

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, JANUARY 17, 2018  
AGENDA

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BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/Chief Planner**

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**MISCELLANEOUS ITEM**

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Approval of the November 15, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-141(SL)</b>	11123 W. Ricks Circle <b>REQUEST:</b> Application of Miles Mitzner, represented by Randy Case, for variances to the front yard setback, side yard setback, and off-street parking regulations	1
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<b>BDA178-011(SL)</b>	7303 Casa Loma Avenue <b>REQUEST:</b> Application of Eric Messer for special exceptions to the fence standards regulations	2
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<b>BDA178-013(SL)</b>	5750 E. Lovers Lane <b>REQUEST:</b> Application of Karl A. Crawley for a special exception to the landscape regulations	3
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**HOLDOVER CASE**

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<b>BDA167-122(SL)</b>	4635 Park Lane <b>REQUEST:</b> Application of Maxwell Fisher for a variance to the height regulations	4
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**REGULAR CASES**

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<b>BDA178-005(SL)</b>	8061 Walnut Hill Lane <b>REQUEST:</b> Application of Jeff Plauche, represented by Katherine Moltz, for a special exception to the sign regulations	5
<b>BDA178-009(SL)</b>	1917 Greenville Avenue <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for a special exception to the Modified Delta Overlay District No. 1 regulations	6
<b>BDA178-010(SL)</b>	6333 Bryan Parkway <b>REQUEST:</b> Application of David Morr of Boardacre Homes for variances to the front yard setback and off-street parking regulations	7

## 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:** BDA167-141(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Miles Mitzner, represented by Randy Case, for variances to the front yard setback, side yard setback, and off-street parking regulations at 11123 W. Ricks Circle. This property is more fully described as a 0.24 acre tract in Block 5500, and is zoned R-16(A), which requires a front yard setback of 35 feet, a side yard setback of 10 feet, and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a structure and provide a 22 foot front yard setback measured at the foundation (with a 2 foot 5 inch roof eave), which will require a 13 foot variance to the front yard setback regulations, to construct and maintain a structure and provide a 2 foot 6 inch side yard setback measured at the foundation (with a 2 foot 5 inch roof eave), which will require a 7 foot 6 inch variance to the side yard setback regulations, and to locate and maintain parking spaces in an enclosed structure with a setback of 5 feet 6 inches, which will require a variance of 14 feet 6 inches to the off-street parking regulations.

**LOCATION:** 11123 W. Ricks Circle

**APPLICANT:** Miles Mitzner  
Represented by Randy Case

**REQUESTS:**

The following requests have been made to construct and maintain a single family home structure on a site that is currently undeveloped:

1. a variance to the front yard setback regulations of 13' is requested to locate and maintain the proposed home structure 22' from the front property line or 13' into the required 35' front yard setback;
2. variances to the side yard setback regulations of up to 7' 6" are requested to locate and maintain the proposed home as close as 2' 6" from the site's side property lines or as 7' 6" into this required 10' side yard setbacks; and
3. a variance to the off-street parking regulations of 14' 6" is requested as the proposed home would have parking spaces in an enclosed structure (garage) that would be located 5' 6" from, according to the Building Official, the ROW easement that will function as an alley line or as much as 14' 6" into the required 20' distance from the ROW easement that will function as an alley line.



**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION (front and side yard setback variances):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The lot's restrictive area, which is about 5,500 square feet less in size than most lots in the R-16(A) zoning district, and its irregular shape preclude the applicant from developing it in a manner commensurate with other developments found on similarly-zoned R-16(A) lots. The applicant's representative has submitted a document indicating that the total "air-conditioned footage" size of the proposed home on the subject site is approximately 3,600 square feet, and the average total living space of 14 other properties in the same zoning is approximately 6,000 square feet.

**STAFF RECOMMENDATION (off-street parking variance):**

Approval, subject to the following conditions:

1. Compliance with the submitted site plan is required.
2. Automatic garage doors must be installed and maintained in working order at all times.
3. At no time may the areas in front of the garage be used for parking of vehicles.
4. No parking is allowed in the alley right-of-way/utility corridor.

Rationale:

- The lot's restrictive area, which is about 5,500 square feet less in size than most lots in the R-16(A) zoning district, and its irregular shape preclude the applicant from developing it in a manner commensurate with other developments found on similarly-zoned R-16(A) lots. The applicant's representative has submitted a document indicating that the total "air-conditioned footage" size of the proposed home on the subject site is approximately 3,600 square feet, and the average total living space of 14 other properties in the same zoning is approximately 6,000 square feet.
- Granting this request is not contrary to the public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-16 (A) (Single family district 16,000 square feet)
- North: R-1ac(A) (Single family district 1 acre)
- South: R-16 (A) (Single family district 16,000 square feet)
- East: R-16 (A) (Single family district 16,000 square feet)
- West: R-16 (A) (Single family district 16,000 square feet)

**Land Use:**

The subject site is undeveloped. The areas to the north and east are developed with single family uses; and the areas to the south and west are developed with a park use (Northaven Trail).

**Zoning/BDA History:**

1. BDA123-070, Property located at 11123 W. Ricks Circle (the subject site) On August 21, 2013, the Board of Adjustment Panel B granted a variance to the front yard setback regulations of 13', variances to the side yard setback regulations of up to 7' 6", and a variance to the off-street parking regulations of 14' 6" and imposed the following conditions: compliance with the submitted site plan is required; automatic garage doors must be installed and maintained in working order at all times, and at no time may the area in front of the garage be used for parking of vehicles; and parking is not allowed in the alley, rights-of-ways, or utility corridor.  
The case report stated that the requests were

made to locate and maintain the proposed home structure 22' from the front property line or 13' into the required 35' front yard setback; to locate and maintain the proposed home as close as 2' 6" from the site's side property lines or as 7' 6" into this required 10' side yard setbacks; and for proposed home to have parking spaces enclosed in the proposed garage that would be located 5' 6" from, according to the Building Official, the ROW easement that will function as an alley line the right-of-way line or as much as 14' 6" into the required 20' distance from the ROW easement that will function as an alley line.

**GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- According to the applicant's representative, this application is identical in every way to the originally submitted application made on this property and granted by the Board of Adjustment Panel B on August 21, 2013 (BDA123-070) and re-filed because no permit was applied for within 180 days from August 21, 2013.
- The Dallas Development Code states that applicant shall file an application for a building permit or certificate of occupancy with 180 days of the favorable action of the board; if the applicant fails to file for an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.
- This request focuses once again on constructing and maintaining a two-story single family home on an undeveloped site, part of which is proposed to be located in the site's 35' front yard setback.
- Structures on lots zoned R-16(A) are required to provide a minimum front yard setback of 35'.
- A site plan has been submitted denoting a portion of the proposed single family home to be located 22' from the site's front property line (or 13' into the 35' front yard setback).
- The site plan shows that approximately 8 percent (or approximately 300 square feet) of the proposed approximately 3,500 square foot building footprint is to be located in the site's 35' front yard setback.
- DCAD records indicate "no main improvements" for the property at 1123 W. Rick's Circle.
- The applicant's representative has submitted a document indicating that that the total "air-conditioned footage" size of the proposed home on the subject site is approximately 3,600 square feet, and the average total living space of 14 other properties in the same zoning is approximately 6,000 square feet.

- The subject site is triangular in shape and according to the application, is 0.24 acres (or approximately 10,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant these side yard variance requests and impose the submitted site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document– which is a structure to be located as close as 2’ 6” from the site’s side property lines or as much as 7’ 6” into the required 10’ side yard setbacks.

**GENERAL FACTS/STAFF ANALYSIS (side yard variance):**

- According to the applicant’s representative, this application is identical in every way to the originally submitted application made on this property and granted by the Board of Adjustment Panel B on August 21, 2013 (BDA123-070) and re-filed because no permit was applied for within 180 days from August 21, 2013.
- Section 51(A)-4.703(d)(6) of the Dallas Development Code states that applicant shall file an application for a building permit or certificate of occupancy with 180 days of the favorable action of the board; if the applicant fails to file for an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again
- These requests once again focus on constructing and maintaining a two-story single family home on an undeveloped site, part of which is proposed to be located in the site’s two 10’ side yard setbacks.
- Structures on lots zoned R-16(A) are required to provide a minimum side yard setback of 10’.
- A site plan has been submitted denoting a portion of the proposed single family home located approximately 2’ 6” from the site’s southwestern side property line or 7’ 6” into this 10’ side yard setback, and approximately 5’ from the site’s northern side property line or 5’ into this 10’ side yard setback.
- It appears from the submitted site plan that approximately 2 percent (or approximately 60 square feet) of the proposed approximately 3,500 square foot building footprint is located in the site’s southwestern 10’ side yard setback.

- It appears from the submitted site plan that approximately 13 percent (or approximately 450 square feet) of the proposed approximately 3,500 square foot building footprint is located in the site's northern 10' side yard setback.
- DCAD records indicate "no main improvements" for the property at 1123 W. Rick's Circle.
- The applicant's representative has submitted a document indicating that that the total "air-conditioned footage" size of the proposed home on the subject site is approximately 3,600 square feet, and the average total living space of 14 other properties in the same zoning is approximately 6,000 square feet.
- The subject site is triangular in shape and according to the application, is 0.24 acres (or approximately 10,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area).
- The applicant has the burden of proof in establishing the following:
  - That granting the variances to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
  - The variances would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
  - If the Board were to grant these variance requests and impose the submitted site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document- which is a structure to be located as close as 2' 6" from the site's side property lines or as much as 7' 6" into the required 10' side yard setbacks.

**GENERAL FACTS/STAFF ANALYSIS (parking variance):**

- According to the applicant's representative, this application is identical in every way to the originally submitted application made on this property and granted by the Board of Adjustment Panel B on August 21, 2013 (BDA123-070) and re-filed because no permit was applied for within 180 days from August 21, 2013.
- Section 51(A)-4.703(d)(6) of the Dallas Development Code states that applicant shall file an application for a building permit or certificate of occupancy with 180 days of the favorable action of the board; if the applicant fails to file for an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again
- This request focuses on locating parking spaces in an enclosed structure attached to the proposed single family home, where the parking spaces entered from the right-

of-way easement that will function as an alley line would be located less than the required 20' distance from this right-of-way line.

- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes the location of parking spaces in the enclosed structure 5' 6" from the ROW easement that will function as an alley line or 14' 6" into the 20' setback line that an enclosed parking space must be from this easement/alley line.
- DCAD records indicate "no main improvements" for the property at 1123 W. Rick's Circle.
- The applicant's representative has submitted a document indicating that that the total "air-conditioned footage" size of the proposed home on the subject site is approximately 3,600 square feet, and the average total living space of 14 other properties in the same zoning is approximately 6,000 square feet.
- The subject site is triangular in shape and according to the application, is 0.24 acres (or approximately 10,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area) where most lots are 16,000 square feet in area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the variance request of 14' 6", staff recommends imposing the following conditions:
  1. Compliance with the submitted site plan is required.
  2. Automatic garage doors must be installed and maintained in working order at all times.
  3. At no time may the areas in front of the garage be used for parking of vehicles.
  4. No parking is allowed in the alley right-of-way/utility corridor.(These conditions are imposed to help assure that the variance will not be contrary to the public interest).

## **Timeline:**

October 19, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 3, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

December 4, 2017: The Board Administrator emailed the applicant's representative the following information:

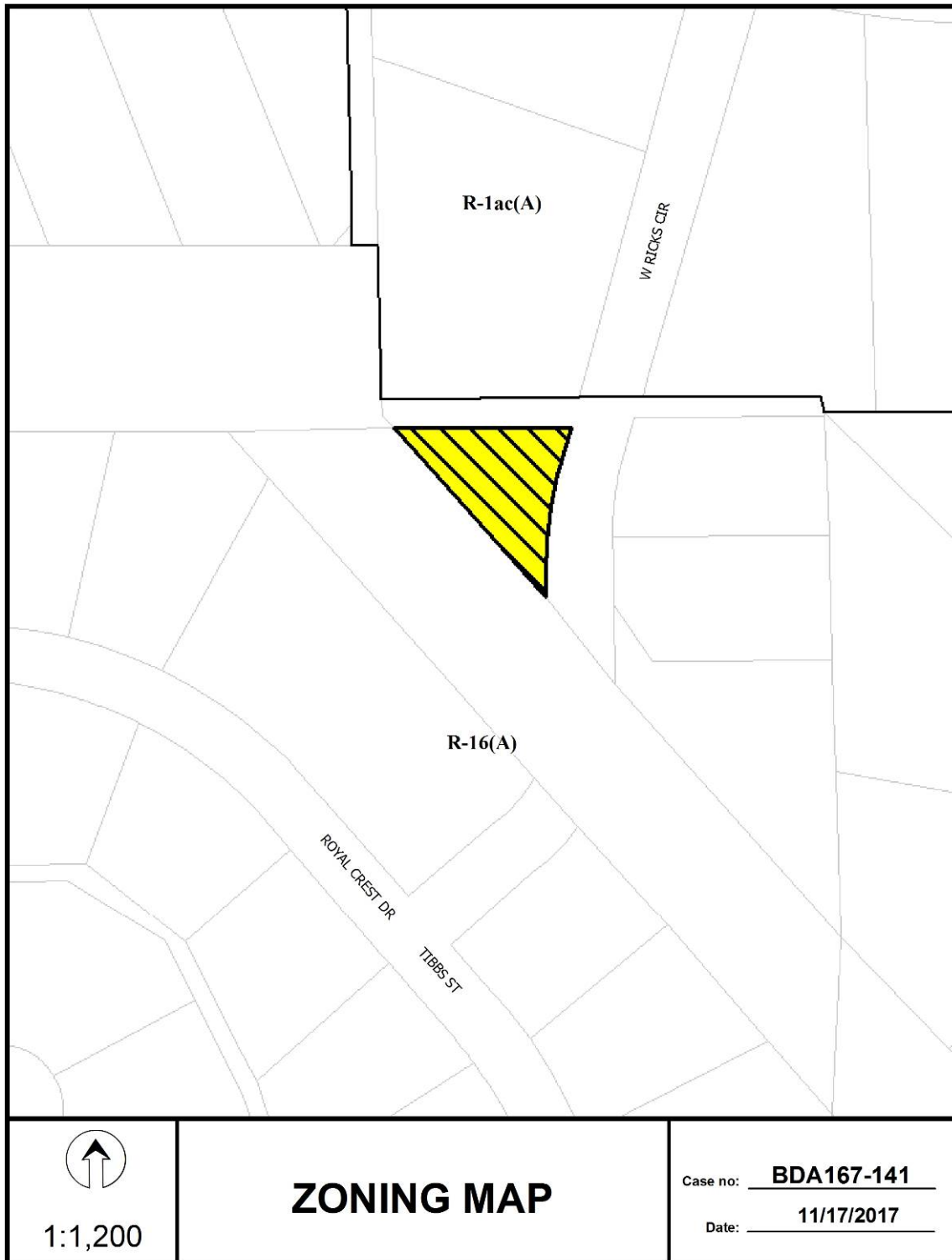
- an attachment that provided the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 13 &  
27, 2017:

The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

January 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Project Engineer, and the Assistant City Attorney to the Board.

January 3, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".



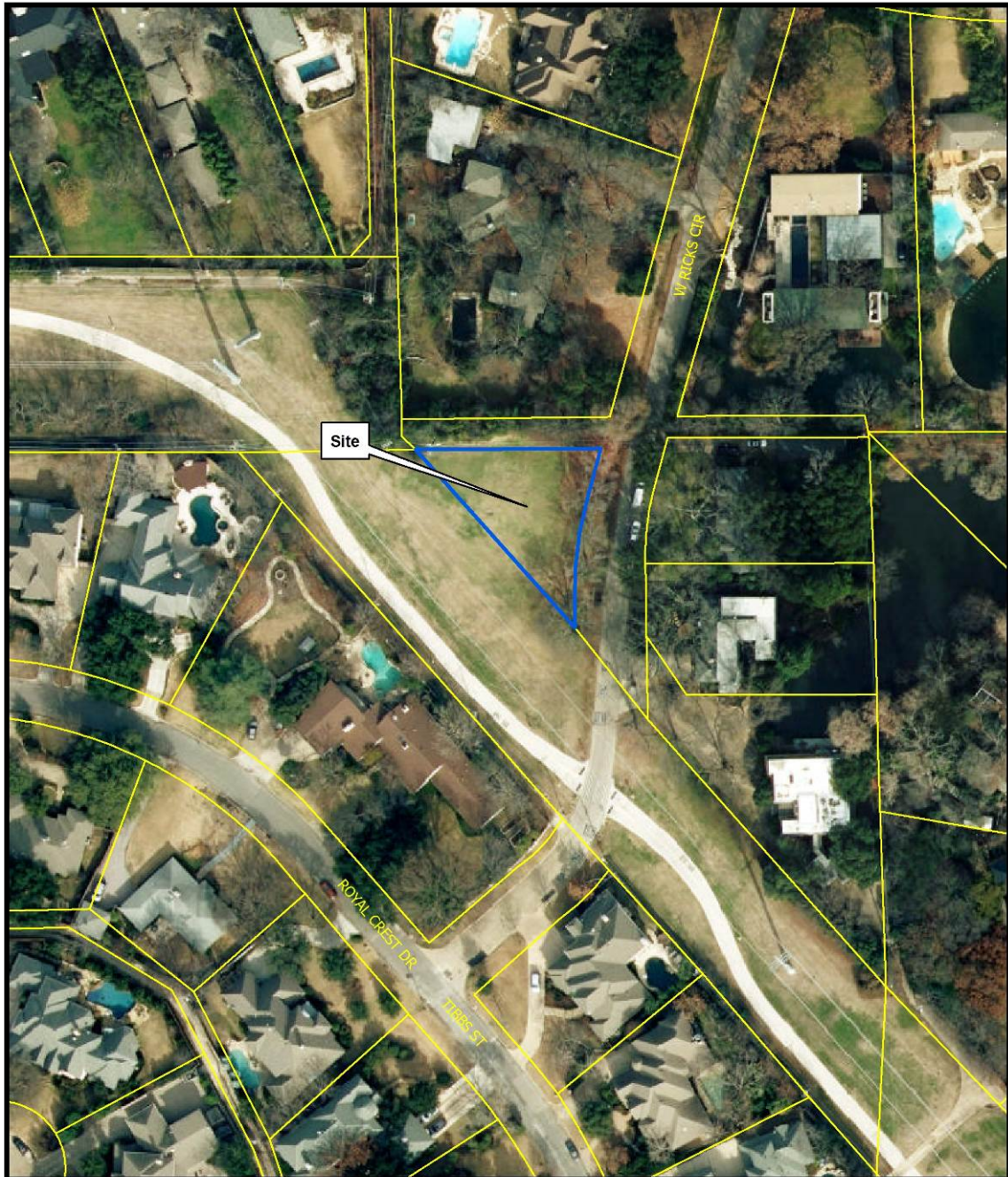
1:1,200

# ZONING MAP

Case no: BDA167-141

Date: 11/17/2017





1:1,200

# AERIAL MAP

Case no: BDA167-141

Date: 11/17/2017

**Long, Steve**

**From:** randalllcase <rlc@registryhomes.com>  
**Sent:** Wednesday, December 13, 2017 2:24 PM  
**To:** Long, Steve  
**Cc:** Trammell, Charles; Duerksen, Todd; Denman, Lloyd; Nevarez, David  
**Subject:** Re: BDA178-141, Property at 11123 W. Ricks Circle

HERE YOU GO STEVE. THANKS.

RANDALL CASE

On Dec 4, 2017, at 8:17 AM, Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)> wrote:

Dear Mr. Case,

Here is information regarding the board of adjustment application referenced above that you are representing for Miles Mitzner:

1. The submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled January 17<sup>th</sup> Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front and side yard setback and off-street parking regulations (51A-3.102(d)(10)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence
5. Information regarding BDA123-070. (Are you able to represent that the current application to the board is the exact same proposal submitted to and granted by the board in 2013, and that the only reason you have resubmitted is because no permit was filed for within 180 days from August 21, 2013)?

THE CURRENT APPLICATION IS IDENTICAL IN EVERY WAY TO THE ORIGINAL PROPOSAL SUBMITTED TO, AND GRANTED, THE BOARD IN 2013. INDEED, THE ONLY REASON WE ARE RE-SUBMITTING IT IS BECAUSE NO PERMIT WAS APPLIED FOR WITHIN THE REQUIRED 180 DAYS FROM AUGUST 21, 2013.

RANDALL CASE, REGISTRY HOMES LTD.

5.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 9 in these attached materials). Please contact Todd Duerksen at 214/948-4475 or [todd.dueksen@dallascityhall.com](mailto:todd.dueksen@dallascityhall.com) or Charles Trammell at 214/9484618 or [charles.trammell@dallascityhall.com](mailto:charles.trammell@dallascityhall.com) no later than noon, Wednesday, December 27<sup>th</sup> with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report stating that the applicant proposes to construct/maintain a structure and provide: 1) a 22 foot front yard setback which will require a 13 foot variance to the front yard setback regulations; 2) a 2 foot 6 inch side yard setback which

will require a 7 foot 6 inch variance to the side yard setback regulations, and 3) parking spaces in enclosed structure with a 5 foot 6 inch setback which will require a 14 foot 6 inch variance to the off-street parking regulations or any other part of this report is incorrect. (Note that the discovery of any additional appeals needed beyond your requested variances to the front and side yard setback regulations and off-street parking regulations will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, you may want to contact Lloyd Denman, City of Dallas Sustainable Development Department Assistant Director Engineering at 214/948-4354 or at [Lloyd.Denman@DallasCityHall.com](mailto:Lloyd.Denman@DallasCityHall.com) to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on your off-street parking variance request.

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

Thank you,

Steve

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

<image001.png>

**Steve Long**  
*Board of Adjustment Chief Planner*  
**City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)**  
Current Planning Division  
Sustainable Development and Construction  
1500 Marilla Street, 5BN  
Dallas, TX 75201  
O: 214-670-4666  
[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)

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**\*\*OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\*

<141 application materials.pdf><variance standard.pdf><documentary evidence.pdf><Panel B hearing date and deadlines.doc><Ricks history.pdf>

**Long, Steve**

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**From:** Long, Steve  
**Sent:** Wednesday, December 27, 2017 9:39 AM  
**To:** 'RLC'  
**Subject:** RE: 11123 Rick's Circle size comparison with other nearby, recently built R-16 zoned properties.

Thank you, Mr. Case. I will print this and add it to your file.

Steve

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**From:** RLC [mailto:RLC@registryhomes.com]  
**Sent:** Wednesday, December 27, 2017 9:25 AM  
**To:** Long, Steve <steve.long@dallascityhall.com>  
**Cc:** Rick Case <rickcase@registryhomes.com>; Miles & Rhonda Mitzner <miles@mitzner.com>  
**Subject:** 11123 Rick's Circle size comparison with other nearby, recently built R-16 zoned properties.

Hi Steve,

Per your request, following is a review/comparison with neighboring and nearby R-16 zoned residences.

If you will recall from our discussions over the months, our 11123 Rick's Circle project was originally (and still is) conceived as a smaller "empty nester" design, which explains its relatively small air-conditioned footage total of only **3597 square feet**. You can see that almost every neighboring property (built since 2001) listed is nearly 50%, or more, larger in terms of A/C total living space:

- 6315 Royal Crest, built 2004, total living space **5581** square feet
- 6307 Royal Crest, built 2006, total living space **6117** square feet
- 6322 Royal Crest, built 2015, total living space **6132** square feet
- 6238 Royal Crest, built 2013, total living space **5709** square feet
- 11040 Tibbs, built 2008, total living space **5696** square feet
- 11034 Tibbs, built 2001, total living space **5475** square feet
- 11026 Tibbs, built 2005, total living space **5783** square feet
- 11020 Tibbs, built 2007, total living space **6416** square feet
- 11007 Tibbs, built 2004, total living space **5412** square feet
- 11023 Tibbs, built 2014, total living space **5307** square feet
- 6215 Rex, built 2001, total living space **7390** square feet

-6207 Rex, built 2002, total living space **6553** square feet

-6206 Rex, built 2015, total living space **5592** square feet

-6214 Rex, built 2004, total living space **7388** square feet

BDA167-141  
Attach B  
B 2

Thanks again for all your help, Steve. Please let me know if you need us to provide more information or analysis.

Best Regards,  
Randall Case



**Randall Case**  
Partner  
Registry Fine Homes, Ltd.  
5925 Forest Lane #218 | Dallas, TX  
214-802-8004 | Cell 214-502-9945





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-141

Data Relative to Subject Property:

Date: 10/19/17

Location address: 11123 Ricks Circle

Zoning District: R-16(A)

Lot No.: \_\_\_\_\_ Block No.: 5500 Acreage: .24 Census Tract: 133

Street Frontage (in Feet): 1) 140.09 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Miles & Rhonda Mitzner

Applicant: MILES MITZNER Telephone: (405) 348 3400

Mailing Address: PO Box 5700 Zip Code: 73083

E-mail Address: MILES@MITZNER.COM

Represented by: RANDY CASE Telephone: 214-502-9945

Mailing Address: 5925 FOREST LANE # 218 DALLAS TX Zip Code: 75230

E-mail Address: RLC@REGISTRYHOMES.COM

Affirm that an appeal has been made for a Variance  or Special Exception \_\_\_\_\_ of 7'6" to the side yard setback; 13'0" to the front yard setback; 14'6" to the 20' setback for an enclosed parking space

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

TO OVERCOME THE RESTRICTIVE SIZE AND TRIANGULAR SHAPE OF THIS LOT. THE TOTAL AREA OF THIS LOT IS 9,123 SF WHICH IS SUBSTANTIALLY SMALLER THAN THE TYPICAL 10,000 SF LOT CONTAINED IN AN R16(A) ZONING DISTRICT.

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 Miles Mitzner / Rhonda Mitzner (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 October, 2017

(Rev. 08-01-11)



Tony L. Cook  
Notary Public in and for Dallas County, Texas  
OKLAHOMA

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

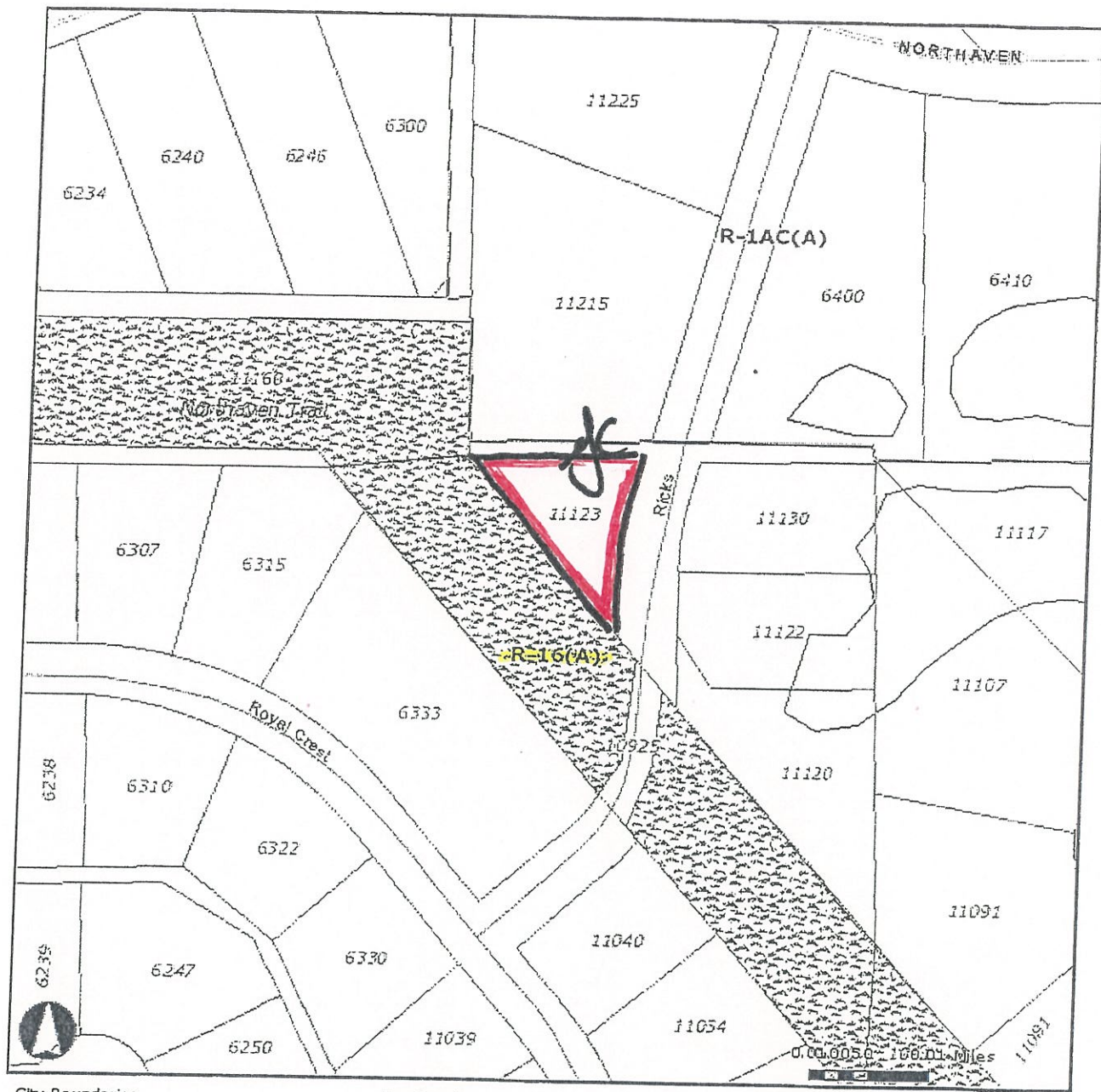
I hereby certify that Miles Mitzner  
represented by Randy Case  
did submit a request for a special exception to the side yard setback regulations, and for a  
variance to the front yard setback regulations, and for a variance to the  
off-street parking regulations  
at 11123 W. Ricks Circle

BDA167-141. Application of Miles Mitzner represented by Randy Case for a special exception to the side yard setback regulations and a variance to the front yard setback regulations and a variance to the off-street parking regulations at 11123 W. Ricks Circle. This property is more fully described as a .24 acre tract in Block 5500, and is zoned R-16(A), which requires a front yard setback of 35 feet and a side yard setback of 10 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces up or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 2 foot 6 inch side yard setback measured the foundation (with a 2 foot 5 inch roof eave), which will require a 7 foot 6 inch variance to the side yard setback regulation, and to construct a single family residential structure and provide a 22 foot front yard setback measured at the foundation (with a 2 foot 5 inch roof eave), which will require a 13 foot variance to the front yard setback regulation, and to construct a single family residential structure with a setback of 5 feet 6 inches, which will require a variance of 14 feet 6 inches to the off-street parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas Zoning



- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li>City Boundaries <input type="checkbox"/></li> <li>County <input type="checkbox"/></li> <li>Certified Parcels <input type="checkbox"/></li> <li>DISD Sites <input type="checkbox"/></li> <li>Council Districts <input type="checkbox"/></li> <li>Waterways <input type="checkbox"/></li> <li>Parks <input type="checkbox"/></li> </ul> | <ul style="list-style-type: none"> <li>Dry Overlay <input type="checkbox"/></li> <li>D <input type="checkbox"/></li> <li>D-1 <input type="checkbox"/></li> <li>Historic Overlay <input type="checkbox"/></li> <li>Historic Subdistricts <input type="checkbox"/></li> <li>NSO Overlay <input type="checkbox"/></li> <li>NSO Subdistricts <input type="checkbox"/></li> <li>MD Overlay <input type="checkbox"/></li> </ul> | <ul style="list-style-type: none"> <li>Base Zoning <input type="checkbox"/></li> <li>Floodplain <input type="checkbox"/></li> <li>100 Flood Zone <input type="checkbox"/></li> <li>Mill's Creek <input type="checkbox"/></li> <li>Peak's Branch <input type="checkbox"/></li> <li>X PROTECTED BY LEVEE <input type="checkbox"/></li> <li>Pedestrian Overlay <input type="checkbox"/></li> <li>CP <input type="checkbox"/></li> <li>SP <input type="checkbox"/></li> <li>Environmental Corridors <input type="checkbox"/></li> </ul> |
|--|---|---|



