

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, AUGUST 17, 2016
AGENDA

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

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

MISCELLANEOUS ITEM

Approval of the June 29, 2016 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA156-071(JM)	3415 S. Malcolm X Boulevard REQUEST: Application of Sharmin Noorani, represented by Ashish Nayyar, to enlarge a nonconforming use	1
BDA156-073(SL)	424 Cristler Avenue REQUEST: Application of Santos T. Martinez for a special exception to the side yard setback regulations	2
BDA156-078(JM)	1700 Cedar Springs Road REQUEST: Application of Karl A. Crawley of Masterplan for a special exception to the landscape regulations	3
BDA156-082(JM)	2737 W. Mockingbird Lane REQUEST: Application of Edwin Brantley Smith for a special exception to the off-street parking regulations	4

HOLDOVER CASE

BDA156-069(SL) 4105 W. Lawther Drive 5
REQUEST: Application of Jeffrey R. Bragalone,
represented by Signe Smith, for a variance to the
height regulations

REGULAR CASE

BDA156-083(SL) 901 Pearl Street 6
REQUEST: Application of Maxwell Fisher for a
special exception to the Flora Street height restrictions

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: BDA156-071(JM)

BUILDING OFFICIAL'S REPORT: Application of Sharmin Noorani, represented by Ashish Nayyar, to enlarge a nonconforming use at 3415 S. Malcolm X Boulevard. This property is more fully described as Lot 21 and part of Lot 20, Block A/1694, and is zoned PD-595 (NC) Tract 14, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming food or beverage store use as defined per Section 51P-595.104(4), which will require a request to enlarge the nonconforming use.

LOCATION: 3415 S. Malcolm X Boulevard

APPLICANT: Sharmin Noorani
Represented by Ashish Nayyar

REQUEST:

A request to enlarge a nonconforming use is made for a nonconforming food or beverage store use on the site that was enlarged, according to a submitted floor plan of the structure, by 536 sq. ft. (from 1,255 sq. ft. to 1,791 sq. ft.) in order to obtain a Certificate of Occupancy. They are removing a structure and will lose nonconforming rights for the additional square footage. The unit is not under construction.

STANDARD FOR ENLARGING A NONCONFORMING USE:

The board may allow the enlargement of a nonconforming use when, in the opinion of the Board, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

STAFF RECOMMENDATION:

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on when, *in the opinion of the Board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

BACKGROUND INFORMATION:

Zoning:

Site: PDD No. 595, NC (Neighborhood Commercial), Tract 14
North: PDD No. 595, R-5(A), Historic Overlay 100—Wheatley Place Historic District; SUP No. 999 for ROW; and NC (Neighborhood Commercial), Tract 14
South: PDD No. 595, R-5(A)
East: PDD No. 595, R-5(A)
West: PDD No. 595, R-5(A)

Land Use:

The subject site is developed as a nonconforming food or beverage store use, according to the Planned Development District No 595 regulations. An old storage addition that does not meet building code, but was a part of the original square footage of the certificate of occupancy, must be removed. It is not allowed to be reconstructed, as the use is now nonconforming. An enlargement request must be heard by the board in order to provide approximately the same square footage they once had. Once nonconforming uses are reduced, they lose the right to continue to operate at that previous size.

The area to the northwest has a multi-use business with a thrift store, community programs, and general store. To the north is a vacant building and vacant land. To the northeast, east, and south are single family homes. To the west is vacant land.

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 focuses on a nonconforming food and beverage store use on the site that is seeking to be enlarged, according to a submitted floor plan of the structure, by 536 square feet, after removing a structurally unsound addition of similar size, per code.
- The subject site is zoned PDD No. 595 NC Neighborhood Commercial, Tract 14.
- A food or beverage store use is not permitted in the PDD No. 595, NC Neighborhood Commercial, Tract 14 zone.
- A food or beverage store use on the subject site could become a conforming use only if an application were made for a change in zoning to and granted by the City Council through a public hearing process.

- The Dallas Development Code defines a nonconforming use as “a use that does not conform to the use regulations of this chapter, but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.”
- The Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- This application is made to allow the nonconforming food or beverage store use to be enlarged back to the originally occupied nearly 1,800 square feet. (If denied, the nonconforming use could remain, but would not be allowed to replace the approximately 535 square foot addition they plan to remove for code compliance).
- This application is made to enlarge a nonconforming *use*. The application is *not* made to enlarge a nonconforming *structure*. However, since no request for variance or special exception has been made to any other code provision, it would appear that enlargement of the existing nonconforming use made within the existing structure is a conforming structure as it relates to development code requirements.
- Records from Building Inspection Department indicate that the food or beverage store use has been identified by Building Inspection as a nonconforming use.
- The applicant has been informed of the Dallas Development Code provisions pertaining to “Nonconforming Uses and Structures,” and how nonconforming uses can be brought to the Board of Adjustment for amortization where if the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for that nonconforming use - a compliance date that is provided under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:
 1. does not prolong the life of the nonconforming use;
 2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and,
 3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, with a condition imposed that the applicant comply with the submitted floor plan, the enlargement of the nonconforming use would be limited to what is shown on this document.

Timeline:

- May 12, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

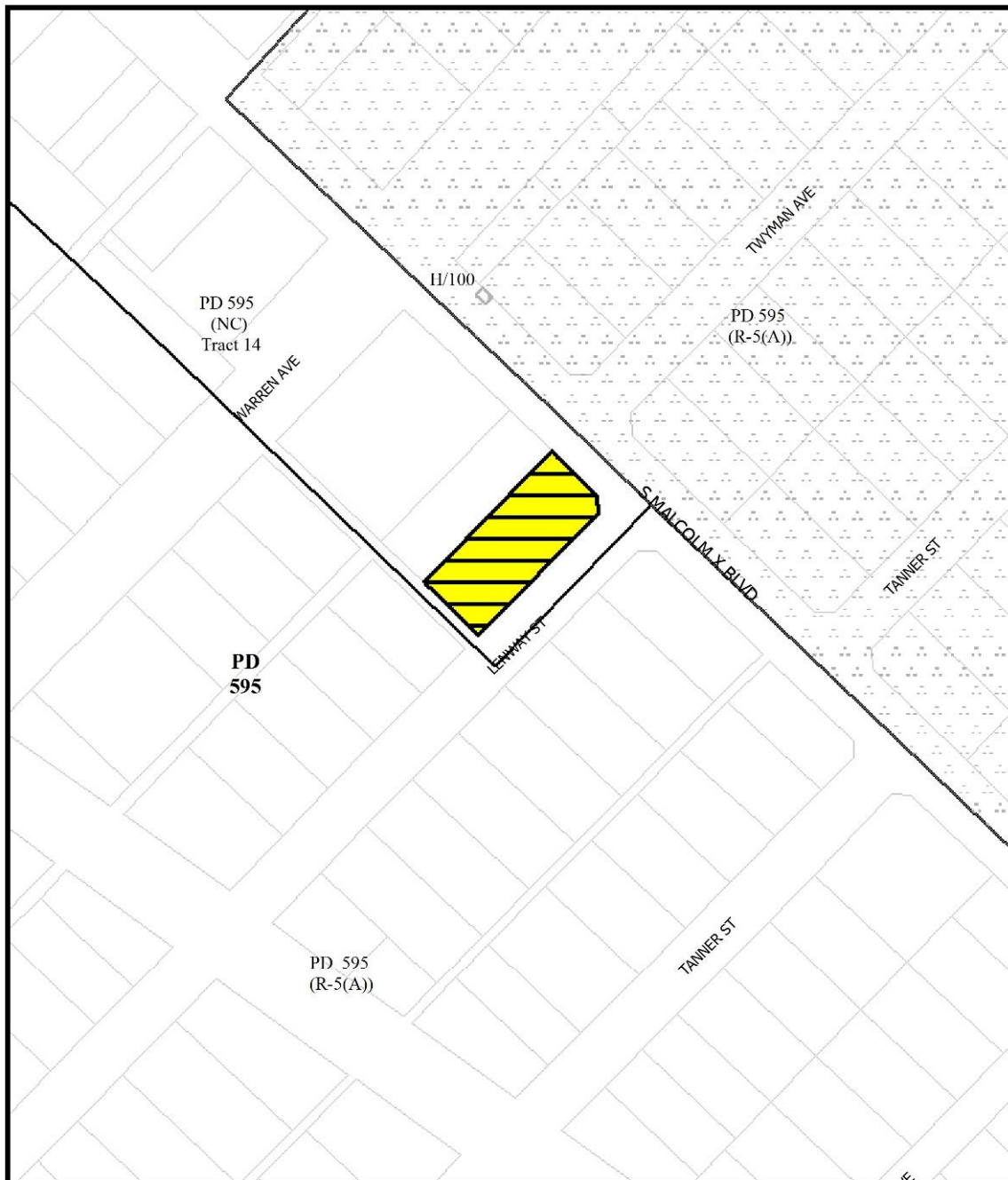
July 18, 2016: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 27th deadline to submit additional evidence for staff to factor into their analysis; and the June 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;
- the nonconforming use provisions from the Dallas Development Code; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection, Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

August 5, 2016: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

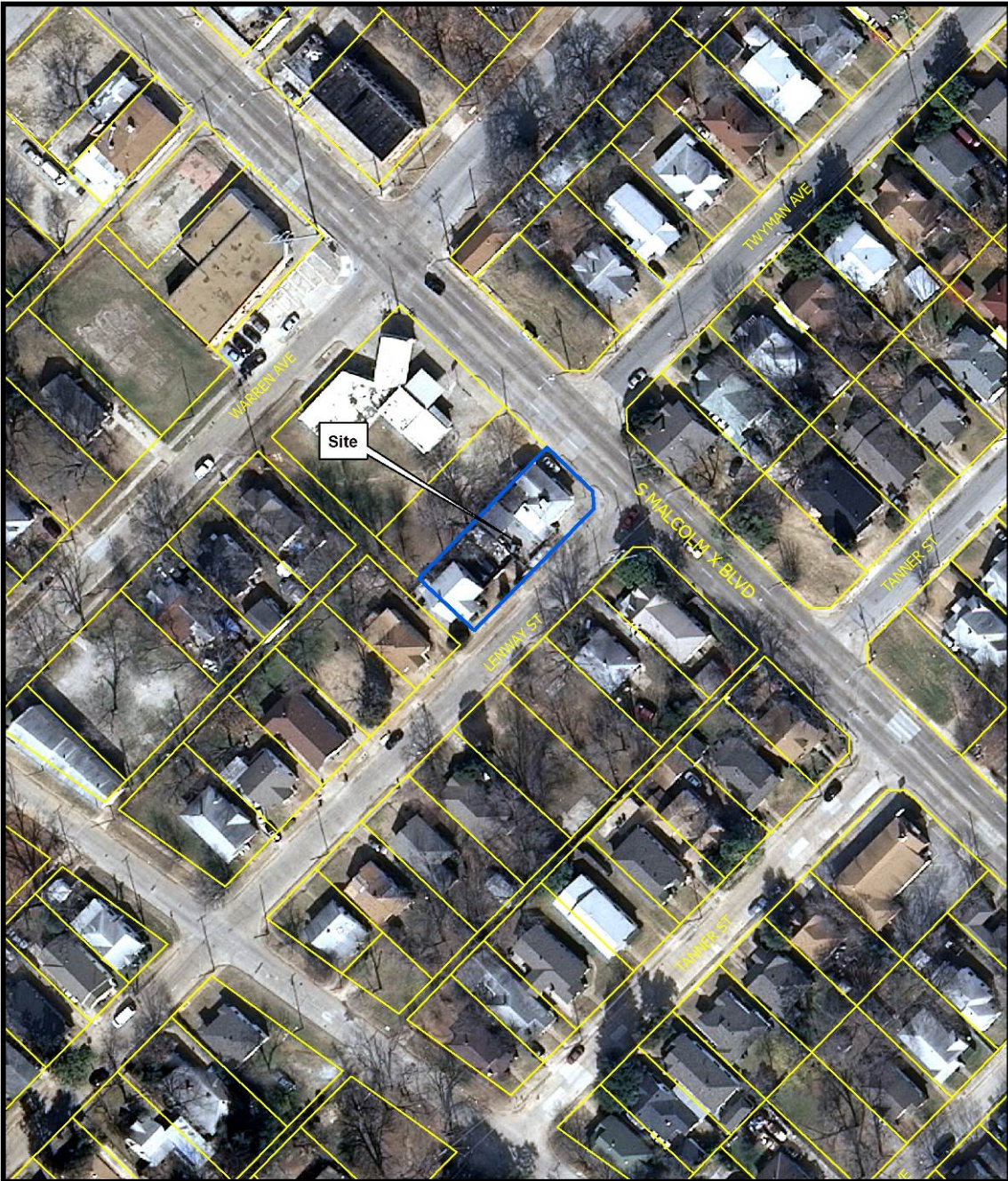


1:1,200

ZONING MAP

Case no: BDA156-071

Date: 7/29/2016

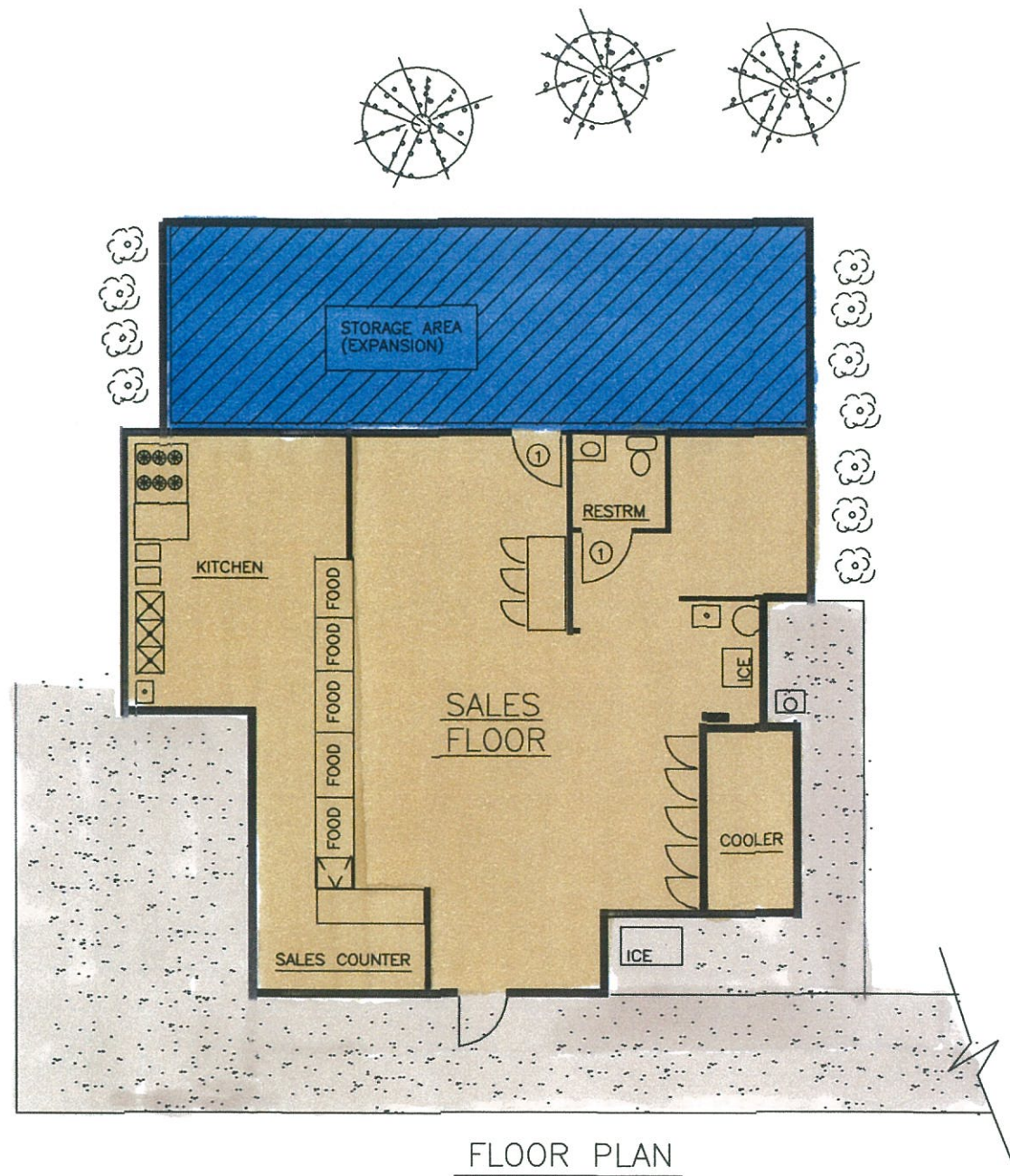


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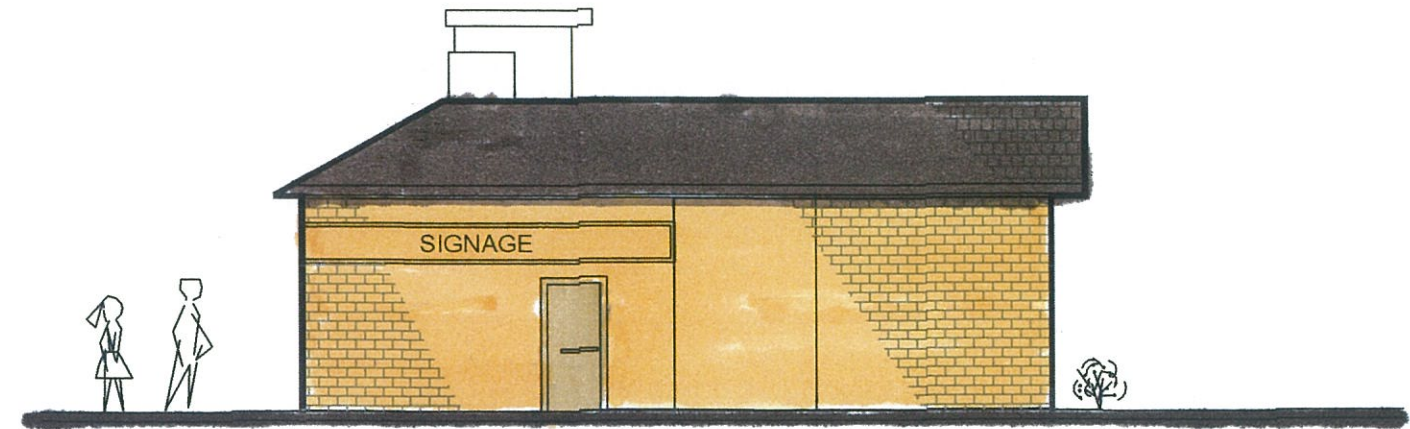
AERIAL MAP

Case no: BDA156-071

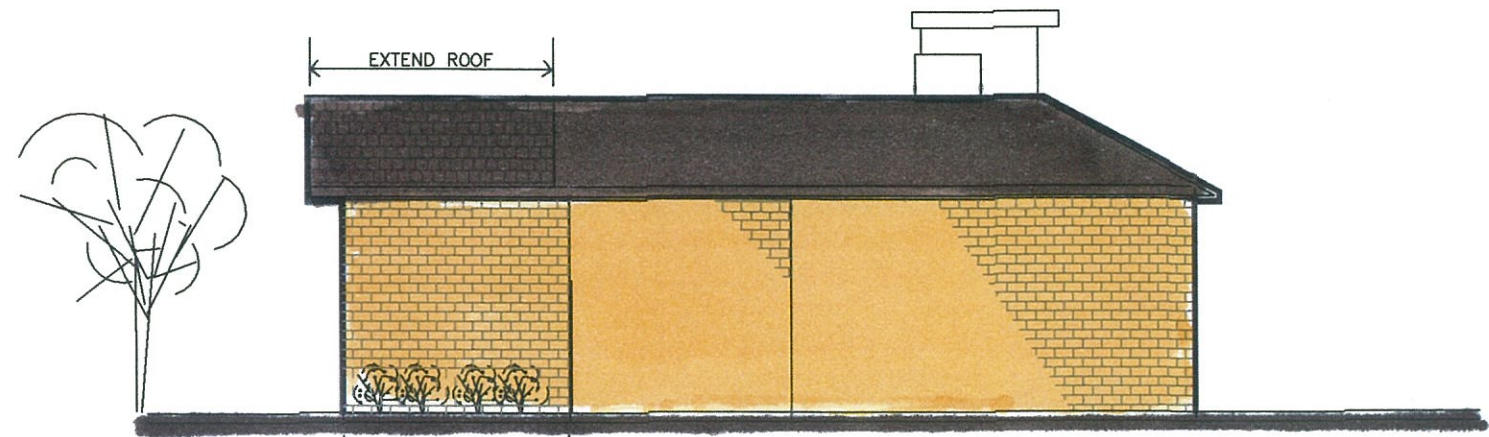
Date: 7/29/2016



FLOOR PLAN



PROPOSED FRONT ELEV
SCALE: 1/8"=1'



PROPOSED LEFT ELEV
SCALE: 1/8"=1'

CONTRACTORS PERMITTING SERVICES
362 W FORK #3115 IRVING, TX 75039
PHONE: 214-874-1524

PROPOSED RETAIL ADDITION
3415 MALCOLM X BLVD
DALLAS, TEXAS



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-071

Data Relative to Subject Property:

Date: 5.12.16

Location address: 3415 S. Malcolm X Blvd Zoning District: PD595(NC)Tr 14

Lot No.: 20#21 Block No.: A/1694 Acreage: .1748 Census Tract: 37.00

Street Frontage (in Feet): 1) 52'-6" 2) 145' 3) _____ 4) _____ 5) 5026

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alemu Temesgen, Berhanu M. Tesemma

Applicant: Sharmin Noorani Telephone: 972 740 3043

Mailing Address: 4312 Hopi Dr Carrollton TX Zip Code: 75010

E-mail Address: kevinritter@gmx.com

Represented by: Ashish Nayyar Telephone: 646 407 7592

Mailing Address: 2402 N. Fitzgugh Ave Zip Code: 75204

E-mail Address: Nayyar.Ashish@yahoo.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 536 sq ft enlargement of a nonconforming food or beverage store L/ = 3500 sq ft use per PD595

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:

Previous 536 sq ft storage area was removed due to structural issues.
New Addn complies with Sec 51A-3.102 Board of Adjustment Requirements.

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.

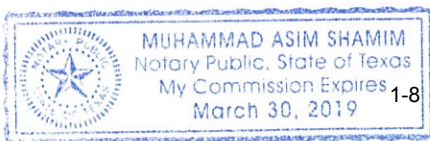
Affidavit

Before me the undersigned on this day personally appeared Sharmin Noorani
(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: S Noorani
(Affiant/Applicant's signature)

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

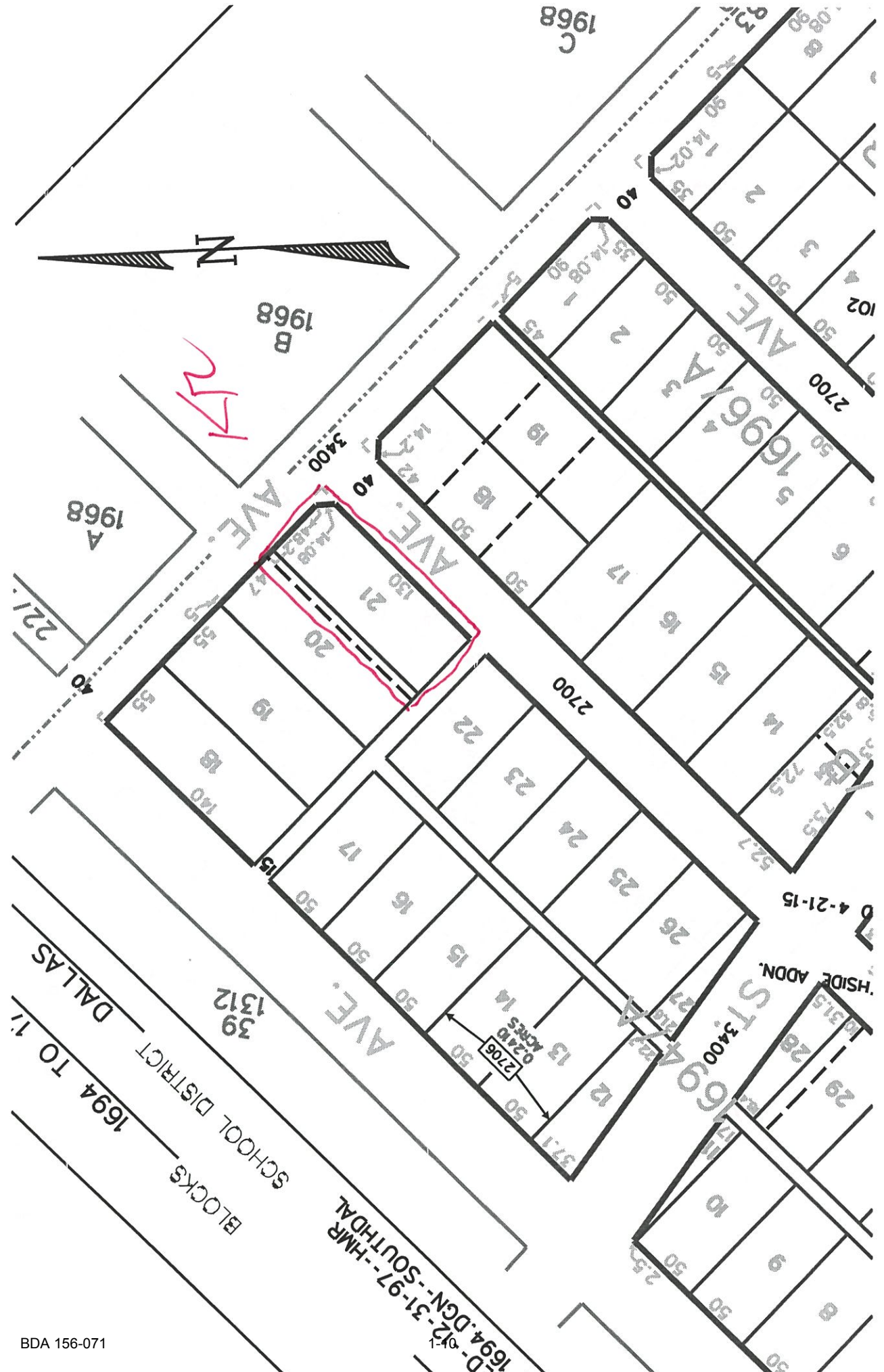
Building Official's Report

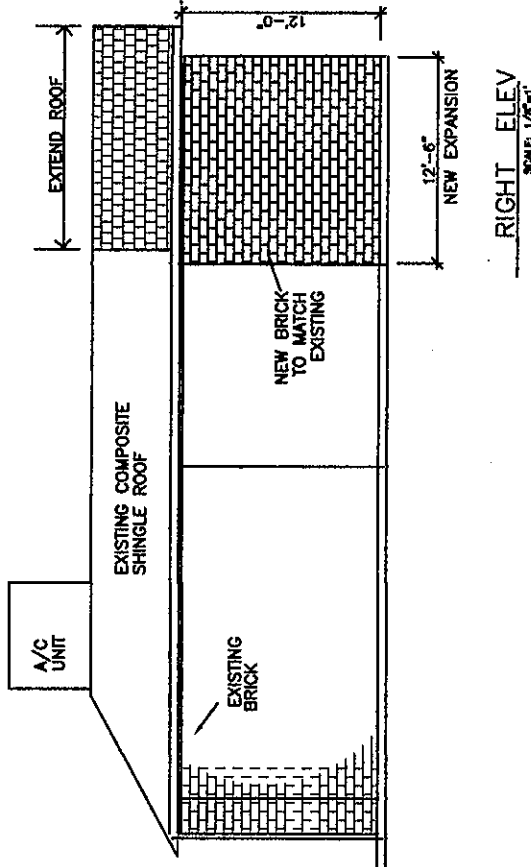
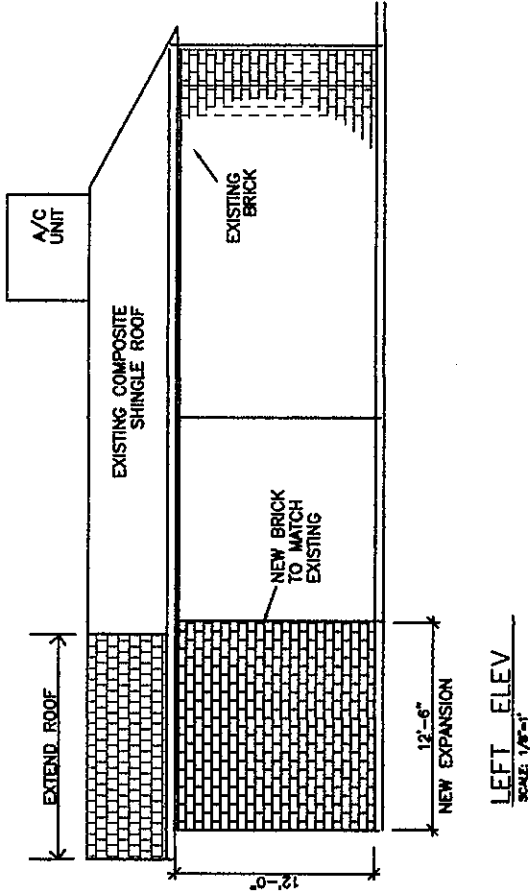
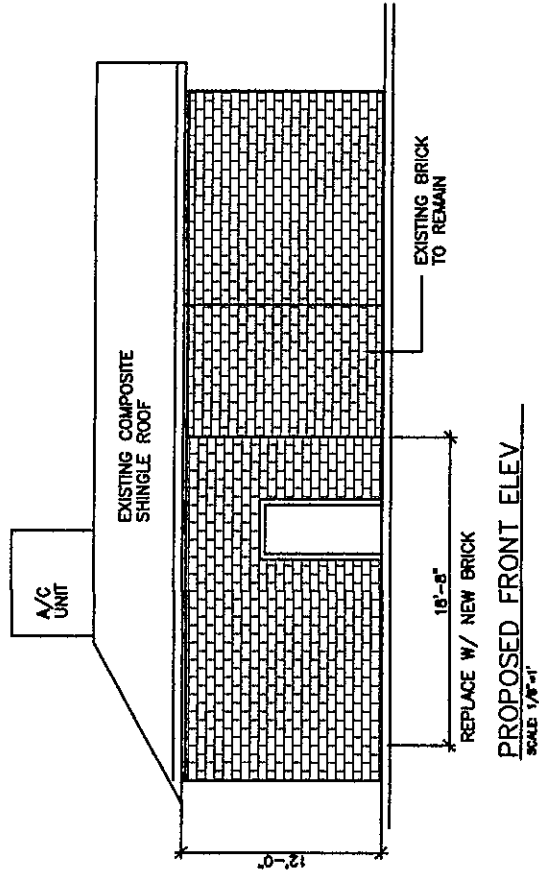
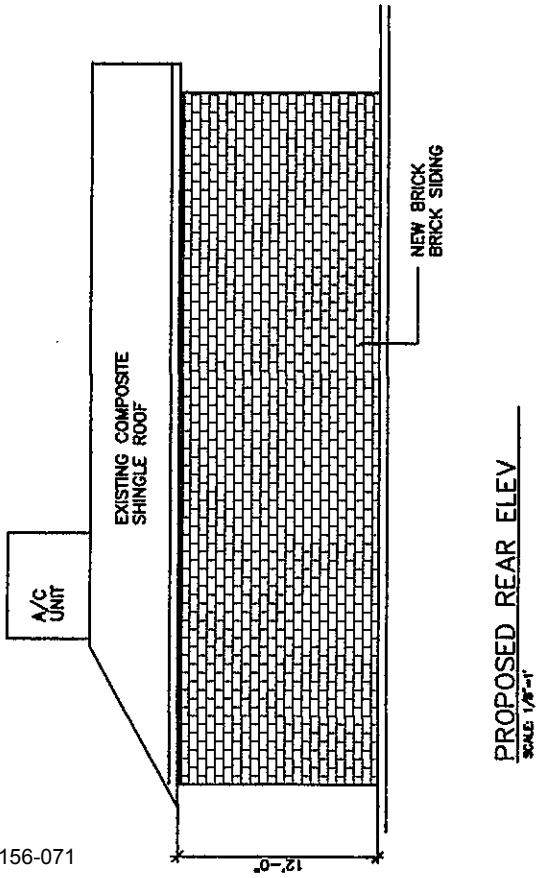
I hereby certify that Sharmin Noorani
represented by Ashish Nayyar
did submit a request to enlarge a nonconforming use
at 3415 S. Malcolm X Blvd.

BDA156-071. Application of Sharmin Noorani represented by Ashish Nayyar to enlarge a nonconforming use at 3415 S. Malcolm X Blvd. This property is more fully described as Lc 21 and part of Lot 20, Block A/1694, and is zoned PD-595 (NC) Tract 14, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming 1,768 sq.ft. food or beverage store use as defined per Section 51P-595.104(4), by an additional 536 sq.ft. which will require a special exception to the nonconforming use regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





DATE	4-12-16
SHEET	A-4

EXISTING RETAIL RENOVATION
3415 MALCOLM X BLVD
DALLAS, TEXAS

CONTRACTORS PERMITTING SERVICES
362 W FORK #3115 IRVING, TX 75039
PHONE: 214-874-1524

Board of Adjustment Appeal BDA 156-071

Property address: 3415 S. Malcolm X Blvd.

The use in the above appeal,

Food or beverage store use, per Section 51P-595.104(4),

has been identified by Building Inspection to be a nonconforming use.

Appeal for a special exception to enlarge a nonconforming use per Sec. 51A-4.704(b)(5)

Section 51A-4.704. Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

Appeal to establish a compliance date for a nonconforming use per Sec. 51A-4.704(a)(1)(A)

or

Appeal to reinstate a nonconforming use per Sec. 51A-4.704(a)(2)

SECTION 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.



Certificate of Occupancy

City of Dallas

Issued: 07/17/2015

3415 S MALCOLM X BLVD 75215

Address:

SUPER DELI NEIGHBORHOOD CORP
3415 S MALCOLM X BLVD.

Owner:

NEIGHBORHOOD STORE

DBA:

(5994) FOOD OR BEVERAGE STORE <= 3,500 SQ. FT.

Land Use:

Occupied Portion:

1406191048

C.O.#:

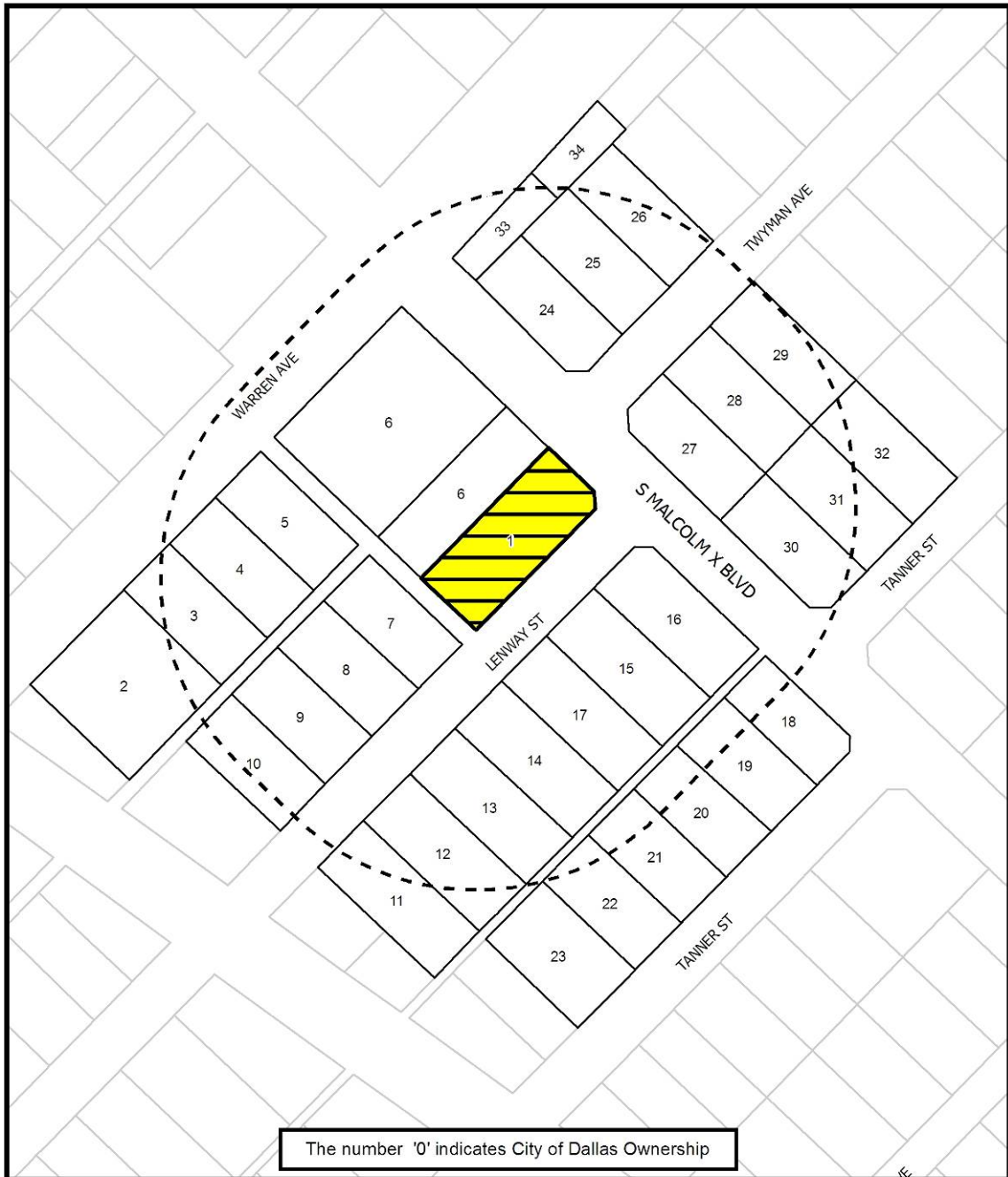
Lot:	21	Block:	A/1694	Zoning:	PD-595	PDD:	595	SUP:	
Historic Dist:		Consrv Dist:	South Dalle	Pro Park:	0	Req Park:	0	Park Agrmt:	N
Dwlg Units:		Stories:		Occ Code:	M	Lot Area:	7910	Total Area:	1800
Type Const:	UNK	Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

Remarks: NON Conforming convenience store with food sales. No tables and chairs for dining in. LAST CO 8912191050. TABC BF & Q EXP. 1-28-16

Larry V. Holmes
Larry Holmes, Building Official

This certificate shall be displayed on the above premise at all times.

