

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, SEPTEMBER 21, 2015
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	10:30 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator
Danielle Lerma, Current Planner

MISCELLANEOUS ITEM

Approval of the August 24, 2015 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 145-071(SL)	2823 St. Louis Street REQUEST: Application of Santos T. Martinez for special exceptions to the visual obstruction regulations	1
BDA 145-080(SL)	13925 Hillcrest Road REQUEST: Application of Laura Fetrow for a special exception to the fence height regulations	2
BDA145-088(SL)	2621 McKinney Avenue Application of Bryan Hull, represented by Roger Albright, for a special exception to the landscape regulations	3
BDA145-098(SL)	4606 Walnut Hill Lane REQUEST: Application of Kathie Peng, represented by Robert Reeves and Associates for a special exception to the fence height regulations	4

REGULAR CASES

BDA 145-067(DL)	10121 Waller Drive REQUEST: Application of Laura Hoffman for a special exception to the fence height regulations	5
BDA 145-074(SL)	2808 Oak Lawn Avenue REQUEST: Application of Dylan Elchami for a variance to the front yard setback regulations	6

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C August 24, 2015 public hearing minutes.

FILE NUMBER: BDA 145-071(SL)

BUILDING OFFICIAL'S REPORT: Application of Santos T. Martinez for special exceptions to the visual obstruction regulations at 2823 St. Louis Street. This property is more fully described as Lot 14, Block 11/193, and is zoned PD-269 (Tract A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 2823 St. Louis Street

APPLICANT: Santos T. Martinez

REQUESTS:

Requests for special exceptions to the visual obstruction regulations are made to maintain portions of a 9' high wood fence located in the two, 20' visibility triangles on either side of the driveway into the site from Malcom X Boulevard on a site developed with a bar use (Deep Ellum Brewing Company).

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted revised site plan/elevation is required.

Rationale:

- The applicant had submitted a revised site plan/elevation that addressed the Sustainable Development and Construction Department Project Engineer's original conditional support which was that a notation be made on the site plan stating that the Malcom C Boulevard driveway is for loading purposes only and that two convex mirrors be installed/maintained to aid in pedestrian visibility at this driveway.

BACKGROUND INFORMATION:

Zoning:

Site: PD 269 (Planned Development)

North: PD 269 (Planned Development)
South: PD 269 (Planned Development)
East: PD 269 (Planned Development)
West: PD 269 (Planned Development)

Land Use:

The subject site is developed with a bar use (Deep Ellum Brewing Company). The areas to the north, east, and west are developed with a mix of nonresidential uses; 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:

- These requests focus on maintaining portions of a 9' high wood fence located in the two, 20' visibility triangles on either side of the driveway into the site from Malcom X Boulevard on a site developed with a bar use (Deep Ellum Brewing Company)..
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan/elevation was submitted with the original application indicating portions of a fence located in the two 20' visibility triangles on either side of the driveway into the site from Malcom X Boulevard.
- On August 13, 2105, the Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met) commenting "Revise site plan to notate that driveway is for loading purposes only and show and label two convex mirrors to be installed and maintained to aid in pedestrian visibility at drive. Recommend subjecting approval to compliance with aforementioned site plan."
- A revised site plan/elevation was submitted that included the notes recommended by the Sustainable Development and Construction Department Project Engineer (see Attachment B).
- On September 11, 2105, the Sustainable Development and Construction Department Project Engineer submitted a revised review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of a 9'

high wood fence located in the two, 20' visibility triangles on either side of the driveway into the site from Malcom X Boulevard does not constitute a traffic hazard.

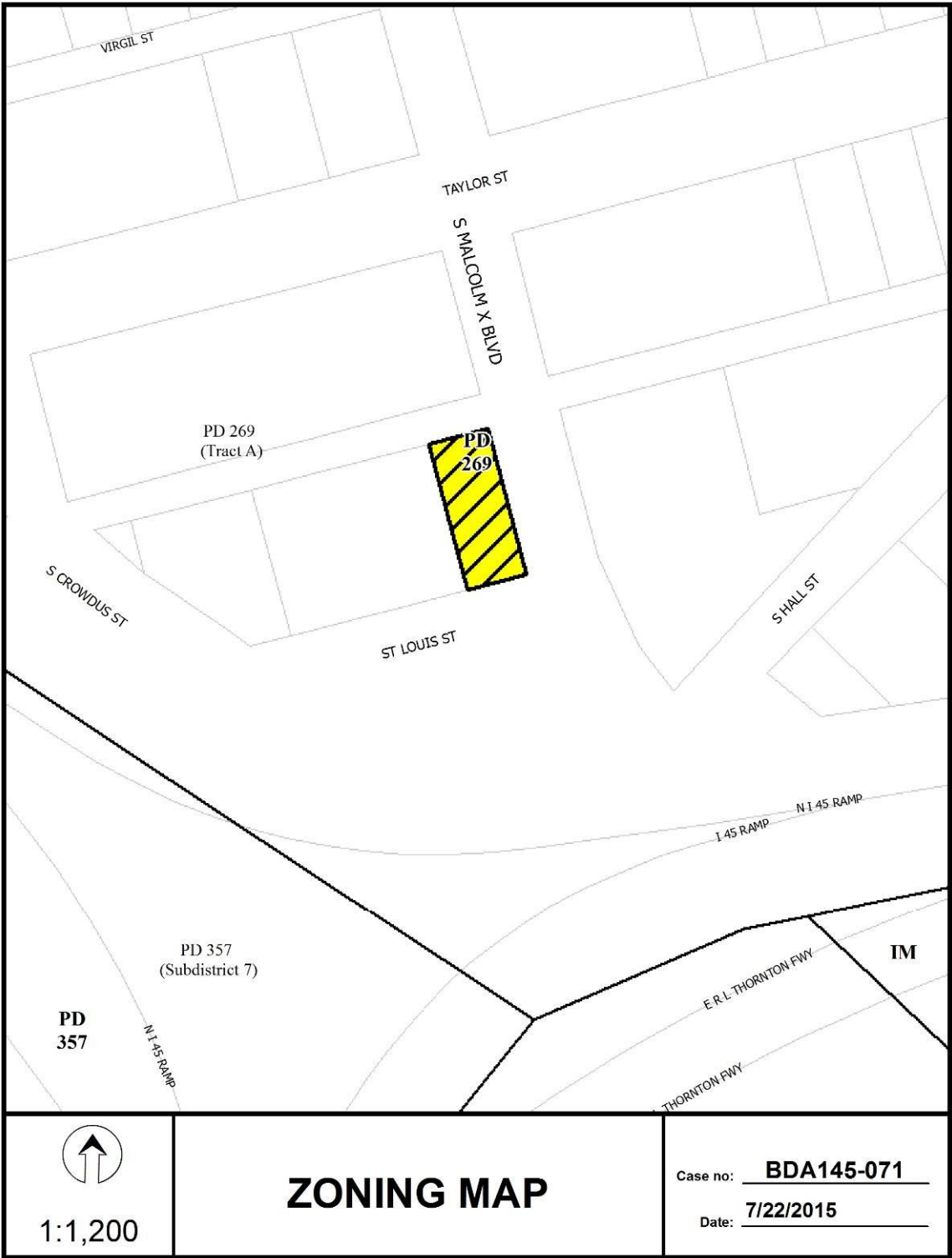
- Granting these requests, with a condition imposed that the applicant complies with the submitted revised site plan/elevation, would limit the items located in the 20' drive approach visibility triangles into the site from Malcom X Boulevard to that what is shown on this document – a 9' high wood fence.

Timeline:

- April 24, 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 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 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.
- August 13, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met) commenting “Revise site plan to notate that driveway is for loading purposes only and show and label two convex mirrors to be installed and maintained to aid

in pedestrian visibility at drive. Recommend subjecting approval to compliance with aforementioned site plan.”

- August 14, 2015: The Board Administrator contacted the applicant to inform him that because of a notification error, the application would be delayed from Panel C’s August 24th hearing to Panel C’s September 21st hearing.
- September 8, 2015: 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 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.
- September 10, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- September 11, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”

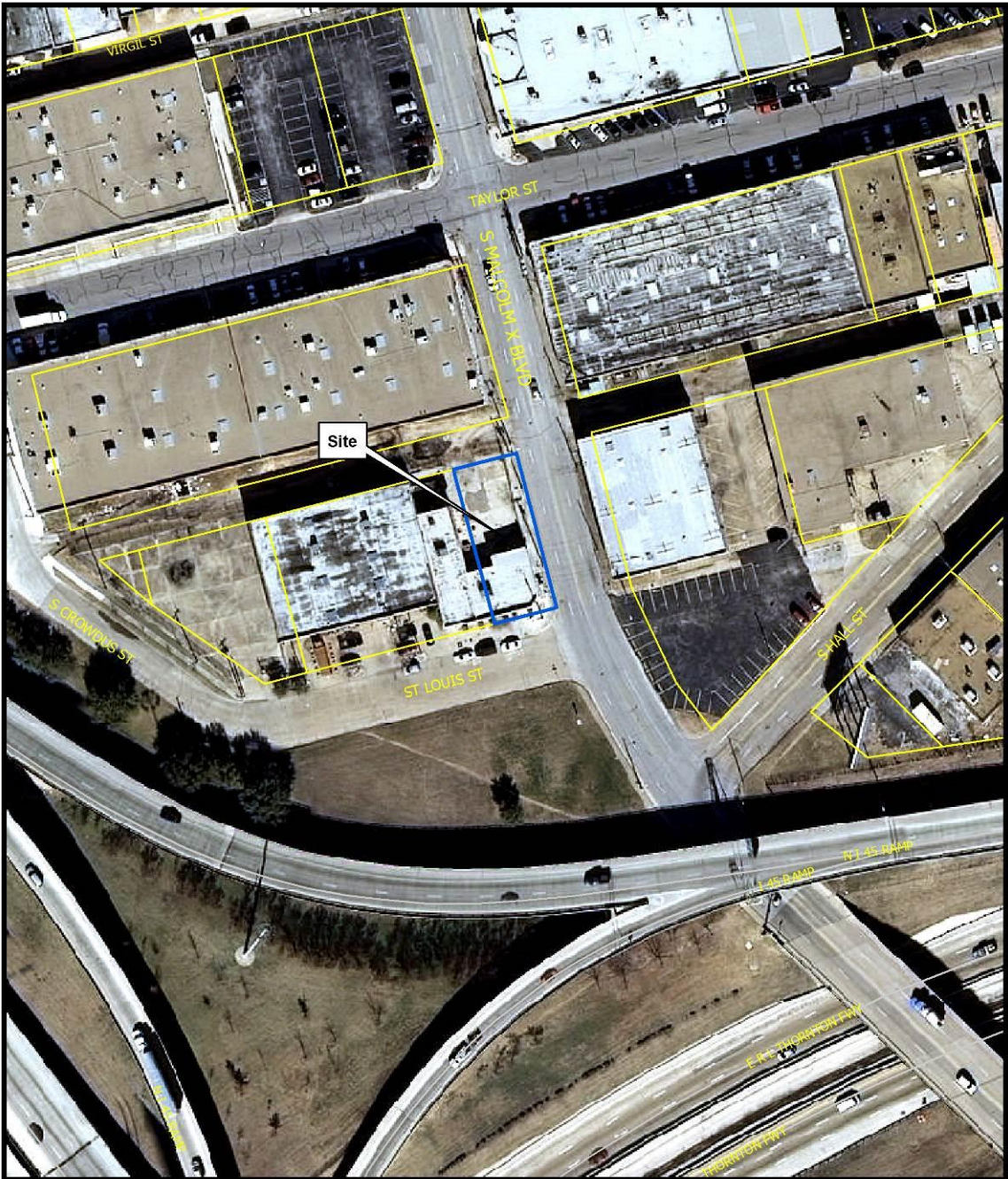


1:1,200

ZONING MAP

Case no: BDA145-071

Date: 7/22/2015



1:1,200

AERIAL MAP

Case no: BDA145-071

Date: 7/22/2015



BDA145-071

Attach A
PS 1

July 29, 2015

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

RE: BDA 145-07; 2823 St. Louis Street

Mr. Long:

The property has been developed since 1958. The current owner has occupied the property since August 17, 2011 and maintains a manufacturing operation on site. It is located within PDD 269 subdistrict 1.

PDD 269 encourages development in structures that were built prior to July 27, 1984. In addition, there are several allowances within this subdistrict to permit industrial and manufacturing uses. Many of the structures within this district have openings adjacent to the alleys since rail services were originally provided to these properties when they were developed.

The owner of this property maintains their operations in two original structures. There is a loading dock adjacent to the former rail line that ran between St. Louis (originally Sutton) Street and Taylor (Porter) Street. This loading dock faces Malcom X Boulevard. This loading dock is served twice a week for the delivery of 40,000 pounds of grain. It is limited to service vehicles for the manufacturing process of beverages in 2821 St. Louis. This loading dock is essential to the continued operations of this site. I have attached a photo of this loading dock served by this drive approach.

The property owner installed a wooden slat fence along the eastern and northeastern portions of the property. The slats provide one the ability to look thru and see the interior of the lot or the Malcom X right of way. It also provides security for this otherwise open area of the property. These slats are spaced with a 2.25" opening between each board. I have attached photos of the existing fence for your review.

The vehicles that utilize this drive approach are taller than private personal vehicles. As such, the drivers have a higher clearance of visibility as they approach Malcom X Boulevard. The owner of the property is willing to place a condition on this request to limit this approach to its existing service vehicles. It would enable them to maintain the functionality of their property. The owner is also willing to install convex mirrors at the fence post for this gate.

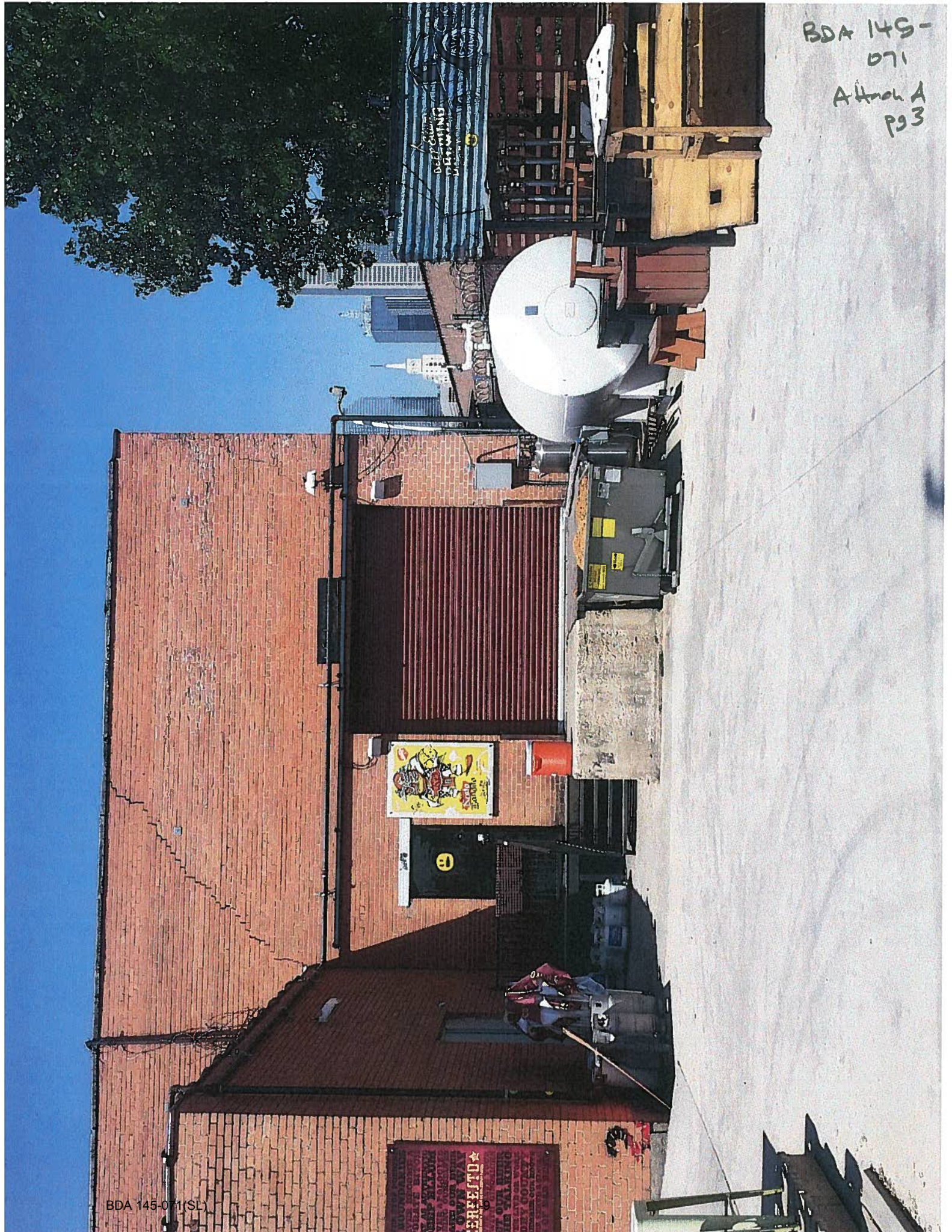
Please let me know of any other items you may need regarding this request.

Sincerely,



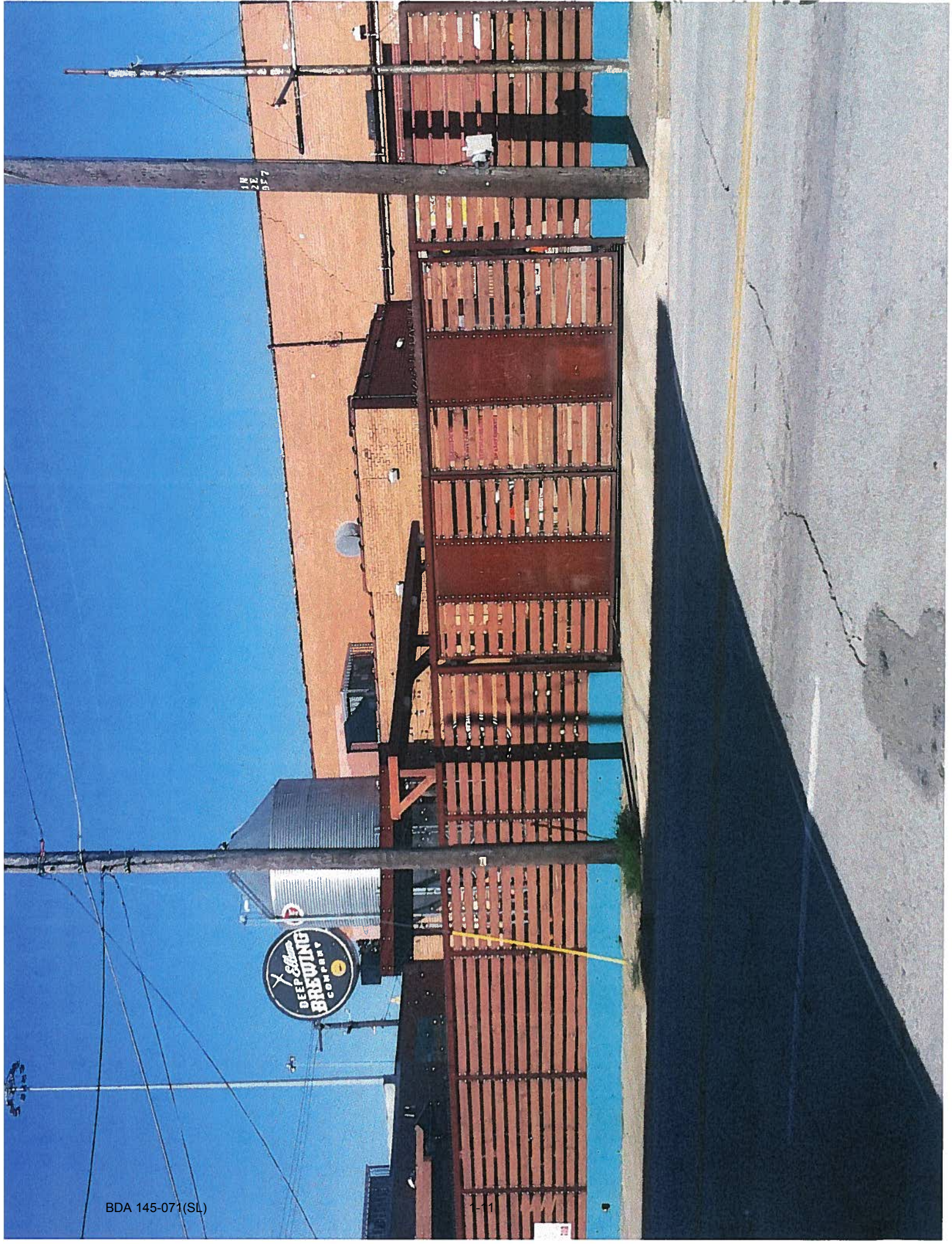
Santos T. Martinez
Authorized representative for
Deep Ellum Brewery

BDA 145-071
A-Hook A
P93



BDA 145-071(SL)





BDA 145-071(SL)

BDA 145-071
Attach B pg 1

Long, Steve

From: Santos <santos@masterplanconsultants.com>
Sent: Thursday, September 10, 2015 3:00 PM
To: Long, Steve
Subject: BDA 145-071
Attachments: BDA 145-071 9-10-15.pdf

Steve,

Per our conversation earlier this afternoon, I have attached an updated site plan for this case. It simply includes the notes recommended by the city engineer regarding notes being provided on the site plan for conditions. There are no amendments to the site plan or elevations except for these notes.

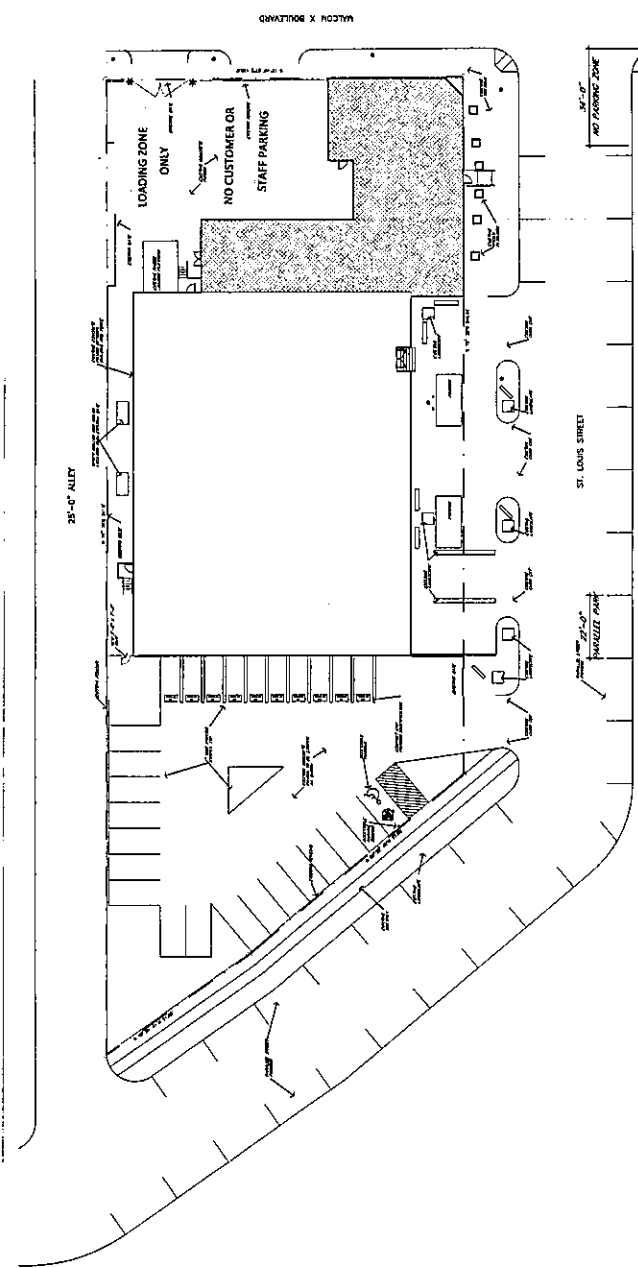
Please let me know if you need any other items regarding this request.

