

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, DECEMBER 12, 2011
AGENDA

BRIEFING	5ES	10:00 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Monday, November 14, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 101-122	7014 Fisher Road REQUEST: Application of Darren Phillips and Kacy Hightower for a special exception to the fence height regulations	1
BDA 101-124	8610 Eustis Avenue REQUEST: Application of Lee S. Lamont for a variance to the front yard setback regulations	2
BDA 101-128	7479 Chula Vista Drive REQUEST: Application of Timothy Williams, Sr. for variances to the front yard setback regulations and special exceptions to the visual obstruction regulations	3
BDA 101-130	7006 Shook Ave REQUEST: Application of Nathan Watkins, represented by Zach Spillers, for variances to the front yard setback regulations, a variance to the off-street parking regulations, and a special exception to the single family use development standard regulations	4

REGULAR CASES

BDA 101-120	3363 Park Lane REQUEST: Application of Terry Ford, represented by Michael R. Coker Company, for a special exception to the off-street parking regulations and for a variance to the side yard setback regulations	5
BDA 101-125	6474 Norway Road REQUEST: Application of Stephen Timon, represented by Emily Timon, for a variance to the off-street parking regulations	6
BDA 101-126	1703 N. Beckley Avenue REQUEST: Application of Santos T. Martinez, represented by Masterplan, for a special exception to the landscape regulations and a variance to the off-street parking regulations	7
BDA 101-129	15315 Leavalley Drive REQUEST: Application of Ethan Davis for a special exception to the fence height regulations	8
BDA 101-131	3440 Dickason Avenue REQUEST: Application of Tommy Mann, Winstead PC for variances to the front yard setback regulations	9
BDA 101-132	2918 Sale Street REQUEST: Application of Tommy Mann, Winstead PC for variances to the front yard setback regulations	10

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 November 14, 2011 public hearing minutes.

FILE NUMBER: BDA 101-122

BUILDING OFFICIAL'S REPORT:

Application of Darren Phillips and Kacy Hightower for a special exception to the fence height regulations at 7014 Fisher Road. This property is more fully described as Lot 7 in City Block A/2995 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 maintain a 7 foot high fence which will require a special exception of 3 feet.

LOCATION: 7014 Fisher Road

APPLICANT: Darren Phillips and Kacy Hightower

REQUEST:

- A special exception to the fence height regulations of 3' is requested in conjunction with maintaining a 6' high open picket fence with 6' high metal posts and two 7' high open picket gates in the site's 40' front yard setback on a site developed with a single family home.

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.

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.

GENERAL FACTS:

- The Dallas Development Code states that a fence may not exceed 4' above grade when located in the required front yard in all residential districts except multifamily districts.
The applicant has submitted a site plan/survey plat and elevation indicating a fence/post/gate in the site's front yard setback that reaches a maximum height of 7'.
- The following additional information was gleaned from the submitted site plan/survey plat:
 - The fence is shown to be approximately 360' in length parallel to the street.

- The fence is shown to be located approximately 4' from the property line or approximately 20' from the pavement line; and the gates are shown to be located approximately 15' from the property line or approximately 30' from the pavement line.
- The fence is located on the site where two single family homes have frontage, neither with fences.
- The Board Administrator conducted a field visit of the site and surrounding area along Fisher Road (generally 500 feet northwest and southeast of the site) and noted one fence that appeared to be located in a front yard setback and higher than 4' in height: an approximately 6' high wire fence located two lots east of the site that appears to be a result of a board-approved fence special exception from January of 2011 – BDA 101-117.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district 1 acre)
North: R-16(A) (Single family district 16,000)
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, east, south, and west are developed with single family uses.

Zoning/BDA History:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. BDA 101-117, Property at 7111 Fisher Road (two lots east of the subject site) | <p>On January 19, 2011, the Board of Adjustment Panel B granted a request for a special exception to fence height regulations of 2' imposing the submitted site plan and elevation as a condition to the request. The case report stated that the request was made to construct/maintain a 6' high cedar and galvanized wire grid fence with 6' high stone columns and a 6' high solid wood gate in the site's 40' front yard setback on a site being developed with a single family home.</p> |
|--|--|

Timeline:

September 29, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 11, 2011: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 28, 2011: The applicant forwarded additional information to staff beyond what was submitted with the original application (see Attachment A).

November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

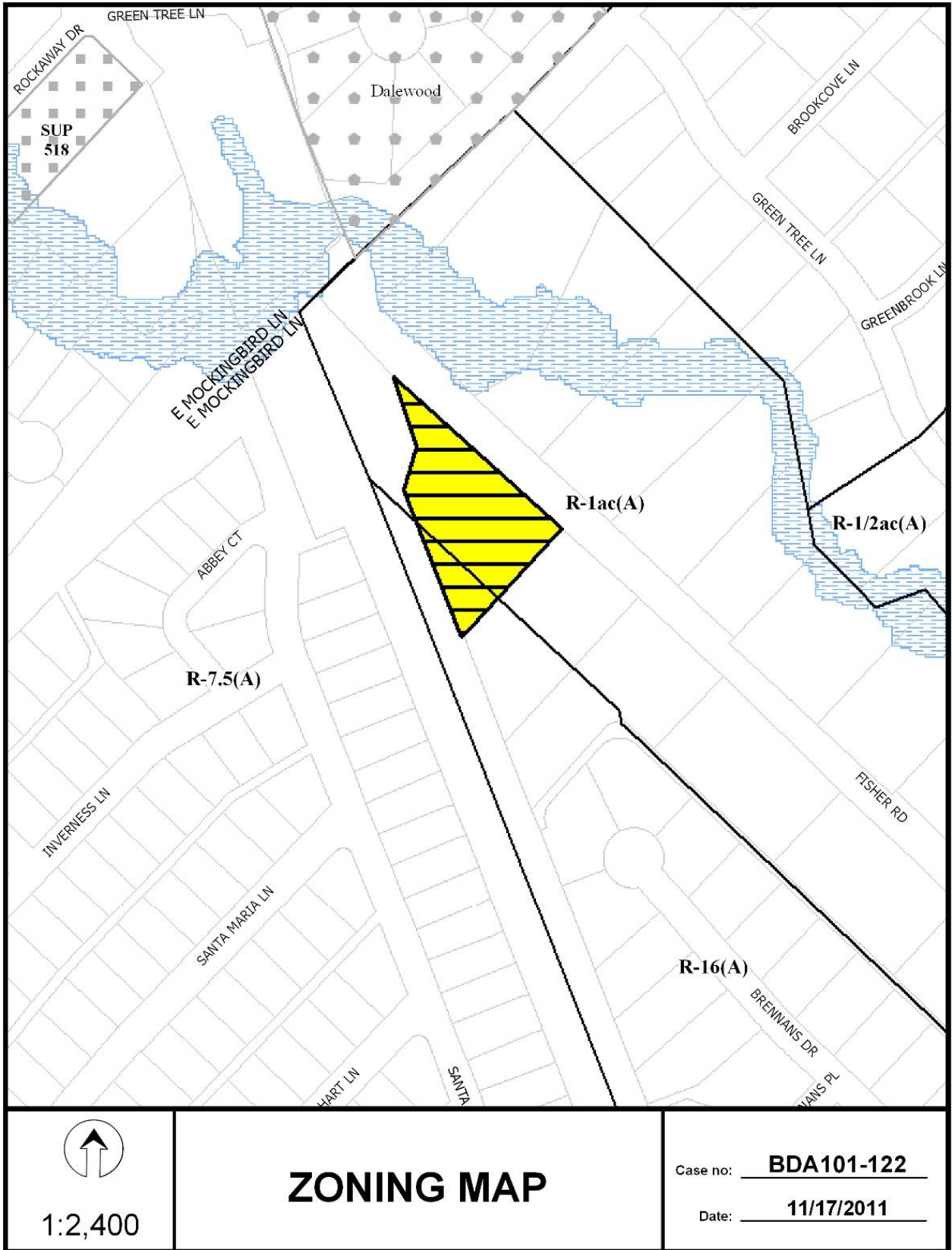
No review comment sheets with comments were submitted in conjunction with this application.

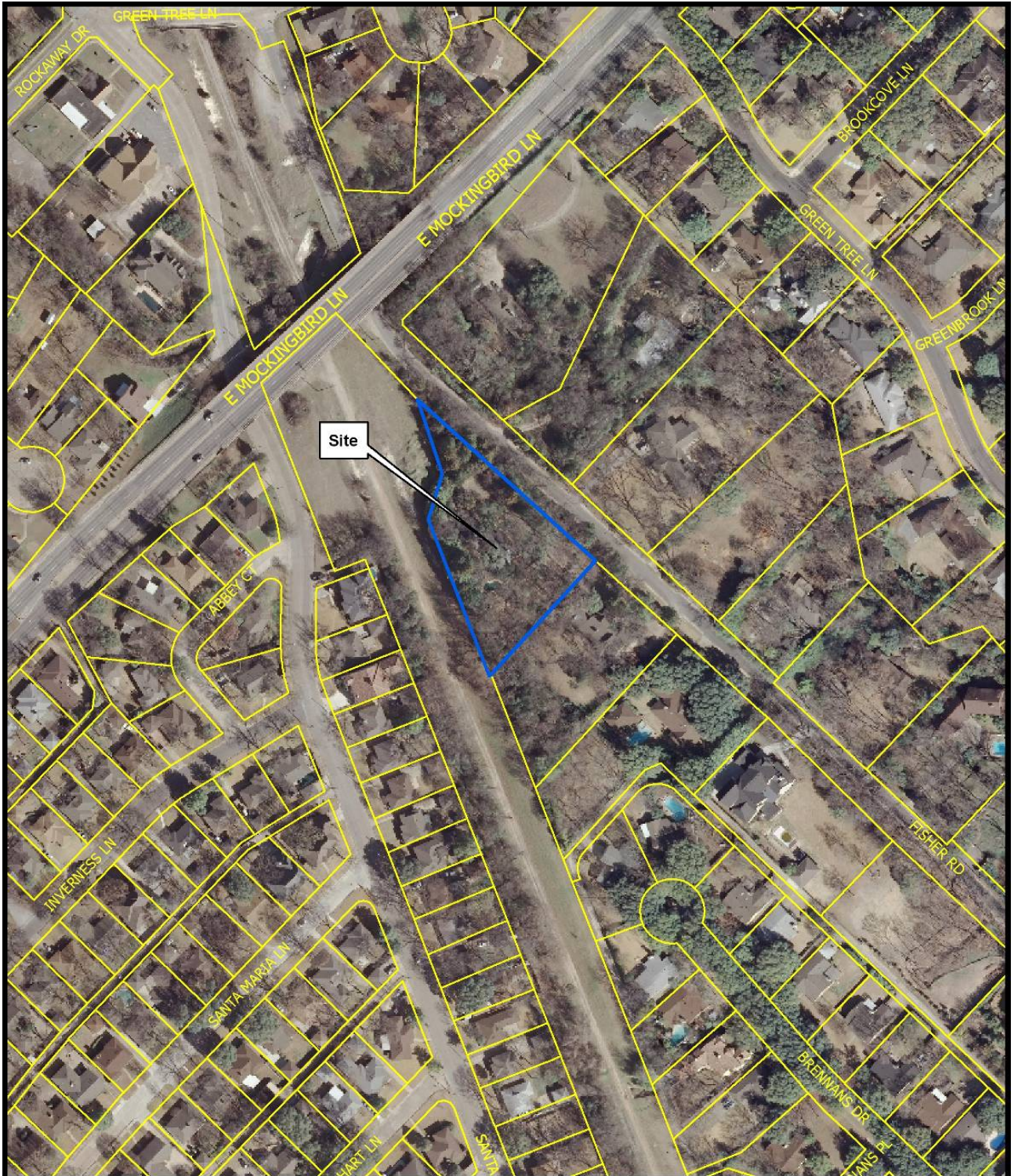
STAFF ANALYSIS:

- The request focuses on maintaining a 6' high open picket fence with 6' high metal posts and two 7' high open picket gates in the site's 40' front yard setback on a site developed with a single family home.
- A site plan/survey plat and elevation have been submitted indicating a proposal that reaches a maximum height of 7'. The site plan indicates that the fence is about 360' in length parallel to the street, approximately 4' from the property line or approximately 20' from the pavement line. (The site plan shows that the gates are approximately 15' from the property line or approximately 30' from the pavement line). The elevation shows that the fence and gates are 6' and 7' in height, respectively, and of open picket material.
- The fence is located on the site where two single family homes have frontage, neither with fences.
- The Board Administrator conducted a field visit of the site and surrounding area along Fisher Road (generally 500 feet northwest and southeast of the site) and

noted one fence that appeared to be located in a front yard setback and higher than 4' in height: an approximately 6' high wire fence located two lots east of the site that appears to be a result of a board-approved fence special exception from January of 2011 – BDA 101-117.

