

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 21, 2013
AGENDA

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

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the Monday, September 16, 2013 Board of Adjustment Public Hearing Minutes	M1
Consideration and approval of Panel C's 2014 Public Hearing Calendar	M2

UNCONTESTED CASES

BDA 123-083	8410 Blue Bonnet Road REQUEST: Application of Juanita Couch for a special exception to the fence height regulations	1
BDA 123-099	4410 Walnut Hill Lane REQUEST: Application of Jeff Davis for a special exception to the fence height regulations	2
BDA 123-101	2211 Singleton Boulevard REQUEST: Application of Troy Broussard represented by Abby A. Hiles for a special exception to the off-street parking regulations	3

HOLDOVER CASES

BDA 123-054	8000 Park Lane REQUEST: Application of Colesen C. Evans for a variance to the front yard setback regulations	4
BDA 123-092	5522 Maple Avenue REQUEST: Application of Mark Housewright for a variance to the front yard setback 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 C September 16, 2013 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

To approve the Board of Adjustment Panel C's 2014 public hearing calendar (see Attachment A).

BOARD OF ADJUSTMENT

Calendar for year 2014 (United States)

m2
Attach A

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Holidays and Observances:	
Jan 1 New Year's Day	Jul 4 Independence Day
Jan 20 Martin Luther King Day	Sep 1 Labor Day
Feb 14 Valentine's Day	Oct 13 Columbus Day (Most regions)
Feb 17 Presidents' Day	Oct 31 Halloween
Apr 13 Thomas Jefferson's Birthday	Nov 11 Veterans Day
Apr 20 Easter Sunday	Nov 27 Thanksgiving Day
May 11 Mothers' Day	Dec 24 Christmas Eve
May 26 Memorial Day	Dec 25 Christmas Day
Jun 15 Fathers' Day	Dec 31 New Year's Eve

LEGEND

PANEL C
 PANEL A
 PANEL B

Calendar generated on www.timeanddate.com/calendar

FILE NUMBER: BDA 123-083

BUILDING OFFICIAL'S REPORT: Application of Juanita Couch for a special exception to the fence height regulations at 8410 Blue Bonnet Road. This property is more fully described as Lot 1, Block H/4978 and is zoned PD-455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 9 foot high fence, which will require a special exception to the fence height regulations of 5 feet.

LOCATION: 8410 Blue Bonnet Road

APPLICANT: Juanita Couch

REQUEST:

A special exception to the fence height regulations of 5' is requested in conjunction with maintaining a masonry fence/wall in the site's 30' front yard setback on a site that is currently developed with a single family home – a fence/wall that according to the applicant's submittals averages 8' 6" in height but ranges from 7' 6" – 9' given grade changes on the property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 455 (Planned Development)
North: PD 455 (Planned Development)
South: R-10(A) (Single family district 10,000 square feet)
East: PD 455 (Planned Development)
West: PD 455 (Planned Development)

Land Use:

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

Zoning/BDA History:

1. BDA 123-062, Property at 8410
Bluebonnet Road (the subject site)

On June 17, 2013, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 5 feet without prejudice. The case report stated the application was made in conjunction with maintaining a masonry wall in the site's 30' front yard setback on a site that is currently developed with a single family home – a wall that according to the applicant's submittals averaged 8' 6" in height but ranged from 7' 6" – 9' given grade changes on the property.

2. BDA 86-172, Property at 8410
Bluebonnet Road (the subject site)

On July 22, 1986, the Board of Adjustment granted a request to maintain an 8 foot fence on the property as a special exception to the height regulations for fences. The board imposed the following condition: "The landscape plan be adhered to as submitted to the Board also including the existing sprinkler system not shown the plans." The case report stated that the applicant was asking that he be permitted to erect a solid fence in the front yard along Bluebonnet Road, and that landscape plans submitted by the applicant reflect the existing vegetation, and the placement of the fence will be behind this vegetation, thereby, reducing the solidness of the fence.

Timeline:

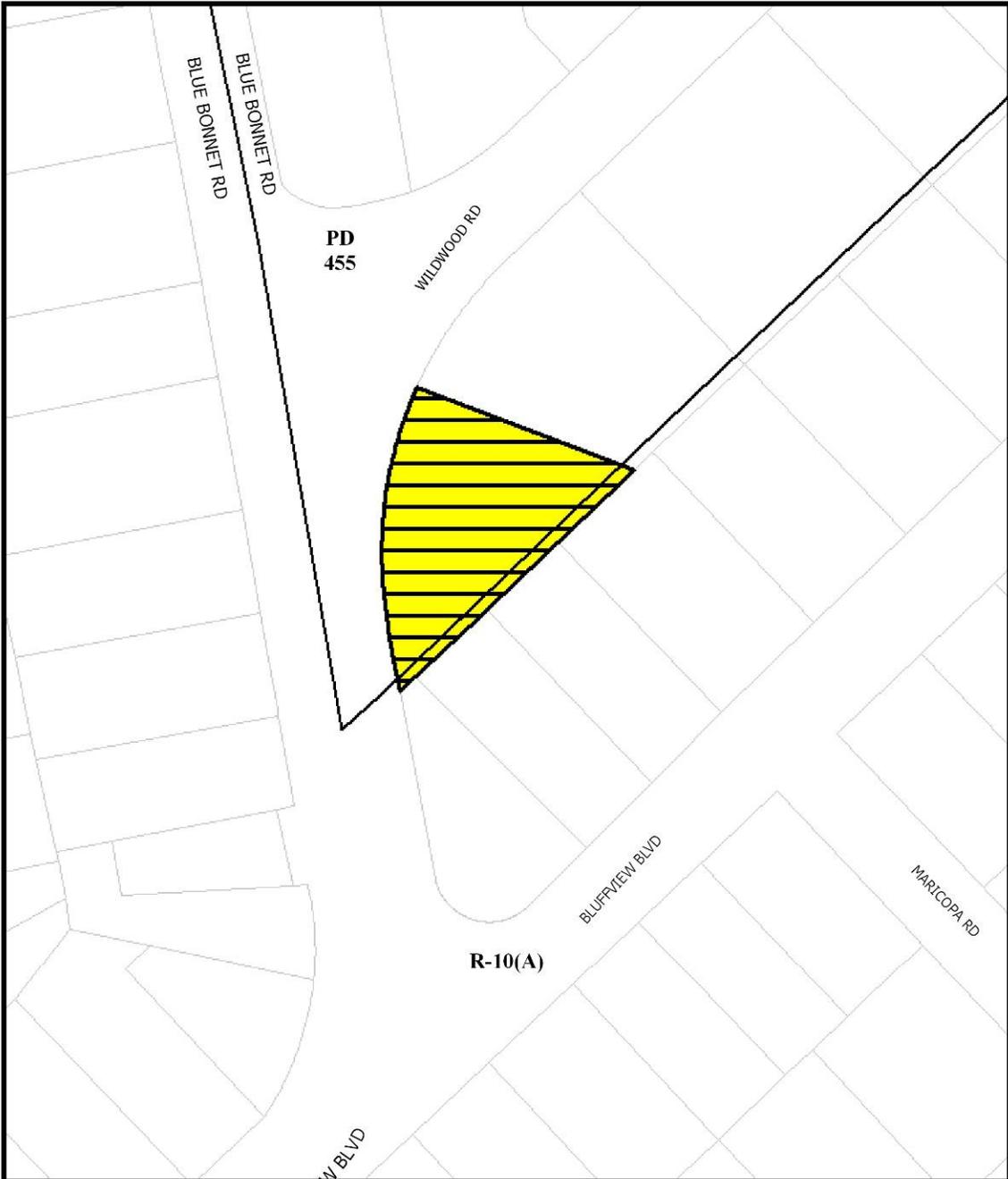
- June 26, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 20, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- August 20, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th 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 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department 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 were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a masonry fence/wall in the front yard setback on a property developed with a single family home – a wall that according to the applicant’s submittals averages 8’ 6” in height and ranges from 7’ 6” – 9’ in height given grade changes on the property.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.

- The applicant has submitted a site plan and an elevation document of the proposal in the front yard setback with notations indicating that the masonry fence reaches a maximum height of 9’.
- The following additional information was gleaned from the submitted plot plan/site plan:
 - The proposal in the front yard setback is represented as being approximately 120’ in length parallel to the street and approximately 30’ in length perpendicular to the street on the north side of the site in the front yard setback.
 - The proposal is represented as being located on the property line or about 13’ from the pavement line.
- The following additional information was gleaned from the submitted elevation document:
 - Notation of “the front wall detail will include cable nail trellis with evergreen jasmine vines, the vines will be planted every 3’-0” along the wall. They will be planted as a 5 gallon plant.”
- The proposal is located across from three single family homes, none that appear to have fences in their front yards over 4’ in height.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4’ in height and located in a front yard setback- an approximately 8’ high wood fence/7’ high brick fence located immediately south of the site with no recorded BDA history.
- As of October 14, 2013, no letters/emails have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5’ will not adversely affect neighboring property.
- Granting this special exception of 5’ with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4’ in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.



1:1,200

ZONING MAP

Case no: BDA123-083

Date: 9/10/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-083

Data Relative to Subject Property:

Date: 6-26-13

Location address: 8410 Blue Bonnet Rd. Zoning District: PD455

Lot No.: 1 Block No.: H/4978 Acreage: .5 Census Tract: 73.02

Street Frontage (in Feet): 1) 235' 2) _____ 3) _____ 4) _____ 5) _____

NE 21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Couch Enterprises LP

Applicant: Juanita Couch Telephone: 2149081164

Mailing Address: 323 Centre Dallas, Tx. Zip Code: 75208

E-mail Address: Juanita Couch 1 @ yahoo.com

Represented by: Juanita Couch Telephone: 2149081164

Mailing Address: 323 Centre Dallas, Tx Zip Code: 75208

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 5 feet added to the masonry fence in the front/side yard

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
Granting a 5 foot special exception will not adversely affect the neighborhood. It is necessary due to the location of fronting midway - a pool being in the yard.

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.

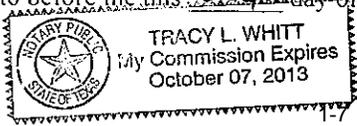
Affidavit

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

Subscribed and sworn to before me this 26 day of June, 2013



Tracy L. Whitt
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 Juanita Couch

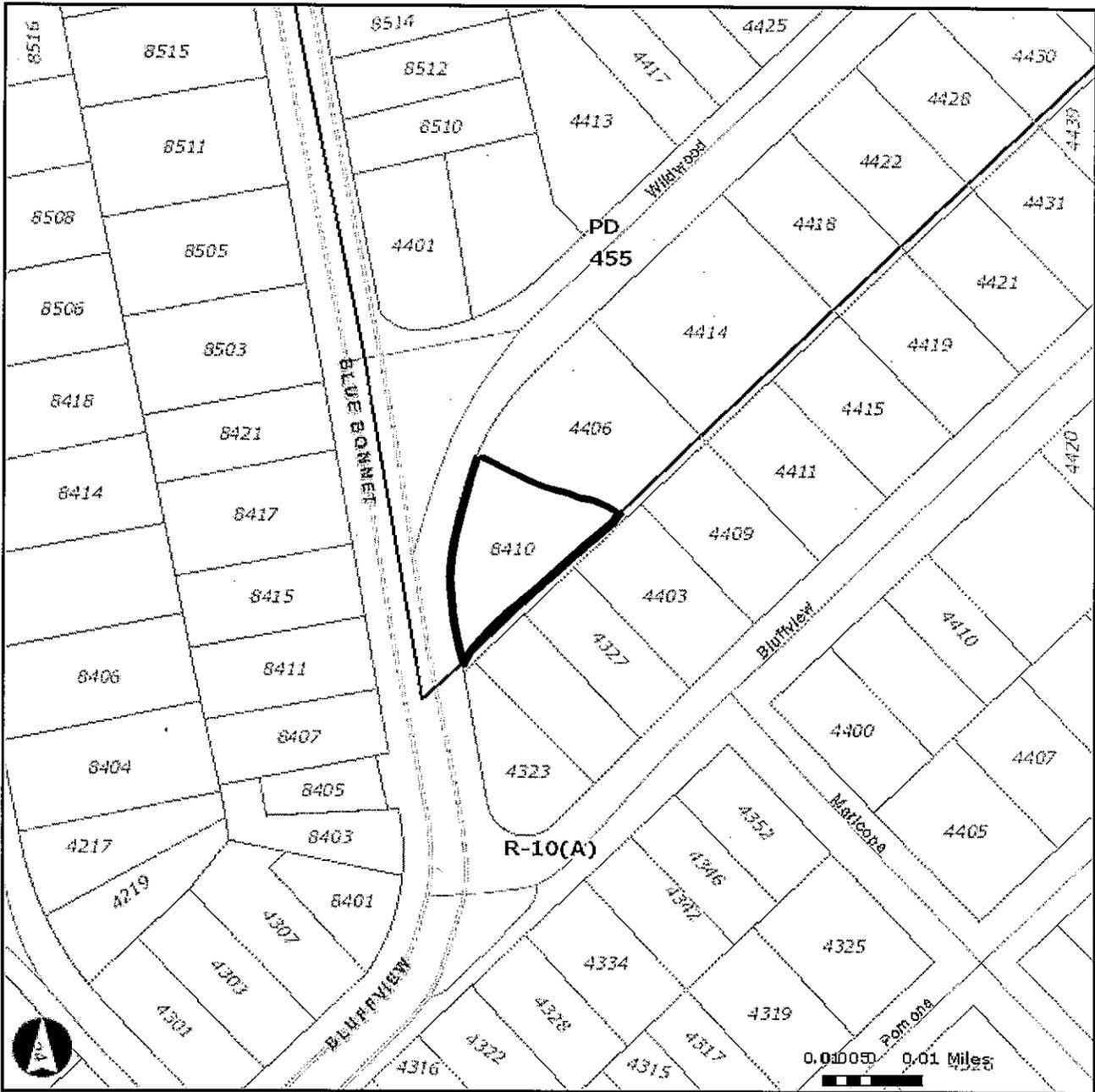
did submit a request for a special exception to the fence height regulations
at 8410 Blue Bonnet Road

BDA123-083. Application of Juanita Couch for a special exception to the fence height regulations at 8410 Blue Bonnet Road. This property is more fully described as Lot I, Block H/4978 and is zoned PD-455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



City Boundaries

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

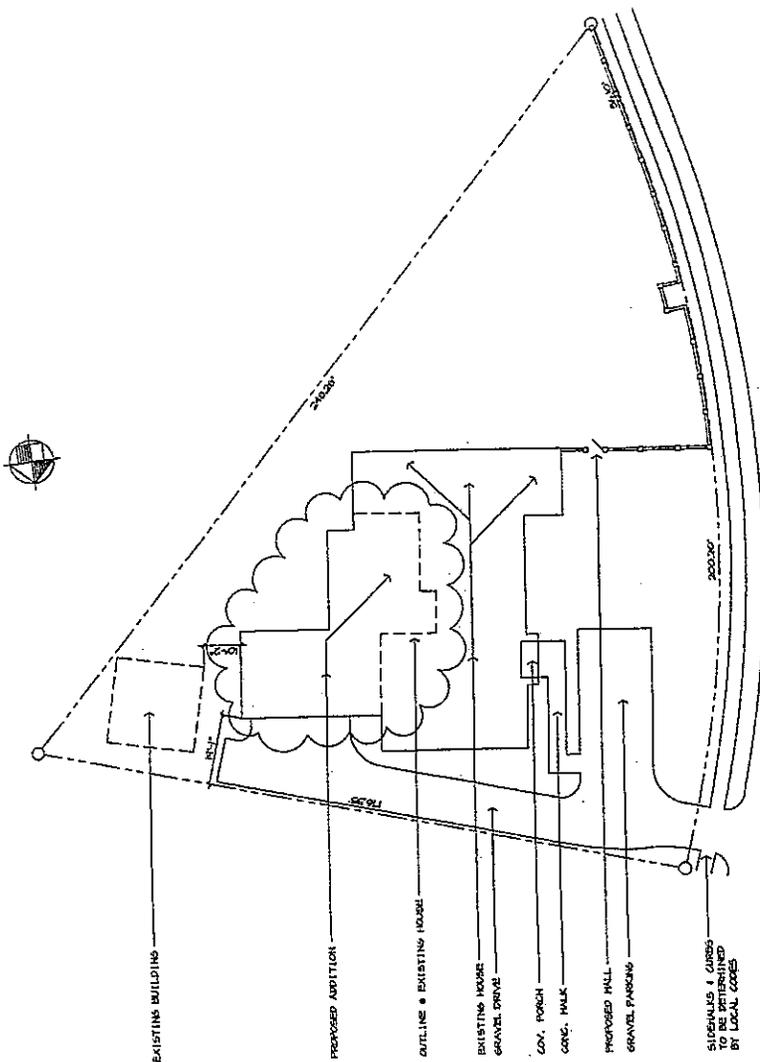
Dry Overlay

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

Base Zoning

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

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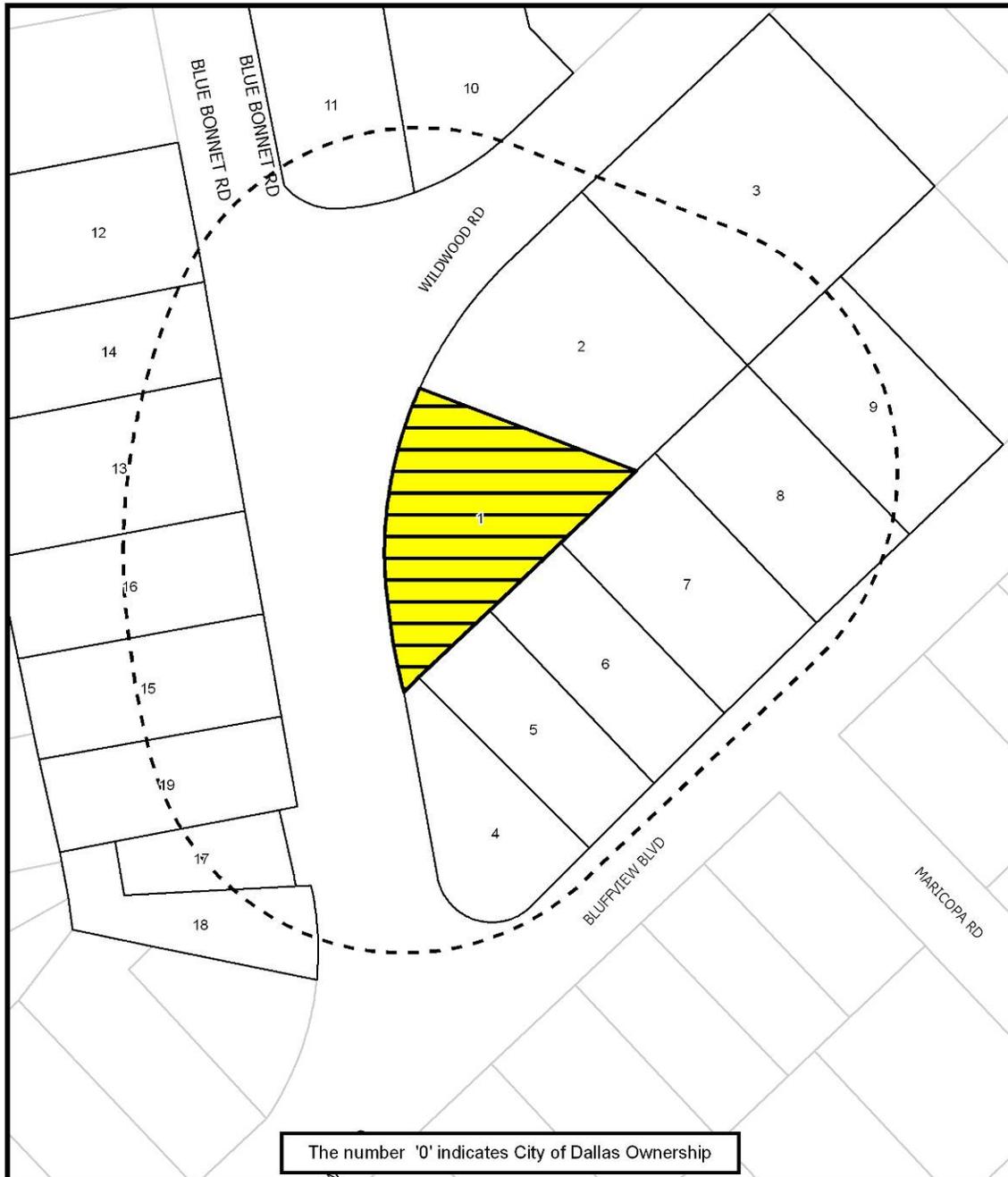
8410 BLUEBONNET ROAD

SCALE: 1" = 20'-0"

○ PLOT PLAN

BUILDER
DANNY ABDO
 BUILDER CLIENT

LOT 1 BLOCK H/471D
 BLUFF VIEW ESTATES
 8410 BLUEBONNET ROAD
 DALLAS TEXAS



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA123-083**

Date: **9/10/2013**

Notification List of Property Owners

BDA123-083

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8410 BLUEBONNET RD	WOLF JACKIE D & JEANNA C
2	4406 WILDWOOD RD	GARZA JESUS M JR & ELIZABETH B GARZA
3	4414 WILDWOOD RD	YORK PETER D & CAROL A
4	4323 BLUFFVIEW BLVD	LUECKEMEYER DOUGLAS E & ELIZABETH
5	4325 BLUFFVIEW BLVD	WARDNER JULIE A
6	4327 BLUFFVIEW BLVD	CROSBIE DARREN B
7	4403 BLUFFVIEW BLVD	CRANFILL JOHN E & ELMIRA P
8	4409 BLUFFVIEW BLVD	ANSEL SUSAN M
9	4411 BLUFFVIEW BLVD	ADAMS IMOGENE R
10	4405 WILDWOOD RD	MATUREY ROBERT L & LINDA S REYNOLDS
11	4401 WILDWOOD RD	ELLIOTT SHAWN P & PAULA J
12	8503 BLUEBONNET RD	GARRETT WILLIS LEE JR
13	8417 BLUEBONNET RD	PATRICK FAMILY LIVING TRUST
14	8421 BLUEBONNET RD	KELLY PATRICK J & JUDITH A
15	8411 BLUEBONNET RD	SHAW PAUL N
16	8415 BLUEBONNET RD	CRUM GREGORY N & MICHELLE
17	8405 BLUEBONNET RD	CUELLAR MANI ALYCEN
18	8403 BLUEBONNET RD	MILES JASON
19	8407 BLUEBONNET RD	MANI PETER W

FILE NUMBER: BDA 123-099

BUILDING OFFICIAL'S REPORT: Application of Jeff Davis for a special exception to the fence height regulations at 4410 Walnut Hill Lane. This property is more fully described as the western part of Lot 26, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 7 foot 6 inch high fence, which will require special exception to the fence height regulations of 3 feet 6 inches.

LOCATION: 4410 Walnut Hill Lane

APPLICANT: Jeff Davis

REQUEST:

A special exception to the fence height regulations of 3' 6" is requested in conjunction with completing and maintaining a stone fence/wall with columns in the site's Walnut Hill Lane 40' front yard setback on a site that is currently developed with a single family home – a fence/wall with columns that according to the applicant's submittal ranges in height given grade changes on the property from 5' – 7' 6".

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 078-116, Property at 4421 Walnut Hill Lane (the subject site) On October 14, 2008, the Board of Adjustment Panel A denied a request for a special exception to the fence height regulations of 4 feet without prejudice. The case report stated the application was made in conjunction with completing and maintaining an 8' high solid cedar board-on-board fence/wall with two 7' 6" high open wrought iron gates in the site's 35' front yard setback on a site developed with a single family home.

