

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, MAY 17, 2017  
AGENDA

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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.

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the April 19, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-059(SL)</b>	2729 S. Hampton Road <b>REQUEST:</b> Application of Jolisa Alvarez for a variance to the front yard setback regulations	1
<b>BDA167-060(SL)</b>	6701 Inwood Road <b>REQUEST:</b> Application of John Waggoner, Jr., represented by Jeff Huse, for a special exception to the single family use regulations	2
<b>BDA167-064(SL)</b>	2344 Irving Boulevard <b>REQUEST:</b> Application of Rick Hutton, represented by Robert Romano, for a special exception to the landscape regulations	3

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**REGULAR CASES**

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<b>BDA167-057(SL)</b>	7333 Valley View Lane <b>REQUEST:</b> Application of Brian East, represented by Audra Buckley, for a variance to the building height regulations	4
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**BDA167-071(SL)**

17787 Waterview Parkway

**REQUEST:** Application of Santos T. Martinez for a variance to the rear yard setback regulations and a special exception to the landscape regulations

5

## 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]

**FILE NUMBER:** BDA167-059(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jolisa Alvarez for a variance to the front yard setback regulations at 2729 S. Hampton Road. This property is more fully described as Lot 16 & Lot 17, Block 5/6028, and is zoned CR, which requires a front yard setback of 15 feet measured beginning 50 feet from the right-of-way centerline of S. Hampton Road based on the thoroughfare plan for a total of 65 feet from the right-of-way centerline of S. Hampton Road. The applicant proposes to construct and maintain a structure and provide a 55 foot 5 inch front yard setback, which will require a 9 foot 7 inch variance to the front yard setback regulations.

**LOCATION:** 2729 S. Hampton Road

**APPLICANT:** Jolisa Alvarez

**REQUEST:**

A request for a variance to the front yard setback regulations of 9' 7" is made to construct and maintain a retail structure, part of which is proposed to be located 55' 5" from the required right-of-way center line based on the thoroughfare plan) or 9' 7" into this 65' front yard setback on a site developed with retail structures that the applicant intends to demolish.

**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:**

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 in the CR zoning district in that it is restrictive in area due to the depth of the subject site at 160' and an additional 50' setback beyond the required 15' setback given a required right-of-way determined by the thoroughfare plan on Hampton Road. The proposed structure on the site that would replace an existing structure built in the 50's that appears to encroach into the 65' setback is proposed to provide the standard required 15' front yard setback from the Hampton Road front property line.
- Granting this variance does not appear to be contrary to public interest because it would allow a structure to replace an existing structure built in the 50's that does not appear to provide a 65' setback as it appears that structures to the north and south of the subject site do not either.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	CR (Community retail)
<u>North:</u>	CR (Community retail)
<u>South:</u>	CR (Community retail)
<u>East:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>West:</u>	R-7.5(A) (Single family district 7,500 square feet)

### **Land Use:**

The subject site is developed with a retail use/structures (Joyce Florist). The areas to the north and south are developed with retail uses, and the areas to the east and west are developed with single family uses.

### **Zoning/BDA History:**

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

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

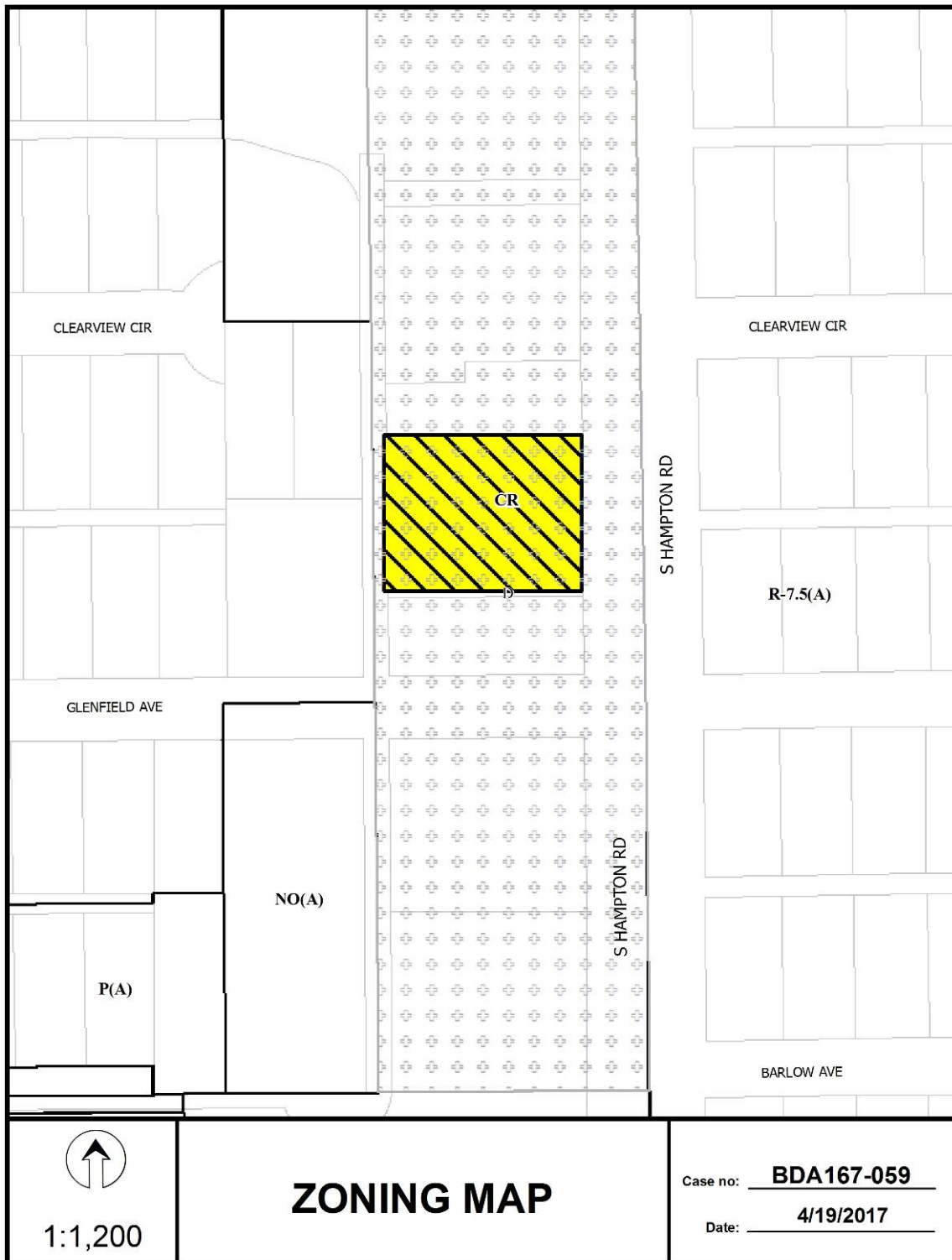
- This request of the variance to the front yard setback regulations of 9' 7" focuses on constructing and maintaining an approximately 5,500 square foot retail structure, part of which is proposed to be proposed to be located 55' 5" from the required right-of-way center line of S. Hampton Road based on the thoroughfare plan) or 9' 7" into

this 65' front yard setback on a site developed with retail structures that the applicant intends to demolish.

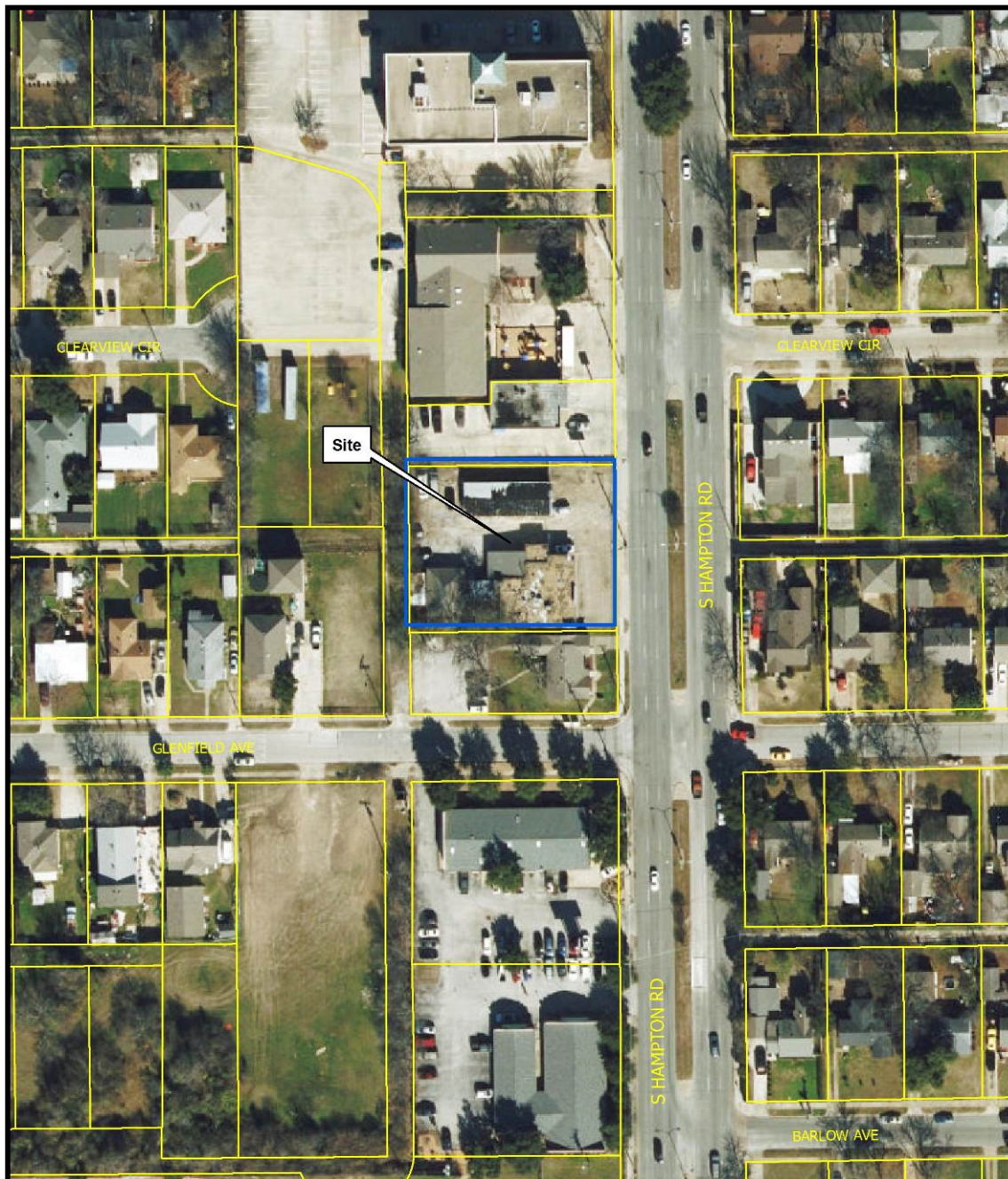
- The site is zoned CR which requires a minimum front yard setback of 15'.
- The Dallas Development Code states that the front yard setback is measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback.”
- As a result, the site has a 65' front yard setback given a required right-of-way determined by the thoroughfare plan (50') in addition to the front yard setback required in CR zoning (15').
- A scaled site plan has been submitted indicating that proposed retail structure with an approximately 5,500 square foot building footprint is located 15' from the front property line. However the proposed structure is located 55' 5” into the 65' front yard setback as measured from the required right-of-way center line based on the thoroughfare plan.
- According to DCAD records, the “main improvement” for the property addressed at 2729 S. Hampton Road is a “free standing retail store” constructed in 1953 that is 2,580 square feet, a “storage warehouse” constructed in 1953 that is 1,716 square feet; and a “storage warehouse” constructed in 1953 that is 520 square feet.
- The subject site is flat and rectangular in shape, and according to the submitted application is 0.466 acres (or approximately 21,000 square feet) in area. The site is zoned CR.
- The applicant has stated among other things that adjacent structures are much closer to the street than the right-of-way and setback being imposed on the subject site; and that should Hampton Road be widened in the future, numerous structures would have to be removed.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CR zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that is located 55' 5” from the right-of-way center line of S. Hampton Road or 9' 7” into this 65' front yard setback.

## **Timeline:**

- March 13, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 12, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 12, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the April 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.







1:1,200

# AERIAL MAP

Case no: BDA167-059

Date: 4/19/2017



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-059

Date: 3-13-17

Data Relative to Subject Property:

Location address: 2729 South Hampton Road Zoning District: CR

Lot No.: 16 & 17 Block No.: 5/6028 Acreage: 0.466 Census Tract: 108.04

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Joyce Florist of Dallas

Applicant: Jolisa Alvarez Telephone: (214) 728-3067

Mailing Address: 2729 South Hampton Road Zip Code: 75224

E-mail Address: joyceflorist@aol.com

Represented by: Jolisa Alvarez Telephone: see above

Mailing Address: see above Zip Code: see above

E-mail Address: see above

Affirm that an appeal has been made for a Variance X, or Special Exception, of 9'-7" on the front yard setback dictated by the thoroughfare plan which established a 50'-0" right-of-way from the established centerline of Hampton Road.

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: Landscape easement at rear of property plus the front yard setback as measured from the thoroughfare R.O.W. line reduce the depth of the property to a size that make any redevelopment impossible.

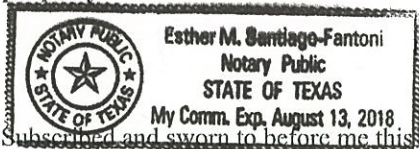
See attached for additional information.

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 Jo Lisa Alvarez (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: Jolisa Alvarez (Affiant/Applicant's signature)

13 day of March 2017

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**

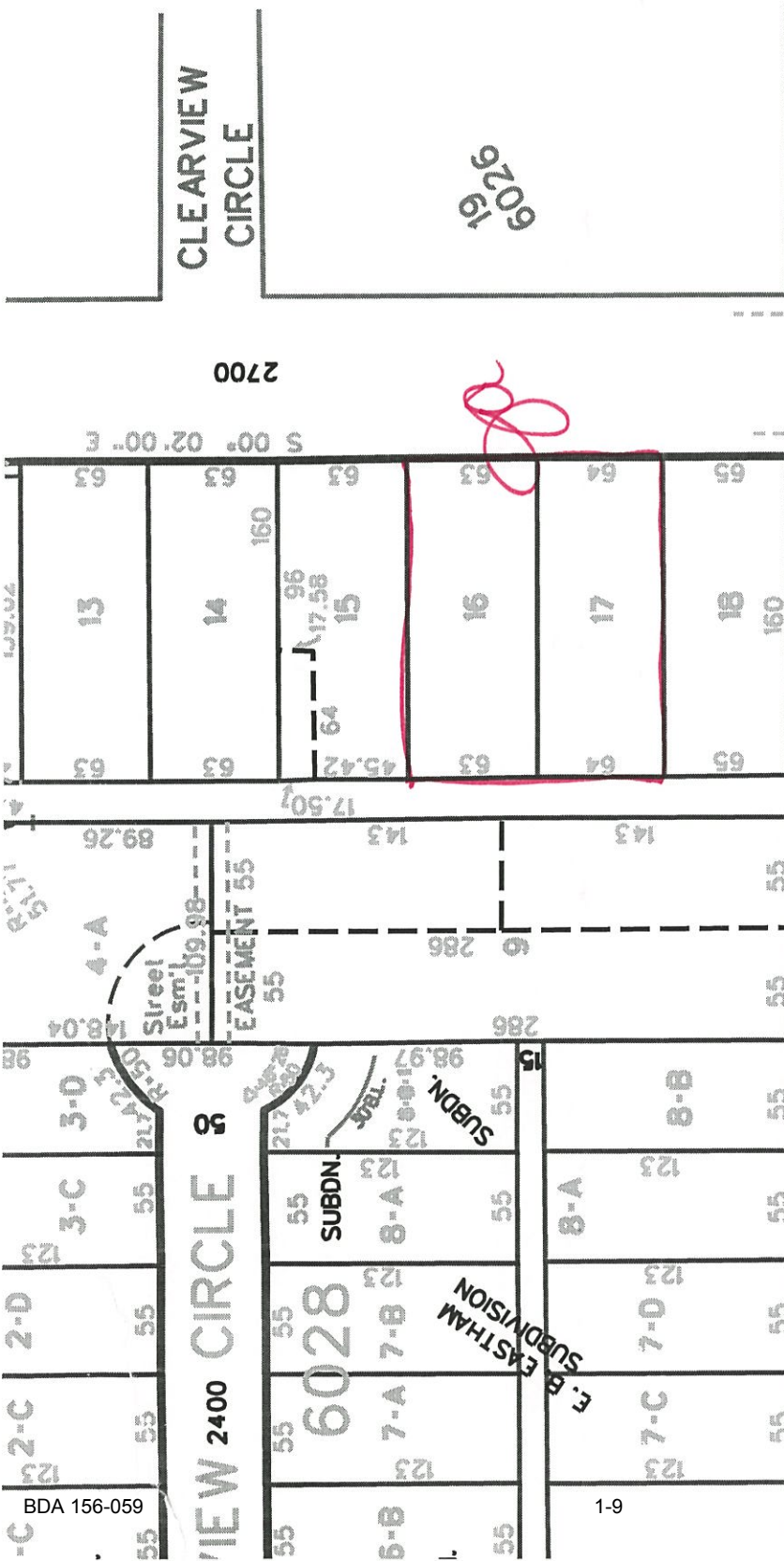
I hereby certify that Jolisa Alvarez

did submit a request for a variance to the front yard setback regulations  
at 2729 S. Hampton Road

BDA167-059. Application of Jolisa Alvarez for a variance to the front yard setback regulations at 2729 S. Hampton Road. This property is more fully described as Lot 16 & L 17, Block 5/6028, and is zoned CR, which requires a front yard setback of 15 feet measured beginning 50 feet from the right-of-way centerline of S. Hampton Road based on the thoroughfare plan for a total of 65 feet from the right-of-way centerline of S. Hampton Road. The applicant proposes to construct a nonresidential structure and provide a 55 foot 5 inch front yard setback, which will require a 9 foot 7 inch variance to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



BDA 156-059

NEW 2400 CIRCLE

CLEARVIEW CIRCLE

GLENFIELD

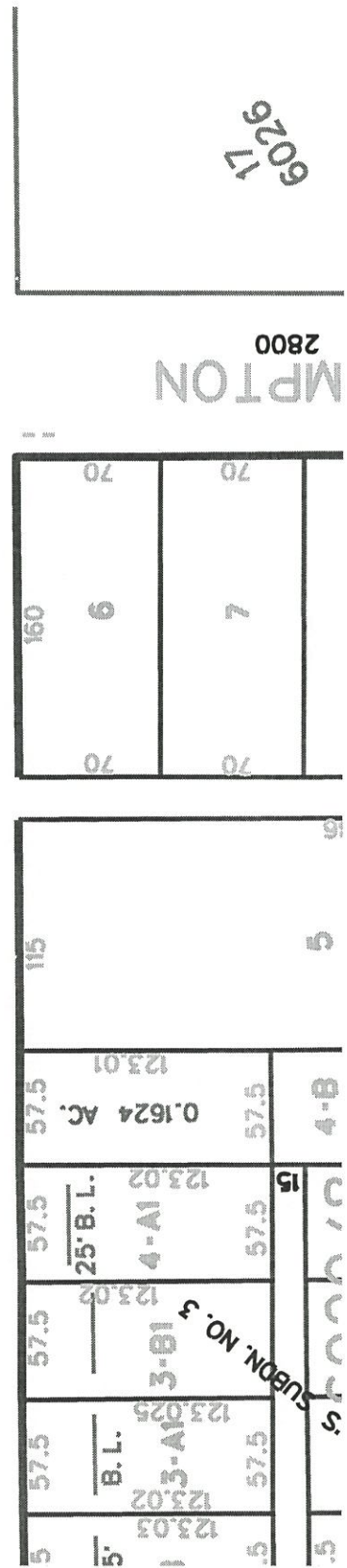
AVE.

2300

50

2400

1-9



MPTON 2800

60217

15

1-9

# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

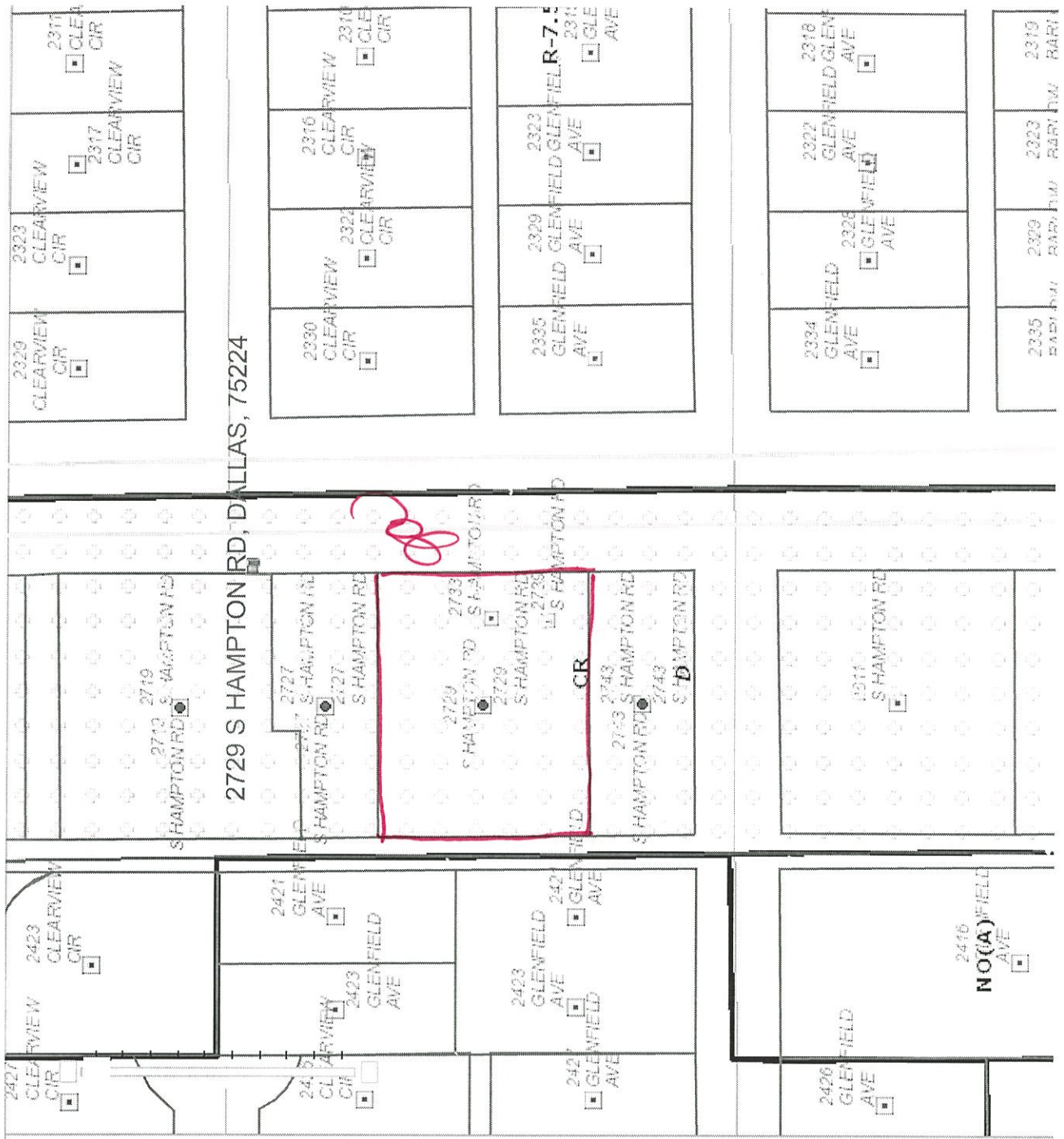
GIS Account #

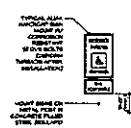
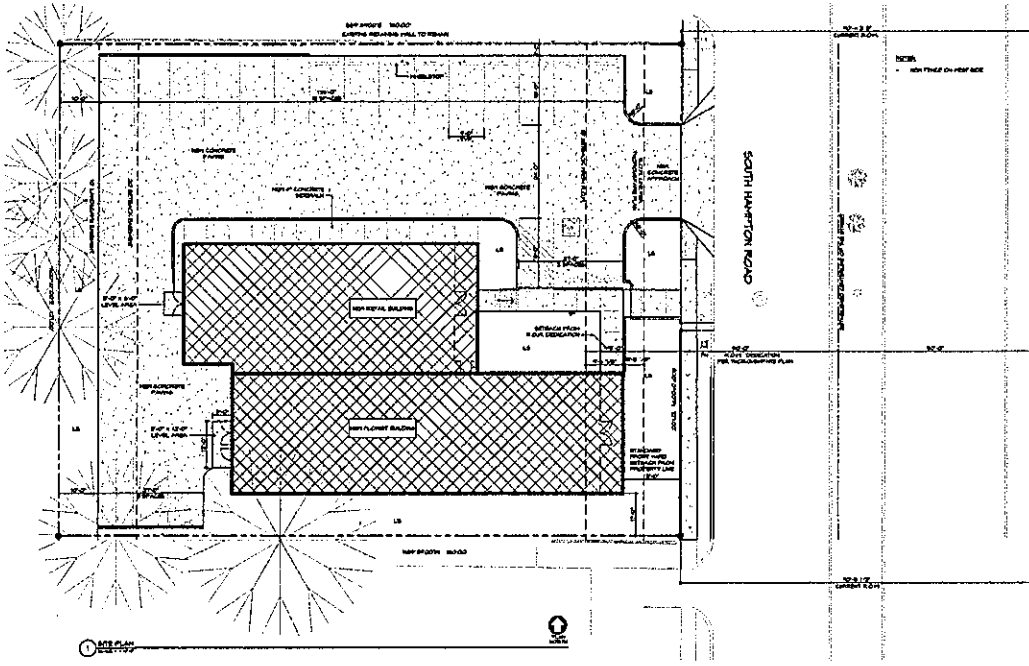
OR

Street address.  
2729 s hampton

OR

Parcel address.  
Use street type for better re





DATE: Mar 11, 2017

REVISIONS:

JOYCE FLORIST  
 DESIGN: RON HOBBES ARCHITECTURE & INTERIOR DESIGN, LLP  
 141 WEST 34th STREET, SUITE 300 CAROLINA, TEXAS 75006

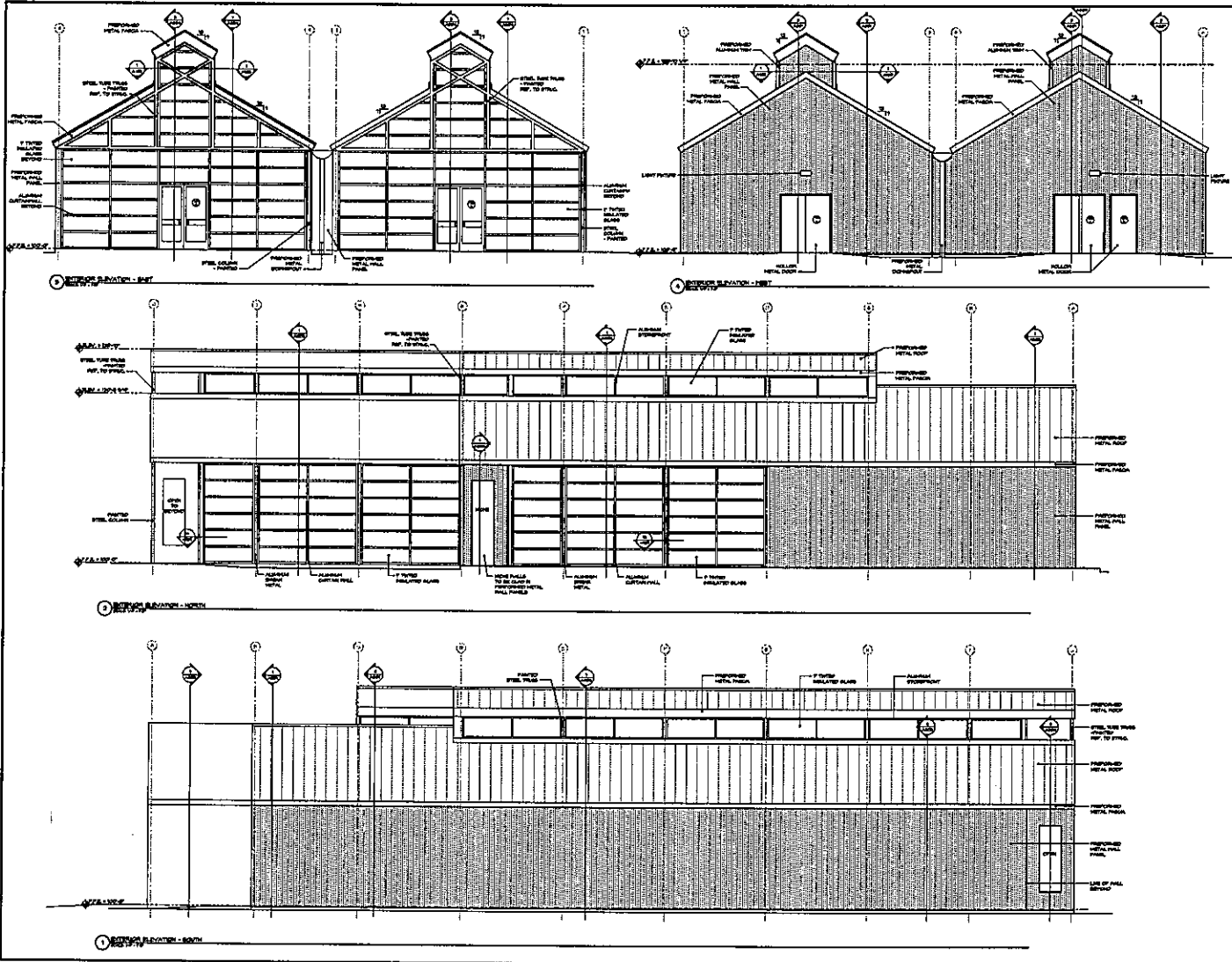
NOT FOR REGULATOR APPROVAL, PERMITTING, OR CONSTRUCTION

JOB NUMBER

1520

SHEET NUMBER  
 SITE PLAN

SP101

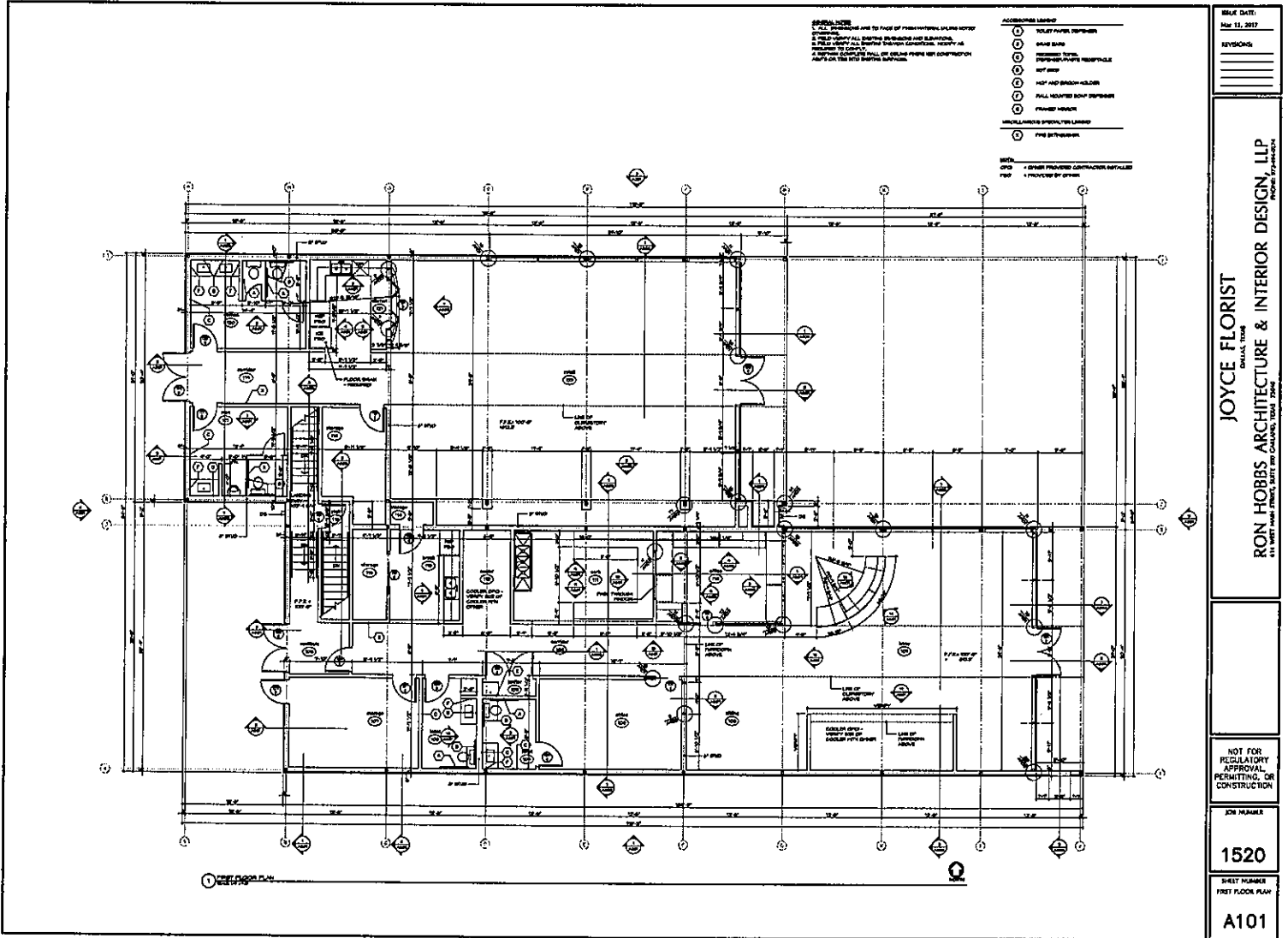


DATE: 12.15.2012  
 REVISIONS:

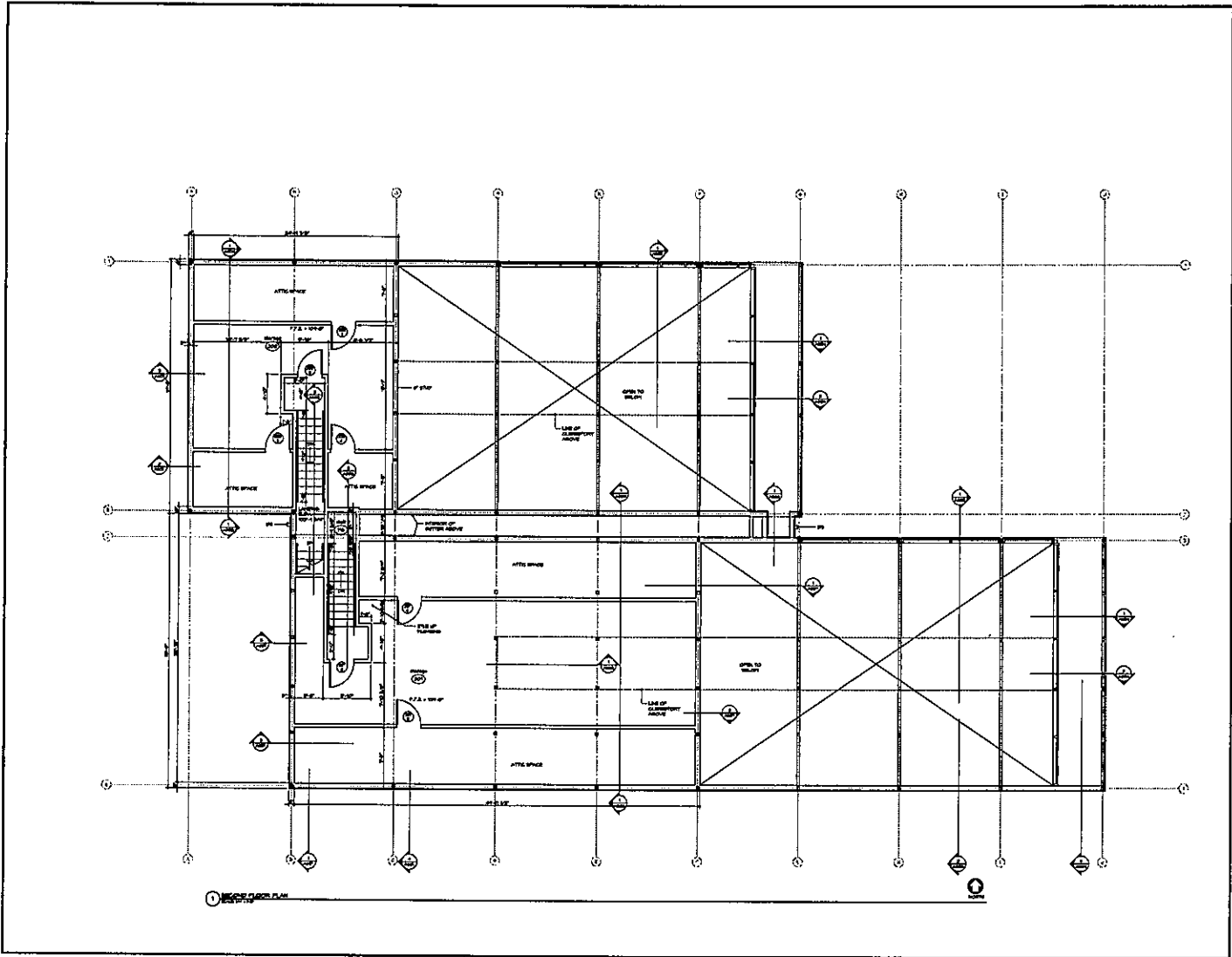
**JOYCE FLORIST**  
 CHAIRMAN  
**RON HOBBS ARCHITECTURE & INTERIOR DESIGN, LLP**  
 ARCHITECTS

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

JOB NUMBER  
**1520**  
 SHEET NUMBER  
**A201**







DATE: 10/19/2017  
 REVISIONS:

**JOYCE FLORIST**  
 BDA, INC.  
**RON HOBBS ARCHITECTURE & INTERIOR DESIGN, LLP**  
 100 WEST JEFFERSON STREET, SUITE 200, CHICAGO, ILLINOIS 60601

NOT FOR REGULATORY APPROVAL PERMITTING OR CONSTRUCTION

JOB NUMBER  
**1520**

SHEET NUMBER  
 SECOND FLOOR PLAN  
**A102**

Board of Adjustment Appeal for 2729 South Hampton Road.

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

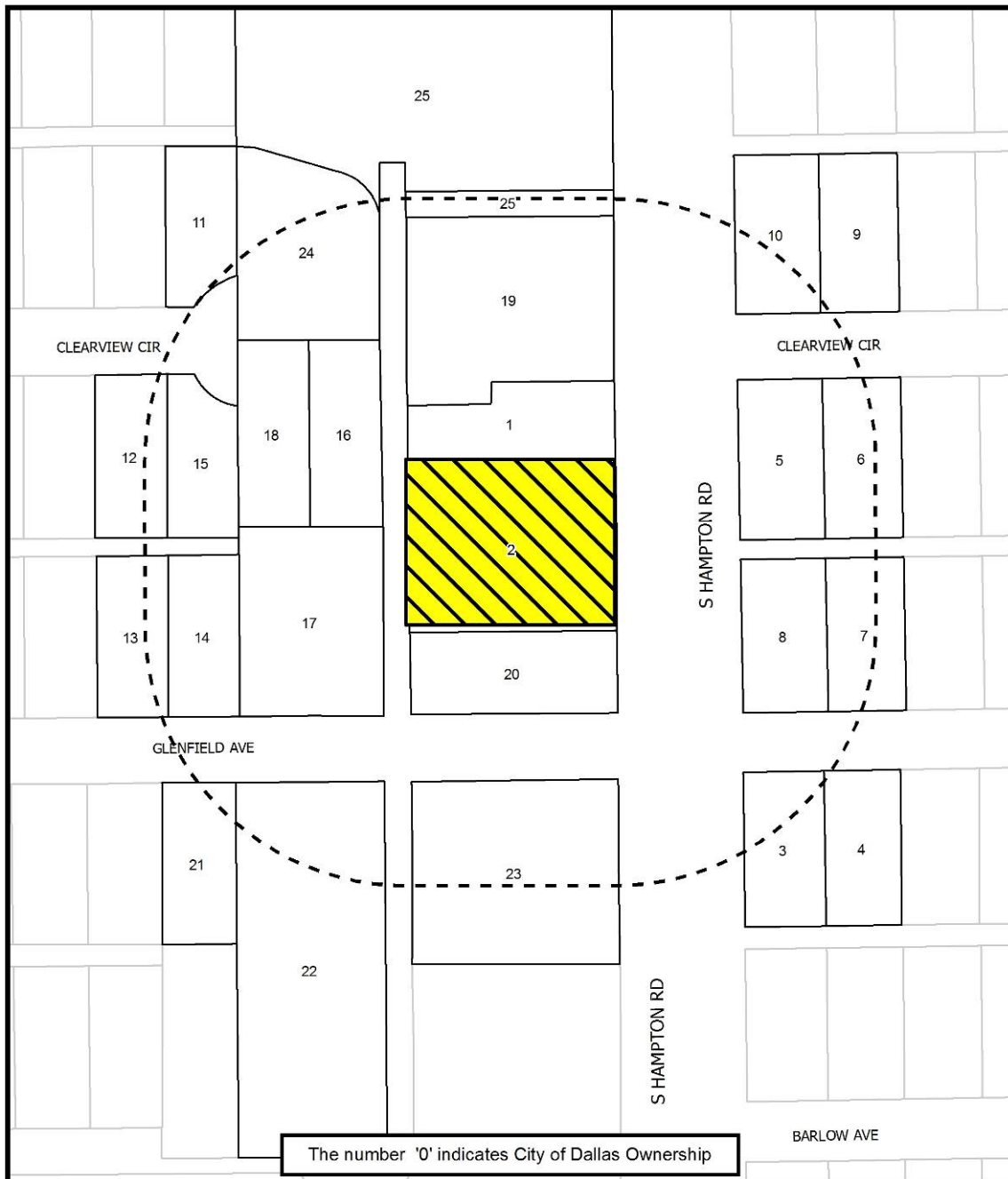
Joyce Florist is a 75 year old business of that time frame we have owned the florist 19 years. It is located at 2729 South Hampton Road. The business' current building is a 40 year old former Dairy Mart that was converted into a flower shop. Despite our best efforts, the existing buildings have deteriorated to a point that makes it impossible to maintain. There are also two additional storage buildings on the property that need to be replaced. My desire is to replace the three existing buildings with a single new modern structure.

Currently, 100% of the existing 20,320 square foot property is covered with either paving or buildings. The proposed project will reduce the total square footage of buildings from 6,057 to 5,457 (10% reduction). The existing asphalt paving (14,263 sf) will be removed and replaced with 9,722 square feet of new concrete paving. The proposed development (new building plus new paving) will reduce total impervious surface from 100% currently to 75%. The remaining 25% of the site will be landscaped.

My request is based upon a hardship caused by two imposed redevelopment standards. The first is a requirement to provide a 10'-0" wide landscape across the back of the property. The property currently backs up to an unpaved, unused alley and there is vacant land on the opposite side of the alley. The second requirement is involves a 10'-0" right-of-way dedication across the front of the property. The building set back requirement of 15'-0" is then measured from the new right-of-way dedication. The combination of new right-of-way and setback plus rear landscape easement reduces the property to a size that makes any redevelopment impossible.

Currently Hampton Road is three lanes in each direction. Adjacent structures, both residential and commercial, are much closer to the street than the right-of-way and setback being imposed on my property. Should Hampton Road be widen in the future numerous homes and commercial building would have to be removed.

In order to proceed with our proposed redevelopment we request a variance on the front yard setback. I request that the 15'-0" front yard setback be measured from the current property line and not the new right-of-way line.



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-059</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">25</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>4/19/2017</b>	

## *Notification List of Property Owners*

**BDA167-059**

### *25 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2727 S HAMPTON RD	SARMIENTO FRANCISCO
2	2729 S HAMPTON RD	JOYCE FLORIST OF DALLAS
3	2334 GLENFIELD AVE	ALVARADO LEODEGARIO &
4	2328 GLENFIELD AVE	AVILA PRINCES
5	2330 CLEARVIEW CIR	SALAS PIOQUINTO &
6	2322 CLEARVIEW CIR	RAMIREZ JOSE DEJESUS & CELIA
7	2329 GLENFIELD AVE	RAMIREZ RAMIRO &
8	5 GLENFIELD AVE	LEYVA JOSE A
9	2323 CLEARVIEW CIR	ORTUNO JOSE &
10	2329 CLEARVIEW CIR	GOMEZ PRECILIANO &
11	2427 CLEARVIEW CIR	LANE SHELIAH
12	2430 CLEARVIEW CIR	GAONA MIGUEL
13	2431 GLENFIELD AVE	DURAN VICTOR M
14	2427 GLENFIELD AVE	VILLALPANDO MANUEL & LUDY
15	2426 CLEARVIEW CIR	DAVIS CLARENCE J
16	2421 GLENFIELD AVE	CENTRO CRISTIANO PARA LA FAMILIA
17	2423 GLENFIELD AVE	VILLALPANDO MANUEL &
18	2423 GLENFIELD AVE	CENTRO CHRISTIANO PARA LA
19	2719 S HAMPTON RD	CENTRO CRISTIANO PARA LA
20	2743 S HAMPTON RD	CAMPBELL GERALD
21	2426 GLENFIELD AVE	DELGADO JUAN &
22	2416 GLENFIELD AVE	DALLAS MEDICAL HOLDINGS LTD
23	2811 S HAMPTON RD	DALLAS MEDICAL HOLDINGS
24	2423 CLEARVIEW CIR	CENTRO CRISTIANO PARA
25	2701 S HAMPTON RD	ZIGMA REALTY LLC

**FILE NUMBER:** BDA167-060(SL)

**BUILDING OFFICIAL'S REPORT:** Application of John Waggoner, Jr., represented by Jeff Huse, for a special exception to the single family use regulations at 6701 Inwood Road. This property is more fully described as Lot 8, Block 2/4915, and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

**LOCATION:** 6701 Inwood Road

**APPLICANT:** John Waggoner, Jr.  
Represented by Jeff Huse

**REQUEST:**

A request for a special exception to the single family use development standard regulations is made to maintain/enlarge an existing 1-story additional "dwelling unit" structure on a site developed with a 1-story main single family home/dwelling unit structure.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE DEVELOPMENT STANDARDS REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:**

The board may grant a special exception to the single family use development standards regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: R-10(A) (Single family district 10,000 square feet)  
North: R-10(A) (Single family district 10,000 square feet)  
South: R-10(A) (Single family district 10,000 square feet)  
East: CD 10 (Conservation District)  
West: R-10(A) (Single family district 10,000 square feet)

### **Land Use:**

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

### **Zoning/BDA History:**

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

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

- This request for a special exception to the single family use development standard regulations focuses on maintaining/enlarging an existing 1-story additional “dwelling unit” structure on a site developed with a 1-story main single family home/dwelling unit structure.
- The site is zoned R-10(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”

- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single family main structure and the smaller of the two with denoted as “existing pool house to be expanded and altered – see new floor plan for additional information”.
- The submitted floor plan of what appears to be the “existing pool house” denoted on the site plan shows a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “existing pool house” structure, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made for: “Additional dwelling unit for a single family use not as rental, with a shower added to pool house remodel and addition for convenience of use by guests and visitors to the residence”.
- The Building Inspection Senior Plans Examiner/Development Code Specialist had initially informed the Board Administrator that he had affirmed what was conveyed by the applicant on his application based on his review of the applicant’s submittals. Staff and the applicant had originally concluded that the introduction of a shower on the submitted floor plan made the accessory unit a dwelling unit because the shower creates the “bathroom” as defined by code - “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- However, upon further review by staff of the application and definitions in the Dallas Development Code at the May 2<sup>nd</sup> staff review team meeting, it was concluded that the existing secondary structure originally thought to have been an accessory structure was a “dwelling unit” given its collection of rooms has shown on the submitted floor plans (spaces that include rooms labeled “sitting room”, “kitchenette”, “bath”). As a result, it was concluded that the request was necessary in order to maintain an additional dwelling unit that had been on the property and was only discovered when the applicant made an application for a building permit in 2017 to enlarge this structure.
- According to DCAD records, the “main improvement” for property addressed at 6701 Inwood Road is a structure built in 1970 with 3,652 square feet of total/living area with the following “additional improvements”: a 375 square foot cabana, a 430 square foot attached garage, and a pool.

- On May 4, 2017, the applicant's representative sent an email to the Board Administrator (see Attachment A). The email stated the following:
  - The current owners think the structure was from the 50's, serving as a maids quarters or something of the sort;
  - The previous owners renovated it in 2001, with improvements to the kitchenette, vinyl siding and central heat and air; and that the collection of rooms has been that of a kitchenette, half bath, storage closet and an open living room going back two owners;
  - When a permit was made to expand the existing collection of rooms, which already constituted an additional dwelling, the applicant/owner did not know that the existing structure had not been permitted; and
  - The existing pool house to be expanded and altered can be constructed and maintained as shown in my submitted "A.1.0 New Plot Plan" with merely modifications to the function/use inside it or to what is shown on my submitted "A.2.0 New Floor, Framing, and roof plan and Schedules" document since the structure as it is presented on "A.1.0 New Plot Plan" complies with all other applicable zoning code development standards other than the single family use provision in Chapter 51A since no other request has been made to any other zoning code provision.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**Timeline:**

January 27, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.