- As of December 5, 2011, three letters had been submitted to staff in support and no letters had been submitted in opposition to the application.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal/existing fence that reaches 7' in height) does not adversely affect neighboring property.
- Granting this special exception of 3' with a condition imposed that the applicant complies with the submitted site plan/survey plat and elevation would assure that the proposal/existing fence/gates would be maintained in the location and of the heights and materials as shown on these documents.





1:2,400

AERIAL MAP

Case no: BDA101-122

Date: 11/17/2011

MaryAnn & Ewan Browne
7039 Fisher Road Dallas, Texas 75214
214.826.2848 holderbrowne@hotmail.com

BDA 101-122

Attach A

B1

City of Dallas
1500 Marilla Street
Dallas, TX 75201
Re: BDA 101-122

To Whom it May Concern,

We approve of the fence being placed at the residence of Kaci Hightower and Darren Phillips at 7014 Fisher Road, Dallas, TX 75214. Case number is BDA 101-122.

Please contact us directly with any questions or concerns.

Thank you,


MaryAnn Holder-Browne and Ewan Browne

Paul E. Daugherty, Jr.
Attorney at Law
7027 Fisher Road
Dallas, Texas 75214

Phone: (214) 823-4433
Email: pauldaughertyjr@aol.com

November 28, 2011

Re: 7014 Fisher Road, Dallas, Texas
Hearing on Fence Height

TO WHOM IT MAY CONCERN:

My wife and I reside at 7027 Fisher Road, Dallas, Texas, directly across Fisher Road from Mr. Darren Phillips who I am advised has a hearing scheduled relating to the height of his fence.

Please be advised that my wife and I have no objection to the appearance or height of Mr. Phillips' fence. We find it to be quite attractive and a positive feature for the neighborhood.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Paul E. Daugherty, Jr.
Paul E. Daugherty, Jr.

CYNTHIA BANOWSKY

7111 Fisher Road
Dallas, TX 75214
214-457-0899

November 27, 2011

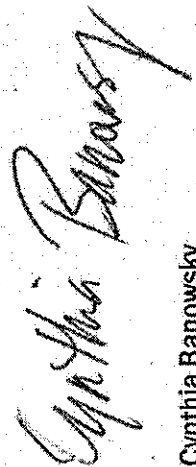
City of Dallas
1500 Marilla Street
Dallas, TX 75201

RE: Case BDA 101-122
7014 Fisher Road
Dallas, TX 75214

To Whom it May Concern,

I am writing this letter as a show of support for our neighbor's request for a fence height variance at 7014 Fisher Road. We are pleased that our neighbors have chosen to build a new home at this address as we feel it will enhance the value of all the homes on the street. While Fisher is considered a quaint lane it is actually a heavily traveled pedestrian thoroughfare. Putting safety and security first we feel a height variance is a reasonable request.

Sincerely,



Cynthia Banowsky

BDA101-122

Attach A

pg 3



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-122

Data Relative to Subject Property:

Date: 9/29/11

Location address: 7014 Fisher Road Dallas 75214 Zoning District: R-120(A)

Lot No.: 7 Block No.: A/2995 Acreage: 1.142 Census Tract: 80.00

Street Frontage (in Feet): 1) 368.89' 2) _____ 3) _____ 4) _____ 5) _____

SES

To the Honorable Board of Adjustment:

Owner of Property/or Principal: DARREN PHILLIPS & KACY HIGHTOWER

Applicant: Darren Phillips & Kacy Hightower Telephone: 830-992-0387

Mailing Address: 7014 Fisher Rd Dallas, TX Zip Code: 75214

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance __, or Special Exception XX of 3 feet of the front fence is above the 4' height requirement

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:
The new fence will not adversely affect the neighboring properties, rather it will enhance the neighborhood. The fence will be located 15 linear feet from the street in the existing trees and will be virtually unnoticed by passers by.

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: Darren Phillips & Kacy Hightower
Applicant's name printed [Signature]
Applicant's signature

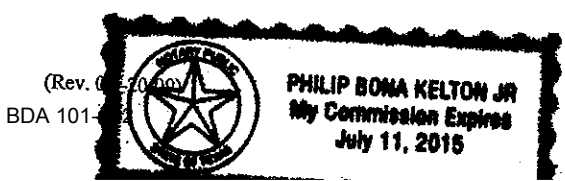
Affidavit

Before me the undersigned on this day personally appeared Darren Phillips & Kacy Hightower 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 30 day of September, 2011

[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 _____

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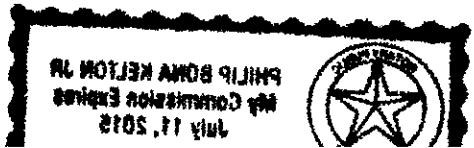
Building Official's Report

I hereby certify that Darren Phillips
did submit a request for a special exception to the fence height regulation
at 7014 Fisher Road

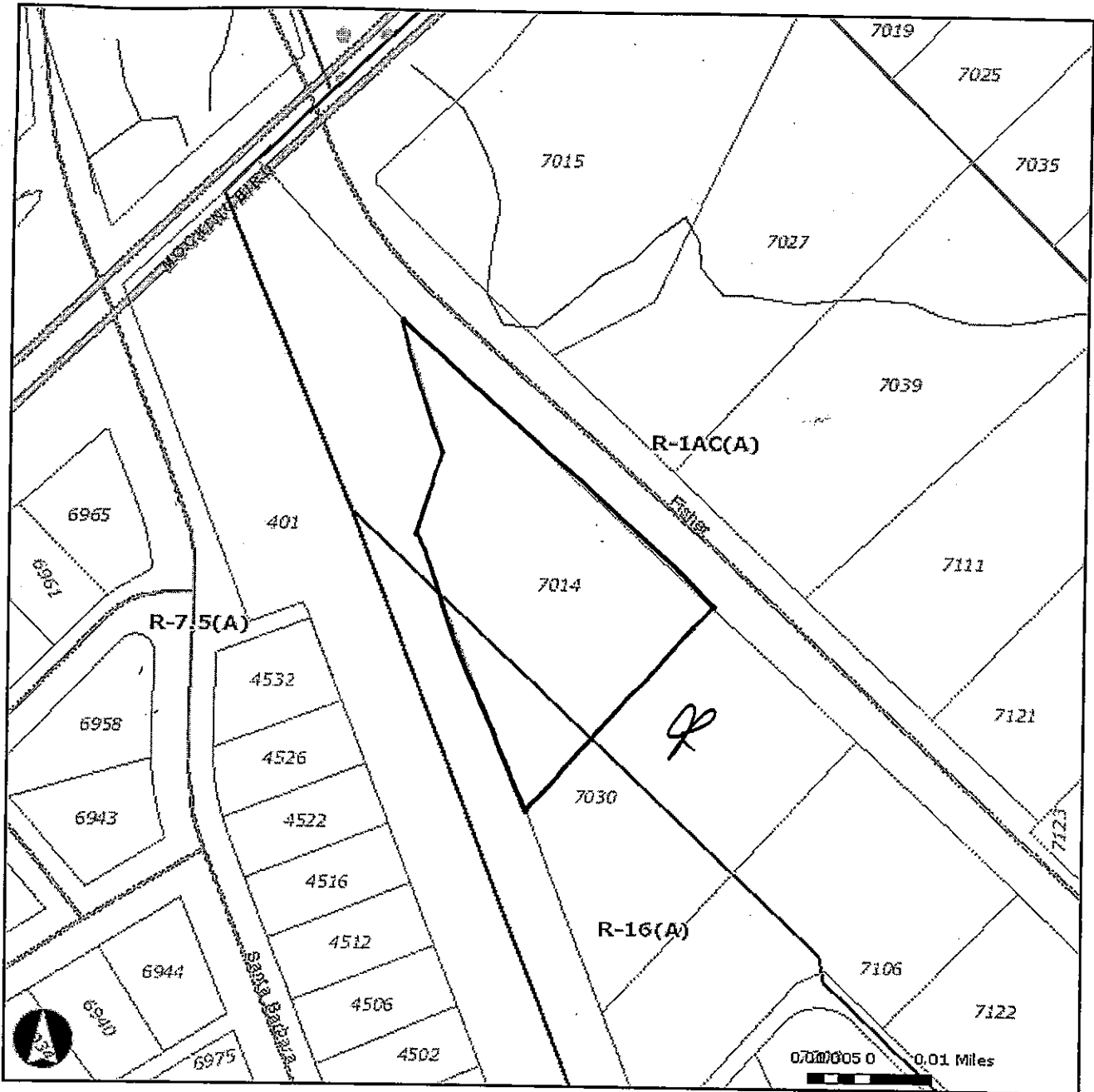
BDA101-122. Application of Darren Phillips for a special exception to the fence height regulation at 7014 Fisher Road. This property is more fully described as lot 7 in city block A/2995 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence regulation.