Timeline:

- August 14, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- September 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- September 19, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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 1, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

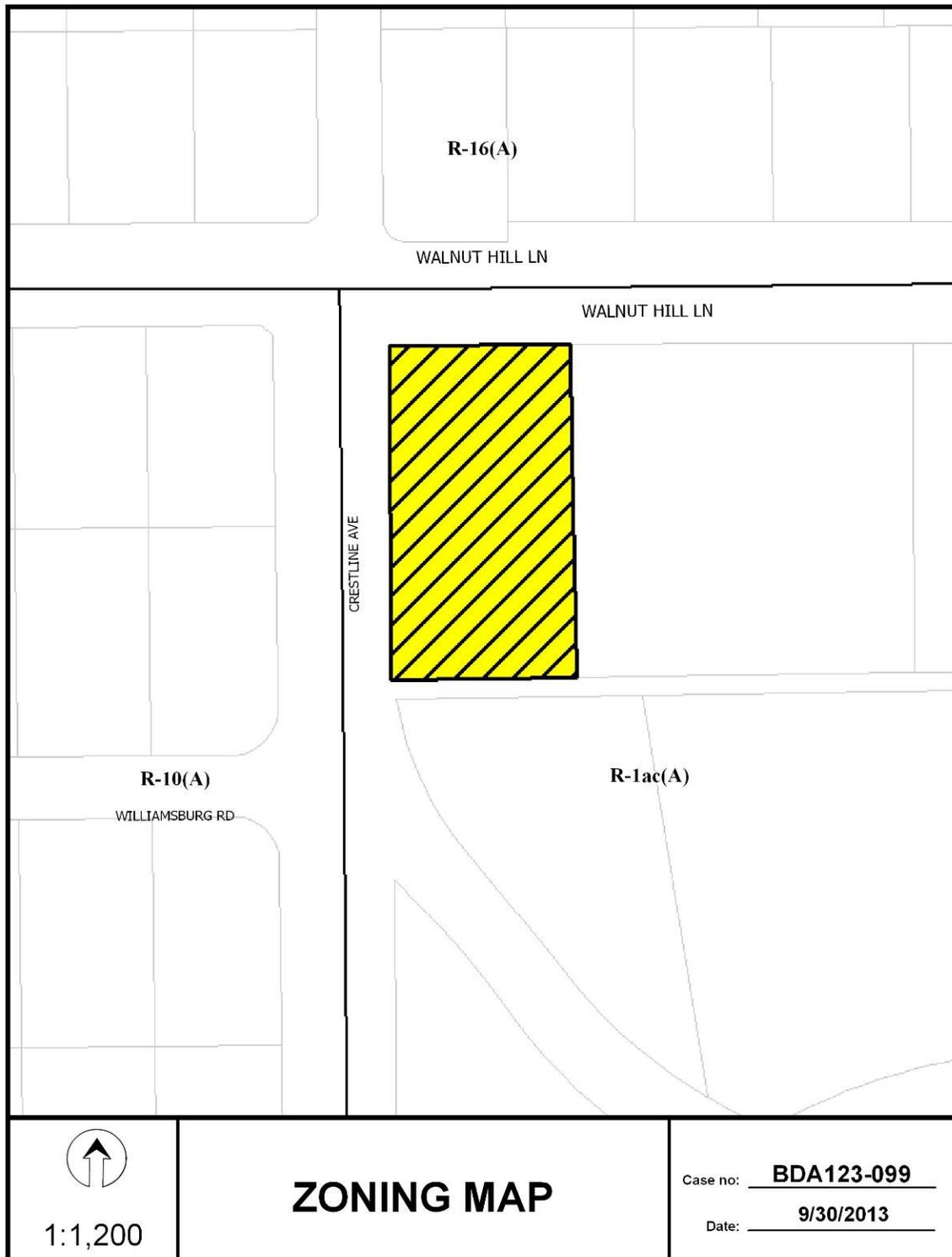
October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department 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.

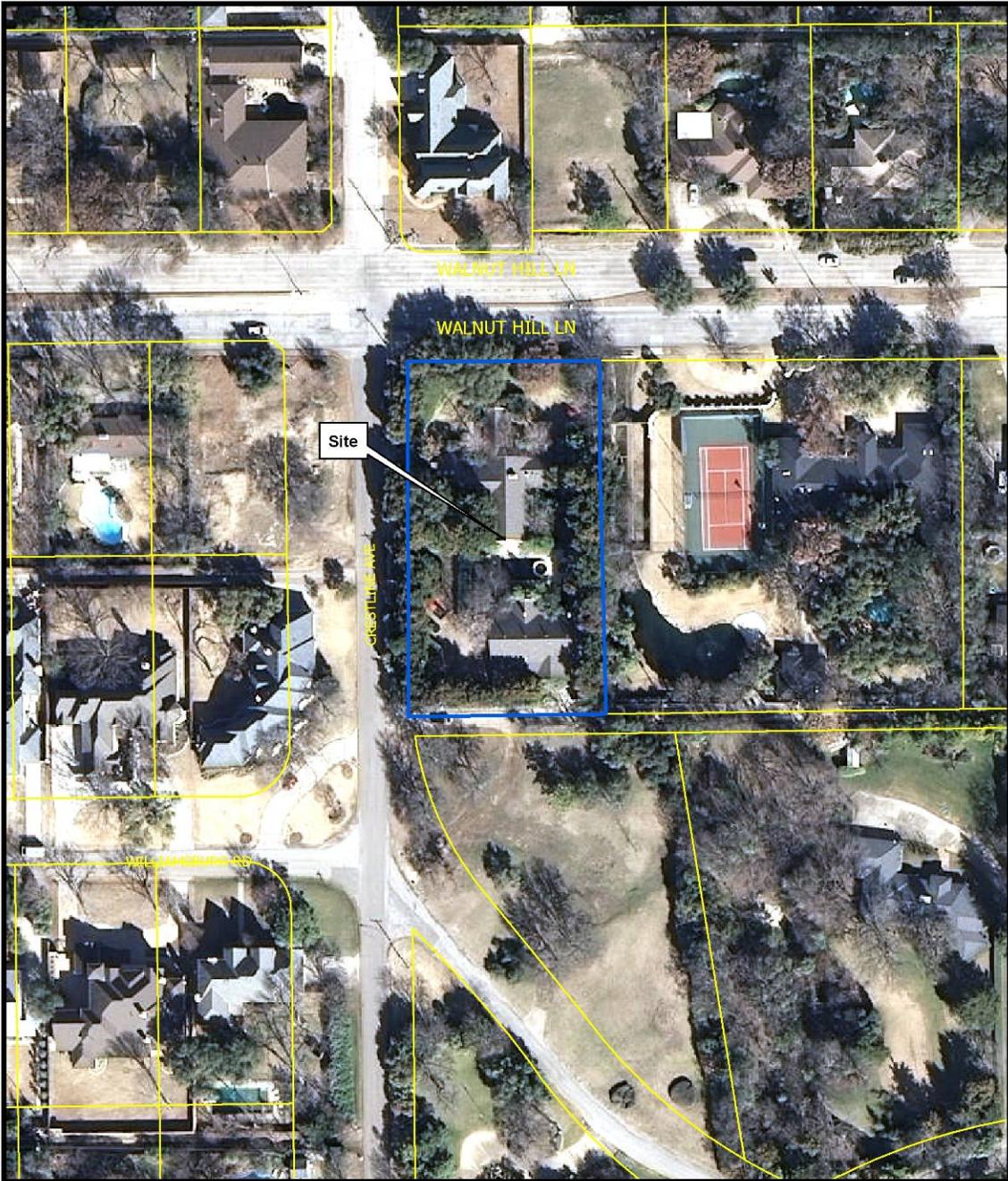
No review comment sheets were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a stone fence/wall with columns in the site's Walnut Hill Lane 40' front yard setback on a site that is currently developed with a single family home – a fence/wall with columns that according to the applicant's submittals ranges in height given grade changes on the property from 5' – 7' 6".
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southeast corner of Walnut Hill Lane and Crestline Avenue. The site has two 40' front yard setbacks where the focus of the applicant's request in this application is only to complete and maintain a fence higher than 4' in the site's front yard setback on Walnut Hill Lane. No part of the application is made to address any fence in the site's Crestline Avenue front yard setback.
- The applicant has submitted a revised site plan and a "plan and elevations" document of the proposal in the front yard setback with notations indicating that the stone wall and stone columns reaches a maximum height of 7' 6".
- The following additional information was gleaned from the submitted revised site plan:
 - The proposal in the front yard setback is represented as being approximately 130' in length parallel to the Walnut Hill Lane and approximately 5' in length perpendicular to Walnut Hill Lane on the west side of the site in the Walnut Hill Lane front yard setback.
 - The proposal is represented as being located approximately 2' – 35' from the Walnut Hill Lane front property line or about 7' – 40' from the Walnut Hill Lane pavement line.
- The proposal is located across from two single family homes, neither of which have fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback. This fence is an approximately 8' high wood fence/7' high brick fence located immediately east of the site with no recorded BDA history.
- As of October 14, 2013, four letters/emails have been submitted in support of the request, and no letters/emails have been submitted in opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 6" will not adversely affect neighboring property.
- Granting this special exception of 3' 6" with a condition imposed that the applicant complies with the submitted site plan and "plan and elevations" document would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.



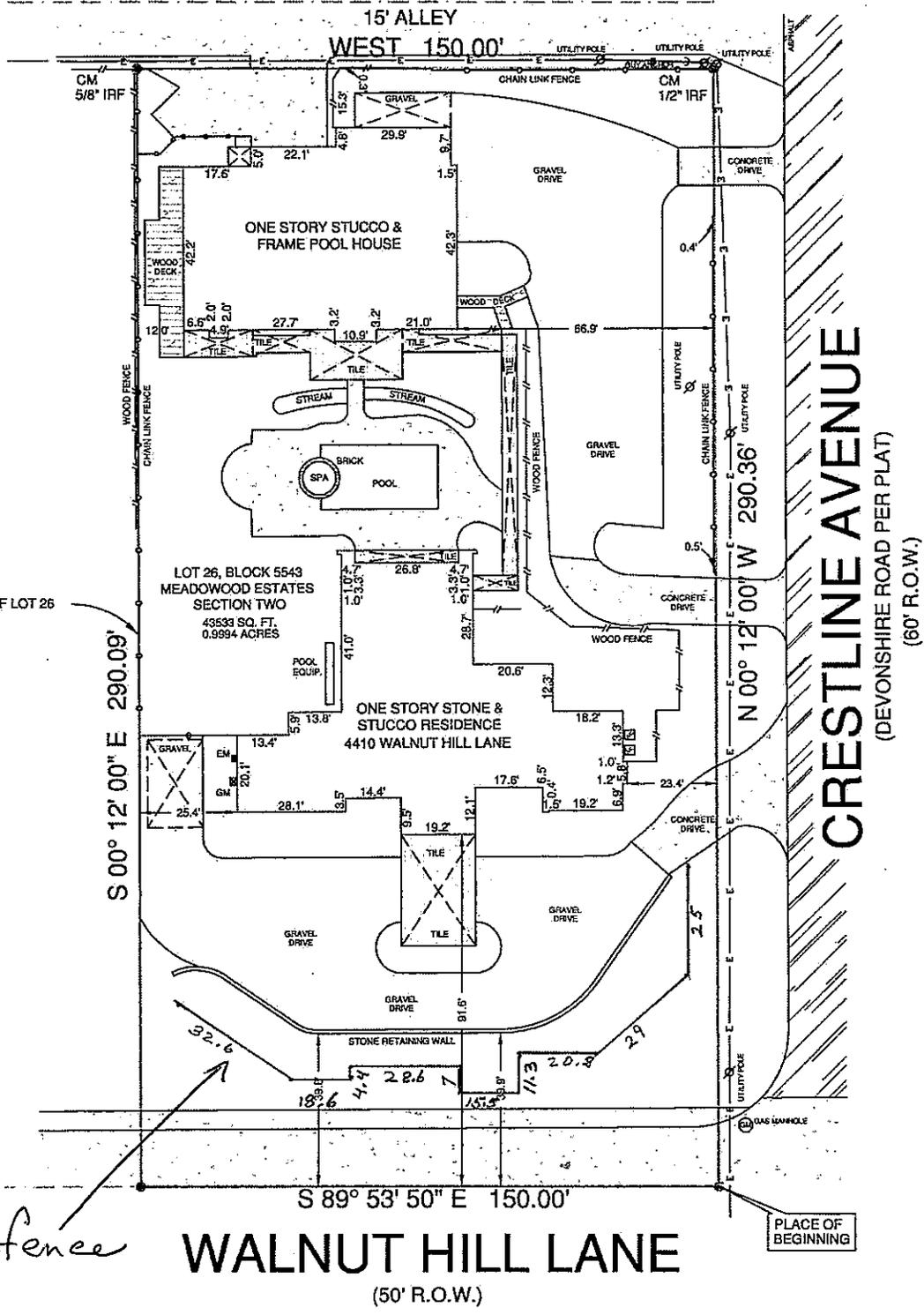


1:1,200

AERIAL MAP

Case no: BDA123-099

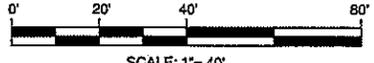
Date: 9/30/2013



REMAINDER OF LOT 26

fence

PLACE OF BEGINNING



NOTES:
 BEARINGS ARE BASED ON THE RECORDED PLAT AND DEED.

LEGAL DESCRIPTION

GF. NO. 11-114980-PC



City of Dallas

C

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-099

Date: 8-14-13

Data Relative to Subject Property:

Location address: 4410 Walnut Hill Ln. Zoning District: R-1ac(A)
Lot No.: 26 Block No.: 5543 Acreage: 0.97 Census Tract: 206.00
Street Frontage (in Feet): 1) 150 2) 3) 4) 5)

NE 2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeff Davis
Applicant: Jeff Davis Telephone: 214.906.4076
Mailing Address: 4410 Walnut Hill Ln. Zip Code: 75229
E-mail Address: jeff.davis@accessdmc.com
Represented by: Jeff Davis Telephone: 214.906.4076
Mailing Address: Zip Code:
E-mail Address:

Affirm that an appeal has been made for a Variance or Special Exception of 36" to the fence height in a front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
This wall will enhance the property and will not affect any neighbor's views. The wall will help out the sound from traffic on Walnut Hill Ln. The closest neighbors have written letters of approval. Most homes in this area have 8' walls. Our wall will enhance the neighborhood.

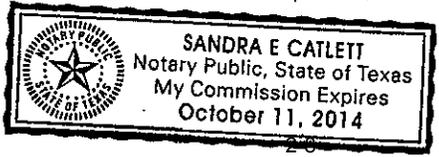
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Jeff Davis (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 14 day of August 2013



Sandra E. Catlett 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

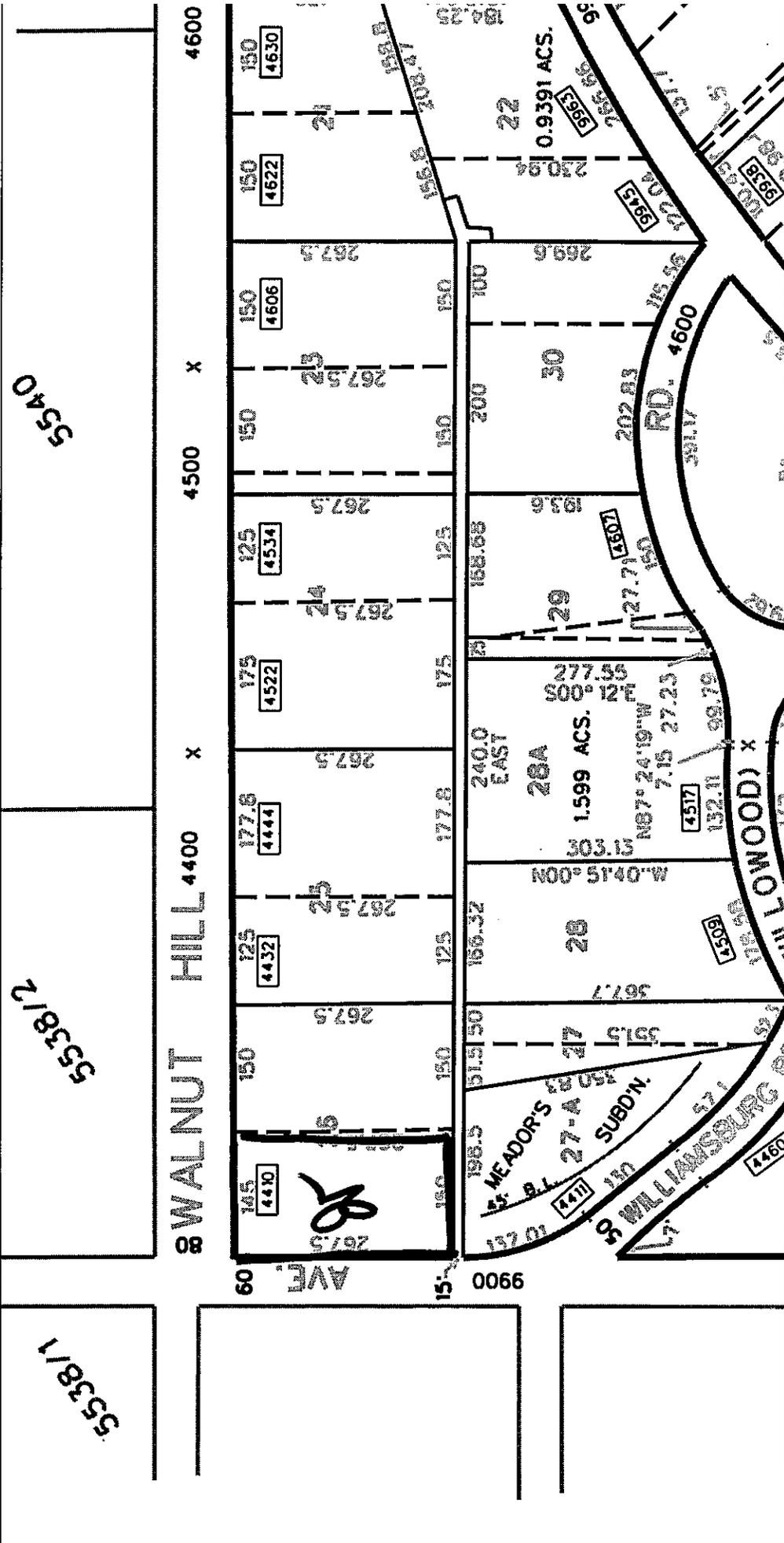
I hereby certify that Jeff Davis
did submit a request for a special exception to the fence height regulations
at 4410 Walnut Hill Lane

BDA123-099. Application of Jeff Davis for a special exception to the fence height regulations at 4410 Walnut Hill Lane. This property is more fully described as the western part of Lot 26, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 7 foot 6 inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official





C:\tax_plats\5543.dgn 8/19/2013 8:43:19 AM

City of Dallas Zoning



City Boundaries

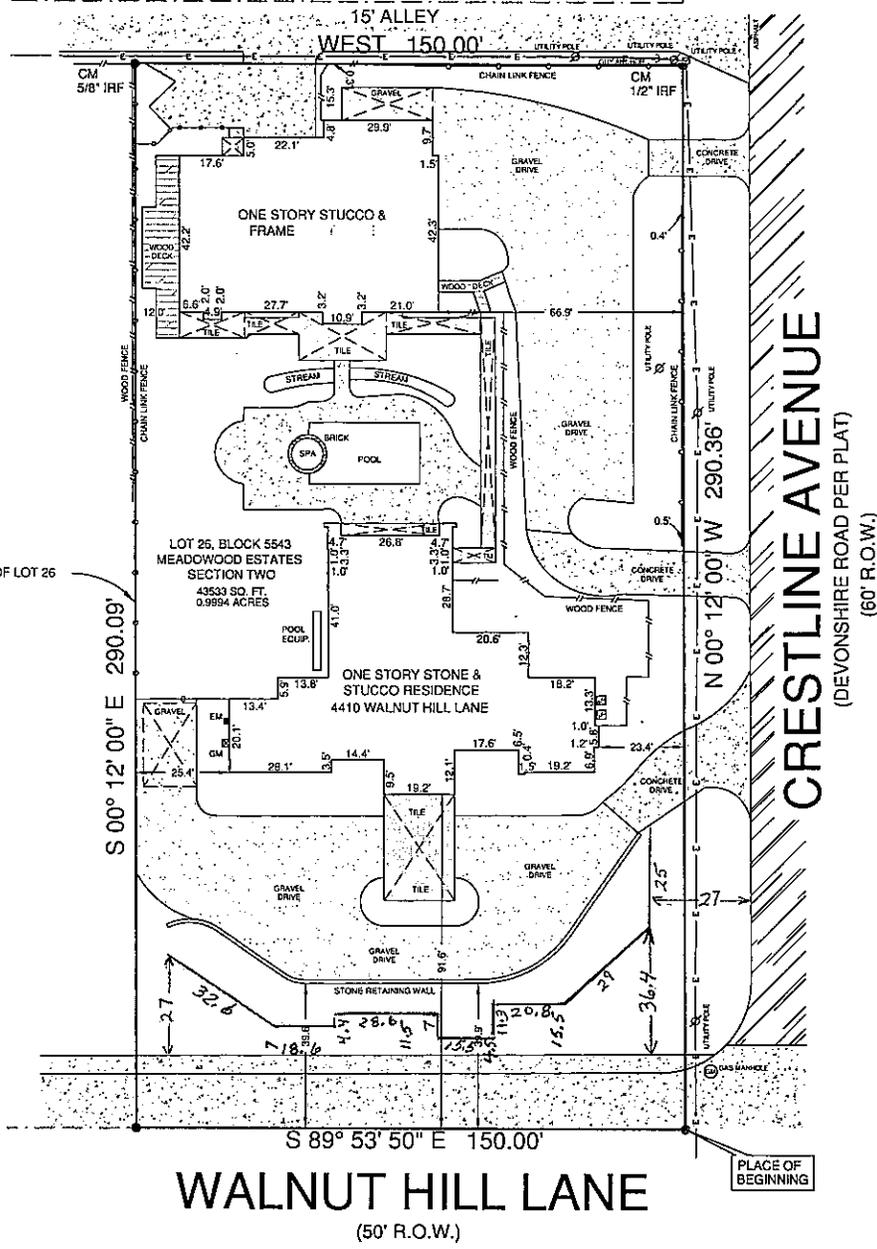
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

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

Base Zoning

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



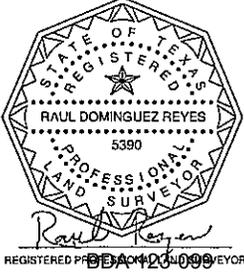
NOTES:
BEARINGS ARE BASED ON THE RECORDED PLAT AND DEED.

LEGAL DESCRIPTION:
BEING A PART OF LOT 26 IN BLOCK 5443 OF MEADOWOOD ESTATES, SECTION TWO, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 6, PAGE 447 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN A METES AND BOUNDS DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF ON PAGE TWO.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THAT THE SURVEY REFLECTS A TRUE AND CORRECT REPRESENTATION AS TO THE DIMENSIONS AND CALLS OF PROPERTY LINES; LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN. THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48113C0190 J DATED AUGUST 23, 2001. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON.

GF. NO.	11-114980-PC
BORROWER	JEFFEREY G. DAVIS & ROBERT THOMAS TURNER
TECH	RAH
FIELD	JR
REVISION DATE:	05/31/11

DATE: 05/26/11 JOB NO.: 11-0300



DATE: _____
ACCEPTED BY: _____
2-12

5800 Plano Parkway, Suite 225
Plano, Texas 75093
Office 972-612-3601
Fax 972-964-7021



Long, Steve

From: Duerksen, Todd
Sent: Monday, August 19, 2013 9:41 AM
To: Long, Steve
Subject: FW: Email to Dallas Board of Adjustment 2 of 2
Re: BDA123-099, 4410 Walnut Hill Lane, Fence height special exception appeal.

