

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, APRIL 17, 2017  
AGENDA

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

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**  
**Jennifer Munoz, Senior Planner**

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**MISCELLANEOUS ITEM**

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Approval of the March 20, 2017 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-039(JM)</b> 4943 Philip Avenue <b>REQUEST:</b> Application of Rick Guerrero for a variance to the front yard setback regulations	1
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**HOLDOVER CASE**

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<b>BDA167-036(SL)</b> 6524 Alpha Road (aka: 6625 Alpha Road) <b>REQUEST:</b> Application of Beth Greeson, represented by Wade Peterson, for a special exception to the tree preservation regulations	2
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## REGULAR CASES

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<b>BDA167-038(JM)</b>	4902 Gurley Avenue <b>REQUEST:</b> Application of Benjamin Leal, represented by Rick Guerrero, for a variance to the front yard setback regulations	3
<b>BDA167-040(SL)</b>	1312 McKee Street <b>REQUEST:</b> Application of Miguel Ramirez for special exceptions to the visual obstruction regulations	4
<b>BDA167-042(SL)</b>	5608 Live Oak Street <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for variances to the side yard setback and building height regulations	5
<b>BDA167-047(SL)</b>	10545 Lennox Lane <b>REQUEST:</b> Application of Danny Sipes for special exceptions to the fence standards and visual obstruction regulations	6

## 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:** BDA167-039(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Rick Guerrero for a variance to the front yard setback regulations at 4943 Philip Avenue. This property is more fully described as part of Lot 1, Block 18/1242, and is zoned D(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 7 foot 10 inch front yard setback, measured at the foundation with a roof eave not to exceed 1 foot 6 inches, which will require a 17 foot 2 inch variance to the front yard setback regulations.

**LOCATION:** 4943 Philip Avenue

**APPLICANT:** Rick Guerrero

**REQUEST:**

A request for a variance to the front yard setback regulations of 17' 2" is made to construct and/or maintain a single family structure, part of which would be located 7' 10" from the site's front property line (with a maximum 18 inch roof eave) or 17' 2" into the 25' front yard setback along S. Barry Avenue.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval of the request, subject to the following condition:

- Compliance with the submitted revised site plan is required.



Rationale:

- Staff has concluded that the variance should be granted because the subject site is unique and different from other lots in the D(A) Duplex District by being of a restrictive area. The minimum lot size in a D(A) Duplex District is 6,000 sq.ft. The subject site has 4,750 sq. ft. of area. Additionally, the lot is restrictive in developable proportion. If all required setbacks are taken into account, the developable area would measure 65' by 20', or 1,300 square feet. Lots in the area with this zoning designation typically have 110' by 38', or 4,180 square feet of developable area. Furthermore, the applicant has substantiated how these features preclude the lot from being developed in a manner commensurate with the development upon other parcels of land with the same D(A) zoning. The applicant submitted a list of 16 other properties in the zoning district where the average living area is approximately 1,364 square feet, three of which are corner lots, but all of a more traditional style and proportion.
- Additionally, staff has concluded that the variance should be granted because the subject site has two front yards, each with a 25' front yard setback, encumbering the commensurate use of the subject land area.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site:</u>	D(A) Duplex District
<u>North:</u>	D(A) Duplex District
<u>East:</u>	D(A) Duplex District
<u>South:</u>	PD No. 864 for D(A) Duplex District Uses
<u>West:</u>	D(A) Duplex District

**Land Use:**

The subject site is currently undeveloped. Properties to the north, east, and west are developed with single-family homes. A public school exists to the south.

**Zoning/BDA History:**

1. BDA167-037, Property located at 4942 Gurley Avenue (WNW of the subject site) On March 20, 2017, the Board of Adjustment Panel C granted a request for a variance to the front yard regulations of up to 18' and imposed the following condition: 1) compliance with the submitted revised site plan is required.

The case report stated that the request was made to construct and maintain a single-family structure located less than the

required 25' from the front property line along S. Barry Avenue.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing/maintaining a single family structure, part of which would be located 7' 2" from the site's front property line (with a maximum 18 inch roof eave) or 17' 10" into the 25' front yard setback along S. Barry Avenue.
- The subject site is flat, rectangular in shape (95' x 50'), and according to the submitted application is 0.166 acres (or approximately 4,750 square feet) in area.
- The site is zoned D(A) Duplex District, where lots are required to be a minimum of 6,000 square feet for residential uses.
- The applicant wishes to construct and maintain a 1,233 square foot single-family structure on a site that is undeveloped..
- Lots zoned a D(A) Duplex District are required to provide a minimum front yard setback of 25'. The subject site is located at the northwest corner of Philip Avenue and S. Barry Avenue. Regardless of how the home is being constructed or oriented, the site has two front yard setbacks. A 25' front yard setback is required along Philip Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a Duplex zoning district. The site also has a 25' front yard setback along S. Barry Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard, but is considered a front yard setback nonetheless to maintain the continuity of the established lot developed within the block north of the subject property with the front yard on S. Barry Avenue.
- According to measurements taken from Google Earth, combined with photos taken during a site visit conducted by staff, the home to the southeast which is triggering block continuity for established development is located approximately 5-10' from the front property line along S. Barry Avenue. Since S. Barry Avenue is the sole street frontage for this property, if they were ever to reconstruct at this site, they would be required to comply with the existing zoning and provide the required front yard. The lot is currently zoned a D(A) Duplex District and requires a 25' front yard setback. For this reason, the subject site is required to treat S. Barry Avenue frontage as a front yard and comply with the required 25' front yard setback.
- The site plan submitted with this request identifies how the applicant would like to provide a 7' front yard along S. Barry Avenue, as measured from the foundation. The application submitted requested to provide a 7' 2" front yard along S. Barry Avenue. This should be corrected on the submitted revised site plan.
- Lots of this size in a D(A) Duplex District with one front yard generally have approximately 4,180 square feet of developable area remaining, or 110' by 38'. Between the reduced lot size of 95' by 50', and the added front yard requirement, the subject site has approximately 1,300 square feet of developable area, or 65' by 20'. In evidence submitted by the applicant on March 29<sup>th</sup>, the style of home would

be severely limited by the odd proportion of developable area under existing conditions.

- Additional evidence submitted by the applicant indicates that a survey of surrounding properties in the area found the average home size to be approximately 1,364 square feet, including a few corner properties. The typical style of homes were not narrow “shotgun style”, as would be required for the subject site.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same D(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 D(A) zoning classification.
- If the board were to grant the variance request, and impose the submitted revised site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 7’ 2” from the site’s front property line along S. Barry Avenue (or 17’ 10” into the 25’ front yard setback).

### **Timeline:**

January 31, 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.

March 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 16, 2017: The Board Administrator emailed the applicant the following information:

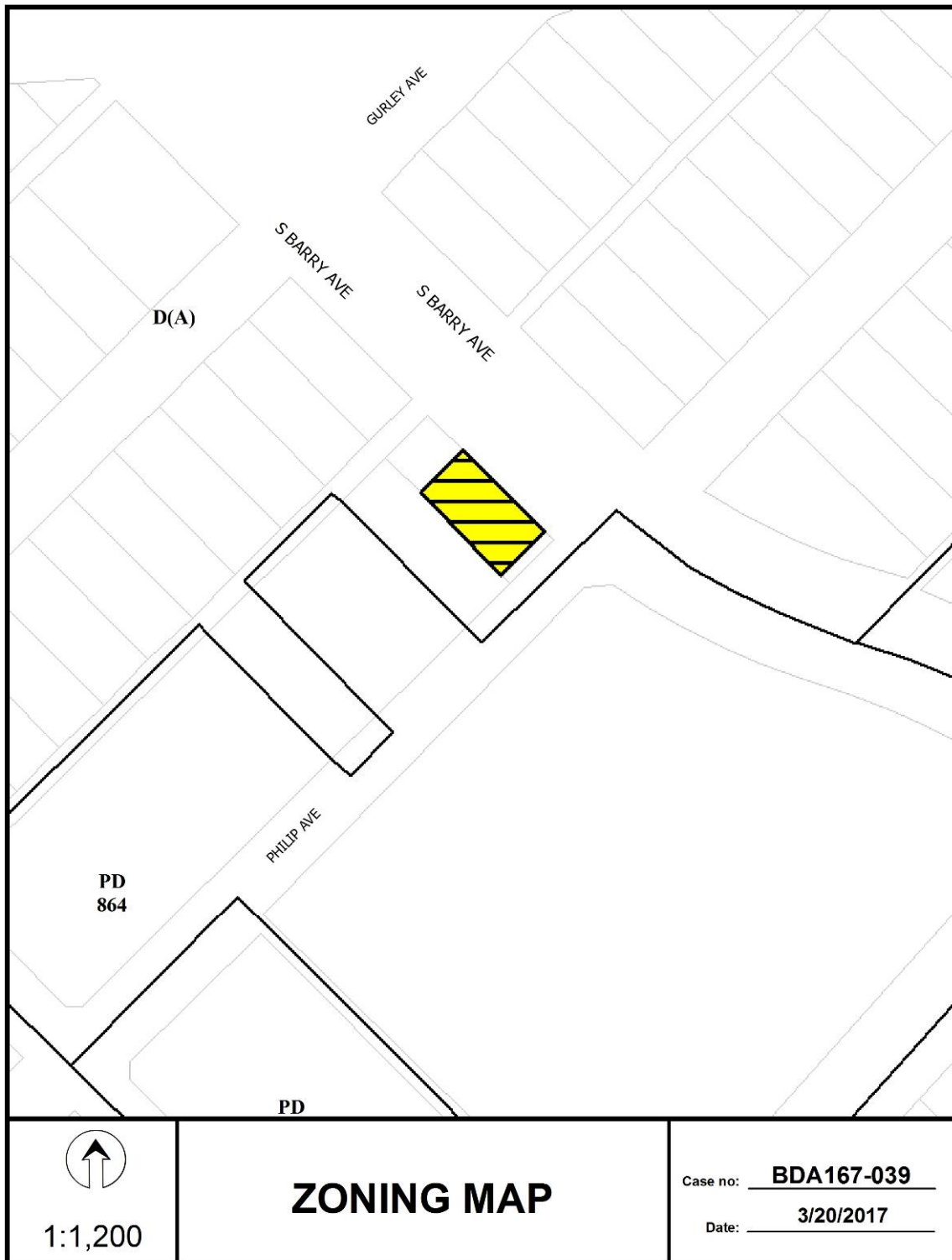
- an attachment that provided the public hearing date and panel that will consider the application; the March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 29, 2017: The applicant submitted new evidence, provided in "Attachment A."

April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

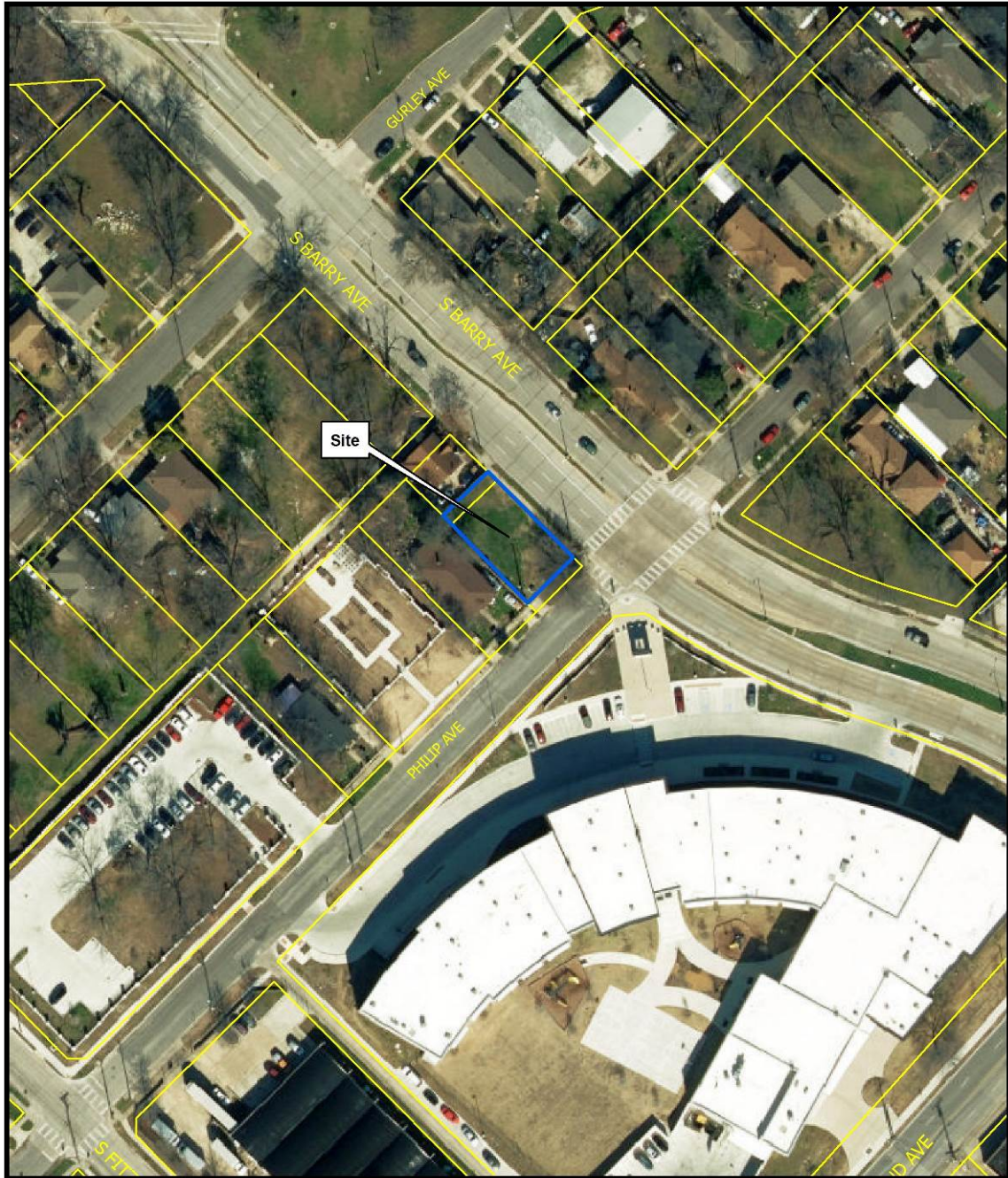


1:1,200

# ZONING MAP

Case no: BDA167-039

Date: 3/20/2017



1:1,200

# AERIAL MAP

Case no: BDA167-039

Date: 3/20/2017





East Dallas Community Organization

January 30, 2017

To: Todd Duerksen  
Senior Plans Examiner  
Zoning Code Consultant  
City of Dallas, Building Inspection Division  
Department of Sustainable Development & Construction  
Oak Cliff Municipal Center  
320 E Jefferson Blvd. Rm. 105

Re: Application/Appeal to the Board of Adjustment  
Variance to Front Yard Setback  
4943 Philip Ave.

Todd:

The East Dallas Community Organization (EDCO), a non-profit Community Housing Development Organization, is writing to request a variance to one of the two front yard setbacks required for the corner lot located at 4943 Philip Avenue. The setback variance is needed in order to overcome a property hardship of a restrictive area shape so as to allow development of our property commensurate with other properties of the same zoning.

Specifically EDCO whose mission is to *provide sustainable, affordable and quality housing while revitalizing Dallas communities* is requesting that the front yard setback of 25 feet required for the street frontage facing Barry Avenue be reduced by 17'-2" to 7'-10".

It is EDCO's intent to build a home on this lot that is similar in size, configuration with others in the community which will not be contrary to the public interest so that the spirit of the ordinance will be observed and substantial justice done. A literal enforcement of the zoning ordinance would result in unnecessary hardship.

Sincerely,

Rick Guerrero,  
Director of Operations, EDCO

E:\EDCO\DISD LOTS\CITY OF DALLAS\SET BACK VARIANCE\Set Back Variance Cover letter.doc

## 4943 PHILIP AVENUE SUPPORTING EVIDENCE FOR APPROVAL OF SET BACK VARIANCE

The following homes are all in the same Zoning District. These existing homes are all of similar size and style with an identical lot size.

### On the Same Block

1. 4906 Gurley Ave. is one story 1,242 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
2. 4930 Gurley Ave. is one story 1,372 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
3. 4928 Gurley Ave. is one story 1,260 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
4. 4926 Gurley Ave. is one story 1,260 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
5. 4939 Philip Ave. is one story 1,288 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
6. 4927 Philip Ave. is one story 939 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
7. 4936 Gurley Ave. is one story 1254 Square Feet using 5 foot and 7 foot side yard setbacks to be developed by EDCO. Lot size 50 ft. X 145ft.
8. 4934 Gurley Ave. is one story 1772 Square Feet using 5 foot 6 ½ "side yard setbacks to be developed by EDCO. Lot size 50 ft. X 145ft.

### Across the Street

1. 5007 Philip Ave. is one story 1,362 Square feet with minimal setbacks. Lot size 50 ft. X 145ft. This is a corner lot across the street from the subject property. This also does not utilize the 25 foot setback on the same frontage as we are seeking this variance.

### In the neighborhood

1. 4903 Gurley Ave. is one story 1,432 Square feet with minimal setbacks. Lot size 50 ft. X 145ft. This lot is a corner lot also but does not utilize the 25 foot setback on the same frontage as we are seeking this variance. Reference the attached photo.
2. 4907 Gurley Ave. is one story 1,380 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
3. 4911 Gurley Ave. is one and half story 1,708 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
4. 4842 Gurley Ave. is one story 1,338 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
5. 4935 Gurley Ave. is one story 1,229 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
6. 4931 Gurley Ave. is one and ½ stories 1756 Square Feet with minimal setbacks. Lot size 50 ft. X 145ft.
7. 5006 Gurley Ave. is one story 1,236 Square feet with minimal setbacks. Lot size 50 ft. X 145ft. This lot is a corner lot also but does not utilize the 25 foot setback on the same frontage as we are seeking this variance. Reference the attached photos.

Jubilee Park and Community Center is a catalyst for comprehensive community revitalization and a major part of its activities is the development of sustainable, affordable and quality housing in Southeast Dallas. We are respectfully requesting a setback variance on the property located at 4943 Philip as a part of our revitalization efforts.

The attachments will show that the current setbacks in the Community are in line with Jubilee's request. To follow the existing setback requirement would be significantly different than other setbacks across the street



and elsewhere in the Community. Also, the existing setback would require building a home out of proportion with others in the neighborhood and would not be in the best interests of the current residents.

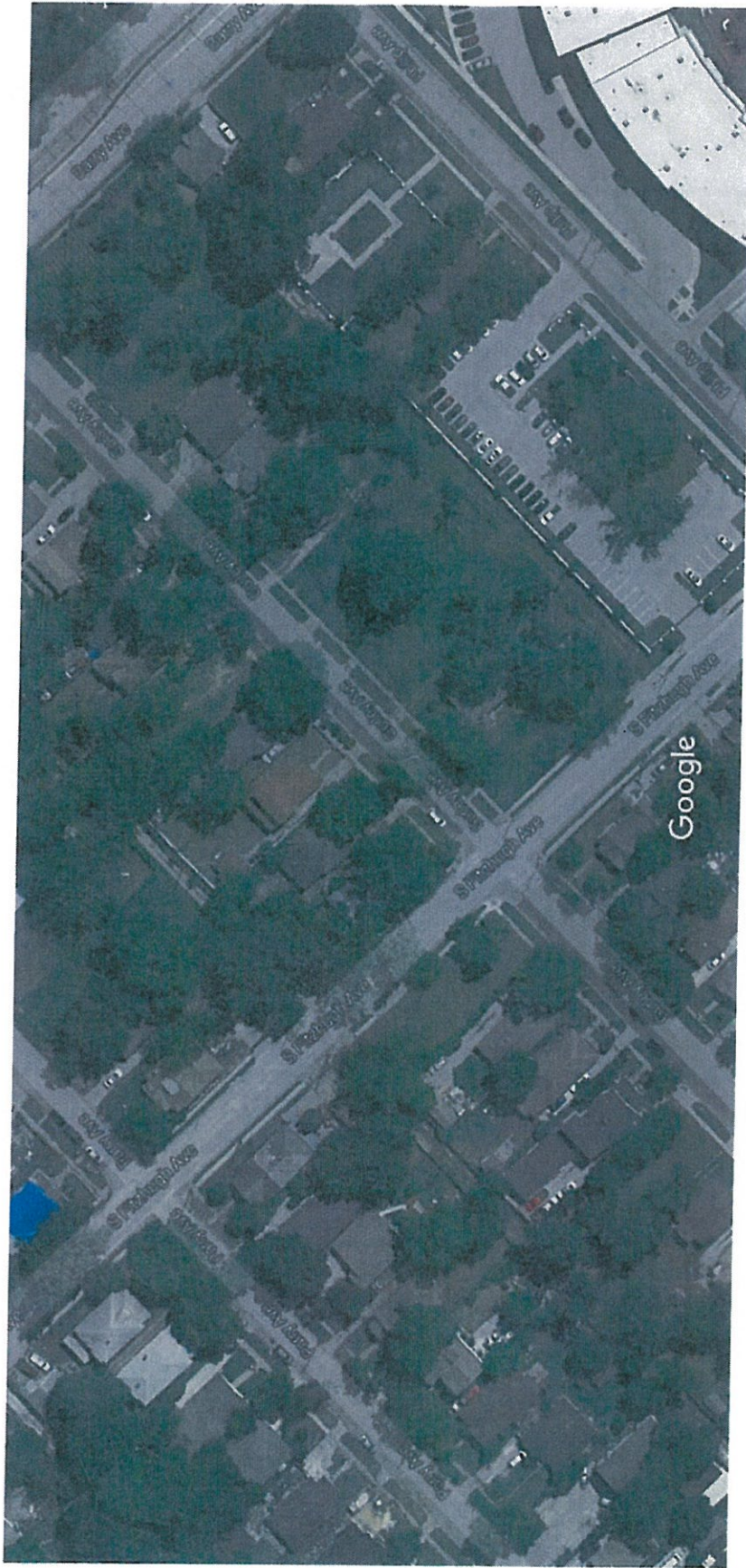
The house we are proposing for 4943 Philip is 1233 square feet. The average house size in sixteen examples listed above is 1364 square feet. There are only 2 of the sixteen homes that are smaller, one that is only 4 square feet smaller and the other is what throws the average off.

We make it a policy of not building one car garages as it helps keeps cars off of the road enhancing the safety and character of the neighborhood. In addition it is difficult to sell a single family detached house with a one car garage in today's market.

A portion of the funding for the construction of the home to be located on 4943 Philip is being provided by the City of Dallas and private funding. The concept for the construction of the home has been approved by the Housing Department of the City of Dallas.

To maintain and enhance this Community, we are requesting that the variance request attached be approved.

Ben Leal



Imagery ©2017 DigitalGlobe, Sanborn, Texas Orthoimagery Program, U.S. Geological Survey, Map data ©2017 Google 50 ft

AERIAL VIEW OF THE SAME COMMUNITY AS 4943 PHILIP AND  
4902 GURLEY SHOWING HOMES THAT DO NOT CLASSIFY AS  
SHOTGUN HOMES.



Google Maps 4923 Gurley Ave



Image capture: Apr 2015 © 2017 Google

Dallas, Texas

Street View - Apr 2015

THESE HOMES ARE ALL OF SIMILAR SIZE AND  
STYLE WITH AN IDENTICAL LOT SIZE AS  
4902 GURLEY AND 4943 PHILIP.



Google Maps 1083 Barry Ave



SAME FRONTAGE AS 4943 PHILIP  
AND DOES NOT UTILIZE THE 25  
FOOT SETBACK.

Image capture: Feb 2016 © 2017 Google

Dallas, Texas

Street View - Feb 2016



Google Maps 4903 Gurley Ave

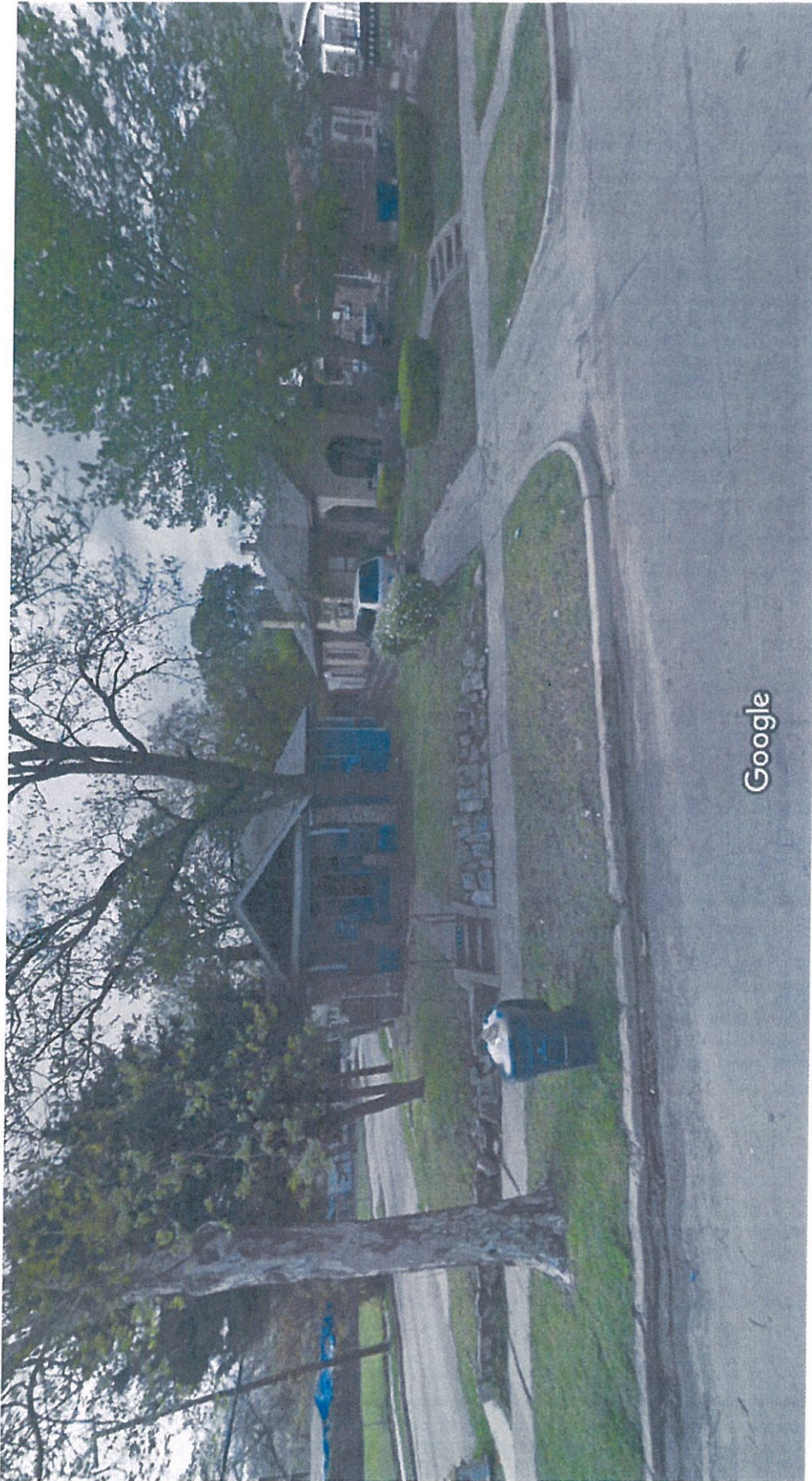


Image capture: Apr 2015 © 2017 Google

Dallas, Texas  
Street View - Apr 2015

A NDN SHOTGUN HOME WITH IDENTICAL  
LOT SIZE DIRECTLY ACROSS THE STREET FROM  
4902 GURLEY AND DOES NOT UTILIZE THE  
85 FOOT SETBACK ON THE LONGER FRONTAGE.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-039

Data Relative to Subject Property:

Date: 01-31-17

Location address: 4943 PHILIP AVENUE Zoning District: D(A)

Lot No.: PT LT 1 Block No.: 18/1242 Acreage: 0.109045 Census Tract: 25.00

Street Frontage (in Feet): 1) 50 FT 2) 95 FT 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): EAST DALLAS COMMUNITY ORGANIZATION

Applicant: RICHARD GUERRERO Telephone: 214-515-9779

Mailing Address: 4210 JUNIUS ST. 5TH FLOOR Zip Code: 75246

E-mail Address: rginsite@hotmail.com

Represented by: RICHARD GUERRERO Telephone: 214-515-9779

Mailing Address: 4210 JUNIUS ST. 5TH FLOOR Zip Code: 75246

E-mail Address: rginsite@hotmail.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 17 feet 2 inches from the required 25 foot front yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The required 25 foot front yard setback does not allow enough square footage to construct a decent home. Applicant request that for this corner lot, only one front yard setback is required, and that the longer frontage on Barry Avenue is governed by side yard regulations per Section 51-04.401 of Article IV Zoning 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 Richard Guerrero (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 30th day of January, 2017



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





O.M. ROBERTS  
W.O. W.

29





# City of Dallas

## Internal Development Research Site

### Legend

Addresses

Dallas Zoning

Floodplain

Building Inspection

DART

Real Estate

Alcohol

Plats

Areas of Request

Thoroughfare Plan

Capital Improvement Program

Council and Census

Roads

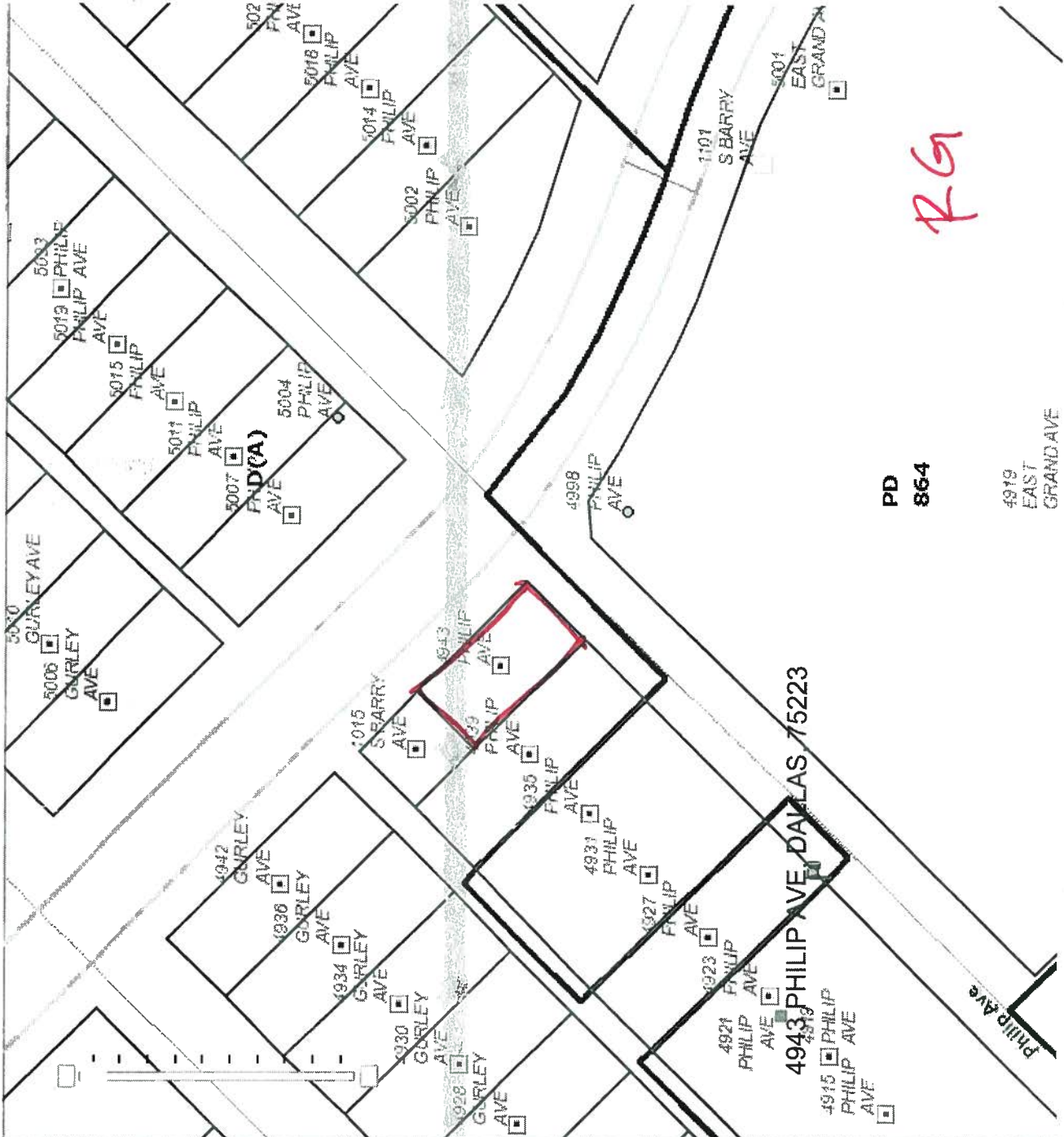
Tax Parcels

Zoning Grid

Stormwater

Water Distribution

Waste Water Collect



PD 864

4919 EAST GRAND AVE



January 30, 2017

To: Todd Duerksen  
Senior Plans Examiner  
Zoning Code Consultant  
City of Dallas, Building Inspection Division  
Department of Sustainable Development & Construction  
Oak Cliff Municipal Center  
320 E Jefferson Blvd. Rm. 105


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Specifically EDCO whose mission is to *provide sustainable, affordable and quality housing while revitalizing Dallas communities* is requesting that the front yard setback of 25 feet required for the street frontage facing Barry Avenue be reduced by 17'-2" to 7'-10".

