

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, MARCH 21, 2016
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	12:00 NOON
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the February 18, 2016 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASE

BDA156-025(SL) 5931 Park Lane	1
REQUEST: Application of Ryan Johnson for a special exception to the fence height regulations	

REGULAR CASE

BDA156-027(SL) 1015 N. Carroll Avenue	2
REQUEST: Application of Allan R. Brown, represented by Steven Dimitt, for variances to the front yard setback and height regulations	

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

FILE NUMBER: BDA156-025(SL)

BUILDING OFFICIAL'S REPORT: Application of Ryan Johnson for a special exception to the fence height regulations at 5931 Park Lane. This property is more fully described as Lot 6A, Block 1/5614, and is zoned PD 910, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 7 foot 6 inch high fence, which will require a 3 foot 6 inch special exception to the fence height regulations.

LOCATION: 5931 Park Lane

APPLICANT: Ryan Johnson

REQUEST:

A request for a special exception to the fence height regulations of 3' 6" is made to construct and maintain a 6' high fence (a 4' open iron picket fence atop a 2' high stone base) with approximately 6' 8" high columns, and two, 7' 6" high arched open iron picket entry gates in the front yard setback on a site being developed with a single family structure.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 910 (Planned Development)
North: R-1ac (A) (Single family district 1 acre)
South: R-1ac (A) (Single family district 1 acre)
East: R-1ac (A) (Single family district 1 acre)
West: R-1ac (A) (Single family district 1 acre)

Land Use:

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

Zoning/BDA History:

1. On April 23, 2014, the City Council passed an ordinance creating PD 910 (the subject site) on property that had been zoned R-1ac(A).

2. BDA101-076, Property at 5946 Park Lane (the property southeast of the subject site)

On September 20, 2011, the Board of Adjustment Panel A granted request for a special exceptions to the fence height regulations of 2' 6" and visual obstruction regulations. The Board imposed the following condition: compliance with the submitted and elevation is required.

The case report stated the requests were made to construct/maintain a primarily a 6' high open iron fence with 6' 6" high stone columns/iron entry gate, and maintaining portions of an existing solid cedar fence/wall and two 8' 6" high brick columns in the 45 foot visibility triangle at the intersection of Park Lane and Preston Road on a site developed with a single family home.

3. BDA 056-020, Property at 5946 Park Lane (the property southeast of the subject site)

On November 15, 2005, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 4' 6" and imposed the submitted site plan and elevation as a condition to the request.

The case report stated that the request was made in conjunction with constructing and maintaining an approximately 8' 2" high rough cedar wall with 8' 6" high brick columns in the front yard setback perpendicular to Park Lane.

4. BDA989-109, Property at 5910 Park Lane (two lots southwest of the subject site) On October 20, 1998, the Board of Adjustment Panel B granted a request for a special exception to the fence height special regulations of 5' and imposed following condition to these requests: Compliance with the submitted site plan/elevation is required. The case report stated the request was made in conjunction with constructing a 5.5' – 7.5' high open steel picket fence with 7.5' high columns, and 9' high columns.
5. BDA956-189, Property at 5825 Park Lane (three lots west of the subject site) On April 23, 1996, the Board of Adjustment granted requests for special regulations to the fence height and visual obstruction regulations and imposed following condition to these requests: Compliance with the submitted site/landscape plan is required. The case report stated the request was made in conjunction with constructing a 6' 8" high fence with 7' 3" high columns, and 8' high gate with 8' high columns.
5. BDA978-127, Property at 5934 Park Lane (the lot south of the subject site) On April 28, 1998, the Board of Adjustment Panel A granted requests for special regulations to the fence height and visual obstruction regulations and imposed following condition to these requests: Compliance with the attached sit/elevation plan is required. The case report stated the request was made in conjunction with constructing a 6' high open wrought iron picket fence with 6.5' high solid columns and a 7' high open metal entry gate.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 6' high fence (a 4' open iron picket fence atop a 2' high stone base) with approximately 6' 8" high columns, and two, 7' 6" high arched open iron picket entry gates in the front yard setback on a site being developed with a single family structure.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned PD 910 and has a 40' front yard setback.
- The submitted revised site plan and revised elevation indicates that the proposal reaches a maximum height of 7' 6" to account for two arched entry gates.

- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 200' in length parallel to the street.
 - The proposed fence is represented as being located approximately on the front property line, or approximately 25' from the pavement line.
- Two single family lots front the proposed fence, one with an approximately 6' high open metal fence in its front yard that appears to be a result of a granted fence height special exception in 2011 (BDA101-076); and the other with a fence that does not appear to exceed 4' in height.
- The Board Administrator conducted a field visit of the site and surrounding area (properties Park Lane from Preston Road on the east to approximately 300 feet to the west of the site) and noted two other fences over 4' in height and in front yard setback – an approximately 6' high open metal fence two lots to the southwest of the subject site that appears to be a result of a granted fence height special exception in 1998 (BDA989-109), and an approximately 7' high solid fence three lots to the west of the subject site that appears to be a result of a granted fence height special exception in 1996 (BDA956-189).
- As of March 11, 2016, two letters have been submitted in support of the request and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 6" will not adversely affect neighboring property.
- Granting this special exception of 3' 6" with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

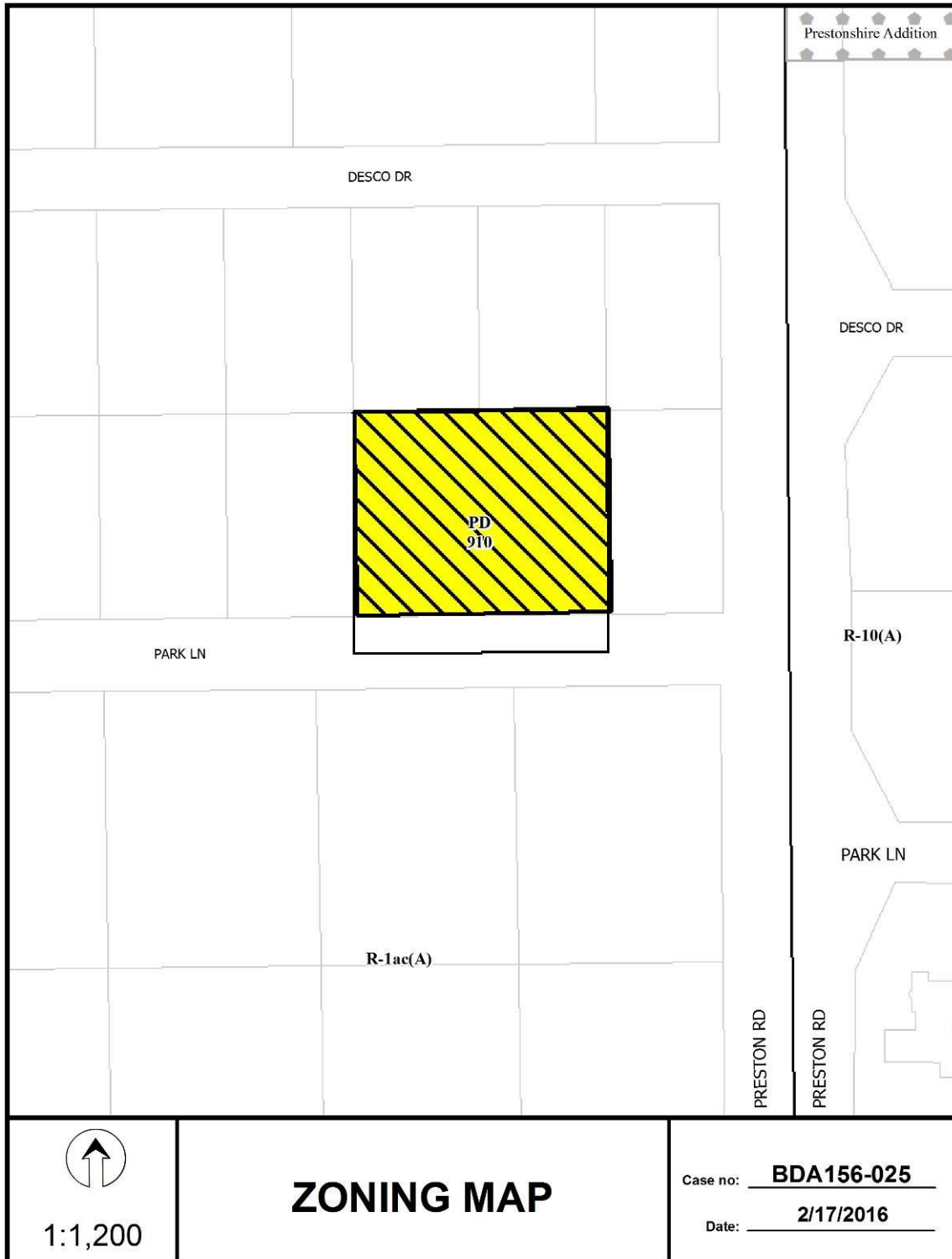
- January 21, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 9, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- February 9, 2016: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 2nd deadline to submit additional evidence for staff to factor into their analysis; and the March 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

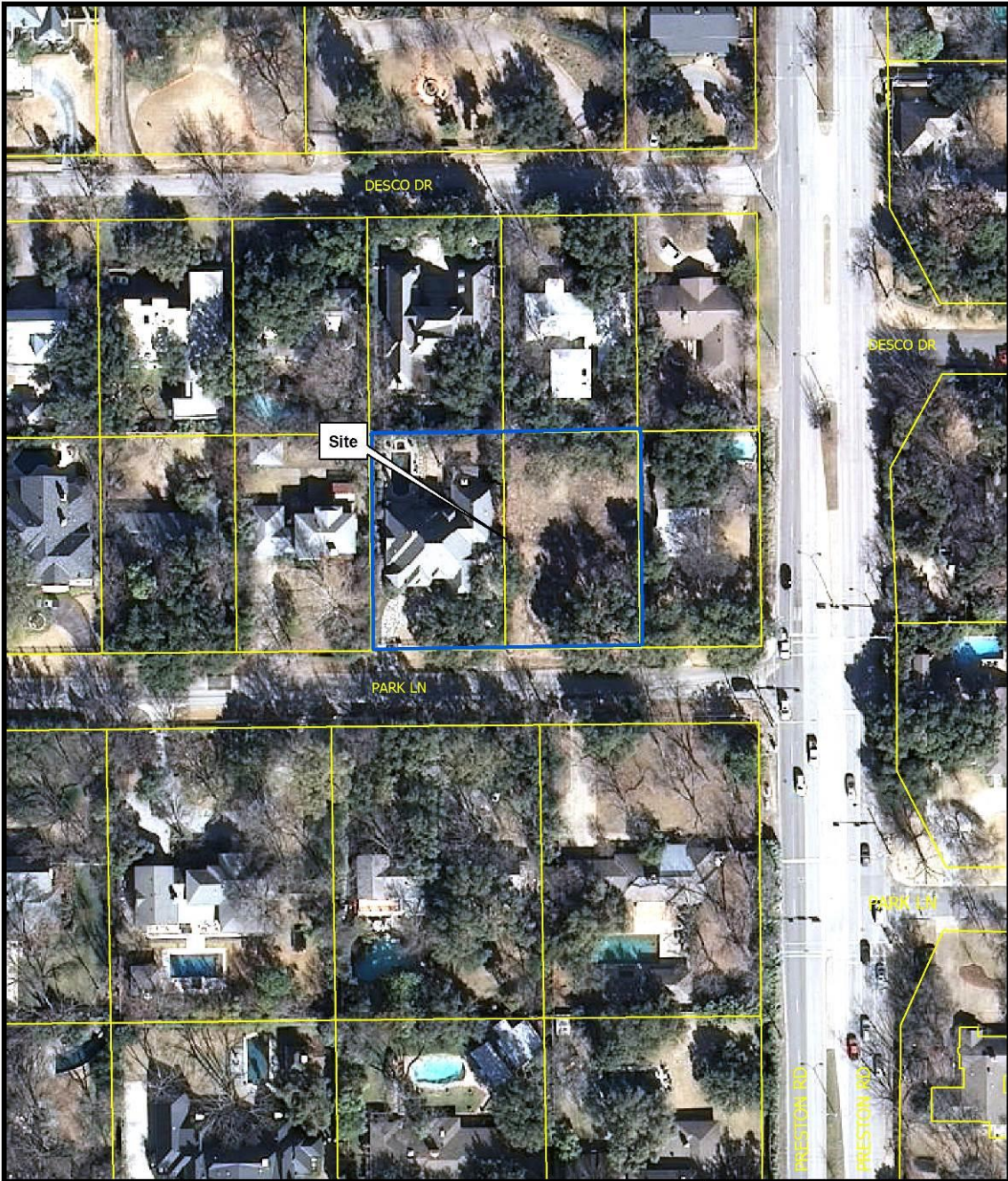
February 26, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

March 8, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Interim Building Official, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorneys to the Board.

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

March 10, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).