Sincerely,

Lloyd Denman, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Parks



SUP



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts

PD193 Oak Lawn



PDS Subdistricts



Base Zoning



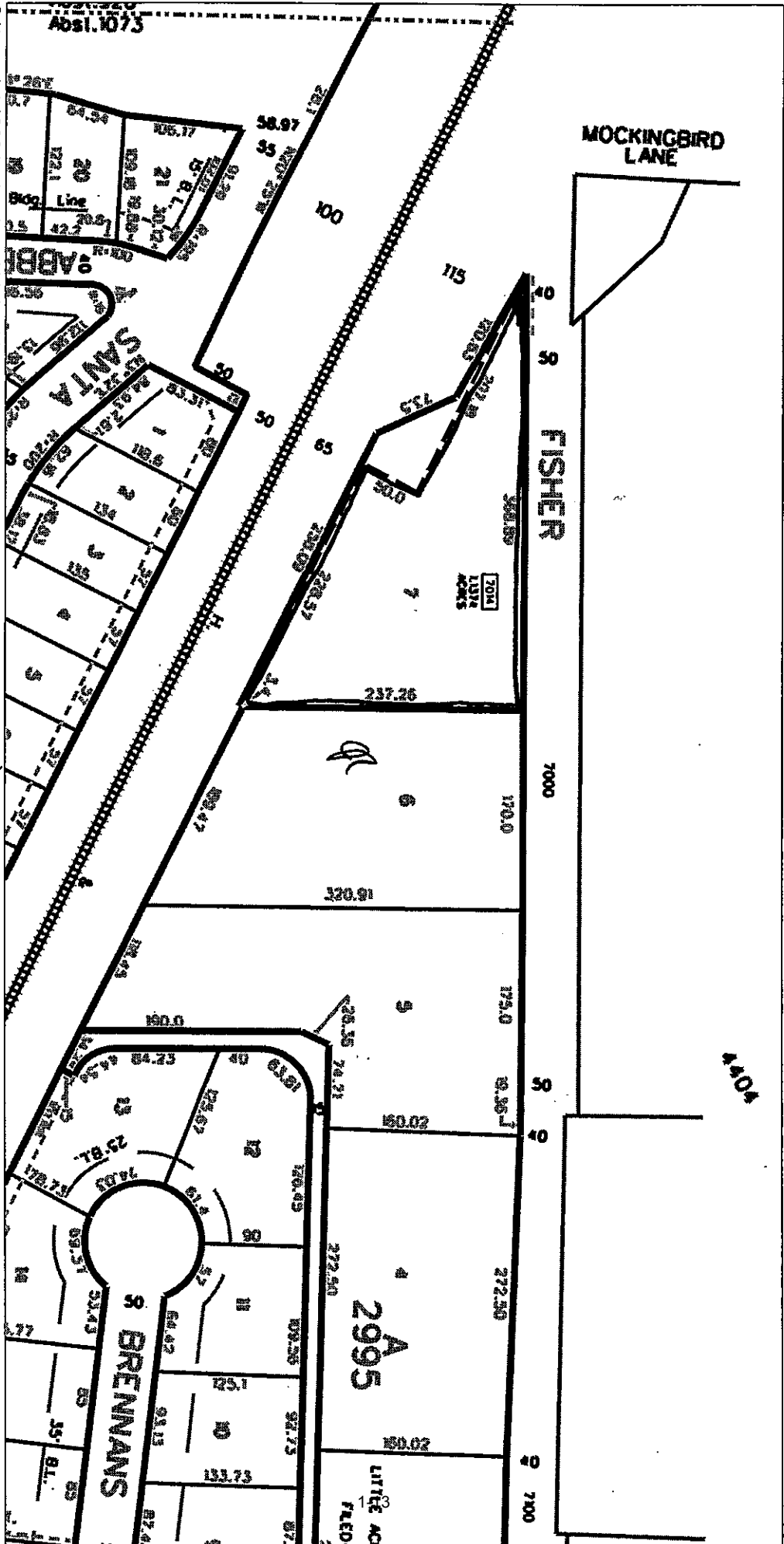
Pedestrian Overlay

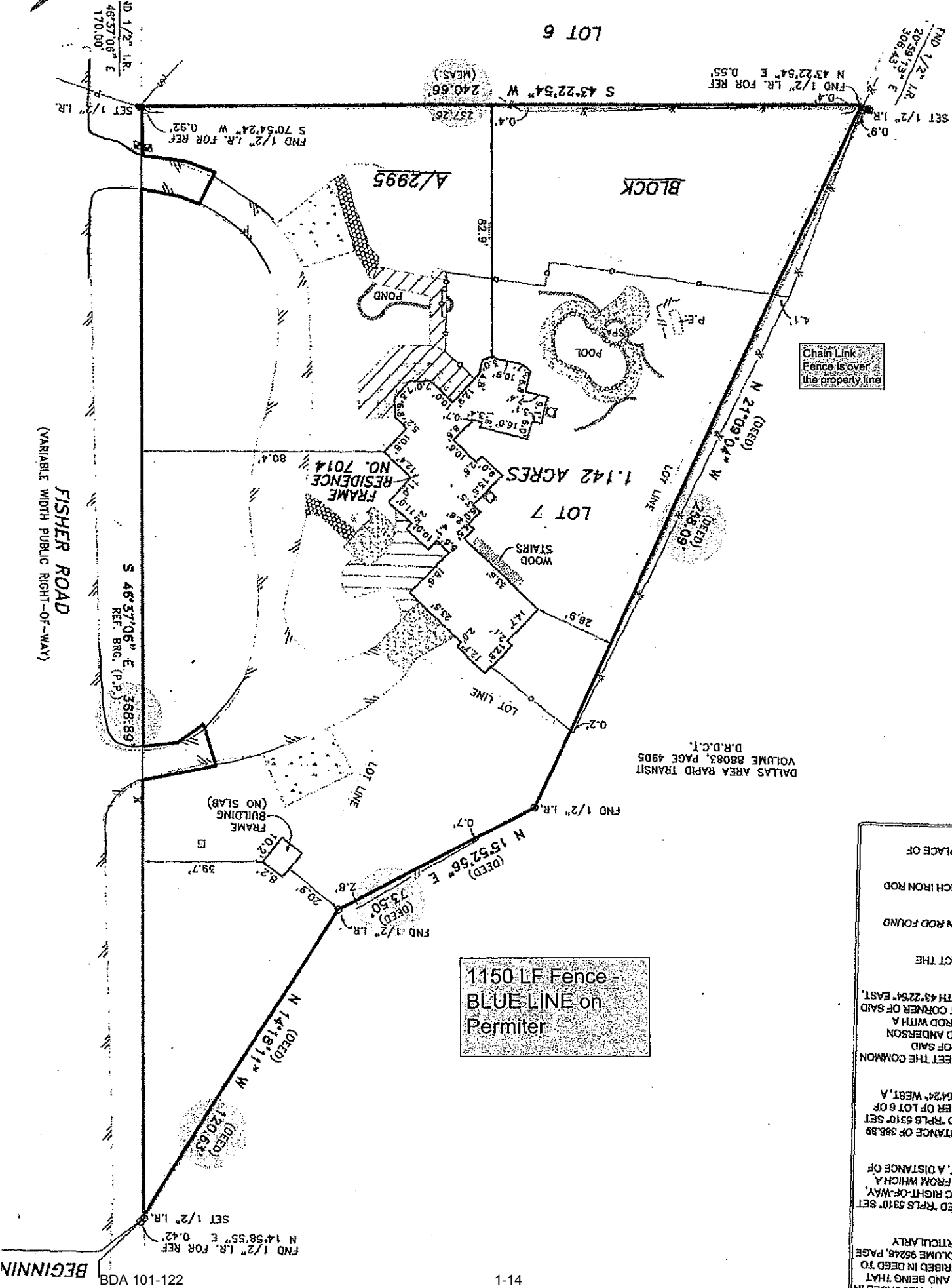


Environmental Corridors



Escarpment Overlay





FISHER ROAD
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

Chain Link
Fence is over
the property line

1150 LF Fence -
BLUE LINE on
Permitter

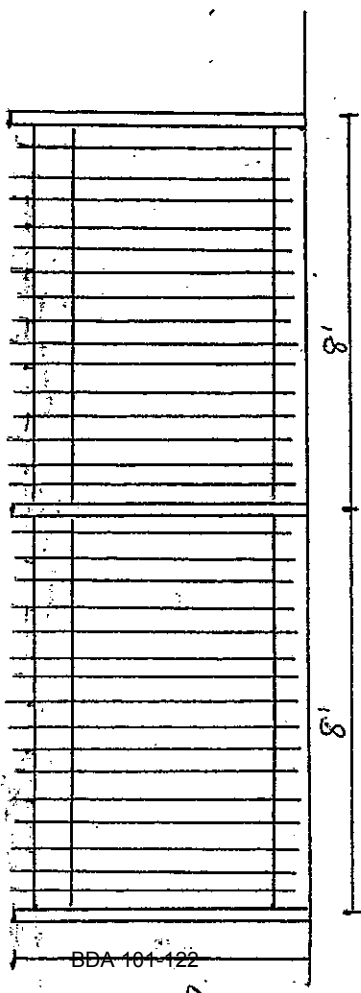
IF THEREOF RECORDED IN
EXAS, AND BEING THAT
DESCRIBED IN DEED TO
C IN VOLUME 95248, PAGE
RE PARTICULARLY
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PUBLIC RIGHT-OF-WAY,
FACT, FROM WHICH A
" EAST, A DISTANCE OF
A DISTANCE OF 368.89
AMPED "PLS 5310" SET
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37.20 FEET THE COMMON
NER OF SAID
OF SAID ANDERSON
IRON ROD WITH A
WEST CORNER OF SAID
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CH IRON ROD FOUND
A 1/2 INCH IRON ROD
O THE PLACE OF

DALLAS AREA RAPID TRANSIT
VOLUME 88083, PAGE 4905
D.R.D.C.T.

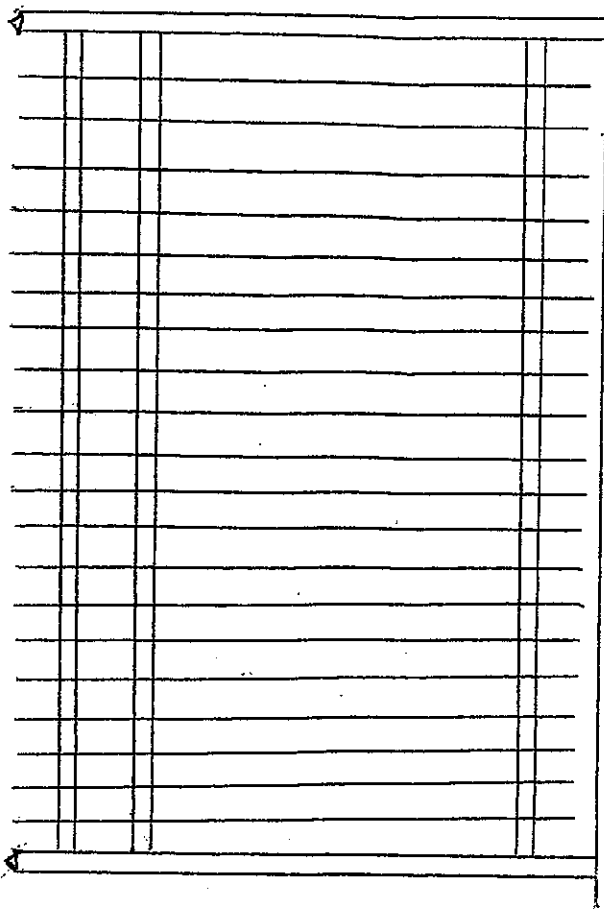
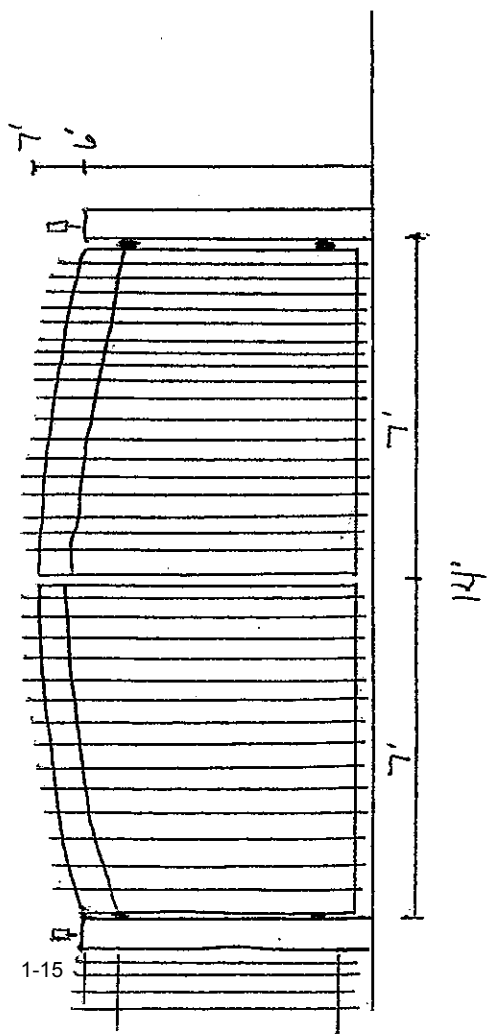
7014 FISHER RD
DALLAS, TX 75214