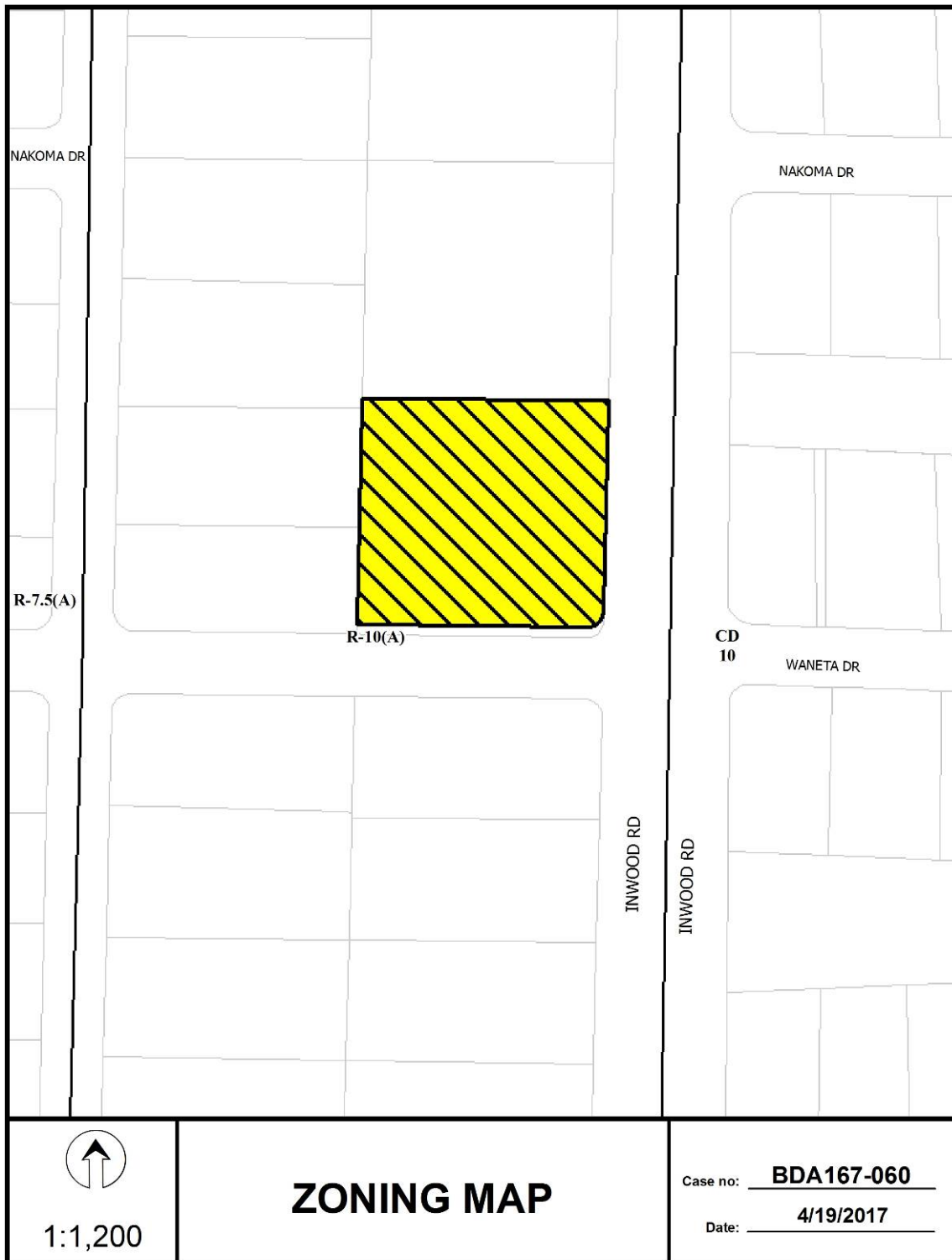
April 11, 2017: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 4, 2017: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).





1:1,200

# AERIAL MAP

Case no: BDA167-060  
Date: 4/19/2017

BDA 167-060  
Attach A pg 1

**Long, Steve**

---

**From:** Long, Steve  
**Sent:** Thursday, May 04, 2017 8:42 AM  
**To:** 'Tracey Huse'  
**Subject:** RE: BDA167-060, Property at 6701 Inwood Road

Thank you, Mr. Huse. I will add this to your file/application.

Steve

---

**From:** Tracey Huse [mailto:jeff-tracey@sbcglobal.net]  
**Sent:** Thursday, May 04, 2017 8:41 AM  
**To:** Long, Steve  
**Subject:** Re: BDA167-060, Property at 6701 Inwood Road

I spoke with the owners about finding out the original build date of the existing pool house. The previous owners said that they thought the structure was from the 50's, serving as a maids quarters or something of the sort. The previous owners renovated it in 2001, with improvements to the kitchenette, vinyl siding and central heat and air. The collection of rooms has been that of a kitchenette, half bath, storage closet and an open living room going back two owners. When we applied for the permit to expand the existing collection of rooms, which already constituted an additional dwelling, we did not know that the existing structure had not been permitted. The existing pool house to be expanded and altered can be constructed and maintained as shown in my submitted "A.1.0 New Plot Plan" with merely modifications to the function/use inside it or to what is shown on my submitted "A.2.0 New Floor, Framing, and roof plan and Schedules" document since the structure as it is presented on "A.1.0 New Plot Plan" complies with all other applicable zoning code development standards other than the single family use provision in Chapter 51A since no other request has been made to any other zoning code provision.

On Wednesday, May 3, 2017 7:55 AM, "Long, Steve" <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)> wrote:

Dear Mr. Huse,

This is to follow-up on the conversation we just had regarding the application referenced above. It was determined at our staff review team meeting yesterday that the addition of the shower to the existing outbuilding on the property is NOT what makes your structure an additional dwelling unit. Staff has more carefully reviewed the aspects of your application and the definition of bathroom, and determined that your request is about legitimizing what appears to be an illegal dwelling unit structure on the property and not the enlargement of it. Your request is still needed to make the additional dwelling unit structure on the property legal that – a discovery only made when you applied for a building permit this year to enlarge it.

As we discussed, I am hoping that you can establish by the end of the day May 4th:

1. The approximate time in which the secondary structure was constructed on the property where the interior collection of rooms included the kitchenette, bathroom, and what could be considered a bedroom or a place one could sleep.
2. That even with the enlargement, the "Existing Pool House to be Expanded and Altered" could be constructed and maintained as shown on your submitted "A.1.0 New Plot Plan" with merely modifications to the function/use inside it or to what is shown on your submitted "A.2.0 New Floor, Framing, and Roof Plan and Schedules" document since the structure as it is represented on "A.1.0 New Plot Plan" complies with all other applicable zoning code development standards other than the

single family use provisions in Chapter 51A since no other request has been made to any other zoning code provision.

Thank you,

Steve

---

**From:** Long, Steve  
**Sent:** Friday, April 21, 2017 7:26 AM  
**To:** 'jeff-tracey@sbcglobal.net'  
**Subject:** FW: BDA167-060, Property at 6701 Inwood Road

Dear Mr. Huse,

It was a pleasure meeting you on the property last week. Am I correct in understanding from you that if this special exception request were denied, that the "Existing Pool House to be Expanded and Altered" could be constructed and maintained as shown on your submitted "A.1.0 New Plot Plan" with merely modifications to the function/use inside it or to what is shown on your submitted "A.2.0 New Floor, Framing, and Roof Plan and Schedules" document since the structure as it is represented on "A.1.0 New Plot Plan" complies with all other applicable zoning code development standards other than the single family use provisions in Chapter 51A since no other request has been made to any other zoning code provision?

Steve

---

**From:** Long, Steve  
**Sent:** Tuesday, April 11, 2017 1:47 PM  
**To:** 'jeff-tracey@sbcglobal.net'  
**Cc:** Duerksen, Todd  
**Subject:** BDA167-060, Property at 6701 Inwood Road

Dear Mr. Huse,

Here is information regarding the board of adjustment application referenced above that you are representing for John Waggoner, Jr.:

1. The submitted application materials- all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of your tentatively scheduled May 17<sup>th</sup> Board of Adjustment Panel B public hearing.
2. The single family use provisions from the Dallas Development Code that provides:  
a) the regulation from which you are seeking special exception from (51A-4.209(6)(A)); b) the standard as to how the board is able to grant a special exception to this regulations (51A-4.209(6)(E)(v)); and c) the accessory structure provisions (51A-4.209(6)(vii)).
3. A sample deed restriction template that you would be required to submit after your public hearing once and if the request is granted by the board.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
5. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 7 in these

attached materials). Please contact Todd Duerksen at 214/948-4475 or at [todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com) no later than 1 p.m., Wednesday, April 26<sup>th</sup> with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed beyond the requested single family use development standards special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, would you be able to represent to the board that if this special exception request were denied, that the "Existing Pool House to be Expanded and Altered" could be constructed and maintained as shown on your submitted "A.1.0 New Plot Plan" with merely modifications to the function/use inside it or to what is shown on your submitted "A.2.0 New Floor, Framing, and Roof Plan and Schedules" document since the structure as it is represented on "A.1.0 New Plot Plan" complies with all other applicable zoning code development standards other than the single family use provisions in Chapter 51A since no other request has been made to any other zoning code provision?

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

Thank you,

Steve

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

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

2



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-060

Data Relative to Subject Property:

Date: 11/27/17

Location address: 6701 INWOOD RD Zoning District: R-10(A)

Lot No.: 8 Block No.: 214915 Acreage: 0.85 / 276000 Census Tract: 71.02

Street Frontage (in Feet): 1) 145.47 2) 170.58 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): WAGGONER, JOHN JR. & LUCRECIA T.

Applicant: JOHN WAGGONER JR. Telephone: 214 676 5319

Mailing Address: 6701 INWOOD RD Zip Code: 75209

E-mail Address: JOHN@WAGGONERINC.COM

Represented by: JEFF HUSE COMPLETE CONSTRUCTION Telephone: 469 628 0403

Mailing Address: 1833 SUNLIT CT MIDLOTHIAN TX Zip Code: 76065

E-mail Address: JEFF-TRACEY@SBCGLOBAL.NET

Affirm that an appeal has been made for a Variance, or Special Exception X, of AN ADDITIONAL DWELLING UNIT FOR A SINGLE FAMILY USE NOT AS A RENTAL, WITH A SHOWER ADDED TO POOL HOUSE REMODEL + ADDITION FOR CONVENIENCE OF USE BY GUESTS AND VISITORS TO RESIDENCE

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 HOMEOWNER WOULD LIKE A SHOWER IN THE POOL HOUSE TO BE USED BY THE PEOPLE USING THE POOL AS OPPOSED TO USING THE BEDROOM SHOWERS IN THE MAIN HOUSE

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

John Waggoner

(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.

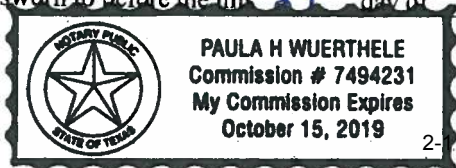
Respectfully submitted:

[Signature]

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 27th day of

January 2017



Paula H Wuerthele 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 John Waggoner, Jr.  
represented by Jeff Huse  
did submit a request for a special exception to the single family regulations  
at 6701 Inwood Road

BDA167-060. Application of John Waggoner, Jr. represented by Jeff Huse for a special exception to the single family regulations at 6701 Inwood Road. This property is more fully described as Lot 8, Block 2/4915, and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

OR

Street address.  
6701 inwood

OR

Parcel address.  
Use street type for better re



GREENWAY

PARKS

4952

4951

NAKOMA DRIVE

4950

*APR 11*

4949

100

INWOOD

6800

6700

51' x 37' B

A. BLEDSOE SUR. ABST. 320

6600

F

SHANNON ESTATES ADDN.

VILLAGE ADD. 4913

DRIVE

50

ROBIN 6800

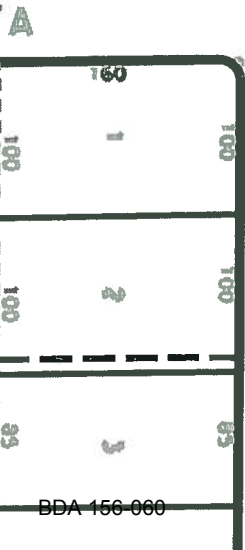
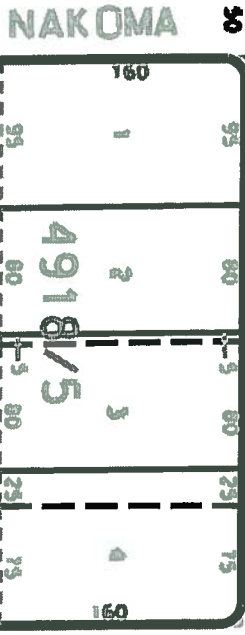
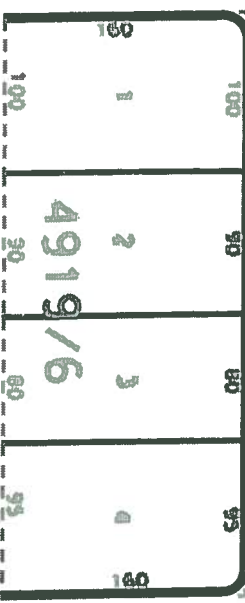
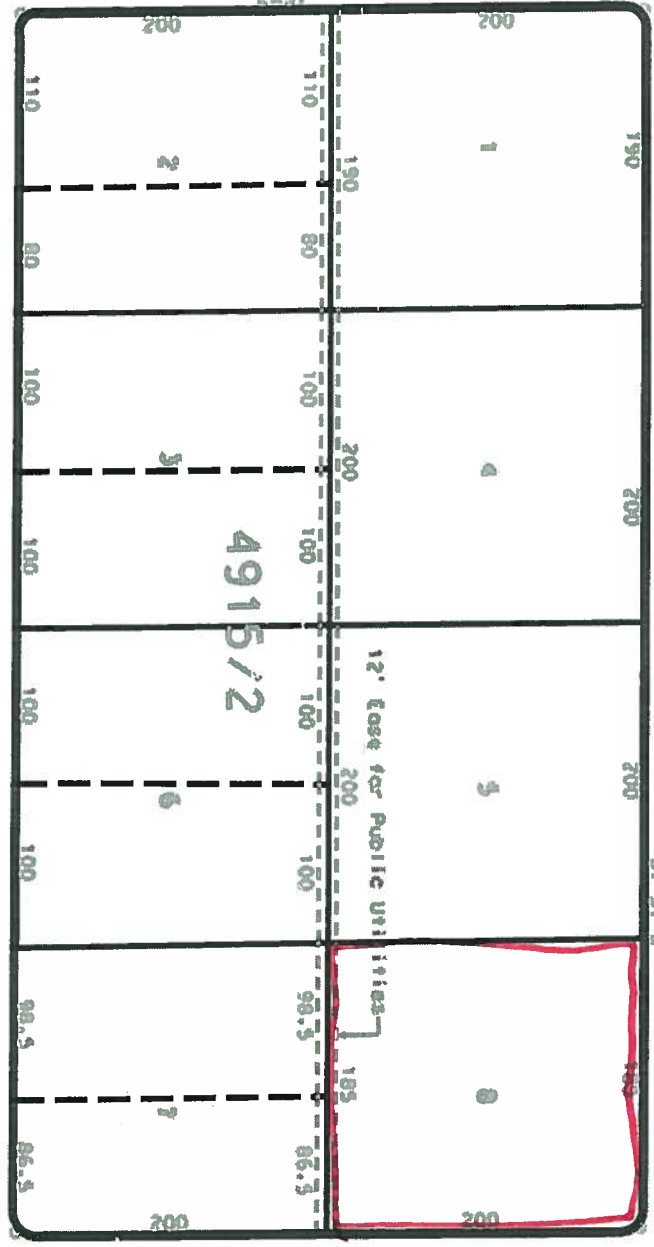
6700

6600

DRIVE

50

50



NO.	DATE	DESCRIPTION

Complete Construction


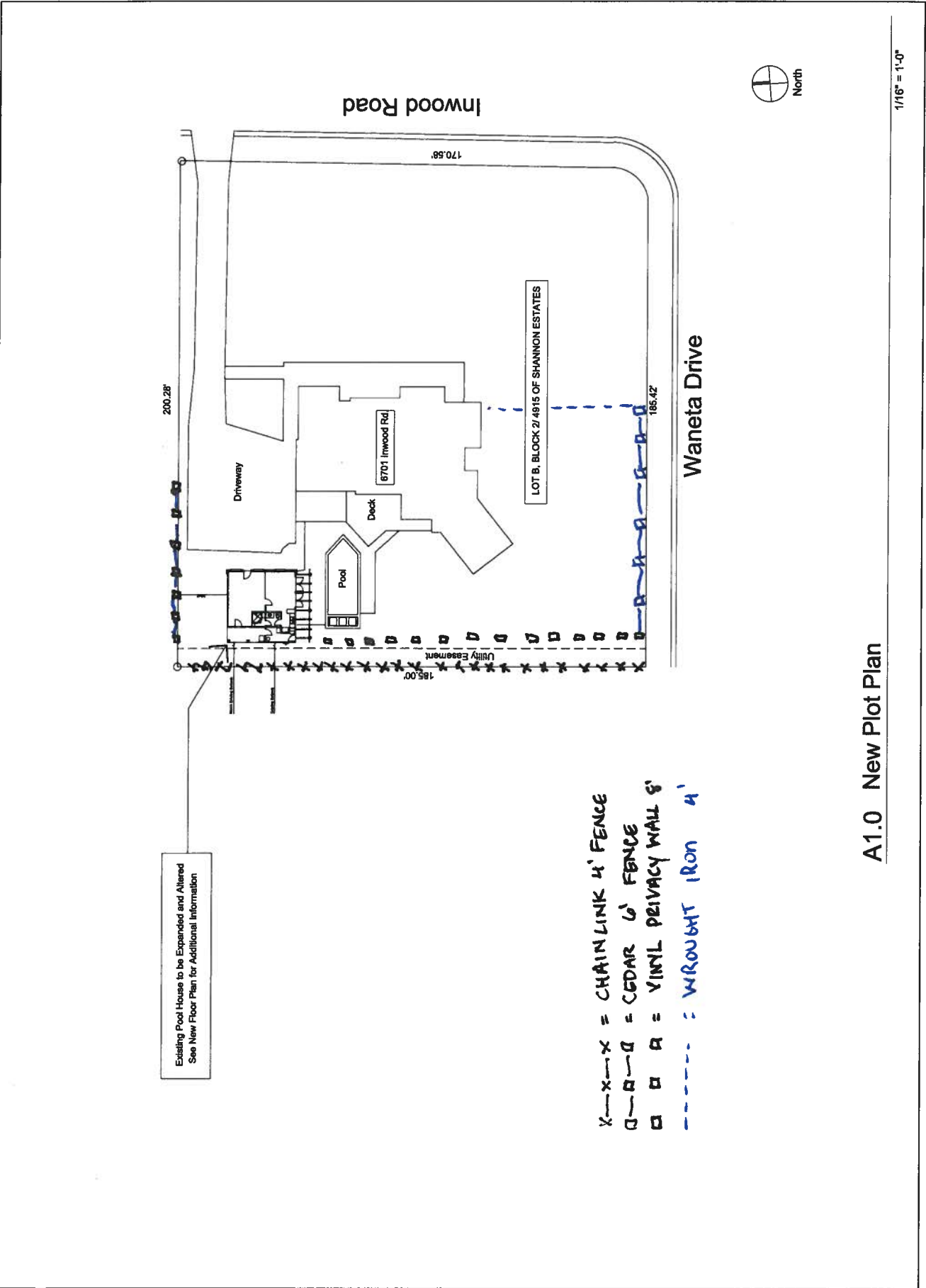
6701  
Inwood Road  
Dallas, Texas

**M**  
MORTGAGE  
1200 East Northway Avenue  
Dallas, Texas 75202  
Tel: 972.352.7170  
Fax: 972.352.7170

Member of A. Smith, Dick  
Member of J. Smith, Dick  
U.S. Pat. # 6,818,100  
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PROJECT TITLE  
Plot  
Plan  
www.plotplanshades.com

PLAT NO. 248232  
OWNER NAME  
DATE  
**A1.0**

Existing Pool House to be Expanded and Altered  
See New Floor Plan for Additional Information

X-X-X = CHAINLINK 4' FENCE  
O-O-O = CEDAR 6' FENCE  
O-O-O = VINYL PRIVACY WALL 6'  
- - - = WROUGHT IRON 4'

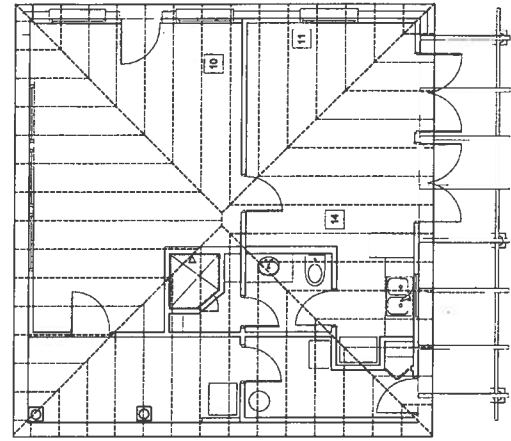
A1.0 New Plot Plan



1000 Ross Street, Suite 100  
Dallas, Texas 75208  
Tel: 972.252.2200  
Fax: 972.252.2201

Prepared By: A. Smith, Date: \_\_\_\_\_  
Checked By: A. Smith, Date: \_\_\_\_\_  
Drawn By: A. Smith, Date: \_\_\_\_\_  
Scale: As Shown, Date: \_\_\_\_\_

www.mworldarchitects.com  
www.mworldarchitects.com



New Roof Plan

**New Door Schedule**

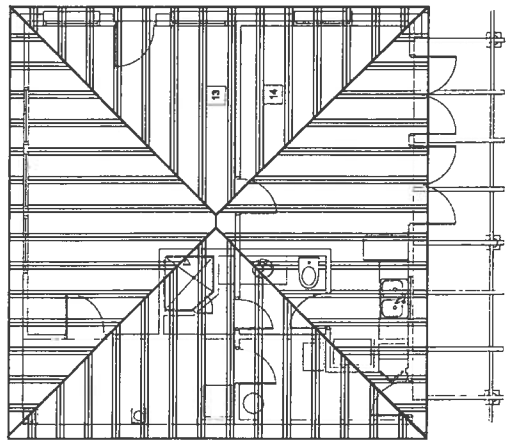
NO.	TYPE	SIZE	FINISH	GLASS	SWITCH	HANDLE	MARKING
1	WOOD	36" X 80"	WOOD GRAIN	GLASS	SWITCH	HANDLE	MARKING
2	WOOD	36" X 80"	WOOD GRAIN	GLASS	SWITCH	HANDLE	MARKING

**New Window Schedule**

NO.	TYPE	SIZE	FINISH	GLASS	SWITCH	HANDLE	MARKING
1	WOOD	36" X 80"	WOOD GRAIN	GLASS	SWITCH	HANDLE	MARKING
2	WOOD	36" X 80"	WOOD GRAIN	GLASS	SWITCH	HANDLE	MARKING

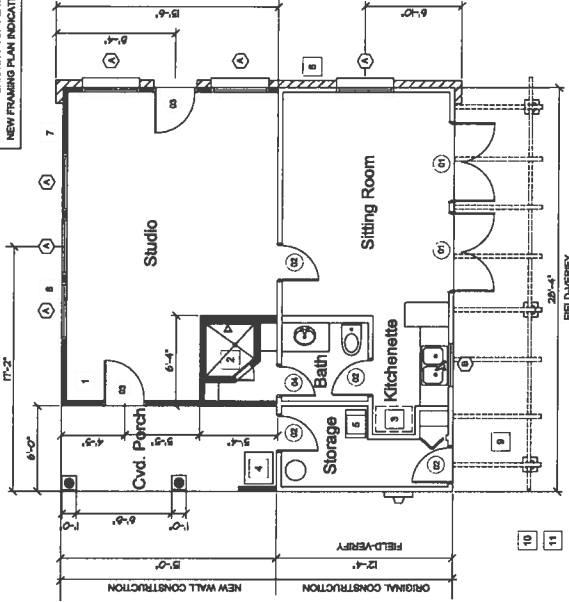
**Plan Notes**

ALL WORK TO CONFORM TO IRC-2012, IBC-2012, IPC-2012 & IMC-2012  
DO NOT SCALE THE DRAWINGS. IF CONFLICT IN DIMENSIONING ARISES, THE CONTRACTOR SHALL  
CONTACT THE ARCHITECT IMMEDIATELY FOR CLARIFICATION OR REVISION  
ANY DIMENSIONS SHOWN ON THE NEW FLOOR PLAN ARE TO AND FROM THE FINISHED FACES OF  
NEW OR EXISTING WALLS  
INFILL INTERIOR FRAMING WHERE SHOWN - SHALL MATCH THE TYPE, CONSTRUCTION AND THICKNESS  
OF THE ADJACENT WALLS  
UNLESS NOTED OTHERWISE, ALL NEW DETAILS, ELEMENTS AND FINISHES TO APPROXIMATE THOSE OF THE EXISTING HOUSE  
MATCH ALL EXISTING TRIM AND CASING DETAILS WHERE APPLICABLE  
CAULK AND SEAL ALL JUNCTURES AT INTERIOR AND EXTERIOR WINDOW AND DOOR FRAMES  
AND WHERE ANY GAPS OR BEAMS MAY SHOW, SCRIBE NEW ELEMENTS TO EXISTING WALLS AS  
REQUIRED TO ACHIEVE A TIGHT FIT WITHOUT GAPS OR OPENINGS.



New Floor Plan

NOTE: ROOF AND EXISTING FRAMING TO BE REMOVED  
DOWN TO EXISTING TOP PLATES PRIOR TO COMMENCEMENT OF  
NEW FRAMING PLAN INDICATED HERE



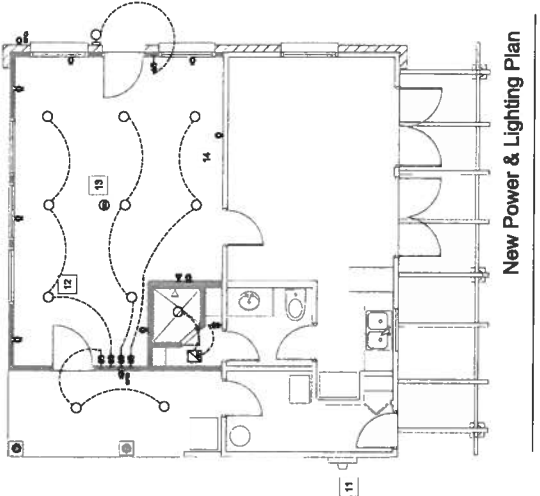
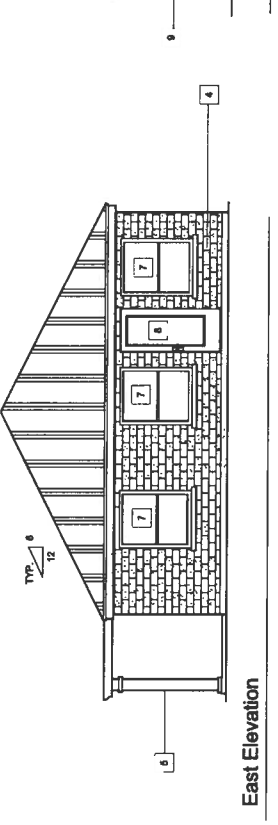
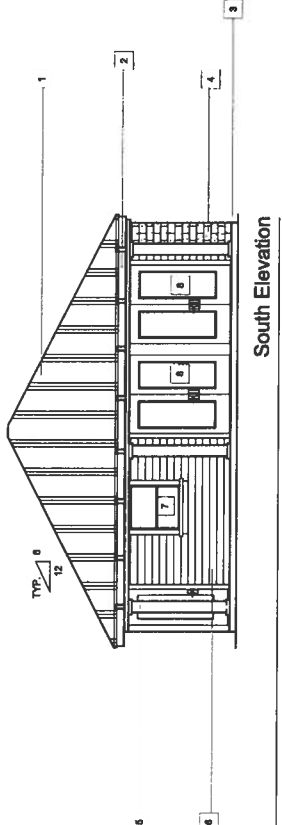
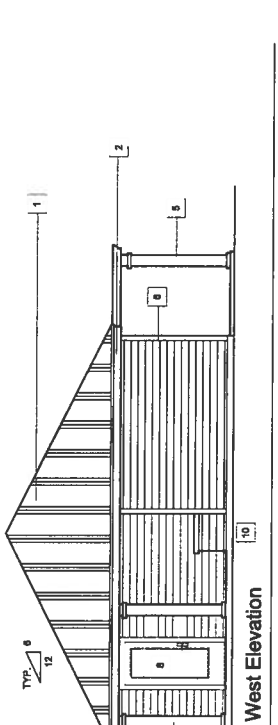
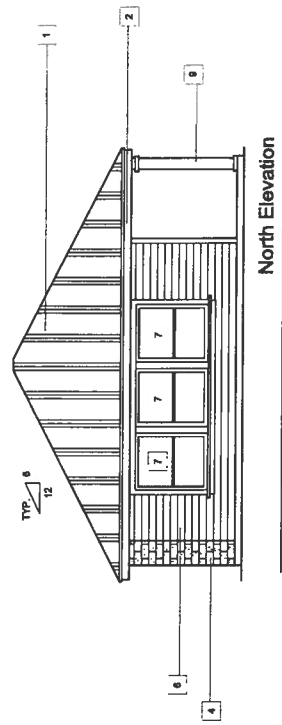
New Framing Plan

**Legend**

- 1 SOLID-HATCHED WALLS INDICATE NEW CONSTRUCTION
- 2 FIBERGLASS CORNER SHOWER UNIT
- 3 REFRIGERATOR
- 4 A/C CONDENSER UNIT
- 5 FURNACE/COIL UNIT
- 6 STONE VENEER ON INWOOD RD. SIDE-STYLE/COLOR PER OWNER
- 7 NEW CEMENTITIOUS LAP SIDING-TYP.-J.U.O.
- 8 NEW WINDOWS PER WINDOW SCHEDULE
- 9 EXISTING PERGOLA TO REMAIN
- 10 RAFTERS @ 24" O.C.-PER IBC 2012
- 11 2 X 4 WOOD STUD FRAMING-TYPICAL-UN.D.
- 12 12" OVERHANG AT FACE OF SIDING
- 13 METAL ROOF SYSTEM OF SOLID DECK-PER OWNERS
- 14 6/12 PITCH-TYP.

**A2.0 New Floor, Framing & Roof Plan and Schedules**

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



- Legend**
- 1 METAL ROOF SYSTEM OR SOLID DECK PER OWNERS
  - 2 NEW WALL AND ROOF FRAMING TO MATCH EXIST. TOP PLATE
  - 3 NEW FINISH FLOOR TO MATCH EXISTING
  - 4 STONE VENEER WHERE INDICATED- STYLE AND COLOR BY OWNER
  - 5 EXISTING PERGOLA AND COLUMNS TO REMAIN
  - 6 CEMENTITIOUS SIDING OVER ORIGINAL- STYLE AND COLOR PER OWNERS
  - 7 NEW WINDOWS PER SCHEDULE
  - 8 NEW DOORS PER SCHEDULE
  - 9 NEW COLUMNS TO MATCH PERGOLA COLUMNS
  - 10 LOW-SCREEN WALL AT A/C CONDENSER
  - 11 EXISTING METER BASE AND PANEL
  - 12 RECESSED LED LIGHTS PER OWNERS
  - 13 HARD-WIRED SMOKE DETECTOR
  - 14 110 WALL OUTLET -TYP.

## A3.0 New Exterior Elevations & Lighting & Power Plan

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



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-060</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>4/19/2017</b>	

## *Notification List of Property Owners*

***BDA167-060***

### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6721 INWOOD RD	MARTINDALE WILLIAM P &
2	6701 INWOOD RD	WAGGONER JOHN JR & LUCRECIA T
3	6806 ROBIN RD	STEVENS INC
4	6811 INWOOD RD	GETCHELL JOHN V
5	6722 ROBIN RD	BURKE TIMOTHY
6	6728 ROBIN RD	PRATT JOURDAN L &
7	6710 ROBIN RD	AUSTIN MELINDA A
8	6700 ROBIN RD	HUBBELL ERIC D &
9	6630 ROBIN RD	SCHWEITZER THEODORE C III &
10	5222 WANETA DR	MORRISON GEORGE W & BRANDY B
11	6622 ROBIN RD	GROSSMAN CAROL SUZAN
12	6631 INWOOD RD	JAMISON JOSEPHINE
13	5310 WANETA DR	SANDS JULIA E
14	5300 WANETA DR	ROBINSON BRETT A & TAMARA H
15	5304 NAKOMA DR	SMITH DAVID T &
16	5303 WANETA DR	WOOLDRIDGE PETER LASCH &
17	5311 WANETA DR	LEMASTER CHARLES R III & KIRSTEN M LEMASTER
18	29 GREENWAY BLVD	GREENWAY PARKS
19	5310 NAKOMA DR	FAULCONER GERALD L &

**FILE NUMBER:** BDA167-064(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Rick Hutton, represented by Robert Romano, for a special exception to the landscape regulations at 2344 Irving Boulevard. This property is more fully described as Lot 9, Block 50/7904, and is zoned MU-3, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 2344 Irving Boulevard

**APPLICANT:** Rick Hutton  
Represented by Robert Romano

**REQUEST:**

A request for a special exception to the landscape regulations is made to add a 2<sup>nd</sup> floor to an existing commercial structure/use, and not fully meet the landscape regulations.

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

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

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

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

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



**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements of Article X for street trees will unreasonably burden the use of the property, and that the special exception will not adversely affect/negatively impact neighboring property. The Chief Arborist concluded that Irving Boulevard is widened in this area with a slip road near the front of the structure and restricts any available space for additional planting into the right-of-way.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MU-3 (Mixed Use)  
North: IR (Industrial/research)  
South: IR (Industrial/research)  
East: IR (Industrial/research)  
West: IR (Industrial/research)

**Land Use:**

The subject site is developed with a commercial structure/use. The areas to the north, south, east, and west are developed commercial uses.

**Zoning/BDA History:**

1. Z156-350, Northeast line of Irving Boulevard, west of Wycliff Avenue (the subject site)
 

On January 5, 2017, the City Council granted an application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District.

The case report stated that the purpose of the request was to allow the applicant to live and work in the same building; the portion of the building that is being rezoned is where the applicant will reside.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the landscape regulations focuses on adding a 2<sup>nd</sup> floor to an existing commercial structure/use, and not fully meeting the

landscape regulations, more specifically not fully providing the design standard and street tree requirements on the subject site.

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states the applicant is requesting a special exception to the landscape regulations of Article X; the property is developed with limited areas and conflicting easements for landscaping to meet compliance with regulations; and the owner is preparing to add a new story to the structure for a residence and has submitted an alternate landscape plan for consideration.
- The Chief Arborist's memo states the following with regard to "providing":
  - The applicant is proposing an alternate landscape plan with planters along the foundation of the structure facing Irving Boulevard. Plant materials are not listed. The plan will maintain a stand of existing shade trees at the rear of the property. Additionally, new pavement will be installed to the side and rear of the structure. The plan does not contain any elevation or other information to suggest any other additional amenities or landscape materials to be applied with the new addition.
  - The property meets the requirements for site trees.
- The Chief Arborist's memo states the following with regard to deficiency:
  - The proposed plan is deficient in street trees and one design standard. Parking along the front of the building does not include a parking lot tree. The plan would comply with one design standard for foundation planting if it designated the type of plant material to be maintained in the bed as 'large shrubs'. The plant material for the bed is not stated which indicates it is optional to other suitable types of vegetation.
  - Irving Boulevard is widened in this area with a slip road near the front of the structure and restricts any available space for additional planting into the right-of-way. The narrow paved area along the front is used for commercial parking and for the drive entry to the rear of the lot.
- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because the full requirements of Article X would place an unreasonable burden on the use of the property, and the special exception would not negatively impact neighboring properties.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the design standard and street tree requirements on the subject site.

**Timeline:**

- March 24, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 11, 2017: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the April 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- May 5, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).



1:1,200

# ZONING MAP

Case no: BDA167-064

Date: 4/19/2017



1:1,200

## AERIAL MAP

Case no: BDA167-064

Date: 4/19/2017

# Memorandum



Date May 5, 2017  
To Steve Long, Board Administrator  
Subject BDA #167-064 2344 Irving Blvd. arborist report

## Request

The applicant is requesting a special exception to the landscape regulations of Article X. The property is developed with limited areas and conflicting easements for landscaping to meet compliance with regulations. The owner is preparing to add a new story to the structure for a residence and has submitted an alternate landscape plan for consideration.

## Providing

The applicant is proposing an alternate landscape plan with planters along the foundation of the structure facing Irving Boulevard. Plant materials are not listed. The plan will maintain a stand of existing shade trees at the rear of the property. Additionally, new pavement will be installed to the side and rear of the structure. The plan does not contain any elevation or other information to suggest any other additional amenities or landscape materials to be applied with the new addition.

The property meets the requirements for site trees.

## Deficiency

The proposed plan is deficient in street trees and one design standard. Parking along the front of the building does not include a parking lot tree. The plan would comply with one design standard for foundation planting if it designated the type of plant material to be maintained in the bed as 'large shrubs'. The plant material for the bed is not stated which indicates it is optional to other suitable types of vegetation.

Irving Boulevard is widened in this area with a slip road near the front of the structure and restricts any available space for additional planting into the right-of-way. The narrow paved area along the front is used for commercial parking and for the drive entry to the rear of the lot.

## Recommendation

The chief arborist recommends approval of the alternate landscape plan because the full requirements of Article X would place an unreasonable burden on the use of the property, and the special exception would not negatively impact neighboring properties.

Philip Erwin  
Chief Arborist  
Building Inspection



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-064

Data Relative to Subject Property:

Date: 3-24-17

Location address: 2349 IRVING BLVD Zoning District: MU-3  
Lot No.: 9 Block No.: 50/7909 Acreage: .208 Census Tract: 100.00  
Street Frontage (in Feet): 1) 45 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LIFESTYLE URBAN PROPERTIES, LLC

Applicant: RICK HUTTON Telephone: 214.415.9178

Mailing Address: 2348 IRVING BLVD Zip Code: 75207

E-mail Address: ricks@insightglobal.com

Represented by: ROBERT ROMANO Telephone: 214.821.8242

Mailing Address: 3800 COMMERCE ST. #122 Zip Code: 75226

E-mail Address: mbcity@flash.net

Affirm that an appeal has been made for a Variance , or Special Exception , of ALTERNATE LANDSCAPE PLAN

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
LIMITED AREA OF LANDSCAPING DUE TO FRONT DRIVE SHARED ACCESS & EXTREME UTILITIES IN THE PARKWAY

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.

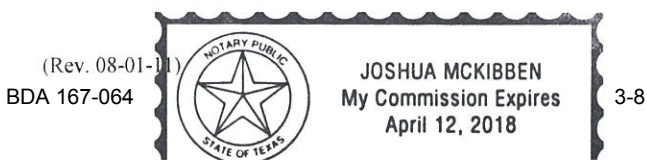
Affidavit

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

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

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

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



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Rick Hutton  
represented by Robert Romano  
did submit a request for a special exception to the landscaping regulations  
at 2344 Irving Blvd.

BDA167-064. Application of Rick Hutton represented by Robert Romano for a special exception to the landscaping regulations at 2344 Irving Blvd. This property is more fully described as Lot 9, Block 50/7904, and is zoned MU-3, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulation

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

2344 Irving

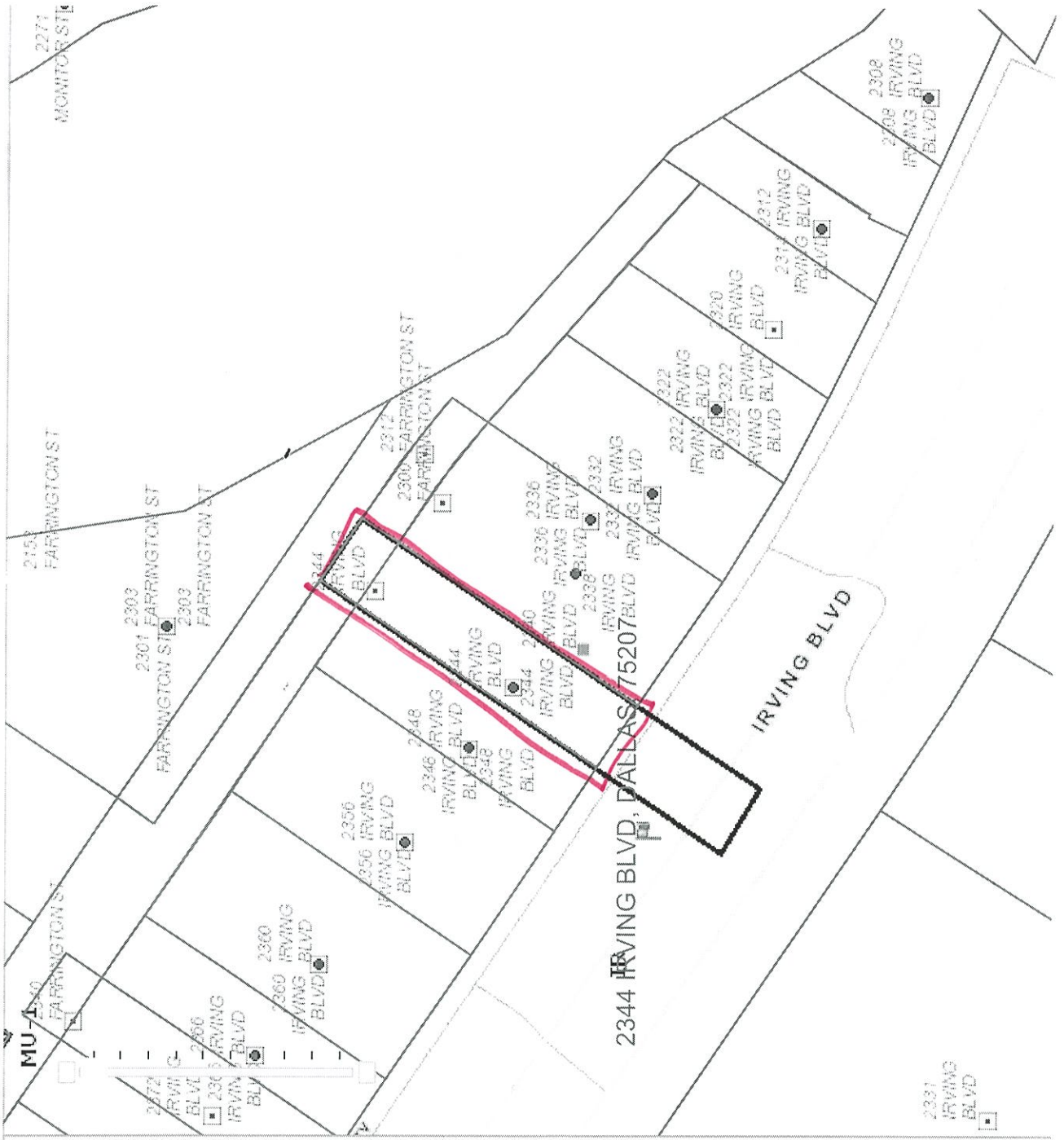
Locate

OR

Parcel address.

Use street type for better results

Locate





Q





THE CITY OF DALLAS  
 PUBLIC WORKS DEPARTMENT  
 2600 WEST LOOP WEST  
 FIVE FLOORS  
 DALLAS, TEXAS 75201

STUDIO 2344  
 REMODEL  
 2344 IRVING BOULEVARD • DALLAS, TEXAS 75207

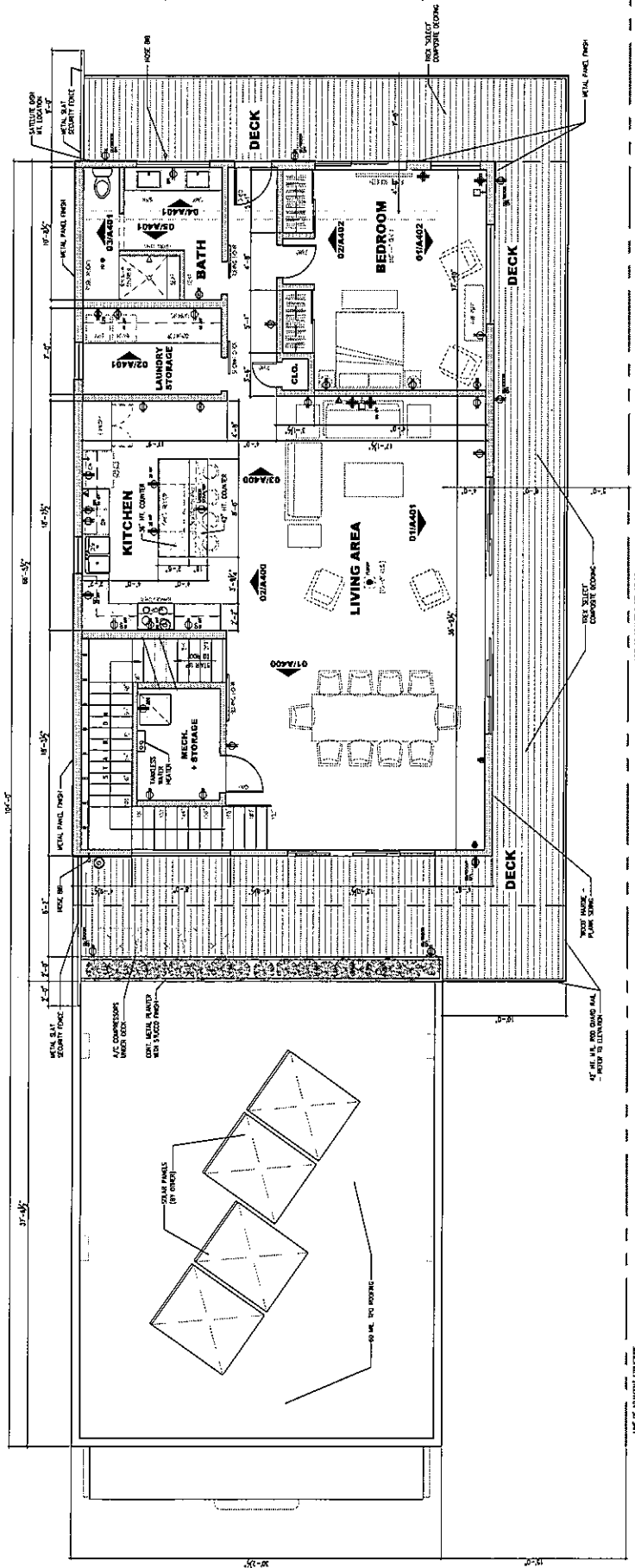
SECOND FLOOR PLAN

REV. NO.	DATE	DESCRIPTION
01	09/26/16	GENERAL REVISION
02	01/13/17	OWNER REVISION

DATE PLOTTED: 09-09-16  
 PROJECT NO.: 26320  
 DRAWING NO.: A101

MARK	DESCRIPTION
⊕	POWER CONDUIT
⊕	CONDUIT CONDUIT OUTLET *
⊕	CONDUIT CONDUIT OUTLET *
⊕	220 BROADCAST CIRCUIT *
⊕	C/C MOUNTED OUTLET
⊕	EMP MOUNTED OUTLET
⊕	TELEVISION MONITOR
⊕	DATA - PHONE CONNECTION (CAT 5) *
⊕	WiFi BOOSTER
⊕	NATURAL GAS CONNECTION
⊕	JUNCTION BOX

\* MOUNT 8" OUT A/E, UNLESS OTHERWISE NOTED



WALL HATCH LEGEND	
[Hatched Box]	WALL HATCH LEGEND
[Hatched Box]	WALL HATCH LEGEND
[Hatched Box]	WALL HATCH LEGEND

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



FOR WALL TYPES REFER TO SHEET A000



1:1,200

# NOTIFICATION

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

Case no: **BDA167-064**  
 Date: **4/19/2017**

## *Notification List of Property Owners*

### *BDA167-064*

#### *13 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2344 IRVING BLVD	LIFESTYLE URBAN PROPERTIES LLC
2	2327 IRVING BLVD	CMC CONCRETE ACCESSOR INC
3	2322 IRVING BLVD	DAVIS JEFFREY A
4	2332 IRVING BLVD	R & M LYNN INVESTMENTS
5	2336 IRVING BLVD	GODSPEED HOLDINGS LLC
6	2348 IRVING BLVD	HUTLABS LLC
7	2356 IRVING BLVD	TIRAOUI KHAWLA
8	2360 IRVING BLVD	2360 IRVING BLVD LLC
9	2311 FARRINGTON ST	MAYS WILLIAM G LF EST
10	2300 FARRINGTON ST	IPENEMA INVESTMENTS LTF
11	2312 FARRINGTON ST	GODSPEED HOLDING LLC
12	2303 FARRINGTON ST	VILLANUEVA MARCELINO &
13	2303 FARRINGTON ST	RODENHAVER CINDY ZELAZNY

**FILE NUMBER:** BDA167-057(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Brian East, represented by Audra Buckley, for a variance to the building height regulations at 7333 Valley View Lane. This property is more fully described as Lot 20, Block 10/7497, and is zoned MF-2(A), which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and maintain a structure with a building height of up to 40 feet, which will require a 14 foot variance to the maximum building height regulations.

**LOCATION:** 7333 Valley View Lane

**APPLICANT:** Brian East  
Represented by Audra Buckley

**REQUEST:**

A request for a variance to the height regulations (specifically to the residential proximity slope) of up to 14' is made to maintain and/or construct and maintain 2- 3 story structures to a height of 40' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the R-7.5(A) single family residentially-zoned property immediately east of the subject site by 14'.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff concluded, at the time of the May 2<sup>nd</sup> staff review team meeting, 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 MF-2(A) zoning district.
- Staff concluded based on the information the applicant had submitted at the time of the May 2<sup>nd</sup> staff review team meeting that the characteristics/features of the subject site (which, according to the applicant, has a 15’ fall from east to west, and is slightly irregular in shape, and, according to the application, 1.473 acres or approximately 64,000 square feet in area) does 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 height regulations.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: MF-2(A) (Multifamily district)
- North: R-7.5(A) (SUP 66) (Single family residential, Specific Use Permit)
- South: MF-2(A) (Multifamily district)
- East: R-7.5(A) (Single family residential district 7,500 square feet)
- West: PD 143 (Planned Development)

**Land Use:**

The subject site is in part developed with multifamily structures and in part under development with more multifamily structures. The area to the north is a cemetery; the area to the east is developed with single family uses; the area to the south is developed with multifamily uses; and the area to the west is a private school (The Covenant School).

