

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, APRIL 18, 2016
AGENDA

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

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

MISCELLANEOUS ITEMS

	Approval of the March 21, 2016 Board of Adjustment Panel C Public Hearing Minutes	M1
BDA156-009(SL)	2350 Flora Street REQUEST: Of Jonathan Vinson to extend the time in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment Panel C's favorable action in February of 2016 for a variance to the off-street loading regulations	M2

UNCONTESTED CASES

BDA156-031(SL)	9835 Walnut Hill Lane REQUEST: Application of Sandra Wilkinson for a special exception to the sign regulations	1
BDA156-032(SL)	7225 N. Janmar Drive REQUEST: Application of Jane Sumner, represented by Michael R Coker, for a variance to the front yard setback regulations	2

BDA156-039(JM)	6475 Northport Drive REQUEST: Application of C. Michael Jones for special exceptions to the visual obstruction regulations	3
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HOLDOVER CASE

BDA156-027(SL)	1015 N. Carroll Avenue REQUEST: Application of Allan R. Brown, represented by Steven Dimitt, for a variances to the front yard setback regulations and building height regulations	4
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REGULAR CASE

BDA156-040(SL)	5608 Live Oak Street REQUEST: Application of Eric Hopkins for variances to the side yard setback regulations, building height regulations, and off-street parking regulations	5
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EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA156-009(SL)

REQUEST: To extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment Panel C's favorable action on a request for a variance to the off-street loading regulations granted (with a condition) on February 18, 2016.

LOCATION: 2350 Flora Street

APPLICANT: Jonathan Vinson

STANDARD FOR EXTENDING THE TIME PERIOD IN WHICH TO APPLY FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY:

- The Dallas Development Code states:
 - The applicant shall file an application for a building permit or certificate of occupancy within 180 days for the date of the favorable action of the board, unless the applicant files for and is granted (by the Board of Adjustment) an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice and the applicant must begin the process to have his request heard again.
- The *Board of Adjustment Working Rules of Procedure* state the following with regard to extensions of the time period for making application for a building permit or certificate of occupancy:
 - A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a *specific finding* based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the board extend the time period beyond 18 months from the date of its favorable action.

Timeline:

February 18, 2016: The Board of Adjustment Panel C granted a request for a variance to off-street loading regulations and imposed the following condition: Compliance with the submitted site plan is required. The case report stated that this request was made to construct and maintain a hotel or motel use with no large size loading space that

is to be part of a mixed use office/residential/retail development on a site that is partially developed with office and parking garage, and partially undeveloped.

March 10, 2016: The applicant sent a letter to the Board Administrator requesting an extension of the time period in which to make application for a building permit or certificate of occupancy (see Attachment A).

March 11, 2016: The Board Administrator emailed the applicant acknowledging his request for the Board to extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days that the applicant had to do so from the February 18th favorable action. The applicant was emailed the following additional information:

- an attachment that provided the public hearing date of the request; and 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;
- an attachment of materials related to BDA156-009; and
- The Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

April 7, 2016: The applicant submitted additional documents to the Board Administrator (see Attachment B).

March 10, 2016

Via Scan/Email and U.S. Mail

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

Re: BDA 156-009(SL); 2350 Flora Street.

Dear Mr. Long:

As you know, the above-referenced application for a variance to the applicable loading regulations for property located at 2350 Flora Street was approved by Panel C of the Zoning Board of Adjustment under BDA 156-009 (SL), at the February 18, 2016, meeting. Pursuant to the applicable provisions of the *Dallas Development Code*, the applicant must file an application for a Permit necessary to effect the variance within 180 days from the date of the favorable action of the Board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. Pursuant to Section 9.j of the Board's Working Rules of Procedure, this extension can be granted for up to a total of 12 *additional* months after the 180 day period after the date of its original favorable action.

The Applicant in BDA 156-009(SL) now requests that an item be placed on the April 18, 2016, Panel C agenda for the purpose of requesting an extension of an additional 12 months beyond the 180-day period within which the applicant may file an application for a permit necessary to effect the variance granted under BDA 156-009(SL) on February 18, 2016. The extension would therefore be until approximately August 18, 2017. The reason that this extension of time is necessary is that the proposed project is a particularly complex project, given its size, its very urban character, the mixed-use component, and the desire for high quality interaction with the public realm, among other factors, so the design process is very lengthy.

It is very important to the owner to complete the highest quality design, which in turn must be done before construction drawings can be prepared (also a very lengthy process) and submitted for a Building Permit. Allowing this additional time within which to complete the design and prepare construction drawings will ensure the highest quality of the project, which in turn will benefit the neighboring residents and properties as well as the City as a whole.

Please also recall that this request originally received support from the Arts District organization, and was approved on the uncontested docket with no opposition.

Please also accept this letter as our affirmation, also pursuant to Board Rule 9.j, that there are no substantially changed conditions or circumstances affecting the property. The property itself remains exactly as it was in terms of property conditions, and the proposed development project, as approved by the Board, is the same in terms of the submitted site plan. The only reason for the extension request is to ask for additional time within which to complete the design and construction drawings and submit for a Building Permit.

Therefore, and due to those circumstances, we are requesting that an item for the above-described request for an extension of an additional 12 months within which to apply for permits be placed on the April 18, 2016, Panel C Agenda. Thank you very much for your assistance with this. Please let me know if you have any questions or if you need any additional information.

Very truly yours,


Jonathan G. Vinson

JGV:wp

cc: Don Braun
Stephanie Byrd
Bryan McMath
Peter Kuo
Dustin Siegrist
John DeShazo
David Nevarez

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

April 7, 2016

Via Scan/Email

Hon. Chair and Members, Panel C
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 156-009(SL); Request for Extension of Time

Dear Members of Panel C:

We appeared before you on February 18, 2016, and secured your approval under BDA 156-009 of a variance to the applicable loading regulations for this site, which is at 2350 Flora Street in P.D. 145, the Arts District P.D. We are now respectfully asking you for an extension of 12 months for the approved variance.

Accompanying this letter are the Disposition Letter from Mr. Steve Long dated February 23, 2016, the Memorandum of Action Taken, and the stamped Site Plan showing your approval at that time. As you will recall, our request was to not be required to provide the one large loading space otherwise required for the prospective hotel use, due to the existing physical site conditions and the demonstrable fact that a large loading space is not necessary to serve this particular use. However, the approved Site Plan shows the location of a large loading area at street level if ever needed.

We are now asking for an extension of twelve months beyond the 180 days after the original February 18, 2016, approval date within which the Applicant may file the application for a permit necessary to effect the variance, pursuant to Section 9.J of the Board's Working Rules of Procedure. This requested extension would therefore be until approximately August 18, 2017. As discussed in my March 10, 2016, letter to Mr. Steve Long, also attached. We have several reasons for asking for this extension.

First, this is a particularly complex project, given its size, its urban character, the mixed use component, and the desire for high quality interaction with the public realm, particularly important given its central location in the Arts District. Therefore, the design process for this project, as for any such project, is particularly lengthy and complex.

Second, it is very important to the owner/applicant, as well as in the best interest of the surrounding Arts District and the larger community, to complete the highest quality architectural

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Hon. Chair & Members, Panel B
April 7, 2016
Page 2

and landscape design for this project. This design work must be completed before the construction drawings can be prepared, which in turn must be completed before they can be submitted for a Building Permit.

Allowing the additional twelve months requested within which to complete the design and prepare construction drawings will insure the highest quality and most meticulous planning for the project, which in turn will benefit the neighboring Arts District as well as the City as a whole. I have also attached a copy of our February 5, 2016, letter to Panel C to refresh your recollection of the site conditions and the proposed project.

Please also recall that this request received the support of the Arts District organization and saw no opposition whatsoever. In addition, the City Staff had recommended approval, and Panel C approved our request on the Uncontested Docket. Finally, as stated in my March 10 letter to Mr. Long, there are no substantially changed conditions or circumstances affecting the property, and the proposed project as approved by Panel C previously is the same in terms of what you saw at your February 18 hearing.

Therefore, we respectfully request an extension of time of an additional twelve months beyond the 180-day period after the original approval date of February 18, 2016, within which to apply for the Permits necessary to effect the variance already granted; that is, until approximately August 18, 2017. Thank you very much for your consideration of our request, and we look forward to appearing before you at your April 18 hearing.

Very truly yours,



Jonathan G. Vinson

cc: Don Braun
Stephanie Byrd
Brian McMath
Peter Kuo
Dustin Siegrist
John DeShazo
David Nevarez



CITY OF DALLAS

February 23, 2016

Jonathan Vinson
Jackson Walker LLP
2323 Ross Avenue, Suite 600
Dallas, Texas 75201

Re: BDA 156-009(SL), Property at 2350 Flora Street

Dear Mr. Vinson:

The Board of Adjustment Panel C, at its public hearing held on Thursday, February 18, 2016 granted your request for a for a variance to the off-street loading regulations of 1 large size loading space, subject to the following condition:

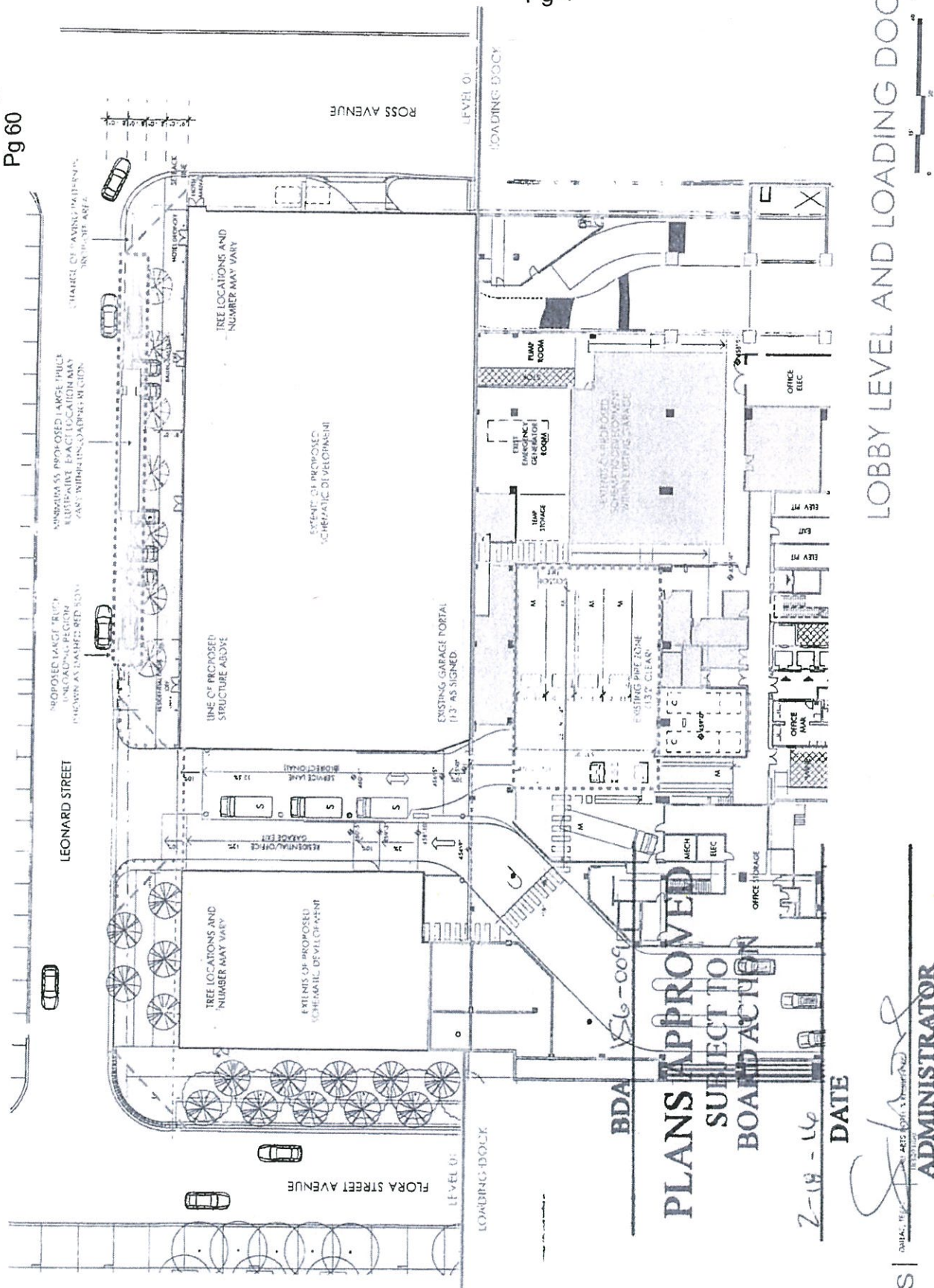
- Compliance with the submitted site plan is required.

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

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

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

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





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-009

Data Relative to Subject Property:

Date: 12-17-15

Location address: 2350 Flora St. Zoning District: PD 145

Lot No.: 1 Block No.: 530 Acreage: 2.70 acres Census Tract: 0017.01

Street Frontage (in Feet): 1) 345 FT 2) 338FT 3) 345FT 4) 338FT 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Hall Arts Residences LLC; Flora Street Retail II LLC; Hall Arts Pavilion LLC

Applicant: Jonathan G. Vinson Telephone: 214-953-5941

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

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

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

Affirm that an appeal has been made for a Variance X, or Special Exception _____,
To the off-street loading regulations stipulated in Sec. 51A-4.303 for the Hall Arts Office Tower, Hotel & Residences, specifically as detailed in the "variance request" section of the accompanying Technical Evaluation and as depicted on the accompanying exhibits.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:
A comprehensive evaluation for this development indicates that the existing underground structure presents physical limitations for goods and service vehicles and an evident hardship to accommodate the off-street loading requirements for large trucks; further the variance is not contrary to the public interest and owing to special conditions, literal enforcement would result in unnecessary hardship, and the variance is necessary to permit development of this specific parcel of land.

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

Respectfully submitted: By: Jonathan G. Vinson
Applicant's name printed

Jonathan G. Vinson
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Subscribed and sworn to before me this 17th of _____

Jonathan G. Vinson
Affiant (Applicant's signature)
December, 2015

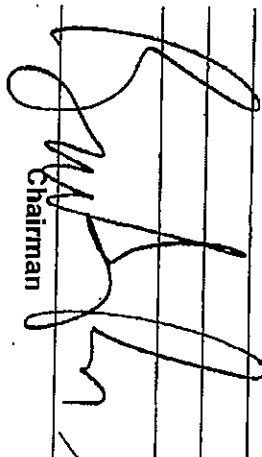


MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Feb. 18, 2016

Appeal was—Granted OR Denied

Remarks Granted—
Compliance with the
submitted site plan
is required.


Chairman

Building Official's Report

I hereby certify that Jonathan Vinson

did submit a request for a variance to the off-street loading regulation
at 2350 Flora Street

BDA156-009. Application of Jonathan Vinson for a variance to the off-street loading regulation at 2350 Flora Street. This property is more fully described as Lot 1, Block 530, and is zoned PD145, which requires one large off-street loading space be provided. The applicant proposes to construct a nonresidential structure for an office use, hotel or motel use, and multifamily use, and provide no large off-street loading spaces, which will require one space variance to the off-street loading regulation.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 18 DAY OF

February, 20 16


ADMINISTRATOR

Sincerely,


Larry Holmes, Building Official



Jonathan G. Vinson
214-953-5941
jvinson@jw.com

March 10, 2016

Via Scan/Email and U.S. Mail

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

Re: BDA 156-009(SL); 2350 Flora Street.

Dear Mr. Long:

As you know, the above-referenced application for a variance to the applicable loading regulations for property located at 2350 Flora Street was approved by Panel C of the Zoning Board of Adjustment under BDA 156-009 (SL), at the February 18, 2016, meeting. Pursuant to the applicable provisions of the *Dallas Development Code*, the applicant must file an application for a Permit necessary to effect the variance within 180 days from the date of the favorable action of the Board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. Pursuant to Section 9.j of the Board's Working Rules of Procedure, this extension can be granted for up to a total of 12 *additional* months after the 180 day period after the date of its original favorable action.

The Applicant in BDA 156-009(SL) now requests that an item be placed on the April 18, 2016, Panel C agenda for the purpose of requesting an extension of an additional 12 months beyond the 180-day period within which the applicant may file an application for a permit necessary to effect the variance granted under BDA 156-009(SL) on February 18, 2016. The extension would therefore be until approximately August 18, 2017. The reason that this extension of time is necessary is that the proposed project is a particularly complex project, given its size, its very urban character, the mixed-use component, and the desire for high quality interaction with the public realm, among other factors, so the design process is very lengthy.

It is very important to the owner to complete the highest quality design, which in turn must be done before construction drawings can be prepared (also a very lengthy process) and submitted for a Building Permit. Allowing this additional time within which to complete the design and prepare construction drawings will ensure the highest quality of the project, which in turn will benefit the neighboring residents and properties as well as the City as a whole.

Mr. Steve Long
March 10, 2016
Page 2

Please also recall that this request originally received support from the Arts District organization, and was approved on the uncontested docket with no opposition.

Please also accept this letter as our affirmation, also pursuant to Board Rule 9.j, that there are no substantially changed conditions or circumstances affecting the property. The property itself remains exactly as it was in terms of property conditions, and the proposed development project, as approved by the Board, is the same in terms of the submitted site plan. The only reason for the extension request is to ask for additional time within which to complete the design and construction drawings and submit for a Building Permit.

Therefore, and due to those circumstances, we are requesting that an item for the above-described request for an extension of an additional 12 months within which to apply for permits be placed on the April 18, 2016, Panel C Agenda. Thank you very much for your assistance with this. Please let me know if you have any questions or if you need any additional information.

Very truly yours,


Jonathan G. Vinson

JGV:wp

cc: Don Braun
Stephanie Byrd
Bryan McMath
Peter Kuo
Dustin Siegrist
John DeShazo
David Nevarez

February 5, 2016

Via Scan/Email

Hon. Chair and Members, Panel C
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 156-009; 2350 Flora Street

Dear Members of Panel C:

On behalf of Hall Arts Residences, LLC, and related ownership entities, we have applied for a variance to the loading regulations in Sec. 51A-4.303 for the above-referenced property, to not be required to provide one large loading space to serve a proposed Hotel use. We are providing you with this letter, through the City Staff, to explain the reason for our request and how it meets the required variance standard, and to respectfully ask for your approval.

I. The Site. The site consists of a total of 2.70 acres located on the block bounded by Ross Avenue, Crockett Street, Flora Street, and Leonard Street, in P.D. 145, also being the Dallas Arts District (*See Attachments 1 and 2*). The southwest side of the site, being the majority of the site, about 1.65 acres, was recently developed with the KPMG Plaza 20-story office building, with some restaurant space facing Flora Street, being Phase 1 of the development of the site. The remaining property, being about 1.06 acres, is slated for development with Phase 2 of the project, and is planned to include a boutique hotel development of no more than 215 rooms, a separate condominium building, and some additional restaurant space.

II. Existing Site Conditions. The existing conditions on the site are very unusual and relate directly to our unique property hardship conditions and thus support our requested variance. First and foremost, the site sits on top of a very large and extensive multiple-level below-grade parking garage. This parking garage, there since 1987, underlies the entire block and even has connections to adjoining properties (*See site photos, Attachment 3*).

A. Existing Garage Configuration. Very importantly, the parking garage was constructed in 1987, and presumably was fully reviewed and permitted by the City of Dallas at the time. Since the construction of the parking garage, it has been used by the public, from that time through today, to serve various arts venues in the Arts District. It continues to be open to the public today for the same purpose, although with the opening of KPMG Plaza, various spaces are reserved for building tenants. However, there is more than adequate parking for tenants of the

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development *and* for public use, in particular given that most of the public Arts District-related usage is in the evening and on weekends.

The garage was constructed completely internal to the site and has clearance of about 13' 2" internally, most notably in the "pipe zone" where various water pipes and other critical building support infrastructure is located, which is why the current portal is signed as having 13 feet of clearance even though the portal itself is slightly higher. You should know also that the garage was originally built and intended to serve a projected 52-story office building which, however, with the real estate downturn in the late 80s, was never built.

B. Small Size of the Site. Beyond the factors of the garage as actually permitted and built, thereby being an existing property condition, the size of the entire property is relatively small compared to other properties within P.D. 145, as illustrated on the accompanying Zoning Map (*Attachment 4*), showing that the properties along Ross Avenue tend to be smaller than the properties occupied by the arts institutions and other users.

C. Four Front Yards; Slope; Narrow Street Widths. Further, the property has four front yards, and there is a significant amount of slope from Ross Avenue, especially on the west side, falling approximately 12 to 15 feet towards Flora Street. That obviously represents development challenges for the site as it continues to develop with Phase 2. Another property hardship condition of note, which is very relevant to the loading situation for the proposed Phase 2, are the narrow street widths in the area, as you can see on the Attachments.

Ross Avenue is a large and very busy street, but Crockett Street, Flora Street, and Leonard Streets are all very narrow streets with short turning radii, probably in roughly the same configuration as laid out when this part of the City was originally subdivided. This is relevant because loading for this particular site by use of large trucks would be very challenging, to say the least. We will return to this point, but we believe it is in the public interest to not provide for loading for the Phase 2 of the development with large trucks.

D. Public Deed Restrictions. In addition, the Phase 2 portion of the site is subject to certain public Deed Restrictions, as noted on the Zoning Map, a copy of which Deed Restrictions I have included with this letter (*Attachment 5*). These Deed Restrictions further restrict the use of the property by imposing certain maximum setback restrictions, minimum story restrictions, and transparent materials requirements. These further constrain the use and development of the property, particularly in comparison with any other properties in P.D. 145, none of which are subject to these Deed Restrictions or any others.

E. P.D. 145; Sasaki Plan. Finally, all development within P.D. 145, the Arts District P.D., must comply with the provisions of that P.D., which we are doing, and should be guided by the August, 1982, Sasaki Plan. While the Sasaki Plan is about to be updated, we are closer to compliance with the goals of the Sasaki Plan (that is, as to streetscape, rows of trees, and other goals), than almost any other property in the Arts District. Further, the City Design Studio have reviewed our plans and is supportive of our direction.

III. Proposed Development. The proposed development of Phase 2 of the property with the boutique hotel, condominiums and restaurant space is what triggered Staff review of this issue, and consequently our application to the Board of Adjustment. As described above, this will be a boutique hotel, with no more than 215 rooms, not a large convention-type hotel. This hotel will not be suitable for the hosting of large trade show-type events or other similar events, which typically would more often be served by large trucks. However, despite that, under the Dallas Development Code the "Hotel" use requires a "large" loading space, which, in turn, requires a 14 foot minimum clearance, which we do not have in the existing garage.

The existing garage provides all of the total of nine loading spaces required by Code. However, because of the existing conditions of the property as built in 1987, we simply physically cannot accommodate a large loading space. There is no need for such a space because of the type of the hotel. In addition, we will control loading operationally, and the streets are too narrow to be effectively served by a large truck in any event.

We also submitted a Technical Evaluation from the DeShazo Group, a copy of which is included for your review (*Attachment 6*). The summary and conclusion states that the results of their evaluation *"show that the maneuvering required to access all of the loading spaces takes place on site and will neither adversely affect neighboring properties nor create a vehicle or pedestrian hazard. Approval of the proposed appeal for a variance to the off-street loading regulations for the subject property is recommended"*. There is extensive technical review information to support this conclusion.

Finally, we met with Mr. David Lam and Mr. Clayton Buehrle of the City's Engineering Staff on January 22, and we extensively discussed the requested variance and the existing conditions, as well as proposed conditions and operations. Mr. Lam and Mr. Buehrle made the suggestion that just in case a large truck were to show up for a delivery, despite our operational controls, instructions to the contrary, and all the other factors discouraging and prohibiting that, we provide a "fallback" large loading space at street level on Leonard Street.

Our architects at HKS have prepared a plan to show the minimum 55-foot "Proposed Large Truck Loading Area", to be located within the range depicted on the plan, which is included in the attached packet (*Attachments 7 and 8*). While we expect that this will never be used by a large truck due to our operational controls and other restrictions, if one were ever to show up they could be directed to that location for unloading without any negative effect on surrounding streets, and we would accept that as a condition to the granting of the variance.

IV. How We Meet the Variance Standard. To recap, we clearly meet the variance standard for the granting of this particular request. The following factors are present which constitute *property hardship conditions*:

A. *Existing conditions*, that is, the construction of the garage to Code is 1987, but with 13'2" clearance internally in the pipe area and other locations;

B. The relatively *small size of the site* in comparison with other properties in P.D. 145;

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- C. The presence of *four front yards*;
- D. The *slope* of the site from Ross Avenue down to Flora Street; and
- E. The *narrow widths and small turn radii* of three of the four surrounding streets, including the street where access for deliveries would take place.

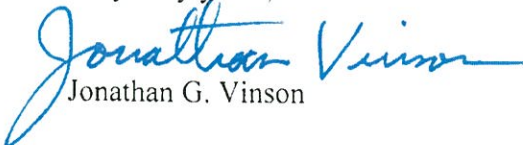
Further, the variance is *not self-created* because the garage was originally constructed to Code, but market conditions have changed drastically since 1987, particularly in this location. At that time the area was primarily developing with office uses, whereas now the Arts District has the largest collection of Pritzker Prize-winning architect designed arts venues in the United States. Finally, the variance is *necessary to allow development commensurate with other developments in P.D. 145*, due to all the factors above, as well as the relatively small block which we occupy, the further restrictions imposed by the public Deed Restrictions, and the requirement for following the Sasaki Plan as much as possible.

V. Support of the Public Interest. In addition, the granting of this variance is clearly not contrary to the public interest, and in fact it *strongly supports the public interest*. First, requiring changes to the internal structure of the existing garage would be hugely wasteful and impractical, a very, very drastic solution to what is clearly a non-problem. Further, granting of the variance will not cause any issues at all for any surrounding property owners.

Granting of the variance will also permit the owner to proceed quickly with beginning development of Phase 2, which in turn will be an excellent development to support the Arts District, bringing residential uses and the boutique hotel, which will be extensively used by visitors to Arts District arts venues in support of cultural tourism, as well as by business visitors to nearby office buildings (*conceptual renderings, Attachments 9 and 10*). The benefits of this development to the activation of street life in the Arts District, the attraction and support of additional restaurant and service retail for arts patrons, residents, and office workers, and adding to the architectural interest of the Arts District are all obvious benefits to the public interest. All of these will be supported by the granting of our requested variance. Further, the Dallas Arts District organization supports our request, as shown by the attached letter from Sarah Galaro, Interim Director (*Attachment 11*).

VI. Conclusion. Attached to this letter for your review are a number of items which illustrate our request or are otherwise referred to in this letter. Thank you very much for your consideration of these points. We look forward to appearing before you on February 18, when we will respectfully ask for your approval of our loading regulation variance request. Thank you very much.

Very truly yours,


Jonathan G. Vinson

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Hon. Chair and Members, Panel C
Zoning Board of Adjustment
February 5, 2016
Page 5

M2
Attach B
Pg 13

cc: Don Braun
Stephanie Byrd
Bryan McMath
Peter Kuo
John DeShazo
David Nevarez



Steve Long
Board of Adjustment Administrator
Dallas City Hall
1500 Marilia Street
Dallas, Texas 75202

February 2, 2016

Dear Mr. Long,

I am writing to express my full support of Board of Adjustment case 156-009; 2350 Flora Street, Phase 2. Recently, I spoke with Jonathan Vinson of Jackson Walker who shared a packet documenting the proposed variance, including maps and images of the project plan. After reviewing these files, I am happy to submit my approval for the proposed plans and variance.

The Dallas Arts District is pleased to see that Phase 2 of the 2350 Flora Street project has upheld the spirit of the Sasaki Plan through the provision of vital street-level restaurant space, a residential component, public parking, and the first and only Dallas Arts District hotel. These aspects of 2350 Flora Street will strengthen the growing vibrancy of the Dallas Arts District by fulfilling the long-recognized need to provide more services for those who wish to live, work and play in the neighborhood. I believe the addition of Phase 2 of 2350 Flora Street will contribute to making the Dallas Arts District a more robust, multi-use neighborhood for both locals and tourists.

The small variance on the loading dock height will not negatively impact the neighborhood, and a variance approval would allow the project to continue development in a timely manner. I encourage you to vote to approve this request.

Sincerely,

Sarah Galaro
Interim Director, Dallas Arts District

FILE NUMBER: BDA156-031(SL)

BUILDING OFFICIAL'S REPORT: Application of Sandra Wilkinson for a special exception to the sign regulations at 9835 Walnut Hill Lane. This property is more fully described as Lot 1A, Block A/8081, and is zoned CR, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct and maintain a detached premises non-monument sign on a nonresidential premise within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulations.

