

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, AUGUST 26, 2015
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the June 24, 2015 Board of Adjustment Panel B Public Hearing Minutes	M1
BDA 145-007	8301 Westchester Drive REQUEST: Application of Suzan Kedron and Jonathan Vinson of Jackson Walker LLP to extend the time to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment Panel B's favorable actions for requests for special exceptions to the pedestrian skybridge standards	M2

UNCONTESTED CASES

BDA 145-075	4105 (4101) W. Lawther Drive REQUEST: Application of Jeffrey R. Bragalone, represented by Signe Smith, for a variance to the height regulation	1
BDA 145-079	9929 Ila Drive REQUEST: Application of Ralph Shilling, Jr. for a special exception to the fence height regulations	2

BDA 145-084	5842 Live Oak Street REQUEST: Application of Charlie D. Corson, represented by Peter Kavanagh of Zone Systems, for a special exception to the landscape regulations	3
BDA 145-085	3415 Jordan Valley Road REQUEST: Application of Venancio Velasquez for a special exception to the fence height regulations	4
BDA 145-086	3405 Jordan Valley Road REQUEST: Application of Venancio Velasquez for a special exception to the fence height regulations	5
BDA 145-087	414 N. Windomere Avenue REQUEST: Application of Robert Reeves of Robert Reeves and Associates for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter	6

HOLDOVER CASE

BDA 145-068	4021 Dalgreen Road REQUEST: Application of Danny Sipes for a variance to the front yard setback regulations and a special exception to the single family use regulations	7
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REGULAR CASE

BDA 145-082	5150 Vanderbilt Avenue REQUEST: Application of Joe Siglin for a variance to the side yard setback regulations	8
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EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B May 20, 2015 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 145-007

REQUEST: To extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment Panel B's favorable actions on requests for special exceptions to the pedestrian skybridge standards granted by Board of Adjustment Panel B on March 18 and April 22, 2015.

LOCATION: 8300/8301 Westchester Drive

APPLICANT: Suzan Kedron and Jonathan Vinson of Jackson Walker LLP

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

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

Timeline:

March 18, 2015: The Board of Adjustment Panel B granted a request for a special exception to reduce the skybridge clearance above the public right-of-way to 15 feet above grade; granted a request for a special exception to increase the divergence from a perpendicular angle to 45 degrees; granted a request for a special exception to increase the maximum interior passageway width of the skybridge to 61

feet; and held the applicant's request for a special exception to locate support columns within the Westchester Drive public right-of-way until April 22, 2015.

April 22, 2015: The Board of Adjustment Panel B granted a request for a special exception to locate support columns within the Westchester Drive public right-of-way. The Board imposed the following condition: Compliance with the submitted revised site plans titled "Site Plan 01" and "Enlarge Plans 02" dated 04-01-15 is required.

July 31, 2015: The applicant sent a letter to the Board Administrator requesting an extension of the time period in which to make application for a building permit or certificate of occupancy (see Attachment A).

August 10, 2015: The Board Administrator emailed the applicant acknowledging his request for the Board to extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days that the applicant had to do so from the March 18 and April 22, 2015 favorable actions. The applicant's representative was emailed the following information:

- an attachment that provided the public hearing date of the request; and deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- an attachment of materials related to BDA 145-007 (see Attachment B); and
- The Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

m2
Attach A
P31

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

July 31, 2015

Via Scan/Email and Hand Delivery

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

Re: BDA 145-007; 8301 Westchester Drive; Extension Request.

Dear Mr. Long:

As you know, the above-referenced application for certain special exceptions to the pedestrian skybridge standards for property located at 8301 Westchester Drive was approved by Panel B of the Zoning Board of Adjustment under BDA 145-007 at the March 18, 2015, and April 22, 2015, meetings. Three of the four special exception requests were approved unanimously on March 18, 2015, and the fourth special exception request was approved unanimously on April 22, 2015.

Pursuant to the applicable provisions of the *Dallas Development Code*, the applicant must file an application for a permit necessary to effect the variance within 180 days from the date of the favorable action of the Board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. Pursuant to Section 9.j of the Board's Working Rules of Procedure, this extension can be granted for up to a total of 18 months from the date of its original favorable action.

The Applicant in BDA 145-007 now requests that an item be placed on the August 26, 2015, Panel B agenda to request an extension of an additional 12 months beyond the 180-day period within which the applicant may file an application for a permit necessary to effect the special exceptions granted under BDA 145-007 on March 18, 2015 and April 22, 2015. The requested extension would therefore be until approximately September 18, 2016.

As you are aware, the pedestrian skybridge accessory use also requires a Specific Use Permit, granted by the City Council at the culmination of a zoning application process, as well as a license where the pedestrian skybridge crosses public right-of-way, which license must also be approved by the City Council. We have a Specific Use Permit application pending under Zoning File Z134-341. Both the City Staff and the City Plan Commission have recommended approval. This request was noticed for City Council hearing on May 27, 2015,

held over until the June 10 and June 17 meetings, and then held under advisement until November 10, 2015.

Similarly, the license request was posted on the June 17, 2015, Council Agenda. The annotated Council Addendum Agenda says that this item was held over "until City Council consideration of Zoning Case Z134-341(RB) tentatively set for November 10, 2015 ...". Given this circumstance, we anticipate that Council approval of both items will be granted on November 10, 2015, although that is within Council's discretion. Even if both items are approved on November 10, that would be beyond the 180 day period from both the March 18 and April 22 Board approval dates.

Beyond that, we will not be able to file (and in fact, Building Inspection would likely not accept for filing) our Building Permit application for the pedestrian skybridge until these Council approvals are granted, in addition to whatever plan preparation time is necessary. Therefore, the requested extension is necessary to be able to accommodate the above-described Council schedule, with the possibility of a further holdover, plus plan preparation and submittal.

Please also accept this letter as our affirmation, also pursuant to Board Rule 9.j, that there are no substantially changed conditions or circumstances affecting the property. The property itself remains exactly as it was in terms of property conditions, and the proposed project as approved by Panel B is exactly the same in terms of what was described to and approved by Panel B. The only reason for the extension request is to ask for additional time within which to have our hearings at the City Council on our Specific Use Permit application and right-of-way license, and then complete our permit application and submit for a Building Permit.

Therefore, and due to those circumstances, we are requesting that an item for the above-described request for an extension of an additional 12 months within which to apply for permits be placed on the August 26, 2012, Panel B Agenda. Thank you very much for your assistance with this. Please let me know if you have any questions or if you need any additional information.

Very truly yours,


Jonathan G. Vinson

cc: Robert Dozier
Anna Graves
Susan Mead
Suzan Kedron



M2
Attach B
PS1
B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-007

Data Relative to Subject Property:

Date: 11-20-14

Location address: 8301 Westchester Drive / 8300 Westchester Drive Zoning District: PD 314
Lot No.: 6A; ~~7A~~ Block No.: 5623 Acreage: 0.062 (skybridge) Census Tract: 73.01

Street Frontage (in Feet): 1) 60.53 (skybridge) 2) 28.0 (skybridge) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CH Realty VI/R Dallas Preston Center, L.P.

Applicant: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Represented by: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Affirm that an appeal has been made for a Variance , or Special Exception , of to allow a support for a pedestrian skybridge within the public right-of-way pursuant to Sec. 51A-4.217(b)(12)(H).

for clearance above the public right-of-way (4'); increase of 4' of the interior passageway; to increase the divergence from 30° to 45° of the perpendicular angle.

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:

- (i) Strict compliance with the requirements will unreasonably hinder the use of either/both of the properties;
- (ii) the special exception will not adversely affect neighboring property; and (iii) the special exception will not be contrary to the public interest.

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

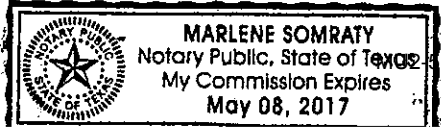
Before me the undersigned on this day personally appeared Suzan Kedron (Affiant/Applicant's name printed)

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 19th day of November, 2014

BDA (145-007-11)



Marlene Somraty
Notary Public in and for Dallas County, Texas:

M2
Attach B
PSZ

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WEDNESDAY, JANUARY 21, 2015

FILE NUMBER: BDA 145-007

BUILDING OFFICIAL'S REPORT: Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way, that a pedestrian skybridge must provide clearance above the public right-of-way of at least 18 feet above grade, that the interior passageway must be no greater than 20 feet in width, and must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The applicant proposes to construct and maintain a pedestrian skybridge and locate supports within a public right-of-way, reduce the minimum 18 foot clearance above the public right-of-way to 14 feet, increase the maximum 20 foot interior passageway width to 61 feet, and increase the maximum 30 degree divergance from the perpendicular angle to the right-of-way to 45 degrees, which will require special exceptions to the pedestrian skybridge standards.

LOCATION: 8301 Westchester Drive

APPLICANT: Suzan Kedron

REQUESTS:

Requests for special exceptions to the mandatory pedestrian skybridge standards are made to construct and maintain a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage:

1. With a clearance above public right-of-way of 14' above grade;
2. With an interior passageway width of 61';
3. With support columns located within the Westchester Drive public right-of-way; and
4. That will diverge from a perpendicular angle to the right-of-way by 45 degrees.

STANDARD FOR A SPECIAL EXCEPTION TO THE MANDATORY PEDESTRIAN SKYBRIDGE STANDARDS:

Section 51A-4.217 of the Dallas Development Code states that the board of adjustment may grant a special exception to the pedestrian skybridge standards if the board finds that:

1. Strict compliance with the requirements will unreasonably burden the use of either of the properties;
2. The special exception will not adversely affect neighboring property; and
3. The special exception will not be contrary to the public interest.

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing March 18, 2015

Appeal was--Granted OR Denied

Remarks Granted -

M2 Attach B p. 2

- 1. Clearance above the ROW up to 15' above grade
- 2. Divergence from a perpendicular angle to 45°
- 3. Maximum interior passageway width of 61'
- 4. Maintain a maximum of 4 columns in a public right-of-way. Compliance with the submitted ~~site~~ revised site plan dated ~~Feb 27, 2015~~ with the comment on the east side of Westchester Drive. ~~Do not attempt to be moved up to 5' to the south of A-15. Hitted "Site plan 01" & enlarged plans 02" is required.~~

John R. Reynolds
Chairman

Building Official's Report

I hereby certify that Suzan Kedron

did submit a request for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive

BDA145-007. Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way, that a pedestrian skybridge must provide clearance above the public right-of-way of at least 18 feet above grade, that the interior passageway must be no greater than 20 feet in width, and must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The applicant proposes to construct a pedestrian skybridge and locate a support in a public right-of-way, reduce the minimum 18 foot clearance above the public right-of-way to X feet, increase the maximum 20 foot interior passageway width to 61 feet, and increase the maximum 30 degree divergance from the perpendicular angle to the right-of-way to 45 degrees.

Hold to March 18, 2015

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 19 DAY OF**

March, 20 15

Shang
ADMINISTRATOR

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 23 DAY OF**

June, 20 15

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official

Shang
ADMINISTRATOR



M2
Attach B
pg 4

March 24, 2015

Suzan Kedron
Jackson Walker LLP
901 Main Street, Suite 6000
Dallas, TX 75202

Re: BDA 145-007, Property at 8301 Westchester Drive

Dear Ms. Kedron:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, March 18, 2015 took the following actions with regard to your requests for special exceptions to the mandatory pedestrian skybridge standards:

1. Granted your request for a special exception to reduce the skybridge clearance above the public right-of-way to **15** feet above grade;
2. Granted your request for a special exception to increase the divergence from a perpendicular angle to 45 degrees;
3. Granted your request for a special exception to increase the maximum interior passageway width of the skybridge to **61** feet; and
4. Held your request for a special exception to locate support columns within the Westchester Drive public right-of-way until **April 22, 2015**.

With regard to the special exception listed above that was held until April 22nd, please be aware of the April 1st deadline to submit any additional information to staff for their review, and the April 10th deadline to submit any additional information that you want incorporated into the board's docket.

With regard to the three special exceptions listed above that were granted, contact Building Inspection at 320 E. Jefferson, Room 118 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

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


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

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

M2
Attachment B
pg 5

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WEDNESDAY, APRIL 22, 2015

FILE NUMBER: BDA 145-007

UPDATED BUILDING OFFICIAL'S REPORT: Application of Suzan Kedron for a special exception to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way. The applicant proposes to construct and maintain a pedestrian skybridge and locate supports within a public right-of-way, which will require a special exception to the pedestrian skybridge standards.

ORIGINAL BUILDING OFFICIAL'S REPORT: Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way, that a pedestrian skybridge must provide clearance above the public right-of-way of at least 18 feet above grade, that the interior passageway must be no greater than 20 feet in width, and must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The applicant proposes to construct and maintain a pedestrian skybridge and locate supports within a public right-of-way, reduce the minimum 18 foot clearance above the public right-of-way to 14 feet, increase the maximum 20 foot interior passageway width to 61 feet, and increase the maximum 30 degree divergance from the perpendicular angle to the right-of-way to 45 degrees, which will require special exceptions to the pedestrian skybridge standards.

LOCATION: 8301 Westchester Drive

APPLICANT: Suzan Kedron and Jonathan Vinson of Jackson Walker LLP

ORIGINAL REQUESTS:

Requests for special exceptions to the mandatory pedestrian skybridge standards were made to construct and maintain a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage:

1. With a clearance above public right-of-way of 14' above grade;
2. With an interior passageway width of 61';
3. With support columns located within the Westchester Drive public right-of-way; and
4. That will diverge from a perpendicular angle to the right-of-way by 45 degrees.

M2
Attach B
PSG

UPDATED APRIL 22, 2015 REQUEST:

A request for a special exception to the mandatory pedestrian skybridge standards is made to construct and maintain a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage with support columns located within the Westchester Drive public right-of-way.

Note that on March 18, 2015, the Board of Adjustment Panel B conducted a public hearing on this application and took the following actions:

1. Granted a request for a special exception to reduce the skybridge clearance above the public right-of-way to **15** feet above grade;
2. Granted a request for a special exception to increase the divergence from a perpendicular angle to 45 degrees;
3. Granted a request for a special exception to increase the maximum interior passageway width of the skybridge to **61** feet; and
4. Held the applicant's request for a special exception to locate support columns within the Westchester Drive public right-of-way until **April 22, 2015**.

STANDARD FOR A SPECIAL EXCEPTION TO THE MANDATORY PEDESTRIAN SKYBRIDGE STANDARDS:

Section 51A-4.217 of the Dallas Development Code states that the board of adjustment may grant a special exception to the pedestrian skybridge standards if the board finds that:

1. Strict compliance with the requirements will unreasonably burden the use of either of the properties;
2. The special exception will not adversely affect neighboring property; and
3. The special exception will not be contrary to the public interest.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the pedestrian skybridge standards since the basis for this type of appeal is if the board finds that: strict compliance with the requirements will unreasonably burden the use of either of the properties; the special exception will not adversely affect neighboring property; and the special exception will not be contrary to the public interest.

BACKGROUND INFORMATION:

Zoning:

Site: PD 314 (Planned Development)
North: PD 314 (Planned Development)
South: PD 314 (Planned Development)
East: PD 314 (Planned Development)

Date of Hearing March 18, 2015

Appeal was--Granted OR Denied

Remarks Granted -

- 1. Clearance above the ROW up to 15' above grade
- 2. Divergence from a perpendicular angle to 45°
- 3. Maximum interior passageway width of 61'
- 4. Maintain a maximum of 4 columns in a public right-of-way. Compliance with the submitted ~~site~~ revised site plan dated ~~Feb 25, 2015~~ with the column on the east side of Westchester Dr. ~~to be moved~~ to 5' to the south of A-15 fitted "stepland" & enlarged plans 02" is required.

John P. ...
Chairman

Building Official's Report

I hereby certify that Suzan Kedron did submit a request for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive

BDA145-007. Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way, that a pedestrian skybridge must provide clearance above the public right-of-way of at least 18 feet above grade, that the interior passageway must be no greater than 20 feet in width, and must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The applicant proposes to construct a pedestrian skybridge and locate a support in a public right-of-way, reduce the minimum 18 foot clearance above the public right-of-way to 7 feet, increase the maximum 20 foot interior passageway width to 61 feet, and increase the maximum 30 degree divergence from the perpendicular angle to the right-of-way to 45 degrees.

Hold to March 18, 2015

BOARD OF ADJUSTMENT DECISION FILED IN THE OFFICE OF THE BOARD OF ADJUSTMENT THIS THE 19 DAY OF March, 20 15.

Shang
ADMINISTRATOR

Sincerely,

BOARD OF ADJUSTMENT DECISION FILED IN THE OFFICE OF THE BOARD OF ADJUSTMENT THIS THE 23 DAY OF June, 20 15.

Larry V. Holmes
Larry Holmes, Building Official

Stuebing
ADMINISTRATOR



M2
Attachment B
Pg 8

April 28, 2015

Suzan Kedron
Jackson Walker LLP
901 Main Street, Suite 6000
Dallas, TX 75202

Re: BDA 145-007, Property at 8301 Westchester Drive

Dear Ms. Kedron:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, April 22, 2015 granted your request for a special exception to locate support columns within the Westchester Drive public right-of-way, subject to the following conditions:

- Compliance with the submitted revised site plans titled "Site Plan 01" and "Enlarge Plans 02" dated 04-01-15 is required.

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

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

A handwritten signature in black ink that reads 'Steve Long'.

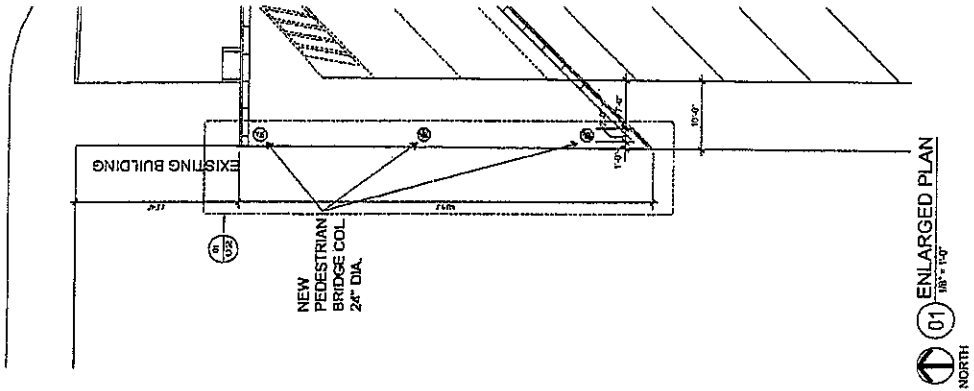
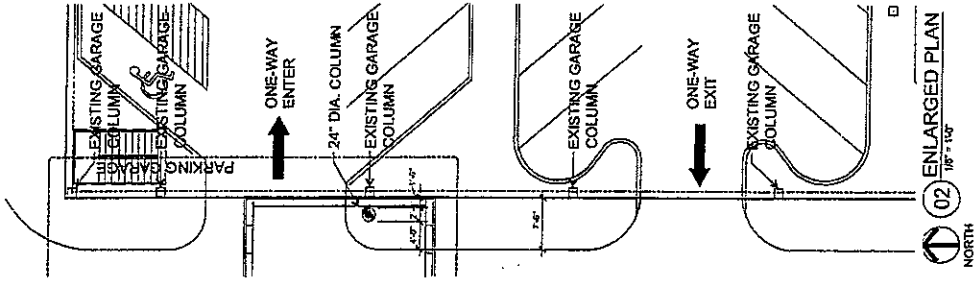
Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

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



O'BRIEN

M2
Attach FE
PS 10



This Enlarged Plan is consistent with the Site Plan but is simply enlarged to show a closer view of the column details.

(2052)

BDA 145-007

PLANS APPROVED
SUBJECT TO
BOARD ACTION

4-23-15

DATE

S Long
ADMINISTRATOR

Lincoln Property Company
Enlarge Plans 02

Date: 04-01-15

Preston Center Sky Bridge

8335 Westchester Drive
Dallas, TX 75225

FILE NUMBER: BDA 145-075

BUILDING OFFICIAL'S REPORT: Application of Jeffrey R. Bragalone, represented by Signe Smith, for a variance to the 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 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 (4101) 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 or larger than that what is proposed on the subject site.

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:

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 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 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 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 these documents.

Timeline:

April 30, 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.

June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

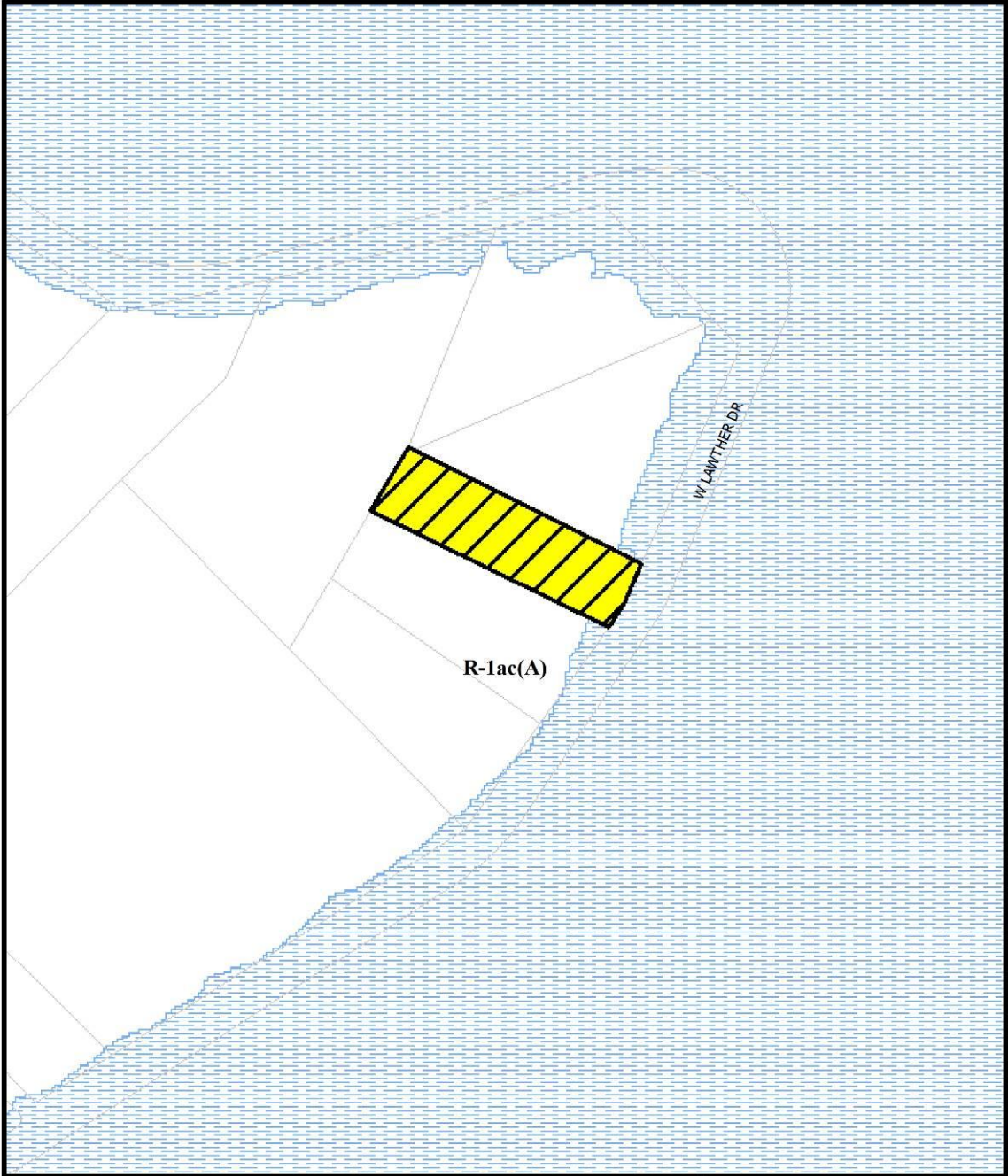
June 19, 2015: The Board Administrator emailed the applicant’s representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 29, 2015: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

August 11, 2015: 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 Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current 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.



1:2,400

ZONING MAP

Case no: BDA145-075

Date: 7/22/2015



1:2,400

AERIAL MAP

Case no: BDA145-075

Date: 7/22/2015

BDA 145-075
Attach A
PS1

Long, Steve

From: Signe Smith <signes@smitharc.com>
Sent: Wednesday, July 29, 2015 3:48 PM
To: Long, Steve
Cc: Duerksen, Todd
Subject: RE: BDA 145-075, Property at 4105 W. Lawther Drive
Attachments: A40-LAWTHER-VARIANCE-24x36.pdf; A40-LAWTHER-VARIANCE-8_5X11.pdf; Bragalone -Case No BDA 145-075 Variance Request Letter 2015-07-29 .pdf; Exhibit A List of Comparable Homes with R-1AC Zoning.pdf; Exhibit B Copies of Email Correspondence with Neighbors.pdf; Exhibit B Continued.pdf

Dear Mr. Long and Mr. Duerksen,
Please find attached our additional documents in support of our Height Variance Application for 4105 Lawther Drive. I have included a full-size PDF and an 8 ½" x 11" size PDF of the Drawing in case that is helpful to you all to have a large print. I will, of course, bring copies of these documents to the Board Hearing as well. As always, please let me know if you have any questions for us or if you need any additional information.

Lastly, if you would, please confirm receipt of this email so that I know my email has reached you. I will follow up my email today with a phone call to be sure we have connected.

Many thanks,
signe

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

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Friday, June 19, 2015 11:01 AM
To: signes@smitharc.com
Cc: Duerksen, Todd <todd.duerksen@dallascityhall.com>
Subject: BDA 145-075, Property at 4105 W. Lawther Drive

Dear Ms. Smith,

Here is information regarding the application to the board of adjustment referenced above that you are representing for Jeffrey R. Bragalone:

1. The application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your tentatively scheduled August 26th Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the height regulations (51A-3.102(d)(10)).
3. A document that provides 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 7 in these attached materials). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, July 29th with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report stating that the applicant proposes to construct a structure with a

building height of 41 feet, 9 inches which will require a 5 foot 9 inch variance is incorrect. (Note that the discovery of any additional appeal needed beyond your requested height variance 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.

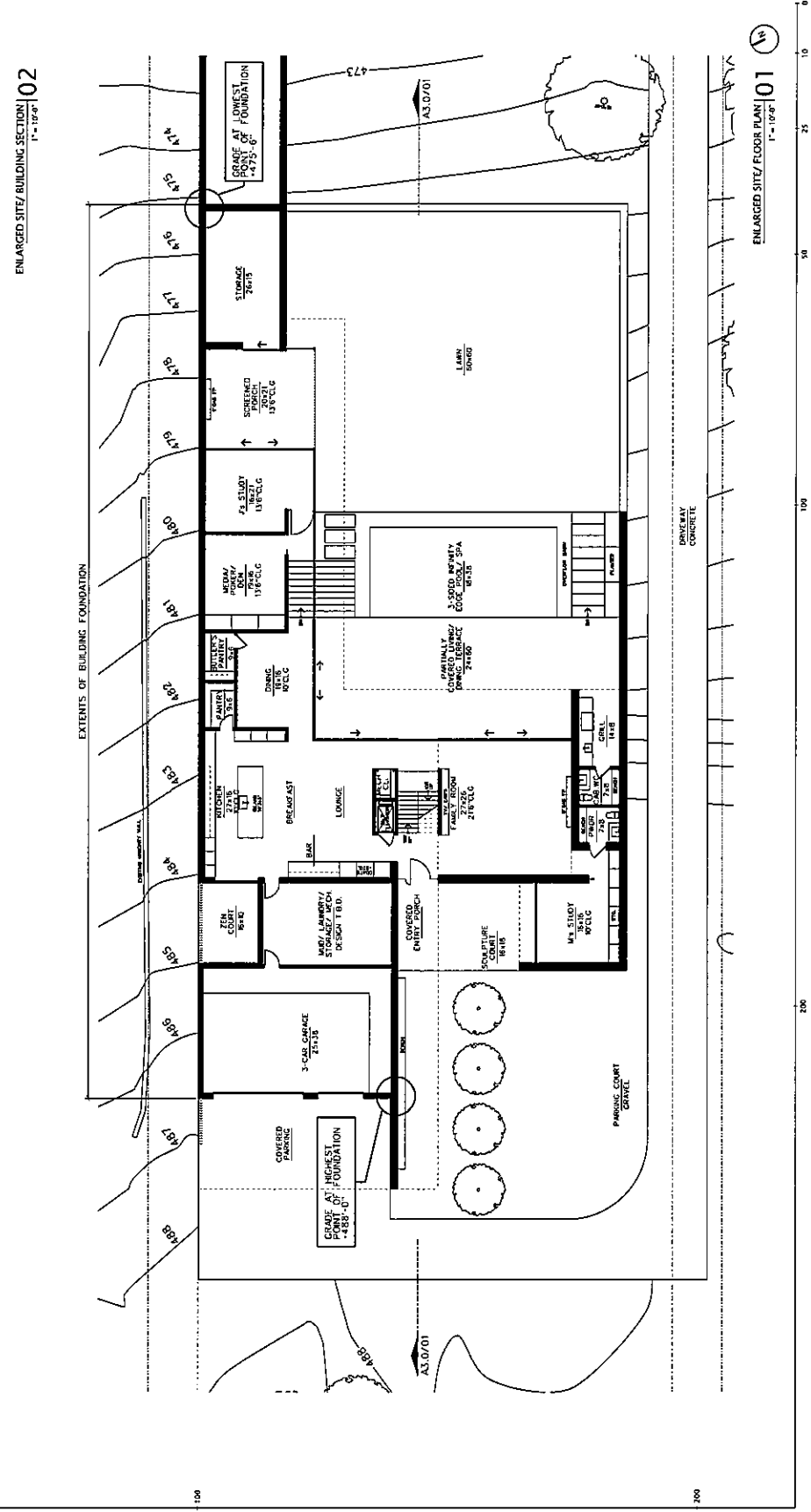
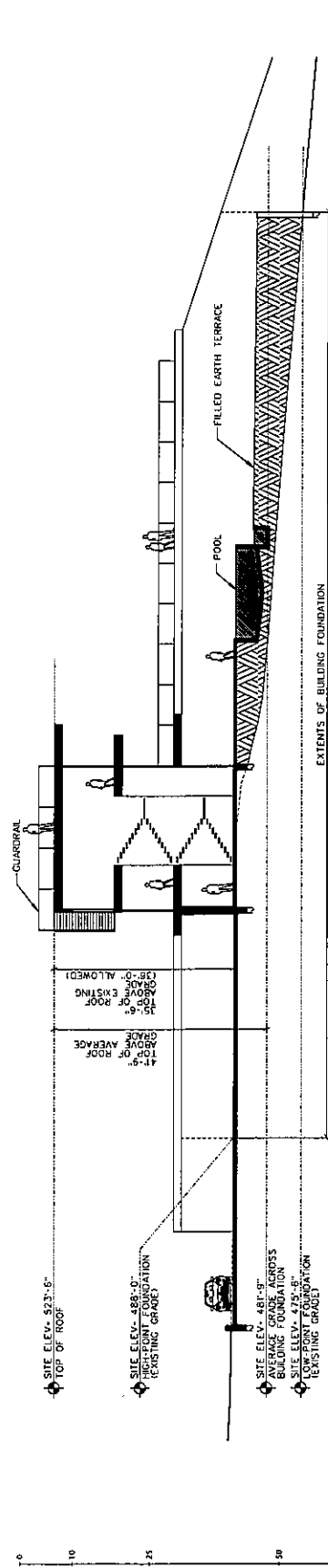
Thank you,

Steve

PS: If there is anything you want to submit to the board on this application beyond what has been included in the attached application materials, please feel free to email it to steve.long@dallascityhall.com or forward it to me at the following address:

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

BDA
145-51-510
Attach
A
13
3



BDA145-075
Attach A
pg 5



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

BRAGALONE CONROY PC

July 29, 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

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 grade upon which it is built.** We believe that the house we propose to build is commensurate with other homes in R-1ac(A) zoning districts as to both height and square footage.

The Building Official's Report 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-seven years ago, my wife and I have dreamed of one day living among the natural beauty of White Rock Lake.

Mr. Steve Long
July 29, 2015
Page 2

BDA145-075
ATTACH A
PS 6



BRAGALONE CONROY PC

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. The square footage and density of our proposed home is also well within the norm for the existing estate residences in our neighborhood. (See Exhibit A, List of Comparable Homes with R-1(ac)A Zoning, attached).

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 code would allow us to build our home as planned only if it were situated at the extreme east boundary of the lot, i.e., closest to the lake, or the extreme west boundary of the lot, i.e., at the very rear of the property. Thus, while the proposed height of 35 feet 6 inches would *not* require a variance from the code if we situated our home at the 40 foot setback line, to do so would obstruct our neighbors' lateral views of the lake, would situate our home much closer to the lake than the neighboring structures, and would require the removal of two majestic oak and elm trees that currently provide shade to the lot and beauty to the entire lake. 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 actually designed the home to minimize the height of the shorter one-story "wing" of the home that is closest to the lake. The 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. Yet, 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. Because the one-story portion of our home spans the length of a rather steep slope, it is this feature that actually causes our home to exceed the *calculated* maximum height.

As noted above, if we were to situate our home entirely on the highest elevation at the back of the lot, our home with a height of up to 36 feet would comply with SEC. 51A-4.112 (a)(4)(E). But this would require a redesign to move the square footage in the one story "wing" to the back of the lot. The end result would be a larger structure located entirely on the back portion of the lot that is the same actual height as requested in the variance. It is also likely that this design would require cutting down many of the smaller trees that are currently planted on the back portion of the lot.

In an effort to be good neighbors and good citizens, we met on May 23, 2015 with our current adjacent neighbors at the home of Jim and Carol Archer, our closest and northernmost neighbors. We provided them with drawings of the planned home, explained our variance

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BRAGALONE CONROY PC

Mr. Steve Long
July 29, 2015
Page 3

request, and answered any and all questions that they had about the request. We also sent follow-up emails in response to questions raised by some of the neighbors. (See Exhibit B, Copies of Email Correspondence with Neighbors, attached). To date, we have not been informed of any objections to our request. The neighbors seemed especially pleased with the fact that, if the variance is granted, the home will be set back toward the back half of the lot, such that the southern view will be the top of a landscaped berm that will cover the one-story wing, rather than a three-story structure that would obstruct their view (should we be forced to build our home in the front part of the lot). They also seemed pleased that we are planning to preserve the existing large trees on the property, which the variance will allow us to do.

