

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, APRIL 22, 2015  
AGENDA

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BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	<b>10:30 A.M.</b>
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEMS**

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Approval of the March 18, 2015 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 145-040</b>	4734 Tremont Street <b>REQUEST:</b> Application of Elaine Hewlett for a variance to the front yard setback regulations	1
<b>BDA 145-043</b>	13910 (AKA 13900) Dallas Parkway <b>REQUEST:</b> Application of Marley Phillips for a special exception to the off-street parking regulations	2
<b>BDA 145-046</b>	8606 Ashcroft Avenue <b>REQUEST:</b> Application of Hector Espinoza for a special exception to the fence height regulations	3
<b>BDA 145-049</b>	6939 Blackwood Drive <b>REQUEST:</b> Application of Carl Baggett, represented by Michael R. Coker, for variances to the front yard setback regulations	4

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**HOLDOVER CASE**

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**BDA 145-007**      8301 Westchester Drive      5  
**REQUEST:** Application of Suzan Kedron for a special  
exception to the pedestrian skybridge standards

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**REGULAR CASE**

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**BDA 145-044**      1019 (AKA 1021) N. Justin Avenue      6  
**REQUEST:** Application of Raul M. Ruiz,  
represented by Elias Rodriguez of Construction  
Concepts, for a variance to the lot coverage  
regulations

## EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel B March 18, 2015 public hearing minutes.



**FILE NUMBER:** BDA 145-040

**BUILDING OFFICIAL'S REPORT:** Application of Elaine Hewlett for a variance to the front yard setback regulations at 4734 Tremont Street. This property is more fully described as Lot 1, Block C/795, and is zoned PD-98, which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations.

**LOCATION:** 4734 Tremont Street

**APPLICANT:** Elaine Hewlett

**REQUEST:**

A variance to front yard setback regulations of 20' is made to replace an existing one-story nonconforming single family home structure on the subject site with a two-story single family home, part of which would be located 5' from one of the site's two front property lines (N. Prairie Avenue) or 20' into this 25' front yard setback.

(No variance is requested to construct and maintain any structure in the site's 25' front yard setback along Tremont Street).

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, 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:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required

Rationale:

- The subject site is unique and different from most lots in the PD 98 zoning district in that it is a corner lot with a restrictive area due to its two front yard setbacks and total square footage. The property is approximately 4,600 square feet in area and 46' in width making it about 3,000 square feet less in area and 4' less in width than other properties in the zoning district that are 7,500 square feet in area and 50 feet in width. This atypical lot with two front yard setbacks with less than the average area and width of other similarly zoned properties precludes the applicant from developing it manner commensurate with the development upon other parcels of land with the same zoning with one front yard setback, are 7,500 square feet in area, and are 50' in width. Documentation submitted by the applicant shows that the proposed living area of the replacement home on the site would have approximately 2,600 square feet where the average of nine others in the zoning district is approximately 3,200 square feet.
- The corner lot subject site has an approximately 15' width for development once a 25' front yard and a 5' side yard setback is accounted for on the approximately 45' wide subject site. Other lots of this width in this zoning district with one front yard, two side yards, and one rear yard of the same width would have a 45' width for development.
- The construction/maintenance of the proposed single family home that would replace a nonconforming structure on the site would require no variance if the lot's N. Prairie Avenue frontage were a side yard where only a 5' side yard setback is required in this zoning district.
- The applicant has stated that the existing structure on the property provides the same setback as what is proposed for the new structure; that the width of the existing house is 36' 2" and that the proposed house would be 34' 5"; and that the structure to the southeast that fronts N. Prairie Avenue and causes a 25' front yard setback on the subject site does not provide a 25' front yard setback.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	PD 98 (Planned Development)
<u>North:</u>	PD 97 (Planned Development)
<u>South:</u>	PD 98 (Planned Development)
<u>East:</u>	PD 98 (Planned Development)
<u>West:</u>	PD 98 (Planned Development)

### **Land Use:**

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

### **Zoning/BDA History:**

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

### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on replacing an existing one-story nonconforming single family home structure on the subject site with a two-story single family home with (according to the submitted revised site plan) a building footprint of about 2,000 square feet and a total living area of about 2,600 square feet, part of which would be located 5' from one of the site's two front property lines (N. Prairie Avenue) or 20' into this 25' front yard setback.
- PD 98 states that generally standards for development of single-family uses with regard to setbacks must be in accordance with the provisions of the Residential - 7,500 Square Feet District of Chapter 51. Structures on lots zoned R-7.5 are required to provide a minimum front yard setback of 25'.
- The subject site is located at the south corner of Tremont Street and N. Prairie Avenue. Regardless of how the existing and replacement structure fronts Tremont Street and "sides" to N. Prairie Avenue, the subject site has front yard setbacks along both streets. The site has a 25' front yard setback along Tremont Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along N. Prairie Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 5' side yard setback is required. But the site's N. Prairie Avenue frontage that functions as side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the front yard setback established by the one lot to the southeast that fronts/is oriented northeastward towards N. Prairie Avenue though this structure does not provide the 25' required front yard setback.
- A revised site plan has been submitted indicating that a portion of the proposed single family home is to be located 5' from the N. Prairie Avenue front property line or 20' into this 25' front yard setback.
- The applicant has stated that the existing structure on the property provides the same setback as what is proposed for the new structure; that the width of the existing house is 36' 2" and that the proposed house would be 34' 5"; and that the structure to the southeast that fronts N. Prairie Avenue and causes a 25' front yard setback on the subject site does not provide a 25' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 4734 Tremont Street is a structure with 1,400 square feet of living/total area built in 1945 with no "additional improvements."

- Building Inspection has stated that the structure on the site is a nonconforming structure – a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The Dallas Development Code states that a person may renovate, remodel, repair, rebuild or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The Dallas Development Code states that the right to rebuild a nonconforming uses ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The applicant is required to apply for variance in this case not because the replacement structure would be more nonconforming to the yard regulations but because the owner proposes to intentionally destroy the existing nonconforming structure on the subject site.
- The subject site is flat, virtually rectangular in shape (103' x 45'), and is approximately 4,600 square feet) in area. The site is zoned PD 98 where setbacks are generally R-7.5 standards where lots are typically 7,500 square feet in area.
- Most lots in R-7.5 zoning in which the property setbacks in PD 98 are derived from have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two front yard setbacks (a 25' front yard setback along Tremont Street and a 25' front yard setback along N. Prairie Avenue) and two 5' side yard setbacks.
- The revised submitted site plan shows that over half of the proposed structure is located in the N. Prairie Avenue front yard setback.
- The applicant has submitted information from DCAD of nine other single family residences in PD 98 where the average area is approximately 3,200 square feet- the proposed home on the subject site would have about 2,600 square feet.
- The 45' wide subject site has approximately 15' of developable width available once a 25' front yard setback is accounted for on the northwest and a 5' side yard setback is accounted for on the southeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 45' wide site would have 35' of developable width with 5' side yard setbacks accounted for on the northeast and southwest sides of the site.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 98 zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 98 zoning classification.
- If the Board were to grant the variance request, and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure located 5' from the site's N. Prairie Avenue front property line (or 20' into this 25' front yard setback).

**Timeline:**

January 23, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

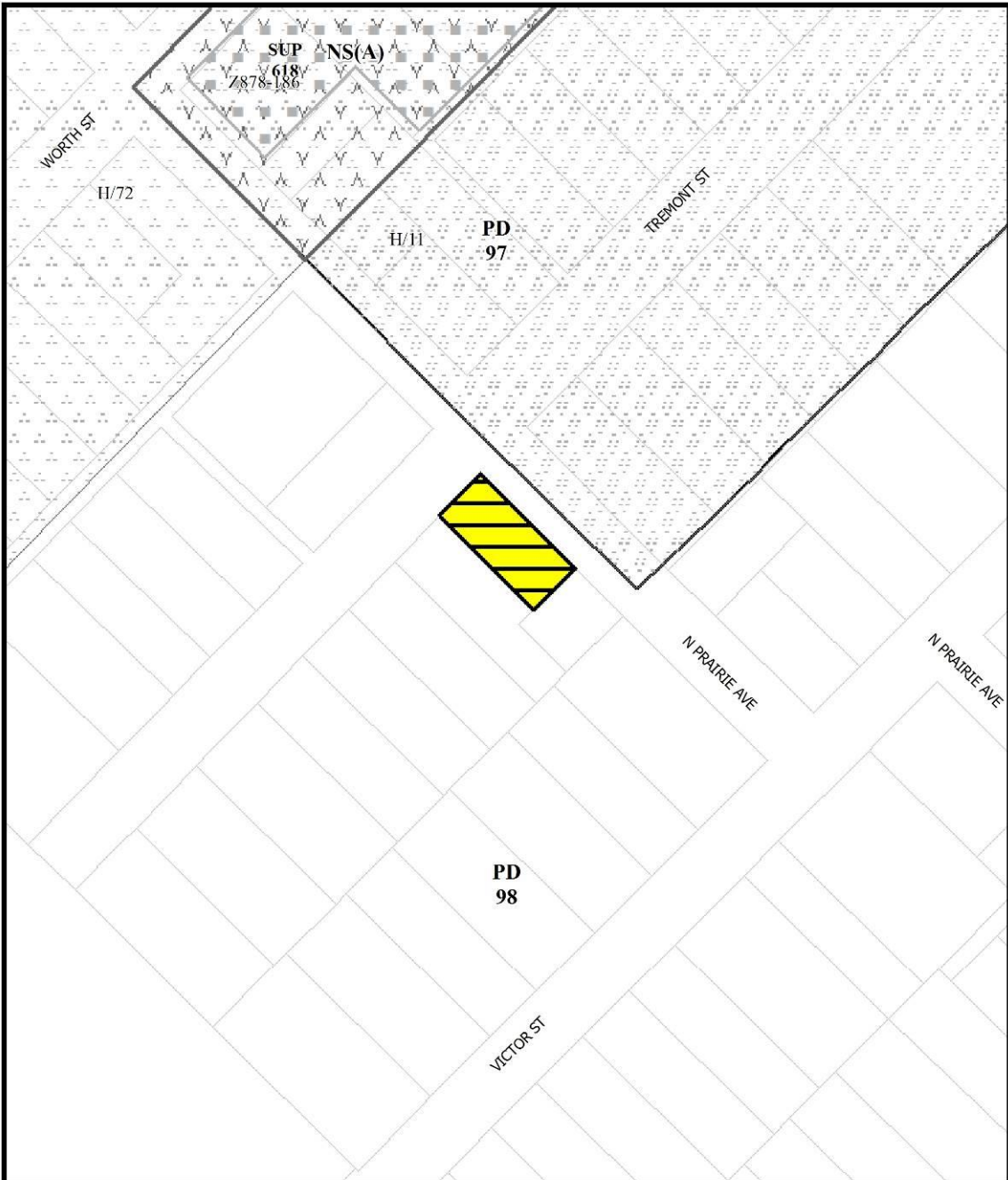
March 11, 2015: The Board Administrator emailed the applicant the following information:

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

March 31, 2015: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator, and the applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA145-040

Date: 3/12/2015





1:1,200

# AERIAL MAP

Case no: BDA145-040

Date: 3/12/2015





To City of Dallas, Board of Adjustment,

March 31, 2015

I am applying for a variance at 4734 Tremont Street (BDA 145-040) to allow a 5-foot side yard from Prairie Ave., instead of a 25-foot front yard facing Prairie Ave., for the construction of a new home.

The existing house is on a corner lot. In the event of redevelopment, a new home would be subject to two front yards (as per city code), one facing Tremont on the north side and the other facing Prairie on the east side. The existing house at 4734 Tremont currently has a 25-foot front yard on the north side (facing Tremont St.), a 5-foot side yard on the east side (Prairie Ave.), and a 3-foot, 3-inch side yard to the west.

If the variance is accepted, the Prairie side yard would remain the same (5 feet) as the current residence. The side yard to the west side would increase to 5 feet, and the front yard (facing Tremont) would remain at 25 feet. This will actually reduce the width of the new home to less than the existing home.<sup>1</sup>

The entire lot is only 44 feet, 6 inches wide. Under PD98 ordinance, applying the 25-foot front yard to the Prairie Ave. side would allow only a 14-foot, 6-inch wide structure, much too narrow to build new home and rendering the lot unbuildable.

The new residence would be relative in size and scale to other homes nearby in PD98. The average living area of nine PD98-zoned single family residences<sup>2</sup> in the area is 3,246 square feet. The living area of the new home will be only 2,625 square feet.

It is my understanding that the house behind 4734 Tremont, 413 N. Prairie, causes the Prairie side yard of 4734 Tremont to be counted as a front yard. However, even 413 N. Prairie doesn't have a 25-foot front yard setback.

Additionally, the residence that will replace the current, older residence will be an asset to Dallas, improve the neighborhood by bringing up the average value of residences, as well as melding in nicely with the historic feel of the existing homes.

Thank you for your time and consideration,  
Elaine Hewlett

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<sup>1</sup> The current house is 36'2" feet wide and the new house will be 34'5" feet wide if the variance is approved.

<sup>2</sup> Information about the nine single family residences in PD98 was obtained from Dallas County Appraisal District on March 31, 2015. The residences sited are:  
4738 Victor Street, 2,943 Sq. Ft.  
4800 Victor Street, 3,074 Sq. Ft.  
4810 Victor Street, 2,496 Sq. Ft.  
4827 Victor Street, 5,166 Sq. Ft.  
4502 Reiger Ave, 3,332 Sq. Ft.  
4526 Reiger Ave, 2,728 Sq. Ft.  
4530 Reiger Ave, 3,000 Sq. Ft.  
4602 Reiger Ave, 4,026 Sq. Ft.  
4810 Reiger Ave, 2,450 Sq. Ft.

VARIANCE  
REVIEW  
3-30-15

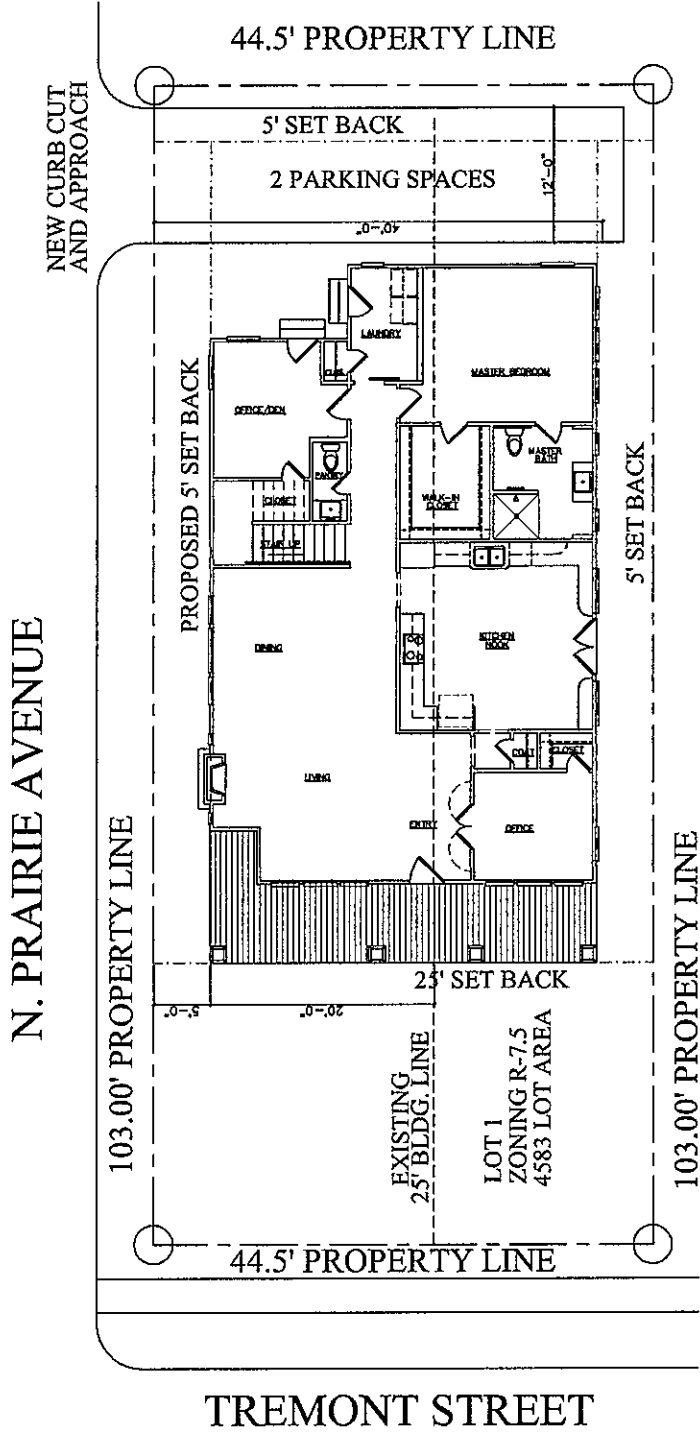
Yarber Residence  
4734 Tremont Street  
LOT 1 BLOCK F/2739  
GASTON TERRACE ADDITION  
DALLAS, TEXAS

SUSTAINABLEIMAGE  
DESIGN & CONSTRUCTION

DATE: 1-23-15  
REV. DATE: 3-30-15

SHEET NO.  
SITE

BDA 145-040  
Attach A  
Pg 3



S SITE PLAN  
3/32" = 1'-0"



VARIANCE  
REVIEW  
3-30-15

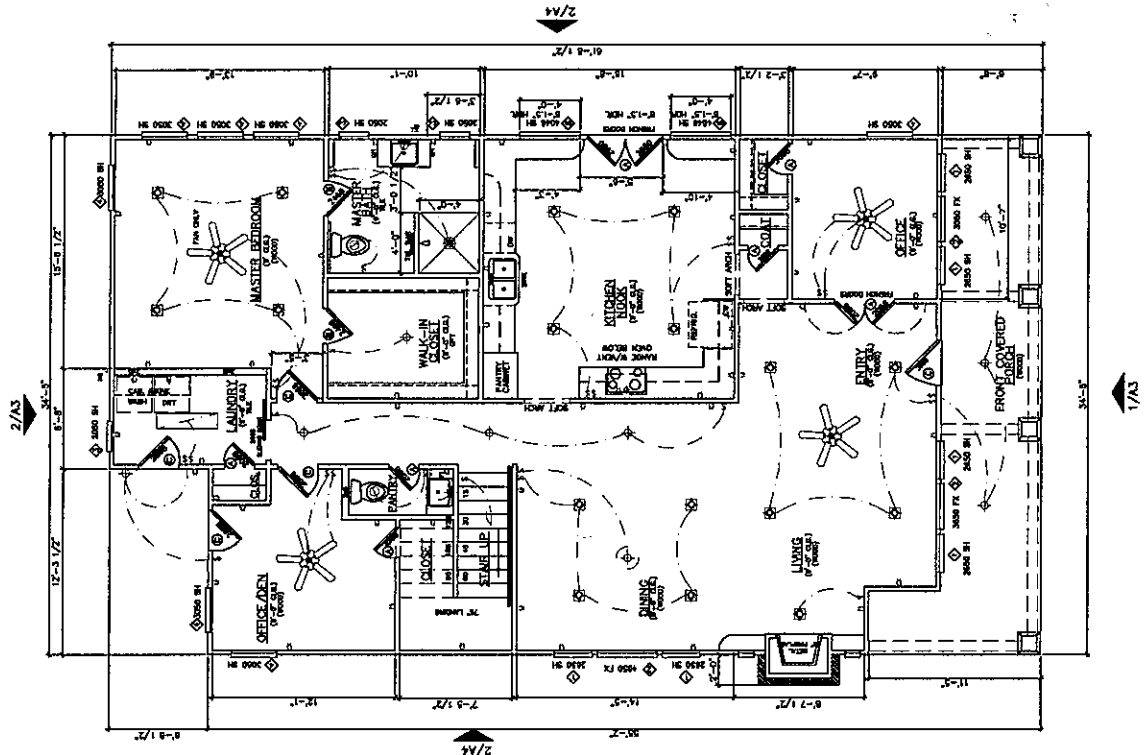
Yarber Residence  
4734 Tremont Street  
GASTON TERRACE ADDITION  
LOT 1 BLOCK F/2739  
DALLAS, TEXAS

SUSTAINABLEIMAGE  
DESIGN & CONSTRUCTION

DATE: 3-30-15  
REV: 3-30-15  
REV: 3-30-15

SHEET NO: A2

BDA-145-040 Attach A P3 5



1 GROUND FLOOR PLAN  
1/8" = 1'-0" WITH DIMENSIONS AS TYPICAL TO FACE OF FINISH  
1805 SQ.FT.  
NUMBERS @ 2'-0" CROFT MARK NOTED

**LOWER FLOOR - DOOR SCHEDULE**

NO.	SIZE	QTY.	LOCATION / RESOURCES	FINISH
2040	3	INTERIOR - 2 PANEL / FINISH / BATHROOM	PAINT	
2041	3	INTERIOR - 2 PANEL MAIN / CLOSETS / BATHS	PAINT	
2042	3	INTERIOR - 2 PANEL / BEDROOM / LAUNDRY	PAINT	
2043	4	EXTERIOR - SIDE & REAR ENTRY DOOR	TRD	
2044	1	INTERIOR - 2 PANEL / HALLWAY BATH	TRD	
2045	2	INTERIOR - 2 PANEL / CLOSETS	TRD	
2046	1	EXTERIOR - FRONT ENTRY DOOR	TRD	

NOTE: ALL DOOR SIZES AS PER GENERAL CONTRACTOR  
S.C. TO VERIFY ALL SIZES AND QUANTITIES

**LOWER FLOOR - WINDOW SCHEDULE**

NO.	SIZE	QTY.	LOCATION / RESOURCES	FINISH
2047	2	LIVE-E SINGLE HANG	BATHROOM	PAINT
2048	4	LIVE-E SINGLE HANG	HALLWAY	PAINT
2049	2	LIVE-E SINGLE HANG	MASTER BEDROOM	PAINT
2050	1	LIVE-E SINGLE HANG MALLED	SECOND LIVING	PAINT
2051	1	LIVE-E SINGLE HANG MALLED	HALLWAY	PAINT
2052	1	LIVE-E FIXED - ORNATE	BATHROOM	PAINT
2053	1	LIVE-E CARBURETT	KITCHEN	PAINT

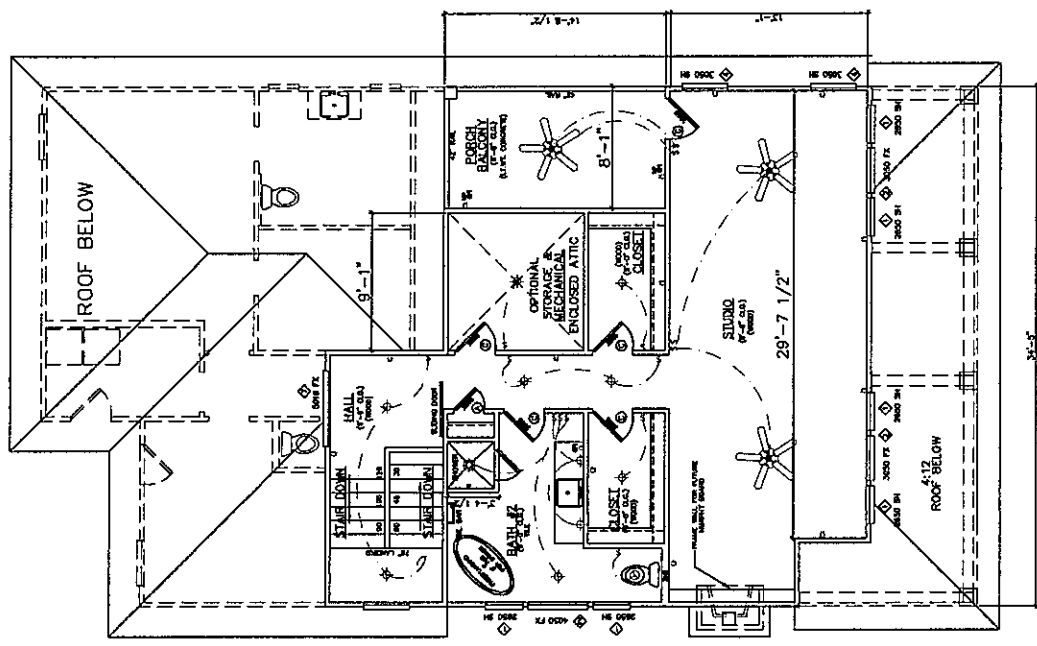
NOTE: ALL WINDOW SIZES AS PER GENERAL CONTRACTOR  
S.C. TO VERIFY ALL SIZES AND QUANTITIES

**ELECTRICAL SCHEDULE**

KEY	DESCRIPTION
⊕	CEILING OR WALL MOUNT FIXTURE
⊙	EXHAUST FAN / LIGHT AS CITY CODES
⊗	RECESSED CAN / DIM SWIT
⊕	HANGING
—	WIRE RUN
⊕	WALL MOUNT FIXTURE (TO BE LOCATED IN THE ROOM)
⊕	HANGING PENDANT
⊕	WALL SOURCE
⊕	OUTDOOR OIL FLOOD
⊕	FIXTURE AS PER CITY CODES
⊕	FIXTURE LOCATIONS WITH OTHER
⊕	GAS
⊕	CABLE OR CAT 5
⊕	LOW FLOURESCENT
⊕	TRAY MOUNT KIT

NOTE: ALL LIGHT FIXTURES AS PER GENERAL CONTRACTOR  
ELECTRICAL SCHEDULE PLAN ONLY  
S.C. TO VERIFY ALL FIXTURES & OUTLETS PER LOCAL BUILDING CODE

VARIANCE  
REVIEW  
3-30-15



UPPER FLOOR - DOOR SCHEDULE

KEY	SIZE	QTY	LOCATION/REMARKS	FINISH
1	3000	3	INTERIOR - 3 PANEL / ENTRY / BATHROOM	PAINT
2	2148	3	INTERIOR - 3 PANEL BATH / CLOSETS / BATHS	PAINT
3	3000	4	INTERIOR - 2 PANEL / BEDROOM / LAMINATE	PAINT
4	3000	3	INTERIOR - 2000 & 800 ENTRY DOOR	TRU
5	3000	1	INTERIOR - 3 PANEL / CLOSETS	TRU
6	3000	1	OUTDOOR - FRONT ENTRY DOOR	

NOTE: ALL DOOR SIZES AS PER GENERAL CONTRACTOR  
C.C. TO VERIFY ALL SIZES AND QUANTITIES

UPPER FLOOR - WINDOW SCHEDULE

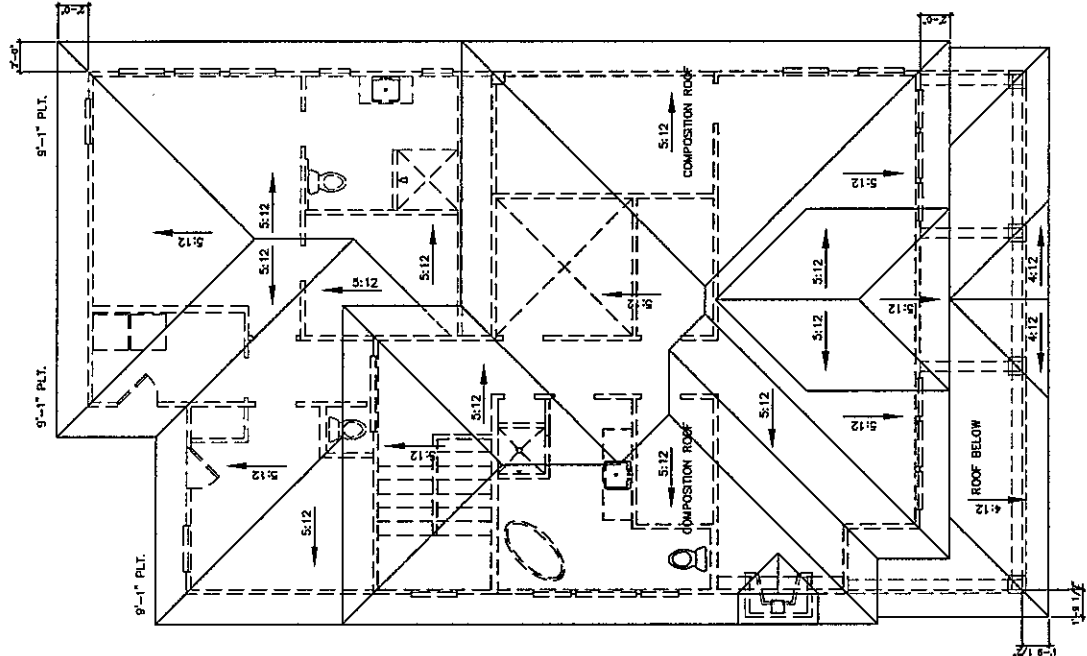
KEY	SIZE	QTY	LOCATION/REMARKS	FINISH
1	2000	2	UP-E SINGLE HUNG WINDOW	PAINT
2	2000	2	UP-E SINGLE HUNG WINDOW	PAINT
3	2000	2	UP-E SINGLE HUNG WINDOW	PAINT
4	2000	2	UP-E SINGLE HUNG WINDOW	PAINT
5	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
6	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
7	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
8	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
9	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
10	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
11	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
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13	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
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69	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
70	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
71	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
72	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
73	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
74	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
75	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
76	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
77	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
78	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
79	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
80	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
81	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
82	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
83	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
84	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
85	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
86	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
87	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
88	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
89	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
90	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
91	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
92	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
93	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
94	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
95	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
96	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
97	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
98	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
99	2000	1	UP-E SINGLE HUNG WINDOW	PAINT
100	2000	1	UP-E SINGLE HUNG WINDOW	PAINT

NOTE: ALL WINDOW SIZES AS PER GENERAL CONTRACTOR  
C.C. TO VERIFY ALL SIZES AND QUANTITIES

ELECTRICAL SCHEDULE

KEY	DESCRIPTION
1	CERAMIC OR WALL MOUNT FIXTURE
2	CHARHET FAN W/ LIGHT AS CITY CODES
3	RECESSED DIM / DIM SPLIT
4	HURRY
5	WALL SCENE
6	WALL SCENE
7	WALL SCENE
8	WALL SCENE
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94	WALL SCENE
95	WALL SCENE
96	WALL SCENE
97	WALL SCENE
98	WALL SCENE
99	WALL SCENE
100	WALL SCENE

NOTE: ALL LIGHT FIXTURES AS PER OWNER  
ELECTRICAL SCHEMATIC PLAN ONLY  
C.C. TO FIELD VERIFY ALL FIXTURE &  
CUTLIES PER LOCAL BUILDING CODE



1 UPPER FLOOR PLAN  
820 SQ.FT.

2 ROOF PLAN

VARIANCE  
REVIEW  
3-30-15

Yarber Residence  
4734 Tremont Street  
GASTON TERRACE ADDITION  
DALLAS, TEXAS  
LOT 1 BLOCK F/2739

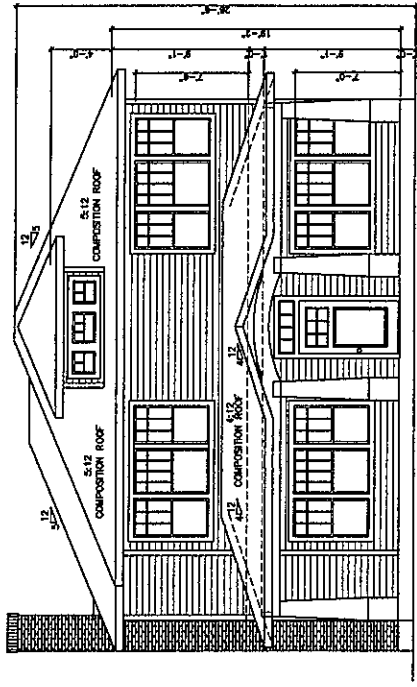
BDA 145-040

A-Hall A

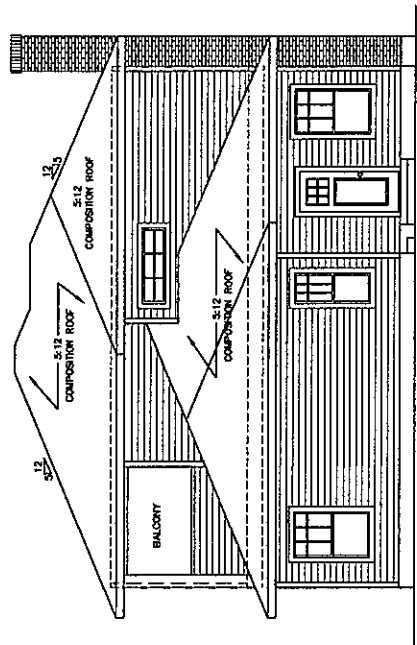
pg 7

SUSTAINABLEIMAGE  
DESIGN & CONSTRUCTION

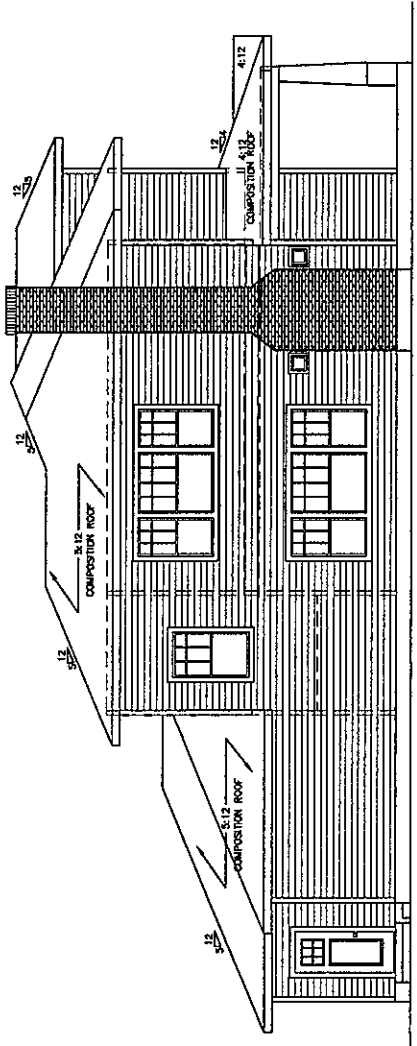
DATE: 1-25-15  
REV: 012  
SHEET NO.: A4



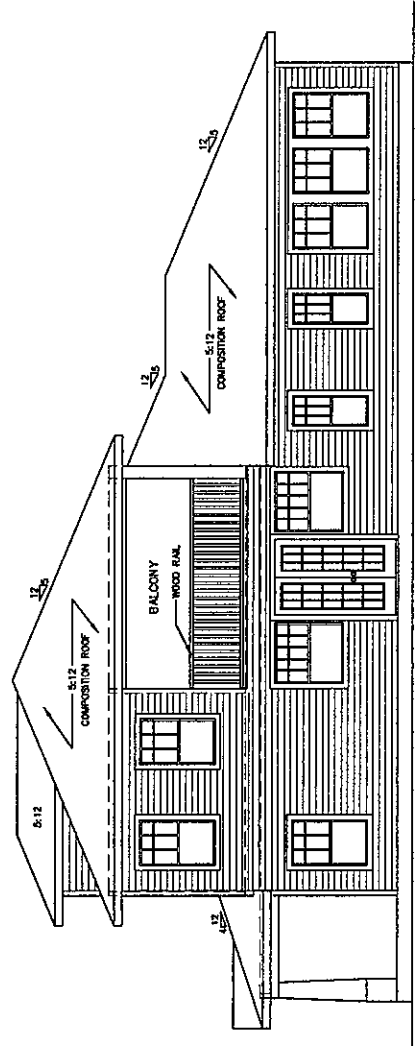
1 FRONT ELEVATION HIP DORMER (NORTH)  
1/8" = 1'-0"



3 REAR ELEVATION NEW GARAGE (NORTH)  
1/8" = 1'-0"



2 SIDE ELEVATION (EAST)  
1/8" = 1'-0"



4 SIDE ELEVATION (WEST)  
1/8" = 1'-0"



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-040

Data Relative to Subject Property:

Date: 1/23/15

Location address: 4734 TREMONT ST, Zoning District: RT5 PD98

Lot No.: 1 Block No.: C/795 Acreage: .19 Census Tract: 15.02

Street Frontage (in Feet): 1) 44.5 2) 103 3) 4) 5) 5823

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ELAINE HEWLETT

Applicant: ELAINE HEWLETT Telephone: 214-228-4454

Mailing Address: 4734 TREMONT STREET Zip Code: 75246

E-mail Address: c@elainehewlett.com

Represented by: - Telephone: -

Mailing Address: - Zip Code: -

E-mail Address: -

Affirm that an appeal has been made for a Variance [checked] or Special Exception of 20 FT ON FRONT SETBACK AND ADDITIONAL (190) ON LOT COVERAGE OF 40 SQ. FT.

