

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, SEPTEMBER 19, 2016
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the August 15, 2016 Board of Adjustment Panel C Public Hearing Minutes	M1
---	----

UNCONTESTED CASE

BDA156-089(SL) 13925 Hillcrest Road REQUEST: Application of Paul S. Kim for a special exception to the fence height regulations	1
---	---

REGULAR CASES

BDA156-084(SL) 2318 Stutz Drive REQUEST: Application of Amin Mawani, represented by Aslam Durrani, for a special exception to the landscape regulations	2
BDA156-085(SL) 2911 Turtle Creek Boulevard REQUEST: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations	3

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

FILE NUMBER: BDA156-089(SL)

BUILDING OFFICIAL'S REPORT: Application of Paul S. Kim for a special exception to the fence height regulations at 13925 Hillcrest Road. This property is more fully described as a 5.47 acre tract of land in Block 8177, and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

LOCATION: 13925 Hillcrest Road

APPLICANT: Paul S. Kim

REQUEST:

A request for a special exception to the fence height regulations of 4' is made to construct and maintain an 8' high solid wood fence with two recessed entryways with 8' high sliding metal gates flanked by 8' stone entry columns on a site developed with a single family home. (Note that the applicant stated in an August 20th email to the Board Administrator that the overall fence height of 8' 0" consists of a 7' 6" fence on top of a 6" gap at the base – that the 6" gap is a requirement for compliance with the flood plain regulations).

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: R-1/2(A) (Single family district ½ acre)
North: R-1/2(A) (Single family district ½ acre)
South: R-1/2(A) (Single family district ½ acre)
East: R-1/2(A) (Single family district ½ acre)

West: R-1/2(A) (Single family district ½ acre)

Land Use:

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

Zoning/BDA History:

1. BDA145-080, Property at 13925 Hillcrest Road (the subject site)

On September 21, 2015, the Board of Adjustment Panel B granted a request for a special exception to fence height regulations of 4' and imposed the following condition: compliance with the submitted revised site plan/elevation is required.

The case report stated that the request was made to construct and maintain an 8' high solid wood fence with two recessed entryways that include 8' high stucco walls, 8' high sliding gates with 8' high stone columns on a site developed with a single family home.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence height regulations of 4' focuses on constructing and maintaining an 8' high solid wood fence with two recessed entryways that include 8' high sliding gates flanked by 9' stone entry columns on a site developed with a single family home. (Note that the applicant stated in an August 20th email to the Board Administrator that the overall fence height of 8' 0" consists of a 7' 6" fence on top of a 6" gap at the base – that the 6" gap is a requirement for compliance with the flood plain regulations).
- 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 setback indicating that it reaches a maximum height of 8'.
- The applicant has stated that this application is the same proposal/application that was granted by the Board of Adjustment Panel C in September of 2015, and that this application is filed only because the applicant did not file for a building permit within 180 days from the Board's favorable action of September 21, 2015.
- The following additional information was gleaned from the submitted site plan/elevation:

- The proposal is represented as being approximately 200' in length parallel to the street and approximately 27' and 40' perpendicular to the street on the south and north sides of the site, respectively, in the front yard setback.
- The fence proposal is represented to be located approximately 0 – 4' from the front property line or about 11' - 15' from the pavement line.
- The recessed entryways are represented to be located approximately 12' – 14' from the front property line or about 21' – 23' from the pavement line.
- The proposal is located on the site where two lots have direct frontage to it, neither of which have fences in their front yards over 4' in height.
- The Board Administrator conducted a field visit of the site and surrounding area along Hillcrest Road (approximately 400' north and south) and noted one other fence above 4 feet high which appeared to be located in a front yard setback – this being an approximately 9' high fence immediately north of the subject site with no recorded board of adjustment history.
- As of September 9th, 2016, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing 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/elevation would require the proposal exceeding 4' in height in the front yard setback to be construct and maintained in the location and of the heights and materials as shown on this document.
- Note that if the Board were to grant the applicant's request for a special exception to the fence height regulations, and impose the submitted site plan/elevation as a condition, no additional relief would be provided to the applicant regarding any existing/proposed noncompliance on the subject site to any code provision including but not limited to flood plain regulations.

Timeline:

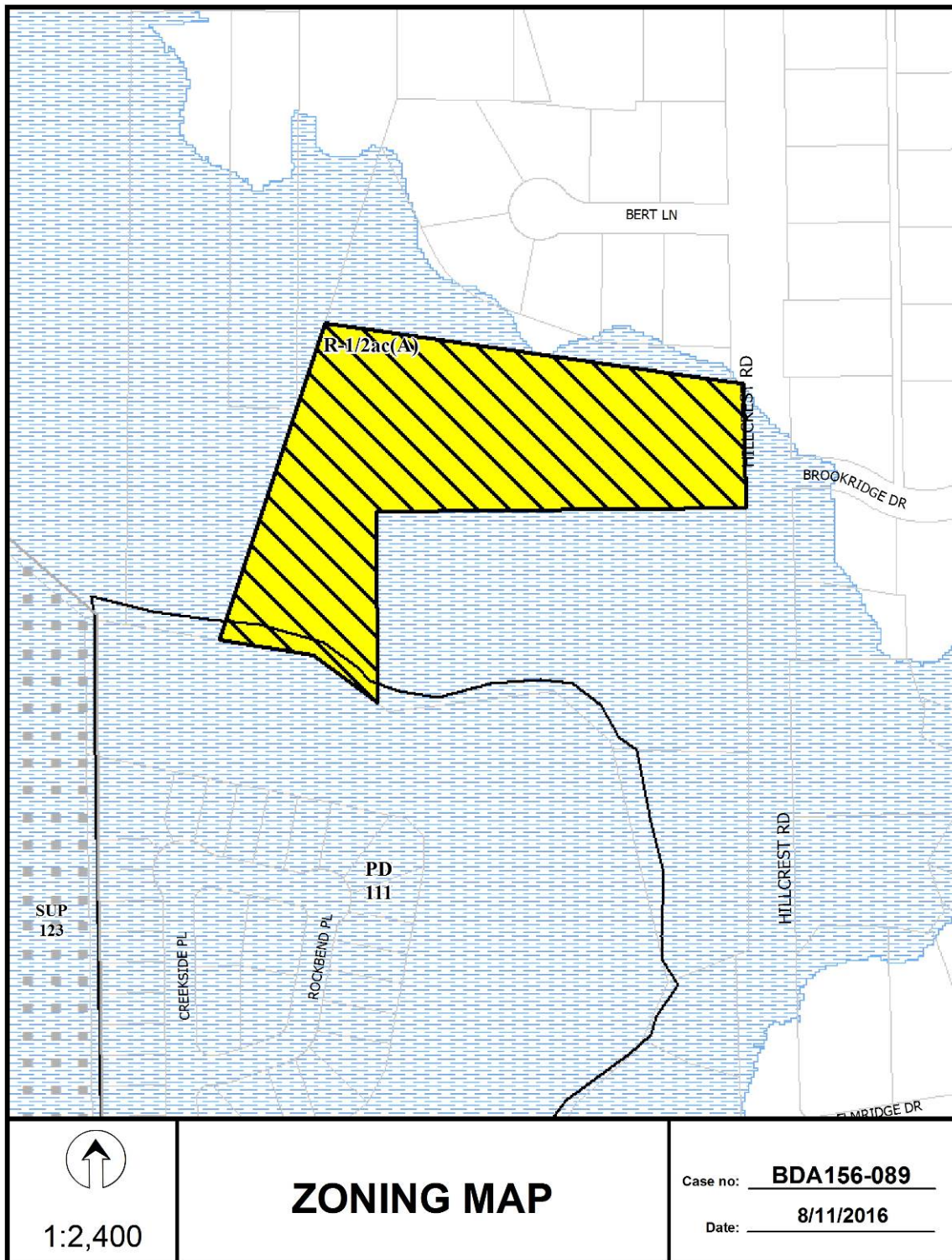
- May 31, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 4, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- August 5, 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 August 31st deadline to

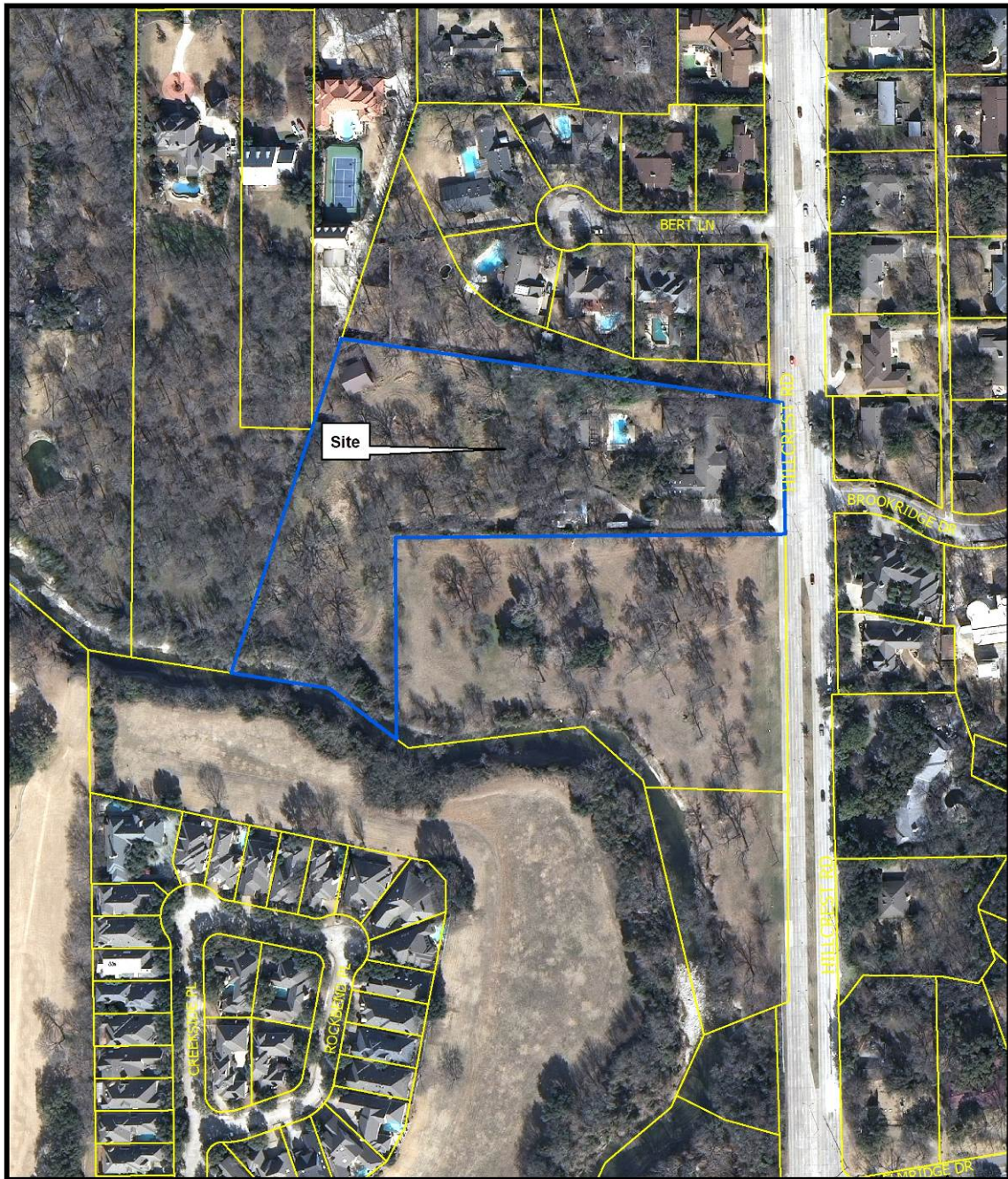
submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- 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."

September 6, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





1:2,400

AERIAL MAP

Case no: BDA156-089

Date: 8/11/2016



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-089

Data Relative to Subject Property:

Date: 5/31/16

Location address: 13925 Hillcrest Rd. Zoning District: R-1/2 acc(A)

Lot No.: Block No.: 8177 Acreage: 5.4715 Census Tract: 136.08

Street Frontage (in Feet): 1) 202 2) 3) 4) 5) NE3N

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Helena H. Kim / Paul S Kim

Applicant: Paul S Kim Telephone: 469-363-0848

Mailing Address: 13925 Hillcrest Rd. Zip Code: 75240

E-mail Address: Paul@rainbowwholesale.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of 4' fence for 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:

The fence will match the home's architecture. There are no immediate neighbors. (City park on south side) closest neighbors are located across 4 lane road. The fence will enhance the neighborhood.

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

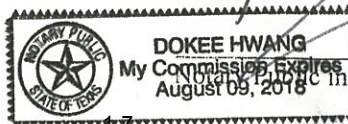
Before me the undersigned on this day personally appeared Paul S Kim (Affiant/Applicant's name printed)

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 31st day of May, 2016

(Rev. 08-01-11)



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

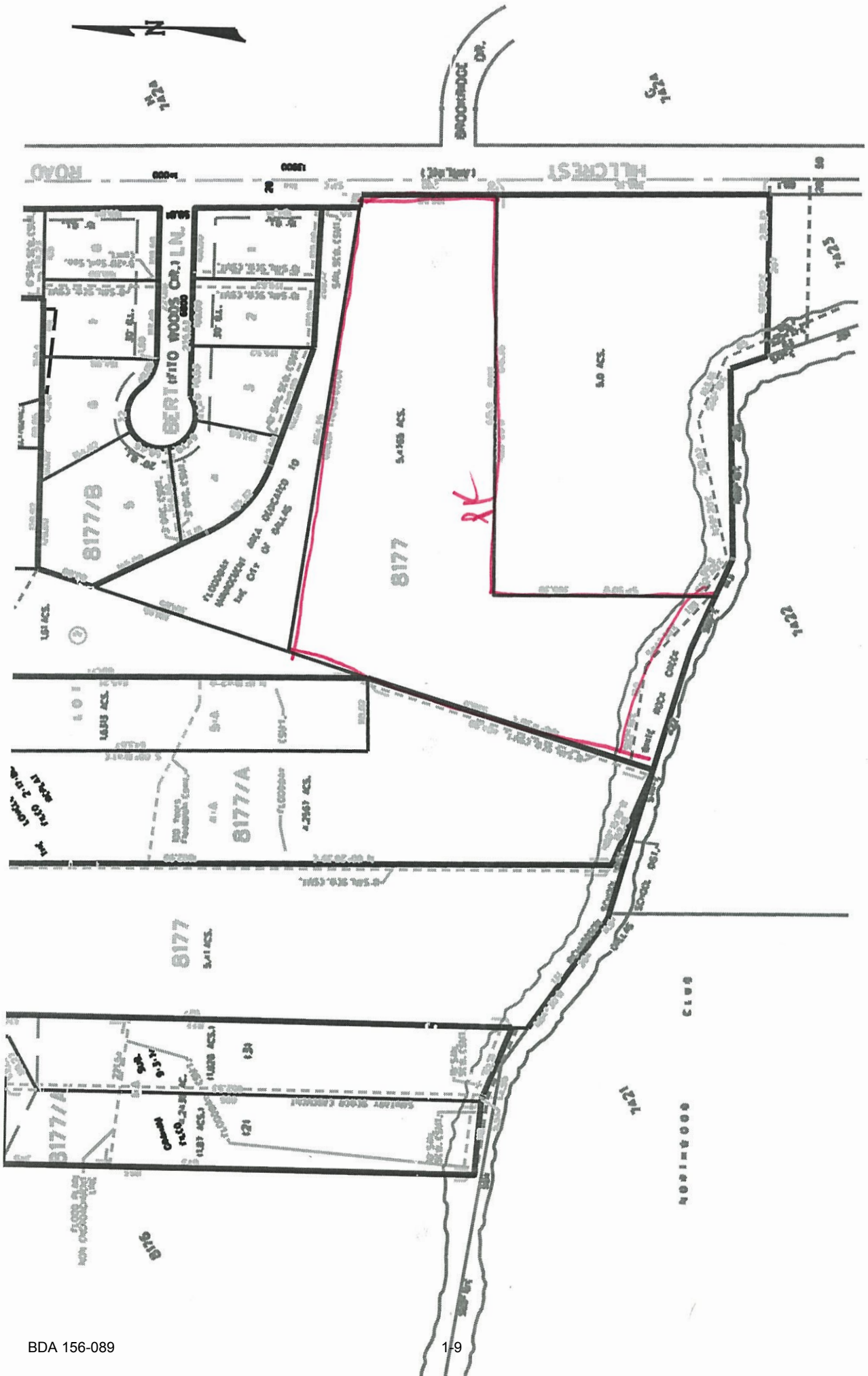
I hereby certify that Paul S. Kim

did submit a request for a special exception to the fence height regulations
at 13925 Hillcrest Road