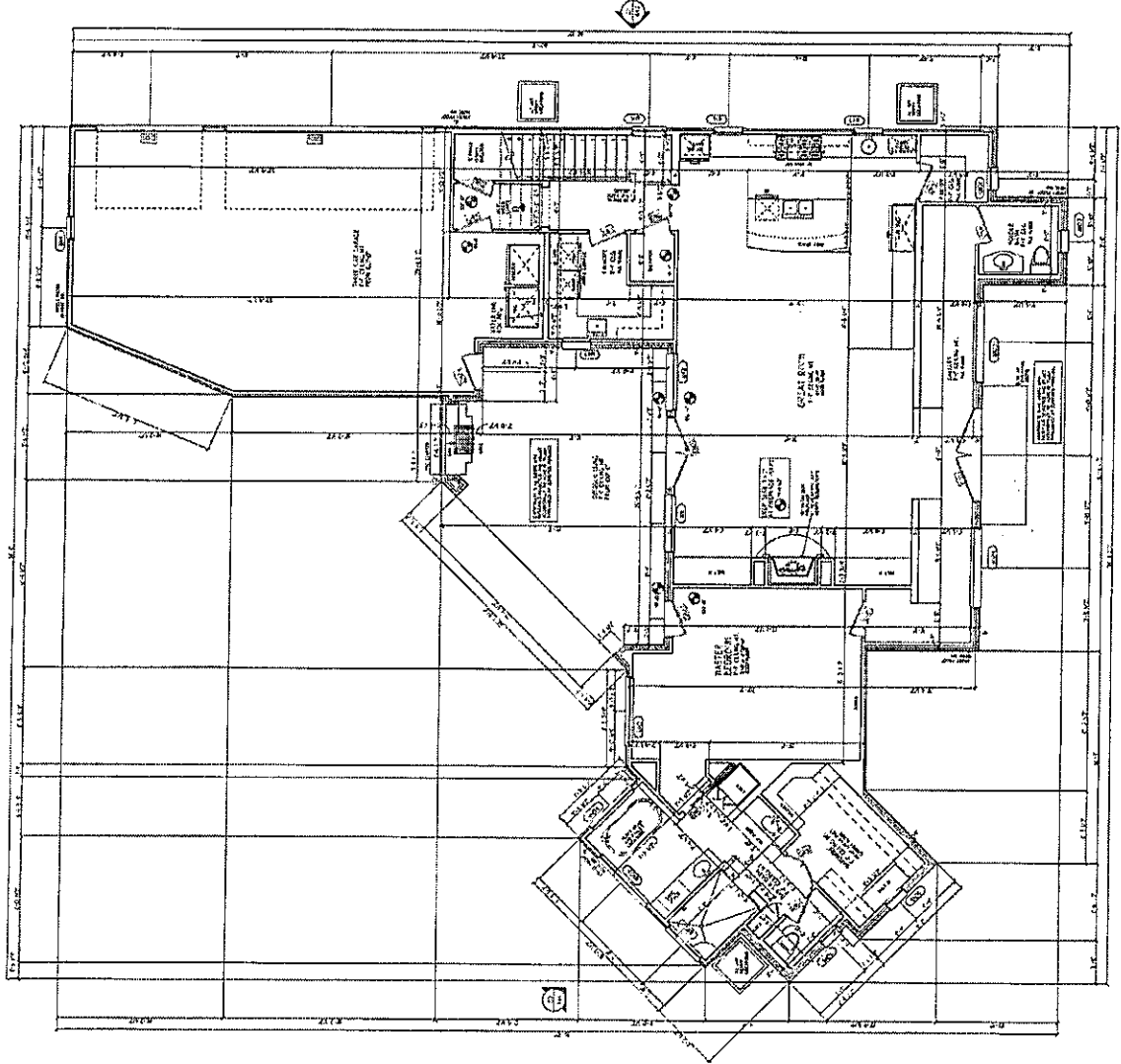




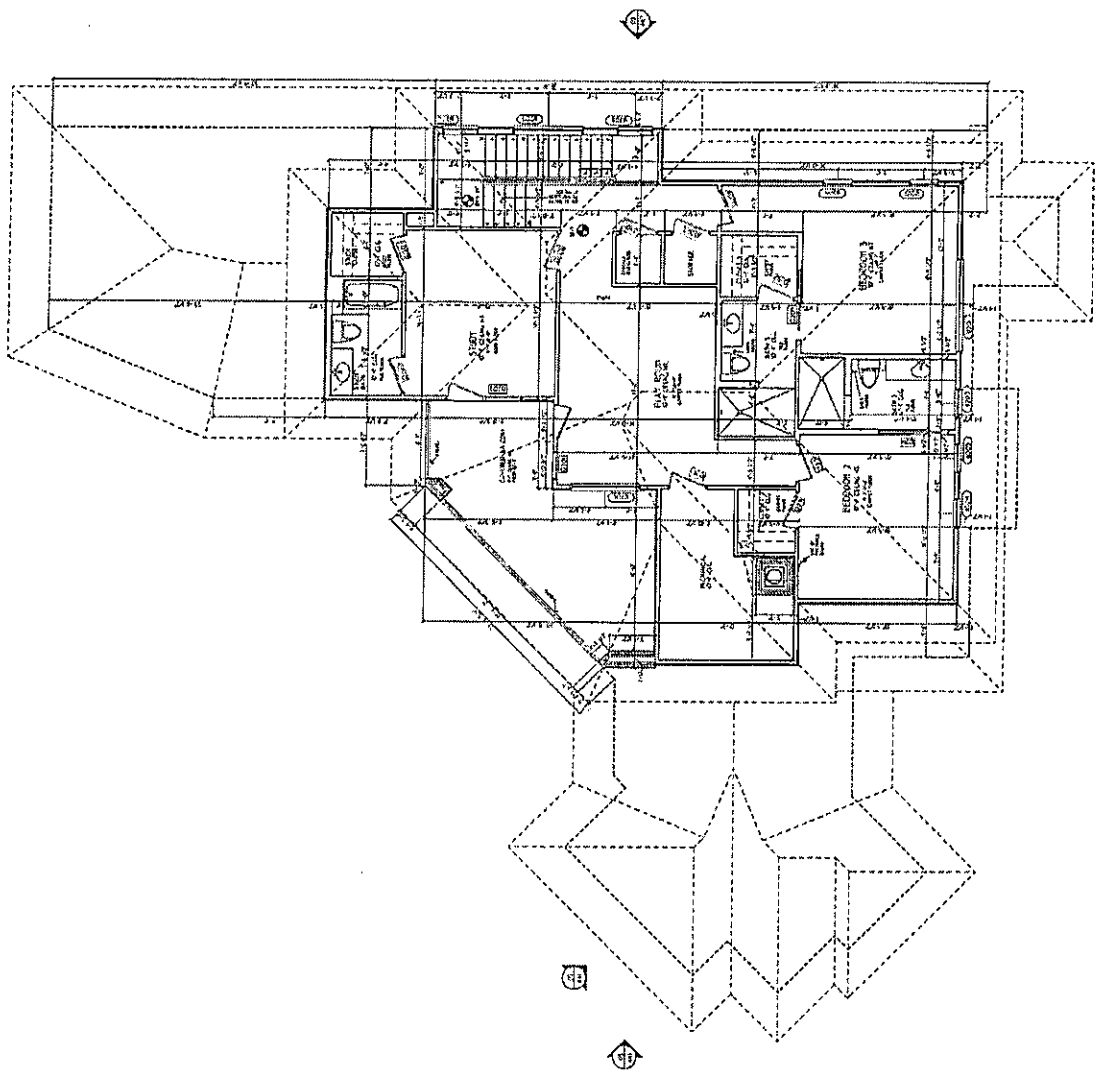


**NOTES**

1. EXISTING FOUNDATION LINE
2. THE FOUR CORNERS OF THIS PARCEL TO BE SHOWN WITH THE SURVEY
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
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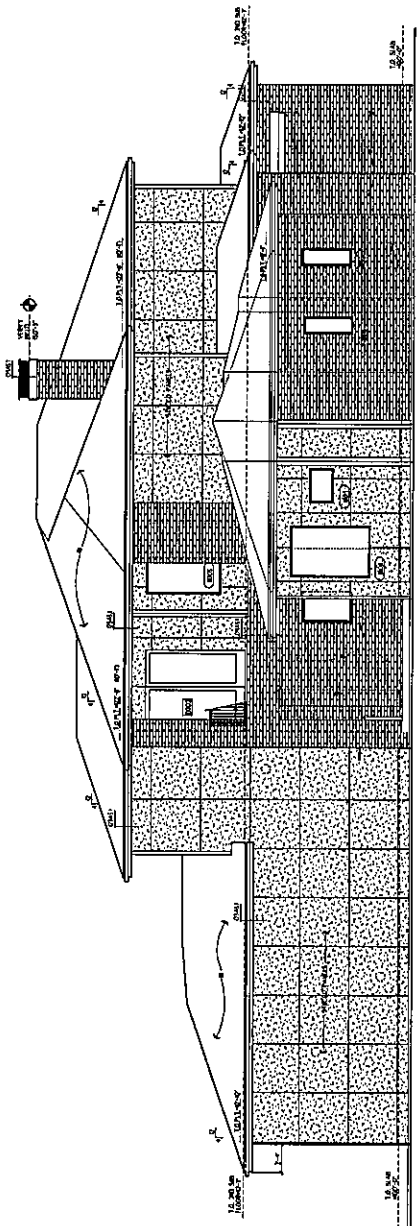
FIRST FLOOR PLAN



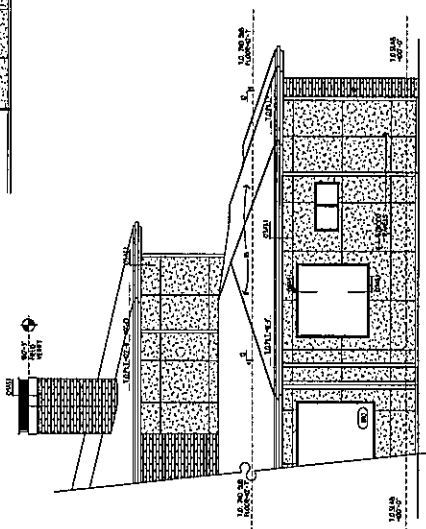
SECOND FLOOR PLAN

**NOTES**

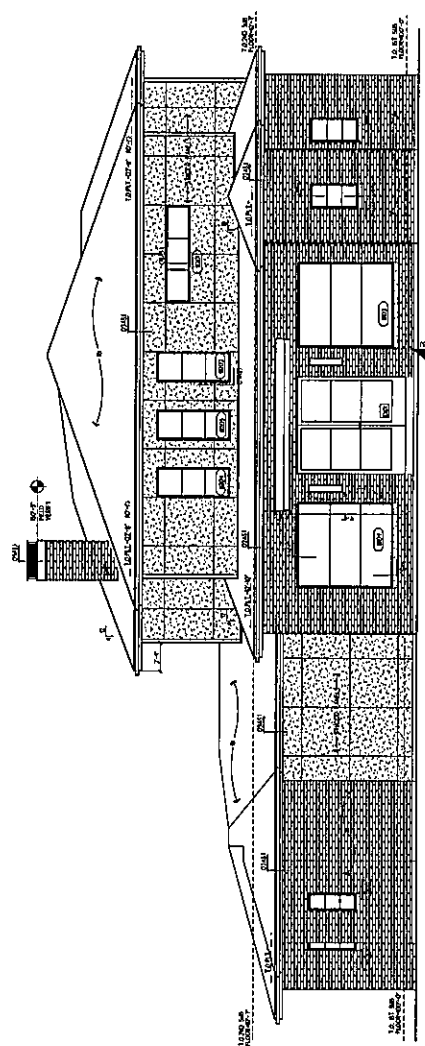
1. REFER TO ALL DRAWINGS FOR NOTES.
2. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES.
3. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
4. FINISHES TO BE AS SHOWN ON THE FINISH SCHEDULE.
5. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.



03 SIDE ELEVATION VP - E3C

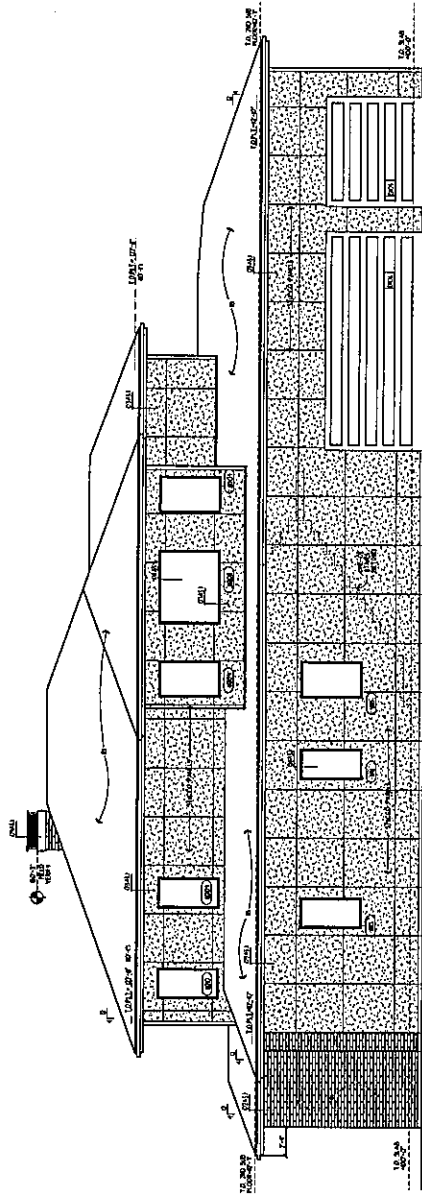


02 PARTIAL ELEVATION VP - E3C

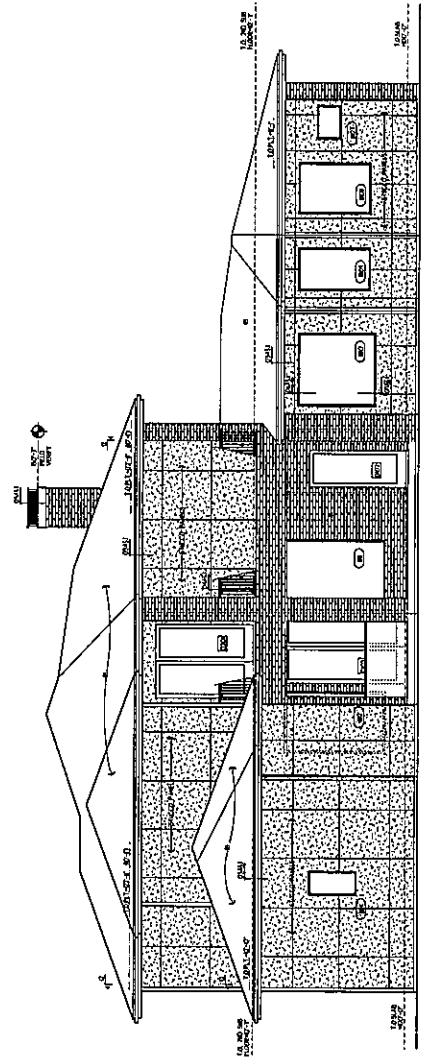


01 FRONT ELEVATION VP - E3C

**ELEVATION NOTES**  
 1. SEE GENERAL NOTES FOR ALL NOTES.  
 2. SEE GENERAL NOTES FOR ALL NOTES.  
 3. SEE GENERAL NOTES FOR ALL NOTES.  
 4. SEE GENERAL NOTES FOR ALL NOTES.  
 5. SEE GENERAL NOTES FOR ALL NOTES.  
 6. SEE GENERAL NOTES FOR ALL NOTES.  
 7. SEE GENERAL NOTES FOR ALL NOTES.  
 8. SEE GENERAL NOTES FOR ALL NOTES.  
 9. SEE GENERAL NOTES FOR ALL NOTES.  
 10. SEE GENERAL NOTES FOR ALL NOTES.



02 SIDE ELEVATION



01 REAR ELEVATION

ELEVATION NOTES

1. SEE ARCHITECT'S NOTES FOR MATERIALS AND FINISHES.
2. SEE ARCHITECT'S NOTES FOR WINDOW AND DOOR SCHEDULES.
3. SEE ARCHITECT'S NOTES FOR ROOFING MATERIALS.
4. SEE ARCHITECT'S NOTES FOR EXTERIOR LIGHTING.
5. SEE ARCHITECT'S NOTES FOR EXTERIOR PAINT COLORS.
6. SEE ARCHITECT'S NOTES FOR EXTERIOR FURNITURE.
7. SEE ARCHITECT'S NOTES FOR EXTERIOR PLANTING.
8. SEE ARCHITECT'S NOTES FOR EXTERIOR WALLS.
9. SEE ARCHITECT'S NOTES FOR EXTERIOR FLOORS.
10. SEE ARCHITECT'S NOTES FOR EXTERIOR CEILING.



1:1,200

# NOTIFICATION

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

Case no: **BDA167-141**

Date: **11/17/2017**

## *Notification List of Property Owners*

### *BDA167-141*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11123 W RICKS CIR	MITZNER MILES L & RHONDA R
2	10925 EDGEMERE RD	TEXAS UTILITIES ELEC CO
3	11130 W RICKS CIR	OCONNOR TERENCE & DEBORAH R
4	11122 W RICKS CIR	MULDOON KATHLEEN ANNE M
5	11120 W RICKS CIR	BESSERER DAVID V JR &
6	11040 TIBBS ST	HILDEBRAND JED & KIM
7	6315 ROYAL CREST DR	LEONARD JOHN E & JONI W
8	6333 ROYAL CREST DR	ACKELS JOSEPH & LINDA
9	6246 NORTHAVEN RD	BISHOP JOLETA
10	6300 NORTHAVEN RD	AZAM JAVED & NAZ ROOBILA
11	11215 W RICKS CIR	WATKINS RICHARD M
12	6400 NORTHAVEN RD	TINDELL WILLIAM A III &



**FILE NUMBER:** BDA178-011(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Eric Messer for special exceptions to the fence standards regulations at 7303 Casa Loma Avenue. This property is more fully described as Lot 1, Block E/2738, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and maintain a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence standards, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

**LOCATION:** 7303 Casa Loma Avenue

**APPLICANT:** Eric Messer

**REQUESTS:**

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

1. A special exception to the fence standards related to fence height of 5' is made to construct and maintain a 9' high solid cedar board-on-board wood fence in one of the site's two front yard setbacks (Tucker Street); and
2. A special exception to the fence standards related to fence materials/location from the front lot line is made to construct and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned 9' high solid cedar board-on-board wood fence) in the site's Tucker Street front yard setback and as close as on this front lot line (or less than 5' from this front lot line).

(No request has been made in this application to construct/maintain any fence in the site's Casa Loma front yard setback).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**Zoning:**

- Site: R-7.5(A) (Single family residential 7,500 square feet)
- North: MF-2(A) (Multifamily)
- 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 two-story single family home structure. The area to the north is developed with a multifamily use, and the areas to the east, south, and west are developed with single family uses.

**Zoning/BDA History:**

1. BDA167-104(SL), Property located at 7303 Casa Loma Avenue (the subject site)  
On September 18, 2017, the Board of Adjustment Panel C granted a request for a variance to the front yard setback regulations of 6' 6" and imposed the following condition: Compliance with the submitted site plan is required.  
The case report stated that the variance request was made to maintain a two-story single family home structure with an approximately 3,400 square foot building footprint, part of which is located 6' 6" from one of the site's two front property lines (Tucker Street) or 8' 6" into this 15' front yard setback.
2. BDA145-047, Property located at 7303 Casa Loma Avenue (the subject site)  
On March 31, 2015, the applicant withdrew a request for a variance to the front yard setback regulations of 3' that had been tentatively scheduled to be heard by Board of Adjustment Panel C on April 20, 2015.

**GENERAL FACTS/STAFF ANALYSIS:**

- The requests for special exceptions to the fence standards related to height and materials/location from a front lot line focus on constructing and maintaining a 9' high solid cedar board-on-board wood fence - a solid fence higher than 4' high in one of the site's two front yard setbacks (Tucker Street) and as close as on this front lot line or less than 5' from this front lot line.

- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the east corner of Casa Loma Avenue and Tucker Street. Regardless of how the structure is oriented to front Casa Loma Avenue, the subject site has front yard setbacks along both street frontages. The site has a 25' front yard setback along Casa Loma Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 15' front yard setback along Tucker Street\*, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. But the site's Tucker Street frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lot (currently developed as a multifamily use and zoned MF-2(A)) to the northeast that fronts/is oriented northwestward towards Tucker Street. (\*The Dallas Development Code states that if street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greater front yard requirement).
- Regardless of how the home is oriented to front onto Casa Loma Avenue (and "side" to Tucker Street), the site has front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain a solid fence higher than 4' in height in the site's front yard setback on Tucker Street. (No part of the application is made to construct/maintain a fence in the site's Casa Loma Drive front yard setback).
- 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 Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than 5' from the front lot line.
- The submitted site plan/elevation denotes the only fence proposed to exceed 4' in height on the subject site is a 9' high board-on-board cedar wood fence in the Tucker Street front yard setback. This fence is proposed to be 9' in height, approximately 25' in length parallel to the street. The fence is denoted on this document to be angled at the drive approach and the alley as to comply with visual obstruction regulations.
- The site plan/elevation denotes that the proposed fence is located approximately 11' from the Tucker Street pavement line.
- The proposal is located across from a single family lot with an approximately 7' high solid wood fence in its Tucker Street front yard setback. There is no recorded BDA history of this fence.
- The Board Administrator conducted a field visit of the site and surrounding area along Tucker Street and noted no other fences along this street other than the one previously mentioned that appeared to be above 4' in height and in a front yard setback.
- As of January 6, 2018, no letters have been submitted in support of or in opposition to these requests.

- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the Tucker Street front yard setback and materials/height of the proposed fence from the front lot line will not adversely affect neighboring property.
- Granting one and/or both of these special exceptions with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on this document –a solid 9' high wood fence in the site's Tucker Street front yard setback and part of which is to be located on this front lot line.

### **Timeline:**

October 17, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 1, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B. Even though Board of Adjustment Panel C granted a variance to the front yard setback regulations on this property in September of 2017, the assignment of this application for fence standard special exceptions did not conflict with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case" – a fence standard special exception request is not the same request as a front yard variance request.

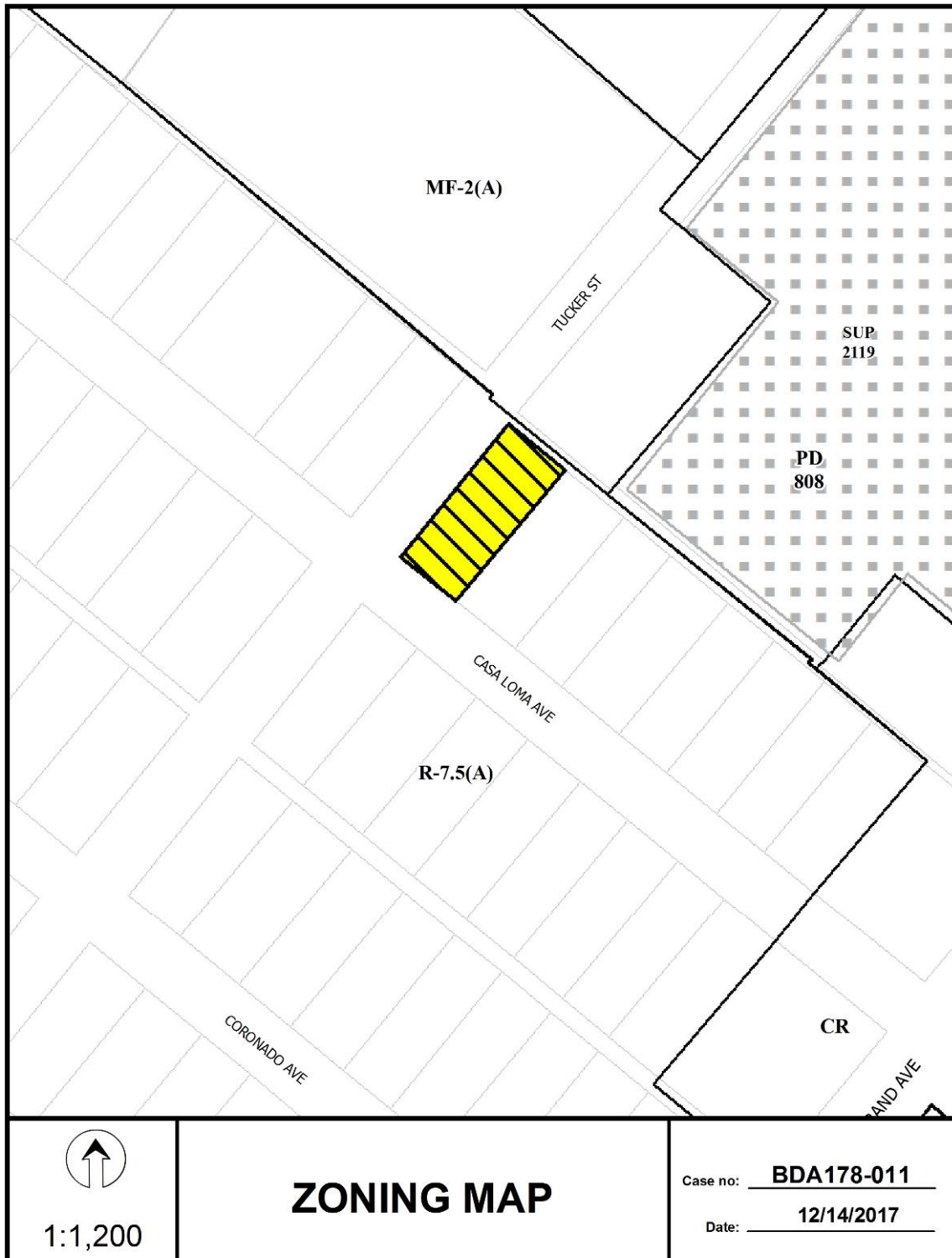
December 4, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable

Development and Construction Project Engineer, and the Assistant City Attorney to the Board.

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







1:1,200

# AERIAL MAP

Case no: BDA178-011

Date: 12/14/2017



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-011

Data Relative to Subject Property:

Date: 11/16/17

Location address: 7303 CASA LOMA AVE

Zoning District: R-7.5(A)

Lot No.: 1 Block No.: E/2738 Acreage: .199 Census Tract: 1.00

Street Frontage (in Feet): 1) 60 2) 145 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MESSER HOLDINGS SERIES LLC, SERIES 7303 CL

Applicant: ERIC MESSER Telephone: 972-741-6887

Mailing Address: 6312 WIDGEBON DR, PLANO TX Zip Code: 75024

E-mail Address: ERIC@ERICMESSER.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 5 FEET FOR A FENCE IN A FRONT YARD AND FENCE PANELS WITH LESS THAN 50% OPEN SURFACE WITHIN 5 FEET OF THE PROPERTY LINE

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 THE NEIGHBORING PROPERTIES. ALL SINGLE FAMILY HOMES IN THE NEIGHBORHOOD HAVE SIMILAR FENCES.

THE FENCE WILL BE BOARD ON BOARD, CEDAR, STAINED

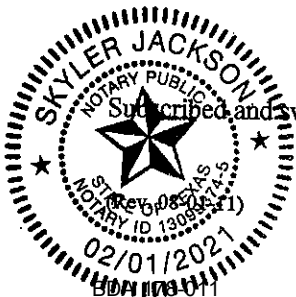
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared ERIC L. MESSER (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 17th day of November, 2017

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















 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-011</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>12/14/2017</b>

## ***Notification List of Property Owners***

### ***BDA178-011***

#### ***19 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7303 CASA LOMA AVE	MESSER HOLDINGS SERIES LLC SERIES 7303CL
2	7230 CASA LOMA AVE	HALTOM JEROME I
3	7234 CASA LOMA AVE	MCCAFFITY CATHERINE ELIZABETH &
4	7238 CASA LOMA AVE	MAJOR ERRIN C
5	7318 CASA LOMA AVE	RICH HARRISON GHEENS & HEATHER
6	7314 CASA LOMA AVE	REID BRADLEY MD
7	7310 CASA LOMA AVE	CAMPAGNA ANTHONY J SR
8	7306 CASA LOMA AVE	ALLEN DANA L & CHRISTINE E
9	7302 CASA LOMA AVE	BIRDI KANU & MARISSA
10	7307 CASA LOMA AVE	GRIFFIN DIANA DEE
11	7311 CASA LOMA AVE	RATCLIFF KIMBERLY SUE
12	7315 CASA LOMA AVE	HAMMACK HOMES LLC
13	7319 CASA LOMA AVE	CULLIVAN MARISSA T
14	7243 CASA LOMA AVE	TUNCER ENIS
15	7239 CASA LOMA AVE	CASTRO JASON &
16	7231 CASA LOMA AVE	GORDY JUDITH FOWLER &
17	2114 TUCKER ST	SHELTON SYLVIA KIRKWOOD
18	7330 GASTON AVE	7324 GASTON AVE LTD
19	2165 TUCKER ST	MPC LAKEWOOD LLC



**FILE NUMBER:** BDA178-013(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Karl A. Crawley for a special exception to the landscape regulations at 5750 E. Lovers Lane. This property is more fully described as Lot 1A, Block G/5402, and is zoned PD 610, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 5750 E. Lovers Lane

**APPLICANT:** Karl A. Crawley

**REQUEST:**

A request for a special exception to the landscape regulations is made, according to the application, to allow the extension of the City's Trail Network (hike-and-bike) on a site developed with an approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the perimeter buffer landscape requirements for residential adjacency in the southeastern quadrant of the property.

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

Section 51A-10.110 of the Dallas Development Code states that the Board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

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

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

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements will unreasonably burden the use of the property, and that the special exception will not adversely affect/negatively impact neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 610 (Planned Development)
- North: MU-3 (Mixed Use)
- South: MU-3 & PD 333 (Mixed Use and Planned Development)
- East: PD 799 (Planned Development)
- West: MU-3 (Mixed Use)

**Land Use:**

The subject site is developed with a general merchandise or food store use (Central Market). The areas to the north and west are developed with retail uses; the area to the east is developed with multifamily use; and the area to the south is developed retail and storage uses.

**Zoning/BDA History:**

1. BDA167-111, Property at 5750 E. Lovers Lane (the subject site)

On October 18, 2017, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations (subject to compliance with the submitted alternate landscape plan). The case report stated that the request was made to construct and maintain an approximately 7,000 square foot addition to an existing approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the mandatory perimeter landscape buffer strip with buffer plant materials on southeast corner



of the on the subject site (Central Market). (On November 15, 2017, the Board of Adjustment Panel B granted the applicant's request to waive the two year limitation on a final decision reached on this application which allowed him to re-file a new application for a special exception to the landscape regulations on this site.

2. BDA067-046, Property at 5750 E. Lovers Lane (the subject site)

On March 21, 2007, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations (subject to compliance with the submitted site/development plan), and on April 18, 2007, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the following conditions: 1) All landscaping identified on the landscape plan more than 50 feet beyond the shown construction areas (including courtyard) must be installed and maintained, and the landscaping must be inspected by the city arborist by June 2, 2007; and 2) All remaining landscaping shown on the landscape plan must be installed and inspected by the city arborist prior to final inspection of the new building addition.

The case report stated that the requests were made to construct and maintain additions to the existing retail structure (Central Market).

3. BDA023-008, Property at 5750 E. Lovers Lane (the subject site)

On November 12, 2002, the Board of Adjustment Panel A granted a request for a special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition.

The case report states that the request was made to "remove all trees from ONCOR utility easement" needed to obtain a final Certificate of Occupancy for the retail use on the site (Central Market).

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

- This request for a special exception to the landscape regulations focuses on, according to the application, allowing the extension of the City's Trail Network (hike-and-bike) on a site developed with an approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meeting the landscape regulations, more specifically not providing the required perimeter buffer landscape requirements for residential adjacency in the southeastern quadrant of the property.
- Section 51A-10.121(c) of the Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B).
- The Chief Arborist's memo states the following with regard to "request":
  - The applicant is requesting a special exception to the landscape regulations of Article X. The proposed landscape plan is a revision of a landscape plan approved by the Board in October, 2017.
- The Chief Arborist's memo states the following with regard to "provision":
  - The property is developed with landscaping by a plan initially approved by the Board of Adjustment for the review of the building permit for construction in 2002. A revised plan was approved by the Board in 2017 to account for modifications to the landscaping due to an addition to the main structure. The site fully complies with Article X regulations with the exception of perimeter buffer landscape requirements for residential adjacency in the southeastern quadrant of the property.
- The Chief Arborist's memo states the following with regard to "deficiencies":
  - The revised landscape plan accounts for the removal of 7 clusters of large shrubs and a reduction of landscape area, and the removal of a 4'-wide sidewalk, to be replaced with a 12'-wide public trail alongside the retained single row of screening shrubs. As previously approved, large trees are not planted within the buffer area.
- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because strict compliance with the Article X regulations will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring properties.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.

- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the perimeter buffer landscape requirements for residential adjacency in the southeastern quadrant of the property.