LOCATION: 9835 Walnut Hill Lane

APPLICANT: Sandra Wilkinson

REQUEST:

A request for a special exception to the sign regulations is made to locate and maintain a non-monument sign within the 250' distance requirement from property to the north of the subject site in a non-business zoning district (MF-1(A)) on a site developed with a retail/car wash use proposed to be developed with a retail use (O'Reilly Auto Parts).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:

The Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- Staff concluded that the applicant had substantiated how this special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district will not adversely affect neighboring property with the staff suggested condition imposed – a site plan that indicates that the proposed sign is approximately 195 away from the MF-1(A) zoning to the north, and an elevation that indicates that the sign would be a pole sign that is 15' in height with a sign board that is 12' in length and 4' in height.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: MF-1(A) (Multifamily)
South: CR (Community retail)
East: CR (Community retail)
West: CR (Community retail)

Land Use:

The site is currently developed with a retail/car wash use. The area to the north is developed with multifamily use; and the areas to the east, south, and west are developed with retail uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request focuses on locating and maintaining a non-monument sign within the 250' distance requirement from property to the north and south of the subject site in a non-business zoning district (MF-1(A) on a site developed with a retail/car wash use proposed to be developed with a retail use (O'Reilly Auto Parts).
- The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.
- The applicant has submitted a site plan and sign elevation in conjunction with this request. The elevation represents a pole sign that is 15' in height with a sign board that is 12' in length and 4' in height. The site plan represents the depth of the lot at approximately 225', and that the proposed 15' high pole sign is therefore within 250' of private property in a non-business zoning district. The proposed sign is represented to be located approximately 195' south of property to the north zoned MF-1(A) and multifamily in use.
- The applicant has the burden of proof in establishing the following:
 - That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan.

- If the Board were to grant this request and impose the submitted site plan and elevation as a condition, the sign on the site would be held to features as shown on these documents, which in this case is to allow a pole sign that is 15' in height with a sign board that is 12' in length and 4' in height located approximately 195 away from the MF-1(A) zoning to the north.
- Note that while the depth of the subject site at approximately 225' combined with the proximity of the non-business zoning district to the north does not allow the applicant to erect and maintain a non-monument sign on the site without the granting of this special exception, the applicant could erect and maintain a *monument* sign on the site without any special exception.

Timeline:

January 11, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

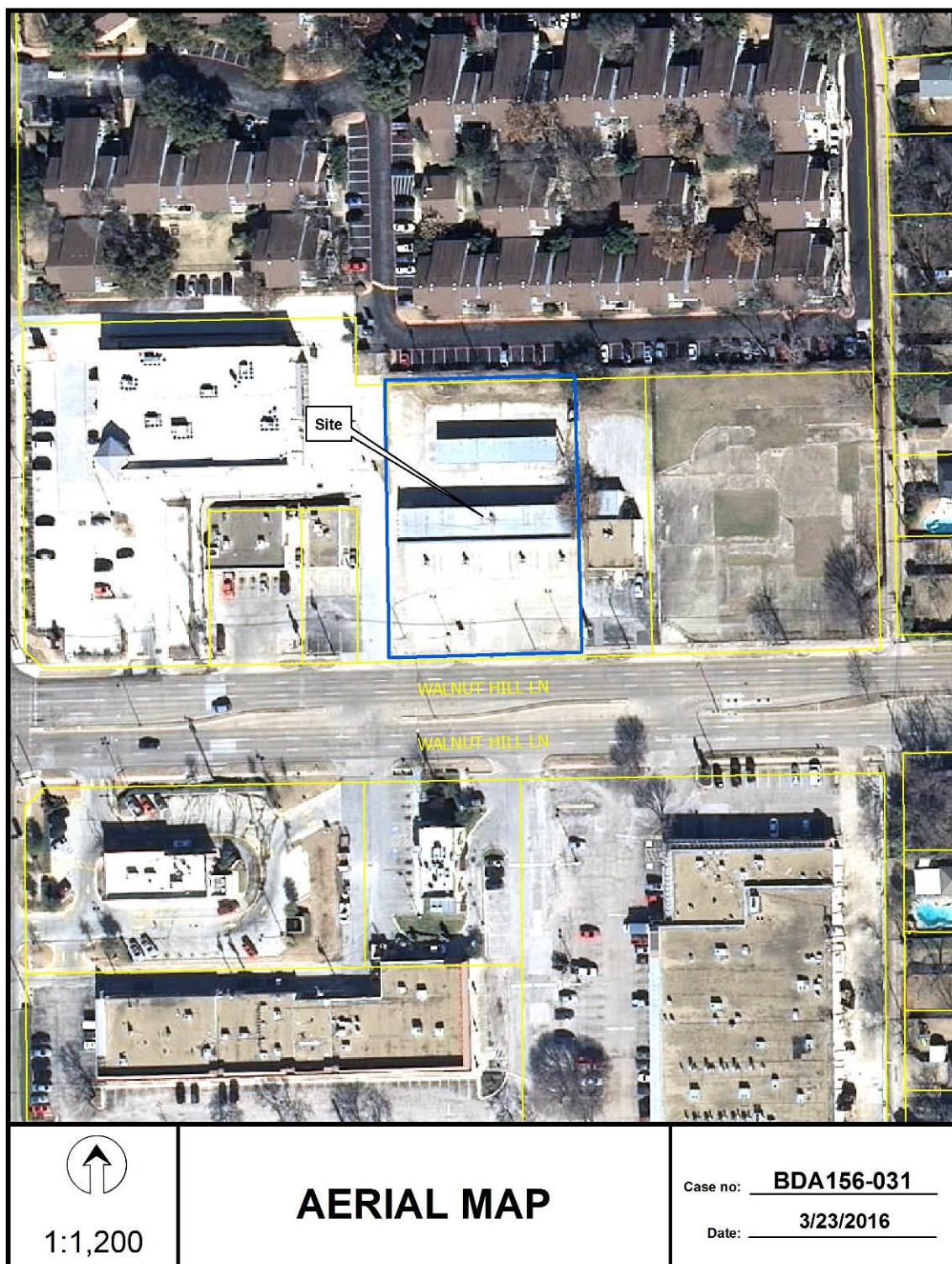
March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 15, 2016: The Board Administrator contacted the applicant and emailed 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th 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."

April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

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





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-031

Data Relative to Subject Property:

Date: 1/11/16

Location address: 9835 Walnut Hill Lane Dallas TX 75238 Zoning District: CR

Lot No.: 1A Block No.: A/8081 Acreage: 8.580 Census Tract: 130.09

Street Frontage (in Feet): 1) 156.45 ft 2) _____ 3) _____ 4) _____ 5) _____ NE 5A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Edward Eugene Gaddy

Applicant: Sandra Wilkinson Telephone: 417-829-5883

Mailing Address: 233 S Patterson Springfield MO Zip Code: 65802

E-mail Address: asolinger@oreillyauto.com

Represented by: O'Reilly Auto Parts Telephone: 417-829-5883

Mailing Address: 233 S Patterson Springfield MO Zip Code: 65802

E-mail Address: asolinger@oreillyauto.com

Affirm that an appeal has been made for a Variance __, or Special Exception x, of granting a pole sign within the 250 feet of residential property.

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:

O'Reilly Auto Parts respectfully request the permitting of a new pole sign that is located within 250 feet of residential property. We will remove the existing freestanding sign to install a brand new 4 feet x 12 feet O'Reilly Auto Parts Freestanding pole sign cabinet at 15 feet overall height. By granting this request, our property would match all surrounding businesses with our pole sign as oppose to the compliant monument sign.

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

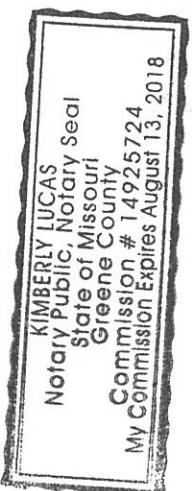
Before me the undersigned on this day personally appeared Sandra Wilkinson
(Affiant/Applicant's name printed)

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: Sandra Wilkinson
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of February, 2016

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

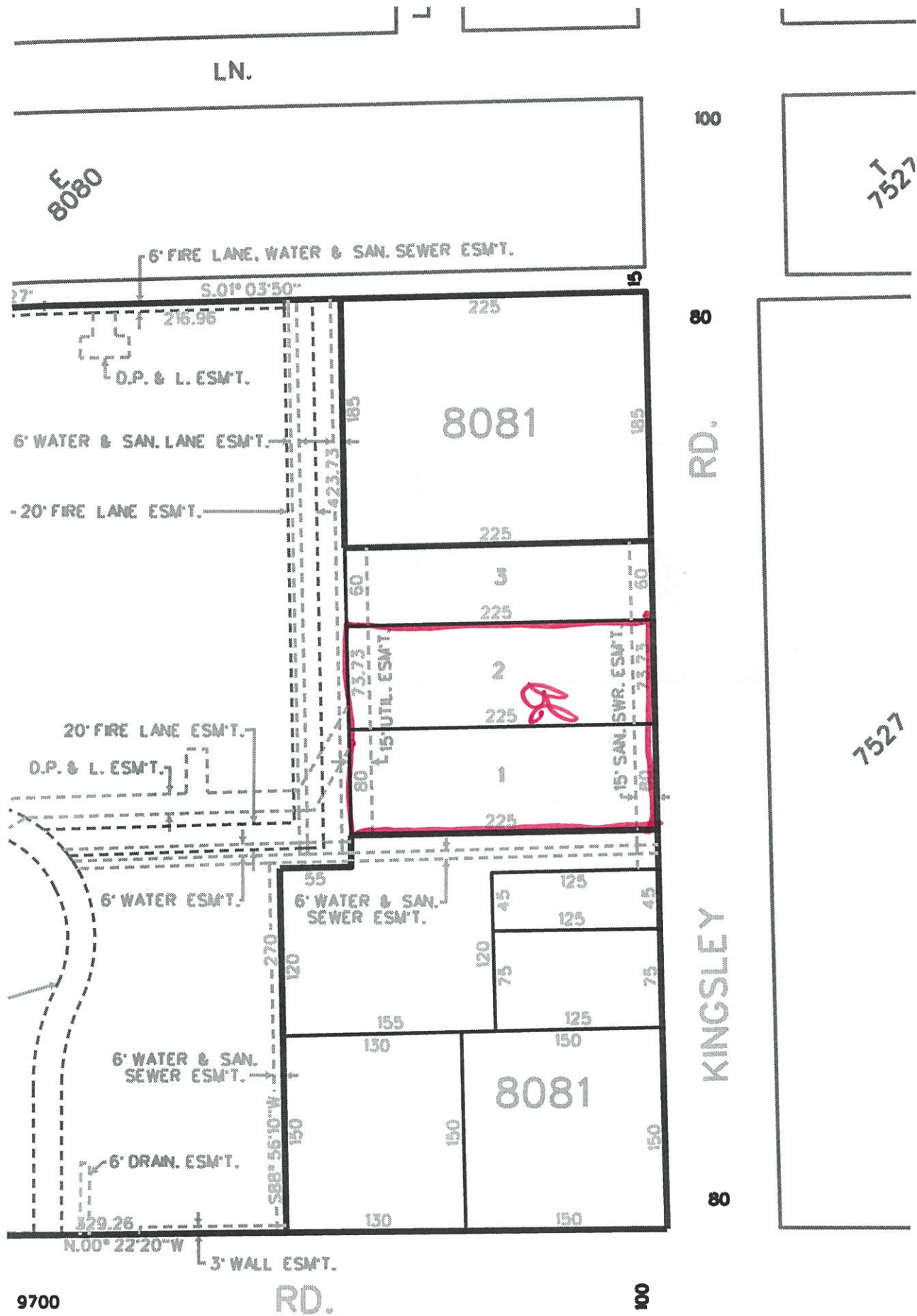
I hereby certify that Saundra Wilkinson

did submit a request for a special exception to the sign regulation
at 9835 Walnut Hill Lane

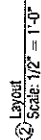
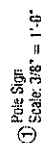
BDA156-031. Application of Saundra Wilkinson for a special exception to the sign regulation at 9835 Walnut Hill Lane. This property is more fully described as Lot 1A, Block A/8081, and is zoned CR, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

Sincerely,

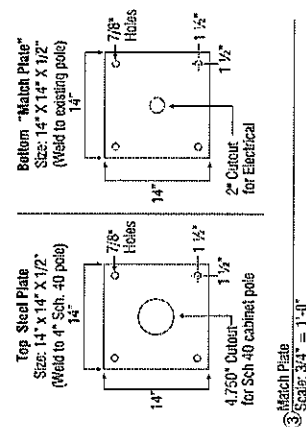
Philip Sikes
Philip Sikes, Building Official

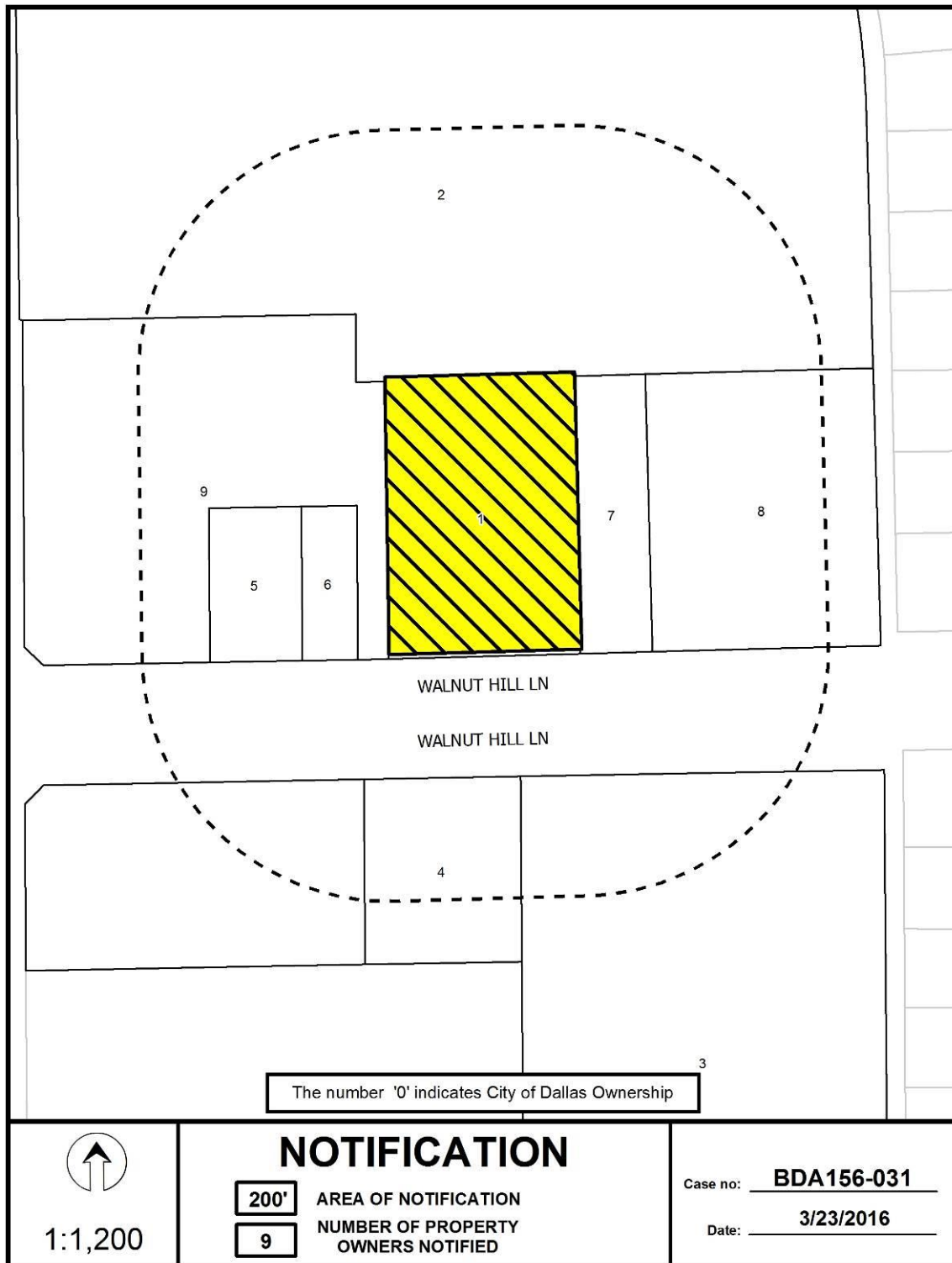


1-9



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Notification List of Property Owners

BDA156-031

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9835 WALNUT HILL LN	GADDY EDWARD E ET AL
2	9842 AUDELIA RD	LAKE HIGHLANDS AUDELIA
3	9634 AUDELIA RD	WANG NAI HUI &
4	9820 WALNUT HILL LN	NEWMAN CYNTHIA M & MARK
5	9811 WALNUT HILL LN	ATKINSON JAMES F LIVING TRUST
6	9815 WALNUT HILL LN	ATKINSON JAMES P LIVING TRUST
7	9845 WALNUT HILL LN	LOVEN JAMES A
8	9855 WALNUT HILL LN	RETAIL BUILDINGS INC
9	9807 WALNUT HILL LN	ESP INVESTMENT GROUP LLC

FILE NUMBER: BDA156-032(SL)

BUILDING OFFICIAL'S REPORT: Application of Jane Sumner, represented by Michael R Coker, for a variance to the front yard setback regulations at 7225 N. Janmar Drive. This property is more fully described as Lot 7A, Block A/7494, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct and maintain a structure and provide a 19 foot front yard setback, which will require a 16 foot variance to the front yard setback regulations.

LOCATION: 7225 N. Janmar Drive

APPLICANT: Jane Sumner
Represented by Michael R Coker

REQUESTS:

Requests for variances to the front yard setback regulations of up to 16' are made to:

1. Construct and maintain a detached garage addition to be located approximately 28' from the front property line or approximately 7' into the site's 35' front yard setback,
2. Maintain a portion of an existing original nonconforming single family structure located 19' from the front property line or 16' into the site's 35' front yard setback; and
3. Align, construct and maintain a 2nd floor addition atop the existing nonconforming single family structure located 19' from the front property line or 16' into the site's 35' front yard setback.

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, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots zoned R-16(A) given its irregular shape, slope and floodplain. The atypical lot with these physical site constraints preclude the applicant from developing it in a manner commensurate with development (in this case with a single family home with approximately 5,100 square feet of living space) found on other similarly zoned R-16(A) properties that are rectangular in shape, flat and without floodplain. The applicant's representative has submitted a letter and a graphic representing that only approximately 8,000 square feet of developable area is left once floodplain and setbacks are accounted for on the subject site.
- Staff concluded that the applicant had substantiated how the home with the proposed addition with a total of approximately 5,100 square feet is development that is commensurate with the development found on other R-16(A) zoned lots. The applicant submitted a table representing that the average lot and structure size of 10 other homes in R-16(A) zoning is 0.67 acres and 6,148 square feet when the lot and structure size of the subject site is 0.62 acres and 5,097 square feet.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-16(A) (Single family residential 16,000 square feet)
<u>North:</u>	R-1ac(A) (Single family residential 1 acre)
<u>South:</u>	R-16(A) (Single family residential 16,000 square feet)
<u>East:</u>	R-16(A) (Single family residential 16,000 square feet)
<u>West:</u>	R-16(A) (Single family residential 16,000 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on constructing and maintaining an approximately 880 square foot detached garage addition to be located approximately 28' from the front property line or approximately 7' into the site's 35' front yard setback, maintaining a portion of the existing original nonconforming single family structure located 19' from the front property line or 16' into the site's 35' front yard setback; and aligning, constructing and maintaining a 2nd floor addition atop the existing single family structure located 19' from the front property line or 16' into the site's 35' front yard setback.
- Structures on lots zoned R-16(A) are required to provide a minimum front yard setback of 35'.
- A scaled site plan has been submitted indicating that the existing single family home is located 19' from the front property line or 16' into the site's 35' front yard setback; and the proposed detached garage addition is located approximately 28' from the front property line or approximately 7' into the site's 35' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 7225 N. Janmar Drive is a structure built in 1960 with 2,836 square feet of living/total area with "additional improvements" being a 406 square foot attached carport.
- The applicant has chosen to seek variance to the front yard setback regulations to remedy/address the nonconforming aspect of the existing nonconforming main single family home structure in addition to a proposed addition to be located in the site's front yard setback atop the nonconforming single family home structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations. Hence the applicant is seeking a variance to the front yard setback regulations to cause the structure to become more nonconforming to the front yard setback regulations by proposing to align a second floor atop the nonconforming structure on the site.
- The subject site is sloped, irregular in shape (103' x 94'), and according to the submitted application is 0.621 acres (or approximately 27,000 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- The applicant's representative has submitted a letter and a graphic representing that only approximately 8,000 square feet of developable area is left once floodplain and setbacks are accounted for on the subject site.
- The applicant's representative has provided a table representing that the average lot and structure size of 10 other homes in R-16(A) zoning is 0.67 acres and 6,148 square feet when the lot and structure size of the subject site is 0.62 acres and 5,097 square feet.
- The applicant has the burden of proof in establishing the following:

- That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
- The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the variance requests, 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 an existing single family structure and 2nd floor atop located 19’ from the front property line or 16’ into the site’s 35’ front yard setback; and a detached garage addition to be located approximately 28’ from the front property line or approximately 7’ into the site’s 35’ front yard setback.

Timeline:

February 10, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 15, 2016: The Board Administrator emailed the applicant’s representative the following information:

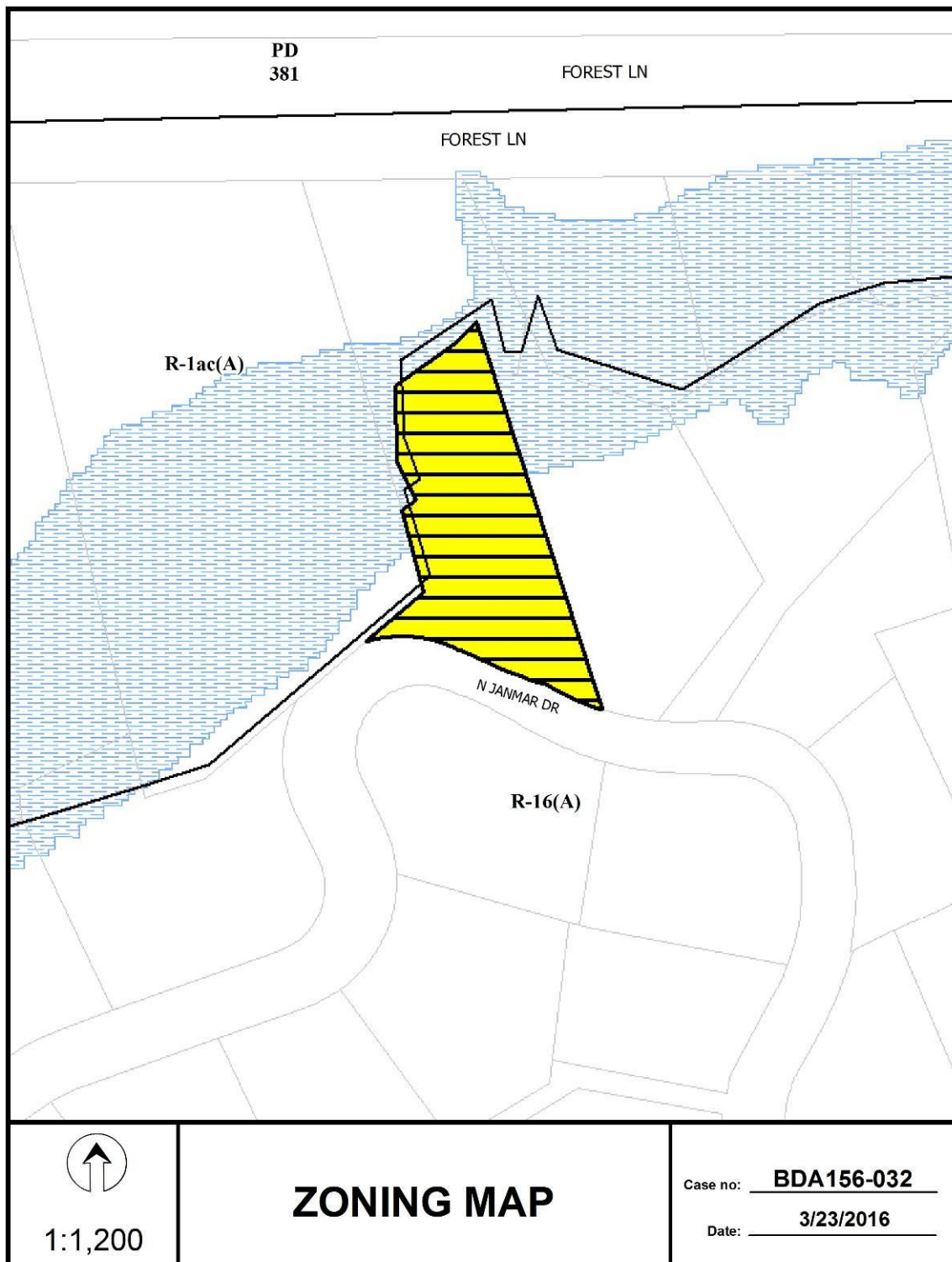
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th 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.”

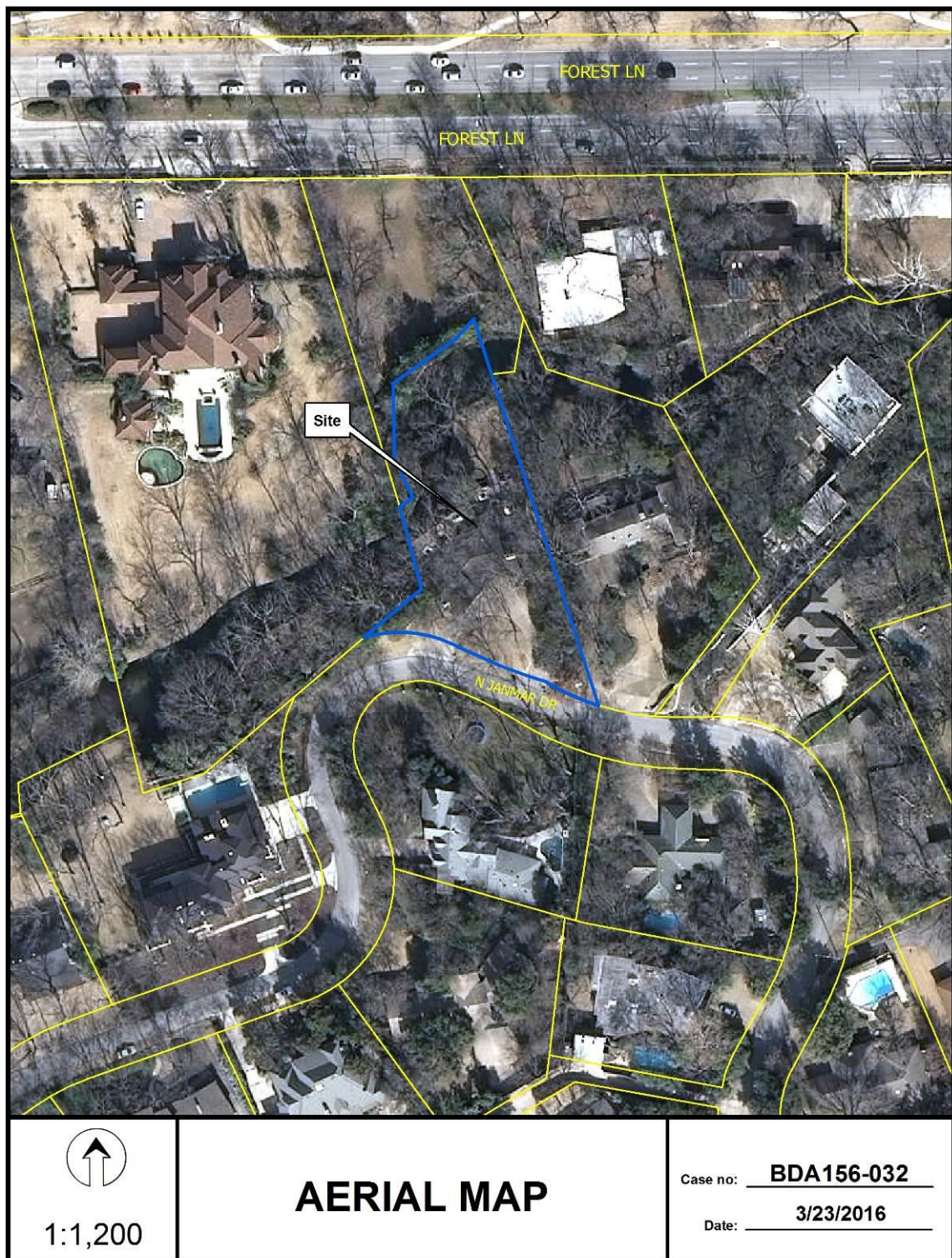
April 4, 2016: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

April 5, 2016:

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

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





Michael R. **COKER** Company

3111 Canton Street
Suite 140
Dallas, Texas 75226



April 4, 2016

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

Re: BDA156-032; 7225 N. Janmar Drive

Dear Mr. Long;

Attached are two exhibits that we would like to have the Board of Adjustment consider as part of the variance request for this project. The first exhibit is a chart of comparative properties that are within the same zoning district as the subject property and that have similar lot sizes. The chart shows that there are several properties with houses that are as large or larger than the proposed subject property.

The second exhibit is a site plan of the subject property showing the actual developable area once floodplain and setbacks are accounted for. The lot is 0.62 acres; however, the actual developable area is approximately 7,971 square feet. The exhibit includes topographic contours that show the significant slope of the property that further prohibit development commensurate with surrounding properties.

Please include this information in the Board's docket for consideration.

Sincerely,

Michael R. Coker, AICP/CBO
Michael R. Coker Company, Inc.