BDA156-089. Application of Paul S. Kim for a special exception to the fence height regulations at 13925 Hillcrest Road. This property is more fully described as a 5.47 acre tract of land in Block 8177, and is zoned R-1/2ac(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.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

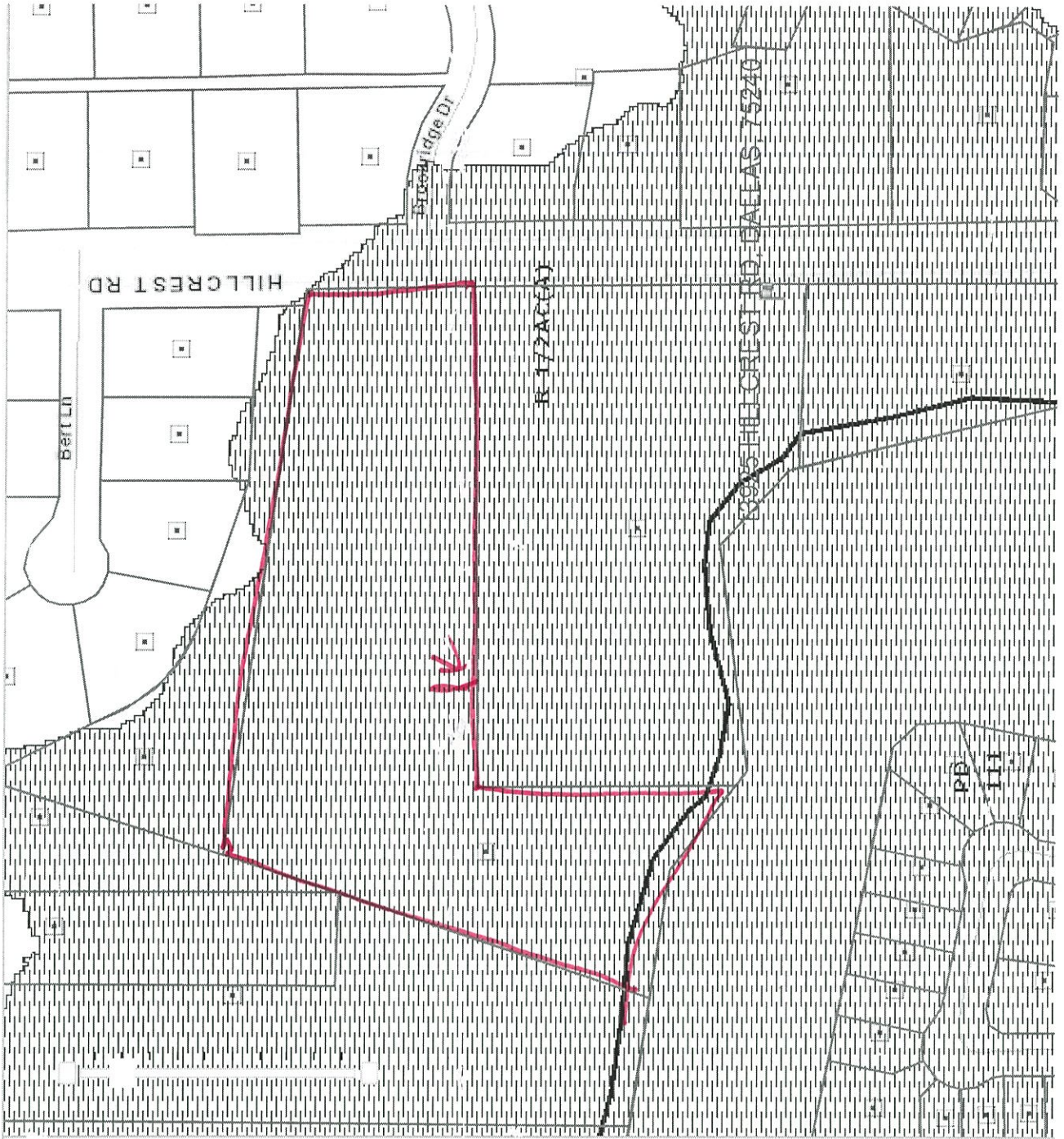


City of Dallas

Internal Development Research Site

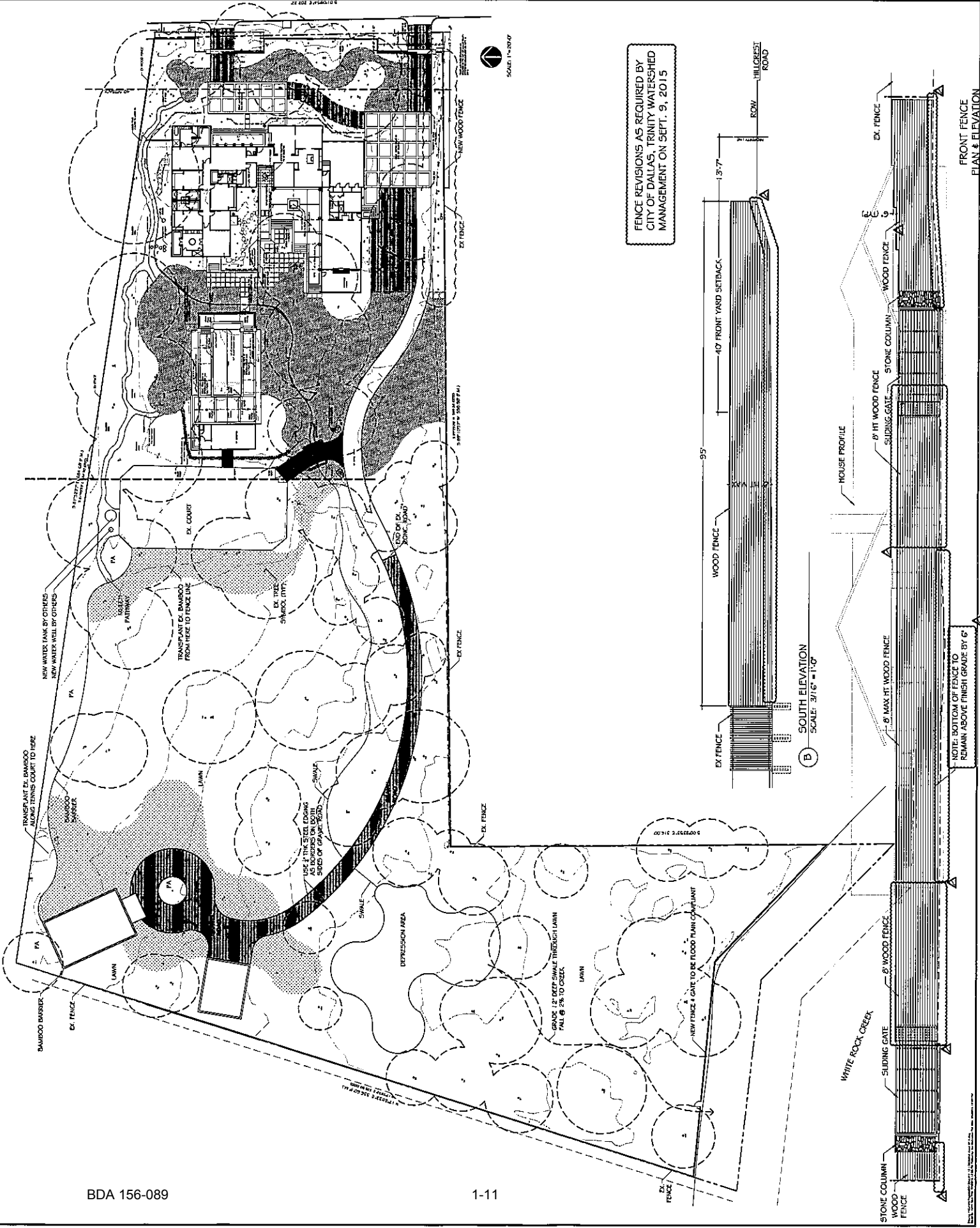
Legend

Locate Property

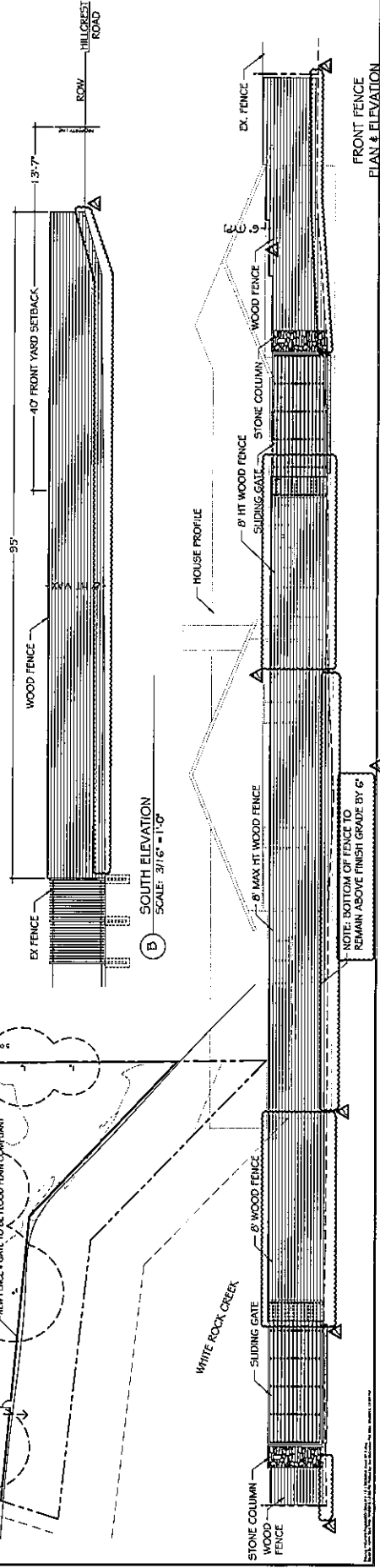


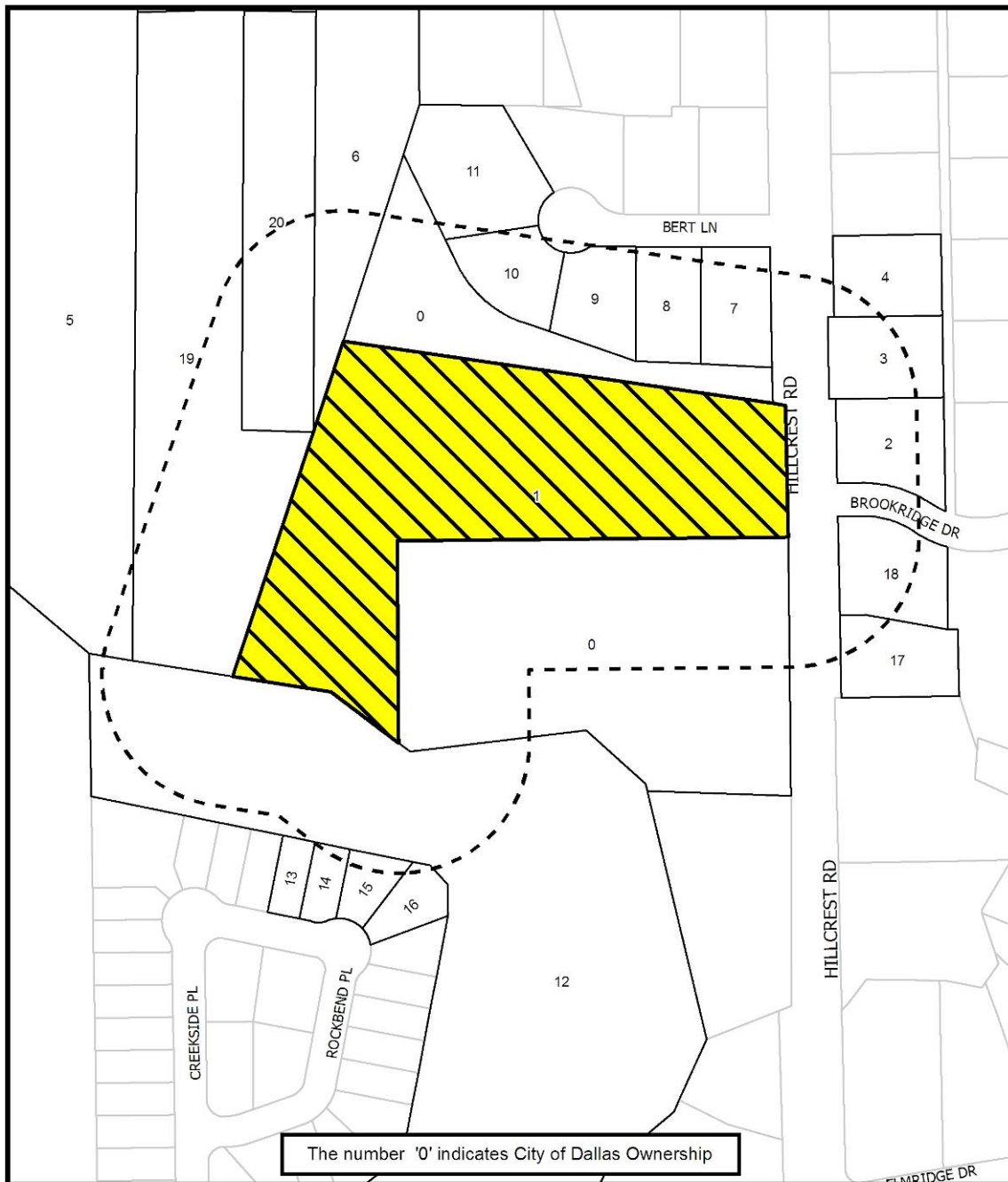


NO.	DATE	DESCRIPTION
1	12.08.2014	PRELIMINARY
2	11.09.2015	REVISED
3	29.10.2016	REVISED
4	11.01.2016	REVISED
5	11.01.2016	REVISED



FENCE REVISIONS AS REQUIRED BY
CITY OF DALLAS, TRINITY WATERSHED
MANAGEMENT ON SEPT. 9, 2015





 1:2,400	NOTIFICATION		Case no: BDA156-089
	<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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/11/2016	

Notification List of Property Owners

BDA156-089

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13925 HILLCREST RD	KIM HELENA H
2	14010 HILLCREST RD	GANJOOR SHAHRAM & GABRIELA P GANJOOR
3	14022 HILLCREST RD	PRICE M D
4	14032 HILLCREST RD	BERGER MURRAY J
5	6714 SPRING VALLEY RD	KHAN YASSER &
6	6846 SPRING VALLEY RD	KHAN ARIF B & YASMIN B
7	6816 BERT CIR	FRUTOS CESAR A & DARLA K
8	6812 BERT CIR	GOSSETT JOHN STEPHEN &
9	6806 BERT CIR	MILES COLLIN P
10	6802 BERT CIR	VAETH BARI & VAETH GEORGE W
11	6801 BERT CIR	BERG ALLAN FAMILY TRUST
12	900000 CREEKSIDE PL	CREEKSIDE PLACE HMOWNERS
13	13849 CREEKSIDE PL	FULLER FAMILY LIVING TR
14	13853 CREEKSIDE PL	RICHARDS TOM M & JUDY
15	13857 CREEKSIDE PL	PILCHER MARK & SHERRI S
16	13840 ROCKBEND PL	POTTS ROBERT P
17	13920 HILLCREST RD	VENTIMIGLIA JOE B &
18	14006 BROOKRIDGE DR	EMBREY BOBBIE PIRTLE S LIVING TRUST
19	6718 SPRING VALLEY RD	REID WILLIAM KEITH &
20	6722 SPRING VALLEY RD	TRANCHIN TENNANT A &

FILE NUMBER: BDA156-084(SL)

BUILDING OFFICIAL'S REPORT: Application of Amin Mawani, represented by Aslam Durrani, for a special exception to the landscape regulations at 2318 Stutz Drive. This property is more fully described as Lot 19B, Block D/2371, and is zoned MU-2, 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: 2318 Stutz Drive

APPLICANT: Amin Mawani
Represented by Aslam Durrani

REQUEST:

A special exception to the landscape regulations is made to construct and maintain a multifamily development on a site currently undeveloped, and not fully meet the landscape regulations.