From: Jeff Davis [mailto:jeff.davis@accessdmc.com]
Sent: Monday, August 19, 2013 9:36 AM
To: Duerksen, Todd
Subject: FW: Email to Dallas Board of Adjustment 2 of 2

Dear Board of Adjustment -

We reside at 4432 Walnut Hill Lane and are immediate neighbors to Robert Turner and Jeff Davis. We have reviewed their plans for a proposed stone wall that will surround the front of their property and we certainly have no objections to the design or height of the wall. In fact, if approved, the wall will enhance their property and is in keeping with the neighborhood in general, and our property in particular. We support approval of their application.

If you have any questions, please do not hesitate to contact us at 214.802.9064.

Sincerely,

Neil & Jan Hupfauer
4432 Walnut Hill Lane
Dallas, TX 75229
214.358.5571 (Land)
214.802.9064 (Cell)
214.366.0246 (Fax)
nhupfauer@gmail.com

Long, Steve

From: Duerksen, Todd
Sent: Monday, August 19, 2013 9:40 AM
To: Long, Steve
Subject: FW: E-mail to Board of Adjustments 1 of 2
Re: BDA123-099, 4410 Walnut Hill Lane, Fence height special exception appeal.

From: Jeff Davis [mailto:jeff.davis@accessdmc.com]
Sent: Monday, August 19, 2013 9:35 AM
To: Duerksen, Todd
Subject: FW: E-mail to Board of Adjustments 1 of 2

Dear Board of Adjustment:

We are building a home at 9919 Crestline Ave., which is located at the intersection of Walnut Hill Lane and Crestline Ave., and will be the immediate western neighbor of Robert Turner and Jeff Davis on Walnut Hill.

The Austin Stone wall they are proposing to build meets with our approval and, in our opinion, will be an enhancement to their property as well as Walnut Hill Lane.

As a result, we encourage you to support the construction of this wall.

Should you have any questions, please feel free to call us at 214.335.4552.

Best regards,

Mary McLean and Randy Walker
9919 Crestline Ave.
Dallas, TX 75220
214.335.4552 (cell)
mmcleantx@earthlink.net

Long, Steve

From: Jeff Davis [jeff.davis@accessdmc.com]
Sent: Thursday, September 12, 2013 9:45 AM
To: Long, Steve; Duerksen, Todd
Subject: FW: 4410 Walnut Hill Lane, Dallas, TX
Hi Steve and Todd,

Below is an email that I received from a neighbor last night. I wanted to get this in the file.

Thank you so much!

Jeff

Jeff Davis | Partner

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

Arizona | California | Florida | Illinois | Nevada | Texas

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

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

From: Tami Ruderer [mailto:tamiruderer@yahoo.com]
Sent: Wednesday, September 11, 2013 8:02 PM
To: Jeff Davis
Subject: 4410 Walnut Hill Lane, Dallas, TX

Jeff,

I wanted to let you know that I have been admiring the stone wall that is being built around your home. The stone color selected is beautiful and fits well in the neighborhood. Additionally, the quality of construction along with the layout is very appealing.

Since I live directly across the street (4407 Walnut Hill), I have been admiring the build process each day and in fact, need to do something similar on my side of the road. I would appreciate it if you could share the name of the stone mason who has done such a quality job.

If you need any testimonials other than this email, please let me know.

Tami Ruderer
4407 Walnut Hill Lane
214-202-7629

Long, Steve

From: Jeff Davis [jeff.davis@accessdmc.com]
Sent: Thursday, September 19, 2013 10:28 AM
To: Long, Steve; Duerksen, Todd
Subject: FW: Fence

Attachments: untitled-[2].html

Last letter from new neighbor!

Jeff Davis | Partner

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

Arizona | California | Florida | Illinois | Nevada | Texas

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

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

From: jules.corder@cordermfg.com [mailto:jules.corder@cordermfg.com]
Sent: Thursday, September 19, 2013 10:09 AM
To: Jeff Davis
Subject: Fence

Mr. Davis &
City of Dallas,

This is a letter in re-guards to Mr. Davis proposed Fence / Stone Wall surrounding the property at Corner of Creastline Ave.

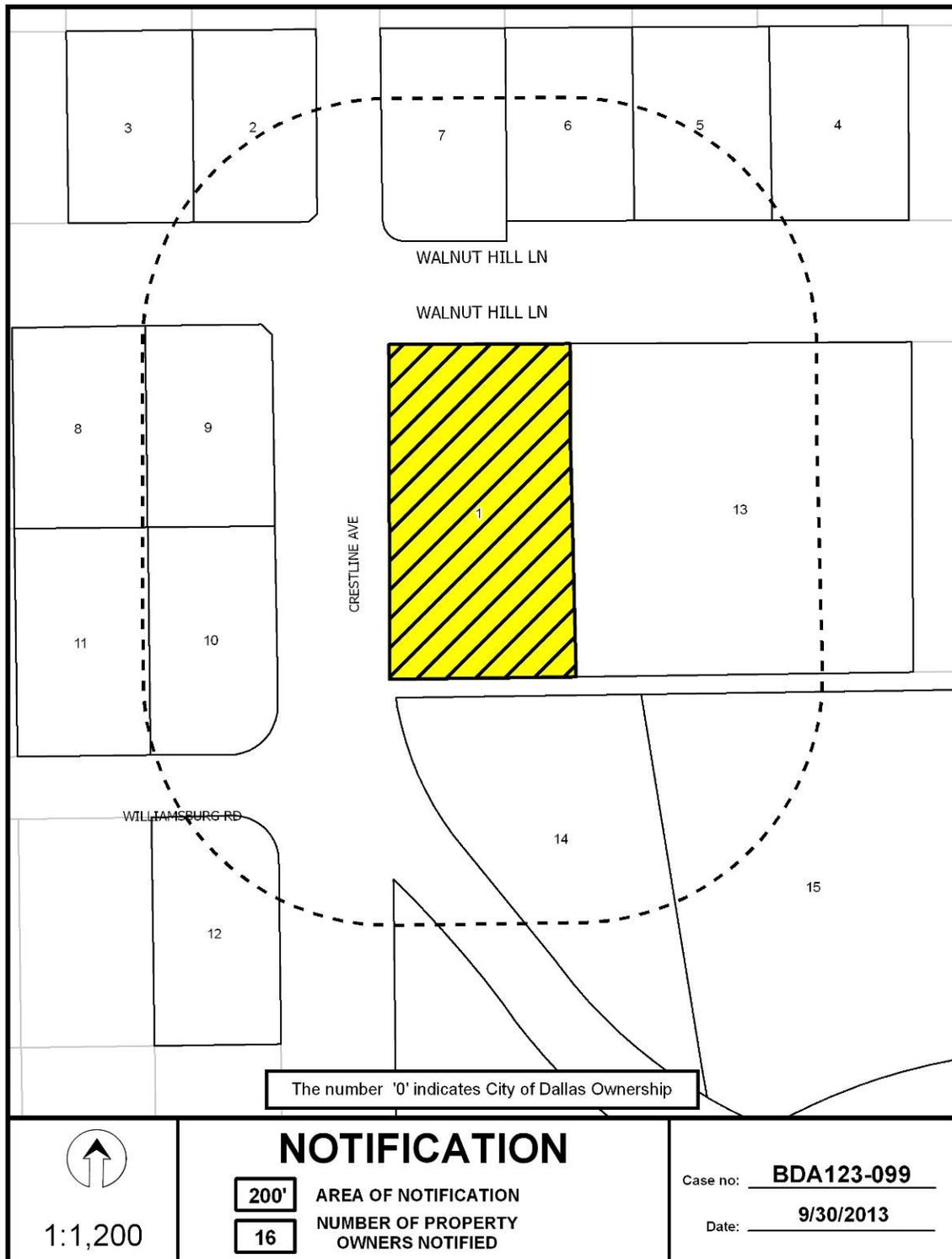
and Walnut Hill Ln. in Dallas, Texas.

I am very pleased by the Proposed Architectural improvement to your property. The Fence / Stone Wall will be a very Atheistic

improvement to the Property and area along Walnut Hill Ln. that all the neighbors in the area can enjoy.

Therefore, I encourage the City of Dallas to approve this proposed measure.

Thanks,
Jules Corder
4415 Walnut Hill Ln.
Dallas, Texas 75229



Notification List of Property Owners

BDA123-099

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4410 WALNUT HILL LN	TURNER ROBERT THOMAS &
2	4339 WALNUT HILL LN	TONNEMACHER DEBORAH
3	4331 WALNUT HILL LN	GONZALES JOSEPH D & DORIS P
4	4431 WALNUT HILL LN	RICHARDS JAMES
5	4421 WALNUT HILL LN	DANIELS JAMES B
6	4415 WALNUT HILL LN	CORDER JULES & KIMBERLY
7	4407 WALNUT HILL LN	RUDERER TAMI G
8	4330 WALNUT HILL LN	CURL STEVEN M & KATHLEEN L
9	9919 CRESTLINE AVE	MCLEAN MARY E & R J WALKER
10	9909 CRESTLINE AVE	COLE RICHARD B & EVELYN L
11	4329 WILLIAMSBURG RD	KERNODLE HAROLD B & CECILIA G
12	4340 WILLIAMSBURG RD	JOHNSON HARRY MICHAEL & CATHARINE T
13	4432 WALNUT HILL LN	HUPFAUER NEIL & JAN
14	4411 WILLIAMSBURG RD	LUNCEFORD TRAVIS EUGENE JR & KAY REYNOLD
15	4509 VALLEY RIDGE RD	DENKER PETER J
16	4400 WILLIAMSBURG RD	SOLEMENE WILLIAM A

FILE NUMBER: BDA 123-101

BUILDING OFFICIAL'S REPORT: Application of Troy Broussard, represented by Abby A. Hiles, for a special exception to the off-street parking regulations at 2211 Singleton Boulevard. This property is more fully described as Lot 1, Block DDD/7135, and is zoned CR, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain structures for a library, art gallery or museum use, office use, medical clinic or ambulatory surgical center use, dry cleaning or laundry store use, general merchandise or food store 3500 square feet or less use, general merchandise or food store greater than 3500 square feet use, general merchandise or food store 100,000 square feet or more use, motor vehicle fueling station use, personal service use, restaurant without drive-in or drive-through service use, and restaurant with drive-in or drive-through service use, and provide 616 of the required 749 off-street parking spaces, which will require a special exception to the off-street parking regulations of 133 spaces.

LOCATION: 2211 Singleton Boulevard

APPLICANT: Application of Troy Broussard
Represented by Abby A. Hiles

REQUEST:

A request for a special exception to the off-street parking regulations of 133 spaces is made in conjunction with renovating the surface parking lot and pedestrian amenities on a property developed with an existing community retail center (Lakewest Town Center) that has approximately 152,000 square feet of leasable area with a certain mix of uses (library/art gallery/museum, office, medical clinic or ambulatory surgical center, dry cleaning/laundry store, personal service, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet or less, general merchandise or food store 100,000 square feet, motor vehicle fueling station, personal service, restaurant without drive-in or drive through service, restaurant with drive-in or drive through) and providing 616 (or 82 percent) of the 749 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and

nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 133 spaces shall automatically and immediately terminate if and when the library/art gallery/museum, office, medical clinic or ambulatory surgical center, dry cleaning/laundry store, personal service, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet or less, general merchandise or food store 100,000 square feet, motor vehicle fueling station, personal service, restaurant without drive-in or drive through service, restaurant with drive-in or drive through uses, or combination of these uses, that would normally need no more than 749 required parking spaces, are changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the existing/proposed library/art gallery/museum, office, medical clinic or ambulatory surgical center, dry cleaning/laundry store, personal service, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet or less, general merchandise or food store 100,000 square feet, motor vehicle fueling station, personal service, restaurant without drive-in or drive through service, restaurant with drive-in or drive through uses does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CR (Community Retail)
<u>North:</u>	CR (Community Retail)
<u>South:</u>	IM (Industrial Manufacturing)
<u>East:</u>	CR and MF-2(A) (Community Retail and multifamily)
<u>West:</u>	PD 508 (Planned Development)

Land Use:

The subject site is developed with an existing retail center (Lakewest Town Center) with approximately 152,000 square feet of leasable area. The area to the north is developed with a school use (L.C. Pinkston High School); the area to the east is developed with multifamily and retail uses; the area to the south is developed with commercial uses, and the area to the west is a park use (Fish Trap Lake).

Zoning/BDA History:

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

Timeline:

August 9, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 19, 2013: The Board Administrator contacted the applicant’s representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department 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.

June 10, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on renovating the surface parking lot and pedestrian amenities on a property developed with an existing community retail center (Lakewest Town Center) that has approximately 152,000 square feet of leasable area with a certain mix of uses (library/art gallery/museum, office, medical clinic or ambulatory surgical center, dry cleaning/laundry store, personal service, general merchandise or food

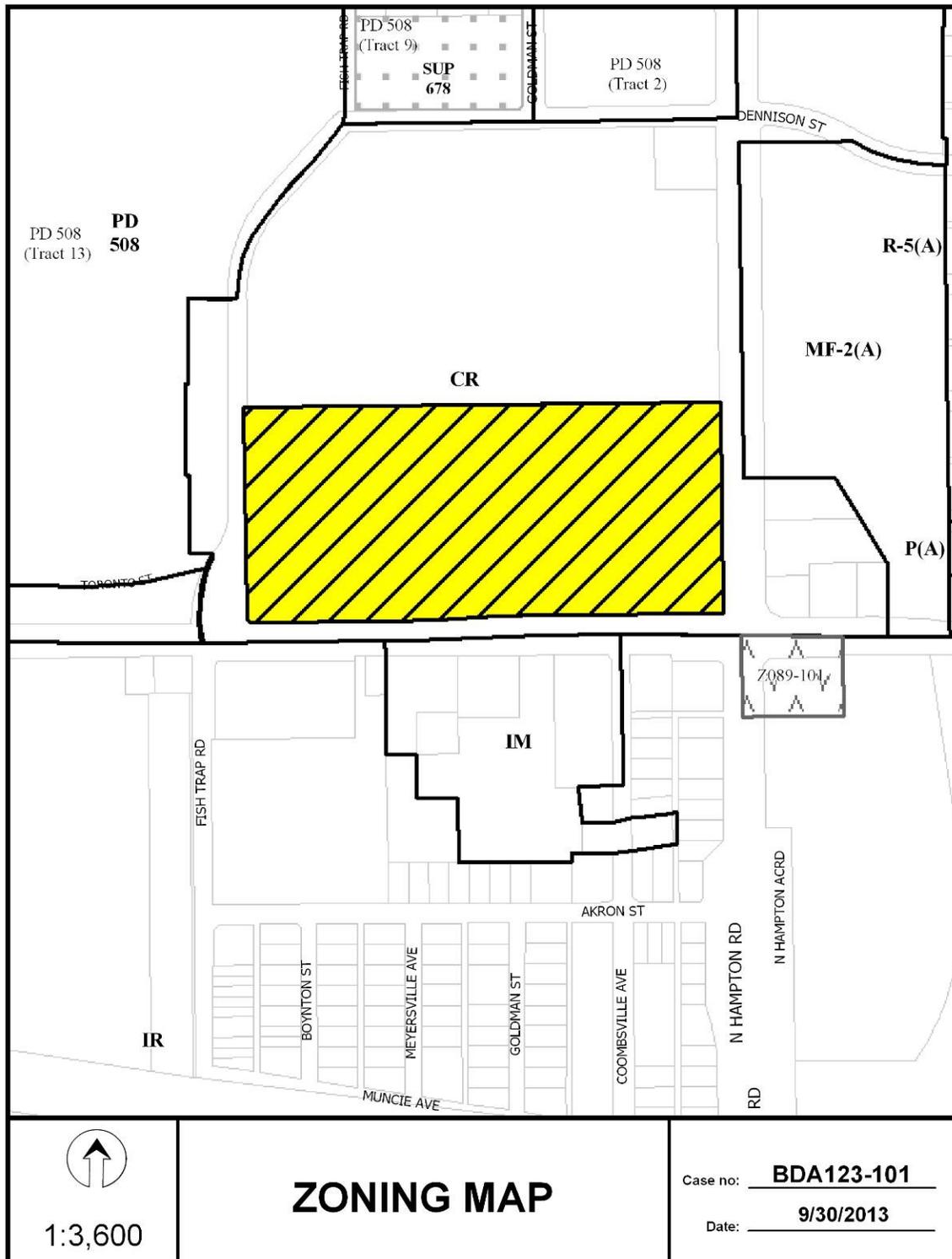
store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet or less, general merchandise or food store 100,000 square feet, motor vehicle fueling station, personal service, restaurant without drive-in or drive through service, restaurant with drive-in or drive through) and providing 616 (or 82 percent) of the 749 required off-street parking spaces.

- The applicant has stated that the request is made in conjunction with renovations and enhancement of the parking lot and related pedestrian ways which will result in a loss of a number of off-street parking spaces currently provided on the site.
- The Dallas Development Code requires the following off-street parking requirement:
 - Library, art gallery, or museum: one space per 500 square feet of floor area.
 - Office use: 1 space per 333 square feet of floor area.
 - Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area
 - Dry cleaning or laundry store: 1 space per 200 square feet of floor area.
 - General merchandise or food store 3,500 square feet or less: 1 space for 200 square feet of floor area.
 - General merchandise or food store greater than 3,500 square feet: 1 space for 200 square feet of floor area for uses with less than 10,000 square feet. 1 space per 220 square feet of floor area for uses with a floor area of 10,000 square feet or greater, but less than 40,000 square feet of floor area. 1 space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet of floor area.
 - General merchandise or food store 100,000 square feet or greater: 1 space for 200 square feet of floor area for uses with less than 10,000 square feet. 1 space per 300 square feet of floor area.
 - Motor vehicle fueling station: Two spaces
 - Personal service use: 1 space per 200 square feet of floor area.
 - Restaurant without drive-in service use: as a main use: 1 space per 100 square feet of floor area; as a limited or accessory use: 1 space per 200 square feet of floor area
 - Restaurant with drive-in service use: as a main use: 1 space per 100 square feet of floor area with a minimum of four spaces.

The applicant proposes to provide 616 (or 83 percent) of the required 749 off-street parking spaces in conjunction with the renovations proposed to the existing center leased/maintained with a combination of the uses mentioned above and losing some of the off-street parking currently provided on the site.

- The applicant has submitted a study that has concluded that results from a parking survey of the center shows that the maximum recorded parking spaces used is 70 percent of 585 spaces. This number of spaces used is 31 spaces less than the 616 spaces proposed to be provided and 164 spaces less than the 749 spaces required for the uses and related square footages in the center.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to the applicant's request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the existing/proposed library/art gallery/museum, office, medical clinic or ambulatory surgical center, dry

- cleaning/laundry store, personal service, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet or less, general merchandise or food store 100,000 square feet, motor vehicle fueling station, personal service, restaurant without drive-in or drive through service, restaurant with drive-in or drive through uses on the site does not warrant the number of off-street parking spaces required, and
- The special exception of 133 spaces (or an 18 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
 - If the Board were to grant this request, and impose the condition that the special exception of 133 spaces shall automatically and immediately terminate if and when the library/art gallery/museum, office, medical clinic or ambulatory surgical center, dry cleaning/laundry store, personal service, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet or less, general merchandise or food store 100,000 square feet, motor vehicle fueling station, personal service, restaurant without drive-in or drive through service, restaurant with drive-in or drive through uses, or combination of these uses, that would normally need no more than 749 required parking spaces, are changed or discontinued, the applicant would be allowed to update the existing retail center and lease/maintain the site with these specific uses with the specified square footages, providing 616 of the 749 code required off-street parking spaces.





1:3,600

AERIAL MAP

Case no: BDA123-101

Date: 9/30/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-101

Data Relative to Subject Property:

Date: August 9, 2013

Location address: 2211 Singleton Boulevard Zoning District: CR

Lot No.: 1 Block No.: DD/7135 Acreage: 13.352 Census Tract: 205,00
~~0104004005~~

Street Frontage (in Feet): 1) 515 2) 1150 3) 515 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: LAKEWEST REVITALIZATION FOUNDATION, INC.

Applicant: Troy Broussard Telephone: 214 951 8316

Mailing Address: 3939 N Hampton Rd Dallas, TX Zip Code: 75212

Represented by: ABBY A. HILES Telephone: 214 528 8704

Mailing Address: 3535 Travis St Dallas, TX, Suite 250 Zip Code: 75204

Affirm that a request has been made for a Variance , or Special Exception X, of 133 spaces
Reduction of 22.9% of the 799 required parking spaces
17,799 749

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:
Empirical survey of existing facilities and immediate access to public transportation
at site suggest that reduced parking will meet the requirements of tenants and
visitors.

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: Troy Broussard
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Troy Broussard
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.

Troy Broussard
Affiant (Applicant's signature)

Subscribed and sworn to before me this 9 day of August, 2013



Alberta K. Henderson
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 Troy Broussard represented by Abby A. Hiles did submit a request for a special exception to the parking regulations at 2211 Singleton Blvd.

BDA123-101. Application of Troy Broussard represented by Abby A. Hiles for a special exception to the parking regulations at 2211 Singleton Blvd. This property is more fully described as Lot 1, Block DDD/7135, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a library, art gallery or museum use, office use, medical clinic or ambulatory surgical center use, dry cleaning or laundry store use, general merchandise or food store 3500 square feet or less use, general merchandise or food store greater than 3500 square feet use, general merchandise or food store 100,000 square feet or more use, motor vehicle fueling station use, personal service use, restaurant without drive-in or drive-through service use, and restaurant with drive-in or drive-through service use, and provide 616 of the required 749 parking spaces, which will require a 133 space special exception (17.75% reduction) to the parking regulation.

Sincerely,

Larry V. Holmes, Building Official



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-101

Data Relative to Subject Property:

Date: August 9, 2013

Location address: 2211 Singleton Boulevard Zoning District: CR

Lot No.: 1 Block No.: DDD/7135 Acreage: 13.352 Census Tract: 205,00
~~0404001005~~

Street Frontage (in Feet): 1) 515 2) 1150 3) 515 4) _____ 5) _____

SW 19

To the Honorable Board of Adjustment :

Owner of Property/or Principal: LAKEWEST REVITALIZATION FOUNDATION, INC.

Applicant: Troy Broussard Telephone: 214 951 8316

Mailing Address: 3939 N Hampton Rd Dallas, TX Zip Code: 75212

Represented by: ABBY A. HILES Telephone: 214 528 8704

Mailing Address: 3535 Travis St Dallas, TX, Suite 250 Zip Code: 75204

Affirm that a request has been made for a Variance __, or Special Exception X, of 183 spaces
Reduction of 22.9% of the 799 required parking spaces

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:

Empirical survey of existing facilities and immediate access to public transportation at site suggest that reduced parking will meet the requirements of tenants and visitors.

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: Troy Broussard
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Troy Broussard 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.

Troy Broussard
Affiant (Applicant's signature)

Subscribed and sworn to before me this 9 day of August, 2013



Belbra K. Henderson
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 Troy Broussard
represented by Abby A. Hiles
did submit a request for a special exception to the parking regulations
at 2211 Singleton Blvd.