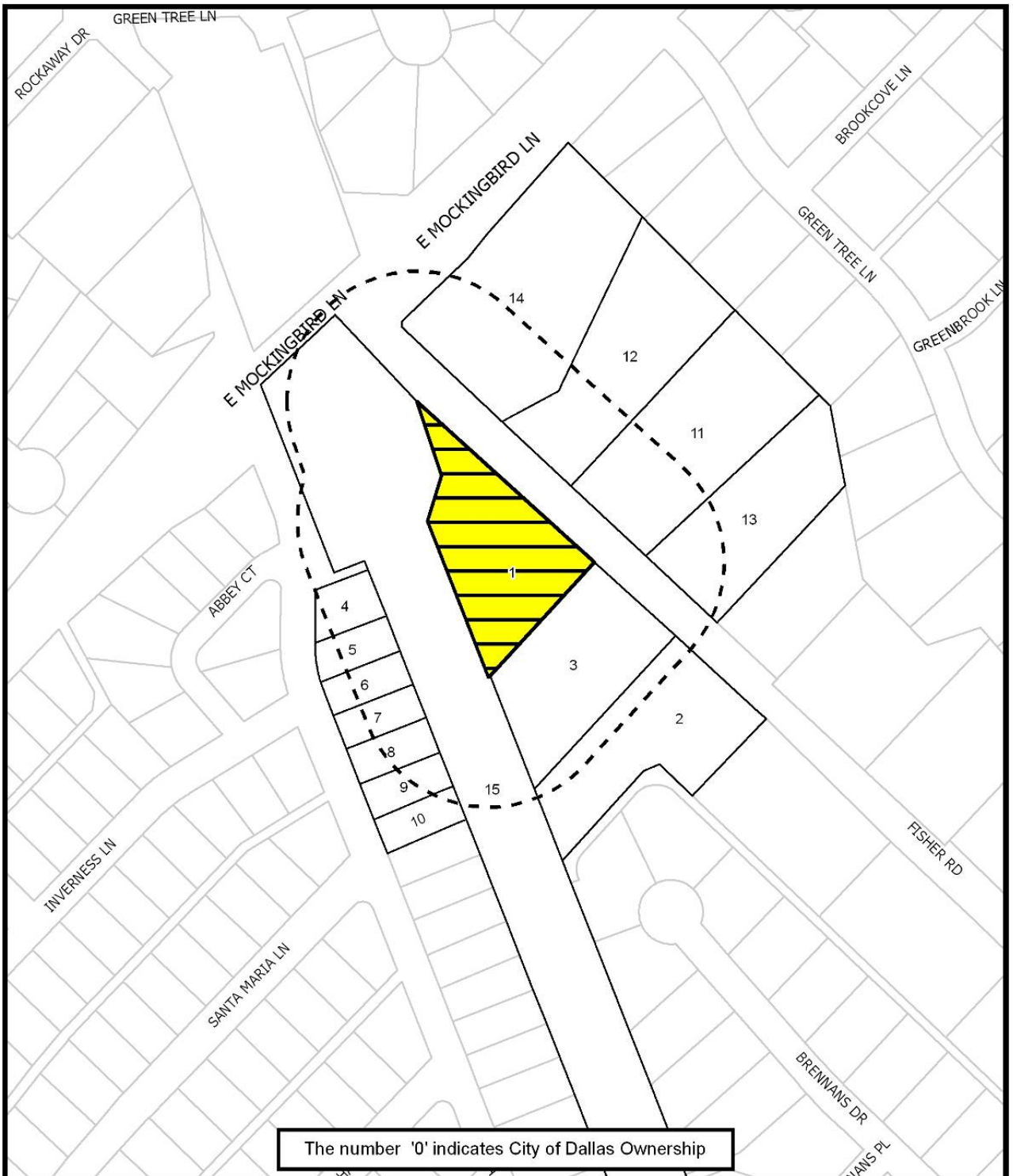
POSTS 2"
RAILS 1 1/2"
PICKETS 3/4"
PRESSED POINT

FENCE (TYP)



GATES (TYP)





 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u> BDA101-122 </u> Date: <u> 11/17/2011 </u>
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA101-122

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7014 FISHER RD	PHILLIPS DARREN & KACY HIGHTOWER
2	7106 FISHER RD	PARKS JAMES B JR
3	7030 FISHER RD	PHILLIPS DARREN & KACY HIGHTOWER
4	4532 SANTA BARBARA DR	DUBOIS MATHEW M & DIANA L
5	4526 SANTA BARBARA DR	BAJPAI MUNI & ANITA PUNJABI
6	4522 SANTA BARBARA DR	GARGOLLO PATRICIO C & LAURIE H
7	4516 SANTA BARBARA DR	CANNON TERRY K
8	4512 SANTA BARBARA DR	PURNELL LOU PROTHRO
9	4506 SANTA BARBARA DR	BASEL BRETT T
10	4502 SANTA BARBARA DR	JA THOMAS ELECTRIC INC
11	7039 FISHER RD	BROWNE EWAN & MARYANN HOLDER
12	7027 FISHER RD	DAUGHERTY PAUL E JR & LINDA M
13	7111 FISHER RD	BANOWSKY BRITTON & CYNTHIA
14	7015 FISHER RD	THACKER RICHARD E & CARRIE R
15	401 BUCKNER BLVD	DART

FILE NUMBER: BDA 101-124

BUILDING OFFICIAL'S REPORT:

Application of Lee S. Lamont for a variance to the front yard setback regulations at 8610 Eustis Avenue. This property is more fully described as Lot 45 in City Block A/5248 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback, which will require a variance of 15 feet.

LOCATION: 8610 Eustis Avenue

APPLICANT: Lee S. Lamont

REQUEST:

- A variance to the front yard setback regulations of 15' is requested in conjunction with constructing and maintaining a two-story single family home structure, part of which would be located in one of the site's two 25' front yard setbacks (Eustis Avenue) on a site that is currently undeveloped. (No request has been made in this application to construct/maintain any structure in the site's Lakeland Avenue front yard setback).

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is a slightly irregularly-shaped corner lot with a restrictive area due to its size and its two front yard setbacks. The atypical two front yard setbacks on the less than typical 7,500 square foot slightly irregularly-shaped lot (the site is approximately 6,100 square feet in area) precludes it from being developed in a manner commensurate with development on other similarly zoned properties - in this case, the development on the property being the maintenance of a single family home with an approximately 1,500 square foot building footprint. The site has a 0 - 12.5' width of developable space once a 25' front yard and a 5' side yard setback is accounted for on the 22.5' - 42.5' wide subject site.

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor

area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

GENERAL FACTS:

- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25’.
- The subject site is located at the east corner of Lakeland Avenue and Eustis Avenue. Regardless of how the proposed single-family structure on the site appears to be oriented or addressed in this case to Eustis Avenue, the subject site has two 25’ front yard setbacks along both streets. The site has a 25’ front yard setback along Lakeland Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single- family zoning district, and a 25’ front yard setback along Eustis Avenue, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5’ setback would be required. But the site’s Eustis Avenue frontage is deemed a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes northeast of the site that front/are oriented northwestward onto Eustis Avenue.
A scaled site plan has been submitted indicating that the proposed single family home would be located 10’ from Eustis Avenue front property line or 15’ into the 25’ front yard setback. (No encroachment is proposed in the site’s Lakeland Avenue 25’ front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed home to be located in the site’s Eustis Avenue 25’ front yard setback is approximately 900 square feet in area or approximately 60 percent of the approximately 1,500 square foot building footprint.
- According to DCAD records, there are “no main improvements” at 8610 Eustis Avenue.
- The subject site is flat, somewhat irregular in shape (42’ on the northeast, 27’ on the southwest, and approximately 181’ on the northwest and southeast. The application states that the site is 0.14 acres or approximately 6,100 square feet) in area. The site has two 25’ front yard setbacks; and two 5’ side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.

- Although the zoning map shows that the site is located in Flood Plain, the City of Dallas Flood Plain Manager has emailed the Board Administrator that “this area comes out of the floodplain with the new 2010 maps... and is an area that has been consistently mapped incorrectly.”
- The site has a 0 - 12.5’ width of developable space once a 25’ front yard and a 5’ side yard setback is accounted for on the 22.5’ – 42.5’ wide subject site.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-10(A) (Single family district 10,000 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

- October 11, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- November 11, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

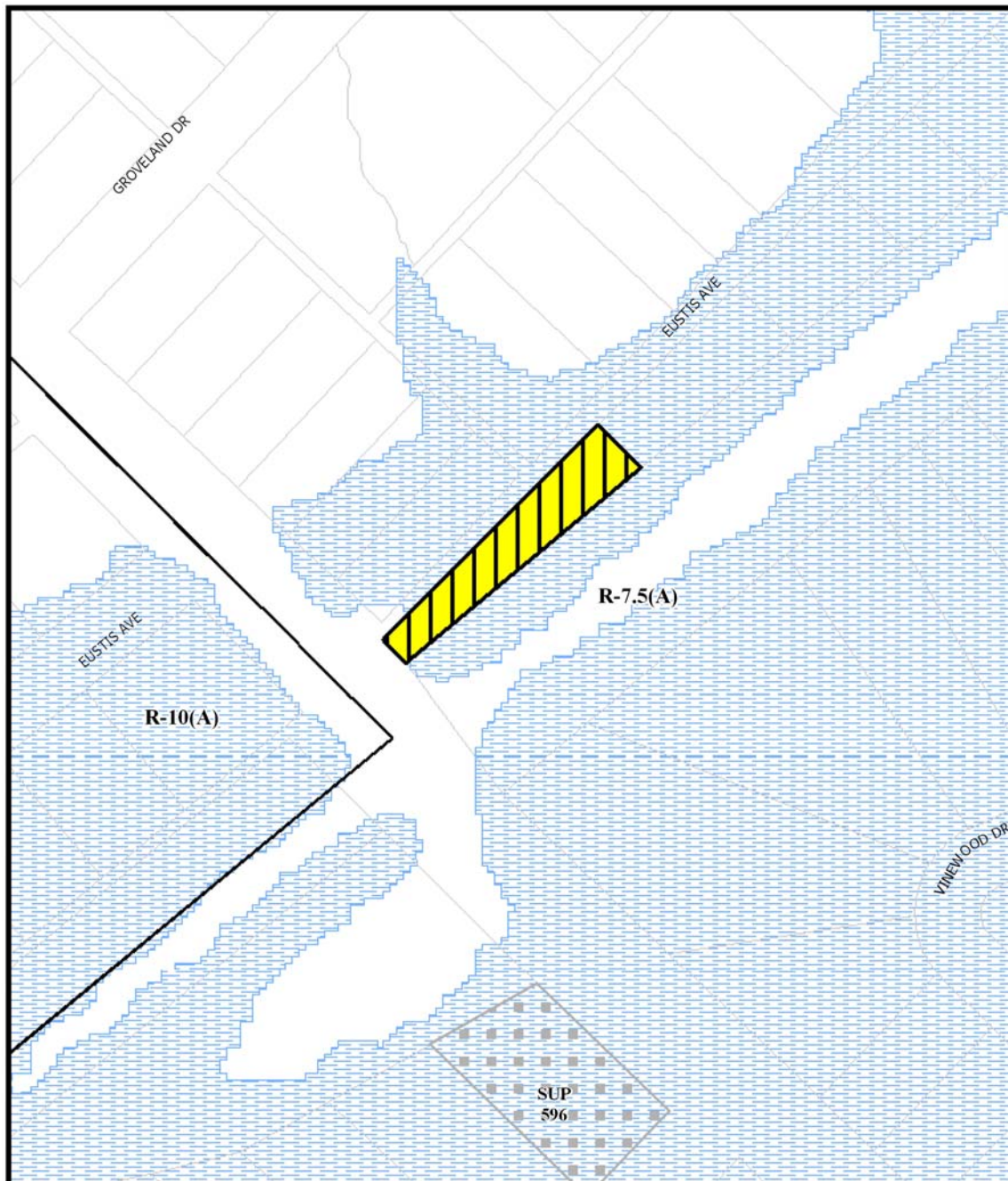
No review comment sheets with comments were submitted in conjunction with this application.

