

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, MAY 20, 2019
AGENDA

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

Neva Dean, Assistant Director
Steve Long, Board Administrator/ Chief Planner
Oscar Aguilera, Senior Planner

MISCELLANEOUS ITEM

Approval of the April 15, 2019 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA189-056(OA)	4223 Briar Creek Lane REQUEST: Application of Jorge Abrev for special exceptions to the fence standards regulations	1
BDA189-058(OA)	10040 Hollow Way Road REQUEST: Application of Karl A. Crawley for a special exception to the minimum front yard setback requirements to preserve an existing tree	2
BDA189-059(OA)	1949 N. Stemmons Freeway REQUEST: Application of Sharmarr Singleton of TSG Construction for a special exception to the off-street parking regulations	3
BDA189-060(OA)	2634 Al Lipscomb Way REQUEST: Application of Chris D. Lovick, Jr. for a special exception to the single family use regulations	4

BDA189-061(OA) 3313 E. Illinois Avenue 5
REQUEST: Application of Jack Tarrer for a special exception to the fence standards regulations

REGULAR CASE

BDA189-038(OA) 11534 Hillcrest Road 6
REQUEST: Application of James White III, represented by Michael R. Coker Company, for a variance to the front yard setback regulations, special exceptions to the fence standards regulations, and special exceptions to the visual obstruction regulations

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

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 City Council 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 §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

FILE NUMBER: BDA189-056(OA)

BUILDING OFFICIAL'S REPORT: Application of Jorge Abrev for special exceptions to the fence standards regulations at 4223 Briar Creek Lane. This property is more fully described as Lot 13, Block G/2956, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence standards regulations, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 4223 Briar Creek Lane

APPLICANT: Jorge Abrev

REQUESTS:

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

1. A request for a special exception to the fence standards regulations related to the fence height of 3' is made to construct and maintain a fence higher than 4' in height in both front yard setbacks:
 - a) Along Briar Creek Lane: – a 7' solid wood fence; and
 - b) Along St. Moritz Avenue: – a 7' solid wood fence.
2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open less than 5' from the front lot line, is made to construct and maintain the aforementioned 7' high solid wood fence along Moritz Avenue located less than 5' from this front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards 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 standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on:
 1. constructing/maintaining a 7' solid wood fence in one of the site's two required front yards (Briar Creek Lane);
 2. constructing/maintaining a 7' solid wood fence in one of the site's two required front yards (St. Moritz Avenue);
 3. constructing/maintaining the aforementioned 7' solid wood fence along Moritz Avenue located less than 5' from this front lot line.
- 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 Dallas Development Code states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- The site is located at the southeast corner of Briar Creek Lane and Moritz Avenue.
- Given the single-family zoning and location of the corner lot, the subject site has two required front yards. The site has a 30' required front yard caused by a platted building line along Briar Creek Lane and a 20' required front yard along Moritz Avenue.
- The applicant has submitted a site plan and elevation of the proposal along Briar Creek Lane and Moritz Avenue that shows the proposal in these front yard setbacks reaching a maximum height of 7' and with fence panels having a surface area less than 50 percent open less than 5' from the front lot line along Moritz Avenue.

- The following additional information was gleaned from the submitted revised site plan:
 - Along Briar Creek Lane: the proposal is represented as being approximately 31’ in length parallel to the street and approximately 30’ perpendicular to the street on the northeast and northwest side of the site on this required front yard; located approximately 26’ from the front property line or approximately 36’ from the pavement line.
 - Along Moritz Avenue: the proposal is represented as being approximately 42’ in length parallel to the street and approximately 18’ perpendicular to the street on the southwest and northwest side of the site on this required front yard; located approximately at the front property line or approximately 20’ from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and the surrounding area approximately 400 feet north, south, east, and west of the site and noted no other fences that appeared to be above 4’ in height and located in a front yard setback.
- As of May 10, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height 3’ in these front yard setbacks and related to a fence with panels with surface areas less than 50 percent open less than 5’ from the front lot line along Moritz Avenue will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 3’ in height in the front yard setbacks and with fence panels with surface areas less than 50 percent open located less than 5’ from the front lot line along Moritz Avenue to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

February 12, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

April 10, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the

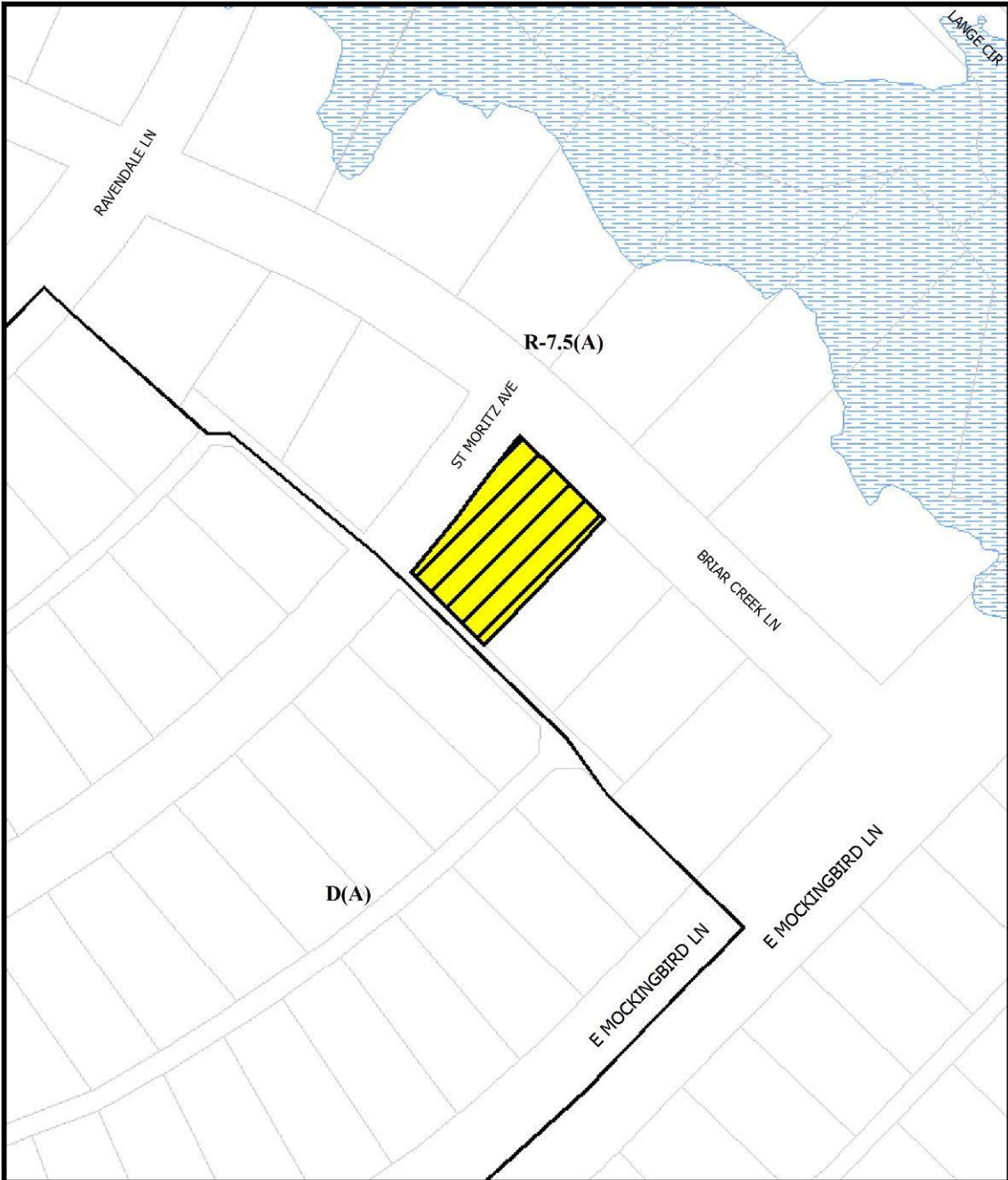
May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

May 7, 2019:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

ZONING MAP

Case no: BDA189-056

Date: 4/11/2019



1:1,200

AERIAL MAP

Case no: BDA189-056

Date: 4/11/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-056

Data Relative to Subject Property:

Date: 2/12/19

Location address: 4223 Briar Creek Lane Zoning District: ~~SF 7,500~~ R 7.5(A)

Lot No.: 13 Block No.: 6/2956 Acreage: 11,274.258 Census Tract: 79.02

Street Frontage (in Feet): 1) 89 2) 133 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Brian Forsythe

Applicant: Jorge Abreu Telephone: 214 679 9212

Mailing Address: 10860 Switzer Ave #114, Dallas Zip Code: 75238

E-mail Address: Jorge@JNTDevelopers.com

Represented by: _____ Telephone: 214 679 9212

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

I affirm that an appeal has been made for a Variance _____, or Special Exception , of the height of the fence around the front patio. This is further than 5 feet from the property line, + less than 50% open panel

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:

To create privacy on patio and it doesn't hurt any of the neighbors.

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 Jorge Abreu
(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 15 day of Feb, 2019



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

9/21/19

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 JORGE ABREV

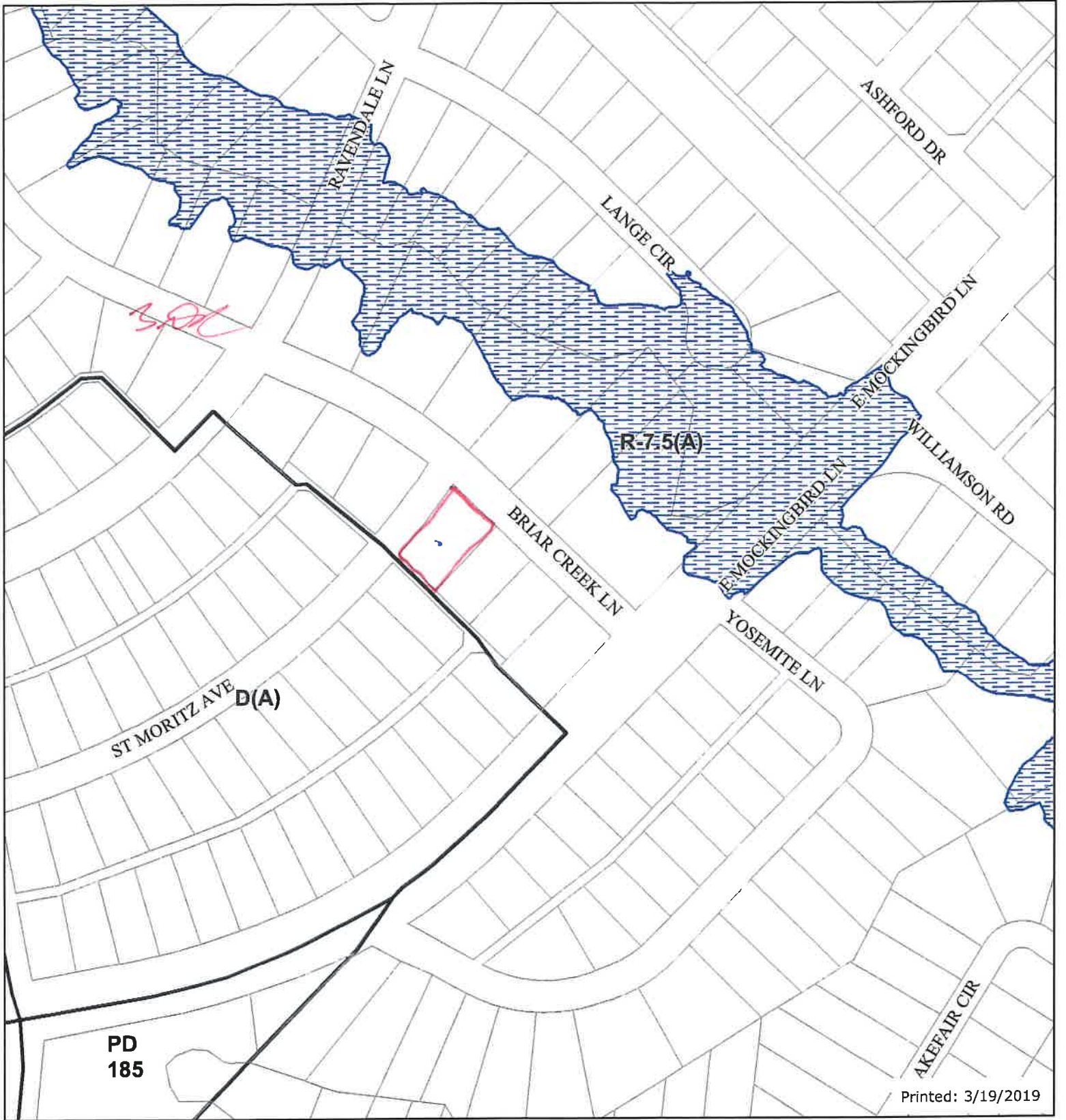
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 4223 Briar Creek Lane

BDA189-056. Application of JORGE ABREV for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 4223 BRIAR CREEK LN. This property is more fully described as Lot 13, Block G/2956, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 3/19/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 1-9 Shop Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. '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.' (Texas Government Code § 2051.102)



PLAN NO.

3176

DATE

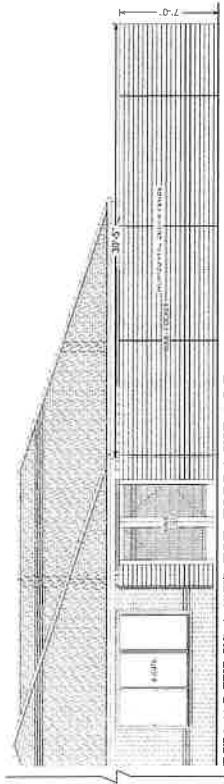
3/14/2019

PHD
PEKUTSKI HOME DESIGN
DALLAS, TEXAS
PHONE: (214) 888-9886 FAX: (214) 888-9888

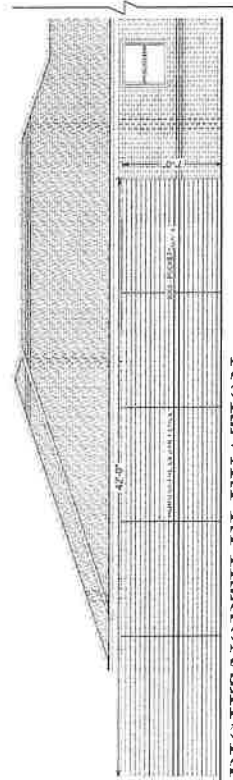
J-N-T DEVELOPERS
4223 BRIAR CREEK LN
LOT 13, BLOCK G/2936
DALLAS, TX

SHEET

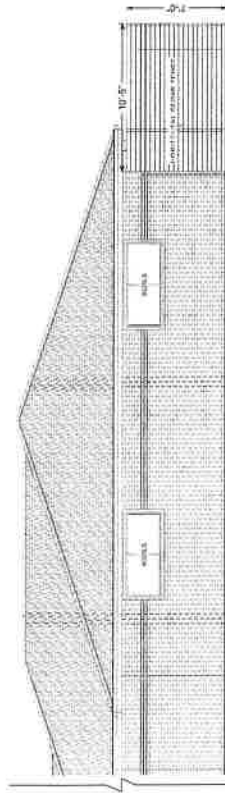
F-2



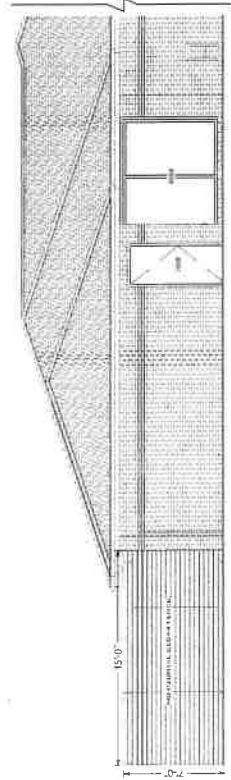
FRONT/EAST ELEVATION



RIGHT/NORTH ELEVATION



LEFT/SOUTH ELEVATION



REAR/WEST ELEVATION

FENCE ELEVATIONS

SCALE: 1/4" = 1'





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">23</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	23	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-056</u> Date: <u>4/11/2019</u>
200'	AREA OF NOTIFICATION					
23	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-056

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4223 BRIAR CREEK LN	FORSYTHE BRIAN
2	6536 RAVENDALE LN	HEART OF HOPE MISSION LLC
3	4243 BRIAR CREEK LN	MCGRANE SUSAN M
4	4235 BRIAR CREEK LN	RICHARDSON RACE & JACLYN
5	6551 ST MORITZ AVE	GIBSON MARION E EST OF
6	6549 ST MORITZ AVE	GIBSON MARION E
7	6545 ST MORITZ AVE	SPECK CECIL T
8	6541 ST MORITZ AVE	BREWER WILLIAM L & LINDSAY D
9	6540 ST MORITZ AVE	MILLER HOBART H JR &
10	6544 ST MORITZ AVE	WILLIAMS JERRY DON
11	6550 ST MORITZ AVE	CLEMENTS RICHARD L
12	6556 ST MORITZ AVE	CAMPAGNA ANTHONY J ET AL
13	4219 BRIAR CREEK LN	CARL NONA
14	4211 BRIAR CREEK LN	MENTZ JOHN &
15	4205 BRIAR CREEK LN	MOORE JON PAUL
16	6627 E MOCKINGBIRD LN	DRAGNA JOHN J JR TRUST
17	6621 E MOCKINGBIRD LN	KENT WILLIAM
18	6617 E MOCKINGBIRD LN	HARPER MAX III & ELLEN DEANE
19	4240 BRIAR CREEK LN	LINDER JEFFREY DON
20	4230 BRIAR CREEK LN	CURRY ALICE E
21	4224 BRIAR CREEK LN	KOPLow JUSTIN &
22	4220 BRIAR CREEK LN	SMITH STEVEN KENNETH
23	4206 BRIAR CREEK LN	PATTERSON THOMAS J &

FILE NUMBER: BDA189-058(OA)

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley for a special exception to the minimum front yard setback requirements to preserve an existing tree at 10040 Hollow Way Road. This property is more fully described as Lot 2A, Block 1/5517, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct and/or maintain a structure and provide a 15 foot front yard setback, which will require a 25-foot special exception to the front yard setback regulations.

LOCATION: 10040 Hollow Way Road

APPLICANT: Karl A. Crawley

REQUEST:

A request for a special exception to the minimum front yard requirements to preserve existing trees of 25' is made to construct/maintain a "gate house" structure to be located 15' from the front property line or 25' into this 40' front yard setback on a site being developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM FRONT YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

Section 51(A)-4.401(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum front yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely

affected; and that, according to the City of Dallas Chief Arborist, at least one tree denoted on the submitted site plan, is worthy of preservation.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA189-024, Property at 10040 Hollow Way Road (the subject site) On February 21, 2019, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 2' 8": Compliance with submitted site plan and elevation was required and denied a request for a variance to the front yard setback regulations without prejudice. The case report stated the special exception to the fence standards was made to construct and maintain a fence higher than 4' in height in the front yard setback (a 6' high chain-link fence with 6' 8" high brick columns, two 6' high metal rolling gates, a 6' 6' high metal louvered fence with 6' 8" high brick columns and a 6' high pedestrian electronic steel gate) and variance request to the front yard setback regulations was made to construct/maintain a "gate house" structure to be located 7' 3" from the front property line or 32' 9" into this 40' front yard setback .

2. BDA056-090, Property at 10058 Hollow Way Road (the lot north to the subject site)

On March 14, 2006, the Board of Adjustment Panel A granted requests for a special exception to the fence regulations of 5' 7": Compliance with submitted revised site plan and revised fence elevation was required.

The case report stated the special exception to the fence standards was made to construct and maintain an 8' 4" high open wrought iron fence (atop an approximately 1' 5" limestone base), with 9' 7" high limestone columns in the 40' Hollow Way Road front yard setback.

3. BDA990-297, Property at 10058 Hollow Way Road (the lot north to the subject site)

On June 27, 2000, the Board of Adjustment Panel A denied a request for a special exception to the fence height regulations of 5' 7" with prejudice and denied a special exception to the single-family regulations for an additional dwelling unit without prejudice. The case report states that the fence special exception was requested in conjunction with constructing and maintaining an 8' high combination limestone/wrought iron fence and that the single-family special exception was requested in conjunction with maintaining an approximately 576 square foot, 1-story "guest house"/ dwelling unit.

4. BDA88-009, Property at 10023 Hollow Way Road (The lot southwest to the subject site)

On December 12, 1988, the Board of Adjustment granted a 4' rear yard setback variance and a 1' side yard setback variance to maintain a garage structure located on the south of the property.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the minimum front yard requirements to preserve existing trees of 25' focuses on constructing and maintaining a "gate house" structure to be located 15' from the front property line or 25' into this 40' front yard setback on a site being developed with a single family home.
- The subject site is zoned R-1ac (A) which requires a 40' front yard setback.

- The submitted plan represents that a “gate house” structure is proposed to be located as close as 15’ from the site’s front property line or 25’ into the 40’ front yard setback and several trees within the site.
- The City of Dallas Chief Arborist has stated the following in a November 28th email: “The question before me on this case is whether or not one or more of the trees on the home site is worthy of preservation. The applicant has represented in the exhibit that if the combined fence, accessory structure, and driveway, was applied in accordance with the required setback and according to a conceptual design, five existing trees would require removal. The item listed in the application is the residential accessory building and I will address the one tree in proximity of the proposed structure if constructed within the setback. The magnolia tree in question is worthy of preservation. The tree which was previously alongside a driveway (to the south) has been relatively protected from heavy construction activity. It is uncertain the tree would be compromised due to the location of the accessory building at the setback line, but the tree would likely be required to be removed based on the estimated location of a fence at the building setback line. The combined fence and structure function would impose a removal of the tree”.
- The applicant has the burden of proof in establishing the following:
 - Whether the requested special exception is compatible with the character of the neighborhood.
 - Whether the value of surrounding properties will be adversely affected.
 - Whether the tree is worthy of preservation.
- If the Board were to grant the special exception request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document – which in this case is a structure that is located 15’ from the site’s side property line or 25’ into this 40’ side yard setback.