SUBJECT PROPERTY:

7225 South Janmar Drive 0.62 acres

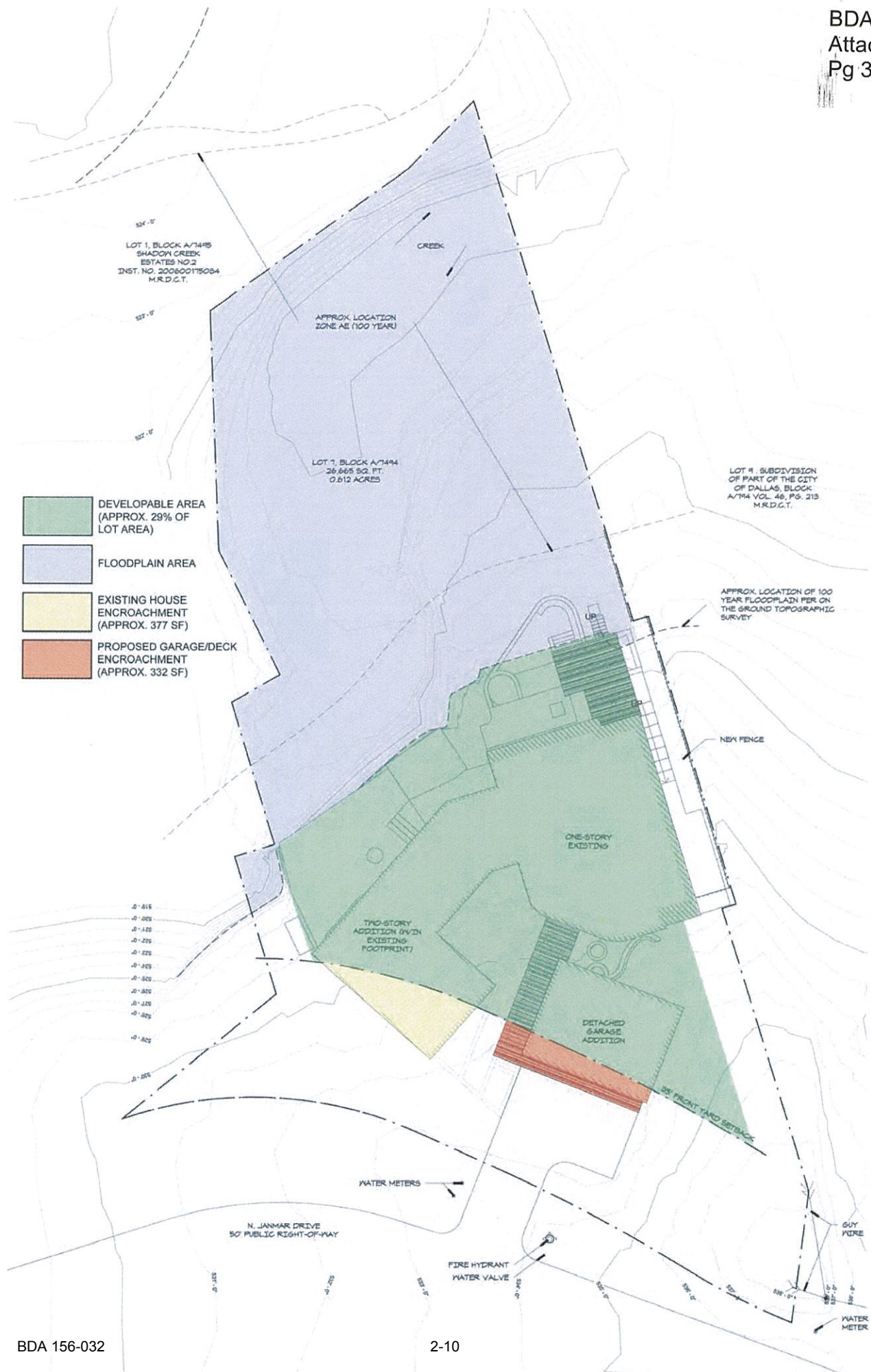
5,097 SF

COMPARASON PROPERTIES:

Address	Lot Size	House Size
7218 Kenny	0.55 acres	6,000 SF
7239 South Janmar Court	0.67 acres	5,334 SF
7259 South Janmar Court	0.71 acres	6,847 SF
7022 South Janmar Drive	0.76 acres	6,918 SF
7403 Midbury Drive	0.84 acres	7,071 SF
7008 Yamini	0.64 acres	5,670 SF
11117 Lawn Haven Road	0.50 acres	5,848 SF
11111 Eastview Circle	0.67 acres	5,799 SF
11405 St. Michaels Drive	0.77 acres	5,324 SF
7047 Currin Drive	0.57 acres	6,674 SF
	Average = 0.67 acres	Average = 6,148 SF

**Lot and Structure Sizes taken from DCAD data

**All properties are located in the R-16(A) zoning district





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-032

Data Relative to Subject Property:

Date: February 10, 2016

Location address: 7225 N. Janmar Drive Zoning District: R-16(A)

Lot No.: 7A Block No.: A/7494 Acreage: 0.6210 acs. Census Tract: 0131.01

Street Frontage (in Feet): 1) 202.85' 2) _____ 3) _____ 4) _____ 5) _____ NEAS

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jane Sumner and Andrea Bohannon

Applicant: Jane Sumner Telephone: 214-763-6310

Mailing Address: 311 Rockcrest Court, Coppell Zip Code: 75019

E-mail Address: jsumner27@gmail.com

Represented by: Michael R. Coker Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Suite 140, Dallas Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of the 35' front yard setback 16' to the FYSB

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:

A variance of the 35' front yard setback is required in order to allow an existing single family structure to continue to be located within the front yard setback and to allow for a remodel of and an addition to the existing structure, due to restrictive slope and shape

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 Jane Sumner
(Affiant/Applicant's name printed)

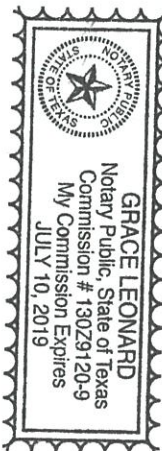
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 13th day of February, 2016

(Rev. 08-01-11)

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



Chairman

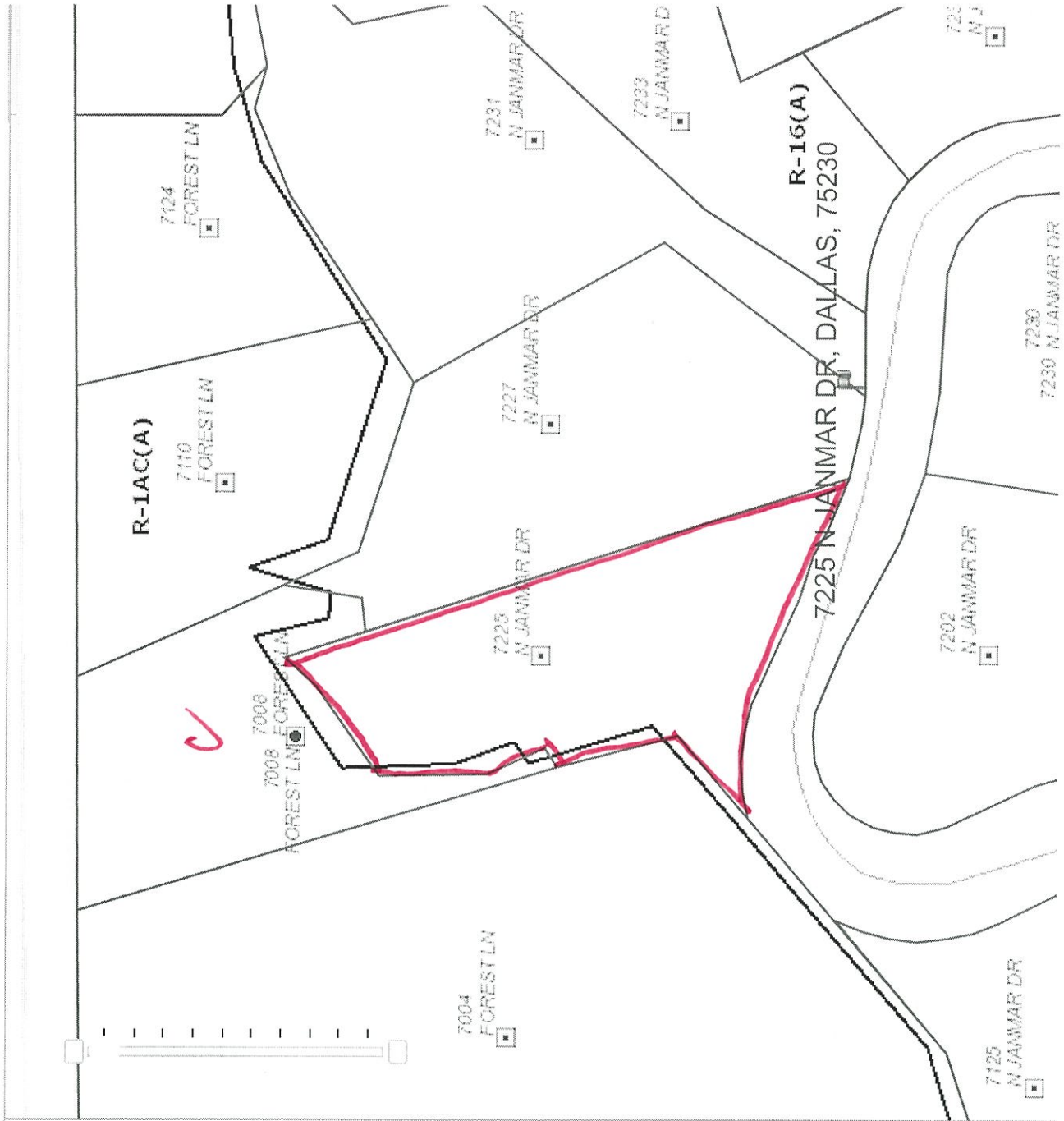
2-12

City of Dallas

Internal Development Research Site

Legend

Locate Property





2015-2016
2017-2018
2019-2020
2021-2022
2023-2024
2025-2026
2027-2028
2029-2030
2031-2032
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2099-2100

SUMNER BOHANNON HOUSE

2225 N. JEFFERSON ST. DALLAS, TX 75201

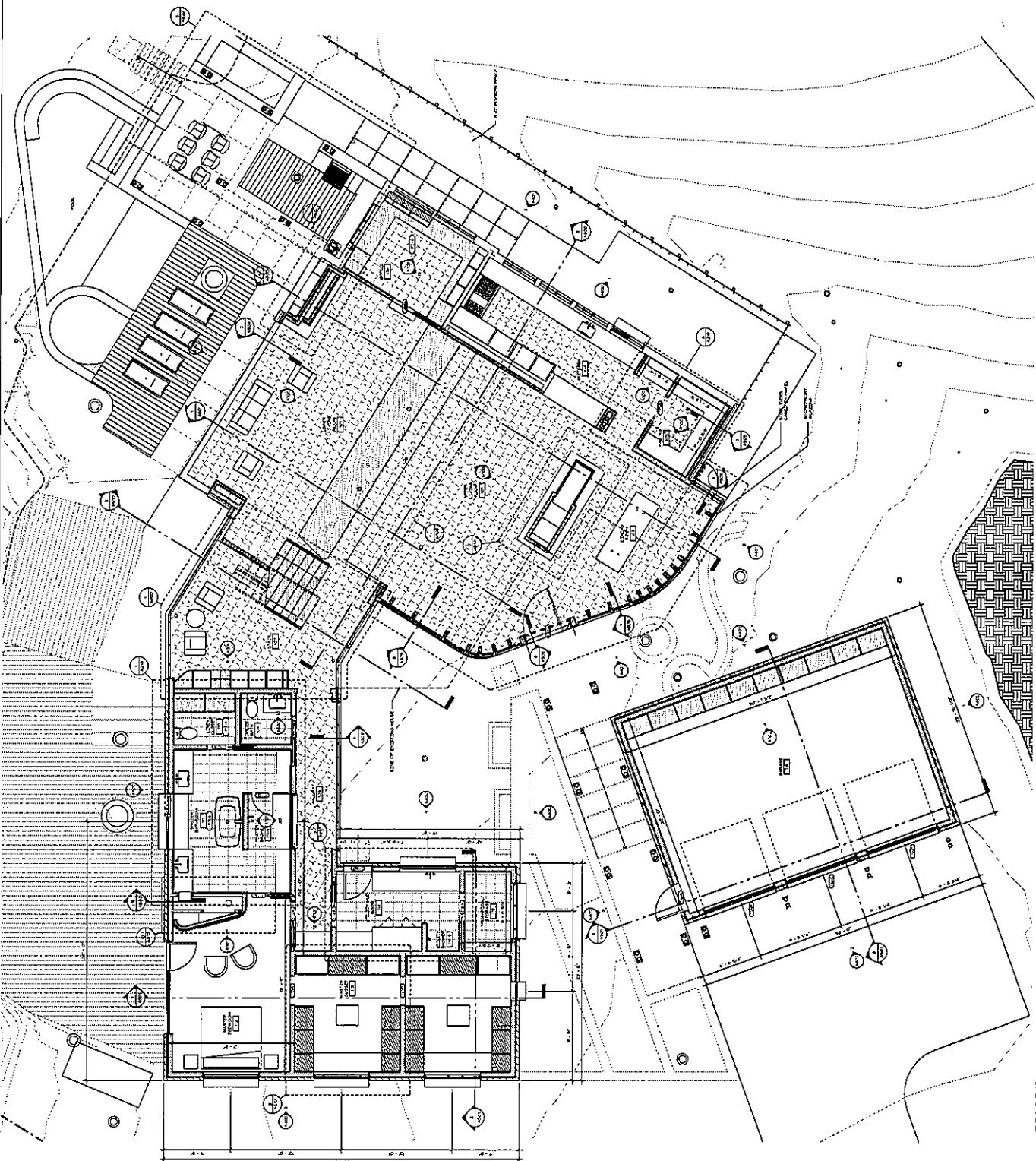
GENERAL NOTES

DATE	10/1/2015
BY	MM
DATE	10/1/2015
BY	MM
DATE	10/1/2015
BY	MM

FIRST FLOOR PLAN
SHEET NO.

A201

PROJECT NO.	1501
DATE	10/1/2015



GENERAL NOTES- FIRST FLOOR PLAN
1. SEE SHEET A201 FOR NOTES

Architect's Mark
BDA 156-032

7/24/2016
SUMNER BOHANNON HOUSE
1700 N. JAYHAWK DR., DALLAS, TX 75243
DATE: 07/24/16
SCALE: 1/8" = 1'-0"

SUMNER BOHANNON HOUSE

1700 N. JAYHAWK DR., DALLAS, TX 75243

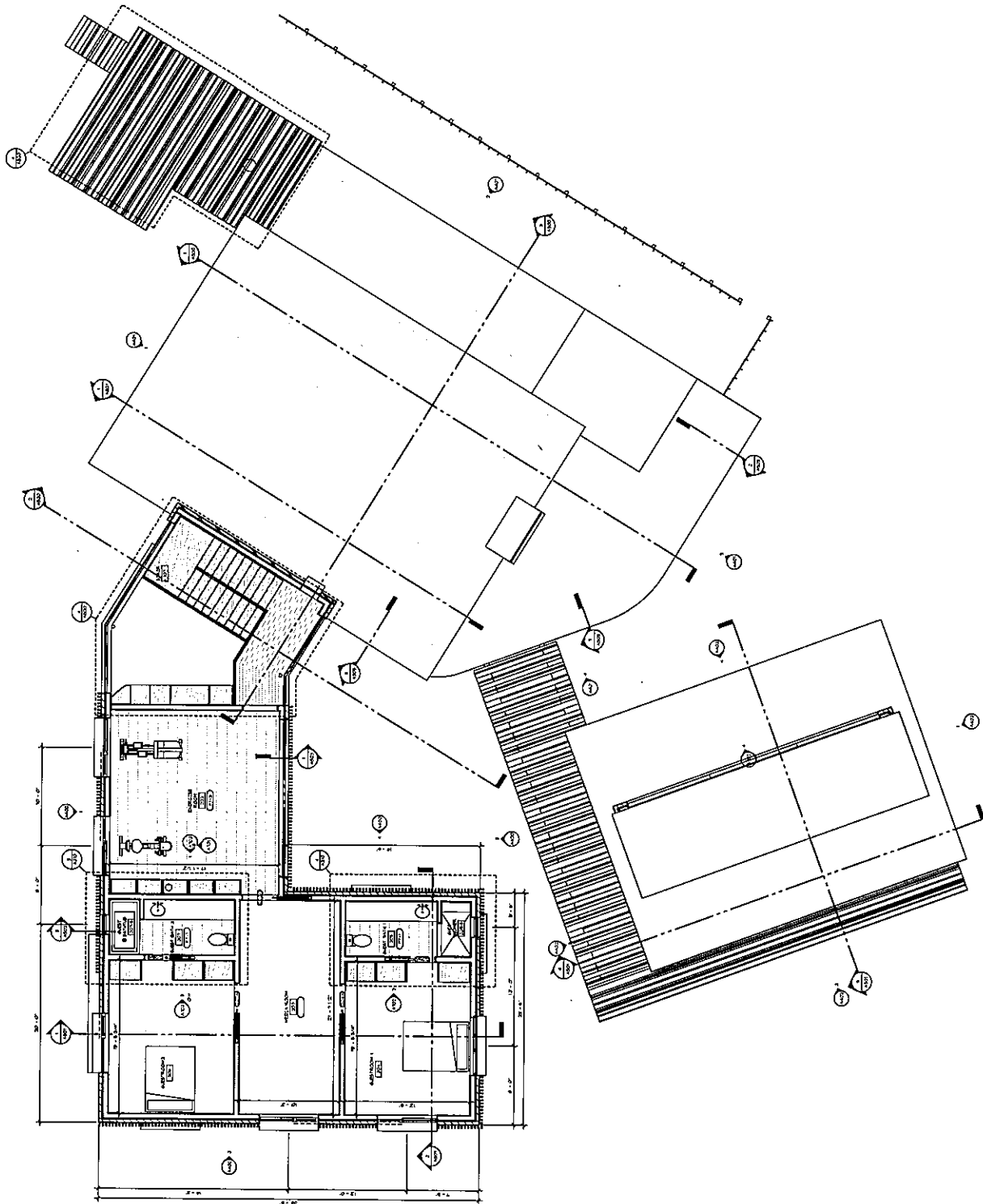
GENERAL NOTES

1. SEE PLAN SHEET 101 FOR EXISTING CONDITIONS.
2. SEE PLAN SHEET 102 FOR EXISTING CONDITIONS.
3. SEE PLAN SHEET 103 FOR EXISTING CONDITIONS.

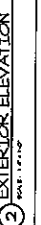
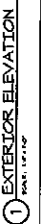
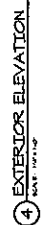
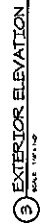
SECOND FLOOR PLAN
DATE: 07/24/16
SCALE: 1/8" = 1'-0"

A202

1700 N. JAYHAWK DR., DALLAS, TX 75243
DATE: 07/24/16
SCALE: 1/8" = 1'-0"



1 SECOND FLOOR - NEW CONSTRUCTION





P. J. Bohannon
WWW.MJBHANNONARCHITECTS.COM
716 NORTH TEXAS STREET, SUITE 100
DALLAS, TEXAS 75201
PHONE: 214.750.1000

SUMNER BOHANNON HOUSE

1225 N. JAMISON DR., DALLAS, TX 75201

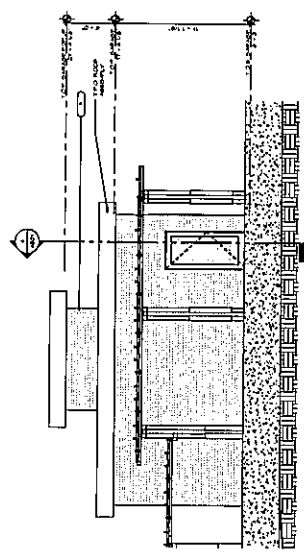
GENERAL NOTES

DATE	10/12/10
BY	10/12/10
REV	10/12/10
DATE	10/12/10
BY	10/12/10
REV	10/12/10

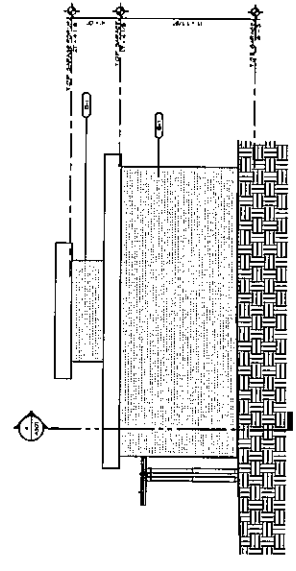
EXTERIOR ELEVATIONS
SHEET 10

A402

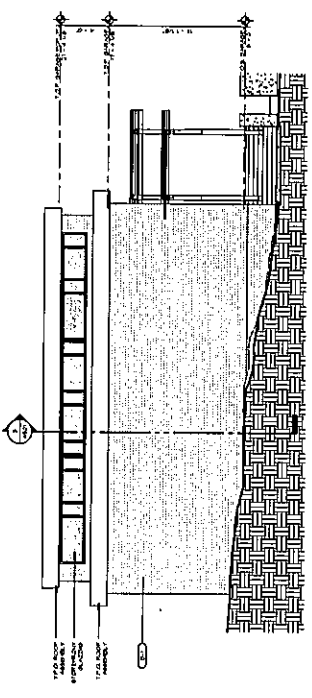
PROJECT NO. 2074
DATE 03/20/10



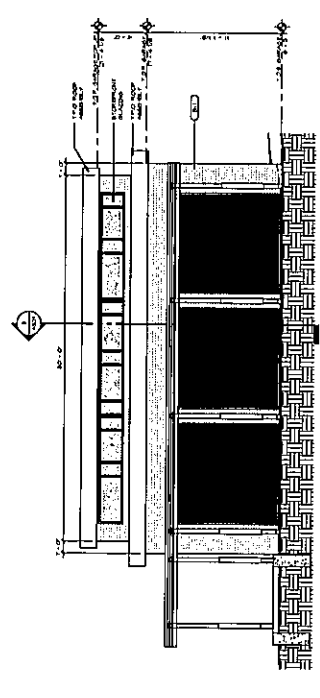
③ EXTERIOR ELEVATION - GARAGE
SCALE: 1/4" = 1'-0"



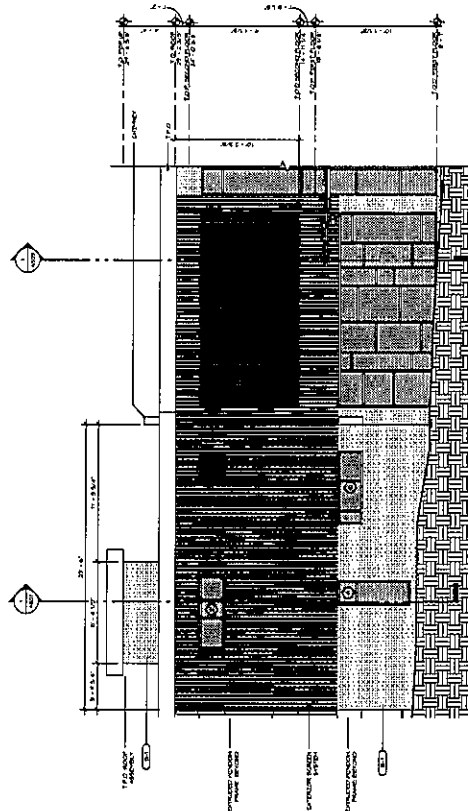
① EXTERIOR ELEVATION - GARAGE
SCALE: 1/4" = 1'-0"



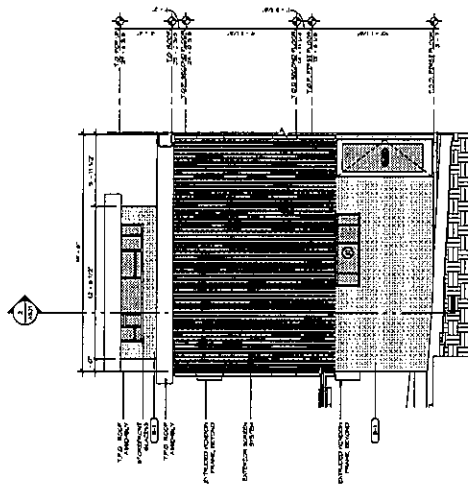
④ EXTERIOR ELEVATION - GARAGE
SCALE: 1/4" = 1'-0"



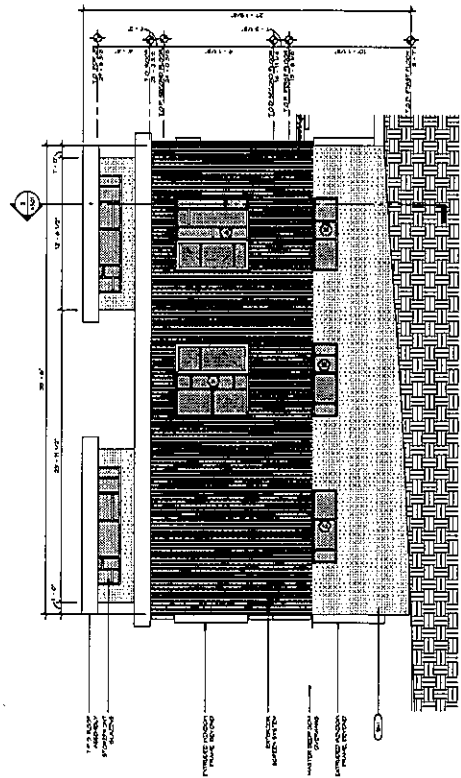
② EXTERIOR ELEVATION - GARAGE
SCALE: 1/4" = 1'-0"



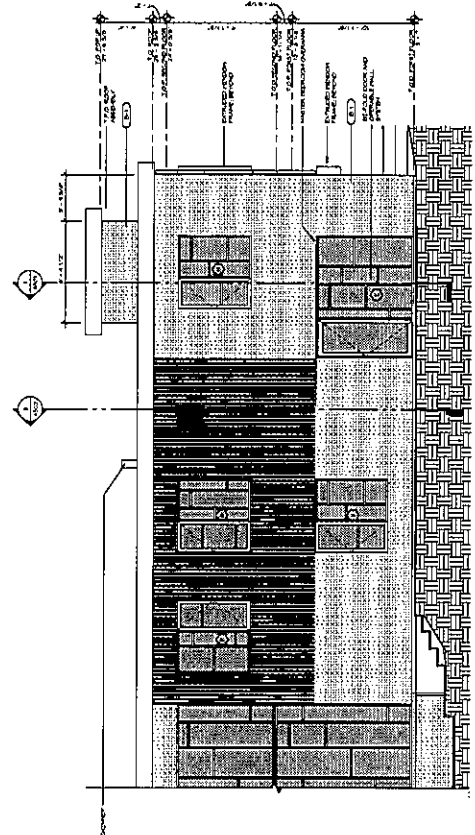
3 EXTERIOR ELEVATION - NORTH
SCALE 1/4" = 1'-0"



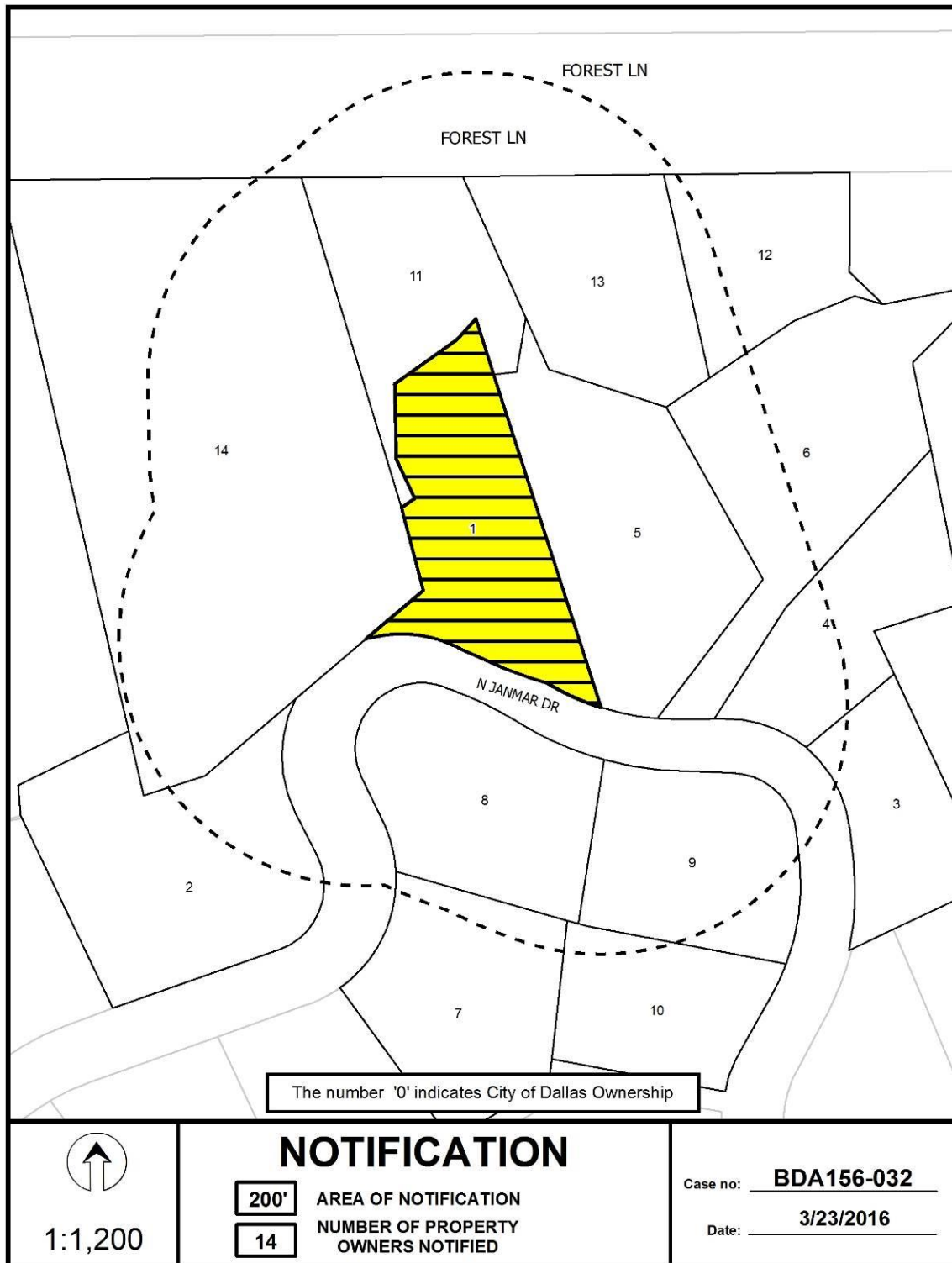
4. EXTERIOR ELEVATION - WEST



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



① EXTERIOR ELEVATION - SOUTH
SCALE: 1/8" = 1'-0"



Notification List of Property Owners***BDA156-032******14 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7225 N JANMAR DR	SUMNER JANE &
2	7125 N JANMAR DR	CAPLAN MICHELLE W
3	7235 N JANMAR DR	DUFFEE LISA
4	7233 N JANMAR DR	DOELL JAMES T &
5	7227 N JANMAR DR	WILKE BRUCE
6	7231 N JANMAR DR	GARTNER GALE GIGI
7	7126 N JANMAR DR	WEINSTEIN SETH & KRISTEN
8	7202 N JANMAR DR	WELTON JAMIE RYAN & JULIE HOBERG
9	7230 N JANMAR DR	MCGINNIS FRANCIS K III &
10	7244 N JANMAR DR	JUDSON DAVID H & LAURIE L
11	7008 FOREST LN	BROWN BRYAN G
12	7124 FOREST LN	ZAHEDI FRED & SAMIRA
13	7110 FOREST LN	TATE WILLIS JR
14	7004 FOREST LN	BROWN BRYAN G &

FILE NUMBER: BDA156-039(JM)

BUILDING OFFICIAL'S REPORT: Application of C. Michael Jones for special exceptions to the visual obstruction regulations at 6475 Northport Drive. This property is more fully described as Lot 9, Block B/5496, and is zoned R-16(A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 6475 Northport Drive

APPLICANT: C. Michael Jones

REQUESTS:

Requests for special exceptions to the visual obstruction regulations are made to construct and maintain a 48" high wrought iron gate and fence with 50" high stone columns in the 20' visibility triangles on both sides of the driveway into the site from Edgemere Road on a site being developed with a single family use.