Sustainable Development and Construction | Building Inspection Division | 214/948-4480 | www.dallascityhall.com



 1:1,200	NOTIFICATION		Case no: BDA156-071
	<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;">34</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/29/2016

Notification List of Property Owners

BDA156-071

34 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3415 S MALCOLM X BLVD	TEMESGEN ALEMU &
2	2706 WARREN AVE	OLIVET MISSIONARY
3	2714 WARREN AVE	TOPLETZ INVESTMENTS
4	2718 WARREN AVE	LOPEZ SANTIAGO & PATRICIA
5	2722 WARREN AVE	LOPEZ PATRICIA & SANTIAGO
6	3401 S MALCOLM X BLVD	TEMESGEN ALEMU &
7	2717 LENWAY ST	DELATORRE ALEJANDRO
8	2715 LENWAY ST	WALKER FAYE
9	2711 LENWAY ST	GOSSIP KENNETH
10	2709 LENWAY ST	GM INVESTMENTS
11	2706 LENWAY ST	MITCHELL CAMELLIA Y
12	2710 LENWAY ST	THAMES REAL ESTATE
13	2714 LENWAY ST	FINLEY ERIC
14	2716 LENWAY ST	PARSON VERNEDA &
15	2726 LENWAY ST	MALDONADO ESTEBAN MENDEZ
16	2730 LENWAY ST	DANIELS EDDIE HOWARD &
17	2722 LENWAY ST	WHITE TIMMIE R
18	2729 TANNER ST	TERRELL ENTERPRISES INC
19	2725 TANNER ST	ROBINSON BEN R & LEE H
20	2721 TANNER ST	VICKERS BEATRICE M &
21	2715 TANNER ST	HOUSTON VERLENE L
22	2711 TANNER ST	REED MARY OLIVIA
23	2709 TANNER ST	GRANT ANNIS ESTATE OF
24	2801 TWYMAN AVE	WALKER ROBERT & LORBETH
25	2805 TWYMAN AVE	STAFFORD DONALD A
26	2811 TWYMAN AVE	WILSON DORIS &

07/29/2016

Label #	Address	Owner
27	2800 TWYMAN AVE	FORD MARSHA A
28	2806 TWYMAN AVE	SNEED ROBERT WENDELL SR TRUST
29	2810 TWYMAN AVE	MURRAY TONI &
30	2803 TANNER ST	SWEATT MARY LOIS HUDSON &
31	2807 TANNER ST	TEFFERA BINIAM
32	2811 TANNER ST	JBIII INVESTMENT INC
33	3400 S MALCOLM X BLVD	GRE HOLDINGS LLC
34	2812 WARREN AVE	KOLOBOTOS ANGELOS

FILE NUMBER: BDA156-073(SL)

BUILDING OFFICIAL'S REPORT: Application of Santos T. Martinez for a special exception to the side yard setback regulations at 424 Cristler Avenue. This property is more fully described as Lot 7, Block 32/1615, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport and provide a 1 foot 3 inch side yard setback, which will require a 3 foot 9 inch special exception to the side yard setback regulations.

LOCATION: 424 Cristler Avenue

APPLICANT: Santos T. Martinez

REQUEST:

A request for a special exception to the side yard setback regulations of 3' 9" is made to maintain a carport, part of which is located in the site's northwestern 5' side yard setback on a site developed with a single family home structure/use.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square feet)
<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 single family home. The area to the north, east, south, and west are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a carport, part of which is located in the site's northwestern 5' side yard setback, on a site developed with a single-family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The applicant has submitted three documents (a site plan, an elevation plan, and wall section) indicating size and materials of the carport, and its location 1' 3" from the site's northwestern side property line.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 69.5' in length and approximately 13' in width (approximately 900 square feet in total area) of which approximately 1/4 is located in the northwestern side yard setback.
- The following information was gleaned from the submitted elevation plan:
 - 10.5' – 12.5' in height.
- The following information was gleaned from the submitted wall section:
 - Metal roof and galvanized tube columns.
- The subject site is approximately 130' x 50' (or approximately 6,500 square feet) in area.
- According to DCAD records, the "main improvement" for property addressed at 424 Cristler Avenue is a structure built in 1947 with 1,186 square feet of living/total area; and "no additional improvements".
- The Board Administrator conducted a field visit of the area approximately 500 feet northwest and southeast of the subject site and noted one other carport that appeared to be located in a side yard setback.

- As of August 5, 2016, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 3’ 9” will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan, elevation, and wall section is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

Timeline:

- May 13, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 15, 2016: The Board Administrator contacted the applicant and emailed the following information:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 27th deadline to submit additional evidence for staff to factor into their analysis; and the August 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.”
- August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



1:1,200

ZONING MAP

Case no: BDA156-073

Date: 7/29/2016



1:1,200

AERIAL MAP

Case no: BDA156-073

Date: 7/29/2016



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-073

Data Relative to Subject Property:

Date: 5.13.16

Location address: 424 Cristler Zoning District: R-7.5(A)

Lot No.: 7 Block No.: 32/1615 Acreage: .14 Census Tract: 12.03

Street Frontage (in Feet): 1) 48.19' 2) 3) 4) 5) 5025

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Emeterio Soto AND MAZIR SOTO

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, or Special Exception x, of 3'9" special exception to maintain existing carport within side yard setback.

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

Property owner seeks to maintain carport in required side yard setback. Existing structures and drive approach limit placement of carport to side yard and will not have an adverse effect on neighboring properties.

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

Affidavit

Before me the undersigned on this day personally appeared 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 31 day of MAY, 2016

(Rev. 08-01-11)

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

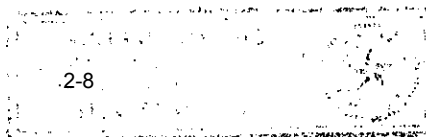
I hereby certify that Santos Martinez

did submit a request for a special exception to the side yard setback regulations
at 424 Cristler Avenue

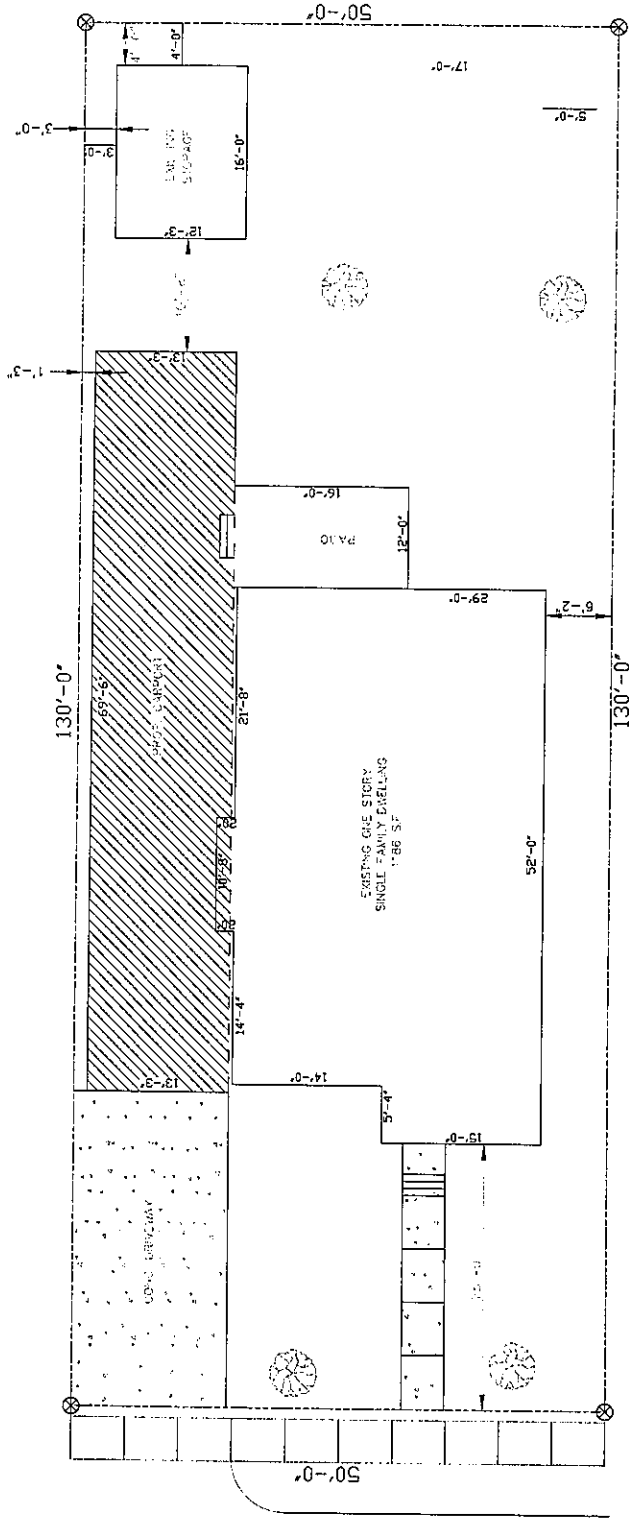
BDA156-073. Application of Santos Martinez for a special exception to the side yard setback regulations at 424 Cristler Avenue. This property is more fully described as Lot 7, Block 32/1615, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a required side yard and provide a 1 foot 3 inch setback, which will require a 3 foot 9 inch special exception to the side yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official







LEGAL DESCRIPTION

MOUNT AUBURN
 LOT 7 BLK 32/1615
 R7.5 1020 S.F.
 DEED TRANSFER
 DATE 6/30/1983

EMETERIO SOTO
 424 CRISTLER AVE.
 DALLAS, TEXAS
 75223

469-360-6265

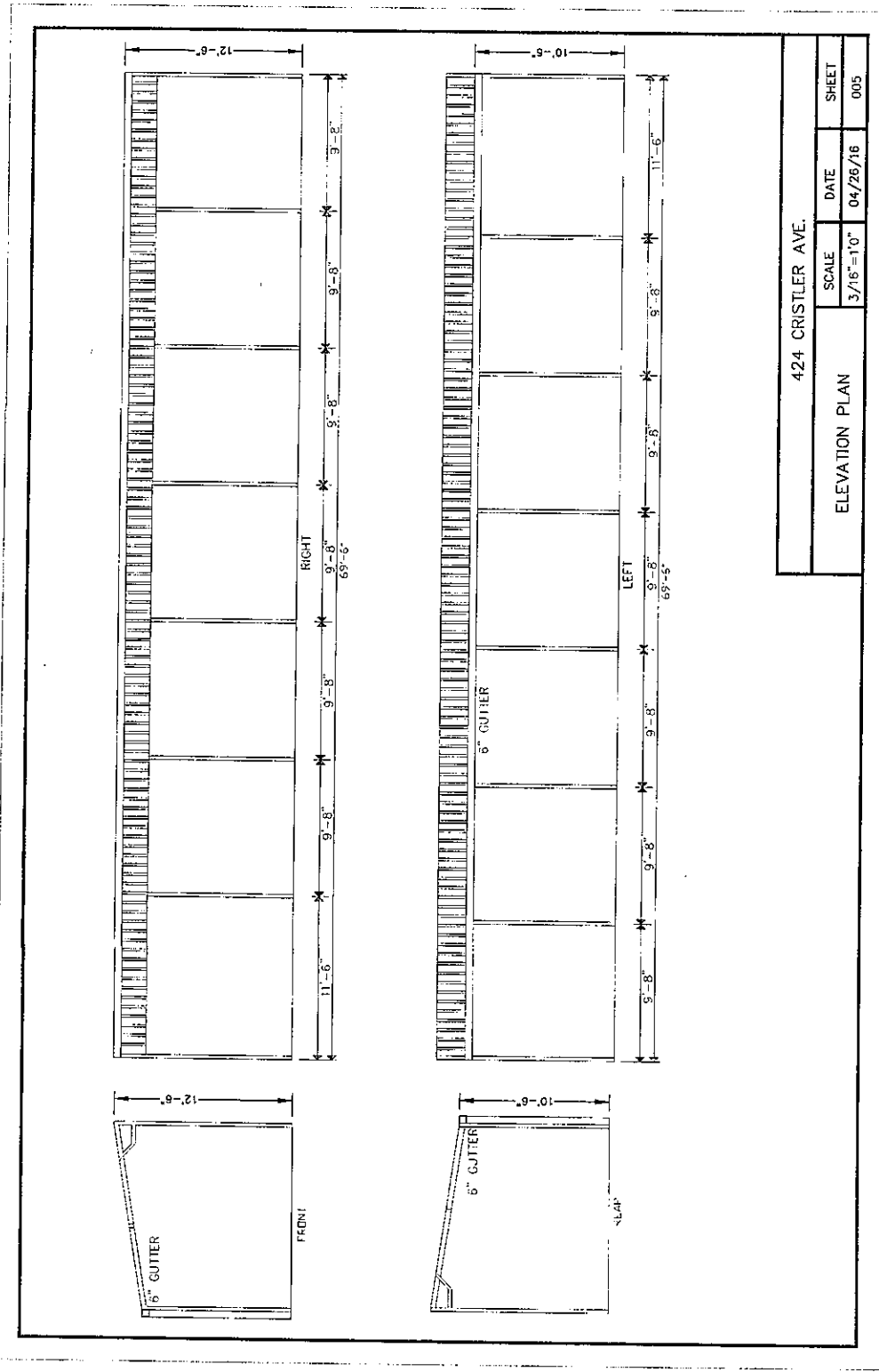
G.R. DRAFTING

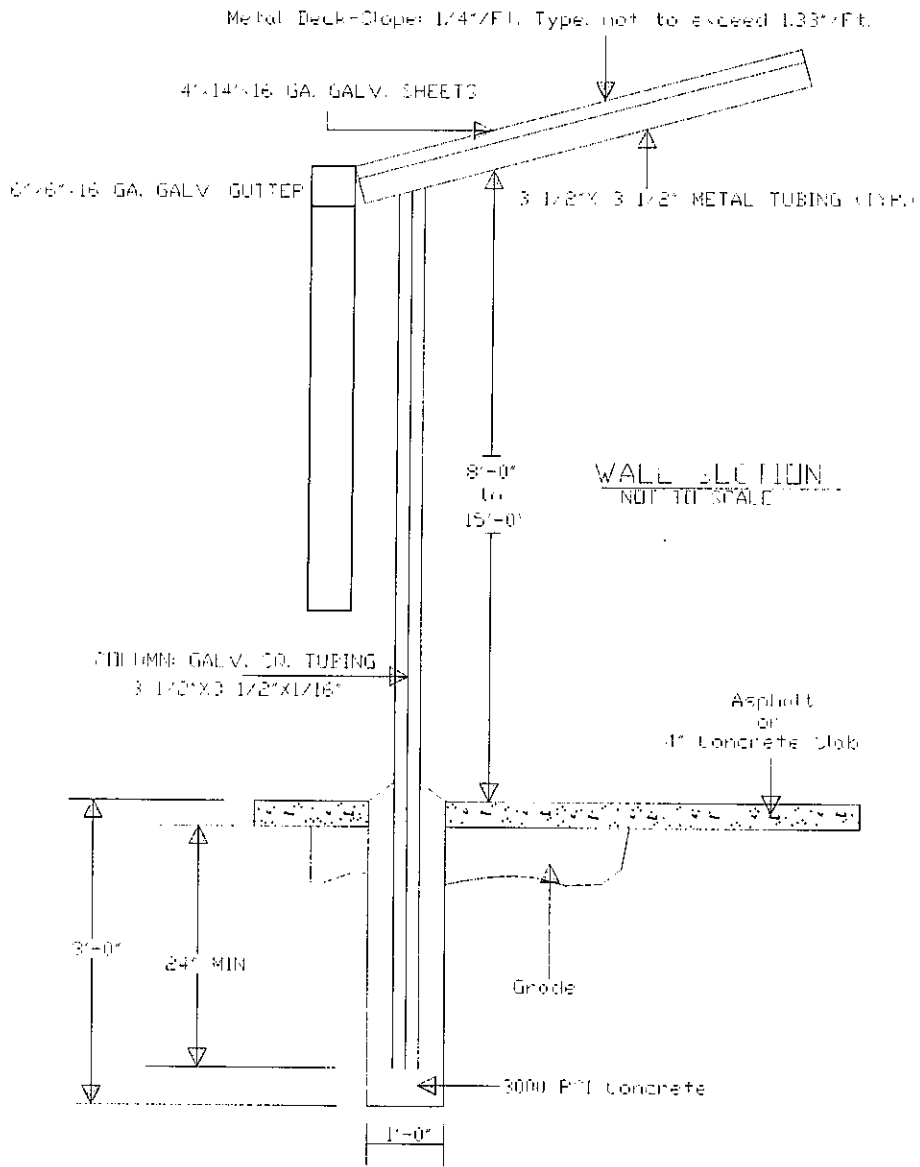
LUPERIOS9798@GMAIL.COM

424 CRISTLER AVE.

SITE PLAN

SCALE	DATE	SHEET
1/8"=1'	04/26/16	001

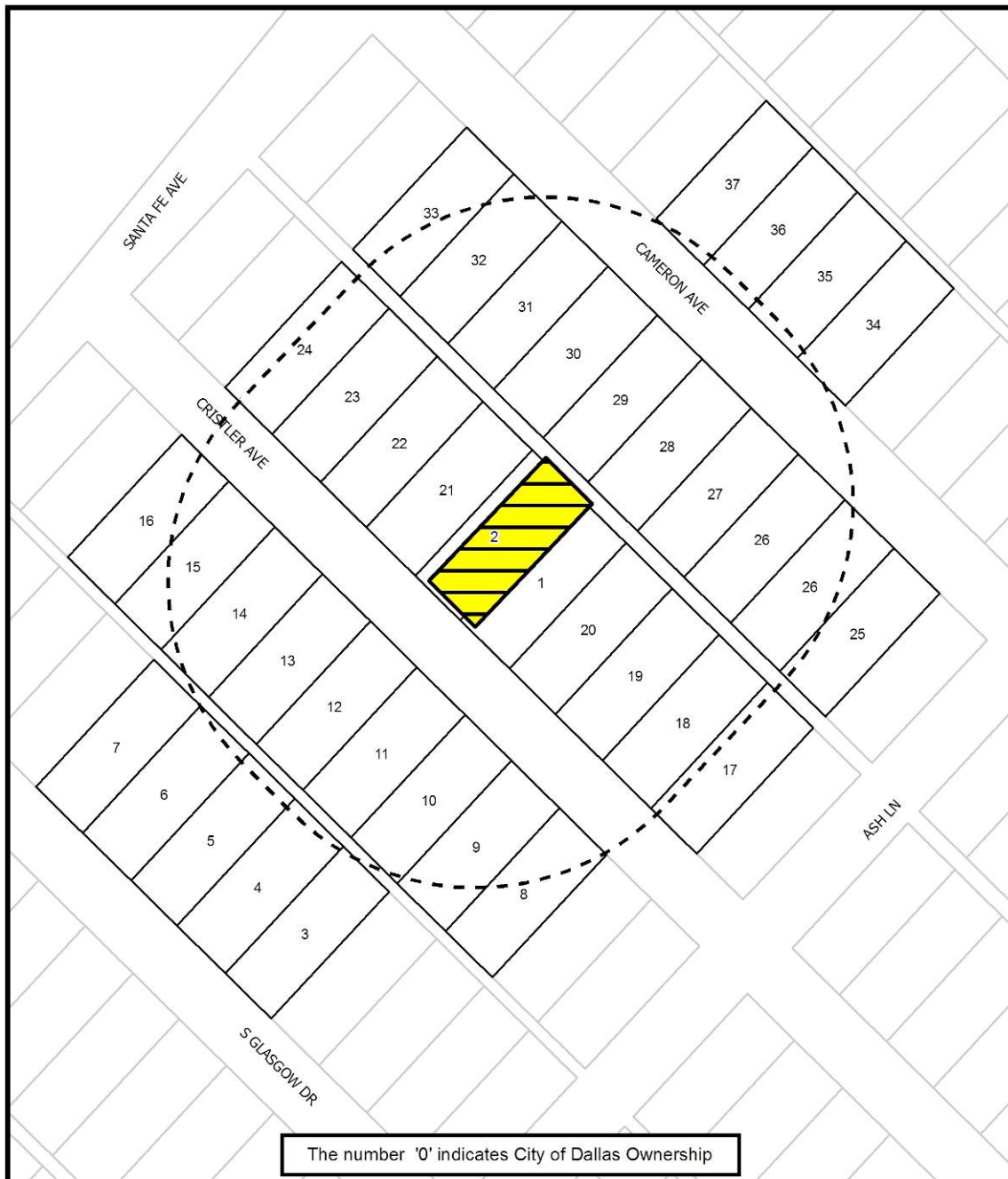




424 CRISTLER AVE.

WALL SECTION

SCALE	DATE	SHEET
*****	04/26/16	006



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">37</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	37	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA156-073</u> Date: <u>7/29/2016</u>
200'	AREA OF NOTIFICATION					
37	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA156-073

37 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	500 CRISTLER AVE	MURILLO PABLO &
2	424 CRISTLER AVE	SOTO EMETERIO & MARIA
3	504 S GLASGOW DR	CARRASCO FRANCISCO A & OLIVIA T
4	502 S GLASGOW DR	SANCHEZ ROSA E
5	426 S GLASGOW DR	DAMIAN ROXANA RAMOS
6	422 S GLASGOW DR	CORONA GABRIEL SANTOS & GUADALUPE LILIANA
7	416 S GLASGOW DR	PEREZ ROXANNE ARAMBULA
8	515 CRISTLER AVE	CABALLERO PERLA
9	511 CRISTLER AVE	CAMBEROS GERMAN
10	505 CRISTLER AVE	CARRASCO MARGARITA
11	501 CRISTLER AVE	FREDERICK SEAN
12	425 CRISTLER AVE	JAIME RAFAEL
13	423 CRISTLER AVE	RAMIREZ MARIA S
14	419 CRISTLER AVE	RAMIREZ EZEQUIEL F
15	415 CRISTLER AVE	HUERTA JORGE HUMBERTO
16	409 CRISTLER AVE	HALIMAN SHAMALEE
17	518 CRISTLER AVE	ALVAREZ EDRA
18	516 CRISTLER AVE	MORENO GUADALUPE SANCHEZ
19	508 CRISTLER AVE	FERNANDEZ RAFAEL
20	506 CRISTLER AVE	RAMIREZ JOSE
21	420 CRISTLER AVE	RAMIREZ GERMAN
22	416 CRISTLER AVE	GOLDSTEIN ANADA
23	412 CRISTLER AVE	TILLEY VIRGENE
24	408 CRISTLER AVE	HGTA LTD PS
25	519 CAMERON AVE	GILMORE RALPH CURTIS
26	515 CAMERON AVE	PACIFIC HOLDING

07/29/2016

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	507 CAMERON AVE	EQUINOX HOLDING
28	503 CAMERON AVE	CAMPUZANO AZAEL
29	427 CAMERON AVE	CONTRERAS DAMIAN
30	423 CAMERON AVE	SAUCEDO SARA
31	419 CAMERON AVE	NUGENT DEBRA A
32	415 CAMERON AVE	MATASSA MARTIN L JR
33	411 CAMERON AVE	MEDINA JOSE MANUEL
34	506 CAMERON AVE	FAULHABER PATRICK RODNEY
35	502 CAMERON AVE	ROBERTS KAREN S
36	424 CAMERON AVE	EQUINOX HOLDING
37	420 CAMERON AVE	LUPO HOLDING

FILE NUMBER: BDA156-078(JM)

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley of Masterplan for a special exception to the landscape regulations at 1700 Cedar Springs Road. This property is more fully described as Lot 1A, Block 291, and is zoned PD-193 (PDS 110), 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: 1700 Cedar Springs Road

APPLICANT: Karl A. Crawley of Masterplan

REQUEST:

A special exception to the landscape regulations is made to develop the subject site as a planned mixed use development with multifamily, office, retail, and personal service uses, and not fully comply with the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request in that the submitted revised alternate landscape proposal meets the spirit and intent of the PD 193 landscape requirements.

BACKGROUND INFORMATION:

Site: PDD No. 193 (PDS 110)
Northwest: PDD No. 193 (PDS 79, Subarea K)
North: PDD No. 193 (I-2), PDD No. 193 (HC)

Northeast: PDD No. 193 (HC)
East: PDD No. 193 (HC); PDD No. 193 (PDS 24)
South: PDD No. 193 (I-2); PDD No. 193 (MF-3)
West: PDD No. 193 (MF-3); PDD No. 193 (PDS 79, Subarea K)

Land Use:

The subject site is currently vacant and being excavated for development of a planned mixed use development with multifamily, office, retail, and personal service uses in addition to a plaza area. The areas to the north, east, south, and west are developed with a mix of land uses including multifamily, office, and restaurant.

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 applicant has provided an alternate landscape plan which would allow for the replacement of ground cover by grass within the plaza area.
- There are no other amendments requested to the required landscaping.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist states in a memo (see Attachment A) that the request in this case is triggered by new construction.
- The Chief Arborist notes that the site is deficient in meeting the landscape requirements in that the proposed plan does not fully comply with the “General Planting Area definition” which requires ground cover in the “Plaza Area.” The applicant has requested to replace the ground cover with sod.
- The Chief Arborist notes that the following factors for consideration:
 - PD 193 Part 1 states the General Planting Area must contain living trees, shrubs, vines, flowers, or ground cover vegetation. In PD 193 (Sec. 193.126(b)(1)(D)) minimum planting requirements, ‘turf grass’ and ‘ground cover’ have distinct and separate applications in the General, Special, and Parkway, planting areas. The two categories are not typically interchangeable as each of the applied materials may have distinct suitability toward pedestrian uses and physical appearance.
 - The Plaza landscaping area is called out specifically in PDS 110 to use the General Planting Area definition of PD 193. However, the concept in design provides for a pedestrian turf surface for events which may not be suitable under another type of surface vegetation material, or ground cover.

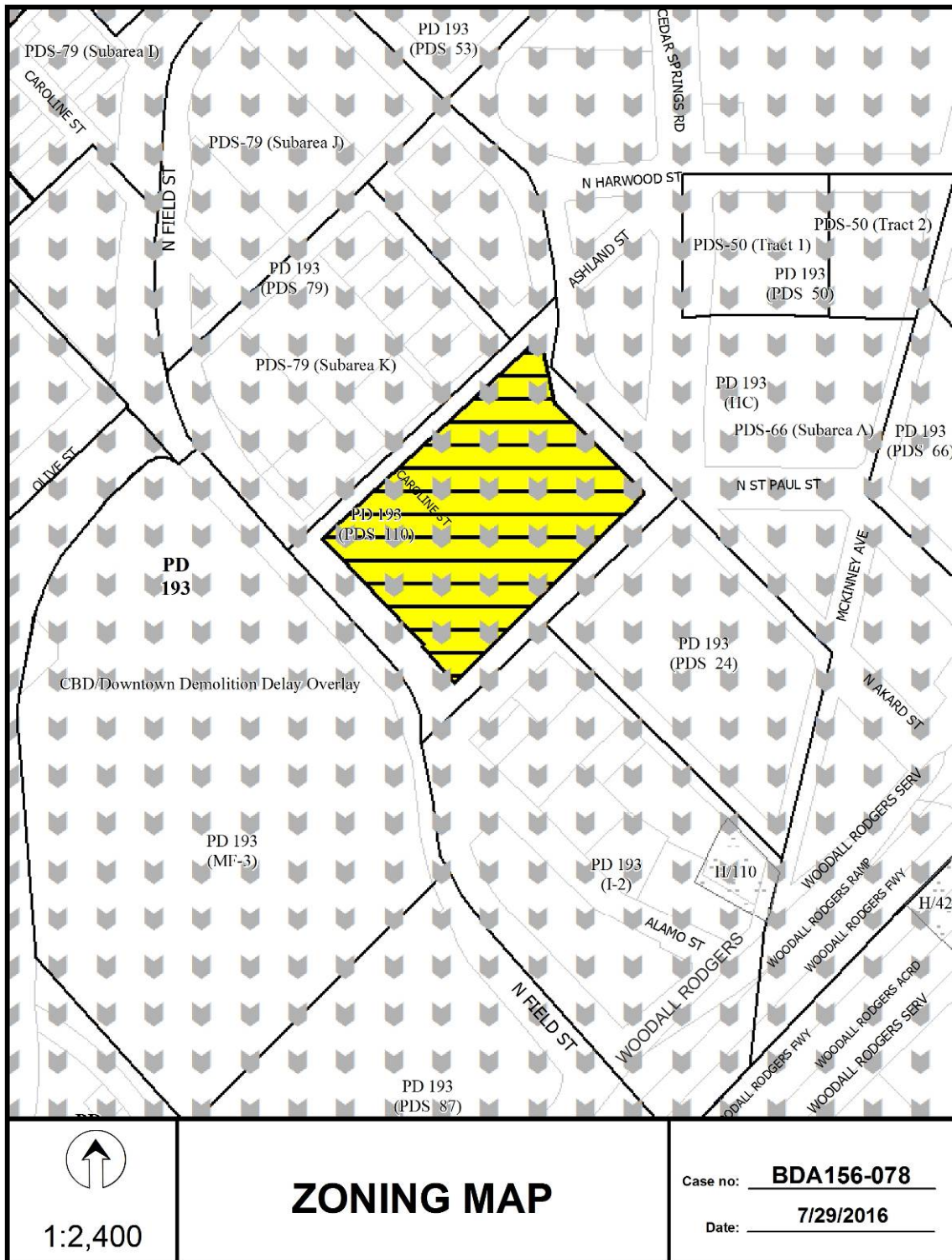
- The Chief Arborist supports the request because the applicant has demonstrated that the submitted landscape plan meets the spirit and intent of the PD 193 regulations.
- The applicant has the burden of proof in establishing the following:
 - The special exception will not compromise the spirit and intent of Section 51P-193-126: “Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted landscape plan as a condition, the site would be granted exception from full compliance to requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance.

Timeline:

- June 17, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 18, 2016: The Board Administrator emailed the following information to the applicant’s representative:
- 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 July 27th deadline to submit additional evidence for staff to factor into their analysis; and the August 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.”
- August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

August 8, 2015: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).

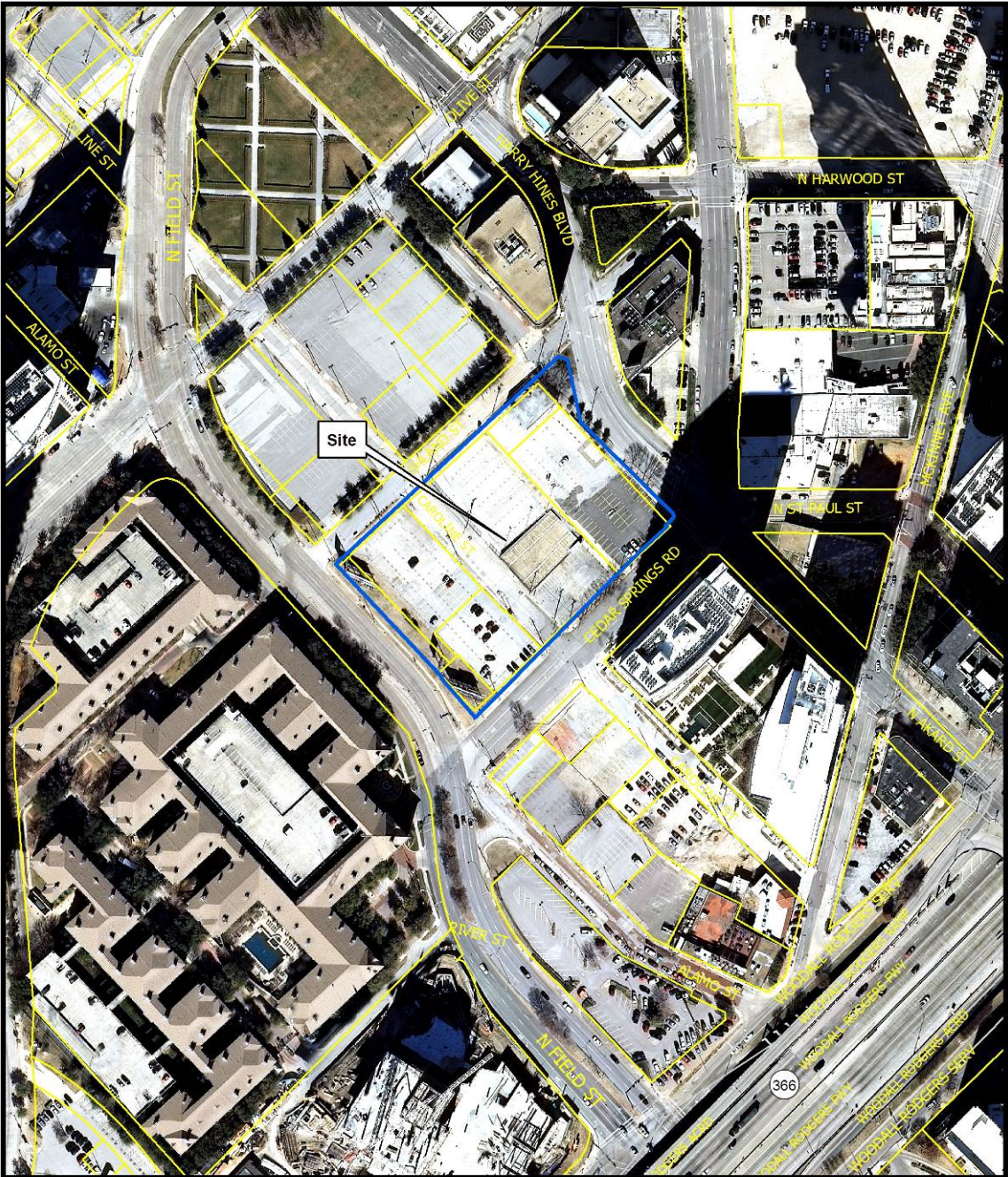


1:2,400

ZONING MAP

Case no: **BDA156-078**

Date: **7/29/2016**



1:2,400

AERIAL MAP

Case no: BDA156-078

Date: 7/29/2016

Memorandum



CITY OF DALLAS

DATE August 8, 2016

TO

Steve Long, Board of Adjustment Administrator
Jennifer Munoz

SUBJECT # BDA 156 · 078 1700 Cedar Springs Road

The applicant is requesting a special exception to the landscape requirements of PD 193 Part 1, PDS 110.

Trigger

New construction.

Deficiencies

The proposed alternate landscape plan is deficient in one area. PDS 110 requires compliance with PD 193 Part 1 requirements for landscape, with some exceptions, and states specifically 'a minimum of 20 percent of the area designated as "Plaza Area" on the development plan must comply with the General Planting Area definition contained in Part 1 of this article.' The proposed plan would place 'sod' into the area but it is not designated or applied as 'ground cover' under PD 193 regulations.

Factors

PD 193 Part 1 states the General Planting Area must contain living trees, shrubs, vines, flowers, or ground cover vegetation. In PD 193 (Sec. 193.126(b)(1)(D)) minimum planting requirements, 'turf grass' and 'ground cover' have distinct and separate applications in the General, Special, and Parkway, planting areas. The two categories are not typically interchangeable as each of the applied materials may have distinct suitability toward pedestrian uses and physical appearance.

The Plaza landscaping area is called out specifically in PDS 110 to use the General Planting Area definition of PD 193. However, the concept in design provides for a pedestrian turf surface for events which may not be suitable under another type of surface vegetation material, or ground cover.

Recommendation

The chief arborist recommends approval of the proposed alternate landscape plan because the special exception will not compromise the spirit and intent of PD 193 landscape regulations in applying turf grass as an addition to 'general planting.'

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-078

Data Relative to Subject Property:

Date: 06-17-16

Location address: 1700 Cedar Springs Road Zoning District: PDS 110/PD 193

Lot No.: 1A Block No.: 296 and 291 Acreage: 3.04 ac Census Tract: 19.00

Street Frontage (in Feet): 1 Akard 303' 2 Cedar Springs 432' 3 Field 318' 4 Ashland 420' 5) SW22

To the Honorable Board of Adjustment:

Owner of Property/or Principal The Union Uptown Dallas, LLC.

Applicant: Karl A Crawley, Masterplan Telephone: 214 761 9197

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

Represented by: Same as applicant Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance, or Special Exception X, of the landscape regulations of PDS 110 of PD 193 to allow an Alternate Landscape Plan

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The use of sod for groundcover on the proposed Open Plaza is more appropriate than groundcover.