Timeline:

- March 21, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 8, 2019: 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”.
- April 10, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the

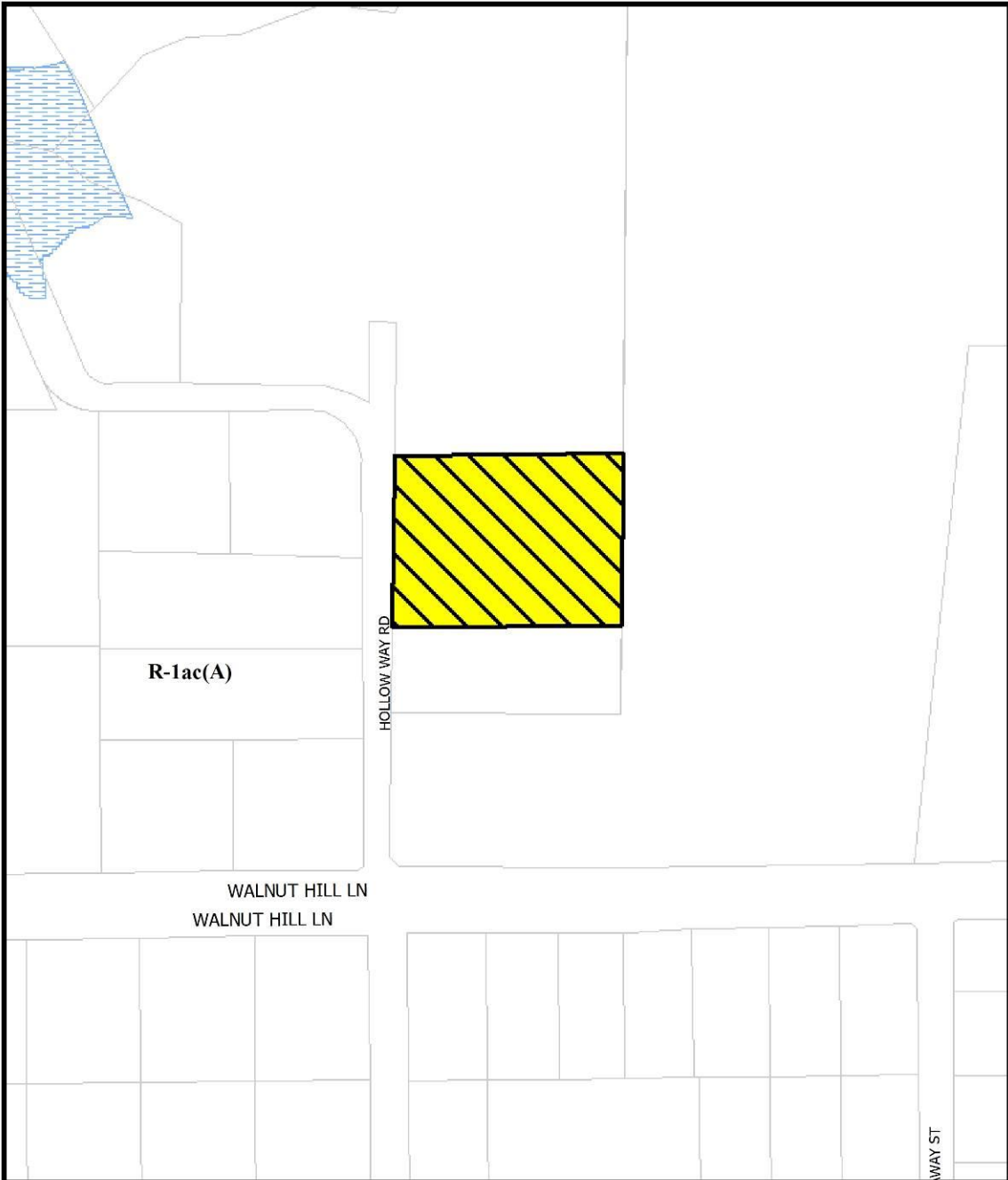
May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

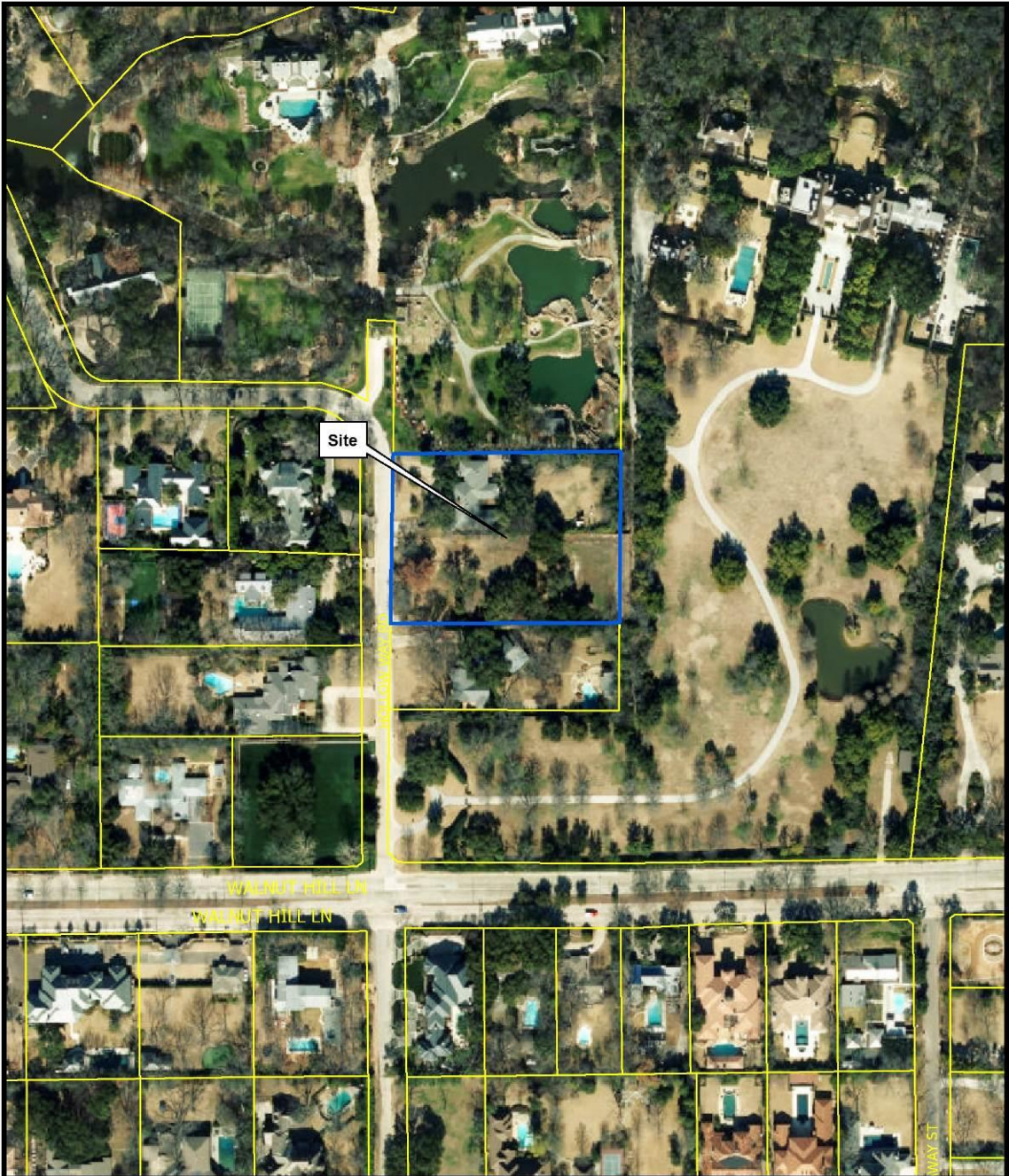
April 30, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

May 9, 2019: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (see Attachment B).



 1:2,400	<h1>ZONING MAP</h1>	Case no: <u>BDA189-058</u> Date: <u>4/11/2019</u>
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1:2,400

AERIAL MAP

Case no: BDA189-058

Date: 4/11/2019

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 Karl A. Crawley

did submit a request for a special exception to the front yard setback regulations for tree preservation

at 10040 Hollow Way

BDA189-058. Application of Karl A. Crawley for a special exception to the front yard setback regulations for tree preservation at 10040 HOLLOW WAY RD. This property is more fully described as Lot 2A, Block 1/5517, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a residential accessory structure and provide a 15 foot front yard setback, which will require a 25 foot special exception to the front yard setback regulations.

Sincerely,

Philip Sikes, Building Official

Aguilera, Oscar E

BDA 189-058
ATTACHMENT B (P 1/2)

From: Karl Crawley <Karl@masterplantexas.com>
Sent: Tuesday, April 30, 2019 1:58 PM
To: Erwin, Philip
Cc: Aguilera, Oscar E
Subject: BDA 189-058 10040 Hollow Way
Attachments: Special Exception comparison Site Plan.pdf

Phil

Please find attached some additional information concerning the above request for a Special Exception to the front yard setback for tree preservation. The site in question previously received a Special Exception for a fence greater than four (4) feet in height in the front yard but was denied a variance to the front yard setback to allow the construction of a small structure for package delivery. This request is for a Special Exception which would incorporate the previously approved fence exception along with the package delivery structure through the use of the Special Exception for tree preservation. Section 51A-4.401(d) lists three criteria/factors for the Board of Adjustment to consider in granting a special exception. They are (A) whether the requested special exception is compatible with the character of the neighborhood, (B) whether the value of surrounding properties will be adversely affected; and (C) whether the tree is worthy of preservation.

The surrounding neighborhood in this area consists of large estates and homes, many of which have large walls and gates along the front property line. The previous request which was for the most part the same as this request (Including the package structure) had no objections from surrounding property owners and support from the neighborhood association. The house directly adjacent has a large solid wall which is similar in height to the roofline of the requested structure. The proposed structure behind the approved wall will be compatible with the surrounding properties. The next factor is whether the value of the surrounding properties will be affected; the proposed structure is just a very small element in the overall design of the larger house and area between the house and the street. If the Special Exception is approved two very large existing trees, a 36" and a 30" live oak would have to be removed in order to move the fence, driveway and proposed structure back to accommodate the front setback line for the structure. This moving of everything back to the building line would also prohibit the planting of three new trees each 6' in diameter because of the driveway and fence location. The removal of large trees would have a more adverse effect on property value than the proposed structure. Finally are the trees worthy of preservation; both live oak trees to be saved have been protected during construction and the design of the new house has taken into account their canopy in order to not cause any distress from either the new house or construction. These are very large specimen trees which should be preserved.

I have attached a Site Plan that shows a comparison of the where the previously approved fence and the proposed package structure are to be located, along with the fence, package structure and driveways moved back to behind the building line. The Site Plan also reflects the location of the trees that would have to be removed and the trees that cannot be planted.

Please let me know if you need any additional information and I hope this provides you with enough information for you to support the request.

Karl A. Crawley
President
Masterplan Consultants
900 Jackson Street, Suite 640
Dallas TX 75202

Memorandum



Date May 9, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-058 10040 Hollow Way Arborist report

The question before me on this case is whether or not one or more of the trees on the home site is worthy of preservation. The applicant has represented in the exhibit that if the combined fence, accessory structure, and driveway, was applied in accordance with the required setback and according to a conceptual design, five existing trees would require removal. The item listed in the application is the residential accessory building and I will address the one tree in proximity of the proposed structure if constructed within the setback.

The magnolia tree in question is worthy of preservation. The tree which was previously alongside a driveway (to the south) has been relatively protected from heavy construction activity. It is uncertain the tree would be compromised due to the location of the accessory building at the setback line, but the tree would likely be required to be removed based on the estimated location of a fence at the building setback line. The combined fence and structure function would impose a removal of the tree.

Because the property is 2.14 acres, all protected trees on the property are subject to Article X tree ordinance regulations and will require permit from the building official prior to removal.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-058

Date: 3/21/19

Data Relative to Subject Property:

Location address: 10040 Hollow Way Zoning District: R-1ac.(A)

Lot No.: 2A Block No.: 1/5517 Acreage: 2.142 ac. Census Tract: 76.05

Street Frontage (in Feet): 1) 231' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Joel Ray and Terry Ray

Applicant: Karl Crawley/Masterplan Telephone: 214 761 9197

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

E-mail Address: karl@masterplantexas.com

Represented by: Karl A Crawley Telephone: 214 761 9197

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

E-mail Address: karl@masterplantexas.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of the front yard setback of 25 feet in order to preserve existing trees to allow a structure with a 15 foot setback

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

Setback special exception of 25 feet to allow the construction of a package delivery structure (unmanned) to have the same 15 foot setback as the previously approved fence, in order to preserve several existing trees.

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 Karl A Crawley (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 18 day of March, 2019

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Karl A. Crawley

did submit a request for a special exception to the front yard setback regulations for tree preservation

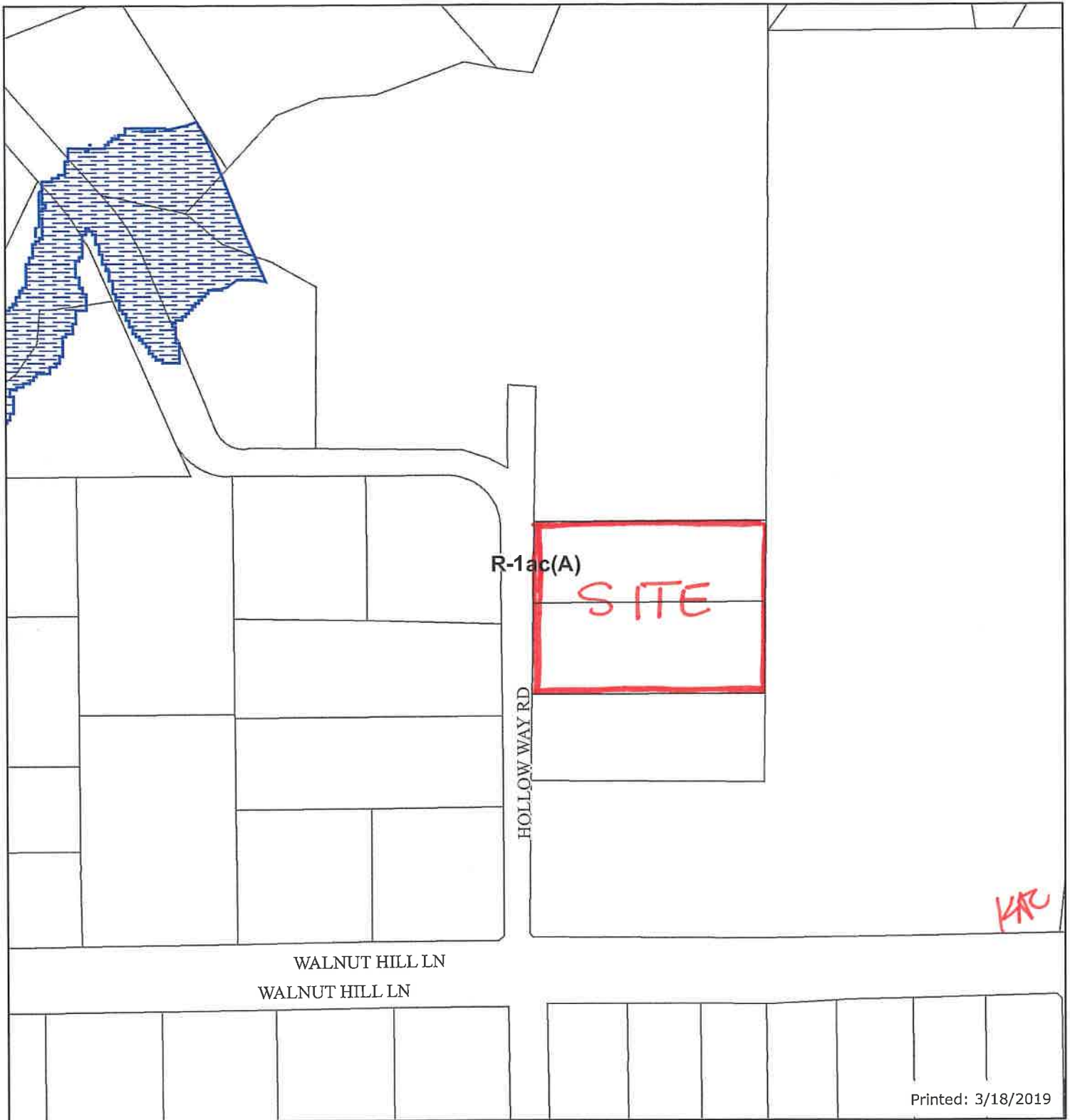
at 10040 Hollow Way

BDA189-058. Application of Karl A. Crawley for a special exception to the front yard setback regulations for tree preservation at 10048 HOLLOW WAY RD. This property is more fully described as Lot 2A, Block 1/5517, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a residential accessory structure and provide a 15 foot front yard setback, which will require a 25 foot special exception to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 3/18/2019

Legend

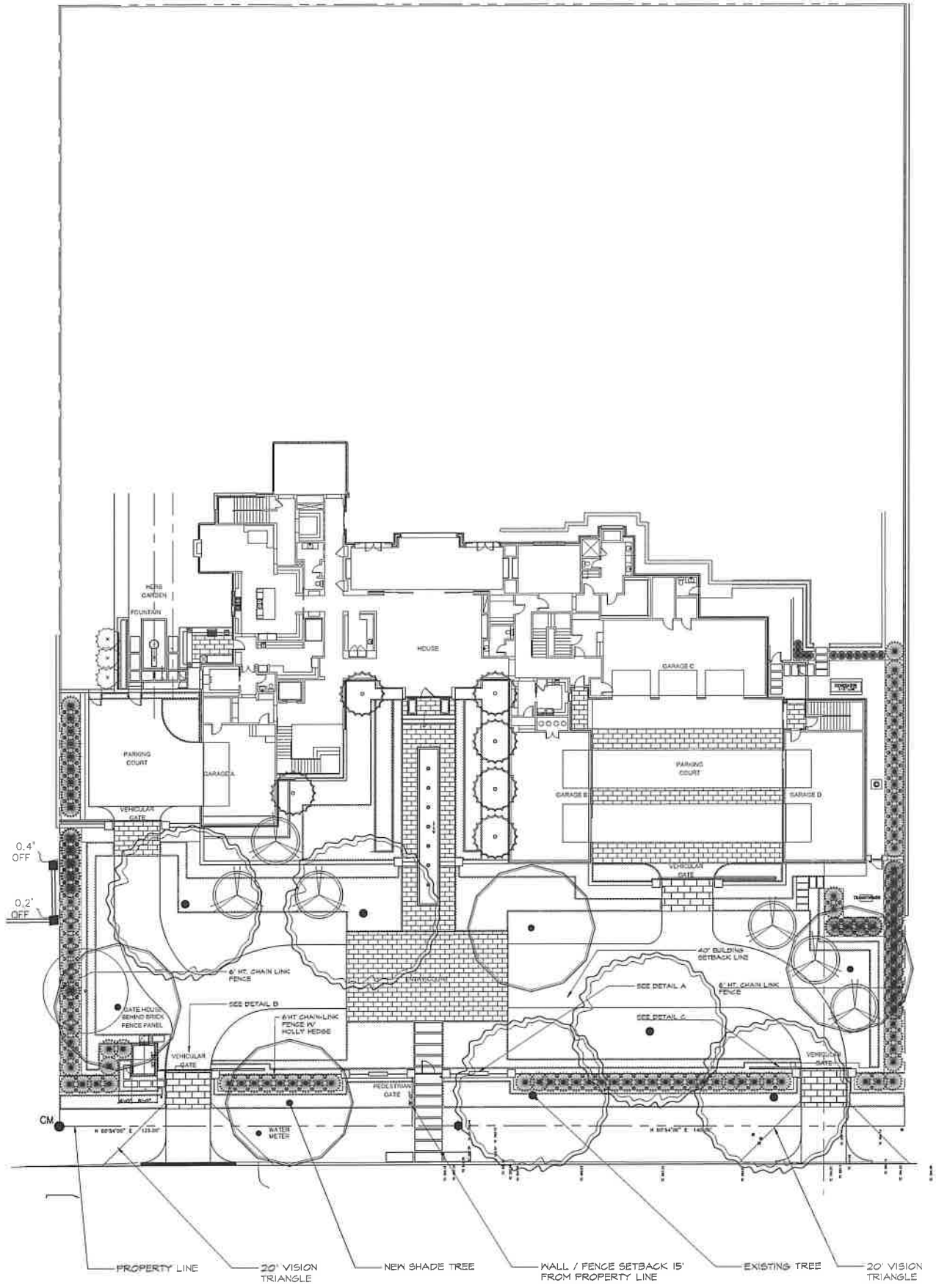
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

2 - 14

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. '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.' (Texas Government Code § 2051.102)



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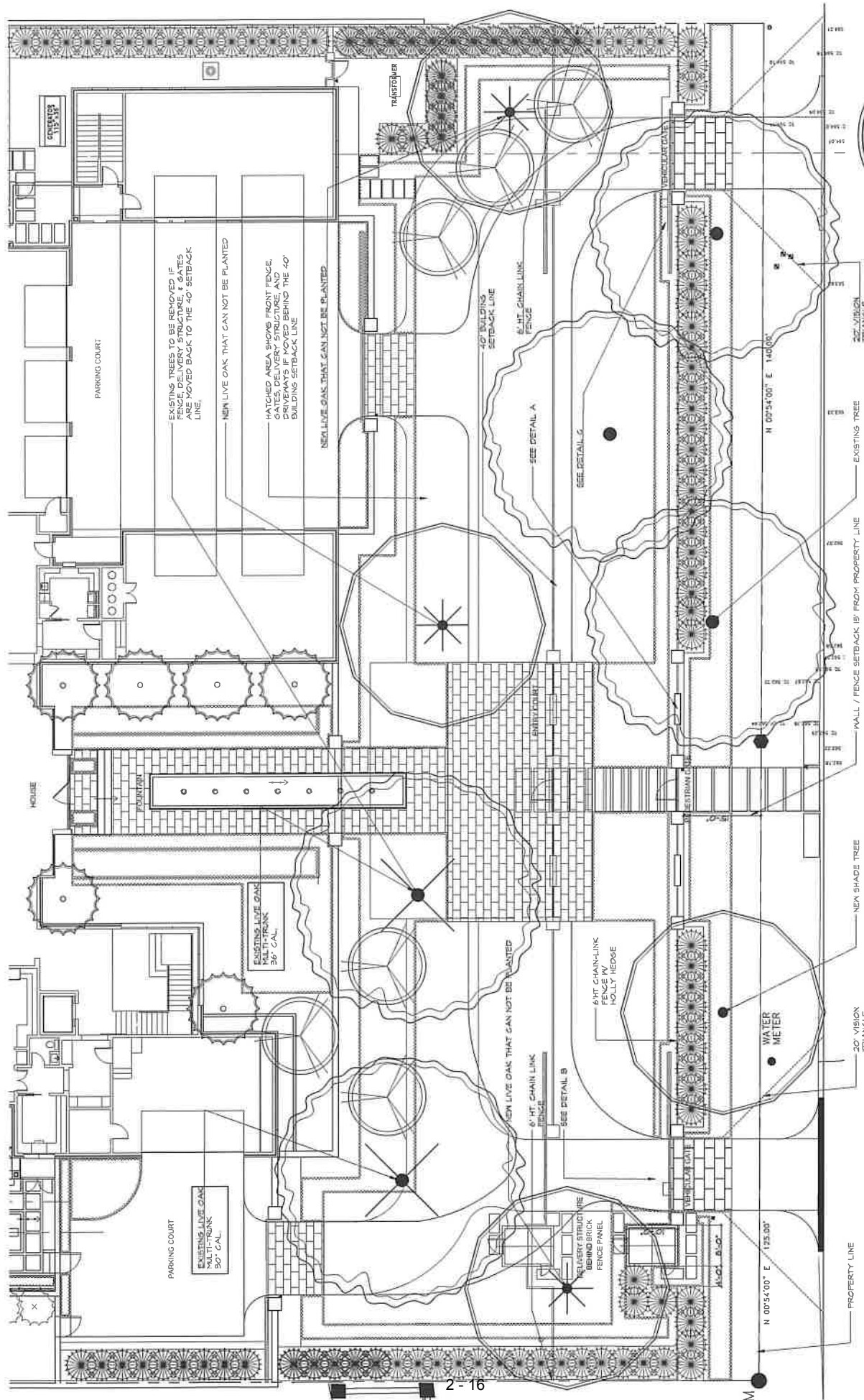


OPTION C
 SCALE: 3/32" = 1'-0"

RAY RESIDENCE
 10040 HOLLOW WAY DRIVE, DALLAS TEXAS

FEBRUARY 11, 2019 NORTH


 BRITTON & ASSOCIATES
 ARCHITECTS
 10000 HOLLOW WAY DRIVE, SUITE 100
 DALLAS, TEXAS 75243
 TEL: 972.382.1111
 WWW.BRITTON-ARCHITECTS.COM



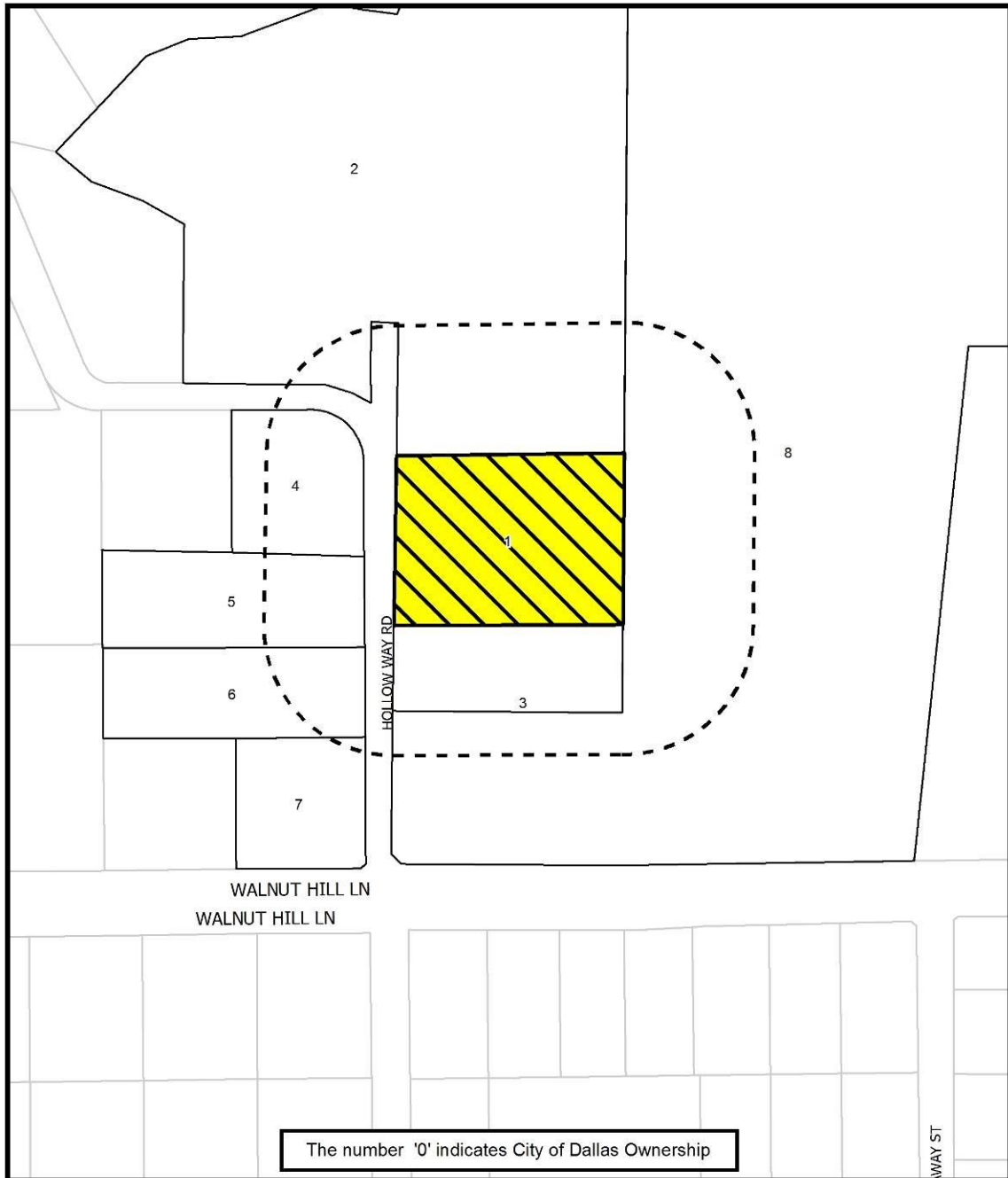
MARCH 14, 2019



RAY RESIDENCE

10040 HOLLOW WAY DRIVE, DALLAS TEXAS

FRONT LANDSCAPE PLAN - OPTION E
 SCALE: 1/8" = 1'-0"



 1:2,400	NOTIFICATION		Case no: BDA189-058
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">8</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/11/2019	

04/11/2019

Notification List of Property Owners

BDA189-058

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10040 HOLLOW WAY RD	RAY JOEL & TERRY
2	10300 GAYWOOD RD	PHILLIPS GENE E &
3	10010 HOLLOW WAY RD	WOODWARD STANLEY M &
4	10041 HOLLOW WAY RD	SEALY SCOTT P & DIANE G
5	10033 HOLLOW WAY RD	SALIM MICHAEL D &
6	10023 HOLLOW WAY RD	LECLAIR LEWIS T &
7	10007 HOLLOW WAY RD	SALIM FAMILY ENTERPRISES LTD
8	10000 HOLLOW WAY RD	MM CRESPI ESTATES LLC

FILE NUMBER: BDA189-059(OA)

BUILDING OFFICIAL'S REPORT: Application of Sharmarr Singleton of TSG Construction for a special exception to the off-street parking regulations at 1949 N. Stemmons Freeway. This property is more fully described as a Tract of land, Block 1/1001, and is zoned MU-3, which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for a hotel use, and provide 132 of the required 146 parking spaces, which will require a 14 space special exception to the off-street parking regulations.