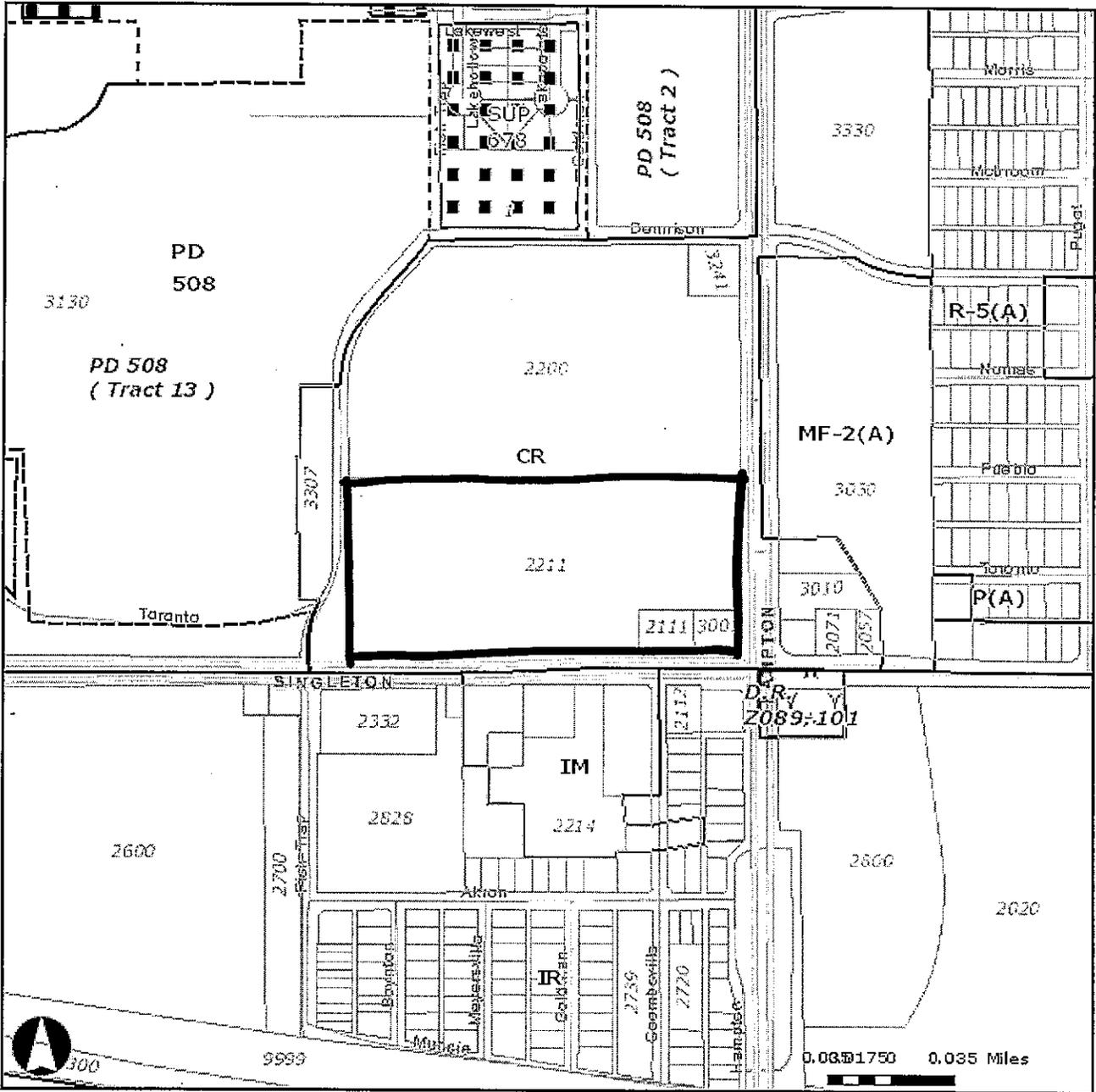
BDA123-101. Application of Troy Broussard represented by Abby A. Hiles for a special exception to the parking regulations at 2211 Singleton Blvd. This property is more fully described as Lot 1, Block DDD/7135, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for library, art gallery or museum use, office use, medical clinic or ambulatory surgical center use, dry cleaning or laundry store use, general merchandise or food store 3500 square feet or less use, general merchandise or food store greater than 3500 square feet use, general merchandise or food store 100,000 square feet or more use, motor vehicle fueling station use, personal service use, restaurant without drive-in or drive-through service use, and restaurant with drive-in or drive-through service use, and provide 616 of the required 799 parking spaces, which will require a 183 space special exception (22.9% reduction) to the parking regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



- | | | |
|-------------------|-----------------------|-------------------------|
| City Boundaries | Historic Overlay | PDS Subdistricts |
| County | Historic Subdistricts | Base Zoning |
| Certified Parcels | NSO Overlay | Pedestrian Overlay |
| DISD Sites | NSO Subdistricts | CP |
| Deed Restrictions | MD Overlay | SP |
| SUP | CD Subdistricts | Environmental Corridors |
| Dry Overlay | PD Subdistricts | Escarpment Overlay |

act



3535 TRAVIS STREET
SUITE 250 LB-102
DALLAS, TEXAS 75204
214-528-8704
FAX 528-8707
WWW.BRWARCH.COM

TRAFFIC & PARKING STUDY LAKEWEST RETAIL RENOVATION

DATE: August 23, 2013

RE: ATTACHMENT TO APPLICATION
SPECIAL EXCEPTION FOR PARKING
LAKEWEST RETAIL RENOVATION

ADDRESS: LAKEWEST REVITALIZATION FOUNDATION, INC.
DALLAS HOUSTING AUTHORITY
LAKEWEST RETAIL RENOVATION
2211 SINGLETON BLVD.
DALLAS, TX 75212

BRW PROJECT NO: 210361.01

CASE NUMBER: BDA 123-101

CC: File

TRAFFIC & PARKING STUDY:

A parking survey has been performed by Dallas Housing Authority for the Lakewest Retail Center property. Results are as follows:

The property currently provides 836 total spaces, of which 18 are handicap accessible.

In addition, the property is served by two Dart bus stops, one located on Hampton Road and one on Singleton Boulevard. Visitors arriving by bus represent approximately 10% of customers.

Pedestrian traffic from the surrounding West Dallas neighborhoods comprises approximately 50% of customers.

At the period of the survey, the maximum recorded parking space usage was 70% (approximately 585 spaces). The survey recorded maximum usages at the following time periods:

Weekday

8:00 am – 12:00 pm	60% capacity	502 spaces
12:00 pm – 4:00 pm	73% capacity	610 spaces
5:00 pm – 8:00 pm	65% capacity	544 spaces

Weekend

Saturday	70% capacity	585 spaces
Sunday	45% capacity	376 spaces

Per zoning requirements the property is required to provide 799 spaces, including 16 handicap accessible spaces.

The renovations to the retail center property will provide a total of 616 spaces, including 20 handicap accessible spaces, a reduction of 22.9% from zoning requirements. This total will continue to accommodate the property's recorded maximum usage.

In conclusion, the parking survey and pedestrian traffic data as well as immediate access to public transportation on site, suggest that reduced parking of 22.9% will meet the requirements of tenants and visitors.

BROWN REYNOLDS WATFORD



ARCHITECTS

3535 TRAVIS STREET
SUITE 250 LB-102
DALLAS, TEXAS 75204
214-528-8704
FAX 528-8707
WWW.BRWARCH.COM

***PARKING ANALYSIS
LAKEWEST RETAIL RENOVATION***

DATE: August 28, 2013

RE: ATTACHMENT TO APPLICATION
SPECIAL EXCEPTION FOR PARKING
LAKEWEST RETAIL RENOVATION

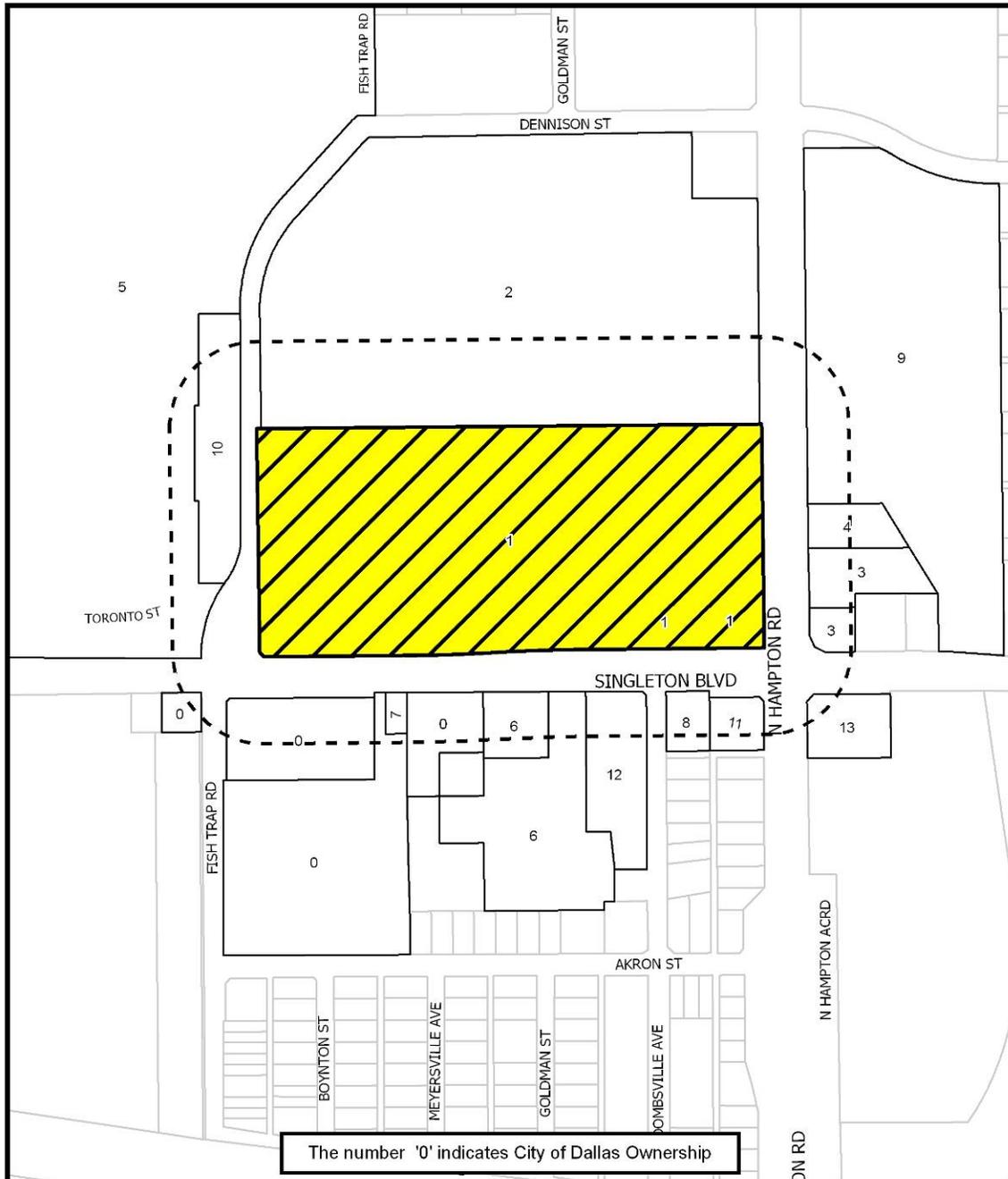
ADDRESS: LAKEWEST REVITALIZATION FOUNDATION, INC.
DALLAS HOUSTING AUTHORITY
LAKEWEST RETAIL RENOVATION
2211 SINGLETON BLVD.
DALLAS, TX 75212

BRW PROJECT NO: 210361.01
CASE NUMBER: BDA 123-101
CC: File

PARKING ANALYSIS:

See attached.

USE PER ZONING REGULATIONS	TOTAL AREA	REQUIRED PARKING	NO. SPACES
Institutional and Community Service Uses			
Library, art gallery or museum	6,100 sf	1: 500	12
Office Uses			
Medical Clinic	4,800 sf	1: 200	24
Office	2,100 sf	1: 333	6
Retail and Personal Service Uses			
Dry cleaning or laundry store	5,000 sf	1: 200	25
General merchandise or food store 3,500 sf or less	5,700 sf	1: 200	29
General merchandise or food store greater than 3,500 sf (less than 10,000 sf)	41,640 sf	1: 200	208
General merchandise or food store greater than 3,500 sf (greater than 10,000 sf, less than 40,000)	69,243 sf	1: 220	315
Motor vehicle fueling station	204 sf	2	2
Personal service use	8,600 sf	1: 200	43
Restaurant with drive-in or drive-through service	2,712 sf	1: 100	27
Restaurant without drive-in or drive-through service	5,800 sf	1: 100	58
Total Area	151,899 sf		
TOTAL REQUIRED PARKING SPACES			749
REQUIRED ACCESSIBLE PARKING (2%)			15
STANDARD PARKING PROVIDED			529
COMPACT PARKING PROVIDED (35% MAX.)			67
ACCESSIBLE PARKING PROVIDED			20
TOTAL PARKING PROVIDED			616
SPECIAL EXCEPTION			133
			22%



 1:3,600	NOTIFICATION	Case no: BDA123-101			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
13	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA123-101

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3001 HAMPTON RD	LAKEWEST REVITAL FNDN INC % DFW ADVISORS
2	2200 DENNISON ST	Dallas ISD ATTN OFFICE OF LEGAL SERVICES
3	3010 HAMPTON RD	ARMSTRONG SINGLETON HAMPTON LLC % ARMSTR
4	3030 HAMPTON RD	ARMSTRONG SINGLETON HAMPTON LLC % ARMSTR
5	3130 KINGBRIDGE ST	DALLAS HOUSING AUTHORITY STE 350
6	2214 SINGLETON BLVD	THOMAS CURTIS INV INC STE 1217
7	2308 SINGLETON BLVD	RUIZ LUCILLE TRUSTEE FOR RICHARD ROSALES
8	2112 SINGLETON BLVD	JVMC PROPERTY INV LP
9	3030 HAMPTON RD	ARBOR WOODS HOUSING LP SUITE 1145
10	3307 FISH TRAP RD	DALLAS HOUSING AUTHORITY
11	2102 SINGLETON BLVD	PLS PROPERTY MANAGEMENT % REAL ESTATE DE
12	2200 SINGLETON BLVD	BURLEY CHARLES F JR
13	2800 HAMPTON RD	DALLAS HABITAT BUILDING HEADQUARTERS INC

FILE NUMBER: BDA 123-054

BUILDING OFFICIAL'S REPORT: Application of Colesen C. Evans for a variance to the front yard setback regulations at 8000 Park Lane. This property is more fully described as Lot 1C, Block A/5456, and is zoned MU-3 (SAH), which requires a front yard setback of 35 feet for portions of a structure greater than 45 feet in height. The applicant proposes to construct a structure over 45 feet in height and provide a 15 foot 6 inch front yard setback for a portion of a structure over 45 feet in height, which will require a variance to the front yard setback regulations of 19 foot 6 inches.

LOCATION: 8000 Park Lane

APPLICANT: Colesen C. Evans

REQUEST:

A variance to the urban form front yard setback regulations of 19' 6" is requested in conjunction with constructing and maintaining an approximately 80' high mixed use (retail/restaurant/office) structure that would be located within the required 35' front yard setback for the portion of it above 45' in height along the US 75/North Central Expressway service road. The site is developed as a mixed use development (Park Lane).

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:

- (A) 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;
- (B) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) the variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan and site section document is required.

Rationale:

- The subject site is restricted in its developable area given its multiple front yards, its narrow width, and an off-set at the corner of Park Lane and the north bound frontage road to accommodate a TXDOT deceleration lane which (according to the applicant) without this required lane, a variance would not be required.
- Granting the variance to the urban form front yard setback regulations (with the suggested condition imposed) would not be contrary to the public interest since the portion of the proposed structure to be “varied” is:
 - A maximum 80’ in height or 35’ above/beyond the 45’ height in which the additional 20’ urban form front yard setback begins; and
 - Located on a portion of the site that abuts the US 75/North Central Expressway service road where the property to the west is separated by over 300’ of public right-of-way.

BACKGROUND INFORMATION:

Site: MU-3(SAH) (Deed restricted)* (Mixed Use, Standard Affordable Housing)
North: RR (Regional Retail)
South: GO(A) (General Office)
East: MU-3 (Mixed Use)
West: RR (Regional Retail)

- * Note that the applicant acknowledged in an email to the Board Administrator on May 16, 2013 of the deed restrictions on the property. The applicant stated that these deed restrictions do not affect this application to the board since they only pertain to overall density.

Land Use:

The subject site is currently developed as a mixed use development (Park Lane). The areas to the north, south, east and west are development with mostly retail and office uses.

Zoning/BDA History:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. BDA 101-019, Property at 8000Park Lane (the subject site) | <p>On February 17, 2011, the Board of Adjustment Panel C granted requests for variances to the urban form front yard setback regulations of up to 10.75’ The board imposed the following condition: compliance with the submitted site plan is required. The case report stated that the requests were made in conjunction with constructing and maintaining an</p> |
|---|---|

approximately 400 square foot 68' high sign "structure" that would not comply with the required 35' front yard setback for the portion of it above 45' in height along Blackwell Street and the I-75/North Central Expressway service road. It was noted that the site was developed as a mixed use development (Park Lane).

2. BDA 089-125, Property at 8070 Park Lane (the subject site)

On December 14, 2009, the Board of Adjustment Panel C granted a request for a special exception to the tree preservation regulations requested in conjunction with not fully mitigating protected trees removed on a site that is currently being developed with a mixed use office/residential/dining/shopping project (Park Lane). The board imposed the following condition: All protected trees, as defined by Article X that remain on the Property following the date of the hearing, are considered to be protected and subject to the Article X tree preservation ordinance. Any protected tree that is determined to be removed, based on conditions as defined in Article X, must be subject to replacement.

3. BDA067-052, Property at 8070 Park Lane (the subject site)

On May 14, 2007, the Board of Adjustment Panel C granted a request for a special exception to the off-street parking regulations of 374 spaces (or 5.67% of the required off-street parking) and imposed the following conditions: The special exception shall automatically and immediately terminate if and when the office uses on the site are changed or discontinued to have less than 125,000 square feet of office use; and the applicant or property owner must submit a parking analysis of the site to the Department of Development Services engineer no later than December 31, 2011. Should the parking analysis show any parking deficiency, the applicant or property owner must immediately mitigate that deficiency as may be agreed between the applicant or property owner and the Department of Development Services. The

case report stated that the request was made in conjunction with developing a 33-acre site with mixed-uses.

Timeline:

March 29, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 15, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

May 15, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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 Sustainable Development and Construction Department 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 were submitted in conjunction with this application.

June 17, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The Board held the request under advisement until August 19, 2013 in order for staff to attempt to obtain a five member panel that could hear the application on this date.

- June 25, 2013: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the July 31st deadline to submit any additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- July 5, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date that the panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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.
- August 1, 2013: The applicant submitted documentation on this application to the Board Administrator beyond what was submitted with the original application, and beyond the materials that were part of the record at the June 17th public hearing (see Attachment A).
- August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department 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 were submitted in conjunction with this application.
- August 19, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The Board held the request under advisement until September 16, 2013.
- August 20, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date that the panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th deadline to submit additional

- evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 3, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, 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 were submitted in conjunction with this application.

September 16, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The Board Administrator circulated a September 12th letter from the applicant requesting that the board continue this application until the Board's October meeting given his client was continuing to work on its plans for the property. The Board held the request under advisement until October 21, 2013.

September 16, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date that the panel that will consider the application; October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department 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 were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 80' high mixed use (retail/restaurant/office) structure with an approximately 32,000 square foot building footprint that does not comply with the required 35' front yard setback (or additional 20' setback to the required 15' front yard setback) for that portion of the structure above 45' in height along the US 75/North Central Expressway service road. The site is developed as a mixed use development (Park Lane).
- Development on lots zoned MU-3 are required to provide a 15' front yard setback and an additional 20' setback for any portion of a structure above 45' in height.
- The applicant has submitted an overall site plan (that includes a "detail plan" and "site section" document indicating the portion of the proposed structure above 45' in height that is located as close as 15' 6" from the site's front property line along the US 75/North Central Expressway service road but as much as 19' 6" into the 35' front yard setback *for the portion of a structure over 45' in height*).
- The submitted "detail plan" denotes a hatched area that is the building area within the urban form setback; with average grade being about 579' with a new proposed tower height of approximately 658'.
- The applicant has submitted a "site section" document representing how the upper two stories of the proposed 5 story structure encroaches into the additional 20' front yard setback for the portion of the structure above 45' in height.
- The applicant has submitted a document stating that the area that is proposed to encroach into the urban form setback is approximately 4 percent of the building square footage.
- Staff has interpreted that the additional 20' setback provision for structures or portions of structures higher than 45' in height was enacted to discourage a canyon effect that a structure may create once it exceeds a specific height, and that this additional front yard setback was enacted to ensure openness, light, and airflow between tower structures.
- According to the applicant, about 4 percent (or about 6,500 square feet) of the total area of the structure (approximately 160,000 square feet) encroaches into the urban form setback. The applicant states that there are 5 floors at approximately 32,000 each where portions of the 2 upper floors that intrude into the urban form setback.
- The subject site is somewhat sloped, slightly irregular in shape, and, according to the application, 33.32 acres in area. The site is zoned MU-3(SAH). The site encompasses an entire block whereby given this and its zoning, the site has 4 front yard setbacks.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the urban form front yard setback requested to construct and maintain an approximately 80' high structure 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 MU-3 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 MU-3 zoning classification.
- If the Board were to grant the urban form front yard variance request of up to 19' 6", imposing a condition whereby the applicant must comply with the submitted site plan and site section document, the structure would be limited to what is shown on these documents – a structure that complies with setbacks 45' in height and below, but where 35' of the structure proposed to exceed 45' in height would be allowed to be located in the additional 20' setback along the US 75/North Central Expressway service road.
- No additional written documentation has been submitted by the applicant beyond what was included in the August 19th docket.

***Member Robert Agnich recused himself and did not hear or vote on this matter.**

BOARD OF ADJUSTMENT ACTION: JUNE 17, 2013

APPEARING IN FAVOR: Barry Knight, 2728N. Harwood, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION:Maten

I move that the Board of Adjustment, in Appeal No. **BDA 123-054**, hold this matter under advisement until **August 19, 2013**.

SECONDED: Coulter

AYES: 4–Richardson, Maten, Coulter, Lewis

NAYS: 0–

MOTION PASSED: 4– 0 (unanimously)

BOARD OF ADJUSTMENT ACTION: AUGUST 19, 2013

APPEARING IN FAVOR: Tommy Mann, Winstead Bldg., Dallas, TX
Sandy Spurgin, 8080 Park Lane, Dallas, TX

APPEARING IN OPPOSITON: No one

MOTION #1: Richard

I move that the Board of Adjustment, in Appeal No. **BDA 123-054**, on application of Colesen C. Evans, **grant** a 19 foot, 6 inch variance to the urban form front yard setback regulations, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of

the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan and site section document is required.

SECONDED: **Coulter**

AYES: 3– Coulter, Richard, Carreon

NAYS: 2 – Richardson, Maten,

MOTION FAILED: 3– 2

MOTION #2: **Maten**

I move that the Board of Adjustment, in Appeal No. **BDA 123-054**, on application of Colesen C. Evans, **deny** the variance to the urban form front yard setback regulations **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would not result in unnecessary hardship to this applicant.

SECONDED: **Richardson**

AYES: 2– Richardson, Maten

NAYS: 3 –Coulter, Richard, Carreon

MOTION FAILED: 2– 3

MOTION #3: **Coulter**

I move that the Board of Adjustment, in Appeal No. **BDA 123-054**, on application of Colesen C. Evans, hold this matter under advisement until **September 16, 2013**.

