

NOTICE FOR POSTING

MEETING OF

BOARD OF ADJUSTMENT, PANEL A

TUESDAY, AUGUST 18, 2020

Briefing*: **11:00 A.M.** **Video Conference**

Public Hearing*: **1:00 P.M.** **Video Conference**

***The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Friday, August 14, 2020. The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and the WebEx link:**

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=e90e7a12390ac8da1de1718cb1b8b87a1>

Purpose: To take action on the attached agenda, which contains the following:

- 1. Board of Adjustment appeals of cases the Building Official has denied.

- 2. And any other business which may come before this body and is listed on the agenda.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."



CITY OF DALLAS

**BOARD OF ADJUSTMENT, PANEL A
TUESDAY, AUGUST 18, 2020
AGENDA**

BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

**Neva Dean, Assistant Director
Jennifer Muñoz, Chief Planner/Board Administrator
Oscar Aguilera, Senior Planner
LaTonia Jackson, Board Secretary**

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the June 23, 2020 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA190-074(OA)	4211 Brookview Dr. REQUEST: Application of Maxwell Fisher for a special exception to the fence height regulations	1
BDA190-076(OA)	1415 E. Illinois Ave. REQUEST: Application of McDonalds represented by ClayMoore Engineering for a special exception to the landscaping regulations	2

REGULAR CASES

None

HOLDOVER CASES

- BDA190-043(OA)** 6833 Prosper Street 3
REQUEST: Application of Mark Brinkerhoff for a special exception to the single-family regulations, and provide an additional electrical meter
- BDA190-044(OA)** 5500 Greenville Ave 4
REQUEST: Application of Brian Baughman for a special exception to the sign regulations
- BDA190-061(OA)** 6611 Country Club Cir 5
REQUEST: Application of J. Anthony Sisk represented by Jeff Baron for a special exception to the fence height regulations and for a special exception to the fence standards regulations and a variance to the landscape 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: BDA190-074(OA)

BUILDING OFFICIAL'S REPORT: Application of Maxwell Fisher for a special exception to the fence height regulations at 4211 Brookview Dr. This property is more fully described as Lot 10, Block A/5550, and is zoned an R-10(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct a six-foot six-inch-high fence in a required front yard, which will require a two-foot six-inch special exception to the fence regulations.

LOCATION: 4211 Brookview Dr

APPLICANT: Maxwell Fisher

REQUEST:

A request for a special exception to the fence standards regulations related to height of two-feet six-inches is made to construct and maintain a four-foot, one-inch to six-foot-tall iron fence, with two four-foot, six-inch, and two six-foot, six-inch-tall masonry columns with a six-foot metal drive gate, in the required front yard on a site developed with a single family home.

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-10(A) (Single Family District)
North: R-10(A) (Single Family District)
East: R-10(A) (Single Family District)
South: R-10(A) (Single Family District)
West: R-10(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

There have not been any related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The request for a special exception to the fence height regulations focuses on constructing and maintaining a four-foot, one-inch to six-foot-tall iron fence, with two four-foot, six-inch, and two six-foot, six-inch-tall masonry columns with a six-foot metal drive gate, in the required front yard on a site developed with a single family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-10 (A) Single Family District which requires a 30-foot front yard setback.

According to the applicant, “the majority of the proposed fence within the Brookview yard would be ornamental iron and no greater than four feet-in-height, in compliance with the City's fence regulations. The portions of fence for which an exception is requested include two, four-foot, six-inch and two, six-foot, six-inch-tall masonry columns on each side of the driveway. The fence sections on each side of the driveway between said masonry columns would transition from four feet tall to six feet tall. Besides the two approximately

15-foot long sections of fence above four feet-in-height and the four columns exceeding four feet-in-height, the custom metal gate would be six feet tall.”

The site plan submitted shows, the fence higher than four feet is represented as being 15 feet-in-length parallel to the Brookview Drive in this required front yard, located on the front property line or approximately 28 to 36 feet from the pavement line.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and no other fences that appear to be above four feet-in-height and located in a front yard setback.

As of August 7, 2020, one letter has been submitted in support and no letters in opposition to this request.

The applicant has the burden of proof in establishing that the special exception to the fence standards related to the height of two-feet six-inches will not adversely affect neighboring property.

Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding four feet-in-height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

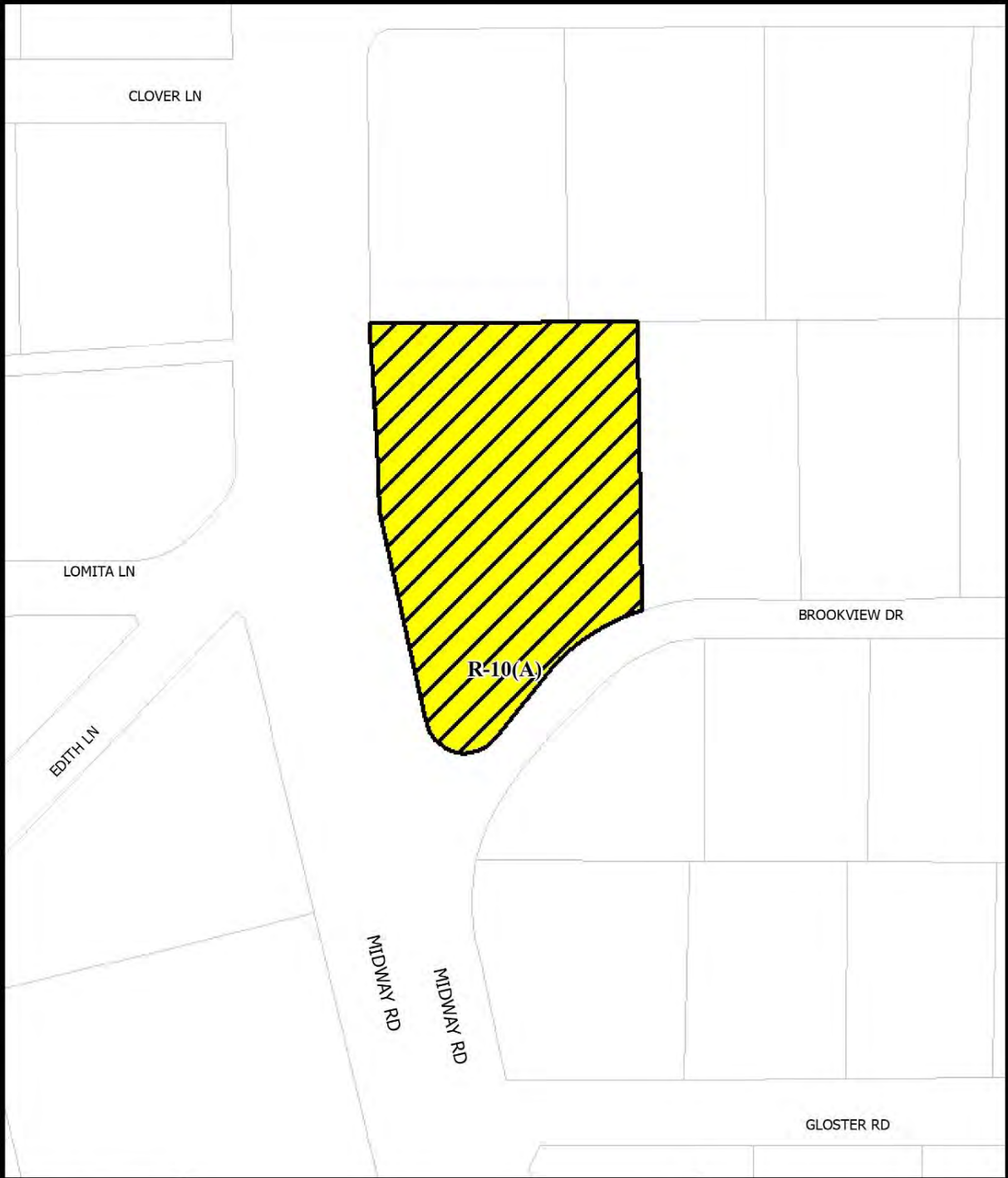
Timeline:

- June 25, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- July 20, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- July 20, 2020: 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 July 28th deadline to submit additional evidence for staff to factor into their analysis; and the August 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

July 30, 2020:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. 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 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, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspectors.

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



1:1,200

ZONING MAP

Case no: BDA190-074

Date: 7/27/2020



1:1,200

AERIAL MAP

Case no: BDA190-074

Date: 7/27/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-074

Data Relative to Subject Property:

Date: 6/25/20

Location address: 4211 Brookview Dr Zoning District: R-10(A)

Lot No.: 10 Block No.: A/5550 Acreage: 1.34 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 182' 2) 345' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Roy & Tina Bailey

Applicant: Maxwell Fisher, AICP Telephone: 214-470-3972

Mailing Address: 2201 Main St, Ste 1280, Dallas, TX Zip Code: 75201

E-mail Address: maxwell@masterplantexas.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 2-foot, 6 inches to the required 4 foot front yard fence height to provide a 6-foot, 6 inches tall fence in the required front yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: To construct a fence in the front yard of similar dimensional standards that currently exist in neighboring properties.

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

Affidavit

Before me the undersigned on this day personally appeared MAXWELL FISHER (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Maxwell Fisher (Affiant/Applicant's signature)



(Rev. 08-01-11)

Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Maxwell Fisher

did submit a request for a special exception to the fence height regulations
at 4211 Brookview Drive

BDA190-074. Application of Maxwell Fisher for a special exception to the fence height regulations at 4211 BROOKVIEW DR. This property is more fully described as Lot 10, Block A/5550, and is zoned R-10(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence regulations.

Sincerely,


David Session, Building Official



BDA Case Number: 190-074

I, Tina Bailey, Owner of property at 4211 Brookview Drive,
(Address of Subject Property)
authorize MASTERPLAN to pursue an appeal to the City of Dallas Board
(Applicant)
of Adjustment for the following request(s):

 Variance (please specify type(s)) _____

X Special Exception (please specify type(s)) pertaining to fence height in a front yard

 Other (please specify) _____

Tina Bailey

Printed Name of Property Owner

Signature of Property Owner

6-23-20

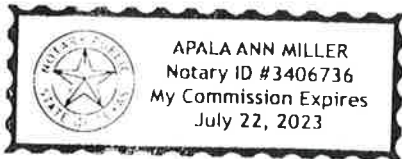
Date

Before me the undersigned on this day personally appeared Tina Bailey,

(Print name of Property Owner)

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

Subscribed and sworn to before me this 23rd day of June 2020.



Jan Ann Miller

Notary Public in and for
Dallas County, Texas

Commission expires on 7-22 2023



BDA Case Number: 190-074

I, Roy Bailey, Owner of property at 4211 Brookview Drive,
(Address of Subject Property)
authorize MASTERPLAN to pursue an appeal to the City of Dallas Board
(Applicant)
of Adjustment for the following request(s):

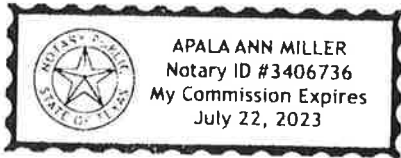
- Variance (please specify type(s)) _____
- Special Exception (please specify type(s)) pertaining to fence height in a front yard
- Other (please specify) _____

Roy Bailey _____ [Signature] _____ 6/27/2020
 Printed Name of Property Owner Signature of Property Owner Date

Before me the undersigned on this day personally appeared Roy W. Bailey,
(Print name of Property Owner)

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

Subscribed and sworn to before me this 23rd day of June 2020.



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

Commission expires on 7-22-2023



BOARD OF ADJUSTMENT
REQUEST STATEMENT – 4211 Brookview Drive – 24 June 2020

Dear Board of Adjustment,

On behalf of Roy and Tina Bailey, Masterplan requests special exception to fence height in the Brookview Drive front yard of 4211 Brookview Drive. The Bailey's are constructing a new house and a perimeter fence. The majority of fence complies with the City of Dallas fence regulations with exception of the vehicular gate and limited sections of fence and fence columns on each side of the gate within the Brookview front yard.

Proposed Fence Details. The majority of the proposed fence within the Brookview yard would be ornamental iron and no greater than four feet in height, in compliance with the City's fence regulations. The portions of fence for which an exception is requested include two, 4-foot, 6-inch and two, 6-foot, 6-inch tall masonry columns on each side of the drive. The fence sections on each side of the drive between said masonry columns would transition from 4 feet tall to 6 feet tall. Besides the two approximately 15-foot long sections of fence above four feet in height and the four columns exceeding four feet, the custom metal gate would be 6-foot tall. Please refer to the enclosed exhibits for visual illustrations.

Site Characteristics. The Brookview Drive parkway is appreciably wide with approximately 28 feet of separation between the subject front property line and the nearest Brookview Drive street curb. This depth creates an overall setback of nearly 60 feet between the street and the 30-foot front yard line. As such, although the fence and gate portions that exceed 4 feet in height are approximately one to nine feet from the front property line, these components would be 30-plus feet from the street. Such arrangement minimizes the height and scale of the proposal. In addition to the greater setbacks from the street, most of the fence is no greater than 4 feet tall and is open. The open fence proposal aligns with the character and physical features of the neighborhood.

Precedence. The properties that have front yard fencing in the neighborhood largely consist of ornamental iron with masonry columns with exception of one property with a solid masonry wall. Most fences are generally around four feet in height but there are properties with portions fencing exceeding four feet in height at or near the driveway gates. The following properties have fences or gates that exceed four feet in height:

1. 4463 Brookview Drive, gate
2. 9447 Rockbrook Drive, gate

3. 4415 Gloster Road, columns and gate
4. 9400 Rockbrook Drive, solid wall/fence

These properties have limited sections of fences or masonry columns over four feet in height. The proposal would generally align with existing arrangements and would not be contrary to public interest, nor would have a negative impact on surrounding properties. The extension in height for the columns and gate will provide a stately focal point at entry without creating a walled front yard. The openness will avoid any negative impact to the Brookview streetscape for neighbors. The proposal will preserve and open inviting appearance that aligns with the neighborhood and with the spirit and intent of the fence regulations.



MIDWAY HIGHLANDS ANNEX

CLOVER LANE

6147/D

6146/A

EDITH ST.

9

WOODFIN

4200

4300

1.25AC.

10 BOWLING

GREEN

5550/A

4206

4214

4230

4246

4306

4314

4322

4338

9 BROOK VIEW

4200

4300

.74AC.

.74AC.

-5721/1



Printed: 7/13/2020

Legend

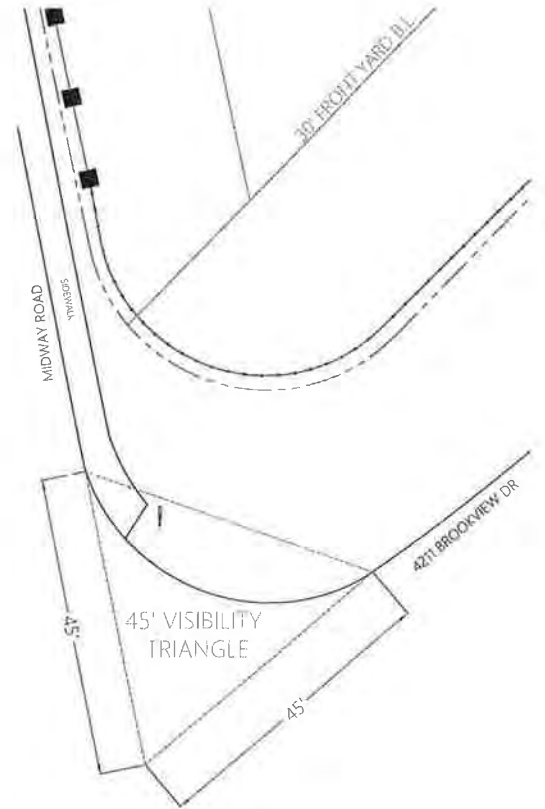
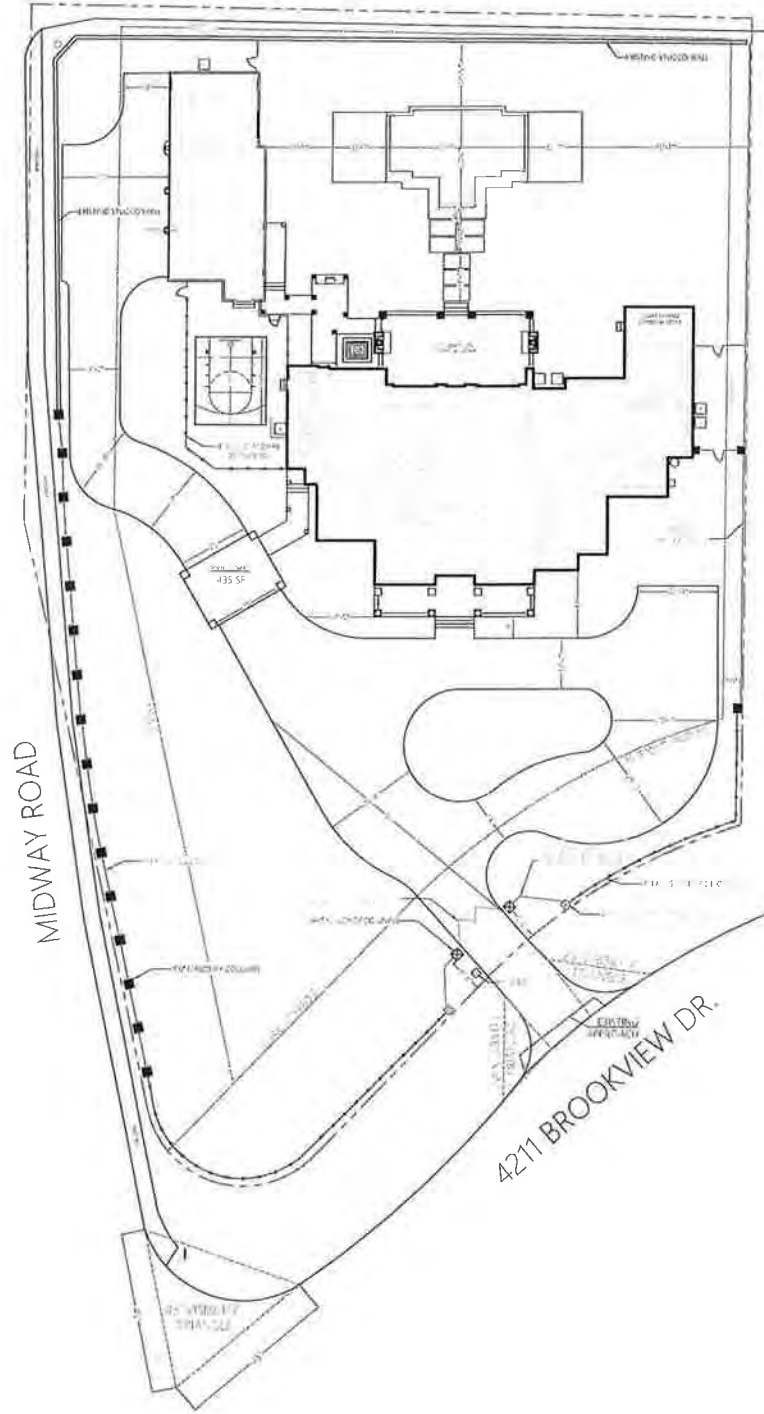
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Roodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | 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)



KEY

- PROPERTY LINE
- SETBACKS & BUILDING LINES
- 4' TALL STANDARD IRON FENCE
- 4' TO 6' TALL STANDARD IRON FENCE
- 4'6" TALL MASONRY COLUMNS
- MAILBOX
- ⊗ 6'6" MASONRY COLUMNS
- 8'6" MASONRY COLUMNS
- 6' TALL CUSTOM METAL DRIVE GATE
- 8' TALL WOOD FENCE



VISIBILITY TRIANGLE ENLARGEMENT
SCALE NTS

SITE PLAN



SCALE 1/8" = 1'-0"

01

REVISIONS

NO. DATE BY

1 11/15/2011 JLD

2 11/15/2011 JLD

3 11/15/2011 JLD

4 11/15/2011 JLD

5 11/15/2011 JLD

6 11/15/2011 JLD

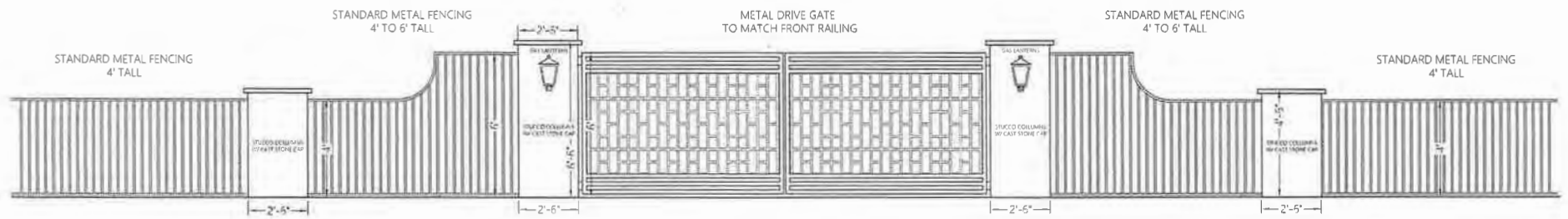
7 11/15/2011 JLD

8 11/15/2011 JLD

9 11/15/2011 JLD

BAILEY RESIDENCE
4211 BROOKVIEW DRIVE, DALLAS, TX 75220

BLOUNT | DESIGNS
11111 BLOUNT AVENUE, SUITE 100, DALLAS, TX 75244
714.415.1111
www.blountdesigns.com

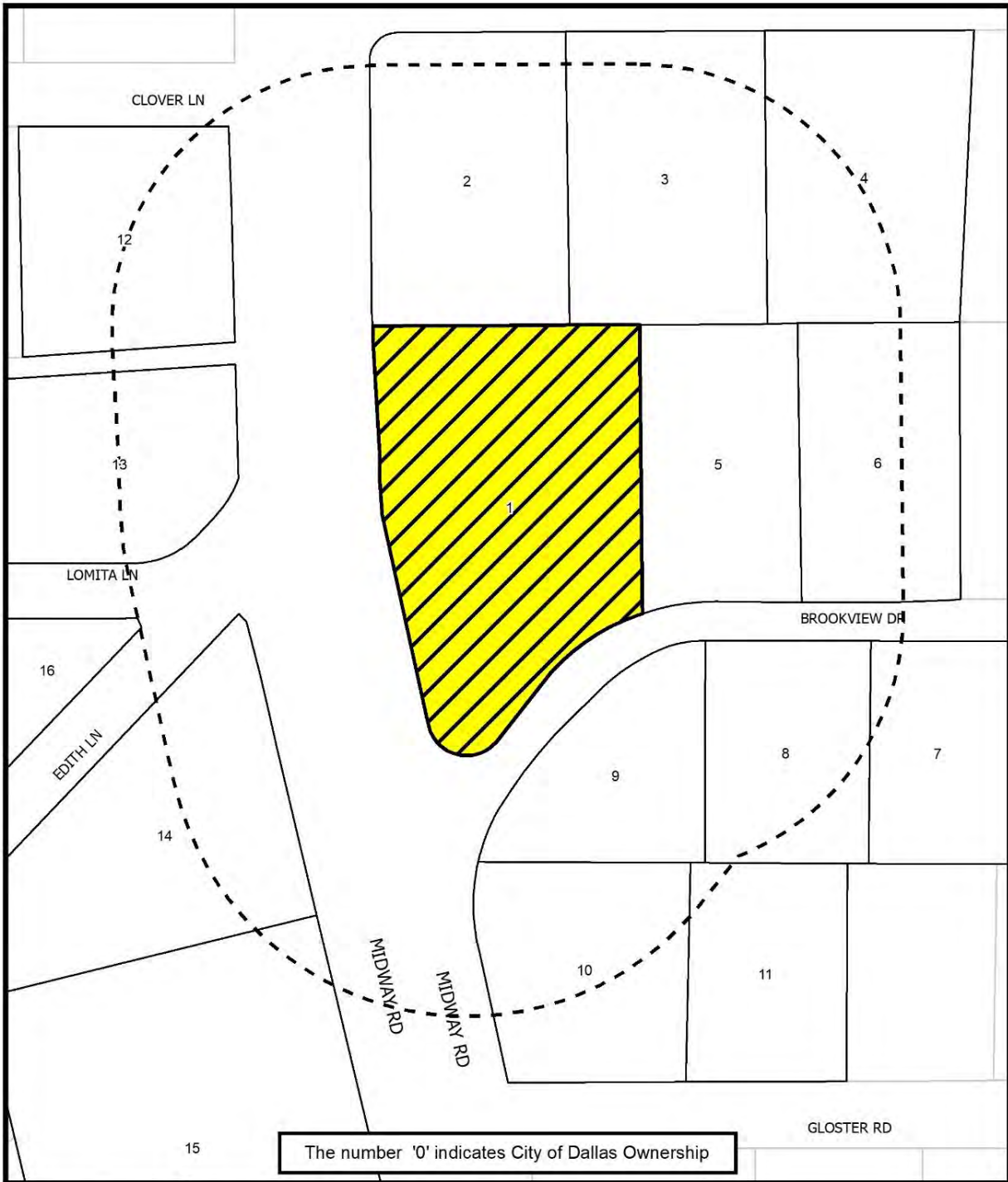


FRONT ENTRY GATE - ELEVATION
 SCALE: 1/2" = 1'-0"

BAILLEY RESIDENCE
 74211 BROOKVIEW DRIVE, DALLAS, TEXAS 75220

DRAWING DATES	
FOR REVIEW	11.14.2020
TOTAL REVIEW	11.19.2020
FOR REVIEW	12.21.2020
FOR REVIEW	2.22.2021
FOR REVIEW	4.1.2021
FOR REVIEW	4.15.2021
FOR REVIEW	5.1.2021
FOR REVIEW	6.1.2021
FOR REVIEW	6.22.2021
FOR REVIEW	7.27.2021
FOR REVIEW	8.11.2021
FOR REVIEW	8.11.2021
FOR REVIEW	8.18.2021
FOR REVIEW	9.16.2021
FOR REVIEW	9.27.2021

PAPER SIZE
 24 X 36
 ALL DIMENSIONS ARE APPROXIMATE
 UNLESS OTHERWISE NOTED IN THIS SET
 SHEET NAME
 FRONT ENTRY GATE
 SHEET NO.
 02



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 16 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	Case no: <u> BDA190-074 </u> Date: <u> 7/27/2020 </u>
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07/24/2020

Notification List of Property Owners

BDA190-074

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4211 BROOKVIEW DR	BAILEY ROY & TINA
2	4206 WOODFIN DR	TOBLEMAN WILLIAM T JR & MARY QUINN
3	4214 WOODFIN DR	PHELAN ROBIN E &
4	4230 WOODFIN DR	DARVER GERALD BEREK &
5	4223 BROOKVIEW DR	VEACH ROBERT R JR
6	4231 BROOKVIEW DR	GIROD CARLOS E &
7	4214 BROOKVIEW DR	POFF JERRIN
8	4208 BROOKVIEW DR	CLAUS JAMES G
9	4204 BROOKVIEW DR	VILLEGAS JOSE L
10	4205 GLOSTER RD	CRAWFORD KAREN S
11	4209 GLOSTER RD	DOCKERY ROBERT W &
12	4174 CLOVER LN	CASTELLANOSTALIA & BENJAMIN RODRIGUEZ JR
13	4173 LOMITA LN	FINCH BRIAN E & TRACI H FINCH
14	9539 MIDWAY RD	CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
15	9509 MIDWAY RD	CHURCH OF JESUS CHRIST OF
16	4170 LOMITA LN	LEVY ALAN

FILE NUMBER: BDA190-076(OA)

BUILDING OFFICIAL'S REPORT: Application of McDonalds represented by ClayMoore Engineering. This property is more fully described as Lot 1A, Block A/4231, and is zoned a CR Community Retail District, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 1415 E Illinois Avenue.

APPLICANT: McDonalds
represented by ClayMoore Engineering.

REQUEST:

A request for a special exception to the landscape regulations is made to demolish, construct, and maintain a fast-food restaurant with drive-through and not fully meet the landscape regulations or, more specifically, to not provide the required street buffer zone and fully comply with minimum zoning standards.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

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

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

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

- the extent to which there is residential adjacency.
- the topography of the site.
- the extent to which landscaping exists for which no credit is given under this article.

- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The chief arborist recommends approval of the special exception subject to an alternate landscape plan with the four added conditions stating specific landscape requirements for the property. The four conditions are listed on the alternate landscape plan.

BACKGROUND INFORMATION:

Zoning

<u>Site:</u>	CR (Community Retail District)
<u>North:</u>	CR (Community Retail District)
<u>East:</u>	CR (Community Retail District)
<u>South:</u>	CR (Community Retail District)
<u>West:</u>	CR (Community Retail District)

Land Use:

The subject site is developed with a fast-food restaurant with drive-through. The area to the north is developed with a church use. The areas to the east, south, and west are developed with retail uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded in the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the landscape regulations focuses on maintaining a fast-food restaurant with drive-through and not fully meet the landscape regulations or, more specifically, to not provide the required street buffer zone and fully comply with minimum zoning standards.