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

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required with the condition that the City will require the four site trees in the rear yard to be installed outside the 5' utility easement unless tree locations are approved by the local utility before installation.

Rationale:

- Staff concurs with the Chief Arborist and recommends approval of the proposed landscape plan because strict compliance with the street tree and design standard requirements for this site will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring properties given the location of the property and the density of development.

BACKGROUND INFORMATION:

Zoning:

Site: MU-2 (Mixed use)(deed restricted)*
North: MU-2 (Mixed use)(deed restricted)
South: IM (Industrial/manufacturing)
East: MU-2 (Mixed use)(deed restricted)
West: MU-2 (Mixed use)(deed restricted)

- * The Board Administrator forwarded a copy of the deed restrictions on this property that pertain to an "avigation easement" to the applicant. The applicant responded by representing that his request to the Board for a special exception to the landscape regulations in no way deviates from these deed restrictions. (Note that the maximum permitted height in the MU-2 zoning district is 135 feet with additional height allowed with retail development).

Land Use:

The subject site is undeveloped. The areas to the north and west are developed with residential uses; the area to the east is undeveloped, and the area to the south is with a child care facility use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on developing the site with multifamily use and not fully meeting the landscape regulations, more specifically not providing the required number of street trees and design standards.
- 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 commercial development.
- The Chief Arborist's memo stated that the proposed alternate landscape plan is deficient in the following:
 1. Street trees – a minimum of 2 large trees are required within 30' of the curb.
 2. Design standard – one additional design standard is required by ordinance.
- The Chief Arborist's memo listed the following factors for consideration:
 1. The property is platted with a narrow driveway which is completely paved to Stutz Road, and is established between two previously developed properties which share this existing driveway section for access to the public right-of-way.
 2. The bulk of the property will be developed with impervious surface and building structures. Most of the parking appears to be enclosed within the structures. The enclosures, and screening of parking from the street by the adjacent lot, technically acts as one design standard.
 3. The site meets all other minimum landscape requirements except for one design standard. The only other suitable option for a design standard which may apply with the available space could be enhanced vehicular pavement for a minimum of 25% of the vehicular paved surface on the total lot. However, the new paved area is set away from the street and would provide minimal appearance improvement from street view and not match the existing drive closer to the street.
- The City of Dallas Chief Arborist recommends approval of the proposed alternate landscape plan because full compliance with the requirements of Article X will unreasonably burden the use of the property. The Chief Arborist states that location of the property and density of development suggests the reduced landscaping will not adversely affect neighboring property. The Chief Arborist states as a condition, the City will require the four site trees in the rear yard to be installed outside the 5' utility easement unless tree locations are approved by the local utility before installations.

- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the required number of street trees and design standards on the subject site.

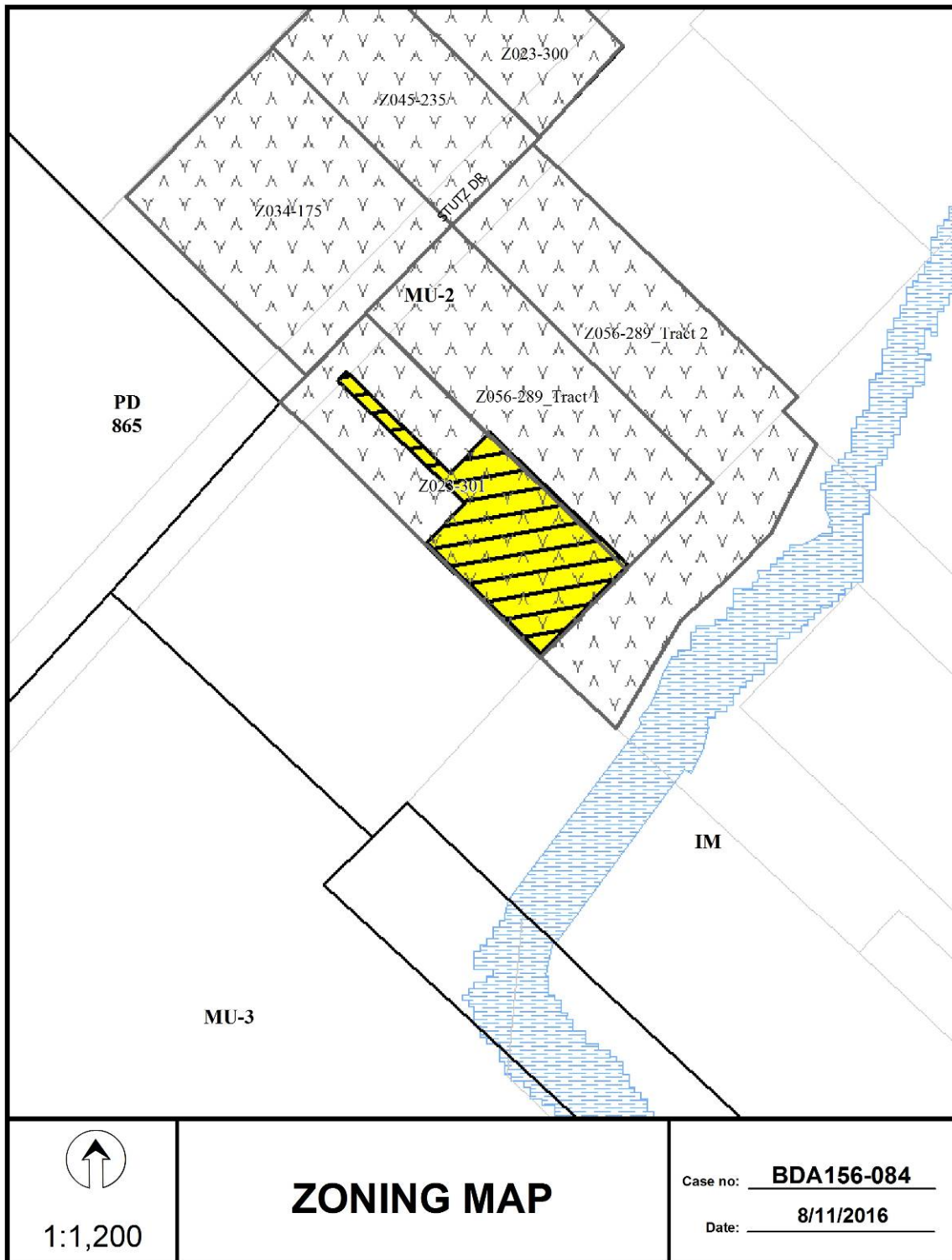
Timeline:

- June 22, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 4, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 5, 2016: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the August 30th deadline to submit additional evidence for staff to factor into their analysis; and the September 9th 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 18, 2016: The Board Administrator emailed the applicant a copy of deed restrictions on the property, and requested that he represent in an email response that his request to the board of adjustment for a special exception to the landscape regulations in no way deviates from these restrictions.
- August 19, 2016: The applicant emailed the Board Administrator and represented that his request to the board of adjustment for a special exception to the landscape regulations in no way deviates from these restrictions.
- August 22, 2016: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).

September 6, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

September 9, 2016: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).

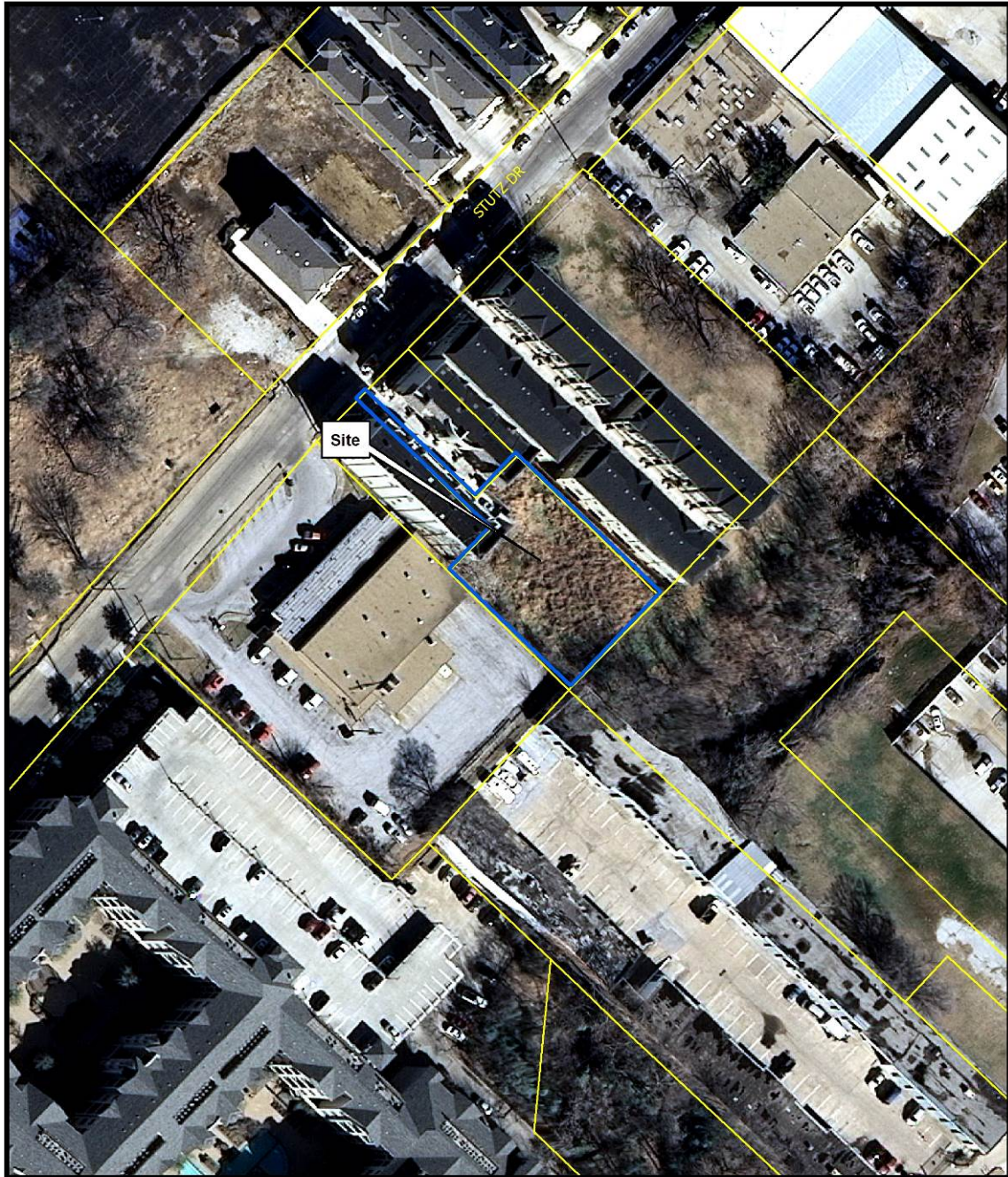


1:1,200

ZONING MAP

Case no: BDA156-084

Date: 8/11/2016



1:1,200

AERIAL MAP

Case no: BDA156-084

Date: 8/11/2016

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Amin Mawani
represented by Aslam Durrani
did submit a request for a special exception to the landscaping regulations
at 2318 Stutz Drive

BDA156-084. Application of Amin Mawani represented by Aslam Durrani for a special exception to the landscaping regulations at 2318 Stutz Drive. This property is more fully described as Lot 19B, Block D/2371, and is zoned MU-2, which requires mandatory landscaping. The applicant proposes to construct a multifamily residential structure and provide an alternate landscape plan, which will require a special exception to the landscap regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

Memorandum



DATE September 9, 2016
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 156 · 084 2318 Stutz Drive

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

Trigger

New construction of a multifamily development.

Deficiencies

The proposed alternate landscape plan is deficient in the following:

Street trees – a minimum of 2 large trees are required within 30' of the curb.
Design standard – one additional design standard is required by ordinance.

Factors

The property is platted with a narrow driveway which is completely paved to Stutz Road, and is established between two previously developed properties which share this existing driveway section for access to the public right-of-way.

The bulk of the property will be developed with impervious surface and building structures. Most of the parking appears to be enclosed within the structures. The enclosures, and screening of parking from the street by the adjacent lot, technically acts as one design standard.

The site meets all other minimum landscape requirements except for one design standard. The only other suitable option for a design standard which may apply with the available space could be enhanced vehicular pavement for a minimum of 25% of the vehicular paved surface on the total lot. However, the new paved area is set away from the street and would provide minimal appearance improvement from street view and not match the existing drive closer to the street.

Recommendation

The chief arborist recommends approval of the proposed alternate landscape plan because full compliance with the requirements of Article X will unreasonably burden the use of the property. The location of the property and density of development suggests the reduced landscaping will not adversely affect neighboring property. As a condition, we will require the four site trees in the rear yard to be installed outside the 5' utility easement unless tree locations are approved by the local utility before installation.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BOA 156-084

Data Relative to Subject Property:

Date: 06/22/2016

Location address: 2318 STUTZ ^{Drive} ROAD, DALLAS TX 75235 Zoning District: MU-2
Lot No.: 198 Block No.: D/2371 Acreage: 0.356 Census Tract: 4.06
Street Frontage (in Feet): 1) 100 FEET 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

NW 21A

Owner of Property (per Warranty Deed): AZM PROPERTIES, LLC
Applicant: AMIN MAWANI Telephone: 214-228-2455

Mailing Address: 4001 NORTH JOSEY LN SUITE # 100 CARROLLTON TX Zip Code: 75007 E-mail Address: elegantinvestmentgroup@yahoo.com

Represented by: ASLAM DURRANI Telephone: 817-888-4555

Mailing Address: 1603 MARLENE DRIVE EULESS TX Zip Code: 76040

E-mail Address: durraniasl@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception X, of TO SEEK BOARD OF ADJUSTMENT FOR LANDSCAPE SPECIAL EXCEPTION.