1:1,200

AERIAL MAP

Case no: BDA156-025

Date: 2/17/2016

Long, Steve

From: Ryan Johnson <ryan@mmm-construction.com>
Sent: Friday, February 26, 2016 1:39 PM
To: Long, Steve
Cc: Duerksen, Todd
Subject: 5931 Plan and Eleveation Darkened
Attachments: White_Plan.pdf; White_Elev.pdf

Steve,

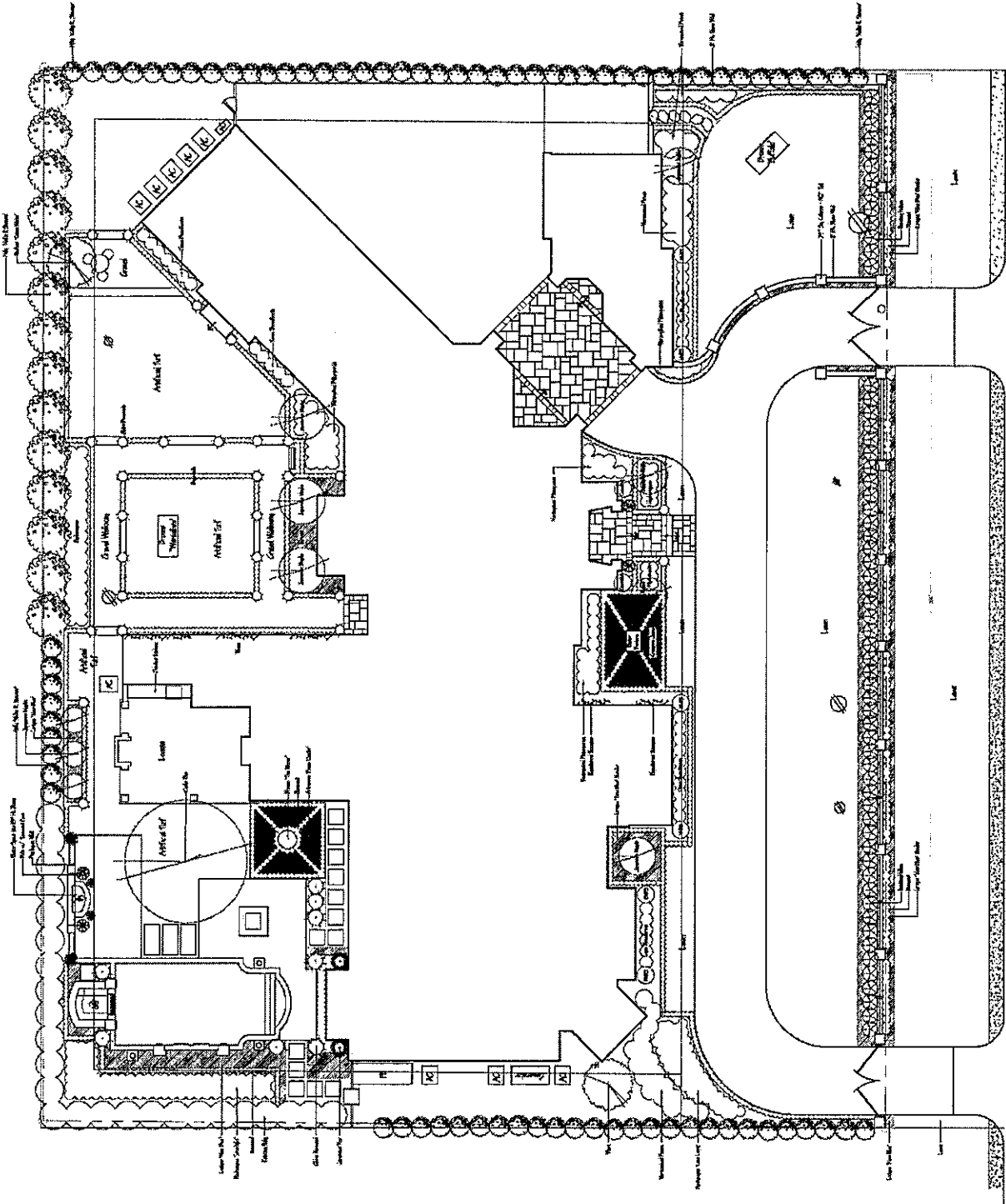
Todd, asked me to send you a darker copy of the plan and elevation for 5931 Park Lane. Attached you will find the darkened copies of the plan and the elevation. If you print these at 8.5" X 11" they should be more readable. Please let me know if you need anything else.

Thanks,
Ryan

From the Ground Up
 LANDSCAPE DESIGN & INSTALLATION
 P.O. BOX 543126
 DALLAS, TEXAS 75254
 214-515-0825

A Landscape Design For:
 The White Residence
 5931 Park Lane
 Dallas, Texas 75225

DATE: 2/21/2016
 DRAWN: JAZZ HERRON
 CHECKED: JAZZ HERRON
 SCALE: 1/8" = 1'-0"
 SHEET TITLE: SITE PLAN
 SHEET NO.:
 SUBMIT NO.:

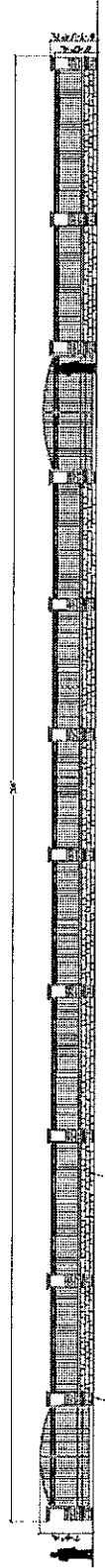


BDA156-025
 Attach A
 Pg 3

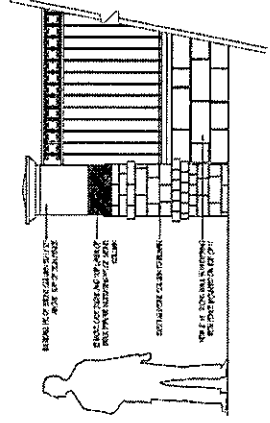
From the Ground Up
 LANDSCAPE DESIGN & INSTALLATION
 P.O. BOX 543126
 Dallas, Texas 75254
 214-515-0875

A Landscape Design For:
 The White Residence
 5931 Park Lane
 Dallas, Texas 75225

DATE	11-2-2016
DRAWN	JOE EMPESON
DESIGNED	JOE EMPESON
PROJECT NO.	11-2-2016
SHEET TITLE	FRONT FENCE AND GATES
SCALE	1/4" = 1'-0"
DATE	11-2-2016
DRAWN	JOE EMPESON
DESIGNED	JOE EMPESON
PROJECT NO.	11-2-2016
SHEET TITLE	FRONT FENCE AND GATES
SCALE	1/4" = 1'-0"



STONE WALL / FENCE & FURNITURE CASE - ELEVATION
 SCALE: 1/4" = 1'-0"



STONE COLUMN WALL - ELEVATION
 SCALE: 1/4" = 1'-0"

Long, Steve

BDA156-025

Attach **B**

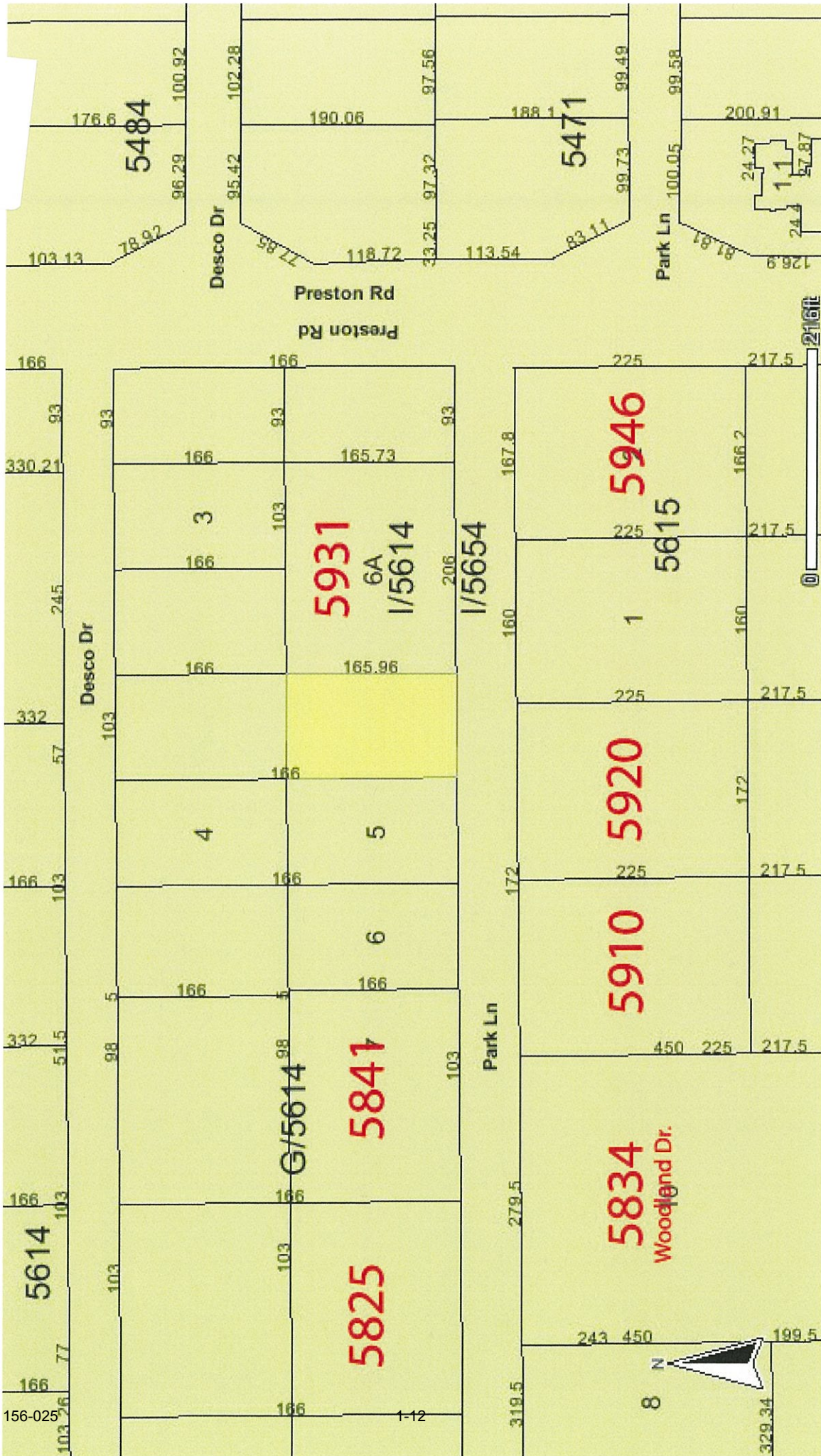
Pg 1

From: Ryan Johnson <ryan@mmm-construction.com>
Sent: Thursday, March 10, 2016 1:20 PM
To: Long, Steve
Cc: Richard Moore
Subject: 5931 Park Lane Fence Photos and Support Letters
Attachments: 5931_ParkLn_FencePhotos.pdf; 5931ParkLn_SupportLetterSig.pdf

Steve,

I have attached the letters of support I have received as of now for our fence height special exception at 5931 Park Lane. In addition, I have attached a document that shows photos of other fences in the neighborhood.