SECONDED: **Richard**

AYES: 5– Richardson, Maten, Coulter, Richard, Carreon

NAYS: 0 –

MOTION PASSED: 5– 0(unanimously)

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 16, 2013

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITON: No one

MOTION: **Richardson**

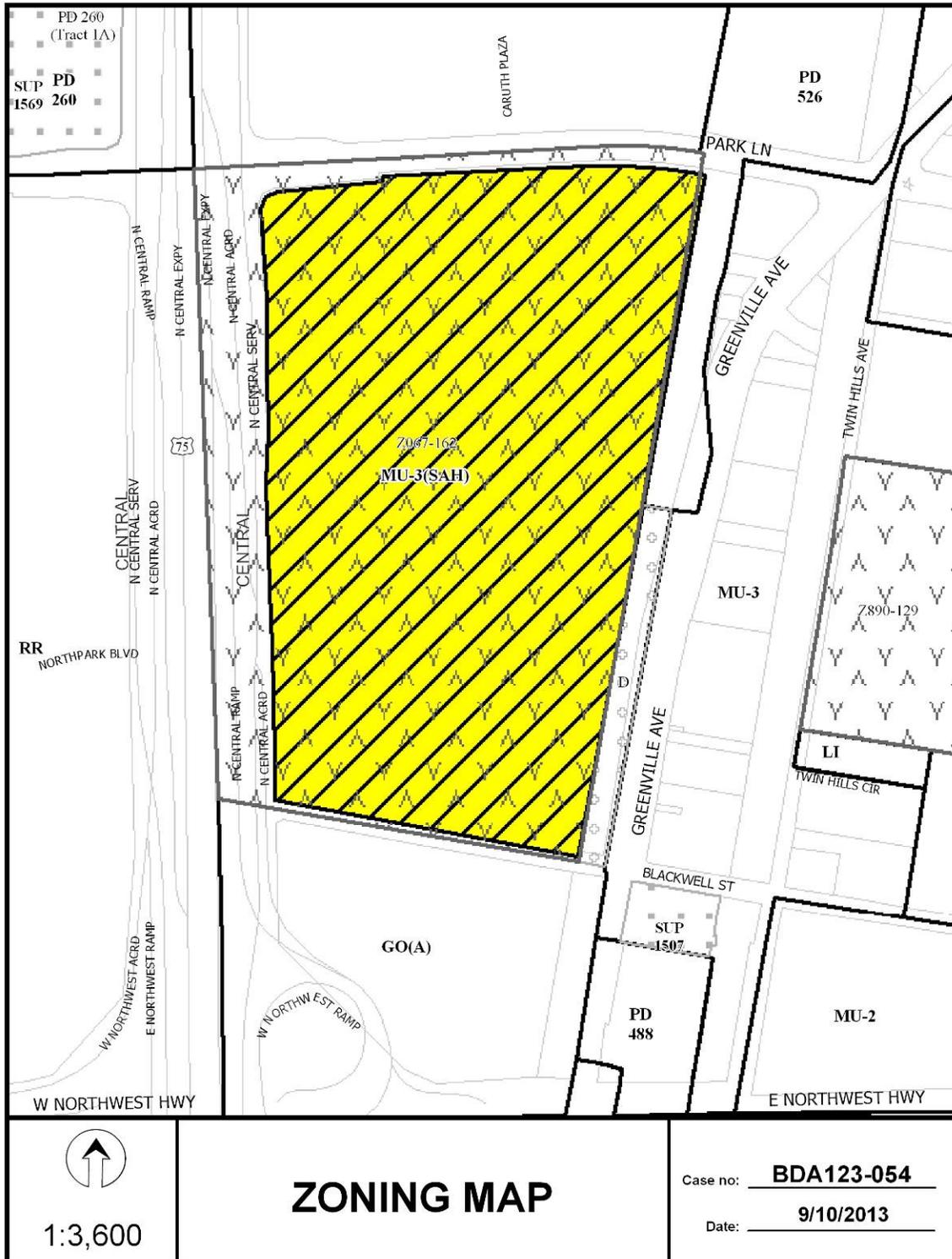
I move that the Board of Adjustment, in Appeal No. **BDA 123-054**, on application of Coleson C. Evans, hold this matter under advisement until **October 21, 2013**.

SECONDED: **Maten**

AYES: 5– Richardson, Maten, Coulter, Richard, Carreon

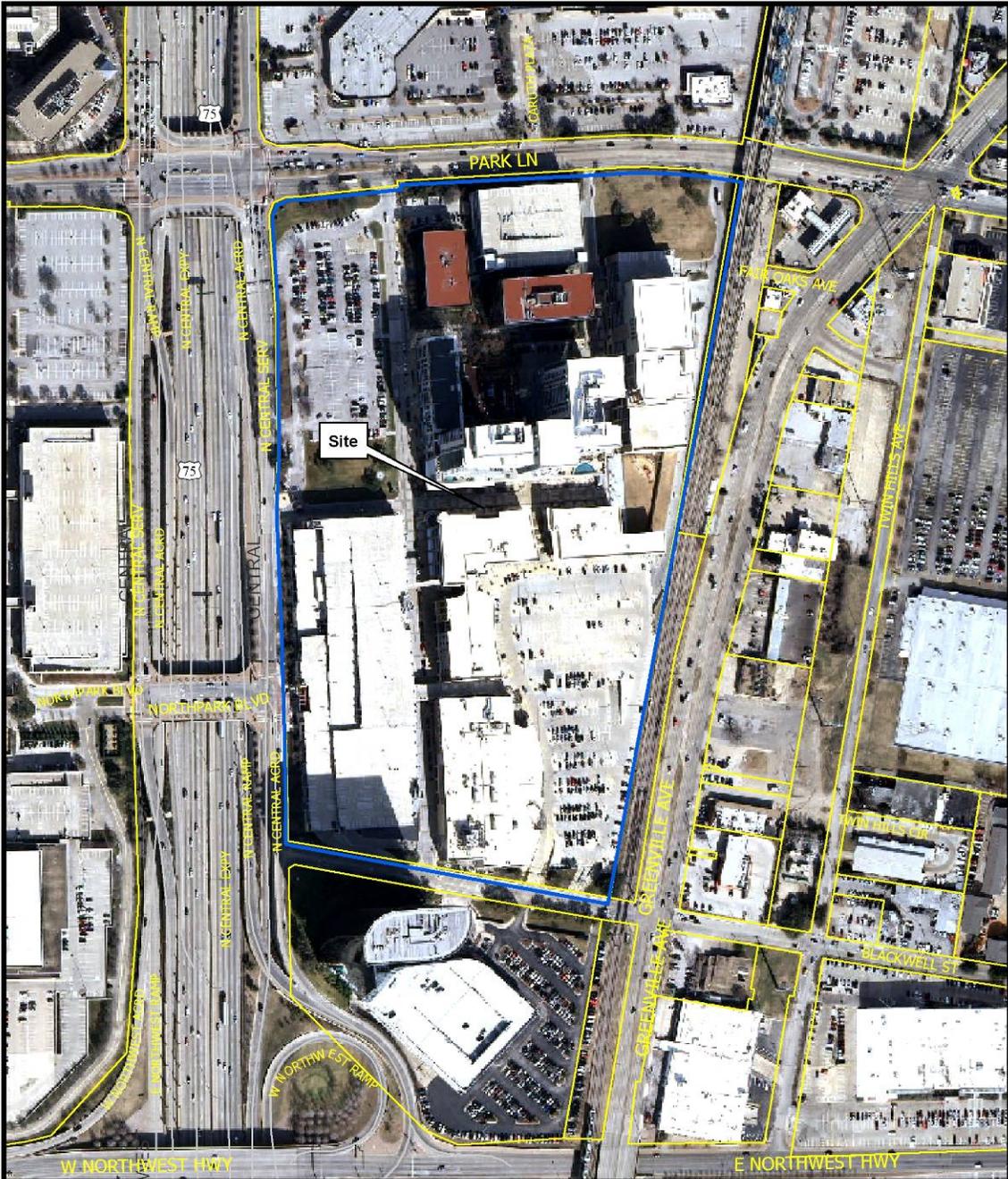
NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)



ZONING MAP

Case no: **BDA123-054**
 Date: **9/10/2013**



 1:3,600	<h1>AERIAL MAP</h1>	Case no: <u>BDA123-054</u> Date: <u>9/10/2013</u>
--	---------------------	--

VARIANCE REQUEST TO URBAN FORM SETBACK



BDA 123-054
Attach A
Pg 1

THE VISION



8000 Park Lane represents the opportunity to bring a defined and human-scaled entry to the Shops at Park Lane along with much-needed public open space that is currently lacking. The proposed park will bring a vital “heart beat” and sense of place to the project.

Due to the unusually narrow dimension of the block and other constraints outlined on the following pages, a variance to the urban form setback is requested to allow the proposed development to proceed.

VIEW FROM PARK LANE - CURRENT



Current view from Park Lane looking into the Shops at Park Lane

BDA 123-054
Attach A
Pg 3

VIEW FROM PARK LANE – FALL 2014



A new low-scale office building will serve as the project's front door and create a "gateway" entrance into the project

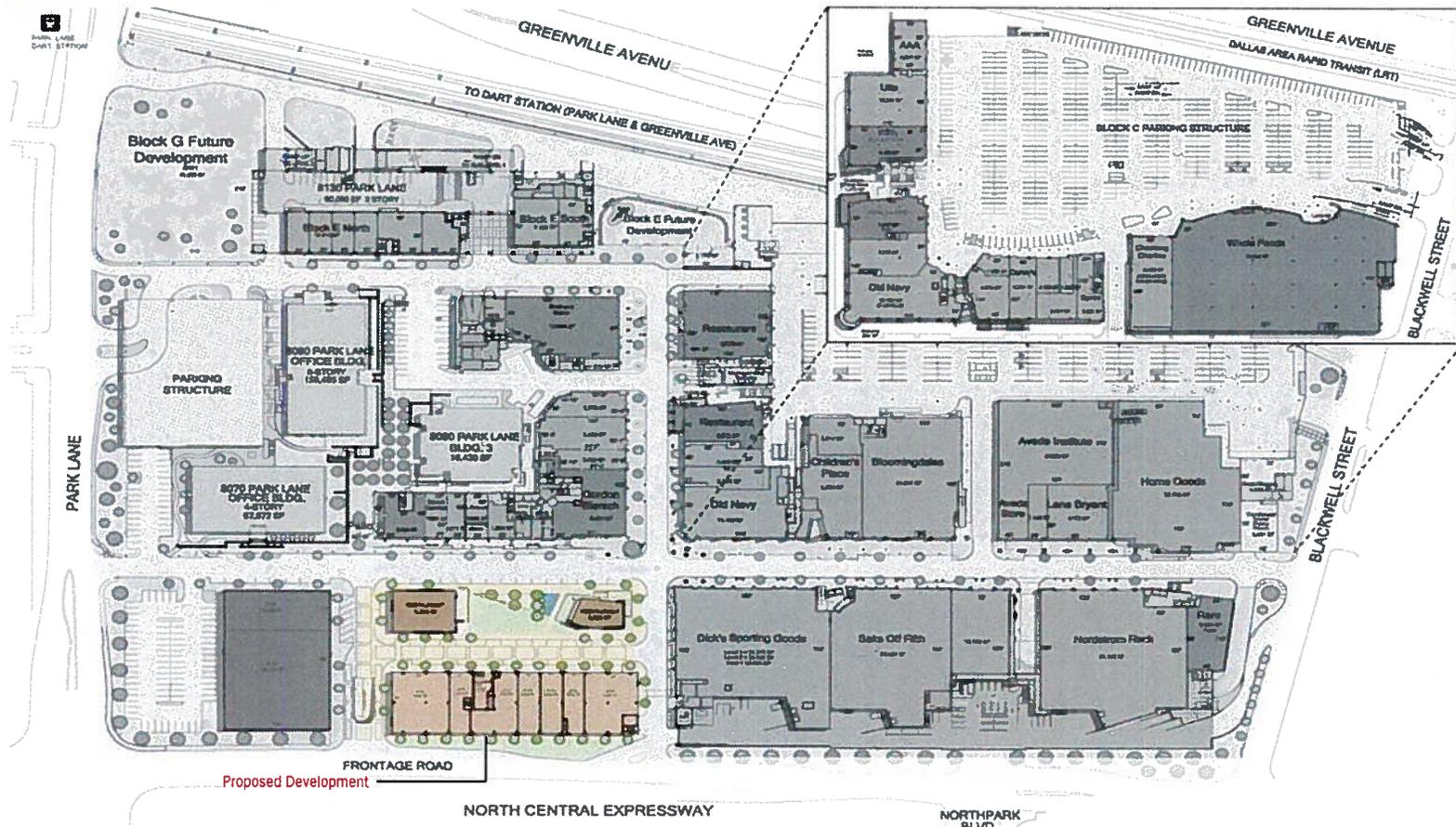
PLANNED GREEN SPACE – FALL 2014



BDA 123-054
Attach A
Pg 5

The proposed park creates a central gathering place and much needed public open space that will serve the entire development and community .

OVERALL SITE PLAN



The variance request applies to the “Block A” parcel highlighted above. Because the project is platted as a single lot, the application appears to apply to the entire 33 acre lot, the balance of which has already been developed.

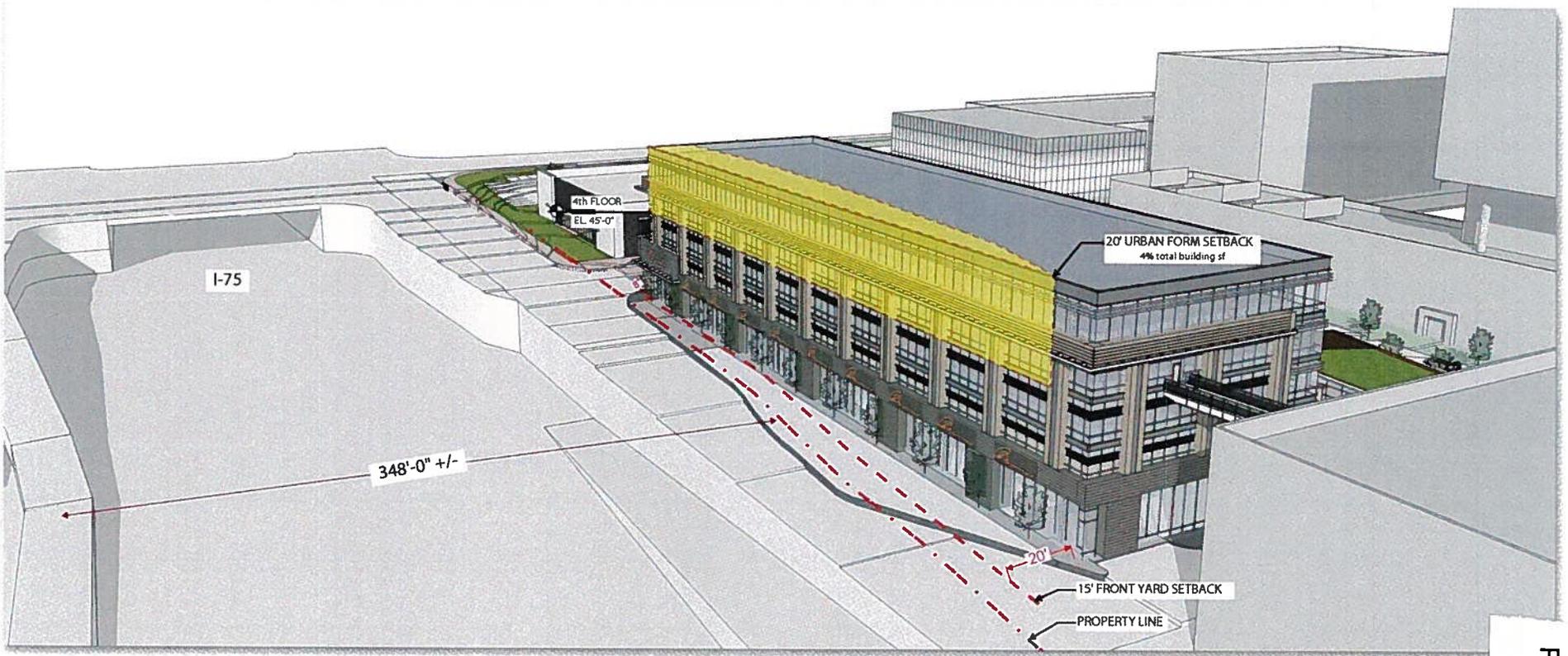
VIEW FROM PARK LANE AND CENTRAL – CURRENT



Current view from the intersection of Park Lane and North Central Expressway

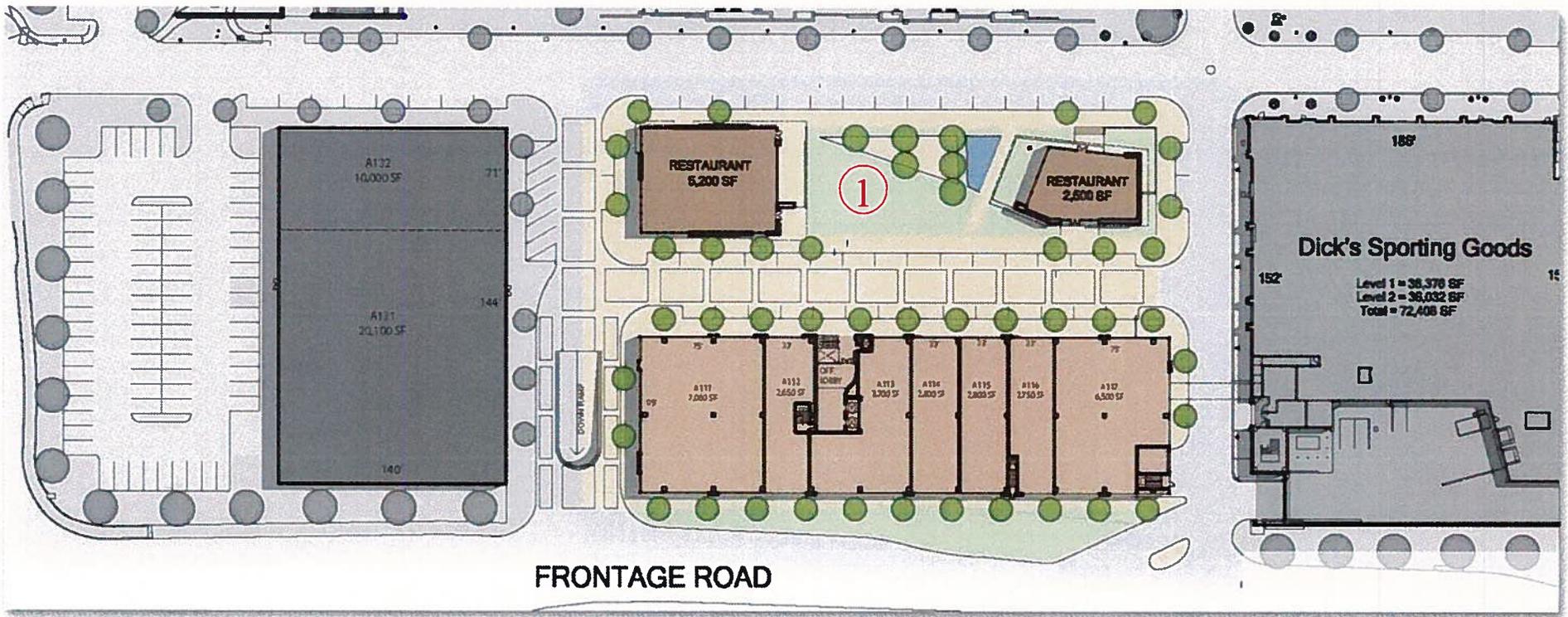
BDA 123-054
Attach A
Pg 7

SUMMARY OF VARIANCE REQUEST



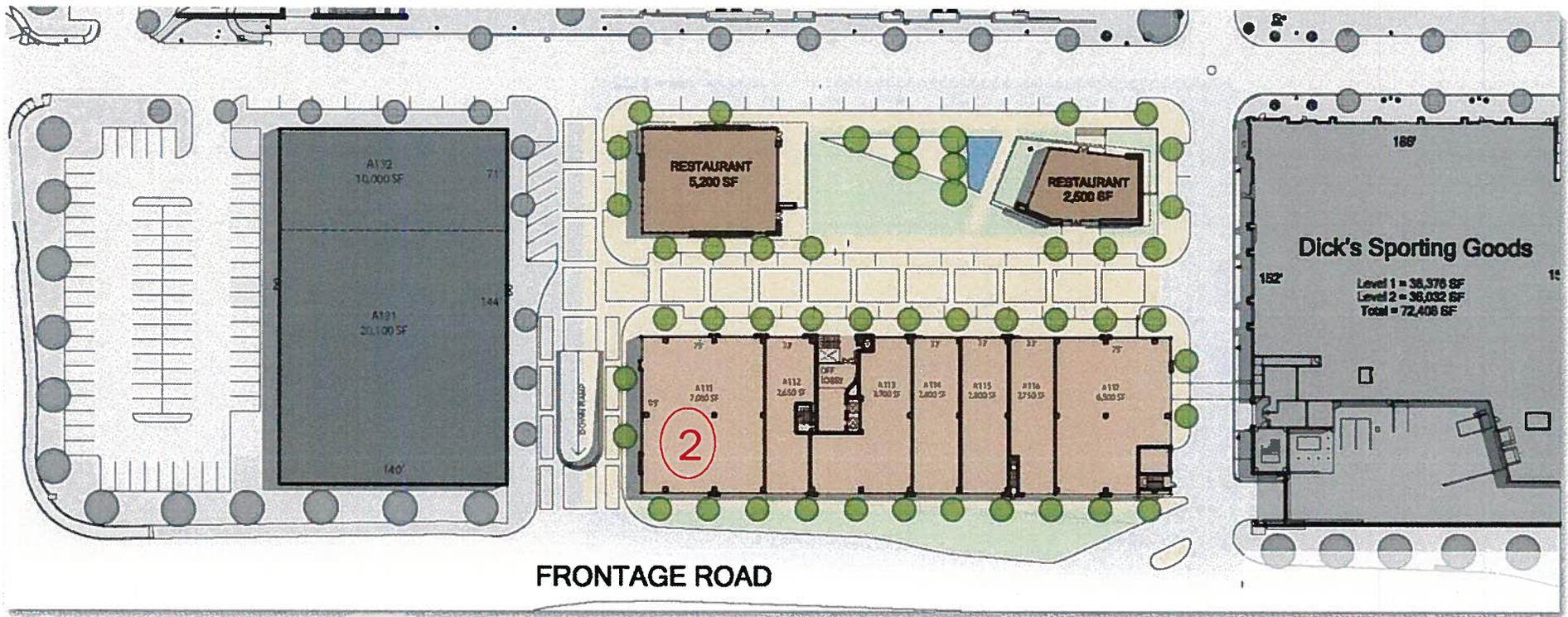
The variance only applies to the highlighted portion of the 4th and 5th floors that varies from 1”- to 19’.
This area represents approximately 4% of the building square footage.

SITE CONSTRAINTS/HARDSHIPS - 1



The park cannot be narrowed and still function as a central gathering space of appropriate size to support a project of this size.

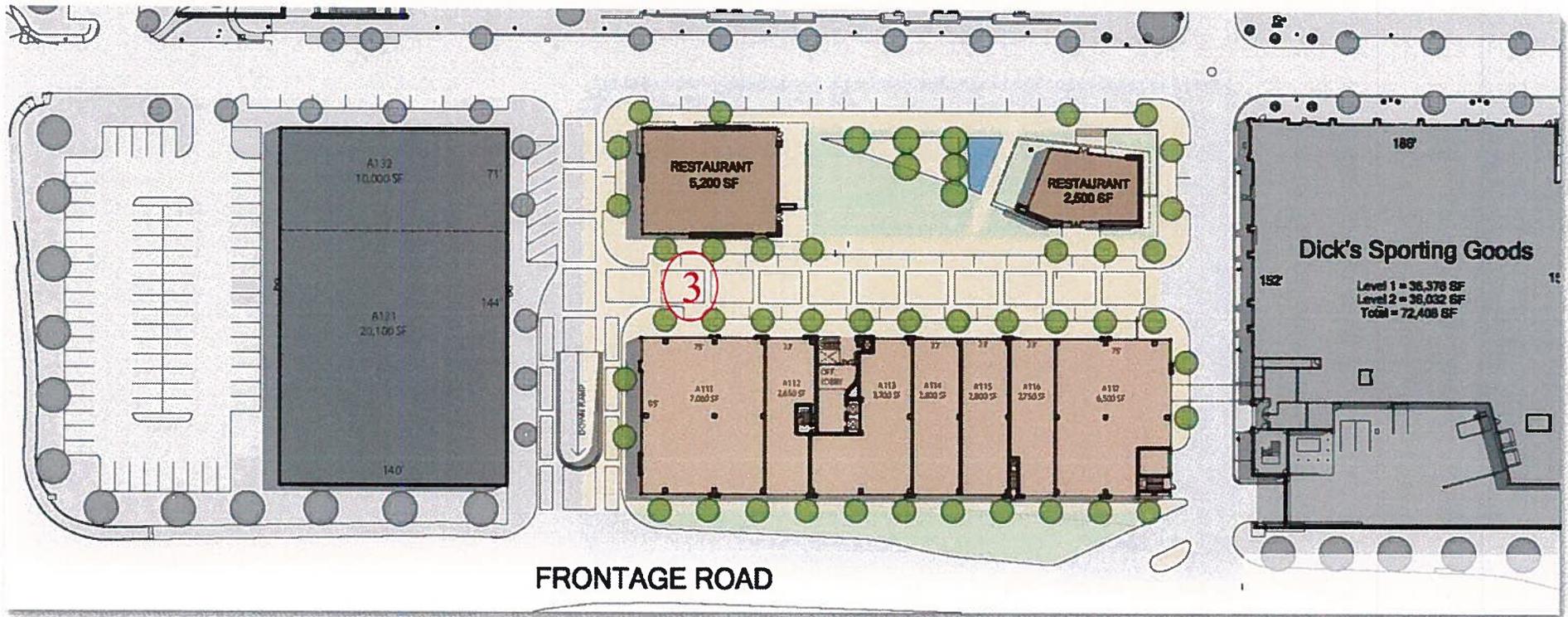
SITE CONSTRAINTS/HARDSHIPS - 2



Minimum building depth shown, cannot be narrowed. This is driven by the column alignment through the retail and subterranean parking as well as the circulation around the central core of the office building.