Thanks,

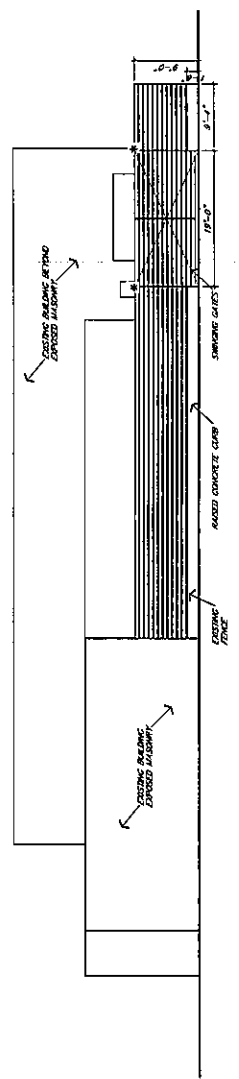
Santos T. Martinez
Senior Consultant
Masterplan
900 Jackson, Suite 640
Dallas, TX 75202
(214)-761-9197
(214)-748-7114 fax

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* New convex mirror



01 SITE PLAN
 SCALE: 1" = 20'-0"



02 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-071

Data Relative to Subject Property:

Date: 4.24.15

Location address: 2823 St. Louis Zoning District: PDD 269 (tract A)

Lot No.: 14 Block No.: 11/193 Acreage: .79 Census Tract: 33.00 204⁰⁰

Street Frontage (in Feet): 1 122⁺ 2 50⁺ 3) _____ 4) _____ 5) _____

SE28

To the Honorable Board of Adjustment:

Owner of Property/or Principal Deep Ellum Brewing Company

Applicant: Santos T. Martinez Telephone: _____

Mailing Address 2821 St. Louis, Dallas, TX Zip Code: 75226

Represented by: Masterplan Telephone: 214-761-9197

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

Affirm that a request has been made for a Variance , or Special Exception X, of visibility obstruction regulations @ driveway.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: Property owner seeks to maintain a fence at the northeast corner of its property. The fence has a gate that is within the visibility triangle of an existing drive approach. The fence and gate maintain open horizontal slats to provide visibility and security for this portion of the property. The owner seeks to maintain the fence and gates for that purpose.

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

Respectfully submitted: Santos T. Martinez
Applicant's name printed

[Signature]
Applicant's signature

Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn before me this 24 day of April, 2015

Carol Laquey
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Santos Martinez

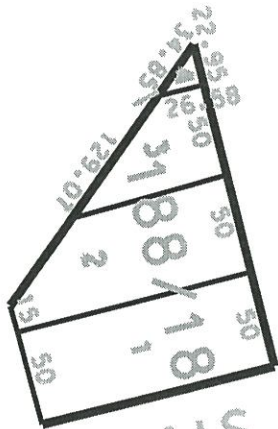
did submit a request for a special exception to the visibility obstruction regulations
at 2823 St. Louis Street

BDA145-071. Application of Santos Martinez for a special exception to the visibility obstruction regulations at 2823 St. Louis Street. This property is more fully described as L. 14, Block 11/193, and is zoned PD-269 (Tract A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain a nonresidential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official

ATE HWY. 345

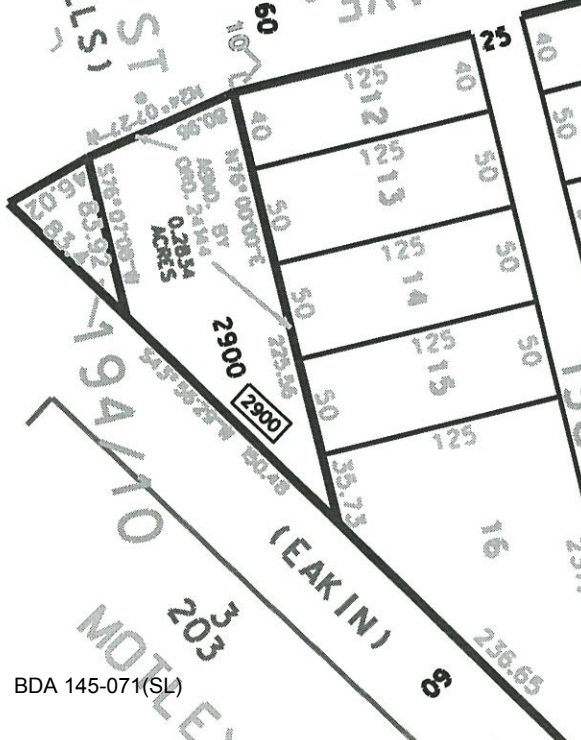


ST.



ST. LOUIS ST (RUNNELS)

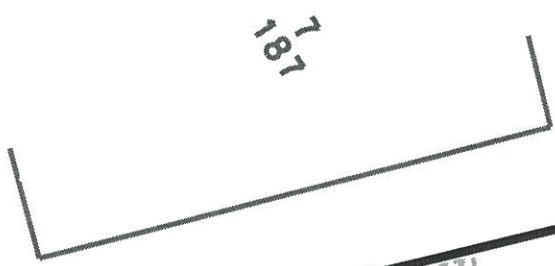
AVE.



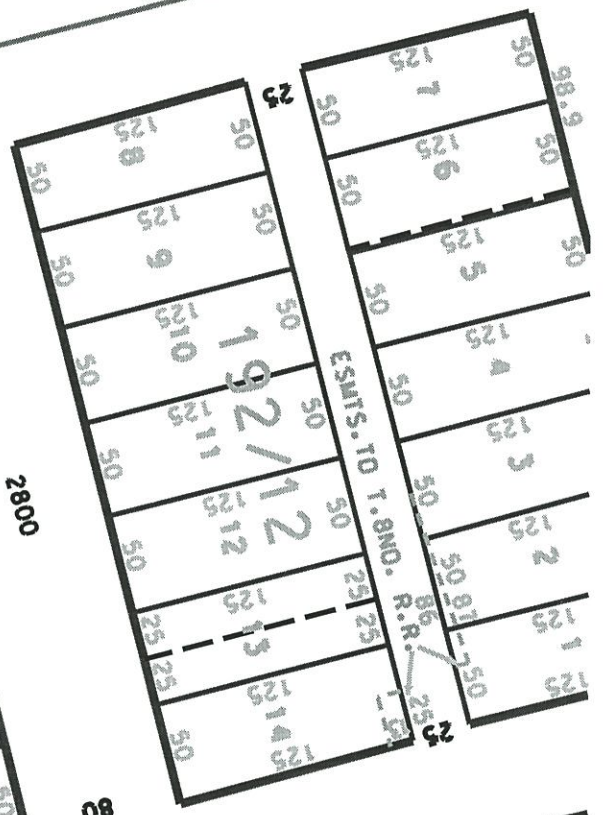
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(EAK IN)

MOTLEY



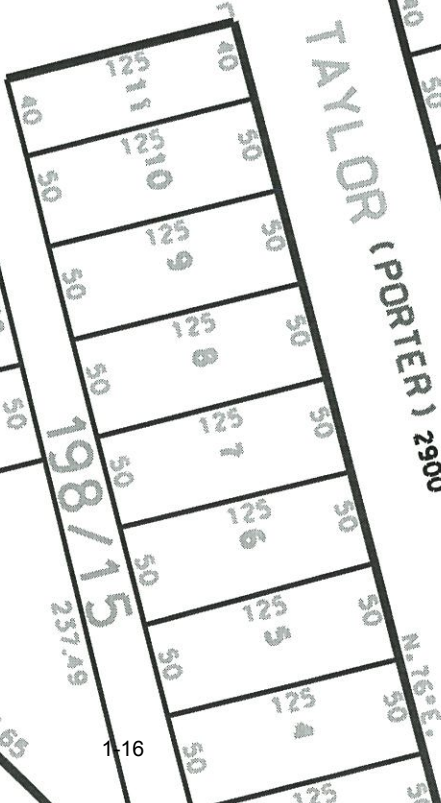
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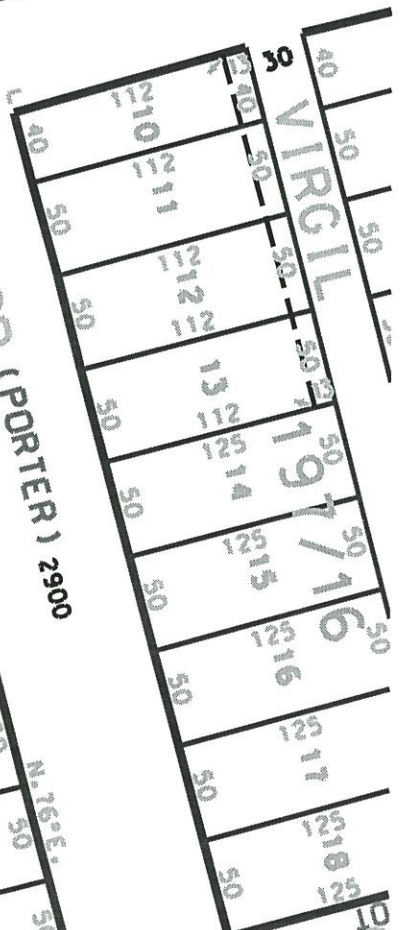
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ESPTS. 10 T. 8ND. R.R.

TAYLOR (PORTER) 2900

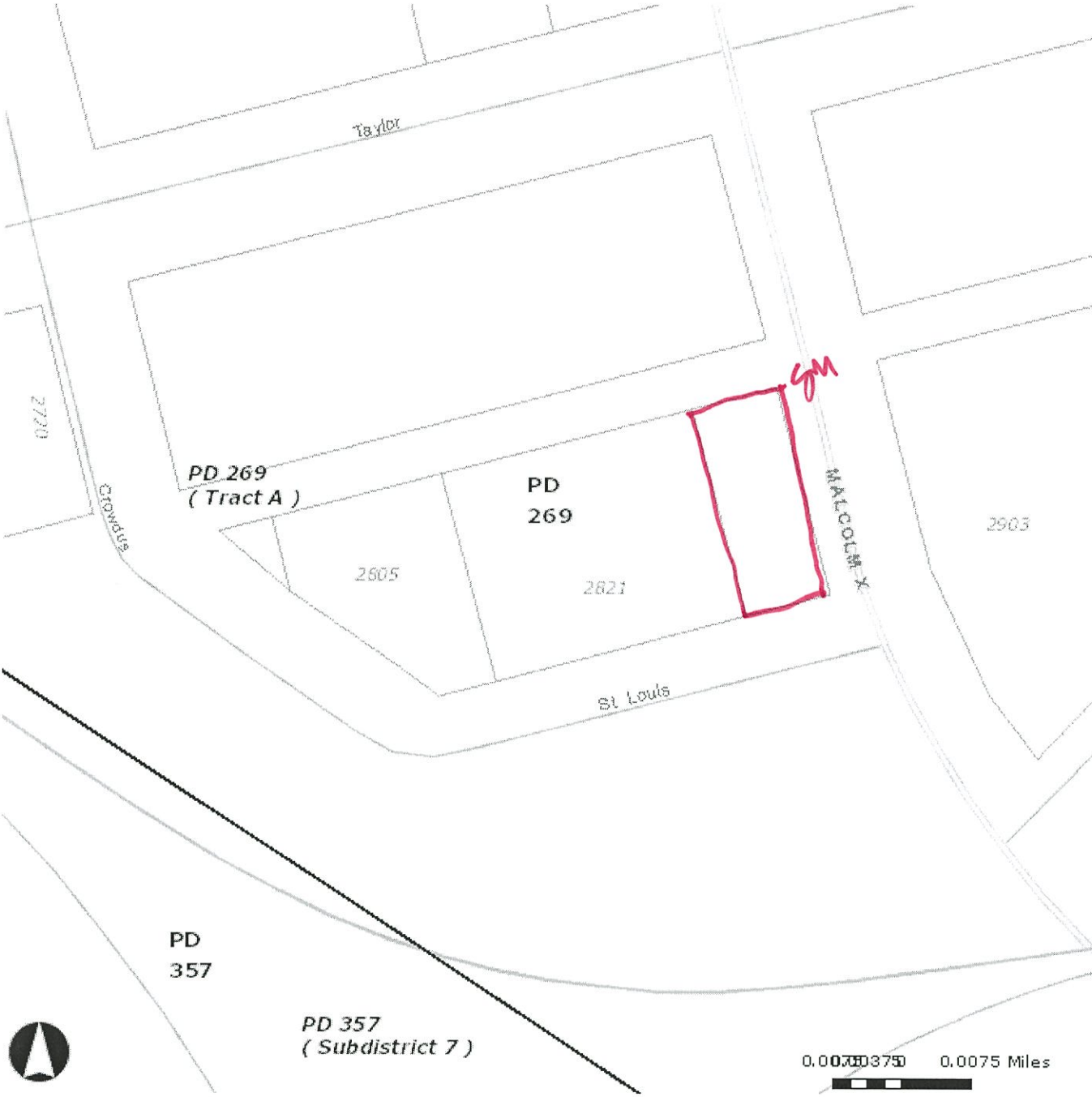


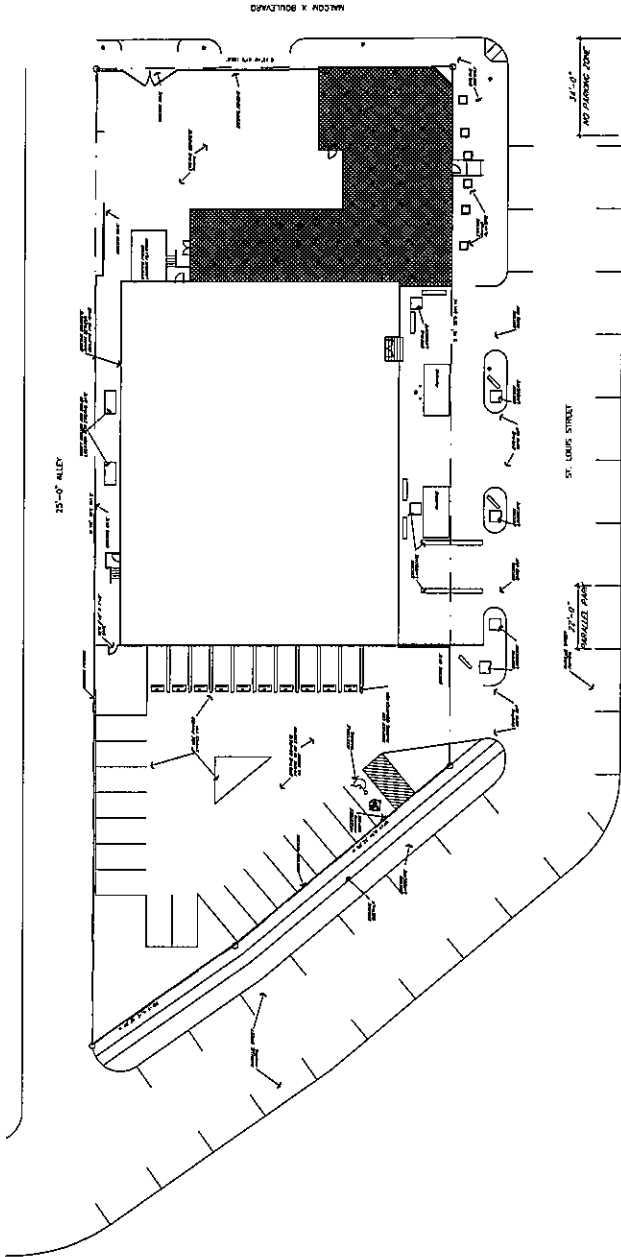
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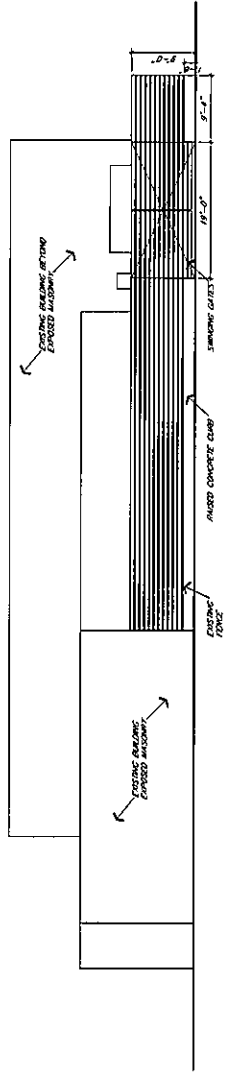
VIRGIL

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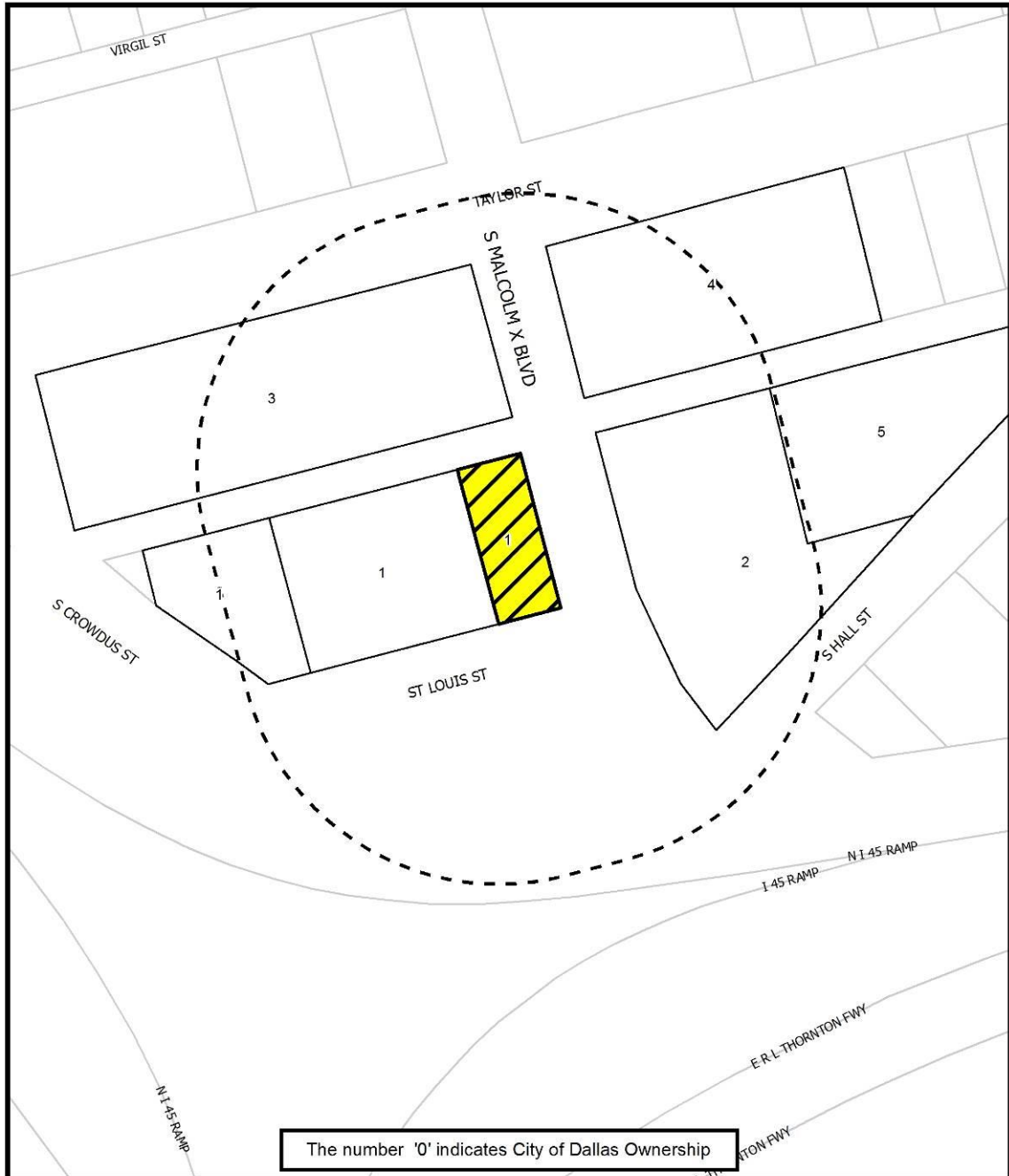




01 SITE PLAN
SCALE 1/8" = 1'-0"



02 EAST ELEVATION
SCALE 1/8" = 1'-0"



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">5</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	5	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-071</u> Date: <u>7/22/2015</u>
200'	AREA OF NOTIFICATION					
5	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-071

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2805 ST LOUIS ST	DEEP ELLUM BREWING COMPANY LLC
2	2903 ST LOUIS ST	OPUS FORTUNATUS TOO
3	2800 TAYLOR ST	SOUTHWESTERN TYPOGRAPHICS
4	2914 TAYLOR ST	OPUS FORTUNATUS LTD
5	2915 ST LOUIS ST	TRAVERTINE LLC

FILE NUMBER: BDA 145-080(SL)

BUILDING OFFICIAL'S REPORT: Application of Laura Fetrow 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 height regulations.

LOCATION: 13925 Hillcrest Road

APPLICANT: Laura Fetrow

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 that include 8' high stucco walls, 8' high sliding metal gates with 9' stone entry columns on a site developed with a single family home.

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:

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 an 8' high solid wood fence with two recessed entryways that include 8' high stucco walls, 8' high sliding metal gates with 9' stone entry columns on a site developed with a single family home.
- 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 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.
 - Of the approximately 200' length of the property, approximately 34' of its length is two metal gates, approximately 44' of length is solid stucco material with the remaining approximately 122' being solid wood.
- 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 11, 2015, 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:

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 C.

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."

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 Board Administrator contacted the applicant regarding a concern that was brought up about the application by staff at the August 11th staff review team meeting – a concern is about whether the area in which the proposed solid fence on the property was to

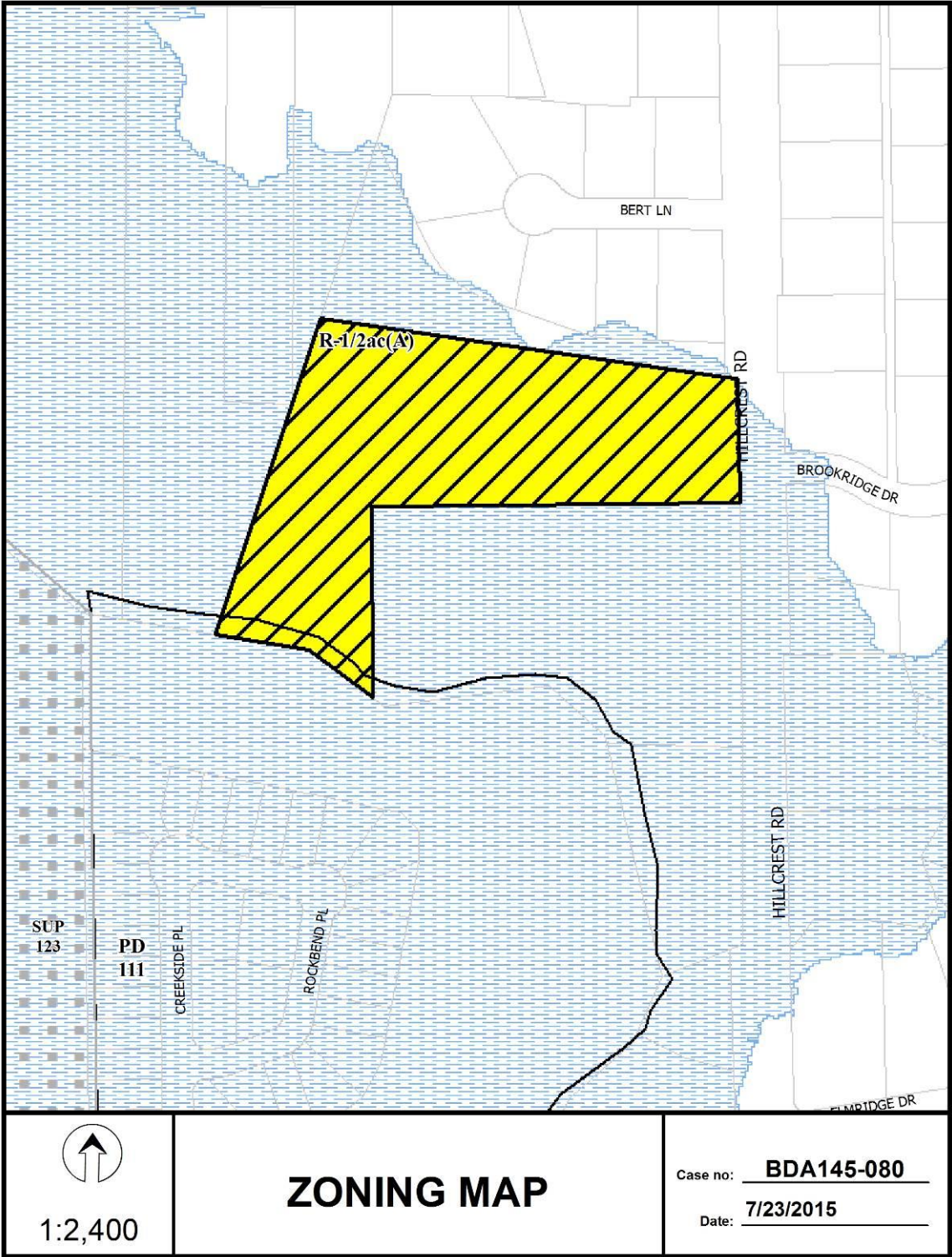
be located in the flood plain. The Board Administrator advised the applicant to contact the City of Dallas Sustainable Development Project Engineers, and that the application to the board of adjustment for a special exception to the fence height regulations will not provide any relief to the City of Dallas flood plain regulations.