The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square

feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. In this case, the existing structure will be demolished. The construction of the new restaurant triggers compliance with landscape regulations.

The City of Dallas chief arborist submitted a memo regarding the applicant's request (see Attachment A).

The chief arborist's memo states the following with regard to "request":

The applicant is seeking a special exception to the landscaping requirements of Article X. In particular, the demolition and redesign of the property, and the placement of the DART rail over the property, limits the ability to construct a street buffer zone and fully comply with minimum zoning standards. Approval for an alternate landscape plan to conform to the continued uses on the property is requested.

The chief arborist's memo states the following with regard to "provision":

The applicant has provided a landscape plan that complies with site tree requirements and interior parking lot tree requirements. Additional landscaping is provided for screening off-street parking and additional landscape areas around the building and west of the DART line. The applicant refers to enhanced vehicular pavement as integral stamped stained concrete and is indicated on the plan. Tree mitigation for the removal of seven protected live oak trees will be completed under Article X tree conservation ordinance requirements.

The chief arborist's memo states the following with regard to "deficiencies":

The site design will not conform to minimum Article X requirements for the street buffer zone landscape area or required street trees, and the plan does not adequately identify landscape design option points under Article X. Twenty points are required based on the lot size. Enhanced landscape areas along Lancaster Road and surrounding the building do not demonstrate suggested points.

The chief arborist's revised memo states the following with regard to the "recommendation":

The chief arborist recommends approval of the alternate landscape plan submitted on August 4, 2020. I do believe that full compliance with Article X will unreasonably burden the continued use of the property under a suitable design and will have no negative impact on neighboring properties. Amendments to remove damaged trees and to remove and replace large trees from inappropriate locations were provided for a more sustainable landscape design.

If the board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from providing street buffer zone and fully comply with minimum zoning standards.

Timeline:

July 17, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

July 20, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

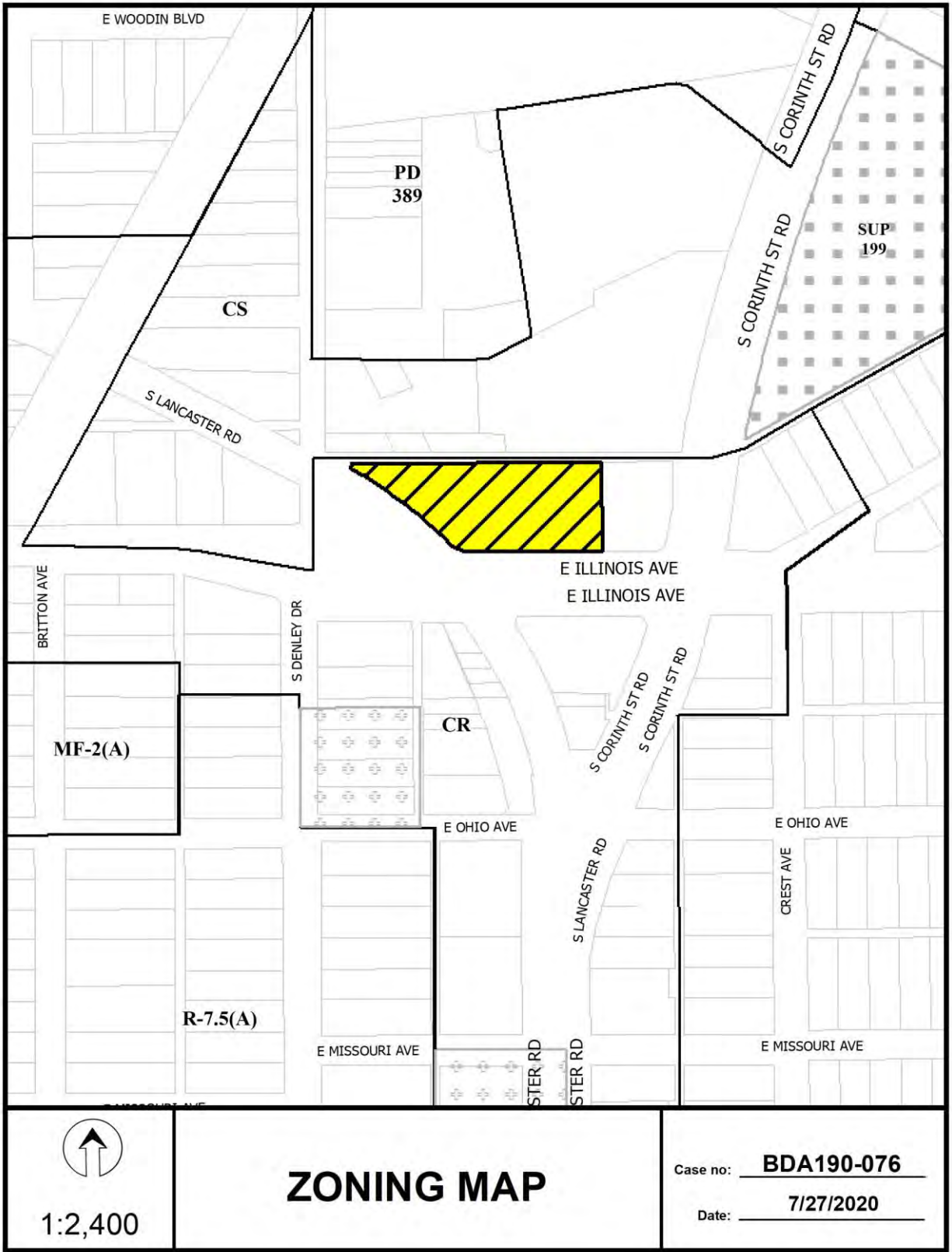
July 20, 2020: The Board Senior Planner emailed the applicant the following information:

- 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 July 28th deadline to submit additional evidence for staff to factor into their analysis; and the August 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. 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 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, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspectors.

August 4, 2020: The City of Dallas chief arborist submitted a memo regarding this request (see Attachment A)

August 4, 2020: The applicant submitted a revised site plan (see Attachment B)



1:2,400

ZONING MAP

Case no: BDA190-076

Date: 7/27/2020



1:2,400

AERIAL MAP

Case no: BDA190-076

Date: 7/27/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-076

Date: 4/20/2020 7-7-2020

Data Relative to Subject Property:

Location address: 1415 E Illinois Ave Zoning District: CR

Lot No.: 1A Block No.: A/4231 Acreage: 1.058 Census Tract: 55.00

Street Frontage (in Feet): 1) 254.2 2) 197.5 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Area Rapid Transit

Applicant: McDonalds USA - Patrick Piehl Telephone: 972.869.18888

Mailing Address: 511 E John Carpenter Fwy Ste. 375, Irving Zip Code: 75062

E-mail Address: Patrick.Piehl@us.mcd.com

Represented by: ClayMoore Engineering Telephone: 817.281.0572

Mailing Address: 1903 Central Dr. Ste. 406 Zip Code: 76021

E-mail Address: clay@claymooreeng.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of relief to Article X Landscape requirements. Relief is requested for the required landscape buffer as well as the location and spacing of street trees as shown on the attached site plan.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The current site has an issue where Traffic stacks out into the public street during busy times of the day. McDonalds plans to demolish the existing site and rebuild a new facility. Given the limited size of the site, In order to accomodate the new facility and the associated parking and drive aisles, the required buffer yard cannot be provided. Relief to the buffer yard and street tree spacing is requested.

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

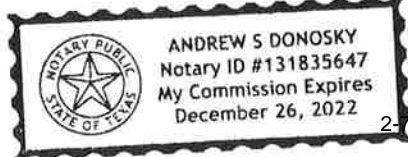
Before me the undersigned on this day personally appeared Patrick Piehl (Affiant/Applicant's name printed)

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 25 day of June, 2020

(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 MCDONALDS
represented by ClayMoore Engineering
did submit a request for a special exception to the landscaping regulations
at 1415 E. Illinois Avenue

BDA190-076. Application of MCDONALDS represented by ClayMoore Engineering for a special exception to the landscaping regulations at 1415 E ILLINOIS AVE. This property is more fully described as Lot 1A, Block A/4231, and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

David Session
David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-076

I, Dallas Area Rapid Transit, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1415 E Illinois Ave
(Address of property as stated on application)

Authorize: McDonalds USA
(Applicant's name as stated on application)

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

 Variance (specify below)

 Special Exception (specify below)

 Other Appeal (specify below)

Specify: A Special Exception requested to Article X regarding landscape buffer yards and street trees.

Timothy H McKay /s/ Timothy H. McKay ** 29May2020
Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared Timothy H. McKay

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

Subscribed and sworn to before me this 29 day of May, 2020



Leticia Delgado
Notary Public for Dallas County, Texas

Commission expires on February 1, 2021

** Reviewed and Approved, but not signed due to COVID-19 Pandemic

CITY OF DALLAS PLAT BOOKS

ORD. NO. _____
ABST. **882**
1514

ADDITION **THE HIGHLANDS**

SCALE **100** FT. EQUALS 1 INCH

REVISED 09-24-98
SEE 4231.A.001-CE0ARCST

BLOCKS **A 4231, B 4232, C 4233, D 4234, E 4235, F 4236, G 4237**

SCHOOL DISTRICT **DALLAS**





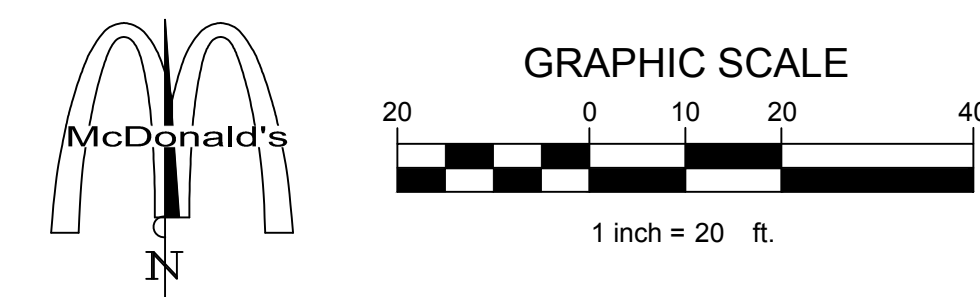
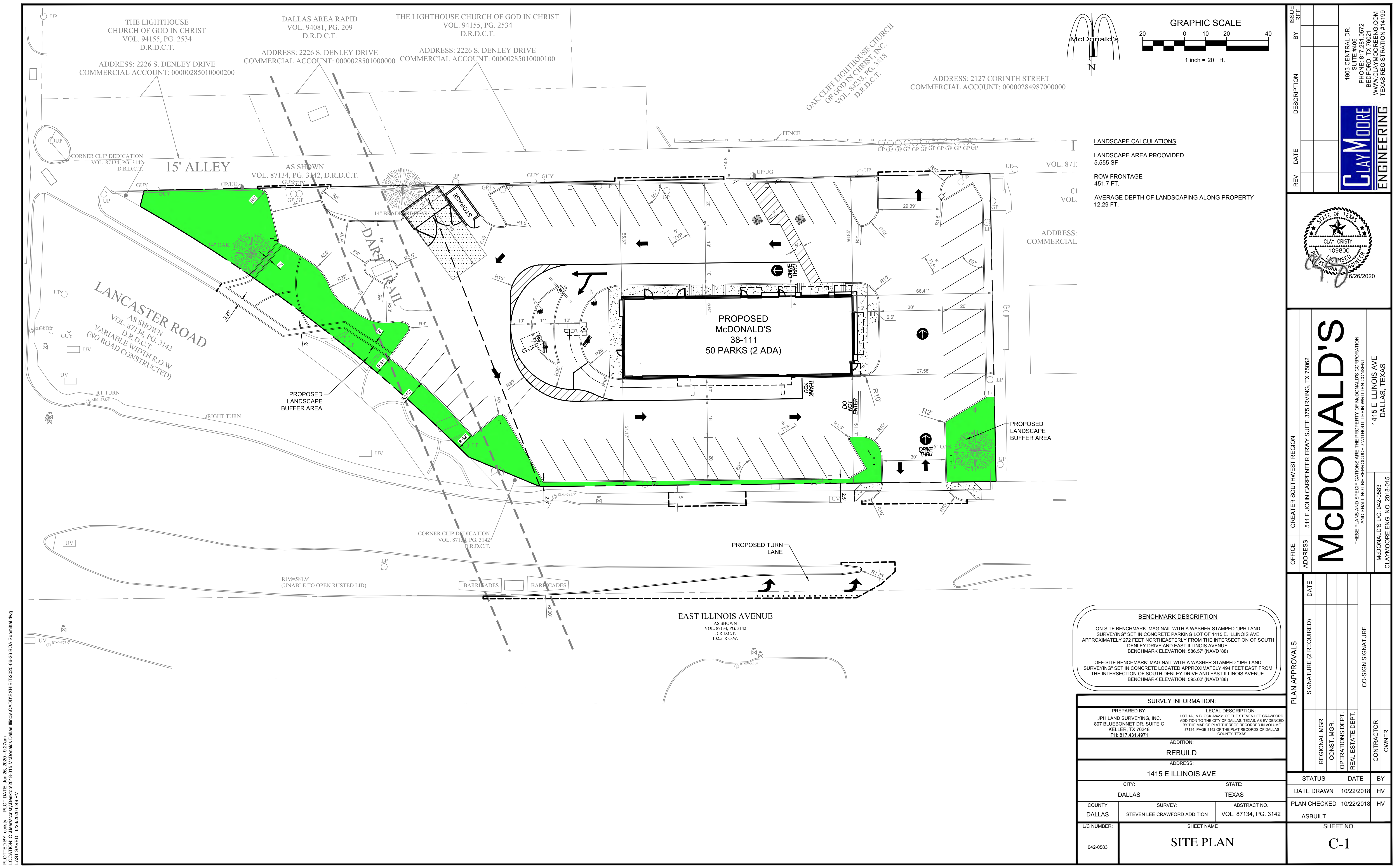
Printed: 6/26/2020

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 | Special Front Overlay |
| | | Height Map Overlay | |

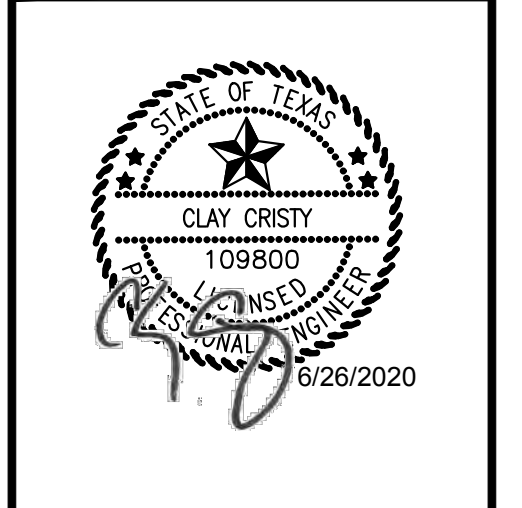
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)





LANDSCAPE CALCULATIONS
 LANDSCAPE AREA PROVIDED
 5,555 SF
 ROW FRONTAGE
 451.7 FT.
 AVERAGE DEPTH OF LANDSCAPING ALONG PROPERTY
 12.29 FT.

REV	DATE	DESCRIPTION	BY	ISSUE REF



McDONALD'S
 THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF McDONALD'S CORPORATION AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN CONSENT.
 1415 E ILLINOIS AVE
 DALLAS, TEXAS

BENCHMARK DESCRIPTION
 ON-SITE BENCHMARK: MAG NAIL WITH A WASHER STAMPED "JPH LAND SURVEYING" SET IN CONCRETE PARKING LOT OF 1415 E. ILLINOIS AVE APPROXIMATELY 272 FEET NORTHEASTERLY FROM THE INTERSECTION OF SOUTH DENLEY DRIVE AND EAST ILLINOIS AVENUE. BENCHMARK ELEVATION: 586.57' (NAVD '88)
 OFF-SITE BENCHMARK: MAG NAIL WITH A WASHER STAMPED "JPH LAND SURVEYING" SET IN CONCRETE LOCATED APPROXIMATELY 494 FEET EAST FROM THE INTERSECTION OF SOUTH DENLEY DRIVE AND EAST ILLINOIS AVENUE. BENCHMARK ELEVATION: 595.02' (NAVD '88)

SURVEY INFORMATION:	
PREPARED BY: JPH LAND SURVEYING, INC. 807 BLUEBONNET DR, SUITE C KELLER, TX 76248 PH: 817.431.4971	LEGAL DESCRIPTION: LOT 1A, IN BLOCK A4231 OF THE STEVEN LEE CRAWFORD ADDITION TO THE CITY OF DALLAS, TEXAS, AS EVIDENCED BY THE MAP OF PLAT THEREOF RECORDED IN VOLUME 87134, PAGE 3142 OF THE PLAT RECORDS OF DALLAS COUNTY, TEXAS.
REBUILD ADDRESS: 1415 E ILLINOIS AVE	
CITY: DALLAS	STATE: TEXAS
COUNTY: DALLAS	SURVEY: STEVEN LEE CRAWFORD ADDITION
L/C NUMBER: 042-0583	ABSTRACT NO. VOL. 87134, PG. 3142

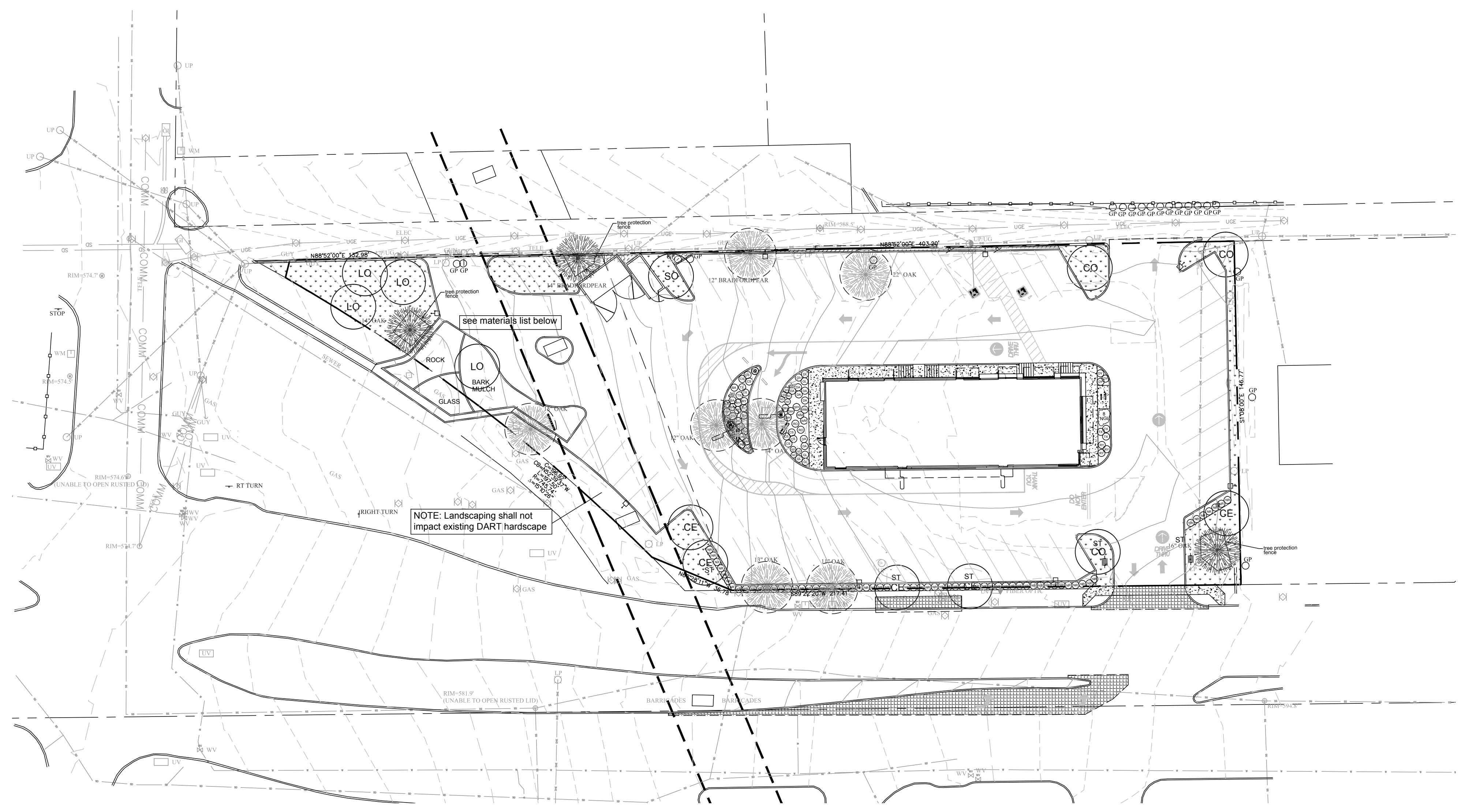
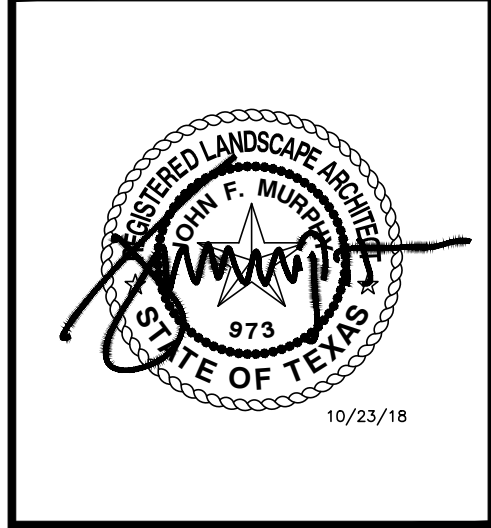
PLAN APPROVALS		DATE	BY
SIGNATURE (2 REQUIRED)			
REGIONAL MGR.			
CONST. MGR.			
OPERATIONS DEPT.			
REAL ESTATE DEPT.			
CONTRACTOR			
OWNER			

SHEET NO. C-1

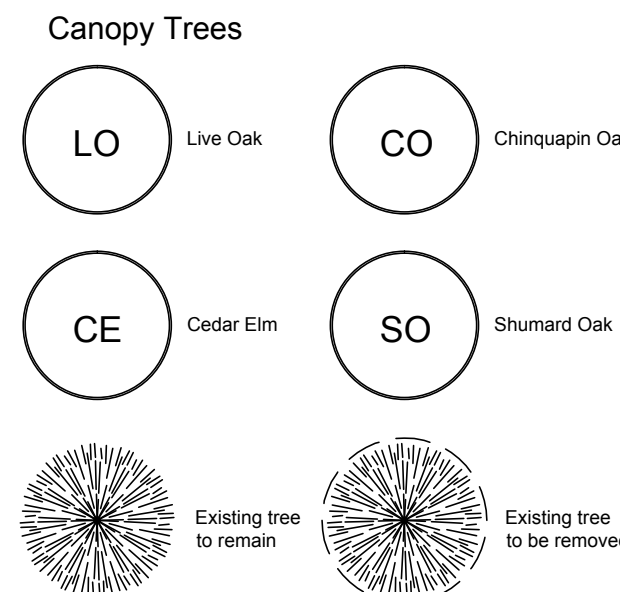
PLOTTED BY: coisly PLOT DATE: Jun 26, 2020 - 9:27am
 LOCATION: C:\Users\coisly\Desktop\2018-015 McDONALD'S Dallas Illinois\CAAD\EXHIBIT\2020-06-26 BOA Submittal.dwg
 LAST SAVED: 6/22/2020 5:48 PM

REV	DATE	DESCRIPTION	BY	ISSUE REF

1903 CENTRAL DR.
 SUITE #406 0572
 BECKLEY ST 75707
 WWW.CLAYMOORE.COM
 TEXAS REGISTRATION #14189



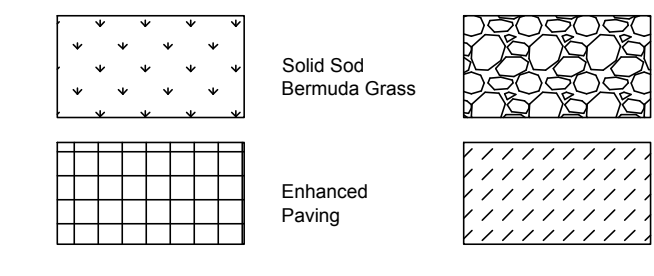
TREE LEGEND ST = Street Trees



SHRUB LEGEND

DY Dwarf Yaupon	PM Pink Muhly
DA Dwarf Abelia	CS Red Cherry Sage
BA Japanese Barberry	NGL New Gold Lantana
GL Giant Liriope	RY Red Yucca
NR Nellie R Stevens Holly	DIH Dwarf Indian Hawthorne
WM Dwarf Wax Myrtle	RO Rosemary
TX Texas Sage	SD Shasta Daisy

HATCH LEGEND



LANDSCAPE NOTES

- The project will have an underground automatic irrigation system to water all new plantings.
- Install 4" layer of shredded hardwood mulch to all planting beds.
- Install 4" steel edging between all shrub beds and grass areas.
- Shrub beds to have 12 inches of prepared planting mix (75% import topsoil, 15% composted amendment, 10% washed sand).
- Shredded hardwood mulch must be contain long strands along with double shred finer material obtained from a local source.
- Install 4 inches of clean topsoil in all areas of the site disturbed by grading and construction operations. Topsoil shall be free from sticks, debris and rocks larger than 2 inches in diameter and have an organic matter level of 3 percent minimum and a pH range between 5.5 and 7.4 percent. Provide soil test analysis from a soil test laboratory showing soil makeup and organic percentage.
- Solid sod all areas disturbed by construction activities.

FEATURE AREA MATERIALS

- GLASS**
 No. 3-5 Green Landscape Glass (recycled glass bottles) with Gravel-Lok. 4" thick layer over weed fabric.
 Landscape Glass available from Shares, Inc., American Specialty Glass, or Bourget Brothers.
- ROCK**
 No. 3-5 Red Brown Crushed Aggregate 4" thick layer over weed fabric.
- CONCRETE BANDS**
 6 inch thick x 1 foot wide 3000 psi concrete bands 2 - #4 rebar continuous with #4 ties at 12" OC control joints at 4 ft. OC full depth exp. joints at 12 ft. OC smooth top finish
- BARK MULCH**
 Shredded hardwood 4" thick layer over weed fabric.