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:

Approval, subject to the following conditions:

- Compliance with the revised site/elevation plan; and,
- No vegetation is allowed within the visibility triangle areas as defined by the Dallas Development Code.

Rationale:

- The Sustainable Development and Construction Department Project Engineer had no objections to these requests subject to no vegetation being allowed on the wrought iron fence into the visibility triangle areas as defined by the Dallas Development Code.
- The applicant had substantiated how the location of the gate, fence, and stone columns in the 20' visibility triangles on both sides of the driveway into the site from Edgemere Road does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A)

North: R-16(A)
South: R-16(A)
East: R-16(A)
West: R-16(A)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on constructing and maintaining a 48" high wrought iron gate and fence with 50" high stone columns in the 20' visibility triangles on both sides of the driveway into the site from Edgemere Road. The site is being developed with a single family use.
- 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).
- A site plan/elevation has been submitted indicating portions of the gate, fence, and columns located in the 20' visibility triangles on both sides of the driveway into the site from Edgemere Road.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met," that being no vegetation is allowed on the wrought iron fence located in the visibility triangle area as defined by the Dallas Development Code.
- The applicant has the burden of proof in establishing how granting the requests for these special exceptions to the visual obstruction regulations to construct and maintain a 48" high wrought iron gate and fence with 50" high stone columns in the 20' visibility triangles on both sides of the driveway into the site from Edgemere Road does not constitute a traffic hazard.
- Granting these requests with conditions imposed would limit the items located in the 20' visibility triangles on both sides of the driveway into the site from Edgemere Road to what is shown on this revised site/elevation plan – a 48" high wrought iron gate and fence with 50" high stone columns.

Timeline:

- February 22, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 15, 2016: The Senior Planner contacted the applicant and emailed 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th 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."
- April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.
- April 8, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met," that being no vegetation is allowed on the wrought iron fence located in the visibility triangle area as defined by the Dallas Development Code.





BDA 156 039(JM)
"Attachment A"

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING APRIL 18, 2016 (C)

☐ Has no objections

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

☐ Recommends that this be denied
(see comments below or attached)

☐ No comments

☐ BDA 156-031SL

☐ BDA 156-032SL

☒ BDA 156-039JM

☐ BDA 156-040SL

COMMENTS:

subject to no vegetation allowed on the
rod iron fence above 2'-6" within the
visibility triangle.

Clayton Bucherle / Sr. Engr. / SDC
Name/Title/Department

4/7/16
Date

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-039

Data Relative to Subject Property:

Date: 02-25-16

Location address: 6475 Northport Dr Zoning District: R-16(A)

Lot No.: 9 Block No.: B/5496 Acreage: .40 ac Census Tract: 76.04

Street Frontage (in Feet): 1) 124 2) 171 3) _____ 4) _____ 5) _____ NE35

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Milan Design & Build LLC

Applicant: C. Michael Jones Telephone: 214-502-2014

Mailing Address: 5220 Spring Valley Rd #212, Dallas TX Zip Code: 75254

E-mail Address: m.jones@milandesignbuild.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception ☒, of visibility triangle at driveway approach

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 20" in height will not create a traffic hazard or additional safety issues. Proposed 48" high wrought iron fence and gate will be constructed with pickets 4" o.c. for increased visibility. Edgemere is a secondary residential street. Request is for drive approach only. Will not encroach or exceed 30" ht at alley or street corner.

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.

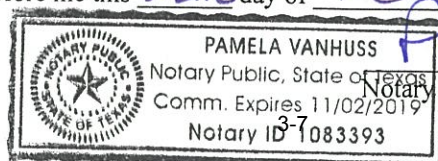
Affidavit

Before me the undersigned on this day personally appeared C. Michael Jones
(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: C. Michael Jones
(Affiant/Applicant's signature)

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



(Rev. 08-01-11)

BDA 156-039

**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 C. Michael Jones

did submit a request for a special exception to the visibility obstruction regulations
at 6475 Northport Drive

BDA156-039. Application of C. Michael Jones for a special exception to the visibility obstruction regulations at 6475 Northport Drive. This property is more fully described as L 9, Block B/5496, and is zoned R-16(A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

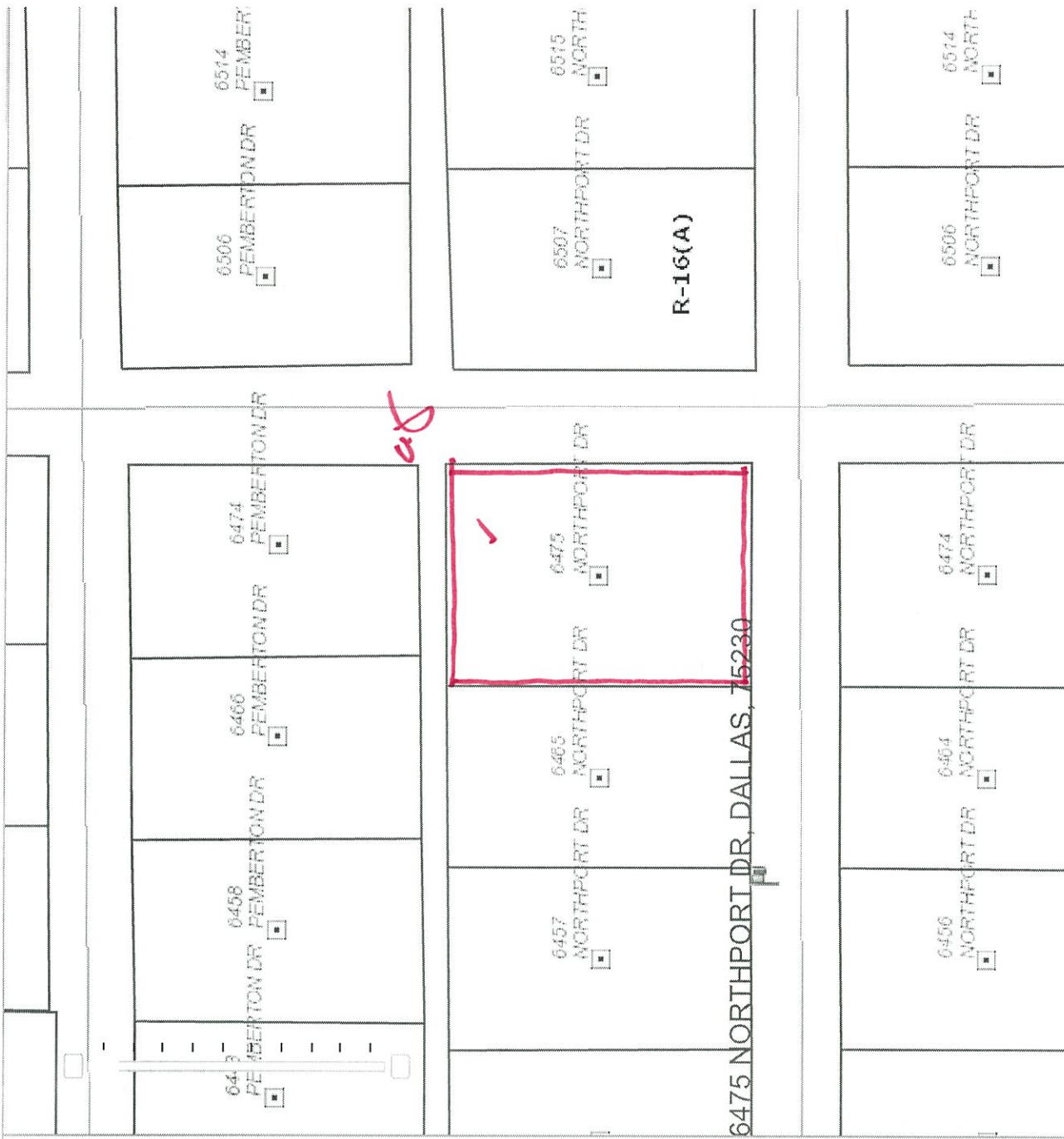
City of Dallas

Internal Development Research Site

Legend

Locate Property

BDA 156-039



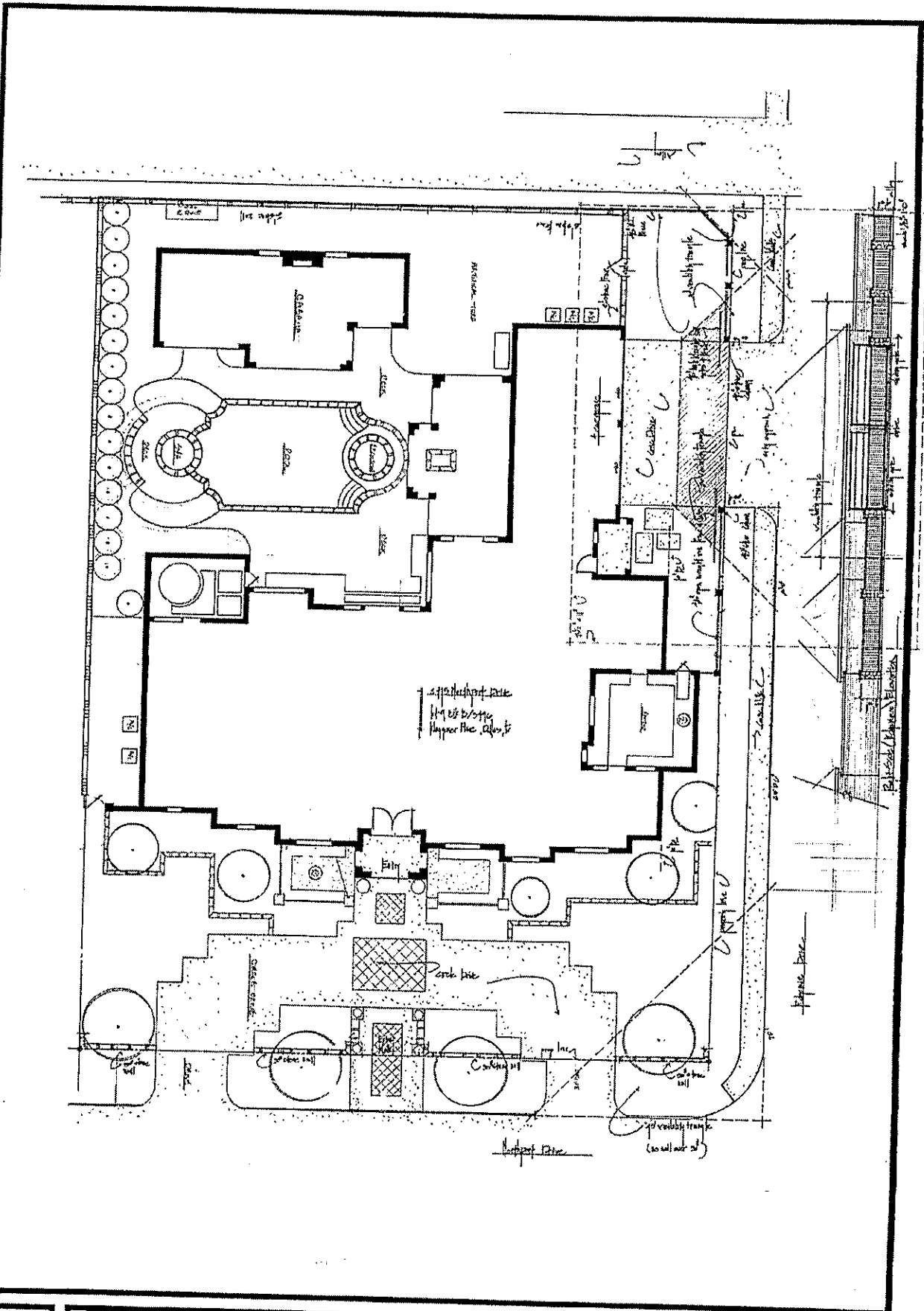
NO. 3

54968

Sub



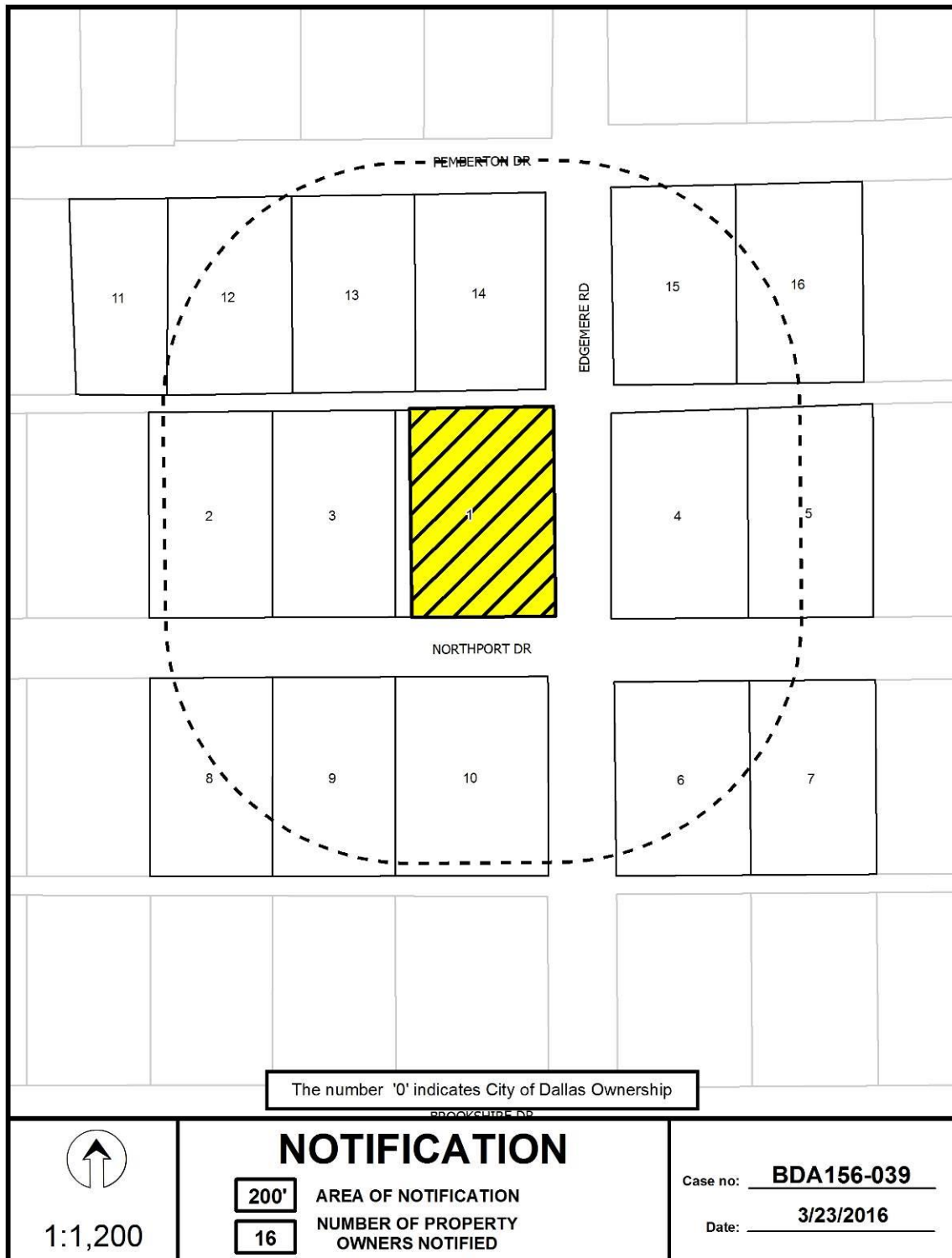
BDA-156-039



Milan Design Build, Inc.
 600 Spring Valley Road Suite 200
 Dallas, TX 75241
 214-341-1111
 www.milandesignbuild.com

SZCZESPONIK RESIDENCE
 6100 NORTHPOINT DRIVE
 DALLAS, TEXAS

Scale: 1/4" = 1'-0"
 Date: _____
 Design by: _____
 Revisions: _____



Notification List of Property Owners

BDA156-039

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6475 NORTHPORT DR	MILAN DESIGN & BUILD LLC
2	6457 NORTHPORT DR	MCDONALD KENNETH D & TANYA
3	6465 NORTHPORT DR	BLACK JOHN R &
4	6507 NORTHPORT DR	PECHERSKY MARC & JULIE E
5	6515 NORTHPORT DR	SHANNON DEBORAH S
6	6506 NORTHPORT DR	HUM LAWRENCE &
7	6514 NORTHPORT DR	BEARE NICHOLAS V &
8	6456 NORTHPORT DR	BURR HARRY G ESTATE OF
9	6464 NORTHPORT DR	MCCOMBS DAVID L & SUSAN B
10	6474 NORTHPORT DR	BURNS ALLAN L
11	6448 PEMBERTON DR	SUTTON SCOTT & ELIZABETH YVONNE
12	6458 PEMBERTON DR	REITICH FERNANDO L
13	6466 PEMBERTON DR	MCMAHON JOHN DOUGLAS
14	6474 PEMBERTON DR	HALL SHELDON F III &
15	6506 PEMBERTON DR	BOCK LAWRENCE R
16	6514 PEMBERTON DR	NAYEB NASER

FILE NUMBER: BDA156-027(SL)

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

REVISED BUILDING OFFICIAL'S REPORT: BDA156-027(SL) - Application of Allan R. Brown, represented by Steven Dimitt, for variances to the front yard setback regulations and building height regulations at 1015 N. Carroll Avenue. This property is more fully described as Lot 5, Block 8/768, and is zoned PD 298 (Subarea 9), which requires a front yard setback of 24 feet 4 inches and limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a structure and provide a 0 foot front yard setback, which will require a 24 foot 4 inch variance to the front yard setback regulations, and with a building height of 45 feet, which will require a 9 foot variance to the maximum building height regulations.

LOCATION: 1015 N. Carroll Avenue

APPLICANT: Allan R. Brown
Represented by Steven Dimitt

ORIGINAL REQUESTS (March 21, 2016):

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

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

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

The Board was advised at the March 21st public hearing that as a result, the applicant no longer was seeking a variance to the front yard setback on Swiss Avenue or a variance to the height regulations but would seek variance to the front yard setback on North Carroll Avenue and a special exception to the off-street parking regulations. Lastly, the applicant had requested that the Board not consider the previously submitted plans or the variance requests that he submitted in January at the March hearing but requested that the Board delay consideration of this case until April.

UPDATED REQUESTS (April 18, 2016):

An updated request for a variance to the front yard setback regulations of 24' 4" is made on a site that is in part undeveloped and in part developed with multifamily and office uses in order to construct and maintain a two, two-unit multifamily development to be located on the N. Carroll Avenue front property line or 24' 4" into this 24' 4" front yard setback.

While the applicant submitted revised plans that eliminated the need for variances to the front yard setback regulations along Swiss Avenue, to the off-street parking regulations, and to the height regulations, the request for the variance to the height regulations remains part of the application only for the fact that it was advertised and noticed for both the March and April public hearings, therefore must be acted upon by the Board at the April 18th public hearing.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION (March 21, 2016):

Delay action until April 18, 2016

Rationale:

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

STAFF RECOMMENDATION (April 18, 2016) front yard variance:

Denial without prejudice

Rationale:

- Staff concluded that the applicant had not substantiated how the variance was 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 PD 298 (Subarea 9, MF-2 and CR), H/72 zoning district.

STAFF RECOMMENDATION (April 18, 2016) height variance:

Denial without prejudice

Rationale:

- The applicant had revised his proposed development so that the height satisfies applicable zoning requirements therefore there is no longer a need for a variance to the height regulations.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (variances):

- The original request filed in January of 2016 focused on constructing and maintaining an 8-unit townhome development that would be located in the site's two front yard setbacks on Swiss Avenue and North Carroll Avenue, and that would be 45' in height.
- The Building Official had provided the following information relevant to this appeal prior to the March 21st public hearing:
 - The site is zoned PD 298 (Subarea 9, MF-2 and CR), H/72. PD 298, Subarea 9 conditions state the following: Subarea 9 is subject to regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51(A). The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The MF-2(A) required front yard setback is 15' and the CR required front yard setback is 15'.
 - The zoning of the adjoining property on the N. Carroll Street frontage is PD 298 (Subarea 13) H/72 (Tract 1).
 - The appeal application references a required 30' front yard setback ("...set forth in the Peak's Suburban Ordinance #22352...") and requests an 18' variance to allow a 12' setback.
 - The following Historic Overlay 72 (H/72) requirement appears to be the basis for the required 30' front yard setback.
- On March 28, 2016, the Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator on this application (see Attachment D). This report stated the this property is required to provide a front yard setback of 24' 4" where the applicant proposes to provide a 0 foot front yard setback which will require a 24' 4" variance to the front yard setback regulations.
- The applicant has submitted a revised site plan indicating that the proposed structure is located 40' from the Swiss Avenue front property line (represented by the applicant to be in compliance with this front yard setback), and located on the N. Carroll Avenue front property line (or represent by the applicant and in the Building Official's report as being 24' 4" into this 24' 4" front yard setback).
- According to DCAD records, the "main improvement" at 1015 N. Carroll Avenue is a "medical office building" with 24,618 square feet built in 1955.
- The subject site is flat, rectangular in shape, and according to the application is 1.79 acres in area.
- The site has two front yard setbacks given that it fronts two streets as any corner property would that is not zoned a single family, duplex, or agricultural district.
- The applicant has the burden of proof in establishing the following:
 1. That granting the variance to the front yard setback is 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.
 2. The variance would be necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or

slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 298 (Subarea 9, MF-2 and CR), H/72 zoning classification.

3. The variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 298 (Subarea 9, MF-2 and CR), H/72 zoning classification.
- With regard to request for variance to the front yard setback regulations, if the Board were to grant this request, and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document – which in this case a structure located on the N. Carroll Avenue the front property line or 24’ 4” into this 24’ 4” front yard setback.
- With regard to the request for variance to the height regulations, staff suggests that the Board deny this request without prejudice given that this request is no longer needed given revised plans that were submitted to staff after the March 21st public hearing.

Timeline:

- January 21, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 9, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- February 9, 2016: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 2nd deadline to submit additional evidence for staff to factor into their analysis; and the March 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 4, 2016: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- March 8, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Interim Building Official, the Sustainable

Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, and the Assistant City Attorneys to the Board.

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

March 21, 2016: 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 18, 2016.

March 22, 2016: The Board Administrator wrote the applicant a letter that provided the board's action; and the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board's docket materials.

March 28, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application and beyond what was submitted at the March 21st public hearing (see Attachment C).

March 29, 2016: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator on this application (see Attachment D).

April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

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

April 7, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application and beyond what was submitted at the March 21st public hearing (see Attachment E).

BOARD OF ADJUSTMENT ACTION: MARCH 21, 2016

APPEARING IN FAVOR: Steve Dimitt, 2323 Ross Ave., Dallas, TX

APPEARING IN OPPOSITION: Michael Yucon, 4511 Swiss, Dallas, TX

MOTION: **Schulte**

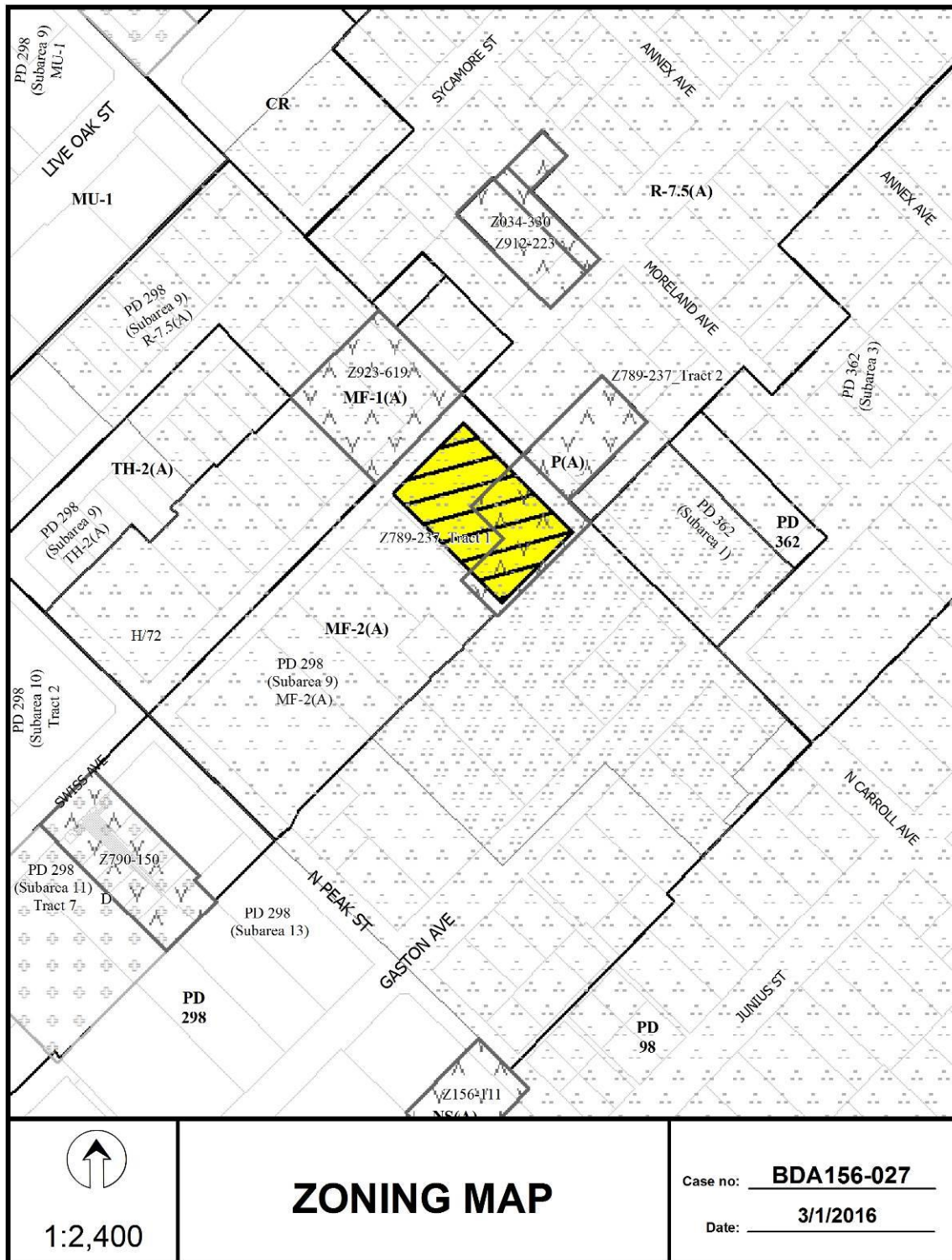
I move to grant that the Board of Adjustment, in Appeal No. **BDA 156-027** hold this matter under advisement until **April 18, 2016**.