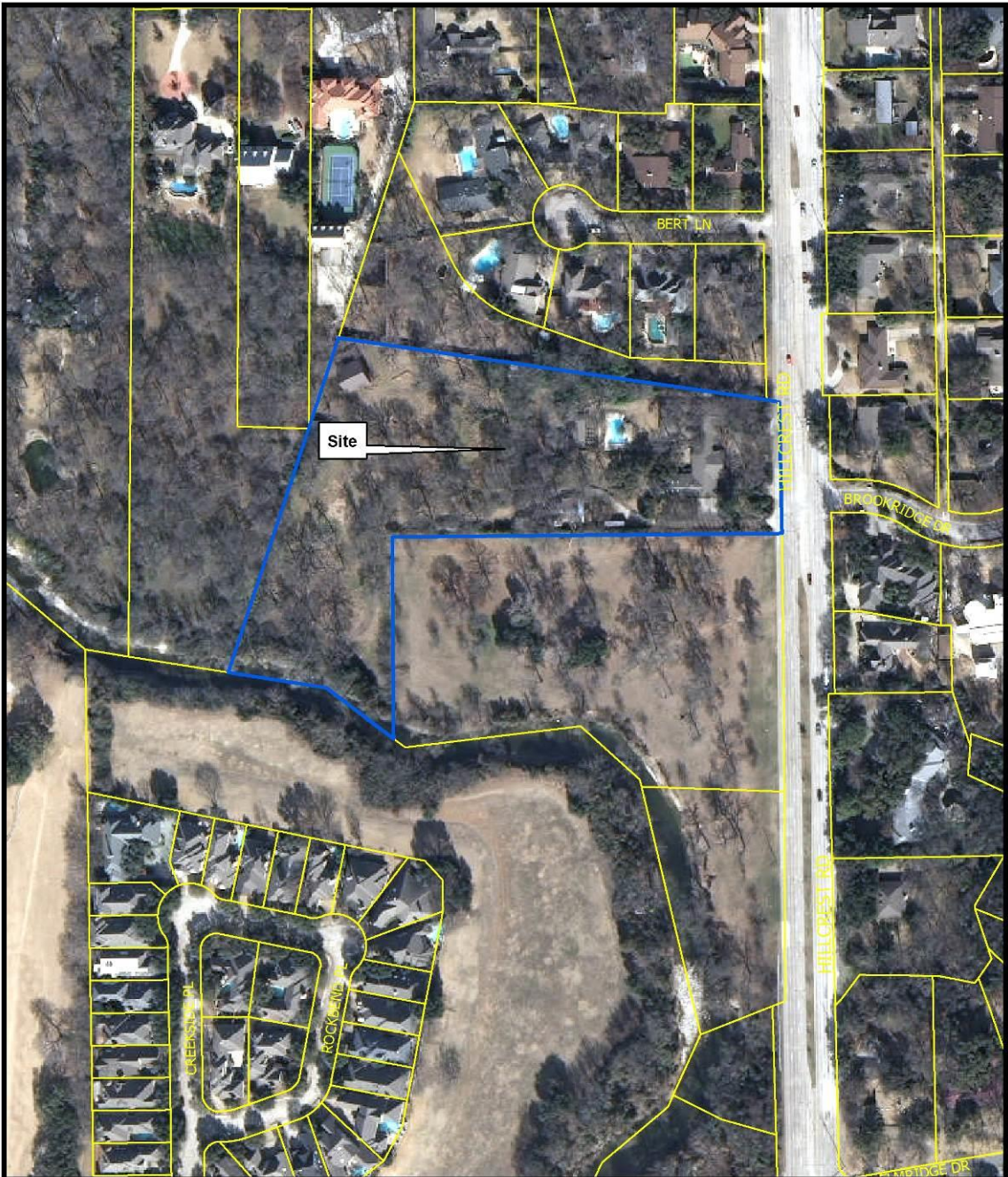
No review comment sheets were submitted in conjunction with this application.

August 14, 2015: The Board Administrator contacted the applicant to inform her that because of a notification error, the application would be delayed from Panel C's August 24th hearing to Panel C's September 21st hearing.

September 8, 2015: 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 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 were submitted in conjunction with this application.





1:2,400

AERIAL MAP

Case no: BDA145-080

Date: 7/23/2015



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-080

Data Relative to Subject Property:

Date: 4-30-15

Location address: 13925 HILLCREST ROAD Zoning District: R-1/2 ac(A)

Lot No.: _____ Block No.: 8177 Acreage: 5.4765 Census Tract: 136.08

Street Frontage (in Feet): 1) 202 2) _____ 3) _____ 4) _____ 5) _____ NE 3N

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): PAUL S. KIM and HELENA H. KIM

Applicant: LAURA FETROW Telephone: (469) 371-0975

Mailing Address: 6406 DESCO DRIVE Zip Code: 75225

E-mail Address: laurafetrow@sbcglobal.net

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.

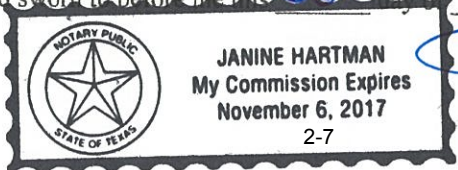
Affidavit

Before me the undersigned on this day personally appeared Laura Diane Fetrow
(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: Laura Diane Fetrow
(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

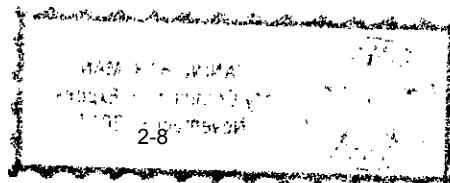
Building Official's Report

I hereby certify that LAURA FETROW
did submit a request for a special exception to the fence height regulations
at 13925 Hillcrest Road

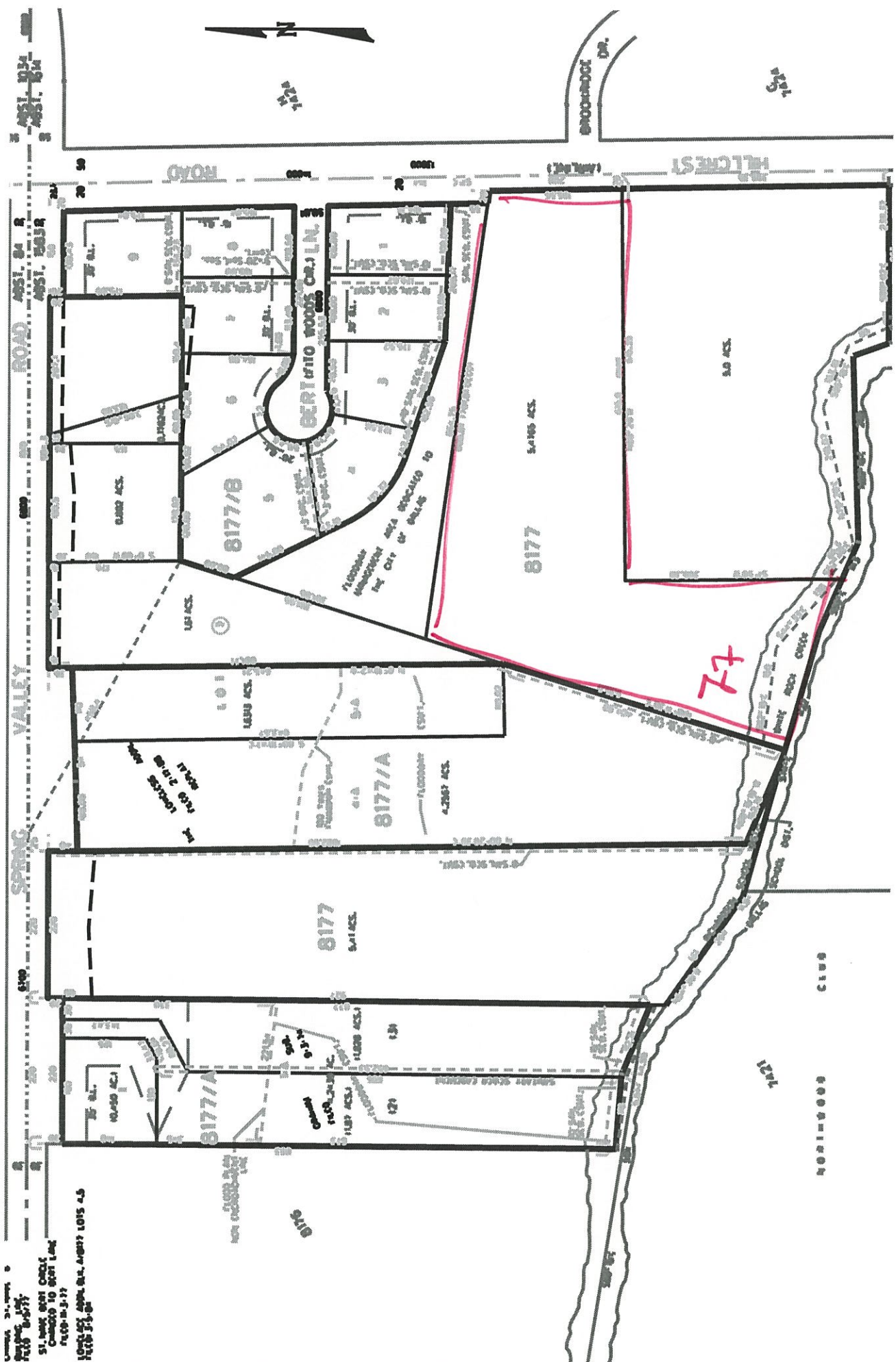
BDA145-080. Application of Laura Fetrow for a special exception to the fence height regulations at 13925 Hillcrest Road. This property is more fully described as a 5.47 acre tract of land in Block 8177 and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant 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,

Larry V. Holmes
Larry Holmes, Building Official

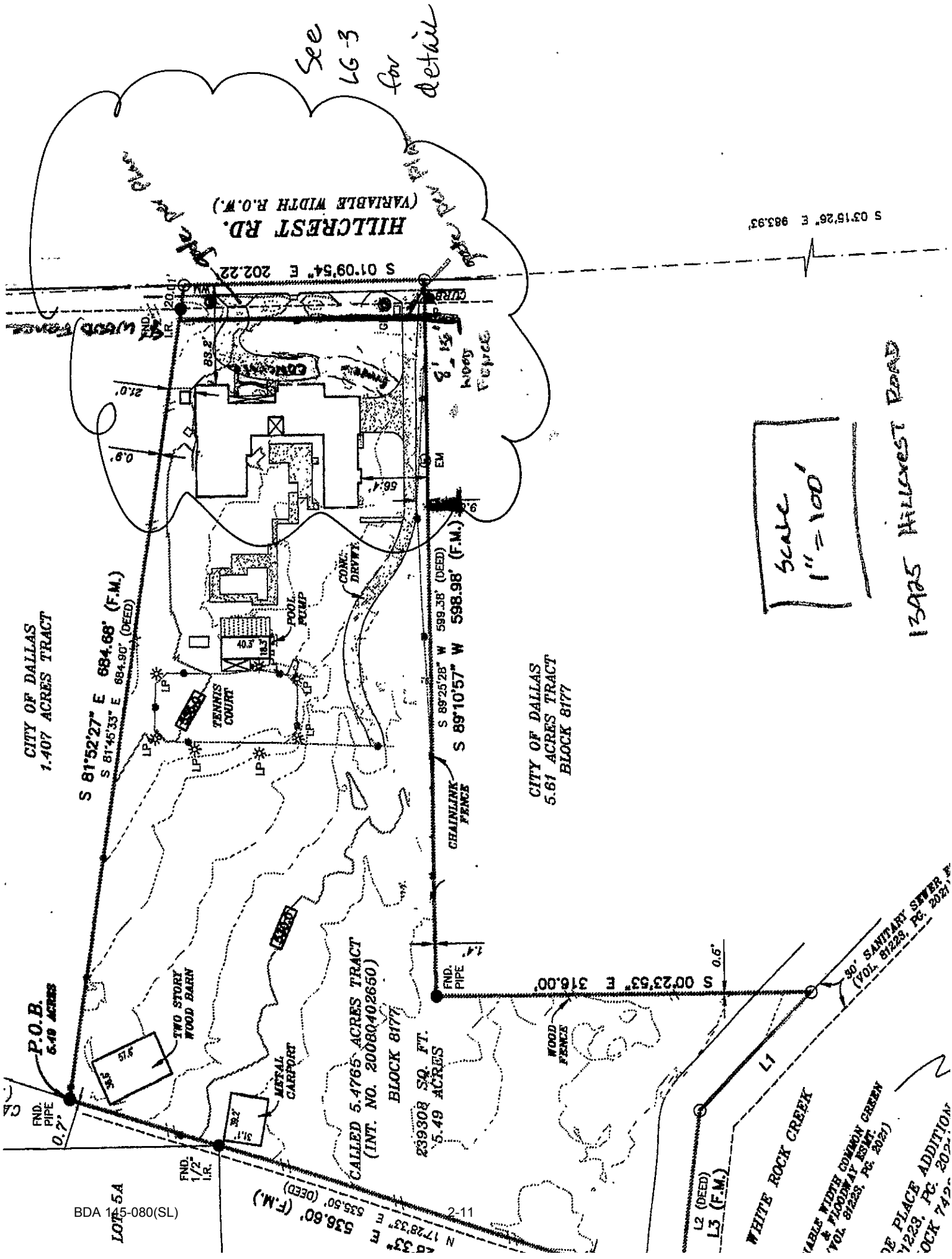






LOTS 1-10, APPROX. BLDG. AREA 1015 4.5
 51,000 SQ. FT. CONC.
 CEMENT TO BE SET
 10/10/00
 10/10/00

See
LG-3
for
detail



S 03°15'26" E 983.93'

Scale
1" = 100'

13925 Hillcrest Road

CITY OF DALLAS
1.407 ACRES TRACT

S 81°52'27" E 684.68' (F.M.)
S 81°45'33" E 684.90' (DEED)

CITY OF DALLAS
5.61 ACRES TRACT
BLOCK 8177

239308 SQ. FT.
5.49 ACRES
BLOCK 8177
CALLED 5.4765 ACRES TRACT
(INT. NO. 20080402650)

S 00°23'53" E 318.00'

L2 (DEED)
L3 (F.M.)

WHITE ROCK CREEK

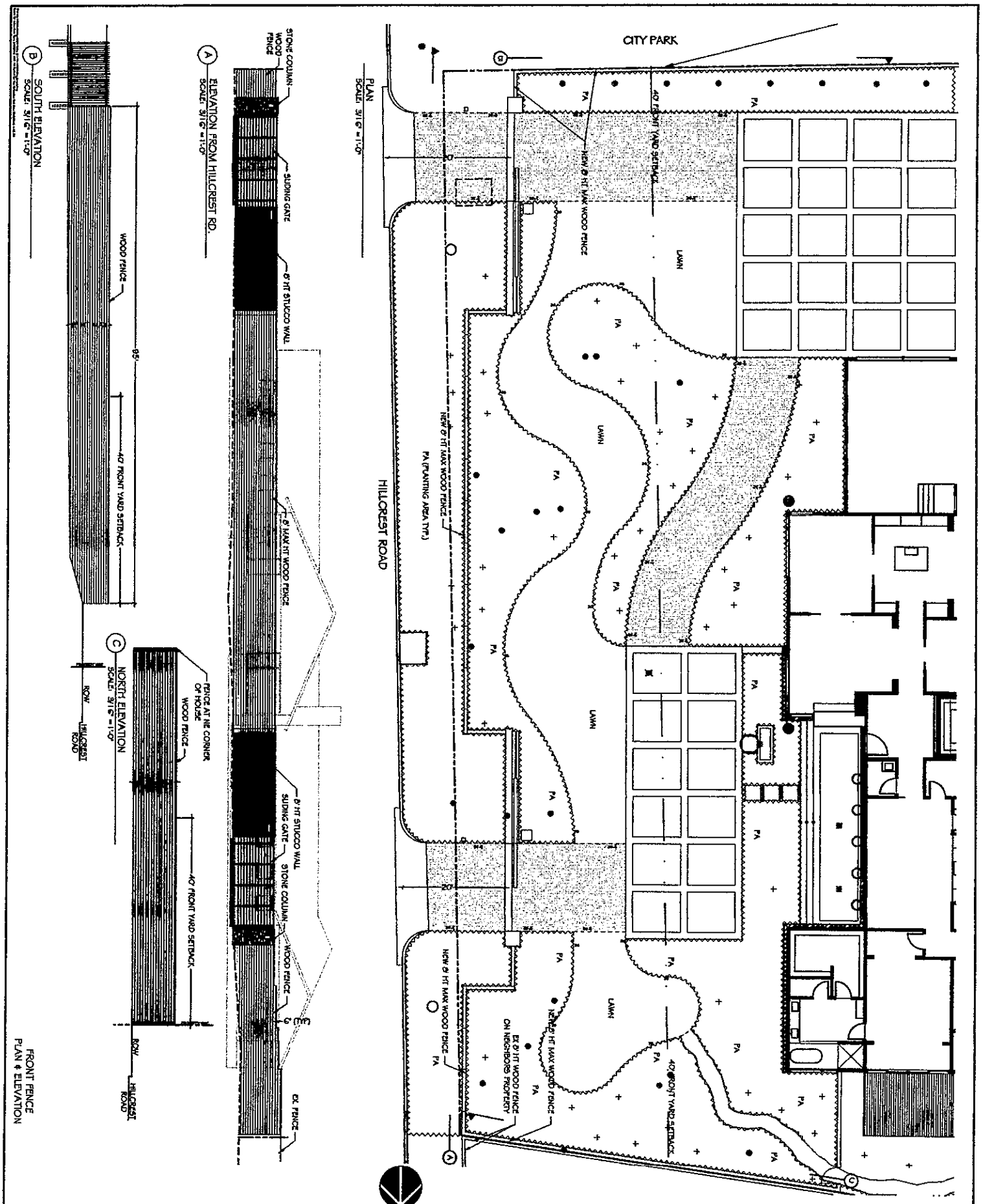
80' SANITARY SEWER, E
(VOL. 81228, PG. 2021)

TABLE WIDTH COMMON GREEN
(VOL. 81228, PG. 2021)

BDA 145-080 (SL)
LOT 5A

N 17°28'33" E 536.80' (F.M.)
S 35.50' (DEED)

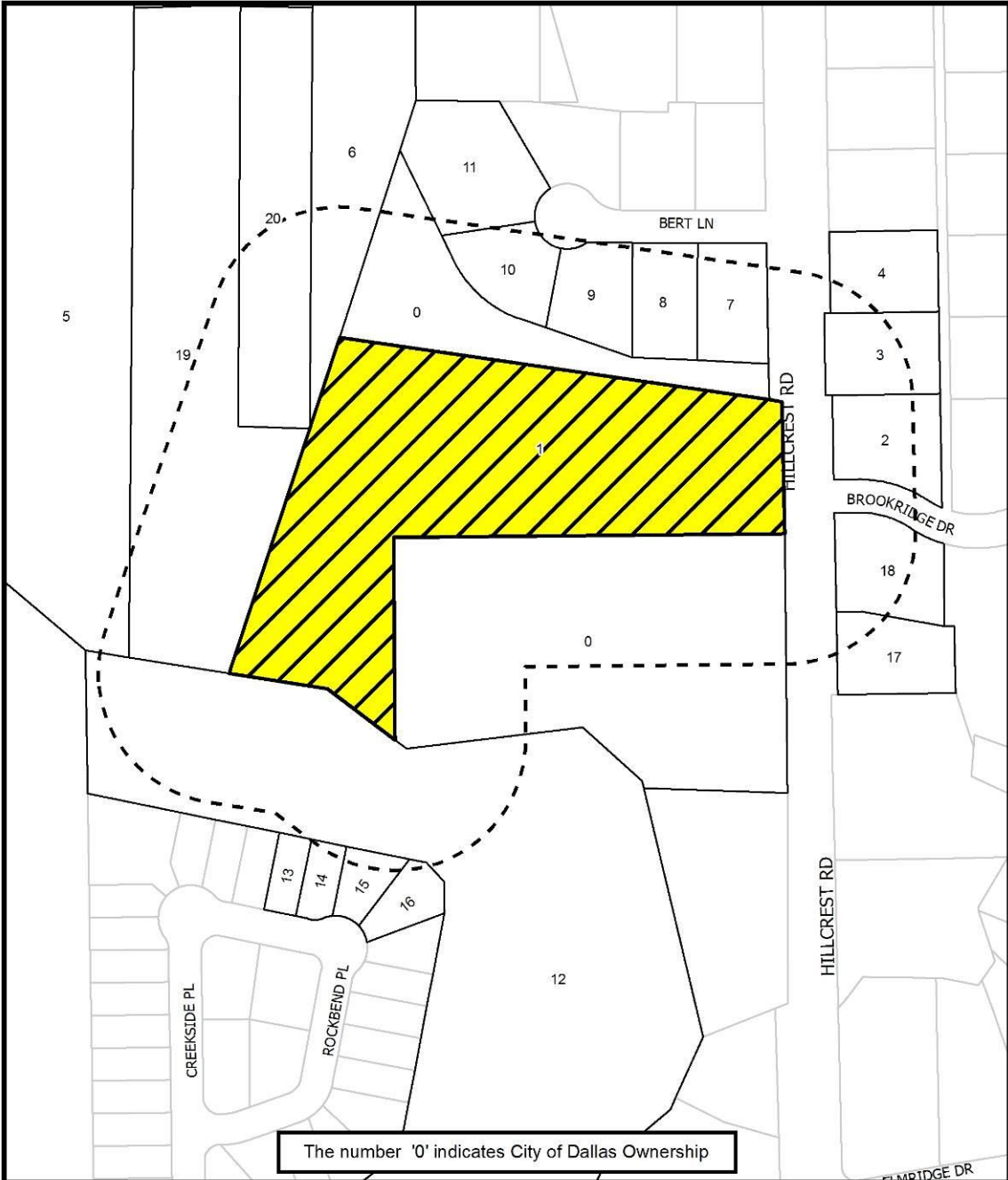
2-11



BDA	180(SL)	
DATE	NOV 10 2017	
1G-3		

A LANDSCAPE DEVELOPMENT PLAN FOR:
THE RIM RESIDENCE
 13925 Hillcrest Rd., Dallas, TX 75240

ARCHIVERDE
 LANDSCAPE ARCHITECTURE
 2511 Meadows Lane Dallas, Texas 75250
 T: 214.920.9830 F: 214.920.9754
 www.archiverde.com



 1:2,400	NOTIFICATION		Case no: BDA145-080
	<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: 7/23/2015	

Notification List of Property Owners

BDA145-080

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	JAC BERG FAMILY LTD PS
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	LONBORG ELAINE H
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: BDA 145-088(SL)

BUILDING OFFICIAL'S REPORT: Application of Bryan Hull, represented by Roger Albright, for a special exception to the landscape regulations at 2621 McKinney Avenue. This property is more fully described as part of Lot 4, Block 3/955 and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2621 McKinney Avenue

APPLICANT: Bryan Hull
Represented by Roger Albright

REQUEST:

A request for a special exception to the landscape regulations is made to maintain a "renovation/addition" (according to the applicant's representative, a roof over an uncovered patio) added in 2011 to an existing restaurant/bar use/structure (The Black Friar Pub), and not fully provide required landscaping.