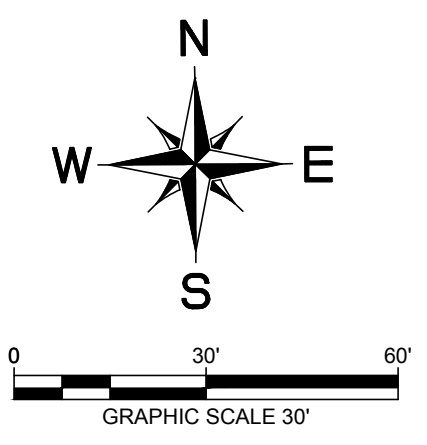
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CITY: DALLAS	STATE: TEXAS
COUNTY: DALLAS	SURVEY: STEVEN LEE CRAWFORD ADDITION
L/C NUMBER: 042-0583	ABSTRACT NO. VOL. 87134, PG. 3142



OFFICE: GREATER SOUTHWEST REGION
 ADDRESS: 511 E JOHN CARPENTER FRM Y SUITE 375, IRVING, TX 75062

MCDONALD'S

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 1415 E ILLINOIS AVE
 DALLAS, TEXAS

MCDONALD'S L/C: 042-0583
 CLAYMOORE ENG. NO. 2018-015

PLAN APPROVALS

SIGNATURE (2 REQUIRED)	DATE

REGIONAL MGR. _____
 CONST. MGR. _____
 OPERATIONS DEPT. _____
 REAL ESTATE DEPT. _____

CO-SIGN SIGNATURE _____

CONTRACTOR _____
 OWNER _____

STATUS	DATE	BY
DATE DRAWN	10/23/2018	HV
PLAN CHECKED	10/23/2018	HV
ASBUILT		

L/C NUMBER: 042-0583

LANDSCAPE PLAN

SHEET NO. **L11**

PLANT LIST

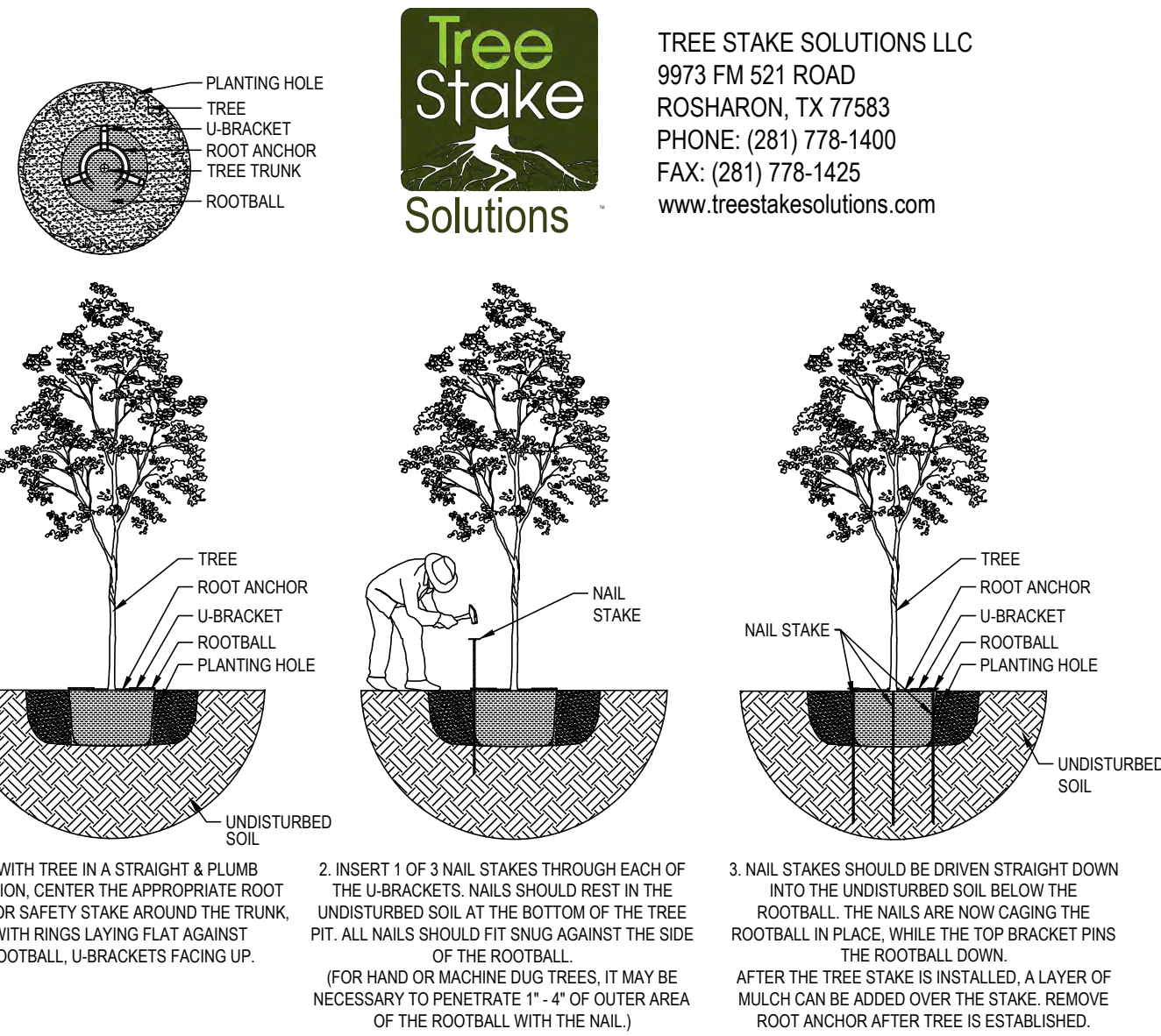
CANOPY TREES			
3	CO	Chinquapin Oak	Quercus muhlenbergia 4" cal. B&B 14' ht. 6' spread
4	LO	Live Oak	Quercus virginiana 4" cal. B&B 14' ht. 6' spread
5	CE	Cedar Elm	Ulmus crassifolia 4" cal. B&B 14' ht. 6' spread
1	SO	Shumard Oak	Quercus shumardii 4" cal. B&B 14' ht. 6' spread
SHRUBS & GROUNDCOVERS			
7	DY	Dwarf Yaupon	Ilex vomitoria 'Nana' 5 gal. 36" oc
7	DA	Dwarf Abelia	Abelia x grandiflora 'Ed. Goucher' 5 gal. 36" oc
4	BA	Japanese Barberry	Berberis thunbergii 5 gal. 36" oc
6	GL	Giant Liriope	Liriope gigantea 3 gal. 30" oc
65	NR	Nellie R Stevens Holly	Ilex 'Nellie R Stevens' 10 gal. 36" oc 24" ht.
3	WM	Dwarf Wax Myrtle	Myrica pusilla 5 gal. 36" oc
6	TX	Texas Sage	Leucophyllum frutescens 'Silverado' 5 gal. 36" oc
5	PM	Pink Muhly	Muhlenbergia capillaris 3 gal. 30" oc
7	CS	Red Cherry Sage	Salvia greggii 3 gal. 30" oc
8	NGL	New Gold Lantana	Lantana 'New Gold' 1 gal. 24" oc
8	RY	Red Yucca	Hesperaloe parviflora 5 gal. 36" oc
4	DIH	Dwarf Indian Hawthorne 'Clara'	Raphiolepis indica 5 gal. 36" oc
2	RO	Rosemary	Rosmarinus prostratus 5 gal. 36" oc
8	SD	Shasta Daisy	Leucanthemum x superbum 'Becky' 1 gal. 18" oc

**City of Dallas, Texas - Article X Landscape Ordinance
 LANDSCAPE CALCULATIONS**

Mandatory Provisions			
Total Lot Area	46,086.48 SF		
Site Trees Required (1 per 4000 SF)	46,086 / 4,000 = 8.57	Required 12 Trees	Provided 9 Canopy 3 ex. trees
Street Trees - (1 per 50 LF required)		Required	Provided
East Illinois Ave.	217.41 LF	5 Trees	1 ex. trees 4 proposed trees
Parking Lot Trees - (all spaces within 120' of tree)			
	4 proposed trees		
Design Standards			
Enhanced Vehicular Paving			
Refer to Site Plan for area calculations and location of enhanced paving			
Screening of Parking Spaces			
Continuous shrub screen			

TREE MITIGATION

Removed trees	1 - 22" Live Oak 1 - 12" Live Oak 1 - 14" Live Oak 1 - 12" Bradford Pear 1 - 15" Live Oak 1 - 13" Live Oak 1 - 11" Live Oak
Total tree mitigation required	99"
Replacement trees	4 - 4" Live Oak 5 - 4" Cedar Elm 3 - 4" Chinquapin Oak 1 - 4" Shumard Oak
Total tree mitigation provided	52"
Remaining tree mitigation to be paid into tree fund	47"

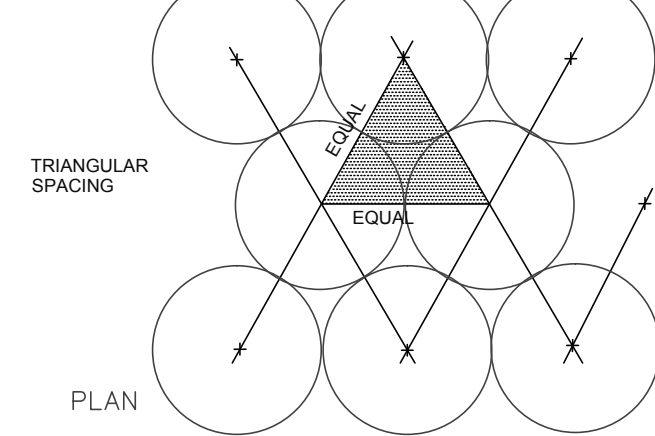
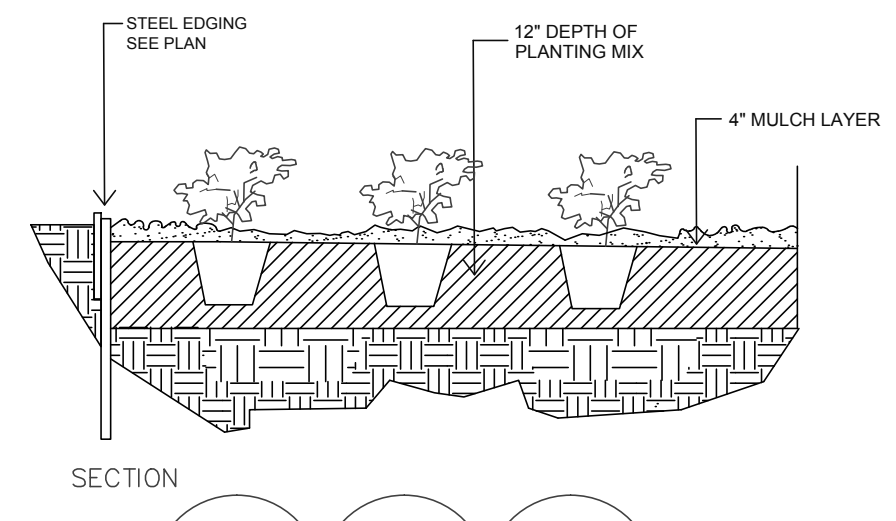
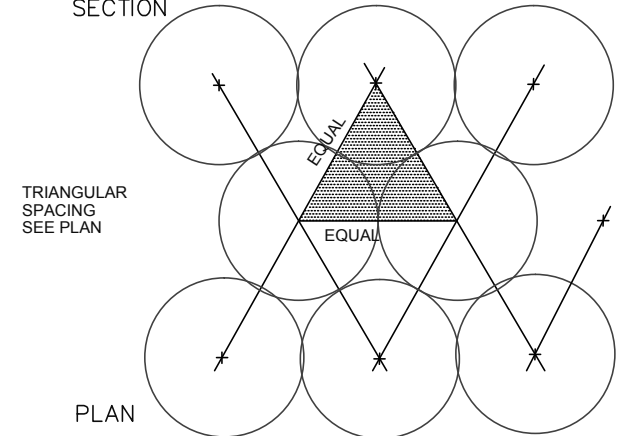
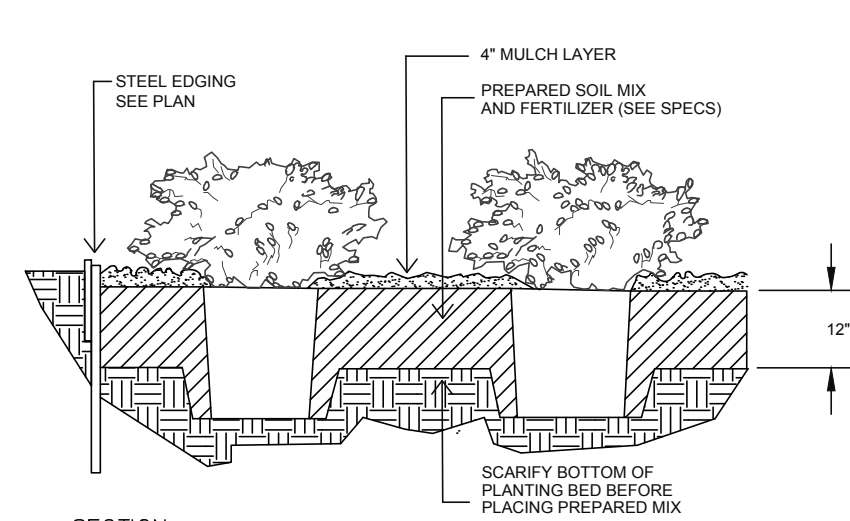


1 CANOPY TREE PLANTING SCALE: NONE

2 MULTI-TRUNK PLANTING SCALE: NONE

3 SHRUB PLANTING SCALE: NONE

4 GROUNDCOVER PLANTING SCALE: NONE



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ISSUE REF BY DESCRIPTION REV DATE

1903 CENTRAL DR. SUITE #406 0572
 PH: 972.751.8872
 WWW.CLAYMOORE.COM
 TEXAS REGISTRATION #14189

CLAYMOORE ENGINEERING

LANDSCAPE ARCHITECT
 JOHN F. MURPHY
 973
 STATE OF TEXAS
 10/23/18

OFFICE: GREATER SOUTHWEST REGION
 ADDRESS: 511 E JOHN CARPENTER FRM Y SUITE 375, IRVING, TX 75062

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PLAN APPROVALS

SIGNATURE (2 REQUIRED)	DATE
REGIONAL MGR.	
CONST. MGR.	
OPERATIONS DEPT.	
REAL ESTATE DEPT.	
CONTRACTOR	
OWNER	

STATUS DATE BY
 DATE DRAWN 10/23/2018 HV
 PLAN CHECKED 10/23/2018 HV
 ASBUILT

SHEET NO.
L

Memorandum



Date August 4, 2020
To Oscar Aguilera, Sr. Planner
Jennifer Munoz, Board Administrator
Subject BDA #190-076 1415 E Illinois Avenue Amended Arborist report

Request

The applicant is seeking a special exception to the landscaping requirements of Article X. In particular, the demolition and redesign of the property, and the placement of the DART rail over the property, limits the ability to construct a street buffer zone and fully comply with minimum zoning standards. Approval for an alternate landscape plan to conform to the continued uses on the property is requested.

Provision

The applicant has provided a landscape plan that complies with site tree requirements and interior parking lot tree requirements. Additional landscaping is provided for screening off-street parking and additional landscape areas around the building and west of the DART line. The applicant refers to enhanced vehicular pavement as integral stamped stained concrete and is indicated on the plan. Tree mitigation for the removal of seven protected live oak trees will be completed under Article X tree conservation ordinance requirements.

Deficiency

The site design will not conform to minimum Article X requirements for the street buffer zone landscape area or required street trees, and the plan does not adequately identify landscape design option points under Article X. Twenty points are required based on the lot size. Enhanced landscape areas along Lancaster Road and surrounding the building do not demonstrate suggested points.

Recommendation

The chief arborist recommends approval of the submitted revised alternate landscape plan of August 4, 2020. I do believe that full compliance with Article X will unreasonably burden the continued use of the property under a suitable design and will have no negative impact on neighboring properties. Amendments to remove damaged trees and to remove and replace large trees from inappropriate locations were provided for a more sustainable landscape design.

Philip Erwin
Chief Arborist
Building Inspection

REV	DATE	DESCRIPTION	BY	ISSUE REF



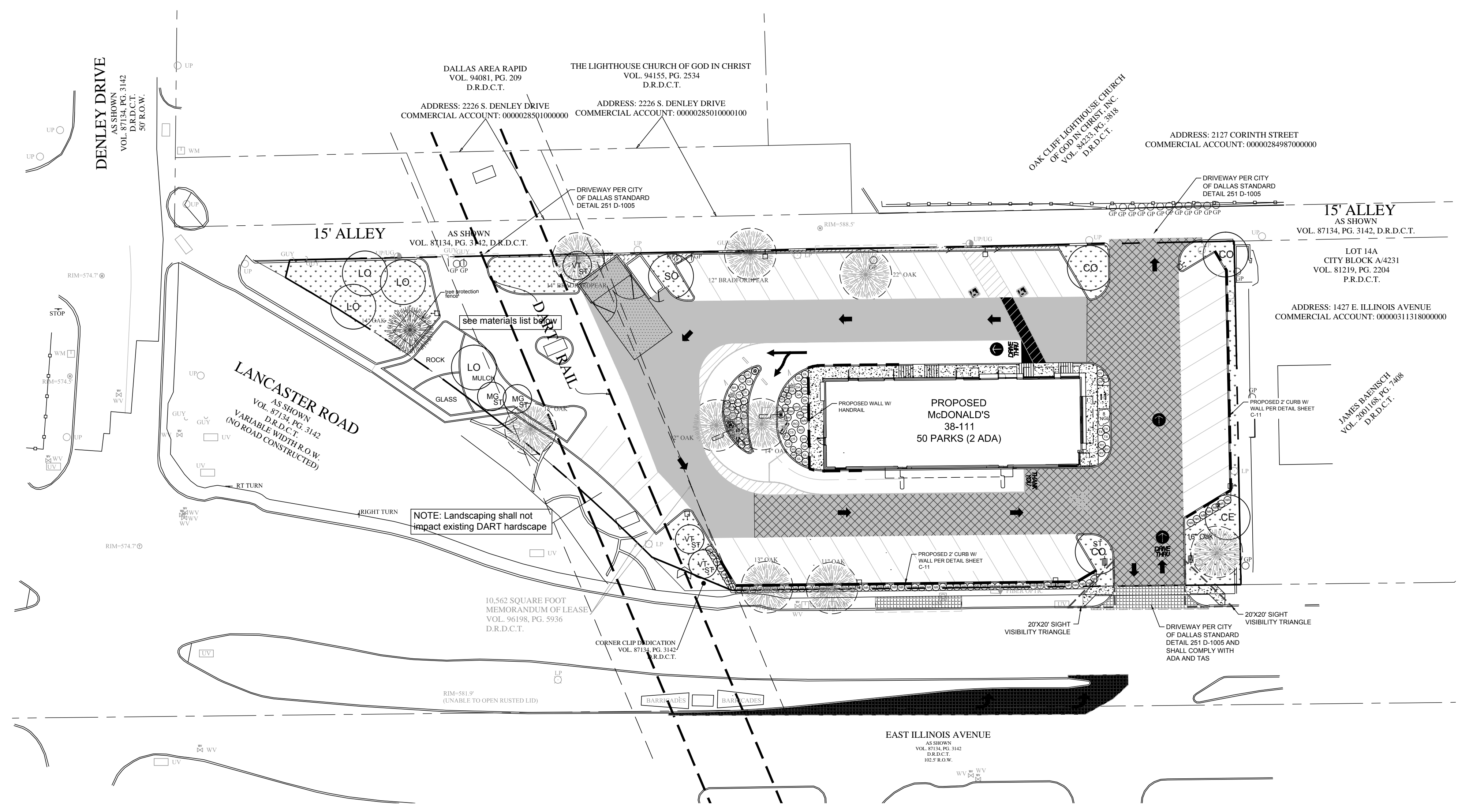
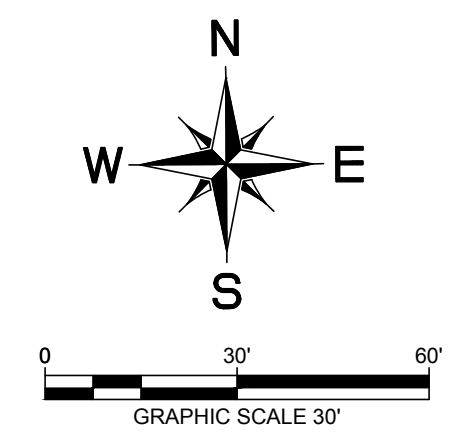
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CONTRACTOR		
OWNER		

BENCHMARK DESCRIPTION
 ON-SITE BENCHMARK: MAG NAIL WITH A WASHER STAMPED "JPH LAND SURVEYING" SET IN CONCRETE PARKING LOT OF 1415 E. ILLINOIS AVE APPROXIMATELY 272 FEET NORTHEASTERLY FROM THE INTERSECTION OF SOUTH DENLEY DRIVE AND EAST ILLINOIS AVENUE. BENCHMARK ELEVATION: 586.57' (NAVD '88)
 OFF-SITE BENCHMARK: MAG NAIL WITH A WASHER STAMPED "JPH LAND SURVEYING" SET IN CONCRETE LOCATED APPROXIMATELY 484 FEET EAST FROM THE INTERSECTION OF SOUTH DENLEY DRIVE AND EAST ILLINOIS AVENUE. BENCHMARK ELEVATION: 595.02' (NAVD '88)

SURVEY INFORMATION:

PREPARED BY: JPH LAND SURVEYING, INC. 807 BLUEBONNET DR, SUITE C KELLER, TX 76248 PH: 817.431.4971	LEGAL DESCRIPTION: LOT 1A, IN BLOCK A4231 OF THE STEVEN LEE CRAWFORD ADDITION TO THE CITY OF DALLAS, TEXAS, AS EVIDENCED BY THE MAP OF PLAT THEREOF RECORDED IN VOLUME 87134, PAGE 3142 OF THE PLAT RECORDS OF DALLAS COUNTY, TEXAS.
ADDITION: REBUILD	
ADDRESS: 1415 E ILLINOIS AVE	
CITY: DALLAS	STATE: TEXAS
COUNTY: DALLAS	SURVEY: STEVEN LEE CRAWFORD ADDITION
ABSTRACT NO. VOL. 87134, PG. 3142	
L/C NUMBER: 042-0583	



TREE LEGEND ST = Street Trees

- Canopy Trees**
- LO Live Oak
 - CO Chinquapin Oak
 - CE Cedar Elm
 - SO Shumard Oak
- Ornamental Trees**
- VT Vitex
 - MG Little Gem Magnolia
- Existing Trees**
- Existing tree to remain
 - Existing tree to be removed

SHRUB LEGEND

- DY Dwarf Yaupon
- DA Dwarf Atelia
- BA Japanese Barberry
- GL Giant Liriope
- NR Nellie R Stevens Holly
- WM Dwarf Wax Myrtle
- TX Texas Sage
- PM Pink Muhly
- CS Red Cherry Sage
- NGL New Gold Lantana
- RY Red Yucca
- DH Dwarf Indian Hawthorne
- RO Rosemary
- SD Shasta Daisy

HATCH LEGEND

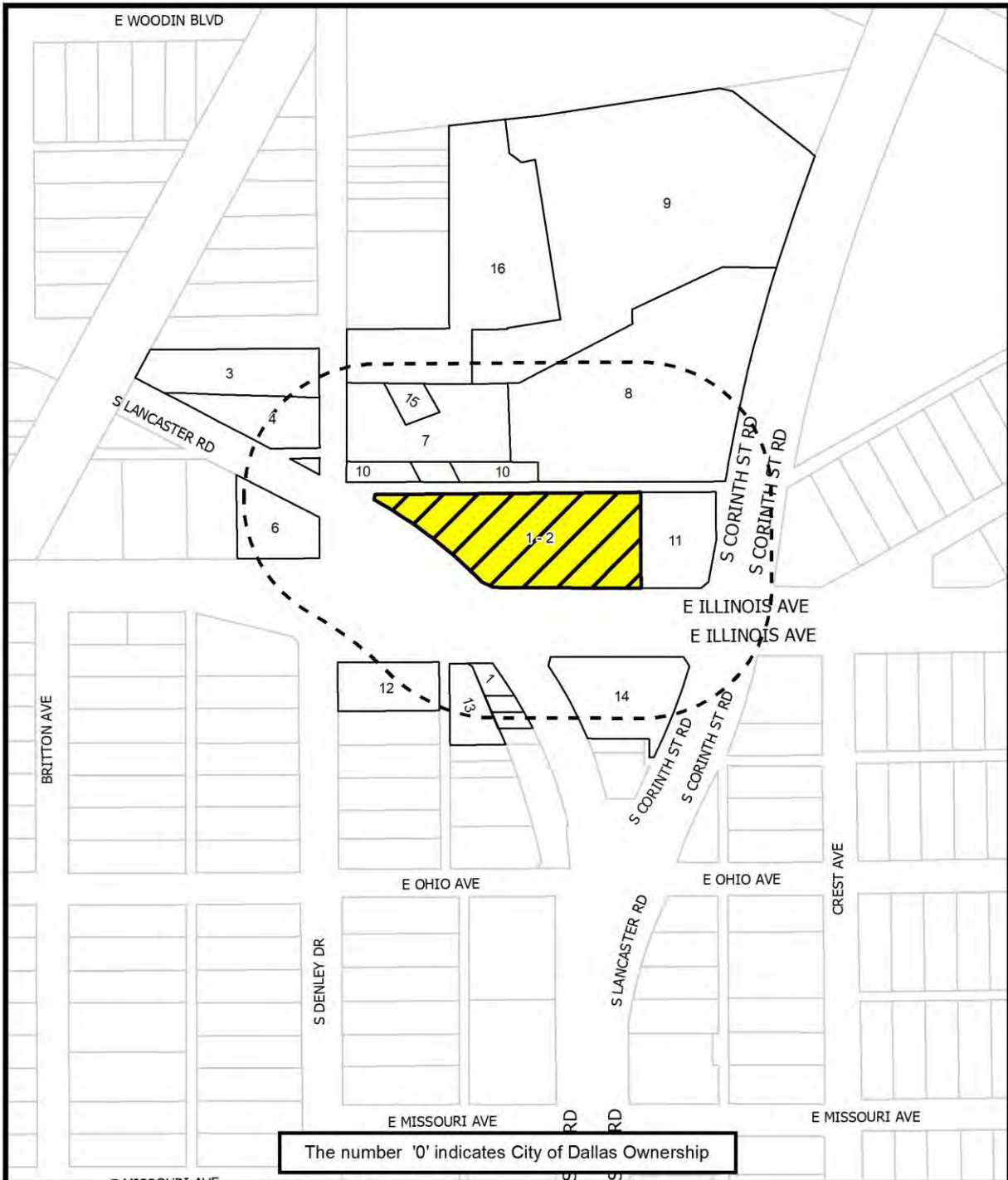
- Solid Sod Bermuda Grass
- Enhanced Paving
- Stone Cobble
- Decomposed Granite

LANDSCAPE NOTES

- The project will have an underground automatic irrigation system to water all new plantings.
- Install 4" layer of shredded hardwood mulch to all planting beds.
- Install 4" steel edging between all shrub beds and grass areas.
- Shrub beds to have 12 inches of prepared planting mix (75% import topsoil, 15% composted amendment, 10% washed sand).
- Shredded hardwood mulch must be contain long strands along with double shred finer material obtained from a local source.
- Install 4 inches of clean topsoil in all areas of the site disturbed by grading and construction operations. Topsoil shall be free from sticks, debris and rocks larger than 2 inches in diameter and have an organic matter level of 3 percent minimum and a pH range between 5.5 and 7.4 percent. Provide soil test analysis from a soil test laboratory showing soil makeup and organic percentage.
- Solid sod all areas disturbed by construction activities.

FEATURE AREA MATERIALS

- GLASS**
 No. 3-5 Green Landscape Glass (recycled glass bottles) with Gravel-Lok. 4" thick layer over weed fabric.
 Landscape Glass available from Shares, Inc., American Specialty Glass, or Bourget Brothers.
- ROCK**
 No. 3-5 Red Brown Crushed Aggregate
 4" thick layer over weed fabric.
- CONCRETE BANDS**
 6 inch thick x 1 foot wide 3000 psi concrete bands
 2 - #4 rebar continuous with #4 ties at 12" OC
 control joints at 4 ft. OC
 full depth exp. joints at 12 ft. OC
 smooth top finish
- BARK MULCH**
 Shredded hardwood
 4" thick layer over weed fabric.



 1:2,400	<h1>NOTIFICATION</h1>	Case no: BDA190-076
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">16</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 7/27/2020

07/24/2020

Notification List of Property Owners

BDA190-076

16 Property Owners Notified

<i>Label#</i>	<i>Address</i>	<i>Owner</i>
1	2226 S DENLEY DR	DALLAS AREA RAPID TRANSIT
2	1415 E ILLINOIS AVE	MCDONALDS CORP 42583
3	1224 E MONTANA AVE	ONCOR ELECRC DELIVERY COMPANY
4	2209 S DENLEY DR	CAMILO RIOS
5	2213 S DENLEY DR	HUDSON JAMES SET AL
6	1243 E ILLINOIS AVE	WHITMARSH B A ETAL
7	2212 S DENLEY DR	OAKCLIFF LIGHTHOUSE CHURC
8	2127 CORINTH ST	OAKCLIFF LIGHTHOUSE CHURC
9	2111 S CORINTH ST RD	ONCOR ELECRC DELIVERY COMPANY
10	2226 S DENLEY DR	LIGHTHOUSE CHURCH OF GOD
11	1427 E ILLINOIS AVE	BAENISCH JAMES
12	2302 S DENLEY DR	124T1 LLC
13	2307 S LANCASTER RD	CORREA JULIO CESAR ROCHA
14	1410 E ILLINOIS AVE	SEJ ASSET MGMT & INVESTMENT COMPANY
15	555 2ND AVE	DART
16	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT

FILE NUMBER: BDA190-043(OA)

BUILDING OFFICIAL'S REPORT: Application of Mark Brinkerhoff for a special exception to the single family use regulations and to provide an additional electrical meter at 6833 Prosper Street. This property is more fully described as Lot 8, Block C/5048 and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one and requires that single family dwelling use in a single family, duplex, or townhouse may be supplied by not more than one electrical utility service and metered by no more than one electrical meter. The applicant proposes to construct and/or maintain an accessory dwelling unit for rent, which will require a special exception to the single family use regulations and to add an additional electrical utility service and metered, which will require a special exception to the single family zoning regulations.

LOCATION: 6833 Prosper Street

APPLICANT: Mark Brinkerhoff

REQUEST:

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

1. A request for a special exception to the single family use regulations is made to construct and maintain a two-story accessory dwelling unit structure for rent on a site developed with a two-story single family structure.
2. A request to install and maintain an additional electrical utility service and electrical meter on a site that is currently developed with a single family use

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

The board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize a rentable accessory dwelling unit on a lot when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to:

1. deed restrict the subject property to require owner-occupancy on the premises; and,
2. annually register the rental property with the city's single family non-owner occupied rental program.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will:

1. not be contrary to the public interest;
2. not adversely affect neighboring properties; and,
3. not be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION ACCESSORY DWELLING UNIT :

No staff recommendation is made on this or any request for a special exception to authorize a rentable accessory dwelling unit since the basis for this type of appeal is when in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

STAFF RECOMMENDATION ADDITIONAL ELECTRICAL METER:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is when in the opinion of the board, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

- Site:** R-7.5(A) (Single Family District)
North: R-7.5(A) (Single Family District)
East: R-7.5(A) (Single Family District)
South: R-7.5(A) (Single Family District)
West: R-7.5(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases near the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the single family use regulations focuses on constructing and maintaining a two-story additional dwelling unit and installing and maintaining a second electrical utility service and electrical meter on a site that is currently developed a two-story single family structure.

The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize a rentable accessory dwelling unit on a lot when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

In addition, the Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the Board of Adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district

The Dallas Development Code states that *single family* means one dwelling unit located on a lot and that a *dwelling unit* means one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens¹, one or more bathrooms², and one or more bedrooms³.

