

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, JUNE 22, 2015
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the May 18, 2015 Board of Adjustment Panel C Public Hearing Minutes	M1
BDA 145-021	To waive the two year limitation on a final decision reached by Board of Adjustment Panel C on March 16, 2015 - a request for a special exception to the fence height regulations that was granted with certain conditions	M2

UNCONTESTED CASE

BDA 145-065	4540 Northaven Road REQUEST: Application of Alba M. Nunez for special exceptions to the fence height and visual obstruction regulations	1
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REGULAR CASES

BDA 145-063	1712 Commerce Street REQUEST: Application of Ed Simons for variances to the front yard setback and minimum sidewalk regulations, and a special exception to the landscaping requirements	2
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BDA 145-067

10121 Waller Drive

3

REQUEST: Application of Laura Hoffman for a special exception to the fence height 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]

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C May 18, 2015 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 145-021

REQUEST: To waive the two year limitation on a final decision reached by Board of Adjustment Panel C on March 16, 2015 - a request for a special exception to the fence height regulations that was granted with certain conditions.

LOCATION: 4606 Walnut Hill Lane

APPLICANT: Jimmy Baugh
Represented by Robert Reeves of Robert Reeves and Associates

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

March 16, 2015: The Board of Adjustment Panel C granted a request for special exception to the fence height regulations of 4' 6" and imposed the following condition to this request: Compliance with the submitted revised site plan, conceptual/landscape plan, and elevation is required. The case report stated that the request was made to construct/maintain construct and maintain a 7' high "wall faced with Lueders limestone" with 7' 6" high columns, and an approximately 6' – 7' high gate flanked with 8' 6" high entry columns on a site developed with a single family home. (See Attachment A for information related to this application).

June 1, 2015: The applicant's representative submitted a letter (with related materials) to staff requesting that the Board waive the two year limitation on the request for a special exception to the fence height regulations granted by Board of Adjustment Panel C on March 16, 2015 (see Attachment B). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a fence height special exception on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.
- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

June 2, 2015: The Board Administrator emailed the applicant's representative information regarding his miscellaneous item request (see Attachment C).



City of Dallas

m2
Attach A
PS1

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-021

Data Relative to Subject Property:

Date: 12/5/14

Location address: 4606 Walnut Hill Lane Zoning District: R-1ac (A) Single Family

Lot No.: 23 Block No.: 5543 Acreage: .92 Census Tract: 206,00

Street Frontage (in Feet): 1) 150' - Walnut Hill Ln. 2) 3) 4)

NE2A

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Kathie Peng & Jimmy Baugh

Applicant: Jimmy Baugh Telephone: 703-945-5002

Mailing Address: 4606 Walnut Hill Ln, Dallas, TX Zip Code: 75229

E-mail Address: KathiePeng@gmail.com

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance, or Special Exception, to Chapter 51A.4.602 (a) (1) fence height standard when located in the required front yard pursuant to Chapter 51A.4.602 (a) (6).

The applicant wants to construct a new stone wall with landscaping and three stone columns at 8' 6"; one ornamental iron gate at 7' 6"; stone wall at 7' 0"; remaining stone columns at 7' 6" of 4'-6"

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

Increase the front yard fence height above 4 feet with a stone wall with landscaping in order to provide security, sound barrier and protection from vehicular intrusions along a very busy Walnut Hill Lane.

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 X Jimmy Baugh (Affiant/Applicant's signature) Jimmy Baugh 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: X Jimmy Baugh (Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of Dec

406 E Hwy 243
Canton TX 75103



Notary Public in and for Dallas County, Texas

M2
Attach A
pg 2

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

MONDAY, MARCH 16, 2015

FILE NUMBER: BDA 145-021

BUILDING OFFICIAL'S REPORT: Application of Jimmy Baugh, represented by Robert Reeves of Robert Reeves and Associates, for a special exception to the fence height regulations at 4606 Walnut Hill Lane. This property is more fully described as part of Lot 23, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot 6 inch high fence, which will require a 4 foot 6 inch special exception to the fence height regulations.

LOCATION: 4606 Walnut Hill Lane

APPLICANT: Jimmy Baugh
Represented by Robert Reeves of Robert Reeves and Associates

REQUEST:

A request for a special exception to the fence height regulations of 4' 6" is made to construct and maintain a 7' high "wall faced with Lueders limestone" with 7' 6" high columns, and an approximately 6' – 7' high gate flanked with 8' 6" high entry columns on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Date of Hearing March 16, 2015

Appeal was--Granted OR Denied

Remarks Granted - Compliance with the submitted revised site plan, conceptual plan with landscape plan, and elevation is required.

[Signature]
Chairman

Building Official's Report

I hereby certify that Jimmy Baugh
represented by Robert Reeves
did submit a request for a special exception to the fence height regulations
at 4606 Walnut Hill Lane

BDA145-021. Application of Jimmy Baugh represented by Robert Reeves for a special exception to the fence height regulations at 4606 Walnut Hill Lane. This property is more fully described as part of Lot 23, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation.

Hold to March 16, 2015

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 17 DAY OF March, 20 15.**

[Signature]
ADMINISTRATOR

Sincerely,

[Signature]
Larry Holmes, Building Official



M2
Attach A
PS 4

March 20, 2015

Robert Reeves
Robert Reeves and Associates
900 Jackson Street, Suite 160
Dallas, Texas 75229

Re: BDA 145-021, Property at 4606 Walnut Hill Lane

Dear Mr. Reeves:

The Board of Adjustment Panel C, at its public hearing held on Monday, March 16, 2015 granted your request for a special exception to the fence height regulations of 4 feet, 6 inches, subject to the following condition:

- Compliance with the submitted revised site plan, conceptual/landscape plan, and elevation is required.

Contact Building Inspection at 320 E. Jefferson, Room 118 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

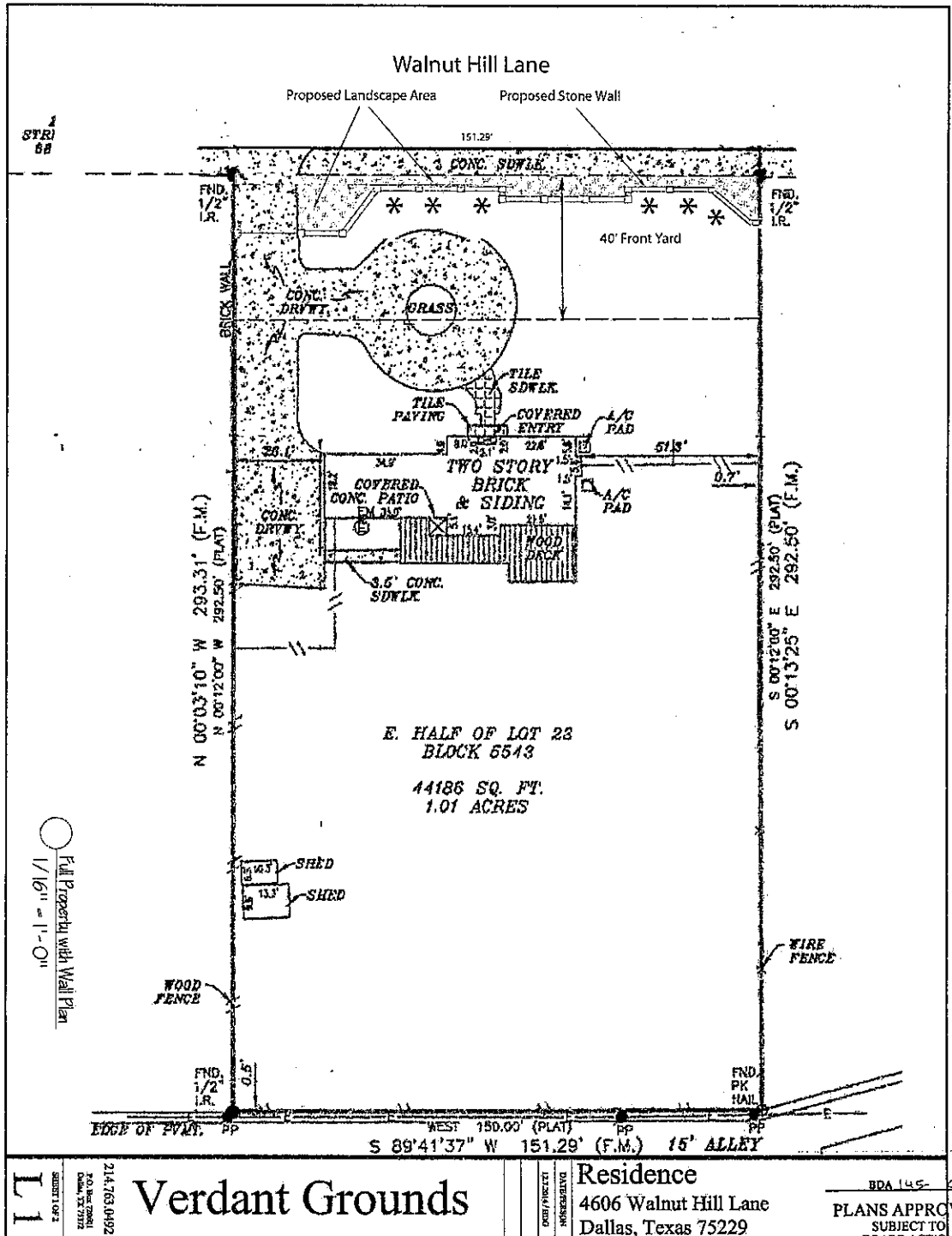
Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in black ink that reads 'Steve Long'.

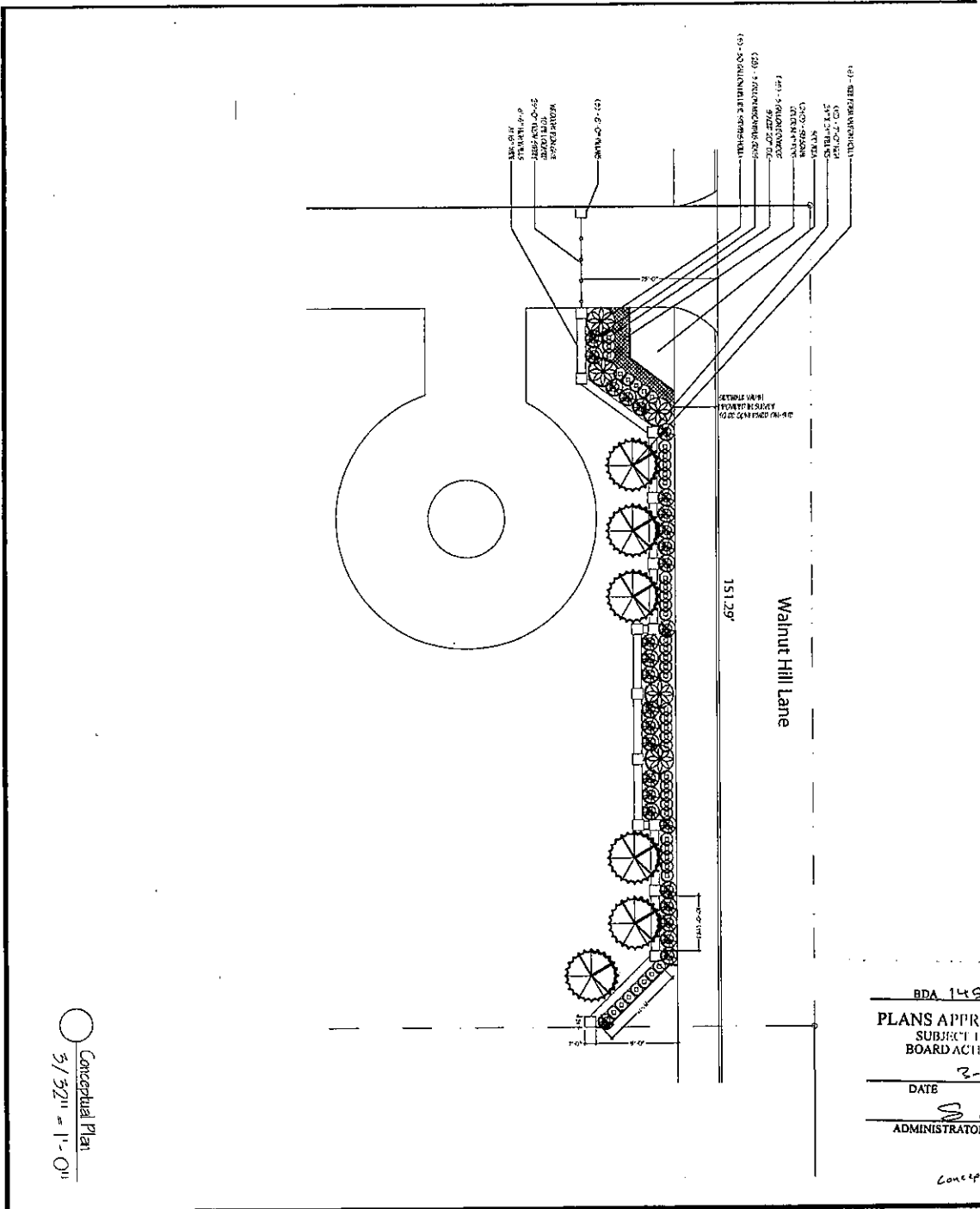
Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

c: Ben Collins, Code Enforcement, 3112 Canton, Room 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

M2
 Attach A
 P35



M2
 Attach A
 PS 6



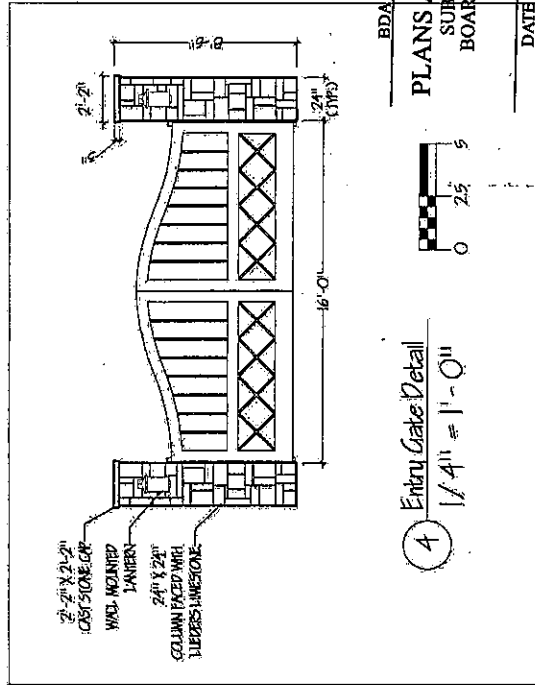
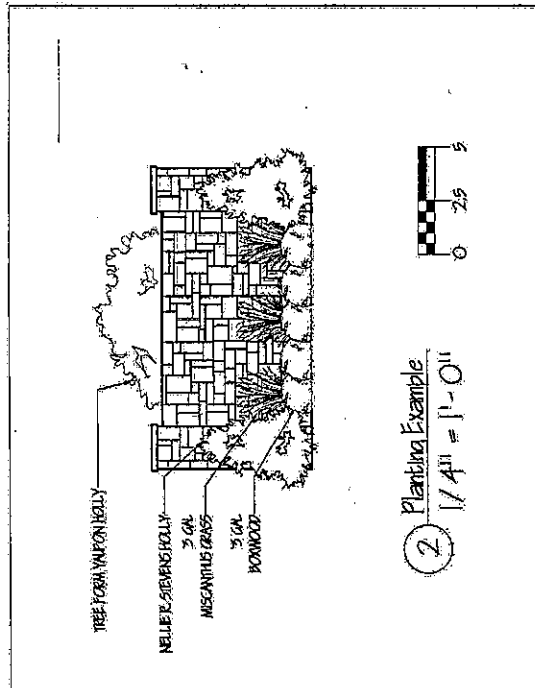
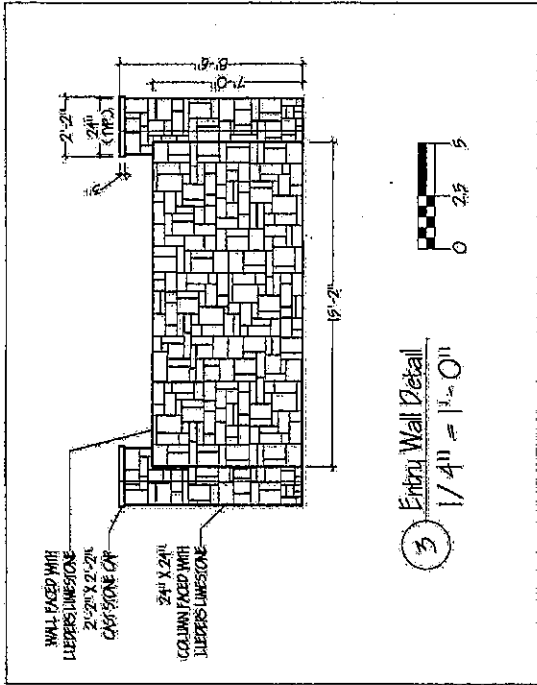
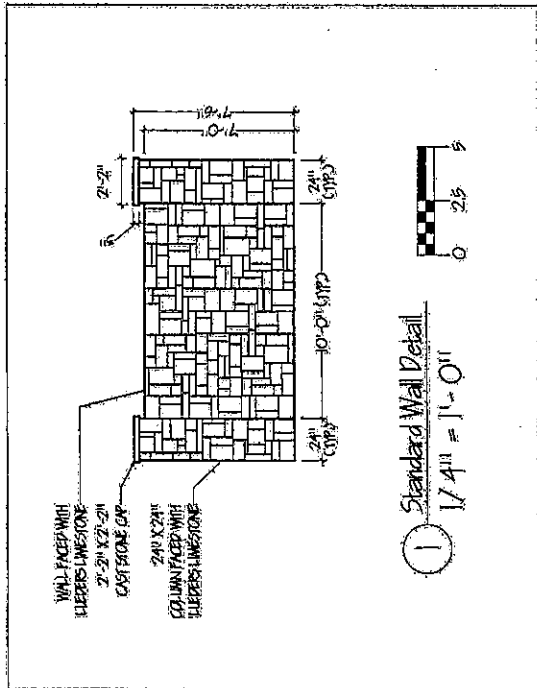
BDA 145-021
 PLANS APPROVED
 SUBJECT TO
 BOARD ACTION
 DATE 3-17-15
 ADMINISTRATOR *[Signature]*

Conceptual / Landscape plan

Conceptual Plan
 3/32" = 1'-0"

L1	214.763.0492	Residence 4606 Walnut Hill Lane Dallas, Texas 75229
	PO Box 23981	
	Dallas, TX 75229	
	11/20/15/15/15	
	1/20/15/15/15	