**Timeline:**

November 16, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 1, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

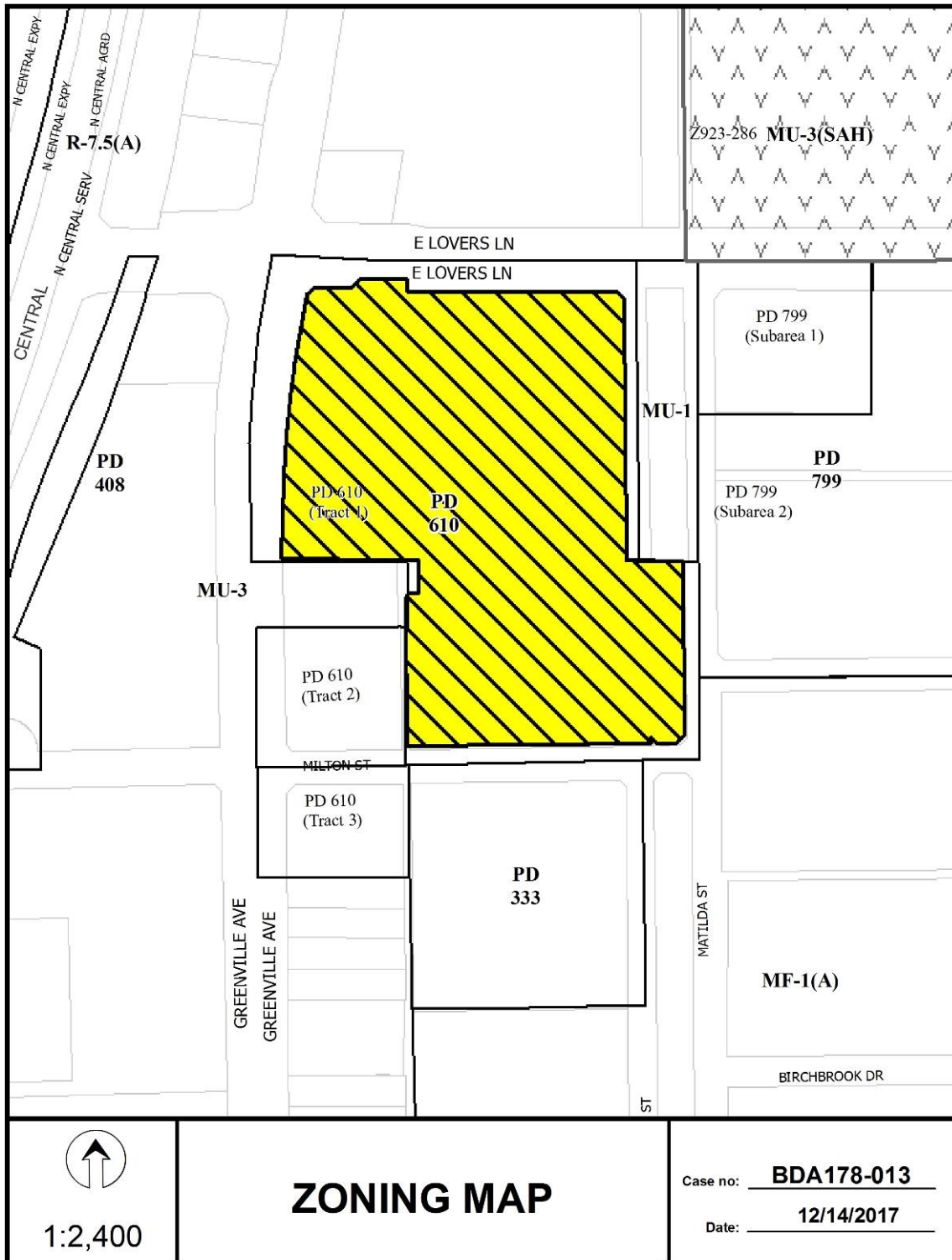
December 4, 2017: The Board Administrator emailed the applicant the following information:

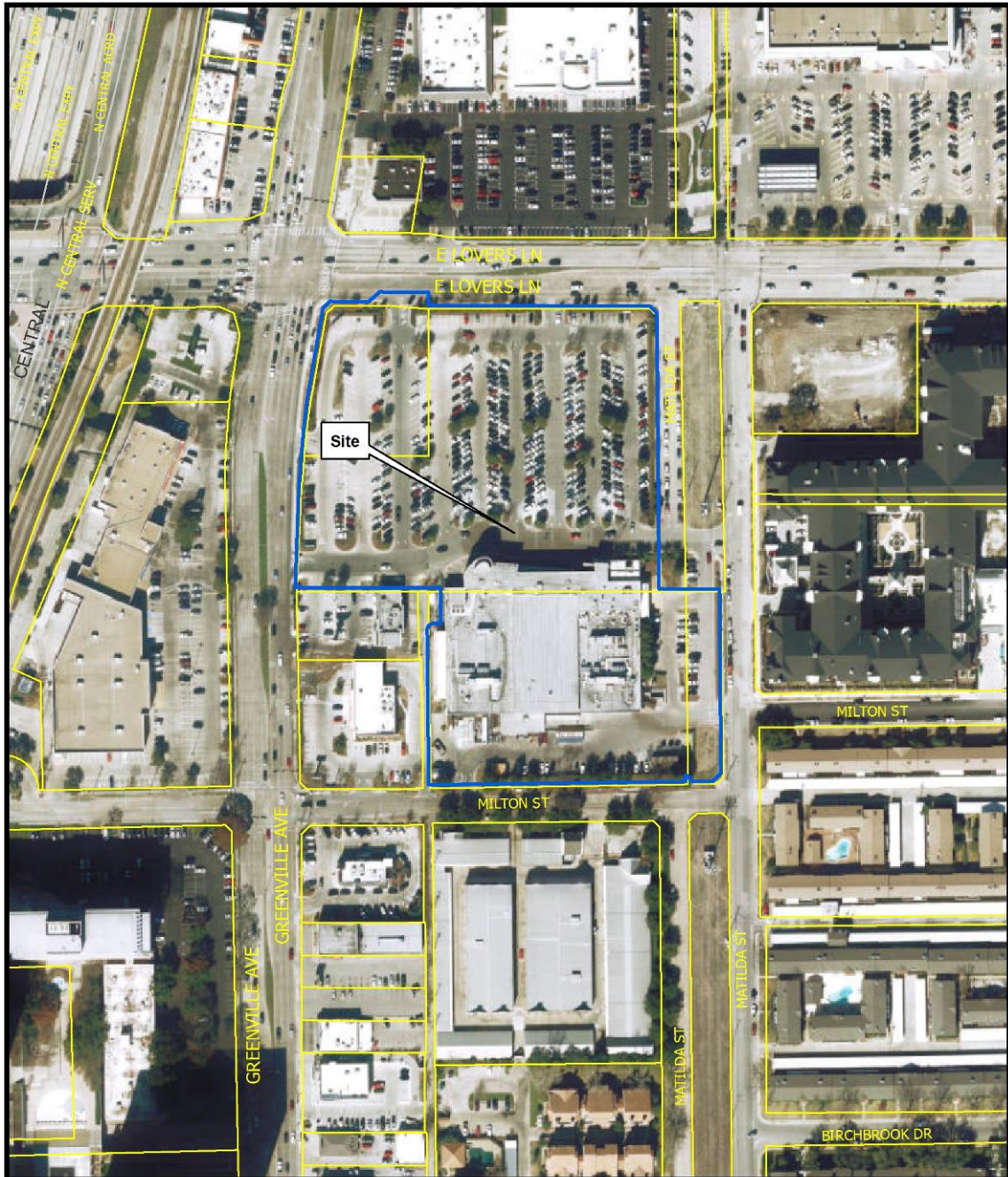
- an attachment that provided the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 28, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

January 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Project Engineer, and the Assistant City Attorney to the Board.

January 4, 2018: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).





1:2,400

# AERIAL MAP

Case no: BDA178-013

Date: 12/14/2017



**Long, Steve**

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**From:** Karl Crawley <Karl@masterplanconsultants.com>  
**Sent:** Thursday, December 28, 2017 1:56 PM  
**To:** Long, Steve  
**Cc:** Erwin, Philip  
**Subject:** RE: BDA178-013, Property at 5750 E. Lovers Lane  
**Attachments:** Plan Comparison.pdf

pg 1

The difference is the 'sidewalk/trail' width and the removal of some planting.

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

214 761 9197 Office  
972 342 3707 Mobile

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**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Thursday, December 28, 2017 1:43 PM  
**To:** Karl Crawley <Karl@masterplanconsultants.com>  
**Cc:** Erwin, Philip <philip.erwin@dallascityhall.com>  
**Subject:** FW: BDA178-013, Property at 5750 E. Lovers Lane

Dear Karl,

I have just set the plan submitted with this application with the one submitted and approved by Panel B last fall and cannot see the difference. Do you think it would be advantageous to highlight on the new plan with this application what has changed from the one stamped/approved in October?

Steve

---

**From:** Long, Steve  
**Sent:** Monday, December 04, 2017 7:31 AM  
**To:** 'Karl Crawley' <Karl@masterplanconsultants.com>  
**Cc:** Duerksen, Todd <todd.duerksen@dallascityhall.com>; Erwin, Philip <philip.erwin@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>  
**Subject:** BDA178-013, Property at 5750 E. Lovers Lane

Dear Karl,

Here is information regarding your board of adjustment application referenced above:

1. The submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled January 17<sup>th</sup> Board of Adjustment Panel B public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the landscape regulations (51A-10.110).









## Memorandum



Date January 4, 2018  
To Steve Long, Board Administrator  
Subject BDA #178-013 5750 E Lovers Lane - Arborist report

### Request

The applicant is requesting a special exception to the landscape regulations of Article X. The proposed landscape plan is a revision of a landscape plan approved by the Board in October, 2017.

### Provision

The property is developed with landscaping by a plan initially approved by the Board of Adjustment for the review of the building permit for construction in 2002. A revised plan was approved by the Board in 2017 to account for modifications to the landscaping due to an addition to the main structure. The site fully complies with Article X regulations with the exception of perimeter buffer landscape requirements for residential adjacency in the southeastern quadrant of the property.

### Deficiency

The revised landscape plan accounts for the removal of 7 clusters of large shrubs and a reduction of landscape area, and the removal of a 4'-wide sidewalk, to be replaced with a 12'-wide public trail alongside the retained single row of screening shrubs. As previously approved, large trees are not planted within the buffer area.

### Recommendation

The chief arborist recommends approval of the alternative landscape plan because strict compliance with Article X will unreasonably burden the use of the property, and the special exception will have no negative impacts on neighboring properties.

Philip Erwin  
Chief Arborist  
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-013

Data Relative to Subject Property:

Date: 11-16-17

Location address: 5750 E LOVERS LN Zoning District: PD610

Lot No.: 1A Block No.: G/5402 Acreage: 8.51 AC Census Tract: 79.13

Street Frontage (in Feet): 1) 537 <sup>LOVERS</sup> 2) 720 <sup>MATILDA</sup> 3) 395 <sup>MILTON</sup> 4) 441 <sup>GREENVILLE</sup> 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Lincoln Lag, Ltd.  
~~SEE ATTACHED~~ & L.W. Hedrick Trust

Applicant: KARL A CRAWLEY Telephone: 214 761-9197

Mailing Address: 900 JACKSON ST. STE 640 DALLAS TX Zip Code: 75202

E-mail Address: karl@masterplanconsultants.com

Represented by: SAME AS APPLICANT Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception X, of ARTICLE X  
TO ALLOW AN ALTERNATE LANDSCAPE PLAN

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

THE EXTENSION OF THE CITY'S TRAIL NETWORK  
ALONG WITH THE LOCATION OF EXISTING ELECTRIC  
TRANSMISSION LINES WILL REQUIRE THE REMOVAL OF  
EXISTING REQUIRED LANDSCAPING.

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

Affidavit

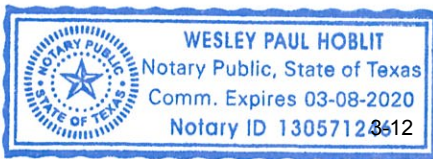
Before me the undersigned on this day personally appeared KARL A CRAWLEY  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 14<sup>th</sup> day of November, 2017

(Rev. 08-01-11)



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





# City of Dallas

Internal Development Research Site

## Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

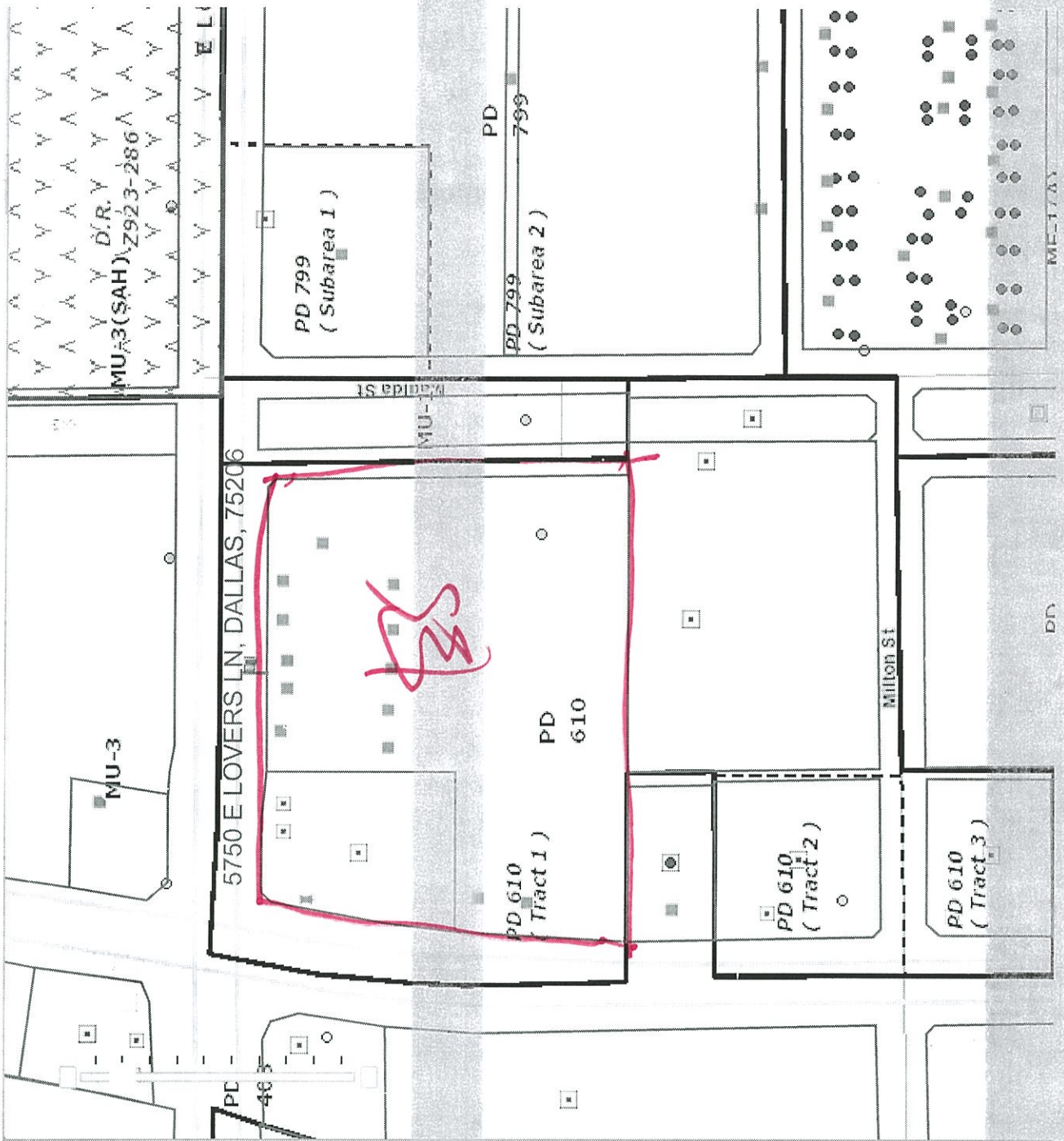
Street address.  
5750 e Lovers

Locate

OR

Parcel address.  
Use street type for better re

Locate









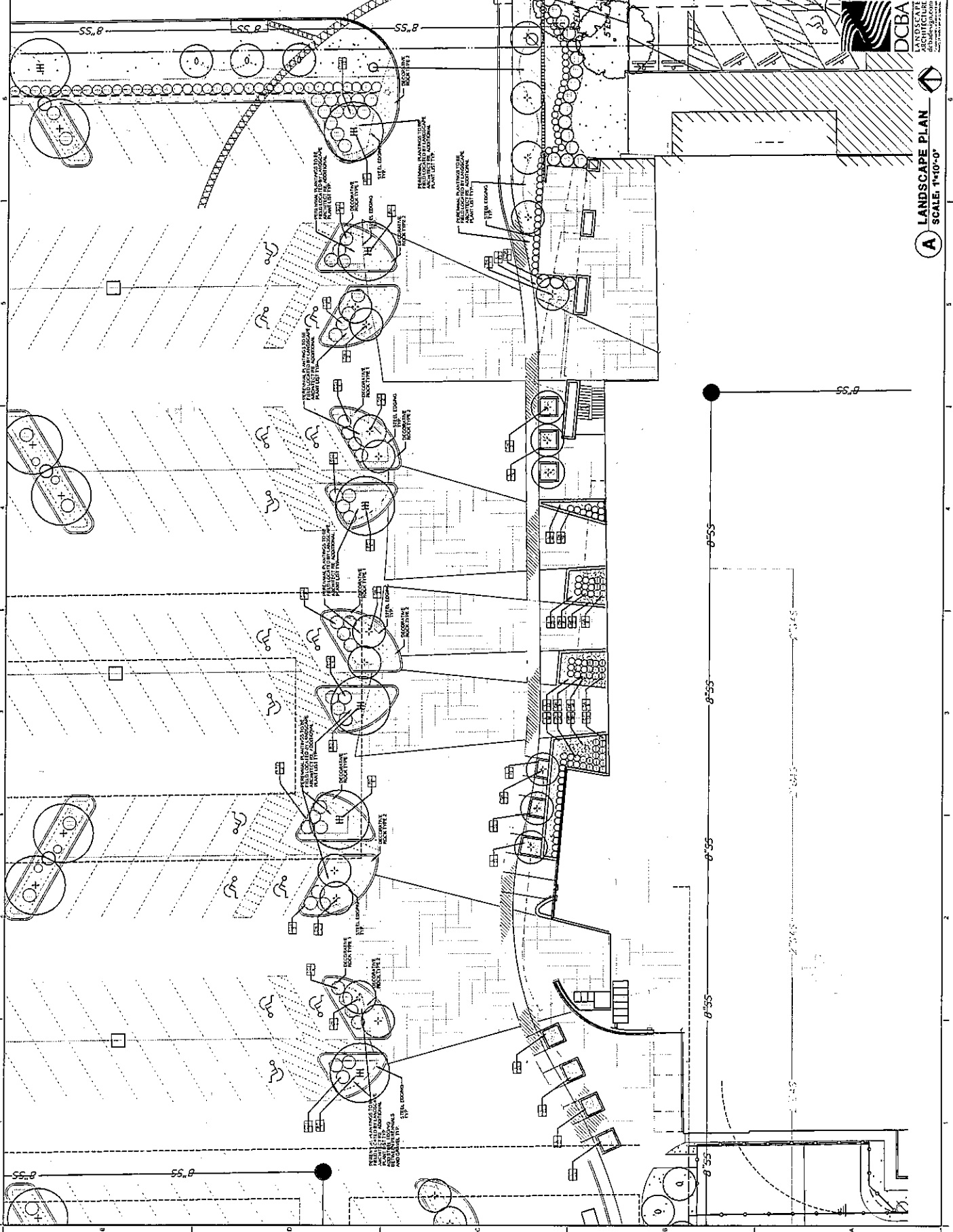




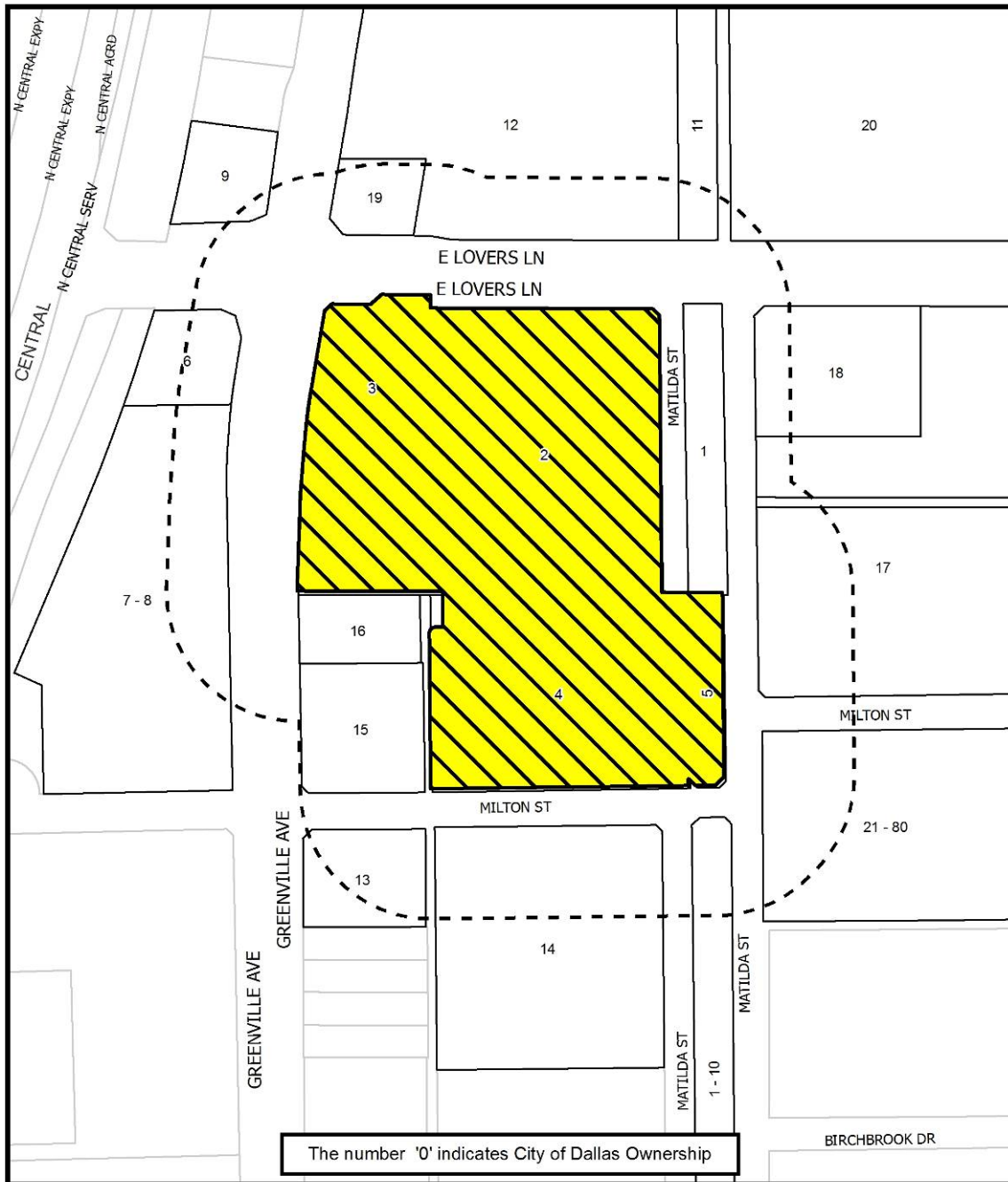
DATE	NO. OF SHEETS	TOTAL NO. OF SHEETS
11/28/2011	11	11
11/28/2011	11	11
11/28/2011	11	11



**A** LANDSCAPE PLAN  
 SCALE: 1"=10'-0"







 1:2,400	<h2>NOTIFICATION</h2>	Case no: <b>BDA178-013</b>
	200' AREA OF NOTIFICATION 80 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>12/14/2017</b>

## *Notification List of Property Owners*

### *BDA178-013*

#### *80 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
2	5750 E LOVERS LN	LINCOLN LAG LTD
3	5200 GREENVILLE AVE	HEDRICK L W TRUST
4	5750 LOVERS LN	LINCOLN LAG LTD
5	4500 GREENVILLE AVE	LINCOLN LAG LTD
6	5233 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
7	5111 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
8	5111 GREENVILLE AVE	OFFICE DEPOT
9	5315 GREENVILLE AVE	INWOOD CORP
10	4500 GREENVILLE AVE	TEXAS UTILITIES ELEC CO
11	5700 E LOVERS LN	TEXAS UTILITIES ELEC CO
12	5500 GREENVILLE AVE	WPF OPERATING LLC
13	5030 GREENVILLE AVE	CCP CANES GREENVILLE LP
14	5720 MILTON ST	SH 710 LLC
15	5114 GREENVILLE AVE	MUSSO & CIVELLO ET AL
16	5118 GREENVILLE AVE	LINCOLN LAG TWO LTD
17	5850 E LOVERS LN	LOVERS TRADITION II LP
18	5800 E LOVERS LN	LOVERS MEDICAL INVESTORS LP
19	5302 GREENVILLE AVE	OT CHATSWORTH TEXAS LLC
20	5809 E LOVERS LN	OT CHATSWORTH TEXAS LLC
21	5804 MILTON ST	JACKSON OLIVIA ZENA
22	5804 MILTON ST	MCKAY CHARLES E
23	5808 MILTON ST	SELVADURAI JOHNSON J & SABRINA
24	5808 MILTON ST	ROSE SHEILA DIANNE
25	5804 MILTON ST	FANTA SOLOMON
26	5804 MILTON ST	ACEVEDO MARIA C

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	5808 MILTON ST	WANG SUIJUN &
28	5808 MILTON ST	YILMA ALEMNESH F
29	5812 MILTON ST	BAKEWELL THOMAS B
30	5812 MILTON ST	BERNSTEIN ALAINE SUZANNE
31	5816 MILTON ST	FIELDS MARION LYNN
32	5816 MILTON ST	COFFEY BARBARA
33	5820 MILTON ST	HENDERSON DONALD JR & LINDA
34	5820 MILTON ST	SEUFERT MICHAEL &
35	5816 MILTON ST	MCCULLY MICHAEL JOHN
36	5816 MILTON ST	BROOKGREEN PROPERTIES LLC
37	5820 MILTON ST	WULF JOSHUA
38	5820 MILTON ST	BENSKIN NORA &
39	5098 MATILDA ST	JONES RANDY L & LU ANN
40	5098 MATILDA ST	PORRAS MARLENE YEPEZ
41	5098 MATILDA ST	DIAZ OSCAR
42	5098 MATILDA ST	COLEMAN BENNIE J JR
43	5090 MATILDA ST	MOORE PARWIN
44	5088 MATILDA ST	VANDERHEYDEN TERRANCE
45	5088 MATILDA ST	DELGADO CABRERA JUAN
46	5090 MATILDA ST	HAYNES KELLY
47	5090 MATILDA ST	SHELMIRE CLARENCE R III
48	5088 MATILDA ST	CHONG YANWAH
49	5088 MATILDA ST	HOANG MINH THI
50	5086 MATILDA ST	COTTLE LAWRENCE W JR
51	5086 MATILDA ST	MULLER DANIEL V
52	5086 MATILDA ST	KHLAF HUSAM
53	5086 MATILDA ST	MISHRA MEENA
54	5084 MATILDA ST	LUNA GERARDO
55	5084 MATILDA ST	PATEL VIREN S
56	5084 MATILDA ST	MACALUSO MATTIE G
57	5084 MATILDA ST	ABREHAM HAILE S MR

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	5082 MATILDA ST	BASU AMIT & EUGENIA D
59	5082 MATILDA ST	HUTTASH JAMES ADAM
60	5082 MATILDA ST	GILVALENZUELA LIBRADA
61	5082 MATILDA ST	NANASI JANOS
62	5072 MATILDA ST	SAVAGE SHANNON COOPER
63	5072 MATILDA ST	BARRIOS ALBERT &
64	5074 MATILDA ST	SUPUNYABOOT SUNISA
65	5074 MATILDA ST	DAVIS JANIS
66	5076 MATILDA ST	WEISS JERRY I
67	5076 MATILDA ST	AGANLIC MUHAMED
68	5078 MATILDA ST	PEDIGO PATRICK J & SAMIA
69	5078 MATILDA ST	ZUHEIRI HAIDAR AL
70	5080 MATILDA ST	BOGGS NANCY A
71	5080 MATILDA ST	ROCK HIVE LLC
72	5072 MATILDA ST	BIADAILIGNE HABTAMU
73	5072 MATILDA ST	BARRIOS ALBERT &
74	5074 MATILDA ST	EATON DONNA &
75	5074 MATILDA ST	ROUNGRONG PORNTHIP &
76	5076 MATILDA ST	GRIMES MATHEW
77	5078 MATILDA ST	REDA FREWEINI ASMEROM
78	5078 MATILDA ST	PUMPHANG KRAISORN
79	5080 MATILDA ST	CHEN LIJUN
80	5080 MATILDA ST	WILLIAMS BARTRICIA

**FILE NUMBER:** BDA167-122(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Maxwell Fisher for a variance to the height regulations at 4635 Park Lane. This property is more fully described as Lot 3C, Block B/5546, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a structure with a building height of 39 feet 10 inches, which will require a 3 foot 10 inch variance to the maximum building height regulations.

**LOCATION:** 4635 Park Lane

**APPLICANT:** Maxwell Fisher

**REQUEST:**

A request for a variance to the height regulations of 3' 10" is made to construct and maintain a "2-story residence with walk-out basement" structure which is proposed to exceed the 36' maximum structure height at 39' 10" in height on the subject site that is, according to the applicant, currently developed with only accessory structures.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

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

Rationale:

- The subject site is unique and different from most lots in the R-1ac(A) zoning district in that it is sloped. The slope of the subject site is the factor that makes (according to the applicant) the proposed 34' 6" high single family home (as measured around most of the east, west, and north elevations) on the site measured from existing grade, 39' 10" in height (or 3' 10" above the 36' maximum permitted height) measured from *average* grade, and that if the property was flat, the structure would comply with the height regulations and the variance request would not be necessary.
- Furthermore, the proposed home with a floor area square footage of approximately 9,000 square feet appears to be commensurate with other developments in the same R-1ac(A) zoning district. The applicant has provided information where the average of 12 other properties in the same R-1ac(A) zoning district is approximately 12,000 square feet.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The request for a variance to the maximum structure height of 3' 10" focuses on constructing and maintaining a 39' 10" high "2-story residence with walk-out basement" structure on a site that is developed only with accessory structures.
- The maximum structure height on properties zoned R-1ac(A) is 36'.

- Section 51A-2.102(47) of the Dallas Development Code provides the following definition for “height”: “Height means the vertical distance measured from grade to: (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure; (B) for a structure with a dome, the midpoint of the vertical dimension of the dome; and (C) for any other structure, the highest point of the structure”.
- Section 51A-2.102(45) of the Dallas Development Code provides the following definition for “grade”: “Grade means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, finished ground surface elevation means the ground surface elevation of a building site before any construction or ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include: (A) fill material not necessary to make the site developable; (B) berms; or (C) landscape features”.
- Section 51A-2.102(135) of the Dallas Development Code The Dallas Development Code provides the following definition for “structure”: “Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner”.
- The submitted site plan denotes four points of elevations on the subject site, two points at 520’-8”, and two points at 509’- 8”.
- A submitted section/elevation documents that represents a structure where the “top of low grade” is 515’-2” and the “top of roof” is 557’ – 0”.
- The applicant has submitted a document stating among other things the actual building height is 34’ 6” at the primary grade around the northern 2/3 of the proposed foundation at approximately 520 feet but that the proposed building is technically 39’ 4” high based on the definition of grade and building height – the average of the lowest and highest grade is 515’ 2” and the roof midpoint is 554’ 6”; and that if the property was flat, the structure would comply with the 36 foot height limitation.
- The applicant has provided a table of 12 other properties in the vicinity of the site zoned R-1ac(A) representing that the average floor area of homes on these properties is approximately 12,000 square feet, and that the floor area of the home proposed on the subject site is 9,000 square feet.
- According to DCAD records, the “main improvement” is a structure with 7,992 square feet of total area/living area, and the following “additional improvements”: a 1,012 square foot detached garage; two pools; a 1,868 square foot cabana; a 3,600 square foot cabana; a tennis court; a 2,460 square foot detached quarters; and a 462 square foot garage.
- While the Board Administrator had been unable to access into the subject site given adjoining lots and security fences at the time of the November public hearing, he arranged a site visit with the owner and the applicant in December. The subject site is sloped, is irregular in shape, and according to the submitted application is 1.991 acres in area. The site is zoned R-1ac(A) where lots are typically 1 acre in area.



- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1ac(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac (A) zoning classification.
- If the Board were to grant the height variance request of 3' 10", and impose the submitted site plan and elevations as a condition, the building footprint and height of the structure on the site would be limited to what is shown on these documents.

**Timeline:**

- August 24, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 9, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the October 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- October 18 - 25, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A, B, C, and D).

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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.

November 15, 2017: The Board of Adjustment Panel B conducted a public hearing on this application, and delayed action on this application until their next public hearing to be held on January 17, 2018.

November 20, 2017: The Board Administrator wrote the applicant a letter of the board's action; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

January 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Project Engineer, and the Assistant City Attorney to the Board.

January 3, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment E).

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

**BOARD OF ADJUSTMENT ACTION    NOVEMBER 15, 2017**

**APPEARING IN FAVOR:**                    Dallas Cothrum, 900 Jackson St., Dallas, TX

**APPEARING IN OPPOSITION:**    Mike Northrup, 901 Main Street, Ste 3900, Dallas, TX

**MOTION:    Beikman**

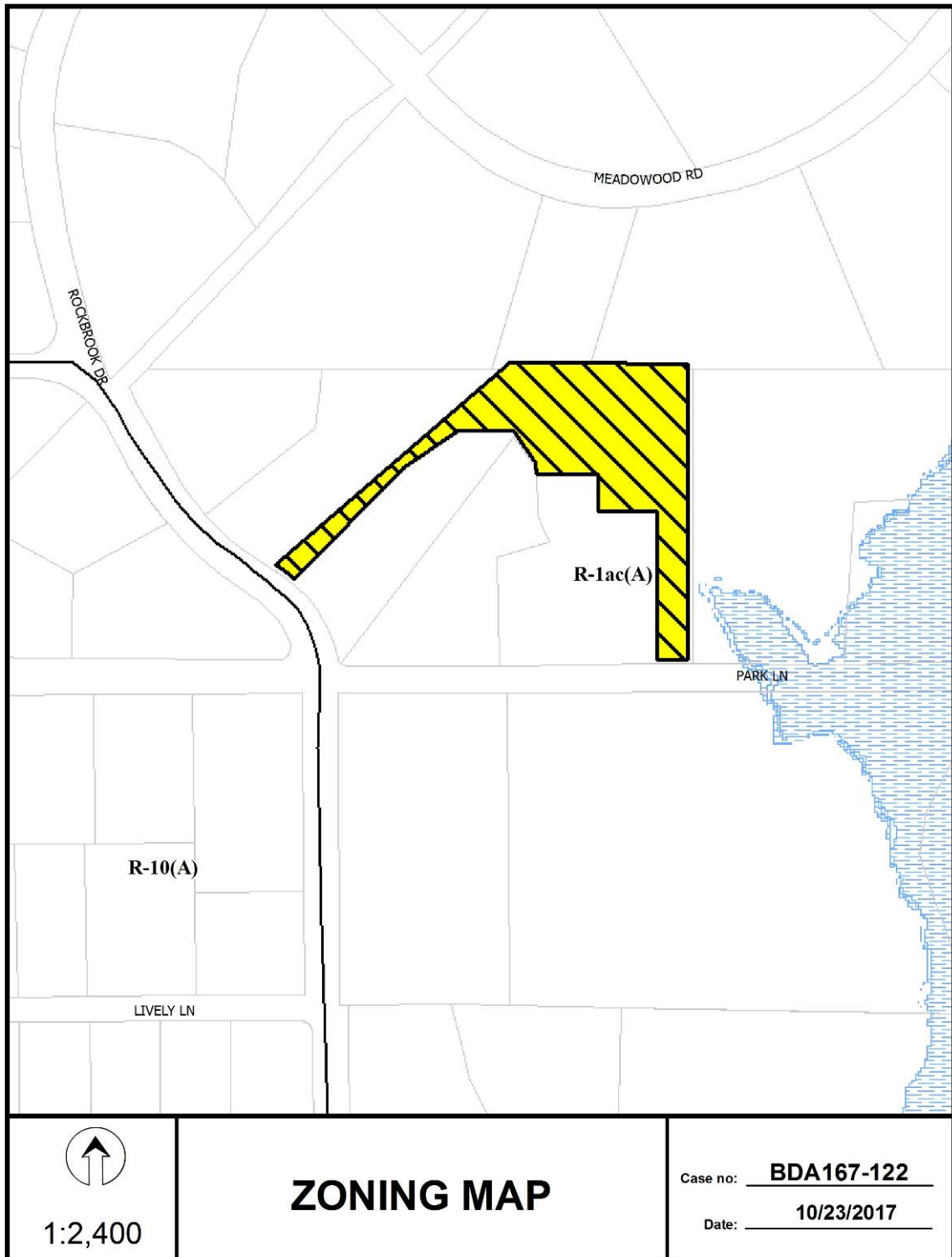
I move that the Board of Adjustment in Appeal No. **BDA 167-122(SL)** hold this matter under advisement until **January 17, 2018**.