SECONDED: **Carreon**

AYES: 3 – Richardson, Coulter, Carreon

NAYS: 2 - Schulte, Beikman

MOTION PASSED: 3 – 2





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

March 4, 2016

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

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

Dear Mr. Long:

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

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steven W. Dimitt', written in a cursive style.

Steven W. Dimitt

MEMORANDUM OF
 ACTION TAKEN BY THE
 BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

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

BDA156-027. Application of Allan R. Brown represented by Steven Dimitt for a variance to the front yard setback regulations, a variance to the building height regulations, and a variance to the parking demand at 1015 N. Carroll Avenue. This property is more fully described as Lot 5, Block 8/768, and is zoned PD 298 (Subarea 9), which limits the maximum building height to 36 feet and requires a front yard setback of 30 feet and require parking to be provided. The applicant proposes to construct a multifamily residential structure and provide a 5 foot 10 inch front yard setback, which will require a 24 foot 2 inch variance to the front yard setback regulation, and to construct a multifamily residential structure with a building height of 45 feet, which will require a 9 foot variance to the maximum building height regulation, and provide 12 of the 21 required parking spaces which will require a 9 space variance to the required parking.

Sincerely,

Philip Sikes
 Philip Sikes, Building Official



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

March 28, 2016

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

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

Dear Mr. Long:

As you know, I represent the Applicant with respect to the above-referenced board of adjustment case. In preparation for the Staff team meeting on this case, I am sending you this letter to explain how our request meets the required variance standards and to respectfully ask for a Staff recommendation of approval. Since the filing of our application, the Applicant has conducted several meetings with the surrounding neighbors and has significantly revised its entire development to address the neighbors' previous comments and concerns. Enclosed herein are revised site plans, elevations, and floor plans, which depict the revised proposed development. See **Exhibit A**.

The Applicant's proposed development was revised so that the front yard setback along Swiss Avenue and the height both satisfy the applicable zoning requirements. Therefore, the Applicant is no longer seeking a height variance or a variance to the front yard setback along Swiss Avenue. Based on conversations with the City, the Applicant has also withdrawn his request for a parking variance. Therefore, the Applicant is **only** seeking a 24 foot and 4 inch variance to the front yard setback on the North Carroll Avenue blockface, which would result in no front yard setback along North Carroll Avenue.

I. Property Description

The property at issue is located on Lot 5, Block 8/768, which consists of approximately 1.019 acres of land. This variance request only pertains to the approximate 11,607 square feet of undeveloped land, which is located at the south corner of North Carroll Avenue and Swiss Avenue (the "Property"). Accompanying this letter is an aerial photograph to orient you with the Property. See **Exhibit B**.

Mr. Steve Long
March 28, 2016
Page 2

II. Applicable Zoning

The zoning regulations pertaining to the Property are somewhat complex, therefore, we have set forth the applicable zoning standards. According to the zoning map from the City of Dallas Zoning Website, which is attached hereto as **Exhibit C**, the Property is zoned P.D. 298, Subarea 9 (MF-2(A)), and is also subject to Historic Overlay District No. 72, as specified in Ordinance No. 22352, passed on March 8, 1995, for the Peak Suburban Addition Historic District (the "Peak Suburban Addition Ordinance").

P.D. 298, also known as the Bryan Area Special Purpose District, was originally established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. Section 51P-298.105 of P.D. 298 specifies the following:

SEC. 51P-298.105. SUBAREA 9 CONDITIONS.

Subarea 9 is subject to the regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51A. The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The conditions contained in Sections 298.103 and 298.106 through 298.117 do not apply to Subarea 9. (Ord. Nos. 20049; 24914)

Therefore, in accordance with the designations shown on Exhibit 298B of P.D. 298 and on the Zoning Map excerpt, we must look to the current MF-2(A) regulations under the *Dallas Development Code* for permitted uses and other regulations. Section 51A-4.116(b)(4)(B) provides that the minimum front yard setback under MF-2(A) is 15 feet.

More importantly, the Property is also subject to the regulations set forth in the Peak Suburban Addition Ordinance. While the majority of the Peak Suburban Addition Ordinance addresses design standards, it also regulates front yard setbacks. Specifically, Section 4.8(b) of the Peak Suburban Addition Ordinance states that "[a] main building on a corner lot must have a front yard setback that is within one foot of that of the closest main building on the same blockface."

III. Variance Request

The Property is located at the corner of Swiss Avenue and North Carroll Avenue. Therefore, the Property has two front yards. Under the Peak Suburban Addition Ordinance, the front yard setback distance is dictated by the closest main building on the same blockface. The closest main building on the Swiss Avenue blockface has a front yard setback of 40 feet. The Applicant is not requesting a variance from this setback requirement. The closest main building on the North Carroll Avenue blockface has a front yard setback of 24 feet and 4 inches. The Applicant is requesting a variance from this front yard setback requirement. Specifically, the Applicant seeks a 24 foot and 4 inch front yard setback variance to the North Carroll Avenue blockface.

Mr. Steve Long
March 28, 2016
Page 3

IV. Reasons for Variance Request

The Applicant seeks to construct four townhomes on the Property, which are depicted in the enclosed site plan, elevations, and floor plans. The Peak Suburban Addition Ordinance states that the front yard setback must be within one foot of the adjacent main building; however, due to the setbacks of the neighboring properties, this would leave very little room to place a structure. As a result, the Applicant seeks this variance request.

V. Variance Standards

A. The Property's unusual front yard setback requirements impose an unnecessary hardship on the Property.

The front yard setback requirements in the Dallas Development Code require that a building be erected a certain number of feet away from a street, alley, or lot line. The front yard setback requirement for the Property is not set forth in terms of distance from a street, alley, or lot line. Rather, the front yard setback requirement for the Property is established by the front yard setback of the closest main building in the same blockface. Therefore, the Property's front yard setbacks are based solely on an unrelated third-party's decision of how far to setback its property from the street or lot line. As depicted in **Exhibit D**, a literal enforcement of the front yard setback requirements would unreasonably restrict any development on the Property.

B. The front yard setback requirements on the Property create an unreasonably restrictive area.

The variance is necessary to permit development of the Property that differs from other parcels of land by being of such a restrictive area that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. As previously stated, the front yard setback requirement set forth in the Peak Suburban Addition Ordinance results in an unreasonably restrictive area to develop. While the Peak Suburban Addition Ordinance requires corner lots to have a setback within one foot of the closest main building on the same blockface, some corner lots subjected to this ordinance do not meet this requirement. *See Exhibit E*. Additionally, other parcels along North Carroll Avenue that are zoned P.D. 298 have little to no front yard setbacks. *See id.* The Applicant's variance request would, therefore, be commensurate with other parcels subjected to the same zoning regulations.

C. The variance request is not contrary to the public interest.

The Applicant previously also requested a height variance and a variance to the front yard setback along the Swiss Avenue block face. However, the Applicant has significantly revised its site plan and elevations to address the previous concerns expressed from surrounding neighbors. The majority of the properties along Swiss Avenue have large front yard setbacks. In meeting with surrounding neighbors, the Applicant discovered that the neighbors wanted to keep the same feel with large setbacks along Swiss Avenue. As a result, the Applicant revised its site plan to provide a 40 foot setback to the front yard of the Swiss Avenue blockface. This is in line with


Mr. Steve Long
March 28, 2016
Page 4

the adjacent multifamily development on Swiss Avenue. The Applicant also reduced the height of the proposed development to address the neighbors' concerns. The Applicant's remaining variance only pertains to the front yard setback along North Carroll Avenue. As you can see from the aerial photographs, the other developments near the Property along North Carroll Avenue have little or no front yard setback. *See Exhibits B & E.*

Finally, this request also meets the other standards for the granting of a variance, that is, it is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit a person a privilege in developing a parcel of land not permitted to other parcels of land with the same zoning.

Thank you very much for your consideration of these points. If you have any questions, please let us know. Otherwise, we respectfully ask that the Staff make a recommendation of approval for our setback variance request. Thank you very much.

Very truly yours,

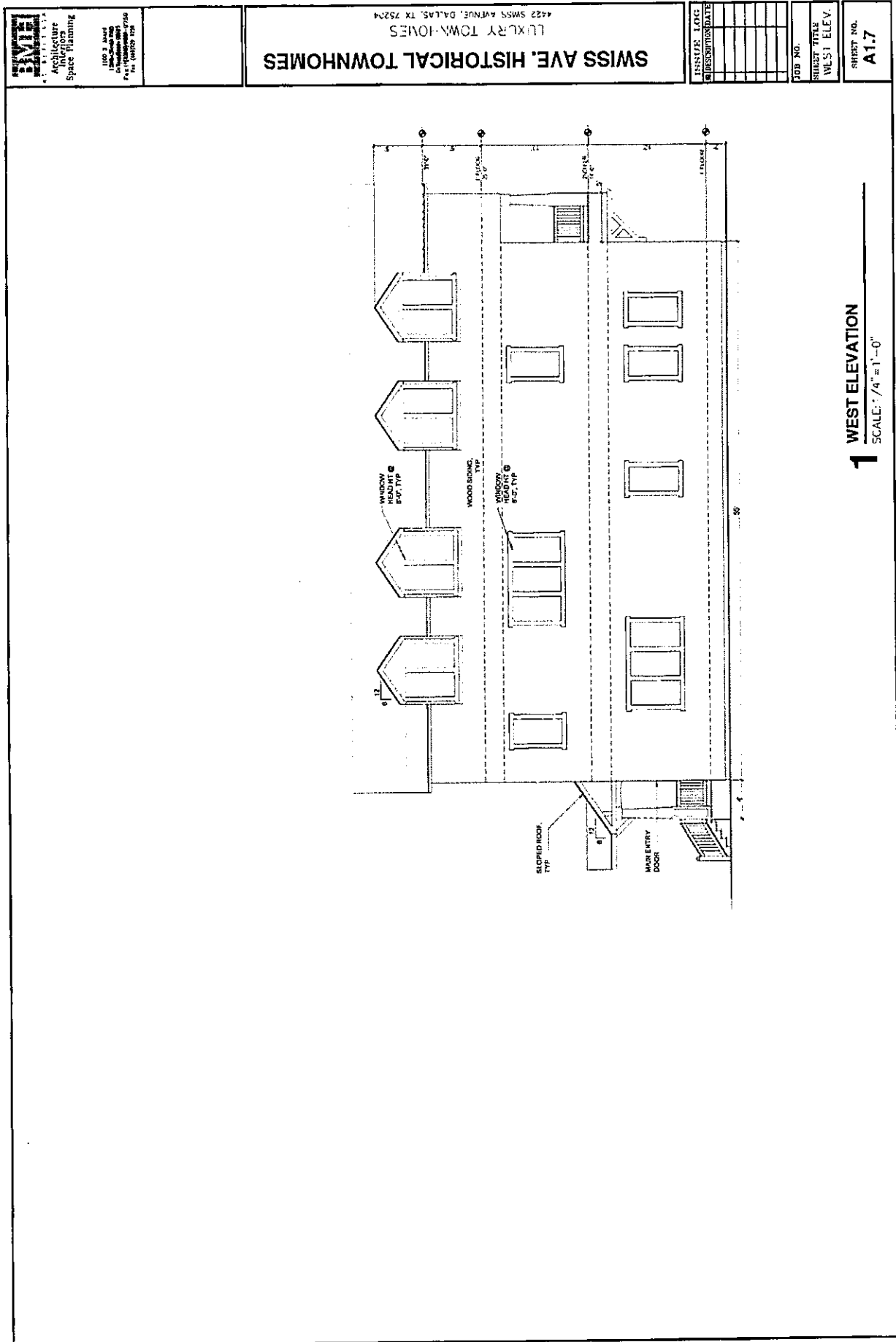


Steven W. Dimitt

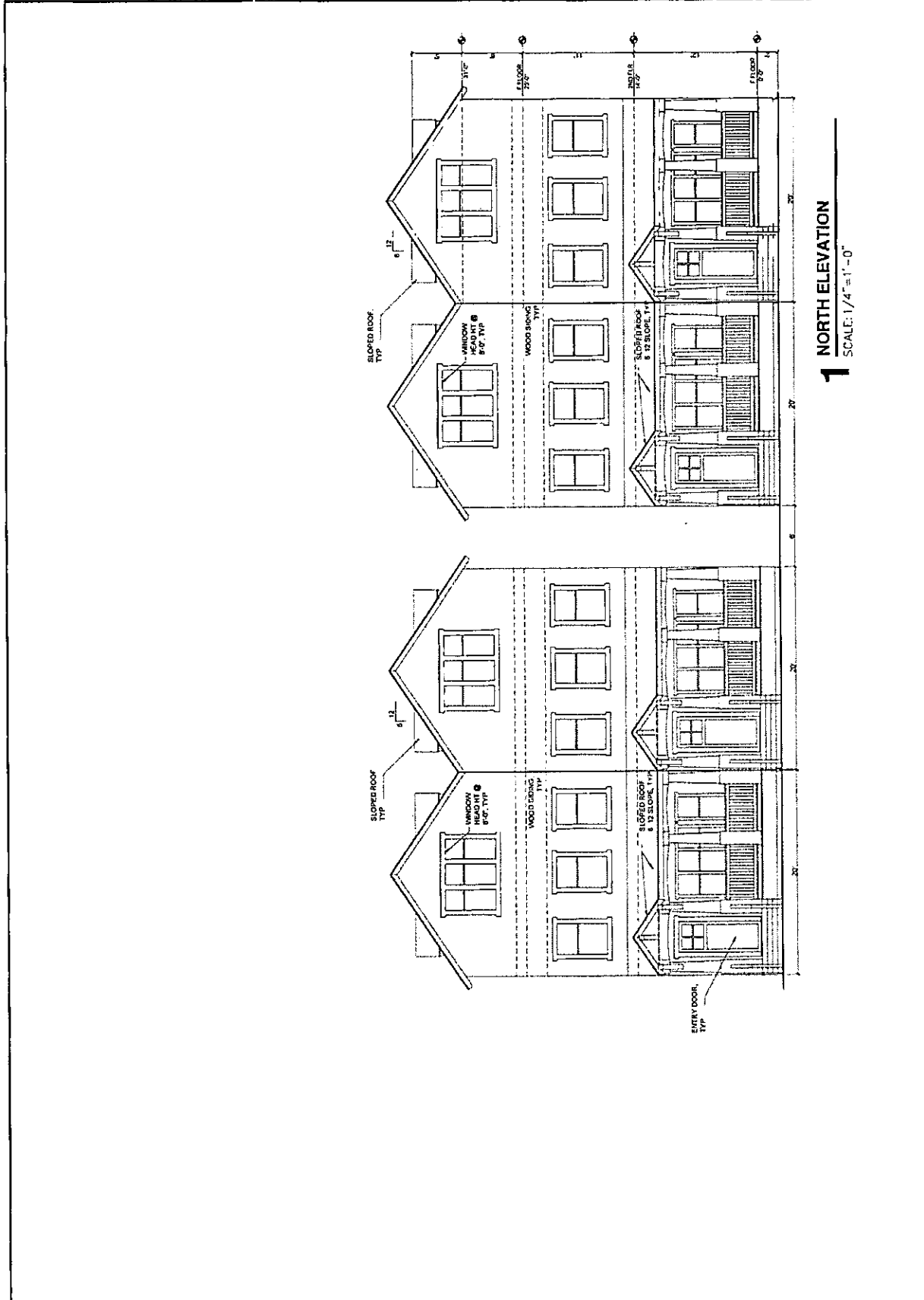
Enclosures

cc: Suzan Kedron

EXHIBIT A







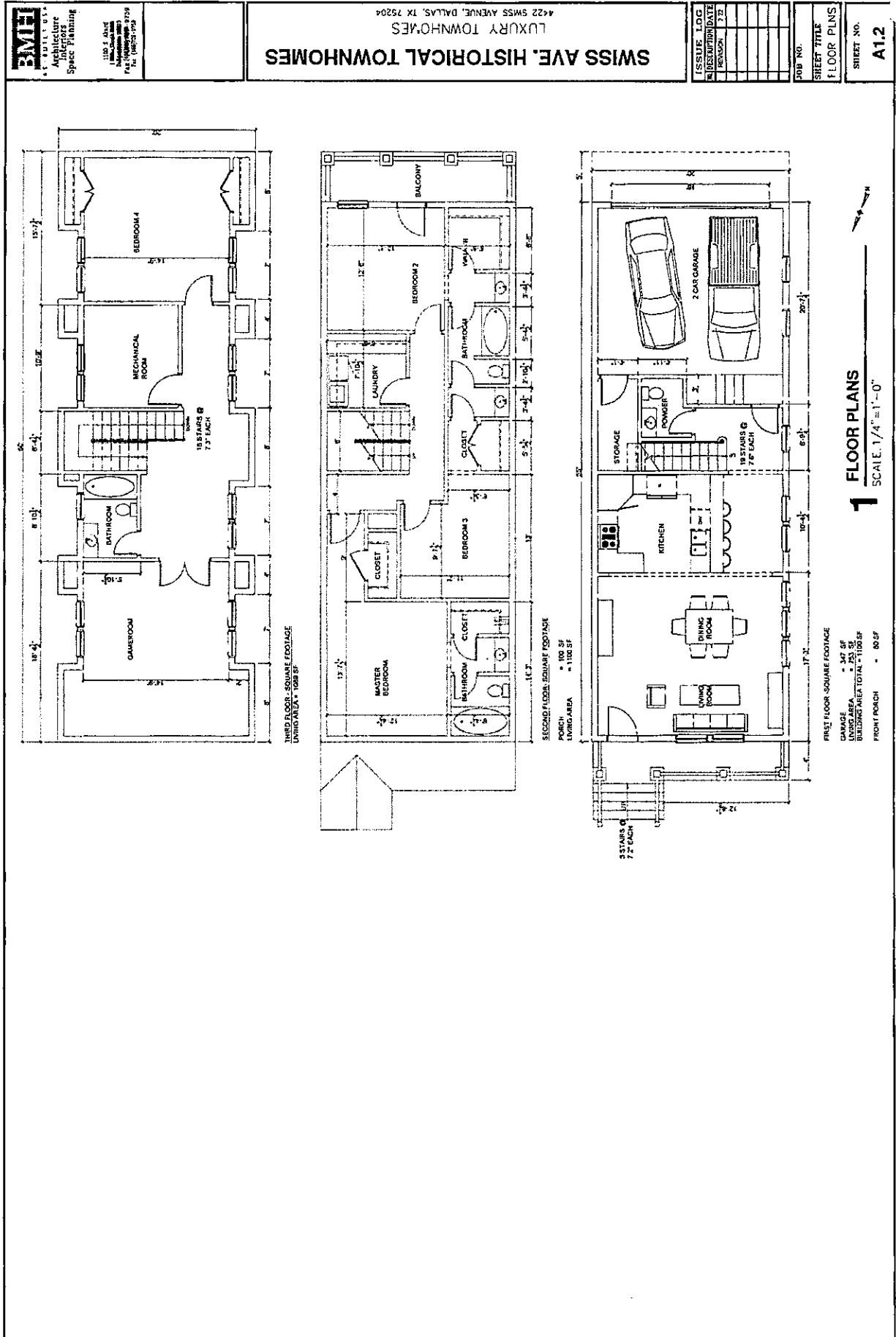
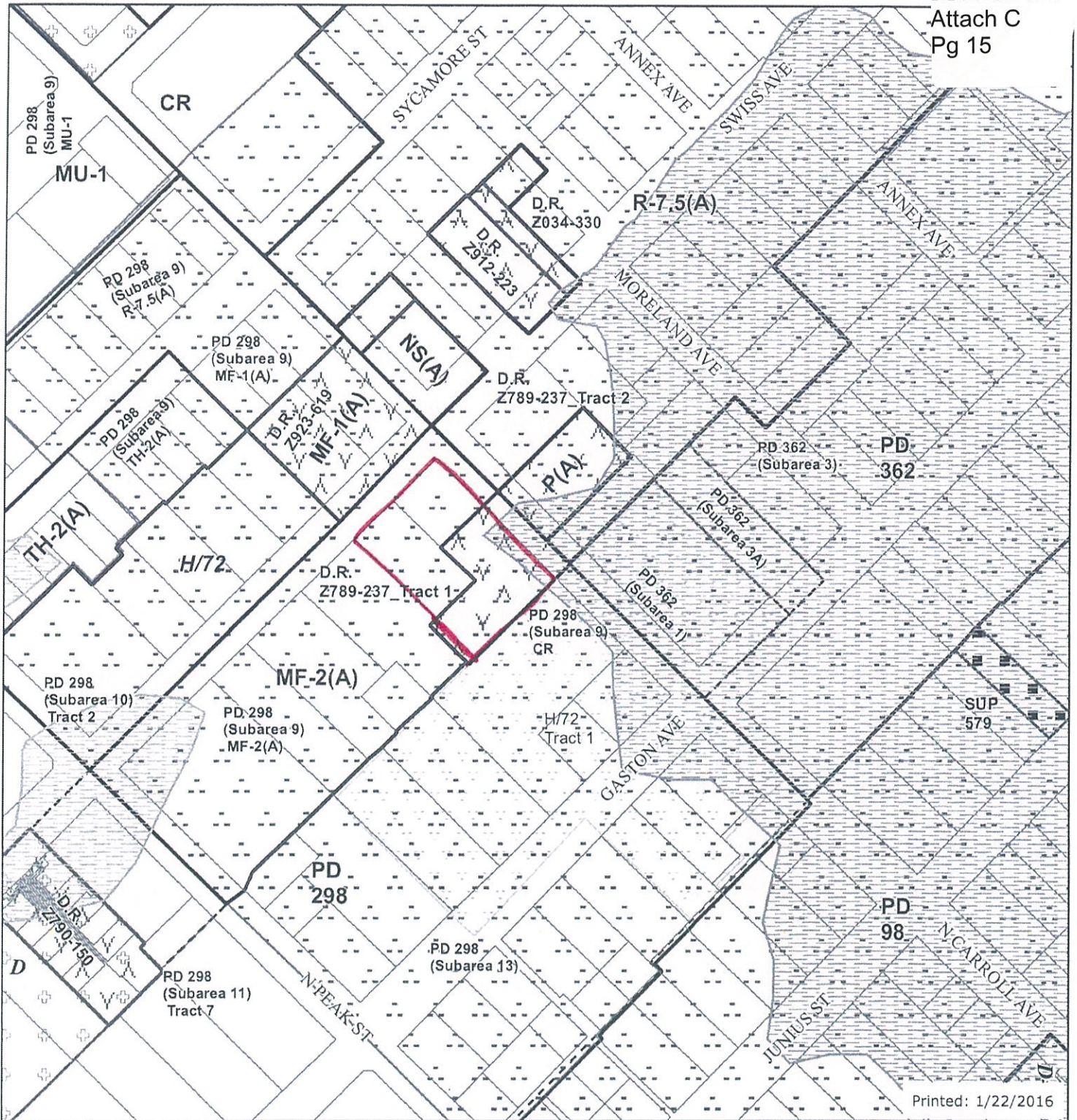


EXHIBIT B



EXHIBIT C



Printed: 1/22/2016

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	SUP	Historic Overlay	Shop Front Overlay
BDA 156-027		Height Map Overlay	

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



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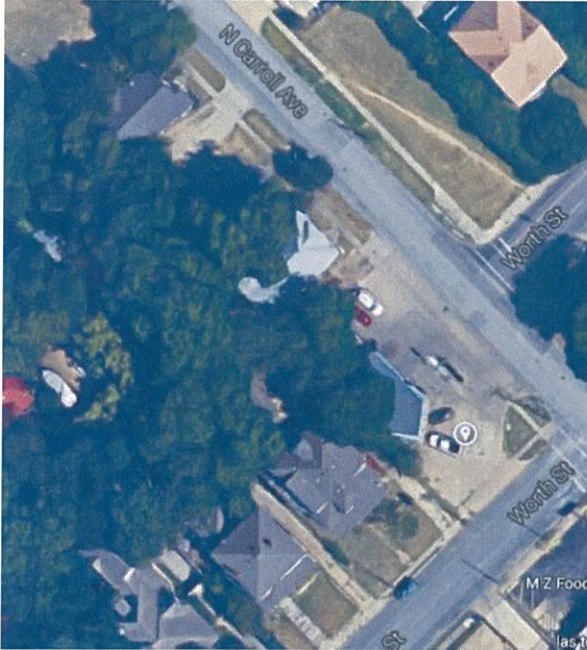
EXHIBIT D



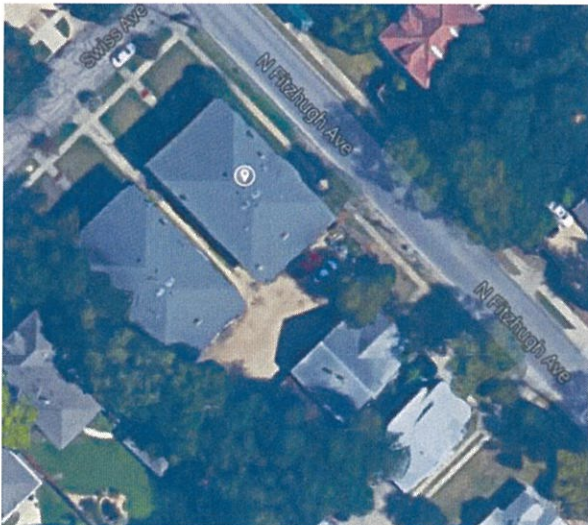
EXHIBIT E

Other Corner Lot Developments subject to the Peak Suburban Addition Ordinance

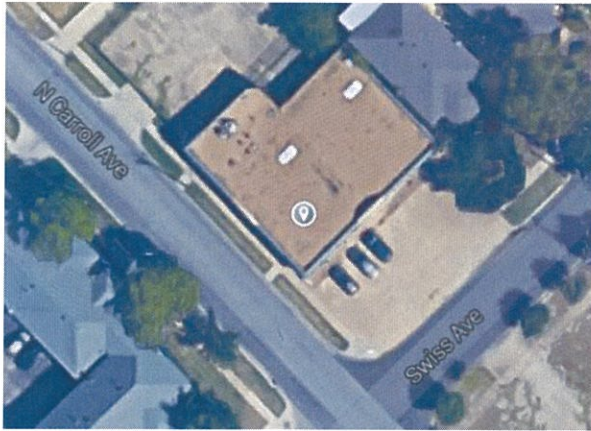
4423 Worth Street



4846 Swiss Avenue



4501 Swiss



Other Similar Lots Located on North Carroll Avenue Zoned P.D. 298

4425 Swiss Avenue & 4422 Sycamore Street



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

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

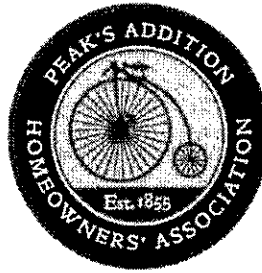
Building Official's Report

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

BDA156-027. Application of Allan R. Brown represented by Steven Dimitt for a variance to the front yard setback regulations and a variance to the building height regulations at 1015 N. Carroll Avenue. This property is more fully described as Lot 5, Block 8/768, and is zone PD 298 (Subarea 9), which requires a front yard setback of 24 feet 4 inches and limits the maximum building height to 36 feet. The applicant proposes to construct a multifamily residential structure and provide a 0 foot front yard setback, which will require a 24 foot 4 inch variance to the front yard setback regulation, and to construct a multifamily residential structure with a building height of 45 feet, which will require a 9 foot variance to the maximum building height regulations.

Sincerely,

Philip Sikes
 Philip Sikes, Building Official



April 5, 2016

Re: Case BDA 156-207

IN SUPPORT: Variance on Carroll Ave

Dear Board of Adjustments Members:

The applicant previously proposed a site plan that included variances to the front yard setbacks along Swiss Avenue and North Carroll Avenue, as well as an increase in allowed height. The Peak's Addition Neighborhood Association ("Association") was not in favor of the variance requests for the front yard setback along Swiss Avenue or the increase in allowed height. As a result of the Association's comments regarding the Applicant's initial site plan, the Applicant revised its site plan to address our concerns.

The Applicant's revised site plan, which is attached hereto, includes four units facing Swiss Avenue. The Applicant's revised site plan no longer seeks a variance to the front yard setback along Swiss Avenue or to the height of the development. The only variance the Applicant seeks is to the front yard setback along North Carroll Avenue.

On March 1, 2016, the Association held a general neighborhood meeting where the membership voted to support the Applicant's request for a twenty-four feet and four inch variance to the front yard setback requirement along North Carroll Avenue, which would result in no front yard setback.

