

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, MAY 22, 2018
AGENDA

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

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

MISCELLANEOUS ITEM

Approval of the April 17, 2018 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA178-049(OA)	135 S. Jim Miller Road REQUEST: Application of Robert Muhammad, represented by Erika Muhammad, for a special exception to the fence standards regulations	1
BDA178-057(OA)	1003 Clermont Street REQUEST: Application of Jeremy Carpenter for a special exception to the visual obstruction regulations	2

REGULAR CASES

BDA178-047(OA)	12000 E. Northwest Highway REQUEST: Application of Tricolor Auto Group, represented by Laura Castillo and Maxwell Fisher of Masterplan, for special exceptions to the sign regulations	3
BDA178-053(OA)	7305 Arborcrest Drive REQUEST: Application of Elsa L. Cavillo Saucedo for special exceptions to the fence standards and visual obstruction regulations	4
BDA178-062(SL)	1401 Beaumont Street REQUEST: Application of Seth A. Smith for a special exception to the visual obstruction regulations	5

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

FILE NUMBER: BDA178-049(OA)

BUILDING OFFICIAL'S REPORT: Application of Robert Muhammad, represented by Erika Muhammad, for a special exception to the fence standards regulations at 135 S. Jim Miller Road. This property is more fully described as Lot 2, Block 6263, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence standards regulations.

LOCATION: 135 S. Jim Miller Road

APPLICANT: Robert Muhammad
Represented by Erika Muhammad

REQUEST:

A request for a special exception to the fence standards regulations related to fence height is made to maintain a 6' high open wrought iron fence in the site's 25' front yard setback on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

Section 51A-4.602(a) (11) of the Dallas Development Code states that the board may grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square-feet)
North: R-7.5(A) (Single family district 7,500 square-feet)
South: R-7.5(A) (Single family district 7,500 square-feet)
East: MF-1(A) (Multifamily district 1)
West: R-7.5(A) (Single family district 7,500 square-feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence standards regulations related to height focuses on maintaining a 6' high open wrought iron fence in the site's front yard setback along the property line on a site developed with a single family home.
- Section 51A-4.602(a) (2) of 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 property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The applicant has submitted a site plan and elevation of the proposed fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 6'.
- The submitted site plan denotes the following:
 - The proposal in the front yard setback is represented as being approximately 180' in length parallel to this street and approximately 25' in length perpendicular to the street on the north and south side of the site in the front yard setback; and
 - The proposal is represented as being located on the front property line, and approximately 14' from the pavement line.
- A multifamily use fronts the existing fence with similar fences of similar height to that which is on the subject site.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area from Carter Road to Gayglen Drive and noted several fences. Staff noted several solid wood fences that appeared to be above 6' in height located along Jim Miller Road. However, these fences are located in what appears to be the rear yards, therefore most likely permitted by right.
- As of May 9, 2018, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to fence height of 6' will not adversely affect neighboring property.

- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

February 21, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

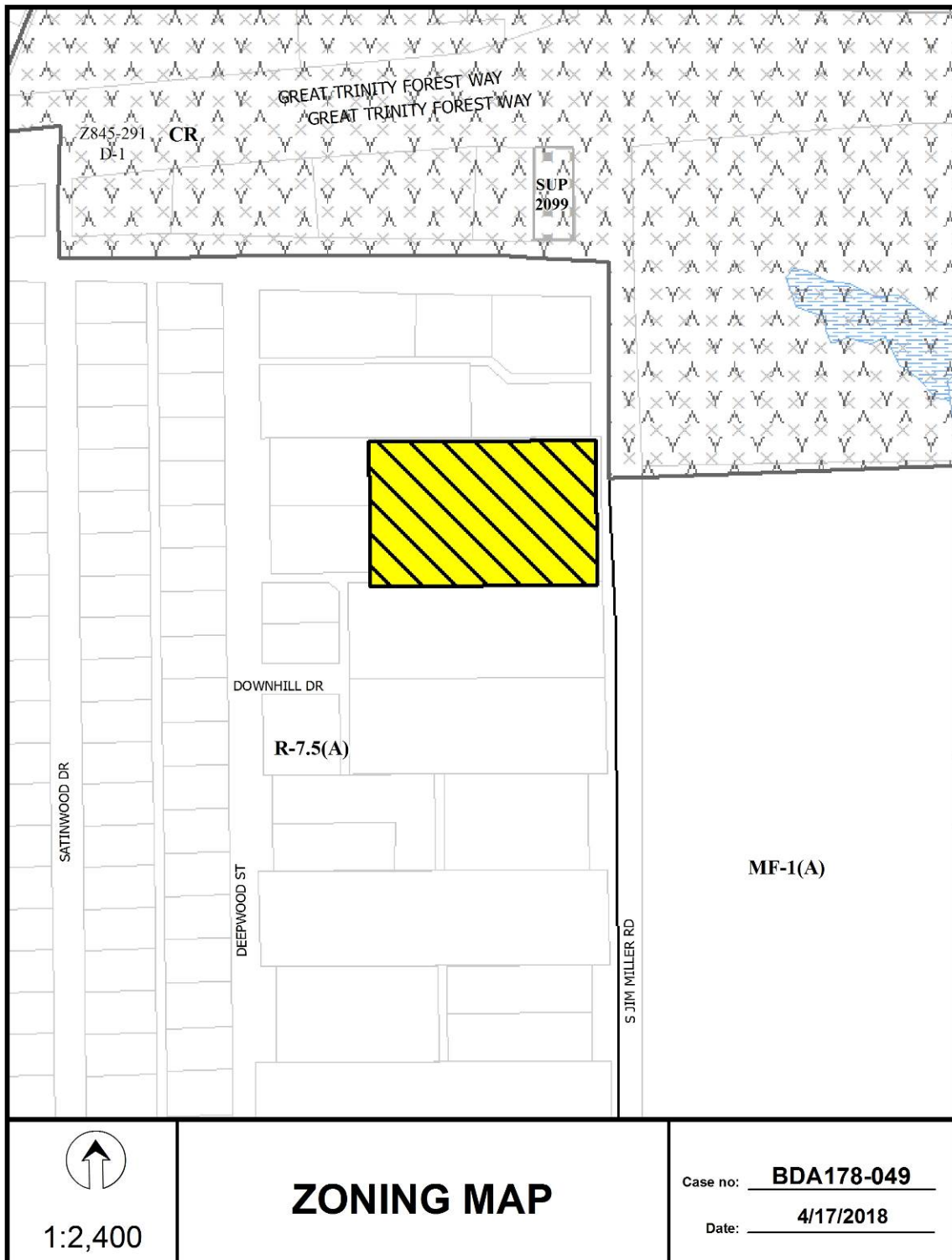
April 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

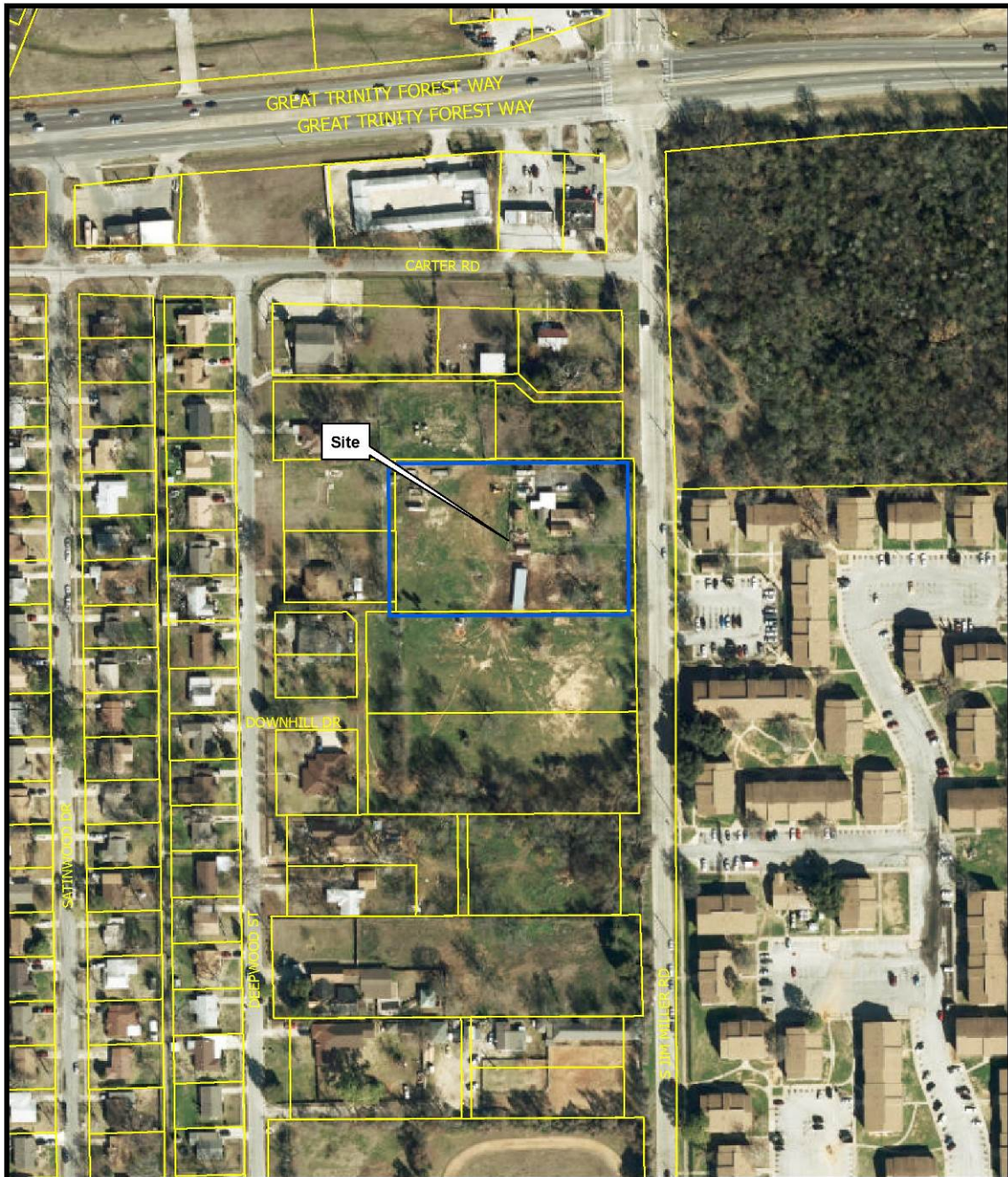
April 13, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:2,400

AERIAL MAP

Case no: BDA178-049

Date: 4/17/2018



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-049

Data Relative to Subject Property:

Date: 2-20-2018

Location address: 135 S. Jim Miller Rd Zoning District: R 7.5(A)

Lot No.: 2 Block No.: 6263 Acreage: 2 Census Tract: 116.01

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Robert Muhammad, Erika Muhammad

Applicant: Robert Muhammad Telephone: 415 939 5694

Mailing Address: 135 S Jim Miller Rd Dallas Tx Zip Code: 75217

E-mail Address: rarmuhammad@gmail.com

Represented by: Erika Muhammad Telephone: 510 967 9136

Mailing Address: 135 S Jim Miller Rd Dallas Tx Zip Code: 75217

E-mail Address: erikamuhammad@gmail.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 2ft for a fence in 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:

The fence will not adversely affect neighboring property. This is the only residence on this side of the street. Across the street there is an apartment complex with same fence.

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

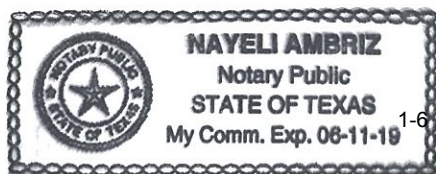
Affidavit

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

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

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

Subscribed and sworn to before me this 21 day of February, 2018



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

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

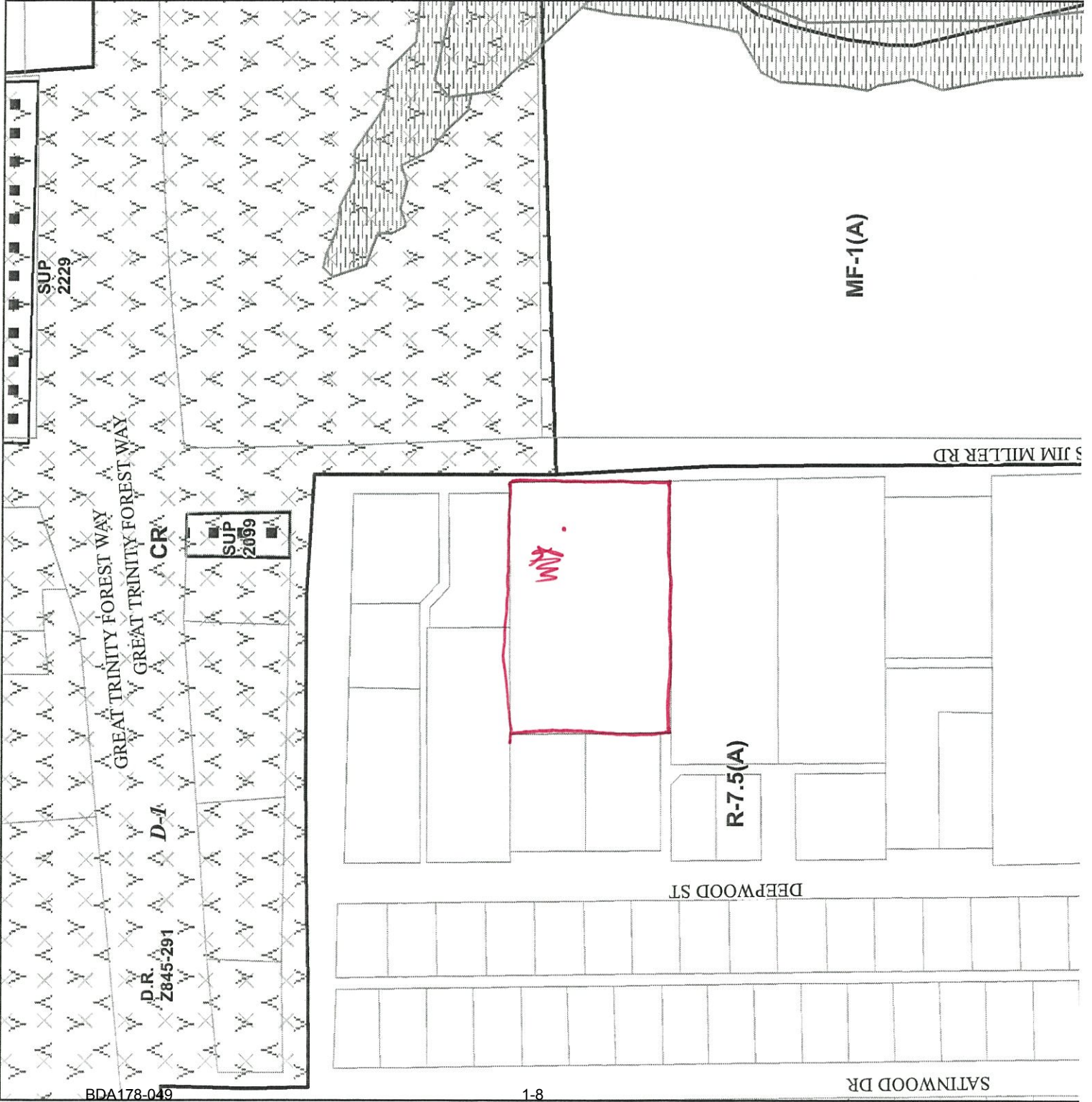
Building Official's Report

I hereby certify that ROBERT MUHAMMAD
 represented by ERIKA MUHAMMAD
did submit a request for a special exception to the fence height regulations
 at 135 S Jim Miller Road

BDA178-049. Application of Robert Muhammad represented by Erika Muhammad for a special exception to the fence height regulations at 135 S Jim Miller Rd. This property is more fully described as Lot 2, Block 6263, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,


Philip Sikes, Building Official



REVISIONS	BY
1-10-15	

GF# 0202 MS 6145 10-C
 Date 5-3-2002
 Scale 1" = 30'
 Drawn
 Job 02-0752
 Sheet
 Of Sheets

PROPERTY ADDRESS: 135 SOUTH JIM MILLER ROAD
 ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN DALLAS COUNTY, TEXAS, AND BEING FULLY DESCRIBED AS FOLLOWS, TO-WIT:
 BEING A PORTION OF THE G. MARKHAM SURVEY, ABSTRACT #980, DALLAS COUNTY, TEXAS;
 BEGINNING AT A FOUND 3/8 INCH IRON ROD IN THE EAST LINE OF SAID G. MARKHAM SURVEY AND THE WEST RIGHT-OF-WAY LINE OF SOUTH JIM MILLER ROAD THAT IS 30 FEET SOUTH OF THE NORTHEAST CORNER OF SAID G. MARKHAM SURVEY;
 THENCE SOUTH 1 DEGREE 00 MINUTES 40 SECONDS EAST, SOUTH IN DEED ALONG SAID EAST LINE OF G. MARKHAM SURVEY, 233.81 FEET (234 FEET IN DEED) TO A FOUND 3/8 INCH IRON ROD;
 THENCE SOUTH 89 DEGREES 58 MINUTES 14 SECONDS WEST (WEST IN DEED), 391.00 FEET TO A FOUND 1/2 INCH IRON ROD;
 THENCE NORTH 00 DEGREES 48 MINUTES 27 SECONDS WEST (NORTH IN DEED), 234.00 FEET TO A FOUND 1/2 INCH CAPPED IRON ROD;
 THENCE EAST (BASIS OF BEARINGS), 390.24 FEET (391 FEET IN DEED) TO THE POINT OF BEGINNING AND CONTAINING 9,136.48 SQUARE FEET OR 2.10 ACRES OF LAND.

