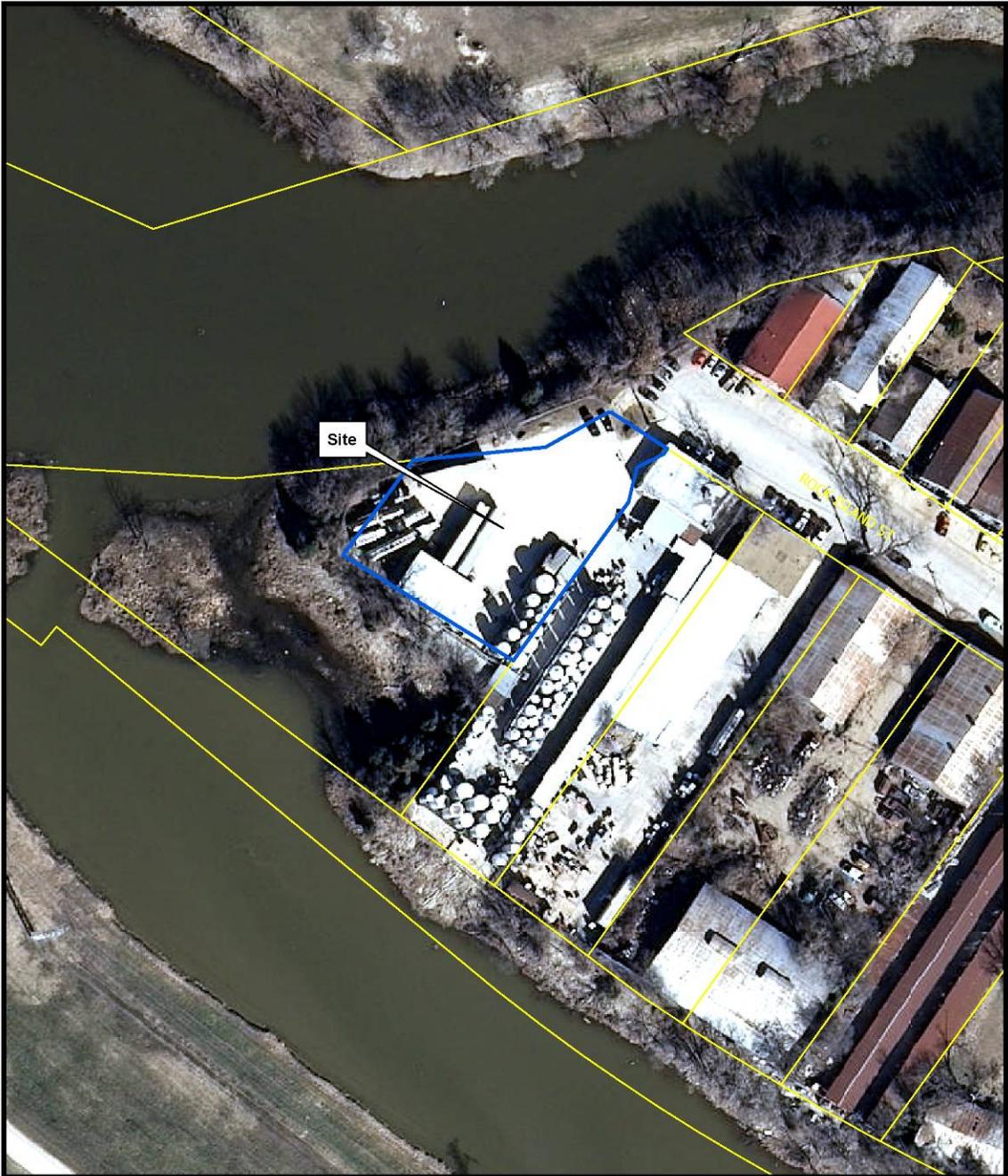
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- The application referenced above includes a section entitled “application remarks” stating “#C.O. D4082710 88 CO has been denied.”
- The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.



1:1,200

ZONING MAP

Case no: BDA112-108
Date: 10/25/2012



1:1,200

AERIAL MAP

Case no: BDA112-108

Date: 10/25/2012

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

**BDA 112-108, 109, & 110
Attach A
Pg 1**

November 2, 2012

ARTHUR J. ANDERSON
direct dial: 214.745.5745
aanderson@winstead.com

steve.long@dallascityhall.com

City of Dallas
Board of Adjustment, Panel A
c/o Steve Long
1500 Marilla, 5BN
Dallas, TX 75201

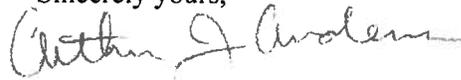
Re: BDA 112-108, BDA 112-109, and BDA 112-110

Dear Board members:

Enclosed please find additional documentation relating to the above-referenced applications consisting of photographs showing the architectural enhancements installed at the subject properties in conformance with the existing PD zoning. These cases are scheduled for November 14, 2012.

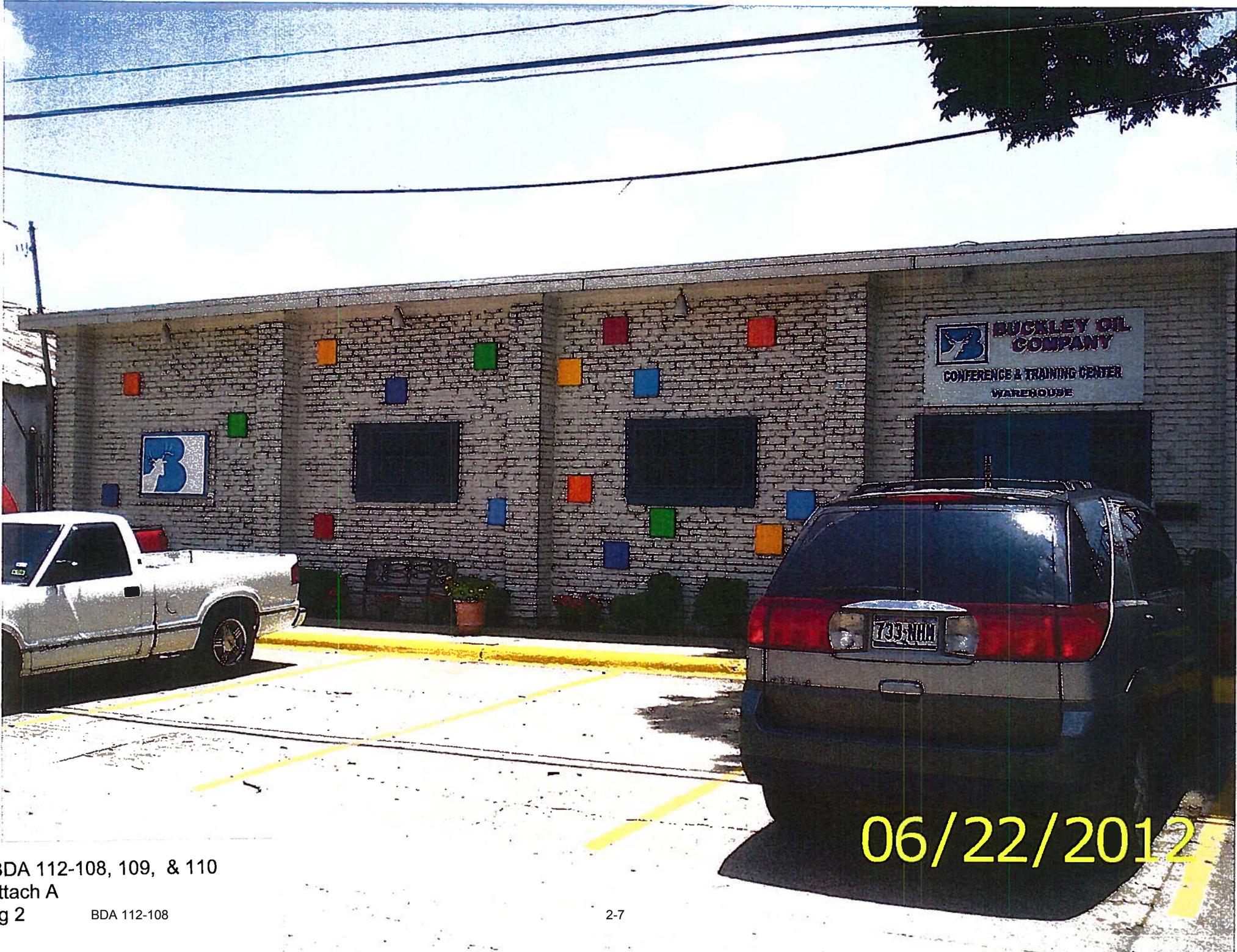
If you have any questions, please let me know.

Sincerely yours,



Arthur J. Anderson

AJA/plg
Enclosures



BUCKLEY OIL COMPANY
CONFERENCE & TRAINING CENTER
WAREHOUSE

06/22/2012

BDA 112-108, 109, & 110

Attach A

Pg 2

BDA 112-108

2-7



06/22/2012

3DA 112-108, 109, & 110
Attach A
Pg 3

BDA 112-108



CITGO
LUBRICANTS
BUCKLEY
OIL COMPANY

1809



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 4

BDA 112-108



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 5

BDA 112-108

2-10



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 6



CITGO
LUBRICANTS

BUCKLEY
OIL COMPANY

1809



RESERVED
PARKING

06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 7

BDA 112-108

3DA 112-108, 109, & 110
Attach A
pg 8



06/22/2012



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-108

Data Relative to Subject Property:

Date: 9-25-12

Location address: 1803 Rock Island Zoning District: PD 784

Lot No.: Pt 16 Block No.: 73/7342 Acreage: 0.52 Census Tract: ~~6033.00~~ 204.00

Street Frontage (in Feet): 1) 90' 2) _____ 3) _____ 4) _____ 5) _____

SP 28

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Buckley Oil Company

Applicant: Colesen C. Evans Telephone: (214) 745-5724

Mailing Address: 5400 Renaissance Tower, 1201 Elm St. Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____, or Special Exception _____, of building official decision to deny a building permit application for a 9' panel fence

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:

Owner has been legally operating on the property for many years and has a pending appeal for the denial of a certificate of occupancy.

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: Colesen C. Evans
Applicant's name printed

[Signature]
Applicant's signature

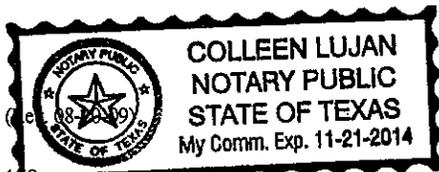
Affidavit

Before me the undersigned on this day personally appeared Colesen C. Evans 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 25th day of September, 2012

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Colesen C. Evans

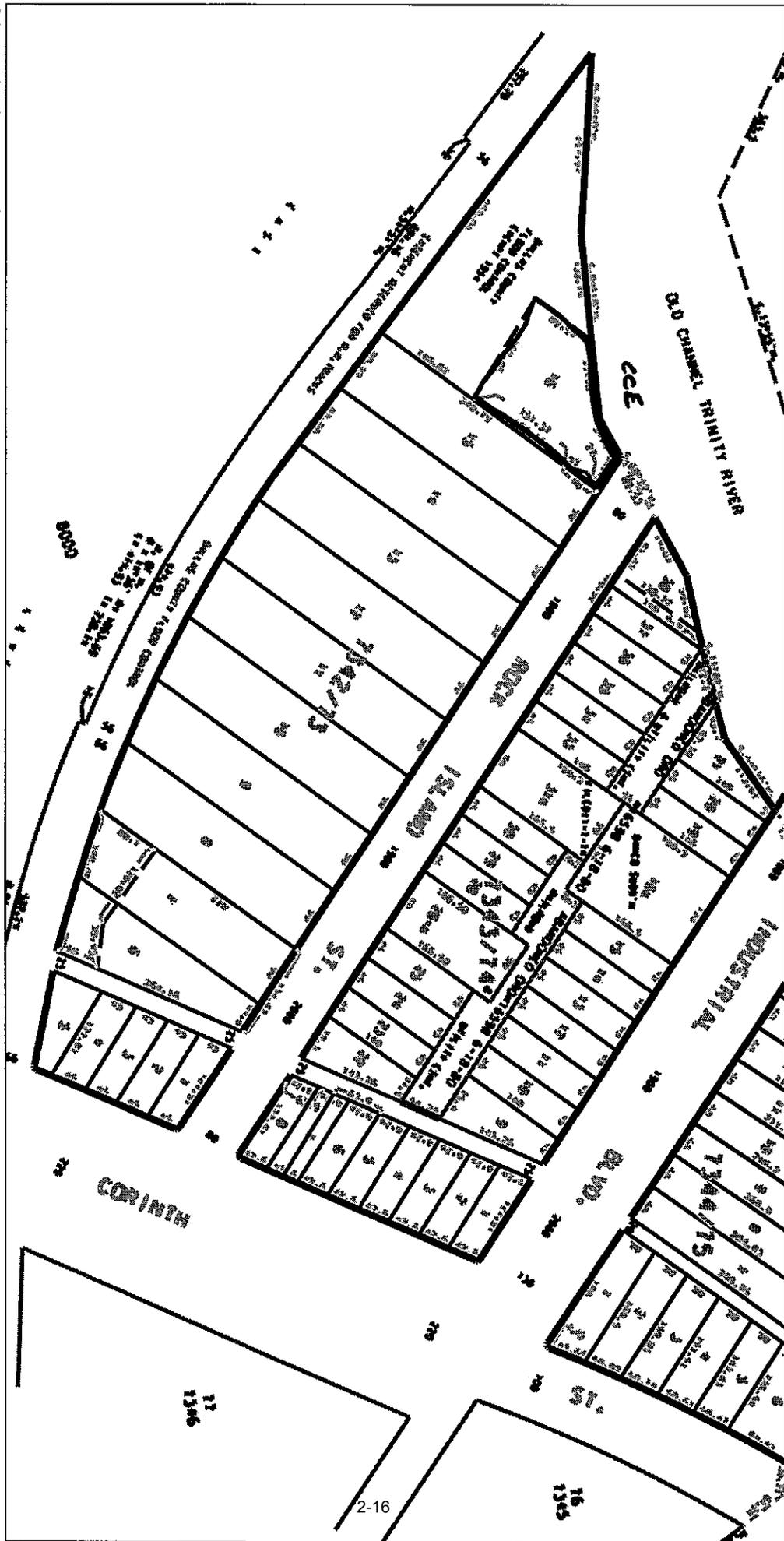
did submit a request to appeal the decision of the administrative official
at 1803 Rock Island Street

BDA112-108. Application of Colesen C. Evans to appeal the decision of the administrative official at 1803 Rock Island Street. This property is more fully described as part of lot 16 in city block 73/7342 and is zoned PD-784, which requires that the building official deny a building permit if the building official determines that the nonresidential use does not have a valid certificate of occupancy. The applicant proposes to appeal the denial of a building permit for a fence.