We welcome the Applicant's proposed development, support their front yard variance request along North Carroll Avenue, and look forward to their development being part of our neighborhood.

Regards,

Jim Anderson
President
Peak's Addition Homeowner's Association



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-027

Data Relative to Subject Property:

Date: 1/21/2016

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

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

Street Frontage (in Feet): 1) 93.36 2) 175 3) 4) 5) 6823

To the Honorable Board of Adjustment :

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

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

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

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

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

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

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

The variance should be granted because it is not contrary to the public interest and owing to special conditions, to be described further in supplementary materials to be provided to City Staff, literal enforcement would result in unnecessary hardship.

Further the variance is necessary to permit development of this specific parcel of land.

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

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

Respectfully submitted: Allan Brown

Applicant's name printed

Applicant's signature

Affidavit

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

Affiant (Applicant's signature)

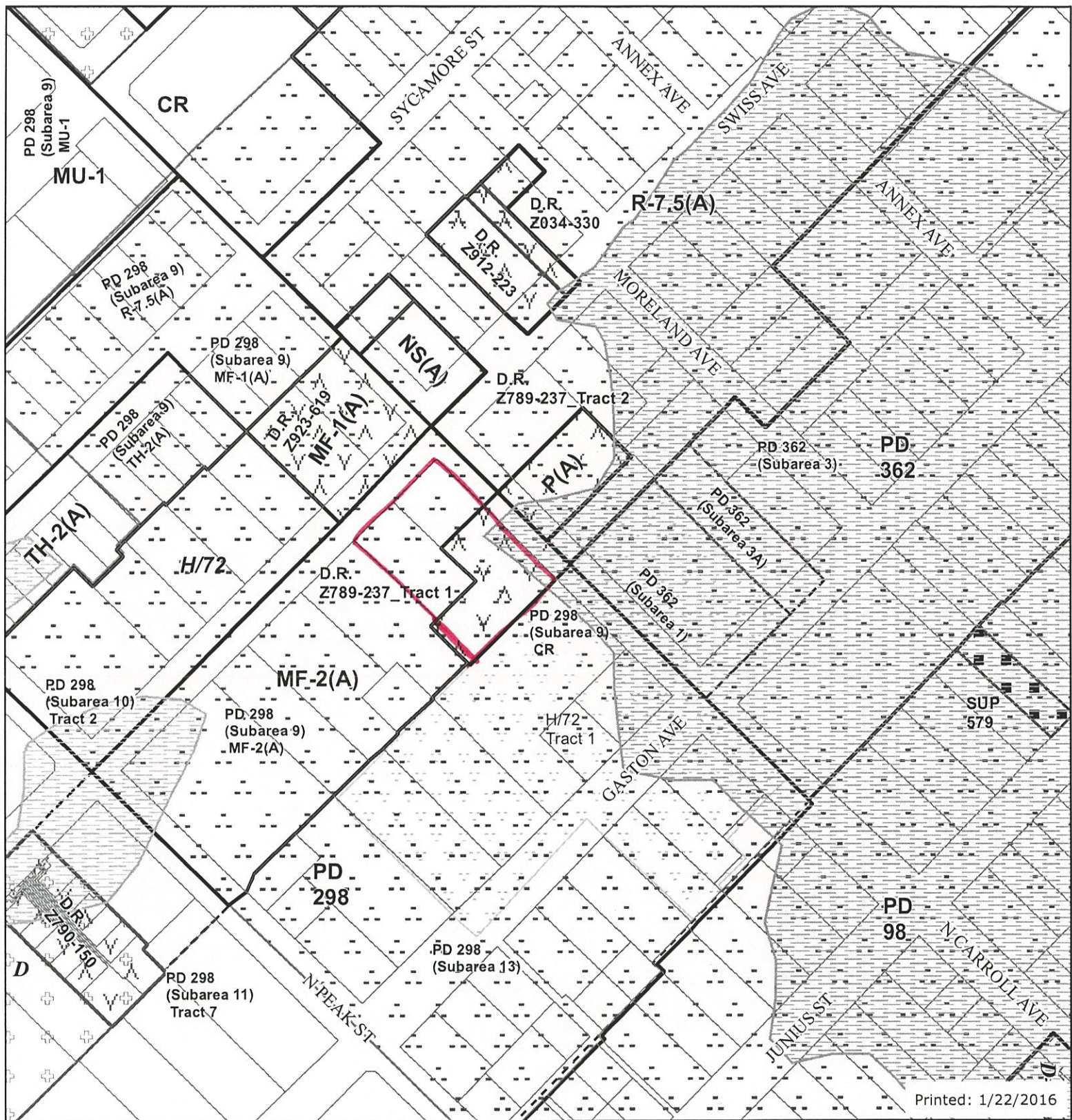
Subscribed and sworn to before me this 22nd day of January, 2016

Notary Public in and for Dallas County, Texas



(Rev 08-20-09)

Chairman



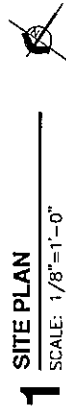
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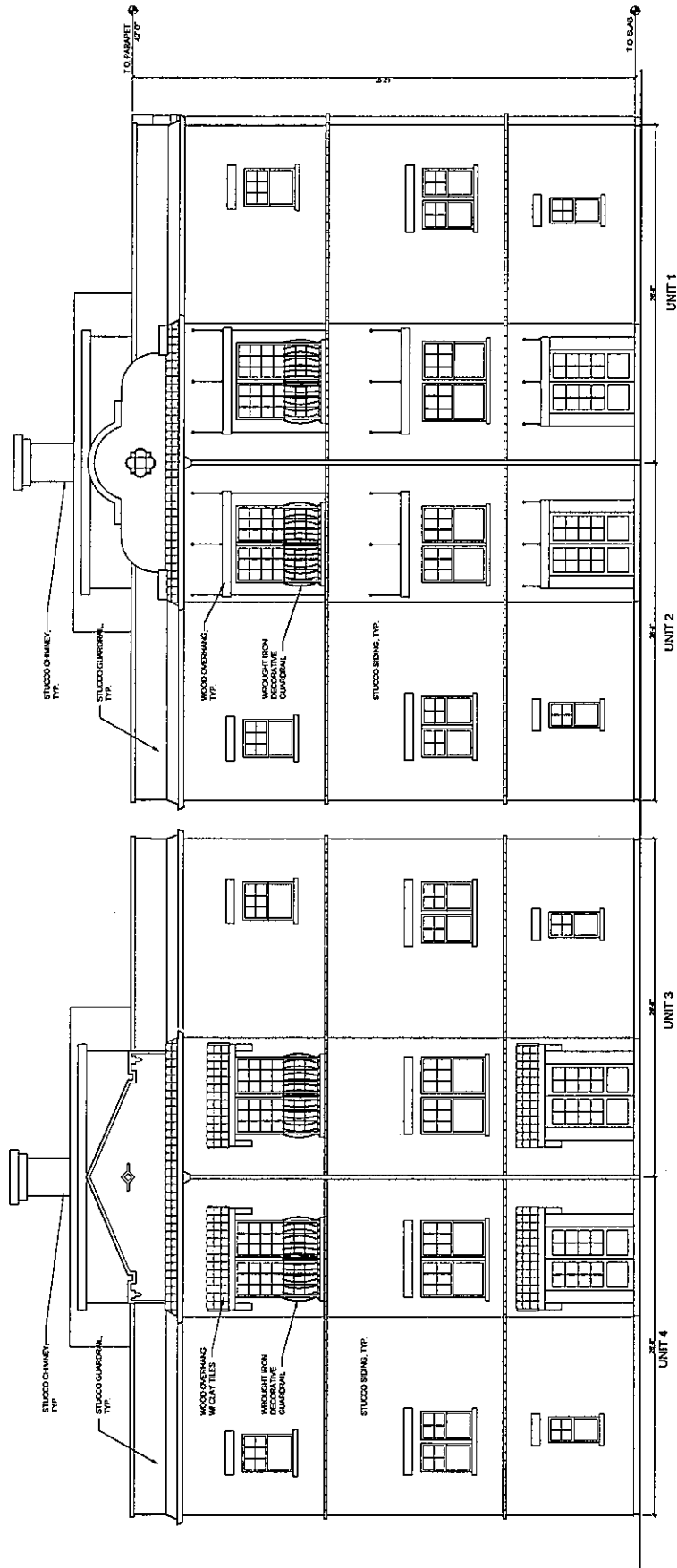
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School	Certified Parcels	D	PD Subdistricts
Floodplain	Base Zoning	D-1	PDS Subdistricts
100 Year Flood Zone	PD193 Oak Lawn	CP	NSO Subdistricts
Mill's Creek	Dallas Environmental Corridors	SP	NSO_Overlay
Peak's Branch	SPSPD Overlay	MD Overlay	Escarpment Overlay
X Protected by Levee	Deed Restrictions	Historic Subdistricts	Parking Management Overlay
Parks	SUP	Historic Overlay	Shaded Front Overlay
BDA 156-027		Height Map Overlay	

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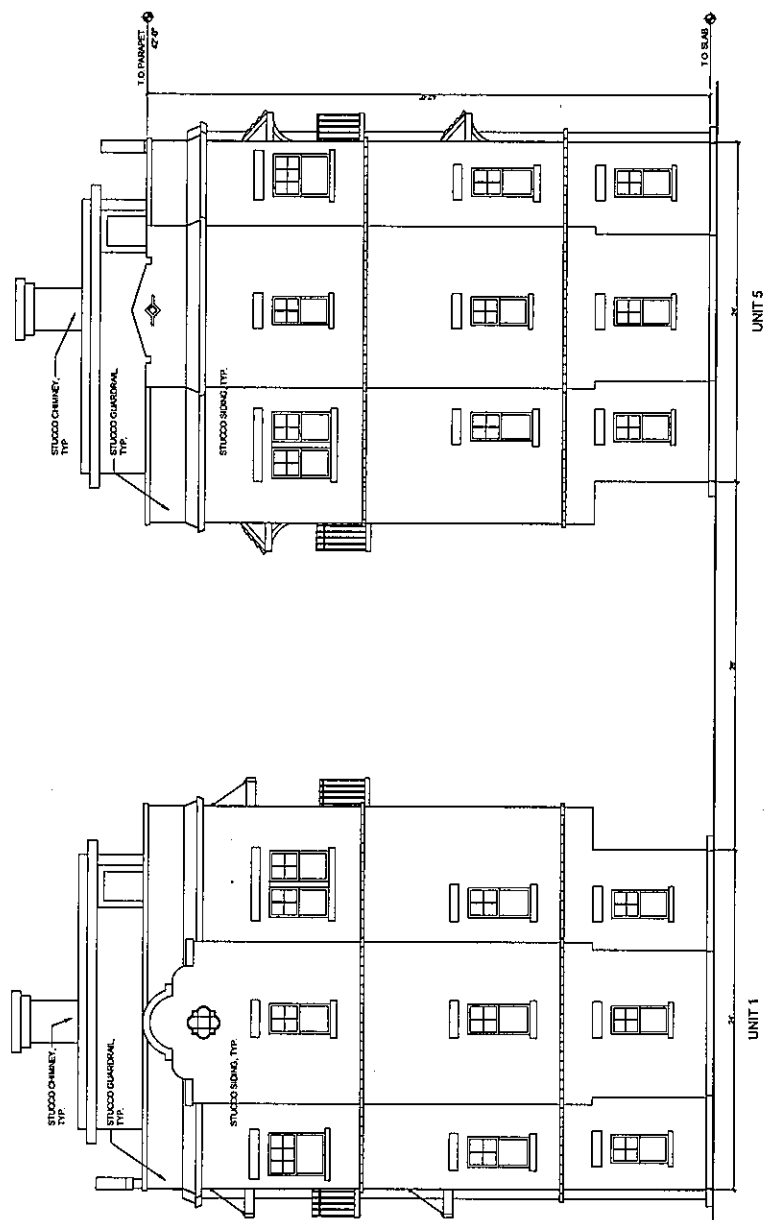


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SCALE: 1/4" = 1'-0"

[illegible]

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	NORTH ELEV.

SHEET NO. A1.9

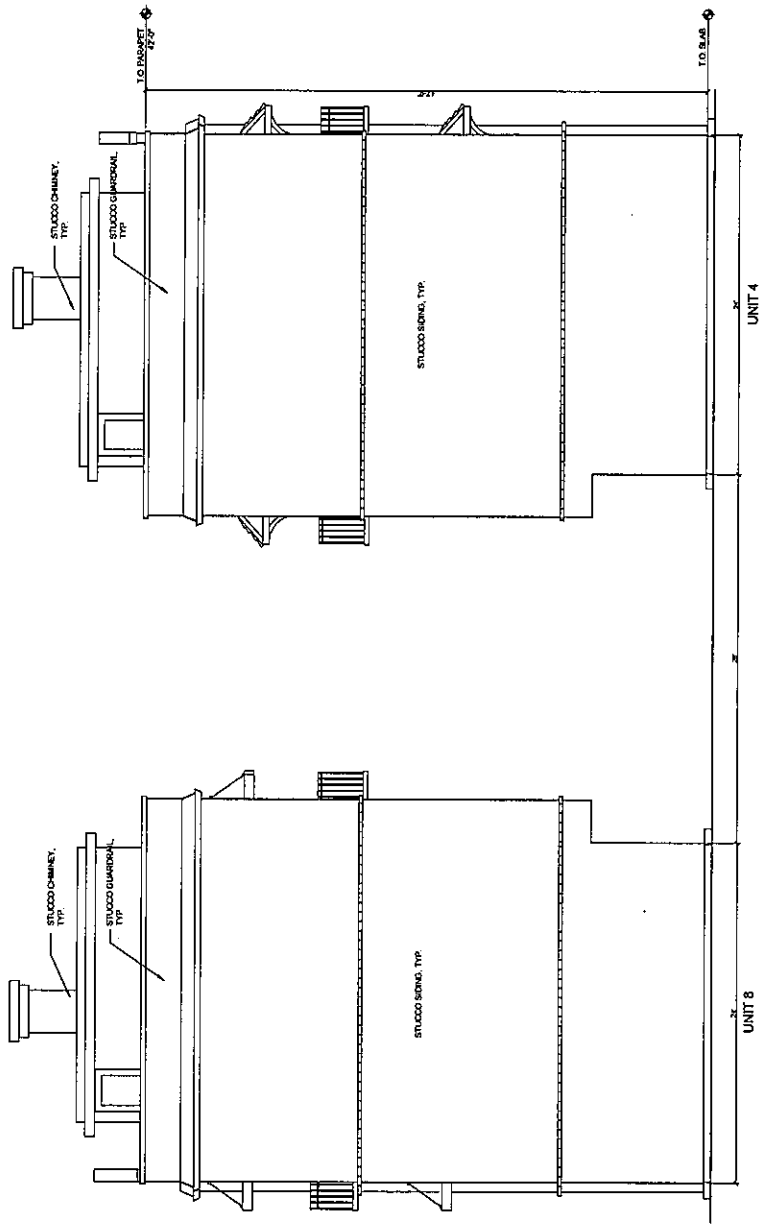


1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

ISSUE LOG		
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SHEET TITLE	
SOUTH ELEV.	

SHEET NO.	
A1.10	

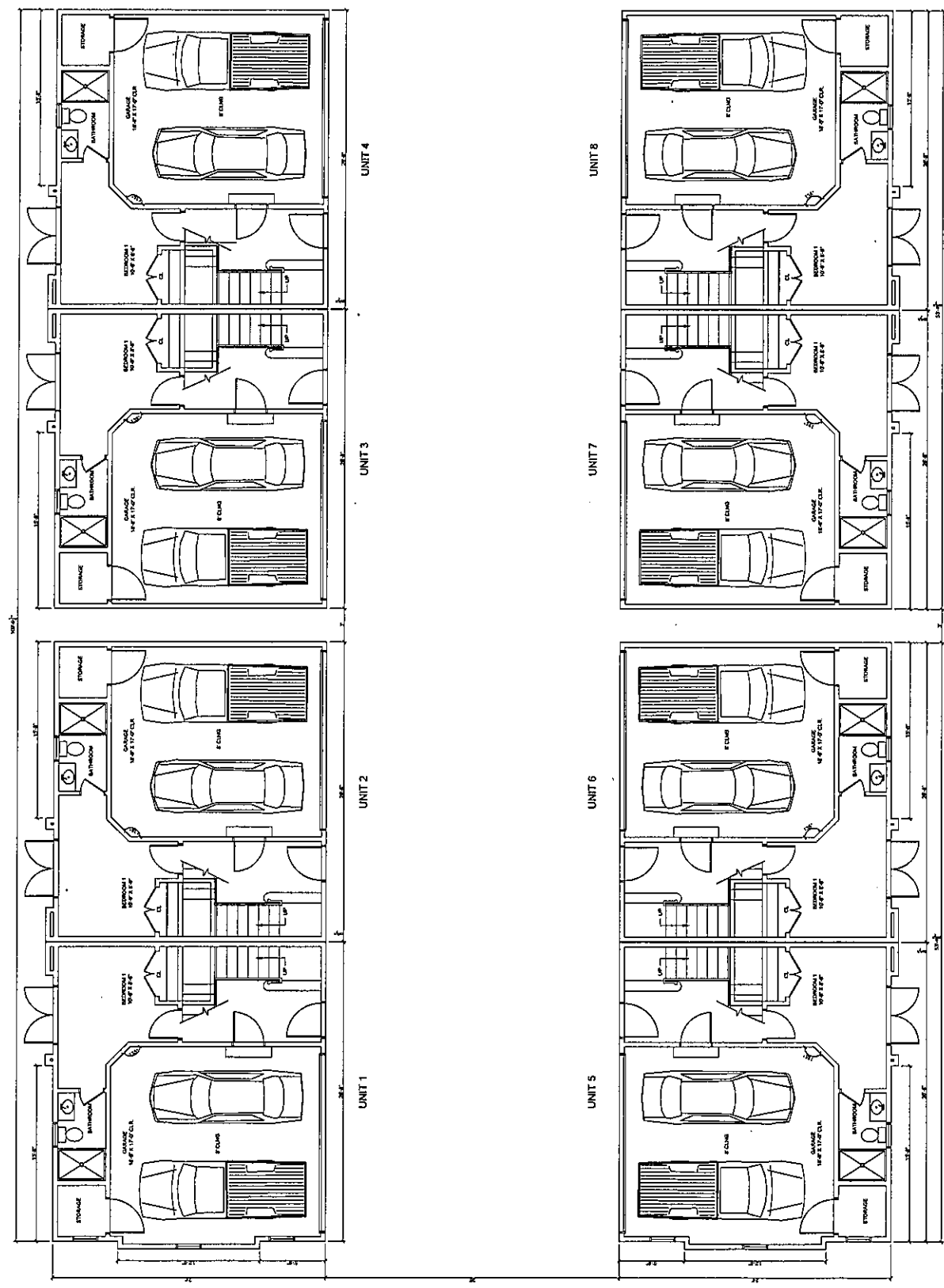


1 SOUTH ELEVATION
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ISSUE LOG	DESCRIPTION	DATE

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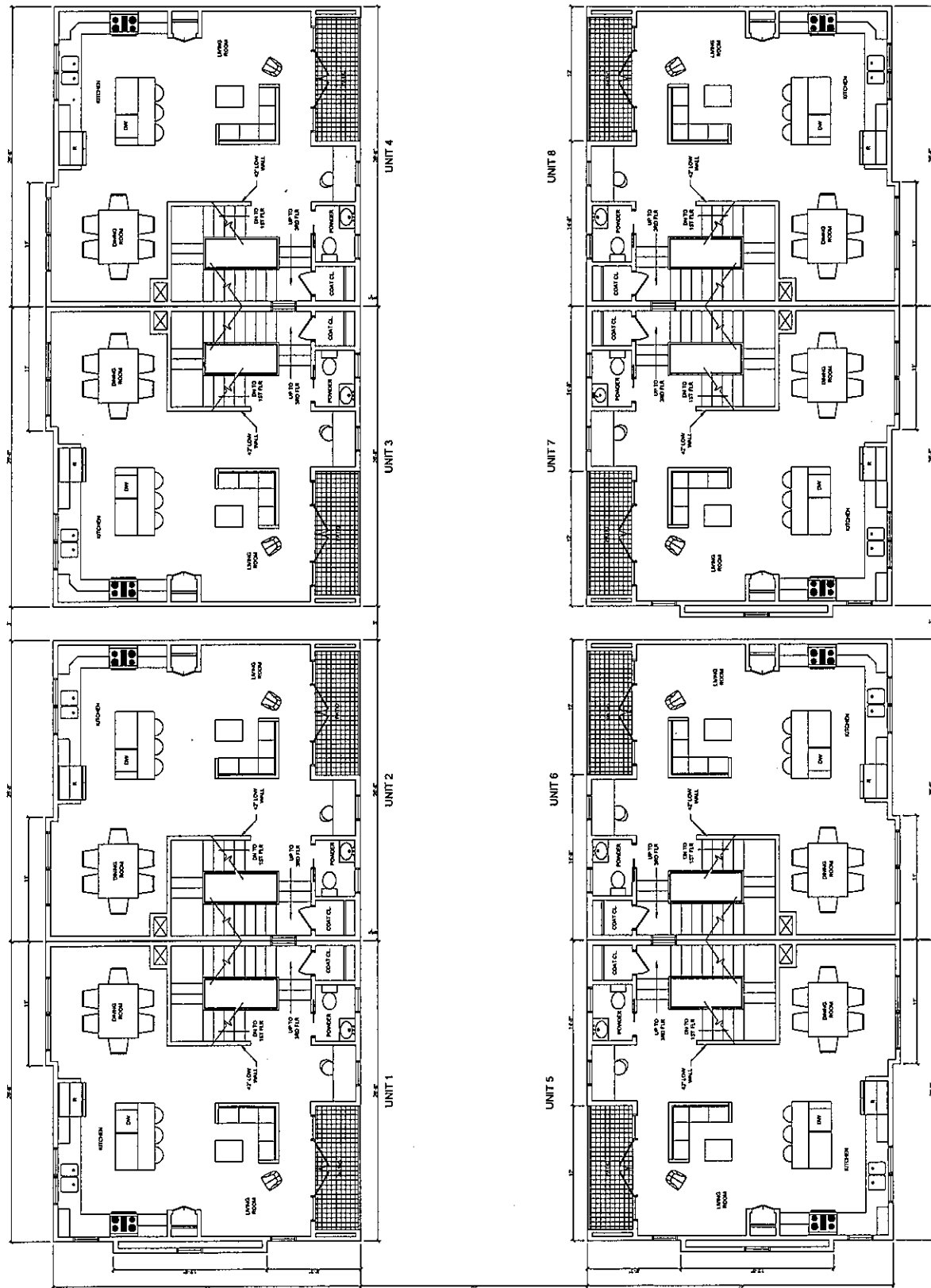
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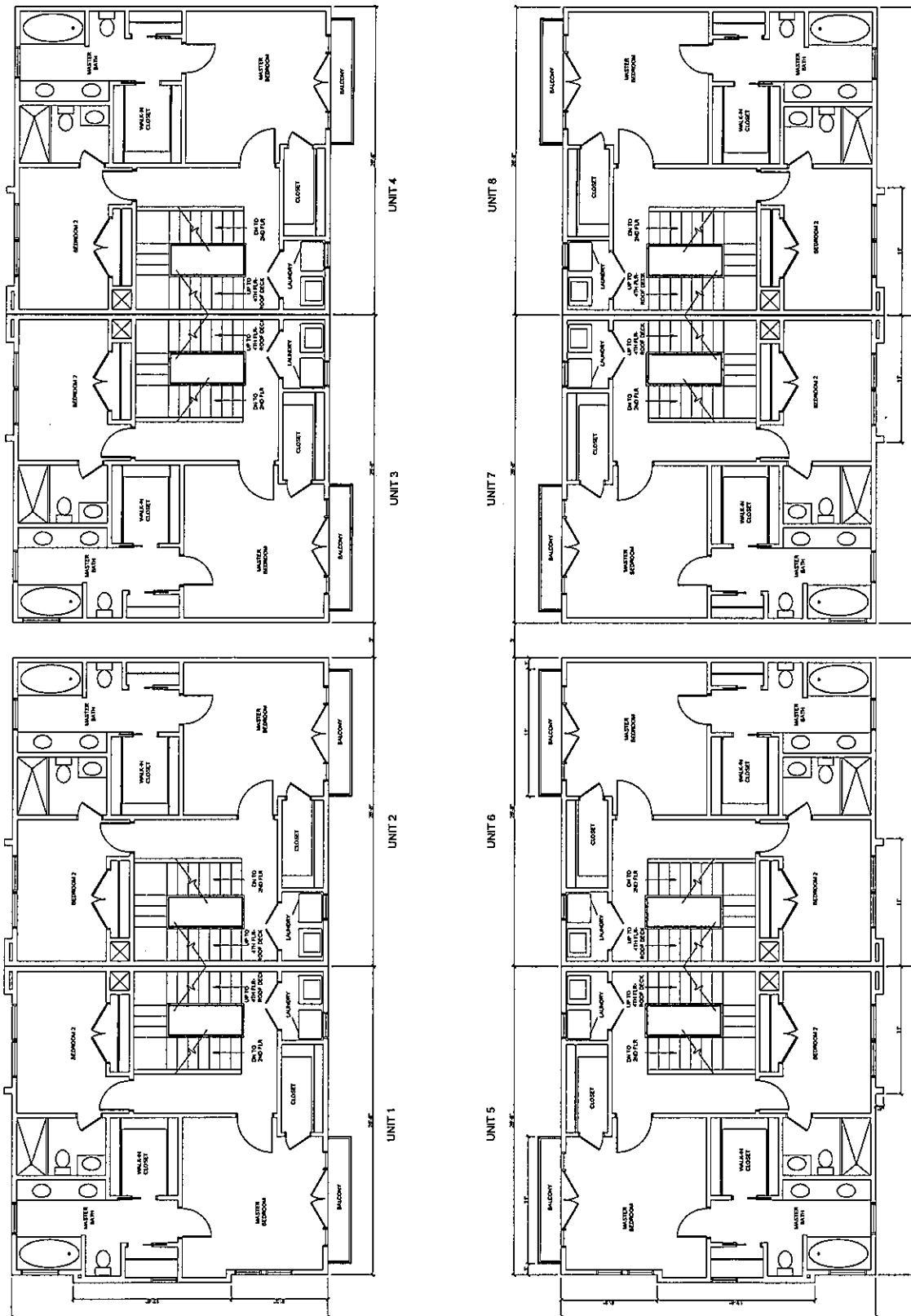
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ISSUE LOG
NO. DESCRIPTION DATE

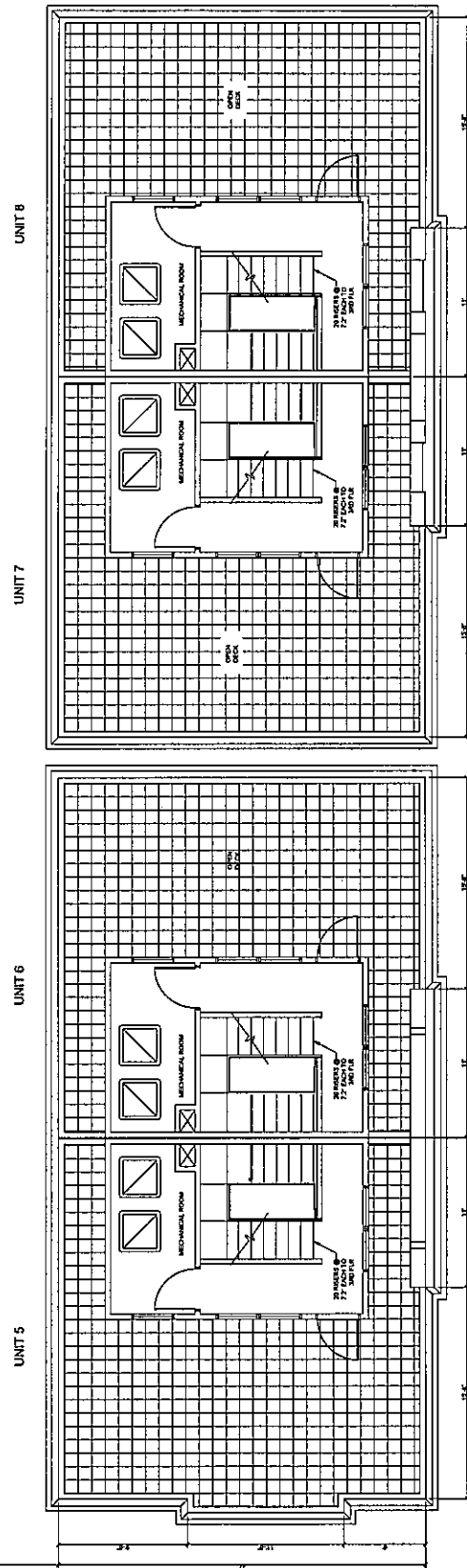
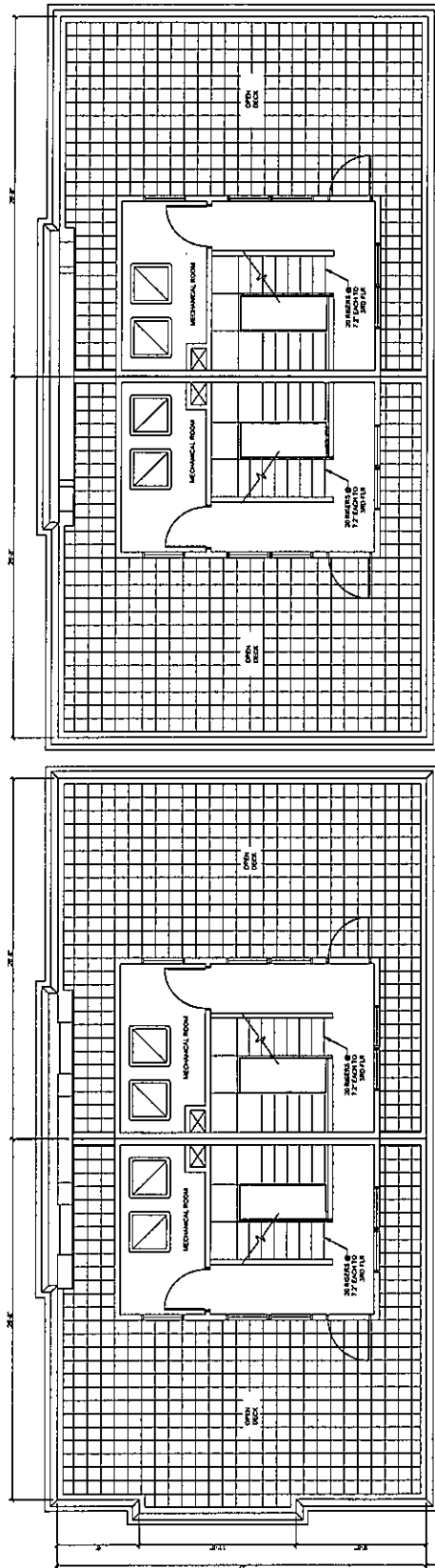
TOT. NO.
SHEET TITLE
SECOND FLR.
SHEET NO.
A1.3