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

Respectfully submitted: Karl A Crawley Applicant's name printed

[Signature] Applicant's signature

Affidavit

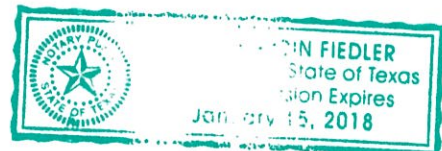
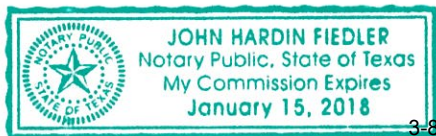
Before me the undersigned on this day personally appeared KARL A CRAWLEY who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature] Affiant (Applicant's signature)

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

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

(Rev. 08-20-09)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

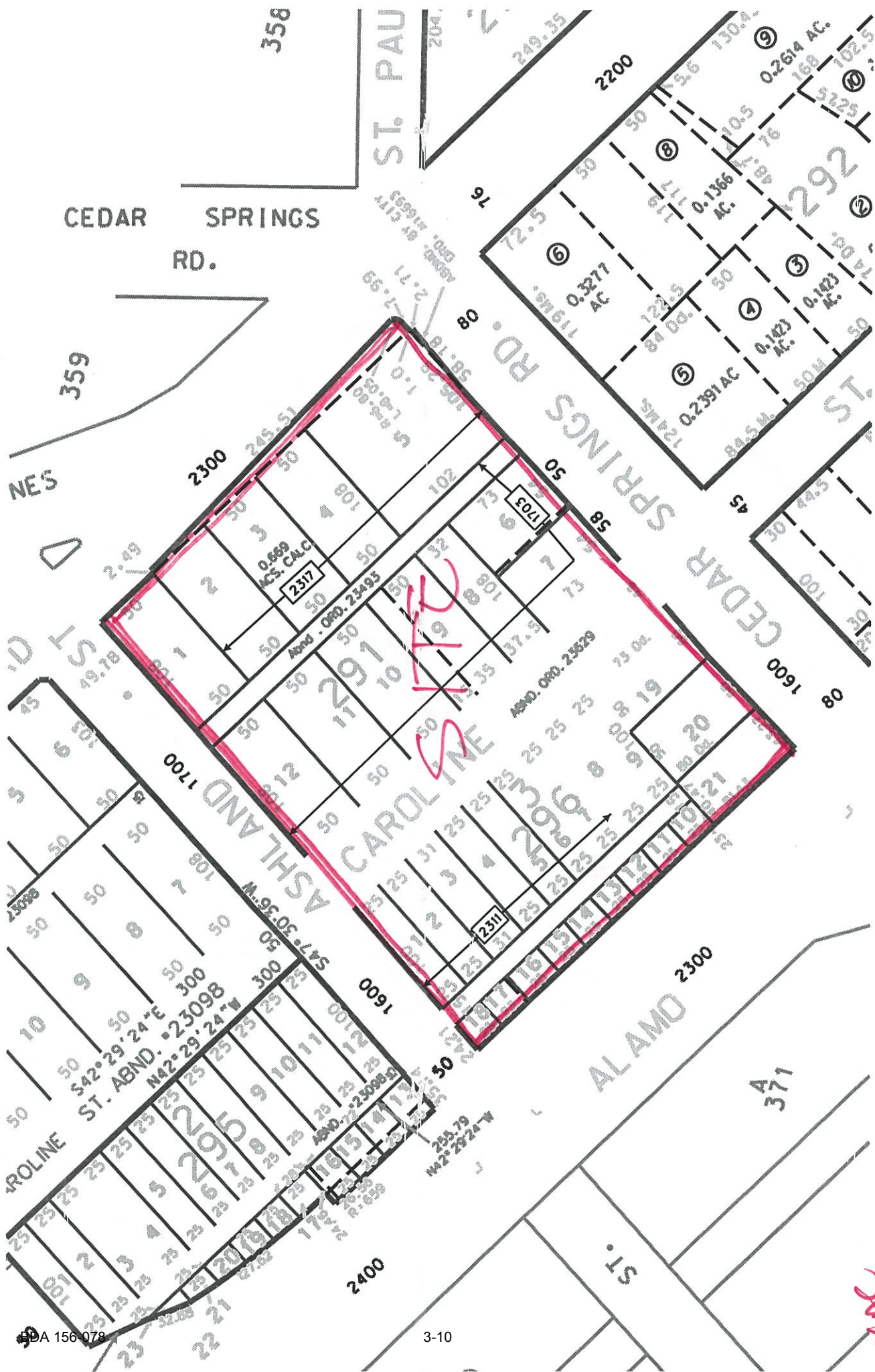
I hereby certify that Karl A. Crawley

did submit a request for a special exception to the landscaping regulations
at 1700 Cedar Springs Road

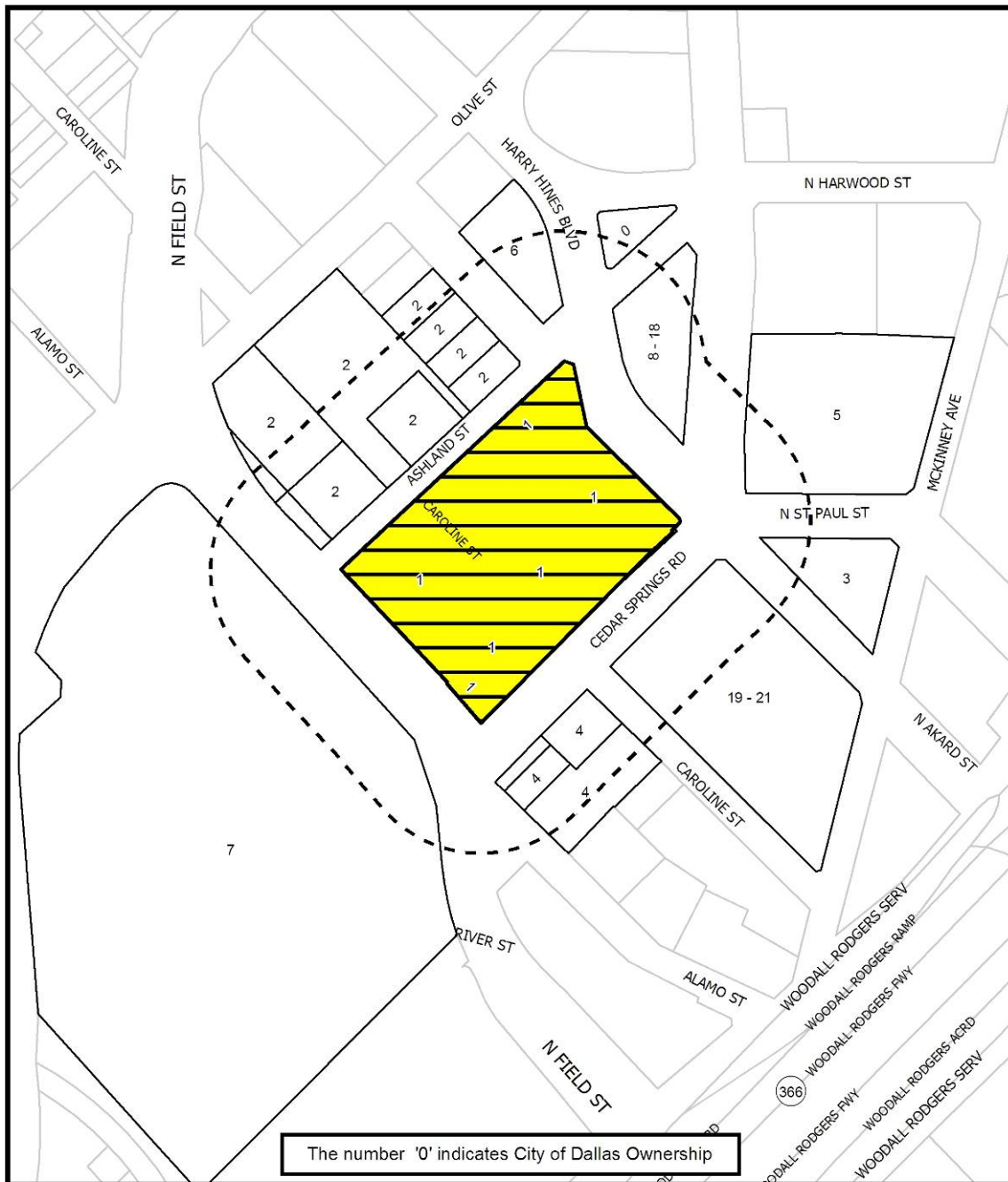
BDA156-078. Application of Karl A. Crawley for a special exception to the landscaping regulations at 1700 Cedar Springs Road. This property is more fully described as Lot 1A, Block 291, and is zoned PD-193 (PDS 110), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Handwritten signature or initials in red ink.



 1:2,400	NOTIFICATION		Case no: BDA156-078 Date: 7/29/2016
	<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;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED		

Notification List of Property Owners

BDA156-078

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2325 N AKARD ST	RED AKARD PLACE LLC
2	2413 N AKARD ST	FSR LP
3	1899 MCKINNEY AVE	WC 1899 MCKINNEY AVE LLC
4	1610 CEDAR SPRINGS RD	TRITON DOWNTOWN LLC
5	1919 MCKINNEY AVE	HKS BUILDINGS LP
6	2414 N AKARD ST	TRITON 2414 LLC
7	2323 N FIELD ST	JEFFERSON AT THE N END LP
8	1925 CEDAR SPRINGS RD	KIRK JAMES R
9	1925 CEDAR SPRINGS RD	1933 CEDAR SPRINGS LLC
10	1925 CEDAR SPRINGS RD	WARPAINT HQ LLC
11	1925 CEDAR SPRINGS RD	ROMANO PHILIP J
12	1925 CEDAR SPRINGS RD	THREE BRIDS PROPERTY LP
13	1925 CEDAR SPRINGS RD	ROLLINS PROPERTIES LP
14	1925 CEDAR SPRINGS RD	ROLLIN PROPERTIES LP
15	1925 CEDAR SPRINGS RD	DAWSON WILLIAM B &
16	1925 CEDAR SPRINGS RD	SMITH THOMAS L
17	1925 CEDAR SPRINGS RD	REEDER JAMES B
18	1925 CEDAR SPRINGS RD	BALDRIDGE JERALD TR ETAL
19	1717 MCKINNEY AVE	GPI-M UPTOWN LP
20	1700 CEDAR SPRINGS RD	LG CEDAR SPRINGS LP
21	1717 MCKINNEY AVE	GIP-M UPTOWN LP

FILE NUMBER: BDA156-082(JM)

BUILDING OFFICIAL'S REPORT: Application of Edwin Brantley Smith for a special exception to the off-street parking regulations at 2737 W. Mockingbird Lane. This property is more fully described as Lot 1, Block 2570, and is zoned IR, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for an animal shelter or clinic use and provide 32 of the required 36 off-street parking spaces, which will require a 4 space special exception to the off-street parking regulations.

LOCATION: 2737 W. Mockingbird Lane

APPLICANT: Edwin Brantley Smith

REQUEST:

A request for a special exception to the off-street parking regulations of 4 spaces is made to construct a 1,344 square foot addition to an existing 9,532 square foot building on a site that is developed with an animal shelter or clinic use, and provide 32 of the required 36 off-street parking spaces.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 4 spaces shall automatically and immediately terminate if and when the animal shelter or clinic use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer indicated that he has no objections to the applicant's request.

Zoning:

Site: IR
North: IR, SUP No. 14 (Love Field Airport)
South: IR
East: IR
West: IR

Land Use:

The subject site is located behind a multitenant office and retail strip center, but has its own lot. The area to the north includes DART ROW and Love Field Airport. The area to the east is developed with office and retail uses. The area to the south is developed with a multitenant office and retail strip center (part of site but not request area). The area to the west is a large parking lot serving an office use.

Zoning/BDA History:

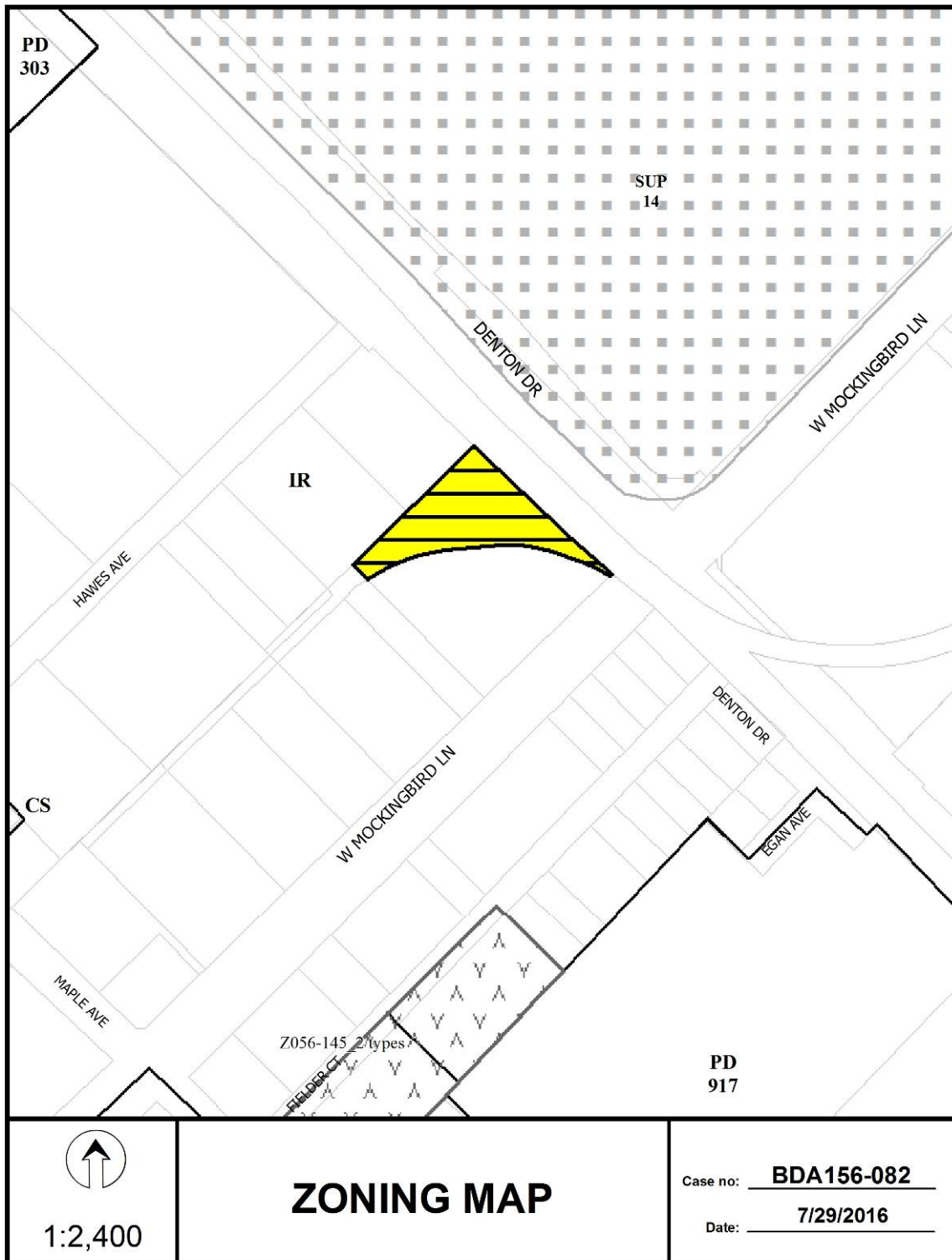
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 1,344 square foot addition to an existing 9,532 square foot building on a site that is developed with an animal shelter or clinic use, and provide 32 of the required 36 off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirements:
 - Animal shelter or clinic use: 1 space per 300 square feet.
- The applicant has submitted photo evidence that the parking does not reach capacity over time (Attachment A).
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the request (Attachment B).
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the “animal shelter or clinic” use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 4 spaces (or a 9 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 4 spaces shall automatically and immediately terminate if and when the animal shelter or clinic use is changed or discontinued; the applicant would be allowed to construct and maintain the structure on the site with this specific use (“animal shelter or clinic”) with the specified square footage, and provide 32 of the 36 code required off-street parking spaces.

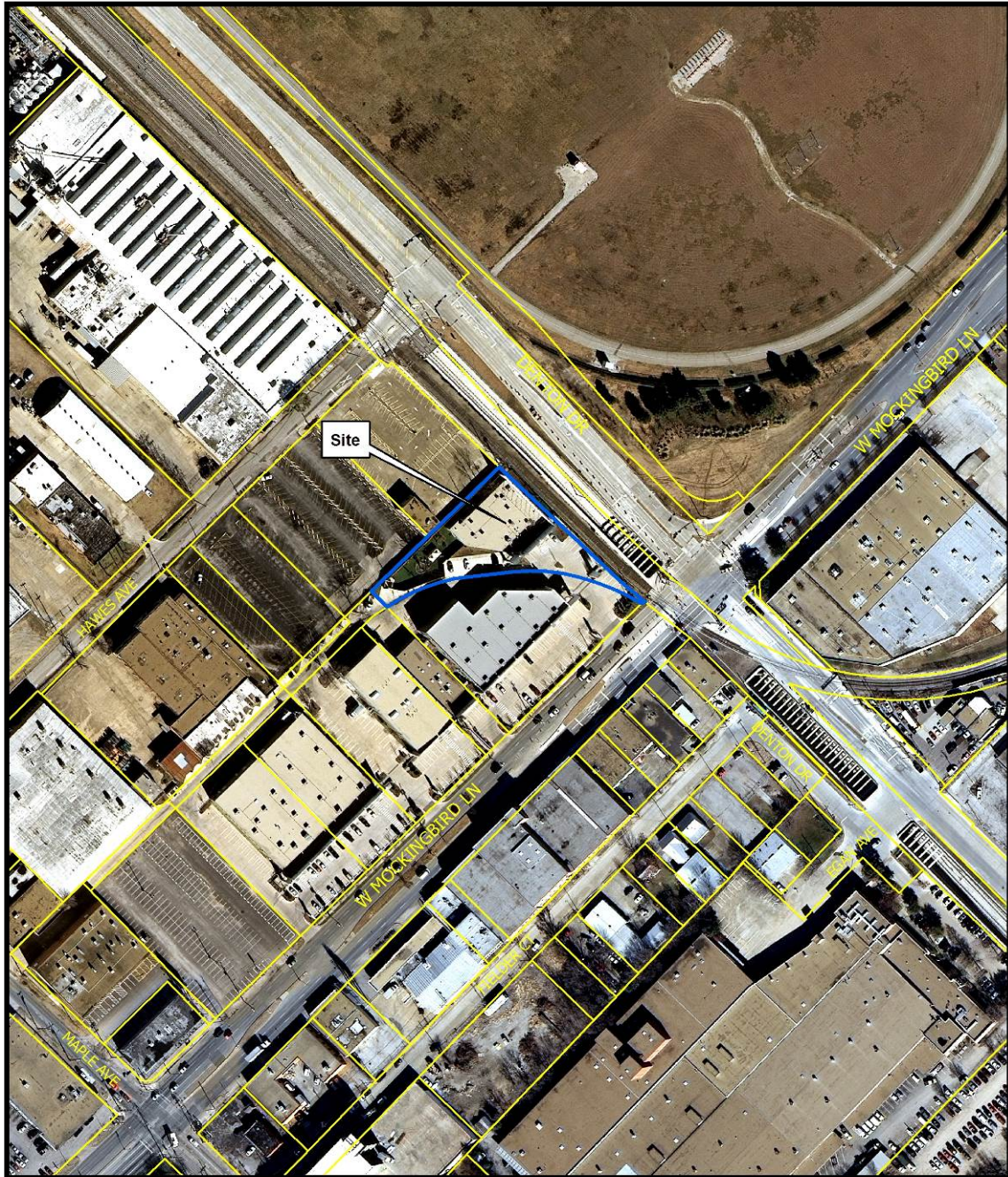
Timeline:

- June 24, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 18, 2016: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 27th deadline to submit additional evidence for staff to factor into their analysis; and the August 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.”
- August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection, Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- August 4, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”



ZONING MAP

Case no: BDA156-082
 Date: 7/29/2016



1:2,400

AERIAL MAP

Case no: BDA156-082

Date: 7/29/2016

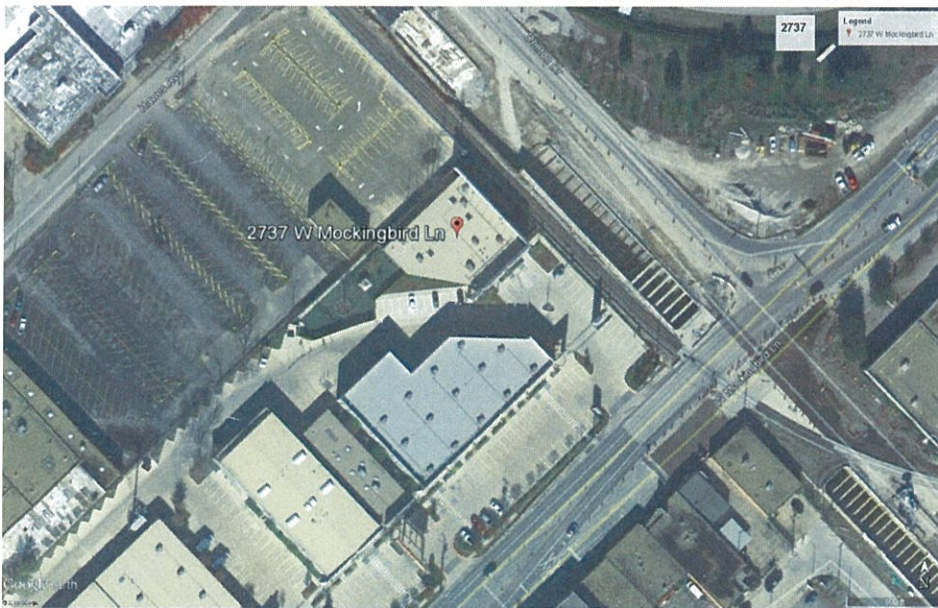
Pet Resort Existing Parking Pictures

2737 W Mockingbird Lane
Dallas, Texas 75234
Case # 156-082
26 July 2016

Google Earth Aerial Photos Shown Chronologically

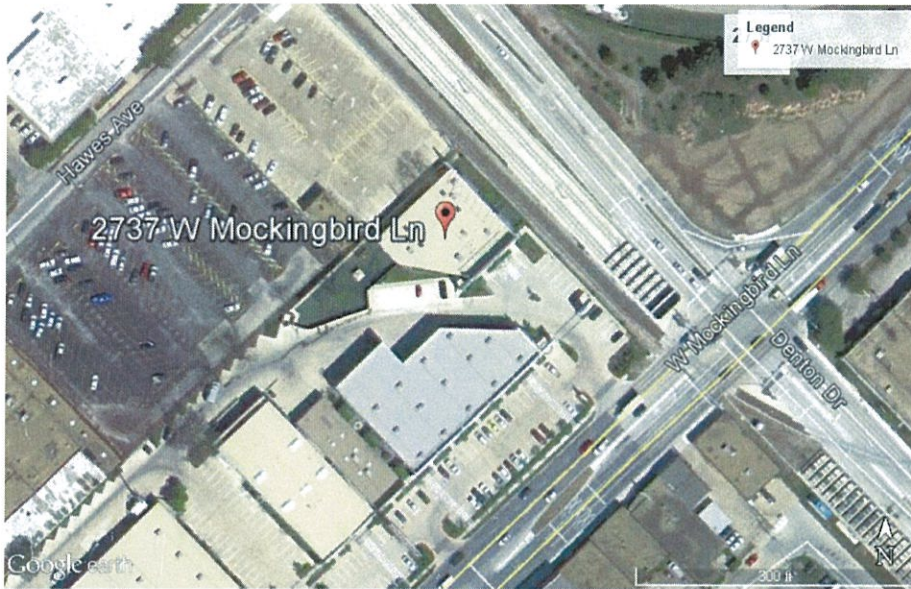


December 2009

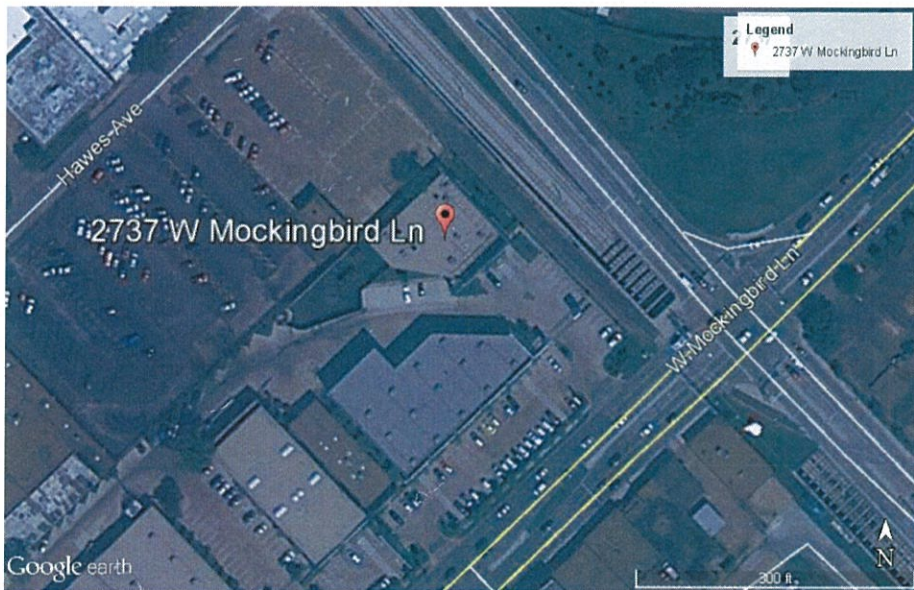


December 2010

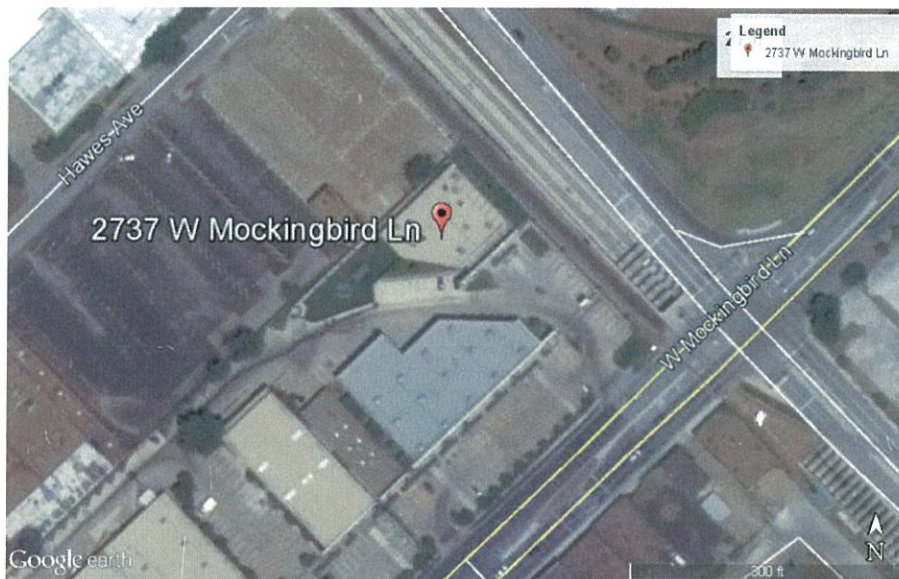
edwin brantley smith + associates



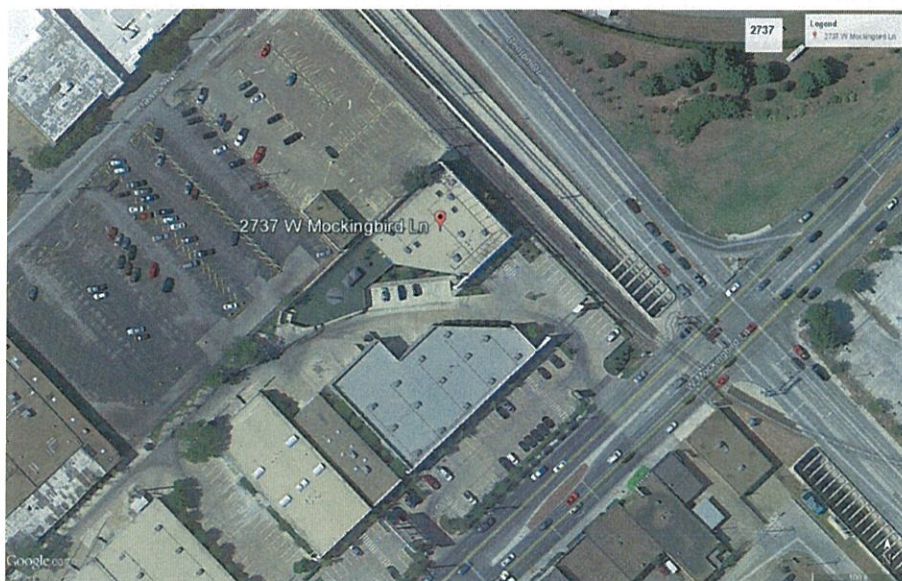
March 2011



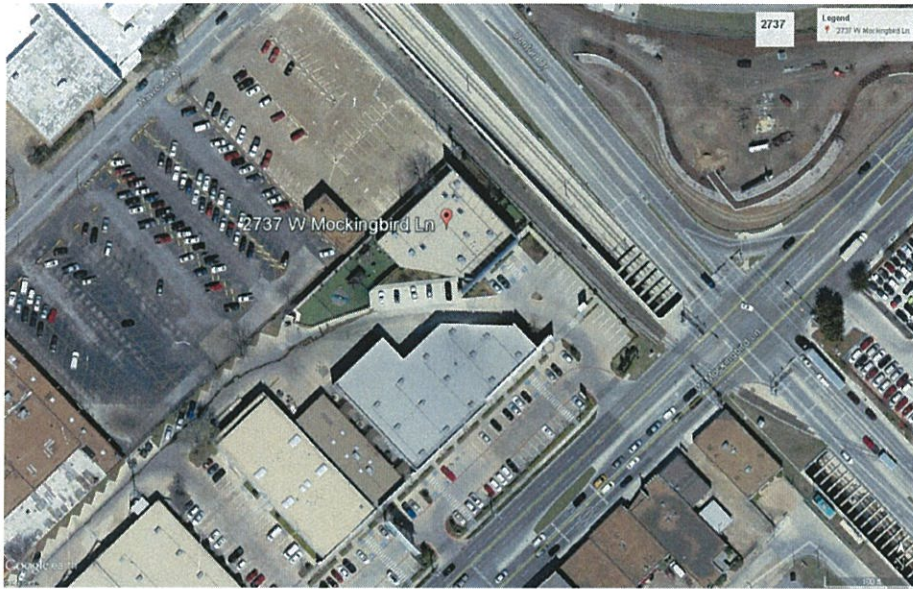
April 2012



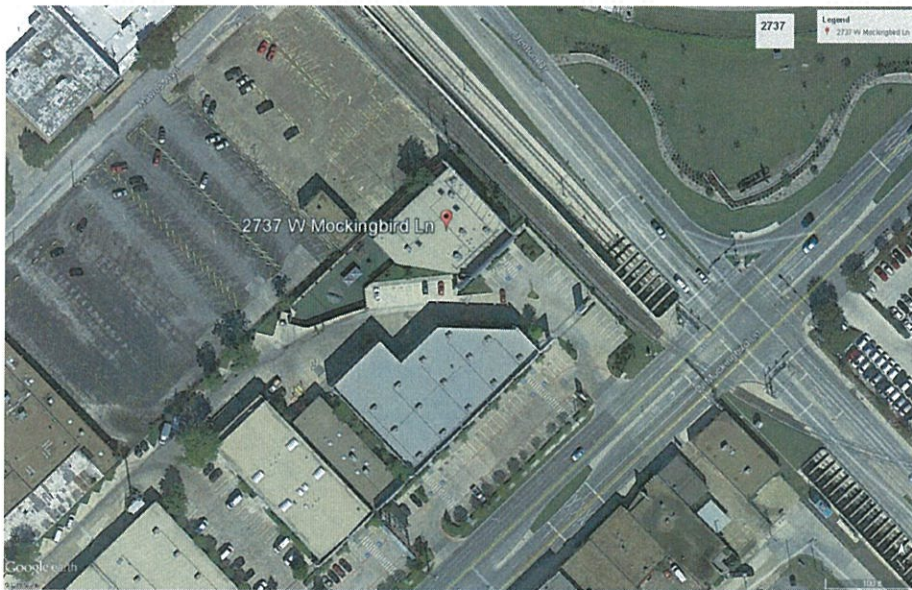
July 2012



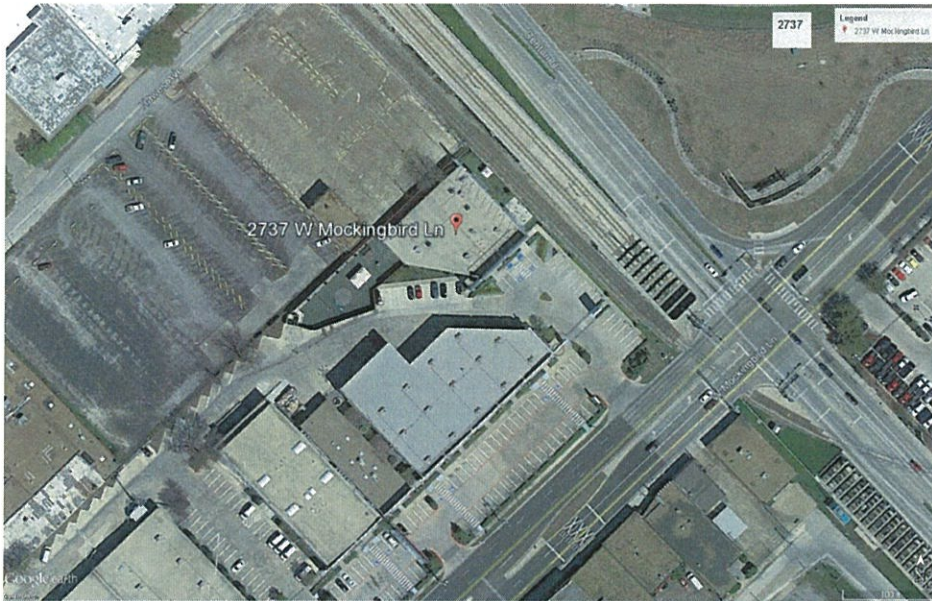
August 2012



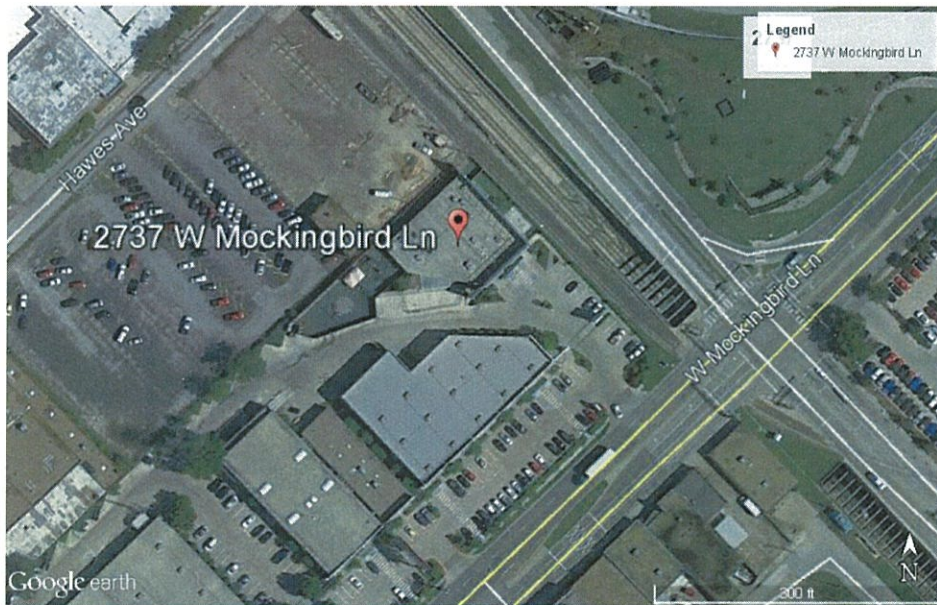
January 2013



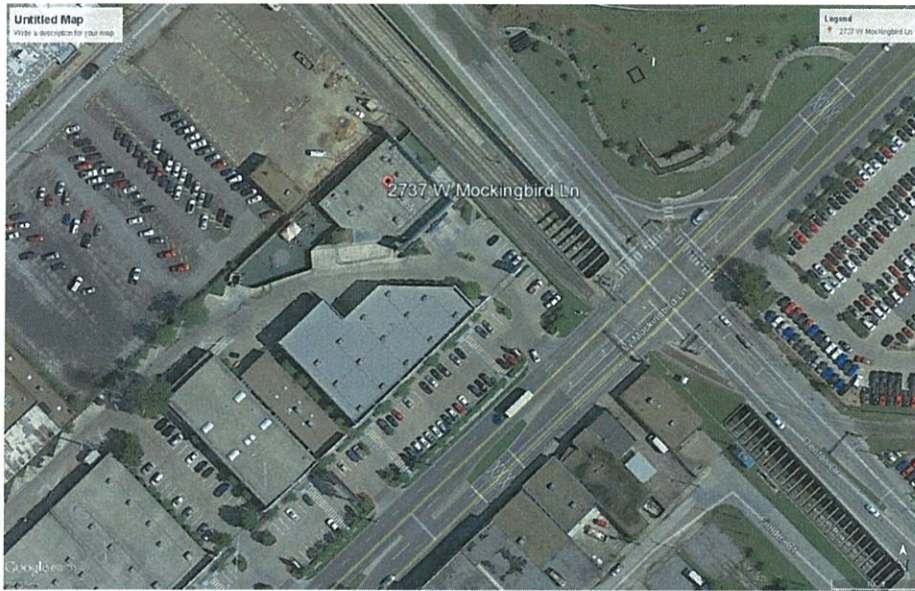
October 2013



March 2015



December 2015



April 2016

Ground Level Photos Taken By the Staff



Wednesday June 22, 2016
8:15 AM. Cars in background are construction vehicles.

Page 7 of 9



Wednesday June 22, 2016
8:15 AM. An employee's car is parked in one of the 6 spaces near Mockingbird.



Friday June 24, 2016
12:15 PM. Fenced area to the left is 11 parking spaces closed due to construction but there are plenty of spaces remaining for customers.

edwin brantley smith + associates



Friday June 24, 2016
12:15 PM. Employee car and one additional pickup. Most likely one of the construction guy



Photo of the most cars parked at the facility in one day and the majority belong to the construction workers.