The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single family main structure and the smaller of the two denoted as a “new two-story guest house with two-car garage”.

These requests center on the function of what is proposed to be inside the smaller structure on the site – the accessory dwelling unit--specifically its collection of

¹ KITCHEN means 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. Reference §51A-2.102(57.1) of the Dallas Development Code, as amended.

² BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink. Reference §51A-2.102(8.1) of the Dallas Development Code, as amended.

³ BEDROOM means 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. Reference §51A-2.102(9) of the Dallas Development Code, as amended.

rooms/features shown on the floor plan. The site plan that does not indicate the location of the two electrical meters on the subject site.

According to DCAD records and the submitted site plan, the “main improvement” for the property at 6833 Prosper Street is a structure built in 2015 with 2,012 square feet of total living area with no additional improvements. Furthermore, the site plan indicates the proposed accessory dwelling unit contains 400 square feet of living area.

The applicant has the burden of proof in establishing that the accessory dwelling unit will not adversely affect neighboring properties. In addition, the applicant has the burden of proof in establishing that the additional electrical meter to be installed on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and, 3) not be used to conduct a use not permitted in the zoning district.

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. However, 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 deed restrict the subject property to require owner-occupancy on the premises and to annually register the rental property with the city’s single family non-owner occupied rental program.

Timeline:

February 5, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

March 23, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 28th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the public hearings. Review team members in attendance included the following: Board of Adjustment Chief Planner/Board Administrator, Building Inspection Senior Plans Examiner, Senior Engineer, Board of Adjustment Senior Planner, and Assistant City Attorney to the Board.

May 19, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application request until the next public hearing to be held on June 23, 2019 to give the applicant the opportunity to provide support for this request.

May 21, 2020: The Board Administrator wrote the applicant a letter of the board's action; the June 3rd deadline to submit additional evidence for staff to factor into their analysis; and the June 12th deadline to submit additional evidence to be incorporated into the Board's docket materials.

June 3, 2020: The applicant provided a letter of support as requested by the Board Members during the May 19 public hearing (see Attachment A).

BOARD OF ADJUSTMENT ACTION: May 19, 2020

APPEARING IN FAVOR: Mark Brinkerhoff 6833 Prosper St. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

I move that the Board of Adjustment in request No. BDA 190-043, **hold** this matter under advisement until June 23, 2020.

SECONDED: **Gambow**

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Sahuc

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

June 23, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application request until the next public hearing to be held on August 18, 2020 to give the applicant the opportunity to provide support for this request.

June 25, 2020: The Board Administrator wrote the applicant a letter of the board's action; the July 28 deadline to submit additional evidence for staff to factor into their analysis; and the August 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. 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 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, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspectors.

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

BOARD OF ADJUSTMENT ACTION: June 23, 2020

APPEARING IN FAVOR: Mark Brinkerhoff 6833 Prosper St. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

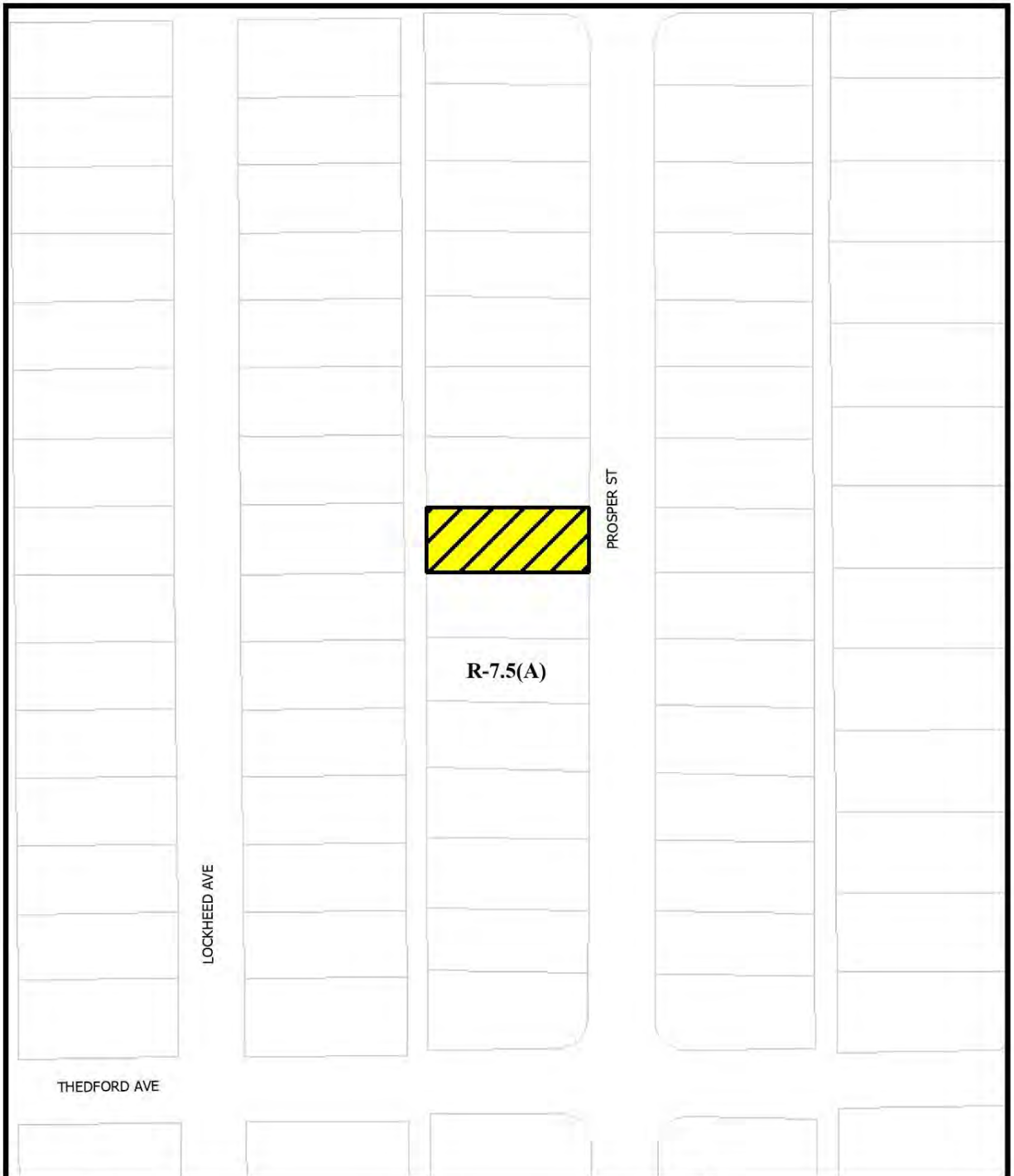
I move that the Board of Adjustment in request No. BDA 190-043, **hold** this matter under advisement until **August 18, 2020.**

SECONDED: **Halcomb**

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Sahuc

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)



THEDFORD AVE

LOCKHEED AVE

PROSPER ST

R-7.5(A)

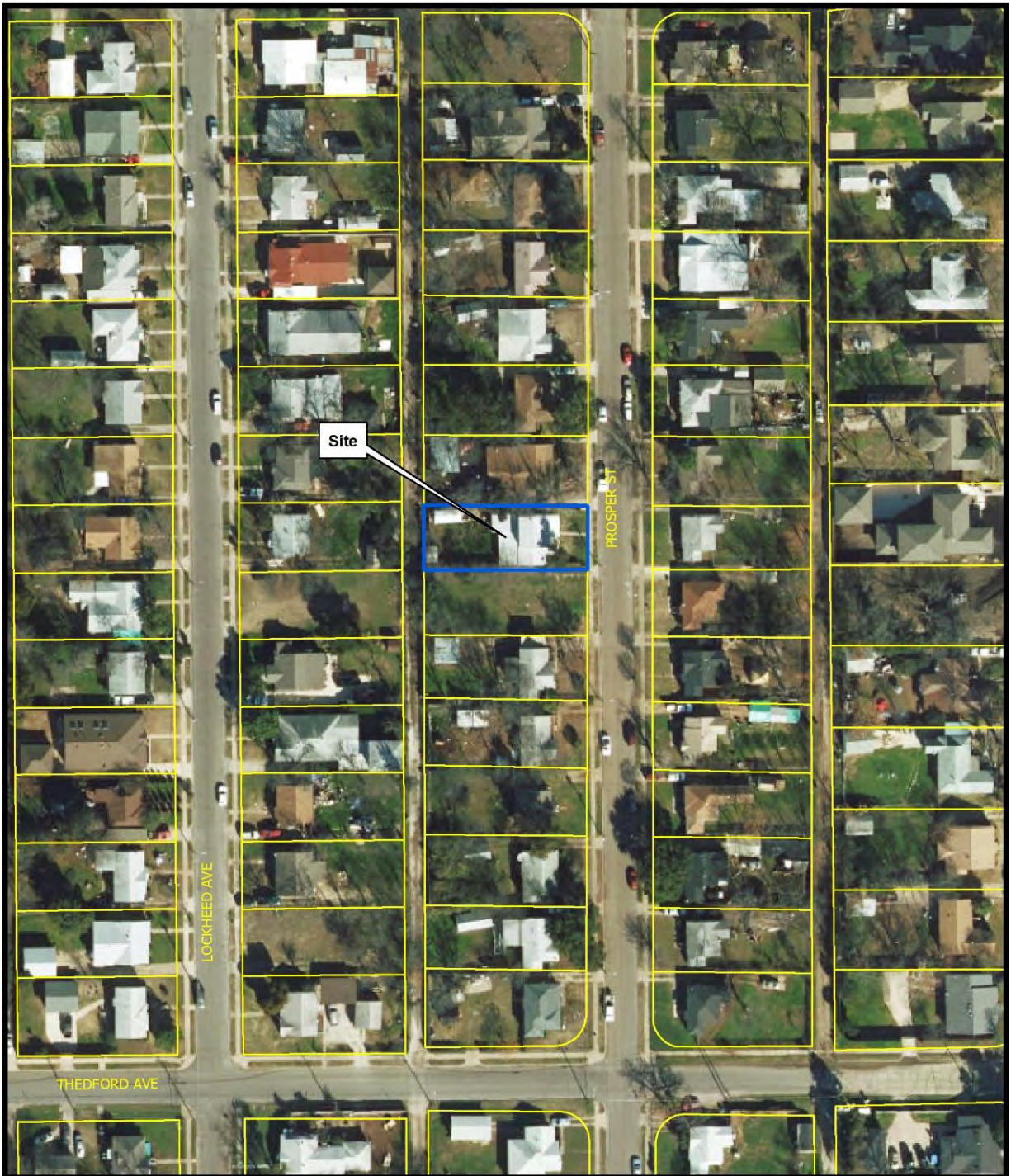


1:1,200

ZONING MAP

Case no: BDA190-043

Date: 3/24/2020



1:1,200

AERIAL MAP

Case no: BDA190-043

Date: 3/24/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-043

Data Relative to Subject Property:

Date: Feb. 5, 2020

Location address: 6833 Prosper Street Zoning District: R-7.5(A)

Lot No.: 8 Block No.: C/5048 Acreage: 0.14 Census Tract: 71.02

Street Frontage (in Feet): 1) 49.4 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mark Brinkerhoff

Applicant: Mark Brinkerhoff Telephone: (817)681-5739

Mailing Address: 6833 Prosper Street Zip Code: 75209

E-mail Address: think.brink@icloud.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of Accessory Dwelling Unit and an extra meter

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:

I would like an ADU to create a more affordable housing unit in my neighborhood, where I've lived for the past decade.

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

Affidavit

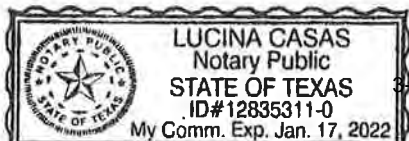
Before me the undersigned on this day personally appeared Mark Andrew Brinkerhoff
(Affiant/Applicant's name printed)

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 5 day of February, 2020

[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 MARK BRINKERHOFF

did submit a request for a special exception to the single family regulations, and provide an additional electrical meter

at 6833 Prosper Street

BDA190-043. Application of MARK BRINKERHOFF for a special exception to the single family regulations, and provide an additional electrical meter at 6833 PROSPER ST. This property is more fully described as Lot 8, BlockC/5048, and is zoned R-7.5(A), which limits the number of dwelling units to one and requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct an accessory dwelling unit for rent, which will require a special exception to the single family zoning use regulations, and to construct a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

ORD. NO. _____ CITY OF D
 ADDITION MOUNT
G. COLE ABST. **320** SCALE _____

SHANNON ESTA

D
5699

121	1	2	3	4	5	6	7	8	9	10	11	12	13	14
							5047/B							
80	52	52	52	52	52	52	52	52	52	52	52	52	52	52

PROSPER 6900 ← 6900 (STEVENS)

121	1	2	3	4	5	6	7	8	9	10	11	12	13	14
							5048/C							
80	52	52	52	52	52	52	52	52	52	52	52	52	52	52

LOCKHEED

B
5040

HILLS

LOCKHEED

MB



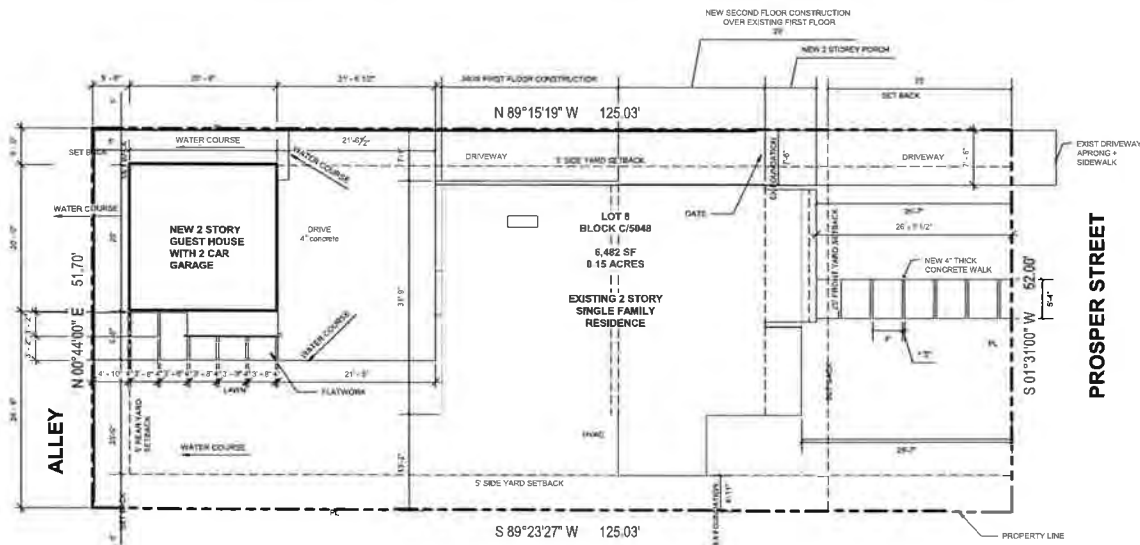
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | Shop Front Overlay 3-12 |
| | | 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)



MB



01 SITE PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES, REGULATIONS AND ORDINANCES HAVING JURISDICTION.
2. DO NOT SCALE DRAWINGS. ANY DISCREPANCY WITHIN THE DRAWINGS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER.
3. THESE DOCUMENTS ARE ABBREVIATED IN CONTENT. THE CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR REVIEWING AND UNDERSTANDING SCOPE, SITE VISITS, AND ANY VERIFICATION OF SCOPE, DETAILS, EXISTING CONDITIONS, ETC. PERTAINING TO SCOPE OF WORK SHOWN HERE.
4. OBTAIN ALL NECESSARY PERMITS, CERTIFICATES, INSPECTIONS, AS REQUIRED BY THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION.
5. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION.
6. DIMENSIONS ARE GENERALLY TO THE FACE OF STUD.
7. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND INDUSTRY STANDARDS.
8. THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
9. CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
10. VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
11. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.
12. CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.
13. ALL STAIRS TO BE MAX RISE: HEIGHT OF 7 3/4" AND MIN. TREAD DEPTH OF 10".

PROJECT NOTES

SITE AREA: 6.462 SF
 0.15 ACRES
 BUILDING FOOTPRINT: 2,538 SF
 (HOUSE AND GARAGES)
 LOT COVERAGE: 31%
 GUEST HOUSE BUILDING AREA:
 GROSS SF:
 LEVEL 1: 400 SF
 LEVEL 2: 238 SF
 TOTAL GROSS: 638 SF
 NET SF:
 LEVEL 1: 400 SF
 LEVEL 2: 100 SF
 TOTAL NET: 500 SF

SUSTAINABILITY NOTES

1. AVERAGE FLOW RATE FOR ALL LAVATORY FAUCETS MUST BE 2.0 GPM.
2. AVERAGE FLOW RATE FOR ALL SHOWERHEADS MUST BE 2.0 GPM.
3. AVERAGE FLOW RATE FOR ALL TOILETS MUST BE: 1.3 GALLONS PER FLUSH.
4. UTILIZE ENERGY STAR LABELED DISH WASHERS THAT USE 6.0 GALLONS OR LESS PER CYCLE.



RESIDENTIAL DESIGNER
 4 SIDE STUDIO, LLC
 JOHNNY LIMONES
 214-513-1105
 info@4sidestudio.com
 www.4sidestudio.com

BRINKERHOFF RESIDENCE
 6833 PROSPER STREET
 DALLAS TEXAS 75209

SITE PLAN

A1.1

Project: 18
 Date: 11/11/2020
 At: 4:00 PM

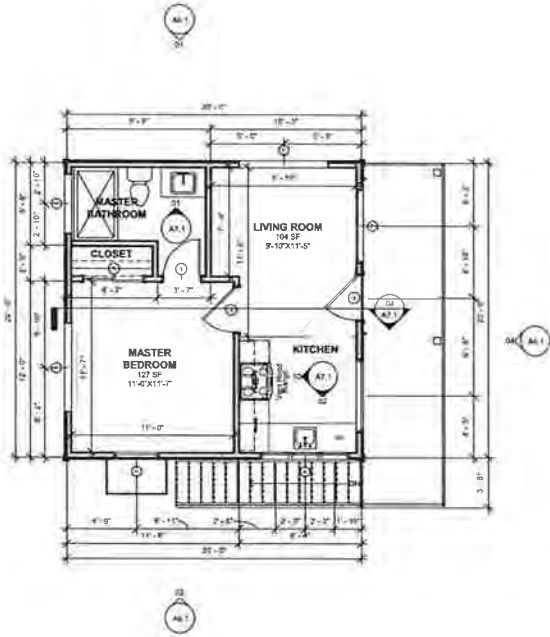


RESIDENTIAL DESIGNER
 4 SIDE STUDIO, LLC.
 JOHNNY LAYTONS
 214.515.2106
 info@4sidestudio.com
 www.4sidestudio.com

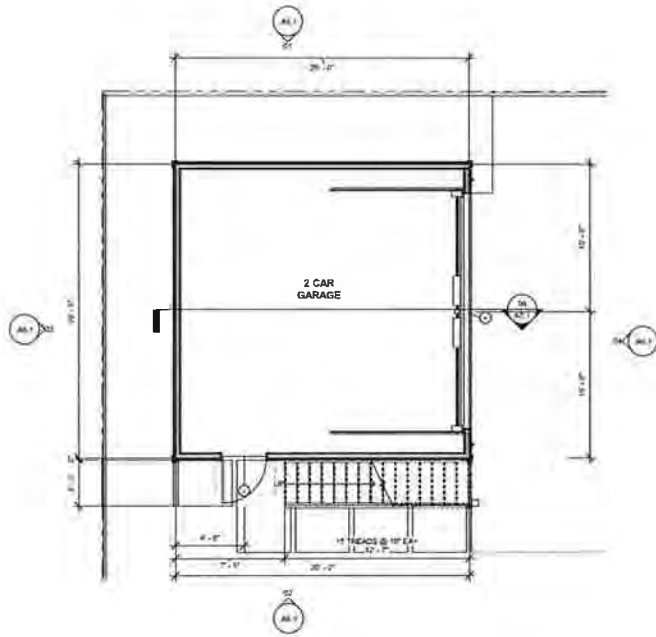
BRINKERHOFF RESIDENCE
 6833 PROSPER STREET
 DALLAS TEXAS 75209

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11. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.
12. CONTRACTOR AND/OR SUBCONTRACTOR IS SOLELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.
13. ALL STAIRS TO BE MAX RISER HEIGHT OF 7" AND MIN. TREAD DEPTH OF 11"



02 2ND FLOOR
 SCALE: 1/8" = 1'-0"



01 1ST FLOOR
 SCALE: 1/8" = 1'-0"

FLOOR PLAN

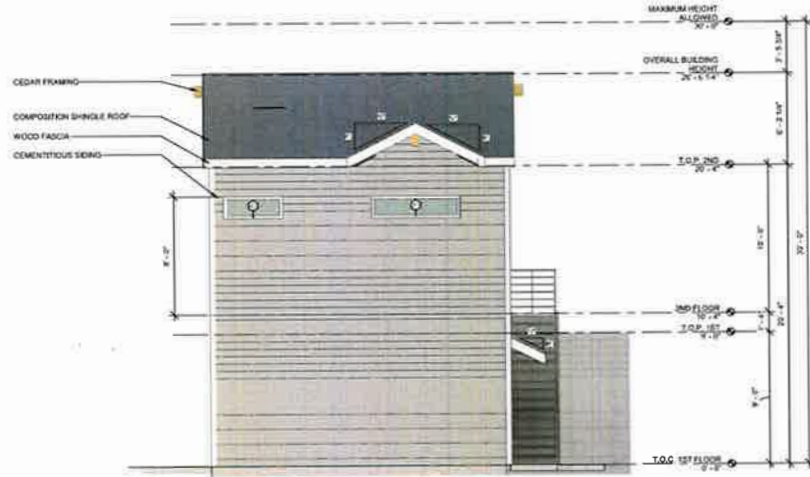
A2.1

Sheet # 2200
 Date: 04/20/20

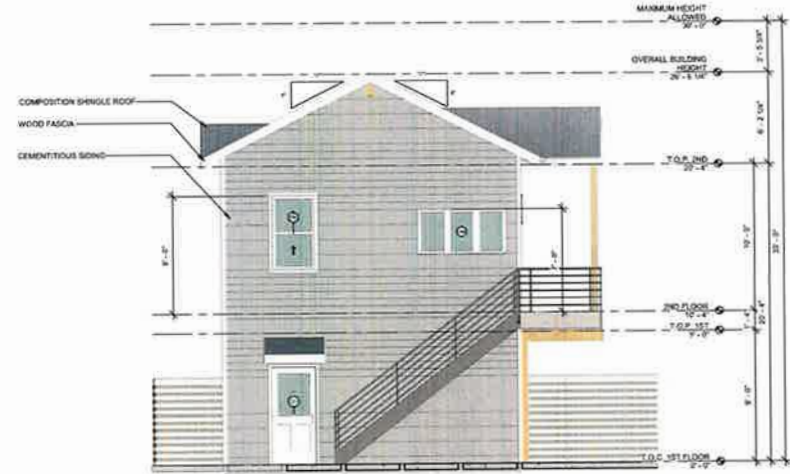


RESIDENTIAL DESIGNER
ASIDE STUDIO, LLC
JOHNNY LACROIX
214.832.2100
info@asidestudio.com
www.asidestudio.com

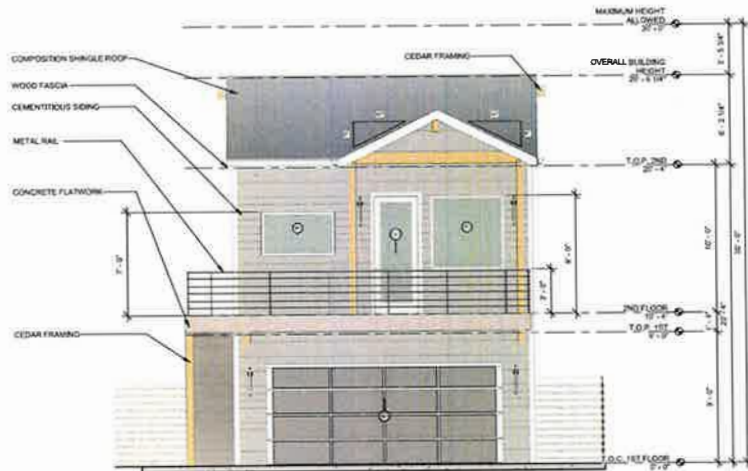
BRINKERHOFF RESIDENCE
6833 PROSPER STREET
DALLAS TEXAS 75209



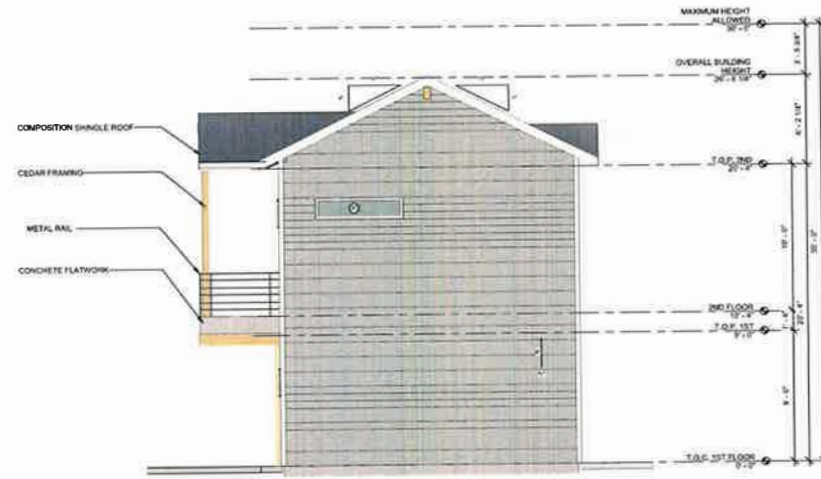
03 EAST ELEVATION
SCALE: 1/4" = 1'-0"



02 NORTH (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"



04 WEST ELEVATION
SCALE: 1/4" = 1'-0"

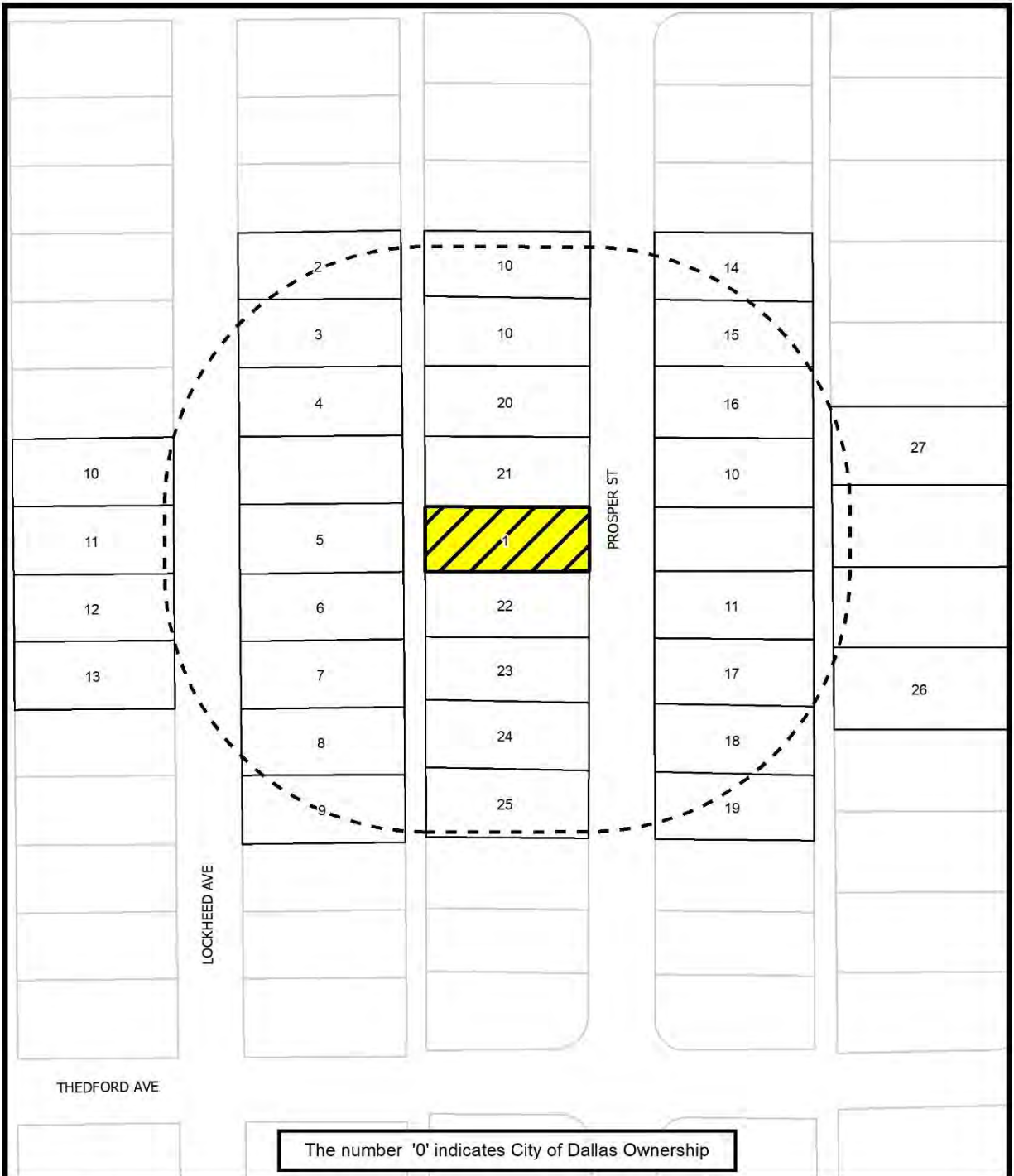


01 SOUTH (REAR) ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR
ELEVATIONS

A6.1

Project # 0000
Scale 1/4" = 1'-0"



 1:1,200	<h2>NOTIFICATION</h2>		Case no: BDA190-043
	200' AREA OF NOTIFICATION 27 NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/24/2020

03/24/2020

Notification List of Property Owners

BDA190-043

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6833 PROSPER ST	BRINKERHOFF MARK
2	6914 LOCKHEED AVE	GOMEZ JUAN B &
3	6910 LOCKHEED AVE	LI HUIFANG &
4	6906 LOCKHEED AVE	GONZALEZ JULIAN &
5	6832 LOCKHEED AVE	JC LEASING LLP
6	6828 LOCKHEED AVE	1250 WDT LTD
7	6822 LOCKHEED AVE	RUIZ HECTOR
8	6818 LOCKHEED AVE	REED WELLINGTON BERNARD &
9	6814 LOCKHEED AVE	LOCKHEED JOINT VENTURE
10	6903 LOCKHEED AVE	JC LEASING LLP
11	6833 LOCKHEED AVE	NUNLEY WALKER LP
12	6829 LOCKHEED AVE	LOCKHEED FAMILY TRUST
13	6823 LOCKHEED AVE	CARROLL KERMIT LF EST
14	6914 PROSPER ST	TRAMEL EARL JOE
15	6910 PROSPER ST	MCCONNIEL JONATHAN J &
16	6906 PROSPER ST	ALONSO EVA
17	6822 PROSPER ST	ROBBINS SEAN &
18	6818 PROSPER ST	HORACE SHERRY
19	6814 PROSPER ST	TOAM LLC
20	6907 PROSPER ST	WHITE KENNETH
21	6903 PROSPER ST	HOLLENSTEIN ERIN
22	6829 PROSPER ST	FLORES BILLY MOISES
23	6823 PROSPER ST	MURDINE BERRY FAMILY TRUST
24	6819 PROSPER ST	TR SCOTT CAPITAL 6819 SERIES I
25	6815 PROSPER ST	TRISCOTT CAPITAL
26	6903 KENWELL ST	DEVOCO LLC
27	6919 KENWELL ST	RYLOR GROUP LLC &

FILE NUMBER: BDA190-044(OA)

BUILDING OFFICIAL'S REPORT: Application of Brian Baughman for a special exception to the sign regulations at 5500 Greenville Avenue. This property is more fully described as Block 1/5409 and is zoned an MU-3 Mixed Use District, which limits the number of detached signs on a premise to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage. The applicant proposes to construct and maintain one additional detached premise sign, on a nonresidential premise, which will require a special exception to the sign regulations.