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: CORNER SIDE LOT HAS TWO FRONT SETBACKS WHICH SUBSTANTIALLY REDUCES THE BUILDABLE WIDTH. CURRENT LOT SIZE IS BELOW THE MINIMUM 7500 SQ FT SO ADDITIONAL COVERAGE 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 ELAINE HEWLETT (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 22nd day of January 2015 [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 Elaine Hewlett

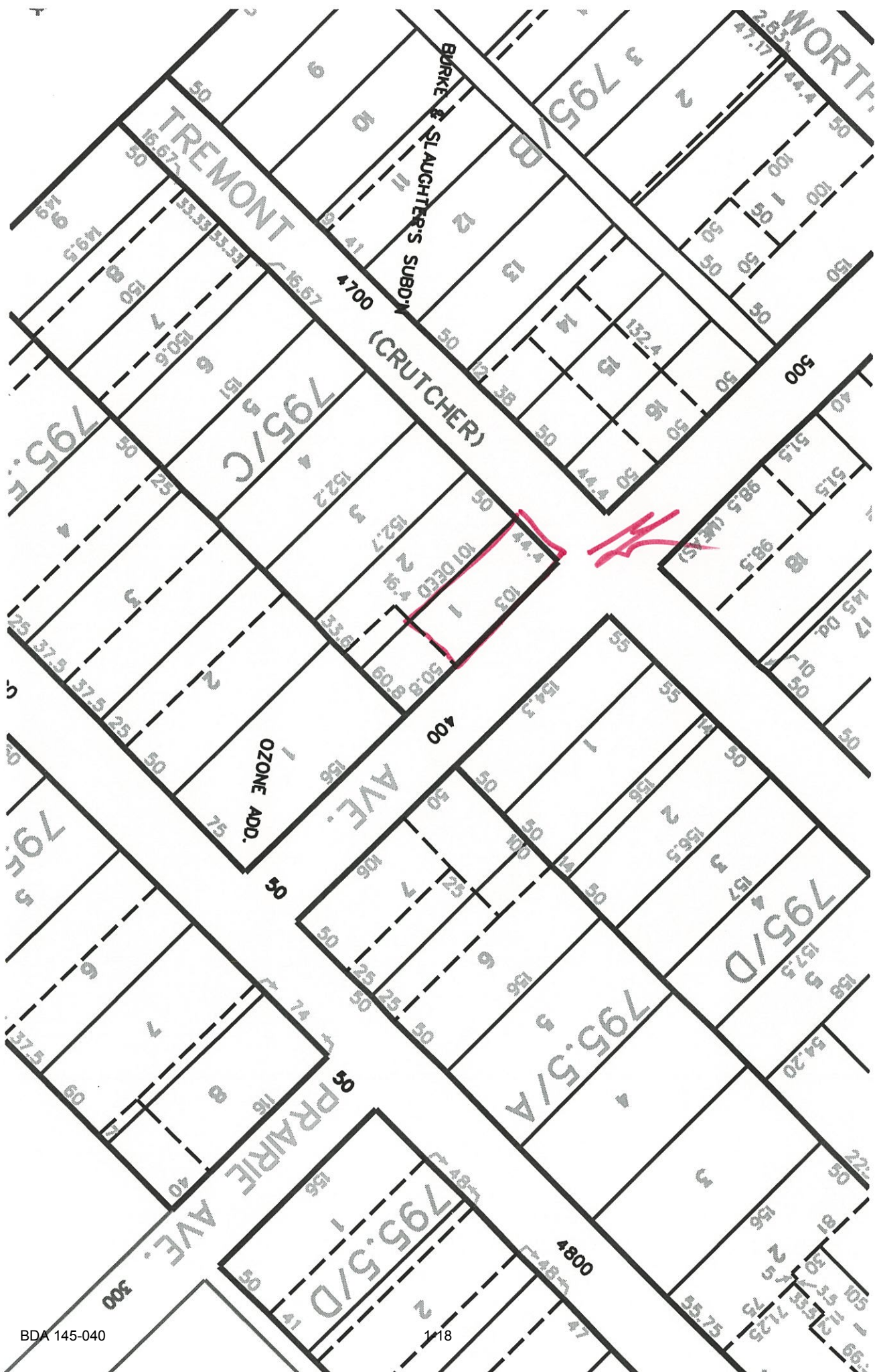
did submit a request for a variance to the front yard setback regulations, and for a variance to the lot coverage regulation  
at 4734 Tremont Street

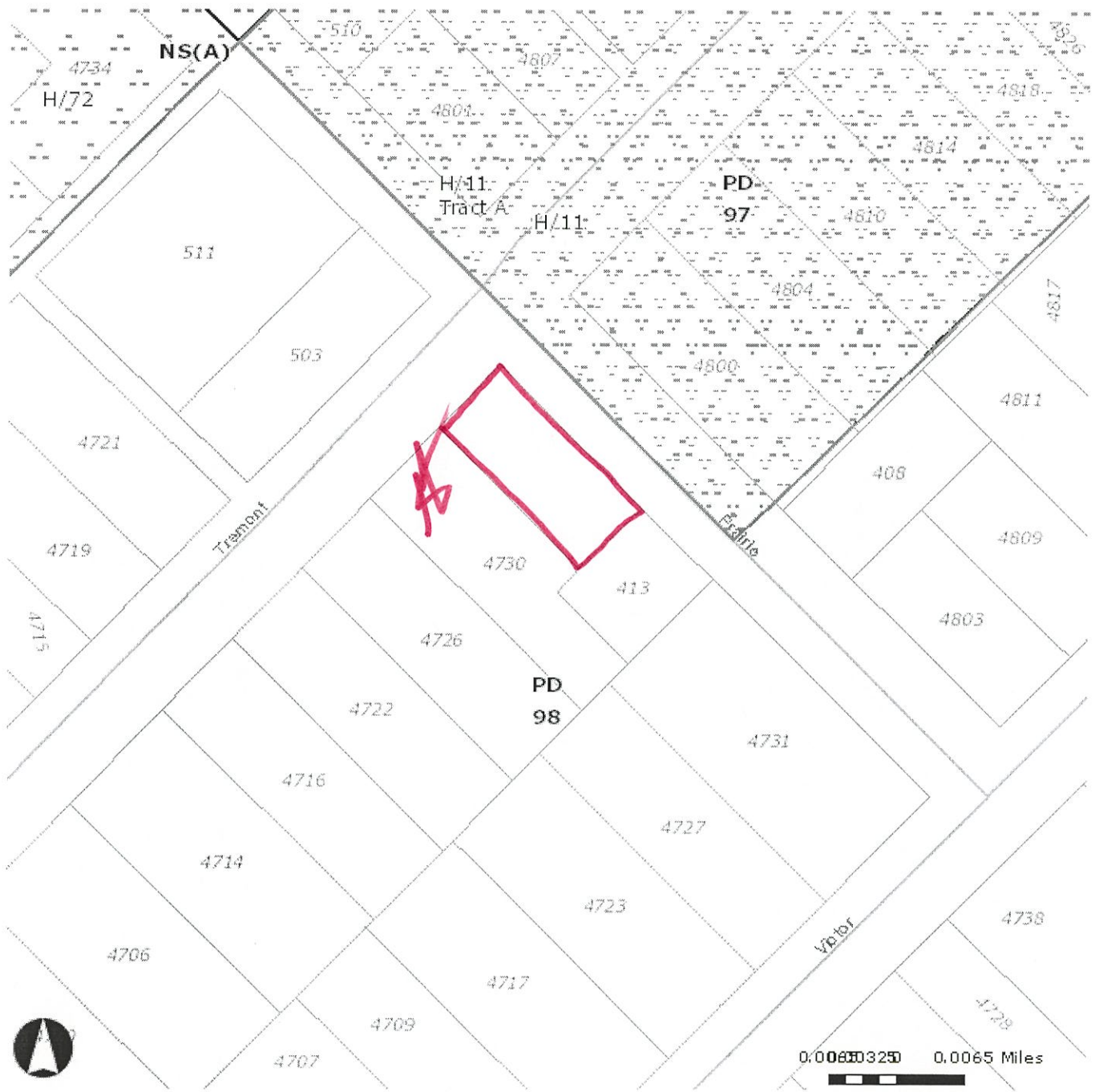
BDA145-040. Application of Elaine Hewlett for a variance to the front yard setback regulations and a variance to the lot coverage regulations at 4734 Tremont Street. This property is more fully described as Lot 1, Block C/795, and is zoned PD-98, which limits maximum lot coverage to 45 percent for residential structures and requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulation, and to construct a single family residential structure with 46 percent lot coverage which will require a 40 square foot variance to the lot coverage regulation.

Sincerely,

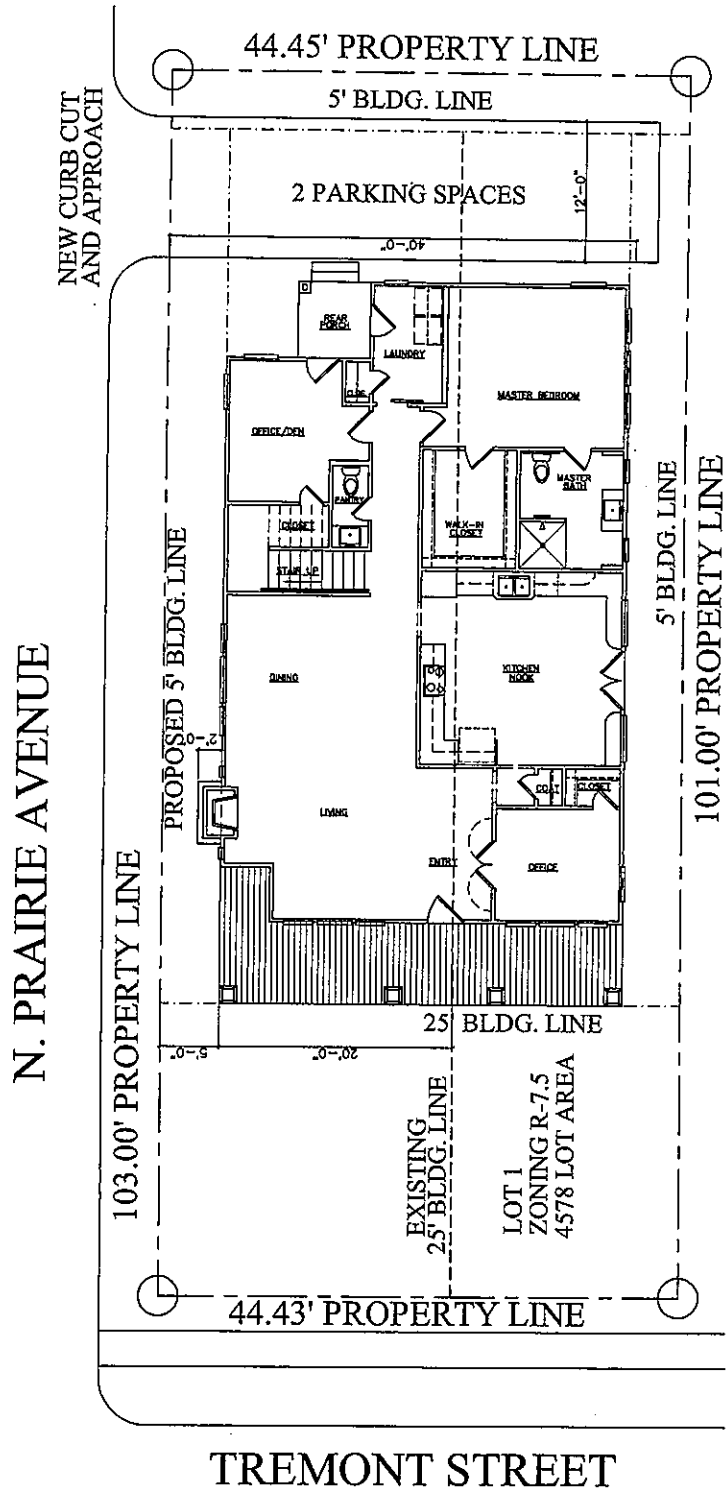
*Larry V. Holmes*  
Larry Holmes, Building Official







0.006325 0.0065 Miles



LOT COVERAGE %	ZONING R-7.5
HOUSE FOUNDATION	2106 SQ.FT.
LOT AREA	4578 SQ.FT.
45 % ALLOWABLE	46% LOT COVERAGE
= (2059 SQ.FT.)	
ASKING FOR 1% ADDITIONAL LOT COVERAGE	

S SITE PLAN  
3/32" = 1'-0"

LOWER FLOOR - DOOR SCHEDULE		
KEY	SIZE (FT)	LOCATION/REMARKS
①	2048	INTERIOR - 2 PANEL / ENTRY / BATHROOM
②	2048	INTERIOR - 2 PANEL BATH / CLOSETS / BATHS
③	2048	INTERIOR - 2 PANEL / BREAKROOM / LAUNDRY
④	2048	EXTERIOR - SIDE & REAR ENTRY DOOR
⑤	2048	INTERIOR - 2 PANEL / MASTER BATH
⑥	2048	INTERIOR - 2 PANEL CLOSETS
⑦	2048	EXTERIOR - FRONT ENTRY DOOR

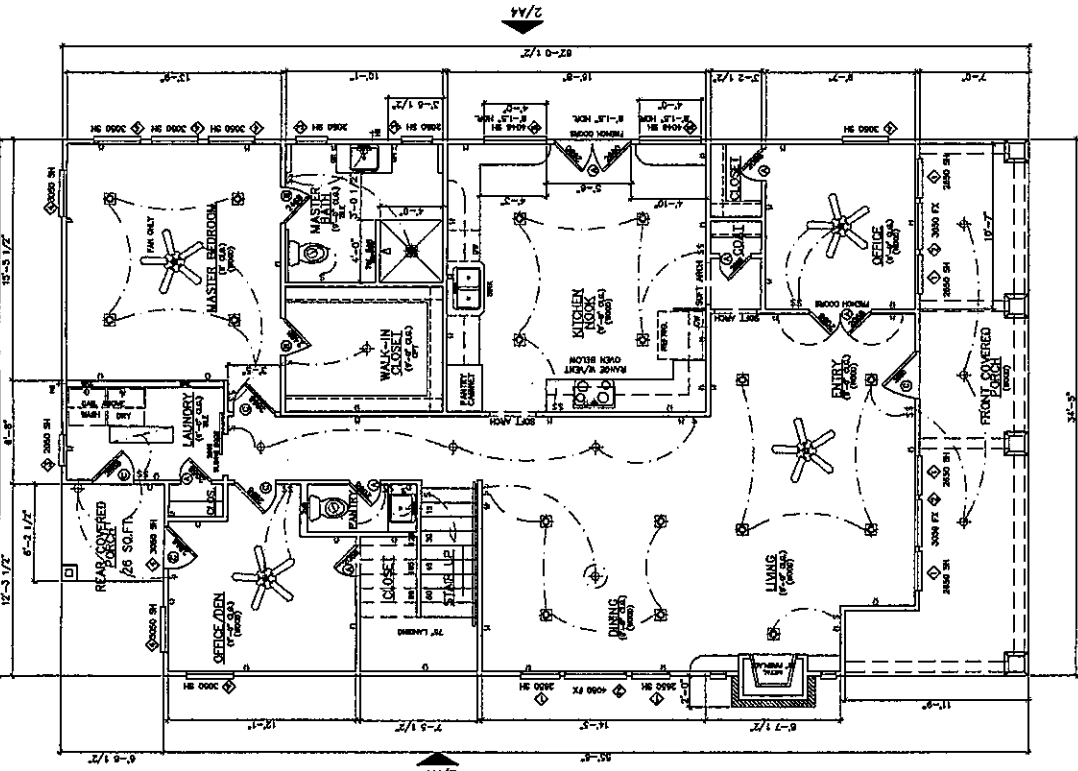
NOTE: ALL DOOR SIZES AS PER ORIGINAL CONTRACTOR  
C.C. TO VERIFY ALL SIZES AND QUANTITIES

LOWER FLOOR - WINDOW SCHEDULE		
KEY	SIZE (FT)	LOCATION/REMARKS
①	2048	LOW-E SINGLE HUNG
②	2048	LOW-E SINGLE HUNG
③	2048	LOW-E SINGLE HUNG
④	2048	LOW-E SINGLE HUNG
⑤	2048	LOW-E SINGLE HUNG MALLED
⑥	2048	LOW-E SINGLE HUNG MALLED
⑦	2048	LOW-E PIED - CORNER
⑧	2048	LOW-E CORNER

NOTE: ALL WINDOW SIZES AS PER ORIGINAL CONTRACTOR  
C.C. TO VERIFY ALL SIZES AND QUANTITIES

ELECTRICAL SCHEDULE	
KEY	DESCRIPTION
⊕	CORING ON WALL MOUNT FIXTURE
⊙	CHIMNEY FAN W/ LIGHT AS CITY CODE
⊞	RECESSED CASH / CASH SWIT
⊕	HANGING
⊕	LOCK BOMB
⊕	CABINET UNDER LIGHTING
⊕	HANGING PENDANT
⊕	WALL SOURCE
⊕	OUTDOOR GEL FLOOD
⊕	TRAY LIGHT AS PER CITY CODE
⊕	CAN
⊕	CORNER ON CUT 3
⊕	16-1 FLUORESCENT
⊕	17W W/MOUNT KIT

NOTE: ALL LIGHT FIXTURES AS PER OWNER  
C.C. TO VERIFY ALL FIXTURES &  
OUTLETS PER LOCAL BUILDING CODE



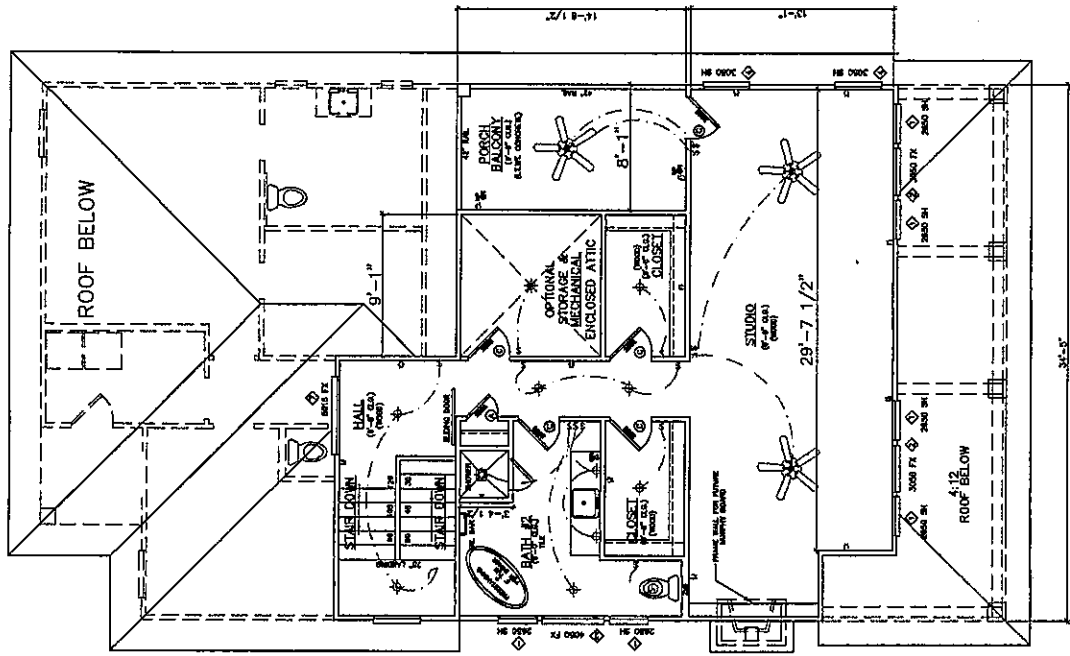
1 GROUND FLOOR PLAN  
1805 SQ.FT.  
1/8" = 1'-0" HORIZ. DIMENSIONS ARE TYPICALLY TO FACE OF FRAMES  
AND CENTER OF DOOR OR WINDOW  
HEADERS & 7'-0" CREEPY MARKS NOTED

VARIANCE  
REVIEW  
1-23-15

Yarber Residence  
4734 Tremont Street  
GASTON TERRACE ADDITION  
LOT 1 BLOCK F7239  
DALLAS, TEXAS

SUSTAINABLEIMAGE  
DESIGN & CONSTRUCTION

ISSUE DATE: 1-23-15  
SHEET NO.: A2



UPPER FLOOR - DOOR SCHEDULE

KEY	SIZE	QTY	LOCATION/REMARKS	FINISH
1	3048	3	INTERIOR - 2 PANEL / FINISH / BATHROOM	PART
2	3048	3	INTERIOR - 2 PANEL BATH / CLOSET / BATH	PART
3	3048	3	INTERIOR - 2 PANEL BATH / CLOSET / BATH	PART
4	3048	3	INTERIOR - 2 PANEL / BEDROOM / LANDRY	PART
5	3048	3	INTERIOR - 2 PANEL / MASTER BATH	TWO
6	3048	1	INTERIOR - 2 PANEL / MASTER BATH	TWO
7	3048	2	INTERIOR - 2 PANEL / CLOSET	TWO
8	3048	1	EXTERIOR - FRONT ENTRY DOOR	

NOTE: ALL DOOR SIZES AS PER GENERAL CONTRACTOR  
C.G. TO VERIFY ALL SIZES AND QUANTITIES

UPPER FLOOR - WINDOW SCHEDULE

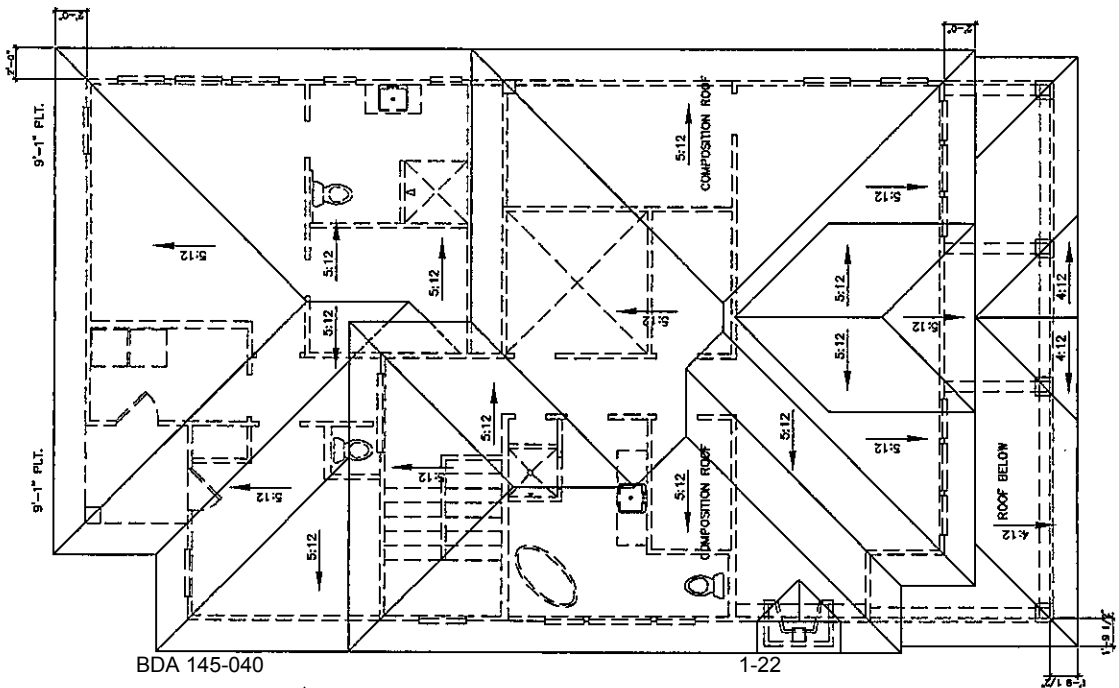
KEY	SIZE	QTY	LOCATION/REMARKS	LOCATION	FINISH
1	3048	2	LIN-E SINGLE HUNG	BATHROOM	PART
2	3048	2	LIN-E SINGLE HUNG	BATHROOM	PART
3	3048	2	LIN-E SINGLE HUNG	HALL	PART
4	3048	2	LIN-E SINGLE HUNG	MASTER BATHROOM	PART
5	3048	1	LIN-E SINGLE HUNG	SECOND LIVING	PART
6	3048	1	LIN-E SINGLE HUNG	SECOND LIVING	PART
7	3048	1	LIN-E SINGLE HUNG	MASTER BATHROOM	PART
8	3048	1	LIN-E SINGLE HUNG	MASTER BATHROOM	PART
9	3048	1	LIN-E SINGLE HUNG	STUDIO	PART

NOTE: ALUMINUM WINDOWS AS PER GENERAL CONTRACTOR  
C.G. TO VERIFY ALL SIZES AND QUANTITIES

ELECTRICAL SCHEDULE

KEY	DESCRIPTION
1	Ceiling or wall mount fixture
2	EXHAUST FAN BY LIGHT AS CITY CODE
3	RECESSED CAN / CAN SPOT
4	HALLWAY
5	HOSE RINK
6	CANOPY LIGHT FIXTURE
7	WALL SWITCHE
8	WALL SWITCHE
9	EXTERIOR OIL FLOOD
10	FLUORESCENT LIGHT FIXTURE
11	CAS
12	CABLE OR CAT 5
13	1/4" FLUORESCENT
14	1/4" FLUORESCENT

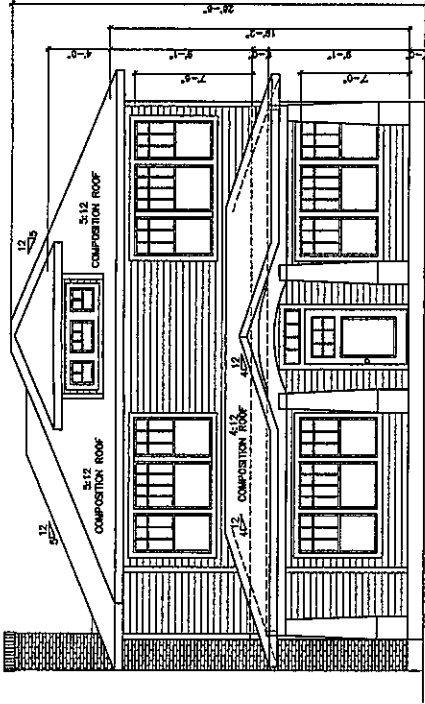
NOTE: ALL LIGHT FIXTURES AS PER OWNER  
ELECTRICAL SCHEDULE AS PER CITY CODE  
C.G. TO VERIFY ALL FIXTURES &  
OUTLETS PER LOCAL BUILDING CODE



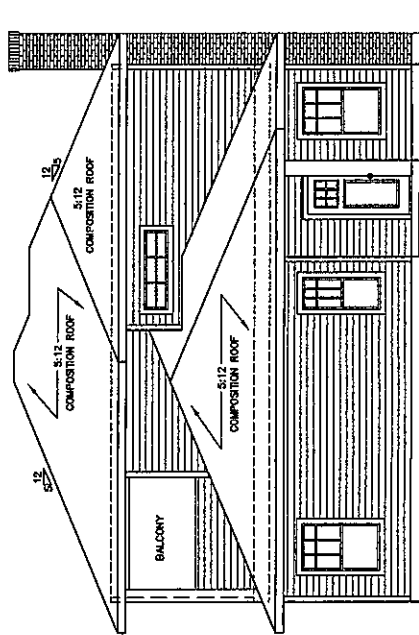
1 UPPER FLOOR PLAN

2 ROOF PLAN

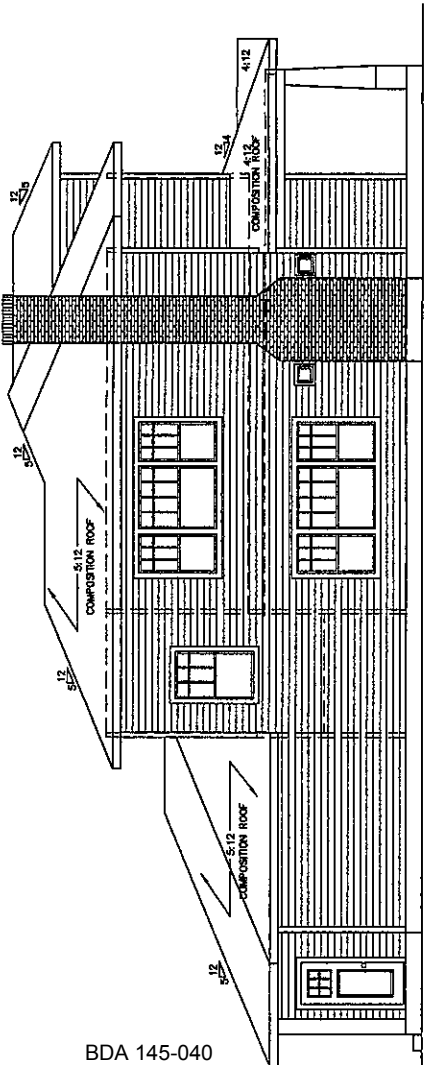




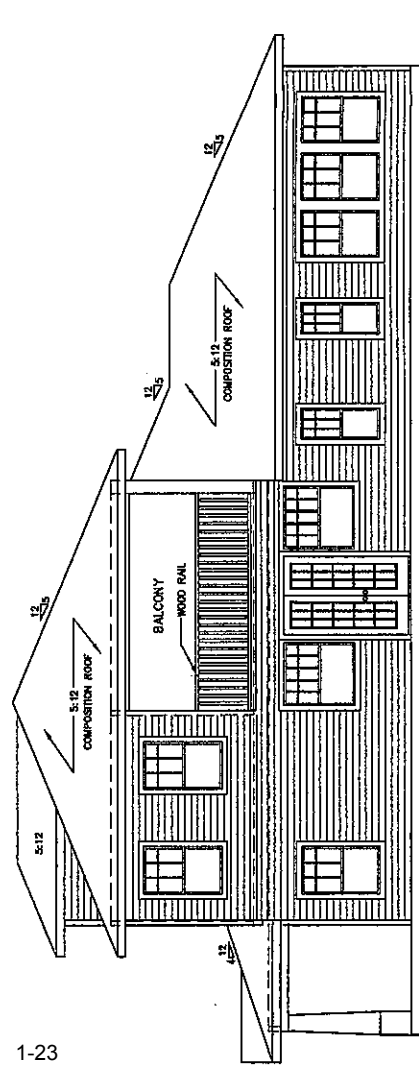
1 FRONT ELEVATION HIP DORMER  
1/8" = 1'-0" (NORTH)



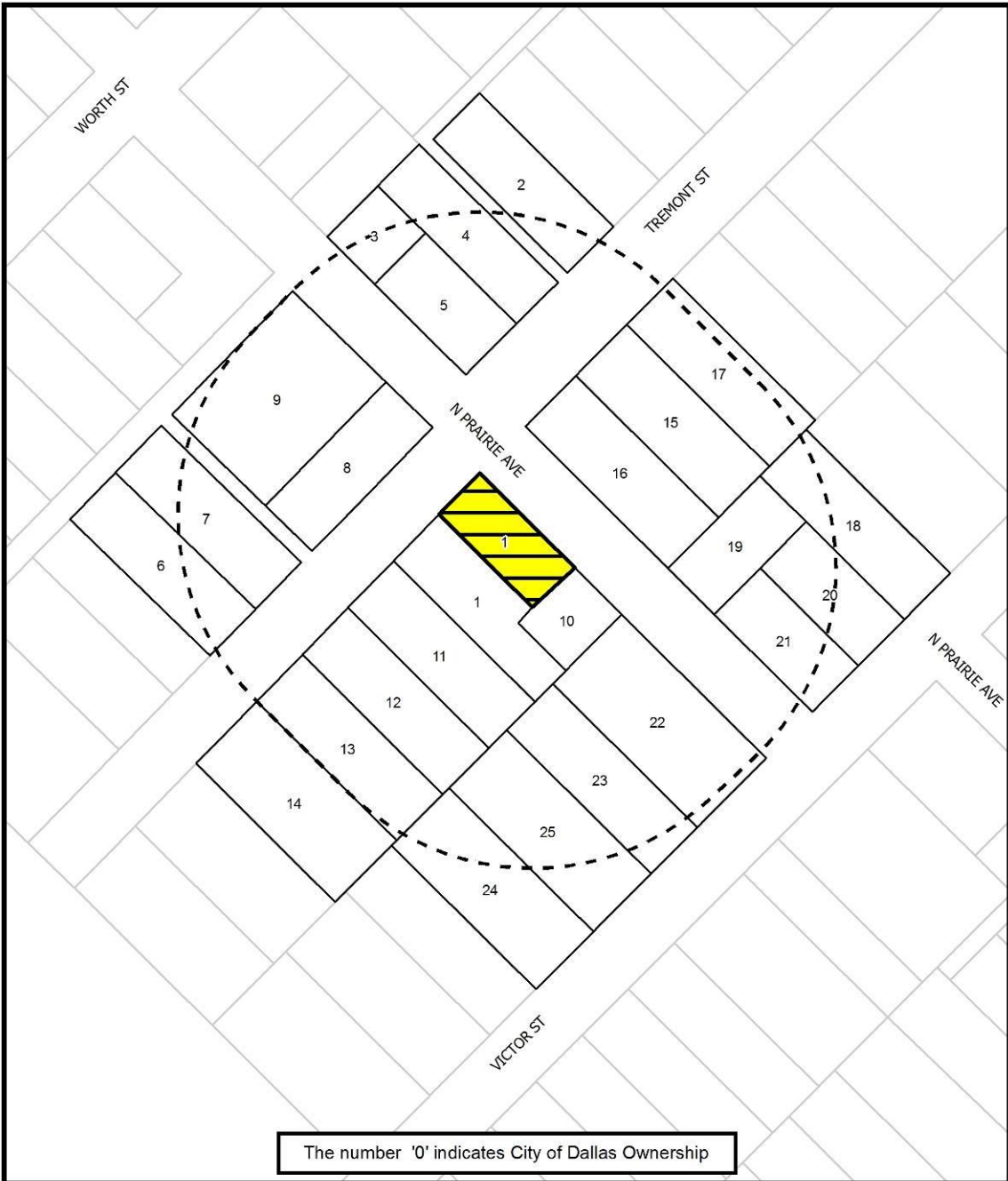
3 REAR ELEVATION NEW GARAGE  
1/8" = 1'-0" (NORTH)



2 SIDE ELEVATION (EAST)  
1/8" = 1'-0"



4 SIDE ELEVATION (WEST)  
1/8" = 1'-0"



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA145-040</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">25</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>3/12/2015</b>



# *Notification List of Property Owners*

***BDA145-040***

***25 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4734 TREMONT ST	HEWLETT ELAINE
2	4811 TREMONT ST	BAILEY CELESTE
3	510 PRAIRIE AVE	CARROLL ROBERT W & MARY J
4	4807 TREMONT ST	VANBUSKIRK JEFFREY &
5	4801 TREMONT ST	VILLARREAL ELLUD
6	4719 TREMONT ST	ZAPATA JOSE D & BLANCA E
7	4721 TREMONT ST	HOWELL DEBBIE
8	503 PRAIRIE AVE	MILLER RUTH
9	511 PRAIRIE AVE	BELTRAN LUPE R
10	413 PRAIRIE AVE	ISYA LTD PS
11	4726 TREMONT ST	ORTEGA MARIA CLEOFAS
12	4722 TREMONT ST	ORTEGA MARIO
13	4716 TREMONT ST	HERNANDEZ VICTOR &
14	4714 TREMONT ST	BAXAVANIS NICHOLAS
15	4804 TREMONT ST	BUSKIRK JEFF VAN & SHARON V
16	4800 TREMONT ST	BUDHABHATTI BIMAL & NEETA SAVLA
17	4810 TREMONT ST	ORDAZ ANGELINA
18	4811 VICTOR ST	DAVIS REAL ESTATE EQUITIES LLC
19	408 PRAIRIE AVE	ORION HOLDING
20	4809 VICTOR ST	MORENO JESUS ANTONIO
21	4803 VICTOR ST	FRANZ MASON W &
22	4731 VICTOR ST	JTG DEVELOPMENT II
23	4727 VICTOR ST	FENG JIAN O
24	4717 VICTOR ST	CERVANTES JOSE & GRACIELA
25	4723 VICTOR ST	MICOMAR LLC

**FILE NUMBER:** BDA 145-043

**BUILDING OFFICIAL'S REPORT:** Application of Marley Phillips for a special exception to the parking regulations at 13910 Dallas Parkway (aka: 13900). This property is more fully described as Lot 2, Block A/7005, and is zoned MU-3(SAH), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a general merchandise or food store greater than 3,500 square feet uses, and provide 642 of the required 784 parking spaces, which will require a 142 space special exception (18% reduction) to the parking regulation.

**LOCATION:** 13910 Dallas Parkway (aka: 13900)

**APPLICANT:** Marley Phillips

**REQUEST:**

A request for a special exception to the off-street parking regulations of 142 spaces (or 18 percent) is made to construct and maintain a general merchandise or food store greater than 3,500 square feet use (Cost Plus World Market), and provide 642 (or 82 percent) of the 784 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
  - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
  - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
  - (E) The availability of public transit and the likelihood of its use.
  - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
  - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
  - (B) Impose restrictions on access to or from the subject property; or
  - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
  - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
  - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 142 spaces shall automatically and immediately terminate if and when the general merchandise or food store greater than 3,500 square feet use that would normally need no more than 784 required parking spaces is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has indicated that he has no objections to the applicant's request.

- The applicant has substantiated how the parking demand generated by this particular use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The applicant has submitted information stating that the existing parking demand of the retail-centered development shows that no more than approximately 178 spaces were needed at 12:30 PM on Thursday, and no more than approximately 221 spaces were needed at 3:00 PM on a Saturday, providing for a peak period parking surplus of 550 spaces and 507 spaces, respectively, for this particular use in this particular location.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: MU-3(SAH) (Mixed Use)
- North: PDD 289 (Planned Development District), CR (Community Retail), MU-1 (Mixed Use), and MU-2 (Mixed Use)
- South: RR( Regional Retail) and PDD 887 (Planned Development District)
- East: GO(A) (Office) and PDD 216 (Planned Development District)
- West: City of Farmers Branch

**Land Use:**

The subject site is a retail-centered development containing several general merchandise or food store greater than 3,500 square feet uses (Nordstrom Rack, Buy Buy Baby, and Bed, Bath & Beyond). The areas to the north, south, east, and west are developed with a mix of commercial and multifamily residential uses.

**Zoning/BDA History:**

1. BDA 95-056, Property located at 13700 N. Dallas Parkway (the lot immediately south of the subject site)
 

On April 25, 1995, the Board of Adjustment granted a request for a special exception of 127 off-street parking spaces, allowing the applicant to provide 673 of the required 800 off-street parking spaces, and imposed the following condition: Within three (3) years from the date of issuance of a Certificate of Occupancy that results in occupancy of 142,714 square feet on the property, the owners must submit a parking study to the Board Administrator conducted pursuant to City specifications. If the parking study demonstrates that demand exceeds supply on the property, the owners shall cause the parking lot to be restriped to provide a total of

719 standard and compact off-street parking spaces on the property. This will make 25% of the total number of spaces required compact spaces.

The case report stated the request was made to construct a new 159,915 square foot retail center, and that the applicant could not comply with the required one space per 200 square feet for retail use because only 673 off-street parking spaces were being provided.