Sincerely,

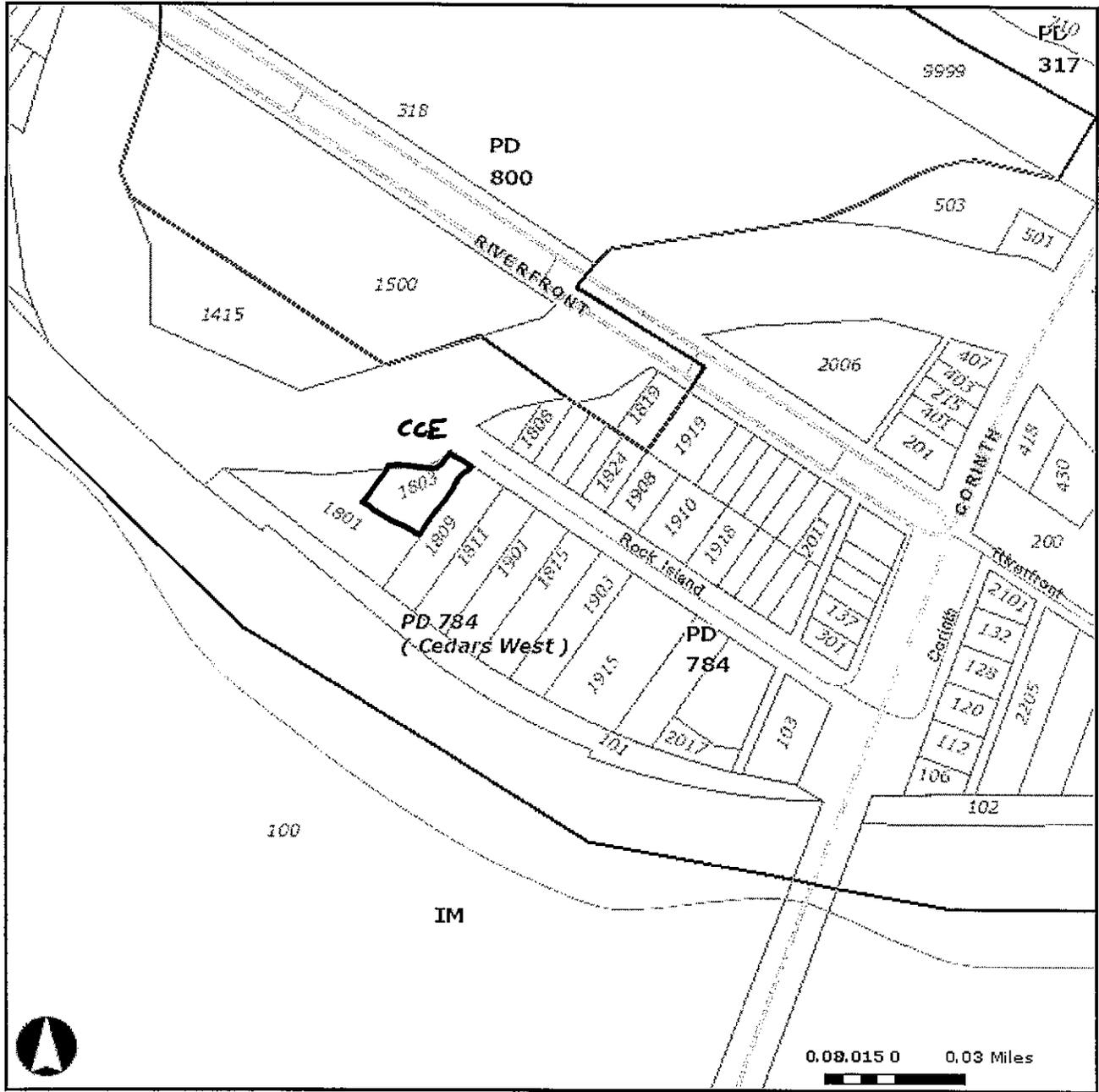

Lloyd Denman, Building Official





C:\tax_plats\7342_73.dgn 9/25/2012 3:15:20 PM

City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- Deed Restrictions
- SUP
- Dry Overlay
- _D

- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts
- PD193 Oak Lawn

- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay
- SPSD Overlay

DATE: 9-11-12

APPLICATION TYPE

PERMIT CO

OTHER EXPRESS



JOB NO. (OFFICE USE ONLY)
067926451

PERMIT NO. (OFFICE USE ONLY)

HEALTH REVIEW (Restaurants/Food Service)

BUILDING INSPECTION APPLICATION

STREET ADDRESS OF PROPOSED PROJECT <u>1809 & 1811 Rock Island</u>		SUITE/BLDG/FLOOR NO		USE OF PROPERTY <u>PD 784 Cedar West</u>	
OWNER/TENANT <u>Buckley Oil</u>		ADDRESS <u>1811 Rock Island</u>		CITY <u>Dallas</u>	
DBA (IF APPLICABLE)		E-MAIL ADDRESS (OPTIONAL)		STATE <u>Tx</u>	
APPLICANT <u>Heath Parrish</u>		CONTR NO <u>108173</u>		COMPANY NAME <u>ACG Fence Co</u>	
ADDRESS <u>2801 CR 804-A</u>		CITY <u>Burleson</u>		STATE <u>Tx</u>	
DESCRIPTION OF PROPOSED PROJECT <u>Install 97ft 97ft R-Panel Fence</u>		CONST AREA (sq ft)		NEW CONST	
				REMODEL	
				LEASE	
				TOTAL AREA	
				VALUATION (\$)	
				NEW CONST	
				REMODEL	
				TOTAL VALUATION	

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING PLUMBING FENCE DRIVE APPROACH BACKFLOW BARRICADE

ELECTRICAL FIRE SPRKLR SIGN SWIMMING POOL CUSTOMER SVC GREEN BUILDING/LEED

MECHANICAL FIRE ALARM LANDSCAPE LAWN SPRINKLER FLAMMABLE LIQUID OTHER:

WILL ALCOHOL BE SOLD/SERVED? YES NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? YES NO

WILL THERE BE A DANCE FLOOR? YES NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? YES NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN	<u>SA</u>	<u>9.11.12</u>	<u># C.O. 04082710 80</u> <u>CO has been Denied</u>	PERMIT FEE
ZONING				SURCHARGE
BUILDING				PLAN REVIEW FEE
ELECTRICAL				EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				<u>None</u>
WATER				OTHER FEES
FIRE			<u>None</u>	
LANDSCAPING			OTHER FEES	
AVIATION			<u>None</u>	
OTHER:				TOTAL FEES
				\$



AFFIDAVIT

BDA Case # 112-108

I, Buckley Oil Company, Owner of the subject property

at: 1803 Rock Island St.

Authorize (applicant) Winstead PE (Cole Evans, Torrey Mann)

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

Variance (please specify)

Special Exception (please specify)

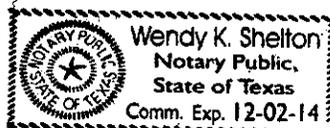
Other {please specify} appeal building official denial

<u>R.E. Dodson</u>	<u><i>R.E. Dodson</i></u>	<u>9/24/12</u>
Print name of property owner	Signature of property owner	Date

Before me the undersigned on the day of personally appeared R.E. DODSON

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 24th day of SEPTEMBER, 2012

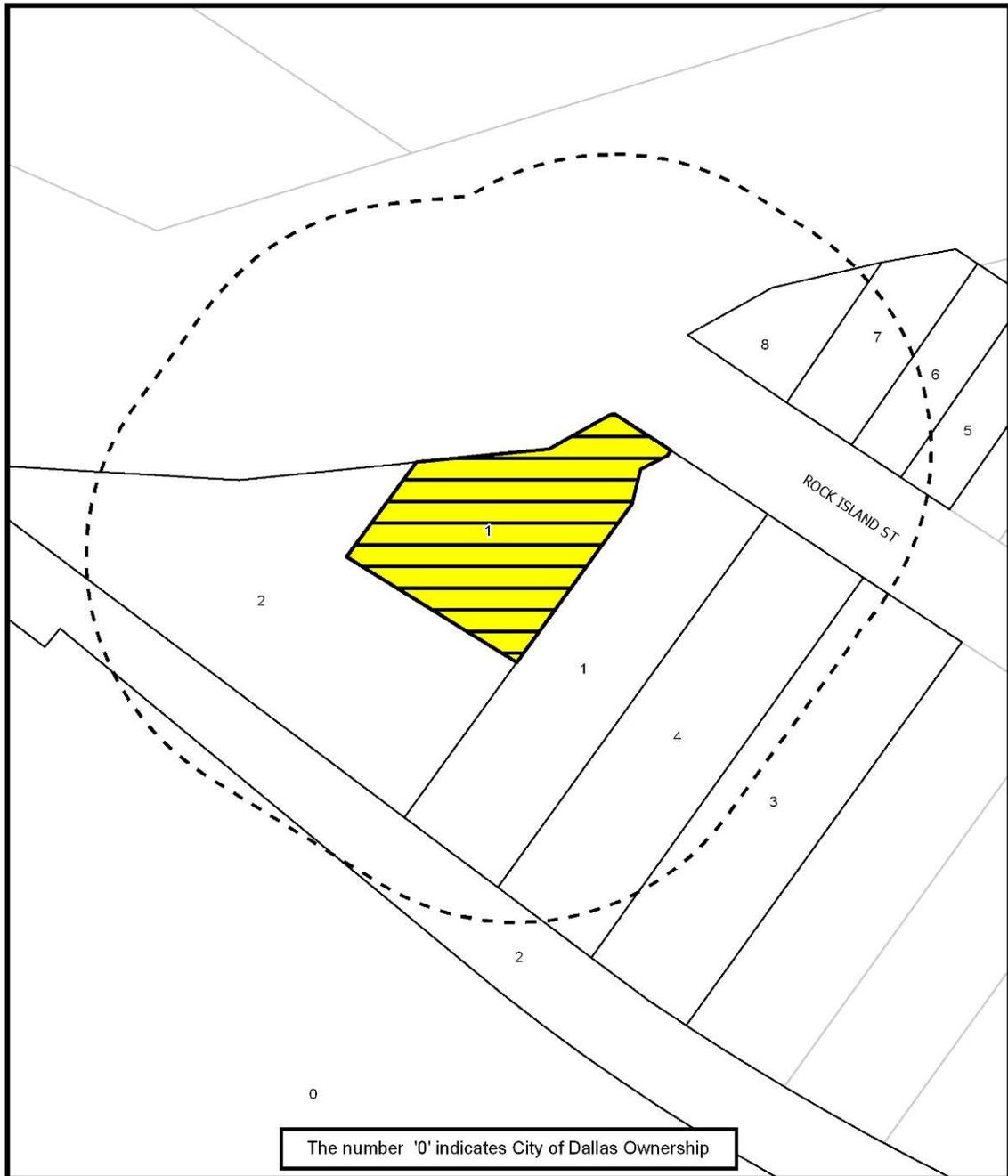


Wendy K. Shelton

Notary Public on and for

Dallas County, Texas

Commission expires on 12/02/14



 1:1,200	NOTIFICATION		Case no: BDA112-108
	<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;">8</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 10/25/2012

Notification List of Property Owners

BDA112-108

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
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2	101 CORINTH ST	DALLAS COUNTY FLOOD CONTROL DISTRICT
3	1901 ROCK ISLAND ST	JOHNSON REALTY CO
4	1811 ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
5	1812 ROCK ISLAND ST	SHERARD MILLIGAN F & MARCELLE MOUNT
6	1810 ROCK ISLAND ST	SHERARD MILLIGAN
7	1808 ROCK ISLAND ST	HML HOLDINGS LLC TEXAS LIMITED LIABILITY
8	1800 ROCKISLANDST	ROCKALONG LLC

FILE NUMBER: BDA 112-109

BUILDING OFFICIAL'S REPORT:

Application of Coleson C. Evans to appeal the decision of the administrative official at 1809 Rock Island Street. This property is more fully described as Lot 15 and part of Lot 16 in City Block 73/7342 and is zoned PD-784. The applicant proposes to appeal the denial of a building permit for a fence.