BDA 123-054
Attach A
Pg 10

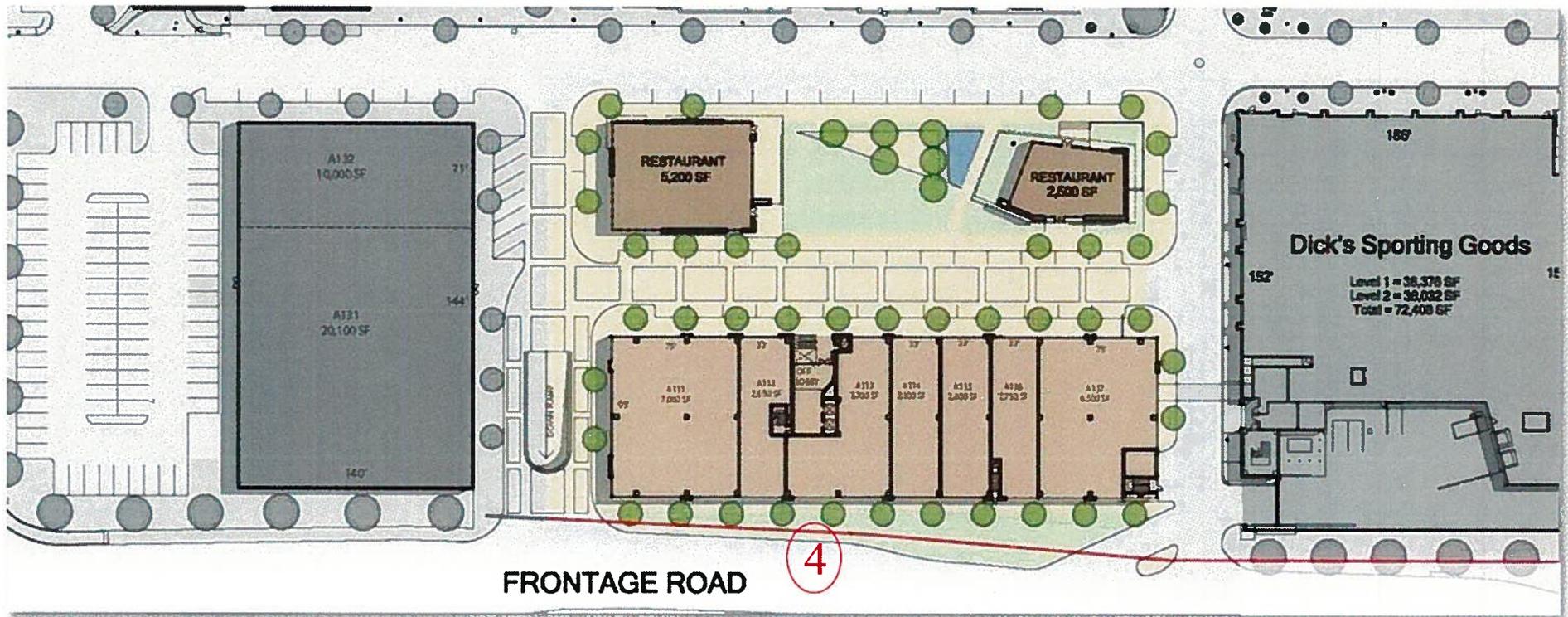
SITE CONSTRAINTS/HARDSHIPS - 3



Ground floor retail and office lobby must front a street to be successful. It will not be leasable if the street was removed. Additionally, the street will become part of the park for large events.

BDA 123-054
Attach A
Pg 11

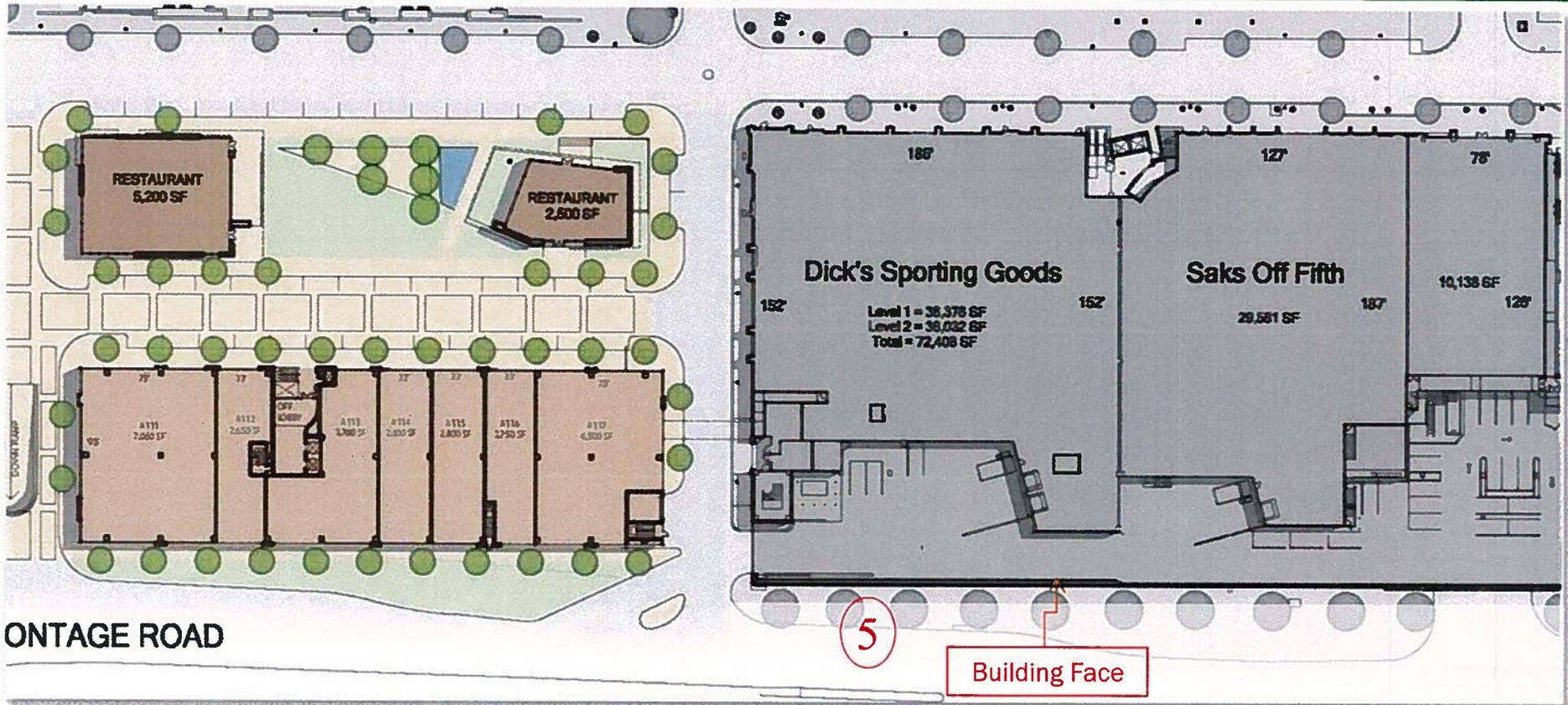
SITE CONSTRAINTS/HARDSHIPS - 4



Right of Way Line moves east into property to accommodate TXDOT required deceleration lane. Without the existence of the required deceleration lane, a variance would not be required.

BDA 123-054
Attach A
Pg 12

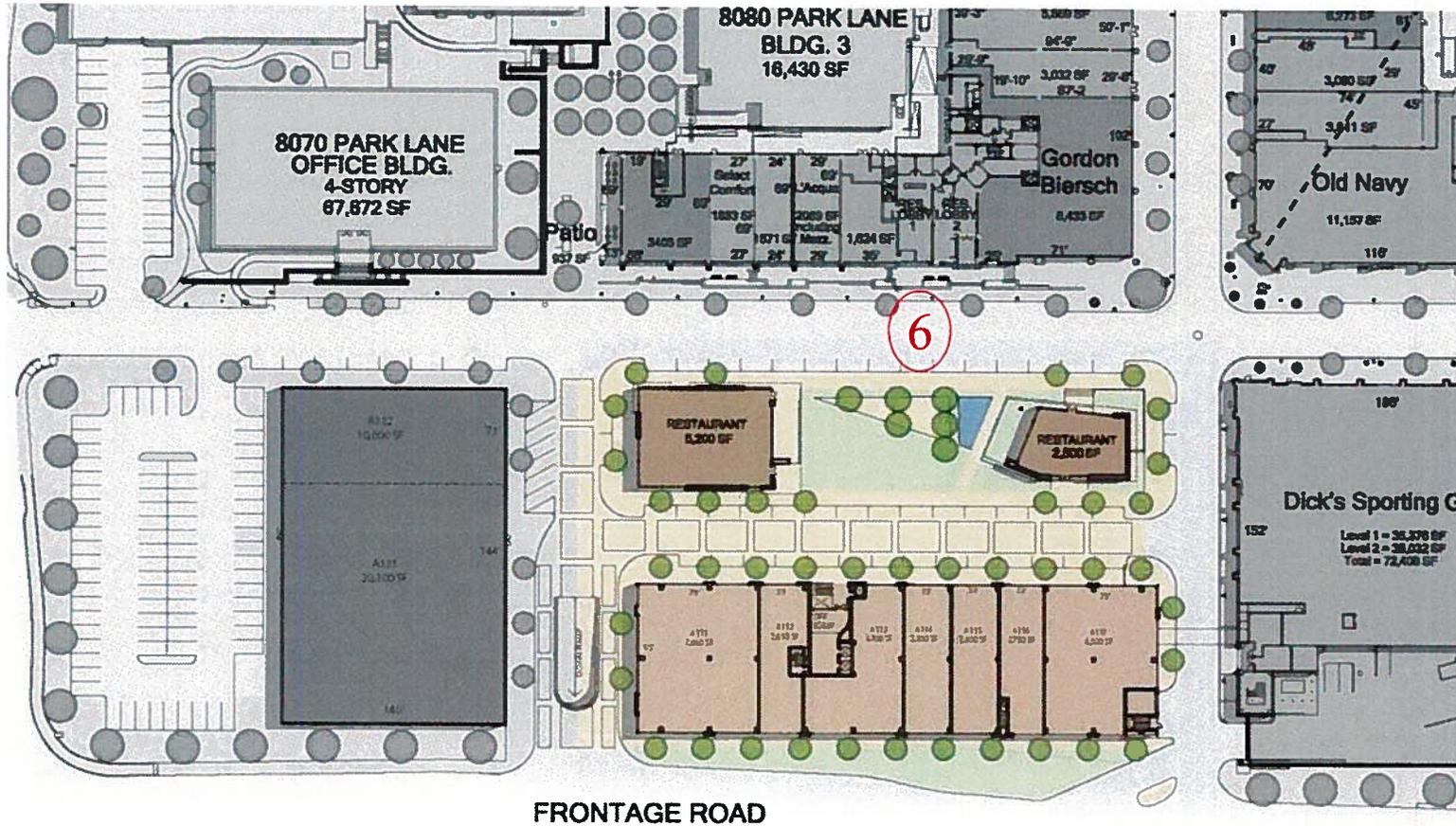
SITE CONSTRAINTS/HARDSHIPS - 5



The dominant building line/face of adjacent structure is closer to the access road than the proposed building.

BDA 123-054
Attach A
Pg 13

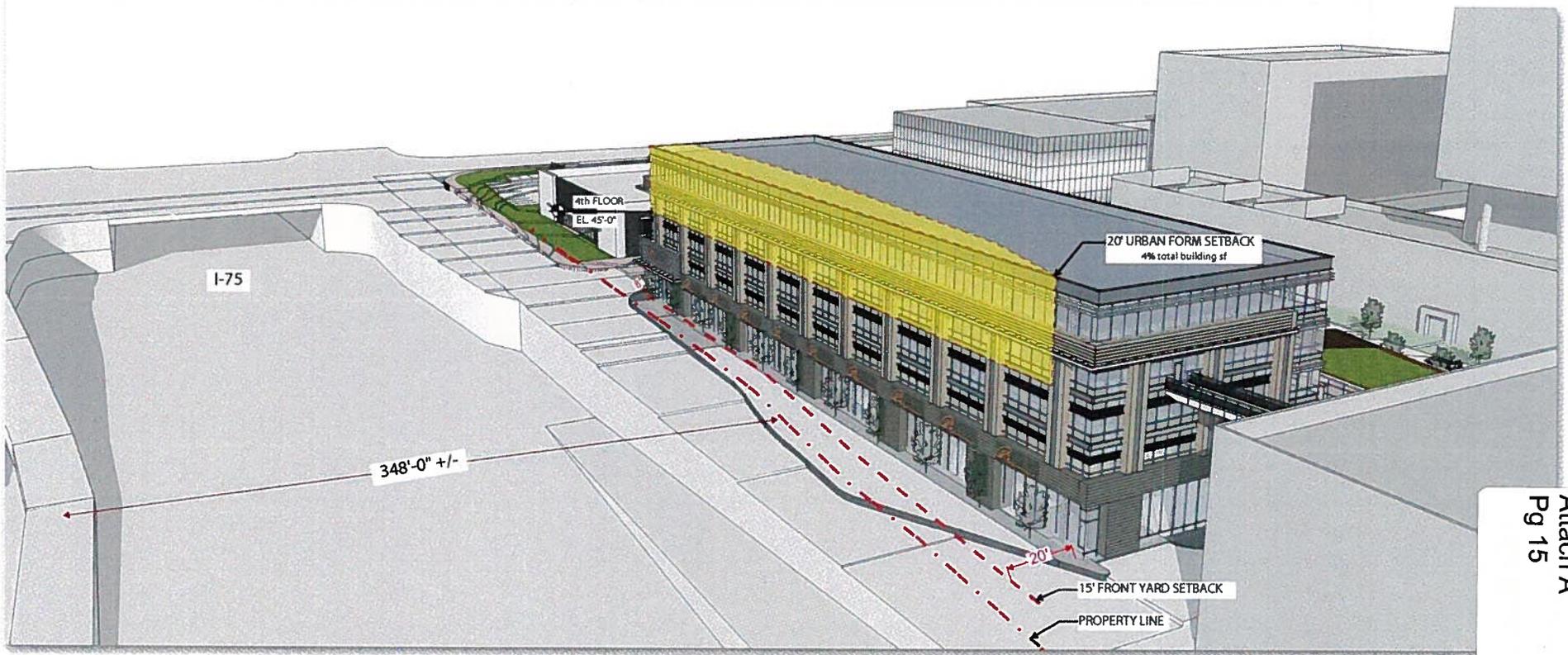
SITE CONSTRAINTS/HARDSHIPS - 6



BDA 123-054
 Attach A
 Pg 14

The streets, infrastructure, and adjacent buildings have been completed and cannot be modified.

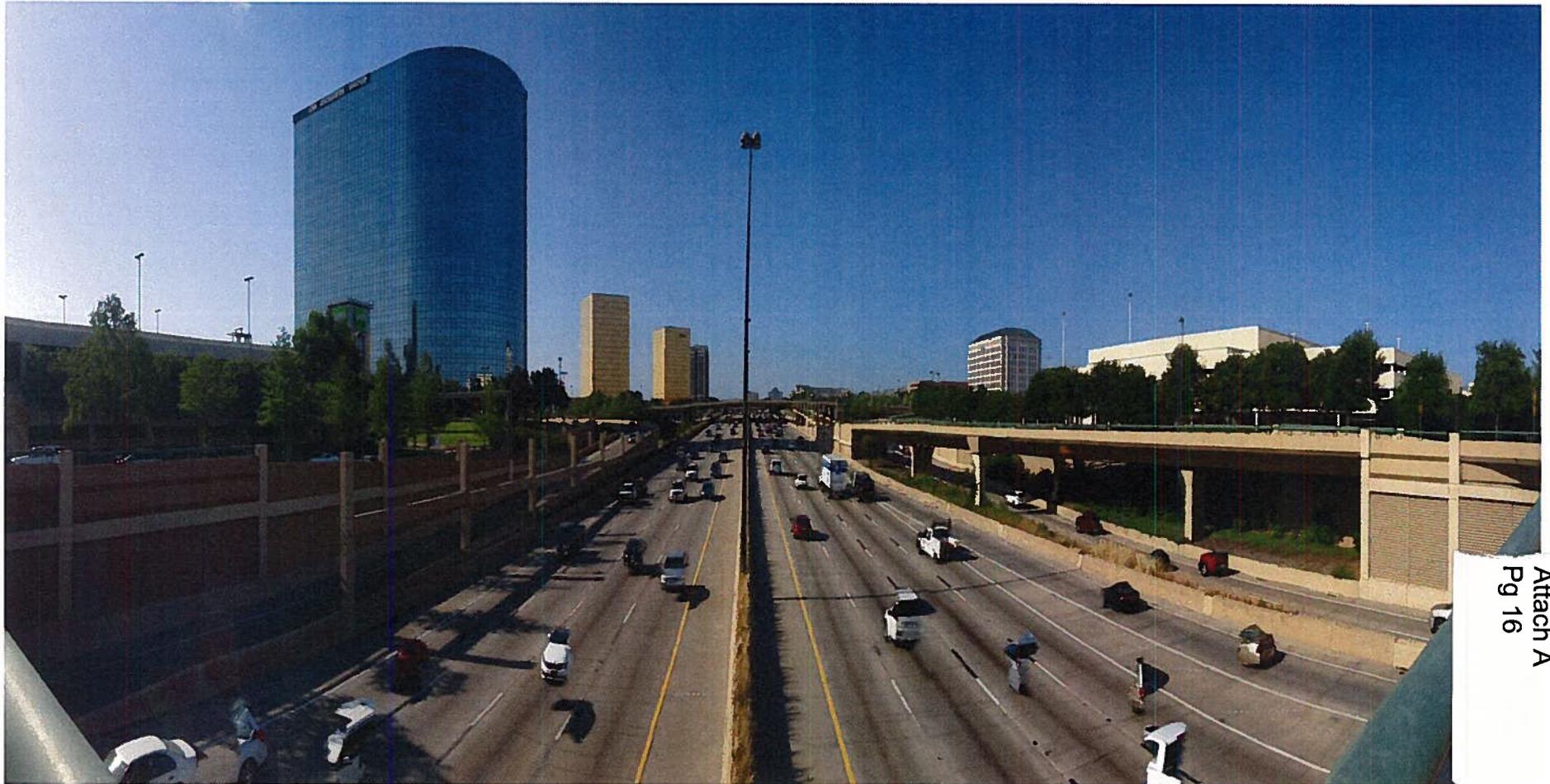
SUMMARY OF VARIANCE REQUEST



BDA 123-054
Attach A
Pg 15

The variance request applies to the portion of the building shown above. The variance only applies to the portion of the 4th and 5th floors that varies from 1''- to 19'. This area represents approximately 4% of the building square footage. Please also note the expansive distance (+/- 348 feet) between the properties across Central Expressway.

SUMMARY OF VARIANCE REQUEST



BDA 123-054
Attach A
Pg 16

View looking south from Park Lane illustrating the 348 foot distance to the adjacent property

CONCLUSION



Conclusion –

We are requesting your approval of a variance to the Urban Form Setback based upon the various property hardships previously outlined. The variance will allow for responsible development of a low-impact project much smaller in scale than the existing zoning allows, as well as the simultaneous development of a much-needed green-space amenity. Ultimately, the goal of the Urban Form Setback of preventing a “canyon effect” is still achieved due to the expansive distances between parcels along Central Expressway. Granting this variance is not contrary to the public interest and, owing to special conditions, a literal enforcement of the urban form setback would result in an unnecessary hardship.

BDA 123-054
Attach A
Pg 17



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-054

Data Relative to Subject Property:

Date: 3-29-13

Location address: 8000 Park Lane Zoning District: MU-3 (SAH)

Lot No.: 1C Block No.: A/5456 Acreage: 33.32 Census Tract: 0078.06

Street Frontage (in Feet): 1) 750 2) 1480 3) 1005 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Northwood PL A LP

Applicant: Winstead PC [Barry Knight, Tommy Mann and Cole Evans] Telephone: (214) 745-5274

Mailing Address: 2728 N. Harwood St., #500 Zip Code: 75201

E-mail Address: bknight@winstead.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance X, or Special Exception , of
19.4 feet from the 35 foot setback required for the portion of the building greater than 45 feet in height
 (urban form setback)

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: (1)Property has multiple front yards, (2) Property slopes, (3) There is no adverse effect on surrounding properties, especially along Central Expressway where the variance is being requested

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: Cole Evans
Applicant's name printed

[Signature]
Applicant's signature

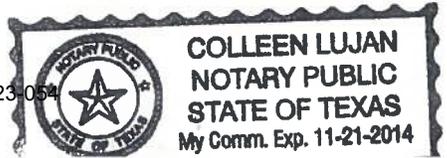
Affidavit

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.