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,

A handwritten signature in black ink, appearing to read 'Jeffrey R. Bragalone', with a long horizontal line extending to the right.

Jeffrey R. Bragalone

A handwritten signature in black ink, appearing to read 'Mickie S. Bragalone', written in a cursive style.

Mickie S. Bragalone

Address	Main House Sq. Ftg.	Additional structures	Zoning	Sources
3525 W. Lawther Dr	7,192	1,892	R-1AC(A)	DCAD, Zoning website
3515 W. Lawther Dr.	8,092	4,382	R-1AC(A)	DCAD, Zoning website
4001 W. Lawther Dr.	9,689	3,730	R-1AC(A)	DCAD, Zoning website
4109 W. Lawther Dr.	7,057	2,426	R-1AC(A)	DCAD, Zoning website
4303 W. Lawther Dr.	6,468	3,103	R-1AC(A)	DCAD Zoning website
4353 W. Lawther Dr.	8,262	2,899	R-1AC(A)	DCAD Zoning website
4535 W. Lawther	6,895	4,098	R-1AC(A)	DCAD Zoning website

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Attach A
PS 9

From: Jeffrey Bragalone jbragalone@bcpc-law.com
Subject: Re: Thanks and follow up questions.
Date: June 1, 2015 at 10:23 AM
To: Robert Raymond rraymond@raymond-design.com, Mickie Bragalone mbragalone@me.com
Cc: ken@wsiltd.com, Jim Archer jarcher@svcc.biz, Anne Raymond ARaymond@CrowHoldings.com

Rob -

Thanks again to you, Anne, Jim, Carol, and Ken for taking the time to visit with Mickie and me. It was great to meet our future neighbors, and thanks also for giving us an opportunity to answer questions about our plans.

1. Our requested variance reads as follows:

** Requesting a Variance of 5'-9" over the 36'-0" height restriction.
*** 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: Our request is NOT to build a structure higher than the 36 feet allowed by the Code. To the contrary, because of the extreme slope of our lot, the height restriction as calculated ends up being approximately 6'8" less than the 36' allowed by the Code. This variance (worded in the way we were instructed to by the City) is merely to allow us to build our home up to 35'6".

2. We asked our architects what it would involve to prepare a representation of where the profile of Jim and Carol's home would sit relative to the profile of our home. Our architects noted that this would take some significant time and effort because they do not have the grade elevations for Jim and Carol's lot, or the house drawings, and because of the significant changes in grade between and across the two properties they can't accurately just place them next to each other. They said that doing so accurately would not be a quick or inexpensive task. Based on their budget estimate, we have asked them not to undertake such a project at this time.

As a (very) rough alternative, I took a clip from Google maps and superimposed a rough outline of our house next to the Archer's home. I realize that this only gives one perspective, and doesn't show the relative heights, but as noted above, to accurately prepare the side profile would require the full topographic detail and elevations. I hope you will understand that this is merely something I did for a crude comparison, and the rough outline of our house is definitely not to scale. I think it's actually a little wider than my drawing shows, and this doesn't include the driveway (on the very front and south of the house) and it doesn't show the grass that will cover the top of the one-story east wing:



3. As of Friday, May 29, 2015 the hearing date had not been set. Because of the misinformation that we initially received from the City, we were not able to get an actual spot on the hearing docket. So, they may take us up in June, or they may not take us up until August. The Board does not meet in July. We don't have the June date yet, but depending on whether our request is heard in June or August, we know only that it will be one of the following dates:

June 22, 23 or 24, 2015
August 24, 25 or 26, 2016

4. The city planning/zoning staff has not given us any indication of whether or not they will recommend the variance.
Please let us know if you have any other questions, and thanks again for your consideration and hospitality.

Best regards,
Jeff and Mickie

BRAGALONE CONROY PC
Jeffrey R. Bragalone

2200 Ross Ave., Suite 4500W
Chase Tower
Dallas, TX 75201-7924
Main: 214-785-6670
Direct: 214-785-6671
Email: jbragalone@bcpc-law.com
Web: www.bcpc-law.com

BDA 145-075
Attach A
p 5 11

From: Robert Raymond <r-raymond@raymond-design.com>
Sent: Tuesday, May 26, 2015 8:59 AM
To: Mickie Bragalone; Jeffrey Bragalone
Cc: ken@wsiltd.com; Jim Archer; Anne Raymond
Subject: Thanks and follow up questions.

Mickey and Jeff,

Thanks very much for taking time to show us some drawings of your new home. It was great to spend time with you and we look forward to having you guys as neighbors!

A couple of questions:

1. Could you please send us the verbiage of the variance itself? We discussed in generalities, but I'm not sure all of us fully apprehended the exact phrasing and technicalities relative to the site slope. Just want to make sure we understand completely.
2. It would really help with our perception of the mass/height if you could have the architects draw an outline of Jim Archer's house (outer profile only) on the site section you showed us. Thus we could have a reference point for how your house sits relative to Jim and Carol's south façade/driveway.
3. What is the date of the hearing? I haven't had a chance to walk up to the sign to read it carefully.
4. Has the city planning/zoning staff indicated whether they will recommend the variance?

Please don't read too much into this request! Just trying to make sure all of us understand a little better. We were having such a good conversation about a variety of things that a few details didn't get fully covered. The house looks very cool and I'm sure it will be well-executed...and it's great that such nice people, who love Lakewood and the lake are moving in!!

Thanks again.
Regards,
Rob

Robert W. Raymond, AIA
Raymond Design LP
214-679-8228
raymond-design.com

This email has been scanned by the Boundary Defense for Email Security System. For more information please visit <http://www.apptix.com/email-security/antispam-virus>

BDA145-075
Attachment
Pg 12

From: Mickie Bragalone mbragalone@me.com
Subject: 4105 Lawther
Date: May 10, 2015 at 8:09 PM
To: Jeffrey Bragalone JBragalone@bcpc-law.com
Bcc: Erin Foster espengel@aol.com, Bob Foster rwfsrco@sbcglobal.net, Jim Archer jarcher@svcc.biz, Anne Raymond araymond@crowholdings.com, Robert Raymond rraymond@raymond-design.com, Kyle Saunders kenandkyle@hotmail.com, Ken Saunders ken@wsiltd.com, Douglas Dormer doug.dormer@cardinalmidstream.com, Hillary Dormer hillarydormer@aol.com

Hello -

We are Mickie and Jeff Bragalone, and if we don't already know you, we hope to meet you soon. We have long been lovers of White Rock Lake. Earlier this year, we purchased the vacant home site at 4105 West Lawther, and we are excited to become your neighbors sometime in the future.

We have a design for our home, one that we hope will be a great addition to the neighborhood. In the process of confirming code compliance, we learned from the City of Dallas that we had been misinformed regarding how our home would be measured for ensuring compliance. We ultimately learned that -- according to how the City measures -- we can build our home as designed if we locate the structure at the front of the lot, closest to the lake and West Lawther, but that it would need to be redesigned if we were to locate the home at the rear of the lot, away from the lake and the road. Needless to say, we don't want our home to hug the front of our lot, and we don't think our new neighbors would want that either.

Thus, in order to locate our home at the rear (west end) of our home site, we were told that we would need to request a building variance from the City of Dallas Board of Adjustment. The need for the variance is created by the significant slope on our lot. Currently, we could build our home at the front of the lot near the street (where it would potentially create an obstacle to views from homes on either side) without a variance, or we could build it as designed if we situate the entire home on the highest point near the back of the lot without a variance. But our architects believe that the most natural use of the lot -- and the one that would blend best into the existing landscape of the lake -- is to place part of the home in the lower part and part in the higher part of the lot.

If we are granted the variance, the overall height of the home will be in keeping with many homes that are already built along the lake. In other words, we are not trying to build something that is out of step with the neighborhood.

The variance procedure requires that we post a notice of our request for variance on the lot and it is possible that you may receive notice of our request directly from the Board. But whether or not you receive notice from the Board, we wanted to send this email to let you know what we have requested and why. We are happy to speak with you and answer any questions you may have. And while we don't want to impose, one of us may be reaching out to you in the next few days to explain our variance request and answer your questions. In the meantime, please feel free to contact us either by email or by phone at any of the numbers below.

We are very excited to be joining you soon in the beautiful community of White Rock Lake. Thanks for letting us take a moment of your time.

Best regards,

Mickie and Jeff Bragalone
214-827-4217

Mickie's cell:
214-505-9220

Jeff's cell:
214-906-3646

Long, Steve

From: Signe Smith <signes@smitharc.com>
Sent: Monday, August 10, 2015 1:11 PM
To: Long, Steve
Subject: BDA 145-075, Property at 4105 W. Lawther Drive - Replacement Document
Attachments: Copy of Exhibit A List of Comparable Homes with R-1AC Zoning-Rev6.pdf

Steve,

Per our discussion, please find attached a replacement document for the Square Footage Spreadsheet originally submitted. I have revised this Spreadsheet as follows;

- 1) **ADDED** 4105 W Lawther Dr. (the Property in question)
- 2) **ORGANIZED** the Spreadsheet by Total SF

Thank you,
signe

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

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%.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-075

Data Relative to Subject Property:

Date: 4/30/2015

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) SEE 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

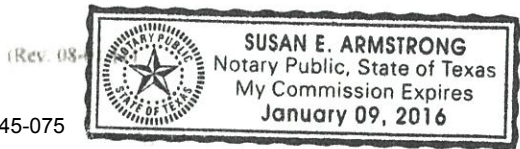
Before me the undersigned on this day personally appeared Jeffrey R. Bragalone (Affiant/Applicant's name printed)

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

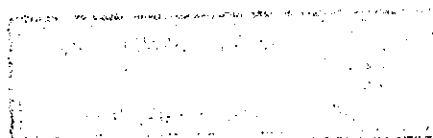
Building Official's Report

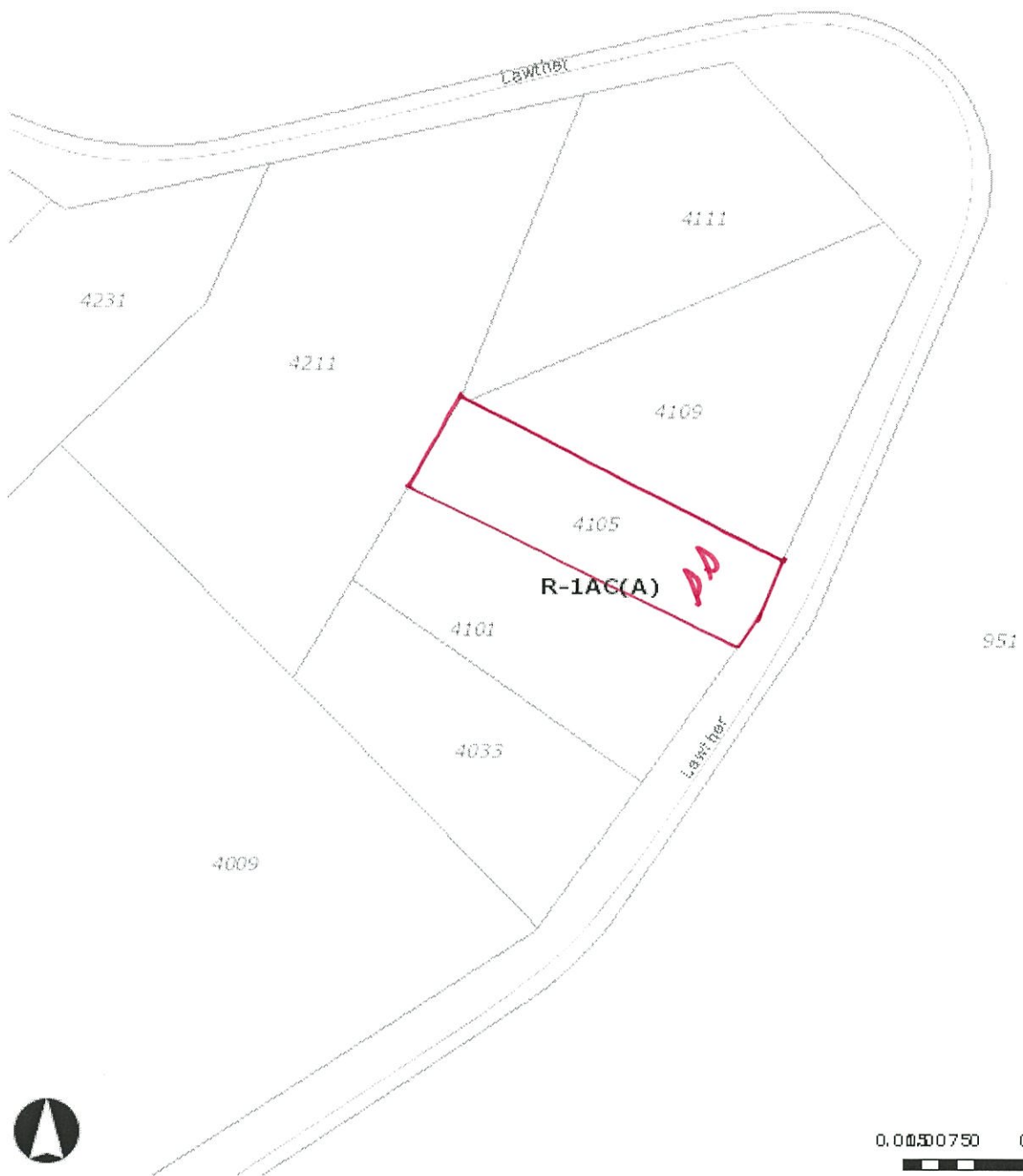
I hereby certify that Jeffrey R. Bragalone
represented by Signe Smith
did submit a request for a variance to the building height regulation
at 4105 W. Lawther Drive

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.

Sincerely,

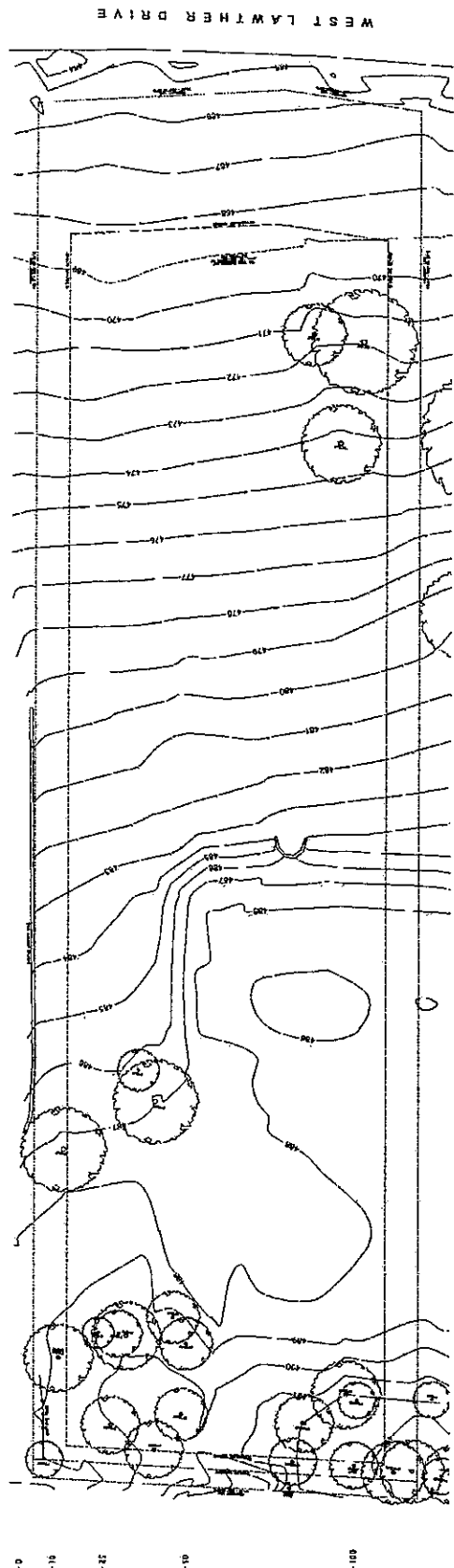

Larry Holmes, Building Official







NOT FOR
PERMITTING OR
CONSTRUCTION

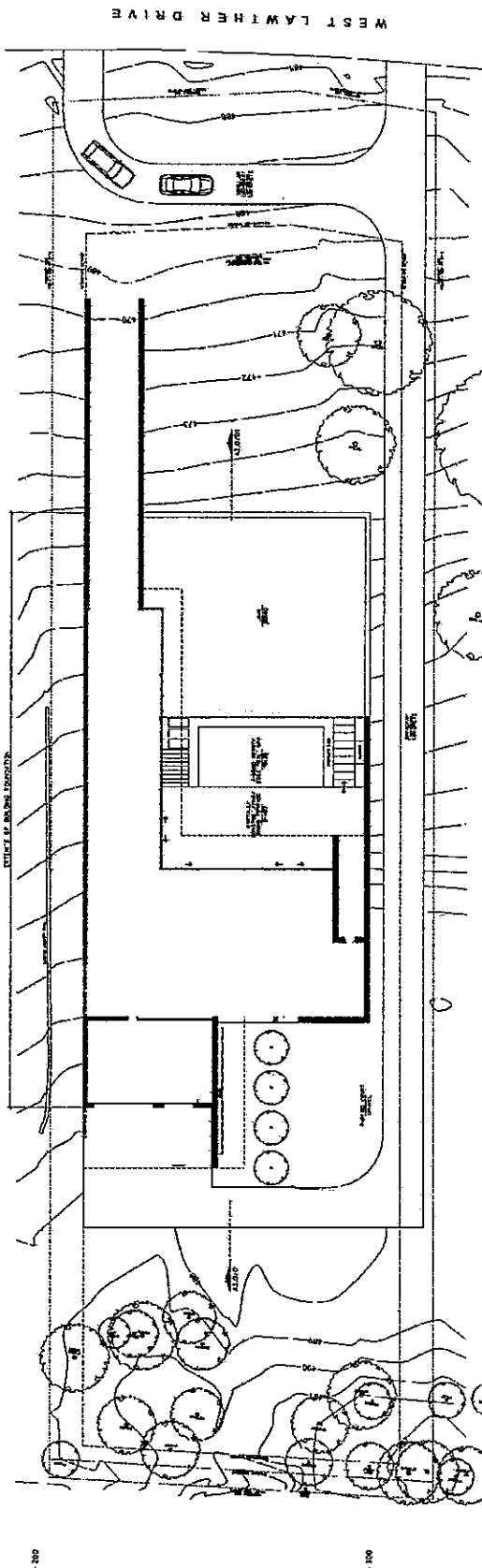


EXISTING SITE PLAN
1/16" = 1'-0"



ZONING:
- RESIDENTIAL SINGLE-FAMILY 1 ACRE DISTRICT
- DALLAS COUNTY, TX
- SHORE ACRES LAWLOR DRIVE ADDITION
- BLOCK 488, LOT 48

PROJECT TYPE:
- RESIDENTIAL CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE

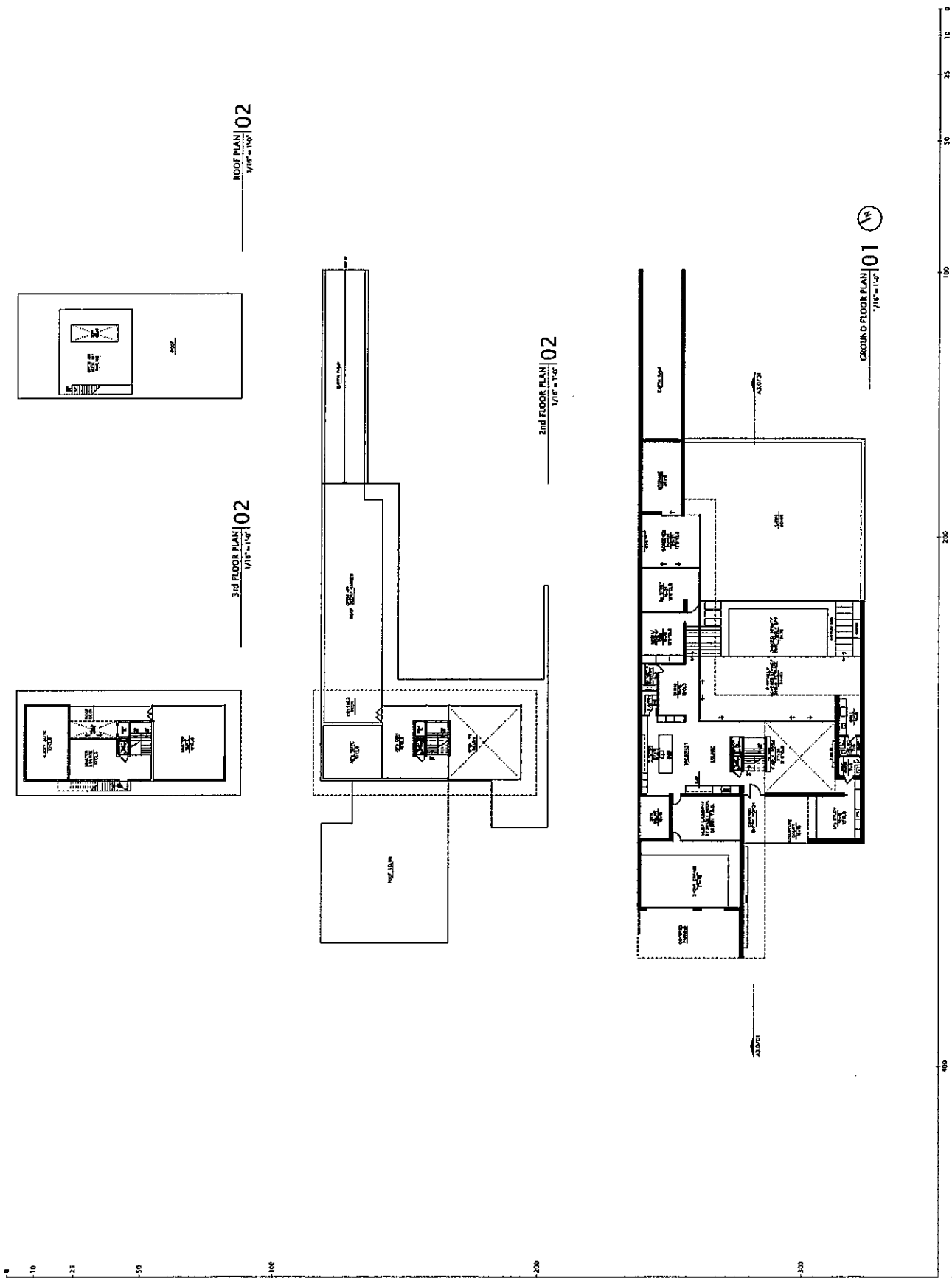
CONSTRUCTION TYPE:
- WOOD & STEEL FRAMING ON CONCRETE FOUNDATION

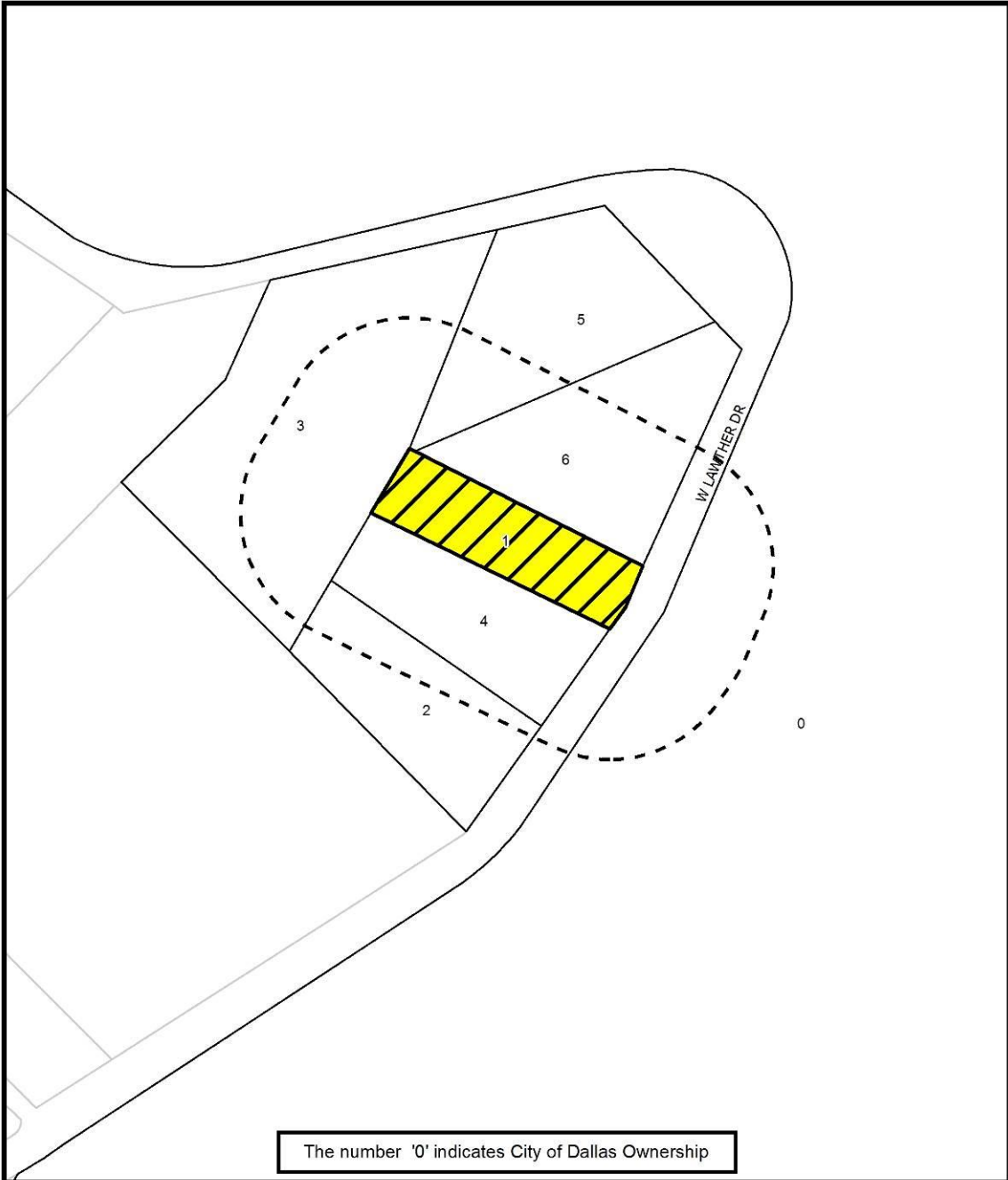


PROPOSED SITE PLAN
1/16" = 1'-0"

 <p>smitharc ARCHITECTS 1000 WESTLAUGHER DRIVE DALLAS, TEXAS 75214 PHONE: 214.761.1111 FAX: 214.761.1112</p>	<p>DESIGN CONSULTANTS</p>	<p>DESIGN CONTRACTOR</p>	<p>PROFESSIONAL SEAL</p>  <p>2012 APR 30</p>	<p>PROJECT</p> <p>4105 Westlaugher Drive Dallas, Texas 75214</p>	<p>ISSUE DATE</p> <p>VARIANCE ACTION 2012 APR 30</p>	<p>REVISIONS</p> <p>NOT FOR PERMITTING OR CONSTRUCTION</p>	<p>SHEET TITLE</p> <p>FLOOR PLANS</p>	<p>SHEET NUMBER</p> <p>A2.0</p>
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copyright © 2015 smitharc, llc





 1:2,400	<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;">6</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	6	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-075</u> Date: <u>7/22/2015</u>
200'	AREA OF NOTIFICATION					
6	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-075

6 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4105 LAWOTHER DR	LOVVORN MARK E & PATRICIA
2	4033 LAWOTHER DR	DORMER DOUGLAS E JR &
3	4211 LAWOTHER DR	SAUNDERS KENNETH E & KYLE M
4	4101 LAWOTHER DR	TONTI LYNNE MCGREAL
5	4111 LAWOTHER DR	RAYMOND ROBERT W &
6	4109 LAWOTHER DR	ARCHER JAMES W & CAROL S

FILE NUMBER: BDA 145-079

BUILDING OFFICIAL'S REPORT: Application of Ralph Shilling for a special exception to the fence height regulations at 9929 Ila Drive. This property is more fully described as Lot 8A, Block 10/6220, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

LOCATION: 9929 Ila Drive

APPLICANT: Ralph Shilling

REQUEST:

The following request for a special exception has been made on a site that is developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 4' is made to construct an 8' high wooden fence and auto gate, parallel and perpendicular to the street in the site's two required front yards: the Walnut Hill Lane required 35' front yard, and the Ila Drive required 30' front yard.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION (FENCE HEIGHT):

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

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single Family Residential District 10,000 SF)
North: PD 724 (Planned Development District No. 724 (Considered a Residential Zoning District))
South: R-10(A) (Single Family Residential District 10,000 SF)
East: R-10(A) (Single Family Residential District 10,000 SF)
West: R-10(A) (Single Family Residential District 10,000 SF)

Land Use:

The subject site is currently developed with a single family home. The area to the north is developed with a school, and the areas to the south, east, and west are developed with single family residential 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 (FENCE HEIGHT):

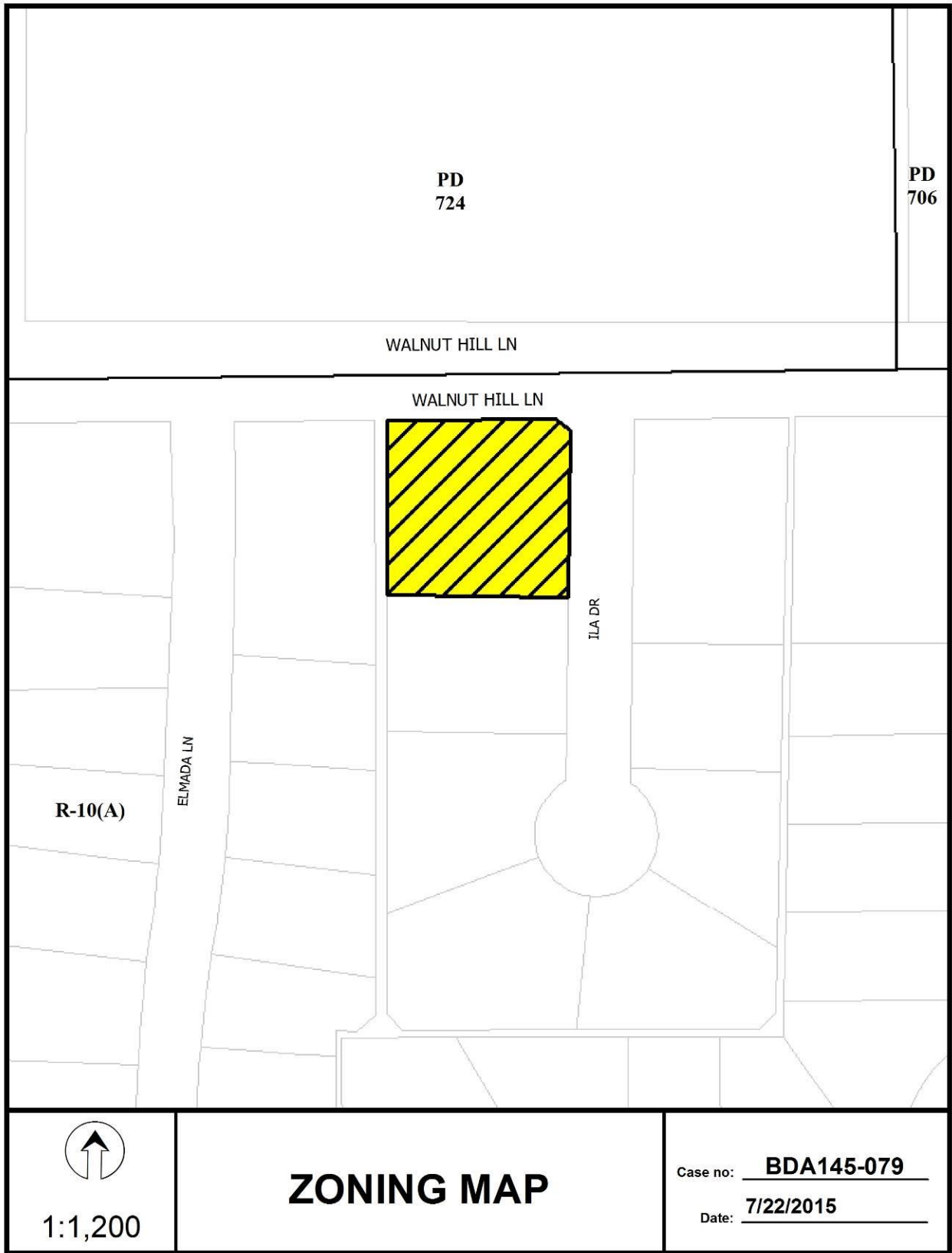
- This request focuses on constructing an 8' high wooden fence with matching auto gate, approximately 12' wide, parallel and perpendicular to the street in the site's two required front yards on a site developed with a single family home/use:
 - the 35' required front yard along Walnut Hill Lane; and
 - the 30' required front yard along Ila Drive.
- The Dallas Development Code states that in all residential districts, except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located at the northwest corner of Ila Drive and Walnut Hill Lane. Regardless of how the existing structure is oriented to front Ila Drive, the subject site has two front yard setbacks along both streets. The site has a 30' required front yard along Ila Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 35' required front yard along Walnut Hill Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard. But the site's Walnut Hill Lane frontage that functions as a side yard is treated as a front yard setback to maintain the continuity of the front yard setback established by the lot to the west zoned R-10(A) that fronts/is oriented northward towards Walnut Hill Lane.
- An R-10(A) Single Family Residential District requires the minimum front yard setback to be 30'. However, the site has both a 35' platted build line along Walnut Hill Lane and a 30' platted build line along Ila Drive, both of which supersede the 30' minimum front yard setback.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 124' in length parallel to Walnut Hill Lane and approximately 49' in length parallel to Ila Drive.
 - The proposal is represented as being located approximately between 23'-30' from the Walnut Hill Lane pavement line, and 14'-20' from the northern property line.
 - The proposal is represented as being located approximately 30' from the Ila Drive pavement line, and 12' from the eastern property line.
 - The proposal is represented as being located approximately 4' from the northern property line.