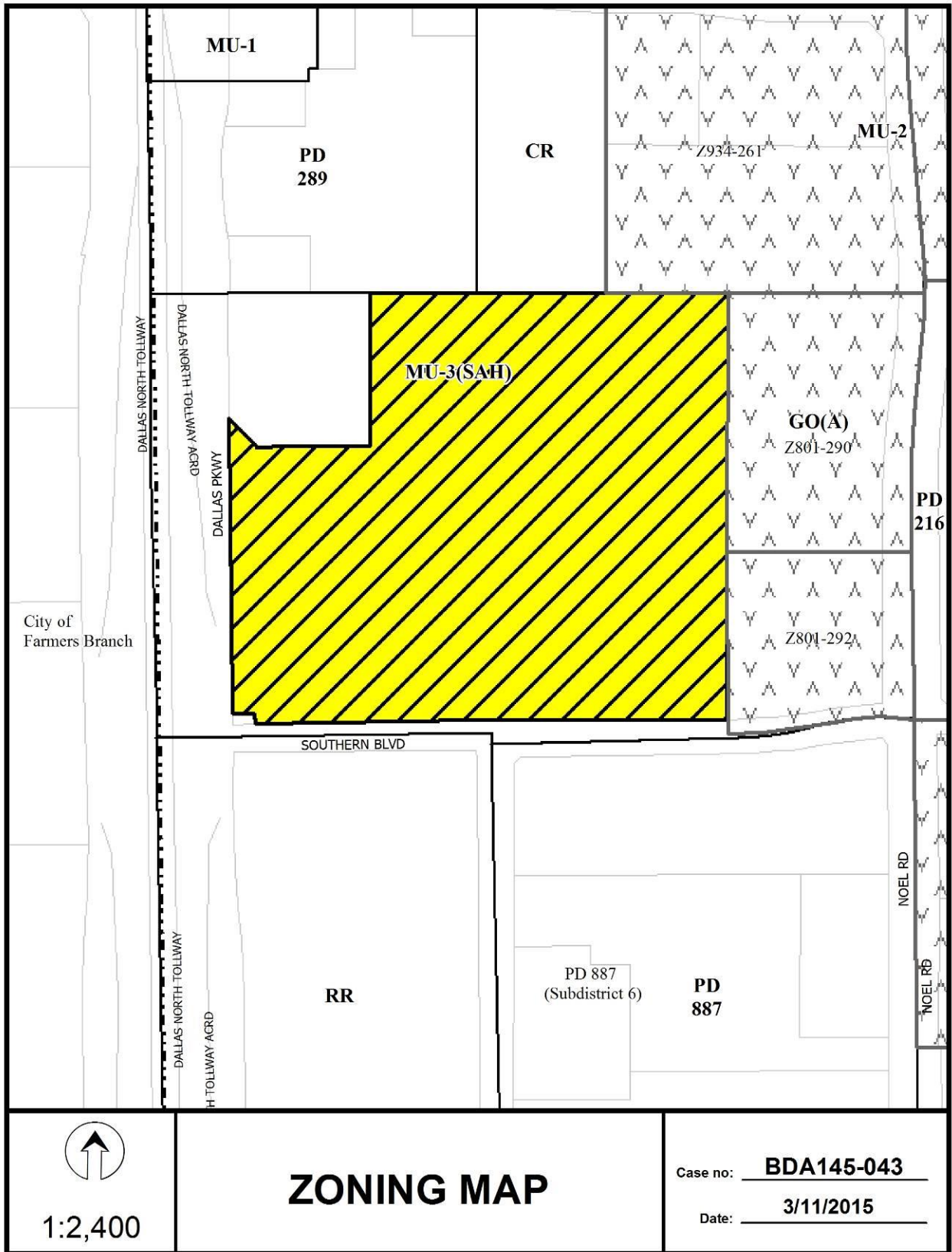
### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a nonresidential structure for a general merchandise or food store greater than 3,500 square feet use (Cost Plus World Market), and providing 642 (or 82 percent) of the 784 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement for general merchandise or food store greater than 3,500 square feet use:
  - One space for each 200 square feet of floor area.
- The applicant has submitted a parking analysis stating that the current retail development has a total of 138,112 square feet, and, while required to provide 692 off-street parking spaces as per the Dallas Development Code, 728 were actually provided. Therefore, up until this proposal, the site had an excess of off-street parking spaces.
- However, this proposal, which would allow an increase of floor area (18,302 square feet) in conjunction with the construction of a new general merchandise or food store greater than 3,500 square feet use (4 Cost and World Market), requires an additional 92 spaces, thereby bringing the number of required off-street parking spaces to 784.
- The location of the proposed general merchandise store will cover some of the existing parking spaces, which is why the applicant seeks relief to the off-street parking regulation.
- Therefore, the applicant proposes to provide 642 (or 82 percent) of the required 784 off-street parking spaces in conjunction with completing and maintaining the general merchandise or food store greater than 3,500 square feet use.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to this request.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the proposed general merchandise or food store greater than 3,500 square feet use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 142 spaces (or an 18 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

- If the Board were to grant this request, and impose the condition that the special exception of 142 spaces shall automatically and immediately terminate if and when the general merchandise or food store greater than 3,500 square feet use is changed or discontinued, the applicant would be allowed to construct and maintain the structure on the site with this specific use with the proposed general merchandise or food store greater than 3,500 square feet uses, and provide 642 of the 784 code required off-street parking spaces.


**Timeline:**

- February 2, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 16, 2015: The Current Planner shared the following information with the applicant via e-mail:
- 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 April 1st deadline to submit additional evidence for staff to factor into their analysis; and the April 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- April 9, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”







  
 1:2,400

# AERIAL MAP

Case no: BDA145-043  
 Date: 3/11/2015





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-043

Data Relative to Subject Property:

Date: 2-2-15

Location address: 13910 DALLAS PARKWAY Zoning District: MU-3 (SAH)

Lot No.: 2 Block No.: A/7005 Acreage: 11.9 Census Tract: 136.26

Street Frontage (in Feet): 1) 495.71 2) 810.00 3) ' 4) ' 5) ' NE 2R

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BED BATH & BEYOND, INC.

Applicant: GREENBERGFARROW Telephone: 972 914 7641

Mailing Address: 5500 Democracy Dr, Suite 125, Plano, Tx Zip Code: 75024

E-mail Address:

Represented by: MR. MARLEY PHILLIPS Telephone: 972 362 6121

Mailing Address: 5500 Democracy Dr, Suite 125, Plano, Tx Zip Code: 75024

E-mail Address: mphilips@greenbergfarrow.com

Affirm that an appeal has been made for a Variance, or Special Exception of 142 SPACES (784 reqd.) (18% REDUCTION OF THE REQUIRED OFF-STREET PARKING) IN CONJUNCTION WITH THE EXPANSION OF AN EXISTING RETAIL CENTER BY CONSTRUCTING A NEW BUILDING STRUCTURE

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:

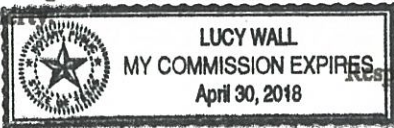
THE PARKING DEMAND GENERATED BY THE USE DOES NOT WARRANT THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED, AS SUPPORTED BY A PARKING ANALYSIS, AND THE SPECIAL EXCEPTION WILL NOT CREATE A TRAFFIC HAZARD OR INCREASE TRAFFIC CONGESTION ON ADJACENT STREETS

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 Marley Phillips (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 29 day of January, 2015

[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**

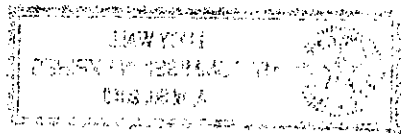
I hereby certify that Marley Phillips

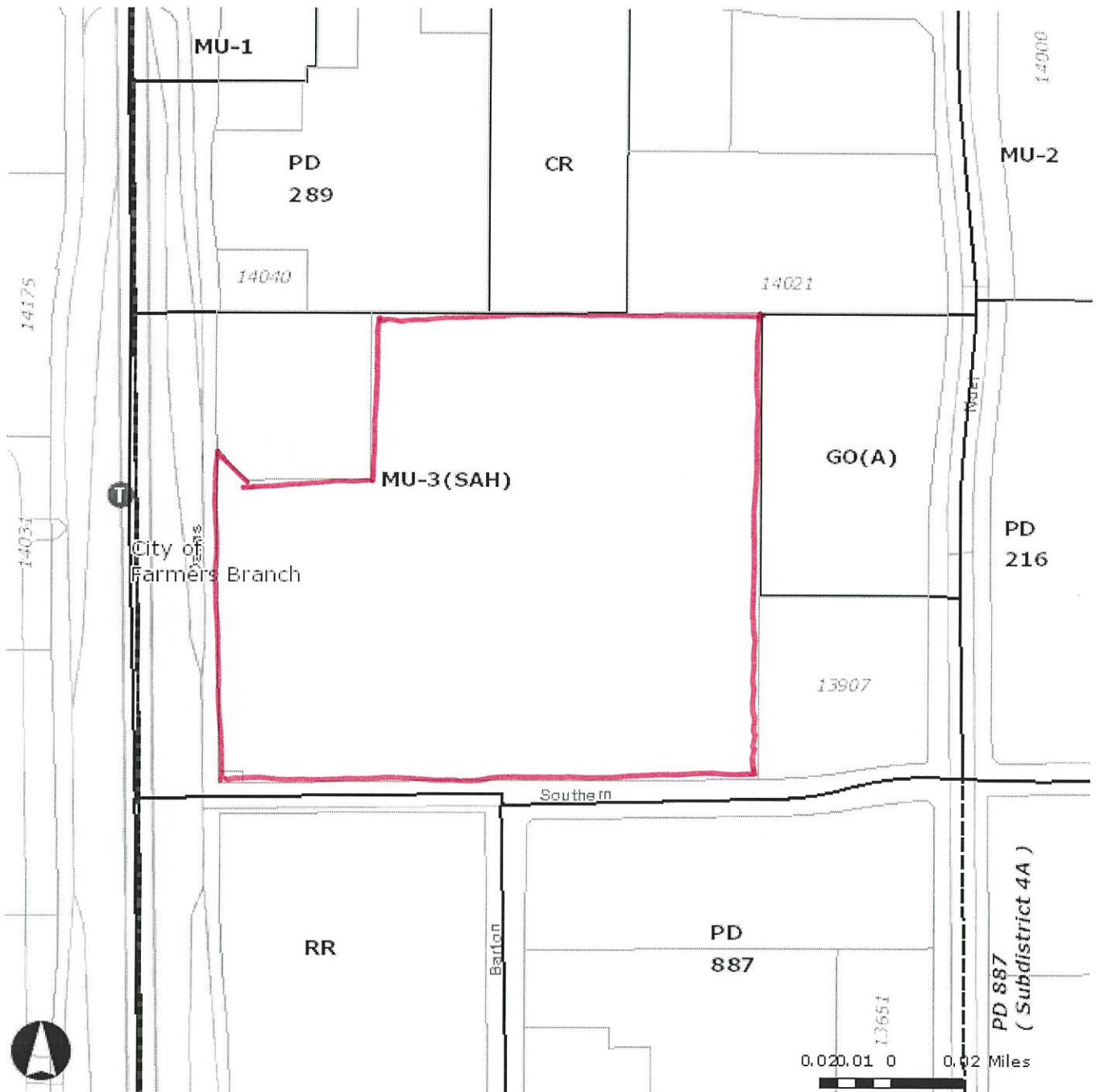
did submit a request for a special exception to the parking regulations  
at 13910 Dallas Parkway

BDA145-043. Application of Marley Phillips for a special exception to the parking regulations at 13910 Dallas Parkway (aka: 13900). This property is more fully described as: Lot 2, Block A/7005, and is zoned MU-3(SAH), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for general merchandise or food store greater than 3500 square feet uses, and provide 642 of the required 784 parking spaces, which will require a 142 space special exception (18% reduction) to the parking regulation.

Sincerely,

  
Larry Holmes, Building Official





A red scribble or signature mark is located in the lower center of the page.









ARIZONA  
TEXAS  
NEW MEXICO  
OKLAHOMA

January 28, 2015

Mr. John Holden  
Architectural Project Manager  
Bed Bath & Beyond  
650 Liberty Avenue  
Union, NJ 07083

Re: *Retail Center Outbuilding Parking Study – 13900 Dallas Parkway*

Dear Mr. Holden:

Lee Engineering has completed our parking analysis for the Bed Bath & Beyond Retail Center in Dallas, Texas. This letter report documents our study procedures and findings.

## INTRODUCTION

The subject property for this parking study is located at 13900 Dallas Parkway. The existing development is a retail development that currently has a total of 138,112 ft<sup>2</sup> of retail space divided between three merchants (Bed Bath & Beyond, Buy Buy Baby and Nordstrom Rack). The existing development, which provides 728 parking spaces, is shown in **Figure 1** and highlighted in yellow. Based on the City of Dallas code (1 parking space per 200 ft<sup>2</sup> of retail space), 692 parking spaces are required for the existing retail development. Therefore, the site currently has an excess of parking based on the City's code.

The applicant is proposing to construct an 18,302 ft<sup>2</sup> building for a retail land use along Dallas Parkway in the northwest corner of the exiting parking lot, resulting in a net loss of 86 parking spaces. A site plan showing the existing site with the additional retail building is provided in **Figure 2**.

The modified site with the new retail building would provide 642 parking spaces, which is 142 spaces below the 784 required by City of Dallas Code. This is an 18% difference between the number of proposed and required parking spaces. In order to develop the proposed retail building, a special exception will need to be obtained for the site because the proposed parking will be below that required by City of Dallas Code.

Figure 1. Existing Site

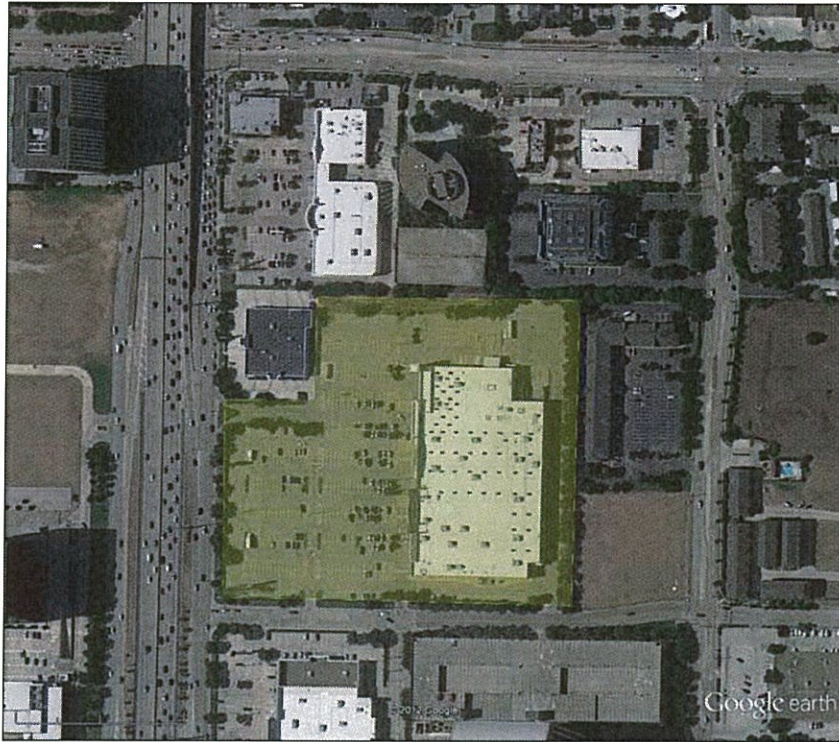
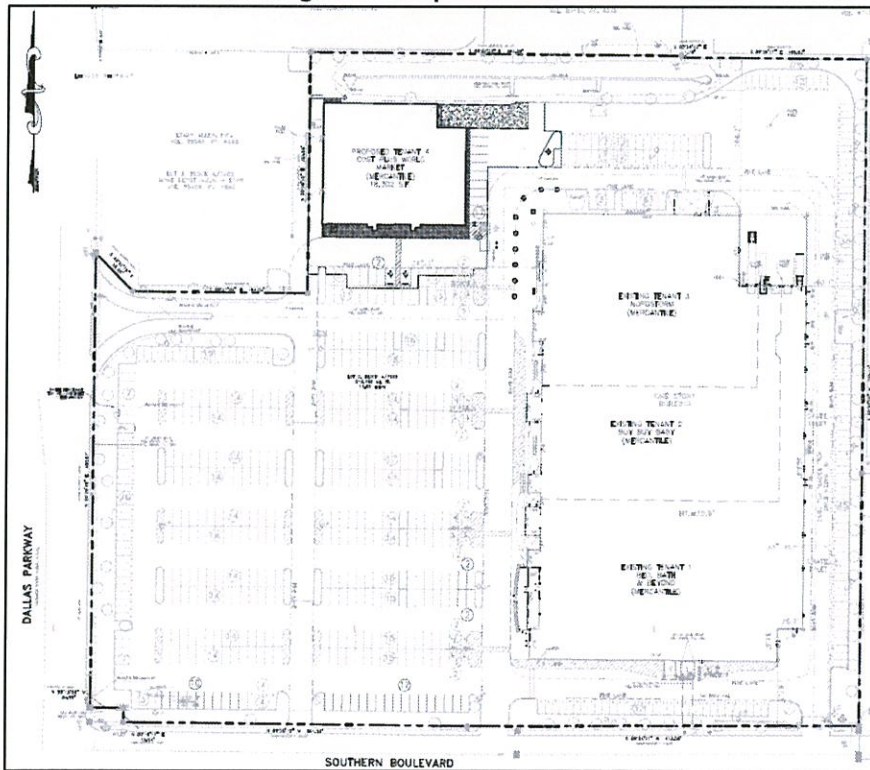


Figure 2. Proposed Site Plan



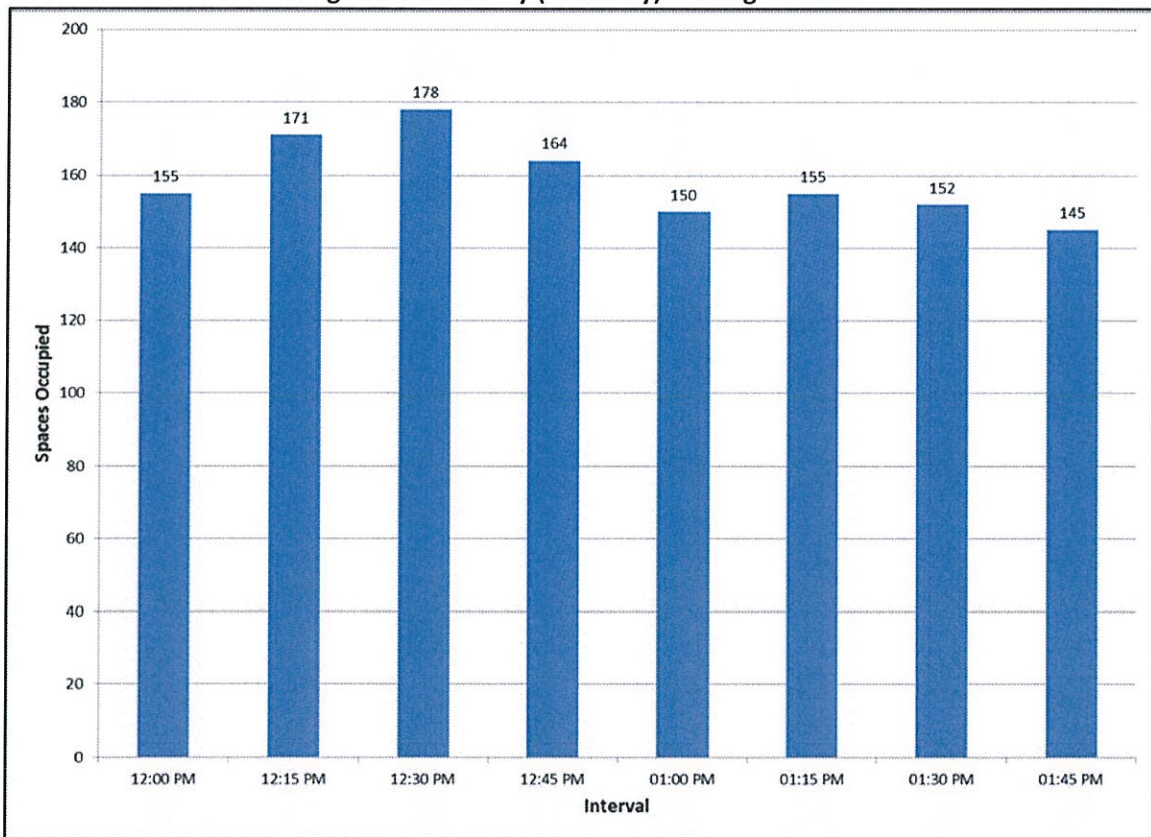


## PARKING ACCUMULATION DATA COLLECTION

The existing parking demand for the site was determined by counting the number of marked parking spaces which were occupied during midday operations (12:00 PM to 2:00 PM) on a weekday and midday operations (12:00 AM – 4:00 PM) on a weekend (Saturday). These time periods were selected based on parking demand data published by the *Institute of Transportation Engineers* and the *Urban Land Institute* indicating that retail land uses peak parking demand is during these time periods.

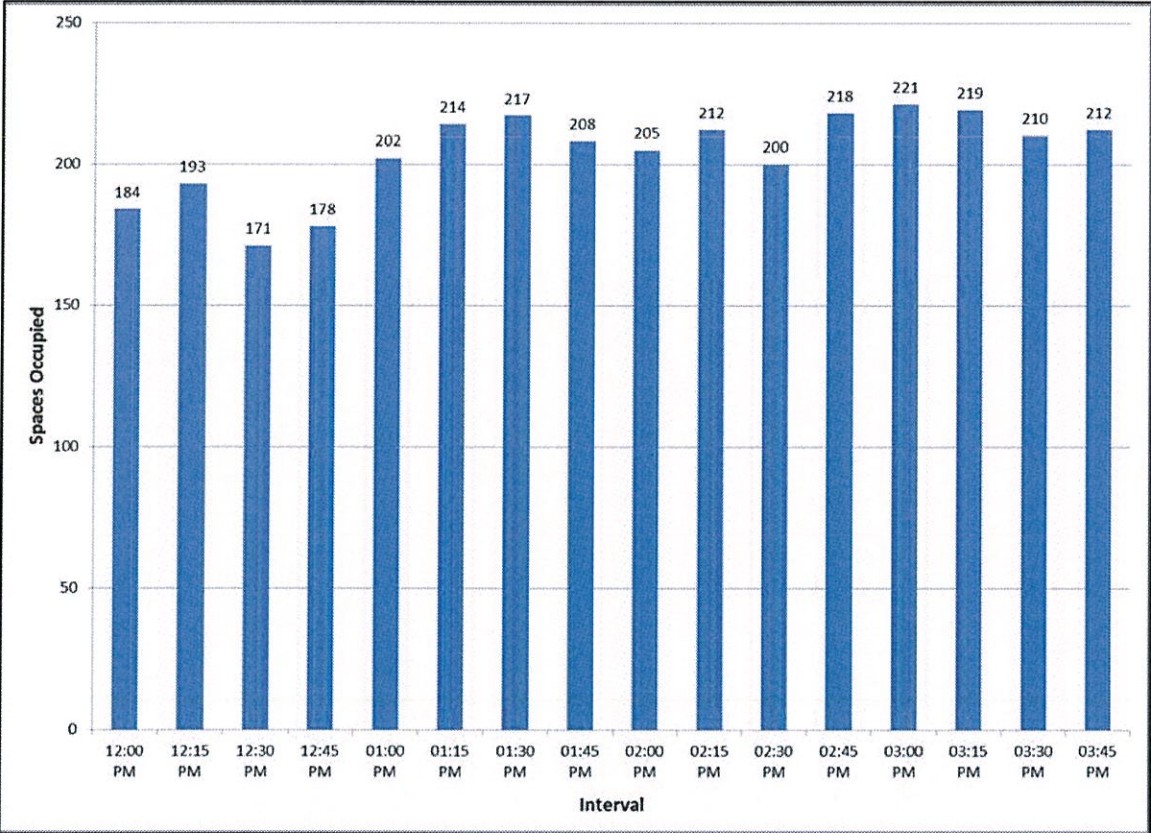
Data was collected on Thursday, October 23, 2014 and Saturday, October 25, 2014. The number of vehicles in the parking lot was documented every 15 minutes during the hours counted. The number of parked vehicles during each 15-minute observation period during the weekday is shown in **Figure 3**. A maximum of 178 vehicles was observed during the weekday study.

**Figure 3. Weekday (Thursday) Parking Demand**



Parking demand was also documented during typical weekend operations. A maximum of 221 vehicles were observed parking during the weekend study. The number of vehicles parked during each 15-minute interval of the weekend study is shown in Figure 4.

Figure 4. Weekend (Saturday) Parking Demand



Based on the parking accumulation data collected, there appears to be a significant surplus of parking available on the property. Table 1 summarizes the existing parking demand.

Table 1: Existing Parking Demand

	Weekday	Saturday
Total Parking Spaces	728	728
Peak Parking Demand	178	221
Peak Parking Occupancy (%)	24%	30%
Peak Period Parking Surplus	550	507

## CITY CODE PARKING CALCULATION

The number of parking spaces needed to accommodate the existing retail development and the proposed new development was calculated according to City of Dallas development code requirements. The calculated required number of parking spaces is shown in Table 2.

**Table 2. City Code Parking Requirements Summary**

Existing Land Use	Size (ft <sup>2</sup> )	City Code	Code Requirement
Tenant 1 (Bed Bath & Beyond)	62,656	1:200	314
Tenant 2 (Buy Buy Baby)	35,297	1:200	177
Tenant 3 (Nordstrom Rack)	40,159	1:200	201
Proposed Land Use	Size (ft <sup>2</sup> )	City Code	Code Requirement
Tenant 4 <sup>1</sup>	18,302	1:200	92
<b>Total Required By Code</b>			<b>784</b>

<sup>1</sup>Tenant 4 assumed as a retail land use.

## INSTITUTE OF TRANSPORTATION ENGINEERS PARKING DEMAND

The number of parking spaces needed to accommodate the existing and proposed development located at 13900 Dallas Parkway were estimated using rates provided in the Institute of Transportation Engineers publication *Parking Generation, 4<sup>th</sup> Edition*. The estimated parking demand for the existing and proposed retail land uses is shown in Table 3.

**Table 3. Site Parking Demand Summary**

Land Use	ITE Code	Size (ft <sup>2</sup> )	Weekday Demand Rate	Weekday Demand Spaces	Weekend Demand Rate	Weekend Demand Spaces
Retail (Shopping Center)	820	138,112	2.94 per 1,000 SF	407	2.87 per 1,000 SF	397
Retail (Shopping Center)	820	18,302	2.94 per 1,000 SF	54	2.87 per 1,000 SF	53
<b>TOTAL PARKING DEMAND</b>				<b>461</b>		<b>450</b>

Table 3 shows that based on ITE *Parking Generation*, average demand for 461 parking spaces would occur based on the existing and proposed retail land uses. With a total of 642 parking spaces provided with the addition of the proposed retail building, the total number of parking spaces is greater than the demand identified by the *Parking Generation* information.



## CONCLUSIONS

Based on a field visit to the existing site and the parking accumulation data collected, the existing parking supply significantly exceeds the existing parking demand during the peak hours of retail parking demand. The existing site provides 728 parking spaces, with 178 and 221 being observed in use during the accumulation studies during the weekday and weekend peak periods, respectively. Peak hour occupancy of the existing parking lot was observed at less than 30% of the total supply.

The modified site plan would provide a total of 642 spaces and would allow for the construction of 18,302 ft<sup>2</sup> of retail space. Based on average peak period parking demand data for retail land uses published in ITE's *Parking Generation*, the entire site could generate demand for 461 parking spaces.

While City of Dallas Code requires 784 parking spaces for the proposed development, the proposed site plan with 642 spaces will provide sufficient parking for the property based on this study. As proposed, the 642 parking space site plan provides for a surplus of 39% over the average parking demand of 461 spaces calculated using ITE *Parking Generation*.

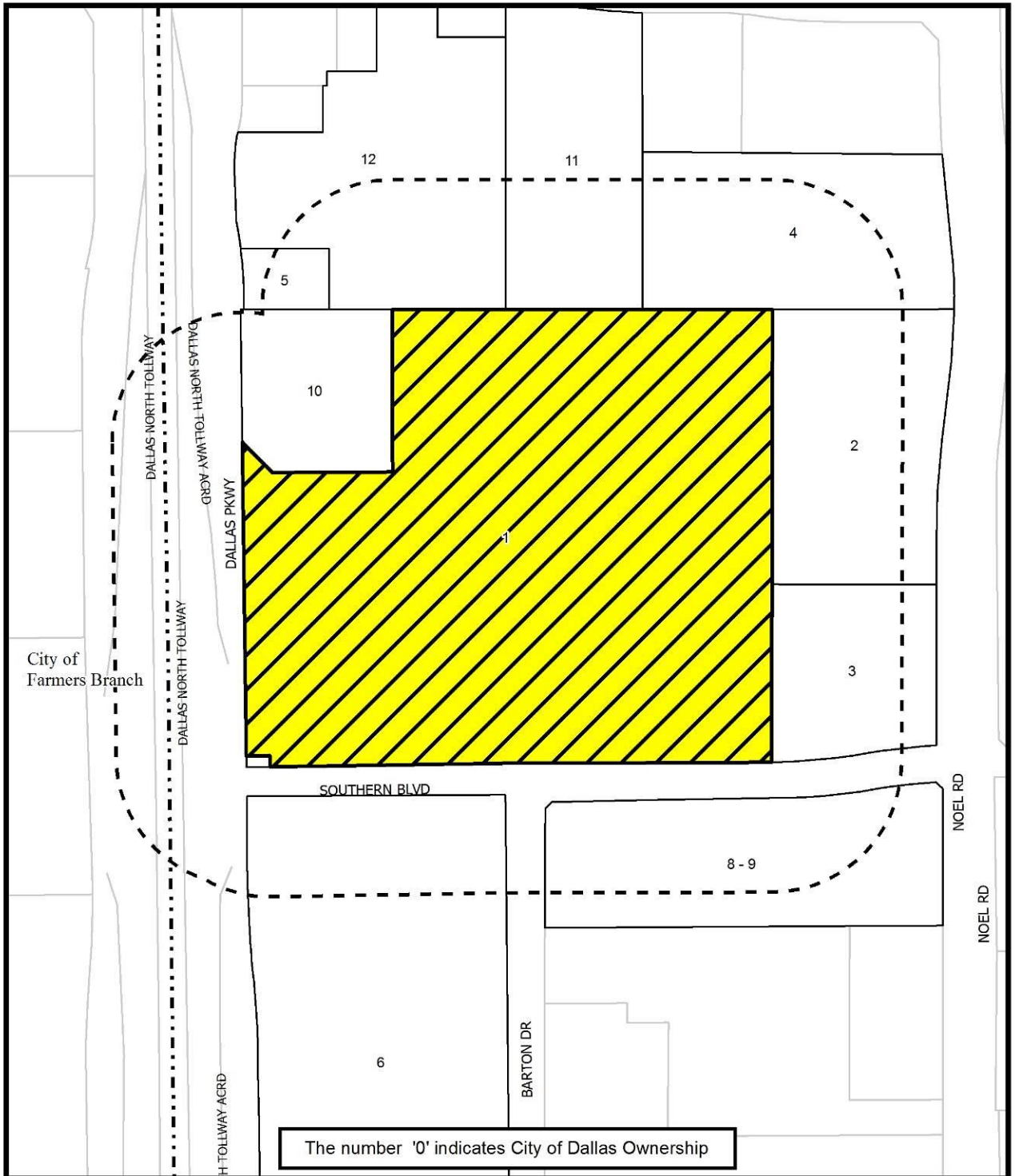
The requested special exception to allow the site to be parked at 18% below code should be granted. The request is based on existing parking demand documented through the accumulation study as well as the predicted parking demand through an ITE *Parking Generation* analysis both showing that the proposed site with 642 parking spaces will more than adequately accommodate parking demand.

We appreciate the opportunity to provide traffic engineering services to you. If you have any questions about our data collection or analysis, please do not hesitate to contact me at 972.248.3006.

Sincerely,



Kelly D. Parma, P.E., PTOE  
Senior Project Manager  
Lee Engineering, LLC  
TBPE Firm F-450



 <p>1:2,400</p>	<h2>NOTIFICATION</h2> <p><b>200'</b> AREA OF NOTIFICATION</p> <p><b>12</b> NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Case no: <b>BDA145-043</b></p> <p>Date: <b>3/11/2015</b></p>
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## ***Notification List of Property Owners***

***BDA145-043***

### ***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	13910 DALLAS PKWY	BED BATH & BEYOND INC
2	13939 NOEL RD	HPT CW PROPERTIES TRUST
3	13907 NOEL RD	SOUTHERN GALLERIA
4	14021 NOEL RD	ASHFORD DALLAS LP
5	14040 DALLAS PKWY	FSH TOLLWAY LP
6	13710 DALLAS PKWY	GALLERIA ALPHA PLAZA LTD
7	13900 DALLAS PKWY	IPERS GALLERIA NORTH TOWER I INC
8	13741 NOEL RD	FSP GALLERIA NORTH LP ETA &
9	13741 NOEL RD	GALLERIA HORIZONTAL ASSET LLC
10	13920 DALLAS PKWY	ETHAN ALLEN INC
11	5220 SPRING VALLEY RD	SPRING VALLEY CENTER LAND LLC
12	14060 DALLAS PKWY	FSH TOLLWAY LP

**FILE NUMBER:** BDA 145-046

**BUILDING OFFICIAL'S REPORT:** Application of Hector Espinoza for a special exception to the fence height regulations at 8606 Ashcroft Avenue. This property is more fully described as Lot 12, Block 22/7522, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

**LOCATION:** 8606 Ashcroft Avenue

**APPLICANT:** Hector Espinoza

**REQUEST:**

The following request has been made on a site that is developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 4' is made to construct an 8' high wooden fence parallel and perpendicular to the street in one of the site's two required front yards: the Boundbrook Avenue required 15' front yard.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STAFF RECOMMENDATION (FENCE HEIGHT):**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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



## **Land Use:**

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

## **Zoning/BDA History:**

1. BDA 056-246, Property at 8805 Boundbrook Avenue (Lot Southwest of the Subject Site)

On November 14, 2006, the Board of Adjustment Panel A granted a special exception to the fence height regulations and imposed the following conditions: Compliance with the submitted revised site plan and elevation is required; and the applicant must comply with the visibility obstruction regulations unless they obtain a special exception to allow items in the visibility triangle.

The case report stated the request for a special exception of 5 feet 3 inches to the fence height regulations was made to maintain a cedar board-on-board fence that ranged in height from 8'- 9' 3" high in the site's Royal Lane 25' required front yard, and to replace an approximately 6' high solid wooden fence with an 8' high cedar board-on-board fence in the site's Boundbrook Avenue 25' required front yard on a site developed with a single family home.

## **GENERAL FACTS/STAFF ANALYSIS (FENCE HEIGHT):**

- This request focuses on constructing an 8' high contemporary wooden fence, parallel and perpendicular to Boundbrook Avenue, in the required front yard on a site developed with a single family home/use.
- The Dallas Development Code states that in all residential districts, except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located at the northeast corner of Ashcroft Avenue and Boundbrook Avenue. Regardless of how the existing structure is oriented to front Ashcroft Avenue, the subject site has two front yard setbacks, one along each street. The site has a 30' required front yard along Ashcroft Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 15' required front yard along Boundbrook Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard. But the site's Boundbrook Avenue frontage, though it functions as a

side yard, is treated as a front yard setback to maintain the continuity of the front yard setback established by the lots to the northeast zoned R-7.5(A) that front and are oriented southward towards Boundbrook Avenue.

- An R-7.5(A) Single Family Residential District requires the minimum front yard setback to be 25'. However, according to Sec. 51A-4.401(a)(3), "If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this section, the building line established by ordinance determines the minimum required front yard." Therefore, the platted building lines of 30' along Ashcroft Avenue and 15' along Boundbrook Avenue supersedes the 25' front yard setback required in an R-7.5(A) District.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 65' in length parallel to Boundbrook Avenue and extending approximately 14' in length into the 15' required front yard.
  - The proposal is represented as being located approximately 12' from the pavement line.
  - The majority of the fence is represented as being located approximately 1' from the property line towards the southern border of the property, while, from the eastern border of the property line, the fence encroaches approximately 2'-15' into the required front yard.
- The Current Planner conducted a field visit of the site and surrounding area and noted two other visible fences above 4 feet in height which appeared to be located in a front yard setback. One fence, located at 8805 Boundbrook Avenue, has recorded BDA history (BDA 056-246).
- Two homes front the proposal.
- As of April 13<sup>th</sup>, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials shown on these documents.