LOCATION: 1809 Rock Island Street

APPLICANT: Coleson C. Evans

REQUEST:

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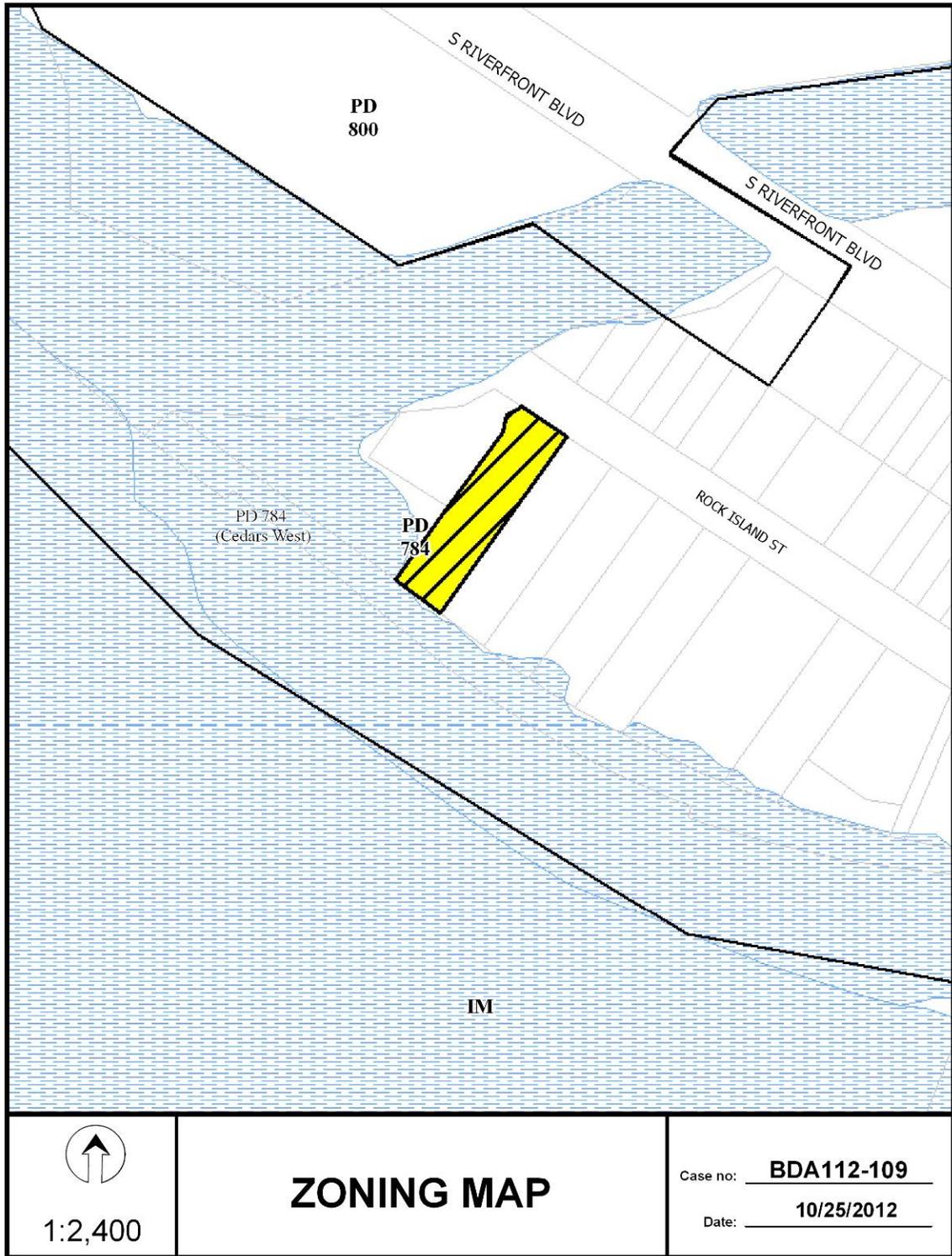
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1:2,400

ZONING MAP

Case no: BDA112-109

Date: 10/25/2012



1:2,400

AERIAL MAP

Case no: BDA112-109

Date: 10/25/2012

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

**BDA 112-108, 109, & 110
Attach A
Pg 1**

November 2, 2012

ARTHUR J. ANDERSON
direct dial: 214.745.5745
aanderson@winstead.com

steve.long@dallascityhall.com

City of Dallas
Board of Adjustment, Panel A
c/o Steve Long
1500 Marilla, 5BN
Dallas, TX 75201

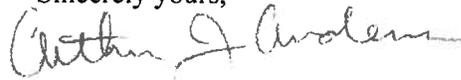
Re: BDA 112-108, BDA 112-109, and BDA 112-110

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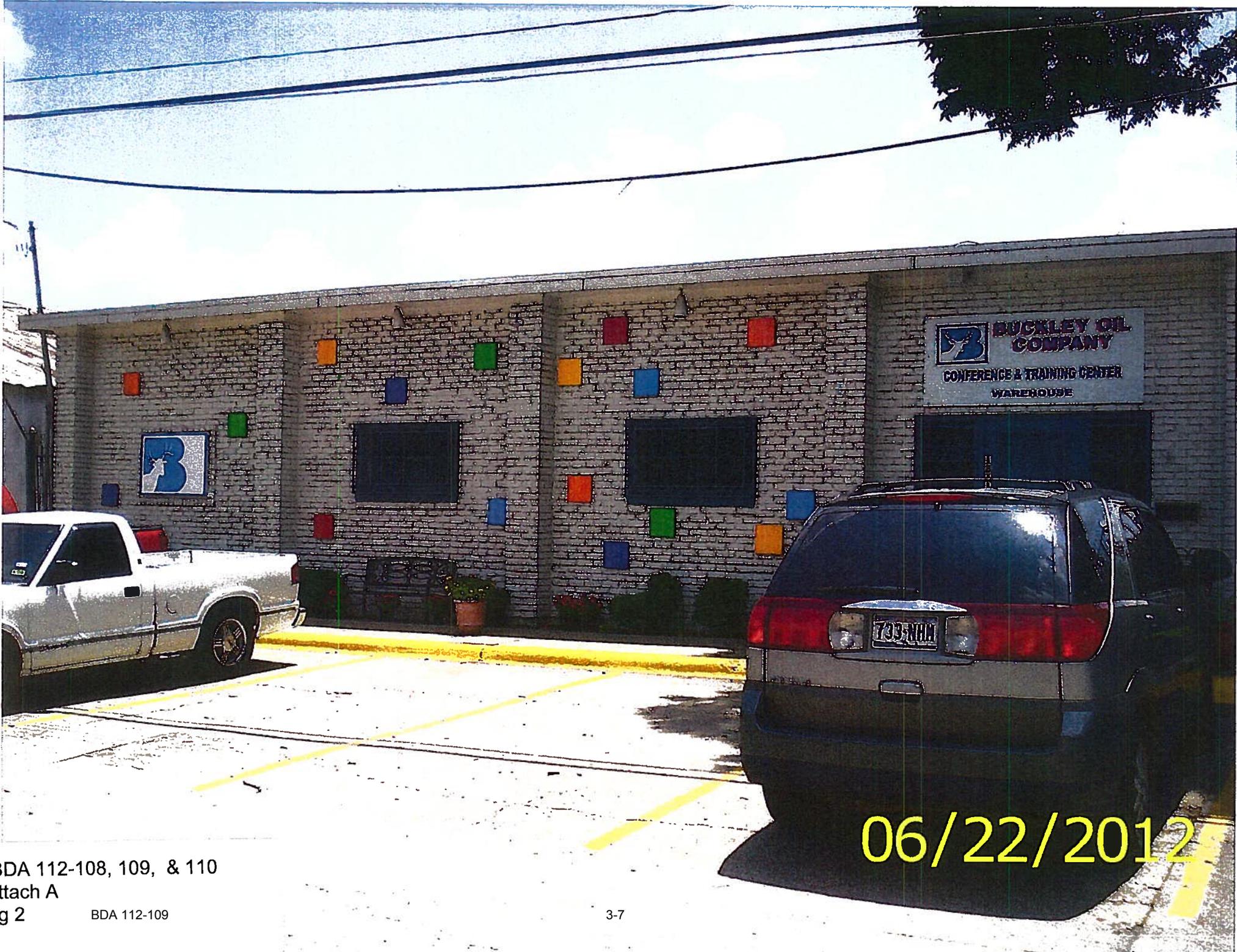
If you have any questions, please let me know.

Sincerely yours,



Arthur J. Anderson

AJA/plg
Enclosures



BUCKLEY OIL COMPANY
CONFERENCE & TRAINING CENTER
WAREHOUSE



06/22/2012



06/22/2012

3DA 112-108, 109, & 110
Attach A
Pg 3

BDA 112-109



BDA 112-108, 109, & 110
Attach A
Pg 4

BDA 112-109



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 5

BDA 112-109

3-10



CITGO
LUBRICANTS
BUCKLEY
OIL COMPANY

1809



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 6

BDA 112-109

3-11



CITGO
LUBRICANTS

BUCKLEY
OIL COMPANY

1809



RESERVED
PARKING

06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 7

BDA 112-109

3DA 112-108, 109, & 110
Attach A
pg 8



06/22/2012



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-109

Data Relative to Subject Property:

Date: 9-25-12

Location address: 1809 Rock Island St.

Zoning District: PD 784

Lot No.: 15 + Pt 16 Block No.: 73/7342 Acreage: 0.71 Census Tract: ~~0033.00~~ 204.00

Street Frontage (in Feet): 1) 90' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Buckley Oil Company

Applicant: Colesen C. Evans Telephone: (214) 745-5724

Mailing Address: 5400 Renaissance Tower, 1201 Elm St. Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance __, or Special Exception __, of building
official decision, to deny a building permit application
for a 9' panel fence

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:

Owner has been legally operating on the property for
many years and has a pending appeal for the denial of
a certificate of occupancy

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: Colesen C. Evans
Applicant's name printed

[Signature]
Applicant's signature

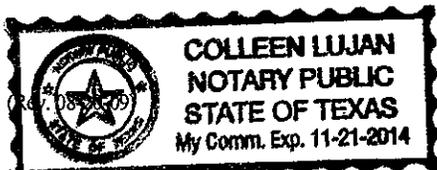
Affidavit

Before me the undersigned on this day personally appeared _____ 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 25 day of September, 2012

Colleen Lujan
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

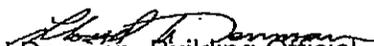
Building Official's Report

I hereby certify that Colesen C. Evans

did submit a request to appeal the decision of the administrative official
at 1809 Rock Island Street

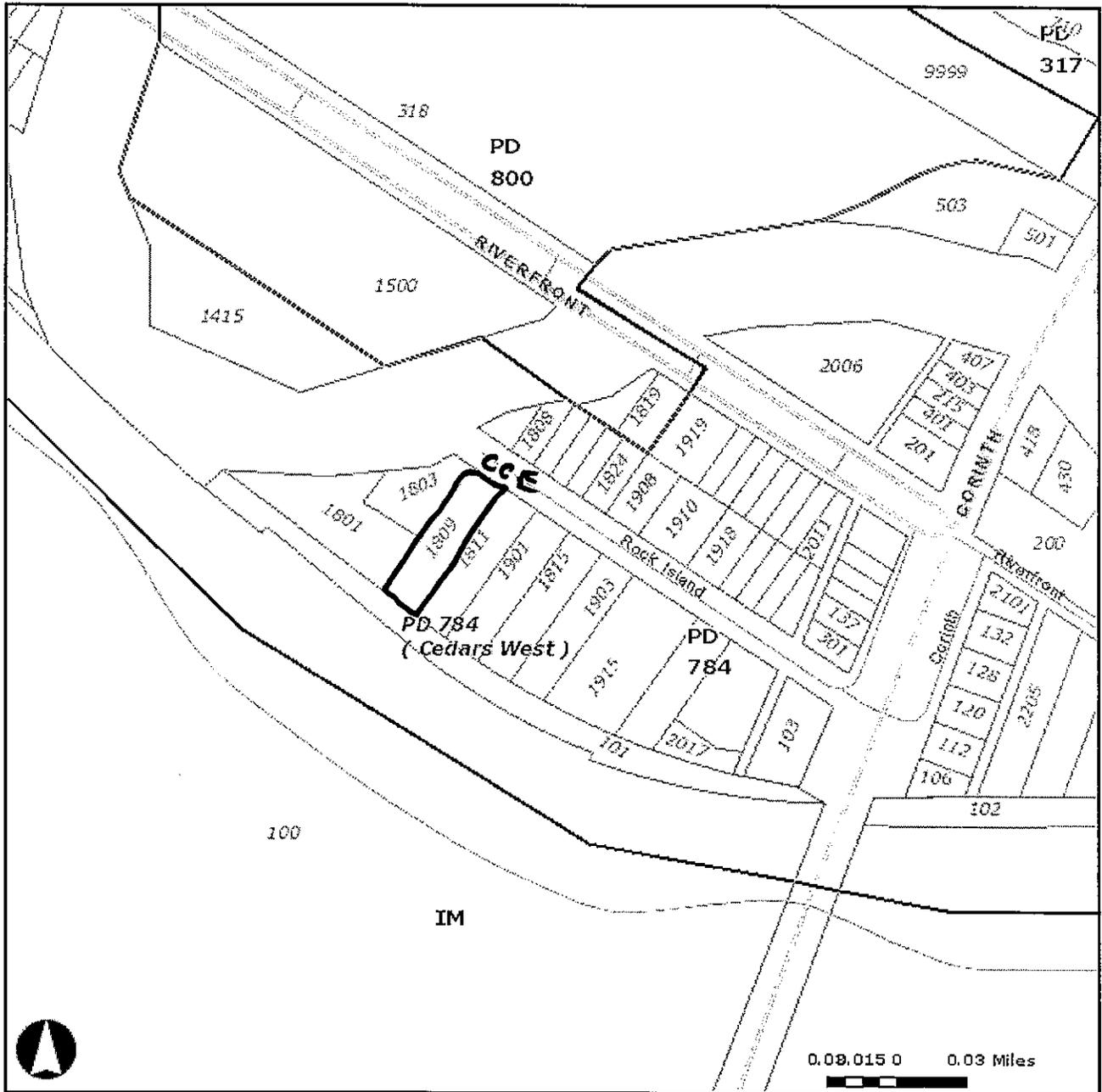
BDA112-109. Application of Colesen C. Evans to appeal the decision of the administrative official at 1809 Rock Island Street. This property is more fully described as lot 15 and part of lot 16 in city block 73/7342 and is zoned PD-784, which requires that the building official deny a building permit if the building official determines that the nonresidential use does not have a valid certificate of occupancy. The applicant proposes to appeal the denial of a building permit for a fence.