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

- The request for a variance to the height regulations (specifically to the residential proximity slope) of up to 14’ focuses on maintaining and/or constructing and

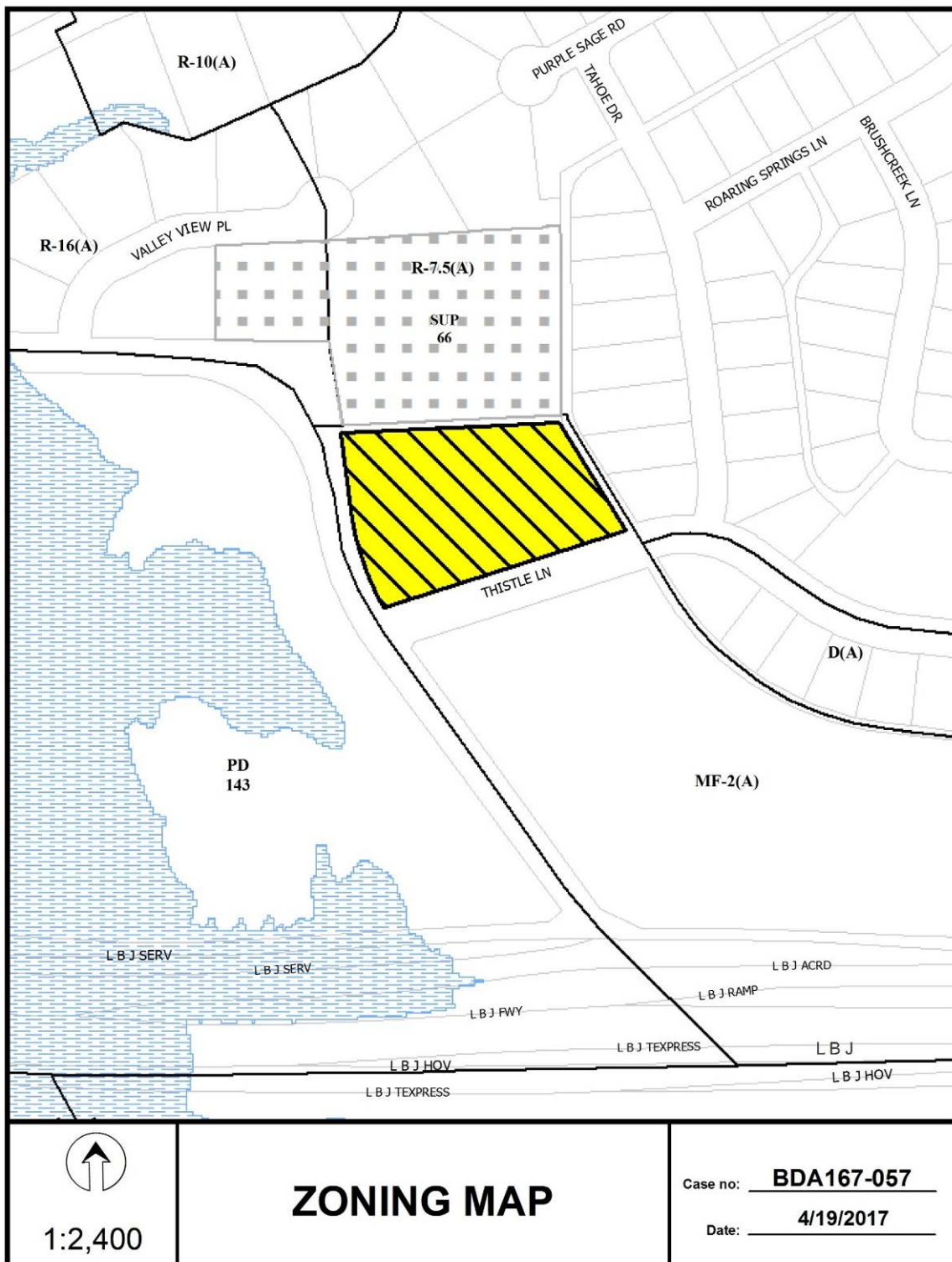


maintaining 2- 3 story structures to a height of 40' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the R-7.5(A) single family residentially-zoned property immediately east of the subject site by 14'.

- 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 (R-7.5(A)) to the east), 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 R-7.5(A) zoned property east of the site.
- The applicant has submitted a site plan and elevations that represents a 1:3-slope (or 1 foot in height for every 3 foot away from property in a CH, MF-1, MF-1(A), MF-2, and MF-2(A) residential zoning district) on the structures seeking variance.
- The Building Official's Report states that a variance to the height regulations of 14' is requested since there are structures proposed to reach 40' in height or 14' higher/beyond than the 26' height allowed for the structures as they are located on this subject site.
- According to DCAD records, the "main improvement" at 7333 Valley View Lane is a "townhome" built in 2016 with 7,552 square feet of living/total area; and with "additional improvements" listed as four, 380 square foot attached garages.
- The site is somewhat sloped (according to the applicant, a 15' fall from east to west, irregular in shape, and according to the application is 1.473 acres (or approximately 64,000 square feet) in area. While the site has two front yards, this feature is typical of corner lot that is not zoned single family, duplex, or agricultural.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance to height regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same MF-2(A) zoning classification.
  - The variance to height setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request, and impose the submitted site plan and elevations as a condition, the structures in the exceeding the height limit or the RPS would be limited to what is shown on these documents – which, in this case, are structures that would be exceed the height limit/RPS by up to 14'.

## **Timeline:**

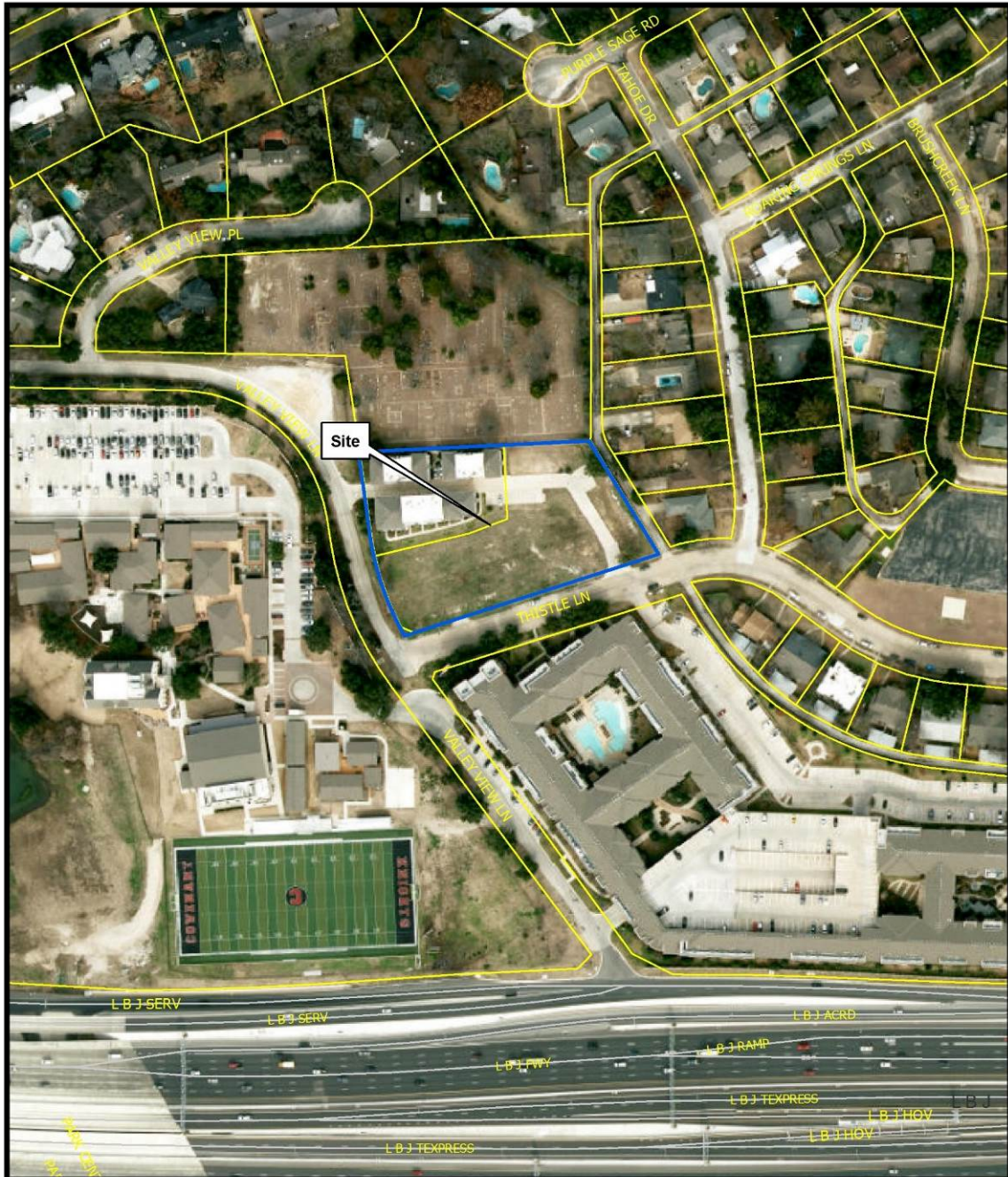
- February 6, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 12, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the April 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- April 26, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- May 1, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- May 5, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment C). Note that this information was not factored into the staff recommendation since it was submitted after the May 2<sup>nd</sup> staff review team meeting.



1:2,400

# ZONING MAP

Case no: BDA167-057  
 Date: 4/19/2017



1:2,400

# AERIAL MAP

Case no: BDA167-057

Date: 4/19/2017

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

April 26, 2017

Via Scan/Email

Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 167-057; 7333 Valley View Lane.

Dear Members of the City Staff:

We are sending you this letter to explain the rationale for our request for a variance of 14 feet to the height regulations of the MF-2(A) zoning classification and the *Dallas Development Code*, for a very limited protrusion into the residential proximity slope on the project currently under way at 7333 Valley View Lane; how we meet the required variance standards; and to respectfully ask for your recommendation of approval of this variance request.

**I. The Site; Existing Conditions.** The request site consists of 1.473 acres of land addressed as 7333 Valley View Lane, on the north side of Thistle Lane at the northeast corner of Valley View Lane (the "Property"). The Property is owned by Urban Intown Homes, LLC, which received Building Permits and is under construction for a townhome-style residential development, consisting of Buildings 4, 5, 6, 7, 8, and 9 (some buildings are already completed and are not affected by this issue). The owner has so far expended a very large amount of funds for construction of the project, until construction was halted on Building 4 on direction from the City. However, our request applies to the entire site, that is, the project as depicted on the submitted Site Plan, as Buildings 7, 8, and 9 also appear to be affected.

Accompanying this letter are a zoning map excerpt (*Attachment A*) and an aerial photograph (*Attachment B*) to orient you to the Property. The Property is zoned MF-2(A). A series of photographs of the Property in its current condition are attached (*Attachment C*).

**II. Building Permit Issuance and Background.**

First, you should be aware that this project had been extensively reviewed and a Building Permit issued (April 12, 2016) well prior to the City's verbal notice to stop work on Building 4 on the Property (September 16, 2016).

April 26, 2017  
Page 2

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Several months subsequent to plan review and issuance of the Building Permit, it was determined on the part of City Staff, that a portion of the project as designed and permitted intruded into the residential proximity slope. However, this calculation appears to have been made on the basis of the lower grade (550' above MSL) on our Property rather than on the actual grade (558.5' above MSL) of the benefited property.

Sec. 51P-326.106(b)(6)(A) states that the residential proximity slope applies to structures over 26 feet in height, with the exceptions permitted in Sec. 51A-4.408(a)(2) being allowed to project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Under MF-2(A), the maximum allowable structure height is 36 feet, unless further restricted pursuant to the residential proximity slope.

To further orient you, our Site Plan is attached as *Attachment D* and an Elevation Exhibit is attached as *Attachment E*. The Elevation Exhibit, in particular, illustrates the varying interpretations which can be given to the applicable height regulations and the resulting differences in the alleged amount of protrusion into the residential proximity slope.

You can see from the various applicable regulations that there are several aspects of this situation which are difficult to interpret and, in fact, are subject to varying interpretations. This is borne out by the fact that the plans were initially thoroughly reviewed by the City Staff from November, 2015 to April, 2016. The timeline of predevelopment meetings, plan review, permit issuance, and other actions which relate to the subject of our variance request, is set forth below:

December 4, 2014:	Predevelopment meeting
November 24, 2015:	Submitted Building 4 plans
December 8, 2015:	First Q Team meeting (Building 4)
February 10, 2016:	Revised plans submitted per Q Team comments
April 12, 2016:	Building 4 Building Permit issued
April 25, 2016:	Building 4 construction starts
August 19, 2016	Plans submitted, Buildings 5-9
September 13, 2016:	First contact from Staff re RPS issue
September 14, 2016	Q Team meeting on Buildings 5-9
September 16, 2016:	City Staff verbally asks that construction stop
October 6, 2016:	First RPS detail drawing submitted; City comments received
October 13, 2016:	Revised RPS detail drawing submitted
December 7, 2016:	Comments from City received
January 10, 2017:	Revised RPS detail drawing submitted
January 13, 2017:	City advises no construction allowed until RPS issue is resolved
January 25, 2017:	Meeting with Staff to discuss RPS issues; advised to go to Board; Buildings 5-9 split from Building 4 for review purposes
January 25, 2017:	City acknowledges Permit was issued in error
January 30, 2017	Buildings 5-9 resubmitted
February 6, 2017:	Variance application filed under BDA 167-057

April 26, 2017  
Page 3

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### III. Height Variance Request.

We are asking for a variance to the applicable height regulations, specifically to the residential proximity slope regulations, to allow all of the Buildings as currently configured and shown on the Site Plan to be completed. A variance of 14 feet is necessary for this purpose (refer again to the Elevation Exhibit, *Attachment E*). There are several property hardship conditions which support the granting of our requested variance. These are the following:

A. Reliance on Issued Building Permit and Construction of Improvements. Our first hardship condition is the fact that Permits were issued by the City and on that basis, construction was commenced and very significant and expensive improvements were built and affixed to the Property. Specifically, a Building Permit was issued on April 12, 2016, and construction began on April 25. The project proceeded until the City directed on September 16, 2016, that work be halted.

B. Irregular Shape. As you can see, the Property is irregularly shaped, with the narrower end of the overall development site facing the property on the east (where the residential proximity slope issue has arisen), further increasing the site planning and development challenges of the Property.

C. Topography/Slope. The Property also has about 15 feet of fall from east to west, as per the December 15, 2014, Survey (*Attachment F*), and there is a large retaining wall on the east, about 8.5 feet in height, at the top of which the property benefited by the Residential Proximity Slope is situated, with an additional five foot setback from the property line of that property to the main structure.

D. Easement; Fire Lane. There is a 36 foot wide wastewater easement which bisects the Property and serves existing units, as well as existing fire lanes, none of which can be moved, further restricting development on the Property.

E. Two Front Yards; Lot Coverage. The Property has two front yards, the Valley View Lane frontage and the Thistle Lane frontage. The required front yard setback in MF-2(A) is 15 feet, and the maximum lot coverage is 60 percent, further significantly reducing the buildable area of this lot.

IV. How We Meet the Variance Standard. This variance request meets the property hardship standard mandated by the *Dallas Development Code* in several respects. First, the fact that a Building Permit was issued and extensive and very costly work already done on that basis, with Building 4 mostly completed, constitutes a property hardship condition. The fact that a Building Permit was issued, even if in error, and this amount of work done, is in no way the fault of the owner, whose architects believed that they were proceeding according to Code and more importantly, in reliance on the issued Building Permit.

April 26, 2017  
Page 4

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The improvements constructed on the Property in the location shown render the improvements as built to be a property hardship condition, that is, an existing physical characteristic of the Property. Obviously, these improvements cannot be modified to pull back under the residential proximity slope without extremely costly and impractical measures to do so.

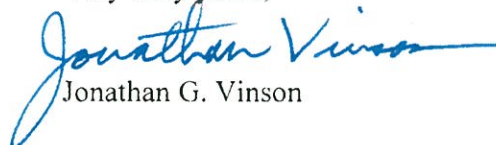
This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification. In fact, we would lose as many as two bedrooms per unit to the residential proximity slope, affecting approximately 11 of the units (in Buildings 4, 7, 8, and 9), the effect of which would therefore be extremely significant and would prevent development commensurate with other development in this zoning classification. Further, this situation was not self-created by the owner (recall that the City issued a Building Permit for the project) nor is it personal to the owner, nor is the variance requested for financial reasons only.

**V. The Public Interest.** Finally, the granting of this variance would not in any way be contrary to the public interest. Allowing this building to be completed in its current configuration will have absolutely no adverse impact on anyone else anywhere in the neighborhood. The Property is bounded by a large private school campus on the west, across Valley View Lane; a cemetery on the north; and a large, three-story multifamily complex on the south. Bear in mind that the MF-2(A) required rear yard setback is only 10 feet, so our setback from the 15 foot alley to the facade of our structure, which varies from about 49 feet to about 62 feet, is much better for the adjacent owners.

Further, the proposed development is entirely consistent with nearby development. In fact, approval of this variance will be in the public interest by allowing construction on the basis of this design, which is very respectful of adjacent properties and is very much in context with the neighborhood. The property is mostly surrounded by institutional (including a cemetery on the north, so very unlikely to ever be redeveloped) and multifamily uses.

**VI. Conclusion.** Thank you very much for your consideration of our points. We respectfully ask, on the basis of all of our foregoing points, that the City Staff make a recommendation of *approval* of our height variance request to Panel B of the Board of Adjustment. Thank you very much.

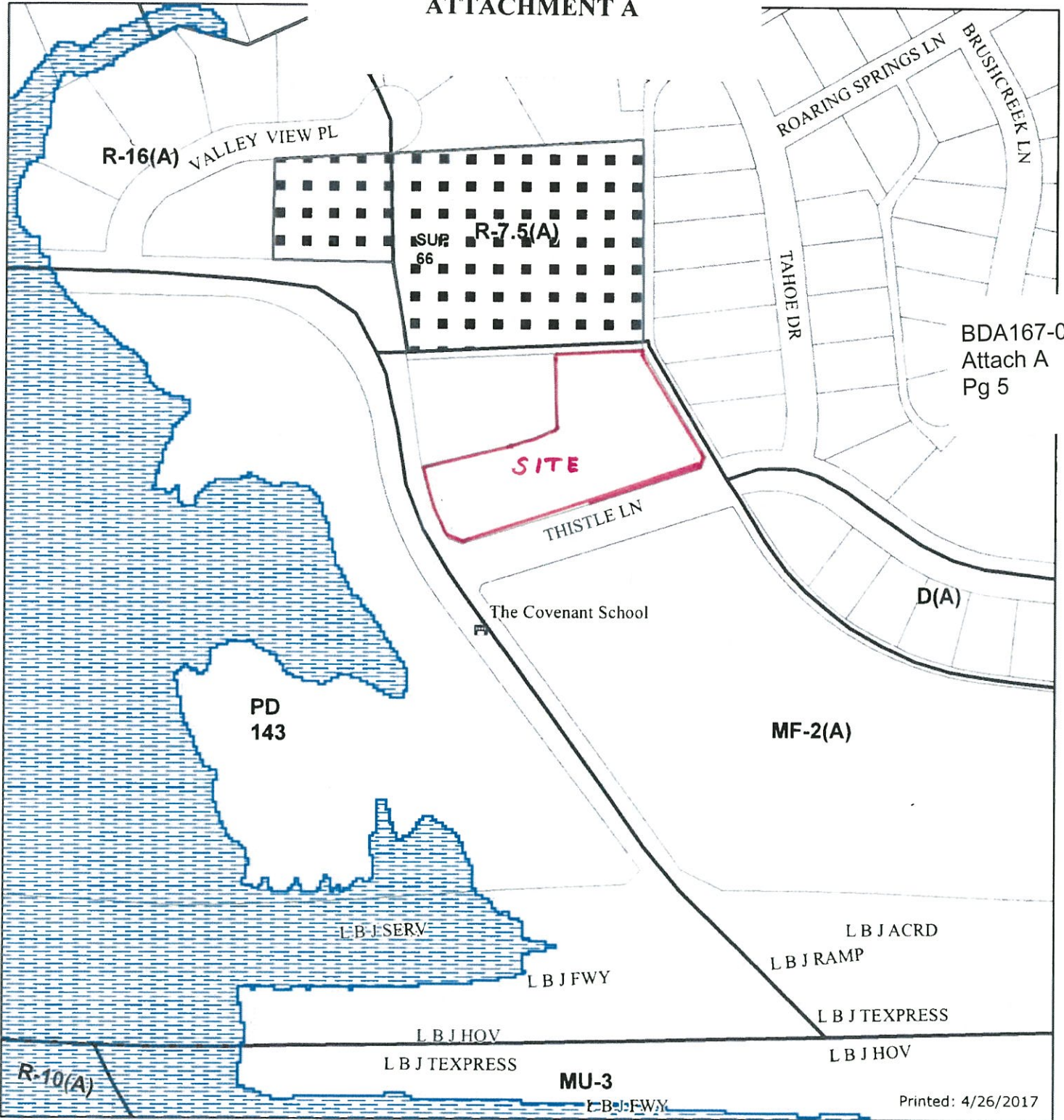
Very truly yours,

  
Jonathan G. Vinson

cc: Brian East  
Audra Buckley  
Suzan Kedron



# ATTACHMENT A



BDA167-057  
Attach A  
Pg 5

Printed: 4/26/2017

## Legend

City Limits	railroad	Dry Overlay	CD Subdistricts
School	Certified Parcels	D	PD Subdistricts
Floodplain	Base Zoning	D-1	PDS Subdistricts
100 Year Flood Zone	PD193 Oak Lawn	CP	NSO Subdistricts
Mill's Creek	Dallas Environmental Corridors	SP	NSO_Overlay
Peak's Branch	SPSD Overlay	MD Overlay	Escarpment Overlay
X Protected by Levee	Deed Restrictions	Historic Subdistricts	Parking Management Overlay
Parks	SUP	Historic Overlay	Shop Front Overlay
		Height Map Overlay	4-11

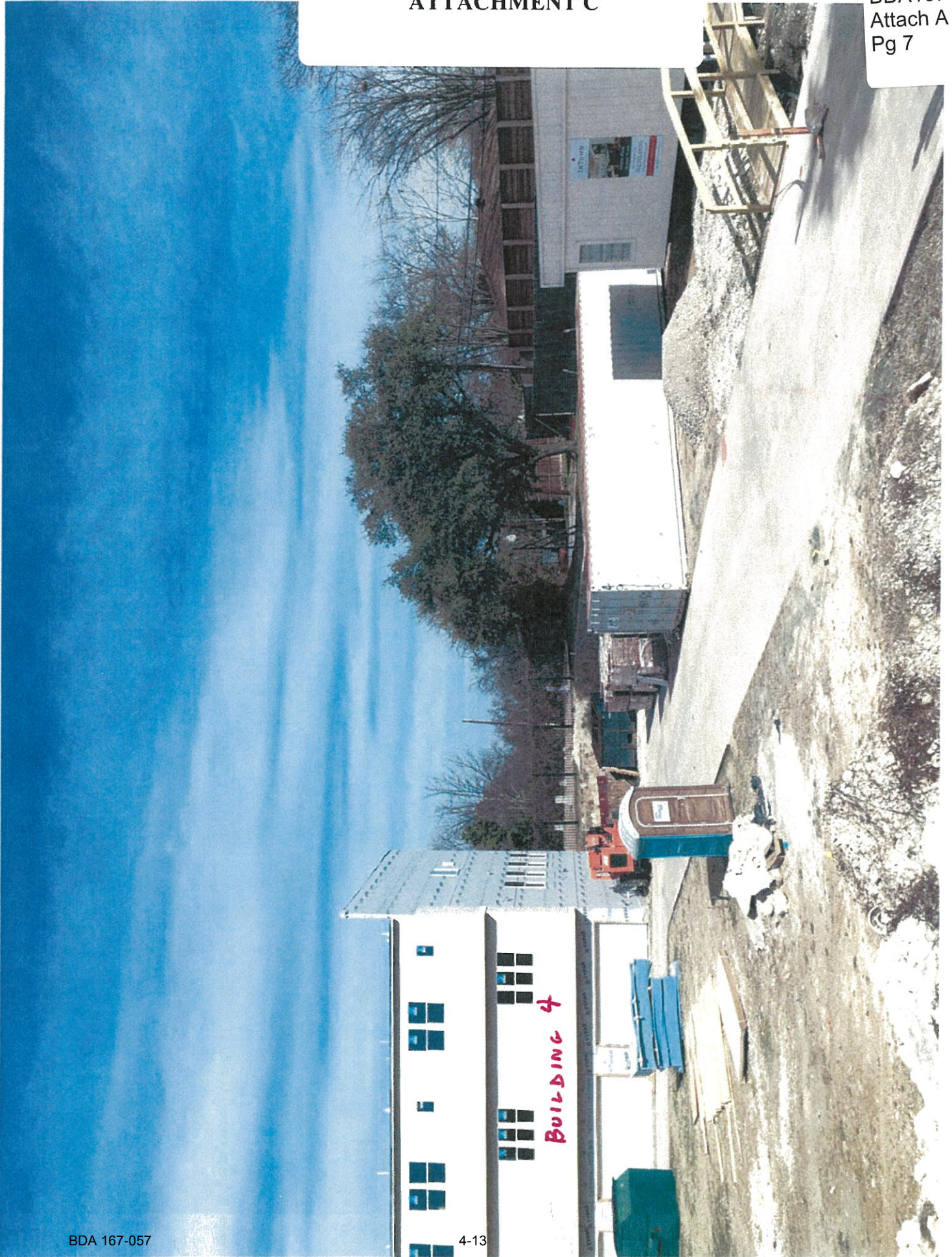
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ATTACHMENT B

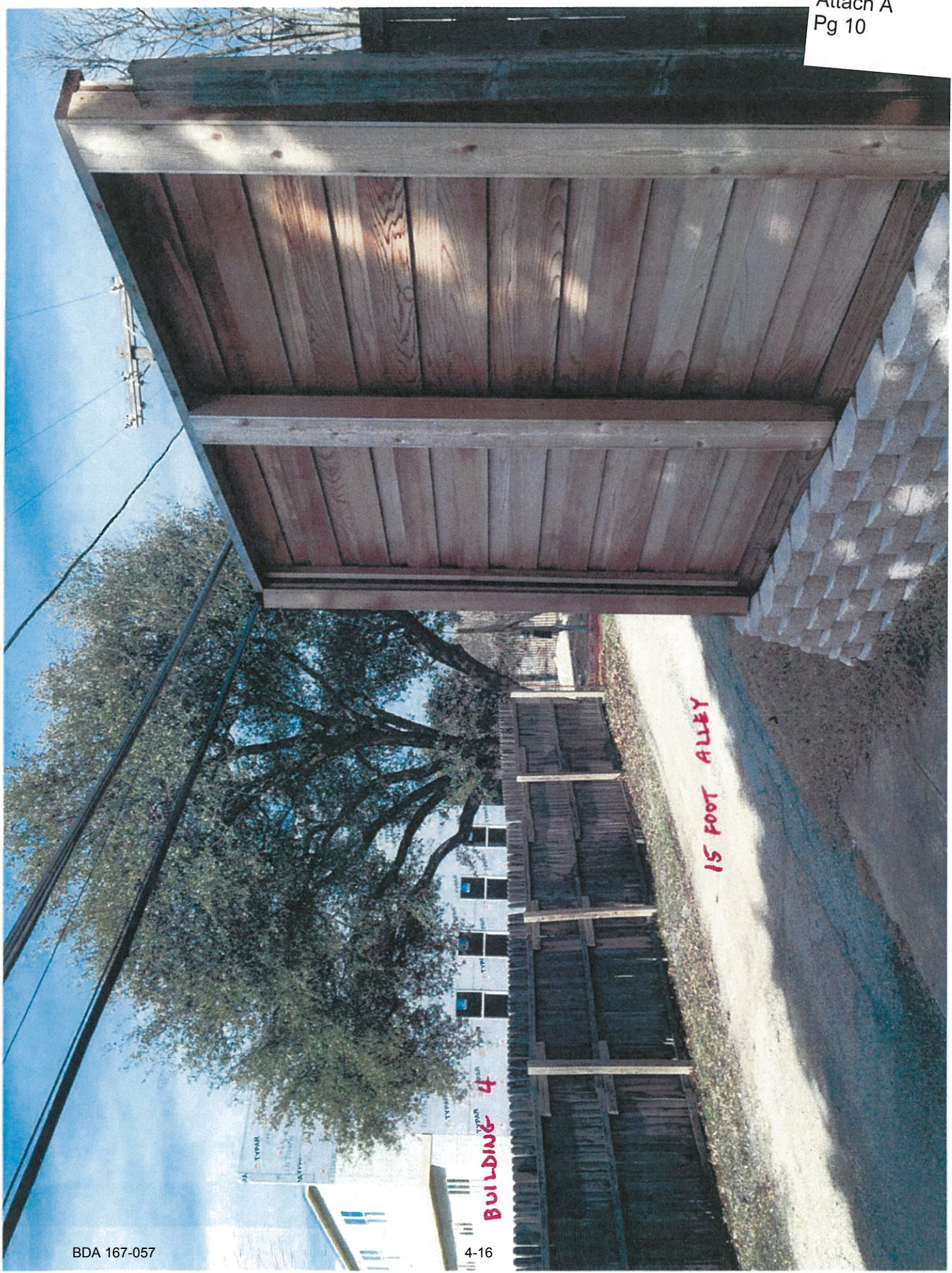
BDA167-057  
Attach A  
Pg 6







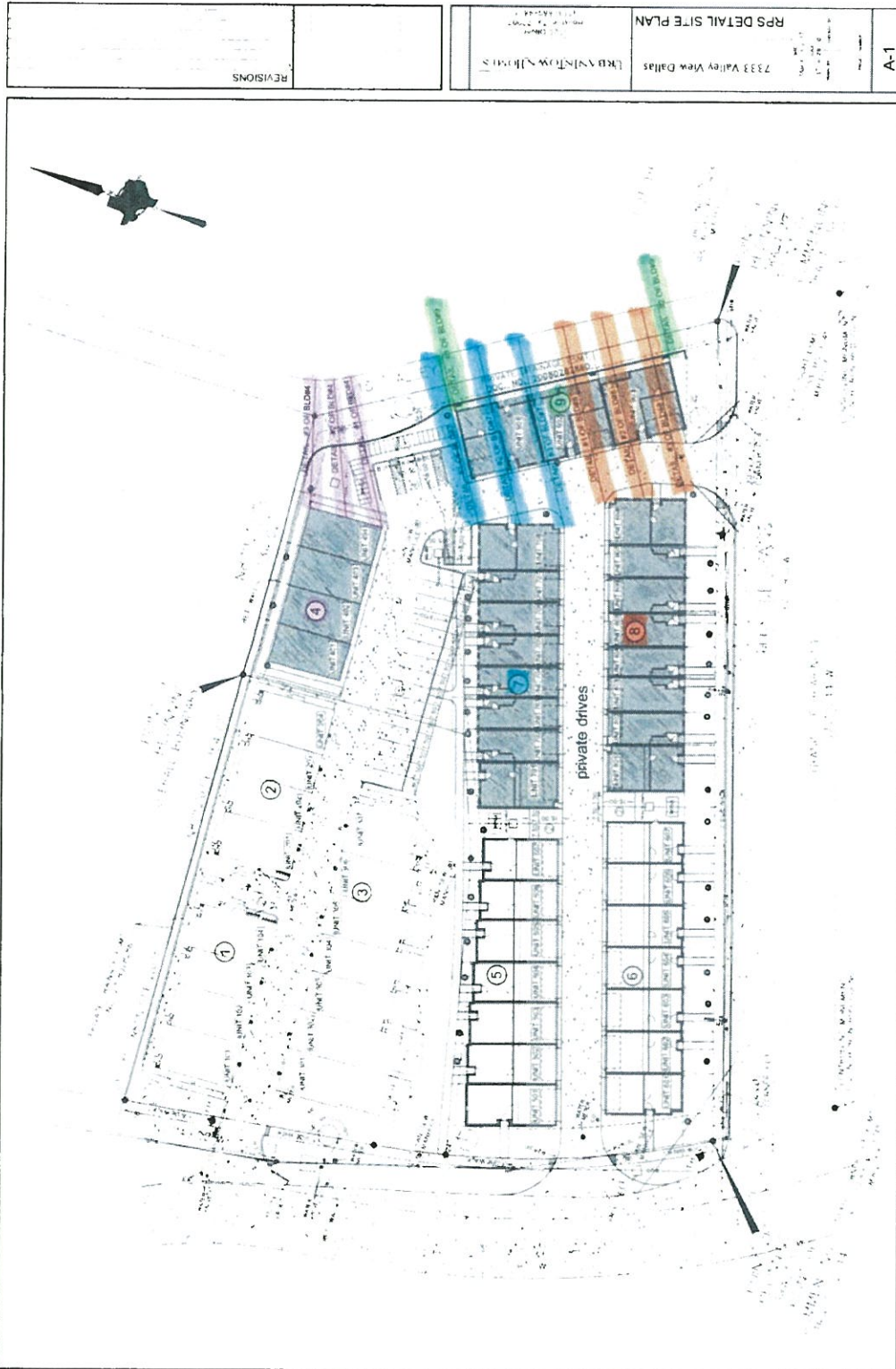






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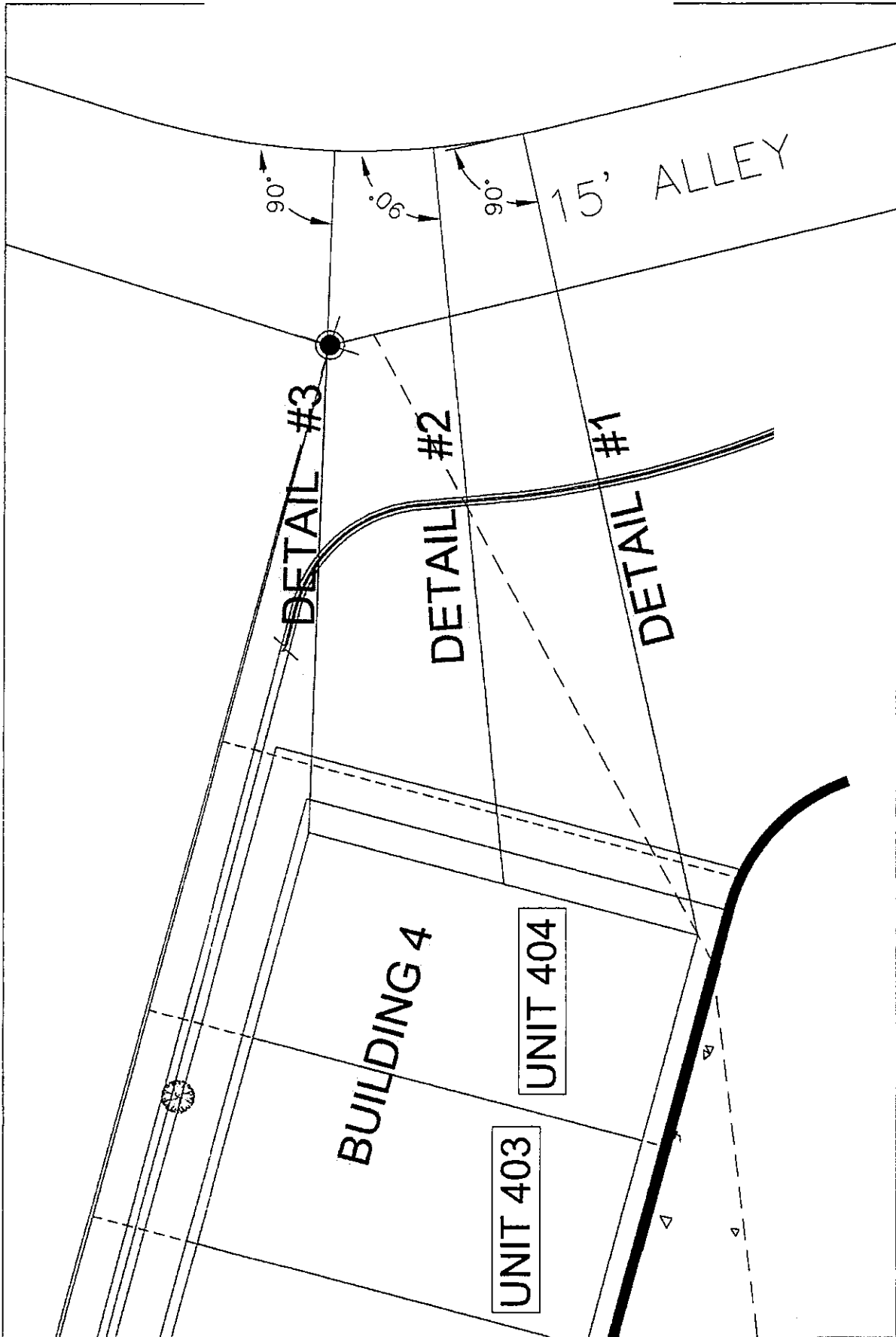
BDA167-057  
Attach A  
Pg 12

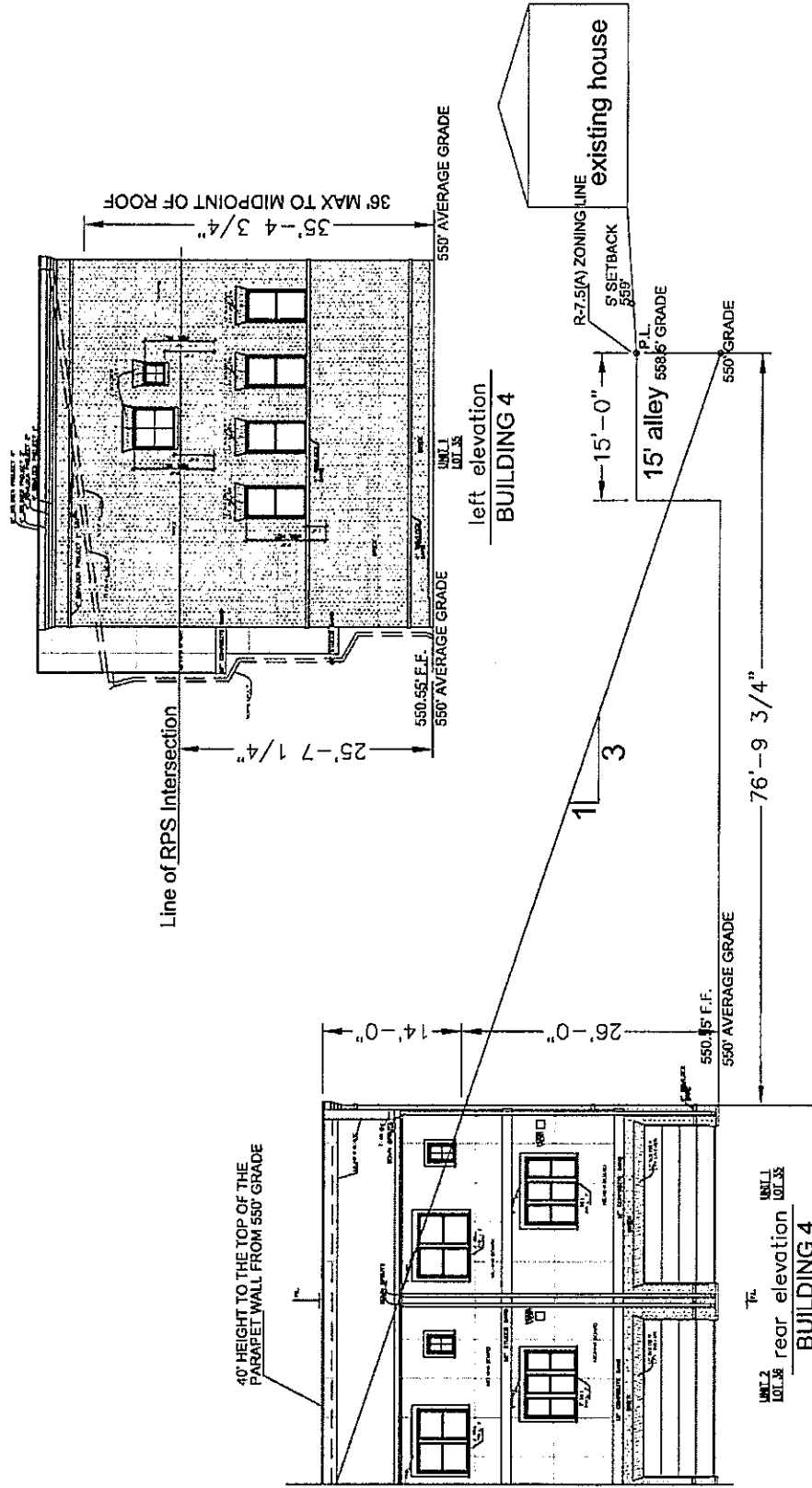




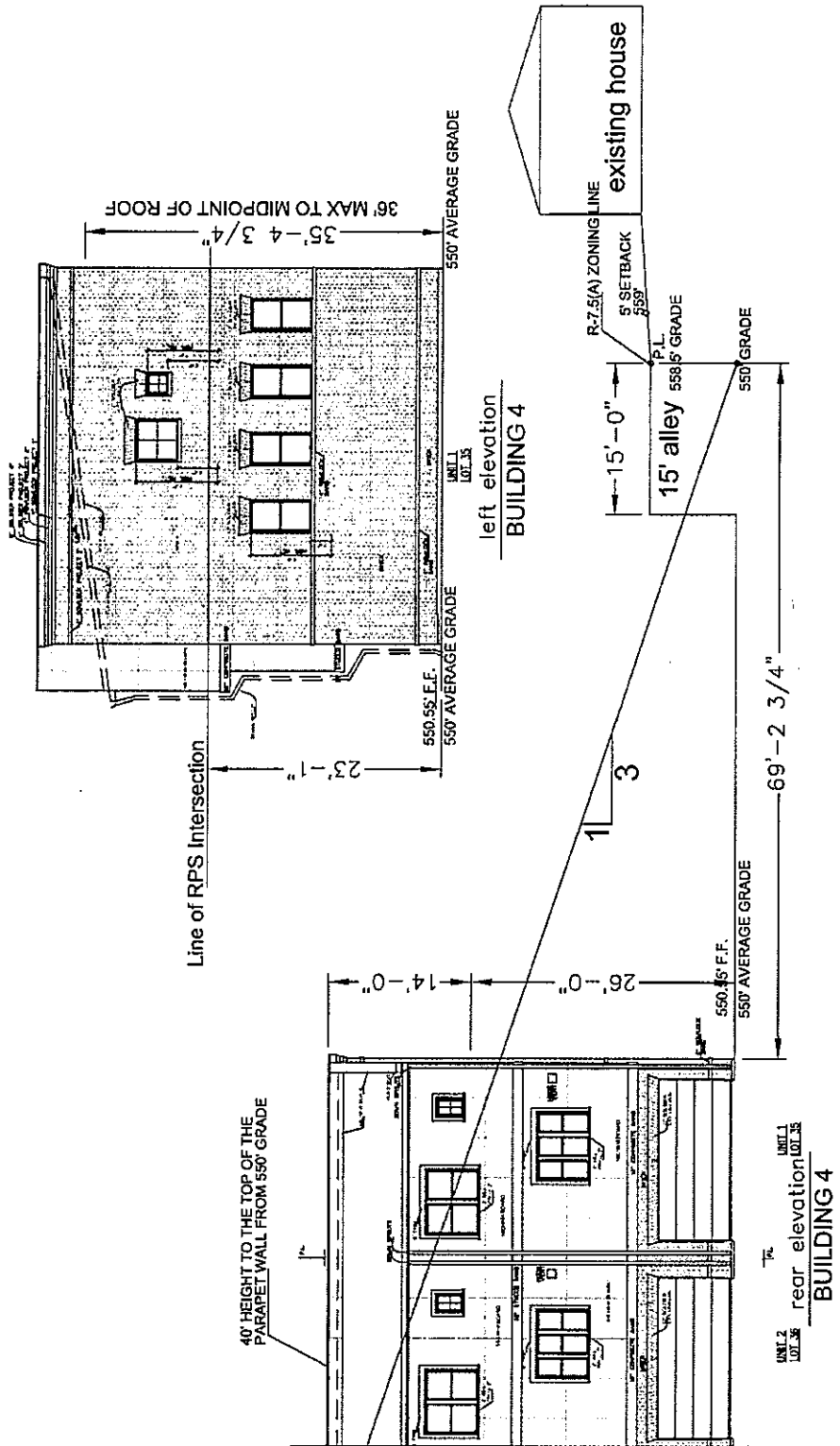
ATTACHMENT E

BDA167-057  
Attach A  
Pg 13



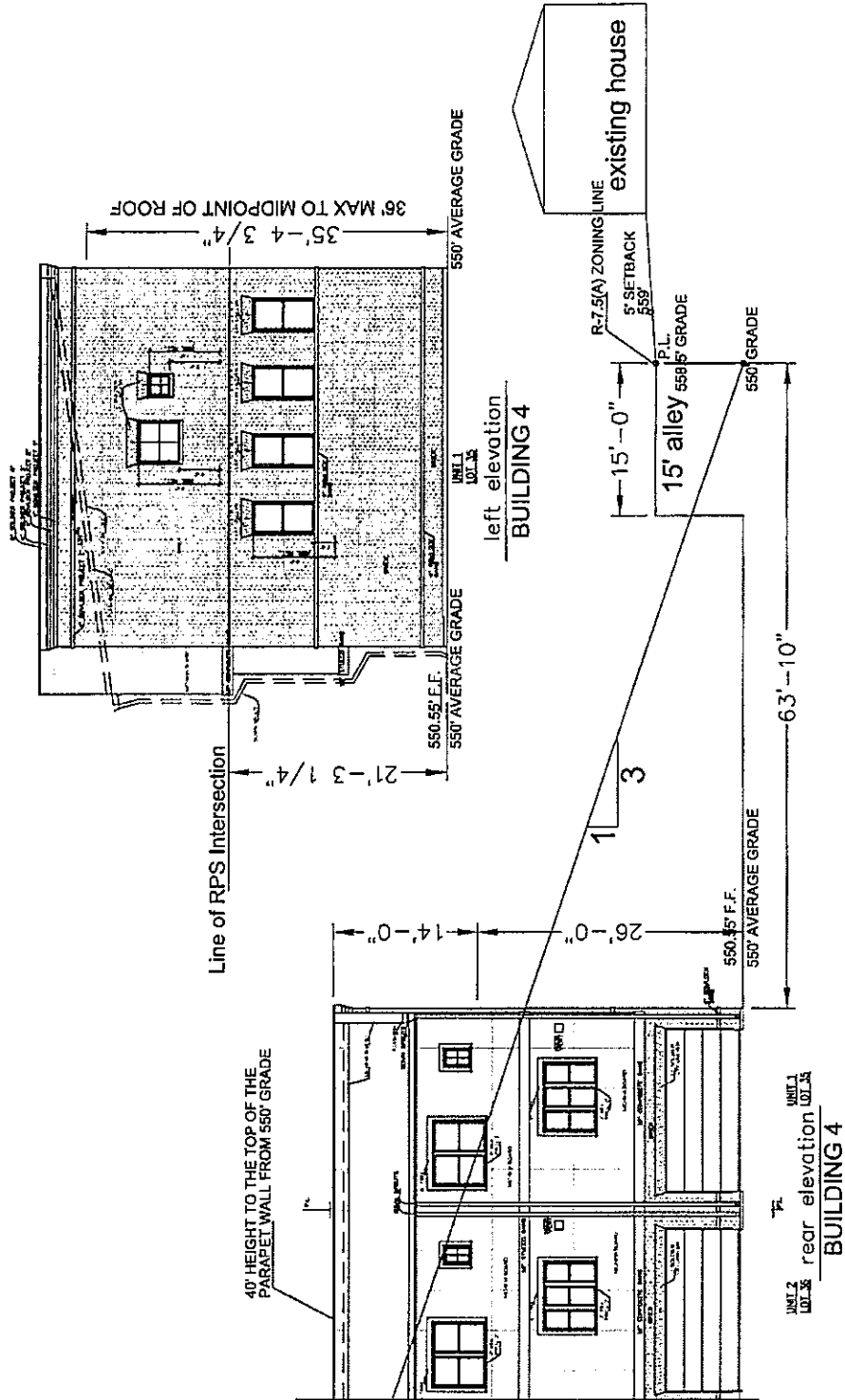


RPS #1 Detail-Valley View Building 4  
 SCALE: 3/32"=1'