STAFF ANALYSIS:

- This request focuses on constructing and maintaining a two-story single family home structure, part of which would be located in one of the site's two 25' front yard setbacks (Eustis Avenue) on a site that is currently undeveloped.
- The proposed single family home structure that is the issue of this request is to be located on a site that has two front yard setbacks – a site with one front yard setback on Lakeland Avenue (where none of structure is proposed to be located in); the other front yard setback on Eustis Avenue (where the proposed structure that is the issue of this application is shown to located 10' from the Eustis Avenue front property line or 15' into the 25' front yard setback).
- Regardless of how the proposed structure on the site may be oriented or addressed, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along Lakeland Avenue, the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single family zoning district, and a 25' front yard setback along Eustis Avenue, the longer of the two frontages of this corner lot which would typically be regarded as a side yard. (The structure requiring front yard variance in this application would be permitted by right if the site's Eustis Avenue frontage were deemed a side yard).
- The site's Eustis Avenue frontage is deemed a front yard setback nonetheless in order to maintain the continuity of the established front yard setback established by the lots developed with single family homes northeast of the site that front/are oriented northwestward onto Eustis Avenue.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed home to be located in the site's Eustis Avenue 25' front yard setback is approximately 900 square feet in area or approximately 60 percent of the approximately 1,500 square foot building footprint.
- According to DCAD records, there are "no main improvements" at 8610 Eustis Avenue.
- The subject site is flat, somewhat irregular in shape (42' on the northeast, 27' on the southwest, and approximately 181' on the northwest and southeast. The application states that the site is 0.14 acres or approximately 6,100 square feet) in area. The site has two 25' front yard setbacks; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- Although the zoning map shows that the site is located in Flood Plain, the City of Dallas Flood Plain Manager has emailed the Board Administrator that "this area

comes out of the floodplain with the new 2010 maps... and is an area that has been consistently mapped incorrectly.”

- The site has a 0- 12.5’ width of developable space once a 25’ front yard and a 5’ side yard setback is accounted for on the 22.5’ – 42.5’ wide subject site.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Eustis Street front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, subject to the submitted site plan, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure to be located 10’ from the Eustis Street front property line (or 15’ into this 25’ front yard setback).

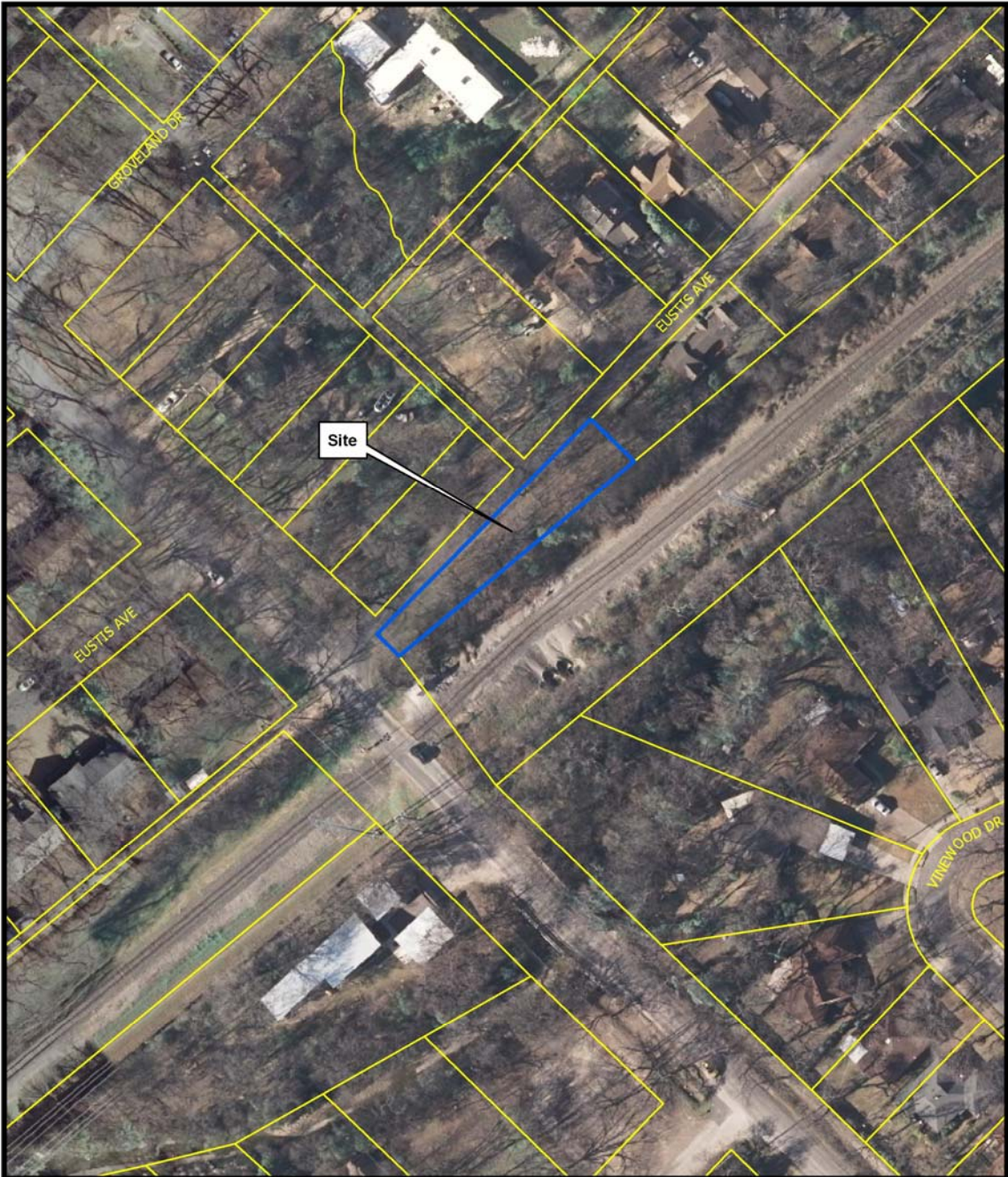


1:1,200

ZONING MAP

Case no: BDA101-124

Date: 11/17/2011



1:1,200

AERIAL MAP

Case no: BDA101-124

Date: 11/17/2011



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-124

Data Relative to Subject Property:

Date: 10-11-11

Location address: 8610 EVSTAS AVE

Zoning District: R-7.5(A)

Lot No.: 45 Block No.: A/5248 Acreage: 0.14

Census Tract: 81.00

Street Frontage (in Feet): 1) 27 2) 181 3) 4) 5) 987

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): NICHOLAS L. CLARK

Applicant: LEE S LAMONT Telephone: 214 4182780

Mailing Address: 7001 HILLGREEN CIRCLE DALLAS Zip Code: 75214

E-mail Address: lee@lamontrealestate.com

Represented by: HIMSELF Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance [checked], or Special Exception, of 15 feet to the front yard setback

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

DUE TO THE EXTREMELY NARROW SIZE OF THE LOT THE BUILDABLE AREA IS LIMITED AND RESTRICTIVE. HOMES NEIGHBORING THE SUBJECT PROPERTY WITH SIMILAR ZONING WERE BUILT WITHIN THE SAME ENCROACHMENT THAT I AM REQUESTING THEREFORE MY HOME WILL BE CONSISTANT WITH THE NEIGHBORS.

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 LEE S LAMONT (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 24 day of September, 2011



Melissa Budhrani 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 Lee S. Lamont

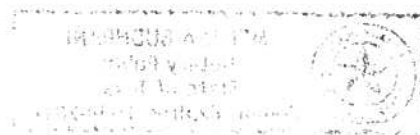
did submit a request for a variance to the front yard setback regulation

at 8610 Eustis Avenue

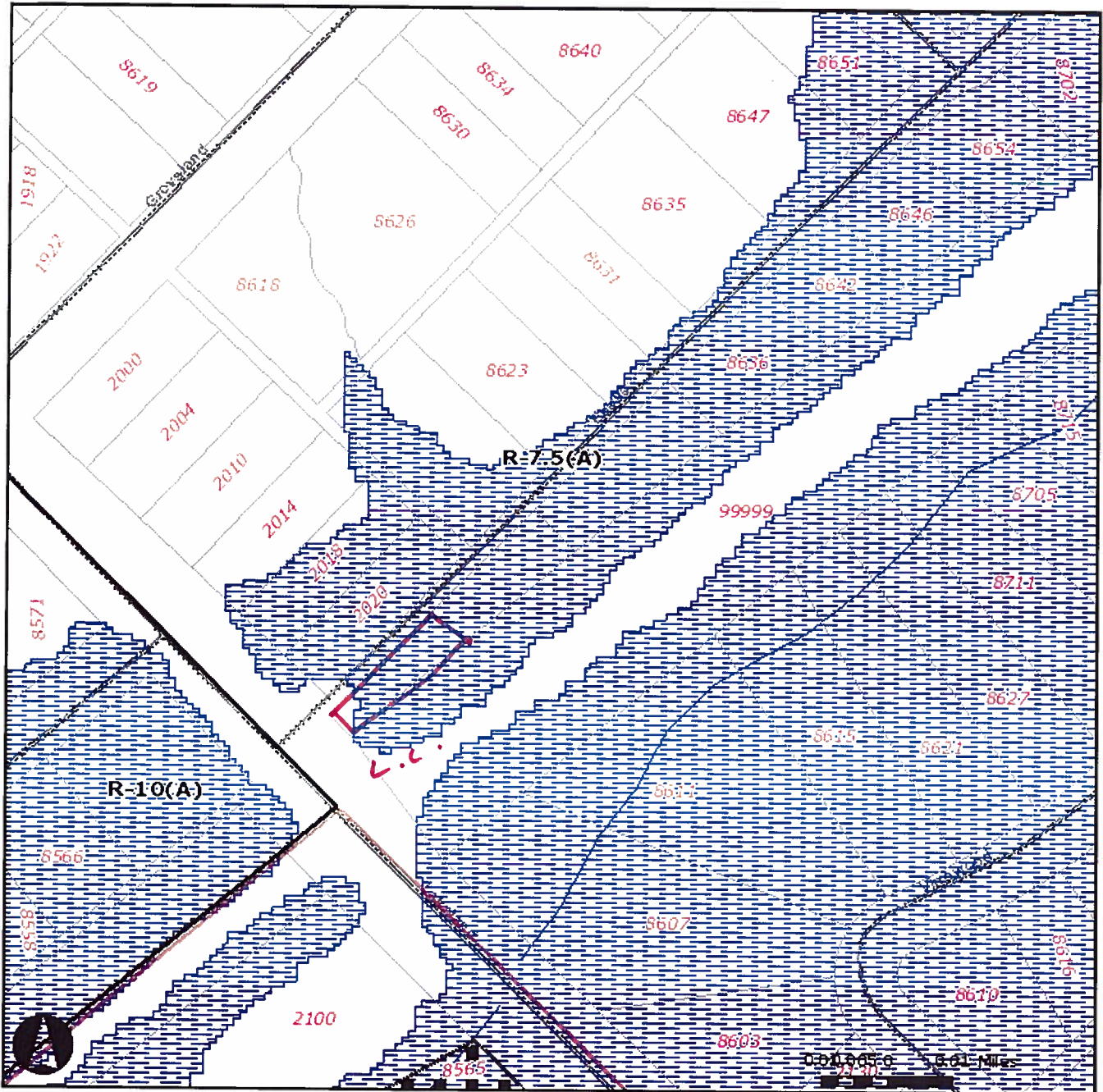
BDA101-124. Application of Lee S. Lamont for a variance to the front yard setback regulation at 8610 Eustis Avenue. This property is more fully described as lot 45 in city block A/5248 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 10 foot front yard setback, which will require a 15 foot variance to the front yard setback regulation.