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:
WITH THE LOT CONFIGURATION, EXISTING BUILDINGS, AND THE LACK OF RIGHT-OF-WAY, WE ARE UNABLE TO PROVIDE MANDATORY TREES. WITH THAT BEING SAID, WE ARE REQUESTION BOARD OF ADJUSTMENT FOR A LANDSCAPING EXCEPTION AND ALLOW US TO FORGO THE REQUIRMENT OF TWO STREET SIDE TREES AS THE SUBJECT LOT IS NOT HAVING A SIDE 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 AMIN MAWANI
(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: *Amin*
(Affiant/Applicant's signature)

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

(Rev. 08-01-11)  *James Helbig*
Notary Public in and for Dallas County, Texas
DENTON

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

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

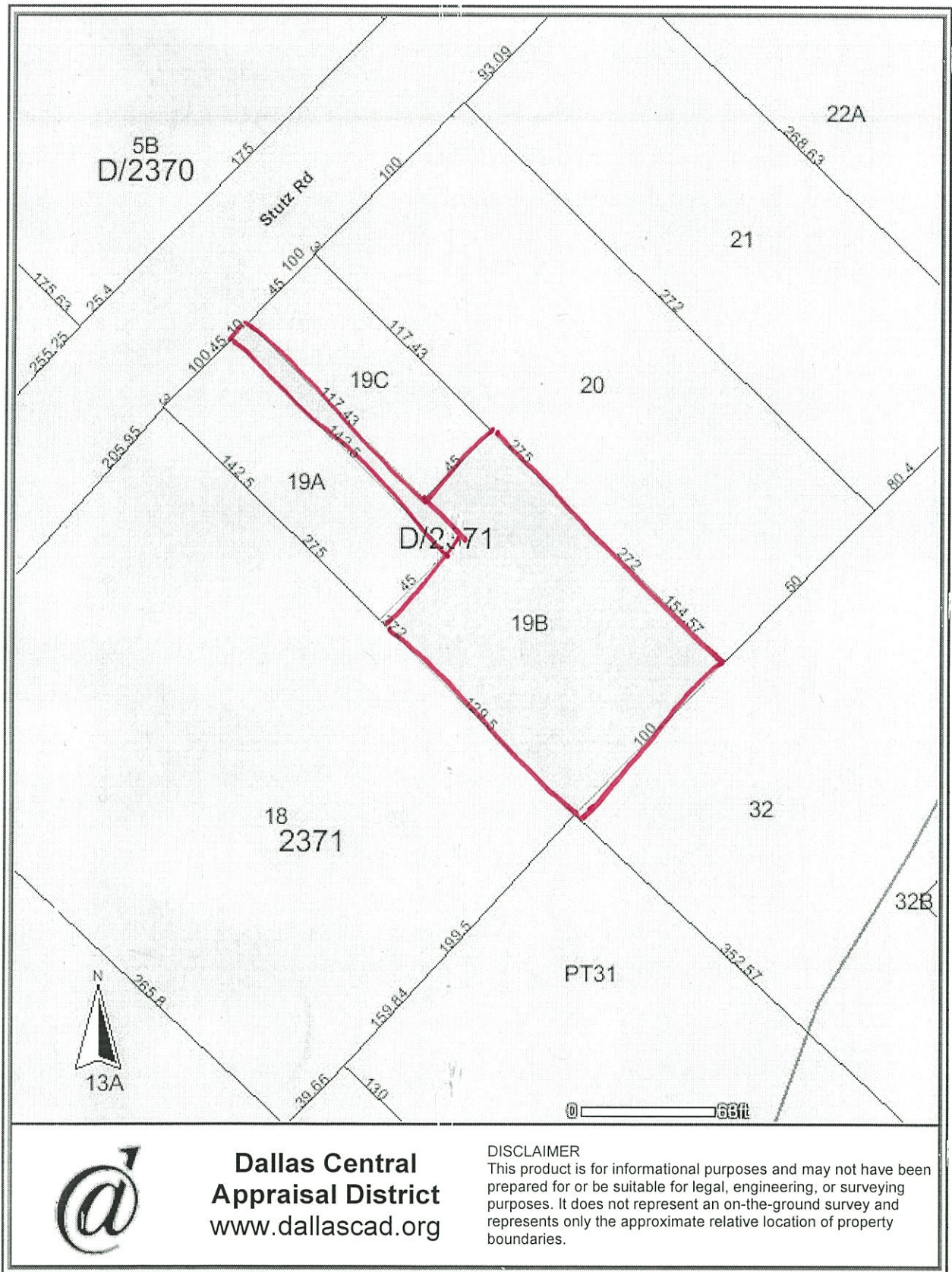
Building Official's Report

I hereby certify that Amin Mawani
represented by Aslam Durrani
did submit a request for a special exception to the landscaping regulations
at 2318 Stutz Drive

BDA156-084. Application of Amin Mawani represented by Aslam Durrani for a special exception to the landscaping regulations at 2318 Stutz Drive. This property is more fully described as Lot 19B, Block D/2371, and is zoned MU-2, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulation

Sincerely,

Philip Sikes
 Philip Sikes, Building Official



AD

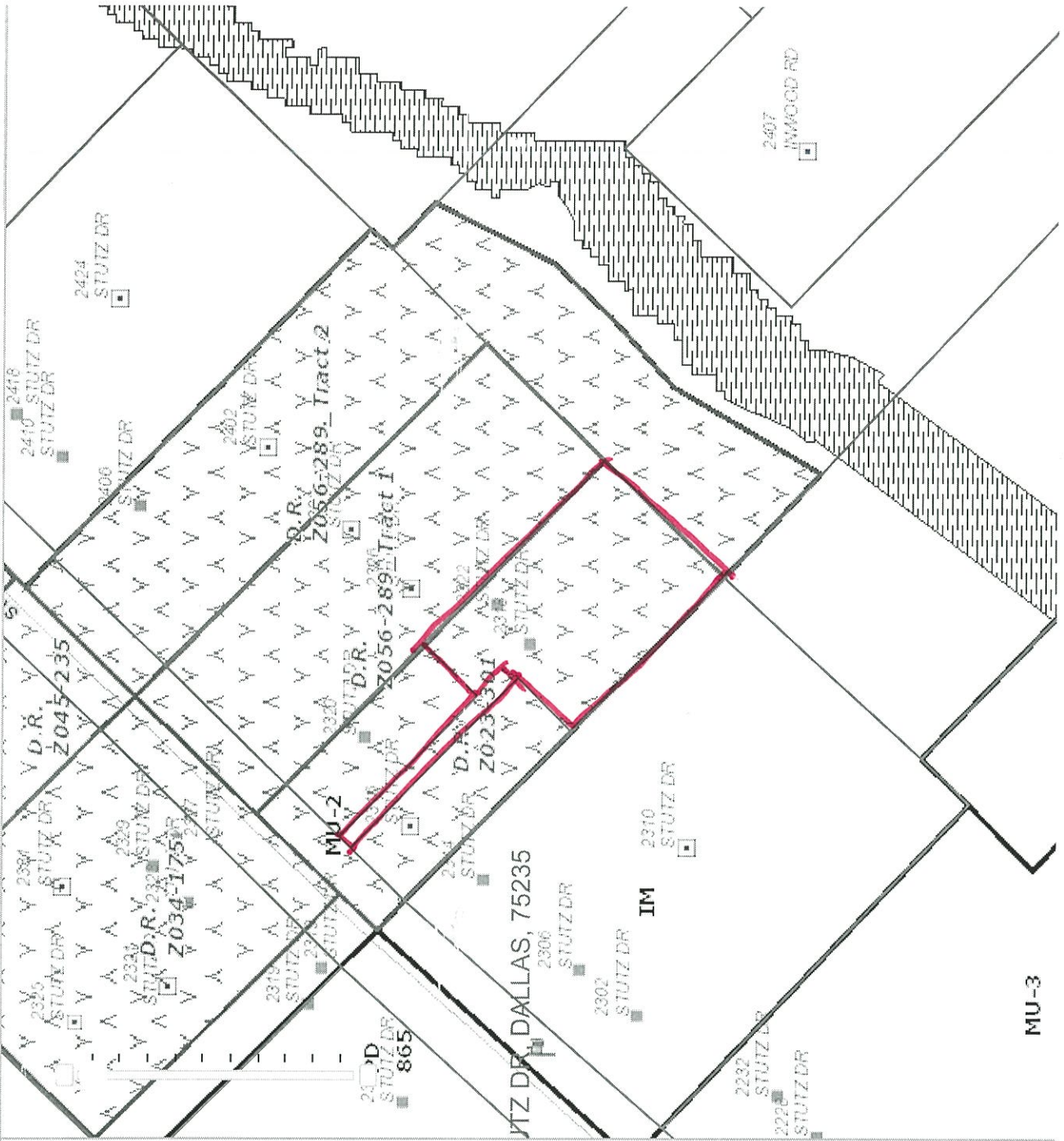
City of Dallas

Internal Development Research Site

Legend

Locate Property

AD



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Conforms to State Bar of Texas Form

Date: March 2, 2012

Grantor: FIRST NATIONAL BANK

Grantor's Mailing Address: P.O. Box 810
Edinburg, Texas 78539
Hidalgo County, Texas

Grantee: AZM PROPERTIES, LLC

Grantee's Mailing Address: 3405 High Vista Dr.
Carrollton, Texas 75007
Denton County, Texas

Consideration: Ten Dollars and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged.

Property (including any improvements):

TRACT I:

BEING a portion of Lot 19, Block D/2371 of Maple Groves Acres, an addition to the City of Dallas, DALLAS County, Texas, according to the map thereof recorded in Volume 3, Page 154 of the Map Records of DALLAS County, Texas, being a portion of that same tract of land conveyed to Metropolis Homes, Inc. by deed recorded in Instrument No. 200600054692 of the Deed Records of DALLAS County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for corner in the Southeast right-of-way line of Stutz Road (50 foot R.O.W.), said point being the West corner of Lot 20, Block D/2371 of said addition, same being the North corner of said Lot 19;

THENCE South 44 degrees 56 minutes 15 seconds East, along the Southwest line of said Lot 20, a distance of 120.43 feet to a point for corner, said point being the North corner of herein described tract and the POINT OF BEGINNING;

THENCE South 44 degrees 56 minutes 15 seconds East, along the Southwest line of said Lot 20, a distance of 154.57 feet to a 1/2 inch iron rod found for corner in the Northwest line of a tract of land conveyed to Ruth D. Holifield by deed recorded in Volume 3020, Page 302 of the Deed Records of DALLAS County, Texas, said point being the South corner of said Lot 20, same being the East corner of said Lot 19 and the East corner of herein described tract;

THENCE South 45 degrees 00 minutes 00 seconds West, along the Northwest line of said Holifield tract, a distance of 100.00 feet to a 1/2 inch iron rod found for corner, said point being the East corner of Lot 18, Block D/2371 of said addition, same being the West corner of said Holifield tract, said point being the South corner of said Lot 19, same being the South corner of herein described tract;

THENCE North 44 degrees 56 minutes 15 seconds West, along the Northeast line of said Lot 18, a distance of 129.50 feet to a point for corner, said point being the West corner of herein described tract;

THENCE North 45 degrees 00 minutes 00 seconds East, departing the Northeast line of said Lot 18, a distance of 50.00 feet to a point for corner;

THENCE North 44 degrees 56 minutes 15 seconds West, a distance of 25.07 feet to a point for corner;

THENCE North 45 degrees 00 minutes 00 seconds East, a distance of 50.00 feet to the **POINT OF BEGINNING** and **CONTAINING** 14,209.54 square feet or 0.3262 acres of land.

TRACT II: Easement Estate

Access Easement executed by Metropolis Homes, Inc., dated July 6, 2007, filed July 13, 2007, recorded in Instrument File No. 20070253303, Deed Records, Dallas County, Texas being a portion of Lot 19, Block D/2371 of MAPLE GROVE ACRES, an addition to the City of Dallas, DALLAS County, Texas, according to the map thereof recorded in Volume 3, Page 154 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for corner in the Southeast right-of-way line of Stutz Road (50 foot R.O.W.), said point being the West corner of Lot 20, Block D/2371 of said addition, same being the North corner of said Lot 19;

THENCE South 45 degrees 00 minutes 00 seconds West, along the Southwest right-of-way line of said Stutz Road and along the Northwest line of said Lot 19, a distance of 40.00 feet to a point, said point being the North corner of herein described access easement and the **POINT OF BEGINNING**;

THENCE South 44 degrees 56 minutes 15 seconds East, departing the Southeast right-of-way line of said Stutz Road, a distance of 120.43 feet to a point for corner;

THENCE South 45 degrees 00 minutes 00 seconds West, a distance of 10.00 feet to a point for corner;

THENCE South 44 degrees 56 minutes 15 seconds East, a distance of 25.07 feet to a point for corner;

THENCE South 45 degrees 00 minutes 00 seconds West, a distance of 10.00 feet to a point for corner, said point being the South corner of herein described access easement;

THENCE North 44 degrees 56 minutes 15 seconds West, a distance of 145.50 feet to a point for corner in the Southeast right-of-way line of said Stutz Road and in the Northwest line of said Lot 19, said point being the West corner of herein described access easement;

THENCE North 45 degrees 00 minutes 00 seconds East, along the Southeast right-of-way line of said Stutz Road and along the Northwest line of said Lot 19, a distance of 20.00 feet to the **POINT OF BEGINNING** and **CONTAINING** 2,659.52 square feet or 0.0611 acres of land.

Tract III:

BEING a portion of Lot 19, Block D/2371 of Maple Groves Acres, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 3, Page 154 of the Map Records of Dallas County, Texas, being a portion of that same tract of land conveyed to Metropolis Homes, Inc. by deed recorded in Instrument No. 200600054692 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner in the Southeast right-of-way line of Stutz Road (50 foot R.O.W.), said point being the West corner of Lot 20, Block D/2371 of said

addition, same being the North corner of said Lot 19, and being the North corner of herein described tract;

THENCE South 44 degrees 56 minutes 15 seconds East, along the Southwest line of said Lot 20, a distance of 120.43 feet to a point for corner, said point being the East corner of herein described tract;

THENCE South 45 degrees 00 minutes 00 seconds West, departing the Southwest line of said Lot 20, a distance of 50.00 feet to a point for corner;

THENCE South 44 degrees 56 minutes 15 seconds East, a distance of 25.07 feet to a point for corner;

THENCE South 45 degrees 00 minutes 00 seconds West, a distance of 50.00 feet to a point for corner in the Northeast line of Lot 18, Block D/2371 of said addition, said point being the South corner of herein described tract;

THENCE North 44 degrees 56 minutes 15 seconds West, along the Northeast line of said Lot 18, a distance of 145.50 feet to an "X" found in concrete for corner in the Southeast right-of-way line of said Stutz Road, said point being the North corner of said Lot 18, same being the West corner of said Lot 19 and being the West corner of herein described tract;

THENCE North 45 degrees 00 minutes 00 seconds East, along the Southeast right-of-way line of said Stutz Road, a distance of 100.00 feet to the POINT OF BEGINNING and CONTAINING 13,298.67 square feet or 0.3053 acres of land.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in all walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance, and operation of the water and irrigation district; taxes for the current year, the payment of which Grantee assumes; and subsequent assessments for the current and subsequent years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof **when the claim is by, through, or under Grantor but not otherwise**, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

This conveyance is made subject to any and all restrictions, covenants, maintenance or similar charges and any liens securing same, easements, agreements, declarations, mineral and royalty reservations and conveyances, and mineral leases, or other matters shown of record in said County, if any, relating to the hereinabove described property, but only to the extent that they are still in force and effect, and to all laws, rules, and regulations, including zoning laws, regulations and ordinances of all governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

GRANTEE BY ACCEPTANCE OF THIS DEED SPECIFICALLY ACKNOWLEDGES THAT NEITHER GRANTOR NOR ANYONE ON BEHALF OF GRANTOR MAKES ANY WARRANTIES, COVENANTS OR REPRESENTATIONS TO GRANTEE, EITHER EXPRESS OR IMPLIED, OTHER THAN THE SPEICAL WARRANTY OF TTILE, OF ANY NATURE OR KIND OR VALUE, INCLUDING WITHOUT LIMITATION, THOSE OF MERCHANTABILITY, HABITABILITY OR FITNESS FOR A PARTICULAR PURPOSE IN RESPECT OF THE PROPERTY AND IT IS EXPRESSLY UNDERSTOOD THAT THE PROPERTY IS BEING CONVEYED IN AN "AS IS" AND "WITH ALL FAULTS" CONDITION. BY ACCEPTANCE OF THIS DEED, GRANTEES AFFIRM THAT THERE ARE NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, EXCEPT LIMITED WARRANTY SET FORTH IN THIS DEED.