3-6



BDA 145-021
 PLANS APPROVED
 SUBJECT TO
 BOARD ACTION
 DATE 3-17-15
 ADMINISTRATOR *S. G. G.*

Residence
 4606 Walnut Hill Lane
 Dallas, Texas 75229

Verdant Grounds

214.763.0492
 P.O. Box 796901
 Dallas, TX 75372
 Sheet 2 of 2

E2

M2 Attach A pg. 7

Elevation (1 of 2)

Residence
4606 Walnut Hill Lane
Dallas, Texas 75229

DATE/PERSON
12/2014/HBG

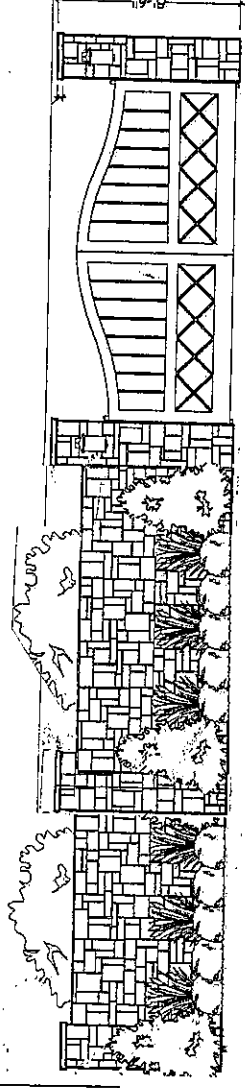
Verdant Grounds

214.763.0492
P.O. Box 70661
Dallas, TX 75272
Sheet 1 of 2

E2.1

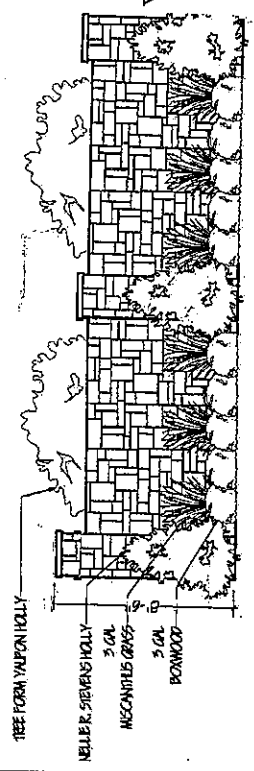
BDA 145-021
PLANS APPROVED
SUBJECT TO
BOARD ACTION
DATE 3-17-15
ADMINISTRATOR *[Signature]*

ELEVATION (2 SP2)



FRONT ELEVATION

WALNUT HILL LANE



- 1 TREE FORA WALNUT HOLLY
- 2 NELLE R. SIEMAS HOLLY 3 GAL
- 3 HECORITES GRASS 3 GAL
- 4 BONWOOD

2 Planting Example
1/4" = 1'-0"



m2
Attach B
ps1

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

June 1, 2015

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

RE: Waiver Request of Two-Year Waiting Period
Case BDA 145-021, 4606 Walnut Hill Lane

Dear Mr. Long:

On behalf of my client, we are requesting a waiver of the two-year waiting period for Case BDA 145-021, 4606 Walnut Hill Lane. This case was approved for a 4'-6" fence height special exception by Panel C on March 16, 2015. Since board approval, my client has hired a new architect to design their new home.

The board approved gate is proposed where the existing drive is located, which is off-center and adjacent to the west property line, see attached approved plan. The architect has recommended that the drive and entrance gate be located in the center of the property, which creates a more symmetrical and balanced design. The architects feel this modification will provide a more dramatic entrance and better compliment the new house. There will no change in the board approved height and fence materials. We will only be relocating the gate and revising the landscaping, see attach sketch.

We believe circumstances have change and warrant approval of a waiver. Mr. Long, please schedule this request on the Panel C June 22 docket.

Sincerely;

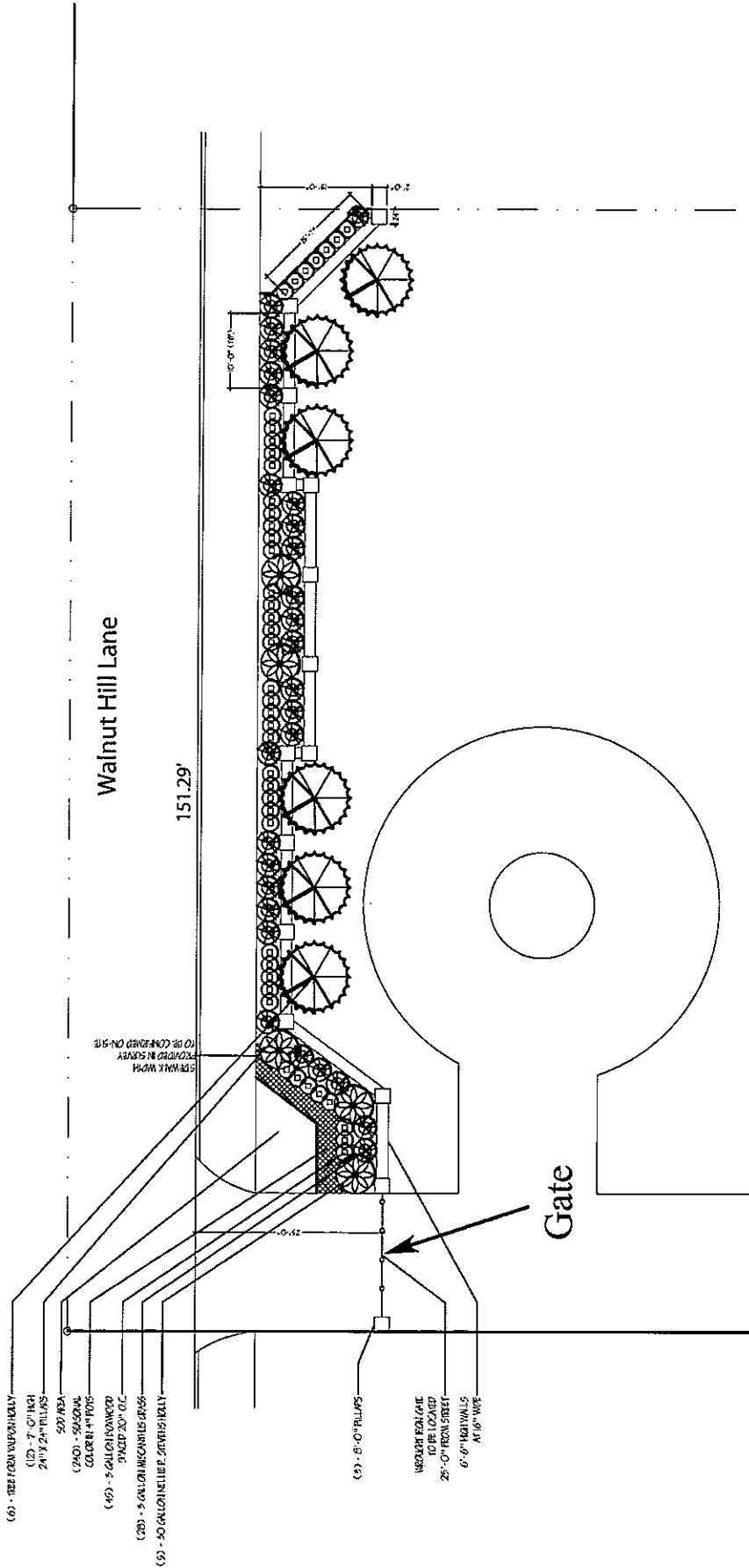


Robert Reeves

DATE/PERSON
11.6.2015/HIDG
1.36.2015/HIDG
2.9.2015/HIDG
2.12.2015/HIDG

M2
Attach B
Pg 2

Conceptual Plan
3/32" = 1'-0"



Approved: 3/16/15
BDA 145-021
4606 Walnut Hill Lane

M2 Attach B
P23

HAROLD LEIDNER
ARCHITECT
1000 Ross Street, Suite 1000
Dallas, Texas 75202
714.241.8888
www.haroldleidner.com

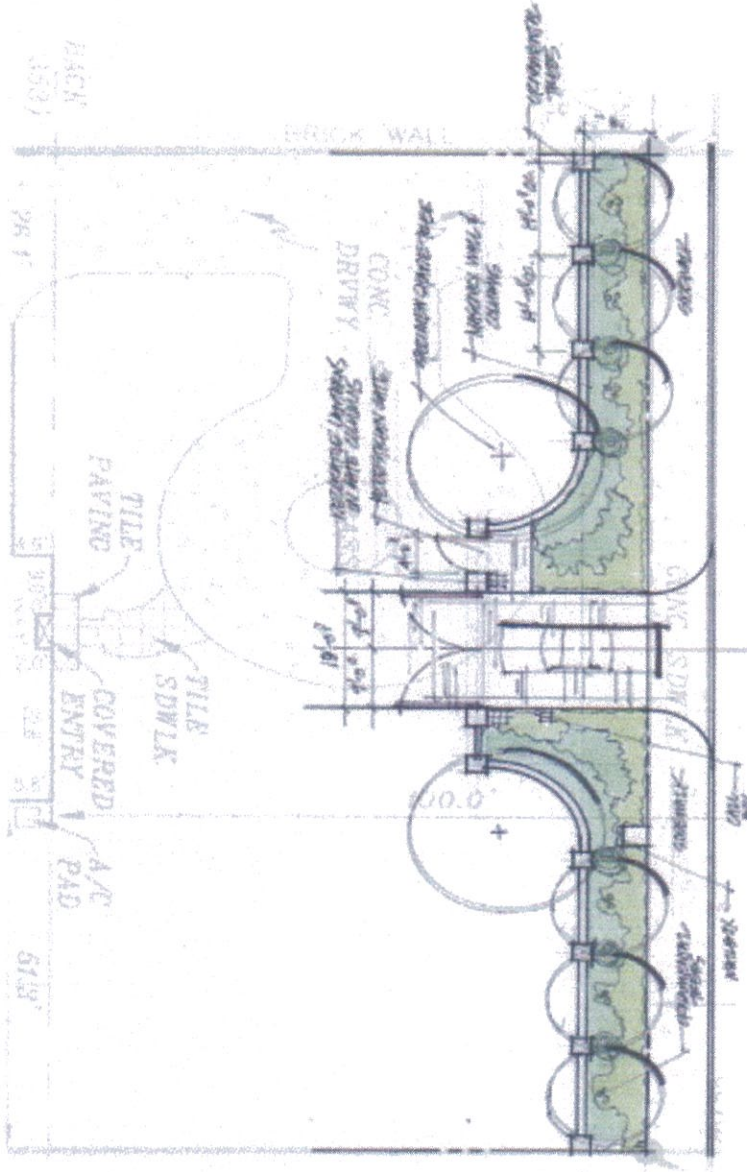
CONTRACT NO. 145-021
DATE: 04/13/15
PROJECT: BAUGH RESIDENCE
DRAWN BY: J. BAUGH

BAUGH RESIDENCE
4806 WALNUT HILL LANE
DALLAS, TEXAS

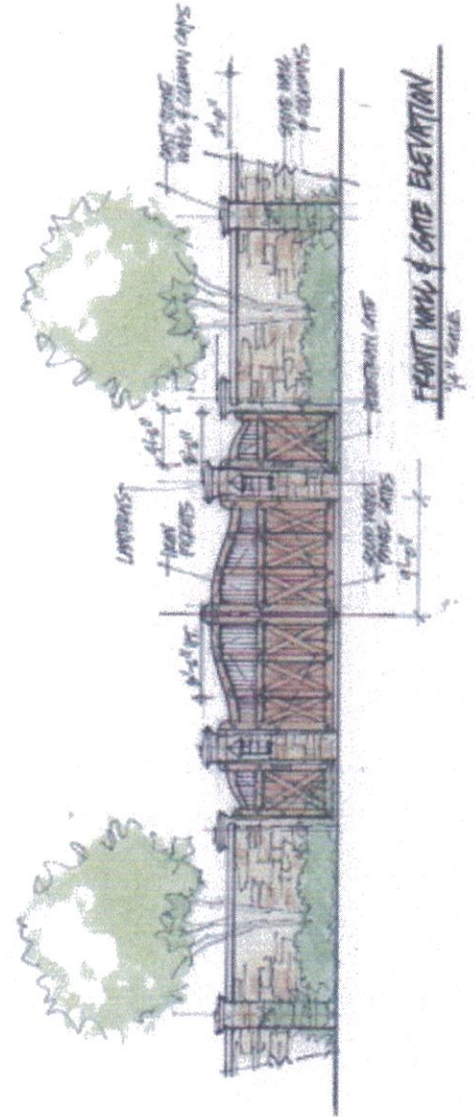
NOT FOR CONSTRUCTION
This drawing is a conceptual architectural rendering and is not intended for construction. It is subject to change without notice. It is not a contract document.



DATE: 04/13/15
PROJECT: BAUGH RESIDENCE
DRAWN BY: J. BAUGH
SITE PLAN



ENTRANCE GATES & WALL STUDY



FRONT WALL & GATE ELEVATION

MZ
Attach C
PS1

Long, Steve

From: Long, Steve
Sent: Tuesday, June 02, 2015 1:48 PM
To: 'Robert Reeves'
Cc: Moorman, Donna; Way, Jamilah; Duerksen, Todd; Law, Trena
Subject: RE: Two year waiver request: BDA 145-021, Property located at 4606 Walnut Hill Lane
Attachments: Attach A.pdf; Attach B.pdf; 2 year waiver.pdf; documentary evidence.pdf; Panel C hearing date and deadlines.doc

Dear Robert,

Please consider this email as official notice that the miscellaneous item request for a waiver of the two year time limitation to refile another application on behalf of Jimmy Baugh for a special exception to the fence height regulations on the property referenced above that was granted by Board of Adjustment Panel C on March 16, 2015 with certain conditions imposed has been scheduled for the Monday, June 22nd Panel C public hearing to be held in the L1FN Conference Center Auditorium of Dallas City Hall at 1:00 p.m. Attached are documents related to this request:

1. Materials related to BDA 145-021 that I have labeled as Attachment A.
2. Your letter requesting the waiver of the two-year limitation and related materials that I have labeled as Attachment B- which will be emailed to you and the board members next week, approximately one week ahead of your June 22nd public hearing.
3. The provisions/standard from the Dallas Development Code allowing the board to waive the two year time limitation on a final decision reached on an application on the same matter (other than a decision of denial without prejudice) (51A-4.703(e)(3)) - which in your case, is a waiver of the two year time limitation in place with regard to BDA 145-021.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance or someone who can speak on your behalf at the June 22nd public hearing is strongly encouraged).
5. The board's rule pertaining to documentary evidence.

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

Thank you,

Steve

PS: If there is anything that you want to submit to the board on this request, please feel free to email it to steve.long@dallascityhall.com or mail 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

From: Robert Reeves [mailto:rob.reeves@sbcglobal.net]
Sent: Tuesday, June 02, 2015 10:59 AM
To: Long, Steve
Subject: Re: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

These are the only exhibits I have. If this works, I will not drop off hard copies.

Robert Reeves

*Robert Reeves & Associates, Inc.
900 Jackson Street, Suite 160
Dallas, Texas 75202
214-749-0530
FAX: 214-749-5605
rob.reeves@sbcglobal.net*

M2
Attach C
P52

From: "Long, Steve" <steve.long@dallascityhall.com>
Date: Tuesday, June 2, 2015 10:48 AM
To: Robert Reeves <rob.reeves@sbcglobal.net>
Subject: RE: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

Yes, it does. So given this, do you want to bring me the materials or just email them all to me?

Steve

From: Robert Reeves [<mailto:rob.reeves@sbcglobal.net>]
Sent: Tuesday, June 02, 2015 10:24 AM
To: Long, Steve
Subject: Re: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

This attachment should have the entire revised plan.

Robert Reeves

*Robert Reeves & Associates, Inc.
900 Jackson Street, Suite 160
Dallas, Texas 75202
214-749-0530
FAX: 214-749-5605
rob.reeves@sbcglobal.net*

From: "Long, Steve" <steve.long@dallascityhall.com>
Date: Tuesday, June 2, 2015 10:06 AM
To: Robert Reeves <rob.reeves@sbcglobal.net>
Cc: "Duerksen, Todd" <todd.duerksen@dallascityhall.com>
Subject: RE: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

Dear Robert,

Would you please re-send or bring me a copy of your letter of request and materials at some point today or tomorrow?
(Yesterday I noticed that the jpeg of the new elevation was cut-off/not complete).

Thank you,

Steve

From: Robert Reeves [<mailto:rob.reeves@sbcglobal.net>]
Sent: Tuesday, June 02, 2015 10:00 AM
To: Long, Steve
Cc: Duerksen, Todd
Subject: Re: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

Steve, I checked with our client and they have filed for a building permit. Please move forward with our waiver request.

Robert Reeves

*Robert Reeves & Associates, Inc.
900 Jackson Street, Suite 160
Dallas, Texas 75202
214-749-0530
FAX: 214-749-5605
rob.reeves@sbcglobal.net*

From: "Long, Steve" <steve.long@dallascityhall.com>
Date: Monday, June 1, 2015 1:30 PM
To: Robert Reeves <rob.reeves@sbcglobal.net>
Cc: "Duerksen, Todd" <todd.duerksen@dallascityhall.com>
Subject: FW: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

Dear Robert,

Please give me a call on this at your convenience – 214/670-4666.

Thank you,

Steve

From: Long, Steve
Sent: Monday, June 01, 2015 1:28 PM
To: Duerksen, Todd
Cc: 'Robert Reeves'
Subject: FW: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

Dear Todd,

Here is the issue that we just spoke about. I'm going to call Robert and discuss his options.

Thank you,

Steve

From: Robert Reeves [<mailto:rob.reeves@sbcglobal.net>]
Sent: Monday, June 01, 2015 12:45 PM
To: Long, Steve
Subject: Waiver Request: BDA 145-021, 4606 Walnut Hill Lane

Steve:

Please see attached waiver request. Please confirm hearing date for this request.

Thanks.

Robert Reeves

*Robert Reeves & Associates, Inc.
900 Jackson Street, Suite 160
Dallas, Texas 75202*

214-749-0530
FAX: 214-749-5605
rob.reeves@sbcglobal.net

M2
ATTACH Pg 4

FILE NUMBER: BDA 145-065

BUILDING OFFICIAL'S REPORT: Application of Alba M. Nunez for special exceptions to the fence height and visual obstruction regulations at 4540 Northaven Road. This property is more fully described as Lot 9, Block C/6400, and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to 4 feet and requires 20 foot visibility triangles at driveway approaches. The applicant proposes to construct and/or maintain a 9 foot 9 inch high fence in a required front yard, which will require a 5 foot 9 inch special exception to the fence height regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 4540 Northaven Road

APPLICANT: Alba M. Nunez

REQUESTS:

The following requests have 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 5' 9" is made to maintain an arching stucco fence ranging in height from 4' – 4' 6", two arched wooden gate vehicular gates ranging in height from 4' – 6' 2", and a pedestrian entryway that includes a 9' 9" high archway flanked by stucco walls ranging in height from 5' 8" downward to 4' 6".
2. Requests for special exceptions to the visual obstruction regulations are made to maintain four, 4' 6" high stucco columns in the two 20' visibility triangles on both sides of the circle driveway into the site from Northaven Road.