It is EDCO's intent to build a home on this lot that is similar in size, configuration with others in the community which will not be contrary to the public interest so that the spirit of the ordinance will be observed and substantial justice done. A literal enforcement of the zoning ordinance would result in unnecessary hardship.

Sincerely,  
  
Rick Guerrero,  
Director of Operations, EDCO

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 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>12</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>12</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA167-039</b></u> Date: <u><b>3/20/2017</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>12</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

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

### ***BDA167-039***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4943 PHILIP AVE	JUBILEE PARK & COMMUNITY CENTER CORP
2	1015 BARRY AVE	DEL RIO AUGUSTINA
3	4939 PHILIP AVE	LOZANO ROLANDO
4	4927 PHILIP AVE	DELGADO RODOLFO GALLEGOS
5	4928 GURLEY AVE	RECINOS VICTOR V
6	4930 GURLEY AVE	SALINAS CRISTINA CARRENO
7	5011 PHILIP AVE	SHEAD ELVINE
8	5007 PHILIP AVE	DOMINGUEZ DIEGO J &
9	5006 GURLEY AVE	MARTINEZ EDUARDO
10	5010 GURLEY AVE	RODRIGUEZ MARIA VENANCIO & ROBERT DAVID
11	5002 PHILIP AVE	GUZMAN DANIEL ROBLES
12	4935 PHILIP AVE	Dallas ISD

**FILE NUMBER:** BDA167-036(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Beth Greeson, represented by Wade Peterson, for a special exception to the tree preservation regulations at 6524 Alpha Road (aka: 6625 Alpha Road). This property is more fully described as an 84.991 acre parcel in Block 7432 and a 76.16 acre parcel in Block 7421, and is zoned R-1/2ac(A), which requires mandatory tree mitigation. The applicant proposes to construct and maintain a nonresidential use and provide an alternate tree mitigation plan, which will require a special exception to the tree preservation regulations.

**LOCATION:** 6524 Alpha Road (aka: 6625 Alpha Road)

**APPLICANT:** Beth Greeson  
Represented by Wade Peterson

**REQUEST:**

A special exception to the tree preservation regulations is made to remove and/or replace protected trees on a site currently developed with a private country club use (Northwood Club), and not fully meet the tree preservation regulations.

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

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.

**ORIGINAL STAFF RECOMMENDATION (March 20, 2017):**

Denial

Rationale:

- Staff concurred with the Chief Arborist and recommends denial of the request in that the applicant had not substantiated how strict compliance with the requirements of the tree preservation regulations would unreasonably burden the use of the property; and how the special exception would not adversely affect neighboring property.

**REVISED STAFF RECOMMENDATION (April 17, 2017):**

Approval, subject to the following conditions:

1. Tree protection as required under Sec. 51A-10.136 must be fully implemented, and an inspection of the tree protection with approval must be completed by the city arborist by May 1, 2017.
2. A city arborist final inspection, and confirmation of all tree mitigation, must be completed no later than May 31, 2018.

Rationale:

- Staff concurs with the Chief Arborist and recommends approval of the request in that strict compliance with the requirements of the tree preservation regulations would unreasonably burden the use of the property, and that the special exception would not adversely affect neighboring property. This determination was made with consideration given to 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 (open space, tree conservation and the recreational use) will compensate.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1/2ac(A)(SUP 123) (Single family residential, ½ acre)  
North: R-1/2ac (A) (Single family residential, ½ acre)  
South: PD 78 (Planned Development)  
East: R-1/2ac(A) (Single family residential, ½ acre)  
West: R-16(A) (Single family residential, 16,000 square feet)

**Land Use:**

The approximately 161 acre subject site is developed with a private country club use (Northwood Club). The areas to the north, east, south, and west appear to be developed mainly with single family uses.



## **Zoning/BDA History:**

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

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

- The request for a special exception to the tree preservation regulations focuses on removing and/or replacing protected trees on a site currently developed with a private country club use (Northwood Club), and not fully meeting the tree preservation regulations.
- The Dallas Development Code requires full compliance with the landscape and tree preservation 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.
- On March 13, 2017, the City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo stated how this request was triggered by completing golf course renovations, where the Northwood Golf Club has removed, with permit, 105 protected trees for a total of 2,578 diameter inches required to be replaced.
- The Chief Arborist's memo of March 13<sup>th</sup> stated the following with regard to deficiencies:
  1. Per Article X Landscape and Tree Preservation Regulations Sec. 51A-10.134, "The total caliper of replacement trees must equal or exceed the total caliper of the protected trees removed or seriously injured." There is no reference in this application to the number of inches of protected trees for which mitigation credit is requested. The numbers are stated from permit application and data previously provided to the arborist office by the applicant.
  2. The applicant is removing 2,578 inches required to be mitigated and proposing to provide 0 replacement inches nor to comply through alternative methods of tree placement provided in Sec. 51A-10.135.
- The Chief Arborist's memo of March 13<sup>th</sup> listed the following factors for consideration:
  1. The Northwood Country Club is a well-established facility containing a mature urban forest covering much of the property, with a significant amount of it south of Alpha Road which existed since before it opened in 1946. The trees are an important part of the function of the property and are managed to sustain the economic, aesthetic, and ecological purposes of the golf course and its other functions.
  2. The property is 156.79 acres which held 2,053 trees by a recent survey. This number is also represented by a measured 3,517,035 square feet of tree canopy coverage. Tree canopy coverage means the total horizontal spread of tree canopy projected over the land below it. The tree canopy coverage calculation is



an alternative method of determining the statistic of trees on a property other than measuring tree stem diameters. This is not a standard used in the City of Dallas for tree mitigation assessment. The use of tree canopy coverage is addressed in ForwardDallas as a means of potentially establishing tree canopy cover goals and as a management tool for the city.

3. Of the 2,053 trees, a minimum of 105 trees (about 5.1% of the total) were legally removed, accounting for a removed tree canopy of 179,865 square feet. The applicant states this to be a 2.6% reduction, but my calculations measure to a 5.1% reduction. The average tree canopy cover per tree is 1,713 square feet.
- The Chief Arborist's memo of March 13<sup>th</sup> stated the following with regard to current regulations:
    - Article X requires 'if a tree removal application is approved, one or more healthy replacement trees must be planted in accordance with' Section 51A-10.134 for quantity, species, location, size, and timing. Further, 'if the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the lot ...(the 'tree removal property'), the responsible party shall comply with one or more' of the requirements of Section 51A-10.135. Beyond these measures, an applicant may request a special exception to these regulations (Sec 51A-10.110) citing that 'strict compliance with the requirements of this article will unreasonably burden the use of the property', and 'the special exception will not adversely affect neighboring property', and the requirements are not imposed by a site-specific landscape plan approved by the city plan commission, or city council.' The Chief Arborist has confirmed through the applicant that no trees or landscaping under an approved landscape plan is affected by this tree mitigation request.
  - The Chief Arborist's memo of March 13<sup>th</sup> stated the following with regard to request:
    - The applicant states "the current golf course has 51.5% canopy coverage and would like ....ability to reduce the canopy coverage up to 40% coverage, where necessary. The current tree removal plan calls for a reduction to 48.9%."
    - On February 20, 2017, Mr. Wade Peterson wrote to the board "the applicant is seeking relief from Sec. 51A-10.134 'Replacement of Removed or Seriously Injured Trees' related to inch for inch replacement." He further stated "since the Applicant has proposed improvements that leave the property well in excess of target canopy coverage,..., a waiver of tree mitigation is being requested."
    - In this letter, Mr. Peterson states "the Applicant is proposing that they be allowed (in lieu of inch-per-inch mitigation) to meet the proposed new Article X ordinance currently being proposed. The proposed new ordinance targets a percent canopy coverage based on the zoning of the site." As stated on the 'Alternative Mitigation Plan', 'since the site will still maintain well in excess of minimum proposed requirements, no mitigation is requested.'
  - The City of Dallas Chief Arborist had recommended denial of the submitted proposal, as written. The Chief Arborist had concluded that the applicant had not substantiated how strict compliance with the requirements of the landscape regulations would unreasonably burden the use of the property; and how the special exception would not adversely affect neighboring property. Among other things, the

applicant had not substantiated how the tree canopy coverage percentage measurement should factor as a full waiver of tree mitigation of 2,578 inches of protected trees, and not as a reduction of tree mitigation inches by requiring a partial planting based on the number of trees removed (105), or by other equivalency. The applicant did not conclude if the coverage reduction should occur for tree removal for the current project only, or if it should be extended to future tree removal. The application made this unclear. The Chief Arborist had believed the tree canopy cover percentage control for a urban forest management tool (particularly for heavily-wooded golf courses) is reasonable, and should be considered positively when determining the requirements for tree replacement on the site and if the tree mitigation requirements should be significantly reduced. When the trees are an integral part of the use of a facility, the reduction, maintenance, and addition of trees is a fundamental part of the function and cost of sustaining the facility safely, and it may be reasonable to apply this mitigation into the cost of that process to sustaining the property's tree cover.

- On April 6, 2017, the City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment E). The memo stated among other things how he does not object to the May 4<sup>th</sup> request of the applicant for the quantity reduction of tree replacement and the timing extension to May 31, 2018.
- The City of Dallas Chief Arborist April 6<sup>th</sup> memo also states the following:
  - In making the determination to not object to the applicant's revised request, a consideration was made of the specific factor of the intent of the owner to conserve the existing landscaping on the property. This extensively covers the property for the golf course recreational uses and provides a compensation for alternative compliance methods otherwise required.
  - According to the applicant, the permitted renovation of the golf course caused the removal of 2,580 inches (of 105 trees) which require replacement by Article X standards. The proposal to plant 420" (105 trees at 4 inches) on the golf course would reduce the mitigation by approximately 17 percent. A payment of \$50,000 to the Reforestation Fund is equivalent to 728" (or 28 percent) of required replacement trees. Combined, this would account for 1148", or 44.5%, of the tree replacement completed.
  - The remaining mitigation would be 1,432" (55.5%), or the equivalent replacement value of \$99,292.
- The City of Dallas Chief Arborist states that if the Board chooses to support the request, that the following conditions be imposed:
  1. Tree protection as required under Sec. 51A-10.136 must be fully implemented, and an inspection of the tree protection with approval must be completed by the city arborist, by May 1, 2017.
  2. A city arborist final inspection, and confirmation of all tree mitigation, must be completed no later than May 31, 2018.
- If the board chooses to approve this request, and imposes conditions suggested by staff/the Chief Arborist, the site would be provided exception from full compliance with the tree preservation regulations.

**Timeline:**

January 26, 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.

February 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 15, 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 March 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 20, 2017: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

March 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, 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.

March 13, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).

March 20, 2017: The Board of Adjustment Panel C conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on April 17, 2017.

March 27, 2017: The Board Administrator wrote the applicant's representative a letter of the board's action; the March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the

April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

March 30, 2017: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and at the March 17<sup>th</sup> hearing (see Attachment C).

April 4, 2017: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and at the March 17<sup>th</sup> hearing (see Attachment D).

April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, 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.

April 6, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment E).

### **BOARD OF ADJUSTMENT ACTION: MARCH 20, 2017**

**APPEARING IN FAVOR:** Wade Peterson, 7447 Ramber Road, Dallas, TX  
Kevin Carpenter, 1994 Dowelling Dr, Frisco, TX  
Kyle Downs, 104 Horizon View CT., Norman, OK

**APPEARING IN OPPOSITION:**

**MOTION: Bartos**

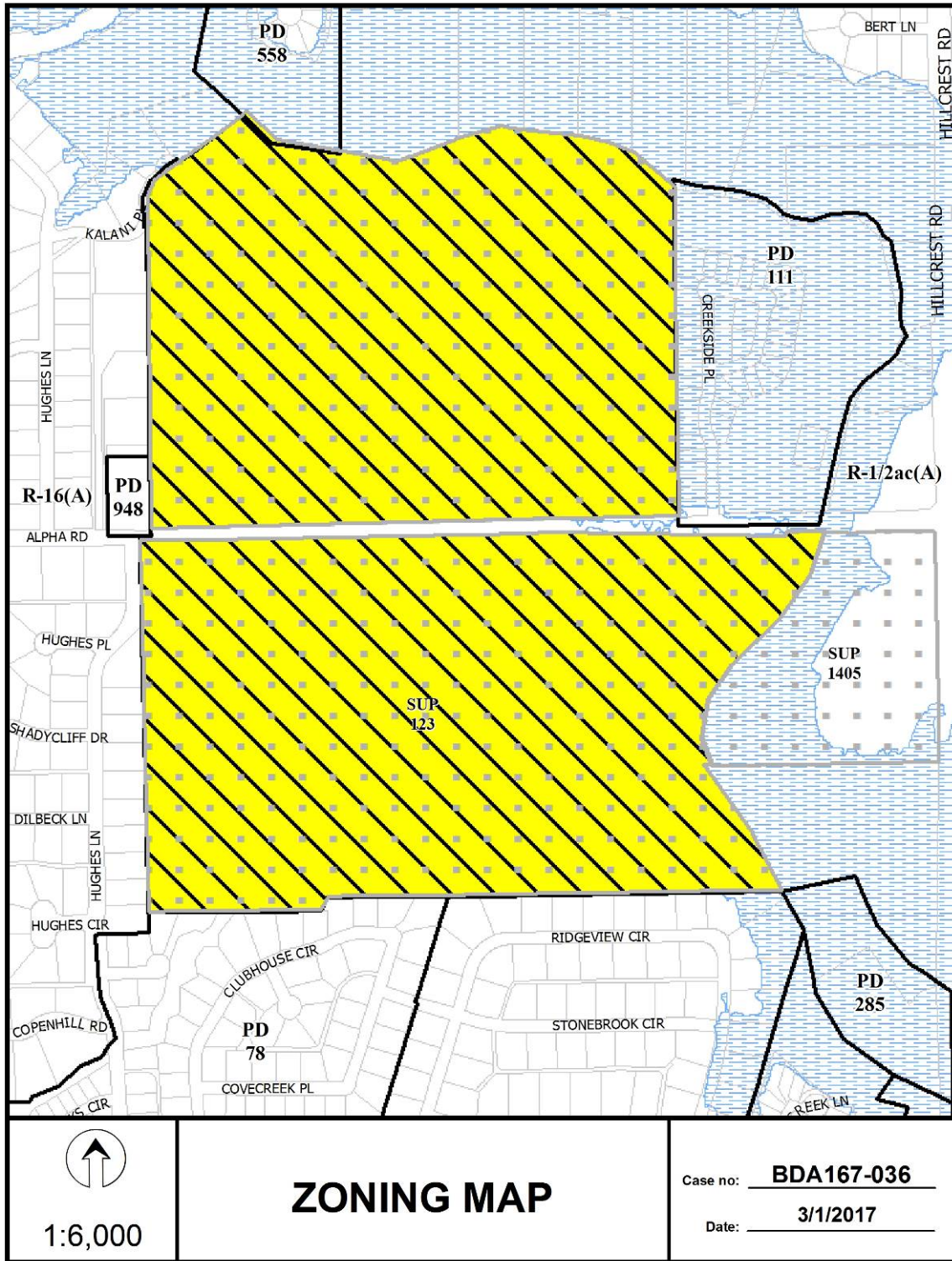
I move that the Board of Adjustment in Appeal No. **BDA 167-036**, hold this matter under advisement until **April 17, 2017**.

**SECONDED: Foster**

**AYES: 4 – Richardson, Foster, Gambow, Bartos**

**NAYS: 1 - Beikman**

**MOTION PASSED: 4 – 1**









BDA 167-036

Attach A

February 20, 2017  
PK No.: 3690-15.119

Re: **NORTHWOOD CLUB**  
**Section 51a-10 Landscape & Tree Preservation Regulations Appeal**  
Dallas, Dallas County, Texas

Dear Board Members:

This appeal to the board of adjustment relates to requested Special Exception to Section 51A-10 Landscape and Tree Preservation Regulations.

The applicant is seeking relief from Sec. 51A-10.134 "REPLACEMENT OF REMOVED OR SERIOUSLY INJURED TREES" related to inch for inch replacement.

Strict compliance with the requirements of this article will unreasonably burden the use of the property. The changes being made to the golf course are to bring it up to competitive standards and remain viable as a business. Related to the tree mitigation, the course is extensively covered with tree canopy, and requires some selective thinning to allow competitive play. The canopy coverage is over 50%, which is detrimental to the playability on the course.

The selective tree removal will not be noticeable to the adjacent neighboring property and will not adversely affect it. By its very nature, the golf course is extensively landscaped, and even in the areas where selective tree removal is proposed, additional landscape is being installed, but without large trees. These landscape improvements will assure there will be no negative impacts from erosion and will be highly maintained throughout the course of its life.

To meet the spirit of the ordinance, the Applicant is proposing that they be allowed (in lieu of inch-per-inch mitigation) to meet the proposed new Article X ordinance currently being proposed. The proposed new ordinance targets a percent canopy coverage based on the zoning of the site. This site is zoned R-1/2 ac (A), which requires a 40% canopy coverage. The property currently has a canopy coverage of 51.5%, well in excess of the proposed requirements. The proposed improvements on the golf course would reduce the canopy coverage from 51.5% to 48.9%, a reduction of only 2.6%, and leave the finished property with a canopy coverage of 8.9% above the target requirement.

Since the Applicant has proposed improvements that leave the property well in excess of target canopy coverage, as shown on the included Plan L.01, the Alternate Tree Mitigation Plan, a waiver of tree mitigation is being requested.

Sincerely,

Wade C. Peterson, R.L.A., LEED®AP  
Principal, Director of Landscape Architecture

WCP/klo  
3690-15.119\_Appeal

BDA 167-036  
Attach B  
PS 1

# Memorandum



CITY OF DALLAS

DATE March 13, 2017  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 167 · 036 6524 (aka 6625) Alpha Road

The applicant is requesting a special exception to the tree mitigation regulations of Article X.

### Trigger

In the process of completing golf course renovations, the Northwood Golf Club has removed, with permit, 105 protected trees for a total of 2,578 diameter inches required to be replaced.

### Deficiencies

Per Article X Landscape and Tree Preservation Regulations Sec. 10.134, "The total caliper of replacement trees must equal or exceed the total caliper of the protected trees removed or seriously injured." There is no reference in this application to the number of inches of protected trees for which mitigation credit is requested. The numbers are stated from permit application and data previously provided to the arborist office by the applicant.

The applicant is removing 2,578 inches required to be mitigated and proposing to provide 0 replacement inches nor to comply through alternative methods of tree placement provided in Sec. 51A-10.135.

### Factors

The Property. The Northwood Country Club is a well-established facility containing a mature urban forest covering much of the property, with a significant amount of it south of Alpha Road which existed since before it opened in 1946. The trees are an important part of the function of the property and are managed to sustain the economic, aesthetic, and ecological purposes of the golf course and its other functions.

The property is 156.79 acres which held 2,053 trees by a recent survey. This number is also represented by a measured 3,517,035 square feet of tree canopy coverage. Tree canopy coverage means the total horizontal spread of tree canopy projected over the land below it. The tree canopy coverage calculation is an alternative method of determining the statistic of trees on a property other than measuring tree stem diameters. This is not a standard used in the City of Dallas for tree mitigation assessment. The use of tree canopy coverage is addressed in ForwardDallas as a



means of potentially establishing tree canopy cover goals and as a management tool for the city.

Of the 2,053 trees, a minimum of 105 trees (about 5.1% of the total) were legally removed, accounting for a removed tree canopy of 179,865 square feet. The applicant states this to be a 2.6% reduction, but my calculations measure to a 5.1% reduction. The average tree canopy cover per tree is 1,713 square feet.

Current regulations. Article X requires 'if a tree removal application is approved, one or more healthy replacement trees must be planted in accordance with' Section 51A-10.134 for quantity, species, location, size, and timing. Further, 'if the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the lot ...(the 'tree removal property'), the responsible party shall comply with one or more' of the requirements of Section 51A-10.135. Beyond these measures, an applicant may request a special exception to these regulations (Sec 51A-10.110) citing that 'strict compliance with the requirements of this article will unreasonably burden the use of the property', and 'the special exception will not adversely affect neighboring property', and the requirements are not imposed by a site-specific landscape plan approved by the city plan commission, or city council.' I have confirmed through the applicant that no trees or landscaping under an approved landscape plan is affected by this tree mitigation request.

Request. The applicant states "the current golf course has 51.5% canopy coverage and would like ....ability to reduce the canopy coverage up to 40% coverage, where necessary. The current tree removal plan calls for a reduction to 48.9%."

On February 20, Mr. Wade Peterson wrote to the board "the applicant is seeking relief from Sec. 51A-10.134 'Replacement of Removed or Seriously Injured Trees' related to inch for inch replacement." He further stated "since the Applicant has proposed improvements that leave the property well in excess of target canopy coverage,...., a waiver of tree mitigation is being requested."

In this letter, Mr. Peterson states "the Applicant is proposing that they be allowed (in lieu of inch-per-inch mitigation) to meet the proposed new Article X ordinance currently being proposed. The proposed new ordinance targets a percent canopy coverage based on the zoning of the site." As stated on the 'Alternative Mitigation Plan', 'since the site will still maintain well in excess of minimum proposed requirements, no mitigation is requested.'

### Recommendation

The chief arborist must recommend denial of the submitted proposal, as written. The applicant had not substantiated how strict compliance with the requirements of the landscape regulations would unreasonably burden the use of the property; and how the special exception would not adversely affect neighboring property.

Among other things, the applicant had not substantiated how the tree canopy coverage percentage measurement should factor as a full waiver of tree mitigation of 2,578 inches of protected trees, and not as a reduction of tree mitigation inches by requiring a partial planting based on the number of trees removed (105), or by other equivalency. The applicant did not conclude if the coverage reduction should occur

for tree removal for the current project only, or if it should be extended to future tree removal. The application made this unclear.

I do believe the tree canopy cover percentage control for a urban forest management tool (particularly for heavily-wooded golf courses) is reasonable, and should be considered positively when determining the requirements for tree replacement on the site and if the tree mitigation requirements should be significantly reduced. When the trees are an integral part of the use of a facility, the reduction, maintenance, and addition of trees is a fundamental part of the function and cost of sustaining the facility safely, and it may be reasonable to apply this mitigation into the cost of that process to sustaining the property's tree cover.

If the board chooses to approve this request, I recommend the following conditions be considered:

The tree mitigation waiver (or reduction) is applied on the golf course only and for protected trees removed under tree removal applications issued prior to the hearing date, and to not exceed 2,578 inches of removed or seriously injured trees.

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

March 30, 2017  
PK No.: 3690-15.119

Re: **NORTHWOOD CLUB**  
**Section 51a-10 Landscape & Tree Preservation Regulations Appeal**  
**BDA 167-036(SL), Property at 6524 Alpha Road**  
*Dallas, Dallas County, Texas*

Dear Board Members:

This appeal to the board of adjustment relates to requested Special Exception to Section 51A-10 Landscape and Tree Preservation Regulations.

The applicant is seeking relief from Sec. 51A-10.134 "REPLACEMENT OF REMOVED OR SERIOUSLY INJURED TREES" related to inch for inch replacement.

The changes being made to the golf course are to bring it up to competitive standards and remain viable as a business. Related to the tree mitigation, the course is extensively covered with tree canopy, and requires some selective thinning to allow competitive play. The canopy coverage is over 50%, which is detrimental to the playability on the course. In consideration of this request, we ask you to consider the following:

**Regarding the Concerned Adjacent Landholder:**

- The shadow line of the tree canopy IS NOT included in the canopy calculations. This has been verified.
- The selective tree removal will not be noticeable to the adjacent neighboring property and will not adversely affect it, as the vast majority of the trees being removed are on the interior of the course, and in many cases, just thinning along the edges of tree masses. The concerned resident does not have any trees being removed along his border, and in any case, White Rock Creek and its extensive canopy cover acts as a significant buffer.

**Regarding Existing Trees and Canopy Coverage:**

- The course currently has 3.5 million square feet of canopy coverage (51% of site) and 2,053 trees. If the course were to be built today, it would only require 1,742 trees, and the equivalent canopy coverage would be 2.98 million square feet (42% of site). After removal of the 105 trees, the canopy coverage is reduced to approximately 46% of the site, or a 5% reduction. The course planted more than the required and has maintained them for years, and would like consideration for that effort rather than punitive mitigation requirements.
- The course is removing 105 trees comprised of 2,580 inches of protected species. If inch-per-inch mitigation were to be enforced on the property, it would mean planting 860 new 3" caliper trees. Since playability is the reason for removal in the first place, replanting of more than 8 times the number of trees removed would be counter-productive.
- The course is proposing to re-plant 105 trees (equal to the number of trees removed) in locations where they can grow and thrive without impacting playability on the course. This effectively replaces any removed canopy coverage over time with high quality species of trees, maintained and planted in an area where they will be healthy and protected.

**Alternative Mitigation Proposed:**

- To meet the spirit of the ordinance, the Applicant is proposing that they be allowed (in lieu of inch-per-inch mitigation) to target canopy replacement by planting (105) 4" caliper trees from the approved City of Dallas tree list.



BDA167--036

Attach C

pg 2

- Trees would be planted in the fall of 2017 and spring of 2018 assist in viability, and all 105 trees would be planted by May 31, 2018.
- Since more trees cannot be placed on site, and probability of replacement in the vicinity in an area with irrigation and regular maintenance is low, the course would supplement mitigation by writing a check of \$50,000 to the reforestation fund, no later than May 31, 2018.
- To summarize:
  - Protected inches removed: 2,580
  - Inches replanted: (105 x 4") 420
  - Contribution to Reforestation fund \$50,000

Thank you for your consideration.

Sincerely,

Wade C. Peterson, R.L.A., LEED®AP  
Principal, Director of Landscape Architecture

WCP/kio  
3690-15.119\_Appeal

BDA 167-036  
Attach D



April 4, 2017  
PK No.: 3690-15.119

Re: **NORTHWOOD CLUB**  
**Section 51a-10 Landscape & Tree Preservation Regulations Appeal**  
**BDA 167-036(SL), Property at 6524 Alpha Road**  
*Dallas, Dallas County, Texas*

Dear Board Members:

We request that you approve this Special Exception to Section 51A-10 Tree Preservation Regulations under the following conditions:

- That the owner plant a minimum of (105) 4" caliper trees from the approved City of Dallas tree list prior to May 31, 2018 on the subject property in an irrigated and maintained section of the course.
- Deposit \$50,000 to the City reforestation fund prior to May 31, 2018.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Wade Peterson' with a stylized flourish at the end.

Wade C. Peterson, R.L.A., LEED®AP  
*Principal, Director of Landscape Architecture*

WCP/klo  
3690-15.119\_Appeal

## Memorandum



Date April 6, 2017  
To Steve Long, Board Administrator  
Subject BDA #167-036; 6525 (aka 6625) Alpha Road

The chief arborist does not object to the May 4, 2017 request by the applicant for the quantity reduction of tree replacement and the timing extension to May 31, 2018. In this determination, I considered the specific factor of the intent of the owner to conserve the existing landscaping on the property. This extensively covers the property for the golf course recreational uses and provides a compensation for alternative compliance methods otherwise required.

According to the applicant, the permitted renovation of the golf course caused the removal of 2,580 inches (of 105 trees) which require replacement by Article X standards. The proposal to plant 420" (105 trees at 4 inches) on the golf course would reduce the mitigation by approximately 17 percent. A payment of \$50,000 to the Reforestation Fund is equivalent to 728" (or 28 percent) of required replacement trees. Combined, this would account for 1148", or 44.5%, of the tree replacement completed.

The remaining mitigation would be 1,432" (55.5%), or the equivalent replacement value of \$99,292.

If the board chooses to support the request, I recommend the following conditions be enforced:

Tree protection as required under Sec. 51A-10.136 must be fully implemented, and an inspection of the tree protection with approval must be completed by the city arborist, by May 1, 2017.

A city arborist final inspection, and confirmation of all tree mitigation, must be completed no later than May 31, 2018.

Philip Erwin  
Chief Arborist  
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-036

Data Relative to Subject Property:

Date: January 26, 2017

Location address: 6524 Alpha Road (6625 Alpha Road) Zoning District: R-1/2ac(A)

Lot No.: N/A Block No.: 7432 (7421) Acreage: 161.151 (84.991 & 76.16) Census Tract: 0136.08

Street Frontage (in Feet): 1) Side of Alpha 2) Side of Alpha 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Northwood Club

Applicant: BETH GREESON Telephone: 972.239.1366

Mailing Address: 6524 Alpha Road, Dallas, Texas Zip Code: 75240

E-mail Address: BGREESON@NORTHWOODCLUB.ORG

Represented by: Wade Peterson, RLA Telephone: 972.235.3031

Mailing Address: 7557 Rambler Road, Suite 1400, Dallas, Texas Zip Code: 75231

E-mail Address: wpeterson@pkce.com

Affirm that an appeal has been made for a Variance   , or Special Exception X, of    Section 51A-10 Landscape and Tree Preservation Regulations

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 City is currently revising their Tree Preservation Ordinance. The revised ordinance will focus on tree canopy coverage based on zoning. The current zoning of the property is R-1/2ac(A), which would require 40% canopy coverage to be maintained. The current golf course has 51.5% canopy coverage and would like to ability to reduce the canopy coverage up to 40% coverage, where necessary. The current tree removal plan calls for a reduction to 48.9%.

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.