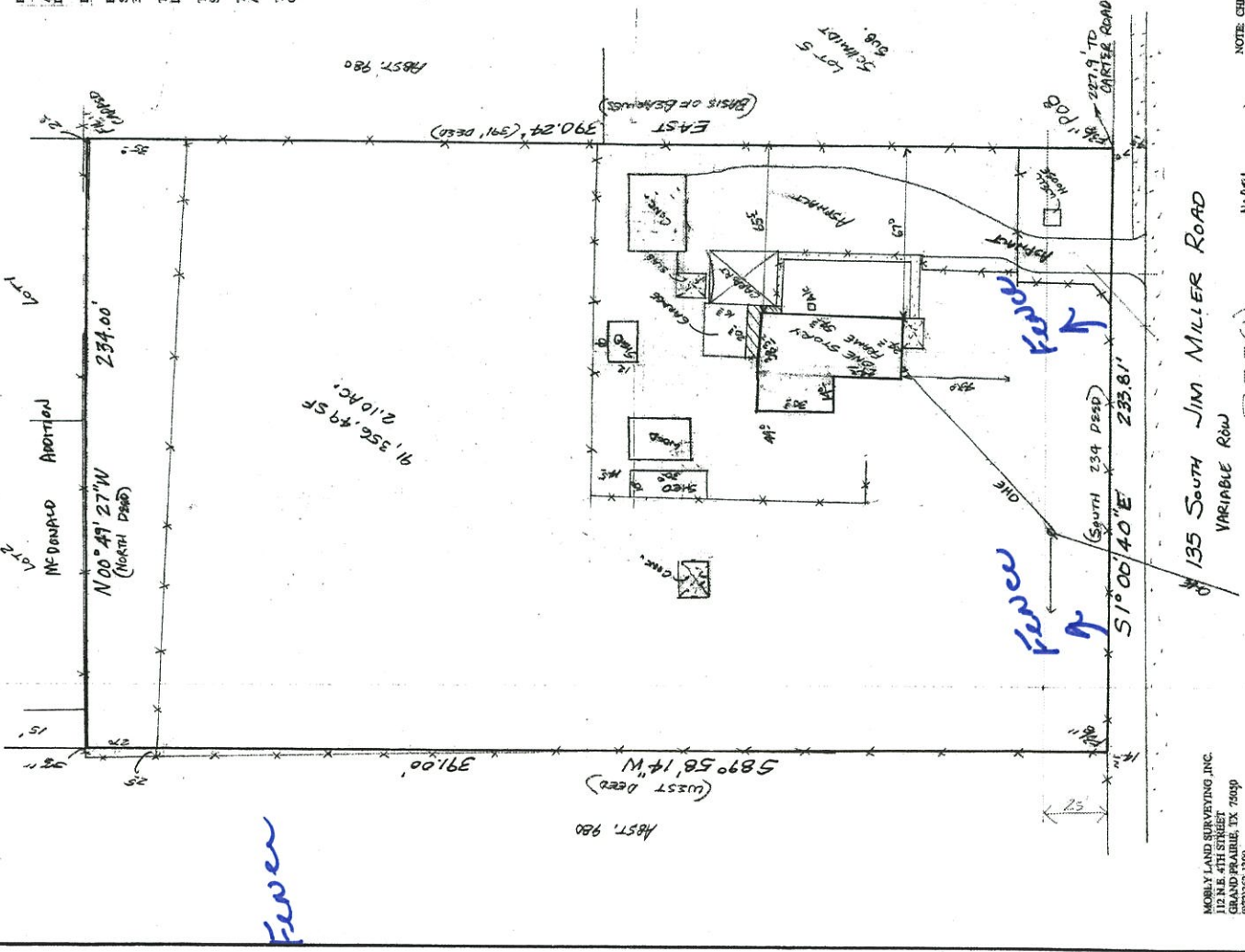
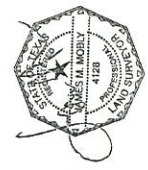
TO THE BEST OF MY KNOWLEDGE AND INFORMATION, THE EASEMENT TO DALLAS POWER & LIGHT CO. IN VOLUME 5583, PAGE 550 DOES NOT AFFECT THIS PROPERTY

I CERTIFY THAT THIS PROPERTY LIES IN ZONE X WHICH IS AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN PER F.E.M.A. COMMUNITY PANEL #480171-0203.J
 ANY REFERENCE TO FLOOD PLAIN ON THIS SURVEY IS AN ESTIMATE BASED ON DATA AVAILABLE AT THE TIME OF THIS SURVEY AND IS NOT TO BE CONSIDERED AS A DETERMINATION OF THE FLOODING POTENTIAL OF THIS PROPERTY.

ACCEPTED BY: _____ DATE: _____

THE UNDERSIGNED DOES HEREBY CERTIFY THAT (A) THAT THE FOREGOING SURVEY WAS MADE AND STAKED, CORNERS AND CORNERS ARE MARKED WITH PERMANENT MONUMENTS; (B) THE SURVEY SHOWS THE LOCATION OF ALL IMPROVEMENTS, HIGHWAYS, STREETS, ROADS, RAILROADS, HIGHWAYS, CANALS, DRAINAGE DITCHES, FENCES, EASEMENTS AND RIGHTS OF WAY ON OR CONTIGUOUS TO THE PROPERTY; (C) THERE ARE NO DISCREPANCIES OR CONFLICTS IN BOUNDARIES OR VISIBLE ENCROACHMENTS, EXCEPT AS SHOWN ON THE SURVEY; (D) THE SURVEY SETS FORTH THE DIMENSIONS AND TOTAL AREA OF THE PROPERTY.

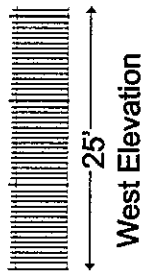
THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE WITH GE NUMBER AND TITLE COMPANY AS SHOWN HEREON AND THE UNDERSIGNED SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY FOR ANY PURPOSE OTHER THAN THAT FOR WHICH SAID SURVEY WAS ORIGINALLY PREPARED. SURVEY VALID ONLY WITH ORIGINAL SIGNATURE SIGNED IN RED INK.



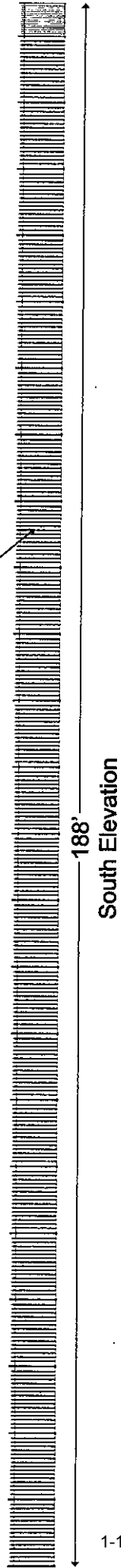
NOTE: CHECK WITH UTILITY COMPANIES FOR BURIED LINES.
 COPYRIGHT 2002
 MOBLEY LAND SURVEYING, INC.
 ALL RIGHTS RESERVED

MOBLEY LAND SURVEYING, INC.
 112 N.E. 4TH STREET
 GRAND PRAIRIE, TX 75049
 (972) 662-1300
 JAMES M. NOBLEY, REG. 4128
 TITLE COMPANY, AMERICAN TITLE

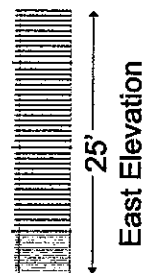
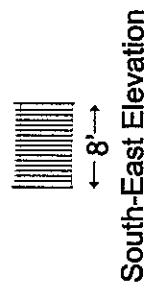
BDA178-049

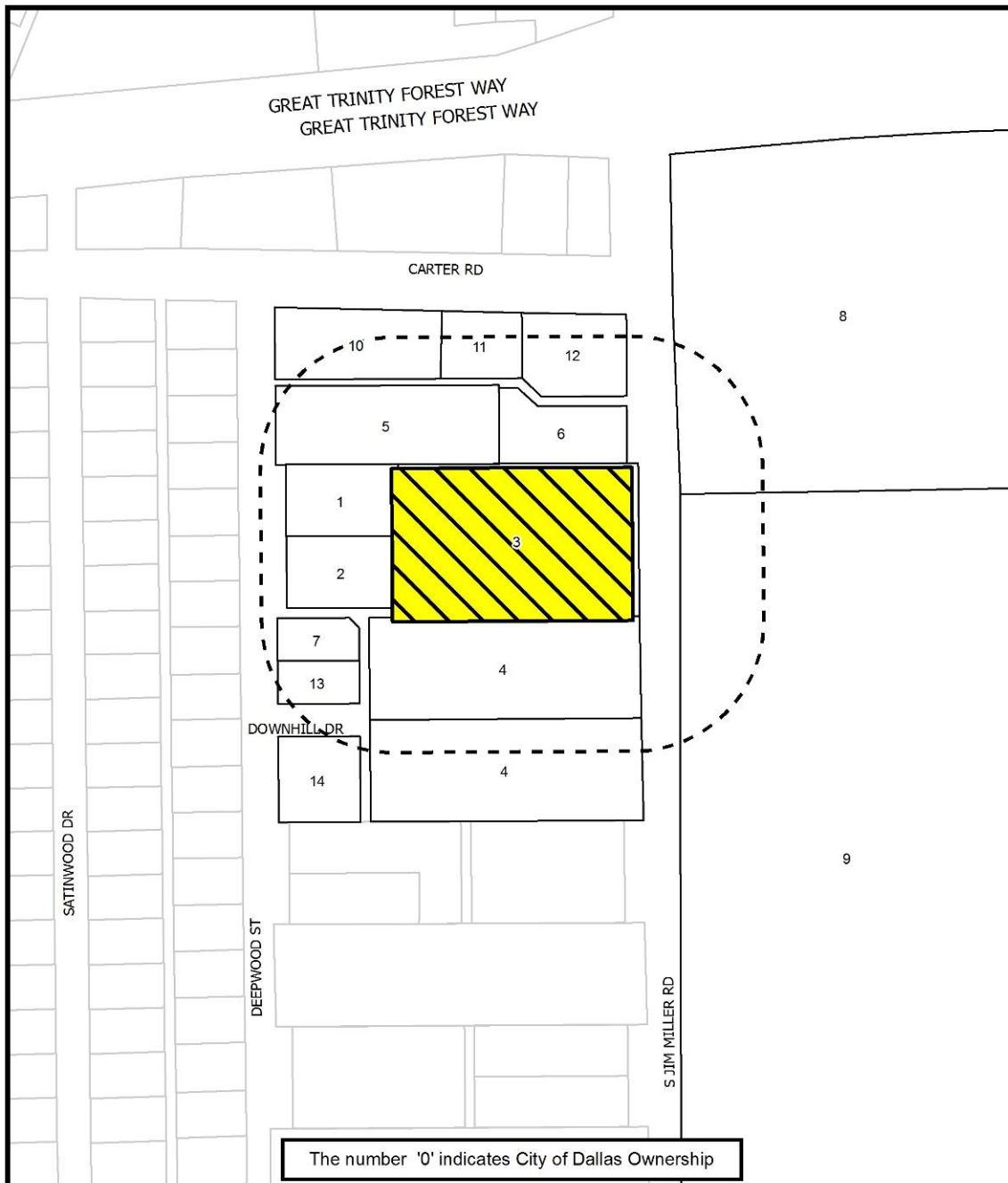


6' tall wrought iron fence - 8' wide panels



1-11





 1:2,400	NOTIFICATION		Case no: BDA178-049
	<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;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/17/2018	

Notification List of Property Owners

BDA178-049

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	130 DEEPWOOD ST	COX ERMA
2	140 DEEPWOOD ST	MCDONALD NORMA SMITH
3	135 S JIM MILLER RD	MUHAMMAD ROBERT
4	237 S JIM MILLER RD	CERON SERGIO
5	120 DEEPWOOD ST	COX ERMA
6	137 S JIM MILLER RD	MENDOZA JUAN
7	216 DEEPWOOD DR	VELASQUEZ GENOVEVO &
8	7100 GREAT TRINITY FOREST WAY	VSBI INVESTMENTS LLC
9	202 S JIM MILLER RD	AMAZ PROPERTY ACQUISITIONS LLC
10	7004 CARTER RD	LOVE OF GOD CHURCH
11	7026 CARTER RD	GIBSON KENNETH E
12	7040 CARTER RD	HOUSE OF PRAYER
13	226 DEEPWOOD DR	VELASQUEZ GENOVEVO & MARIA DE SOCORRO
14	236 DEEPWOOD ST	VELASQUEZ LUIS &

FILE NUMBER: BDA178-057(OA)

BUILDING OFFICIAL'S REPORT: Application of Jeremy Carpenter for a special exception to the visual obstruction regulations at 1003 Clermont Street. This property is more fully described as Lot 24 & 25, Block 24/2225, and is zoned CD-6, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and/or maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 1003 Clermont Street

APPLICANT: Jeremy Carpenter

REQUESTS:

The following requests for special exceptions to the visual obstruction regulations have been made on a site developed with a single family home structure:

1. To transition/modify an existing 6' high open wrought iron fence to match an existing 6' high solid wood fence located in the 20' visibility triangle on the north side of the driveway into the site from Sevilla Street; and
2. To maintain an existing 6' high solid wood fence located in the 20' visibility triangle on the south side of the driveway into the site from Sevilla Street.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

Site: CD 6 (Conservation District)
North: CD 6 (Conservation District)
South: CD 6 (Conservation District)
East: CD 6 (Conservation District)
West: CD 6 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- These requests for special exceptions to the visual obstruction regulations focus on a site developed with a single family home structure:
 1. transitioning/modifying an existing 6' high open wrought iron fence to match an existing 6' high solid wood fence located in the 20' visibility triangle on the north side of the driveway into the site from Sevilla Street; and
 2. maintaining an existing 6' high solid wood fence located in the 20' visibility triangle on the south side of the driveway into the site from Sevilla Street.
- Section 51A-4.602(d) of 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 property is located in CD 6 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

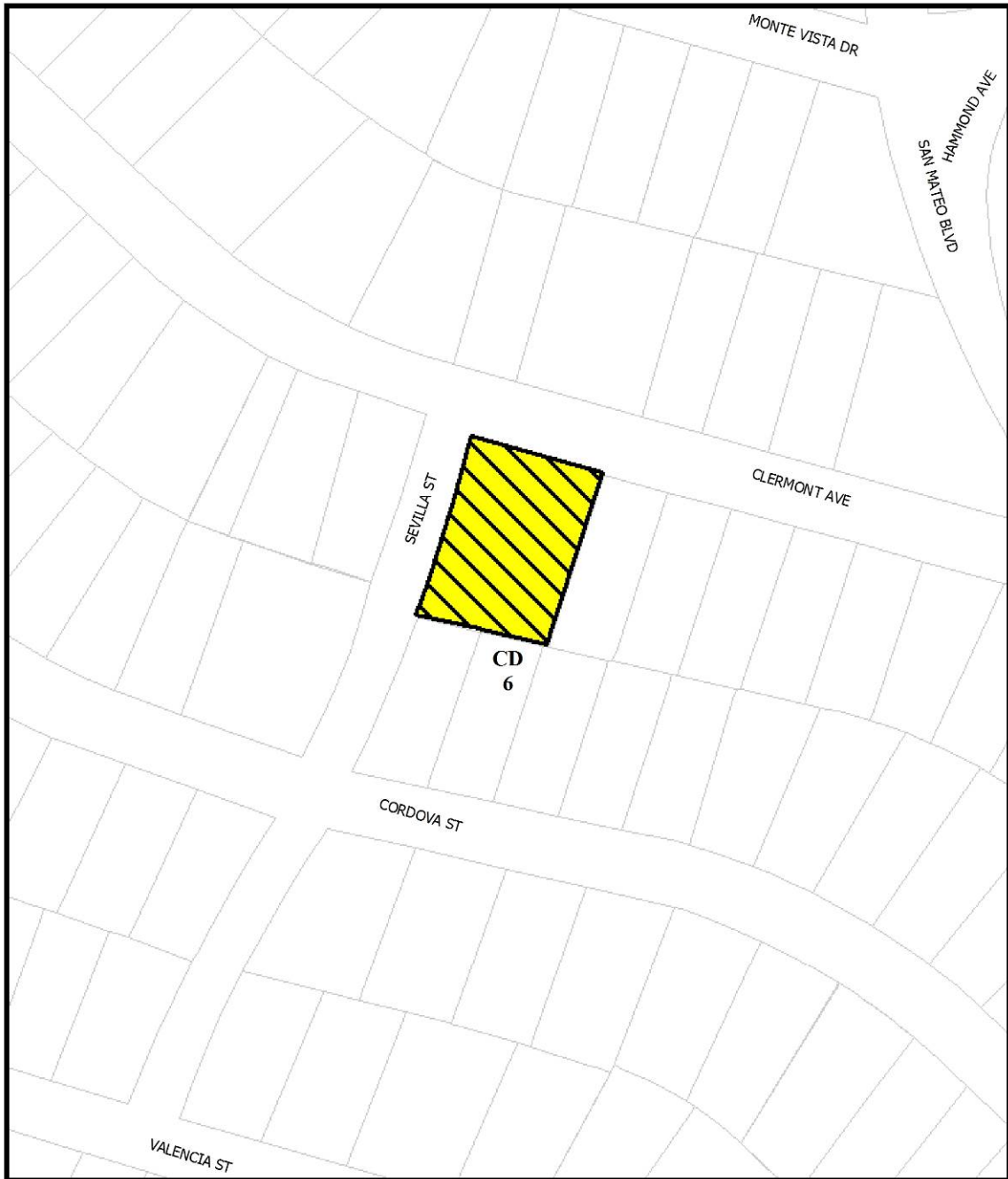
- A site plan and site plan and elevation have been submitted indicating portions of a 6' high solid wood fence in the two 20' visibility triangles on both sides of the driveway into the site from Sevilla Street.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to transition/modify an existing 6' high open wrought iron fence to match an existing 6' high solid wood fence located in the 20' visibility triangles on the north side of the driveway into the site from Sevilla Street; and to maintain an existing 6' high solid wood fence located in the 20' visibility triangles on the south side of the driveway into the site from Sevilla Street, do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained or modified/maintained in the 20' drive approach visibility triangles into the site from Sevilla Street to that what is shown on these documents – a 6' high solid wood fence.

Timeline:

- March 19, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 13, 2017: The Sustainable Development and Construction Department Senior Planner emailed the applicant/owner the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

May 9, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

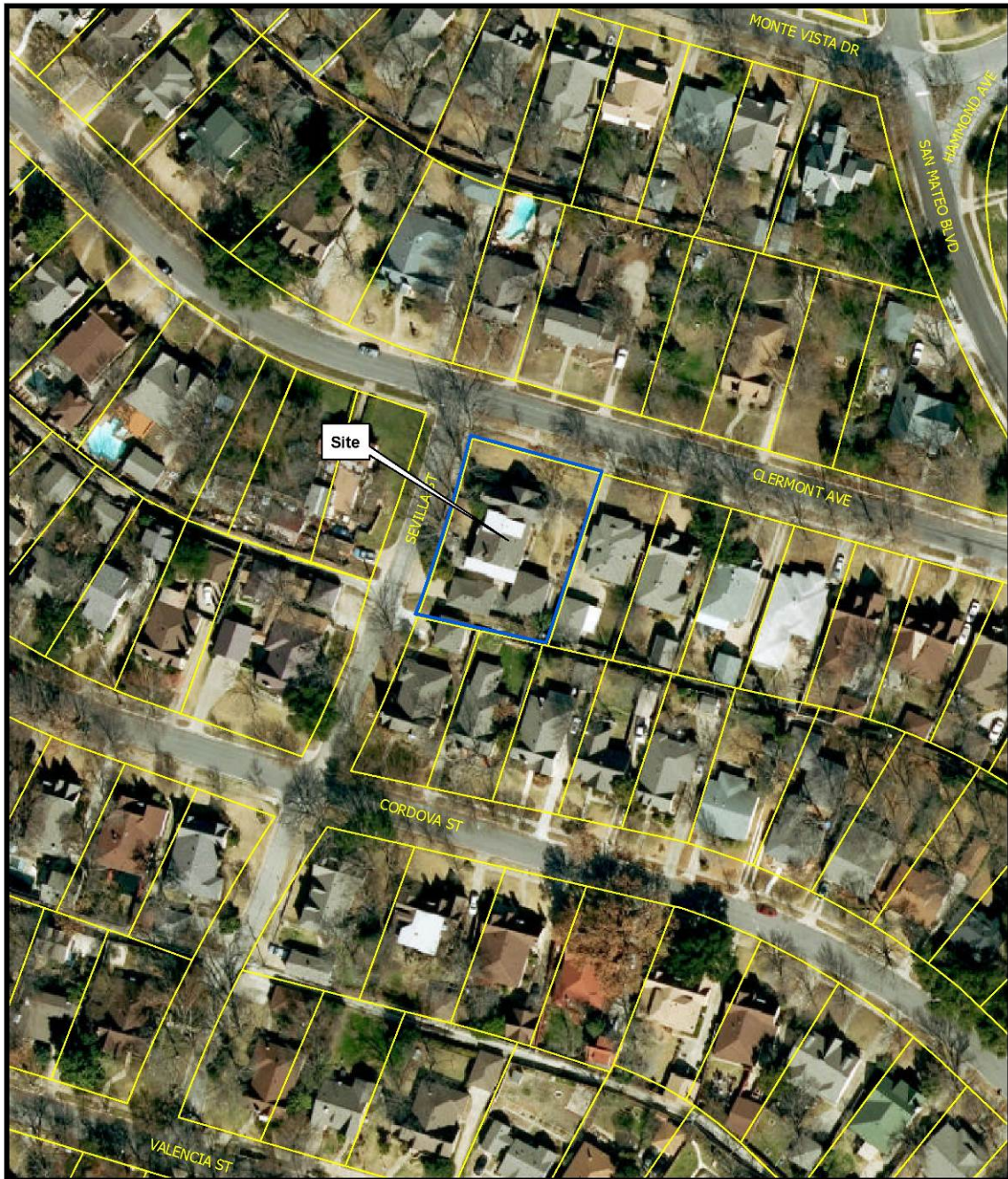


1:1,200

ZONING MAP

Case no: BDA178-057

Date: 4/17/2018



1:1,200

AERIAL MAP

Case no: BDA178-057

Date: 4/17/2018

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **MAY 22, 2018(A)**

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 178-047 (OA)

BDA 178-049 (OA)

BDA 178-053 (OA)

BDA 178-057 (OA)

BDA 178-062 (SL)

COMMENTS:

None.