- The Current Planner conducted a field visit of the site and surrounding area and noted no other visible fences above 4 feet in height which appeared to be located in a front yard setback.
- One home and a school front the proposal.
- As of August 14th, zero letters have been submitted in support of the request and zero letters have been submitted in opposition of the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials shown on these documents.

Timeline:

- May 10, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- June 24, 2015: The Current Planner 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: 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 Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current 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

AERIAL MAP

Case no: BDA145-079

Date: 7/22/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-079

Data Relative to Subject Property:

Date: 05-15-15

Location address: 992 Ila Drive, Dallas, TX 75220 Zoning District: R-10(A)

Lot No.: 8A Block No.: 10/6220 Acreage: .46 Census Tract: 94.01

Street Frontage (in Feet): 1) 142.11 2) 144.99 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ralph F Shilling Jr and Dana Lennon Shilling

Applicant: RALPH SHILLING JR Telephone: 2142842755

Mailing Address: 9929 ILA DR. DALLAS TX Zip Code: 75220

E-mail Address: c.d.shilling@sbcglobal.net

Represented by: SAME AS ABOVE Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance __, or Special Exception X, to add Four (4) feet to the fence height in a portion of my front yard. Fence will be beyond my 30 foot front 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: To construct architecturally designed fence with matching driveway gate for privacy and security for the heavily trafficked corner of Ila Drive and Walnut Hill Lane. WE INTEND TO CONSTRUCT A HORIZONTAL ARCHITECTURALLY DESIGNED FENCE W/ MATCHING DRIVEWAY GATE TO ENHANCE THE LOOK OF OUR STREET.

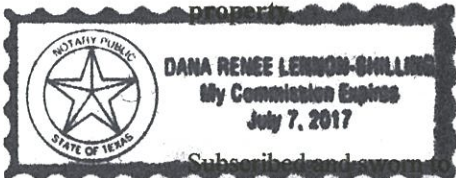
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared RALPH SHILLING JR (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 10 day of May

2015 Dana Renee Lennon-Shilling Notary Public in and for Dallas County, Texas

22013

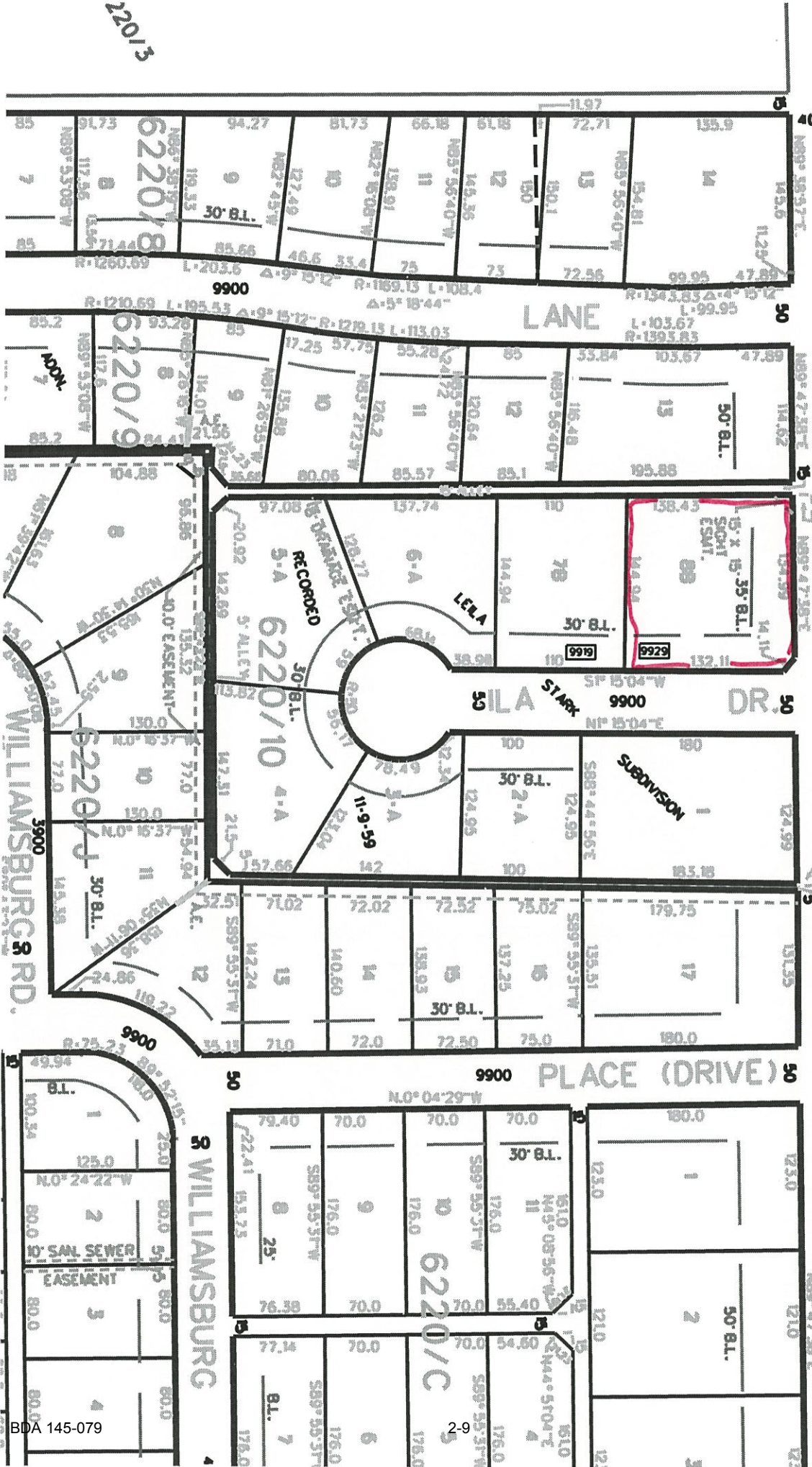
WALNUT HILL

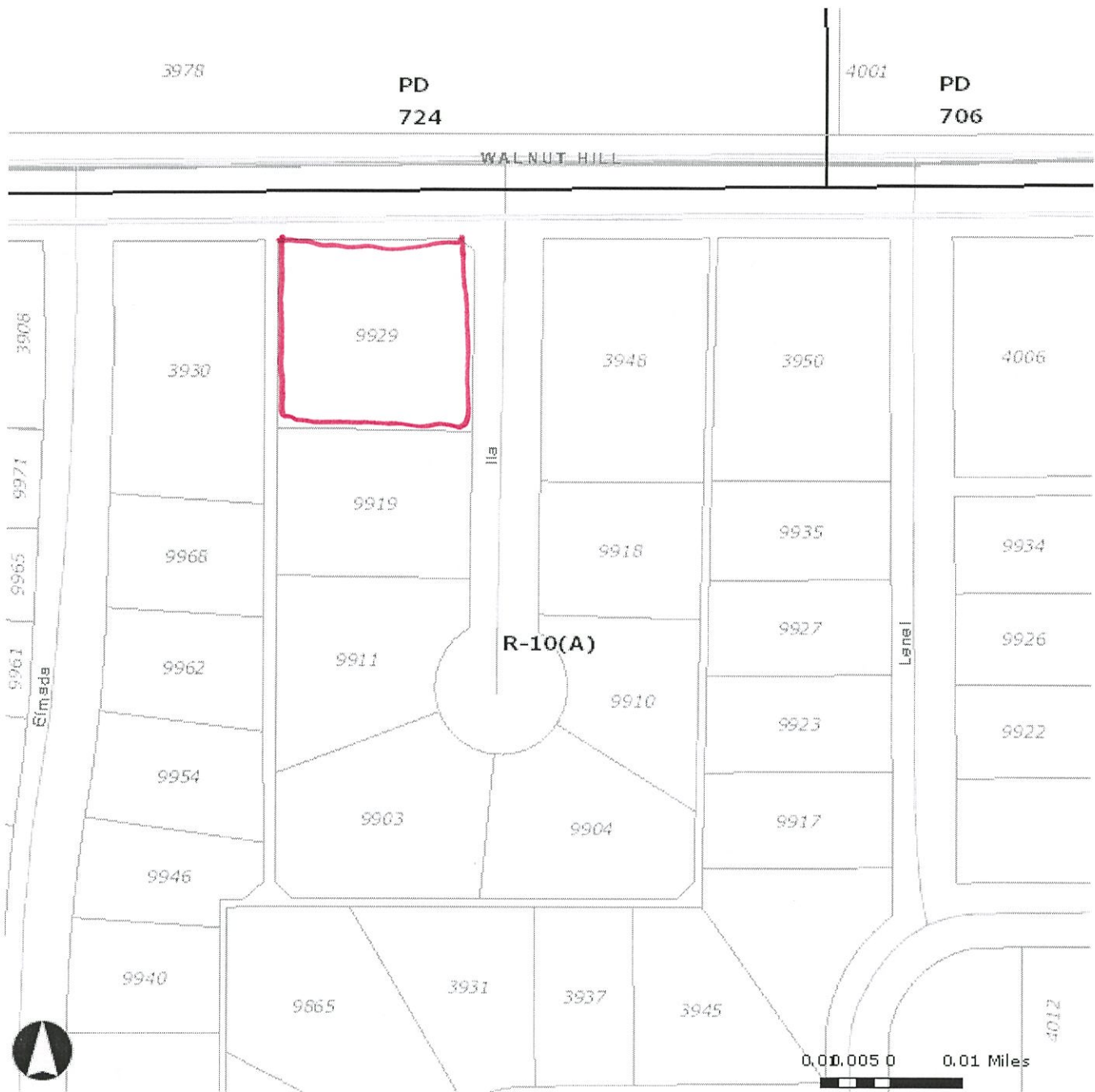
LANE

SILA STARK DR.

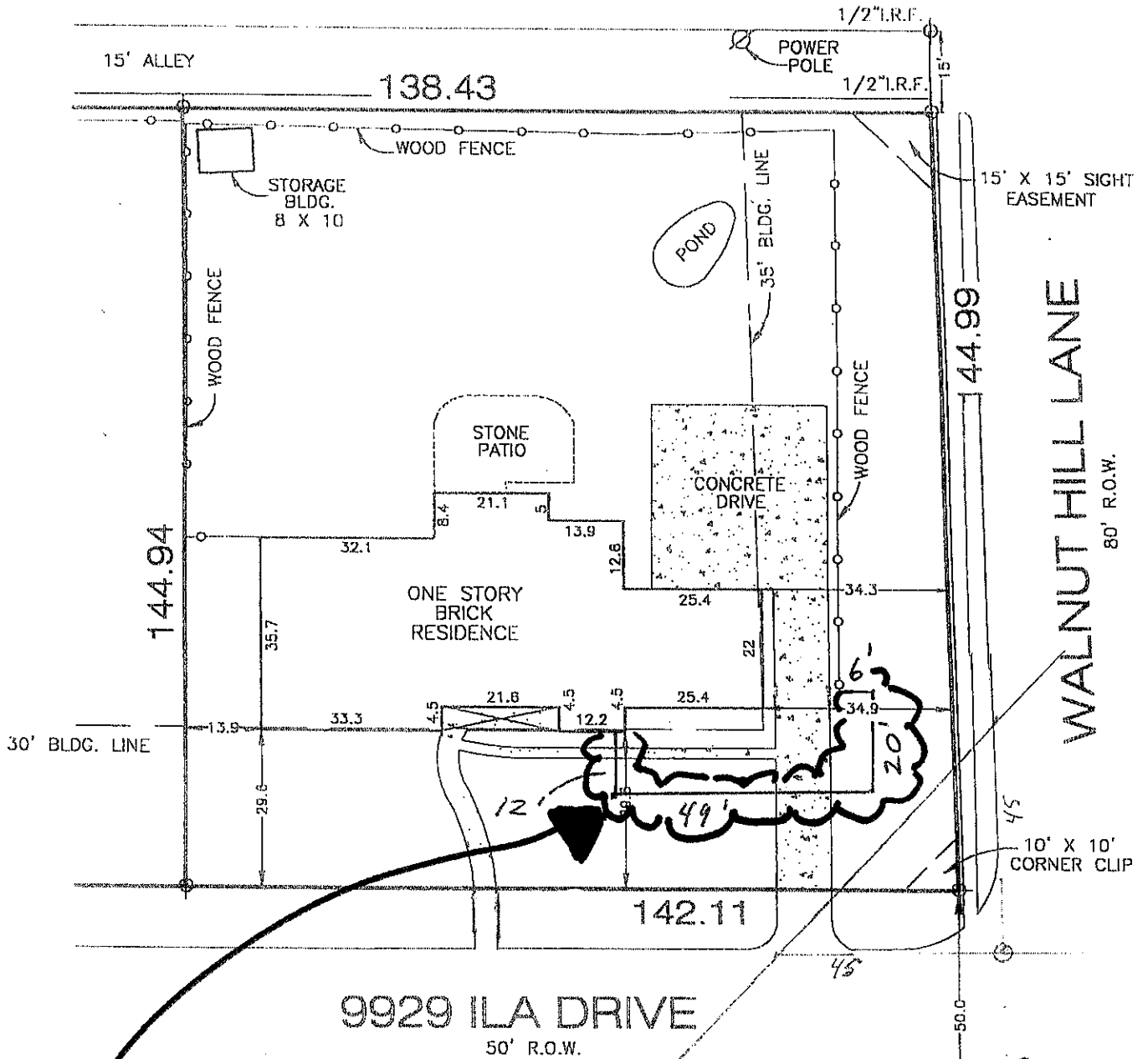
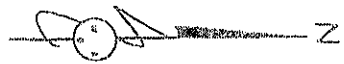
PLACE (DRIVE)

BENJAMIN MERRELL SURVEY ABST. 933 & ABST. 1578

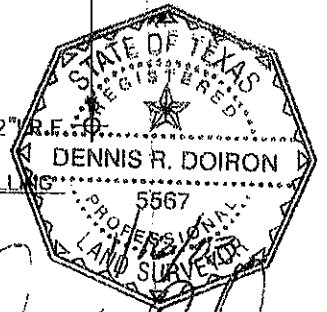




RS



**PROPOSED FENCE
W/DRIVEWAY GATE**



Dennis R. Doiron

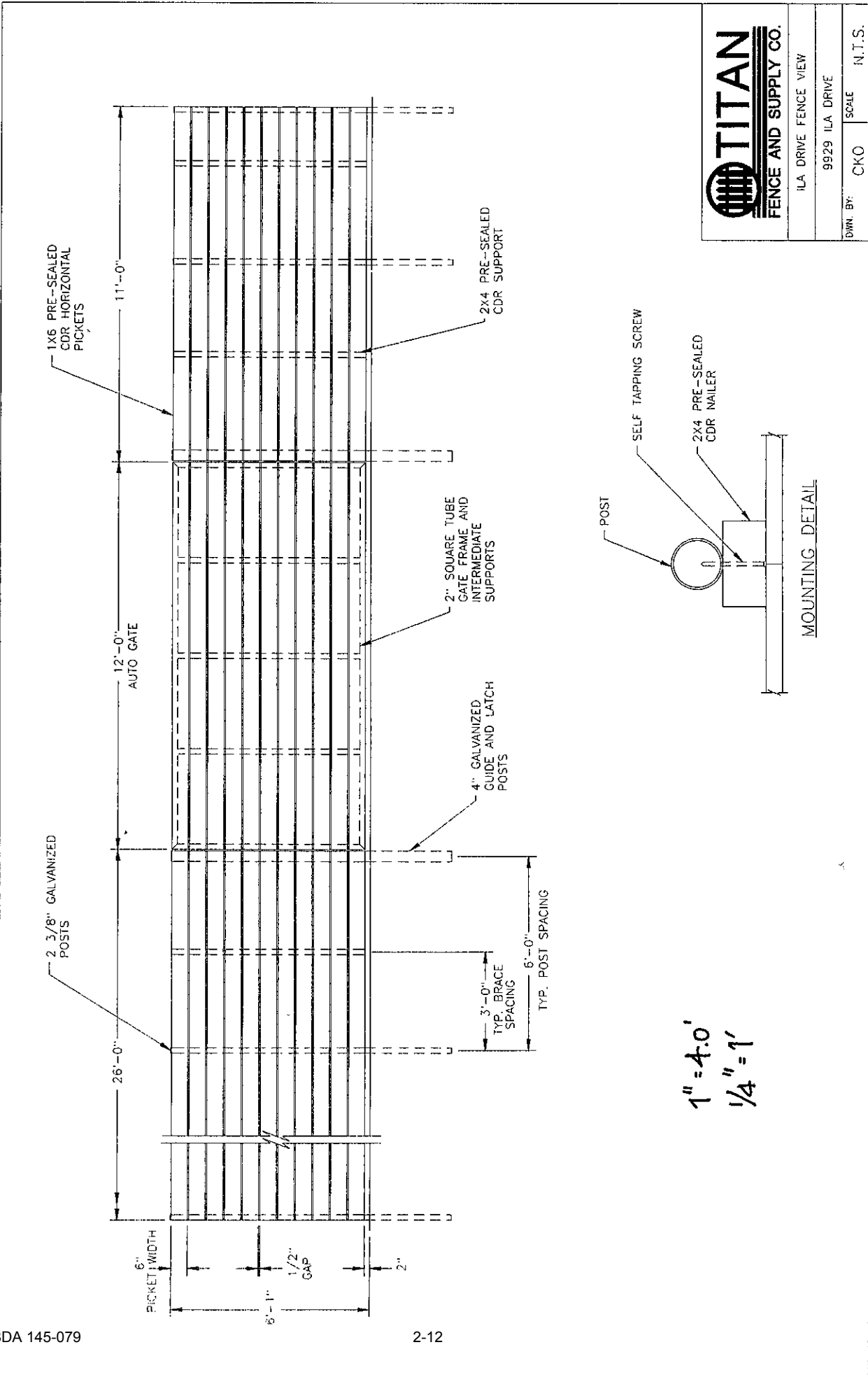
VEACH LAND SURVEYING C

TO: REPUBLIC TITLE CO., PRIME LENDING CO., RALPH F. SHILLING, JR. AND DANA LENNON-SHILLING

THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER AND TITLE COMPANY ONLY AND IS MADE RELYING ON THE INFORMATION PROVIDED BY SAID TITLE COMPANY IN CONNECTION WITH THE TRANSACTION DESCRIBED IN G.E.02R2B283-NE3. USE OF THIS SURVEY BY ANY OTHER PARTIES AND/OR FOR OTHER PURPOSES SHALL BE AT USER'S OWN RISK AND ANY LOSS RESULTING FROM OTHER USE SHALL NOT BE THE RESPONSIBILITY OF THE UNDERSIGNED. THE PLAT HEREON IS A CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY LINES AND DIMENSIONS ARE AS INDICATED; LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN; AND EXCEPT AS SHOWN, ALL IMPROVEMENTS ARE LOCATED WITHIN THE BOUNDARIES AND THE DISTANCES INDICATED, AND THERE ARE NO VISIBLE AND APPARENT ENCROACHMENTS OR PROTRUSIONS ON THE GROUND. THIS SURVEY IS ONLY VALID WITH ORIGINAL SIGNATURE AND DATE. UNAUTHORIZED USE IS NOT PERMITTED WITHOUT WRITTEN PERMISSION OF THE SURVEYOR. SURVEY IS PROTECTED BY UNITED STATES COPYRIGHT LAW. ALL RIGHTS RESERVED.

THIS PROPERTY APPEARS TO LIE WITHIN ZONE X *
 ACCORDING TO FLOOD INSURANCE RATE MAP FOR
DALLAS COUNTY, TEXAS, COMMUNITY PANEL NO.
1811300190 J DATED AUG. 23, 2001 2-11
 BDA 145-079

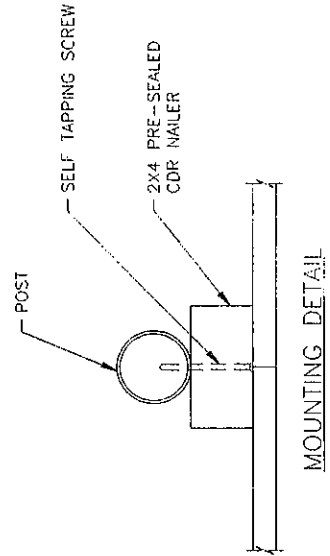
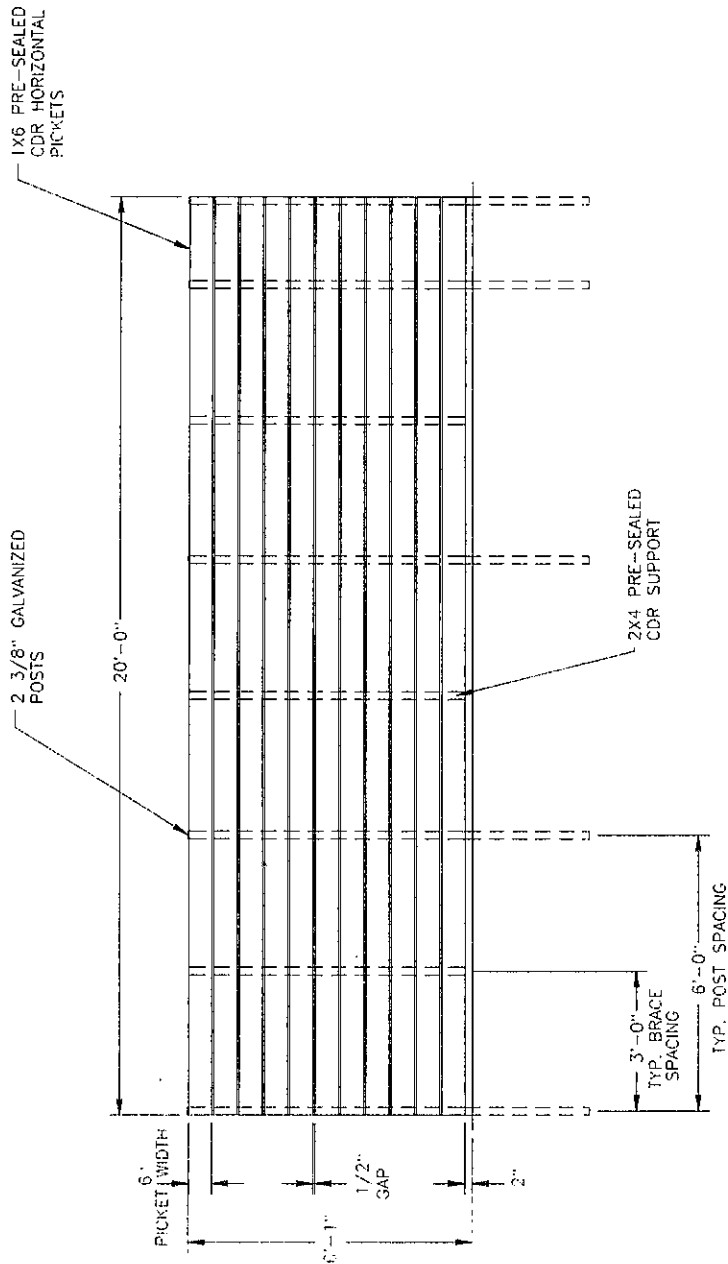
SCALE: 1"=30'
 DATE: 1/15/2003
 JOB NO: 12003
 DRAWN BY: C.C.



ILA DRIVE FENCE VIEW
 9929 ILA DRIVE
 DWN. BY: CKO SCALE N.T.S.

1" = 4.0'
 1/4" = 1'

*



1" = 4.0'

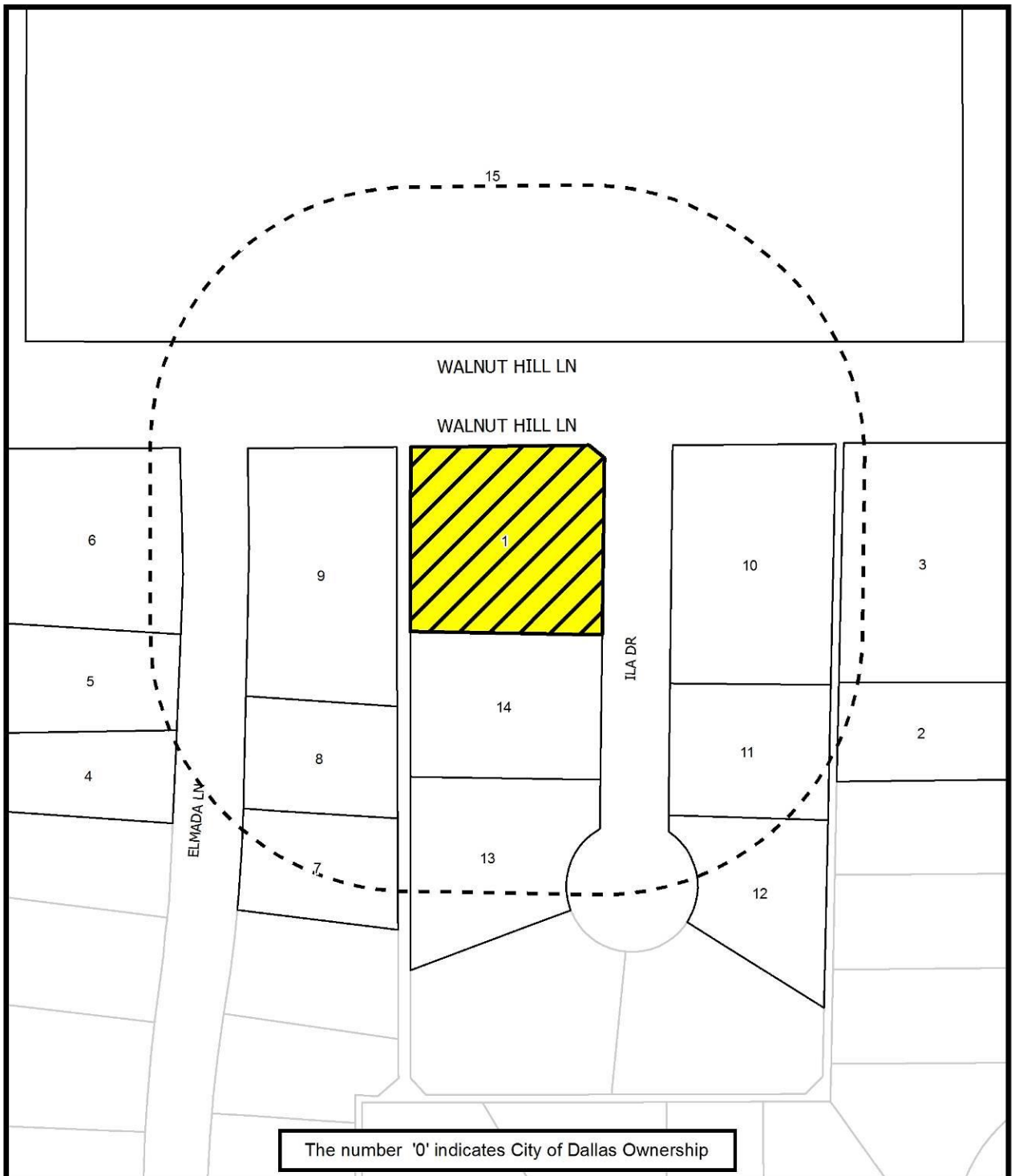


WALNUT HILL LANE FENCE VIEW

9929 ILA DRIVE

DRILL BY: CKO SCALE N.T.S.

1-40



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-079</u> Date: <u>7/22/2015</u>
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-079

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9929 ILA DR	SHILLING RALPH F JR &
2	9935 LENEL PL	SMITH MERIT L
3	3950 WALNUT HILL LN	PISKIOULIS LAMBRINI &
4	9965 ELMADA LN	GANNON CECELIA M
5	9971 ELMADA LN	EVANS DONALD R & BETH L
6	3908 WALNUT HILL LN	FRAIDE OMAR & MAYRA
7	9962 ELMADA LN	RESLANE JV
8	9968 ELMADA LN	WIJEWEERA MAUREEN
9	3930 WALNUT HILL LN	MSTB FAMILY TRUST
10	3948 WALNUT HILL LN	PHAM KHANH &
11	9918 ILA DR	MCQUAIDE JOSEPH J
12	9910 ILA DR	PORTER DIANA B
13	9911 ILA DR	TURNAGE THOMAS A &
14	9919 ILA DR	ARCUCCI DIDIER
15	3978 KILLION DR	Dallas ISD

FILE NUMBER: BDA 145-084

BUILDING OFFICIAL'S REPORT: Application of Charlie D. Corson, represented by Peter Kavanagh of Zone Systems, for a special exception to the landscape regulations at 5842 Live Oak Street. This property is more fully described as Lot 14, Block 1/2144, and is zoned CR, 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: 5842 Live Oak Street

APPLICANT: Charlie D. Corson
Represented by Peter Kavanagh of Zone Systems

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain an approximately 3,500 square foot structure (financial institution use) on a site developed with a vacant car wash structure/use, and not fully meet the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The City of Dallas Chief Arborist recommends approval of the submitted revised alternate landscape because in his opinion strict compliance with the requirements of Article X would unreasonably burden the use of the property, and the exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community retail)
- North: LO-2 (Limited office)
- South: CR (Community retail)
- East: PD 63 (Planned Development)
- West: CR (Community retail)

Land Use:

The site is currently developed with a vacant car wash structure/use. The areas to the north, south, and west are developed with office and retail uses, and the area to the east is developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 3,500 square foot structure (financial institution use) on a site developed with a vacant car wash structure/use, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the revised alternate landscape plan is deficient in perimeter landscape buffer and design standard requirements.

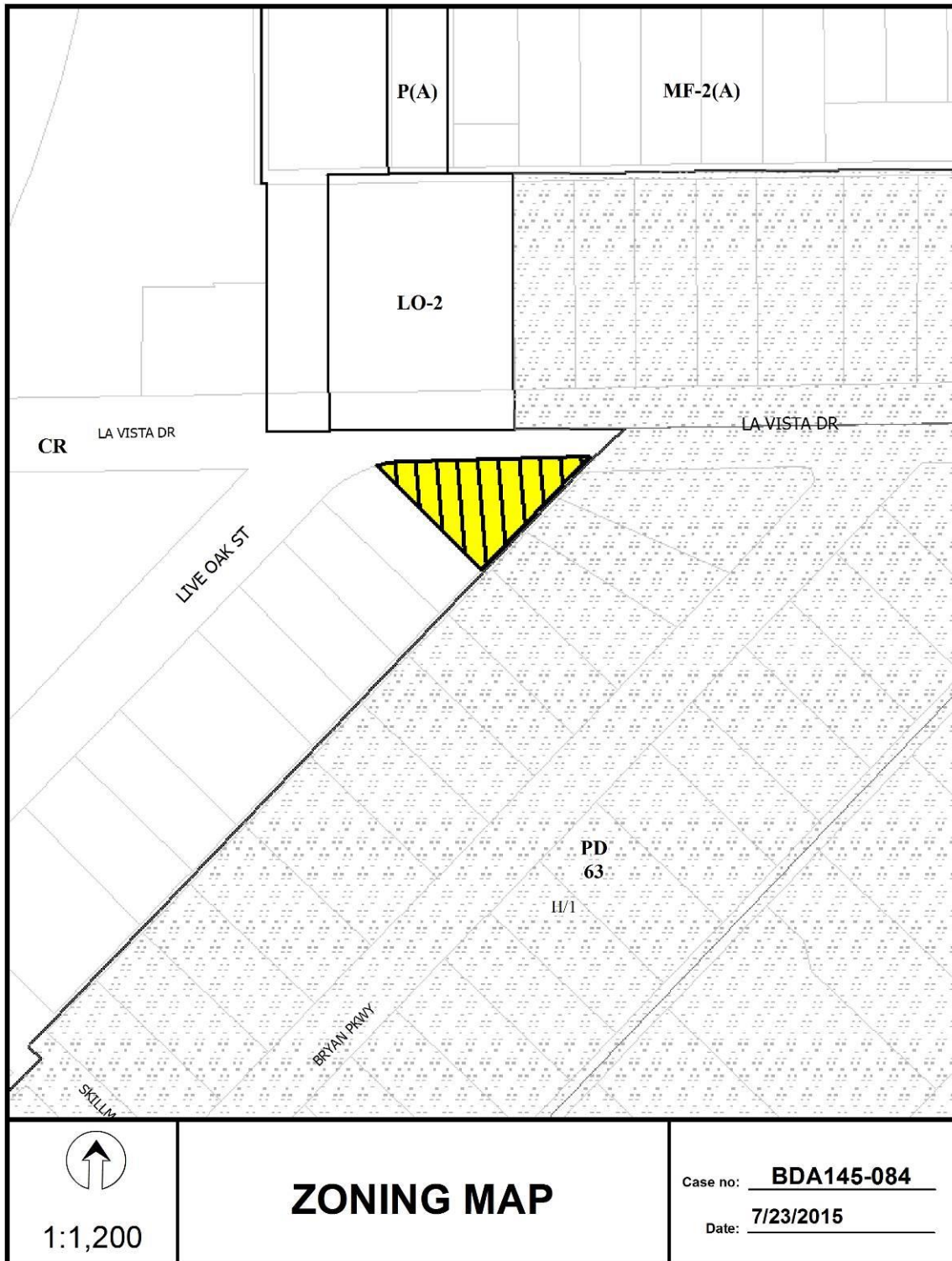
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo states how this request is triggered by a new construction of impervious surface parking lot.
- The Chief Arborist's memo lists the following deficiencies:
 1. Perimeter landscape buffer strip- A 10' wide or 10 percent of the lot width area is required along the perimeter where the residential adjacency exists. A narrow buffer of less than 3' is provided along La Vista Street to the lot boundary with the adjacent property.
 2. The property provides for 1 of 2 required design standards with screening of off-street parking being a 3' evergreen shrub screen. Based on space restrictions of the triangular lot, remaining design standard options are limited to pavement enhancements.
- The Chief Arborist's memo lists the following factors for consideration:
 1. The revised alternate landscape plan demonstrates the combined lots 14 and 15. The applicant has stated that the request is for Lot 14 (parking only). Based on the revised plan, Lot 15 would comply with Article X requirements if submitted for permit. Only the parking lot area (Lot 14) is deficient and is the subject for this case.
 2. A 6' tall wood fence with vines is proposed along the residential adjacency.
- The City of Dallas Chief Arborist recommends approval of the submitted revised alternate landscape because in his opinion strict compliance with the requirements of Article X would unreasonably burden the use of the property, and the exception will not adversely affect neighboring property.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted revised alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the perimeter landscape buffer and design standard requirements of Article X: The Landscape Regulations.