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION (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.

STAFF RECOMMENDATION (visual obstruction):

Approval, subject to the submitted site plan and elevation

Rationale:

- The Sustainable Development and Construction Department Project Engineer had indicated that he has no objections to the requests commenting “no existing sidewalks installed at the time of this request.”
- The applicant had substantiated how the location and maintenance of four, 4’ 6” high stucco columns in the two 20’ visibility triangles on both sides of the circle driveway into the site from Northaven Road do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

- Site: R-1/2ac(A) (Single family district 1/2 acre)
- North: R-1/2ac(A) (Single family district 1/2 acre)
- South: R-1/2ac(A) (Single family district 1/2 acre)
- East: R-1/2ac(A)(NSO 1) (Single family district 1/2 acre)(Neighborhood Stabilization Overlay)
- West: R-1/2ac(A) (Single family district 1/2 acre)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence height):

- This request focuses on maintaining an arching stucco fence ranging in height from 4’ – 4’ 6”, two arched wooden gate vehicular gates ranging in height from 4’ – 6’ 2”, and a pedestrian entryway that includes a 9’ 9” high archway flanked by stucco walls ranging in height from 5’ 8” downward to 4’ 6” on a site developed with a single family home.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is zoned R-1/ac Single Family Residential District which requires a minimum front yard setback of 40'.
- While the property is located at the southwest corner of Northaven Road and Welch Road, it has only one front yard setback along Northaven Road.
- The applicant has submitted a site plan and an elevation of the proposal in the front yard setback that reaches a maximum height of 9' 9".
- The following additional information was gleaned from the submitted site plan:
 - The portion of the fence that exceeds 4' in height on the subject site with about 120' of frontage is about 70' in length.
 - The fence/gates over 4' in height in the front yard setback are located approximately on the property line or 15' from the pavement line.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high which appeared to be located in a front yard setback.
- One home fronts the proposal – a property with no fence in its front yard setback.
- As of June 15th, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' 9" will not adversely affect neighboring property.
- Granting this special exception of 5' 9" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction):

- These requests focus on maintaining four, 4' 6" high stucco columns in the two 20' visibility triangles on both sides of the circle driveway into the site from Northaven Road.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant has submitted a site plan and an elevation denoting four columns located in the 20' visibility triangles at the two drive approaches into the site from Northaven Road.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections" with the following additional comment: "No existing sidewalks installed at the time of this request."

- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain four, 4' 6" high stucco columns in the two 20' visibility triangles on both sides of the two driveways into the site from Northaven Road does not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted site plan and elevation would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents.

Timeline:

April 13, 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.

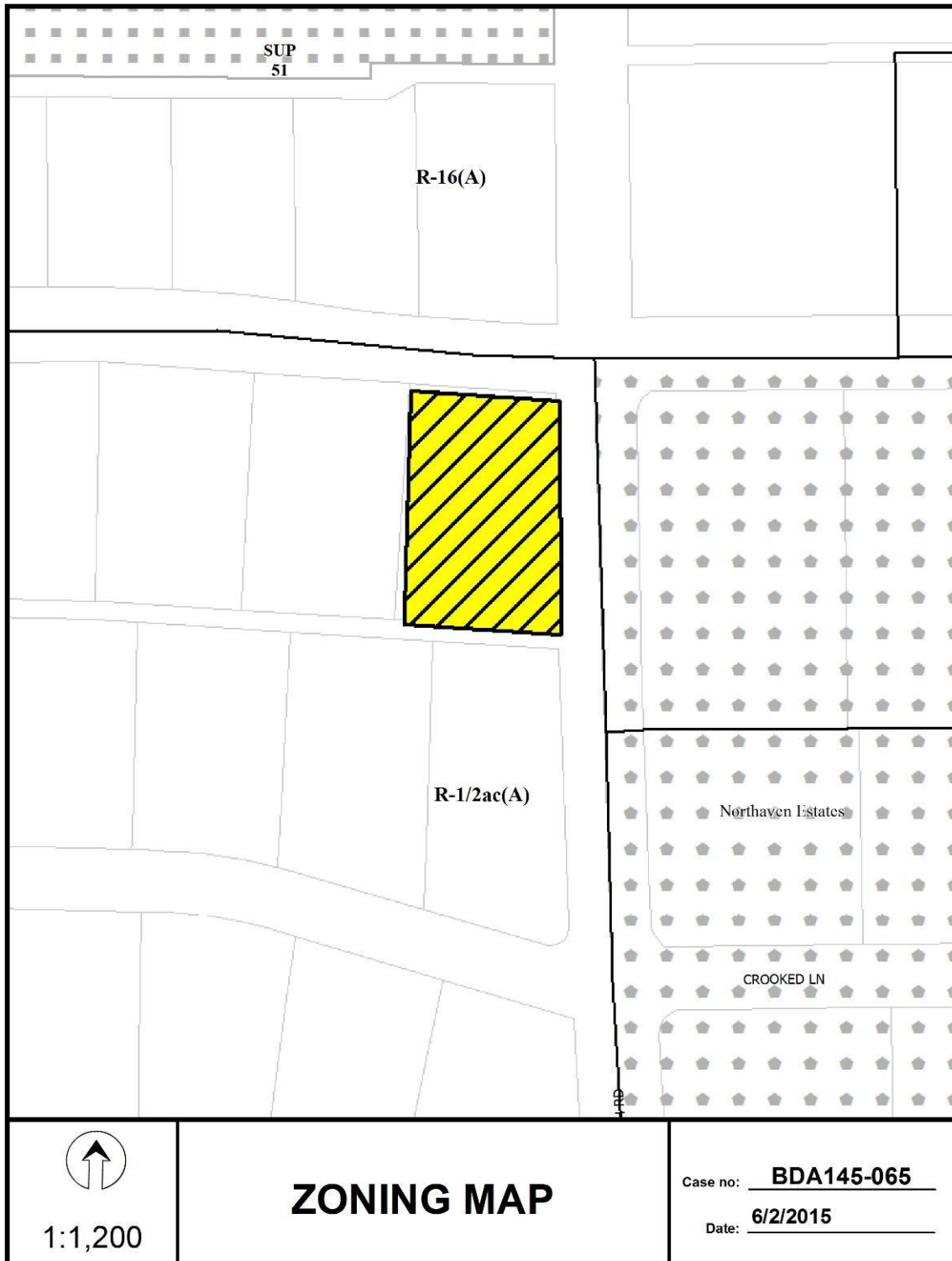
May 12, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

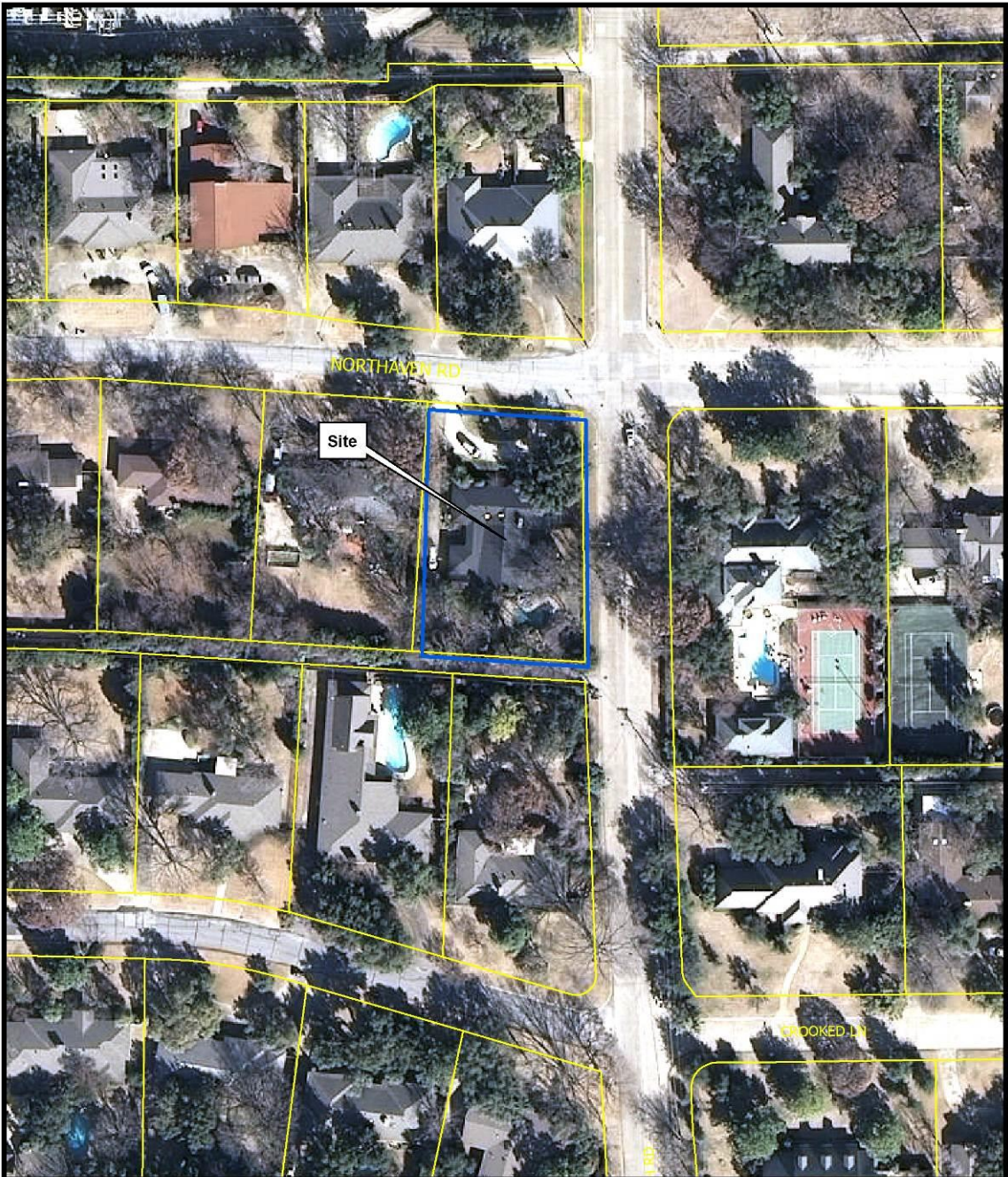
May 13, 2015: The Board Administrator contacted the applicant and emailed her the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the June 3rd deadline to submit additional evidence for staff to factor into their analysis; and the June 12th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

June 9, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction 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.

June 11, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections" with the following additional comment: "No existing sidewalks installed at the time of this request."





1:1,200

AERIAL MAP

Case no: BDA145-065

Date: 6/2/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-065

Data Relative to Subject Property:

Date: 4-13-15

Location address: 4540 Northaven Rd Zoning District: R1/200(A)

Lot No.: 9 Block No.: C/6400 Acreage: 24,146 sq ft Census Tract: 135.00

Street Frontage (in Feet): 1) 121.10 2) 190.0 3) NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ramon Fernando Nuñez

Applicant: Alba M. Nunez Telephone: 214-904-9517

Mailing Address: 4051 Shady Hill Dr. Zip Code: 75229

E-mail Address: mndtz@sbcglobal.net

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address: 5'-9" in FYSB

Affirm that an appeal has been made for a Variance or Special Exception for 6.2 ft. stucco fence with 9.9 ft portal in the front yard. 4.0 ft iron fence with 4.6 ft stucco pillars on east (5) and west (2) side.

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: Kids safety (heavy traffic, coyotes surround) Noise reduction element. Aesthetic reasons

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.

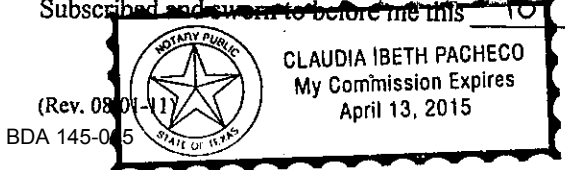
Affidavit

Before me the undersigned on this day personally appeared Alba M. Nuñez (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: Alba M. Ryles B. (Affiant/Applicant's signature)

Subscribed and sworn to before me this 10 day of april, 2015



Claudia Ibeth Pacheco 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

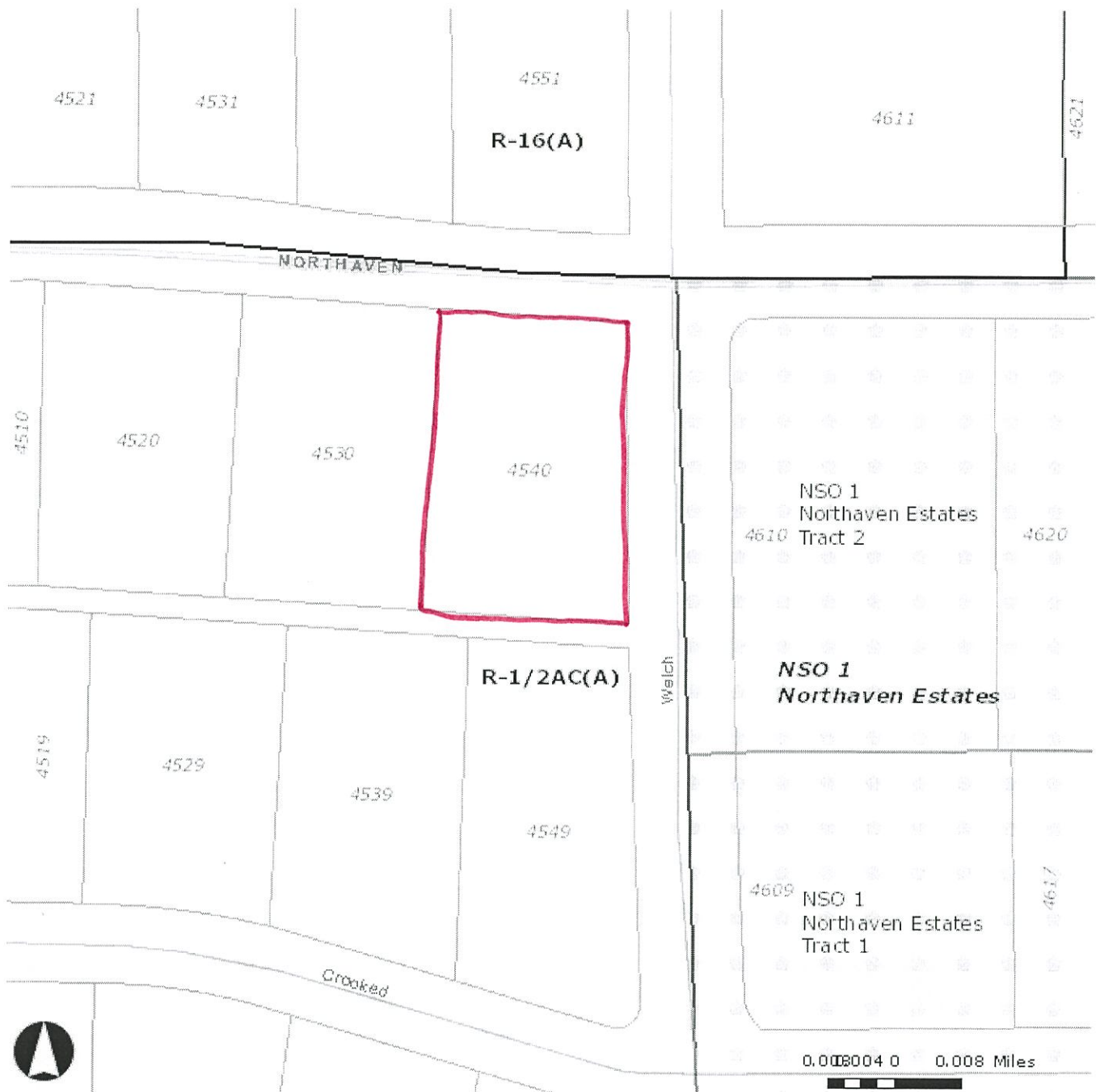
I hereby certify that ALBA NUNEZ

did submit a request for a special exception to the fence height regulations, and for special exceptions to the visibility obstruction regulations
at 4540 Northaven Road

BDA145-065. Application of Alba Nunez for a special exception to the fence height regulations and special exceptions to the visibility obstruction regulations at 4540 Northaven Road. This property is more fully described as Lot 9, Block C/6400, and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to 4 feet and requires 20 foot visibility triangles at driveway approaches. The applicant proposes to construct a 9 foot 9 inch high fence in a required front yard, which will require a 5 foot 9 inch special exception to the fence regulation, and to construct and maintain a single family residential fence in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official



A.M. N.