Thanks,
Ryan





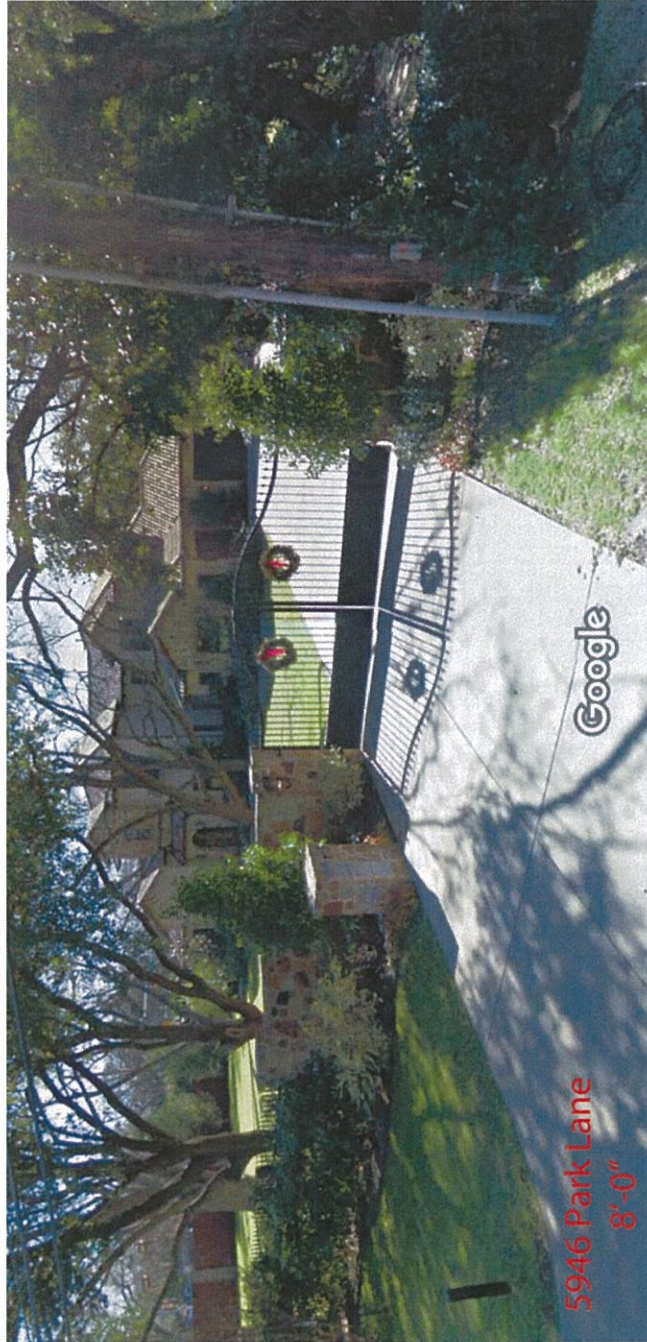


5841 Park Lane
9'-0"

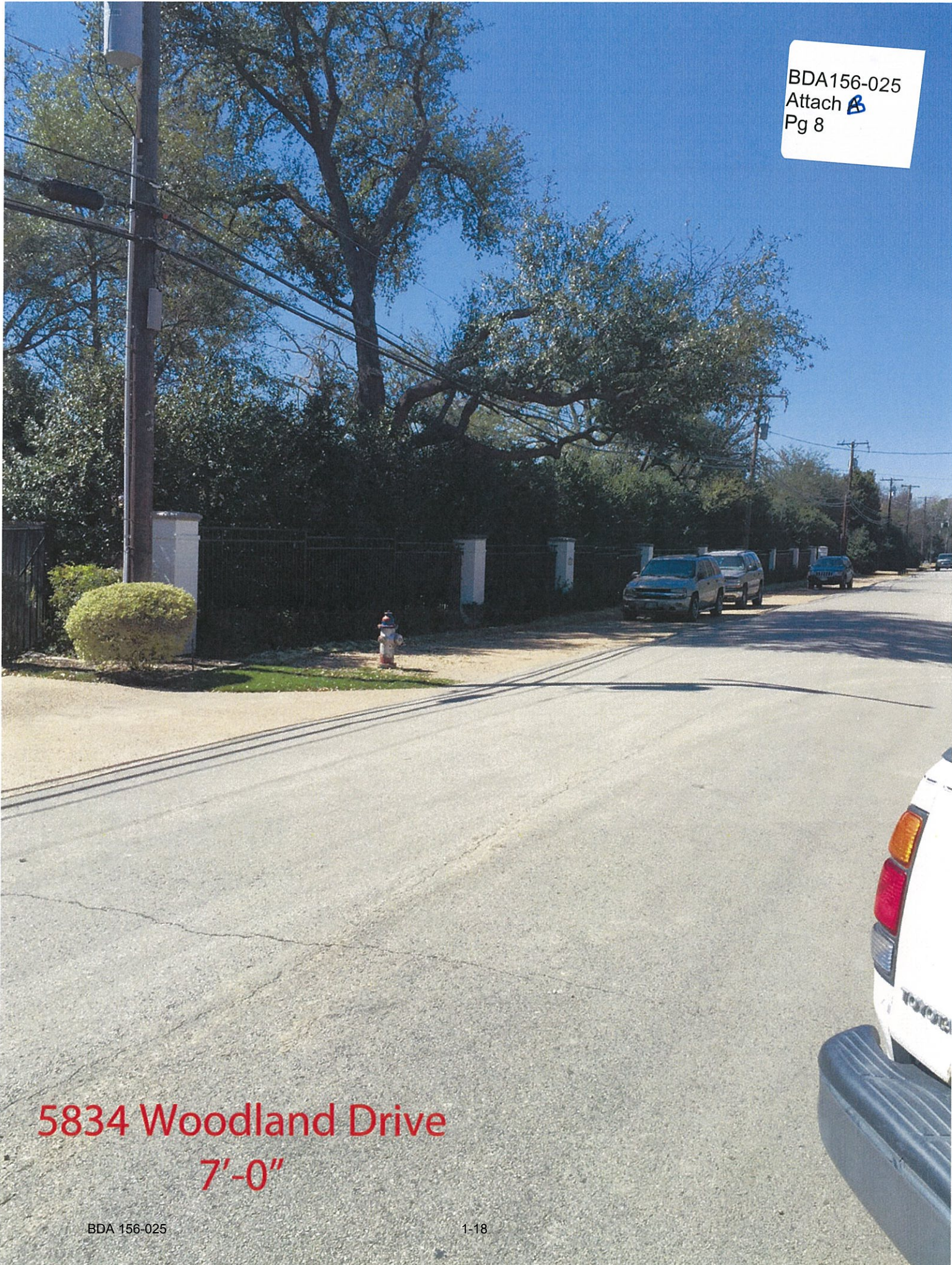
5910 Park Lane
7'-0"

BDA156-025
Attach 
Pg 6

5920 Park Lane
6'-6"



BDA156-025
Attach 
Pg 8



5834 Woodland Drive
7'-0"

Robert Clark and Associates, Inc.

February 29, 2016

Minnows LTD
12228 Creek Forest Drive
Dallas, TX 75230-2399

Dear Minnows LTD,

This letter is written to provide you with notice that my client at 5931 Park Lane is requesting a special exception of 3'-6" to the front yard fence height, Dallas Development Code (51A-4.602(a)(6)0. This special exception is in keeping with existing fence heights in the neighborhood and will bear no adverse effects on any of the neighboring properties. Please see the included documentation which illustrates the specifications of the proposed fence. If you hold no opposition to this special exception, we kindly ask that you fill in and sign the bottom of this letter and return it in the stamped and addressed envelope we have provided. Thank you for your support.

Kind Regards,



Robert H. Clark
Robert Clark and Associates, Inc.

I, Brenda L. Sumner of Minnows LTD, current resident at 12228 Creek Forest Drive, support the 3'-6" special exception to Dallas Development Code (51A-4.602(a)(6)0 being requested at 5931 Park Lane, case number (BDA-156-025).

signature



date

3-3-2016

Robert Clark and Associates, Inc.

BDA156-025
Attach **B**
Pg 10

February 29, 2016

John Murray
9100 Guernsey Ln
Dallas, TX 75220-3926

Dear John,

This letter is written to provide you with notice that my client at 5931 Park Lane is requesting a special exception of 3'-6" to the front yard fence height, Dallas Development Code (51A-4.602(a)(6)0. This special exception is in keeping with existing fence heights in the neighborhood and will bear no adverse effects on any of the neighboring properties. Please see the included documentation which illustrates the specifications of the proposed fence. If you hold no opposition to this special exception, we kindly ask that you fill in and sign the bottom of this letter and return it in the stamped and addressed envelope we have provided. Thank you for your support.

Kind Regards,



Robert H. Clark
Robert Clark and Associates, Inc.

I, John Murray, current resident at 9100 Guernsey Lane, support the 3'-6" special exception to Dallas Development Code (51A-4.602(a)(6)0 being requested at 5931 Park Lane, case number (BDA-156-025).


signature



date

3/2/15

Robert Clark and Associates, Inc.

BDA156-025
Attach 
Pg 11


February 29, 2016

Wayne & Sue Strauss
5914 Desco Drive
Dallas, TX 75225-1603

Dear Wayne & Sue,

This letter is written to provide you with notice that my client at 5931 Park Lane is requesting a special exception of 3'-6" to the front yard fence height, Dallas Development Code (51A-4.602(a)(6)0. This special exception is in keeping with existing fence heights in the neighborhood and will bear no adverse effects on any of the neighboring properties. Please see the included documentation which illustrates the specifications of the proposed fence. If you hold no opposition to this special exception, we kindly ask that you fill in and sign the bottom of this letter and return it in the stamped and addressed envelope we have provided. Thank you for your support.

Kind Regards,



Robert H. Clark
Robert Clark and Associates, Inc.

I, Wayne Strauss current resident at 5914 Desco Drive, support the 3'-6" special exception to Dallas Development Code (51A-4.602(a)(6)0 being requested at 5931 Park Lane, case number (BDA-156-025).

Wayne Strauss
signature

March 3 2016
date



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-025

Data Relative to Subject Property:

Date: 1/21/16

Location address: 5931 PARK LANE Zoning District: PD910

Lot No.: 6A Block No.: 1/5614 Acreage: .78 Census Tract: 206.00

Street Frontage (in Feet): 1) 206 2) _____ 3) _____ 4) _____ 5) NE2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ALAN B. WHITE, LEE ANN WHITE

Applicant: RYAN JOHNSON Telephone: (972) 824-2432

Mailing Address: 4399 WESTGROVE DRIVE Zip Code: 75001

E-mail Address: RYAN @ MMM - CONSTRUCTION . 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 3'-6"
TO THE FRONT YARD FENCE 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:

THERE WILL BE NO ADVERSE AFFECTS TO ANY NEIGHBORING PROPERTIES, THE FENCE WILL MAINTAIN REASONABLE CONTINUITY WITH THE ADJOINING PROPERTIES.

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

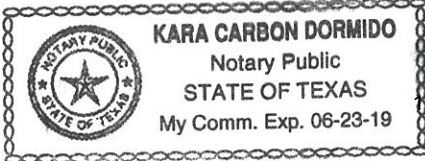
Affidavit

Before me the undersigned on this day personally appeared RYAN JOHNSON
(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 21st day of January, 2016



Kara Carbon Dormido
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 Ryan Johnson

did submit a request for a special exception to the fence height regulations
at 5931 Park Lane

BDA156-025. Application of Ryan Johnson for a special exception to the fence height regulations at 5931 Park Lane. This property is more fully described as Lot 6A, Block 1/5614, and is zoned PD-910, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 7 foot 6 inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence regulation.