LOCATION: 1949 N. Stemmons Freeway

APPLICANT: Sharmarr Singleton of TSG Construction

REQUEST:

A request for a special exception to the off-street parking regulations of 14 spaces is made to convert an existing vacant office structure to a 146-room hotel structure and provide 132 of the 146 off-street parking spaces required by code.

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

Section 51A-4.311 of the Dallas Development Code states the following:

- 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 commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 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). 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.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 14 spaces shall automatically and immediately terminate if and when the hotel use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that he has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	MU-3 (Mixed use district 3)
<u>North:</u>	MU-3 (Mixed use district 3)
<u>South:</u>	PD 621 (Planned Development)
<u>East:</u>	PD 621 (Planned Development)
<u>West:</u>	MU-3 (Mixed use district 3)

Land Use:

The subject site is being developed with a 146-room hotel structure. The area to the north is developed with ROW (Stemmons Freeway) use; and the areas to the east, west, south are developed with industrial and commercial uses.

Zoning/BDA History:

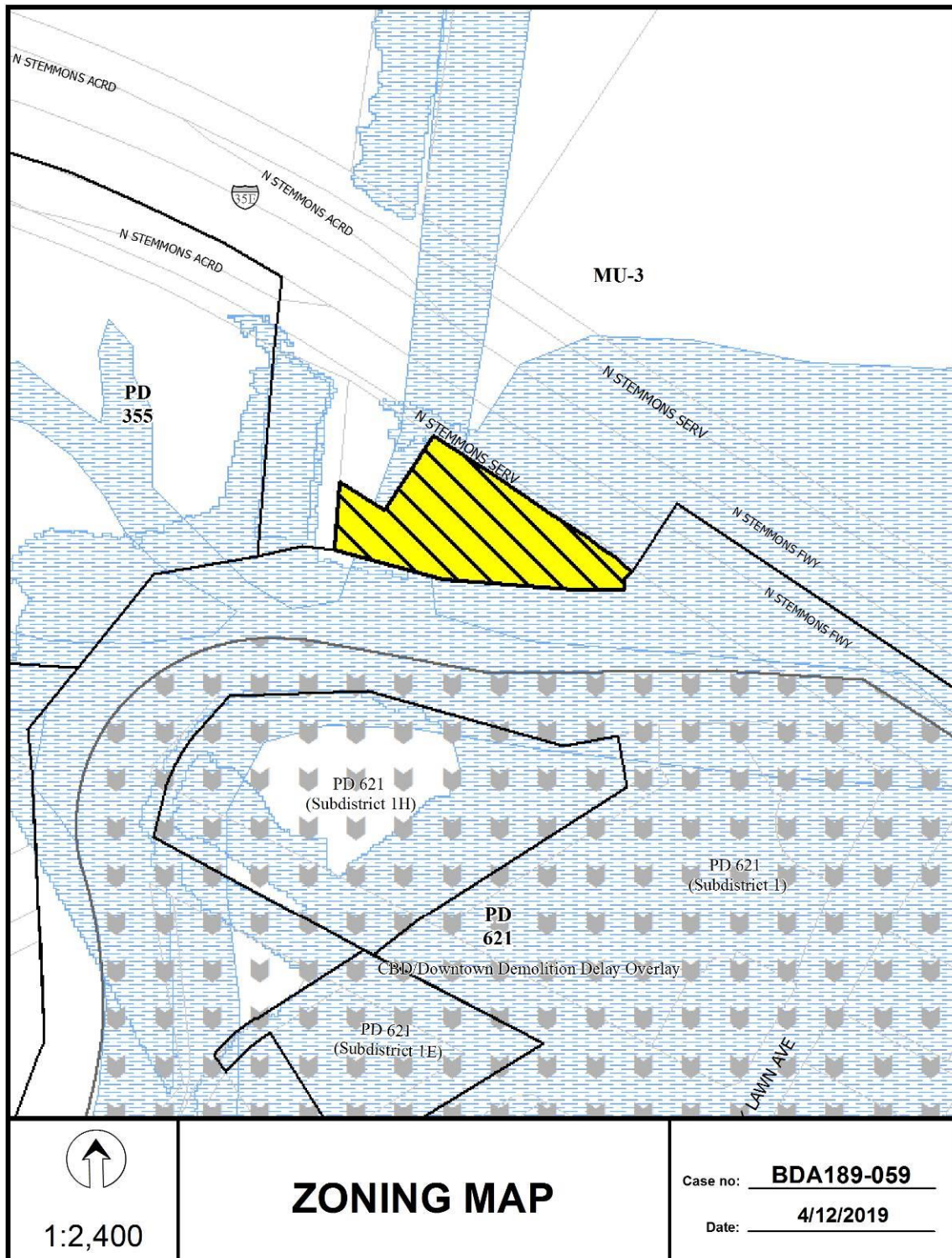
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

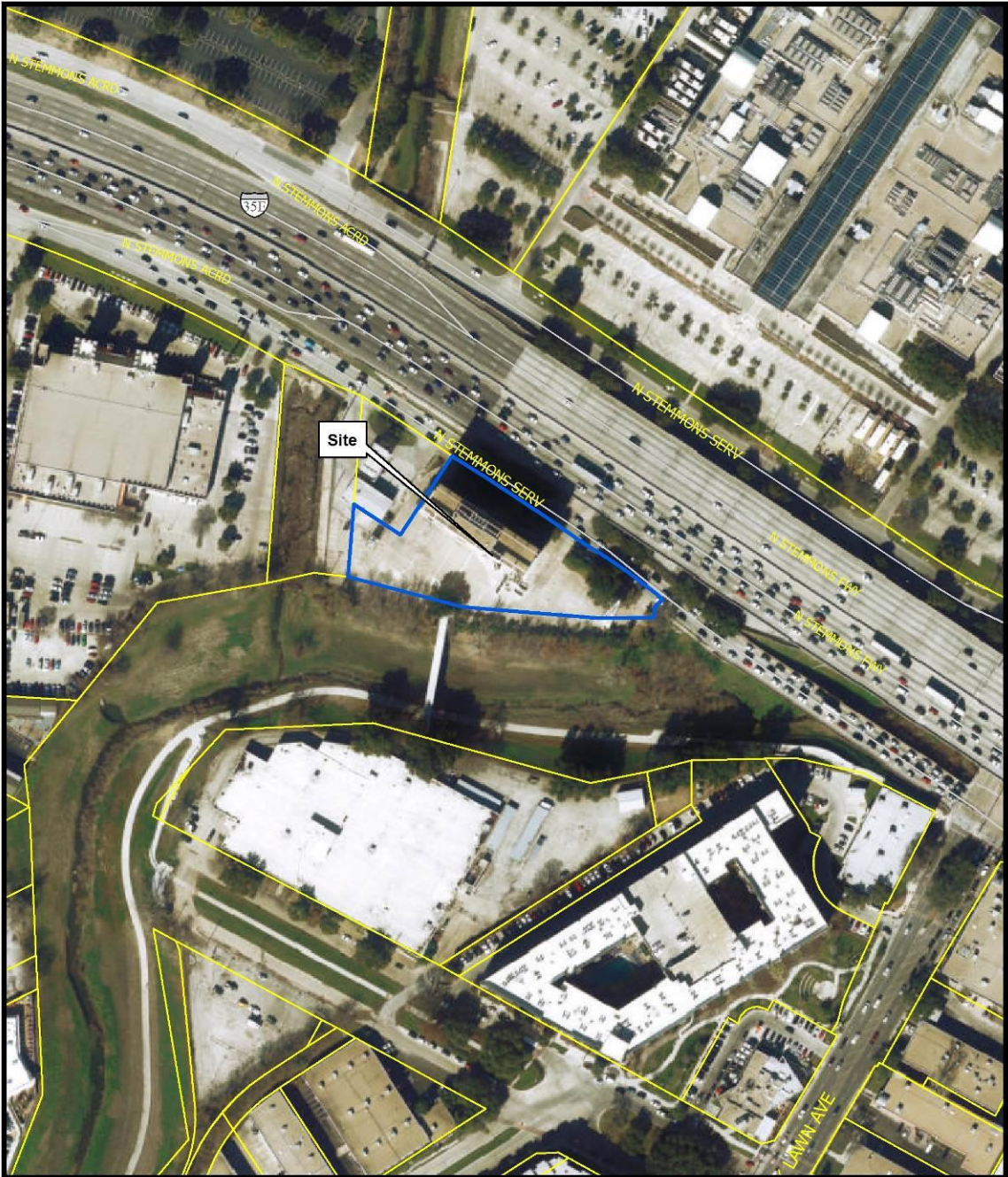
GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 14 spaces focuses on converting an existing vacant office structure to a 146-room hotel structure and provide 132 of the 146 off-street parking spaces required by code.
- Chapter 51A-4.205(1) (C) requires the following off-street parking requirement:
 - Hotel: one space for each unit for units 1 to 250; ¾ spaces for each unit 251 to 500; ½ space for all units over 500; plus, one space per 200 square feet of meeting room.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed hotel use does not warrant the number of off-street parking spaces required, and
 - The special exception of 14 spaces (or a 9 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 14 spaces shall automatically and immediately terminate if and when the hotel use is changed or discontinued, the applicant could remodel and maintain the hotel use on the site, and provide 132 of the 146 required off-street parking spaces.

Timeline:

- March 21, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- April 10, 2019: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- May 9, 2019: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections”.





1:2,400

AERIAL MAP

Case no: BDA189-059

Date: 4/12/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA/189-059

Data Relative to Subject Property:

Date: 3-21-19

Location address: 1949 N Stemmons Freeway Zoning District: MU-3

Lot No.: N/A Block No.: 1/1001 Acreage: 2.50 Census Tract: 100.00

Street Frontage (in Feet): 1) 700' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BMR design District, LLC / Mukund J Patel

Applicant: Sharmar Singleton / TSG construction Telephone: 214-881-4296

Mailing Address: 475 East 1382 Ste. 3026 Cedar Hill, TX Zip Code: 75104

E-mail Address: TSGconstruction@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of 14 parking spaces which is 0.9% of the required parking for the rooms. we can only provide 132 parking spaces. Required parking is 146

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:

With ride sharing services like Uber & Lyft, more and more people are choosing to use those services instead of renting vehicles or using their own. Because of that we believe we should be granted the special exception.

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

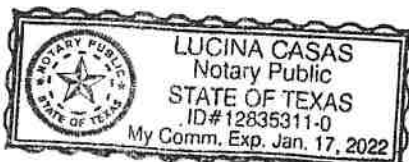
Before me the undersigned on this day personally appeared Sharmar Mondae Singleton (Affiant/Applicant's name printed)

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: Sharmar Singleton (Affiant/Applicant's signature)

Subscribed and sworn to before me this 13 day of March, 2019

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

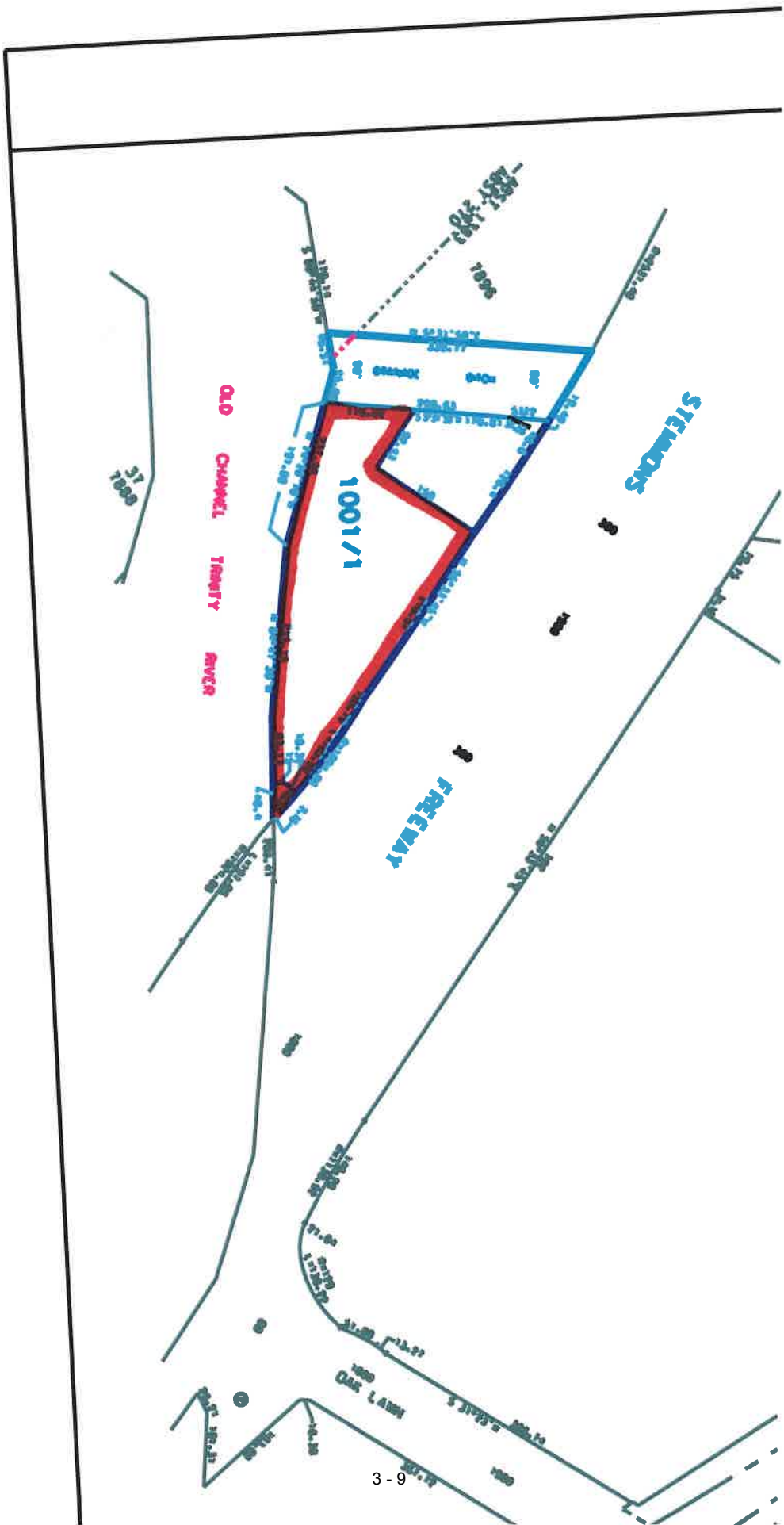
I hereby certify that SHARMARR SINGLETON

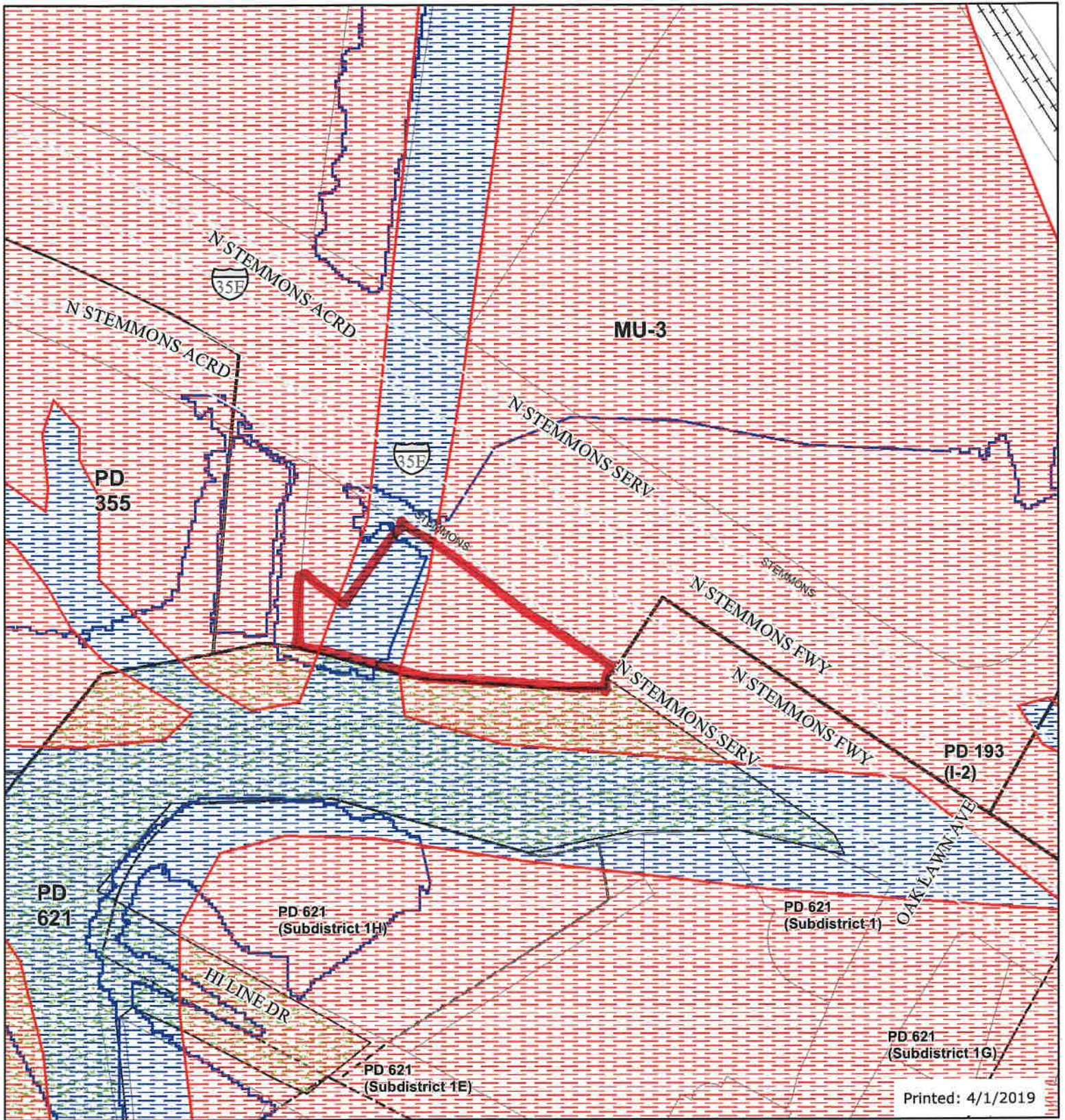
did submit a request for a special exception to the parking regulations
at 1949 N Stemmons Fwy

BDA189-059. Application of SHARMARR SINGLETON for a special exception to the parking regulations at 1949 N STEMMONS FWY. This property is more fully described as a Tract of land, Block 1/1001, and is zoned MU-3, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a hotel use, and provide 132 of the required 146 parking spaces, which will require a 14 space special exception (.9% reduction) to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





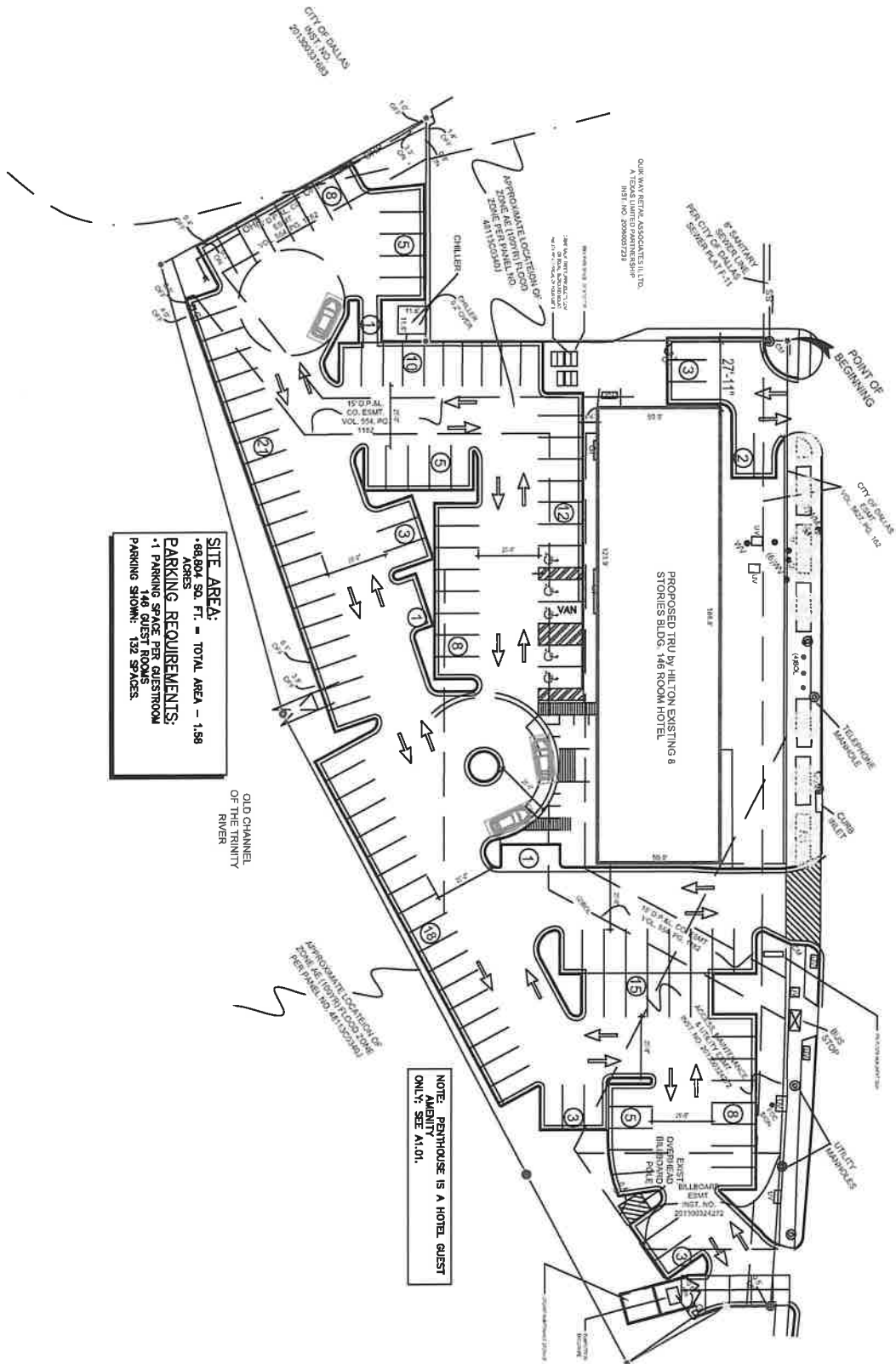
Printed: 4/1/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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N. STEMMONS FREEWAY
 (INTERSTATE HIGHWAY 35E)
 (U.S. HIGHWAY 77)
 VARIABLE WIDTH R.D.W.