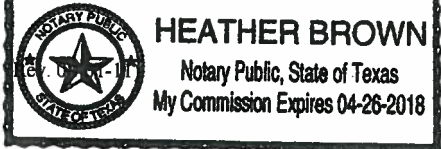
Affidavit

Before me the undersigned on this day personally appeared Beth Greeson (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 26 day of January, 2017



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



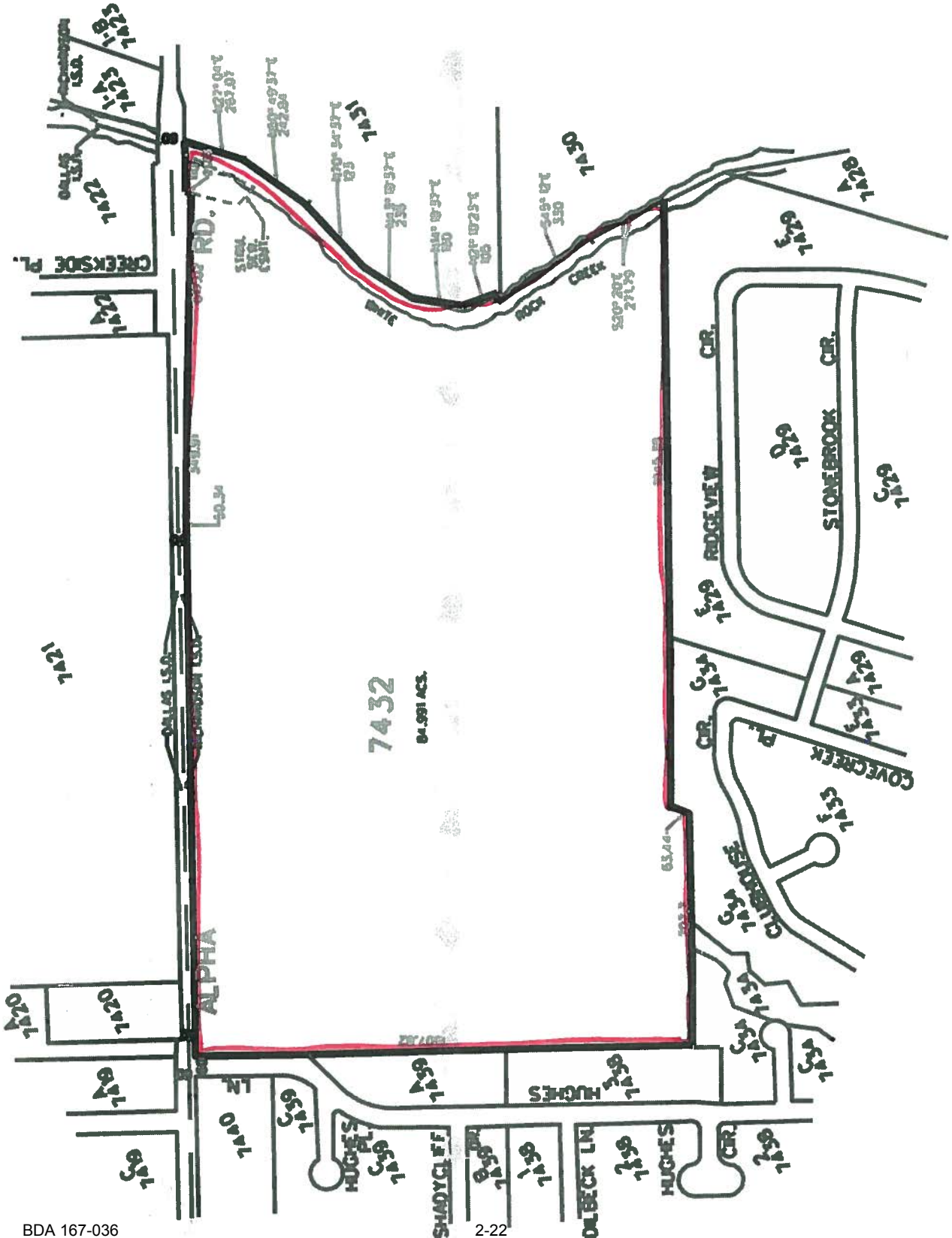








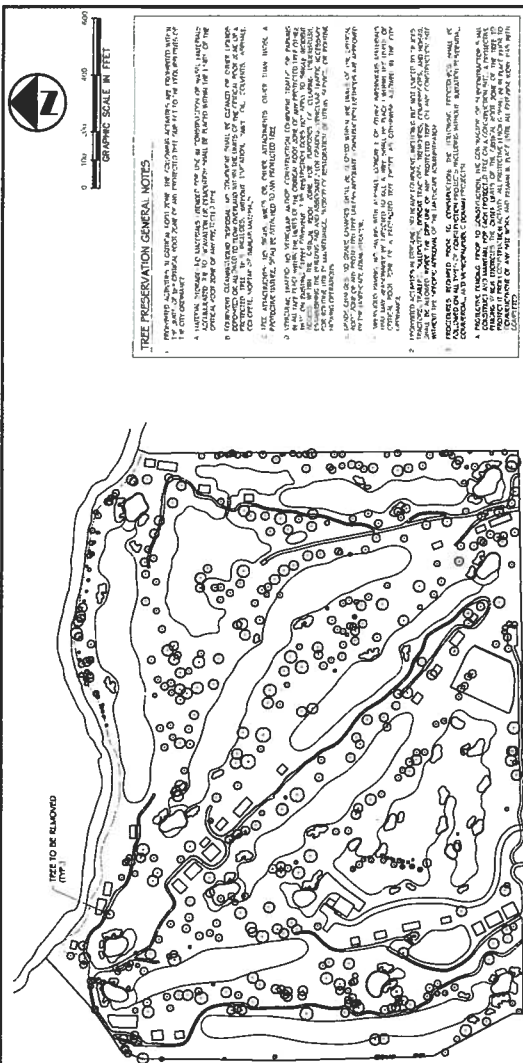
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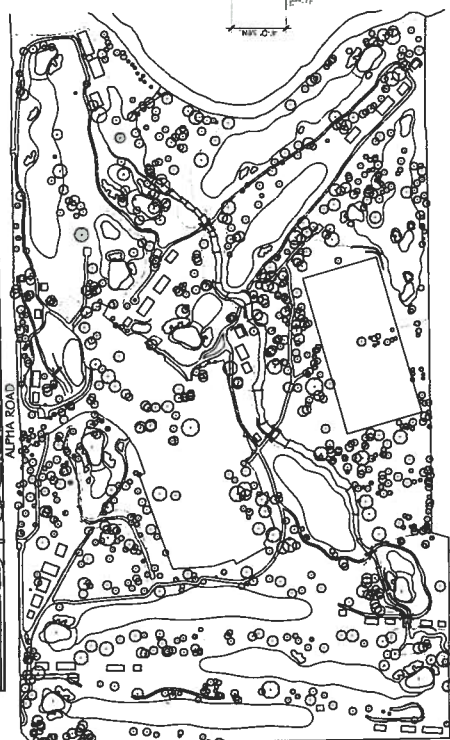


1 TREE CANOPY COVERAGE - PLAN VIEW  
1" = 200'-0"



**TREE PRESERVATION GENERAL NOTES**

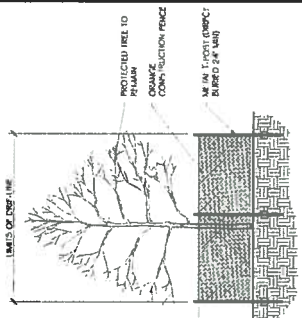
1. PRESERVE EXISTING TREES TO REMAIN TO THE MAXIMUM EXTENT POSSIBLE. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.
2. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.
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5. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.
6. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.
7. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.
8. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.
9. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.
10. TREES TO BE REMOVED SHALL BE IDENTIFIED BY A CIRCLE WITH AN "X" THROUGH IT. TREES TO BE PRESERVED SHALL BE IDENTIFIED BY A CIRCLE WITH A DOT IN THE CENTER.



2 TREES REMOVED - PLAN VIEW  
1" = 200'-0"

**KEY - TREE SYMBOLS**

- EXISTING TREE
- ⊗ EXISTING TREE TO BE REMOVED



1 TREE PROTECTION FENCING  
3/24" - 1/2"



NO.	DATE	DESCRIPTION
1	07/27/2017	ISSUED FOR PERMIT

**Pacheco Koch**  
7537 MARBLE ROAD, SUITE 1400  
DALLAS, TX 75231  
TEL: 214.635.1100  
WWW.PACHECO-KOCH.COM

**ALTERNATIVE MITIGATION PLAN**  
**NORTHWOOD CLUB**  
**GOLF COURSE CONSTRUCTION**  
**GRADING & SITE IMPROVEMENTS**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

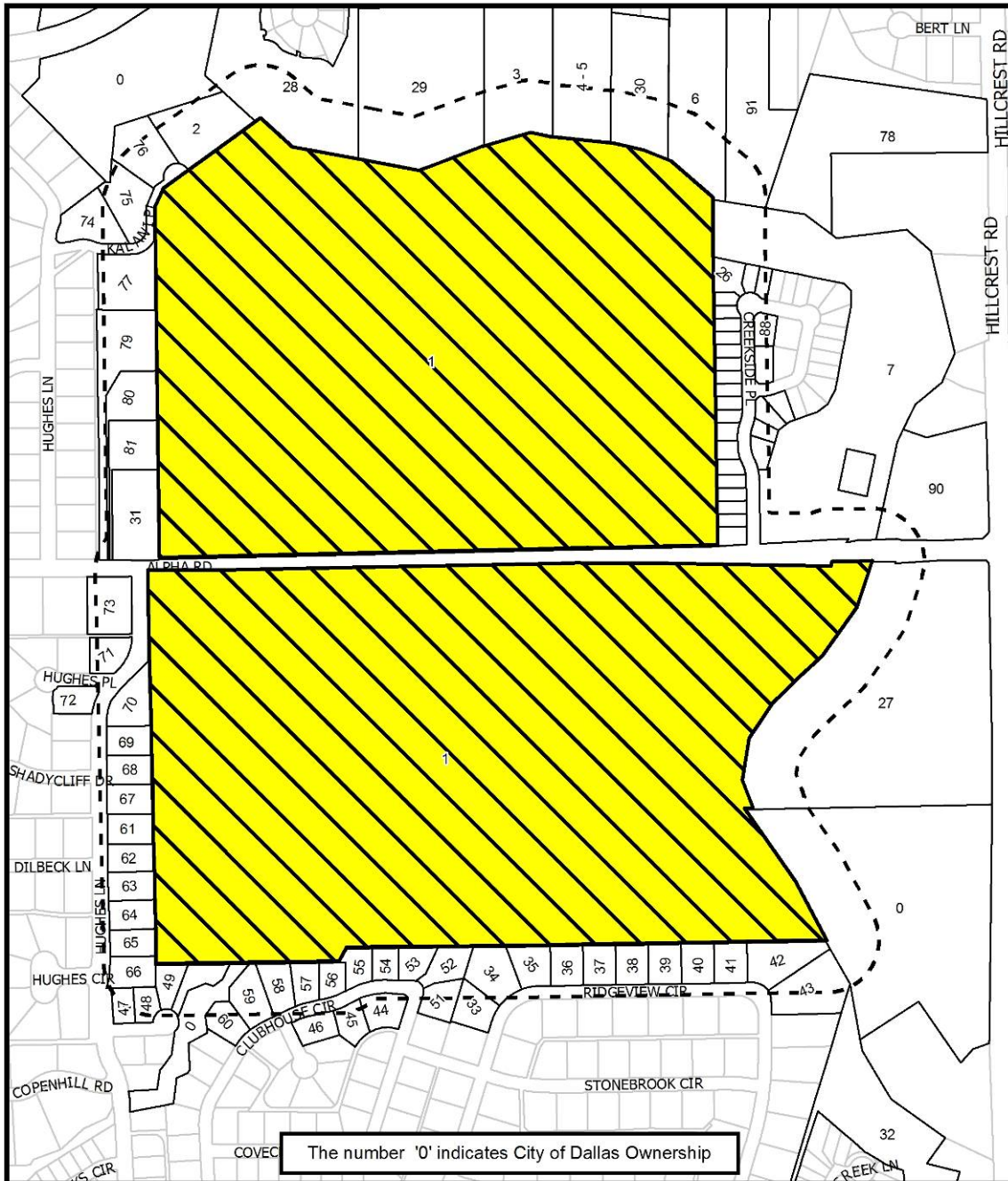
NO.	DATE	SCALE	FILE
001	07/27/2017	AS SHOWN	1117-04168

**LO-1**

<b>CALCULATION OF CANOPY AND REMOVAL SUMMARY</b>	
TOTAL CANOPY TO BE REMOVED	156,728 SF
TOTAL CANOPY TO BE PRESERVED	2,053,770 SF
TOTAL CANOPY TO BE REMOVED AS A PERCENTAGE OF TOTAL CANOPY	7.63%
TOTAL CANOPY TO BE PRESERVED AS A PERCENTAGE OF TOTAL CANOPY	92.37%
TOTAL CANOPY TO BE REMOVED AS A PERCENTAGE OF TOTAL CANOPY (NET)	1.71%
TOTAL CANOPY TO BE PRESERVED AS A PERCENTAGE OF TOTAL CANOPY (NET)	98.29%

NOTE: THE NET CANOPY REMOVAL IS SUBJECT TO A FINAL REVIEW BY THE CITY OF DALLAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION.





 1:6,000	<b>NOTIFICATION</b>		Case no: <b>BDA167-036</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;">91</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/1/2017</b>	

# *Notification List of Property Owners*

**BDA167-036**

**91 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6625 ALPHA RD	NORTHWOOD CLUB
2	6353 KALANI PL	DRAKELEY JAMES T & CAROL I
3	6580 SPRING VALLEY RD	HOUSHMAND SHOKOOH A &
4	6616 SPRING VALLEY RD	VOGEL KEVIN ELIOT
5	6616 SPRING VALLEY RD	VOGEL ERICKA FARKAC LIFE ESTATE
6	6714 SPRING VALLEY RD	KHAN YASSER &
7	900000 CREEKSIDE PL	CREEKSIDE PLACE HMOWNERS
8	13703 CREEKSIDE PL	MANNING GRACE AUGUSTA
9	13707 CREEKSIDE PL	SCHMITZ KHANUM REV TRUST
10	13711 CREEKSIDE PL	COX JOSEPH E & BETTY D
11	13715 CREEKSIDE PL	DEWIED MARIE T
12	13719 CREEKSIDE PL	BANITCH GEORGE P & NANCY
13	13723 CREEKSIDE PL	POLLARD JOE J III
14	13727 CREEKSIDE PL	SEELIGSON JOHN M & MOLLY F
15	13731 CREEKSIDE PL	EHLERT JOHN H & SANDRA K
16	13735 CREEKSIDE PL	KNOX SYLVIA CAROL BETZ LIFE EST
17	13739 CREEKSIDE PL	WILLIAMS BETTY M 1999 REVOCABLE TRUST
18	13743 CREEKSIDE PL	HYDEMAN ROBERT B & JUDY R
19	13805 CREEKSIDE PL	MCJUNKIN KATHERINE
20	13809 CREEKSIDE PL	COHEN DALE JENNIFER &
21	13811 CREEKSIDE PL	MAYO EUNA DELLE
22	13817 CREEKSIDE PL	FIKES RICHARD C & CHARLOTTE
23	13821 CREEKSIDE PL	LAIDLEY DANIEL THOMAS &
24	13825 CREEKSIDE PL	KENNEDY FAM LIV TR
25	13829 CREEKSIDE PL	FOWLER JERRY S & JAN W
26	13833 CREEKSIDE PL	ONEAL DONALD MICHAEL



<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	13555 HILLCREST RD	GREEK ORTHODOX CHURCH
28	1 SPRING VALLEY RD	SPRING VALLEY FALLS LP
29	2 SPRING VALLEY RD	DAVINCI ESTATES LP
30	6590 SPRING VALLEY RD	FLEEGER MATTHEW H & VALERIE FLEEGER &
31	6315 ALPHA RD	NORTHWOOD CLUB
32	6800 VALLEY VIEW LN	NORTHWOOD CREEK HMOWNERS
33	6573 RIDGEVIEW CIR	CAMPBELL NANCY
34	6579 RIDGEVIEW CIR	NORTHWOOD CLUB THE
35	6609 RIDGEVIEW CIR	STARES KIRK K & ASHLEA WAGNER
36	6617 RIDGEVIEW CIR	BLANE WILLIAM T & LINDA
37	6625 RIDGEVIEW CIR	MONIER JULES C & AMY W
38	6633 RIDGEVIEW CIR	MCGINNIS JEFF T &
39	6641 RIDGEVIEW CIR	CAMPBELL MICHAEL NORMAN &
40	6649 RIDGEVIEW CIR	MARSHALL JAMES R JR & JULIE C
41	6657 RIDGEVIEW CIR	FOOR CYNTHIA ANNE
42	6665 RIDGEVIEW CIR	COLQUITT RUSSELL J
43	6707 RIDGEVIEW CIR	ALLGEIER LIFETIME TRUST
44	6620 CLUBHOUSE CIR	TINER J MICHAEL
45	6614 CLUBHOUSE CIR	PARDUE RANDAL & CYNTHIA
46	6412 CREEKHAVEN PL	HACKETT STEPHEN N &
47	6303 WOODSTREAM CT	HINTON WILLIAM EVERETT & KATHERINE M
48	6307 WOODSTREAM CT	SHOGREN DAWN L &
49	6311 WOODSTREAM CT	NOLAND JULIE A &
50	6315 WOODSTREAM CT	MYERS GEORGE LYNN
51	6530 COVECREEK PL	MUSICK GARY WAYNE & KAY LYNN
52	6627 CLUBHOUSE CIR	STOLLENWERCK TOM J
53	6623 CLUBHOUSE CIR	TETER MARY ANNETTE
54	6619 CLUBHOUSE CIR	LEE CHUN LAM
55	6615 CLUBHOUSE CIR	ACHO ONYEBUCHI &
56	6611 CLUBHOUSE CIR	HOOSHYAR MOHAMMED ALI &
57	6607 CLUBHOUSE CIR	MASROUR BEHROUZ

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	6603 CLUBHOUSE CIR	DAVIS CHARLES T
59	6527 CLUBHOUSE CIR	QUISENBERRY DAVID
60	6523 CLUBHOUSE CIR	WARRINER JOHN R
61	13316 HUGHES LN	CROOK JERET & LAURA
62	13308 HUGHES LN	HAMMOND BARRY T &
63	13236 HUGHES LN	OLIVIER RUSS TR &
64	13228 HUGHES LN	DRYDEN MARTHA C
65	13220 HUGHES LN	BRITTON ANITA J
66	13210 HUGHES LN	BANKSTON BOBBY
67	13326 HUGHES LN	LARKIN JOHN E
68	13408 HUGHES LN	TOOBIAN ABRAHAM & RAZIEH
69	13418 HUGHES LN	BAGELMAN BRUCE E & BRENDA F
70	13428 HUGHES LN	SCHILDCROUT ALYSA E
71	13561 HUGHES PL	HARRIS JOHN E & JUDITH A HARRIS
72	13429 HUGHES PL	MARKS ELAINE S
73	6266 ALPHA RD	NGUYEN ANH DUNG
74	6323 KALANI PL	DAVIDOW STANLEY S
75	6333 KALANI PL	JONES CECIL W
76	6343 KALANI PL	WILLINGHAM W W III &
77	6322 KALANI PL	BARKLEY BARRY R & SUSAN E
78	13925 HILLCREST RD	KIM HELENA H
79	6269 ALPHA RD	HAYMANN BASIL A
80	6305 ALPHA RD	MARKS ANDREW & SANDRA HAYMANN
81	6309 ALPHA RD	HAYMANN GARY
82	13837 CREEKSIDE PL	LIVELY GERALD F & MARY J
83	13841 CREEKSIDE PL	GRADICK GROVER GENE &
84	13804 ROCKBEND PL	WILLIAMSON KAREL ANNE LIVING TRUST
85	13734 CREEKSIDE PL	HAAS KENNETH & MARUCA
86	13730 CREEKSIDE PL	ZETZMAN SARAH
87	13726 CREEKSIDE PL	HASTINGS JOHN B & LEE
88	13846 CREEKSIDE PL	ZETZMAN PHILIP M &

03/01/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	13805 ROCKBEND PL	NASH SUZANNE SEELIGSON
90	13701 HILLCREST RD	HOLY TRINITY GREEK
91	6718 SPRING VALLEY RD	REID WILLIAM KEITH &

**FILE NUMBER:** BDA167-038(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Benjamin Leal, represented by Rick Guerrero, for a variance to the front yard setback regulations at 4902 Gurley Avenue. This property is more fully described as Lot 12, Block 18/1242, and is zoned D(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 7 foot front yard setback, measured at the foundation with a roof eave not to exceed 1 foot 6 inches, which will require an 18 foot variance to the front yard setback regulations.

**LOCATION:** 4902 Gurley Avenue

**APPLICANT:** Benjamin Leal  
Represented by Rick Guerrero

**REQUEST:**

A request for a variance to the front yard setback regulations of 18' is made to construct and/or maintain a single family structure, part of which would be located 7' from the site's front property line (with a maximum 18 inch roof eave) or 18' into the 25' front yard setback along South Fitzhugh Avenue.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval of the request, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff has concluded that the variance should be granted because the subject site is unique and different from other lots in the D(A) Duplex District by being of a restrictive area (in developable proportion to surrounding properties). If all required setbacks are taken into account, the developable area would measure 110' by 20', or 2,250 square feet. Lots in the area with this zoning designation typically have 110' by 38', or 4,180 square feet of developable area. Furthermore, the applicant has substantiated how these features preclude the lot from being developed in a manner commensurate with the development upon other parcels of land with the same D(A) zoning. The applicant submitted a list of 15 other properties in the zoning district where the average living area is approximately 1,364 square feet, three of which are corner lots, but all of a more traditional style and proportion.
- Additionally, staff has concluded that the variance should be granted because the subject site has two front yards, each with a 25' front yard setback, further encumbering the commensurate use of the subject land area.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site:</u>	D(A) Duplex District
<u>North:</u>	D(A) Duplex District
<u>East:</u>	D(A) Duplex District
<u>South:</u>	PD No. 864 for D(A) Duplex District Uses
<u>West:</u>	D(A) Duplex District

**Land Use:**

The subject site is currently undeveloped. Properties to the north and east are developed with single-family homes. A duplex is developed to the west. A surface parking lot serving a nearby public school exists to the south.

**Zoning/BDA History:**

1. BDA167-037, Property located at 4942 Gurley Avenue (SW of the subject site) On March 20, 2017, the Board of Adjustment Panel C granted a request for a variance to the front yard regulations of up to 18' and imposed the following condition: 1) compliance with the submitted revised site plan is required.

The case report stated that the request was made to construct and maintain a single-family structure located less than the required 25' from the front property line along S. Barry Avenue.



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

- This request focuses on constructing/maintaining a single family structure, part of which would be located 7' from the site's front property line (with a maximum 18 inch roof eave) or 18' into the 25' front yard setback along S. Fitzhugh Avenue.
- The subject site is flat, rectangular in shape (145' x 50'), and according to the submitted application is 0.166 acres (or approximately 7,250 square feet) in area.
- The site is zoned D(A) Duplex District, where lots are required to be a minimum of 6,000 square feet for residential uses.
- The applicant wishes to construct and maintain a 1,254 square foot single-family structure on a site that is undeveloped.
- Lots zoned a D(A) Duplex District are required to provide a minimum front yard setback of 25'. The subject site is located at the southeast corner of Gurley Avenue and S. Fitzhugh Avenue. Regardless of how the home is being constructed or oriented, the site has two front yard setbacks. A 25' front yard setback is required along Gurley Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a Duplex zoning district. The site also has a 25' front yard setback along S. Fitzhugh Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard, but is considered a front yard setback nonetheless to maintain the continuity of the established lot developed within the block south of the subject property with the front yard on S. Fitzhugh Avenue.
- The site plan submitted with this request identifies how the applicant would like to provide a 7' front yard along S.Fitzhugh Avenue, as measured from the foundation.
- Lots of this size in a D(A) Duplex District with one front yard generally have approximately 4,180 square feet of developable area remaining, or 110' by 38'. With the added front yard requirement, the subject site has approximately 2,250 square feet of developable area, or 110' by 20'. In evidence submitted by the applicant on March 29<sup>th</sup>, the style of home would be severely limited by the odd proportion of developable area under existing conditions.
- Additional evidence submitted by the applicant indicates that a survey of surrounding properties in the area found the average home size to be approximately 1,364 square feet, including a few corner properties. The typical style of homes were not narrow "shotgun style", as would be required for the subject site.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same D(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 D(A) zoning classification.
- If the board were to grant the variance request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 7’ from the site’s front property line along S. Fitzhugh Avenue (or 18’ into the 25’ front yard setback).

**Timeline:**

January 31, 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.

March 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

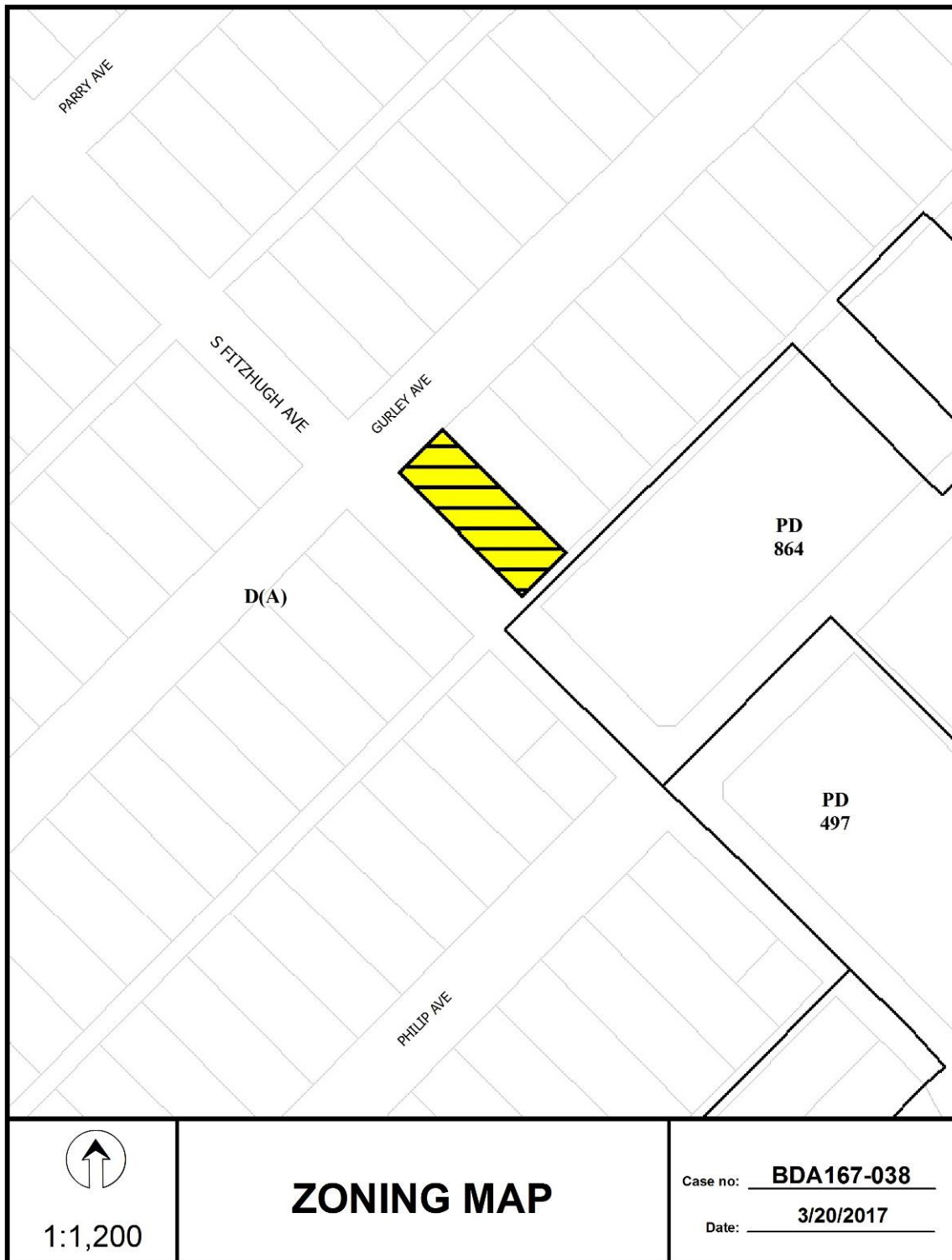
March 16, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 29, 2017: The applicant submitted new evidence, provided in “Attachment A.”

April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

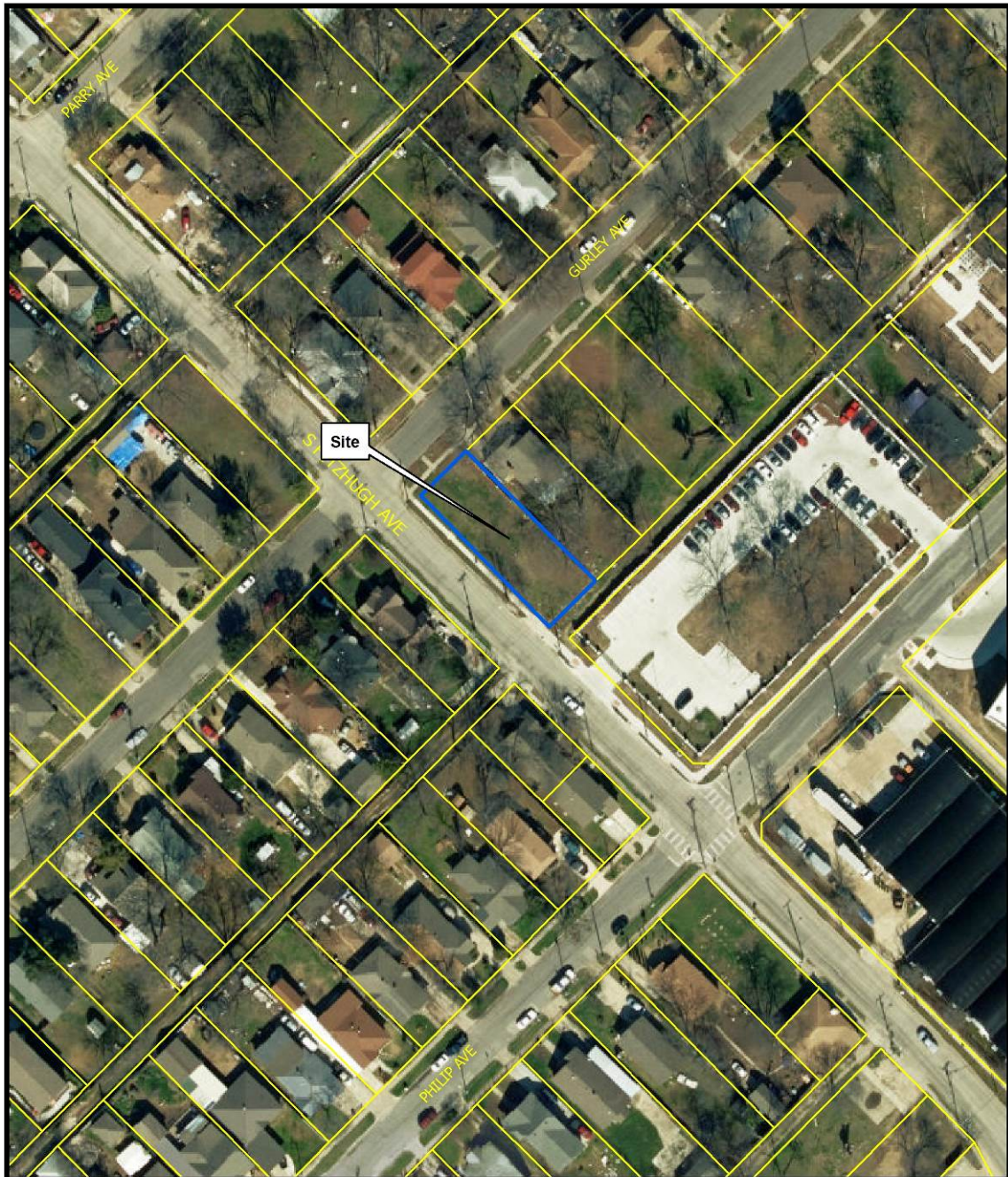
No review comment sheets were submitted in conjunction with this application.



  
 1:1,200

# ZONING MAP

Case no: BDA167-038  
 Date: 3/20/2017



1:1,200

# AERIAL MAP

Case no: BDA167-038

Date: 3/20/2017





January 30, 2017

To: Todd Duerksen  
Senior Plans Examiner  
Zoning Code Consultant  
City of Dallas, Building Inspection Division  
Department of Sustainable Development & Construction  
Oak Cliff Municipal Center  
320 E Jefferson Blvd. Rm. 105

Re: Application/Appeal to the Board of Adjustment  
Variance to Front Yard Setback  
4902 Gurley Ave.

Todd:

The East Dallas Community Organization (EDCO), a non-profit Community Housing Development Organization, is writing to request a variance to one of the two front yard setbacks required for the corner lot located at 4902 Gurley Avenue. The setback variance is needed in order to overcome a property hardship of a restrictive area shape so as to allow development of our property commensurate with other properties of the same zoning.

Specifically EDCO whose mission is to *provide sustainable, affordable and quality housing while revitalizing Dallas communities* is requesting that the front yard setback of 25 feet required for the street frontage facing Barry Avenue be reduced by 17'-2" to 7'-10".

It is EDCO's intent to build a home on this lot that is similar in size, configuration with others in the community which will not be contrary to the public interest so that the spirit of the ordinance will be observed and substantial justice done. A literal enforcement of the zoning ordinance would result in unnecessary hardship.

Sincerely,

Rick Guerrero,  
Director of Operations, EDCO

E:\EDCO\DISD LOTS\CITY OF DALLAS\SET BACK VARIANCE\Set Back Variance Cover letter.doc

## 4902 PHILIP AVENUE SUPPORTING EVIDENCE FOR APPROVAL OF SET BACK VARIANCE

The following homes are all in the same Zoning District. These existing homes are all of similar size and style with an identical lot size.