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



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



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

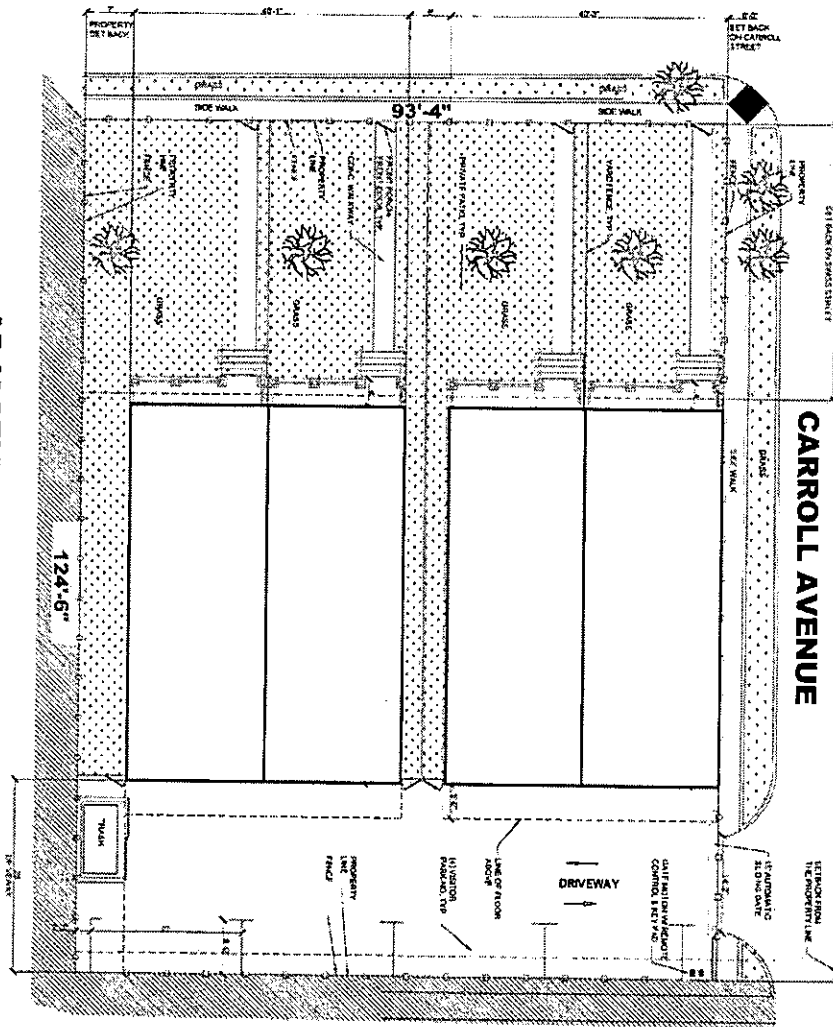
SWISS AVENUE

ADJACENT PROPERTY

CARROLL AVENUE

ADJACENT PROPERTY

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



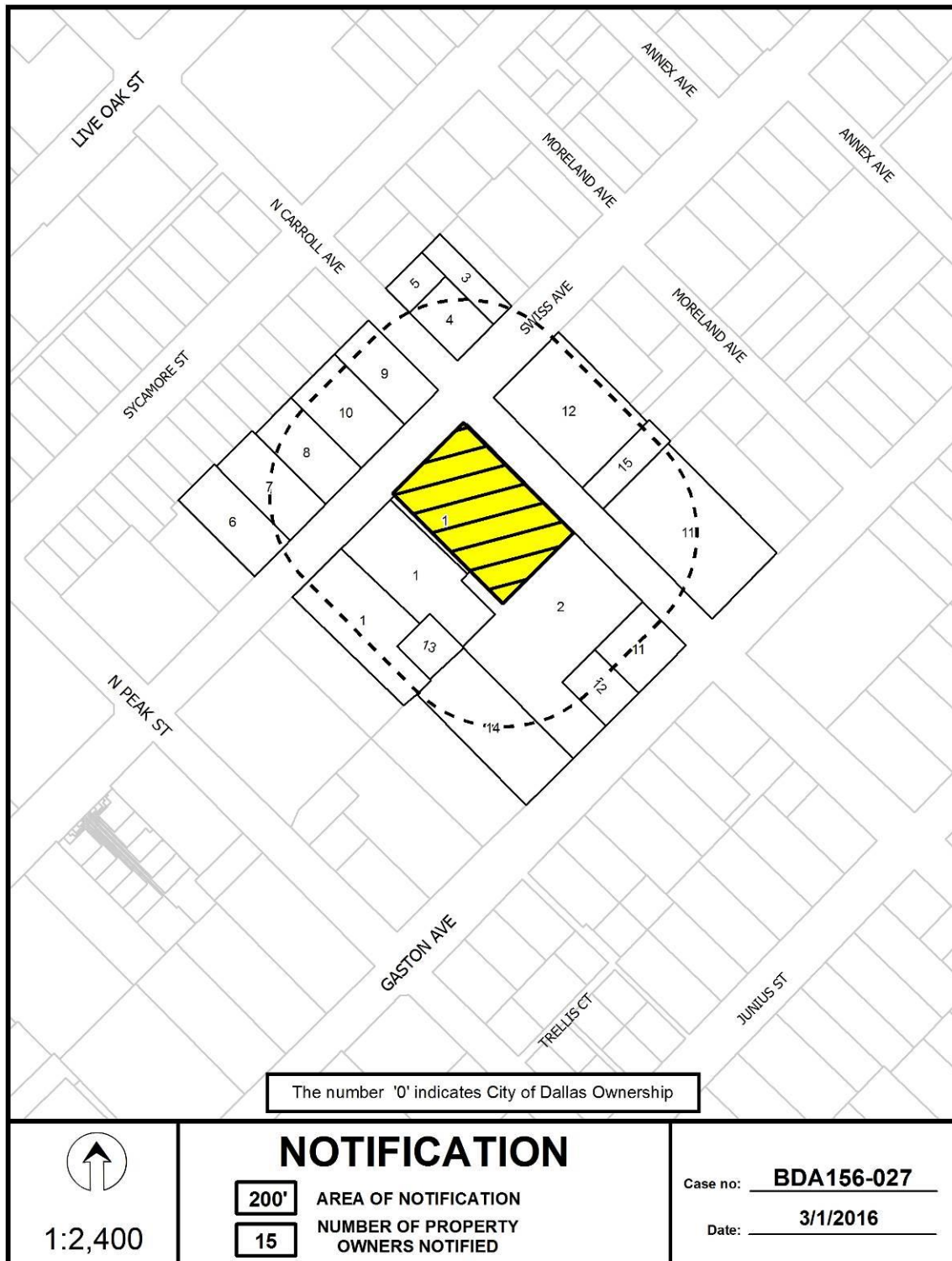
SWISS AVE. HISTORICAL TOWNHOMES

LUXURY TOWNHOMES
4422 SWISS AVENUE, DALLAS, TX 75204

SHEET NO.
A1.0

ISSUE LOG	DATE	DESCRIPTION
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2	12/15/15	ISSUE LOG
3	12/15/15	ISSUE LOG
4	12/15/15	ISSUE LOG
5	12/15/15	ISSUE LOG
6	12/15/15	ISSUE LOG
7	12/15/15	ISSUE LOG
8	12/15/15	ISSUE LOG
9	12/15/15	ISSUE LOG
10	12/15/15	ISSUE LOG

1102 S. KAPPA
DALLAS, TEXAS 75205
TEL: 214.444.1102
WWW.BDA156.COM



Notification List of Property Owners

BDA156-027

15 Property Owners Notified

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

FILE NUMBER: BDA156-040(SL)

BUILDING OFFICIAL'S REPORT: Application of Eric Hopkins for variances to the side yard setback regulations, building height regulations, and off-street parking 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 10 foot side yard setback, limits the maximum building height to 26 feet due to a residential proximity slope, and requires that no required or excess parking be placed in the required front yard. The applicant proposes to construct and maintain a structure and provide an 8 foot side yard setback, which will require a 2 foot variance to the side yard setback regulations, with a building height of 35 feet 2 inches, which will require a 9 foot 2 inch variance to the maximum building height regulations, and to provide required or excess parking in the required front yard, which will require a variance to the off-street parking regulations.

LOCATION: 5608 Live Oak Street

APPLICANT: Eric Hopkins

REQUESTS:

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

1. A variance to the side yard setback regulations of 2' is 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*;
2. A variance to the height regulations (specifically to the residential proximity slope) of 9' 2" is requested to complete/modify and maintain the 35' 2" high structure 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;
3. A variance to the off-street parking regulations is made to locate and maintain required and/or excess parking for the multifamily use/structure in the required front yard.

- * While the applicant has requested a 2' variance to the side yard setback regulations, it appears from the applicant's submitted elevation that balcony structures are located 6' from the side property line or 4' into the 10' side yard setback. (Note that while staff made the applicant aware of this finding, the applicant did not amend his application to increase his variance request).

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 (variances):

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how any of 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, height, and parking regulations.

BACKGROUND INFORMATION:

Zoning:

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

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 (side yard variance):

- The request for a variance to the side yard setback regulations of 2' focuses on completing and maintaining part of the approximately 6,400 square foot, 3-unit, 3-story, multifamily structure with an approximately 2,100 square foot building footprint that is located 8' from the site's southwest side property line or 2' 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'.
- While the submitted site plan appears to represent that a 10' side yard setback is provided from the site's side property line on the southwest, the applicant has requested a variance to the side yard setback regulations of 2' for a structure that is 8' away from the side property line or 2' into the 10' side yard setback. The submitted elevation represents that a portion of the structure approximately 4' above grade encroaches into the 10' side yard setback. While the applicant has requested a variance of 2', it appears from the submitted elevation that balcony structures are located 6' from the side property line or 4' into the 10' side yard setback. (Note that while staff made the applicant aware of this finding, the applicant did not amend his application to increase his variance request beyond the 2' that he made with the original request).
- The Board Administrator emailed the applicant of the importance of his submitted site plan *and* elevation in this application considering the fact that if the board were to grant any or all of your requests that they would most likely impose these submitted documents as a condition, and with this in mind, he should submit any revised plan and/or elevation that would more accurately convey his proposal/development than what is included in the attached application materials to Building Inspection by noon, March 30th.
- 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 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 side yard variance request, the Board may want to require that the applicant submit a site plan and elevations that are accurate representations of what the applicant intends to construct and maintain on the property. But note that the Board can only consider a variance to the side yard setback of 2' which would require the applicant to locate and maintain any/all structures no closer than 8' from the side property line.

GENERAL FACTS /STAFF ANALYSIS (height variance):

- The request for a variance to the height regulations (specifically to the residential proximity slope) of 9' 2" focuses on completing/modifying and maintaining the 35' 2" high structure 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 as 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 9' 2" is requested since there is a structure proposed to reach 35' 2" in height or 9' 2"

higher/beyond than the 26' height allowed for the structure as it is located on this subject site.

- While an elevation has been submitted that represents a 1:1-slope (or 1 foot in height for every 1 foot away from property in a CH, MF-1, MF-1(A), MF-2, and MF-2(A) residential zoning district), the applicant did not submit an elevation representing the 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) that applies to this subject site adjacent to property zoned PD 63 H/1 Area B.
- The Board Administrator emailed the applicant of the importance of his submitted site plan *and* elevation in this application considering the fact that if the board were to grant any or all of your requests that they would most likely impose these submitted documents as a condition, and with this in mind, he should submit any revised plan and/or elevation that would more accurately convey his proposal/development than what is included in the attached application materials to Building Inspection by noon, March 30th.
- 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 height variance request, the Board may want to require that the applicant submit a site plan and an elevation that are accurate representations of what the applicant intends to construct and maintain on the property. But note that the Board can only consider a variance to the height regulations of 9' 2" for a structure that is 35' 2" in height and exceeds the RPS line by 9' 2".

GENERAL FACTS /STAFF ANALYSIS (off-street parking variance):

- The request for a variance to the off-street parking regulations focuses on locating and maintaining required and/or excess parking for the multifamily use/structure in the required front yard.
- The subject site is zoned MF-2(A).
- The off-street parking provisions for residential districts in the Dallas Development Code state that in an MF-1(A), MF-1(SAH), MF-2(A), and MF-2(SAH) district, no required or excess parking may be placed in the required front yard.
- The minimum front yard setback for properties zoned MF-2(A) is 15 feet.
- The submitted site plan indicates that one excess parking space is located in the 15' front yard setback hence a request for variance to the off-street parking regulation to locate this space in the front yard setback.
- 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 Board Administrator emailed the applicant of the importance of his submitted site plan *and* elevation in this application considering the fact that if the board were to grant any or all of your requests that they would most likely impose these submitted documents as a condition, and with this in mind, he should submit any revised plan and/or elevation that would more accurately convey his proposal/development than what is included in the attached application materials to Building Inspection by noon, March 30th.
- 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 off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance to the off-street parking 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 the off-street parking 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 off-street parking variance request, the Board may want to require that the applicant submit a site plan that is an accurate representation of what the applicant intends to construct and maintain on the property. But note that the Board can only consider a variance to the parking

regulations which would allow excess parking space to be located in the 15' front yard setback.

Timeline:

February 24, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

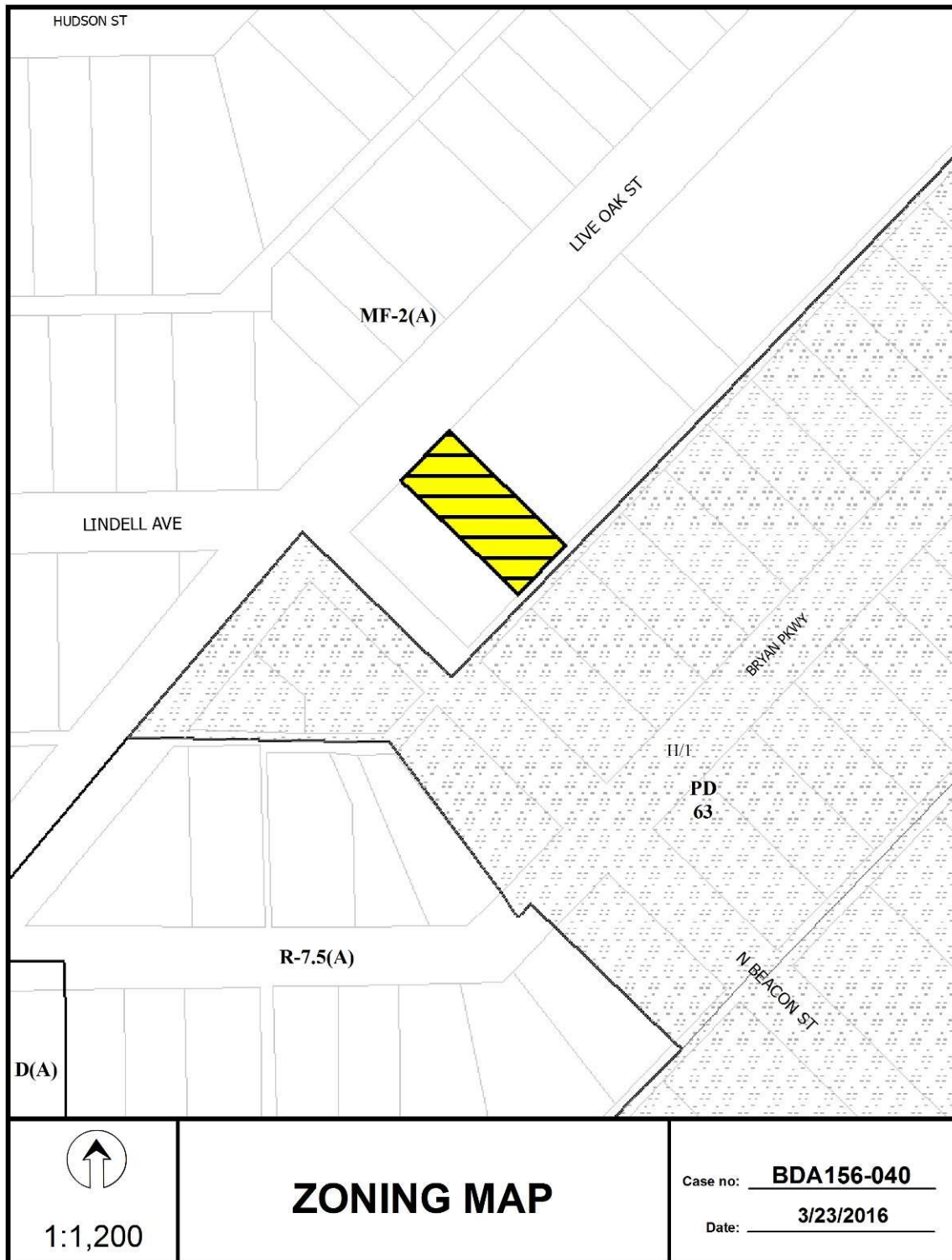
March 15, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

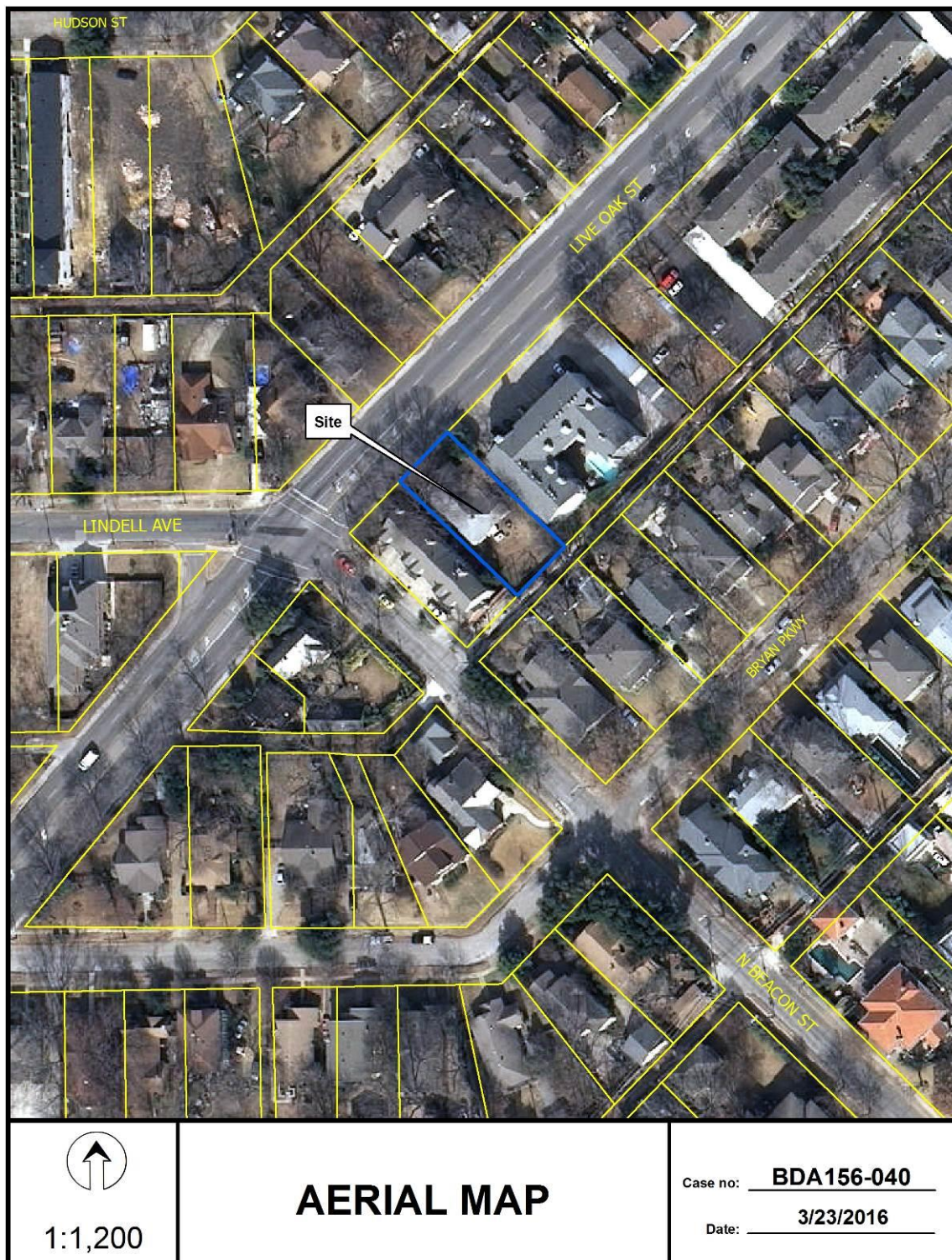
March 15, 2016: The Board Administrator emailed the applicant the following information:

- 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th 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."

April 1, 2016: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment A).

April 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineers, the City of Dallas Chief Arborist, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.
No review comment sheets were submitted in conjunction with this application.





**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 Eric Hopkins

did submit a request for a variance to the off-street parking regulations, and for a variance to the side yard setback regulations, and for a variance to the building height regulation

at 5608 Live Oak Street

BDA156-040. Application of Eric Hopkins for a variance to the the side yard setback regulations, a variance to the building height regulations, and a variance to the off-street parking regulations at 5608 Live Oak Street. This property is more fully described as Lot 21 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 10 foot side yard setback, and requires that no required or excess parking be placed in the required front yard. The applicant proposes to construct and maintain a multifamily residential structure and provide an 8 foot side yard setback, which will require a 2 foot variance to the side yard setback regulation, and to construct and maintain a multifamily residential structure with a building height of 35 feet 2 inches, which will require a 9 foot 2 inch variance to the maximum building height regulation, and to provide parking in the required front yard, which will require a variance to the off-street parking regulations.

Sincerely,


Philip Sikes, Building Official



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-040

Data Relative to Subject Property:

Date: 02-25-16

Location address: 5608 Live Oak

Zoning District: MF-2(A)

Lot No.: 25

Block No.: 16/1872

Acreage: .17

Census Tract: 11.01

Street Frontage (in Feet): 1) 56 2) _____ 3) _____ 4) _____ 5) 5024

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Live Oak Units, LLC

Applicant: Eric Hopkins

Telephone: (214) 814-0352

Mailing Address: 221 Baylor Dr. / Galen Heights

Zip Code: 75154

E-mail Address: ehopkins@txhopkins.com

Represented by: Eric Hopkins

Telephone: (214) 814-0352

Mailing Address: _____

Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance ✓, or Special Exception Two but to the, of Side yard setback, The variance in front yard, and Special Exception to minimum required parking of 2 spaces for a multi-family lot from the 10 required, and variance of 19'2" to the maximum structure height per RPS

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:

- Side yard setback, front yard parking, and 1 to 1 RPS will not be contrary to public interest. Due to building being near completion per city approved plans and lot size building cannot be developed in a manner commensurate with the development of others in same district with same zoning
- Special Exception to minimum parking because it will not affect neighboring property

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

Affidavit

Before me the undersigned on this day personally appeared Eric Hopkins

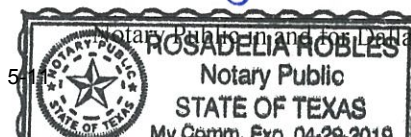
(Affiant/Applicant's name printed)

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: Eric Hopkins

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 25 day of February, 2016



**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 Eric Hopkins

did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the building height regulation, and for a special exception to the parking regulations

at 5608 Live Oak Street

BDA156-040. Application of Eric Hopkins for a variance to the front yard setback regulations, a variance to the side yard setback regulations, a variance to the building height regulations, and a special exception to the parking regulations at 5608 Live Oak Street. The 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 10 foot side yard setback and requires a front yard setback of 15 feet and requires parking to be provided. The applicant proposes to construct and maintain a multifamily residential structure and provide an 8 foot front yard setback, which will require 7 foot variance to the front yard setback regulation, and to provide an 8 foot side yard setback, which will require a 2 foot variance to the side yard setback regulation, and to construct a multifamily residential structure with a building height of 35 feet 2 inches, which will require a 9 foot 2 inch variance to the maximum building height regulation, and to provide 8 of the required 10 parking spaces, which will require a 2 space special exception (20% reduction) to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

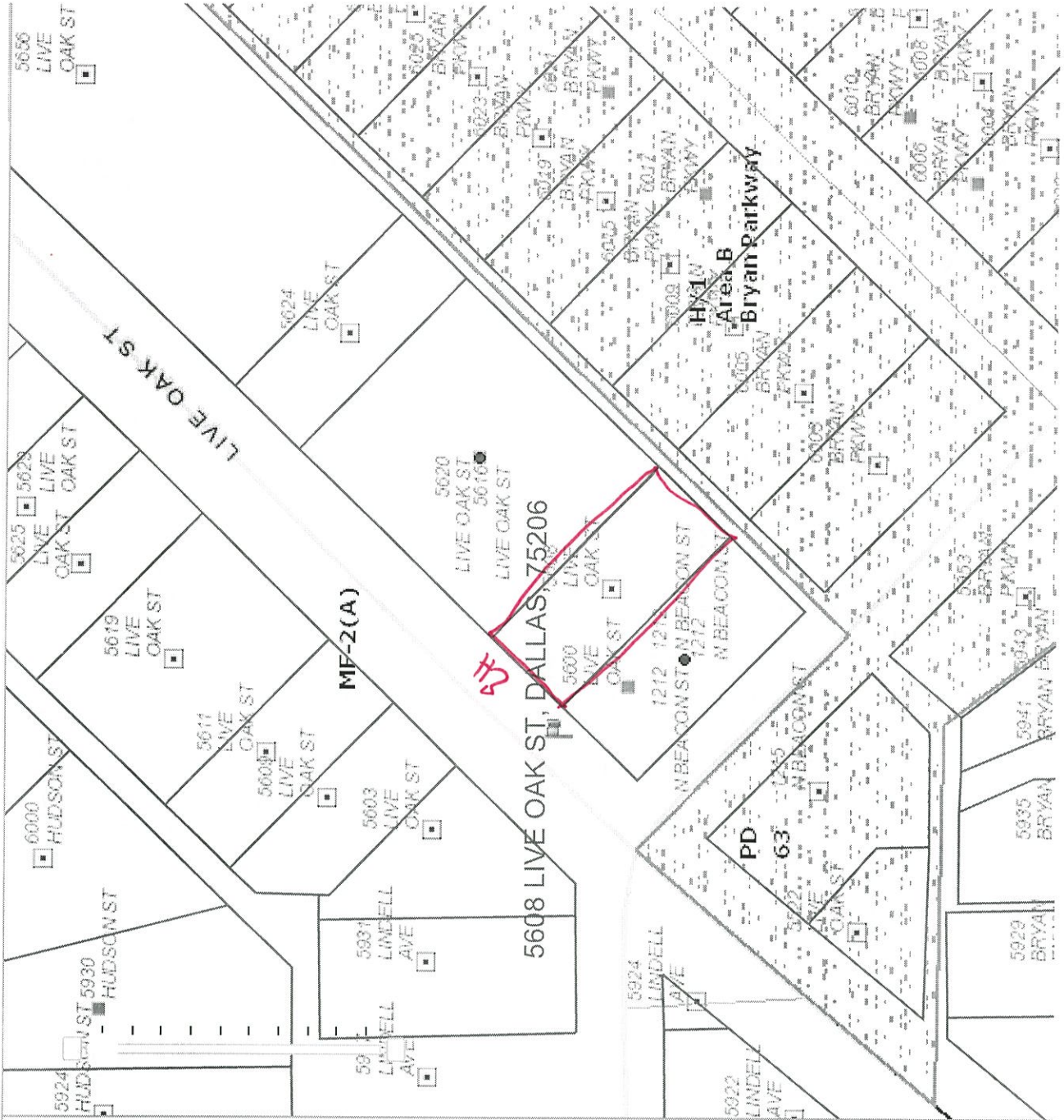


City of Dallas

Internal Development Research Site

Legend

Locate Property



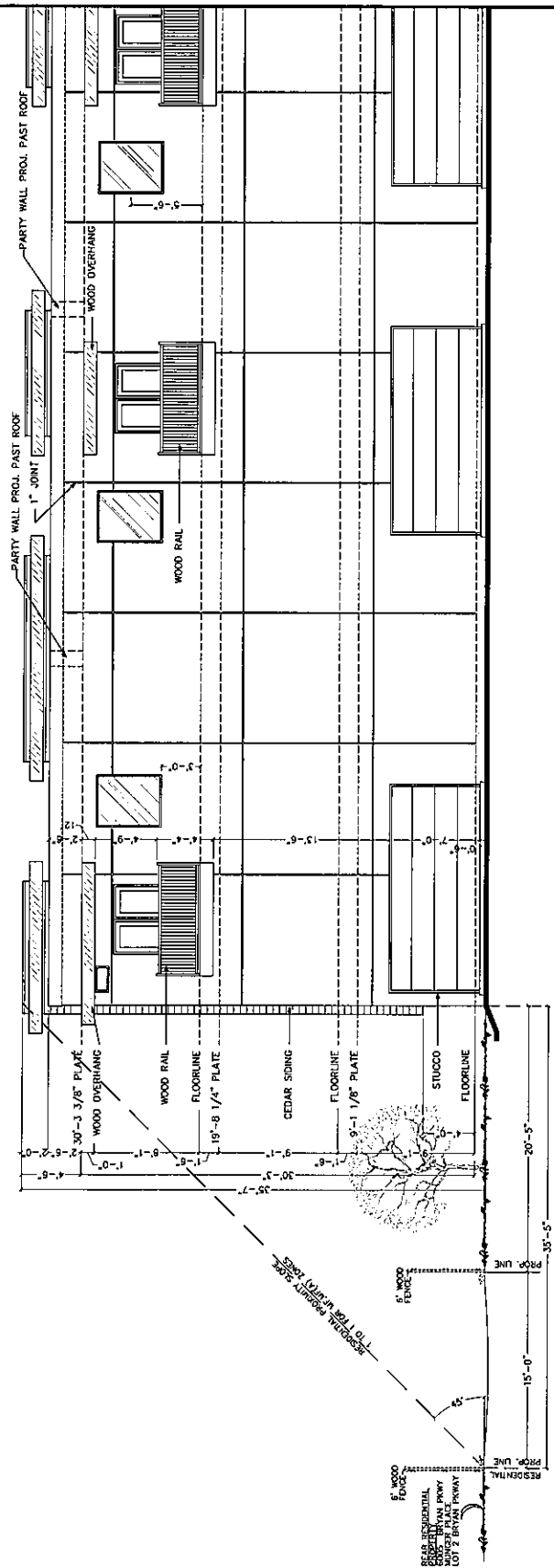
CONSTRUCTION CONCEPTS, INC.
 "Planning and Designing a Better Tomorrow"
 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 946-4300
 FAX. (214) 946-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OR SERVICES. HVAC, AND STRUCTURAL, BEFORE BEGINNING CONSTRUCTION OF ANY KIND. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRADING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATIONS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
 5608 LIVE OAK
 DALLAS, TX
 75201

Project	RESIDENTIAL
Prox. Slope	10/23/15
Date	10/23/15
Scale	1/4" = 1'-0"
Drawn By	JE

16



RESIDENTIAL PROXIMITY SLOPE
 1/4" = 1'-0"

317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY FOR SUSTAINABILITY BUILD THIS STRUCTURE. THESE PLANS MUST BE CHECKED AND SIGNED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OR SERVICES PRIOR TO CONSTRUCTION. BUILDERS SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. UNDER ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE. OVER ANY PART OF THESE PLANS.