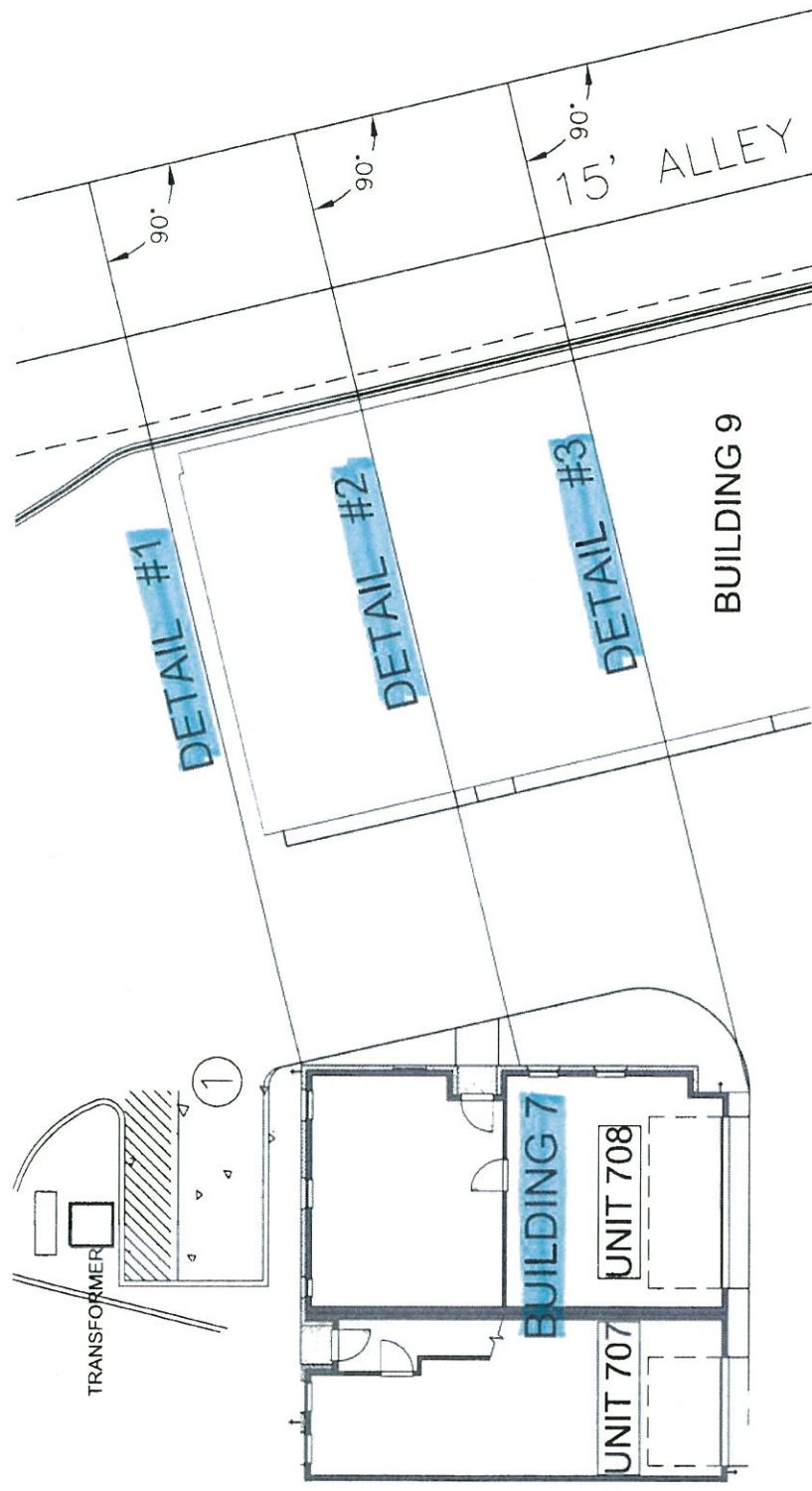
RPS #2 Detail-Valley View Building 4

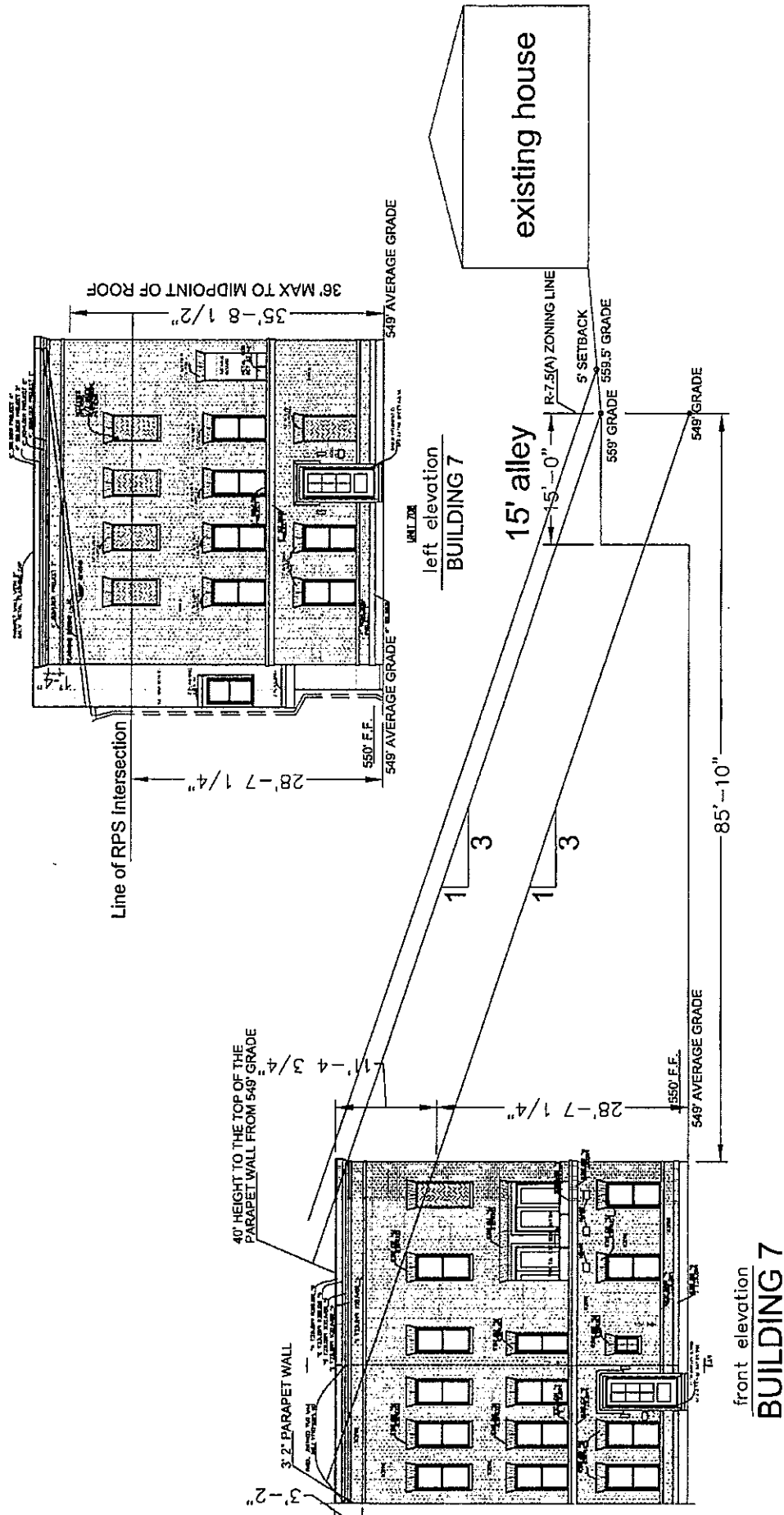
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RPS #3 Detail-Valley View Building 4

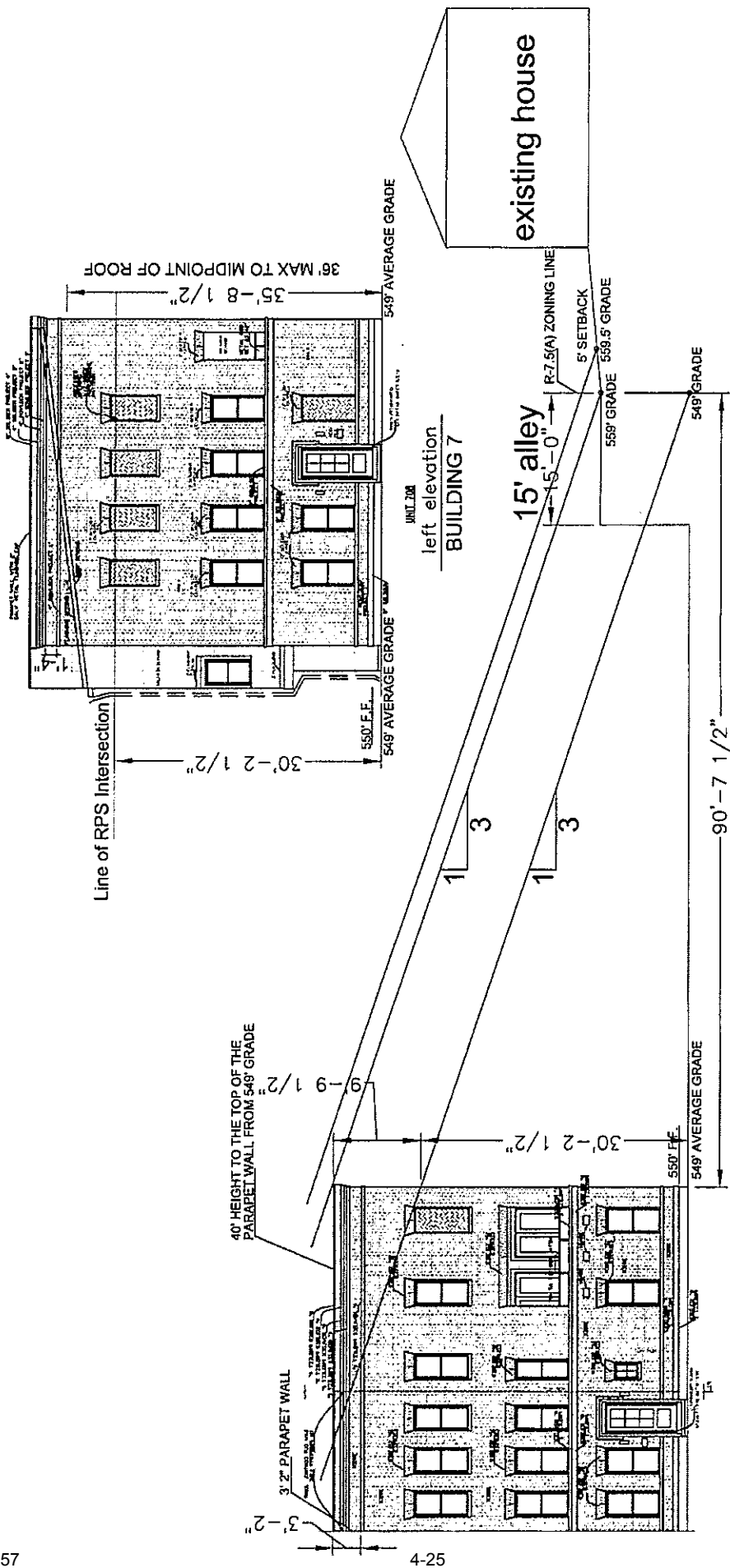
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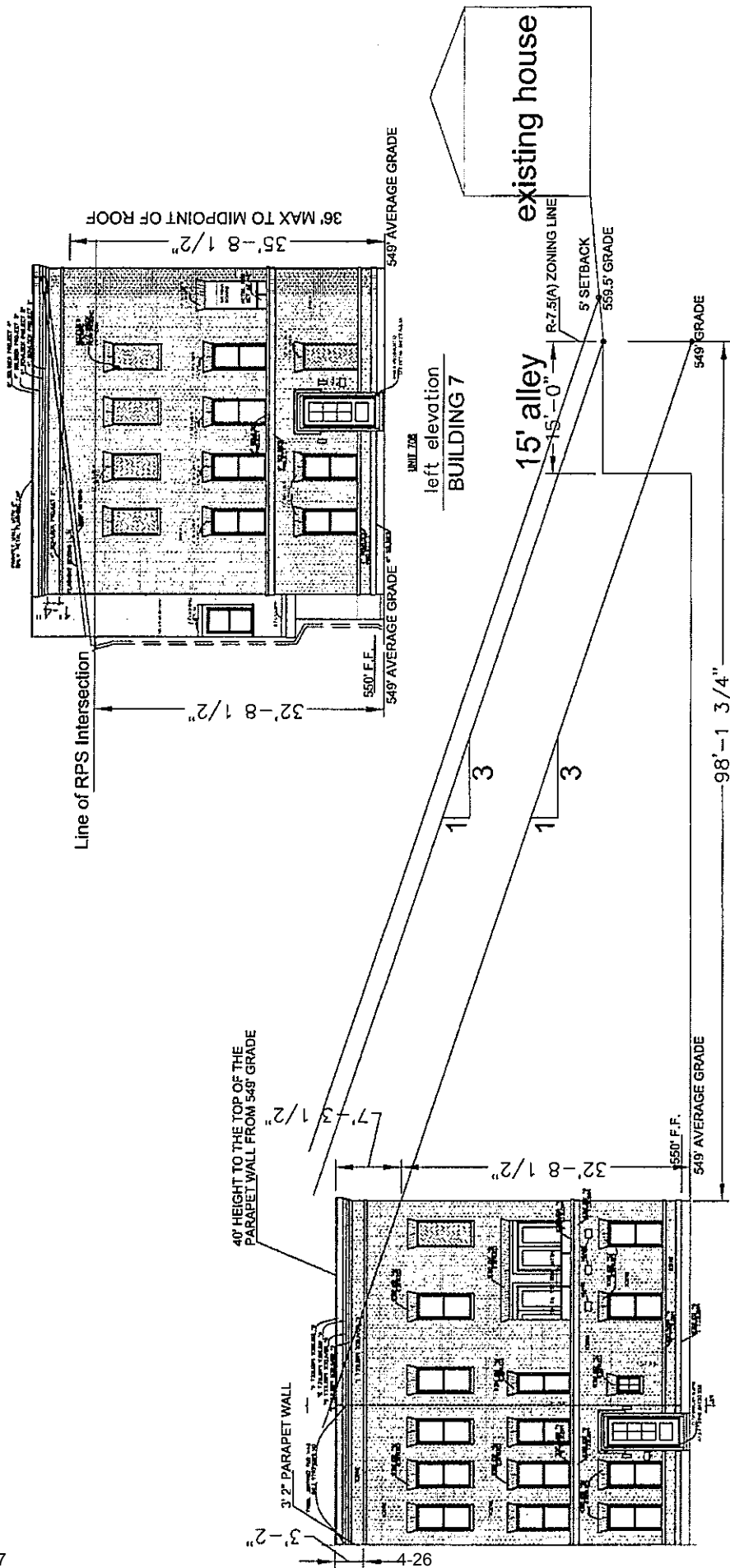


RPS #1 Detail-Valley View Building 7

SCALE: 3/32"=1'

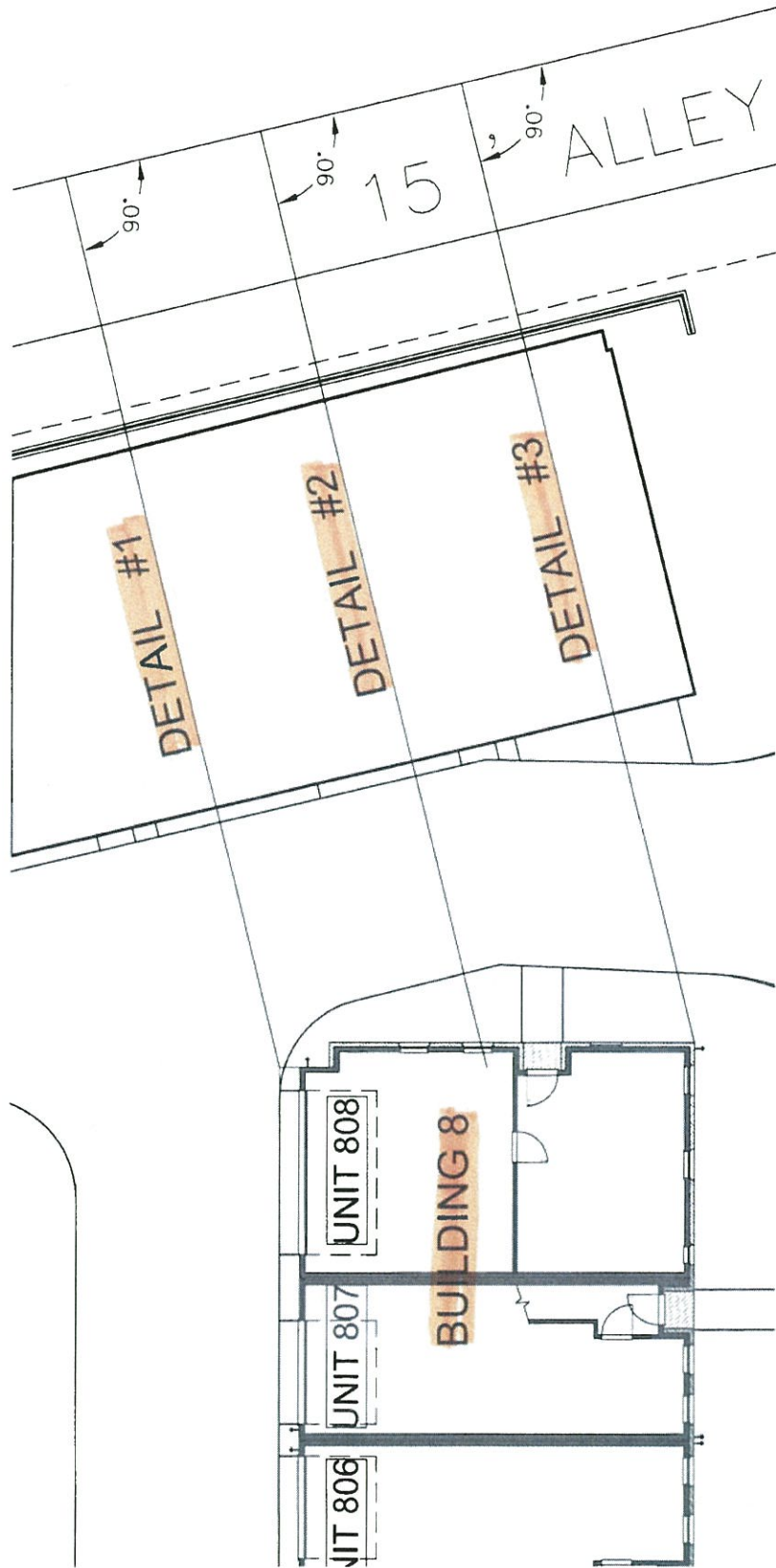


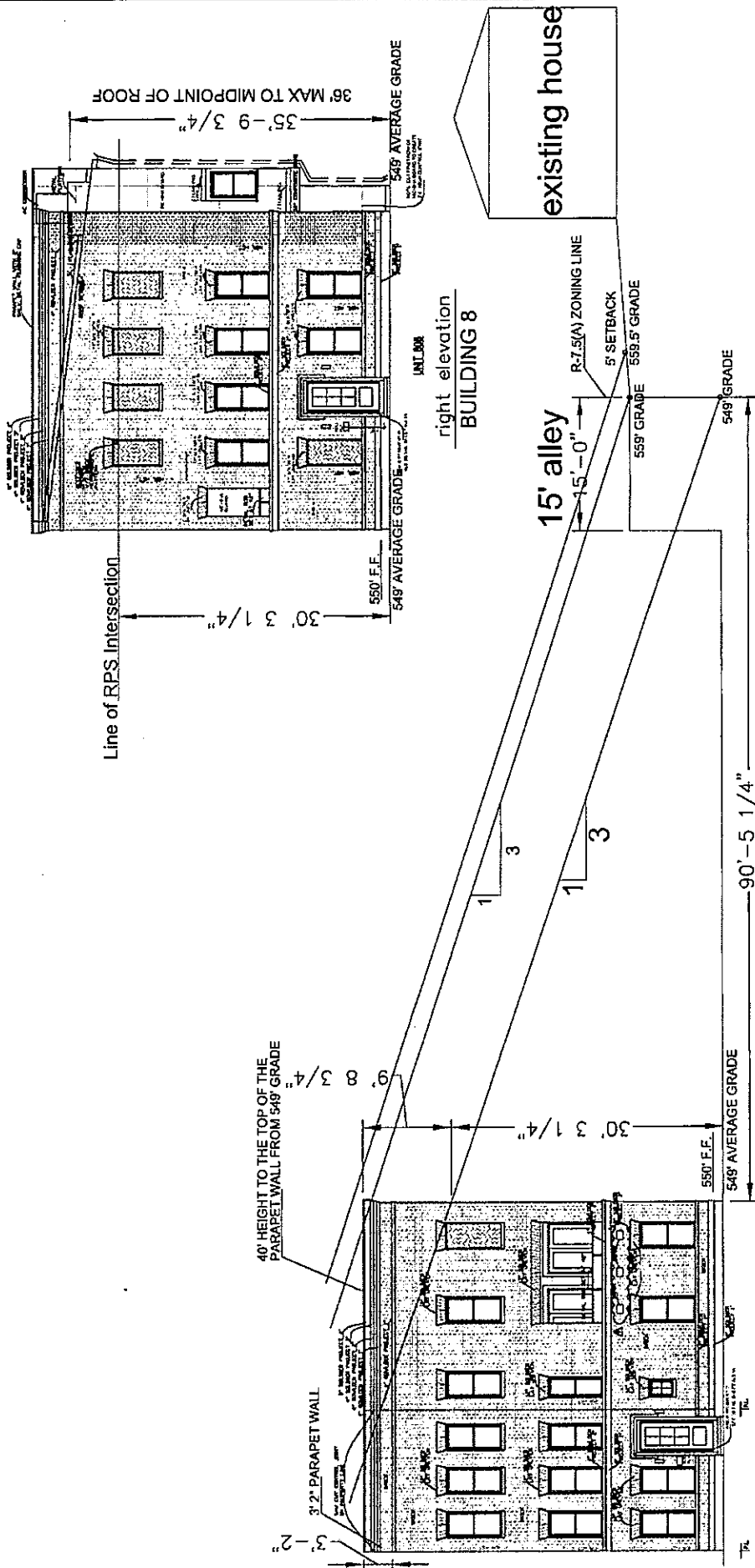
RPS #1 Detail-Valley View Building 7  
 SCALE: 3/32"=1'



RPS #1 Detail-Valley View Building 7  
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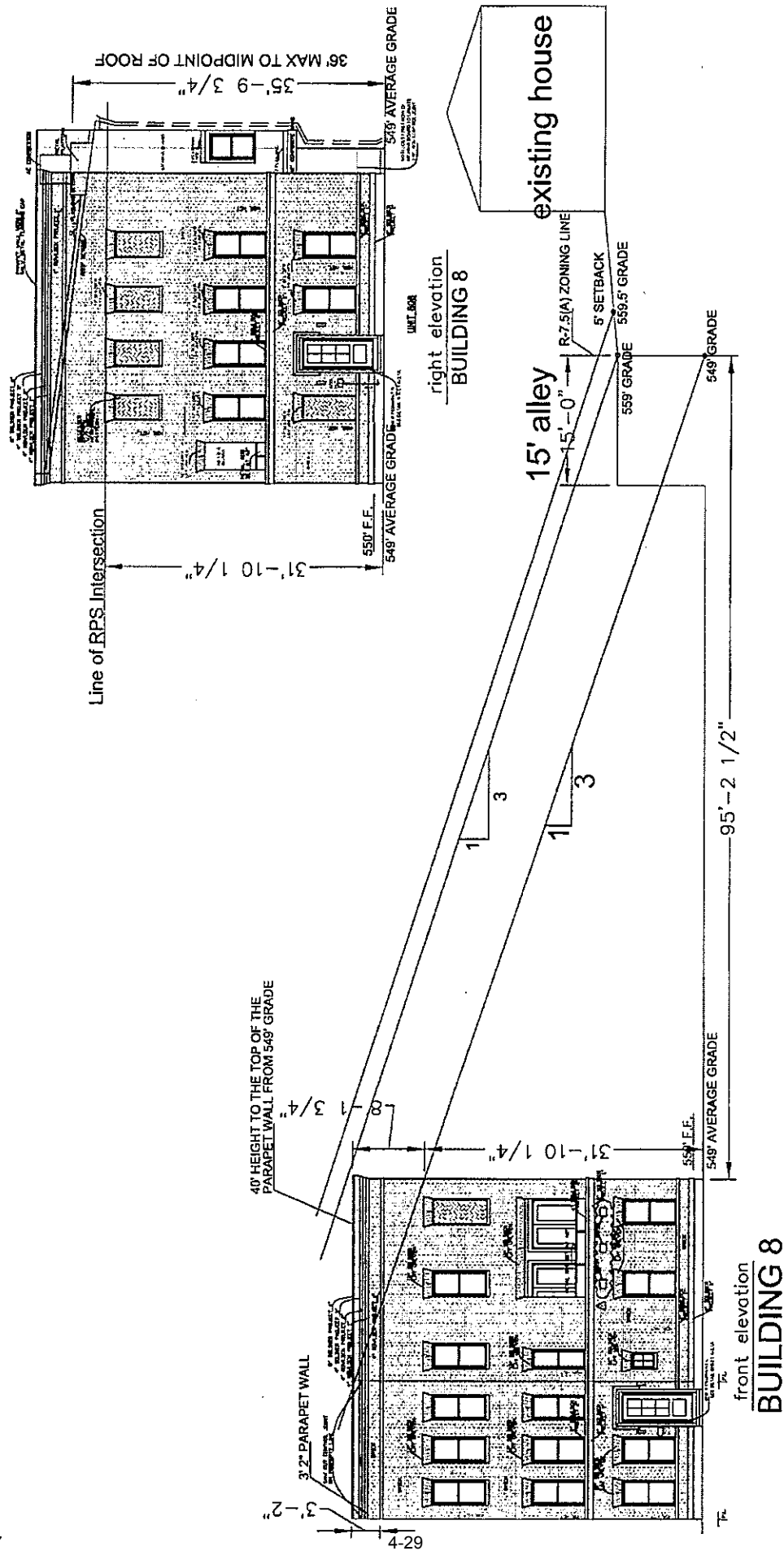






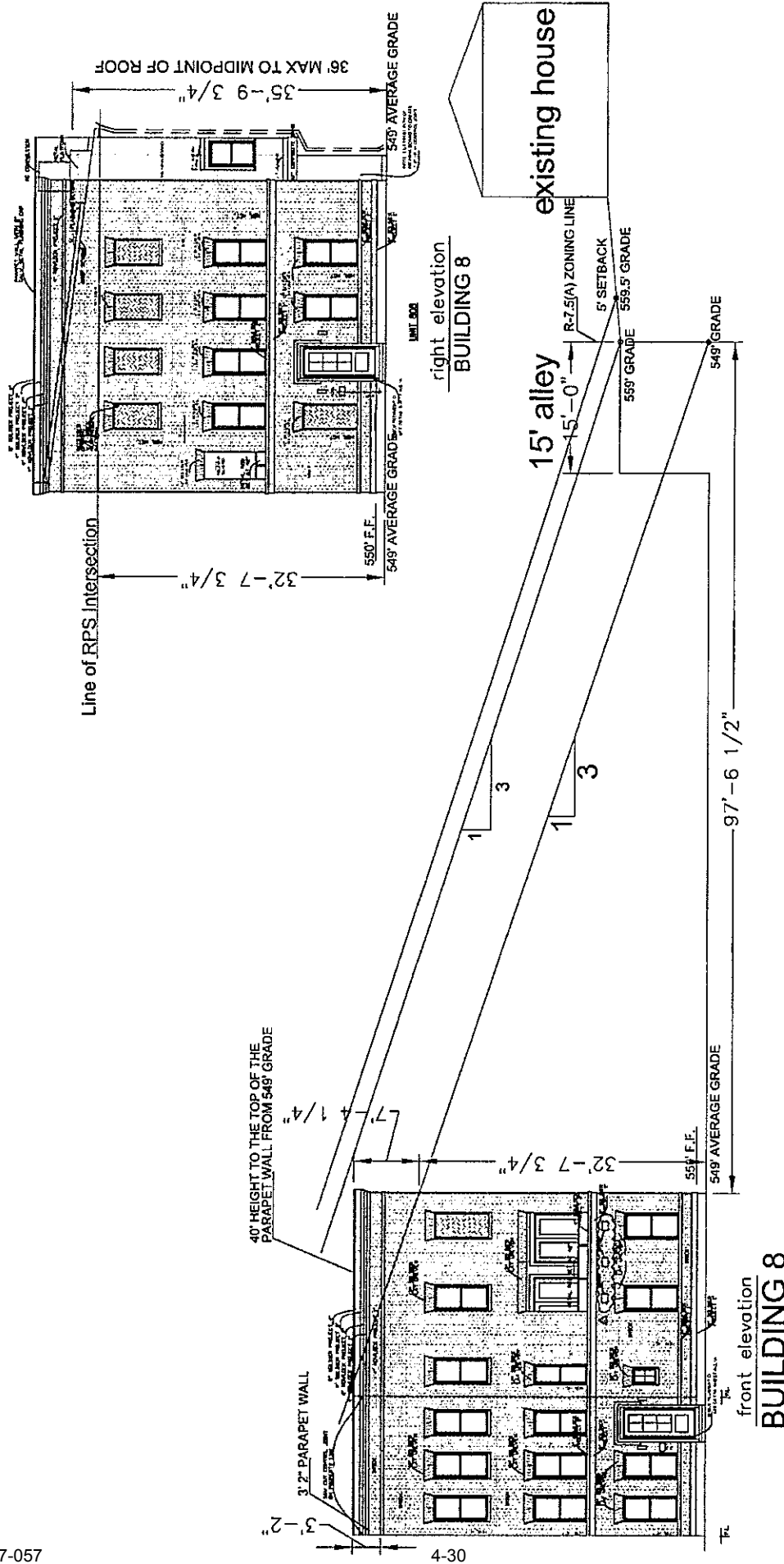
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SCALE: 3/32"=1'



RPS #1 Detail-Valley View Building 8

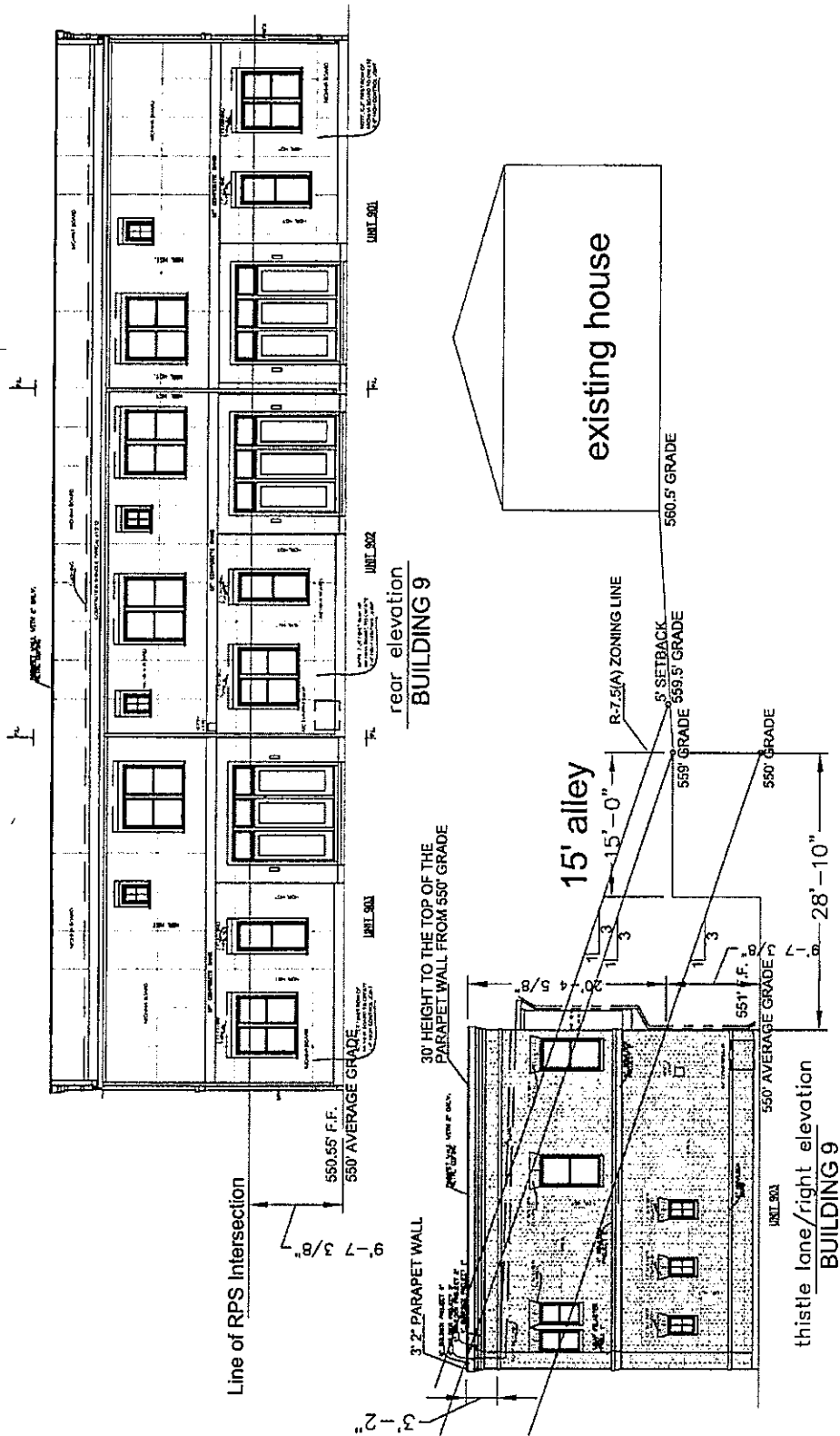
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# RPS #1 Detail-Valley View Building 8

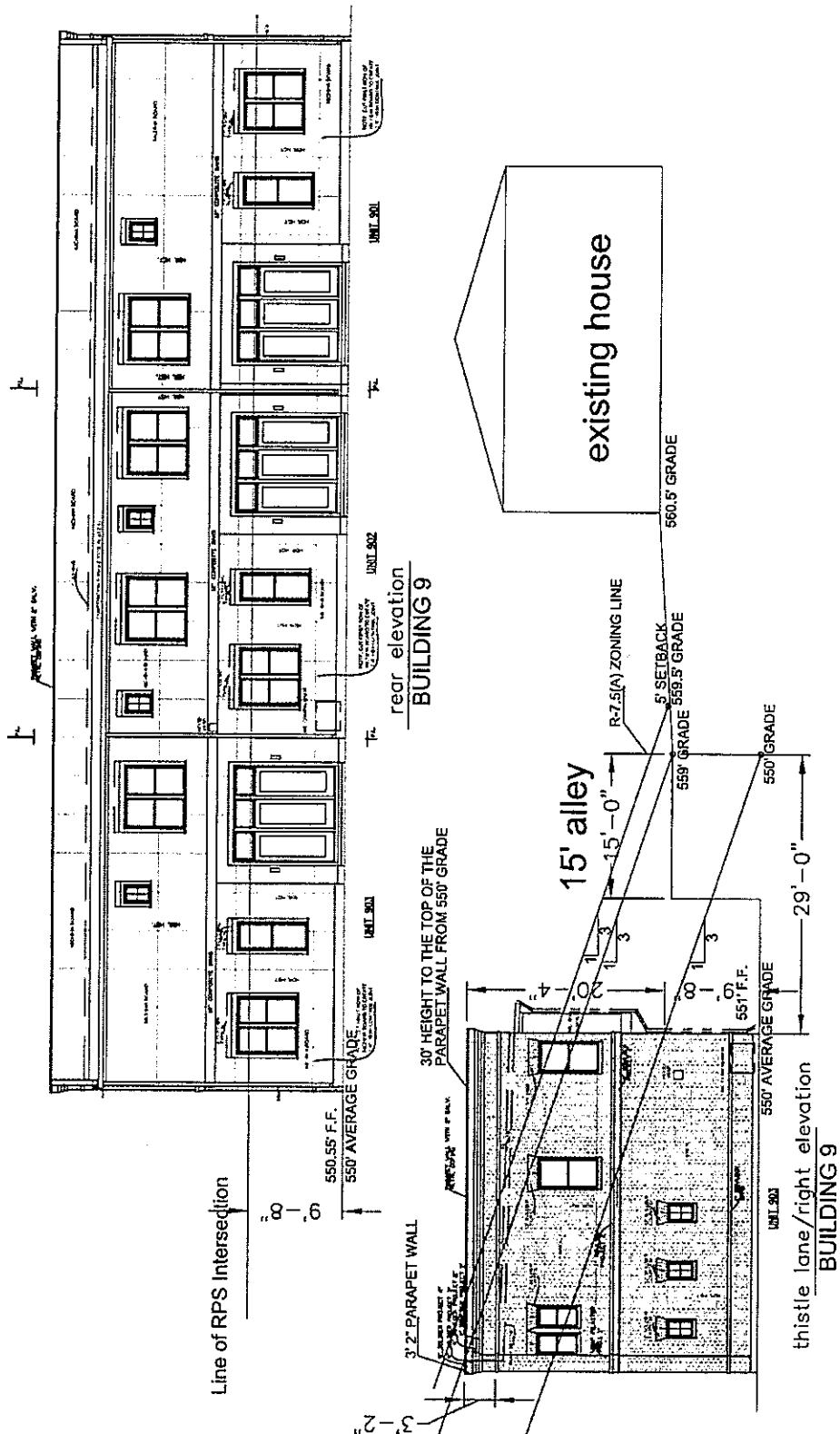
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# RPS Detail #1-building 9

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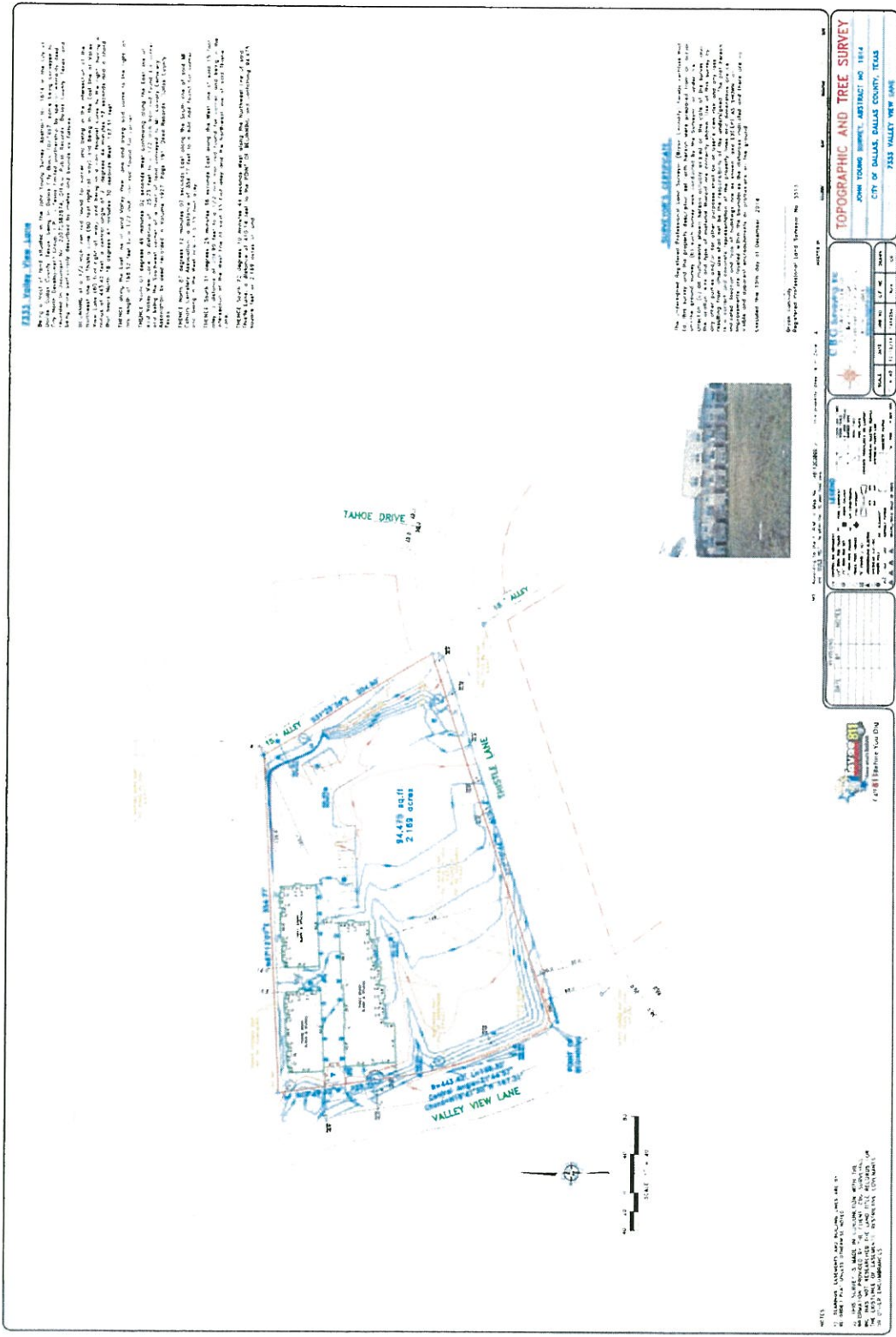


**RPS Detail #2-building 9**

SCALE: 3/32"=1'

# ATTACHMENT F

BDA167-057  
 Attach A  
 Pg 28





BDA 167-057  
A Buckley B  
PS1

**Long, Steve**

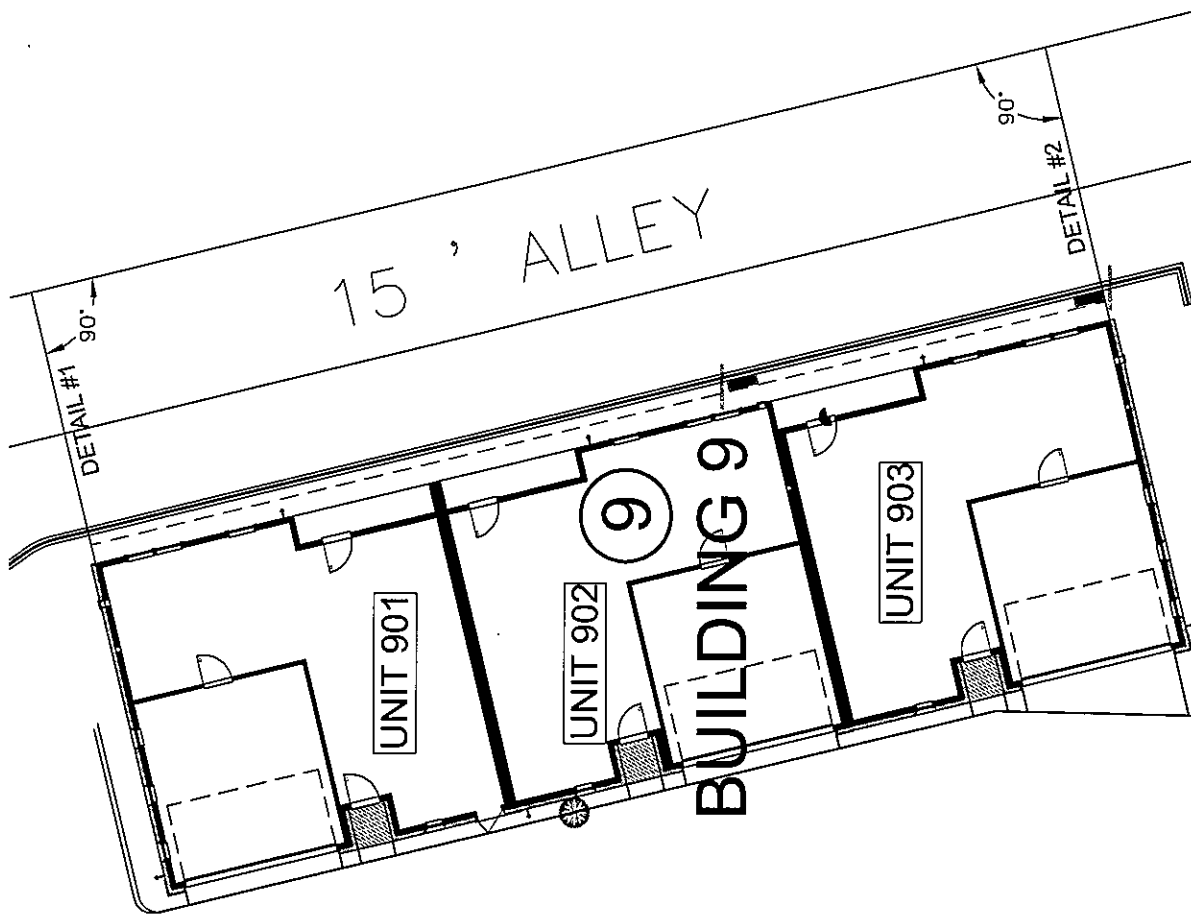
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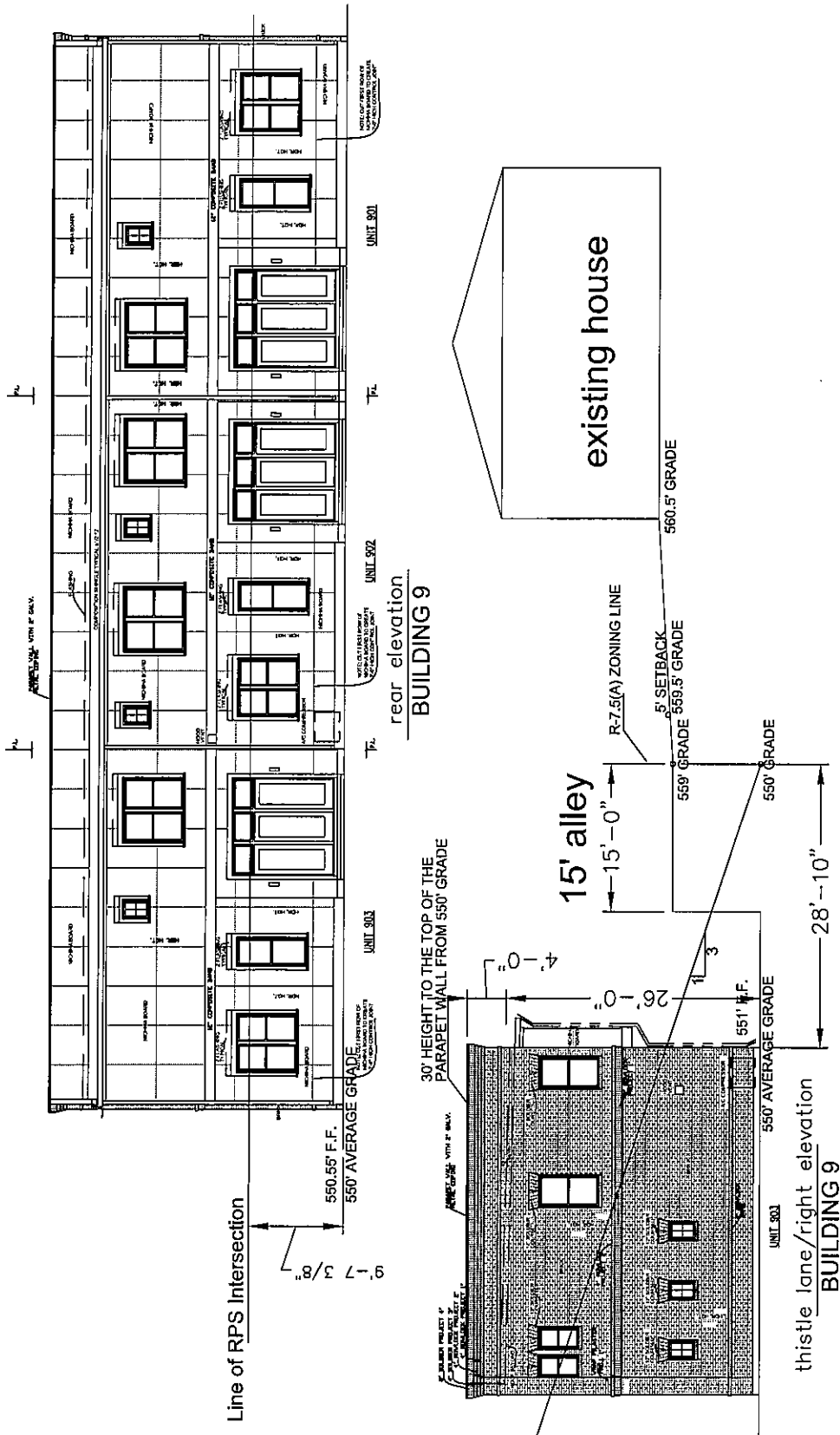
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**Sent:** Monday, May 01, 2017 1:22 AM  
**To:** Long, Steve  
**Subject:** BDA167-057, Property at 7333 Valley View Lane - bldg 9  
**Attachments:** RPS DETAIL-Building 9.pdf  
  
**Importance:** High

Here are revised drawings for Building 9. Variance of 4' needed. I will have 3 sets delivered this afternoon.