SITE AREA:
 • 68,804 SQ. FT. = TOTAL AREA - 1.58 ACRES

PARKING REQUIREMENTS:
 • 1 PARKING SPACE PER GUESTROOM
 146 GUEST ROOMS
 PARKING SHOWN: 132 SPACES.

NOTE: PENTHOUSE IS A HOTEL GUEST AMENITY ONLY; SEE A1.01.



TECHNICAL MEMORANDUM

To: Sharmarr Singleton — TSG Construction
From: Chuck DeShazo — DeShazo Group, Inc.
Date: March 21, 2019
RE: Parking Analysis for TRU Hotel in Dallas, Texas (DeShazo #19012)

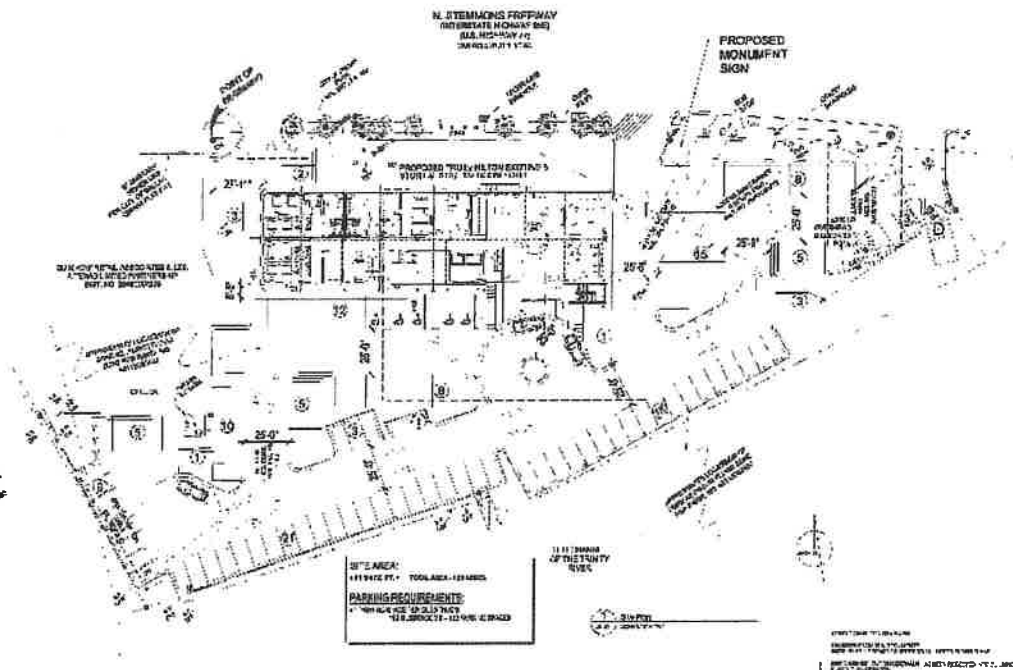
INTRODUCTION

The services of DeShazo Group were retained by TSG Construction to provide a parking demand analysis for a building that is being converted into a hotel. The site is located at 1949 N. Stemmons Freeway, Dallas, Texas 75207. The Client is redeveloping an office building into a 146-room hotel. The City of Dallas parking requirement is one space per guestroom, which equates to 14 additional spaces needed. The Client currently has a parking supply of 132 spaces on site and is pursuing a special parking exception to reduce the parking requirement from 146 to 132 spaces and needs a parking study prepared for this process.

Exhibit A shows the site layout for the proposed facility.

Exhibit A

ALL MEASUREMENTS SHOWN ON THIS PLAN ARE THE PROPERTY OF FORTIS ARCHITECTURE, LLC. ANY UNAUTHORIZED USE OR REPRODUCTION IS SUBJECT TO LEGAL PROSECUTION.



FORTIS
 ARCHITECTURE, LLC
 11111 FORTIS DRIVE
 DALLAS, TEXAS 75243
 TEL: 214.343.1111
 FAX: 214.343.1112

MEASURED FROM PLUMBING TO PLUMB

TRU HOTEL
 DALLAS, TX

MEASUREMENTS
 1/8" = 1'-0"
 1/4" = 3'-0"
 1/2" = 6'-0"
 1" = 12'-0"

A0.01

CODE PARKING REQUIREMENT

The property is subject to a direct application of the zoning regulations stipulated in Chapter 51A of the City of Dallas Development Code. The Code parking requirement is one space per guest room for the first 250 rooms.

PARKING DEMAND

The following section displays the observed parking demands at four different hotels near the proposed site. The two tables below depict that information.

**TABLE 1. Peak Parking Accumulation
Friday, March 8, and Saturday, March 9, 2019**

	Sheraton 2101 N. Stemmons Dallas, TX 75207	Days Inn 2026 Market Center Blvd. Dallas, TX 75207	Double Tree 2015 Market Center Blvd. Dallas, TX 75207	Best Western 2023 Market Center Blvd. Dallas, TX 75207
Total Rooms	253	72	227	98
Available Parking	248	68	236	88
Friday				
5:00 AM	74	34	95	41
12:00 PM	53	19	128	20
Saturday				
5:00 AM	163	44	131	28
12:00 PM	124	68	70	88

TABLE: 2. Parking Spaces Per Hotel Guest Room

	Sheraton 2101 N. Stemmons	Days Inn 2026 Market Center Blvd.	Double Tree 2015 Market Center Blvd.	Best Western 2023 Market Center Blvd.
Total Rooms	253	72	227	98
Friday				
5:00 AM	0.292/Guest Room	0.472/Guest Room	0.419/Guest Room	0.418/Guest Room
12:00 PM	0.209/Guest Room	0.264/Guest Room	0.564/Guest Room	0.204/Guest Room
Saturday				
5:00 AM	0.644/Guest Room	0.611/Guest Room	0.577/Guest Room	0.286/Guest Room
12:00 PM	0.490/Guest Room	0.944/Guest Room	0.308/Guest Room	0.898/Guest Room

Table 3 displays the proposed conditions for the TRU Hotel.

Table 3. Proposed TRU Hotel

Hotel	Rooms Proposed	Parking Supply Proposed	Parking Spaces/ Guest Room
Proposed TRU Hotel	146	132	0.90

Table 4 provides the average projected demands per guest room for the four hotels in determining

the projected number of occupied parking spaces for the TRU Hotel.

Table 4 – Average Parking Space Demand / Bedroom

Average Hotel Parking Demand Room	Average Demand/Room	Projected Demand for TRU Hotel Parking Spaces
Friday 5:00 AM	0.40	58.4
Friday 12:00 PM	0.31	45.3
Saturday 5:00 AM	0.53	77.4
Saturday 12:00 PM	0.66	96.4

Institute of Transportation Engineers Parking Analysis

The Institute of Transportation Engineers *Parking Generation Manual 5th Edition* calculates the weekday parking demand for a category 312 Business Hotel at 0.73 space/guest room which equates to 108 occupied parking spaces for the TRU Hotel. It calculates the Saturday parking demand at 0.69 space/guest room which equates to 101 occupied parking spaces for the TRU Hotel.

PARKING ANALYSIS

DeShazo Group determined the following based upon the data observed.

- The average peak demand of the hotel parking areas that were observed did not exceed 0.66. That observation was made on Saturday at 12:00 PM.
- The average parking demand per room at 12:00 PM Friday was 0.31, or 41 of the TRU Hotel's 132 proposed parking spaces.
- Based upon the parking demands observed at the four properties which are in close proximity to the proposed TRU Hotel, the TRU Hotel should expect that about 96 of its 132 spaces will be occupied during a typical Saturday, or 72.7% of its proposed 132 space parking supply.
- The Institute of Transportation Engineers calculates a parking demand of 108 spaces at the TRU Hotel on a typical weekday or 81.8% of its proposed parking supply, and 101 spaces on a typical Saturday or 76.5% of its proposed parking supply.

CONCLUSION

Based upon our analysis of the parking demand observed at the surveyed hotels on Friday, March 8, and Saturday, March 9, 2019, it is DeShazo's professional opinion that the proposed parking supply of 132 spaces will satisfy the projected parking demand of the TRU Hotel and supports its development.

End of Memo



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	4	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-059 Date: 4/12/2019
200'	AREA OF NOTIFICATION					
4	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-059

4 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1949 N STEMMONS FWY	BMR DESIGN DISTRICT LLC
2	1959 N STEMMONS FWY	JAMUNA TRADING INC
3	2021 N STEMMONS FWY	MEDIEVAL CASTLE INC
4	2021 N STEMMONS FWY	MEDIEVAL CASTLE INC

FILE NUMBER: BDA189-060(OA)

BUILDING OFFICIAL'S REPORT: Application of Chris D. Lovick, Jr. for a special exception to the single family use regulations at 2634 Al Lipscomb Way. This property is more fully described as Lot 9, Block 4/1285, and is zoned PD-595 (MF-2-A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

LOCATION: 2634 Al Lipscomb Way

APPLICANT: Chris D. Lovick, Jr.

REQUESTS:

A request for a special exception to the single family use regulations is made to construct and maintain a one-story additional "dwelling unit" structure on a site that is being developed with a 3-story main single-family home/dwelling unit structure.

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 595 (MF-2(A)) (Planned Development) (Multi-family)

North: PD 595 (MF-2(A)) (Planned Development) (Multi-family) & PD 871 (Planned Development)
South: PD 595 (Planned Development)
East: PD 595 (MF-2(A)) (Planned Development) (Multi-family) & PD 595 (Planned Development)
West: PD 595 (MF-2(A)) (Planned Development) (Multi-family) & PD 871 (Planned Development)

Land Use:

The subject site is undeveloped. The areas to the south, east, and west are developed with vacant lots, single-family homes, and multifamily uses; and the area to the north is developed with a public school use

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.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the single-family use regulations focuses on constructing and maintaining a 1-story “additional dwelling unit” structure on a site that is undeveloped.
- The site is zoned PD 595 (MF-2(A)) where the Dallas Development Code permits multifamily residential uses in combination on single or contiguous building sites per lot.
- The residential use regulations of the Dallas Development Code defines a duplex as two dwelling units located on a lot and limits the duplex to only one main building per lot.
- The residential use regulations of the Dallas Development Code defines multifamily as three or more dwelling units located on a lot.
- The submitted site plan for this application denotes the locations of two building footprints for two separate dwelling units. Since the proposal does not meet the residential use regulations of the Dallas Development Code for a duplex or/and multifamily uses, Building Inspection has determined this proposal should be considered as a single-family structure with an additional dwelling unit.
- The Dallas Development Code states that the board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the special exception will not: 1) be used as a rental accommodation; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or

microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two to be the proposed 3-story single family main structure and the proposed additional dwelling unit denoted as “accessory unit”.
- The submitted floor plan of what appears to be the “accessory unit” denoted on the site plan shows a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms”.
- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “accessory unit” structure, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made for: “the proposed accessory unit will be multifunctional and would be used for hygiene, sleeping accommodations, and social functions in concert with pool and spa use for family members and friends”.
- According to DCAD records, there are “no main improvement” or “no additional improvements” for property addressed at 2634 Al Lipscomb Way.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “accessory unit” as an additional “dwelling unit”.

Timeline:

February 21, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

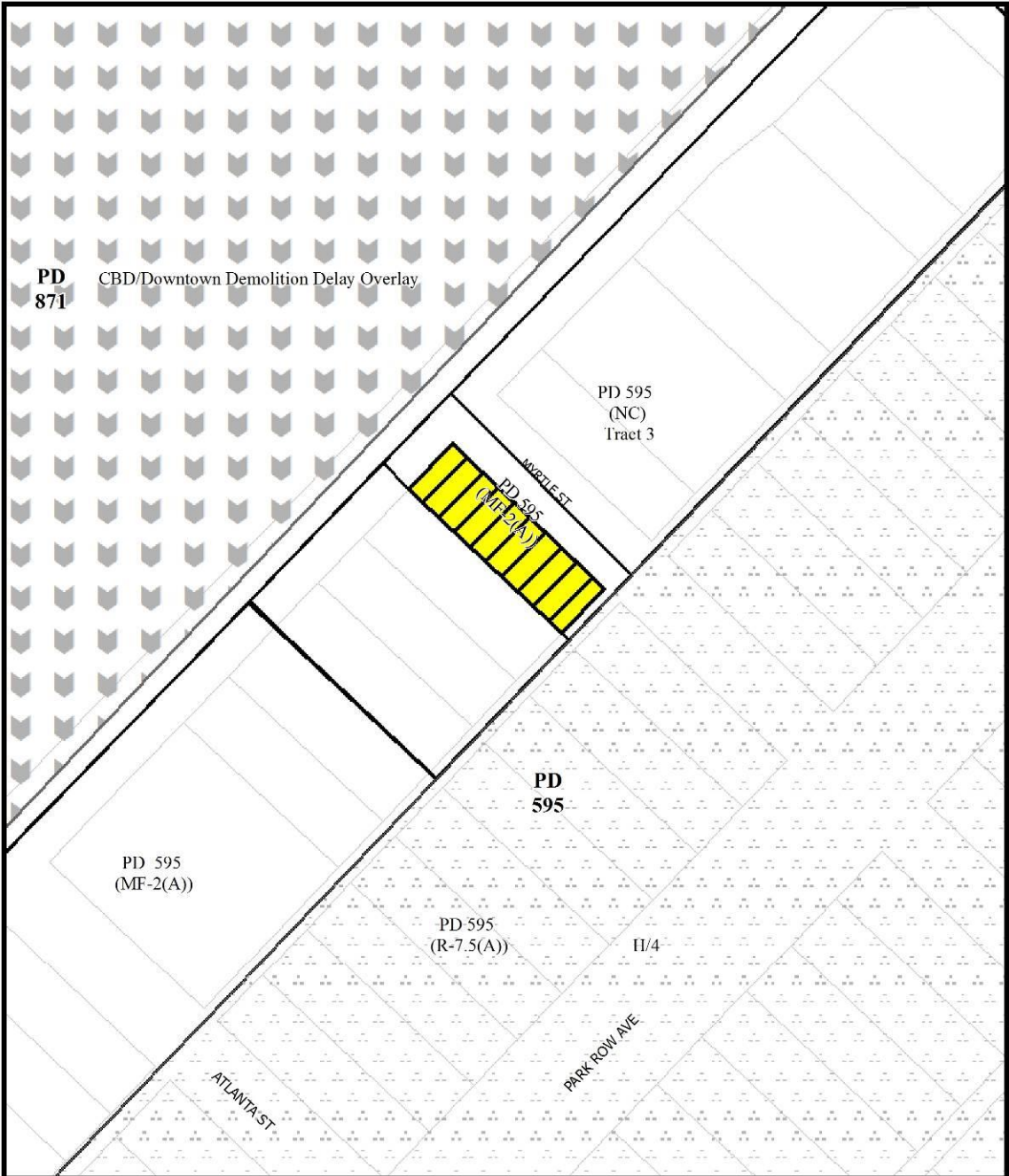
April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

April 9, 2019: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

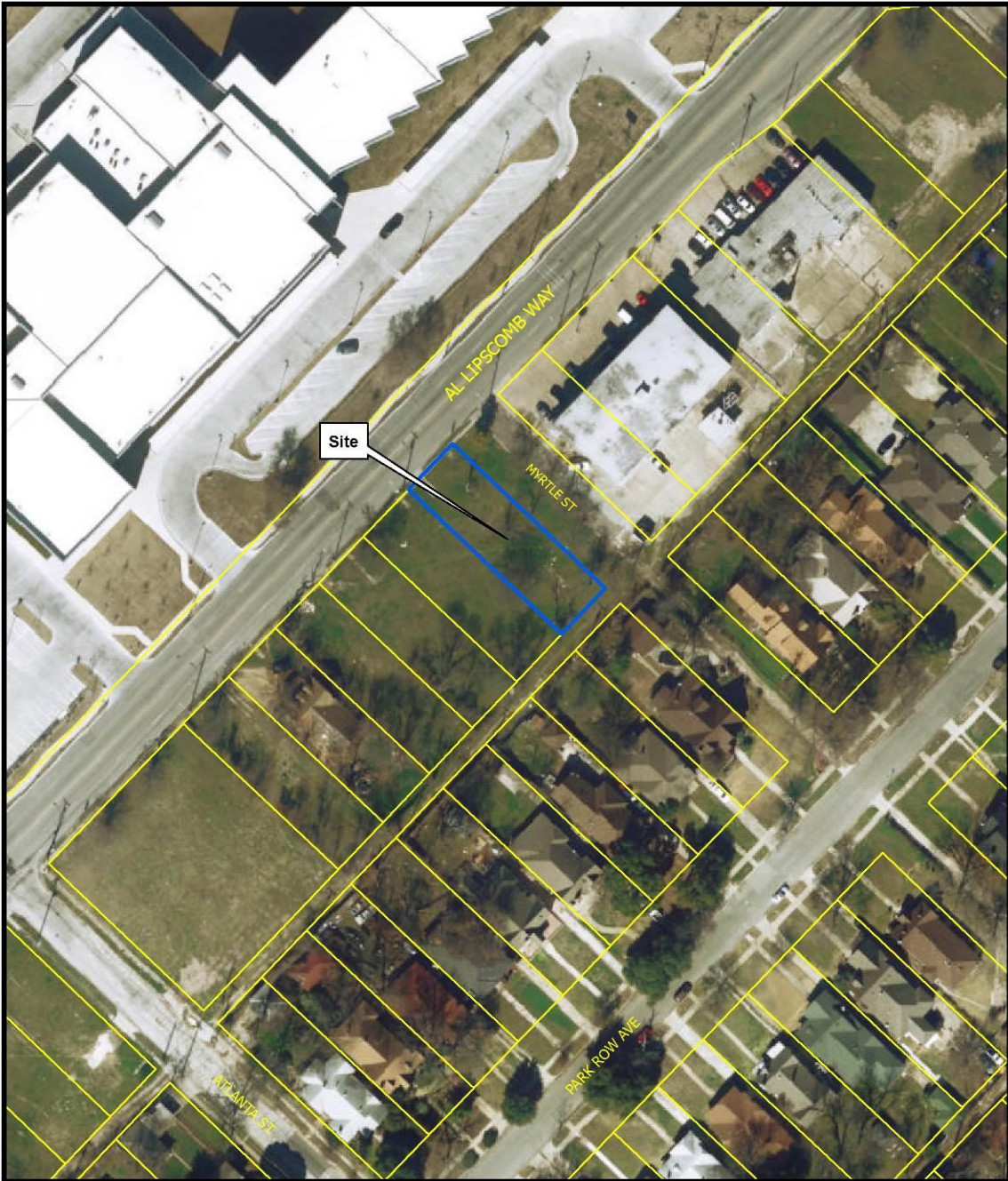


1:1,200

ZONING MAP

Case no: BDA189-060

Date: 4/12/2019



1:1,200

AERIAL MAP

Case no: BDA189-060

Date: 4/12/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-060

Date: 2/21/2019

Data Relative to Subject Property:

Location address: 2634 Al Lipscomb Way Zoning District: PD 595 (MF(2A))

Lot No.: 9 Block No.: 4/1285 Acreage: .19 Census Tract: 203.00

Street Frontage (in Feet): 1) 48.5 50 2) 461.01 164 3) 48.03 4) 461.33 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Chris D. Lovick, Jr.

Applicant: Chris D. Lovick, Jr. Telephone: 972-896-1804

Mailing Address: 646 Duncan Dr., Coppell, TX Zip Code: 75019

E-mail Address: chris.lovickjr@gmail.com

Represented by: Self Telephone: N/A

Mailing Address: N/A Zip Code: N/A

E-mail Address: N/A

Affirm that an appeal has been made for a Variance, or Special Exception, of 10' for the required Front 15' FYSB + Provide A 5' FYSB

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: SEE ATTACHED JUSTIFICATION DOCUMENT

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 Chris D. Lovick, Jr. (Affiant/Applicant's name printed)

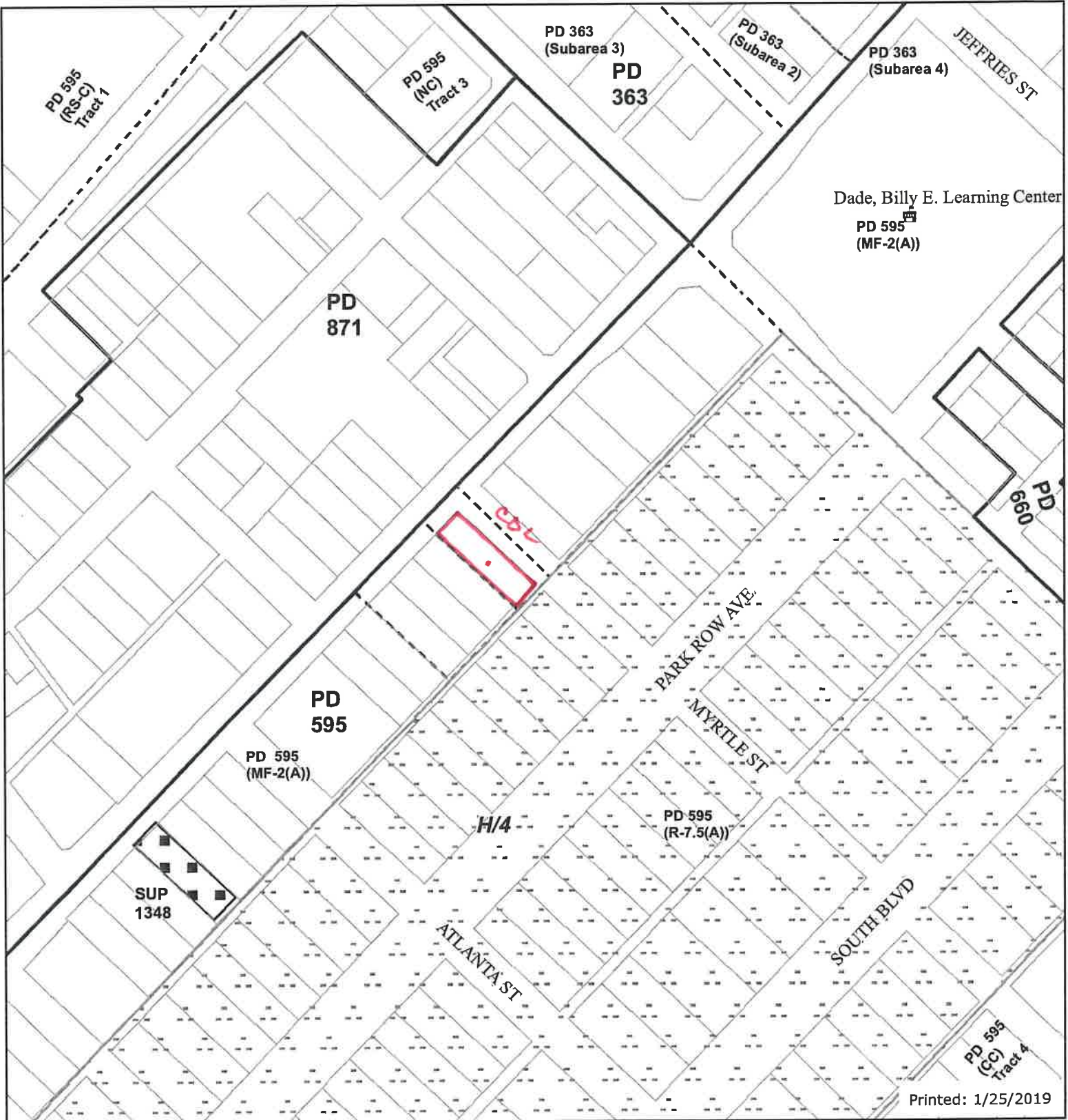
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of February, 2019