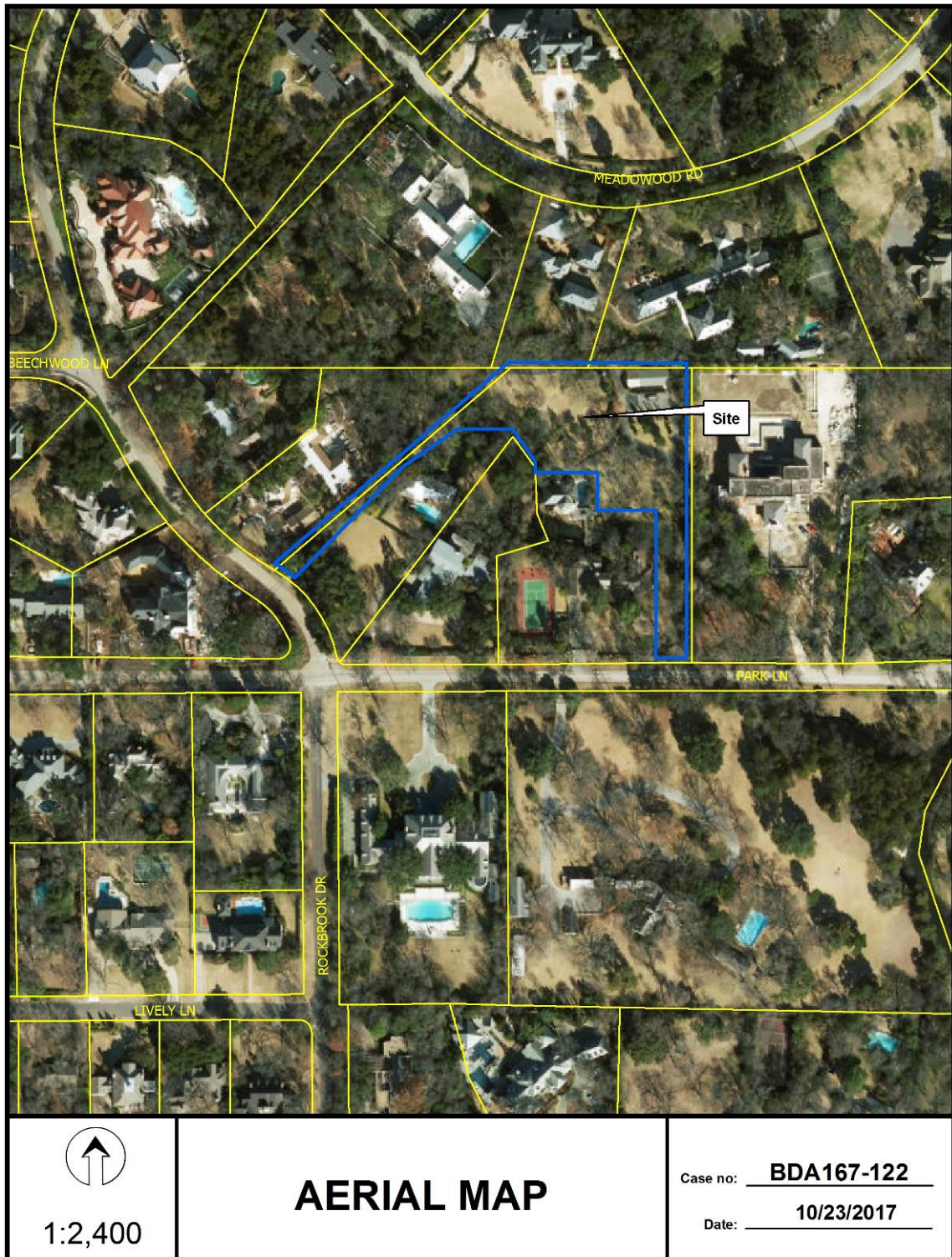
SECONDED: **Shouse**

AYES: 4 – Hounsel, Beikman, Shouse, Sahuc

NAYS: 0

MOTION PASSED 4 – 0 (unanimously)





**Masterplan**

Land Use Consultants

18 October 2017

TO: Dallas Board of Adjustment

FROM: Maxwell Fisher, AICP

RE: 4645 Park Lane (DCAD Parcel is 4635 Park Lane) – Variance to Maximum Building Height

On behalf of Jesse Ferrer, Masterplan requests approval of a variance to increase the maximum allowable building height from 36 to 39 feet, 10 inches to accommodate construction of a 2-story residence with walk-out basement at 4645 Park Lane. The property has significant topography with an adjacent creek south of the proposed pad-site that contributes to a lower measurement of grade and consequently, an artificially greater building height. Please consider the following factors:

- Building height is established by determining the difference between the surface elevation (pad-site at grade) and the mid-point elevation between the top of roof and eave.
- The primary grade around the northern two-thirds of the proposed foundation is approximately 520 feet. The lowest grade is in the southern yard where the garage and walk-out basement are planned. The average of the lowest and highest grade is 515 feet, 2 inches. The roof midpoint is 554 feet, 6 inches. As such, the proposed building height is technically 39 feet, 4 inches based on the definition of grade and building height definition.
- Since the foundation elevation is at 520 feet for nearly the northern two-thirds of the proposed padsite, the actual building height would only be 34 feet, 6 inches tall around most of the east, west, and north elevations, in compliance with the R-1ac(A) District height limitation of 36 feet.
- As such, if the property was flat, it would comply with the height regulation and this request would not be necessary. Except for the underground garage on south side, the house is in compliance with height requirement.
- The architectural design includes varying massing and roof heights. This design breaks up the building mass and offers lower building heights for those peripheral portions. Most notably, the lower portion most proximate to the northern property line, is only 31 feet in height to top of ridge.
- Applicant and property owner Jesse Ferrer owns two of the properties to the south between the site and Park Lane and Rockbrook Drive, which further insulates the development from those directions. The tallest building height is in the southern yard adjacent to property also owned by Mr. Ferrer. As such, the highest portion of building will only be experienced by applicant and land owner Jesse Ferrer.



- The proposed pad site is more than 350 feet from Park Lane and 460 feet from Rockbrook Drive. Structure visibility is non-existent or severely hindered by both the distance and intervening structures and trees on adjacent properties owned by Mr. Ferrer.
- Besides large building setbacks, there is significant perimeter vegetation that screens from adjacent properties.

Masterplan respectfully requests the Board grant the variance to accommodate construction given the slope and unique characteristics of the property. Our team looks forward to working with the City staff and the Board. Should you have any questions, or need additional information, don't hesitate to email at [maxwell@masterplanconsultants.com](mailto:maxwell@masterplanconsultants.com) or contact us at 214.761.9197

Regards,



Maxwell J. Fisher, AICP  
Masterplan



20 October 2017

TO: Dallas Board of Adjustment

FROM: Maxwell Fisher, AICP

RE: 4645 Park Lane (DCAD Parcel is 4635 Park Lane) – Variance to Maximum Building Height

This is a follow-up memorandum to the application memorandum dated October 18, 2017 pertaining to the request to increase the maximum allowable building height for the Jesse Ferrer residence at 4645 Park Lane. Besides the slope of the property warranting a building height adjustment, Masterplan contends that the proposed residence is commensurate in scale with other properties in the R-1ac(A) District. Please consider the following properties:

PROPERTY	FLOOR AREA (SF)	SITE AREA (AC)
4635 Park Lane	7,992	1.4
4707 Park Lane	14,737	4.6
4717 Park Lane	8,368	1.7
4606 Park Lane	15,596	3.1
4800 Park Lane	10,210	4.3
4622 Meadowood Road	16,775	2.6
4608 Meadowood Road	10,398	3.7
4650 Meadowood Road	12,238	3.4
9800 Rockbrook Drive	10,600	1.7
9769 Audubon Place	14,341	3.3
9785 Audubon Place	9,978	2.9
4627 Miron Drive	10,048	1.5
Average	11,773	2.8
<b>4645 Park Lane (Subject Residence)</b>	<b>9,000</b>	<b>2.0</b>

As illustrated, properties in the vicinity within the R-1ac(A) District generally range from 8,000 to 15,000 square feet in floor area. The residential average is 11,773 square feet. The proposed residence, at 9,000 square feet, is commensurate in scale with properties in the R-1ac(A) District. Should you have any questions, or need additional information, don't hesitate to email at [maxwell@masterplanconsultants.com](mailto:maxwell@masterplanconsultants.com) or contact us at 214.761.9197

Regards,

A handwritten signature in black ink, appearing to read "Maxwell J. Fisher".

Maxwell J. Fisher, AICP

Masterplan

From Start to Satisfaction 900 Jackson St. Suite 640, Dallas, TX 75202 ► tel 214.761.9197 fax 214.748.7114 ► [masterplanconsultants.com](http://masterplanconsultants.com)

BDA167-122

Attach C

PS 1



VIEW EAST

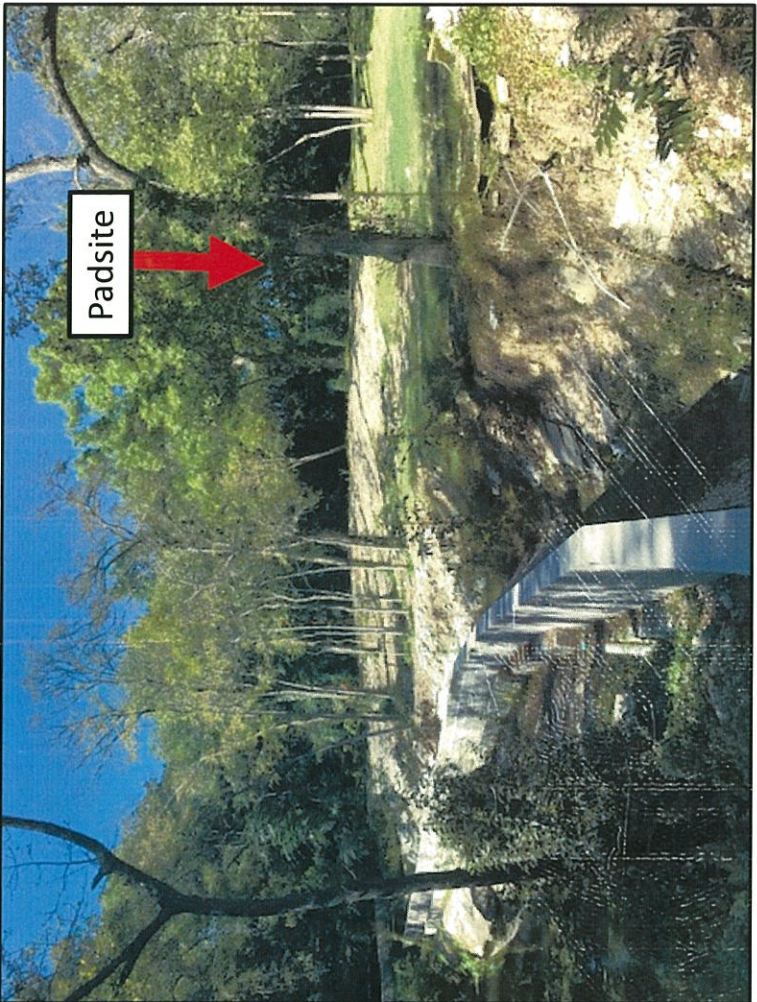


VIEW EAST - NORTHEAST

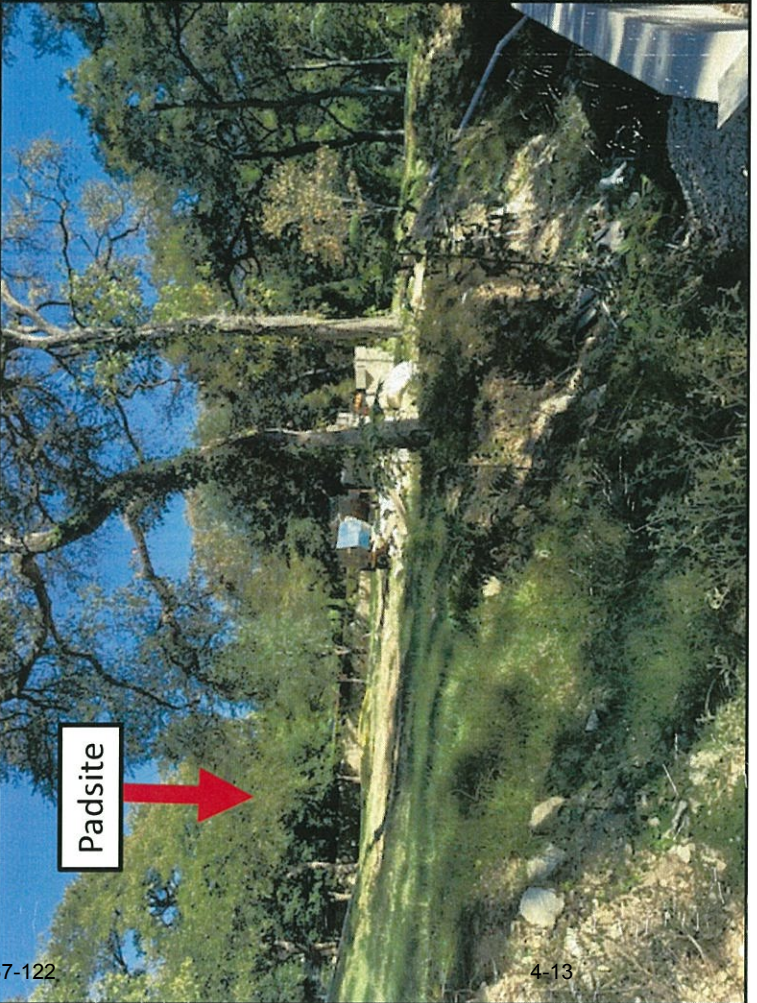
BDA167-122  
4645 Park Lane



BDA167-122  
ATTACH C  
Pg 2



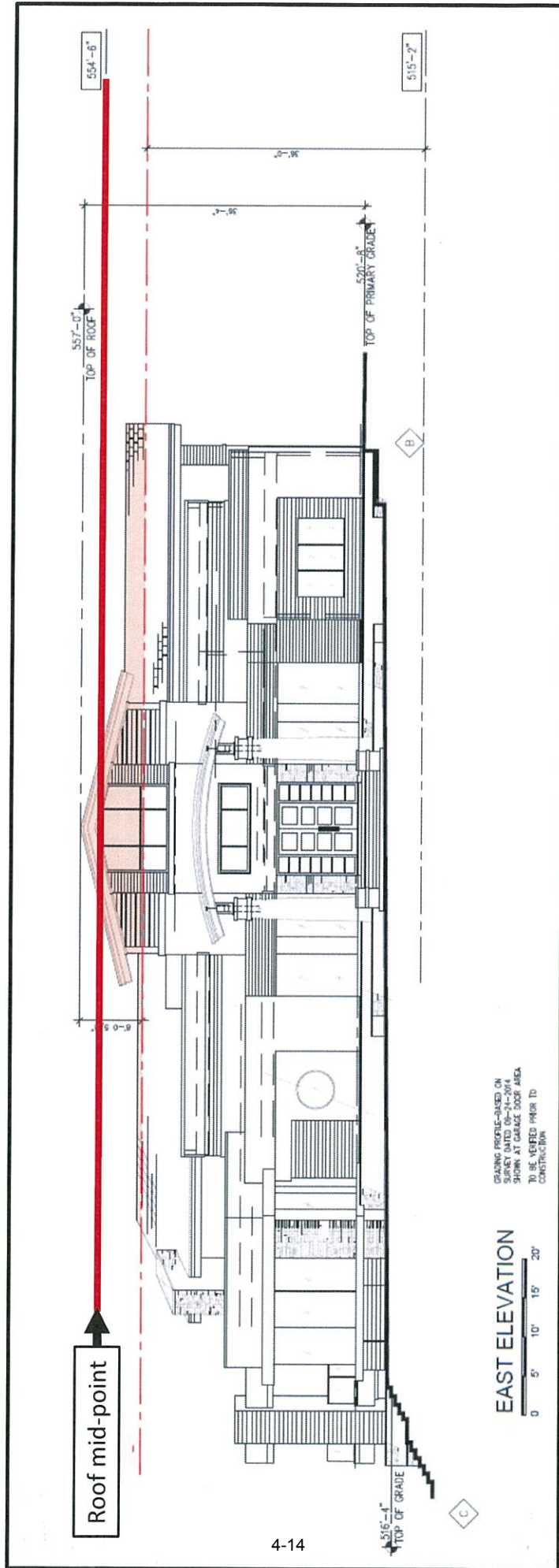
VIEW NORTHWEST



VIEW NORTHEAST

BDA167-122  
4645 Park Lane

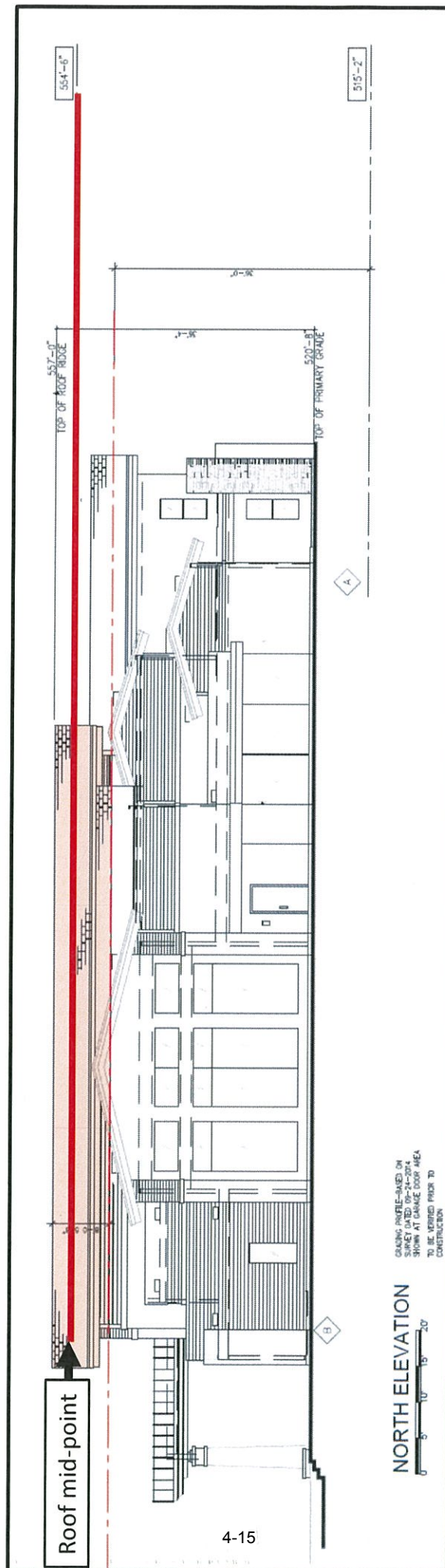
BDA167-122  
Attach D  
Pg 1



BDA167-122



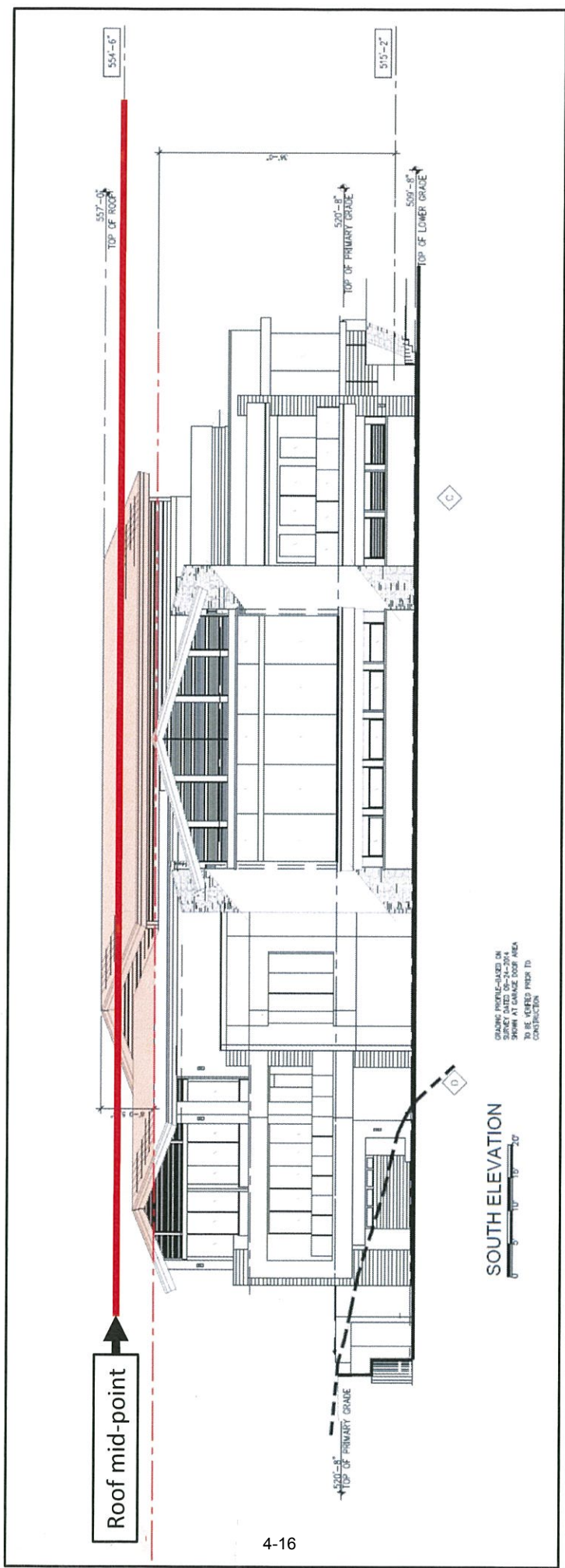
BDA167-122  
Attachment D  
Pg 2



BDA167-122

BDA167-122

Attach A  
PS3

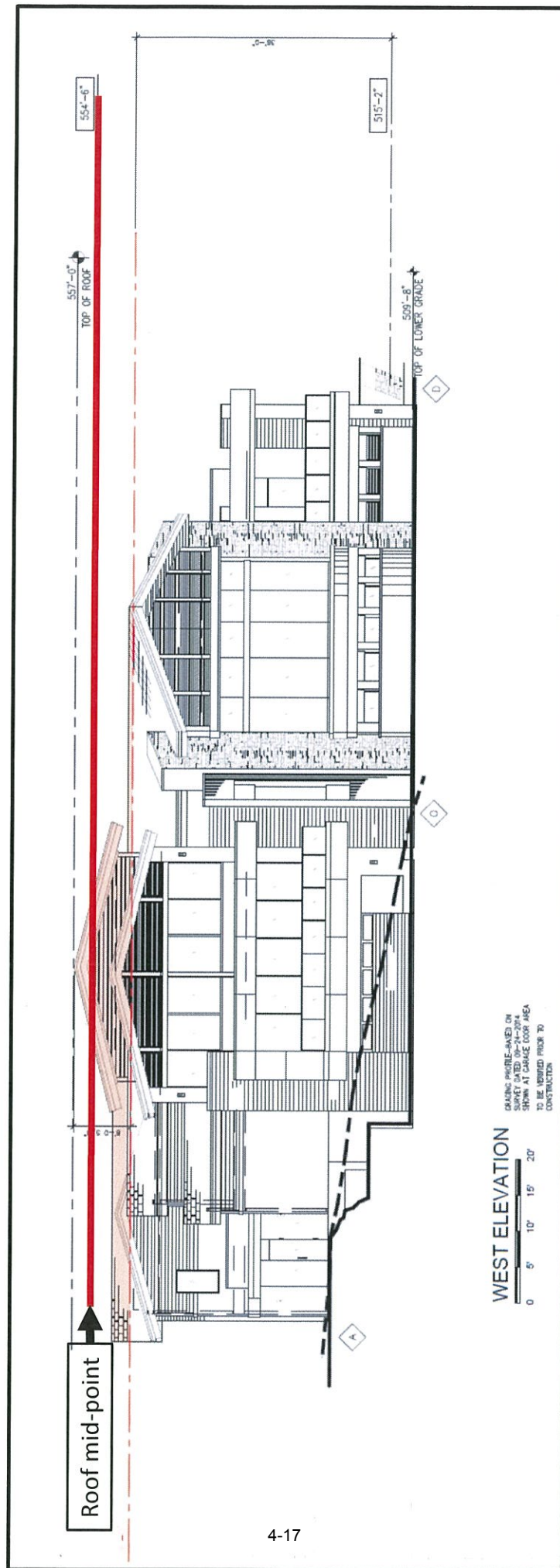


BDA167-122



BDA 167-122

Attach D  
Pg 4



BDA167-122

BDA167-122  
Attach E

**Long, Steve**

---

**From:** Maxwell Fisher <Maxwell@masterplanconsultants.com>  
**Sent:** Wednesday, January 03, 2018 3:13 PM  
**To:** Long, Steve  
**Subject:** RE: BDA167-122, Property at 4635 Park Lane  
**Attachments:** BDA167-122 Jesse Ferrer Park Lane Lift Exhibits.pdf

ps 1

Steve,

Please find the attached exhibits of the lift device placed at 4635 Park Lane on December 12, 2017. Would you please confirm receipt and that these materials will be forwarded to the Board of Adjustment, Panel B?

Thank you,

Maxwell

Maxwell J. Fisher, AICP  
Phone: 214.761.9197  
Cell: 214.470.3972  
[maxwell@masterplanconsultants.com](mailto:maxwell@masterplanconsultants.com)  
900 Jackson Street, Suite 640  
Dallas, TX 75202



**Masterplan**

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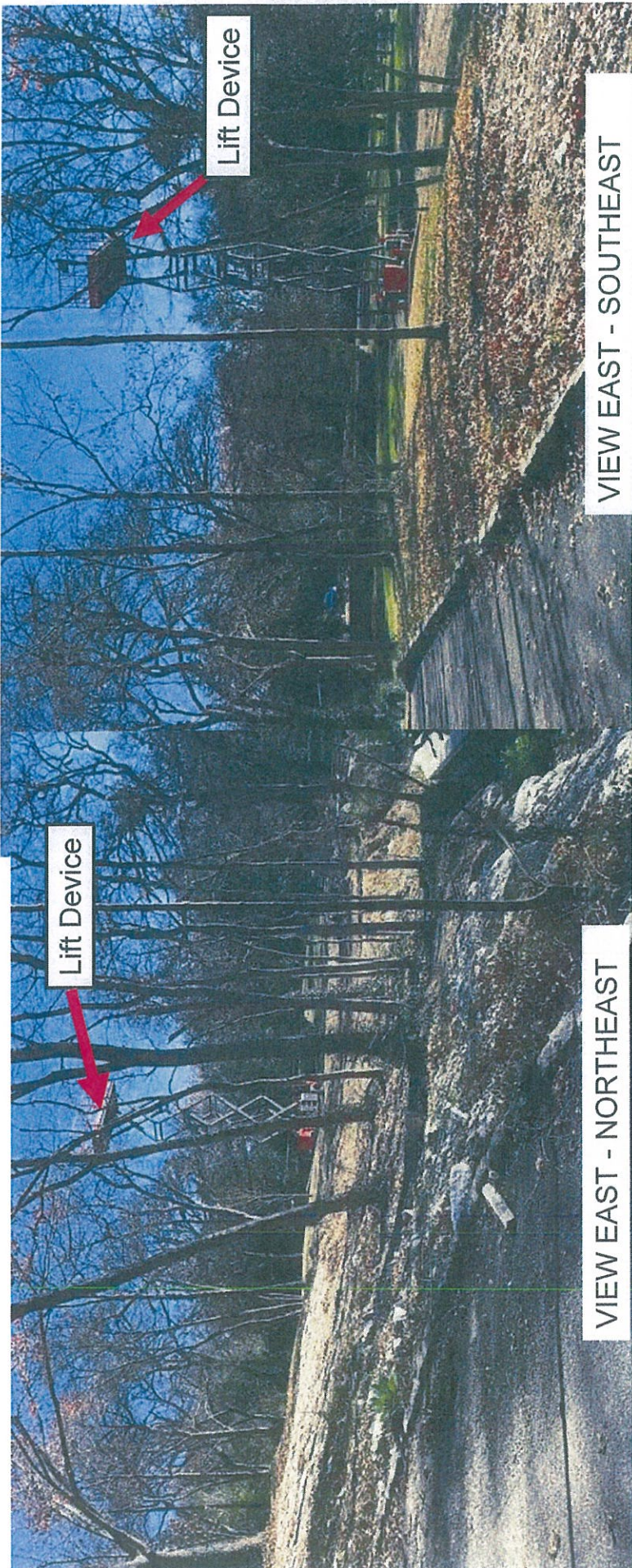
**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Wednesday, December 13, 2017 1:34 PM  
**To:** Maxwell Fisher <Maxwell@masterplanconsultants.com>  
**Subject:** FW: BDA167-122, Property at 4635 Park Lane

Another one. ☺

---

**From:** Long, Steve  
**Sent:** Tuesday, December 12, 2017 1:57 PM  
**To:** 'Maxwell Fisher' <Maxwell@masterplanconsultants.com>  
**Subject:** FW: BDA167-122, Property at 4635 Park Lane





Lift Device

VIEW EAST - SOUTHEAST

Lift Device

VIEW EAST - NORTHEAST

BDA167-122  
4645 Park Lane

BDA  
167-  
122  
Attach E  
p 2

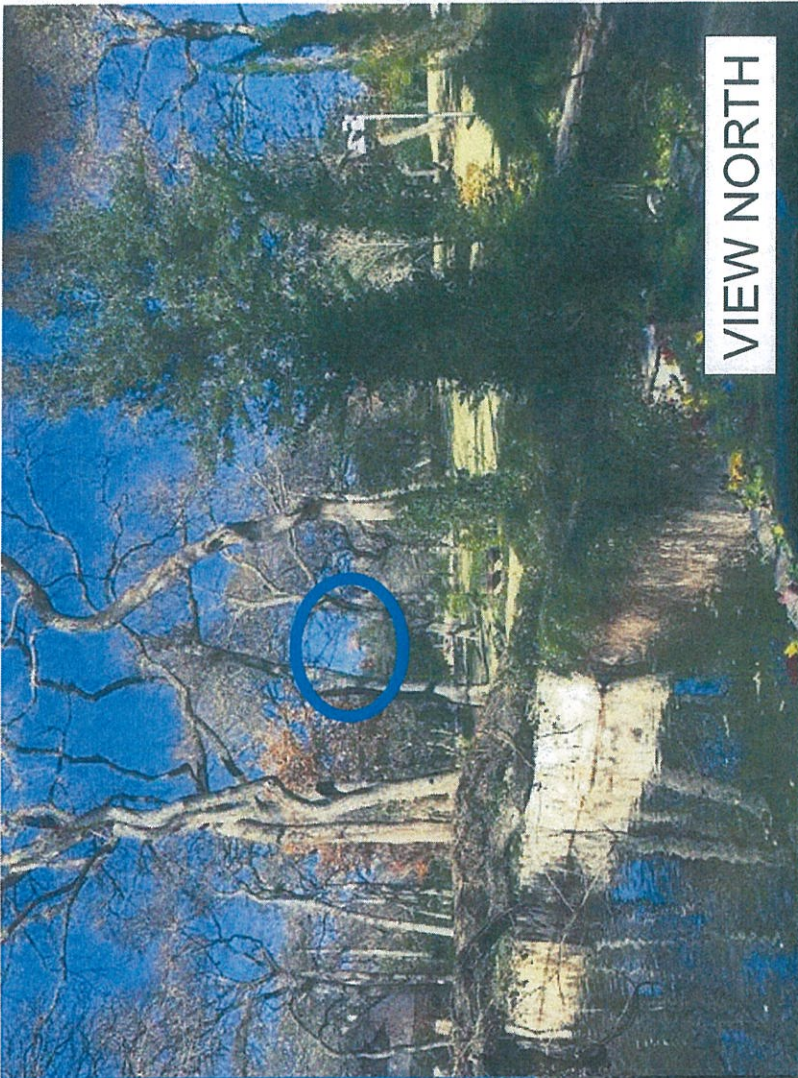


BDA 167-  
122  
Attach E  
p33

7







VIEW NORTH

5



VIEW NORTH

BDA167-  
122  
Attach E  
PS4





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-122

Data Relative to Subject Property:

Date: 8/24/17

Location address: 4645 Park Lane Zoning District: R-1ac(A)

Lot No.: 3C Block No.: B/5546 Acreage: 1.991 Census Tract: 0206.00

Street Frontage (in Feet): 1) 50 2) 40 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jesse F. Ferrer

Applicant: Maxwell Fisher, AICP Telephone: 214.761.9197

Mailing Address: 900 Jackson Street, Suite 640 Zip Code: 75202

E-mail Address: maxwell@masterplanconsultants.com

Represented by: See applicant designation. Telephone: --

Mailing Address: -- Zip Code: --

E-mail Address: --

Affirm that an appeal has been made for a Variance X, or Special Exception, of 3 feet, 10 inches to the building height requirement.

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 unique slope of the property creates an inflated measurement of building height. The building height measured from the primary grade is less than 35 feet, in compliance with the building height regulations.