Early morning at "typical pet drop off time" photo of a typical day

End of Parking Pictures

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **AUGUST 17, 2015 (B)**

Has no objections

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

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

No comments

BDA 156-058SL

BDA 156-071JM

BDA 156-073SL

BDA 156-078JM

BDA 156-082JM

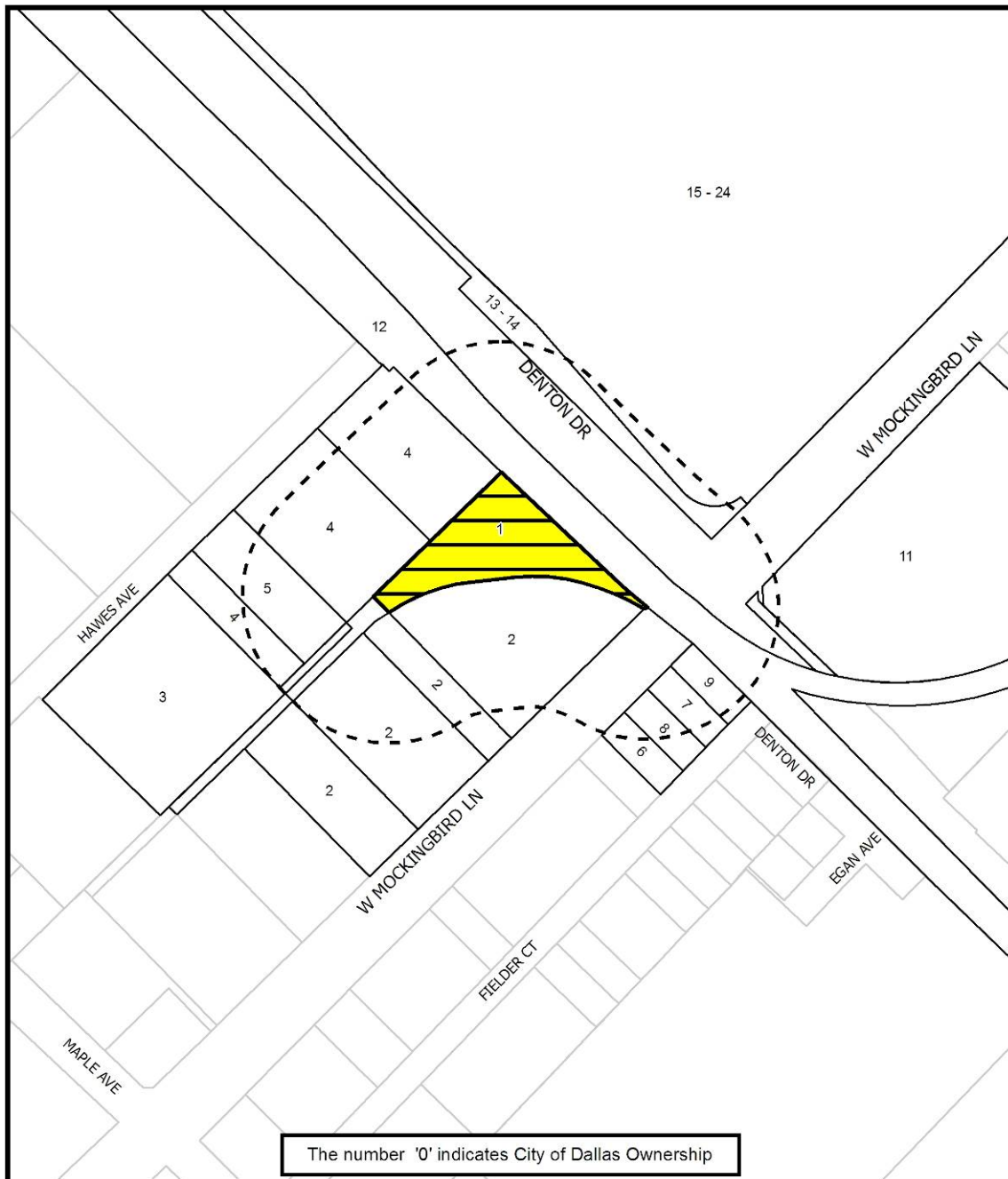
BDA 156-083SL

COMMENTS:

Clayton Bucherle/Eng/SDC
Name/Title/Department

8/4/16
Date

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



 1:2,400	NOTIFICATION		Case no: BDA156-082
	<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;">24</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/29/2016

Notification List of Property Owners

BDA156-082

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2737 W MOCKINGBIRD LN	CROCKETT COURT CORP
2	2727 W MOCKINGBIRD LN	SPC MOCKINGBIRD DEPOT
3	2608 HAWES AVE	WILLIAMSON HAWES JV
4	2640 HAWES AVE	QUAD GRAPHICS COMMERCIAL & SPECIALTY LLC
5	2700 HAWES AVE	QUAD WILLIAMSON LLC
6	2716 W MOCKINGBIRD LN	GARZA ANGEL SERGIO &
7	2726 W MOCKINGBIRD LN	VALDES HUGO V REV LIVING TRUST
8	2720 W MOCKINGBIRD LN	DH MOCKINGBIRD 2720 LLC
9	2728 W MOCKINGBIRD LN	DART
10	2608 W MOCKINGBIRD LN	REARDEN INVESTMENT PARTNERS IV
11	2800 W MOCKINGBIRD LN	STINSON FLP TX PPTY LLC
12	555 2ND AVE	DART
13	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
14	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
15	2702 LOVE FIELD DR	SOUTHWEST AIRLINES CO
16	8020 DENTON DR	JACKS AUTO SUPPLY
17	7212 HERB KELLEHER WAY	HERTZ RENT A CAR
18	7020 HERB KELLEHER WAY	AVIS RENT A CAR
19	3407 HAWES AVE	TUCKER BLAKE C
20	8333 LEMMON AVE	SOUTHWESTERN BELL
21	8611 LEMMON AVE	BUSINESS JET CENTER
22	3250 LOVE FIELD DR	MLT DEVELOPMENT
23	3232 LOVE FIELD DR	MLT DEVELOPMENT COMPANY
24	7366 CEDAR SPRINGS	ENTERPRISE HOLDINGS

FILE NUMBER: BDA156-069(SL)

FILE NUMBER: BDA156-069(SL)

BUILDING OFFICIAL'S REPORT: Application of Jeffrey R. Bragalone, represented by Signe Smith, for a variance to the height regulations at 4105 W. Lawther Drive. This property is more fully described as Lot 4B, Block 4408, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a structure with a building height of 41 feet 9 inches, which will require a 5 foot 9 inch variance to the height regulations.

LOCATION: 4105 W. Lawther Drive

APPLICANT: Jeffrey R. Bragalone
Represented by Signe Smith

REQUEST:

A request for a variance to the height regulations of 5' 9" is made to construct and maintain a three-level single family home structure which is proposed to exceed the 36' maximum structure height on the undeveloped subject site.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted “enlarged site plan, site section” document is required.

Rationale:

- The subject site is unique and different from most lots in the R-1ac(A) zoning district in that it is sloped. The slope of the subject site is the factor that makes the proposed 35’ 6” high single family home on the site measured from existing grade, 41’ 9” in height (or 5’ 9” above the 36’ maximum permitted height) measured from *average* grade.
- Furthermore, the proposed home with a total square footage of approximately 8,200 square feet appears to be commensurate with other developments in the same R-1ac(A) zoning district. The applicant has provided information where the average of seven other properties on the street/zoning district is approximately 10,900 square feet.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is undeveloped. The areas to the north and west are developed with single family uses; the area to the east is White Rock Lake; and the area to the south is undeveloped.

Zoning/BDA History:

1. BDA145-075, Property at 4105 W. Lawther Drive (the subject site)

On August 26, 2015, the Board of Adjustment Panel B granted a request for a variance to height regulations of 5’ 9”. The board imposed the following condition: compliance with the submitted enlarged site plan and revised section is required.

The case report stated that the request was made to construct and maintain a three-level single family home structure which is proposed to exceed the 36’ maximum structure height on the undeveloped subject site.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a three-level single family home structure which at its highest point reaches 41' 9", and exceeds the 36' maximum structure height on the undeveloped R-1ac(A) zoned subject site by 5' 9".
- The applicant's representative has stated that this application is the same proposal/application that was granted unanimously by the Board of Adjustment Panel B in August of 2015, and that this application is filed only because the applicant did not file for a building permit within 180 days from the Board's favorable action of August 26, 2015.
- The maximum structure height on properties zoned R-1ac(A) is 36'.
- The Dallas Development Code provides the following definition for "height": "Height means the vertical distance measured from grade to: (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure; (B) for a structure with a dome, the midpoint of the vertical dimension of the dome; and (C) for any other structure, the highest point of the structure".
- The Dallas Development Code provides the following definition for "grade": "Grade means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, finished ground surface elevation means the ground surface elevation of a building site before any construction or the ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include: (A) fill material not necessary to make the site developable; (B) berms; or (C) landscape features".
- The Dallas Development Code provides the following definition for "structure": "Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner".
- An application and a site/building section document has been submitted that represents the maximum height of the proposed structure to be 41' 9" or 5' 9" above the 36' maximum structure height permitted in the R-1ac(A) zoning district.
- The applicant states that the proposed home would have a total square footage of approximately 8,200 square feet where the average of seven other properties on the street/zoning district is approximately 10,900 square feet.
- The submitted site plan/building section document provides the following notation adjacent to the proposed structure: "35'-6" Exist. Grade-to-roof peak (36'-0" allowed)."
- A revised "enlarged site plan, site section" document has been submitted with notations regarding the height of the proposed structure that indicates: 1) "35'-6" top of roof above existing grade (36'-0" allowed)"; and 2) "41'-9" top of roof above average grade".
- According to DCAD records, there is "no main improvement" or "no additional improvements" for property addressed at 4105 W. Lawther Drive.

- A site plan has been submitted that documents the slope of the subject site. The site plan denotes contour lines that range from 465' to 491' over the length of the 400' subject site.
- The sloped subject site is rectangular in shape, and according to the submitted application is 1.1 acres in area. The site is zoned R-1ac(A) where lots are typically one acre in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1ac(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted “enlarged site plan, site section” document as a condition, the height of the structure on the site would be limited to what is shown on this document.

Timeline:

- May 9, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 13, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- May 13, 2016: The Board Administrator emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the June 8th deadline to submit additional evidence for staff to factor into their analysis; and the 1 p.m., June 17th 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.”

June 8, 2016: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

June 14, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection, Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

June 29, 2016: The Board of Adjustment Panel B conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on August 17, 2016.

June 29, 2016: The Board Administrator wrote the applicant’s representative a letter that provided the board’s action; and the July 27th deadline to submit additional evidence for staff to factor into their analysis; and the August 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials. (Note that the applicant’s representative has not submitted any additional documents from what was presented before/at the June 29th public hearing).

August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

BOARD OF ADJUSTMENT ACTION: JUNE 29, 2016

APPEARING IN FAVOR: Jeffrey R. Bragalone, Dallas, TX
Signe Smith, 6565 Axton Lane, Dallas, TX

APPEARING IN OPPOSITION: Kent Saunders, 4211 Lawther, Dallas, TX
Mike Coker, 31121 Canton, Dallas, TX
James Archer, 4109 W. Lawther, Dallas, TX

2:59 P.M.: Break

3:05 P.M.: Resumed

MOTION #1: Canon

I move that the Board of Adjustment, in request No. **BDA 156-069**, on application of Jeffrey R. Bragalone, grant a 5 foot, 9 inch variance to the height regulations because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted enlarged site plan with site section is required.

SECONDED: Agnich

AYES: 3 –Hounsel, Brannon, Cannon, Agnich, Hill

NAYS: 2 – Brannon, Hill

MOTION FAILED 3 – 2

MOTION #2: Agnich

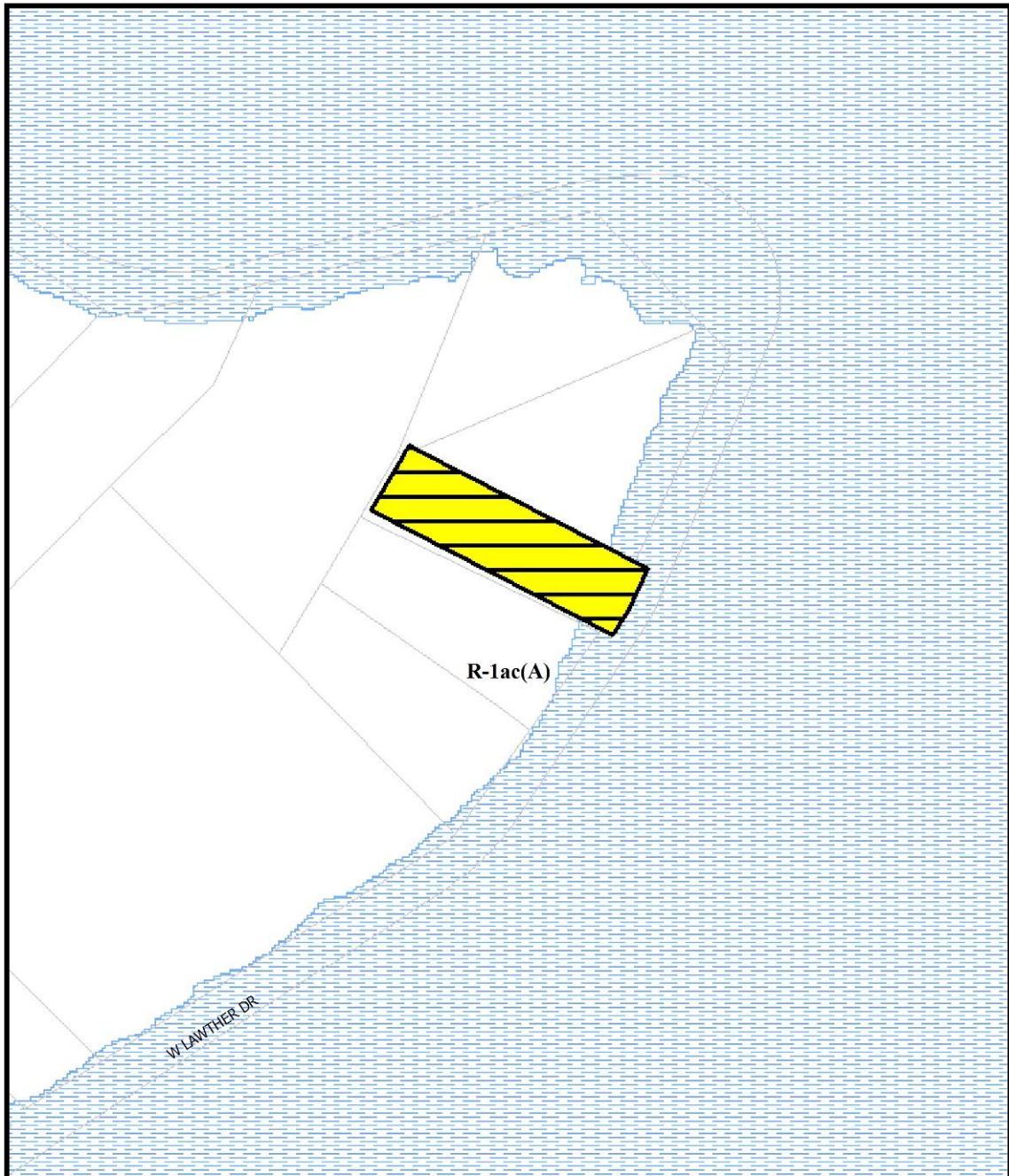
I move that the Board of Adjustment, in request No. **BDA 156-069**, hold this matter under advisement until **August 17, 2016**.

SECONDED: Hounsel

AYES: 3 – Hounsel, Cannon, Agnich

NAYS: 2 – Brannon, Hill

MOTION PASSED 3 – 2



1:2,400

ZONING MAP

Case no: BDA156-069

Date: 5/27/2016



1:2,400

AERIAL MAP

Case no: BDA156-069

Date: 5/27/2016

BDA156-069
Attach A Pg 1

Long, Steve

From: Signe Smith <signes@smitharc.com>
Sent: Wednesday, June 08, 2016 10:00 AM
To: Long, Steve
Cc: Jeff Bragalone; 'Mickie Bragalone'
Subject: BDA156-069 / 4105 W. Lawther Dr / 2015 Approved Application
Attachments: Variance_Approval_2015_08_26.pdf

Mr. Long,
I thought it might be helpful for the Board to know that **we are submitting the exact same Application (for 4105 W. Lawther Dr.) as our previous Application, which was Approved unanimously at the Board Hearing (Panel B approved 5-0) on Aug. 26, 2015.** The Bragalones also are agreeable to the exact same condition imposed by the Board in its prior grant of the variance, i.e., that "compliance with the submitted enlarged site plan with site section is required." We are resubmitting this Application ONLY because we inadvertently missed the 180 day cut off for submitting for a Building Permit or obtaining an extension.

I have attached here the Approved Application Materials (scanned to PDF) for your use/reference as well. Please don't hesitate to contact me or the Owner should you have any questions.
Thank you,
signe

signe smith . assoc aia
smitharc architects
214 . 403 . 4039
www.smitharc.com



BDA 156-069

Attach A

PS 2

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-075

Date: 4/30/2015

Data Relative to Subject Property:

Location address: 4105 W Lawther Drive

Zoning District: R-1AC (A)

Lot No.: 4B

Block No.: 4408

Acreage: 1.1100

Census Tract: 80.00

Street Frontage (in Feet): 1) 115'

2) _____

3) _____

4) _____

5) _____ 565 B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeffrey R & Mickie S Bragalone

Applicant: Jeffrey R Bragalone

Telephone: 214.906.3646

Mailing Address: 6712 Avalon Ave

Zip Code: 75214

E-mail Address: jrb1@sbcglobal.net

Represented by: Signe Smith

Telephone: 214.403.4039

Mailing Address: 5646 Milton Street #631

Zip Code: 75206

E-mail Address: signes@smitharc.com

Affirm that an appeal has been made for a Variance X, or Special Exception , of 5'-9" over the 36'-0" height restriction.

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: 4105 W Lawther has a Restrictive Slope such that it cannot be developed in a manner commensurate when compared to other R-1AC (A) lots. We are also requesting this Variance in an effort to be a good neighbor, and act in the public's best interest, by pushing the main structure to the back of the lot in order to maximize the public's views of White Rock Lake rather than locating the structure at the front yard setback which would be within code, but block public views significantly. 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 Jeffrey R. Bragalone (Affiant/Applicant's name printed)

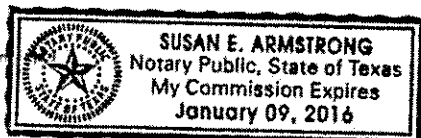
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 30th day of April 2015

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

Rev 08-



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Aug. 26, 2015

Appeal was--Granted OR Denied

Remarks Granted -
Compliance with the
Submitted enlarged site
plan with site section
is required.

Signe Smith
Chairman

Building Official's Report

I hereby certify that Jeffrey R. Bragalone
represented by Signe Smith
did submit a request for a variance to the building height regulation
at 4105 W. Lawther Drive

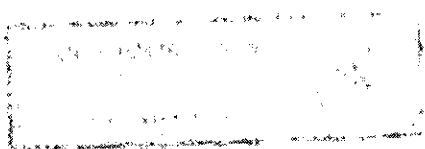
BDA145-075. Application of Jeffrey R. Bragalone represented by Signe Smith for a variance to the building height regulation at 4101 W. Lawther Drive. This property is more fully described as Lot 4B, Block 4408, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct a single family residential structure with a building height of 41 feet 9 inches, which will require a 5 foot 9 inch varian to the maximum building height regulation.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 27 DAY OF
August, 20 15.

Steve Long
ADMINISTRATOR

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



Long, Steve

BDA156-069

Attach B

Pg 1

From: Signe Smith <signes@smitharc.com>
Sent: Wednesday, June 08, 2016 11:54 AM
To: Long, Steve
Cc: Jeff Bragalone; 'Mickie Bragalone'
Subject: BDA156-069: R-1AC(A) 3-story examples
Attachments: R-1AC(A) Lots with 3 Story Homes and No Property Slope (003).pdf

Mr. Long,

In addition to the materials we have already submitted for variance request BDA156-069, 4105 W. Lawther Dr., we would also like to submit the attached exhibit. It shows a dozen R-1AC(A) properties in the City of Dallas where the MLS listing service has listed the property as having 3 stories. Each page of the attached document also includes for each property a screen capture of property address from Google Maps with terrain shown, which illustrates that none of these other R-1AC(A) zoned properties are burdened by a restrictive slope.

Thank you for your consideration and inclusion of this attachment and this email.

Regards,
signe

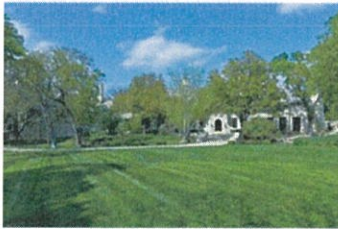
signe smith . assoc aia
smitharc architects
214 . 403 . 4039
www.smitharc.com

R-1AC(A) Zoned Lots with Three Story Homes and No Property Slope

9008 Briarwood Ln.

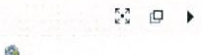


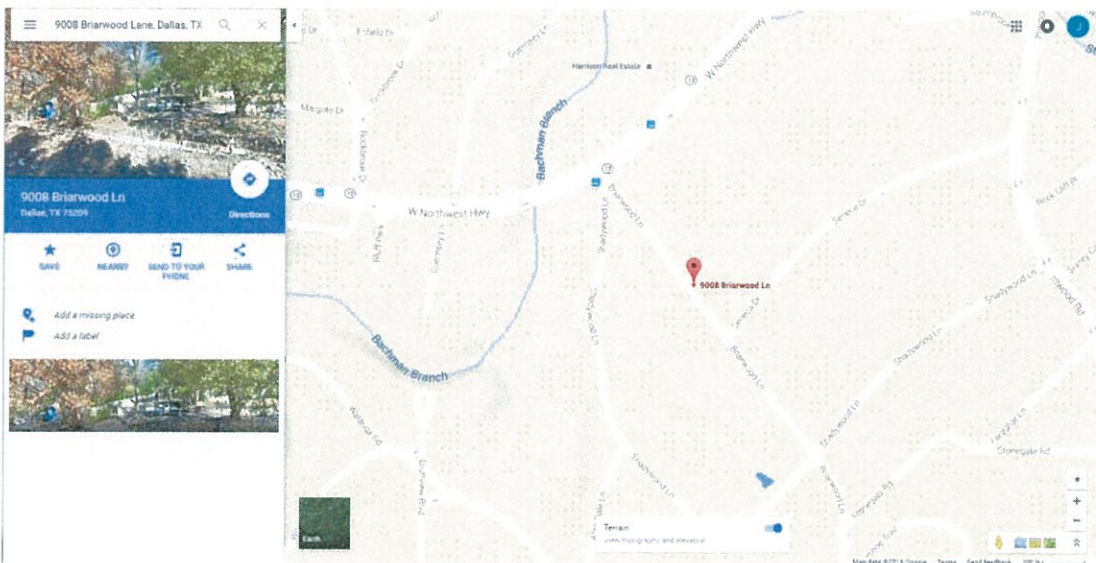
MLS#: 11907029 Sold **9008 Briarwood LN** Dallas 75209-2016 LP:

	Category: Residential	Type: RES-Single Family Orig LP:	
	Area: 25/2	Also for Lease: N	
	Subdv: Sunnybrook Ests	Lease MLS#:	Lst \$ / SqFt: \$645.56
	County: Dallas	Lake Name:	
Parcel ID: 00000420736000000	Plan Dvlpmnt:	Legal: SUNNYBROOK ESTATES BLK 5/5578	
Lot: B	Block: 55578	MUD Dst: No	Unexempt Taxes: \$173,032
Multi Prcl: No			

Bedrooms: 6	Tot Baths: 7.4	Liv Areas: 5	Stories: 3
Fireplaces: 7	Full Baths: 7	Dining Areas: 3	Pool: Yes
Sec Sys: Yes	Half Baths: 4		

SqFt: 16,265 / Tax	Yr Built: 2007 / Preowned
# Gar Spaces: 4	Garage Size:
# Carprt Spcs: 0	Cvrd Park: 4
Acres: 1.764	Lot Dimen:
	HOA: None
	HOA Dues:
	Accessory Unit:
	Accessory Unit Type:

1 / 25 



5121 Park Ln.



MLS#: 11349885 Sold 5121 Park LN Dallas 75220-2143 LP:



Category:	Residential	Type:	RES-Single Family Orig LP:
Area:	11/13	Also for Lease:	N
Subdv:	Preston Hollow	Lease MLS#:	
County:	Dallas	Lake Name:	
Parcel ID:	00000421243000000	Plan Dvlpmnt:	
Lot:	Block: 15589	Legal:	Preston Hollow Blk 1/5589 Tr 1
Multi Prcl:	No	MUD Dst:	No
			Unexempt Taxes:

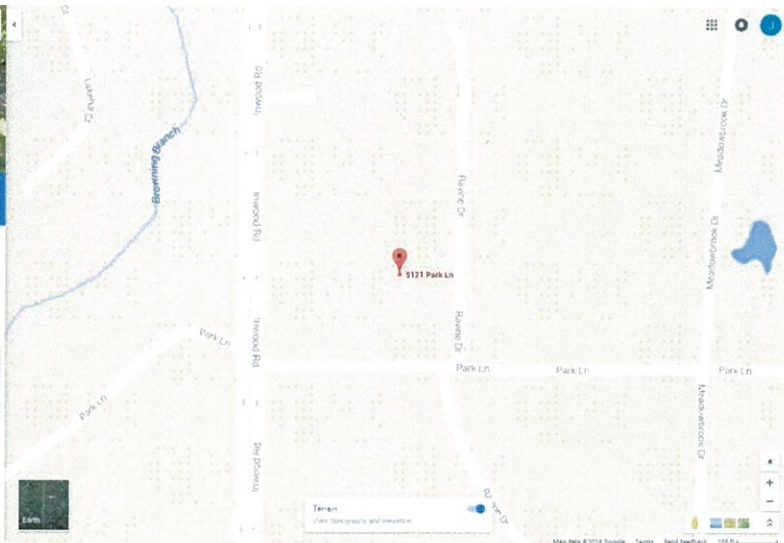
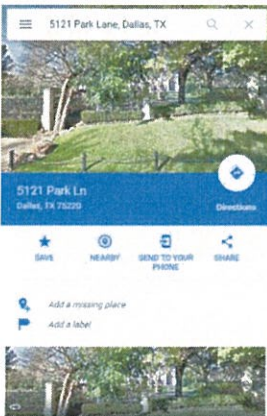
Bedrooms:	6	Tot Baths:	8.3	Liv Areas:	5	Stories:	3
Fireplaces:	4	Full Baths:	8	Dining Areas:	2	Pool:	Yes
Sec Sys:	Yes	Half Baths:	3				

SqFt:	16,036 / Owner	Yr Built:	1998 / Preowned
# Gar Spaces:	4	Garage Size:	
# Carprt Spcs:	0	Cvrd Park:	4
Acres:	2.217	Lot Dimen:	
HOA:	None	HOA Dues:	

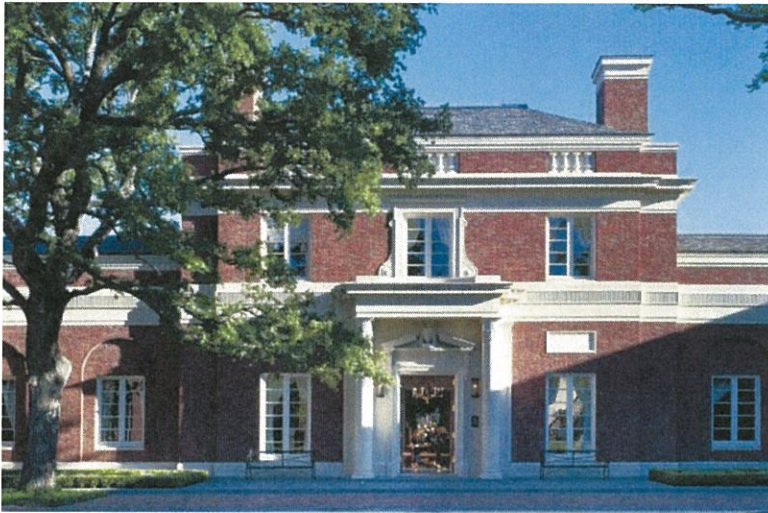
Hdcp Am:	No
Will Subdiv:	No

Accessory Unit: Accessory Unit Type:

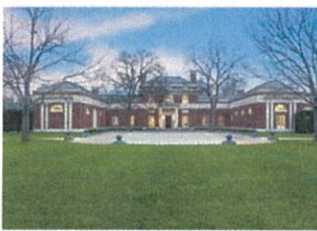
1 / 1



5950 Deloache Ave.



MLS#: 12139796 Active 5950 Deloache AVE Dallas 75225-3005 LP:



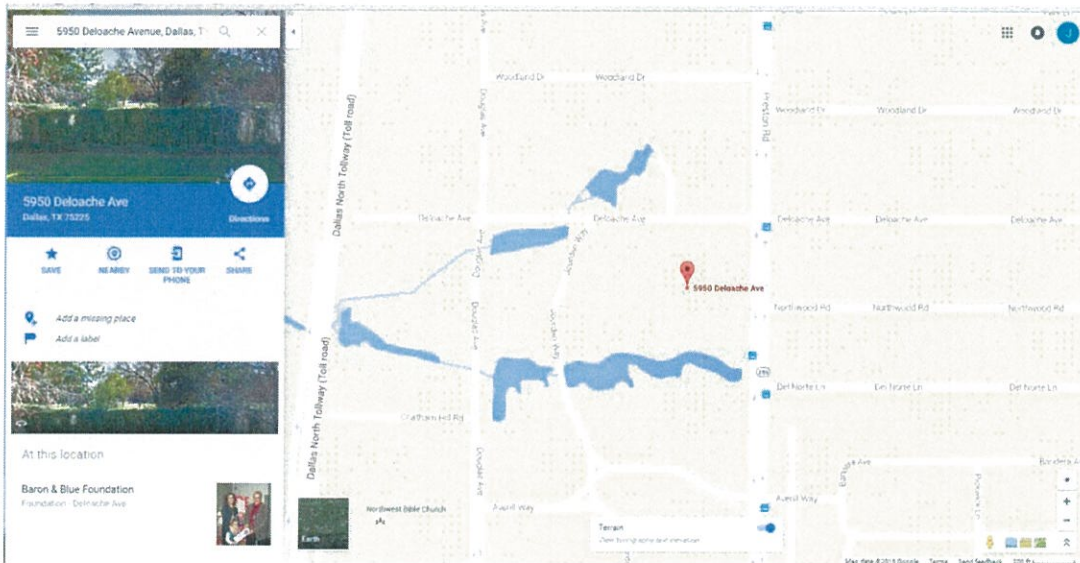
1 / 26

Category: Residential	Type: RES- Single Family	Orig LP: N
Area: 11/13	Also for Lease: N	Lst \$ / SqFt: \$1868.36
Subdy: Baron	Lease MLS#: 	
County: Dallas	Lake Name: 	
Parcel ID: 00561700000010000	Plan Dvlpmnt: 	
Lot: 1 Block: 5617	Legal: BARON BLK 5617 LT 1 ACS 8.985	
Multi Prcl: No	MUD Dst: No	Unexempt Taxes: \$411,531

Bedrooms: 4	Tot Baths: 6.5	Liv Areas: 5	Stone: 3
Fireplaces: 4	Full Baths: 6	Dining Areas: 2	Pool: Yes
Sec Sys: Yes	Half Baths: 5		

SqFt: 15,254 / Tax	Yr Built: 1997 / Preowned
# Gar Spaces: 5	Garage Size: 44 x 24
# Carprt Spcs: 0	Cvrd Park: 5
Acres: 8.985	Lot Dimen: 8.985 acs
HOA: None	HOA Dues:

Accessory Unit: **Yes** Accessory Unit Type: **Guest Quarter**



10095 Strait Ln.

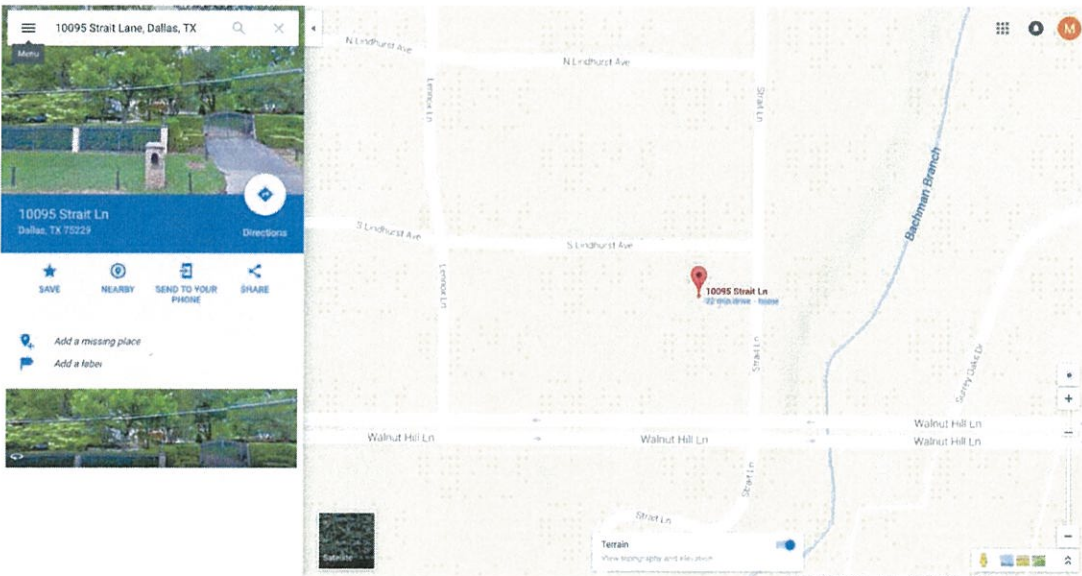


MLS#: 13363247 Active 10095 Strait LN Dallas 75229-6562 LP:



1 / 36 Front elevation, Gated Entry, Circular Drive...