MARY JO HOLDEN ID # 12952957-1 Notary Public, State of Texas My Commission Expires 4/8 01/12/2022

(Notary Public signature) Notary Public in and for Dallas County, Texas

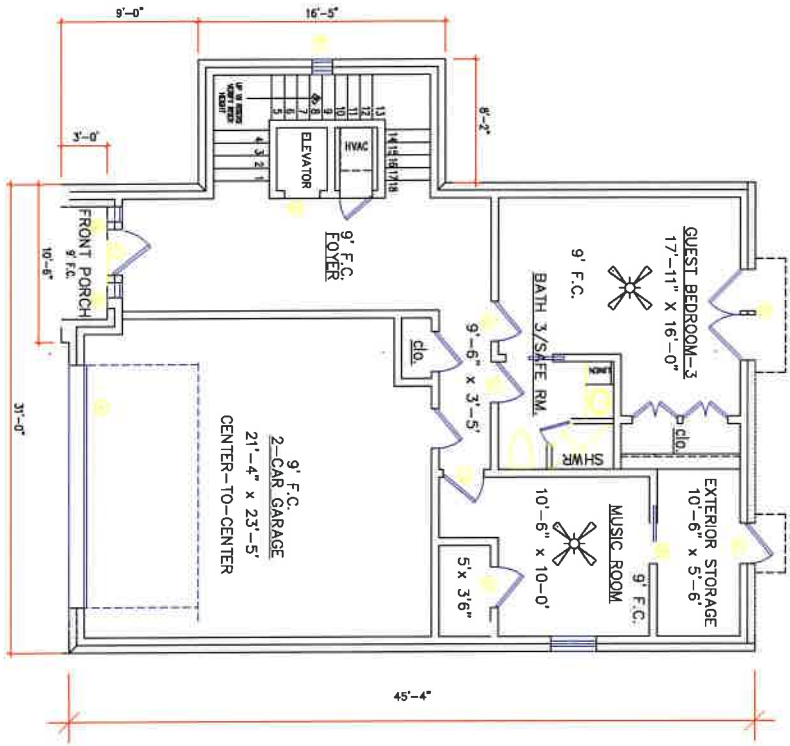


Legend

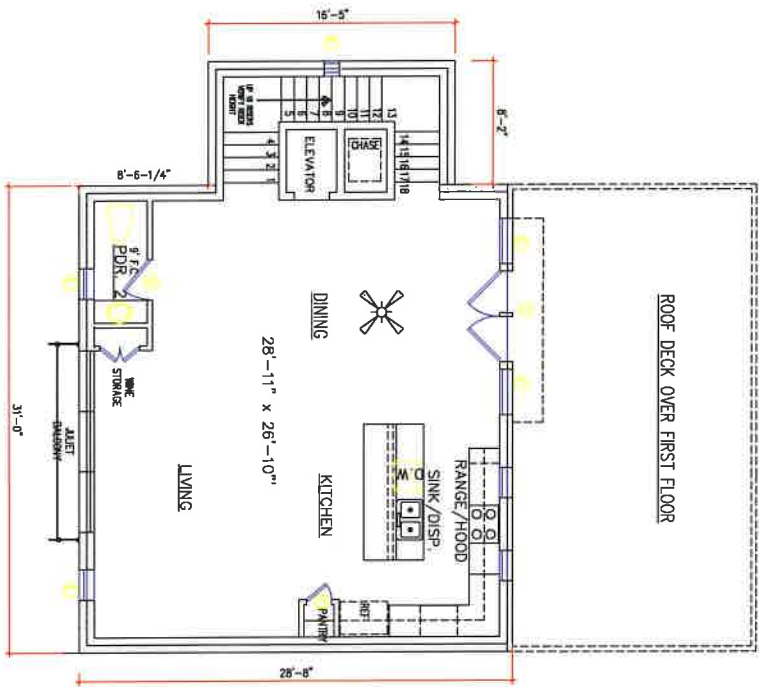
- City Limits
- School
- Floodplain
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- SUP
- Dry Overlay
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Height Map Overlay
- CD Subdistricts
- PD Subdistricts
- PDS Subdistricts
- NSO Subdistricts
- NSO_Overlay
- Escarpment Overlay
- Parking Management Overlay
- 4 - 10 Shop Front Overlay

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. '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.' (Texas Government Code § 2051.102)





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



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

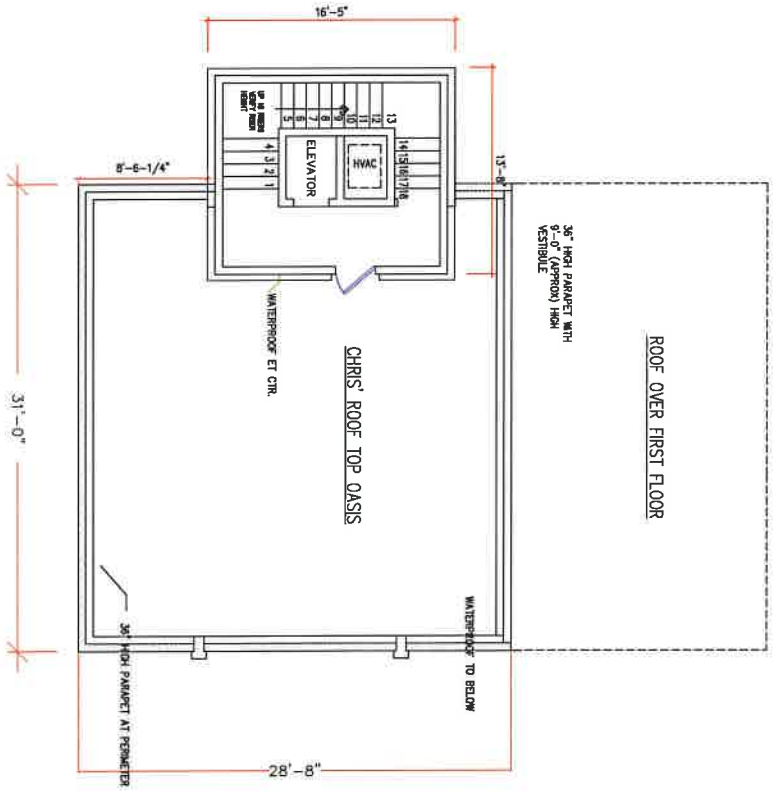
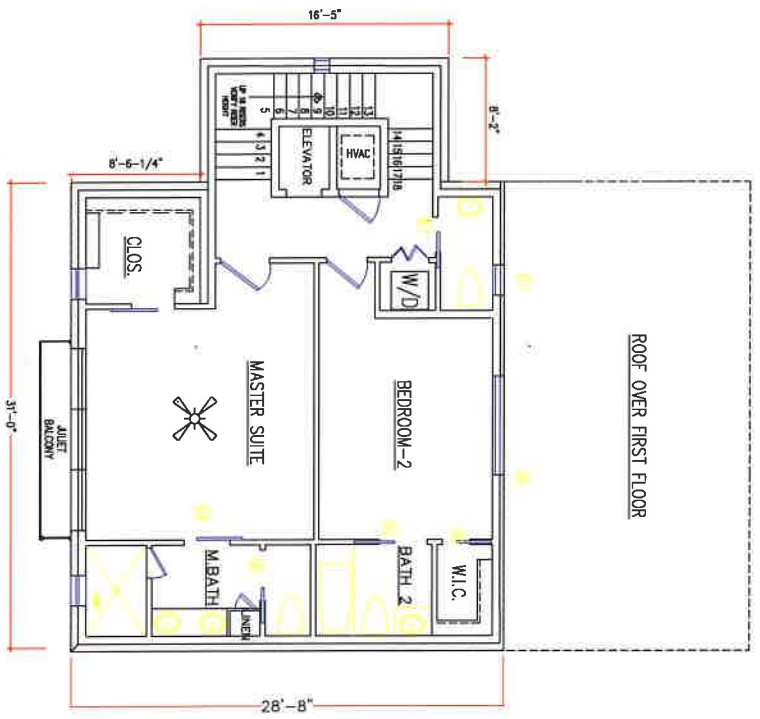


CHRIS LOVICK'S RESIDENCE
2634 AL LIPSCOMB WAY
DALLAS, TEXAS 75215
4 - 13

SHEET: A-2
DATE EACH CORRECTED AND REVISIONS: 10.08.2018
THIS PLAN IS THE PROPERTY OF SIMPLY CUSTOM AND SHALL NOT BE REPRODUCED, TRACED OR COPIED WITHOUT THE WRITTEN CONSENT OF SIMPLY CUSTOM.



737 S. R.L. THORNTON FWY.
DALLAS, TEXAS 75203
OFFICE: 214-256-6887
KEVIN BROWN: 214-507-2472
J.BROWN-SNEED: 214-773-3262



CHRIS LOVICK'S RESIDENCE
2634 AL LIPSCOMB WAY
DALLAS, TEXAS 75215

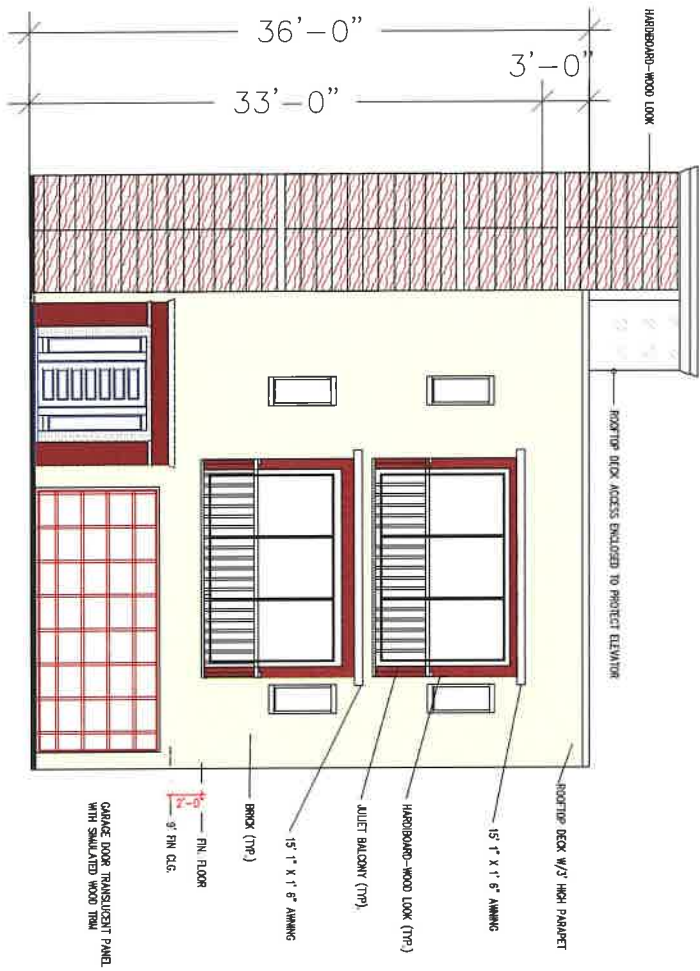
SHEET: A-3

DATE: 10/20/2018
DESIGNED BY: JAMES BROWN
CHECKED BY: JAMES BROWN
REVISIONS: NONE (10/14/18)

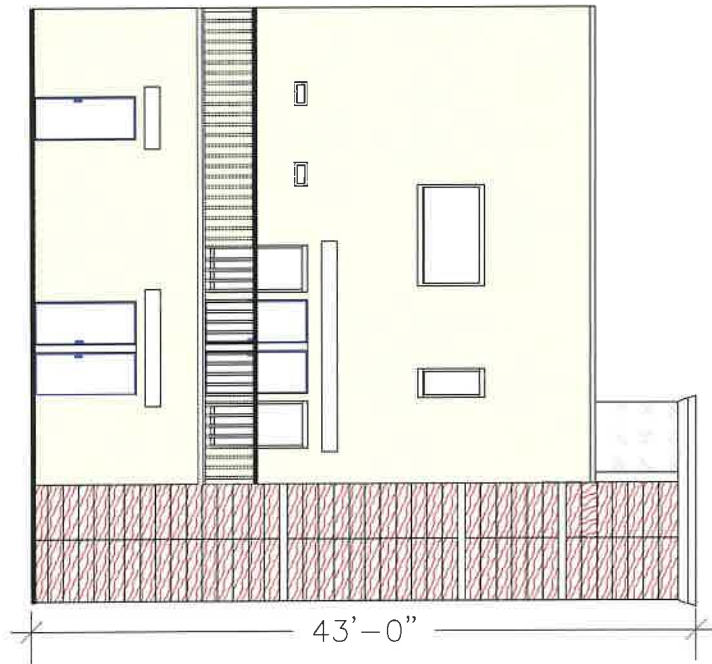
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simply custom
A Division of The Home Depot

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DALLAS, TEXAS 75203
OFFICE: 214-258-8887
KEVIN BROWN: 214-507-2472
J.BROWN-SNEED: 214-773-3262



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



REAR ELEVATION
1/8" = 1'-0"

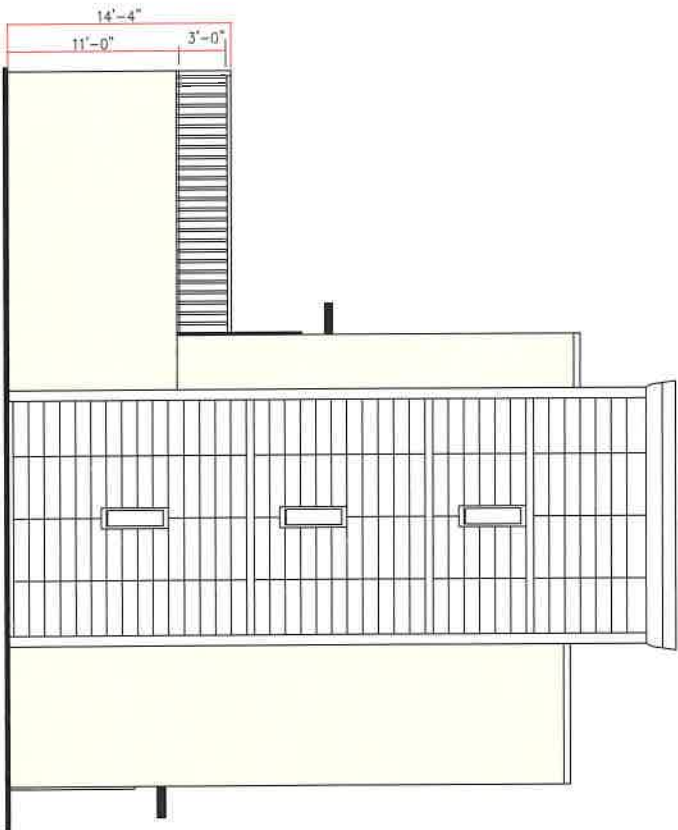
CHRIS LOVICK'S RESIDENCE
2634 AL LIPSCOMB WAY
DALLAS, TEXAS 75215

737 S. R.L. THORNTON FWY
DALLAS, TEXAS 75203
OFFICE: 214-256-6887
KENN BROWN: 214-507-2472
J.BROWN-SNEED: 214-775-3262

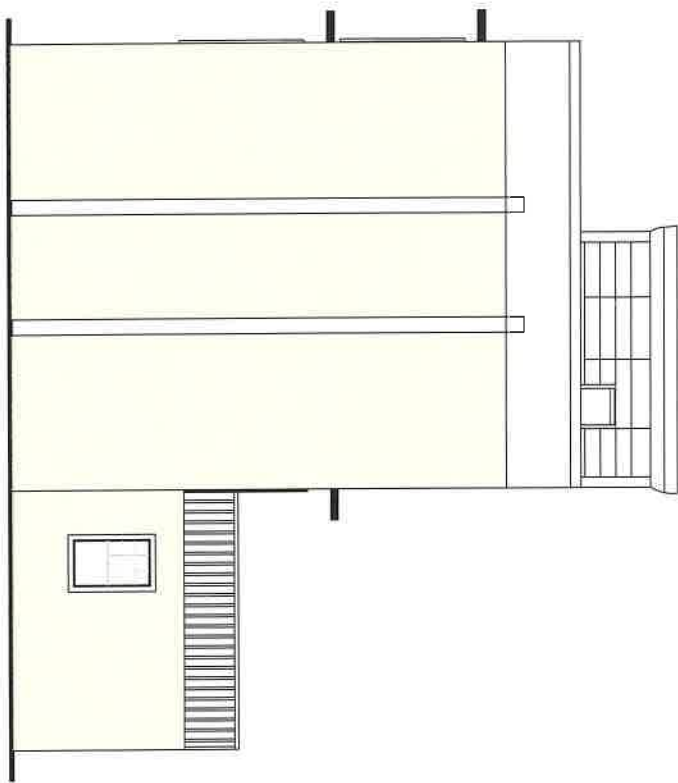


SHEET: A-4

DATE ISSUED: OCTOBER 01, 2018
DESIGNED/DRAWN BY: JB SNEED
REVISION(S): 10/06/2018
THIS PLAN IS THE PROPERTY OF SIMPLY CUSTOM AND SHALL NOT BE REPRODUCED, TRACED OR USED WITH WITHOUT THE WRITTEN CONSENT OF SIMPLY CUSTOM.



EAST ELEVATION
1/8"=1'-0"



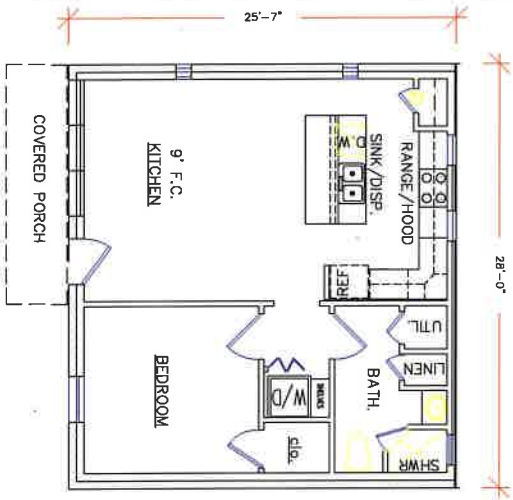
WEST ELEVATION
1/8"=1'-0"

CHRIS LOVICK'S RESIDENCE
2634 AL LIPSCOMB WAY
DALLAS, TEXAS 75215

737 S. R.L. THORNTON FWY
DALLAS, TEXAS 75203
OFFICE: 214-256-6987
KEVIN BROWN: 214-507-2472
J.BROWN-SNEED: 214-773-3282

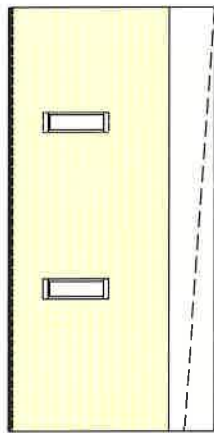


SHEET: A-5
DATE SUBMITTED: 06/20/18
DRAWN BY: J.BROWN
REVISIONS: 10/06/2018
THIS PLAN IS THE PROPERTY OF SIMPLY CUSTOM AND SHALL NOT BE REPRODUCED, TRACED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF SIMPLY CUSTOM.

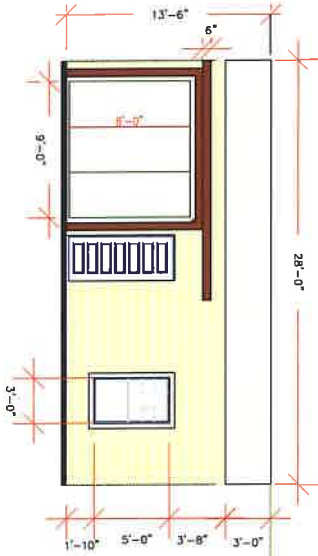


ACCESSORY UNIT FLOOR PLAN
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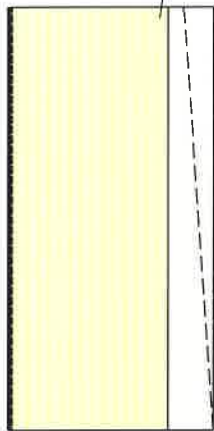
FLOOR AREA CALCULATION
ACCESSORY UNIT FLOOR AREA: 728.00 SF
MAIN BUILDING FLOOR AREA: 3793.46 SF
TOTAL RATIO = 19%



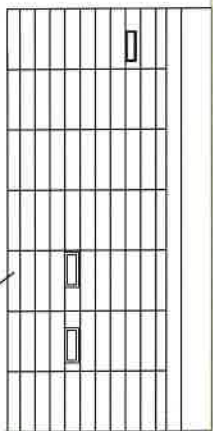
WEST ELEVATION
1/8"=1'-0"



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



EAST ELEVATION
1/8"=1'-0"



REAR ELEVATION
1/8"=1'-0"

ACCESSORY UNIT ELEVATIONS
1/8"=1'-0"

737 S. R.L. HORTON FW.
DALLAS TEXAS 75203
OFFICE: 214-256-6887
KEVIN BROWN: 214-507-2472
J.BROWN-SNEED: 214-773-3262



CHRIS LOVICK'S RESIDENCE
2634 AL LIPSCOMB WAY
DALLAS, TEXAS 75215

SHEET: A-6
DATE: 08/10/2018
DESIGNED: JAMES R. SNEED
REVISIONS: 10/08/2018
THIS PLAN IS THE PROPERTY OF SIMPLY CUSTOM AND SHALL NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF SIMPLY CUSTOM.

Legal Description: Block 4/1285, Lot 9, Edgewood District.

Address: 2634 Al Lipscomb Way

Subject: Respectful Appeal to the Honorable Board of Adjustment for the following:

1. Side Setback Reduction (Along Myrtle Walkway)

- Permit a 5' setback/10' encroachment along Myrtle Walkway based on the following rationale:
 - The City of Dallas **Subdivision Office** discovered that Myrtle Walkway historically has been a pedestrian walkway/foot path only—never for vehicular traffic
 - Myrtle Walkway consists of a 5' wide sidewalk, and currently has no vehicular egress onto Al Lipscomb (*see supporting photos A1 – A3*).
 - With a 15' setback, 2634 Al Lipscomb Way essentially **has two front yards**.
 - As a result, approximately **53%** of the lot is buildable space.
 - Approximately **47%** of the lot (*not including the front visibility triangle*) is unbuildable space.
 - Construction would not be possible without an approved variance due to the designed width of the proposed main unit.
 - Proposed setback/encroachment for the main unit as designed is the following:
Setback (15') = Encroachment (9' - 2") + Side Yard (5' - 8")
 - It is my respectful opinion that a variance permitting a 10' encroachment would not pose any additional safety concerns for the proposed main unit from any vehicular street traffic or for the pedestrians transiting north/south along Myrtle Walkway
 - A **pedestrian traffic count** was conducted for one hour on 1/13/19 from 3p – 4p, and the foot traffic transiting Myrtle Walkway was **zero** during that timeframe, so pedestrian traffic appears to be extremely low at this time
 - The following units along the Myrtle Walkway easement have an approximate 10' encroachment:
 - **Setback (15') = Approximate Encroachment (10') + Side Yard (5')**
 - 2700 Al Lipscomb Way
 - 2634 Park Row
 - 2635 Park Row Ave
 - 2702 Park Row Ave
 - 2703 Park Row Ave
 - 2634 South Blvd
 - 2700 South Blvd
 - The following units along the Vine Walkway easement (the other walkway in the immediate area/Historic District) have an approximate 10' encroachment:
 - **Setback (15') = Approximate Encroachment (10') + Side Yard (5')**
 - 2429 South Blvd
 - 2430 Park Row Ave
 - 2431 Park Row Ave
 - 2434 South Blvd
 - 2500 South Blvd
 - 2501 South Blvd
 - 2502 Park Row Ave
 - 2503 Park Row Ave

Important Note: Units located directly south in the South Blvd./Park Row Historic District are restricted due to the area being listed on the *National Register*. It is my humble opinion that the historical restrictions (along with the current location/setback/encroachment of the existing units) make expanding the Myrtle Walkway easement highly unlikely in the future, reducing risks with approving this variance.

- In summary, a **5' setback** (or **10' encroachment**) for the side yard of 2634 Al Lipscomb Way along Myrtle Walkway easement would be consistent with the setbacks of other residential units in the immediate area along the Myrtle and Vine Walkway easements (**see supporting photos A1, A2, A4 – A8**).