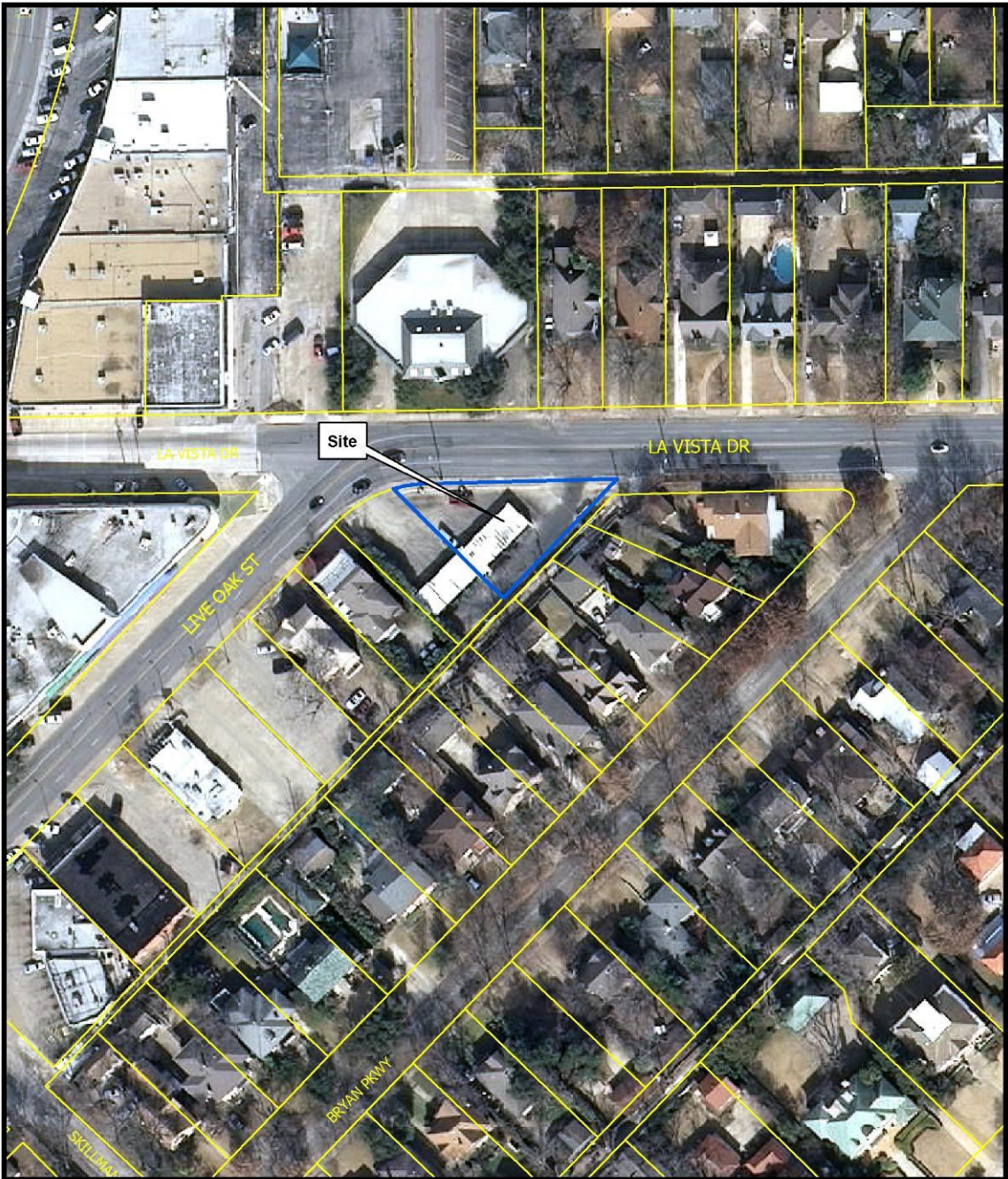
Timeline:

June 4, 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.

June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

- June 19, 2015: The Board Administrator emailed the applicant's representative the following information:
- a copy of the application materials including the Building Official's report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: 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 Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current 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 14, 2015: The Board of Adjustment Secretary re-assigned this case to Board of Adjustment Panel B due to a notification error.
- August 17, 2015: The City of Dallas Chief Arborist forwarded a revised landscape plan submitted by the applicant, and his memo regarding the request to the Board Administrator (see Attachments A and B).





1:1,200

AERIAL MAP

Case no: BDA145-084

Date: 7/23/2015

Memorandum



CITY OF DALLAS

DATE August 17, 2015

TO Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 145 · 084 5842 Live Oak Street

The applicant is requesting a special exception to the landscape requirements of Article X.

Trigger

New construction of impervious surface parking lot.

Deficiencies

The revised alternative landscape plan is deficient in the following:

Perimeter landscape buffer strip (10.125(b)(1)) – A 10 feet wide, or 10% of lot width, area is required along the perimeter where residential adjacency exists. A narrow buffer of less than three feet width is provided from La Vista Street to the lot boundary with the adjacent property (Lot 15).

The property provides for one of two required design standards on the property with screening of off-street parking, being comprised of a 3' evergreen shrub screen. Based on space restrictions of the triangular lot for parking, remaining available design standard options are limited to pavement enhancements.

Factors

The revised alternative landscape plan demonstrates the combined lots 14 and 15. The applicant has stated the request is for Lot 14 (parking lot) only. Based on the revised plan, lot 15 (shown as reference) would comply with Article X requirements if submitted for permit. Only the parking lot area, being Lot 14, is deficient and is subject of this case.

A six-foot tall wood fence with vines is proposed along the residential adjacency.

Recommendation

The chief arborist recommends approval of the revised alternative landscape plan because strict compliance with requirements of this ordinance would unreasonably burden the use of the property, and the special exception will not adversely affect neighboring property.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-084

Date: 6-4-15

Data Relative to Subject Property:

Location address: 5842 Live Oak Street Zoning District: CR

Lot No.: 14 Block No.: 1/2144 Acreage: 0.188 Census Tract: 0011.02

Street Frontage (in Feet): 1) 147' 2) _____ 3) _____ 4) _____ 5) _____ 5024

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CCP Live Oak La Vista LP

Applicant: Charles D. Corson Telephone: _____

Mailing Address: 8333 Douglas Ave. Suite 1500 Zip Code: 75225
Dallas, TX

E-mail Address: _____

Represented by: Peter Kavanagh/Zone Systems Telephone: 214-941-4440

Mailing Address: 1620 Handley Dr. Suite A Dallas, TX Zip Code: 75208

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance __, or Special Exception x, of _____
51A 10.125(b)(1) Landscape Buffer

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

_____ The property will be fenced with a six foot
_____ wooden privacy fence.
_____ The residential neighbors are fenced.

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

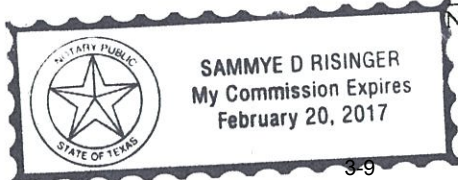
Before me the undersigned on this day personally appeared CHARLES D CORSON
(Affiant/Applicant's name printed)

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: Charles D. Corson
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 28th day of May, 2015

(Rev. 08-01-11) _____
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

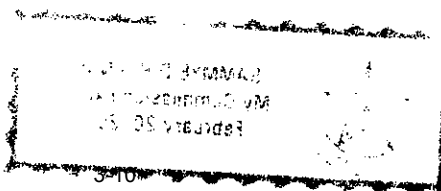
Building Official's Report

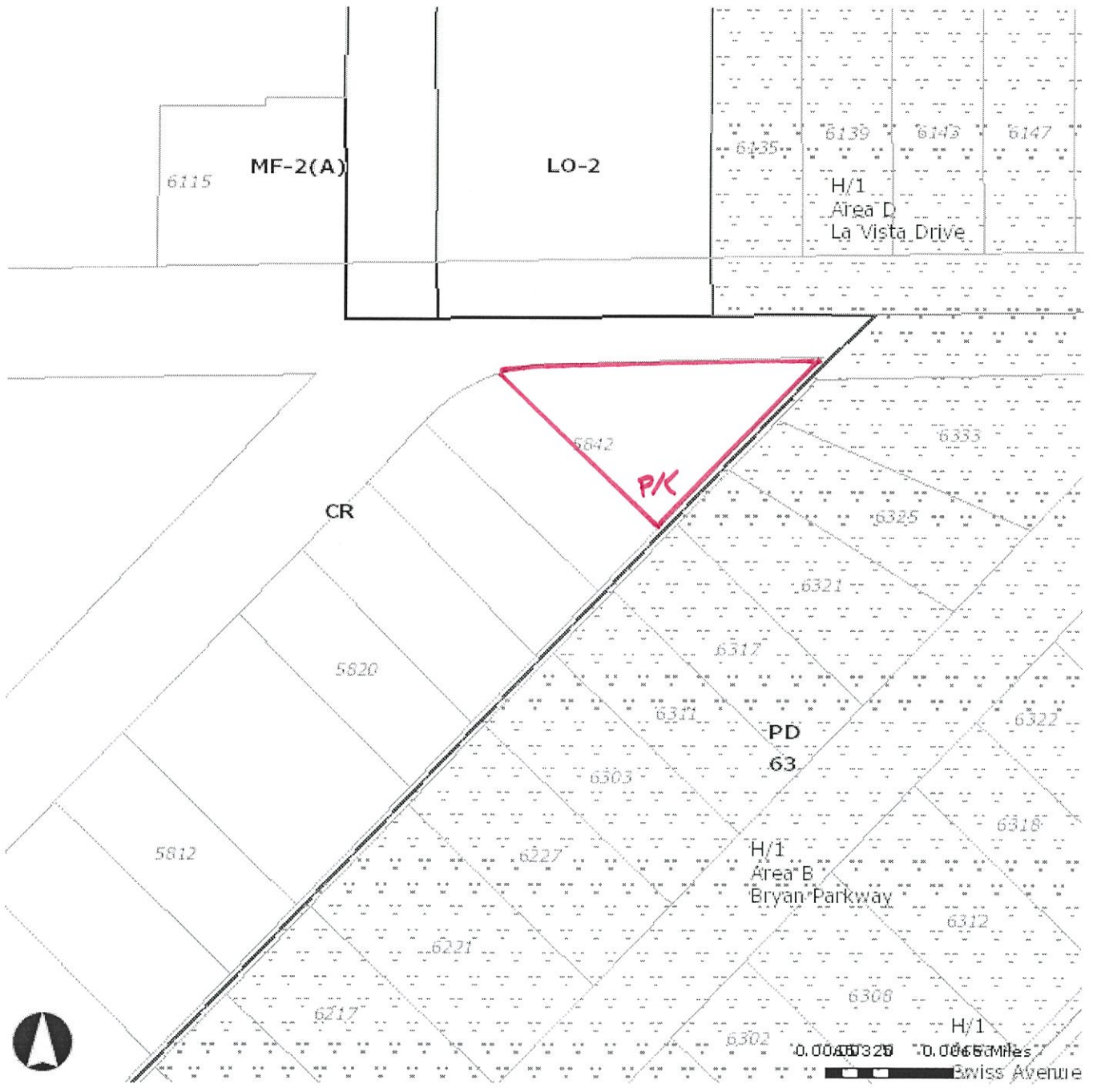
I hereby certify that Charlie Corson
represented by Peter Kavanagh
did submit a request for a special exception to the landscaping regulations
at 5842 Live Oak Street

BDA145-084. Application of Charlie Corson represented by Peter Kavanagh for a special exception to the landscaping regulations at 5842 Live Oak Street. This property is more fully described as Lot 14, Block 1/2144, and is zoned CR, 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,


Larry Holmes, Building Official







 1:1,200	NOTIFICATION		Case no: BDA145-084
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">25</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/23/2015

Notification List of Property Owners

BDA145-084

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5842 LIVE OAK ST	WILDBERGER PAUL L
2	6326 BRYAN PKWY	POWELL JOHN W
3	6322 BRYAN PKWY	BARBIER ANTHONY J II &
4	6312 BRYAN PKWY	ROGERS KEVIN L & DEBBY G ROGERS
5	6318 BRYAN PKWY	BERRY LAUREN L & LARS A BERG
6	6227 BRYAN PKWY	HAMPTON GLENN G & MARINA
7	6303 BRYAN PKWY	DAVIS BRYAN MATTHEW &
8	6311 BRYAN PKWY	CROSS JASON & JENNIFER
9	6317 BRYAN PKWY	EDWARDS DOUGLAS A
10	6321 BRYAN PKWY	JORDAN BRIGITTE S &
11	6325 BRYAN PKWY	LYNCH JOHN J
12	6115 LA VISTA DR	SL LAKEWOOD LP
13	6151 LA VISTA DR	LOZANO IVETTE C
14	6135 LA VISTA DR	BELL CASSANDRA M
15	6147 LA VISTA DR	WOOD DAVID S &
16	6143 LA VISTA DR	ALLVISTA LTD
17	6139 LA VISTA DR	TURNER MARK A
18	5820 LIVE OAK ST	SL LAKEWOOD LP
19	6333 BRYAN PKWY	ADAMS JON A
20	1900 SKILLMAN ST	SL LAKEWOOD LP
21	6131 LA VISTA DR	GOURLEY JOHN D
22	5838 LIVE OAK ST	COSTELLO MICHAEL P FAMILY TRUST
23	5832 LIVE OAK ST	SCHOOL OF METAPHYSICS
24	5818 LIVE OAK ST	MERIDITH JANET TR &
25	5815 LIVE OAK ST	SL LAKEWOOD LP

FILE NUMBER: BDA 145-085

BUILDING OFFICIAL'S REPORT: Application of Venancio Velasquez for a special exception to the fence height regulations at 3415 Jordan Valley Road. This property is more fully described as Tract 5, Block 8836, and is zoned A(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6 foot high fence, which will require a 2 foot special exception to the fence height regulations.

LOCATION: 3415 Jordan Valley Road

APPLICANT: Venancio Velasquez

REQUEST:

A request for a special exception to the fence height regulations of 2' is made to maintain a 6' high open metal mesh fence on a site that appears to be developed as an agricultural use.

(Note that this application is adjacent to a property to the east where the same applicant and owner seeks a similar fence height special exception from Board of Adjustment Panel B on August 26th: BDA 145-086).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: A(A)(Agricultural)
North: A(A)(Agricultural)
South: A(A)(Agricultural)
East: A(A)(Agricultural)
West: A(A)(Agricultural)

Land Use:

The subject site appears to be developed with an agricultural use. The areas to the north, south, and west appear to be developed with agricultural uses.

Zoning/BDA History:

1. BDA 145-086, Property at 3405 Jordan Valley Road (the lot immediately east of the subject site) On August 26, 2015, the Board of Adjustment Panel B will consider a request for a special exception to the fence height regulations of 7' 6" to maintain a 6' high open metal mesh fence with an entry feature that includes an 8' high sliding iron bar gate with two 11' 6" high masonry entry columns on a site that appears to be developed as an agricultural use.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a 6' high open metal mesh fence on a site that appears to be developed as an agricultural use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal in the front yard setbacks that reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan/elevation:
 - The fence is approximately 120' in length parallel to the street and approximately 50' in length perpendicular to the street on the west side of the subject site in the front yard setback.
 - The fence is represented to be located on the property line and approximately 12' from the pavement line.
- There are no single family homes that have direct frontage to the proposal.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400' east and west of the subject site) and noted only one other visible fence higher than 4' in a front yard setback other than the fence immediately to the east that is the subject of a request for a fence height special exception filed by the same owner as this application (BDA 145-086) to be heard by Board of Adjustment Panel B on August 26, 2015 – an approximately 5' high open iron fence located southeast of the subject site with no recorded BDA history.
- As of August 14, 2015, no letters had been submitted in support of or in opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on this document.

Timeline:

June 3, 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.

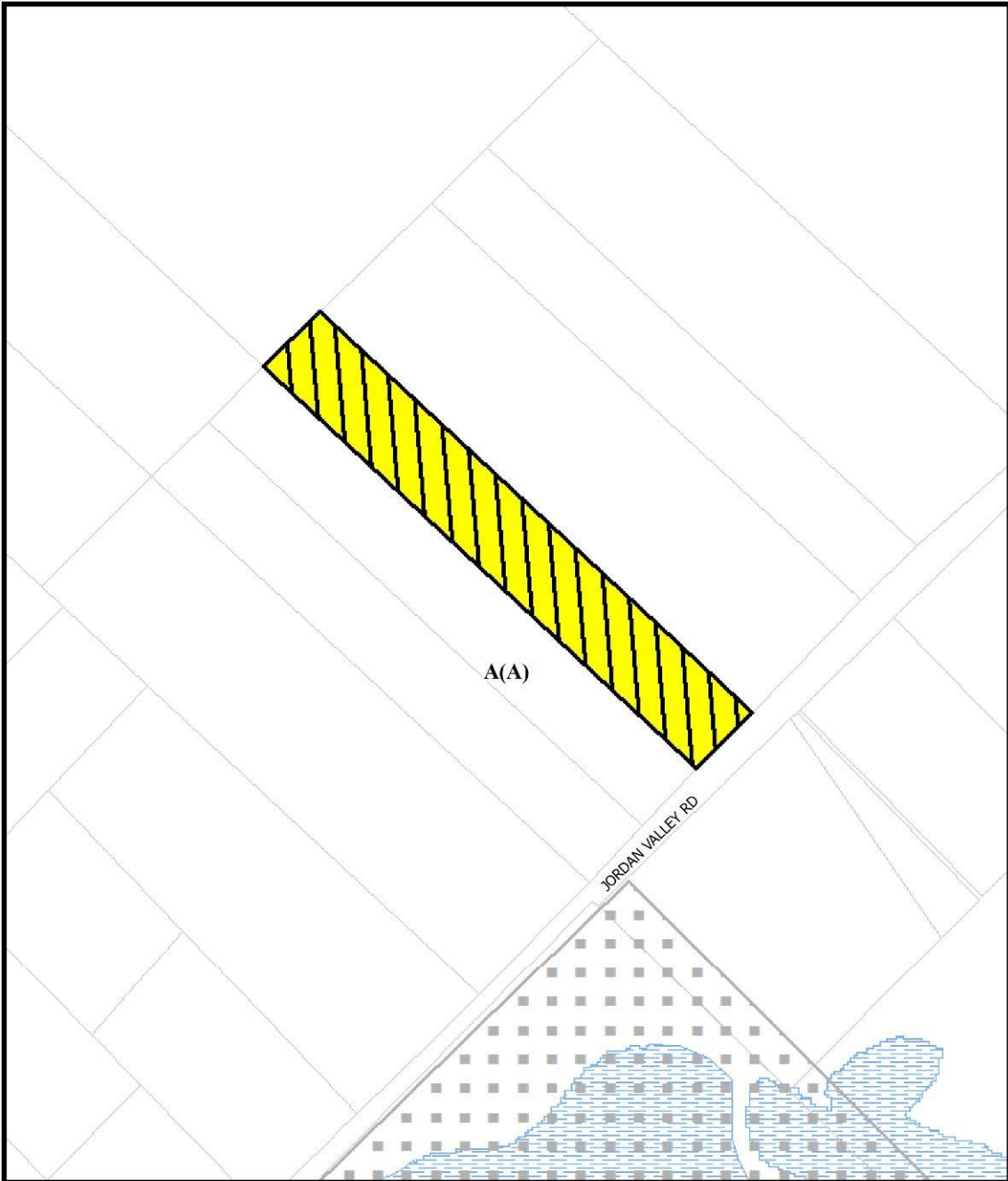
June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

June 19, 2015: The Board Administrator emailed the applicant and his associate 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: 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 Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current 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.



1:2,400

ZONING MAP

Case no: BDA145-085

Date: 7/23/2015



1:2,400

AERIAL MAP

Case no: BDA145-085

Date: 7/23/2015



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-085

Data Relative to Subject Property:

Date: 6-3-15

Location address: 3415 Jordan Valley Rd. Zoning District: A(A)

Lot No.: TR5 Block No.: 8836 Acreage: 2.54 Census Tract: 171.02

Street Frontage (in Feet): 1) 120' ~~360'~~ 2) _____ 3) _____ 4) _____ 5) _____

set OK

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Venancio Velasquez

Applicant: Venancio Velasquez Telephone: 214-723-0536

Mailing Address: 204 Shady Oaks Cir. Shady Shores, TX Zip Code: 76208

E-mail Address: vvelasq@yaho.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of ~~7'6"~~ 2'0"
to fence height in front yard

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:

my front yard fence will not adversely affect neighboring properties, there is no adjacent neighbor around me, and there are a few similar fence structures on Jordan Valley Rd. for which I will provide photos of.

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.

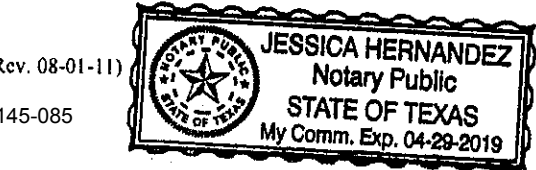
Affidavit

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

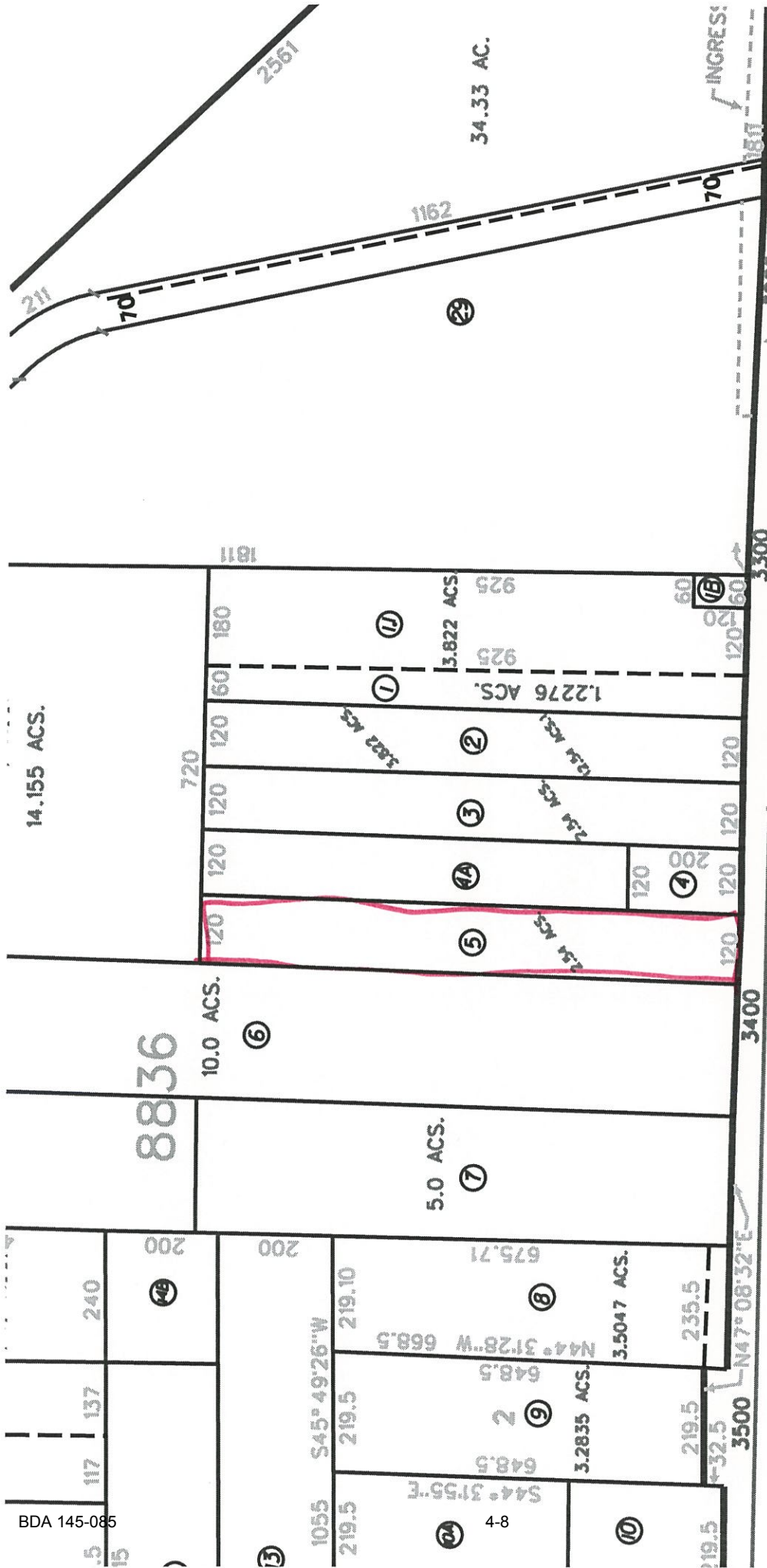
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 3 day of June, 2015



Jessica Hernandez
Notary Public in and for Dallas County, Texas



JORDAN VALLEY ROAD

3200

3300

3400

3500

3563

8781

INGRES:

180

180

1162

2551

211

70

70

14.155 ACS.

10.0 ACS.

5.0 ACS.

3.822 ACS.

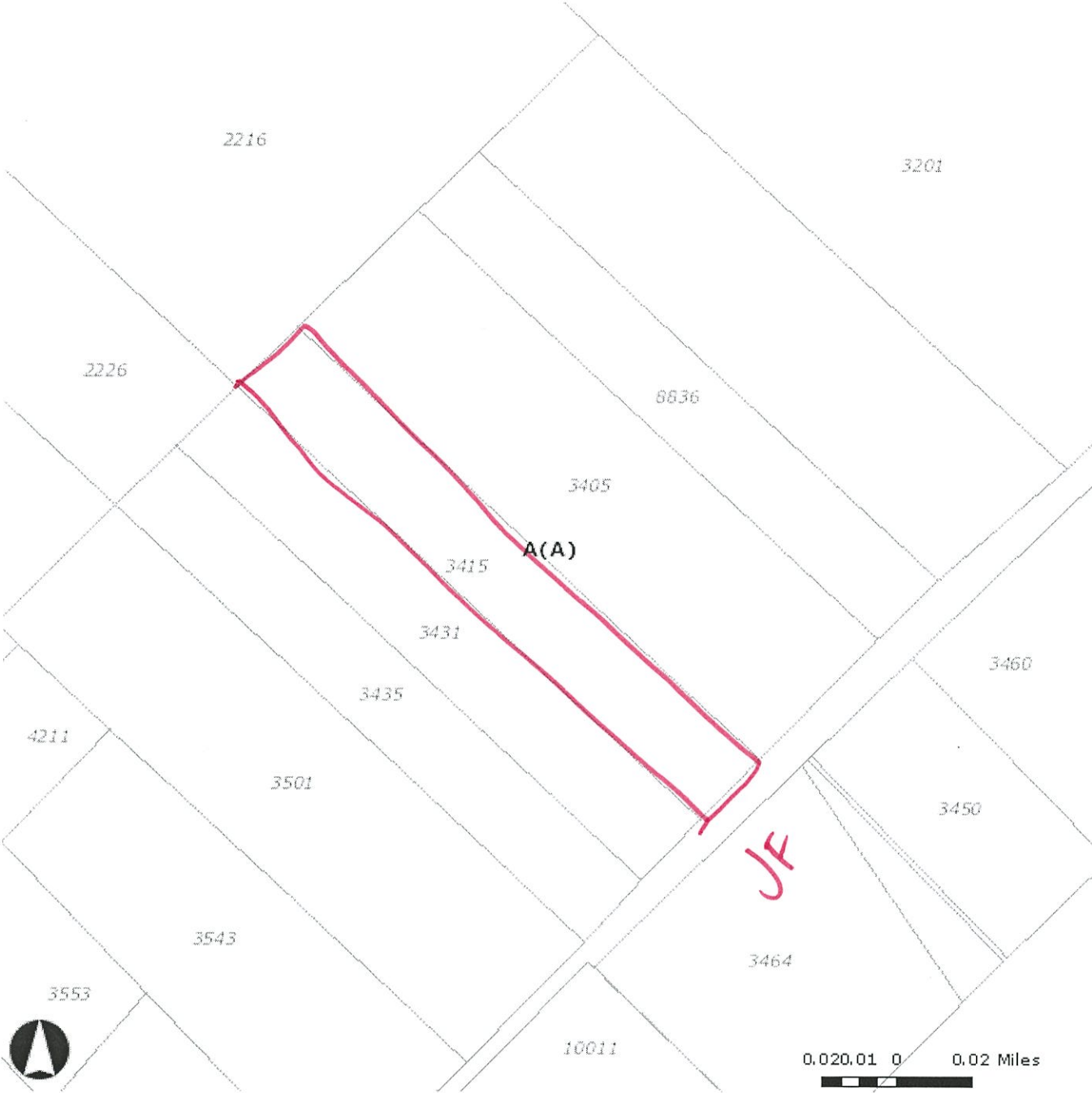
1.2276 ACS.

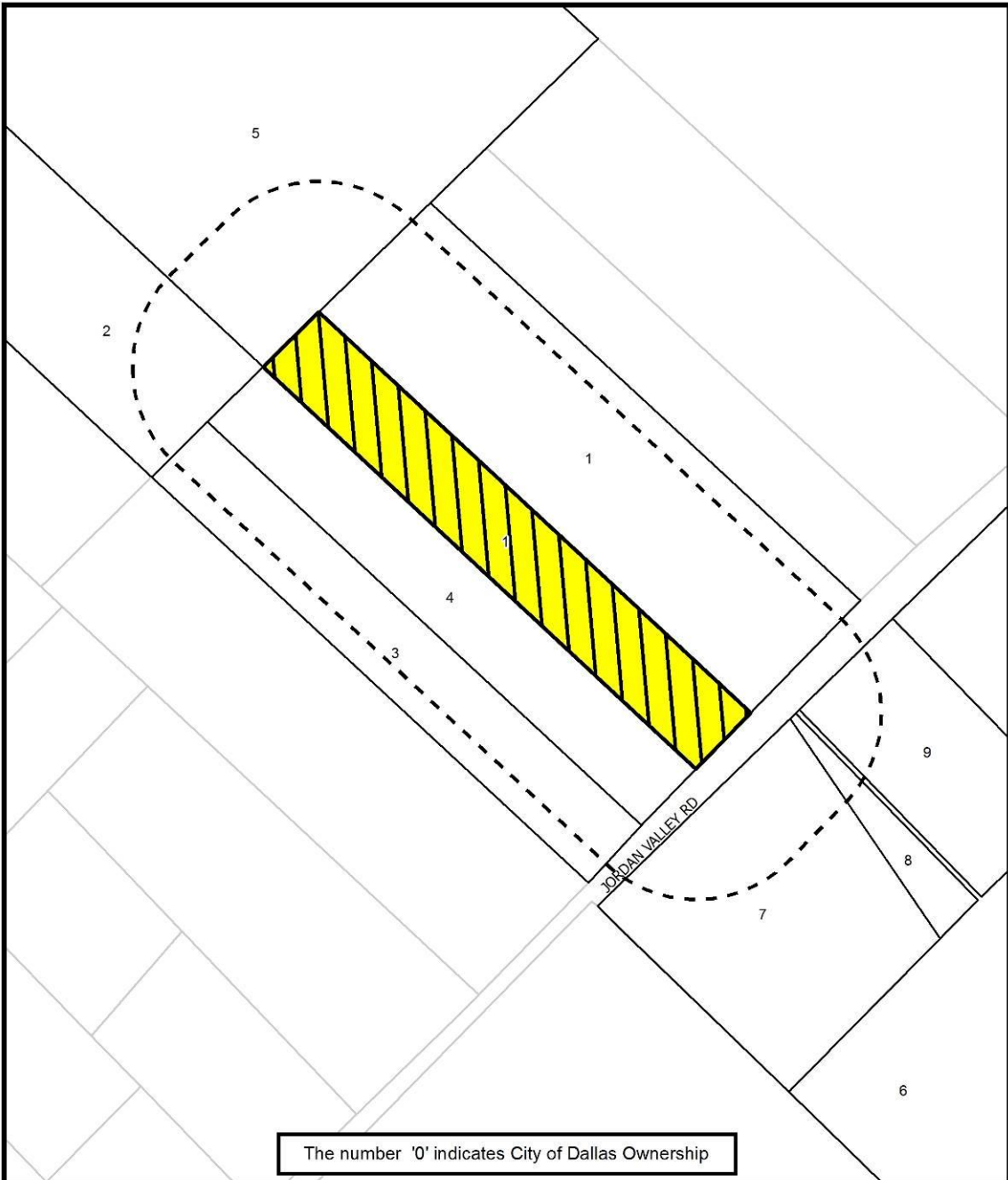
3.5047 ACS.

3.2835 ACS.

3.5047 ACS.

1055 S45°49'26\"/>





 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-085</u> Date: <u>7/23/2015</u>
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-085

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3405 JORDAN VALLEY RD	VELASQUEZ VENANCIO
2	2226 HAYMARKET RD	WALKER JACK
3	3435 JORDAN VALLEY RD	VASQUEZ TOMAS & MARIA
4	3431 JORDAN VALLEY RD	WALKER JACK ET AL
5	2216 HAYMARKET RD	HUERTA JOSE GUADALUPE
6	3460 JORDAN VALLEY RD	BINGHAM NANCY K
7	3464 JORDAN VALLEY RD	KANAMAN MALCOME ROGER JR
8	3464 JORDAN VALLEY RD	BINGHAM NANCY KANAMAN
9	3450 JORDAN VALLEY RD	KANAMAN NANCY L

FILE NUMBER: BDA 145-086

BUILDING OFFICIAL'S REPORT: Application of Venancio Velasquez for a special exception to the fence height regulations at 3405 Jordan Valley Road. This property is more fully described as Tract 3 (including Tract 4 & 4A), Block 8836, and is zoned A(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 11 foot 6 inch high fence, which will require a 7 foot 6 inch special exception to the fence height regulations.