Audra Buckley, Land Planner/Project Manager  
Permitted Development  
416 S Ervay Street  
Dallas, TX 75201  
214-686-3635  
<http://www.permitteddevelopmentdfw.com>

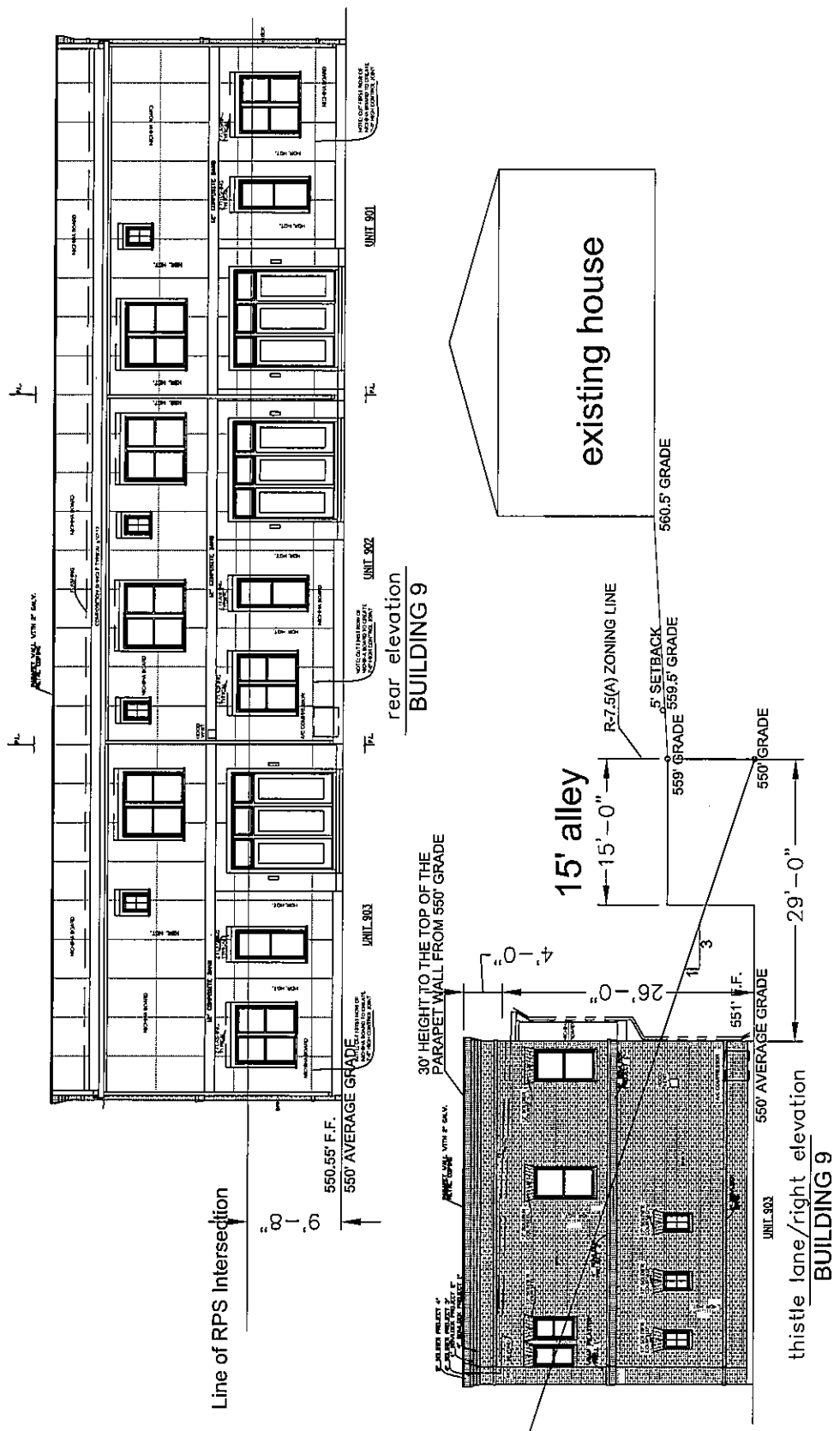
BDA167-057  
Attach B  
Pg 2





# RPS Detail #1-building 9

SCALE: 3/32"=1'



# RPS Detail #2-building 9

SCALE: 3/32"=1'

BDA 167-057  
Attach B  
pg 5

**Long, Steve**

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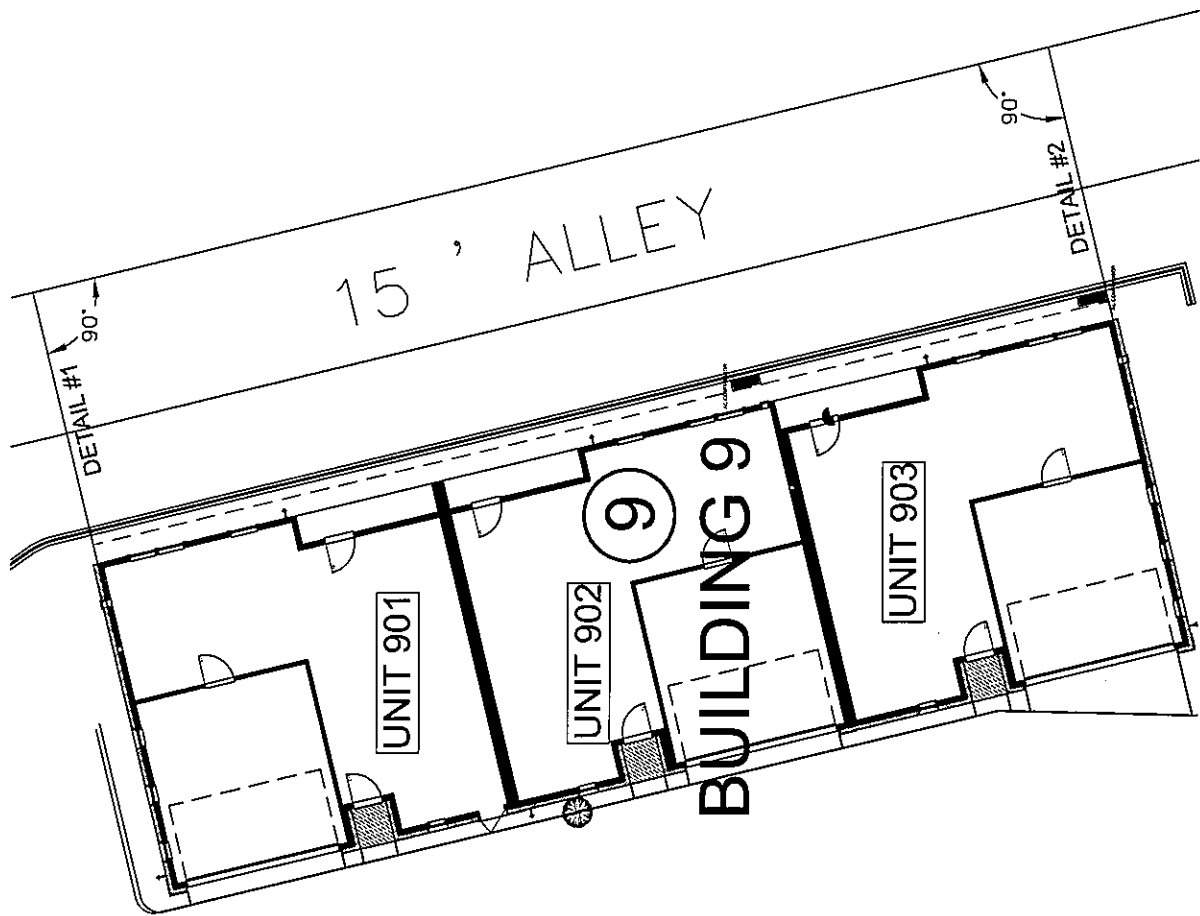
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**Sent:** Monday, May 01, 2017 1:35 AM  
**To:** Long, Steve; Duerksen, Todd  
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**Attachments:** RPS DETAIL-Building 9.pdf

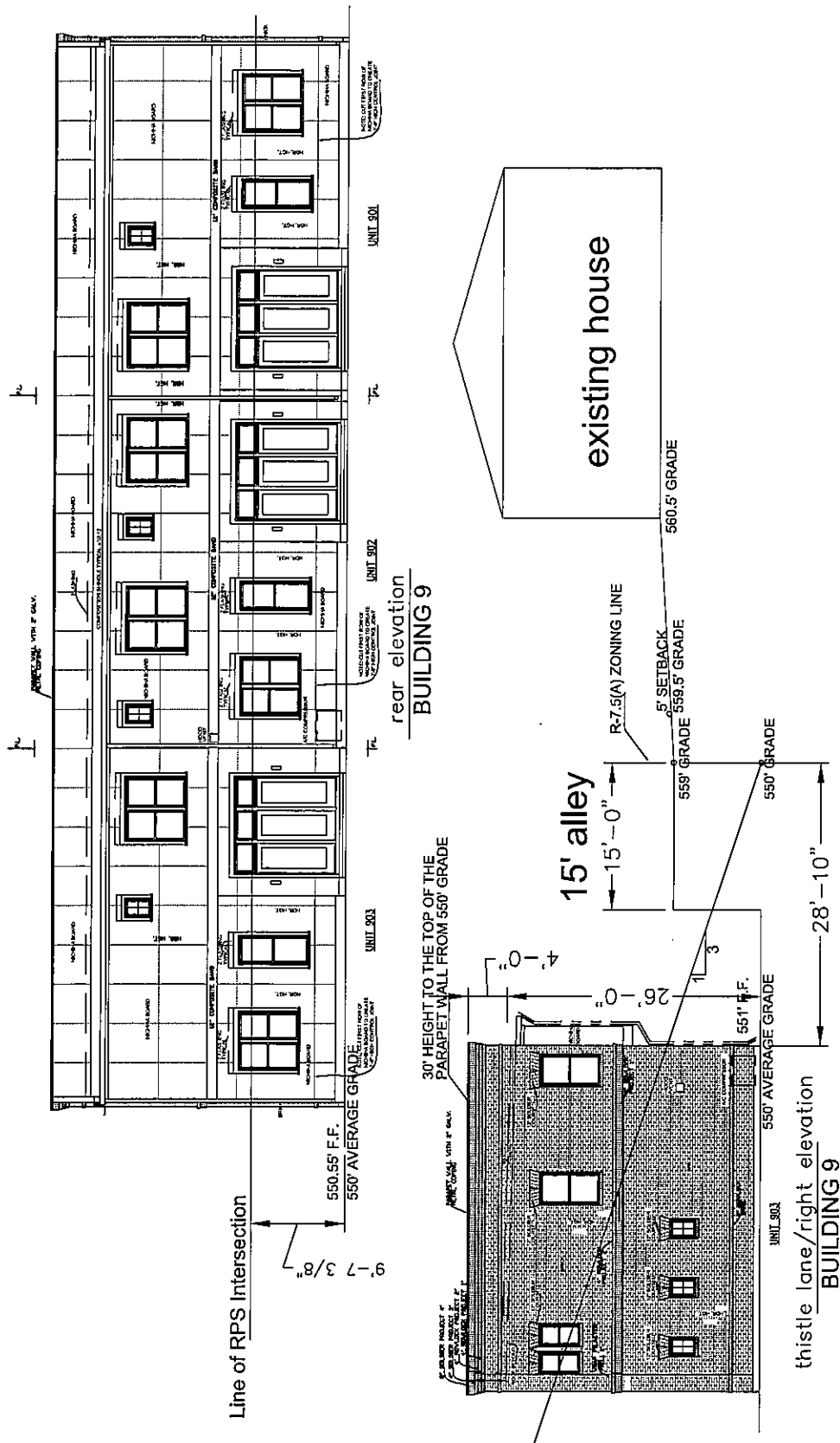
**Importance:** High

Here are revised drawings for Building 9. Variance of 4' needed. I will have 3 sets delivered this afternoon to city hall and one to OCMC.

Audra Buckley, Land Planner/Project Manager  
Permitted Development  
416 S Ervay Street  
Dallas, TX 75201  
214-686-3635  
<http://www.permitteddevelopmentdfw.com>

BDA 167-057  
Attach B  
PS 4

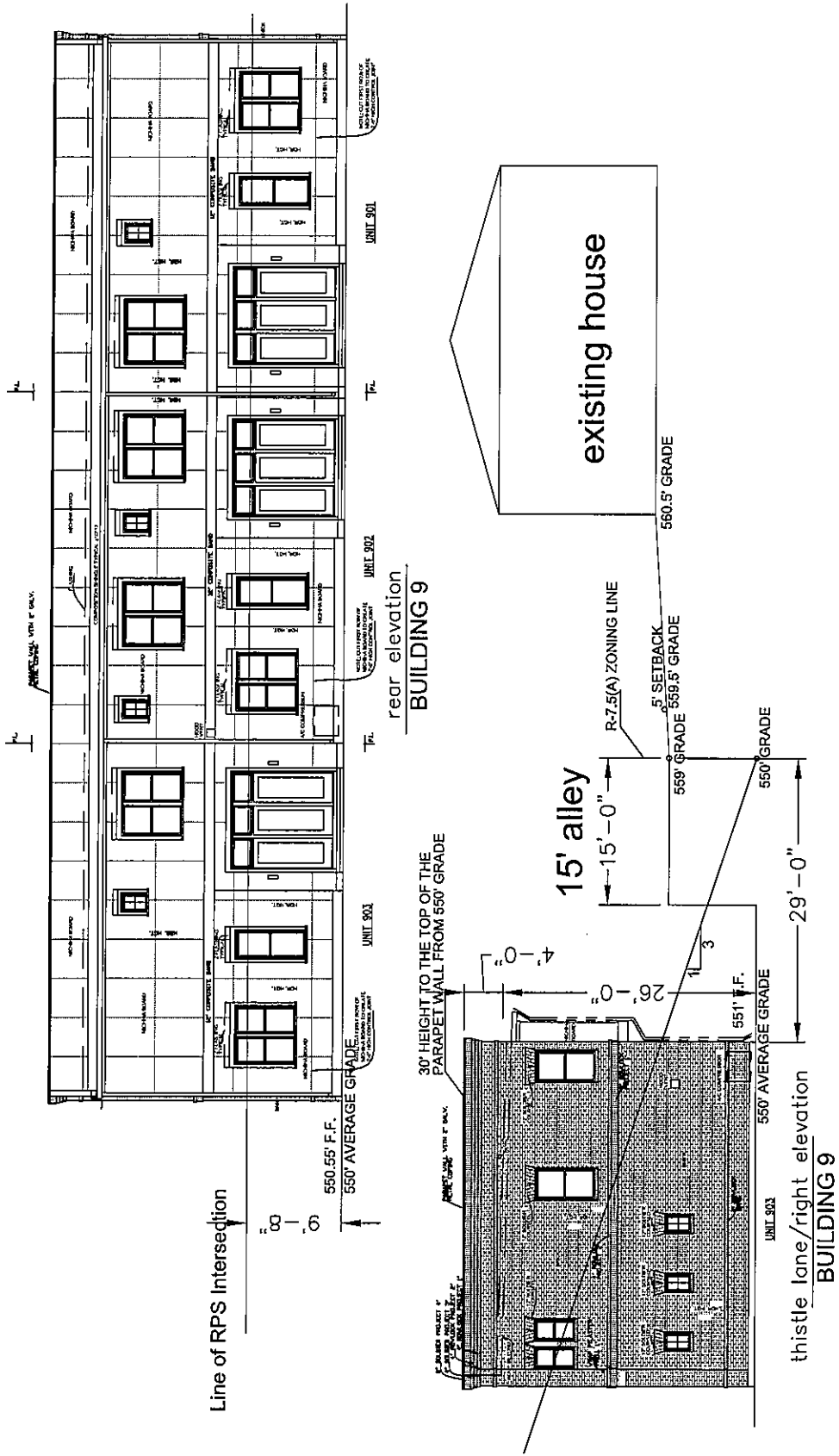




# RPS Detail #1-building 9

SCALE: 3/32"=1'

BDA 167-057  
 Attach B  
 P5 B



# RPS Detail #2-building 9

SCALE: 3/32"=1'



BDA167-057  
Attach B  
PS 9

**Long, Steve**

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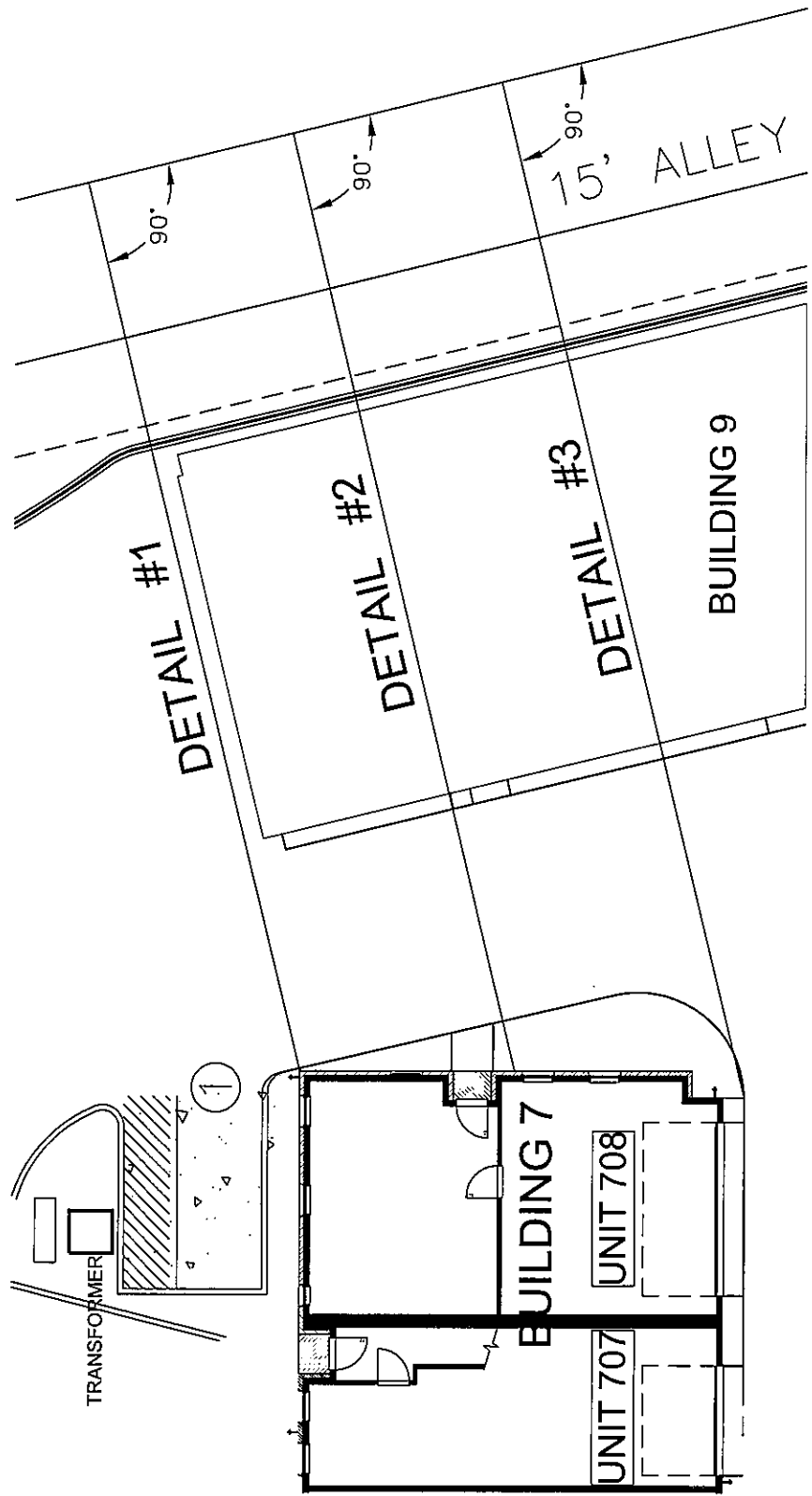
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**Sent:** Monday, May 01, 2017 2:24 AM  
**To:** Long, Steve; Duerksen, Todd  
**Subject:** BDA167-057, Property at 7333 Valley View Lane - Buildings 7 & 8  
**Attachments:** RPS DETAIL-Building 7+Building 8.pdf

**Importance:** High

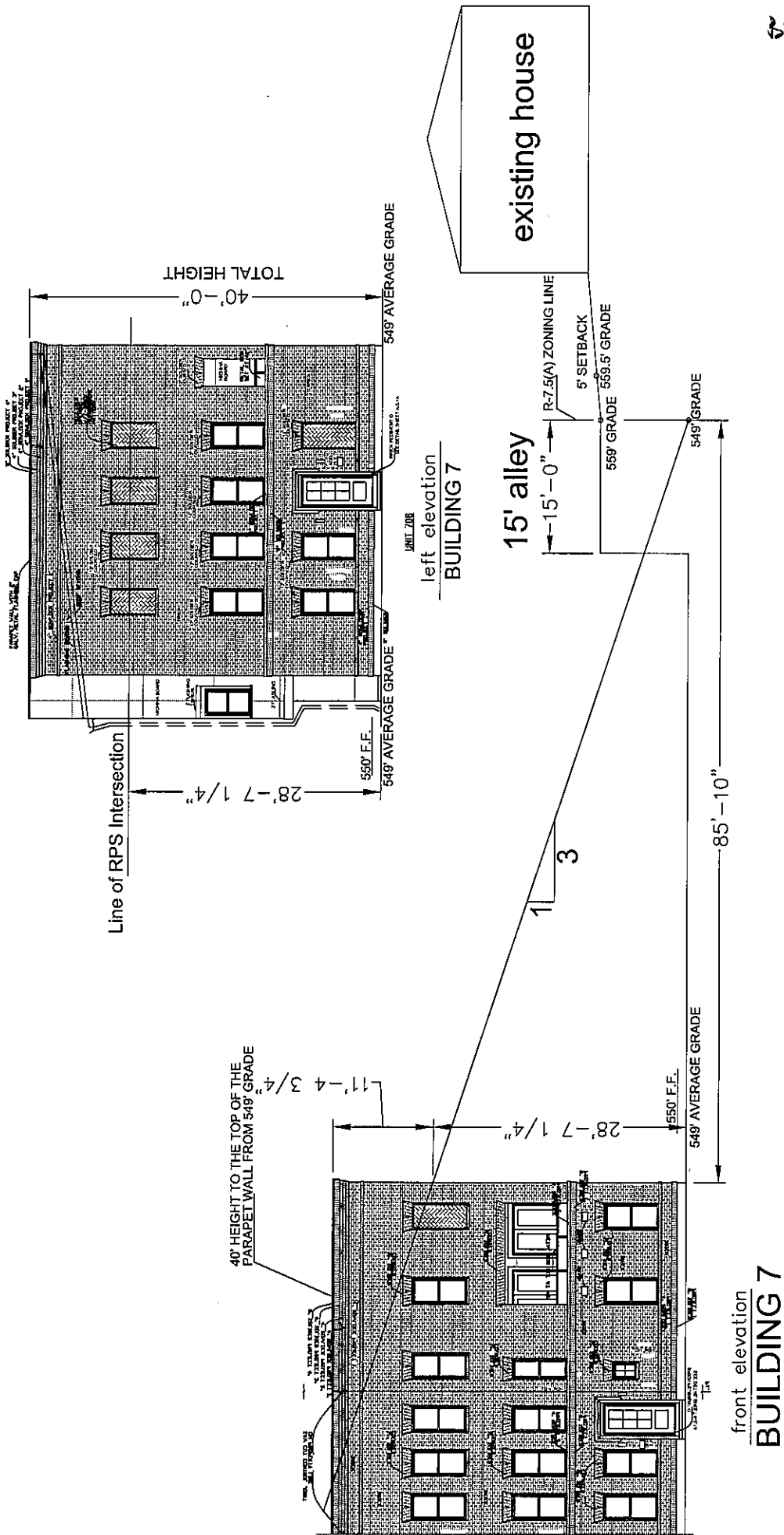
Here are the revised drawings for building 7 and 8. Worst case scenario looks like for building 7, a variance of 11' 5" will be needed and for building 8, a variance of 9' 9" will be needed. Will the board be asked to provide a variance per building or just the 14' to the entire site?

I can have copies of these to you today as well. Three sets for city hall and one for OCMC.

Audra Buckley, Land Planner/Project Manager  
Permitted Development  
416 S Ervay Street  
Dallas, TX 75201  
214-686-3635  
<http://www.permitteddevelopmentdfw.com>



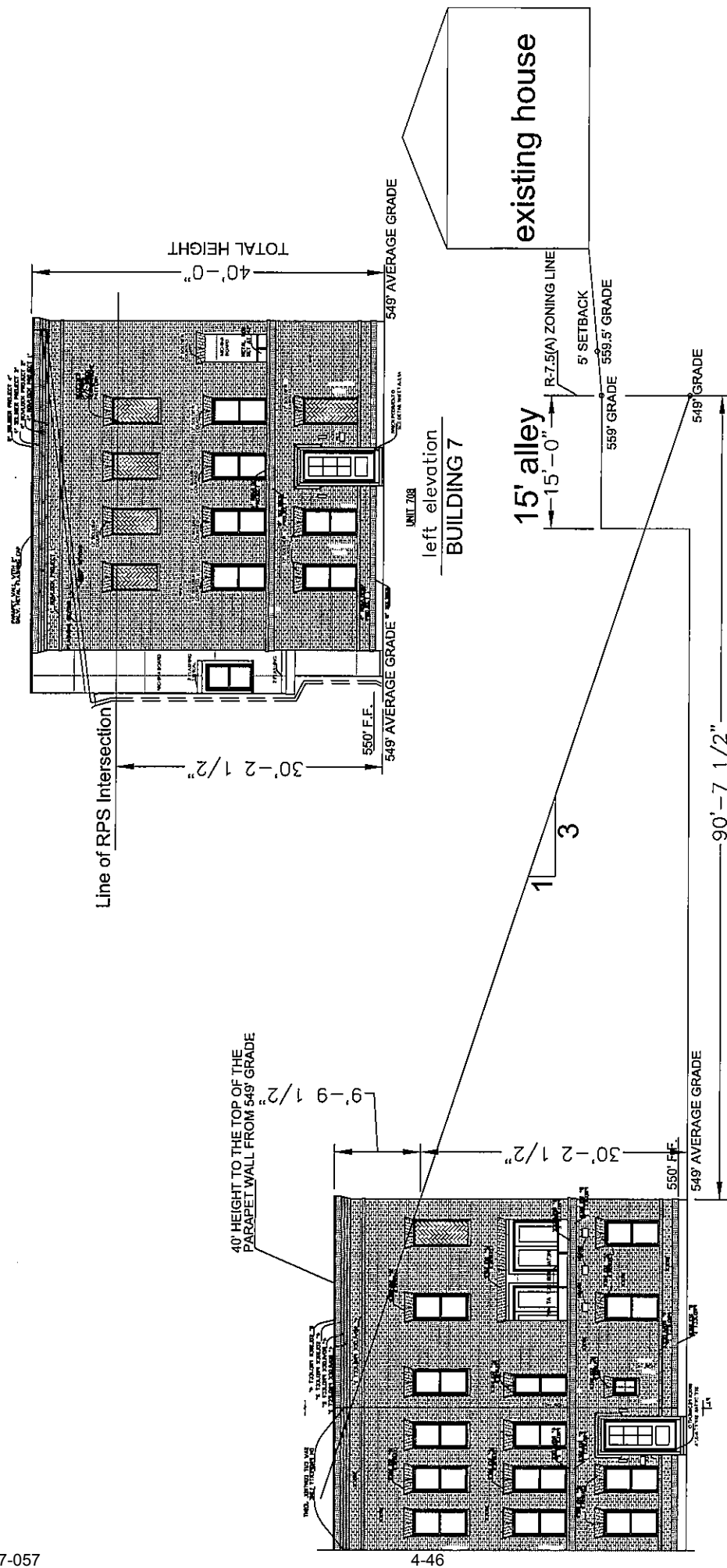
BDA 167-057  
 Attach B  
 Ps 11



RPS #1 Detail-Valley View Building 7

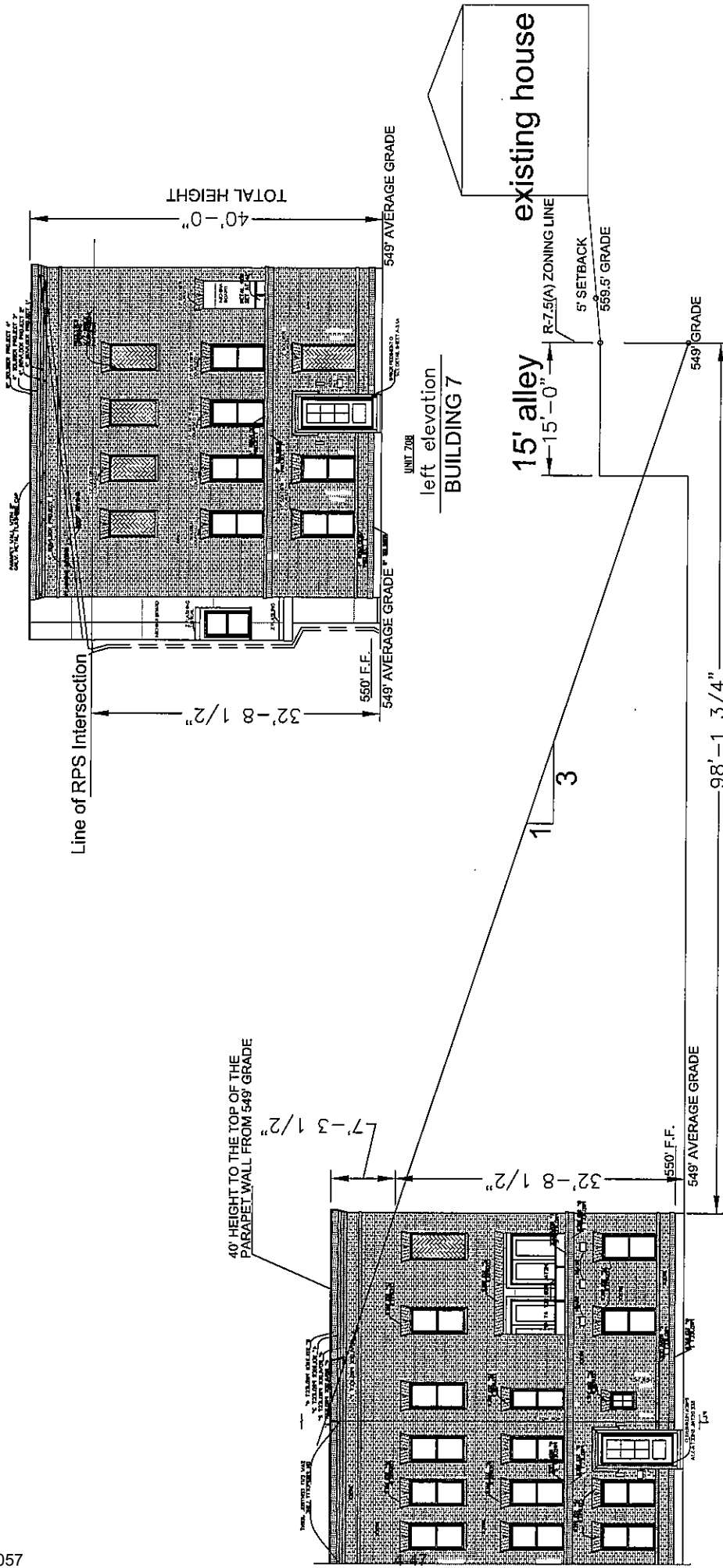
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BDA 167-057  
 Attach B  
 AS 12

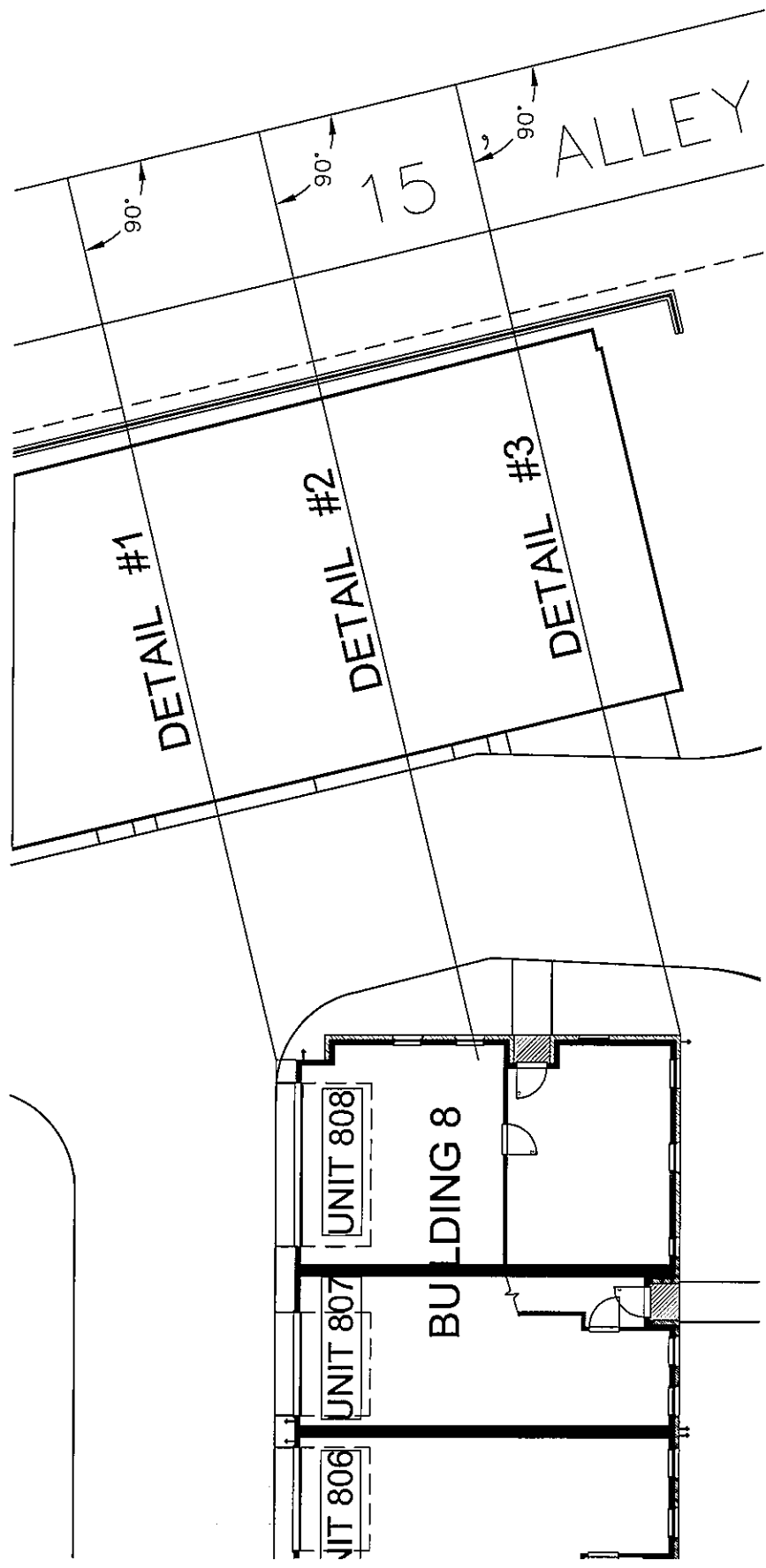


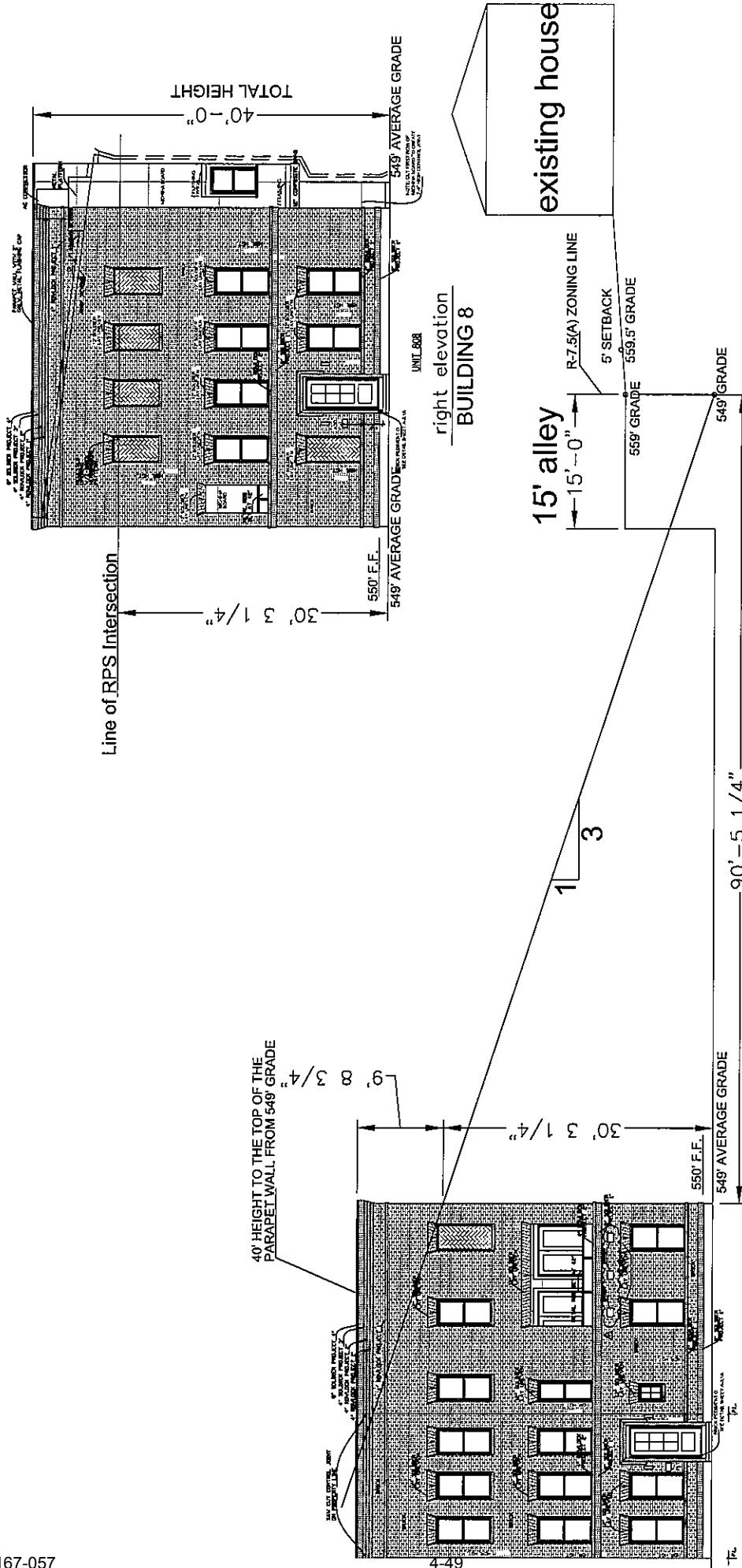
RPS #1 Detail-Valley View Building 7  
 SCALE: 3/32"=1'

BDA 167-057  
 ATTACH B  
 PS 13



RPS #1 Detail-Valley View Building 7  
 SCALE: 3/32"=1'

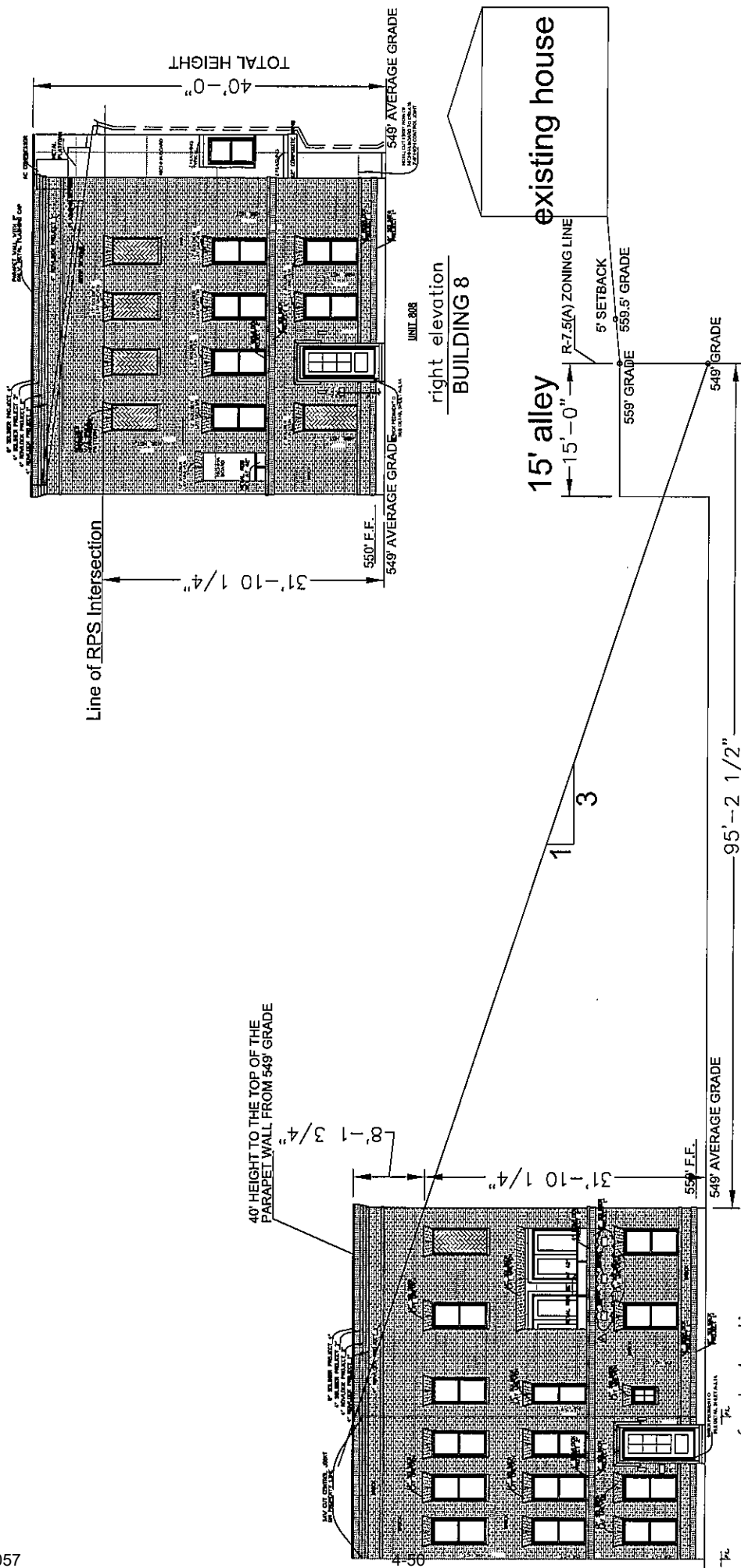




RPS #1 Detail-Valley View Building 8

SCALE: 3/32"=1'

BDA 167-057  
Attachment B  
PS 14

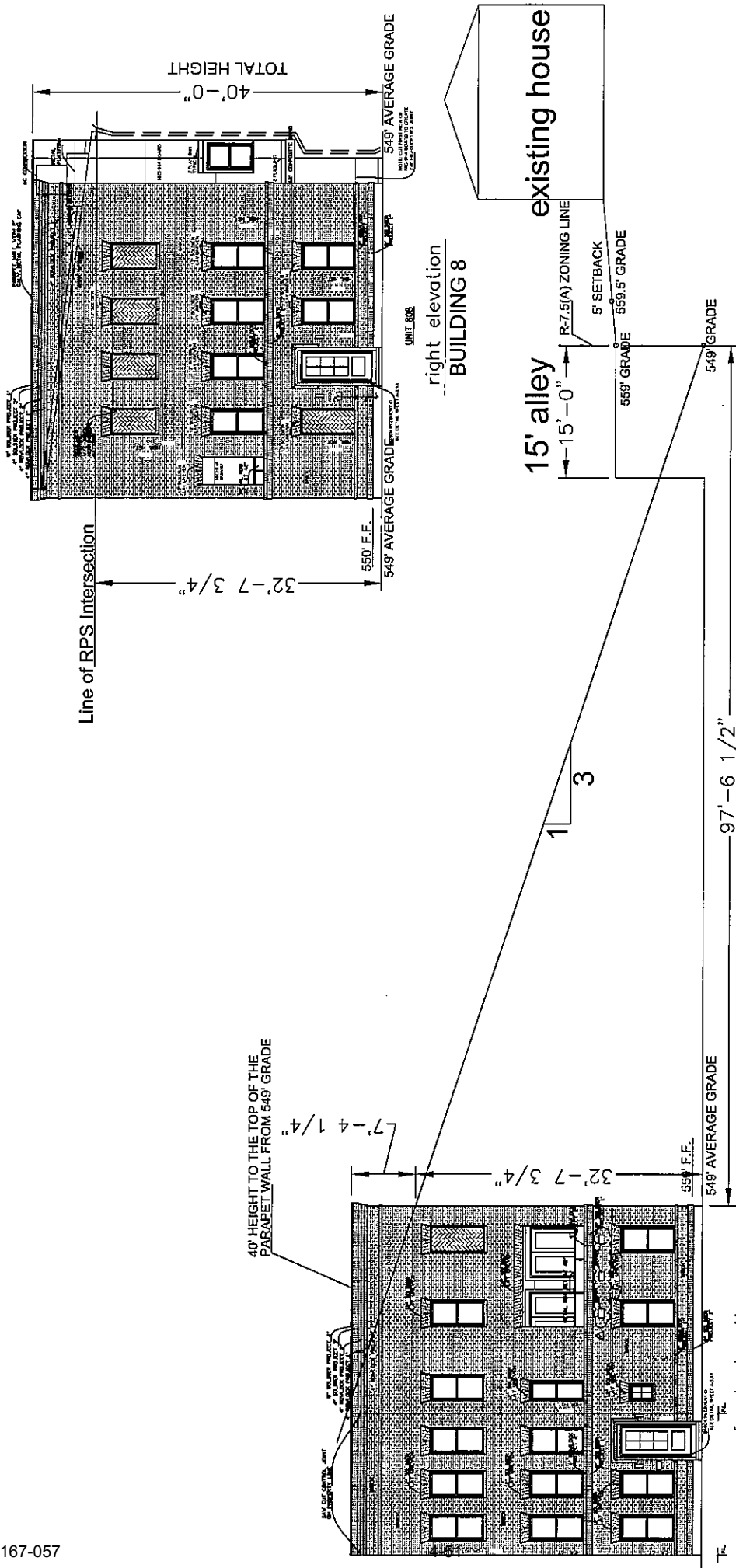


# RPS #1 Detail-Valley View Building 8

SCALE: 3/32"=1'



BDA 167-057  
A-Hook B  
PS 17



# RPS #1 Detail-Valley View Building 8

SCALE: 3/32"=1'

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

May 5, 2017

Via Scan/Email

Hon. Chair and Members  
Board of Adjustment, Panel B  
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 167-057; 7333 Valley View Lane.

Dear Members of Panel B:

We are sending you this letter to explain the rationale for our request for a variance of 14 feet to the height regulations of the MF-2(A) zoning classification and the *Dallas Development Code*, for a very limited protrusion into the residential proximity slope on the project currently under way at 7333 Valley View Lane: how we meet the required variance standards; and to respectfully ask for your *approval* of this variance request.

This letter is similar to the explanatory letter we previously sent to the City Staff; however, in light of what we understand, as of the date of this letter, to be the Staff's recommendation, we wanted to reiterate the facts, and our arguments based on those facts, to let you know that we respectfully but strongly disagree with that recommendation, and that we will be asking you to approve our request.

We also want to emphasize at the outset that, although our overall request is for a variance of 14 feet, you will see that, pursuant to the drawings and the applicable Code provisions, we actually need a variance of approximately 4 feet for Building 9, 11 feet 5 inches for Building 7, and 9 feet 9 inches for Building 8.

**I. The Site; Existing Conditions.** The request site consists of 1.473 acres of land addressed as 7333 Valley View Lane, on the north side of Thistle Lane at the northeast corner of Valley View Lane (the "Property"). The Property is owned by Urban Intown Homes, LLC, which received Building Permits and is under construction for a townhome-style residential development, consisting of Buildings 4, 5, 6, 7, 8, and 9 (some buildings are already completed and are not affected by this issue).

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May 5, 2017  
Page 2

The owner has so far expended a very large amount of funds for construction of the project, until construction was halted on Building 4 on direction from the City. However, our request applies to the entire site, that is, the project as depicted on the submitted Site Plan, as Buildings 7, 8, and 9 also appear to be affected.

Accompanying this letter are a zoning map excerpt (*Attachment A*) and an aerial photograph (*Attachment B*) to orient you to the Property. The Property is zoned MF-2(A). A series of photographs of the Property in its current condition are attached (*Attachment C*).

## II. Building Permit Issuance and Background.

The factual background of this situation is very important to understand. First, you should be aware that this project had been extensively reviewed and a Building Permit issued (April 12, 2016) well prior to the City's verbal notice to stop work on Building 4 on the Property (September 16, 2016).

Several months subsequent to plan review and issuance of the Building Permit, it was determined on the part of City Staff, that a portion of the project as designed and permitted intruded into the residential proximity slope. However, this calculation appears to have been made on the basis of the lower grade (550' above MSL) on our Property rather than on the actual grade (558.5' above MSL) of the benefited property.

Sec. 51P-326.106(b)(6)(A) states that the residential proximity slope applies to structures over 26 feet in height, with the exceptions permitted in Sec. 51A-4.408(a)(2) being allowed to project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Under MF-2(A), the maximum allowable structure height is 36 feet, unless further restricted pursuant to the residential proximity slope.

To further orient you, our Site Plan is attached as *Attachment D* and Elevation Exhibits are attached as *Attachment E*. The Elevation Exhibit, in particular, illustrates the varying interpretations which can be given to the applicable height regulations, the starting point of the measurement being the prime example, and the resulting differences in the alleged amount of protrusion into the residential proximity slope.

The project plans were initially thoroughly reviewed by the City Staff from November, 2015 to April, 2016. The timeline of predevelopment meetings, plan review, permit issuance, and other actions which relate to the subject of our variance request, is set forth below:

December 4, 2014:	Predevelopment meeting
November 24, 2015:	Submitted Building 4 plans
December 8, 2015:	First Q Team meeting (Building 4)
February 10, 2016:	Revised plans submitted per Q Team comments
April 12, 2016:	Building 4 Building Permit issued

May 5, 2017  
Page 3

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April 25, 2016: Building 4 construction starts  
August 19, 2016 Plans submitted, Buildings 5-9  
September 13, 2016: First contact from Staff re RPS issue  
September 14, 2016 Q Team meeting on Buildings 5-9  
September 16, 2016: City Staff verbally asks that construction stop  
October 6, 2016: First RPS detail drawing submitted; City comments received  
October 13, 2016: Revised RPS detail drawing submitted  
December 7, 2016: Comments from City received  
January 10, 2017: Revised RPS detail drawing submitted  
January 13, 2017: City advises no construction allowed until RPS issue is resolved  
January 25, 2017: Meeting with Staff to discuss RPS issues; advised to go to Board;  
Buildings 5-9 split from Building 4 for review purposes  
January 25, 2017: City acknowledges Permit was issued in error  
January 30, 2017 Buildings 5-9 resubmitted  
February 6, 2017: Variance application filed under BDA 167-057

### III. Height Variance Request.

We are asking for a variance to the applicable height regulations, specifically to the residential proximity slope regulations, to allow all of the Buildings as currently configured and shown on the Site Plan to be completed. A variance of 14 feet was requested for this purpose in order to cover all of the project (refer again to the Elevation Exhibits, *Attachment E*). However, please recall that although our overall request is for a variance of 14 feet, we actually appear to need a variance of approximately 4 feet for Building 9, 11 feet 5 inches for Building 7, and 9 feet 9 inches for Building 8. We are assuming that the variance, if granted, would be conditioned to the submitted site plan and elevations.

There are several property hardship conditions which support the granting of our requested variance. These are the following:

A. Reliance on Issued Building Permit and Construction of Improvements. Our first hardship condition is the fact that Permits were issued by the City and on that basis, construction was commenced and very significant and expensive improvements were built and affixed to the Property. Specifically, a Building Permit was issued on April 12, 2016, and construction began on April 25. The project proceeded until the City directed on September 16, 2016, that work be halted.

B. Irregular Shape. As you can see, the Property is irregularly shaped, with the narrower end of the overall development site facing the property on the east (where the residential proximity slope issue has arisen), further increasing the site planning and development challenges of the Property.

C. Topography/Slope. The Property also has about 15 feet of fall from east to west, as per the December 15, 2014, Survey (*Attachment F*), and there is a large retaining wall on the

May 5, 2017  
Page 4

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east, about 8.5 feet in height, at the top of which the property benefited by the Residential Proximity Slope is situated, with an additional five foot setback from the property line of that property to the main structure.

**D. Easement; Fire Lane.** There is a 36 foot wide wastewater easement which bisects the Property and serves existing units, as well as existing fire lanes, none of which can be moved, further restricting development on the Property.

**E. Two Front Yards; Lot Coverage.** The Property has two front yards, the Valley View Lane frontage and the Thistle Lane frontage. The required front yard setback in MF-2(A) is 15 feet, and the maximum lot coverage is 60 percent, further significantly reducing the buildable area of this lot.

**IV. How We Meet the Variance Standard.** As stated above, we respectfully disagree with the Staff recommendation as of this date, and we strongly believe that this variance request clearly meets the property hardship standard mandated by the *Dallas Development Code* in several respects.