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

Name/Title/Department

May 9, 2018

Date

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-057

Data Relative to Subject Property:

Date: 3-22-18

Location address: 1003 Clermont St. Zoning District: CD-6

Lot No.: 24025 Block No.: 24/2225 Acreage: 0.33 Census Tract: 12.03

Street Frontage (in Feet): 1) 105 2) 136.31 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeremy Carpenter and Angela Carpenter, Husband and Wife

Applicant: Jeremy Carpenter Telephone: 214 529 2320

Mailing Address: 1003 Clermont St, Dallas, TX Zip Code: 75223

E-mail Address: jacarp01@gmail.com

Represented by: Jeremy Carpenter Telephone: 214 529 2320

Mailing Address: 1003 Clermont St, Dallas, TX Zip Code: 75223

E-mail Address: jacarp01@gmail.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of a visibility triangle obstruction at a driveway. Code SIA 4.602. This request is for a triangle at each side of the driveway.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The visibility triangle obstruction will not be a traffic hazard. Additionally, the obstruction will in no way affect neighboring properties.

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

Affidavit

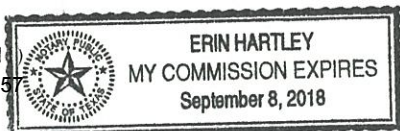
Before me the undersigned on this day personally appeared Jeremy Carpenter
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 19th day of March, 2018

(Rev. 08-01-17) BDA178-057



[Signature]
Notary Public in and for Dallas County, Texas
2-8

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

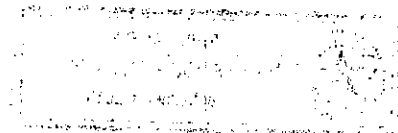
I hereby certify that JEREMY CARPENTER

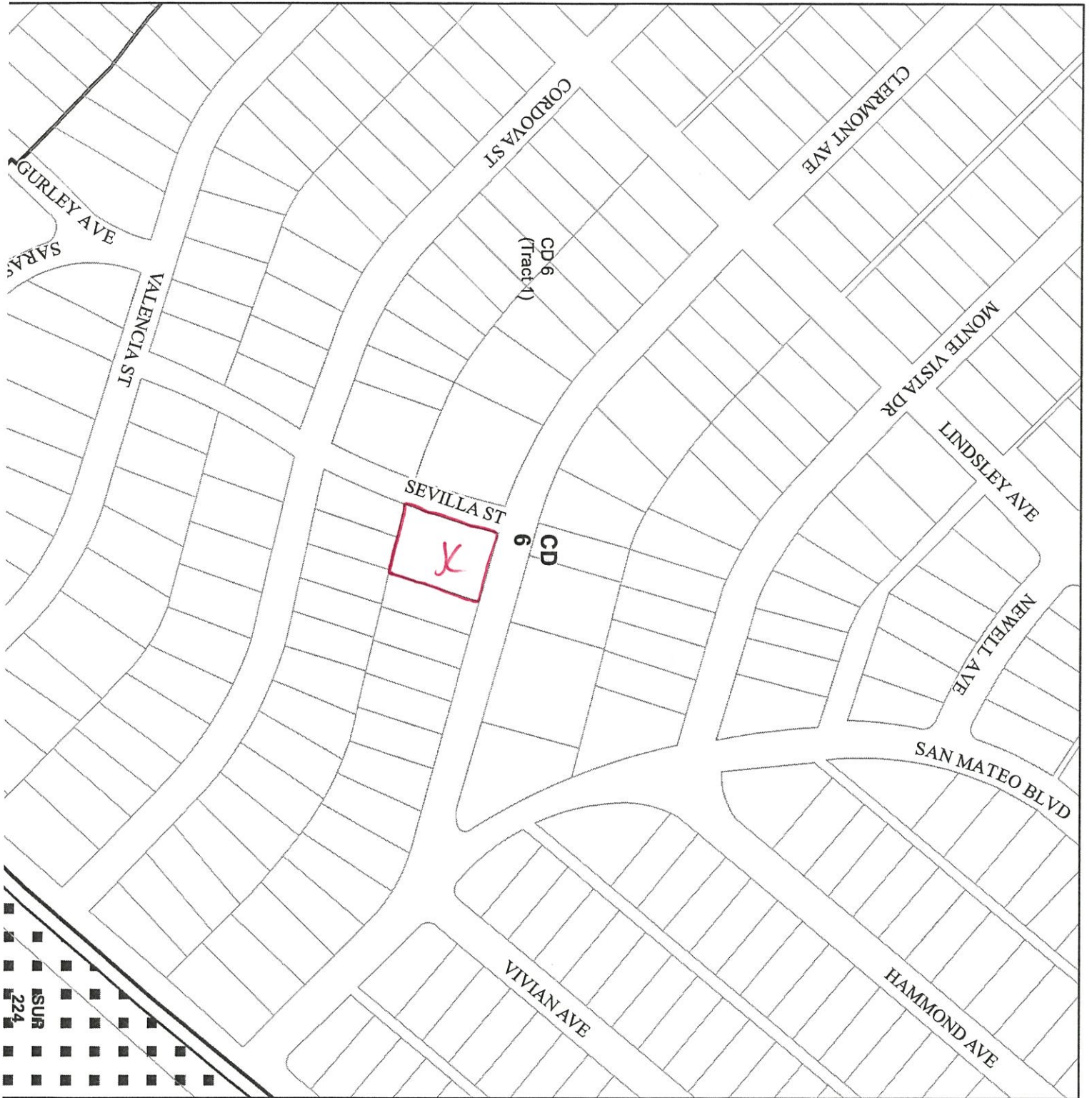
did submit a request for a special exception to the visibility obstruction regulations
at 1003 Clermont Street

BDA178-057. Application of Jeremy Carpenter for a special exception to the visibility obstruction regulations at 1003 Clermont St. This property is more fully described as Lot 24 & 25, Block 24/2225, and is zoned CD-6, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





RESERVED FOR UTILITIES

9	8	7	6	5	4	3	2	1
---	---	---	---	---	---	---	---	---

NTE VISTA DRIVE

14	15	16	17	18	19	20	21	22
----	----	----	----	----	----	----	----	----

RESERVED FOR UTILITIES

9	8	7	6	5	4	3	2	1
---	---	---	---	---	---	---	---	---

ARMONT STREET

14	15	16	17	18	19	20	21	22
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RESERVED FOR UTILITIES

9	8	7	6	5	4	3	2	1
---	---	---	---	---	---	---	---	---

ORDOVA STREET

14	15	16	17	18	19	20	21	22
----	----	----	----	----	----	----	----	----

RESERVED FOR UTILITIES

9	8	7	6	5	4	3	2	1
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VALENCIA

9	8	7	6	5	4	3	2	1
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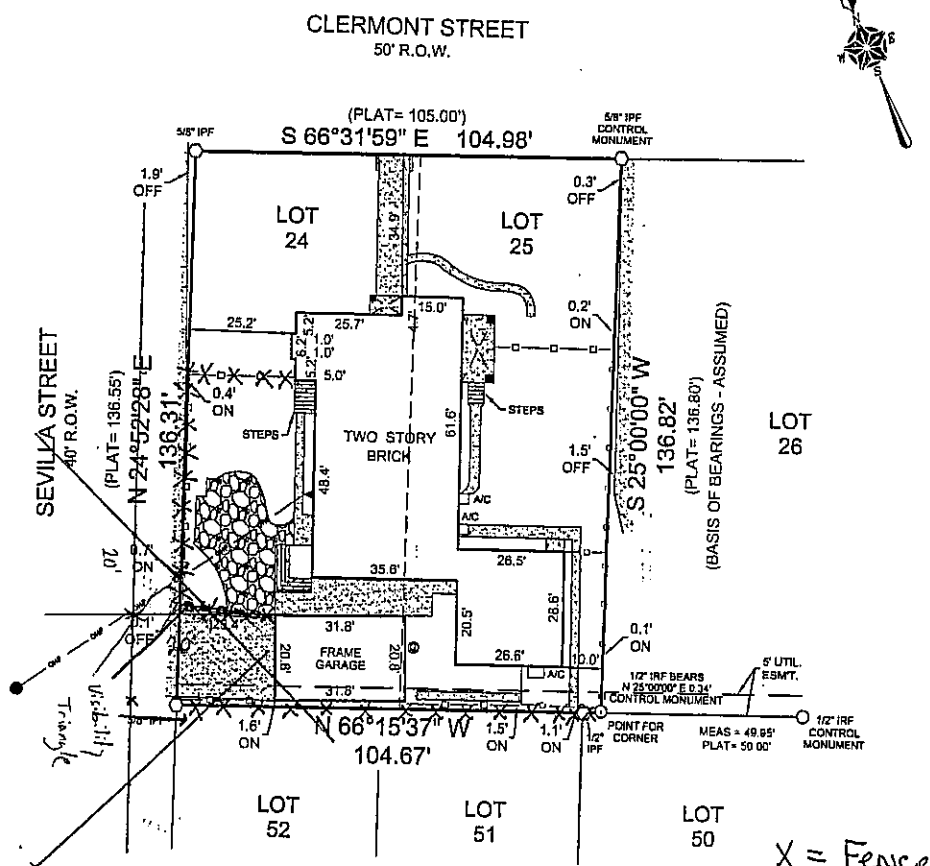
RESERVED FOR UTILITIES




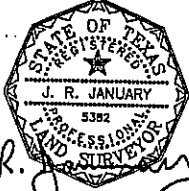
FINAL SURVEY

This is to certify that persons under my direction have, this date, made an on-the-ground survey of property located at
 1003 CLERMONT AVENUE, in the City of DALLAS, Texas,
 Lot 24 & 25, Block FIRST INSTALLMENT OF HOLLYWOOD, 24/2225
 of DALLAS, DALLAS COUNTY, Texas, according to the MAP THEREOF
 recorded in VOLUME 3, PAGE 206 of the MAP Records of DALLAS County, Texas.

NOTE: PROPERTY SUBJECT TO TERMS,
 CONDITIONS AND EASEMENTS
 CONTAINED IN INSTRUMENT RECORDED IN
 VOL. 1165, PG. 397; VOL. 1221, PG. 640

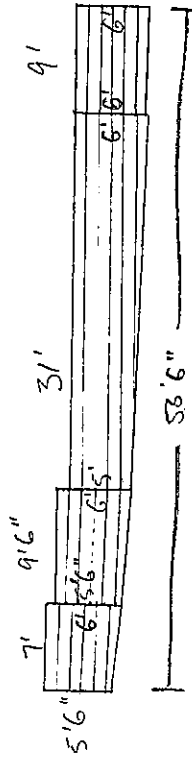


ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48113C0385K
 I, the undersigned Texas Registered Professional Land Surveyor, do hereby certify that the survey plat hereon is a true and correct
 representation of the above described property, and do further state that this survey accurately depicts the substantial improvements to said
 property as located on the ground and that there are no protrusions from or encroachments onto said property by any such improvements
 except as shown hereon.

ACCEPTED BY: _____ DATE: _____	ACCEPTED BY: _____ DATE: _____	
TITLE CO.: <u>REPUBLIC</u> GF NO.: <u>1007-175457-RTT</u> BORROWER: <u>CARPENTER</u> DRAWN BY: <u>JACOB</u> CHECKED BY: _____ DATE: <u>2/17/18</u> SCALE: <u>1"=30'</u> TASK NO.: <u>1600500-1</u>	LEGEND ASPHALT PAVING IRON ROD FOUND CHAIN LINK FENCE IRON ROD SET WOOD FENCE COVERED AREA IRON POST CONCRETE PAVING IRON FENCE OVERHEAD ELECTRIC SERVICE OVERHEAD POWER LINE GAS METER POWER POLE	 TEXAS HERITAGE SURVEYING, LLC 10610 Metric Drive, Suite 114, Dallas, TX 75243 Office: 214-340-9700 Fax 214-340-9710 txheritage.com Firm #10169100
		 J.R. January



Board on Board



Board on Board

WEST SIDE [WOOD]

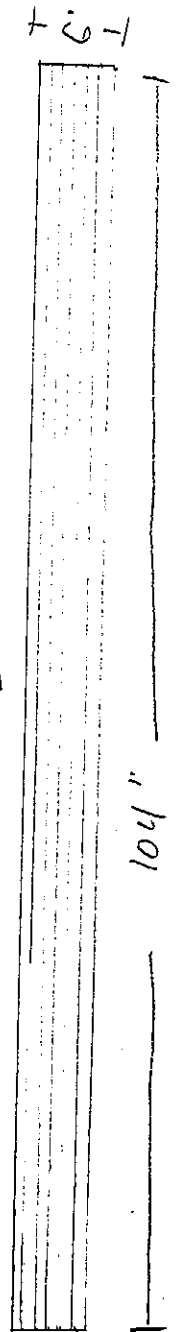
1003 CLERMONT ST
FENCE ELEVATION

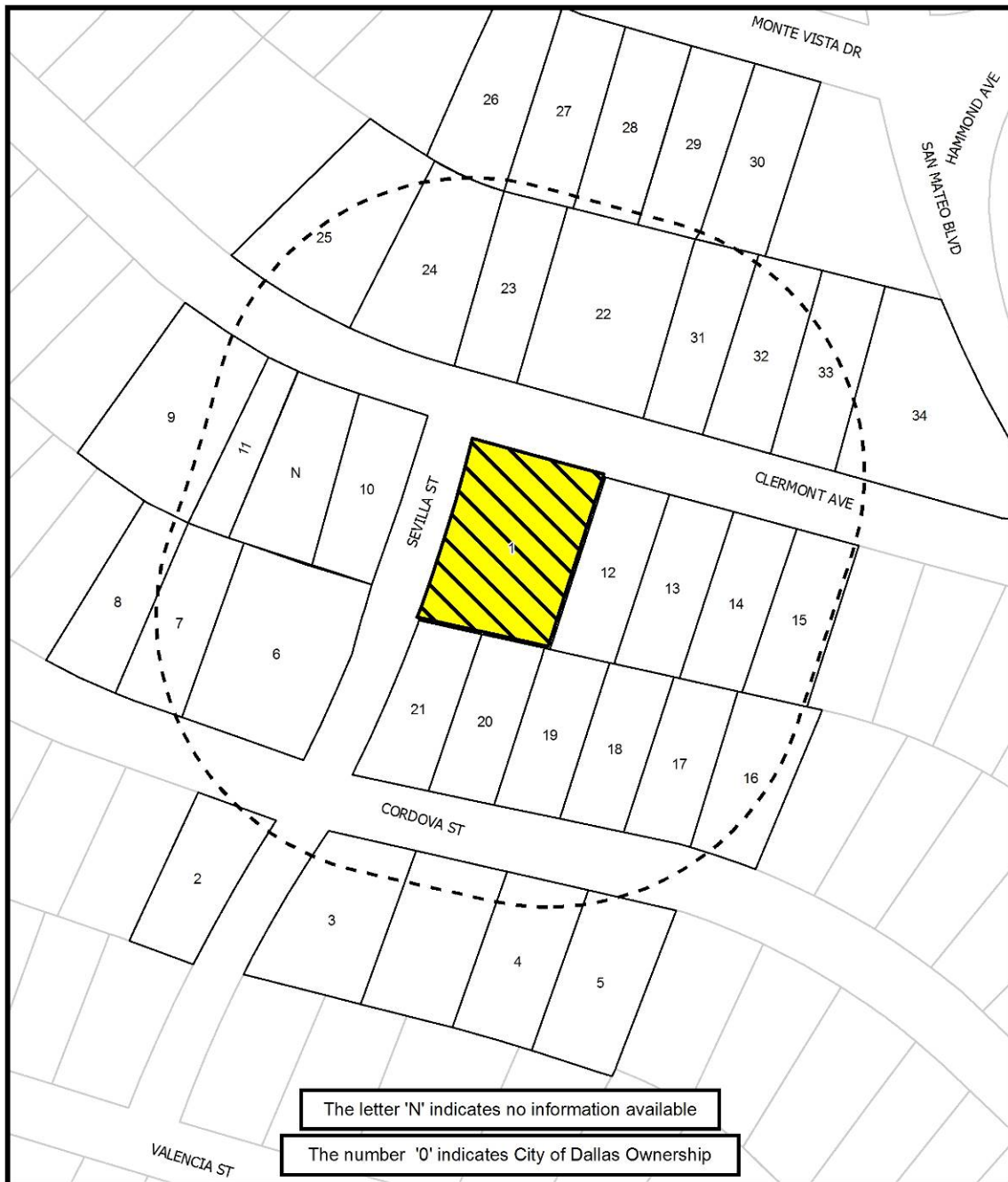
1" = 10'

All wood construction

Board on Board

SOUTH [WOOD]





The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership

 1:1,200	NOTIFICATION	Case no: BDA178-057			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">34</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	34	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
34	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA178-057

34 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1003 CLERMONT AVE	CARPENTER JEREMY & ANGELA
2	923 CORDOVA ST	KILBRIDE THOMAS & LINDSEY
3	1003 CORDOVA ST	HINTZE CHARLES G & SANDRA P
4	1011 CORDOVA ST	BRODSKY GRETA VANCE &
5	1019 CORDOVA ST	SHEAFFER SUZANNE
6	920 CORDOVA ST	BRAME MARY ANN
7	914 CORDOVA ST	DANDREA MICHELLE N & DENNIS V
8	910 CORDOVA ST	CALLAHAN KEITH E &
9	835 CLERMONT AVE	SPALDING THAD D &
10	911 CLERMONT AVE	BREEDLOVE DARIN C & CLAUDIA A
11	911 CLERMONT AVE	SPALDING THAD D &
12	1007 CLERMONT AVE	GEREN WILLIAM
13	1011 CLERMONT AVE	WHISLER MEGAN
14	1019 CLERMONT AVE	GUTIERREZ KATHLEEN
15	1023 CLERMONT AVE	DOS CHICAS LLC
16	1022 CORDOVA ST	POST JOHN
17	1018 CORDOVA ST	LOUDIS PETER M
18	1014 CORDOVA ST	STEEN CARRIE
19	1010 CORDOVA ST	GEYER JULIA H &
20	1006 CORDOVA ST	MCMILLON LACY & DANIEL
21	1002 CORDOVA ST	HENIGMAN WILLA &
22	1006 CLERMONT AVE	STAMPES JARRETT &
23	916 CLERMONT AVE	THOMPSON AIMEE E &
24	912 CLERMONT AVE	FOSTER ROBERT W &
25	904 CLERMONT AVE	SLAUGHTER HOWARD & JULIE
26	903 MONTE VISTA DR	CULPEPER SUSAN L

04/17/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	907 MONTE VISTA DR	NADEL FAMILY LIVING TRUST
28	911 MONTE VISTA DR	HOLMAN JOHN H
29	915 MONTE VISTA DR	MENDETTA MICHAEL
30	919 MONTE VISTA DR	BURNETT STEPHEN &
31	1010 CLERMONT AVE	WARREN JOHN N & KIMBERLY A
32	1014 CLERMONT AVE	WATSON COLIN &
33	1018 CLERMONT AVE	RENEWELL DESIGN LLC
34	1028 CLERMONT AVE	KILLAM CLAYTON H

FILE NUMBER: BDA178-047(OA)

BUILDING OFFICIAL'S REPORT: Application of Tricolor Auto Group, represented by Laura Castillo, for special exceptions to the sign regulations at 12000 E. Northwest Highway. This property is more fully described as Tract 12, Block 3/6583 and is zoned MC-3, which limits the number of detached signs on a premise to one per street frontage other than expressways, and limits the setback of a detached sign on a premise. The applicant proposes to construct and/or maintain one additional detached premise sign, which will require a special exception to the sign regulations, and to locate and maintain a detached premise sign in a required setback, which will require up to a 10% setback special exception to the sign regulations.