Sincerely,


Philip Sikes, Building Official

City of Dallas

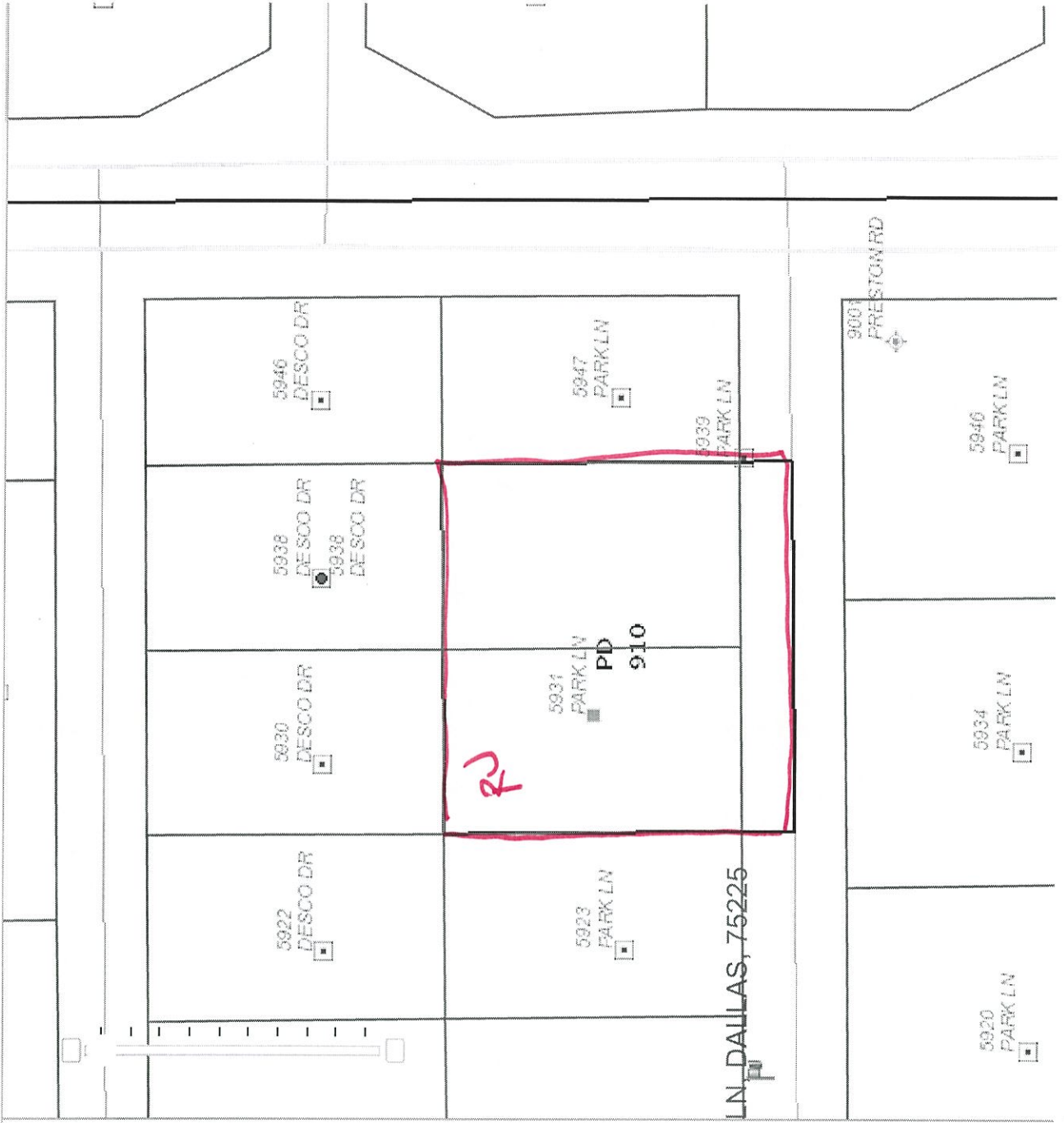
Internal Development Research Site

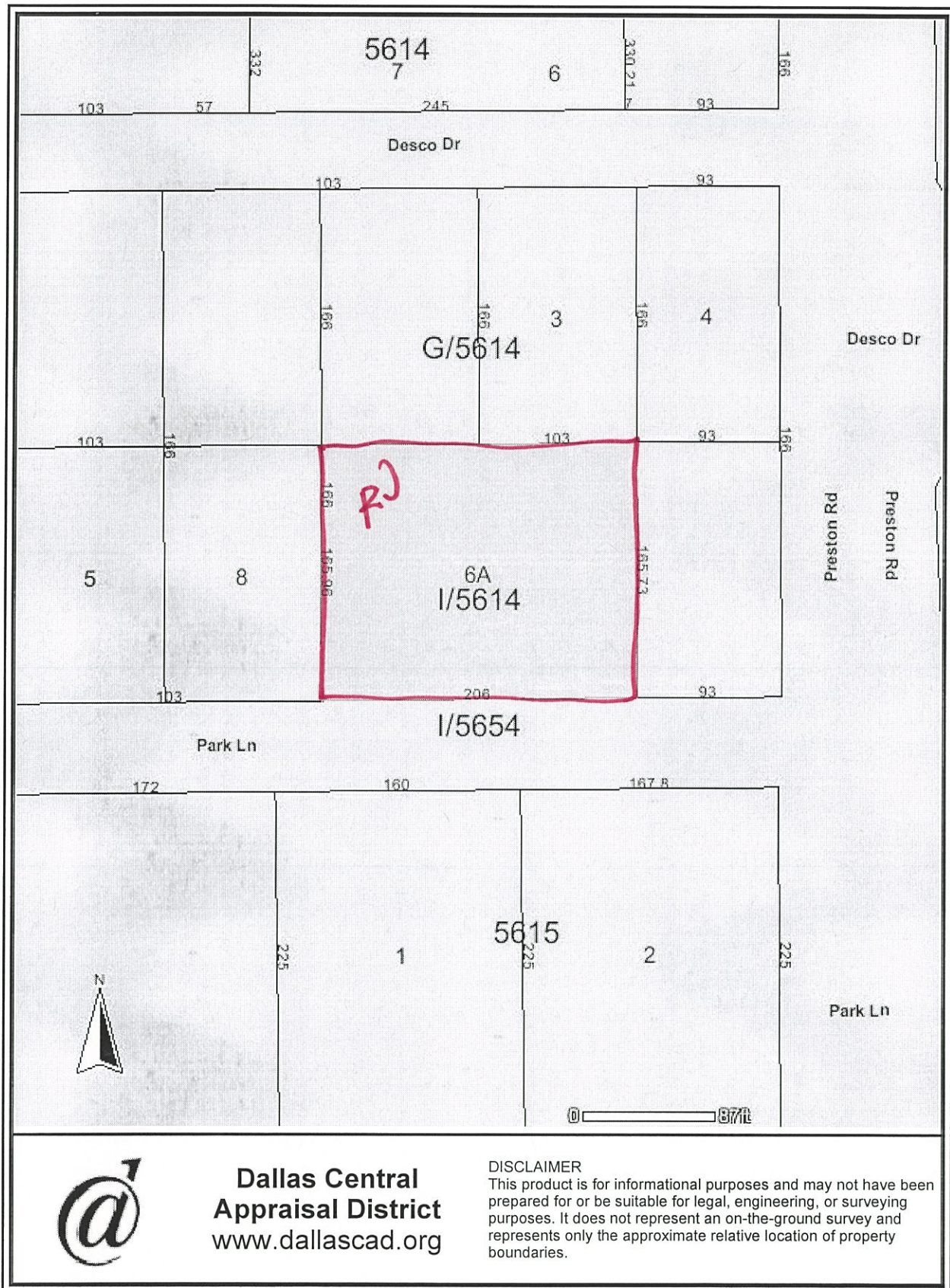
Legend

Locate Property

BDA 156-025

1-24





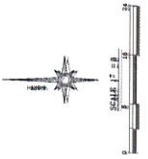
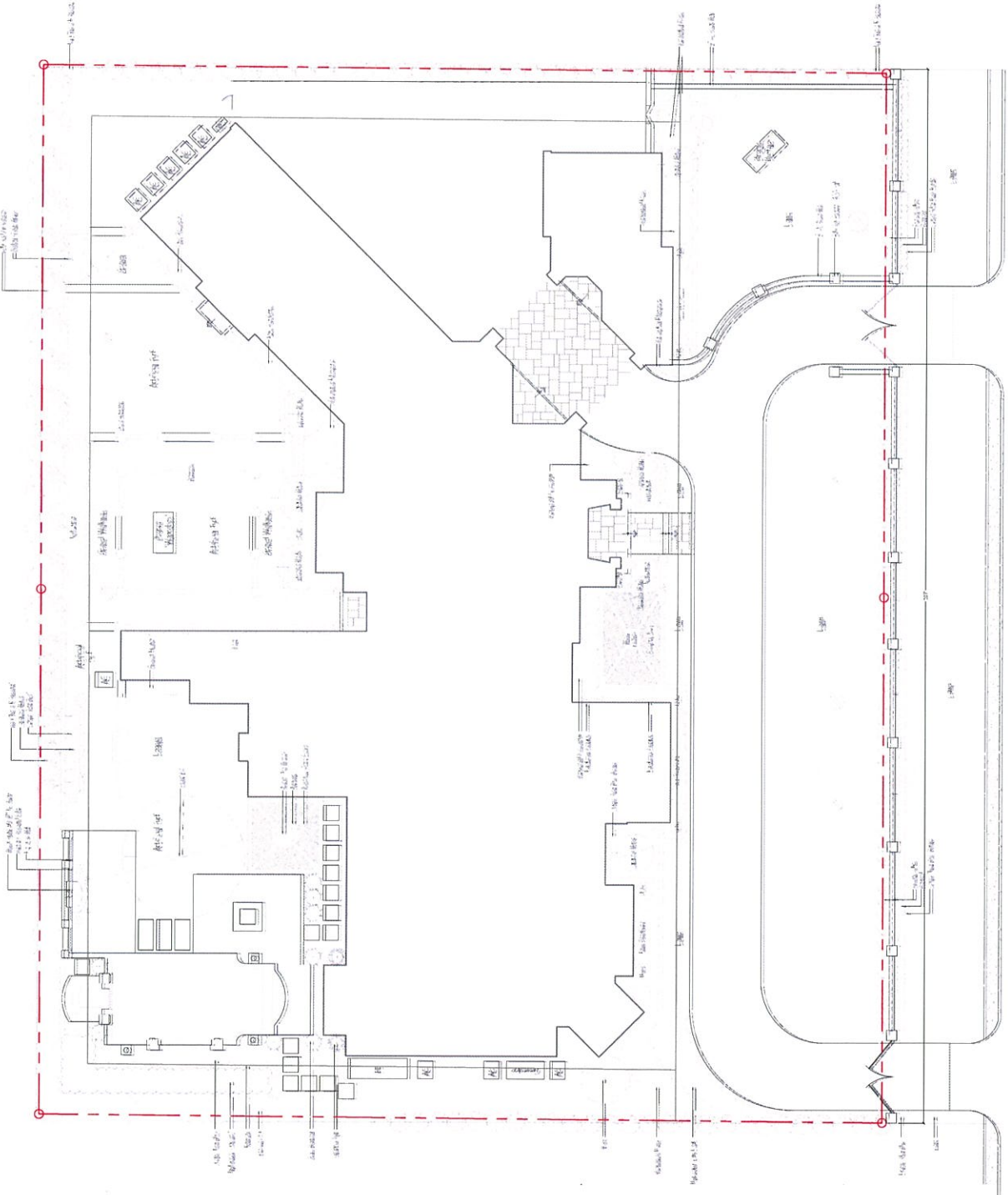
Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
 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.

From the Ground Up
 LANDSCAPE DESIGN & INSTALLATION
 P.O. BOX 54126
 DALLAS, TEXAS 75254
 214-515-0875

A Landscape Design For:
The White Residence
 5931 Park Lane
 Dallas, Texas 75225

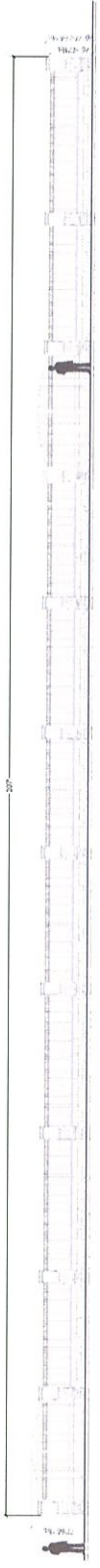
DESIGNER	BRANDY CLARK
DRAWN	NOBLE EMBERS
DATE	11.28.20
SCALE	1" = 8' 0"
SHEET TITLE	SITE PLAN
SHEET NO.	1



From the Ground Up
 LANDSCAPE DESIGN & INSTALLATION
 P.O. BOX 5432
 DALLAS, TEXAS 75254
 214-373-0825

A Landscape Design For:
The White Residence
 5931 Park Lane
 Dallas, Texas 75225

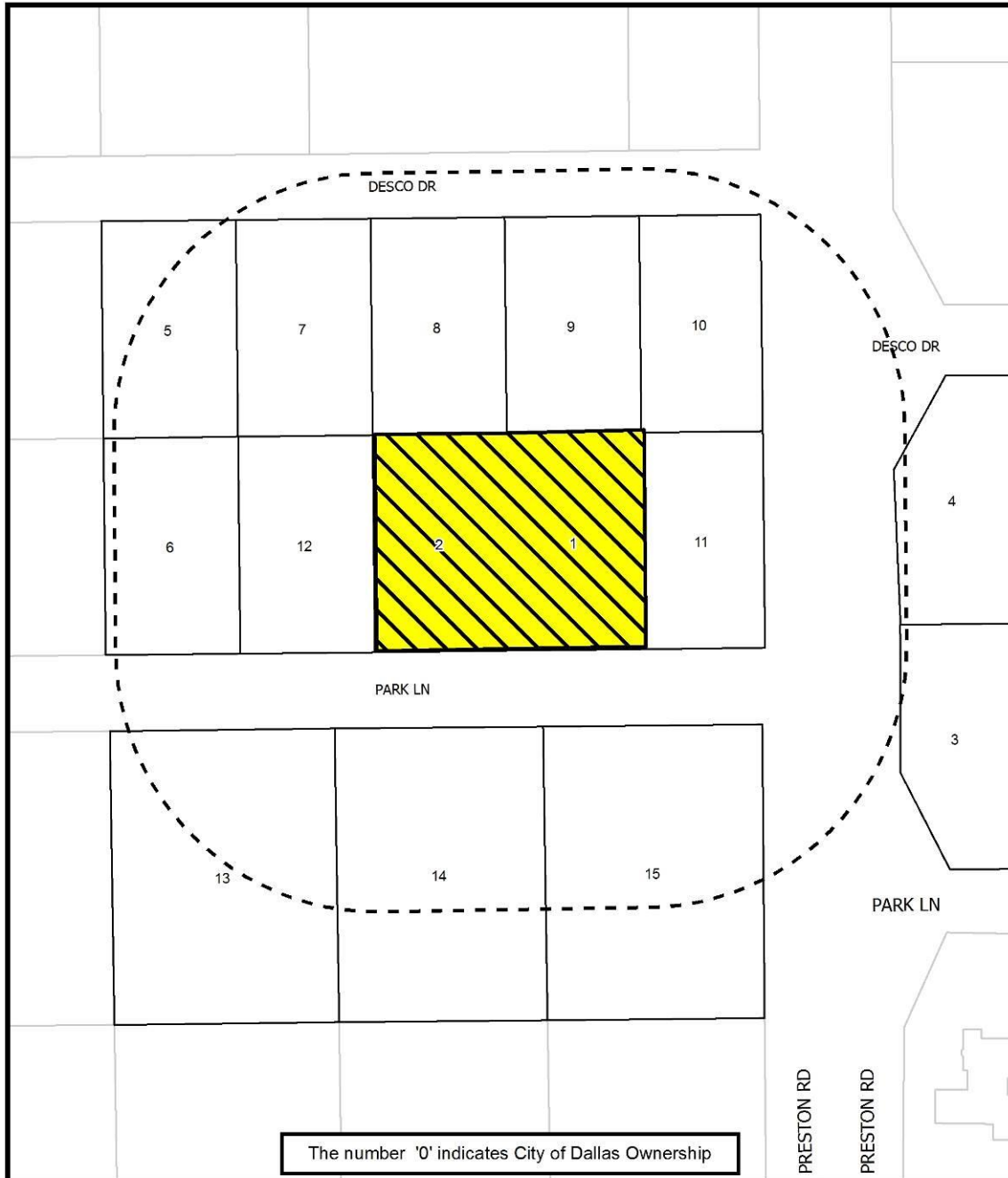
DATE: 10/20/06
 DRAWN: J. J. JENSEN
 DESIGNED: J. J. JENSEN
 PROJECT NO.: 06-0022
 SHEET TITLE: /
 SHEETS: /



STONE WALL / FENCE & POWERLINE GATE - ELEVATION
 WALL 10' x 115'

*open iron pipe
 stone wall
 2-19-19 sk*





The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
15	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-025**
 Date: **2/17/2016**

Notification List of Property Owners

BDA156-025

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5939 PARK LN	WHITE ALAN B &
2	5931 PARK LN	WHITE ALAN B
3	6011 PARK LN	FORD ROBERT KYLE & CARRIE GREEN
4	6010 DESCO DR	DOWELL JAMES THOMAS
5	5914 DESCO DR	STRAUSS SUE WAYNE
6	5915 PARK LN	YATER MARK A & LINDA P
7	5922 DESCO DR	GLASS JEFFREY & NORMA M
8	5930 DESCO DR	CARREKER JAMES D
9	5938 DESCO DR	SUSS RICHARD A & ETAL
10	5946 DESCO DR	MURRAY JOHN
11	5947 PARK LN	MINNOWS LTD
12	5923 PARK LN	YANIGAN JEANNE L
13	5920 PARK LN	SAUSTAD NANCY W & DAVID C
14	5934 PARK LN	BABILLA TERRENCE M & MOLLY E
15	5946 PARK LN	SAENZ HERNAN JF III & SYVIA E CESPEDES

FILE NUMBER: BDA156-027(SL)

BUILDING OFFICIAL'S REPORT: Application of Allan R. Brown, represented by Steven Dimitt, for variances to the front yard setback and height regulations at 1015 N. Carroll Avenue. This property is more fully described as Lot 5, Block 8/768, and is zoned PD 298 (Subarea 9), which requires a front yard setback of 30 feet and limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a structure and provide a 12 foot front yard setback, which will require an 18 foot variance to the front yard setback regulations, and to construct and maintain a structure with a building height of 45 feet, which will require a 9 foot variance to the maximum building height regulations.