2. Omit the Requirement for a Rear Visibility Triangle

- Permit the standard setback at the rear of 2634 Al Lipscomb Way at the corner of Myrtle Walkway and the alley in the rear.
 - Rationale: A proposed 8' high privacy fence at the rear of the lot (as designed) is desired to secure the property and provide privacy for the pool area and accessory unit. This fence will be within the rear visibility triangle.
 - There is no vehicular intersection at Myrtle Walkway and the alley behind 3624 Al Lipscomb Way
 - The rear alley is currently unimproved and is not a distinguishable road (**see supporting photo A9**)
- In summary, since Myrtle Walkway is a sidewalk/foot path used for pedestrian traffic only and is not legally designated for vehicular traffic, it is my respectful opinion that there would be no additional safety concerns along Myrtle Walkway due to obstructed views from a privacy fence at the rear of 2634 Al Lipscomb Way.

3. Permit an Accessory Unit south of the Main Unit on 2634 Al Lipscomb Way

- Permitting an accessory unit is not abnormal or incompatible with the current “carriage houses” and “mother in-law apartments” in the immediate historic community/area of South Blvd./Park Row Ave. (**see supporting photos B1 – B5**) and would not impose on the surrounding neighbors.
 - Accessory units are common to this area—many of the historic units in the South Blvd./Park Row area were/are equipped with servant’s quarters.
- The proposed accessory unit will be multifunctional and would be used for hygiene, sleeping accommodations, and social functions in concert with pool and spa use for family members and friends.
- An accessory unit authorization would permit a kitchen and a bathroom, in addition to a bedroom, and would afford family members and friends with more privacy and convenience during visits for accomplishing personal hygiene as well as provide the means to prepare food without having to transit into or out of the main unit for meals, where the kitchen will be located on the second floor.
- The accessory unit would be contained within an 8' privacy fence that will also encapsulate the rear of the main unit and the pool.
- The proposed accessory unit has a ratio of **19%** of the main unit.

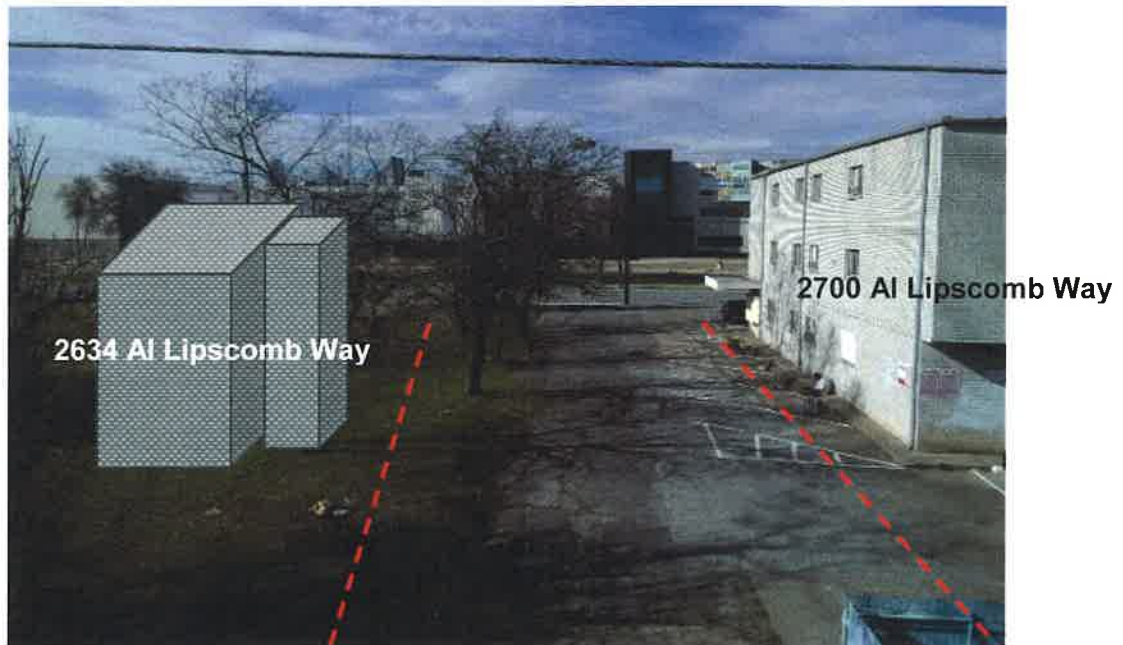
- An accessory unit enclosed within a privacy fence in the rear of a main unit at 2634 Al Lipscomb Way would not present an unusual appearance in comparison to the multi-family units in the surrounding area along Al Lipscomb Way.
 - The following multi-family units are located within a half mile of 2634 Al Lipscomb Way (**see supporting photos C1 – C3**):
 - 2502 Al Lipscomb Way
 - 2700 Al Lipscomb Way
 - 2900 Al Lipscomb Way
- In summary, since the surrounding area has numerous multi-family and accessory units, it is my humble opinion that an additional accessory unit would not detract from the character of the neighborhood, nor impose on the neighbors.

Nearby Properties with 5' Setbacks (10' Encroachments)



A1: South facing view: Myrtle Walkway easement at Al Lipscomb Way

Note: Myrtle Walkway leads to the “city allowed” area used for parking at 2700 Al Lipscomb Way



A2: North facing aerial view: Myrtle Walkway easement adjacent to **2700 Al Lipscomb Way**

Note: The parking area on the west side of **2700 Al Lipscomb Way** is within the Myrtle Walkway easement. The apartment building at **2700 Al Lipscomb Way** has an approximate **5' setback (10' encroachment)** from the Myrtle Walkway easement.



A3: Myrtle Walkway (consists of a standard 5-foot sidewalk)



A4: Pictured: North facing view of Myrtle Walkway easement (sidewalk) at Park Row Ave (approx. 55 yards south of 2634 *Al Lipscomb Way*).

Note: Both **2635** and **2703 Park Row Ave** have an approximate **5' setback (10' encroachment)** from the Myrtle Walkway easement (based on a 15' setback).



A5: North facing aerial view: Myrtle Walkway easement (sidewalk) at Park Row Ave

Pictured: 2635 and 2703 Park Row Ave



A6: South aerial view: Vine Walkway easement at South Blvd., between 2430 and 2502 Park Row Ave.



A7: North view: Vine Walkway easement from the alley between 2430 and 2502 Park Row Ave.

Note the approximate 60' between the units and the fence lines within the easement
Approximately 60' between units = Easement (50') + Setback (5') + Setback (5')



A8: South view: Vine Walkway easement between 2429 and 2501 South Blvd.

Note the approximate 60' between the units and the fence lines within the easement
Approximately 60' between units = Easement (50') + Setback (5') + Setback (5')



A9: Unimproved alley easement behind (south of) 2634 Al Lipscomb Way

Nearby Properties with Accessory Units

(Many accessory units in the historic South Blvd./Park Row District were servant's quarters)



B1: Historic unit at **2601 South Blvd.** with an accessory unit in the rear.



B2: Unit at **2603 Martin Luther King Blvd.** with an accessory unit in the rear.



B3: Historic unit at **2606 South Blvd.** with an accessory unit in the rear.



B4: Historic unit at **2402 South Blvd.** with an accessory unit in the rear (listed as a Mother-in-Law Apartment).



B5: Historic unit at **2402 South Blvd.** with an accessory unit in the rear (listed as a Mother-in-Law Apartment).

Nearby Multi-Family Residential Units



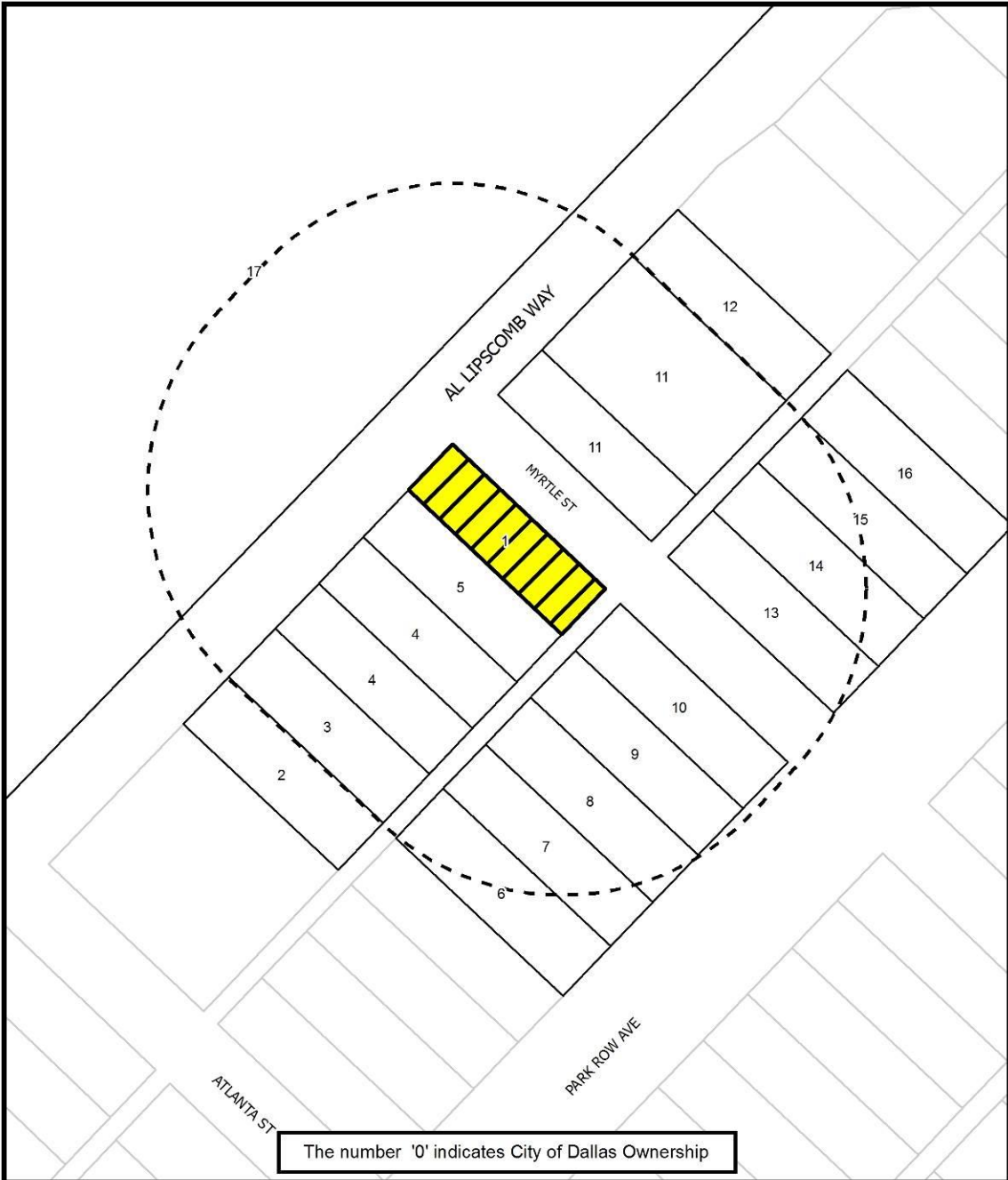
C1: Multi-Family residential units at **2700 Al Lipscomb Way** (adjacent to 3624 Al Lipscomb Way)—an occupancy of approximately **100 persons**



C2: Multi-Family residential units at **2900 Al Lipscomb Way** (approximately 250 yards north of 2634 Al Lipscomb Way)—an occupancy of approximately **450 persons**



C3: Multi-Family residential units located at ***2502 Al Lipscomb Way*** (approximately 250 yards south of 3624 Al Lipscomb Way)—an occupancy of approximately **48 persons**



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-060 Date: 4/12/2019
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-060

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2634 AL LIPSCOMB WAY	LOVICK CHRIS D JR
2	2614 AL LIPSCOMB WAY	HARRIS & HARRIS PPTIES LLC
3	2618 AL LIPSCOMB WAY	MARI REAL ESTATE HOLDINGS LLC
4	2622 AL LIPSCOMB WAY	BROWN ELMARIE YVONNE &
5	2628 AL LIPSCOMB WAY	BROWN JAMES RAY TR
6	2619 PARK ROW AVE	GEBREDINGIL TESFA
7	2623 PARK ROW AVE	GEBREDINGIL TESFA
8	2627 PARK ROW AVE	JOHNSON PATRICIA A & BILLY R
9	2631 PARK ROW AVE	HUD
10	2635 PARK ROW AVE	JOHNSON KENNETH & SARAH E
11	2700 AL LIPSCOMB WAY	STAMATINA HOLDINGS LLC
12	2712 AL LIPSCOMB WAY	JACKSON GLENDA
13	2703 PARK ROW AVE	CLARK JAMES GARFIELD
14	2707 PARK ROW AVE	EDWARDS VEURMER CLARK &
15	2711 PARK ROW AVE	FRANKLIN RITA
16	2715 PARK ROW AVE	LEWIS BARBARA ANN LEE
17	2727 AL LIPSCOMB WAY	Dallas ISD

FILE NUMBER: BDA189-061(OA)

BUILDING OFFICIAL'S REPORT: Application of Jack Tarrer for a special exception to the fence standards regulations at 3313 E. Illinois Avenue. This property is more fully described as Lot 29 & 30, Block H/6094, and is zoned CS, which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 3313 E. Illinois Avenue

APPLICANT: Jack Tarrer

REQUEST:

A request for a special exception to the fence standards regulations is made to complete and maintain a fence of a prohibited fence material (sheet metal) on a site developed with vehicle display, sales, or service use.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards 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 standards 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: CS (Commercial service district)
North: R-5 (A) (Single family residential 5,000 square feet)
South: CS (Commercial service district)
East: CS (Commercial service district) & R-5 (A) (Single family residential 5,000 square feet)
West: CS (Commercial service district) & R-5 (A) (Single family residential 5,000 square feet)

Land Use:

The subject site is developed with a vehicle display, sales, or service use. The area to the north is developed with vacant lots and single-family uses; the area to the south is developed with commercial service uses; the area to the west is developed with vacant lots and commercial service uses; and the area to the east is developed with single-family and multi-family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence standards regulations related to fence materials focuses on completing and maintaining a fence of a prohibited fence material (R-Panel) on a site developed with vehicle display, sales, or service use.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the proposed and existing sheet metal fence on the property.
- The submitted elevation represents an 8' high sheet metal fence.
- The submitted site plan represents a site that is approximately 22,800 square feet in area where approximately 632 linear feet of prohibited fence material (sheet metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Similar fences that appeared to be made of similar prohibited material were noted to the west, east and north of the subject site. These similar existing fences have no recorded BDA history.
- As of May 10, 2019, no letters have been submitted in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (sheet metal) will not adversely affect neighboring property.

- If the Board were to grant the special exception and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

Timeline:

March 22, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

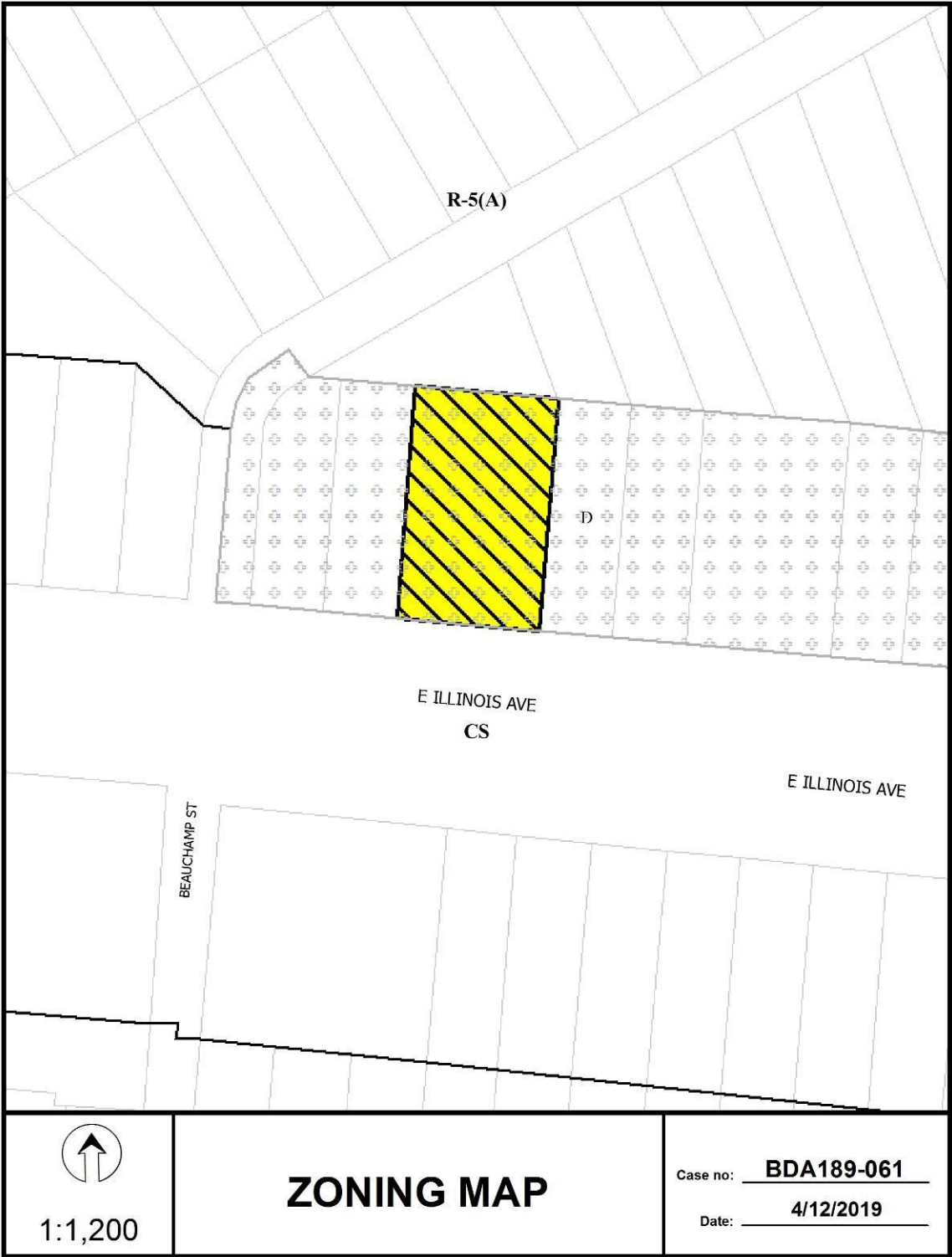
April 8, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

April 10, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

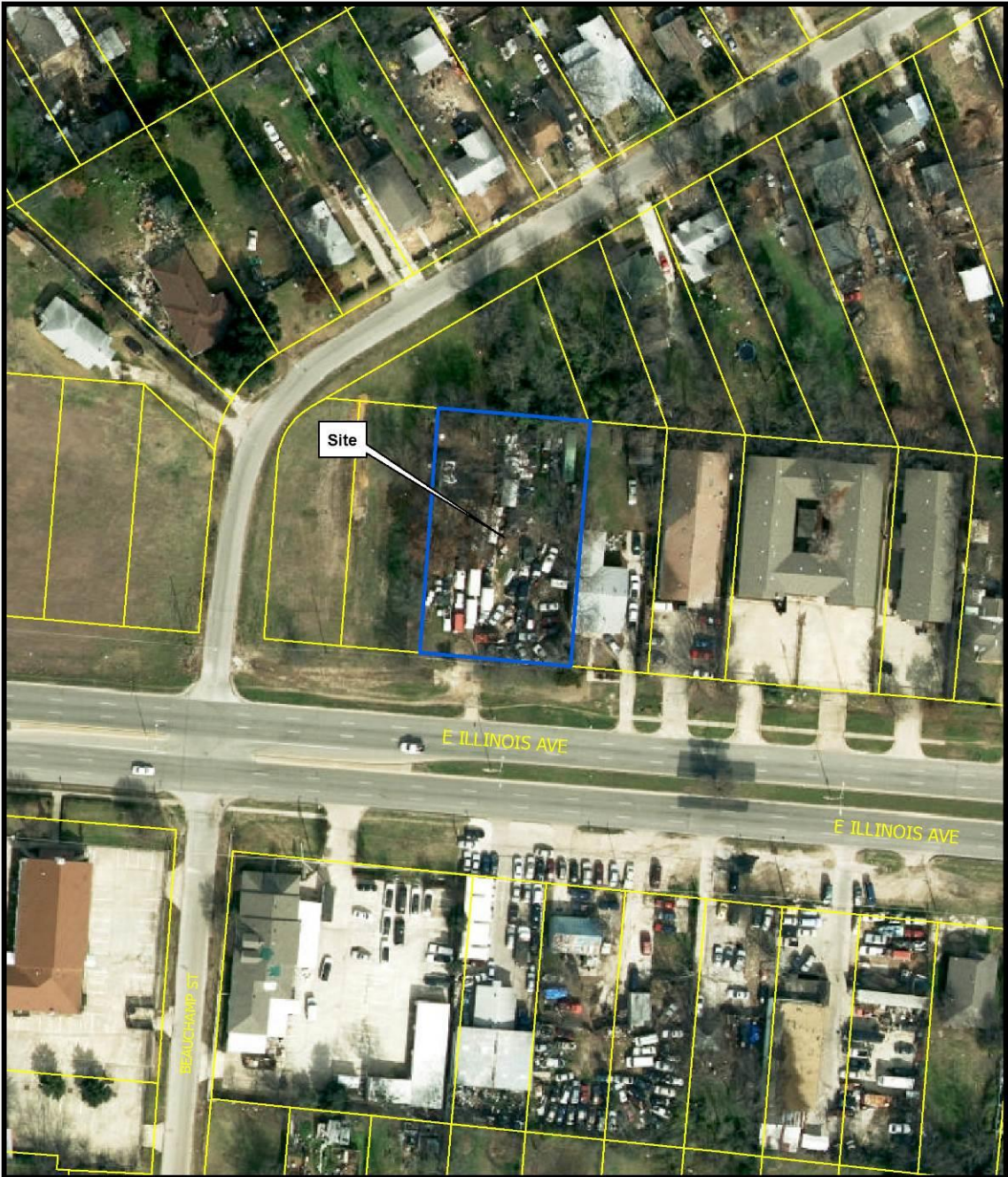


1:1,200

ZONING MAP

Case no: BDA189-061

Date: 4/12/2019



1:1,200

AERIAL MAP

Case no: BDA189-061

Date: 4/12/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-061

Date: 3/22/19

Data Relative to Subject Property:

Location address: 3313 EAST ILLINOIS Zoning District: CS

Lot No.: 29430 Block No.: H/6094 Acreage: 0.5234 Census Tract: 86.04

Street Frontage (in Feet): 1) 116.23 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JOCK TARRER

Applicant: JOCK TARRER Telephone: 214 793 4283

Mailing Address: P.O. BOX 36262 DALLAS, TX. Zip Code: 75235

E-mail Address:

Represented by: JOCK TARRER Telephone:

Mailing Address: Same Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of Fence MATERIALS

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:

To Allow & Maintain Steel R-Panel Fence

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.