LOCATION: 12000 E. Northwest Highway

APPLICANT: Tricolor Auto Group
Represented by Laura Castillo and Maxwell Fisher

REQUEST:

The following requests have been made on a site that is being developed with a "vehicle display, sales, or service" use:

1. A request for special exception to the sign regulations related to the setbacks is made to construct and maintain a 35' high detached premise sign to be located 50' away or 10 percent into the required 55' setback; and
2. A request for special exception to the sign regulations is made to construct and maintain an additional detached premise sign.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A DETACHED PREMISE SIGN OF UP TO TEN PERCENT OF THE SETBACK AREA:

Section 51A-7.703(d)(1) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, permit for detached premise signs of up to 10 percent of the setback effective area, and height requirements established by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

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

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

STAFF RECOMMENDATION (detached premise sign of up to ten percent of the setback):

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the May 8th staff review team meeting that the applicant had not substantiated that strict compliance with the requirement of the sign regulations (in this case, the site's being limited to a 35' high detached premise sign to be located 55' from the property line) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

STAFF RECOMMENDATION (additional detached sign):

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the May 8th staff review team meeting that that the applicant had not substantiated that strict compliance with the requirement of the sign regulations (in this case, the site's Northwest Highway frontage being limited to one sign) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MC-3 (Multiple Commercial)
North: CS (Commercial Service) & CR (Community Retail)
South: MC-3 (Multiple Commercial) & R-7 (Single family district 7,500 square-foot)
East: MC-3 ((Multiple Commercial) & RR (General Office and Regional Retail)
West: RR (General Office and Regional Retail) & & R-7 (Single family district 7,500 square-foot)

Land Use:

The site is currently developed with a “vehicle display, sales, or service” use. The area to the north is developed with retail and a public park; the area to the west and east are developed with a retail; and the area to the south is developed with a vacant lot and single family residential lots.

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 (detached premise sign of up to ten percent of the setback):

- The request for a special exception to the sign regulations related to the setbacks focuses on constructing and maintaining a 35’ high detached premise sign to be located 50’ away or 10 percent into the required 55’ setback on a site developed with a with a “vehicle display, sales, or service” use.
- Section 51A-7.304(c) (1) (B) (2) of the Dallas Development Code requires a 35’ high detached premise sign to be located 55’ from the property line.
- A sign elevation denoting the proposed detached non-monument new sign has been submitted
- The submitted site plan and elevation represents a 35’ high detached premise sign that is located 50 from the property line. Hence, a request for a special exception in order to locate this 35’ high detached premise sign 10 percent into the required 55’ setback.
- The applicant has the burden of proof in establishing the following:
 - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to 35’ high detached premise sign to be located 55’ from the property line) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

- If the Board were to grant this request and impose the submitted site plan and elevation as a condition, the sign on the site would be held to features as shown on these documents, which in this case is to allow a 35' high detached premise sign to be located 50' away or 10 percent into the required 55' setback on a site developed with a with a car and service dealership.

GENERAL FACTS/STAFF ANALYSIS (additional detached sign):

- The request for a special exception to the sign regulations focuses on locating and maintaining an additional sign on a site being developed with a “vehicle display, sales, or service” use.
- Section 51A-7.304(b) (4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways.
- The submitted site plan indicates the location of two detached non-monument signs, (represented as “proposed new sign” and “existing sign”) on the site’s Northwest Highway frontage, hence this request for a special exception to the sign regulations for an additional detached sign.
- A sign elevation denoting the “proposed new sign” detached non-monument sign has been submitted.
- The applicant has the burden of proof in establishing the following:
 - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.
- If the Board were to approve the request for a special exception to the sign regulations, the board may consider imposing a condition that the applicant comply with the submitted site plan and sign elevation.

Timeline:

February 22, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 11, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 13, 2018: The Board Administrator emailed the applicant's representative the following information:

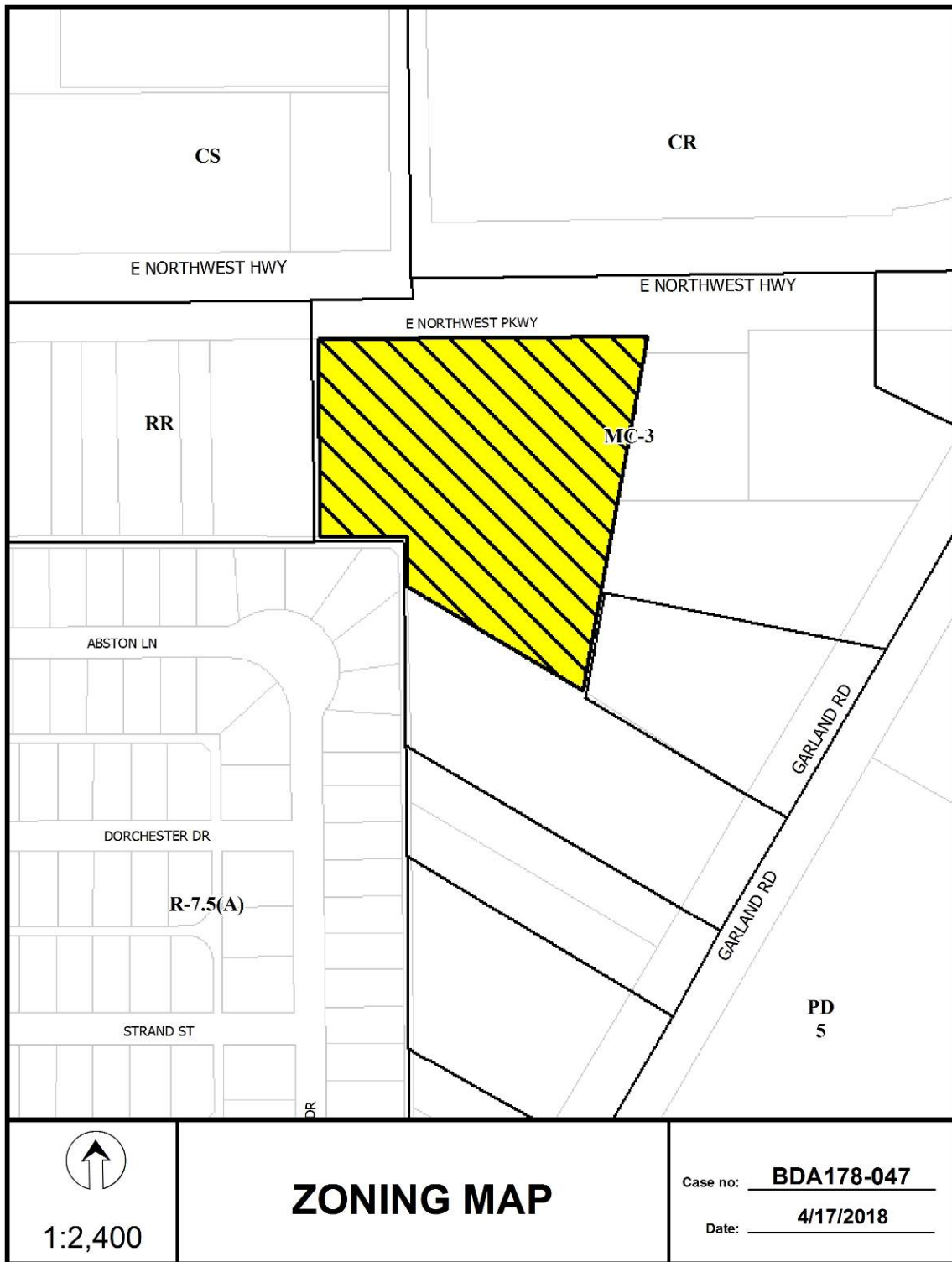
- an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 11, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment B). Note that this information was not factored into the staff recommendation since it was submitted after the May 8th staff review team meeting.

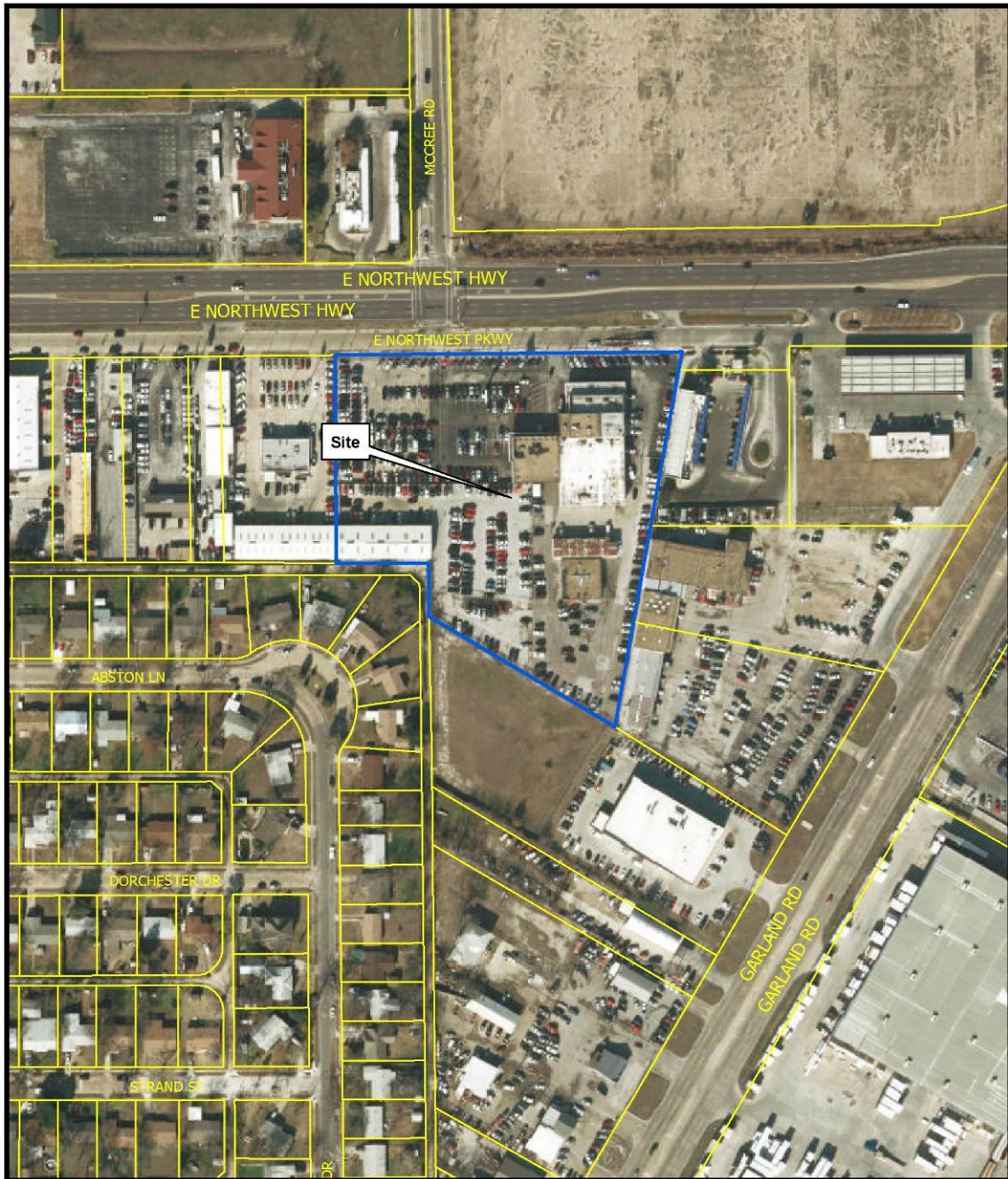


1:2,400

ZONING MAP

Case no: BDA178-047

Date: 4/17/2018



1:2,400

AERIAL MAP

Case no: BDA178-047

Date: 4/17/2018



Documentary Evidence

RE: 12000 E Northwest Hwy, Dallas, 75218

Attention Board Members:

Tricolor Auto has been in business in your city for 10 years. Dallas has been great to us and we continue to grow in this city and make investments to benefit both. We currently have a site that is larger than most of which we need to modify in order to sustain the location.

A second detached premise sign is requested for the above property as currently only about 1/3 of the property is being used while still paying rent for the entire property.

This property is wider/larger than most in the area. It is large enough to sustain a second sign as it is about 5 acres and has 5 buildings.

We will be opening a second dealership on premise in order to allow us to sustain and make rent payments. It will also assist with sustaining our current business as it currently looks vacant due to us only using 1/3 of it.

Not allowing the second sign will result in an inequity to the second dealership as it will not have the ability to market and advertise as the other businesses around the area are able to.

It will also result in a financial hardship for the company as we will not be able to sell and meet the quotas necessary to sustain the large property and rent payments. We have the potential to lose about \$3,000,000 in annual revenue for the new dealership as not having a second sign will not allow us to have the visibility needed in this highly competitive market.

We are also losing revenue on our existing business, as per mentioned above, the business/location currently looks empty and customers think we are going out of business when in reality the property is just too large to fill with existing inventory. Our current sales have gone down about 15% due to this.

We have used this model, 2 dealerships side by side, in some of our other locations and it has proven to be successful. Customers want to see a location with a lot of inventory and show an investment has been made to the property to feel confident they are shopping with a sustainable business.

We are also requesting a special exception for premise sign of up to 10 percent of the setback regulations. Having our sign aligned with those nearby will show standardization.

We thank you for your assistance with this.

Respectfully

Daniel Chu, CEO



Masterplan

DATE: 11 May 2018

TO: Dallas Board of Adjustment

FROM: Maxwell Fisher, AICP

RE: BDA 178-047 - 12000 E. Northwest Highway

BDA 178-047 ATTACH B
PS 1/2

On behalf of Tri-Color Auto Group, LLC, Masterplan requests approval of variances to allow a second detached premise sign and to allow a 35-foot tall sign, set back 50 feet from the property line. The subject property, at 12000 E. Northwest Highway, is inordinately large compared to other automotive sales properties in the area. As such, a large section remains vacant. Tri-Color is in the process of adding a second automotive sales business to increase revenue, and off-set high rents and taxes incurred by such a large property. As such, Tri-Color requests a second detached sign in front of the new business, a minimum of 200 feet east from the existing detached sign.

Unique Physical Characteristic. The five-acre property possesses approximately 470 feet of street frontage and contains five buildings. If this property were on a highway, the amount of frontage would allow a second premise sign. The property is exceptionally deep for a retail site, which creates inefficiencies in business production compared to the high rent and taxes. The existing business, using only a portion of the property, is also negatively impacted as it gives the impression that the current business is struggling due to vacancy. There is also an intervening service road that creates a 40-foot separation between the property and the main travel lanes of Northwest Highway. This physical characteristic hinders marketing and visibility for pass-by traffic.

Financial hardship. A second premise sign is essential to the success of the second automotive business and its ability to market and advertise the product. With approximately 25 dealerships within a 1.5-mile radius, this is a highly competitive area for automotive facilities. Having a highly visible sign for each business is critical. If the 2nd sign is not granted, the lack of ability to attract pass-by traffic would have a severe negative impact on annual revenue.

Of the various sources of sales including media and referrals, walk-ins account for approximately 18% of traffic generation. Since the sign is a fixed capital cost, this form of advertisement is the lowest revenue impact channel for optimizing profitability. By significantly reducing or eliminating this channel to reach the same number of sales, Tri-Color would have to invest more heavily into other more costly lead generation sources, creating a financial hardship.

Two automotive sales facilities within proximity of the subject property have two signs. Moreover, it is not uncommon for automotive dealerships to have more than one detached premise sign to advertise different components of the facility. Granting a second sign will distinguish the on-site businesses and provide adequate and necessary wayfinding for prospective customers.

Subdivision Platting and City Exaction Hardship. If the property were sub-divided into two lots, each business would be permitted one sign each, allowing the two signs for the same amount of property. Re-platting is not a feasible option given that the city exactions required with such land subdivision are disproportional to the existing and proposed improvements. The city could require land dedication as right of way, utility upgrades, and additional easement encumbrances, and possible storm water upgrades

regardless of planned improvements. These potential required improvements and financial outlay is prohibitive unless the property were re-developing with significant planned investment. The property directly east of the site was platted in 2005 and required to dedicated 25 feet of right-of-way. It is likely that the same dedication would be required on this tract resulting in a loss of one row of display vehicles. This row consists of approximately 40 vehicles, many of which could not be replaced because of the proximity of the existing buildings.

In addition to the number of signs, this application includes a request to increase the height of the sign from 30 to 35 feet with a setback of 50 feet from the property line. Complying with code would place the second business at a competitive disadvantage. Many of the prevailing signs on adjacent automotive sales properties are set back no more than 20 to 30 feet. Besides the sheer size and amount of frontage, there is the aforementioned intervening local service street that distances the property from the main travel lane of Northwest Highway. As such, detached premise signs are displaced an additional 40 feet from the main travel lane, hindering visibility. The proposed location, set back 50 feet instead of 55 feet, places it relatively closer to the street and increases visibility amid other signs located closer to the street. This measure also attempts to standardize sign distance with respect to our other sign.

We look forward to working with the city and the Board on this endeavor. Thank you for your time and consideration. Should you have any questions or need additional information, please contact maxwell@masterplanconsultants.com or 214.761.9197.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-047

Data Relative to Subject Property:

Date: 2/22/18

Location address: 12000 E Northwest Hwy Zoning District: MC-3

Lot No.: T1212 Block No. 3/0583 Acreage: 4.9422 Census Tract: 128.00

Street Frontage (in Feet): 1) 492.83 2) 39.87 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Salehoun Family Limited Partnership

Applicant: Tricolor Auto Group, LLC Telephone: 972-996-5524

Mailing Address: 1111 W. Mockingbird Lane, #1500 Zip Code: 75247

E-mail Address: lcastillo@tricolorauto.com

Represented by: Laura Castillo Telephone: 214-906-6684

Mailing Address: 1111 W. Mockingbird Lane #1500 Zip Code: 75247

E-mail Address: lcastillo@tricolorauto.com

Affirm that an appeal has been made for a Variance __, or Special Exception , of Authorize one additional detached premise sign in excess of the number permitted

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:

Authorize a second detached pole sign on premise. Property has the 200 ft of space needed for separation from existing pole sign.

New sign will have a 50ft setback and be 35 ft in height. Requesting allowance for both items.