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

Affidavit

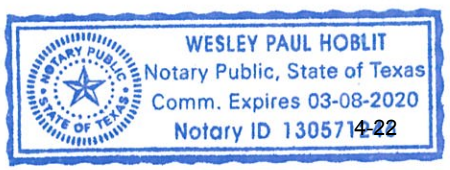
Before me the undersigned on this day personally appeared Maxwell Fisher (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 24th day of August, 2017

(Rev. 08-01-11) Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Maxwell Fisher

did submit a request for a variance to the building height regulations  
at 4635 Park Lane

BDA167-122. Application of Maxwell Fisher for a variance to the building height regulations at 4635 Park Lane. This property is more fully described as Lot 3C, Block B/5546, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct a single family residential structure with a building height of 39 feet 10 inches, which will require a 3 foot 10 inch variance to the maximum building height regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

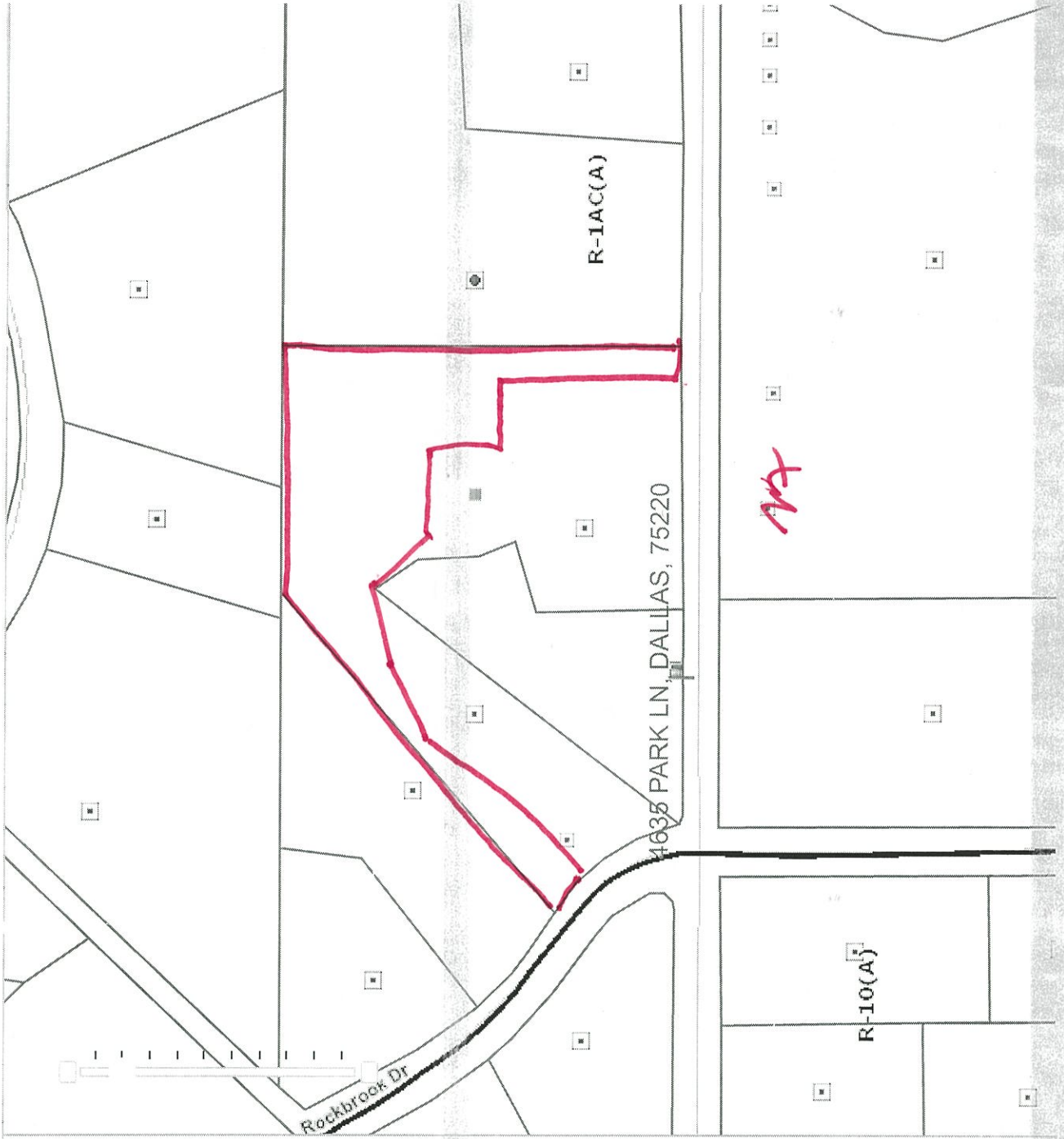
Street address.  
4635 park

Locate

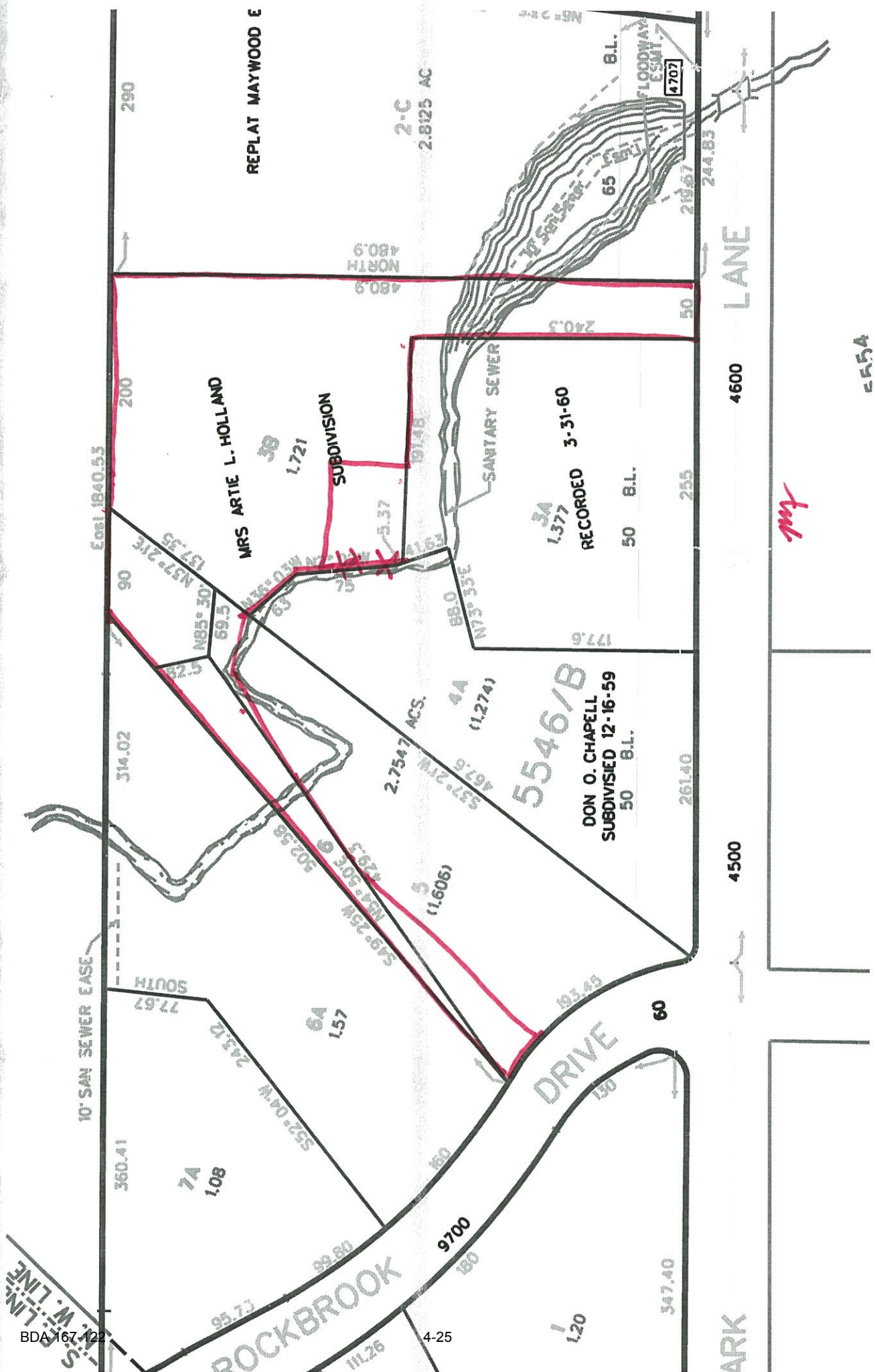
OR

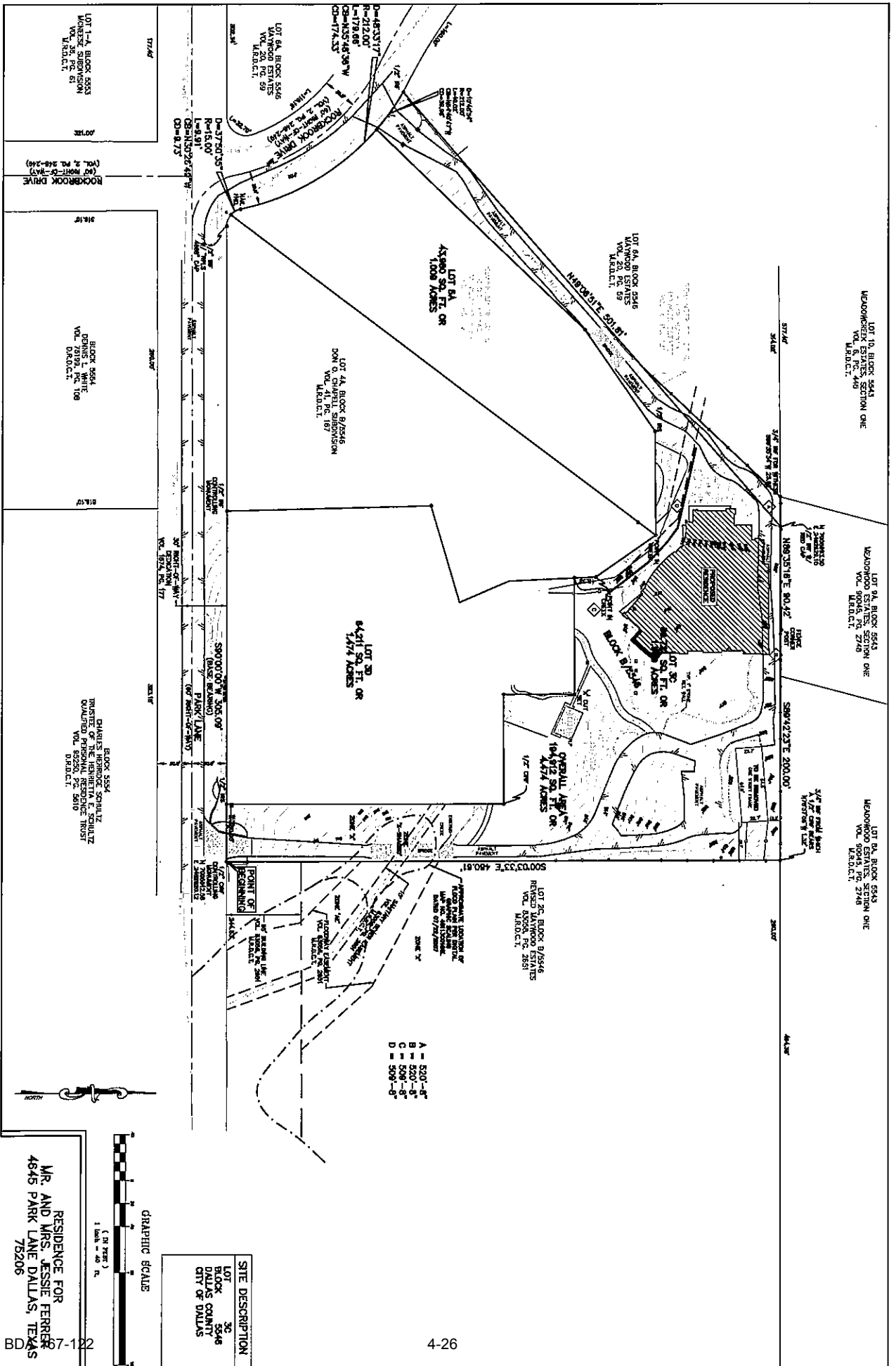
Parcel address.  
Use street type for better re

Locate

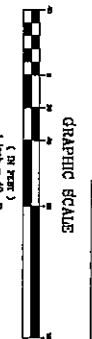






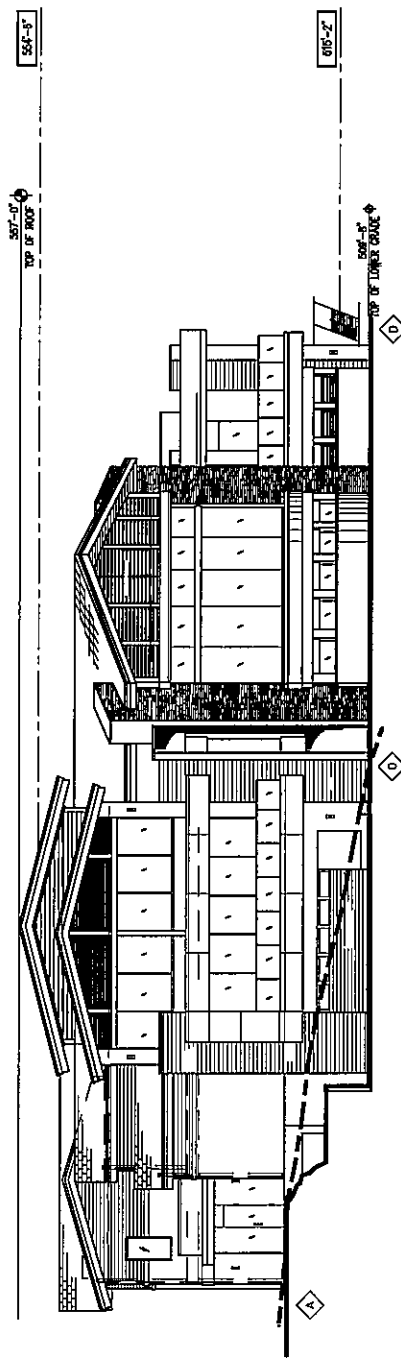


RESIDENCE FOR  
MR. AND MRS. JESSIE FERRIER  
4645 PARK LANE DALLAS, TEXAS  
75206



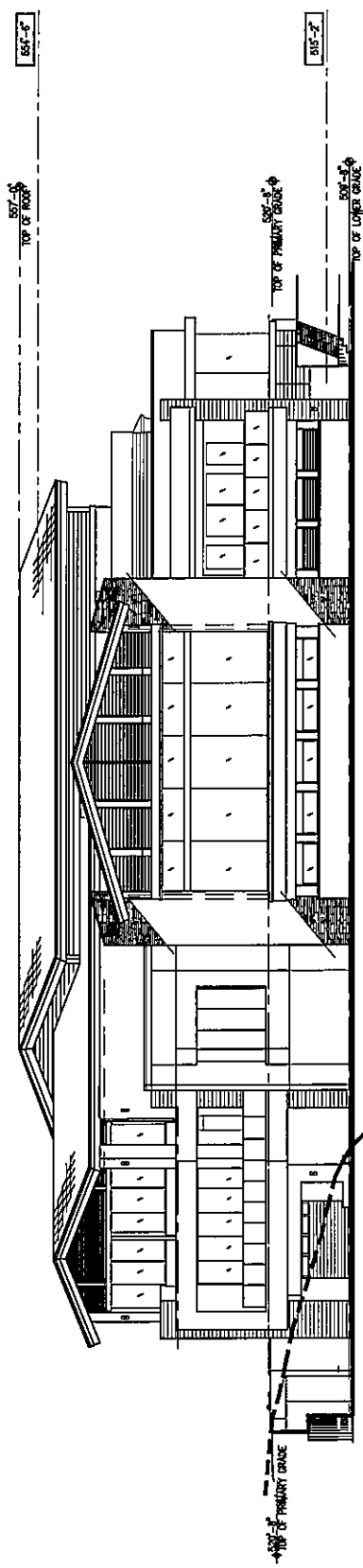
SITE DESCRIPTION	
LOT	32
BLOCK	554
DALLAS COUNTY	
CITY OF DALLAS	





WEST ELEVATION  
 0 5 10 15 20  
 include work-shops of  
 SENTRY PATROL in 2nd story  
 display at ground floor level  
 construction

RESIDENCE FOR  
 MR. AND MRS. JESSIE FERRER  
 4645 PARK LANE DALLAS, TEXAS 75206

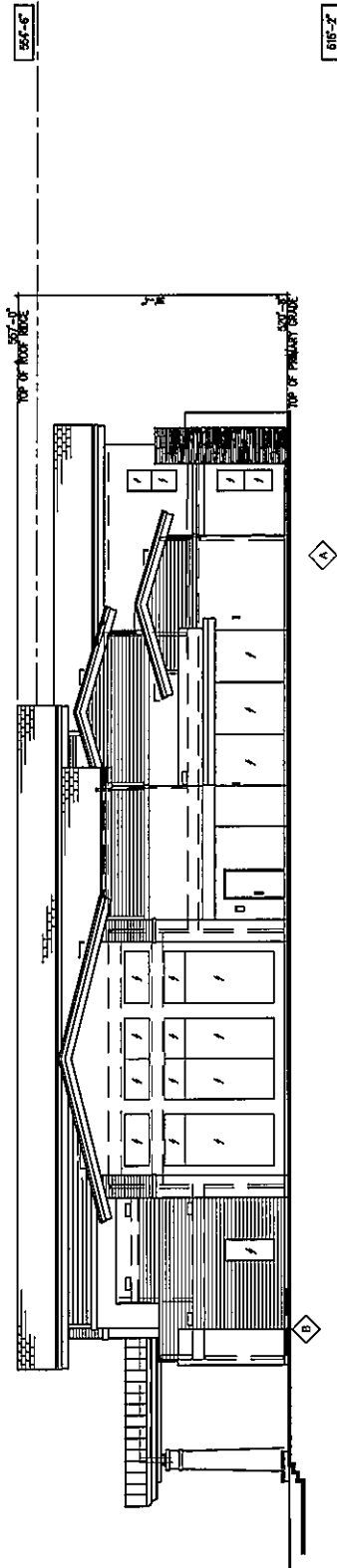


INCLUDE FRONT-PIECE IN  
 SOUTH ELEVATION DRAWING  
 TO BE SHOWN WITH  
 COMPLIANCE

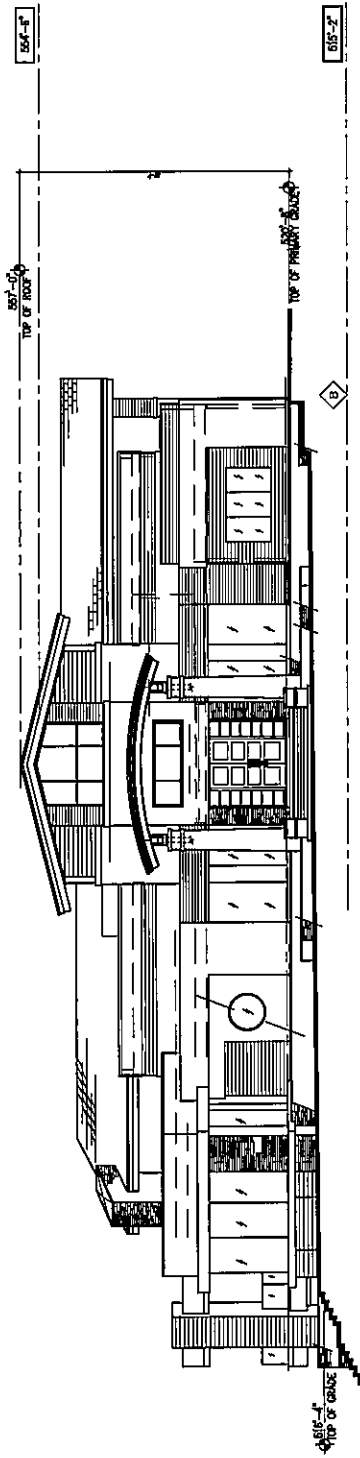
**SOUTH ELEVATION**  
 0 5 10 15 20

RESIDENCE FOR  
 MR. AND MRS. JESSIE FERRER  
 4645 PARK LANE DALLAS, TEXAS 75206

RESIDENCE FOR  
MR. AND MRS. JESSIE FERRER  
4845 PARK LANE DALLAS, TEXAS 75206



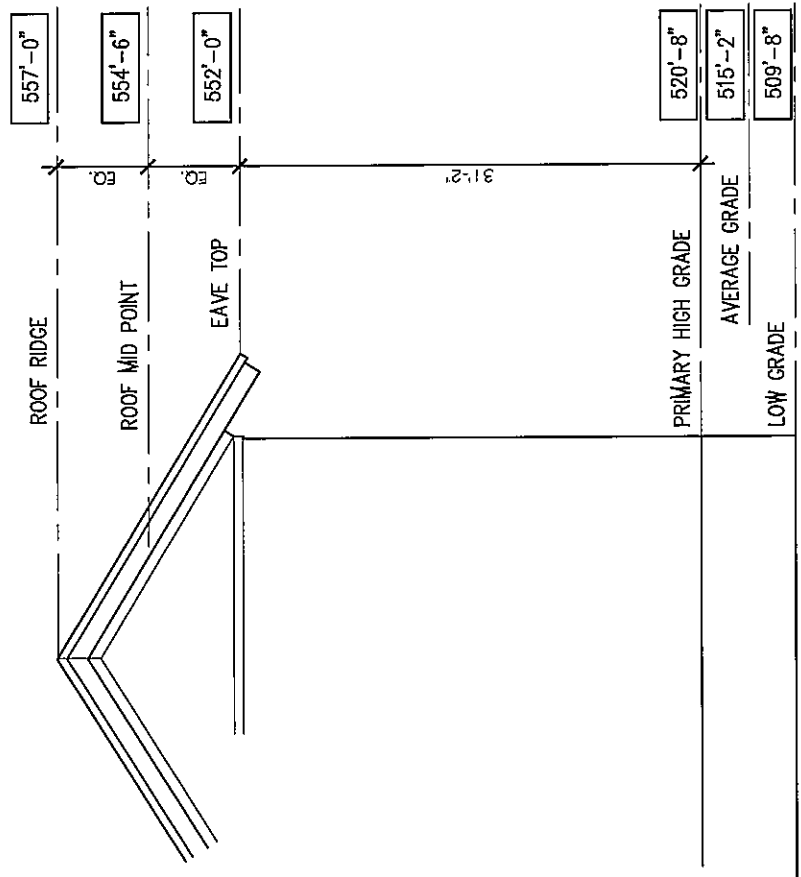
**NORTH ELEVATION**  
0 5 10 20  
UNLESS INDICATED BY  
OTHERWISE, ALL DIMENSIONS ARE  
TO BE NOTED FROM TO  
CORNER



SHOWN PERMITTED BY  
 STATE AND LOCAL  
 AUTHORITIES.  
 TO BE USED FOR THE  
 DISPLAY ONLY

EAST ELEVATION  
 0 5' 10' 15' 20'

RESIDENCE FOR  
 MR. AND MRS. JESSIE FERRER  
 4645 PARK LANE DALLAS, TEXAS 75208



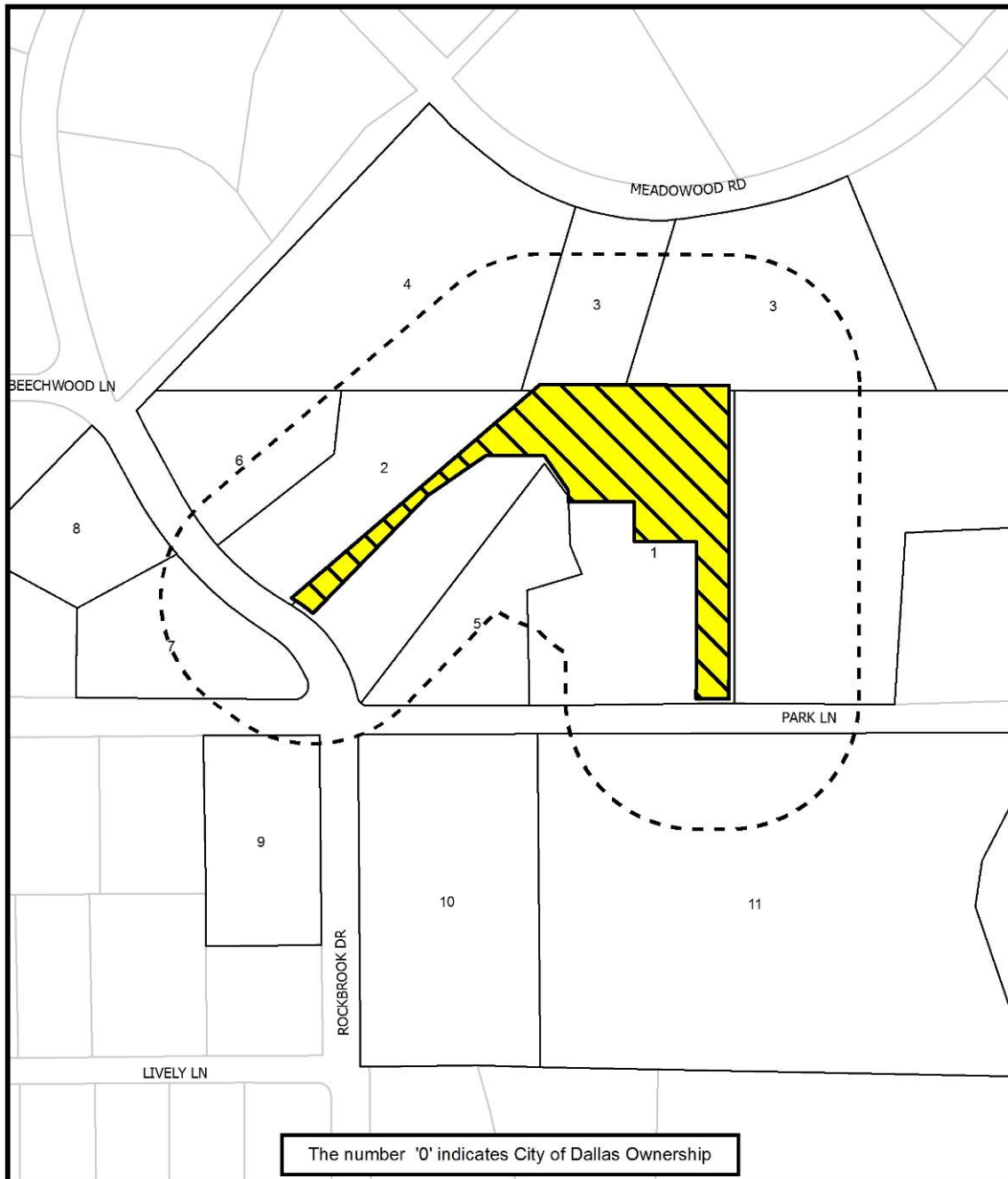
GRADING PROFILE-BASED ON  
 SURVEY DATED 08-24-2014  
 SHOWN AT GARAGE DOOR AREA  
 TO BE VERIFIED PRIOR TO  
 CONSTRUCTION

# TYPICAL BUILDING ELEVATION



RESIDENCE FOR  
 MR. AND MRS. JESSIE FERRIER  
 4645 PARK LANE DALLAS, TEXAS 75206





The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;"><b>11</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>11</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA167-122</b></u> Date: <u><b>10/23/2017</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>11</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## ***Notification List of Property Owners***

### ***BDA167-122***

#### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4635 PARK LN	FERRER JESSE F &
2	9726 ROCKBROOK DR	WILCOX WILLIAM H &
3	4622 MEADOWOOD RD	MIDWELL EST HOLDING CO
4	4608 MEADOWOOD RD	ROSE WILLIAM & CATHERINE
5	4619 PARK LN	YOUNG MICHAEL & SHARON
6	9746 ROCKBROOK DR	TRIBOLET PATRICK M & DAWNE M
7	9727 ROCKBROOK DR	MOON DANIEL & TIFFANY S
8	9739 ROCKBROOK DR	DAVIS GARY LEE & TRUDIE A
9	4524 PARK LN	ROGERS GERALD D &
10	4606 PARK LN	MAGUIRE CARY M
11	4644 PARK LN	HAEMISEGGER DAVID J & NANCY A NASHER

**FILE NUMBER:** BDA178-005(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jeff Plauche, represented by Katherine Moltz, for a special exception to the sign regulations at 8061 Walnut Hill Lane. This property is more fully described as an unplatted 13.23 acre tract in Block A/5459 and is zoned MU-1, RR, & PD 804, which limits the number of detached signs on a premise to one per street frontage other than expressways. The applicant proposes to construct and maintain one additional detached premises sign, which will require a special exception to the sign regulations.

**LOCATION:** 8061 Walnut Hill Lane

**APPLICANT:** Jeff Plauche  
Represented by Katherine Moltz

**REQUEST:**

A special exception to the sign regulations is made to locate and maintain an additional detached premise sign along the site's approximately 900' long Walnut Hill Lane street frontage on a site being developed with a mixed use center (The Hill).

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff has concluded that that the applicant had not substantiated that strict compliance with the requirement of the sign regulations (in this case, the site's Walnut Hill Lane 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: RR, MU-1, PD 804 (Regional Retail, Mixed Use, and Planned Development)  
North: NO(A) (Neighborhood Office)  
South: PD 898 (Planned Development)  
East: PD 519 (Planned Development)  
West: MU-2 (Mixed Use)

### **Land Use:**

The site is currently being developed as a mixed use center. The area to the north, south, east, and west are developed with a mix of office and retail 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 sign regulations focuses on locating and maintaining an additional sign on the subject site's approximately 900' long Walnut Hill Lane street frontage on a site being developed with a mixed use center.
- Section 51A-7.304(b)(4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. (The subject site's frontage is not an expressway).
- The submitted site plan indicates the location of two detached signs (denoted as "B1" and "B2" on the site's Walnut Hill Lane street frontage).
- A sign elevation denoting the "B2" monument sign has been submitted.
- The applicant's representative has stated that only one special exception request is made to the Board: an additional sign along the site's Walnut Hill Lane frontage. The applicant's representative has stated that all other aspects of the sign regulations will be met on the site.
- The applicant has the burden of proof in establishing the following:
  - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.
- If the Board were to approve the request for a special exception to the sign regulations, the Board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation.

- Granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code other than allowing an additional sign on the subject site.

**Timeline:**

November 2, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 1, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

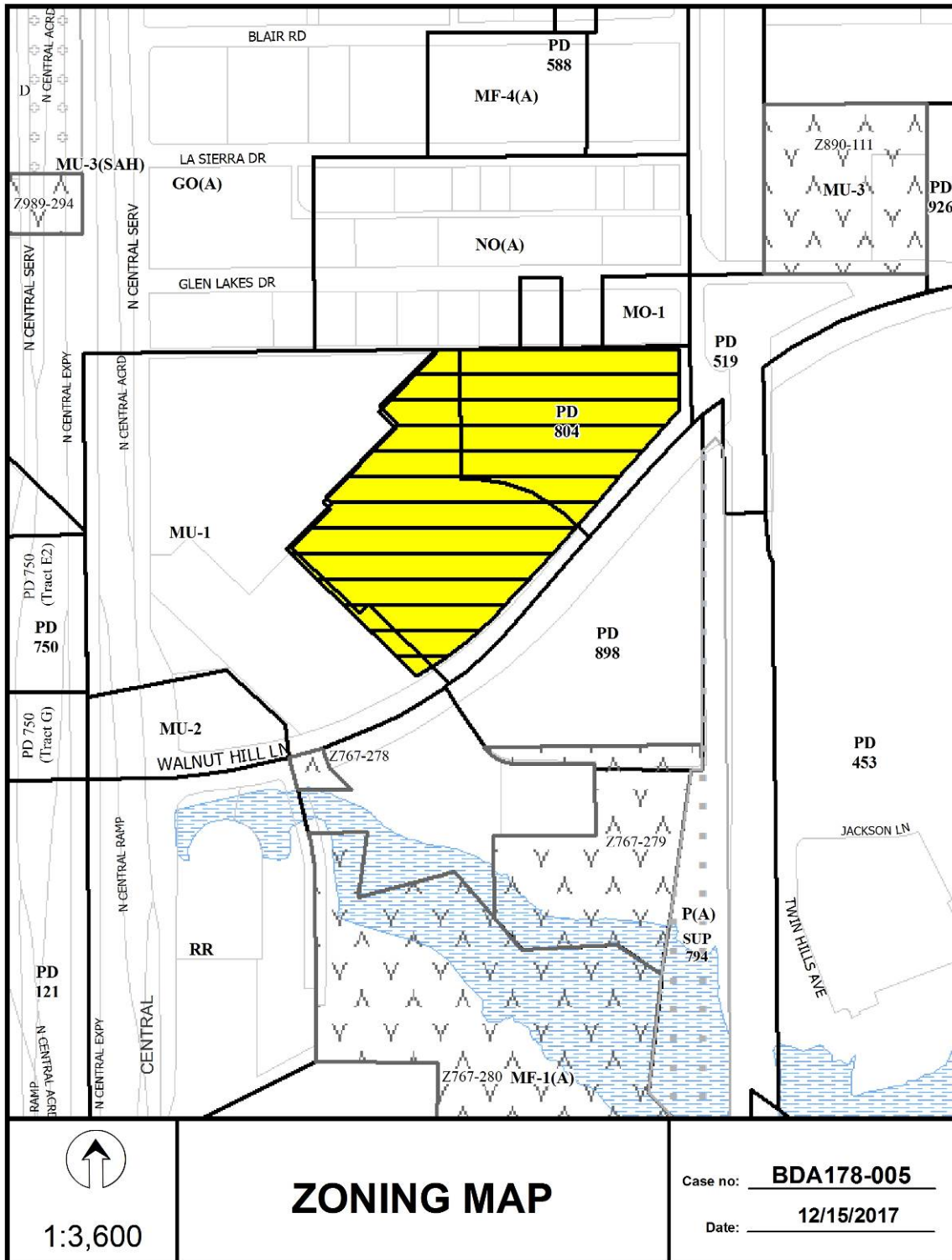
December 4, 2017: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2017: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

January 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: Sustainable Development and Construction Assistant Director, the the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Project Engineer, and the Assistant City Attorney to the Board.

January 3, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections” with the following comment: “The proposed additional sign is located more than 500 feet apart from existing sign. The spacing and curvature of the road allow both signs to operate without overwhelming motorists”.







1:3,600

# AERIAL MAP

Case no: BDA178-005

Date: 12/15/2017

Board of Adjustment  
City of Dallas  
1500 Marilla St.  
Dallas, TX

Attn: Board of Adjustment

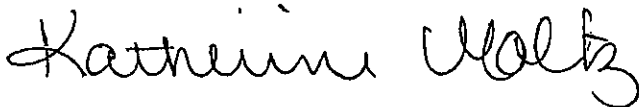
The property located at 8061 Walnut Hill referred to as "the hill" is asking for a special exception to the sign code to allow for an additional sign on Walnut Hill. We currently meet all height, square footage, setbacks and distance between sign requirements. We are only asking for one exception and that is for an additional sign. We are asking this because of the linear frontage that the property has on Walnut Hill as well as the number of tenants on this one property. We have attached a site plan showing the number of buildings on the property as well as the linear feet of frontage off of Walnut Hill.

We are concerned that having the one sign allowed by code would cause an inequity for the tenants based on the number of tenants and buildings that they currently have on this property. We researched other properties and the distance between their signs. A good example is Modena Apartments located down the street at 8275 Walnut Hill and the Bank of Texas. Their two signs are 226' feet apart from each other. This tells us that if our property was divided up into different parcels that we could essentially have 2-3 more signs on our property given the size of our frontage and number of buildings located on this one piece of land.

We really appreciate your help in getting our tenants the most visibility possibly so that they can be successful.

Thank you,

Katherine Moltz









City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-005

Data Relative to Subject Property:

Date: 11-02-2017

Location address: 8061 Walnut Hill, Dallas, TX Zoning District: RR, MU-1

Lot No.: — Block No.: A/5459 Acreage: 13.23 Census Tract: 78.22

Street Frontage (in Feet): 1) 1,202' 2) 884' 3) — 4) — 5) —

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CAPREE WALNUT HILL LLC

Applicant: Jeff Plauché Telephone: 214.347.7716

Mailing Address: 9333 Douglas Ave #975 Zip Code: 75225

E-mail Address: —

Represented by: Katherine Moltz Telephone: 210-421-0785

Mailing Address: 17319 San Pedro Ave Suite 200, San Antonio, TX Zip Code: 78232

E-mail Address: Kmoltz@chandler signs.com

Affirm that an appeal has been made for a Variance —, or Special Exception , of (1) double face 8'x12' monument sign with concrete base. An additional detached sign.