### **Timeline:**

February 10, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

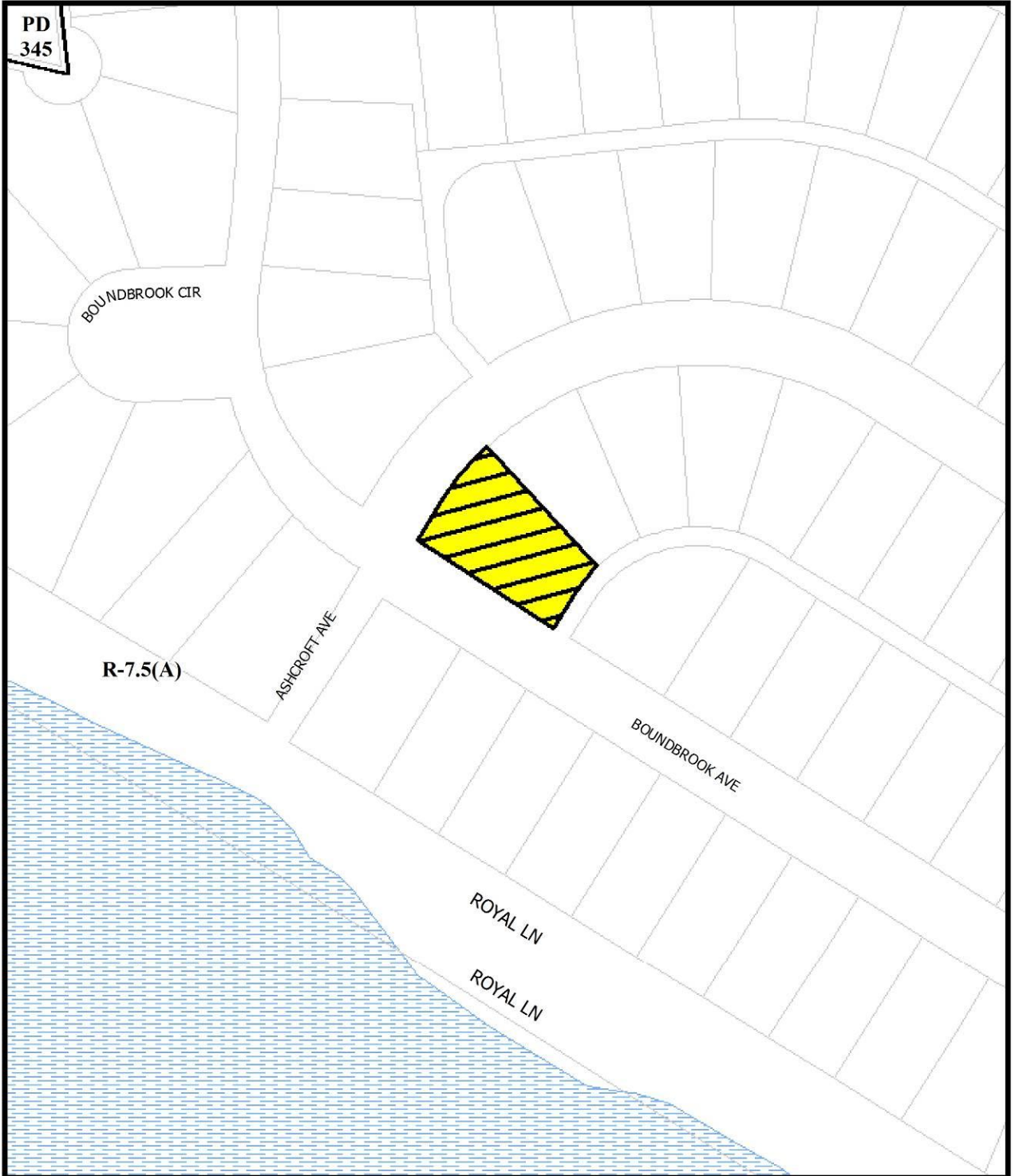
March 16, 2015: The Current Planner shared the following information with the applicant via e-mail:

- 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 April 1st deadline to submit additional evidence for staff to factor into their analysis; and the April 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 7, 2015:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Chief Planner, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA145-046

Date: 3/11/2015





1:1,200

# AERIAL MAP

Case no: **BDA145-046**

Date: **3/11/2015**





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-046

Data Relative to Subject Property:

Date: 02-10-15

Location address: 8606 Ashcroft Ave Zoning District: R-7.5(A)

Lot No.: 12 Block No.: 22/7522 Acreage: .19 Census Tract: 78.05

Street Frontage (in Feet): 1) 123 2) 86 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NEAA

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Hector Espinoza

Applicant: Hector Espinoza Telephone: 214-228-7996

Mailing Address: 8606 Ashcroft Ave Zip Code: 75243

E-mail Address: lcpl\_espinoza@hotmail.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 4 ft  
fence height in a front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
8ft fences are common in near vicinity, neighbors are used to seeing a 6ft old fence there, it would be an improvement instead of a nuisance, it will not adversely affect 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

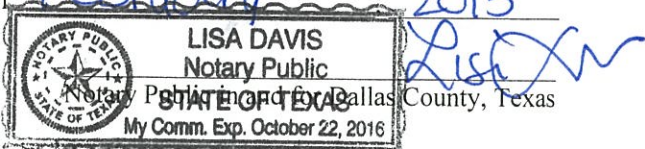
Before me the undersigned on this day personally appeared Hector Espinoza  
(Affiant/Applicant's name printed)

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: Hector Espinoza  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 6 day of February 2015

(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 Hector Espinoza

did submit a request for a special exception to the fence height regulations  
at 8606 Ashcroft Avenue

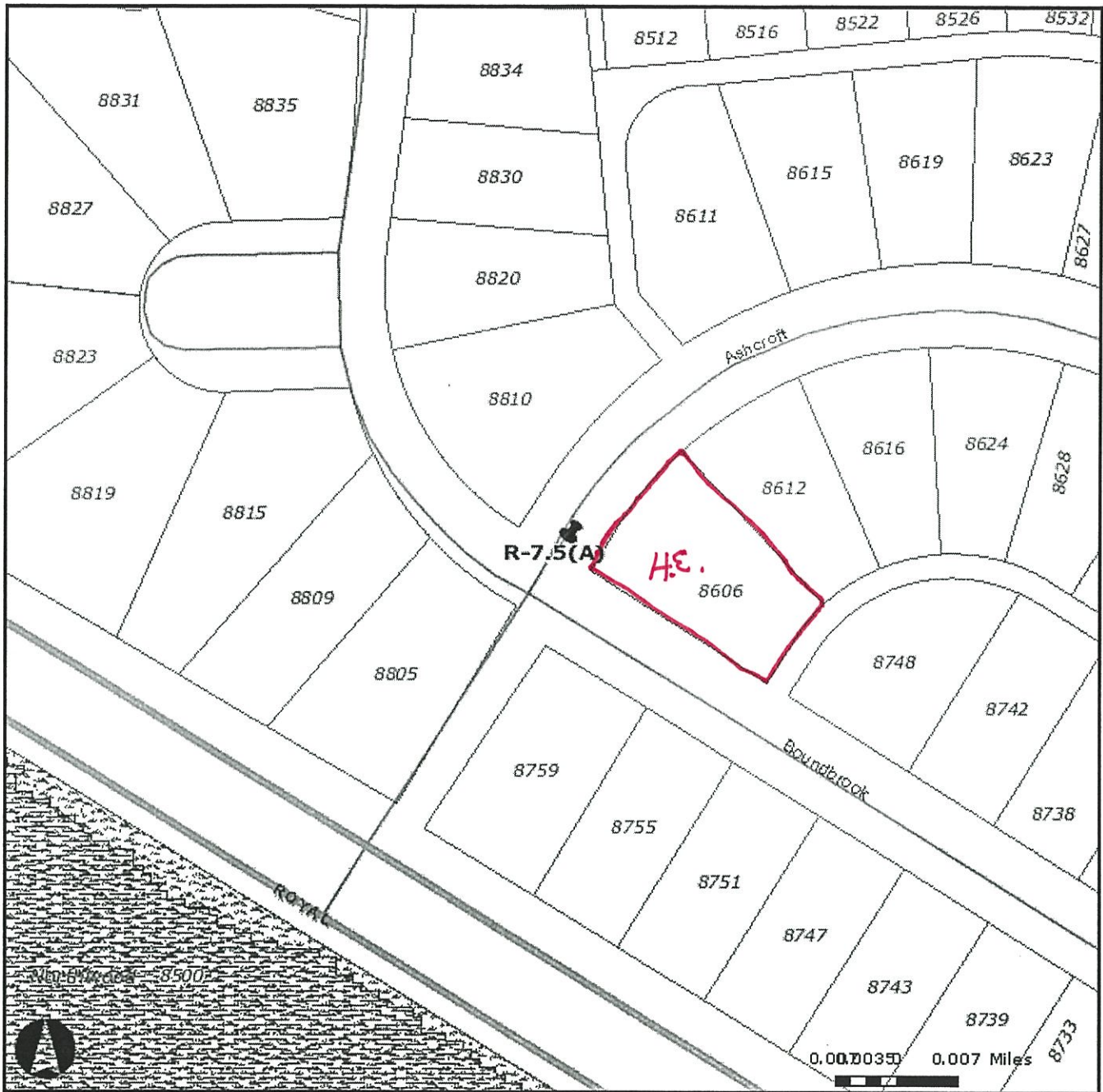
BDA145-046. Application of Hector Espinoza for a special exception to the fence height regulations at 8606 Ashcroft Avenue. This property is more fully described as Lot 12, Bloc 22/7522, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

  
Larry Holmes, Building Official



# City of Dallas Zoning



Address Candidates

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites

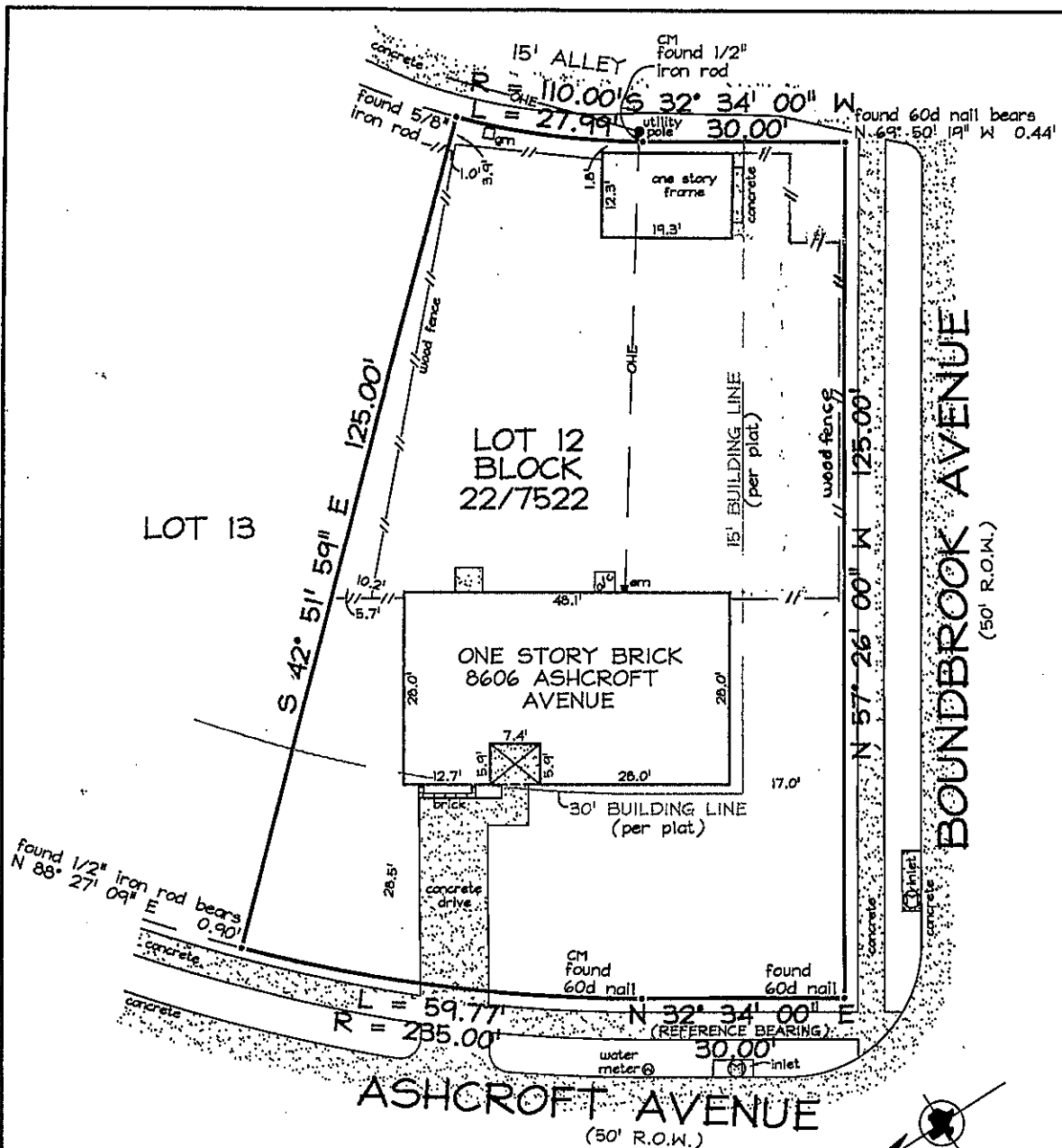
SUP

- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts

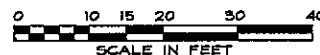
PDS Subdistricts

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





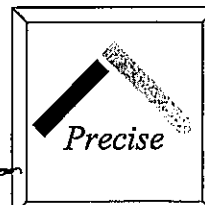
NOTES:  
 BEARINGS ARE BASED ON PLAT.  
 CM = CONTROLLING MONUMENT.  
 HOUSE EXTENDS BEYOND 30' BUILDING LINE AS SHOWN ABOVE.  
 THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.



THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 8608 ASHCROFT AVENUE, and Being Lot 12, Block 22/7522, REPLAT OF NORTHWOOD ESTATES ADDITION, SECOND INSTALLMENT, an addition to the City of Dallas, Dallas County, Texas, according to the Replat thereof recorded in Volume 30, Page 87, Map Records, Dallas County, Texas. There are no visible conflicts or protrusions, except as shown. The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48113C0195 J, dated AUGUST 23, 2001. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under the GF number shown hereon, provided by the title company named hereon and that this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

DATE: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_



DATE: 05/22/07

STEWART TITLE

FIELD DATE: 05/21/07

GF NO. 07301173

BL 174-9046

DALLAS: PHONE 972-881-7072 FAX 972-279-1508  
 4625 EASTOVER DRIVE, MESQUITE, TEXAS 75149

FORT WORTH: PHONE 817-451-0522  
 FAX 817-498-3418

JOB NO: 107-2423  
 MAPSCO NO: 26-G

TECH: RLH  
 FIELD: FG

Lot 12

Block 22 / 7522

BDA 145-86

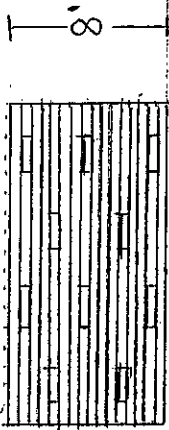
engineering scale 1" = 10'

wood fence

natural wood color

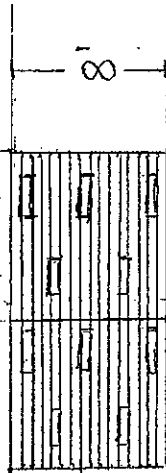
Front

16'8"



Back

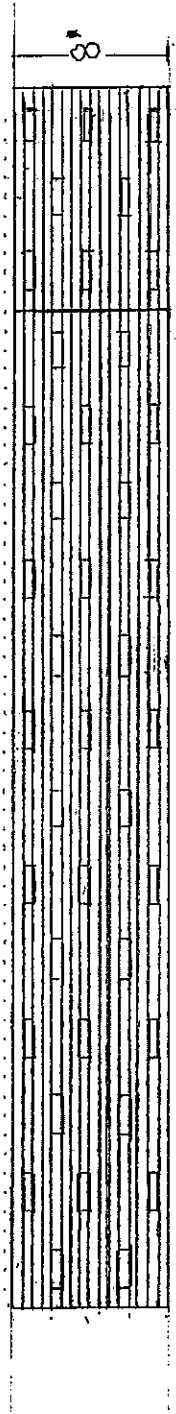
7'7" 8'9"



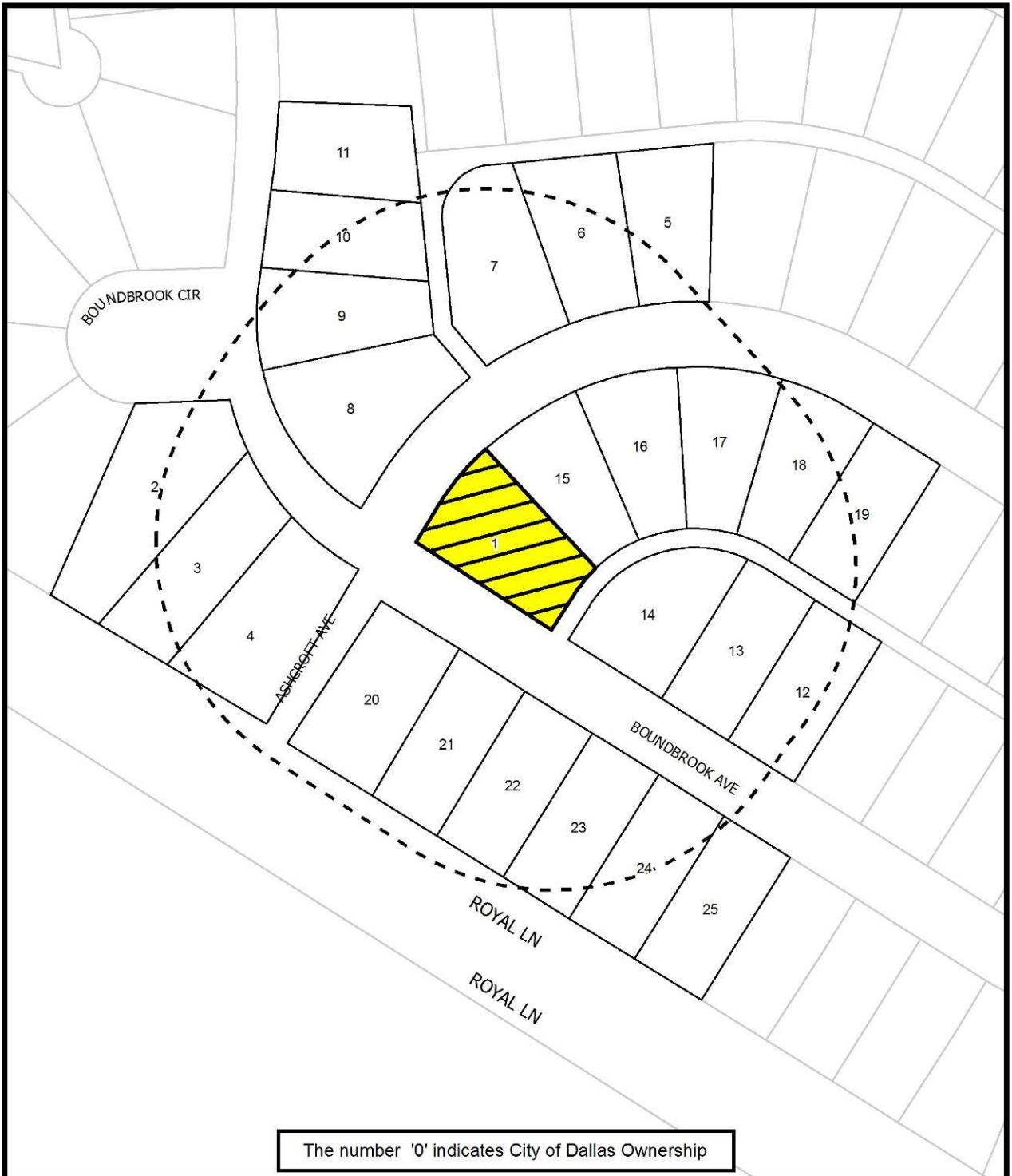
Side

52'

11'6"







The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> <span style="border: 1px solid black; padding: 2px;">200'</span> AREA OF NOTIFICATION  <span style="border: 1px solid black; padding: 2px;">25</span> NUMBER OF PROPERTY OWNERS NOTIFIED         </p>	<p>Case no: <u>BDA145-046</u></p> <p>Date: <u>3/11/2015</u></p>
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## *Notification List of Property Owners*

***BDA145-046***

***25 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8606 ASHCROFT AVE	ESPINOZA HECTOR
2	8815 BOUNDBROOK CIR	NISCHAN ERICH D
3	8809 BOUNDBROOK AVE	ZBOLON TIKVA
4	8805 BOUNDBROOK AVE	CALDWELL R A
5	8619 ASHCROFT AVE	SHIELDS WILLIAM O
6	8615 ASHCROFT AVE	MARQUEZ IRENE
7	8611 ASHCROFT AVE	HERNANDEZ-GONZALEZ MARIA E &
8	8810 BOUNDBROOK AVE	KLEIN JEFFREY BOWERS
9	8820 BOUNDBROOK AVE	LUEDKE SCOTT J & KATHY A
10	8830 BOUNDBROOK AVE	MARTINEZ ENRIQUE &
11	8834 BOUNDBROOK AVE	WATSON RICKY LEE
12	8738 BOUNDBROOK AVE	DAKE KATHY
13	8742 BOUNDBROOK AVE	LOWERY RUTH G
14	8748 BOUNDBROOK AVE	CAMPAGNA ANTHONY J
15	8612 ASHCROFT AVE	BEAUMONT DUSTY L
16	8616 ASHCROFT AVE	DELARIVA GILBERTO
17	8624 ASHCROFT AVE	GRANADO LISA M
18	8628 ASHCROFT AVE	MASON MARY J
19	8636 ASHCROFT AVE	DANIELS DAVID A
20	8759 BOUNDBROOK AVE	WALLS SUSAN & MATHEW
21	8755 BOUNDBROOK AVE	VILLALBA JACINTO & MARTHA
22	8751 BOUNDBROOK AVE	BEITMAN LYNN A & VICKI A
23	8747 BOUNDBROOK AVE	BRISCOE BRIAN &
24	8743 BOUNDBROOK AVE	ARMSTRONG DAVID & MARCIA
25	8739 BOUNDBROOK AVE	TORRES FERNANDO

**FILE NUMBER:** BDA 145-049

**BUILDING OFFICIAL'S REPORT:** Application of Carl Baggett, represented by Michael R. Coker, for variances to the front yard setback regulations at 6939 Blackwood Drive. This property is more fully described as Lot 13, Block 2/7682, and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and/or maintain structures and provide as close as a 0 foot front yard setback, which will require up to a 30 foot variance to the front yard setback regulations.

**LOCATION:** 6939 Blackwood Drive

**APPLICANT:** Carl Baggett  
Represented by Michael R. Coker

**REQUESTS:**

Requests for variances to the front yard setback regulations of up to 30' are made to maintain the following structures on a site developed with a single family home use/structure:

- In the Hyde Park Drive 30' front yard setback: retaining walls ranging from 14" – 42"; a portion of an 8" high concrete porch; a gable roof, concrete porch, and stairs; and a variable height stone landscape terrace up to 12"; and
- In the Blackwood Drive 30' front yard setback: variable height stone landscape terraces ranging from 21" – 38"; stairs; and portion of concrete front porch 39".

**STANDARD FOR A VARIANCE:**

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

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



## **STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The topography/slope of the subject site is unique and different from most lots zoned R-10(A) to such a degree that warrants variances for the structures that the applicant has applied for in this application – porch, gable roof, stairs, landscape terraces, and retaining walls located in the site’s 30’ front yard setbacks along Hyde Park Drive and Blackwood Drive.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	R-10(A) (Single family residential 10,000 square feet)
<u>North:</u>	R-10(A) (Single family residential 10,000 square feet)
<u>South:</u>	R-10(A) (Single family residential 10,000 square feet)
<u>East:</u>	R-10(A) (Single family residential 10,000 square feet)
<u>West:</u>	R-10(A) (Single family residential 10,000 square feet)

### **Land Use:**

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

### **Zoning/BDA History:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

- These variance requests focus on maintaining the following structures on a site developed with a single family home use/structure:
  - In the Hyde Park Drive 30’ front yard setback: retaining walls ranging from 14” – 42”; a portion of an 8” high concrete porch; a gable roof, concrete porch, and stairs; and a variable height stone landscape terrace up to 12”; and
  - In the Blackwood Drive 30’ front yard setback: variable height stone landscape terraces ranging from 21” – 38”; stairs; and portion of concrete front porch 39”.
- Structures on lots zoned R-10(A) are required to provide a minimum front yard setback of 30’.

- The subject site is located at the southwest corner of Hyde Park Drive and Blackwood Drive. Regardless of how the existing structure is oriented to front Blackwood Drive and to “side” to Hyde Park Drive, the subject site has front yard setbacks along both streets. The site has a 30’ front yard setback along Hyde Park Drive, the shorter of the two frontages, which regardless of the fact that it functions as a side yard to the property is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 30’ front yard setback along Blackwood Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 6’ side yard setback is required. The site’s Blackwood Drive frontage that functions as its front yard is treated as a front yard setback even though it is the longer frontage in order to maintain the continuity of the front yard setbacks established by the lots to the south zoned R-10(A) that front/are oriented eastward towards Blackwood Drive.
- A revised site plan has been submitted indicating structures (a 14” and 42” high retaining wall “structure”) located on the site’s Hyde Park Drive front property line or as much as 30’ into this 30’ front yard setback. (The revised scaled site plan indicates the nearest structure to the Blackwood Drive front property line is a variable height stone landscape terrace up to 31” in height located approximately 6’ from this front property line or 24’ into this 30’ front yard setback).
- According to DCAD records, the “main improvement” for property addressed at 6939 Blackwood Drive is a structure built in 2005 with 4,129 square feet of living/total area, and the “additional improvement” is a 484 square foot attached garage.
- The subject site is sloped, slightly irregular in shape, and according to the submitted application is 0.416 acres (or approximately 18,000 square feet) in area. The site is zoned R-10(A) where lots are typically 10,000 square feet in area.
- Most lots in R-10(A) zoning have one 30’ front yard setback, two 6’ side yard setbacks, and one 6’ rear yard setback. This site however has two 30’ front yard setbacks, and two 6’ side yard setbacks.
- The applicant has the burden of proof in establishing the following:
  - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-10(A) zoning classification.
  - The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A) zoning classification.

- If the Board were to grant the variance requests, and impose the submitted revised site plan as a condition, the structures in the front yard setbacks would be limited to what is shown on this document– which in this case is a portion of a structure ( 14” and 42” retaining walls) located as close as on the Hyde Park Drive front property line (or 30’ into this 30’ front yard setback) and a structure (variable height stone landscape terrace up to 31”) located as close as approximately 6’ from the Blackwood Drive front property line (or 24’ into this 30’ front yard setback).

**Timeline:**

February 5, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

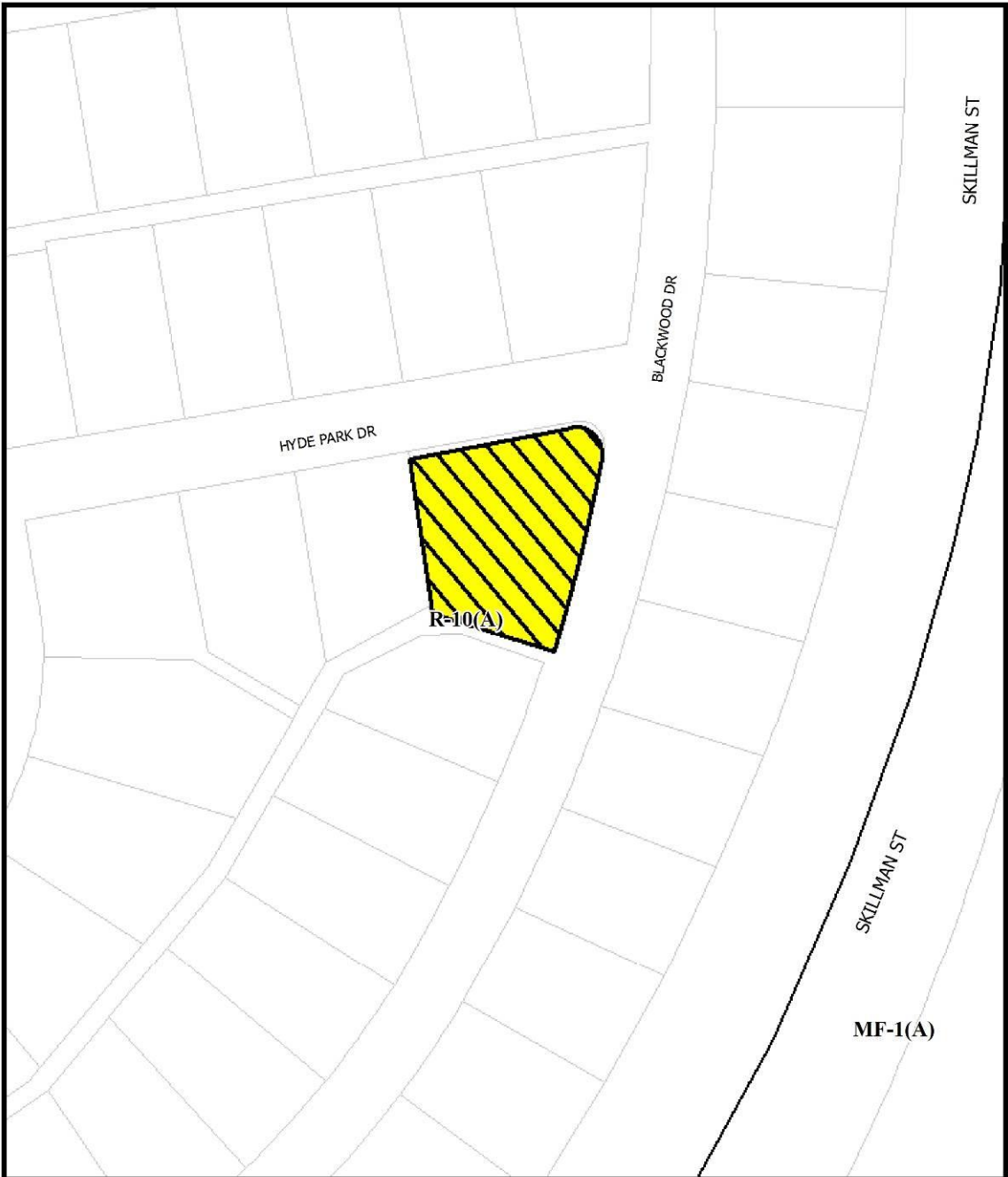
March 11, 2015: The Board Administrator emailed the applicant’s representative the following information:

- 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 April 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 31, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

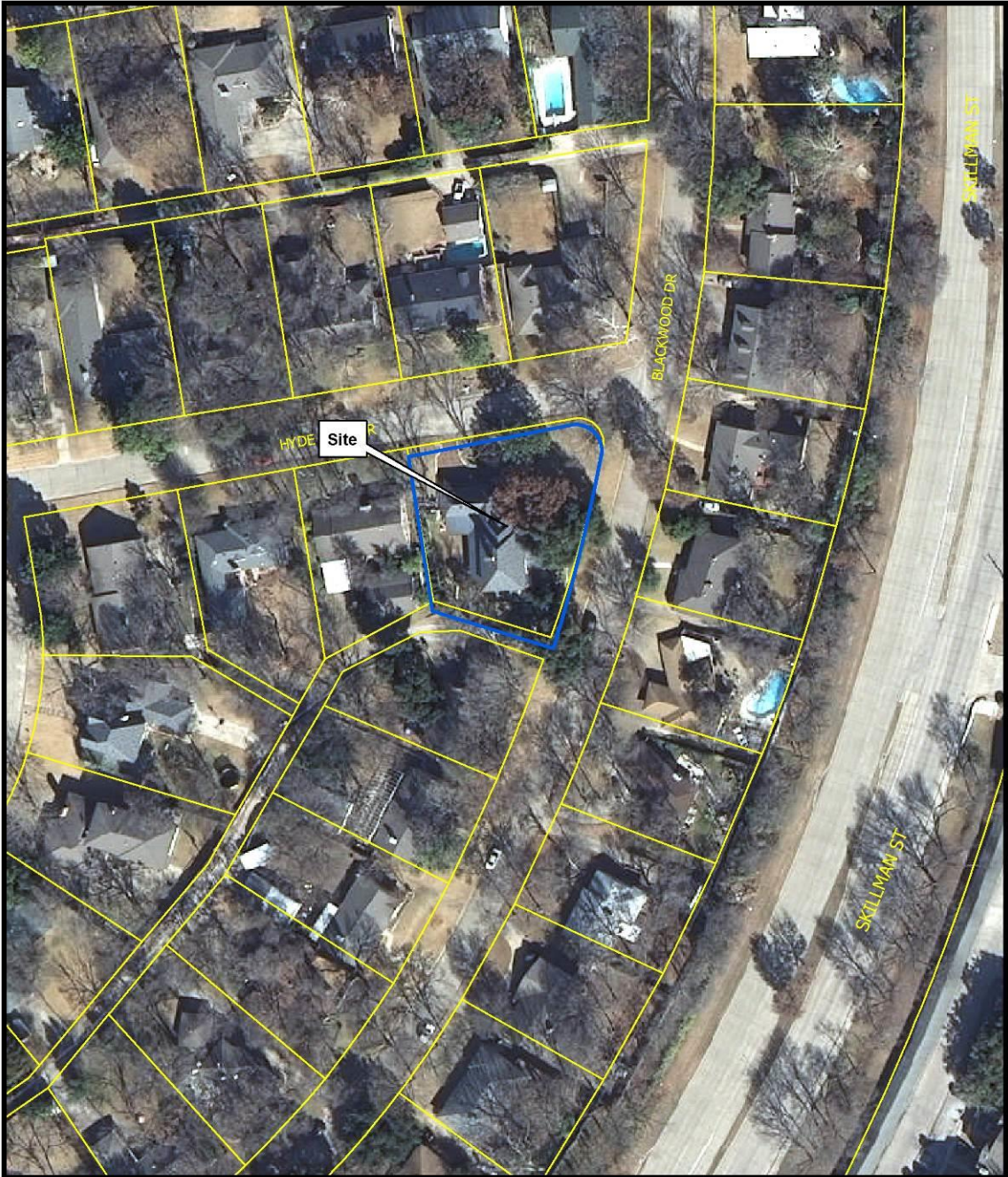
No review comment sheets with comments were submitted in conjunction with this application.



1:1,200

# ZONING MAP

Case no: BDA145-049  
Date: 3/11/2015



1:1,200

# AERIAL MAP

Case no: BDA145-049

Date: 3/11/2015



BDA145-049  
Attach A ps 1

**Long, Steve**

---

**From:** Long, Steve  
**Sent:** Monday, March 30, 2015 10:34 AM  
**To:** 'Michael Coker'  
**Cc:** Duerksen, Todd; 'Erin Scherer'  
**Subject:** RE: BDA 145-049, Property at 6939 Blackwood Drive

By the end of day April 1<sup>st</sup>. And really, the attempt is only to make this easier for the board to understand what is being requested here- not to make it more complicated.

Thanks, Mike,

Steve

---

**From:** Michael Coker [mailto:mrcoker@cokercompany.com]  
**Sent:** Monday, March 30, 2015 10:40 AM  
**To:** Long, Steve  
**Cc:** Duerksen, Todd; Erin Scherer  
**Subject:** RE: BDA 145-049, Property at 6939 Blackwood Drive

Steve, I think that is a good suggestion if it makes it easier for the Board. When do I in need to submit revisions? By the first or on the first?

Michael R. Coker, AICP/CBO  
Michael R. Coker Company, Inc.  
3111 Canton Street  
Suite 140  
Dallas, Texas 75226  
214.821.6105 x 16 [p]  
214.821.6125 [f]  
[mrcoker@cokercompany.com](mailto:mrcoker@cokercompany.com)  
[www.cokercompany.com](http://www.cokercompany.com)

---

**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Monday, March 30, 2015 10:28 AM  
**To:** Michael Coker  
**Cc:** Duerksen, Todd; Erin Scherer  
**Subject:** RE: BDA 145-049, Property at 6939 Blackwood Drive

Dear Mike,

In order to simplify this application, maybe it would be in your client's best interest to clearly denote the structures (any/all structures over 6" in height in the 30' front yard setbacks on both streets) requiring variance on your site plan (page 5 of 5 in the application materials attached). What are your thoughts about submitting an amended site plan with these notes and/or a list of any/all structures requiring variance.

Steve

---

**From:** Michael Coker [<mailto:mrcoker@cokercompany.com>]  
**Sent:** Monday, March 30, 2015 10:18 AM  
**To:** Long, Steve  
**Cc:** Duerksen, Todd; Erin Scherer  
**Subject:** RE: BDA 145-049, Property at 6939 Blackwood Drive

BDA 145-049  
ATTACH A PG 2

Steve, thanks for the opportunity to clarify our request: We submitted an application to combine the subject property and the adjacent property into one lot. When the subdivision staff was taking the application in they noted that there was an eave encroachment into the required front yard that also encroached on the platted building line. When we looked more closely at the survey we discovered that the little gable overhang also encroached into the required front yard setback and encroached into the 30 foot platted building line. Subdivision advised that they would not process the plat application until we requested a variance to the front yard setback. When we reviewed the Blackwood frontage in the context of the 30 foot required front yard setback, we noted that the retaining walls [terraced planters] collectively exceeded the maximum four foot high fence/wall requirement as well as the six inch structure height and the steps for access to the front porch exceeded six inches in height. The terraced planter on the Hyde Park frontage exceeds six inches and [in my opinion] is a structure as is the little porch under the gable roof.

Section 51A-4.401 (a)(1) allows cantilevered roof eaves to encroach up to five feet into the required front yard, so I think that the garage eave encroachment do not need a variance. However, the cantilevered gabled roof structure does not appear to satisfy the exemption since not only the eave, but a substantial portion of the roof [not a balcony] encroaches into the required front yard setback.

Then on the Blackwood portion of the required front yard a portion of the front porch that exceeds 39 inches is located in the required front yard along with the steps. Then the stone terraced walls are a collective total of 108 inches tall when included with the rise of the front porch. So, whether this terraced planters are a fence or a wall, they individually exceed six inches and collectively exceed four feet.

We want to make sure that we get all of the relief that the client needs in order for the subdivision staff to accept our request to replat the two lots into one lot.

Michael R. Coker, AICP/CBO  
Michael R. Coker Company, Inc.  
3111 Canton Street  
Suite 140  
Dallas, Texas 75226  
214.821.6105 x 16 [p]  
214.821.6125 [f]  
[mrcoker@cokercompany.com](mailto:mrcoker@cokercompany.com)  
[www.cokercompany.com](http://www.cokercompany.com)

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**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Friday, March 27, 2015 2:16 PM  
**To:** Michael Coker  
**Cc:** Duerksen, Todd  
**Subject:** FW: BDA 145-049, Property at 6939 Blackwood Drive

Dear Mike,

Would you please provide me with some clarity as to the structures you want the board to consider in this application? What specifically are the "structures" requiring variance in the site's Hyde Park Drive 30' front yard setback? What specifically are the "structures" requiring variance in the site's Blackwood Drive 30' front yard setback?

While I can determine from your site plan/detail document that there are certain structures (things about 6" above grade) in the Hyde Park Drive 30' front yard setback (that being a garage and gable overhang), how can one decipher from your submittal what/if "terraced planter", "walkway & stairs" are structures also needing varied in the Hyde Park Drive 30 foot front yard setback?

The same question can be asked of what structures need varied in the Blackwood Drive 30' front yard setback. What "walkways & stairs" and "terraced planters" are there in the Blackwood Drive 30' front yard setback that are deemed "structures" – that being something over 6" above grade?

Can you provide answers by April 1<sup>st</sup>?