Project Name & Address
5608 LIVE OAK
DALLAS, TX
75201

Project FLOOR PLAN	Sheet
-----------------------	-------

Date	10/10/15
Scale	3/16"=1'-0"
Drawn By	J.E.

WINDOW SCHEDULE			
TAG	SIZE	DESC.	QTY.
A	2'6" x 4'-0"	FIX	9
B	2'0" x 1'6"	FIX	6
C	2'0" x 5'0"	FIX	2
D	5'0" x 6'0"	FIX	3
E	3'0" x 1'6"	FIX	11
F	5'0" x 4'-0"	FIX	3
G	2'0" x 1'0"	FIX	2
H	3'0" x 5'0"	SH	3
I	5'0" x 6'6"	FIX	4
J	6'0" x 7'-0"	FIX	2
K	1'6" x 5'0"	FIX	2
L	5'0" x 1'0"	FIX	4

DOOR SCHEDULE			
TAG	SIZE	DESC.	QTY.
1	3'-0" X 6'-8"	S.C.	3
2	2'-8" X 6'-8"	H.C.	18
3	2'-4" X 6'-8"	H.C.	15
4	2'-8" X 6'-8"	H.C.	6
5	3'-0" X 6'-8"	H.C.	3
6	16'-0" X 7'-0"	H.C.	3

S.C. = SOLID CORE
P.D. = POCKET DOOR
H.C. = HOLLOW CORE
G.D. = GARAGE DOOR

GENERAL NOTES:

[illegible]

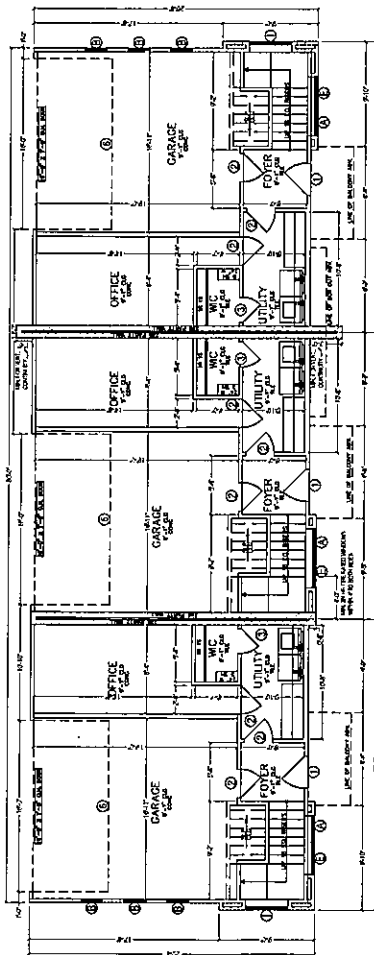
The General Contractor Shall:

1. Be responsible for relating, maintaining, and supervising all safety precautions and programs in connection with the work.
2. Execute the work in a careful and orderly manner, with the least disturbance to the public.
3. Coordinate prior to starting any work all activities required with the building management including use of temporary storage, loading areas, backing systems, safety systems, execution of work or storing of materials during off hours etc.
4. Coordinate all phases of the work, and all trades involved so as to avoid conflict in the location, installation, or construction of the work as indicated by the drawings.
5. Be responsible for the development, coordination and maintenance of construction methods and procedures.
6. Be responsible for checking all field conditions and dimensions and confirming that all details, dimensions, etc. are buildable as shown. If there are questions, the contractor must first obtain clarification from the Owner before proceeding with such work or related construction.
7. Verify all existing conditions in the field. All dimensions shall be verified in the field for construction with existing and new conditions. The contractor shall notify the Owner of any discrepancies between the drawings and the existing conditions prior to pricing, ordering or proceeding with the work.
8. Be responsible for coordination of all work at this site as own response for any work installed in conflict with the drawings, including sequencing or construction method means.
9. Responsible for safe removal and disposal of finished construction shown to be removed. General Contractor shall be responsible for repair of any damages arising out of demolition work.
10. Install equipment and appliances specified according to manufacturers instructions and specifications. The General Contractor shall verify that all existing dimensions in associated cabinets adequately accommodate the specified equipment.
11. Verify that there are existing spaces as necessary to provide an even finish to match adjacent finishing.
12. Provide all necessary blocking, stiffeners, bracing, framing, hangers, or other items in this contract or existing construction requiring the same or for N.E.C. items specifically noted.
13. All finish details are to be coordinated with the base building structural framing and other building components, structural and sequencing requirements shall comply with all applicable codes and regulations.
14. All dimensions are taken from the face of the finished wall, floor, or ceiling unless noted otherwise.
15. No dimension shall be taken by scaling from these drawings.
16. Down points must be set such as base level and room finish level throughout the space.
17. All structural construction shall conform to the standards details for moment resistant except as superseded by specific details herein.
18. All steel reinforcement shall be installed in accordance with the standards details for moment resistant except as superseded by specific details herein.
19. Work done for electrical, mechanical, plumbing and firework will be done by sub-contractors with current local license and will follow the current local and state building code.
20. All dimensions shall be readily accessible from the exterior side without the use of a city or special inspection or other. A readily visible sign on or adjacent to the work on the exterior side of the work is required in one inch high letters shall read "Yes order to reinforced steel when building is completed". Locking devices is readily distinguished as a lock.
21. The fire alarm system is to be in working order and is to be in compliance with local requirements.
22. All materials containing asbestos are not allowed to be used on this project. Contractor is to comply with state asbestos law. Contractor is to provide materials out sheets for all materials used.

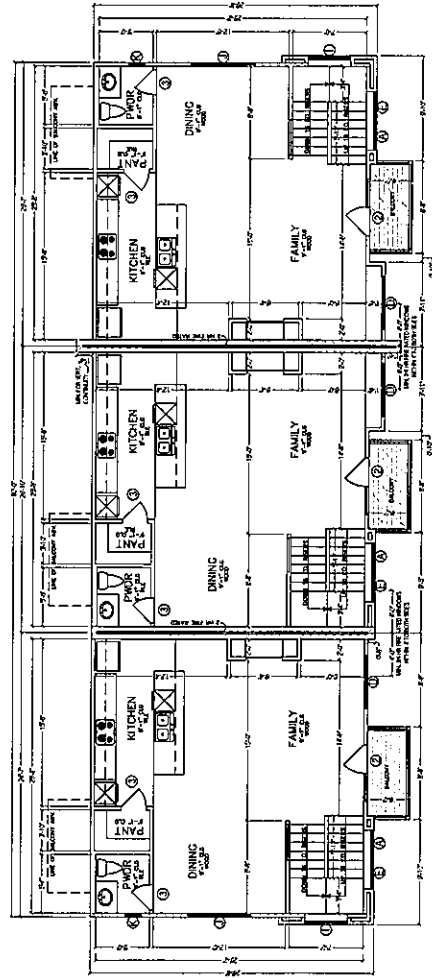
SQUARE FOOTAGES	
FIRST FLOOR	336 S.F.
SECOND FLOOR	460 S.F.
THIRD FLOOR	650 S.F.
TOTAL AREA	1446 S.F.
CARAGE	
TOTAL UNDER ROOF	312 S.F.
	1948 S.F.
BALCONIES	70 S.F.

SQUARE FOOTAGES	
FIRST FLOOR	336 S.F.
SECOND FLOOR	650 S.F.
THIRD FLOOR	650 S.F.
TOTAL AREA	1636 S.F.
CANAL	312 S.F.
TOTAL UNDER ROOF	1948 S.F.
BALCONIES	70 S.F.

SQUARE FOOTAGES	
FIRST FLOOR	336 S.F.
SECOND FLOOR	850 S.F.
THIRD FLOOR	650 S.F.
TOTAL AREA	1636 S.F.
GARAGE	312 S.F.
TOTAL UNDER ROOF	1948 S.F.
BALCONIES	70 S.F.



1ST STORY FLOOR PLAN
SCALE: 3/16" = 1'-0"



2ND STORY FLOOR PLAN
SCALE: 3/16" = 1'-0"

317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

[illegible]

Project Name & Address
5608 LIVE OAK
DALLAS, TX
75201

Project	Sheet
FLOOR PLAN	

Date	09/21/15
Scale	3/16" = 1' - 0"
Drawn By	JE

WINDOW SCHEDULE			
TAG	SIZE	DNISC.	QTY.
A	2'-6" X 4'-0"	FX	9
B	2'-6" X 1'-6"	FX	6
C	2'-6" X 9'-0"	FX	2
D	9'-0" X 6'-0"	FX	3
E	3'-0" X 1'-6"	FX	11
F	3'-0" X 4'-0"	FX	3
G	3'-0" X 1'-6"	FX	2
H	3'-0" X 5'-0"	S.H.	3
I	5'-0" X 6'-0"	FX	4
J	6'-0" X 7'-0"	FX	2
K	1'-0" X 6'-0"	FX	2
L	5'-0" X 1'-0"	FX	4

S.L. = SLIDING WINDOW
S.H. = SINGLE HUNG
F. = FIXED

DOOR SCHEDULE			
TAG	SIZE	DESC.	QTY.
1	3'-0" X 6'-8"	S.C.	3
2	2'-8" X 5'-8"	H.C.	18
3	2'-4" X 6'-8"	H.C.	15
4	2'-6" X 6'-8"	H.C.	6
5	3'-0" X 5'-8"	H.C.	3
6	15'-0" X 7'-0"	H.C.	3

S.C. = SOLID CORE
P.D. = POCKET DOOR
H.C. = HOLLOW CORE
G.D. = GARAGE DOOR

SQUARE FOOTAGES	
FIRST FLOOR	336 S.F.
SECOND FLOOR	650 S.F.
THIRD FLOOR	650 S.F.
TOTAL AREA	1636 S.F.
GARAGE	312 S.F.
TOTAL UNDER ROOF	1948 S.F.
BALCONYS	70 S.F.

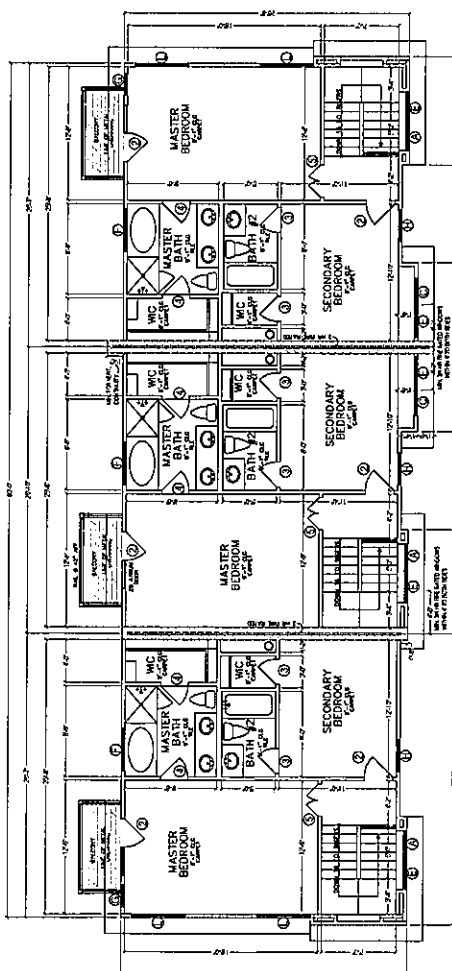
SQUARE FOOTAGES	
FIRST FLOOR	338 S.F.
SECOND FLOOR	650 S.F.
THIRD FLOOR	650 S.F.
TOTAL AREA	1,638 S.F.
GARAGE	
TOTAL UNDER ROOF	312 S.F.
BALCONYS	1946 S.F.
	70 S.F.

SQUARE FOOTAGES	
FIRST FLOOR	338 S.F.
SECOND FLOOR	850 S.F.
THIRD FLOOR	850 S.F.
TOTAL AREA	1038 S.F.
GARAGE	312 S.F.
TOTAL UNDER ROOF	1348 S.F.
BALCONIES	70 S.F.

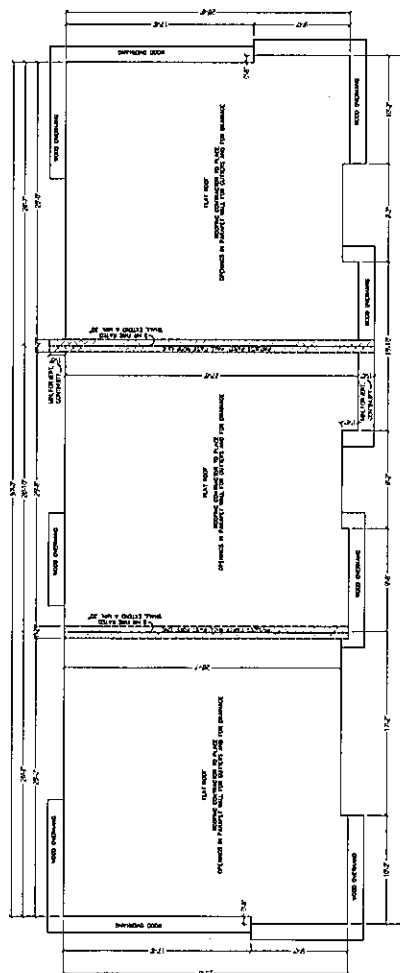
530

[illegible]

GENERAL NOTES:

[illegible]

3RD STORY FLOOR PLAN
SCALE: 3/16" = 1'-0"



ROOF TOP PLAN
SCALE: 3/16" = 1'-0"

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"

317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4200
FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF SERVICES HAVE, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. THIS DOES NOT PREVENT THE BUILDER FROM OBTAINING NECESSARY PERMITS. LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. OMISSIONS, OR DEFICIENCIES ON THESE PLANS, OWNER/BUILDER MUST COMPLY WITH PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
5608 LIVE OAK
DALLAS, TX
75201

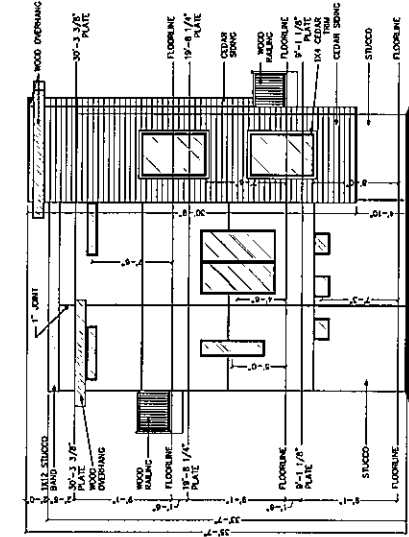
Project
ELEVATIONS

Date
09/21/15

13

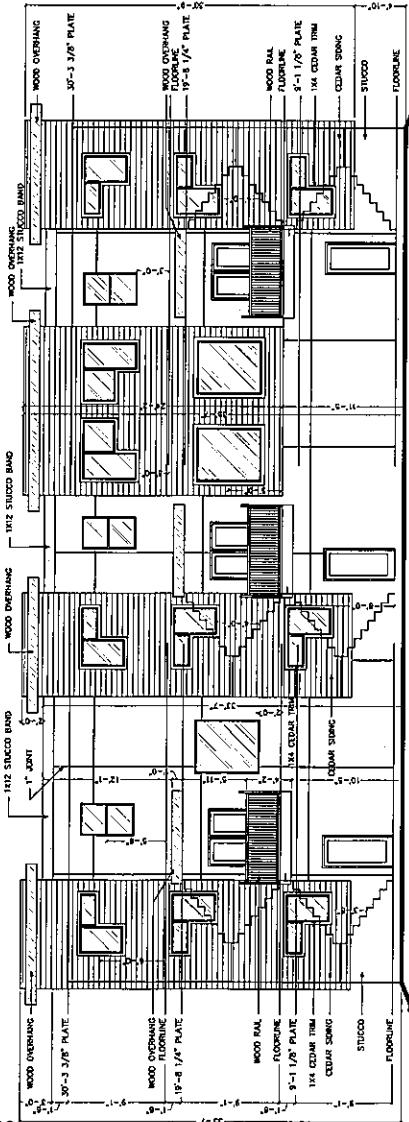
Scale
3/16" = 1'-0"

Drawn By
JE



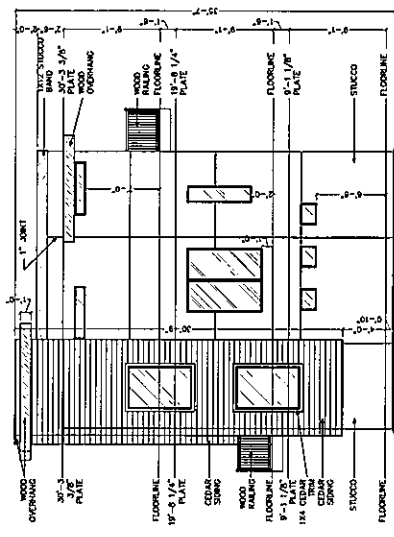
LEFT ELEVATION

Scale: 3/16" = 1'-0"



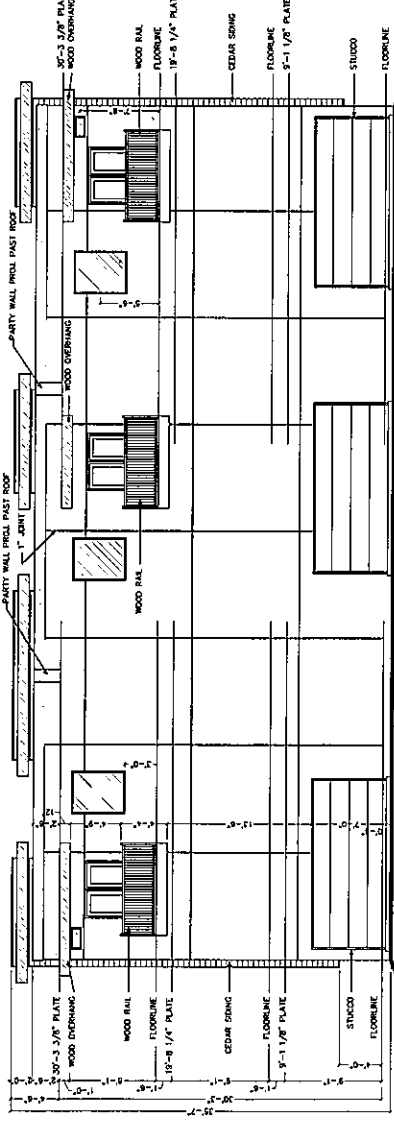
FRONT ELEVATION

Scale: 3/16" = 1'-0"



RIGHT ELEVATION

Scale: 3/16" = 1'-0"



REAR ELEVATION

Scale: 3/16" = 1'-0"

Eric Hopkins

Re: 5608 Live Oak St.

2/24/2016

Parking Analysis

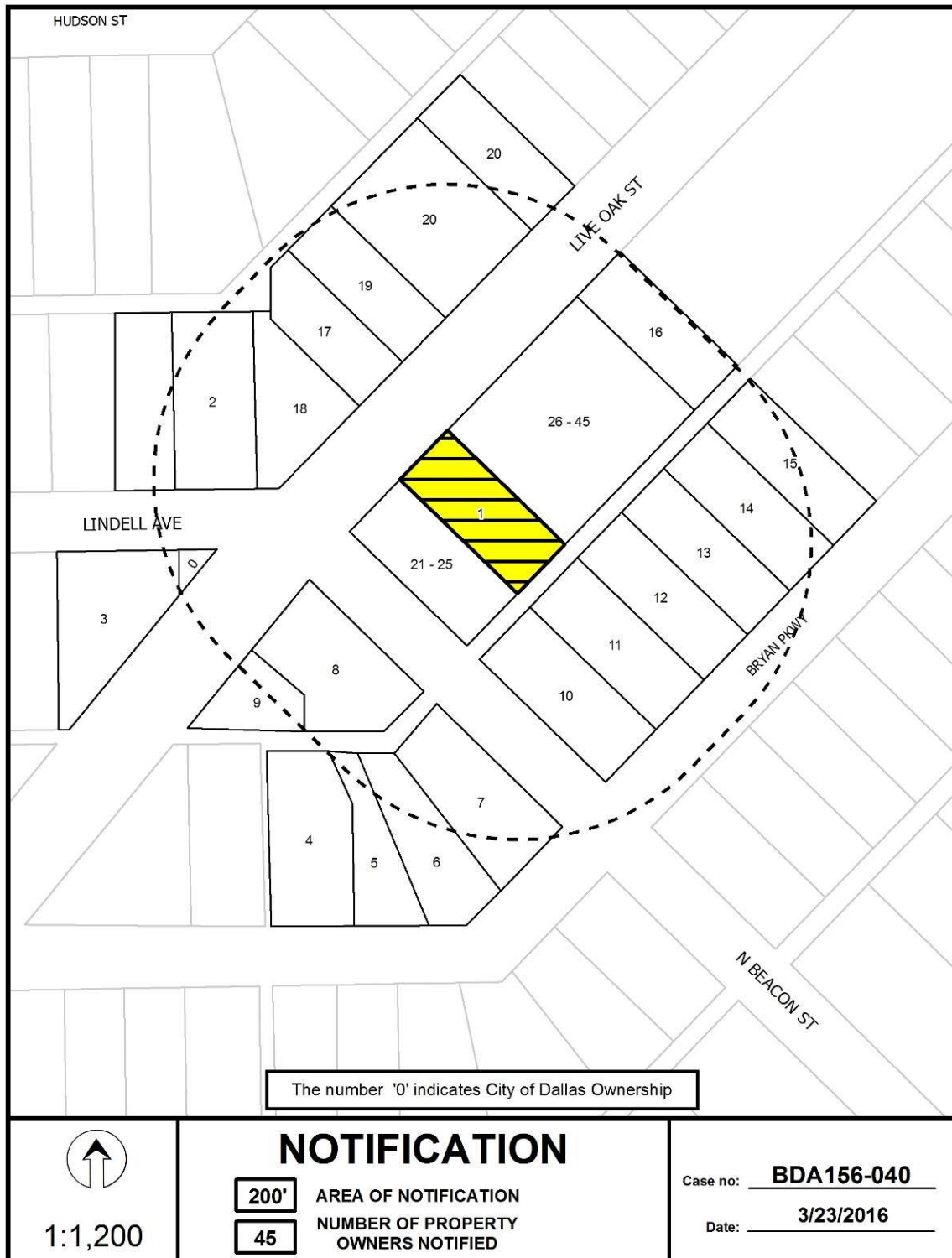
The demographic for this type of property in the area is not typically for large families. Each unit has two car garages and bike racks as well. The units are currently under contract by buyers who will provide temporal leasing for corporate tenants. Most of their clients will not have their own transportation, instead relying on uber and/or similar transport services.











Notification List of Property Owners

BDA156-040

45 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5608 LIVE OAK ST	LIVE OAK UNITS LLC
2	5931 LINDELL AVE	POSTON SAQUITA JACKSON
3	5922 LINDELL AVE	SANCHEZ CHRISTIAN
4	5935 BRYAN PKWY	PASSMORE WILLIAM & MEGHAN
5	5941 BRYAN PKWY	DANIELS STEVEN V
6	5943 BRYAN PKWY	GREINER JUSTIN DAVID &
7	5953 BRYAN PKWY	WILLIAMS JOE E &
8	1215 N BEACON ST	CARMACK SUSANNE LIVINGTRUST
9	5522 LIVE OAK ST	CARMACK SUSANNE LIVING TRUST THE
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	CAWLEY FRANK
18	5603 LIVE OAK ST	LOPEZ MARIA ANTONIETA
19	5611 LIVE OAK ST	MCCAWLEY FRANK VICTOR
20	5619 LIVE OAK ST	BEACONS END LLC
21	1212 N BEACON ST	SHIER CHARMAINE C
22	1212 N BEACON ST	SWANN ROBERT WARREN
23	1212 N BEACON ST	HAJBANDEH PEZHMAN
24	1212 N BEACON ST	FREIS GARY & NANCY
25	1212 N BEACON ST	CHILDERS WILLIAM BRENT
26	5620 LIVE OAK ST	PIERCE IAN DOUGLAS

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5620 LIVE OAK ST	MAGEE JUNE
28	5620 LIVE OAK ST	SALVO JAMES
29	5616 LIVE OAK ST	CONTRERAS JOSE
30	5616 LIVE OAK ST	MUNGIOLI ALESSANDRO
31	5612 LIVE OAK ST	SALVO JAMES J
32	5620 LIVE OAK ST	BLODGETT JILL
33	5620 LIVE OAK ST	LAWLER GARY
34	5620 LIVE OAK ST	LAW OFFICES OF DONALD W HICKS SR PC
35	5616 LIVE OAK ST	PECK LAKE INVT LLC
36	5620 LIVE OAK ST	FUSE KARAMOKO
37	5612 LIVE OAK ST	MYRE DAVID
38	5620 LIVE OAK ST	FORREST BARRY JR &
39	5620 LIVE OAK ST	HEYLAND EDWARD
40	5620 LIVE OAK ST	MORAN CHARLOTTE
41	5620 LIVE OAK ST	MORAN CHARLOTTE
42	5616 LIVE OAK ST	MAGEE JUNE
43	5616 LIVE OAK ST	LOCKE PROPERTIES
44	5612 LIVE OAK ST	ROBINSON CYNTHIA REED
45	5612 LIVE OAK ST	APODACA ADRIAN I &