When the context requires, singular nouns and pronouns include the plural.

FIRST NATIONAL BANK

By: *M. V. McCarthy*
Name: M. V. McCARTHY, VP
Title: _____

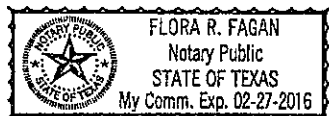
(Acknowledgment)

State of Texas
County of Hidalgo

This instrument was acknowledged before me on the 2nd of March, 2012, by M. V. McCARTHY, VP of FIRST NATIONAL BANK, a National Banking Association, on behalf of said association.

[Signature]

Notary Public, State of Texas



**Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
03/05/2012 11:37:28 AM
\$28.00
201200061842**

[Signature]

AFTER RECORDING RETURN TO:
AZM PROPERTIES, LLC
3405 High Vista Dr.
Carrollton, Texas 75007

PREPARED BY:
Lesslie L. Eanes
Attorney at Law
315 E. McIntyre
Edinburg, Texas 78541
File/GF Number: 049217



 1:1,200	NOTIFICATION		Case no: BDA156-084
	<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;">56</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/11/2016	

Notification List of Property Owners

BDA156-084

56 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2316 STUTZ DR	AZM PROPERTIES LLC
2	2326 STUTZ RD	DAWSON FARMS LLC
3	2326 STUTZ RD	RAGSDALE JESSIE E
4	2326 STUTZ RD	MENON GIRISH
5	2326 STUTZ RD	GENTHON STEPHEN P & MARTA T
6	2326 STUTZ RD	LANEDONOVAN COURTNEY & ADAM
7	2326 STUTZ RD	PLATA ERNEST J & CECILIA R
8	2326 STUTZ RD	PERLMAN SUREKHA & JEFFREY H
9	2326 STUTZ RD	DAWSON FARMS LLC
10	2326 STUTZ RD	YUAN ROBERT & RUBY
11	2326 STUTZ RD	WILLIAMS BENJAMIN JAMES & KATHERINE ANNE
12	2326 STUTZ RD	GOBLE GARY L
13	2326 STUTZ RD	KELLY APRIL
14	2326 STUTZ RD	MALGURIA NAGINA
15	2326 STUTZ RD	PERLMAN SUKEKHA
16	2326 STUTZ RD	DEMARCO BRENDAN M
17	2326 STUTZ RD	LIU YU YAN & BENNET T
18	2326 STUTZ RD	CANO CHRISTOPHER A &
19	2326 STUTZ RD	CAI XIN
20	2326 STUTZ RD	SIMMS LLC
21	2310 STUTZ RD	VICEROY POST LP
22	2402 STUTZ RD	VICEROY INWOOD LP
23	2339 INWOOD RD	INWOOD SELF STOR FAM LP
24	5701 MAPLE AVE	MC PTNRS LTD
25	5940 FOREST PARK RD	AMD APARTMENTS LIMITED PARTNERSHIP
26	5720 FOREST PARK RD	UNIFIED HOUSING OF INWOOD

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2419 INWOOD RD	VICEROY DAVENPORT LP
28	2424 STUTZ RD	REED LISA A
29	2325 STUTZ RD	VU DAVID D &
30	2325 STUTZ RD	SHAY JERRY L &
31	2325 STUTZ RD	JEFFRIES CHRISTOPHER
32	2335 STUTZ RD	FLORIANI JOSEPH F &
33	2335 STUTZ RD	SUMNER BENNIE JONATHAN
34	2335 STUTZ RD	LI HELEN
35	2325 STUTZ RD	CHU NAM ANTHONY
36	2325 STUTZ RD	POWELL JAMES
37	2325 STUTZ RD	BAUTISTA RICHARD M & JOANN I
38	2335 STUTZ RD	LIN KATHY
39	2335 STUTZ RD	KIM DAVID
40	2335 STUTZ RD	PATEL ANKUR
41	2325 STUTZ RD	GUTIERREZ OMAR
42	2325 STUTZ RD	LOHR GREG D
43	2325 STUTZ RD	MCALLISTER TYLER &
44	2325 STUTZ RD	CANINO ROY J JR
45	2325 STUTZ RD	PENSCO TRUST COMPANY CUSTODIAN
46	2325 STUTZ RD	SHARMA AKANKSHA
47	2403 STUTZ RD	WILLIAMS CARMEN M
48	2403 STUTZ RD	NGUYEN DON H
49	2403 STUTZ RD	WARE JEFFREY &
50	2403 STUTZ RD	MALDONADO GERARDO & BOBBIE J &
51	2403 STUTZ RD	EGBUNIWE CHIKE N
52	2407 STUTZ RD	GOMEZ JOSE V
53	2407 STUTZ RD	SIMMS LLC
54	2407 STUTZ RD	DAWSON FARMS LLC
55	2407 STUTZ RD	BIRDSONG ALEX
56	2407 STUTZ RD	PENA LLOPIS SAMUEL

FILE NUMBER: BDA156-085(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations at 2911 Turtle Creek Boulevard. This property is more fully described as Lot 3, Block A/1031, and is zoned PD-193 (O-2), which requires a front yard setback of 20 feet. The applicant proposes to construct and/or maintain a structure and provide an 8 foot front yard setback, which will require a 12 foot variance to the front yard setback regulations.

LOCATION: 2911 Turtle Creek Boulevard

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a variance to the front yard setback regulations of up to 12' 3" is made for a "patio roof structure with retractable ceiling on existing concrete foundation", a portion of which is located/is proposed to be located as close as 7' 9" from the site's Gillespie Street front property line or as much as 12' 3" into this 20' front yard setback on a site developed with an office tower/use (Park Place on Turtle Creek). More specifically, the request is made to maintain an existing concrete patio structure in the Gillespie Street 20' front yard setback and to add and maintain a retractable awning/roof "structure" over it.

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:

Denial

Rationale:

- Staff concluded that there was no property hardship to the site that warranted a front yard variance in this case made for a “patio roof structure with retractable ceiling on existing concrete foundation” on a site already developed with an office tower/use. Even though this site is slightly sloped, irregular in shape, and has two front yard setbacks, these characteristics do not create hardship or preclude the applicant from developing it in a manner commensurate with other development found in the same PD No. 193 (O-2) zoning district. The subject site is developed with an office use/office tower structure where the physical characteristics of it do not warrant a variance for the existing patio recently added to the tower and/or the proposed retractable ceiling structure to be added over it in the front yard setback.
- The applicant had not substantiated how the physical features of the slightly sloped, somewhat irregularly shaped, 1.243 acre (or approximately 54,000 square feet) subject site with two front yard setbacks preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 193 (O-2) zoning classification while simultaneously complying with code provisions including front yard setback regulations.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 193 (O-2) (Planned Development District, Office)
- North: PD 193 (O-2) (Planned Development District, Office)
- South: PD 193 (O-2) (Planned Development District, Office)
- East: PD 193 (O-2) (Planned Development District, Office)
- West: PD 374 (Planned Development District)

Land Use:

The subject site is developed with an office tower/use (Park Place on Turtle Creek). The areas to the north, east, and south are developed with what appears to be mostly office uses, and the area to the west is developed with hotel and 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:

- This request for a variance to the front yard setback regulations of 12’ 3” focuses on maintaining an existing concrete patio, and adding and maintaining a retractable

awning/roof “structure” over the concrete patio as close as 7’ 9” from the site’s Gillespie Street front property line or as much as 12’ 3” into the 20’ front yard setback on a site developed with an office tower/use (Park Place on Turtle Creek).

- The property is located at the north corner of Turtle Creek Boulevard and Gillespie Street.
- The property is located in the Turtle Creek Environmental Corridor.
- The site has two front yard setbacks given its corner location and being zoned PD 193 (O-2) zoning (and not zoned single family, duplex, or agricultural).
- The minimum front yard setback for “other permitted structures” on lots zoned PD No. 193 (O-2 Subdistrict) is 20’.
- The Turtle Creek Environmental Corridor regulations state that at the intersections of Turtle Creek Boulevard with Blackburn Street, with Lemmon Avenue, with Hall Street, with Cedar Springs Road, and the intersection of Turtle Creek Drive with Gillespie Street, no structure shall be constructed to such intersection than an imaginary line formed between points on each curb line 100 feet from such intersection.
- The subject site has a 20’ front yard setback on Gillespie Street, and must additionally adhere to the Turtle Creek Environmental Corridor regulation which states no structure shall be constructed to closer to the Turtle Creek Drive/Gillespie Street intersection than an imaginary line formed between points on each curb line 100 feet from this intersection.
- At the time of the September 6th staff review team meeting, only a partial site plan had been submitted denoting that the “patio roof structure with retractable ceiling on an existing concrete foundation” is located 8’ 4” from the Gillespie Street property line or 12’ into this required 20’ front yard setback.
- On September 6th, the applicant concurred with the Building Inspection Senior Plans Examiner/Development Code Specialist’s discovery on drawings he received from the applicant that morning that the elevation drawing scaled to indicate the patio, with a labelled “granite veneer facing”, would be 7’-9” from the indicated property line which would result in a 12’-3” encroachment into the required 20’ front yard setback. As a result, the request for variance was increased from what was originally applied for/submitted in June from a 12’ variance to a 12’ 3” variance.
- The partial site plan submitted by the applicant represents that the “patio roof structure with retractable ceiling on existing concrete foundation” is approximately 82.5’ in length and approximately 14’ in width or approximately 1,100 square feet in area of which about 90 percent (or approximately 1,000 square feet) is located/proposed to be located in the Gillespie Street 20’ front yard setback.
- Note that while the site has a front yard setback on Turtle Creek Boulevard, no part of this application is made to maintain or construct/maintain a structure in the Turtle Creek Boulevard front yard.
- According to DCAD records, the “improvements” at 2911 Turtle Creek Boulevard is an “office building” that is 188,430 square feet in area built in 1985.
- The subject site is slightly sloped, somewhat irregular in shape, and is according to the application, 1.243 acres (or approximately 54,000 square feet) in area. The site is zoned PD 193 (O-2). The site has two front yard setbacks which is typical of any

lot that with two street frontages that is not zoned single family, duplex, or agricultural.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the 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 PD 193 (O-2) 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 (O-2) zoning classification.
- If the Board were to grant the variance request and impose the submitted partial site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document – an existing concrete patio structure with a retractable awning/roof “structure” over it of which portions are/would be located as close as 7’ 9” from the Gillespie Street front property line or as much as 12’ 3” into this 20’ front yard setback.
- Note that if the Board were to grant the applicant’s request for a variance to the front yard setback regulations, the applicant is aware of the fact that this would not provide any relief to any existing or proposed noncompliance on the site with regard to the PD 193 landscape requirements, the Turtle Creek Environmental Corridor provisions, off-street parking regulations, and visual obstruction regulations.

Timeline:

- June 22, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 4, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 5, 2016: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th 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.”

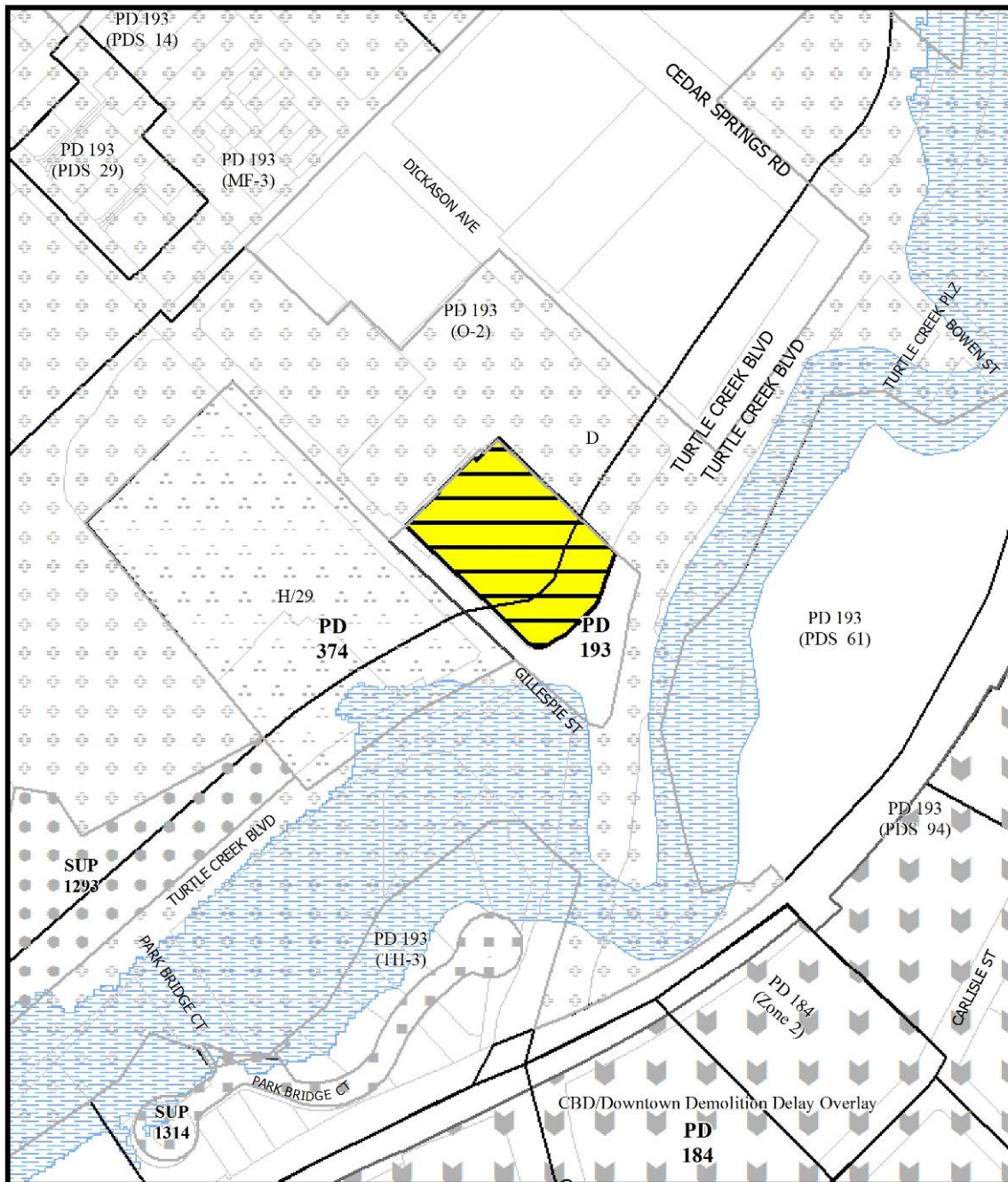
August 31,
September 6 & 7,
2016:

The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A, B, C, and D).