Thank you,

Steve

---

**From:** Long, Steve  
**Sent:** Wednesday, March 11, 2015 1:25 PM  
**To:** 'Michael Coker'  
**Cc:** Duerksen, Todd  
**Subject:** BDA 145-049, Property at 6939 Blackwood Drive

Dear Mike,

Here is information regarding the application to the board of adjustment referenced above that you are representing for Carl Baggett, most of which I believe you are aware of given your experience with the board of adjustment:

1. The application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your tentatively scheduled April 22<sup>nd</sup> Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front yard setback regulations (51A-3.102(d)(10)).
3. A document that provides deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and the Building Official's Report/second page of your application (page 2 of 5 within the application materials attached). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, April 1<sup>st</sup> with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report stating that the applicant proposes to construct and maintain a structure and provide an 18 foot front yard setback which will require a 12 foot variance to the front yard setback regulations is incorrect. (Note that the discovery of any additional appeal needed other than the front yard variance request will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Thanks,

Steve

BDA145-049  
ATTACH A  
P34

PS: If there is anything you want to submit to the board on this application beyond what has been included in the attached application materials, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or forward it to me at the following address:

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





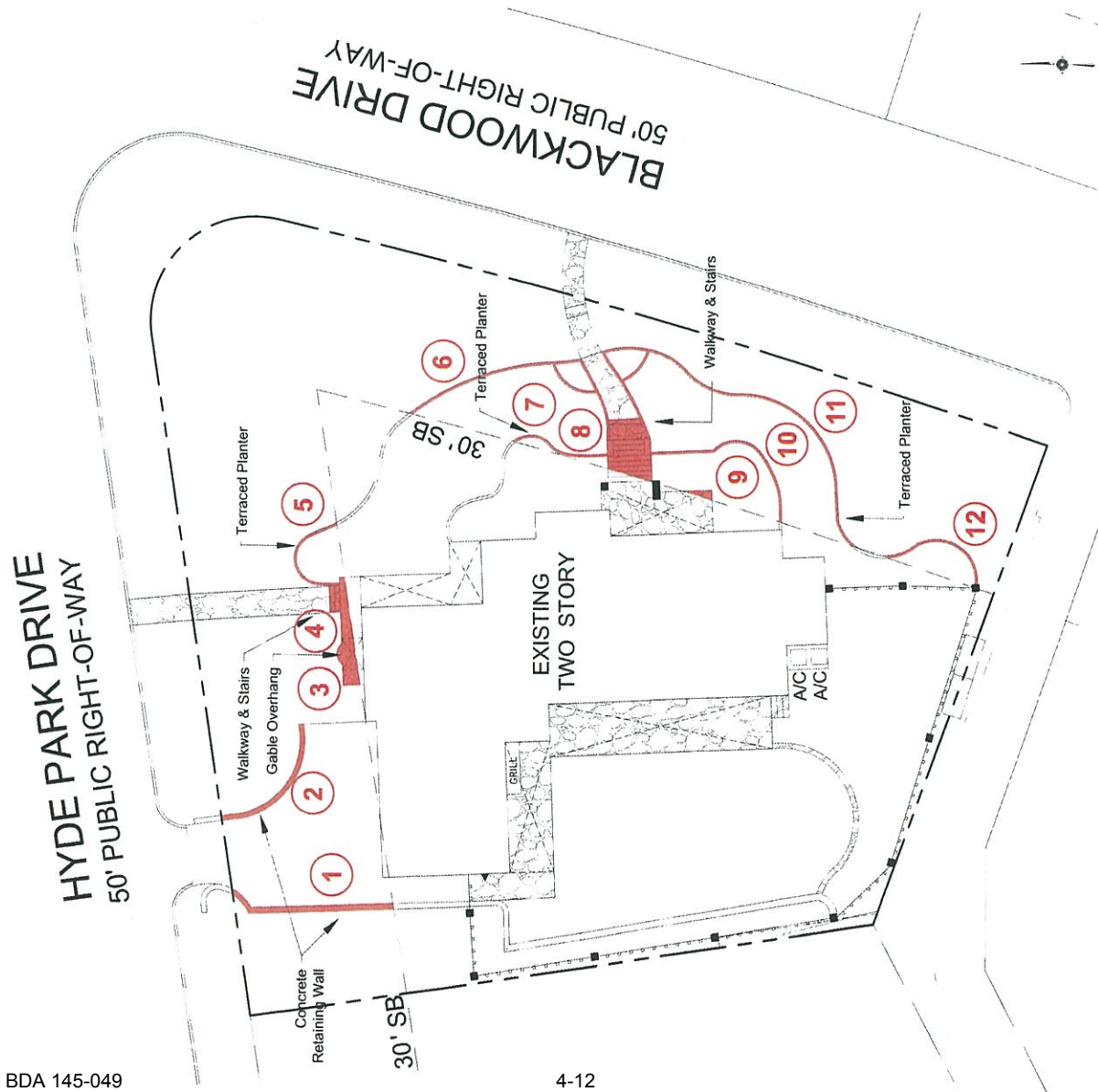
BDA145-049  
 Attach A  
 Pg 6

**Hyde Park Drive Side**

1. 42" retaining wall
2. 14" retaining wall
3. 8" concrete porch
4. Gable roof, concrete porch, stairs
5. Variable height stone landscape terrace up to 12"

**Blackwood Drive Side**

6. Variable height stone landscape terrace up to 24"
7. Variable height stone landscape terrace up to 32"
8. Stairs rise 78"
9. Portion of concrete front porch 39"
10. Variable height stone landscape terrace up to 38"
11. Variable height stone landscape terrace up to 31"
12. Variable height stone landscape terrace up to 21"







APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-049

Data Relative to Subject Property:

Date: February 5, 2015

Location address: 6939 Blackwood Drive Zoning District: R-10(A)

Lot No.: 13 Block No.: 2/7682 Acreage: 0.416 Census Tract: 0078.1324

Street Frontage (in Feet): 1) 151.29' 2) 131.82' 3) Hyde Park 4) NE5 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Carl and Dee Ann Baggett

Applicant: Carl Baggett Telephone: 972-701-8815

Mailing Address: 6939 Blackwood Drive Zip Code: 75231

E-mail Address: cbaggett@norcapfunds.com

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

Mailing Address: 3111 Canton Street, Suite 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 12 feet Variance to front yard setback to allow a portion of an existing house and portions of concrete retaining walls, stairs, walkways and terraced planters on Hyde Park to encroach in to the required 30 foot 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:

The house is existing and a building permit was issued and completed for the structure. The northwest corner of the house encroaches in to the 30 foot front yard by 1.10 feet. The encroachment does not adversely affect the neighboring properties. The slope of front yard is significant enough to warrant terraced planters, stairs and walkways that encroach in the required 30 foot front yard. All of the improvements are commensurate with other construction in the surrounding area.

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.

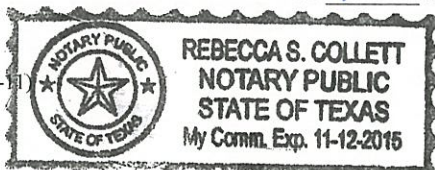
Affidavit

Before me the undersigned on this day personally appeared Carl Baggett (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)

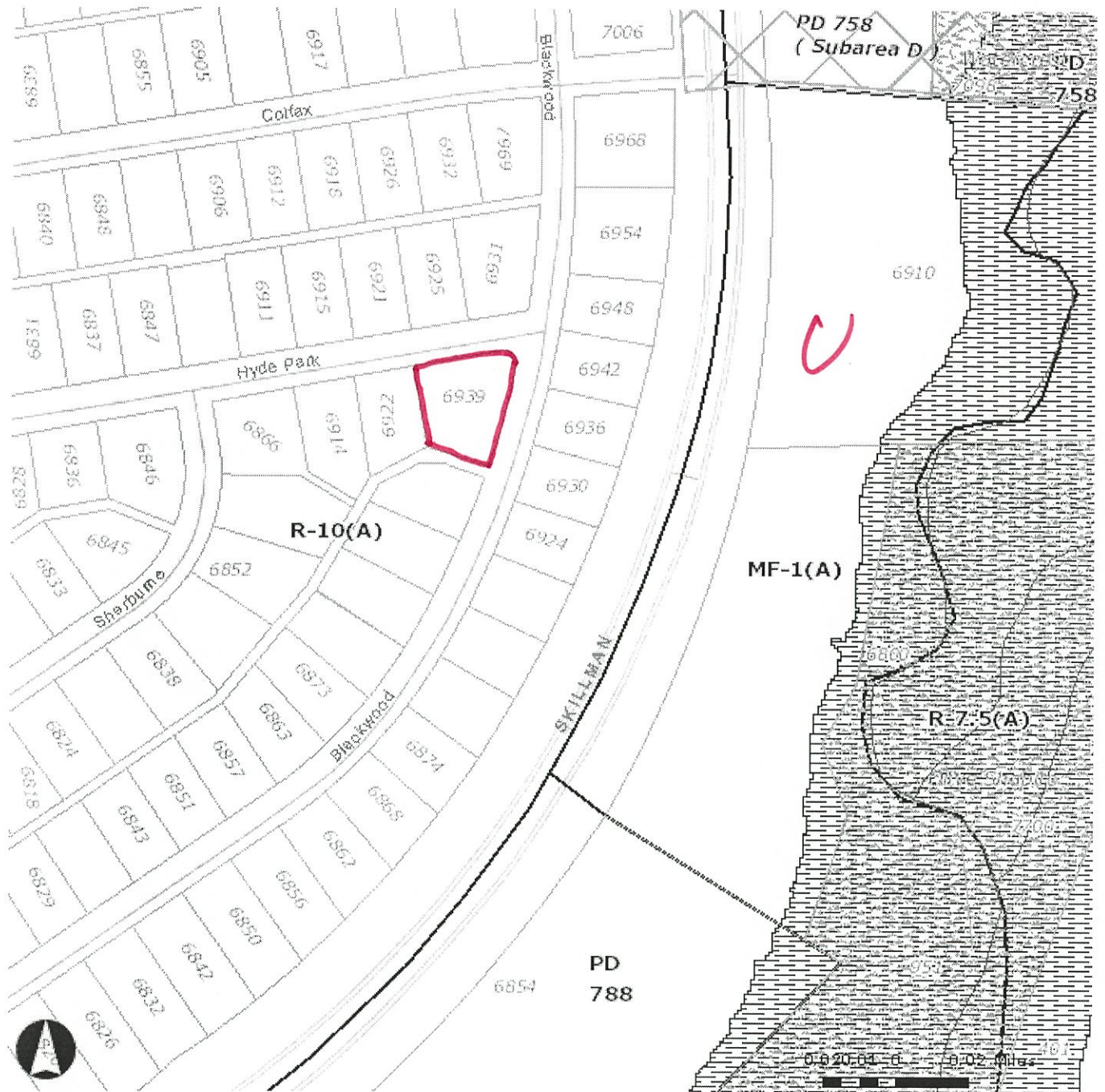
Subscribed and sworn to before me this 13th day of February, 2015



Rebecca S. Collett Notary Public in and for Dallas County, Texas













Michael R. COKER Company  
 1000 West Loop, Suite 200  
 Houston, Texas 77027  
 Phone: 713.865.1100  
 Fax: 713.865.1101  
 www.mrcoker.com

**6939 BLACKWOOD DRIVE**  
**BAGGETT RESIDENCE**  
 LOT 13, BLOCK 27682  
 CITY OF DALLAS  
 DALLAS COUNTY, TEXAS

Issue/Revisions	No.	Date	Description

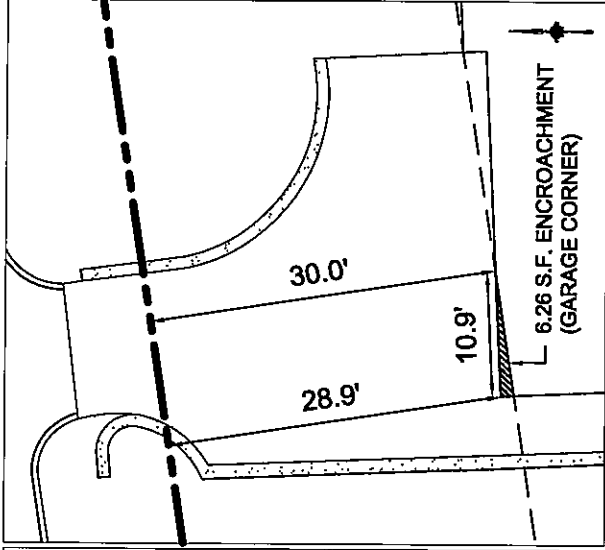


**SITE PLAN**

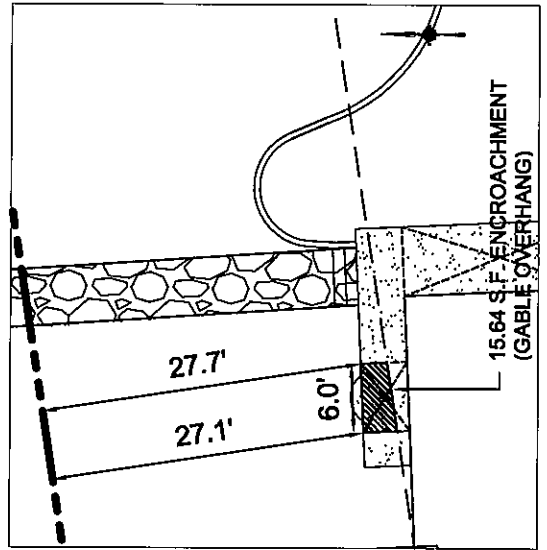
Issue Date: 02/18/15  
 Color Co-Project: 21122  
 Reviewed By: MRC  
 Drawn By: eca

Drawing Number: **S-1**

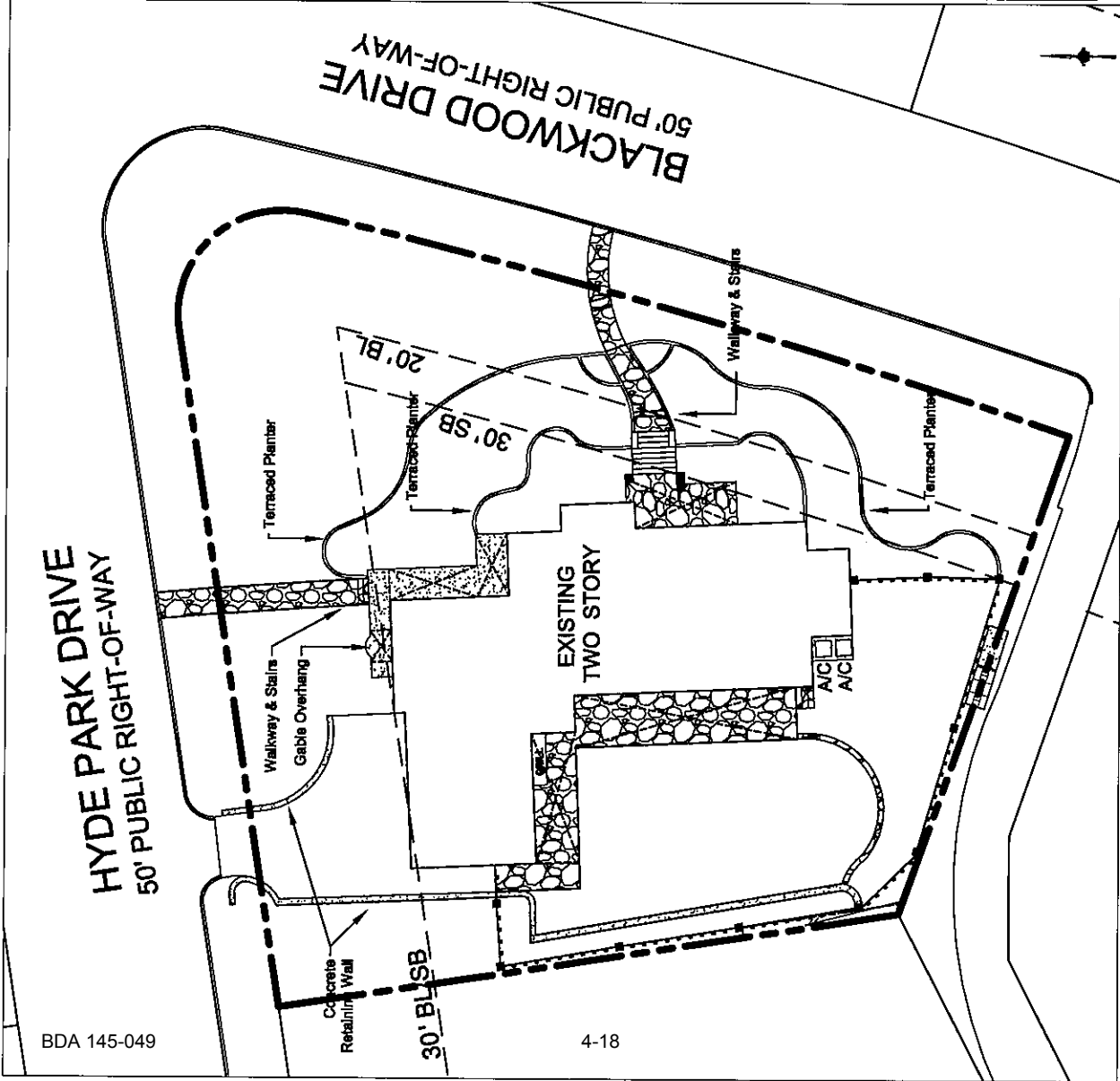
Filename: BAGGETT-6939-0000  
 Project: 6939 Blackwood Drive  
 Date: 02/18/15  
 Scale: 1" = 10'-0"



SD 1  
 DETAIL OF GARAGE ENCROACHMENT  
 SCALE: 1" = 5'-0"



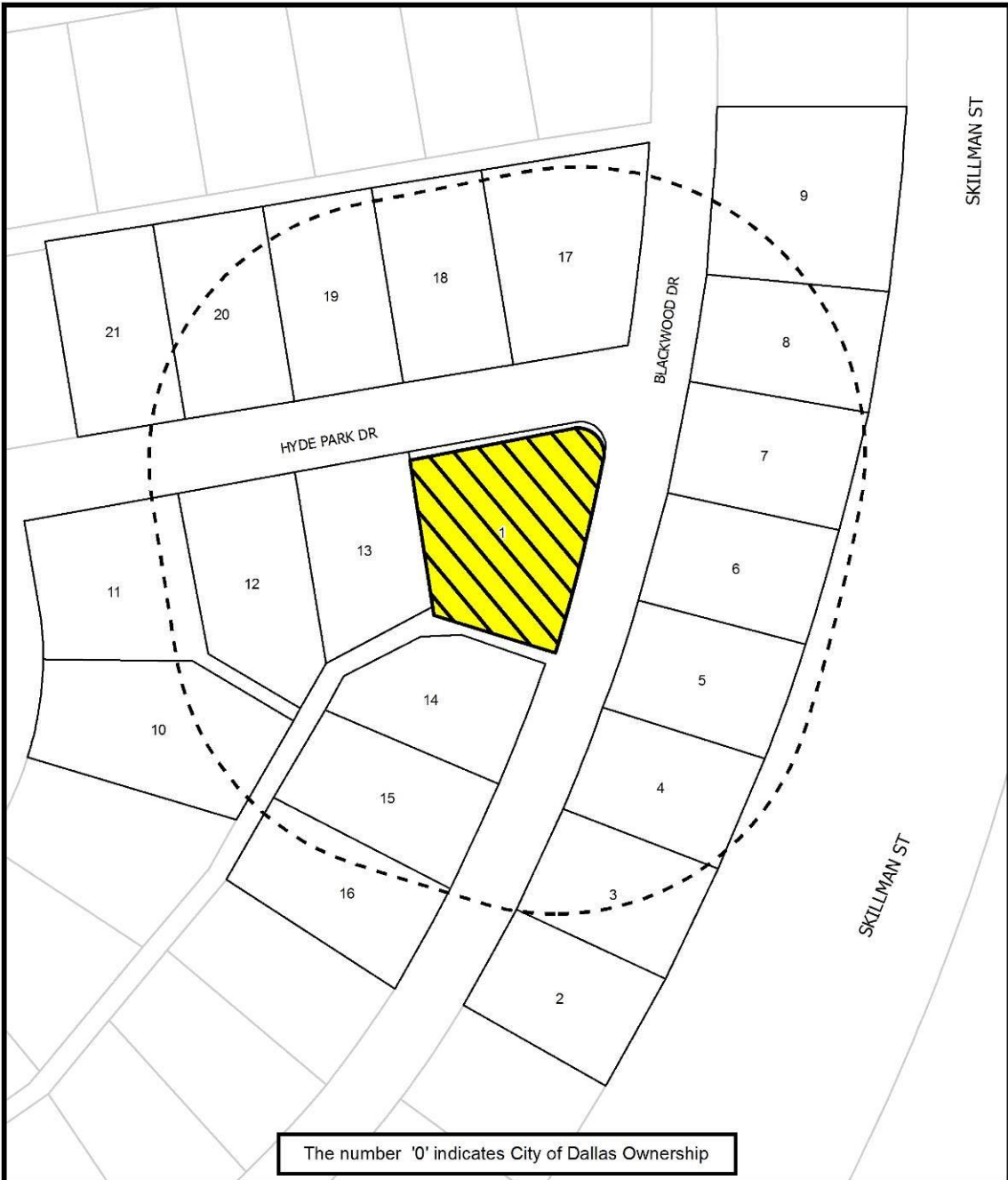
SD 2  
 DETAIL OF GABLE OVERHANG ENCROACHMENT  
 SCALE: 1" = 5'-0"



BDA 145-049

4-18

A SITE PLAN  
 SCALE: 1" = 10'-0"



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA145-049</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/11/2015</b>	

## *Notification List of Property Owners*

***BDA145-049***

### ***21 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6939 BLACKWOOD DR	BAGGETT CARL & DEE A
2	6912 BLACKWOOD DR	BUSHA ALISON TWEEDY
3	6918 BLACKWOOD DR	GIBSON ASHLEE ELIZABETH &
4	6924 BLACKWOOD DR	KEELER JASON & JENNIFER
5	6930 BLACKWOOD DR	WATKINS JANET MURRIEL
6	6936 BLACKWOOD DR	GARCIA CATHLEEN
7	6942 BLACKWOOD DR	WEAVER JAMES A TR &
8	6948 BLACKWOOD DR	ANDERLY DAVID BRONSON &
9	6954 BLACKWOOD DR	CHASTAIN LYDIA ANNE
10	6858 SHERBURNE DR	COX SUSAN C &
11	6866 SHERBURNE DR	HOLT DAVID & DONNA JO
12	6914 HYDE PARK DR	BURNS JAMES D III & MARY H
13	6922 HYDE PARK DR	BATES DAVID M & JAN L
14	6925 BLACKWOOD DR	LAWSON ELIZABETH
15	6919 BLACKWOOD DR	LEE JONATHON
16	6911 BLACKWOOD DR	OLSON MARK E
17	6931 HYDE PARK DR	MANESS M H
18	6925 HYDE PARK DR	KNUTH SCOTT & CHARLOTTE
19	6921 HYDE PARK DR	DEBORD JEFFREY ROBERT &
20	6915 HYDE PARK DR	BRINK ROY S JR & MARY
21	6911 HYDE PARK DR	WARD LUVERNE B

**FILE NUMBER:** BDA 145-007

**UPDATED BUILDING OFFICIAL'S REPORT:** Application of Suzan Kedron for a special exception to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way. The applicant proposes to construct and maintain a pedestrian skybridge and locate supports within a public right-of-way, which will require a special exception to the pedestrian skybridge standards.

**ORIGINAL BUILDING OFFICIAL'S REPORT:** Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way, that a pedestrian skybridge must provide clearance above the public right-of-way of at least 18 feet above grade, that the interior passageway must be no greater than 20 feet in width, and must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The applicant proposes to construct and maintain a pedestrian skybridge and locate supports within a public right-of-way, reduce the minimum 18 foot clearance above the public right-of-way to 14 feet, increase the maximum 20 foot interior passageway width to 61 feet, and increase the maximum 30 degree divergance from the perpendicular angle to the right-of-way to 45 degrees, which will require special exceptions to the pedestrian skybridge standards.

**LOCATION:** 8301 Westchester Drive

**APPLICANT:** Suzan Kedron and Jonathan Vinson of Jackson Walker LLP

**ORIGINAL REQUESTS:**

Requests for special exceptions to the mandatory pedestrian skybridge standards were made to construct and maintain a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage:

1. With a clearance above public right-of-way of 14' above grade;
2. With an interior passageway width of 61';
3. With support columns located within the Westchester Drive public right-of-way; and
4. That will diverge from a perpendicular angle to the right-of-way by 45 degrees.



## **UPDATED APRIL 22, 2015 REQUEST:**

A request for a special exception to the mandatory pedestrian skybridge standards is made to construct and maintain a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage with support columns located within the Westchester Drive public right-of-way.

Note that on March 18, 2015, the Board of Adjustment Panel B conducted a public hearing on this application and took the following actions:

1. Granted a request for a special exception to reduce the skybridge clearance above the public right-of-way to **15** feet above grade;
2. Granted a request for a special exception to increase the divergence from a perpendicular angle to 45 degrees;
3. Granted a request for a special exception to increase the maximum interior passageway width of the skybridge to **61** feet; and
4. Held the applicant's request for a special exception to locate support columns within the Westchester Drive public right-of-way until **April 22, 2015**.

## **STANDARD FOR A SPECIAL EXCEPTION TO THE MANDATORY PEDESTRIAN SKYBRIDGE STANDARDS:**

Section 51A-4.217 of the Dallas Development Code states that the board of adjustment may grant a special exception to the pedestrian skybridge standards if the board finds that:

1. Strict compliance with the requirements will unreasonably burden the use of either of the properties;
2. The special exception will not adversely affect neighboring property; and
3. The special exception will not be contrary to the public interest.

## **STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the pedestrian skybridge standards since the basis for this type of appeal is if the board finds that: strict compliance with the requirements will unreasonably burden the use of either of the properties; the special exception will not adversely affect neighboring property; and the special exception will not be contrary to the public interest.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD 314 (Planned Development)  
North: PD 314 (Planned Development)  
South: PD 314 (Planned Development)  
East: PD 314 (Planned Development)

West: PD 314 (Planned Development)

**Land Use:**

The proposed skybridge would connect an existing two story retail structure to an existing one-story parking garage/deck. The areas to the north, east, south, and west are developed with mostly with retail uses.

**Zoning/BDA History:**

1. Z 134-341 (the subject site)

On March 5, 2015, the City Plan Commission recommended approval of an application for a specific use permit for a pedestrian skybridge. (A City Council date for consideration of the SUP and a real estate license will be scheduled after the Board of Adjustment takes action on the requests for special exceptions to the pedestrian skybridge standards).

**GENERAL FACTS/STAFF ANALYSIS:**

- The request focuses on constructing and maintaining a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage – a skybridge that would have support columns within the Westchester Drive public right-of-way.
- The Dallas Development Code states that the purpose of pedestrian skybridge section of the code is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting and safety facilities; and establishing standards for construction and maintenance of pedestrian skybridges.
- The Dallas Development Code provides 19 mandatory skybridge provisions of which the applicant originally sought special exceptions from the following four:
  1. Pedestrian skybridges must have a clearance above the public right-of-way of at least 18 feet above grade. (The applicant had submitted a site plan and bridge section that indicates the clearance above the public right of way is 14' above grade.)
  2. If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. (The applicant requested interior passageway dimensions from 28 feet to a maximum of 61 feet).

3. Pedestrian skybridge supports must not be located within the public right-of-way. (The applicant had originally submitted a site plan and bridge section that indicated 5 support columns in the public right-of-way, four on the west side of Westchester Drive, one on the east side of Westchester Drive, however on March 6<sup>th</sup>, the applicant submitted a revised site plan that However on March 6<sup>th</sup>, the applicant submitted a revised site plan that changed two items: removal of one of the bridge support columns formerly located on the west side of Westchester, and moving/relocating the bridge column on the east side of Westchester to the south several feet).
  4. Pedestrian skybridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees). (The applicant had stated on the application that a request had been made to increase the divergence from 30 degrees to 45 degrees).
- On March 5, 2015, the Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Has no objections if certain conditions are met" commenting "Bridge column locations within public right-of-way shall be revised to comply with PD 314 and ADA standards with regards to sidewalk and pedestrian clearance. No columns shall be located within roadway or ground level parking spaces within right-of-way."
  - The Assistant Director of Transportation Operations with the Department of Street Services has stated among other things in a February 25<sup>th</sup> email that "if a truck is allowed to have a maximum height of 14' per Texas Transportation Code, our bridges should have a minimum clearance of at least 1', preferably 2' above that height."
  - On March 18, 2015, the Board of Adjustment Panel B conducted a public hearing on this application and took the following actions:
    - Granted a request for a special exception to reduce the skybridge clearance above the public right-of-way to **15** feet above grade;
    - Granted a request for a special exception to increase the divergence from a perpendicular angle to 45 degrees;
    - Granted a request for a special exception to increase the maximum interior passageway width of the skybridge to **61** feet; and
    - Held the applicant's request for a special exception to locate support columns within the Westchester Drive public right-of-way until **April 22, 2015**.
  - On April 3, 2015, the applicant submitted two revised plans: one plan entitled "Site Plan 01" dated 04-01-15; the other plan entitled "Enlarge Plans 02" dated 04-01-15 (see Attachment G). The applicant's representative has conveyed in an April 3<sup>rd</sup> email to the Board Administrator that he has shown these to both the Sustainable Development and Construction Assistant Director of Engineering and the Sustainable Development and Construction Department Project Engineer. Both plans indicate three "new pedestrian bridge col. 24" dia." located in the public right-of-way on the west side of Westchester Drive, and one "24" dia. Column" located in the public right-of-way on the east side of Westchester Drive.
  - Note that while the applicant's submitted revised plans dated 04-01-15 shows one of the proposed columns in the public right-of-way to be located in a visibility triangle, it

is not a violation of the visual obstruction regulations because it is not located on a lot.

- On April 9, 2015, the Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Has no objections."
- The applicant has the burden of proof in establishing how strict compliance with the skybridge standards (constructing/maintaining a pedestrian skybridge that would: have support columns within the Westchester Drive public right-of-way) will unreasonably burden the use of either of the properties; that the special exception will not adversely affect neighboring property; and the special exception will not be contrary to the public interest.
- If the Board were to grant this request, the Board can consider imposing the applicant's submitted revised plans entitled "Site Plan 01" and "Enlarge Plans 02" dated 04-01-15 as a condition. If the Board were to grant this request and impose the applicant's submitted plans as a condition, the granted exception would be required to be constructed and maintained as shown on these documents.
- However note that if the Board were to grant this request and impose the applicant's revised plans entitled "Site Plan 01" and "Enlarge Plans 02" dated 04-01-15 as a condition, the applicant would still be required to obtain an SUP and license from City Council before the City could issue a building permit for the skybridge.

### **Timeline:**

November 20, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 10, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

December 24, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant

Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

January 9, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

January 21, 2015: The Board of Adjustment Panel B conducted a public hearing on this application. The Board Administrator circulated additional written documentation to the Board at the briefing (see Attachment C). This documentation was a letter from the applicant requesting that the Board move to hold the application over until their March 18<sup>th</sup> public hearing given that “we are continuing to work with our architects and engineers to further refine our plans, and to be able to continue our outreach with other stakeholders in the vicinity of our request.” The Board delayed action on this application until their next public hearing to be held on March 18, 2015.

January 30, 2015: The Board Administrator sent a letter to the applicant that noted the decision of the panel, and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials.

March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

March 6, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment D).

March 6, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant’s request marked “Has no objections if certain conditions

are met” commenting “Bridge column locations within public right-of-way shall be revised to comply with PD 314 and ADA standards with regards to sidewalk and pedestrian clearance. No columns shall be located within roadway or ground level parking spaces within right-of-way.”

March 11, 2015: The Interim Assistant Director of Sustainable Development and Construction forwarded an email from the Assistant Director of Transportation Operations with the Department of Street Services to the Board Administrator (see Attachment E). The email stated among other things that “if a truck is allowed to have a maximum height of 14’ per Texas Transportation Code, our bridges should have a minimum clearance of at least 1’, preferably 2’ above that height.”

March 17, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment F).

March 18, 2015: The Board of Adjustment Panel B conducted a public hearing on this application where the board took the following actions:

1. Granted a request for a special exception to reduce the skybridge clearance above the public right-of-way to **15** feet above grade;
2. Granted a request for a special exception to increase the divergence from a perpendicular angle to 45 degrees;
3. Granted a request for a special exception to increase the maximum interior passageway width of the skybridge to **61** feet; and
4. Held the applicant’s request for a special exception to locate support columns within the Westchester Drive public right-of-way until **April 22, 2015**.

March 24, 2015: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the April 1<sup>st</sup>, deadline to submit any additional information to staff for their review, and the April 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials.

April 6, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment G).

April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board



Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

April 9, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Has no objections."

April 10, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application and beyond what was submitted at the two previous public hearings (see Attachment H).

**BOARD OF ADJUSTMENT ACTION: JANUARY 21, 2015**

APPEARING IN FAVOR: Jonathan Vinson, 901 Main St., Dallas, TX  
Robert Dozier, 2000 McKinney, Dallas, TX  
Jack O'Brien, 5310 Harvest Hill, Dallas, TX

APPEARING IN OPPOSITION: Laura Miller, 5335 S. Dentwood Dr., Dallas, TX

**MOTION: Gillespie**

I move that the Board of Adjustment in request No. **BDA 145-007**, hold this matter under advisement until **March 18, 2015**.

**SECONDED: Leone**

**AYES:** 5 – Reynolds, Gillespie, Leone, Hounsel, Agnich

**NAYS:** 0 –

**MOTION PASSED** 5– 0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: MARCH 18, 2015**

APPEARING IN FAVOR: Jonathan Vinson, 901 Main St., Dallas, TX  
Dan Feeney, 3819 McKinney Ave., Dallas, TX  
Bill Willingham, 6343 Kalani, Dallas, TX  
Robert Dozier, 2000 McKinney, Dallas, TX  
David Culbertson, 5310 Harvest Hill Rd., Dallas, TX

APPEARING IN OPPOSITION: Michael Jung, 4400 Bank of America Plaza, Dallas, TX

**MOTION #1: Agnich**

I move that the Board of Adjustment, in request No. **BDA 145-007**, on application of Suzan Kedron, **grant** the request to reduce the skybridge clearance above the public right-of-way to **15**-feet above grade, as a special exception to the pedestrian skybridge

accessory use standards in the Dallas Development Code, because our evaluation of the property and the testimony shows that strict compliance with the requirements will unreasonably burden the use of the property, the special exception will not adversely affect neighboring property, and the special exception will not be contrary to the public interest.

SECONDED: Hounsel

AYES: 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

NAYS: 0 –

MOTION PASSED 5– 0 (unanimously)

MOTION #2: Agnich

I move that the Board of Adjustment, in request No. **BDA 145-007**, on application of Suzan Kedron, **grant** the request to increase the divergence from a perpendicular angle to 45 degrees, as a special exception to the pedestrian skybridge accessory use standards in the Dallas Development Code, because our evaluation of the property and the testimony shows that strict compliance with the requirements will unreasonably burden the use of the property, the special exception will not adversely affect neighboring property, and the special exception will not be contrary to the public interest.

SECONDED: Hounsel

AYES: 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

NAYS: 0 –

MOTION PASSED 5– 0 (unanimously)

MOTION #3: Agnich

I move that the Board of Adjustment, in request No. **BDA 145-007**, on application of Suzan Kedron, **grant** the request to increase the maximum interior passageway width of the skybridge to **61**-feet, as a special exception to the pedestrian skybridge accessory use standards in the Dallas Development Code, because our evaluation of the property and the testimony shows that strict compliance with the requirements will unreasonably burden the use of the property, the special exception will not adversely affect neighboring property, and the special exception will not be contrary to the public interest.

SECONDED: Hounsel

AYES: 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

NAYS: 0 –

MOTION PASSED 5– 0 (unanimously)

**Break: 3:15 P.M.**

**Resumed: 3:22 P.M.**

**MOTION #4: Agnich**

I move that the Board of Adjustment, in request No. **BDA 145-007**, on application of Suzan Kedron, **grant** the request to install and maintain a maximum of 4 columns for a pedestrian skybridge in a public right-of-way, as a special exception to pedestrian skybridge accessory use standards in the Dallas Development Code, because our evaluation of the property and the testimony shows that strict compliance with the requirements will unreasonably burden the use of the property, the special exception will not adversely affect neighboring property, and the special exception will not be contrary to the public interest. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development code:

- Compliance with the submitted revised site plan with elevation dated February 25, 2015 is required. The columns may be moved up to 5 feet on the east side of Westchester.

**SECONDED: Hounsel**

**AYES:** 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

**NAYS:** 0 –

**MOTION PASSED** 5– 0 (unanimously)

**MOTION #5: Gillespie**

In the matter of **BDA 145-007**, I move to reconsider the fourth request to place a maximum of four (4) columns in the right-of-way.

**SECONDED: Hounsel**

**AYES:** 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

**NAYS:** 0 –

**MOTION PASSED** 5– 0 (unanimously)

**MOTION #6: Gillespie**

I move that the Board of Adjustment in request No. **BDA 145-007**, hold only the request for the four (4) columns in the right-of-way to **April 22, 2015** and instruct staff to re-advertise this matter for a public hearing.