Category: Residential	Type: RES-Single Family	Orig LP:
Area: 11/8	Also for Lease: N	Lst \$ / SqFt: \$555.82
Subdv: Taylor Estates	Lease MLS#:	
County: Dallas	Lake Name:	
Parcel ID: 0000041629600000	Plan Dvlpmnt:	BLK 3/5531 LT 3 INT200600180025 DD0510
Lot: 3	Legal:	Unexempt Taxes:
Multi Prcl: No	MUD Dst: No	
Bedrooms: 5	Tot Baths: 7.1	Liv Areas: 5
Fireplaces: 5	Full Baths: 7	Dining Areas: 2
Sec Sys: Yes	Half Baths: 1	Stories: 3
		Pool: Yes
SqFt: 10,345 / Appraiser	Yr Built: 1998 / Preowned	
# Gar Spaces: 3	Garage Size: 24 x 34	
# Carprt Spcs: 0	Cvrd Park: 5	Hdcp Am: No
Acres: 1.000	Lot Dimen:	Will Subdiv: No
HOA: None	HOA Dues:	
Accessory Unit:	Accessory Unit Type:	



9639 Hollow Way Rd.



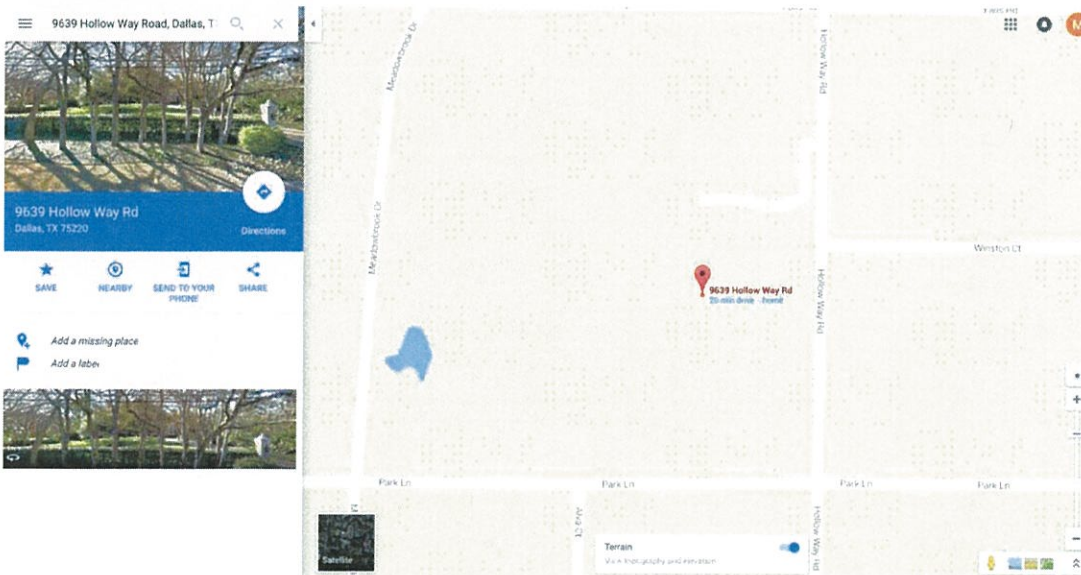
MLS#: **13323149** **Active** **9639 Hollow Way Rd** **Dallas** **75220-2118** LP:

	Category: Residential	Type: RES-Single Family Orig LP:	
	Area: 11/13	Also for Lease: N	Lst \$ / SqFt: \$710.28
	Subdv: Preston Hollow	Lease MLS#: 	
	County: Dallas	Lake Name: 	
Parcel ID: 00559000020020000	Plan Dvlpmnt: 	PRESTON HOLLOW REPLAT BLK 2/5590 LT 2	
Lot: 2	Block: 25590	Legal: 	Unexempt Taxes:
Multi Prcl: No		MUD Dst: No	

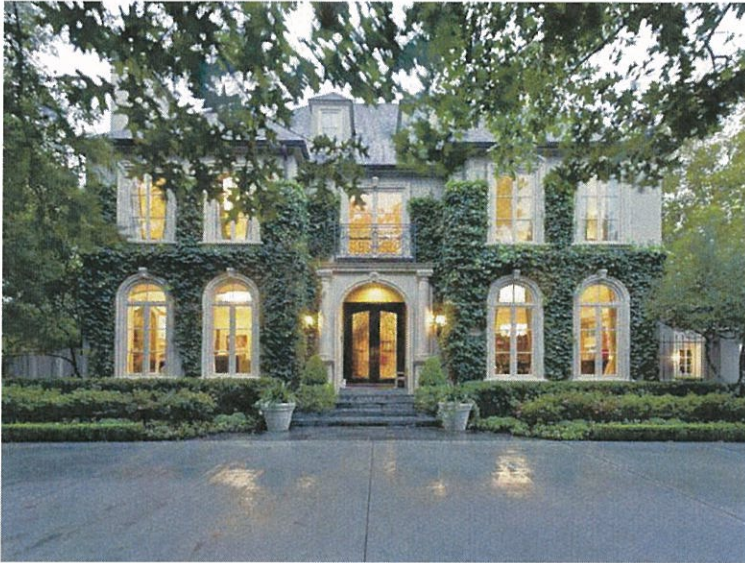
Bedrooms: 6	Tot Baths: 7.3	Liv Areas: 4	Storie: 3
Fireplaces: 4	Full Baths: 7	Dining Areas: 2	Pool: Yes
Sec Sys: Yes	Half Baths: 3		

SqFt: 14,072 / Tax	Yr Built: 1989 / Preowned		
# Gar Spaces: 3	Garage Size: 23 x 38		
# Carprt Spcs: 0	Cvrd Park: 3	Hdcp Am: No	Will Subdiv: No
Acres: 1.997	Lot Dimen: 		
HOA: None	HOA Dues: 		

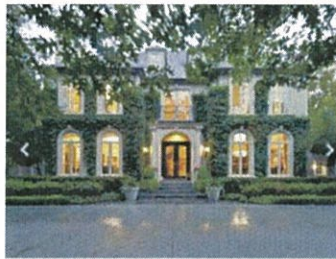
Accessory Unit: **Yes** Accessory Unit Type: **Pool House**



5808 Falls Rd.



MLS#: **11679338** **Sold** **5808 Falls RD** **Dallas** **75225-1617** LP:



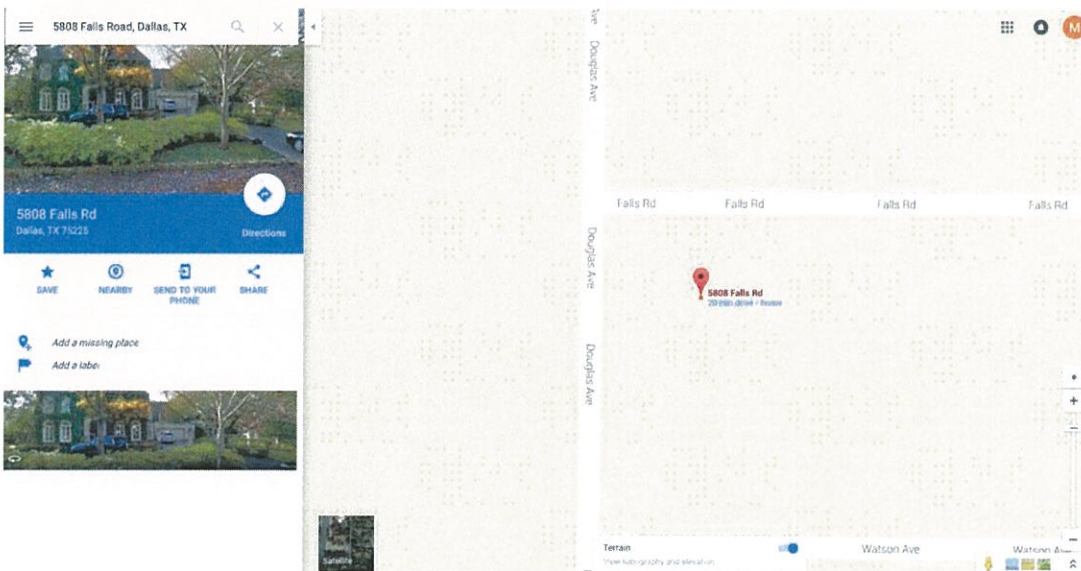
1 / 25

Category:	Residential	Type:	RES-Single Family Orig LP:
Area:	11/13	Also for Lease:	N Lst \$ / Sqf
Subdv:	El Parado Add	Lease MLS#:	
County:	Dallas	Lake Name:	
Parcel ID:	00000422065000000	Plan Dvlpmnt:	El Parado Addn Blk A/5614 Lt 1
Lot:	1 Block: A5614	Legal:	Unexempt Taxes:\$43,366
Multi Prcl:	No	MUD Dst:	No

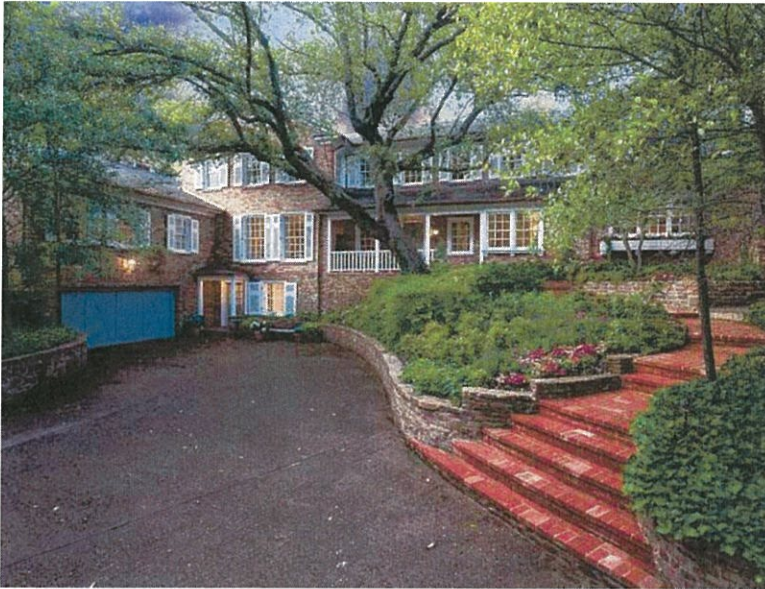
Bedrooms:	6	Tot Baths:	7.1	Liv Areas:	3	Stories:	3
Fireplaces:	2	Full Baths:	7	Dining Areas:	2	Pool:	Yes
Sec Sys:	Yes	Half Baths:	1				

SqFt:	5,812 / Tax	Yr Built:	1994 / Preowned
# Gar Spaces:	3	Garage Size:	27 x 27
# Carprt Spcs:	0	Cvrd Park:	3
Acres:	0.737	Lot Dimen:	
HOA:	None	HOA Dues:	
		Hdcp Am:	No
		Will Subdiv:	No


Accessory Unit: Accessory Unit Type:

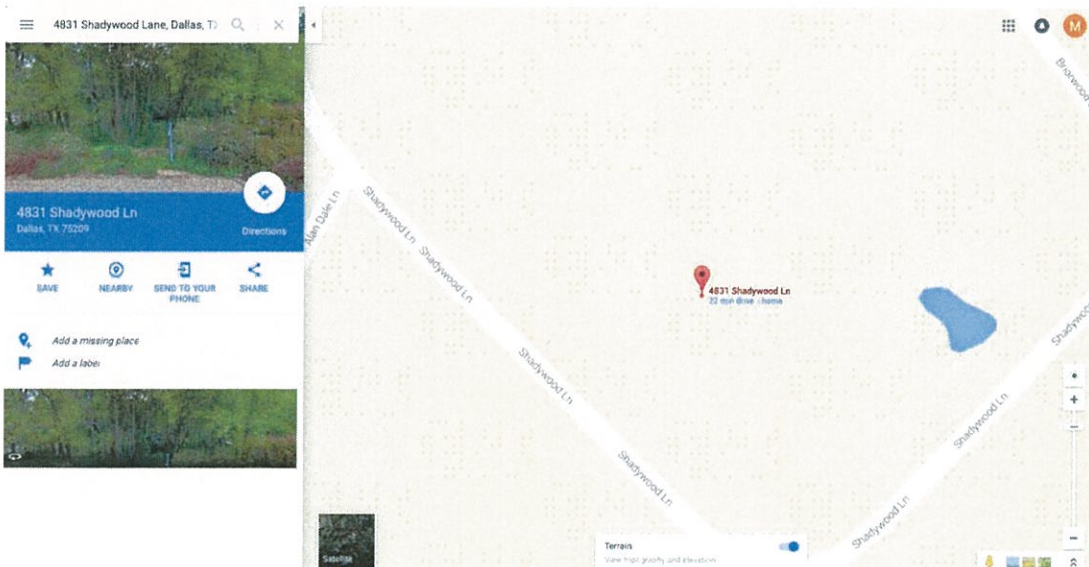


4831 Shadywood Ln.



MLS#: **13148688** **Sold** **4831 Shadywood LN** **Dallas** **75209-2021** LP:

	Category: Residential	Type: RES-Single Family Orig LP:	
	Area: 25/2	Also for Lease: N	Lst \$ / SqFt: \$540.52
	Subdv: Sunnybrook Estates	Lease MLS#: 	
	County: Dallas	Lake Name: 	
Parcel ID: 00000420589000000	Plan Dvlpmnt: SUNNYBROOK ESTATES BLK 2/5575 PT LOTS	Legal: 	Unexempt Taxes: \$88,220
Lot: 7	Block: 25575	MUD Dst: No	
Multi Prcl: No			
Bedrooms: 5	Tot Baths: 6.2	Liv Areas: 3	Stories: 3
Fireplaces: 4	Full Baths: 6	Dining Areas: 2	Pool: No
Sec Sys: Yes	Half Baths: 2		
SqFt: 7,206 / Tax	Yr Built: 1947 / Preowned		
# Gar Spaces: 2	Garage Size: 23 x 21		
# Carprt Spcs: 0	Cvrd Park: 4	Hdcp Arn: No	
Acres: 1.229	Lot Dimen: 	Will Subdiv: No	
HOA: None	HOA Dues: 		
	Accessory Unit: 	Accessory Unit Type: 	



5532 Park Ln.

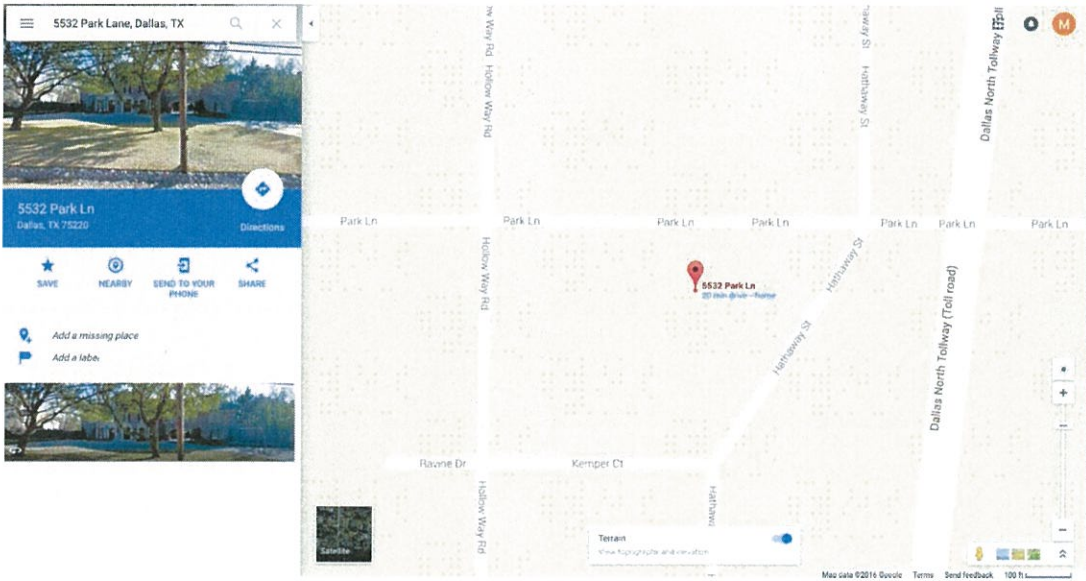


County: **Dallas** Lake Name:
 Parcel ID: **0000042146500000** Plan Dvlpmt:
 Lot: **2** Block: **75597** Legal: **BATESONS BLK 7/5597 E142FT LT 2 & W32F1**
 Multi Prcl: **Yes** MUD Dst:**No** Unexempt Taxes:**\$147,341**

Bedrooms: **7** Tot Baths: **9.1** Liv Areas: **5** Stories: **3**
 Fireplaces: **5** Full Baths: **9** Dining Areas: **2** Pool: **Yes**
 Sec Sys: **Yes** Half Baths: **1**

SqFt: **13,236 / Tax** Yr Built: **2007 / Preowned**
 # Gar Spaces: **5** Garage Size: **0 x 0**
 # Carprt Spcs: **3** Cvrdr Park: **8** Hdcp Arn: **Yes**
 Acres: **0.958** Lot Dimen: Will Subdiv: **No**
 HOA: **None** HOA Dues: Accessory Unit: Accessory Unit Type:


1 / 36



9338 Meadowbrook Dr.

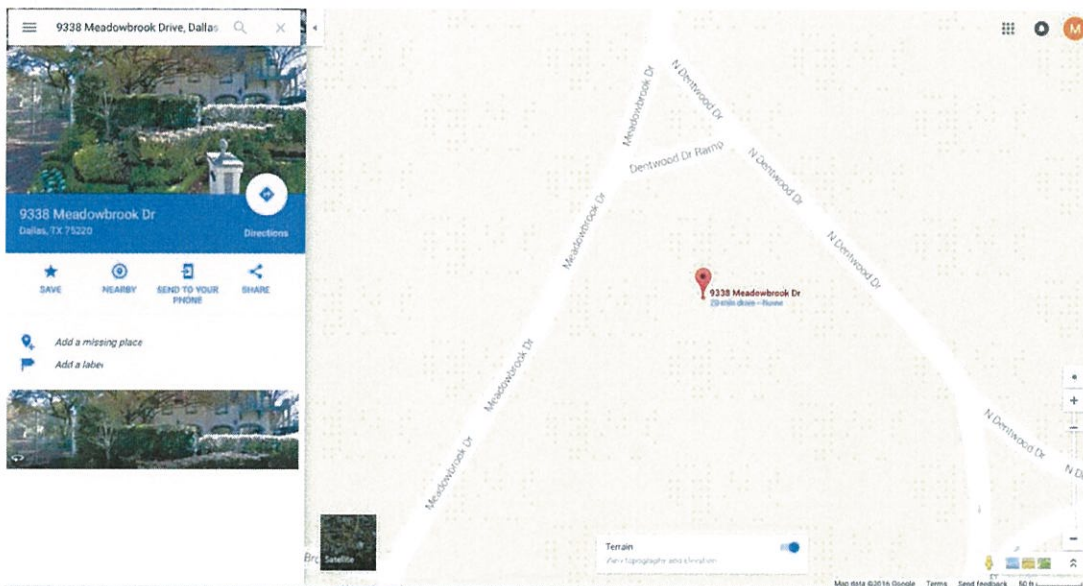


MLS#: **11474438** **Sold** **9338 Meadowbrook** **Dallas** **75220** LP:

 <p>1 / 21 Front</p>	Category: Residential	Type: RES-Single Family	Orig LP:
	Area: 11/13	Also for Lease: N	Lst \$ / SqFt: \$501.85
	Subdv: Dentwood #2 Addn	Lease MLS#: 	
	County: Dallas	Lake Name: 	
Parcel ID: 0000042116500000	Plan Dvlpmnt: 	Legal: 	
Lot: 18	Block: 5588	MUD Dst: No	Unexempt Taxes:
Multi Prcl: No			

Bedrooms: 4	Tot Baths: 4.3	Liv Areas: 4	Storie: 3
Fireplaces: 5	Full Baths: 4	Dining Areas: 2	Pool: NO
Sec Sys: Yes	Half Baths: 3		

SqFt: 13,540 / Other Documentation	Yr Built: 1986 / Preowned		
# Gar Spaces: 7	Garage Size: 	Hdcp Am: No	
# Carprt Spcs: 0	Cvrd Park: 7	Will Subdiv: No	
Acres: 2.000	Lot Dimen: 2 Acres		
HOA: None	HOA Dues: 	Accessory Unit: 	Accessory Unit Type:





B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-069
Date: 5/09/2016

Data Relative to Subject Property:
Location address: 4105 W Lawther Drive Zoning District: R-1AC (A)
Lot No.: 4B Block No.: 4408 Acreage: 1.1100 Census Tract: 80.00
Street Frontage (in Feet): 1) 115' 2) _____ 3) _____ 4) _____ 5) _____

585B

To the Honorable Board of Adjustment :
Owner of Property (per Warranty Deed): Jeffrey R & Mickie S Bragalone
Applicant: Jeffrey R Bragalone Telephone: 214.906.3646
Mailing Address: 6712 Avalon Ave Zip Code: 75214
E-mail Address: MBragalone@me.com
Represented by: Signe Smith Telephone: 214.403.4039
Mailing Address: 5646 Milton Street #631 Zip Code: 75206
E-mail Address: signes@smitharc.com

Affirm that an appeal has been made for a Variance X, or Special Exception , of
5'-9" over the 36'-0" height restriction.

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:
4105 W Lawther has a Restrictive Slope such that it cannot be developed in a manner commensurate when compared to other R-1AC (A) lots. We are also requesting this Variance in an effort to be a good neighbor, and act in the public's best interest, by pushing the main structure to the back of the lot in order to maximize the public's views of White Rock Lake rather than locating the structure at the front yard setback which would be within code, but block public views significantly. 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

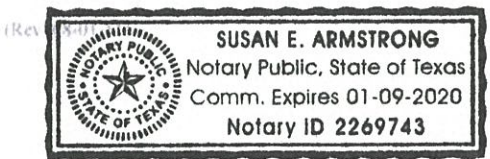
Before me the undersigned on this day personally appeared Jeffrey R. Bragalone
(Affiant/Applicant's name printed)

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 9th day of May 2016

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

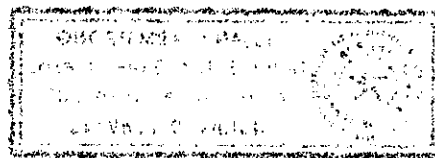
Building Official's Report

I hereby certify that Jeffrey R. Bragalone
represented by Signe Smith
did submit a request for a variance to the building height regulation
at 4105 W. Lawther Drive

BDA156-069. Application of Jeffrey R. Bragalone represented by Signe Smith for a variance to the building height regulation at 4105 W. Lawther Drive. This property is more fully described as Lot 4B, Block 4408, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct a single family residential structure with a building height of 41 feet 9 inches, which will require a 5 foot 9 inch varian to the maximum building height regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

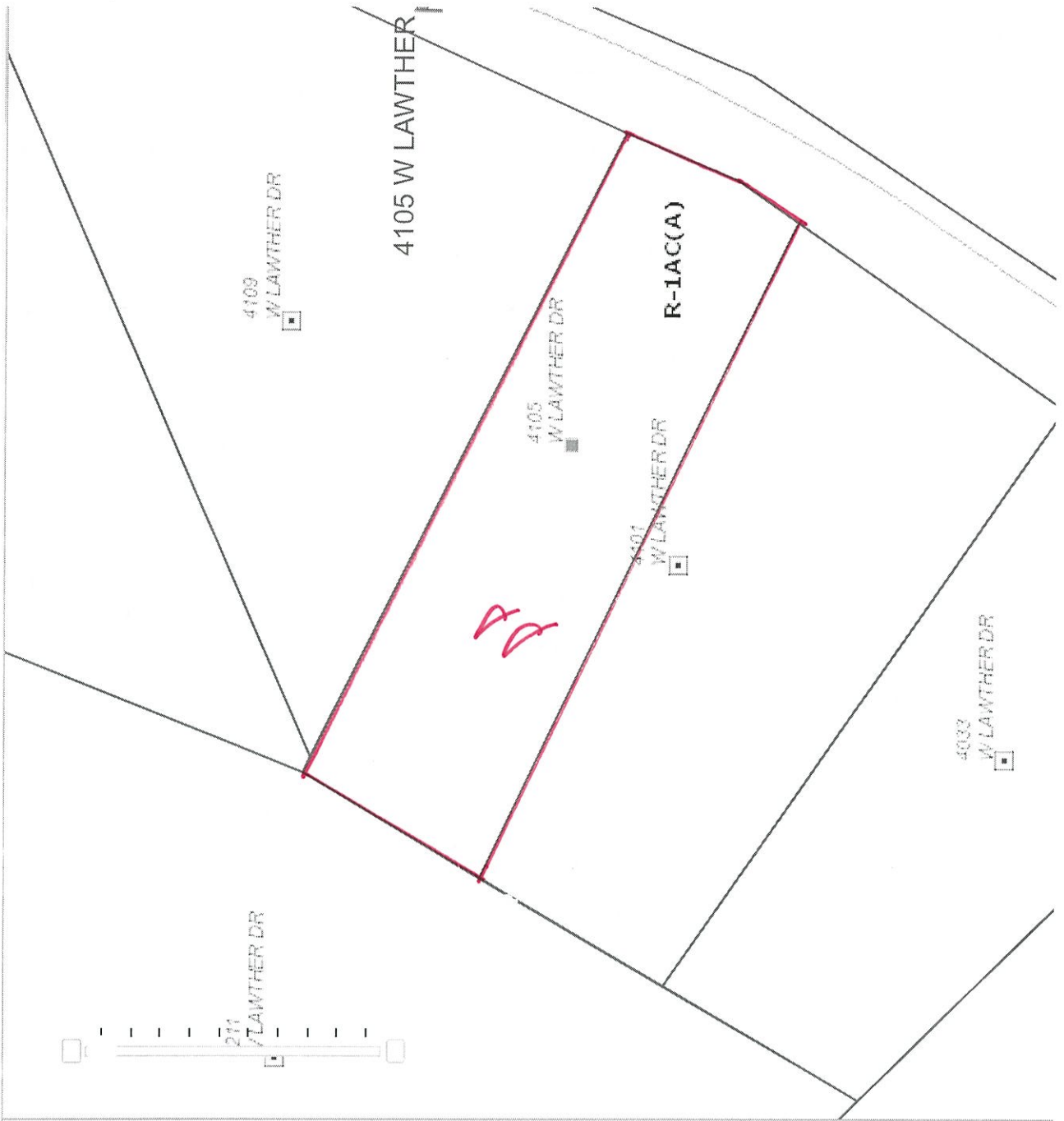


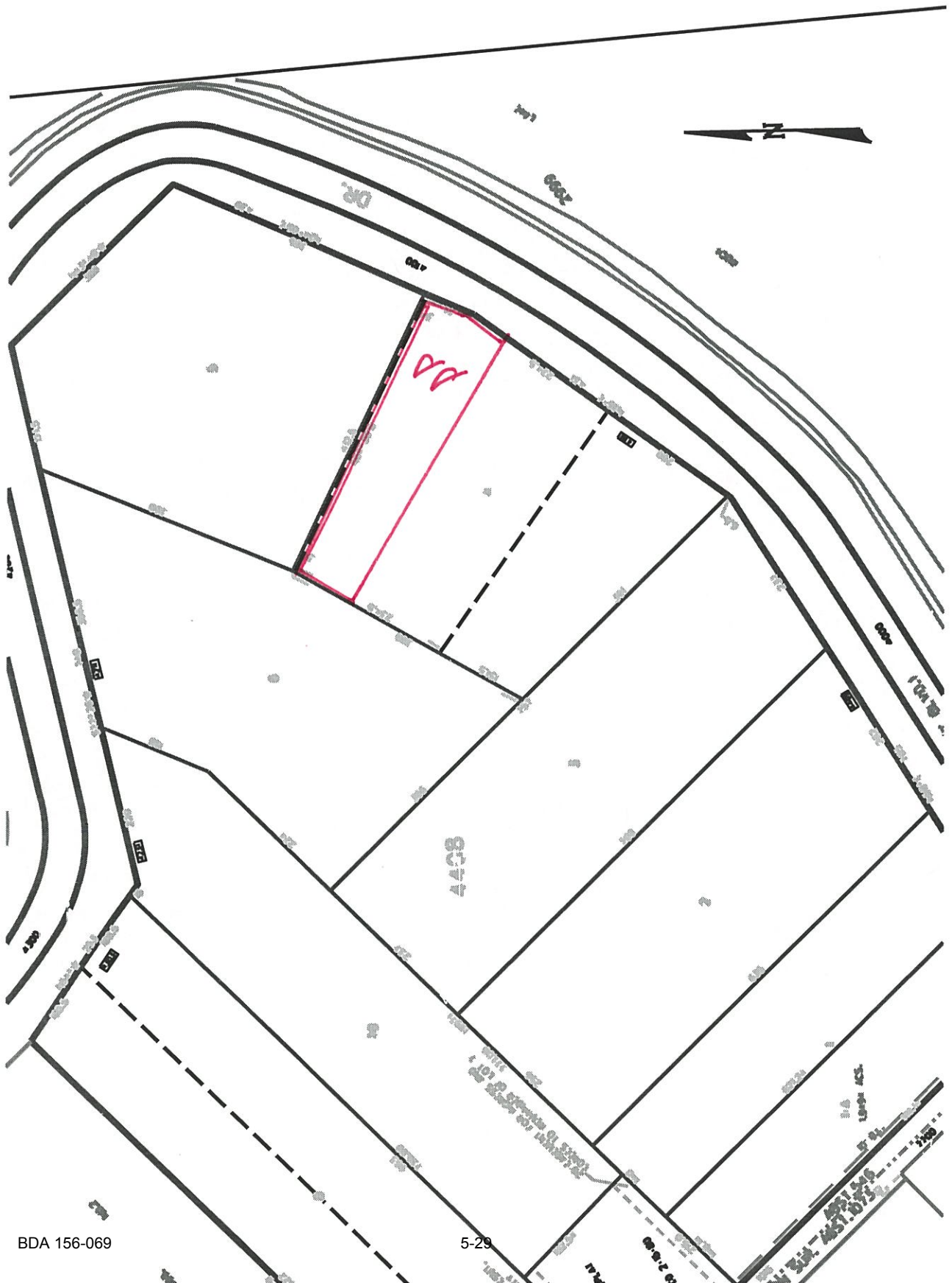
City of Dallas

Internal Development Research Site

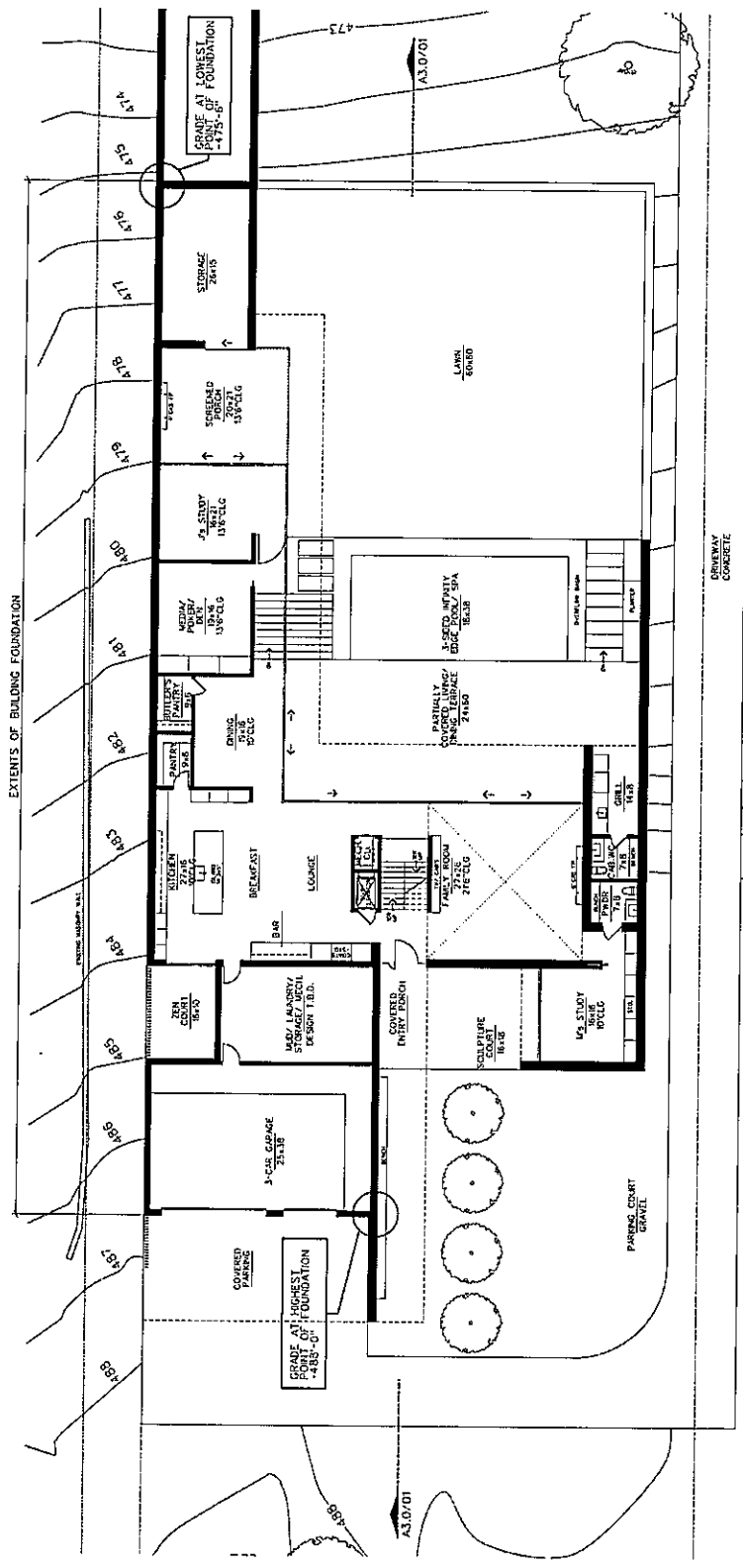
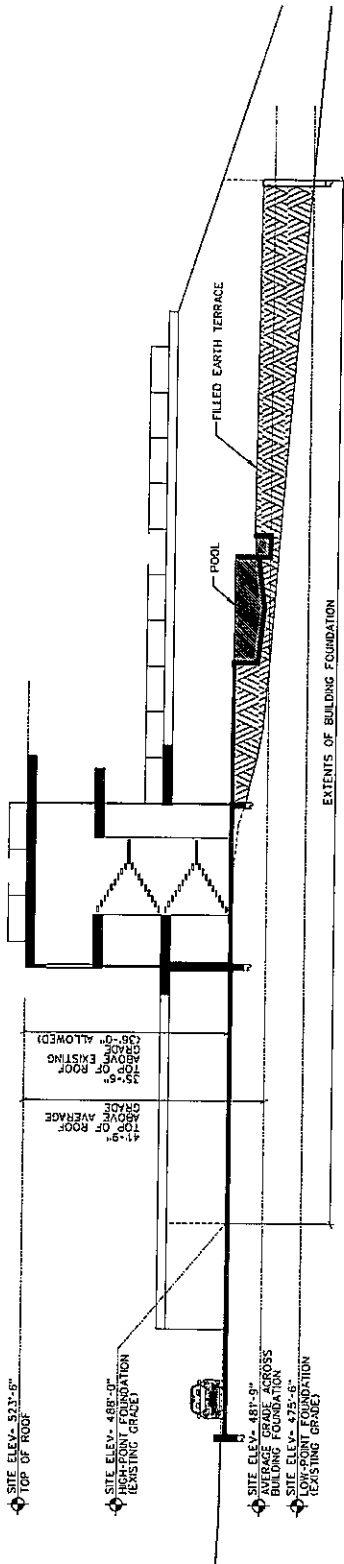
Legend

Locate Property





NOT FOR
PERMITTING OR
CONSTRUCTION





Writer's Direct Dial: 214-785-6671
Writer's Email: jbragalone@bcpc-law.com

BRAGALONE CONROY PC

May 9, 2016

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

Re: Request for Height Variance Due to Restrictive Slope

Dear Mr. Long:

We seek to build a home on our lot at 4105 West Lawther Drive at a height that is less than the maximum structure height of 36 feet allowed in our zoning district. (SEC. 51A-4.112 (a)(4)(E). If our lot were flat, we could build the home as planned without the need for the requested variance. We want to emphasize that if the requested variance is granted, **no structure on the lot will exceed 36 feet from the actual ground upon which it is built.** We believe that the house we propose to build is well within the norm for other existing estate residences in R-1ac(A) zoning districts as to both square footage and density. Attached as **Exhibit A**, is a List of Comparable Homes with R-1ac(A) Zoning, which we submitted previously in Case No. BDA 145-075. As the Board previously noted, the average of seven other properties on the street and in this zoning district is approximately 10,900 square feet, which is larger than the approximately 8,200 square foot structure we propose to build on the subject site.

The prior Building Official's Report for Case No. BDA 145-075 notes that, "The applicant proposed to construct a single family residential structure with a building height of 41 feet 9 inches." The report apparently must phrase the request in this manner due to the way height is measured by the city. This required wording of the Report suggests that we seek to build a structure more than forty-one feet tall. This is definitely not the case and we appreciate the opportunity to clarify this point for the Board.

Our lot at 4105 West Lawther Drive is a 1.1 acre lot in an R-1ac(A) district. Per SEC. 51A-4.112, the lots in an R-1ac(A) district are "lots of one acre or more in area" intended to support "estate type" single family residences. The estates that ring White Rock Lake are characterized by deep front lawns and large homes that are set well back from the popular jogging and bike paths that run parallel to West Lawther Drive. As long-time members of the White Rock Lake Conservancy, we have worked to preserve the lake for the use and enjoyment of the public. Since Dallas became



our home twenty-eight years ago, my wife and I have dreamed of one day living among the natural beauty of White Rock Lake.

Additionally, per SEC. 51A-4.112 (a)(4)(A), our lot is subject to a minimum front yard set-back of 40 feet. Our proposed structure is a home that is 35 feet 6 inches high – which is less than the maximum structure height of 36 feet and would be built on the back half of the lot, well behind the minimum set-back of 40 feet.

Our lot is burdened by a slope of 26 feet, a slope that, to our knowledge, is among the most severe slopes of any lot around the lake. Due to the significant slope of the lot and the manner in which the slope height restriction is calculated, the slope creates a hardship for us compared to other R-1ac(A) zoned properties in the City of Dallas that are not burdened by this severe slope. In addition, situating the home near the front of the lot might be contrary to the spirit of SEC. 51A-4.401 (b)(1), which notes that “the continuity of the established setback along street frontage must be maintained.”

Our architects designed the home to minimize the height of the shorter one-story “wing” or “finger” of the home that is closest to the lake. The current design of the wing even features a grass-covered berm that begins at ground-level on the front of the property and rises to cover the roof of that wing. This feature allows the portion of the home closest to the lake to blend into the landscape and presents the most unobtrusive sightlines to our north and south neighbors. Because the one-story portion of the home extends over the steep slope of the lot, the height restriction as calculated is lowered from 36 feet to 29 feet 3 inches. Thus, because of the extremely steep slope, our home exceeds the *calculated* maximum height.

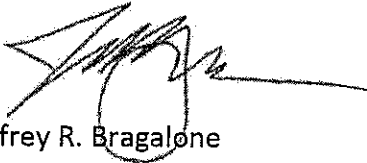
Attached hereto as **Exhibit B** are five letters from our neighbors on West Lawther that were submitted to the Board of Adjustment in support of our prior variance request, which requested exactly the same variance as the instant request. One of the letters of support is from Douglas and Hillary Dormer, who own the property at 4033 West Lawther Drive, which is one of five property owners within 200 feet of the subject property (who would receive the notice required by 51A-4.703 (c)(2)). Another one of the five property owners within 200 feet of the subject property, Mr. Bob Foster of 4101 West Lawther Dr., appeared at the August 26, 2015 hearing of the Board of Adjustments, and testified in favor of the proposed variance. For the convenience of the Board, a copy of the transcript of Mr. Foster’s testimony in support is attached hereto as **Exhibit C**.

Thus, we request a variance because, due to the restrictive slope of our lot, literal enforcement of the height regulations, as calculated with the slope height restriction, results in an unnecessary hardship to us because the natural slope of the land is such that, absent a variance, it cannot be developed in a manner commensurate with the development of other parcels of land with the same zoning. The requested variance is not contrary to the public interest, and will actually


promote the public interest by allowing 4105 West Lawther to be developed with a deep set-back consistent with other estates on the lake, and by allowing the preservation of two large existing trees that currently occupy the front of the property as well as many of the smaller trees currently growing along the back of the property.

For all of these reasons, we respectfully request that, following a hearing, the Board of Adjustment will grant the requested variance.

Respectfully submitted,



Jeffrey R. Bragalone



Mickie S. Bragalone

Exhibit A

List of Comparable Homes with R-1ac(A) Zoning

Address	Main House Sq. Ft.	Additional structures	Total Sq. Ft.	Zoning	Sources
4105 W. Lawther Dr.	7,270	945	8,215	R-1AC(A)	Schematic Design Plan*
3525 W. Lawther Dr	7,192	1,892	9,084	R-1AC(A)	DCAD, Zoning website
4109 W. Lawther Dr.	7,057	2,426	9,483	R-1AC(A)	DCAD, Zoning website
4303 W. Lawther Dr.	6,468	3,103	9,571	R-1AC(A)	DCAD, Zoning website
4535 W. Lawther Dr.	6,895	4,098	10,993	R-1AC(A)	DCAD, Zoning website
4353 W. Lawther Dr.	8,262	2,899	11,161	R-1AC(A)	DCAD, Zoning website
3515 W. Lawther Dr.	8,092	4,382	12,474	R-1AC(A)	DCAD, Zoning website
4001 W. Lawther Dr.	9,689	3,730	13,419	R-1AC(A)	DCAD, Zoning website

*Based on current design plans; actual as-built structure may vary +/- 15%.

Exhibit B

Letters of Support from Neighbors with R-1ac(A) Zoning

- | | |
|---------------------------------------------|-----------------------|
| 1. Letter from Douglas and Hillary Dormer – | 4033 West Lawther Dr. |
| 2. Letter from Leon Banowetz – | 4331 West Lawther Dr. |
| 3. Letter from Robin and John Herndon – | 3435 West Lawther Dr. |
| 4. Letter from Larry and Tara Dullye – | 4361 West Lawther Dr. |
| 5. Letter from Cindy Weed – | 3525 West Lawther Dr. |



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

Re: Case No. BDA 145-075, 4105 Lawther Drive

Dear Mr. Long:

We write this letter in support of the referenced variance requested by Jeff and Mickie Bragalone. We are homeowners at 4033 West Lawther, the neighborhood, which includes the lot at 4105 West Lawther Drive. As we understand it, the Bragalones wish to build a home that is less than the 36-foot maximum height restriction that would be permissible under the code if the lot were flat, but that due to the restrictive slope of their lot, a variance is required to allow the structure at the highest point of their lot to be built at this height.