LOCATION: 1015 N. Carroll Avenue

APPLICANT: Allan R. Brown
Represented by Steven Dimitt

REQUESTS:

The following requests were originally made on a site that is in part undeveloped and in part developed with multifamily and office uses:

1. A variance to the front yard setback regulations of 18' had been made to construct and maintain an 8-unit townhome development that would be located in the site's two front yard setbacks on Swiss Avenue and North Carroll Avenue; and
2. A variance to the height regulations of 9' had been made to construct and maintain the aforementioned townhome development that would be 45' in height.

However on March 4, 2016, the applicant's representative submitted a letter (see Attachment A) that stated among other things that he had met with the neighborhood association and other neighbors since the filing of the application, and that in order to address some comments and concerns, he is significantly revising the entire development.

As a result, the applicant no longer seeks a variance or to the front yard setback on Swiss Avenue or a height variance but will seek variance to the front yard setback on North Carroll Avenue and a special exception to the off-street parking regulations. Lastly, the applicant requests that the Board not consider the previously submitted plans or the variance requests that he submitted in January at the March hearing but requests that the Board delay consideration of this case until April.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Delay action until April 18, 2016

Rationale:

- Staff is not able to reach conclusions on the applicant’s requests for variances to the front yard setback and height regulations given that the applicant has written that since he filed the application and plans in January of 2016, he is in the process of significantly revising the entire development, and requested that the Board not consider the originally submitted plans or variance requests.

BACKGROUND INFORMATION:

Zoning:

Site: PD 298 (Subarea 9, MF-2 and CR), H/72 (Planned Development, Historic)
North: PD 298 (Subarea 9, R-7.5 & P), H/72 (Planned Development, Historic)
South: PD 298 (Subarea 9, MF-2), H/72 (Planned Development, Historic)
East: PD 298 (Subarea 13), H/72 (Planned Development, Historic)
West: PD 298 (Subarea 9, MF-1), H/72 (Planned Development, Historic)

Land Use:

The subject site is in part undeveloped and in part developed with multifamily and office uses. The areas to the north and west are developed with multifamily uses; the area to the east is undeveloped; and the area to the south is developed with an office 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 (variances):

- The original request focused on constructing and maintaining an 8-unit townhome development that would be located in the site's two front yard setbacks on Swiss Avenue and North Carroll Avenue, and that would be 45' in height.
- The Building Official has provided the following information relevant to this appeal:
 - The site is zoned PD 298 (Subarea 9, MF-2 and CR), H/72. PD 298, Subarea 9 conditions state the following: Subarea 9 is subject to regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51(A). The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The MF-2(A) required front yard setback is 15' and the CR required front yard setback is 15'.
 - The zoning of the adjoining property on the N. Carroll Street frontage is PD 298 (Subarea 13) H/72 (Tract 1).
 - The appeal application references a required 30' front yard setback ("...set forth in the Peak's Suburban Ordinance #22352...") and requests an 18' variance to allow a 12' setback.
 - The following Historic Overlay 72 (H/72) requirement appears to be the basis for the required 30' front yard setback.
- According to DCAD records, the "main improvement" at 1015 N. Carroll Avenue is a "medical office building" with 24,618 square feet built in 1955.
- The subject site is flat, rectangular in shape, and according to the application is 1.79 acres in area.
- Prior to the applicant submitting a letter on March 4th in which he requested: 1) a delay on these variances since he is in the process of significantly revising the entire development, and 2) that the Board not consider the previously/originally submitted plans or variances, the applicant had the burden of proof in establishing the following:
 1. That granting the variance to the front yard setback and height regulations would not have been 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.
 2. The variances would have been 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 298 (Subarea 9, MF-2 and CR), H/72 zoning classification.

3. The variances would not have been 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 298 (Subarea 9, MF-2 and CR), H/72 zoning classification.

Timeline:

January 21, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 9, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

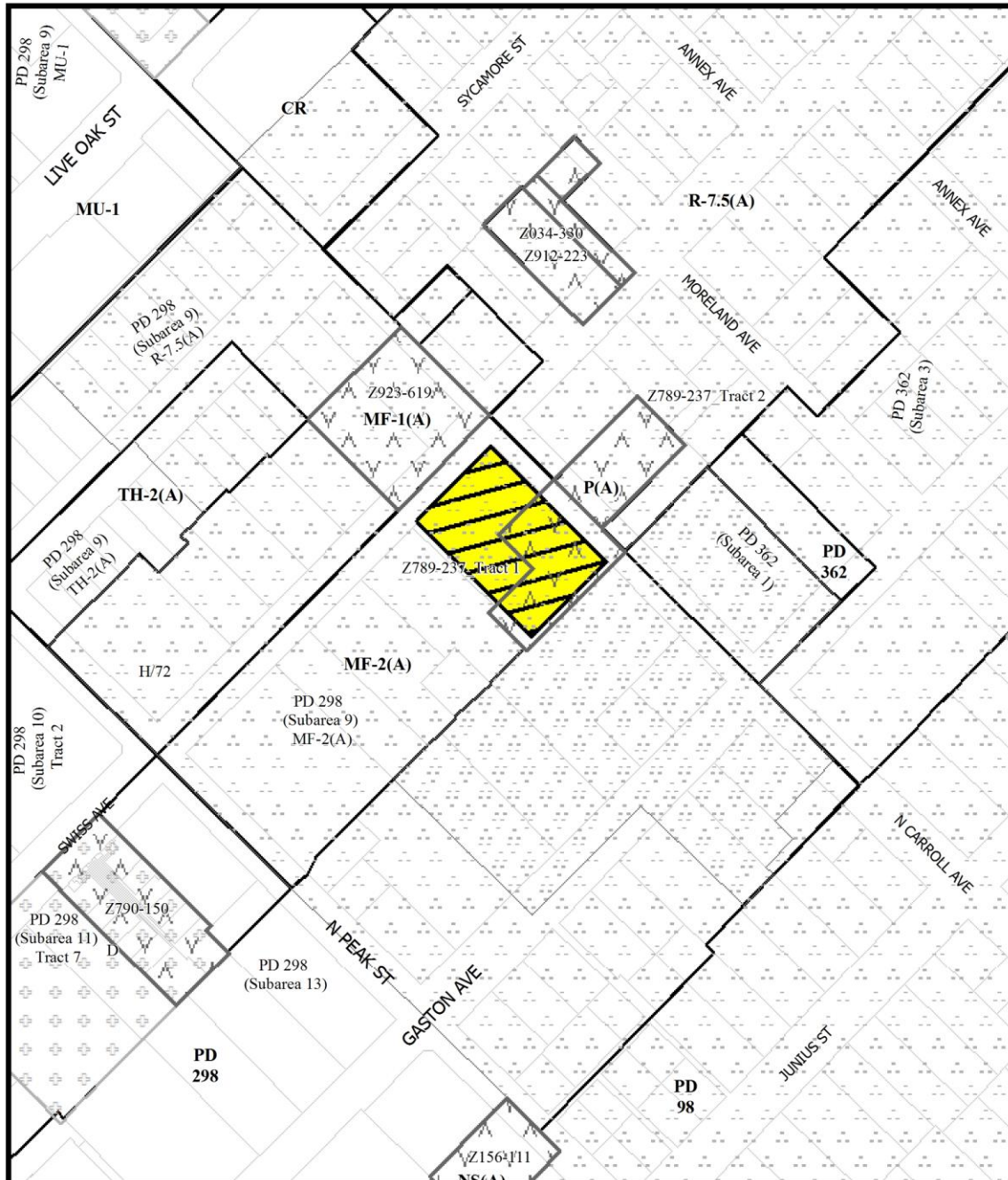
February 9, 2016: The Board Administrator emailed the applicant’s representative the following information:

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

March 4, 2016: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

March 8, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Interim Building Official, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorneys to the Board.

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

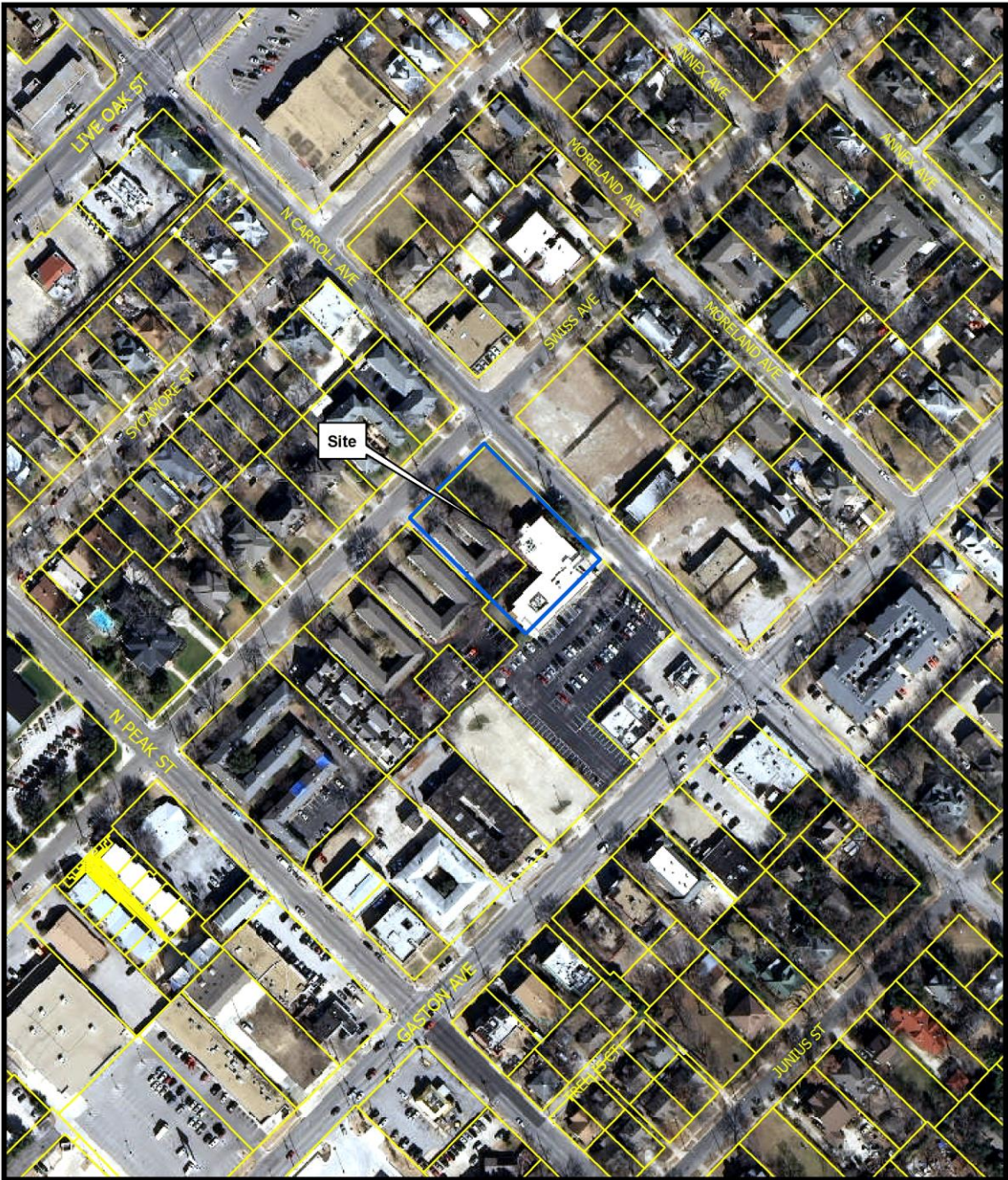


1:2,400

ZONING MAP

Case no: BDA156-027

Date: 3/1/2016



1:2,400

AERIAL MAP

Case no: BDA156-027

Date: 3/1/2016



Steven W. Dimitt
(214) 953-6182 (Direct Dial)
(214) 661-6882 (Direct Fax)
sdimitt@jw.com

March 4, 2016

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

Re: ***BDA 156-027; 1015 N. Carroll Avenue***

Dear Mr. Long:

As you know, Jackson Walker L.L.P. represents the Applicant with respect to the above-referenced board of adjustment case. This case is currently scheduled for a public hearing with Board of Adjustment Panel C on March 21, 2016.

Since the filing of our application, the Applicant has met with the Peaks Suburban Neighborhood Association and other neighbors regarding our application and the proposed variance requests. In order to address some comments and concerns from the neighbors and neighborhood association, the Applicant has significantly revised its entire development. As a result, the Applicant will no longer seek a height variance or a variance to the front yard setback on Swiss Avenue. The Applicant will, however, seek a variance to the front yard setback on the North Carroll Avenue blockface and will seek a special exception to the parking requirements.

Based upon the changes to the site plan to address the neighbors' comments, the Applicant requests that the Board of Adjustment not consider the previously submitted plans or variance requests during the upcoming hearing. Moreover, the Applicant requests that the Board of Adjustment postpone its consideration of this case until April 2016 to ensure that the Applicant's current plans and requests are considered.

Very truly yours,

A handwritten signature in black ink that reads 'Steven W. Dimitt'. The signature is written in a cursive, slightly stylized font.