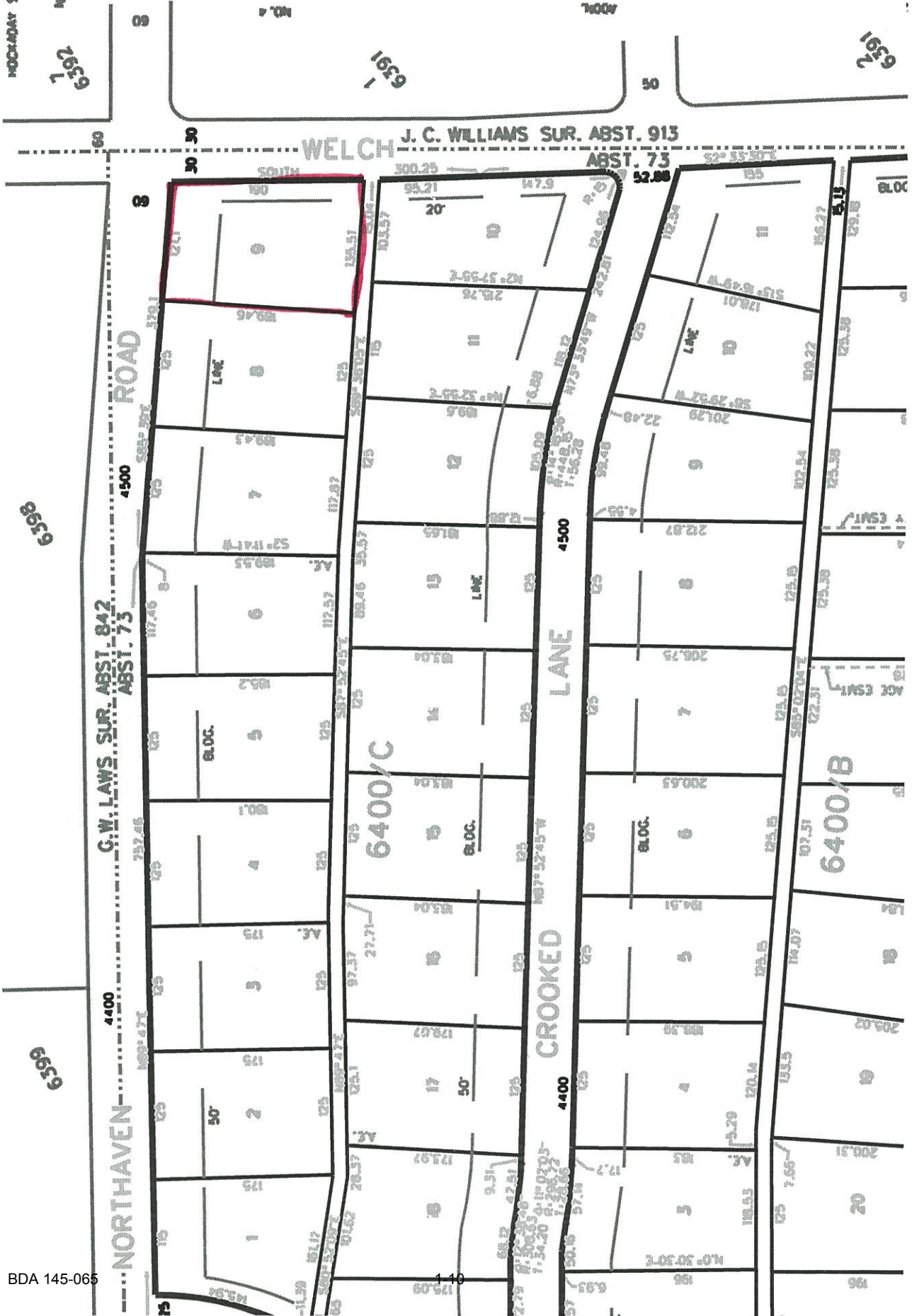
MOCKADAY SQUARE

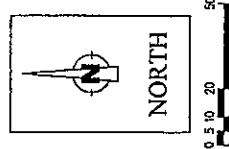
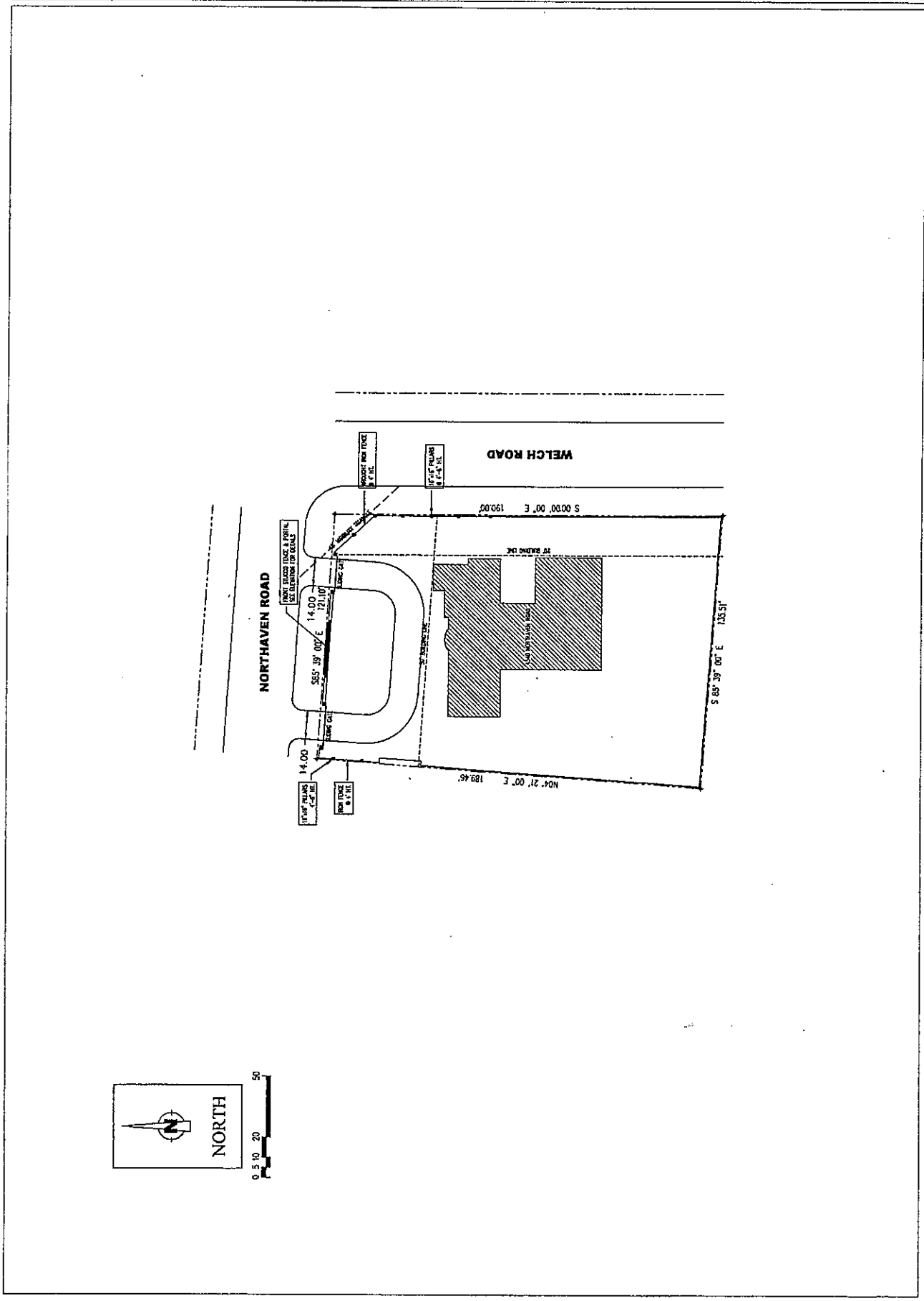
NO. 6

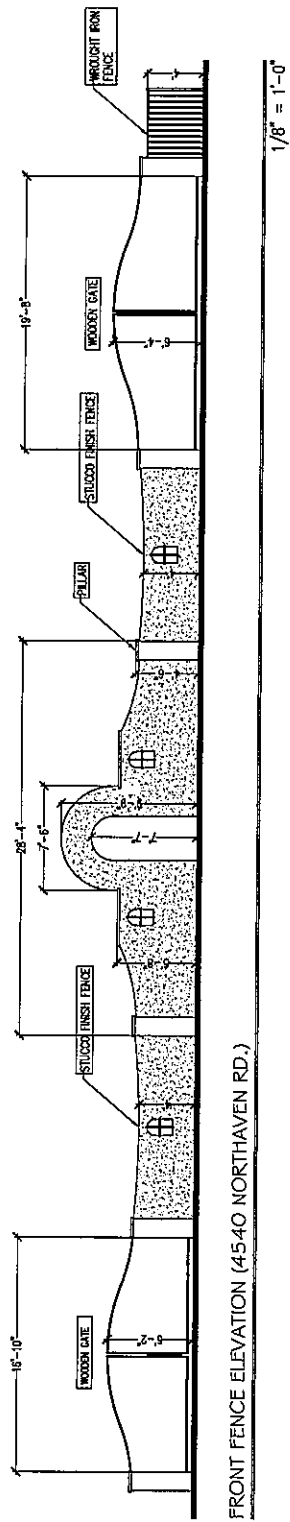
16921



A.M.V.

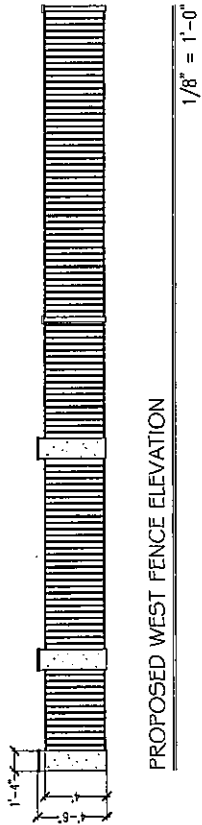
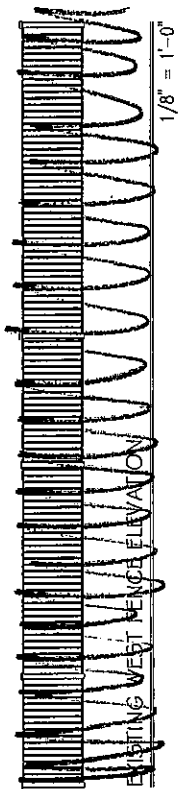




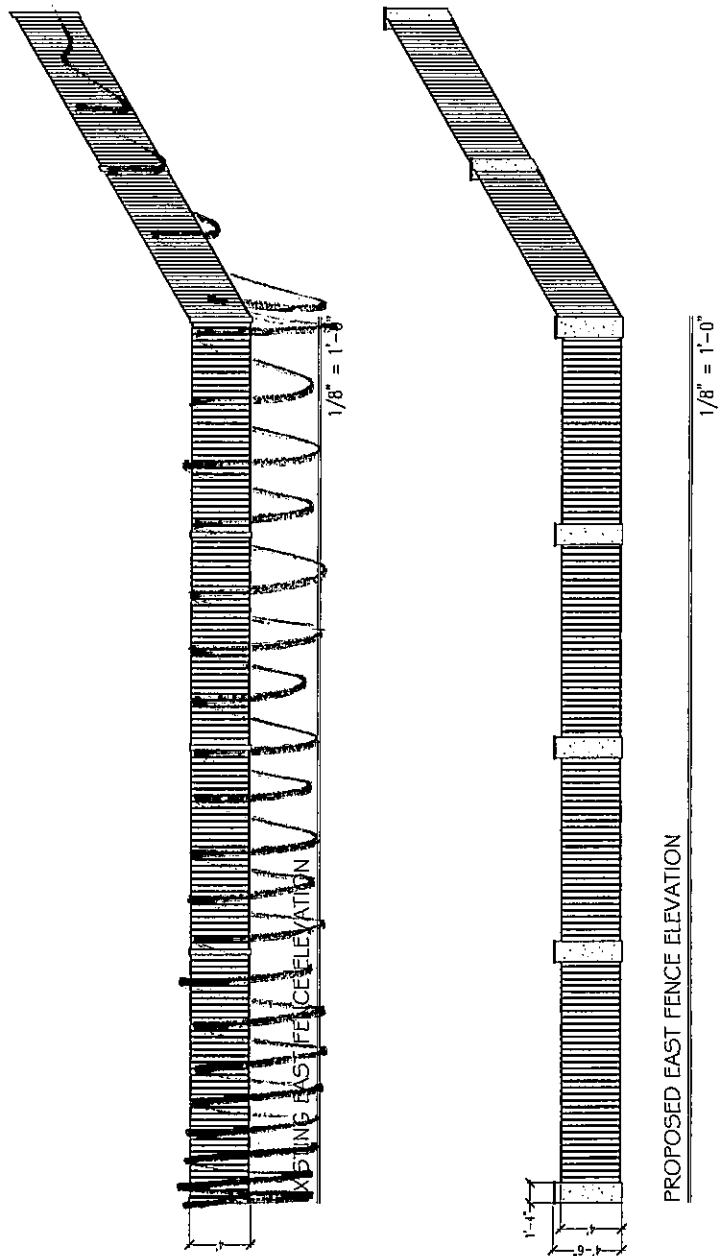


FRONT FENCE ELEVATION (4540 NORTHAVEN RD.)

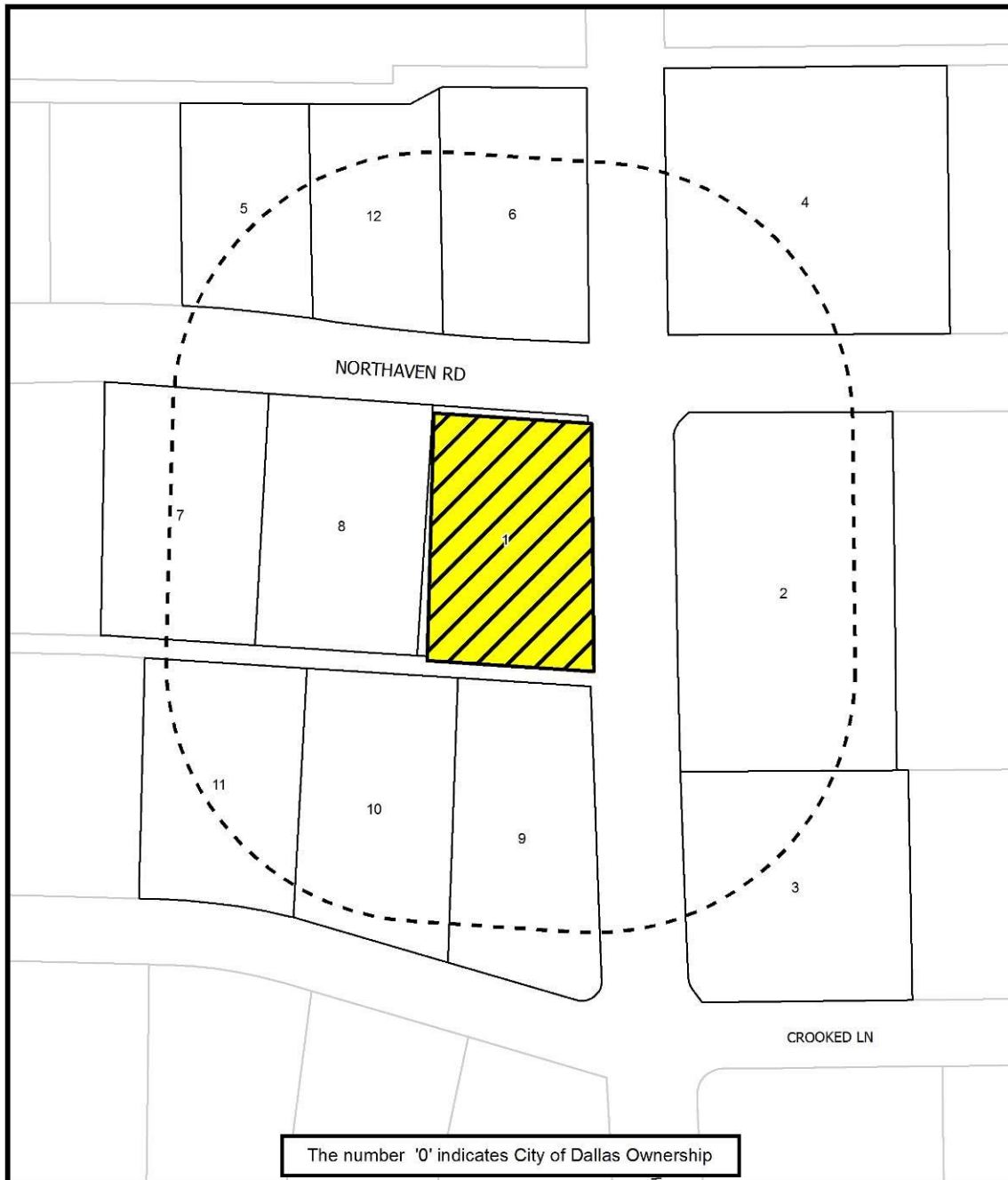
Elevation E-1



Elevation E-2



Elevation E.3



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA145-065

Date: 6/2/2015

Notification List of Property Owners

BDA145-065

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4540 NORTHAVEN RD	NUNEZ RAMON FERNANDO
2	4610 NORTHAVEN RD	HENRY BRUCE B & SHIRLEY A
3	4609 CROOKED LN	WOOLEMS JOHN J
4	4611 NORTHAVEN RD	HARRIS JULIA BEN
5	4531 NORTHAVEN RD	CARTER KEVIN R
6	4551 NORTHAVEN RD	SMITHSON KELVIN CHAD & MICHELLE T
7	4520 NORTHAVEN RD	JUNE K BERGMAN LIVING TR
8	4530 NORTHAVEN RD	BURKERT CRAIG &
9	4549 CROOKED LN	MILLER ROY E & LINDA S
10	4539 CROOKED LN	PODVIN F JOHN JR &
11	4529 CROOKED LN	PRICE ANGELA
12	4541 NORTHAVEN RD	BARBEE SHARON C

FILE NUMBER: BDA 145-063

BUILDING OFFICIAL'S REPORT: Application of Ed Simons for variances to the front yard setback and minimum sidewalk regulations, and a special exception to the landscaping requirements at 1712 Commerce Street. This property is more fully described as Block 136/97-1/4, and is zoned PD-619 (Subdistricts A, B, & C), which requires a front yard setback of 10 feet from the street curb per the SP Secondary Pedestrian Precinct overlay in Section 51A-4.124(a)(8), and requires mandatory minimum sidewalks and landscaping. The applicant proposes to construct and/or maintain a structure and provide 5 foot front yard setbacks, which will require 5 foot variances to the front yard setback regulations, provide an alternate sidewalk plan, which will require variances to the minimum sidewalk regulations, and provide an alternate landscape plan, which will require a special exception to the landscaping requirements.

LOCATION: 1712 Commerce Street

APPLICANT: Ed Simons

REQUESTS:

The following requests have been made on a site that is in part developed with two multi-story office structures that the applicant intends to convert to two hotels, and in part developed with a surface parking lot that the applicant intends to develop with a ten-level parking garage for use by the hotels:

1. Requests for variances of up to 5' to the required minimum 10' foot setback measured from the street curb are made to construct and maintain the aforementioned ten-level parking garage to be located as close as 5' from the S. Ervay Street, Jackson Street, and Prather Street curb lines or as much 5' into these 10' required front yard setbacks;
2. Requests for variances to the minimum sidewalk regulations are made to construct and maintain the aforementioned ten-level parking garage and provide sidewalks along S. Ervay Street, Jackson Street, and Prather Street at a minimum 5' width when an average minimum sidewalk width of 15 feet and a minimum of width of 9' are required.
3. A request for a special exception to the landscaping requirements is made to construct and maintain the aforementioned ten-level parking garage, and not fully provide the landscaping regulations required for commercial parking garages and surface parking lots in the PD 619/CA-1 zoning districts.

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPING REQUIREMENTS FOR COMMERCIAL PARKING GARAGES AND SURFACE PARKING LOTS IN PD 619/CA-1(A) ZONING:

The board may grant a special exception to the landscaping requirements for commercial parking garages and surface parking lots in PD 619/CA-1(A) zoning if the board finds, after a public hearing, the special exception will not adversely affect the other properties within the subdistrict and strict compliance with the requirement would result in unnecessary hardship. If the Board grants a special exception, it must specify the length of time the special exception is effective.

STAFF RECOMMENDATION (variances):

Hold under advisement

Rationale:

- The applicant has indicated they desire to submit additional information on these requests.