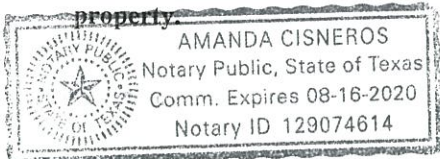
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Laura Castillo

(Affiant/Applicant's name printed)

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



Respectfully submitted:

[Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22 day of February, 2018

[Signature]

Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that LAURA CASTILLO

did submit a request for a special exception to the sign regulations, and for a special exception to the sign regulations

at 12000 E Northwest Hwy

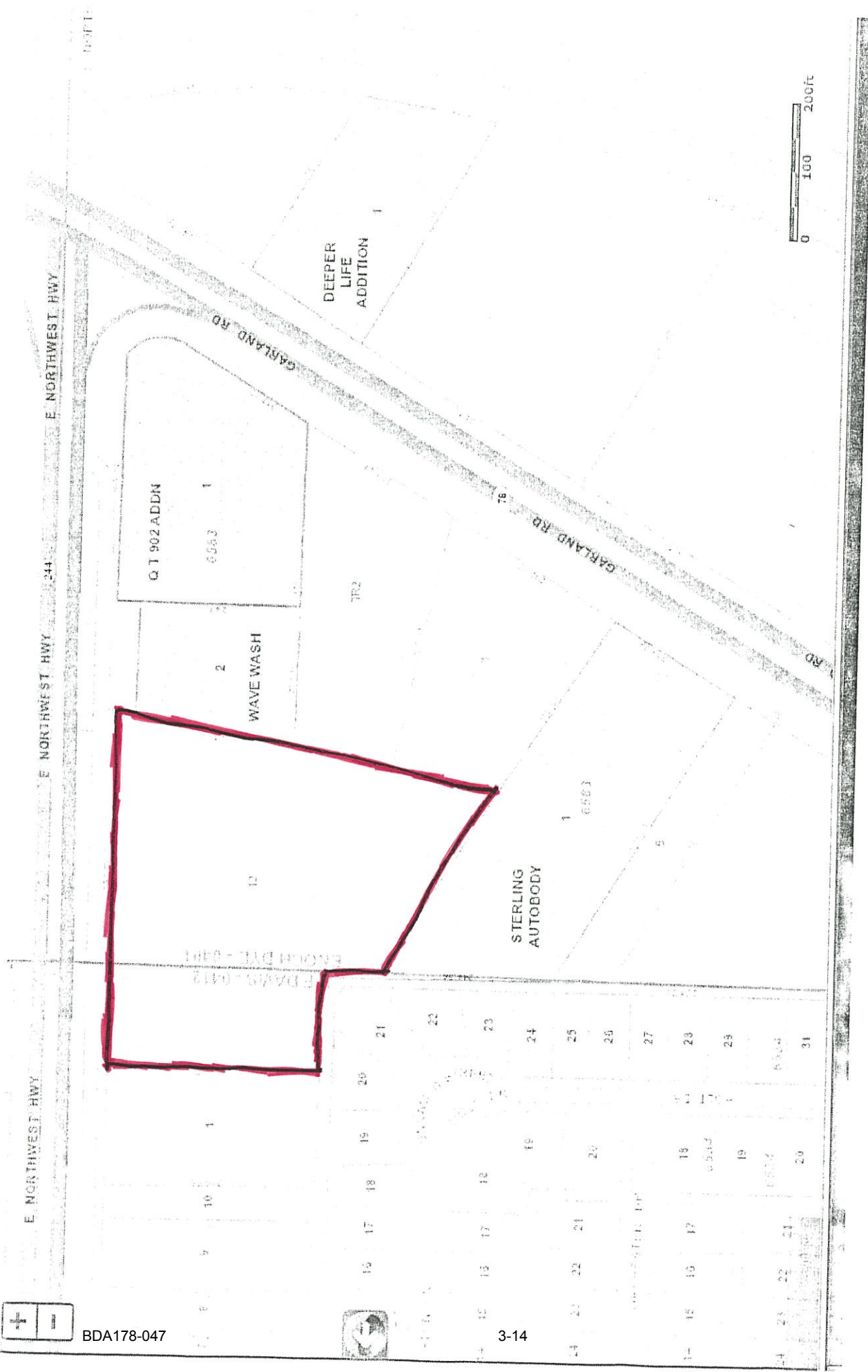
BDA178-047. Application of Laura Castillo for a special exception to the sign regulations, and for a special exception to the sign regulations at 12000 E Northwest Hwy. This property is more fully described as Tract 12, Block 3/6583 and is zoned MC-3, which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway and limits the setback of a detached sign on a premises. The applicant proposes to construct a detached premise sign on a nonresidential premise, which will require a special exception to allow up to a 10% variance of the setback requirement, and to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulations.

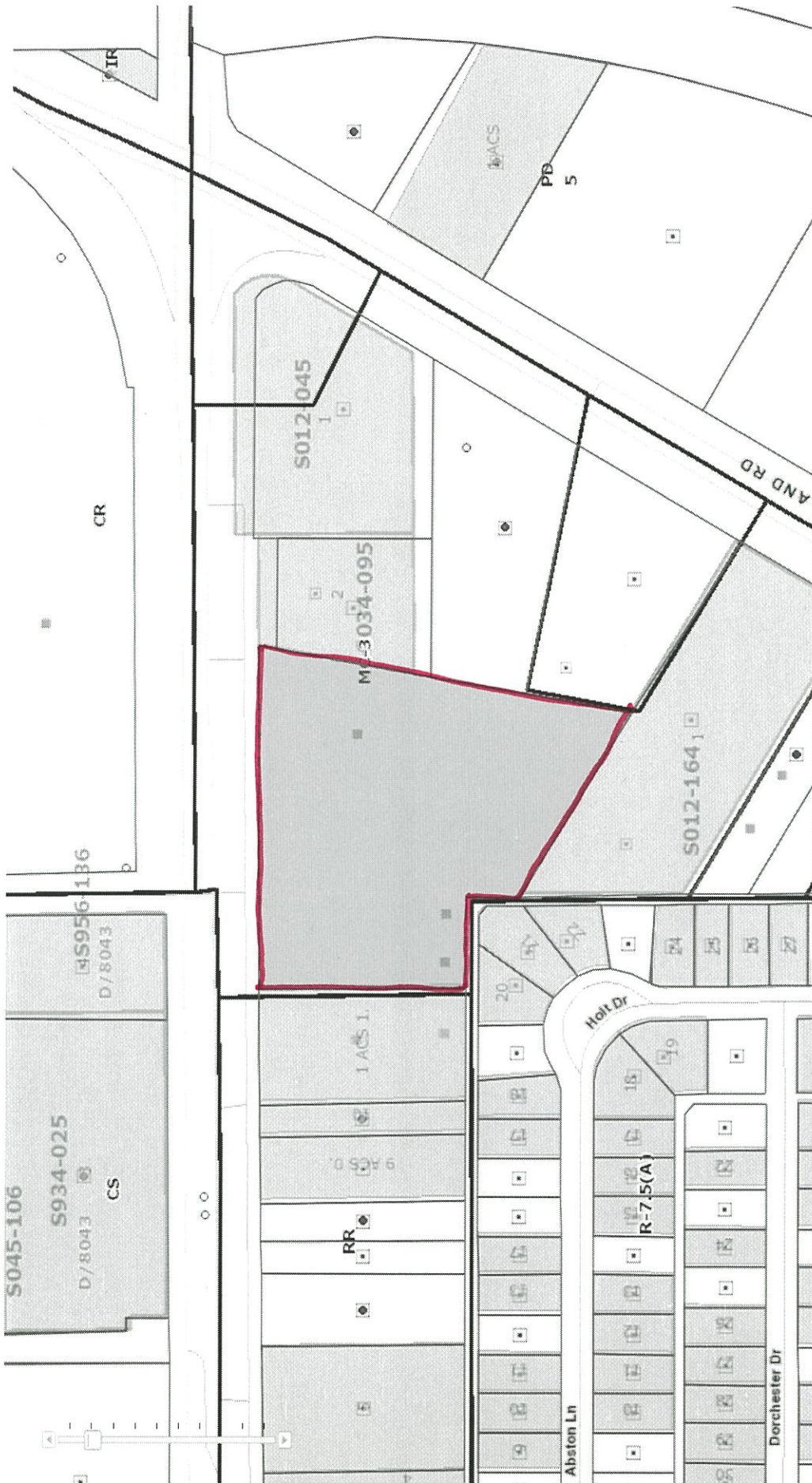
Sincerely,

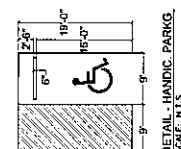
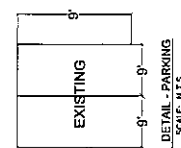
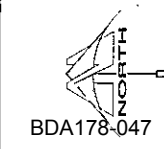
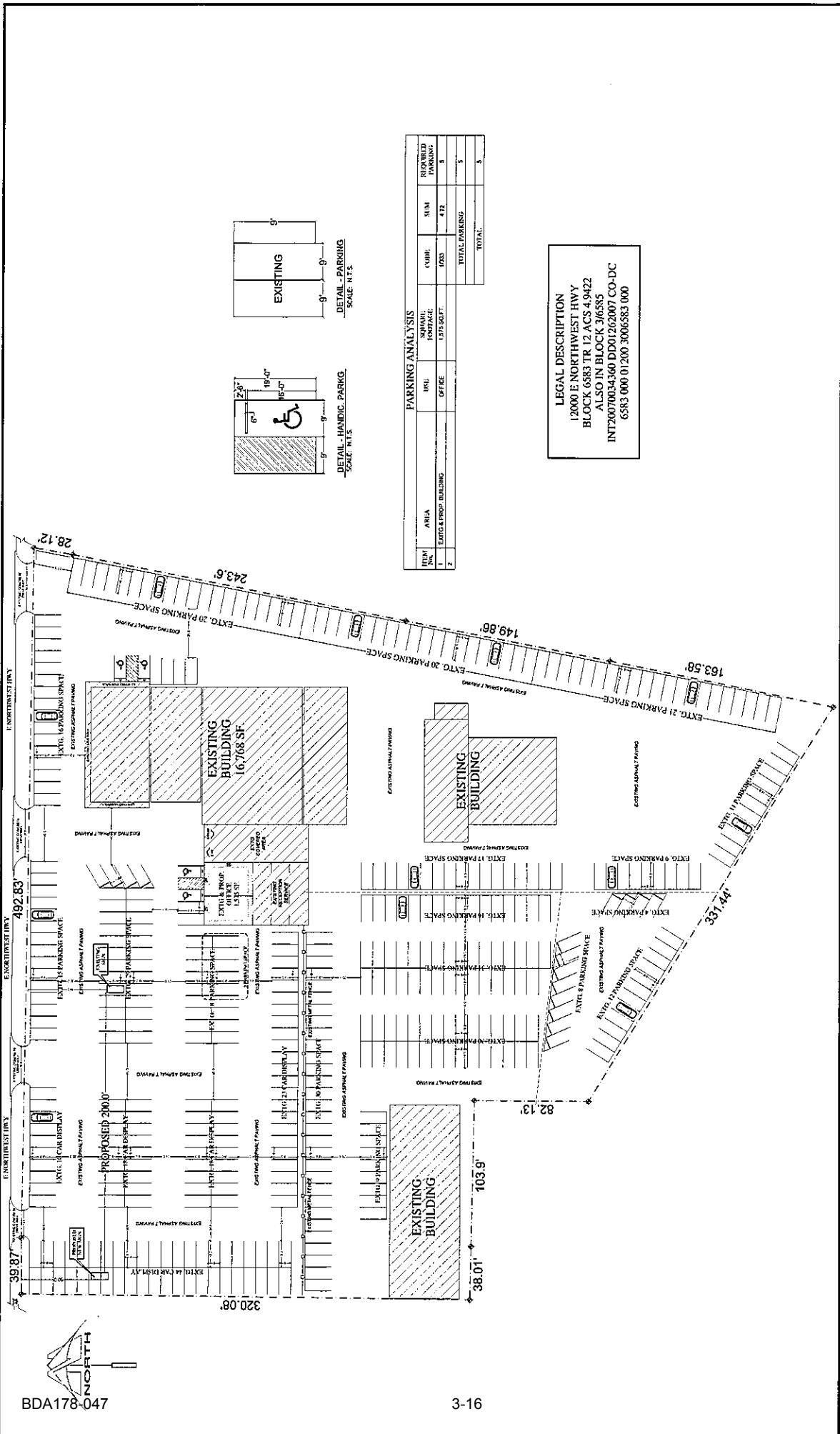
Philip Sikes
Philip Sikes, Building Official



BDA178-047



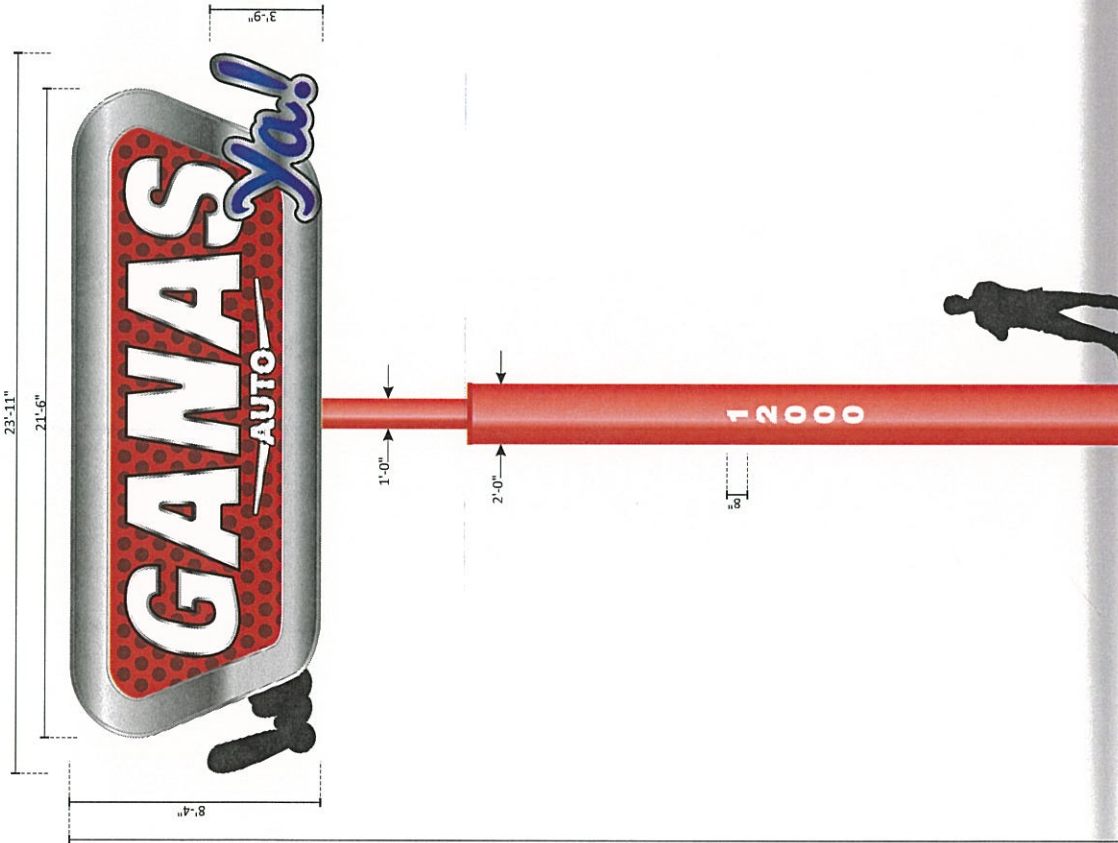




PARKING ANALYSIS					
NO.	AREA	USE	COEFF. OF UTILIZATION	COEFF. OF PARKING	TOTAL PARKING
1	EXISTING BUILDING	OFFICE	1.075 SAFT	4.72	5
2					5
TOTAL					10

LEGAL DESCRIPTION
 12000 E NORTHWEST HWY
 BLOCK 6583 TR 12 ACS 4.9422
 ALSO IN BLOCK 3/6585
 INT20070034360 DD01202007 CO-DC
 6583 000 01200 3006583 000

 TRICOLOR AUTO GROUP 12000 E NORTHWEST HWY DALLAS, TX 75218	SCALE: 1/30" = 1'-0" 24 X 36	SHEET NO. SP-1								
	REVISION: <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION						
NO.	DATE	DESCRIPTION								



SIDE VIEW

TRICOLOR (GAMAS YA)

Design #	0398257A1
Sheet 1 of	7
Client	TRICOLOR (GAMAS YA)
Address	12000 NW HWY DALLAS, TX
Account Rep.	MSW/JA
Designer	RFF
Date	02.07.18
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	

R1 sdr 2/7/18: added option A, mod. to cling to site plan

CHANDLER
SIGN

chandler signs.com

National Headquarters: 14031 Governors Road #1021 Houston, TX 77040
 San Antonio: 21220 San Pedro Ave. San Antonio, TX 78238
 West Coast: 21220 San Pedro Ave. Suite 200 San Antonio, TX 78238
 Northeast: 21220 San Pedro Ave. Suite 200 San Antonio, TX 78238
 Florida: 2084 Wood Hill Road Suite 1000 Orlando, FL 32817
 Georgia: 311 Woodstone Drive Marietta, GA 30066
 South Texas: PO BOX 132206 Dallas, TX 75213

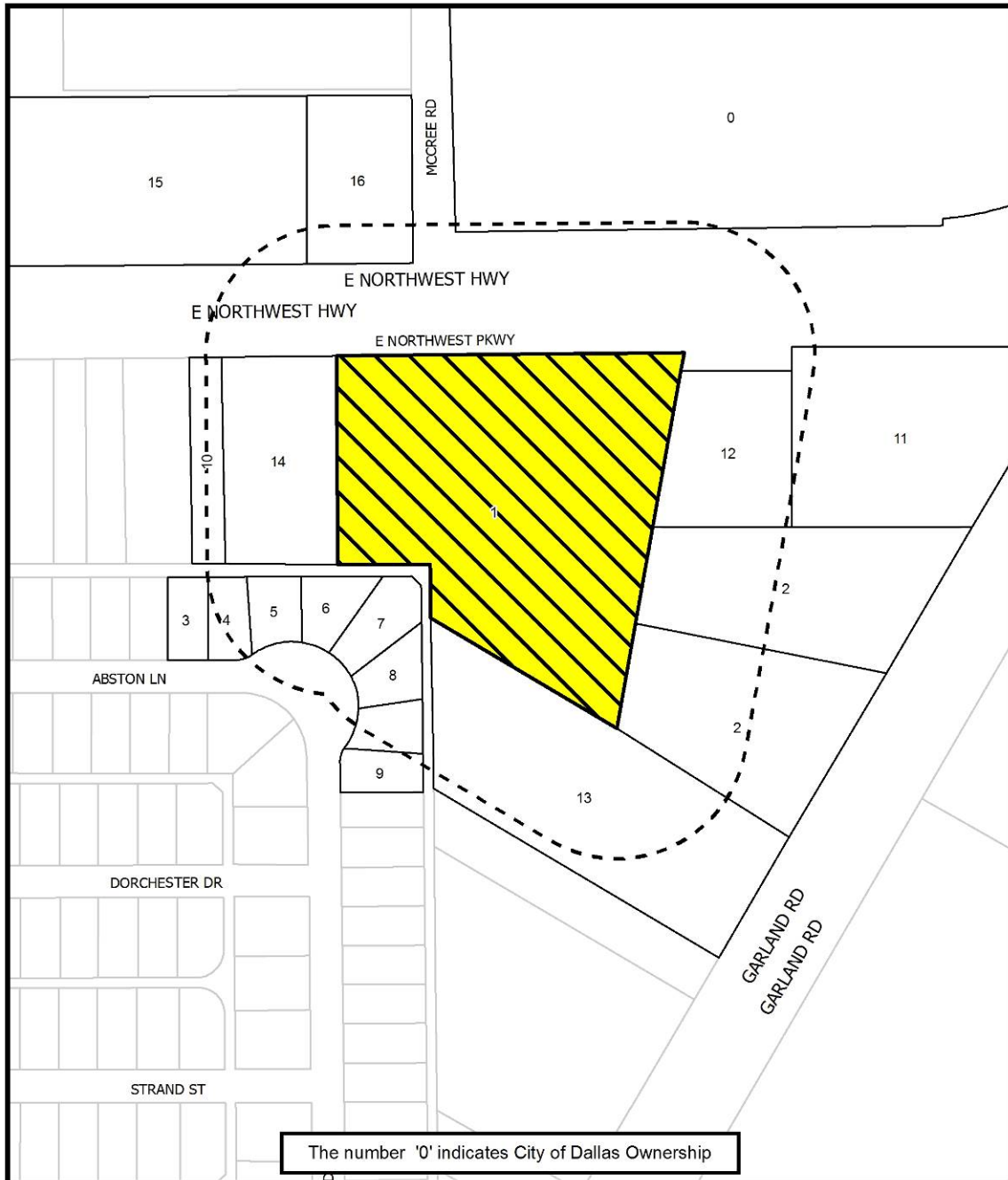
This drawing is the property of Chandler Signs, LLC. All rights to use for reproduction are reserved by Chandler Signs, LLC.