September 6, 2016:

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

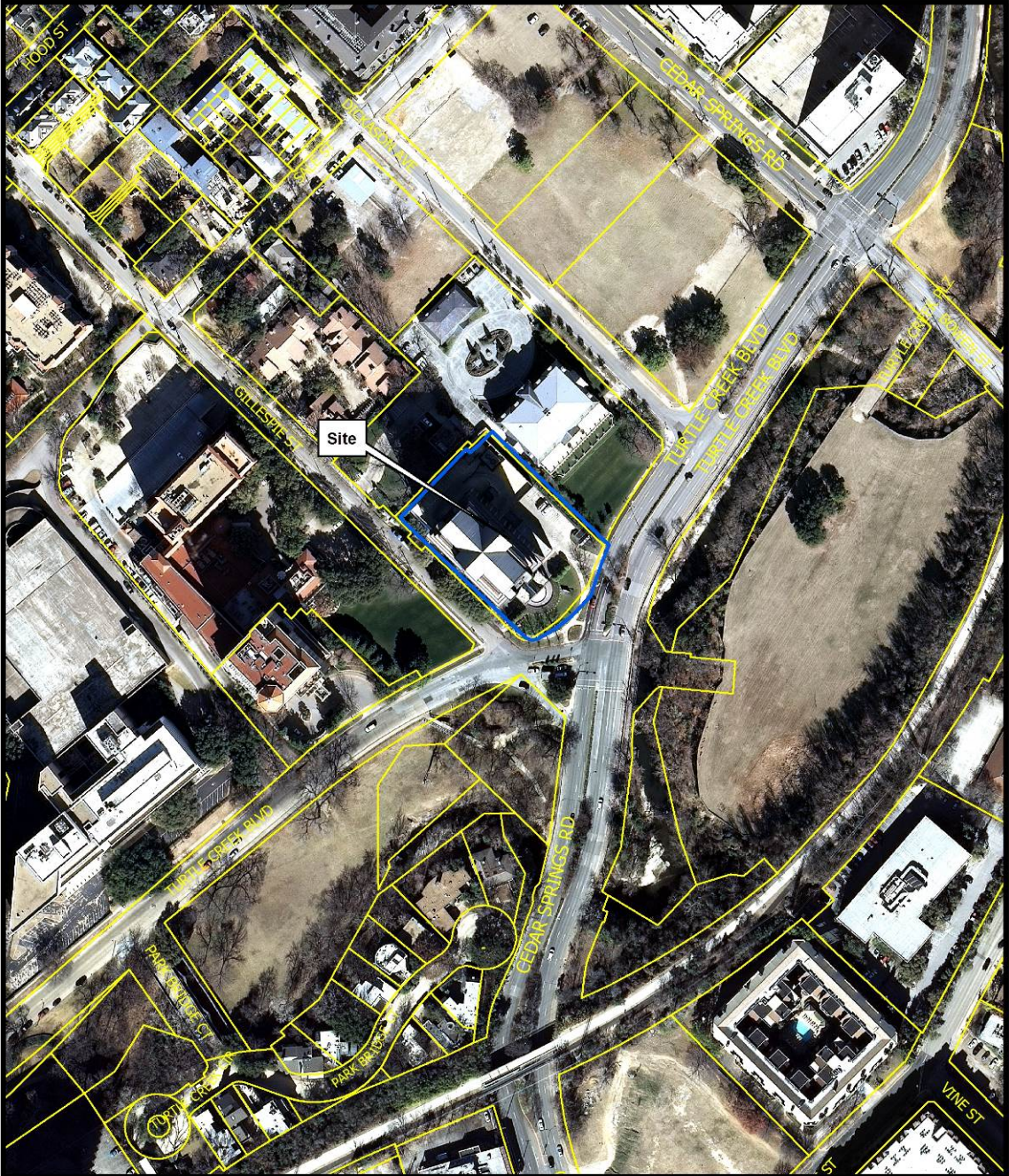


1:2,400

ZONING MAP

Case no: **BDA156-085**

Date: **8/11/2016**



1:2,400

AERIAL MAP

Case no: BDA156-085

Date: 8/11/2016

Baldwin Associates

August 31, 2016

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

Re: BDA 156-085

Dear Mr. Long,

This firm represents the owner of the property located at 2911 Turtle Creek in their efforts to seek a variance to allow for a new outside dining area to have a retractable awning. The patio was recently permitted through the city and built. This concrete patio extends 13' _9" from the face of the building, which puts it 12-feet into the required front yard setback. The proposed awning would over the patio and the awning is the current subject of this variance request. As mentioned previously, the concrete patio was recently permitted and approved by the city of Dallas. The property slopes from west to east and the eastern edge of the patio extends more than 6-inches from existing grade. This appears to be acceptable to the city as the city measures height from "average grade". That being said, as we are going through this process, I would like to amend my variance request to allow the patio to be in the front yard setback. This amendment is just to make sure that if the city issued the permit in error, the patio would be considered a legal structure in the front yard setback.

This property is located at the corner of Turtle Creek Drive and Gillespie Street and has two (2) front yards. The property is also located in the Turtle Creek Corridor and an increase front yard setback of 100 feet from the intersection of Gillespie Street and Turtle Creek Boulevard. This increased setback on the Turtle Creek frontage places a burden on the Gillespie side of the property, and this is where the patio is placed. This situation is not common in other similarly situated properties located in the PD-193 O-2 district. The proposed awning is designed to cantilever over the patio and is retractable. The city classifies it as a structure, but it does not have any columns or supports in the front yard setback.

Thank you very much for your assistance with this mater. If you have any questions or if I can be of any assistance, please do not hesitate to contact me.

With kind regards,



Robert Baldwin

BDA156-085
Attach B
ps1

Long, Steve

From: Rob Baldwin <rob@baldwinplanning.com>
Sent: Tuesday, September 06, 2016 10:28 AM
To: Long, Steve
Cc: Duerksen, Todd; Moorman, Donna
Subject: RE: BDA156-085, Property at 2911 Turtle Creek Boulevard
Attachments: 2911 TurtleCreek-A200-June21 20162.pdf; 2911 TurtleCreek-C100-June21 20162.pdf; BDA156-085 Site Plan.pdf

Steve – here is a pdf of the plans I hand delivered to Todd this morning. Sheets A200 and C100 were with the original submittal. Please let me know if I can be of any assistance.

Rob

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, September 6, 2016 9:30 AM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Duerksen, Todd <todd.duerksen@dallascityhall.com>; Moorman, Donna <donna.moorman@dallascityhall.com>
Subject: RE: BDA156-085, Property at 2911 Turtle Creek Boulevard

Dear Rob,

Are the plans that you are rushing to get here different from the ones in the attached application materials?

Steve

From: Rob Baldwin [mailto:rob@baldwinplanning.com]
Sent: Tuesday, September 06, 2016 9:27 AM
To: Long, Steve
Cc: Duerksen, Todd; Moorman, Donna
Subject: RE: BDA156-085, Property at 2911 Turtle Creek Boulevard

Thanks Steve.

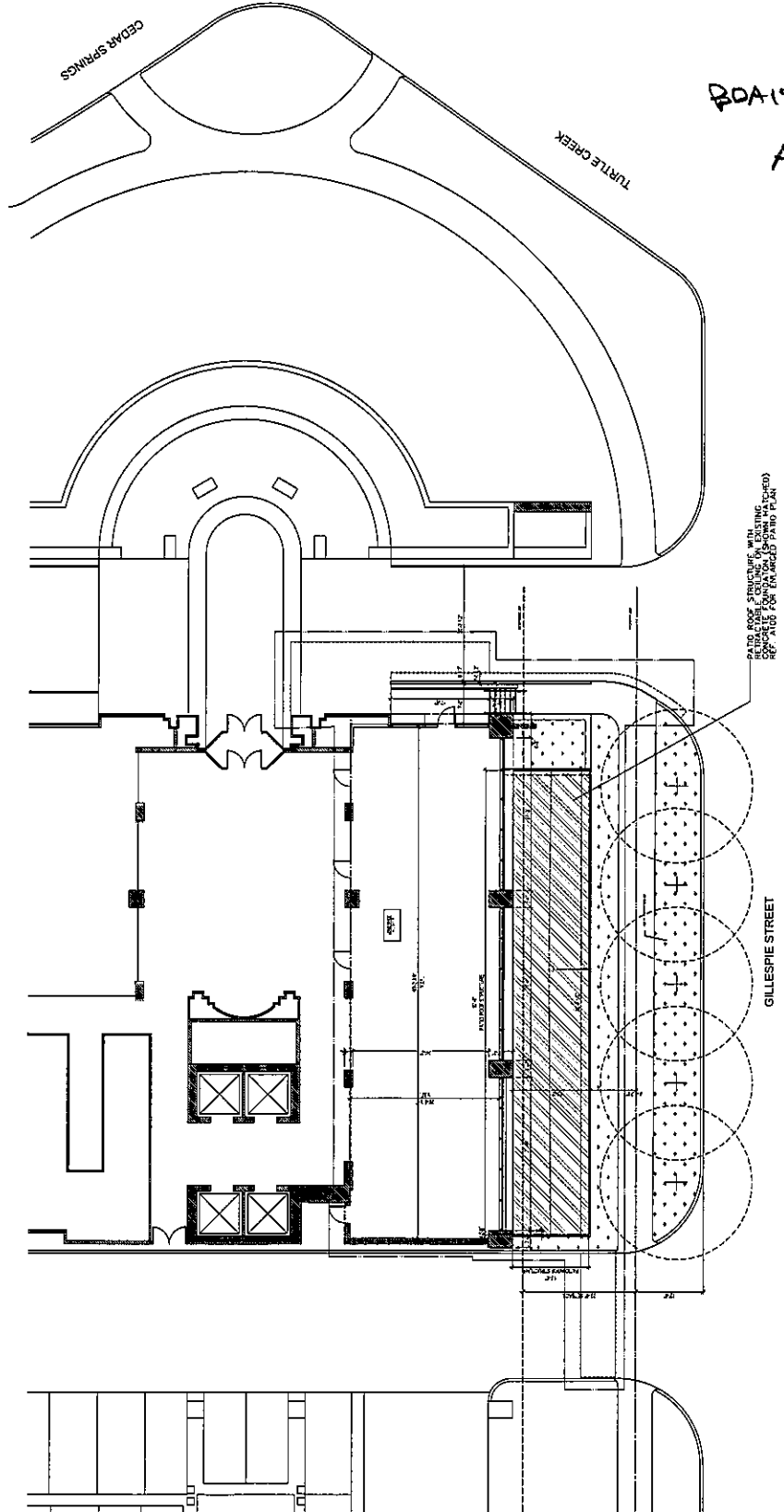
I know I dropped the full sized sheets off to Todd in August. He was out and I left them with Rosa in the front. I am printing new ones off right now and will rush them over in the next couple of minutes. I understand that you may not be able to use these for your meeting today.

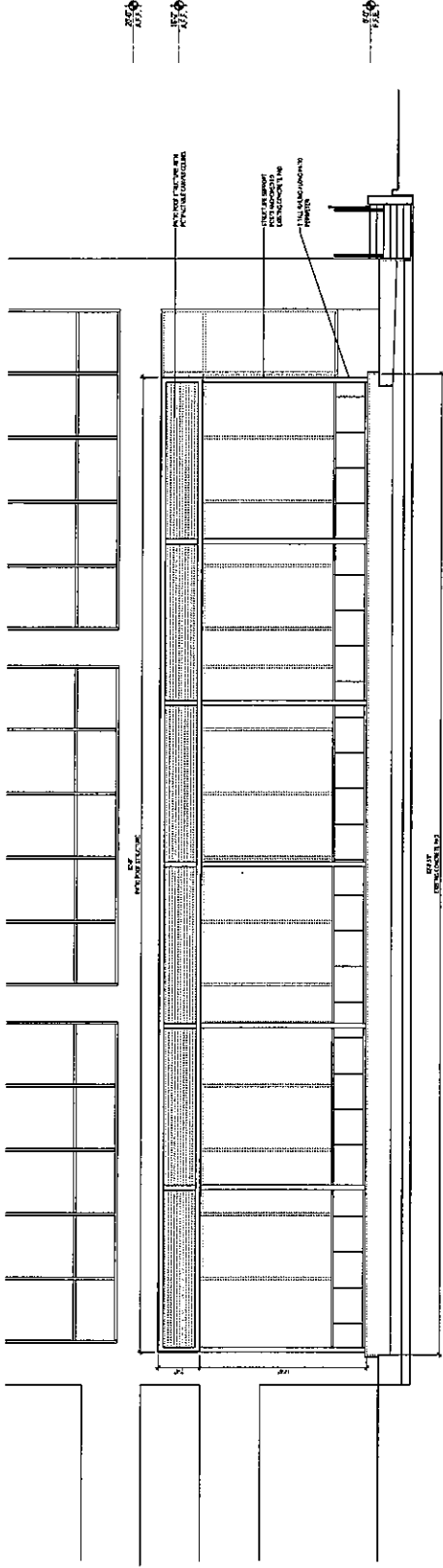
Rob

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, September 6, 2016 9:24 AM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Duerksen, Todd <todd.duerksen@dallascityhall.com>; Moorman, Donna <donna.moorman@dallascityhall.com>
Subject: FW: BDA156-085, Property at 2911 Turtle Creek Boulevard

Ok. But as you know from the email I sent you in early August, the deadline to submit additional information for staff review purposes of new info was August 31st, and the team meeting is at 1 today. (I CAN include the new plan, assuming Todd accepts it in the docket since that deadline isn't until this Friday at 1).

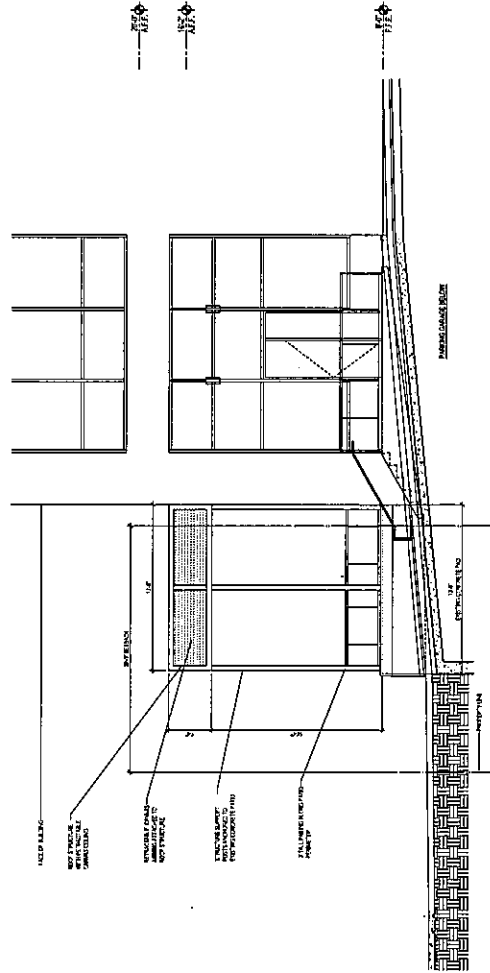
BDA156-085
 Attach B.
 Pg 3



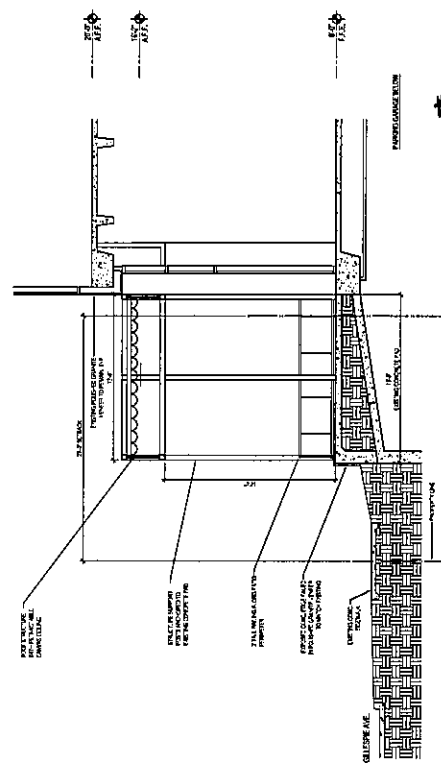


PATIO STRUCTURE ELEVATION (GILLESPIE ST.)
 SCALE: 1/4" = 1'-0"

BDA 156-085



PATIO STRUCTURE SIDE VIEW (TYP.)
 SCALE: 1/4" = 1'-0"



PATIO STRUCTURE SECTION
 SCALE: 1/4" = 1'-0"

BDA 156-085
 Attach
 B
 BSH

Long, Steve

From: Rob Baldwin <rob@baldwinplanning.com>
Sent: Wednesday, September 07, 2016 8:05 AM
To: Duerksen, Todd
Cc: Long, Steve
Subject: RE: BDA156-085, 2911 Turtle Creek Blvd.