**SECONDED: Johnson**

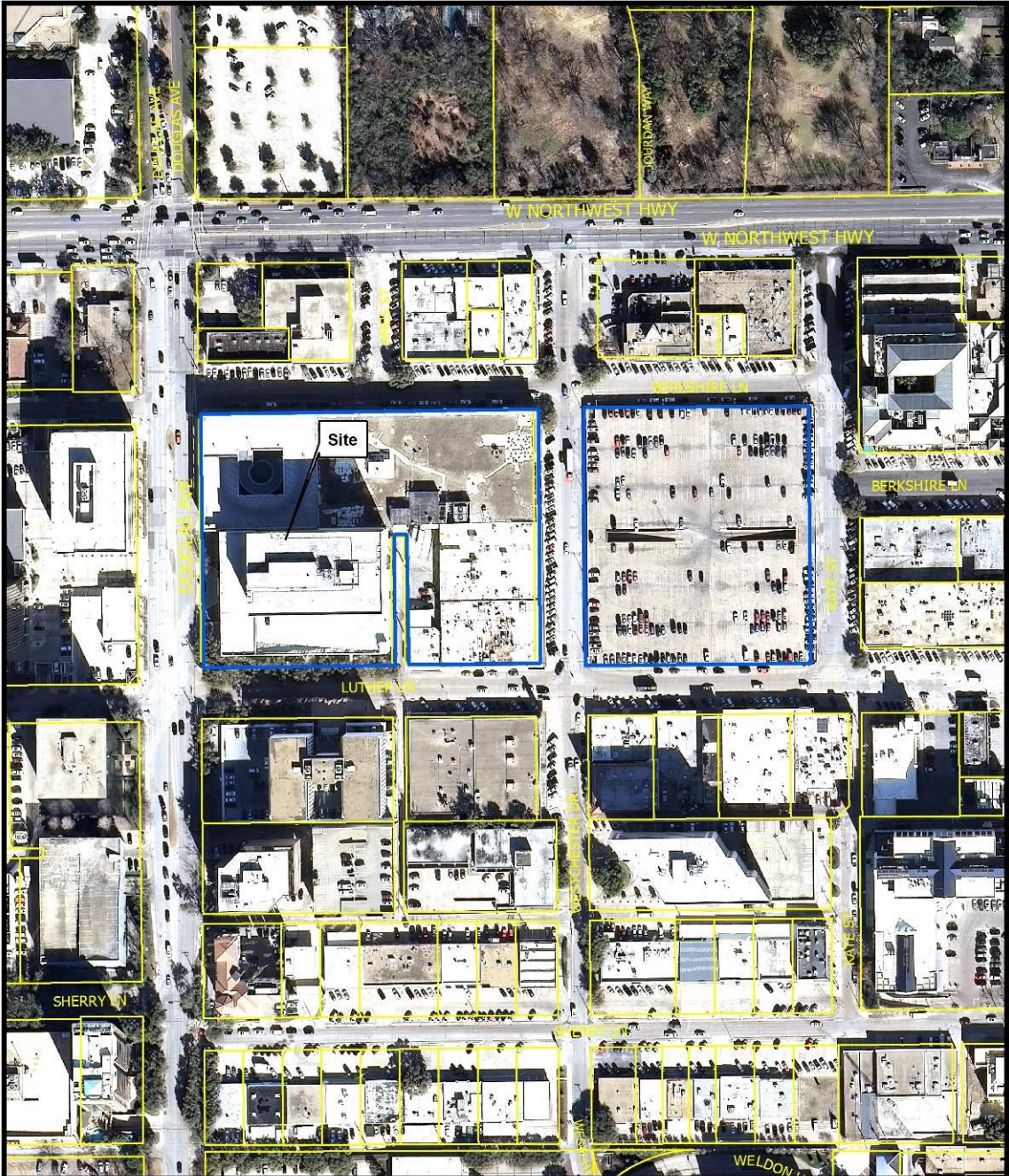
**AYES:** 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

**NAYS:** 0 –

**MOTION PASSED** 5– 0 (unanimously)







1:2,400

# AERIAL MAP

Case no: BDA145-007

Date: 12/23/2014



BDA 145-007  
Attach A  
Pg 1  
B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-007

Data Relative to Subject Property:

Date: 11-20-14

Location address: 8301 Westchester Drive / 8300 Westchester Drive Zoning District: PD 314

JW 12/24/14 (8301) and Tract 1 (8300)  
Lot No.: 6A; 7A Block No.: 5623 Acreage: 0.062 (skybridge) Census Tract: 73.01

Street Frontage (in Feet): 1) 60.53 (skybridge) 2) 28.0 (skybridge) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CH Realty VI/R Dallas Preston Center, L.P.

Applicant: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Represented by: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Affirm that an appeal has been made for a Variance   , or Special Exception , of    to allow a support    for a pedestrian skybridge within the public right-of-way pursuant to Sec. 51A-4.217(b)(12)(H).

for clearance above the public right-of-way (4'); increase of 4' of the interior passageway; to increase the divergence from 30° to 45° of the perpendicular angle.

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) Strict compliance with the requirements will unreasonably hinder the use of either/both of the properties;
- (ii) the special exception will not adversely affect neighboring property; and (iii) the special exception will not be contrary to the public interest.

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 Suzan Kedron  
(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 19<sup>th</sup> day of November, 2014



Marlene Somraty  
Notary Public in and for Dallas County, Texas







JACKSON WALKER L.L.P.

125 YEARS  
ATTORNEYS & COUNSELORS

BDA145-007  
Attach A  
Pg 3

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

December 24, 2014

Via Scan/Email

Mr. Steve Long, Board Administrator  
Zoning Board of Adjustment  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Steve:

In connection with Case No. BDA 145-007, this letter is to confirm our understanding that, as an application for a special exception to the pedestrian skybridge regulations pursuant to Sec. 51A-4.217(b)(12)(H), and as stated in your email of December 10, the City Staff will not be making a recommendation to the Board of Adjustment on this request, presumably due to the fact that the applicable standard is that:

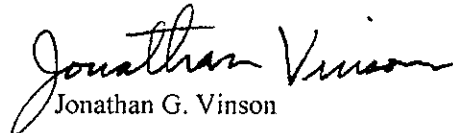
“The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph *if the board finds that:*

- (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;
- (ii) the special exception will not adversely affect neighboring property; and
- (iii) the special exception will not be contrary to the public interest”.

We will be providing to you an explanatory letter and attachments, by your deadline of 1:00 P.M. on Friday, January 9, 2015, to be provided to the Board Panel in further explanation of our request. In that letter and attachments, we will be stating, and providing evidence of, the fact that the Applicant's request meets the above-referenced standards for approval.

I will also stop by your office today to make sure the property description matches that in the Building Official's Report. Please let me know if you have any questions, or if you need anything else from us on this. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Robert Dozier  
Susan Mead  
Suzan Kedron

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822



JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

BDA 145-007  
Attach B  
Pg 1

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

January 9, 2015

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

**I. Introduction.** We represent Lincoln Property Co. in this case ("Lincoln"), with regard to the retail property at Westchester Drive, between Luther Lane and Berkshire Lane in Preston Center. We are coming to you with our special exception request for certain exceptions to the pedestrian skybridge standards found in Sec. 51A-4.217(b)(12)(F) of the *Dallas Development Code* to facilitate safe pedestrian access to a community-serving use proposed for the second level of the retail building. As you may know, second floor retail spaces are very difficult to lease, and this represents a very creative and productive proposed use of the space.

A pedestrian skybridge has been designed to connect the upper level of the Preston Center parking garage with the retail building across Westchester Drive to the west. This building has been at this location for many years and has in the past housed a Sanger-Harris department store and, more recently, other uses. Lincoln plans to lease the space to a major grocery store chain so the grocer can open a first-class neighborhood-serving grocery store, with the skybridge link to the upper garage deck for the safety and convenience of grocery customers.

This skybridge is necessary to be able to quickly and safely transport customers from one side to the other without having to descend to street level with their groceries, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. In particular, this would be impossible to do with grocery carts. This is a matter not merely of convenience, but first and foremost of pedestrian safety. However, a pedestrian skybridge which crosses public right-of-way has a large number of requirements imposed by the City of Dallas in the pedestrian skybridge accessory use definition.

**II. Special Exception Request.** We are before you on this special exception request because of the regulations set forth below.

*SEC. 51A-4.217. ACCESSORY USES. (12) Pedestrian skybridges. (F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian*

---

walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(iii) *Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade. We are requesting 14 feet clearance, per the Site Plan (4 foot decrease from 18 feet)* This is due to the existing structure height on both sides, otherwise complicated and unnecessary elevation changes would be required.

(iv) *If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width. We are requesting dimensions from 28 feet to a maximum of 61 feet (special exception of up to 41 feet).* This design is for the purpose of enhancing customer safety and convenience.

(vi) *Supports must not be located within the public right-of-way. There are certain small supports located in the right-of-way as per the Site Plan.* These support columns are unobtrusive, represent no traffic hazard or any other adverse impact, are not detrimental in any way, and are necessary from an architectural and engineering standpoint to support the skybridge.

(xi) *Pedestrian sky-bridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The divergence is approximately 45 degrees.* As for (iv) above, this design is for the purpose of enhancing customer safety and convenience.

**III. Special Exception Standard Issues.** The Board can grant a special exception from the above-described requirements on the following basis:

*(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:*

- (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;*
- (ii) the special exception will not adversely affect neighboring property; and*
- (iii) the special exception will not be contrary to the public interest.*

We believe that we clearly meet each of three standards required for granting of the special exception as follows:

**1. Strict compliance with the requirements will unreasonably burden the use of either of the properties.** The requested exceptions to the otherwise-required pedestrian skybridge standards are all necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the proposed grocery store. The skybridge of necessity must be at the height level of the parking deck and the retail use, that is, at 14 feet. Similarly, the

---

requested exceptions to the width and configuration standards are necessary to provide a pedestrian-friendly design to accommodate grocery shoppers with their carts and other items. Finally, the supports in the right-of-way are necessary for structural support of the skybridge as designed.

**2. *The special exception will not adversely affect neighboring property.*** There will be no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or clearance. The skybridge will also be very well designed and attractive. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use – as you know, second story retail has a track record in general of being difficult to use and lease, in particular for a grocer, whose customers by definition must transport multiple bags of items, either by hand or in a grocery cart.

**3. *The special exception will not be contrary to the public interest.*** Not only is this request in no way contrary to the public interest, this skybridge is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

**IV. Conclusion.** In summary, this request very clearly meets the standards required for granting of the special exception.

*First*, strict compliance with the requirements would unreasonably burden use of the properties as discussed above.

*Second*, the special exception will not adversely affect neighboring property.

*Third*, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

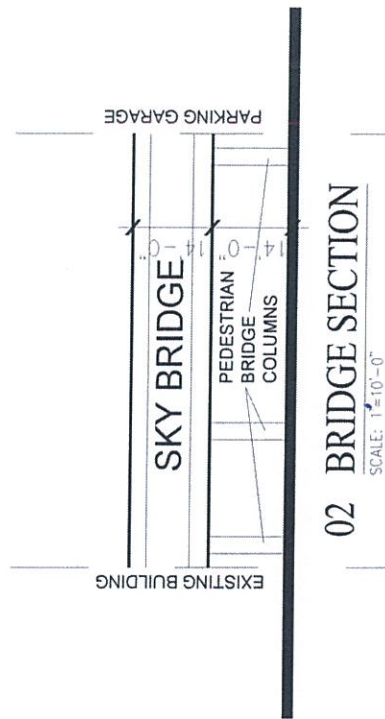
We look forward to appearing at your public hearing on January 21 to respectfully ask that you approve our request. Thank you very much.

Very truly yours,



Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Susan Mead  
Suzan Kedron



**Site Plan 01**

Date: 09.08.14 Scale 1"=30'-0"



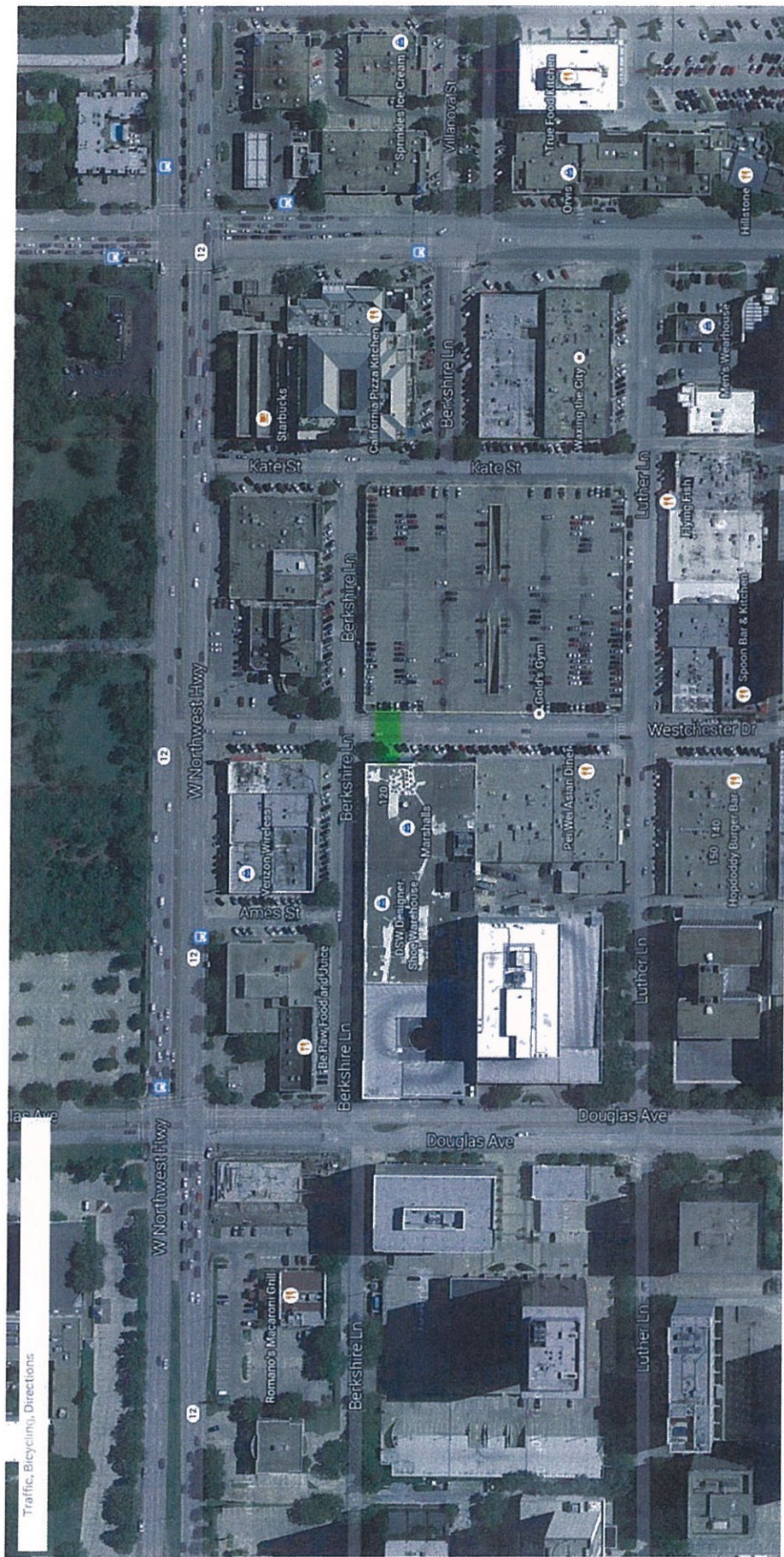
Lincoln Property Company

**1. Site Plan/Bridge Section**

**Preston Center Sky Bridge**

8335 Westchester Drive  
 Dallas, TX 75225





2. Aerial Photo (showing approximate skybridge location)

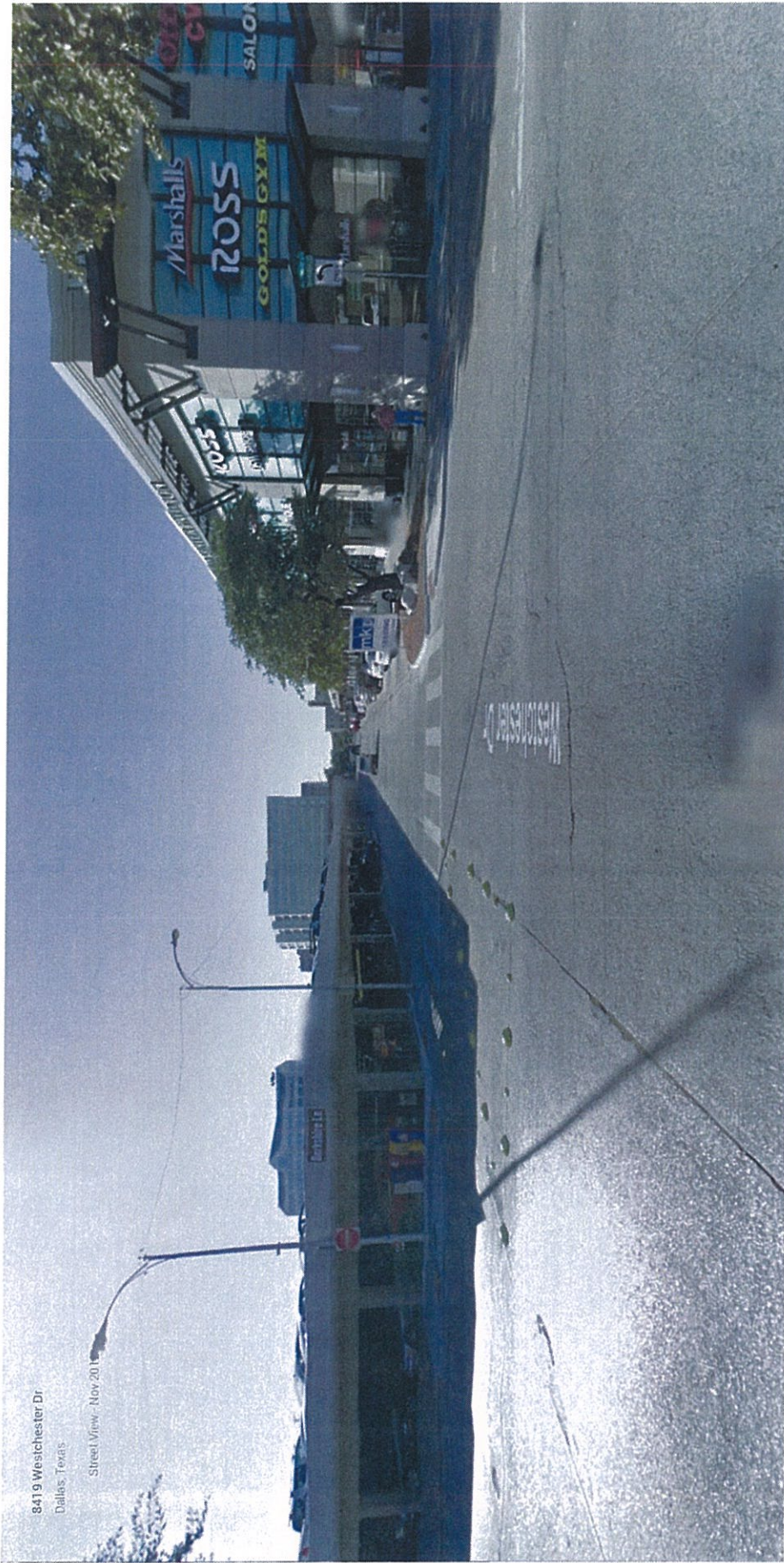
BDA 145-007  
 Attach B  
 Pg 5

Imagery ©2015 DigitalGlobe, Sanborn, Texas Orthoimagery Program, U.S. Geological Survey, Map data ©2015 Google, 100 ft

<https://www.google.com/maps/@32.8647097,-96.8068278,378m/data=!3m1!1e3?hl=en>

1/9/2015





3. Area Photo – View South on Westchester

BDA 145-007  
Attach B  
Pg 6

Image capture: Nov 2012 © 2015 Google





4. Area Photo – View North on Westchester

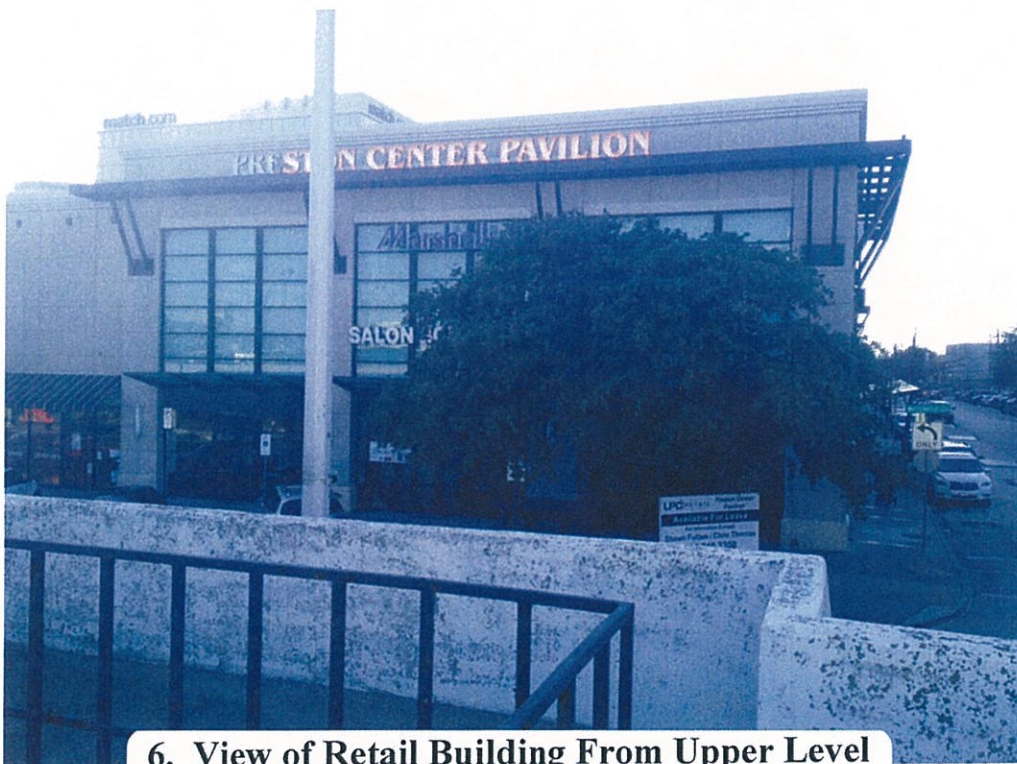
BDA 145-007  
Attach B  
Pg 7

Image capture: Nov 2012 © 2015 Google





**5. View of Retail Building from Ground Level of Garage**



**6. View of Retail Building From Upper Level of Garage**



**7. View of Northbound Westchester from  
Upper Level of Garage**



JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

January 21, 2015

BDA 145-007

Attach C

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

This letter is being submitted to you through Board Administrator Mr. Steve Long to respectfully ask that you move today to *hold the above-referenced case over* until your March Panel B meeting on *March 18, 2015*.

The reasons for this request are that we are continuing to work with our architects and engineers to further refine the plans, and to be able to continue our outreach efforts with other stakeholders in the vicinity of our request.

We believe that holding the case until then will be beneficial for everyone, and we respectfully ask that you hold the case over until March 18, 2015. Thank you very much.

Very truly yours,

Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Anna Graves  
Susan Mead  
Suzan Kedron



**Long, Steve**

---

**From:** Vinson, Jonathan <jvinson@jw.com>  
**Sent:** Friday, March 06, 2015 12:29 PM  
**To:** Long, Steve; Law, Trena  
**Cc:** Moorman, Donna; Duerksen, Todd; Dean, Neva; RDozier@LPC.com; Jarrod Yates; Anna Graves (AGraves@CrowHoldings.com) (AGraves@CrowHoldings.com); Mead, Susan; Kedron, Suzan  
**Subject:** BDA 145-007; 8301 Westchester Drive  
**Attachments:** BDA 145-007; 3-6-15 Panel Letter.pdf; BDA 145-007; 1-9-15 Panel Packet.pdf

Steve – Attached please find additional information (the *first* attachment above) for the Panel B packet for BDA 145-007. Please note that the *second* attachment above is another copy of our January 9, 2015 materials, which you already have, but which I would ask that you also include in the Panel B packet for the March 18 hearing. Thanks very much, and please let me know if you have any questions or if you need anything else from us.

*Jonathan G. Vinson*  
*Partner, Land Use Group*  
*Jackson Walker L.L.P.*  
901 Main Street, Suite 6000  
Dallas, Texas 75202  
**Office:** (214) 953-5941  
**Fax:** (214) 661-6809  
**Mobile:** (214) 770-4636  
**Email:** [jvinson@jw.com](mailto:jvinson@jw.com)  
**Website:** [www.jw.com](http://www.jw.com)



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JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

BDA 145-007  
Attach D  
Pg 2

Jonathan G. Vinson  
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(214) 661-6809 (Direct Fax)  
jvinson@jw.com

March 6, 2015

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

As you will recall, we represent Lincoln Property Co. in this case ("Lincoln"), with regard to the retail property at Westchester Drive, between Luther Lane and Berkshire Lane in Preston Center. We have applied for a special exception for certain exceptions to the pedestrian skybridge standards found in Sec. 51A-4.217(b)(12)(F) of the *Dallas Development Code* to facilitate safe pedestrian access to a community-serving use proposed for the second level of the retail building.

At our January 21 hearing, we were held over, at our request, until your March 18 hearing date because we were also anticipating a hearing at the City Plan Commission on our Specific Use Permit request for the skybridge, and because we were continuing to refine our Site Plan. I have attached a copy of our previous explanatory letter, dated January 9, 2015, which you saw prior to our January 21 hearing date on our request. On March 5, the City Plan Commission recommended approval of our S.U.P. request for the skybridge, so that request will now move on to the City Council.

Our attached January 9 letter, which I would ask you to review again for more detail, gives you additional factual background; goes through the pedestrian skybridge standards on which we are asking for special exceptions; and demonstrates how we clearly meet all of the required criteria for approval of our request.

I also want to reemphasize that this skybridge is necessary to be able to quickly and safely allow retail customers to get across Westchester Drive from one side to the other without having to descend to street level, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. This is not just a matter of convenience – it is a critical issue of pedestrian safety.

Since we were before you on January 21, we have used that time to make additional refinements to our submitted Site Plan. While we are continuing to review and analyze that plan,

12331568v.1

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

---

I have attached a copy of our revised Site Plan as it stands today, annotated to show you what has changed since last time. These changed items include two items at this time. These are:

1. Removal of one of the bridge support columns as shown, formerly to be located on the west side of Westchester, as shown on the attached Site Plan both in plan view and in the Bridge Section drawing. We believe this is an improved design.
2. Moving the bridge column indicated on the east side of Westchester to the south several feet. This will move the column away from the drive access as shown and will improve visibility.

As said above, I would ask you to review our January 9 letter for more detail on our pending special exception request. However, I do want to emphasize again that we clearly meet each of three standards required by the *Dallas Development Code* for the granting of the special exception as follows:

1. ***Strict compliance with the requirements will unreasonably burden the use of either of the properties.*** The requested exceptions to the otherwise-required pedestrian skybridge standards are all necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the retail space across Westchester. The skybridge must be at the height level of the parking deck and the retail use, that is, at about 14 feet. Similarly, the requested exceptions to the width and configuration standards are necessary to provide a pedestrian-friendly design. Finally, the supports in the right-of-way are necessary for structural support of the skybridge as designed, although we have been able to eliminate one of the previously-shown supports.
2. ***The special exception will not adversely affect neighboring property.*** There will be no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or clearance. The skybridge will also be very well designed and attractive, and in fact the design is now improved with the removal of one column and the movement of another, as described above. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use.
3. ***The special exception will not be contrary to the public interest.*** Not only is this request in no way contrary to the public interest, this skybridge is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

In summary, this request very clearly meets the standards required for granting of the special exception as follows: *first*, strict compliance with the requirements would unreasonably burden use of the properties as discussed above; *second*, the special exception will not adversely affect neighboring property; and *third*, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

Hon. Chair and Members, Panel B  
March 6, 2015  
Page 3

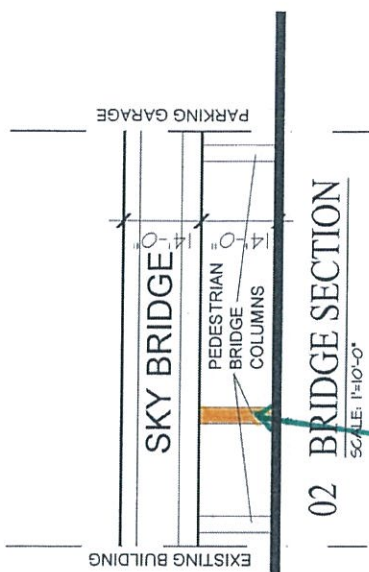
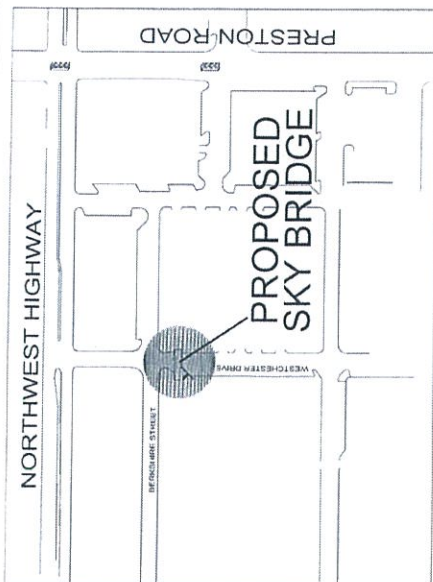
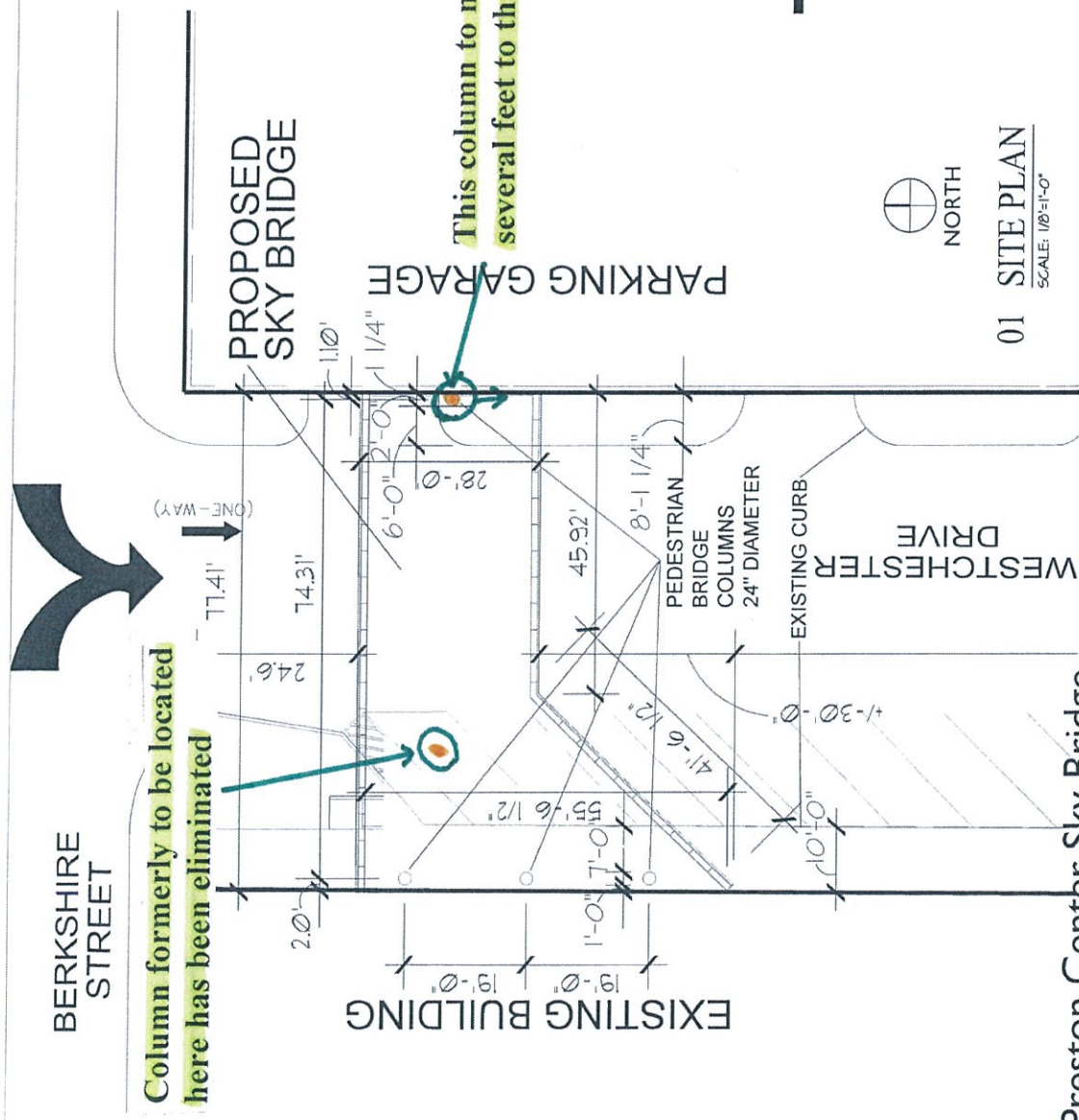
---

We look forward to appearing at your public hearing on March 18 to discuss our request with you in more detail and to respectfully ask that you approve our request. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Anna Graves  
Susan Mead  
Suzan Kedron



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

**Site Plan 01**



Date: 02.25.15 Scale 1"=30'-0"

Lincoln Property Company

**Preston Center Sky Bridge**  
 8335 Westchester Drive  
 Dallas, TX 75225





JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

BDA 145-007  
Attach D  
Pg 6

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

January 9, 2015

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
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A pedestrian skybridge has been designed to connect the upper level of the Preston Center parking garage with the retail building across Westchester Drive to the west. This building has been at this location for many years and has in the past housed a Sanger-Harris department store and, more recently, other uses. Lincoln plans to lease the space to a major grocery store chain so the grocer can open a first-class neighborhood-serving grocery store, with the skybridge link to the upper garage deck for the safety and convenience of grocery customers.

This skybridge is necessary to be able to quickly and safely transport customers from one side to the other without having to descend to street level with their groceries, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. In particular, this would be impossible to do with grocery carts. This is a matter not merely of convenience, but first and foremost of pedestrian safety. However, a pedestrian skybridge which crosses public right-of-way has a large number of requirements imposed by the City of Dallas in the pedestrian skybridge accessory use definition.

**II. Special Exception Request.** We are before you on this special exception request because of the regulations set forth below.

*SEC. 51A-4.217. ACCESSORY USES. (12) Pedestrian skybridges. (F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian*

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901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

---

walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(iii) *Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade. We are requesting 14 feet clearance, per the Site Plan (4 foot decrease from 18 feet) This is due to the existing structure height on both sides, otherwise complicated and unnecessary elevation changes would be required.*

(iv) *If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width. We are requesting dimensions from 28 feet to a maximum of 61 feet (special exception of up to 41 feet). This design is for the purpose of enhancing customer safety and convenience.*

(vi) *Supports must not be located within the public right-of-way. There are certain small supports located in the right-of-way as per the Site Plan. These support columns are unobtrusive, represent no traffic hazard or any other adverse impact, are not detrimental in any way, and are necessary from an architectural and engineering standpoint to support the skybridge.*

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**III. Special Exception Standard Issues.** The Board can grant a special exception from the above-described requirements on the following basis:

*(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:*

*(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;*

*(ii) the special exception will not adversely affect neighboring property; and*

*(iii) the special exception will not be contrary to the public interest.*

We believe that we clearly meet each of three standards required for granting of the special exception as follows:

**1. *Strict compliance with the requirements will unreasonably burden the use of either of the properties.*** The requested exceptions to the otherwise-required pedestrian skybridge standards are all necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the proposed grocery store. The skybridge of necessity must be at the height level of the parking deck and the retail use, that is, at 14 feet. Similarly, the

requested exceptions to the width and configuration standards are necessary to provide a pedestrian-friendly design to accommodate grocery shoppers with their carts and other items. Finally, the supports in the right-of-way are necessary for structural support of the skybridge as designed.

2. ***The special exception will not adversely affect neighboring property.*** There will be no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or clearance. The skybridge will also be very well designed and attractive. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use – as you know, second story retail has a track record in general of being difficult to use and lease, in particular for a grocer, whose customers by definition must transport multiple bags of items, either by hand or in a grocery cart.

3. ***The special exception will not be contrary to the public interest.*** Not only is this request in no way contrary to the public interest, this skybridge is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

**IV. Conclusion.** In summary, this request very clearly meets the standards required for granting of the special exception.

*First*, strict compliance with the requirements would unreasonably burden use of the properties as discussed above.

*Second*, the special exception will not adversely affect neighboring property.