FINAL ELECTRICAL CONNECTION BY CUSTOMER

UL

A D/F PYLON SIGN @ 35FT OPTION 1 SCALE: 1/4" = 1'-0"
 ONE (1) REQUIRED - MANUFACTURE & INSTALL

SING & TENANT SIGN.
 51



 1:2,400	NOTIFICATION	Case no: BDA178-047			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
16	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA178-047

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	12000 E NORTHWEST HWY	SALEHOUN FAM LP
2	12113 GARLAND RD	WARRIACH INC
3	11831 ABSTON LN	CERVANTES TINA
4	11837 ABSTON LN	MCKENZIE RONALD G
5	11841 ABSTON LN	PEREZ MELISSA
6	12330 HOLT DR	JEFFRESS T J JR
7	12324 HOLT DR	GOSMAN SALVADOR S &
8	12320 HOLT DR	VILLARREAL JAIME G
9	12312 HOLT DR	MORENO DAVID
10	11838 E NORTHWEST HWY	ARLEDGE E K & J IV
11	12100 E NORTHWEST HWY	QUIKTRIP CORP
12	12050 E NORTHWEST HWY	WAVE WASH II LP
13	12111 GARLAND RD	SDALLAS TX REALTY LTD PS
14	11844 E NORTHWEST HWY	ELYON EL & LYON
15	11917 E NORTHWEST HWY	COMMERCIAL NET LEASE
16	11921 E NORTHWEST HWY	SRI REAL ESTATE PROPERTIES

FILE NUMBER: BDA178-053(OA)

BUILDING OFFICIAL'S REPORT: – Application of Elsa L. Cavillo Saucedo for special exceptions to the fence standards and visual obstruction regulations at 7305 Arborcrest Drive. This property is more fully described as Lot 1, Block V/6640, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence and requires a 20 foot visibility triangle at an alley. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 7305 Arborcrest Drive

APPLICANT: Elsa L. Cavillo Saucedo

REQUESTS:

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

1. A request for a special exception to the fence standard regulations is made to maintain a fence of a prohibited fence material (corrugated metal) on the property;
2. A request for special exception to the visual obstruction regulations is made to maintain a 6' high corrugated metal fence in the 20' visibility triangle at where the alley meets Partridge Drive.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence standards):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval, subject to the following condition:

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

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The request for a special exception to the fence standards is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;

- Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
- Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation of the existing corrugated metal fence located on the property.
- The submitted elevation included a 6' high corrugated metal fence.
- The submitted site plan represents a site that is approximately 8,900 square feet in area where approximately 260 linear feet of prohibited fence material (corrugated metal fence) is located on the property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Staff did not observe any other corrugated metal fences within the area.
- As of May 8, 2018, no letters had been submitted in support of the request, and one letter had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception, and impose the submitted site plan and elevation as a condition, the location of corrugated metal fence would be limited to what is shown on these documents.

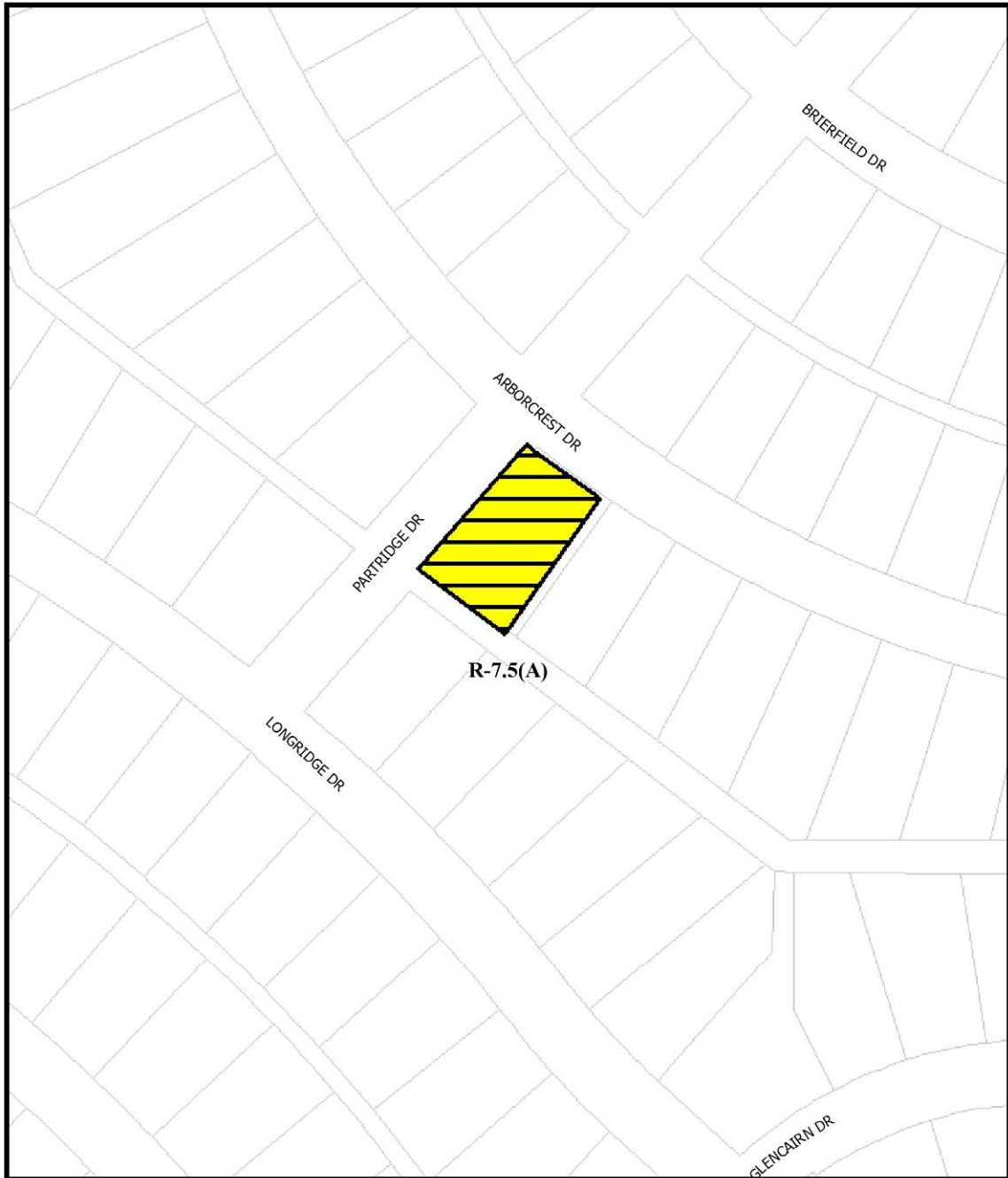
GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations focus on maintaining a 6' high corrugated metal fence in the 20' visibility triangle at where the alley meets Partridge Drive.
- 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 property is located in R-7.5(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of a 6' corrugated metal fence in the 20' visibility triangle at where the alley meets Partridge Drive.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain a 6' high corrugated metal fence in the 20' visibility triangle at where the alley meets Partridge Drive does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20' visibility triangle where the alley meets Partridge Drive, to that what is shown on these documents – a 6' high corrugated metal fence.

Timeline:

- March 13, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- April 13, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 4, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- May 9, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.



1:1,200

ZONING MAP

Case no: BDA178-053

Date: 4/17/2018



1:1,200

AERIAL MAP

Case no: BDA178-053

Date: 4/17/2018

From: vika zamora
To: vikazamora@cityofdallas.com
Subject: Las Flores que me pidió de otras cercas
Date: Friday, May 04, 2018 7:48:22 AM

7305 Arborcrest rd dallas tx 75232









Sent from my iPhone





Shot from my iPhone





Page: 9/9
To: BDA178-053
Subject: BDA178-053-010-010-010-010



REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **MAY 22, 2018(A)**

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 178-047 (OA)

BDA 178-049 (OA)

BDA 178-053 (OA)

BDA 178-057 (OA)

BDA 178-062 (SL)

COMMENTS:

None.

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

Name/Title/Department

May 9, 2018

Date

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-053

Data Relative to Subject Property:

Date: 03/13/2018

Location address: 7305 Arborcrest Dr Zoning District: R-7.SCA)

Lot No.: 1 Block No.: v/6640 Acreage: .22 Census Tract: 111.05

Street Frontage (in Feet): 1) 70' 2) 127' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Edgar H. Zamora Morales and Elsa L. Calvillo Saucedo

Applicant: Elsa L. Calvillo Saucedo Telephone: (214) 672-3859

Mailing Address: 7305 Arborcrest Dr Dallas, TX Zip Code: 75232

E-mail Address: ragde7730@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Requesting a special exception to the fence standards
Special exception visibility obstruction 20x20 at the alley

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The fence does not meet the new code requirements because
sheet metal is one of the prohibited materials
The accessory structure and the fence into the required
visibility triangle

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 Elsa L. Calvillo Saucedo
(Affiant/Applicant's name printed)

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

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 13th day of March, 2018

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

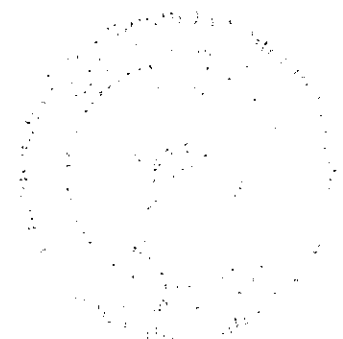
I hereby certify that Elsa Saucedo

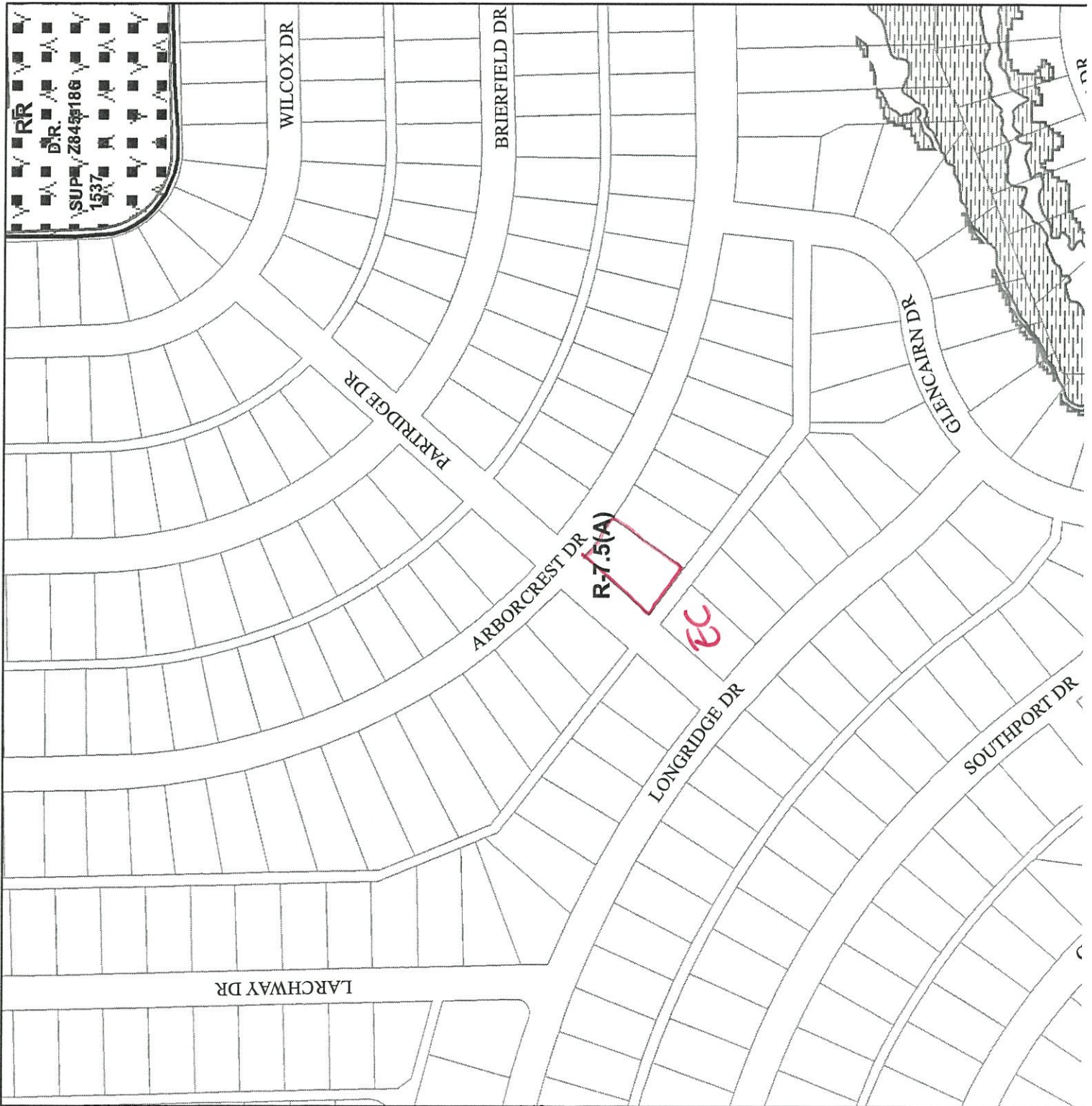
did submit a request for a special exception to the fence standards regulations
, and for a special exception to the visibility obstruction regulations
at 7305 Arborcrest Drive

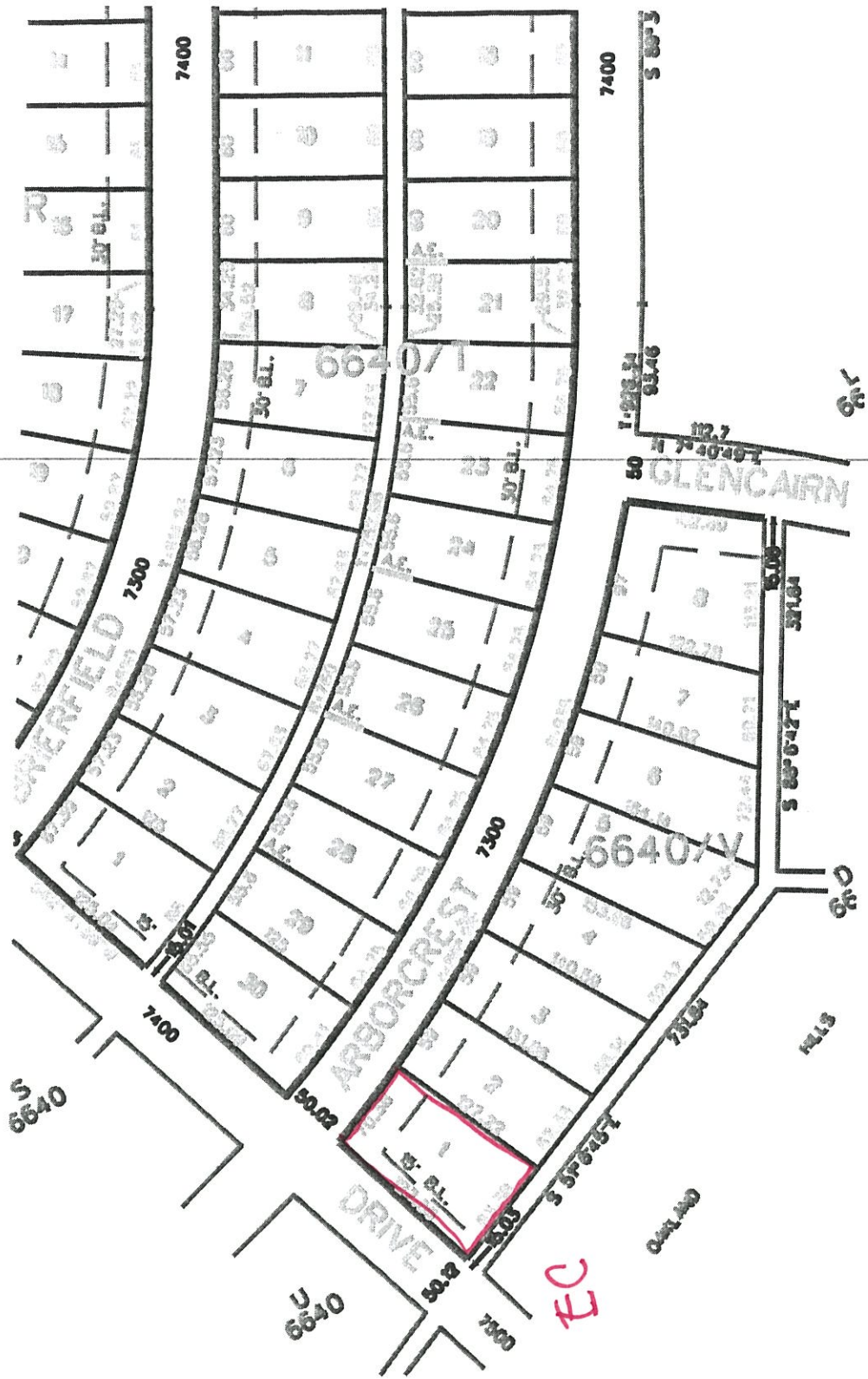
BDA178-053 Application of Elsa Saucedo for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at 7305 Arborcrest Dr. This property is more fully described as Lot 1, Block V/6640, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence and requires a 20 foot visibility triangle at alley. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



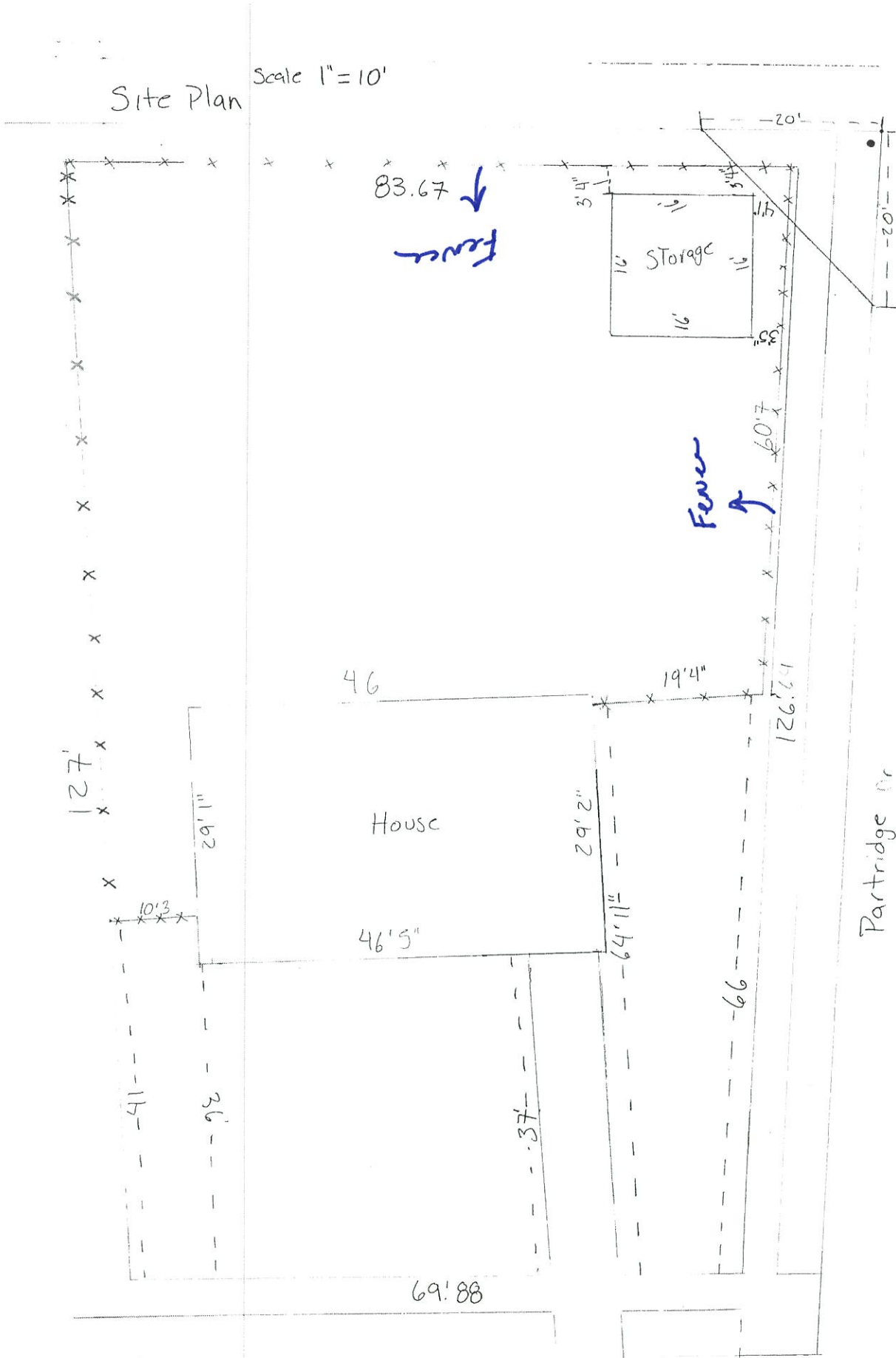




Site Plan

Scale 1" = 10'