Sincerely,


Lloyd Denman, Building Official



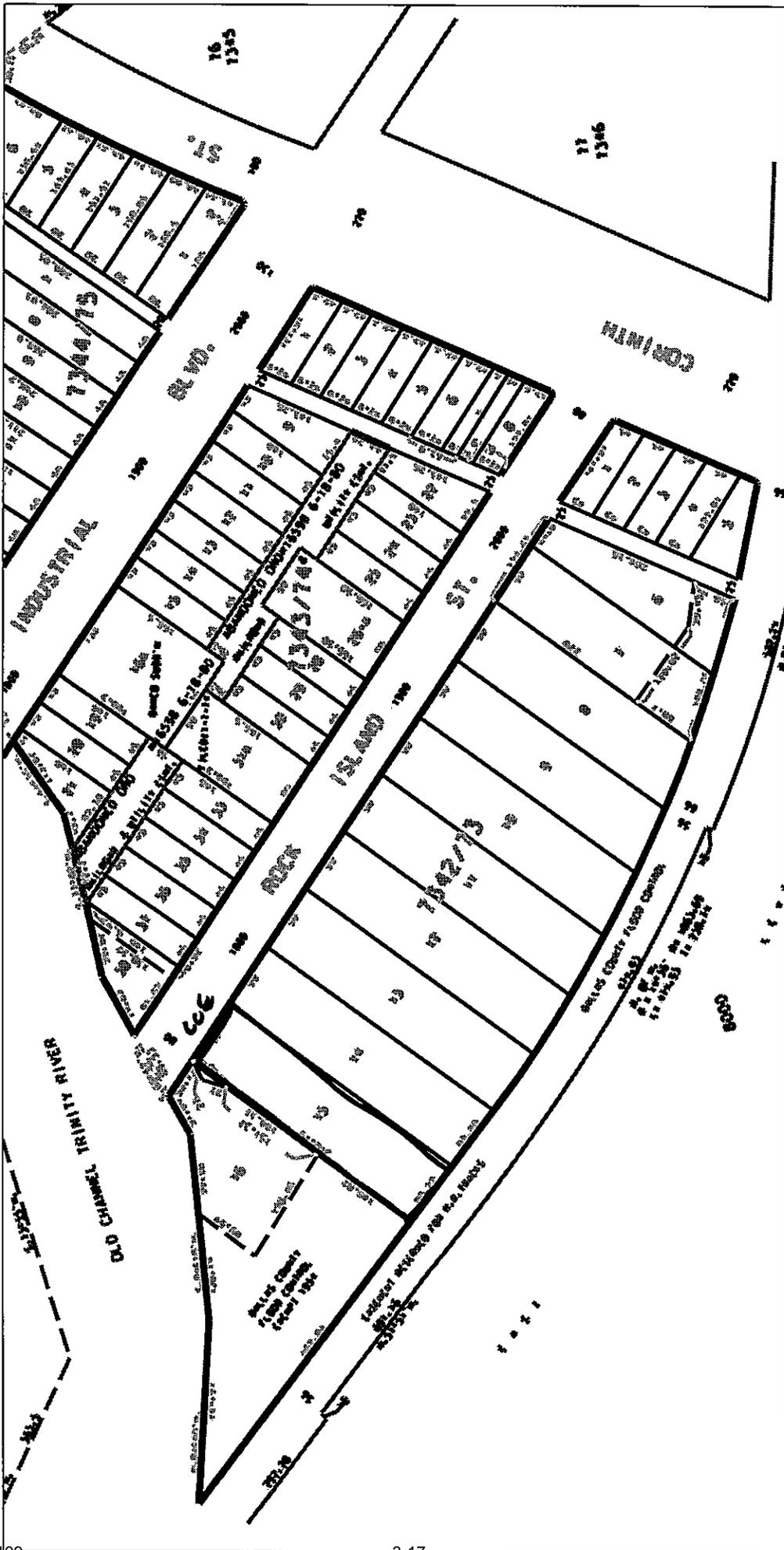
City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- Deed Restrictions
- SUP
- Dry Overlay
- _D

- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts
- PD193 Oak Lawn

- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay
- SPSD Overlay



DATE: 9-11-12

APPLICATION TYPE

PERMIT CO

OTHER EXPRESS



JOB NO: (OFFICE USE ONLY)
047926451

PERMIT NO: (OFFICE USE ONLY)

HEALTH REVIEW
(Restaurants/Food Service)

BUILDING INSPECTION APPLICATION

STREET ADDRESS OF PROPOSED PROJECT: 1803 1809 & 1811 Rock Island SUITE/BLDG/FLOOR NO: _____ USE OF PROPERTY: PD 784 Cedar West

OWNER/TENANT: Buckley Oil ADDRESS: 1811 Rock Island CITY: Dallas STATE: Tx ZIP CODE: _____

DBA (IF APPLICABLE): _____ E-MAIL ADDRESS (OPTIONAL): _____

APPLICANT: Heath Parrish CONTR NO: 9181 COMPANY NAME: ACE Fence Co

ADDRESS: 2801 CR 804-A CITY: Burleson STATE: Tx ZIP CODE: 76028 PHONE NO: 817-613-1648 FAX NO: _____

DESCRIPTION OF PROPOSED PROJECT: Install ~~9' Full R-panel fence~~ 9' Full R-panel fence

CONST AREA (sq ft)	NEW CONST	VALUATION (\$)	NEW CONST
	REMODEL		REMODEL
	LEASE		TOTAL VALUATION
	TOTAL AREA		

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING PLUMBING FENCE DRIVE APPROACH BACKFLOW BARRICADE

ELECTRICAL FIRE SPRKLR SIGN SWIMMING POOL CUSTOMER SVC GREEN BUILDING/LEED

MECHANICAL FIRE ALARM LANDSCAPE LAWN SPRINKLER FLAMMABLE LIQUID OTHER: _____

WILL ALCOHOL BE SOLD/SERVED? YES NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? YES NO

WILL THERE BE A DANCE FLOOR? YES NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? YES NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE:

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN	<u>SA</u>	<u>09.11.12</u>	<u># C.O. 04082710 38</u> <u>CO has been Denied</u>	PERMIT FEE
ZONING				SURCHARGE
BUILDING				PLAN REVIEW FEE
ELECTRICAL				EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				<u>None</u>
OTHER:				OTHER FEES
	<u>None</u>			
	OTHER FEES			
	<u>None</u>			
	OTHER FEES			
	<u>None</u>			
	TOTAL FEES			
	\$			



CITY OF DALLAS

AFFIDAVIT

BDA Case # 112-109

I, Buckley Oil Company, Owner of the subject property

at: 1809 Rock Island St.

Authorize (applicant) Winstead PG (Cde Evans, Tommy Mann)

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

Variance (please specify)

Special Exception (please specify)

Other {please specify} appeal bidding official denial

R.E. Dodson [Signature] 9/24/12

Print name of property owner Signature of property owner Date

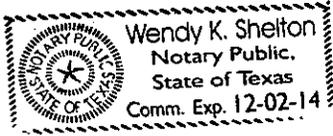
Before me the undersigned on the day of personally appeared R.E. Dodson

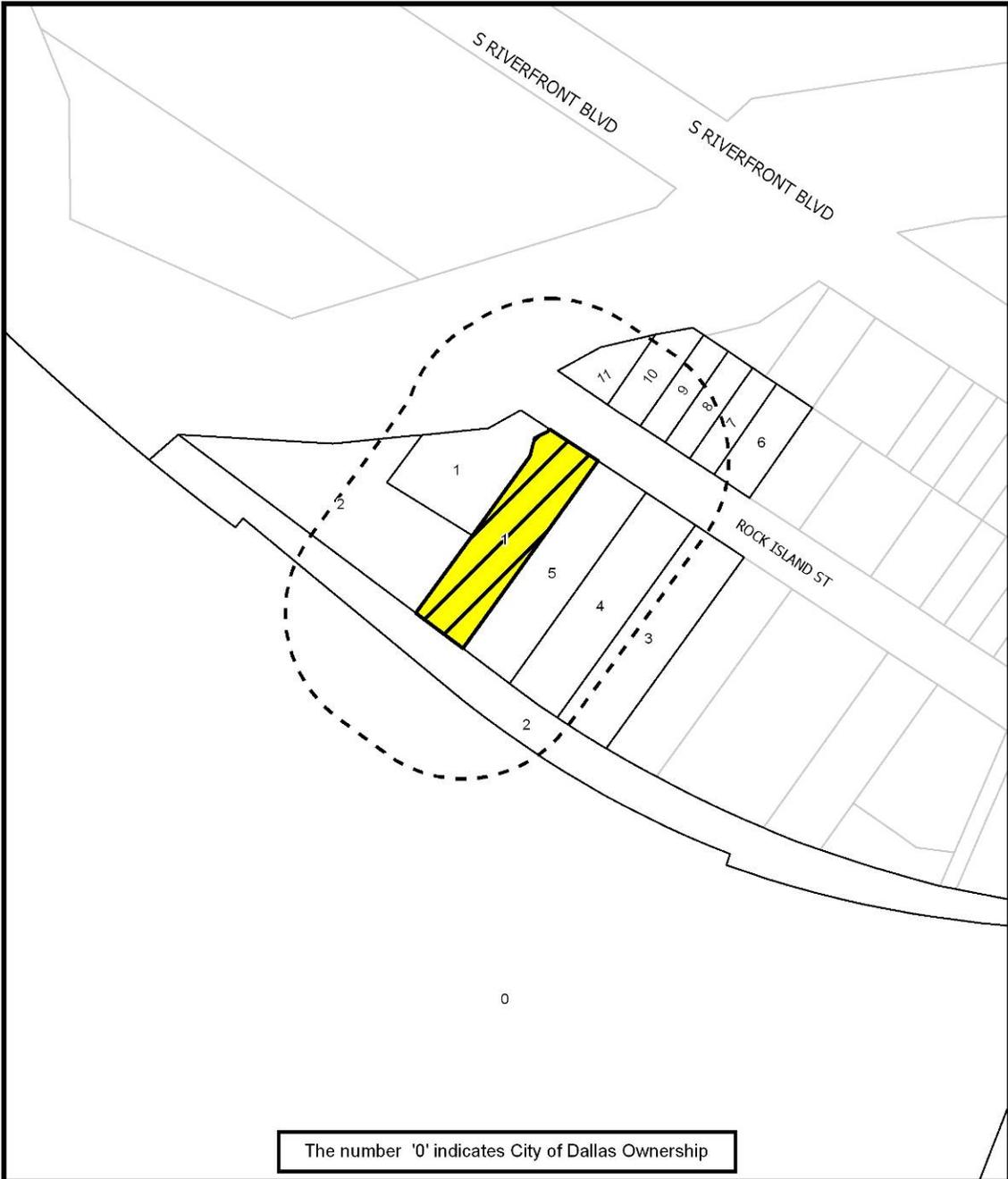
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 24th day of SEPTEMBER, 2012

[Signature]

Notary Public on and for
Dallas County, Texas
Commission expires on 12/02/14





 1:2,400	NOTIFICATION	Case no: BDA112-109			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
11	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA112-109

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1809 ROCK ISLAND ST	BUCKLEY OIL CO
2	101 CORINTH ST	DALLAS COUNTY FLOOD CONTROL DISTRICT
3	1815 ROCK ISLAND ST	JOHNSON DELMO LEON
4	1901 ROCK ISLAND ST	JOHNSON REALTY CO
5	1811 ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
6	1824 ROCK ISLAND ST	SHERARD MARTHA M
7	1820 ROCK ISLAND ST	SHERARD SCOTT T
8	1812 ROCK ISLAND ST	SHERARD MILLIGAN F & MARCELLE MOUNT
9	1810 ROCK ISLAND ST	SHERARD MILLIGAN
10	1808 ROCK ISLAND ST	HML HOLDINGS LLC TEXAS LIMITED LIABILITY
11	1800 ROCK ISLAND ST	ROCKALONG LLC

FILE NUMBER: BDA 112-110

BUILDING OFFICIAL'S REPORT:

Application of Colesen C. Evans to appeal the decision of the administrative official at 1811 Rock Island Street. This property is more fully described as Lot 14 in City Block 73/7342 and is zoned PD-784. The applicant proposes to appeal the denial of a building permit for a fence.

LOCATION: 1811 Rock Island Street

APPLICANT: Colesen C. Evans

REQUEST:

An appeal has been made requesting that the Board of Adjustment reverse/overtake the Building Official's September 11, 2012 denial of a Building Inspection Application (067926451) made to install a 9' tall "R-panel fence" for properties located at 1803, 1809, and 1811 Rock Island Street.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) states that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

Site: PD 784 (Planned Development)
North: PD 784 (Planned Development)
South: PD 784 (Planned Development)
East: PD 784 (Planned Development)
West: PD 784 (Planned Development)

Land Use:

The subject site is developed with a warehouse use (Buckley Oil). The areas to the north and east appear to be developed with industrial/warehouse use; and the areas to the south and west appear to be undeveloped.

Zoning/BDA History:

1. BDA 112-108, Property at 1809 Rock Island Street (the property two lots west of the subject site) On November 14, 2012, the Board of Adjustment Panel B will consider an appeal requesting that the Board of Adjustment reverse/overturn the Building Official's September 11, 2012 denial of a Building Inspection Application made to install a 9' tall "R-panel fence" for properties located at 1803, 1809, and 1811 Rock Island Street.

2. BDA 112-109, Property at 1811 Rock Island Street (the property immediately west of the subject site) On November 14, 2012, the Board of Adjustment Panel B will consider an appeal requesting that the Board of Adjustment reverse/overturn the Building Official's September 11, 2012 denial of a Building Inspection Application made to install a 9' tall "R-panel fence" for properties located at 1803, 1809, and 1811 Rock Island Street.

Timeline:

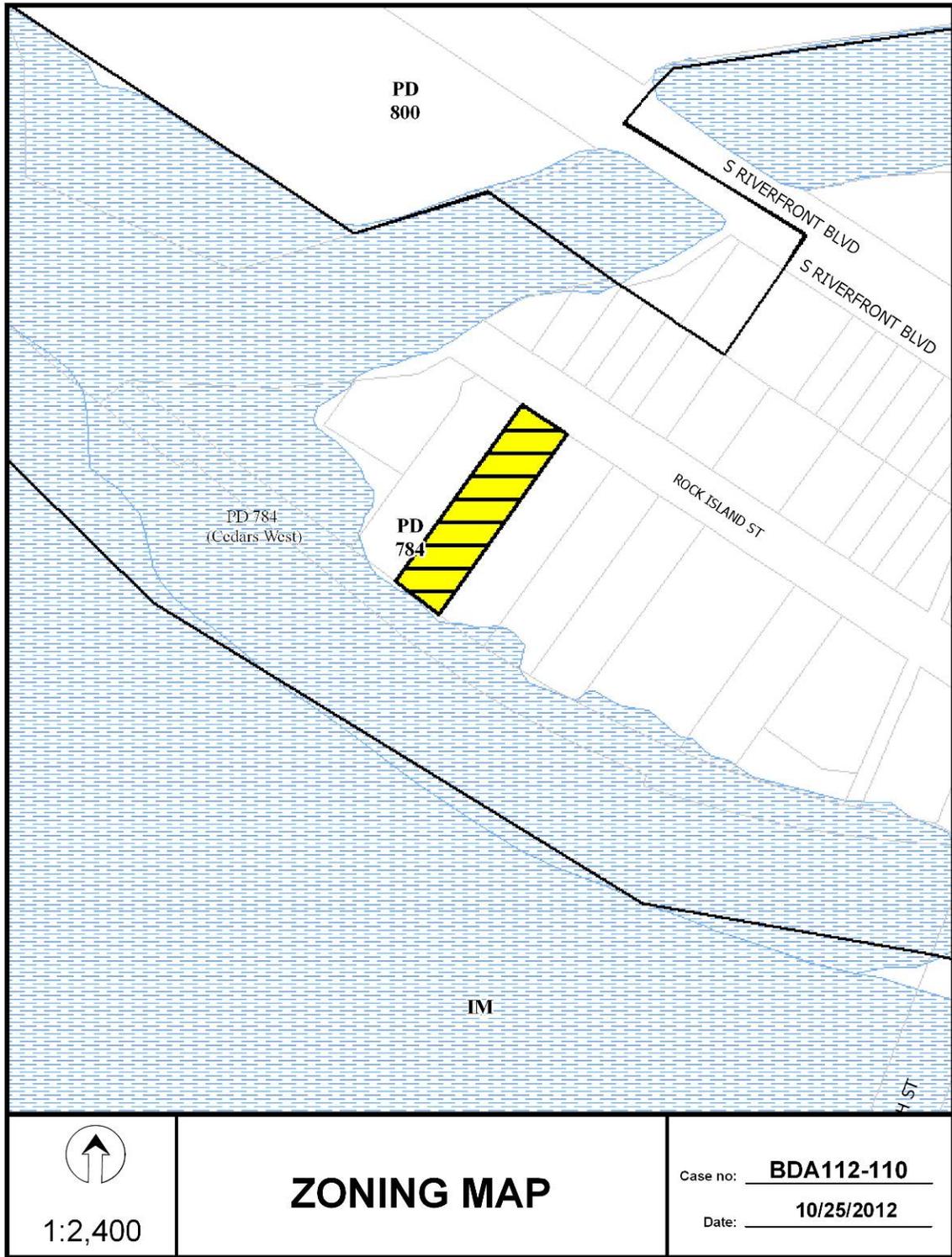
- September 25, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 10, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 10, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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

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

GENERAL FACTS/STAFF ANALYSIS:

- The Building Official's September 11, 2012 denied Building Inspection Application (067926451) made to install a 9' tall "R-panel fence" for properties located at 1803, 1809, and 1811 Rock Island Street is included in this case report.
- The application referenced above includes a section entitled "application remarks" stating "#C.O. D4082710 88 CO has been denied."
- The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.