Thanks Todd. I concur and appreciate your help.

Rob

From: Duerksen, Todd [<mailto:todd.duerksen@dallascityhall.com>]
Sent: Tuesday, September 6, 2016 12:10 PM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Long, Steve <steve.long@dallascityhall.com>
Subject: RE: BDA156-085, 2911 Turtle Creek Blvd.

Per the drawings I received from you today, the site plan (landscape plan) does not label the dimensions of the proposed patio. The elevation drawing however scales to indicate the patio, with a labelled "granite veneer facing", to be 7'-9" from the indicated property line. This would result in a 12'-3" encroachment into the required 20' front yard setback. If you concur, I will revise the appeal to reflect the necessary 12'-3" setback variance.

Todd Duerksen
Sr. Plans Examiner - Zoning Code Consultant
City of Dallas
Building Inspection Division
Department of Sustainable Development & Construction

From: Rob Baldwin [<mailto:rob@baldwinplanning.com>]
Sent: Tuesday, September 06, 2016 10:57 AM
To: Duerksen, Todd
Cc: Long, Steve
Subject: RE: BDA156-085, 2911 Turtle Creek Blvd.

Todd,

This patio was built according to a permit issued by the city. As this was built according to the approved plans, I did not originally include it in my application. After discussions with Steve, I do think it is wise to amend the application to allow this. Please see the attached letter. Even though it was approved and inspected by the city, I think it make sense to include it in our application.

Thanks for your email.

Rob

From: Duerksen, Todd [<mailto:todd.duerksen@dallascityhall.com>]
Sent: Tuesday, September 6, 2016 8:57 AM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Long, Steve <steve.long@dallascityhall.com>
Subject: FW: BDA156-085, 2911 Turtle Creek Blvd.

It does not appear that I have received the missing drawings. Staff is reviewing the docket today and as an incomplete application, will likely recommend denial of the appeal.

From: Duerksen, Todd
Sent: Monday, August 29, 2016 2:15 PM
To: Rob Baldwin
Cc: Long, Steve; Erwin, Philip
Subject: BDA156-085, 2911 Turtle Creek Blvd.

I think you may have provided Steve Long with the missing drawings referenced in the e-mail below, but I have yet to receive copies from you.

Steve did forward to me a photo he took in the field that illustrates a large structure that appears to be a concrete bunker? Somewhat more than just an "awning" in the front yard setback as described in the application. The City arborist is also concerned with a possible lack of compliance with landscape requirements.

From: Duerksen, Todd
Sent: Thursday, July 28, 2016 2:57 PM
To: 'Rob Baldwin'
Subject: BDA156-085, 2911 Turtle Creek Blvd.

I am processing the Board of Adjustment hearing files for the September docket and a review of your appeal application finds that I have not yet received from you the full size scale drawings of elevation Sheet A200 or site plan Sheet C100 (I have the required 8½"x11" reduced drawing copies). I have only the full size scale drawings of patio plan Sheet A100. I will need 4 copies each of these drawings so that I can forward the appeal to the board administrator. Thank you.

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

Long, Steve

From: Duerksen, Todd
Sent: Wednesday, September 07, 2016 9:13 AM
To: 'Rob Baldwin'
Cc: Long, Steve
Subject: RE: BDA156-085, 2911 Turtle Creek Blvd.

pg 1

B.O. Report revised.

From: Rob Baldwin [<mailto:rob@baldwinplanning.com>]
Sent: Wednesday, September 07, 2016 8:05 AM
To: Duerksen, Todd
Cc: Long, Steve
Subject: RE: BDA156-085, 2911 Turtle Creek Blvd.

Thanks Todd. I concur and appreciate your help.

Rob

From: Duerksen, Todd [<mailto:todd.duerksen@dallascityhall.com>]
Sent: Tuesday, September 6, 2016 12:10 PM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Long, Steve <steve.long@dallascityhall.com>
Subject: RE: BDA156-085, 2911 Turtle Creek Blvd.

Per the drawings I received from you today, the site plan (landscape plan) does not label the dimensions of the proposed patio. The elevation drawing however scales to indicate the patio, with a labelled "granite veneer facing", to be 7'-9" from the indicated property line. This would result in a 12'-3" encroachment into the required 20' front yard setback. If you concur, I will revise the appeal to reflect the necessary 12'-3" setback variance.

Todd Duerksen
 Sr. Plans Examiner - Zoning Code Consultant
 City of Dallas
 Building Inspection Division
 Department of Sustainable Development & Construction

From: Rob Baldwin [<mailto:rob@baldwinplanning.com>]
Sent: Tuesday, September 06, 2016 10:57 AM
To: Duerksen, Todd
Cc: Long, Steve
Subject: RE: BDA156-085, 2911 Turtle Creek Blvd.

Todd,

This patio was built according to a permit issued by the city. As this was built according to the approved plans, I did not originally include it in my application. After discussions with Steve, I do think it is wise to amend the application to allow this. Please see the attached letter. Even though it was approved and inspected by the city, I think it make sense to include it in our application.

Thanks for your email.

Rob

BDA156-085

Attach D

pg 2

From: Duerksen, Todd [<mailto:todd.duerksen@dallascityhall.com>]
Sent: Tuesday, September 6, 2016 8:57 AM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Long, Steve <steve.long@dallascityhall.com>
Subject: FW: BDA156-085, 2911 Turtle Creek Blvd.

It does not appear that I have received the missing drawings. Staff is reviewing the docket today and as an incomplete application, will likely recommend denial of the appeal.

From: Duerksen, Todd
Sent: Monday, August 29, 2016 2:15 PM
To: Rob Baldwin
Cc: Long, Steve; Erwin, Philip
Subject: BDA156-085, 2911 Turtle Creek Blvd.

I think you may have provided Steve Long with the missing drawings referenced in the e-mail below, but I have yet to receive copies from you.

Steve did forward to me a photo he took in the field that illustrates a large structure that appears to be a concrete bunker? Somewhat more than just an "awning" in the front yard setback as described in the application. The City arborist is also concerned with a possible lack of compliance with landscape requirements.

From: Duerksen, Todd
Sent: Thursday, July 28, 2016 2:57 PM
To: 'Rob Baldwin'
Subject: BDA156-085, 2911 Turtle Creek Blvd.

I am processing the Board of Adjustment hearing files for the September docket and a review of your appeal application finds that I have not yet received from you the full size scale drawings of elevation Sheet A200 or site plan Sheet C100 (I have the required 8½"x11" reduced drawing copies). I have only the full size scale drawings of patio plan Sheet A100. I will need 4 copies each of these drawings so that I can forward the appeal to the board administrator. Thank you.

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

3
2
MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Robert Baldwin

did submit a request for a variance to the front yard setback regulations
at 2911 Turtle Creek Blvd.

BDA156-085. Application of Robert Baldwin for a variance to the front yard setback regulations at 2911 Turtle Creek Blvd. This property is more fully described as Lot 3, Block A/1031, and is zoned PD-193 (O-2), which requires a front yard setback of 20 feet. The applicant proposes to construct a nonresidential structure and provide a 7 foot 9 inch front yard setback, which will require a 12 foot 3 inch variance to the front yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-085

Data Relative to Subject Property:

Date: June 22, 2016

Location address: 2911 Turtle Creek Blvd Zoning District: PD 193(O-2)

Lot No.: 3 Block No.: A/1031 Acreage: 1.243 acres Census Tract: 0005.00

Street Frontage (in Feet): 1) 262 ft 2) 146' 3) 4) 5)

To the Honorable Board of Adjustment :

SW22

Owner of Property (per Warranty Deed): Piedmont Park Place, LP

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 12 feet to allow an awning to encroach into the required 20 front yard setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The applicant is seeking permission to construct a retractable awning that will encroach into the front yard setback and provide an 8-foot 1-inch setback along Gillespie Street. The property is an irregularly shaped lot. The property is also subject to additional setbacks at the intersection of Gillespie and Turtle Creek and Cedar Springs and Turtle Creek due to the Turtle Creek Environmental Overlay, where most other PD 193 O-2 lots do not have these additional setbacks.

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

Affidavit

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

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

Respectfully submitted: (Affiant/Applicant's signature)

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



VICKIE L. RADER My Commission Expires October 13, 2016

Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

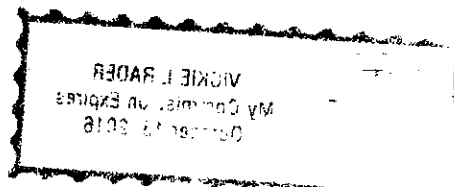
I hereby certify that Robert Baldwin

did submit a request for a variance to the front yard setback regulations
at 2911 Turtle Creek Blvd.

BDA156-085. Application of Robert Baldwin for a variance to the front yard setback regulations at 2911 Turtle Creek Blvd. This property is more fully described as Lot 3, Block A/1031, and is zoned PD-193 (O-2), which requires a front yard setback of 20 feet. The applicant proposes to construct a nonresidential structure and provide an 8 foot front yard setback, which will require a 12 foot variance to the front yard setback regulation.

Sincerely,

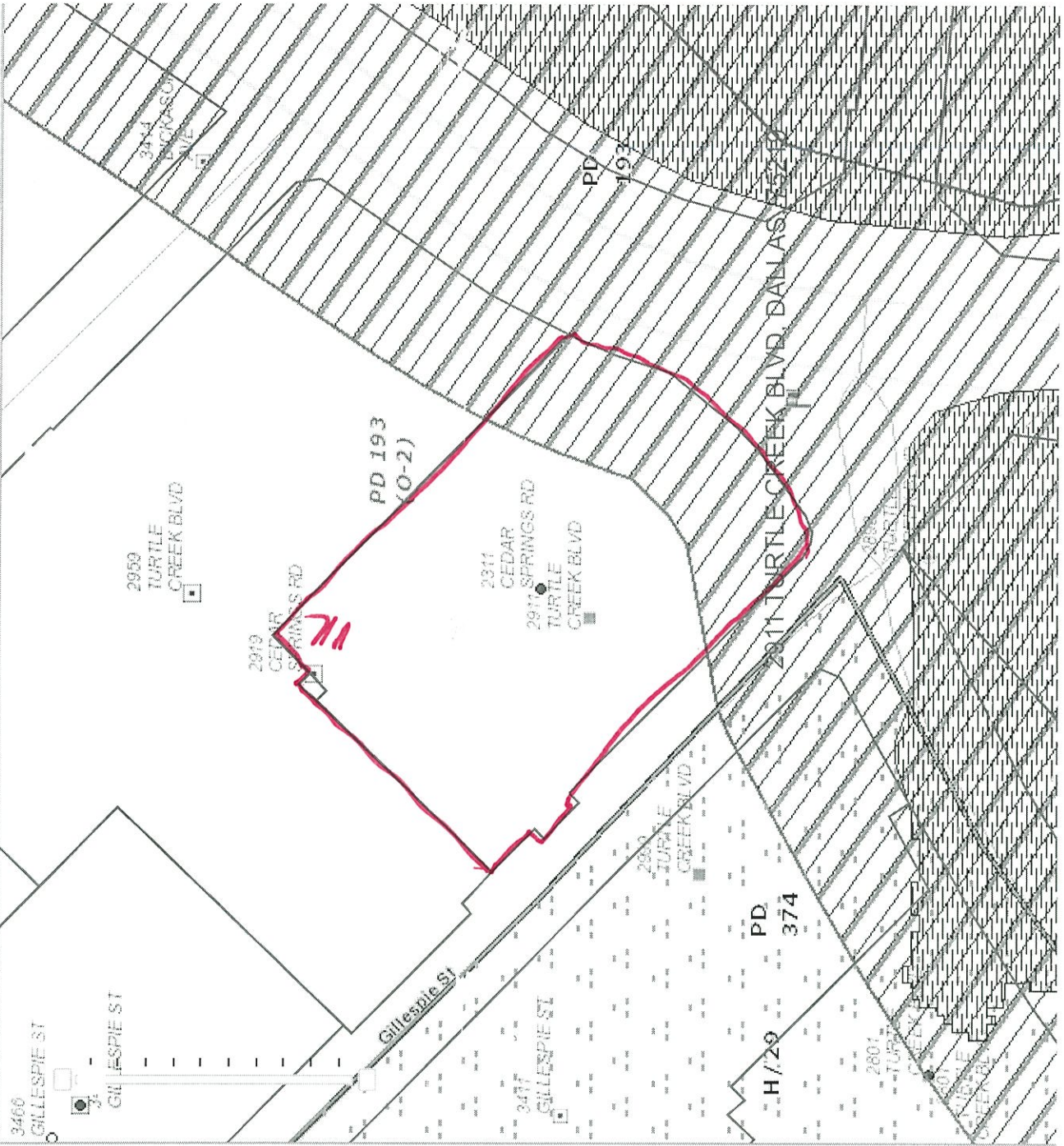
Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