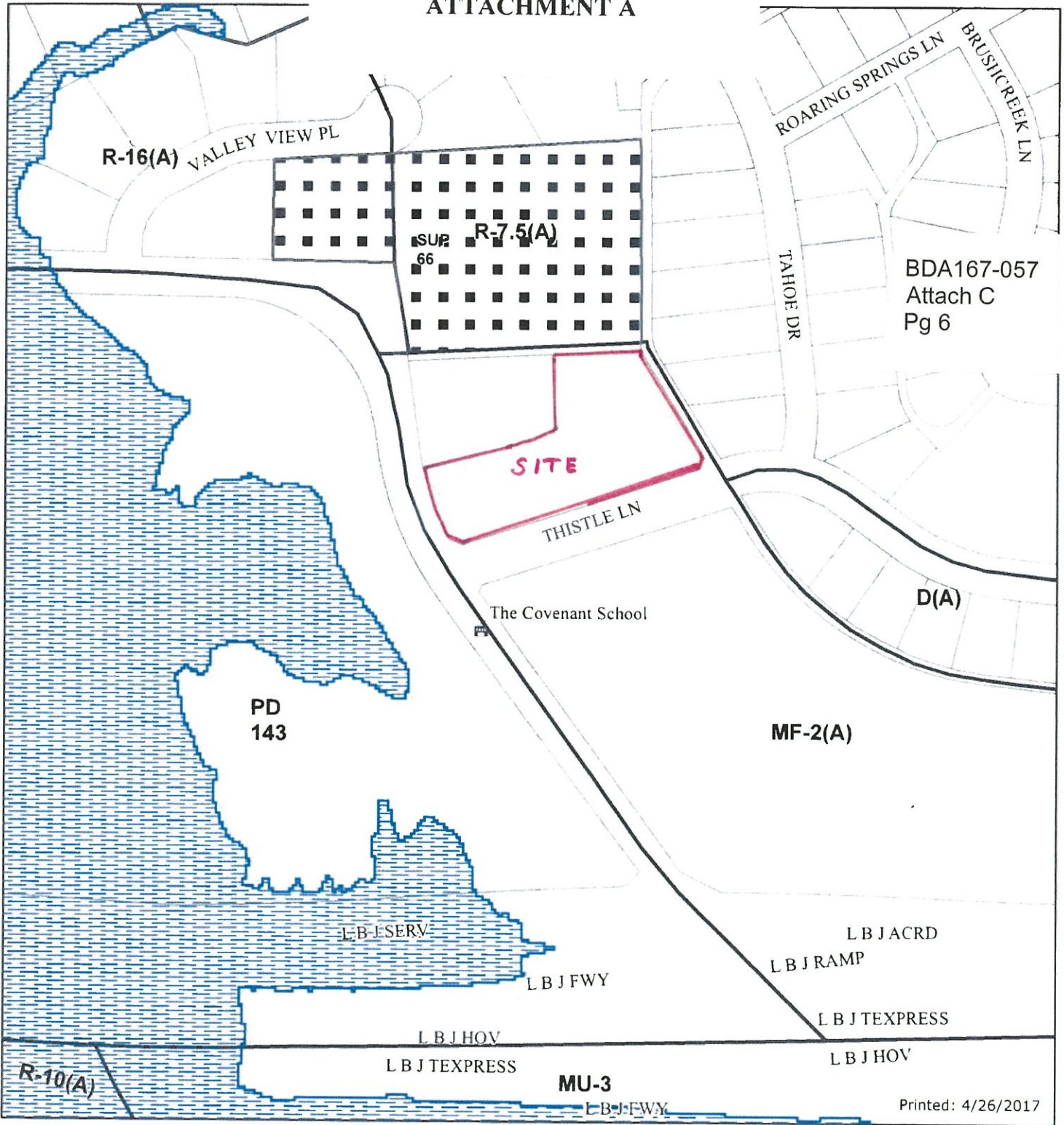
First, the fact that a Building Permit was issued and extensive and very costly work already done on that basis, with Building 4 mostly completed, constitutes a property hardship condition. The fact that a Building Permit was issued, even if in error, and this amount of work done, is in no way the fault of the owner, whose architects believed that they were proceeding according to Code and more importantly, in reliance on the issued Building Permit.

The improvements constructed on the Property in the location shown render the improvements as built to be a property hardship condition, that is, an existing physical characteristic of the Property. Obviously, these improvements cannot be modified to pull back under the residential proximity slope without extremely costly and impractical measures to do so.

This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification. In fact, we would lose as many as two bedrooms per unit to the residential proximity slope, affecting approximately 11 of the units (in Buildings 4, 7, 8, and 9), the effect of which would therefore be extremely significant and would prevent development commensurate with other development in this zoning classification. Further, this situation was not self-created by the owner (recall that the City issued a Building Permit for the project) nor is it personal to the owner, nor is the variance requested for financial reasons only.

**V. The Public Interest.** Finally, the granting of this variance would not in any way be contrary to the public interest. Allowing this building to be completed in its current configuration will have absolutely no adverse impact on anyone else anywhere in the neighborhood. The Property is bounded by a large private school campus on the west, across Valley View Lane; a cemetery on the north; and a large, three-story multifamily complex on the south. Bear in mind that the MF-2(A) required rear yard setback is only 10 feet, so our setback

# ATTACHMENT A



BDA167-057  
Attach C  
Pg 6

Printed: 4/26/2017

## Legend

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

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



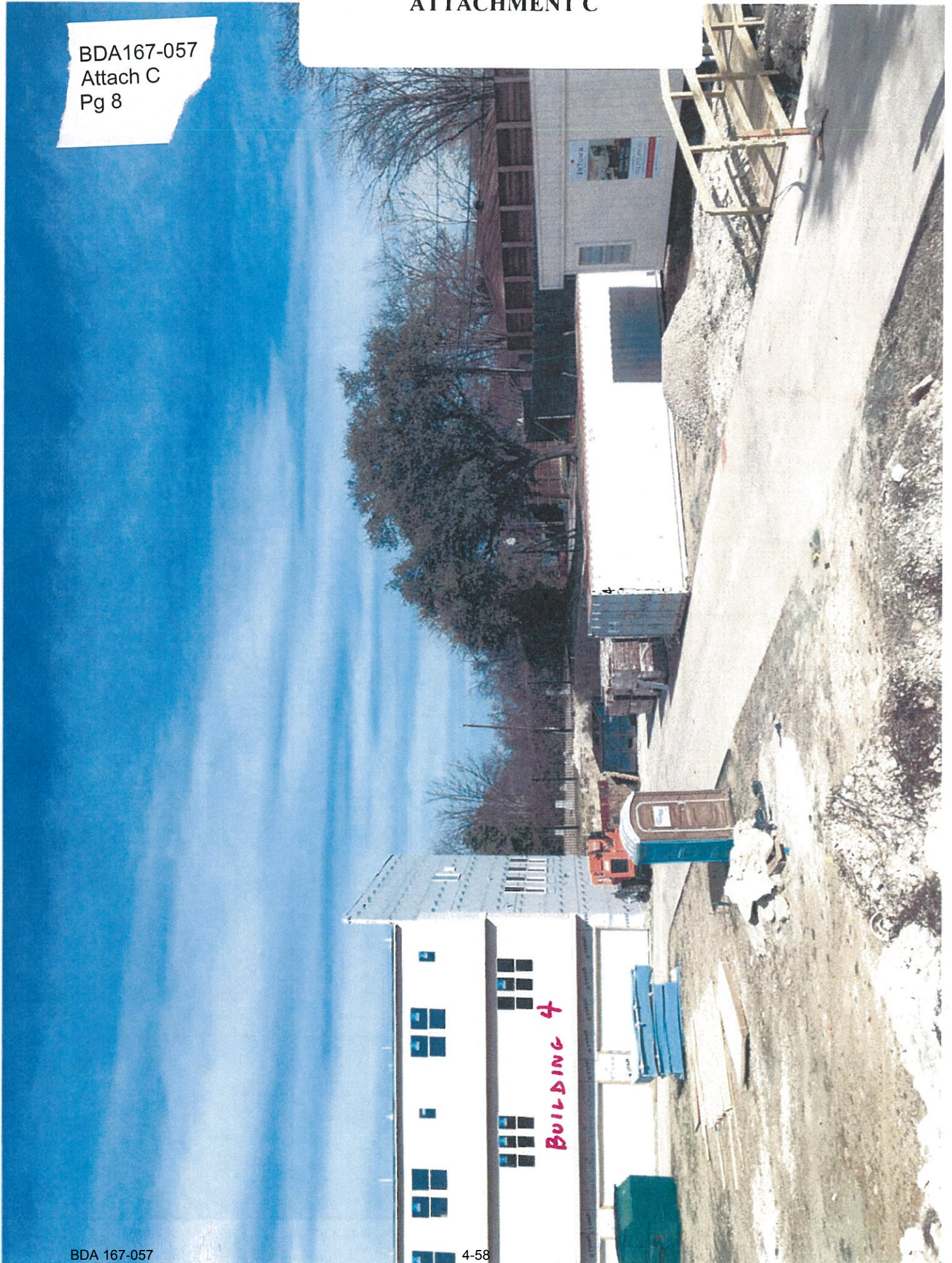
ATTACHMENT B

BDA167-057  
Attach C  
Pg 7



ATTACHMENT C

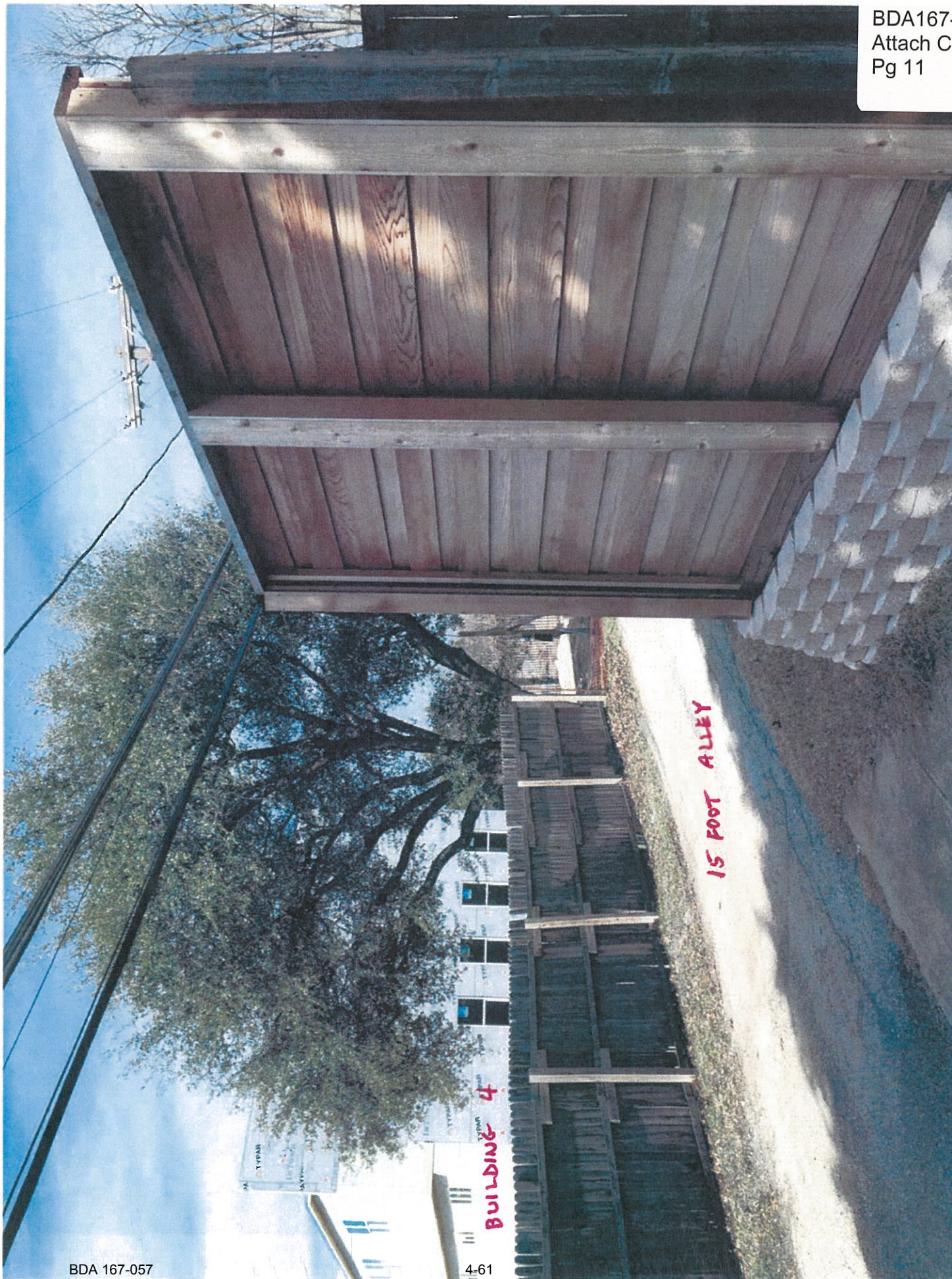
BDA167-057  
Attach C  
Pg 8







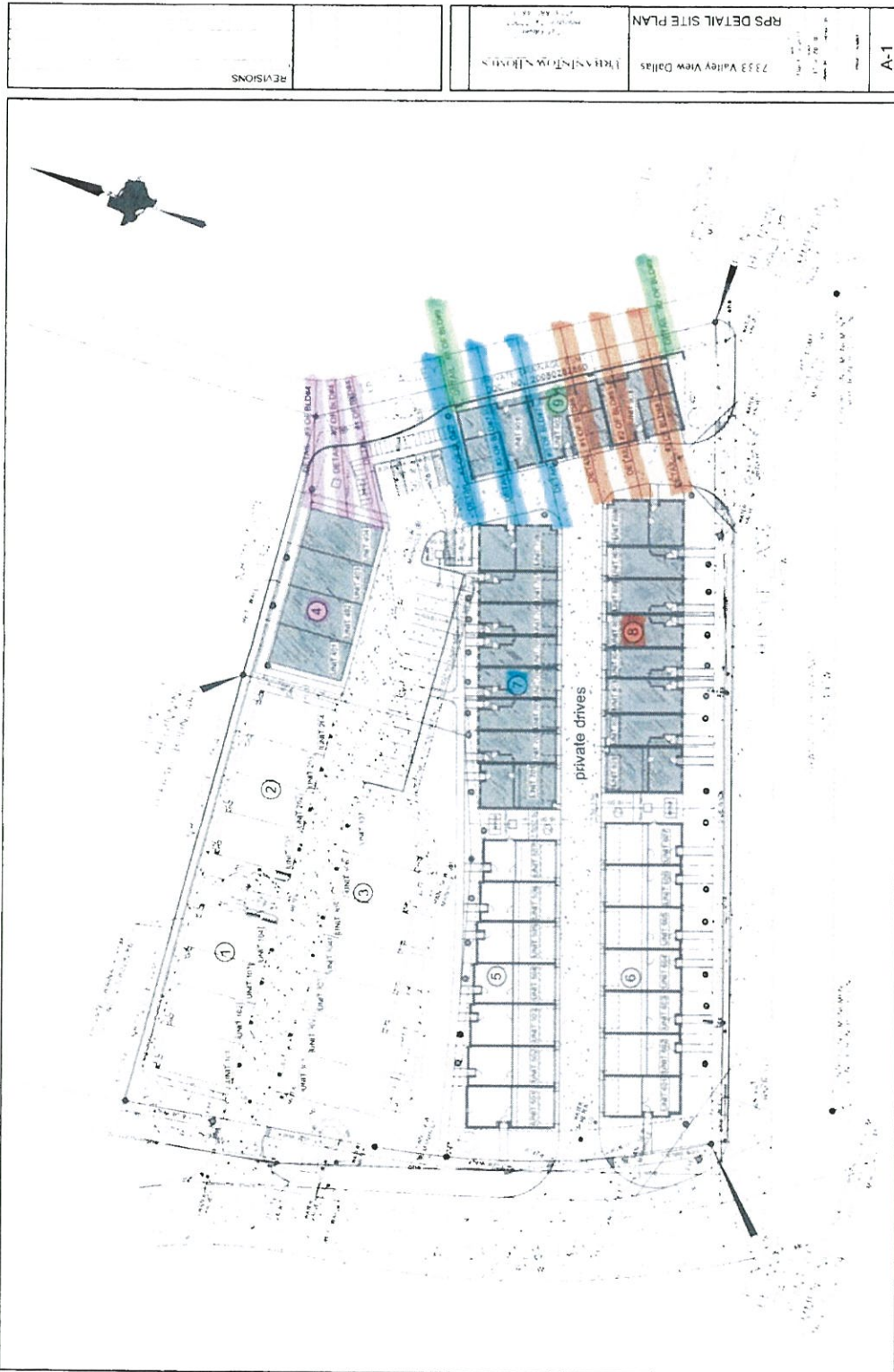


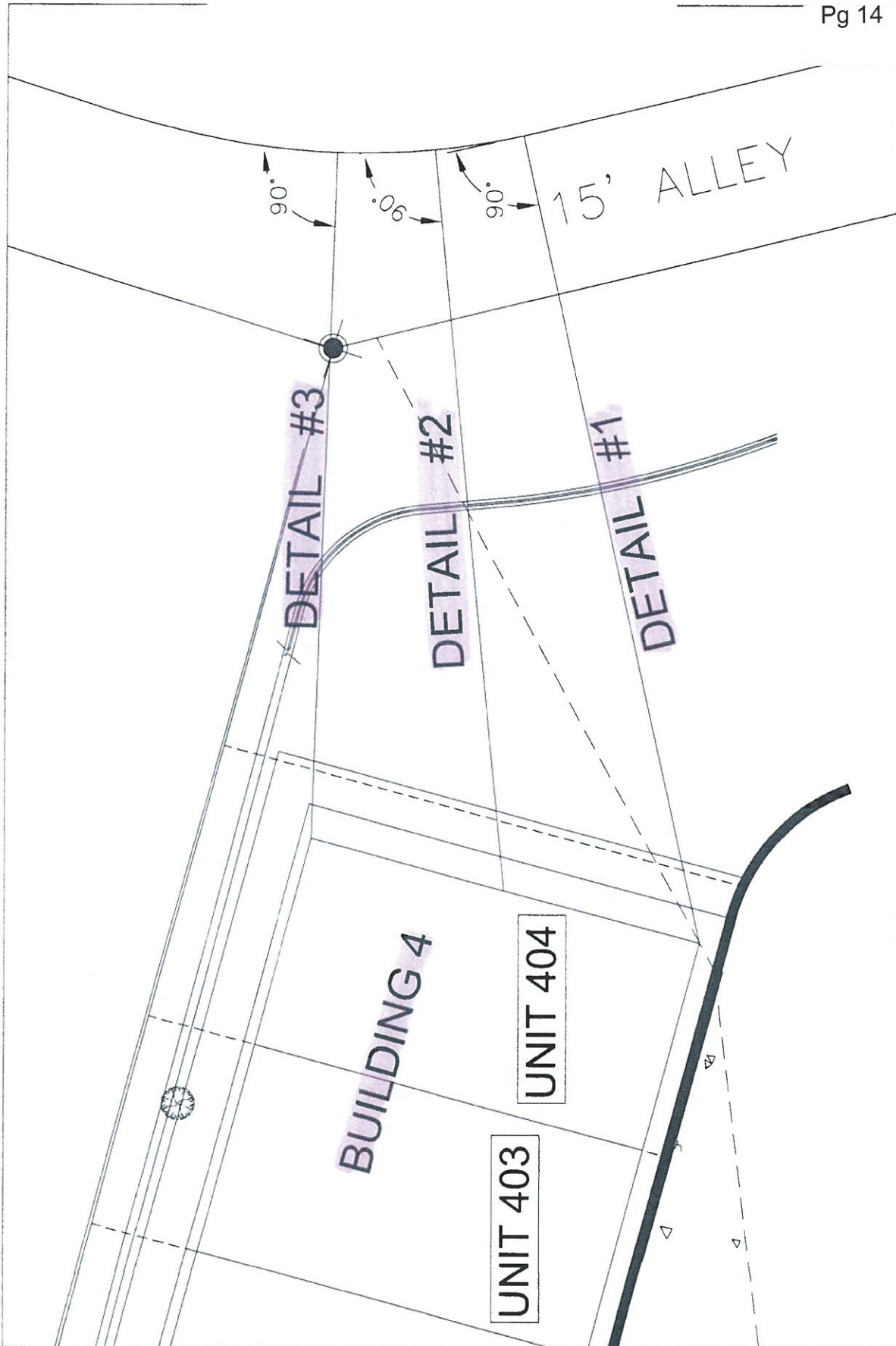


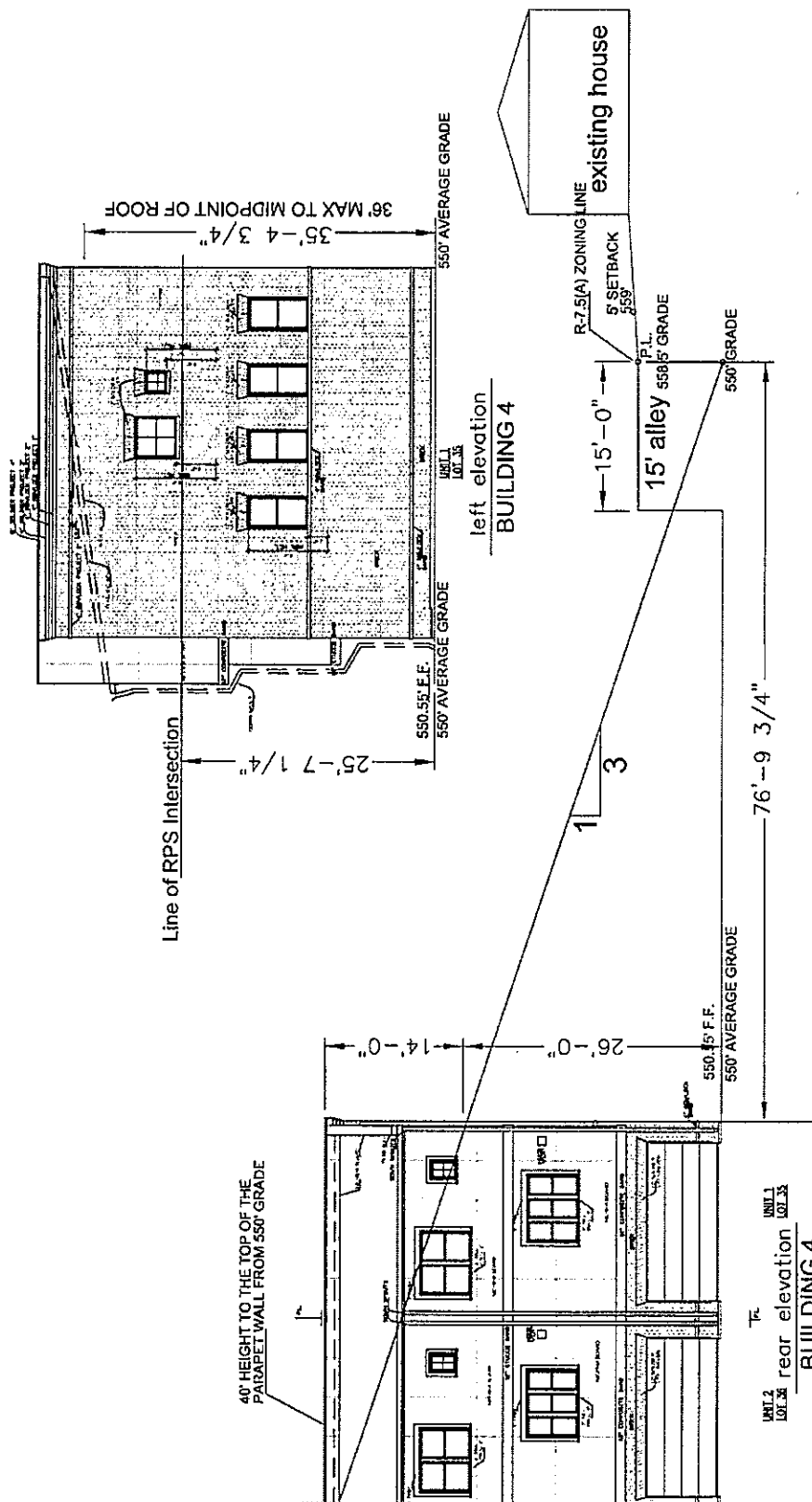


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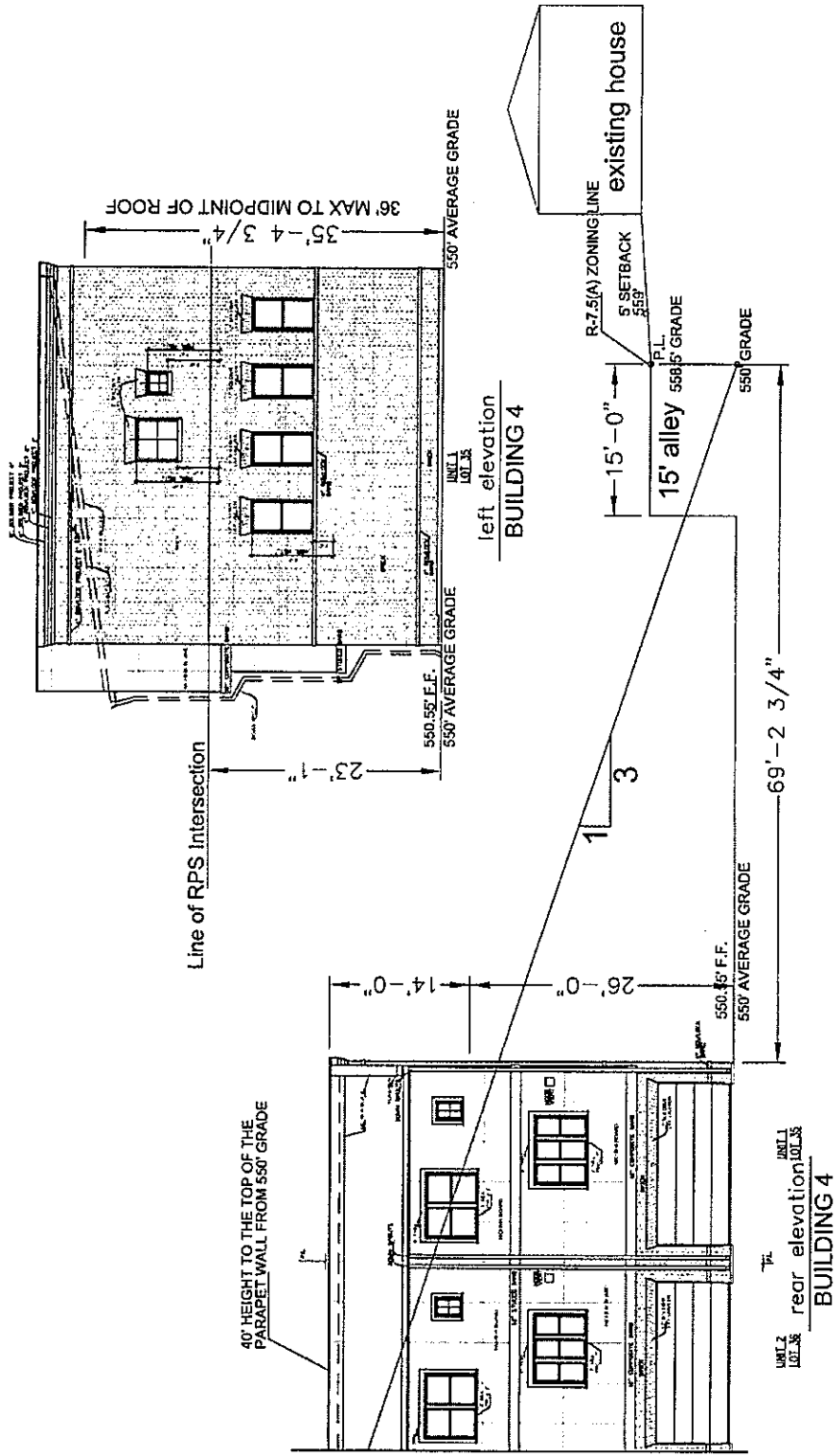
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Attach C  
Pg 13





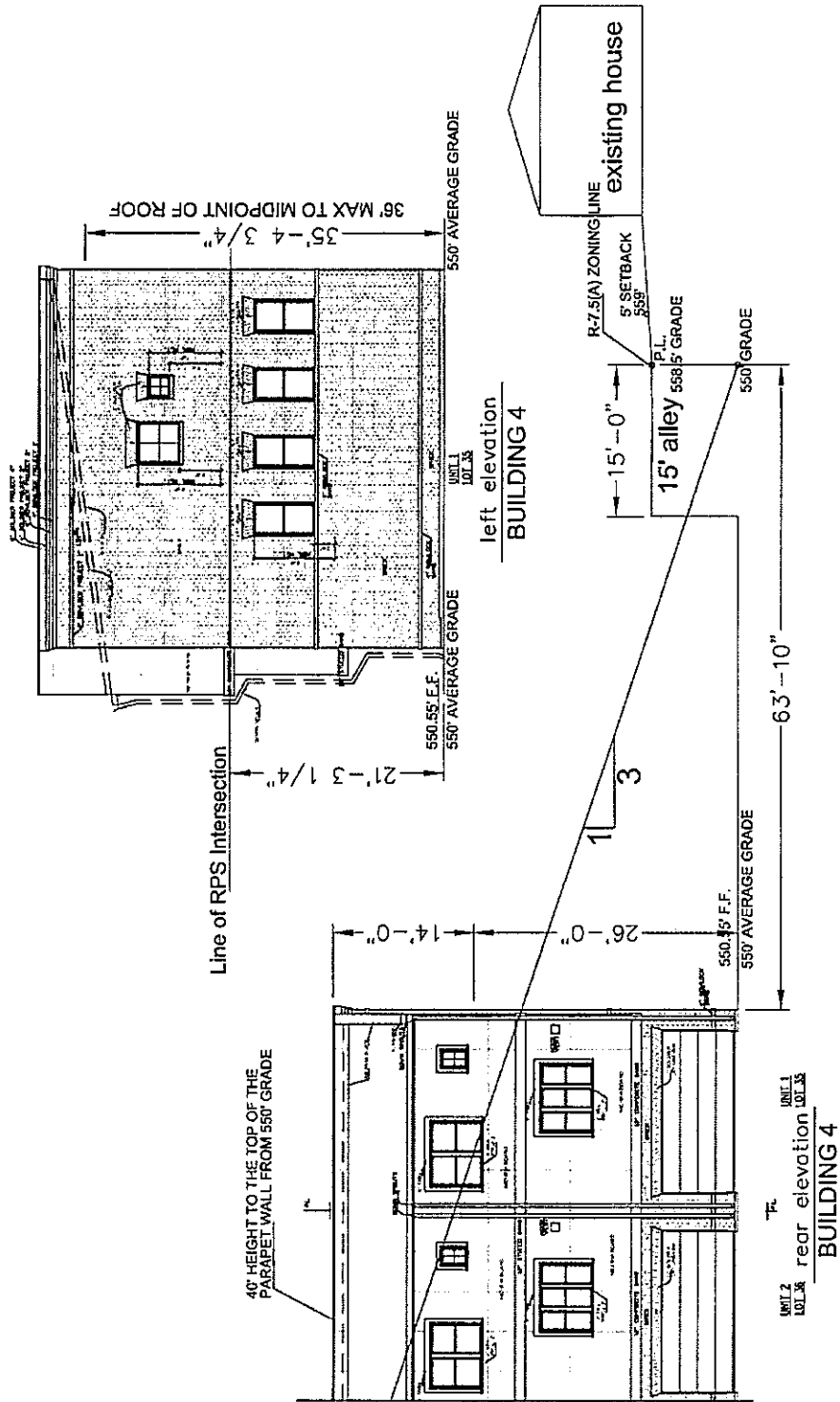


RPS #1 Detail-Valley View Building 4  
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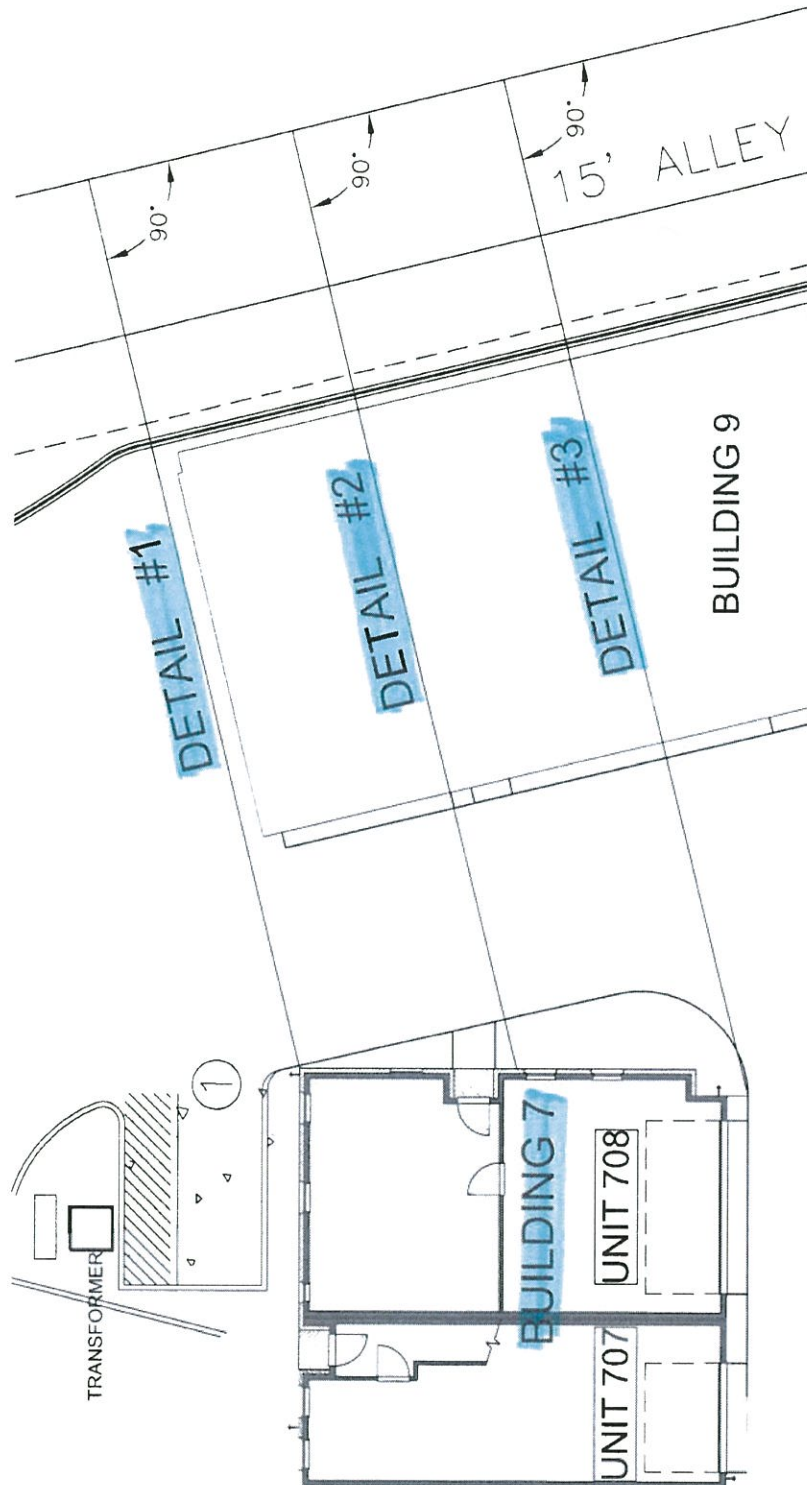
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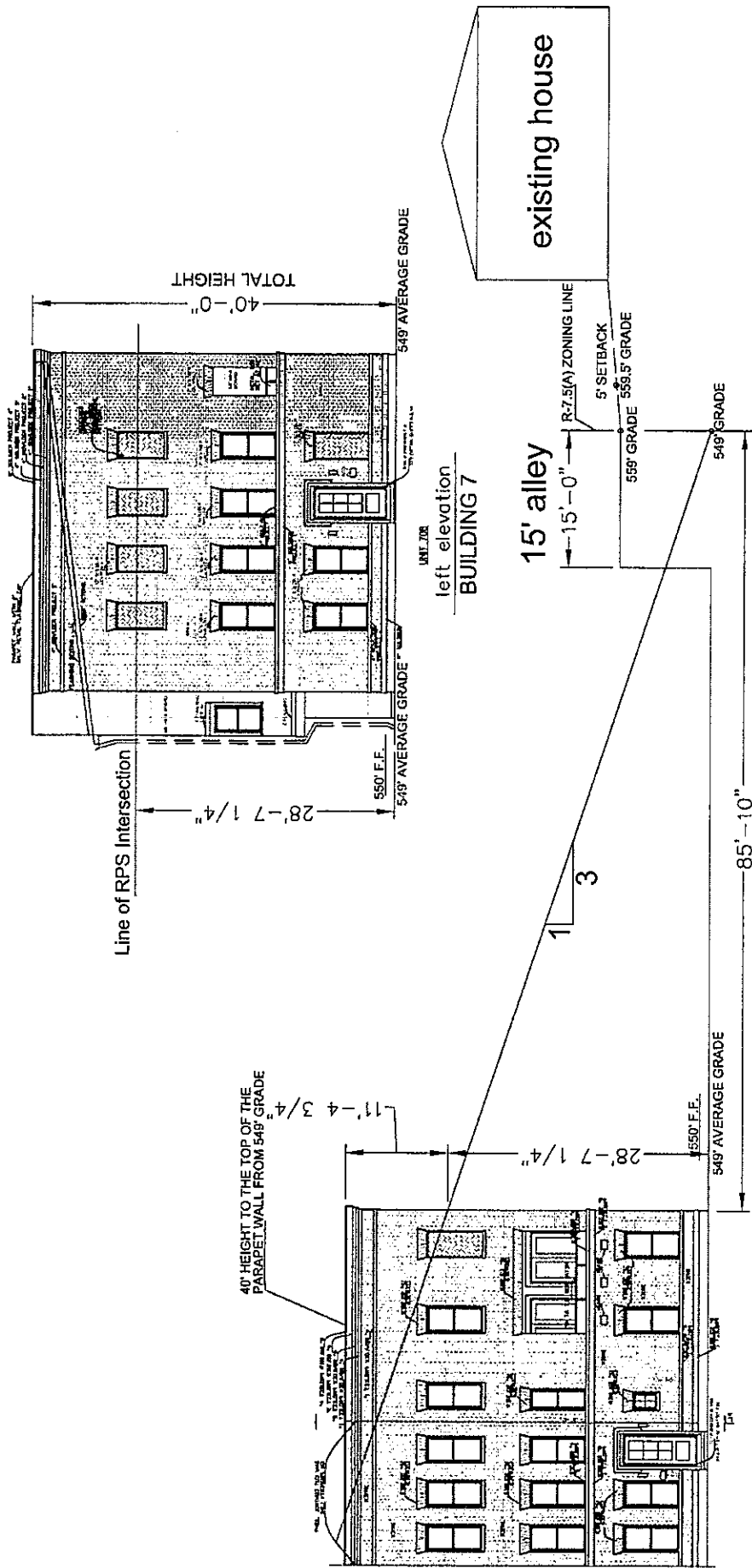




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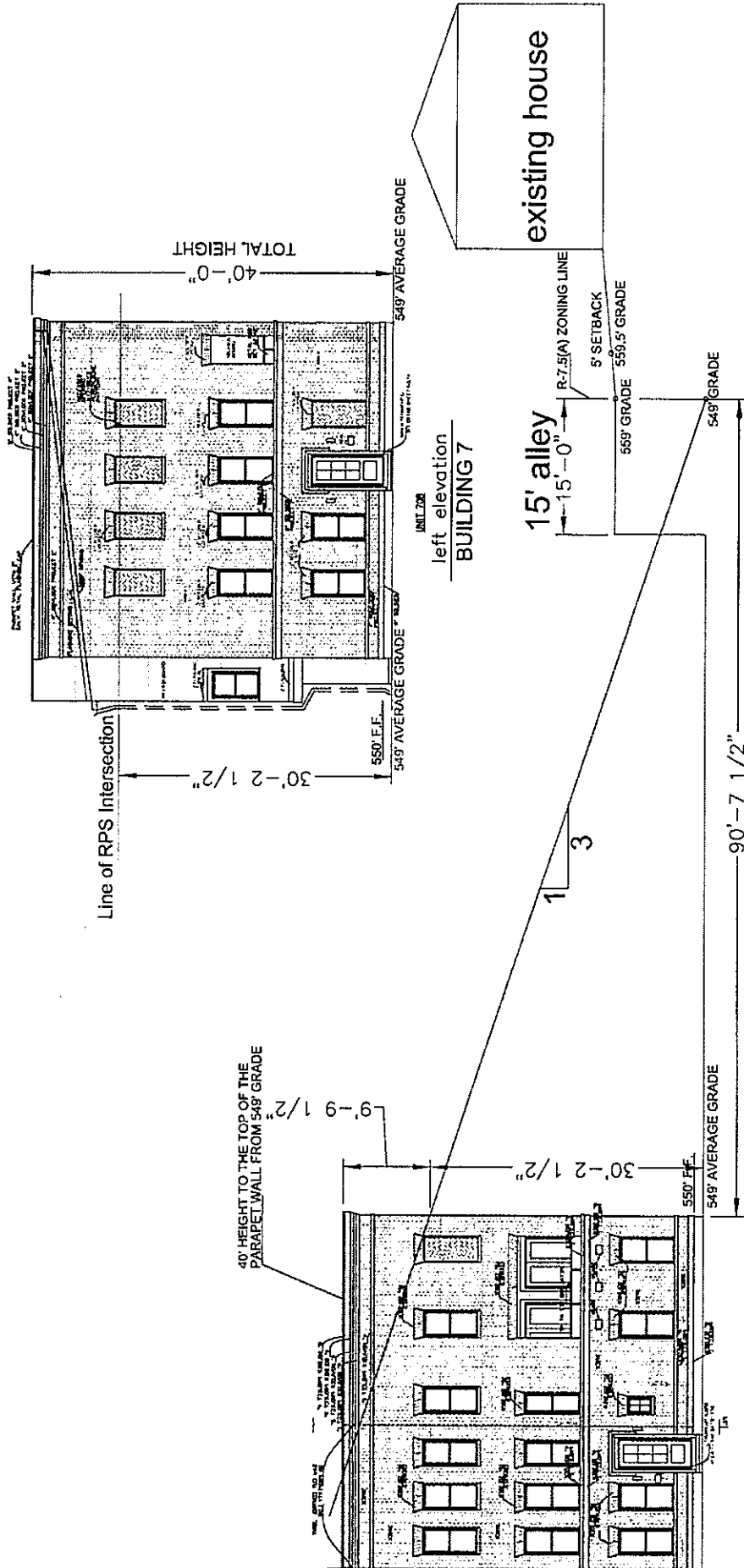
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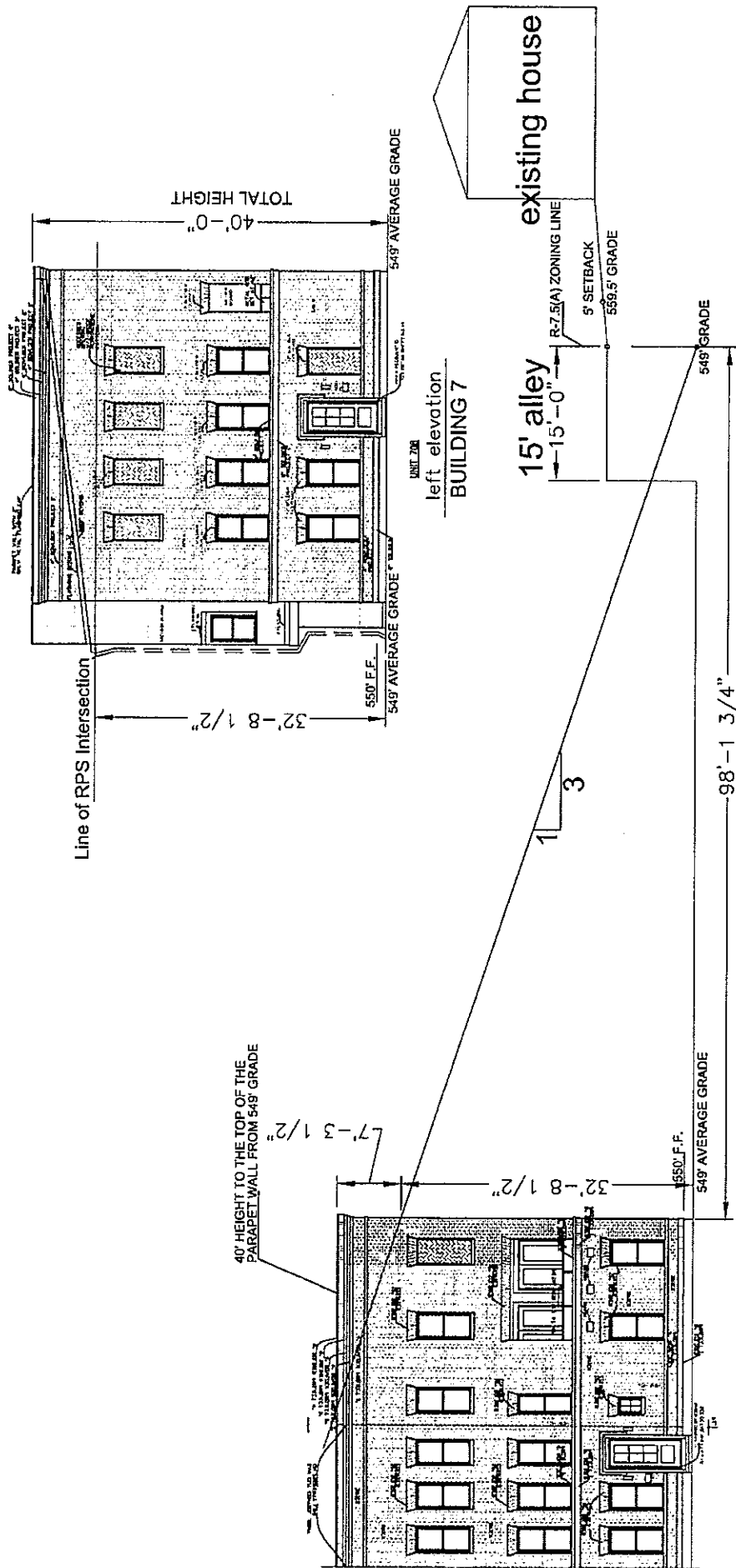
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SCALE: 3/32"=1'



RPS #1 Detail-Valley View Building 7

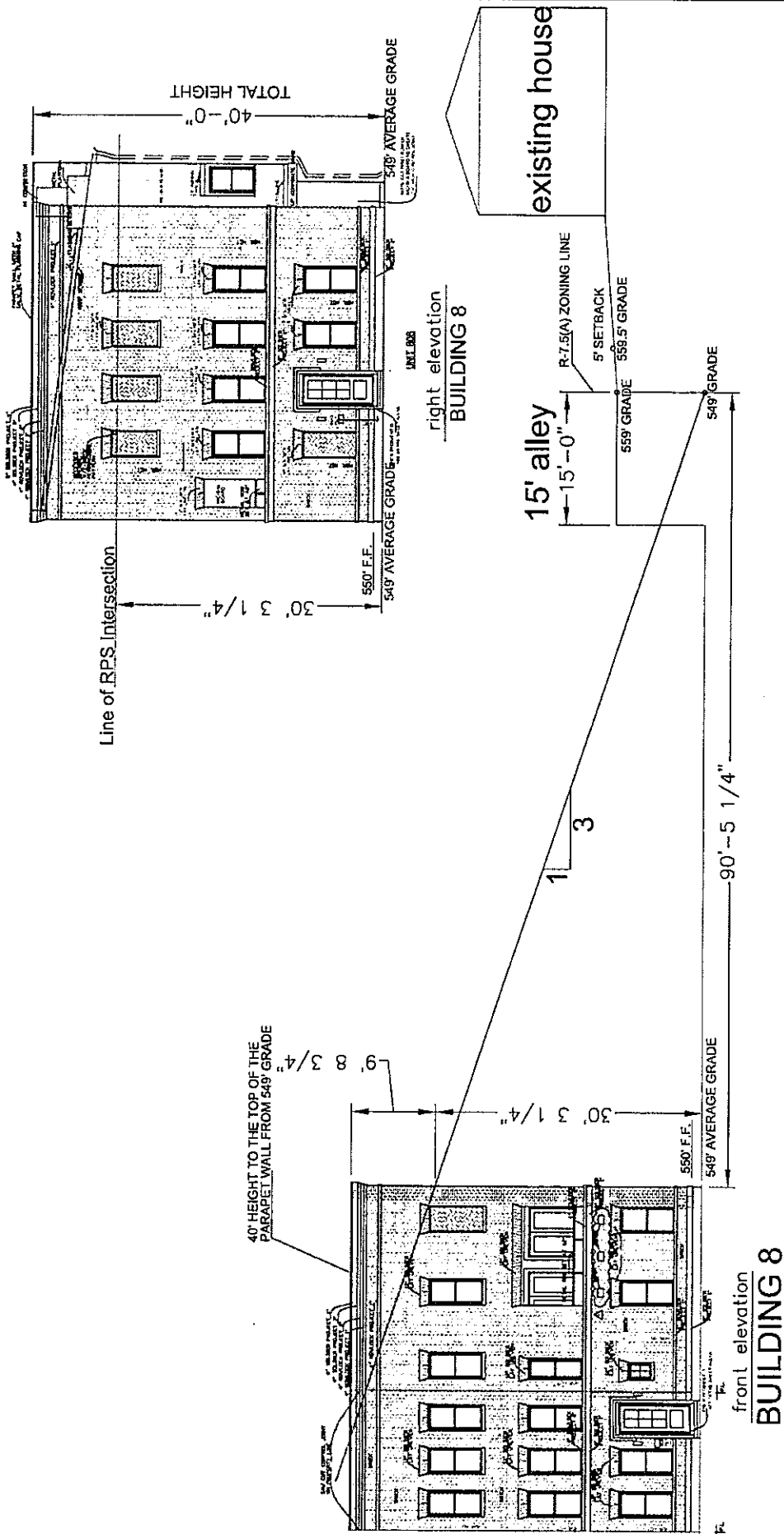
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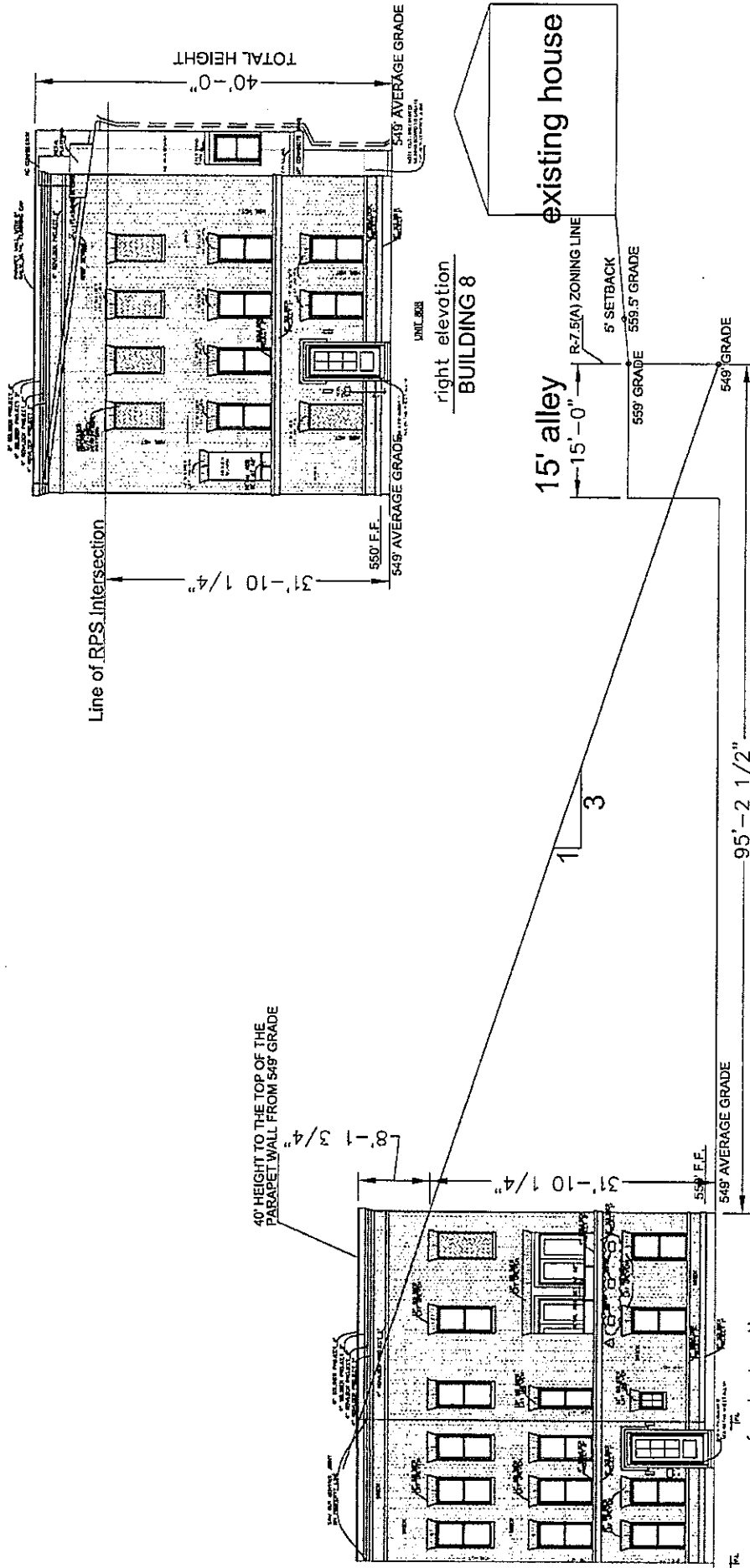
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SCALE: 3/32"=1'