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The Chief Arborist recommends approval of the submitted revised alternate landscape plan because the revisions shown on the submitted revised alternate landscape plan do not appear to compromise the spirit and intent of the landscape requirements of PD 193.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (Planned Development District, Light Commercial)
North: PD 193 (LC) (Planned Development District, Light Commercial)
South: PD 193 (LC) (Planned Development District, Light Commercial)
East: PD 193 (LC) (Planned Development District, Light Commercial)
West: PD 9 (Planned Development District)

Land Use:

The subject site is developed with a restaurant/bar use/structure (The Black Friar Pub). The areas to the north and east are developed with retail uses; the area to the south is under development; and the area to the west is developed with multifamily use.

Zoning/BDA History:

1. BDA 956-142, Property located at 2621 McKinney Avenue (the subject site)

On February 27, 1996, the Board of Adjustment Panel C denied a request for a variance to the off-street parking regulations without prejudice but granted a request for a special exception to the landscape regulations imposing the following condition to this request: the property must comply with the submitted revised landscape plan submitted to the Board Administrator for approval – this landscape plan should indicate a screening fence to be placed on the Howland Street side of the site. The case report stated that the requests were made to construct a 960 square foot addition to an existing 4,560 square foot retail use (Lulu's Bait Shack Restaurant).

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on maintaining a “renovation/addition” (according to the applicant’s representative, a roof over an uncovered patio) added in 2011 to an existing restaurant/bar use/structure (The Black Friar Pub), and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the features shown on the submitted revised landscape plan would not conform to PD 193 landscape regulation standards related to tree planting zone, sidewalk location/width; and surface parking area screening.

- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist states in a memo (see Attachment B) that the request in this case is triggered by new construction resulting in increased floor area ratio on the property.
- The Chief Arborist notes that the submitted revised landscape site plan is deficient in the following ways:
 1. The plan provides one existing tree along McKinney Avenue adjacent to the curb and a new live oak tree approximately six feet from the property line along Howland Street. (A tree planting zoned between 2.5' and 5' from back of curb is required).
 2. The McKinney Avenue sidewalk is generally six feet wide from back of curb with exception of a tree and light standard obstruction. The Howland Street frontage will retain an existing drive approach. (A six foot sidewalk from 5' – 12" from back of curb is required).
 3. The off-street parking screening, typically required to be a minimum of 42" in height, does not achieved the full height but has a proposed 30" tall masonry wall bordered by shrubs. No screening at the end of the parking row facing McKinney Avenue is provided. (All off-street surface parking areas require screening at a minimum height of 3.5' above the parking surface).
- The Chief Arborist listed several factors for consideration:
 1. The revised alternative landscape plan provides for the removal of 2' of an existing planting bed which currently encroaches into the required sidewalk area for McKinney Avenue. This expands the total sidewalk to 6' with the exception of a limited space for an existing tree and a light standard which restricts the ability to add an additional tree in the zone.
 2. Additional existing front yard landscaping along McKinney Avenue provides for a layered landscape design with other trees and shrubs.
 3. New landscaping is provided along the frontage of Howland Street along the two sides of a 30" tall screening wall. A garbage storage screen is placed adjacent to the wall. A new live oak tree is provided in the center of the frontage area nest to the drive entry.
 4. The placement of the garbage storage screening fence although suitable for screening purposes does not provide for authorization of the garbage storage structure in the front yard. The applicant may wish to consider if expansion of the screening fence to beyond the front yard setback would be helpful for them to accommodate a garbage storage structure on the property.
 5. The physical condition of Howland Street frontage does not favor the placement of the sidewalk and tree planting zone as a matter for landscape elements of PD 193 due to existing conditions along adjoining properties.

- The Chief Arborist recommends approval of the submitted revised alternate landscape plan because the revisions do not appear to compromise the spirit and intent of the landscape requirements of PD 193.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a revised alternate landscape plan has been submitted that is deficient in meeting the tree planting zone, sidewalk location/width; and surface parking area screening requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126: “Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted revised alternate landscape plan as a condition, the site would be granted exception from full compliance to the tree planting zone, sidewalk location/width; and surface parking area screening requirements of the PD 193 landscape regulations.
- Note that if the Board were to grant the applicant’s request for a special exception to the landscape regulations, and impose the submitted revised alternate landscape plan as a condition, no additional relief would be provided to the applicant regarding any existing/proposed noncompliance on the subject site to any zoning code provision including but not limited to front yard setback regulations.

Timeline:

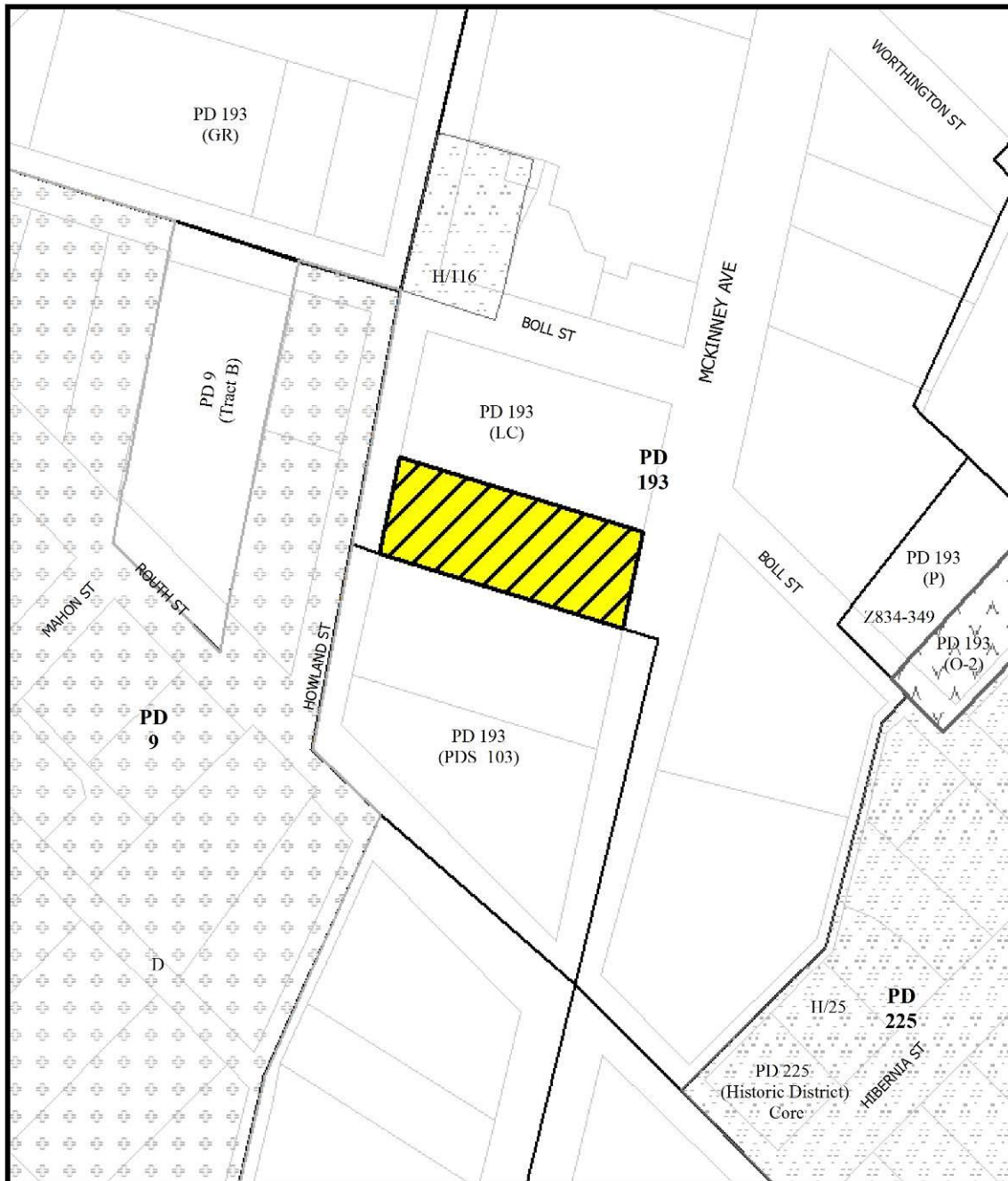
- June 16, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 19, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order 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 19, 2015: The Board Administrator emailed the following information to the applicant’s representative:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the September 2nd deadline to submit additional evidence for staff to factor into their analysis; and the September 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 2, 2015: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

September 8, 2015: 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 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.

September 10, 2015: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).



1:1,200

ZONING MAP

Case no: BDA145-088

Date: 9/1/2015



1:1,200

AERIAL MAP

Case no: BDA145-088

Date: 9/1/2015

ROGER ALBRIGHT

Attorney & Counselor at Law

3301 ELM STREET

DALLAS, TEXAS 75226-2562

RALAW@ROGERALBRIGHT.COM

BDA145-088

Att in A

pg 1

Licensed in
Texas and California

Phone (214) 939-9222
Fax: (214) 939-9229

September 2, 2015

HAND DELIVERED

Mr. Steve Long
Board Administrator
Board of Adjustment
Sustainable Development & Construction
1500 Marilla St., Room 5DN
Dallas, Texas 75201

RE: 2621 McKinney Avenue
BDA Case No. BDA145-088

Dear Steve:

As we have discussed, attached are three (3) full size copies of the revised alternate landscape plan. Please include that plan and the following information and documentation for consideration by both staff in its Team meeting and by the Board at the hearing scheduled for Monday, September 21, 2015. If you have any questions or if there is any additional documentation you need, please contact me.

Background/Triggering Event

Under the provisions of PD-193, any increase in floor area triggers the landscape regulations of the Oak Lawn Ordinance. In 2011, Blackfriar Pub, the tenant at 2621 McKinney applied for a "renovation/addition" permit that included putting a solid roof over an existing, but "uncovered" patio. This triggered the landscaping requirements since the square footage of a covered patio is included in floor area. Another goal of the permitting process was to combine the two existing suites/uses into a single use operating in both spaces under a single restaurant CO (Not always as easy as it sounds -- For example, even though the combined square footage of the new use did not exceed the sum of the prior two uses, the installation of a fire sprinkler system throughout the building was now required.). In any event, the work was completed, inspected and a CO was approved to be issued. However, the requirement for a landscape review was missed by staff and not made part of the review process. The applicant and Building Inspection staff are now attempting to rectify the situation.



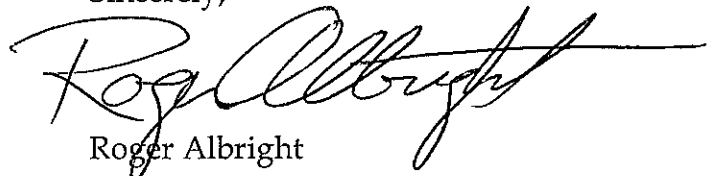
Mr. Long
Page 2
September 2, 2015

Revised Alternative Landscape Plan

Given the fact that the site is already built out and improved with extensive mature landscaping and hardscape, the applicant submitted its application seeking approval of an alternative landscape plan. After making its application, Blackfriar presented its landscape plan both to the Oak Lawn Committee and to City staff for their review. Based upon the Committee's input at their July 7th meeting and their subsequent requests, the applicant as seen by the revised plan has made some significant changes to its original proposal. First as suggested by the Oak Lawn Committee, the applicant now proposes removing the existing, sidewalk-level, brick planters along McKinney which, in turn, will allow for construction of a wider sidewalk and will address handicap accessibility concerns. Secondly, we have now provided for the installation of significant landscape improvements along Howland; Howland being the street along Blackfriar's rear property line. Although Blackfriar's lot is less than 200 feet deep, this block of McKinney is so narrow that Blackfriar's property runs from "street to street". As per the attached plan, we are now adding shrubbery, a screening wall and street tree with heights consistent with the visibility triangle requirements. I have also attached the photo showing that the adjacent property to the north along Howland lacks either a sidewalk or a parkway. Likewise, the property to the south along Howland for which the attached Development Plan was recently approved uses its Howland front yard" as its back yard entrance to the parking garage with minimal planting area. We have submitted this plan to Phil Erwin, the Chief Arborist, for his input, consideration and hopefully, his recommendation for approval. We have likewise submitted a copy of the revised plan to the Oak Lawn Committee for their further consideration.

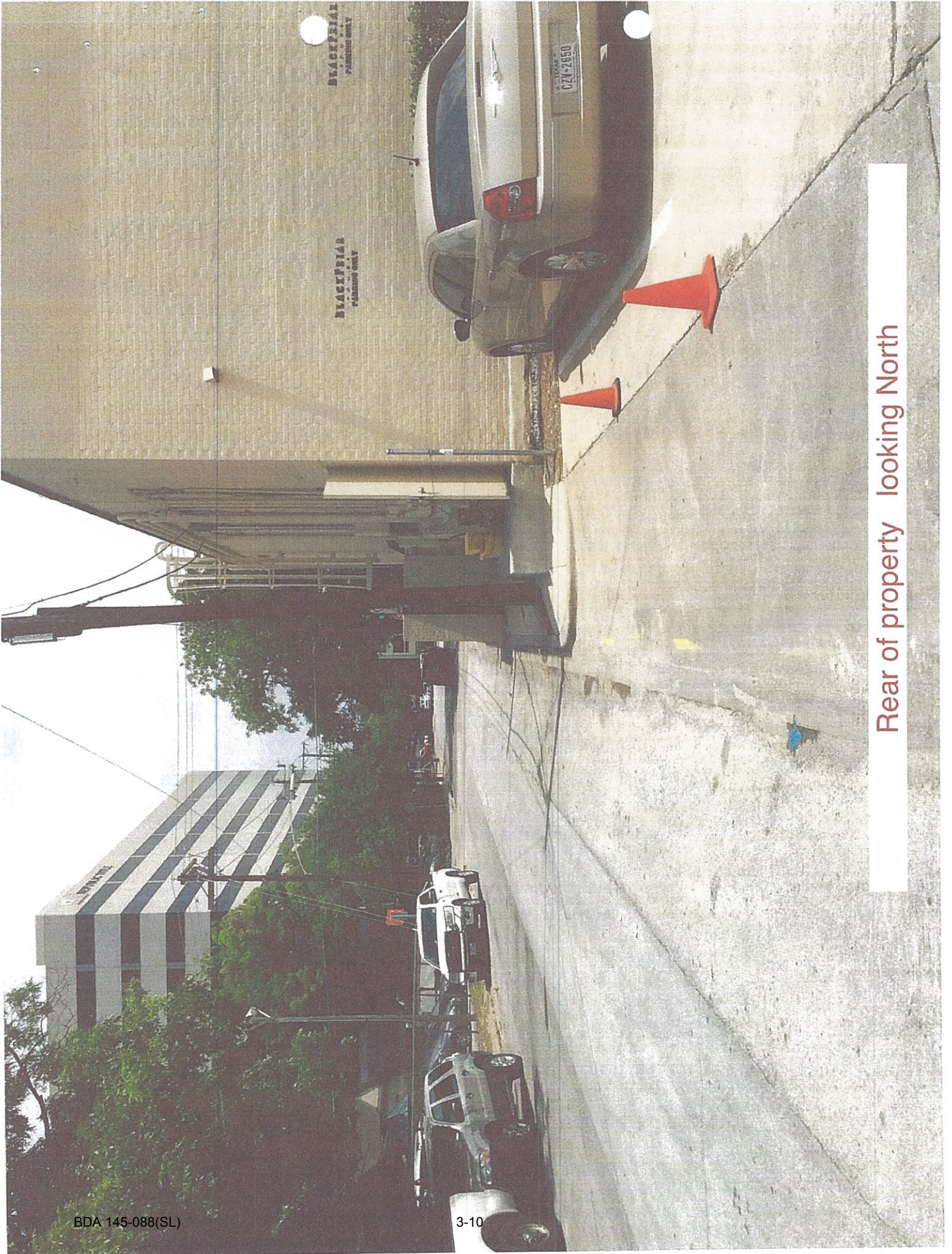
If you have any questions or need any additional information, please contact me.

Sincerely,



Roger Albright

RA/kph
Encl.



Rear of property looking North

Development Plan - Ex. S-103A
 Planned Development No. 193,
 PDS 103

Approved
 City Plan Commission
 December 5, 2013

BDA 145-088 Attach A P5 4

ONE DALLAS
 2619 McKinney Avenue
 Dallas, Texas

A Specialty Company /
 Cheng Investment Development
 McKinney Avenue - Dallas, Texas

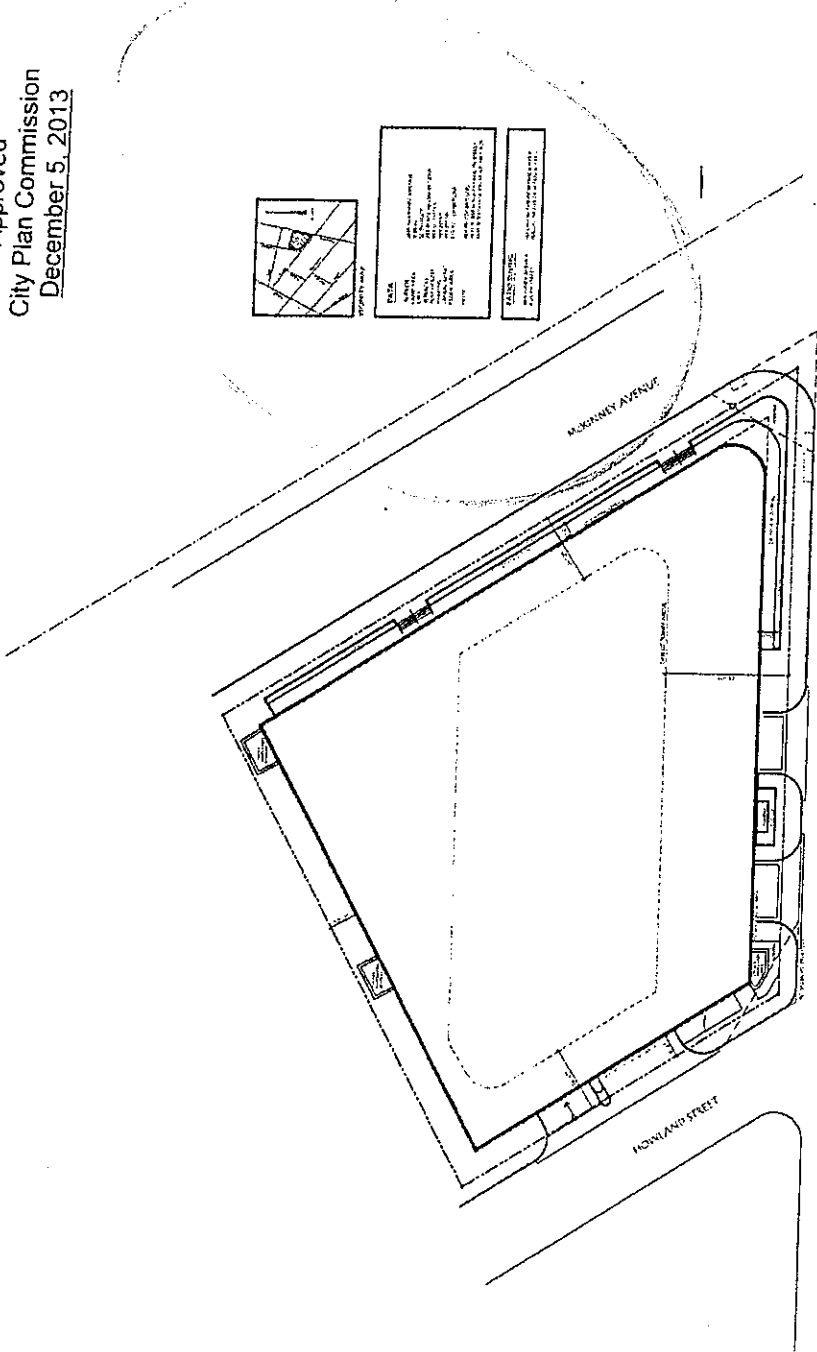
Sheet Number: DP
 Project Number: 01-2013

PWS ARCHITECTS, INC.
 914 Main Ave
 Suite 100
 Dallas, TX 75202
 Tel: (214) 424-1111
 Fax: (214) 424-1112

Date: 05.01.13
 Submittal: [unclear]

[unclear]

Z123-283



① DEVELOPMENT PLAN - Z123-283
 ISSUE 1-1-20

140233
 BDA 145-088(SL)

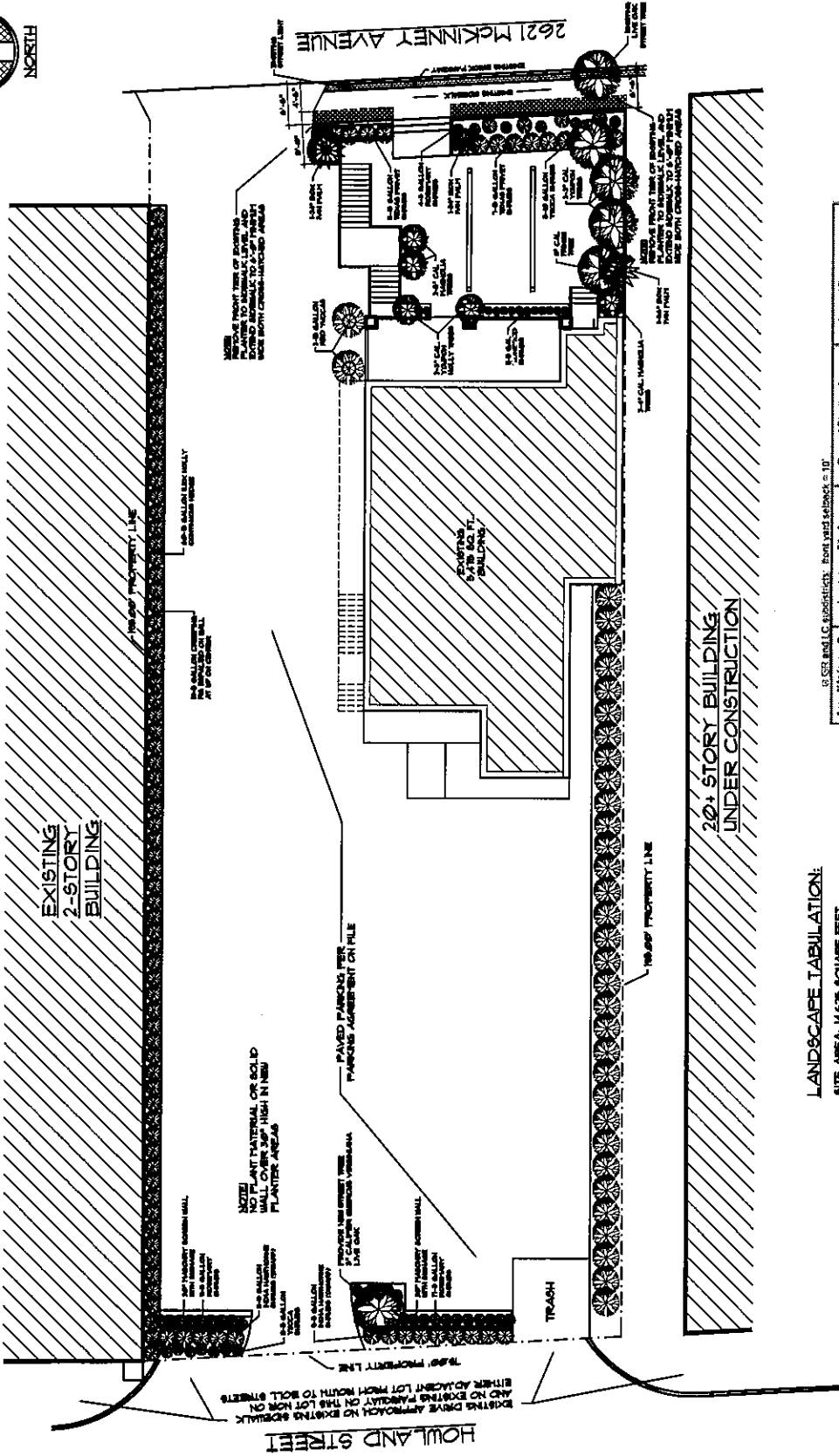
29257
 3-11

REVISIONS	

15441 04
 484 242 900
Hull Associates

2621 MCKINNEY AVE., SUITE #200 DALLAS, TX 75204
THE BLACK FRIAR PUB
ALTERNATIVE LANDSCAPE PLAN

DATE: 02/01/15
 DRAWN: B. KULL
 CHECK: J. W. B. C.
L-1
 OF 1 (REVISED)



§ 52E, 52E.1, I.C. Subchapter C, front yard setback = 10'

Area 5% In 54. R.	Special Planting Area	6%	6%	6%
Lot Area 14,825 S.F.	General Planting Area	10%	10%	10%
Required Front Yard	Required	Provided	Req. n. 1' plant	Req. n. 1' plant
Lot Area	1,463 S.F.	2,665 S.F.	n/a	n/a
Required Front Yard	878 S.F.	1,354 S.F.	537.6	817.66

LANDSCAPE TABULATION:

SITE AREA: 14,825 SQUARE FEET
 PAVING AREA: 9,184 SQ. FT.
 BUILDING COVERAGE AREA: 2,719 SQ. FT.
 LANDSCAPE AREA: 2,926 SQ. FT. = 20.1%

AUTOMATIC IRRIGATION:

ALL LANDSCAPING IS PROVIDED WITH AN AUTOMATIC IRRIGATION SYSTEM

ALTERNATIVE LANDSCAPE PLAN
 SCALE 1/8"=1'-0"

BDA145-088
Attach B
pg. 1

Memorandum



CITY OF DALLAS

DATE September 10, 2015
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 145 - 088 2621 McKinney Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193, Part 1 for an LC district.