LOCATION: 5500 Greenville Avenue

APPLICANT: Brian Baughman

REQUEST:

A request for a special exception to the sign regulations is made to remodel and maintain an existing additional detached premise sign on a site that is developed with a shopping mall.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d)(2) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

STAFF RECOMMENDATION (additional detached sign):

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the April 2nd staff review team meeting that that the applicant had not substantiated that strict compliance with the requirement of the sign regulations (in this case, the site's Greenville frontage being limited to one sign) will result in substantial financial

hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3 (Mixed Use District)

North: MU-3 (Mixed Use District)

East: PD No. 916 ((Planned Development District) & MU-3 (Mixed Use District)

South: PD No. 610 ((Planned Development District)

West: MU-3 (Mixed Use District)

Land Use:

The site is developed with a mix of retail and personal service uses. The area to the north, south, east and west are developed with mixed use and multifamily 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 (additional detached sign):

The property consists of over 15.79 acres of land developed as with a mix of retail and personal service uses. The request for a special exception to the sign regulations focuses on the remodeling and maintenance of an additional sign at the frontage along Greenville Avenue.

Section 51A-7.304(b) (4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways. The size of the property is not taken into account.

The submitted site plan indicates the location of two detached non-monument signs, (represented as “existing sign number one and number two”) on the site’s Greenville Avenue frontage, hence this request for a special exception to the sign regulations for an additional detached sign. A sign elevation denoting the second detached non-monument sign has been submitted.

The applicant submitted a document with the application that does not substantiate that strict compliance with the requirement of the sign regulations will result in inequity to the applicant without sufficient corresponding benefit to the city and its citizens.

The applicant has the burden of proof in establishing the following:

- That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

If the board were to approve the request for a special exception to the sign regulations, the board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation.

Timeline:

February 7, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

March 23, 2020: 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; April 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 3th deadline to submit additional evidence for staff to factor into their analysis; and the June 12th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development

and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, 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.

June 23, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application request until the next public hearing to be held on August 18, 2020 to give the applicant the opportunity to provide support for this request.

June 25, 2020: The Board Administrator wrote the applicant a letter of the board's action; the July 28 deadline to submit additional evidence for staff to factor into their analysis; and the August 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. 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 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, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspections.

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

BOARD OF ADJUSTMENT ACTION: June 23, 2020

APPEARING IN FAVOR: Brian Baughman 125 Hillside Dr. Greenville, SC

APPEARING IN OPPOSITION: None

MOTION: Lamb

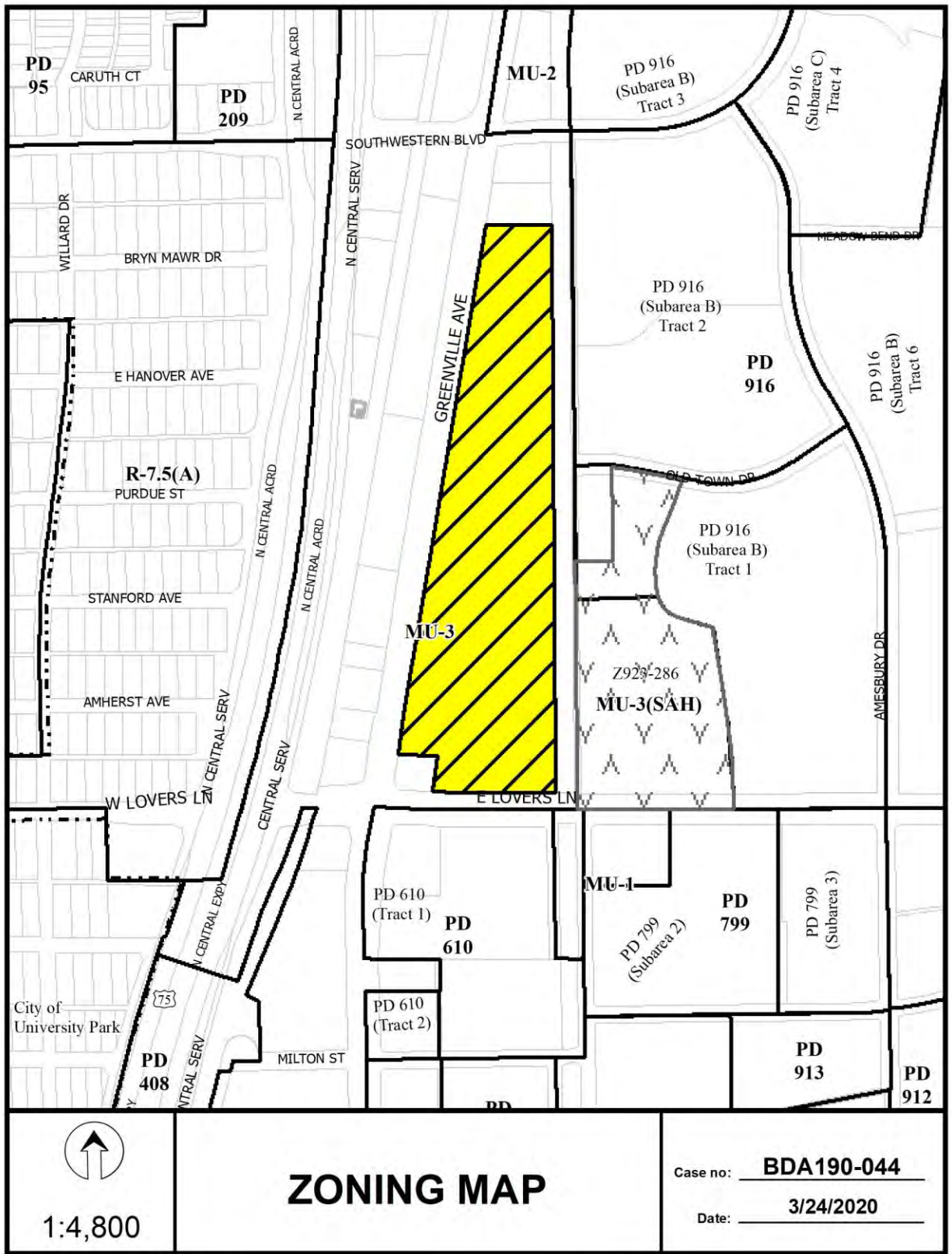
I move that the Board of Adjustment in request No. BDA 190-044, **hold** this matter under advisement until **August 18, 2020.**

SECONDED: Narey

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Sahuc

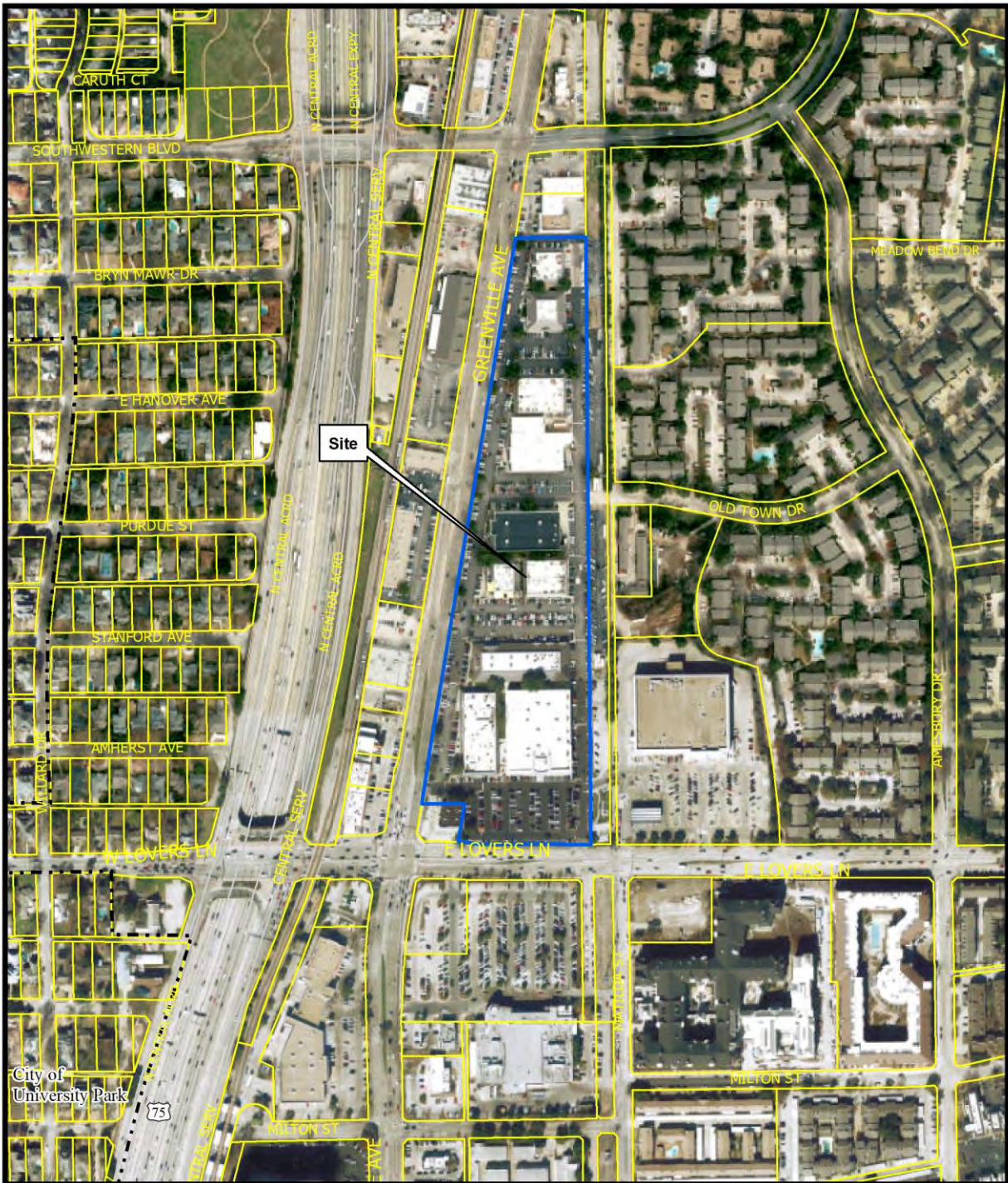
NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)



ZONING MAP

Case no: BDA190-044
 Date: 3/24/2020



1:4,800

AERIAL MAP

Case no: **BDA190-044**

Date: **3/24/2020**



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-044

Data Relative to Subject Property:

Date: 2-17-20

Location address: 5500 Greenville Ave Dallas TX 75206 Zoning District: MU-3

Lot No.: 1 TRACT Block No.: 1/5409 Acreage: 15.79 Census Tract: 79.09

Street Frontage (in Feet): 1) 1757 2) 407 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): OT Chatsworth Texas LLC / Misty Sample

Applicant: Brian Baughman Telephone: 817-420-1339

Mailing Address: 125 Hillside Drive Greenville, SC Zip Code: 29607

E-mail Address: brianbaughman@hiltondisplays.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 seeking allowance of the existing legal non-conforming premise sign #2 along the sites approximately 1757' along frontage on Greenville Ave on a site known as Old Town Shopping Center

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 addendum for details

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

Affidavit

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

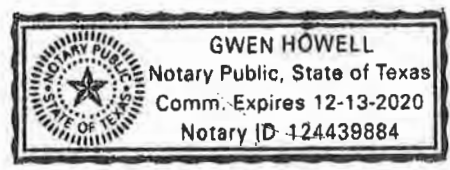
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 6th day of February, 2020

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

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BRIAN BAUGHMAN

did submit a request for a special exception to the sign regulations
at 5500 Greenville Avenue

BDA190-044. Application of BRIAN BAUGHMAN for a special exception to the sign regulations at 5500 GREENVILLE AVE. This property is more fully described as Lot , Block1/5409, and is zoned MU-3, which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



LOCATION:

5500 Greenville Avenue Dallas, TX 75206

APPLICANT:

Doug Howell of Westwood Financial represented by Brian Baughman of Hilton Displays

REQUEST:

This request for a special exception to the sign regulation seeking allowance of the existing legal non-conforming premise sign, Sign #2, along the site's approximately 1,757' long Greenville Avenue street frontage, on a site that is currently a shopping center (Old Town at Dallas).

If the third sign is officially allowed, our intent is to subsequently upgrade the site signage for improved performance and aesthetics. The plan is for an internal LED retrofit of Sign #1 along Greenville Ave and Sign #3 along Lovers Lane, the ones that are currently allowed per Section 51A-7.03(b)(4), in addition to an upgrade of the sign under consideration by this appeal along Greenville Avenue.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding

benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3

Land Use:

The site is currently developed as a shopping center (Old Town at Dallas).

GENERAL FACTS:

- The request for a special exception to the sign regulations focuses on an LED retrofit of a legal non-conforming premise sign on the site's approximately 1,875' long Greenville Avenue street frontage, on a site developed with a shopping center (Old Town at Dallas).
- Section 51A-7.304(b)(4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. (The subject site's frontage along Greenville Avenue is not an expressway).
- The submitted site plan indicates the location of two signs on the site's Greenville Avenue street frontage and one sign on the E. Lovers Lane street frontage.
- One of the signs on the site's Greenville Avenue frontage is allowed by right, the other sign is grandfathered or nonconforming. There is 1,097' between the two signs on Greenville Avenue.

- The code states that the right to rebuild a nonconforming structure ceases if the structure is retrofitted by the intentional act of the owner or the owner's agent.
- The code states that a person may reface a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- We seek this request for a special exception since we plan to intentionally execute an LED retrofit of the nonconforming sign on the Greenville Avenue frontage of the subject site.

- We are making only one special exception request to the Board: an additional sign along the site's Greenville Avenue frontage. All other aspects of the sign regulations will be met on the site since no other request for special exception to the sign regulations has been made.
- We note that strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant and our lease holders without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-044

I, OT Chatsworth Texas LLC / Misty Sample, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5500 Greenville Ave Dallas TX 75206
(Address of property as stated on application)

Authorize: Brian Baughman
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: _____

Misty Sample Misty Sample 2/6/20
 Print name of property owner/agent Signature of property owner/agent Date

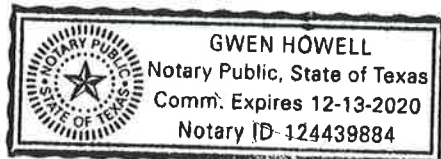
Before me, the undersigned, on this day personally appeared Misty Sample

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

Subscribed and sworn to before me this 6th day of February, 2020

Gwen Howell
Notary Public for Dallas County, Texas

Commission expires on 12-13-2020



FIRST AMERICAN TITLE INSURANCE COMPANY

When Recorded Return To:



201600245566

DEED 1/6

OT Chatsworth Texas LLC
5500 Greenville Ave. #602
Dallas, TX 75206

Return to: **NDL**
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, TX 75204

(Space Above For Recorder's Use Only)

SPECIAL WARRANTY DEED

STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

THAT, **WPF OPERATING LLC**, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto **OT CHATSWORTH TEXAS LLC**, a Delaware limited liability company ("Grantee"), successor by conversion to **OT CHATSWORTH TEXAS LP**, a Texas limited partnership, and successor by merger to **OT LAUREL TEXAS L.P.**, a Texas limited partnership and **OT 12900 VICTORY COMPANY LP**, a Texas limited partnership, all of its right, title and interest, believed to be an undivided fifty-two and thirty-three hundredths percent (52.33%) interest, in that certain real property located in the City of Dallas, Dallas County, Texas, being more particularly described on Exhibit "A" attached hereto and fully made a part hereof (the "Land"), together with all improvements located thereon (the "Improvements"), if any, and all rights and appurtenances thereto in anywise belonging to Grantor, but subject to all validly existing restrictions, covenants, conditions, rights-of-way, easements, ordinances, maintenance charges, mineral reservations, and royalty reservations of record, if any, affecting all or any part of the Property (collectively, the "Permitted Exceptions"). The Land and Improvements are referred to collectively herein as the "Property". It is the intent of this conveyance that subsequent to the recordation of this Special Warranty Deed, Grantee will own a one hundred percent (100%) undivided interest in and to the Property.

TO HAVE AND TO HOLD the above described Property, subject to the Permitted Exceptions, together with any and all the rights and appurtenances thereto in anywise belonging to Grantor, unto the said Grantee, its legal representatives, successors and assigns FOREVER.



and Grantor does hereby bind itself and its legal representatives, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, its successors, legal representatives and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

[Signature page follows.]



EXECUTED and EFFECTIVE as of the 1st day of September 2016.

WPF OPERATING LLC,
a Delaware limited liability company

By: Westwood Property Fund LLC,
a Delaware limited liability company
Its: Sole Member

By: 
Name: Randy Banchik
Title: Co-Chief Executive Officer



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

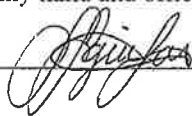
State of California

County of Los Angeles

On August 11, 2016, before me, Xiomara Elizabeth Aguilar, a Notary Public, personally appeared Randy Parshik, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

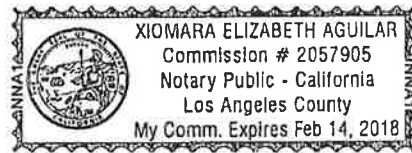


EXHIBIT "A"

Legal Description of the Land

TRACT 1: (Fee Simple)

Being a tract of land situated in the John C. Cook Survey, Abstract No. 259, and being a portion of Block 1/5409 of Old Town, an addition to the City of Dallas, according to the plat thereof recorded in Volume 69245, Page 2021, Map Records, Dallas County, Texas, and being a portion of that certain 3.522 acre tract of land conveyed to Lincoln Property Company XXVI, Ltd., by Warranty Deed as recorded in Volume 71173, Page 0034, Deed Records, Dallas County, Texas and further being a portion of that certain 12.706 acre tract of land conveyed to Lincoln Property Company XXVI, Ltd. by Warranty Deed as recorded in Volume 69230, Page 0174, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found for corner, situated in the easterly right-of-way line of Greenville Avenue (variable width R.O.W.), said "X" being South 10 degrees 10 minutes 50 seconds West, a distance of 250.08 feet from an iron rod, situated on the south right-of-way line of Southwestern Boulevard (90 foot R.O.W.);

THENCE South 89 degrees 48 minutes 40 seconds East, departing the easterly right-of-way line of said Greenville Avenue and along the south line of a tract of land conveyed to Caryl M. Bradford by Deed recorded in Volume 74242, Page 1944, Deed Records, Dallas County, Texas (D.R.D.C.T.), a distance of 216.22 feet to a 5/8 inch iron rod set for corner situated in the west line of a 60 foot wide Dallas Power & Light Company R.O.W.;

THENCE South 00 degrees 11 minutes 20 seconds West, along the west line of said Dallas Power & Light Company's R.O.W., a distance of 1860.27 feet to a 1/2 inch iron rod found for corner in the north right-of-way line of Lover's Lane (variable width R.O.W.);

THENCE North 89 degrees 07 minutes 40 seconds West, leaving the west line of said Dallas Power & Light Company's R.O.W. and along the north right-of-way line of said Lover's Lane, a distance of 348.24 feet to an iron rod found for corner;

THENCE North 78 degrees 58 minutes 12 seconds West, a distance of 32.48 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE North 88 degrees 25 minutes 07 seconds West, a distance of 26.77 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner in the southeast line of Lot 1, Block 1/5409, Old Town II Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 99240, Page 220 (D.R.D.C.T.);

THENCE North 10 degrees 10 minutes 50 seconds East, leaving the north right-of-way line of said Lover's Lane and along the easterly line of said Lot 1, Block 1/5409, Old Town II Addition tract, a distance of 118.86 feet to a P.K. nail found for corner, said P.K. nail being the northeast corner of said Lot 1, Block 1/5409, Old Town II Addition tract;

THENCE North 89 degrees 07 minutes 40 seconds West, leaving said easterly line and along the north line of said Lot 1, Block 1/5409, Old Town II Addition tract, a distance of 132.45 feet to a 5/8 inch steel rebar with yellow plastic cap stamped "BDD" set found for corner in the easterly right-of-way line of aforementioned Greenville Avenue;



THENCE North 10 degrees 11 minutes 07 seconds East, leaving the north line of said Lot 1, Block 1/5409, Old Town II Addition tract and along the aforementioned east line of Greenville Avenue, a distance of 70.76 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE North 08 degrees 37 minutes 31 seconds East, a distance of 88.57 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE North 10 degrees 10 minutes 50 seconds East, continuing along the easterly right-of-way line of said Greenville Avenue, a distance of 1597.65 feet to the POINT OF BEGINNING and containing 688,134, square feet or 15.7974 acres of land.

TRACT 2: (Fee Simple)

Being all of Lot 3, Block C/5410 of Old Town - East, an Addition to the City of Dallas, Texas, according to the Plat thereof recorded in Volume 95021, Page 3324, Map Records, Dallas County, Texas.

TRACT 3: (Fee Simple)

Being all of Lot 1, Block 1/5409 of Old Town II Addition, an Addition to the City of Dallas, Texas, according to the Plat thereof recorded in Volume 99240, Page 220, Map Records, Dallas County, Texas.

Save and Except that portion conveyed to the County of Dallas in Special Warranty Right of Way Deed dated 09/22/2005, filed 02/07/2006, recorded in cc# 200600044819, Real Property Records, Dallas County, Texas.

TRACT 4: (Non-Exclusive Easement)

Non-exclusive easement created in Park I Access Easement, filed 05/24/1983, recorded in Volume 83103, Page 1998, Deed Records, Dallas County, Texas.

TRACT 5: (Non-Exclusive Easement)

Non-exclusive easement created in Declaration of Access Easement, filed 09/06/2012, recorded under cc# 201200263957, Real Property Records, Dallas County, Texas.

TRACT 6: (Non-Exclusive Easement)

Non-exclusive easement created in Declaration of Easements, Covenants and Restrictions, filed 01/30/2014, recorded under cc# 201400022698, Real Property Records, Dallas County, Texas.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
09/07/2016 03:31:56 PM
\$46.00



A handwritten signature in black ink, appearing to be "JFW".

201600245566



QID 19-47211
JOB NAME

Westwood Financial
LOCATION

5500 Greenville Ave
 Dallas TX
CUSTOMER CONTACT

SALESMAN / PM
 Lucas Chamberlayne

DESIGNER
 Brian Sowder

DWG. DATE
 9-9-19

REV. DATE / REVISION
 9-27-19 BS / 10-4-19 BS
 10-11-19 BS / 10-14-19 BS
 10-28-19 BS / 11-20-19 BS
 2-3-20 BS

SCALE

FILE

2019/Westwood Financial/
 Dallas TX/19-47211/
 WWF Dallas TX 19-47211

DESIGN SPECIFICATIONS ACCEPTED BY:
 EST CLIENT
 S.C.P.M. LANDLORD

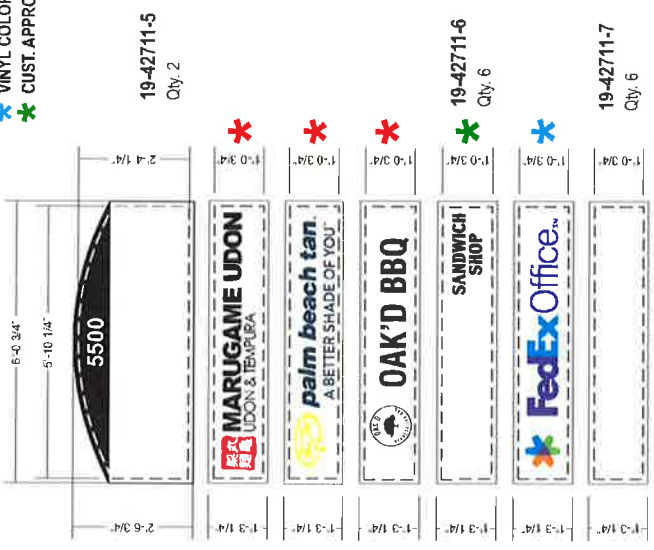
EST CLIENT
 S.C.P.M. LANDLORD

THE VIEW OF THIS DRAWING IS TO SHOW A CONCEPTUAL
 REPRESENTATION OF THE PROPOSED SIGNAGE. THE
 WORKSHOWN MATERIALS, COLORS AND FINISHES ARE
 SUGGESTED PRODUCT ONLY AND ARE SUBJECT TO APPROVAL



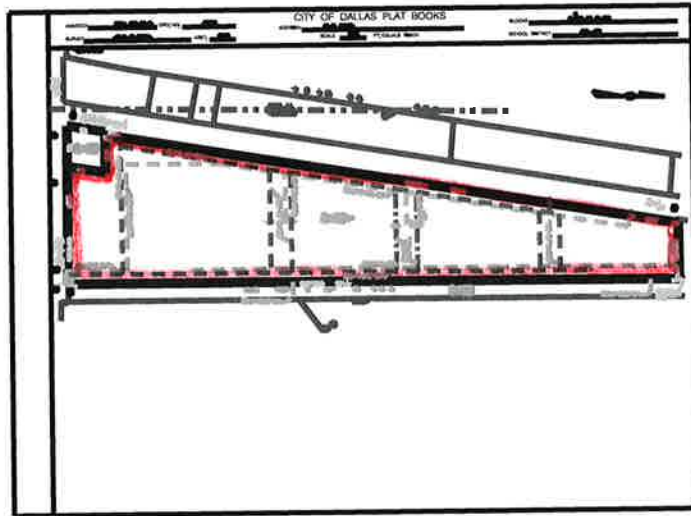
- * VECTOR & VINYL COLORS REQ.
- * VINYL COLORS & CUST. APPROVAL REQ.
- * CUST. APPROVAL REQ.

General Notes:
 - Paint entire structure duranodic bronze by installer, prior to adding the illuminated cabinets. The back of the header panels on the pylon should be painted bronze as well as the raceway on the back side so they visually 'go away'.