LOCATION: 3405 Jordan Valley Road

APPLICANT: Venancio Velasquez

REQUEST:

A request for a special exception to the fence height regulations of 7' 6" is made to maintain a 6' high open metal mesh fence with an entry feature that includes an 8' high sliding iron bar gate with two 11' 6" high masonry entry columns on a site that appears to be developed as an agricultural use.

(Note that this application is adjacent to a property to the west where the same applicant and owner seeks a similar fence height special exception from Board of Adjustment Panel B on August 26th: BDA 145-085).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: A(A)(Agricultural)
North: A(A)(Agricultural)
South: A(A)(Agricultural)
East: A(A)(Agricultural)

West: A(A)(Agricultural)

Land Use:

The subject site appears to be developed with an agricultural use. The areas to the north, south, and west appear to be developed with agricultural uses.

Zoning/BDA History:

- | | |
|--|--|
| 1. BDA 145-085, Property at 3415 Jordan Valley Road (the lot immediately west of the subject site) | On August 26, 2015, the Board of Adjustment Panel B will consider a request for a special exception to the fence height regulations of 2' to maintain a 6' high open metal mesh fence on a site that appears to be developed as an agricultural use. |
|--|--|

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a 6' high open metal mesh fence with an entry feature that includes an 8' high sliding iron bar gate with two 11' 6" high masonry entry columns on a site that appears to be developed as an agricultural use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal in the front yard setbacks that reaches a maximum height of 11' 6".
- The following additional information was gleaned from the submitted site plan/elevation:
 - The fence is approximately 240' in length parallel to the street and approximately 50' in length perpendicular to the street on the east side of the subject site in the front yard setback.
 - The fence is represented to be located on the property line and approximately 12' from the pavement line.
 - The gate is represented to be located approximately 13' the property line and approximately 26' from the pavement line.
- There are no single family homes that have direct frontage to the proposal.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400' east and west of the subject site) and noted only one other visible fence higher than 4' in a front yard setback other than the fence immediately to the west that is the subject of a request for a fence height special exception filed by the same owner as this application (BDA 145-085) to be heard by Board of Adjustment Panel B on August 26, 2015 - an approximately 5' high open iron fence located southeast of the subject site with no recorded BDA history.

- As of August 14, 2015, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 7' 6" will not adversely affect neighboring property.
- Granting this special exception of 7' 6" with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on this document.

Timeline:

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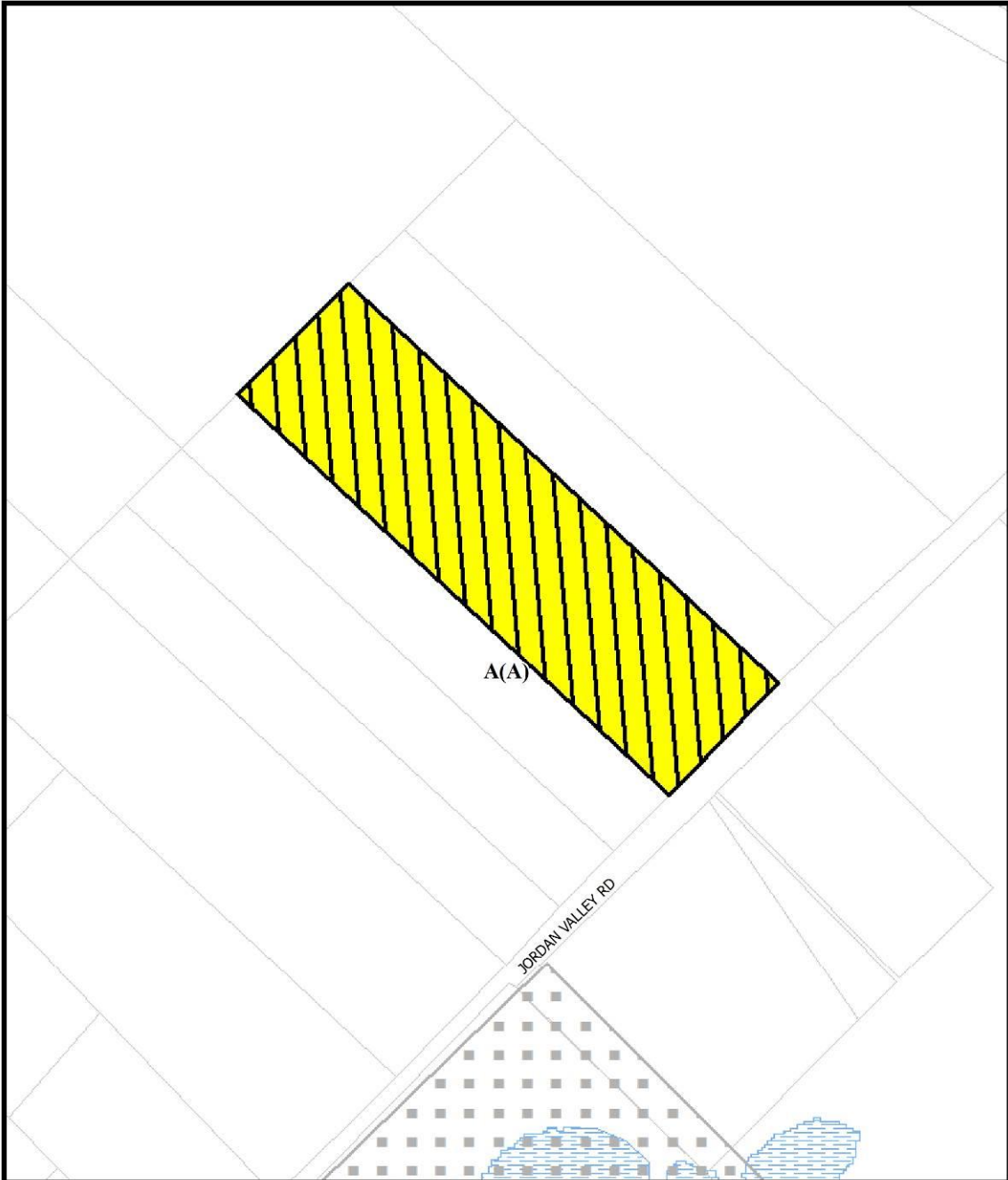
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August 11, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current 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.



1:2,400

ZONING MAP

Case no: BDA145-086

Date: 7/24/2015



1:2,400

AERIAL MAP

Case no: BDA145-086

Date: 7/23/2015



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-086

Data Relative to Subject Property:

Date: 6-4-15

Location address: 3405 Jordan Valley Rd. Zoning District: A(A)

Lot No.: TR 3 Block No.: 8836 Acreage: 5.059 Census Tract: 171.02

Street Frontage (in Feet): 1) 240' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SEE 10K

Owner of Property (per Warranty Deed): Venancio Velasquez

Applicant: Venancio Velasquez Telephone: 214-723-0536

Mailing Address: 209 Shady Oaks Cir. Shady Shores, TX Zip Code: 76208

E-mail Address: vv.bime@yahoo.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of 7'6"
to fence height in front yard

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:

my front yard will not adversely affect neighboring properties, there is no adjacent neighbor around me and therefore a few similar fence structures on Jordan Valley Rd. for which I will provide photos of.

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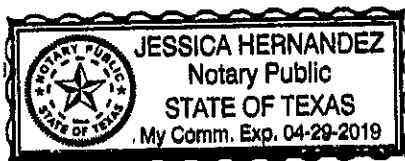
Affidavit

Before me the undersigned on this day personally appeared Venancio Velasquez
(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 4 day of June, 2015



Jessica Hernandez
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

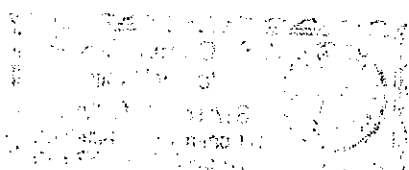
I hereby certify that Venancio Velasquez

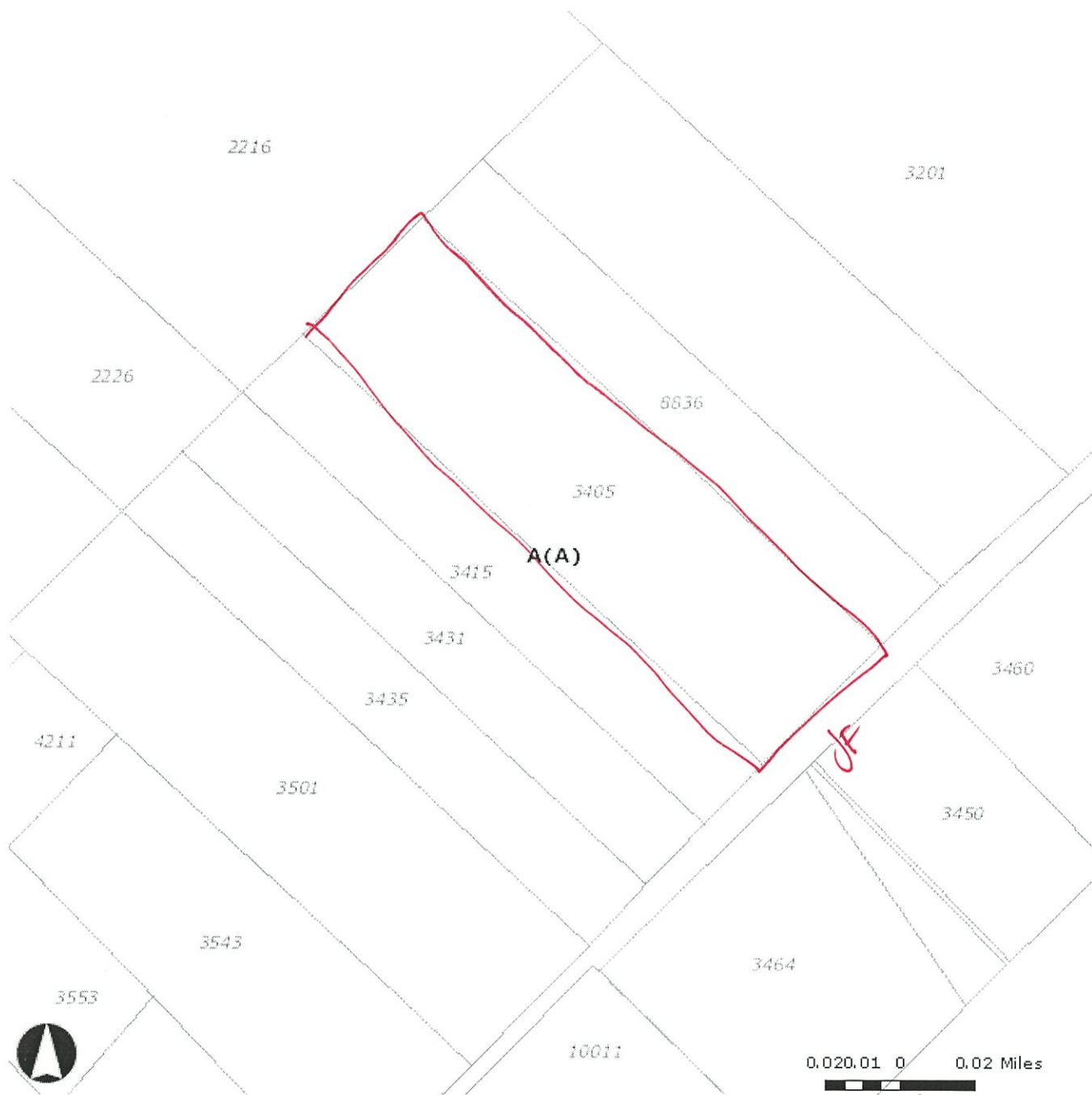
did submit a request for a special exception to the fence height regulations
at 3405 Jordan Valley Drive

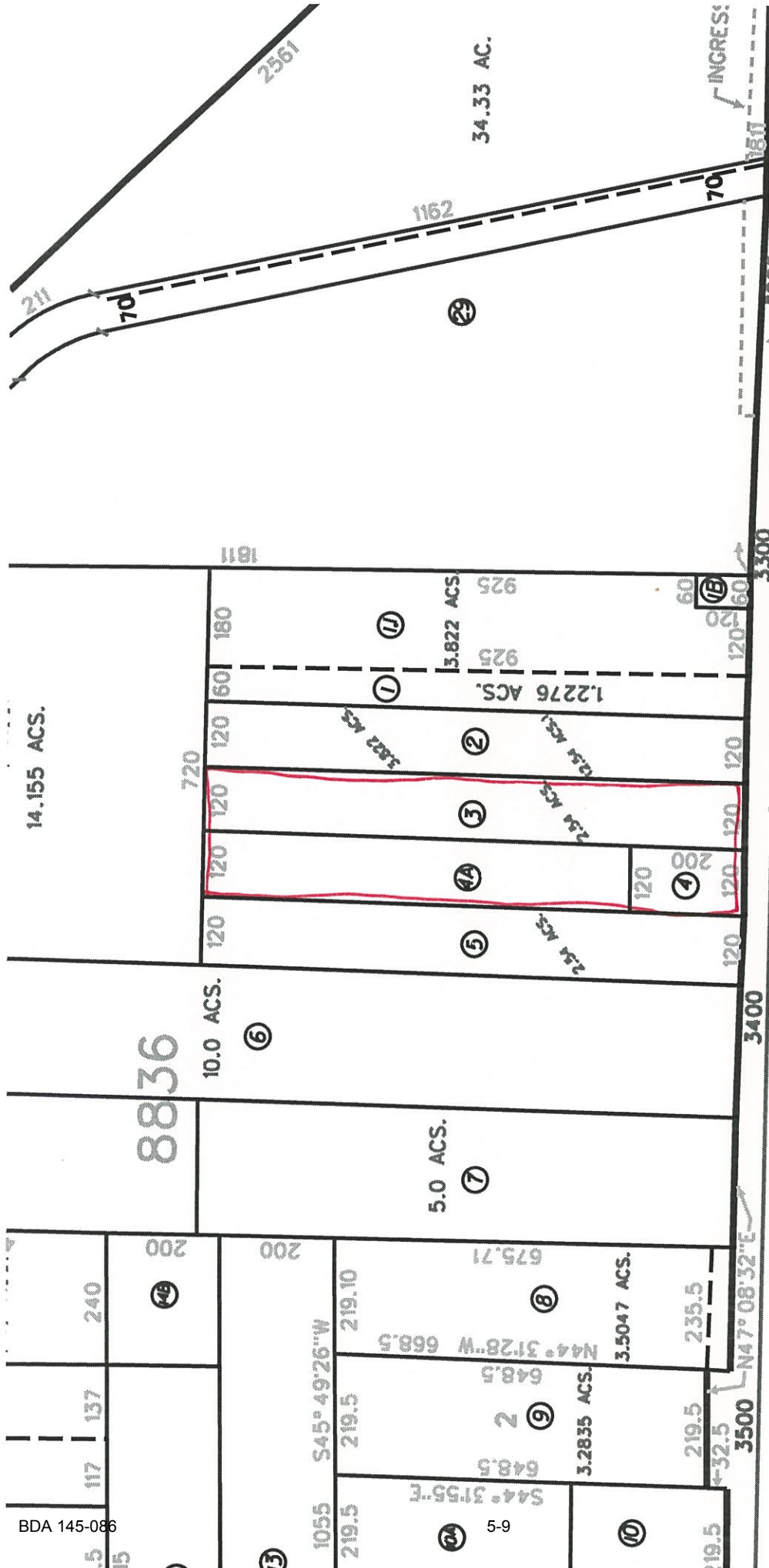
BDA145-086. Application of Venancio Velasquez for a special exception to the fence height regulations at 3405 Jordan Valley Road. This property is more fully described as Tract 3 (including Tract 4 & 4A), Block 8836, and is zoned A(A), which limits the height of fence in the front yard to 4 feet. The applicant proposes to construct an 11 foot 6 inch high fence in a required front yard, which will require a 7 foot 6 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official







BDA 145-086

14.155 ACS.

8836

10.0 ACS.

5.0 ACS.

28

1

2

3

4A

5

6

7

2

5-9

8

10

34.33 AC.

1162

2561

INGRES:

70

3300

3400

N47°08'32"E

3200

3300

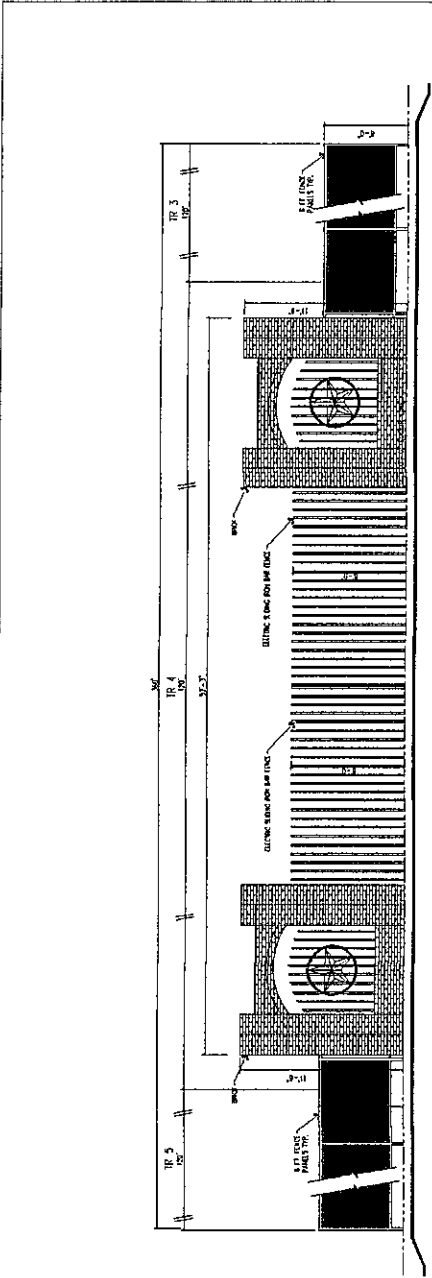
3400

N47°08'32"E

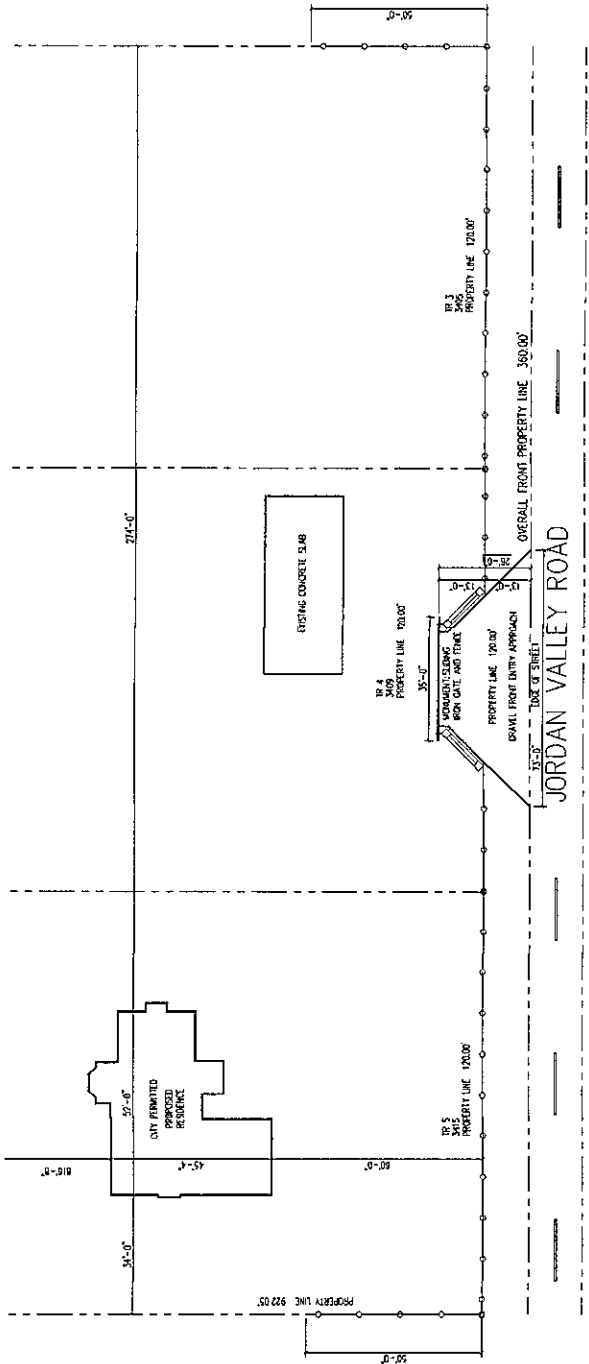
JORDAN VALLEY ROAD

3563

1818



FENCE ELEVATION
1/4" = 1'-0"



3415 JORDAN VALLEY RD.
OVERALL SITE PLAN
 SCALE: 1/4" = 1'-0"
 NORTH

PROPERTY LOCATED: 3415 JORDAN VALLEY, ABSTRACT 47
 TRACT 2 OF COCKER HILLS, ADDITION
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

3415 JORDAN VALLEY RD.
ENLARGED SITE PLAN
 SCALE: 1/4" = 1'-0"
 NORTH

PROPERTY LOCATED: 3415 JORDAN VALLEY, ABSTRACT 47
 TRACT 2 OF COCKER HILLS, ADDITION
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

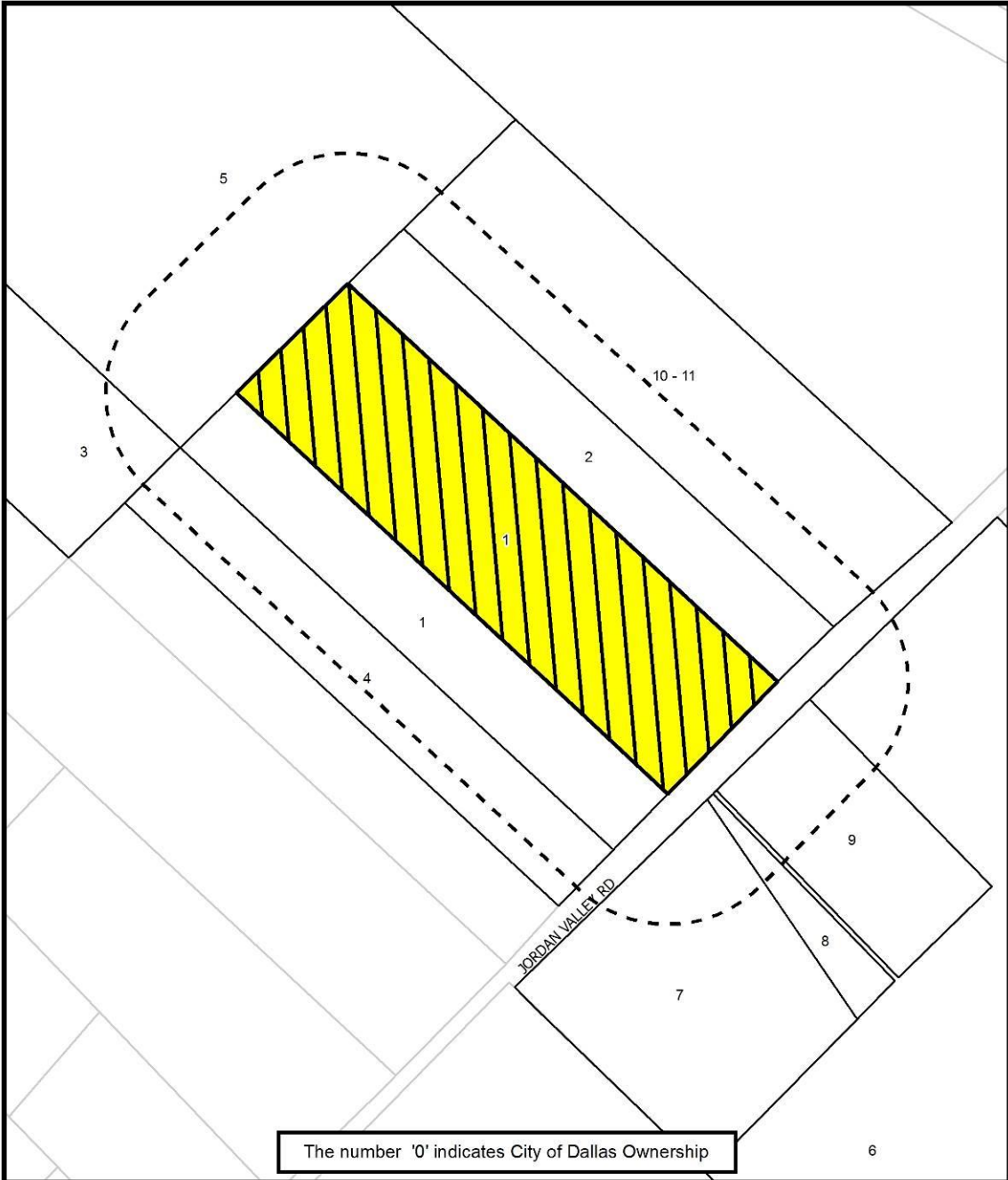
6'-0" TYP. FENCE PANELS

Project Designer:
FUENTES DESIGNS
 817-966-3334
 FUENTESH2O@HOTMAIL.COM

A Fence
 3415 Jordan Valley Rd.
 Dallas, Texas 75253

Consultation/Design/Sheet Set:
 DATE: 03-15
SHEET TITLE
Fence Site plan
Fence Elevation
 SHEET NO.

A1.0



 1:2,400	<h2>NOTIFICATION</h2>	Case no: <u>BDA145-086</u>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
11	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA145-086

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3405 JORDAN VALLEY RD	VELASQUEZ VENANCIO
2	8836 JORDAN VALLEY RD	KANAMAN JAMES ROY JR
3	2226 HAYMARKET RD	WALKER JACK
4	3431 JORDAN VALLEY RD	WALKER JACK ET AL
5	2216 HAYMARKET RD	HUERTA JOSE GUADALUPE
6	3460 JORDAN VALLEY RD	BINGHAM NANCY K
7	3464 JORDAN VALLEY RD	KANAMAN MALCOME ROGER JR
8	3464 JORDAN VALLEY RD	BINGHAM NANCY KANAMAN
9	3450 JORDAN VALLEY RD	KANAMAN NANCY L
10	3700 JORDAN VALLEY RD	KANAMAN JAMES ROY JR
11	3445 JORDAN VALLEY RD	E J E BROWN CO

FILE NUMBER: BDA 145-087

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves of Robert Reeves and Associates for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter at 414 N. Windomere Avenue. This property is more fully described as Lot 2, Block 13/3272, and is zoned PD-87 (Tract 1) H/15, which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to have more than one electrical utility service or electrical meter on a lot with a single family use, which will require a special exception to the single family use regulations.

LOCATION: 414 N. Windomere Avenue

APPLICANT: Robert Reeves of Robert Reeves and Associates

REQUEST:

A special exception to the single family use regulations is requested in conjunction with installing and maintaining an additional electrical meter on the site on a site that is currently developed with a single family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION (special exception):

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: PD 87, H 15 (Planned Development, Historic)
North: PD 87, H 15 (Planned Development, Historic)
South: PD 87, H 15 (Planned Development, Historic)
East: PD 87, H 15 (Planned Development, Historic)
West: PD 87, H 15 (Planned Development, Historic)

Land Use:

The subject site is developed with a single family use – a main two story dwelling unit structure with a detached two-story accessory structure that the applicant has converted with interior modifications only to an additional “dwelling unit”. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

1. BDA 134-113, Property at 414 N. Windomere Avenue (the subject site)
On November 19, 2014, the Board of Adjustment Panel B granted a request for a special exception to the single family use development standard regulations made to convert and maintain with interior renovations only an existing two-story accessory structure into an additional “dwelling unit” on a site currently developed with a separate two-story dwelling unit/single family home structure. The Board imposed the following condition to this request: The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on installing and maintaining a second electrical meter on a site developed with a single family home/use.
- The site is zoned PD 87, H 15 (Tract 1) that states that except as otherwise provided in the ordinance, the development standards in the Dallas Development Code applicable to an R-7.5 Single-Family District applies. The R-7.5 zoning district permits “single family” use.

- The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district
- The applicant has submitted a site plan that indicates the location of the two electrical meters on the subject site- one noted as “existing electrical meter” and the other labeled “requested additional electrical meter.”
- The application states that owners were granted a special exception of an additional dwelling unit for their existing detached garage, and that Oncor states that the current main meter does not have enough electrical power to supply the garage unit, therefore an additional meter is required.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

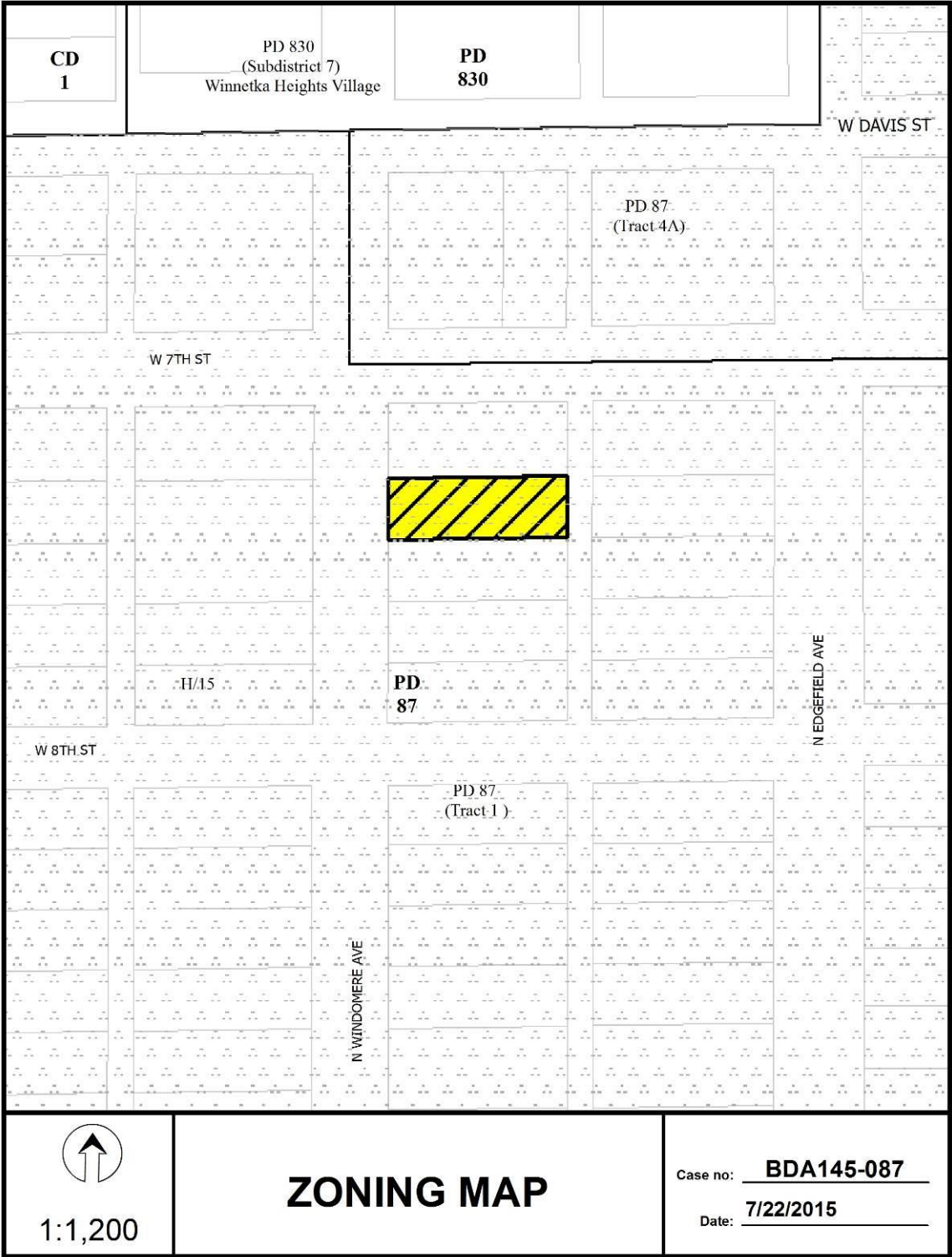
Timeline:

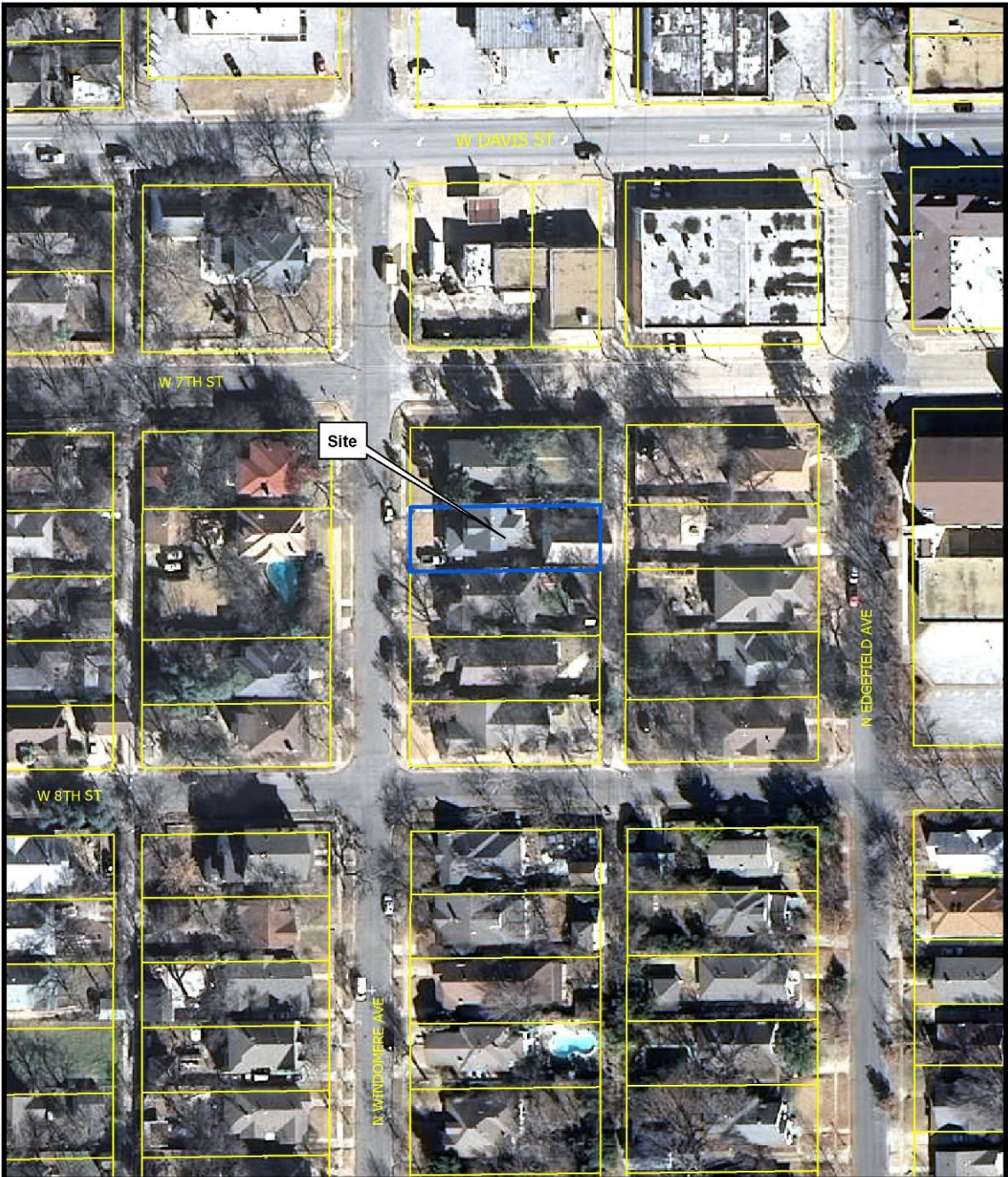
- June 12 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 19, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- June 19, 2015: The Board Administrator 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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, 2015: The Sustainable Development and Construction Historic Preservation Senior Planner emailed the Board Administrator the following comment: “Since this property is located within the Winnetka Heights historic district, Preservation Staff and Landmark

Commission are both aware of the conversion of the detached garage to a housing unit.”