Affiant (Applicant's signature)

Subscribed and sworn to before me this 28 day of March 2013

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

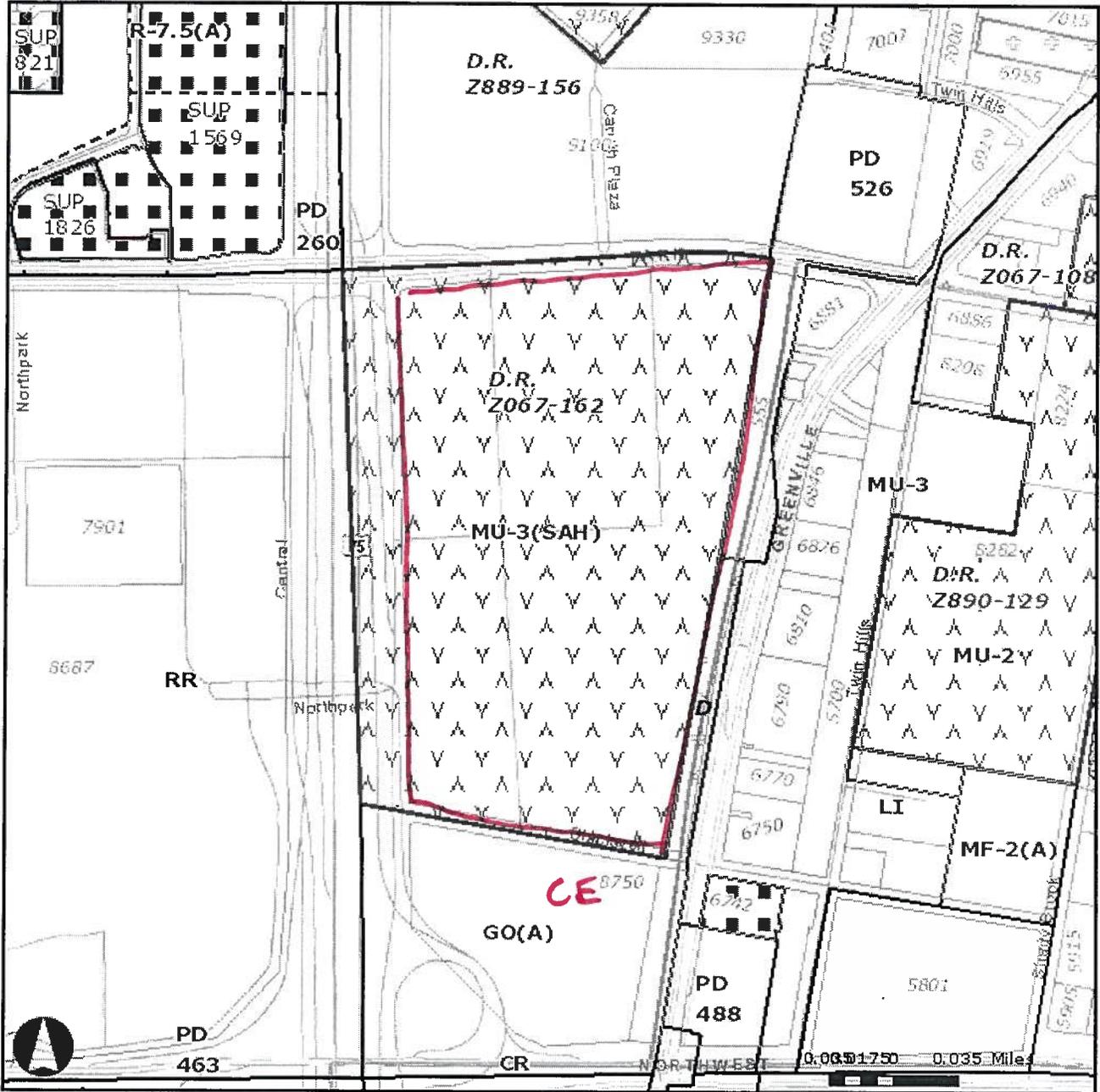
I hereby certify that Colesen C. Evans
did submit a request for a variance to the front yard setback regulations
at 8000 Park Lane

BDA123-054. Application of Colesen C. Evans for a variance to the front yard setback regulations at 8000 Park Lane. This property is more fully described as Lot 1C, Block A/5456, and is zoned MU-3 (SAH), which requires a front yard setback of 35 feet for the portion of a 76 foot 6 inch high building greater than 45 feet in height. The applicant proposes to construct a nonresidential structure and provide a 15 foot 6 inch front yard setback, which will require a 19 foot 6 inch variance to the front yard setback regulation due to the urban form setback requirement.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



Address Candidates

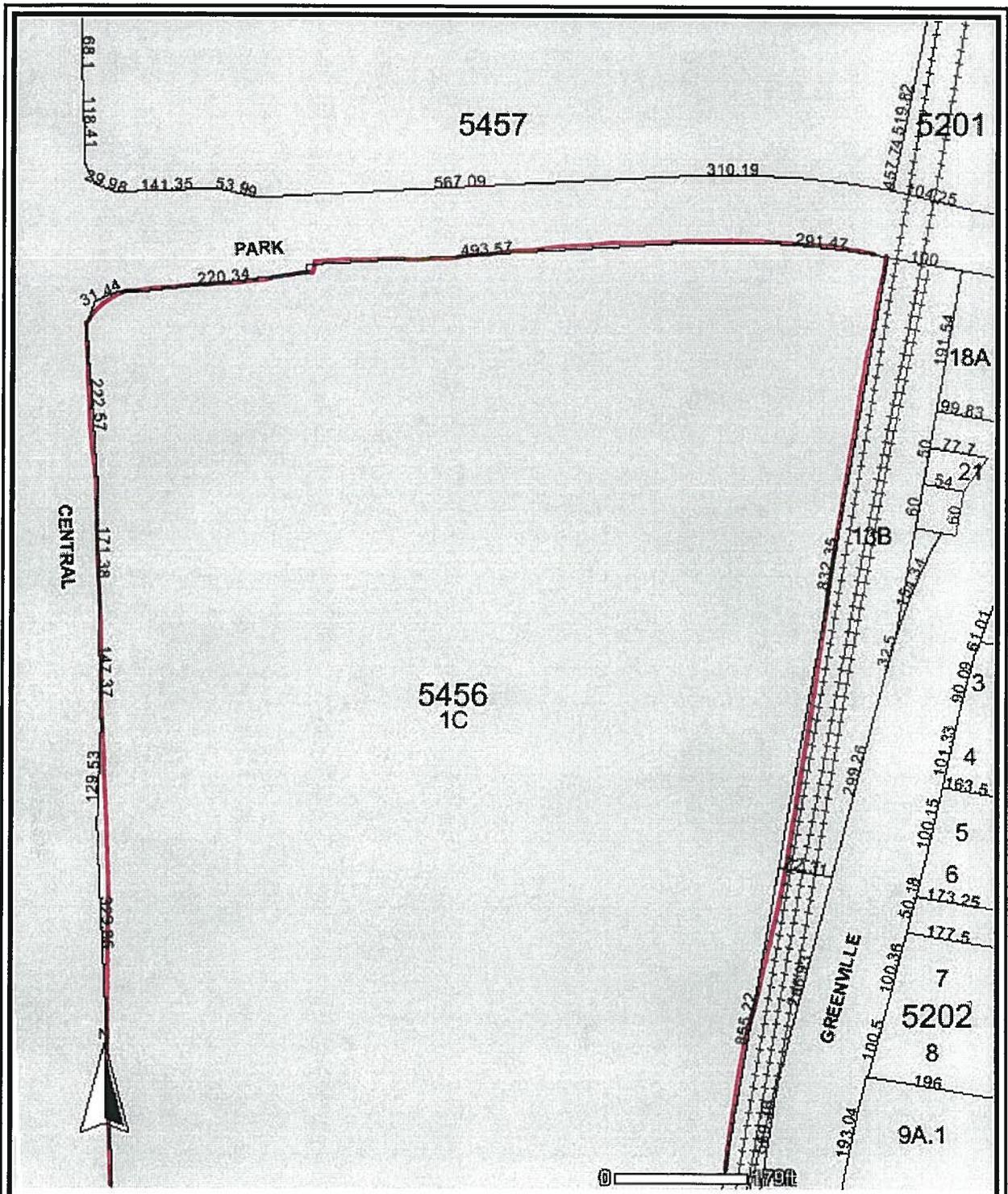
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Major Lakes

Dry Overlay

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

PDS Subdistricts

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



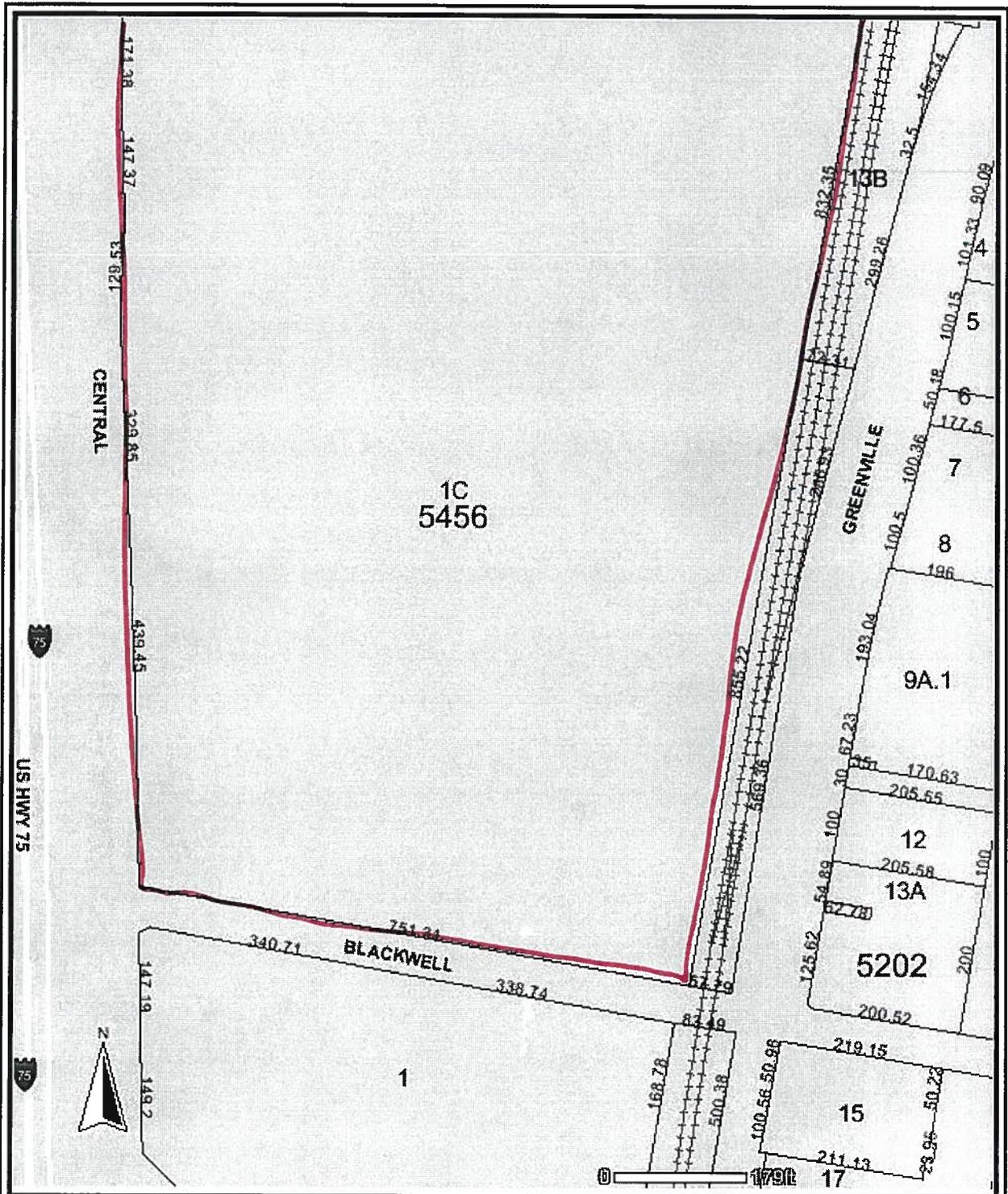
CE



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

DISCLAIMER

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



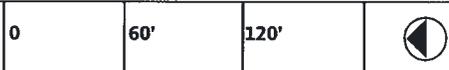
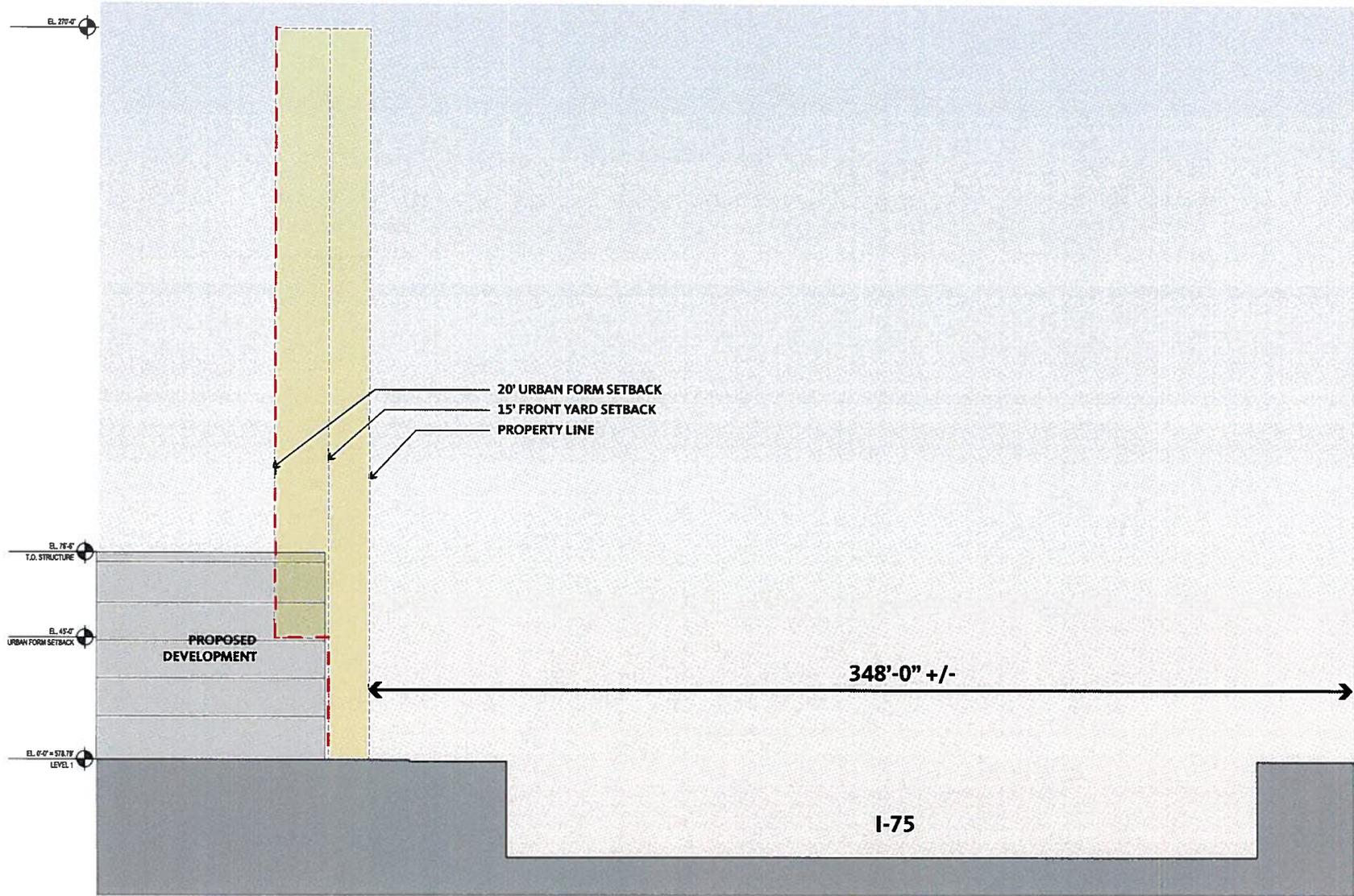
CE



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

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

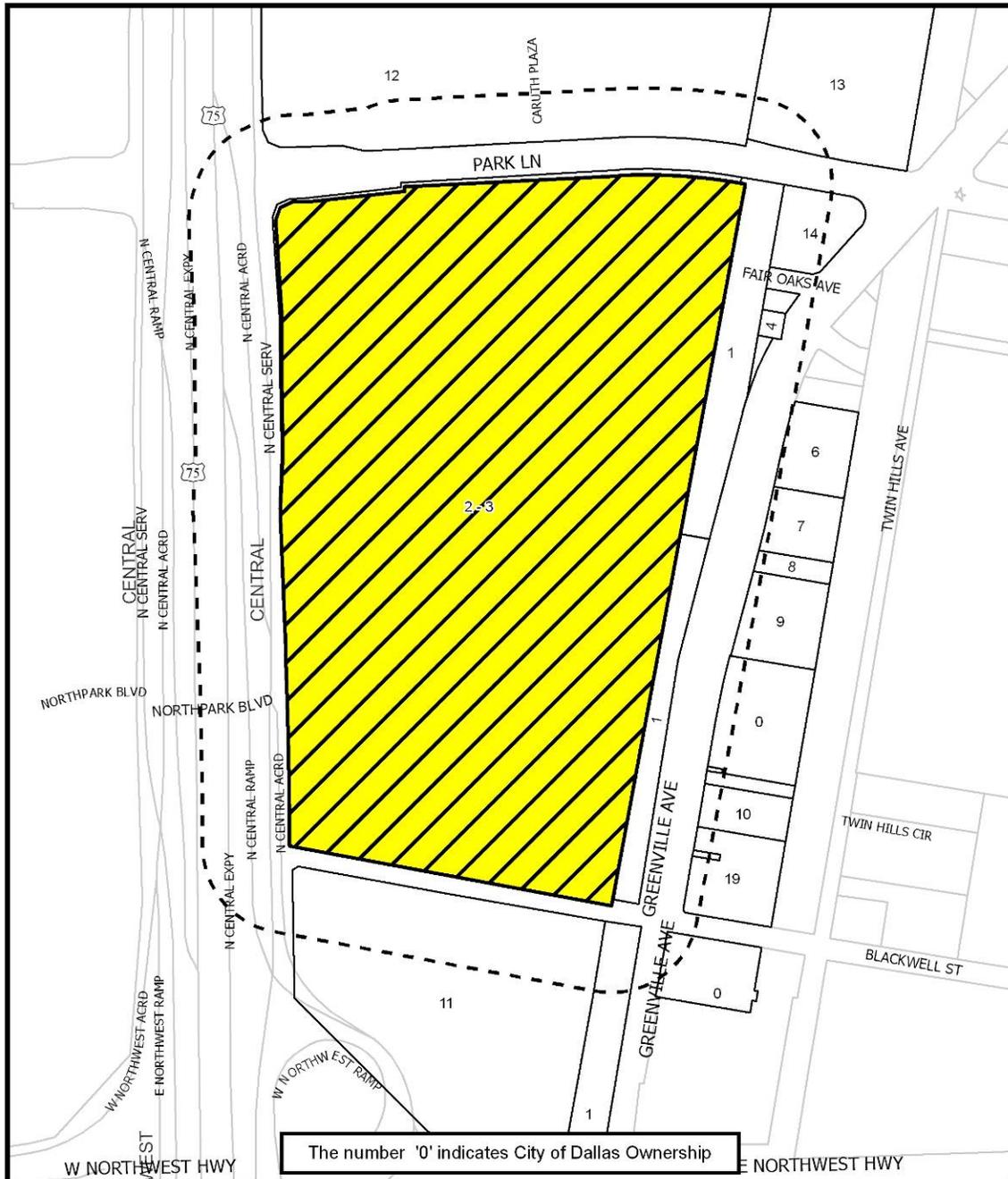


SITE SECTION

NORTHWOOD
INVESTORS



Gensler
05 MAR 2013



 1:3,600	NOTIFICATION	Case no: BDA123-054			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">19</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	19	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
19	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA123-054

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	555 2ND AVE	DART
2	8000 PARK LN	NORTHWOOD PL HOLDINGS LLC
3	8066 PARK LN	DNCX PARK LANE LP OMNIUM MANAGEMENT COMP
4	6855 GREENVILLE AVE	DORFMAN SAM Y LLC
5	6867 GREENVILLE AVE	UECKERT E HOWARD ET AL
6	6846 GREENVILLE AVE	SLJ CORNERSTONE LTD
7	6826 GREENVILLE AVE	FURRH INC
8	6818 GREENVILLE AVE	BOTANIC LTD CO
9	6810 GREENVILLE AVE	BOGART LYNNE ET AL % TOM SCOTT,LESSEE
10	6770 GREENVILLE AVE	MIEGEL INVESTMENTS LLC
11	8750 CENTRAL EXPY	8750 NCE DALLAS LLC INSURANCE CO
12	9100 CENTRAL EXPY	CARUTH ACQUISITION LP
13	8169 PARK LN	DALLAS AREA RAPID TRANSIT
14	6881 GREENVILLE AVE	JOHNSTON ELLEN STRUBE TAX DEPT. # 33116
15	6857 GREENVILLE AVE	RALSTON DOUGLAS
16	6790 GREENVILLE AVE	6778-6790 GREENVILLE AVE LTD
17	6778 GREENVILLE AVE	6778-6790 GREENVILLE AVE LTD
18	6750 GREENVILLE AVE	ELLER MEDIA COMPANY
19	6750 GREENVILLE AVE	ARMSTRONG GUADALUPE LP

FILE NUMBER: BDA 123-092

BUILDING OFFICIAL'S REPORT: Application of Mark Housewright for a variance to the front yard setback regulations at 5522 Maple Avenue. This property is more fully described as Lot 9, Block A/5708 and is zoned MU-3, which requires a front yard setback of 15 feet and an additional urban form setback of 20 feet for that portion of the structure above 45 feet in height. The applicant proposes to construct/maintain a structure with a building height of 51 feet and provide a 15 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations for the portion of the structure over 45 feet in height.

LOCATION: 5522 Maple Avenue

APPLICANT: Mark Housewright

REQUEST:

A variance to the urban form front yard setback regulations of 20' is requested in conjunction with constructing and maintaining an approximately 51' high, 4-story high, structure in a proposed multifamily development (Alta Maple Station) that would be located within the required 35' front yard setback for the portion of it above 45' in height along Maple Avenue. The site is currently developed as an office/warehouse use that the applicant intends to demolish.

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:

- (A) 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;
- (B) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) the variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Denial

Rationale:

- Granting this request does not appear to be contrary to public interest given that the variance request (if the submitted site plan and “overall elevations” document were imposed as conditions to this request) would allow only a 51’ high structure to encroach into the urban form setback – a structure only 6’ above the 45’ in height that triggers the additional 20’ setback. However, staff recommends denial of the request since the applicant has not addressed the remaining components of the variance standard.
- While the subject site is moderately sloped, the applicant has not provide documentation to show how this feature nor its area (at 2.2 acres) or shape (rectangular) preclude the applicant from developing it in a manner commensurate with the development of other parcels of land in the same MU-3 zoning.

BACKGROUND INFORMATION:

Site: MU-3 (Mixed Use) (Deed restricted)*
North: MU-3 (Mixed Use)
South: PD 862 (Planned Development)
East: IR (Industrial research)
West: MU-3 (Mixed Use)

- * Note that the applicant acknowledged in an email to the Board Administrator on August 26, 2013 of the deed restrictions on the property. The applicant stated that these deed restrictions that refer to height do not affect this application to the board since the applicant’s proposal in this application at approximately 51’ in height is significantly less than the 90 feet or seven stories.

Land Use:

The subject site is currently developed as an office/warehouse. The area to the north is developed as a rail line station; and the areas to the east, south, and west are development with mostly office and warehouse uses.

Zoning/BDA History:

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

Timeline:

- August 18, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 20, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 20, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th 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
- August 27, 2013: The Building Inspection Senior Plans Examiner/Development Code Specialist submitted a revised Building Official's Report to the Board Administrator on this application (see Attachment A).
- August 28, 2013: The applicant submitted documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- September 3, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, 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 were submitted in conjunction with this application.
- September 16, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The Board Administrator circulated a September 12th letter from the applicant requesting that the board hold this case for one month given that an easement issue with DART had arisen which would require some negotiations between that agency and the prospective developer, and in addition, these discussions must consider the intent of the City Council-approved TIF and how

easement decisions will affect those plans. The Board held the request under advisement until October 21, 2013.

September 16, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date that the panel that will consider the application; October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 2, 2013: The applicant submitted documentation on this application to the Board Administrator beyond what was submitted with the original application and by/at the September 16th public hearing (see Attachment C).

October 8, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department 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 were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 51' high structure in a proposed multifamily development (Alta Maple Station) that does not comply with the required 35' front yard setback (or additional 20' setback to the required 15' front yard setback) for that portion of it above 45' in height along Maple Avenue. The site is developed with an office/warehouse use that the applicant intends to demolish.
- Development on lots zoned MU-3 are required to provide a 15' front yard setback and an additional 20' setback for any portion of a structure above 45' in height.
- The applicant has submitted a site plan indicating the portion of the proposed structure above 45' in height that is located as close as 15' from the site's front property line along Maple Avenue.
- The applicant has submitted an "overall elevations" document representing how a portion of the upper story of the 4th floor of the structure encroaches into the additional 20' front yard setback for the portion of the structure above 45' in height.