1:2,400

ZONING MAP

Case no: BDA112-110

Date: 10/25/2012



1:2,400

AERIAL MAP

Case no: BDA112-110

Date: 10/25/2012

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

**BDA 112-108, 109, & 110
Attach A
Pg 1**

November 2, 2012

ARTHUR J. ANDERSON
direct dial: 214.745.5745
aanderson@winstead.com

steve.long@dallascityhall.com

City of Dallas
Board of Adjustment, Panel A
c/o Steve Long
1500 Marilla, 5BN
Dallas, TX 75201

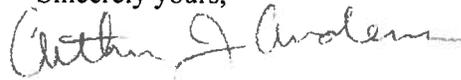
Re: BDA 112-108, BDA 112-109, and BDA 112-110

Dear Board members:

Enclosed please find additional documentation relating to the above-referenced applications consisting of photographs showing the architectural enhancements installed at the subject properties in conformance with the existing PD zoning. These cases are scheduled for November 14, 2012.

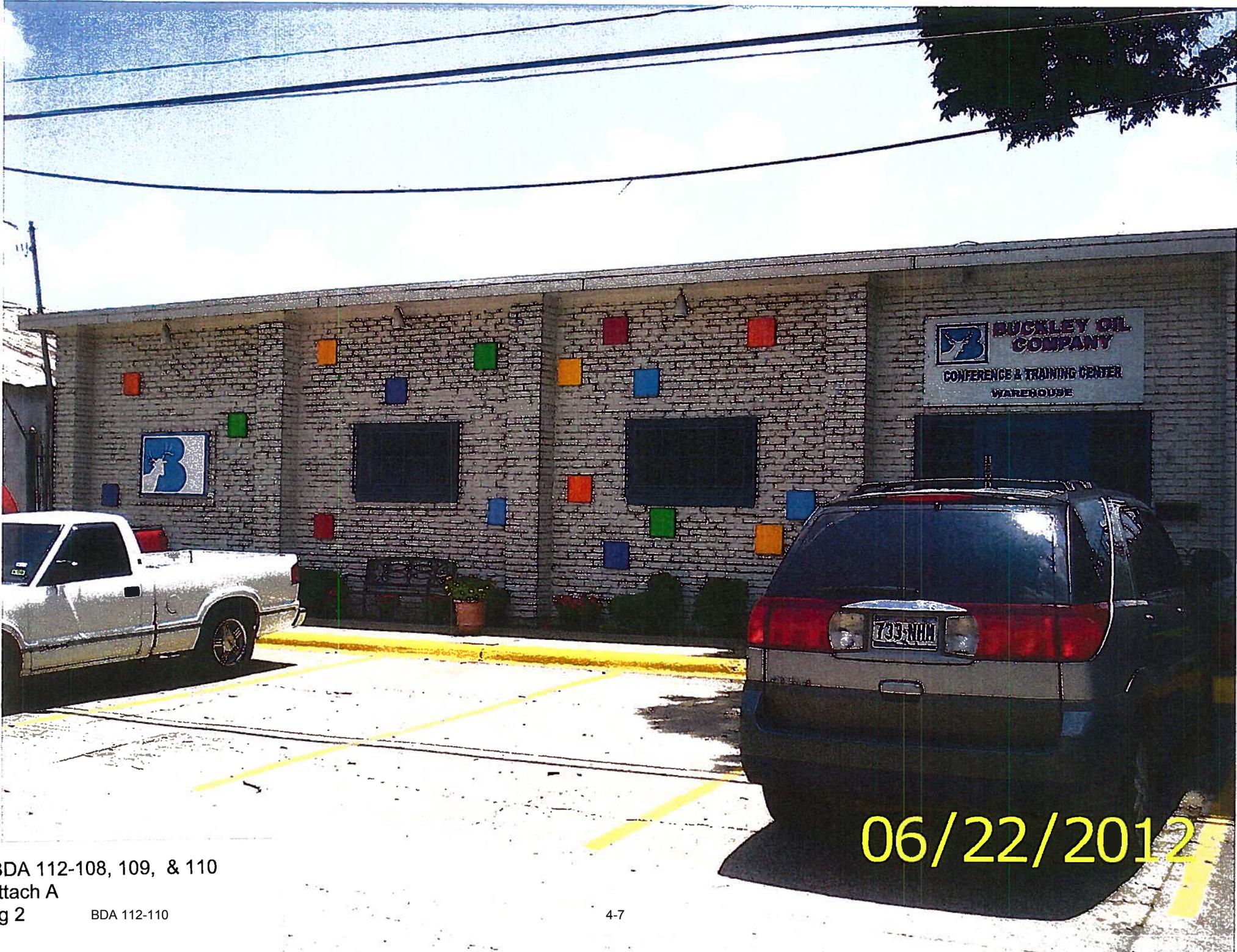
If you have any questions, please let me know.

Sincerely yours,



Arthur J. Anderson

AJA/plg
Enclosures



BUCKLEY OIL COMPANY
CONFERENCE & TRAINING CENTER
WAREHOUSE



06/22/2012

BDA 112-108, 109, & 110

Attach A

Pg 2

BDA 112-110



06/22/2012

3DA 112-108, 109, & 110
Attach A
Pg 3

BDA 112-110



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 4

BDA 112-110



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 5

BDA 112-110

4-10



CITGO
LUBRICANTS
BUCKLEY
OIL COMPANY

1809



06/22/2012

BDA 112-108, 109, & 110
Attach A
Pg 6

BDA 112-110

4-11



CITGO
LUBRICANTS

BUCKLEY
OIL COMPANY

1809



RESERVED
PARKING

06/22/2012

DA 112-108, 109, & 110
Attach A
Pg 7

DA 112-110

3DA 112-108, 109, & 110
Attach A
pg 8



06/22/2012



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 11240

Data Relative to Subject Property:

Date: 9-25-12

Location address: 1811 Rock Island St. Zoning District: PD 784

Lot No.: 14 Block No.: 73/7342 Acreage: _____ Census Tract: 6033.00 204.00

Street Frontage (in Feet): 1) 90' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: ~~XXXXXXXXXX~~ Roschud Holdings LLC

Applicant: Colesen C. Evans Telephone: (214) 745-5724

Mailing Address: 5400 Renaissance Tower, 1201 Elm St. Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance , or Special Exception , of building
official decision to deny a building permit application for a
9' panel fence

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:

Owner has been legally operating on the property for many
years and has a pending appeal for the denial of a
certificate of occupancy.

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: Colesen C. Evans
Applicant's name printed

[Signature]
Applicant's signature

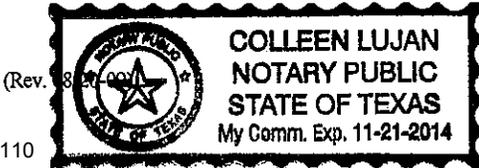
Affidavit

Before me the undersigned on this day personally appeared Colesen C. Evans
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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 25 day of September, 2012

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Colesen C. Evans

did submit a request to appeal the decision of the administrative official

at 1811 Rock Island Street

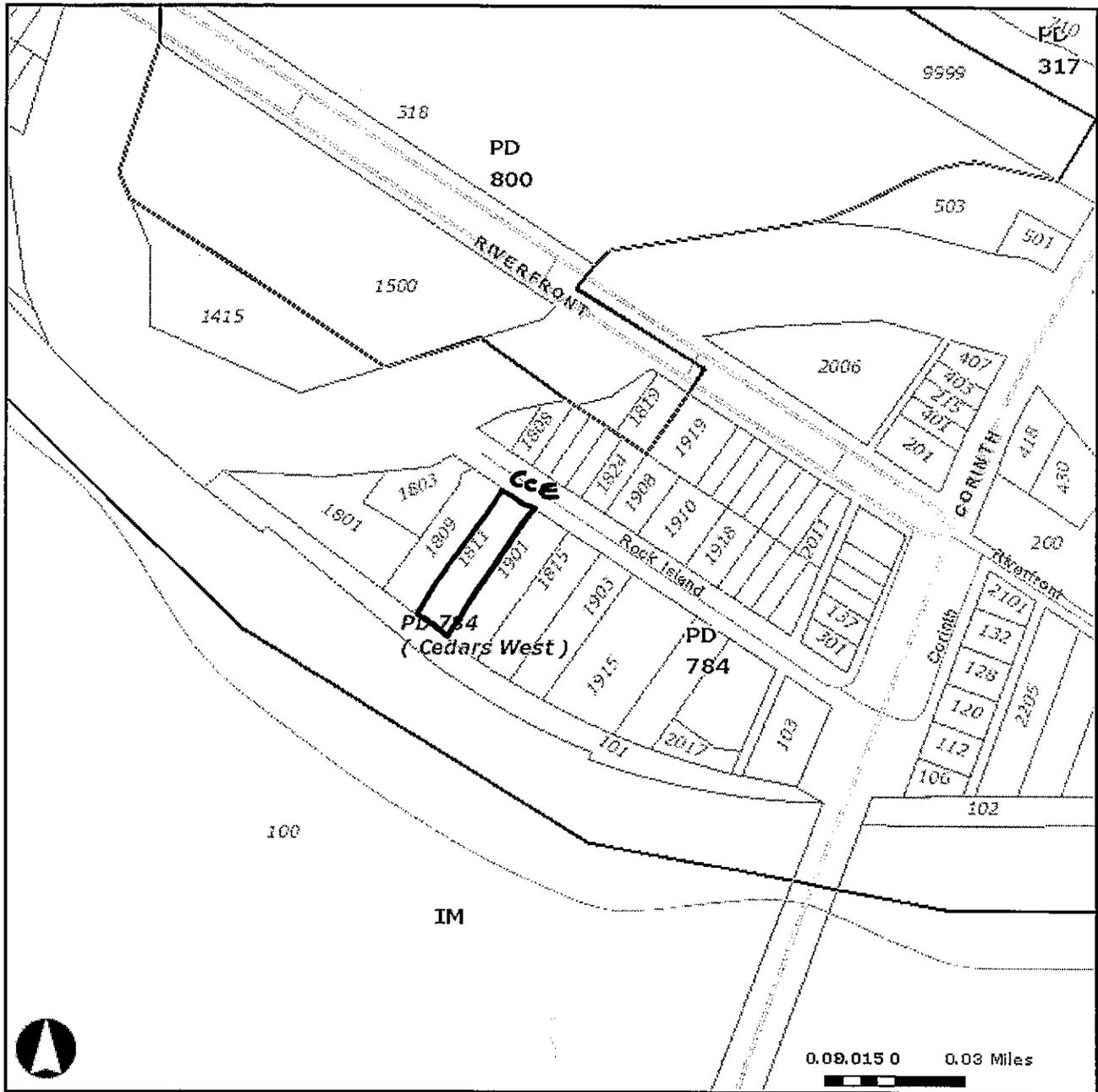
BDA112-110. Application of Colesen C. Evans to appeal the decision of the administrative official at 1811 Rock Island Street. This property is more fully described as lot 14 in city block 73/7342 and is zoned PD-784, which requires that the building official deny a building permit if the building official determines that the nonresidential use does not have a valid certificate of occupancy. The applicant proposes to appeal the denial of a building permit for a fence.

Sincerely,


Lloyd Denman, Building Official



City of Dallas Zoning



City Boundaries

- City Boundaries
- County
- Certified Parcels
- Deed Restrictions
- SUP
- Dry Overlay
- p

Historic Subdistricts

- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts
- PD193 Oak Lawn
-

Base Zoning

- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay
- SPSD Overlay
-

DATE: 9-11-12

APPLICATION TYPE

PERMIT CO

OTHER EXPRESS



City of Dallas

JOB NO: (OFFICE USE ONLY)
047926451

PERMIT NO: (OFFICE USE ONLY)

HEALTH REVIEW
(Restaurants/Food Service)

BUILDING INSPECTION APPLICATION

STREET ADDRESS OF PROPOSED PROJECT: 1803 1809 & 1811 Rock Island SUITE/BLDG/FLOOR NO. USE OF PROPERTY: PD 784 Cedar West

OWNER/TENANT: Berkley Oil ADDRESS: 1811 Rock Island CITY: Dallas STATE: Tx ZIP CODE

DBA (IF APPLICABLE): 9181 E-MAIL ADDRESS (OPTIONAL)

APPLICANT: Heath Parrish CONTR NO: 108173 COMPANY NAME: ACG Fence Co

ADDRESS: 2801 CR 804-A CITY: Burleson STATE: Tx ZIP CODE: 76028 PHONE NO: 817-613-1618 FAX NO:

DESCRIPTION OF PROPOSED PROJECT: Install ~~9' tall R-panel fence~~ 9' tall R-panel fence

CONST AREA (sq ft)	NEW CONST	VALUATION (\$)	NEW CONST
	REMODEL		REMODEL
	LEASE		TOTAL VALUATION
	TOTAL AREA		

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY.