Steven W. Dimitt



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-027

Data Relative to Subject Property:

Date: 1/21/2016

Location address: 1015 N. Carroll Avenue Zoning District: PD 298 (subarea 9)

Lot No.: 5 Block No.: 8/768 Acreage: 1.791 Census Tract: 15.04

Street Frontage (in Feet): 1) 93.36 2) 175 3) 4) 5) 5823

To the Honorable Board of Adjustment :

Owner of Property/or Principal: PHP Carroll MOB Partners, LP

Applicant: Allan R. Brown Telephone: 214-736-7003

Mailing Address: 8214 Westchester Drive #600, Dallas, Texas Zip Code: 75225

Represented by: Jackson Walker L.L.P., Suzan Kedron, Steven Dimitt Telephone: 214-953-6182

Mailing Address: 2323 Ross Avenue, Suite 600, Dallas Texas Zip Code: 75201

Affirm that a request has been made for a Variance [checked], or Special Exception [], of (1) increase the allowable building height from thirty-six (36) feet to forty-five (45) feet, and (2) decrease the setback requirement set forth in the Peak's Suburban Ordinance #22352 from thirty (30) feet, established by neighboring buildings, to twelve (12) feet.

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

The variance should be granted because it is not contrary to the public interest and owing to special conditions, to be described further in supplementary materials to be provided to City Staff, literal enforcement would result in unnecessary hardship. Further the variance is necessary to permit development of this specific parcel of land.

9' to max bldg ht., & 18' to FYSB

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

Respectfully submitted: Allan Brown Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Allan Brown 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.

[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me this 22nd day of January, 2016

[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

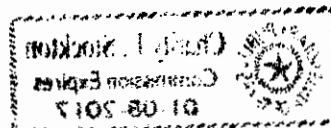
Building Official's Report

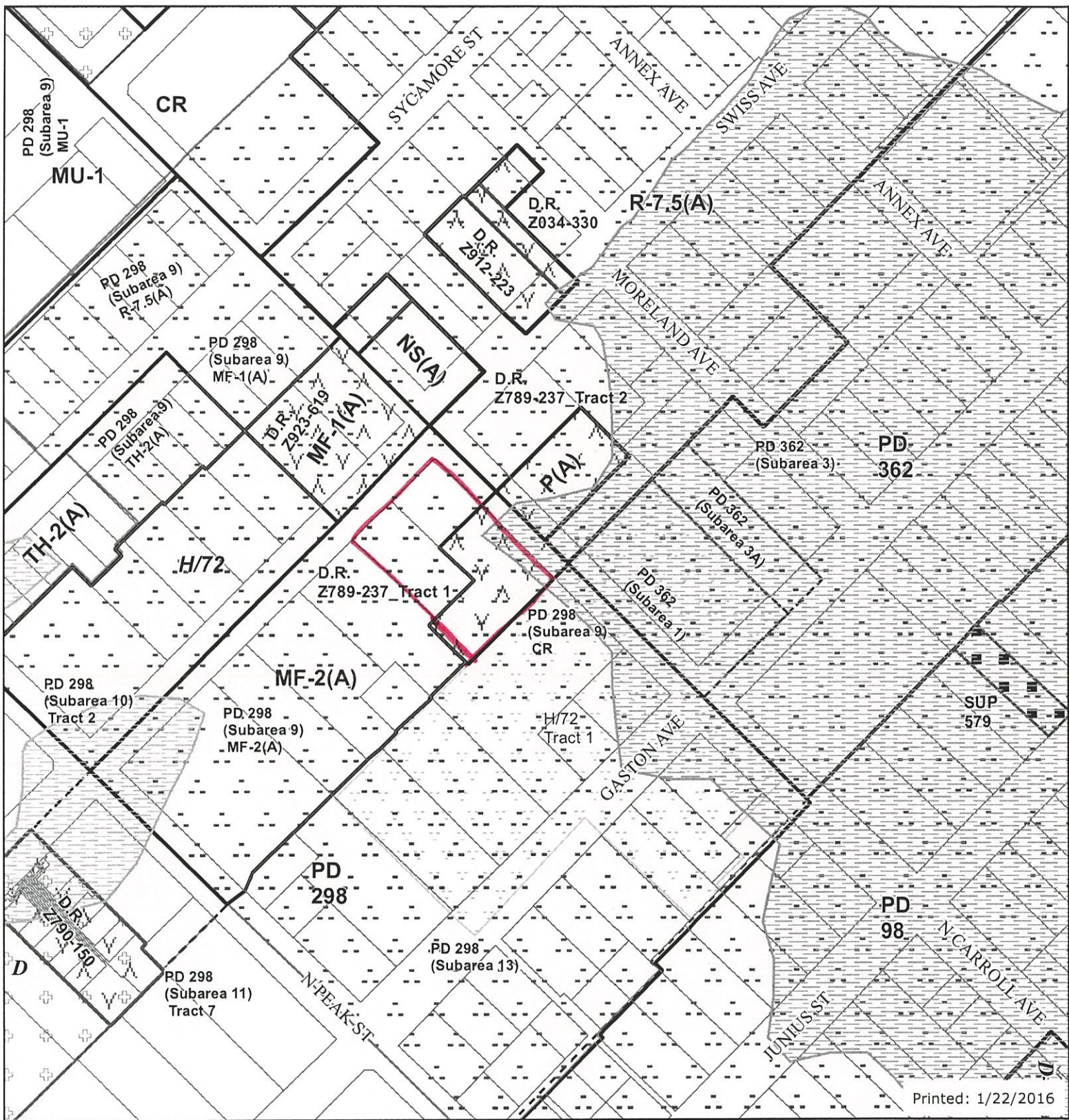
I hereby certify that Allan R. Brown
represented by Steven Dimitt
did submit a request for a variance to the front yard setback regulations, and for a variance to the
building height regulation
at 1015 N. Carroll Avenue

BDA156-027. Application of Allan R. Brown represented by Steven Dimitt for a variance to the front yard setback regulations and a variance to the building height regulation at 1015 Carroll Avenue. This property is more fully described as Lot 5, Block 8/768, and is zoned PD 298 (Subarea 9), which limits the maximum building height to 36 feet and requires a front yard setback of 30 feet. The applicant proposes to construct a multifamily residential structure and provide a 12 foot front yard setback, which will require an 18 foot variance to the front yard setback regulation, and to construct a multifamily residential structure with a building height of 45 feet, which will require a 9 foot variance to the maximum building height regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | S-10 Front Overlay |
| | | Height Map Overlay | |

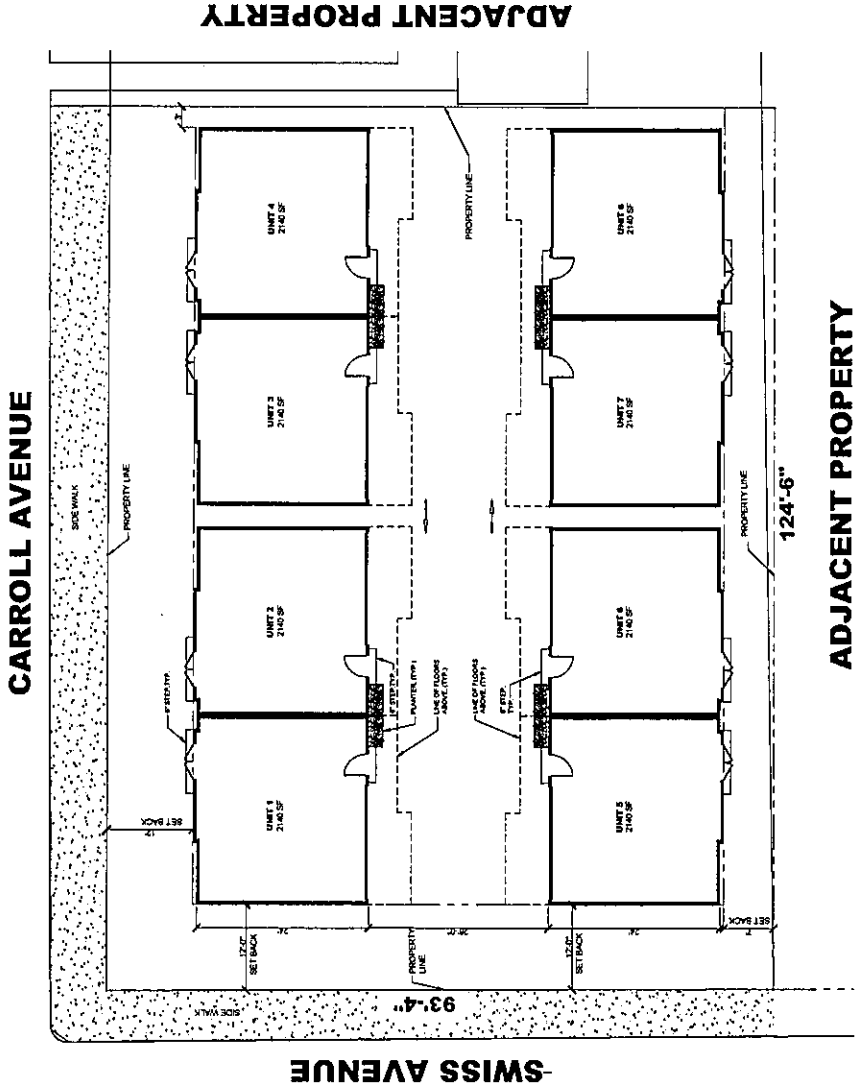
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





ISSUE LOG	DESCRIPTION	DATE

JOB NO.	
SHEET TITLE	SITE PLAN
SHEET NO.	A1.1

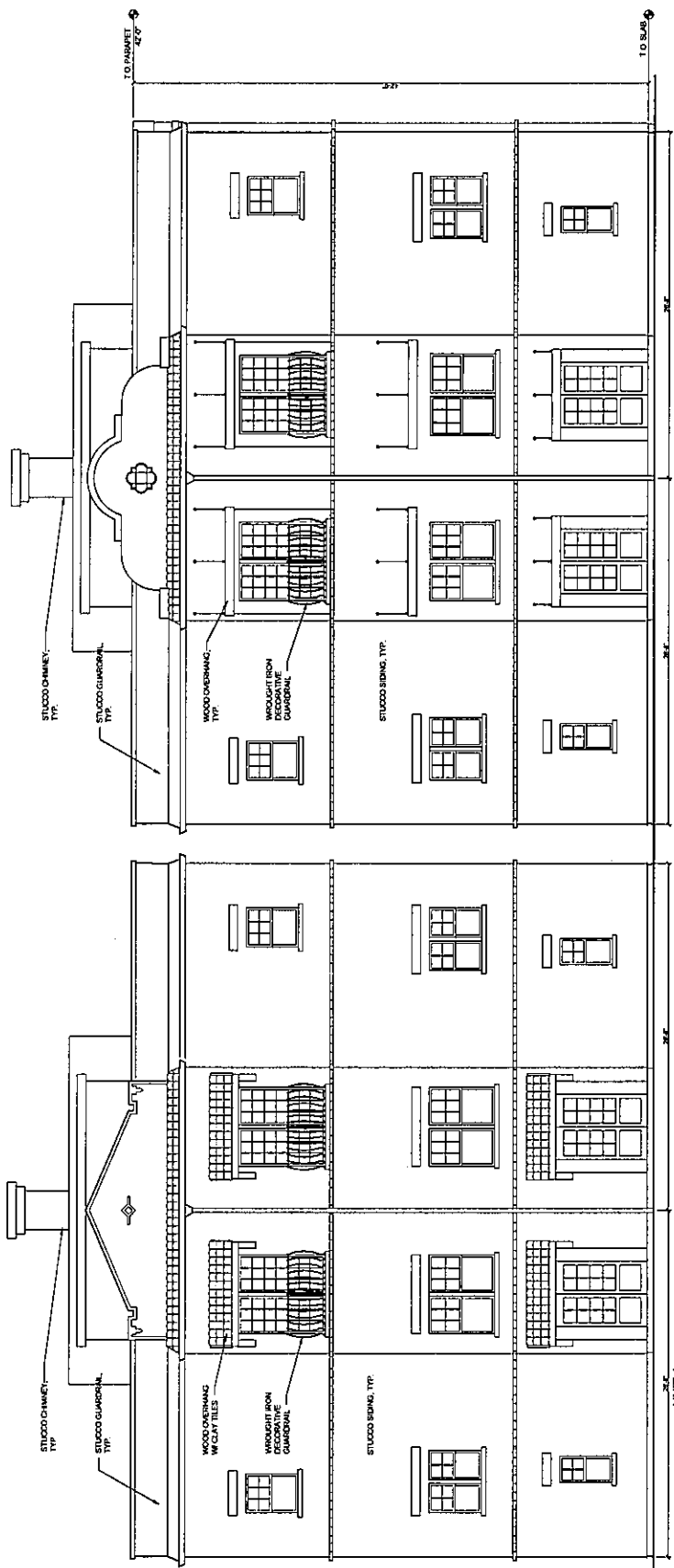


1 SITE PLAN
 SCALE: 1/8"=1'-0"

ISSUE LOG	DESCRIPTION	DATE

JOB NO.
 SHEET TITLE
EAST ELEV.