- The applicant emailed staff that only 6’ of the fourth floor of the building is encroaching into the urban form front yard setback. The applicant stated that the total amount of this structure encroaching into the setback is 4,775 square feet (or approximately 3 percent) of its total 155,761 square feet.
- Staff has interpreted that the additional 20’ setback provision for structures or portions of structures higher than 45’ in height was enacted to discourage a canyon effect that a structure may create once it exceeds a specific height, and that this additional front yard setback was enacted to ensure openness, light, and airflow between tower structures.
- The subject site is moderately-sloped, rectangular in shape, and, according to the application, 2.28 acres in area. The site is zoned MU-3.
- DCAD records indicate that the improvements at 5522 Maple Avenue are a “storage warehouse” with 50,052 square feet built in 1956.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the urban form front yard setback requested to construct and maintain an approximately 51’ high structure 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 MU-3 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 MU-3 zoning classification.
- If the Board were to grant the urban form front yard variance request of 20’ imposing a condition whereby the applicant must comply with the submitted site plan and “overall elevations” document, the structure would be limited to what is shown on these documents – a structure that complies with setbacks 45’ in height and below, but where 6’ of the structure proposed to exceed 45’ in height would be allowed to be located in the additional 20’ setback along the Maple Avenue.

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 16, 2013

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITON: No one

MOTION: **Richardson**

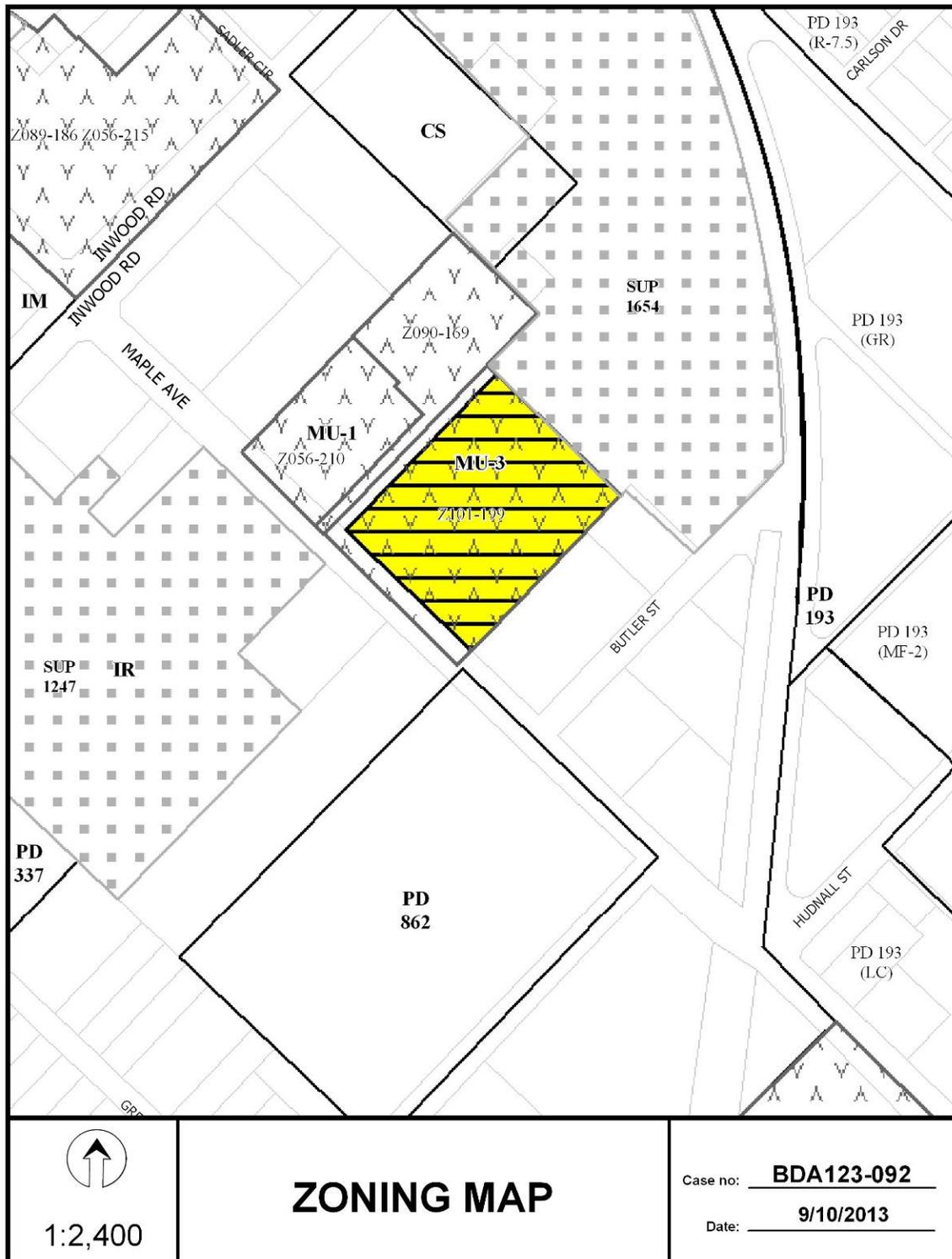
I move that the Board of Adjustment, in Appeal No. **BDA 123-092**, on application of Colesen C. Evans, hold this matter under advisement until **October 21, 2013**.

SECONDED: **Maten**

AYES: 5– Richardson, Maten, Coulter, Richard, Carreon

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)



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 Mark Housewright

did submit a request for a variance to the front yard setback regulations at 5522 Maple Avenue

BDA123-092. Application of Mark Housewright for a variance to the front yard setback regulations at 5522 Maple Avenue. This property is more fully described as Lot 9, Block A/5708 and is zoned MU-3, which requires a front yard setback of 15 feet and an additional urban form setback of 20 feet for that portion of the structure above 45 feet in height. The applicant proposes to construct a multifamily residential structure with a building height of 51 feet and provide a 15 foot front yard setback, which will require a 20 foot variance to the front yard setback.

Sincerely,

Larry Holmes
Larry Holmes, Building Official

BDA 123-092

Attach B

PS1

Long, Steve

From: markh77@live.com on behalf of Mark H [mark@masterplanconsultants.com]
 Sent: Wednesday, August 28, 2013 11:02 AM
 To: Long, Steve
 Subject: RE: 5522 Maple/BDA123-092
 Attachments: Northbound Maple Photo-Graphic.pdf

Steve,

I have attached a photo/graphic that we would like included in the packets to the Board. GFF is still working on the southern view but it won't be ready until this afternoon. So if you need to close the file at noon that's fine we can hand out the other view at the hearing.

I hope we given you everything you need -- let me know if that's not the case. Thanks again for your help.

Mark Housewright
 Masterplan
 214-761-9197

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Subject: RE: 5522 Maple/BDA123-092
 Date: Mon, 26 Aug 2013 12:36:48 -0500
 From: steve.long@dallascityhall.com
 To: mark@masterplanconsultants.com

Thank you.

Steve



BDA 123-092

Attach C

pg 1

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

Mr. Long,

RE: BDA 123-092

While exploring any possibility to amend the plans for the project at 5522 Maple Ave. to avoid the need for a variance, I became aware of two other significant factors adding to the hardships associated with our request (BDA 123-092). I am hopeful that these additional considerations address staff's concerns that the necessary conditions for granting a variance had not been met.

We would welcome the chance to fully explain these factors with staff if you feel that would be advisable.

Thank you again for your help on this case.

Submitted by,

A handwritten signature in cursive script that reads 'Mark'.

Mark Housewright

Additional Considerations for Variance Request BDA 123-092

Two significant factors impacting this request were not adequately explained in my original submittal. I apologize for the lack of depth of information originally supplied on these issues. Hopefully, this additional information will help make the hardships, which we face on getting this project built, more apparent to the staff and the Board.

- 1) The building cannot be moved back twenty feet to the east toward the DART parking lot due to the slope created by that existing parking lot.

This existing slope would require either lowering the building below grade, requiring space and costs for an extensive drainage system, or raising the entire site almost two feet, which would make the site atypical to the area. The first approach would create a break in grade between our project and the DART parking lot also making access by disabled residents much more difficult if not impossible under ADA standards. Since it has been discussed and agreed with DART that an entry and marked path for the disabled to access the station would be built on the access easement, this grade break could eliminate the connection. We believe that having this easy connection to DART will be a "selling" point for the apartment complex and we anticipate a significant number of disabled residents for this reason.

Unfortunately, my original submittal focused on the specific problem caused by the severe slope on the southern end of the tract, which still affects the site, but did not explain the overall challenge of slope we face to make this site work.

- 2) There is no space available for placing the mechanical equipment on the ground, thereby removing the need for the parapet.

In my original submittal, I did not point out that we have already reduced the number of apartment units to be built in order to make room for three Oncor Electric Delivery Co. transformers that they needed to put on the site. The site is so tight that trying to place the mechanicals on the ground would definitely impact the number of units that could be built, possibly making the project not feasible.

And while I realize that a variance cannot be granted on a financial basis alone, we have already reduced the number of units to be built to the point that we have no room to spare under the terms of the TIF agreement which was approved by the Economic Development Dept. and the City Council for this project. If the project does not qualify for the TIF reimbursement, it will not be affordable to build.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-092

Data Relative to Subject Property:

Date: 8/14/13

Location address: 5522 Maple Ave. Zoning District: MU-3

Lot No.: 9 Block No.: A/5708 Acreage: 2.2837 Census Tract: 0004.04

Street Frontage (in Feet): 1) 282.87 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SW22

Owner of Property (per Warranty Deed): Maple/Douglas, L.P.

Applicant: Mark Housewright Telephone: 214-761-9197

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

E-mail Address: mark@masterplanconsultants.com

Represented by: Same as Applicant Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception _____, of Setback of 20 ft. to the front yard setback due to an urban form requirement.

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

The Applicant seeks a setback variance as a result of a property hardship. Adjacency to a DART station parking lot combined with a severe slope on the southern end of the tract, necessitate positioning the building toward Maple Ave. The result is a slight variance to the height allowed.

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.

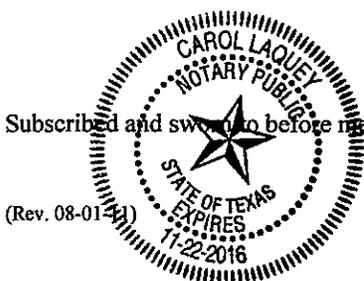
Affidavit

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

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



Carol Laquey
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Mark Housewright
did submit a request for a variance to the front yard setback regulations
at 5522 Maple Avenue

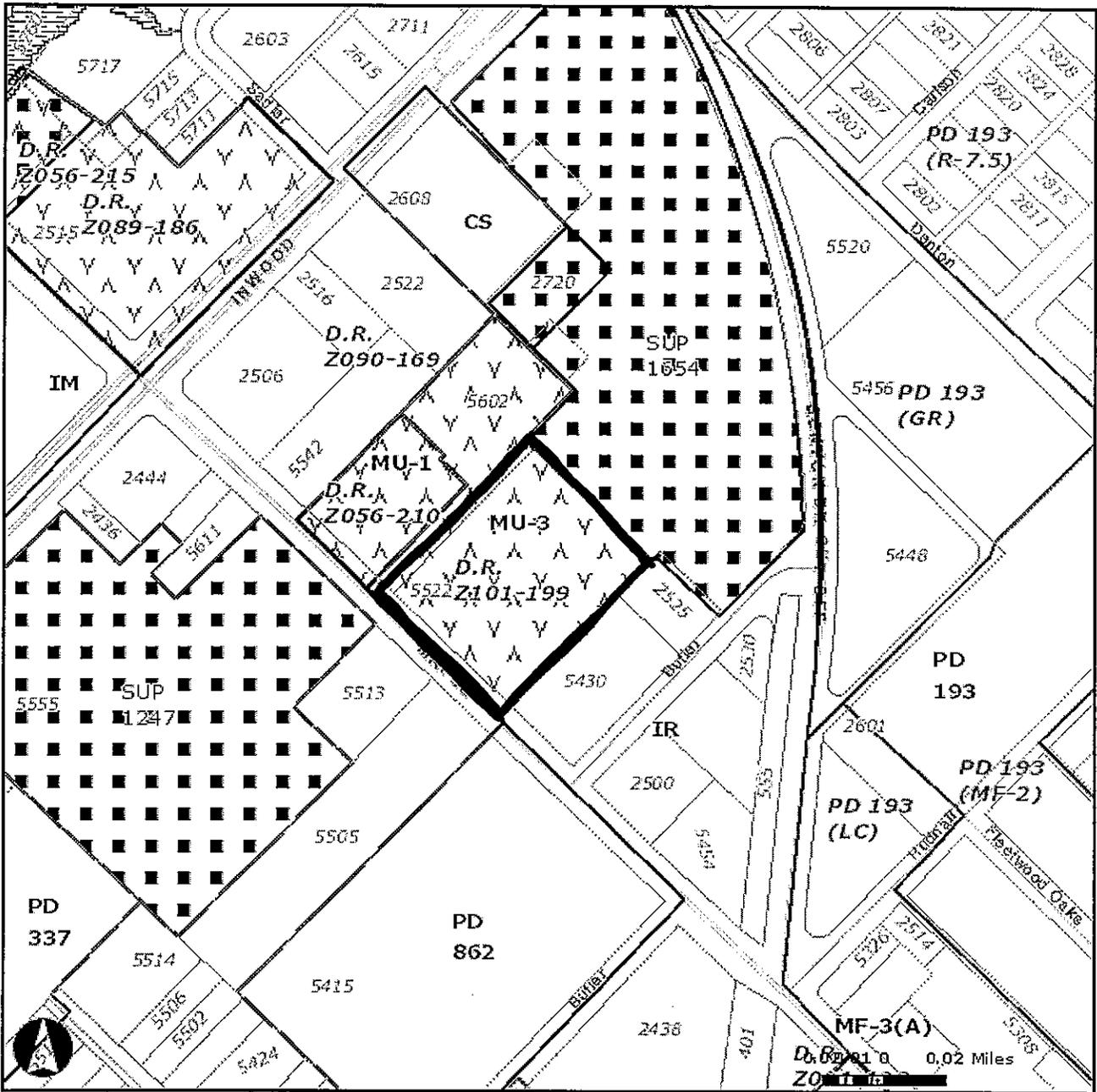
BDA123-092. Application of Mark Housewright for a variance to the front yard setback regulations at 5522 Maple Avenue. This property is more fully described as Lot 9, Block A/5708 and is zoned MU-3, which requires a front yard setback of 15 feet and an additional urban form setback of 20 feet for that portion of the structure above 45 feet in height. The applicant proposes to construct a multifamily residential structure with a building height of 275 feet and provide a 15 foot front yard setback, which will require a 20 foot variance to the front yard setback.

Sincerely,


Larry Holmes, Building Official

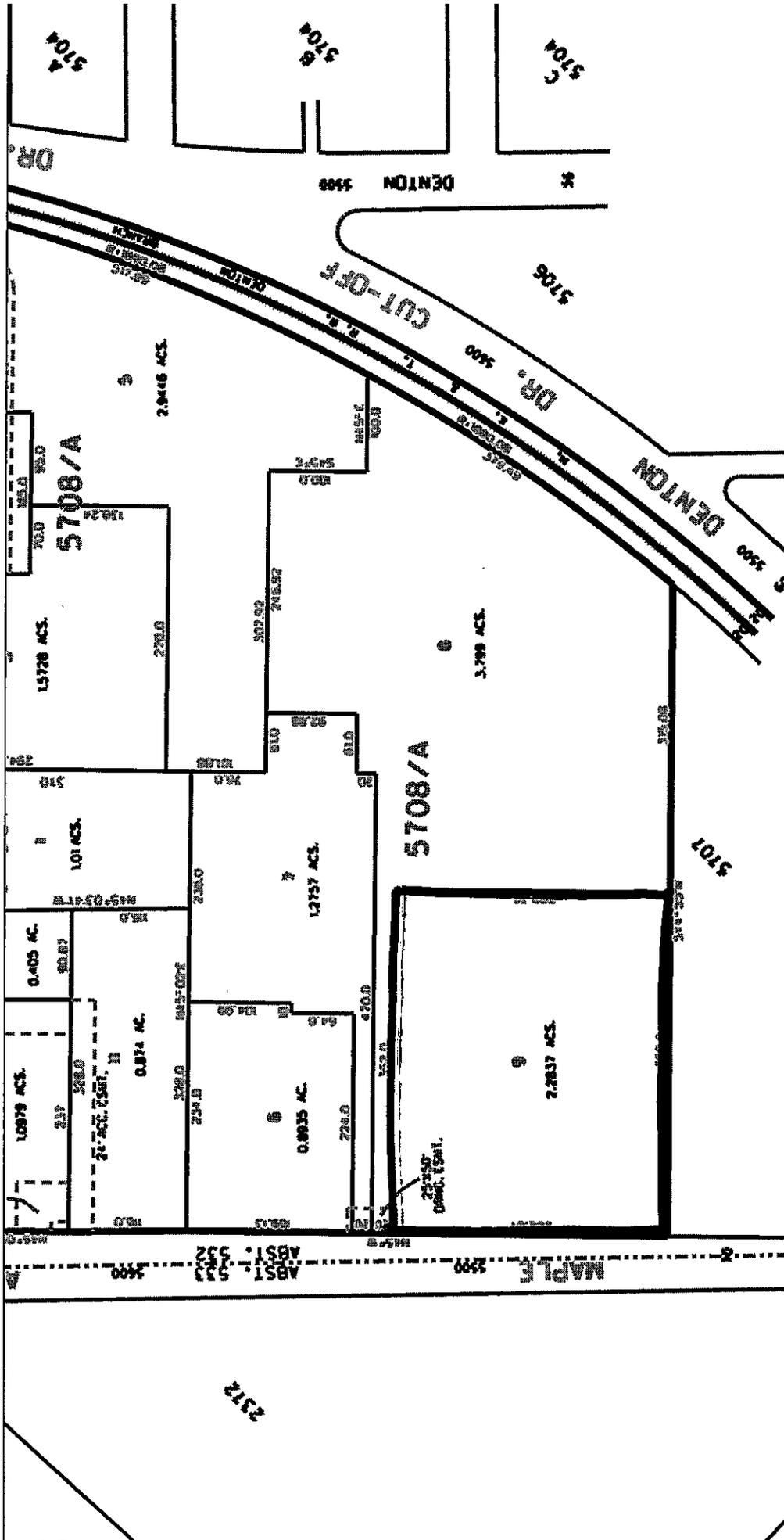


City of Dallas Zoning



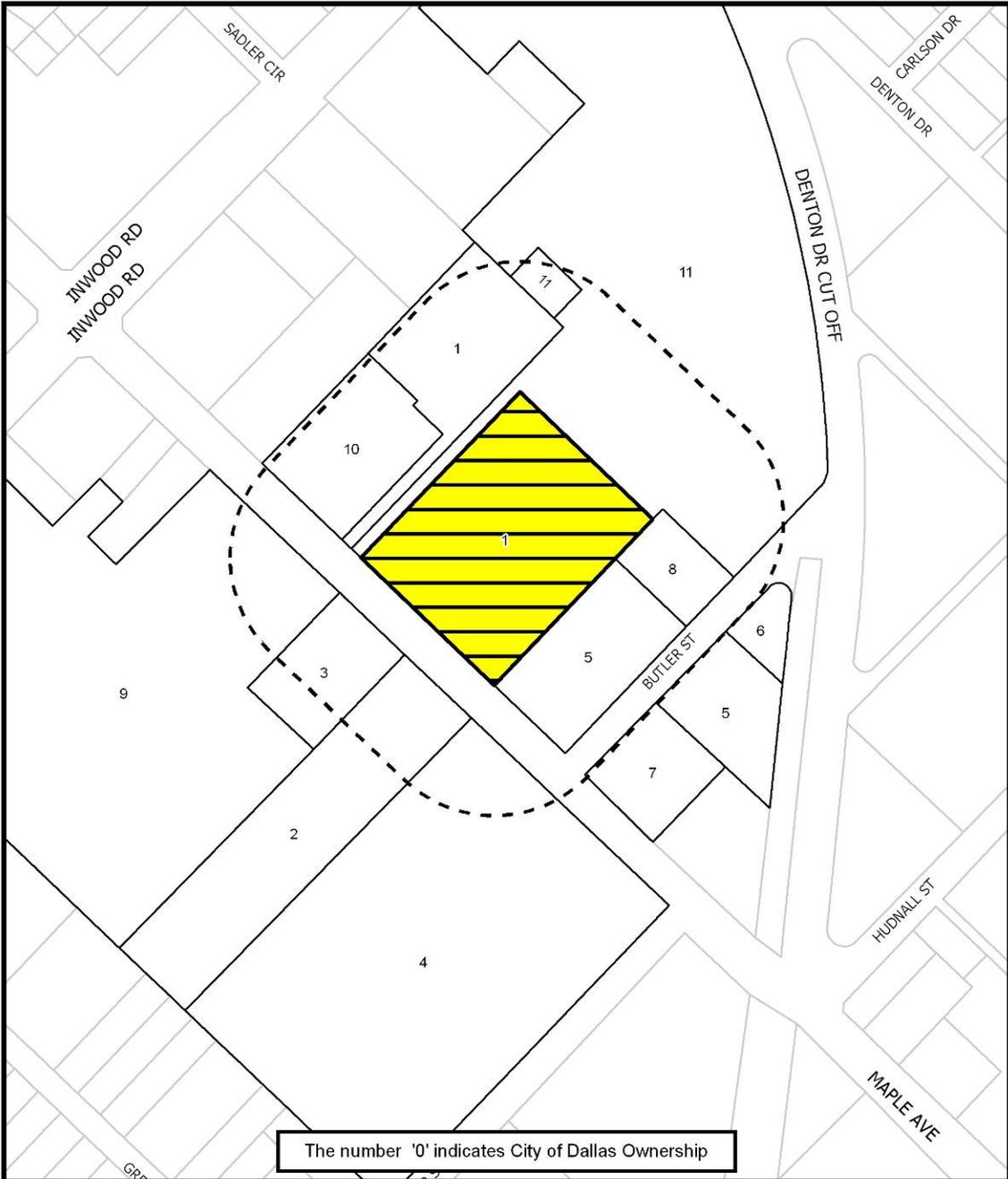
Handwritten initials/signature

- | | | |
|--|--|---|
| <p>City Boundaries</p> <p>Certified Parcels</p> <p>Deed Restrictions</p> <p>SUP</p> <p>Dry Overlay</p> <p>Historic Overlay</p> | <p>NSO Overlay</p> <p>NSO Subdistricts</p> <p>MD Overlay</p> <p>CD Subdistricts</p> <p>PD Subdistricts</p> <p>PD193 Oak Lawn</p> <p>PDS Subdistricts</p> | <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> <p>CP</p> <p>SP</p> <p>Environmental Corridors</p> <p>Escarpment Overlay</p> |
|--|--|---|



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 1:2,400	NOTIFICATION		Case no: BDA123-092
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 9/10/2013

Notification List of Property Owners

BDA123-092

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5602 MAPLE AVE	MAPLE DOUGLAS LP
2	5505 MAPLE AVE	HEWITT BILL FAMILY LIMITED PARTNERSHIP
3	5513 MAPLE AVE	3605 INWOOD ROAD LP
4	5415 MAPLE AVE	UCF MAPLE LLC % UCF I TRUST 1
5	5430 MAPLE AVE	PIMENTAL HOLDINGS LLC
6	2530 BUTLER ST	SHEFAH LLC
7	2500 BUTLER ST	TEXAS UTILITIES ELEC CO % STATE & LOCAL
8	2525 BUTLER ST	PRESCOTT INTERESTS LTD STE 225
9	5555 MAPLE AVE	Dallas ISD ATTN OFFICE OF LEGAL SERVICES
10	5610 MAPLE AVE	HUIZENGA INC
11	5542 MAPLE AVE	DART