Jeff and Mickie have explained that they wish to situate their home on the lot in a manner that is commensurate with other homes around the lake – toward the back of the lot rather than at the front where it would obstruct lateral views and require the removal of trees. However, due to the significant slope of their lot, a design that spans across this slope, and the manner in which the slope height restriction is calculated, a variance is required to allow them to build up to the 36-foot maximum height on the highest portion of the lot. They've also explained that situating the entire home on the highest portion of the lot would allow them to build at the height of 36 feet, but would result in a larger structure located entirely on the back portion of the lot and may require cutting down trees on the back of the lot.

We believe that maintaining a set back similar to other homes that ring White Rock Lake enhances the overall beauty of the area. We support preserving the large shade trees at the front of 4105 West Lawther and believe it will enhance the continued use and enjoyment of the popular jogging and bike paths that surround the lake. We support design that spans the slope of their lot rather than situating the home entirely on the front or extreme back of the lot and therefore, support their requested height variance.

Based on our understanding of their request for a variance, we believe that the variance would be in the best interests of the White Rock Lake community, and we support the Bragalones' request. Please feel free to contact us should you have any questions regarding this letter.

Sincerely,

Handwritten signatures of Douglas and Hillary Dormer in black ink.

Douglas and Hillary Dormer

August 25, 2015

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

Re: Case No. BDA 145-075, 4105 Lawther Drive

Dear Mr. Long:

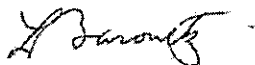
On behalf of myself and my wife, Molly, I write this letter in support of the referenced variance requested by Jeff and Mickie Bragalone. We are homeowners at 4331 West Lawther Drive, the neighborhood which includes the Bragalone lot at 4105 West Lawther Drive. As we understand it, the Bragalones have requested a height variance due to the restrictive slope of their lot. We also understand that the variance request will allow them to position their home further back on their lot to maintain a generous greenbelt fronting the lake and to not impede the sightlines of their adjacent neighbors. We've had an opportunity to visit with Jeff and Mickie about their design and variance request and support the variance as requested.

We have known Mickie and Jeff Bragalone for many years, and they are longtime residents of East Dallas. Like myself, Mickie has served on the board of the White Rock Lake Conservancy, a group dedicated to preserving the history and beauty of the lake for the use and enjoyment of all. Based on our understanding of their request for variance, their plans will maintain the character of the neighborhood and the beauty of the lake, which we very much support.

We respectfully request your approval of the variance request.

Please feel free to contact me should you have any questions regarding this letter.

Sincerely,



Leon Banowetz
4331 West Lawther Drive
Dallas, TX 75214
214-293-7152

Long, Steve

From: robin herndon
Sent: Tuesday, August 25, 2015 9:56 PM
To: Long, Steve
Cc: signes@snitharc.com; Jeffrey Bragalone
Subject: Case # BDA 145-075, 4105 W Lawther Dr

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas
Sustainable Development and Construction
1500 Marilla St., Room 5BN
Dallas, TX 75201

Re: Case # BDA 145-075, 4105 Lawther Dr

Dear Mr. Long,

My name is John Herndon. My wife ,Robin, and I live at 3435 W Lawther Dr. We are writing in support of the requested height variance at 4105 W Lawther, by Jeff and Mickie Bragalone. It appears that the portion of the structure in question is within the 36 foot height limit when measured from grade and that the "over the height limit call" is being made by measuring from another part of the home being built farther down the slope. If this was uniformly applied, I imagine several homes around the lake built on more steeply sloping lots would not meet the 36 ft criteria. In the extreme, a long structure spanning the long dimension of a sloped lot might not be allowed higher than one story if this measuring standard were applied.

The Bragalones could probably move their home farther forward or backward on the lot to stay within the height limit w/o actually changing anything but the reference point for measuring, but we believe maintaining a more common setback on the lot is probably more important to the surrounding neighbors. I know this was a concern and taken into account when our home was built in 2000.

In summary, we have no objections to their request. While we are not directly juxtaposed to their lot and obviously not as directly affected, we hope that in a similar situation, the same consideration would be given to us or other home owners around the lake.

Sincerely,

Robin Herndon

John Herndon

From: **Larry Dullye** docladu@sbcglobal.net
Subject: **Case no. BDA 145-075**
Date: **August 25, 2015 at 10:52 PM**
To: **steve.long@dallascityhall.com, signes@snitharc.com**
Cc: **mbragalone@me.com**

Dear Mr. Steve Long,

We are Larry and Tara Dullye and live on West Lawther Drive at 4361, up the street from the Bragalone's, who are located at 4105 West Lawther Drive. We have reviewed their building plans and building height variance request (Case no. BDA 145-075) and approve of their request.

Thank you,

Larry and Tara Dullye

Long, Steve

From: Cindy Weed
Sent: Wednesday, August 26, 2015 8:31 AM
To: Long, Steve
Cc: Mickie Bragalone
Subject: 4105 West Lawther

Dear Mr. Long,

I am writing regarding the recently requested variance submitted by Jeff and Mickie Bragalone. The Bragalones are attempting to complete their plans to build their home at 4105 W. Lawther Drive. The natural sloping of their lot requires this variance which will allow them to build their home in a way to be in keeping with the desired aesthetic result they are seeking.. Their desire to build their house with a deeper setback from Lawther Drive should be viewed as a positive move for their neighbors and for the beauty of the neighborhood surrounding White Rock Lake. In order to achieve this end, however, the variance must be granted in favor of the Bragalones.

My husband and I live at 3525 Lawther Drive, and, while we will not be directly impacted by the development of the property at 4105 W. Lawther, we support the design the Bragalones are hoping to implement. I feel the Bragalone's construction plans will bring value to this property and to the neighborhood as a whole.

Thank you.

Respectfully submitted,
Cindy Weed

Sent from my iPad

Exhibit C

Testimony of Support from Adjacent Neighbor at 4101 West Lawther Dr.

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CIVIL ACTION NO. DC-15-10391

KENNETH SAUNDERS AND
KYLE SAUNDERS

VS.

THE CITY OF DALLAS AND
THE CITY OF DALLAS BOARD OF
ADJUSTMENT

BOARD OF ADJUSTMENT HEARING

BDA 145-075

AUGUST 26, 2015

SARAH BINA, Texas CSR #8075
Expiration Date 12/31/15
ALL-AMERICAN REPORTING
P.O. Box 520
Denton, Texas 76202
(940) 320-1992
(972) 219-5161
Tlcandaa@aol.com

ALL-AMERICAN REPORTING (940) 320-1992 (972) 219-5161

1 of the letters of support that we received, so I
2 won't go into detail on those, but if you have any
3 questions for me --

4 THE CHAIR: Thank you, Mr. Bragalone.
5 Board members, are there any questions for the
6 Applicant? Thank you. Are there any other speakers
7 in favor?

8 MR. FOSTER: Thank you, Madam. Can I
9 use your pointer?

10 MR. BRAGALONE: Yeah.

11 MR. FOSTER: If I can get this old
12 slide --

13 MR. BRAGALONE: Just go back with
14 this.

15 MR. FOSTER: Okay. My name is Bob
16 Foster, and I am the contiguous neighbor to the
17 south of the Bragalones -- let's see if I can get
18 back to this -- and I'm speaking today to just
19 mention two, I think, important issues. Let's see
20 if I can get this to work right somewhere here.

21 So we're located in this parcel about
22 one point six acres just to the south of the
23 Bragalones. Our discussions with both Mickie and
24 Jeff were very productive and very informative.
25 Clearly, we were cognizant of -- of what the

1 regulations currently within the City contemplate.
2 Our big concern certainly was what I would call a
3 symmetry issue, and so as you look across the three
4 lots here, this will be the Dormers to the south.
5 They wrote a letter in support. We're in the
6 middle. We're about one point six acres. And the
7 Bragalones are just north, as -- as Jeff has talked
8 about.

9 Certainly one of the reasons you buy
10 any waterfront property is for the view of the
11 water. And where they have positioned their house
12 relative to where we are positioning our house and
13 relative to the flat spot or the building pad that's
14 currently in place for the Dormers, all three of
15 those homes are congruent. What I mean by that is
16 there's -- there's no one who is set up further
17 forward or further back to be adversely impacted.
18 And I think that's really a driving issue that I
19 would like at least the Board to consider is, if
20 the -- wow, not so good at this, am I? If they were
21 to move significantly forward, of course, our
22 impairment's going to be a visual impairment to the
23 north and east. We're going to look into their
24 backyard, we're going to look into their garage,
25 we're going to look into their -- their driveway.

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1 Certainly for their advantage, they don't want to be
2 parked all the way back here. There is a degree of
3 flat spot back here where they can be
4 thirty-six-foot compliant. I think that probably --
5 and Jim can certainly speak for himself or -- or
6 even Ken -- positioning their house further in the
7 back may potentially impair something. And -- and I
8 don't know the topography well enough to speak to
9 it, but the key thing for us and for the Foster
10 family -- there's myself, my wife, and two girls --
11 was to be assured two things, one, that, indeed, I
12 understood -- or we understood what the variance
13 request was, and we do. And we understand the
14 science of -- of what was explained. Again, on an
15 absolute basis, the house that will be located just
16 north of us is code compliant. It's thirty-five
17 point six feet. How they build that house, how big
18 they want to build that house, that's clearly within
19 their purview. That's not mine to weigh in on.

20 My big issue, of course, here is
21 stating today is -- and why I'm in agreement of this
22 is the position of this house is important to us, so
23 it's a selfish issue why I'm standing here. If they
24 do come significantly toward the lake, we're going
25 to lose a significant portion to our view. Clearly,

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1 if they go significantly to the back, they're not
2 going to have much view at all, so I just wanted
3 to -- to kind of bring maybe a different perspective
4 as what I would consider to be the most impacted
5 neighbor from an undeveloped standpoint.

6 Again, Jim, who I've known for a
7 while, and -- and Ken, and so on and so forth, their
8 houses are there, they're established, they're not
9 going to tear them down, move them, or otherwise
10 reconstruct their home, so I at least wanted the
11 Board and -- and -- and the larger group and
12 audience to understand we're in agreement for this
13 because of an alignment issue and really from a
14 technical issue.

15 Thirty-five feet is thirty-five feet
16 where they sit, and that's purely within code. I
17 understand clearly the legal text of arguing the
18 midpoint arguments, et cetera. You know, that --
19 that's a whole separate kind of bailiwick, but we're
20 in agreement because neither person or neither party
21 who are neighbors in this case are going to be
22 adversely impacted by the position of the house, nor
23 the height of the house; notwithstanding, again, the
24 ruling in which the way things are measured, so I
25 just wanted to make sure that, again, I consider

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1 myself one of the most impacted, not the most
2 impacted neighbor, as you guys contemplate whether
3 this is a move forward or whether this is a no-go,
4 so I appreciate your time today and trust you weigh
5 it carefully, so thank you very much.

6 THE CHAIR: Thank you, Mr. Foster.
7 Are there any questions for Mr. Foster from the
8 Board?

9 MR. FOSTER: Sorry.

10 THE CHAIR: Thank you. Are there any
11 other speakers in favor?

12 MS. BRAGALONE: Hello. My name is
13 Mickie Bragalone. I have no technical presentation,
14 no pointers, no slides. I wanted to speak to you
15 for a couple of reasons because I wanted to speak to
16 you. I didn't want all of our position to be
17 articulated just by my husband. I wanted you to
18 have an opportunity to ask me questions if you
19 needed to, and I wanted to talk to you about our
20 efforts to reach out to the neighbors.

21 As Jeff mentioned and somebody said to
22 me earlier today, these matters are always difficult
23 when there's a face that goes along with them. We
24 lived in East Dallas for many years. We love
25 Lakewood, we love the lake. It's been a dream of

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REPORTER'S CERTIFICATE

I, Sarah Bina, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the foregoing pages is a transcription of the proceedings of the Board of Adjustment Hearing in the above-entitled matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this Board of Adjustment Hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of \$ _____ and was paid in full by _____.

GIVEN UNDER MY HAND on this the 5th day of OCTOBER, 2015.

SARAH BINA, CSR #8075
Certified Shorthand Reporter
In and for the State of Texas
All-American Reporting
P.O. Box 520
Denton, Texas 76202
(972) 219-5161
(940) 320-1992
Tlcandaa@aol.com

My commission expires: 12/31/15

ALL-AMERICAN REPORTING (940) 320-1992 (972) 219-5161



GEOTECHNICAL INVESTIGATION

**Proposed BRAGALONE RESIDENCE
4105 West Lawther Drive
Dallas, Texas**

Project No. 16-DG8162

Prepared for:

**Mr. JEFF BRAGALONE
Dallas, Texas**

Prepared by:

**GEOSCIENCE ENGINEERING
& TESTING, INC.
Dallas, Texas**

March, 2016

2712 Satsuma Drive, Suite 400 ♦Dallas, Texas 75229♦ 972.488.3500 (P) ♦e-mail: geti@sbcglobal.net



Project No. 16-DG8162

March 28, 2016

Mr. Jeff Bragalone
6712 Avalon Avenue
Dallas, Texas 75214

**Geotechnical Investigation
Proposed BRAGALONE RESIDENCE
4105 West Lawther Drive
Dallas, Texas**

Geoscience Engineering & Testing, Inc. is pleased to submit this geotechnical investigation for the above referenced project located in Dallas, Texas. This report briefly describes the procedures employed in our subsurface exploration and presents the results of our investigation.

Our Construction Materials Testing Division can provide the materials testing services that will be required during the construction phase of this project. We will be pleased to discuss a scope of work and submit a proposal for these services upon request.

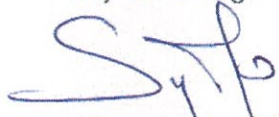
We appreciate the opportunity to be of assistance on this project. Please feel free to contact us if you have any questions or if we can be of further service.

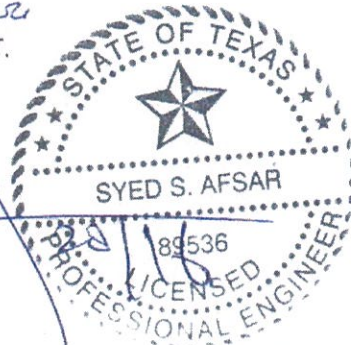
Very Respectfully,

Geoscience Engineering & Testing, Inc.

Firm Reg # F-11285, DBE #IMDB51637Y121, HUB # 113422734310


Shokoofeh Golkhari, MSc, E.I.T.
Project Manager


Syed S. Afsar, P.E.
Vice President



2712 Satsuma Drive, Suite 400 ♦Dallas, Texas 75229♦ 972.488.3500 (P) ♦e-mail: geti@sbcglobal.net



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INTRODUCTION

Project Description

This report presents the results of the geotechnical investigation performed at the above referenced project site located in Dallas, Texas. It is our understanding that a 3-story single-family residence with a porch is proposed for construction at this site. Information regarding structural loads was not available at the time of this investigation; however, we anticipate the loads will be light.

Site Description

The site of the proposed project is located at 4105 Lawther Drive in Dallas, Texas. At the time of this investigation, the site was undeveloped land covered with vegetation and few scattered trees. Based on the visual observation the site slopes downwards toward south in the direction of white Rock Lake. Due to presence of Lake in the close vicinity of the site we highly recommend that the finished floor elevation of the proposed building should be elevated in order to avoid any flooding in the future. The general location and orientation of the site is shown in the **Illustrations** section of this report.

Purposes and Scope of Work

The principal purposes of this investigation were to evaluate the general soil conditions at the referenced site and develop recommendations for the design and construction of the proposed building. These purposes were accomplished by:

- 1) Develop subsurface soil and rock stratigraphy at the boring location;
- 2) Evaluate soil swell potential and provide alternatives to reduce soil movement;
- 3) Provide recommendations for foundation design parameters and
- 4) Provide site preparation recommendations.

Slope stability analysis was beyond the scope of this investigation

Report Format

The first sections of this report describe the field and laboratory phases of the study. The remaining sections present our engineering analyses that were used to develop geotechnical parameters for the type of foundation system proposed for this site. Boring logs and laboratory test results are presented in the **Illustrations** section of this report.

FIELD INVESTIGATION

To explore the subsurface conditions, four (4) test borings were drilled and sampled to a depth of 20 feet below ground surface. The approximate location of the test borings are shown on Location Plan Plate A in the **Illustrations** Section of this report. Boring logs with descriptions of the soils sampled are attached on Plate 1 and 4. Soil strata boundaries shown on the boring logs are approximate.

The borings were advanced using continuous flight auger techniques. Undisturbed surface cohesive soil samples were obtained using a 3-inch diameter thin-walled tube sampler pushed into the soil. The un-drained compressive strength of cohesive soils was estimated in the field using a calibrated pocket penetrometer. All soil samples were removed or extruded from the samplers in the field, visually classified, and placed in appropriate containers to prevent loss of moisture or disturbance during transfer to the laboratory.

To evaluate the relative density and consistency of harder formations, Texas Department of Transportation Cone Penetrometer tests were performed at selected locations. The actual test consists of driving a three-inch diameter cone with a 170-pound hammer freely falling 24 inches. In relatively soft materials, the penetrometer cone is driven one foot and the number of blows required for each six-inch penetration is tabulated at respective test depths, as blows per six inches on the boring logs. In hard materials, the penetrometer cone is driven with the resulting penetrations, in inches, accurately recorded for the first and second 50 blows for a total of 100 blows. The penetration for the total 100 blows is recorded at the respective testing depths on the boring logs.

The borings were drilled using dry auger procedures to observe the water level at the time of the exploration. These water level observations are recorded on the boring logs.

LABORATORY TESTING

Engineering properties of the foundation soils were evaluated in the laboratory by tests performed on representative soil samples. A series of moisture content tests were performed to develop soil moisture profiles at the borings location and to aid in evaluating the uniformity of soil conditions. Plastic and liquid limit tests (Atterberg limits), dry unit weight determinations and percentage passing number 200 sieve tests were performed on selected samples from the

borings to confirm visual classification and to evaluate soil volume change potentials. The results of these tests are presented on the boring logs.

GENERAL SUBSURFACE CONDITIONS

Stratigraphy

Based on our interpretation of the borings drilled for this study, the subsurface stratigraphy encountered at this site consists predominately of sandy clay underlain by calcareous clay followed by tan weathered limestone followed by gray limestone.

More specifically, the upper subsurface stratigraphy encountered within the depth of the borings drilled consisted of brown to tannish brown SANDY CLAY (CL) from existing ground surface elevation to a depth of 1.5 to 4.5 feet, below which brown and tan CALCAREOUS CLAY (CL) soils with occasional limestone fragments were encountered and remained visible to a depth of 3 to 8 feet. Below 3 to 8 feet, tan weathered LIMESTONE with calcareous clay seams were encountered and remained visible to a depth of 11 to 18 feet in test borings B-1, B-3 and B-4, and to the completion depth of test boring B-2 drilled. Below 11 to 18 feet in test borings B-1, B-3 and B-4, Gray LIMESTONE was encountered and remained visible to the completion depth of test borings drilled.

The subsurface stratigraphy, as determined by the field exploration, is shown on the boring logs included in the **Illustrations** Section of this report.

Subsurface Water Conditions

The borings were advanced using auger drilling method in order to observe groundwater seepage levels. At the time of this investigation, groundwater seepage was encountered at a depth of 17 feet in test boring B-1, however no groundwater seepage was encountered in the test borings B-2 to B-4 drilled. It should be noted future construction activities may alter the surface and subsurface drainage characteristics of the site. Therefore, the depth to groundwater should be verified during construction. If there is a noticeable change from the conditions reported herein, this office should be notified immediately to review the effect that it may have on the design recommendations. Based upon short-term observations, it is not possible to accurately predict the magnitude of subsurface water fluctuations that might occur. In addition, it is not uncommon to detect water seepage within the soils atop the underlying limestone, particularly after a periods of heavy rain.

ANALYSIS AND RECOMMENDATIONS

Construction Consultation and Monitoring

We recommend that GETI be given an opportunity to review the final design drawings and specifications to ensure that the recommendations provided in this report have been properly interpreted. Wide variations in soil conditions are known to exist between different parts of the site. Further, unanticipated variations in subsurface conditions may become evident during construction. During the excavation and foundation phases of the project, we recommend that a reputable Geotechnical Engineering firm be retained to provide construction surveillance services in order to 1) observe compliance with the geotechnical design concepts, specifications and recommendations, and 2) observe subsurface conditions during construction to verify that the subsurface conditions are as anticipated, based on the borings performed for this investigation. Geoscience is available to perform the aforementioned services.

Soil Movement

The near surface clay soils encountered at this site exhibited Plasticity Index between 15 and 19. These soils should be considered as *low to moderately expansive* in nature and capable of vertical movements with changes in moisture conditions. The magnitude of the moisture induced vertical movements was calculated using Texas Department of Transportation method (TxDOT 124-E). Based on aforementioned method, at the time of this investigation, the potential vertical rise (PVR) at the location of the test borings drilled is estimated to be one (1) inch at existing ground surface. More movement will occur in areas where water ponding is allowed to occur during or after construction -or- in areas where additional fill other than select fill is placed -or- if the thickness of the clay soils is greater than that encountered in the test borings. Site grading may also increase the potential for the movement.

FOUNDATION TYPES

Pier Type Foundation System

The structural loads can be supported by auger excavated straight-sided, cast-in-place, reinforced concrete piers. The piers should be founded at least 2 feet within gray limestone encountered at a depth of 11 to 18 feet in test borings B-1, B-3 and B-4. We assume that gray limestone may also be encountered in other areas of the site. A net allowable end bearing capacity of 25,000 psf and skin friction of 2,500 psf can be used for compression and 2,000 psf for

tension. The skin friction component should only be applied to the portion of the shaft located in the bearing material below the recommended minimum penetration.

The piers should be provided with enough steel reinforcement to resist the uplift pressures that will be exhibited by the near surface soils. We recommend an uplift pressure on the order of 1,400 pounds per square foot of shaft area over an average depth of 8 feet or top of the limestone (whichever is encountered first) can be used. The uplift can be neglected in the event select fill soils are placed to reduce the soil swell potential. To resist the net tensile load, the shaft must contain sufficient continuous vertical reinforcement to the full depth of the pier.

Foundation piers designed and constructed in accordance with the information provided in this report will have a factor of safety in excess of 2.5 against shear type failure and will experience minimal settlement (less than one inch).

Pier Installation

The construction of all piers should be observed by experienced geotechnical personnel during construction to ensure compliance with design assumptions and to verify: (1) the bearing stratum; (2) the minimum penetration; (3) the removal of all smear zones and cuttings; (4) that groundwater seepage, if encountered, is correctly handled; and (5) that the shafts are vertical and within the acceptable tolerance levels.

Reinforcing steel and concrete should be placed immediately after the excavation has been completed and observed. In no event should a pier excavation be allowed to remain open for more than 8 hours. Concrete should be placed in such a manner as to prevent segregation of the aggregates. In the event that perched water seepage is encountered at the time of the pier drilling operations and the depth of water at the bottom of the shaft cannot be maintained to less than 3 inches, temporary casing of the piers will be required. It should be noted that prior to the placement of concrete the water from the pier hole should be removed using a pump.

Grade Beams

Grade beams should be structurally connected into the top of the piers. Grade beam can be designed to resist the anticipated vertical movement of the soils. Additional fill soil if is required should consist of offsite select fill soils (more preferred) or onsite calcareous clay soils (provided no limestone rock greater than 4 inches is present in the fill soils).

Alternatively, the grade beam can be suspended. A minimum void space of 6 inches should be provided beneath the beams. This void space allows movement of the soils below the grade beams without distressing the structural system. Structural cardboard forms are typically used to provide the void beneath grade beams. Cardboard forms used must have sufficient strength to support the concrete during construction.

Our experiences indicate that major distress in grade beams will occur if the integrity of the void box is not maintained during construction. The excavation in which the void box lays must remain dry. Cardboard cartons can easily collapse during concrete placement if the cardboard becomes wet. Backfill material must not be allowed to enter the carton area below grade beams as this reduces the void space that underlying soils need to swell.

Floor Systems

i). Suspended Floor Slab - The most positive floor system for pier type foundation systems in areas with different floor elevation will be a suspended floor system. The floor system of the proposed residence should be structurally supported on the foundation piers and a minimum void space of 6 inches provided between the bottom of the slab and underlying soils.

ii). Ground Supported Slab - A ground-supported slab may be considered for use at this site, provided the risk of some post-construction movement is acceptable. A ground-supported slab, if used, should be designed to resist the soil swell potential anticipated at this site. Additional fill soil if is required should consist of off-site select fill soils (more preferred) or on-site calcareous clay soils (provided no limestone rock greater than 4 inches is present in the fill soils). Prior to the placement of any fill soils, the building pad should be prepared according to the **BUILDING PAD PREPARATION** Section of this report. The placement of select fill soils should include all the areas sensitive to soil vertical movement.

Net allowable soil bearing pressure of 2,000 psf can be used to design the slab for select fill soils and natural soils. A moisture barrier of polyethylene sheeting or similar type material should be placed between the slab and the subgrade soils to retard moisture migration through the slab. Grade beams and floor slabs should be adequately reinforced to minimize cracking as normal movements occur in the foundation soils. It should be understood that a soil-supported foundation system will experience some movement over time.

PTI PARAMETERS

Based on the soil conditions encountered at the location of the test borings drilled for this study, and, referring to the guide provided in the "Design and Construction of Post-Tensioned Slabs on Ground", (published by Post-Tensioning Institute (PTI), the structure can be supported on a foundation system comprised of post-tensioned slab. The "VOLFLO" computer program was used to estimate swell/shrinkage.

The soil parameters to be utilized for design are as follows:

POST-TENSION PARAMETERS Based on existing soils condition (Post-Tensioning Institute Third Edition with 2008 Supplement Design)		
Minimum Grade Beam Depth:	24 Inches	Edge Moisture Variation Distance: Center Lift: 8.5 ft. Edge Lift: 4.2 ft.
Minimum Grade Beam Width:	10 Inches	
Plasticity Index (PI)	0-20' PI: 20	Differential Swell/shrinkage Swell: 1.7 inches Shrink: 1.2 inches
Depth to Constant Soil Suction:	Approximately 8 ft	
Principal Clay Mineral:	Montmorillonite	Allowable bearing capacity: Natural soils : 2,000 psf
Constant Suction Value: Fabric Factor	pF = 3.6 1.0	
Thornthwaite Moisture Index:	0	3) Slab subgrade coefficient Slab-on-sand bedding: 1.00 Slab-on-polyethylene over sand: 0.75
Estimated Total Settlement:	Less than 1-in.	
Estimated Moisture Velocity:	0.7 in/month	

(Note: If the perimeter grade beams extend into the soil to provide an effective 30-inch vertical barrier to moisture movement, center and edge lift associated with differential swell/shrinkage become 1.2 and 0.9 inches, respectively.)

The PTI differential soil movements estimates do not account for site preparation and vegetative influences, such as prior trees and residential landscaping, which can greatly influence foundation performance. The actual performance of slab-on-grade foundations will largely depend on actual soil moisture conditions, construction techniques, site preparation and

landscaping. The construction of post-tensioned slabs requires close attention to detail during construction. The existing tree roots can absorb moisture from the soils and can cause foundation distress as such we recommend that during construction all the tree roots encountered should be cut and we highly recommend that the root barrier should be installed between trees and foundation in order to minimize the effect of absorption of moisture by trees from the subgrade foundation soils.

Earth Pressure:

Based on topography of the site, and structural plans provided to us construction of a retaining wall will be required. The retaining walls should be designed to resist the expected lateral earth pressures. The magnitude of lateral earth pressure against retaining walls is dependent on the method of backfill placement, the type of backfill soils, drainage provisions. Recommended lateral earth pressures expressed as equivalent fluid pressures are presented below for rigid and flexible walls. Rigid walls are not anticipated to deflect sufficiently to mobilize active earth pressures. Structure walls should be considered rigid. Active earth pressures can be used where the top of the wall will deflect on the order of 0.5 percent of the wall height.

TABLE - EQUIVALENT FLUID PRESSURES FOR LEVEL BACKFILL

Wall Backfill	Active, pcf		At-Rest, pcf	
	Drained Condition	Un-drained Condition	Drained Condition	Un-drained Condition
On-Site Soils	52	75	71	101
Select Fill	45	85	65	95
Free-Draining Granular Fill	35	80	55	90

Wall Backfill

Three types of material are recommended for the retaining walls. These backfill types include:

1. On-Site Soils– On-site calcareous clay soils
2. Select Fill – Select fill should consist of sandy clay, silty sand, or clayey sand with a liquid limit less than 38 and a plasticity index (PI) between 6 and 18.

3. Free-Draining Granular Fill – Free-draining, granular fill includes sand, crushed limestone, sand-gravel mixture, crushed concrete, or a sand-crushed stone mixture. The material should have less than 5 percent passing the No. 200 sieve and less than 30 percent passing the No. 40 sieve. The minus 40-sieve material should be non-plastic.

The wall backfill should extend at least 24 inches horizontally behind the heel of the retaining wall and then at 1H: 1V slope to within 2 feet of the final grade. The upper 2 feet of the backfill soils should consist of a compacted off site clay cap having a PI of at least 35. The wall backfill should be placed in six (6) to eight (8)-inch loose lifts at moisture contents between optimum and 3 percentage points above optimum and each lift compacted to between 95 and 100 percent of the maximum dry density as defined in ASTM D 698. Granular fill should be placed at a moisture content which will allow the desired density to be achieved. Heavy compaction equipment should not be used directly against the walls. Hand-operated equipment should be used within 4 feet of the walls.

Wall Backfill Settlement

It is anticipated that backfill that is properly compacted using hand-operated equipment will settle between ½ and 1 percent of the fill thickness. This settlement could result in uneven sidewalks and pavements that are not connected to the walls. Areas that will not be covered with concrete should therefore be over built and sloped down away from the wall to allow for backfill settlement. In addition, sidewalks should slope down from the edge of the wall so that if settlement occurs the sidewalks will not pond water next to the wall.

Wall Foundation

The foundation of the retaining wall should be supported on straight shaft pier the recommendation of which is provided previously in this report.

Wall Drainage System

The walls should have a wall backfill drainage system with weep holes if a drained condition is assumed for design to reduce the potential buildup of hydrostatic pressures against the walls. The vertical granular wall drain should be at least 18 inches wide. The bottom perimeter collection system should consist of a slotted or perforated drainpipe surrounded with at least 6 inches of free-draining aggregate placed along the base of the wall. The aggregate should be as coarse as or coarser than ASTM C 33 Size No. 57 or No. 67 coarse concrete aggregate, with

no fines passing the No. 200 sieve. The perforations or slots in the drainpipe should not allow the aggregate to migrate into the pipe. A filter fabric should be placed around the drainpipe to help prevent the loss of the finer soil fraction. The drainpipe should have sufficient strength to prevent collapse due to the overburden pressures.

Building Pad Preparation

Prior to placing any additional fill material, all existing surface vegetation, loose fill and debris should also be removed. In the event that the locations of the existing trees are very close to the proposed residence, then the possibility of root webbing underneath the foundation may occur. Root webbing can cause foundation distress in future, as such the option of keeping the trees should be determined by the homeowner based on the location of the proposed building. In the event that trees are removed, then the areas where trees and foundation are excavated from should be widened and deepened until hard stratum is encountered. On-site soils should then be used to backfill the disturbed areas placed in 6 to 8 inches loose lifts and compacted with 95 to 100 percent. Moisture contents of the soils should be between optimum and 4 points above optimum.

All exposed surfaces from other portion of the site should then be scarified to a depth of 6 inches watered as required and compacted to between 95 and 100 percent of the maximum dry density as defined by ASTM D 698 (Standard Proctor Test) at a moisture content between the optimum moisture value and 3 percentage points above optimum.

For a suspended floor system, Additional fill, if is required, should consist of clean soils compacted to resist the initial concrete loads. Placement of select fill soils is not required for suspended floor system.

For ground supported floor system: Additional fill if is required should consist of off-site select fill soils or onsite calcareous clay provided no limestone greater than 4 inch in diameter is present within the fill soils.

Fill materials should be placed in six (6) to eight (8)-inch loose lifts at moisture contents between optimum and 4 percentage points above optimum for onsite soils and within 3 points for select fill soils. Each lift compacted to between 95 and 100 percent of the maximum dry density as defined in ASTM D 698. Field density tests should be taken at the rate of one test per every 2,500 square feet per lift, or a minimum of 3 tests per lift in the area of all compacted fill. For areas

where hand tamping is required, the testing frequency should be increased to approximately one test per lift, per 100 linear feet of area.

Select Fill

"Select fill," as referred to in this report, should consist of clayey sands free of organic materials with a Plasticity Index between 6 and 18, a Liquid Limit of 38 or less, and between 15 and 45 percent passing a No. 200 sieve. Placement and compaction of the select fill should be performed in accordance with the "**Building Pad Preparation**" section of this report.

SITE GRADING and DRAINAGE

All grading should provide positive drainage away from the proposed structures, and should prevent water from collecting or discharging near the foundations. Water must not be permitted to pond adjacent to the structures during or after construction. Surface drainage gradients should be designed to divert surface water away from the buildings and edges of pavements and towards suitable collection and discharge facilities. Unpaved areas and permeable surfaces should be provided with steeper gradients than paved areas. Pavement drainage gradients within 5 feet of buildings should be constructed with a minimum slope of one inch per foot to prevent negative drainage gradients (ponding water conditions) from developing due to differential upward pavement movements. Sidewalk drainage gradients should be along maximum slopes allowed by local codes.

Roofs should be provided with gutters and downspouts to prevent the discharge of rainwater directly onto the ground adjacent to the building foundations. Downspouts should not discharge into any landscaped bed near the foundations. Downspouts should discharge directly into storm drains or drainage swales, if possible. Roof downspouts and surface drain outlets should discharge into erosion-resistant areas, such as paving or rock riprap. Recessed landscaped areas filled with pervious sandy loam or organic soil should not be used near the foundation. Landscaped beds should be elevated above a compacted and well-graded clay surface. Sealed planters are preferred. All trees should be a minimum of one-half their mature height away from the building or pavement edges to reduce potential moisture losses. Water permitted to pond in planters, open areas, or areas with unsealed joints next to structures can result in on-grade slab or pavement movements, which exceed those, indicated in this report.

Exterior sidewalks and pavements will be subject to some post construction movement as indicated in this report. These potential movements should be considered during preparation of the grading plan. Flat grades should be avoided. Where concrete pavement is used, joints should be sealed to prevent the infiltration of water. Some post-construction movement of pavement and flatwork may occur. Particular attention should be given to joints around the building. These joints should be periodically inspected and resealed where necessary.

CLOSURE

It should be noted that some variations in soil and moisture conditions may exist between different parts of the site. Statements in this report as to subsurface variations over given areas are intended as estimations only, based upon the data obtained from specific borings location.

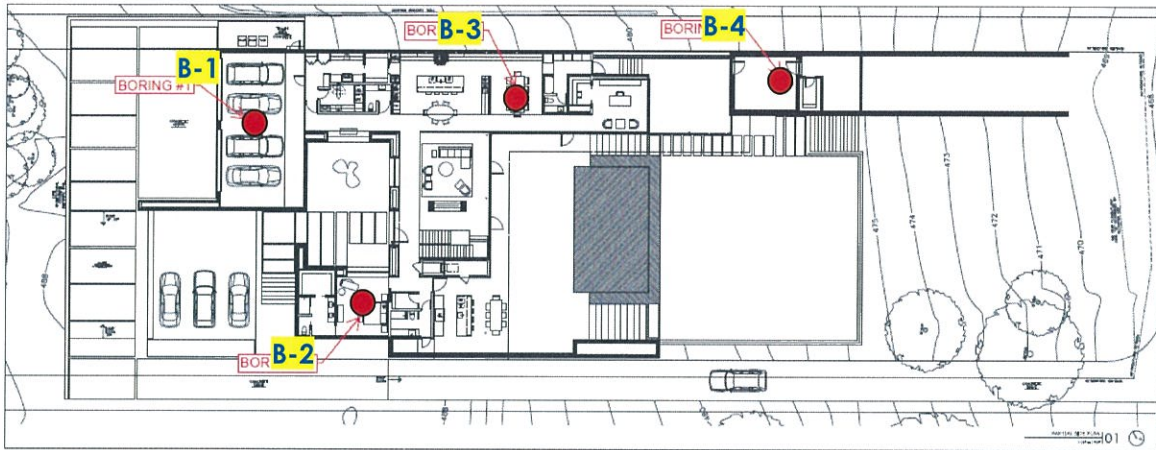
The results, conclusions, and recommendations contained in this report are directed at, and intended to be utilized within the scope of work outlined in this report. The report is not intended for use in any other manner. *Geoscience Engineering and Testing, Inc.*, makes no claim or representation concerning any activity or condition falling outside the specified purposes for which this report is directed; said purposes being specifically limited to the scope of work as defined herein. Inquiries regarding scope of work, activities and/or conditions not specifically outlined herein, should be directed to *GETI*.



Proposed BRAGALONE RESIDENCE
4105 West Lawther Drive
Dallas, Texas

ILLUSTRATIONS

GEOSCIENCE, Inc.