SHEET NO.
A1.7

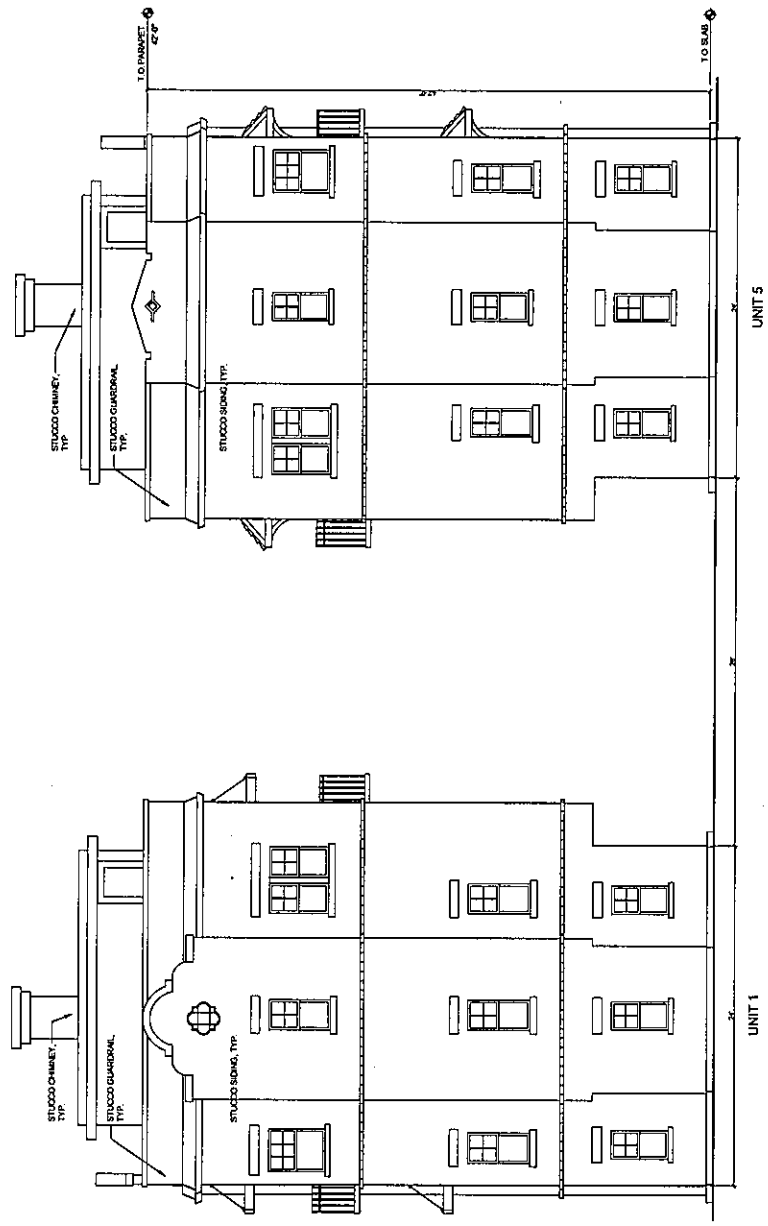


1 EAST ELEVATION
 SCALE: 1/4"=1'-0"

ISSUE LOG	DESCRIPTION	DATE

JOB NO.
 SHEET TITLE
 NORTH ELEV.