STAFF RECOMMENDATION (landscaping special exception):

Hold under advisement

Rationale:

- The applicant has indicated they desire to submit additional information on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 619 (Subdistricts A, B, &C) (Planned Development District)
North: PD 619 (Subdistricts A, B, &C) (Planned Development District)
South: CA-1 (Central Area)
East: PD 619 (Subdistricts A, B, &C) (Planned Development District)
West: PD 619 (Subdistricts A, B, &C) (Planned Development District)

Land Use:

The subject site is in part developed with two multi-story office structures, and in part developed with a surface parking lot. The areas to the north, east, and west are developed with a mix of retail, office, and residential uses; and the area to the south is developed with a surface parking lot.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (front yard variances):

- This request focuses on constructing and maintaining a ten-level parking garage on the subject site to be located 5' from the S. Ervay Street, Jackson Street, and Prather Street curb lines or 5' into these 10' required front yard setbacks.
- The subject site is located in PD 619 (Subdistricts A, B, and C) where yard regulations contained in CA-1(A) and where SP Secondary Pedestrian Precinct overlays apply.
- The Dallas Development Code states that lots located within a CA -1(A)-SP zoning district are required to provide a 10' setback measured from the street curb.
- A revised site plan has been submitted that indicates a structure as close as 5' from the S. Ervay Street, Jackson Street, and/or Prather Street curb lines or as much 5' into these 10' required front yard setbacks.
- While the revised site plan indicates that a portion of the existing structures on the site do not comply with the required front yard setback, the applicant has stated that his application is only focused on the new parking garage structure and not to remedy any aspect of nonconforming structures on the subject site.
- According to DCAD records, the "improvements" at 1712 Commerce Street is an "office building" that is 190,271 square feet in area built in 1956 and at 1700 Commerce Street is office building that is 132,218 square feet in area built in 1926.
- The two existing structures on the block are contributing structures to the Downtown Dallas National Register of Historic Places, one of which is currently going through local designation process (1700 Commerce Street, constructed in 1925).

- The proposed development on the request site, a 10 story parking garage, is being developed to support the rehabilitation of the two existing structures on the block.
- The subject site is flat, rectangular in shape, and is according to the application, 0.93 acres (or approximately 40,500 square feet) in area. The site is zoned PD 619 (Subdistricts A, B, and C). The site has three, 10' front yard setbacks which is typical of any lot that with three street frontages that is not zoned single family, duplex, or agricultural.
- 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 PD 619 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 PD 193 (LC) zoning classification.
- If the Board were to grant the variance requests and impose the submitted revised site plan as a condition, the structure in the front yard setbacks would be limited to what is shown on this document where portions of the parking garage structure is located as close as 5' into the required 10' front yard setbacks.

GENERAL FACTS/STAFF ANALYSIS (sidewalk variances):

- This request focuses on constructing and maintaining a ten-level parking garage on the subject site and providing 5' wide sidewalks along S. Ervay Street, Jackson Street, and Prather Street when an average minimum sidewalk width of 15' and a minimum of width of 9' is required.
- The subject site is located in PD 619 (Subdistricts A, B, and C) where additional provisions applicable to CA-1(A) and where SP Secondary Pedestrian Precinct overlays apply.
- The Dallas Development Code states certain sidewalk regulations for properties within CA -1(A)-SP zoning district, specifically that a building with a floor area ratio of 15 to one or less must have an average sidewalk of 15 feet and a minimum sidewalk width of 9 feet that is unobstructed by any structure or planting.
- A revised site plan has been submitted that indicates sidewalks along S. Ervay Street, Jackson Street, and Prather Street at a minimum 5' width.
- While the revised site plan indicates that sidewalks around the existing structures on the site do not comply with the sidewalk regulations, the applicant has stated that his application is only focused on sidewalks around the new parking garage structure and not to remedy any aspect of nonconforming sidewalks around the existing structures on the subject site.

- According to DCAD records, the “improvements” at 1712 Commerce Street is an “office building” that is 190,271 square feet in area built in 1956 and at 1700 Commerce Street is office building that is 132,218 square feet in area built in 1926.
- The two existing structures on the block are contributing structures to the Downtown Dallas National Register of Historic Places, one of which is currently going through local designation process (1700 Commerce Street, constructed in 1925).
- The proposed development on the request site, a 10 story parking garage, is being developed to support the rehabilitation of the two existing structures on the block.
- The subject site is flat, rectangular in shape, and is according to the application, 0.93 acres (or approximately 40,500 square feet) in area. The site is zoned PD 619 (Subdistricts A, B, and C). The site has three, 10’ front yard setbacks which is typical of any lot that with three street frontages that is not zoned single family, duplex, or agricultural.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the minimum sidewalk 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 PD 619 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 PD 619 zoning classification.
- If the Board were to grant the variance requests and impose the submitted revised site plan, the width of the sidewalks on the subject site would be limited to what is shown on this document where sidewalks along S. Ervay Street, Jackson Street, and Prather Street at a minimum 5’ width.

GENERAL FACTS/STAFF ANALYSIS (landscaping special exception):

- This request focuses on constructing and maintaining the aforementioned ten-level parking garage, and not fully providing the landscaping regulations required for commercial parking garages and surface parking lots in the PD 619/CA-1 zoning districts.
- The City of Dallas Chief Arborist had submitted a memo regarding this request to the Board Administrator (see Attachment E). The memo stated among other things how the request is triggered by new construction of a commercial parking garage.
- The City of Dallas Chief Arborist’s memo identifies that the deficiencies in this case are: 1) that tree grates are required for all trees planted in a public sidewalk where the applicant is proposing trees situated in an open planting bed, and 2) that shrubs are required to be a minimum of 30” in height where the applicant is proposing 18” shrubs.

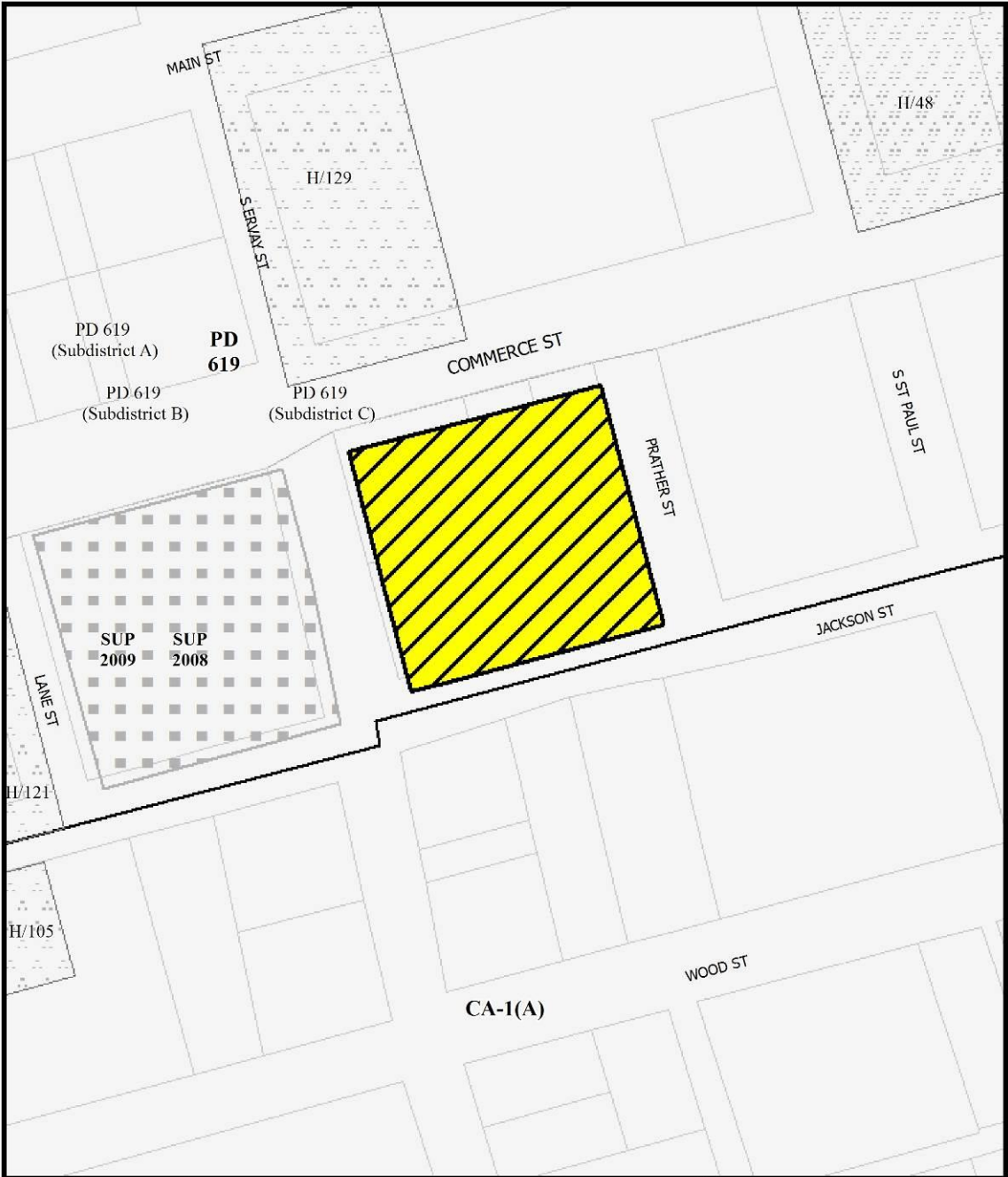
- The City of Dallas Chief Arborist’s memo lists several factors for consideration:
 - The district regulations state the following: “Alternate landscape plan. The director may approve an alternative landscape plan only if compliance with this paragraph is not possible, the inability to comply is not self-created, and the alternative landscape plan is in keeping with the intent of this paragraph. An alternative landscape plan may include the placement of landscaping in alternative locations. An alternative landscape plan may reduce the square footage of landscape area if additional trees or shrubs are provided.”
 - An alternative landscape plan has not been submitted to the director under a parkway landscape permit review to determine if the plan may be approved under standard conditions. It has not been proven whether the site with or without the variances is unable to comply with the requirements of one tree or shrub in the adjoining parkway for each 30 feet of frontage.
 - Planting conditions in this ordinance for shrubs can vary from planting conditions for trees which require tree grates. Various methods can be used to create soil conditions for different plant types, including engineered solutions or smaller linear planting beds. The ordinance provides for significant variability in plant type, size, form, location, and species to allow maximum flexibility to designers.
 - There is no effective time period request from the applicant for the duration of the alternate landscape plan.
 - Landscaping shown facing Commerce Street is not part of this application for the commercial parking garage structure.
- The applicant has the burden of proof in establishing that the special exception will not adversely affect the other properties within the subdistrict and strict compliance with the requirement would result in unnecessary hardship.
- If the Board grants a special exception, it must specify the length of time the special exception is effective.
- If the Board was to grant this request and impose the submitted alternate landscape plan as a condition, the subject site would be provided exception from full compliance with the landscaping regulations required for commercial parking garages and surface parking lots in the PD 619/CA-1 zoning districts.

Timeline:

April 1, 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.

May 12, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

- May 13, 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 June 3rd deadline to submit additional evidence for staff to factor into their analysis; and the June 12th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - 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."
- June 2, 4, 5 & 8, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A, B, C, and D).
- June 9, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction 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.
- June 11, 2015: The Sustainable Development Project Engineer has submitted a review comment sheet marked "recommends that this be denied" commenting Due to proximity to City Hall, Convention Center, Main Street Garden Park, and restaurant/retail along Commerce and Main Streets, sidewalk widths as prescribed by PD 619 is warranted. Vehicular traffic will increase with construction of garage and will result in increase of pedestrian traffic with hotel use. Recommendation of denial based on coordination with Thoroughfare Planning and Urban Design Group."
- June 12, 2015: The City of Dallas Chief Arborist submitted a memo regarding the request for a special exception to the landscaping requirements (see Attachment E).

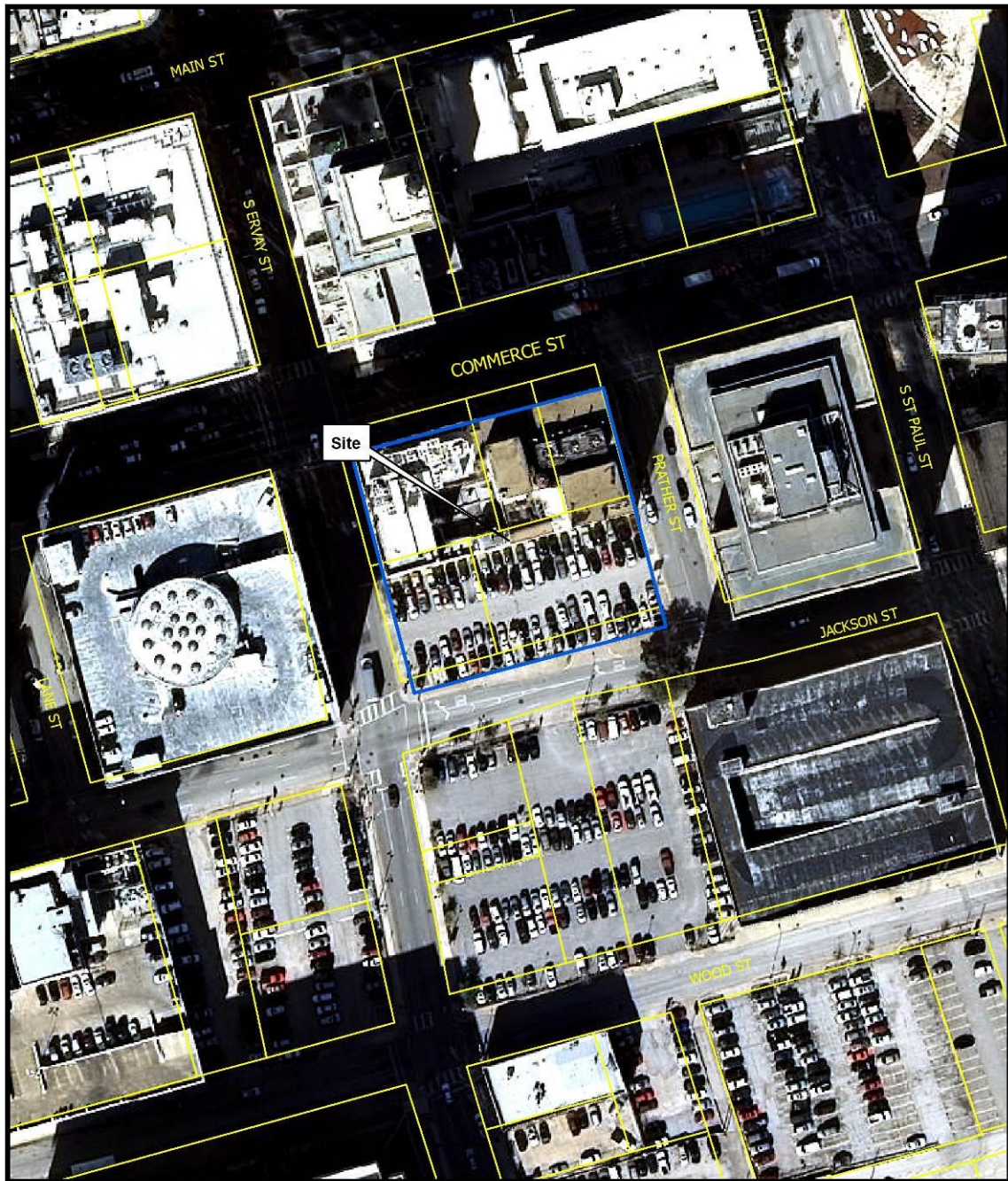


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ZONING MAP

Case no: BDA145-063

Date: 6/2/2015



1:1,200

AERIAL MAP

Case no: BDA145-063

Date: 6/2/2015

Long, Steve

From: Long, Steve
Sent: Tuesday, June 02, 2015 1:00 PM
To: 'Ed Simons'
Subject: RE: 145-063

Thank you, Ed. I will print this email and add it to your file which will be part of what is discussed at the staff review team meeting next Tuesday, and incorporated into the docket that is emailed to you and the members that week of June 15th.

Thank you,

Steve

From: Ed Simons [<mailto:esimons@masterplanconsultants.com>]
Sent: Tuesday, June 02, 2015 11:43 AM
To: Long, Steve
Subject: 145-063

Steve, Here is what the architect has to say. Ed

Ed,

When we looked at this originally, having the setbacks caused us to lose too many parking spaces and we had to reduce the drive aisles to the bare minimum. When this was discussed with owner, the garage was then not feasible and would not provide the necessary parking for the hotel. The parking garage would not work and would be a dead project. This is why we have been pursuing other options and/or variances to keep the project alive. The setbacks just don't make sense on this property.

Thanks,

architects
maa
merriman
associates

MARC VERDUIN
PROJECT MANAGER
300 N. FIELD ST. DALLAS, TX 75202
(214) 347-8093
merriman-maa.com

"Combining Urbanism and Design for Excellence"

Ed Simons
Masterplan Consultants
900 Jackson Street, Suite 640
Dallas, Texas 75202

O 214-761-9197
F 214-748-7114
M 214-914-9646

Long, Steve

From: Ed Simons <esimons@masterplanconsultants.com>
Sent: Thursday, June 04, 2015 9:16 AM
To: Long, Steve
Cc: Lam, David
Subject: 1712 Commerce
Attachments: 15099 Tech Memo_a 06-03-15.pdf

BDA 145-063
Attach B
Pg 1

Steve, Here is a report from Steve Stoner. Ed

Ed Simons
Masterplan Consultants
900 Jackson Street, Suite 640
Dallas, Texas 75202

O 214-761-9197
F 214-748-7114
M 214-914-9646

Technical Memorandum

To: *Marc Verduin* — Merriman Associates Architects, Inc.
CC: *Ed Simons* — Masterplan
From: *Steve E. Stoner, P.E., PTOE* — DeShazo Group, Inc.
Date: June 3, 2015
Re: Pedestrian Analysis for 1712 Commerce in Dallas, Texas
DeShazo Project Number 15099

INTRODUCTION

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **Merriman Associates Architects, Inc.** on behalf of the Owner to prepare a Pedestrian Analysis for a proposed redevelopment project in downtown Dallas, Texas.

The project is located at 1700 and 1712 Commerce Street – the block bound by Commerce Street on the north, S Ervay Street on the west, Jackson Street on the south, and Prather Street on the east. The proposed development entails conversion of two existing office towers into two hotels and constructing an adjoining ten-level parking garage (for use by the hotels) on the existing surface parking lot portion of the site. A preliminary site plan prepared by Merriman Associates Architects is attached for reference.

The property is zoned Planned Development District 619 (PD 619), Subdistricts A, B, and C and is located in the Secondary Pedestrian Precinct Overlay District (SP). Based upon the development regulations of these districts, a minimum front-yard setback of ten feet from the curb and a landscape plan with a minimum sidewalk is required along all street frontages. The existing office towers do not satisfy the setback and sidewalk requirements on the S Ervay Street and Prather Street frontages. The proposed design of the parking structure calls for matching the building lines of the existing office buildings along S Ervay and Prather frontages and to match the existing parking lot footprint along the Jackson Street frontage. Implementing this design would not comply with the setback and sidewalk criteria and would, therefore, require a variance for these items.

This analysis provides a technical review of the existing pedestrian characteristics and sidewalk conditions at the site and in the surrounding area to assist the City of Dallas representatives in understanding the request and the effect of the proposed conditions.