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:  
Financial hardship for tenants located at the back of the property who's storefront doesn't face Walnut Hill or H-75.  
U.S.

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

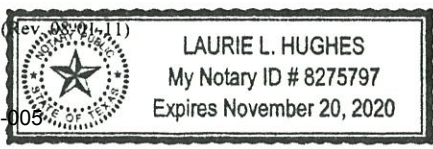
Before me the undersigned on this day personally appeared Jeff Plauché  
(Affiant/Applicant's name printed)

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: Jeff Plauché  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 2 day of November, 2017

Laurie Hughes  
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 Jeff Plauche  
represented by Katherine Moltz  
did submit a request for a special exception to the sign regulations  
at 8061 Walnut Hill Lane

BDA178-005. Application of Jeff Plauche represented by Katherine Moltz for a special exception to the sign regulations at 8021 Walnut Hill Lane. This property is more fully described as an unplatted 13.23 acre tract in Block A/5459 and is zoned MU-1 & RR, which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

8021 walnut hill

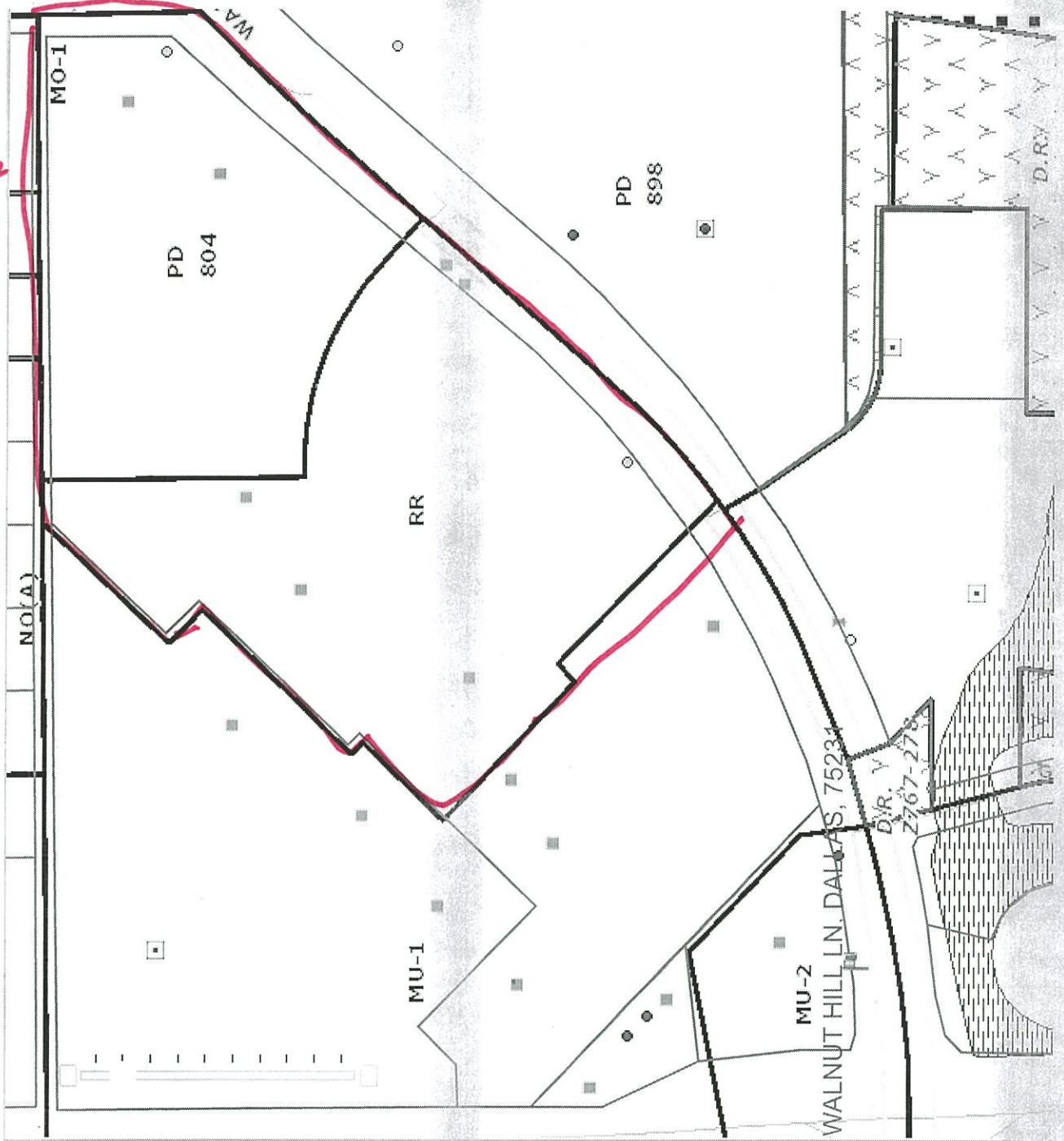
Locate

OR

Parcel address.

Use street type for better re

Locate







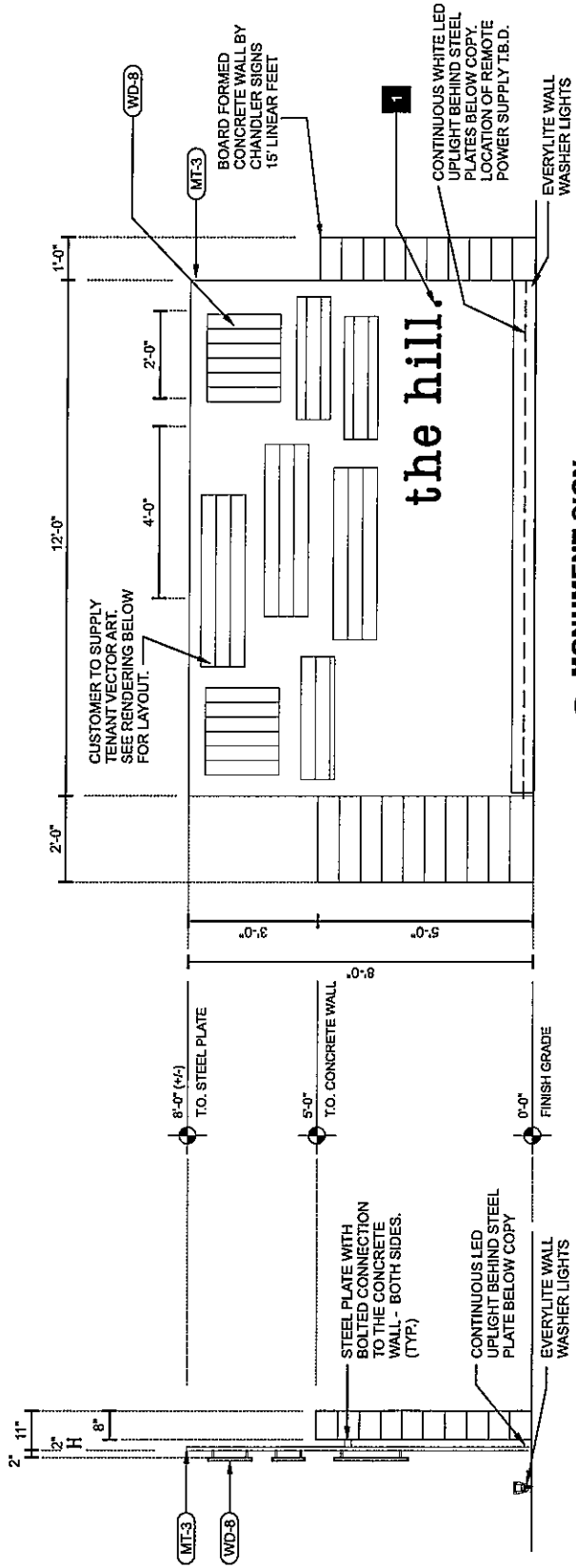
the hill.

Design #	
Sheet	2 of 3
Client	
Address	
Acct. Rep. Coordinator	KATHERINE MOLTZ
Designer	TARA McNEAL
Date	11/01/17
Approval / Date	
Client	
Scale	
Estimating	
Art	
Engineering	
Landscape	
Revision/Date	

**Chandler Signs**  
 Signage & Graphics  
 1218 Glen Ridge Ave  
 Glen Ridge, NJ 07033  
 Phone: 973-325-1234  
 Fax: 973-325-1235  
 Email: info@chandler-signs.com  
 Website: www.chandler-signs.com

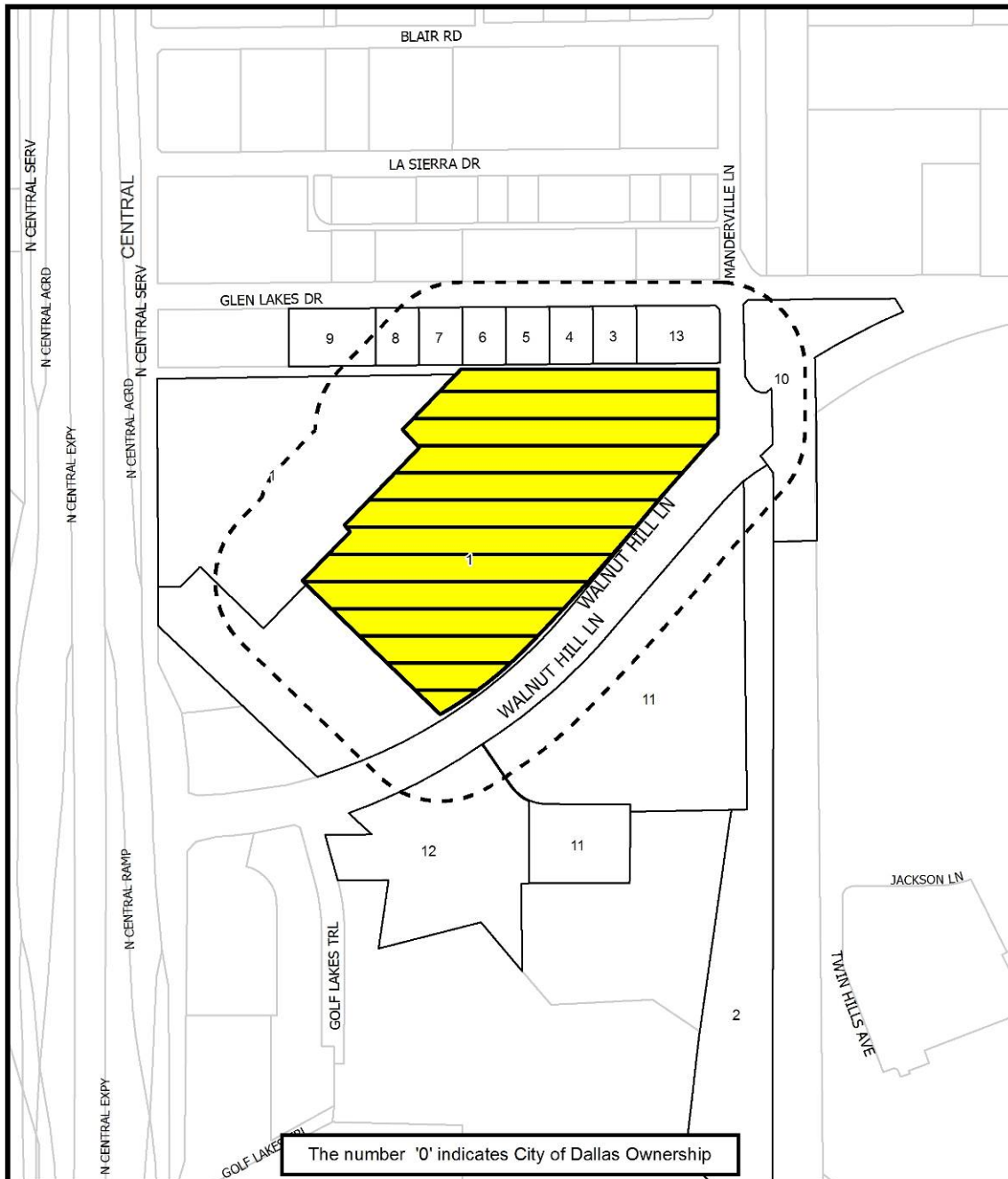
**FINAL ELECTRICAL CONNECTION BY CUSTOMER**

THIS DOCUMENT IS THE PROPERTY OF Chandler Signs, LLC. It is to be used only for the project and location specified herein. All other uses are strictly prohibited. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF CHANDLER SIGNS, LLC IS STRICTLY FORBIDDEN.



- B2** MONUMENT SIGN SCALE: 3/8" = 1'-0"  
 TWO ( 2 ) REQUIRED - MANUFACTURE AND INSTALL 96.0 SQ. FT.
- MT-3** 1" THICK CORTEN STEEL PLATE ATTACHED TO EXISTING CONCRETE WALL.
  - 1** "THE HILL" LOGO CUT INTO 1" THK. STEEL PLATE WITH SHO-THRU CUT LETTERS.
  - WD-8** 1" THK. EXTERIOR ENGINEERED WOOD TENANT PANELS ATTACHED TO CORTEN STEEL PANELS WITH 2" STANDOFFS. TENANT COPY TO BE HAND PAINTED DIRECTLY ONTO WOOD TENANT PANELS. (SEE SAMPLE)





 1:3,600	<b>NOTIFICATION</b>		Case no: <b>BDA178-005</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>12/15/2017</b>	

## *Notification List of Property Owners*

***BDA178-005***

### ***13 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8021 WALNUT HILL LN	CAPREF WALNUT HILL LLC
2	8160 WALNUT HILL LN	TEXAS UTILITIES ELEC CO
3	5486 GLEN LAKES DR	LIPPAS MARC GREGORY FAM
4	5478 GLEN LAKES DR	CAPREF WALNUT HILL LLC
5	5470 GLEN LAKES DR	WATSON MAELISSA ET AL
6	5462 GLEN LAKES DR	PRICE DEBORAH R
7	5452 GLEN LAKES DR	FONBERG REAL ESTATE
8	5446 GLEN LAKES DR	AU PROPERTIES LLC
9	5430 GLEN LAKES DR	GLEN LAKES ATRIUM LTD
10	8240 WALNUT HILL LN	DALLAS AREA RAPID TRANSIT
11	8144 WALNUT HILL LN	WALNUT GLEN TEXAS LLC
12	8024 WALNUT HILL LN	NUTTING RICE TEXAS LP
13	5494 GLEN LAKES DR	WHSC GEN PAR LLC

**FILE NUMBER:** BDA178-009(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the Modified Delta Overlay District No. 1 regulations at 1917 Greenville Avenue. This property is more fully described as part of Lots 19 & 20, Block C/1983, and is zoned PD 842 (MD 1), which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The applicant proposes to carry forward nonconforming parking spaces under the delta theory lost because of a use that was discontinued or vacant for 12 months or more, which will require a special exception to the Modified Delta Overlay District No. 1 regulations.

**LOCATION:** 1917 Greenville Avenue

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the Modified Delta Overlay District No. 1 regulations to carry forward nonconforming parking spaces under the delta theory that were terminated since the use on part of the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for an office use in the vacant structure/storefront on the subject site.

**STANDARD FOR SPECIAL EXCEPTION TO THE MODIFIED DELTA OVERLAY DISTRICT No. 1 REGULATIONS TO CARRY FORWARD NONCONFORMING PARKING AND LOADING SPACES UNDER THE DELTA THEORY WHEN A USE IS DISCONTINUED OR REMAINS VACANT FOR 12 MONTHS OR MORE:**

The Modified Delta Overlay District No. 1 states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:

1. A decline in the rental rates for the area which has affected the rental market.
2. An unusual increase in the vacancy rates for the area which has affected the rental market.
3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff concluded that the applicant had not demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance which shall include but not be limited to the following:
  1. A decline in the rental rates for the area which has affected the rental market.
  2. An unusual increase in the vacancy rates for the area which has affected the rental market.
  3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 842, MD-1 (Planned Development, Modified Delta Overlay)  
North: PD 842, MD-1 (Planned Development, Modified Delta Overlay)  
South: PD 842, MD-1 (Planned Development, Modified Delta Overlay)  
East: PD 842, MD-1 (Planned Development, Modified Delta Overlay)  
West: PD 842, MD-1 (Planned Development, Modified Delta Overlay)

**Land Use:**

The subject site is developed with a vacant one-story commercial structure. The areas to the north, south, and east are developed with commercial/retail uses; and the area to the west is developed with a surface parking lot.

**Zoning/BDA History:**

1. BDA145-011, Property at 1909 Greenville Avenue (approximately two storefronts south of the subject site)

On January 20, 2015, the Board of Adjustment Panel A granted a request for a special exception to the Modified Delta Overlay District No. 1 regulations. The case report stated the request was made to carry forward nonconforming parking spaces under the delta theory that were terminated since the use on part of the site was discontinued or remained vacant for 12 months or more.



2. BDA156-010, Property at 1904 Greenville Avenue (property southeast of the subject site)

On March 22, 2016, the Board of Adjustment Panel A granted a request for a special exception to the Modified Delta Overlay District No. 1 regulations to carry forward nonconforming parking spaces under the delta theory that were terminated since the use on part of the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use on a site that was developed with a vacant structure.

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

- This request focuses on carrying forward nonconforming parking spaces under the delta theory terminated because a part of the structure/use on the site was discontinued or remained vacant for 12 months or more made in order for the applicant to obtain a Certificate of Occupancy for an office use in the vacane structure/storefront on the site.
- The subject site is zoned PD 842, Modified Delta Overlay District 1.
- Section 51A-4.704(b)(4) of the Dallas Development Code provides the following with regard to “nonconformity as to parking or loading”:
  - Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional off-street parking and loading spaces are provided.
  - Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner: required parking or loading spaces for existing use minus the number of existing parking or loading spaces for existing use equals nonconforming rights as to parking or loading.
  - Decreased requirements. When a use is converted to a new use having less parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.
- In 1987, the City Council created “Modified Delta Overlay Districts” in those areas where it has determined that a continued operation of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.

- In a modified delta overlay district, the city council may limit the number of percentage of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district may not increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.
- An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having less parking or loading requirements, the rights to any portion of the nonconforming parking or loading not needed to meet the new requirements are lost.
- An ordinance establishing a modified delta overlay district may provide that rights under the delta theory terminate when a use for which the delta theory has been applied is discontinued.
- In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:
  - That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in this district is expanded.
- In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:
  - The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
    1. A decline in the rental rates for the area which has affected the rental market.
    2. An unusual increase in the vacancy rates for the area which has affected the rental market.
    3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.
- According to DCAD, the property at 1917 Greenville Avenue is developed with a “free standing retail store” with 3,540 square feet built in 1929.

**Timeline:**

November 14, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

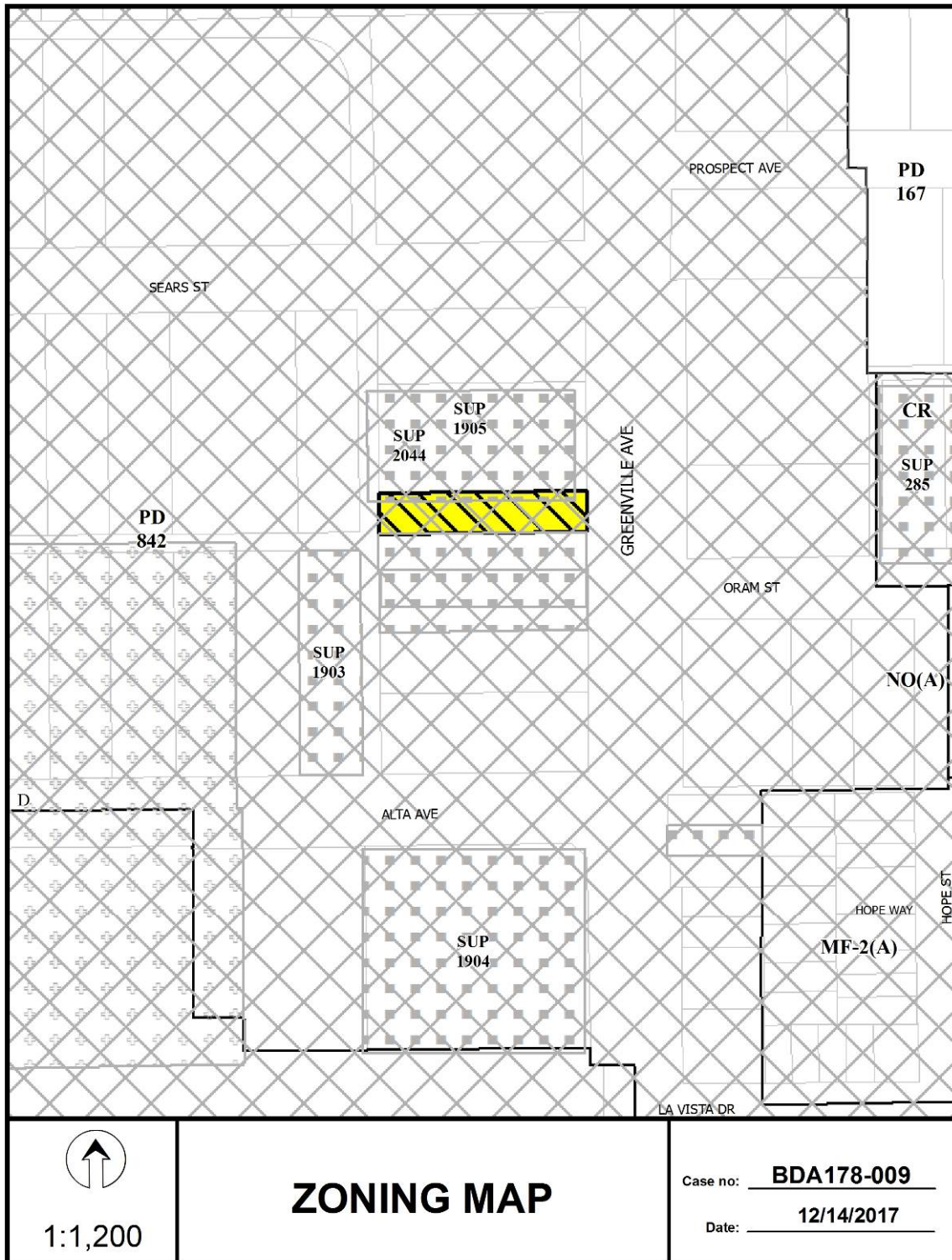
December 1, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 4, 2017: 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 December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Project Engineer, and the Assistant City Attorney to the Board.

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







1:1,200

# AERIAL MAP

Case no: BDA178-009

Date: 12/14/2017





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-009

Data Relative to Subject Property:

Date: November 14, 2017

Location address: 1917 Greenville Ave Zoning District: PD 842

Lot No.: Pt. 19/20 Block No.: C/1983 Acreage: 0.13 acres Census Tract: 10.02

Street Frontage (in Feet): 1) 30 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SEB Group, LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of MD-1 Overlay to reinstate delta credits

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 property was previously used as a bar. The previous owner was unable to find a tenant that did not require an SUP to operate. The current owner is seeking to use the property for an office use.

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.

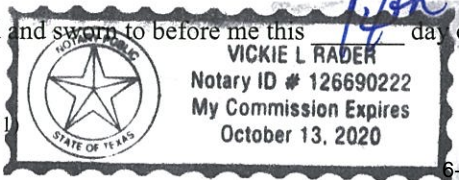
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (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 14th day of November, 2017



[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**

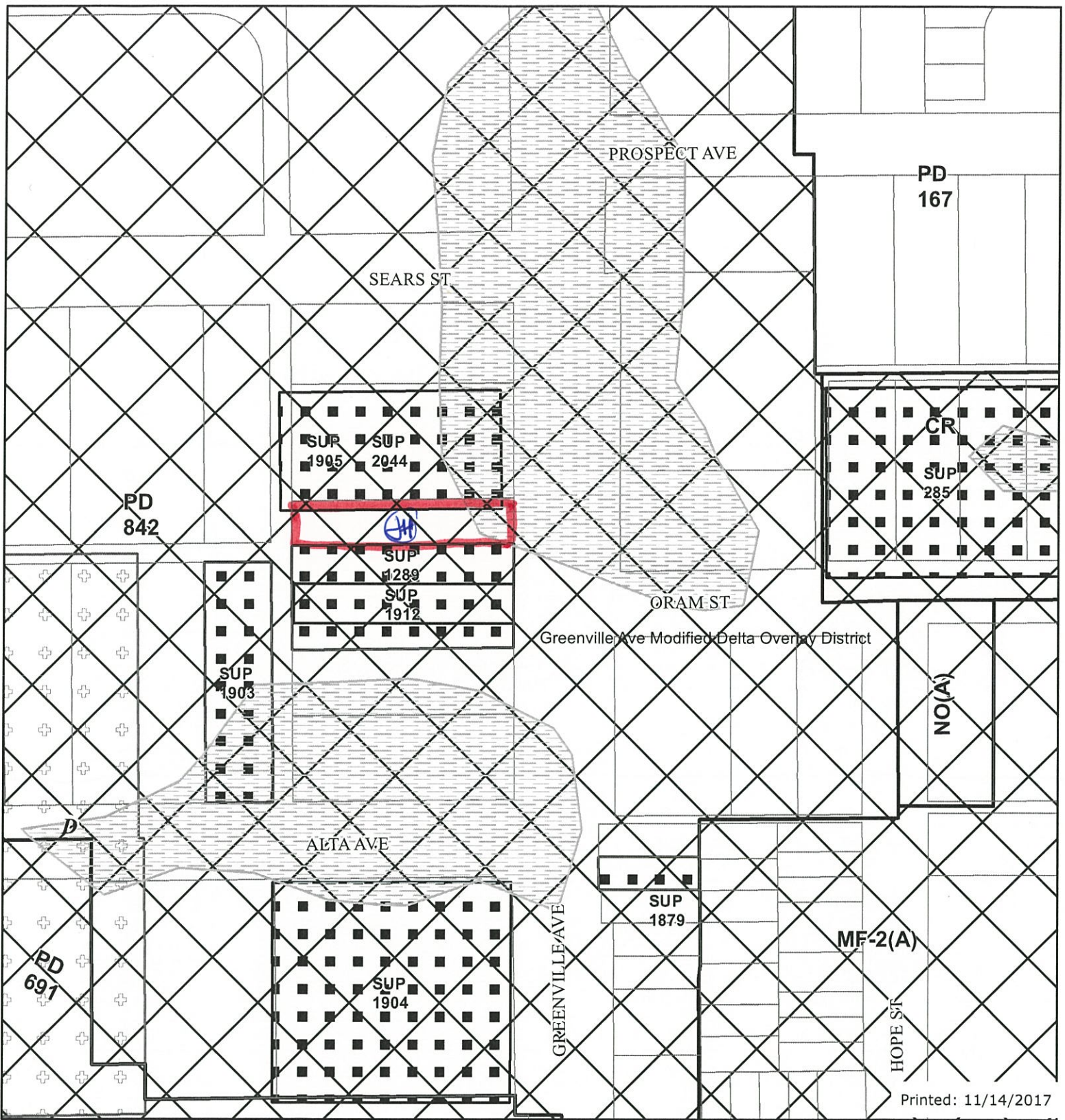
I hereby certify that Robert Baldwin  
did submit a request 1917 Greenville Avenue  
at

BDA178-009. Application of Robert Baldwin to restore delta parking credits at 1917 Greenville Avenue. This property is more fully described as part of Lots 19 & 20, Block C/1983, and is zoned PD-842 (MD-1), which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The board may grant a special exception to this provision only if the owner can demonstrate there was not an intent to abandon the use. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay-1 regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 11/14/2017

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA 178-009 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)





ROSS AVENUE  
 101.5 AC. 35  
 150.1165 AC. 35  
 0.0712 AC. 35  
 62 AC. 35

ANNEX NO. 2  
 50 50 50 50 50 50 50 50 50 50

158.35  
 65

1984/2  
 LEWINGSTON PLACE  
 150 2 4 6 8 10 12 14 16 150  
 50 50 50 50 50 50 50 50 50 50

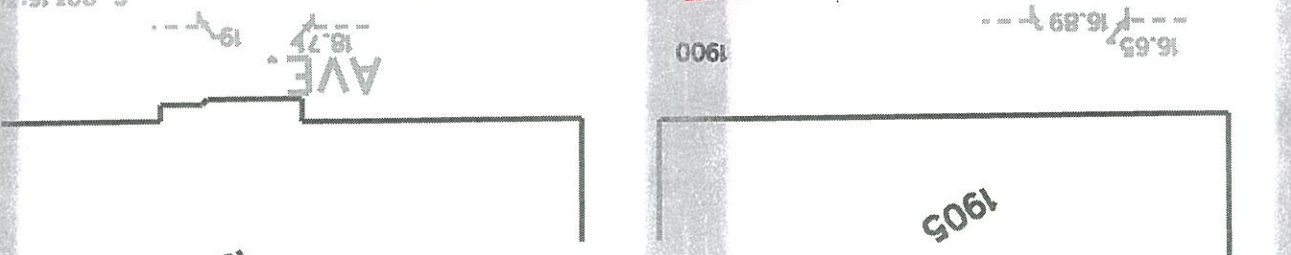
1983/C  
 179.5 1 2 3 4 5 6 7 8  
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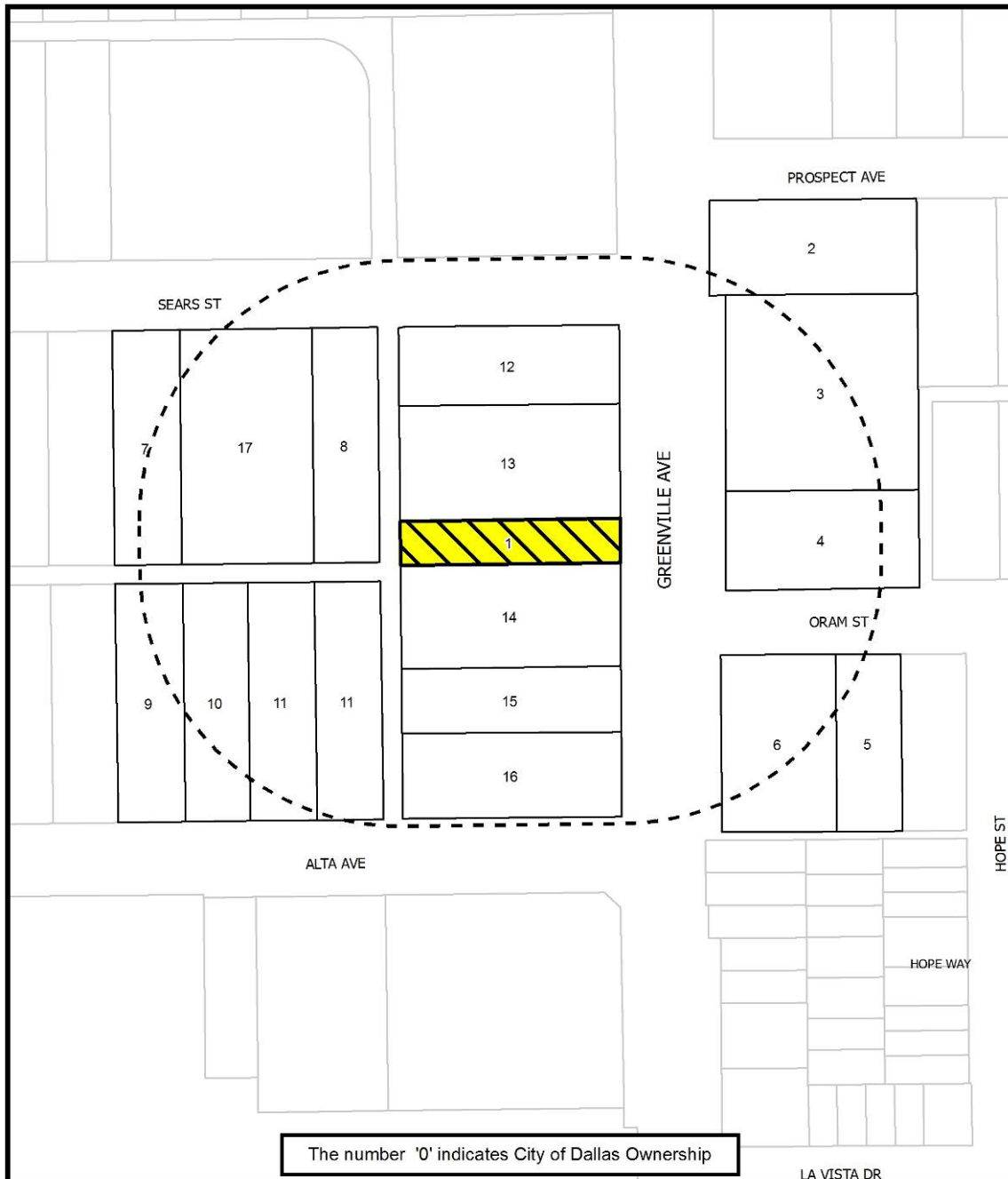
158.11 17 18 40  
 167.81  
 167.37 5  
 167.21 0  
 166.83 21  
 166.59 22  
 166.29 23  
 61.5 50 50 50

5500  
 ST. 35  
 45 46 15 50 2 100 50

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 ALTA  
 50 27 23 50 50 50 31 19 40 8 77  
 140 140 140 140 140 140 140 140 140 140

5600  
 ST. 60  
 590' W  
 171.15  
 4-A  
 0.6905 AC.  
 14.11 156.5  
 5.00' 16.2





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-009</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>12/14/2017</b>	



# ***Notification List of Property Owners***

## ***BDA178-009***

### ***17 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1917 GREENVILLE AVE	SEB GROUP LLC
2	2026 GREENVILLE AVE	ANDRES FAMILY TRUSTS THE
3	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
4	2000 GREENVILLE AVE	LANDE PAUL &
5	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
6	1928 GREENVILLE AVE	LOWGREEN PS
7	5618 SEARS ST	GREENVILLE HOLDINGS CO
8	5628 SEARS ST	ANDRES FAMILY TRUSTS
9	5619 ALTA AVE	THACKER RICHARD E JR
10	5623 ALTA AVE	GREENWAYSEARS LP
11	5627 ALTA AVE	LOWGREEN PS LTD
12	1931 GREENVILLE AVE	GREENWAY SEARS LP
13	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
14	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
15	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
16	1903 GREENVILLE AVE	LOWGREEN PS
17	5622 SEARS ST	5624 SEARS STREET LTD

**FILE NUMBER:** BDA178-010(SL)

**BUILDING OFFICIAL'S REPORT:** Application of David Morr of Boardacre Homes for variances to the front yard setback and off-street parking regulations at 6333 Bryan Parkway. This property is more fully described as Lot 13A, Block 1/1881, and is zoned PD 63, H/1 (Area B), which requires a front yard setback of 15 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a structure and provide a 5 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to locate and maintain a parking space in an enclosed structure with a setback with a setback of 7 feet 6 inches, which will require a variance of 12 feet 6 inches to the off-street parking regulations.