Trigger

New construction resulting in increased floor area ratio on the property.

Deficiencies

The district requires 1) a tree planting zone between 2.5' and 5' from back of curb, 2) a six feet wide sidewalk from 5' to 12' from back of curb, and 3) all off-street surface parking areas require screening at a minimum height of 3.5 feet above the parking surface. The site complies with other landscape, general, and special planting requirements.

The proposed plan provides for one existing tree along McKinney Avenue adjacent to the curb and a new live oak tree approximately six feet from the property line along Howland Street.

The McKinney Avenue sidewalk is generally six feet wide from back of curb with exception of a tree and light standard obstruction. The Howland Street frontage will retain an existing drive approach.

The off-street parking screening, typically required to be a minimum of 42" in height, does not achieve the full height but has in place a proposed 30" tall masonry wall which is bordered with short rosemary and hawthorne shrubs. No screening is provided at the end of the parking row facing McKinney Avenue.

Factors

The revised alternative landscape plan provides for the removal of two feet of an existing planting bed which currently encroaches into the required sidewalk area for McKinney Avenue. This expands the total sidewalk to six feet with the exception of a limited space for an existing tree, and a light standard which restricts the ability to add an additional tree in the zone.

Additional existing front yard landscaping along McKinney Avenue provides for a layered landscape design with other trees and shrubs.

BOA145-088
Attach B
Pg 2

New landscaping is provided along the frontage of Howland Street along the two sides of a 30-inch tall screening wall. A garbage storage screen is placed adjacent to the wall. A new live oak tree is provided in the center of the frontage area next to the drive entry.

The placement of the garbage storage screening fence, although suitable for screening purposes, does not provide for authorization of the garbage storage structure in the front yard. The applicant may wish to consider if expansion of the screening fence to beyond the front yard setback would be helpful for them to accommodate a garbage storage structure on the property.

The physical condition of the Howland Street frontage does not favor the placement of the sidewalk and tree planting zone, as a matter for landscape elements of PD 193, due to existing conditions along adjoining properties.

Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because the revisions do not appear to compromise the spirit and intent of landscape requirements of PD 193 (LC).

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-088

Data Relative to Subject Property:

Date: 6-16-15

Location address: 2621 McKinney Avenue Zoning District: ~~MU-3~~ PD193(LC)

Lot No.: Pt. 4 Block No.: 3/955 Acreage: 0.334 Census Tract: 18.00

Street Frontage (in Feet): 1) 75 2) 75 3) 75 4) _____ 5) _____ SW 22

To the Honorable Board of Adjustment:

Owner of Property/or Principal: Blackfriar Property, L.L.C.

Applicant: Bryan Hull Telephone 469.426.6906

Mailing Address: 600 Wentworth, Richardson, TX Zip Code: 75081

E-mail Address: bhull@hullassoc.net

Represented by: Roger Albright Telephone: 214.939.9224

Mailing Address: 3301 Elm Street, Dallas, Texas Zip Code: 75226-2562

E-mail Address: ralaw@rogeralbright.com

Affirm that a request has been made for a Variance , or Special Exception X , of

Landscape Ordinance.

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

Approval of alternative landscape plan in order to: (1) preserve and maintain existing brick pavers, sidewalk and planters which are consistent with adjoining property and properties across McKinney; and (2) approve the existing drive approach and streetscape along Howland as improved by street tree shown on proposed plan.

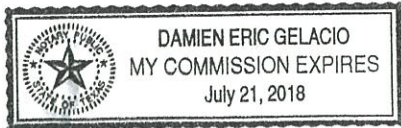
Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Bryan Hull 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: Bryan Hull
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10 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

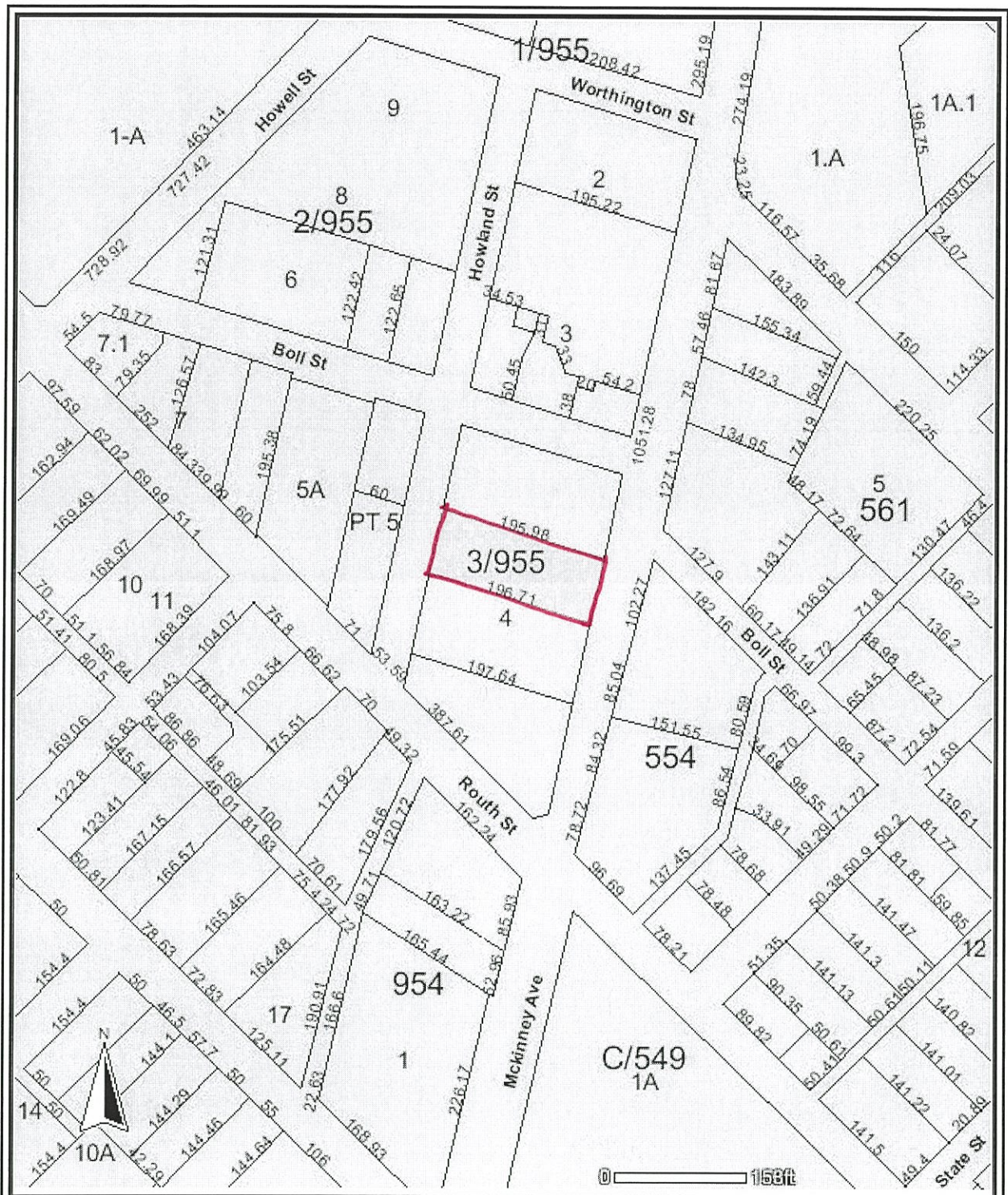
Building Official's Report

I hereby certify that Bryan Hull
represented by Roger Albright
did submit a request for a special exception to the landscaping regulations
at 2621 McKinney Avenue

BDA145-088. Application of Bryan Hull represented by Roger Albright for a special exception to the landscaping regulations at 2621 McKinney Avenue. This property is more fully described as part of Lot 4, Block 3/955 and is zoned PD-193 (LC), 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 landscaping regulations.

Sincerely,

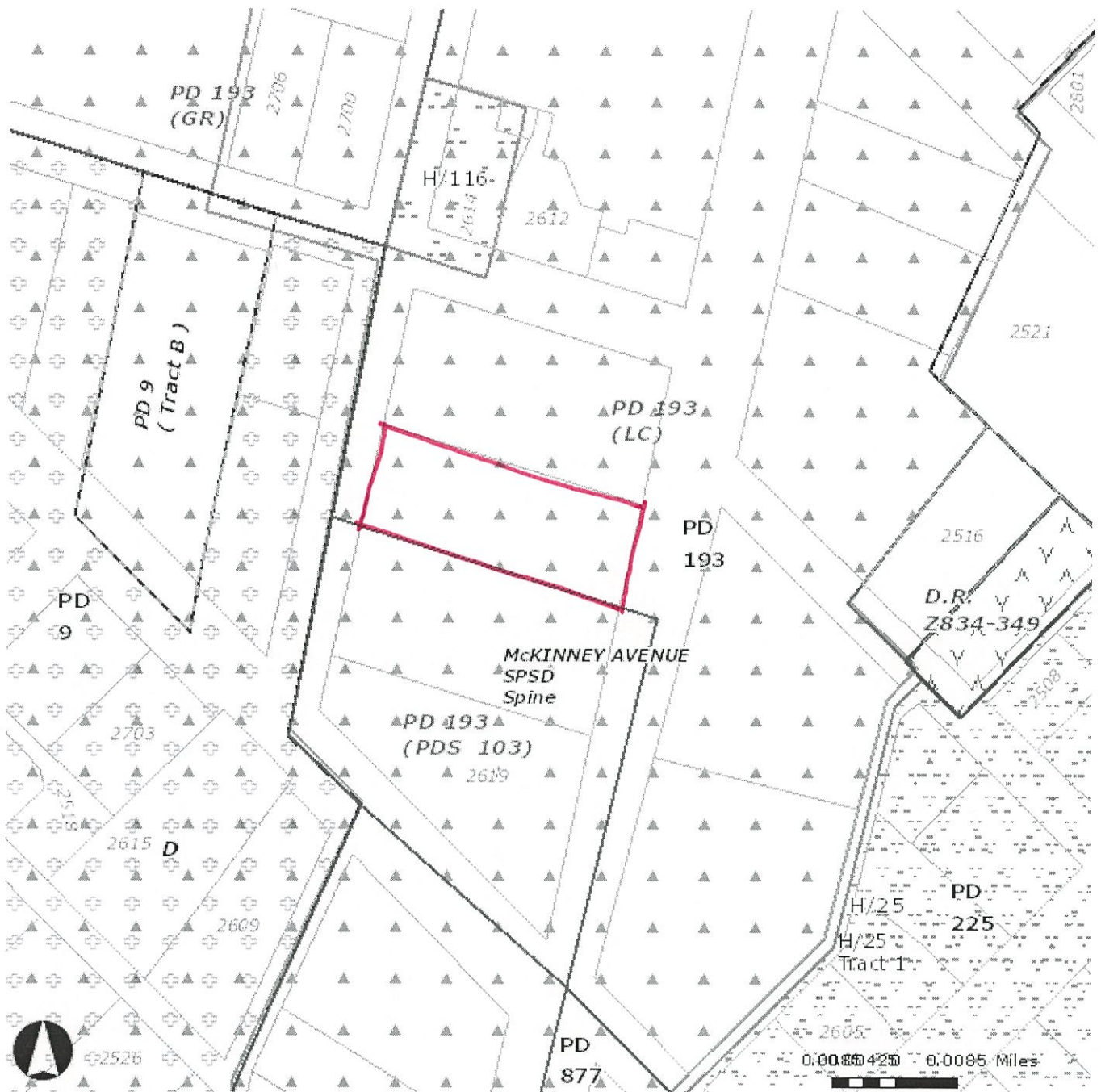

Larry Holmes, Building Official



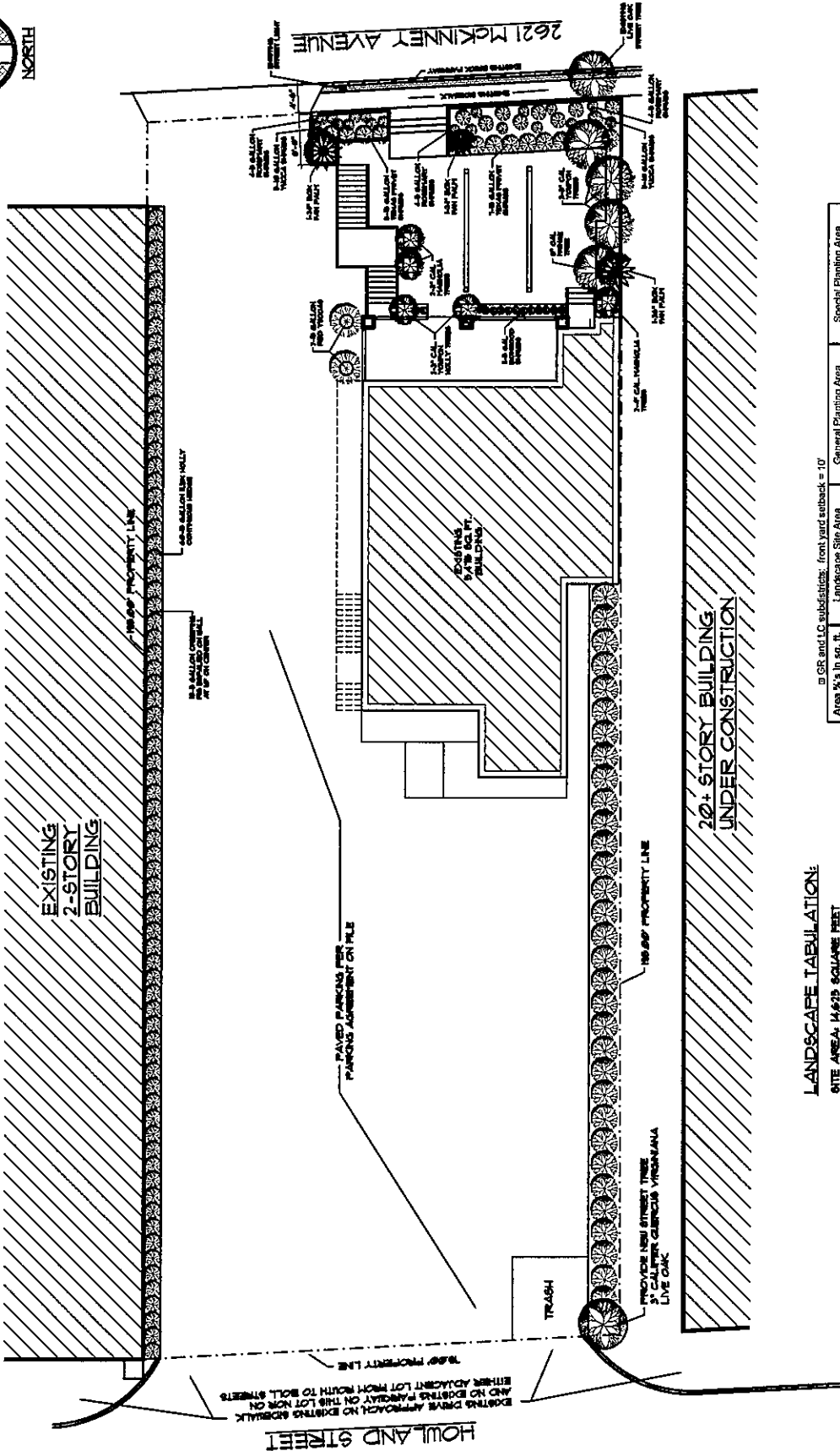
**Dallas Central
Appraisal District**
www.dallascad.org

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.

BH



BH



LANDSCAPE TABULATION:

SITE AREA: 14,619 SQUARE FEET
 PAVING AREA = 3,344 SQ. FT.
 PLANTING COVERAGE AREA = 2,176 SQ. FT.
 LANDSCAPE AREA: 2,489 SQ. FT. = 8.3%

AUTOMATIC IRRIGATION:

ALL LANDSCAPING IS PROVIDED WITH AN AUTOMATIC IRRIGATION SYSTEM

□ GR and LG subtotals: front yard setback = 10'

Area % in sq. ft. of Area	Landscape Site Area	General Planting Area	Special Planting Area
10%	1,462 S.F.	n/a	n/a
60% of RFY	877 S.F.	17% of RFY	6% of RFY w/ 1 Plant / 8 s.f.
Required Front Yard	1,462 S.F.	Designated	Required
Provided	1,462 S.F.	n/a	54 S.F. / Plants
LOI A1008	878 S.F.	1,354 S.F.	379
Required Front Yard	878 S.F.	1,354 S.F.	537/9
			817/98

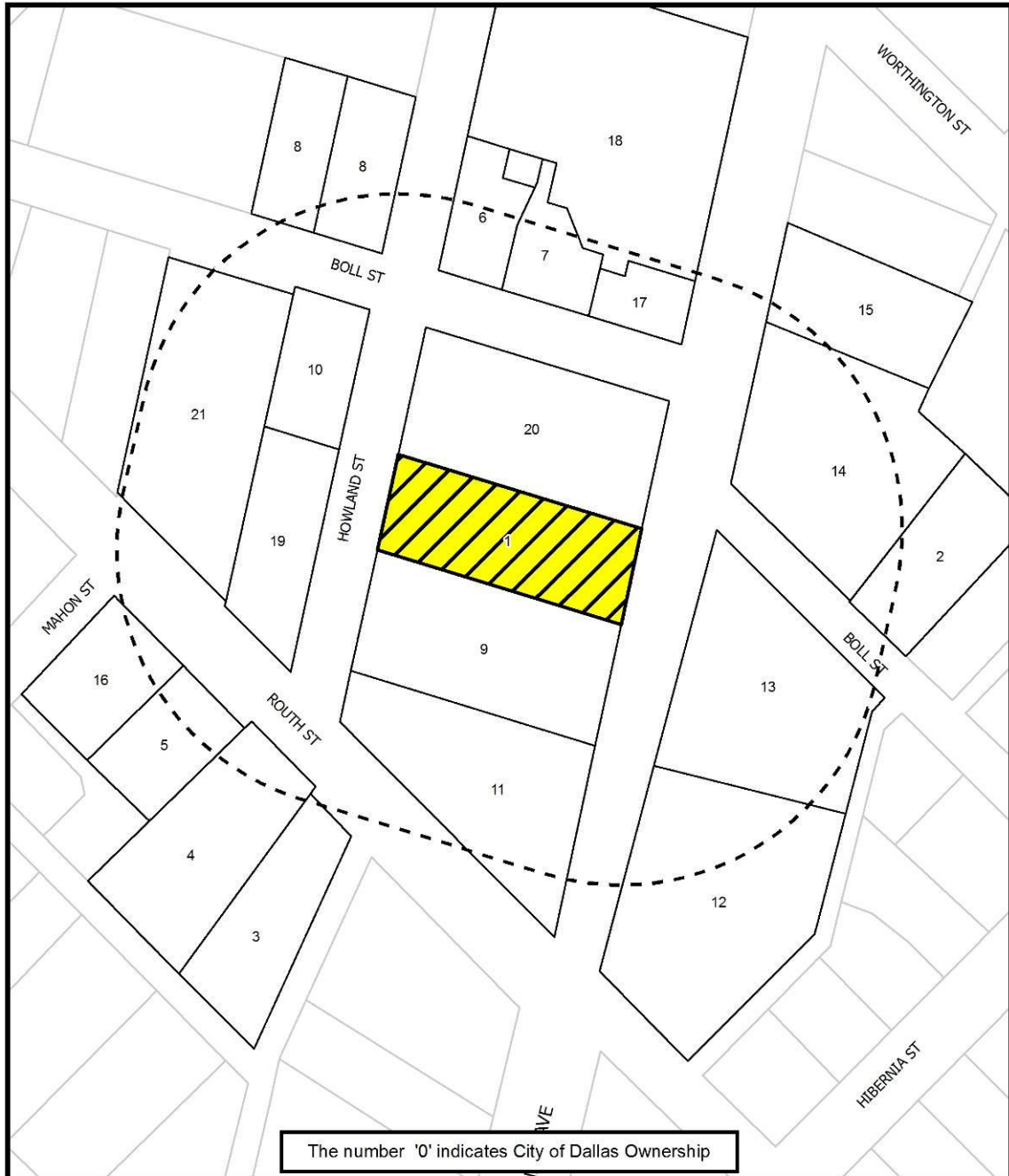
ALTERNATIVE LANDSCAPE PLAN
 SCALE: 1/8" = 1'-0"

NO.	DATE	REVISIONS

Hull Associates
 12001 McKinney Ave., Suite 2000, Dallas, TX 75205
 (214) 343-1100

ALTERNATIVE LANDSCAPE PLAN
 THE BLACK FRIAR PUB
 2021 MCKINNEY AVE., SUITE 2000, DALLAS, TX 75201

DATE: 6/20/05
 DRAWN BY: B. HALL
 CHECKED BY: B. HALL
 SCALE: 1/8" = 1'-0"
 SHEET: L-1
 OF: 1 SHEETS



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">21</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	21	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-088</u> Date: <u>9/1/2015</u>
200'	AREA OF NOTIFICATION					
21	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-088

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC
2	2516 BOLL ST	AJP PROPERTIES
3	2609 ROUTH ST	OR ASSET HOLDINGS LP
4	2615 ROUTH ST	OR ASSET HOLDINGS LP
5	2703 ROUTH ST	DAYTON JOHN W & ARLENE J
6	2614 BOLL ST	PASHA & SINA INC
7	2612 BOLL ST	STORY HERBERT B JR
8	2706 BOLL ST	STORY HERBERT B JR &
9	2619 MCKINNEY AVE	SC ONE DALLAS LLC
10	2703 BOLL ST	OGLE LINDA K ET AL
11	2619 MCKINNEY AVE	SC ONE DALLAS LLC
12	2602 MCKINNEY AVE	UPTOWN ENERGY PARTNERS LP
13	2614 MCKINNEY AVE	J&K REAL ESTATE INV LTD
14	2702 MCKINNEY AVE	AJP PROPERTIES
15	2710 MCKINNEY AVE	AJP PROPERTIES
16	2707 ROUTH ST	TURTLE CREEK MANOR INC
17	2701 MCKINNEY AVE	STORY HERBERT B JR
18	2705 MCKINNEY AVE	MCKINNEY AVENUE PARTNERS LTD
19	2704 ROUTH ST	MARTIN INV LP
20	2633 MCKINNEY AVE	2633 MCKINNEY AVE LLC
21	2708 ROUTH ST	JTS ROUTH ST PARTNERS LLC

FILE NUMBER: BDA 145-098(SL)

BUILDING OFFICIAL'S REPORT: Application of Kathie Peng, represented by Robert Reeves and Associates for a special exception to the fence height regulations at 4606 Walnut Hill Lane. This property is more fully described as Lot 23A, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 8 foot 6 inch high fence, which will require a 4 foot 6 inch special exception to the fence height regulations.