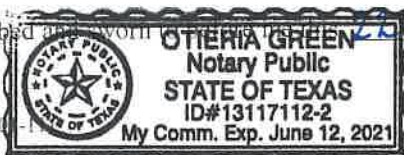
Affidavit

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

Subscribed and sworn to before me this 22 day of March 2019



(Signature)

5 - 6 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 JACK TARRER

did submit a request for a special exception to the fence standards regulations

at 3313 E Illinois Avenue

BDA189-061. Application of JACK TARRER for a special exception to the fence standards regulations at 3313 E ILLINOIS AVE. This property is more fully described as Lot 29 & 30, Block H/6094, and is zoned CS, which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



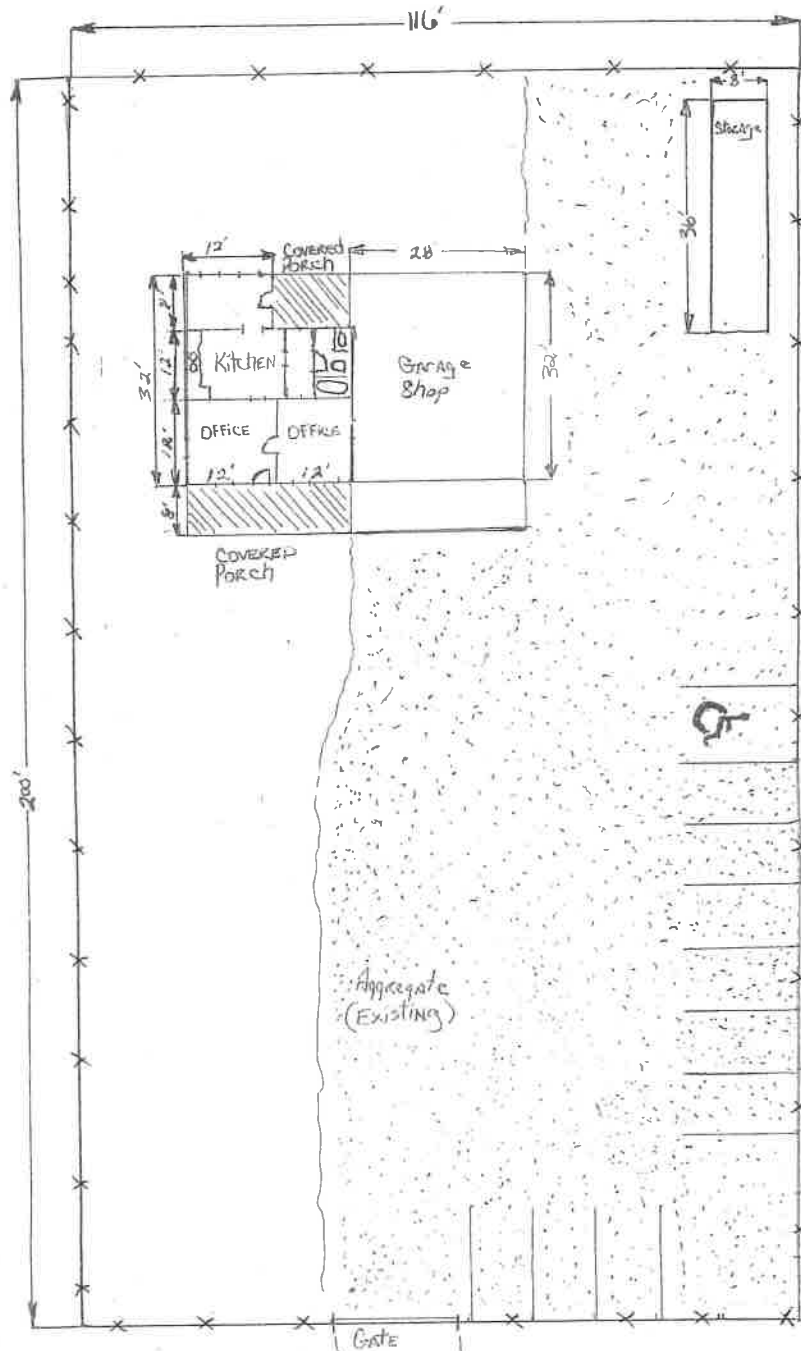
Printed: 3/28/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone: | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. '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.' (Texas Government Code § 2051.102)



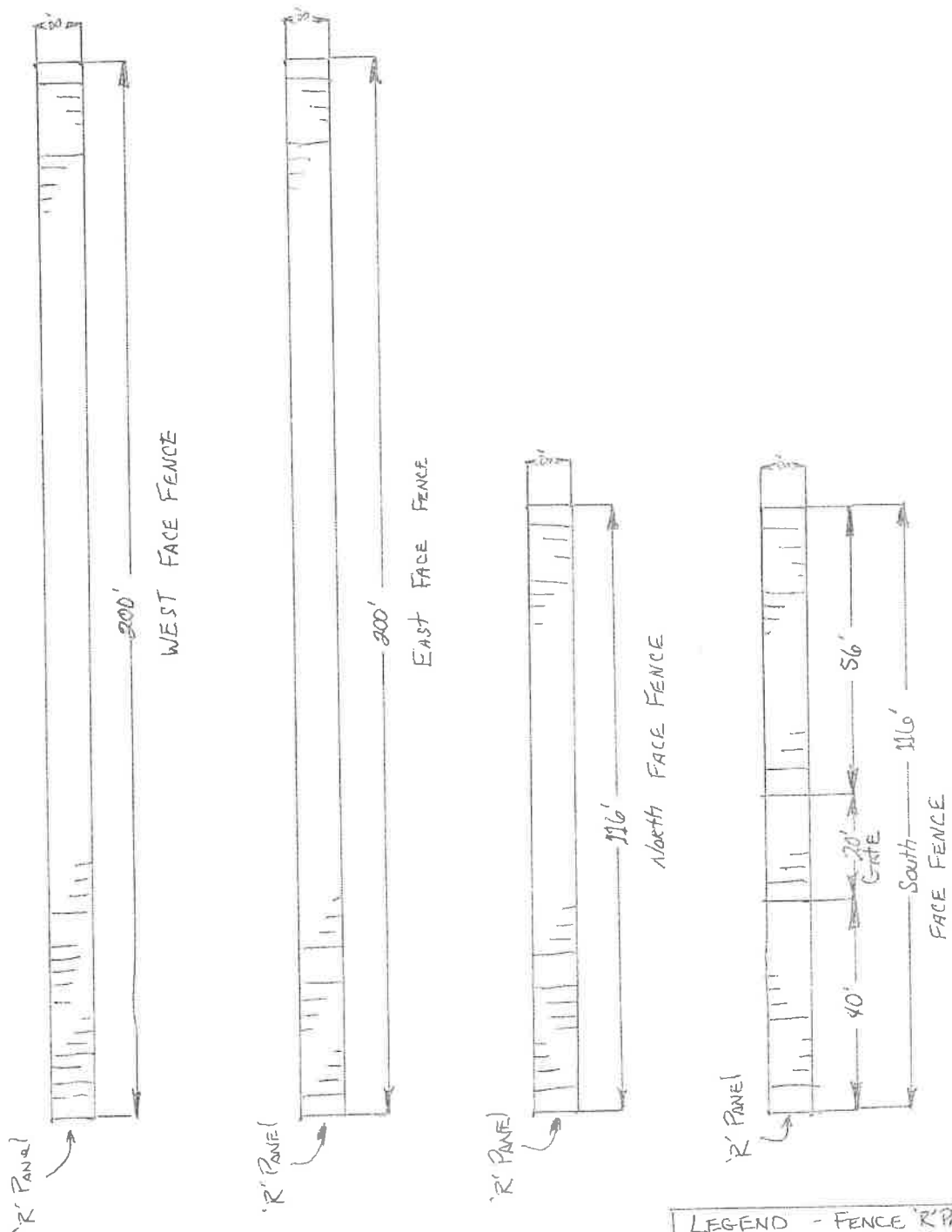


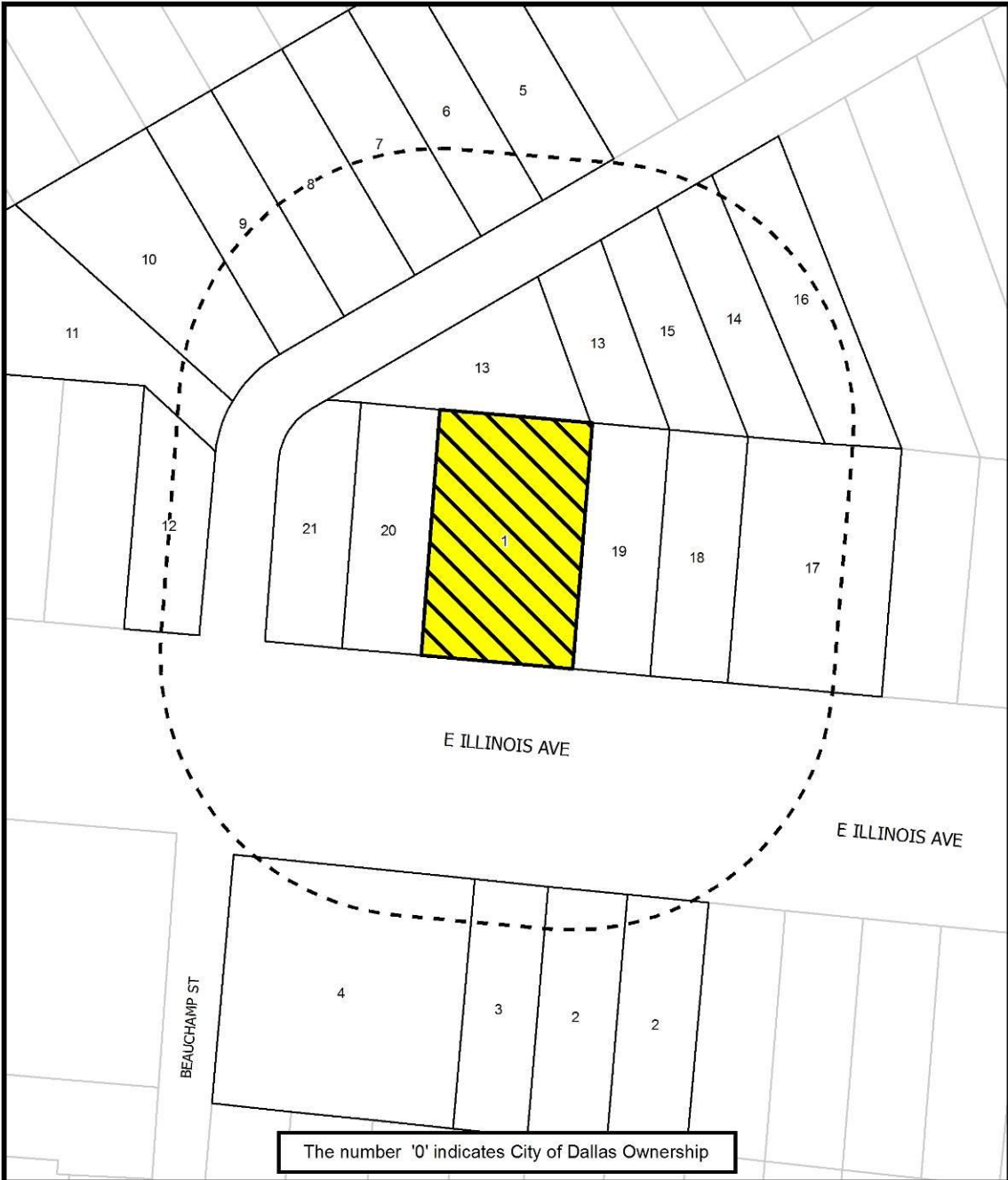
EAST ILLINOIS AVE

LEGEND

1" = 20'

x = Existing/Replacement (Fence)





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">21</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	21	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-061</u> Date: <u>4/12/2019</u>
200'	AREA OF NOTIFICATION					
21	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-061

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3313 E ILLINOIS AVE	TARRER JOCK
2	3326 E ILLINOIS AVE	WILDER THAD
3	3316 E ILLINOIS AVE	REDMAN BILLY
4	3302 E ILLINOIS AVE	KING SHAUNTAI
5	3333 BEAUCHAMP ST	CODIZ IGNACIO & ROSARIO
6	3327 BEAUCHAMP ST	MARK X ASSOC PS
7	3323 BEAUCHAMP ST	TELLEZ JOSE MIGUEL
8	3317 BEAUCHAMP ST	BARBOZA JOSE
9	3311 BEAUCHAMP ST	WILLIAMS T W &
10	3307 BEAUCHAMP ST	WILLIAMS T W
11	3303 BEAUCHAMP ST	RAMIREZ PEDRO &
12	3241 E ILLINOIS AVE	KING SHAUNTAI
13	3300 BEAUCHAMP ST	GONZALEZ PEDRO &
14	3328 BEAUCHAMP ST	OBIKOYA JOSEPH
15	3324 BEAUCHAMP ST	LOPEZ FELIPE
16	3332 BEAUCHAMP ST	CASAS PEDRO JR & DEBBIE H
17	3333 E ILLINOIS AVE	PERFECT & SOCIAL LIVING LLC
18	3327 E ILLINOIS AVE	MCKINNEY SOLONYA G
19	3323 E ILLINOIS AVE	GEE FRANK E JR & DIANA
20	3307 E ILLINOIS AVE	CARRILLO CESAR A
21	3303 E ILLINOIS AVE	GRIMALDO AMADO OLVERA

FILE NUMBER: BDA189-038(OA)

BUILDING OFFICIAL'S REPORT: Application of James White III, represented by Michael R. Coker Company, for a variance to the front yard setback regulations, special exceptions to the fence standards regulations, and special exceptions to the visual obstruction regulations at 11534 Hillcrest Road. This property is more fully described as Lot 1 and PT LT 2 and 4, Block C/7494, and is zoned R-16(A), requires a front yard setback of 35 feet, limits the height of a fence in the front yard to 4 feet, limits the height of a fence in the side or rear yard to 9 feet, and requires a 45 foot visibility triangle at street intersections and 20 foot visibility triangles at driveway approaches. The applicant proposes to construct and/or maintain a structure and provide a 32 foot 9 inch front yard setback, which will require a 2 foot 3 inch variance to the front yard setback regulations, to construct and/or maintain a 9 foot 6 inch fence in a front, side, and/or rear yard which will require a 5 foot 6 inch special exception to the fence standards regulations for a fence in the front yard setback, and a 6 inch special exception to the fence standards regulations for a fence in the side and/or rear yard, and to locate and maintain items in required visibility triangles at a street intersection and at driveway approaches which will require special exceptions to the visual obstruction regulations.

LOCATION: 11534 Hillcrest Road

APPLICANT: James White III
Represented by Michael R. Coker Company

ORIGINAL APRIL 15, 2019 REQUESTS:

The following requests had been made on a site that is developed with a single-family home:

1. a variance to the front yard setback regulations of 2' 3" was made to maintain a single-family structure located 32' 9" from one of the site's two required front yards (N. Janmar Drive) or 2' 3" into this 35' front yard setback;
2. special exceptions to the fence standards regulations related to fence height of 5' 6" was made to maintain a fence higher than 4' in height in both front yard setbacks:
 - a) Along N. Janmar Drive: – an 8' solid wood fence, a 5' 6" to 6' decorative wrought iron fence with 6' high stone masonry columns, a portion of which sits atop a 0' to 3' retaining wall and a 7' 6' motorized wrought iron gate; and
 - b) Along Hillcrest Road: – a 5' 6" to 6' decorative wrought iron fence with 6' high stone masonry columns and a 7' 6' motorized wrought iron gate of which sits atop a 2' to 3' retaining wall.
3. special exceptions to the fence standards regulations related to fence height of 5" were made to maintain a 9' 5" in height solid wood fence in the required side yard setbacks; and
4. special exceptions to the visual obstruction regulations were made to maintain:

- a) portions of a 6' high stone masonry column and landscape materials in the 45' visibility triangle at the intersection of Hillcrest Road and Janmar Drive;
- b) portions of a 6' high stone masonry columns that sit atop a 0' to 3' retaining wall in one of the two 20' visibility triangles located on the west side of the driveway into the site from N. Janmar Drive.
- c) portions of a 6' high stone masonry column and portion a retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road.
- d) portions of a retaining wall in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road.

REVISED MAY 20, 2019 REQUESTS:

On May 7, 2019 , the applicant submitted a revised documents (see Attachment D). As a result. The following requests have been made on a site that is developed with a single-family home:

- 1. a variance to the front yard setback regulations of 2' 3" is made to maintain a single-family structure located 32' 9" from one of the site's two required front yards (N. Janmar Drive) or 2' 3" into this 35' front yard setback;
- 2. special exceptions to the fence standards regulations related to fence height of 5' 6" is made to maintain a fence higher than 4' in height in both front yard setbacks:
 - a) Along N. Janmar Drive: – an 8' solid wood fence, a 5' 6" to 6' decorative wrought iron fence with 6' high stone masonry columns, a portion of which sits atop a 0' to 3' retaining wall and a 7' 6' motorized wrought iron gate; and
 - b) Along Hillcrest Road: – a 5' 6" to 6' decorative wrought iron fence with 6' high stone masonry columns and a 7' 6' motorized wrought iron gate of which sits atop a 2' to 3' retaining wall.
- 3. special exceptions to the visual obstruction regulations are made to maintain:
 - a) portions of a 6' high stone masonry column and portion a retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road.
 - b) portions of a retaining wall in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road.

(Note that the original requests for a special exception to the fence standards regulations related to fence height in the required side yard, the special exception to the visual obstruction regulations related to the 45' visibility triangle at the intersection of Hillcrest Road and Janmar Drive, and the 20' visibility triangles located on the west side of the driveway into the site from N. Janmar Drive are no longer necessary due to the applicant amending his request on May 2nd. On May 7, 2019, the applicant submitted a revised site plan (Attachment D)).

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of 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, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d) (3) of the Dallas Development Code states that the board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION (front yard variance):

Denial.

Rationale:

- Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site that is slightly sloped, slightly irregular in shape but according to the submitted application is 0.816 acres (or approximately 38,150 square feet or twice the area found in most lots in this zoning district) where these features preclude it from being developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning district.

STAFF RECOMMENDATION (fence standards):

No staff recommendation is made on this or any request for a special exception to the fence standards 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.

STAFF RECOMMENDATION (20' visibility triangles at the driveways):

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests.
- Staff concluded that the request for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the item located in the visibility triangles do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- The request for a variance to the front yard setback regulations of 2' 3" focuses on maintaining a single-family structure located 32' 9" from one of the site's two required front yards (N. Janmar Drive) or 2' 3" into this 35' front yard setback.
- The subject site is zoned R-16 (A) which requires a 35' front yard setback.
- The subject site is located at the southeast corner of Hillcrest Road and N. Janmar Drive. Regardless of how the structure is proposed to be oriented to front Hillcrest Road, the subject site has a required 35' front yard setbacks along both street frontages.
- The submitted site plan indicates that the proposed home structure is located as close as 32' 9" from one of the site's two required front yards (N. Janmar Drive) or 2' 3" into this 35' front yard setback.

- DCAD records indicate the following improvements for property located at 11534 Hillcrest Road: “main improvement: a structure with 2,986 square feet of living area built in 1957”, and “additional improvements; a 616 square foot attached garage, and a pool”.
- The subject site is slightly sloped, slightly irregular in shape and according to the submitted application is 0.816 acres (or approximately 38,150 square feet) in area. The site is zoned R-16 (A) where lots are typically 16,000 square feet in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant this request and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is single family structure located 32’ 9” from one of the site’s two required front yards (N. Janmar Drive) or 2’ 3” into this 35’ front yard setback.

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on maintaining a fence higher than 4’ in the site’s two front yard setbacks:
 - 1) Along N. Janmar Drive: – an 8’ solid wood fence, a 5’ 6” to 6’ decorative wrought iron fence with 6’ high stone masonry columns, a portion of which sits atop a 0’ to 3’ retaining wall and a 7’ 6’ motorized wrought iron gate);
 - 2) Along Hillcrest Road: – a 5’ 6” to 6’ decorative wrought iron fence with 6’ high stone masonry columns and a 7’ 6’ motorized wrought iron gate of which sits atop a 2’ to 3’ retaining wall; and,
- The subject site is zoned R-16 (A) which requires a 35’ front yard setback and a 10’ side yard setback.
- 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 subject site is located at the southeast corner of Hillcrest Road and N. Janmar Drive. Regardless of how the structure is proposed to be oriented to front Hillcrest

Road, the subject site has a required 35' front yard setbacks along both street frontages.

- The applicant submitted revised site plan and elevation representing the proposed fences in the front yard setbacks and in the side yard setbacks with notations indicating that the proposal reaches a maximum height of 9' 6".
- The following additional information was gleaned from the submitted revised site plan:
 - The proposal is represented as being approximately 150' in length parallel to Janmar Drive and about 35' perpendicular to the street on the east side of the site, and between 5' - 20' on the west side in this required front yard as the fence approaches the intersection with Hillcrest Road.
 - The proposal is represented as being approximately 180' in length parallel to Hillcrest Road and about 35' perpendicular to the street on the east side of the site, and between 5'- 20' on the west side in this required front yard as the fence approaches the intersection with Janmar Drive.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Hill Crest Road and located in front yard setback. None of these existing fences have recorded BDA history.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to fence height of 5' 6" will not adversely affect neighboring property.
- As of May 10th, 2 letters have been submitted in support and 3 letters in opposition to this request.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted revised site plan and elevation would require the proposal exceeding 5' 6" in height located in the front yard setbacks and exceeding 9' 6" in height in the side yard setbacks to be maintained in the locations and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (20' visibility triangle special exceptions):

- The requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on:
 - 1) maintaining portions of a 6' high stone masonry column and portion a retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road; and
 - 2) maintaining portion of a retaining wall in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road.
- The Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and

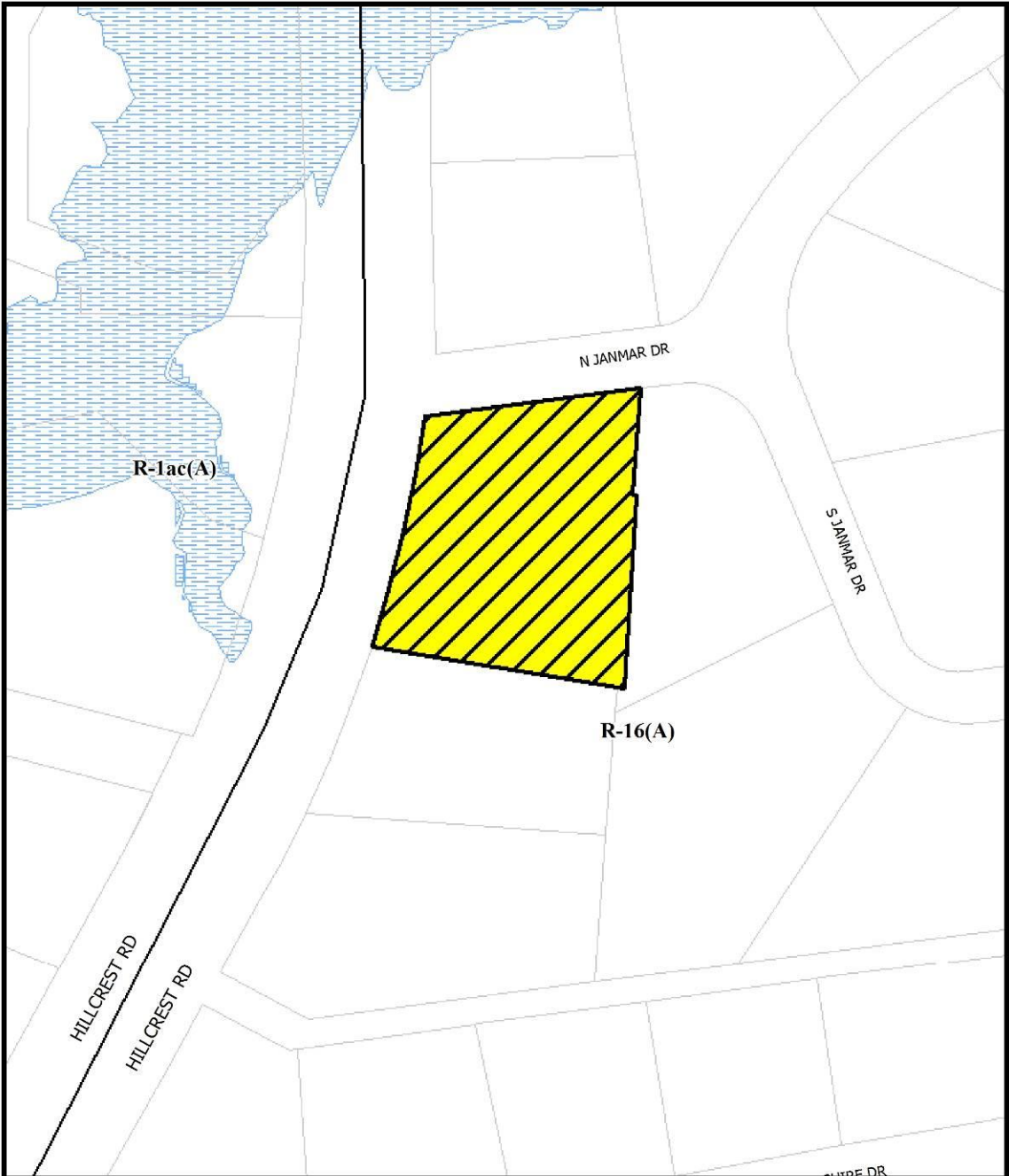
- between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a revised site plan and elevation indicating portions of a 6' high stone masonry column and portion a 3' high retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road, and portions of a 3' retaining wall and landscape materials in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road.
- The Sustainable Development Department Senior Engineer has submitted a revised review comment sheet marked "Has no objections to a special exception to the visibility triangles at private residential driveway".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to maintain portions of a 6' high stone masonry column and portion a 3' high retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road, and portions of a 3' retaining wall and landscape materials in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan and elevation would limit the items to the required two 20-foot visibility triangle on both sides of the driveway into the site from Hillcrest Road to that what is shown on these documents – portions of 6' high columns, 3' retaining walls and landscape materials.