**LOCATION:** 6333 Bryan Parkway

**APPLICANT:** David Morr of Boardacre Homes

**REQUESTS:**

The following requests have been made in conjunction with replacing a one-story detached garage accessory structure with a two-story garage/game room accessory structure on a site that is developed with a single family home structure:

1. A request for a variance to the front yard setback regulations of 10' is made to construct and maintain the aforementioned two-story garage/game room accessory structure with an approximately 675 square foot building footprint, part of which is located 5' from one of the site's two front property lines (Lavista Drive) or 10' into this 15' front yard setback.
2. A request for a variance to the off-street parking regulations of up to 12' 6" is made to locate and maintain a parking space in an enclosed structure (the aforementioned two-story garage/game room accessory structure) as close as 7' 6" from the alley right-of-way line or as much as 12' 6" into the required 20' distance that a parking space in enclosed structures must be from an alley right-of-way.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION (front yard variance):**

Denial

Rationale:

- While staff recognized the subject site is unique and different from most lots in the PD 63, H/1(Area B) zoning district in that it is irregular in shape, and restrictive in area due to having two front yard setbacks, staff concluded based on what had been submitted at the time of the January 2<sup>nd</sup> staff review team meeting that the applicant had not substantiated how these features preclude it from being developed in a manner commensurate with the development upon other parcels of land in the same PD 63, H/1(Area B) zoning district. The approximately 10,000 square foot site is slightly larger in area than the typical 7,500 square feet in the previous R-7.5 zoning where the size, shape, or slope of this site has allowed it to be developed with a single family use that does/can comply with setbacks.

**STAFF RECOMMENDATION (parking variance):**

Denial

Rationale:

- While staff recognized the subject site is unique and different from most lots in the PD 63, H/1(Area B) zoning district in that it is irregular in shape, and restrictive in area due to having two front yard setbacks, staff concluded based on what had been submitted at the time of the January 2<sup>nd</sup> staff review team meeting that the applicant had not substantiated how these features preclude it from being developed in a manner commensurate with the development upon other parcels of land in the same PD 63, H/1(Area B) zoning district. The approximately 10,000 square foot site is slightly larger in area than the typical 7,500 square feet in the previous R-7.5 zoning where the size, shape, or slope of this site has allowed it to be developed with a single family use that does/can comply with setbacks.

- In addition, granting this variance is contrary to public interest because the Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Recommends that this be denied” commenting “Proposed garage creates a substandard access to/from Lavista with unacceptable (unduly prohibitive) left-turn movements. The residential property already has an adequate driveway with adequate access”.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 63, H/1 (Area B) (Planned Development, Historic)  
North: PD 63, H/1 (Area B) (Planned Development, Historic)  
South: PD 63, H/1 (Area B) (Planned Development, Historic)  
East: PD 63, H/1 (Area B) (Planned Development, Historic)  
West: CR (Community retail)

**Land Use:**

The subject site is developed with a two-story, single family home structure and a one-story detached accessory structure/garage. The areas to the north, east, and south are developed with single family uses; and the area to the west is developed with a commercial/retail 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 (front yard variance):**

- This request for variance to the front yard setback regulations of 10’ focuses on replacing an existing one-story detached garage accessory structure with a two-story garage/game room accessory structure on a site that is developed with a single family home structure with approximately 2,500 square feet of air-conditioned space. The proposed approximately 1,200 square foot two-story accessory structure with an approximately 675 building footprint is proposed to be located 5’ from one of the site’s two front property lines (Lavista Drive) or 10’ into this 15’ front yard setback. (Note that it appears that the existing accessory structure that the applicant intends to replace does not appear to provide a 15’ front yard setback on Lavista Drive. Building Inspection states that this structure does not appear to be a nonconforming structure).
- The property is zoned PD 63, H/1 (Area B) which requires a minimum front yard setback of 30 feet.



- The subject site is located at the southwest corner of Lavista Drive and Bryan Parkway. The subject site has front yard setbacks along both street frontages. The site has a 30' front yard setback along Bryan Parkway, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 15' front yard setback along Lavista Drive\*, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 10' side yard setback is required. But the site's Lavista Drive frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lot (currently developed as a commercial/retail use and zoned CR) to the west that fronts/is oriented northward towards Lavista Drive. (\*The Dallas Development Code states that if street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greater front yard requirement).
- The submitted scaled site plan indicates that a portion of the proposed two-story garage/game room accessory structure is located 5' from the Lavista Drive front property line or 10' into this 15' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 6333 Bryan Parkway is a structure built in 1925 with 2,480 square feet of living/total area, and the "additional improvements" is a 266 square foot porte cochere and a 308 square foot detached garage.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.246 acres (or approximately 10,700 square feet) in area.
- The site is zoned PD 63 created in 1977. It appears from the Board Administrator's review of archive zoning maps that the property had been previously zoned R-7.5 lots are typically 7,500 square feet in area.
- Most corner lots in the PD 63 (Area B) zoning district have one 30' front yard setback, a 10' side yard setback on the site that has street frontage, a 5' side yard setback on the interior side of the site, and one 5' rear yard setback; this site has two front yard setbacks (one 30' front yard setback on Bryan Parkway; one 15' front yard setback on Lavista Drive) and two 5' side yard setbacks.
- On January 4, 2018, the applicant submitted information that listed five properties he represented were within two blocks of the site and in the same zoning district and had similar or greater-sized rear accessory structures as the proposed project on the site (see Attachment B). (Note that this information was not factored into the staff recommendation since it was submitted after the January 2<sup>nd</sup> staff review team meeting).
- The width of the subject site ranges from approximately 103' on the east to approximately 33' on the west. As a result, the site has a range of developable width of approximately 83' – 13' available once a 15' front yard setback is accounted for on the north and a 5' side yard setback is accounted for on the south. If the lot were rectangular in shape with a width of approximately 103', it would have approximately 88' of width to developed once 10' and a 5' side yard setbacks were accounted for on the site.

- If the subject site were more typical to other parcels of land in the same zoning district (one front yard, one rear yard, and two side yards), a variance would still be required since the applicant is proposing to provide a 5' setback from Lavista Drive and the side yard setback for properties in this zoning on corner lots is 10'.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 63 (Area B) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 63 (Area B) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document – which in this case is an accessory structure located 5" from the site's Lavista Drive front property line (or 10' into this 15' front yard setback).
- Note that the applicant is aware that granting the request for variance to the front yard setback regulations will not provide any relief to any existing noncompliance on the property with regard to fence standard regulations.

**GENERAL FACTS/STAFF ANALYSIS (parking variance):**

- This request for a variance to the off-street parking regulations of up to 12' 6" focuses on locating and maintaining a parking space in an enclosed structure (an approximately 1,200 square foot two-story garage/game room accessory structure) as close as 7' 6" from the alley right-of-way line or as much as 12' 6" into the required 20' distance that a parking space in enclosed structures must be from an alley right-of-way.
- The property is zoned PD 63, H/1 (Area B) which requires a minimum front yard setback of 30 feet.

- The subject site is located at the southwest corner of Lavista Drive and Bryan Parkway. The subject site has front yard setbacks along both street frontages. The site has a 30' front yard setback along Bryan Parkway, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 15' front yard setback along Lavista Drive\*, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 10' side yard setback is required. But the site's Lavista Drive frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lot (currently developed as a commercial/retail use and zoned CR) to the west that fronts/is oriented northward towards Lavista Drive. (\*The Dallas Development Code states that if street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greater front yard requirement).
- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes a "new garage" structure where a parking space in it (garage) is located as close as 7' 6" from the alley right-of-way line.
- According to DCAD records, the "main improvement" for property addressed at 6333 Bryan Parkway is a structure built in 1925 with 2,480 square feet of living/total area, and the "additional improvements" is a 266 square foot porte cochere and a 308 square foot detached garage.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.246 acres (or approximately 10,700 square feet) in area.
- The site is zoned PD 63 created in 1977. It appears from the Board Administrator's review of archive zoning maps that the property had been previously zoned R-7.5 lots are typically 7,500 square feet in area.
- Most corner lots in the PD 63 (Area B) zoning district have one 30' front yard setback, a 10' side yard setback on the site that has street frontage, a 5' side yard setback on the interior side of the site, and one 5' rear yard setback; this site has two front yard setbacks (one 30' front yard setback on Bryan Parkway; one 15' front yard setback on Lavista Drive) and two 5' side yard setbacks.
- On January 4, 2018, the applicant submitted information that listed five properties he represented were within two blocks of the site and in the same zoning district and had similar or greater-sized rear accessory structures as the proposed project on the site (see Attachment B). (Note that this information was not factored into the staff recommendation since it was submitted after the January 2<sup>nd</sup> staff review team meeting).
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "Proposed garage creates a substandard access to/from Lavista with unacceptable (unduly prohibitive) left-turn movements. The residential property already has an adequate driveway with adequate access".

- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 63 (Area B) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 63 (Area B) zoning classification.
- If the Board were to grant the variance request, staff recommends imposing the following conditions:
  1. Compliance with the submitted site plan is required.
  2. At no time may the area in front of the garage be used for parking of vehicles
  3. An automatic garage door must be installed and maintained in working order at all times.

(These conditions are imposed to help assure that the variance will not be contrary to the public interest).
- Note that the applicant is aware that granting the request for variance to the front yard setback regulations will not provide any relief to any existing noncompliance on the property with regard to fence standard regulations.

**Timeline:**

November 16, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

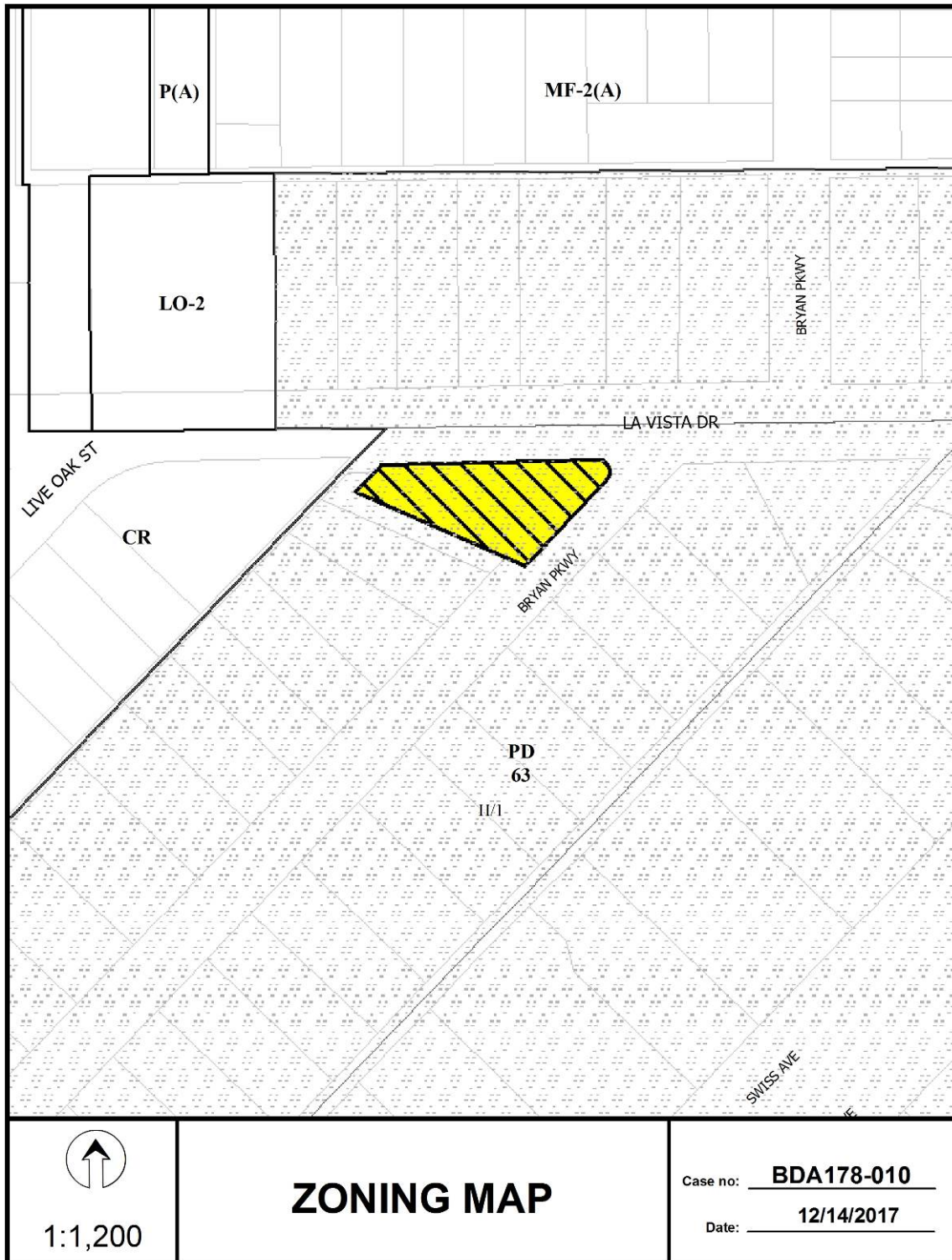
December 1, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 4, 2017: 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 December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.



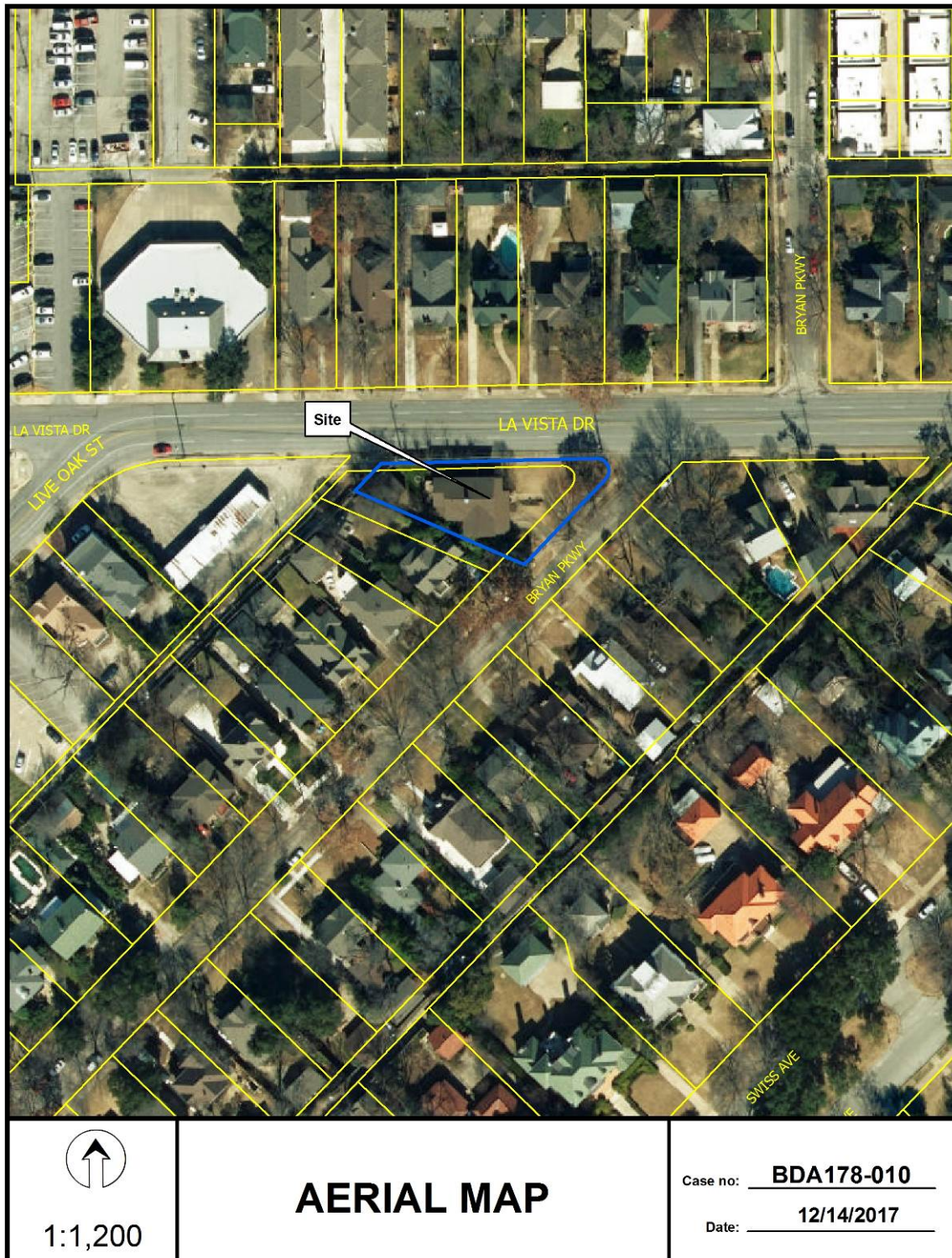
- December 22, 2017: The Sustainable Development and Construction Chief Planner of Historic Preservation emailed the Board Administrator/Chief Planner the following comment: 6333 Bryan Pkwy (Swiss Avenue Historic District) has already received an approved Certificate of Appropriateness application for proposed improvements with the condition that BOA allow applicable variances.
- December 26, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- January 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialists, the Sustainable Development and Construction Project Engineer, and the Assistant City Attorney to the Board.
- January 3, 2018: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "Proposed garage creates a substandard access to/from Lavista with unacceptable (unduly prohibitive) left-turn movements. The residential property already has an adequate driveway with adequate access".
- January 4, 2018: The applicant 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 January 2<sup>nd</sup> staff review team meeting).



  
 1:1,200

# ZONING MAP

Case no: BDA178-010  
 Date: 12/14/2017





**Long, Steve**

---

**From:** David Morr <david@broadacrehomes.com>  
**Sent:** Tuesday, December 26, 2017 5:21 PM  
**To:** Long, Steve  
**Subject:** Fwd: 6333 Bryan  
**Attachments:** A1-1-17-0501.pdf; ATT00001.htm

Hi Steve, here's the architect's drawing of the driveway approach for 6333 Bryan using a scale BMW X5. Hope this helps.

David Morr  
Broadacre Homes

Sent from my iPhone

Begin forwarded message:

**From:** "Chris Myer" <[cm@myerstudios.com](mailto:cm@myerstudios.com)>  
**Date:** December 20, 2017 at 3:55:56 PM CST  
**To:** "'David Morr'" <[david@broadacrehomes.com](mailto:david@broadacrehomes.com)>  
**Subject:** RE: Car

Here's on with an X5 and a more realistic angle of approach.  
Does this work?

---

**From:** David Morr [<mailto:david@broadacrehomes.com>]  
**Sent:** Tuesday, December 19, 2017 8:12 PM  
**To:** Chris Myer <[cm@myerstudios.com](mailto:cm@myerstudios.com)>  
**Subject:** Re: Car

Just to be safe, let's step the car down one size. Thanks!

Sent from my iPhone

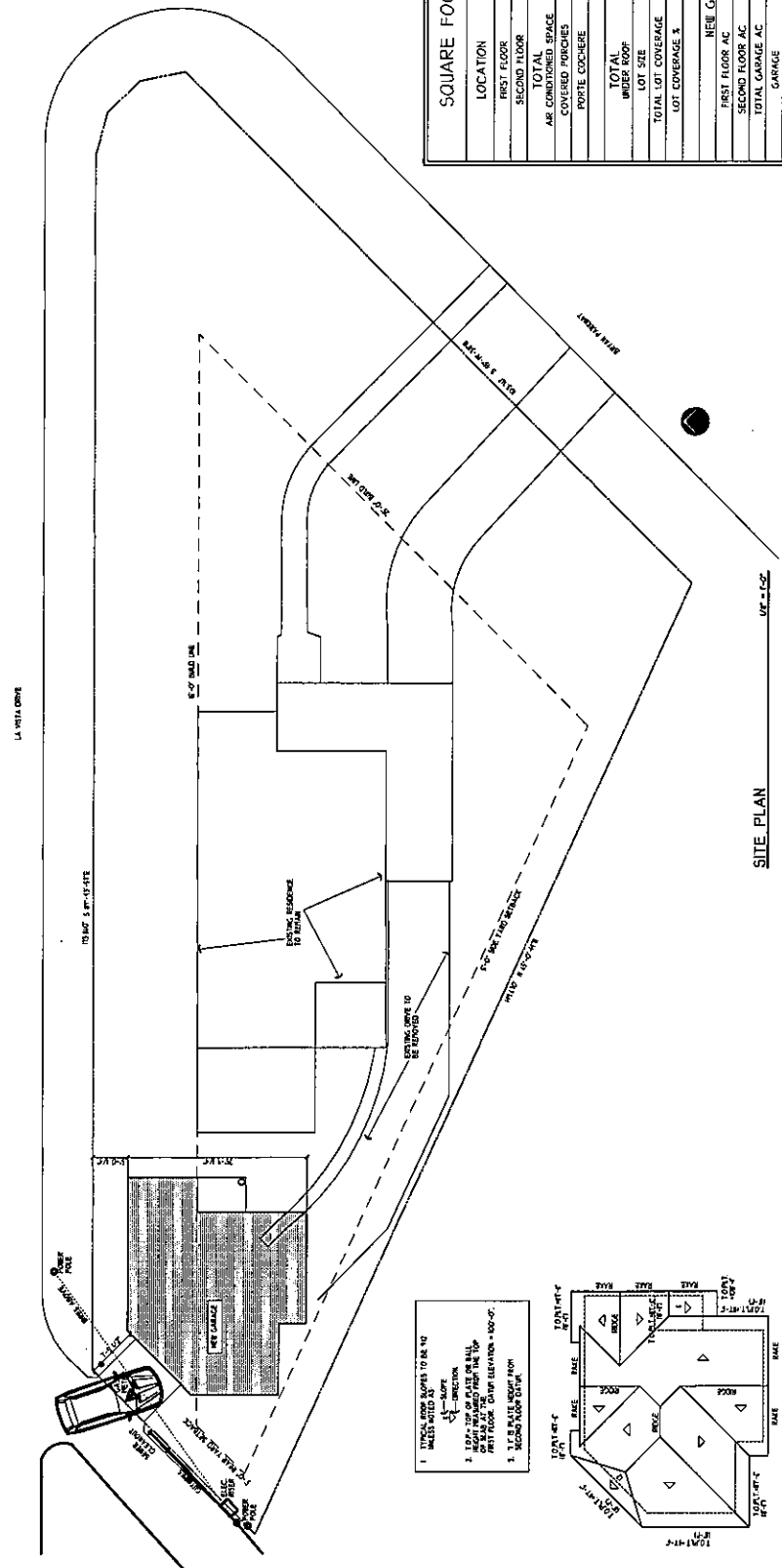
On Dec 19, 2017, at 5:09 PM, Chris Myer <[cm@myerstudios.com](mailto:cm@myerstudios.com)> wrote:

Here's the large BMW.

Christopher Myer  
Myer Studios  
972-788-1396

<A1-1-17-0501.pdf>

BDA  
 178-  
 010  
 A11.1  
 P32



**SQUARE FOOTAGE TAB.**

LOCATION	COVERED PORCH	COVERED PORCH	AREA
FIRST FLOOR	874	1554	2480
SECOND FLOOR	1554	453	2007
TOTAL	2480	453	2933
COVERED PORCHES	453	248	701
PORTA COCHERE	248	0	248
TOTAL UNDER ROOF	3201	0	3201
LOT SIZE	4076 sq. ft.	0	4076 sq. ft.
TOTAL LOT COVERAGE	78%	0%	78%
LOT COVERAGE %	17%	0%	17%

NEW GARAGE	BT
FIRST FLOOR AC	588
SECOND FLOOR AC	412
TOTAL GARAGE AC	1000
GARAGE	525
COVERED PORCH	34
TOTAL GARAGE UNDER ROOF	1039
GARAGE FOOTPRINT	423
LOT SIZE	1076 sq. ft.
TOTAL LOT COVERAGE INCLUDING GARAGE	23%
LOT COVERAGE %	21%

THIS GARAGE SHALL BE CONSTRUCTED WITH 100% LANDSCAPING AND IMPERMEABLE SURFACE.

TOTAL SQUARE FEET WITHIN RULING LINES: 4925 sq. ft.

**SHEET INDEX**

SHT.	DESCRIPTION
A11	SITE PLAN, ROOF PLAN, NOTES, SCHEDULES
A21	SECOND FLOOR PLAN, ELEVATIONS
E11	ELECTRICAL PLANS

**NOTES**

1. ALL CONSTRUCTION TO COMPLY WITH APPLICABLE BUILDING CODES, ZONING ORDINANCES, AND RELATED REGULATIONS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS, TEXAS, DEVELOPMENT CODE.
3. VERIFY LOCATION OF ALL UTILITIES SERVING THE SITE.
4. ALL UTILITIES SHALL BE DEPTH TO THE CENTER OF THE PIPE AND THE LOCATION SHALL BE TO THE CENTER OF THE PIPE AND THE LOCATION SHALL BE TO THE CENTER OF THE PIPE AND THE LOCATION SHALL BE TO THE CENTER OF THE PIPE.
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10. VERIFY THE LOCATION OF ALL UTILITIES SERVING THE SITE.

**DOOR SCHEDULE**

NO.	TYPE	LOCATION	NOTES
101	1 1/2" x 6"	FIRST FLOOR INTERIOR DOORS	INTERIOR DOORS
102	1 1/2" x 6"	FIRST FLOOR EXTERIOR DOORS	EXTERIOR DOORS
103	1 1/2" x 6"	SECOND FLOOR INTERIOR DOORS	INTERIOR DOORS
104	1 1/2" x 6"	SECOND FLOOR EXTERIOR DOORS	EXTERIOR DOORS

**NOTES:**

1. ALL DOOR SCHEDULES SHALL BE TO THE CENTER OF THE DOOR.
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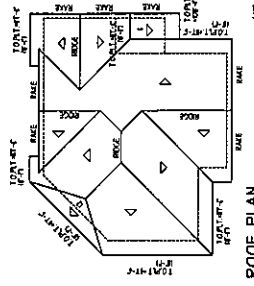
**WINDOW SCHEDULE**

NO.	TYPE	LOCATION	NOTES
101	1 1/2" x 6"	FIRST FLOOR WINDOWS	WINDOWS
102	1 1/2" x 6"	FIRST FLOOR DOORS	DOORS
103	1 1/2" x 6"	SECOND FLOOR WINDOWS	WINDOWS
104	1 1/2" x 6"	SECOND FLOOR DOORS	DOORS

**NOTES:**

1. ALL WINDOW SCHEDULES SHALL BE TO THE CENTER OF THE WINDOW.
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10. VERIFY THE LOCATION OF ALL UTILITIES SERVING THE SITE.





**Long, Steve**

---

**From:** David Morr <david@broadacrehomes.com>  
**Sent:** Thursday, January 04, 2018 6:09 PM  
**To:** Long, Steve  
**Subject:** 6333 Bryan comps

Hi Steve, here is a list of properties within two blocks of 6333 Bryan and in the same PD that have similar or greater-sized rear accessory structures as the proposed project:

**ADDRESS**  
**GARAGE SQUARE FOOTAGE**  
**QUARTERS SQUARE FOOTAGE**

6132 BRYAN  
814 925  
6207 BRYAN  
500 400  
6214 BRYAN  
480 480  
6227 BRYAN  
500 750  
6321 BRYAN  
500 500

**SUBJECT**  
525 558

All figures taken from [dcad.org](http://dcad.org).

Thanks Steve.

David Morr  
Broadacre Homes  
214.693.3300



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-010

Data Relative to Subject Property:

Date: 11-16-17

Location address: 6333 BRYAN PKWY, 75214 Zoning District: PD63, H/A (Area B)

Lot No.: 13A Block No.: 1/1881 1/2 Acreage: .246 Census Tract: 11.02

Street Frontage (in Feet): 1) 96 2) 175 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JON A ADAMS

Applicant: DAVID MORR / BROADACRE HOMES Telephone: 214.693.3300

Mailing Address: 2919 COMMERCE ST, #556, DALLAS Zip Code: 75226

E-mail Address: DAVID@BROADACREHOMES.COM

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance X, or Special Exception \_\_\_\_\_, of 10' TO THE 15' FRONT YARD SETBACK AND A VARIANCE OF 13'6" TO THE 20' SETBACK FROM A R.O.W. FOR AN ENCLOSED PARKING SPACE.

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:

TRIANGULAR SHAPE OF LOT CREATES A HARDSHIP RELATIVE TO THE ABILITY TO CONSTRUCT A GARAGE STRUCTURE COMMENSURATE WITH NEIGHBORHOOD PROPERTIES WHILE MEETING SETBACK REQUIREMENTS, SUBJECT PROPERTY'S TWO FRONT YARD SETBACKS CREATE FURTHER HARDSHIP.

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 DAVID MORR  
(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: David Morr  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of November, 2017

Laura Vasquez  
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 David Morr

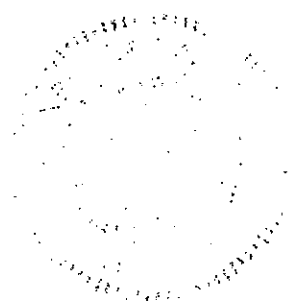
did submit a request for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations

at 6333 Bryan Parkway

BDA178-010. Application of David Morr for a variance to the front yard setback regulations and a variance to the off-street parking regulations at 6333 Bryan Parkway. The property is more fully described as Lot 13A, Block 1/1881, and is zoned PD-63, H/1 (Area B), which requires a front yard setback of 15 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential accessory structure and provide a 5 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to construct a single family residential accessory structure with a setback of 7 feet 6 inches, which will require a variance of 12 feet 6 inches to the off-street parking regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

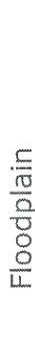

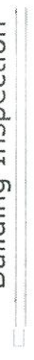

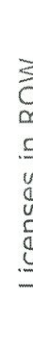








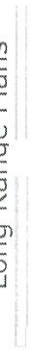






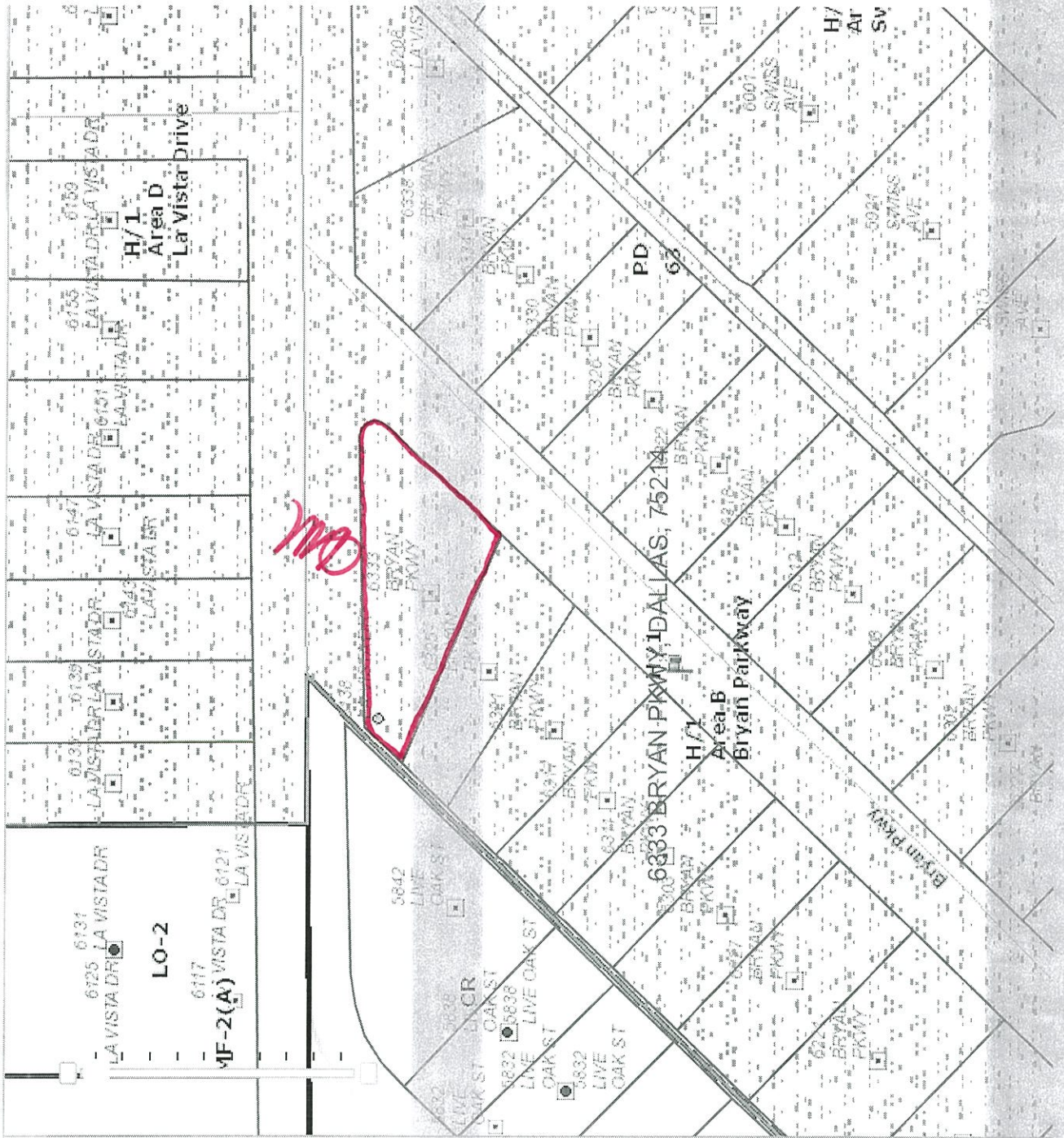


# City of Dallas

## Internal Development Research Site

### Legend

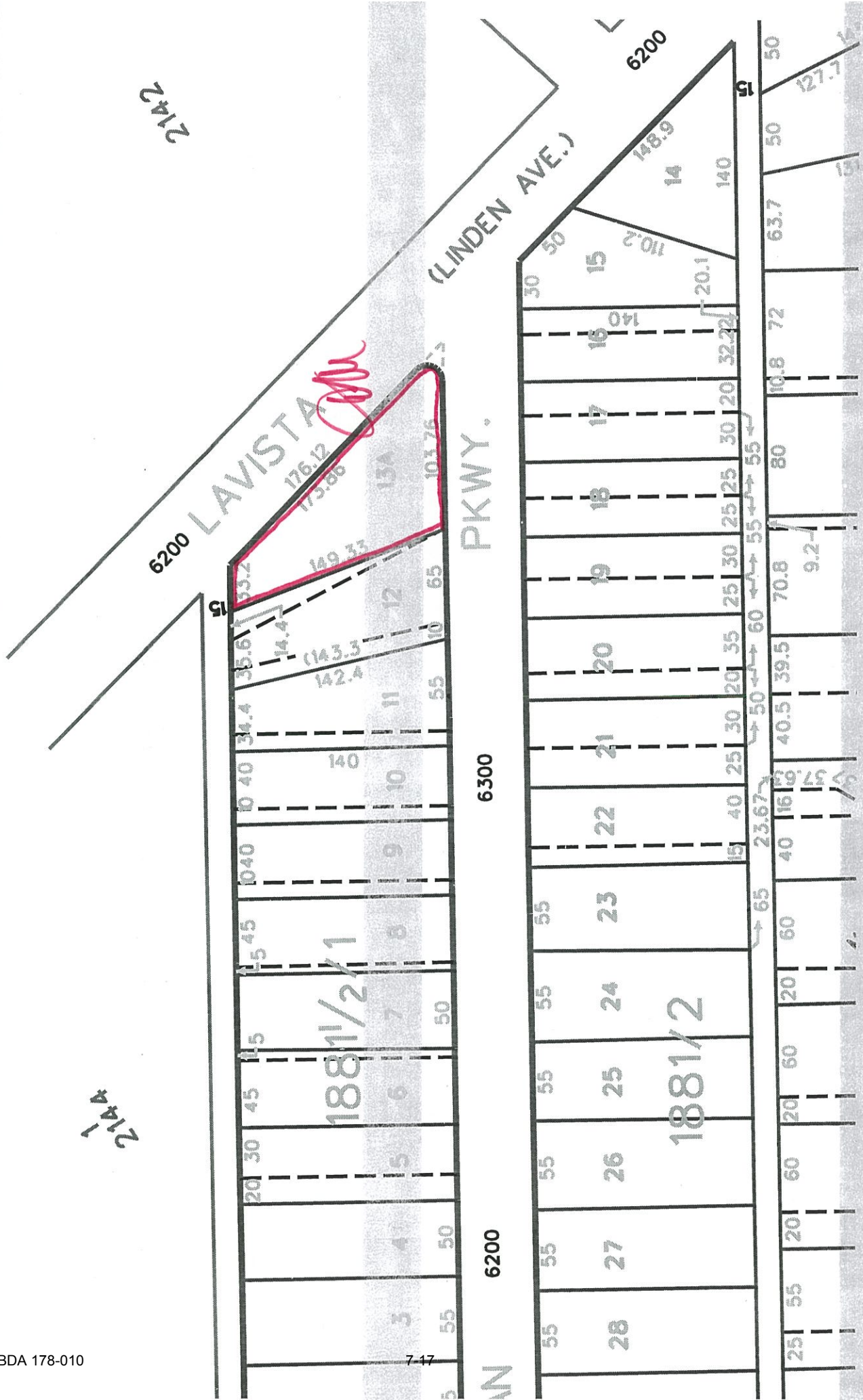
-  Floodplain
-  Building Inspection
-  DART
-  Licenses in ROW
-  Real Estate
-  Alcohol
-  Plats
-  Areas of Request
-  Thoroughfare Plan
-  Long Range Plans
-  Capital Improvement Program
-  Council and Census
-  Roads
-  Tax Parcels
-  Zoning Grid
-  Stormwater
-  Water Distribution
-  Waste Water Collection





2141

2142



PKWY.