LOCATION: 4606 Walnut Hill Lane

APPLICANT: Kathie Peng
Represented by Robert Reeves and Associates

REQUEST:

A request for a special exception to the fence height regulations of 4' 6" is made to construct and maintain a 7' high stone wall with 7' 6" high stone columns, and an approximately 6' 6" – 8' 6" high gate flanked with 8' 6" high entry columns on a site developed with a single family home.

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-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:

1. BDA 145-021, property at 4606 Walnut Hill Lane (the subject site)

On March 16, 2015, the Board of Adjustment Panel C granted a request for special exception to the fence height regulations of 4' 6" and imposed the following condition: compliance with the submitted revised site plan, conceptual/landscape plan, and elevation is required.

The case report stated the request was made to construct and maintain a 7' high "wall faced with Lueders limestone" with 7' 6" high columns, and an approximately 6' – 7' high gate flanked with 8' 6" high entry columns on a site developed with a single family home. (Note that on June 22, 2015, the Board of Adjustment Panel C granted the applicant's request to waive the two year limitation on a final decision made on this request that would allow the applicant to refile a new fence height special exception on the property.

2. BDA 990-271, property at 9963 Rockbrook Lane (two lots east of the subject site)

On May 15, 2000, the Board of Adjustment Panel C granted requests for special exceptions to the single family use and fence height regulations of 2' and imposed the following conditions: to the single family use special exception: compliance with the submitted site plan is required; and applicant must submit a valid deed restriction prohibiting the additional dwelling unit of the site from being used as a rental accommodation; and to fence height special exception: 1) In conjunction with retaining the 6 foot high brick/masonry wall, a tree survey or a landscape plan documenting the trees to be retained adjacent to the existing wall must be submitted, and 2) a landscape plan documenting the retention of ivy vines on the existing wall must be submitted.

The case report stated the requests were made to maintain an existing 6' high brick wall along Walnut Hill Lane and construct/maintain an extension of this wall an additional 90 feet westward along Walnut Hill Lane, and to construct/maintain a pool house/dwelling unit structure on the site.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 7' high stone wall with 7' 6" high stone columns, and an approximately 6' 6" – 8' 6" high gate flanked with 8' 6" high entry columns on a site developed with a single family home.
- 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 and a partial site plan/elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 8' 6".
- The submitted site plan indicates the following:
 - The fence proposal is represented as being approximately 150' in length parallel to the street including a recessed entryway feature.
 - The fence proposal is represented as being located approximately 6' from the front lot line or about 16' from the pavement line.

- The gate proposal is represented as being located approximately 21' from the front lot line or about 30' from the pavement line.
- A "planting in front of wall (ref: landscape plan)" is noted on the street side of the proposed fence.
- The submitted partial site plan and elevation notes landscape materials to be located on both sides of the proposed fence. This document notes species, the number of each plant material, and the size of each plant material. These landscape materials include:
 - 44, 3 gallon Boxwoods
 - 30, 3 gallon Miscanthus grass
 - 6 tree form yaupon holly
 - 4, 30 gallon Nellie Stevens holly
 - 680 purple wintercreeper groundcover (4" posts)
 - 240 seasonal color in 4" pots.
- The fence proposal is located on the site where three lots would have direct/indirect frontage to it – one of which (the lot northeast of the site) has an approximately 8' high wood fence with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other visible fence above 4 feet high which appeared to be located in a front yard setback – an approximately 5' high solid brick fence located immediately east of the subject site with no recorded BDA history.
- As of September 11, 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 4' 6" will not adversely affect neighboring property.
- Granting this special exception of 4' 6" with a condition imposed that the applicant complies with the submitted site plan and partial site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

July 15, 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.

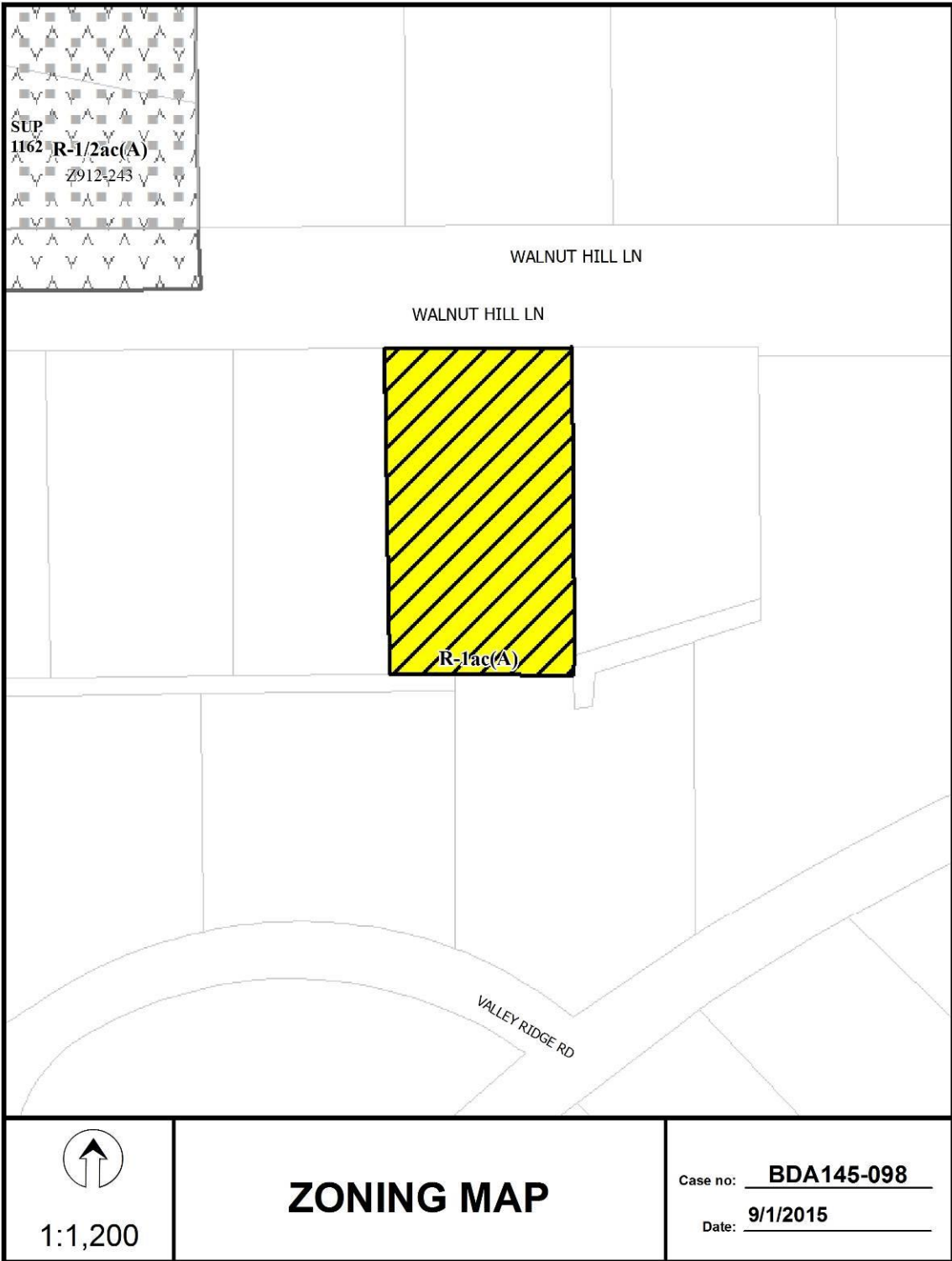
August 19, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

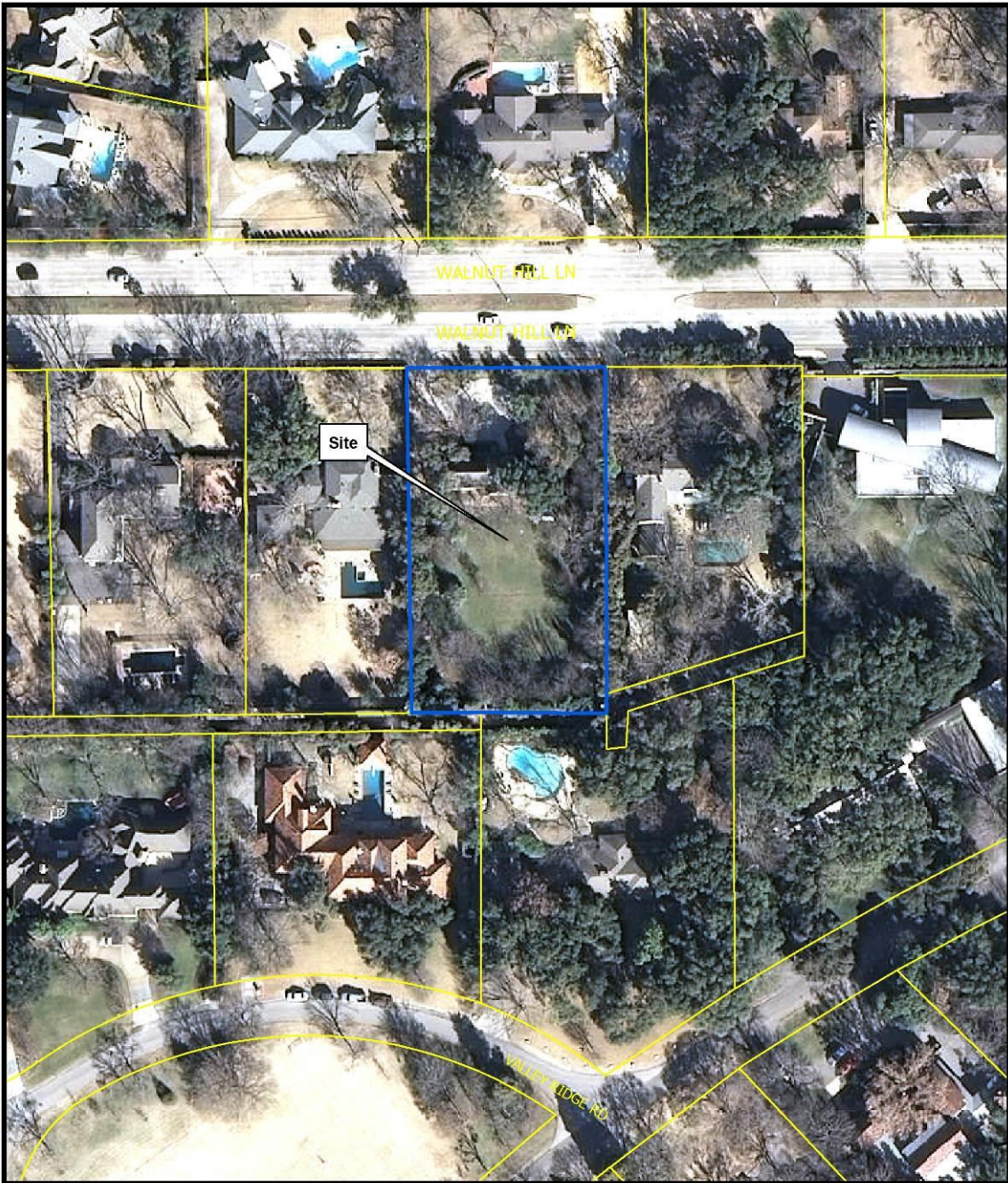
August 19, 2015: The Board Administrator contacted the applicant's representative and emailed the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 2nd deadline to submit additional evidence for staff to factor into their analysis; and the September 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 8, 2015: 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 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: BDA145-098

Date: 9/1/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-098

Data Relative to Subject Property:

Date: 7/15/15

Location address: 4606 Walnut Hill Lane Zoning District: R-1ac (A) Single Family

Lot No.: 23A Block No.: 5543 Acreage: .92 Census Tract: 206.00

Street Frontage (in Feet): 1) 150' - Walnut Hill Ln. 2) 3) 4) NE 2A

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Kathie Peng & Jimmy D. Baugh II, wife and husband

Applicant: Kathie Peng & Jimmy Baugh Telephone: 703-945-5002

Mailing Address: 4606 Walnut Hill Ln. Zip Code: 75229

E-mail Address: kathiepeng@gmail.com

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, to Chapter 51A 4.602 (a) (1) fence height standard when located in the required front yard of pursuant to Chapter 51A 4.602 (a) (6). The applicant wants to construct a new stone wall with landscaping with eight 7 ft fence sections and ten 7 ft 6 in columns on either side of each section. An addition of a 8ft 6 in wood and iron entry gate with two 8 ft. 6 in. columns on either side of the gate.

of 4'-6" fence in fysb

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:

Increase the front yard fence height above 4 feet with a stone wall with and landscaping in order to provide security, sound barrier, and protection from vehicular intrusions along a very busy Walnut Hill Lane.

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.

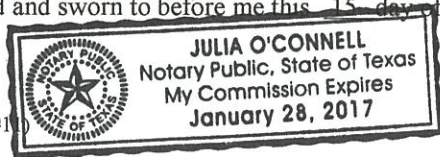
Affidavit

Before me the undersigned on this day personally appeared Kathy Peng (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 15 day of 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

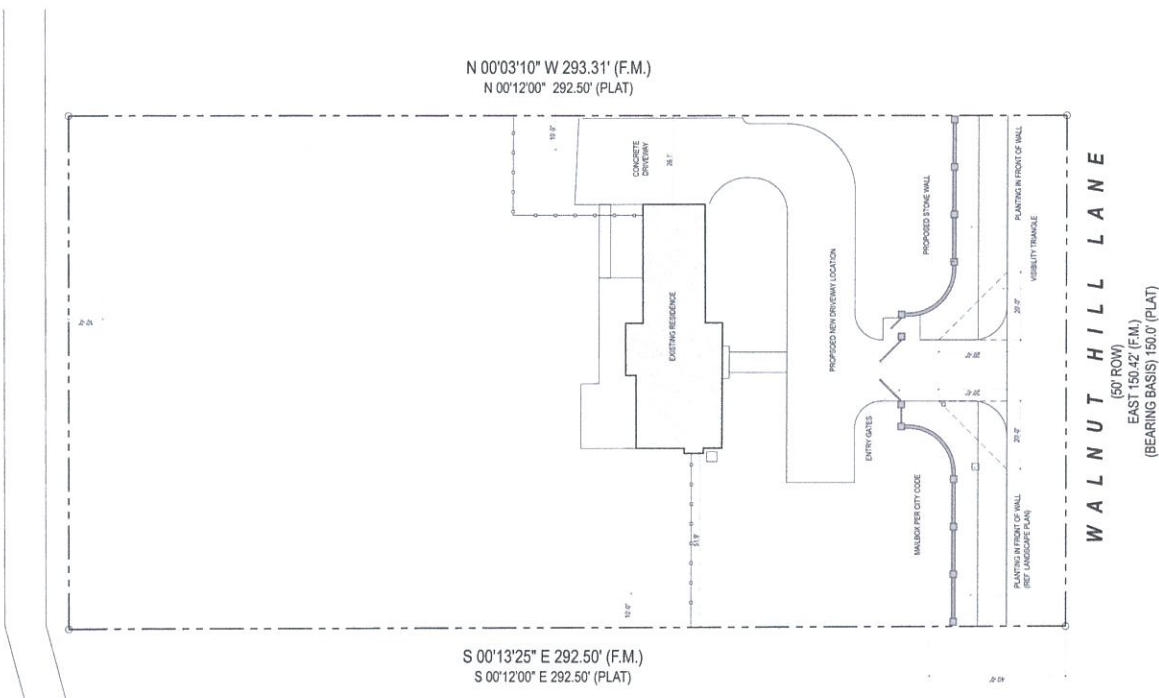
Building Official's Report

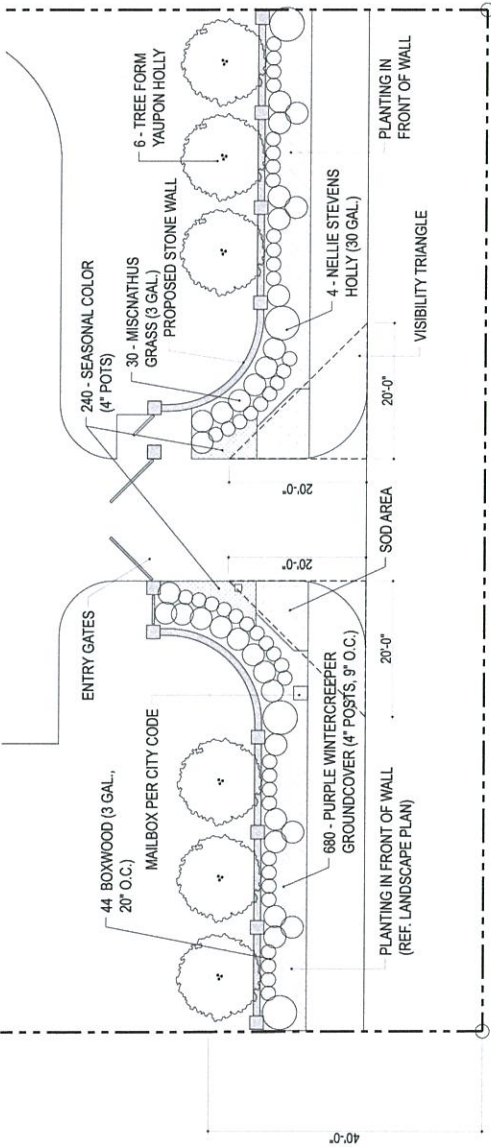
I hereby certify that Kathie Peng
represented by Robert Reeves
did submit a request for a special exception to the fence height regulations
at 4606 Walnut Hill Lane

BDA145-098. Application of Kathie Peng represented by Robert Reeves for a special exception to the fence height regulations at 4606 Walnut Hill Lane. This property is more fully described as Lot 23A, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation.

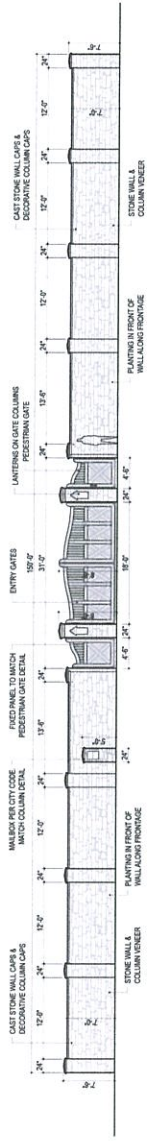
Sincerely,


Larry Holmes, Building Official

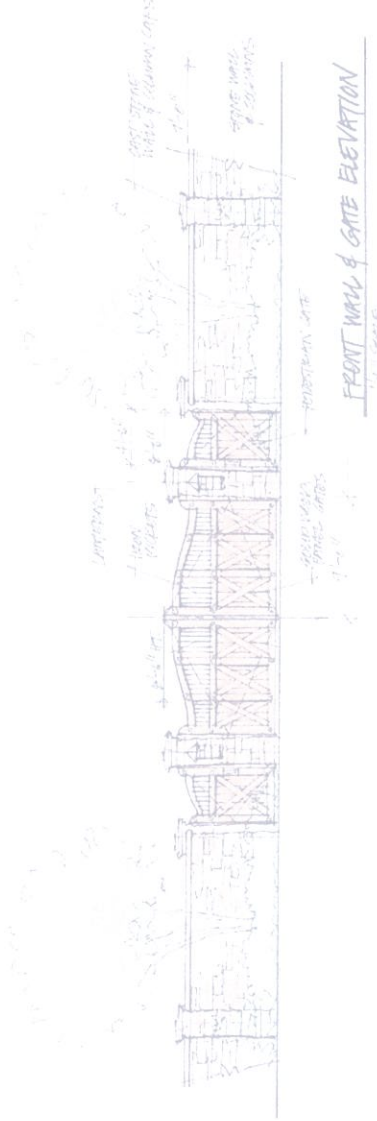




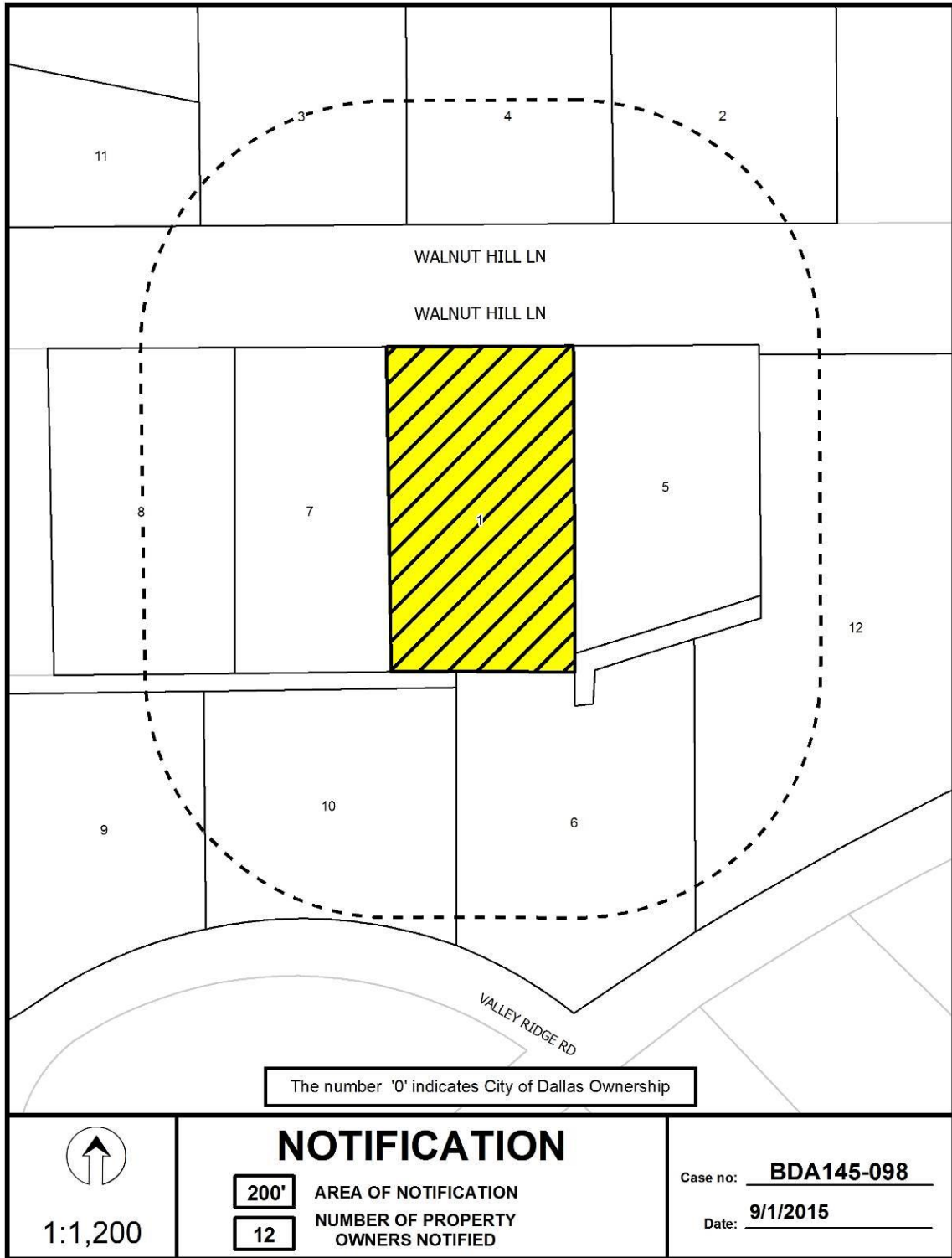
01 ENTRY WALLS & GATE LANDSCAPE PLAN
SCALE 1/8" = 1'-0"



02 ENTRY WALLS & GATE FRONT ELEVATION
SCALE 1/8" = 1'-0"



03 FRONT WALL & GATE ENLARGEMENT
SCALE 1/8" = 1'-0"



Notification List of Property Owners

BDA145-098

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4606 WALNUT HILL LN	TODD CHRISTOPHER N
2	4611 WALNUT HILL LN	JFN REAL ESTATE LTD
3	4535 WALNUT HILL LN	ADAMS SUSAN E &
4	4549 WALNUT HILL LN	BLAKELELOCK DAVID &
5	4622 WALNUT HILL LN	SCHWARTZ MICHAEL W
6	9945 ROCKBROOK DR	FULBRIGHT MARILYN P
7	4534 WALNUT HILL LN	LENGYEL CRAIG S &
8	4522 WALNUT HILL LN	BALADY LOUIS J & REV TR
9	4607 VALLEY RIDGE RD	ALLEN CARL & ANNE
10	4631 VALLEY RIDGE RD	OLIVER KIRK R & MARY C
11	10004 ROCK HILL LN	SEGALL KATHERINE H & ADAM M
12	9963 ROCKBROOK DR	HOFFMAN MARGUERITE

FILE NUMBER: BDA 145-067(DL)

BUILDING OFFICIAL'S REPORT: Application of Laura Hoffman for a special exception to the fence height regulations at 10121 Waller Drive. This property is more fully described as Lot 4, Block C/5517, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 7 inch high fence in a required front yard, which will require a 4 foot 7 inch special exception to the fence regulation.