### On the Same Block

1. 4906 Gurley Ave. is one story 1,242 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
2. 4930 Gurley Ave. is one story 1,372 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
3. 4928 Gurley Ave. is one story 1,260 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
4. 4926 Gurley Ave. is one story 1,260 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
5. 4939 Philip Ave. is one story 1,288 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
6. 4927 Philip Ave. is one story 939 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
7. 4936 Gurley Ave. is one story 1254 Square Feet using 5 foot and 7 foot side yard setbacks to be developed by EDCO. Lot size 50 ft. X 145ft.
8. 4934 Gurley Ave. is one story 1772 Square Feet using 5 foot 6 ½ side yard setbacks to be developed by EDCO. Lot size 50 ft. X 145ft.

### Across the Street

1. 4903 Gurley Ave. is one story 1,432 Square feet with minimal setbacks. Lot size 50 ft. X 145ft. This lot is a corner lot also but does not utilize the 25 foot setback on the same frontage as we are seeking this variance. This is a corner lot across the street from the subject property. This also does not utilize the 25 foot setback on the same frontage as we are seeking this variance. Reference the attached photo.
2. 4907 Gurley Ave. is one story 1,380 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
3. 4911 Gurley Ave. is one and half story 1,708 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
4. 4842 Gurley Ave. is one story 1,338 Square feet with minimal setbacks. Lot size 50 ft. X 145ft. This is a corner lot across the street from the subject property. This also does not utilize the 25 foot setback on the same frontage as we are seeking this variance.

### In the neighborhood

1. 4935 Gurley Ave. is one story 1,229 Square feet with minimal setbacks. Lot size 50 ft. X 145ft.
2. 4931 Gurley Ave. is one and ½ stories 1756 Square Feet with minimal setbacks. Lot size 50 ft. X 145ft.
3. 5006 Gurley Ave. is one story 1,236 Square feet with minimal setbacks. Lot size 50 ft. X 145ft. This lot is a corner lot also but does not utilize the 25 foot setback on the same frontage as we are seeking this variance. Reference the attached photos.

Jubilee Park and Community Center is a catalyst for comprehensive community revitalization and a major part of its activities is the development of sustainable, affordable and quality housing in Southeast Dallas. We are respectfully requesting a setback variance on the property located at 4902 Gurley as a part of our revitalization efforts.



The attachments will show that the current setbacks in the Community are in line with Jubilee's request. To follow the existing setback requirement would be significantly different than other setbacks across the street and elsewhere in the Community. Also, the existing setback would require building a home out of proportion with others in the neighborhood and would not be in the best interests of the current residents.

The house we are proposing for 4902 Gurley is 1254 square feet. The average house size in fifteen examples listed above is 1364 square feet. There are only 4 of the fifteen homes that are smaller, three that are only around 15 to 20 square feet smaller and the other is what throws the average off.

We make it a policy of not building one car garages as it helps keeps cars off of the road enhancing the safety and character of the neighborhood. In addition it is difficult to sell a single family detached house with a one car garage in today's market.

A portion of the funding for the construction of the home to be located on 4902 Gurley is being provided by the City of Dallas and private funding. The concept for the construction of the home has been approved by the Housing Department of the City of Dallas.

To maintain and enhance this Community, we are requesting that the variance request attached be approved.

Ben Leal



Imagery ©2017 DigitalGlobe, Sanborn, Texas Orthoimagery Program, U.S. Geological Survey, Map data ©2017 Google 50 ft

AERIAL VIEW OF THE SAME COMMUNITY AS 4943 PHILIP AND  
4902 GURLEY SHOWING HOMES THAT DO NOT CLASSIFY AS  
SHOTGUN HOMES.



Google Maps 4923 Gurley Ave

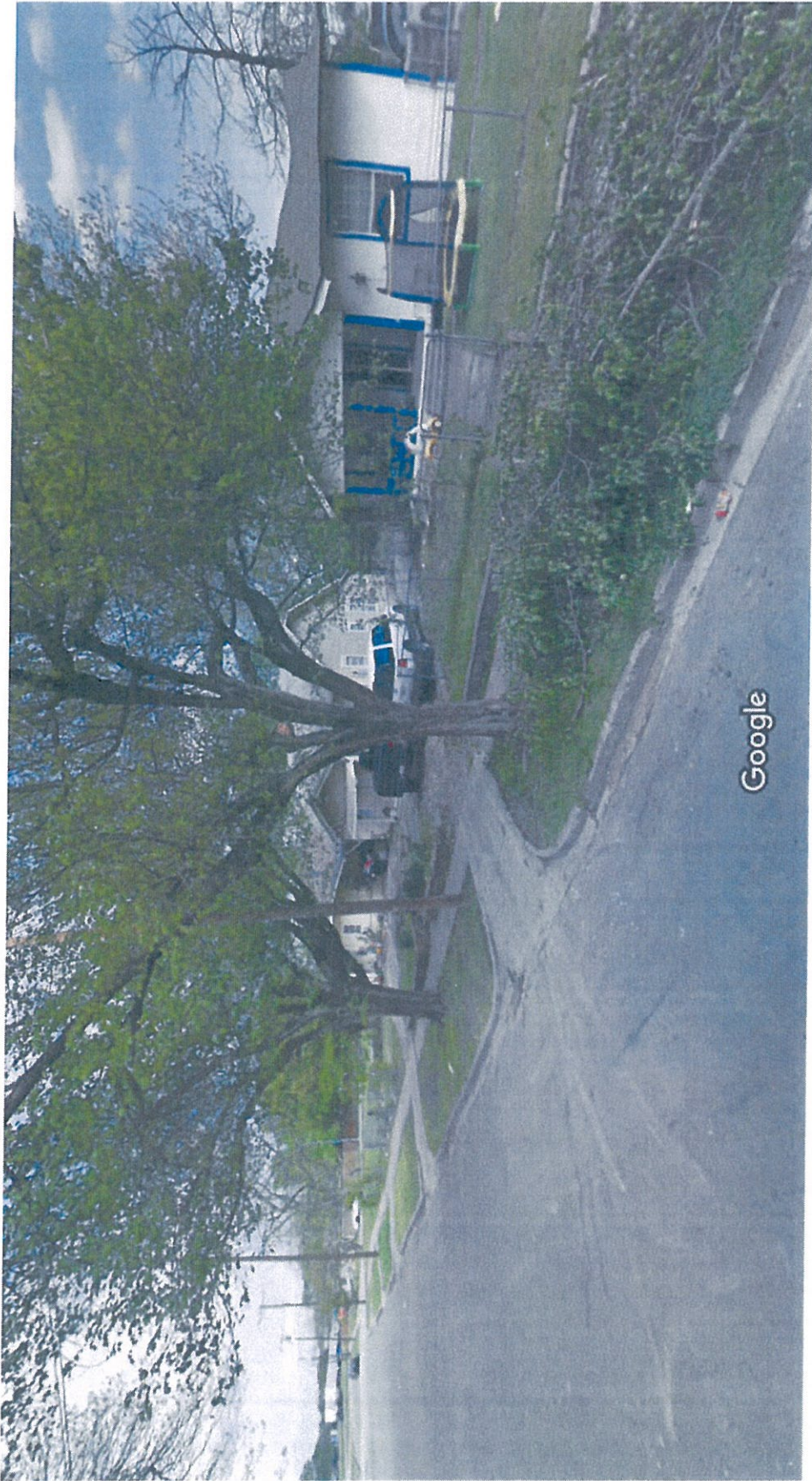


Image capture: Apr 2015 © 2017 Google

Dallas, Texas  
Street View - Apr 2015

THESE HOMES ARE ALL OF SIMILAR SIZE AND  
STYLE WITH AN IDENTICAL LOT SIZE AS  
4902 GURLEY AND 4943 PHILIP.



Google Maps 1083 Barry Ave



SAME FRONTAGE AS 4943 PHILIP  
AND DOES NOT UTILIZE THE 25  
FOOT SETBACK.

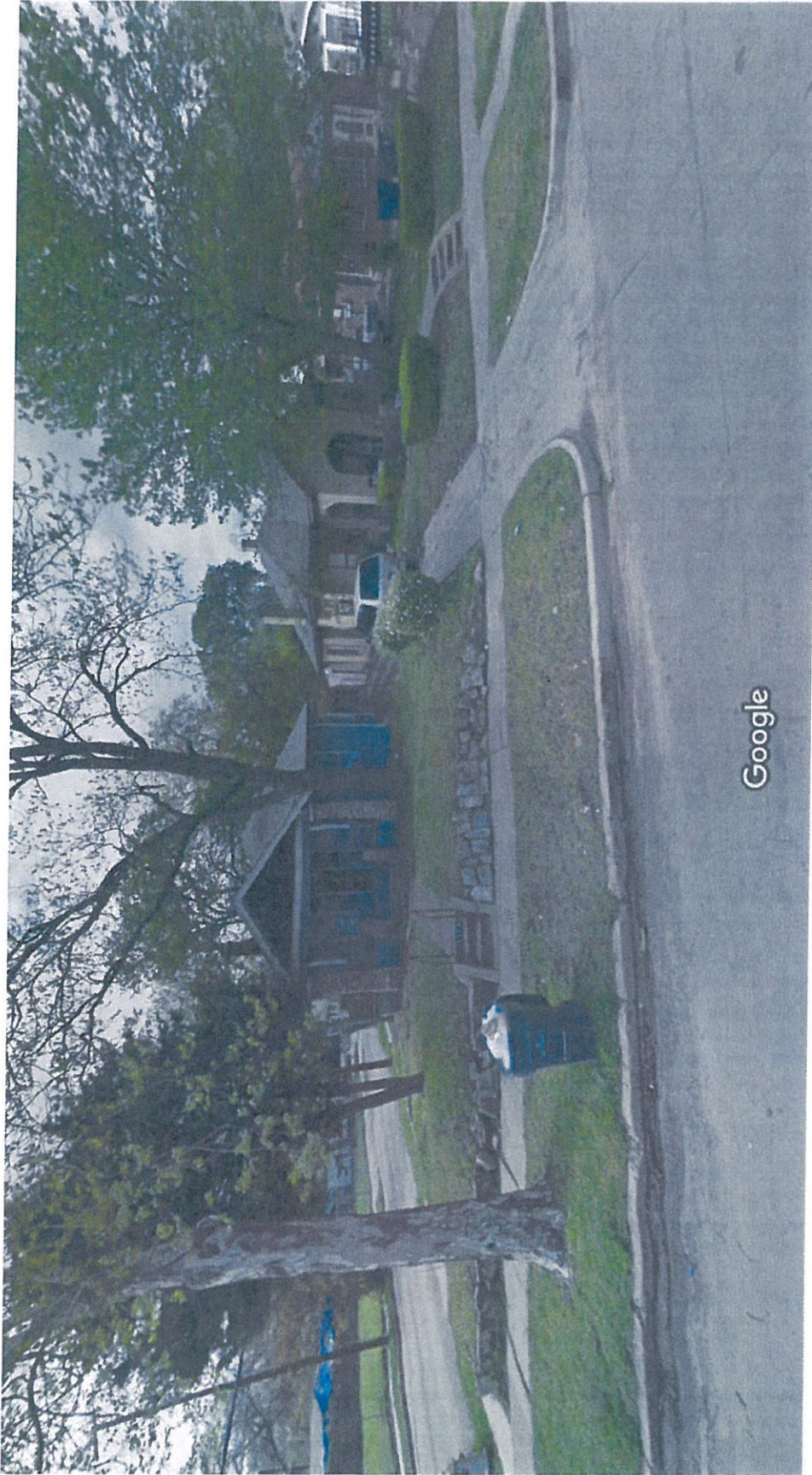
Image capture: Feb 2016 © 2017 Google

Dallas, Texas

Street View - Feb 2016



Google Maps 4903 Gurley Ave



Dallas, Texas  
Street View - Apr 2015

Image capture: Apr 2015 © 2017 Google

A NON SHOTGUN HOME WITH IDENTICAL  
LOT SIZE DIRECTLY ACROSS THE STREET FROM  
4902 GURLEY AND DOES NOT UTILIZE THE  
85 FOOT SETBACK ON THE LONGER FRONTAGE.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-038

Data Relative to Subject Property:

Date: 01-31-17

Location address: 4902 GURLEY AVENUE Zoning District: D(A)

Lot No.: 12 Block No.: 18/1242 Acreage: 0.1664371 Census Tract: 25.00

Street Frontage (in Feet): 1) 50 FT 2) 145 FT 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JUBILEE PARK & COMMUNITY CENTER

Applicant: Benjamin Leal Telephone: 214-887-1364

Mailing Address: 907 BANK ST., DALLAS Zip Code: 75223

E-mail Address: bleal@jubileecenter.org

Represented by: RICHARD GUERRERO Telephone: 214-515-9779

Mailing Address: 4210 JUNIUS ST. 5TH FLOOR Zip Code: 75246

E-mail Address: rginsite@hotmail.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 18 feet from the required 25 foot front yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The required 25 foot front yard setback does not allow enough square footage to construct a decent home. Applicant request that for this corner lot, only one front yard setback is required, and that the longer frontage on S Fitzhugh Avenue is governed by side yard regulations per Section 51-04.401 of Article IV Zoning 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

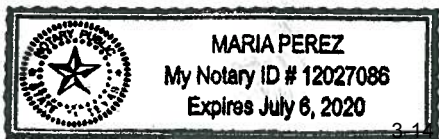
Before me the undersigned on this day personally appeared Benjamin Leal (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 30th day of January, 2017

(Rev. 08-01-11)



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



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Benjamin Leal  
represented by Rick Guerrero  
did submit a request for a variance to the front yard setback regulations  
at 4902 Gurley Avenue

BDA167-038. Application of Benjamin Leal represented by Rick Guerrero for a variance to the front yard setback regulations at 4902 Gurley Avenue. This property is more fully described as Lot 12, Block 18/1242, and is zoned D(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 7 foot front yard setback, measured at the foundation with a roof eave not to exceed 1 foot 6 inches, which will require an 18 foot variance to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





**Jubilee**  
P A R K

January 30, 2017

To: Todd Duerksen  
Senior Plans Examiner  
Zoning Code Consultant  
City of Dallas, Building Inspection Division  
Department of Sustainable Development & Construction  
Oak Cliff Municipal Center  
320 E Jefferson Blvd. Rm. 105

Re: Application/Appeal to the Board of Adjustment  
Variance to Front Yard Setback  
4902 Gurley Avenue

Todd:

The Jubilee Park Community Center Corporation (JPCCC), is writing to request a variance to one of the two front yard setbacks required for the corner lot located at 4902 Gurley Avenue. The setback variance is needed in order to overcome a property hardship of a restrictive area shape so as to allow development of our property commensurate with other properties of the same zoning.

Specifically JPCCC is requesting that the front yard setback of 25 feet required for the street frontage facing Fitzhugh Avenue be reduced by 18'- 0" to 7'- 0".

It is JPCCC intent to build a home on this lot that is similar in size, configuration with others in the community which will not be contrary to the public interest so that the spirit of the ordinance will be observed and substantial justice done. A literal enforcement of the zoning ordinance would result in unnecessary hardship.

Sincerely,

Benjamin Leal,  
Chief Executive Officer, JPCCC

NOTES:  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING CODE BOOK (IMPC) AS ADOPTED BY THE CITY OF DALLAS.  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.  
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE DALLAS COUNTY ORDINANCES.

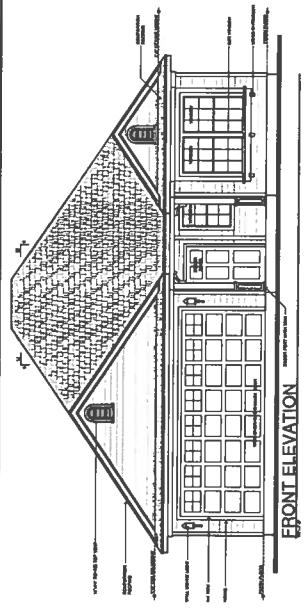


MENDEZ RESIDENCE  
 4902 GURLEY, DALLAS, TEXAS

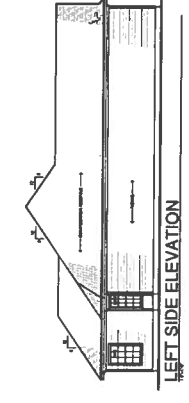


ARCHITECTURE  
 4902 GURLEY, DALLAS, TEXAS  
 75246-1111  
 972-443-1111

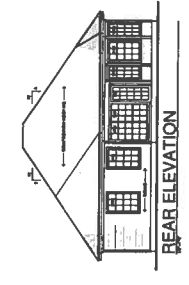
A.1



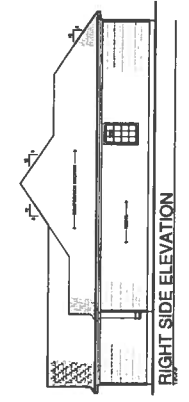
FRONT ELEVATION



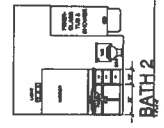
LEFT SIDE ELEVATION



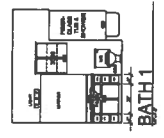
REAR ELEVATION



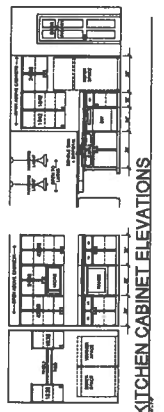
RIGHT SIDE ELEVATION



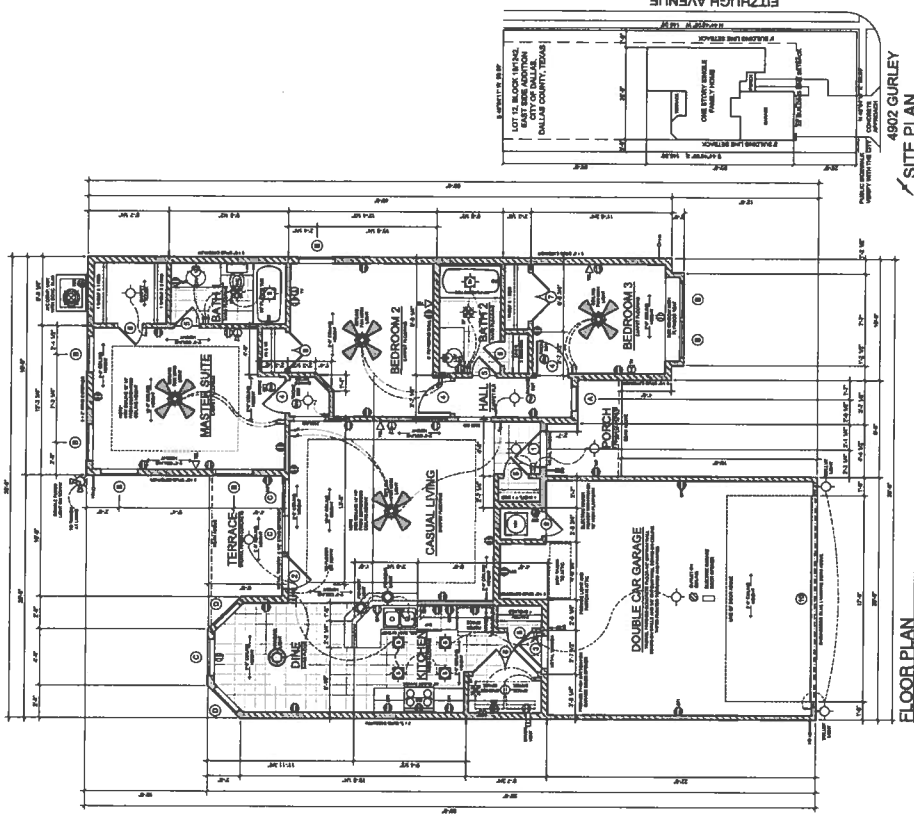
BATH 2



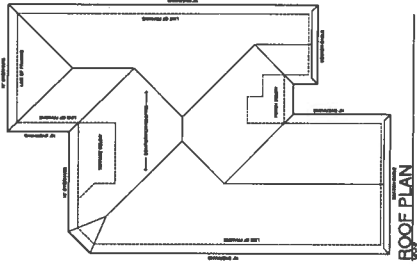
BATH 1



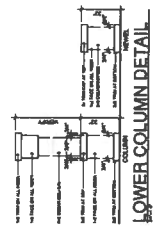
KITCHEN CABINET ELEVATIONS



FLOOR PLAN

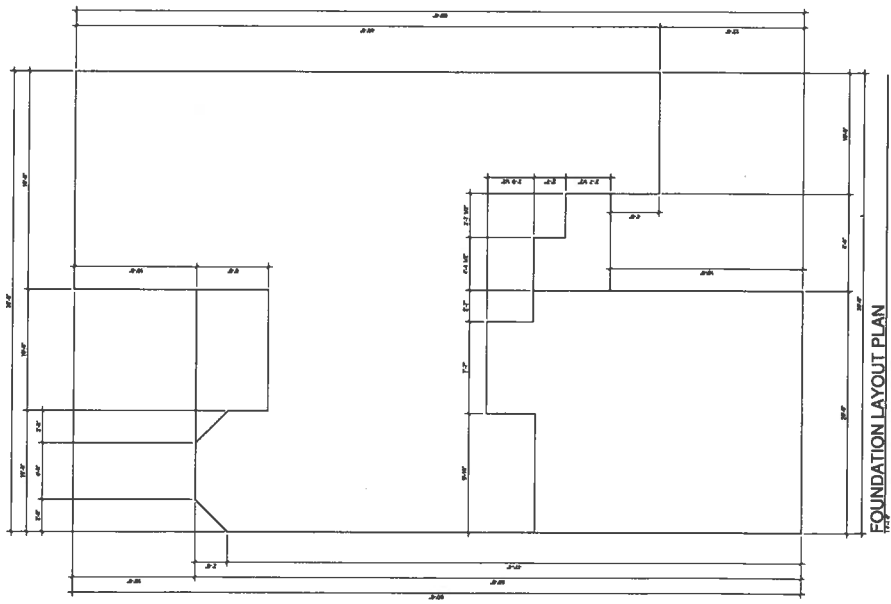


ROOF PLAN



LOWER COLUMN DETAIL

**SPECIAL HUD REQUIREMENTS**  
 (BUILDER MUST COMPLY)  
 4902 GURLEY AVENUE, DALLAS, TEXAS  
 ENVIRONMENTAL NOTICE REQUIREMENTS  
 THE FOLLOWING INFORMATION APPLIES TO THIS PROJECT:  
 1. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 2. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 3. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 4. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 5. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 6. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 7. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 8. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 9. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.  
 10. THE PROJECT IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP.



FOUNDATION LAYOUT PLAN

AREAS:

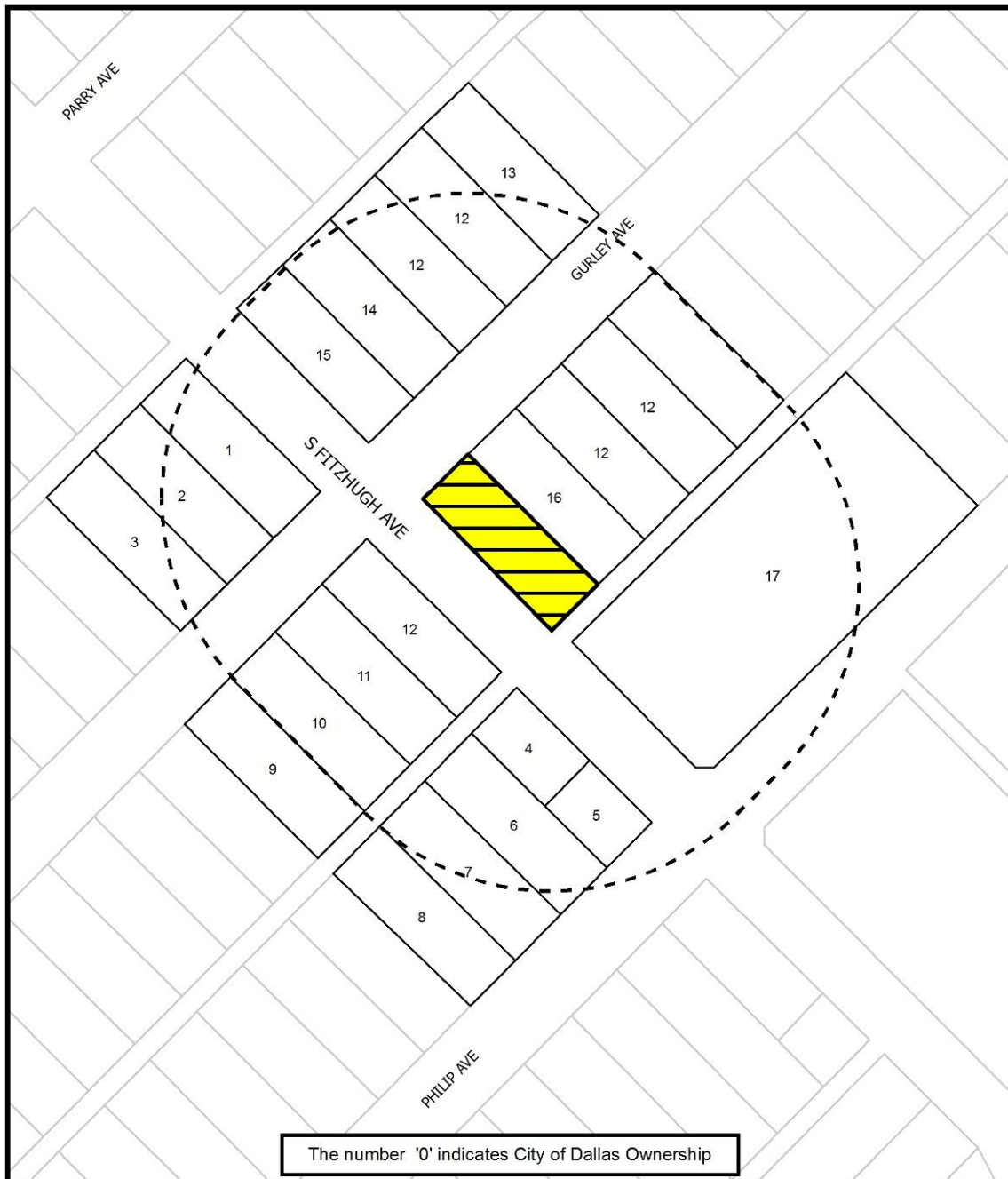
AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	AREA 6	AREA 7	AREA 8	AREA 9	AREA 10
100	100	100	100	100	100	100	100	100	100

WINDOW SCHEDULE

NO.	TYPE	FINISH	GLASS	OPERATION	SCREEN	SHUTTER	REMARKS
1	100	100	100	100	100	100	100
2	100	100	100	100	100	100	100
3	100	100	100	100	100	100	100
4	100	100	100	100	100	100	100
5	100	100	100	100	100	100	100
6	100	100	100	100	100	100	100
7	100	100	100	100	100	100	100
8	100	100	100	100	100	100	100
9	100	100	100	100	100	100	100
10	100	100	100	100	100	100	100

DOOR SCHEDULE

NO.	TYPE	FINISH	OPERATION	SCREEN	SHUTTER	REMARKS
1	100	100	100	100	100	100
2	100	100	100	100	100	100
3	100	100	100	100	100	100
4	100	100	100	100	100	100
5	100	100	100	100	100	100
6	100	100	100	100	100	100
7	100	100	100	100	100	100
8	100	100	100	100	100	100
9	100	100	100	100	100	100
10	100	100	100	100	100	100



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA167-038</b> Date: <b>3/20/2017</b>
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA167-038*

#### *17 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4845 GURLEY AVE	GILMORE RALPH CURTIS
2	4839 GURLEY AVE	MENDOZA ESTANISLAO
3	4833 GURLEY AVE	BARCENAS RAUL &
4	4843 PHILIP AVE	SAENZ NANCY & ALEJANDRO
5	4841 PHILIP AVE	SAAVEDRA MARIO & MARIA TERESA
6	4839 PHILIP AVE	JONES CATHY
7	4835 PHILIP AVE	ZAPATA JOSE D
8	4831 PHILIP AVE	GRACIA TIBURCIO &
9	4830 GURLEY AVE	TORRES PEDRO GONZALES &
10	4834 GURLEY AVE	LOPEZ JOSE LUIS &
11	4838 GURLEY AVE	WELLS LINDA
12	4842 GURLEY AVE	FLOYD HERSHEL III
13	4919 GURLEY AVE	GREEN HARVEY L EST OF
14	4907 GURLEY AVE	FULLER HOYT M & BERTHA M
15	4903 GURLEY AVE	S H A L INVESTMENTS LTD
16	4906 GURLEY AVE	GARRETT JAMES C ESTATE
17	4923 PHILIP AVE	Dallas ISD

**FILE NUMBER:** BDA167-040(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Miguel Ramirez for special exceptions to the visual obstruction regulations at 1312 McKee Street. This property is more fully described as part of Lot 4, Block E/907 3/4, and is zoned PD-317, which requires a 20 foot visibility triangle at driveway approaches and a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 1312 McKee Street

**APPLICANT:** Miguel Ramirez

**REQUESTS:**

The following requests are made on a site that is currently undeveloped:

1. A special exception to the visual obstruction regulations is made to locate and maintain a portion of a proposed duplex structure in the 45' visibility triangle at the intersection of McKee Street and Gould Street; and
2. Special exceptions to the visual obstruction regulations are made to locate and maintain portions of the aforementioned duplex structure in the innermost 20' visibility triangle at the driveways into the site on McKee Street and Gould Street.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director of Engineering who recommends that these requests be denied – that the proposed duplex in the 45' visibility triangle at the intersection of McKee Street and Gould Street, and in the innermost 20' visibility triangle at the driveways into the site on McKee Street and Gould Street create a traffic hazard.



## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD 317 (Subdistrict 2) (Planned Development)  
North: PD 317 (Subdistrict 2) (Planned Development)  
South: PD 317 (Subdistrict 2) (Planned Development)  
East: PD 317 (Subdistrict 2) (Planned Development)  
West: PD 317 (Subdistrict 2) (Planned Development)

### **Land Use:**

The subject site is undeveloped. The areas to the north, east, south, and west are a combination of undeveloped lots and mixed residential and nonresidential 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 requests for special exceptions to the visual obstruction regulations focus on locating and maintaining a portion of a proposed duplex structure in the 45' visibility triangle at the intersection of McKee Street and Gould Street; and in the innermost 20' visibility triangle at the driveways into the site on McKee Street and Gould Street.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a revised site plan and elevations representing a portion a proposed duplex structure to be in the 45' visibility triangle at the intersection of McKee Street and Gould Street; and in the innermost 20' visibility triangle at the driveways into the site on McKee Street and Gould Street.
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Recommends that this be denied" commenting "Compromised visibility violates PD 317 Subdistrict 2 Purpose in (b)(1) AND the site plan violates PD 317 (b)(8) Minimum Sidewalk Width which is "unobstructed width of six feet".

- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain portions of a proposed duplex structure in the 45' visibility triangle at the intersection of McKee Street and Gould Street; and in 20' visibility triangles at driveways into the site on McKee Street and Gould Street do not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted revised site plan and elevations would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents.

**Timeline:**

January 31, 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.