This study was prepared by registered professional engineers employed by DeShazo Group, Inc. of Dallas, Texas -- a licensed engineering firm providing professional services in traffic engineering, transportation planning, and related fields.

Project Description

The proposed garage will only serve the two adjacent hotels – the garage is not intended to serve general, public parking for users outside of the hotels. Hotel guests and employees utilizing the on-site parking would be able to access the buildings internally. Therefore, the garage is not anticipated to generate any significant increase to the pedestrian volumes on the surrounding streets.

The proposed parking garage would utilize the existing surface parking lot footprint. Implementing this design would result in no net change in the physical amount of available sidewalk. However, the garage would utilize only a single driveway on Jackson Street, and the driveway on Prather Street would only serve the loading dock. The existing driveway on S Ervay Street would be eliminated, thereby, allowing a more continuous sidewalk surface.

If the parking garage construction were to comply with the setback and sidewalk widths set forth by the existing ordinances, the sidewalk cross-section would abruptly change at the building façade. This resulting mid-block jog in the sidewalk width would be very awkward in appearance and would not achieve the desired effect of a continuous setback and sidewalk.

PEDESTRIAN ANALYSIS

Existing Conditions – Sidewalk Inventory

DeShazo conducted an inventory of the existing sidewalk conditions in the vicinity of the site on June 1-2, 2015. [NOTE: At the time of the observations, the sidewalk on the S Ervay Street side of the building was closed to pedestrian traffic due to building construction that was underway. Therefore, site plan information was used to obtain the sidewalk dimension at this location.]

Exhibit 1 depicts a summary of the sidewalk inventory. As shown, within about two blocks of the site in all directions, many existing sidewalks provide less than ten feet of building setback.

Existing Conditions – Pedestrian Demand

Concurrent with the sidewalk inventory, DeShazo also conducted field observations of the existing pedestrian activity on the S Ervay, Jackson, and Prather street sidewalks fronting the site (that are the subject of the proposed variance). [For the sidewalk on S Ervay Street that was closed due to construction, pedestrian data was collected on the opposite side of the street.]

During the weekday lunch period and the morning peak period, DeShazo observed the following characteristics:

- The vast majority of pedestrians (estimated: > 90%) were traveling as individuals or in groups of two persons. Only on very infrequent occasions (i.e., about twice per hour) did the group size exceed two persons. In such cases, narrow sidewalks were a regular part of the pedestrian environment to which the pedestrians adapted seamlessly.

- Pedestrian volumes were very low. At any given time, the number of pedestrians on any given block did not exceed four persons.

SUMMARY OF FINDINGS

The subject site of the proposed variance to building setback and minimum sidewalk width is the block bound by Commerce Street, Prather Street, Jackson Street, and S Ervay Street in downtown Dallas. The proposed redevelopment project will convert two vacant office buildings into two hotels and construct an adjoining parking garage for the exclusive use of the hotels. The garage will have an internal access to the buildings, so the proposed development is not expected to add any appreciable pedestrian demand on the surrounding sidewalks.

The north half of the subject site adjacent to the existing buildings (that are to remain) does not comply with the current setback and sidewalk width requirements. The southern portion of the site on which new construction is proposed would require a variance in order to occupy the same building envelope as the existing buildings. Approval of the requested variance would essentially allow for a uniform building line and maintain the existing sidewalk conditions. Denial of the variance would result in a visible offset between the building façades and sidewalk width where the new construction would meet the existing construction.

Based upon data collection conducted by DeShazo, existing sidewalk widths in the vicinity of the site vary greatly, block by block. Like with the blocks that are the subject of this variance request, many blocks do not achieve the desired minimum setback and sidewalk width of ten feet.

DeShazo also observed that the current pedestrian volume on the subject streets during peak periods was rather low -- no more than four pedestrians occupied either sidewalk at the same time. So, even if pedestrian volume were to double in the future, sidewalk capacity is not considered to be a concern.

END OF MEMO

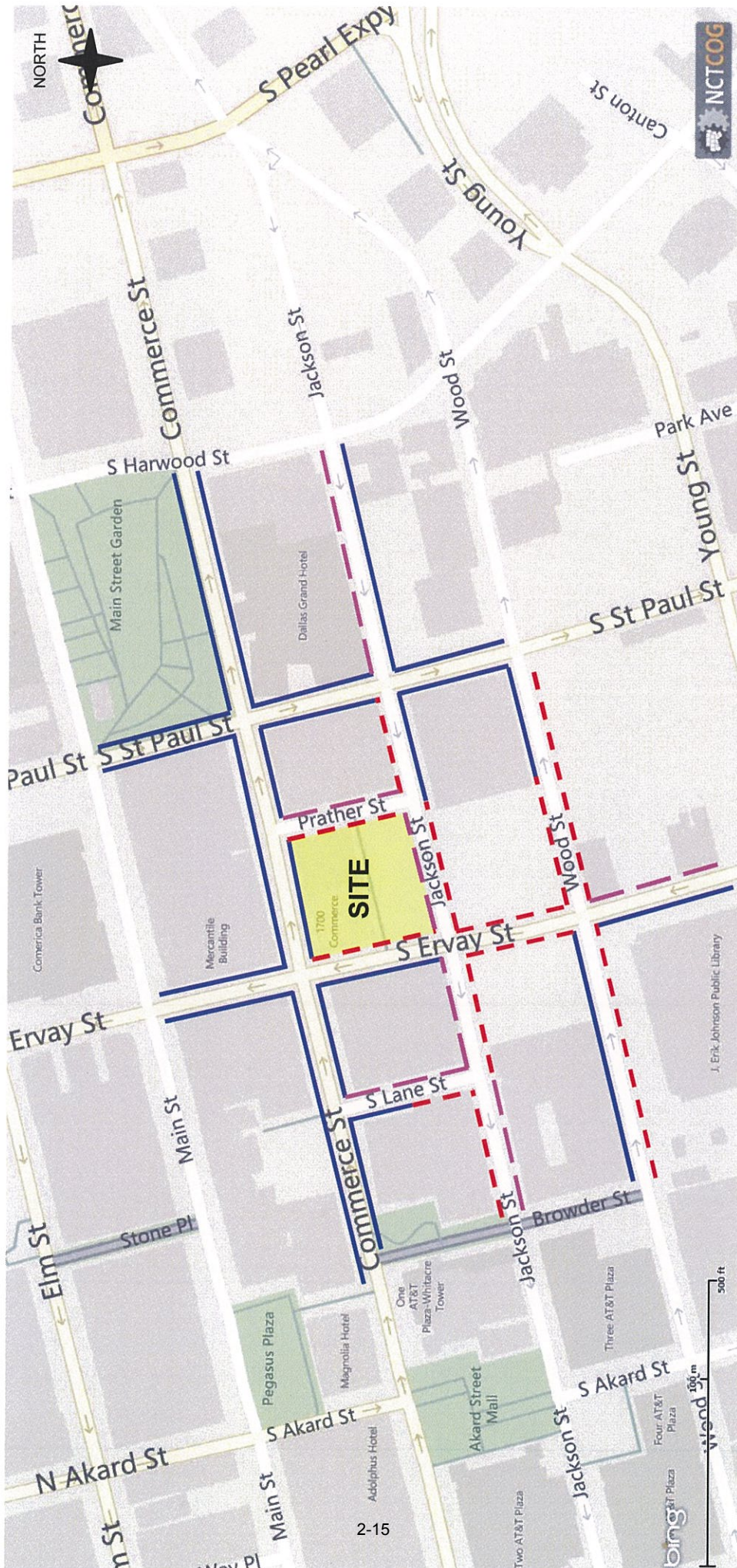


Exhibit 1.
 Sidewalk Inventory, Existing Conditions
 1712 Commerce Street

BDA145-063

Attach C



Masterplan

Texas Land Use Consultants

June 5, 2015

Steve Long, Board Administrator
1500 Marilla, Room 5B North
Dallas, Texas 75202

Re: BDA 145-063

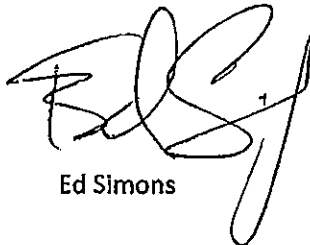
Dear Mr. Long:

This letter is intended to support the requests for a variance of the sidewalk standards required in the CA-1 district. The applicant proposes the construction of a 10 level parking garage to support the conversion of 2 buildings that front on Commerce to lodging uses. The parking garage triggers sidewalk requirements that exceed the needs of the area. We are extending the façade of both buildings along Ervay and Prather. Since the undeveloped part of our building site has 3 streets, the requirement that we provide a 10 foot setback from the curb has a similar impact to being required to provide multiple front yard setbacks. As a result we have a building site that is restrictive in area and warrants relief.

We have tried to provide sidewalks that are landscaped in a way that will attract pedestrians. The parking garage will not create any increase in pedestrian trips because everyone that uses it will arrive and leave in a car.

This project is important to the city in that it repurposes the old buildings to uses that will be more vital. Your recommendation for approval will be appreciated.

Please contact me at 214-761-9197 if you need more information.

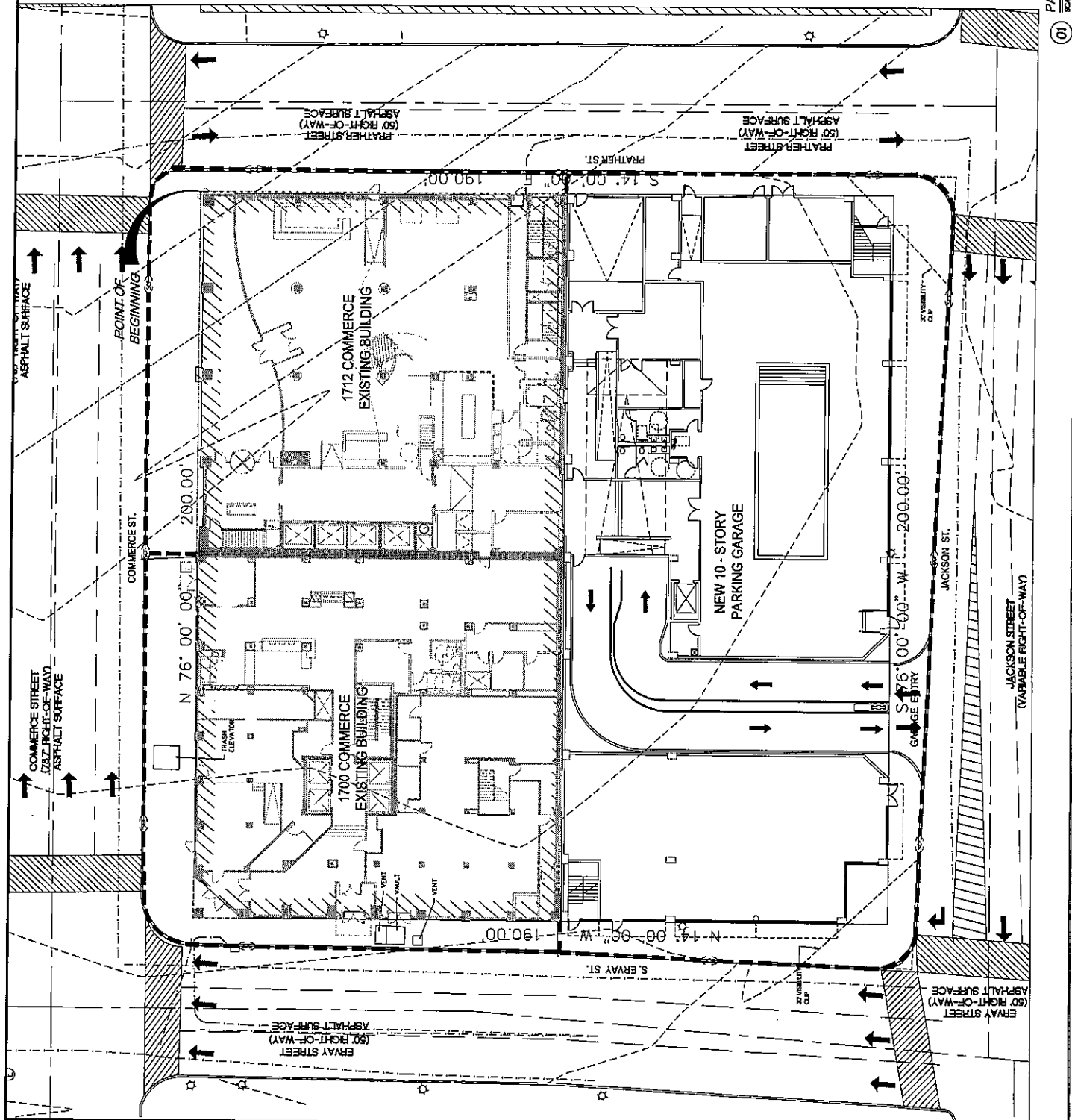


Ed Simons

BDA 145-063
Attach D
PS 1

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

6-8



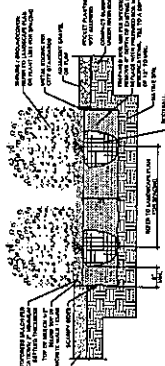
GENERAL LANDSCAPE NOTES:

- LANDSCAPE NOTES:**
1. PROPOSED LANDSCAPING SHALL BE IN CONFORMANCE WITH ALL LOCAL ORDINANCES.
 2. CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
 3. LOCATE EXISTING LANDSCAPING TO BE MAINTAINED OR REMOVED TO ACCOMMODATE PROPOSED LANDSCAPING.
 4. CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
 5. MAINTENANCE AND IRRIGATION SHALL BE SEPARATED BY EXISTING CURB & 4" MINIMUM SLOPE AWAY FROM STRUCTURES.
 6. MAINTENANCE AND IRRIGATION SHALL BE SEPARATED BY EXISTING CURB & 4" MINIMUM SLOPE AWAY FROM STRUCTURES.
 7. TOP OF MAINTENANCE SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.

- MAINTENANCE NOTES:**
1. PER ARTICLE 6. THE OWNER, TENANT AND THEIR AGENT, IF ANY SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING. ALL REQUIRED LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND WELL-KEPT MANNER. WEEDS AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING, LANDSCAPED AREAS SHALL BE FULLY MAINTAINED. WEEDS AND OTHER SUCH MATERIALS OR PLANTS NOT A PART OF THE LANDSCAPING SHALL BE REMOVED IMMEDIATELY UPON DISCOVERY. PLANTS SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY AND SIZE.

LANDSCAPE TABULATIONS:

TOTAL STREET TREES	STREET FRONTAGE
200 LINER FEET	COMMERCIAL STREET
200 LINER FEET	JACKSON STREET
180 LINER FEET	S. ERWAY STREET
180 LINER FEET	TOTAL STREET FRONTAGE:

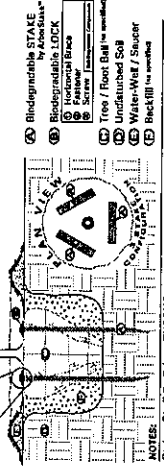
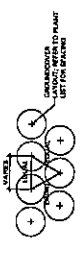


SHRUB PLANTING DETAIL

NOT TO SCALE

GROUND COVER SPACING

NOT TO SCALE



- TREE PLANTING DETAIL**
- NOTE: CONTRACTOR TO VERIFY ALL QUANTITIES PER PLANS
- | SYMBOL | BOTANICAL NAME | COMMON NAME | QTY. | SIZE | REMARKS |
|--------|--------------------|------------------|------|-----------|---|
| 1 | Quercus virginiana | White Oak | 4 | 8" CAL. | 10' SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 2 | Quercus laevis | Live Oak | 2 | 8" CAL. | 10' SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 3 | Quercus macrocarpa | Shoestring Oak | 2 | 8" CAL. | 10' SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 4 | Quercus imbricaria | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 5 | Buxus japonica | Japanese Boxwood | 18 | 2" GALLON | 15' HEIGHT, 10" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 6 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 7 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 8 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 9 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 10 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 11 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 12 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 13 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 14 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 15 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 16 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 17 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 18 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 19 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |
| 20 | Quercus macrocarpa | Indian Hawthorn | 4 | 6" GALLON | 15' HEIGHT, 15" SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT |

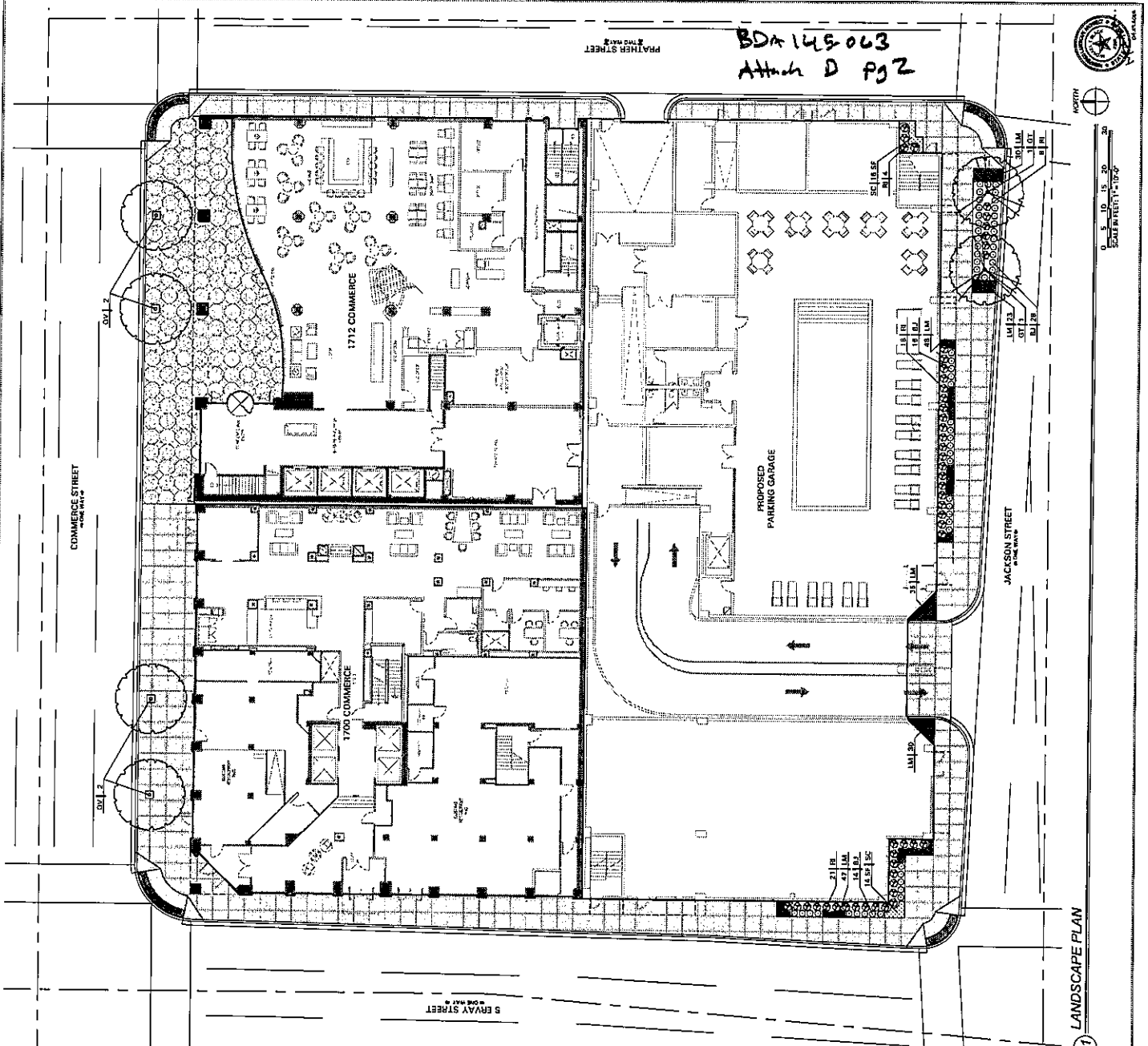
TREE PLANTING DETAIL

NOT TO SCALE

PLANT LIST:

NOTE: CONTRACTOR TO VERIFY ALL QUANTITIES PER PLANS

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
1	Quercus virginiana	White Oak	4	8" CAL.	10' SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT
2	Quercus laevis	Live Oak	2	8" CAL.	10' SPREAD TREE MATERIALS TO BE PROVIDED BY LANDSCAPE ARCHITECT
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Memorandum



CITY OF DALLAS

DATE June 12, 2015

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 145 · 063

1212 Commerce Street

The applicant is requesting a special exception to the landscape requirements of CA-1(A) for commercial parking garages and surface parking lots.