LOCATION: 10121 Waller Drive

APPLICANT: Laura Hoffman, Winstead PC

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' 7" is made to construct a 5' 3" high open wrought iron fence with 6' 2" high stucco columns, and an arched 8' 7" high, approximately 18' wide, open wrought iron gate, parallel and perpendicular to the street in the required 50' front yard along Waller Drive.

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-1ac(A) (Single Family Residential District 1 Acre)
North: R-1ac(A) (Single Family Residential District 1 Acre)
South: R-1ac(A) (Single Family Residential District 1 Acre)
East: R-1ac(A) (Single Family Residential District 1 Acre)
West: R-1ac(A) (Single Family Residential District 1 Acre)

Land Use:

The subject site is currently developed with a single family home. The areas to the north, 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 a 5' 3" high open wrought iron fence with 6' 2" high stucco columns, and an arched 8' 7" high, approximately 18' wide, open wrought iron gate, parallel and perpendicular to Waller Drive, in the 50' required front yard on a site developed with a single family home/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.
- An R-1ac(A) Single Family Residential District requires the minimum front yard setback to be 40'. However, the site also has a 50' platted build line along Waller Drive, which supersedes the 40' minimum front yard setback.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 157' in length parallel to Waller Drive.
 - The open, wrought iron fence will extend approximately 39' in length into the 50' required front yard.
 - The proposal is represented as being located approximately 12' from the pavement line.
 - The fence is represented as being located approximately 1' from the property line, and the entry gate is represented as being located approximately 9' from the 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 fronts the proposal.
- As of September 14th, five (5) letters have been submitted in support of the request, twenty-seven (27) letters have been submitted in opposition to the request, and five (5) letters have been submitted not opposing the request.
- As of September 14th, two petitions have been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' 7" will not adversely affect neighboring property.
- Granting this special exception of 4' 7" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal

exceeding 4' 7" in height in the front yard setback to be maintained in the location and of the heights and materials shown on these documents.

Timeline:

April 22, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

May 15, 2015: The Current Planner shared the following information with the applicant via e-mail:

- 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 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.

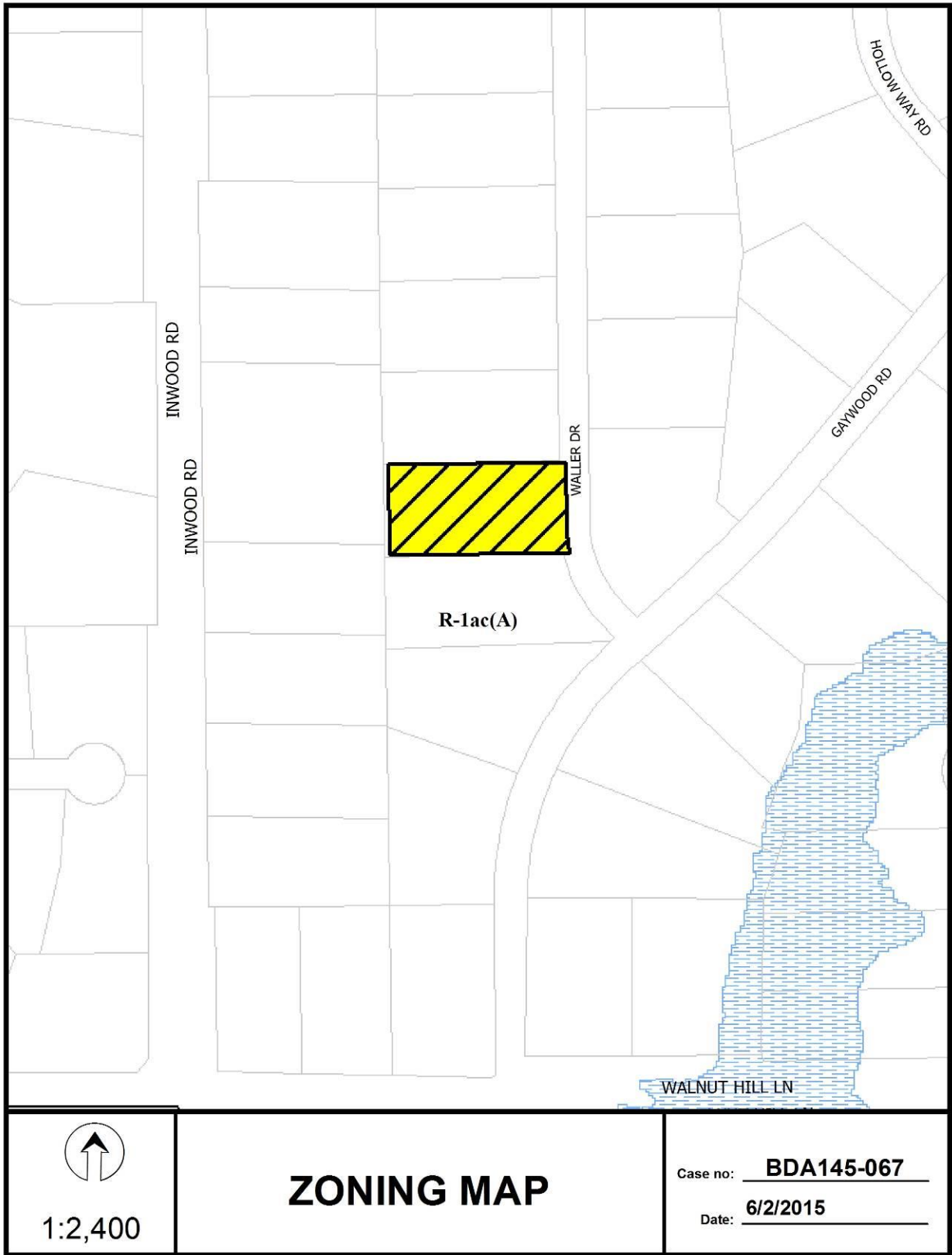
June 22, 2015: The Board of Adjustment Panel C voted to hold this application under advisement until August 24, 2015.

August 14, 2015: The Board Administrator contacted the applicant to inform him that because of a notification error, the application would be delayed from Panel C's August 24th hearing to Panel C's September 21st hearing.

August 18, 2015: Due to the notification error, notices were prepared and then sent to Property owners within a 200' radius of the site to advise them that the case was moved to September 21, 2015.

September 8, 2015: 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 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.

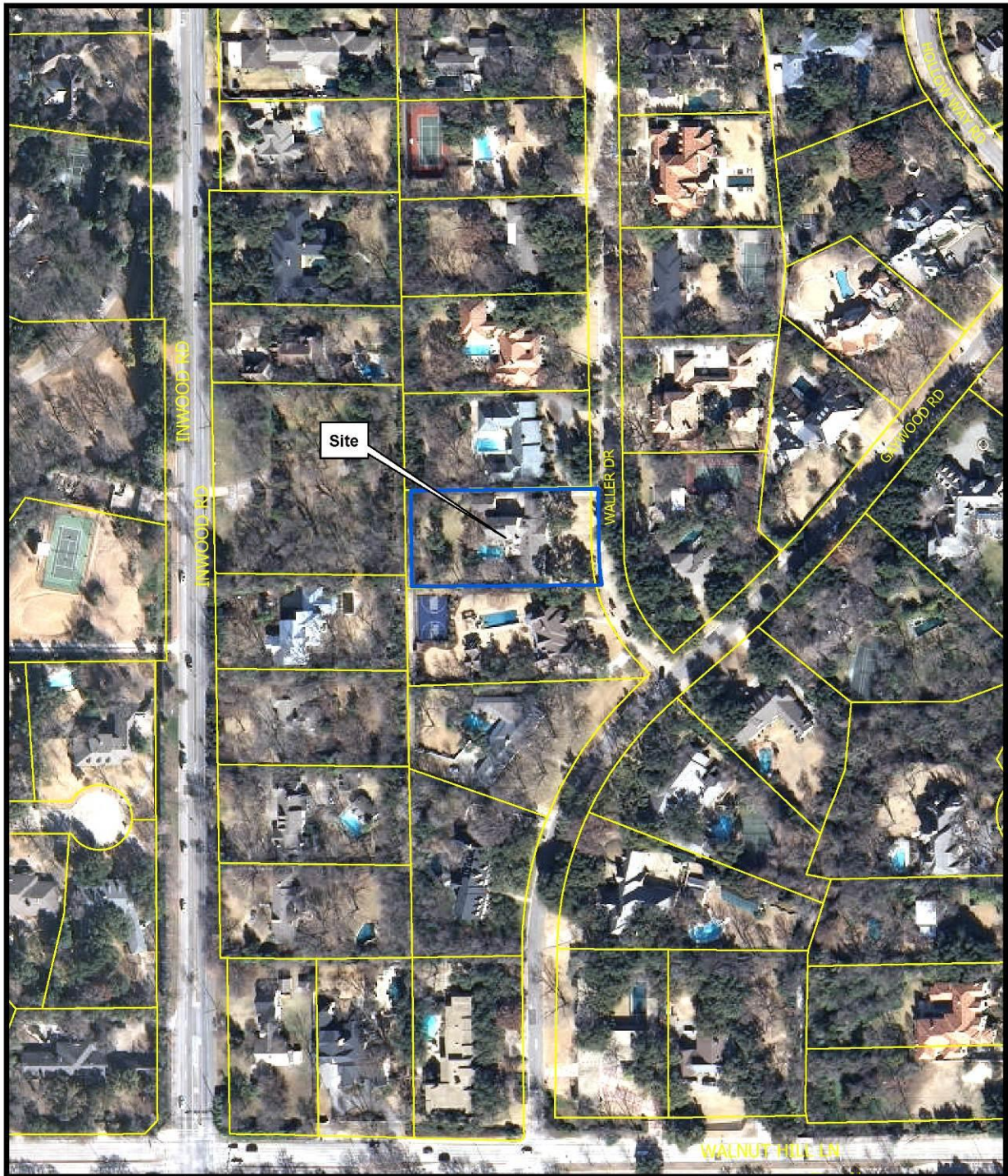


1:2,400

ZONING MAP

Case no: **BDA145-067**

Date: **6/2/2015**



1:2,400

AERIAL MAP

Case no: BDA145-067

Date: 6/2/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-067

Data Relative to Subject Property:

Date: April 22, 2015

Location address: 10121 Waller Drive, Dallas, Texas, 75229 Zoning District: R-1ac(A)

Lot No.: 4 Block No.: C/5517 Acreage: 0.9959 Census Tract: 0076.05

Street Frontage (in Feet): 1) 149.88 2) _____ 3) _____ 4) _____ 5) NC22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Marvin Ellison and Sharyn Ellison

Applicant: Laura Hoffmann Telephone: 214-745-5693

Mailing Address: 500 Winstead Bldg, 2728 N Harwood St, Dallas, Texas Zip Code: 75201

E-mail Address: Lhoffmann@winstead.com; Kwilliams@winstead.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 4'-7" fence in FYSB fifty-five (55) inches to permit the construction and maintenance of a masonry column and wrought iron fence and motorized gate in the 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:

Pursuant to section 51A-4.602(a)(6) of the Dallas City Code, Applicant requests a special exception to section 51A-4.602(a)(1) on the ground the proposed fence will not adversely affect neighboring property.

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

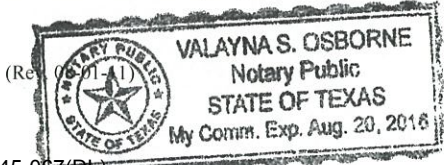
Affidavit

Before me the undersigned on this day personally appeared Laura Hoffmann (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: Laura Hoffmann (Affiant/Applicant's signature)

Subscribed and sworn to before me this 22 day of April, 2015



Valayna Osborne 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

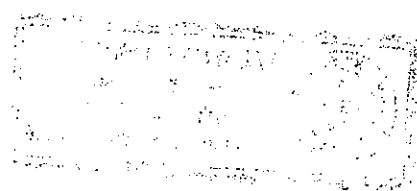
I hereby certify that Laura Hoffman

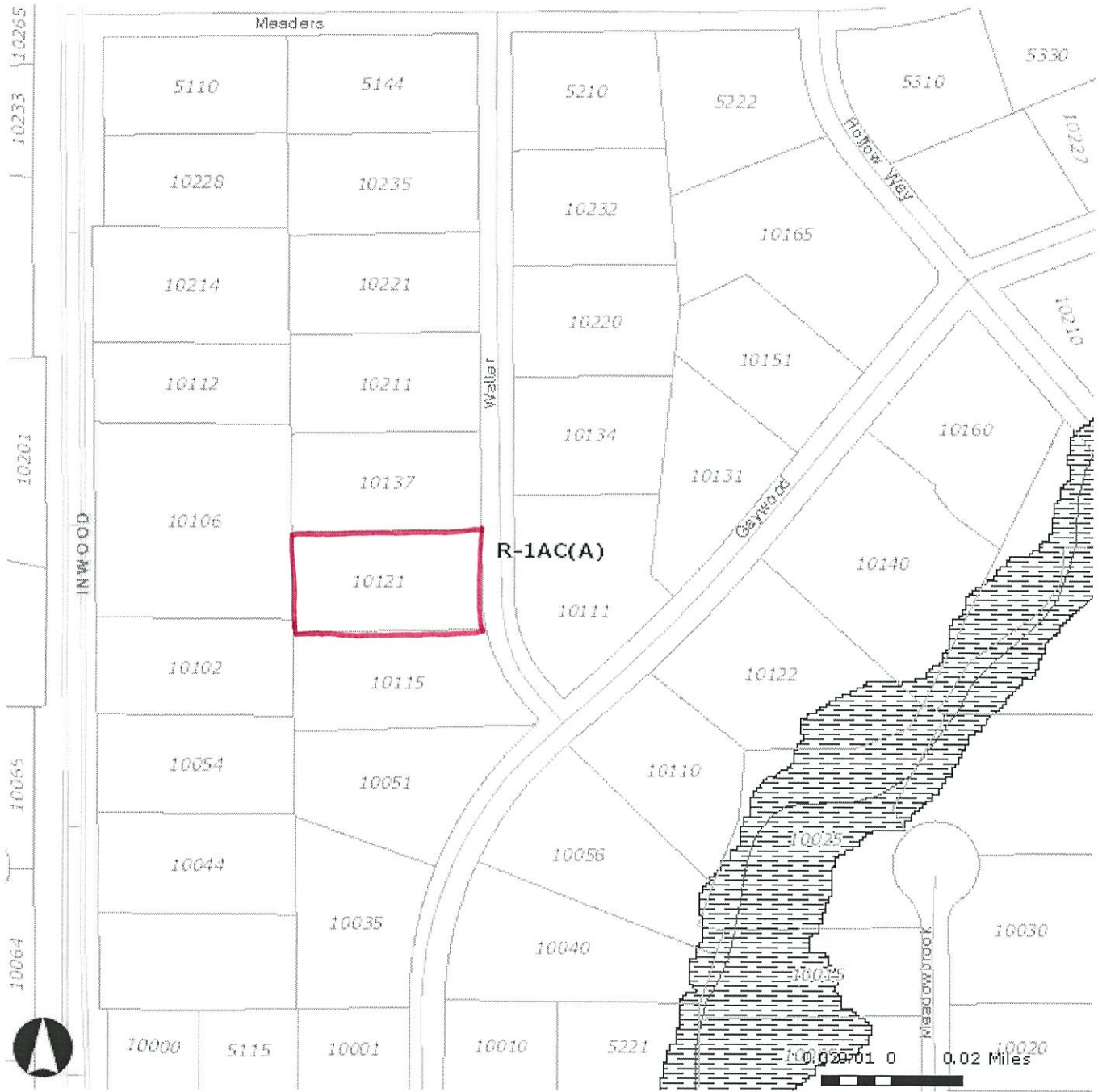
did submit a request for a special exception to the fence height regulations
at 10121 Waller Drive

BDA145-067. Application of Laura Hoffman for a special exception to the fence height regulations at 10121 Waller Drive. This property is more fully described as Lot 4, Block C/5517, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 7 inch high fence in a required front yard, which will require a 4 foot 7 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official





27

1945
1945
CITY NO. 3529
3533
CALLOWAY
ABST. 523

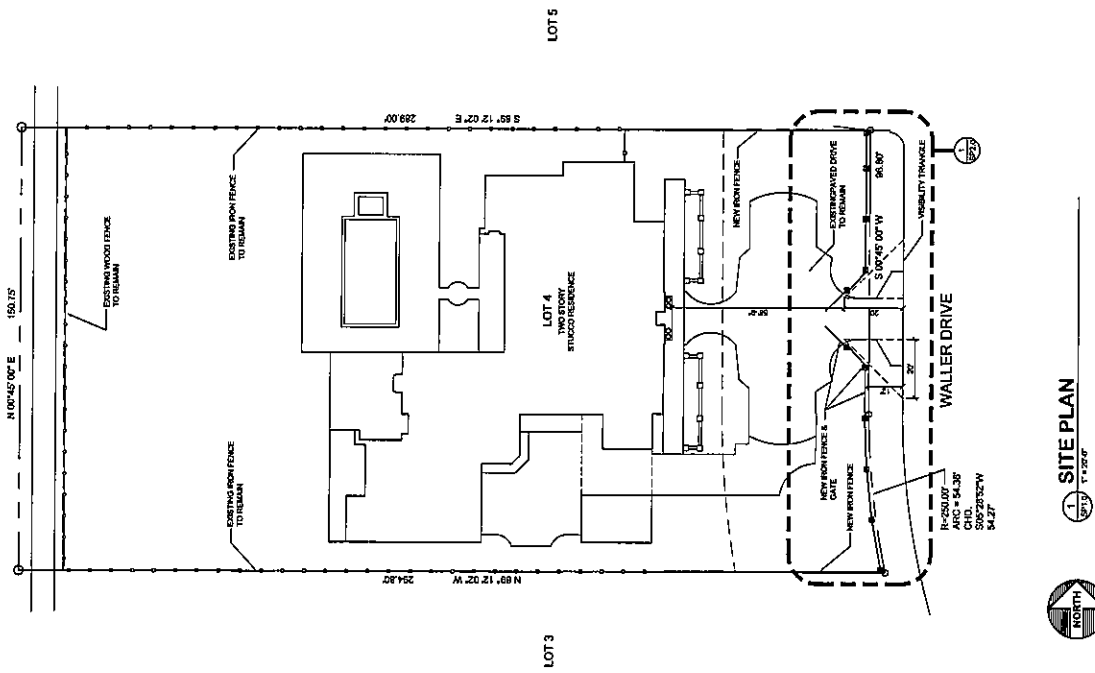
CITY OF DALLAS PLAT BOOKS
ADDITION MAYFLOWER ESTATES NO. 1
SCALE 100 FT. EQUALS 1 INCH