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

- BUILDING
- PLUMBING
- FENCE
- DRIVE APPROACH
- BACKFLOW
- BARRICADE
- ELECTRICAL
- FIRE SPRKLR
- SIGN
- SWIMMING POOL
- CUSTOMER SVC
- GREEN BUILDING/LEED
- MECHANICAL
- FIRE ALARM
- LANDSCAPE
- LAWN SPRINKLER
- FLAMMABLE LIQUID
- OTHER:

WILL ALCOHOL BE SOLD/SERVED? YES NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? YES NO

WILL THERE BE A DANCE FLOOR? YES NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? YES NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE:

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN	<u>SA</u>	<u>09.11.12</u>	# C.O. 04082710 38 CO has been Denied	PERMIT FEE
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BUILDING				PLAN REVIEW FEE
ELECTRICAL				EXPRESS ACCEPT FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				None
WATER				OTHER FEES
FIRE	None			
LANDSCAPING	OTHER FEES			
AVIATION	None			
OTHER:				TOTAL FEES
				\$



AFFIDAVIT

BDA Case # 112-110

I, Roseland Holdings LLC, Owner of the subject property

at: 1811 Rock Island St.

Authorize (applicant) Winstead PC (Cole Evans, Tommy Mann)

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

Variance (please specify)

Special Exception (please specify)

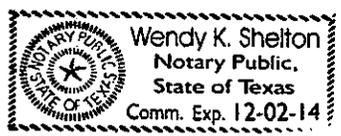
Other {please specify} appeal building official denial

<u>R.E. DODSON</u>	<u>R.E. Dodson</u>	<u>9/24/12</u>
Print name of property owner	Signature of property owner	Date

Before me the undersigned on the day of personally appeared R.E. DODSON

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 24th day of SEPTEMBER, 2012

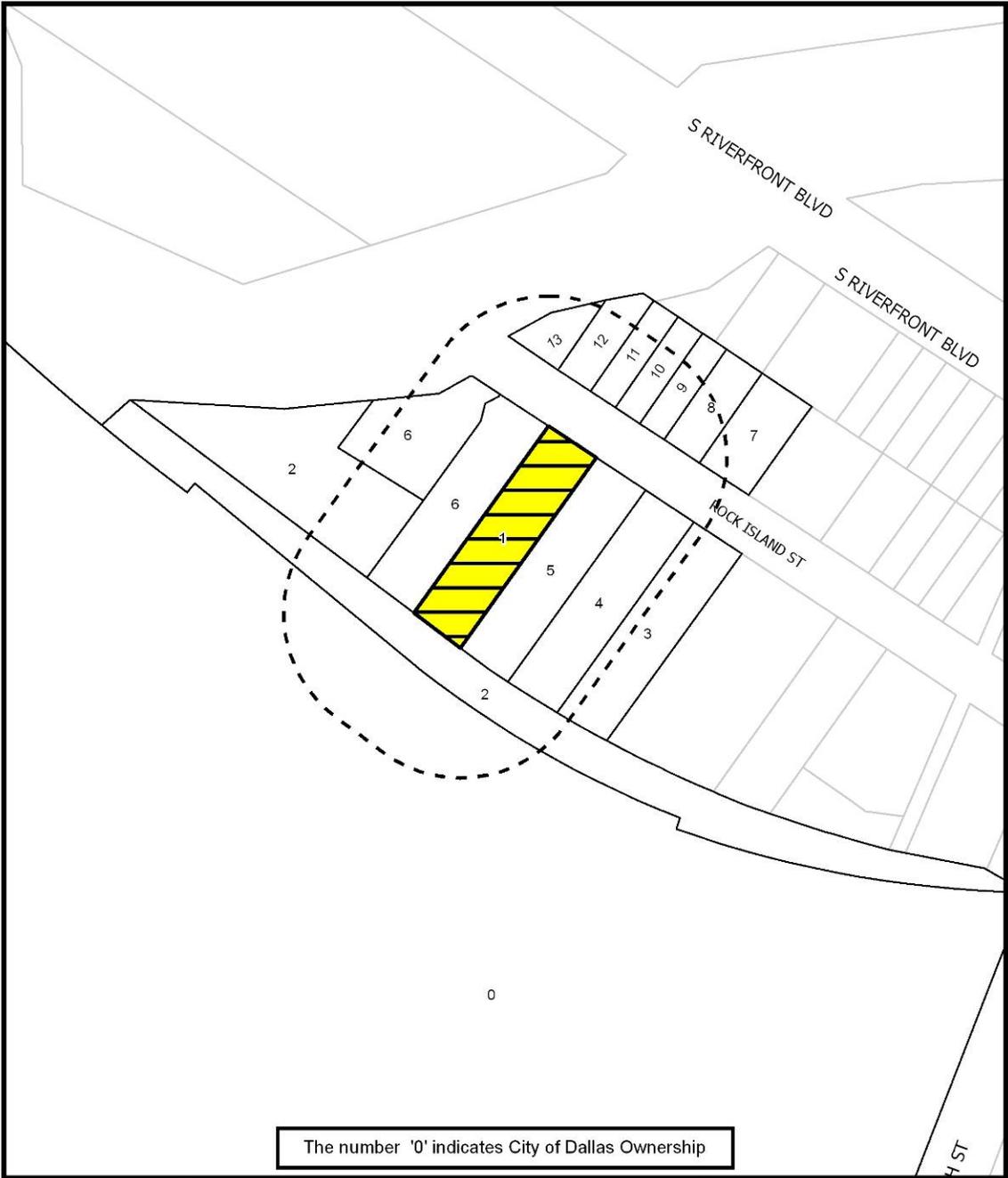


Wendy K. Shelton

Notary Public on and for

Dallas County, Texas

Commission expires on 12/02/14



 1:2,400	NOTIFICATION		Case no: BDA112-110
	<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: 10/25/2012

Notification List of Property Owners

BDA112-110

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1811 ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
2	101 CORINTH ST	DALLAS COUNTY FLOOD CONTROL DISTRICT
3	1903 ROCK ISLAND ST	HARGROVE JOHN INVESTMENTS INC
4	1815 ROCK ISLAND ST	JOHNSON DELMO LEON
5	1901 ROCK ISLAND ST	JOHNSON REALTY CO
6	1809 ROCK ISLAND ST	BUCKLEY OIL CO
7	1908 ROCK ISLAND ST	ROCK ISLAND HOLDING INC
8	1824 ROCK ISLAND ST	SHERARD MARTHA M
9	1820 ROCK ISLAND ST	SHERARD SCOTT T
10	1812 ROCK ISLAND ST	SHERARD MILLIGAN F & MARCELLE MOUNT
11	1810 ROCK ISLAND ST	SHERARD MILLIGAN
12	1808 ROCK ISLAND ST	HML HOLDINGS LLC TEXAS LIMITED LIABILITY
13	1800 ROCK ISLAND ST	ROCKALONG LLC

FILE NUMBER: BDA 112-115

BUILDING OFFICIAL'S REPORT:

Application of David W. Spence for a special exception to the landscape regulations and for a variance to the off-street parking regulations at 801 N. Bishop Avenue. This property is more fully described as a parcel of land to be platted as Lot 9A, Block 7/3329 and is zoned PD-830 (Subdistrict 1), which requires: (1) mandatory landscaping; and (2) that the owner of off-street parking provide screening to separate the parking area from a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use. The applicant proposes to construct a multifamily structure and (1) provide an alternate landscape plan, which will require a special exception to the landscape regulations; and (2) not provide screening to separate the parking area from a contiguous single family use, which will require a variance to the off-street parking regulations.

LOCATION: 801 N. Bishop Avenue

APPLICANT: David W. Spence

REQUESTS:

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

1. A special exception to the landscape regulations is requested in conjunction with constructing and maintaining apartment units, and not fully meeting the landscape regulations related to the perimeter landscape buffer strip and consequently the buffer plant material requirements required on the west side of the property adjacent to the alley; and
2. A variance to the off-street parking regulations is requested in conjunction with constructing and maintaining the aforementioned apartment units, and not fully meeting off-street parking regulations related to required screening of off-street parking on the west side of the property adjacent to the alley, and single family uses to the west of the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

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

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION (landscape special exception):

Denial

Rationale:

- The applicant has not substantiated how strict compliance with the requirements of the Dallas Development Code Landscape Regulations will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property.
- The City’s Chief Arborist recommends denial of the request, partly because: 1) the applicant has not provided a landscape plan that describes the proposed deficiencies or the areas of the site that may meet the landscape regulations, and 2) the property/subject site is located in a zoning district (PD 830) that was recently created (August of 2010) and, while alterations were made to Article X in this PD, the alterations did not include the removal of the perimeter landscape buffer strip requirements that “provide visual buffering between land uses of differing character.”

STAFF RECOMMENDATION (off-street parking screening variance):

Denial

Rationale:

- The applicant has not substantiated how a literal enforcement of the zoning code regulations would result in unnecessary hardship; how the variance is necessary to permit development of the flat, rectangular in shape, and 0.517 acre subject site in that it is different from other parcels of land by its restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels with the same PD 830 zoning district; and how the variance is not needed to relieve a self-created or personal hardship, nor for financial reasons only.

Zoning:

<u>Site:</u>	PD 830 (Planned Development)
<u>North:</u>	PD 830 (Planned Development)
<u>South:</u>	PD 830 (Planned Development)
<u>East:</u>	PD 830 (Planned Development)
<u>West:</u>	PD 160 (Planned Development)

Land Use:

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

Zoning/BDA History:

1. BDA 112-116, Property at 908 N. Bishop Avenue (one block north and east of the subject site) On November 13, 2012, the Board of Adjustment Panel A will hold a hearing to consider a special exception to the landscape regulations and variances to the off-street parking (screening and alley access) regulations requested in conjunction with constructing and maintaining apartment units on the site, and not fully meeting landscape and off-street parking regulations.

Timeline:

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

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

- October 17, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 19, 2012: The Sustainable Development and Construction Department Historic Preservation Senior Planner provided the following information on this application in an email: "No comment from Historic (on the November applications) other than the N. Bishop applications are located within the Miller-Stemmons National Register District (not a local district), but the proposed work does not seem to pose an adverse effect on the district."
- October 25, 2012: The applicant forwarded an amended application and the Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's Report to the Board Administrator (see Attachment A).
- October 30, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- No review comment sheets with comments were submitted in conjunction with this application.
- November 2, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment B).
- November 5, 2012: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the landscape special exception request (see Attachment C).

GENERAL FACTS/STAFF ANALYSIS (special exception):

- This request focuses on constructing and maintaining apartment units and not fully meeting the perimeter landscape buffer strip landscape regulations and, consequently, the buffer plant material requirements required on the east side of the property adjacent to the alley.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The Dallas Development Code Landscape Regulations state the following with regard to lots containing a use other than single family or duplex:
 - Perimeter landscape buffer strip: A landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where residential adjacency exists, exclusive of driveways and accessways at points of ingress and egress to and from the lot. The buffer strip must be at least 10 feet wide except that: (A) any portion of the buffer strip adjacent to public street frontage need not exceed 10 percent of the lot depth; and (B) any portion of the buffer strip in the front yard and adjacent to the side lot line need not exceed 10 percent of the lot width.
- The applicant has submitted a plan that indicates the following notation of the west side of the property adjacent to the alley: “vertical green screen in lieu of landscape buffer- 18” planting bed with 6’ tall woven wire trellis, posts 8’ o.c. planted in 3-gal. crossvine (*Bignonia Capreolata*) every 36” o.c.”
- The City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the applicant’s request (see Attachment C). The memo states how this request is triggered by proposed new construction, and how the applicant is seeking a special exception from the perimeter landscape buffer strip and consequently the buffer plant material requirements of the Landscape Regulations.
- .
- The City of Dallas Chief Arborist notes that a landscape plan has not been provided that describes a proposed deficiency whereas the applicant has made a request to “create an Alternate Landscape Plan, modifying the landscape-buffer requirements of Sec. 51A-10.134(b)(1).” The actual deficiency would be removing the: 1) mandatory 10’ wide landscape buffer along the rear of the property; and 2) required buffer plant group for that area where a residential adjacency exists.
- The City of Dallas Chief Arborist notes that PD 830 was established in August 2010. Alterations to the Article X: Landscape Regulations in PD 830 did not include removing the perimeter landscape buffer strip requirements, which is “to provide visual buffering between lands uses of differing character.”
- The City of Dallas Chief Arborist recommends denial of this request.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.