Scale: 3/8" = 1'
 (11 X 17 Paper)





BB



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
- SPSP 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
- 4-2-2 Cont Overlay

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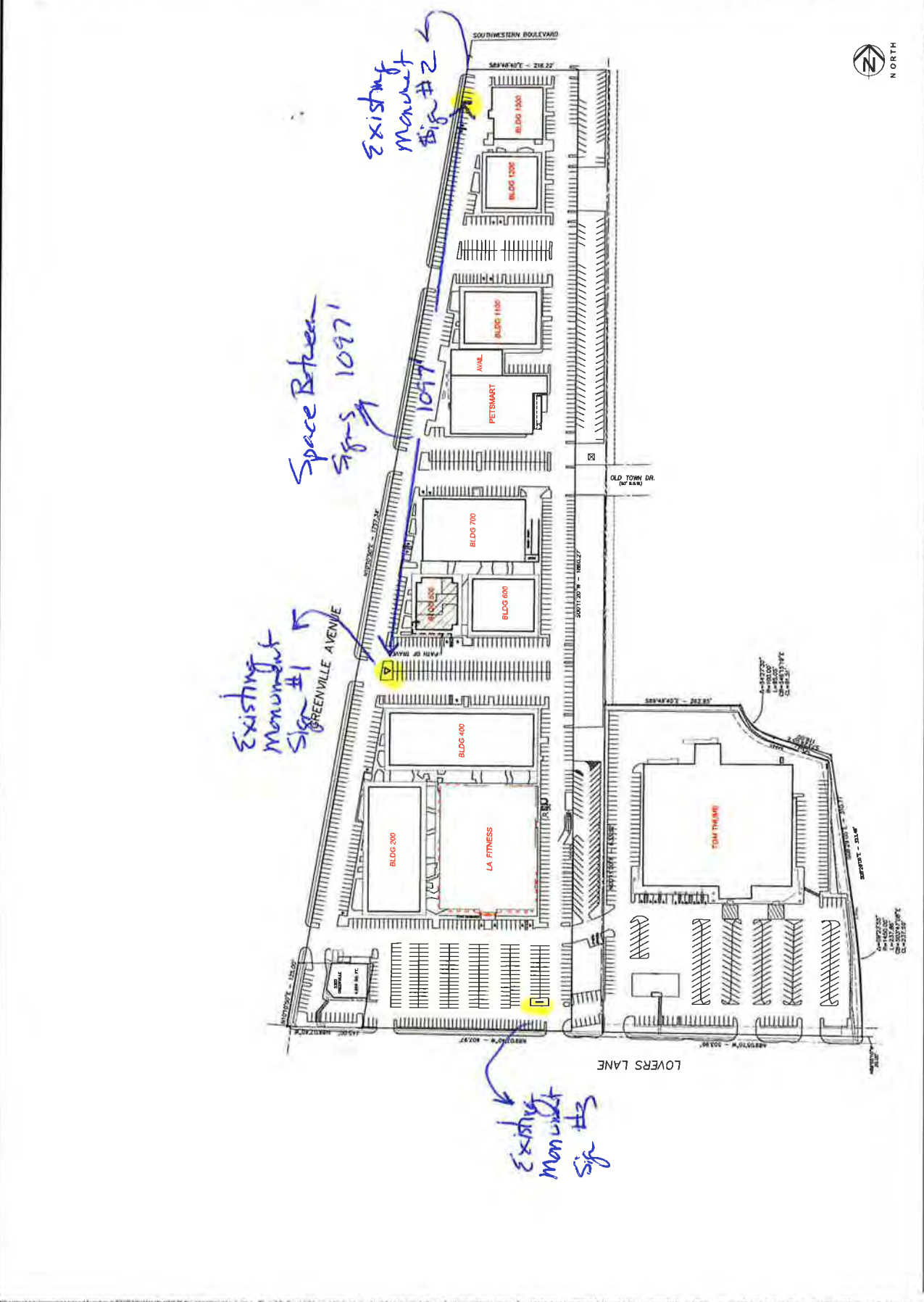


REVISION	DATE	BY	REASON

DATE	REVISION	BY	REASON



DESIGN DEVELOPMENT
 PROVISION CONCEPT COSTS
 CITY SUBMITTAL
 BID PACKAGE
 CONSTRUCTION BIDDING
 RECORD DRAWINGS



OVERALL SITE PLAN (FOR REFERENCE)



1:4,800

NOTIFICATION

200' AREA OF NOTIFICATION
20 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-044**

Date: **3/24/2020**

03/24/2020

Notification List of Property Owners

BDA190-044

20 Property Owners Notified

<i>Label#</i>	<i>Address</i>	<i>Owner</i>
1	5500 GREENVILLE AVE	WPF OPERATING LLC
2	5757 GREENVILLE AVE	TEXAS CENTRAL CONTROL LLC
3	5315 GREENVILLE AVE	TODORA CAMPISI LLC
4	5315 GREENVILLE AVE	INWOOD CORP
5	5809 GREENVILLE AVE	CENTRAL CONTROL COMPANY
6	5409 GREENVILLE AVE	GREENVILLE AVE INVESTMENT
7	5323 GREENVILLE AVE	TODORA CAMPISI LLC
8	5601 GREENVILLE AVE	GREENSVILLE ACQUISITION
9	5417 GREENVILLE AVE	GREENVILLE AVE RETAIL LP
10	4500 GREENVILLE AVE	ONCOR ELECTRIC DELIVERY COMPANY
11	5700 E LOVERS LN	ONCOR ELECTRIC DELIVERY COMPANY
12	5858 GREENVILLE AVE	SOUTHWESTERN CORNER DEV
13	5800 GREENVILLE AVE	SOUTHWESTERN CORNER DEV
14	5904 OLD TOWN DR	PC VILLAGE APTS DALLAS LP
15	5657 AMESBURY DR	FM VILLAGE FIXED RATE LLC
16	5750 E LOVERS LN	LINCOLN LAG LTD
17	5200 GREENVILLE AVE	HEDRICK L W TRUST
18	5800 E LOVERS LN	LOVERS MEDICAL INVESTORS LP
19	5302 GREENVILLE AVE	OT CHATSWORTH TEXAS LLC
20	5809 E LOVERS LN	OT CHATSWORTH TEXAS LLC

FILE NUMBER: BDA190-061(OA)

BUILDING OFFICIAL'S REPORT: Application of J. Antony Sisk represented by Jeff Baron for a variance to the landscape regulations, for a special exception to the fence height regulations, and for a special exception to the fence standard regulations at 6611 Country Club Cir. This property is more fully described as Lot 6 in Block M/2798 and is zoned Conservation District No. 2 (Tract 3), which limits the height of a fence in the front yard to four feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line, and requires mandatory landscaping. The applicant proposes to construct a 10-foot six-inch high fence in a required front yard, which will require a six-foot six-inch 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 five feet from the front lot line, which will require a special exception to the fence regulations, and to provide an alternate landscape plan, which will require a variance to the landscape regulations.

LOCATION: 6611 Country Club Circle

APPLICANT: J. Antony Sisk and Associates
represented by Jeff Baron

REQUEST JUNE 23, 2020:

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

1. A request for a variance to the landscape regulations is made to construct and maintain a fence in one of the site's two required front yards (Gaston Avenue) – Conservation District No. 2 landscaping provisions prohibit fences and walls in the front yard;
2. A special exception to the fence standards relating to placing the aforementioned fence, a three-foot to nine-foot-high solid wood and brick fence, an eight-and-one-half-foot brick retaining wall, and an eight-and-a-half-foot brick fence with a 10-foot six-inch pedestrian gate, in one of the site's two front yards (Gaston Avenue);
3. A special exception to the fence standards related to fence panel materials/location from the front lot line is made to maintain the aforementioned fence with panels with surface areas that are less than 50 percent open located less than five feet from the Gaston Avenue front lot line.

REQUEST AUGUST 18, 2020:

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

1. A request for a variance to the landscape regulations is made to construct and maintain a fence in one of the site's two required front yards (Gaston Avenue) – Conservation District No. 2 landscaping provisions prohibit fences and walls in the front yard; and
2. A special exception to the fence standards relating to placing the aforementioned fence, a six-foot to seven-foot-high brick and wrought iron fence with a nine-foot high arch gate, and a 3 foot high water wall in one of the site's two front yards (Gaston Avenue).

The request for a special exception to the fence standards related to fence panel materials/location from the front lot line has been eliminated.

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.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the following condition:

- Compliance with the submitted site plan is required

Rationale:

- Staff concluded that two front yard setbacks along Gaston Avenue and County Club Circle, a slight slope, a need to create a safe area for children and animals, and a

comparison table showing a fencible percentage of total fence area sufficiently proves that the subject site cannot be developed in a manner commensurate with the development upon other parcels. Granting this variance to allow the fence in the front yard would permit the applicant to use the property similarly to other properties within CD No. 2 and will not relieve a self-created or personal hardship.

STAFF RECOMMENDATION (fence standards):

No staff recommendations are made on these or any requests for a special exception to the fence standards since the basis for this type of appeals is when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: CD No. 2 (Conservation District)
North: CD No. 2 (Conservation District)
South: CD No. 2 (Conservation District)
East: CD No. 2 (Conservation District)
West: PD No. 517 (Planned Development District)

Land Use:

The subject site is undeveloped. The areas to the north, south, and east are developed with residential uses, and the area to the west is developed with a golf course.

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 variance to the landscape regulations focuses on constructing and maintaining a fence in one of the site's two required front yards (Gaston Avenue) – a three-foot to nine-foot-high solid wood and brick fence, an eight-and-one-half-foot brick retaining wall, and an eight-and-a-half-foot brick fence with a 10-foot six-inch pedestrian gate. However, Conservation District No. 2 landscaping provisions prohibit fences and walls in the front yard; therefore, a variance to the landscape provision to allow the proposed fence as described, is requested.

CD No. 2 (Tract 3) landscaping refers back to Article X which allows special exceptions. However, the additional landscape requirements relating to the fence and walls being

prohibited in CD No. 2 are not found in Article X and require a landscape variance instead. The City of Dallas Chief Arborist will not submit a memo regarding the applicant's request since staff determined the a variance to the landscape regulations is only to address the fence in one of the site's two required front yards (Gaston Avenue). Additionally, the fencing standards for the site refer back to Chapter 51A which limits the height of a fence in the front yard to four feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line; therefore, the proposed fence will require a six-foot six-inch special exception to the fence regulations, and a special exception to the fence regulations.

According to DCAD records, property addressed at 6611 Country Club Circle has no improvements. The property is a 26,967-square-foot vacant lot. The minimum lot size is 10,000 square feet in CD No. 2 (Tract 3).

The submitted revised site plan/elevation denotes – a six-foot to seven-foot-high brick and wrought iron fence with a nine-foot high arch gate, and a 3-foot-high water wall in one of the site's two front yards (Gaston Avenue). Previously, portions of the fence panels were shown with surface areas that were less than 50 percent open and located less than five feet from the Gaston Avenue front lot line. However, a revised site plan indicates the materials will now comply with the opacity requirements. Additionally, the revised site plan shows a fence that runs approximately 145 feet-in-length parallel to Gaston Avenue, 60 feet perpendicular to Gaston Avenue on the northwest and northeast side of the site, and is located at the front property line, or 12 feet from the pavement line.

The subject site has a slight slope, is irregular in shape, and, according to the application, is 0.6 acres (or approximately 27,000 square feet) in area. While this is not technically a restrictive lot size, the other elements coupled with the double front yard setback requirement limit the usable yard space for possible fencing and privacy.

Staff conducted a field visit of the site and surrounding area and noted no other fences in the required front yard (the adjacent vacant lot has a fence that is located in the required front yard that is equal or less than four feet tall).

The applicant has the burden of proof in establishing the following relating to the variance request:

- That granting the variance to the landscape regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same CD No 2 (Tract 3) zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD No 2 (Tract 3) zoning classification.

Additionally, the applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the prohibited fence and to location on Gaston Avenue will not adversely affect neighboring property.

If the board were to grant the variance and special exceptions to allow the fence in the front yard and impose the submitted site plan/elevation as a condition, the fence(s) in the front yard setback would be limited to what is shown on this document– which in this case is a three-foot to nine-foot-high solid wood and brick fence, an eight-and-one-half-foot brick retaining wall, and an eight-and-a-half-foot brick fence with a 10-foot six-inch pedestrian gate, located in portions of the front yard and along the front lot line on Gaston Avenue.

As of August 7, 2020, six letters in opposition and four letters in support to the requests have been received by staff.

Timeline:

March 13, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

June 4, 2020: The Board of Adjustment Chief Planner/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 June 5th deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

June 5, 2020: The applicant submitted additional documentation on this application to the Construction Department Board of Adjustment Senior Planner beyond what was submitted with the original application (see Attachment A).

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board.

June 8, 2020: The applicant submitted additional documentation on this application to the Construction Department Board of Adjustment Senior Planner beyond what was submitted with the original application (see Attachment B).

June 12, 2020: The applicant submitted additional documentation on this application to the Construction Department Board of Adjustment Senior Planner beyond what was submitted with the original application (see Attachment C).

June 23, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application request until the next public hearing to be held on August 18, 2020 to give the applicant the opportunity to provide support for this request.

June 25, 2020: The Board Administrator wrote the applicant a letter of the board’s action; the July 28 deadline to submit additional evidence for staff to factor into their analysis; and the August 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials.

July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. 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 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, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspectorss.

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

July 31, 2020: The applicant submitted additional documentation on this application to the Construction Department Board of Adjustment Senior Planner beyond what was submitted with the original application (see Attachment D).

BOARD OF ADJUSTMENT ACTION: June 23, 2020

APPEARING IN FAVOR: Jeff Baron 2301 Brendenwood Dr. Dallas, TX.
Tony Sisk 6435 Malcolm Dr. Dallas, TX

APPEARING IN OPPOSITION: Karo Johnson 6616 Gaston Ave. Dallas, TX.
Trisha Seidel 6641 Gaston Ave. Dallas, TX.
Vickers Cunningham 6647 Gaston Ave. Dallas, TX.
Marcia Schneider 6637 Gaston Ave. Dallas, TX

MOTION: Lamb

I move that the Board of Adjustment in request No. BDA 190-044, **hold** this matter under advisement until **August 18, 2020**.

SECONDED: Halcomb

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Narey

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)



1:1,200

ZONING MAP

Case no: BDA190-061

Date: 5/29/2020



1:1,200

AERIAL MAP

Case no: BDA190-061

Date: 5/29/2020

RECEIVED

MAR 20 2020

BY: SRM



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-061

Date: 3/20/20

Data Relative to Subject Property:

Location address: 1608 GASTON AVE. 6611 Country Club Cir. Zoning District: CD 2-Tr II

Lot No.: 6 Block No.: M/2798 Acreage: .6 Census Tract: 01.00

Street Frontage (in Feet): 1) 217.6' 2) 99.83' 3) 114.15' 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): J Anthony Sisk and L. Catherine Sisk

Applicant: J Anthony Sisk Telephone:

Mailing Address: 6435 Malcolm Dr, Dallas, TX Zip Code: 75214

E-mail Address: TSISK@CRIBZ

Represented by: Jeff Baron Telephone: 214-256-5835

Mailing Address: 2301 Brendenwood Dr, Dallas, TX Zip Code: 75214

E-mail Address: build@jeffbaronhomes.com

Affirm that an appeal has been made, for a Variance or Special Exception, of the fence standards for openness and fence height of 10'6" to allow for a variable height retaining wall with a solid wood and brick fence not to exceed 8' as measured from the exterior grade, and a 10'6" gate with arbor in the 60' required front yard on Gaston.

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: Two front yard setbacks are required on Gaston and Country Club. The site's slope requires retaining walls and a solid fence to create a safe area for children and animals from heavy traffic on Gaston Avenue.

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 J Anthony Sisk (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 13 day of March, 2020

[Signature] Leigh Hahn 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 J Anthony Sisk
represented by Jeff Baron
did submit a request for a variance to the landscaping regulations, and for a special exception to the fence standards regulations, and for a special exception to the fence height regulations
at 6611 Country Club Circle

BDA190-061. Application of J Anthony Sisk represented by Jeff Baron for a special exception to the fence height regulations and for a special exception to the fence standards regulations and a variance to the landscape regulations at 6611 Country Club Cir. This property is more fully described as lot 6 in Block M/2798 and is zoned CD-2 (Tract 3), which limits the height of a fence in the front yard to four 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, and requires mandatory landscaping. The applicant proposes to construct a 10-foot, 6 inch high fence in a required front yard, which will require a 6 foot 6 inch 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 five feet from the front lot line, which will require a special exception to the fence regulations, and to provide an alternate landscape plan, which will require a variance to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



AFFIDAVIT

Appeal number: BDA 190-061

I, L. Catherine Sisk, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4611 Country Club Circle
(Address of property as stated on application)

Authorize: J. Anthony Sisk
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: for alternate landscape plan for fence height and standards

L. Catherine Sisk
Print name of property owner or registered agent

L. Catherine Sisk
Signature of property owner or registered agent

Date 4/27/2020

Before me, the undersigned, on this day personally appeared L. Catherine Sisk

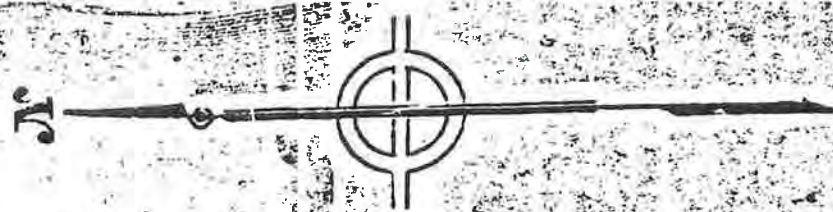
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 27 day of April, 2020



Leigh J Hahn
Notary Public for Dallas County, Texas

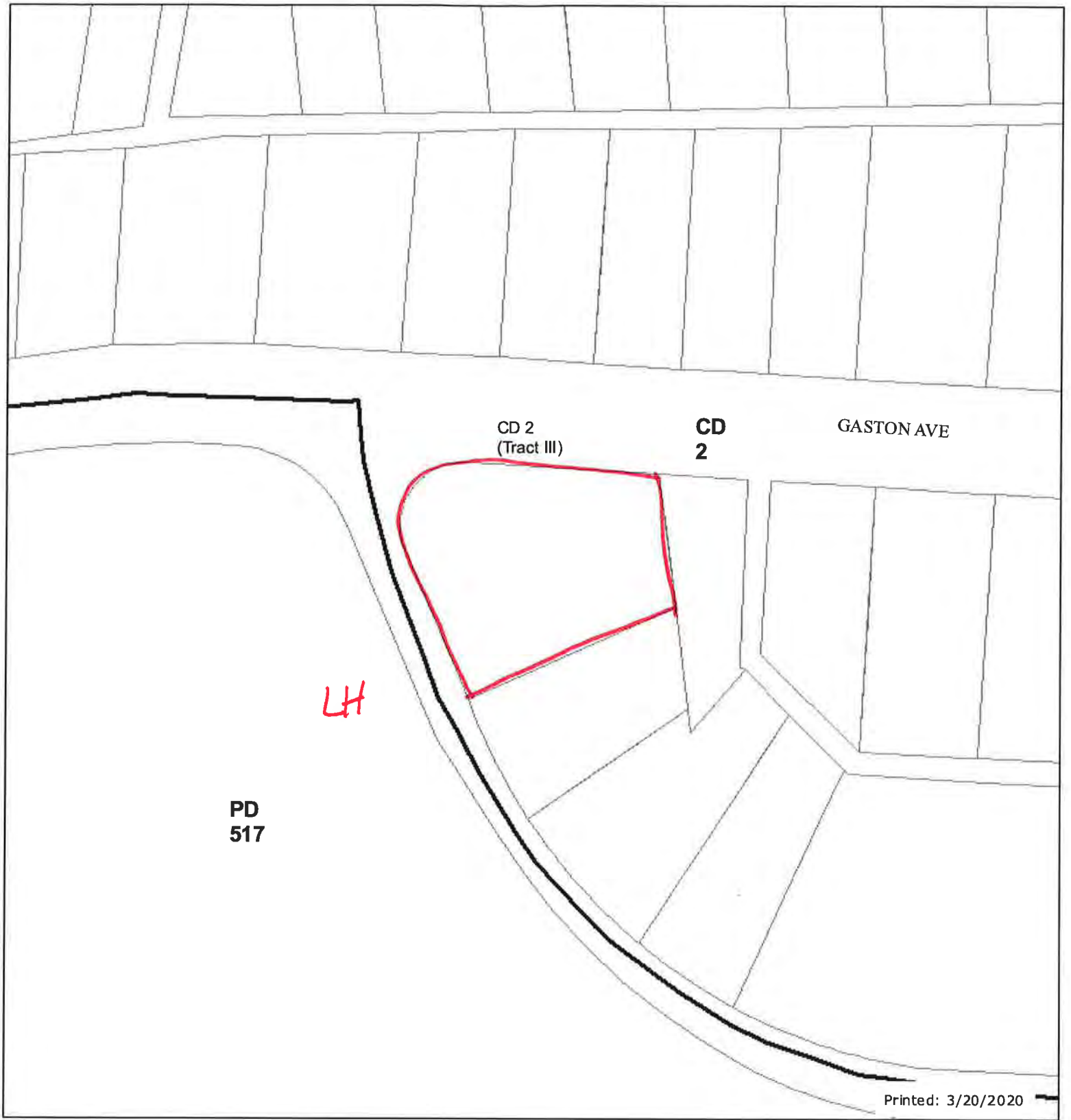
Commission expires on 1/27/2023



Handwritten red mark: "H"

Claremont Boulevard

Country Club Circle

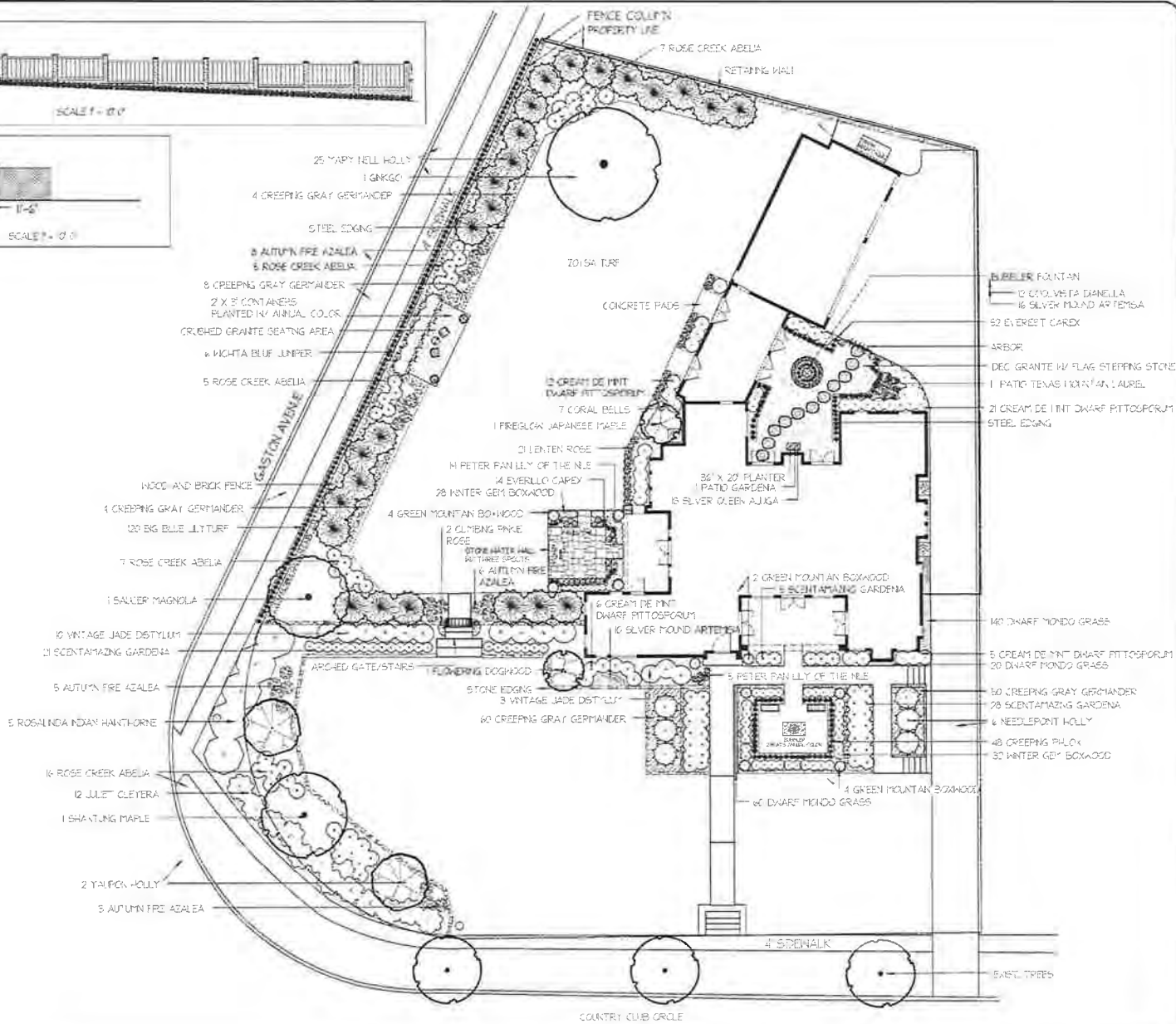
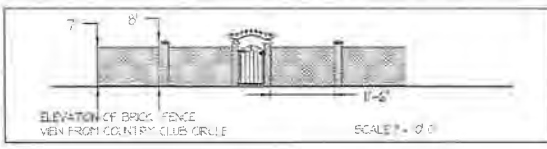
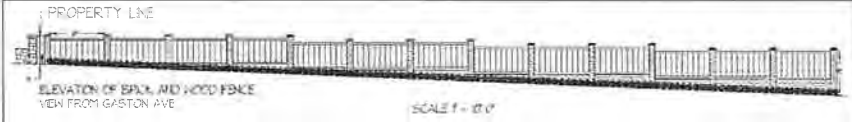


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | Shop Front Overlay |
| | | Height Map Overlay | |

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ANGELA HOOPER
LANDSCAPE DESIGN
314-478-8564
ahoop@angels.com



55K RESIDENCE
6611 COUNTRY CLUB CIRCLE
DALLAS, TEXAS

DATE: 11/18/2019
SCALE: 1" = 10'
MARCH 18, 2020

Country Club Circle and Gaston Neighbors

Lori Leigh Patman & Peter Lucier	6623 Country Club Circle
Frank Charles & Pamela Eads Vecella	6633 Country Club Circle
Conan Gomez & Dania Wierzbicki	6639 Country Club Circle
Gregory Charles & Peyton U. Bender	6645 Country Club Circle
Rebecca Cowart Portera	6626 Gaston Ave.
Richard H Metzner	6620 Gaston Ave.
Lee Wayne & Loralee Lewis	6630 Gaston Ave.
Benjamin D. & Elizabeth A. Lamb	6661 Gaston Ave.
Kirk D. & Vicki L. Gillette	6653 Gaston Ave.
Donna Sue Jacob	6647 Gaston Ave.
Jefferey T. & Trisha L. Seidel	6641 Gaston Ave.
Irfan & Marcia S. Farukhi	6637 Gaston Ave.
Tuxedo Park Holding LLC	6629 Gaston Ave.
Alberto P Orozco	6625 Gaston Ave.
Brandon S. Luke & Janie E Gray	6617 Gaston Ave.
John M. & Andrea Kenny	6607 Gaston Ave.
Al Jernigan Living Trust	2202 Cambria Blvd.