X = Fence



Fence Line Elevation

Scale: 1" = 10'

FABRAL
Metal Wall and Roof Systems

10' 3"



East Facing Fence Line
(Left side)

19' 4"



(Right side)

60' 7"

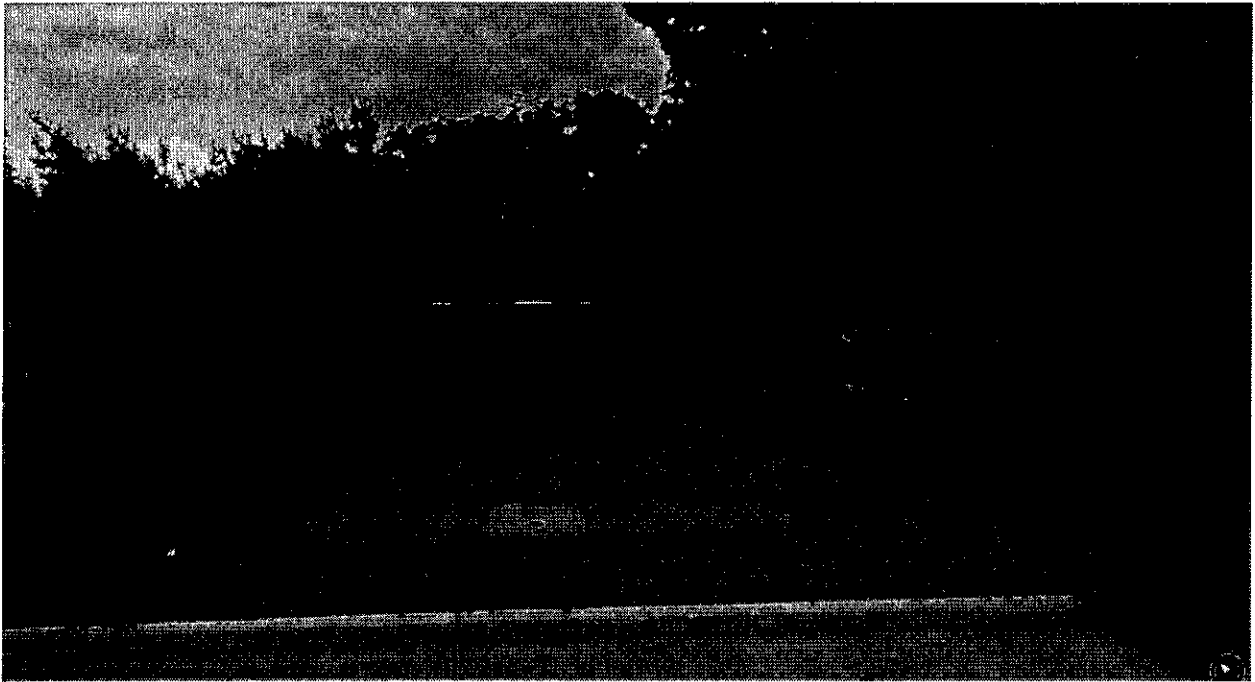


West Facing Fence Line

83' 6.7"



South Facing Fence Line (Alley)



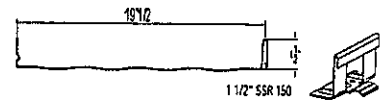
FABRAL

METAL WALL AND ROOF SYSTEMS



PANEL SPECS

- *Minimum pitch recommended 1:12
- *19" 1/2 coverage with 1" 1/2 seam height
- *UL 790 class A fire resistance rating
- *UL 2218 class 4 hail impact resistance
- *UL 580 class 90 uplift test rating
- *Factory applied sealant
- *shadow lines standard to enhance appearance
- *custom cut to lengths up to 40'
- *24 gauge high strength galvalume steel

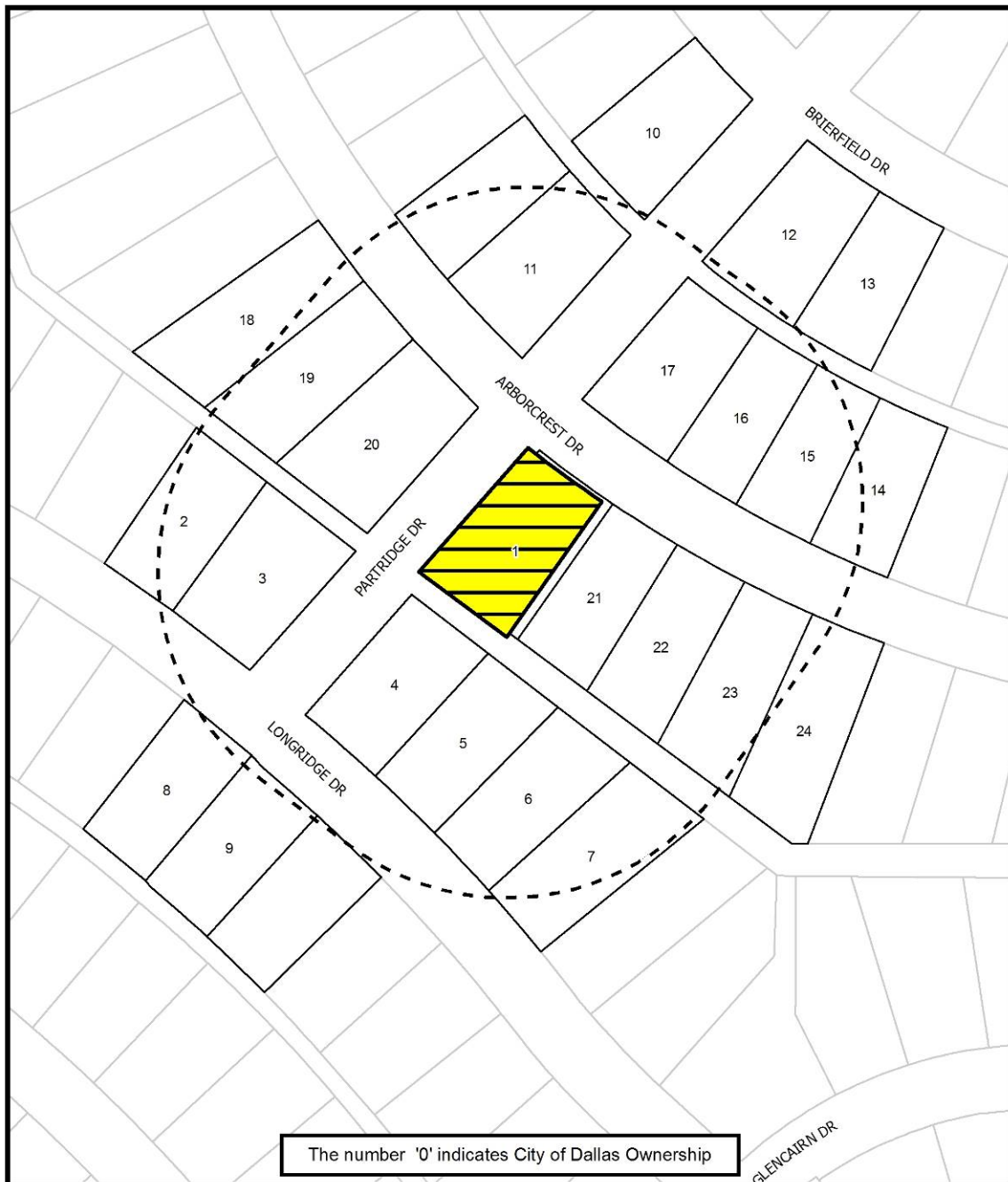


Factory Applied Sealant
Shadow Lines Standard; Flat Pan & Stiffening Ribs Available

WARRANTY INFORMATION FOR ENDURACOTE FINISH PRODUCTS

- *Lifetime film integrity warranty for walls and roofs
- *30 year warranty against fade and chalk for walls and roofs
- *10 year edge rust warranty against acid rain for complete details talk with your roofing contractor
- *25 year non perforation warranty against acid rain for walls
20 years for roofs

Finish Warranty	Availability										
	Granado 3 Plus	Granado 3	Granado 3 26 SR	HighRib	MP Panel	DV Climp 26 ga	Prime Rib	Precut	StrongPanel	2 1/2\"/>	
Northeast / Mid-Atlantic	■	■	■	■	■					■	■
Southern		■	■	■	■	■				■	■
Midwest	■	■	■	■	■		■	■	■	■	■
Western		■	■	■	■				■		■
25-year limited paint warranty					●						
10-year warranty against fade and chalk					●						
Lifetime film integrity warranty for walls and roofs	●	●	●	●		●	●	●	●	●	●
30-year warranty against fade and chalk for walls and roofs	●	●	●	●		●	●	●	●	●	●
10-year edge rust warranty against acid rain		●				●	●	●	●		
15-year edge rust warranty painted panels	●										
25-year non-perforated warranty against acid rain for walls; 20 years for roofs	●										
20-year non-perforated warranty			●	●		●				●	●
30-year corrosion warranty on aluminum											



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA178-053 Date: 4/17/2018
200'	AREA OF NOTIFICATION					
24	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA178-053

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7305 ARBORCREST DR	MORALES EDGAR HIGINIO ZAMORA &
2	415 LONGRIDGE DR	TRUE DFW2015 1 HOMES LLC
3	409 LONGRIDGE DR	ARREDONDO SOLIS JOSE G &
4	335 LONGRIDGE DR	BEALER ANDREW &
5	329 LONGRIDGE DR	MECCA APRIL INC
6	325 LONGRIDGE DR	HOUSTON VERNON LLC
7	319 LONGRIDGE DR	PERSAUD ZARINA
8	406 LONGRIDGE DR	BAKER JACQUELINE L REDDIC
9	336 LONGRIDGE DR	COLLIER HAL TRUSTEE OF
10	7231 BRIERFIELD DR	JACOBO ELEAZAR &
11	7230 ARBORCREST DR	AMADOR ALEJANDRO &
12	7303 BRIERFIELD DR	SANDOVAL LUIS SANCHEZ
13	7309 BRIERFIELD DR	AMOS JERRIE A
14	7320 ARBORCREST DR	DICKERSON GWENDOLYN W
15	7316 ARBORCREST DR	BREIGTAXSALEMARCH15 LLC
16	7310 ARBORCREST DR	SIMPSON RICHARD LEE &
17	7306 ARBORCREST DR	REGIS EDGAR
18	7221 ARBORCREST DR	ABRAM ALFRED G
19	7227 ARBORCREST DR	ROBLES ROBERTO & MARY
20	7231 ARBORCREST DR	ROSALES JOSE
21	7309 ARBORCREST DR	MURRAY SHELLGUIN
22	7315 ARBORCREST DR	NASH JONNIE M
23	7319 ARBORCREST DR	NELSON CHERYL & ROYCE
24	7325 ARBORCREST DR	RIVERA ARTEMIO &

FILE NUMBER: BDA178-062(SL)

BUILDING OFFICIAL'S REPORT: Application of Seth A. Smith for a special exception to the visual obstruction regulations at 1401 Beaumont Street. This property is more fully described as Tract 1.1, Block H/912, is zoned PD 317 Subdistrict 2, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 1401 Beaumont Street

APPLICANT: Seth A. Smith

REQUEST:

A request for a special exception to the visual obstruction regulations is made to locate and maintain a 6' – 7' high open chain link fence in the 45' visibility triangle at the intersection of Gould Street and Beaumont Street on a site that is currently undeveloped.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Recommends denial" with the following comments: "City of Dallas should aggressively control visibility at intersecting streets. Visibility triangles at intersecting streets within the urban core are a critical consideration in the Complete Streets manual as adopted by Council in 2016. When possible, no obstruction should obscure the view of motorists from approaching pedestrians, bicyclists or any motor vehicles".

BACKGROUND INFORMATION:

Zoning:

Site: PD 317 (Planned Development)
North: PD 317 (Planned Development)
South: PD 317 (Planned Development)
East: PD 317 (Planned Development)
West: PD 317 (Planned Development)

Land Use:

The subject site is undeveloped. The areas to the north is developed with single family use; the areas to the east and west are undeveloped; and the area to the south is developed with a restaurant/bar use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for special exception to the visual obstruction regulations focuses on locating and maintaining a 6' – 7' high open chain link fence in the 45' visibility triangle at the intersection of Gould Street and Beaumont Street on a site that is currently undeveloped.
- Section 51A-4.602(d) of 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 property is located in PD 317 which requires a 45 foot visibility triangle at the intersection of two streets.
- A site plan and an elevation have been submitted indicating a 6' – 7' high open chain link fence located in the 45' visibility triangle at the intersection of Gould Street and Beaumont Street.
- The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Recommends denial" with the following comments: "City of Dallas should aggressively control visibility at intersecting streets. Visibility triangles

at intersecting streets within the urban core are a critical consideration in the Complete Streets manual as adopted by Council in 2016. When possible, no obstruction should obscure the view of motorists from approaching pedestrians, bicyclists or any motor vehicles”.

- The applicant has the burden of proof in establishing how granting this request to locate and maintain a 6’ – 7’ high open chain link fence in the 45’ visibility triangle at the intersection of Gould Street and Beaumont Street does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item to be located and maintained in the 45’ intersection visibility triangle to that what is shown on these documents – a 6’ – 7’ high open chain link fence.

Timeline:

March 23, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

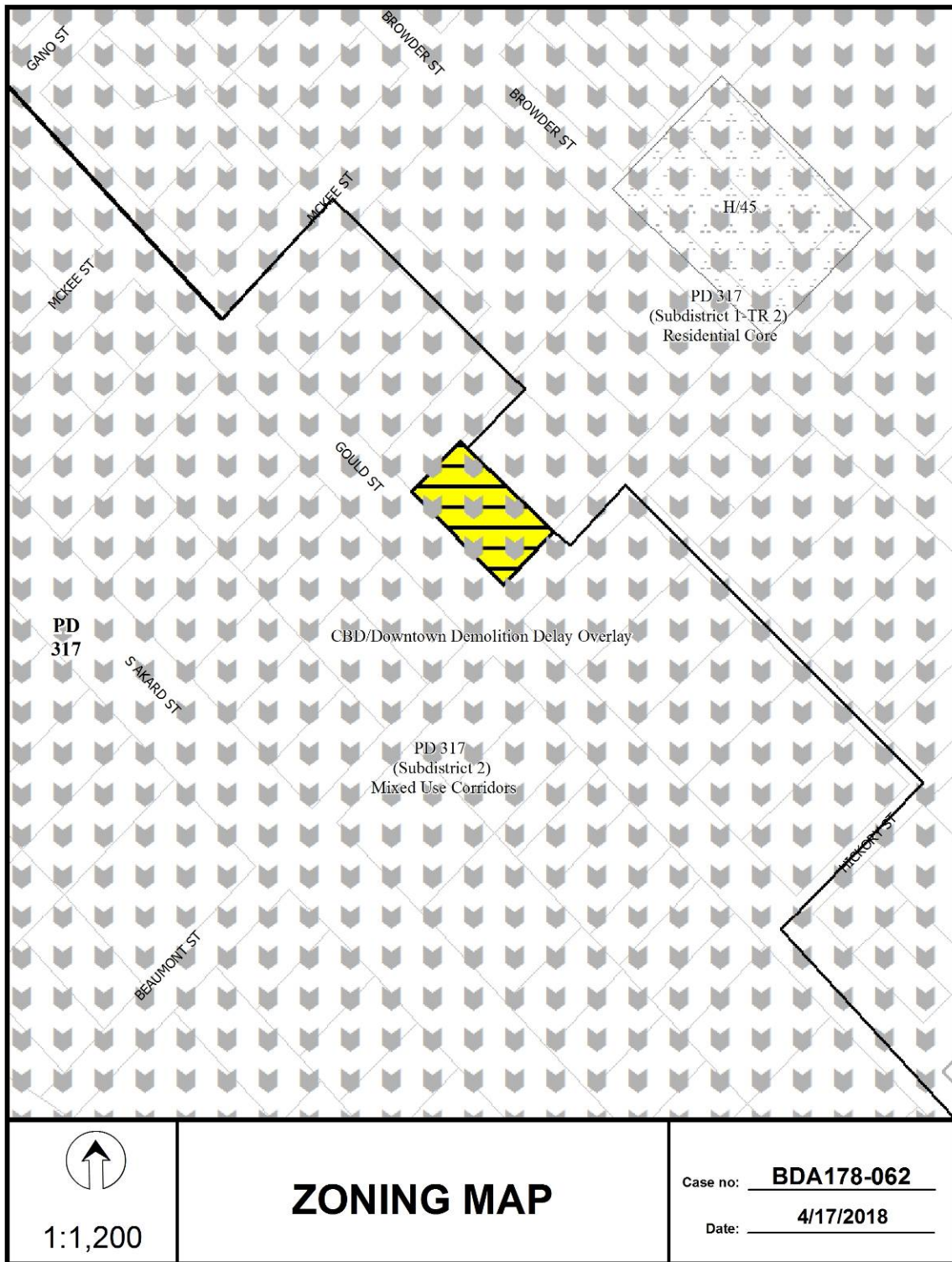
April 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