Sincerely,


Lloyd Denman, Building Official



City of Dallas Zoning



City Boundaries

City

County

Certified Parcels

DISD Sites

Council Districts

Waterways

Dry Overlay

D

D-1

Historic Overlay

Historic Subdistricts

NSO Overlay

NSO Subdistricts

Base Zoning

Floodplain

100 Flood Zone

Mill's Creek

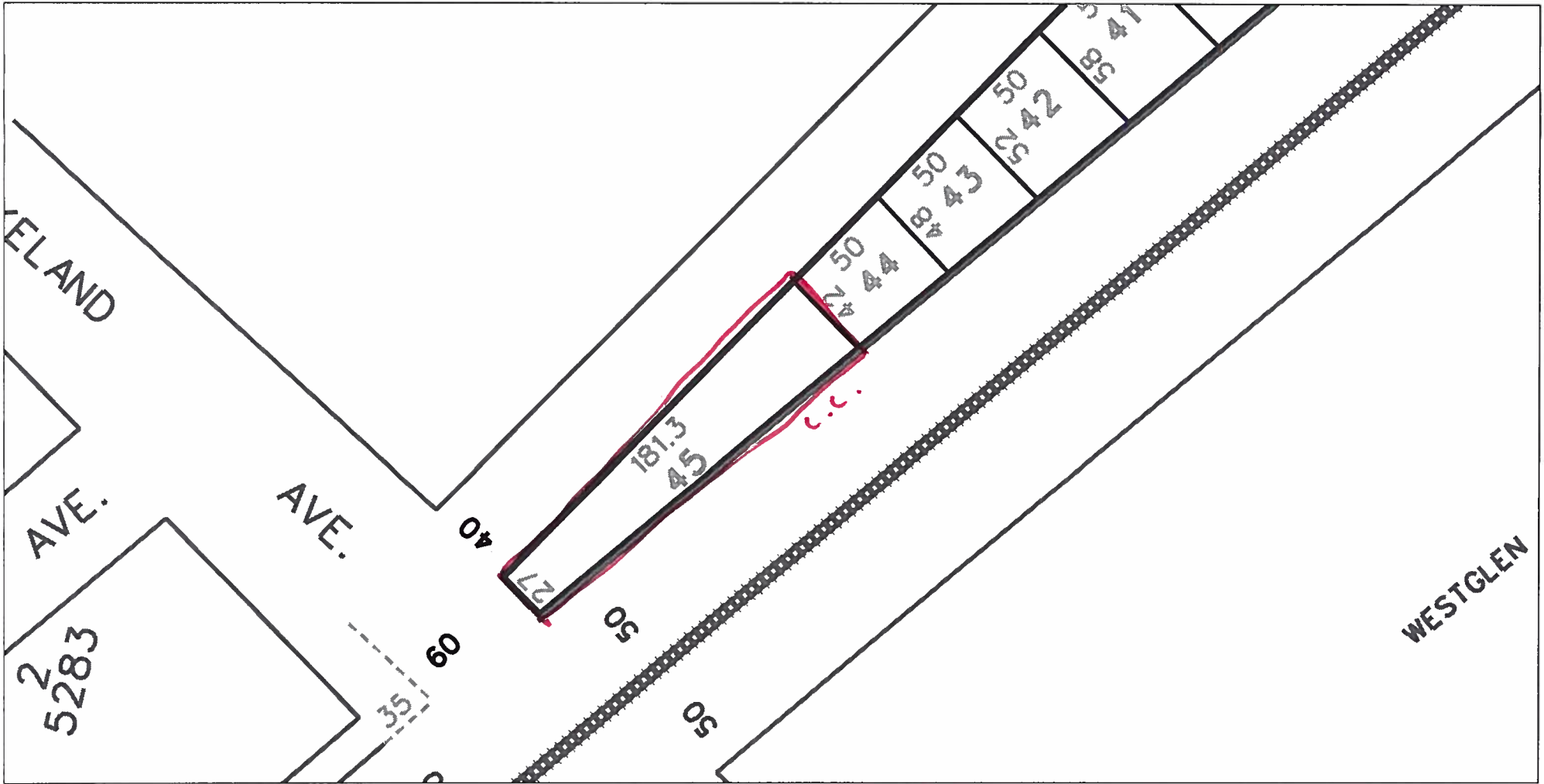
Peak's Branch

X PROTECTED BY LEVEE

Pedestrian Overlay

CP

SP



C:\tax_plats\5248_al.dgn 10/7/2011 9:30:20 AM



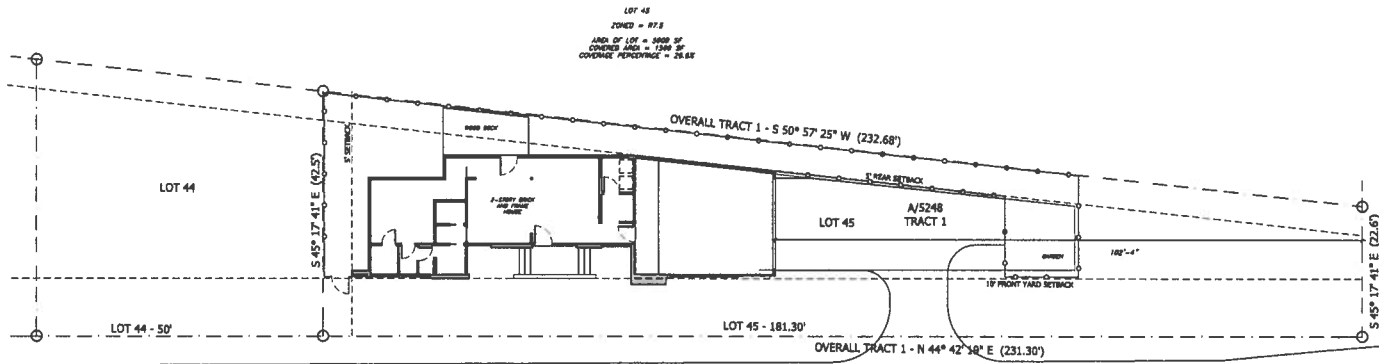
parmadesign

3102 swias avenue
dallos, tx 75204
214 769 0318

8610 Eustis Avenue
Dallas, Texas

8610 EUSTIS AVENUE
(LAKELAND)

SINCLAIR AVENUE
(LAKELAND)



EUSTIS AVENUE



1" = 10'-0"

DRAWING NAME:
LOT 45 SITE PLAN

SCALE:
AS NOTED

DATE:
10-6-2011

A1.1



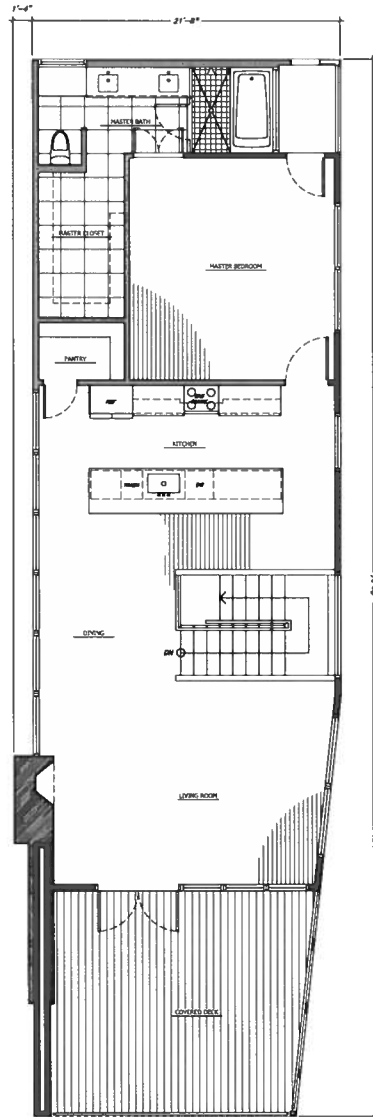
parmedesign
 3102 avias avenue
 dallas, tx 75204
 214 769 0318