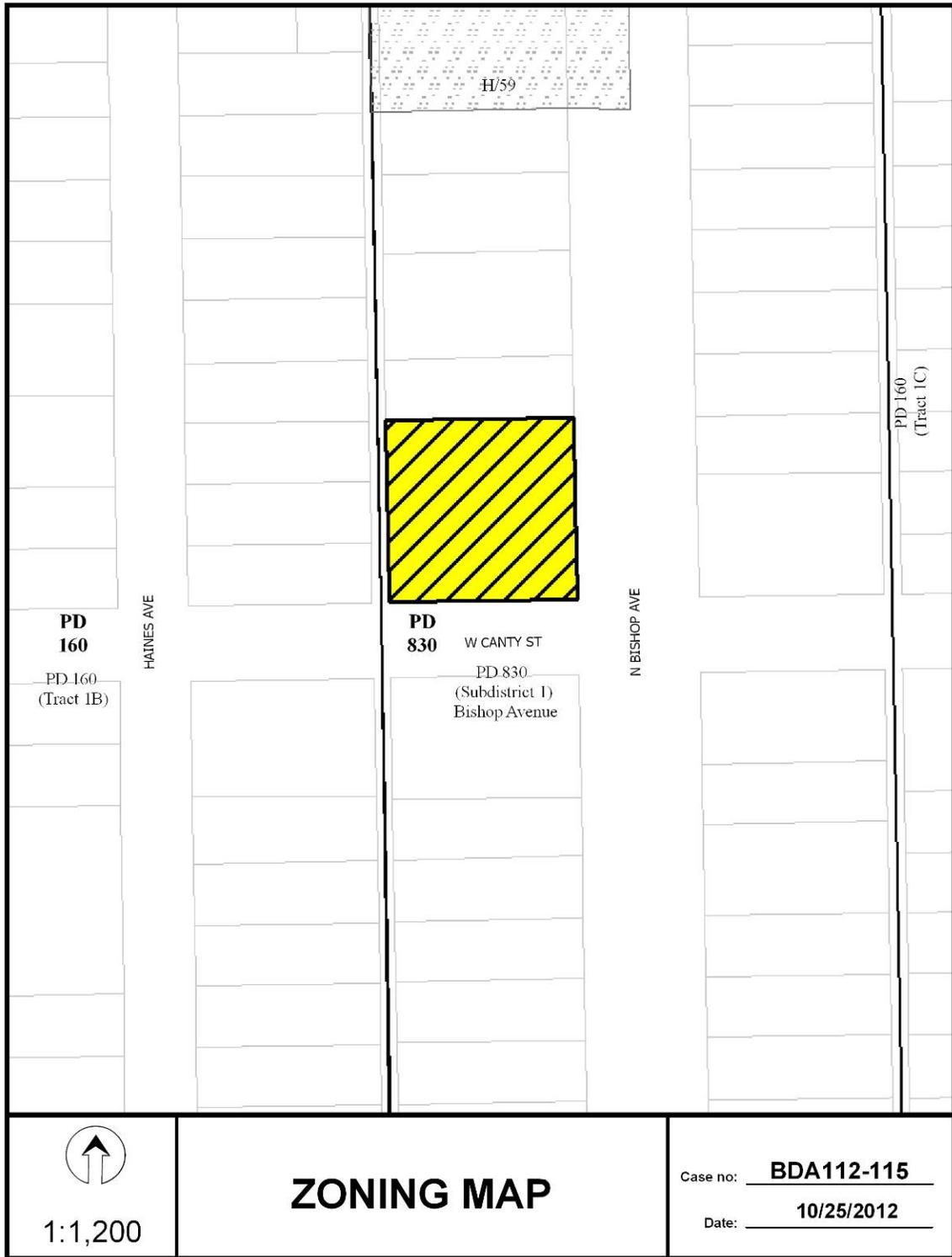
- Typically, if the Board were to grant this type of request, they would impose the applicant's submitted landscape plan as a condition to the request, that would document the areas on the site that were provided leniency or exception to specific requirements of Article X: The Landscape Regulations.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

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

- This request focuses on a variance to the off-street parking regulations made in conjunction constructing and maintaining apartment units and not fully meeting off-street parking regulations related to required screening of off-street parking on the west side of the property adjacent to the alley, and single family uses to the west of the subject site.
- The application states that a variance to the off-street parking regulations is made specifically with regard to the Sec. 51A-4.301(F).
- The Off-Street Parking Regulations of the Dallas Development Code states the following with regard to "screening provisions for off-street parking":
 - The owner of off-street parking must provide screening to separate the parking area from a contiguous single family or duplex use or a vacant lot if any of these are in a residential district and the parking area serves a multifamily use.
 - Screening for off-street parking required must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall that is not less than six feet in height.
- The applicant has submitted a plan that shows off-street parking for the proposed multifamily use on the property located adjacent to an alley that separates the site from a residential district immediately to the west of the subject site.
- The applicant has submitted a plan that indicates the following notation on the west side of the property adjacent to the alley: "vertical green screen in lieu of landscape buffer- 18" planting bed with 6' tall woven wire trellis, posts 8' o.c. planted in 3-gal. crossvine (Bignonia Capreolata) every 36" o.c."
- The site is flat, rectangular in shape, and is (according to the application) 0.517 acres in area. The site is zoned PD 830.
- DCAD records indicate that the property at 908 N. Bishop has "no main improvement."
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking screening regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same PD 830 zoning classification.

- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 830 zoning classification.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).
- If the Board were to grant the variance request to the off-street parking regulations related to screening, the submitted site plan may be imposed as a condition to ensure that the variance is only for the off-street parking regulations (screening), and would not provide any other relief from the zoning code such as landscape regulations.





1:1,200

AERIAL MAP

Case no: BDA112-115

Date: 10/25/2012

BDA 112-115
Attach A
Pg 1



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-115

Data Relative to Subject Property:

Date: Sept. 28, 2012

Location address: 801 N. Bishop Ave. Zoning Dist: PD 830

Lot/Block Nos. Lot 9A, Block 7/3329

Acres: .517 Census Tract: 42.01

Street Frontage (in Feet): 1) 150' 2) 150'

To the Honorable Board of Adjustment:

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

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

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

E-mail Address: David@goodspace.com

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

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

E-mail Address: David@goodspace.com

Affirm that an appeal has been made for a:

VARIANCE to the screening requirements for multi-family parking in Sec. 51A-4.301(f); and
SPECIAL EXEMPTION TO CREATE AN ALTERNATE LANDSCAPE PLAN, MODIFYING THE LANDSCAPE-DUTTER REQUIREMENTS OF Sec.
51A-10.134(b)(1).

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

Please see attached letter, dated Sept. 28, 2012

Affidavit

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

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

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

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

(Rev. 08-01-11)



BDA 112-115

Attach B

PS1

Long, Steve

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

Dear Ms. Renfrew and Mr. Long,

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

Regards,

David Spence
Good Space

GOOD SPACE

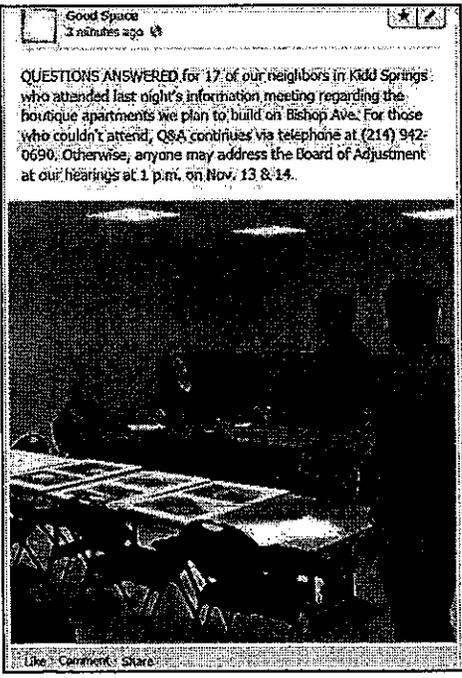
Nov. 2, 2012

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

Dear Ms. Conley,

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

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



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

Yours truly,

David W. Spence
President

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

Memorandum



CITY OF DALLAS

DATE November 6, 2012

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 112 - 115

801 N Bishop

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

Trigger

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

Deficiencies

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

Factors

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

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

A perimeter buffer with a screening fence (typical of residential adjacency) requires 1 large canopy tree, or 2 large non-canopy trees, for every 50 feet of adjacency. In this case, a minimum of 3 large trees would be required in the buffer.

Other Article X minimum requirements for the property will include six street trees within 30' of the curb, six site trees (including in the parkway, per PD), all required parking spaces to be within 120 feet of the trunk of a large canopy tree on the property, and at least two design standards from Section 51A-10.126.

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

Recommendation

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

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



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-115

Data Relative to Subject Property:

Date: Sept. 28, 2012

Location address: 801 N. Bishop Ave. Zoning Dist: PD 830

Lot/Block Nos. Lot 9A, Block 7/3329

Acreage: .517 Census Tract: 42.01

Street Frontage (in Feet): 1) 150' 2) , 150'

SW 17

To the Honorable Board of Adjustment:

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

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

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

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

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

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

E-mail Address: david@goodspace.com

Affirm that an appeal has been made for a:

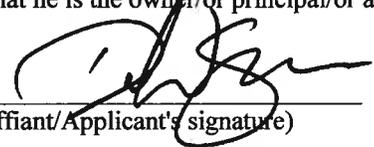
SPECIAL EXCEPTION to create an Alternate Landscape Plan, modifying the landscape-buffer requirements of Sec. 51A-10.134(b)(1).

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

Please see attached letter, dated Sept. 28, 2012

Affidavit

Before me the undersigned on this day personally appeared **David W. Spence** (Affiant/Applicant), who, on his oath, certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: 
(Affiant/Applicant's signature)

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


Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

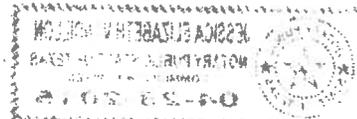
I hereby certify that David W. Spence

did submit a request for a special exception to the landscaping regulations
at 801 N. Bishop Avenue (AKA: 801 & 809 N. Bishop Avenue)

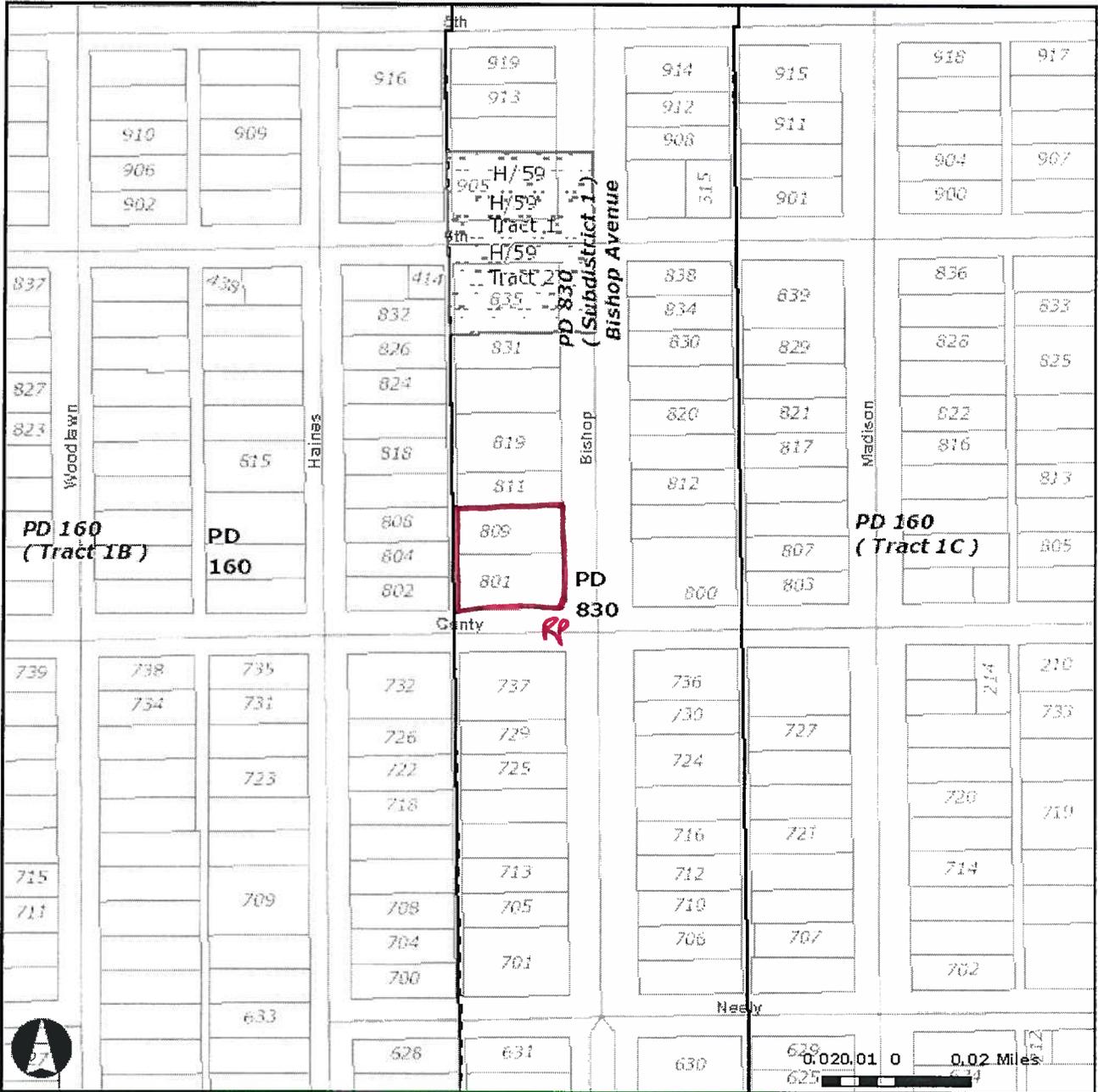
BDA112-115. Application of David W. Spence for a special exception to the landscaping regulations at 801 N. Bishop Avenue. This property is more fully described as a parcel of land to be platted as Lot 9A, Block 7/3329 and is zoned PD-830, which requires mandator landscaping. The applicant proposes to construct a multifamily residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Lloyd Denman, Building Official



City of Dallas Zoning



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

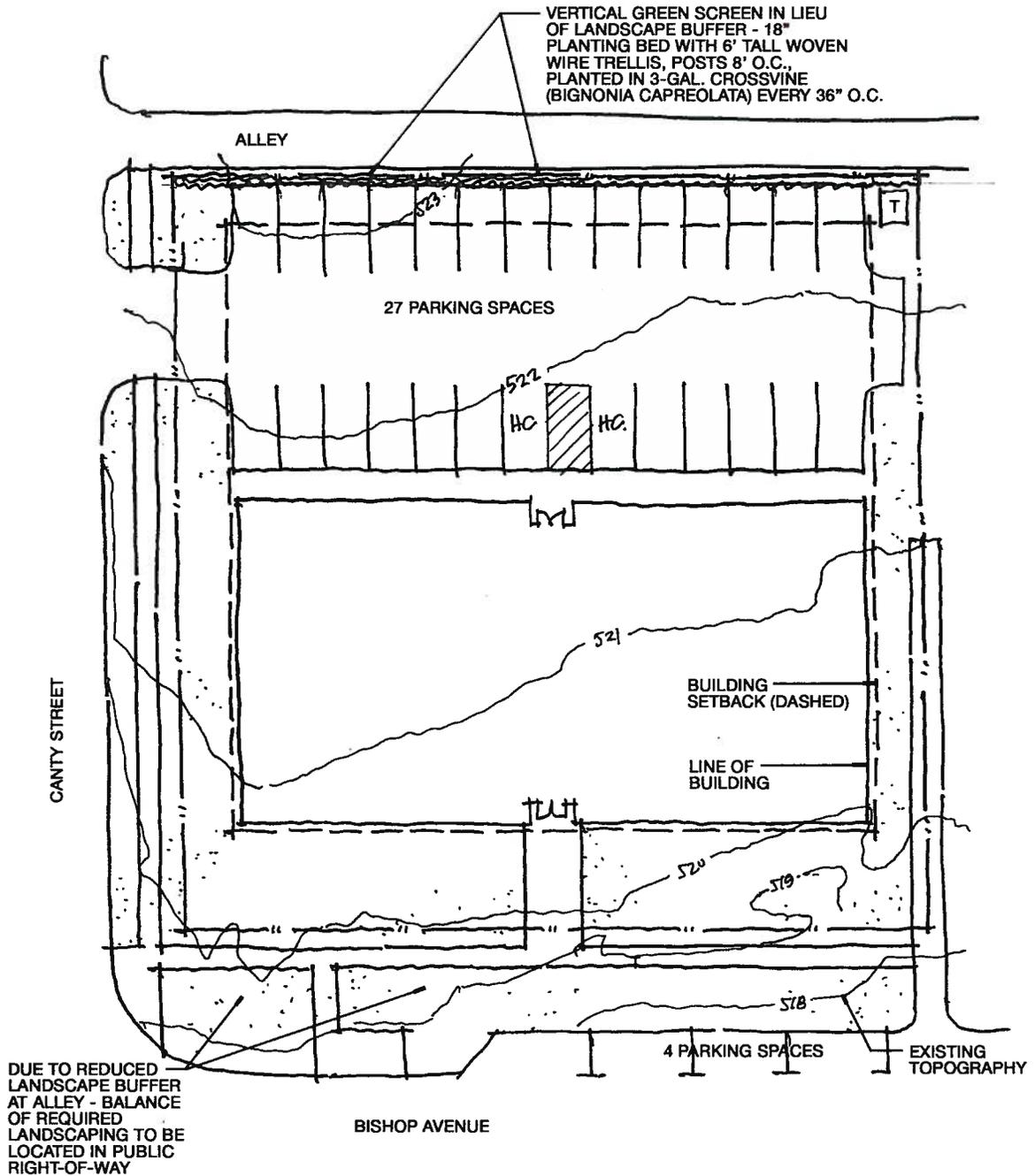
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