August 11, 2015: 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 Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current 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

AERIAL MAP

Case no: BDA145-087

Date: 7/22/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-087

Data Relative to Subject Property:

Date: 6/12/15

Location address: 414 N. Windomere Ave. Zoning District: PD No.87, Tract 1, H/15 Winnetka Heights Historic Overlay

Lot No.: 2 Block No.: 13/3272 Acreage: .167 Census Tract: 46.00

Street Frontage (in Feet): 1) 49.5' Windomere 2) 3) 4) gw 16

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Allyson B. and Christopher M. Harrison, husband and wife

Applicant: Robert Reeves Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance __, or Special Exception X, of an additional electrical meter on a residential property where Section 51A-4.201(b)(1)(E)(iv) of the Dallas Development Code limits the number of electrical meters in an R7.5(A) single family district to one.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Under File No. BDA134-113, the Harrison's were granted a special exception of an additional dwelling unit for their existing detached garage. Oncor states that the current main meter does not have enough electrical power to supply the garage unit, therefore an additional meter is required and will not have an adverse effect on the 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.

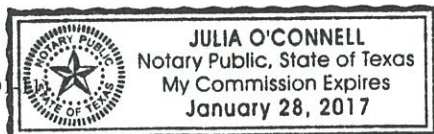
Affidavit

Before me the undersigned on this day personally appeared Robert Reeves (Affidavit/Applicant's Name)

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 12 day of June 2015



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

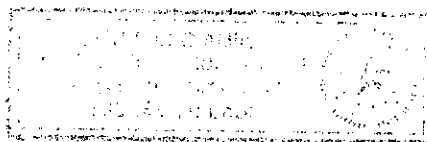
I hereby certify that Robert Reeves

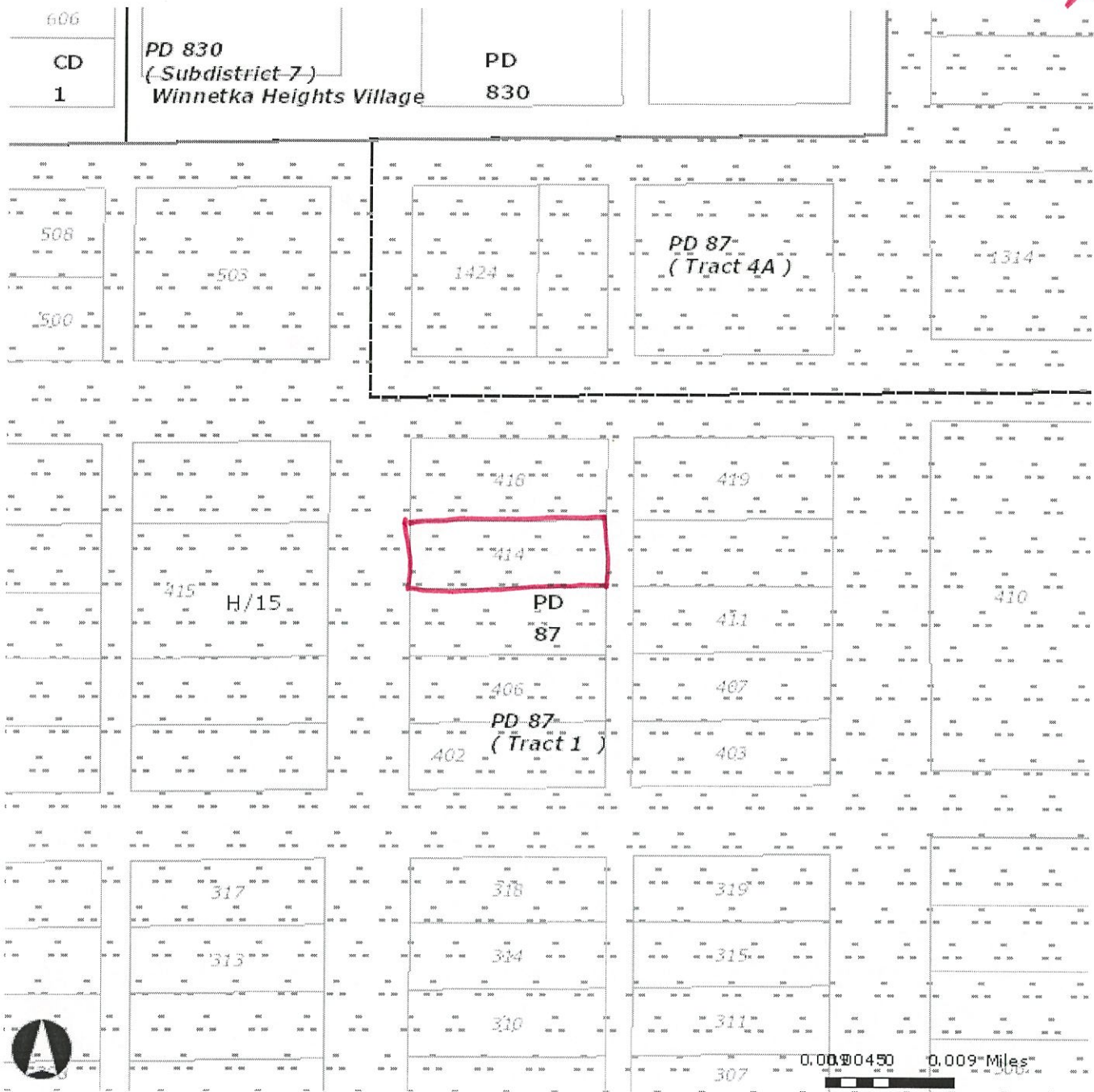
did submit a request provide an additional electrical meter
at 414 N. Windomere Avenue

BDA145-087. Application of Robert Reeves to provide an additional electrical meter at 414 N. Windomere Avenue. This property is more fully described as Lot 2, Block 13/3272, and is zoned PD-87 (Tract 1) H/15, which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and maintain a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official







Handwritten red initials 'RB' in the top left corner.



ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

June 12, 2015

Todd Duerksen
Building Inspection
Department of Sustainable Development and Construction
320 East Jefferson, Room 105
Dallas, Texas 75203

Re: Board of Adjustment Special Exception Application Request of an Additional Electrical Meter at 414 N. Windomere Ave.

Dear Todd,

On behalf of my clients, Christopher and Allyson Harrison, I am submitting a request for a special exception for an additional electrical meter at their property at 414 N. Windomere Ave.

On November 19, 2014, (BDA134-113), a special exception of an additional dwelling unit was approved by the Board of Adjustment, (attached). The additional dwelling unit is an existing 2-story detached garage located behind the main home on their property. The required deed restrictions preventing the subject property as use as rental accommodations was executed on January 27, 2015 and subsequently recorded at Dallas County, (attached). Within the last few weeks, the garage unit has been under construction and is now ready for electrical power. Oncor was called to provide service, however Oncor stated that the main home does not have sufficient power at the existing meter located at the main house to provide power to the detached, updated garage unit without installing an additional meter at the detached garage.

The property at 414 N. Windomere is located in the Winnetka Heights neighborhood of Oak Cliff and is currently zoned Planned Development District 87, (Tract 1), H/1 historic overlay. PD 87 (Tract 1) is a single family use zoning district with development standards and uses limited to residential uses and other uses permitted in the Dallas Development code, as amended, applicable to an R-7.5 single-Family District.

Under Sec. 51-4.201(b)(1)(E)(vi) In a single family, duplex, or townhouse district, a lot for a single-family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to

authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

- (1) not be contrary to the public interest;
- (2) not adversely affect neighboring properties; and
- (3) not be used to conduct a use not permitted in the district where the building site is located.

We believe that the second meter will not be contrary to public interest or adversely impact surrounding properties because the detached garage has already been granted a special exception of an additional dwelling unit and has been deed restricted to prevent rental uses. Also, there were three letters of support from the neighbors for the November 2014 board of adjustment appeal and no opposition.

Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Sincerely,



Robert Reeves

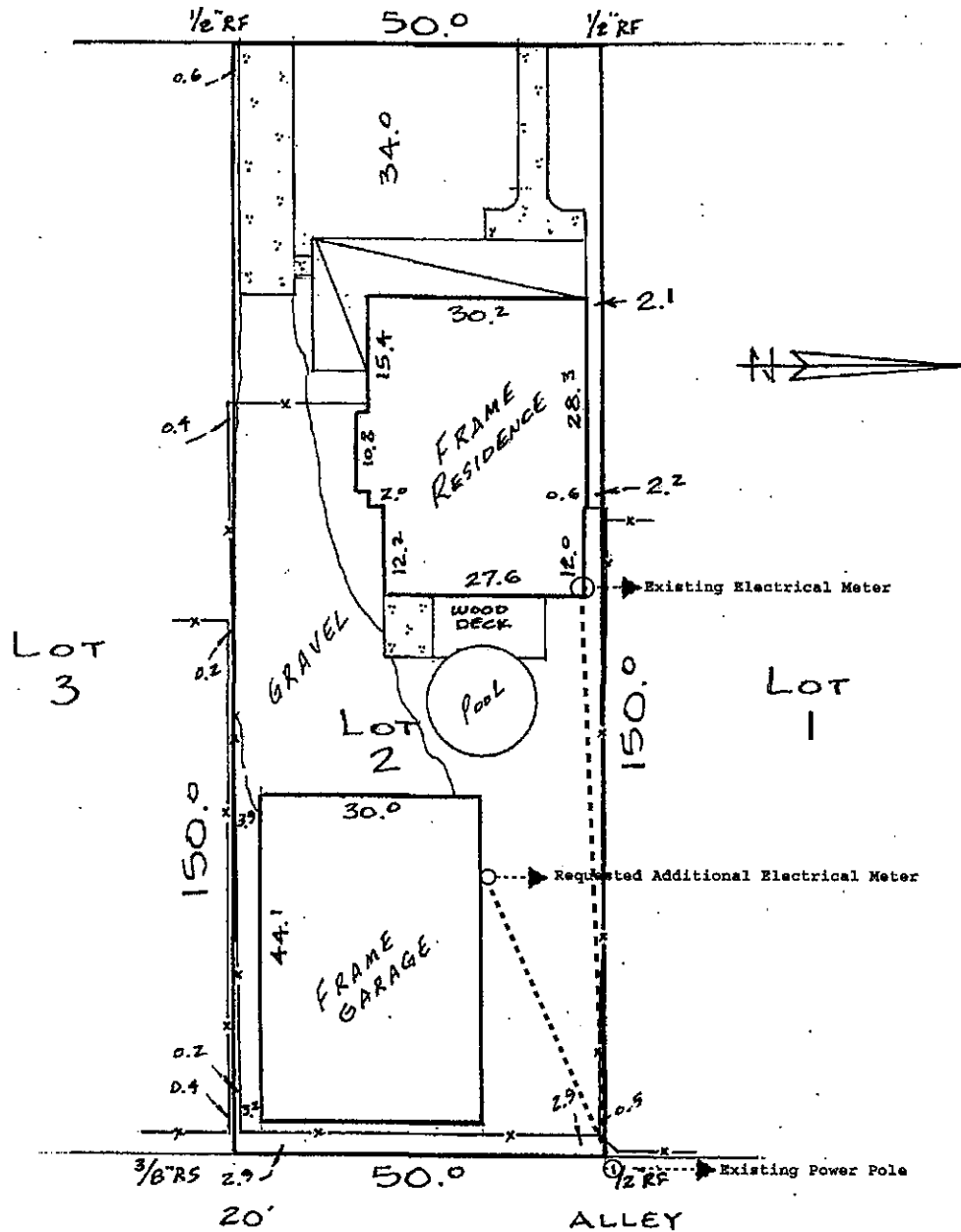
Attachments:

- BDA134-113 – Approval letter & Application
- Deed Restrictions – 414 N. Windomere
- Site Plan Second Floor New Construction, Detached Garage, Qty 4
- Site Plan 2nd Electrical Meter, Qty 4

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of the property located at 414 N. Windomere Avenue, Lot 2, in Block 13/3272, of Winnetka Heights Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 1, Page 194, Map Records, Dallas County, Texas.

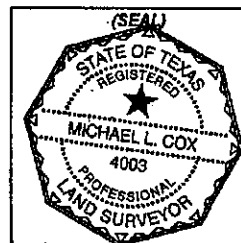
N. WINDOMERE AVENUE



This survey was performed exclusively for the parties in connection with the G. F. Number shown hereon and is licensed for a single use. This survey remains the property of the surveyor. Unauthorized reuse is not permitted without the expressed written permission of the surveyor. This survey is an original work protected by United States Copyright law and international treaties. All rights reserved. Do not make illegal copies.

This plat is a true, correct, and accurate representation of the property, as determined by an on the ground survey, the lines and dimensions of said property being indicated on the plat, the size and location of existing improvements are as shown. THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in G. F. NO: 475705-K of Chicago Title Company.



SCALE: 1"=20'

DATE: 09-19-1996

JOB NO: 13786

DRAWN BY: MC

MICHAEL L. COX, INC.
PROFESSIONAL LAND SURVEYORS
222 TEXAS STREET
CEDAR HILL, TEXAS 75104

PH: (972) 291-7848 FX: (972) 291-7840

MICHAEL L. COX, REGS 4003



November 25, 2014

Robert Reeves
Robert Reeves and Associates
900 Jackson Street, Suite 640
Dallas, TX 75202

Re: BDA 134-113, Property at 414 N. Windomere Avenue

Dear Mr. Reeves:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, November 19, 2014 granted your request for a special exception to the single family use regulations, subject to the following condition:

- The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Note that a completed deed restriction stating that the additional dwelling unit on the site will not be used for rental accommodations must be submitted to Jamilah Way, the Assistant City Attorney to the board, approved by the City Attorney's Office as to form, and filed in the deed records of the applicable county (in this case, Dallas County) before the applicable permits for the additional dwelling unit can be issued by the City.

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

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

A handwritten signature in black ink that reads 'Steve Long'.

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

c: Ben Collins, Code Enforcement, 3112 Canton, Room 100
Jamilah Way, 1500 Marilla, Room 7DN
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Nov 19, 2014

Appeal was--Granted OR Denied

Remarks Granted-
the applicant must deed
restrict the subject property
to prevent the use of the
additional dwelling unit as
rental accommodations.

Sharon Ruppel
Chairman

Building Official's Report

I hereby certify that Robert Reeves

did submit a request for a special exception to the single family regulations
at 414 N. Windomere Avenue

BDA134-113. Application of Robert Reeves for a special exception to the single family use regulations at 414 N. Windomere Avenue. This property is more fully described as Lot 2, Block 13/3272, and is zoned PD-87 (Tract 1), H/15, which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 20 DAY OF
November, 20 14.**

[Signature]
ADMINISTRATOR

Sincerely,

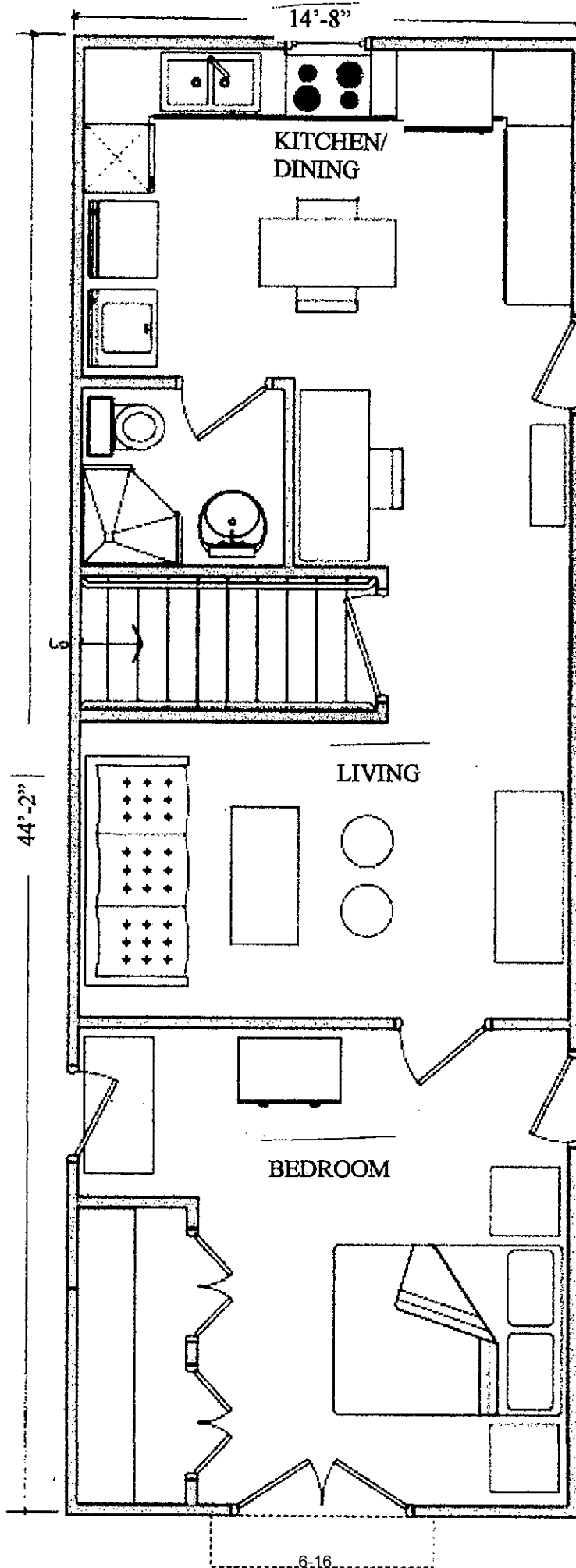
Larry V. Holmes
Larry Holmes, Building Official

HARRISON RESIDENCE

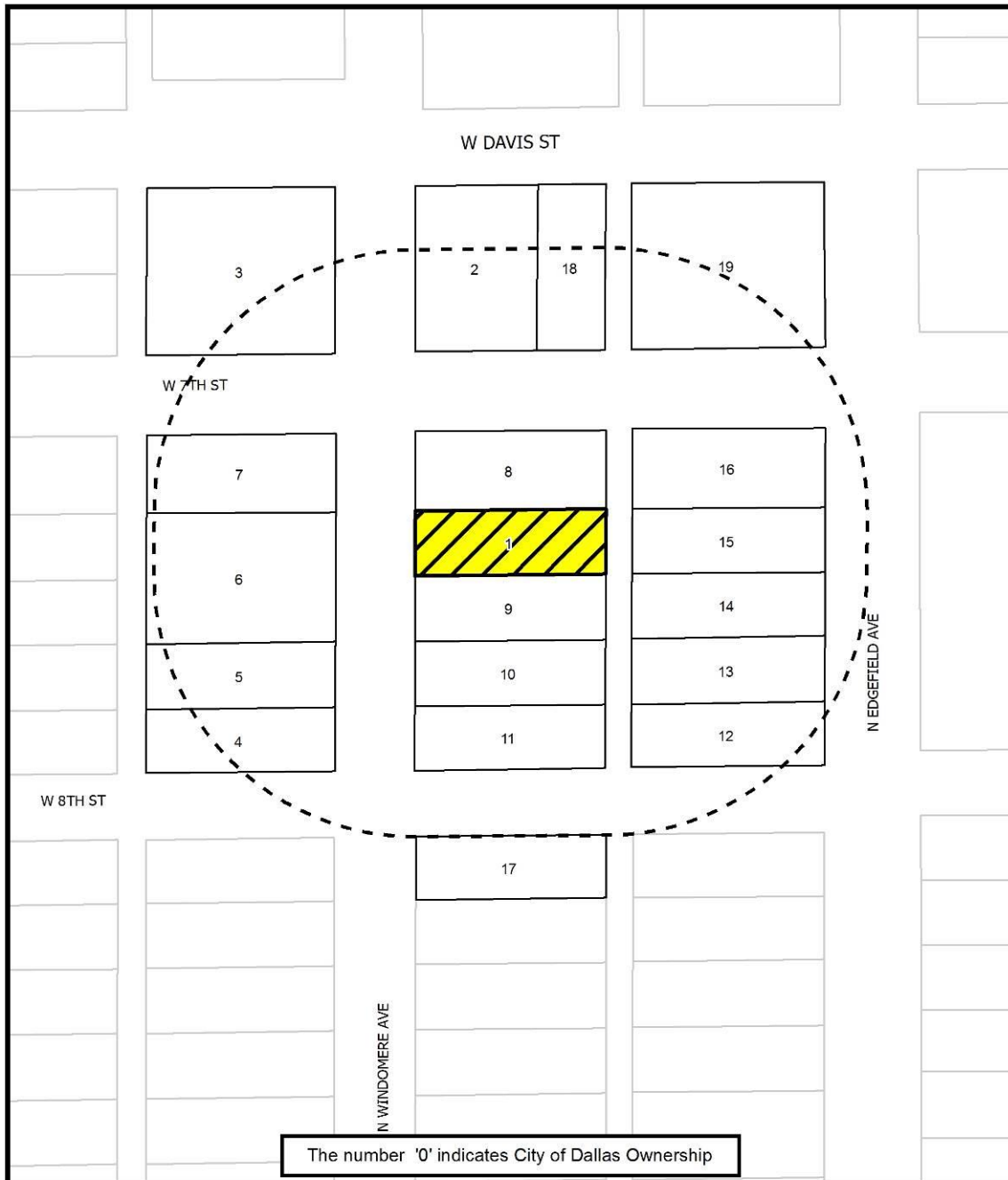
WINNETKA HEIGHTS ADDITION

414 NORTH WINDOMERE AVENUE (LOT: 2, BLOCK: 13/3272)

DALLAS, TEXAS 75208



SECOND FLOOR
NEW CONSTRUCTION



 1:1,200	NOTIFICATION	Case no: <u>BDA145-087</u>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">19</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	19	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
19	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA145-087

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	414 WINDOMERE AVE	HARRISON CHRISTOPHER M &
2	1424 DAVIS ST	DE LA FUENTE CARLOS
3	503 WINDOMERE AVE	BOSS E L JR
4	403 WINDOMERE AVE	COLE STEPHANIE
5	407 WINDOMERE AVE	DURHAM FREDERICK LEIGHTON
6	415 WINDOMERE AVE	LUCKETT PETER M
7	419 WINDOMERE AVE	GRIFFITH CHARLES G JR
8	418 WINDOMERE AVE	HARRIS WESLEY ALAN
9	410 WINDOMERE AVE	KENNEDY COURTNEY ERIN
10	406 WINDOMERE AVE	HURT JEFFREY L
11	402 WINDOMERE AVE	BARRIENTOS HONORIO &
12	403 EDGEFIELD AVE	WRIGHT MAXWELL HAMILTON
13	407 EDGEFIELD AVE	CRAWFORD SYDNEY R
14	411 EDGEFIELD AVE	CHUNG JENNIE
15	415 EDGEFIELD AVE	SCHIVER KASSANDRA L
16	419 EDGEFIELD AVE	COLONY DHYANA C
17	318 WINDOMERE AVE	MARRUJO JOSE M &
18	1414 DAVIS ST	DE LA FUENTE CARLOS &
19	1400 DAVIS ST	1400 DAVID LTD

FILE NUMBER: BDA 145-068

BUILDING OFFICIAL'S REPORT: Application of Danny Sipes for a variance to the front yard setback regulations and a special exception to the single family use regulations at 4021 Dalgreen Road. This property is more fully described as Lot 4, Block 4407, and is zoned R-1ac(A), which requires a front yard setback of 40 feet and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain a structure and to provide a 10 foot front yard setback measured at the roof eave, which will require a 30 foot variance to the front yard setback regulations, and to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 4021 Dalgreen Road

APPLICANT: Danny Sipes

REQUESTS:

The following requests were originally made on a site that is developed with a single family home structure/use:

1. A request for a variance to front yard setback regulations of 30' was made to construct and maintain a new two-story single family home structure, part of which (roof eave) would be located as close as 10' from one of the site's two front property lines (Dalgreen Drive) or 30' into this 40' front yard setback.
2. A request for a special exception to the single family use development standard regulations was made to convert/transition and maintain the existing one-story single family home structure/use to a "pool cabana"/additional "dwelling unit."

However, on July 23rd, 2015, the applicant submitted an email to the Board Administrator stating "we are requesting the Board of Adjustment deny our request for a variance to the front yard setback regulations without prejudice. The owners have went back and had the architect re-design the house to fit within the required setbacks and will not be seeking relief to the setback regulations from the Board of Adjustment."

STANDARD FOR A VARIANCE:

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

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

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

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

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

STAFF RECOMMENDATION (variance):

Denial without prejudice

Rationale:

- While staff had originally concluded among other things how there was no property hardship to the site that warranted a front yard variance in this case made to construct/maintain a new two-story single family home structure (with approximately 8,800 square feet of air-conditioned space and with a building footprint of approximately 5,700 square feet) on a site already developed with a one-story single family use/structure with approximately 2,000 square feet of air-conditioned space, staff is now recommending denial per the applicant's July 23rd request – he has re-designed the proposed house to comply with required setbacks.

STAFF RECOMMENDATION (special exception):

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

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (variance):

- This request focused on constructing and maintaining a new two-story single family home structure with (according to the submitted floor plan) approximately 8,800 square feet of air-conditioned space and with a building footprint of approximately 5,700 square feet on site developed with a one-story single family home with (according to the submitted site plan) approximately 2,000 square feet of air-conditioned space. (The applicant intends to convert/transition this existing one-story single family home structure to a pool cabana/additional dwelling unit structure).
- The subject site is located at the north corner of Dalgreen Drive and Fisher Road. Regardless of how the existing and replacement structure is oriented or to be oriented, the subject site has front yard setbacks along both streets. The site has a 40' front yard setback along Fisher Road, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 40' front yard setback along Dalgreen Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 10' side yard setback is required. But the site's Dalgreen Drive frontage is treated as a front yard setback nonetheless to maintain the continuity of the front yard setbacks established by the lots to the northeast that front/are oriented southeastward towards Dalgreen Road.
- Structures on lots zoned R-1ac(A) are required to provide a minimum front yard setback of 40'.

- The submitted site plan represented that a portion of the proposed single family home structure (roof eave) is to be located 10' from the Dalgreen Drive front property line or 30' into this 40' front yard setback.
- No variance was requested to construct and/or maintain any structure in the site's 40' front yard setback along Fisher Road.
- The subject site is somewhat sloped, virtually rectangular in shape, and is according to the application, 1.072 acres in area. The site is zoned R-1ac(A) where lots are typically 1 acre in area.
- The subject site has two 40' front yard setbacks and two 10' side yard setbacks. Most lots in this zoning district have one 40' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback.
- The subject site which ranges in width from approximately 104' – 164' has approximately 54' – 114' of developable width available once a 40' front yard setback is accounted for on the southeast and a 10' side yard setback is accounted for on the northwest. If the lot were more typical to others in the zoning district with only one front yard setback, the 104' – 164' wide site would have 84' – 144' of developable width with 10' side yard setbacks accounted for on the southeast and northwest sides of the site.
- The amount of square footage of the proposed single family home structure to be located in the 40' Dalgreen Drive front yard setback had not been determined given the configuration of the building footprint.
- DCAD records indicate that the property at 4021 Dalgreen Drive has the following improvements:
 - “main improvement:” a structure built in 1978 with 3,041 square feet of living and total area; and
 - “additional improvements:” a pool, a 288 square foot storage building, a 672 square foot outbuilding, and a 588 square foot detached carport.
- The applicant had the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same 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.
- On July 23rd, 2015, the applicant submitted an email to the Board Administrator stating “we are requesting the Board of Adjustment deny our request for a variance to the front yard setback regulations without prejudice. The owners have went back and had the architect re-design the house to fit within the required setbacks and will not be seeking relief to the setback regulations from the Board of Adjustment.”

GENERAL FACTS/STAFF ANALYSIS (special exception):

- This request focuses on converting and transitioning the existing one-story single family home structure/use on the subject site to a “pool cabana”/additional “dwelling unit.”
- The site is zoned R-1ac (A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- A site plan had been submitted denoting the locations of two building footprints, the larger of the two denoted as “proposed new structure” and the smaller of the two denoted as “existing residence (proposed new pool cabana)” – the latter structure that has been deemed by Building Inspection given what is denoted on a submitted floor plan/elevation as an additional dwelling unit. The site plan represents the sizes and locations of the two building footprints relative to the entire lot.
- The submitted floor plan of the “existing residence (proposed new pool cabana)” shows the following spaces: “entry foyer,” “porch,” “guest suite,” “laun./mech,” “home office,” two “baths,” “refreshment center,” “eating,” “billiards,” “media,” and “covered outdoor living” spaces.
- Building Inspection staff has reviewed the submitted floor plan of the “existing residence (proposed new pool cabana)” structure and deemed it to be a dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request appears to center on the function of what is proposed inside the existing single family home structure that is proposed to be transitioned to the pool cabana/additional dwelling unit. The applicant has written in an email that he has confirmed there will be no enlargement to the existing main structure, that all work on the existing main structure will be interior, and that should this request be denied, he would then modify plans to comply with city code in that the new plans would not be classified an additional dwelling unit by Building Inspection, IE: removing the sleeping area, or bathing facilities, or kitchen.
- DCAD records indicate that the property at 4021 Dalgreen Drive has the following improvements:
 - “main improvement:” a structure built in 1978 with 3,041 square feet of living and total area; and
 - “additional improvements:” a pool, a 288 square foot storage building, a 672 square foot outbuilding, and a 588 square foot detached carport.

- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Timeline:

April 23, 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.

May 12, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

May 13, 2015: 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 3rd deadline to submit additional evidence for staff to factor into their analysis; and the June 12th 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 3, 2015: The Board Administrator emailed the applicant that the requests that he has made in this application will not provide any relief to any existing and/or proposed noncompliance with fence height, visual obstruction, or floodplain regulations.

June 9, 2015: 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 Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief

Arborist, the Sustainable Development and Construction Department Current 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 24, 2015: The Board of Adjustment Panel B conducted a public hearing on this application and delayed action on this application until their next public hearing to be held on August 26, 2015.

June 24, 2015: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the July 29th deadline to submit any additional information to staff for their review, and the August 14th deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 23, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application and at the June 24th public hearing (see Attachment A).