Timeline:

- January 31, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- March 13, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

- March 20, 2019: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment A).
- March 20, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- April 3, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "recommends denial of the proposed special exception to the visibility triangle at the intersection of Hillcrest Road and N. Janmar Drive and has no objections to a special exception to the visibility triangles at the private driveways" (See Attachment C).
- April 15, 2019: Staff informed the Board of Adjustment at the April 15th briefing that the application had not been insufficiently posted hence could not be called or heard at the April 15th hearing, and would require the application to be readvertised and renoticed for the May 20th public hearing. The Board Senior Planner informed the applicant the May 1st deadline to submit additional evidence for staff to factor into their analysis, and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

- May 7, 2019: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment D).
- May 8, 2019: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment E).
- May 9, 2019: The Sustainable Development Department Senior Engineer submitted a revised review comment sheet marked "Has no objections".

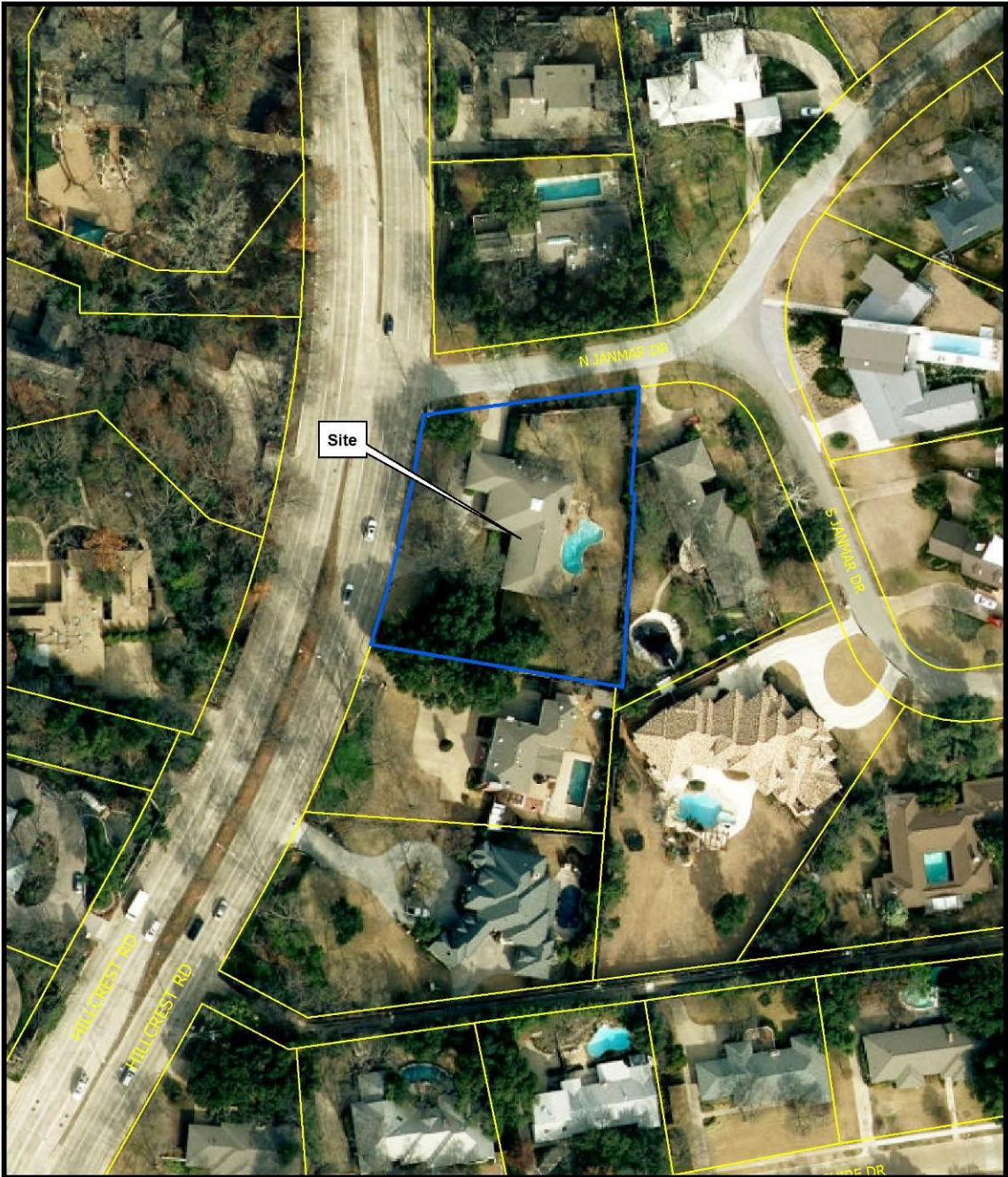


1:1,200

ZONING MAP

Case no: BDA189-038

Date: 3/22/2019



1:1,200

AERIAL MAP

Case no: BDA189-038

Date: 3/22/2019

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 James White III represented by Michael R Coker did submit a request for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations, and for a variance to the front yard setback regulations, and for a special exception to the fence height regulations at 11534 Hillcrest Road

BDA189-038. Application of James White III represented by Michael R Coker for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations, and for a variance to the front yard setback regulations, and for a special exception to the fence height regulations at 11534 HILLCREST RD. This property is more fully described as Lot 1 and PT LT 2 and 4, Block C/7494, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet, and 9 feet in a required side or rear yard and requires a 20 foot visibility triangle at driveway approaches and requires a 4 foot visibility triangle at street intersections and requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential structure and provide a 32 foot 9 inch front yard setback, which will require a 2 foot 3 inch variance to the front yard setback regulations, and to construct an 9 foot 6 inch high fence in a front yard and 6 inches in a required side or rear yard, which will require a 5 foot 6 inch special exception to the fence regulations.

Sincerely,

Philip Sikes, Building Official

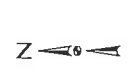
BDA189-038 ATTACHMENT B



Michael R. Coker Company
 11000 N. CENTRAL EXPRESSWAY
 SUITE 200
 DALLAS, TEXAS 75243
 (214) 343-8800
 www.mrcoker.com

11534 HILLCREST ROAD
 DALLAS, TEXAS
 JANMAR CIRCLE ADDITION

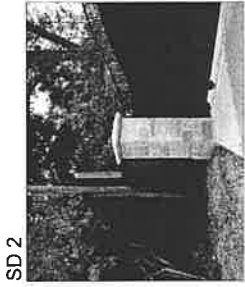
NO.	DATE	DESCRIPTION



SCALE: 1"=20'-0"

SITE PLAN &
 SITE DETAILS

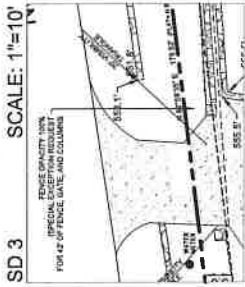
Project: 11534 Hillcrest
 Date of Project: 2011
 Prepared by: Michael R. Coker Company
 Checked by: Michael R. Coker Company
 Drawn by: Michael R. Coker Company



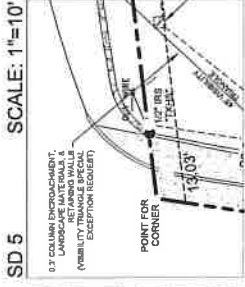
SD 2



SD 3



SD 3



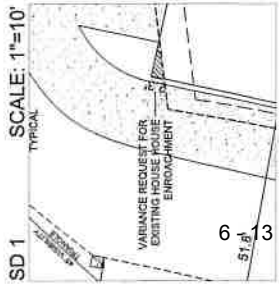
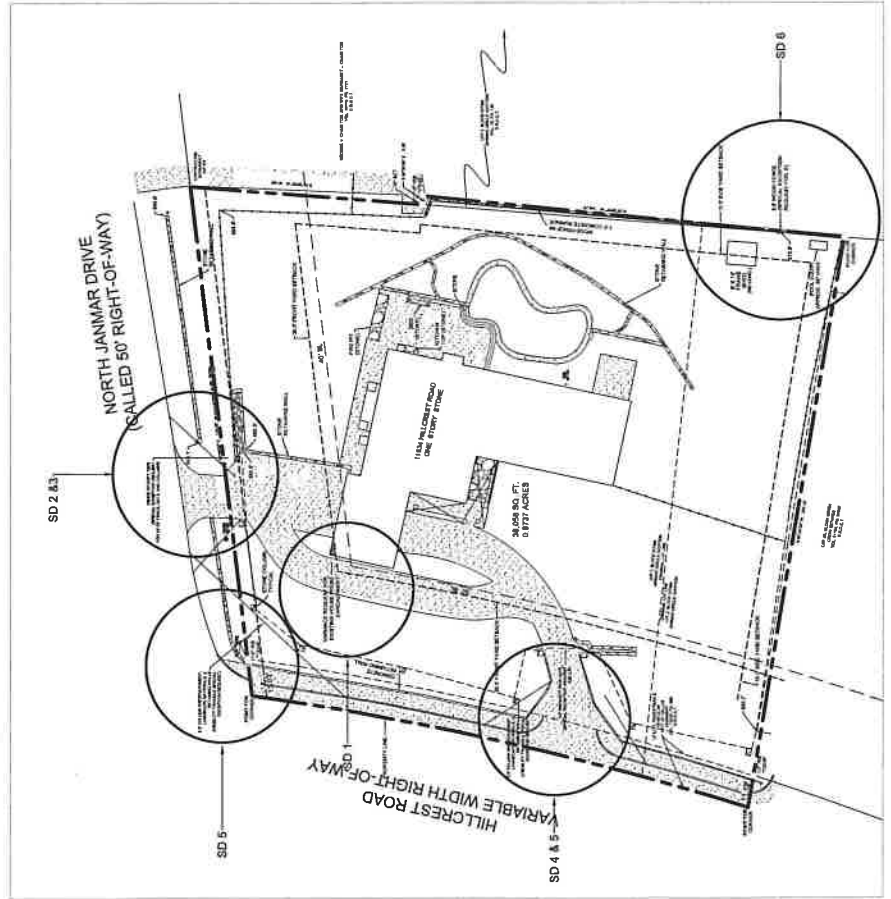
SD 5



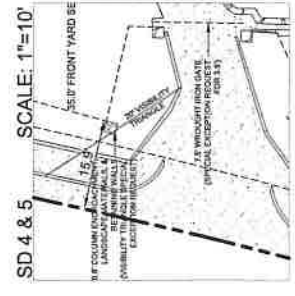
SD 5

11534 Hillcrest Road - Board of Adjustment Requests
 (Details on Site Plan correspond to this list)

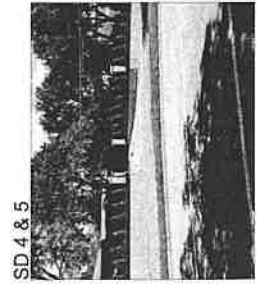
- Variance to front yard setback (North Janmar Drive) to allow for a small corner of the existing main structure (house). This corner of the house encroaches in to the front setback 2.3 feet.
- Special Exception of 5'-4" to fence height in front yard setback (North Janmar Drive).
- Special Exception to fence opacity standards within five feet of property line. A small portion of the stone fence column and the solid wood fence along North Janmar Drive is 100% opaque for a length of 42 feet from the stone fence column.
- Special Exception of 3'-6" to fence height in front yard setback (Hillcrest Road).
- Special Exception to Visibility Triangles at the Hillcrest Road driveway (20 feet) and at the intersection of Hillcrest Road and North Janmar Drive (45 feet) to allow for stone fence columns and masonry materials and retaining walls and small portion of stone fence columns.
- Special Exception of 0.5 foot to fence height in east side yard setback to allow for a 8.5' fence.



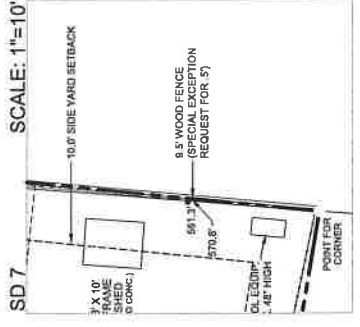
SD 1



SD 4 & 5



SD 4 & 5



SD 7

PROJECT 1

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **APRIL 15, 2019 (C)**

Has no objections

Has no objections if certain conditions
are met (see comments below or attached)

Recommends denial
(see comments below or attached)

No comments

BDA 189-030 (OA)

BDA 189-033 (OA)

BDA 189-038 (OA)

BDA 189-045 (OA)

BDA 189-047 (OA)

BDA 189-048 (OA)

COMMENTS:

**1. Has no objections to a special
exception to the visibility triangles at
private driveways.**

**2. Recommends denial of the proposed
special exception to the visibility
triangle at the intersection of Hillcrest
Road at N Janmar Drive.**

David Nevarez, P.E., PTOE, SDC-Engineering

Name/Title/Department

April 3, 2019

Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.

BDA 189-038 ATTACHMENT D

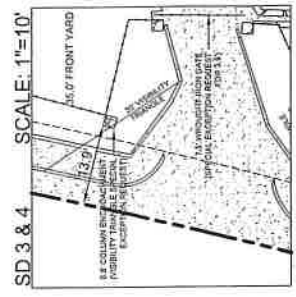
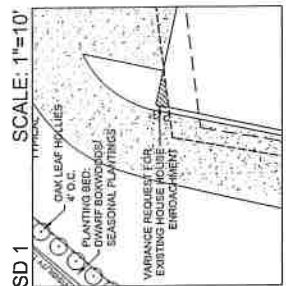
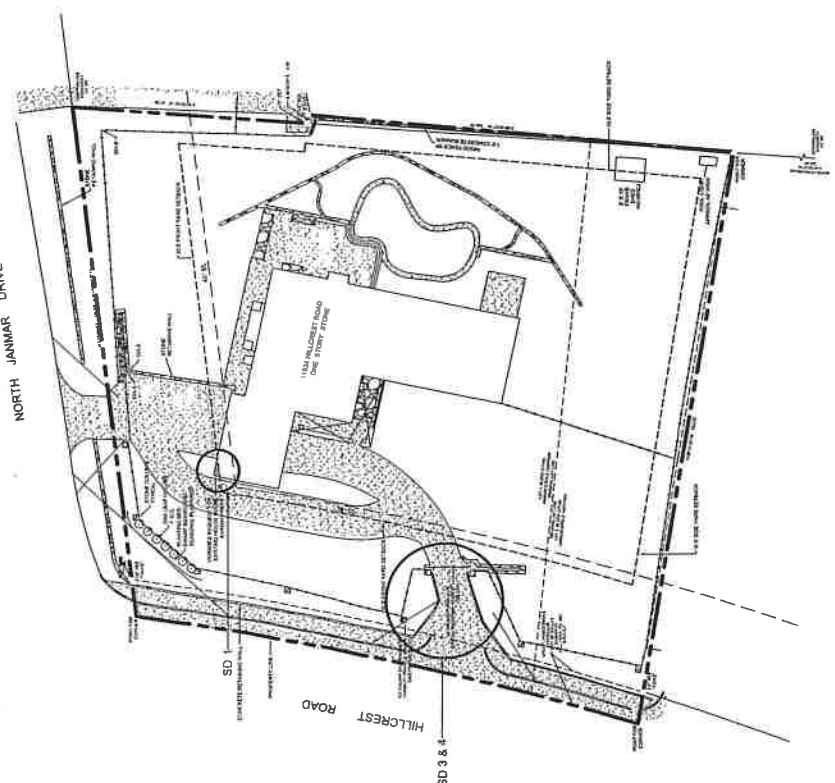


Michael R. Coker Company
 11534 Hillcrest Road
 Dallas, Texas 75243
 Phone: (214) 343-1111
 Fax: (214) 343-1112

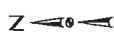
11534 HILLCREST ROAD
 DALLAS, TEXAS
 JANMAR CIRCLE ADDITION

11534 Hillcrest Road - Board of Adjustment Requests

1. Variance to front yard setback (North Janmar Drive) to allow for a small corner of the existing main structure (house). This corner of the house encroaches in to the front setback 2.3 feet.
2. Special Exception of 5'-4" to fence height in front yard setback (North Janmar Drive).
3. Special Exception of 3'-6" to fence height in front yard setback (Hillcrest Road).
4. Special Exception to Visibility Triangle at the Hillcrest Road driveway (20 feet) to allow for a 0.8' column encroachment.



NO.	DATE	DESCRIPTION
1	11/21/13	PRELIMINARY APPROVAL
2		
3		
4		
5		
6		
7		
8		
9		
10		



SCALE: 1" = 20'-0"

SITE PLAN &
 SITE DETAILS

Project: 11534 HILLCREST ROAD
 Owner: Mr. [Name Redacted]
 Date: 11/21/13
 Prepared by: [Name Redacted]
 Checked by: [Name Redacted]
 Drawn by: [Name Redacted]



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-038

Date: 1-31-19

Data Relative to Subject Property:

Location address: 11534 Hillcrest Road Zoning District: R-16(A)

Lt. 1 & Pt. Lts 2 & 4
Lot No.: _____ Block No.: C/7494 Acreage: 0.876 Census Tract: 0131.01

Street Frontage (in Feet): 1) Hillcrest: 178.73' 2) Janmar: 179.52' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James L. White III and Kristy White

Applicant: James L. White III Telephone: 972-488-6500

Mailing Address: 11534 Hillcrest Road Zip Code: 75230

E-mail Address: bowwhite@prolawndallas.com

Represented by: Michael R. Coker Company Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Ste. 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance or Special Exception , of front and side setback regulations for fence height and opacity for visibility triangle encroachments, for structure encroachments. (See Attached Supplement Information)

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 fence, fence columns, gates, landscaping and retaining walls are commensurate with other properties adjacent to the site and throughout the surrounding neighborhood. The visibility triangle encroachments do not impact traffic operations or hinder visibility.

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

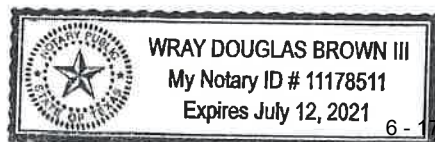
Before me the undersigned on this day personally appeared James White
(Affiant/Applicant's name printed)

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 11th day of December, 2018

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that James White III
represented by Michael R Coker
did submit a request for a special exception to the visibility obstruction regulations, and for a
special exception to the visibility obstruction regulations, and for a variance
to the front yard setback regulations, and for a special exception to the
fence height regulations
at 11534 Hillcrest Road

BDA189-038. Application of James White III represented by Michael R Coker for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations, and for a variance to the front yard setback regulations, and for a special exception to the fence height regulations at 11534 HILLCREST RD. This property is more fully described as Lot 1 and PT LT 2 and 4, Block C/7494, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a 45 foot visibility triangle at street intersections and requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential structure and provide a 32 foot 9 inch front yard setback, which will require a 2 foot 3 inch variance to the front yard setback regulations, and to construct an 9 foot 6 inch high fence in a required front yard, which will require a 5 foot 6 inch special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

11534 Hillcrest Road – Board of Adjustment Requests

(Details on Site Plan correspond to this list)

1. Variance to front yard setback (North Janmar Drive) to allow for a small corner of the existing main structure (house). This corner of the house encroaches in to the front setback 2.3 feet.
2. Special Exception of 5'-4" to fence height in front yard setback (North Janmar Drive).
3. Special Exception to fence opacity standards within five feet of property line. A small portion of the stone fence column and the solid wood fence along North Janmar Drive is 100% opaque for a length of 42 feet from the stone fence column on the west side of the gate to the east.
4. Special Exception of 3'-6" to fence height in front yard setback (Hillcrest Road).
5. Special Exception to Visibility Triangles at the Hillcrest Road driveway (20 feet) and at the intersection of Hillcrest Road and North Janmar Drive (45 feet) to allow for existing landscape materials and retaining walls and small portion of stone fence columns.
6. Special Exception of 0.5 foot to fence height in east side yard setback to allow for a 9.5' fence.



7468

40

1500

HILLCREST RD.

40' BLDG. LINE

40' BLDG. LINE

50.8

✓

6900

74941C

7000

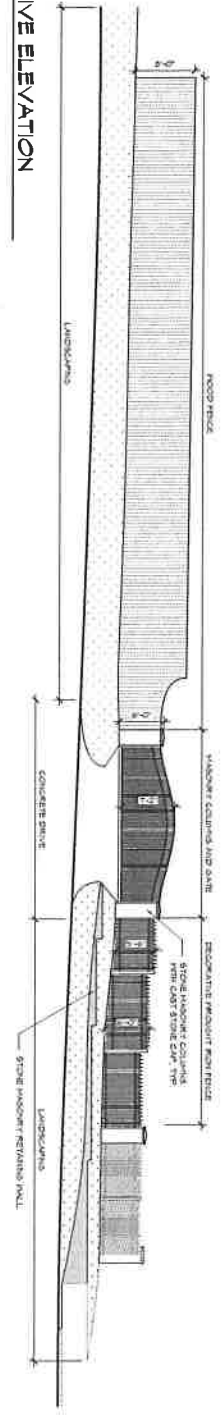
SOUTH

40' BLDG. LINE

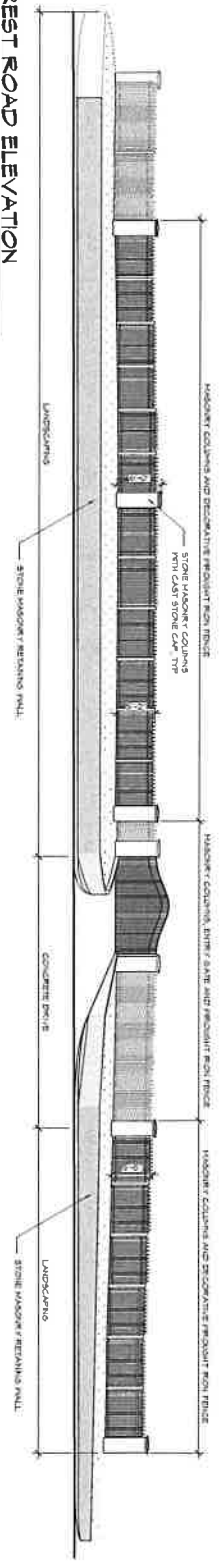
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0.6298

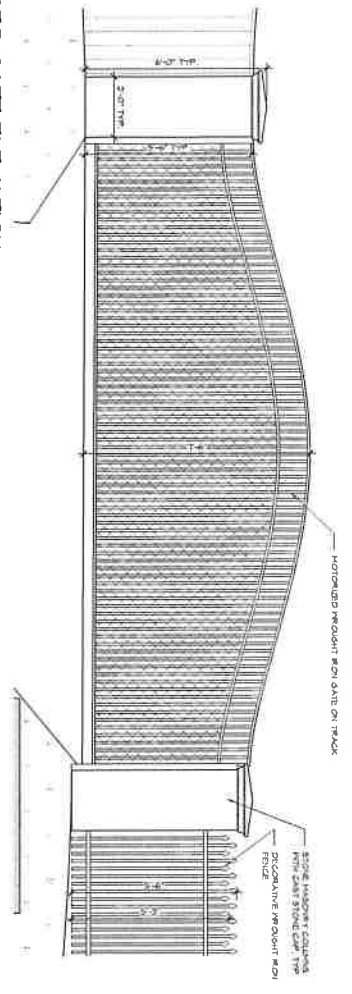
01 N. JANMAR DRIVE ELEVATION
SCALE: 1/8" = 1'-0"



02 HILLCREST ROAD ELEVATION
SCALE: 1/8" = 1'-0"



03 ENLARGED GATE ELEVATION
SCALE: 1/2" = 1'-0"





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-038 Date: 3/22/2019
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-038

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11534 HILLCREST RD	WHITE JAMES L III & KRISTY
2	11631 HILLCREST RD	HELMS JOHN D & THERESA L
3	11545 HILLCREST RD	CONARD SCOTT & SUSAN
4	11535 HILLCREST RD	KLEINMANN TAMMIE
5	11525 HILLCREST RD	LAZAR MARTIN L &
6	6919 N JANMAR DR	FARQUHARSON TYLER
7	11626 HILLCREST RD	GALINET DAVID BRUCE & TYLENE M
8	7011 N JANMAR DR	GRIFFITH CLARK W &
9	7027 S JANMAR DR	HENDERSON WILLIAM D ETAL
10	7006 N JANMAR DR	STAUB JAY & LYNN C
11	7014 N JANMAR DR	HOUGH SANDY
12	11524 HILLCREST RD	DURBIN DONNIE RAY &
13	7010 S JANMAR DR	TODD ANNE
14	7022 S JANMAR DR	PEREZ RICARDO TR LIF EST & PAMELA L TR LIFE EST
15	7030 S JANMAR DR	COHEN SANDRA
16	11616 WANDER LN	LJB SPRINGS LP
17	11514 HILLCREST RD	CHUANG ALEX & JEANIE