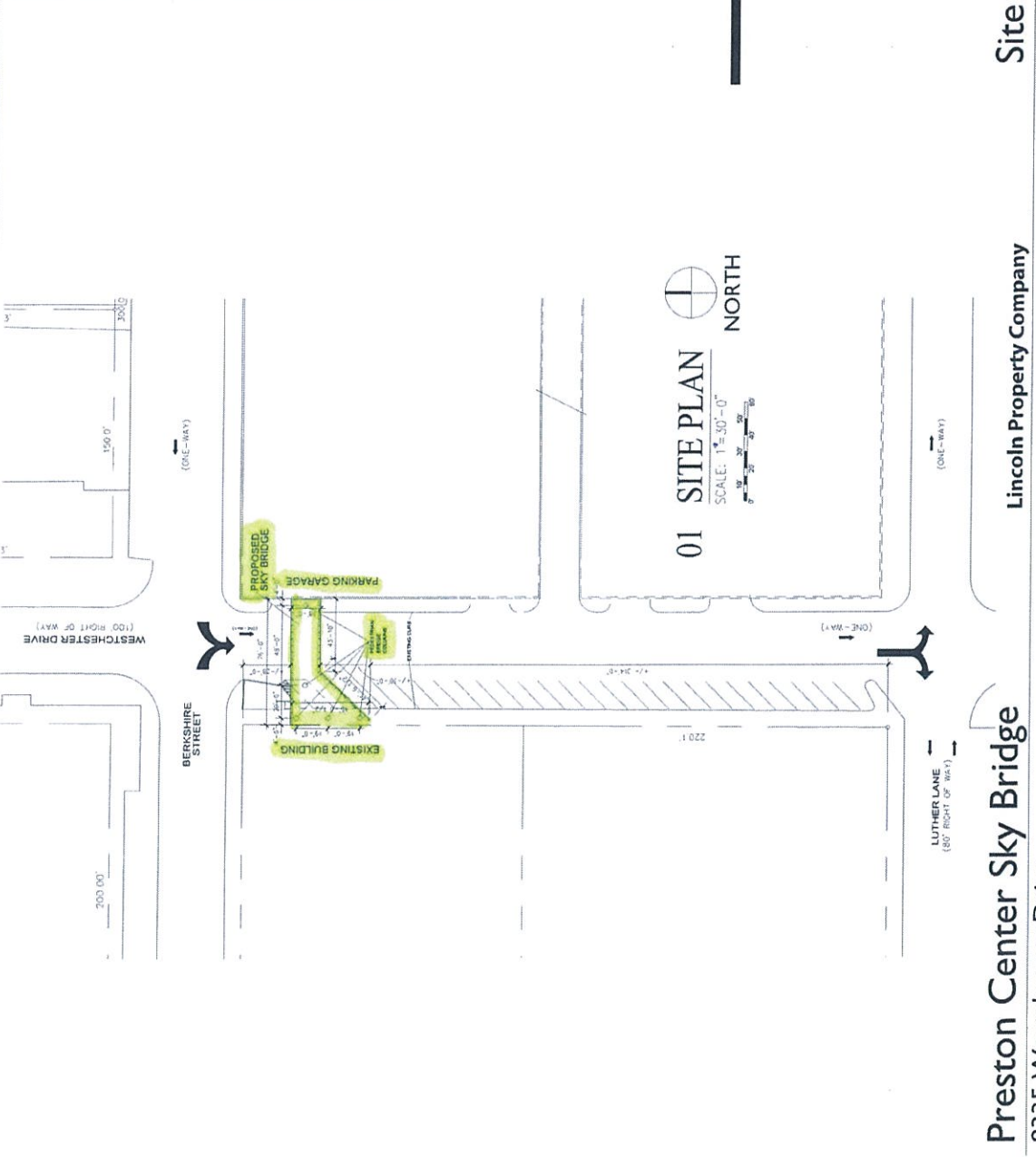
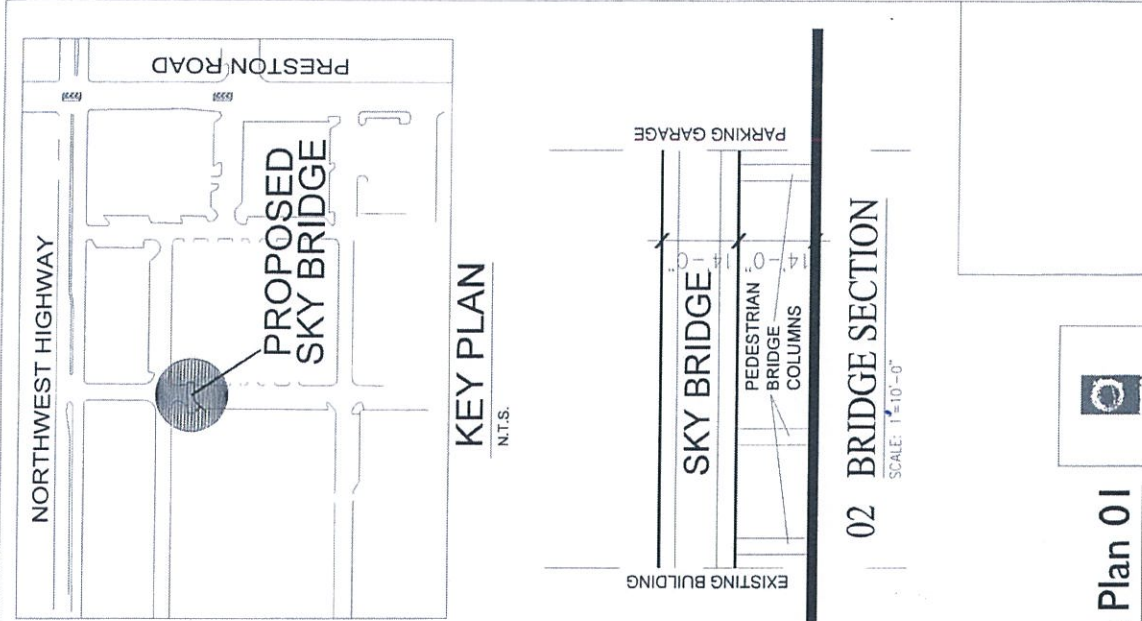
*Third*, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

We look forward to appearing at your public hearing on January 21 to respectfully ask that you approve our request. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Susan Mead  
Suzan Kedron



### Site Plan 01

Date: 09.08.14 Scale 1"=30'-0"

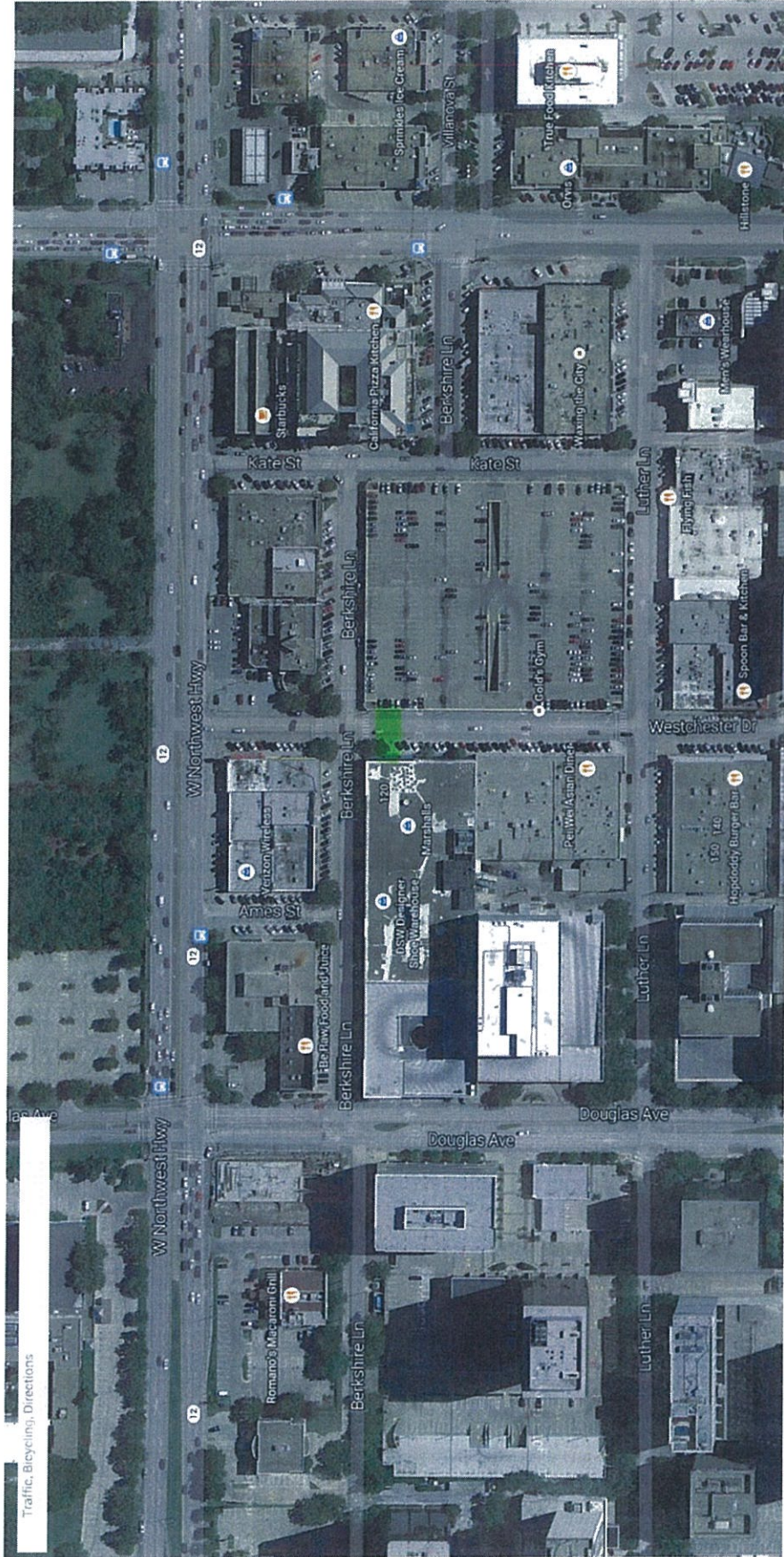
Lincoln Property Company

## 1. Site Plan/Bridge Section

# Preston Center Sky Bridge

8335 Westchester Drive  
Dallas, TX 75225





2. Aerial Photo (showing approximate skybridge location)





3. Area Photo – View South on Westchester





4. Area Photo – View North on Westchester

BDA 145-007  
Attach D  
Pg 12

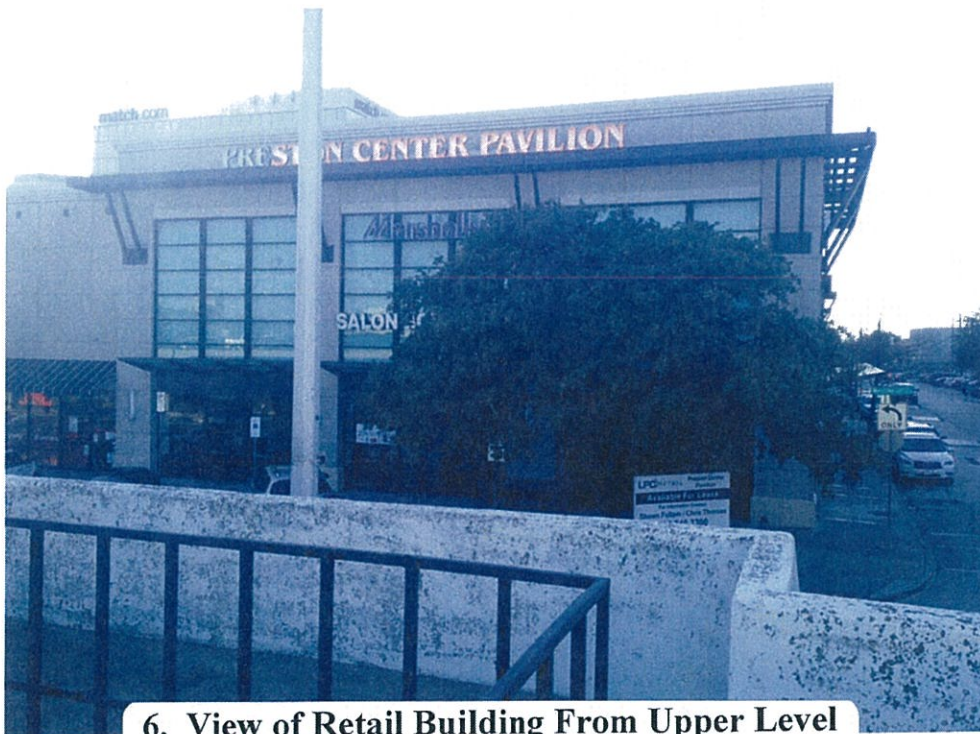
Image capture: Nov 2012 © 2015 Google

<https://www.google.com/maps/@32.8643444,-96.8065796,3a,75y,6.55h,91.91t/data=!3m4!1e1!3m2!1s-p2jgl1mcplu29v8TzcFX...> 1/9/2015





**5. View of Retail Building from Ground Level of Garage**



**6. View of Retail Building From Upper Level of Garage**



**7. View of Northbound Westchester from  
Upper Level of Garage**

**Long, Steve**

Pg 1

**From:** Long, Steve  
**Sent:** Wednesday, March 11, 2015 12:37 PM  
**To:** Dean, Neva  
**Cc:** Moorman, Donna  
**Subject:** RE: skybridge

Ok. Thanks, Neva. Will do.

Steve

---

**From:** Dean, Neva  
**Sent:** Wednesday, March 11, 2015 11:37 AM  
**To:** Long, Steve  
**Cc:** Moorman, Donna  
**Subject:** skybridge

Ok to include in case report

Neva Dean, Interim Assistant Director  
Current Planning Division  
Sustainable Development & Construction Department  
(214) 670-5803  
[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)  
Main number: (214) 670-4209  
1500 Marilla St, Room 5BN

---

**From:** Majumdar, Aurobindo  
**Sent:** Wednesday, February 25, 2015 6:20 PM  
**To:** Cossum, David; Dean, Neva  
**Cc:** Cherryholmes, Steve  
**Subject:** RE: 15'

David

Here is what I dug up from a TXDOT website:

Sections 621.207 and 621.504 of the Texas Transportation Code restrict a vehicle and its load to a height of no more than 14 feet, unless an oversize/overweight permit is obtained from the department. It is unlawful to operate a vehicle over or on any bridge or through any underpass or similar structure unless the height of the vehicle, including its load, is less than the vertical clearance of the structure as shown by the department's records.

If a truck is allowed to have a maximum height of 14' per Texas Transportation Code, our bridges should have a minimum clearance of at least 1', Preferably 2' over that height.

Auro Majumdar, P.E.; P.T.O.E.  
Asst. Director – Transportation Operations/ City Traffic Engineer



Department of Street Services  
City of Dallas  
Tel (214) 670-3122

BDA 145-007  
Attach E  
Pg 2

**Department of Street Services Mission Statement**

To ensure safety of streets and mobility within the City of Dallas, enhancing economic vibrancy and quality of life.

---

**From:** Dean, Neva  
**Sent:** Wednesday, February 25, 2015 9:12 AM  
**To:** Cossum, David  
**Subject:** RE: 15'

Any street with truck traffic should have a minimum clearance of 15' – this is a National minimum.

Auro Majumdar, P.E.; P.T.O.E.  
Asst. Director – Transportation Operations/ City Traffic Engineer  
Department of Street Services  
City of Dallas  
Tel (214) 670-3122

**Department of Street Services Mission Statement**

To ensure safety of streets and mobility within the City of Dallas, enhancing economic vibrancy and quality of life.

**Long, Steve**

Attach F

**From:** Vinson, Jonathan <jvinson@jw.com>  
**Sent:** Tuesday, March 17, 2015 3:41 PM  
**To:** Long, Steve  
**Cc:** Sarah Dodd; Mead, Susan; Kedron, Suzan  
**Subject:** BDA145-007  
**Attachments:** 099999-09000.pdf; BDA145-007 Support Map.pdf

PS1

Steve – For BDA 145-007, attached is a support letter from a number of the property owners in the immediate area of the request. Also attached is a map showing support (the map is from the CPC consideration of the S.U.P., which was recommended for approval). Green indicates support for the request. Thanks.

*Jonathan G. Vinson*  
**Partner, Land Use Group**  
**Jackson Walker L.L.P.**  
**901 Main Street, Suite 6000**  
**Dallas, Texas 75202**  
**Office: (214) 953-5941**  
**Fax: (214) 661-6809**  
**Mobile: (214) 770-4636**  
**Email: [jvinson@jw.com](mailto:jvinson@jw.com)**  
**Website: [www.jw.com](http://www.jw.com)**



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February 19, 2015

Dallas City Council and Plan Commissioners  
1500 Marilla  
Dallas, TX 75201

Re: *Preston Center West*

Dear Councilmembers and Plan Commissioners,

We are stakeholders in Preston Center West and we are writing to you to share our strong support for the Crow Holdings pedestrian bridge proposal. The pedestrian bridge facilitates the addition of a full service grocery store that is critical for the short and long term success of Preston Center West. A grocery use is a key component to a thriving urban area. There is no full service grocer within a one mile radius of Preston Center West - forcing residents to leave the area to grocery shop. This is a huge inconvenience given the surrounding traffic on Northwest Highway and Preston Road. A full service grocery store presence in Preston Center West speaks to today's live+work+play lifestyle that reflects and accommodates modern tastes. Retail has existed at this location for more than 60 years and a grocery store is an allowed use at this site. A full service grocery benefits the entire community and the existing businesses, tenants, and customers of Preston Center West.

The pedestrian bridge is an added amenity that will bring a desperately needed full service grocery store to the community. The bridge will enhance safety, improve traffic flow, and add convenience for patrons. We encourage you to approve the pedestrian bridge request.

Thank you for your consideration,



Mike Ablon



Chuck Anderson



Pryor Blackwell



Mark Roppolo

Harlan Crow



Robert Dozier



Bill Duvall




Bill Willingham



Dan Feehey



Anna Graves

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.



The number '0' indicates City of Dallas Ownership

 1:3,600	<h2 style="text-align: center;">NOTIFICATION</h2> <p>  <b>750'</b> AREA OF NOTIFICATION   <b>47</b> NUMBER OF PROPERTY OWNERS NOTIFIED                 </p>	Case no: <u>          <b>Z134-341</b>          </u> Date: <u>          <b>10/29/2014</b>          </u>
--	---	---

**Long, Steve**

**From:** Long, Steve  
**Sent:** Monday, April 06, 2015 7:26 AM  
**To:** 'Vinson, Jonathan'  
**Subject:** RE: BDA145-007; 8301 Westchester

PS 1

Dear Jonathan,

I will add these plans to your file and forward them to staff and the board members.

Thank you,

Steve

---

**From:** Vinson, Jonathan [mailto:jvinson@jw.com]  
**Sent:** Friday, April 03, 2015 4:22 PM  
**To:** Long, Steve; Duerksen, Todd; Denman, Lloyd; Lam, David  
**Cc:** Jarrod Yates; David Culbertson (culbertson@obrienarch.com); Kedron, Suzan  
**Subject:** FW: BDA145-007; 8301 Westchester

Steve – With reference to BDA 145-007, and in response to your recent email, these are the current plans. I have shown these to both Lloyd and Todd. The illustrations are the same on Site Plan 01 (“Site Plan”) and Site Plan 02 (“Enlarge Plan”), with Site Plan 02 being an enlargement. One very small drafting error has been corrected from the last version you saw, that being that the west dimension of the skybridge on the Enlarge Plan was shown as 60.60’-6 ¼”, but that has been corrected and the west dimension on both Site Plan 01 and Site Plan 02 are now correctly labeled as being 60.53’. You may proceed to use these. Thanks very much.

On Apr 2, 2015, at 7:28 AM, Long, Steve <steve.long@dallascityhall.com<mailto:steve.long@dallascityhall.com>> wrote:

Dear Jonathan,

Please let me know as soon as possible if you want me to include the attached plans that you emailed me yesterday in the case file/Board’s docket WITHOUT receiving approval from Todd and Lloyd/David Lam. (My experience leads me to believe that it is to your advantage as the applicant to have any revised plan approved by Building Inspection – and in this case- Engineering first before adding it to a file because revisions to originally submitted plans could affect an applicant’s ability to obtain permits if the board grants a specific request and imposes plans as a condition to the request without having received staff approval of the revised plan prior to the board’s public hearing and action).

Thank you,

Steve

**From:** Long, Steve  
**Sent:** Wednesday, April 01, 2015 1:05 PM  
**To:** 'Vinson, Jonathan'  
**Cc:** 'skedron@jw.com<mailto:skedron@jw.com>'; Duerksen, Todd; Denman, Lloyd; Lam, David; Moorman, Donna; Way, Jamilah  
**Subject:** FW: BDA145-007; 8301 Westchester  
**Importance:** High

Dear Jonathan,



As I suggested to you earlier this week and this morning it is in your best interest, as the applicant who has the burden of proof in establishing the necessary facts to warrant favorable action of the board, to submit any/all revised plans to Todd Duerksen and our Engineering section first, and when/if approved by Building Inspection and Engineering will forward on to me. Once and only if this has occurred, the plans will be added the case file and for the board of adjustment's consideration.

I am amenable to meet with you to go over the nuances of any revised plan once Building Inspection/Engineering section has approved it. But in addition to a meeting that may occur, I would strongly encourage you to prepare correspondence to the board (as you did in early March) that clearly describes every aspect of any such Building Inspection/Engineering-approved revised plan from what you have submitted to date.

Please write or call me at 214/670-4666 if I can assist you in any other way on this matter/application.

Thank you,

Steve

From: Vinson, Jonathan [mailto:jvinson@jw.com]  
Sent: Wednesday, April 01, 2015 11:16 AM  
To: Long, Steve; Duerksen, Todd; Denman, Lloyd; Lam, David  
Cc: Jarrod Yates; David Culbertson (culbertson@obrienarch.com<mailto:culbertson@obrienarch.com>); david.truong@obrienarch.com<mailto:david.truong@obrienarch.com>; Kedron, Suzan  
Subject: BDA145-007; 8301 Westchester  
Importance: High

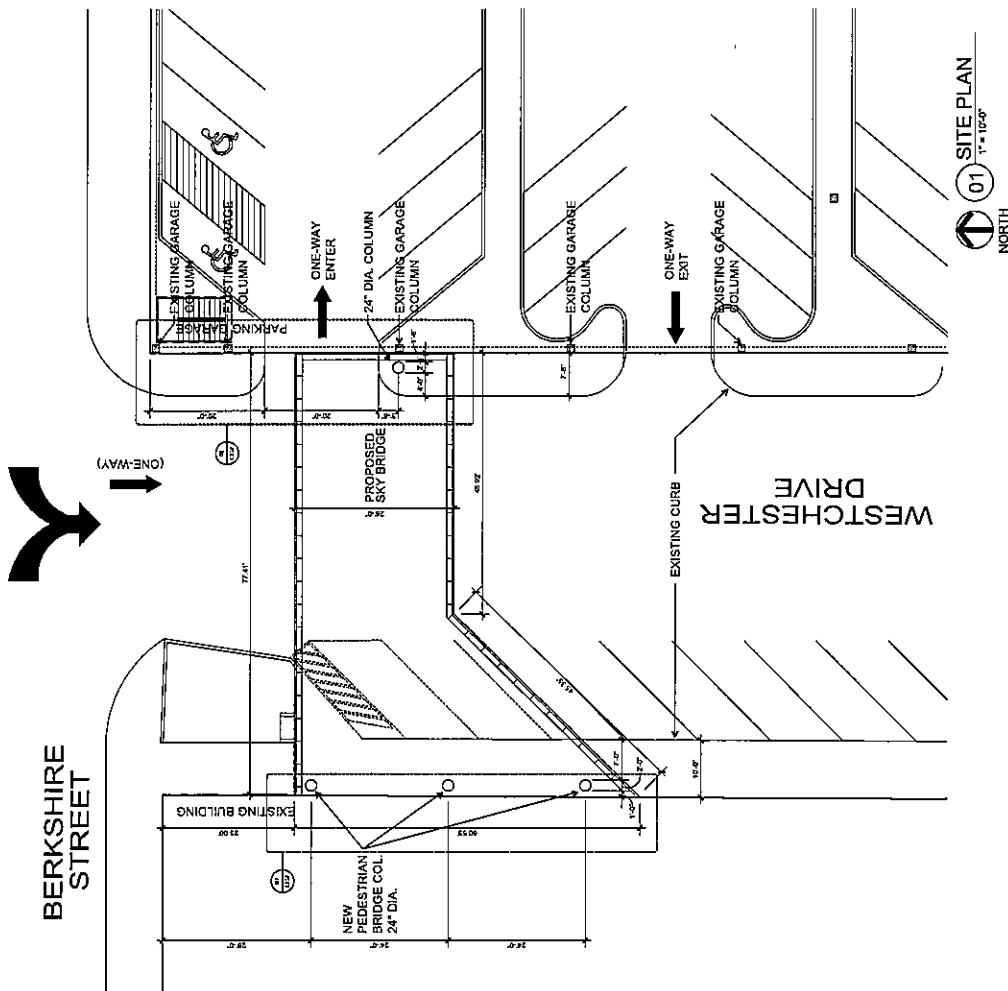
Steve and Todd – Attached please find PDFs of an illustrative site plan and a detail plan, which have been refined and are responsive to your earlier comments. One extremely important reason that we need to meet with Staff is to go over the nuances of this plan so that Staff is fully prepared to brief the Panel and be able to respond to questions, and so that you will be updated prior to finalizing and sending out your Staff Report. Please let me know what hard copies you need of this and we'll get them to you. Thanks very much.

Jonathan G. Vinson  
Partner, Land Use Group

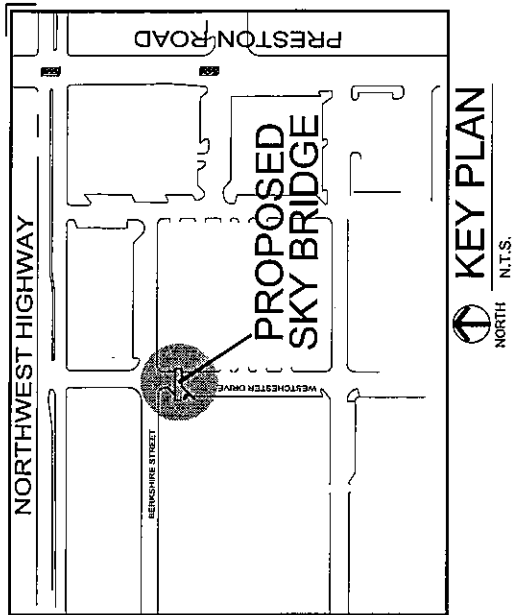
Jackson Walker L.L.P.  
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Mobile: (214) 770-4636  
Email: jvinson@jw.com<mailto:jvinson@jw.com>  
Website: www.jw.com<http://www.jw.com/>  
<image002.gif>

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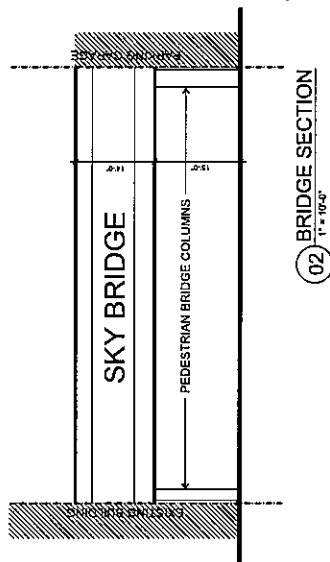
<Sky Bridge 04-01-15\_1 of 2.pdf>  
<Sky Bridge 04-01-15\_2 of 2.pdf>



1. COMPLIANCE WITH ALL APPLICABLE VISUAL OBSTRUCTION REGULATIONS
2. COMPLIANCE WITH PD 314 AND ADA STANDARDS WITH REGARD TO ALL APPLICABLE SIDEWALK AND PEDESTRIAN CLEARANCE STANDARDS.
3. NO COLUMNS LOCATED WITHIN ROADWAY OR GROUND LEVEL PARKING SPACES WITHIN RIGHT-OF-WAY



**KEY PLAN**  
N.T.S.  
NORTH



**02 BRIDGE SECTION**  
1" = 10'-0"

BDA 145-007  
Attachment G  
9/3



O'BRIEN

**Site Plan 01**

Date: 04-01-15

Lincoln Property Company

**Preston Center Sky Bridge**

8335 Westchester Drive

Dallas, TX 75225

BDA 145-007  
Attach G  
PS4



O'Brien

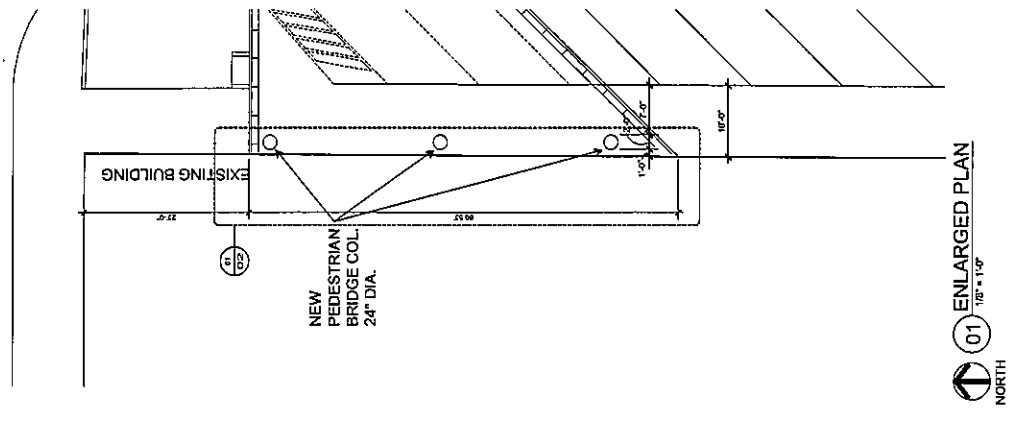
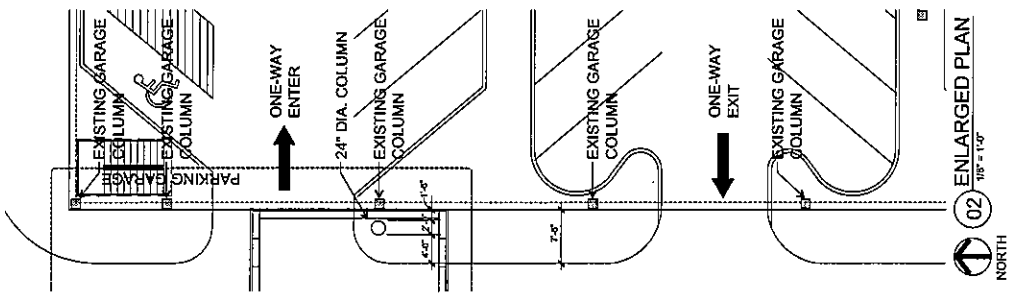
# Enlarge Plans 02

Date: 04-01-15

Lincoln Property Company

# Preston Center Sky Bridge

8335 Westchester Drive  
Dallas, TX 75225





BDA 145-007  
Attach H  
Pg 1

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

April 10, 2015

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

**I. Introduction.** As you will recall from our March 18 hearing, we represent Lincoln Property Co. (“Lincoln”) with regard to the proposed pedestrian skybridge connecting the retail property at Westchester Drive, between Luther Lane and Berkshire Lane in Preston Center, with the upper level of the Preston Center garage.

At your March 18 hearing, you approved several elements of our special exception request in connection with the proposed skybridge. One element of the request, for the placement of four columns in the sidewalk right of way, was initially approved, then recalled and held over until April 22, so that the clearest possible understanding of the column placement could be achieved. On April 22, we are coming to you with this last element of our special exception request. Concurrently, we are also applying for a Specific Use Permit for the skybridge, and the City Plan Commission recommended approval of that request on March 5.

The pedestrian skybridge is designed to connect the upper level of the Preston Center parking garage with the retail building across Westchester Drive to the west. This skybridge is necessary to be able to quickly and safely transport customers from one side to the other without having to descend to street level, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. This is first and foremost a matter of pedestrian safety and handicap accessibility and secondarily of citizen convenience.

However, a pedestrian skybridge which crosses public right-of-way has a large number of requirements imposed by the City of Dallas in the pedestrian skybridge accessory use definition. We meet 14 out of the 18 such requirements, and secured your approval in March of our special exception request on three of the remaining four. You also voted to approve the last item, but then voted to bring it back for clarification. Thus, we have this one item left before you.

**II. Special Exception Request.** We are before you on this last remaining element of our original special exception request because of the regulation set forth below.

12748235v.1

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

*SEC. 51A-4.217. ACCESSORY USES. (12) Pedestrian skybridges. (F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:*

*(vi) Supports must not be located within the public right-of-way. There are certain small supports located in the right-of-way as per the Site Plan. These support columns are unobtrusive, represent no traffic or pedestrian hazard or any other adverse impact, are not detrimental in any way, and are necessary from an architectural and engineering standpoint to support the skybridge.*

Since our last appearance before you in March, we have further refined the plan showing column placement and have revisited and resolved any outstanding issues of which we are aware. On April 3, the updated plan was provided to the City Staff, including Current Planning, Building Inspection, and Engineering, for review and approval, and we have attached copies for your review with the column placement shown as highlighted.

Note that these updated plans show compliance with all applicable standards and with the already-approved elements of our special exception request, with column diameter specified as 24 inches maximum; three columns on the west side and one on the east side (all compliant with the P.D. 314 sidewalk requirements); and placement of the columns so that they do not interfere with either pedestrian or vehicular movements.

**III. Special Exception Standard Issues.** The Board can grant a special exception from the above-described requirements on the following basis:

*(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:*

- (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;*
- (ii) the special exception will not adversely affect neighboring property; and*
- (iii) the special exception will not be contrary to the public interest.*

We believe that we clearly meet each of three standards required for granting of this last element of our special exception request as follows:

**I. Strict compliance with the requirements will unreasonably burden the use of either of the properties.** The requested exception to the otherwise-required pedestrian skybridge standard is necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the proposed grocery store, because the supports as shown are necessary for structural support of the skybridge as designed. To not allow these necessary structural supports, with their minimal (if any) impact, compared to their necessity for the safe support of the skybridge, would clearly be an unreasonable burden on the use of the properties.



---

2. ***The special exception will not adversely affect neighboring property.*** The placement of the columns as shown will have no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or pedestrian movement. The skybridge will also be very well designed and attractive. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use.

3. ***The special exception will not be contrary to the public interest.*** Not only is this request in no way contrary to the public interest, this skybridge, for which the support columns are necessary, is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

**IV. Conclusion.** In summary, this request very clearly meets the standards required for granting of the special exception.

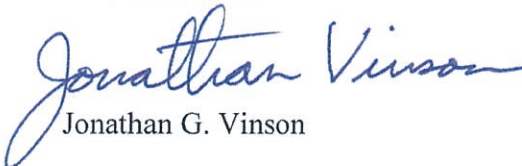
*First*, strict compliance with the requirements would unreasonably burden use of the properties as discussed above.

*Second*, the special exception will not adversely affect neighboring property.

*Third*, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

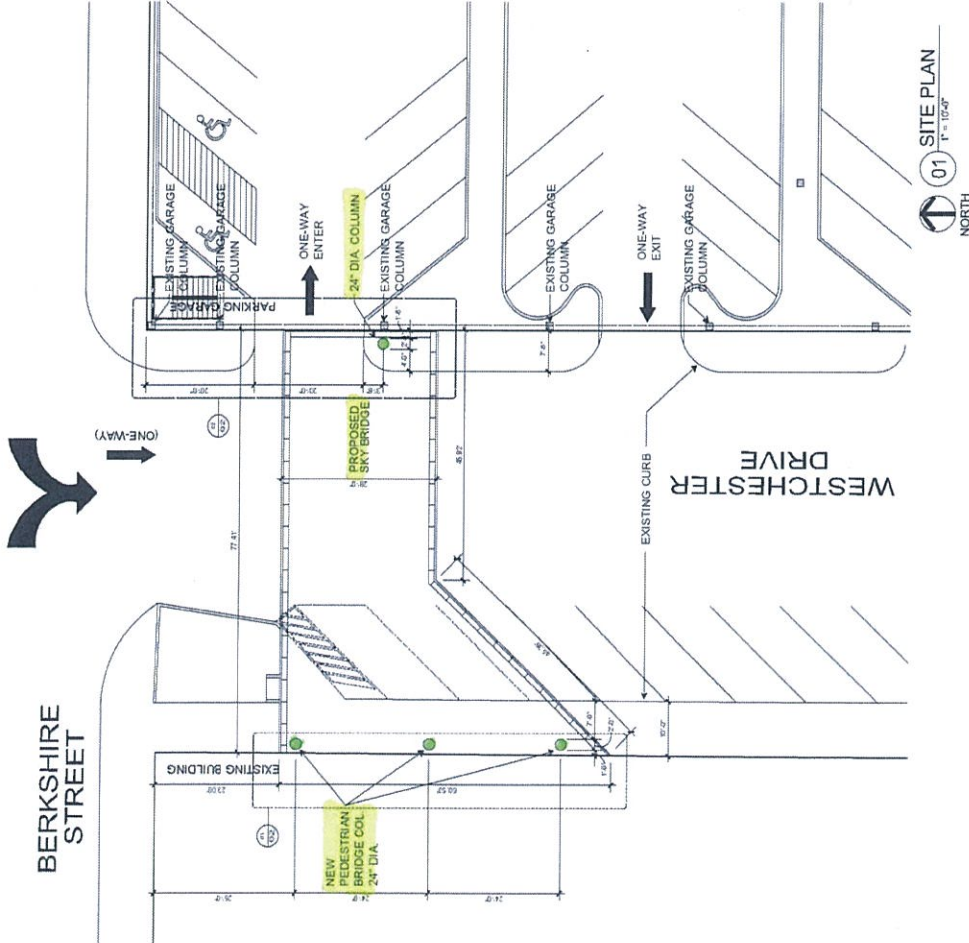
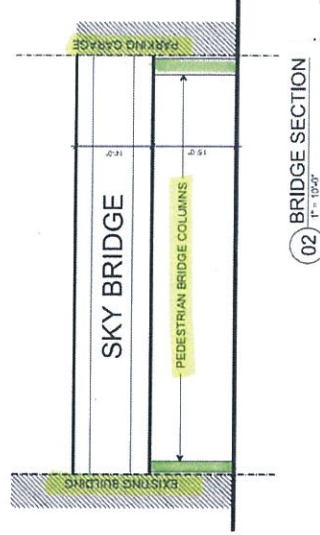
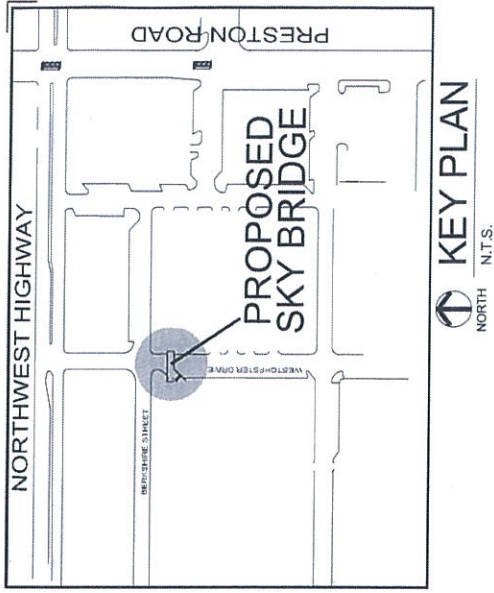
We look forward to appearing at your public hearing on April 22 to respectfully ask that you approve our request. Thank you very much.