BLOCK 527
SCHOOL DISTRICT DALLAS

PLAT RECORDS 3-27-54



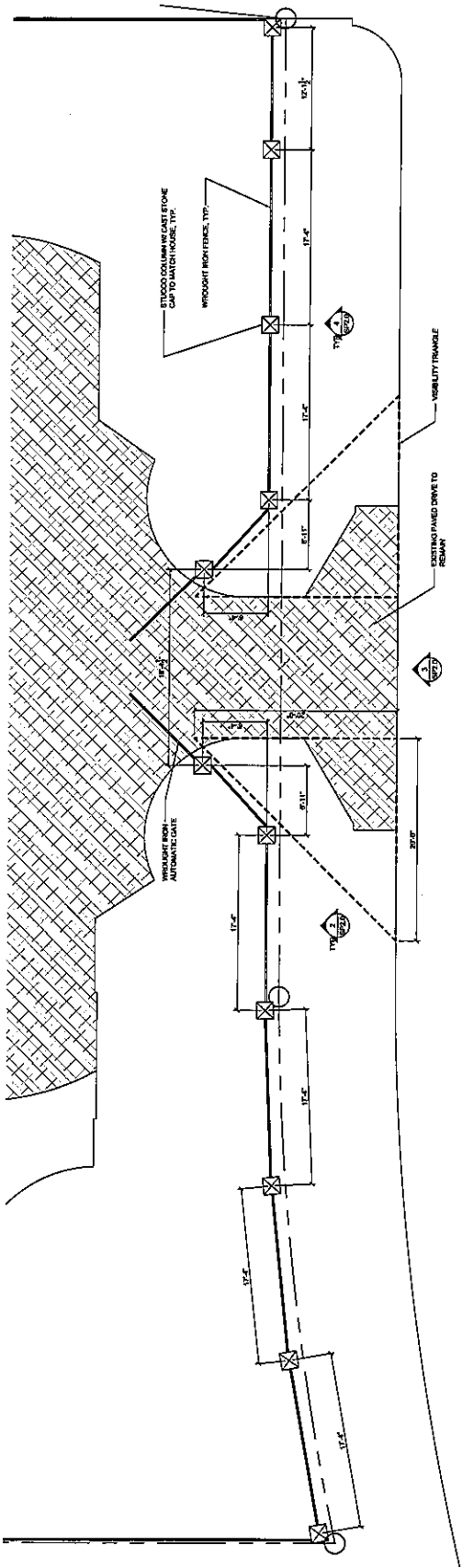
FLX



1 SITE PLAN

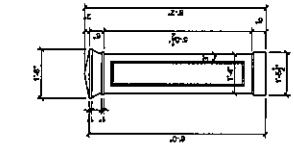
 09/13 1" = 32' @



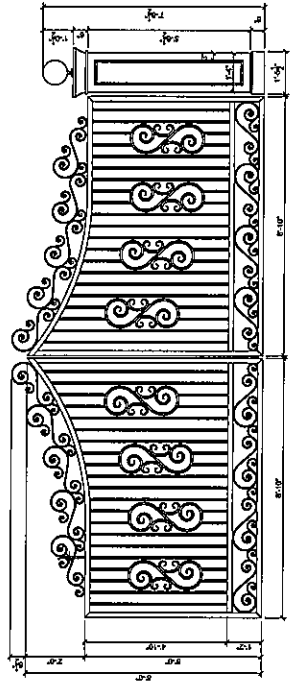


WALLER DRIVE

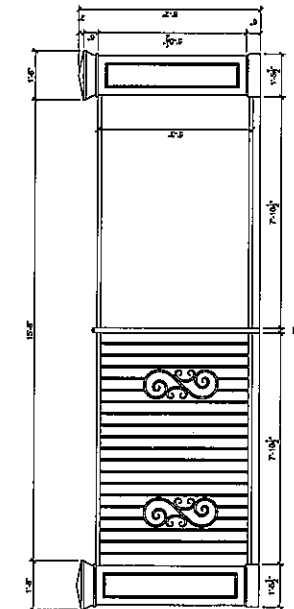
1. DETAIL FENCE & GATE PLAN



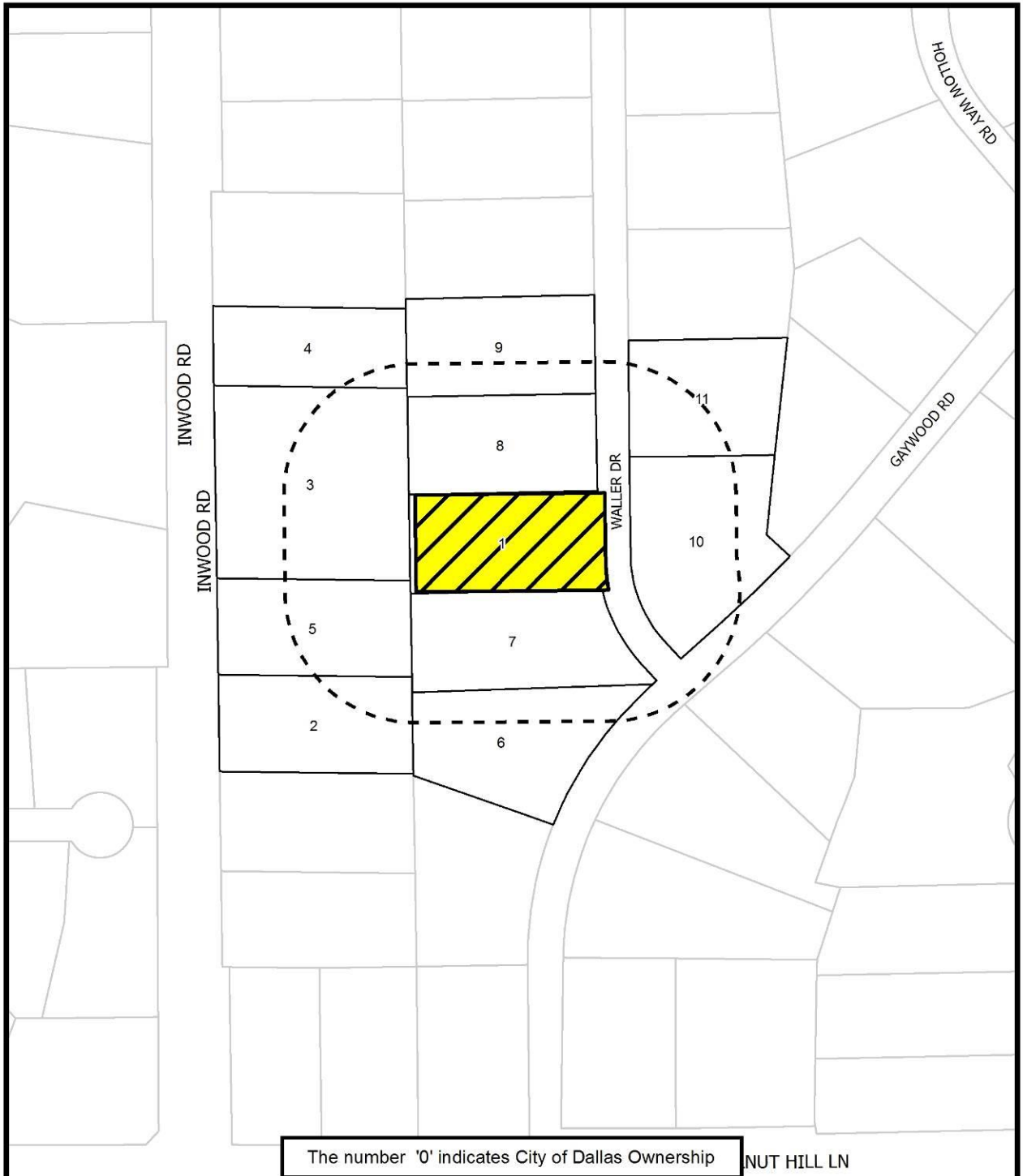
2. TYPICAL FENCE COLUMN



3. GATE ELEVATION



4. TYPICAL FENCE ELEVATION



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA145-067 Date: 6/2/2015
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-067

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10121 WALLER DR	TERRA LOAM LLC
2	10054 INWOOD RD	KHAVARI REZA & FATEMEH
3	10106 INWOOD RD	WON DOUGLAS S
4	10112 INWOOD RD	KOZLOW PHILIP & ANN
5	10102 INWOOD RD	CHEN DAVID & BRENDA
6	10051 GAYWOOD RD	DORAN FELIX
7	10115 WALLER DR	DURST TIMOTHY S &
8	10137 WALLER DR	MATTHEWS T RANDALL &MARIE
9	10211 WALLER DR	EARLY MARK R & TINA F
10	10111 GAYWOOD RD	WINSLOW RICHARD L MD
11	10134 WALLER DR	DHD 2012 TRUST

FILE NUMBER: BDA 145-074(SL)

BUILDING OFFICIAL'S REPORT: Application of Dylan Elchami for a variance to the front yard setback regulations at 2808 Oak Lawn Avenue. This property is more fully described as Tract 4, Block 1/1025, and is zoned PD-193 (GR), which requires a front yard setback of 10 feet. The applicant proposes to construct and/or maintain and/or a structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

LOCATION: 2808 Oak Lawn Avenue

APPLICANT: Dylan Elchami

REQUEST:

A request for a variance to the front yard setback regulations of 10' is made to maintain a "covered open pergola patio area"/deck structure, a portion of which is located as close as on the site's Oak Lawn Avenue front property line (as measured from the required right-of-way) or as much as 10' into this required 10' front yard setback on a site developed with a restaurant use (Le Taco Cantina).

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 had concluded that there was no property hardship to the site that warranted a front yard variance in this case made to maintain a “covered open pergola patio area”/deck structure on a site already developed with a restaurant 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 developments found in the same PD No. 193 (GR) zoning district. The subject site is developed with a restaurant use structure where the physical characteristics of it do not warrant a variance for an added “covered open pergola patio area”/deck structure in the front yard setback.
- The applicant had not substantiated how the physical features of the slightly sloped, irregular shaped, approximately 13,000 square foot 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 (GR) zoning classification while simultaneously complying with code provisions including front yard setback regulations.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 193 (GR) (Planned Development District, General retail)
- North: PD 193 (GR) (Planned Development District, General retail)
- South: PD 193 (D) (Planned Development District, General retail)
- East: PD 193 (GR) (Planned Development District, Duplex)
- West: PD 193 (GR) (Planned Development District, General retail)

Land Use:

The subject site is developed with a restaurant use (Le Taco Cantina). The areas to the north, south, and west are developed with a mix of non-residential uses, and the area to the east is developed with residential use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a portion of an approximately 680 square foot “covered open pergola patio area”/deck structure that is located as close as on the site’s Oak Lawn Avenue front property line (as measured from the required right-of-way) or as much as 10’ into this required 10’ front yard setback on a site developed with a restaurant use (Le Taco Cantina).).
- The minimum front yard setback for “other permitted structures” (which would include the pergola/patio structure) on lots zoned PD No. 193 (GR Subdistrict) is 10’.

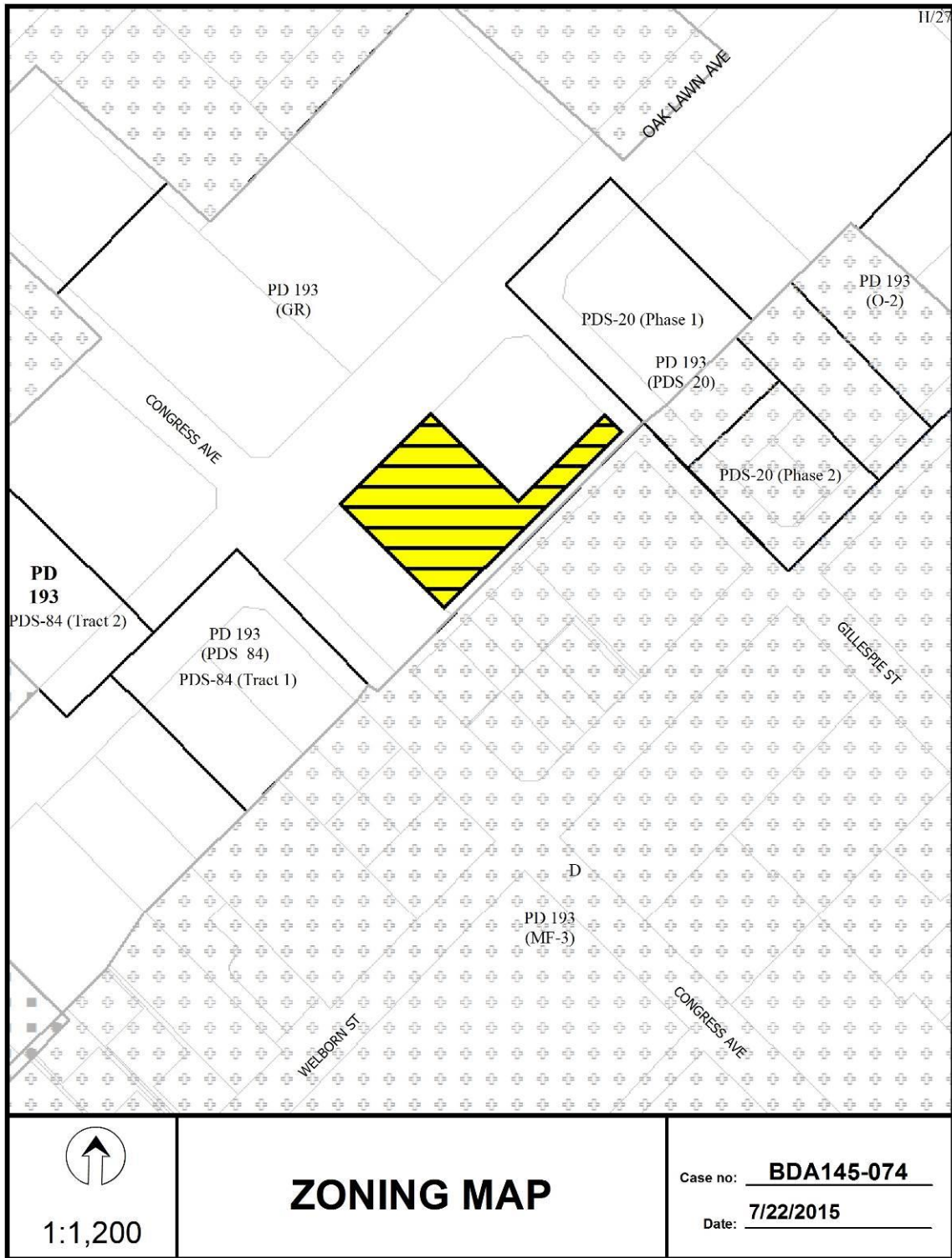
- Note that while the site also has a front yard setback on Gillispie Street, no part of this application is made to maintain or construct/maintain a structure in the Gillispie Street front yard setback.
- The Dallas Development Code states that the front yard setback is measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback.”
- A site plan has been submitted denoting that the “covered open pergola patio” structure is located 13’ 5” from the Oak Lawn Avenue front lot line of the building site but on the required right-of-way or as much as 10’ into this required 10’ front yard setback.
- The site plan represents that the “covered open pergola patio”/deck structure is approximately 1,000 square feet in area of which about 1/3 (or approximately 350 square feet) is located in the Oak Lawn Avenue front yard setback.
- The Sustainable Development and Construction Department Project Engineer emailed the Board Administrator the following information: The portion of Oak Lawn Avenue that the subject site is located on is part of the thoroughfare, however, there is no proposed widening per the thoroughfare plan – south/west of Maple Avenue is where the widening should occur.
- According to DCAD records, the “improvements” at 2808 Oak Lawn Avenue is a “restaurant” that is 3,318 square feet in area built in 1951.
- The subject site is slightly sloped, irregular in shape, and is according to the application, 0.31 acres (or approximately 13,000 square feet) in area. The site is zoned PD 193 (GR). The site has two, 10’ 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 (GR) 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 (GR) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document—a “covered open pergola patio area”/deck structure of which a portion is located as much as 10’ into this required 10’ Oak Lawn Avenue front yard setback.

Timeline:

- April 11, 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 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 Administrator contacted the applicant to inform him that because of a notification error, the application would be delayed from Panel C's August 24th hearing to Panel C's September 21st hearing.
- September 8, 2015: 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 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: BDA145-074

Date: 7/22/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-074

Data Relative to Subject Property:

Date: 4/11/15

Location address: 2808 OAKLAWN AVE

Zoning District: PD 193(GR)

Tr. 4 Lot No.: 4 Block No.: 1/10 25 Acreage: .31

Census Tract: 5.00

Street Frontage (in Feet): 1) 103' 2) 19' 3) _____ 4) _____ 5) _____ SW22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 5612 year holdings

Applicant: Dylan Elchami' Elchami, Dylan Telephone: 972 655 9569

Mailing Address: 2808 OAKLAWN AVE. Zip Code: 75219

E-mail Address: Dylan@scotchandsausage.com

Represented by: scotchandsausage Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception _____, of 10' to the front yard setback, because it is a permanent wall

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:
permit was issued from plans, work was completed in accordance. officer came and issued a ticket after C/O was issued stating awning was encroaching setback

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

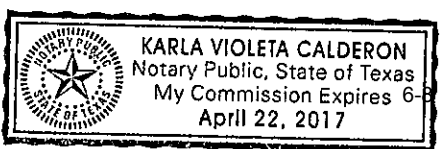
Before me the undersigned on this day personally appeared _____ (Affiant/Applicant's name printed)

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 30th day of April, 2015

(Rev. 08-01-11)
BDA 145-074(SL)



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

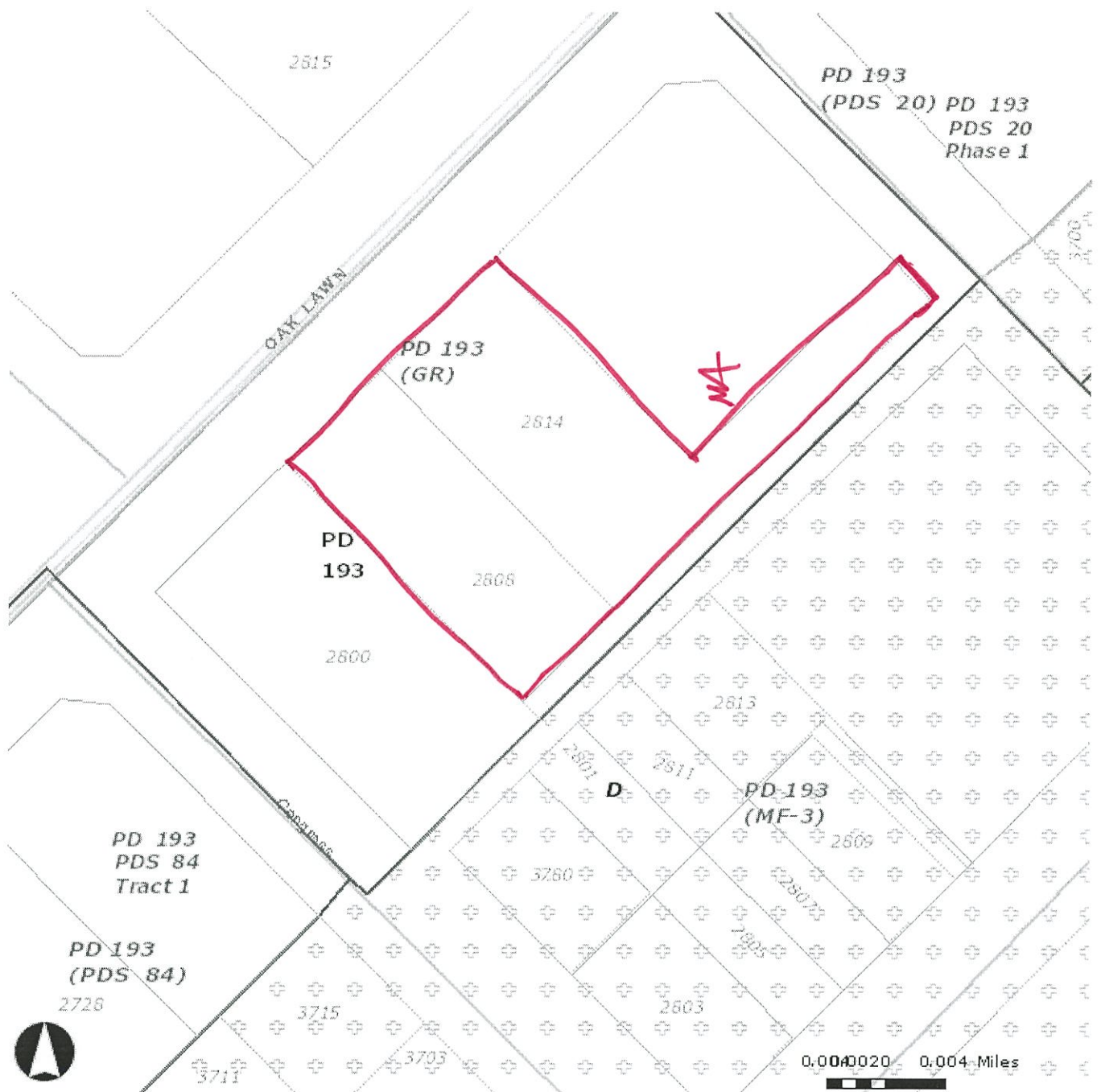
I hereby certify that Dylan Elchami

did submit a request for a variance to the front yard setback regulations
at 2808 Oak Lawn Avenue

BDA145-074. Application of Dylan Elchami for a variance to the front yard setback regulations at 2808 Oak Lawn Avenue. This property is more fully described as Tract 4, Block 1/1025, and is zoned PD-193 (GR), which requires a front yard setback of 10 feet. The applicant proposes to construct and maintain a nonresidential structure and provide a foot front yard setback, which will require a 10 foot variance to the front yard setback regulation.

Sincerely,


Larry Holmes, Building Official





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">63</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	63	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-074</u> Date: <u>7/22/2015</u>
200'	AREA OF NOTIFICATION					
63	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-074

63 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2814 OAK LAWN AVE	TEXAS LAND & CAPITAL LTD
2	2808 OAK LAWN AVE	5612 YALE HOLDINGS LP
3	2800 OAK LAWN AVE	JANO AT OAK LAWN LP
4	2728 OAK LAWN AVE	CANNON YOUNG PROPERTIERS LP
5	3700 GILLESPIE ST	AHNS GROUP INC
6	2825 OAK LAWN AVE	U S POSTAL SERVICE
7	3780 CONGRESS AVE	GANDOLFO ANA MARIA M &
8	2801 WELBORN ST	BROOKSHIER ANDREW S
9	2811 WELBORN ST	OTHMAN ANAS R
10	2813 WELBORN ST	CLARK KELSEY
11	2803 WELBORN ST	MAXWELL ELEANOR POWELL
12	2805 WELBORN ST	PESTL MARCUS G
13	2807 WELBORN ST	NEWMAN JULIE
14	2809 WELBORN ST	MARTIN ROB
15	2729 WELBORN ST	BOUSTRIDGE MICHAEL
16	3707 CONGRESS AVE	BEACH BRIAN A & JEAN A
17	3711 CONGRESS AVE	GREEN DAVID A
18	3715 CONGRESS AVE	MORELAND NANCY
19	3703 CONGRESS AVE	SAMANIEGO LUIS A & ERMA J
20	3716 GILLESPIE ST	GINSBERG LAURIE BECKER & MAJOR
21	3722 GILLESPIE ST	MEYRAT RICHARD
22	2905 WELBORN ST	Taxpayer at
23	2733 OAK LAWN AVE	OAK LAWN OUTDOOR LLC
24	2820 OAK LAWN AVE	RANJBARAN JAMSHID &
25	2732 OAK LAWN AVE	CANNON YOUNG PROPERTIERS LP
26	2919 WELBORN ST	JST REAL ESTATE LLC

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2904 OAK LAWN AVE	AHNS GROUP INC
28	2912 OAK LAWN AVE	SACHDEV PRAVEEN
29	2727 OAK LAWN AVE	CANNON YOUNG PPTIES LP
30	3810 CONGRESS AVE	OAK LAWN PLAZA LP
31	3618 GILLESPIE ST	MCRAE WILLIAM H
32	3618 GILLESPIE ST	LANDRUM MARY E
33	3618 GILLESPIE ST	MILLER ELAINE K & RICHARD B
34	3618 GILLESPIE ST	FINGER ANDREW & JUDITH
35	3618 GILLESPIE ST	BARBER SCOTT C
36	3618 GILLESPIE ST	SIEGAL MICHAEL
37	3618 GILLESPIE ST	FARRIS EFISIO & LORI
38	3618 GILLESPIE ST	BURKE GENIE
39	3618 GILLESPIE ST	BAHRAMI SHOHREH
40	3618 GILLESPIE ST	KOPEC FRANK J & DEBORAH A
41	3618 GILLESPIE ST	SBEITY ALI
42	3618 GILLESPIE ST	WHITTIER ANTONIE
43	2727 WELBORN ST	HUMPHRIES JOHN F JR
44	2727 WELBORN ST	LEE MINDY MAO
45	2727 WELBORN ST	WELBORN STREET PARTNERS
46	2727 WELBORN ST	TRUONG DUY D
47	2727 WELBORN ST	WALGAMA RUWANI M
48	2727 WELBORN ST	MEQUET DAVID &
49	2727 WELBORN ST	GILBERT JR RICHARD A
50	2727 WELBORN ST	NORRELL STEVE
51	2727 WELBORN ST	CARLERE JOHN PAUL
52	2727 WELBORN ST	TRUONG DUY D &
53	2727 WELBORN ST	NORRELL STEVE
54	2802 WELBORN ST	SHUGHRUE CYNTHIA L
55	2804 WELBORN ST	BOUNDS JAMES T III
56	2806 WELBORN ST	FUNK JUDITH EHMAN
57	2808 WELBORN ST	BORLENGHI ELLEN S

07/22/2015

Label #	Address	Owner
58	2810 WELBORN ST	SCOTT LLOYD & ALVIN C TISDALE
59	2812 WELBORN ST	JANSING WILLIAM S
60	2814 WELBORN ST	BOLIN DENNIS L
61	2816 WELBORN ST	SEWELL REVOCABLE TRUST THE
62	2818 WELBORN ST	GUZZETTI WILLIAM L
63	2815 WELBORN ST	WAIATARUA INC