Trigger

New construction of a commercial parking garage in the CA-1(A) district.

Deficiencies

The proposed alternate landscape plan does meet or exceed the required 'one tree or one shrub in the adjoining parkway for each 30 feet along the frontage abutting the right-of-way.' The plants (mainly shrubs) are distributed to primarily face Jackson and Ervay streets. However, tree grates are required for all trees planted in a public sidewalk. The trees are situated within an open planting bed. The shrubs shown at 18" height do not comply with the requirement of a minimum of 30" height.

Factors

The district regulations state the following: "Alternative landscape plan. The director may approve an alternative landscape plan only if compliance with this paragraph is not possible, the inability to comply is not self-created, and the alternative landscape plan is in keeping with the intent of this paragraph. An alternative landscape plan may include placement of landscaping in alternative locations. An alternative landscape plan may reduce the square footage of landscape area if additional trees or shrubs are provided."

An alternative landscape plan has not been submitted to the director under a parkway landscape permit review to determine if the plan may be approved under standard conditions. It has not been proven the site with, or without, the variances, is unable to comply with the requirements of one tree or one shrub in the adjoining parkway for each 30 feet of frontage.

Planting conditions in this ordinance for shrubs can vary from planting conditions for trees which require tree grates. Various methods can be used to create soil conditions for different plant types, including engineered solutions or smaller linear planting beds. The ordinance provides for significant variability in plant type, size, form, location, and species to allow maximum flexibility to designers.

There is no effective time period request from the applicant for the duration of the alternate landscape plan.

Landscaping shown facing Commerce Street are not a part of this application for the commercial parking garage structure.

Recommendation

The chief arborist recommends denial of the proposed alternate landscape plan because the applicant has not proven strict compliance with the landscape requirements of this district would result in unnecessary hardship.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-063

Data Relative to Subject Property:

Date: April, 1, 2015

Location address: 1712 Commerce Zoning District: PD 619 (Subd. A, B, & C)

Lot No.: All Block No.: 136/97!4 Acreage: .93 Census Tract: 31.01

Street Frontage (in Feet): 1 106.61 2 193.16 3 185.17 4 197.63 5) 5E28A

To the Honorable Board of Adjustment:

Owner of Property/or Principal Bright Supreme Bright Dallas, LLC and Supreme Bright Dallas II., LLC

Applicant: Ed Simons Telephone: 214-761-9197

Mailing Address 900 Jackson, Suite 640 Dallas, Texas Zip Code: 75202

Represented by: Same Telephone: _____

Mailing Address: Same Zip Code: _____

Affirm that a request has been made for a Variance x, or Special Exception , of 5 feet to the minimum 10 setback from the curb, the minimum sidewalk requirements, and a special exception for an alternate landscape plan. _____

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The applicant proposes a new parking garage that will not provide the 10 foot minimum setback from the curb and will provide a 5 foot sidewalk width. The also will provide an alternate landscape plan.

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

Respectfully submitted: Ed Simons
Applicant's name printed

[Signature]
Applicant's signature

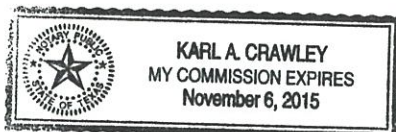
Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 1 day of April, 2015

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



(Rev. 08-20-09)

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 Ed Simons

did submit a request for a variance to the front yard setback regulations, and for a variance to the minimum sidewalk regulations, and for a special exception to the landscaping regulations

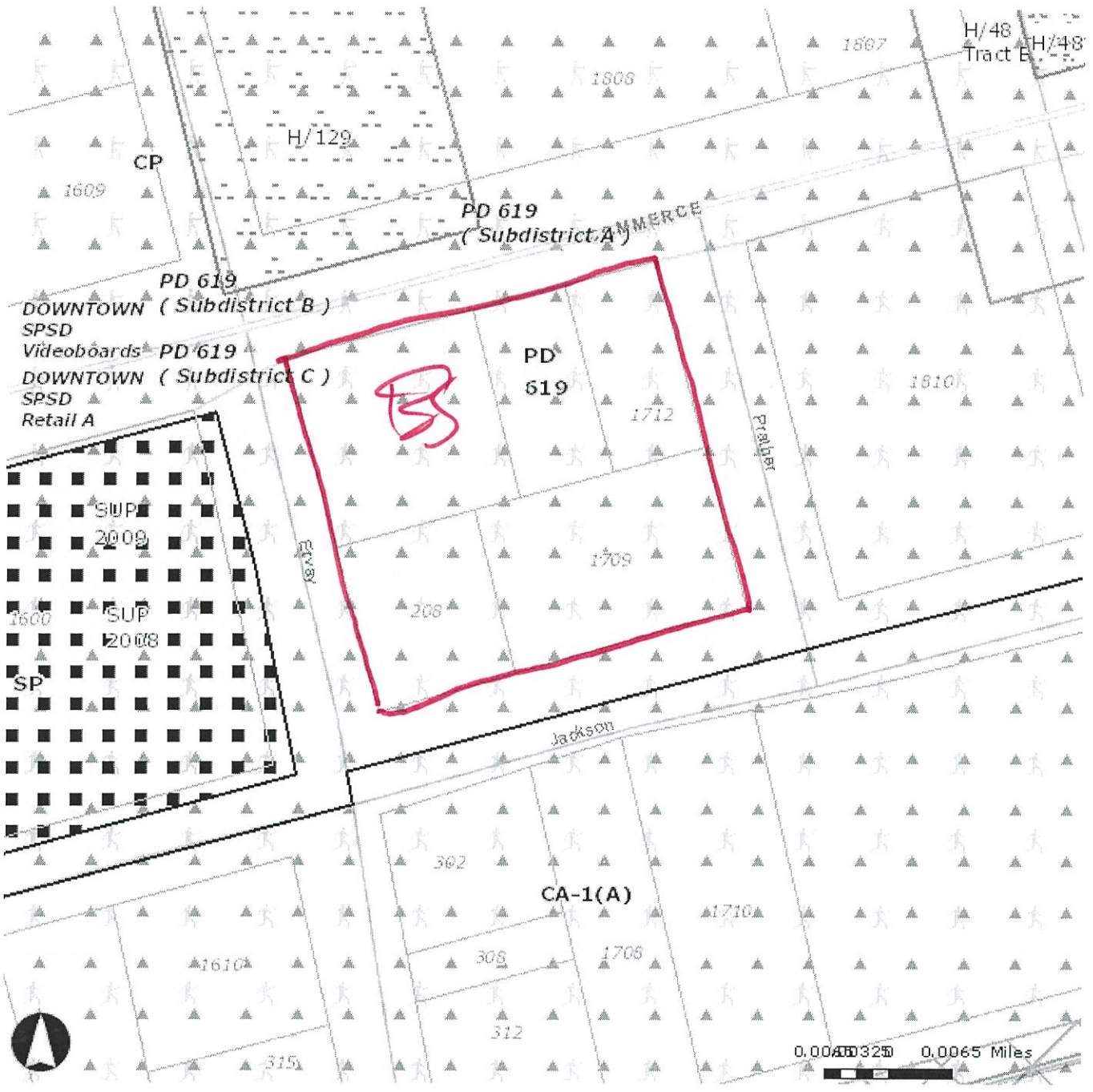
at 1712 Commerce Street

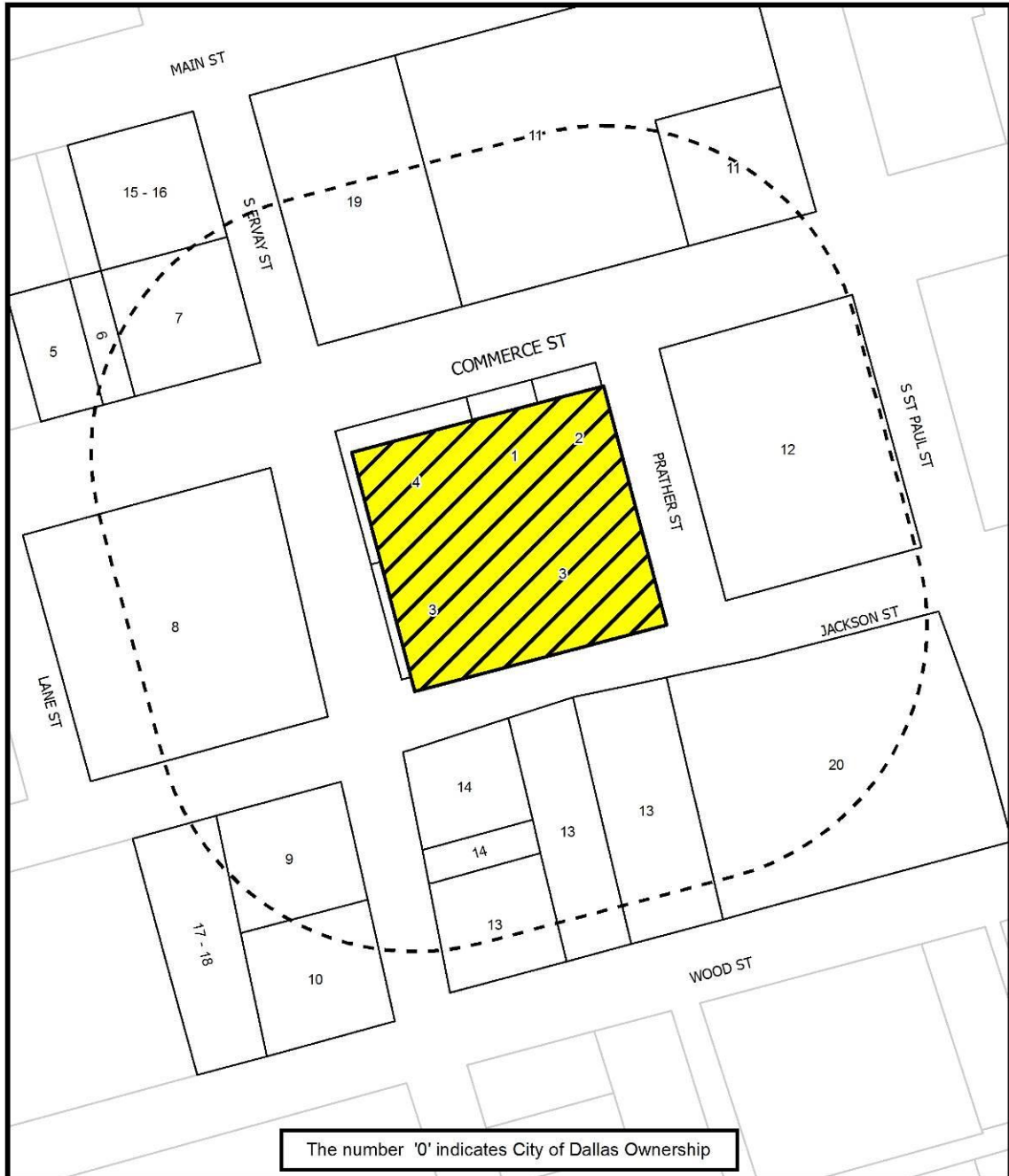
BDA145-063. Application of Ed Simons for a variance to the front yard setback regulations and a variance to the minimum sidewalk regulations and a special exception to the landscaping regulations at 1712 Commerce Street. This property is more fully described as Block 136/97-1/4, and is zoned PD-619 (Subdistricts A, B, & C), which requires a front yard setback of 10 feet from the street curb per the SP Secondary Pedestrian Precinct overlay in Section 51A-4.124(a)(8) and requires mandatory landscaping and requires mandatory minimum sidewalks. The applicant proposes to construct and maintain a nonresidential structure and provide a 5 foot front yard setback, which will require a 5 foot variance to the front yard setback regulation, and to provide an alternate sidewalk plan, which will require a variance to the minimum sidewalk regulations, and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official







 1:1,200	NOTIFICATION		Case no: BDA145-063
	<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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 6/2/2015	

Notification List of Property Owners

BDA145-063

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1712 COMMERCE ST	MERCANTILE DEVELOPMENT
2	1712 COMMERCE ST	MERCANTILE DEVELOPMENT
3	208 ERVAY ST	MERCANTILE DEVELOPMENT
4	1700 COMMERCE ST	1700 COMMERCE STREET LP
5	1603 COMMERCE ST	NEIMAN MARCUS CO LESSEE
6	1607 COMMERCE ST	ROGERS WILLIAM S ETAL
7	1609 COMMERCE ST	NEIMAN MARCUS GROUP INC
8	1600 COMMERCE ST	DALPARK LAND LEASE LTD
9	1610 JACKSON ST	1610 JACKSON LLC
10	315 ERVAY ST	315 ERVAY LLC
11	1808 MAIN ST	FC MERC COMPLEX LP
12	1810 COMMERCE ST	FC CONTINENTAL LANDLORD LLC
13	1708 JACKSON ST	RADER PARKING SYSTEM LP
14	308 ERVAY ST	RADER PARKING SYSTEMS LP
15	1603 COMMERCE ST	NEIMAN MARCUS CO
16	1622 MAIN ST	NEIMAN MARCUS CO LESSEE
17	1600 JACKSON ST	1600 JACKSON LLC
18	1600 JACKSON ST	SABO MARY ELIZABETH
19	1800 MAIN ST	FC MERC COMPLEX LP
20	1810 JACKSON ST	1810 JACKSON GARAGE LLC

FILE NUMBER: BDA 145-067

BUILDING OFFICIAL'S REPORT: Application of Laura Hoffman for a special exception to the fence height regulations at 10121 Waller Drive. This property is more fully described as Lot 4, Block C/5517, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 7 inch high fence in a required front yard, which will require a 4 foot 7 inch special exception to the fence regulation.

LOCATION: 10121 Waller Drive

APPLICANT: Laura Hoffman, Winstead PC

REQUEST:

The following request for a special exception 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' 7" is made to construct a 5' 3" high open, wrought iron fence with 6' 2" high stucco columns, and an arched 8' 7" high, approximately 18' wide, open, wrought iron gate, parallel and perpendicular to the street in the required 40' front yard along Waller Drive.

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-1ac(A) (Single Family Residential District 1 Acre)
North: R-1ac(A) (Single Family Residential District 1 Acre)
South: R-1ac(A) (Single Family Residential District 1 Acre)
East: R-1ac(A) (Single Family Residential District 1 Acre)
West: R-1ac(A) (Single Family Residential District 1 Acre)

Land Use:

The subject site is currently 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:

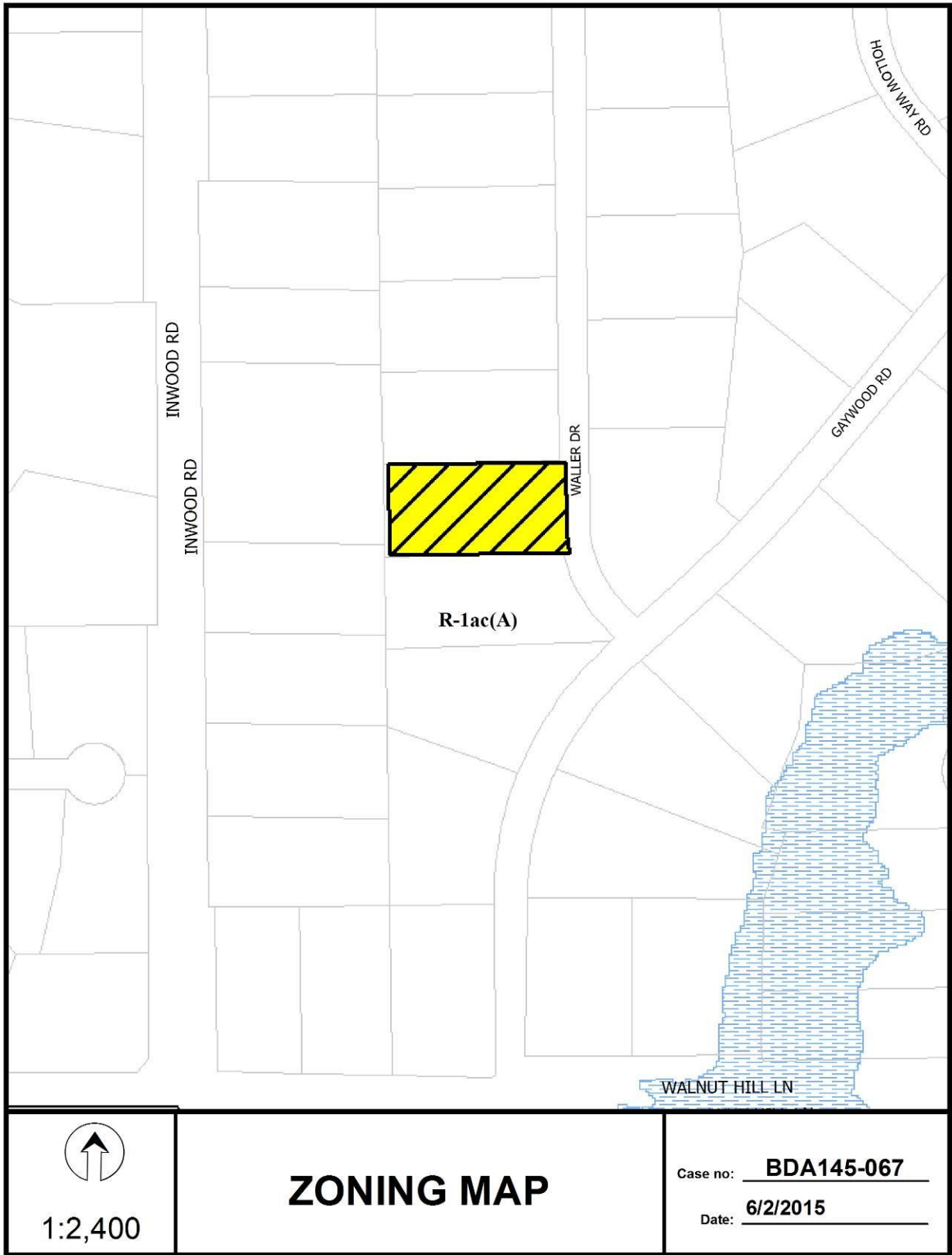
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