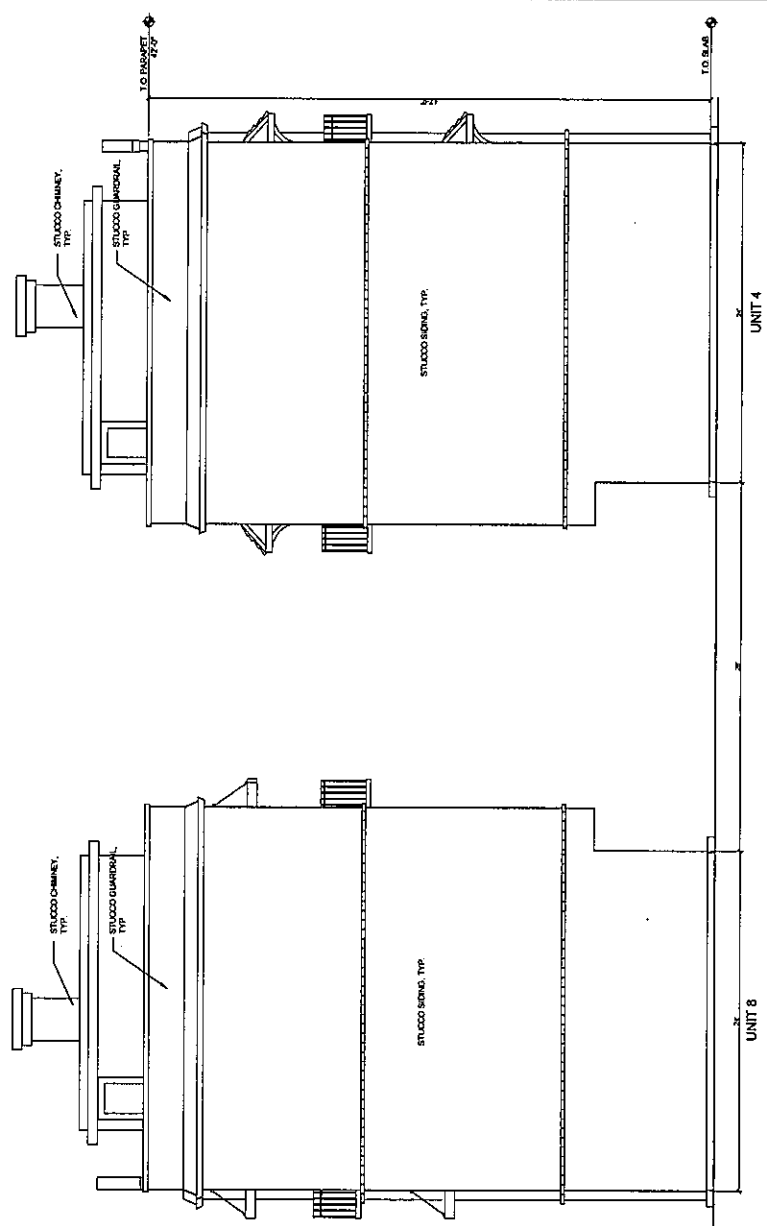
SHEET NO.
A1.9



1 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

ISSUE LOG	DATE	DESCRIPTION

JOB NO.
 SHEET TITLE
SOUTH ELEV.
 SHEET NO.
A1.10

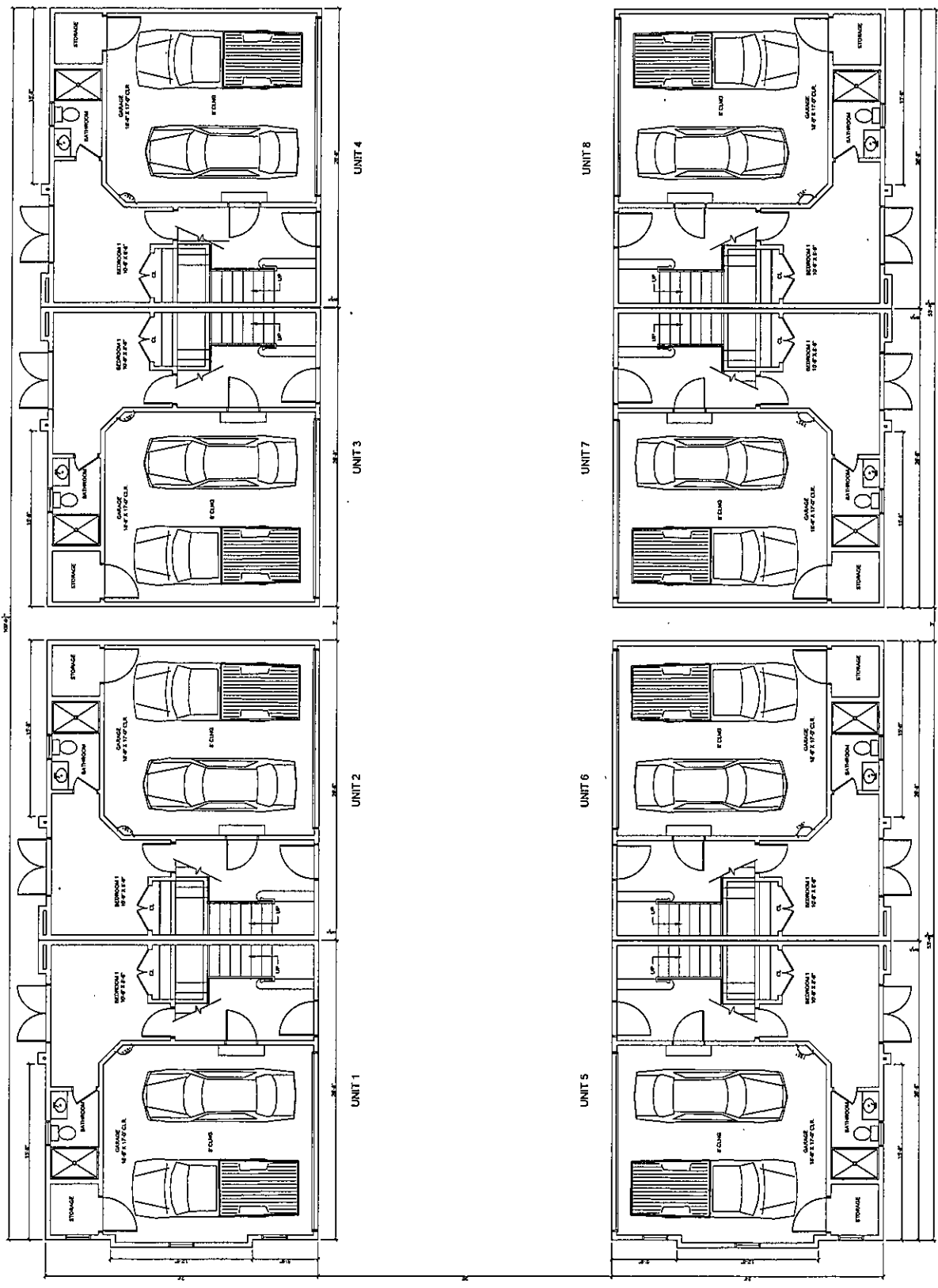


1 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

ISSUE NO.	DESCRIPTION	DATE

JOB NO.
 SHEET TITLE
FIRST FLOOR

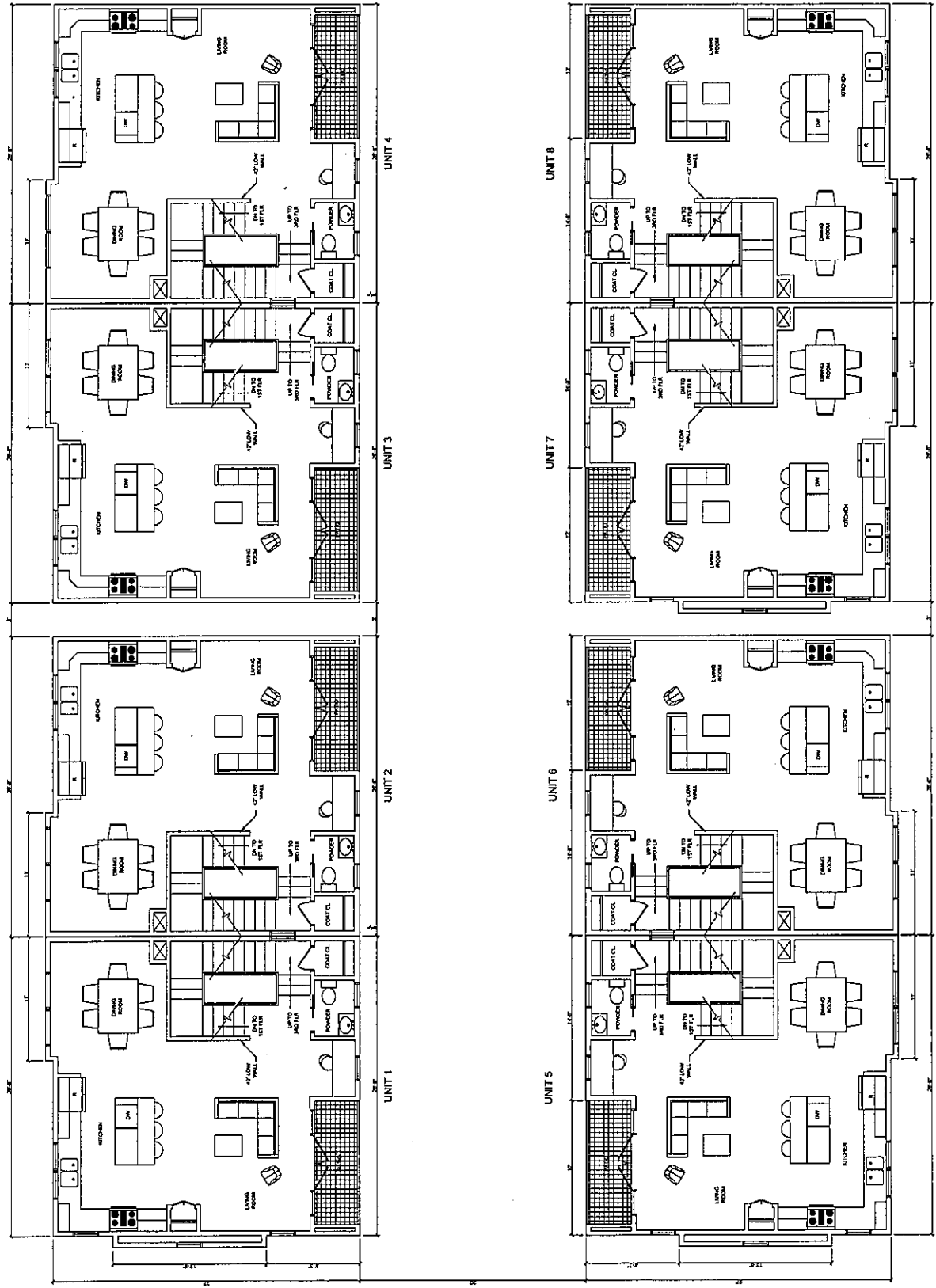
SHEET NO.
A1.2



1 FIRST FLOOR PLAN - GARAGE
 SCALE: 1/4" = 1'-0"

ISSUE LOG		
NO.	DESCRIPTION	DATE

JOB NO.	
SHEET TITLE	SECOND FLR.
SHEET NO.	A1.3

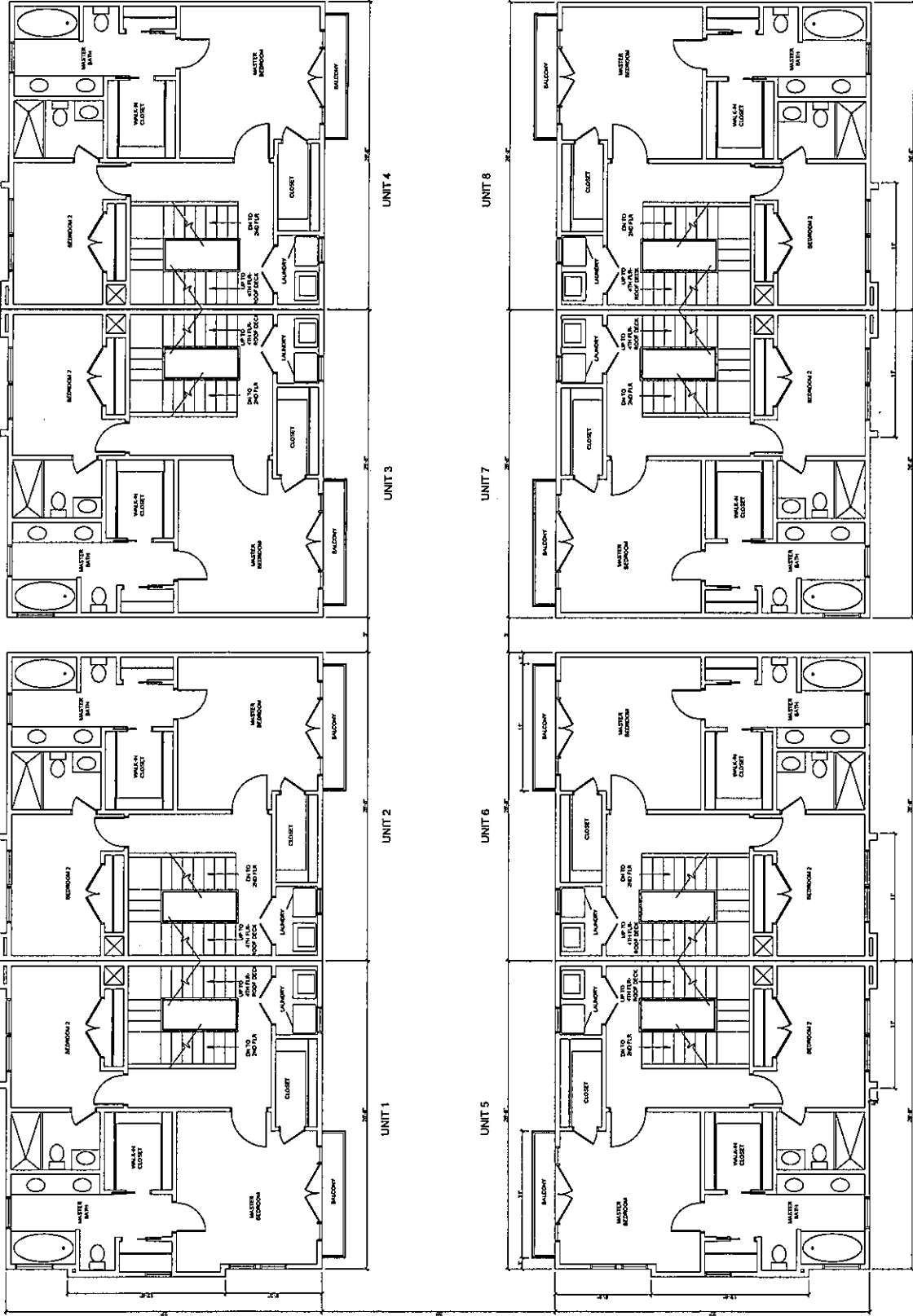


1 SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

ISSUE LOG	DESCRIPTION	DATE

FOOB NO.
 SHEET TITLE
THIRD FLOOR

SHEET NO.
A1.4

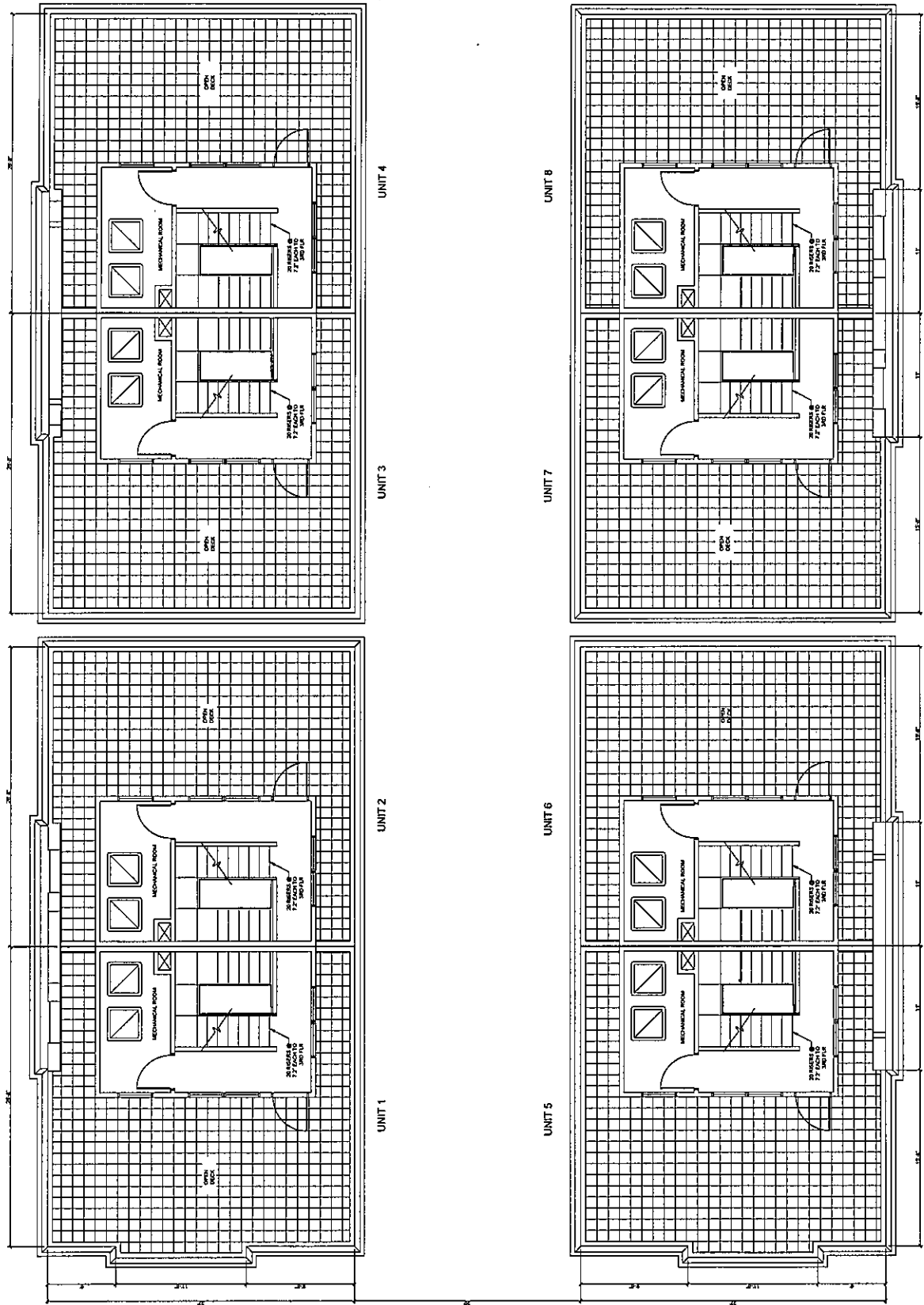


1 THIRD FLOOR PLAN
 SCALE: 1/4" = 1'-0"

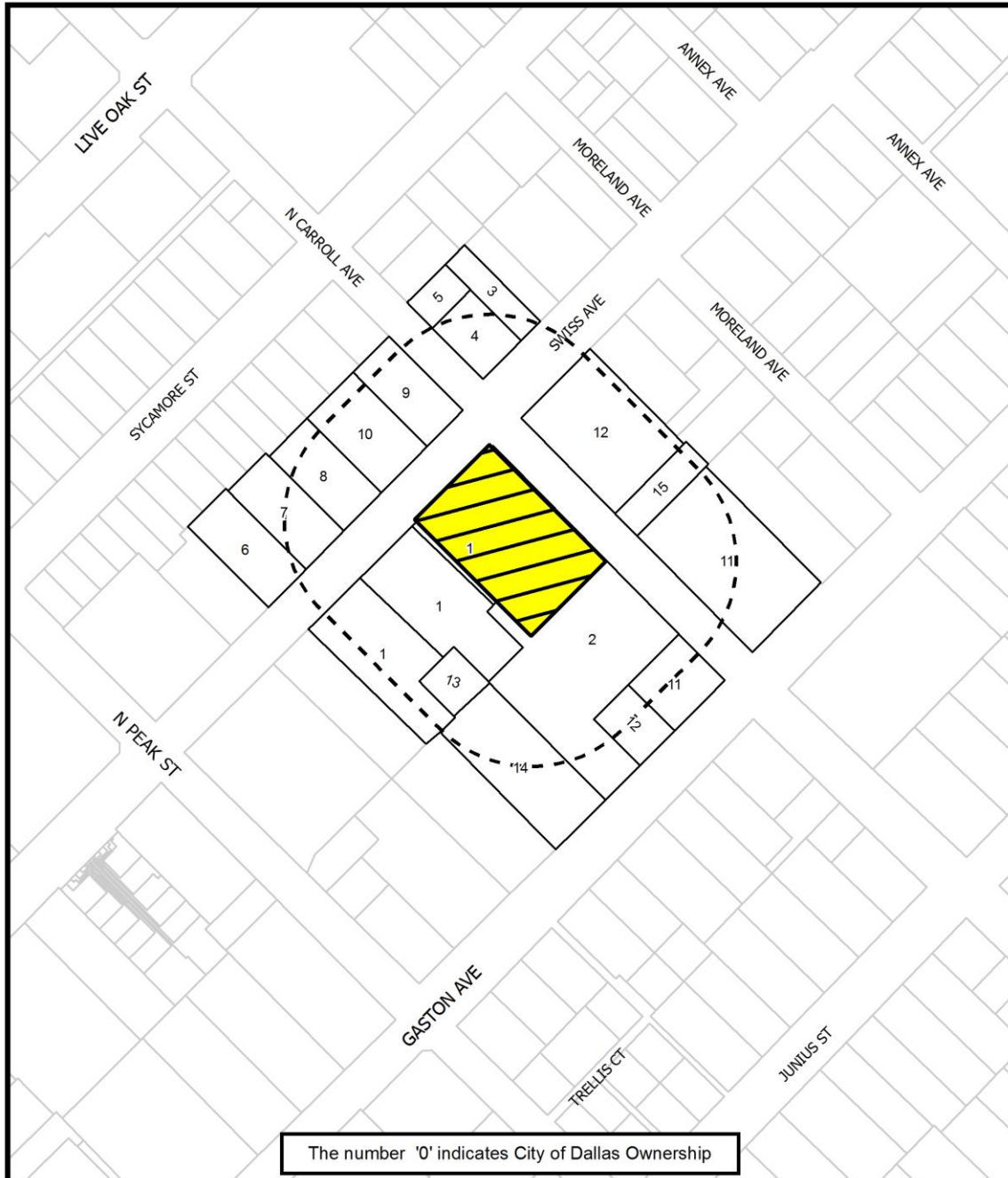
ISSUE	LOC	DESCRIPTION	DATE

JOB NO.
 SHEET TITLE
FOURTH FLR.

SHEET NO.
A1.5



1 **FOURTH FLOOR- ROOF PLAN**
 SCALE: 1/4" = 1'-0"



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NOTIFICATION

200' AREA OF NOTIFICATION
15 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA156-027
 Date: 3/1/2016

Notification List of Property Owners

BDA156-027

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4414 SWISS AVE	MORNINGSIDE PROPERTY CO
2	1015 N CARROLL AVE	PHP CARROLL MOB PARTNERS LP
3	4509 SWISS AVE	YUAN TERRY & MICHAEL
4	4501 SWISS AVE	4501 SWISS AVENUE INC
5	1110 N CARROLL AVE	4501 SWISS AVE INC
6	4321 SWISS AVE	MILLER MARVIN D & CLAUDIA M MILLER
7	4405 SWISS AVE	XAYASENG HIENG
8	4409 SWISS AVE	WALLACE BEN J
9	4425 SWISS AVE	CPP 5X5 TRUST
10	4417 SWISS AVE	BRP 5X5 TRUST
11	4425 GASTON AVE	CHHOR ANNIE LUU
12	4415 GASTON AVE	MDT GASTON LTD
13	4402 SWISS AVE	NTFN INC
14	4403 GASTON AVE	MSC 1 LTD
15	1000 N CARROLL AVE	STANLEY MABLE &