8610 Eustis Avenue
 Dallas, Texas

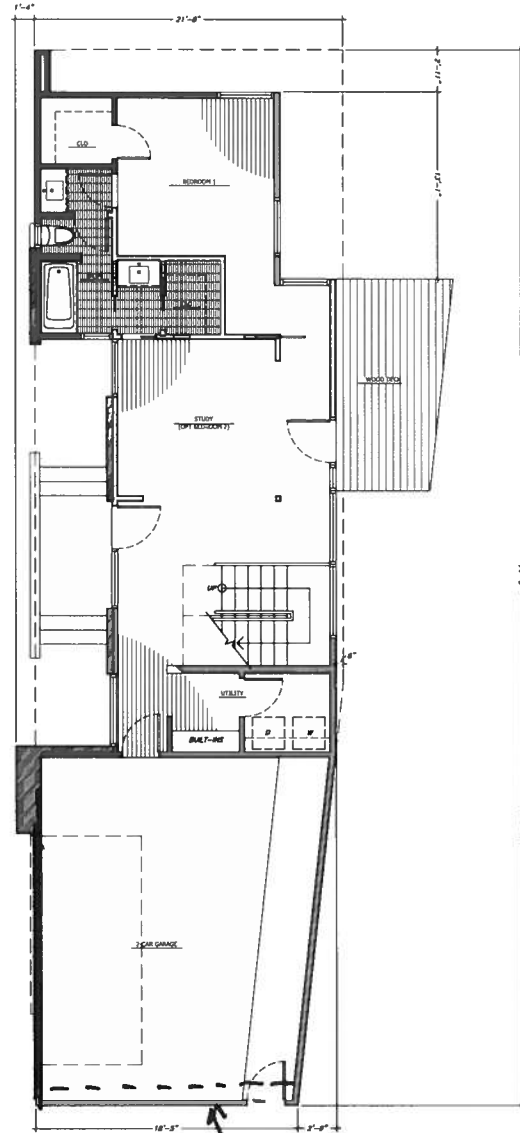
8610 EUSTIS AVENUE

DRAWING NAME:
 LOT 45 PLANS
 SCALE:
 AS NOTED
 DATE:
 10-6-2011

A2



 **2 SECOND FLOOR PLAN**
 1/4" = 1'-0"



GARAGE DOOR

 **1 FIRST FLOOR PLAN**
 1/4" = 1'-0"



parmadesign

3102 swiss avenue
dallas, tx 75204
214 769 0318

8610 Eustis Avenue
Dallas, Texas

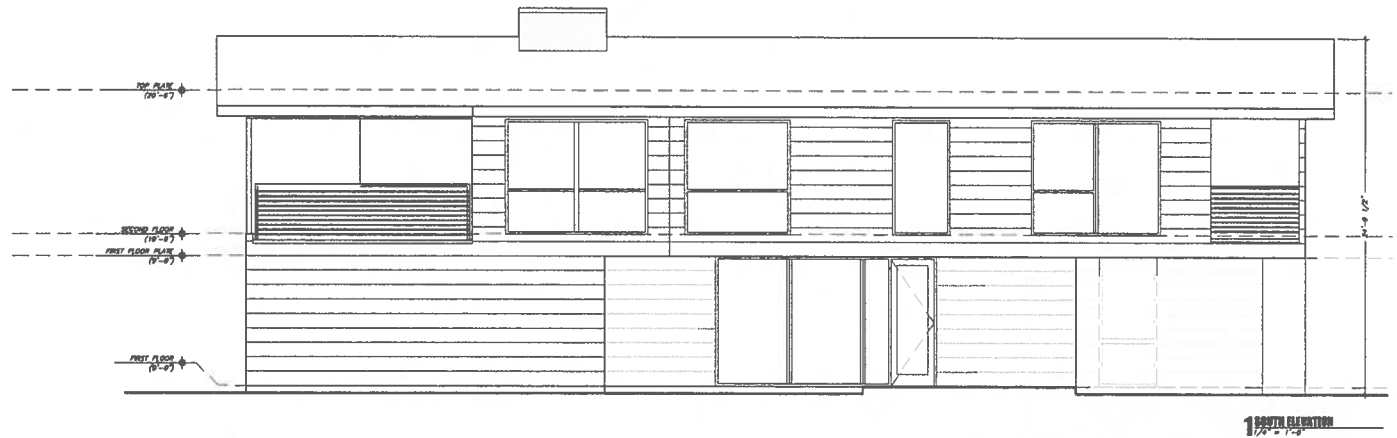
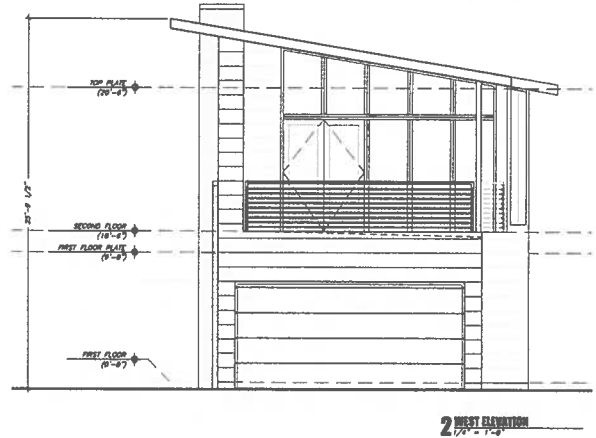
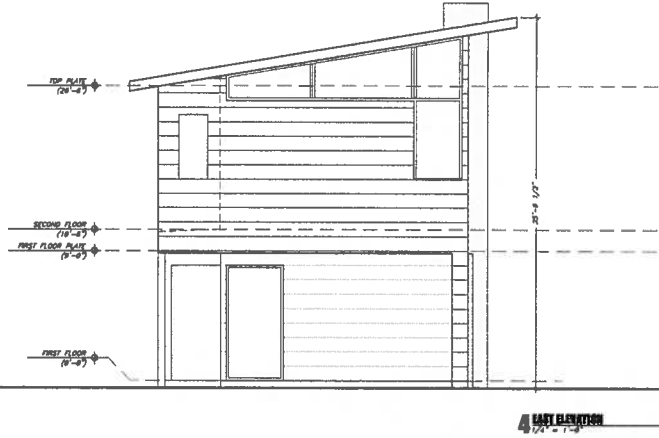
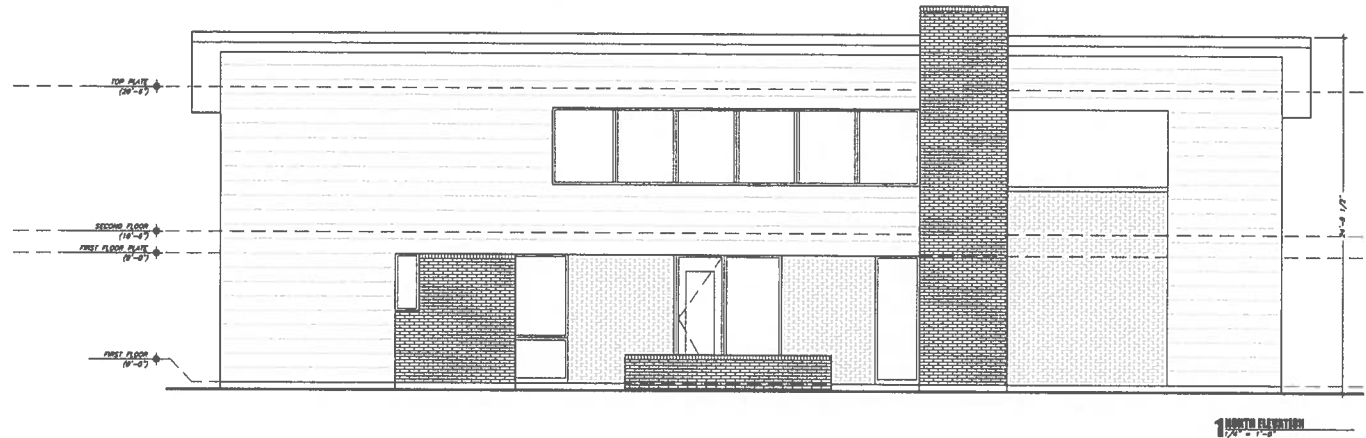
8610 EUSTIS AVENUE

DRAWING NAME:
LOT 48 ELEVATIONS

SCALE:
AS NOTED

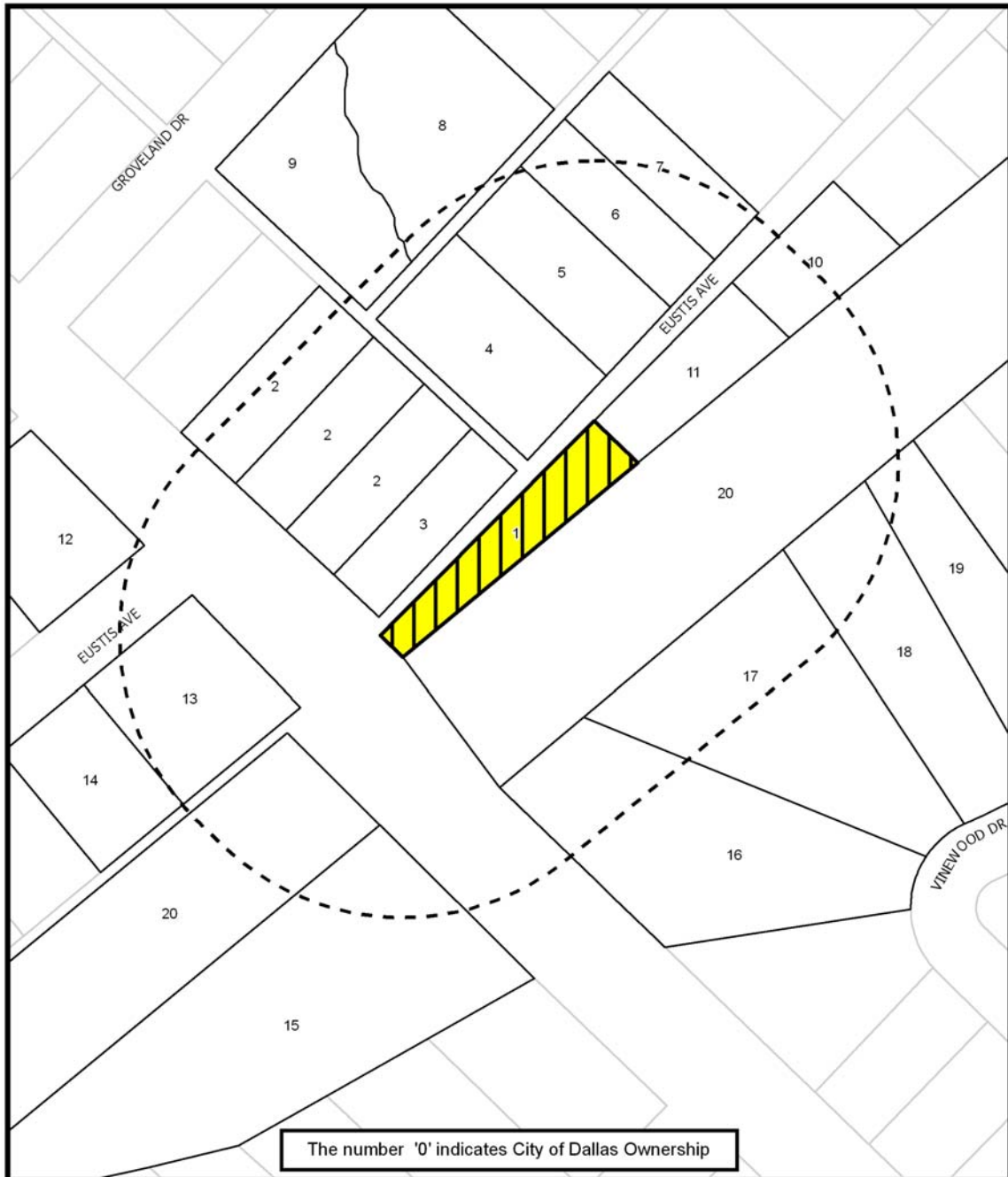
DATE:
10-6-2011

A3









 1:1,200	NOTIFICATION		Case no: BDA101-124
	<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: 11/17/2011

Notification List of Property Owners

BDA101-124

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8610 EUSTIS AVE	CLARK NICHOLAS L
2	2014 LAKELAND DR	KUMMER ELIZABETH A
3	2020 LAKELAND DR	RANDALL TOM K TRUSTEE PMB 444
4	8615 EUSTIS AVE	NADY SCOTT X & RONICCA R
5	8623 EUSTIS AVE	NADY SCOTT X & RONNICA R
6	8627 EUSTIS AVE	CAMPBELL LARRY RUSSELL & AMI NICOLE
7	8631 EUSTIS AVE	NADY SCOTT & RONNICA
8	8626 GROVELAND DR	JANEWAY STEVEN & CLEA VERVEN
9	8618 GROVELAND DR	JACKSON MARY ANN
10	8636 EUSTIS AVE	BREDEN PHILLIP STANLEY
11	8626 EUSTIS AVE	PYATT RANDY C
12	8571 EUSTIS AVE	MCGILVRAY PAIGE
13	8574 EUSTIS AVE	KARL ANN C
14	8566 EUSTIS AVE	HARGROVE JOHN
15	2100 LAKELAND DR	HOKE BOBBY R & KAILA
16	8607 VINEWOOD DR	INGRAHAM MARK R & JENNIFER KLEIN
17	8611 VINEWOOD DR	BARTKUS BETTY L LF ESTATE
18	8615 VINEWOOD DR	ZABLOSKY MARY HELEN HALL & DON ZABLOSKY
19	8621 VINEWOOD DR	LAPRADE JOHN TIMOTHY
20	99999 NO NAME ST	KANSAS CITY SOUTHERN RR

FILE NUMBER: BDA 101-128

BUILDING OFFICIAL'S REPORT:

Application of Timothy Williams, Sr. for variances to the front yard setback regulations and special exceptions to the visual obstruction regulations at 7479 Chula Vista Drive. This property is more fully described as Lot 13 in City Block B/6227 and is zoned R-7.5(A), which requires a front yard setback of 25 feet and 20 foot visibility triangles at driveway approaches. The applicant proposes to construct and maintain a structure and provide a 19 foot front yard setback, which will require a variance of 6 feet, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 7479 Chula Vista Drive

APPLICANT: Timothy Williams, Sr.