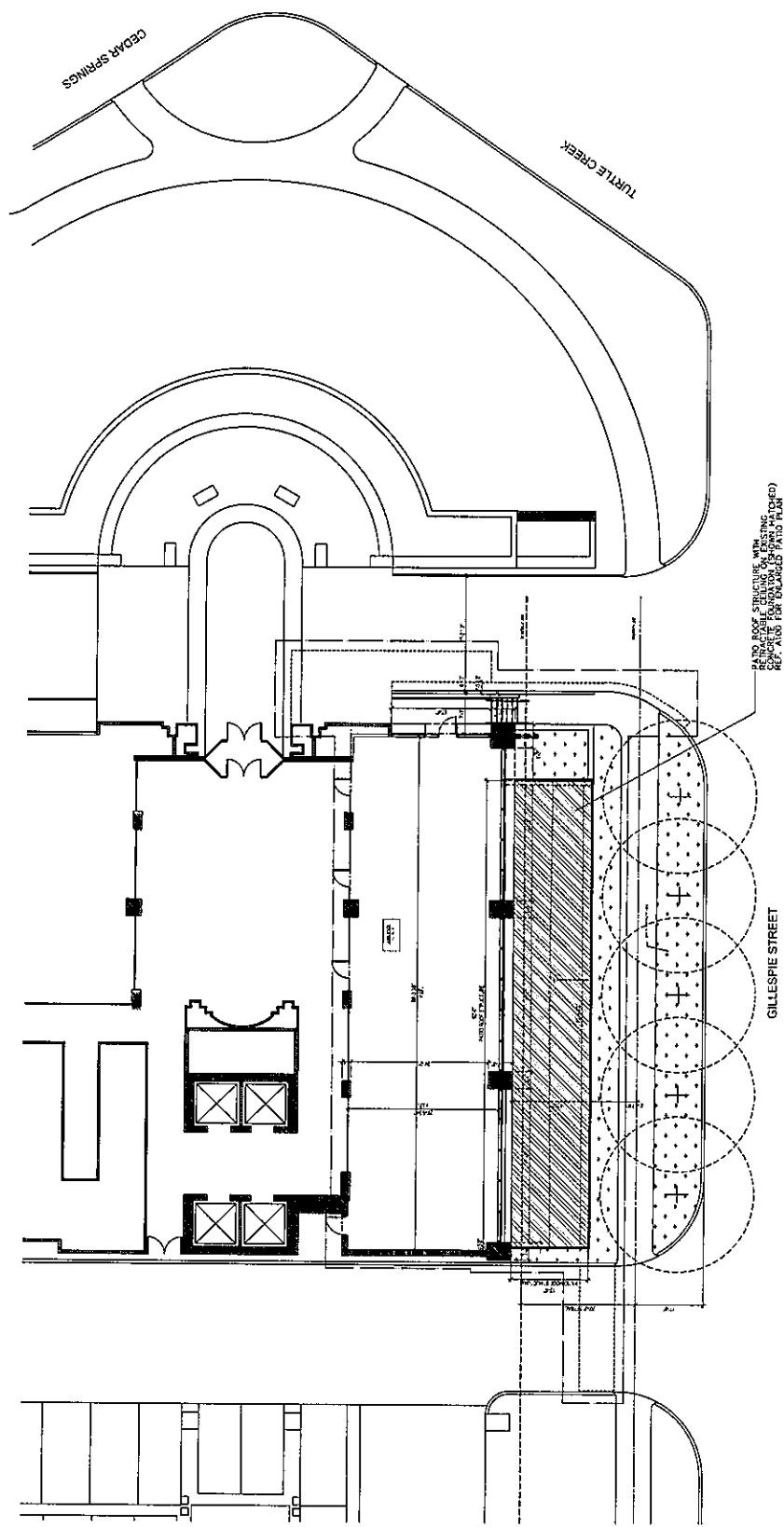


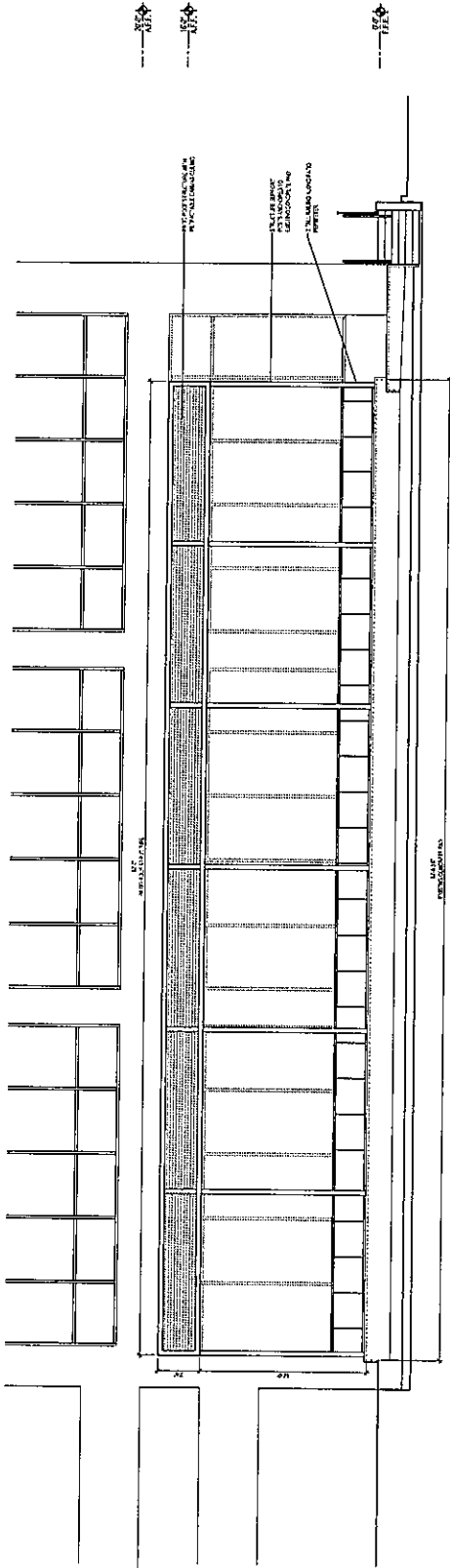


**Dallas Central
Appraisal District**
www.dallascad.org

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

PROJECT NO.:	2025
DATE:	07/20/24
SCALE:	AS NOTED
SOFT:	025
REVISIONS:	
SITE PLAN PLAN	





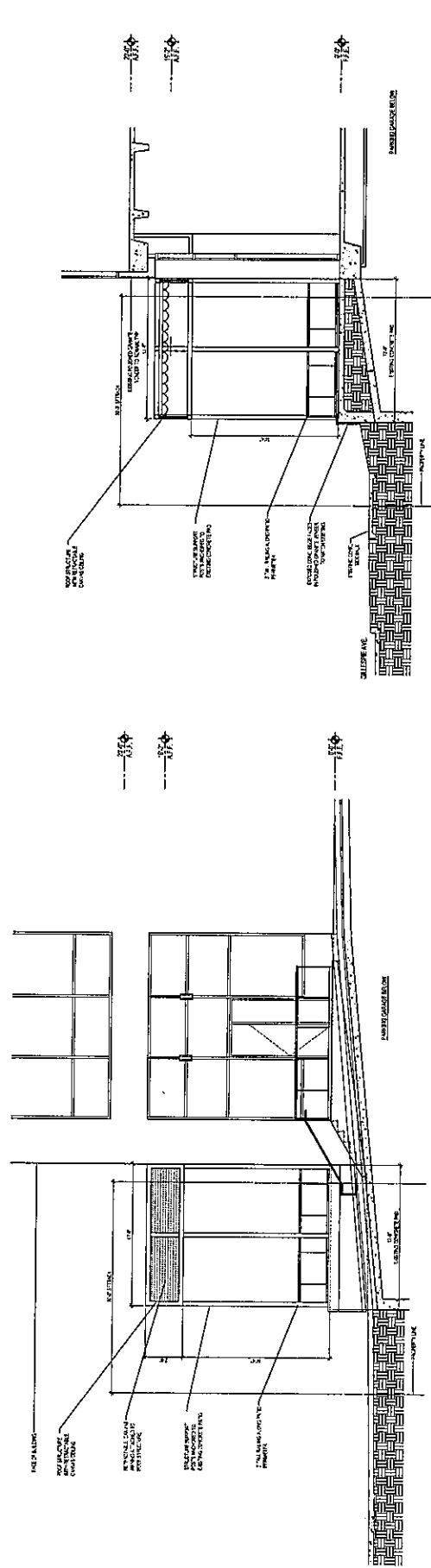
PATIO STRUCTURE ELEVATION (GILLESSIE ST.)
 SCALE: 1/4" = 1'-0"

PATIO ELEVATIONS

PROJECT NO.:	2008
DATE:	08/11/08
DESIGNED BY:	WJH
SCALE:	AS NOTED
SECT.:	001

REVISIONS:

NO.	DATE	DESCRIPTION



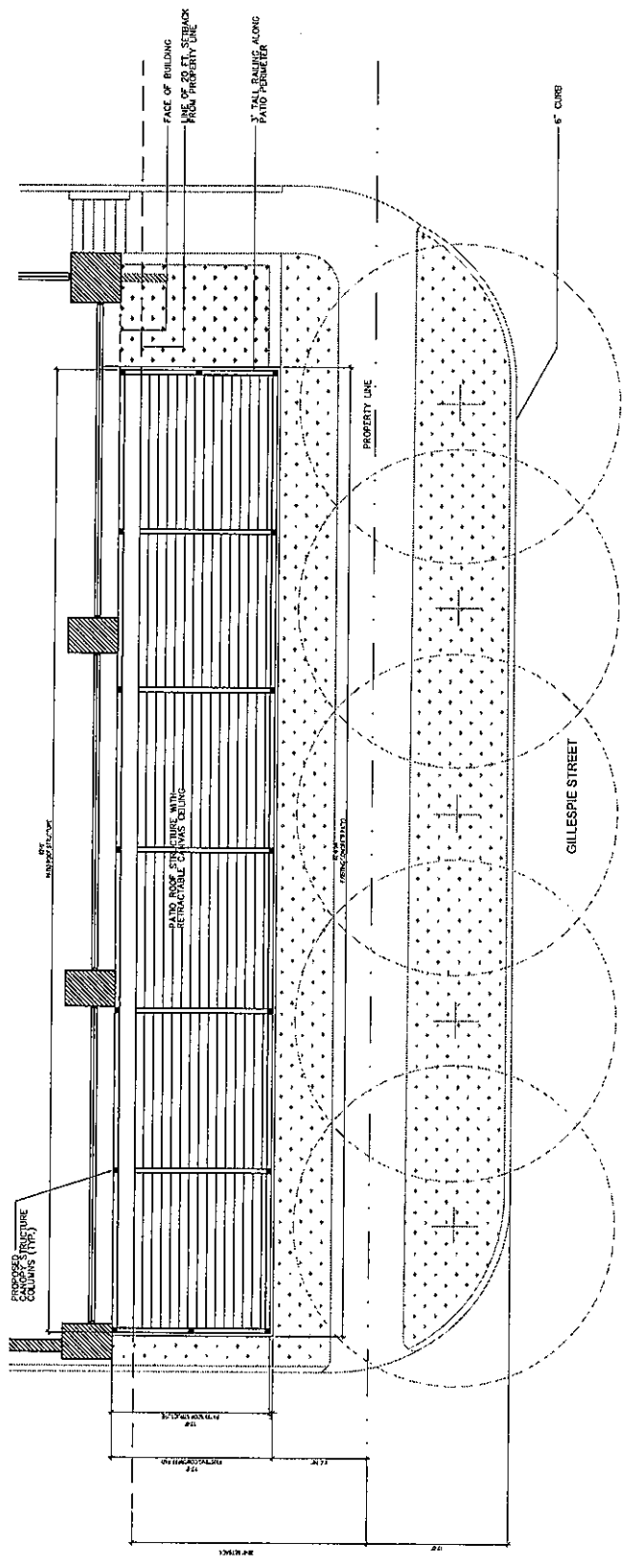
PATIO STRUCTURE SIDE VIEW (TYP.)
 SCALE: 1/4" = 1'-0"

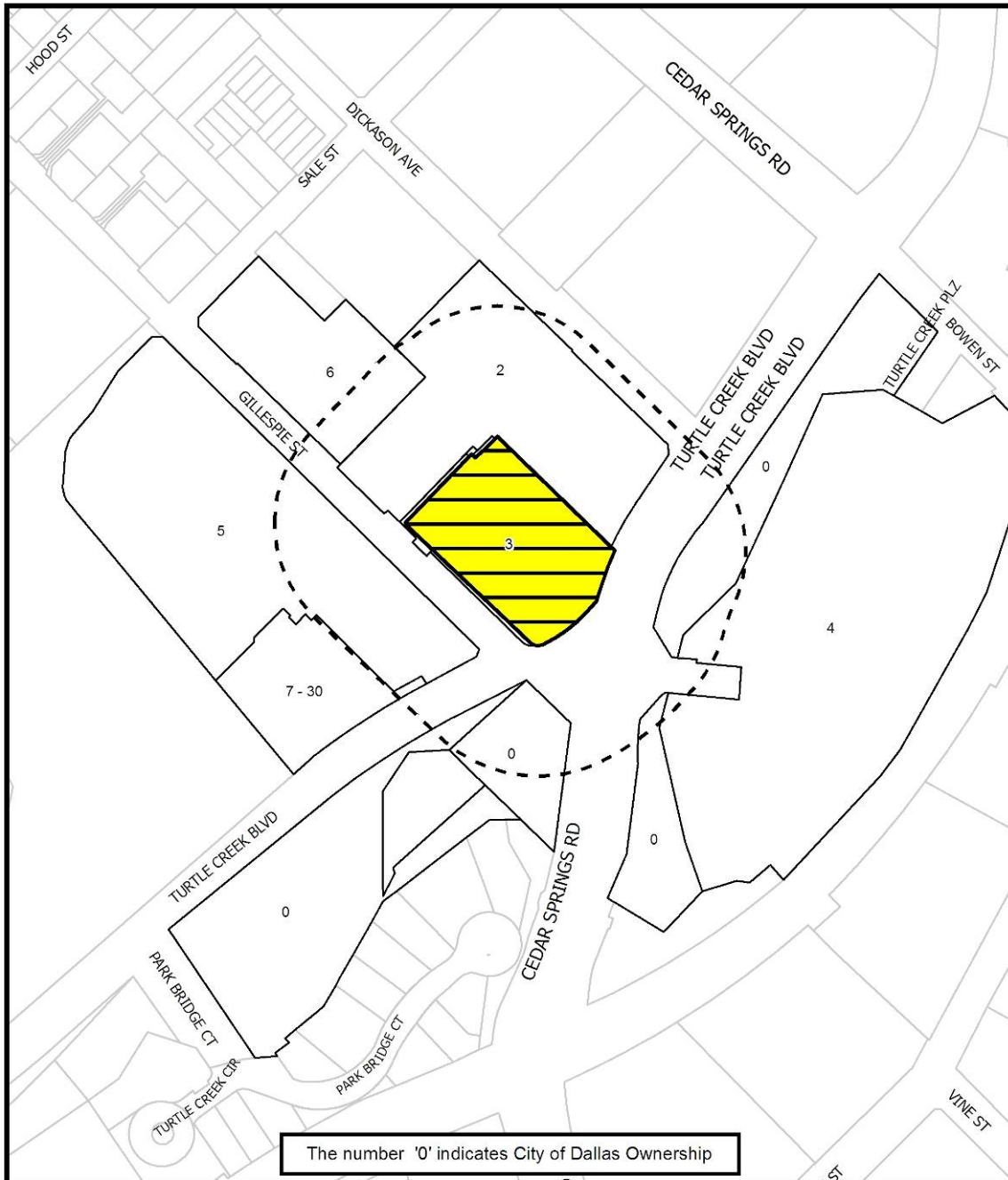
PATIO STRUCTURE SECTION
 SCALE: 1/4" = 1'-0"


PROJECT NO.:	2022
DATE:	07/20/22
DRAWN BY:	AM
SCALE:	AS NOTED
SHEET:	025
REVISIONS:	

PATIO PLAN
 2911 TURTLE CREEK RESTAURANT PATIO
 DALLAS, TEXAS 75219

A100






 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
30 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA156-085
 Date: 8/11/2016

Notification List of Property Owners

BDA156-085

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2919 CEDAR SPRINGS RD	BURLESON PATE & GIBSON
2	2999 TURTLE CREEK BLVD	2999 TURTLE CREEK INC
3	2911 TURTLE CREEK BLVD	PIEDMONT PARK PLACE LP
4	3000 TURTLE CREEK PLAZA	3000 TURTLE CREEK PLAZA LLC
5	2821 TURTLE CREEK BLVD	MANSION HOTEL LLC
6	3424 GILLESPIE ST	PUIG A WINSTON
7	2801 TURTLE CREEK BLVD	LEVY IRVIN L &
8	2801 TURTLE CREEK BLVD	WALKER PAULA S
9	2801 TURTLE CREEK BLVD	KING ROLLIN W
10	2801 TURTLE CREEK BLVD	LOWDON PATTY
11	2801 TURTLE CREEK BLVD	NORTHERN TRUST TRUSTEE
12	2801 TURTLE CREEK BLVD	BARNES H DOUG
13	2801 TURTLE CREEK BLVD	PILGRIM LONNIE BO &
14	2801 TURTLE CREEK BLVD	KENILWORTH TRUST
15	2801 TURTLE CREEK BLVD	SANDS SARA FAULCONER LIVING TRUST
16	2801 TURTLE CREEK BLVD	WHITTENBURG 2012 FAM TRUST
17	2801 TURTLE CREEK BLVD	CAMPBELL ELIZABETH STEPHENS
18	2801 TURTLE CREEK BLVD	JACOBY JAMEEN WESSON TRUST
19	2801 TURTLE CREEK BLVD	TAYLOR JASON M & LEIGH SYKES
20	2801 TURTLE CREEK BLVD	PRICE H CHARLES &
21	2801 TURTLE CREEK BLVD	USAI LP
22	2801 TURTLE CREEK BLVD	LEVY FAMILY TRUST THE
23	2801 TURTLE CREEK BLVD	CHAMBERS PATRICIA L
24	2801 TURTLE CREEK BLVD	WILLIAMS J MCDONALD & ELLEN C
25	2801 TURTLE CREEK BLVD	LEVY BARBARA J
26	2801 TURTLE CREEK BLVD	MRSBENLEZAR LLC

08/11/2016

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2801 TURTLE CREEK BLVD	CREE RICHARD W SR ETAL
28	2801 TURTLE CREEK BLVD	BOWEN CASSANDRA C 1996
29	2801 TURTLE CREEK BLVD	MCADAMS SHELIA W
30	2801 TURTLE CREEK BLVD	KEY CHARLES B