● Approximate Boring Location

BORING LOCATION PLAN

Proposed RESIDENCE
4105 West Lawther Drive
Dallas, Texas

GETI Project No. 16-DG8162

Plate A



LOG OF BORING NO. B-2

Proposed "Residence"
4105 West Lawther Drive
Dallas, Texas

Project No. 16-DG8162

FIELD DATA				Location: See Location Plan		LABORATORY DATA							
DEPTH (ft.)	SOIL & ROCK SYMBOL	SAMPLE TYPE P: HAND PEN., TSF T: THD, BLOWS/FT. N: SPT, BLOWS/FT.	STRATUM DEPTH (ft.)	DESCRIPTION OF STRATUM		WATER CONTENT, %	LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	UNIT DRY WEIGHT (pcf)	UNCONFIRMED STRENGTH (tse)	% PASSING NO. 200 SIEVE	SOIL SUCTION TEST (TOTAL CM. OF WATER)
0				Brown and tan SANDY CLAY (CL)		15							
		P4.5+	3			16							
		P4.5+		Tan CALCAREOUS CLAY (CL)		5	17	10	7	116			
5		P4.5+	8			7							
		T100/ 3.7"		Tan weathered LIMESTONE with calcareous clay seams		15							
10		T100/ 3.5"				6							
15		T100/ 2.5"	20			8							
20													
25													
30													

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUBE SAMPLE	AUGER SAMPLE	SPLIT-SPOON	ROCK CORE	THD CONE PEN.	NO RECOVERY

REMARKS:

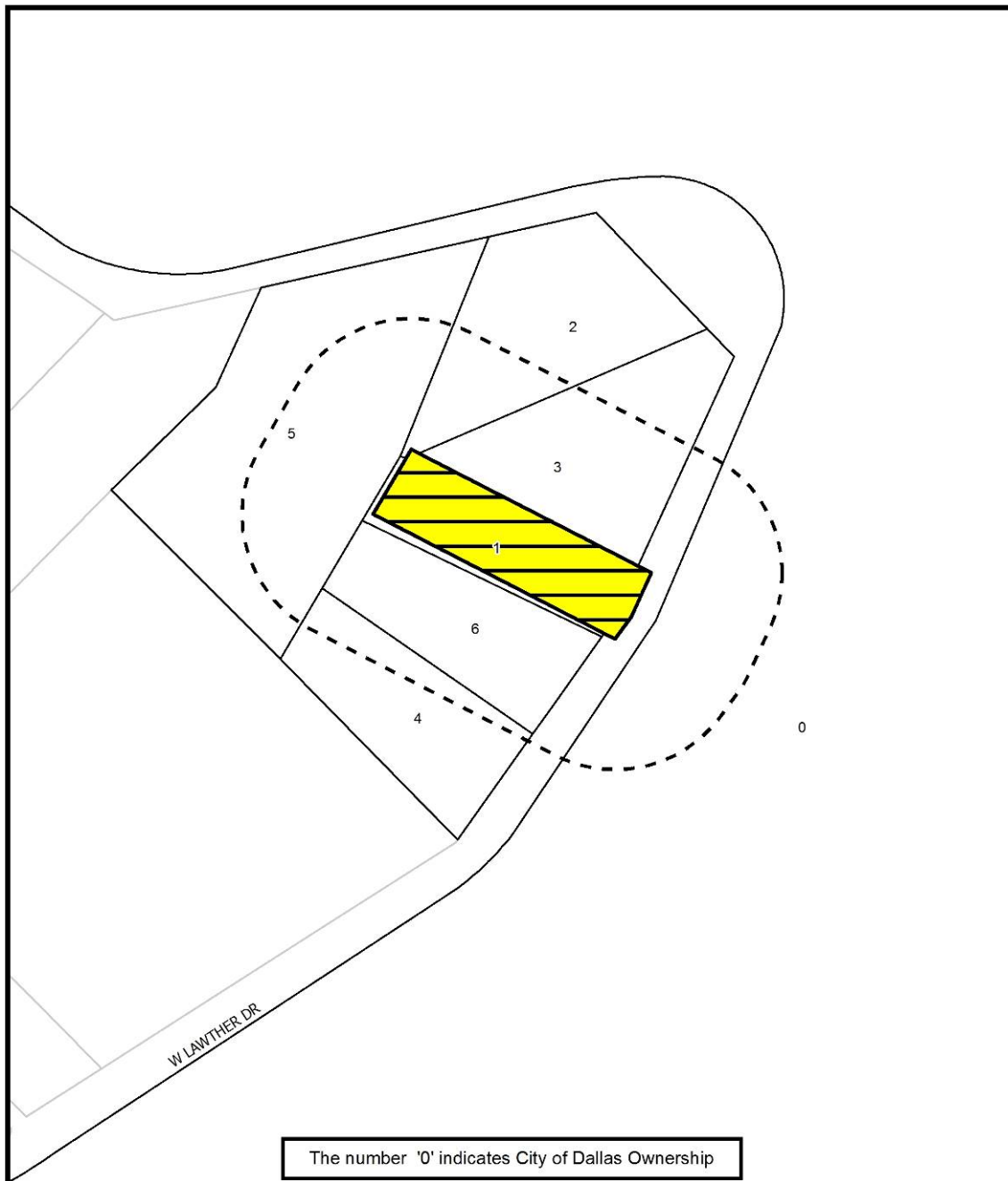


LOG OF BORING NO. B-3

Proposed "Residence"
4105 West Lawther Drive
Dallas, Texas

Project No. 16-DG8162

FIELD DATA				Location: See Location Plan		LABORATORY DATA																			
DEPTH (ft.)	SOIL & ROCK SYMBOL	SAMPLE TYPE P: HAND PEN., TSF T: THD, BLOWS/FT. N: SPT, BLOWS/FT.	STRATUM DEPTH (ft.)	DESCRIPTION OF STRATUM		WATER CONTENT, %	LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	UNIT DRY WEIGHT (PCF)	UNCONFINED STRENGTH (TSE)	% PASSING NO. 200 SIEVE	SOIL SUCTION TEST (TOTAL CM. OF WATER)												
0																									
		P4.0	1.5	Brown and tan SANDY CLAY (CL)		11	34	15	19																
			3	Tan CALCAREOUS CLAY (CL) with limestone fragments		11																			
5		T100/4"		Tan weathered LIMESTONE with calcareous clay seams		6																			
10		T100/3.5"	11			6																			
15		T100/2.7"		Gray LIMESTONE		9																			
20		T100/2.5"	20			9																			
25																									
30																									
<table border="1"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>TUBE SAMPLE</td> <td>AUGER SAMPLE</td> <td>SPLIT-SPOON</td> <td>ROCK CORE</td> <td>THD CONE PEN.</td> <td>NO RECOVERY</td> </tr> </table>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TUBE SAMPLE	AUGER SAMPLE	SPLIT-SPOON	ROCK CORE	THD CONE PEN.	NO RECOVERY	REMARKS:							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
TUBE SAMPLE	AUGER SAMPLE	SPLIT-SPOON	ROCK CORE	THD CONE PEN.	NO RECOVERY																				



The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">6</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	6	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA156-069</u> Date: <u>5/27/2016</u>
200'	AREA OF NOTIFICATION					
6	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA156-069

6 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4105 W LAWTHER DR	BRAGALONE JEFFREY R & MICKIE S
2	4111 W LAWTHER DR	RAYMOND ROBERT W &
3	4109 W LAWTHER DR	ARCHER JAMES W & CAROL S
4	4033 W LAWTHER DR	DORMER DOUGLAS E JR &
5	4211 W LAWTHER DR	SAUNDERS KENNETH E & KYLE M
6	4101 W LAWTHER DR	FOSTER ROBERT W JR &

FILE NUMBER: BDA156-083(SL)

BUILDING OFFICIAL'S REPORT: Application of Maxwell Fisher for a special exception to the Flora Street height restrictions at 901 Pearl Street. This property is more fully described as Lot 1, Block 528, and is zoned PD-145, which limits the maximum building height within the Flora Street frontage area, the height of any portion of a structure must be equal to or less than the shortest distance of that portion of the structure from the vertical plane extending through the Flora Street centerline. The applicant proposes to construct and maintain a multifamily residential structure with a building height that exceeds the setback by 11 feet, which will require an 11 foot special exception to the Flora Street height restrictions.

LOCATION: 901 Pearl Street

APPLICANT: Maxwell Fisher

REQUEST:

A request for a special exception to the Flora Street building height requirements of 11' is made to construct and maintain a mixed use structure/development (multifamily/retail) on a site developed as a surface parking lot, and not fully complying with PD 145 height restrictions on Flora Street which restricts the maximum building height within the Flora Street frontage area to the height of any portion of a structure must be equal to or less than the shortest distance from the vertical plan extending through the Flora Street centerline.

STANDARD FOR A SPECIAL EXCEPTION TO THE HEIGHT RESTRICTIONS ON FLORA STREET IN THE FLORA STREET FRONTAGE AREA OF PD 145:

The board may grant a special exception to the height restrictions of Flora Street in the Flora Street frontage area of PD 145 if the special exception will not adversely affect appropriate development of the Dallas Arts District: The Flora Street height restrictions contained in Section 51P-145.104(d)(3), but only if the portion of the building exceeding the maximum building height permitted in that section is occupied exclusively by multiple-family uses.

STAFF RECOMMENDATION:

Denial

Rationale:

- The Manager in Sustainable Development and Construction Department recommended denial of the request where he concluded that if the structure were

built as proposed, it would adversely affect appropriate development in the Arts District, and would not be consistent with all previous development along Flora Street in the Arts District. The Manager stated among other things that the distinctiveness of Flora Street as the primary spine of the Dallas Arts District, including the height and setback regulations allowing additional light and openness along this corridor, was a key design consideration in the creation of this District; and that to date, all development that has occurred along Flora Street has complied with the Flora Street height restrictions.

- The applicant had not substantiated how the special exception will not adversely affect appropriate development of the Dallas Arts District.

BACKGROUND INFORMATION:

Zoning:

Site: PD 145 (Planned Development District)
North: PD 145 (Planned Development District)
South: PD 145 (Planned Development District)
East: PD 145 (Planned Development District)
West: PD 145 (Planned Development District)

Land Use:

The subject site is developed as a surface parking lot. The areas to the east and west are developed with cultural uses (The Morten Myerson Symphony Center, and The Nasher Sculpture Center, respectively); the area the south is developed as the Belo Mansion and Pavilion, and the area to the north is developed with a high-rise multifamily development (The Museum Tower).

Zoning/BDA History:

1. BDA145-100, Property located at 901 Pearl Street (the subject site)

On September 23, 2015, the Board of Adjustment Panel B granted a request for a special exception to the Flora Street height regulations of 11' imposing the following conditions to the request: 1) compliance with the submitted site/development plan and building elevations is required, and 2) the portion of the building exceeding the maximum permitted height in that section must be occupied exclusively for multiple-family uses.

The case report stated that the request was made to construct and maintain to construct and maintain a mixed use structure/development (multifamily/retail) on

a site developed as a surface parking lot, and not fully complying with PD 145 height restrictions on Flora Street which restricts the maximum building height within the Flora Street frontage area to the height of any portion of a structure must be equal to or less than the shortest distance from the vertical plan extending through the Flora Street centerline.

2. BDA 990-315, Property located at 2121 Flora Street (the subject site)

On August 15, 2000, the Board of Adjustment Panel B granted a request for a special exception to the Flora Street height regulations imposing the following conditions to the request: 1) compliance with the submitted elevation is required, and 2) the portion of the building exceeding the maximum permitted height in that section must be occupied exclusively for multiple-family uses.

The case report stated that the request was made to construct and maintain an approximately 680,000 square foot mixed use project (residential/parking/hotel/commercial).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 600,000 square foot, 40-story mixed use structure/development (multifamily and retail) on a site developed as a surface parking lot, part of which would not fully comply with PD 145 height restrictions on Flora Street which restricts the maximum building height within the Flora Street frontage area to the height of any portion of a structure must be equal to or less than the shortest distance from the vertical plan extending through the Flora Street centerline.
- The subject site is located in PD 145.
- PD 145 states that the Board of Adjustment may grant a special exception to the following requirements of the PD if the special exception will not adversely affect appropriate development of the Dallas Arts District:
 1. The Flora Street frontage area use requirements contained in Section 51P-145.104(d)(2), except that the board may not allow a use not permitted in Section 51P-145.104(c).

2. The Flora Street height restrictions contained in Section 51P-145.104(d)(3), but only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multiple-family uses.
- Section 51P-145.104(d)(3) provides the following height restrictions on Flora Street: “Within the Flora Street frontage area, the height of any portion of a structure must be equal to or less than the shortest distance of that portion of the structure from the vertical plane extending through the Flora Street centerline.”
 - PD 145 was established in 1983. Its development standards state that the Dallas Arts District Design Plan prepared by Sasaki Associates, Inc. in August, 1982 (“Sasaki Plan”) shall serve as a guideline for development in the Dallas Arts District. (See Attachment A for parts of this plan). The Sasaki Plan has been approved by the property owners and the city plan commission and is made part of the PD ordinance.
 - The “Objectives” set forth in the Sasaki Plan states among other things:
 1. “The consortium wishes the district to reflect a multinational atmosphere, and contain mixed uses- arts facilities, office, retail and residential space, and cultural events – and feature Flora Street as a physical and visual link within the district.
 2. Also requested have been outdoor/indoor spaces of sufficient size and versatility to accommodate various art groups, integrating them as much as possible with the streetscape. Provision of a human scale pedestrian environment through the use of planting, street furniture, building heights and setbacks, and façade design is seen as essential.”
 - The “Plan for the Dallas Arts District” set forth in the Sasaki Plan states among other things:
 1. “The Flora Street urban design plan is a physical development scenario that utilizes the street as a major pedestrian corridor and unifying element for the various uses within the Dallas Arts District. The right-of-way includes two moving traffic lanes (one in each direction), two drop-off lanes, and 30’ wide sidewalks.
 2. Distinctive paving patterns distinguish the three zones, and bollards separate vehicular and pedestrian traffic.
 3. Closure of Flora Street for special events or on weekends or at noontime would extend this pedestrian orientation.
 4. Flora Street is lined with triple rows of trees. Benches, kiosks, and sidewalk cafes are located in the pedestrian area beneath the trees. Illuminate bollards, up-and-down lighting of trees, and illumination of special features and landmark building facades create the desired ambiance while ensuring pedestrian safety.”
 - The “setback/height regulations” set forth in the Sasaki Plan states among other things:
 1. “Height limit of 50 feet at Flora Street property line to maintain scale appropriate to pedestrian environment and encourage low base podiums for building development along Flora Street.
 2. Height limit of 100 feet at 50 feet from Flora Street property line.
 3. Beyond 50 feet from property line, unlimited height; FAA or City of Dallas restrictions apply.
 4. Suggested crenelation of streetwall along Flora Street to create entries, sitting alcoves, planting areas or places for cafes. Crenelation should not extend more than 30 feet so that activity will remain visible from Flora Street.

5. At least 50% of Flora Street frontage built with two story base or podium.”
- The applicant has stated the following: “The Dallas Board of Adjustment, Panel B authorized encroachment into the Flora Street setback on September 23, 2015... As can be expected with the scale and complexity of a mixed use development tower in the Dallas Arts District, additional time was needed...unfortunately, this level of coordination could not be accomplished in 180 days. The purpose of this application is to obtain the same authorization as approved with the original application. There are no changes to the type or degree of special exception requested.”
 - The applicant submitted a letter and revised plans to staff (see Attachment B). The letter states among other things “Our current applicant is identical to the application submitted and approved by the Board of Adjustment Panel B in September of 2015. Accordingly, the enclosed exhibits match those approved and conditioned in September of 2015.”
 - The Manager in Sustainable Development and Construction Department submitted a review comment sheet marked “Recommends that this be denied” and additional comments to support his conclusion (see Attachment C).
 - The applicant has the burden of proof in establishing that the special exception will not adversely affect appropriate development of the Dallas Arts District.
 - If the Board was to grant this request and impose conditions that the submitted “development plan”, “building elevations north-west & north-east”, and “building elevations south-west & south-east” is required, and that the building exceeding the maximum building height permitted in that section is to be occupied exclusively by multiple-family uses, the building encroaching beyond the maximum building height within the Flora Street frontage area would limited to that what is shown on these documents.

Timeline:

- July 22, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- July 15, 2016: The Board Administrator emailed the following information to the applicant:
- 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 July 27th deadline to submit additional evidence for staff to factor into their analysis; and the

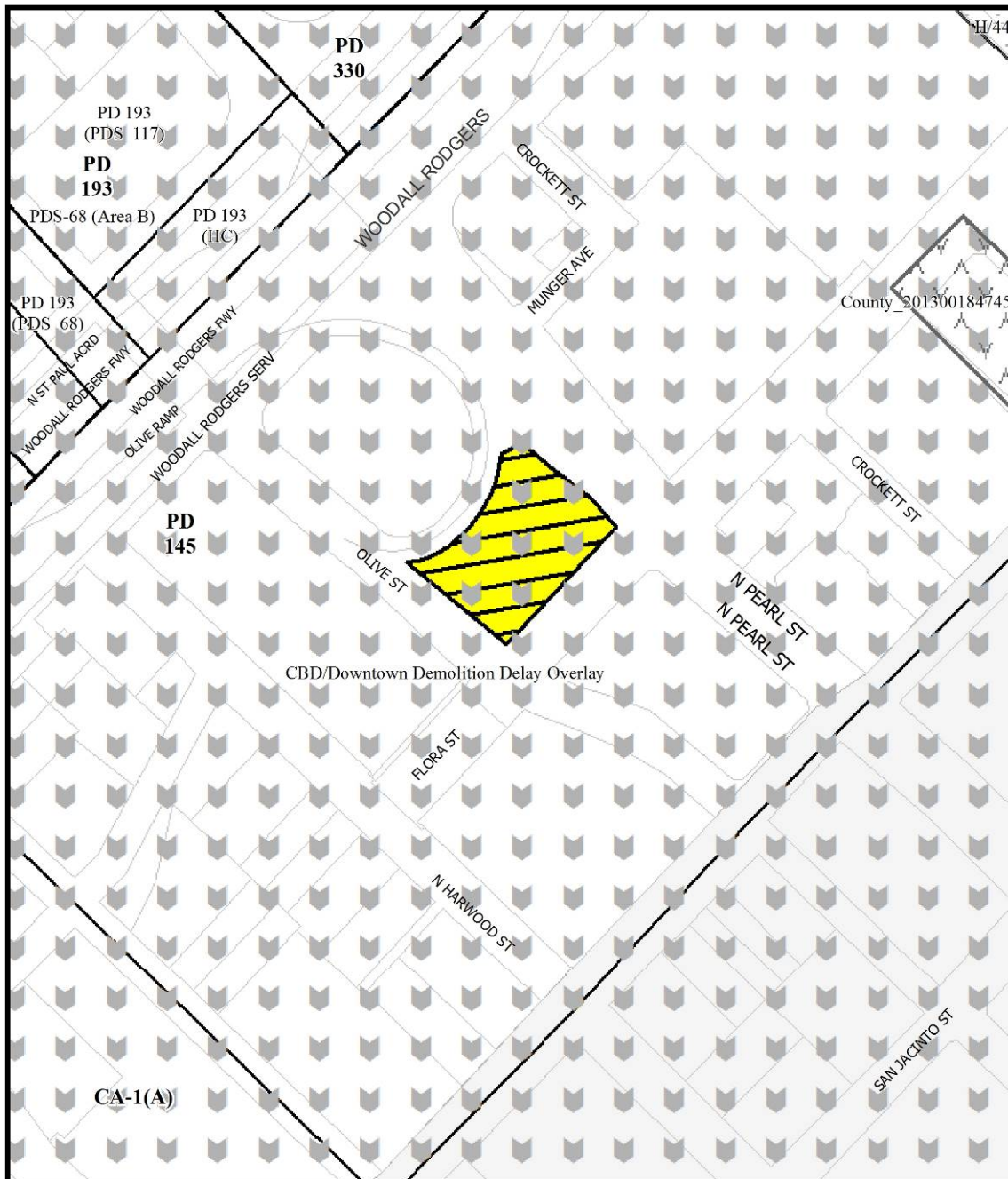
August 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;


- 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."

July 20 & 27, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

July 29, 2016: The Manager in Sustainable Development and Construction Department submitted a review comment sheet marked "Recommends that this be denied" and additional comments to support his conclusion (see Attachment C).

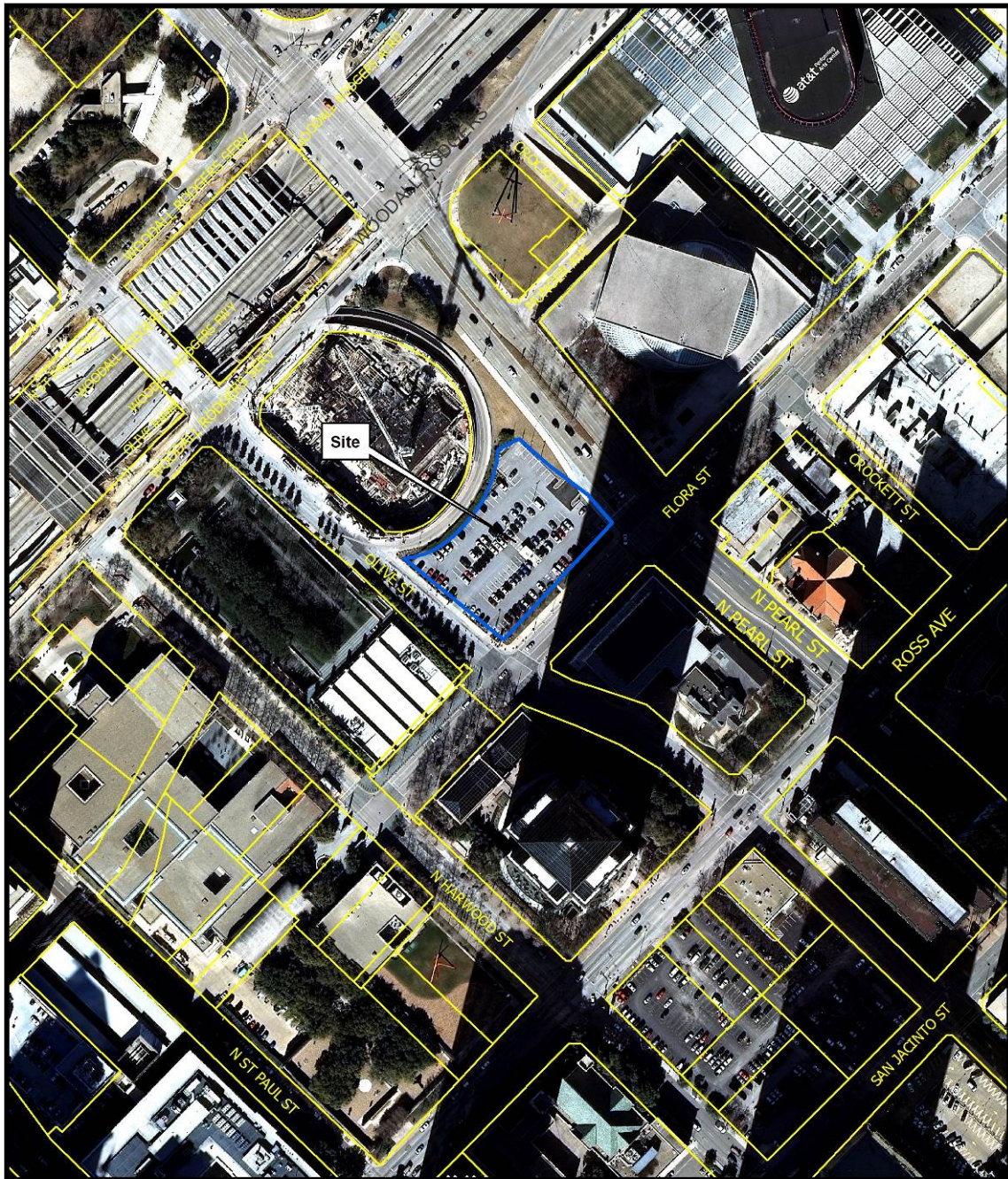
August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.




 1:2,400

ZONING MAP

Case no: BDA156-083
 Date: 7/29/2016



1:2,400

AERIAL MAP

Case no: BDA156-083

Date: 7/29/2016

Long, Steve

From: Maxwell Fisher <maxwell@masterplanconsultants.com>
Sent: Wednesday, July 20, 2016 3:21 PM
To: Long, Steve
Cc: Duerksen, Todd; dallas@masterplanconsultants.com; 'David Kubin'
Subject: RE: BDA156-083, Property at 901 Pearl Street
Attachments: The Dallas Arts District Support Letter.pdf; DDI Support Letter.pdf; George Schrader Support Letter.pdf; Nasher Support Letter.pdf; Dallas Symphony Support Letter.pdf; Former Dallas City Councilmember William E. Cothrum Support Letter.pdf; Former Mayor Folsom Family Support Letter.pdf; Kirby Richards Support Letter.pdf

Steve,

We would like to submit the attached support letters to the board. These are the same support letters submitted as part of the previously approved request of September 23, 2015. This will particularly benefit the new board members in understanding the comprehensive support for the mixed use tower.

Maxwell

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Friday, July 15, 2016 10:45 AM
To: Maxwell Fisher <maxwell@masterplanconsultants.com>
Cc: Duerksen, Todd <todd.duerksen@dallascityhall.com>
Subject: BDA156-083, Property at 901 Pearl Street

Dear Maxwell,

Here is information regarding your application to the board of adjustment at the address referenced above, most of which you are aware of given your experience with the board:

1. Your submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled August 17th Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to consider/grant a special exception to the building height regulations (51P-145.106 (a)(2)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

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 8 in these attached materials). Please contact Todd at 214/948-4475 no later than noon, Wednesday, July 27th with regard to anything that you feel is missing from your application, or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that any statement in his report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested building height special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

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

BDA156-083

BDA145-100

Attach A

pg 2



B

DOWNTOWN
DALLAS INC

September 16, 2015

Board of Adjustment
City of Dallas
1500 Marilla Street, Room 5DN
Dallas, TX 75201

Bank of America Plaza
901 Main Street, Suite 7100
Dallas, Texas 75202
p 214.744.1270
f 214.744.1986
downtowndallas.com

Dear members:

Downtown Dallas, Inc. expresses its support for the appeal of Flora Street lofts to vary from the height restrictions on Flora Street.

The development of artist housing in the Arts District is a desirable endeavor, especially since it will involve live-work spaces for artists. It will add to the excitement of the Arts District even when there are no events occurring.

In order to achieve this goal, it was determined that a certain floor-to-ceiling height must be provided for the lofts. Further, the ceiling heights of the retail spaces need to be comparable to other Downtown retail space in order to be competitive. These optimum heights would cause portions of the structure to be out of compliance with the provisions of PD 145.

Reviewing the building plans with the developer, it appears that variances to the provisions of PD 145 would be minimal, would not be noticeable by pedestrians or from vehicles, and would comply with the spirit and intent of PD 145 and the Sasaki Plan.

Thank you for your consideration.

Sincerely,

John F. Crawford
President and CEO

DALLAS SYMPHONY

JAAP VAN ZWEDEDEN Music Director

BDA 156-083

Attach A
ps 3

September 23, 2015

To: The City of Dallas Board of Adjustment

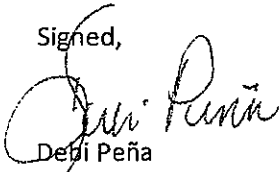
Re: Flora Lofts | Atelier BDA 145-100, Property at 901 Pearl Street

Flora Lofts | Atelier will increase urban vitality of the Dallas Arts District and bring working Artists and their families to the neighborhood.

The design of the project as presented to the Dallas Arts District Planning and Infrastructure Committee is consistent with the development goals, as stated in the Sasaki Plan, of bringing active street life to Flora Street and providing the public with urban amenities that support the larger cultural context. We do not see that the encroachment diminishes the urban character in anyway.

The Dallas Symphony Orchestra supports the application by Flora Lofts for an encroachment into the Flora Street Setback.

Signed,



Debi Peña

V.P. of People & Facilities

Morton H. Meyerson Symphony Center

Schlegel Administrative Suites | 2301 Flora Street | Dallas, TX 75201

P. 214.871.4000 | F. 214.871.4511 | mydso.com

BDA-156-083

Attach A

PJ 4



Folsom Properties, Inc.

SUITE 800 · 16475 DALLAS PARKWAY · ADDISON, TEXAS 75001-6856 · (972) 931-7400 · FAX (972) 250-1812

Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla Street
Dallas, Texas 75201

September 21, 2015

Dear Mr. Long,

I am writing to express my full support of Board of Adjustment case 145-100 and to provide some background on behalf of my family. My father, Robert Folsom, served as Mayor of the City of Dallas from 1976 to 1980. Our family remains proud of the changes ushered in during that time: the decision to build DFW Airport, Reunion Arena, and the Dallas Arts District.

City Manager George Schrader once noted that it was ironic that my father directed the efforts to create the Arts District given his successful college athletic career at both SMU and West Point. Nonetheless, he was excited about the city having the largest contiguous Arts District in the country.

I believe that what ZOM has attempted to do does fit within the parameters established by the council many years ago. As a citizen, I am delighted to see that someone is actually going to do retail and restaurant. This will substantially add to the character of the area. The small area of encroachment associated with the request does not diminish the street character at all. This is a high quality and well thought out project.

The vision of the district was for a mix of uses and the introduction of residential, retail, and arts spaces makes all the sense in the world. Please let me know if you have any questions.

Cordially,

R. Stephen Folsom

BDA 145-100 T

BDA 156-083

Attach A

PS

To: *Chair and Members of the Board of Adjustment*

It was my privilege to serve as City Manager of the City of Dallas from the end of 1972 to the end of 1981. During that period I was afforded the opportunity to work on a number of major projects of importance and value to the City: The planning and development of DFW Airport, the construction of City Hall, the public/private planning for the Reunion Development with a site for Reunion Arena by the City and the Hyatt Hotel by the Developer, and a number of others all of great importance in their own right and of great value to the City.

None was more important to the City of Dallas than the establishment of the Arts District and the dream that accompanied it.

The development of the Arts District has progressed over the years. After working in the planning for and establishment of the District and having involvement in the inception of the first construction, I have followed with devotion its development and the emergence gradually toward the achievement of our dream plan envisioned from the outset. My interest has focused on the achievement of the plan.

I understand that a request is before you for a variance in the Flora Street Height Restriction to accommodate the development of a 40-story building which will provide for a mix of uses on a one-acre piece of the 68-acre District.

Possibly some history and background can be of help to you in your consideration of the request.

In the early 1970's, all of the cultural arts institutions were in need of new --- and often expanded --- state-of-the-art facilities and they all were considering strategies for providing them.

It occurred to us that this circumstance was an opportunity of historical proportions: To develop a public/private strategy for the provision of new facilities for all cultural arts at about the same time according to a professionally developed plan.

New Mayor Robert Folsom and the City Council allowed us (of the staff) to explore the idea in consultation with officials of the Cultural Arts Organization.

A distinguished planner, Kevin Lynch, Chair of the Department of City and Regional Planning of MIT --- with his associate Steve Carr --- was engaged to collaborate with us on the development of a recommended plan. The plan was developed. It was for the provision,

1

in concept, of facilities in a "District" of mixed uses on sites in the District for each cultural facility --- in a loose-space relationship to each other.

A mix of uses to be included was:

- The cultural institutions:
 - Museum;
 - Symphony Hall;
 - Opera Hall; and
 - The Theater
- Other uses were to be provided by private development, including:
 - Offices;
 - Retail;
 - Restaurants;
 - Housing;
 - Studios;
 - Galleries; and
 - Low cost housing for the Artist.

Since the establishment of the District, we have witnessed a most unusual reality. An idea that has had a life of 35-40 years with the strength to enlist hundreds of millions of dollars in private contributions to achieve the idea. Nothing like that has ever happened before.

The cultural institutions --- all of them --- were the first to come.

Office towers followed.

Restaurants came.

And the coming of housing is in progress.

Yet to come is retail, galleries, studios and housing for the artists.

This request for variance is associated with a plan for a 40-story building containing 914,000 sq. ft. of space. It is intended to bring desired uses that have not yet come. The form of the building encroaches 4,081 sq. ft. (.44% of the 914,000 sq. ft. of the building) beyond the regulated height of the building.

The achievement of the District to this point has been distinguished by the willingness to make adjustments, changes, and variances --- from the very beginning:

- The size, shape, and boundaries of the District itself were changed;
- The uses were expanded:
 - The Arts Magnet School was incorporated;
 - The Strauss Pavilion was added; and
 - The wonderful Nasher Museum was added privately.
- Variances were made.

Granting this requested variance would not be president setting, but would be president using. It would be applying practices from the past.

It appears to me that a juxtaposition of two (2) competing "goods" is involved:

- Faithfully adhere to the policy height restriction of a geometric plane;
or
- Authorize the encroachment of 4,081 ft. of the building by variance (.44% of the 914,000 sq. ft. of the building).

The "greater good" of the two, I submit, is to be gained by granting the request, to encourage the continued development of the Arts District by provision of the space for retail, galleries, studios, and housing for the arts. And, it results in the least loss (if any) of a "good" from deviation from the policy.

I therefore respectfully urge your favorable consideration for request for this variance.

Respectfully submitted,



George R. Schrader

BDA156-083
Attach A pg 8

Nasher Sculpture Center



September 22, 2015

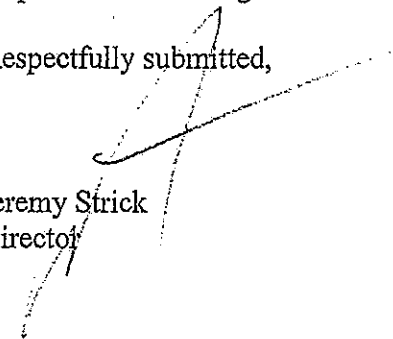
Steve Long
Board of Adjustment Administrator
Dallas City Hall
1500 Marilla Street
Dallas, TX 75202

Dear Mr. Long,

I am writing in support of the Atelier Flora Lofts project and their request for an adjustment to the setback on Flora Street which will provide a more enhanced interior space for the artist lofts in particular. The addition of retail and additional residents are critical to the success of the Arts District, and the creation of artist spaces which can provide the optimal living and working conditions for our resident creatives is essential.

The development team has taken great care in keeping the Nasher apprised of the project details and will continue to champion and support the development of the Arts District by responsible and thoughtful developers and planners.

Respectfully submitted,


Jeremy Strick
Director

BDA-145-100 +
BDA156-083
Attach A
Pg 9



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

September 22, 2015

Dear Mr. Long,

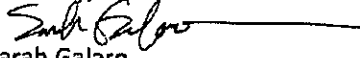
We are writing to express our full support of Board of Adjustment case 145-100. On Monday, September 21, Atelier Flora Lofts presented a proposed plan and request for variance to the Dallas Arts District Infrastructure Committee, a body of representatives from the various cultural and commercial institutions in the Arts District. After the presentation, the committee was unanimous in their approval of the proposed plans and variance.


The Dallas Arts District is currently in the process of revising the Sasaki Plan, which is more than 30 years old and has not been updated since its creation. In the interim, we are pleased to see that Atelier Flora Lofts has upheld the spirit of Sasaki through the provision of vital retail and residential components, attractive landscaping and streetscaping, public parking, and a special focus on the pedestrian experience.

Additionally, Atelier Flora Lofts will strengthen the growing arts community in Dallas by fulfilling the long recognized need to provide an affordable way for artists to live and develop in the creative environment of the Dallas Arts District.

The small encroachment on height restriction adds value to the building and its residential units without negatively impacting the neighborhood. We encourage you to vote to approve this request.

Sincerely,


Sarah Galaro
Interim Director, Dallas Arts District


Doug Curtis
President & CEO, AT&T Performing Arts Center
Chair, Dallas Arts District Infrastructure Committee

BDA 156-083

BDA 156-083

Attach A

pg 10

9-21-15

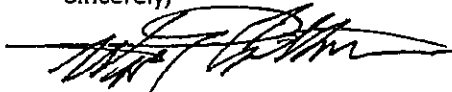
Dear Chairman and Board Members,

My name is William Cothrum and I served on the Dallas City Council during two different times spanning three decades between 1965 and 1980. I participated in a number of visioning and planning meetings that led to the decision of the location and composition of the Arts District. One of the critical components was consolidating the various arts into one centralized area near downtown where people could live, work and play. The Arts District is continuing to develop and materialize toward this goal. The Atelier Flora Lofts project will provide these retail and residential components. Specifically, the artist loft concept is perfect for this district.

The vision and planning documents that govern the Arts District provide a great guide for development. But like any good and flexible plan, there are occasions when exceptions are warranted to truly meet the goals envisioned. I see the Flora Street setback restriction as a guide for having appreciable openness on Flora Street but this small encroachment seems very innocuous. The small encroachment has the great benefits of a building with smaller setbacks and floors with taller ceilings, which far outweighs any perceived negative impacts from the encroachment. Pedestrians at the street level will not be able to discern a 5 to 10-foot encroachment at 5 stories, or more than 60 feet above them.

As a former City Council member and long-time professional in the real estate industry, I can attest that sometimes exceptions must be made to literal code requirements to provide the most optimal development. The explicit reference of a relief process for the Flora Street setback illustrates that there would be times when relief is warranted. I firmly believe this is one of those times. Please vote approval for this request.

Sincerely,



William E. Cothrum

BDA156-083
Attach A
PS 11

September 23, 2015

Dear Mr. Long:

I am writing in support of zoning case BDA 145-100. Having written my undergraduate Honors thesis at TCU on the Dallas Arts District and urban planning, I closely follow any developments in the area. As a lifelong Dallasite and also a master's degree student in arts management, I certainly have a vested interest in the continued vitality of the local arts community. I believe this development treats the property in question with great sensitivity, and does a superior job of balancing the commercial potential of the land with the unique concerns of the District.

The Sasaki plan clearly delineated the framework for development in the area, and in my opinion, this project is an excellent fit for those goals. The element of the plan which we have most struggled to realize is the aim of creating a street-level environment that encourages public interaction and engagement. Flora Street has never experienced the type of 24/7 activity envisioned by the Sasaki plan. Creating a "European boulevard-style" atmosphere, as was proposed, failed at least in part because of the lack of ground-level retail. This project represents a real step toward ameliorating that situation.

The lack of affordable housing in the Arts District also runs counter to the original intention of its creation. Pricing artists out of the area is a true creative loss, given the opportunities that would arise through proximity to the District. The design of this project presents an exciting chance to address the issue. By offering lofts that double as studio space, as well as including a gallery, the developer has demonstrated a high level of commitment to creating an innovative project that speaks to the particular history and needs of the area.

Realizing cultural policy is particularly difficult, so watching the Arts District blossom during my lifetime has been a joy. While it has been intermittently successful at drawing the community together, as evidenced by the turnout for events such as Aurora, I believe there is still plenty of room for improvement. Creating an area that truly serves and engages artists and the public is a challenge, but one that I feel the Flora Lofts can contribute to achieving.