Very truly yours,



Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Anna Graves  
Susan Mead  
Suzan Kedron



1. COMPLIANCE WITH ALL APPLICABLE VISUAL OBSTRUCTION REGULATIONS
2. COMPLIANCE WITH PD 314 AND ADA STANDARDS WITH REGARD TO ALL APPLICABLE SIDEWALK AND PEDESTRIAN CLEARANCE STANDARDS.
3. NO COLUMNS LOCATED WITHIN ROADWAY OR GROUND LEVEL PARKING SPACES WITHIN RIGHT-OF-WAY

**Preston Center Sky Bridge**  
 8335 Westchester Drive  
 Dallas, TX 75225

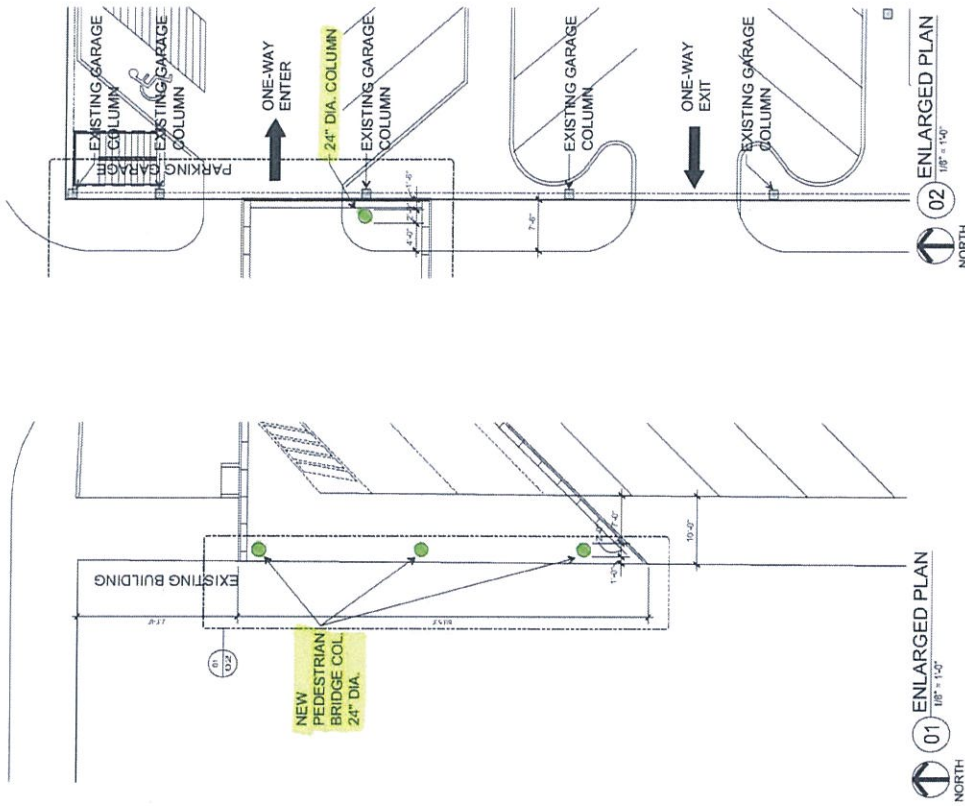
Lincoln Property Company

**Site Plan 01**

Date: 04-01-15



O'BRIEN



**This Enlarged Plan is consistent with the Site Plan but is simply enlarged to show a closer view of the column details.**

**Preston Center Sky Bridge**

8335 Westchester Drive  
Dallas, TX 75225

**Enlarge Plans 02**

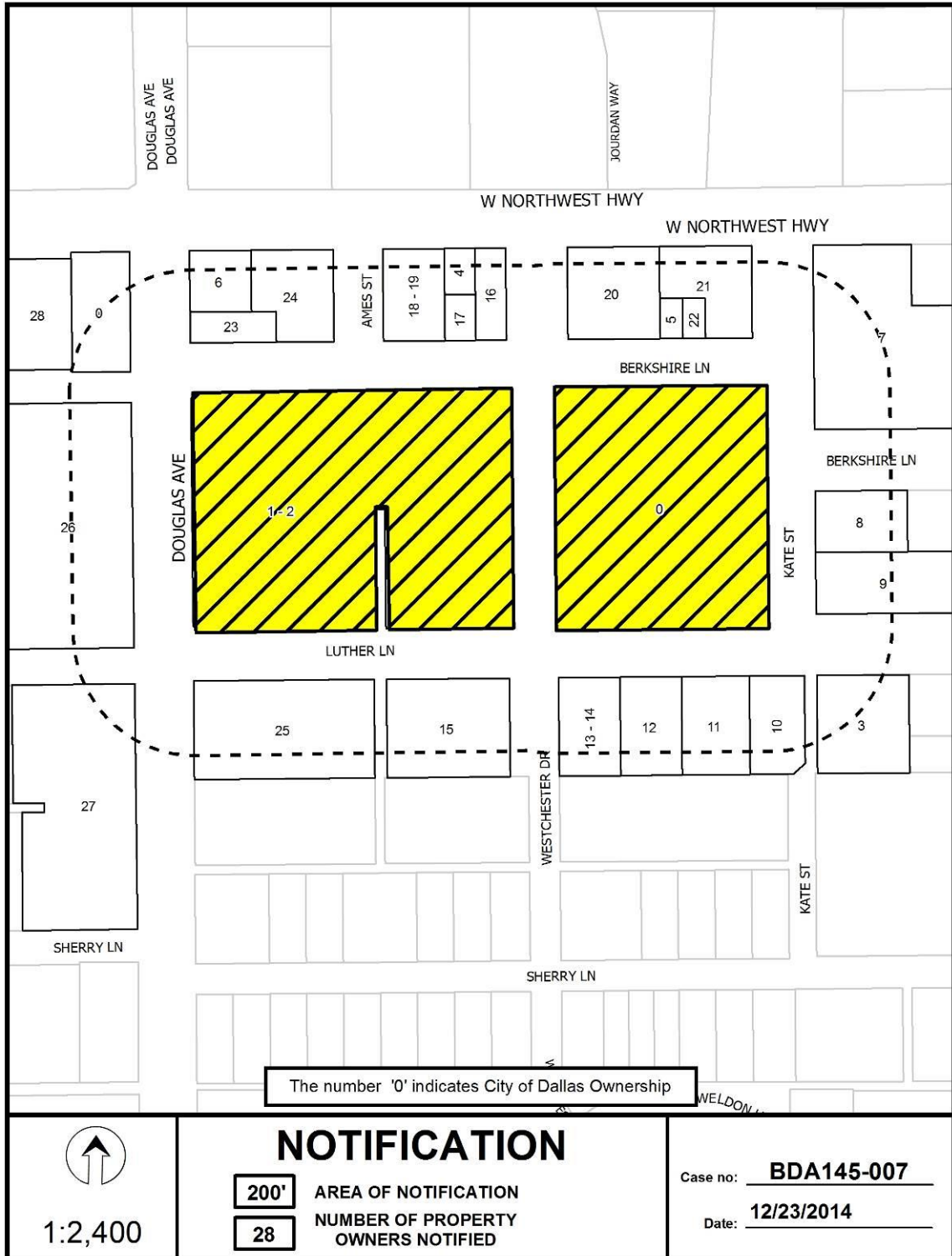
Lincoln Property Company

Date: 04-01-15



O'BRIEN





## *Notification List of Property Owners*

***BDA145-007***

***28 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8301 WESTCHESTER DR	CH REALTY VI R DALLAS PRESTON CTR LP
2	8300 DOUGLAS AVE	CFO DT II LLC
3	6132 LUTHER LN	KATE LUTHER LP
4	5930 NORTHWEST HWY	LOBELLO SAM INV
5	6115 BERKSHIRE LN	K & B COMM TEXAS LTD ETAL
6	5900 NORTHWEST HWY	HBT PARTNERS LP
7	8411 PRESTON RD	PRESTON CTR WEST JV
8	8307 PRESTON RD	ROBBINS SERAFINA ETAL
9	6131 LUTHER LN	PRESTON SQUARE TRUST THE
10	6126 LUTHER LN	RAMSBOTTOM PARTNERS LP
11	6118 LUTHER LN	RAMSBOTTOM PARTNERS LP
12	6110 LUTHER LN	MCEVOY A PATRICK ET AL
13	6100 LUTHER LN	TREK RESOURCES INC
14	6100 LUTHER LN	TREK RESOURCES INC
15	6038 LUTHER LN	RB PASS LLC
16	5938 NORTHWEST HWY	KINNEY PROPERTY F & P LTD
17	6033 BERKSHIRE LN	6033 BERKSHIRE LLC
18	5926 NORTHWEST HWY	LOBELLO SAM INV
19	5926 NORTHWEST HWY	LCT MATHEWS JV
20	8400 WESTCHESTER DR	SEARS DIANA COX &
21	5960 NORTHWEST HWY	CURRIN LAND JOINT VENTURE
22	6117 BERKSHIRE LN	K & B COMM TEXAS LTD ETAL
23	6003 BERKSHIRE LN	BERKSHIRE DOUGLAS RETAIL
24	6019 BERKSHIRE LN	HBT PARTNERS LP
25	8226 DOUGLAS AVE	DOUGLAS PLAZA LAND LLC
26	8333 DOUGLAS AVE	CFO DT III LLC



12/23/2014

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	8235 DOUGLAS AVE	DIP SPV COMPANY 4 LLC
28	5858 NORTHWEST HWY	DB FIVE GRILL LP

**FILE NUMBER:** BDA 145-044

**BUILDING OFFICIAL'S REPORT:** Application of Raul M. Ruiz, represented by Elias Rodriguez of Construction Concepts, for a variance to the lot coverage regulation at 1019 (AKA 1021) N. Justin Avenue. This property is more fully described as Lot 16, Block 8/8335, and is zoned R-7.5(A), which limits maximum lot coverage to 45 percent for residential structures. The applicant proposes to construct and/or maintain a nonconforming duplex residential structure and accessory structures with a 49.25 percent lot coverage which will require a 371.5 square foot variance to the lot coverage regulations.

**LOCATION:** 1019 (AKA 1021) N. Justin Avenue

**APPLICANT:** Raul M. Ruiz  
Represented by Elias Rodriguez of Construction Concepts

**REQUEST:**

A variance to the lot coverage regulations of 4.25 percent (or 371 square feet) is made to maintain structures on the subject site (a "one story frame existing" structure, an "existing carport" structure, a detached "one story garage/servants quarters" structure, and a detached "one story detached storage" structure, and a "new covered patio" structure) that total 4,309 square feet or that exceed the 45 percent lot coverage (or 3,938 square feet) allowed on the 8,750 square foot subject site.

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, 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:**

Denial

Rationale:

- The applicant had not substantiated how the features of the flat, rectangular-shaped, and approximately 8700 square foot subject site (that is over 1,000 square feet larger than most in the zoning district) precluded him from developing it in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning classification. There is no special condition or physical site constraint that would appear to restrict the applicant from developing/maintaining the site with commensurately-sized development that complies with lot coverage regulations.

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

The subject site is developed with a nonconforming duplex use. (Note the while a structure is noted on the site plan as garage/servants quarters, the applicant's representative has informed the Board Administrator that the site only has one dwelling unit, and that there is no need for any application to be made for a special exception to the single family use regulations for an additional dwelling unit). The areas to the north, east, south, and west appear to be developed with residential uses.

### **Zoning/BDA History:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

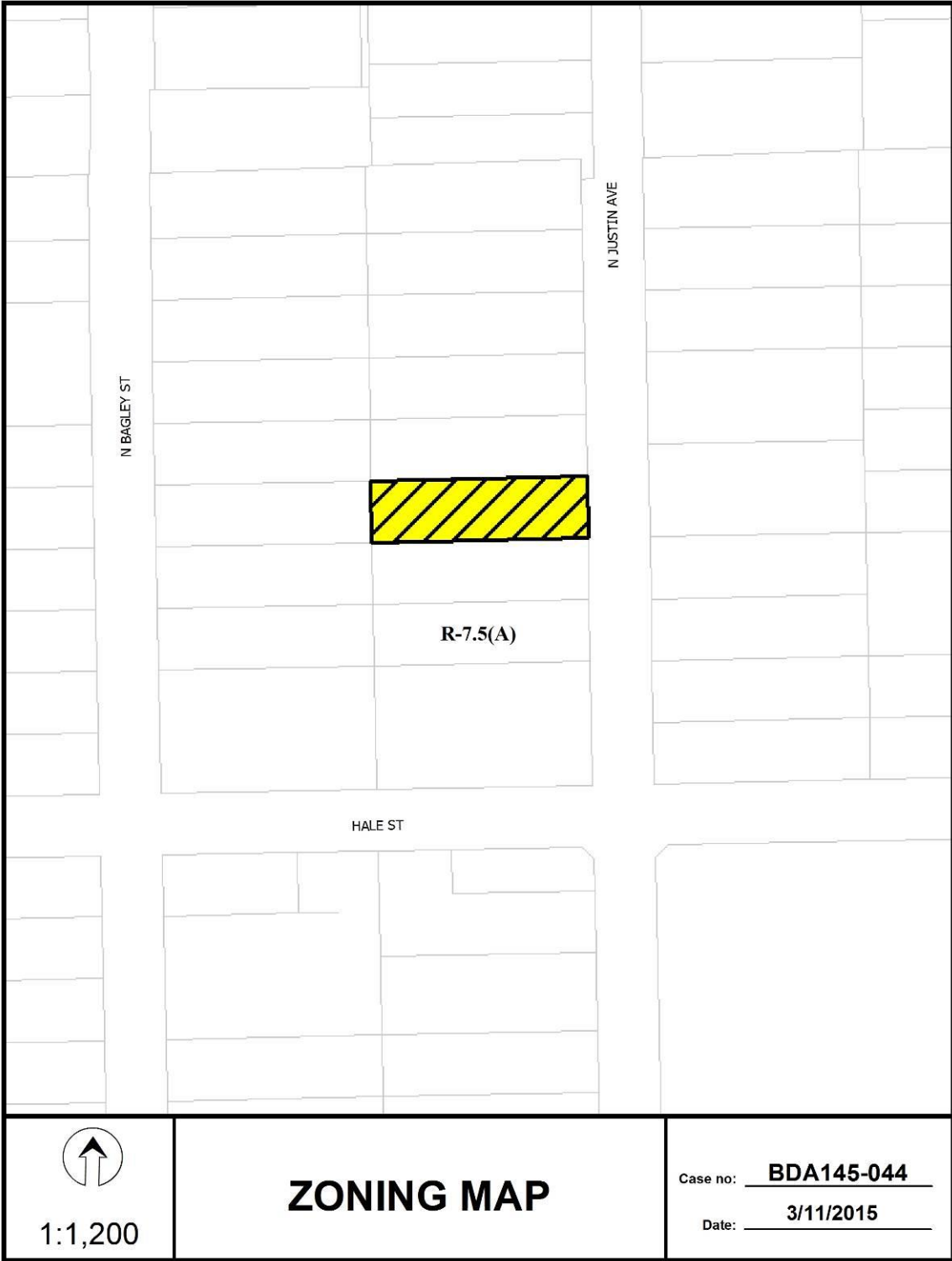
- This request focuses on maintaining structures on the subject site (a "one story frame existing" structure, an "existing carport" structure, a detached "one story garage/servants quarters" structure, and a detached "one story detached storage" structure, and a "new covered patio" structure) that (according to the submitted site plan) total 4,309 square feet or that exceed the 45 percent (or 3,938 square feet) lot coverage allowed on the 8,750 square foot subject site by 4.25 percent or 371 square feet.

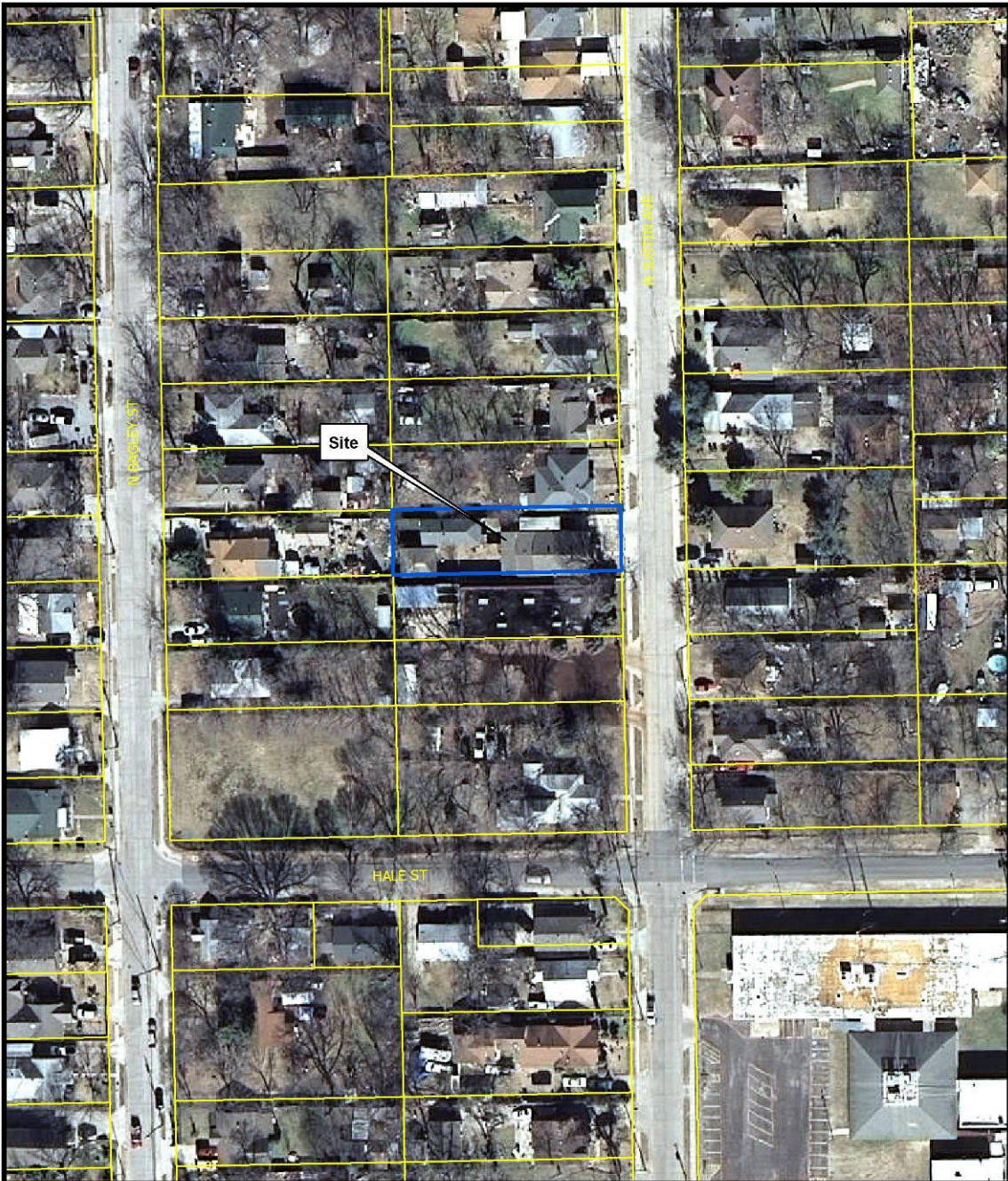
- The maximum lot coverage is 45 percent for residential structures on lots zoned R-7.5(A).
- The Dallas Development Code defines “coverage” as “the percentage of the lot area covered by a roof, floor area, or other structures, except that roof eaves up to 24 inches and other ordinary building projections up to 12 inches are excluded.”
- A site plan has been submitted which provides the square footage of each structure on the site, the total of structures on the site, the total lot size, the total lot coverage, the maximum allowable lot coverage, and the total above the maximum allowable.
- While the submitted site plan includes a legend that distinguishes “proposed areas” from “existing areas” the applicant’s representative has informed the Board Administrator that the lot coverage variance application is made to maintain all structures noted on the site plan labeled “existing” and “proposed” as they currently now all exist on the property.
- According to DCAD records, the “main improvement” for property addressed at 1019 N. Justin Avenue is a structure built in 1951 with 1,770 square feet of living/total area, and with the following “additional improvements”: a 320 square foot storage building; a 720 square foot detached servants quarters; and a 310 square foot attached carport.
- The subject site is flat, rectangular in shape (175’ x 50’), and according to the submitted application is 0.2009 acres (or approximately 8,700 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the lot coverage regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structures would be limited to what is shown on this document– which in this case are structures that exceed the 45 percent (or 3,938 square feet) coverage allowed on the 8,750 square foot subject site by 4.25 percent of 371 square feet.
- Additionally note that if the Board were to grant the applicant’s request for a variance to the lot coverage regulations, and impose the submitted site plan as a condition, no relief would be provided to any existing/proposed noncompliance on the subject site to any code provision other than to maximum lot coverage.

## **Timeline:**

- February 2, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 11, 2015: The Board Administrator emailed the applicant’s representative 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 April 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 10<sup>th</sup> 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.”
- April 1, 2015: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).
- April 1, 2015: The Board Administrator emailed the applicant’s representative the code provisions related to nonconforming uses.
- April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- No review comment sheets with comments were submitted in conjunction with this application.







1:1,200

# AERIAL MAP

Case no: BDA145-044

Date: 3/11/2015





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-044

Date: 02-02-15

Data Relative to Subject Property:

Location address: 1019 N. Justin Ave Zoning District: R7.5(A)

Lot No.: 16 Block No.: 818335 Acreage: .2009 Census Tract: 0107.01

Street Frontage (in Feet): 1) 50' 2) 3) 4) 5) gw 19A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Raul M. Ruiz

Applicant: Raul M. Ruiz Telephone: 214-290-4558

Mailing Address: 1019 N. Justin Ave Zip Code: 75211

E-mail Address:

Represented by: Elicio Rodriguez Construction Concepts Inc Telephone: 214-946-4300

Mailing Address: 317 E. Jefferson Blvd Zip Code: 75203

E-mail Address: energyinspector@yahoo.com

Affirm that an appeal has been made for a Variance [checked], or Special Exception, of Existing Lot Coverage by 371 sq ft

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:

NIA

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

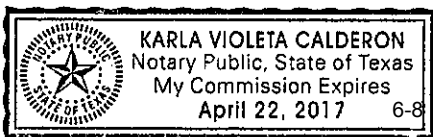
Before me the undersigned on this day personally appeared Raul M Ruiz (Affiant/Applicant's name printed)

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 30th day of January, 2015

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that RAUL RUIZ  
represented by Elias Rodriguez  
did submit a request for a variance to the lot coverage regulation  
at 1019 N. Justin Avenue

BDA145-044. Application of Raul Ruiz represented by Elias Rodriguez for a variance to the lot coverage regulation at 1019 N. Justin Avenue. This property is more fully described as Lot 16, Block 8/8335, and is zoned R-7.5(A), which limits maximum lot coverage to 45 percent for residential structures. The applicant proposes to construct single family residential structures with 49.25 percent lot coverage which will require a 371 square foot variance to the lot coverage regulation.

Sincerely,

  
Larry Holmes, Building Official





2  
8331

60					25	25			
175	10	9	8	7	6	5	4	3	2
57.5	50	50	50	50	50	50	50	50	50

8335/13

50

JUSTIN

1000

3  
8331

57.5	50	50	50	50	50	50	50	50	50
175	11	12	13	14	15	16	17	18	1
55						JN			
175	10	9	8	7	6	5	4	3	2
52.5	50	50	50	50	50	50	50	50	50

8335/8

50

BAGLEY

1000

4  
8331

7  
8335

CONSTRUCTION CONCEPTS, INC.  
 "Planning and Designing a Better Tomorrow"

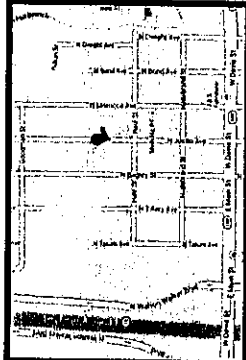
317 E. JEFFERSON BLVD.  
 DALLAS, TX. 75203  
 TEL. (214) 946-4300  
 FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THE STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF TRADE PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND ELECTRICAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. PERMITS, LOCAL ORDINANCES, AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

LOCAL ORDINANCES OR DEFICIENCIES OF THESE PLANS, OWNER/BUILDER MUST CONSULT WITH CONSTRUCTION CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES OF THESE PLANS. OWNER/BUILDER MUST CONSULT WITH ARCHITECTS OR OTHERS PRIOR TO COMMENCEMENT OF CONSTRUCTION. LOCAL ORDINANCES OR DEFICIENCIES OF THESE PLANS IS NOT THE PURPOSE OF THESE PLANS UNLESS THE BUILDER CONTACTS THIS HOUSE PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address  
 1019 North Justin Ave  
 Dallas, TX  
 75211

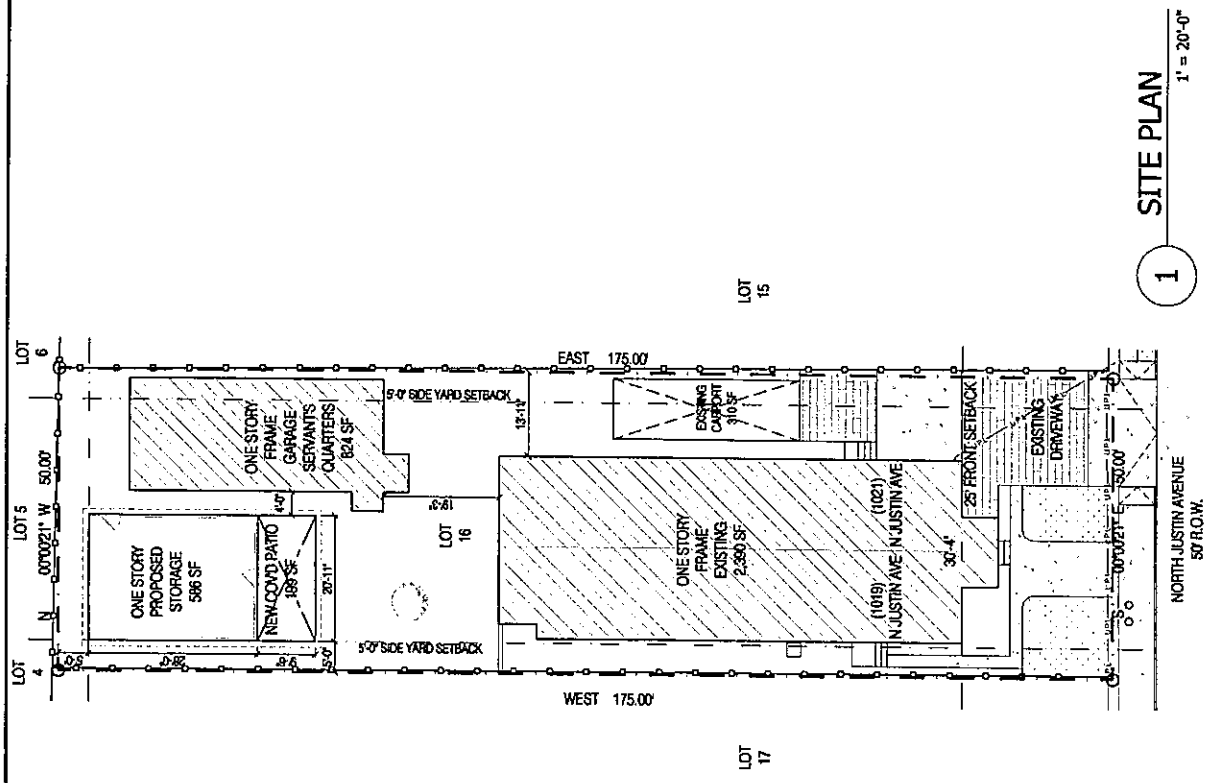
Project Sheet  
 SITE PLAN  
 Date: 02/02/15  
 Scale: 1" = 20'-0"  
 Drawn By: J.C.  
**1**



VICINITY MAP for reference only  
 ZONING: R-7.5 (A)  
 MFR - DUPLEXES

SQUARE FOOTAGE	
EXISTING DUPLEX	2,800 SF
EXISTING GARAGE	824 SF
EXISTING GARAGE	310 SF
PROPOSED STORAGE	596 SF
PROPOSED COND PATIO	188 SF
TOTAL	4,300 SF
LOT SIZE	8,750 SF
LOT COVERAGE	49.25%
MAX ALLOWABLE LOT COVERAGE = 45%	3,938 SF
TOTAL ABOVE MAX ALLOWABLE	371 SF

LEGEND	
[Hatched Box]	PROPOSED AREAS
[Solid Box]	EXISTING AREAS

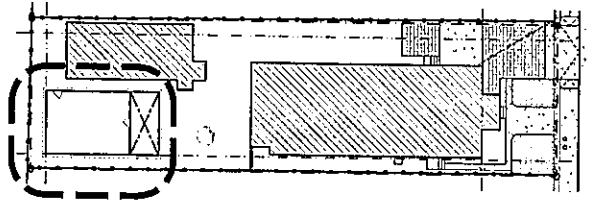


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 GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOMETRIC LOCATIONS, CONSTRUCTION CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES FROM TO COMMENCEMENT OF CONSTRUCTION.  
 THE ARCHITECT OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE ANY CORRECTIONS, REVISIONS, OR ALTERATIONS TO THESE PLANS IS NOT PERMITTED. MODIFIERS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address  
 1019 North Justin Ave  
 Dallas, TX  
 75211

Project FLOOR PLAN  
 Date: 02/02/15  
 Scale: 1/8" = 1'-0"  
 Drawn By: JE  
 Sheet: 2



2A SITE PLAN  
 for reference only

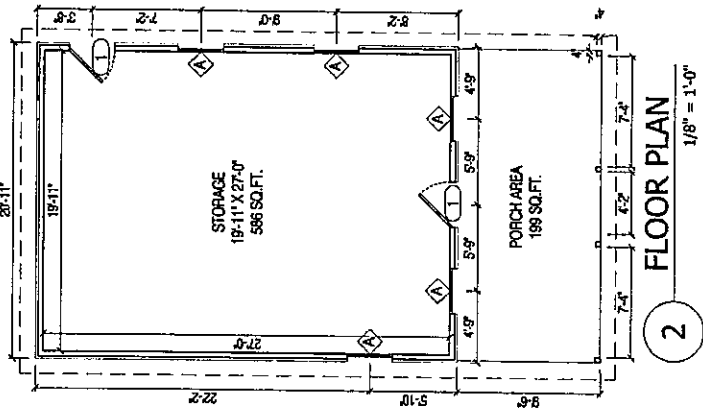
WINDOW SCHEDULE			
TAG	SIZE	DESC.	QTY.
A	3'-0" X 6'-0"	FIXED	5

DOOR SCHEDULE			
TAG	SIZE	DESC.	QTY.
1	3'-0" X 6'-8"	S.C.	2

S.C. = SOLID CORE

SQUARE FOOTAGE	
EXISTING DUPLEX	2,930 SF
EXISTING GARAGE	824 SF
EXISTING GARAGE	310 SF
PROPOSED STORAGE	586 SF
PROPOSED CONV. PATIO	199 SF
TOTAL	4,309 SF
LOT SIZE	8,750 SF
LOT COVERAGE	49.25%
MAX ALLOWABLE LOT COVERAGE = 45%	3,938 SF
TOTAL ABOVE MAX ALLOWABLE	371 SF

LEGEND	
[Hatched Box]	PROPOSED AREAS
[Solid Box]	EXISTING AREAS



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

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 Planning and Designing a Better Tomorrow

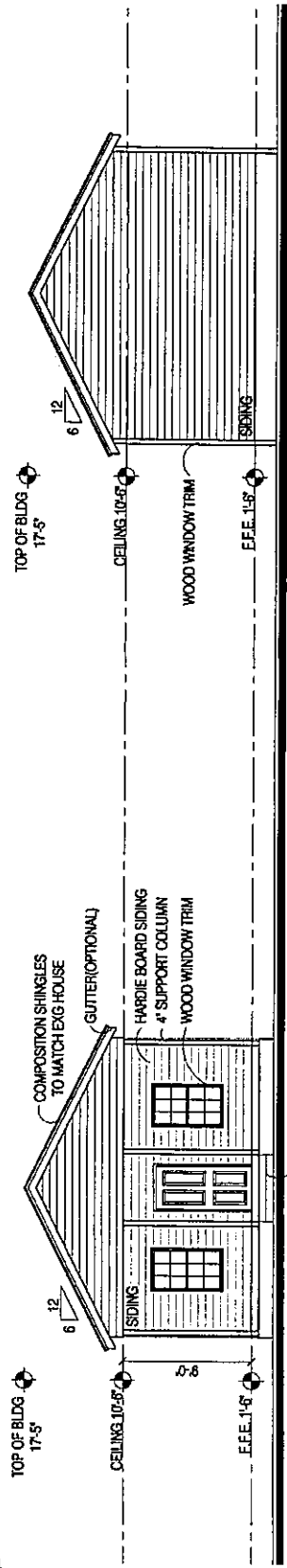
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HOWEVER, BECAUSE OF THE VARIATION IN GEOGRAPHIC LOCATIONS, CONSTRUCTION CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY ERRORS OR OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST CONSULT WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURPOSE OF THESE PLANS ENTERS THE BUYER TO CONSIDER THE HOUSE ONLY ONCE. ANY COPYING, REPRODUCING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

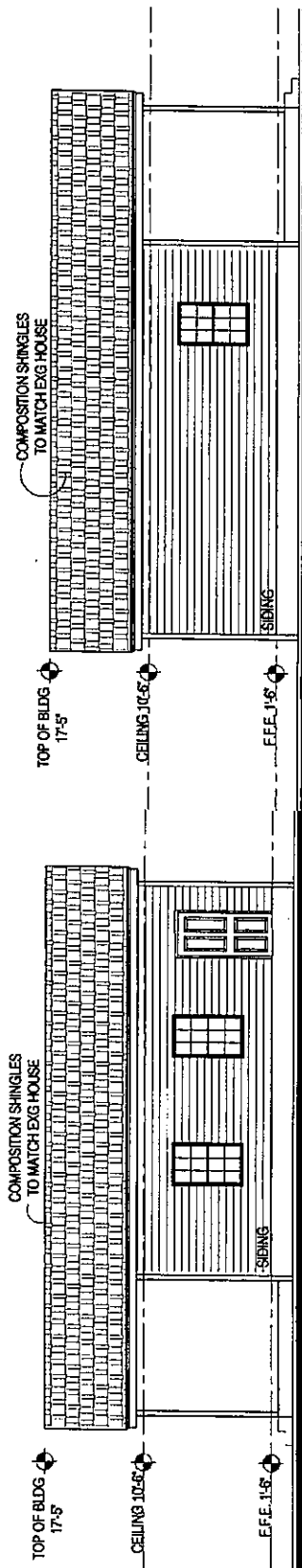
Project Name & Address  
 1019 North Justin Ave  
 Dallas, TX  
 75211

Project Elevations  
 Date 02/02/15  
 Scale 1/8"=1'-0"  
 Drawn By JE  
 Sheet 6



6A FRONT ELEVATION  
 1/8"=1'-0"

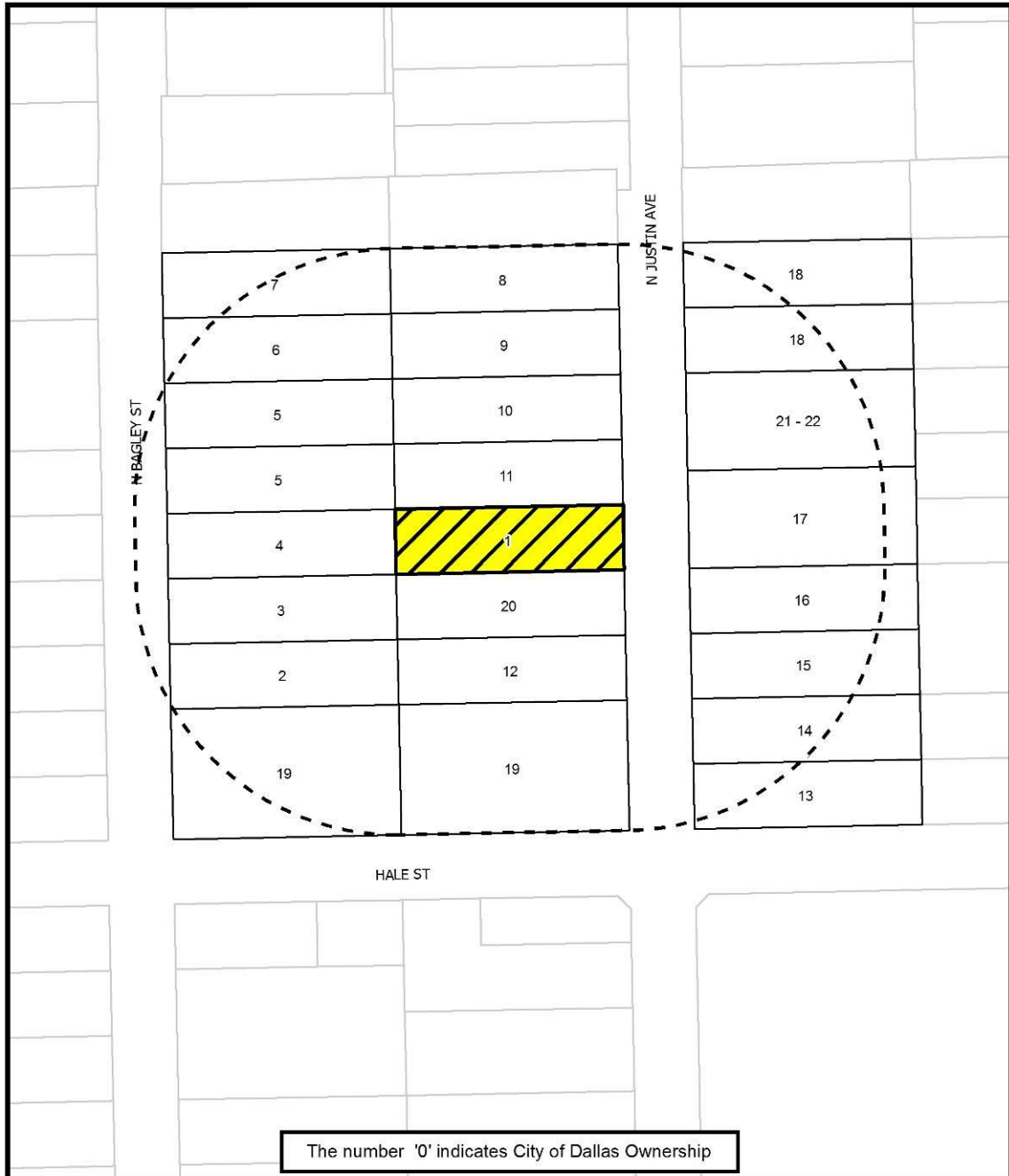
6B REAR ELEVATION  
 1/8"=1'-0"



6C RIGHT ELEVATION  
 1/8"=1'-0"

6D LEFT ELEVATION  
 1/8"=1'-0"





1:1,200

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**22** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA145-044**

Date: **3/11/2015**

## *Notification List of Property Owners*

***BDA145-044***

### ***22 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1019 JUSTIN AVE	RUIZ RAUL M
2	1010 BAGLEY ST	OEM INDUSTRIES INC
3	1014 BAGLEY ST	CONTRERAS ISMAEL
4	1018 BAGLEY ST	FUENTES JAVIER & MARIA
5	1022 BAGLEY ST	VILLEGAS LORENZO & ARACELY
6	1030 BAGLEY ST	VILLEGAS REYES & CARMEN
7	1036 BAGLEY ST	VILLEGAS REYES J
8	1035 JUSTIN AVE	NUNO LIBORIO & MARGARITA
9	1031 JUSTIN AVE	FERNANDEZ JOSE L
10	1027 JUSTIN AVE	GUZMAN FERMIN
11	1023 JUSTIN AVE	MARTINEZ DACIA B &
12	1009 JUSTIN AVE	O E M INDUSTRIES
13	1002 JUSTIN AVE	MARTINEZ DANIEL
14	1006 JUSTIN AVE	PALOMARES ENRIQUE & EVANGELINA
15	1010 JUSTIN AVE	GARCIA BELEN
16	1014 JUSTIN AVE	GARCIA BELEN D &
17	1022 JUSTIN AVE	MARTINEZ MARIA LUISA C
18	1030 JUSTIN AVE	RETANA ODILIA
19	1000 BAGLEY ST	STEINER EDWARD C III
20	1015 JUSTIN AVE	O E M INDUSTRIES
21	1026 JUSTIN AVE	MARTINEZ JOSE ARMANDO &
22	1024 JUSTIN AVE	MARTINEZ ESTHER C LIFE ESTATE