March 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 15, 2017: The Board Administrator emailed the applicant the following information:

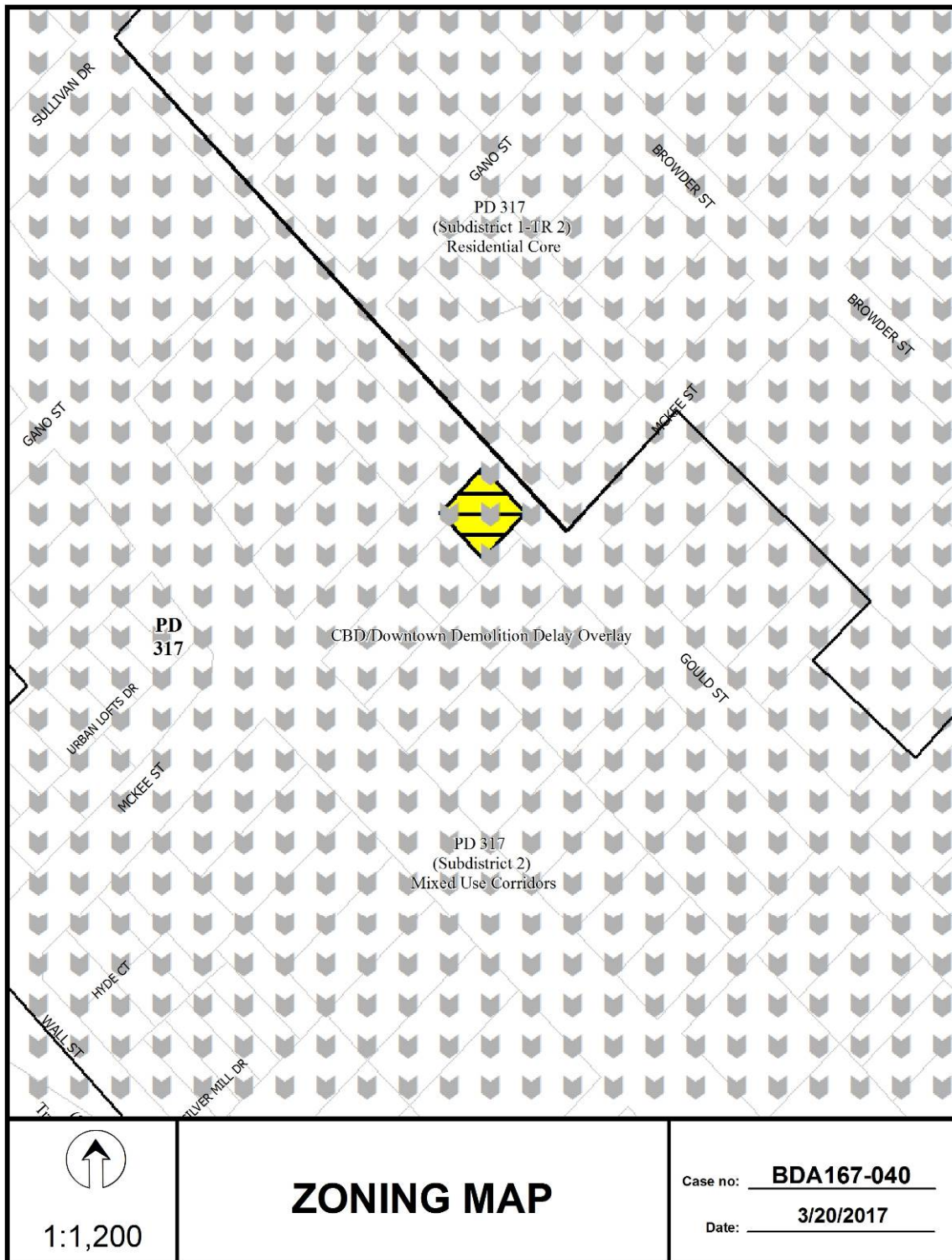
- an attachment that provided the public hearing date and panel that will consider the application; the March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 31, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachments A and B).

April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

April 7, 2017:

The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Recommends that this be denied" commenting "Compromised visibility violates PD 317 Subdistrict 2 Purpose in (b)(1) AND the site plan violates PD 317 (b)(8) Minimum Sidewalk Width which is "unobstructed width of six feet".



1:1,200

# ZONING MAP

Case no: BDA167-040

Date: 3/20/2017





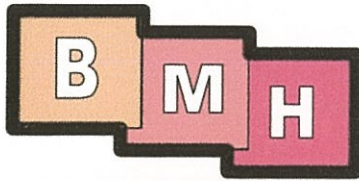
1:1,200

# AERIAL MAP

Case no: BDA167-040

Date: 3/20/2017





**ASBUILT-USA INC.**  
ARCHITECTURE \* ENGINEERING \* CONSTRUCTION

Of Texas

*Bold \* Majestic \* Harmonious*

**1100 S Akard St, Dallas, TX 75215**

BDA167-040

Attach A

131

Dear Mr. Steve Long,

Attached to this letter are the revised/~~substituted~~ site plan and elevations for 1312 McKee Street (BDA167-040). After speaking with Lloyd and listening to some of his suggestions, we have made the following changes:

- 1) Pushed the corner of the house back at the driveways. This opens part of the visibility triangle at the driveway. The house is now 7 ft. from the driveways and 7 ft. from the sidewalks. Because the sidewalks are 3 ft., this makes the total open space 10 ft. from the street.
- 2) We removed 1 tree from the front corner of the property and moved 2 of the trees closer to the house and the street for better visibility.
- 3) Removed parts of the wooden fence that was inside the visibility triangles along the driveways.

We have already dropped off a set of plans to Todd Duerksen.

Please confirm through email that you have received the revised/substituted site plans and elevations at [mardlf.designs@gmail.com](mailto:mardlf.designs@gmail.com).

Thank you,  
Miguel Ramirez  
214-695-8006

BDA167-040 *Allen A* p 2



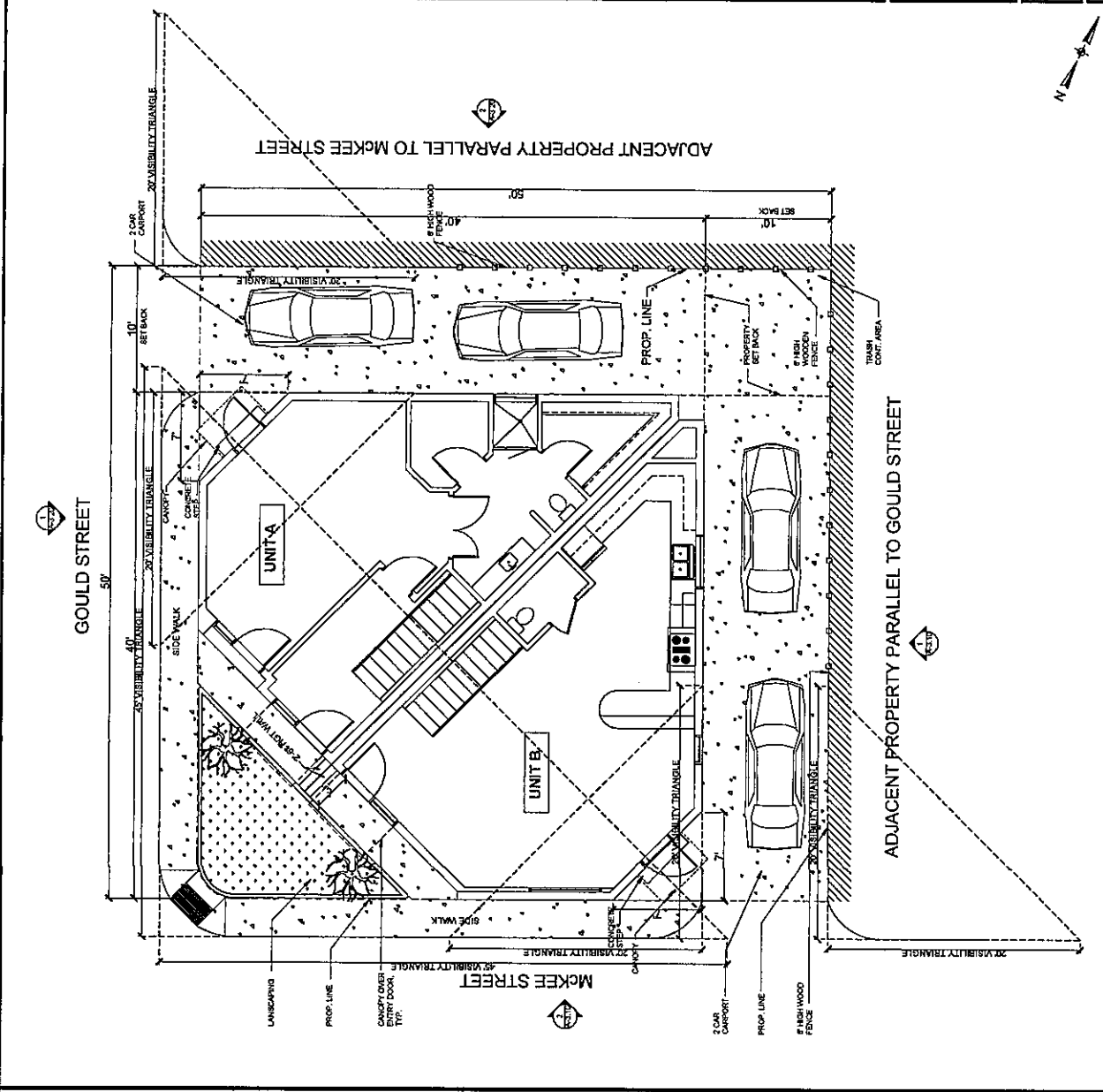
1100 S. JACOB  
 Suite, Room 205  
 Dallas, Texas 75215  
 Fax: (416)728-8769

**MCKEE DUPLEX**  
 LUXURY DUPLEX  
 1312 MCKEE STREET, DALLAS, TX 75215  
 PD 317 BLK E/907 3/4 PT LT 4 50X95.0

ISSUE LOG	
DESCRIPTION DATE	
SITE PLAN FULL	
DATE PLAN PER	

JOB NO.	
SHEET TITLE	
SITE PLAN & SITE NOTES	

SHEET NO. **A-01**



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

**1** SITE PLAN

3-29

**BMT**  
 ARCHITECTURE  
 Architecture  
 Interiors  
 Space Planning

1108 E. AVARD  
 SUITE 200  
 DALLAS, TX 75201-4000  
 PHONE: (214) 752-8800  
 FAX: (214) 752-8759

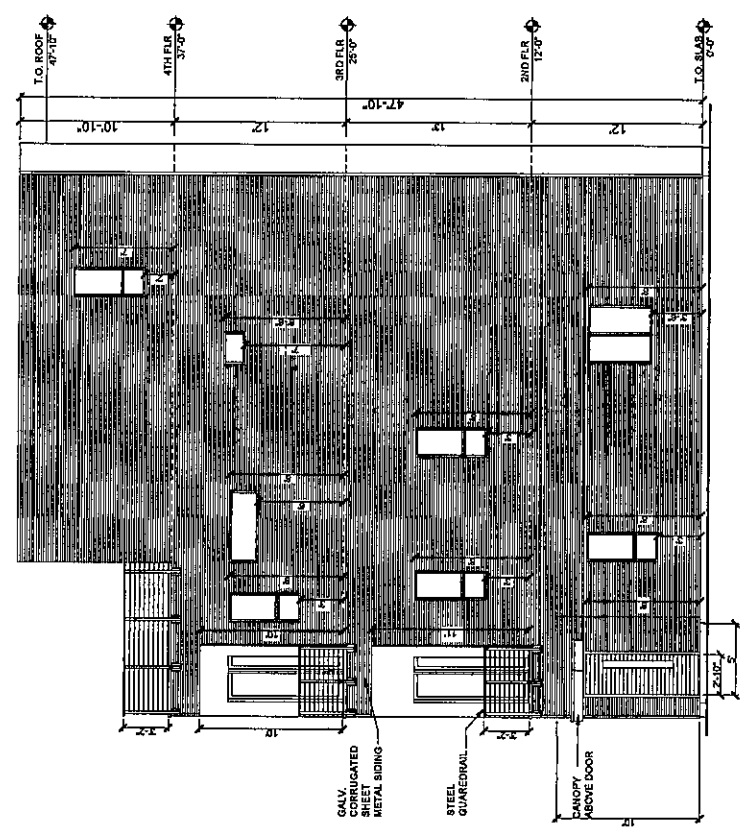
**MCKEE DUPLEX**  
 LUXURY DUPLEX

PD 317 BLK E/307 3/4 PT L1 & 50X50  
 1312 MCKEE STREET, DALLAS, TX 75215

ISSUE LOG		
NO.	DATE	DESCRIPTION

JOB NO.  
 SHEET NO.  
 EAST, WEST, NORTH, WEST & WEST ELEVATIONS

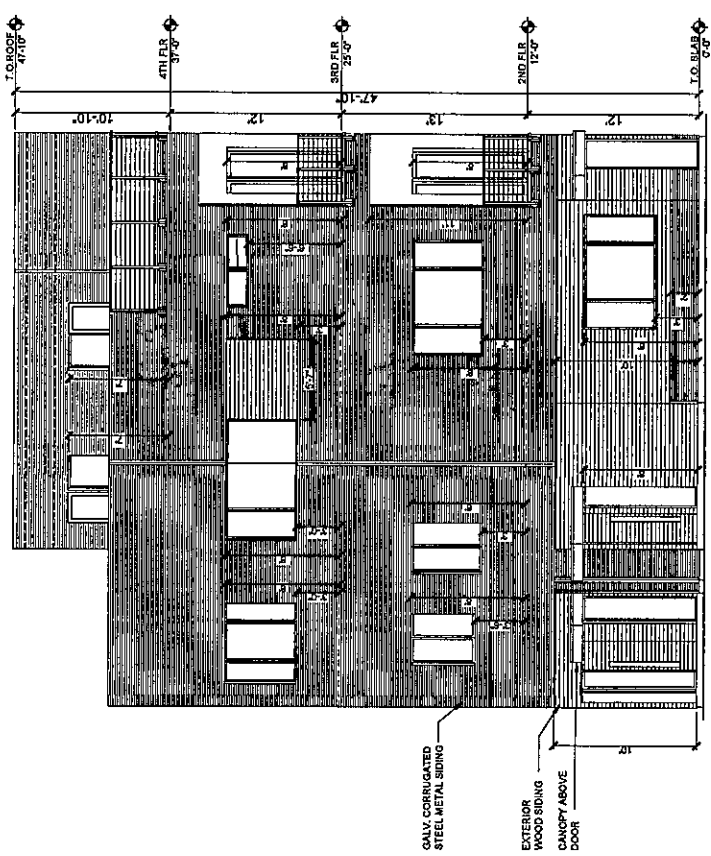
SHEET NO.  
**A-3.10**



VIEW FROM ADJACENT PROPERTY PARALLEL TO GOULD STREET

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

1 NORTH ELEVATION



VIEW FROM MCKEE STREET

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

2 WEST ELEVATION

3-29

BDA 167-040 A-3.20 PS 4

**BVH**  
 A COMMITMENT TO  
 Architecture  
 Interiors  
 Space Planning

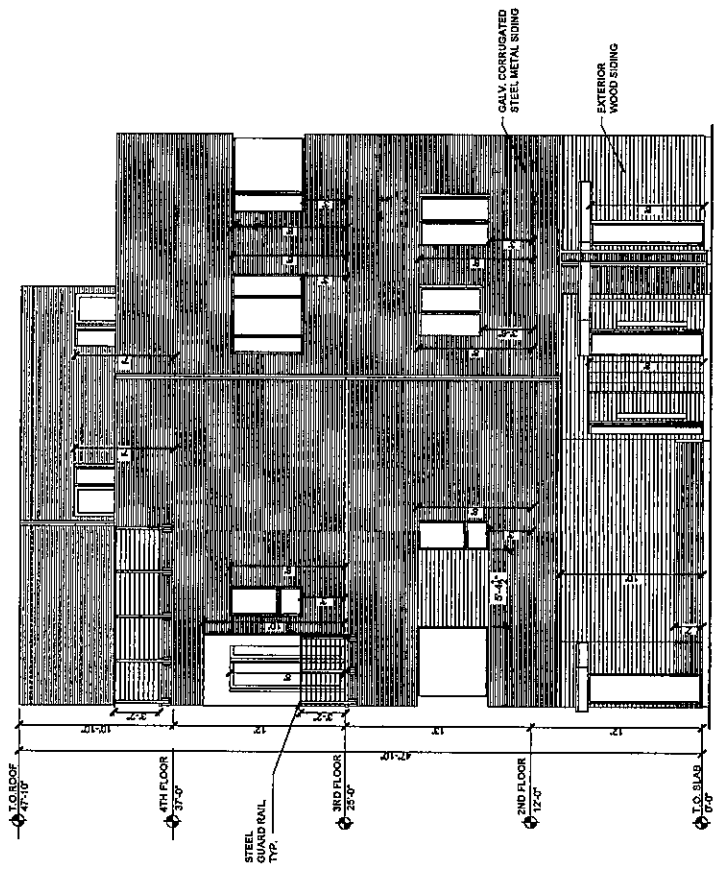
1100 S. MAIN  
 FORT WORTH, TEXAS 76102  
 PH: (817) 788-2750  
 FAX: (817) 788-2750

**MCKEE DUPLEX**  
**LUXURY DUPLEX**  
 PD 317 MCKEE STREET, DALLAS, TX 75215

ISSUE	LOG	DESCRIPTION	DATE
1		2/21/17	

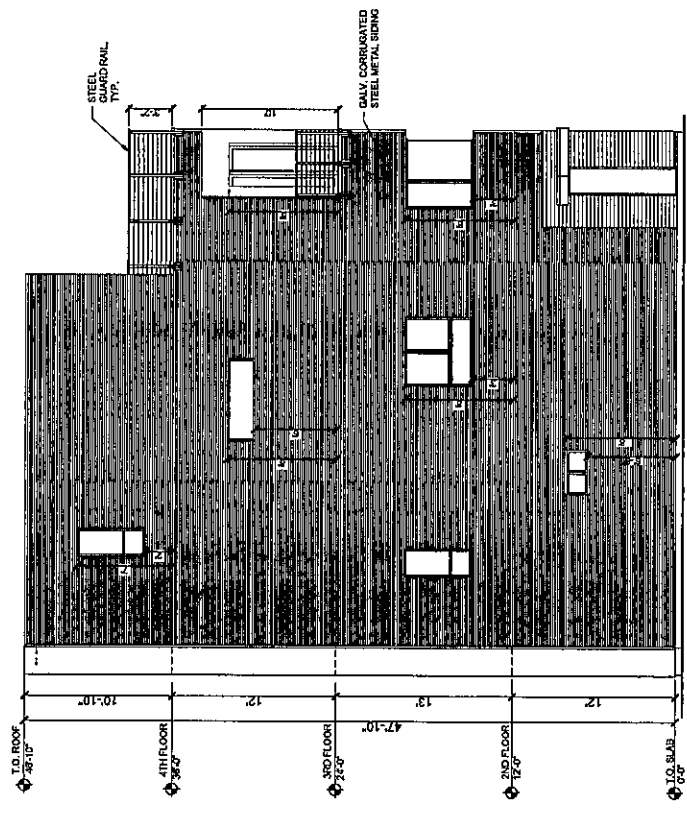
JOB NO.  
 SHEET TITLE  
 SOUTH & EAST  
 ELEVATIONS

SHEET NO.  
**A-3.20**



VIEW FROM GOULD STREET

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

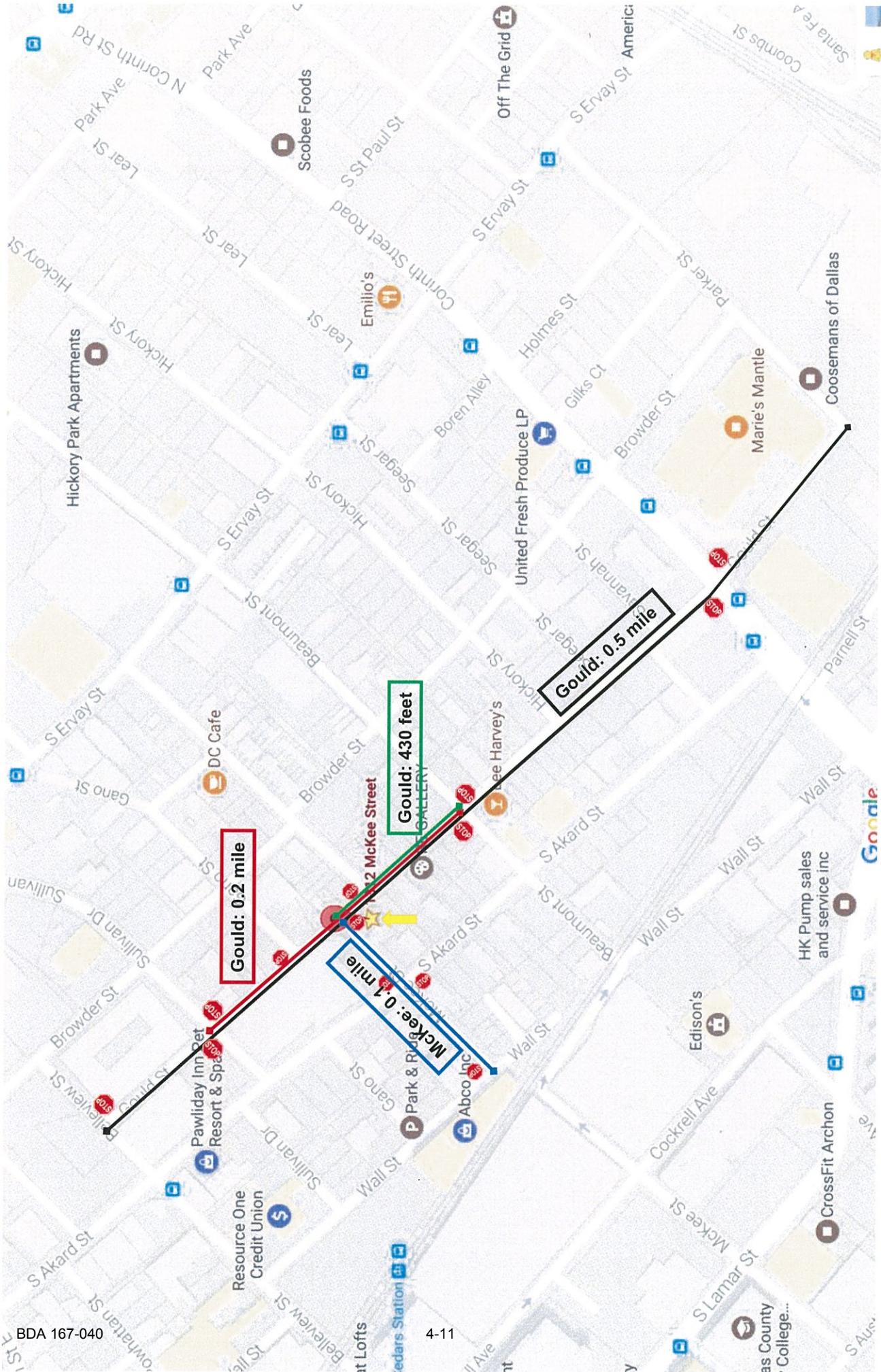


VIEW FROM ADJACENT PROPERTY PARALLEL TO MCKEE STREET

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

3-21

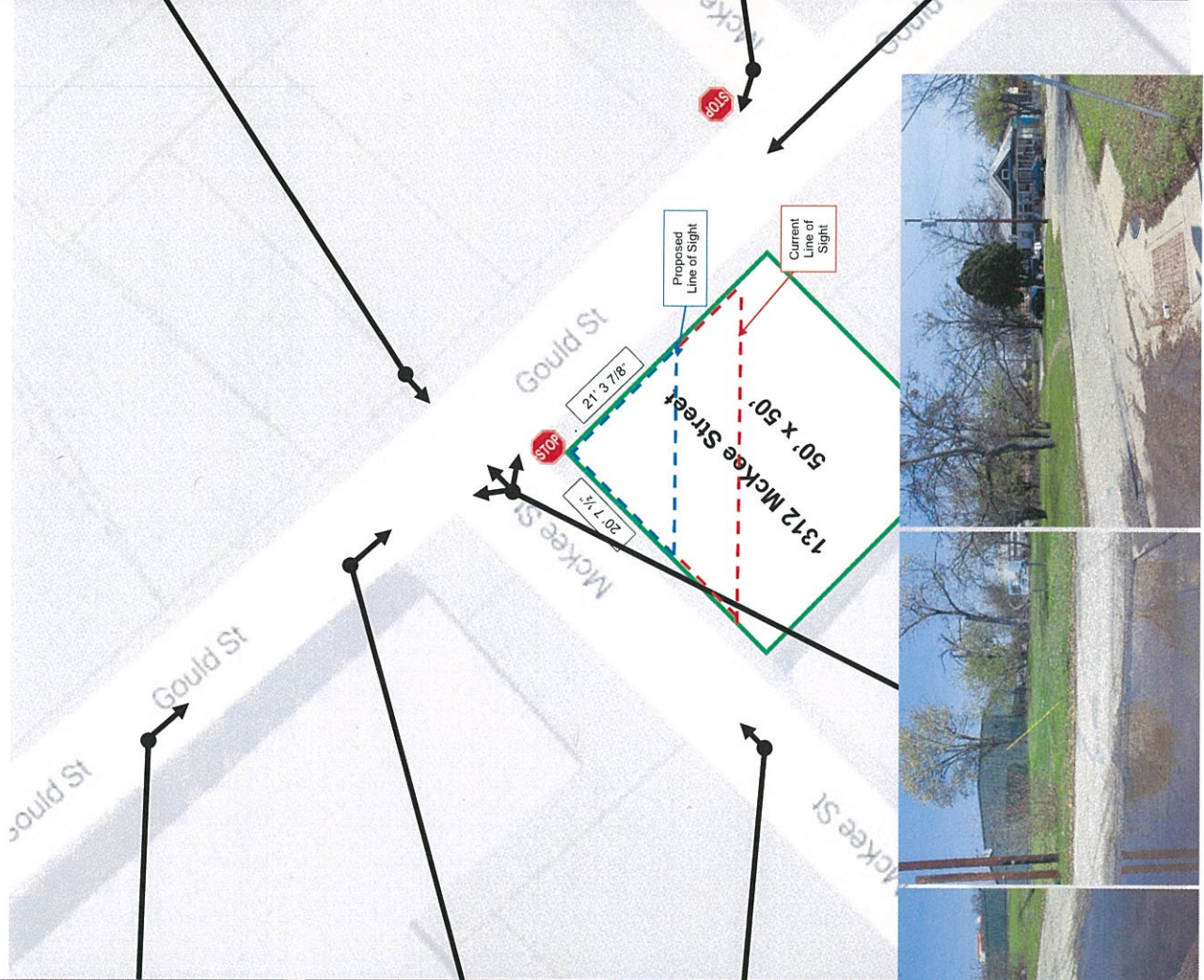
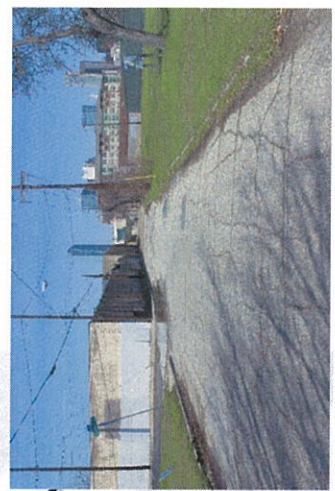




BDA  
167-  
040  
Attach A  
PJS

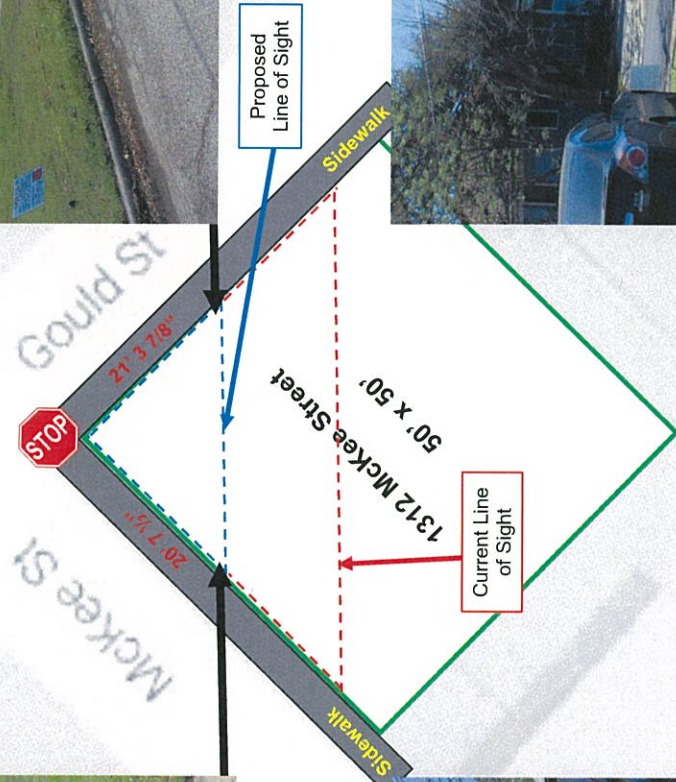


BDA  
167-  
040  
Attach A  
PS 6



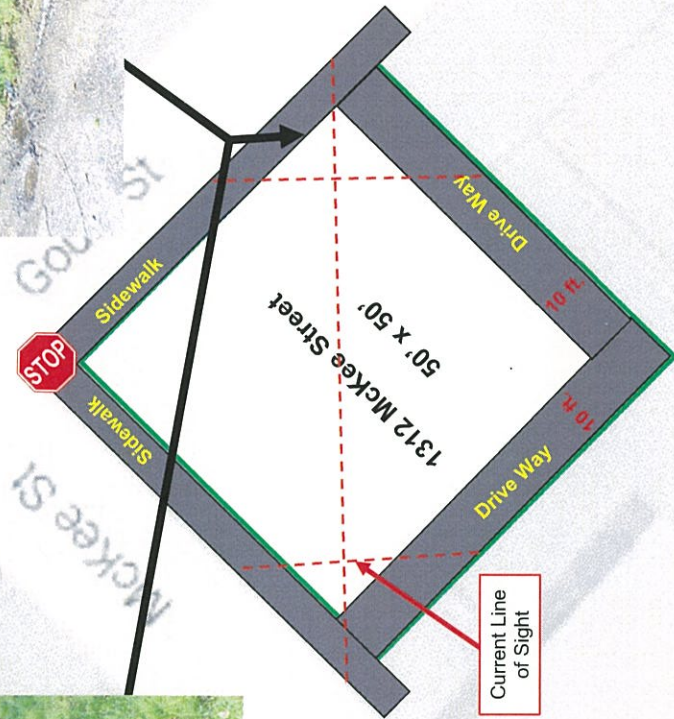
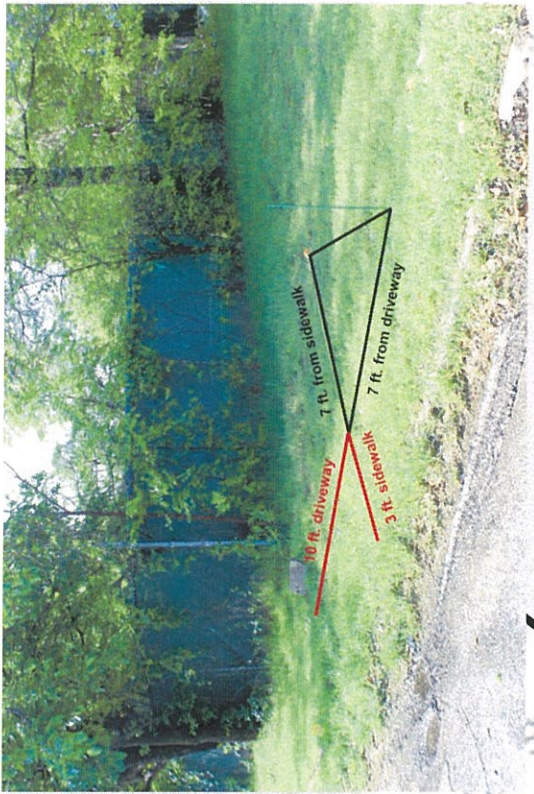