RPS #1 Detail-Valley View Building 8



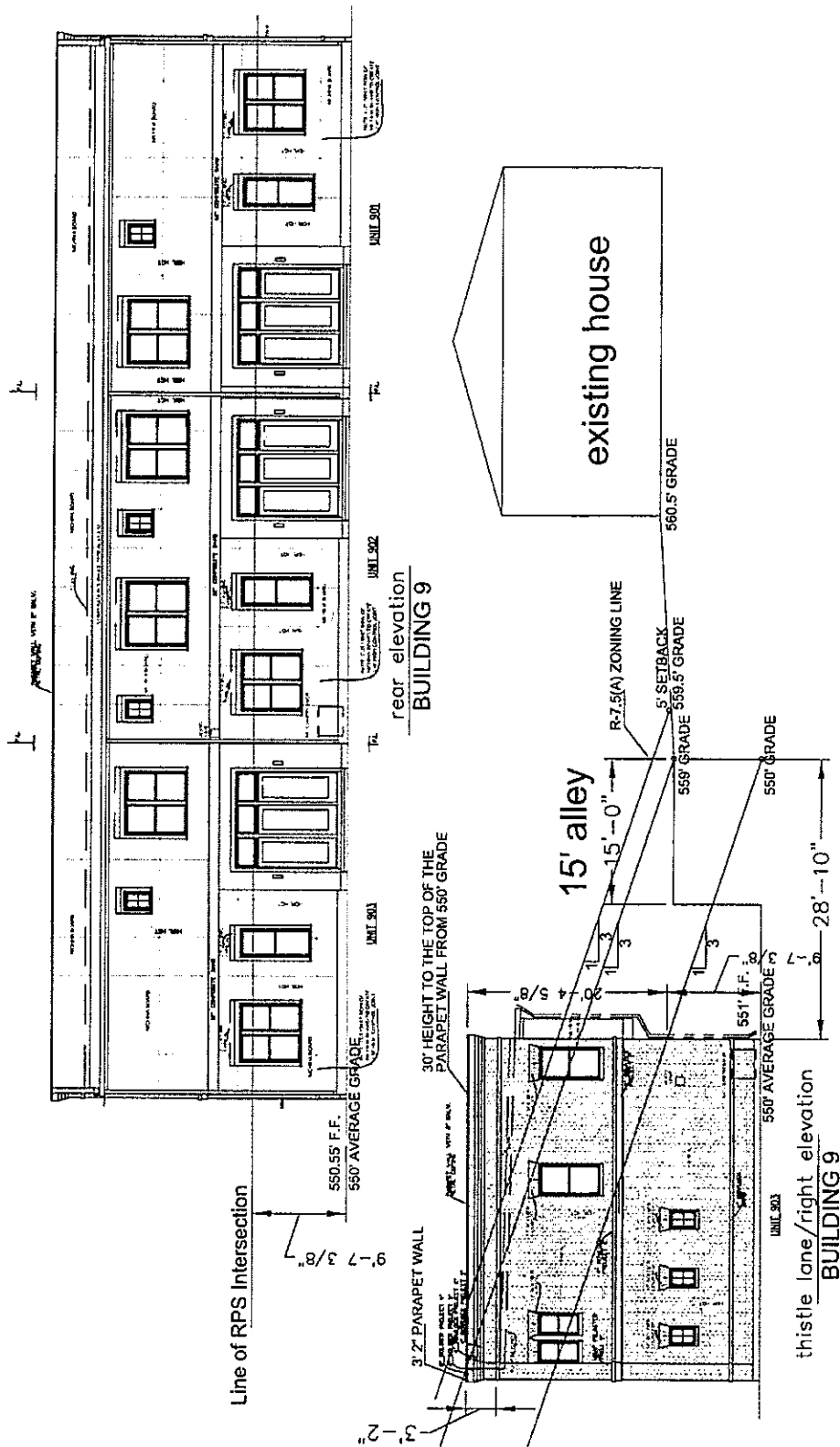
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SCALE: 3/32"=1'



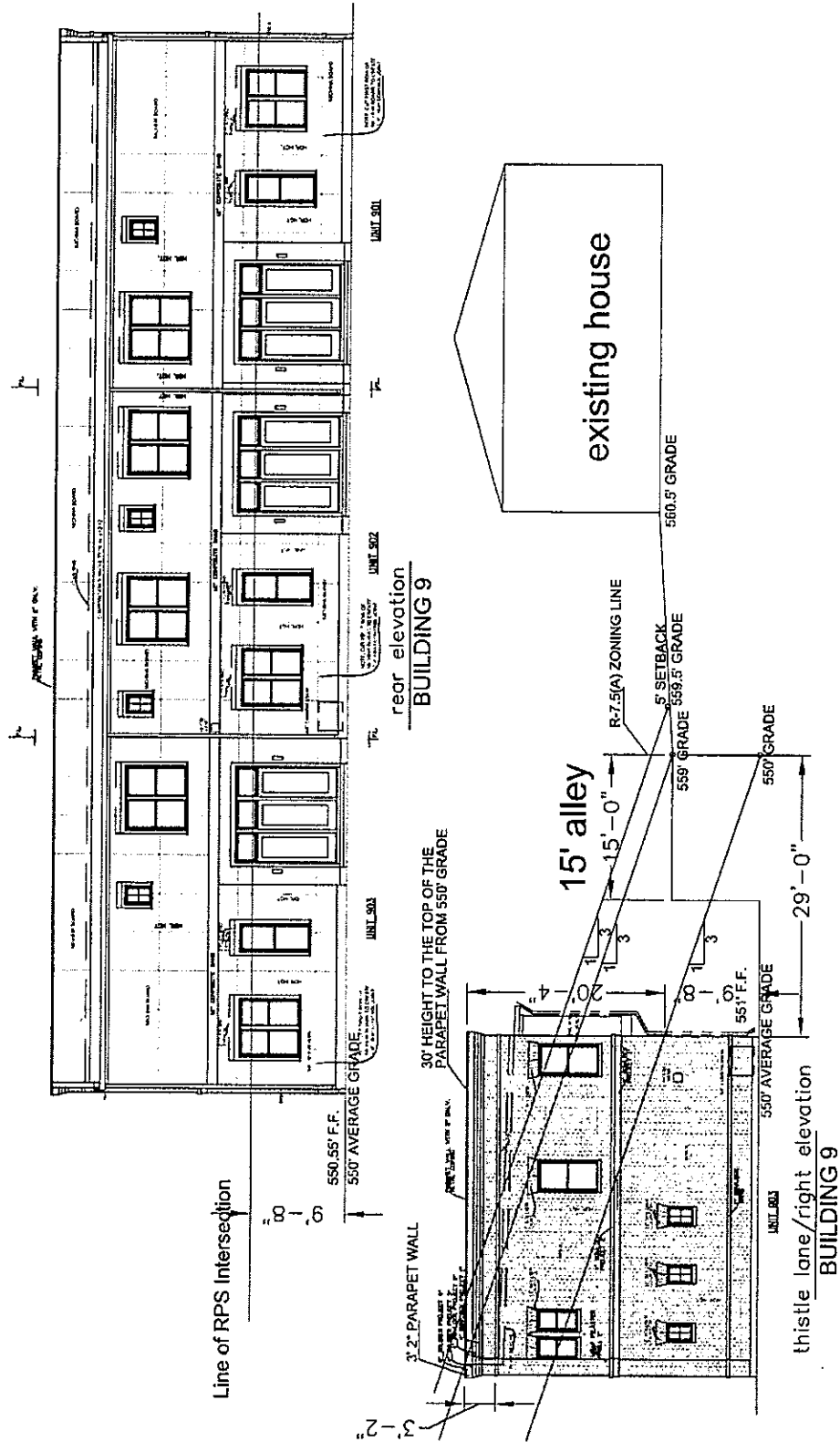






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SCALE: 3/32"=1'

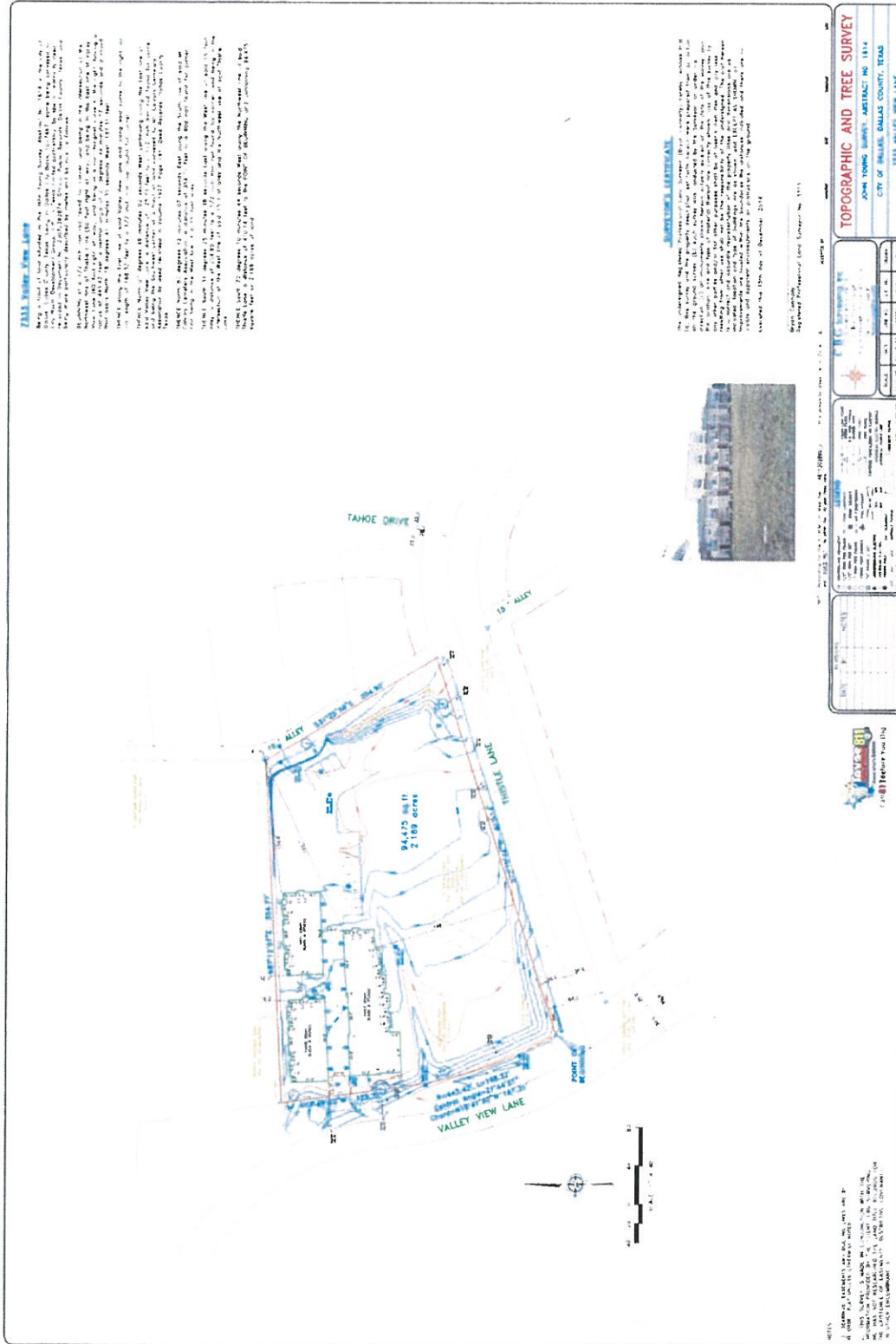


RPS Detail #2-building 9

SCALE: 3/32"=1'

# ATTACHMENT F

BDA167-057  
 Attach C  
 Pg 29





B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-057  
Date: 2/6/2017

Data Relative to Subject Property:

Location address: 7333 Valley View Lane Zoning District: MF-2(A)  
Lot No.: 10 Block No.: 10/7497 Acreage: 1.473 Census Tract: 0136.10  
Street Frontage (in Feet): 1) 410.14 2) 132.29 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Urban IntownHomes, LLC  
Applicant: Brian East Telephone: 713-653-3708  
Mailing Address: 1520 Oliver Street, Houston, Texas Zip Code: 77007  
E-mail Address: briane@intown-homes.com  
Represented by: Audra Buckley Telephone: 214-686-3635  
Mailing Address: 416 S Ervay Street, Dallas, TX Zip Code: 75201  
E-mail Address: permitteddevelopment@tx.rr.com

Affirm that an appeal has been made for a Variance  or Special Exception \_\_\_\_\_, of 14 feet - 0 inches ABB  
to the maximum allowed height of 36 feet due to the residential proximity slope.

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:  
Due to the restrictive area of the lot imposed by a 36 foot wide wastewater easement bisecting the property, which services existing units, and existing fire lanes, units cannot be shifted. Combined with a restrictive slope, the subject site is also 8.5' below grade of the adjacent Residential Proximity Slope site of origination to the east. Therefore, the property cannot be developed in a manner commensurate with development of similar properties with the same zoning.

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.

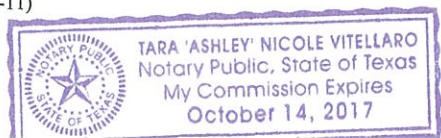
Affidavit

Before me the undersigned on this day personally appeared Brian East  
(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 08 day of February, 2017  
Tara Ashley Vitellaro  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

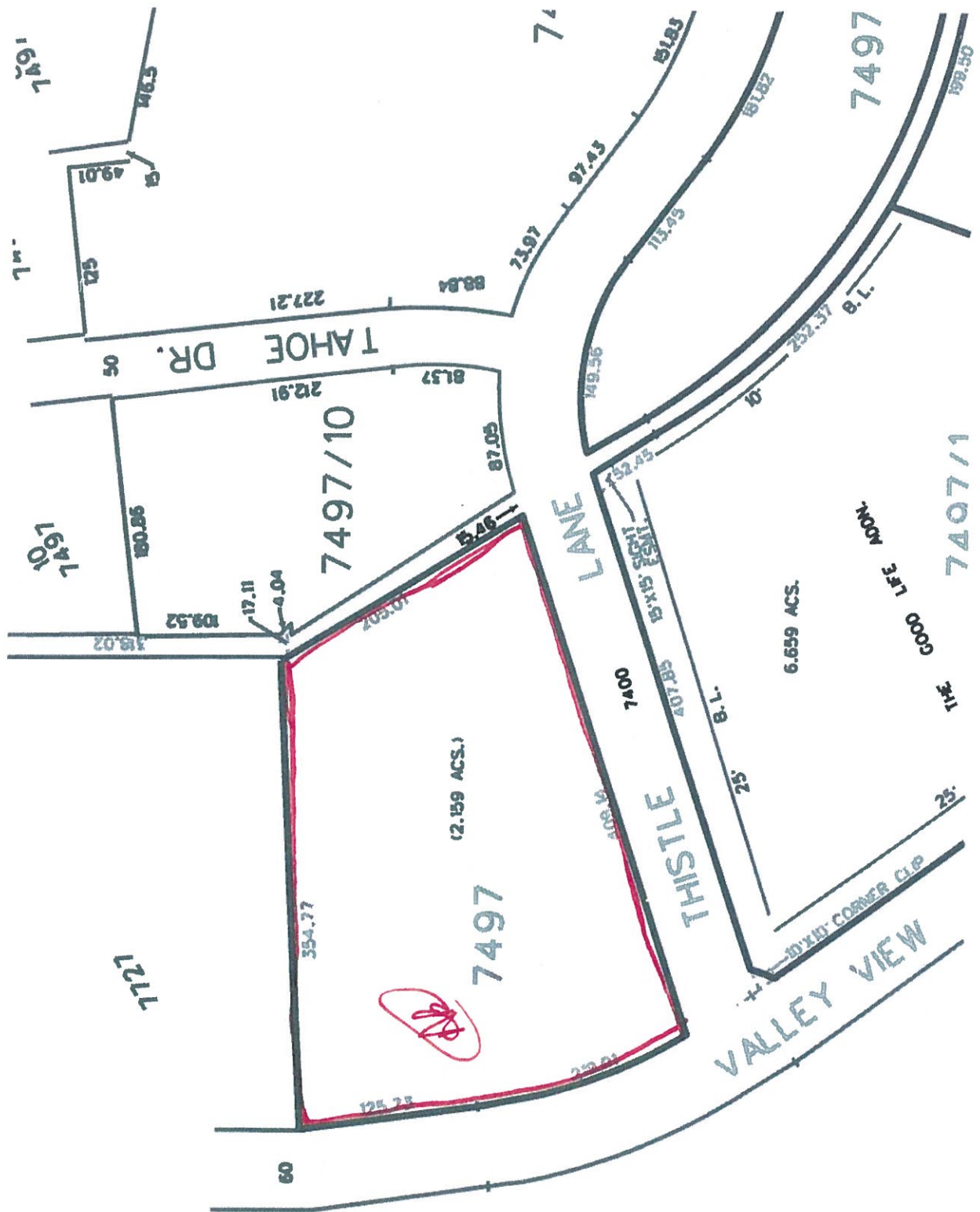
**Building Official's Report**

I hereby certify that BRIAN EAST  
represented by Audra Buckley  
did submit a request for a variance to the building height regulations  
at 7333 Valley View Lane

BDA167-057. Application of Brian East represented by Audra Buckley for a variance to the building height regulations at 7333 Valley View Lane. This property is more fully described as Lot 20, Block 10/7497, and is zoned MF-2(A), which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct a residential structure with a building height of 40 feet, which will require a 14 foot variance to the maximum building height regulation.

Sincerely,

  
Philip Sikes, Building Official





# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

7333 valley view

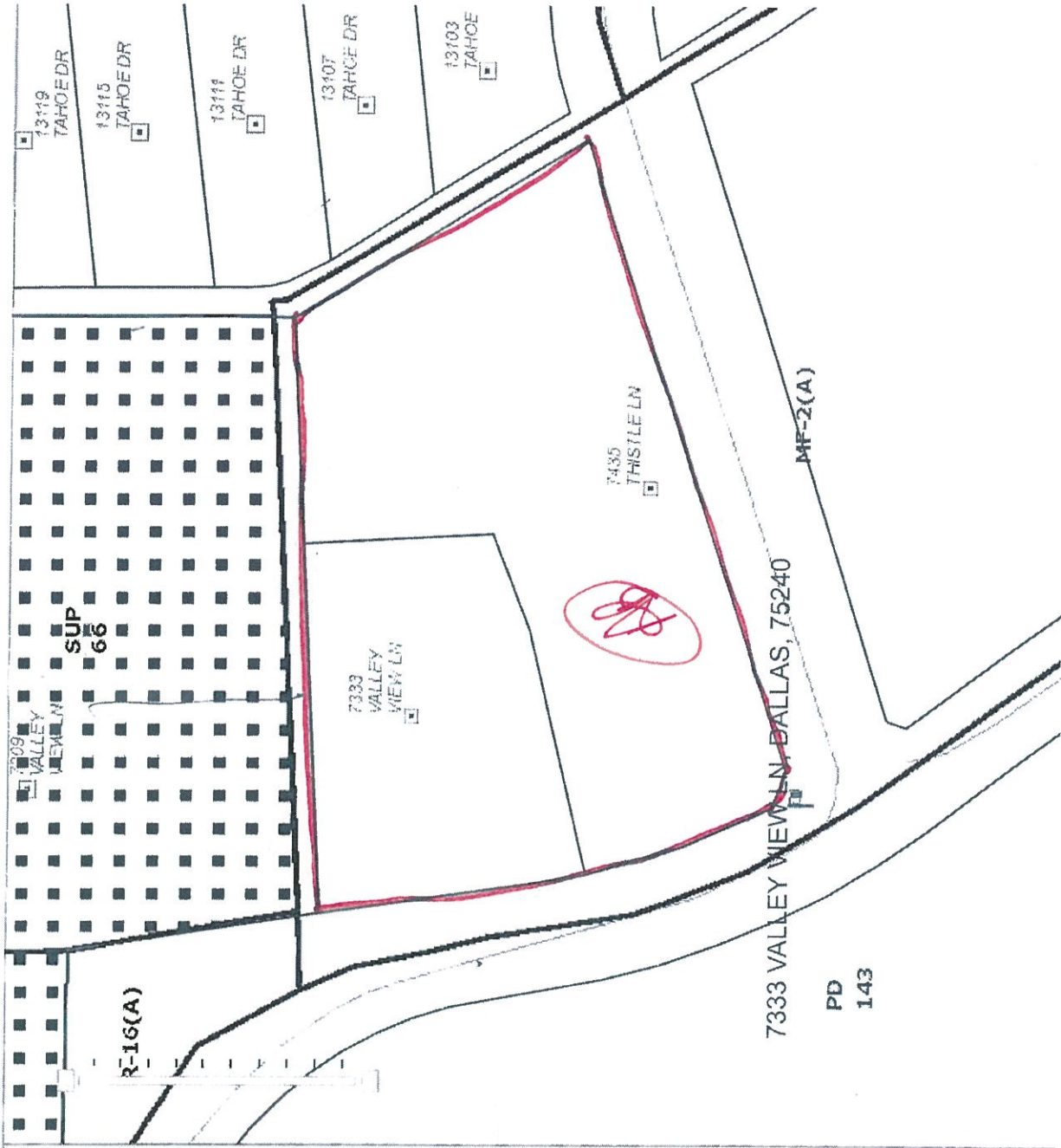
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OR

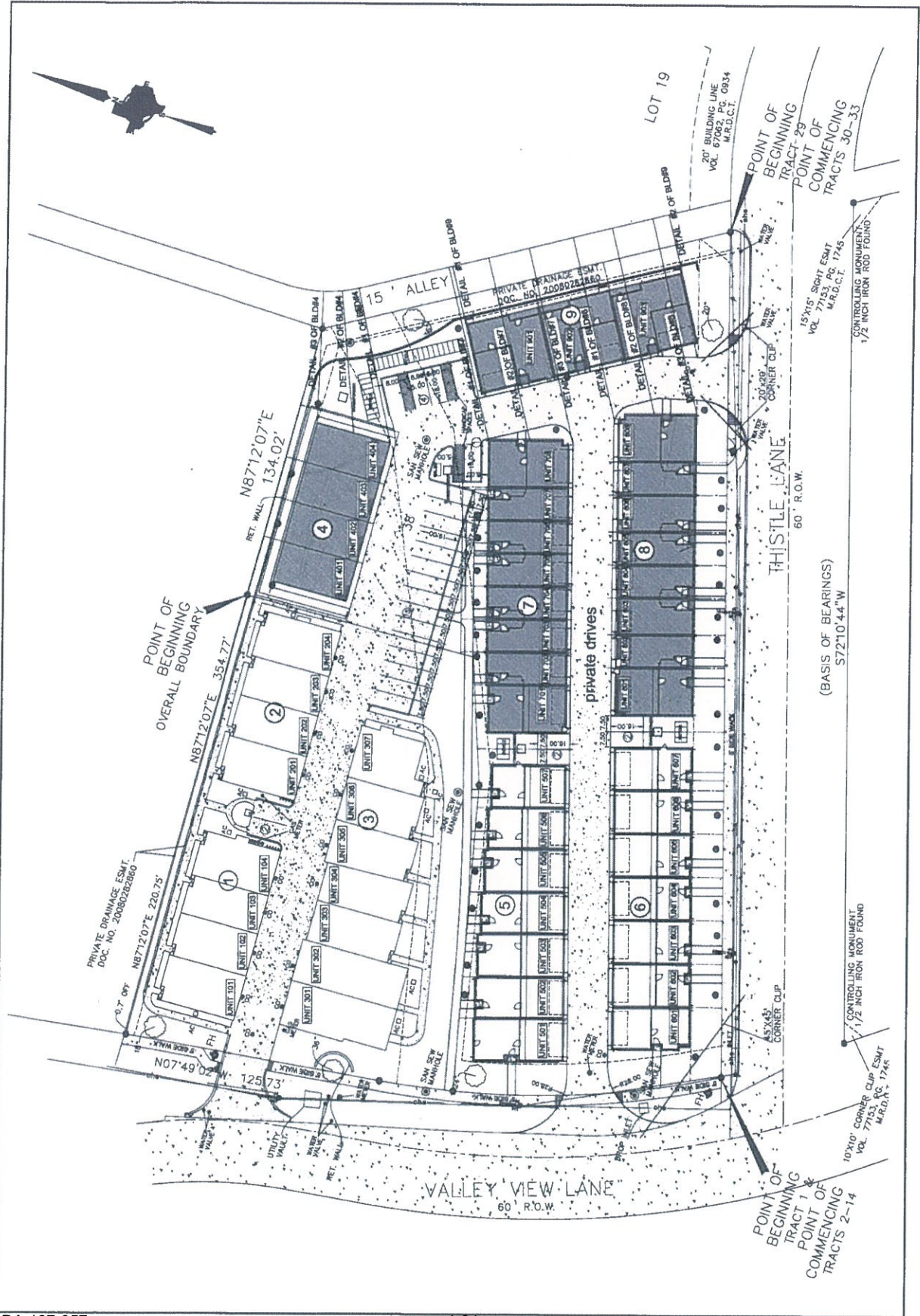
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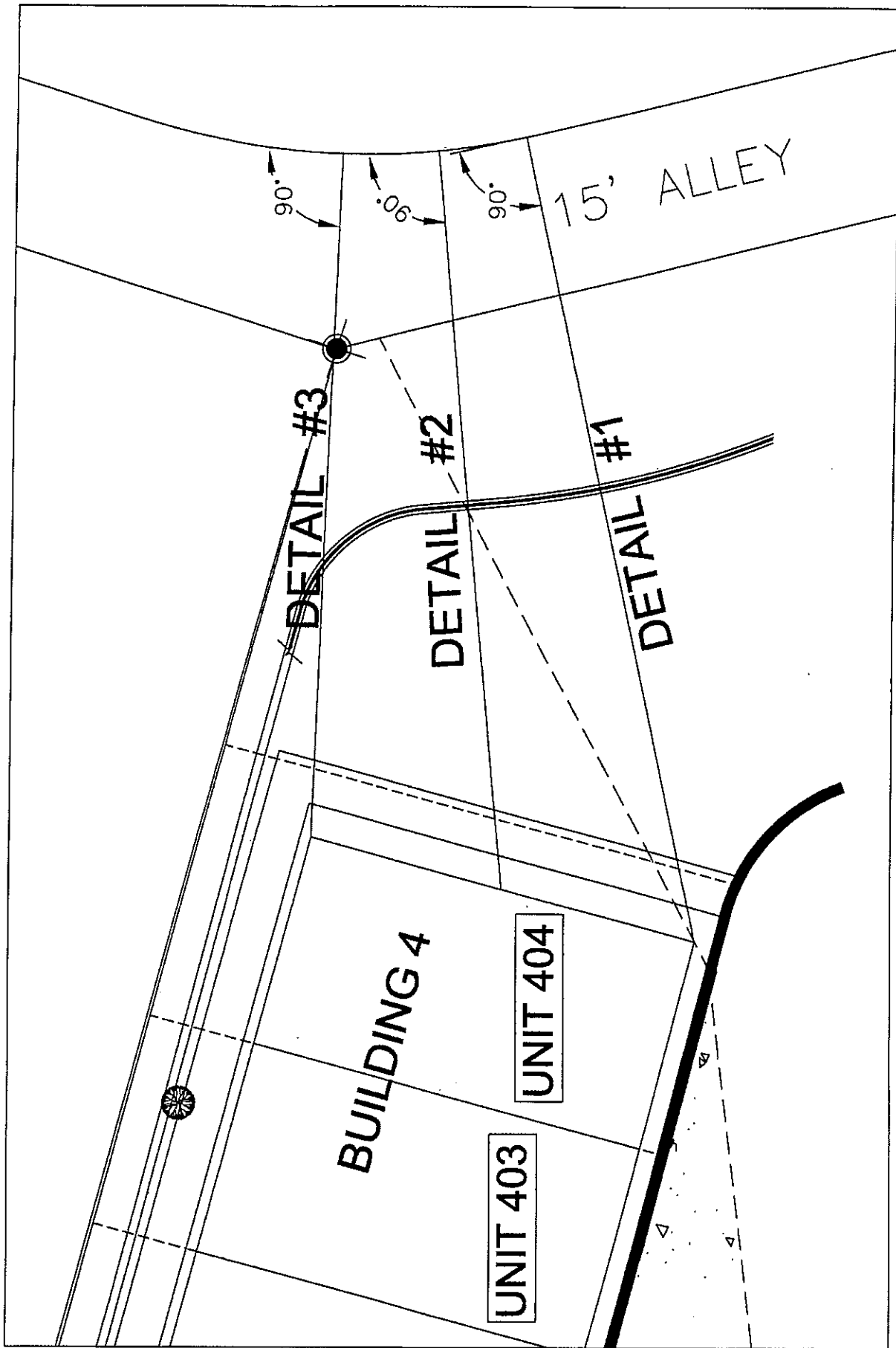
Use street type for better re

Locate

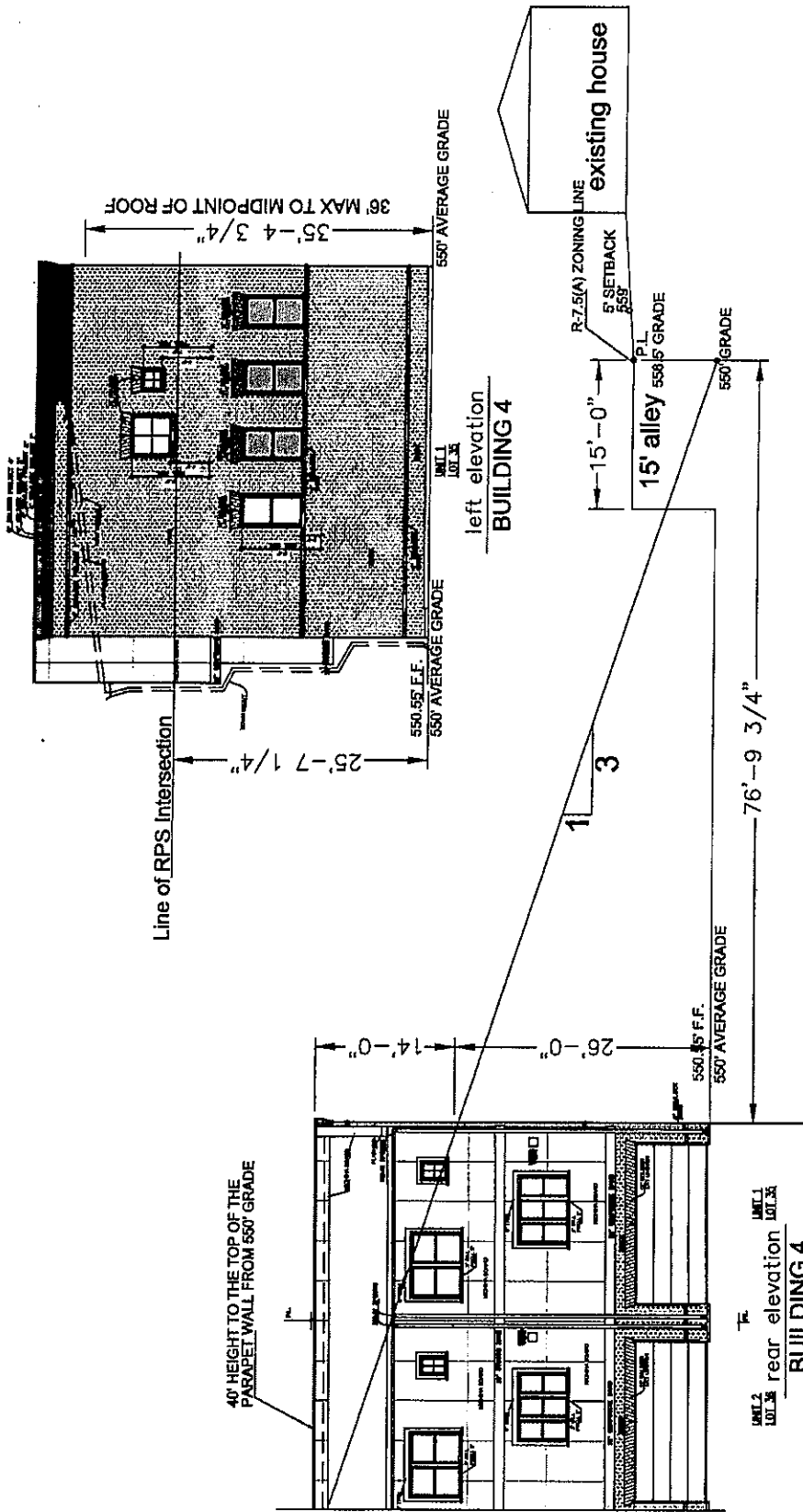


URBANTOWN HOMES 1528 Oliver Houston, TX 77002 (713) 880-6811		RPS DETAIL SITE PLAN
7333 Valley View Dallas		DATE: March 03, 2017
REVISIONS:		SCALE: 1" = 30'-0"
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		ISSUED BY:
		DATE:
		PROJECT NAME:
		A-1

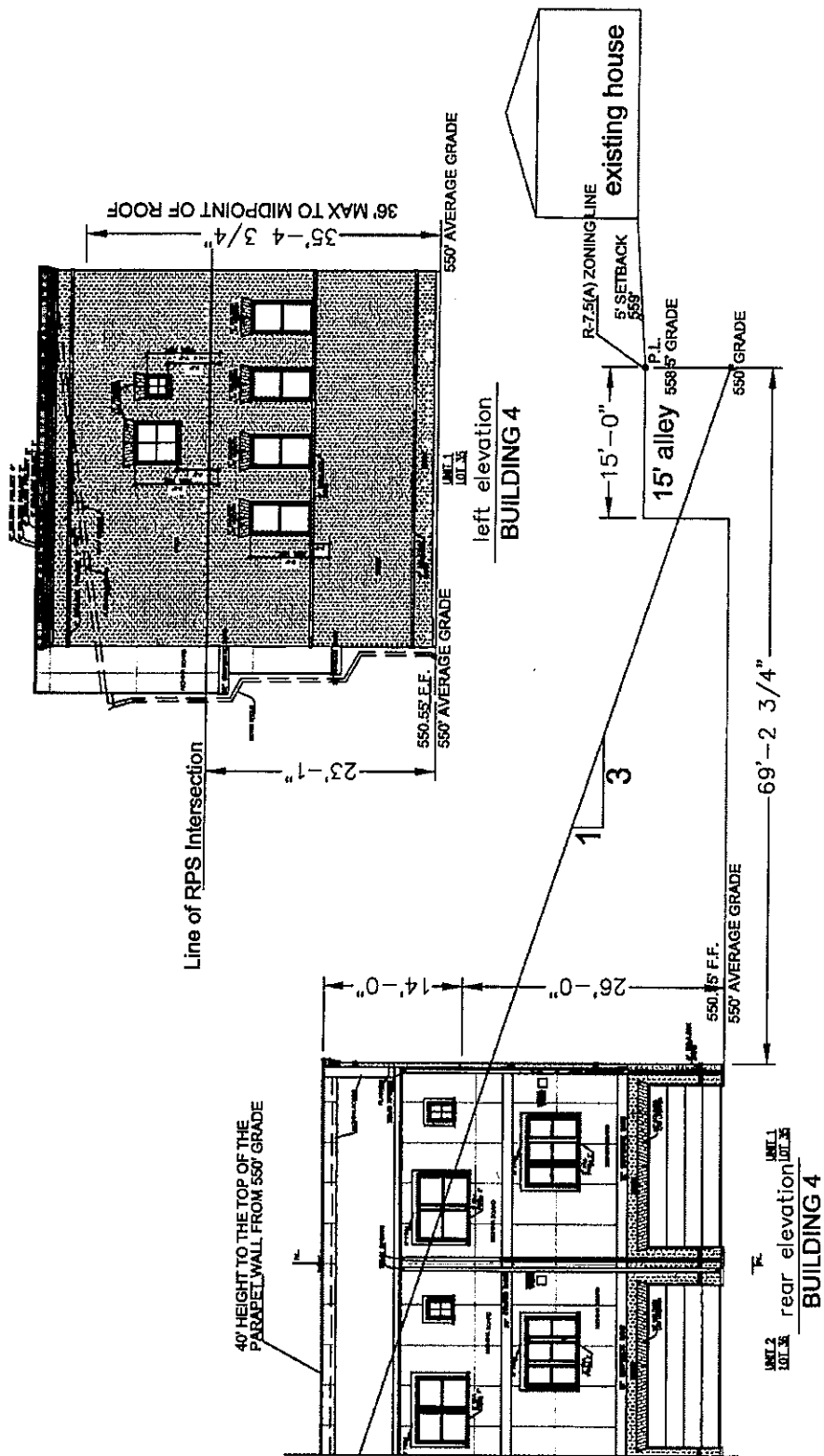




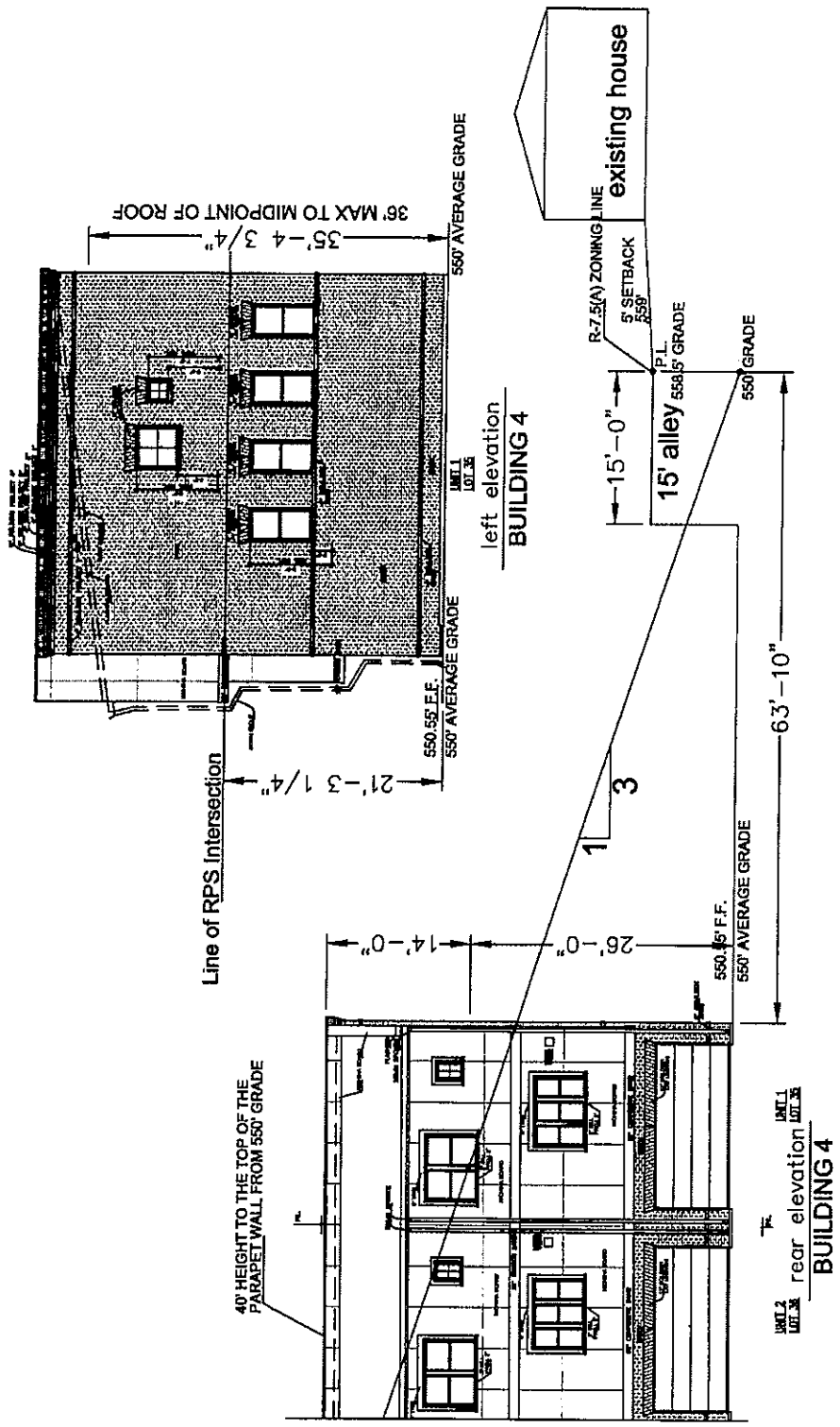
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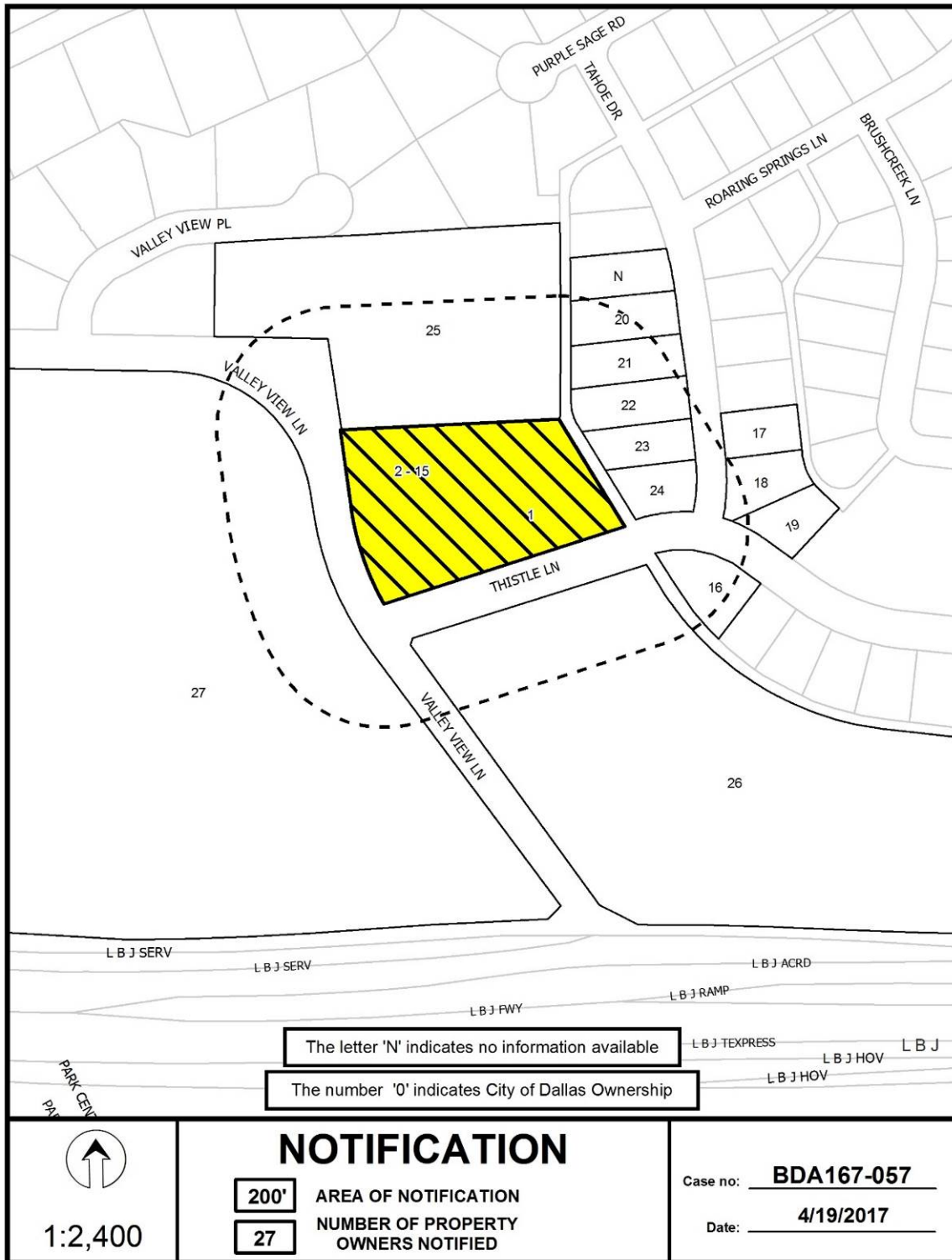
RPS #1 Detail-Valley View Building 4  
SCALE: 3/32"=1'



RPS #2 Detail-Valley View Building 4  
SCALE: 3/32"=1'



RPS #3 Detail-Valley View Building 4  
SCALE: 3/32"=1'



## *Notification List of Property Owners*

**BDA167-057**

**27 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	7333 VALLEY VIEW LN	URBAN INTOWNHOMES
2	7333 VALLEY VIEW LN	GRIFFITH CYNTHIA A
3	7333 VALLEY VIEW LN	CRIFFITH CYNTHIA A
4	7333 VALLEY VIEW LN	GRIFFITH CURTIS
5	7333 VALLEY VIEW LN	MATHERNE CHRISTOPHER A &
6	7333 VALLEY VIEW LN	NEWSOM JOHN DAVID & MIKELLA
7	7333 VALLEY VIEW LN	SHAMLI MOHAMED N
8	7333 VALLEY VIEW LN	FIFE WILLIAM D
9	7333 VALLEY VIEW LN	WELCH FRANK STEPHEN
10	7333 VALLEY VIEW LN	LINER ROBERT M & SUZANNE BECK
11	7333 VALLEY VIEW LN	BASS KEVIN
12	7333 VALLEY VIEW LN	NEWSOM CORY T
13	7333 VALLEY VIEW LN	LINER ROBERT M & SUZANNE BECK
14	7333 VALLEY VIEW LN	BECK ANDREW
15	7333 VALLEY VIEW LN	NGUYEN LUAN Q
16	7510 THISTLE LN	FRAZIN LORRIE
17	13108 TAHOE DR	ROGERS BRIAN B & SHARA L
18	13104 TAHOE DR	HAYHURST THANE
19	7511 THISTLE LN	CHURCH IN DALLAS THE
20	13119 TAHOE DR	DODSON CHARLES W & PATRICIA J
21	13115 TAHOE DR	LISA ALBERTO &
22	13111 TAHOE DR	MCGEE FLOYD JR
23	13107 TAHOE DR	SRUBAS LAWRENCE M
24	13103 TAHOE DR	ALI MIR SHADID &
25	7309 VALLEY VIEW LN	MOUNT CALVARY CEMETERY
26	7373 VALLEY VIEW LN	CITY NORTH LLC



04/19/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7300 VALLEY VIEW LN	COVENANT KNIGHTS SCHOOL

**FILE NUMBER:** BDA167-071(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Santos T. Martinez for a variance to the rear yard setback regulations and a special exception to the landscape regulations at 17787 Waterview Parkway. This property is more fully described as a 5.25 acre parcel in Lot 1F, Block A/8735, and is zoned LI, which requires a rear yard setback of 30 feet and requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide a 14 foot rear yard setback, which will require a 16 foot variance to the rear yard setback regulations, and an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 17787 Waterview Parkway

**APPLICANT:** Santos T. Martinez

**REQUESTS:**

The following requests are made on a site that is developed with office use/ structure (Convergys):

1. A variance to the rear yard setback regulations of 16' is made to construct and maintain a ramp structure to the existing parking garage structure that according to the application is proposed to be located 14' from the site's rear property line or 16' into the site's 30' rear yard setback; and
2. A special exception to the landscape regulations is made to construct and maintain the aforementioned ramp structure and increase nonpermeable coverage, and not fully meet the landscape regulations, more specifically to the required perimeter landscape buffer strip and plant group requirements.

**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.

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

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

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

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

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

**STAFF RECOMMENDATION (variance):**

Denial

Rationale:

- Staff concluded, at the time of the May 2<sup>nd</sup> staff review team meeting, that the applicant had not substantiated how the variance to the rear yard setback regulations 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 LI zoning district.
- Staff concluded based on the information the applicant had submitted at the time of the May 2<sup>nd</sup> staff review team meeting that the variance should be denied because there was no property hardship to the site that warranted a variance to the rear yard setback regulations. The applicant had not demonstrated to staff how the features of the site (which is flat, rectangular in shape, and according to the application is 5.25 acres in area) have precluded it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same LI zoning classification – the site is currently developed an office structure and parking garage that complies with the Dallas Development Code.

**STAFF RECOMMENDATION (landscape special exception):**

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding the request will not adversely affect neighboring property. The Chief Arborist states that prior to the recent establishment of the adjacent zoning district for a residential development, the property was owned by the State of Texas and used for agricultural purposes, and that when the subject property was developed, the parking was installed to the property boundary since residential adjacency requirements did not exist; and that the owner is seeking to retain these established parking spaces with the partial site renovation while screening the parking lot from future residential use.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: LI (Light industrial)  
North: PD 780 (Planned Development)  
South: LI (Light industrial)  
East: City of Richardson  
West: PD 921 (Subarea 3)(SUP 764)  
(Planned Development, Specific Use Permit)

**Land Use:**

The subject site is developed with an office structure/use. The area to the north is developed with a private school (The Dallas International School); the area to the east is the City of Richardson; the area to the south is developed with office use; and the area to the west is developed with open space (Texas A & M University Research Center).