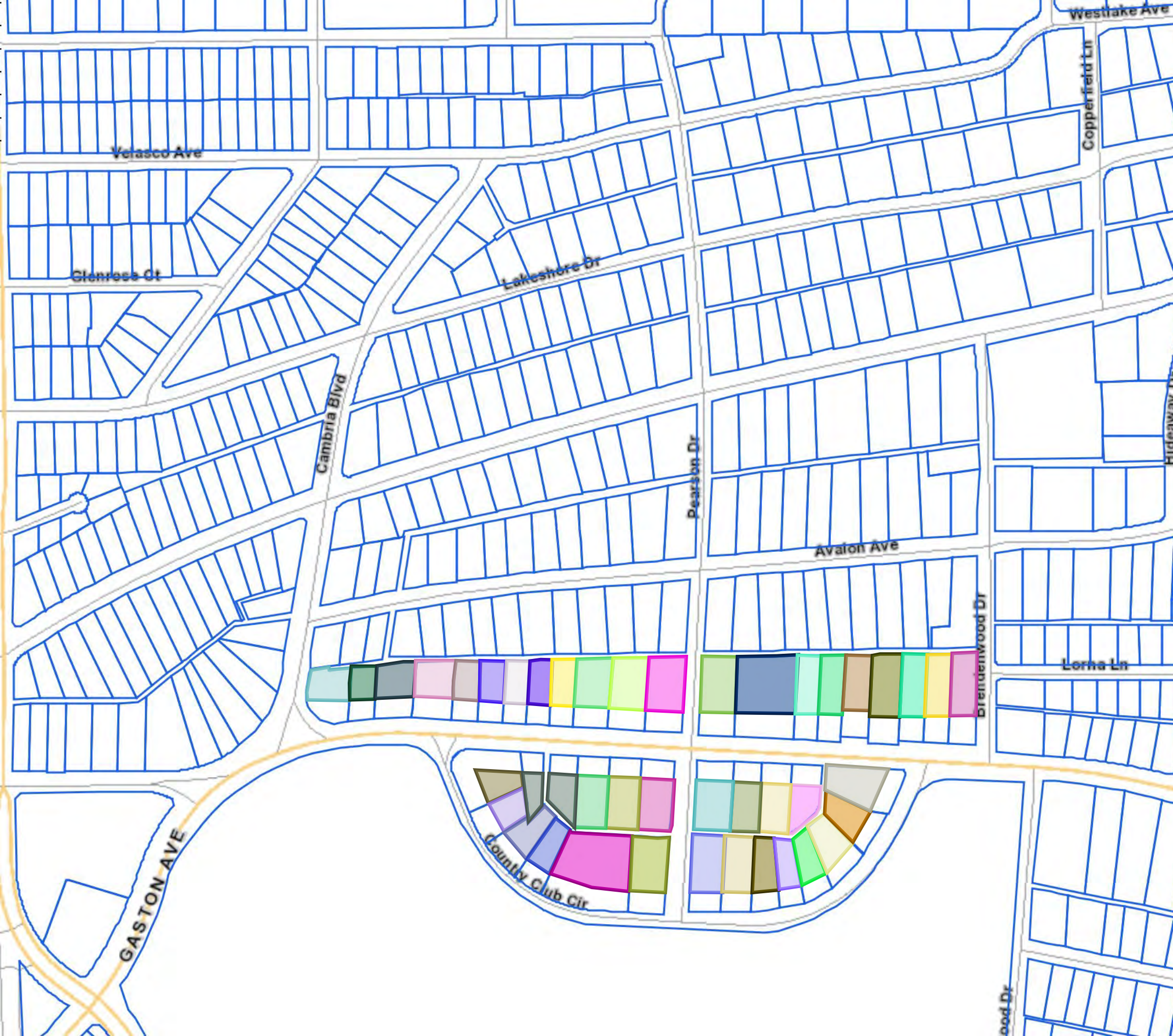


6611 Country Club Fenceable

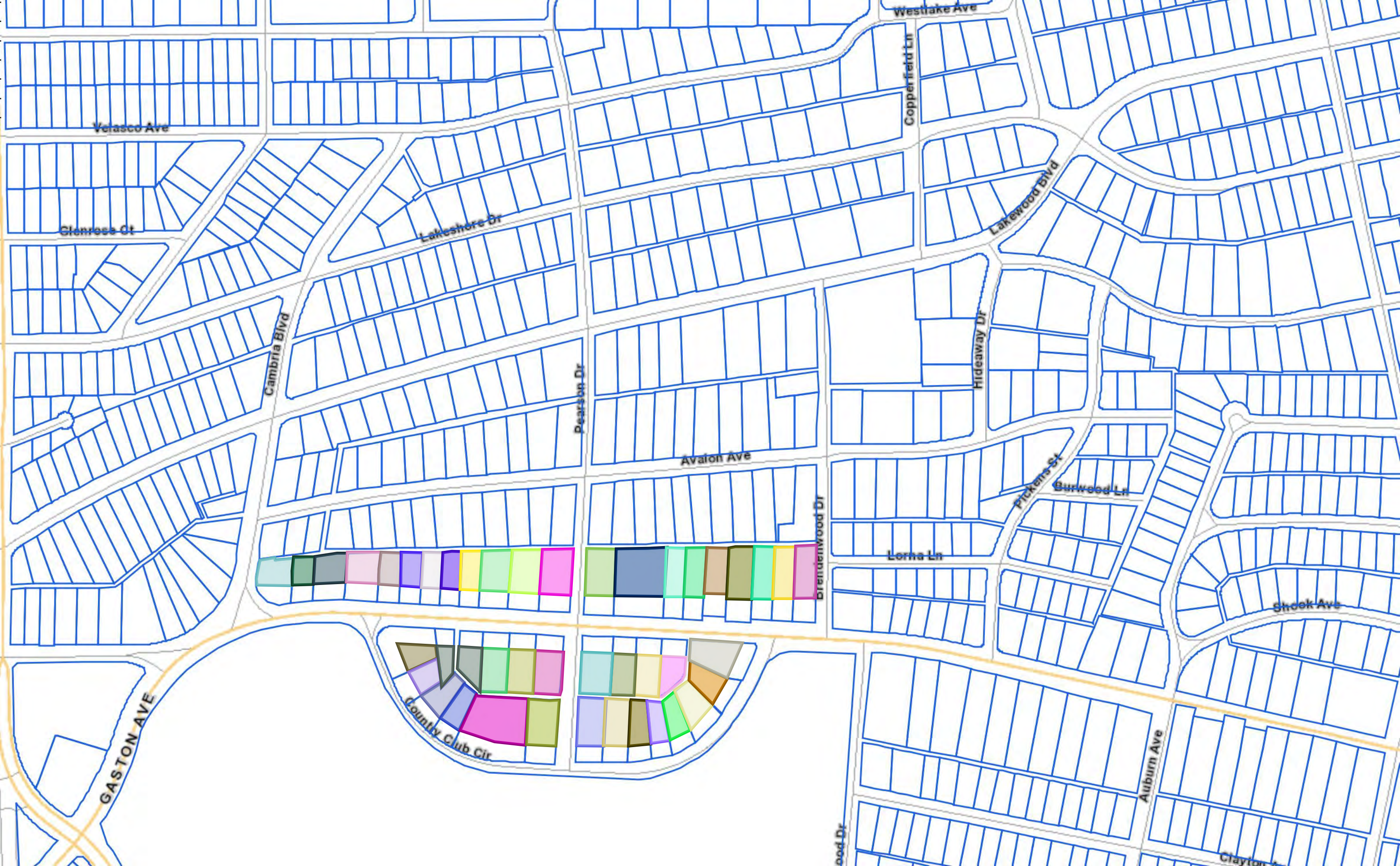
Address	Lot Sq. Ft.	LOT SQ FT BEHIND FYSB	% Fenceable Area of Total Lot
6611 Country Club Ave	26967	7658	28%
6623 Country Club Cir	13899	7090	51%
6633 Country Club Cir	17381	8860	51%
6639 Country Club Cir	14566	8273	57%
6645 Country Club Cir	46461	27778	60%
6669 Country Club Cir	22445	14776	66%
6703 Country Club Cir	19289	14260	74%
6711 Country Club Cir	18350	12847	70%
6721 Country Club Cir	14023	9410	67%
6729 Country Club Cir	13705	7452	54%
6733 Country Club Cir	12985	7961	61%
6737 Country Club Cir	22340	9838	44%
6745 Country Club Cir	15208	9210	61%
6761 Country Club Cir	22130	14572	66%
6726 Gaston Ave	13116	8668	66%
6714 Gaston Ave	17329	10633	61%
6706 Gaston Ave	15501	10467	68%
6700 Gaston Ave	20356	13397	66%
6630 Gaston Ave	18212	12991	71%
6626 Gaston Ave	18078	12310	68%
6620 Gaston Ave	18326	12450	68%
6616 Gaston Ave	22323	13644	61%
2202 Cambria Blvd	17141	9931	58%
6607 Gaston Ave	10736	6493	60%
6617 Gaston Ave	17485	9992	57%
6625 Gaston Ave	17796	10776	61%
6629 Gaston Ave	12371	7508	61%
6637 Gaston Ave	12719	7618	60%
6641 Gaston Ave	11802	7495	64%
6647 Gaston Ave	12281	7611	62%
6653 Gaston Ave	12659	8486	67%
6661 Gaston Ave	20078	13012	65%
6671 Gaston Ave	20736	14036	68%
6677 Gaston Ave	22229	15281	69%
6707 Gaston Ave	21914	14813	68%
6715 Gaston Ave	39103	26058	67%
6725 Gaston Ave	16544	10273	62%
6731 Gaston Ave	16522	10889	66%
6735 Gaston Ave	18227	11108	61%
6743 Gaston Ave	21489	14247	66%
6751 Gaston Ave	17887	11835	66%
6757 Gaston Ave	17454	11696	67%
6759 Gaston Ave	18877	12119	64%
Average Excluding Subject property			63%
Subject Property % of total Backyard Space			28%

Summary

The subject property has a lot size of 26,967 Sq. ft with 7,658 of fencable area given the restrictive size and shape due to the two front yard setbacks along Gaston and Country Club. The average fencable yard area in compatible zoning of adjacent properties is 63 %. With the variance the fencable lot area would be 14, 911 sq. ft or 55% of the total area.



2202 Cambria	9,930.51 sf
6607 Gaston	6,492.54 sf
6608 Gaston	7,658.07 sf
6616 Gaston	13,644.32 sf
6617 Gaston	9,992.20 sf
6620 Gaston	12,459.92 sf
6623 Country Club	7,089.58 sf
6625 Gaston	10,776.01 sf
6626 Gaston	12,310.02 sf
6629 Gaston	7,508.16 sf
6630 Gaston	12,990.68 sf
6633 Country Club	8,859.81 sf
6637 Gaston	7,618.30 sf
6639 Country Club	8,273.47 sf
6641 Gaston	7,495.43 sf
6645 Country Club	27,778.10 sf
6647 Gaston	7,611.17 sf
6653 Gaston	8,486.08 sf
6661 Gaston	13,012.10 sf
6669 Country Club	14,775.70 sf
6671 Gaston	14,035.89 sf
6677 Gaston	15,280.97 sf
6700 Gaston	13,696.84 sf
6703 Country Club	14,260.23 sf
6706 Gaston	10,467.39 sf
6707 Gaston	14,813.43 sf
6711 Country Club	12,847.41 sf
6714 Gaston Ave	10,632.59 sf
6715 Gaston	26,057.84 sf
6721 Country Club	9,409.95 sf
6725 Gastib	10,273.14 sf
6726 Gaston Ave	8,667.59 sf
6729 Country Club	7,451.58 sf
6731 Gaston	10,888.54 sf
6733 Country Club	7,961.44 sf
6735 Gaston	11,107.77 sf
6737 Country Club	9,838.23 sf
6743 Gaston	14,247.48 sf
6745 Country Club	9,209.57 sf
6751 Gaston	11,834.83 sf
6757 Gaston	11,696.15 sf
6759 Gaston	12,109.65 sf
6761 Country Club	14,572.26 sf



Velasco Ave

Glenrose Ct

Lakeshore Dr

Cambria Blvd

Pearson Dr

Avalon Ave

Lorna Ln

Brennenwood Dr

Pickens St

Burwood Ln

Shook Ave

GASTON AVE

County Club Cir

Auburn Ave

Clayton St

ood Dr

Westlake Ave

Copperfield Ln

Lakewood Blvd

Hideaway Dr

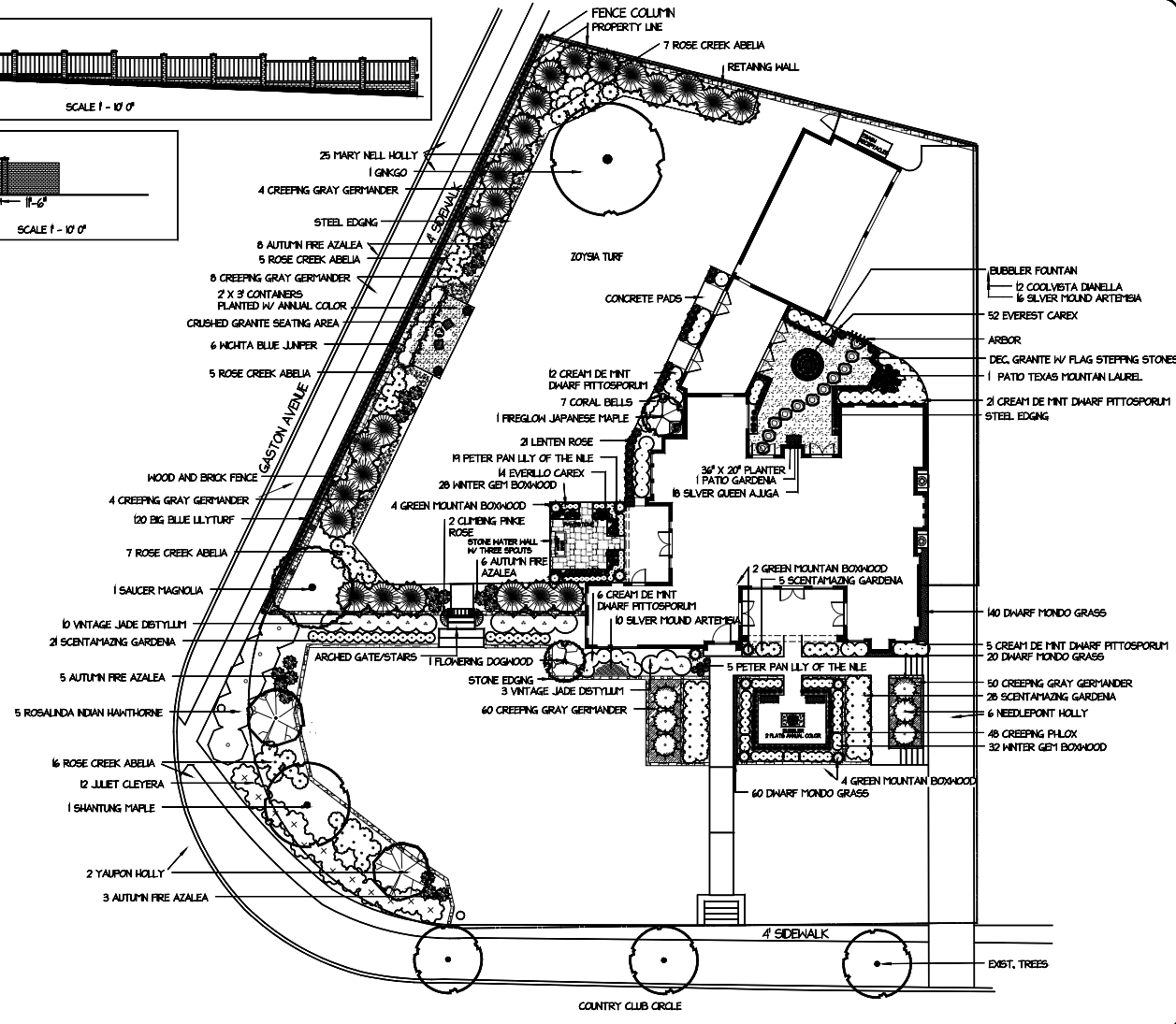
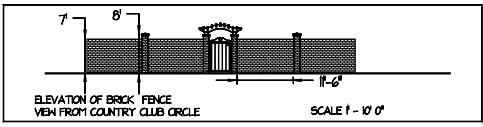
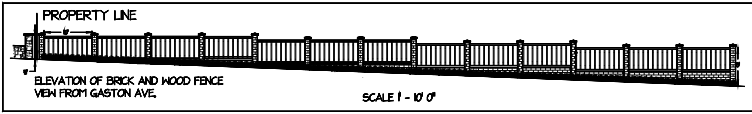
6611 Front yard study - Takeoff Quantity

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Name	Qty	UOM
2202 Cambria	9,930.51	Sq Ft
6607 Gaston	6,492.54	Sq Ft
6608 Gaston	7,658.07	Sq Ft
6616 Gaston	13,644.32	Sq Ft
6617 Gaston	9,992.20	Sq Ft
6620 Gaston	12,459.92	Sq Ft
6623 Country Club	7,089.58	Sq Ft
6625 Gaston	10,776.01	Sq Ft
6626 Gaston	12,310.02	Sq Ft
6629 Gaston	7,508.16	Sq Ft
6630 Gaston	12,990.68	Sq Ft
6633 Country Club	8,859.81	Sq Ft
6637 Gaston	7,618.30	Sq Ft
6639 Country Club	8,273.47	Sq Ft
6641 Gaston	7,495.43	Sq Ft
6645 Country Club	27,778.10	Sq Ft
6647 Gaston	7,611.17	Sq Ft
6653 Gaston	8,486.08	Sq Ft
6661 Gaston	13,012.10	Sq Ft
6669 Country Club	14,775.70	Sq Ft
6671 Gaston	14,035.89	Sq Ft
6677 Gaston	15,280.97	Sq Ft
6700 Gaston	13,696.84	Sq Ft
6703 Country Club	14,260.23	Sq Ft
6706 Gaston	10,467.39	Sq Ft
6707 Gaston	14,813.43	Sq Ft
6711 Country Club	12,847.41	Sq Ft
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6751 Gaston	11,834.83	Sq Ft
6757 Gaston	11,696.15	Sq Ft
6759 Gaston	12,109.65	Sq Ft
6761 Country Club	14,572.26	Sq Ft

6611 Country Club Circle
BDA190-061





ANGELA HOOPER
LANDSCAPE DESIGN
214-478-8569
ahopper@me.com

NORTH

56K RESIDENCE
6611 COUNTRY CLUB CIRCLE
DALLAS, TEXAS

DATE: MARCH 16, 2020
SCALE: 1" = 10'

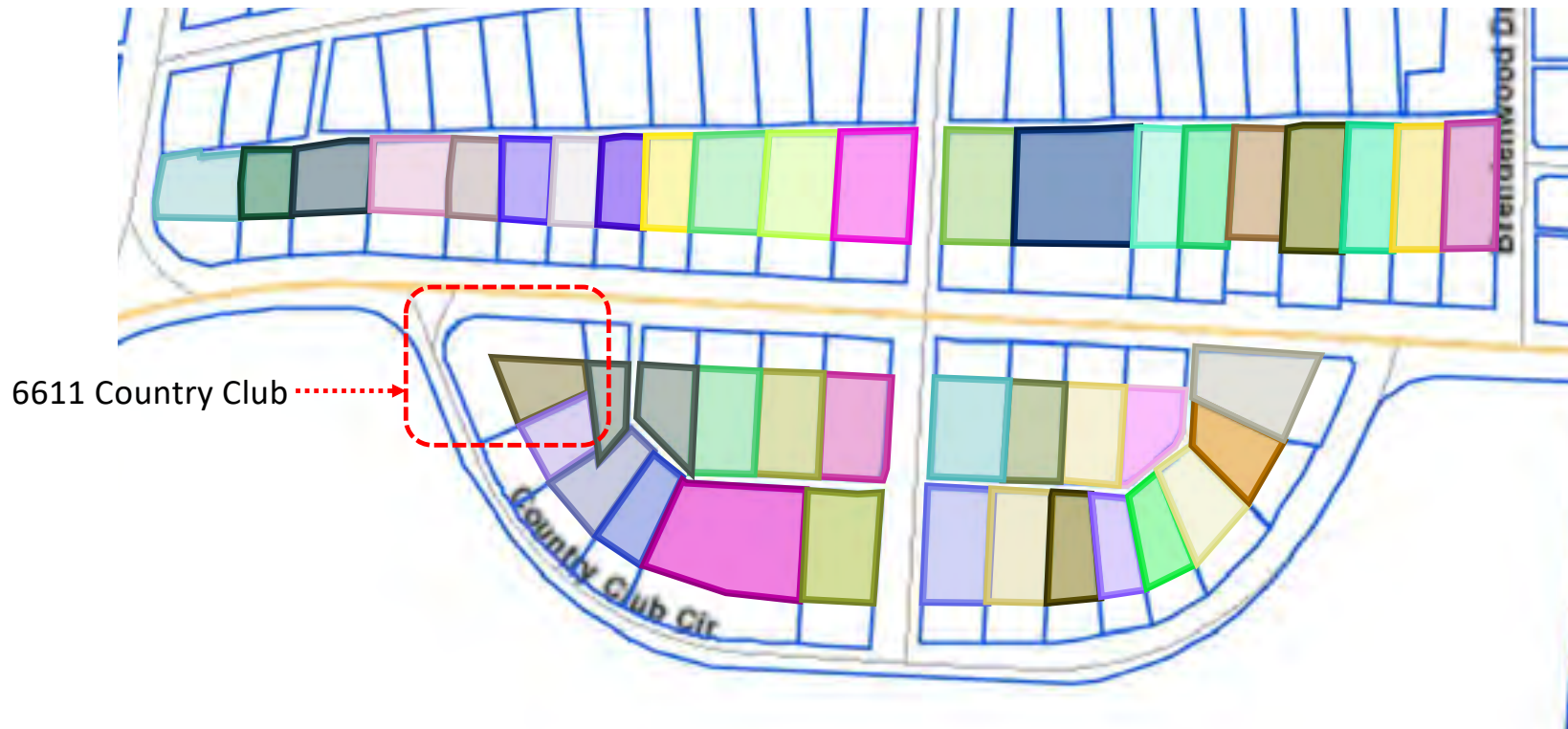
Restrictive Area, Shape, and Slope

- Area- The Buildable area is substantially more restrictive than adjacent lots in the same zoning district
- Shape- The Continuity of block face imposing two Front yard Setbacks creates a Restrictive Shape
- Slope- The Slope of the lot across the buildable area is highly restrictive creating the need for retaining walls.

Restrictive Area



Restrictive Area



Restrictive Area

Address	Lot Sq. Ft.	LOT SQ FT BEHIND FYSB	% Area of Total Lot		Address	Lot Sq. Ft.	LOT SQ FT BEHIND FYSB	% Area of Total Lot
6611 Country Club Ave	26967	7658	28%		6611 Country Club Ave	26967	7658	28%
6623 Country Club Cir	13899	7090	51%		2202 Cambria Blvd	17141	9931	58%
6633 Country Club Cir	17381	8860	51%		6607 Gaston Ave	10736	6493	60%
6639 Country Club Cir	14566	8273	57%		6617 Gaston Ave	17485	9992	57%
6645 Country Club Cir	46461	27778	60%		6625 Gaston Ave	17796	10776	61%
6669 Country Club Cir	22445	14776	66%		6629 Gaston Ave	12371	7508	61%
6703 Country Club Cir	19289	14260	74%		6637 Gaston Ave	12719	7618	60%
6711 Country Club Cir	18350	12847	70%		6641 Gaston Ave	11802	7495	64%
6721 Country Club Cir	14023	9410	67%		6647 Gaston Ave	12281	7611	62%
6729 Country Club Cir	13705	7452	54%		6653 Gaston Ave	12659	8486	67%
6733 Country Club Cir	12985	7961	61%		6661 Gaston Ave	20078	13012	65%
6737 Country Club Cir	22340	9838	44%		6671 Gaston Ave	20736	14036	68%
6745 Country Club Cir	15208	9210	61%		6677 Gaston Ave	22229	15281	69%
6761 Country Club Cir	22130	14572	66%		6707 Gaston Ave	21914	14813	68%
6726 Gaston Ave	13116	8668	66%		6715 Gaston Ave	39103	26058	67%
6714 Gaston Ave	17329	10633	61%		6725 Gaston Ave	16544	10273	62%
6706 Gaston Ave	15501	10467	68%		6731 Gaston Ave	16522	10889	66%
6700 Gaston Ave	20356	13397	66%		6735 Gaston Ave	18227	11108	61%
6630 Gaston Ave	18212	12991	71%		6743 Gaston Ave	21489	14247	66%
6626 Gaston Ave	18078	12310	68%		6751 Gaston Ave	17887	11835	66%
6620 Gaston Ave	18326	12450	68%		6757 Gaston Ave	17454	11696	67%
6616 Gaston Ave	22323	13644	61%		6759 Gaston Ave	18877	12119	64%
Average Excluding Subject property					63%			
Subject Property % of total Backyard Space					28%			

Restrictive Area

- The Average Area behind the Front Yard Setbacks in the same zoning district averages 63% of the Total Lot Area.
- Our lot has a buildable area of 28% of the Total Lot Area.
- Should the variance be approved our lot area would be 55% of the total lot area

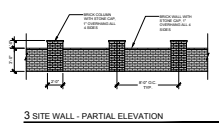
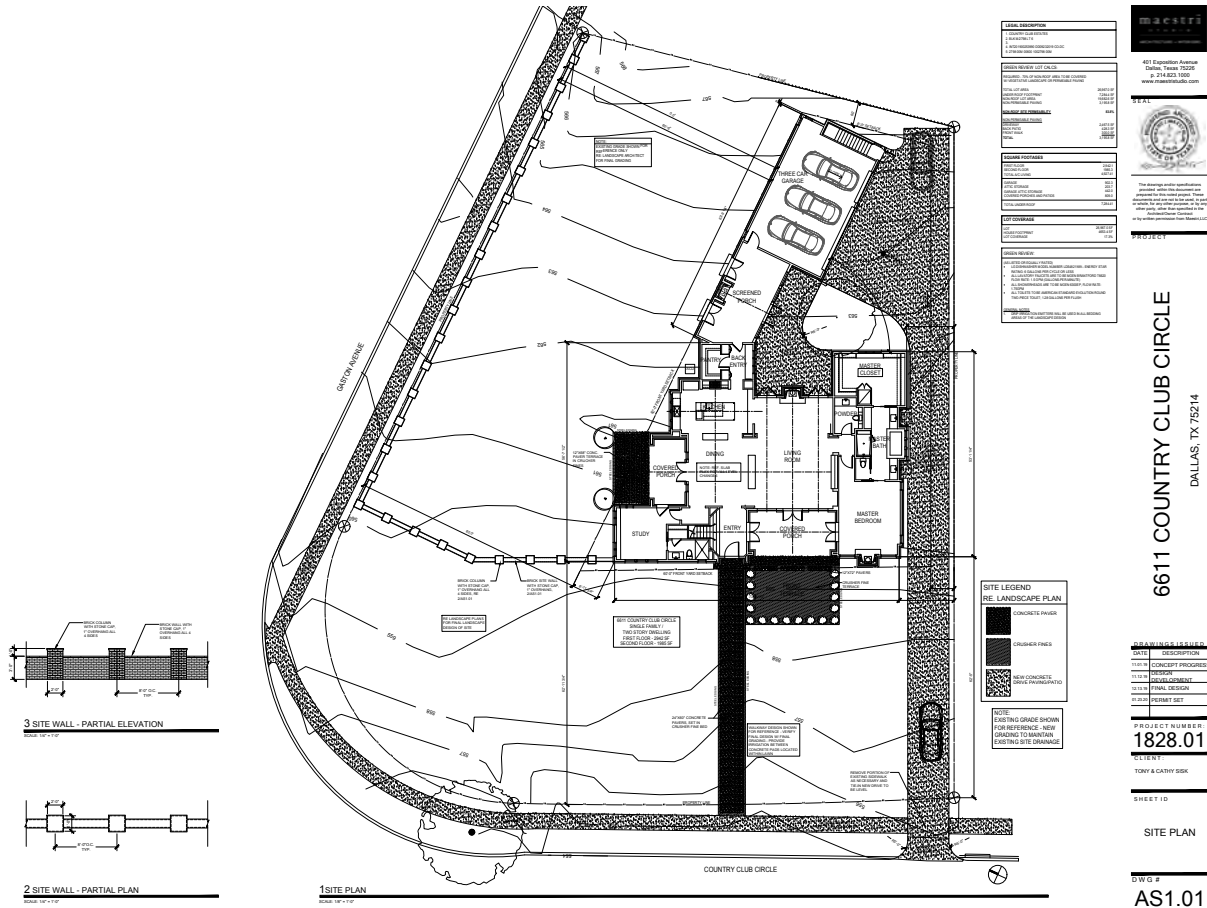
Restrictive Area

In Summary, the Area of the lot is Highly Restrictive not allowing us to build a house commensurate with the development on other parcels in the same zoning district.

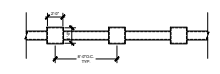
Restrictive Area

- The Parcel has a highly restrictive area which required the home to be designed with steps and angles along the perimeter of the home to accommodate the two front yard setbacks. Designing a home of similar size and features of other homes in the zoning district leaves limited fence-able yard. This is atypical of similar homes in the zoning district and causes the property to not be developed in a manner commensurate with the development of other parcels in the zoning district.

Restrictive Area



3 SITE WALL - PARTIAL ELEVATION
Scale: 1/4" = 1'-0"



2 SITE WALL - PARTIAL PLAN
Scale: 1/4" = 1'-0"

1 SITE PLAN
Scale: 1/4" = 1'-0"

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
5. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL MAINTAIN EXISTING SITE DRAINAGE AND GRADING.
7. ALL FINISHES SHALL BE TO THE ARCHITECT'S SATISFACTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.