BDA  
167-  
040  
Attach A  
Pg 7



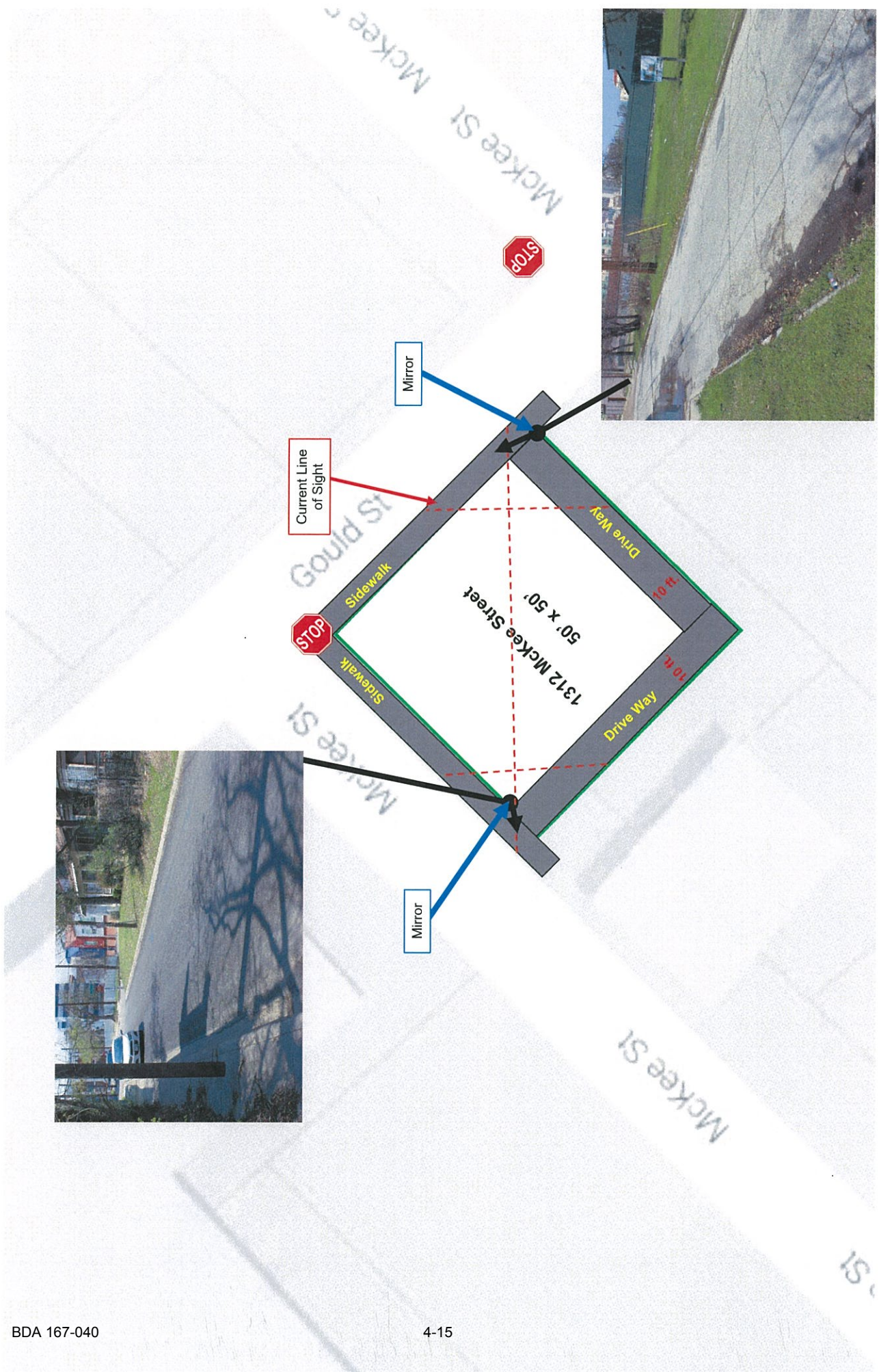


BDA  
167-  
040  
Attach A  
Pg B





BDA  
167-  
040  
Attach A  
Pg 9





BDA  
167-  
040  
Attach A  
PS 10

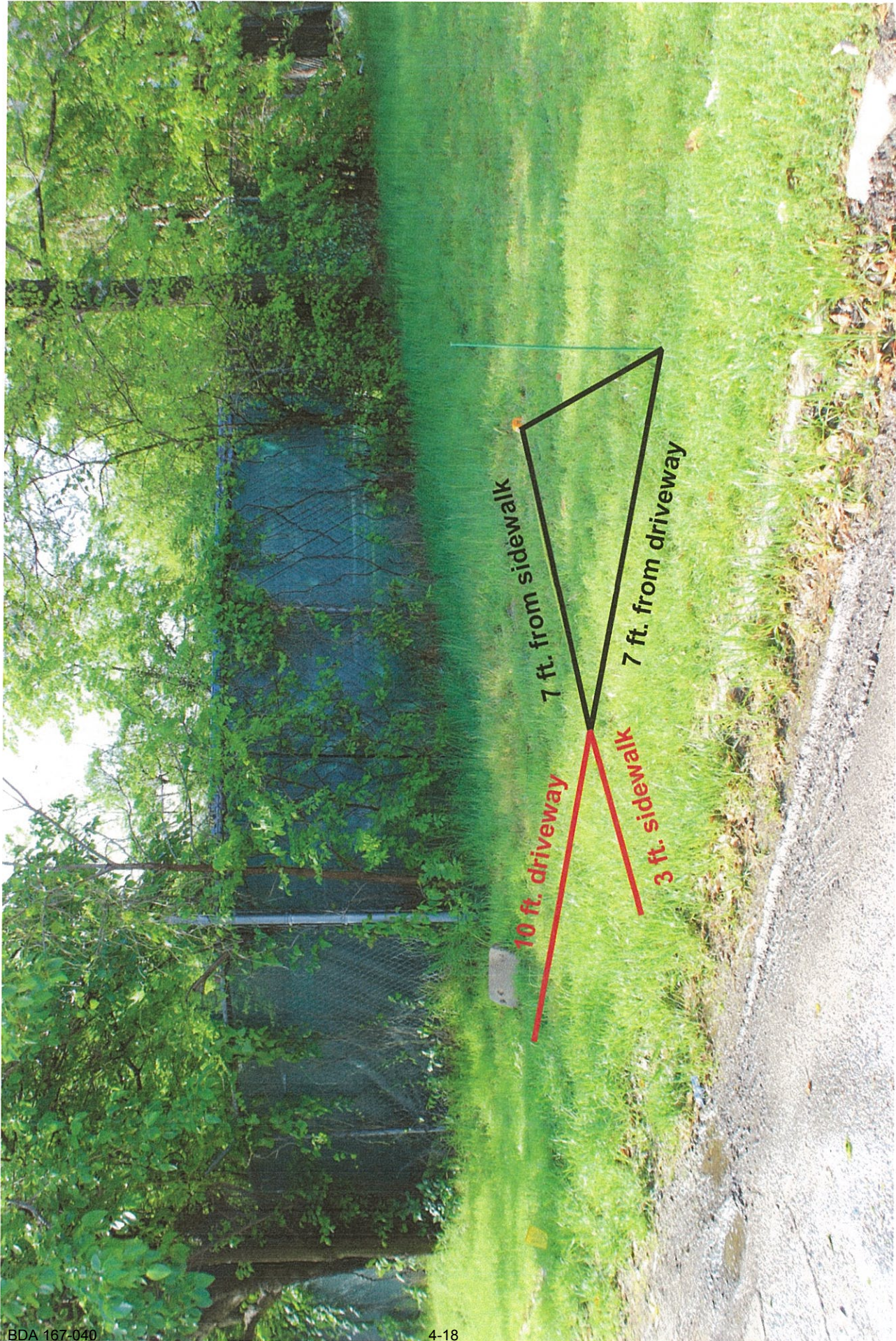






BDA  
167-  
040  
Atten A  
7511

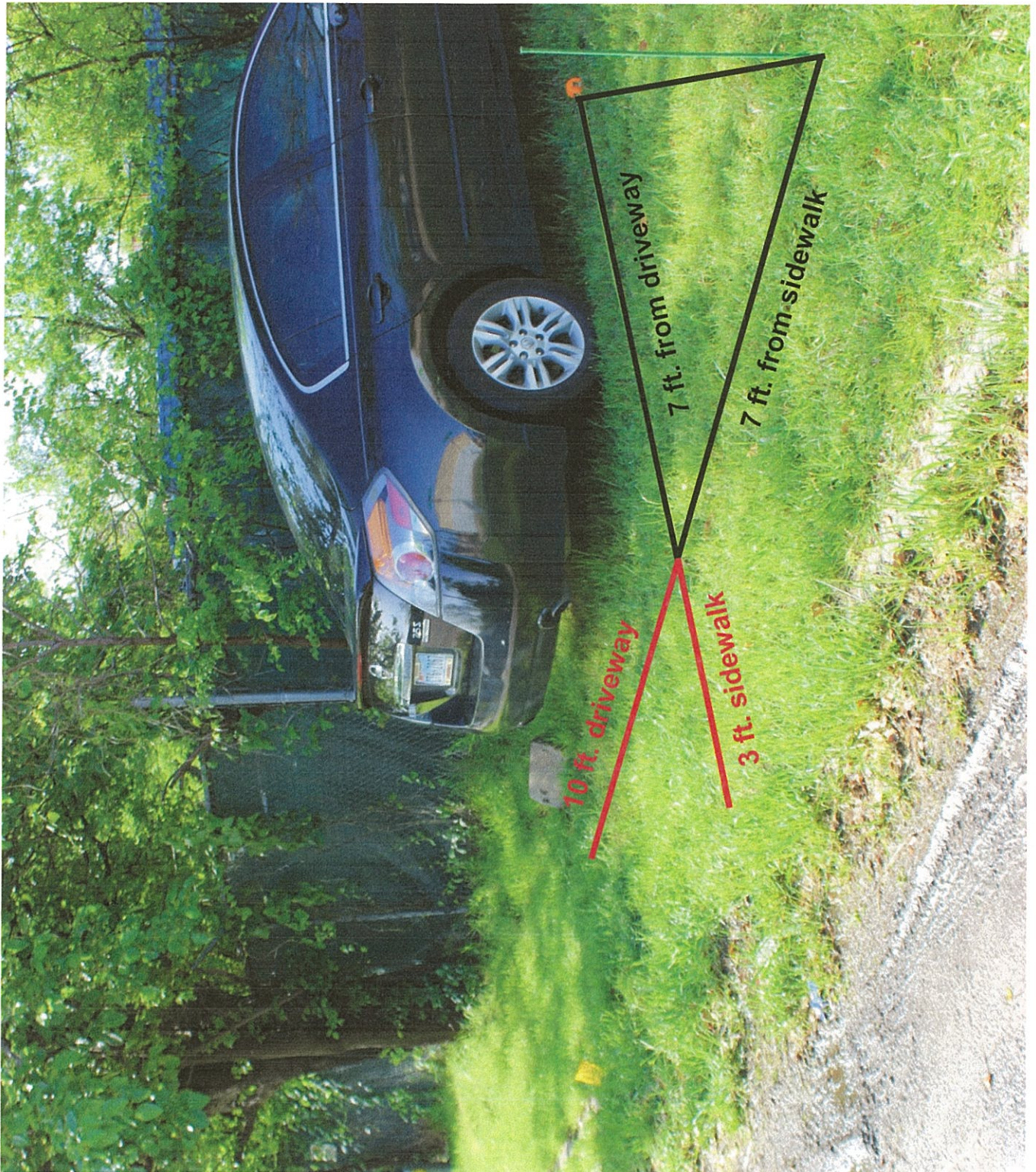




BDA  
167-  
040  
Attach  
A  
PJ 2



BDA 167-040  
Attach A  
PS B





BDA 167  
040  
Attach A  
B 14





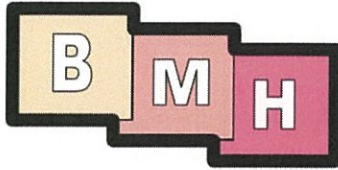
8 ft.

10 ft.

21' - 6"

NOTICE  
 THIS PROPERTY IS BEING  
 SURVEYED FOR THE  
 CONSTRUCTION OF A  
 HIGHWAY  
 PROJECT. ANY  
 INTERFERENCE WITH  
 THE SURVEYING  
 OPERATIONS WILL  
 BE PROSECUTED.  
 DATE: 4/21/15  
 PROJECT: CT6-266





**ASBUILT-USA INC.**  
*ARCHITECTURE \* ENGINEERING \* CONSTRUCTION* *Of Texas*

*Bold \* Majestic \* Harmonious*

**1100 S Akard St, Dallas, TX 75215**

**1312 McKee Street (BDA167-040)**

We are requesting a variance for 3 visibility triangles on our property. These visibility triangles have been drawn on the site plans. The 3 visibility triangles are the 45-ft. visibility triangle on the corner of the lot and 20-ft. visibility triangles on each driveway. We would like to build a duplex on this lot and allow for smaller visibility triangles. We'd like to have a 25-ft. visibility triangle on the corner of McKee and Gould and 10-ft. by 7-ft. visibility triangles for the driveways.

We strongly believe that the visibility triangles we are proposing provide more than a safe amount of visibility. We have taken pictures with measurements so you can see what the view would be from the streets and sidewalks. For example, when a vehicle or pedestrian is heading northeast on McKee Street, there would be ample amount of room to see traffic on Gould Street before reaching the stop sign. Once a vehicle or pedestrian is at the corner of McKee and Gould Street, the individual can easily see southeast on Gould Street. Also, these are low traffic streets with a low speed limit and stop signs.

The main concern we received for the driveway visibility triangles is pedestrian traffic. Originally we planned on submitting plans for 3-ft. by 0-ft. visibility triangles. To incorporate the pedestrian traffic concern, we changed the visibility triangles to 10-ft. by 7-ft. As you can see in the pictures taken with measurements and a vehicle for reference, there would be enough visibility to see a pedestrian walking towards the driveway from either direction before the vehicle reaches the sidewalk. These proposed visibility triangles will also be sufficient to see oncoming traffic on McKee and Gould Street.

Keeping the 45-ft. and 20-ft. visibility triangles would make much of this 2,500-square ft. lot unusable and building on this lot uneconomical. We believe this is an excellent project for the Cedars neighborhood. This duplex will continue to improve the Cedars area and can increase surrounding property value. Allowing this variance would allow another attractive residential building in the Cedar neighborhood, creating supply in a high demand market.

Thank you,  
Miguel Ramirez  
214-695-8006





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-040

Data Relative to Subject Property:

Date: 01-31-17

Location address: 1312 MCKEE

Zoning District: PD 317

Lot No.: PTLT 4 Block No.: E/907 3/4 Acreage: .057

Census Tract: 204.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RITETRACK BUILDER INC. (MOHAMMAD ZAFAR)

Applicant: MIGUEL A. RAMIREZ Telephone: 214.695.8006

Mailing Address: 1100 S. AKARD Zip Code: 75235

E-mail Address: MARDLF.DESIGNS@GMAIL.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 X, of REMOVE OR ALTER VISIBILITY TRIANGLE @ CORNER STREET AND DRIVEWAYS.

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:

ABLE TO BUILD A DUPLEX. & LIMITED TRAFFIC FLOW PRIVATE DRIVEWAYS @ RESIDENCE, NOT A LOT OF PEDESTRIAN TRAFFIC, THEREFORE IT WILL NOT BE SAFETY HAZARD.

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 MIGUEL A. RAMIREZ (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: Miguel A. Ramirez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 25th day of January, 2017

(Rev. 08-01-11)

BDA 167-040



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 Miguel Ramirez

did submit a request for special exceptions to the visibility obstruction regulations  
at 1312 McKee Street

BDA167-040. Application of Miguel Ramirez for special exceptions to the visibility obstruction regulations at 1312 McKee Street. This property is more fully described as part of Lot 4, Block E/907 3/4, and is zoned PD-317, which requires a 20 foot visibility triangle at driveway approaches and a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a residential structure in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

**MAK**

### Legend

Addresses

Dallas Zoning

Floodplain

Building Inspection

DART

Real Estate

Alcohol

Plats

Areas of Request

Thoroughfare Plan

Capital Improvement Program

Council and Census

Roads

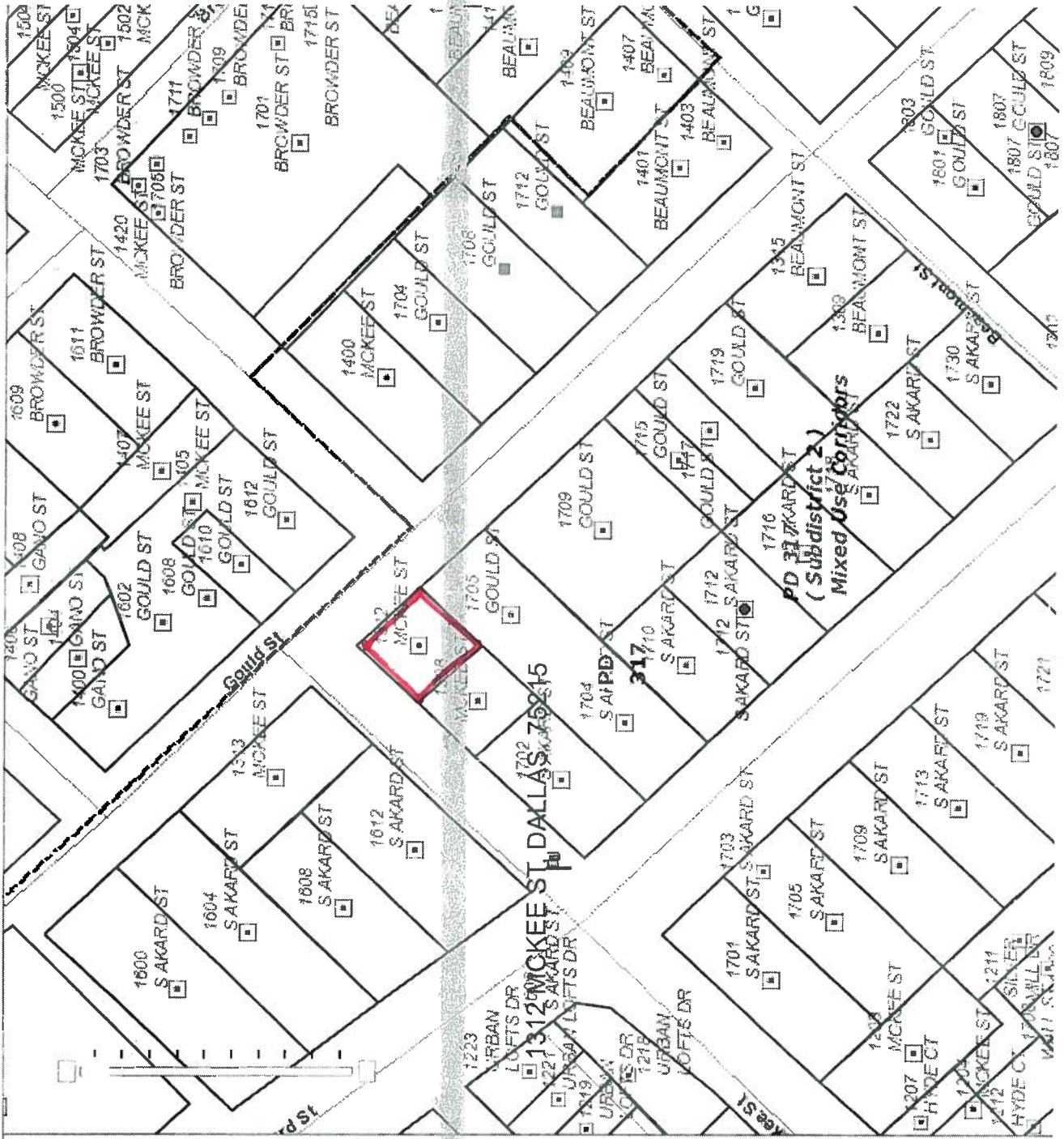
Tax Parcels

Zoning Grid

Stormwater

Water Distribution

Waste Water Collect









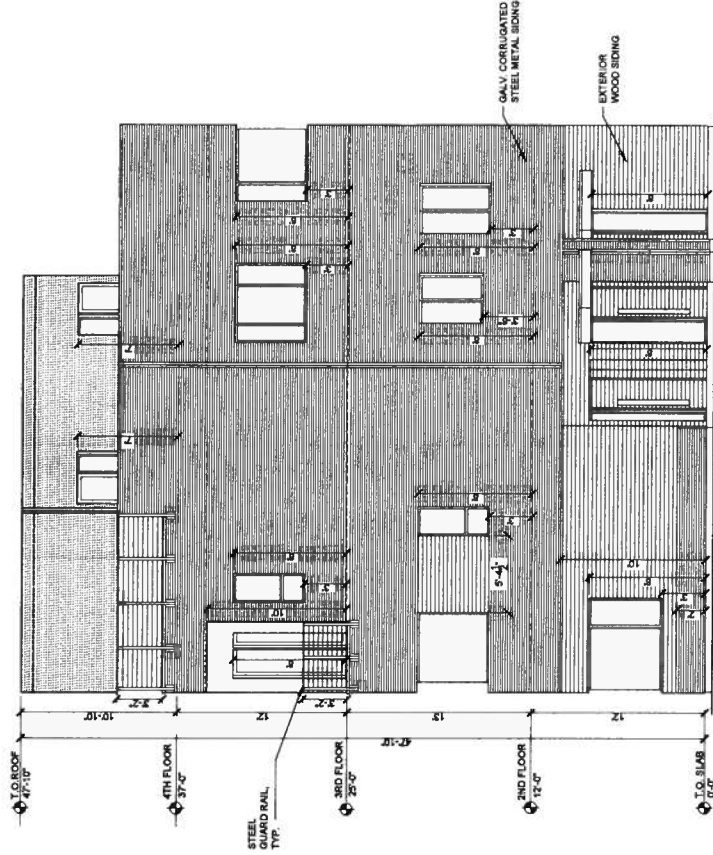




ISSUE LOG	DESCRIPTION	DATE

JOB NO.  
 SHEET NO. OF SOUTH EAST ELEVATIONS

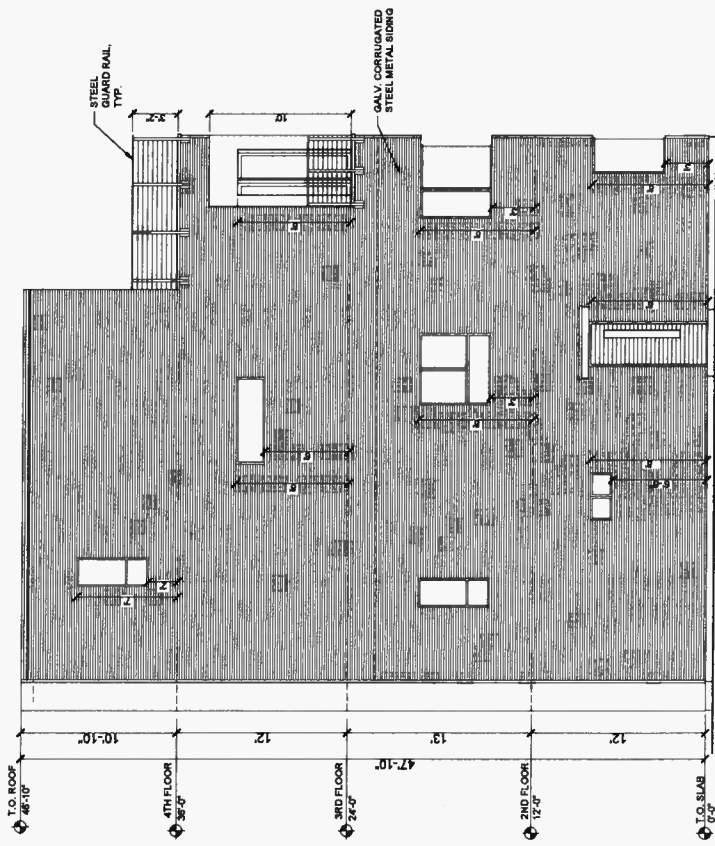
SHEET NO.  
**A-3-20**



VIEW FROM GOULD STREET

SCALE 3/4" = 1'-0"

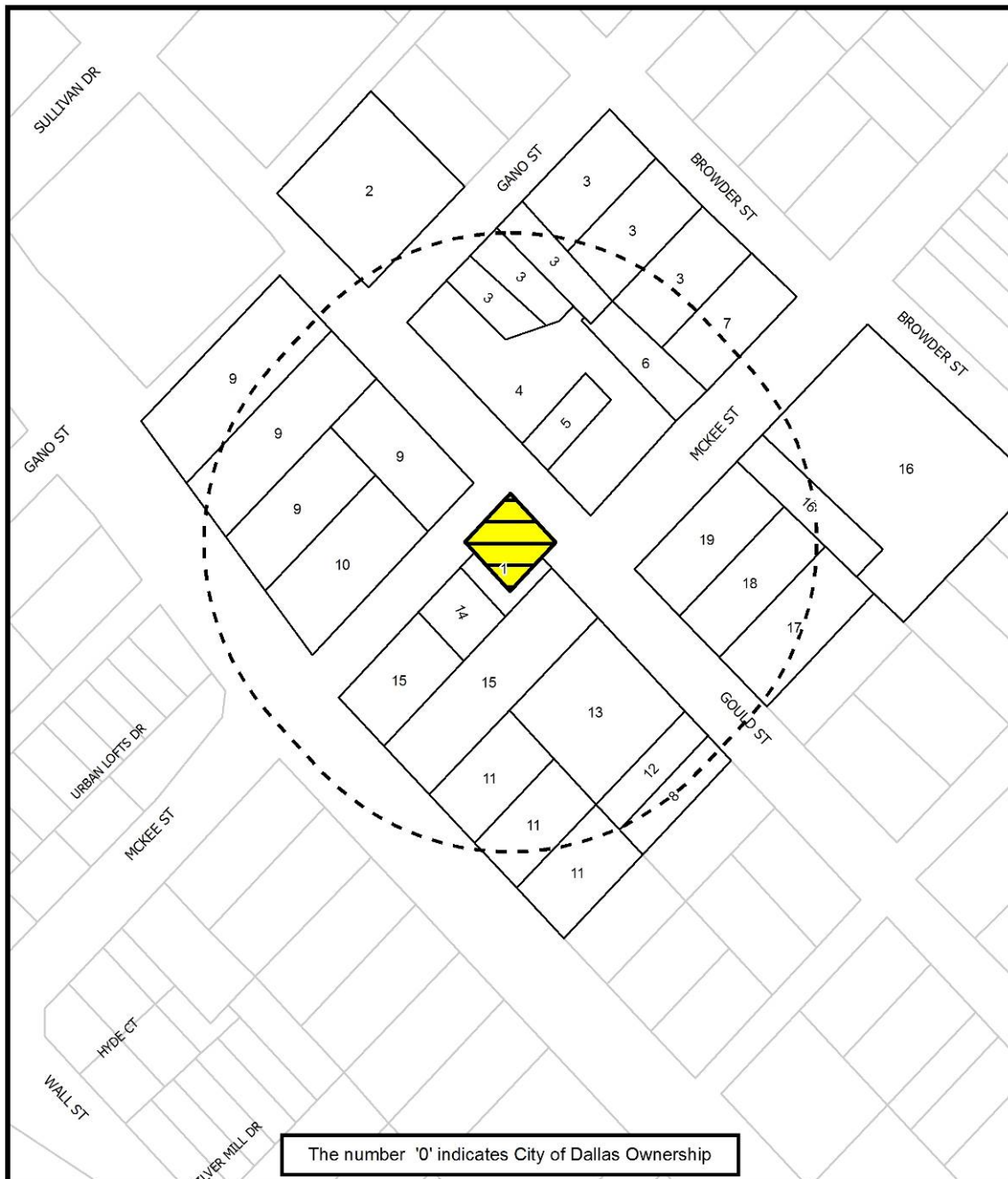
1 SOUTH ELEVATION



VIEW FROM ADJACENT PROPERTY PARALLEL TO MCKEE STREET

SCALE 3/4" = 1'-0"

2 EAST ELEVATION



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA167-040</b>
	200' AREA OF NOTIFICATION 19 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/20/2017</b>

## *Notification List of Property Owners*

***BDA167-040***

### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1312 MCKEE ST	RITETRACK BUILDER INC
2	1401 GANO ST	KAPLAN HARRY L ESTATE
3	1408 GANO ST	CHARALAMBOPOULOS FAY
4	1400 GANO ST	BLANCHARD BECKER FAMILY TRUST
5	1610 GOULD ST	DANIEL DAVID O
6	1407 MCKEE ST	DANIEL DAVID
7	1611 BROWDER ST	ALVARADO LIVING TRUST
8	1717 GOULD ST	MARTINEK MARK K
9	1600 S AKARD ST	KAPLAN HARRY L
10	1612 S AKARD ST	GALINET DAVID BRUCE
11	1716 S AKARD ST	SOUTHPAW 1712 LLC
12	1715 GOULD ST	BLACKLAND LAND & PPTY MGMT LLC
13	1709 GOULD ST	SHIPBUILD LLC
14	1308 MCKEE ST	MENDOZA JOSEFINA
15	1704 S AKARD ST	AMORY STREET PPTIES LLC SERIES A
16	1701 BROWDER ST	COLLINS J PATRICK
17	1710 GOULD ST	FEIGENSON JEFFREY &
18	1704 GOULD ST	DIJKMAN CELIA MARIA TRUST
19	1400 MCKEE ST	VELA STEVEN



**FILE NUMBER:** BDA167-042(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for variances to the side yard setback and building height regulations at 5608 Live Oak Street. This property is more fully described as Lot 25, Block 16/1872, and is zoned MF-2(A), which requires a side yard setback of 10 feet, and limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and maintain a structure and provide a 7 foot side yard setback, which will require a 3 foot variance to the side yard setback regulations, and to construct and maintain a structure with a building height of 34 feet, which will require a 8 foot variance to the maximum building height regulations.

**LOCATION:** 5608 Live Oak Street

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

**REQUESTS:**

The following requests are made on a site that is being developed with 3-unit, 2-3-story, multifamily structure:

1. A variance to the side yard setback regulations of 3' is made to complete/modify and maintain part of the existing structure that is located 7' from the site's southwest side property line or 3' into the site's 10' side yard setback; and
2. A variance to the height regulations (specifically to the residential proximity slope) of 8' is requested to complete/modify and maintain the structure to 34' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the PD 63 H/1 Area B single family residentially-zoned property immediately southeast of the subject site by 8'.

**STANDARD FOR A VARIANCE:**

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

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Denial of the requests

Rationale:

- Staff concluded that the applicant had not substantiated how the variances were 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning district.
- Staff concluded that the characteristics/features of the subject site (flat, rectangular in shape (130' x 56'), and approximately 7,400 square feet in area) should not preclude the applicant from developing it with a multifamily development that is commensurate with others in the same zoning district and that complies with all zoning code provisions including setback and height regulations.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MF-2(A) (Multifamily district)  
North: MF-2(A) (Multifamily district)  
South: MF-2(A) (Multifamily district)  
East: PD 63 H/1 Area B (Planned Development district)  
West: MF-2(A) (Multifamily district)

**Land Use:**

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

**Zoning/BDA History:**

1. BDA156-040, Property at 5608 Live Oak Street (the subject site) On April 20, 2016, the Board of Adjustment Panel C denied requests for variances to the side yard setback, building height, and off-street parking regulations without prejudice. The case report stated the a variance to the side yard setback regulations of 2' was made to complete and maintain part of the structure that is located 8' from the site's southwest

side property line or 2' into the site's 10' side yard setback\*; a variance to the height regulations (specifically to the residential proximity slope) of 9' 2" was made to complete/modify and maintain the 35' 2" high structure that exceeded the maximum 26' in height permitted by the residential proximity slope that begins at the PD 63 H/1 Area B single family residentially-zoned property immediately southeast of the subject site; a variance to the off-street parking regulations was made to locate and maintain required and/or excess parking for the multifamily use/structure in the required front yard.

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

- The request for a variance to the side yard setback regulations of 3' focuses on completing/modifying and maintaining part of a 3-unit, 2-3 story, multifamily structure with an approximately 2,400 square foot building footprint to be modified and located 7' from the site's southwest side property line or 3' into the site's 10' side yard setback.
- The Dallas Development Code requires lots zoned MF-2(A) developed with structures other than single family or duplex structures to provide a minimum side yard setback of 10'.
- The applicant has submitted a site plan that represent that a 7' side yard setback is provided from the site's side property line on the southwest or 3' into the 10' side yard setback.
- According to DCAD records, the "main improvement" at 5608 Live Oak Street is a "townhome" built in 2015 with 5,595 square feet of living/total area; and with "additional improvements" listed as three, 2 square foot decks, and three, 322 square foot attached garages.
- The site is flat, rectangular in shape (130' x 56'), and according to the application is 0.17 acres (or approximately 7,400 square feet) in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance 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 variance to side yard setback regulations 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 MF-2(A) zoning classification.
  - The variance to side yard setback regulations 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 MF-2(A) zoning classification.

- If the Board were to grant the request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which, in this case, is a structure that would be located 7' from the side property line on the southwest or as much as 3' into this 10' side yard setback.