LAVISTA  
(LINDEN AVE.)

1881/2

1881/2

6200

6300

6200

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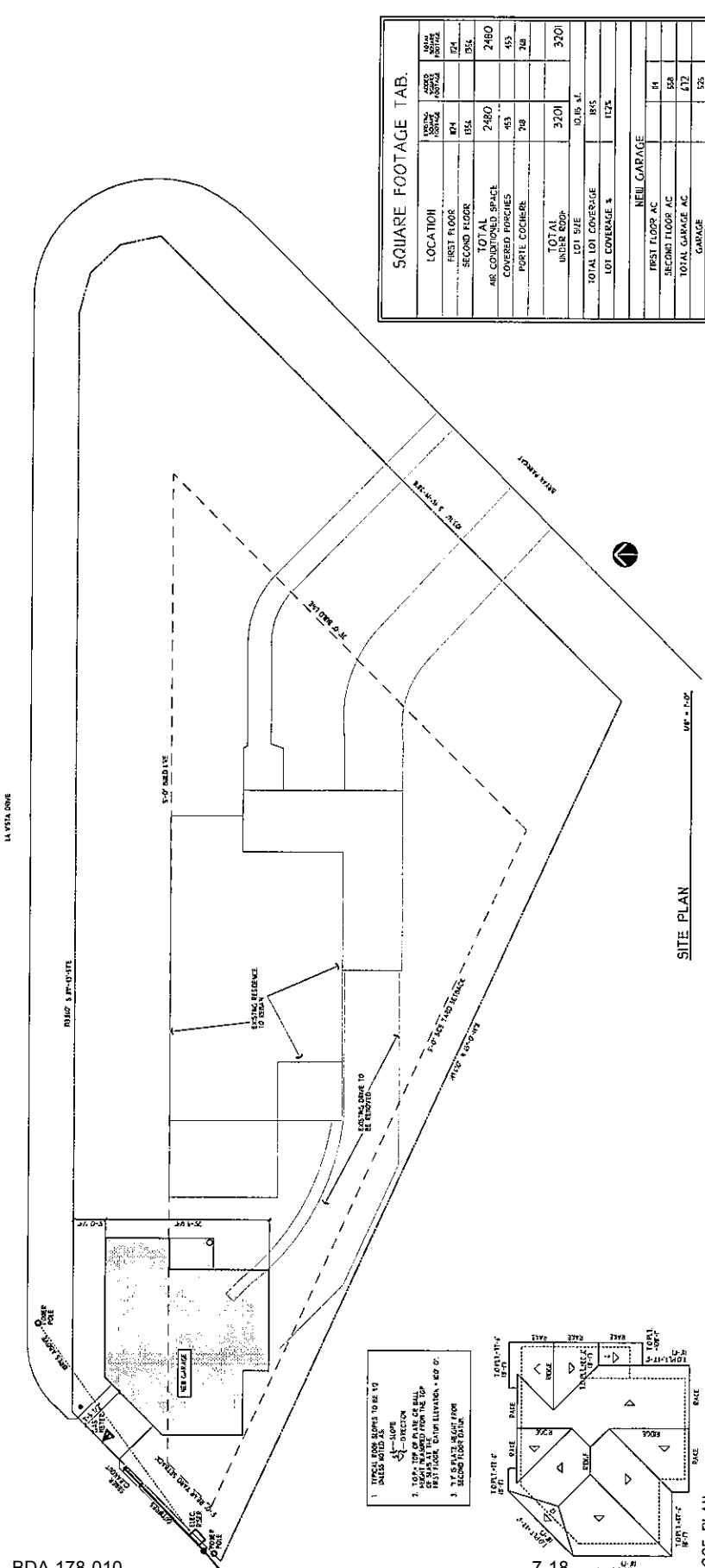
301

302





NOT FOR CONSTRUCTION



**SQUARE FOOTAGE TAB.**

LOCATION	1ST FLOOR AREA	2ND FLOOR AREA	TOTAL AREA
FIRST FLOOR	84	524	608
SECOND FLOOR	154	324	478
TOTAL	2480	2480	4960
AIR COVERED SPACE	45	45	90
COVERED PORCHES	70	70	140
PORTS COCHERE	0	0	0
TOTAL	3201	3201	6402
LOT 13A	10,116 S.F.		
TOTAL LOT COVERAGE	31.5%		
LOT COVERAGE %	112%		

NEW GARAGE	
FIRST FLOOR AC	84
SECOND FLOOR AC	524
TOTAL GARAGE AC	608
GARAGE	524
COVERED PORCH	70
TOTAL GARAGE UNDER ROOF	594
GARAGE FOOTPRINT	478
LOT 13A	10,116 S.F.
TOTAL LOT COVERAGE INCLUDING GARAGE	258
LOT COVERAGE %	2.5%
TOTAL UNCOVERED AREA WITH GARAGE- PART 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	10,116 S.F.
TOTAL SQUARE FEET WITHIN BLD LINES	493 S.F.

**SHEET INDEX**

SHT.	DESCRIPTION
A1.1	SITE PLAN, ROOF PLAN, NOTES, SCHEDULES
A2.1	SECOND FLOOR PLAN, ELEVATIONS
E1.1	ELECTRICAL PLANS

**NOTES**

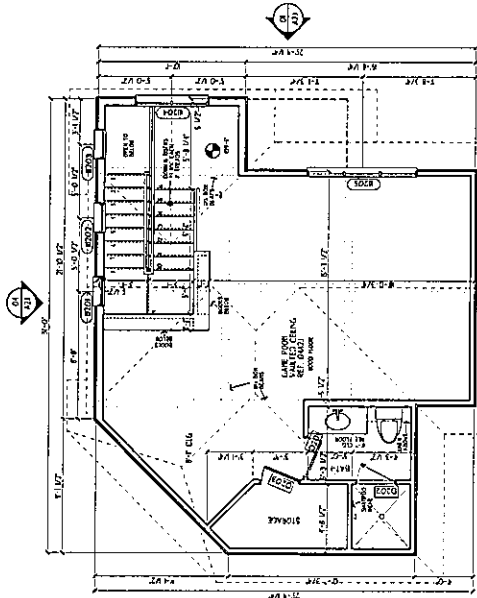
- SEE CONSTRUCTION FOR ALL DETAILS OF ROOFING, BRICKING, COVERS, AND RESTRICTIONS, AND RELATED NEIGHBORING PROPERTIES.
- STRUCTURAL, MECHANICAL, WORKING, LANDSCAPE, AND ANY OTHER ADDITIONAL CONSTRAINTS ARE TO BE COORDINATED BY THE OWNER.
- VERIFY LOCATION OF ALL UTILITIES SERVING THE SITE.
- PLATE, RAIL, & HEIGHTS ARE REFERENCED ON THE ROOF PLAN AND THE ELEVATIONS THAT ARE TO BE COORDINATED WITH THE ARCHITECTURAL DRAWINGS.
- REFERENCE FLOOR PLANS FOR WINDOW SIZE AND HEAD HEIGHT UNLESS A WINDOW SCHEDULE IS PROVIDED.
- DOORS SHOWN ON PLANS, AND ALL WATER WASTEWATER LOCATION AND SERVICE REQUIREMENTS TO BE DETERMINED BY OTHER TRADES.
- VERIFY ALL MEASUREMENTS TO BE TAKEN AT THE CITY OF DALLAS PERMITS OFFICE.
- VERIFY THE PROPOSED SITE WITH NEIGHBORING WITH THE CITY OF DALLAS PERMITS OFFICE.

**DOOR SCHEDULE**

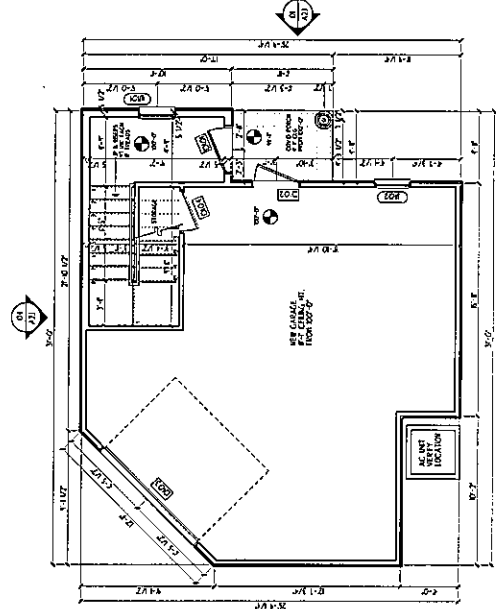
NO.	SIZE	TYPE	LOCATION	NOTES
1001	3'0" x 7'0"	GLASS	FIRST FLOOR ENTRANCE DOORS	
1002	3'0" x 7'0"	GLASS	1ST GARAGE DOOR	
1003	3'0" x 7'0"	GLASS	2ND GARAGE DOOR	
1004	3'0" x 7'0"	GLASS	3RD GARAGE DOOR	
1005	3'0" x 7'0"	GLASS	4TH GARAGE DOOR	
1006	3'0" x 7'0"	GLASS	5TH GARAGE DOOR	
1007	3'0" x 7'0"	GLASS	6TH GARAGE DOOR	
1008	3'0" x 7'0"	GLASS	7TH GARAGE DOOR	
1009	3'0" x 7'0"	GLASS	8TH GARAGE DOOR	
1010	3'0" x 7'0"	GLASS	9TH GARAGE DOOR	
1011	3'0" x 7'0"	GLASS	10TH GARAGE DOOR	
1012	3'0" x 7'0"	GLASS	11TH GARAGE DOOR	
1013	3'0" x 7'0"	GLASS	12TH GARAGE DOOR	
1014	3'0" x 7'0"	GLASS	13TH GARAGE DOOR	
1015	3'0" x 7'0"	GLASS	14TH GARAGE DOOR	
1016	3'0" x 7'0"	GLASS	15TH GARAGE DOOR	
1017	3'0" x 7'0"	GLASS	16TH GARAGE DOOR	
1018	3'0" x 7'0"	GLASS	17TH GARAGE DOOR	
1019	3'0" x 7'0"	GLASS	18TH GARAGE DOOR	
1020	3'0" x 7'0"	GLASS	19TH GARAGE DOOR	
1021	3'0" x 7'0"	GLASS	20TH GARAGE DOOR	
1022	3'0" x 7'0"	GLASS	21TH GARAGE DOOR	
1023	3'0" x 7'0"	GLASS	22TH GARAGE DOOR	
1024	3'0" x 7'0"	GLASS	23TH GARAGE DOOR	
1025	3'0" x 7'0"	GLASS	24TH GARAGE DOOR	
1026	3'0" x 7'0"	GLASS	25TH GARAGE DOOR	
1027	3'0" x 7'0"	GLASS	26TH GARAGE DOOR	
1028	3'0" x 7'0"	GLASS	27TH GARAGE DOOR	
1029	3'0" x 7'0"	GLASS	28TH GARAGE DOOR	
1030	3'0" x 7'0"	GLASS	29TH GARAGE DOOR	
1031	3'0" x 7'0"	GLASS	30TH GARAGE DOOR	
1032	3'0" x 7'0"	GLASS	31TH GARAGE DOOR	
1033	3'0" x 7'0"	GLASS	32TH GARAGE DOOR	
1034	3'0" x 7'0"	GLASS	33TH GARAGE DOOR	
1035	3'0" x 7'0"	GLASS	34TH GARAGE DOOR	
1036	3'0" x 7'0"	GLASS	35TH GARAGE DOOR	
1037	3'0" x 7'0"	GLASS	36TH GARAGE DOOR	
1038	3'0" x 7'0"	GLASS	37TH GARAGE DOOR	
1039	3'0" x 7'0"	GLASS	38TH GARAGE DOOR	
1040	3'0" x 7'0"	GLASS	39TH GARAGE DOOR	
1041	3'0" x 7'0"	GLASS	40TH GARAGE DOOR	
1042	3'0" x 7'0"	GLASS	41TH GARAGE DOOR	
1043	3'0" x 7'0"	GLASS	42TH GARAGE DOOR	
1044	3'0" x 7'0"	GLASS	43TH GARAGE DOOR	
1045	3'0" x 7'0"	GLASS	44TH GARAGE DOOR	
1046	3'0" x 7'0"	GLASS	45TH GARAGE DOOR	
1047	3'0" x 7'0"	GLASS	46TH GARAGE DOOR	
1048	3'0" x 7'0"	GLASS	47TH GARAGE DOOR	
1049	3'0" x 7'0"	GLASS	48TH GARAGE DOOR	
1050	3'0" x 7'0"	GLASS	49TH GARAGE DOOR	
1051	3'0" x 7'0"	GLASS	50TH GARAGE DOOR	
1052	3'0" x 7'0"	GLASS	51TH GARAGE DOOR	
1053	3'0" x 7'0"	GLASS	52TH GARAGE DOOR	
1054	3'0" x 7'0"	GLASS	53TH GARAGE DOOR	
1055	3'0" x 7'0"	GLASS	54TH GARAGE DOOR	
1056	3'0" x 7'0"	GLASS	55TH GARAGE DOOR	
1057	3'0" x 7'0"	GLASS	56TH GARAGE DOOR	
1058	3'0" x 7'0"	GLASS	57TH GARAGE DOOR	
1059	3'0" x 7'0"	GLASS	58TH GARAGE DOOR	
1060	3'0" x 7'0"	GLASS	59TH GARAGE DOOR	
1061	3'0" x 7'0"	GLASS	60TH GARAGE DOOR	
1062	3'0" x 7'0"	GLASS	61TH GARAGE DOOR	
1063	3'0" x 7'0"	GLASS	62TH GARAGE DOOR	
1064	3'0" x 7'0"	GLASS	63TH GARAGE DOOR	
1065	3'0" x 7'0"	GLASS	64TH GARAGE DOOR	
1066	3'0" x 7'0"	GLASS	65TH GARAGE DOOR	
1067	3'0" x 7'0"	GLASS	66TH GARAGE DOOR	
1068	3'0" x 7'0"	GLASS	67TH GARAGE DOOR	
1069	3'0" x 7'0"	GLASS	68TH GARAGE DOOR	
1070	3'0" x 7'0"	GLASS	69TH GARAGE DOOR	
1071	3'0" x 7'0"	GLASS	70TH GARAGE DOOR	
1072	3'0" x 7'0"	GLASS	71TH GARAGE DOOR	
1073	3'0" x 7'0"	GLASS	72TH GARAGE DOOR	
1074	3'0" x 7'0"	GLASS	73TH GARAGE DOOR	
1075	3'0" x 7'0"	GLASS	74TH GARAGE DOOR	
1076	3'0" x 7'0"	GLASS	75TH GARAGE DOOR	
1077	3'0" x 7'0"	GLASS	76TH GARAGE DOOR	
1078	3'0" x 7'0"	GLASS	77TH GARAGE DOOR	
1079	3'0" x 7'0"	GLASS	78TH GARAGE DOOR	
1080	3'0" x 7'0"	GLASS	79TH GARAGE DOOR	
1081	3'0" x 7'0"	GLASS	80TH GARAGE DOOR	
1082	3'0" x 7'0"	GLASS	81TH GARAGE DOOR	
1083	3'0" x 7'0"	GLASS	82TH GARAGE DOOR	
1084	3'0" x 7'0"	GLASS	83TH GARAGE DOOR	
1085	3'0" x 7'0"	GLASS	84TH GARAGE DOOR	
1086	3'0" x 7'0"	GLASS	85TH GARAGE DOOR	
1087	3'0" x 7'0"	GLASS	86TH GARAGE DOOR	
1088	3'0" x 7'0"	GLASS	87TH GARAGE DOOR	
1089	3'0" x 7'0"	GLASS	88TH GARAGE DOOR	
1090	3'0" x 7'0"	GLASS	89TH GARAGE DOOR	
1091	3'0" x 7'0"	GLASS	90TH GARAGE DOOR	
1092	3'0" x 7'0"	GLASS	91TH GARAGE DOOR	
1093	3'0" x 7'0"	GLASS	92TH GARAGE DOOR	
1094	3'0" x 7'0"	GLASS	93TH GARAGE DOOR	
1095	3'0" x 7'0"	GLASS	94TH GARAGE DOOR	
1096	3'0" x 7'0"	GLASS	95TH GARAGE DOOR	
1097	3'0" x 7'0"	GLASS	96TH GARAGE DOOR	
1098	3'0" x 7'0"	GLASS	97TH GARAGE DOOR	
1099	3'0" x 7'0"	GLASS	98TH GARAGE DOOR	
1100	3'0" x 7'0"	GLASS	99TH GARAGE DOOR	
1101	3'0" x 7'0"	GLASS	100TH GARAGE DOOR	

**WINDOW SCHEDULE**

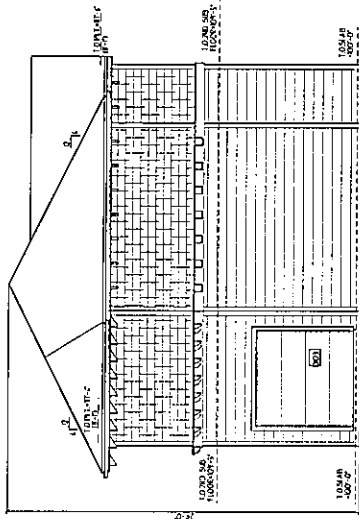
NO.	SIZE	TYPE	LOCATION	NOTES
2001	3'0" x 7'0"	GLASS	FIRST FLOOR WINDOWS	
2002	3'0" x 7'0"	GLASS	1ST GARAGE WINDOW	
2003	3'0" x 7'0"	GLASS	2ND GARAGE WINDOW	
2004	3'0" x 7'0"	GLASS	3RD GARAGE WINDOW	
2005	3'0" x 7'0"	GLASS	4TH GARAGE WINDOW	
2006	3'0" x 7'0"	GLASS	5TH GARAGE WINDOW	
2007	3'0" x 7'0"	GLASS	6TH GARAGE WINDOW	
2008	3'0" x 7'0"	GLASS	7TH GARAGE WINDOW	
2009	3'0" x 7'0"	GLASS	8TH GARAGE WINDOW	
2010	3'0" x 7'0"	GLASS	9TH GARAGE WINDOW	
2011	3'0" x 7'0"	GLASS	10TH GARAGE WINDOW	
2012	3'0" x 7'0"	GLASS	11TH GARAGE WINDOW	
2013	3'0" x 7'0"	GLASS	12TH GARAGE WINDOW	
2014	3'0" x 7'0"	GLASS	13TH GARAGE WINDOW	
2015	3'0" x 7'0"	GLASS	14TH GARAGE WINDOW	
2016	3'0" x 7'0"	GLASS	15TH GARAGE WINDOW	
2017	3'0" x 7'0"	GLASS	16TH GARAGE WINDOW	
2018	3'0" x 7'0"	GLASS	17TH GARAGE WINDOW	
2019	3'0" x 7'0"	GLASS	18TH GARAGE WINDOW	
2020	3'0" x 7'0"	GLASS	19TH GARAGE WINDOW	
2021	3'0" x 7'0"	GLASS	20TH GARAGE WINDOW	
2022	3'0" x 7'0"	GLASS	21TH GARAGE WINDOW	
2023	3'0" x 7'0"	GLASS	22TH GARAGE WINDOW	
2024	3'0" x 7'0"	GLASS	23TH GARAGE WINDOW	
2025	3'0" x 7'0"	GLASS	24TH GARAGE WINDOW	
2026	3'0" x 7'0"	GLASS	25TH GARAGE WINDOW	
2027	3'0" x 7'0"	GLASS	26TH GARAGE WINDOW	
2028	3'0" x 7'0"	GLASS	27TH GARAGE WINDOW	
2029	3'0" x 7'0"	GLASS	28TH GARAGE WINDOW	
2030	3'0" x 7'0"	GLASS	29TH GARAGE WINDOW	
2031	3'0" x 7'0"	GLASS	30TH GARAGE WINDOW	
2032	3'0" x 7'0"	GLASS	31TH GARAGE WINDOW	
2033	3'0" x 7'0"	GLASS	32TH GARAGE WINDOW	
2034	3'0" x 7'0"	GLASS	33TH GARAGE WINDOW	
2035	3'0" x 7'0"	GLASS	34TH GARAGE WINDOW	
2036	3'0" x 7'0"	GLASS	35TH GARAGE WINDOW	
2037	3'0" x 7'0"	GLASS	36TH GARAGE WINDOW	
2038	3'0" x 7'0"	GLASS	37TH GARAGE WINDOW	
2039	3'0" x 7'0"	GLASS	38TH GARAGE WINDOW	
2040	3'0" x 7'0"	GLASS	39TH GARAGE WINDOW	
2041	3'0" x 7'0"	GLASS	40TH GARAGE WINDOW	
2042	3'0" x 7'0"	GLASS	41TH GARAGE WINDOW	
2043	3'0" x 7'0"	GLASS	42TH GARAGE WINDOW	
2044	3'0" x 7'0"	GLASS	43TH GARAGE WINDOW	
2045	3'0" x 7'0"	GLASS	44TH GARAGE WINDOW	
2046	3'0" x 7'0"	GLASS	45TH GARAGE WINDOW	
2047	3'0" x 7'0"	GLASS	46TH GARAGE WINDOW	
2048	3'0" x 7'0"	GLASS	47TH GARAGE WINDOW	
2049	3'0" x 7'0"	GLASS	48TH GARAGE WINDOW	
2050	3'0" x 7'0"	GLASS	49TH GARAGE WINDOW	
2051	3'0" x 7'0"	GLASS	50TH GARAGE WINDOW	
2052	3'0" x 7'0"	GLASS	51TH GARAGE WINDOW	
2053	3'0" x 7'0"	GLASS	52TH GARAGE WINDOW	
2054	3'0" x 7'0"	GLASS	53TH GARAGE WINDOW	
2055	3'0" x 7'0"	GLASS	54TH GARAGE WINDOW	
2056	3'0" x 7'0"	GLASS	55TH GARAGE WINDOW	
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2058	3'0" x 7'0"	GLASS	57TH GARAGE WINDOW	
2059	3'0" x 7'0"	GLASS	58TH GARAGE WINDOW	
2060	3'0" x 7'0"	GLASS	59TH GARAGE WINDOW	
2061	3'0" x 7'0"	GLASS	60TH GARAGE WINDOW	
2062	3'0" x 7'0"	GLASS	61TH GARAGE WINDOW	
2063	3'0" x 7'0"	GLASS	62TH GARAGE WINDOW	
2064	3'0" x 7'0"	GLASS	63TH GARAGE WINDOW	
2065	3'0" x 7'0"	GLASS	64TH GARAGE WINDOW	
2066	3'0" x 7'0"	GLASS	65TH GARAGE WINDOW	
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2068	3'0" x 7'0"	GLASS	67TH GARAGE WINDOW	
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2071	3'0" x 7'0"	GLASS	70TH GARAGE WINDOW	
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2073	3'0" x 7'0"	GLASS	72TH GARAGE WINDOW	



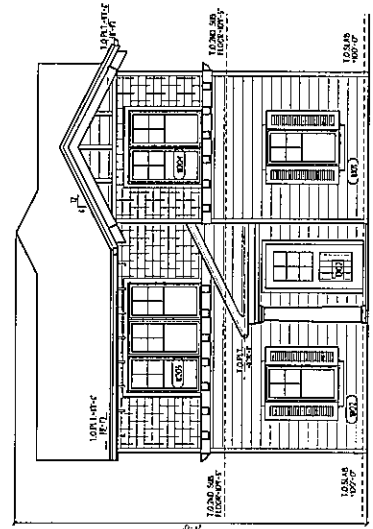
SECOND FLOOR PLAN



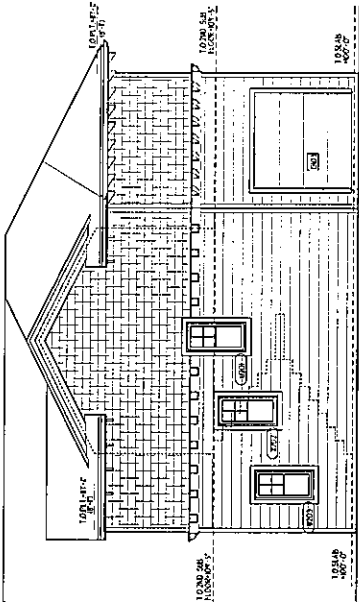
FIRST FLOOR PLAN



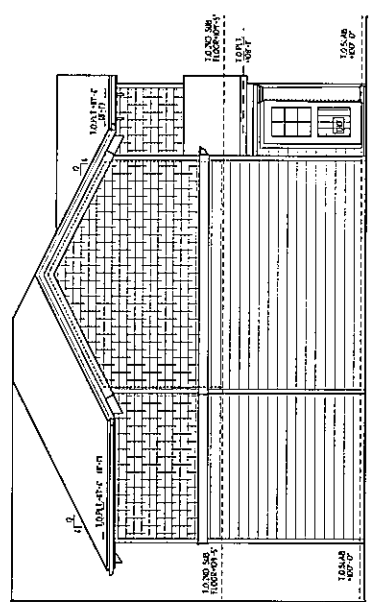
03 REAR ELEVATION



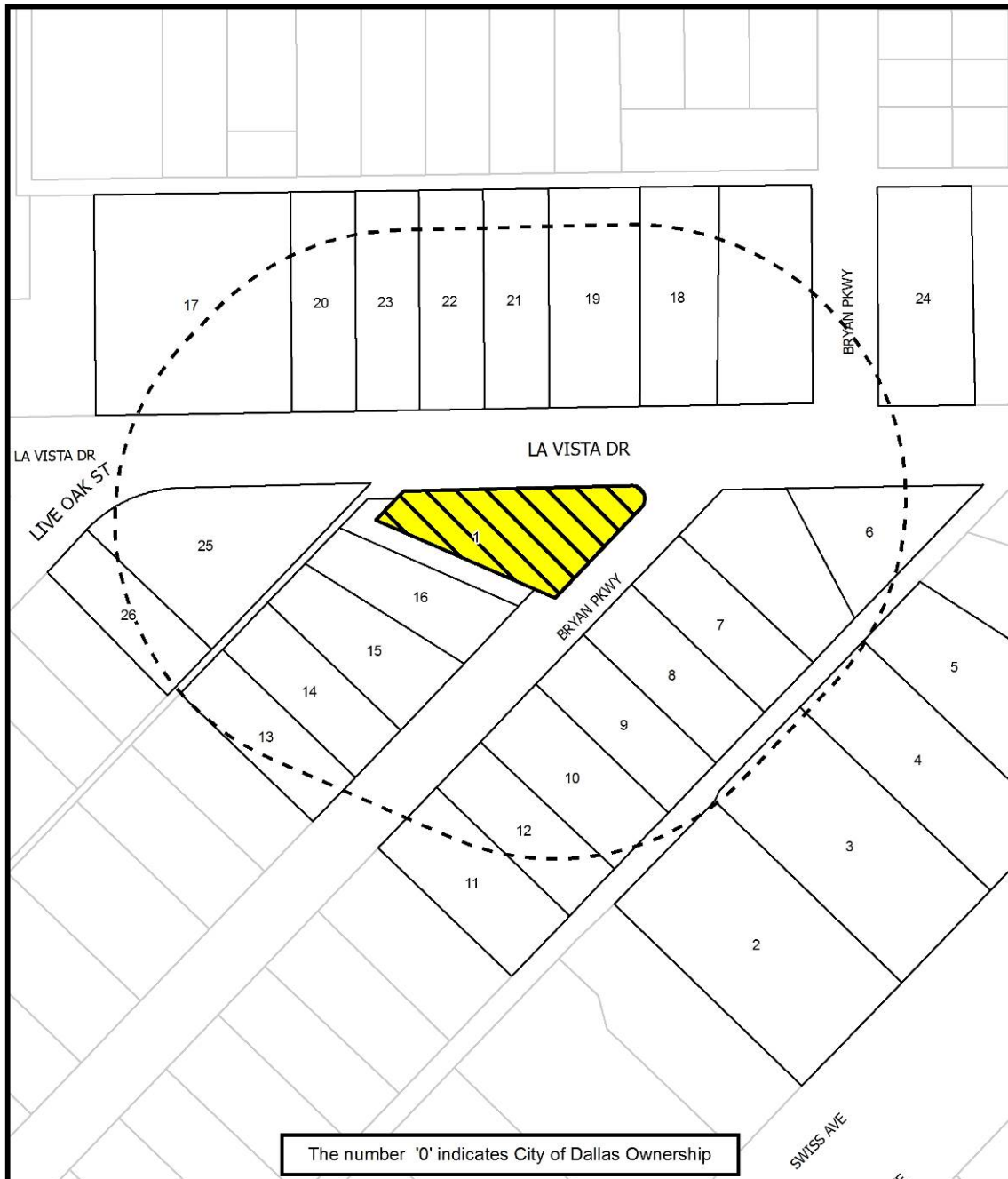
01 FRONT ELEVATION



04 SIDE ELEVATION



02 SIDE ELEVATION



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**26**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-010**

Date: **12/14/2017**

## *Notification List of Property Owners*

### *BDA178-010*

#### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6333 BRYAN PKWY	ADAMS JON A
2	5921 SWISS AVE	GORDON JEFFREY S & KELLY P
3	6001 SWISS AVE	CASEY NEIL E &
4	6005 SWISS AVE	HOWELLS JON TIMOTHY
5	6011 SWISS AVE	MOHAMED JAN T &
6	6208 LA VISTA DR	BOZARTH PAUL G JR & DEBORAH G
7	6334 BRYAN PKWY	ISAACS JAMES B
8	6330 BRYAN PKWY	DUNN STEPHEN &
9	6326 BRYAN PKWY	POWELL JOHN W
10	6322 BRYAN PKWY	BARBIER ANTHONY J II &
11	6312 BRYAN PKWY	ROGERS KEVIN L &
12	6318 BRYAN PKWY	BERRY LAUREN L & LARS A BERG
13	6311 BRYAN PKWY	BERTRAND PIERRE
14	6317 BRYAN PKWY	SOMMERS GREGORY ALAN &
15	6321 BRYAN PKWY	WELLS JOHN & WANDELL
16	6325 BRYAN PKWY	LYNCH JOHN J
17	6131 LA VISTA DR	SUN LIFE ASSURANCE COMPANY
18	6155 LA VISTA DR	HARWOOD DAVID D & CYNTHIA
19	6151 LA VISTA DR	LOZANO IVETTE C
20	6135 LA VISTA DR	BELL CASSANDRA M
21	6147 LA VISTA DR	COVEY ADRIAN & OLIVIA ROBERTS
22	6143 LA VISTA DR	ALLVISTA LTD
23	6139 LA VISTA DR	TURNER MARK A
24	6205 LA VISTA DR	ELIA RANDALL & LAURA K
25	5842 LIVE OAK ST	CELESTRIA X FLP
26	5838 LIVE OAK ST	LIVE OAK 5838 LLC