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

SITE PLAN: SPECIAL EXCEPTION GRANTED

801 N. Bishop Ave. / BDA 112-115

24 units (20 1-bedroom, 4 2-bedroom)



SITE 2



Not to Scale



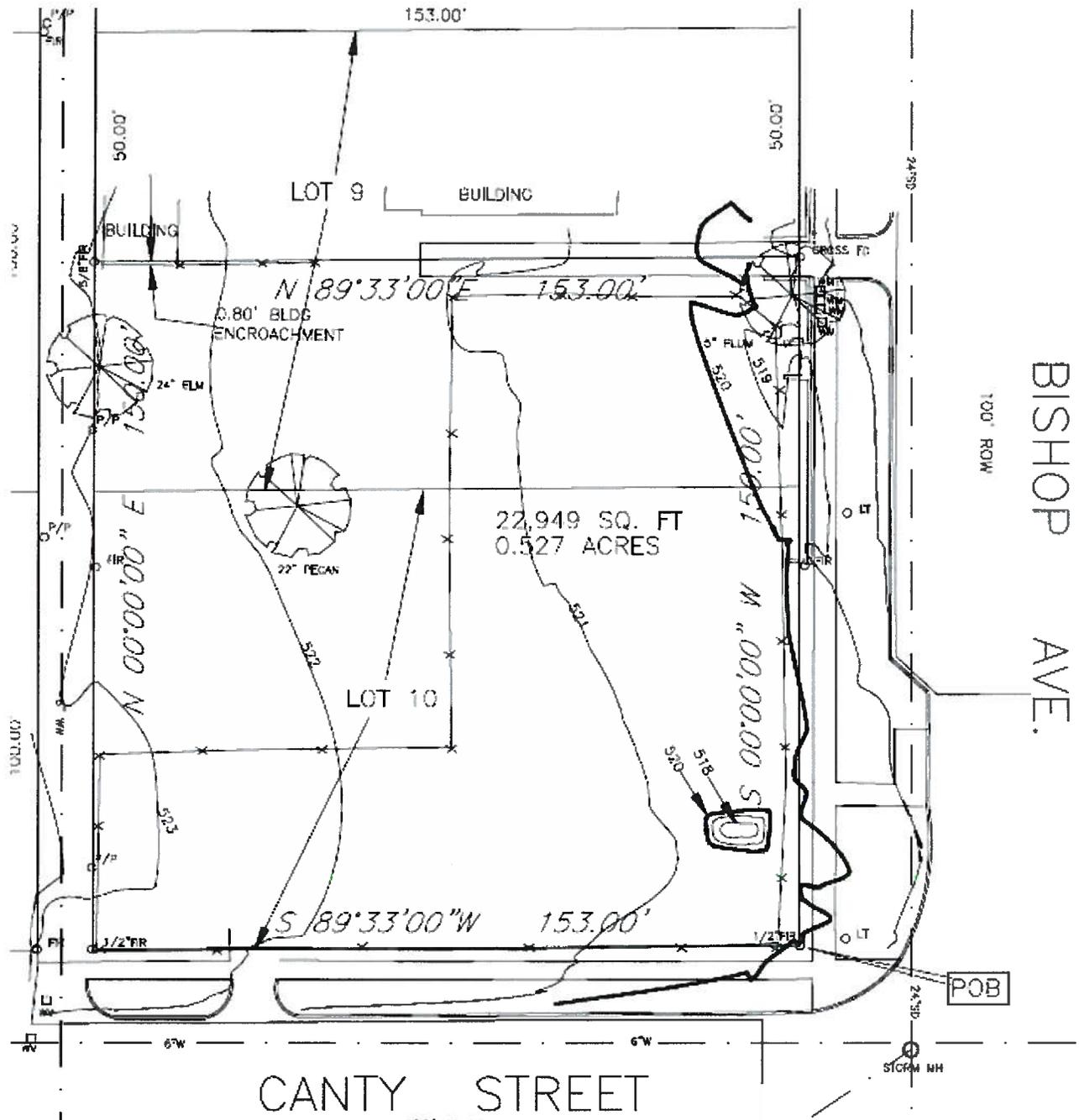
NORTH



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

MAGNOLIA - BISHOP AVENUE
 27 Septemeber 2012

LAND AND TREE SURVEY, DETAIL 801 N. Bishop Ave. / BDA 112-115



Not to Scale

GOOD SPACE

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

September 28, 2012

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

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

Dear Mr. Long:

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

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

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

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

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

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

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

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

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

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

With reference to state law on granting a variance:

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

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

Thank you for your attention to this application.

Yours truly,



David W. Spence
President

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



CONCEPTUAL - for internal use only

Wilder Belshaw Architects Inc.
 Savoye2 @ Mirivian Park, 3875 Ponte Ave., S. 410
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Magnolia Property Company
 (972) 850-0929

Bishop Ave.

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PREVALENCE OF REAR-ALLEY ACCESS

Yellow (light) arrow = Historical rear-alley access

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



REAR-ALLEY ACCESS: GOOD SPACE PROPERTIES



Bishop Green Apts (1925), 425 Neches St.



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



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

EXAMPLES OF "GREEN WALL"

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



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



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



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

PARKING PROFILE (COMBINED)

Application to Board of Adjustment

801 N. Bishop / BDA #112-115

908 N. Bishop / BDA #112-116

David Spence, Good Space Inc.

Randy Primrose, Magnolia Property Co.

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

1.54 spaces/apt



CITY OF DALLAS

AFFIDAVIT

Appeal # **BDA 112-115**

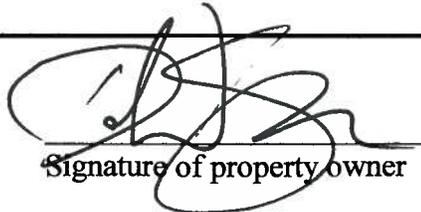
I, **David W. Spence**, sole director of **Good Space, Inc.**, a Texas corporation which owns the subject property at **801 N. Bishop Ave.**, Dallas County, Texas, do hereby authorize **David W. Spence** to pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

_____ Variance (specify below)

 X **Special Exception:** Alternate Landscape Plan, to modify the landscape-buffer requirements of Sec. 51A-10.134(b)(1).

_____ Other Appeal (specify below)

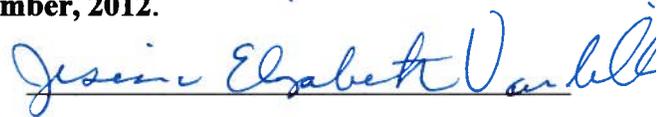
David W. Spence
Print name of property owner


Signature of property owner

Sept. 28, 2012
Date

Before me the undersigned on the day of personally appeared **David W. Spence**,
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.
Subscribed and sworn to before me this **28th** day of **September, 2012**.





Notary Public for Dallas County, Texas

Commission expires on 4/28/2015

RENDERINGS: SPECIAL EXCEPTION GRANTED

801 N. Bishop Ave. / BDA 112-115
24 units (20 1-bedroom, 4 2-bedroom)



Lot 1



CONCEPTUAL - for internal use only

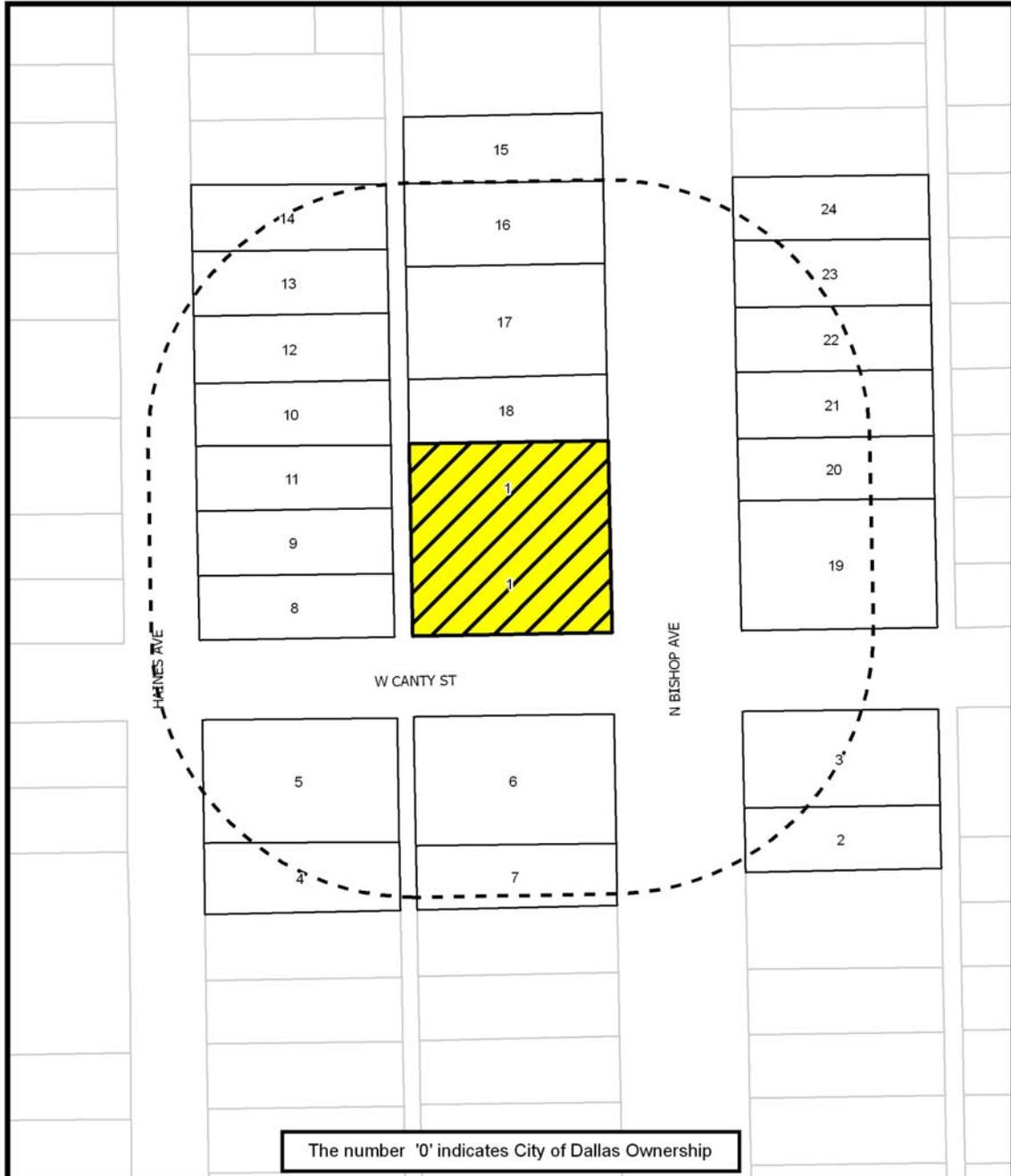


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Bishop Ave.

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 1:1,200	NOTIFICATION	Case no: BDA112-115			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
24	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA112-115

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	809 BISHOP AVE	GOOD SPACE INC
2	730 BISHOP AVE	MONTIEL JUANITA
3	736 BISHOP AVE	DRENNAN MARGIE L
4	726 HAINES AVE	CARRIE VIEUX
5	732 HAINES AVE	GARCIA SABADO
6	737 BISHOP AVE	CRUZ FAMILY LIMITED PS STE A
7	729 BISHOP AVE	DALLAS CITY HOMES INC % ACCOUNTS PAYABLE
8	802 HAINES AVE	SHINKARUK LARRY
9	804 HAINES AVE	HAMILTON SAMANTHA
10	812 HAINES AVE	BREN ADAM J STEPHENS
11	808 HAINES AVE	GAYTON JOSE DE LA LUS & MARIA DE LOS ANG
12	818 HAINES AVE	FITZGERALD COLLEEN M
13	820 HAINES AVE	CREEDE CAPITAL LP
14	824 HAINES AVE	FATHERREE BILLY R
15	831 BISHOP AVE	J CARVER INC
16	825 BISHOP AVE	ROMERO CARLOS J & ANTONIA S ROMERO
17	819 BISHOP AVE	LUMBLEY JOSEPH P JR
18	811 BISHOP AVE	BARTOSH DANIEL V III
19	800 BISHOP AVE	DE FEX ARMANDO J & JULIA N
20	808 BISHOP AVE	WILLIS CORINNA M BAILEY & RONALD E
21	812 BISHOP AVE	PAYMA MICHAEL D
22	818 BISHOP AVE	VARGAS FIDELA
23	820 BISHOP AVE	JC LEASING LLP
24	826 BISHOP AVE	BLOCK KEVIN C & JACQUELYN K