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

- The request for a variance to the height regulations (specifically to the residential proximity slope) of 8' focuses on completing/modifying and maintaining the structure to 34' – a height that exceeds the maximum 26' in height permitted by residential proximity slope that begins at the PD 63 H/1 Area B single family residentially-zoned property immediately southeast of the subject site.
- The maximum height for a structure in a MF-2(A) zoning district is 36', however, any portion of a structure over 26' in height cannot be located above a residential proximity slope.
- In this case, given that the subject site is immediately adjacent to single family residentially-zoned property PD 63 H/1 Area B (Planned Development district) to the southeast (with a land use as a single family uses), the height of a structure must comply with a 1:3-slope (or 1 foot in height for every 3 foot away from property in an R, R(A), D, D(A), TH, TH(A) residential zoning district). The RPS slope on the subject site begins at the PD 63 H/1 Area B (Planned Development district) zoned property southeast of the site. (PD 63 Area B states that uses are limited to single-family uses, and that except at otherwise provided in the ordinance, the development standards applicable to an R-7.5(A) Single-Family District apply to all property in Area B).
- The Building Official's Report states that a variance to the height regulations of 8' is requested since there is a structure proposed to reach 34' in height or 8' higher/beyond than the 26' height allowed for the structure as it is located on this subject site.
- The applicant has submitted an elevation that represents a 1:3-slope (or 1 foot in height for every 3 foot away from property in a CH, MF-1, MF-1(A), MF-2, and MF-2(A) residential zoning district) on the structure seeking variance.
- According to DCAD records, the "main improvement" at 5608 Live Oak Street is a structure built in 2015 with 5,595 square feet of living/total area; and with "additional improvements" listed as three, 2 square foot decks, and three, 322 square foot attached garages.
- The site is flat, rectangular in shape (130' x 56'), and according to the application is 0.17 acres (or approximately 7,400 square feet) 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 to height regulations 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 MF-2(A) zoning classification.
- The variance to height setback regulations 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 MF-2(A) zoning classification.
- If the Board were to grant the request, and impose the submitted elevation as a condition, the structure in the exceeding the height limit or the RPS would be limited to what is shown on this document– which, in this case, is a structure that would be exceed the height limit/RPS by 8’.

**Timeline:**

January 27, 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.

March 15, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. 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.”

March 15, 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 March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

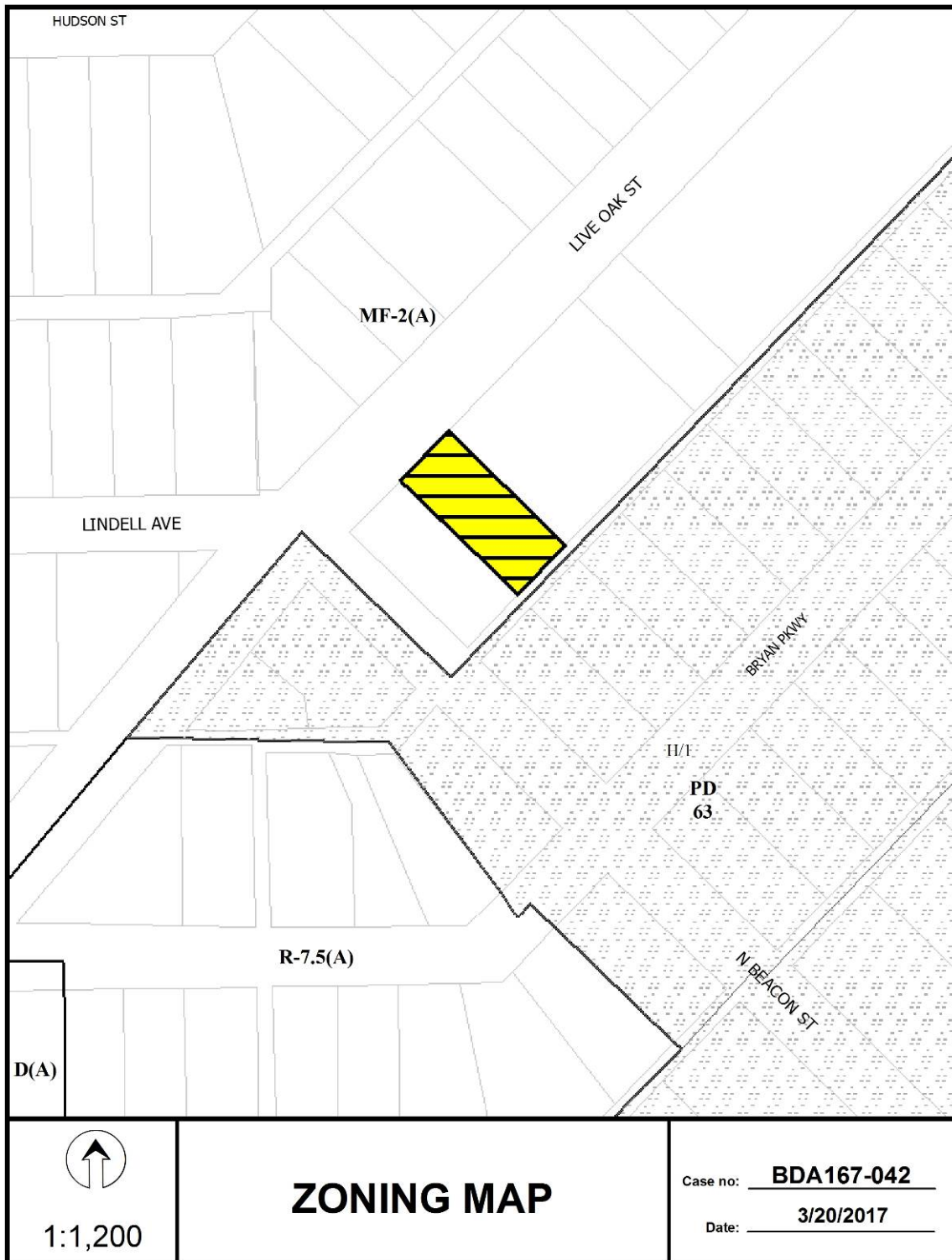
March 31, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

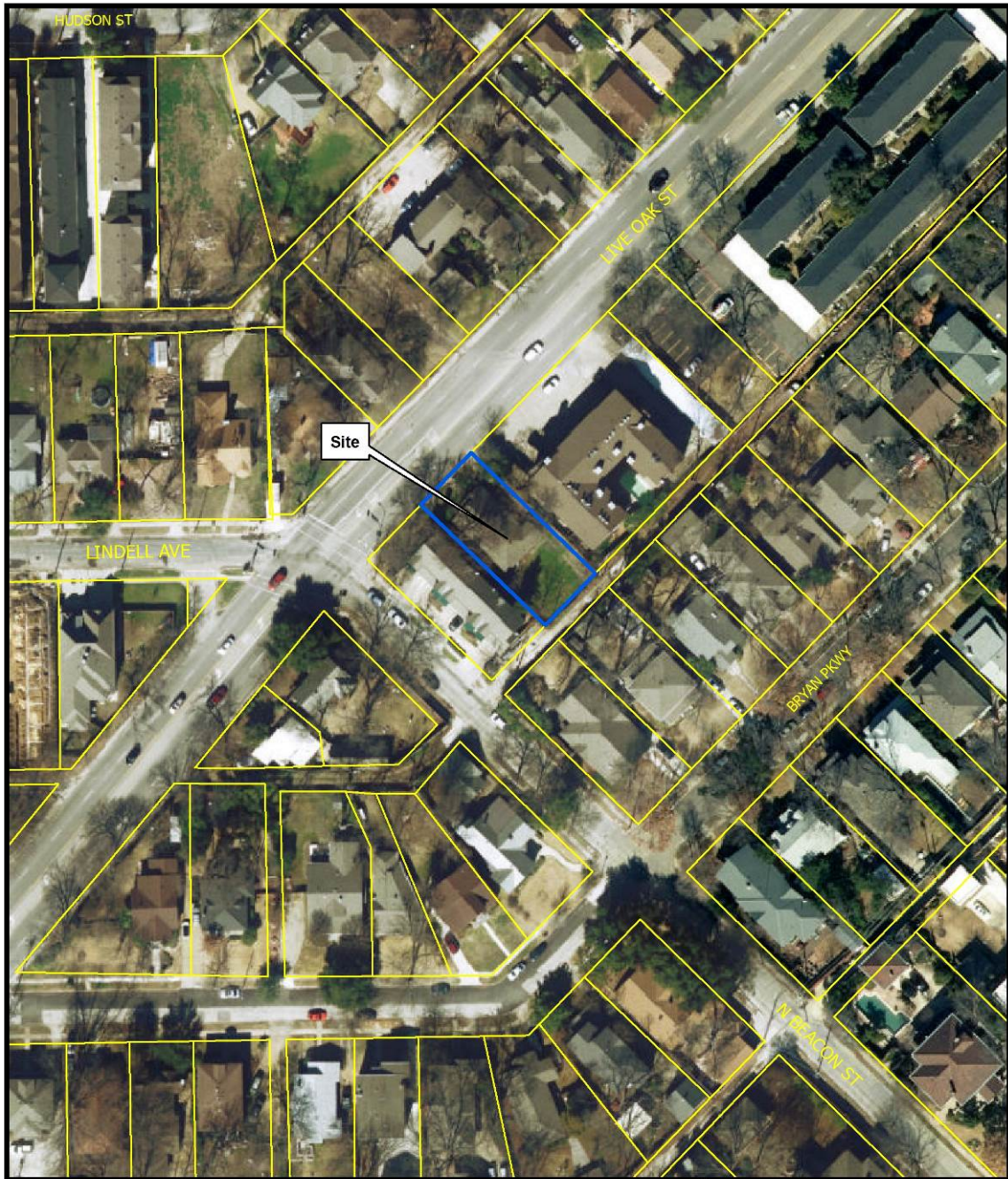
April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public

hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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







1:1,200

# AERIAL MAP

Case no: BDA167-042

Date: 3/20/2017







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-042

Data Relative to Subject Property:

Date: January 27, 2017

Location address: 5608 ~~5806~~ Live Oak Street Zoning District: MF-2(A)

Lot No.: 25 Block No.: 16/1872 Acreage: 0.17 acres Census Tract: ~~11.04~~ 11.02

Street Frontage (in Feet): 1) 56 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BMFI Leverage Sub I 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 X, or Special Exception   , of 3 feet to the side yard regulations and 8 feet to the height regulations to allow a multifamily structure with a 7-foot side yard setback on the west and to allow the structure of 34 feet in height

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 building was originally permitted in error, violating RPS, parking, and setbacks. The proposed site plan shows revisions to the building to allow for a more compatible structure with the single family adjacency to the south.

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.

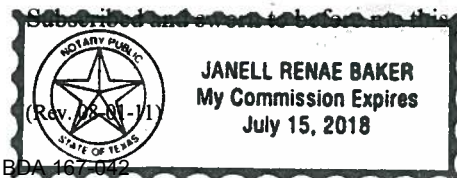
Affidavit

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)

27 day of January 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** for a variance to the side yard setback regulations, and for a variance to the building height regulation

**at** 5608 Live Oak Street

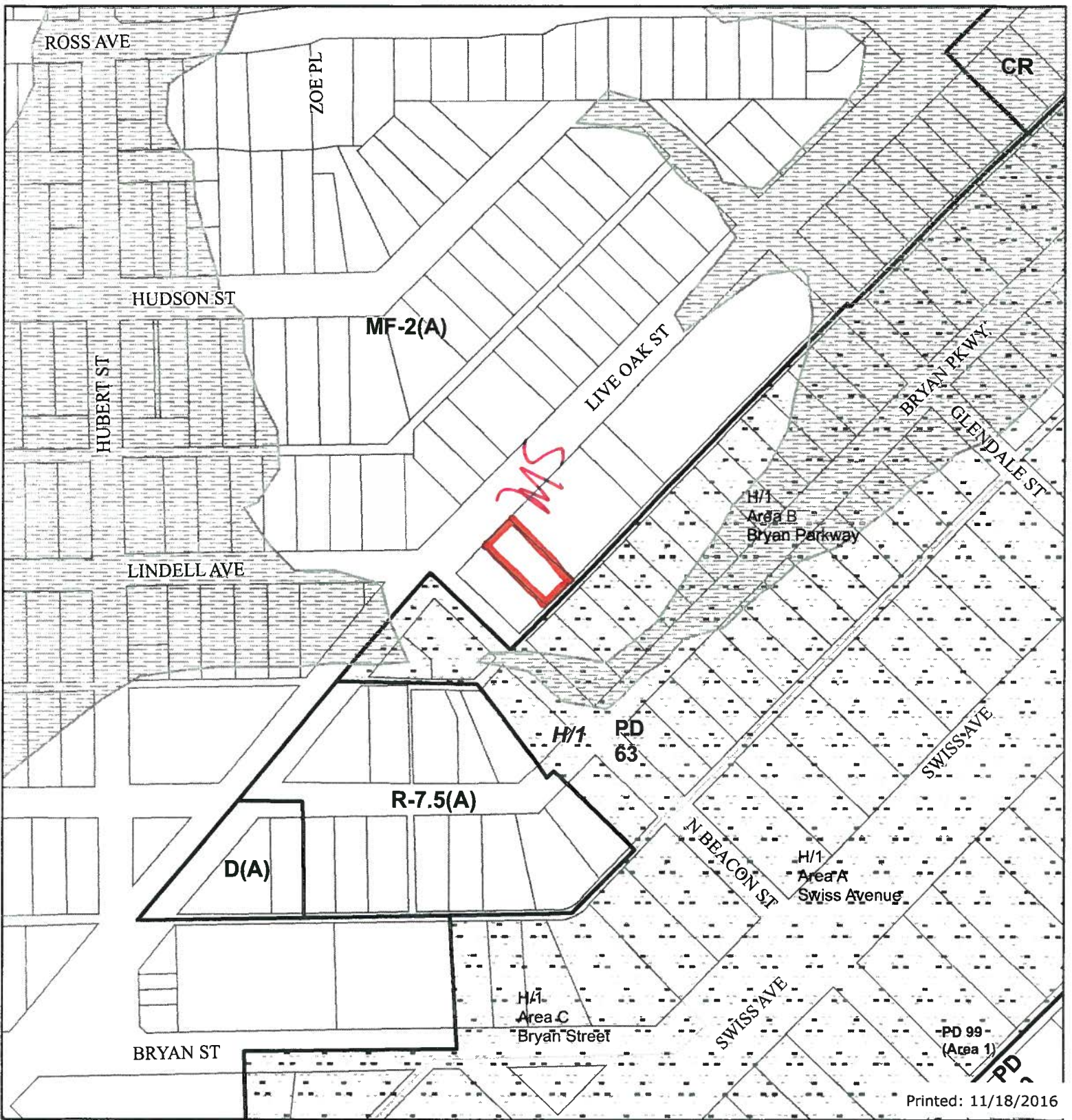
BDA167-042. Application of Robert Baldwin for a variance to the side yard setback regulations and a variance to the building height regulation at 5608 Live Oak Street. This property is more fully described as Lot 25, Block 16/1872, and is zoned MF-2(A), which limits the maximum building height to 26 feet due to a residential proximity slope and requires a side yard setback of 10 feet. The applicant proposes to construct and maintain multifamily residential structure and provide a 7 foot side yard setback, which will require a foot variance to the side yard setback regulation, and to construct and maintain a multifarr residential structure with a building height of 34 feet, which will require a 8 foot variance to the maximum building height regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







Printed: 11/18/2016

**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                | Height Map Overlay             | Historic Overlay      | Slope 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)



BDA 167-042

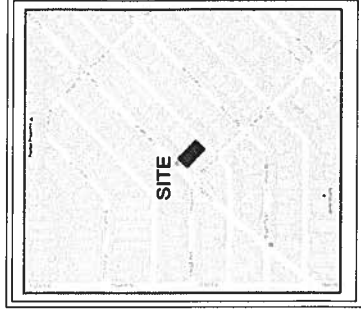
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5608 LIVE OAK  
CITY OF DALLAS, TEXAS

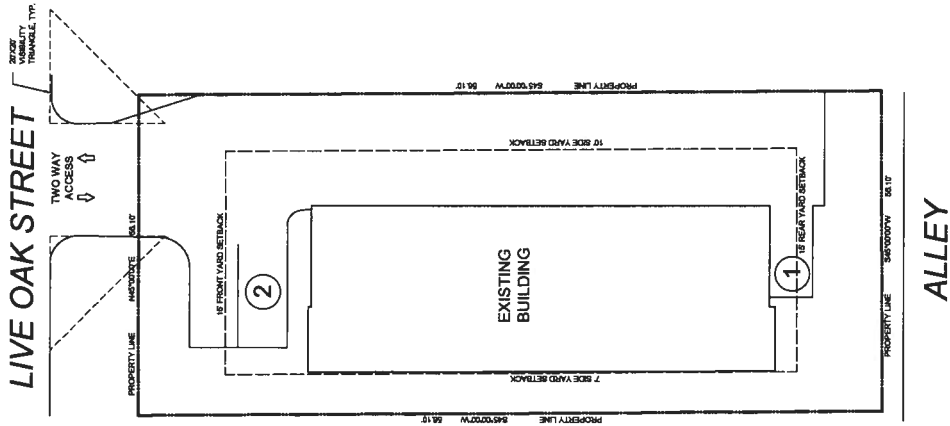
**Baldwin**  
Associates

BALDWIN  
ASSOCIATES  
3904 Elm Street, Suite B  
Dallas, Texas 75226  
MOBILE: 214.729.7949  
OFFICE: 214.824.7949  
rob@baldwinplanning.com

PROJECT NUMBER  
01/28/2017



- SITE NOTES:
1. MULTI-FAMILY USE: 3 UNITS
  2. PARKING
    - REQUIRED: 7
    - PROVIDED: 8



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

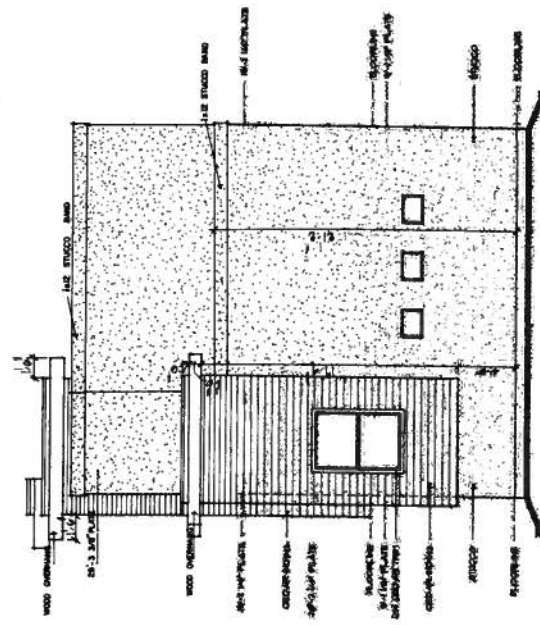




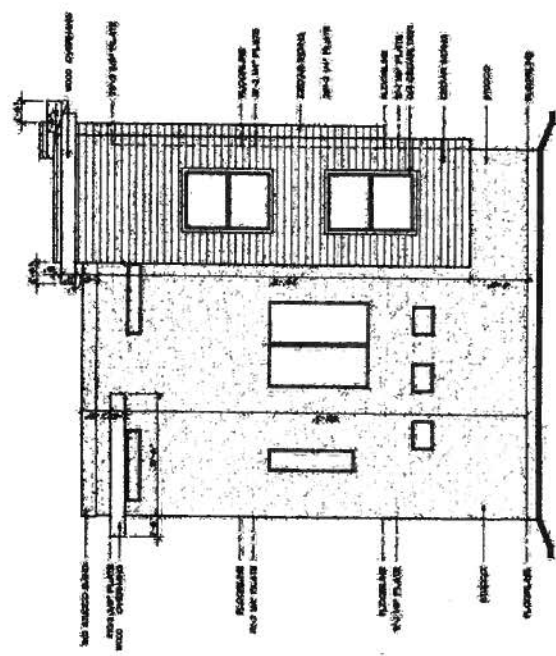


5608 LIVE OAK ST.  
DALLAS, TX  
LOT 25 BLOCK 16/1872  
MUNGER PLACE

10



RIGHT ELEVATION

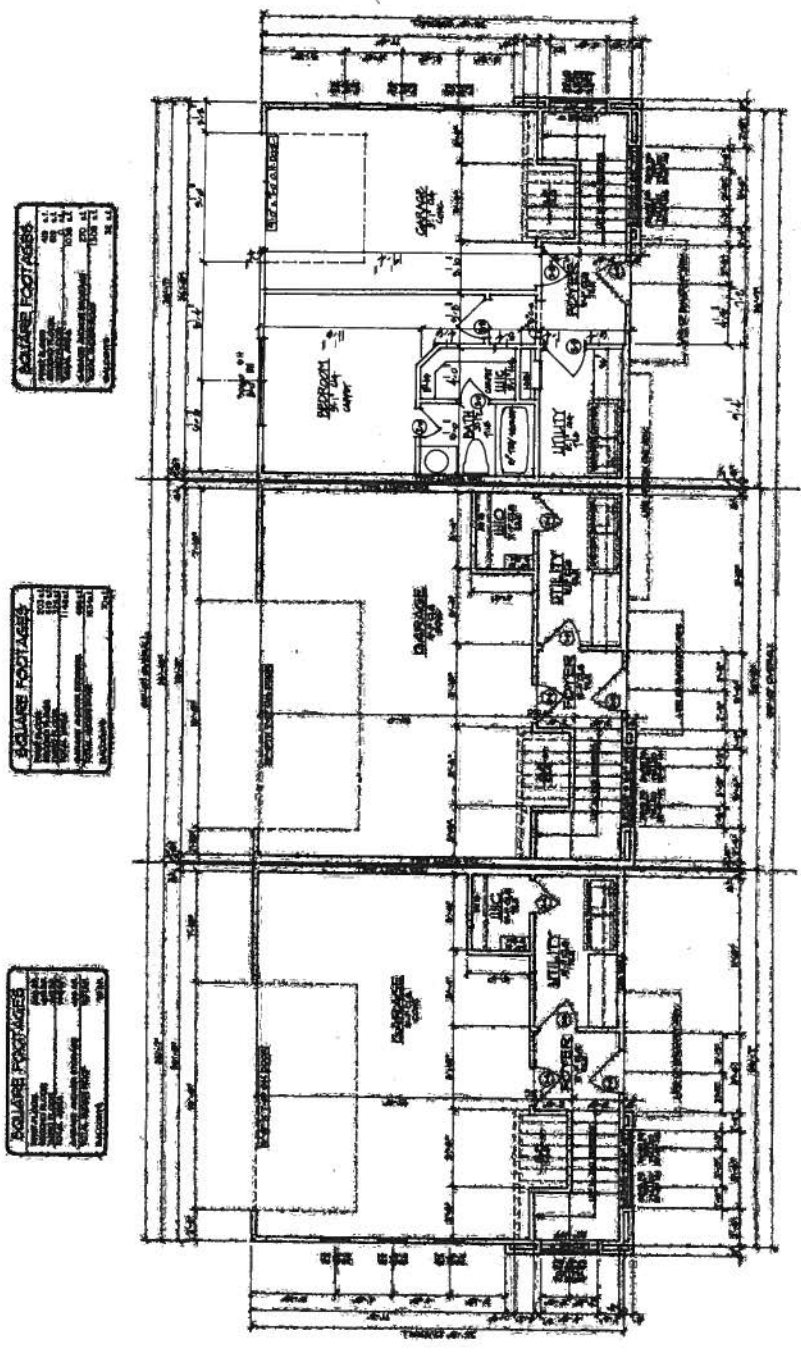


LEFT ELEVATION

5608 LIVE OAK ST.  
 DALLAS, TX  
 LOT 25 BLOCK 1817Z  
 MUNIER PLACE

1

**1ST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



**SQUARE FOOTAGES**

UNIT 1	1,100
UNIT 2	1,100
UNIT 3	1,100
TOTAL	3,300

**SQUARE FOOTAGES**

UNIT 1	1,100
UNIT 2	1,100
UNIT 3	1,100
TOTAL	3,300

**SQUARE FOOTAGES**

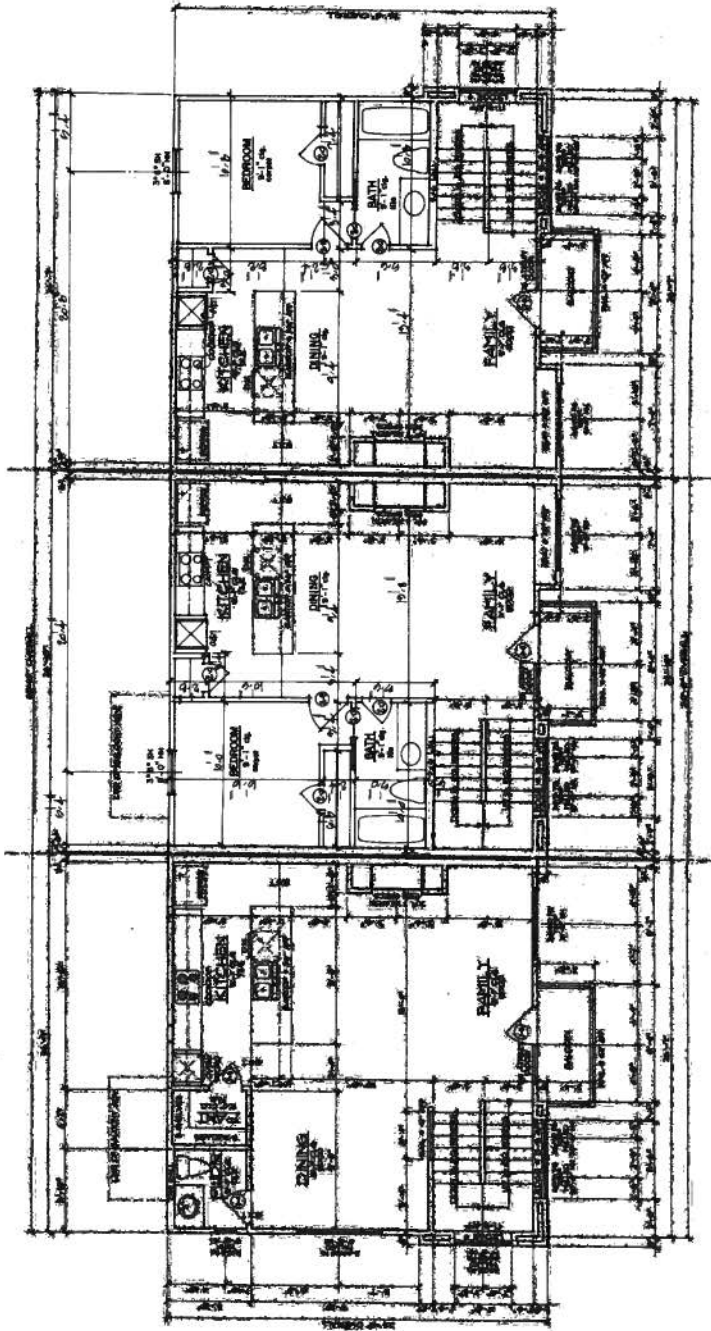
UNIT 1	1,100
UNIT 2	1,100
UNIT 3	1,100
TOTAL	3,300



5608 LIVE OAK ST.  
DALLAS, TX  
LOT 25 BLOCK 18187Z  
MUNGER PLACE

2

**2ND FLOOR PLAN**  
SCALE: 1/8" = 1'-0" ARCH. TRACES







 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-042</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;">43</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/20/2017</b>	



## *Notification List of Property Owners*

### *BDA167-042*

#### *43 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5608 LIVE OAK ST	LIVE OAK UNITS LLC
2	5927 LINDELL AVE	5927 LINDELL LLC
3	5931 LINDELL AVE	POSTON SAQUITA JACKSON
4	5922 LINDELL AVE	SANCHEZ CHRISTIAN
5	5935 BRYAN PKWY	LEBER ANTHONY M
6	5941 BRYAN PKWY	DANIELS STEVEN V
7	5943 BRYAN PKWY	GREINER JUSTIN DAVID &
8	5953 BRYAN PKWY	WILLIAMS JOE E &
9	1215 N BEACON ST	LAKHANI RIZWAN
10	6003 BRYAN PKWY	KILLIAN JOSHUA F & KELLY
11	6005 BRYAN PKWY	BARKER JEFFREY H
12	6009 BRYAN PKWY	FREELAND LAURA C &
13	6015 BRYAN PKWY	VINDIOLA GEORGE A & SHANNON S
14	6019 BRYAN PKWY	TRIPTOW RICHARD & JENNIFER
15	6023 BRYAN PKWY	MAYFIELD WALTER & PAULINE
16	5624 LIVE OAK ST	5656 LIVE OAK LLC
17	5609 LIVE OAK ST	BEACONS END LLC
18	5603 LIVE OAK ST	LOPEZ MARIA ANTONIETA
19	5619 LIVE OAK ST	BEACONS END LLC
20	1212 N BEACON ST	SHIER CHARMAINE C
21	1212 N BEACON ST	SWANN ROBERT WARREN
22	1212 N BEACON ST	FREIS GARY & NANCY
23	1212 N BEACON ST	CHILDERS WILLIAM BRENT
24	5620 LIVE OAK ST	PIERCE IAN DOUGLAS
25	5620 LIVE OAK ST	MAGEE JUNE
26	5620 LIVE OAK ST	SALVO JAMES

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	5616 LIVE OAK ST	CONTRERAS JOSE
28	5616 LIVE OAK ST	MUNGIOLI ALESSANDRO
29	5612 LIVE OAK ST	SALVO JAMES J
30	5620 LIVE OAK ST	BLODGETT JILL
31	5620 LIVE OAK ST	LAWLER GARY
32	5620 LIVE OAK ST	LAW OFFICES OF DONALD W HICKS SR PC
33	5616 LIVE OAK ST	PECK LAKE INVT LLC
34	5620 LIVE OAK ST	FUSE KARAMOKO
35	5612 LIVE OAK ST	MYRE DAVID
36	5620 LIVE OAK ST	FORREST BARRY JR &
37	5620 LIVE OAK ST	HEYLAND EDWARD
38	5620 LIVE OAK ST	MORAN CHARLOTTE
39	5620 LIVE OAK ST	MORAN CHARLOTTE
40	5616 LIVE OAK ST	MAGEE JUNE
41	5616 LIVE OAK ST	LOCKE PROPERTIES
42	5612 LIVE OAK ST	ROBINSON CYNTHIA REED
43	5612 LIVE OAK ST	APODACA ADRIAN I &

**FILE NUMBER:** BDA167-047(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Danny Sipes for special exceptions to the fence standards and visual obstruction regulations at 10545 Lennox Lane. This property is more fully described as Lot 3, Block F/5534, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 10545 Lennox Lane

**APPLICANT:** Danny Sipes

**REQUESTS:**

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

1. A request for a special exception to the fence standards related to fence height of 2' is made to construct and maintain a fence higher than 4' in height in the site's Lennox Lane 40' front yard setback – a 6' high wrought iron fence with 6' high solid sliding wrought iron gates and 6' high columns;
2. A request for a special exception to the fence standards related to fence height of 4' is made to construct and maintain a fence higher than 4' in height in the site's Isabella Lane 40' front yard setback – an 8' solid wood fence and gate;
3. A request for a special exception to the fence standards related to fence materials is made to construct and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned 8' high solid wood fence along Isabella Lane) located on the Isabelle Lane front lot line (or less than 5' from this front lot line); and
4. Requests for special exceptions to the visual obstruction regulations are made to maintain portions of the aforementioned solid 8' high wood fence in two 20' visibility triangles at a driveway into the site on Lennox Lane.

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

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



**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION (fence standards):**

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

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:

- Compliance with a revised site plan/elevation to be submitted by the applicant that represents the location of the western gate on Isabella Lane to be a minimum of 20' from the roadway edge is required.

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director Engineering who has no objections to these requests with the condition that the applicant submit a revised site plan/elevation that represents the location of the western gate on Isabella Lane to be a minimum of 20' from the roadway edge.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted with the staff suggested condition imposed because with this condition, the solid 8' high wood fence in two 20' visibility triangles at a driveway into the site on Lennox Lane would not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

1. BDA145-119, Property located at 10545 Lennox Lane (the subject site)

On November 16, 2015, the Board of Adjustment Panel C granted a request for special exception to the single family use regulations and imposed the following condition: The applicant must deed restrict the property to prevent the use of the additional dwelling unit as rental accommodations.

The case report stated that request was made to construct and maintain a 1 1/2-story guest house/additional “dwelling unit” structure on a site being developed with a 2-story main single family home/dwelling unit structure.