PERMITS

REVISIONS

NO.	DESCRIPTION	DATE
1	CONCEPT PROGRESS	11.14.13
2	SCHEMATIC DEVELOPMENT	11.14.13
3	FINAL DESIGN	11.14.13
4	PERMITS SET	11.14.13

PROJECT INFORMATION

DATE: 08/11/14
SCALE: AS SHOWN

SHEET INFORMATION

PROJECT: 6611 COUNTRY CLUB CIRCLE, DALLAS, TX 75214



6611 COUNTRY CLUB CIRCLE
DALLAS, TX 75214

READING LIST

NO.	DESCRIPTION
1	CONCEPT PROGRESS
2	SCHEMATIC DEVELOPMENT
3	FINAL DESIGN
4	PERMITS SET

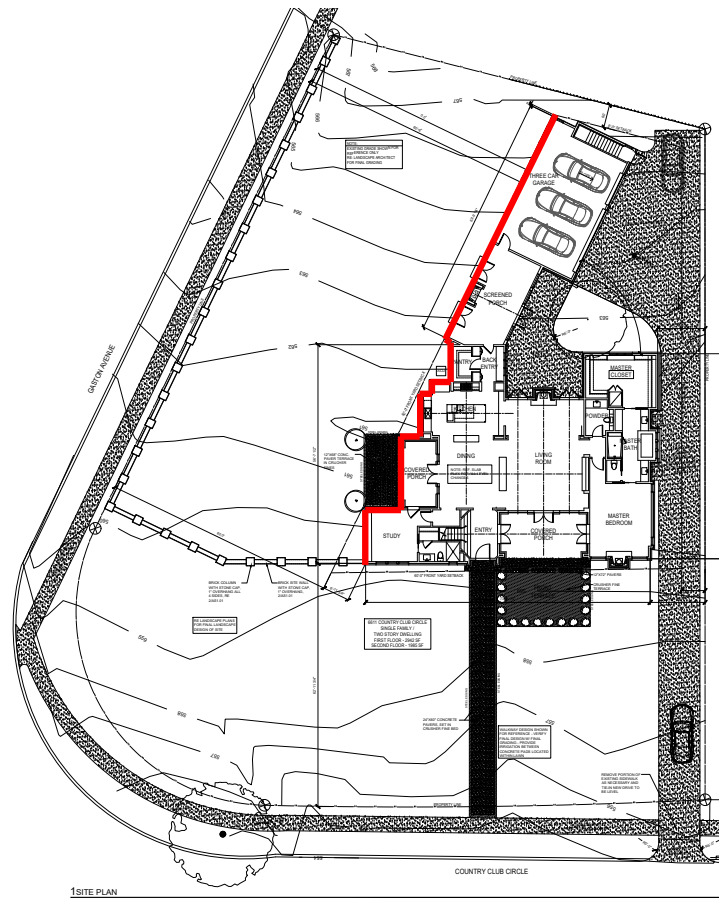
PROJECT NUMBER
1828.01

CLIENT:
TONY & CATHY SSK

SHEET ID
SITE PLAN

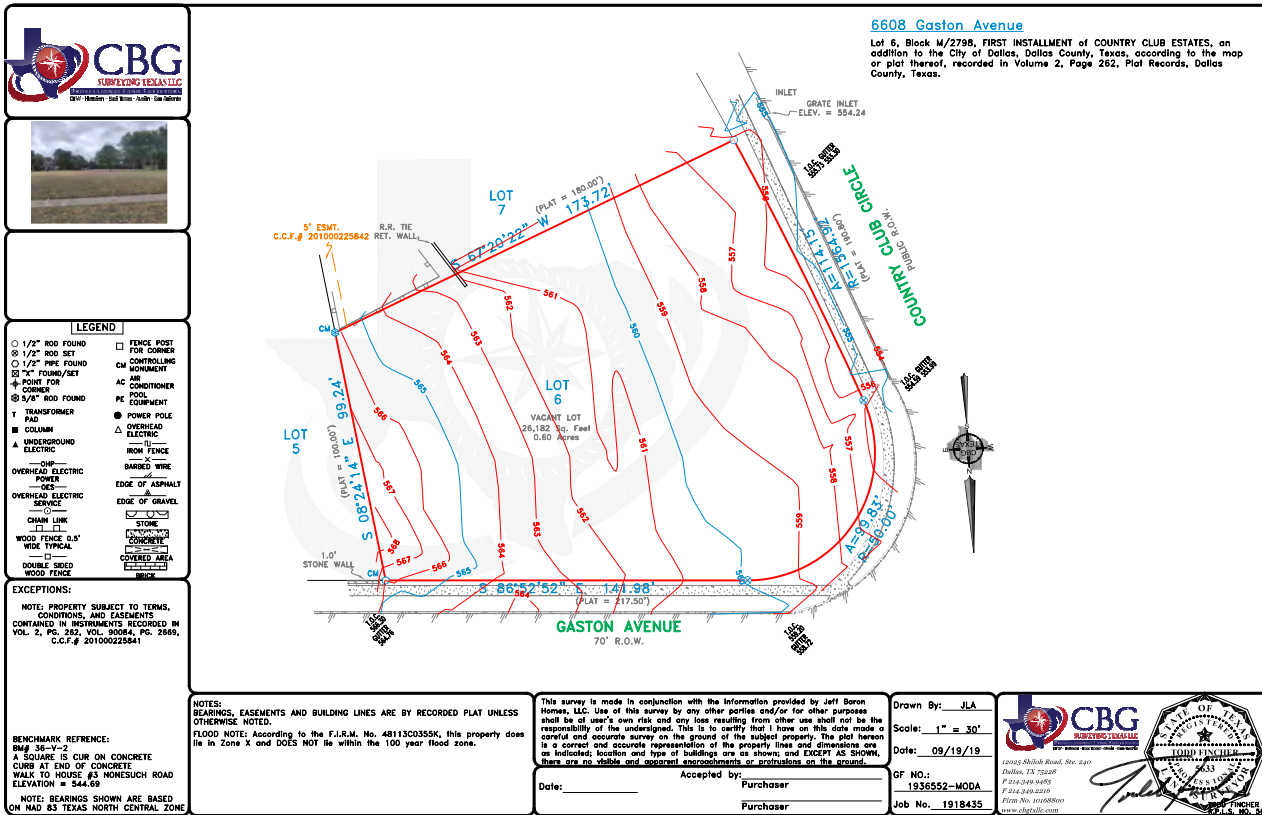
DWG #
AS1.01

Restrictive Area



A typical homes would be designed with a more rectangular shape. Due to the Restrictive Area the design was altered with angles and steps to be able to develop a house on the property. In doing this and having a garage that is behind the main structure as required by the Conservation district, there is limited space for a back yard, which is not consistent with development within similar zoning.

Restrictive Slope



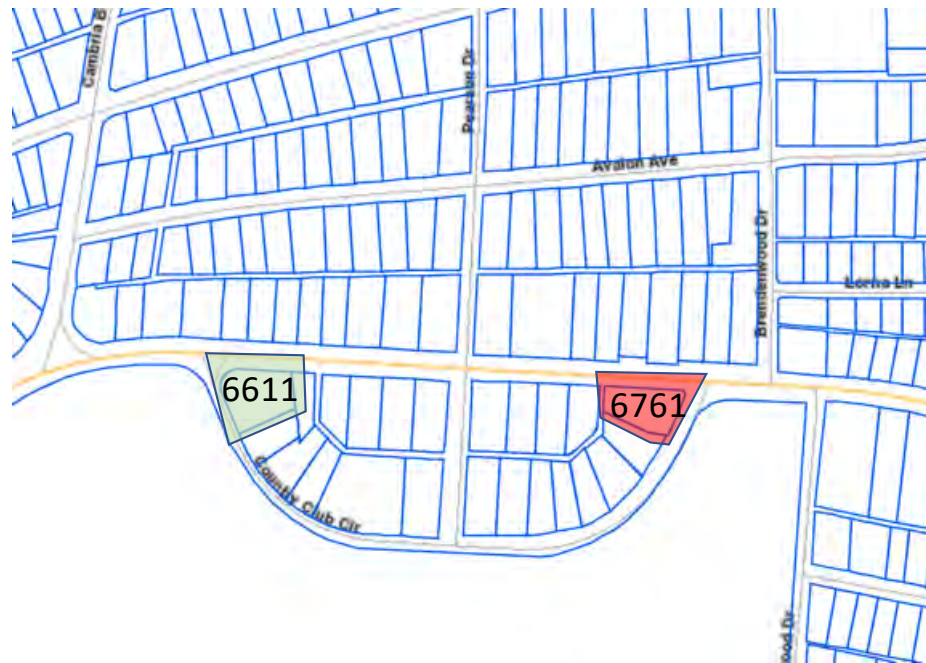
There is 8' of grade change from the rear of the property at 568' to the front Building setback of 560'. Retaining walls are required to address the restrictive slope to construct a house within the restrictive building area.

PRECIDENCE

THERE IS A PRECIDENCE OF HOMES IN THE SAME ZONING DISTRICT WITH FENCES OR WALLS IN THE FRONT SETBACK

6761 Country Club Cir

The Best Example is to look at the opposite end of Country Club Circle. 6761 has the same conditions as 6611 Country Club Circle. The front of the home faces Country Club.



6761 Country Club



A 5' brick column with 4' rod iron is present in the country club front yard setback, and a 9' Wooden fence encloses the property starting at the front corner of the house going down Gaston.

6761 Country Club



6761 Country Club has a wooden fence that is taller than the fence we have proposed in a similar location.

Homes With Fences



6715 Gaston- Stone Wall 4'



6725 Gaston- 3' Retaining Wall and 4' Iron Fence

6616 Gaston

Property that adjoins our property at the rear. We approached the homeowner's, the Johnsons when first desiring to apply for the variance to get their opinion on how to best tie into their retaining wall. Together we went through a few variations of the plan to achieve what we have presented.

- Our fence height matches their fence height at the corner of the property where they meet.

- The materials will be different, but masonry to complement one another while distinguishing the two properties.

- The height would step down as the fence goes towards country club so it would not be overpowering yet accomplishing the goal of a secure fence yard to create privacy and security.



Neighborhood Support

Tony and Cathy Sisk
6435 Malcolm Drive
Dallas, Texas 75214
972-679-8395
tsisk@cri.bz

April 30, 2020

Re: Board of adjustment variance request for 6611 Country Club Circle (6608 Gaston)

Dear future neighbor :

We bought the lot at the corner of Gaston and Country Club circle last year with plans to build a new home. An artist rendering is enclosed that is based on the design of Maestri architects. We have also enclosed the landscape architect's plan that also includes the detail of a masonry privacy fence on Gaston. This fence requires a variance from the Dallas Board of Adjustment, which is currently pending.

We have discussed this plan with the contiguous neighbors and made some adjustments requested by them. We have their support for the enclosed plan. Due to the Covid restrictions and social distancing we are mailing this information with an offer to discuss in person if you want additional information. My contact info is at the top of this letter.

We look forward to being a future neighbor next year and look forward to living in Country Club Estates

Sincerely,

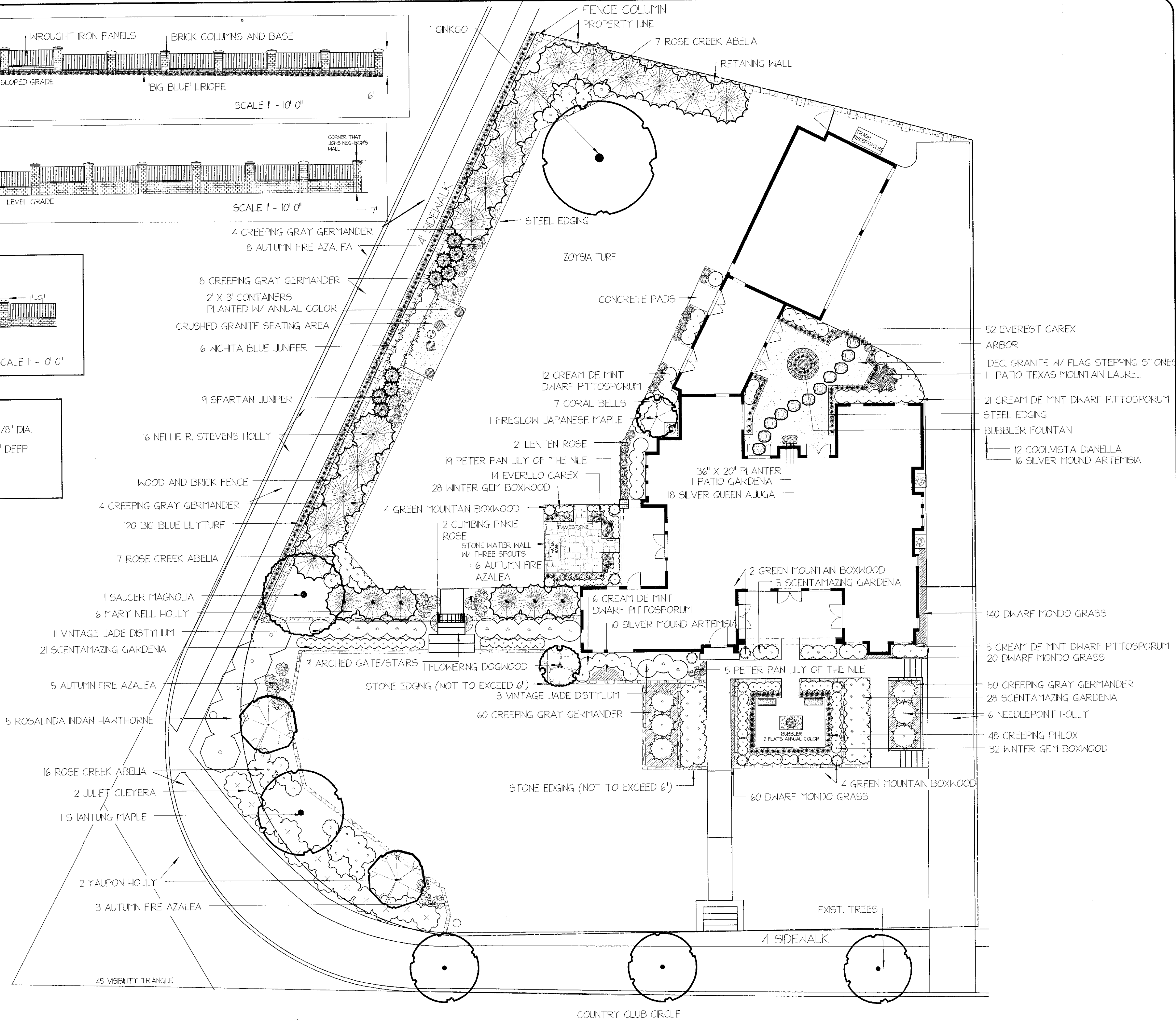
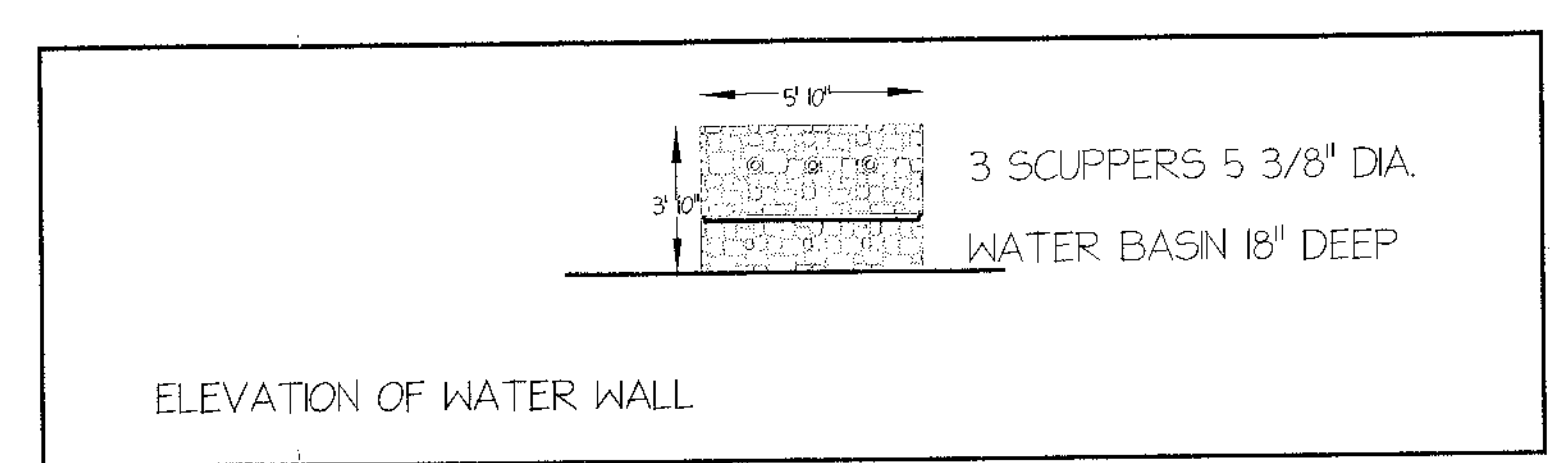
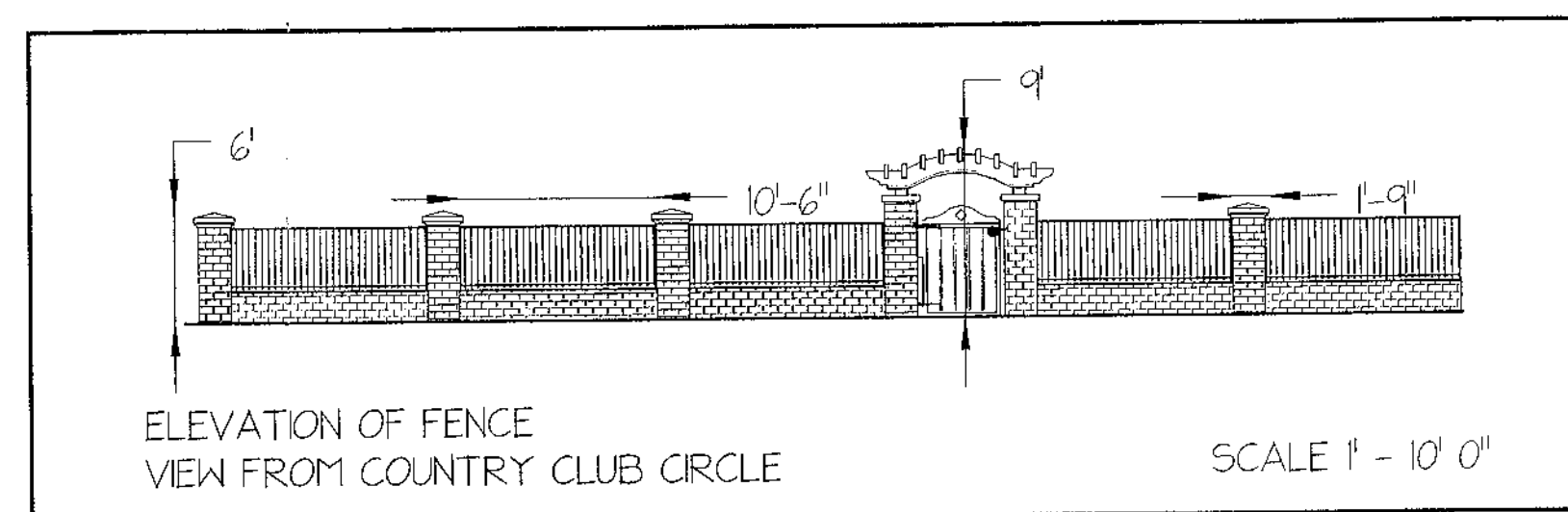
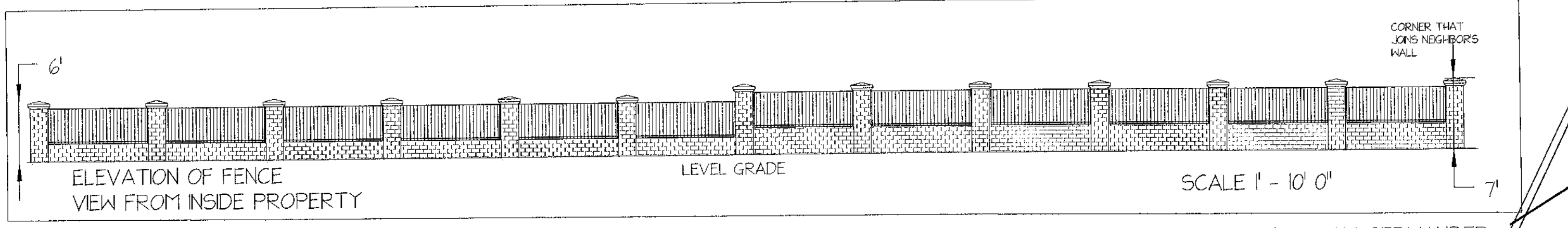
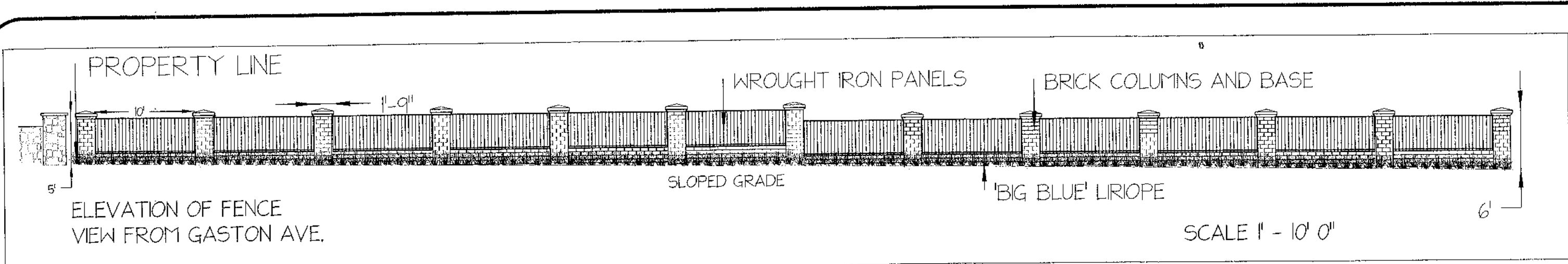
Tony and Cathy Sisk

Country Club Circle and Gaston Neighbors

Lori Leigh Patman & Peter Lucier	6623 Country Club Circle
Frank Charles & Pamela Eads Vecella	6633 Country Club Circle
Conan Gomez & Dania Wierzbicki	6639 Country Club Circle
Gregory Charles & Peyton U. Bender	6645 Country Club Circle
Rebecca Cowart Portera	6626 Gaston Ave.
Richard H Metzner	6620 Gaston Ave.
Lee Wayne & Lorelee Lewis	6630 Gaston Ave.
Benjamin D. & Elizabeth A. Lamb	6661 Gaston Ave.
Kirk D. & Vicki L. Gillette	6653 Gaston Ave.
Donna Sue Jacob	6647 Gaston Ave.
Jefferey T. & Trisha L. Seidel	6641 Gaston Ave.
Irfan & Marcia S. Farukhi	6637 Gaston Ave.
Tuxedo Park Holding LLC	6629 Gaston Ave.
Alberto P Orozco	6625 Gaston Ave.
Brandon S. Luke & Janie E Gray	6617 Gaston Ave.
John M. & Andrea Kenny	6607 Gaston Ave.
Al Jernigan Living Trust	2202 Cambria Blvd.

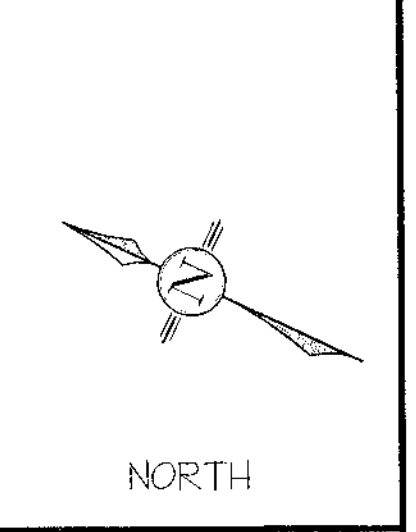
Summary

- 6611 Country Club is a severely restrictive lot in Area, Shape, and Slope.
- The Buildable area as a percent of total lot area is 28% vs. the average of other lots of 63%
- Fence and Retaining walls are typical and present in the current zoning area. Specifically in the only other corner lot having the same restrictions.
- The Variance is necessary to permit development of the lot commensurate with the development upon other parcels in the same zoning district.
- There is no adverse effect on neighbors and our request has been meet with support and gratitude for desiring to develop the lot.



Revised
8-3-2020
001

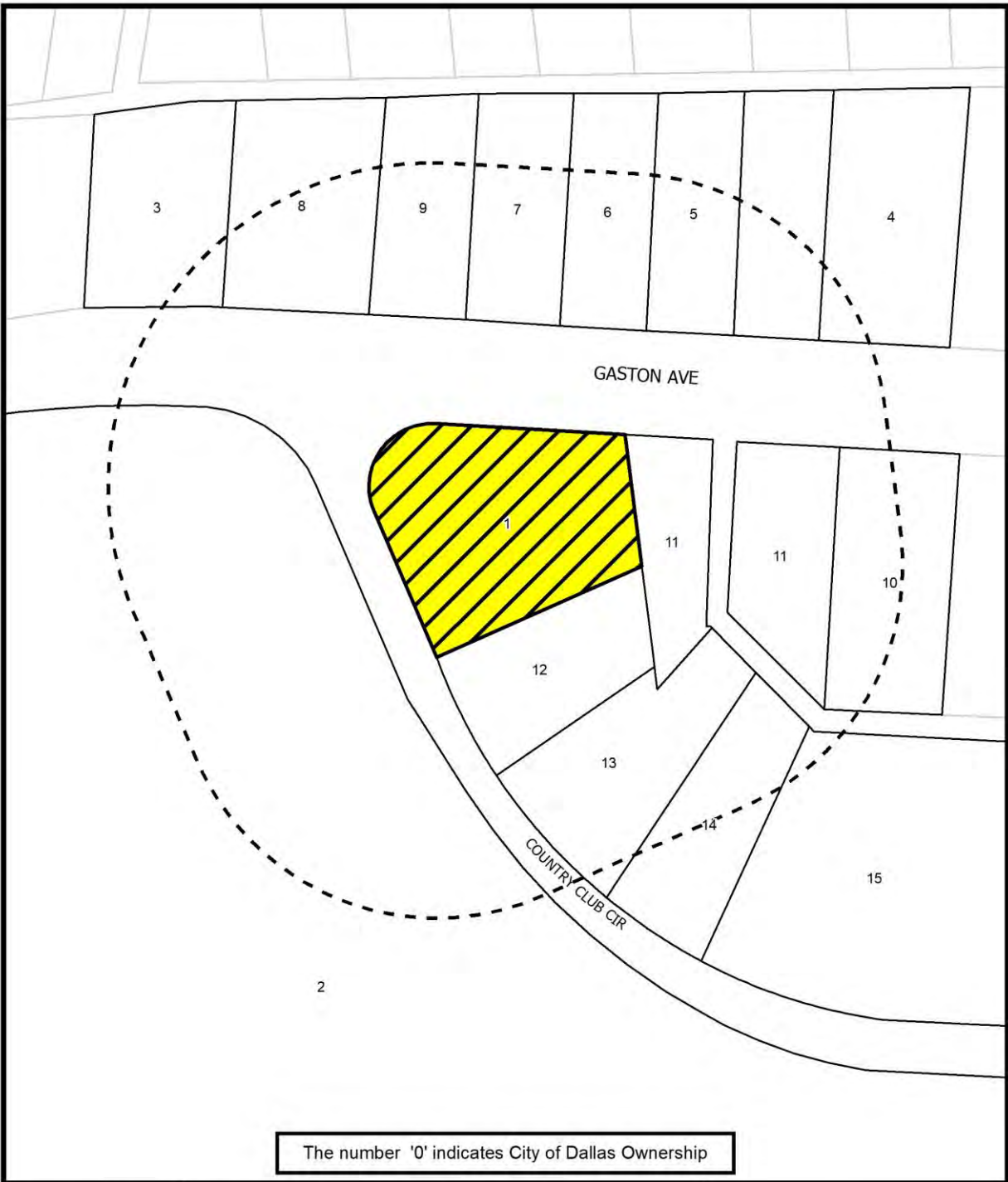
ANGELA HOOPER
LANDSCAPE DESIGN
214-478-8569
ahooper@me.com




56K RESIDENCE
6611 COUNTRY CLUB CIRCLE
DALLAS, TEXAS

DATE: JULY 7, 2020
SCALE: 1" = 10'
DRAWING #

SCALE FEET
0 5 10 20




 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
15	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-061**
 Date: **5/29/2020**

05/29/2020

Notification List of Property Owners

BDA190-061

15 Property Owners Notified

<i>Label#</i>	<i>Address</i>	<i>Owner</i>
1	6608 GASTON AVE	BAUGH WILLIAM KYLE &
2	1912 ABRAMS RD	LAKWOOD COUNTRY CLUB
3	6617 GASTON AVE	LUKE BRANDON S &
4	6661 GASTON AVE	LAMB BENJAMIN DANIEL & ELIZABETH AHLQUIST
5	6647 GASTON AVE	JACOB DONNA SUE
6	6641 GASTON AVE	SEIDEL JEFFREY T &
7	6637 GASTON AVE	FARUKHI IRFAN & MARCIA SCHNEIDER
8	6625 GASTON AVE	OROZCO ALBERT O P
9	6629 GASTON AVE	TUXEDO PARK HOLDING LLC
10	6620 GASTON AVE	METZNER RICHARD H
11	6616 GASTON AVE	JOHNSON WILLIAME & NANCY
12	6623 COUNTRY CLUB CIR	LUCIER LORILEIGH PATMAN & PETER
13	6633 COUNTRY CLUB CIR	VECELLA FRANK CHARLES &
14	6639 COUNTRY CLUB CIR	GOMEZ CONAN &
15	6645 COUNTRY CLUB CIR	BENDER GREGORY CHARLES & PEYTON U