August 11, 2015: 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 Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

BOARD OF ADJUSTMENT ACTION: JUNE 24, 2015

APPEARING IN FAVOR: Danny Sipes, P.O. Box 32939, Forney TX
Alan Rich, 4021 Dalgreen Dr., Dallas, TX

APPEARING IN OPPOSITION: Jonathan Sledger, 4047 Dalgreen
Tray White, 7177 Fisher Road, Dallas, TX

MOTION: Hounsel

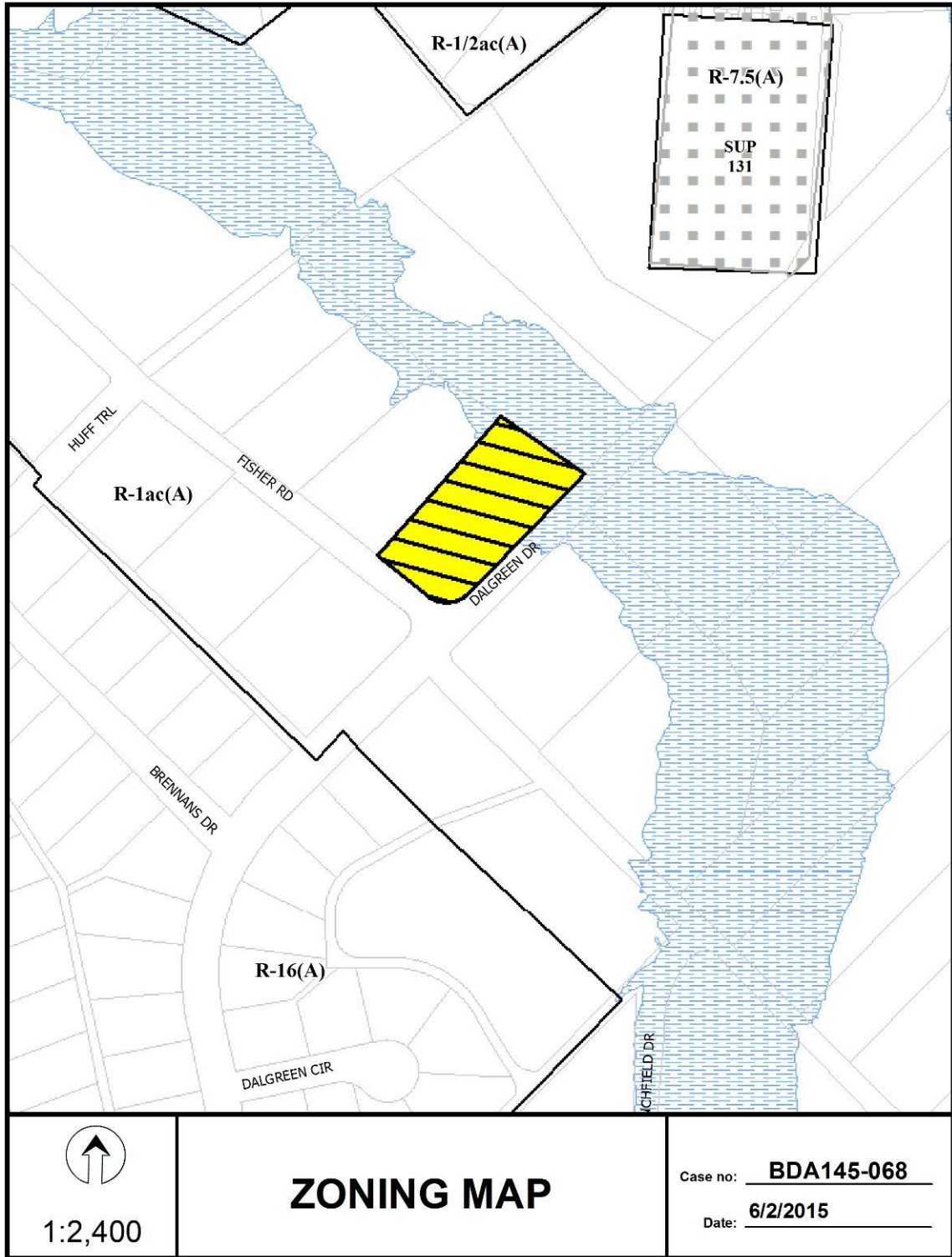
I move that the Board of Adjustment in Appeal No. **BDA 145-068** hold this matter under advisement until **August 26, 2015**.

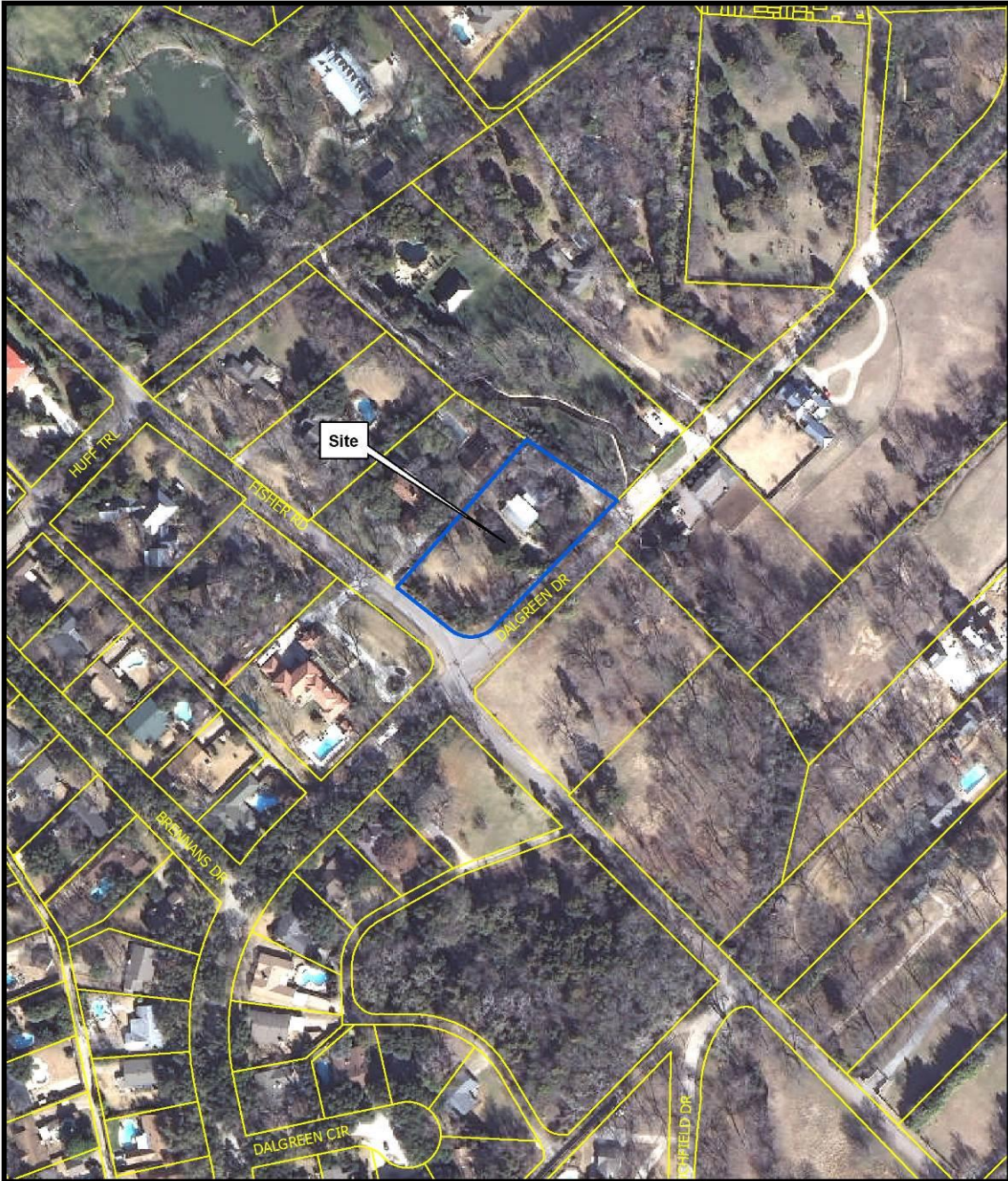
SECONDED: Agnich

AYES: 5 – Reynolds, Gillespie, Hounsel, Johnson, Agnich

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)





1:2,400

AERIAL MAP

Case no: BDA145-068

Date: 6/2/2015

Long, Steve

From: Long, Steve
Sent: Friday, July 24, 2015 6:32 AM
To: 'danny@txpermit.com'
Cc: Moorman, Donna; Duerksen, Todd; Way, Jamilah
Subject: RE: BDA 145-068, Property at 4021 Dalgreen Drive

Dear Danny,

Please be advised that your email below will be printed and incorporated into the docket emailed to you and the board members about a week prior to your August 26th hearing.

Please write or call me at 214/670-4666 if I can assist you in any other way on this application.

Thank you,

Steve

From: danny@txpermit.com [<mailto:danny@txpermit.com>]
Sent: Thursday, July 23, 2015 10:37 PM
To: Long, Steve
Cc: Alan Rich
Subject: BDA 145-068

Steve in reference to BDA 145-068 located @ 4021 Dalgreen, we are requesting the Board of Adjustment deny our request for a Variance to the front yard setback regulations without prejudice. The owners have went back and had the architect re-design the house to fit within the required setbacks and will not be seeking relief to the setback regulations from the Board of Adjustment.

Thanks Again
Danny Sipes
Texas Permit and Development Co.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-068

Data Relative to Subject Property:

Date: 4-23-15

Location address: 4021 Dalgreen Dr, Zoning District: R1-AC(A)

Lot No.: 4 Block No.: 4407 Acreage: 1.072 Census Tract: 80.00

Street Frontage (in Feet): 1) 140' 2) 300' 3) _____ 4) _____ 5) _____ SE 5 B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alan B & Sarah S Rich

Applicant: Texas Permit & Development Co. Telephone: 214-794-0213

Mailing Address: PO BOX 3293 Forney Zip Code: 75126

E-mail Address: danny@txpermit.com

Represented by: Danny Sipes Telephone: 214-794-0213

Mailing Address: PO BOX 3293 Forney Zip Code: 75126

E-mail Address: danny@txpermit.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Requesting a variance of 30 feet to the Front Yard Setback Regulations. Also requesting a Special Exception to allow an additional dwelling unit on this property.

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

The owners are proposing to construct a new single family structure on this lot, but the building area has been reduced considerably due to a double front yard setback requirement and flood plane area. The owners are also requesting a Special Exception to allow an additional dwelling on this lot for a residence for one of the owners mother.

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

Affidavit

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

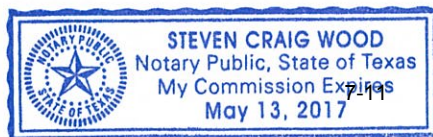
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Danny Sipes
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of April, 2015

(Rev. 08-01-11)

BDA 145-068



Steve Wood
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

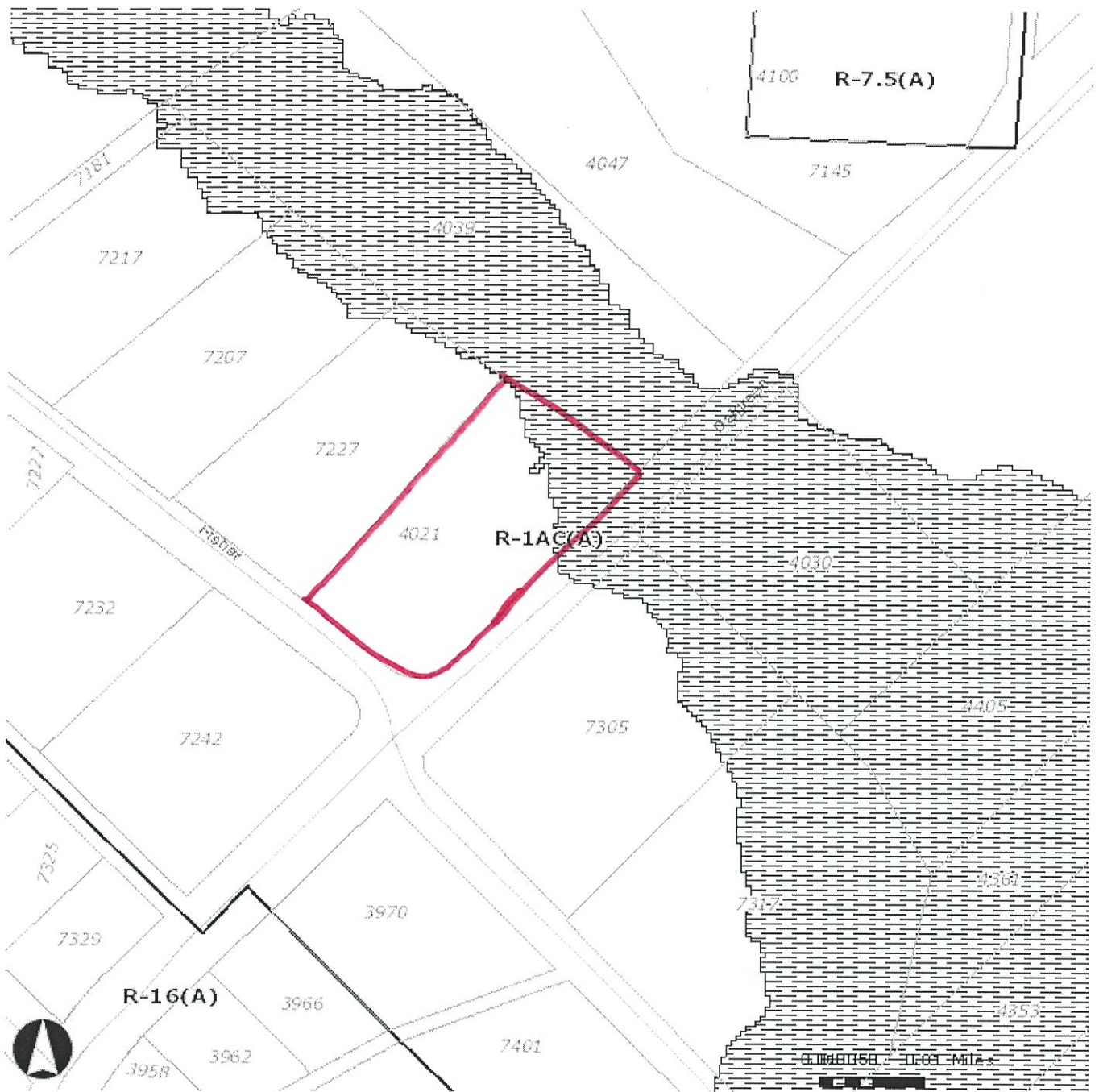
I hereby certify that Danny Sipes

did submit a request for a variance to the front yard setback regulations, and for a special exception to the single family regulations
at 4021 Dalgreen Drive

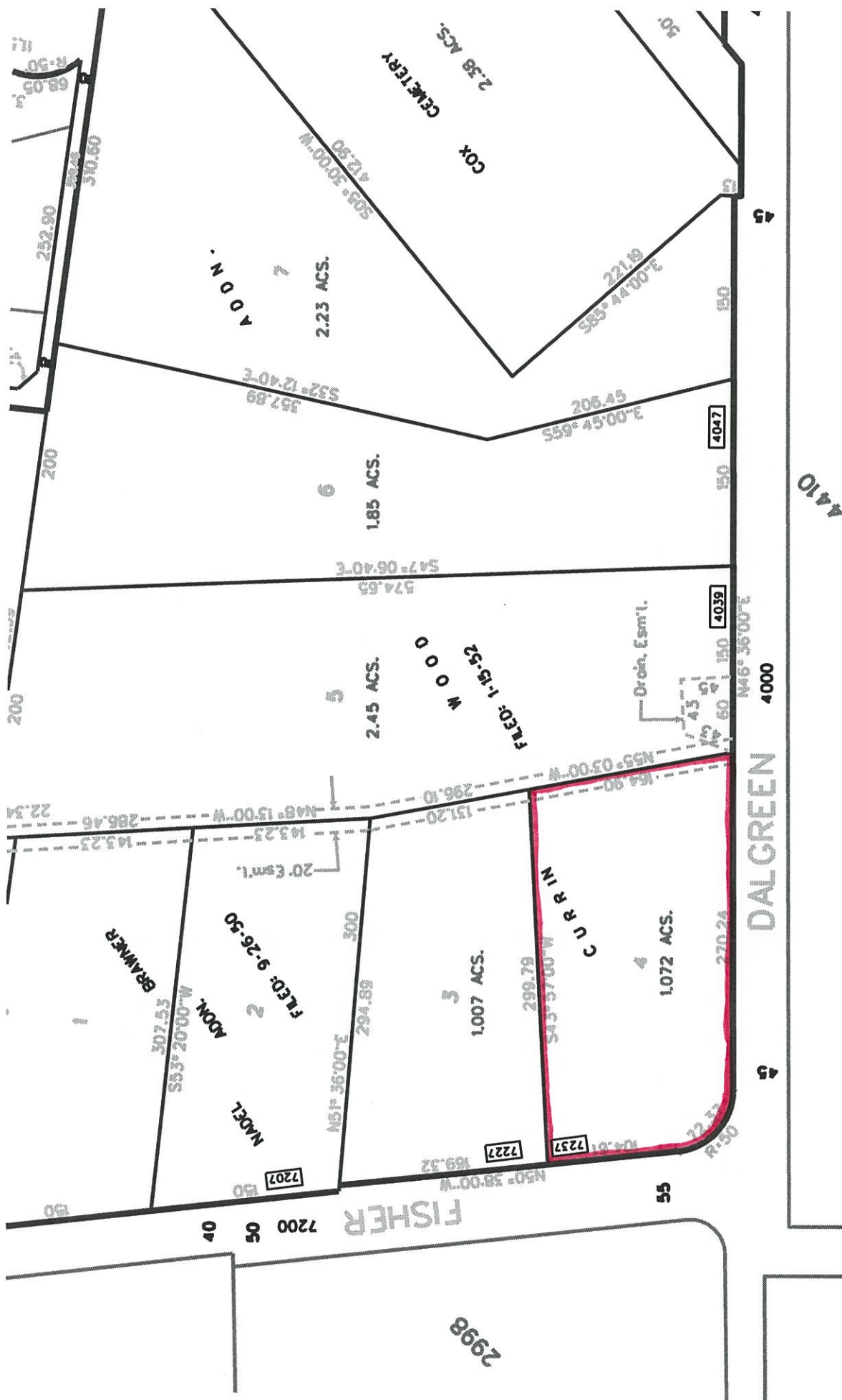
BDA145-068. Application of Danny Sipes for a variance to the front yard setback regulations and a special exception to the single family use regulations at 4021 Dalgreen Road. This property is more fully described as Lot 4, Block 4407, and is zoned R-1ac(A), which limits the number of dwelling units to one and requires a front yard setback of 40 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 10 foot front yard setback measured at the roof eave, which will require a 30 foot variance to the front yard setback regulation, and to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,


Larry Holmes, Building Official



See 4/23



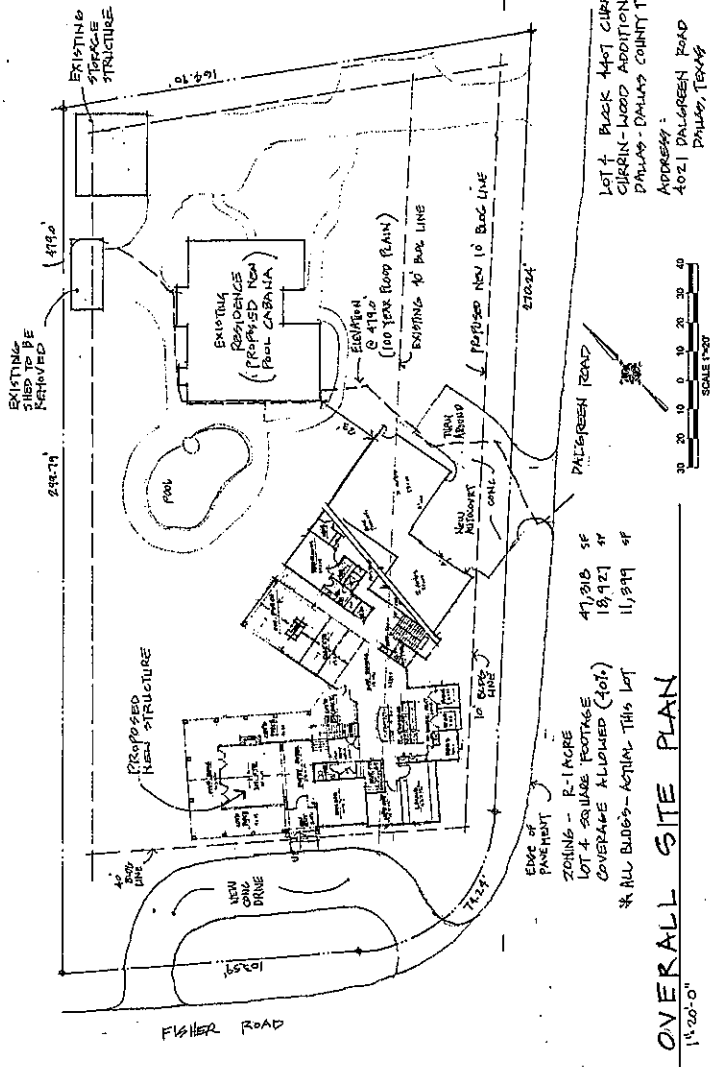
SW 4/23

CALCULATIONS:

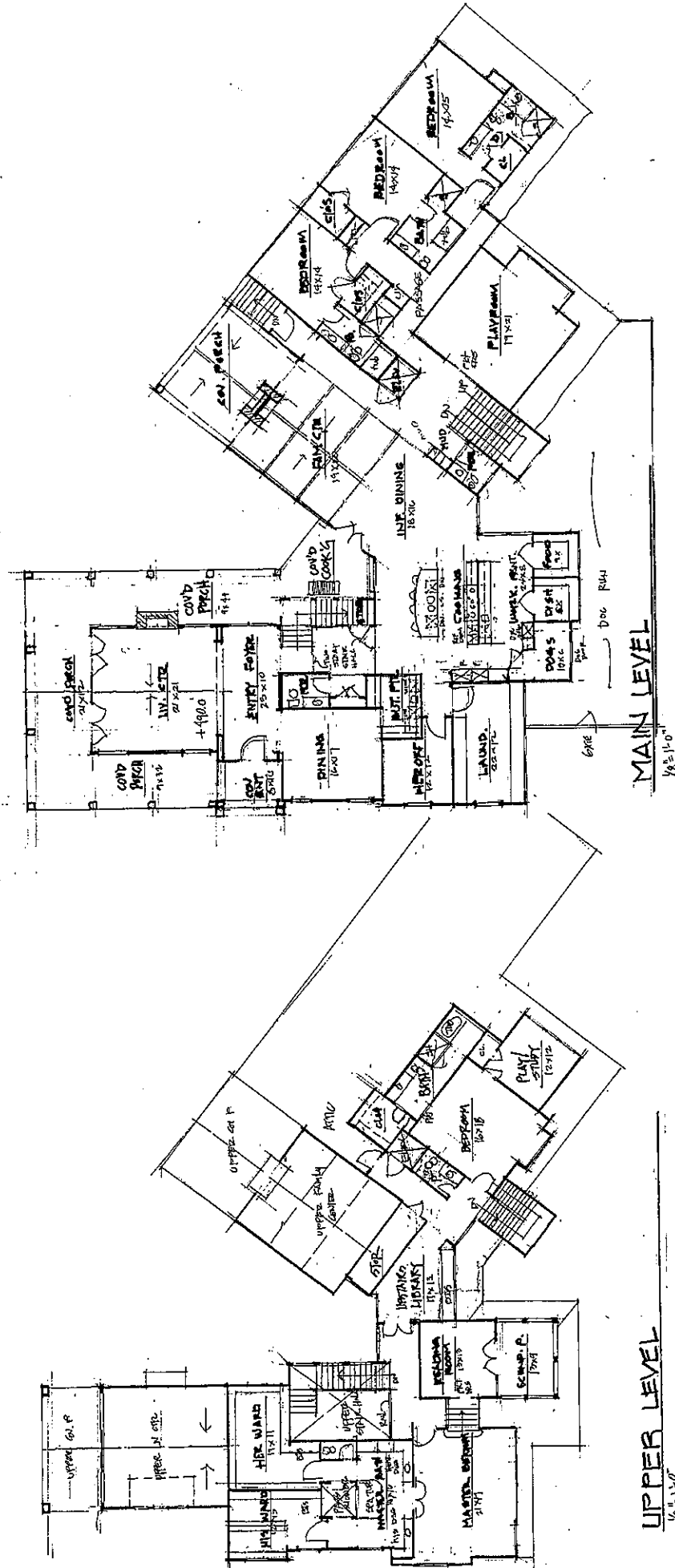
TOTAL PROPOSED
 NEW STRUCTURE SQUARE FOOT 12,843 SF

TOTAL
 EXISTING / PROPOSED POOL CAP: 2,444 SF

PERCENTAGE OF
 COVERAGE ALLOWED (EXIST'G TO NEW) 25%
 NEW 12,843 SF EXIST'G 2446 SF
 (ACTUAL) = 19%



A CUSTOM DESIGN FOR
ALAN and SARAH RICH
 COVERT + ASSOCIATES - DESIGNER



AREA: sq. FEET

LOWER MAIN	475
UPPER	5713
TOTAL AF	8850 AF
Auto	1660
FR. BALD OUT COVERED	599 B
SCREEN PORCH	1585
NEW STRUCTURE TOTAL SQ FOOTAGE	12,843 SF

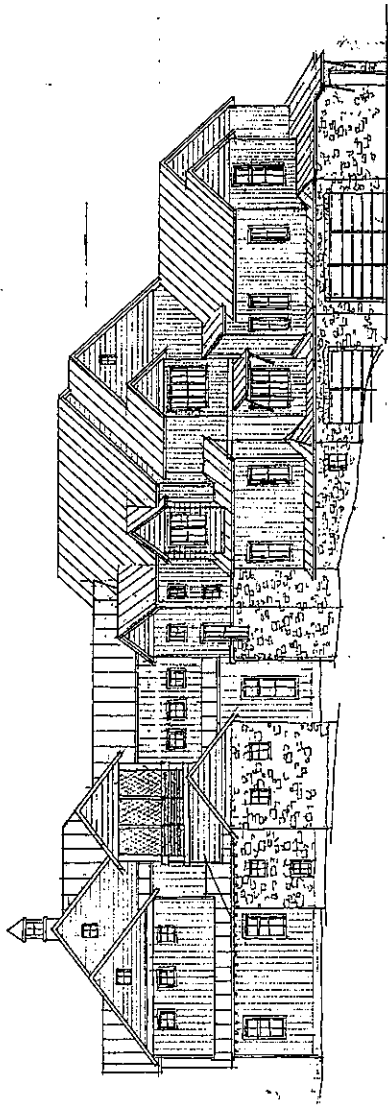


MAIN LEVEL
 1/8" = 1'-0"

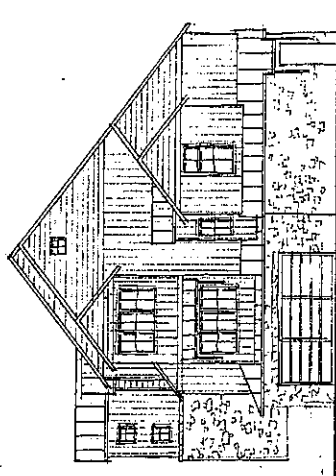
UPPER LEVEL
 1/8" = 1'-0"

PROPOSED NEW RESIDENCE

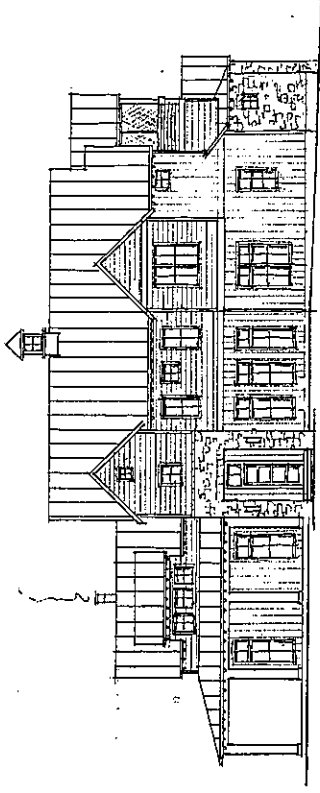
A CUSTOM DESIGN FOR
 ALAN and SARAH RICH
 COVER + ASSOCIATES - DESIGNER



RIGHT ELEVATION (DALGREEN ROAD)
SCALE 1/8" = 1'-0"



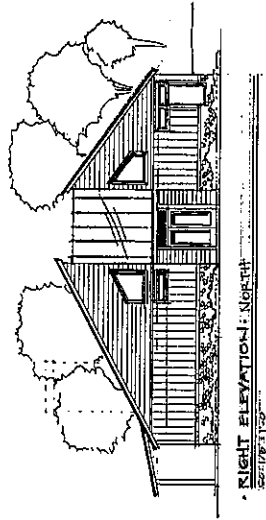
RIGHT ELEVATION (Autos)
SCALE 1/8" = 1'-0"



FRONT ELEVATION (FISHER ROAD)
SCALE 1/8" = 1'-0"

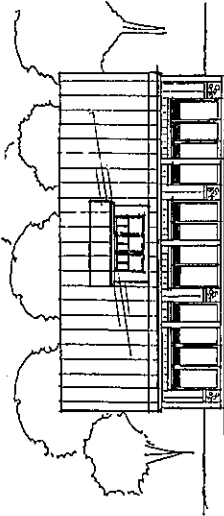
PROPOSED NEW RESIDENCE

A CUSTOM DESIGN FOR
ALAN and SARAH RICH
COVERT + ASSOCIATES - DESIGNER



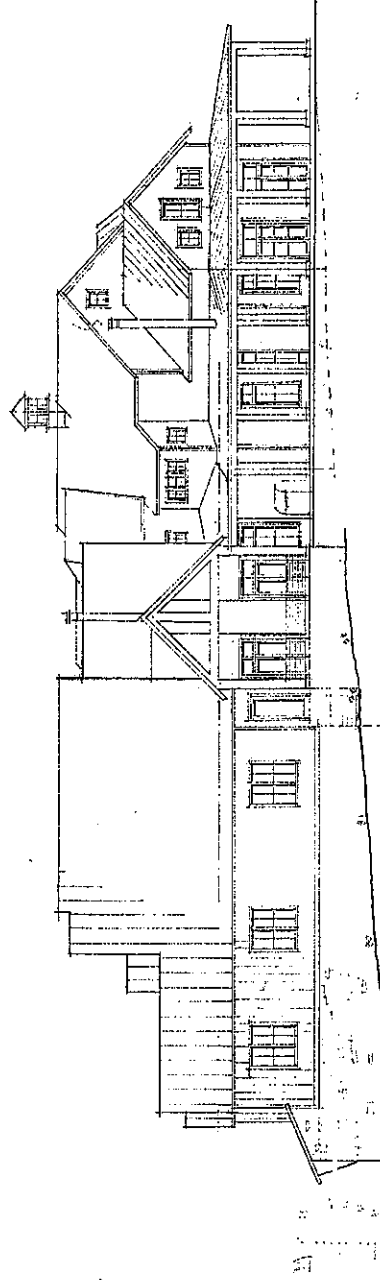
RIGHT ELEVATION: NORTH

*SIDING, MASONRY & ROOFING TO MATCH NEW RESIDENCE



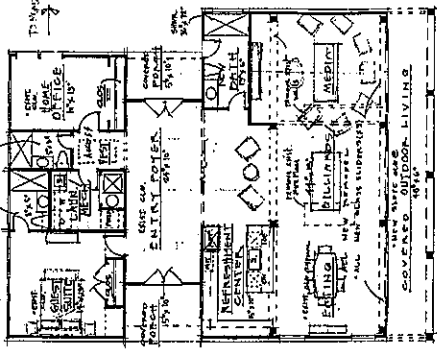
FRONT ELEVATION: WEST

EXISTING RESIDENCE



REAR ELEVATION

PROPOSED NEW RESIDENCE

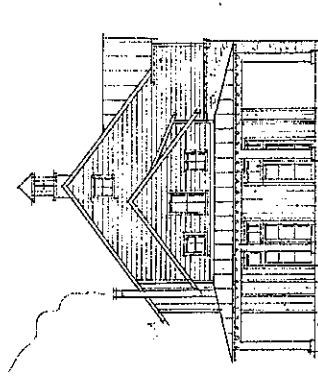


NEW FLOOR PLAN 1/8"=1'-0"

AREAS:

TOTAL AC COVERED	2035
TOTAL	411

24,46 SQ. FT. (19% OF MAIN)



LEFT ELEVATION

A CUSTOM DESIGN FOR
 ALAN and SARAH RICH
 COVERT + ASSOCIATES - DESIGNER



 1:2,400	NOTIFICATION		Case no: <u>BDA145-068</u>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>6/2/2015</u>	

Notification List of Property Owners

BDA145-068

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4021 DALGREEN DR	RICH ALAN B &
2	7232 FISHER RD	COLEMAN MARK &
3	7242 FISHER RD	STALCUP BRETT &
4	3970 DALGREEN DR	FOSTER ROBERT W JR &
5	7207 FISHER RD	PRESLEY MICHAEL E & AMY E
6	7227 FISHER RD	POSCENTE VINCENT T &
7	4039 DALGREEN DR	TRI PROPERTIES LTD
8	4047 DALGREEN DR	SCHLESINGER JONATHAN ETAL
9	4030 DALGREEN DR	RUSH CREEK STABLES LLC
10	7305 FISHER RD	LARRAVE RENE & PAMELA
11	4415 LAWATHER DR	DEVEREUX BARBARA

FILE NUMBER: BDA 145-082

BUILDING OFFICIAL'S REPORT: Application of Joe Siglin for a variance to the side yard setback regulations at 5150 Vanderbilt Avenue. This property is more fully described as Lot 13, Block U/2189, and is zoned CD-9, which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 6 foot 4 inch side yard setback measured at the roof eave (7 foot 4 inch side yard setback measured at the foundation), which will require a 3 foot 8 inch variance to the side yard setback regulation.

LOCATION: 5150 Vanderbilt Avenue

APPLICANT: Joe Siglin

REQUESTS:

The following appeal has been made to construct and maintain additions to a structure on property developed with a single-family residential home:

1. A request for a variance to the side yard setback regulations is made to construct and maintain a second story addition containing a master bedroom, master bath, and master wardrobe, and portions of a new family room and veranda added to the first floor of the existing home, to be located as close as 6' 4" (measured at the roof eave) on the site's eastern property line, or as much as 3' 8" into the required 10' side yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how this specific parcel of land is of a restrictive area, shape, or slope that precludes the applicant from developing it in a manner commensurate with the development of other parcels of land in the same CD-9 zoning. While the site is 145' x 50', thereby giving him a lot of 7,250-square feet in a conservation district with an underlying zoning of R-7.5(A), other lots on the street have the same square footage. In addition, the applicant has not provided information as to whether the size of his proposal is commensurate with other developments within CD-9.

BACKGROUND INFORMATION:

Zoning:

- Site: CD 9 (M Streets Conservation District)
- North: CD 9 (M Streets Conservation District)
- South: CD 15 (Vickery Place Conservation District)
- East: CD 9 (M Streets Conservation District)
- West: CD 9 (M Streets Conservation District)

Land Use:

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

Zoning/BDA History:

1. BDA 045-277, Property at 5131 Vanderbilt Avenue (five lots northwest of the subject site)

On August 16, 2005, the Board of Adjustment Panel A granted a request for a 3' variance to the western side yard setback regulations, and a 2' variance to the eastern side yard setback regulations, and imposed the submitted site plan as a condition. The case report stated the appeal was made in conjunction with constructing an addition on a single-family home, portions of which were located within the site's 5' western side yard setback, thereby providing a 2' side yard setback at the western property line, and within the site's 10' eastern side yard setback, thereby providing an 8' side yard setback at the eastern property line.