Sincerely,



Kirby M. Richards



Masterplan

Land Use Consultants

27 July 2016

Steve Long, Board Administrator

Dallas Board of Adjustment

City of Dallas

Via hand delivery

RE: Case No. 156-083 Revision to Submitted Materials

Dear Mr. Long,

This memorandum pertains to the exhibits submitted as part of the application requesting re-authorization of encroachment into the Flora Street setback to accommodate the Zom Atelier – Flora Lofts development. Please substitute the previously submitted civil site plan and close up building profile exhibit with the enclosed materials. Our current application is identical to the application submitted and approved by the Board of Adjustment in September of 2015. Accordingly, the enclosed exhibits match those approved and conditioned in September of 2015.

Should you have any questions, or need additional information, don't hesitate to email at maxwell@masterplanconsultants.com or contact us at 214.761.9197

Sincerely,

Maxwell Fisher, AICP

BDA156-083
 Attach B pg 2

1571 Peach St. Suite 111, TX 75294

ATLANTA PLAZA (LEFT)

DEVELOPMENT PLAN
 JULY 21, 2015

ADD Inc
 a subsidiary of
Stantec

DEVELOPMENT PLAN

Drawing Name: ATLANTA PLAZA
 Job No.: 151400723

DP-0.1

1. PROPOSED BUILDING DATA	
USE: COMMERCIAL OFFICE	USE: COMMERCIAL OFFICE
MAX. FLOOR AREA: 175,000 SF	MAX. FLOOR AREA: 175,000 SF
MAX. HEIGHT: 175 FT	MAX. HEIGHT: 175 FT
MAX. NUMBER OF FLOORS: 17	MAX. NUMBER OF FLOORS: 17
MAX. NUMBER OF STORIES: 17	MAX. NUMBER OF STORIES: 17
MAX. NUMBER OF UNITS: 17	MAX. NUMBER OF UNITS: 17
MAX. NUMBER OF GARAGES: 17	MAX. NUMBER OF GARAGES: 17
MAX. NUMBER OF PARKING SPACES: 17	MAX. NUMBER OF PARKING SPACES: 17
MAX. NUMBER OF BICYCLE SPACES: 17	MAX. NUMBER OF BICYCLE SPACES: 17
MAX. NUMBER OF STORAGE SPACES: 17	MAX. NUMBER OF STORAGE SPACES: 17
MAX. NUMBER OF LOADING DOCKS: 17	MAX. NUMBER OF LOADING DOCKS: 17
MAX. NUMBER OF TRUCK SPACES: 17	MAX. NUMBER OF TRUCK SPACES: 17
MAX. NUMBER OF TRUCK SPACES: 17	MAX. NUMBER OF TRUCK SPACES: 17
MAX. NUMBER OF TRUCK SPACES: 17	MAX. NUMBER OF TRUCK SPACES: 17

2. EXISTING DATA	
EXISTING USE: COMMERCIAL OFFICE	EXISTING USE: COMMERCIAL OFFICE
EXISTING FLOOR AREA: 175,000 SF	EXISTING FLOOR AREA: 175,000 SF
EXISTING HEIGHT: 175 FT	EXISTING HEIGHT: 175 FT
EXISTING NUMBER OF FLOORS: 17	EXISTING NUMBER OF FLOORS: 17
EXISTING NUMBER OF STORIES: 17	EXISTING NUMBER OF STORIES: 17
EXISTING NUMBER OF UNITS: 17	EXISTING NUMBER OF UNITS: 17
EXISTING NUMBER OF GARAGES: 17	EXISTING NUMBER OF GARAGES: 17
EXISTING NUMBER OF PARKING SPACES: 17	EXISTING NUMBER OF PARKING SPACES: 17
EXISTING NUMBER OF BICYCLE SPACES: 17	EXISTING NUMBER OF BICYCLE SPACES: 17
EXISTING NUMBER OF STORAGE SPACES: 17	EXISTING NUMBER OF STORAGE SPACES: 17
EXISTING NUMBER OF LOADING DOCKS: 17	EXISTING NUMBER OF LOADING DOCKS: 17
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EXISTING NUMBER OF TRUCK SPACES: 17	EXISTING NUMBER OF TRUCK SPACES: 17
EXISTING NUMBER OF TRUCK SPACES: 17	EXISTING NUMBER OF TRUCK SPACES: 17

3. NOTES:
 1. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF ATLANTA'S ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
 2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF ATLANTA'S ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
 3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF ATLANTA'S ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
 4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF ATLANTA'S ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
 5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF ATLANTA'S ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.

7-27

BDA156-083
 Attach B P33

7-27

2017 Plans 03, Date: 11/20/17

ATELIER FLOOR COFFERS

DEVELOPMENT PLAN
 JULY 21, 2015

ADD Inc
 ARCHITECTS

Stantec
 ARCHITECTS

1500 WEST 10TH AVENUE
 SUITE 1000
 DENVER, CO 80202

PROJECT: [REDACTED]
 SHEET: [REDACTED]
 DATE: [REDACTED]

Checked By: [REDACTED]

**BUILDING
 ELEVATIONS
 NORTH-WEST &
 NORTH-EAST**

Drawing Scale: 1" = 30'-0"
 Job No.: 210400719

DP-3.1

PEARL STREET

CLARE STREET

② ELEVATION-UP NORTH-WEST (PEARL STREET RAMP)
 1" = 30'-0"

PEARL STREET

CLARE STREET


① ELEVATION-UP NORTH-EAST (PEARL STREET)
 1" = 30'-0"

BDA 156-083
 Attach B pg 4


7-27

2017 Price & Date: 7/27/2017

ATELIER PLOM LOFTS



DEVELOPMENT PLAN
 JULY 27, 2015



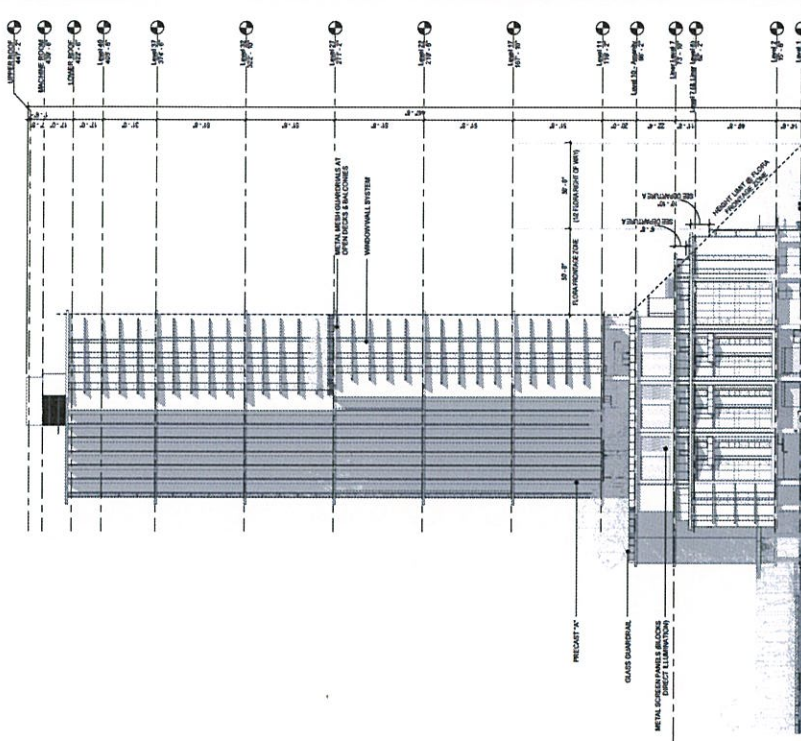
ADD Inc
 ARCHITECTURE

Stantec
 CONSULTING ENGINEERS

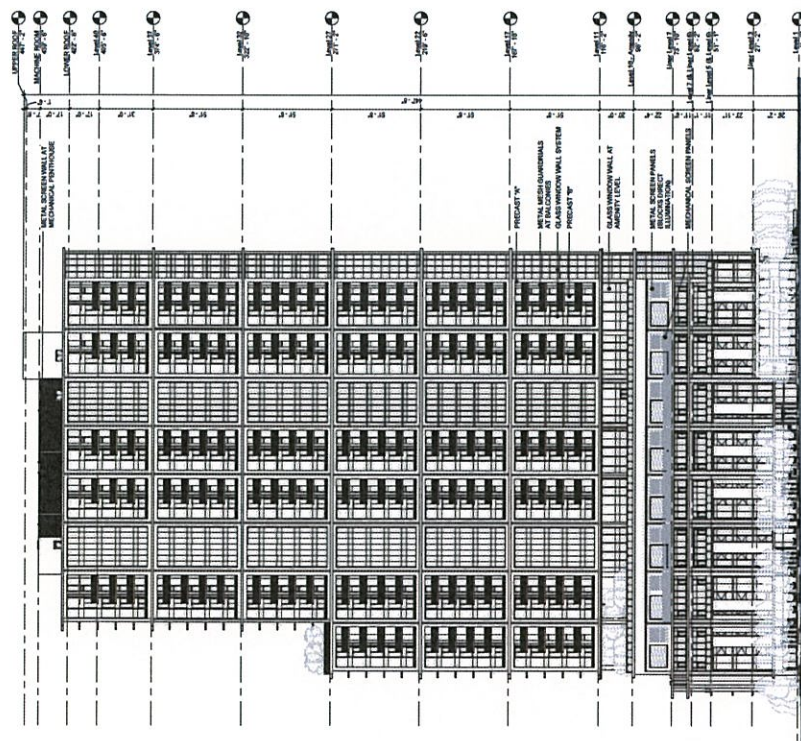
BUILDING
 ELEVATIONS
 SOUTH-WEST &
 SOUTH-EAST

Drawing Scale: 1" = 30'-0"
 Job No.: 21820719

DP-3.2



① ELEVATION OF SOUTH-WEST (OLIVE STREET)
 1" = 30'-0"



② ELEVATION OF SOUTH-EAST (PEARL STREET)
 1" = 30'-0"

BDA 156-083
Attach C
P.1

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF ~~AUGUST 17, 2015~~ (B)
2016

- | | |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Has no objections | <input type="checkbox"/> BDA 156-071JM |
| <input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) | <input type="checkbox"/> BDA 156-073SL |
| <input checked="" type="checkbox"/> Recommends that this be denied (see comments below or attached) | <input type="checkbox"/> BDA 156-078JM |
| <input type="checkbox"/> No comments | <input type="checkbox"/> BDA 156-082JM |

- | | |
|-------------------------------------|---------------|
| <input checked="" type="checkbox"/> | BDA 156-083SL |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
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| <input type="checkbox"/> | |
| <input type="checkbox"/> | |

COMMENTS:

(PLEASE SEE ATTACHED
COMMENTS)

LEIF SAKIBBERG MSR 7/29/16
Name/Title/Department SDC Date

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

BDA 156-083
Attach C
Pg 2

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING AUGUST 17, 2016 (B)

BDA 156-083 (SL)
901 Pearl Street

Comments from:

Leif Sandberg, Manager
Sustainable Development and Construction

Standard for consideration:

The standard for consideration of a special exception to the requirements of the Flora Street height restrictions reads as follows:

(51P-145-106(a)):

"The board of adjustment may grant a special exception to the following requirements of this article if the special exception will not adversely affect appropriate development of the Dallas Arts District:

(1) The for a Street frontage area use requirements contained in Section 51P-145.104(d)(2), except that the board may not allow a use not permitted in Section 51P-145.104(c).

(2) The Flora Street height restrictions contained in Section 51P-145.104(d)(3), but only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multiple-family uses."

Recommendation:

The subject application for a special exception to the building height regulations should be denied because, if built, it would adversely affect appropriate development in the Arts District, and would not be consistent with all previous development along Flora Street in the Arts District.

Rationale:

Establishing what constitutes "appropriate development of the Arts District" is necessary in order to determine whether a special exception should be approved.

"Appropriate development of the Arts District" was first defined in the Dallas Design District Design Plan (aka: the Sasaki Plan) which was completed and presented to the City of Dallas in August, 1982. The first paragraph of the executive summary for this document makes several points:

- "The formation of the Dallas Arts District Consortium was comprised of district property owners, arts groups, and other interested parties..."

- It "...signaled the first coordinated effort to advance the concept of an "arts district" for Dallas."
- "The consortium wishes the district to reflect a multinational atmosphere, and contain mixed uses...and feature Flora Street as a physical and visual link within the district." (emphasis added)

The Design/Development Guidelines section of the Sasaki Plan includes the following:

- "To ensure a consistency of design and maintenance of the district as a pedestrian-oriented environment, design and development guidelines have been established."
- "The guidelines diagram and list on the following pages summarize guidelines necessary to ensure that future development is consistent with the district theme."
- "Controlling scale and openness along the Flora Street corridor will ensure that the street remains a pedestrian-oriented environment." (emphasis added)

The Sasaki Plan is identified in the planned development district ordinance (PDD#145) which was adopted in February 1983. The Flora Street height/setback restrictions from this Plan were also specifically incorporated as a requirement in the City Council-adopted ordinance that formally designated the Dallas Arts District.

Background:

The distinctiveness of Flora Street as the primary spine of the Dallas Arts District, including the height and setback regulations allowing for additional light and openness along this corridor, was a key design consideration in the creation of this District. To date, all development that has occurred along Flora Street has complied with the Flora Street height restrictions.

M:\ARTS DISTRICT\PDD REVIEWS\901 Pearl Street (Greene lot)\BDA156-083 SL attached comments sheet 072916.docx



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-083

Data Relative to Subject Property:

Date: July 22, 2015

Location address: 901 Pearl Street Zoning District: PD 145

Lot No.: 1 Block No.: 528 Acreage: 1.03 Census Tract: 21.00

Street Frontage (in Feet): 1 243' on Flora 2 196' on Olive 3) 272' Woodall Rogers Freeway Off-Ramp 4) 194' Pearl 5) _____

5827

To the Honorable Board of Adjustment:

Owner of Property/or Principal Arts District Properties, LTD & ~~Greene, Richard Graham~~

Applicant: Maxwell Fisher & Dallas Cothrum, Masterplan Telephone: 214.761.9197

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

Represented by: Same as applicant. Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance , or Special Exception X , of an 11-foot encroachment into the Flora Street height restricted frontage area set forth in Section 51P-145.104(d)(3) of Article 145 (Planned Development District No. 145). Refer to the attached statement of request for more information.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The minimal encroachment will allow for greater ceiling heights for the affordable Flora artist lofts and workspace. With greater vertical spatial dimensions, the ground floor retail space will be more marketable, which will support an activated Flora streetscape in accordance with the goals of the Sasaki Plan. Refer to the enclosed Masterplan memorandum for additional information.

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

Respectfully submitted: Maxwell Fisher Applicant's name printed Maxwell Fisher Applicant's signature

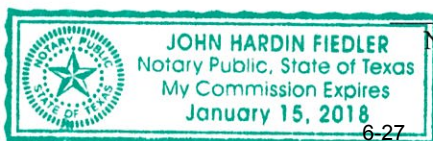
Affidavit

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

Maxwell Fisher Affiant (Applicant's signature)

Subscribed and sworn to before me this 20th day of June, 2016

John Hardin Fiedler Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Maxwell Fisher

did submit a request for a variance to the building height regulation
at 901 Pearl Street

BDA156-083. Application of Maxwell Fisher for a special exception to the building height regulation at 901 Pearl Street This property is more fully described as Lot 1, Block 528, and is zoned PD-145, which limits the maximum building height within the Flora Street frontage area, the height of any portion of a structure must be equal to or less than the shortest distance of that portion of the structure from the vertical plane extending through the Flora Street centerline. The applicant proposes to construct a multifamily residential structure with a building height which will require a 11 foot special exception to the maximum building height regulation. Per Section 51P-145.106(a)(2) The board of adjustment may grant a special exception to the requirements of the Flora Street height restrictions contained in Section 51P-145.104(d)(3) if the special exception will not adversely affect appropriate development of the Dallas Arts District, and only if the portion of the building exceeding the maximum height permitted in that section is occupied exclusively by multiple-family uses.

Sincerely,

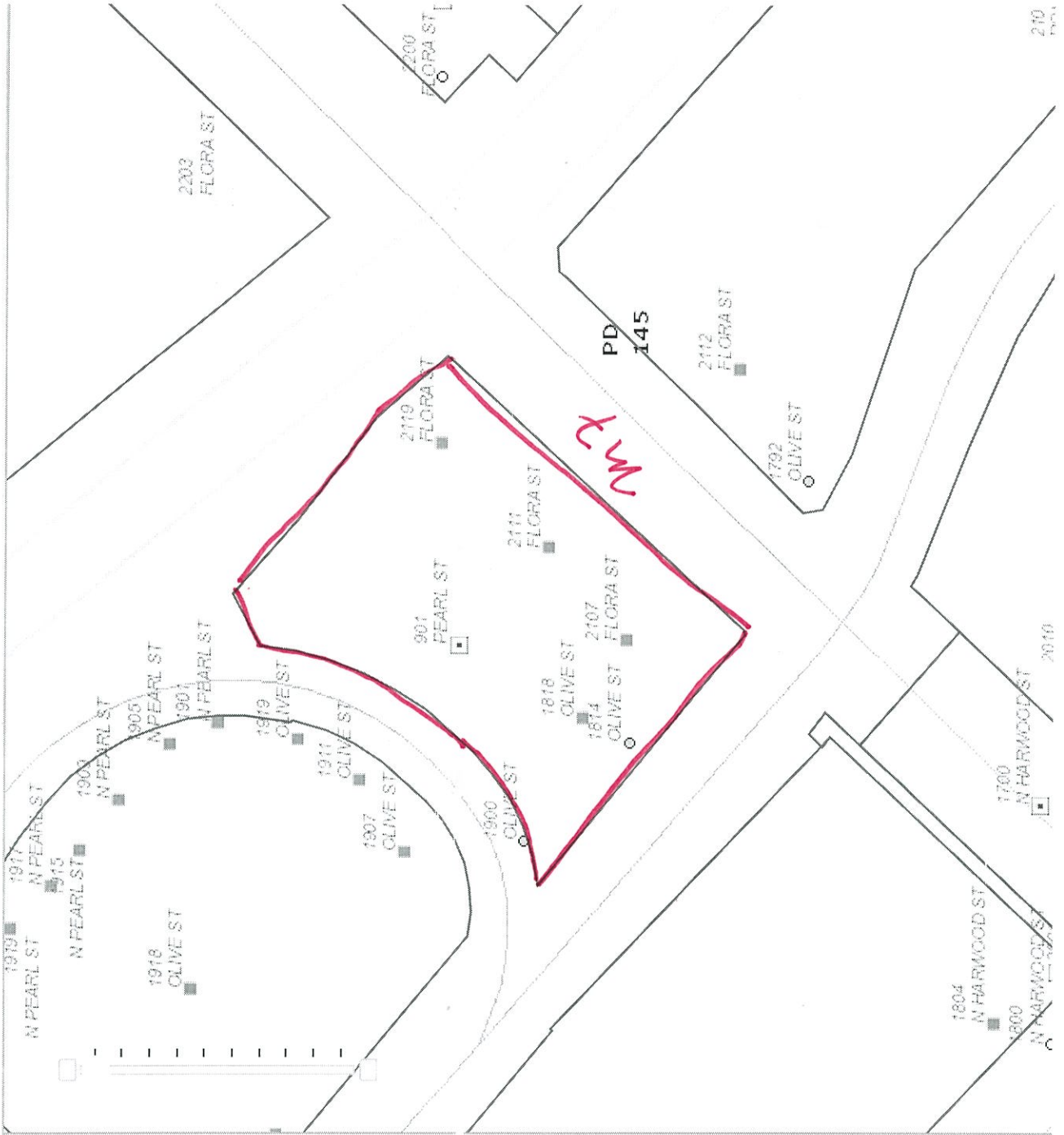
Philip Sikes
Philip Sikes, Building Official

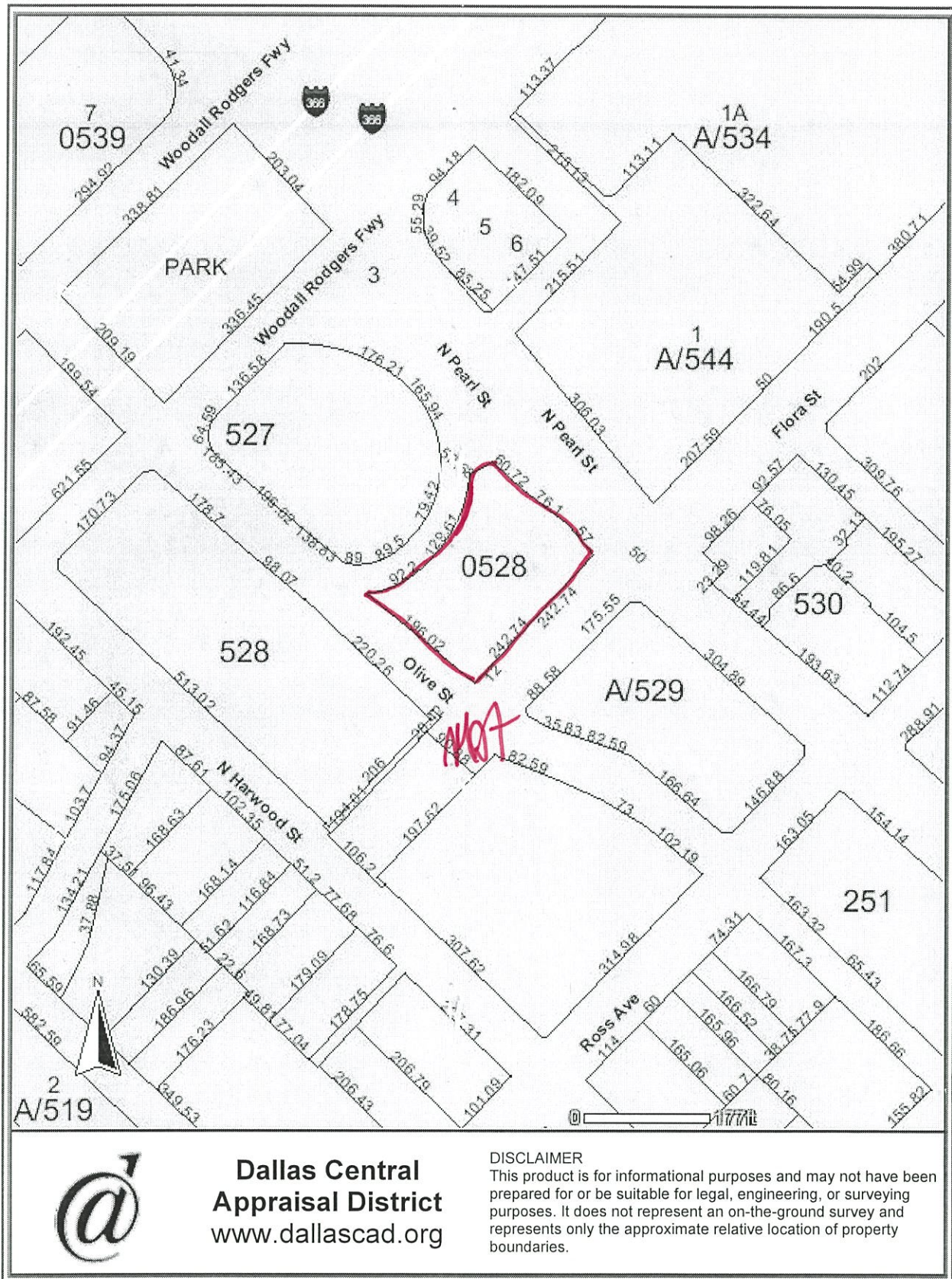
City of Dallas

Internal Development Research Site

Legend

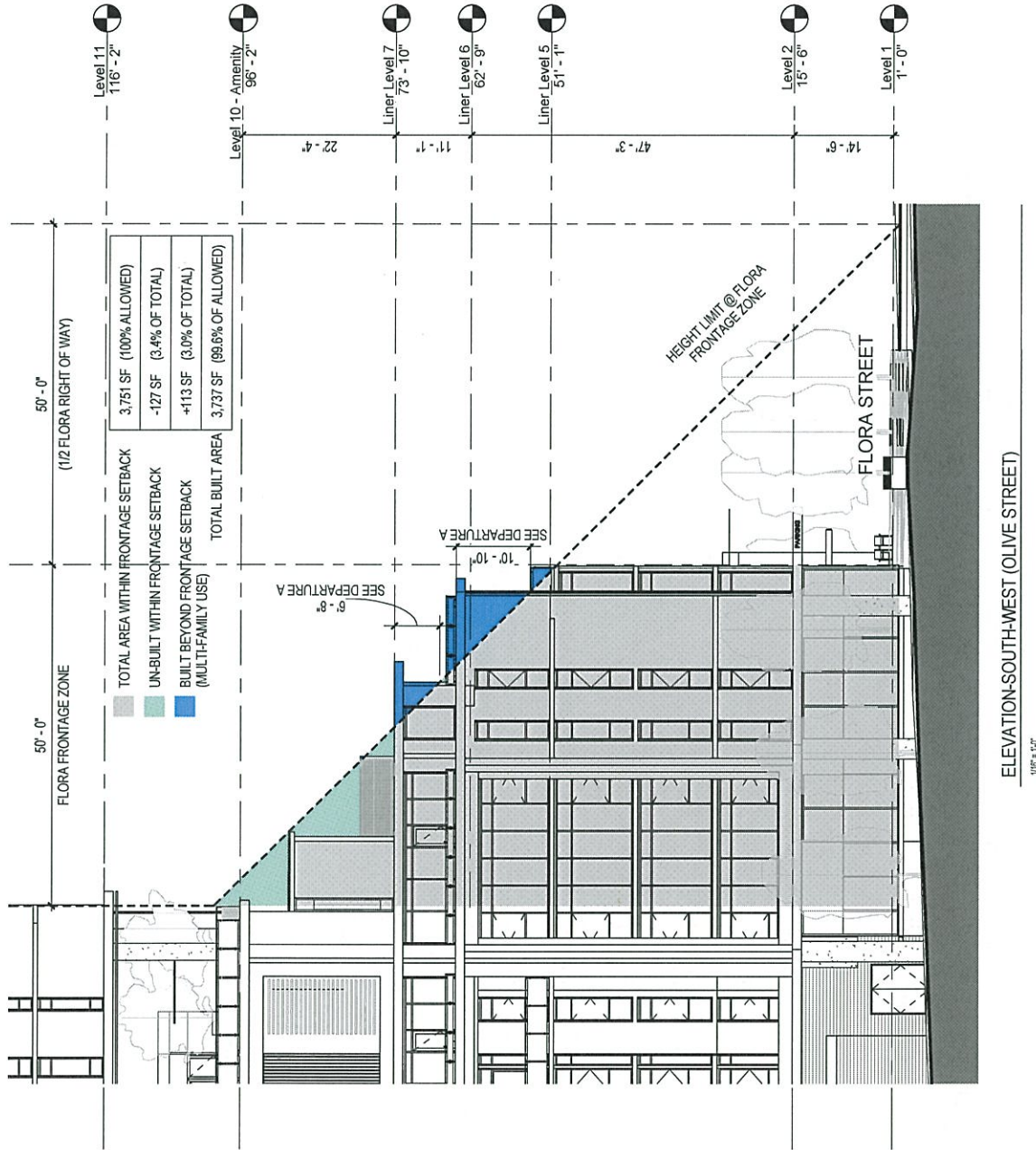
Locate Property





**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





FLORA LOFTS / ATELIER – SPECIAL EXCEPTION

STATEMENT OF REQUEST

Masterplan, as the representative of the Flora Lofts development, seeks special exception from the Board of Adjustment to allow a minimal building encroachment into the Flora Street frontage provided in Planned Development District No. 145. The Dallas Board of Adjustment, Panel B authorized encroachment into the Flora Street setback on September 23, 2015. As can be expected with the scale and complexity of a mixed use development tower in the Dallas Arts District, additional time was needed to further plan and design components of the planned development.

Many of these changes were unusual in nature. First, the site's adjacency to TxDOT requires additional civil planning in all matters. Second, the site would be served by all underground utilities and the scope of the project required significant coordination with Oncor Electric Delivery's downtown duct banks. Likewise, the equity partner for the project was unwilling to move forward without resolving technical issues. Unfortunately, this level of coordination could not be accomplished in 180 days. Finally, the architectural effort to create record drawings for submittal was an extremely large task that involved more than one group. In many ways, there are three projects that had to be coordinated (market rate residential, artist housing and retail) plus parking for the project as well as public parking for the Arts District. In short, this is a very complicated project.

The purpose of this application is to obtain the same authorization as approved with the original application. There are no changes to the type or degree of special exception requested. Below is the same statement of request submitted with the original application as the proposal remains the same.

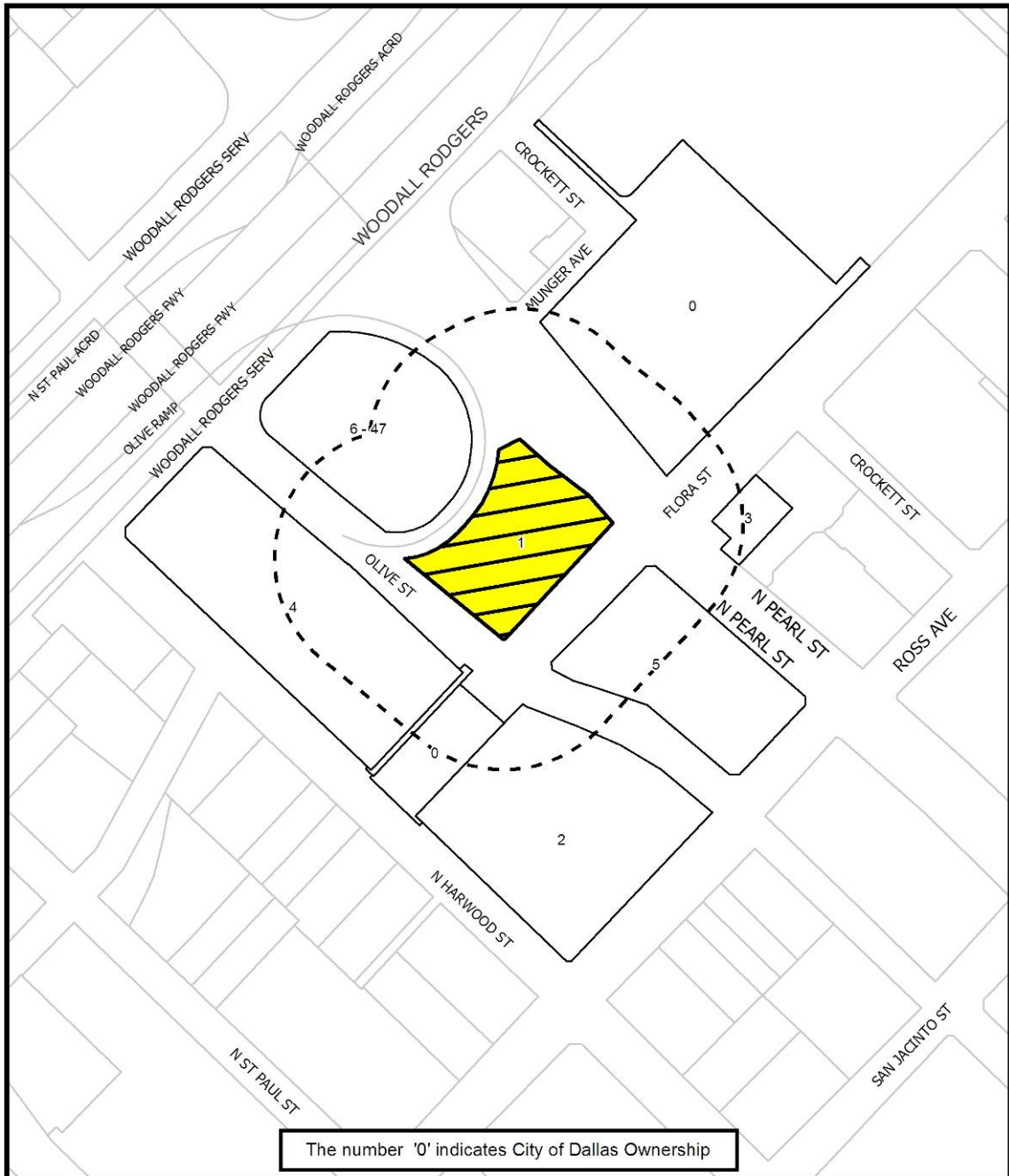
The proposed development, consisting of Flora Lofts and ZOM / Atelier, will deliver approximately 400 residential units comprised of a combination of market rate residential and affordable artist lofts as well as ground floor commercial/retail and neighborhood services facing Flora Street. The development would activate street life in accordance with the Sasaki Plan while eliminating a non-contributing surface parking lot.

The portions of building planned for encroachment into the Flora Street frontage are limited to two building corners of Floors 5 and 6. The degree of encroachment varies from 6 to 11 feet as shown on the enclosed exhibit of the building, while other portions of the building have a greater setback than required. When evaluating this request, please consider the following:

- The development concept Flora Lofts, means "an artist or designer studio or workroom." This concept of creating affordable housing and live work spaces for artists is specifically stated in the Sasaki Plan and is in concert with the spirit and intent of the goals of the Dallas Arts District.
- No artist housing has yet been achieved in the District.
- In order to achieve this concept, a minimal floor to ceiling height must be provided for the lofts. The encroachment will allow a greater floor to ceiling height for the lofts/workspace, without regard to rental price.

- Likewise, in order to provide a marketable commercial retail space, the ceiling heights of the commercial retail spaces and lofts will need to be of a marketable height to be economically sustainable.
- The corner sections extending beyond the Flora Street building restriction line will amount to less than 82 square feet of encroachment from a profile perspective looking down Flora Street.
- There are sections of the building that do not extend to the maximum height limit/Flora frontage line amounting to an underage of 132 square feet.
- The net difference between the underage and overage is a negative 51 square feet.
- Thus the development is constructing 51 square feet less massing than is permitted within the building area on Flora Street.
- As such, the building profile complies with both the spirit and intent of the Flora Street height provisions of PD145 and the Sasaki Plan.
- Pedestrians and motorists will not discern the encroachment at street view, and is therefore inconsequential from an experiential standpoint.

As opposed to the strict criteria set forth to evaluate and make a determination on a request for a variance, such as proving there is a unique physical characteristic of the site that would result in unnecessary hardship if literal enforcement is upheld, a special exception may be granted provided it doesn't adversely affect neighboring property. This request would have no appreciable impact on neighboring properties given the substantive setback from Flora Street will be maintained. The building profile is such that those areas set farther back from Flora Street off-set the minimal sections that encroach to the good of 51 square feet. Lastly, the development proposal has been reviewed by the Dallas Arts District Committee and the Committee had no negative comments and generally supports the development.



 1:2,400	NOTIFICATION		Case no: BDA156-083
	<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;">47</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/29/2016

Notification List of Property Owners

BDA156-083

47 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	901 PEARL ST	ARTS DISTRICT PPTIES LTD &
2	2001 ROSS AVE	CRESCENT ROSS AVE INVESTORS LLC
3	1726 PEARL ST	ROMAN CATH DIOCESE DALLAS
4	2021 FLORA ST	NASHER FOUNDATION THE
5	2101 ROSS AVE	DALLAS BAR FOUNDATION
6	1918 OLIVE ST	MUSEUM TOWER LP
7	1918 OLIVE ST	DAVISON STEVEN K & SARAH J
8	1918 OLIVE ST	KHOURY ELIE
9	1918 OLIVE ST	PALLADINO JOSEPH J & YINZU A
10	1918 OLIVE ST	WHITE TOWER 703 LLC
11	1918 OLIVE ST	NELSON MARGARET J
12	1918 OLIVE ST	NANDA SERVICES LTD
13	1918 OLIVE ST	NAVIAS CRAIG & ESTHER TRUST THE
14	1918 OLIVE ST	OLIVE ST LLC
15	1918 OLIVE ST	WEBBER REVOCABLE TRUST
16	1918 OLIVE ST	PARK & PEARL LLC
17	1918 OLIVE ST	SHORT DONALD W & ANN M
18	1918 OLIVE ST	CEALES TRUST THE
19	1918 OLIVE ST	LMR FAMILY TRUST
20	1918 OLIVE ST	CAST HOLDINGS LLC
21	1918 OLIVE ST	FISCHER BENNO JOHN &
22	1918 OLIVE ST	FISCHER BENNO JOHN &
23	1918 OLIVE ST	MUSEUM TOWER LP
24	1918 OLIVE ST	CHEATHAM RICHARD M & TRACY B
25	1918 OLIVE ST	STEIN JOE DAVID & LORY
26	1918 OLIVE ST	GARTNER JAY S & MARY JO HERNANDEZGARTNER

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1918 OLIVE ST	POP LIFE LLC
28	1918 OLIVE ST	BASS RICHARD
29	1918 OLIVE ST	TELFER GEOFFREY DAVID
30	1918 OLIVE ST	BAGHERI MAMAD
31	1918 OLIVE ST	SEAY GEORGE E III
32	1918 OLIVE ST	B 29 PROPERTIES LLC
33	1918 OLIVE ST	CHERRY DAVID L & CARYL E
34	1918 OLIVE ST	SADDINGTON ROD
35	1918 OLIVE ST	MURPHY JAMES R
36	1918 OLIVE ST	SINGH ASHIT & KIRTI
37	1918 OLIVE ST	GOLDFARB IRA
38	1918 OLIVE ST	OWENS GARY W & CARA G
39	1918 OLIVE ST	RODRIGUEZ JOSELITA
40	1918 OLIVE ST	CREED GREG & CAROLYN FAMILY TRUST THE
41	1918 OLIVE ST	ANDREWS MARK
42	1918 OLIVE ST	OOSTERVEER PETRUS W B
43	1918 OLIVE ST	KRUGER FAMILY HOLDINGS LLC
44	1918 OLIVE ST	FITZGERALD SCOTT R & ROSE M
45	1918 OLIVE ST	JOHNSON STEPHEN &
46	1918 OLIVE ST	GRYPHONS GATE LP
47	1918 OLIVE ST	CHRIST JOHN J & ILENE H