**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 (rear yard variance):**

- The request for a variance to the rear yard setback regulations of 16' focuses on constructing and maintaining an approximately 1,900 square foot ramp structure to the existing parking garage structure that is according to the application proposed to be located 14' from the site's rear property line or 16' into the site's 30' rear yard setback on a site developed with an office use/structure (Convergys).
- The minimum side and rear yard for lots zoned IR is:
  - 30 feet where adjacent to or directly across and alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
  - No minimum in all other cases.
- The subject site abuts PD 921 to the west where uses defined in the ordinance are those permitted in R-7.5(A) hence the subject site is required to provide a 30' rear yard setback.
- The submitted site plan represents that the ramp structure approximately 16' from the rear property line or approximately 14' into the 30' required rear yard setback.
- The application states that "The installation of a new ramp is limited to one side of the structure due to existing topography, easements, and structures. Previous access to second level has been converted into playground and recreational area for school by new owner." (The applicant's reference to access to the second level that has been converted into a playground by the new owner refers to the structure immediately north of the subject site that has since been converted from an office use to a school use). According to Collin CAD records, "Improvement #1" at 17787 Waterview Parkway is a "commercial" improvement built in 1993 with 150,000 square feet of area; and "Improvement #2 is a parking garage built in 1993 with 33,120 square feet.
- The site is flat, rectangular in shape, and according to the application is 5.25 acres in area. The site is zoned LI (Light Industrial).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the rear 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 rear 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 IR zoning classification.
  - The variance to rear 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 IR zoning classification.

- If the Board were to grant the request, and impose the submitted site plan as a condition, the structure in the rear yard setback would be limited to what is shown on this document– which, in this case, is a structure that appears to be located 16’ from the rear property line or 14’ into this 30’ rear yard setback.
- Granting this rear yard setback variance request will not provide relief to any existing or proposed noncompliance to landscape regulations.

**GENERAL FACTS/STAFF ANALYSIS (landscape special exception):**

- This request for a special exception to the landscape regulations focuses on constructing and maintaining the aforementioned ramp structure and increasing nonpermeable coverage, and not fully meeting the landscape regulations, more specifically not fully providing required perimeter landscape buffer strip and plant groups in the southwest portion of the property where parking spaces are shown to be located in the space adjacent to the property boundary where a residential adjacency exists.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant’s request (see Attachment B). The memo states due to renovations to the southern portion of the property to expand parking and add more than 2,000 square feet of new impervious surface, a revised alternative landscape plan of May 2, 2017 is attached and has been submitted for consideration; and that the request is solely to retain an existing encroachment into the perimeter landscape buffer strip which is required for permit in Sec. 51A-10.125(b)(1).
- The Chief Arborist’s memo states the following with regard to “providing”:
  - The applicant is proposing to amend existing landscaping on the property within the area of ‘limits of improvement’ on the plan, and to provide six new redbud trees and a portion of the perimeter landscape buffer strip along the western perimeter landscape buffer adjacent to a new ramp for the existing parking structure. A new 6’ tall screening fence is shown to be installed to separate the parking lot from future residences. All other existing landscaping on the property shall continue to be maintained under the general maintenance requirements of Article X.
- The Chief Arborist’s memo states the following with regard to “deficiency”:
  - The plan shows a deficiency with the required perimeter landscape buffer strip and plant groups in the southwest portion of the property where parking spaces are shown to be located in the space adjacent to the property boundary where a residential adjacency exists.

- Prior to the recent establishment of the adjacent zoning district for a residential development, the property was owned by the State of Texas and used for agricultural purposes. When the applicants' subject property was developed, the parking was installed to the property boundary since residential adjacency requirements did not exist. The owner is seeking to retain these established parking spaces with his partial site renovation while screening the parking lot from future residential use.
- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because provided amendments to the special exception will not adversely affect neighboring property.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted revised landscape plan as a condition to the request, the site would be provided exception from full compliance with the required perimeter landscape buffer strip and plant groups requirements on the subject site.
- Granting this landscape special exception request will not provide relief to any existing or proposed noncompliance to the rear yard setback.

**Timeline:**

- April 4, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 21, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 21, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the April 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

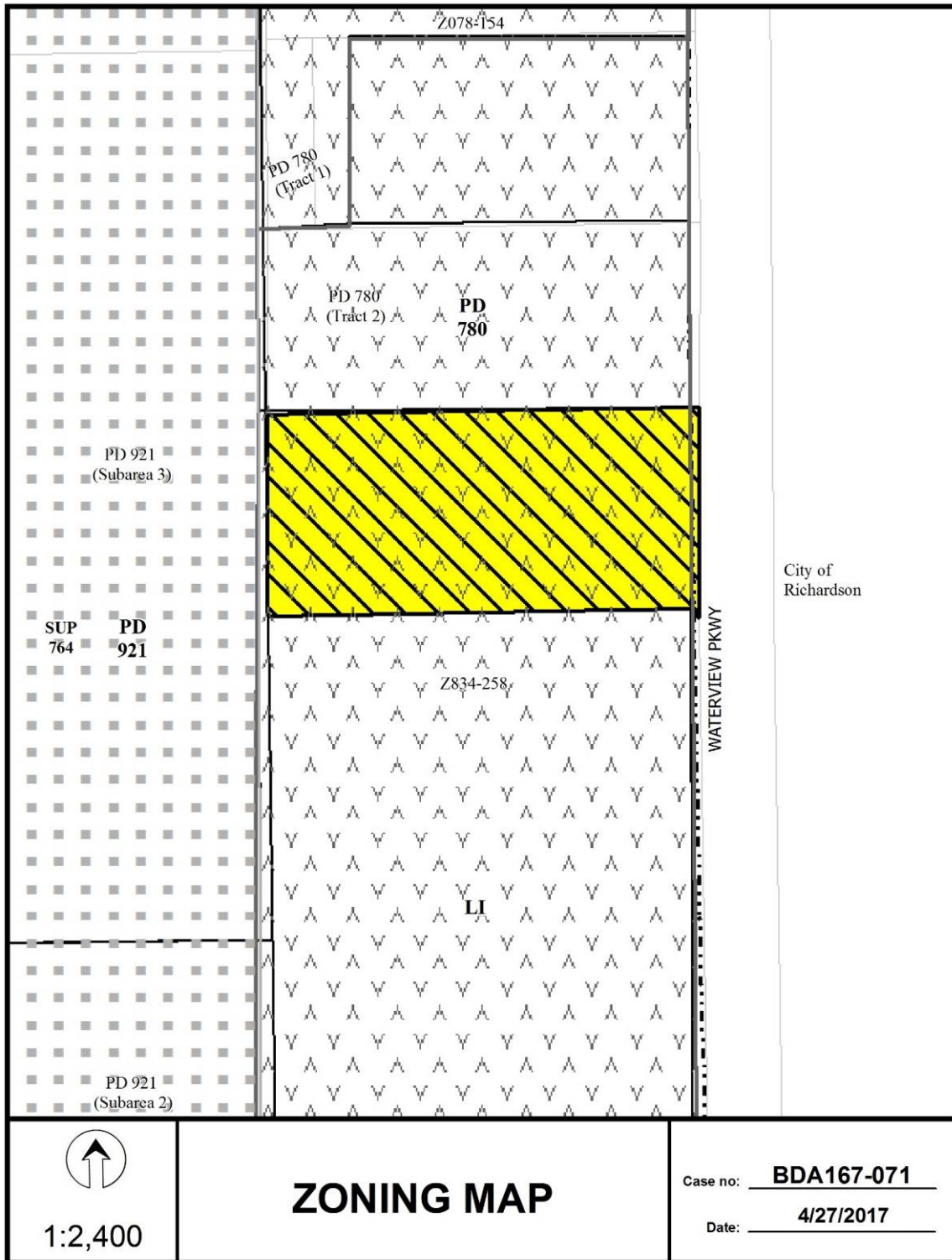
May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 5, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A). Note that this information was not factored into the staff recommendation for the variance since it was submitted after the May 2<sup>nd</sup> staff review team meeting.

May 5, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).



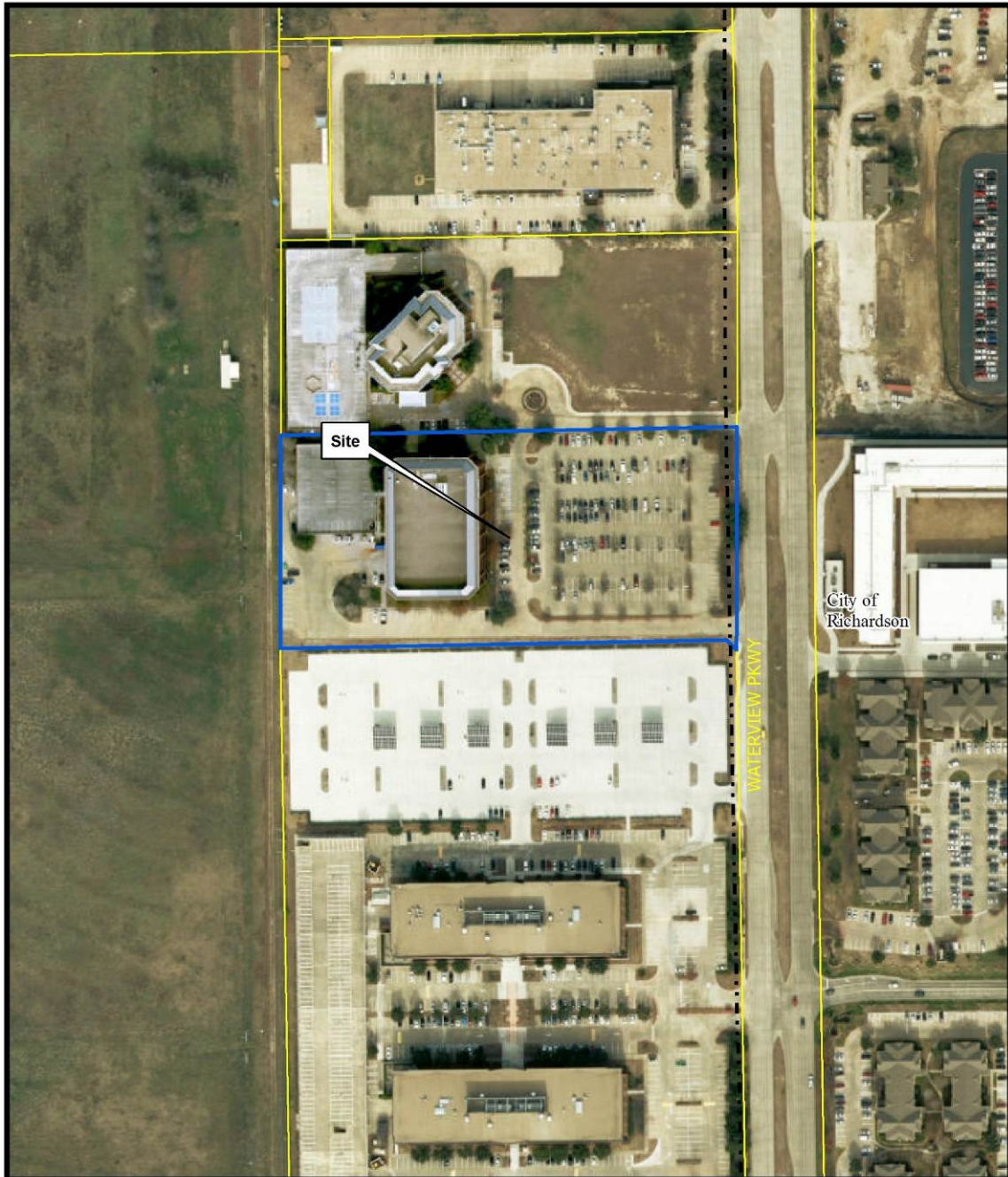


1:2,400

# ZONING MAP

Case no: **BDA167-071**

Date: **4/27/2017**



1:2,400

# AERIAL MAP

Case no: BDA167-071

Date: 4/27/2017



BDA 167-071  
Attach A  
PS1

May 5, 2017

Mr. Steve Long  
Board Administrator  
City of Dallas  
1500 Marilla, 5BN  
Dallas, TX 75201

RE: BDA 167-071; 17787 Waterview Parkway,

Mr. Long:

The current property owner seeks to utilize the existing second level of an on-site parking garage. The property was originally developed when it was owned by the University of Texas at Dallas. The office building and parking garage located to the north of this site was built by the University in 1985. The property was platted in the same time period.

In 1993, the University sold the property and the new owner constructed a new office building and matching parking garage. They constructed a pedestrian bridge to connect the two structures and shared the access onto the second level of the parking garage. The ingress and egress for the second level was maintained by the office building to the north. Article X standards were not triggered along the western property line because the property to the west was still owned by the State of Texas.

The property owner sold the northern portion of the property to the Dallas International School in 2011. They did not replat the property, but sold the property by metes and bounds. Dallas International School secured zoning from the city council that included a concept plan for the property. This plan demonstrates that the second level of the parking garage to the north would be used for playground space and parking. It also shows that access to the adjoining parking garage would not be allowed. So, all of the parking that is shown on a platted lot no longer matches the ownership of the buildings or parking garages.

The office building and parking garage on the south has subsequently been sold two times. The current owner has a tenant that requires the additional parking spaces located on the second level of the existing parking garage. Attempts to locate a new ramp to access these spaces are limited for a variety of reasons.

The new ramp needs a dimension of sixteen feet in width. The area to the north of the parking garage adjacent to the northern property line is only fifteen feet wide. The area to the east and south are impacted by the mechanical equipment for the office building or the entrance to the first level of the parking garage. Placing a ramp on the east would require a relocation of equipment, pedestrian access, landscaping, and other amenities for tenants. A ramp on the south side of the garage would displace a larger amount of mechanical equipment and the run of the ramp would block access to the first floor level of the garage.

The western façade of the parking garage would require the replacement of landscaping trees yet maintain the required buffer zone.

The property located to the west of the site, although zoned residential, was owned by the State of Texas. It was granted a specific use permit (number 764) in 1985 for a permanent time frame as a college or university. This property was sold and rezoned in the summer of 2015. It was placed within a planned development district (number 921). At such time it was designated as a residential zoning district for the purposes of adjacency issues.

The current owner seeks to utilize the property as it was originally intended with office tenants. They are trying to rectify a parking issue that was generated by elements outside of their control. The Dallas International School continues to operate in compliance with the provisions of its zoning designation. The property to the west is being developed in compliance with its new residential designation. These two factors create a hardship on the applicants attempt to fully utilize an existing parking garage. The parking provided on this level ensures that it can satisfy the requirements for certificates of occupancy and can bring the site into conformity.

A literal interpretation of city code inhibits the current owner from the usage of their existing facilities. The owner would have had to construct a ramp either in 1993 when it was originally developed, in 2010 prior to the sale of the northern half to Dallas International School, or prior to 2015 when the western properties were designated residential.

The construction of a ramp on the western façade, with the placement of new trees and screening of parking does not create a negative impact for the new residential properties that are being developed to the west.

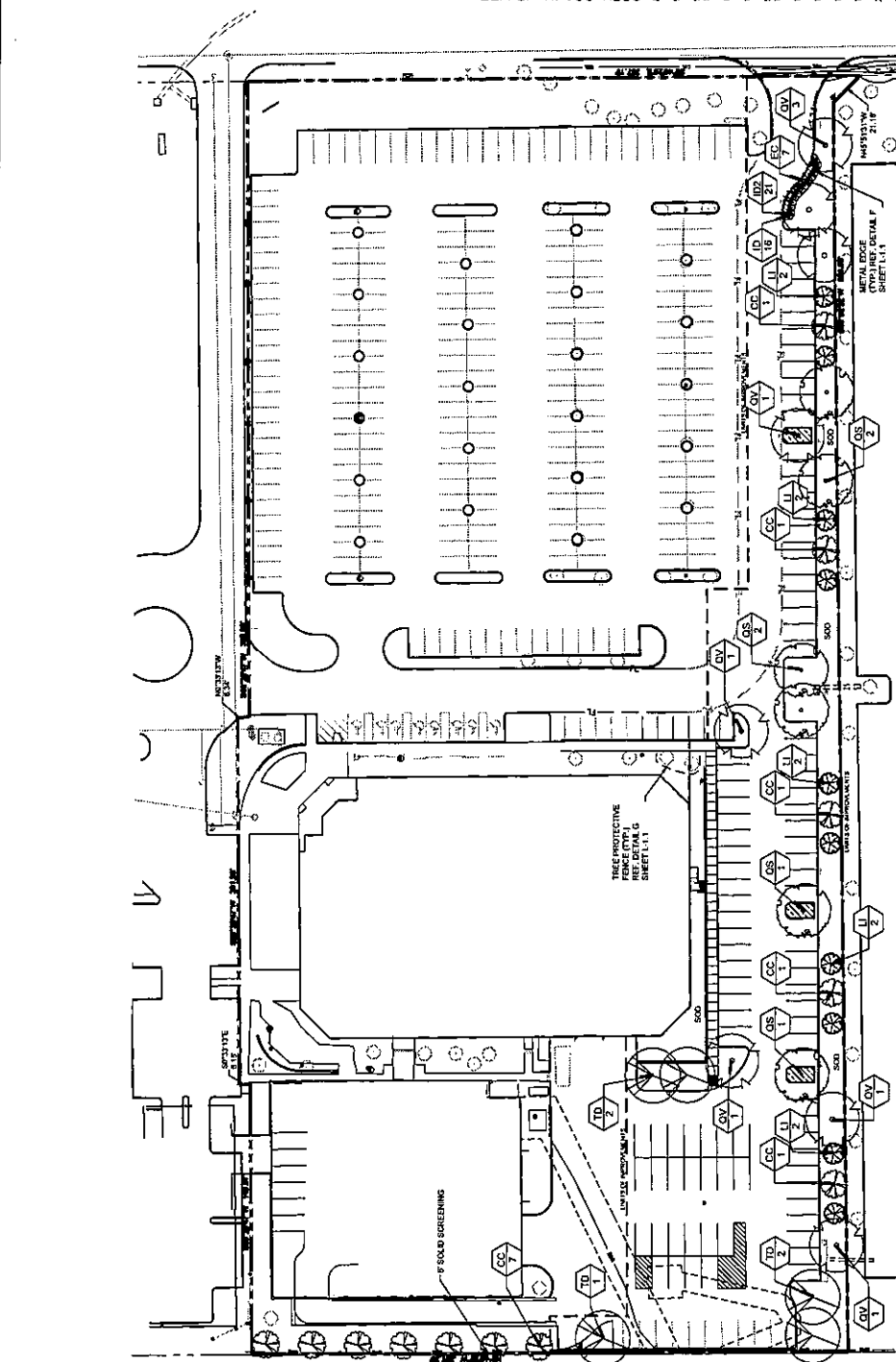
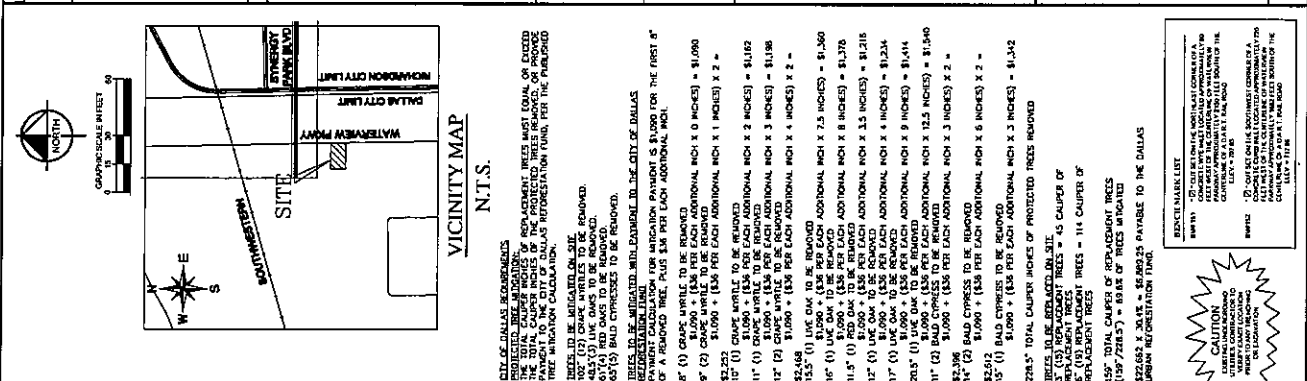
The proposed alternate landscape plan maintains a required buffer along the western property line, with the exception of twelve existing parking spaces. The current property owner seeks to remove the existing chain link fence and replace it with a six foot solid screen. They will also maintain a fourteen foot landscape buffer along the proposed ramp. They are able to plant trees in this buffer zone to screen the garage as well.

We appreciate staff efforts with this case. Please let me know if you need any items clarified or additional information.

Sincerely,



Santos T. Martinez  
Authorized representative



**LANDSCAPE ORDNANCE: 22063 (ARTICLE X) RICHARDSON, TX**

SECTION	DESCRIPTION	REQUIREMENTS	PERMITTED
SEC. 814-18.126	IMMEDIATELY ADJACENT TO	...	...
SEC. 814-18.126	DEVELOPMENT	...	...
SEC. 814-18.126	...	...	...

**PLANT SCHEDULE**

TREE	SIZE	QUANTITY	REMARKS
CC 1	12"	10	...
CC 2	12"	10	...
CC 3	12"	10	...
CC 4	12"	10	...
CC 5	12"	10	...
CC 6	12"	10	...
CC 7	12"	10	...
CC 8	12"	10	...
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CC 100	12"	10	...

BENCH MARK LIST  
 81111 - 10' TALL BENCH MARK (CONCRETE) AT THE CORNER OF THE TRACT BOUNDARY AT THE INTERSECTION OF WATERVIEW PARKWAY AND RICHARDSON CITY LIMIT.  
 81112 - 10' TALL BENCH MARK (CONCRETE) AT THE CORNER OF THE TRACT BOUNDARY AT THE INTERSECTION OF WATERVIEW PARKWAY AND RICHARDSON CITY LIMIT.  
 81113 - 10' TALL BENCH MARK (CONCRETE) AT THE CORNER OF THE TRACT BOUNDARY AT THE INTERSECTION OF WATERVIEW PARKWAY AND RICHARDSON CITY LIMIT.  
 81114 - 10' TALL BENCH MARK (CONCRETE) AT THE CORNER OF THE TRACT BOUNDARY AT THE INTERSECTION OF WATERVIEW PARKWAY AND RICHARDSON CITY LIMIT.  
 81115 - 10' TALL BENCH MARK (CONCRETE) AT THE CORNER OF THE TRACT BOUNDARY AT THE INTERSECTION OF WATERVIEW PARKWAY AND RICHARDSON CITY LIMIT.

Know what's below.  
 Call before you dig.

BDA-167-071  
Attach B  
#31

# Memorandum



CITY OF DALLAS

Date May 5, 2017  
To Steve Long, Board Administrator  
Subject BDA #167-071 17787 Waterview Parkway arborist report

### Request

The applicant is requesting a special exception to the landscape regulations of Article X. Due to renovations to the southern portion of the property to expand parking and add more than 2,000 square feet of new impervious surface, a revised alternative landscape plan of May 2, 2017 is attached and has been submitted for consideration. The request is solely to retain an existing encroachment into the perimeter landscape buffer strip which is required for permit in Sec. 51A-10.125(b)(1). Although tree mitigation data is provided on the landscape plan, there is no consideration for a tree preservation special exception in this application.

### Providing

The applicant is proposing to amend existing landscaping on the property within the area of 'limits of improvement' on the plan, and to provide six new redbud trees and a portion of the perimeter landscape buffer strip along the western perimeter landscape buffer adjacent to a new ramp for the existing parking structure. A new 6' tall screening fence is shown to be installed to separate the parking lot from future residences. All other existing landscaping on the property shall continue to be maintained under the general maintenance requirements of Article X.

### Deficiency

The plan shows a deficiency with the required perimeter landscape buffer strip and plant groups in the southwest portion of the property where parking spaces are shown to be located in the space adjacent to the property boundary where a residential adjacency exists.

Prior to the recent establishment of the adjacent zoning district for a residential development, the property was owned by the State of Texas and used for agricultural purposes. When the applicants' subject property was developed, the parking was installed to the property boundary since residential adjacency requirements did not exist. The owner is seeking to retain these established parking spaces with his partial site renovation while screening the parking lot from future residential use.

### Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because provided amendments to the special exception will not adversely affect neighboring property.

Philip Erwin  
Chief Arborist  
Building Inspection

VCB  
167-071  
Attachment B  
PS2

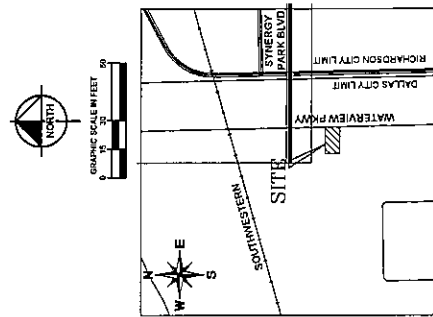
L-1.0

LANDSCAPE PLAN

STREAM REALTY PARTNERS  
WATERVIEW TRACT  
CITY OF DALLAS, TEXAS

**Kimley-Horn**  
CONSULTING ENGINEERS AND ARCHITECTS  
101 PARK VIEW, SUITE 200  
DALLAS, TEXAS 75241  
PHONE: 972-332-1511  
FAX: 972-332-1512

NO.	REVISIONS	DATE	BY



**CITY OF DALLAS REQUIREMENTS**  
THE TOTAL CALIPER INCHES OF REPLACEMENT TREES MUST EQUAL OR EXCEED THE TOTAL CALIPER INCHES OF THE PROTECTED TREES REMOVED, OR PROVIDE THE FOLLOWING MITIGATION PER FOOT PER THE FOLLOWING TREE MITIGATION CALCULATION.

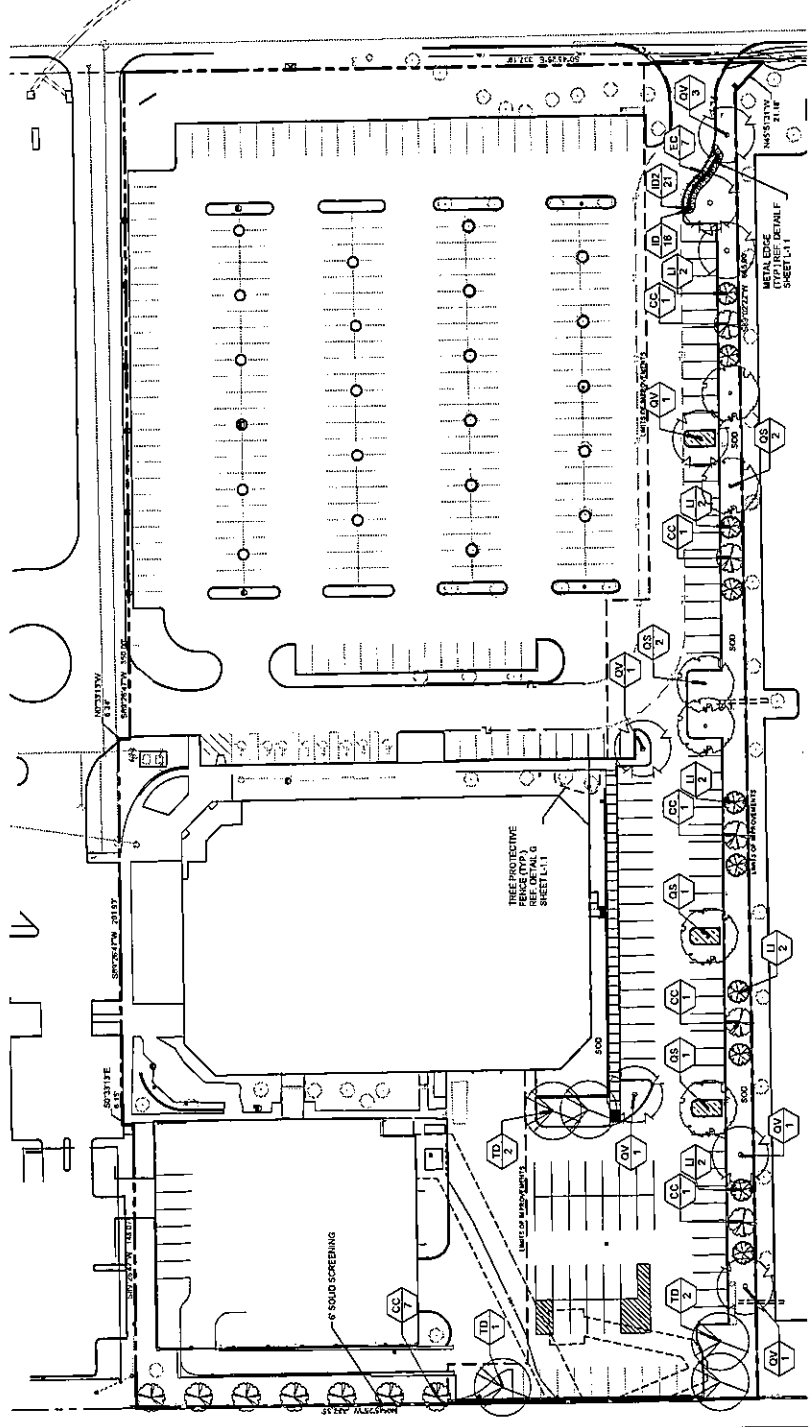
**TREES TO BE MITIGATED ON-SITE**  
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**MITIGATION CALCULATION**  
TOTAL CALIPER INCHES OF PROTECTED TREES REMOVED = 114 CALIPER OF REPLACEMENT TREES = 114 CALIPER OF REPLACEMENT TREES

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TOTAL CALIPER INCHES OF PROTECTED TREES REMOVED = 114 CALIPER OF REPLACEMENT TREES = 114 CALIPER OF REPLACEMENT TREES



**LANDSCAPE ORDINANCE: 22053 (ARTICLE X) RICHARDSON, TX**

SECTION	MANDATORY LANDSCAPING REQUIREMENTS	REQUIRED	PROVIDED
SEC. 5A-10-128	ONE TREE PER 100 SQUARE FEET OF IMPAVED AREA SHALL BE PROVIDED. THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES.	1 TREE	1 TREE
SEC. 5A-10-129	THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES. THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES.	1 TREE	1 TREE
SEC. 5A-10-130	THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES. THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES.	1 TREE	1 TREE
SEC. 5A-10-131	THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES. THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES.	1 TREE	1 TREE
SEC. 5A-10-132	THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES. THE TREE SHALL BE A MINIMUM CALIPER OF 1.5 INCHES.	1 TREE	1 TREE

**PLANT SCHEDULE**

SYMBOL	DESCRIPTION	SIZE	QUANTITY
○	6\"/>		



**CAUTION**  
EXISTING UTILITIES SHOWN FOR INFORMATION ONLY. VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BEFORE EXCAVATION.









APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-071

Date: 10-21-16 4-3-17

Data Relative to Subject Property:

Location address: 17787 Waterview Parkway Zoning District: LI

Lot No.: 1F tract Block No.: A/8735 Acreage: 5.25 Census Tract: 318.04

Street Frontage (in Feet): 1) 337.19' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CFT NV Developments LLC

Applicant: Santos T. Martinez Telephone: 214-761-9197

Mailing Address: Zip Code:

E-mail Address:

Represented by: Telephone:

Mailing Address: 900 Jackson, Suite 640 Dallas, TX Zip Code: 75202

E-mail Address: santos@masterplanconsultants.com

Affirm that an appeal has been made for a Variance x, or Special Exception x, of 16 feet into a required rear yard setback. A special exception to the required ten foot landscape buffer along the western property line to maintain existing parking spaces.

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: property owner seeks to utilize the second level of an existing parking garage. The installation of a new ramp is limited to one side of the structure due to existing topography, easements, and structures. Previous access to second level has been converted into playground and recreational area for school by new owner. The property maintains parking from the original site development that were located within now required ten foot landscape buffer along the western property line. The owner seeks to maintain these parking spaces.

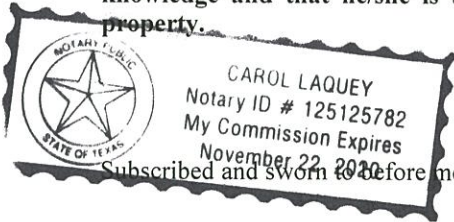
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez (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 29 day of March, 2017

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

(Rev. 08-01-11)

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 Santos Martinez

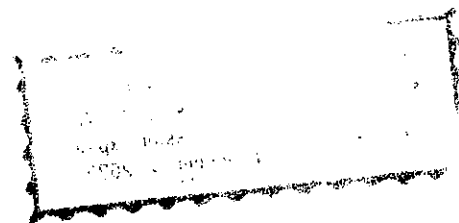
did submit a request for a variance to the rear yard setback regulations, and for a special exception to the landscaping regulations

at 17787 Waterview Parkway

BDA167-071. Application of Santos Martinez for a variance to the rear yard setback regulations and a special exception to the landscaping regulations at 17787 Waterview Parkway. This property is more fully described as a 5.25 acre parcel in Lot 1F, Block A/8735, and is zoned LI, which requires a rear yard setback of 30 feet and requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide a 14 foot rear yard setback, which will require a 16 foot variance to the rear yard setback regulation, and to construct a nonresidential structure and provide a alternate landscape plan, which will require a special exception to the landscape regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

### Legend

Dallas Zoning

Floodplain

Building Inspection

DART

Real Estate

Alcohol

Plats

Areas of Request

Thoroughfare Plan

Long Range Plans

Capital Improvement Program

Council and Census

Roads

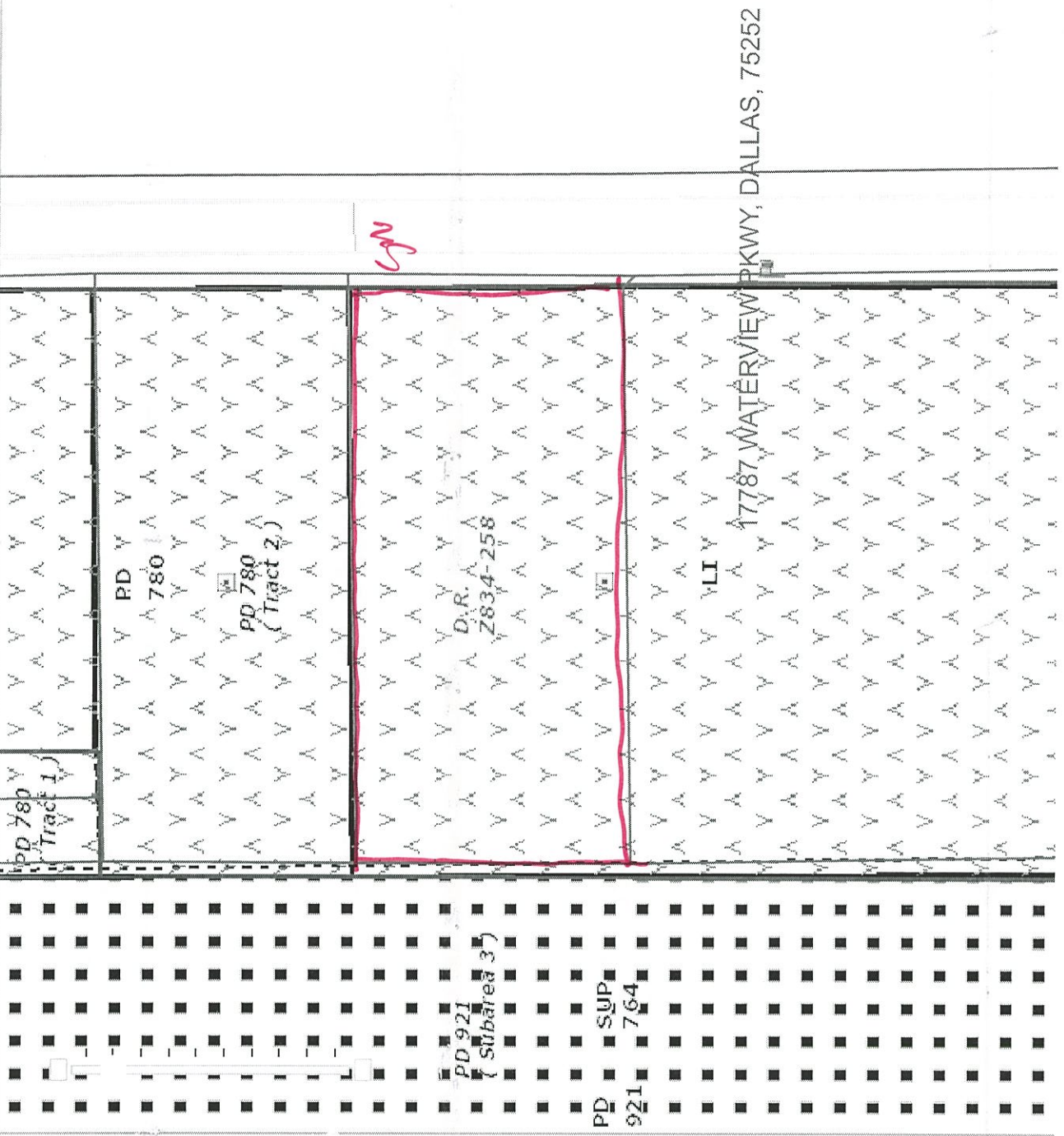
Tax Parcels

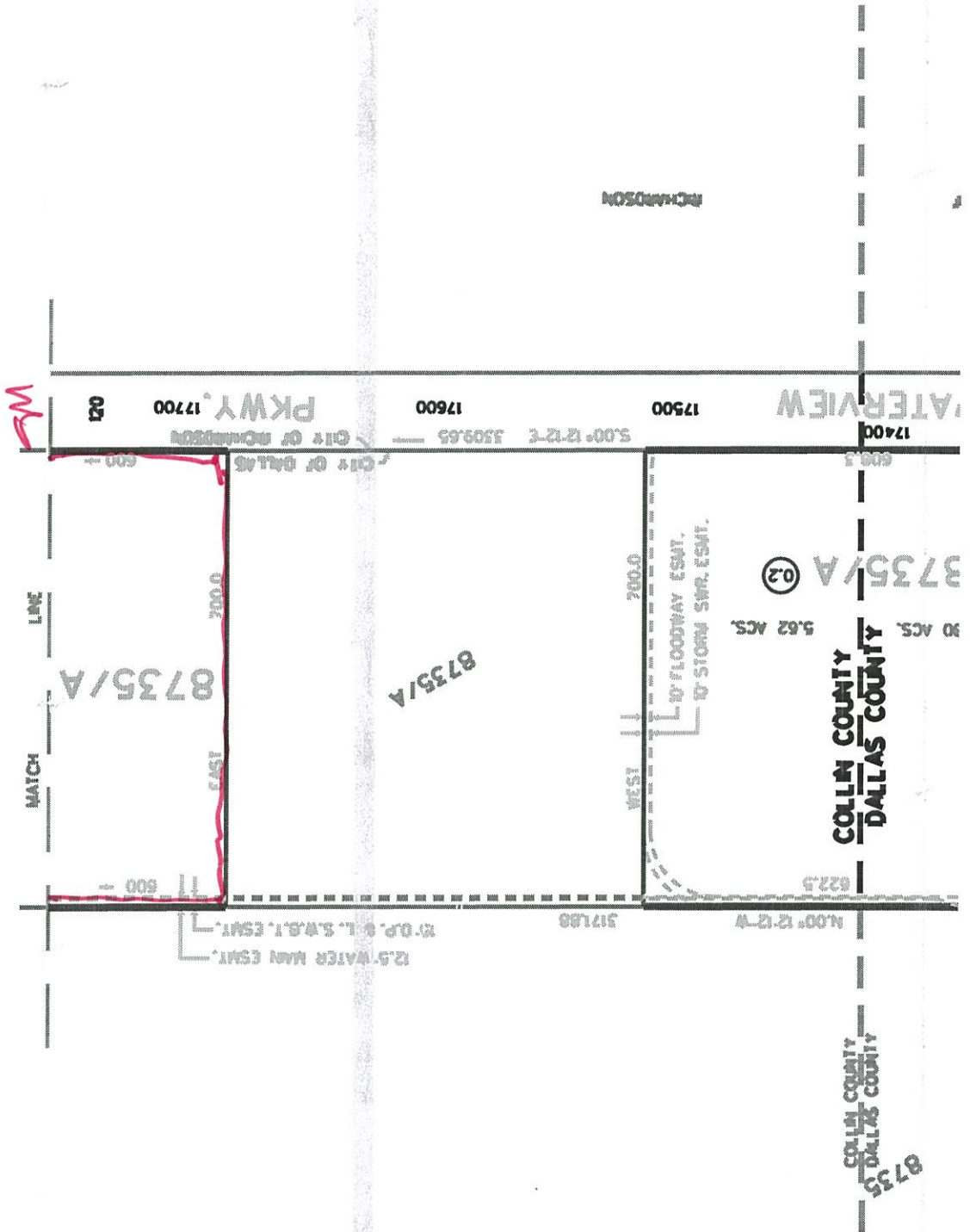
Zoning Grid

Stormwater

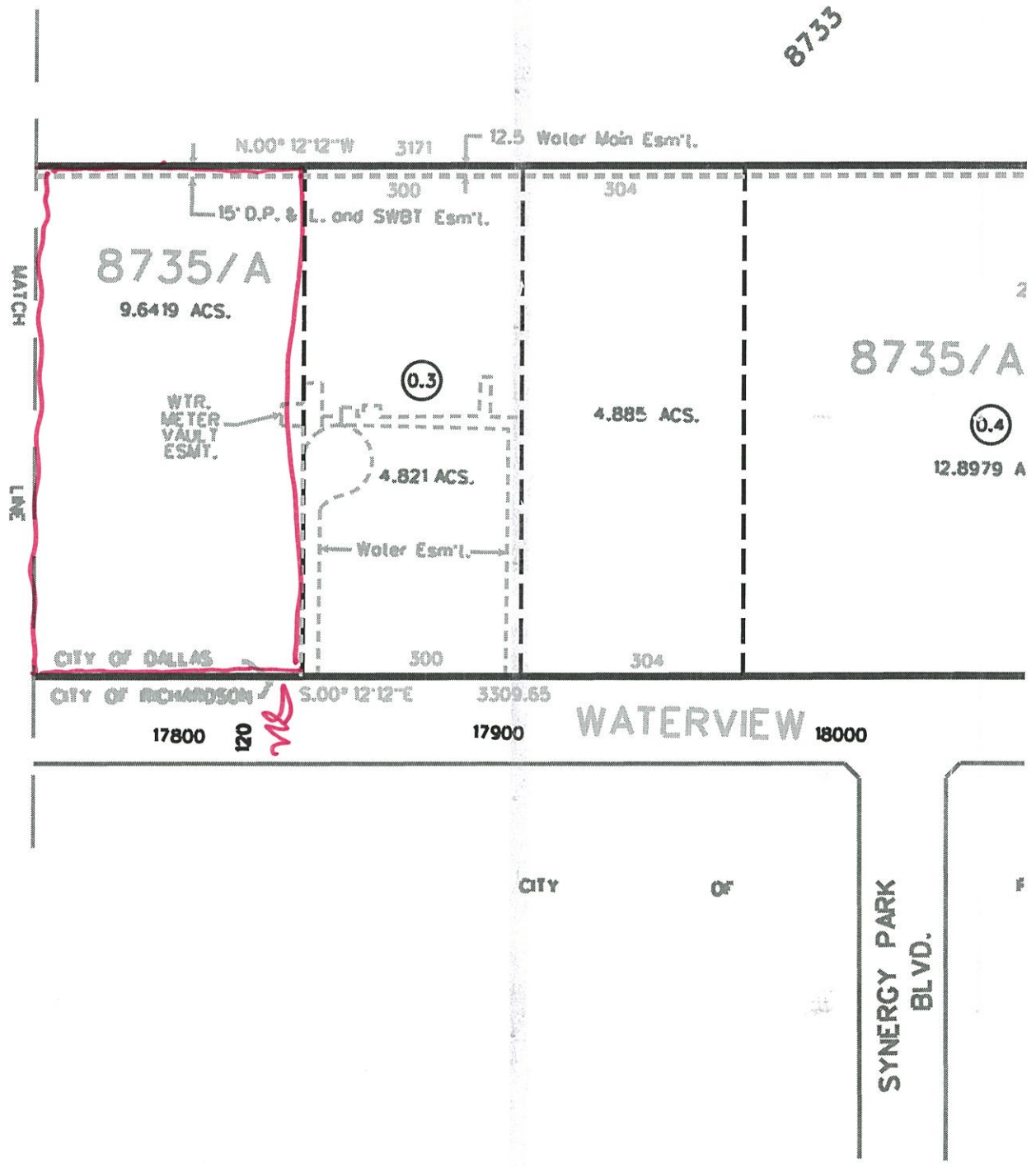
Water Distribution

Waste Water Collect





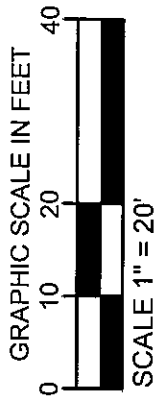
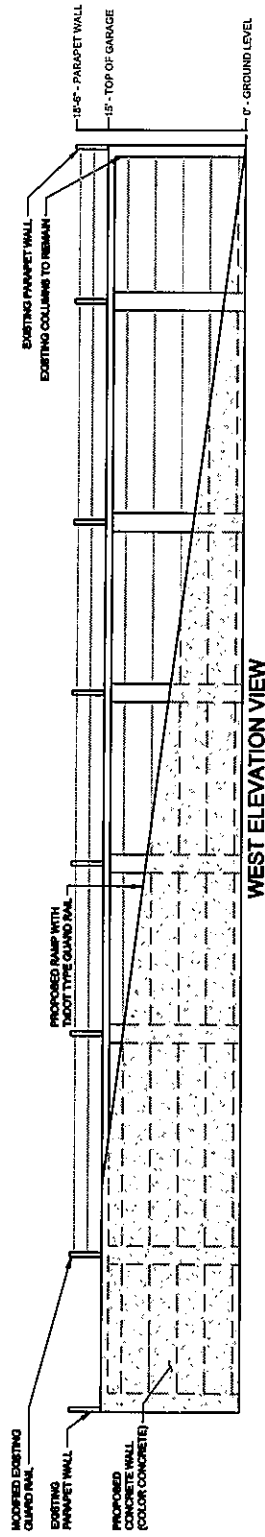
8733





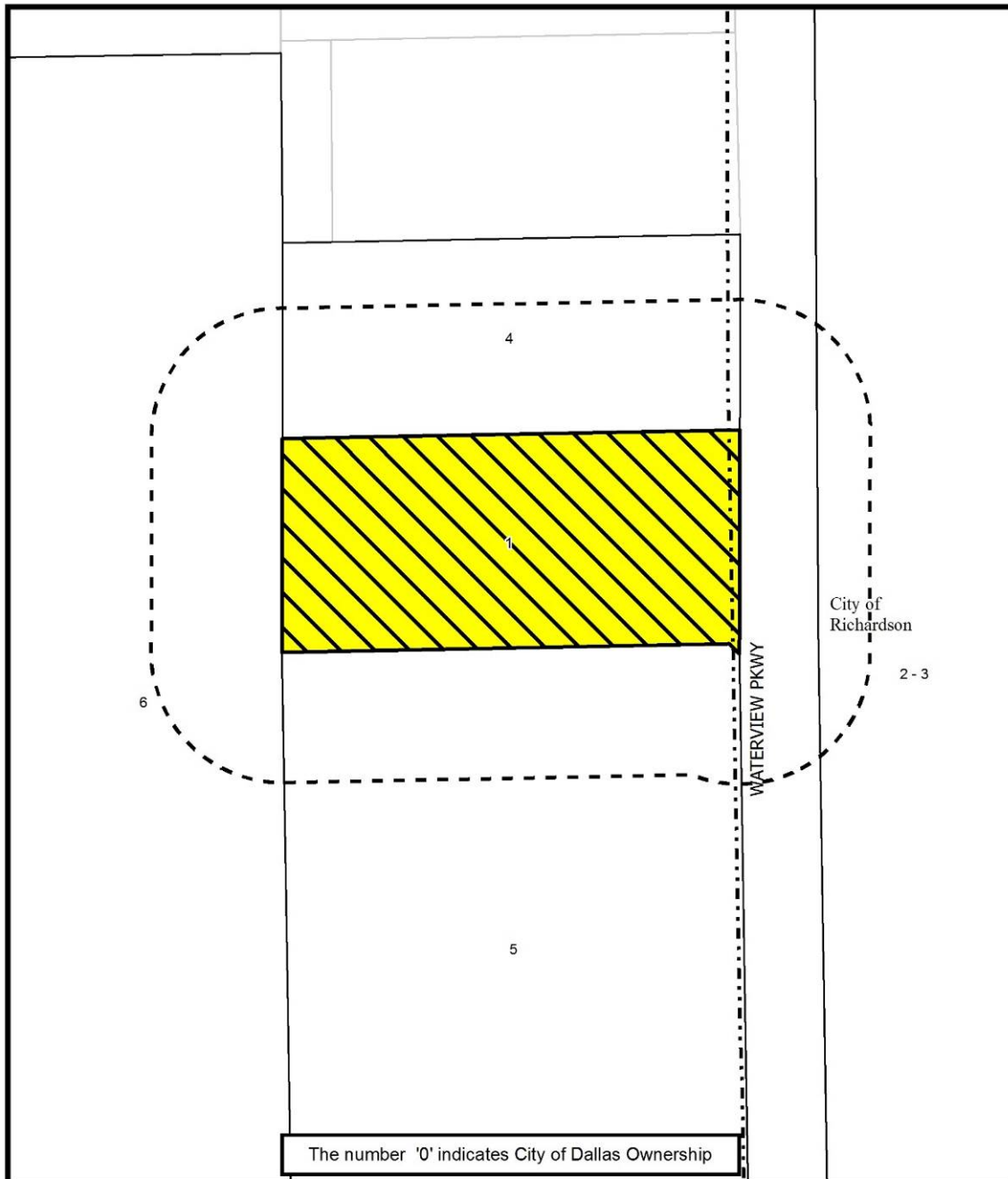






# PROPOSED ACCESS RAMP

DALLAS, TEXAS  
10/20/2016



 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA167-071</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">6</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>4/27/2017</b>

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

***BDA167-071***

### ***6 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	17787 WATERVIEW PKWY	CFT NV DEVELOPMENTS LLC
2	2801 RUTFORD AVE	U T D
3	2200 WATERVIEW PKWY	BOARD OF REGENTS OF THE
4	17811 WATERVIEW PKWY	DALLAS INTERNATIONAL SCHOOL
5	17655 WATERVIEW PKWY	KOHL'S DEPARTMENT STORES INC
6	COIT RD	CADG DALLAS 163 LLC