2. BDA 001-272, Property at 5142 Vanderbilt Avenue (two lots west of the subject site)

On October 23, 2001, the Board of Adjustment Panel A denied a request for a variance to the side yard setback regulations without prejudice. The case report stated that the variance was requested in conjunction with maintaining an approximately 420-square foot wooden porte-cochere/sundeck attached to an existing two-story, single family structure, +210-square feet of which were located in the side yard setback on the site's western side property line, or 5' into the required 5' side yard setback, thereby providing a 0' side yard setback. According to a memo sent to the Board Administrator from the Building Inspection Senior Plans Examiner, the decking on top of the carport precluded this matter to be heard as a special exception for a carport and required this matter to be heard as a variance. Furthermore, there were issues from building codes related to the proximity of the structure to the property line. If a combustible material is less than 3' from the property line, it must have a firewall. Therefore, the building official could not approve the plans for this structure.

3. BDA 001-217, Property at 5141 Vanderbilt Avenue (three lots northwest of the subject site)

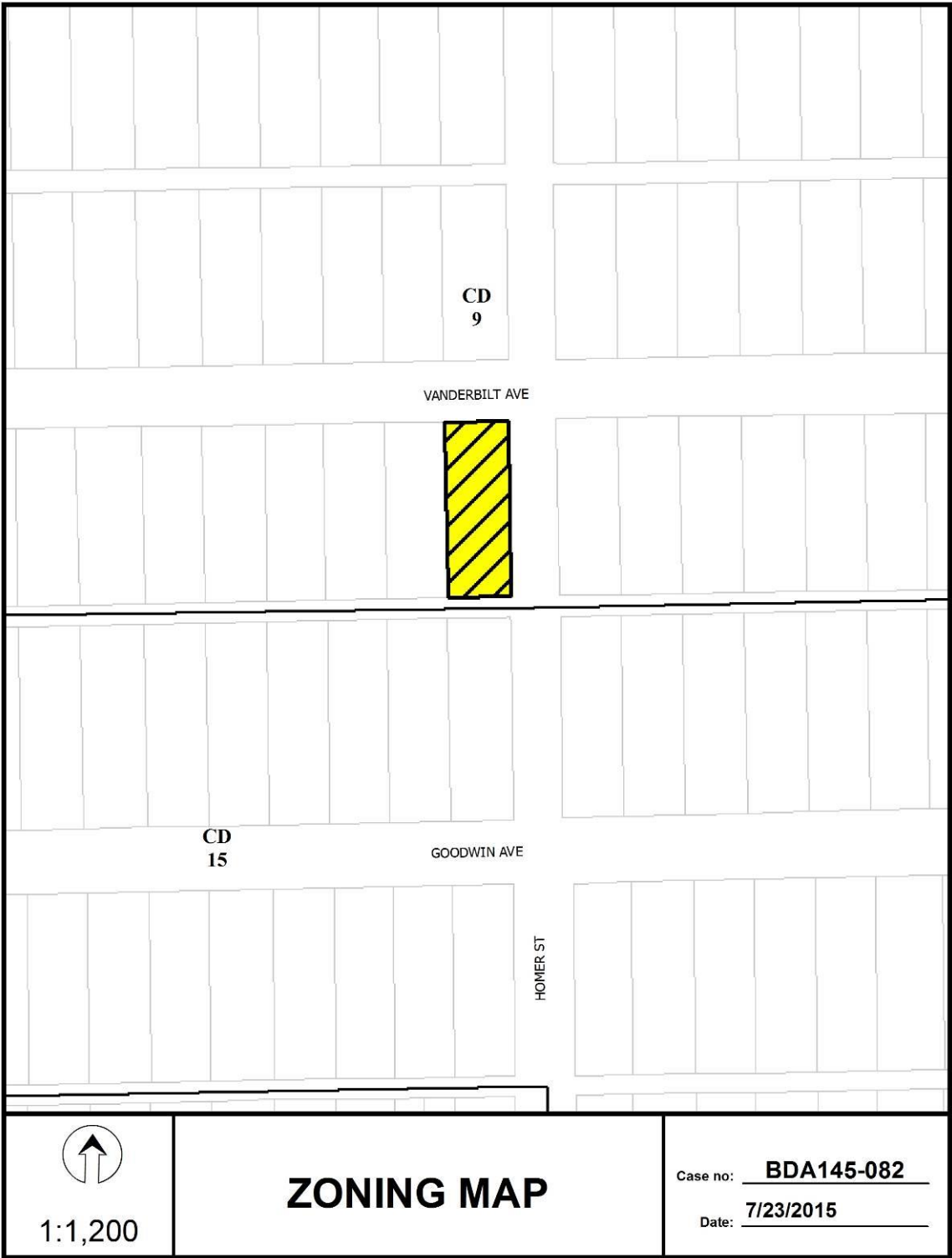
On June 18, 2001, the Board of Adjustment Panel C granted a request for a variance to the side yard setback regulations of 2' and imposed the submitted site plans and elevation as a condition. The case report stated the appeal was made in conjunction with both maintaining the existing structure (an attached single family home) on the site, and constructing and maintaining an addition (stairwell and bath) to the existing structure. Specifically, this request focused on both the ability to remodel and maintain an approximately 1,700 square foot single family structure constructed (according to the applicant) in the 1930's, and to construct and maintain a second floor addition to this single family structure, portions of which (stairwell and bath) would align with the existing home located in the side yard setback on the site's western side property line, or 2' into the required 5' side yard setback, thereby providing a 3' side yard setback.

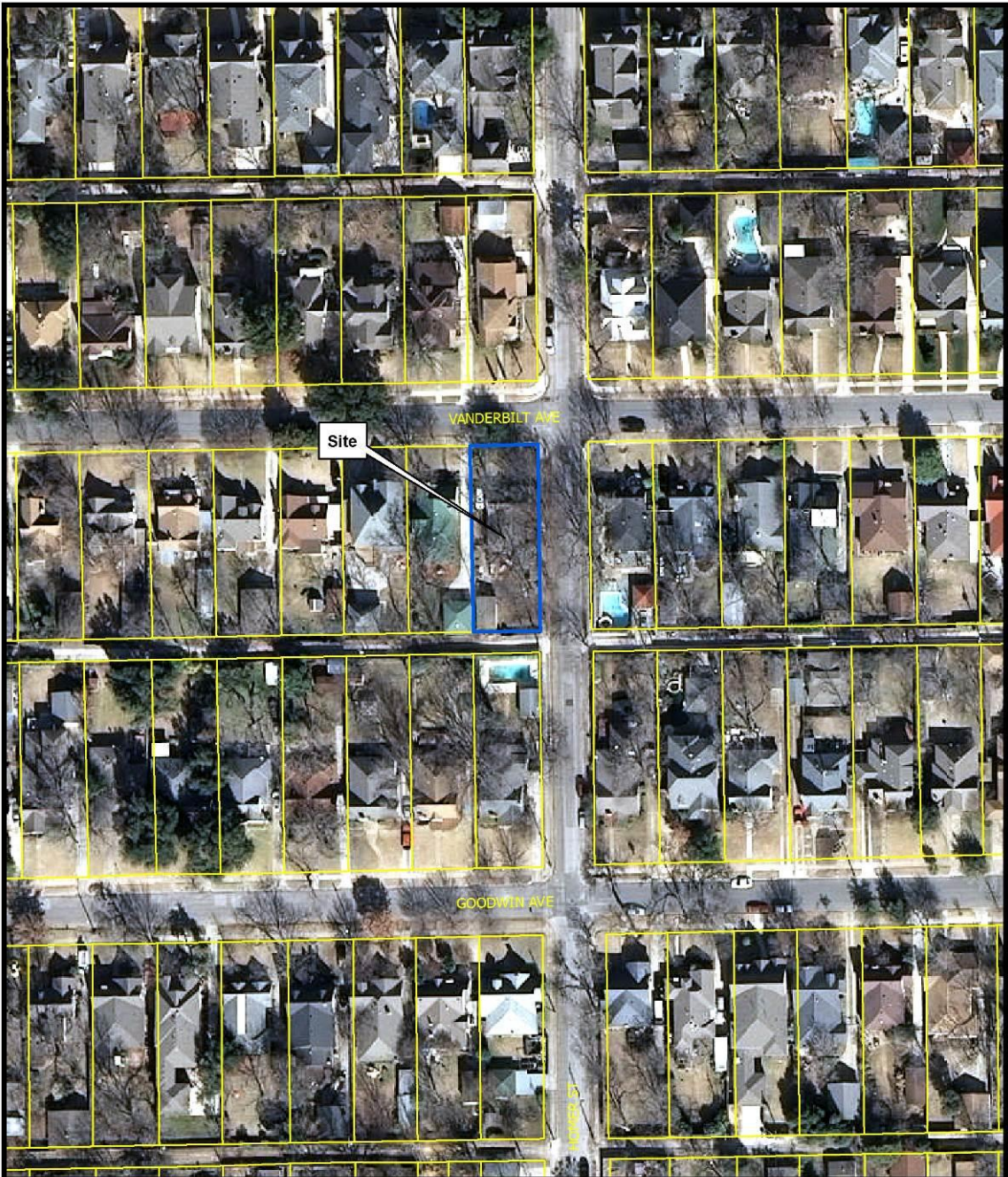
GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- This request focuses on constructing and maintaining a second story addition to the house that includes a master bedroom, master bathroom, and master wardrobe, and portions of a new family room and veranda added to the first floor of the existing single family residential structure, located as close as 6' 4" on the site's eastern side property line or as much as 3' 8" into this required 10' side yard setback.
- Single family structures on lots zoned CD-9 are required to provide minimum side yard setbacks of 5' on the west side and 10' on the east side.
- According to DCAD records, the "main improvement" at 5150 Vanderbilt Avenue (subject site) is a structure with 1,388-square feet of living/total area built in 1928 with "additional improvements" of a 264-square foot detached garage.
- The applicant has chosen only to seek variance to the side yard setback regulations for the addition to the existing structure on the site, and not to seek variance to remedy/address the nonconforming aspect of the existing nonconforming main single family home structure that is also located in the site's eastern side yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is not irregular in area, slope, or shape, and, according to the application, 0.166 acres (approximately 7,231 square feet) in area.
- The site is zoned CD-9.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance 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 PD 193 (D) 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 PD 193 (D) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structures in the side yard setback would be limited to that what is shown on this document– which are structures located as close as 6' 4" on the site's eastern side property line (or as much as 3' 8" into the 10' side yard setback).

Timeline:

- June 2, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- June 24, 2015: The Current Planner 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: 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 Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- August 12, 2015: The Sustainable Development and Construction Conservation District Planner e-mailed the applicant and stated that he reviewed the proposed plans for the site and only found “issue” with the setback.
- No review comment sheets with comments were submitted in conjunction with this application.





1:1,200

AERIAL MAP

Case no: BDA145-082

Date: 7/23/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-082

Data Relative to Subject Property:

Date: 6-2-15

Location address: 5150 Vanderbilt Ave, 75206 Zoning District: CD9

Lot No.: 13 Block No.: U/2189 Acreage: 0.166 Census Tract: 3.00

Street Frontage (in Feet): 1) 50' 2) _____ 3) _____ 4) _____ 5) SE 24

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Joseph Siglin & Lindsey Curtin

Applicant: JOE SIGLIN Telephone: 817.521.6268

Mailing Address: 5150 Vanderbilt Ave Dallas TX Zip Code: 75206

E-mail Address: jsiglin@ngkf.com @ngkf.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 2'6"
to the side yard set back

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:

Set-back Variance required due to restrictive buildable area.
(See letter)

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

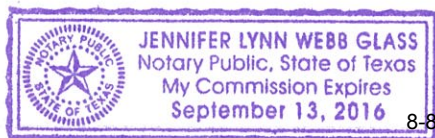
Before me the undersigned on this day personally appeared JOE SIGLIN
(Affiant/Applicant's name printed)

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 2nd day of June, 2015

(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

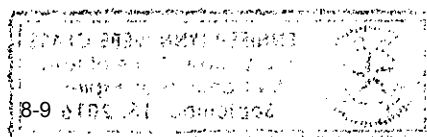
I hereby certify that Joe Siglin

did submit a request for a variance to the side yard setback regulations
at 5150 Vanderbilt Avenue

BDA145-082. Application of Joe Siglin for a variance to the side yard setback regulations at 5150 Vanderbilt Avenue. This property is more fully described as Lot 13, Block U/2189, and is zoned CD-9, which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 6 foot 4 inch side yard setback measured at the roof eave (7 foot 4 inch side yard setback measured at the foundation), which will require a 3 foot 8 inch variance to the side yard setback regulation.

Sincerely,


Larry Holmes, Building Official

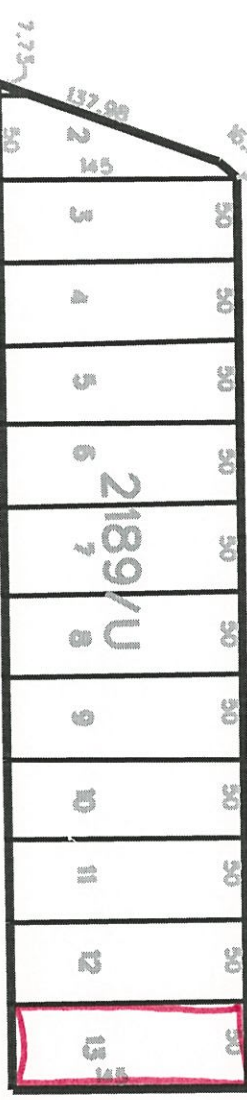
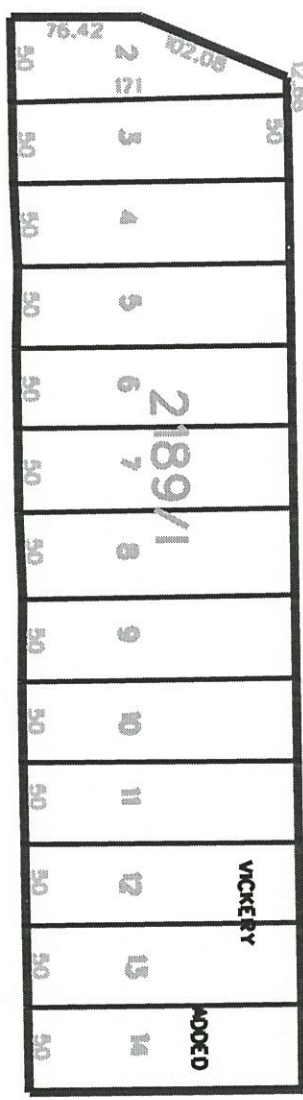


4700

CENTRAL

GOODWIN

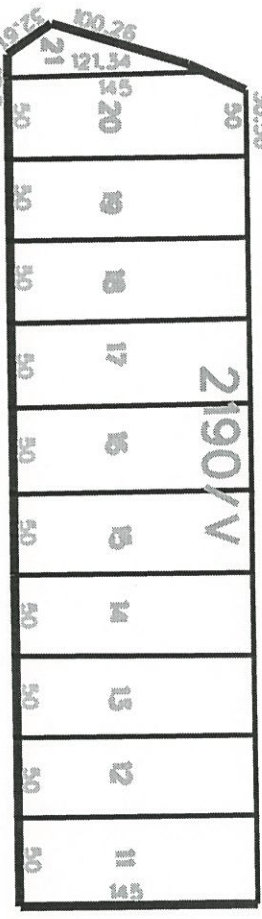
2/50
1950



VANDERBILT

5100

50



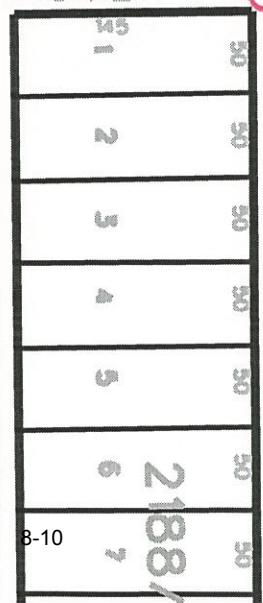
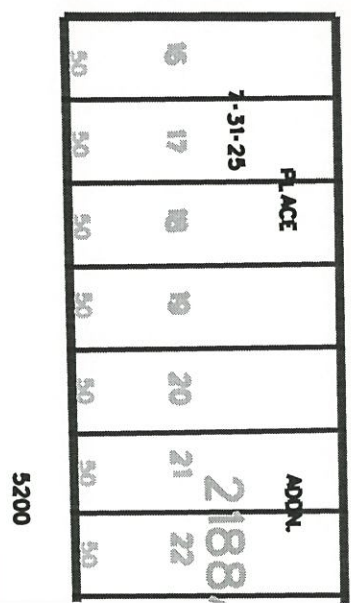
119.25
113.7
4
0.164

GREEN AN

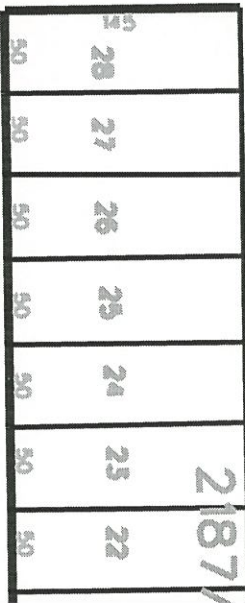
HOMER

4700

1951



5200





June 3, 2015

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

RE: Set-Back Variance Required Due to Restrictive Buildable Area

Dear Todd and Board,

I am planning to do an addition and am filing for a variance to the 10' side yard set-back due to a restrictive buildable area.

The regulations call for a minimum lot width of 50' with a side yard set-back of 5' on the west side and 10' on the east side with a straight driveway on the east side. This 15' of setbacks provides for a buildable area of 35' in width.

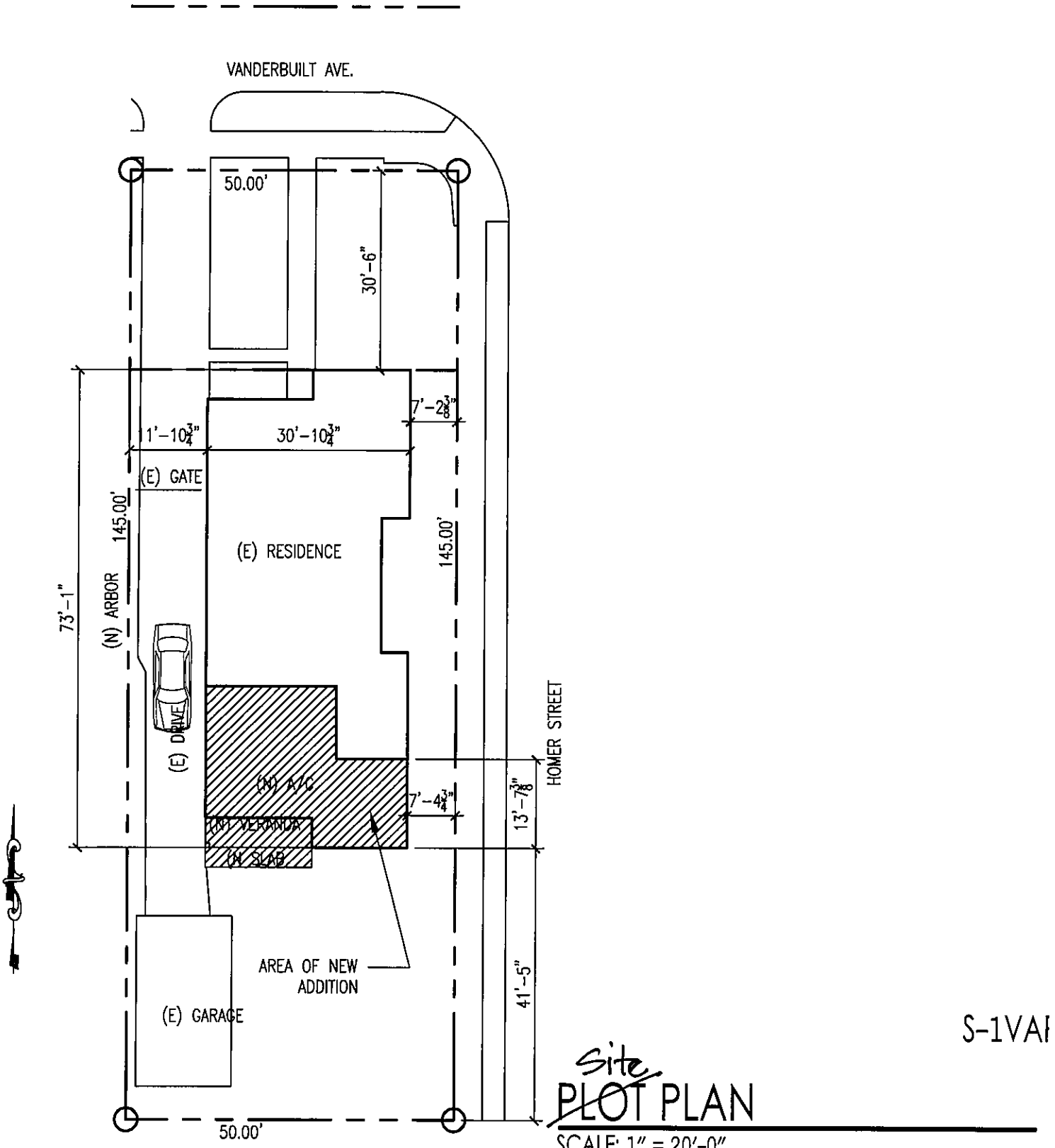
When the M Streets Conservations District Regulations were written and put in place they did not take into consideration my property which is a corner lot with an existing driveway on the west side. My house was built in the late 1920's and has a 11'-10 ¾" set back on the west side where the driveway is located and a 7'-2 3/8" set-back on the east side (which is a side street, Homer St). This only provides a house width of 30.9' whereas most other houses in the neighborhood are 35' wide. Meaning my house is 4.1' less already.

I am filing for a variance to adjust the 10' side yard set-back by 2'-4 ¾" – thus, reducing the 10' set back to 7'-4 ¾" to allow the addition to match the existing house structure. Without the approval of the set-back variance, my buildable area is limited to 28'-1 ¾" resulting in a property that has a buildable area width of almost 7' less than neighboring properties. This request is necessary to develop this property commensurately to neighboring properties in our conservation district. It will also allow us to preserve the character of the house and the result will be very complimentary of other homes in the neighborhood. I have spoken to many neighbors whom have all voiced their support, proof can be provided.

Thanks,



Joe Siglin
5150 Vanderbilt Ave



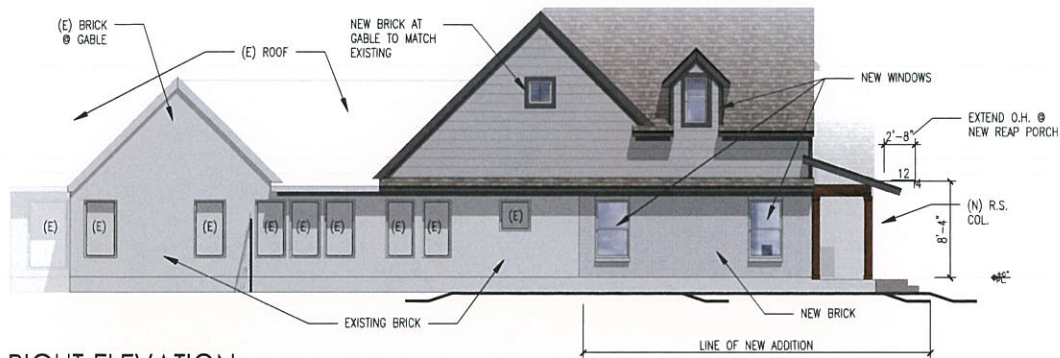
Site
PLOT PLAN

S-1VAI

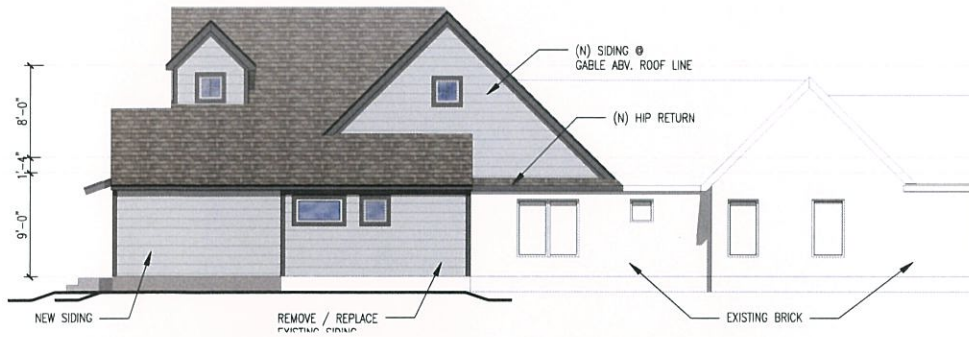
SCALE: 1" = 20'-0"

7250 lot area
3262.5 allowable coverage 45%
2469 sq. ft. calculated

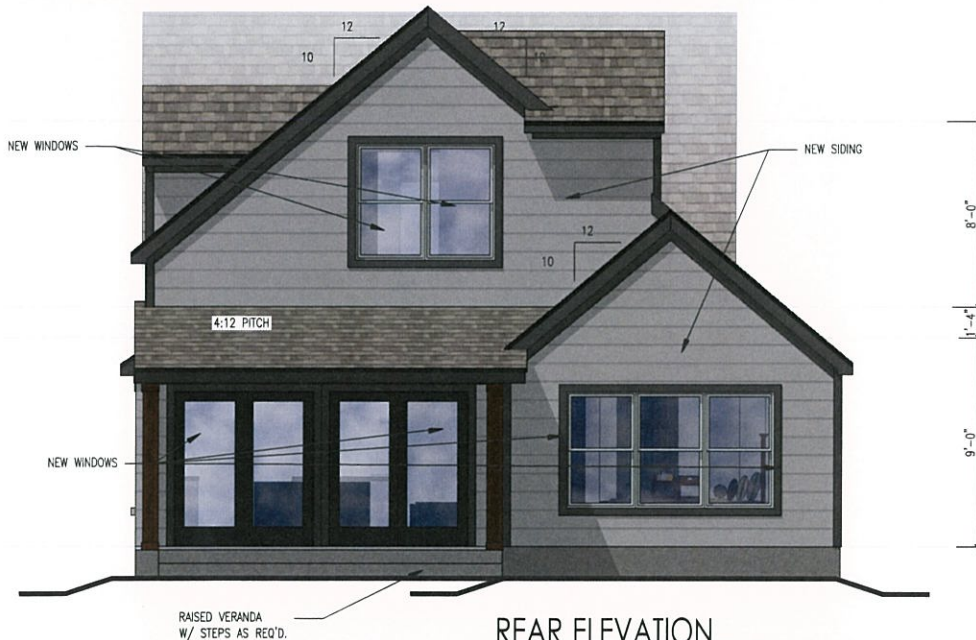
5150 VANDERBILT.
LOT 13, BLOCK U/2189, HILL TOP SECTION OF GREENLAND HILLS,
AN ADDITION TO THE CITY OF DALLAS. DALLAS COUNTY, TEXAS.



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"
8-14

BDA 145-082

Copyright, ROBERT A. SLOCUM - 2015

These plans are intended to provide the owner with construction information necessary to identify, locate, and construct the structure. These plans must be verified and approved by the local or state authority of the project. Any discrepancy, error, or omission, if found, is to be brought to the immediate attention of the designer before any construction is commenced or purchase made. It is recommended that the owner or builder obtain complete engineering services, foundation, HVAC, and electrical, before beginning construction of any kind. Note all federal, state, and local codes, ordinances, and restrictions take precedence over any of these plans which may conflict with same, and must be strictly obeyed and followed before and during construction. These plans are copyrighted and are subject to copyright protection under Sec. 10207 of the Copyright Act of 1976, as amended December 1990 and known as Act 0000000000. Copyright Protection Act of 1990. The producer of this document is not liable for any reproduction or use of these plans, drawings, or specifications, or any part thereof, without the written consent of the producer. All rights reserved. All other rights reserved. All other rights reserved. All other rights reserved. All other rights reserved.

NEW REMODEL / ADDITION FOR:
5150 VANDERBUILT, DALLAS TEXAS

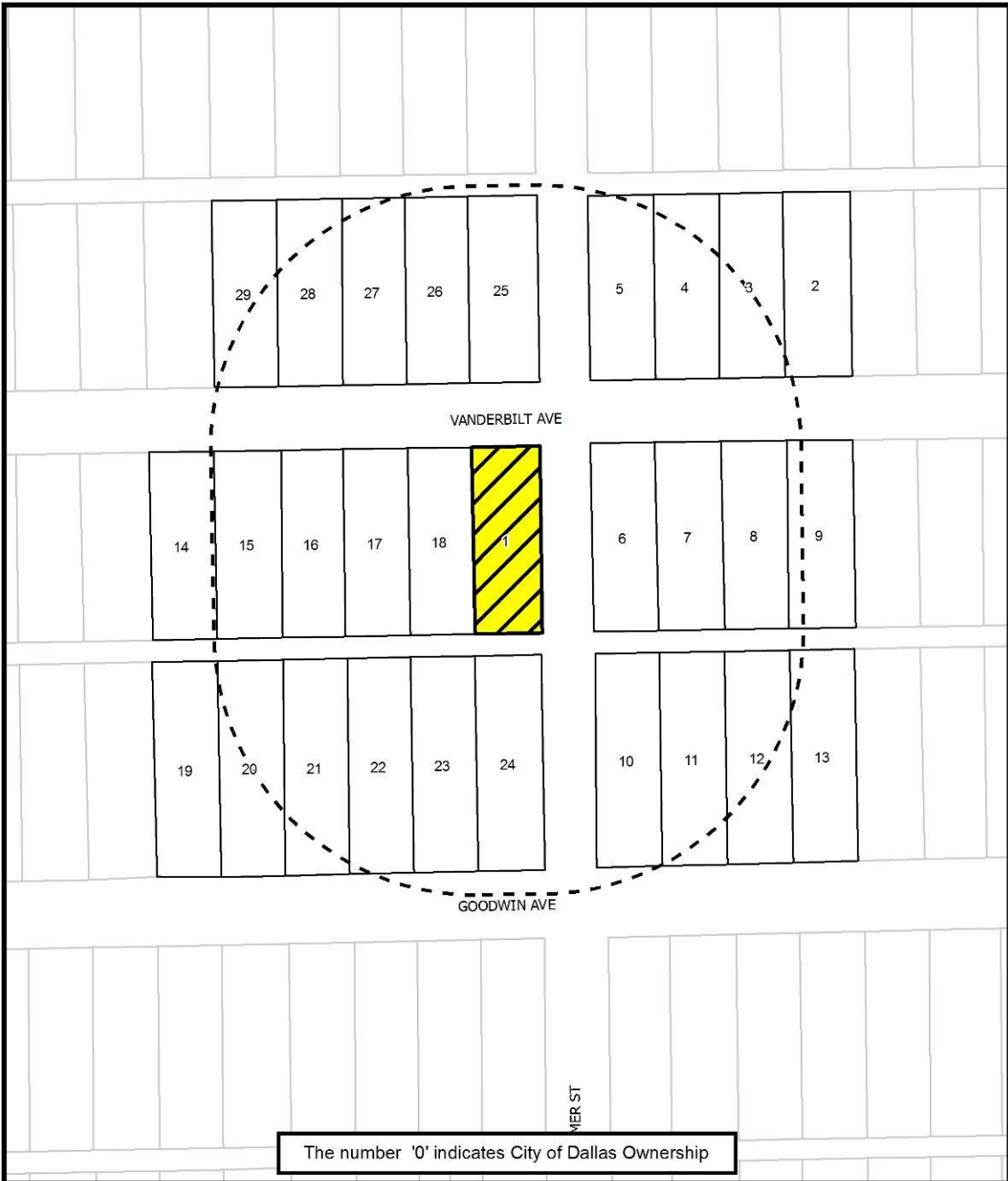
JOE SIGLIN AND FAMILY



PLAN NUMBER

FINAL PLANS
6/2/2015

SHEET NUMBER
A-4VAR



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <u>BDA145-082</u>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">29</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
29	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA145-082

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5150 VANDERBILT AVE	SIGLIN JOSEPH R &
2	5215 VANDERBILT AVE	NILAKANTAN NIKHIL
3	5211 VANDERBILT AVE	PETTIGREW PAULA JO
4	5207 VANDERBILT AVE	BLOODWORTH PHILLIP L
5	5203 VANDERBILT AVE	TREECE RUSSELL W
6	5202 VANDERBILT AVE	BLACK THOMAS UPTON III
7	5206 VANDERBILT AVE	COLONNA SARAH
8	5210 VANDERBILT AVE	GRAVES MARY ELLEN
9	5214 VANDERBILT AVE	OLSCHESKY KARYN S & LUKE T DEL GRECO
10	5201 GOODWIN AVE	HARGETT JOEL & BRENDA
11	5207 GOODWIN AVE	WARD TIMOTHY P
12	5211 GOODWIN AVE	GERLACH LESLIE
13	5215 GOODWIN AVE	WOLLAM LESLIE C
14	5130 VANDERBILT AVE	RIVERA BERNARDO JR
15	5134 VANDERBILT AVE	MCCRARY THOMAS
16	5138 VANDERBILT AVE	ROZNOWSKI RICHARD &
17	5142 VANDERBILT AVE	MOHAN SAMEER
18	5146 VANDERBILT AVE	OWENS RICHARD BLAKE
19	5137 GOODWIN AVE	MDSG HOLDINGS LLC
20	5141 GOODWIN AVE	BENET RICHARD & BEVERLY A
21	5145 GOODWIN AVE	BERRY FRANCES A
22	5149 GOODWIN AVE	QUAN CAROLYN
23	5153 GOODWIN AVE	SCOTT HARRY K
24	5157 GOODWIN AVE	MOURTON NICHOLAS B
25	5151 VANDERBILT AVE	MUNOZ STELLA HERNANDEZ
26	5145 VANDERBILT AVE	EDWARDS KEVIN LEE & AMBER ERIN

07/22/2015

Label #	Address	Owner
27	5141 VANDERBILT AVE	THOMAS ALISON SMITH
28	5139 VANDERBILT AVE	MESSER HOLDINGS SERIES LLC SERIES F
29	5135 VANDERBILT AVE	BAINS JOHN ROBERT