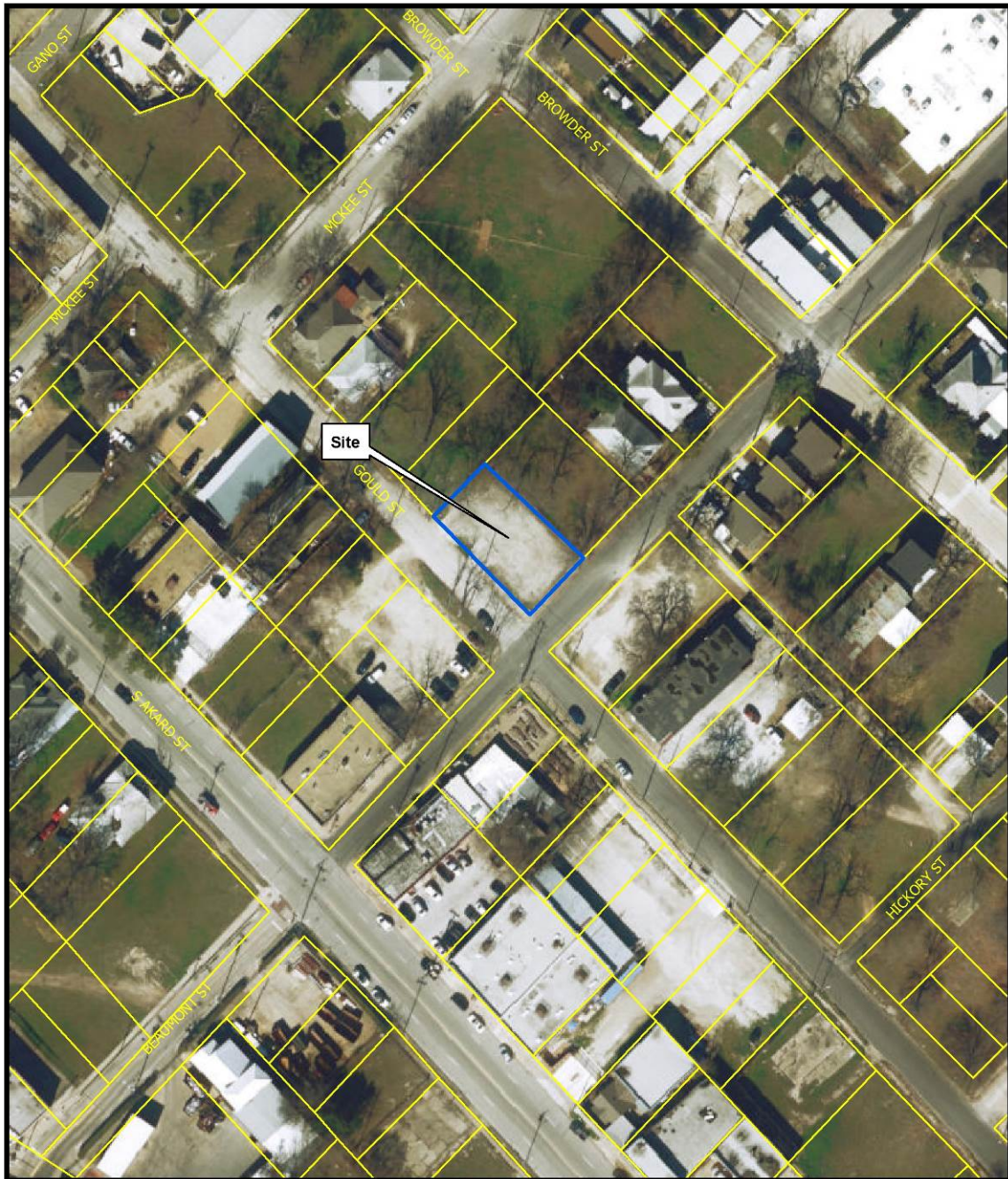
April 10, 2018: The Board Administrator/Chief Planner emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

May 9, 2018: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Recommends denial" with the following comments: "City of Dallas should aggressively control visibility at intersecting streets. Visibility triangles at intersecting streets within the urban core are a critical consideration in the Complete Streets manual as adopted by Council in 2016. When possible, no obstruction should obscure the view of motorists from approaching pedestrians, bicyclists or any motor vehicles".





1:1,200

AERIAL MAP

Case no: BDA178-062

Date: 4/17/2018



A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-062

Data Relative to Subject Property:

Date: 3-23-18

Location address: 1401 BEAUMONT ST.

Zoning District: PD 317 Subdistrict 2

Lot No.: TR 1.1 Block No.: H/912 Acreage: 0.14 Census Tract: 204

Street Frontage (in Feet): 1) 58.86 2) 102.96 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SETH A. SMITH

Applicant: SETH A. SMITH Telephone: 214.428.4510

Mailing Address: 1816 CLARENCE STREET Zip Code: 75215

E-mail Address: HARDYSMITH@YAHOO.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 1401 BEAUMONT ST

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:

SPECIAL EXCEPTION TO THE VISIBILITY TRIANGLE REQUIREMENTS. BASE ON SMALL SIZE OF STREETS (NEIGHBOORS) SMALL SIZE OF LOT PARCELS. CHAIN LINK FENCE IS TO BE ERECTED 6' OR 7' FEET TALL. I DO NOT BELIEVE THIS WILL HAVE ANY NEGATIVE EFFECT ON THE COMMUNITY.

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

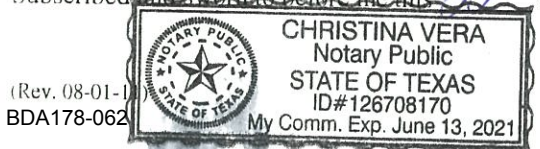
Before me the undersigned on this day personally appeared SETH A. SMITH

(Affiant/Applicant's name printed)

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

Respectfully submitted: _____ (Affiant/Applicant's signature)

Subscribed and sworn to before me this 22nd day of March, 2018



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

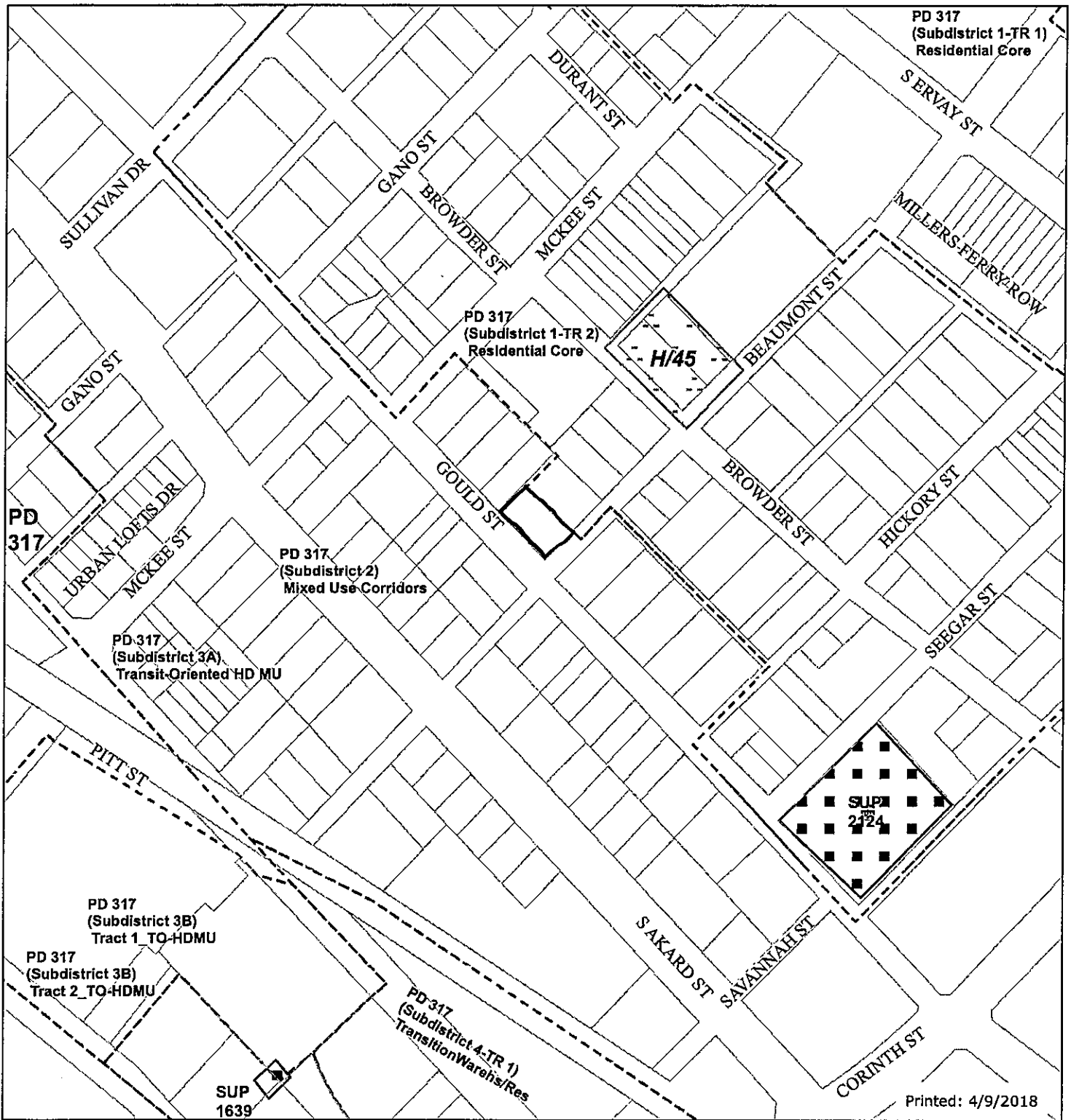
I hereby certify that SETH A SMITH

did submit a request for a special exception to the visibility obstruction regulations
at 1401 Beaumont

BDA178-062. Application of Seth A Smith for a special exception to the visibility obstruction regulations at 1401 Beaumont St. This property is more fully described as Tract 1.1, Block H/912, is zoned PD-317 subdistrict 2, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a nonresidential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 4/9/2018

Legend

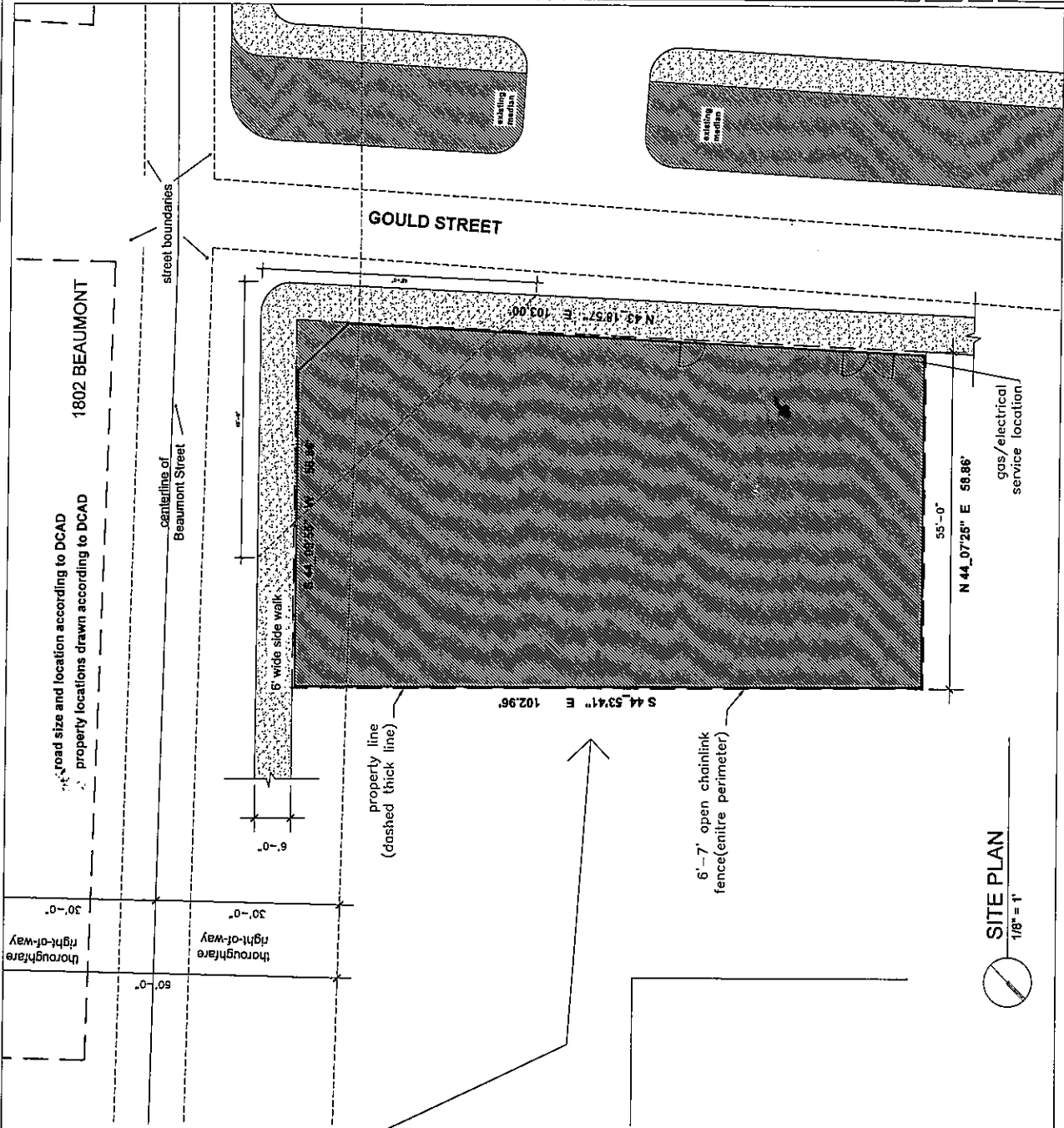
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood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

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)





1401 BEAUMONT STREET



1401
Beaumont Street
Dallas, Texas 75215

Sheet Index:

- P_00 = SITE PLAN
- P_01 = DIM PLANS
- P_02 = ELEVATIONS
- P_03 = RCP

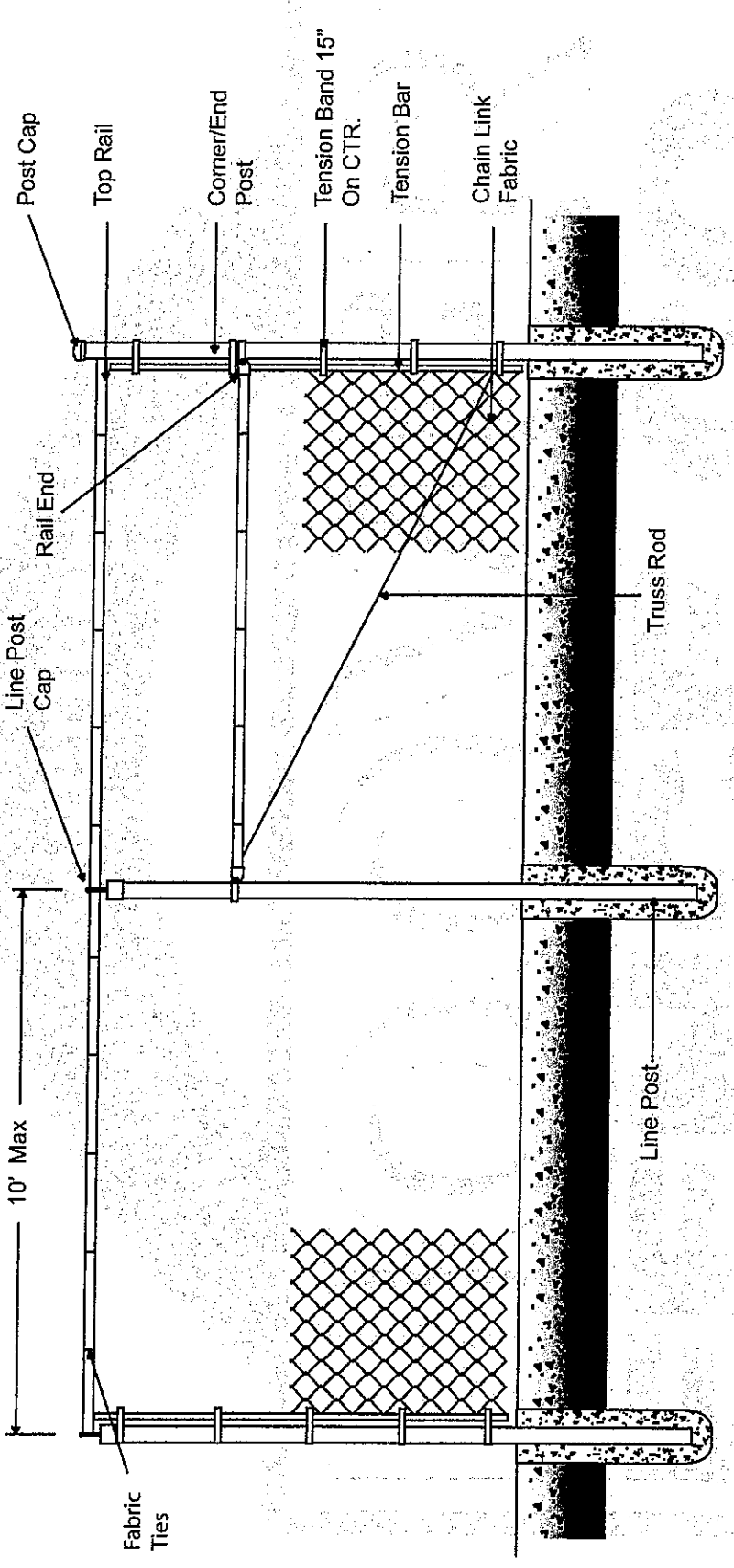
GENERAL Notes:

Finish Schedule:

SITE PLAN
1/8" = 1'



4-16

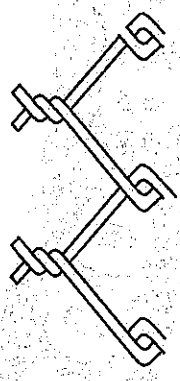


Last Revised: 10-02-06

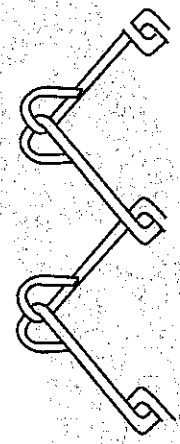
Fabric	Height	Mesh	Gauge	Seavage	Finish
Framework					
End/Corner Post				Well	WT, per ft., Length
Line Post					
Rails					
Gate Frame					
Gate Post					

- Notes
- Gate Fabric to match fence
 - For more information please see www.hooverfence.com

Twist or Barb Selvage



Knuckle Selvage



Standard Chain Link Fencing

Standard ChainLink Fence W/Top Rail & Brace Assembly

Approved by: _____ Drawing NO. _____
 Name: _____
 Title: _____

Notification List of Property Owners

BDA178-062

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1801 GOULD ST	SMITH SETH A
2	1809 GOULD ST	STAY ON THE MARK LLC
3	1800 S AKARD ST	JOHNSON VERTA MAE &
4	1805 BROWDER ST	JONES MICHAEL JOHN & DEBORAH SUSAN
5	1418 BEAUMONT ST	TAYLOR NAKALAH
6	1416 BEAUMONT ST	AMORY STREET PROPERTIES LLC SERIES B
7	1420 BEAUMONT ST	HENDERSON WILLIAM L
8	1802 GOULD ST	SMITH SETH
9	1804 GOULD ST	BLACKLAND LAND & PROPERTY
10	1808 GOULD ST	HALL HARRY VANCE
11	1717 GOULD ST	MARTINEK MARK K
12	1315 BEAUMONT ST	SMITH KATELIN BURTON
13	1730 S AKARD ST	LLOYD SCOTT
14	1722 S AKARD ST	LLOYD SCOTT
15	1309 BEAUMONT ST	SMITH SETH AUSTIN
16	1716 S AKARD ST	SOUTHPAW 1712 LLC
17	1715 GOULD ST	BLACKLAND LAND & PPTY MGMT LLC
18	1719 GOULD ST	RITETRACK BUILDER INC
19	1709 GOULD ST	SHIPBUILD LLC
20	1704 S AKARD ST	AMORY STREET PPTIES LLC SERIES A
21	1701 BROWDER ST	ZOHA INVESTMENTS LLC
22	1409 BEAUMONT ST	SMITH KATELIN BURTON
23	1419 BEAUMONT ST	SEALE JOHN HENRY &
24	1712 GOULD ST	TORRES SAUL &
25	1411 BEAUMONT ST	PINA EDELIA
26	1415 BEAUMONT ST	CRAFT KEN & CAROLYN

04/17/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1708 GOULD ST	FEIGENSON JEFFREY &
28	1704 GOULD ST	DIJKMAN CELIA MARIA TRUST
29	1400 MCKEE ST	VELA STEVEN