2. BDA956-177, Property located at 10615 Lennox Lane (the lot north of subject site)

On April 23, 1996, the Board of Adjustment Panel C reversed the decision of the Building Official, denied a request for a variance to the front yard setback regulations without prejudice, and granted a request for a special exception to the fence height regulations of 4’ and imposed the following condition: subject to a revised site plan/elevation and a landscape plan. The revised site plan/elevation and landscape plan are to be submitted to the Board Administrator subject to the condition that the height of the fence at the corner of Harry’s Lane and Lennox Lane transitions from 6’ 6” at that portion parallel along Lennox Lane to 9’ at the column located along Harry’s Lane approximately 20’ west of the northwest corner of Lennox Lane and Harry’s Lane.

The case report stated the requests were made to: 1) appeal the Building Official’s decision that the portion of the subject site along Harry’s lane is a front yard rather than a side yard; 2) maintain portions of an existing fence along Harry’s Lane and a proposed fence along Lennox Lane exceed the maximum permitted height for fences in front yards; and 3) maintain a portion of an existing house and an existing fence along Harry’s Lane that do not comply with the

3. BDA078-061, Property at 10564 Lennox Lane (the property northeast of the subject site)

maximum setbacks and heights for structures and fences in front yards.

On May 19, 2008, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4' and imposed the submitted revised site plan and elevation as a condition.

The case report stated the request was made to construct and maintain a 6' high wrought iron fence with 6' 6" high columns and a 5' 7" high entry gate with 8' high stone columns.

4. BDA001-176, Property at 4612 Isabella Lane (the lot south the subject site)

On March 20, 2001, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 2' and imposed the submitted site plan and elevation as a condition.

The case report stated the request was made to construct and maintain a 5' high open metal fence with 5' high masonry columns and 6' high decorative metal gates in the front yard setback on a site that was developed with a single family house.

5. BDA989-216, Property at 4611 Isabella Lane (a lot west of the subject site)

On May 17, 1999, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 1' 6" and imposed the submitted site/landscape plan and elevations as a condition.

The case report stated the request was made to construct and maintain a 5' high open metal fence with 5' 6" high stucco columns and 6' high decorative metal gates in the front yard setback on a site that was developed with a single family house.



6. BDA078-053, Property at 10453 Lennox Lane (two lots south of the subject site) On April 14, 2008, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 6' and imposed the submitted revised site/elevation as a condition. The case report stated the request was made to construct and maintain a 6' high open metal fence with 6' 6" high stucco columns and two gates (one at 10' in height, the other at 7' in height) in the front yard setback on a site that was developed with a single family house.
7. BDA989-277, Property located at 10522 Lennox Lane (a lot east of subject site) On August 24, 1999, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4' and imposed the submitted revised site and elevation plan dated June 1999 as a condition. The case report stated the request was made to construct and maintain a 5' high open metal fence with 6' 3" high brick columns and a 7' 6" high gate with 8' high brick columns.

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- The focus of the three requests for special exceptions to the fence standards (two are related to height of up to 4' and one is related to fence materials) is constructing and maintaining a 6' high wrought iron fence with 6' high wrought iron sliding gates and 6' high columns in the site's Lennox Lane 40' front yard setback, and an 8' high solid wood fence and gate in the site's Isabella Lane 40' front yard setback on the front lot line on a site being developed with a single family home.
- The subject site is zoned R-1ac(A) which requires a 40' front yard setback.
- 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.
- Additionally 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 five feet from the front lot line.
- The site is located at the northwest corner of Lennox Lane and Isabella Lane.
- Given the R-1ac(A) single family zoning and location of the corner lot subject site, it has two 40' front yard setbacks – a front yard setback along Lennox Lane (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Isabella Lane, (the longer of the two frontages which is typically considered a side yard where on this R-1ac(A) zoned property where a 9' high fence could be erected by right). However the site has a front yard setback along Isabella Lane in order to maintain continuity of the established front

yard setback along this street frontage where a home/lot to the west of the subject site “fronts” on Lennox Lane.

- The applicant has submitted two site plan/elevation documents of the proposal fences in the front yard setbacks with notations indicating that the proposal reaches a maximum height of 8’.
- The applicant has submitted a site plan/elevation of the proposal along Isabella Lane with a fence panel having a surface area that is less than 50 percent open and located less than 5’ from this front lot line – an 8’ high solid wood fence approximately 250’ in length located on this front lot line.
- The following additional information was gleaned from the submitted site plan:
  - Along Lennox Lane: the proposal is represented as being approximately 270’ in length parallel to the street and approximately 37’ perpendicular to the street on the north side of the site in this required front yard; located approximately 3’ from the front property line or approximately 23’ from the pavement line; two single family lots front the proposal, both with fences taller than 4’ in the front yard setbacks that appear to be results of fence height special exceptions granted by the Board.
  - Along Isabella Lane: the proposal is represented as being approximately 250’ in length parallel to the street and approximately 40’ perpendicular to the street on the west side of the site in this required front yard; located approximately on the front property line or approximately 12’ from the pavement line; two single family lots front the proposal, one with a fence taller than 4’ in the front yard setback that appears to be a result of fence height special exception granted by the Board.
- The Board Administrator conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4’ in height and located in a front yard setback. Each fence noted appears to be a result of special exceptions granted by the Board of Adjustment. (The “Zoning/BDA History” section of this case report provides details on these neighboring fences).
- As of April 7, 2017 no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height of 4’ and to location and materials on Isabella Lane will not adversely affect neighboring property.
- Granting these special exceptions to the fence standards related to height of up to 4’ and to location and materials in certain areas on the site with a condition imposed that the applicant complies with the two submitted site plan/elevation documents, would require the proposal exceeding 4’ in height in the front yard setbacks and in some areas solid fence panels on the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

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

- The requests for special exceptions to the visual obstruction regulations focus on locating and maintaining portions of an 8’ high solid wood fence in two 20’ visibility triangles at a driveway into the site on Isabella Lane.

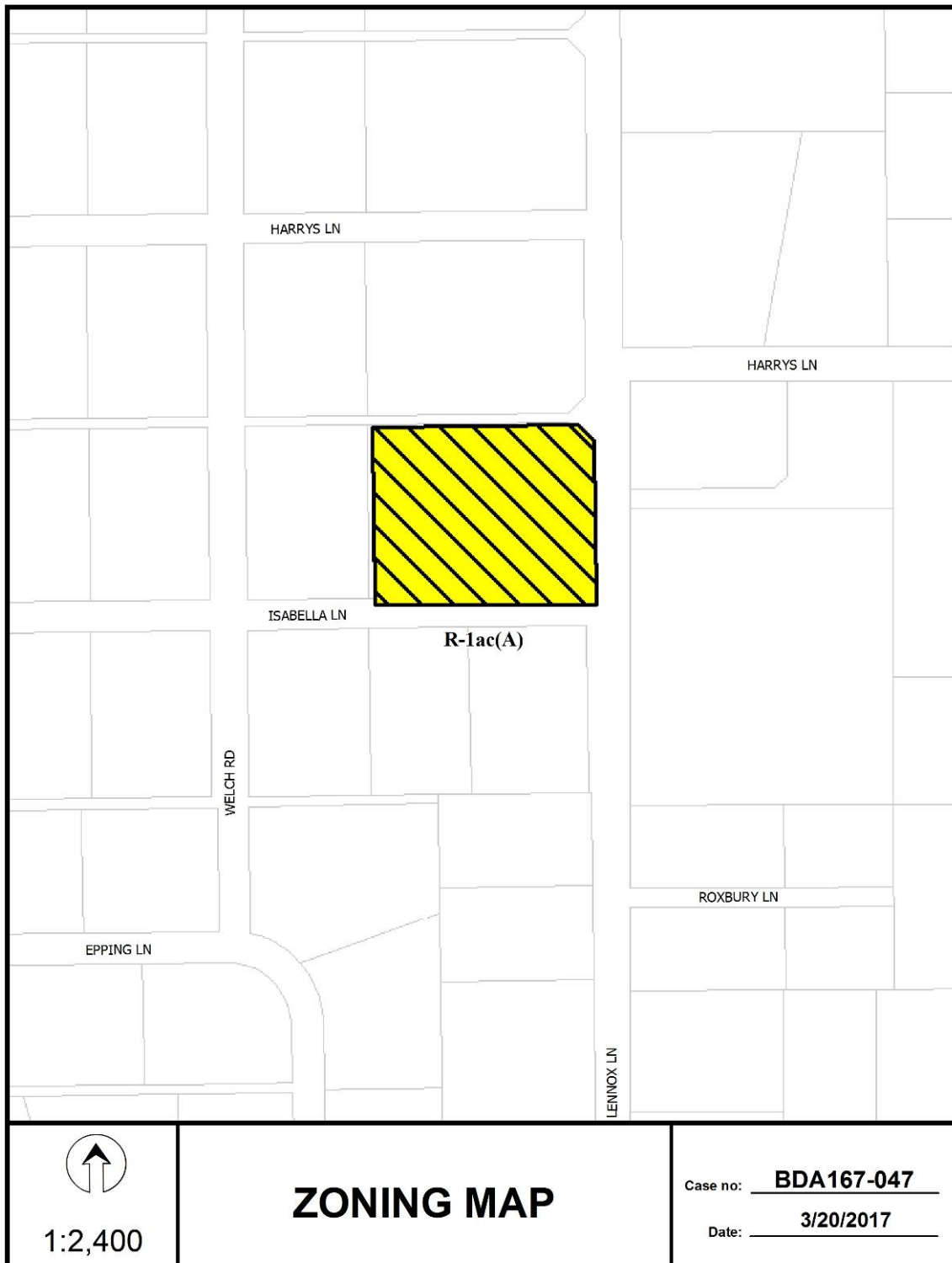
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a site plan/elevation representing an 8' high solid wood fence in the two, 20' visibility triangles at a driveway into the site on Lennox Lane.
- The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet marked "Has no objection if certain conditions are met" with the following additional comment: "The gates shall be located a minimum of 20' from the roadway edge to prevent blocking traffic on these narrow streets". (Note that the only gate that is represented on the applicant's submitted site plans/elevations to be less than 20' from the roadway edge is the western gate on Isabella Lane).
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to locate and maintain portions of an 8' high solid wood fence located in two 20' visibility triangles at a driveway into the site on Isabella Lane, do not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted site plan/elevation would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on this document.

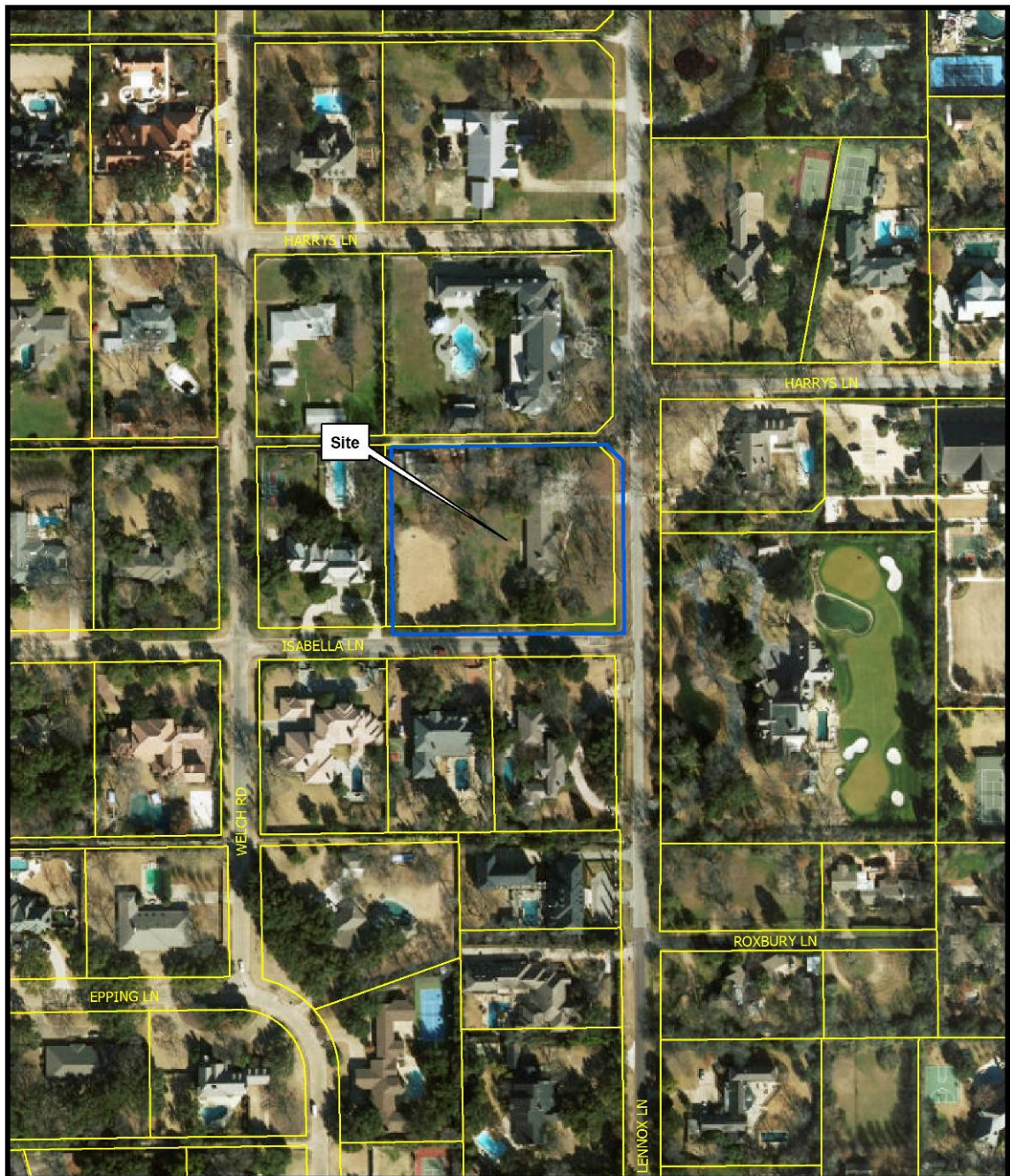
**Timeline:**

- February 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.
- March 15, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- March 15, 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 March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standards that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.



- April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- April 5, 2017: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report on this application to the Board Administrator (see Attachment A).
- April 7, 2017: The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet marked "Has no objection if certain conditions are met" with the following additional comment: "The gates shall be located a minimum of 20' from the roadway edge to prevent blocking traffic on these narrow streets". (Note that the only gate that is represented on the applicant's submitted site plans/elevations to be less than 20' from the roadway edge is the western gate on Isabella Lane).





1:2,400

# AERIAL MAP

Case no: BDA167-047

Date: 3/20/2017







City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-047

Data Relative to Subject Property:

Date: 02-16-17

Location address: 10545 Lemmot Ln. Zoning District: R-12c(A)

Lot No.: 3 Block No.: F15534 Acreage: 2.08 Census Tract: 76.01

Street Frontage (in Feet): 1) 357' 2) 255.3' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Lenny Trust 2147940213

Applicant: DANNY SIPES Telephone: 8170827218

Mailing Address: PO Box 3293, Forney, Tx Zip Code: 7512075210

E-mail Address: danny@txpermit.com

Represented by: \_\_\_\_\_ Telephone: 8170827218

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

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

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of 2' for fence in front yard, ~~width~~ and special exception of driveway usability triangles obstruction

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 additional fence height will not have an effect on any property because it is conservative with other properties! The visibility triangle is on a private drive with a fence that is almost see through and with no

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 DANNY SIPES  
(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: Danny Sipes  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of Feb, 2017

(Rev. 08-01-11)

BDA 167-047



[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 Danny Sipes

did submit a request for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 10545 Lennox Lane

BDA167-047. Application of Danny Sipes for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 10545 Lennox Lane. This property is more fully described as Lot 3, Block F/5534, and is zoned R-1ac(A) which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation, and to construct and maintain a residential fence structure in a required visibility obstructive triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend

#### Locate Property

Search by:

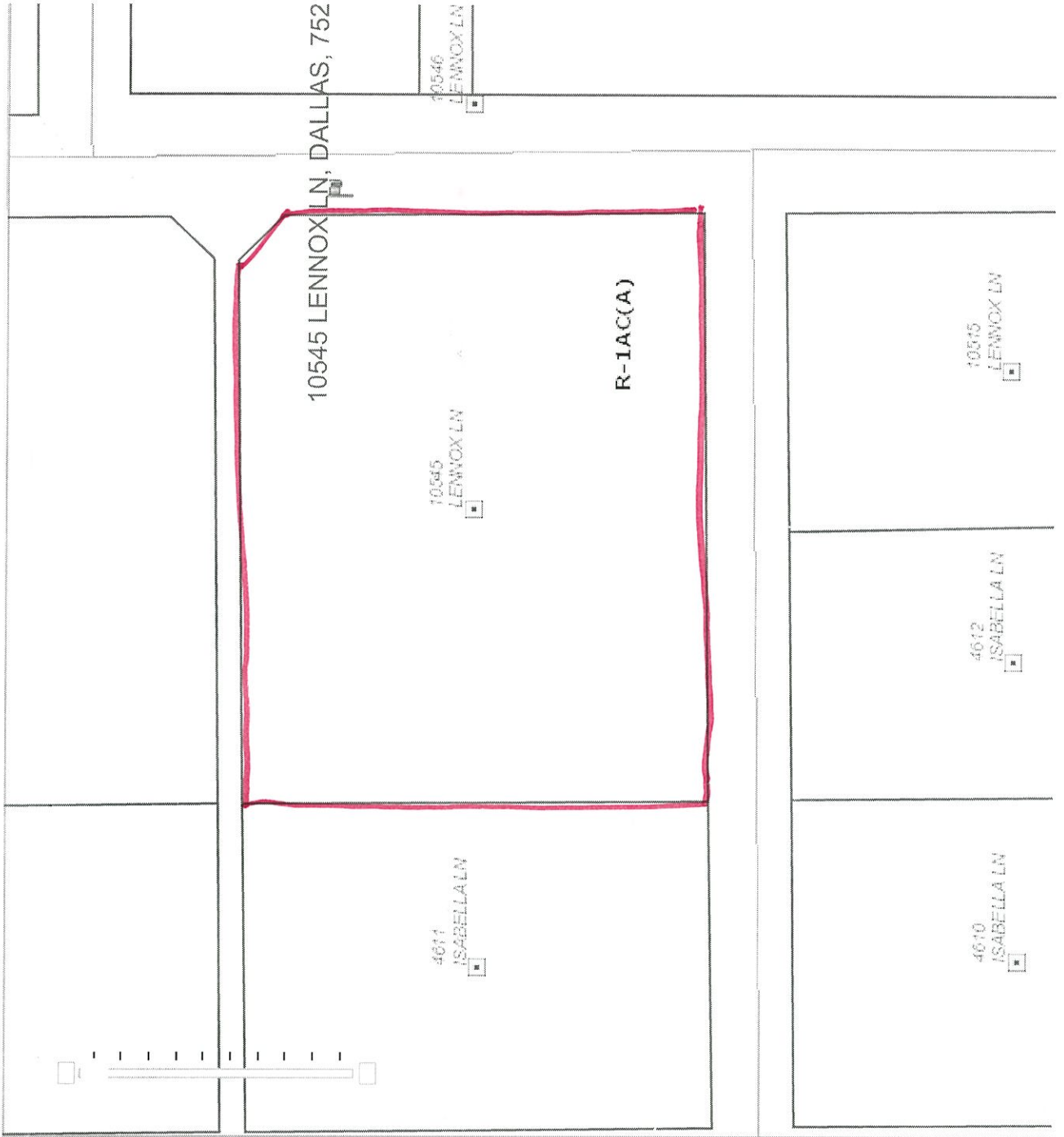
GIS Account #

OR

Street address,  
10545 lennox

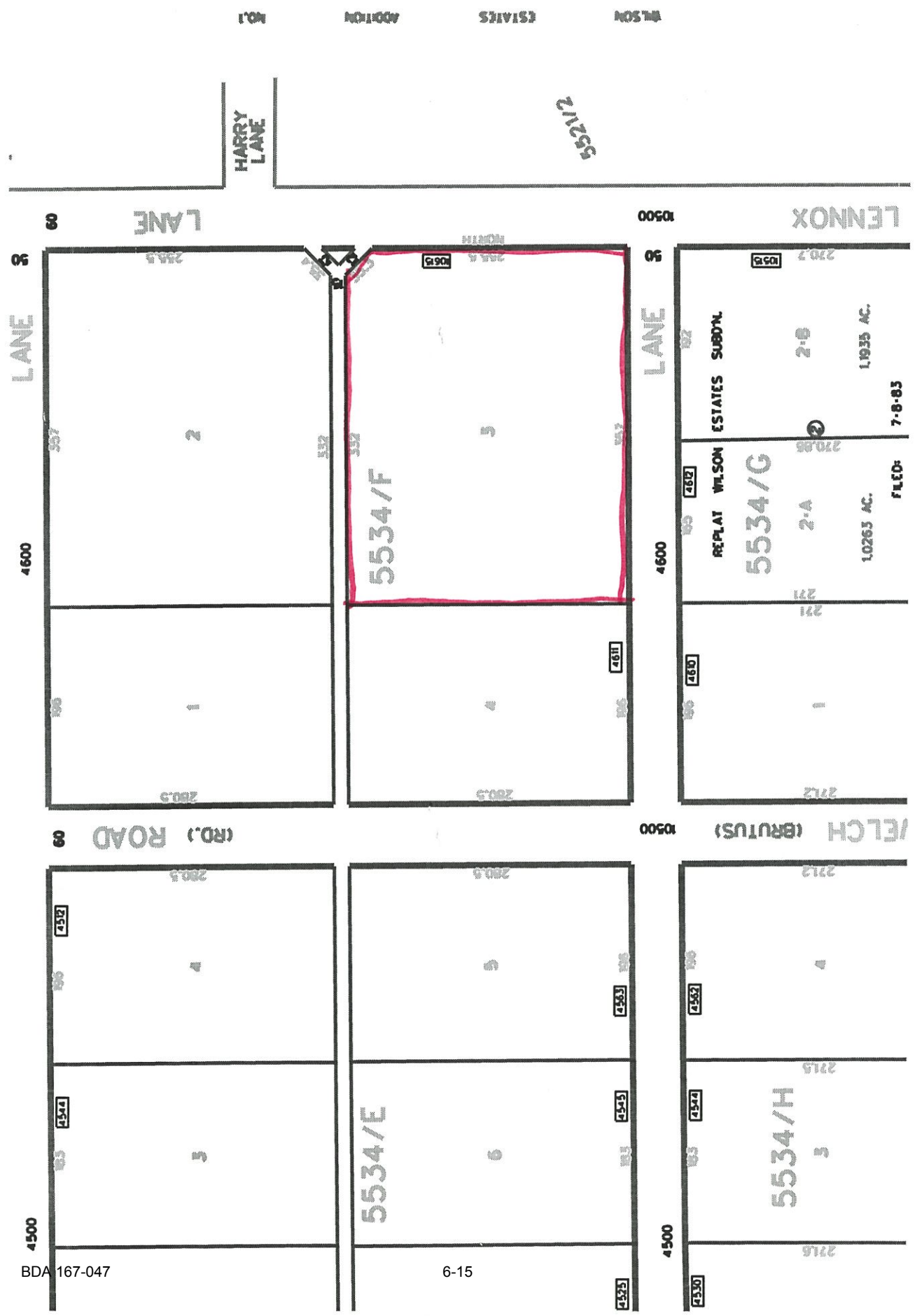
OR

Parcel address.  
Use street type for better re



82

Handwritten mark







**YERDI**  
 LANDSCAPE ARCHITECTURAL  
 10545 Lennox Ln, Dallas, TX 75229  
 (214) 343-1100  
 www.yerdi.com

**PROJECT NAME**  
 THE EVERETT RESIDENCE  
 LANDSCAPE ARCHITECTURAL DRAWINGS FOR:  
 CONSTRUCTION DOCUMENTS  
 10545 Lennox Ln, Dallas, TX 75229

**DATE**  
 11 JAN 2013  
 11 FEB 2013  
 11 MAR 2013  
 11 APR 2013  
 11 MAY 2013  
 11 JUN 2013  
 11 JUL 2013  
 11 AUG 2013  
 11 SEP 2013  
 11 OCT 2013  
 11 NOV 2013  
 11 DEC 2013

NO.	DATE	DESCRIPTION
1	11 JAN 2013	PRELIMINARY
2	11 FEB 2013	REVISIONS
3	11 MAR 2013	REVISIONS
4	11 APR 2013	REVISIONS
5	11 MAY 2013	REVISIONS
6	11 JUN 2013	REVISIONS
7	11 JUL 2013	REVISIONS
8	11 AUG 2013	REVISIONS
9	11 SEP 2013	REVISIONS
10	11 OCT 2013	REVISIONS
11	11 NOV 2013	REVISIONS
12	11 DEC 2013	REVISIONS

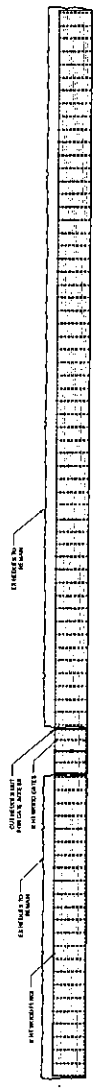
**SCALE**  
 1" = 10'-0"



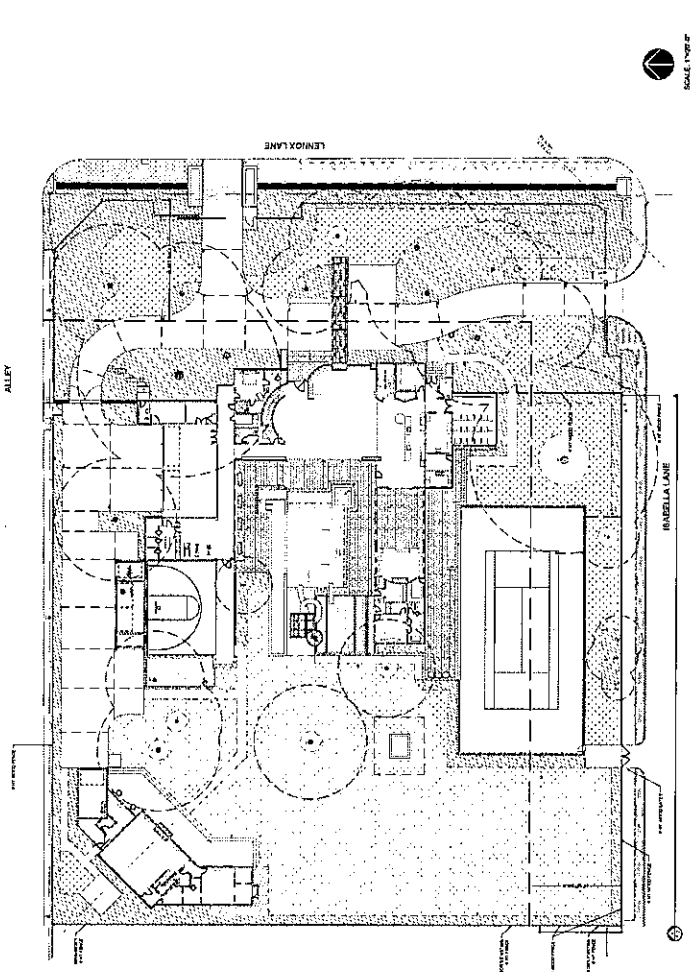
**DRAWING TITLE**  
 BOUNDARY  
 FENCE PLAN

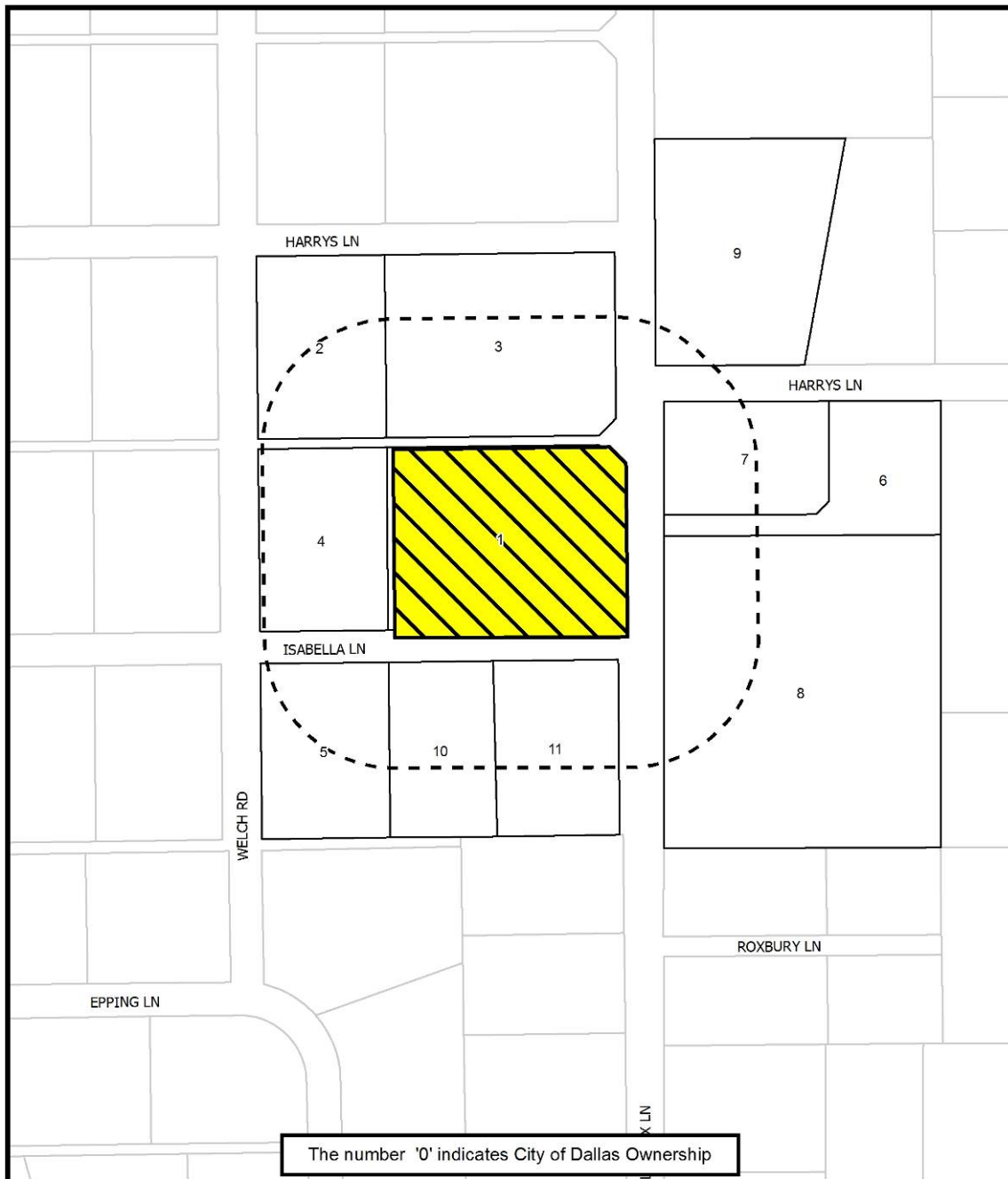
**DESIGNED BY**  
 SA  
**CHECKED BY**  
 BR

**SHEET NUMBER**  
 F-2



**A** ISABELLA LN. FENCE  
 SCALE: 1" = 10'-0"





 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA167-047</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;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>3/20/2017</b>

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

### ***BDA167-047***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10545 LENNOX LN	LENNY TRUST
2	10580 WELCH RD	GITELMAN AARON S & MARY GRIMES LIV TR THE
3	10615 LENNOX LN	AZOUZ DAVID & ANGIE B
4	4611 ISABELLA LN	DURHAM CLARK &
5	4610 ISABELLA LN	WILSON ELLEN E REVOCABLE TRUST
6	4770 HARRYS LN	COUNTESS DIANA LTD
7	10564 LENNOX LN	COUNTESS DIANA LTD
8	10540 LENNOX LN	ANDERSON MICHAEL SCOTT
9	10626 LENNOX LN	JUTRAS ROBERT N & DORIS L
10	4612 ISABELLA LN	SHALABI HAMDY M & ISLAM H
11	10515 LENNOX LN	NGUYEN ALEXANDER T & JOANNE V