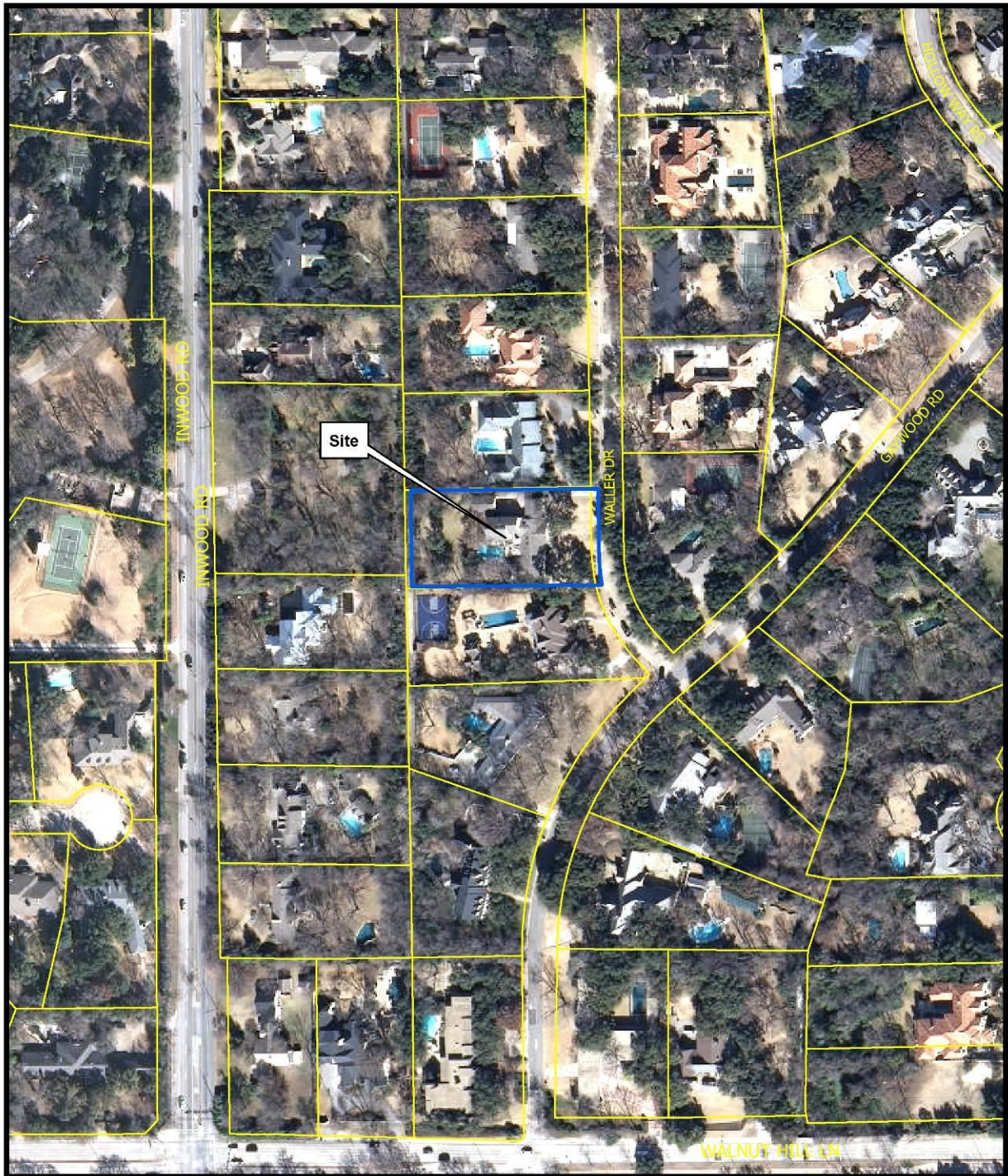
GENERAL FACTS/STAFF ANALYSIS (FENCE HEIGHT):

- This request focuses on constructing a 5' 3" high open, wrought iron fence with 6' 2" high stucco columns, and an arched 8' 7" high, approximately 18' wide, open, wrought iron gate, parallel and perpendicular to Waller Drive, in the 40' 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.
- An R-1ac(A) Single Family Residential District requires the minimum front yard setback to be 40'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 157' in length parallel to Waller Drive.
 - ...The open, wrought iron fence will extend approximately 39' in length into the 40' required front yard.
 - The proposal is represented as being located approximately 12' from the pavement line.
 - The fence is represented as being located approximately 1' from the property line, and the entry gate is represented as being located approximately 9' from the property line.
- The Current Planner conducted a field visit of the site and surrounding area and noted no other visible fences above 4 feet in height which appeared to be located in a front yard setback.
- One home fronts the proposal.
- As of June 12th, one (1) letter has been submitted in support of the request, ten (10) letters have been submitted in opposition to the request, and two (2) letters have been submitted not opposing the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' 7" will not adversely affect neighboring property.
- Granting this special exception of 4' 7" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' 7" in height in the front yard setback to be maintained in the location and of the heights and materials shown on these documents.

Timeline:

- April 22, 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.
- May 12, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 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 June 3rd deadline to submit additional evidence for staff to factor into their analysis; and the June 12th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 9, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction 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.





1:2,400

AERIAL MAP

Case no: BDA145-067

Date: 6/2/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-067

Data Relative to Subject Property:

Date: April 22, 2015

Location address: 10121 Waller Drive, Dallas, Texas, 75229 Zoning District: R-1ac(A)

Lot No.: 4 Block No.: C/5517 Acreage: 0.9959 Census Tract: 0076.05

Street Frontage (in Feet): 1) 149.88 2) _____ 3) _____ 4) _____ 5) NC22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Marvin Ellison and Sharyn Ellison

Applicant: Laura Hoffmann Telephone: 214-745-5693

Mailing Address: 500 Winstead Bldg, 2728 N Harwood St, Dallas, Texas Zip Code: 75201

E-mail Address: lhoffmann@winstead.com; kwilliams@winstead.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'-7" fence in FYSB fifty-five (55) inches to permit the construction and maintenance of a masonry column and wrought iron fence and motorized gate in the 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:

Pursuant to section 51A-4.602(a)(6) of the Dallas City Code, Applicant requests a special exception to section 51A-4.602(a)(1) on the ground the proposed fence will not adversely affect neighboring property.

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.

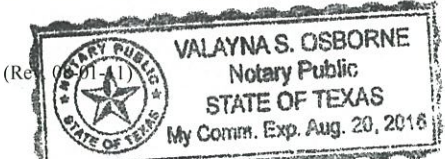
Affidavit

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

Subscribed and sworn to before me this 22 day of April, 2015



Valayna Osborne 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

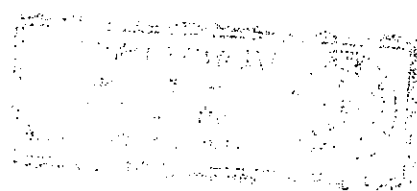
I hereby certify that Laura Hoffman

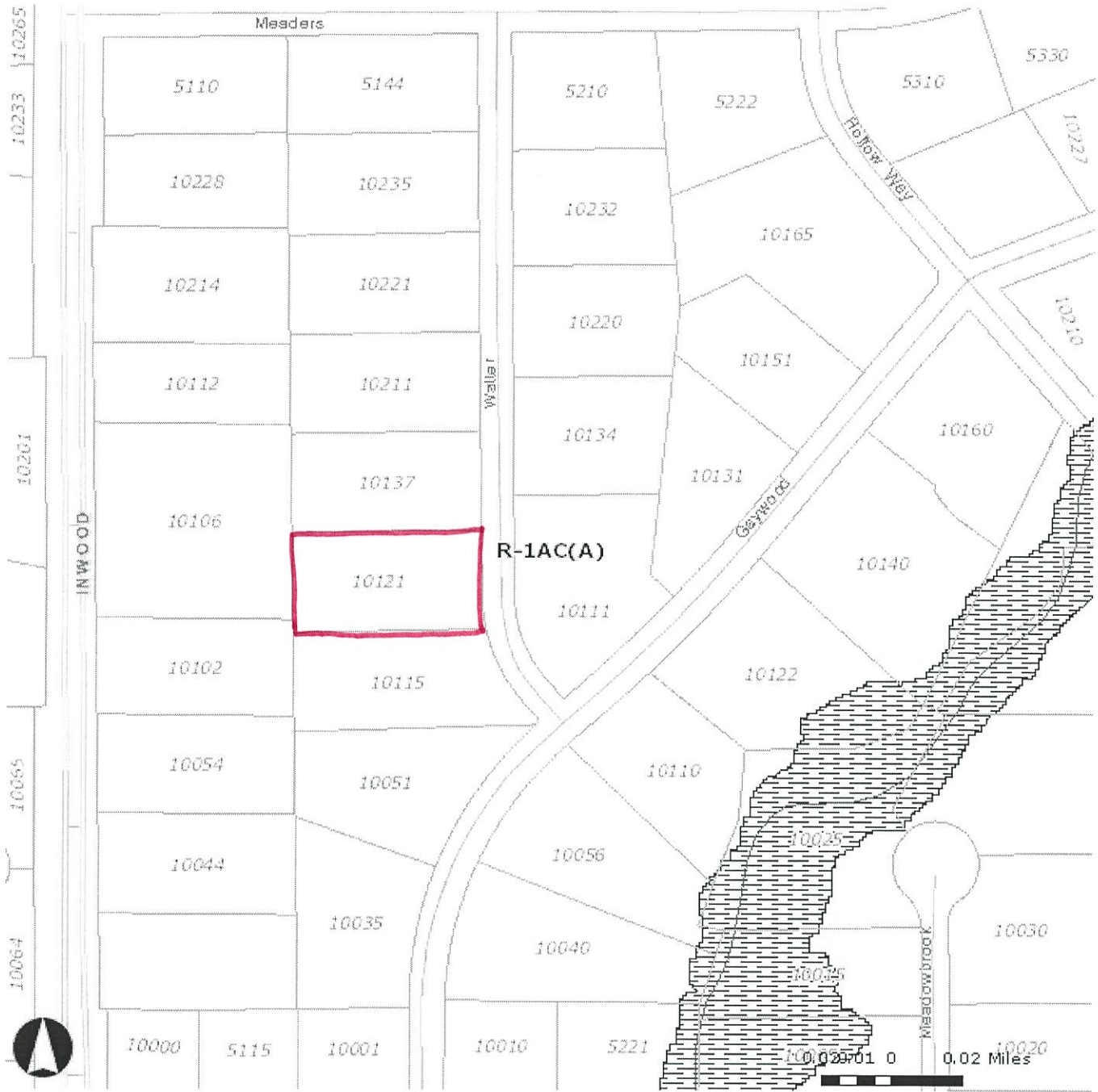
did submit a request for a special exception to the fence height regulations
at 10121 Waller Drive

BDA145-067. Application of Laura Hoffman for a special exception to the fence height regulations at 10121 Waller Drive. This property is more fully described as Lot 4, Block C/5517, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 7 inch high fence in a required front yard, which will require a 4 foot 7 inch special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





27

1945
1945
CITY NO. 3529
3533
GALLOWAY
ABST. 523

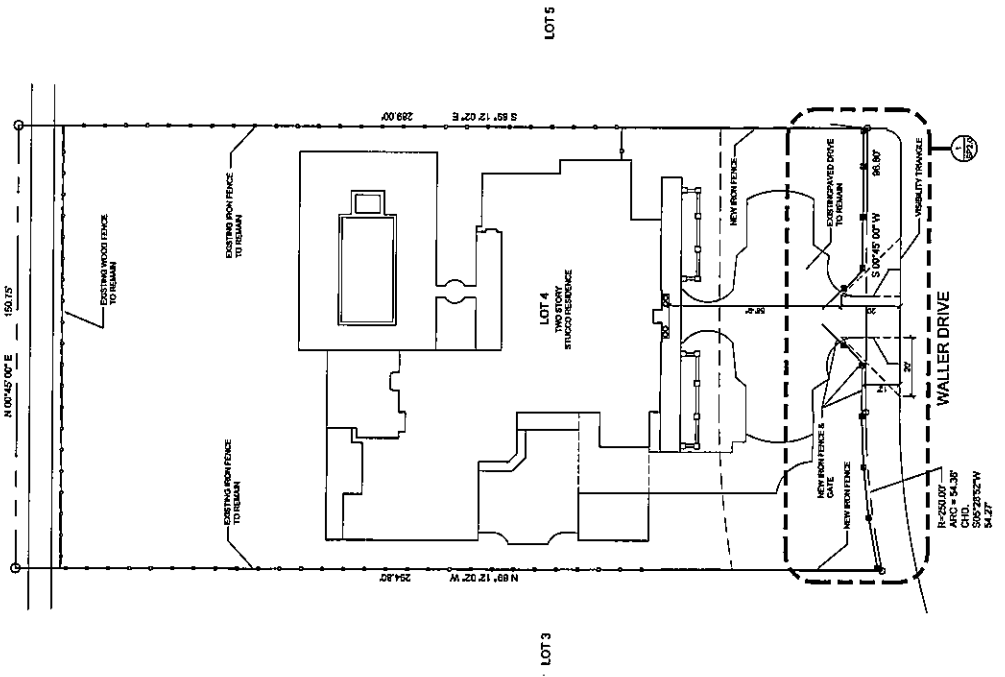
CITY OF DALLAS PLAT BOOKS
ADDITION MAYFLOWER ESTATES NO. 1
SCALE 100 FT. EQUALS 1 INCH

BLOCK 527
SCHOOL DISTRICT DALLAS

PLAT RECORDS 3-27-54



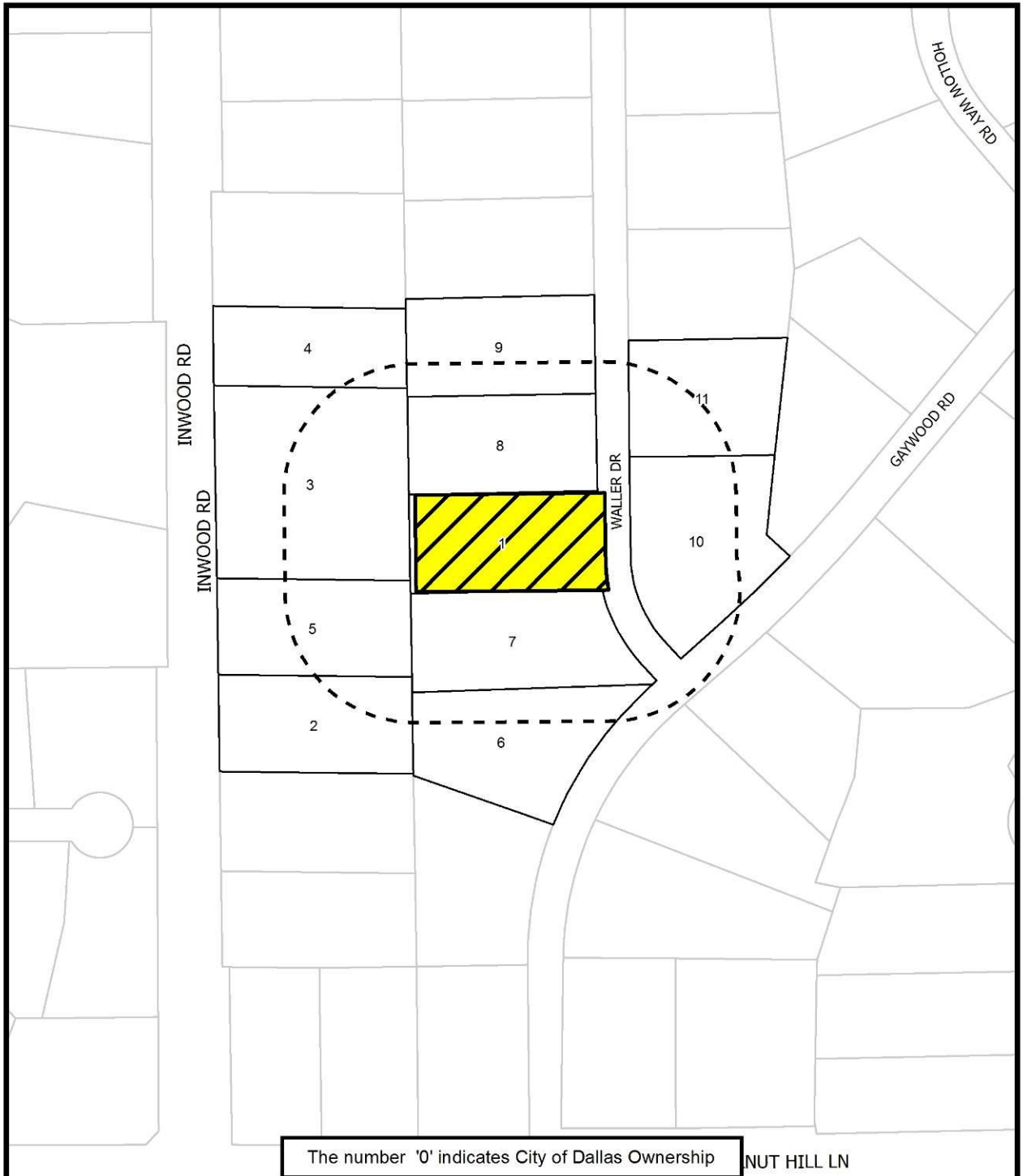
FLX



1 SITE PLAN

 1" = 32' 0"





 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA145-067 Date: 6/2/2015
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-067

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10121 WALLER DR	TERRA LOAM LLC
2	10054 INWOOD RD	KHAVARI REZA & FATEMEH
3	10106 INWOOD RD	WON DOUGLAS S
4	10112 INWOOD RD	KOZLOW PHILIP & ANN
5	10102 INWOOD RD	CHEN DAVID & BRENDA
6	10051 GAYWOOD RD	DORAN FELIX
7	10115 WALLER DR	DURST TIMOTHY S &
8	10137 WALLER DR	MATTHEWS T RANDALL &MARIE
9	10211 WALLER DR	EARLY MARK R & TINA F
10	10111 GAYWOOD RD	WINSLOW RICHARD L MD
11	10134 WALLER DR	DHD 2012 TRUST