REQUESTS:

- The following appeals have been made in this application on a site that is currently developed with a child-care facility use/structure use:
 1. variances to the front yard setback regulations of up to 6' are requested in conjunction with maintaining a nonconforming structure/child-care facility use, part of which is located in the site's two required front yards (Blossom Lane and Chula Vista Drive); and
 2. special exceptions to the visual obstruction regulations are requested in conjunction with maintaining an 8' high solid vinyl fence/sliding gate in the two 20-foot visibility triangles at the drive approach into the site from Blossom Lane.

Although the property has a City Council-approved SUP (Specific Use Permit) for a child-care facility, the applicant is unable to obtain a CO (Certificate of Occupancy) for this use unless/until the Board of Adjustment grants variances to the front yard setback regulations to remedy the nonconforming aspect of the existing structure on the subject site.

STAFF RECOMMENDATION (variance):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is a corner lot with a restrictive area due to two front yard setbacks. The atypical two

front yard setbacks on the property/subject site precludes it from being developed in a manner commensurate with development on other similarly zoned properties - in this case, the property being maintained with a typically-sized 2,100 square foot structure.

- Granting the variances does not appear to be contrary to public interest in that the request is only made to remedy a nonconforming structure on the site in order for the applicant to obtain a CO (Certificate of Occupancy) for the city council-approved child-care facility use on the property.

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval of the requests, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of the items in these drive approach visibility triangles does not constitute a traffic hazard.

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.

GENERAL FACTS (variance):

- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25’.
- The subject site is located at the northwest corner of Chula Vista Drive and Blossom Lane. Regardless of how the existing structure on the site is oriented or addressed (in this case, southward to Chula Vista Drive), the subject site has 25’ required front yards along both streets. The site has a 25’ required front yard along Blossom Lane,

the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district, and a 25' required front yard along Chula Vista Drive, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5' setback would be required. But the site's Chula Vista Drive frontage is deemed a required front yard nonetheless to maintain the continuity of the established required front yards established by the lots developed with single family homes west of the site that front/are oriented southward onto Chula Vista Drive as is the structure on the subject site.

A site plan has been submitted denoting a portion of what appears to be a flower bed structure as close as 19' from the Blossom Lane front property line or as much as 6' into this 25' required front yard. The site plan also indicates how small portions of the existing main structure on the site are located in the two required 25' front yards along both Chula Vista Drive and Blossom Lane.

- According to calculations taken by the Board Administrator from the submitted site plan, the area of the existing structure located in the site's Blossom Lane required front yard setback is approximately 60 square feet in area or approximately 2 percent of the approximately 2,100 square foot footprint; and the area of the existing structure located in the site's Chula Vista Drive required front yard setback is approximately 80 square feet in area or approximately 3 percent of the approximately 2,100 square foot footprint.
- According to DCAD records, the "main improvement" at 7479 Chula Vista is a structure built in 1957 with 1,488 square feet of living area; and that "additional improvements" is an attached garage with 504 square feet and a storage building with 60 square feet. The existing structure is a nonconforming structure - a structure that does not conform to the current front yard setback regulations but was lawfully constructed under the regulations in force at the time of construction. The applicant seeks variance to remedy/address the nonconforming aspect of the structure in the required front yards in order to obtain a Certificate of Occupancy for the approved child care facility use granted by the City Council on August 10, 2011.
- The subject site is flat, somewhat irregular in shape (approximately 118' on the north, approximately 110' on the south, approximately 78' on the east, and approximately 110' on the west), and according to the application, is 0.31 acres (or approximately 13,500 square feet) in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25' required front yards; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- The structures requiring variance to the front yard setback regulations would be allowed by right if either frontage of the property was a side yard setback.

GENERAL FACTS (visual obstruction special exceptions):

- The Dallas Development Code states the following with regard to visibility triangles: 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 has been submitted that shows a fence (and sliding gate) located in the two 20-foot visibility triangles at the drive approach into the site from Blossom Lane (lengths of approximately 3 feet in one triangle, 7 feet in the other). An elevation has been submitted that represents what appears as a solid fence and gate (no materials are denoted on the elevation) that is eight feet in height.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A)(SUP 1878)(Single family district 7,500 square feet, Specific Use Permit)
- North: R-7.5(A) (Single family district 7,500 square feet)
- South: R-7.5(A) (Single family district 7,500 square feet)
- East: PD No. 687 (Planned Development District)
- West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The subject site is developed with a child care facility use. The areas to the north, south, and west are developed with single family uses; and the area to the east is developed as a school (John B. Hood Middle School).

Zoning/BDA History:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. BDA 034-203, Property at 7479 Chula Vista Drive (the subject site) | <p>On November 15, 2004, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 5’ on the subject site and imposed the following conditions: Compliance with the revised site plan (and fence elevation dated November 8, 2004 is required, and landscaping to be planted along the fence with a minimum of 4 feet of hedges is required. (The case report stated that the request was made in conjunction with constructing and maintaining a vinyl fence that would be generally 8’ in height).</p> |
|---|---|

Timeline:

- October 25, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment to Panel C was made on this property with board of adjustment history since it did not conflict 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."
- November 17, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.
- December 2, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

STAFF ANALYSIS (variances):

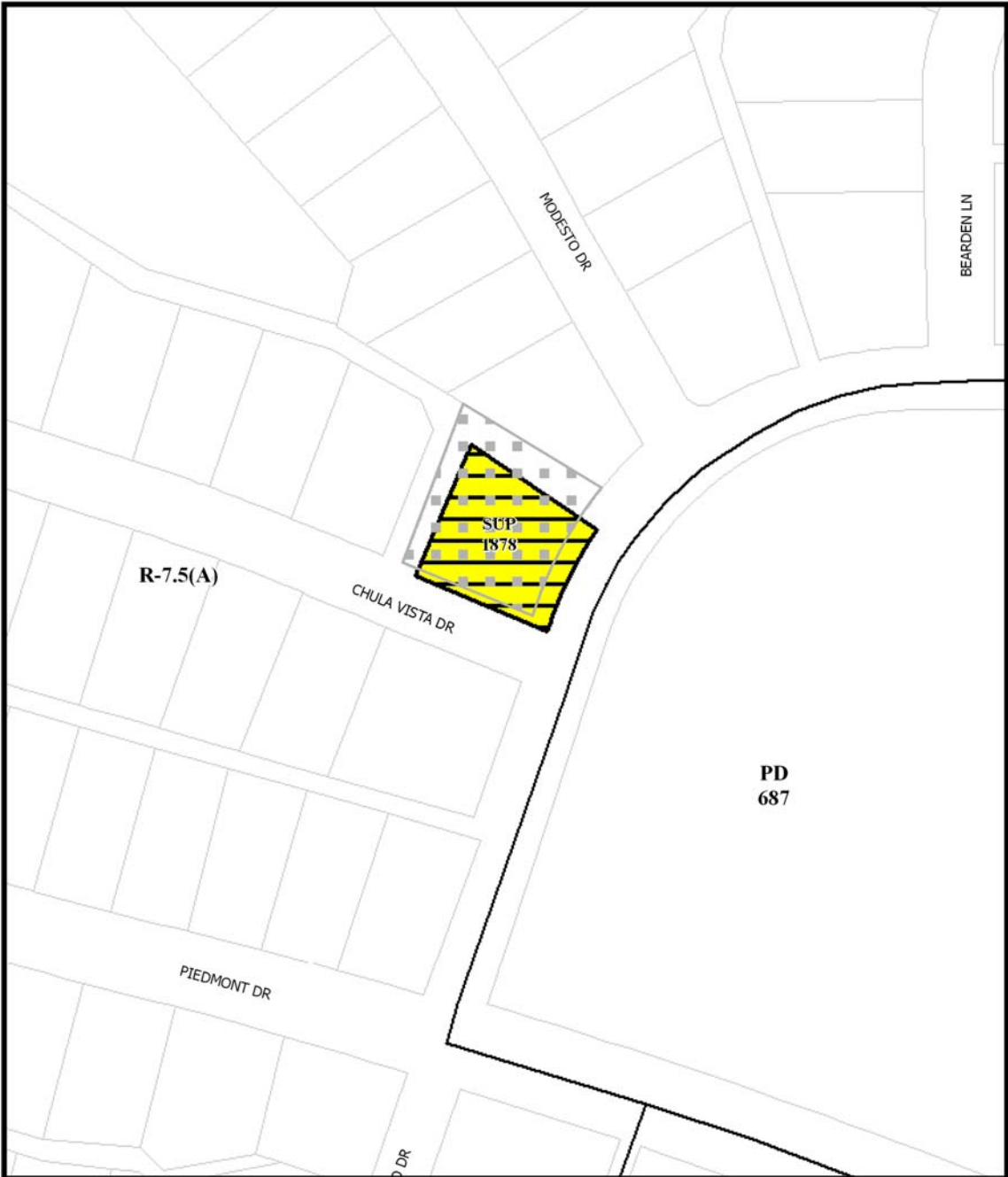
- These requests focus on maintaining a nonconforming structure/child-care facility use, part of which is located in the site's two required front yards (Blossom Lane and Chula Vista Drive).
- The existing structure is a nonconforming structure - a structure that does not conform to the current front yard setback regulations but was lawfully constructed under the regulations in force at the time of construction. According to DCAD records, the "main improvement" at 7479 Chula Vista is a structure built in 1957.
- The applicant seeks variance to remedy/address the nonconforming aspect of the structure in the required front yards in order to obtain a Certificate of Occupancy for the approved child care facility use granted by the City Council on August 10, 2011.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the existing structure located in the site's Blossom Lane required front yard setback is approximately 60 square feet in area or approximately 2 percent of the approximately 2,100 square foot footprint; and the area of the existing

structure located in the site's Chula Vista Drive required front yard setback is approximately 80 square feet in area or approximately 3 percent of the approximately 2,100 square foot footprint.

- The subject site is flat, somewhat irregular in shape (approximately 118' on the north, approximately 110' on the south, approximately 78' on the east, and approximately 110' on the west), and according to the application, is 0.31 acres (or approximately 13,500 square feet) in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25' required front yards; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- The structures requiring variance to the front yard setback regulations would be allowed by right if either frontage of the property was a side yard setback.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances 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 variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variances would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance requests, and impose the submitted site plan as a condition, the structure in the required front yards would be limited to what is shown on this document– which in this case is a structure located as close as 19' from the front property line (or as much as 6' into the 25' required front yard).

STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations focus on maintaining an 8' high solid vinyl fence/sliding gate in the two 20-foot visibility triangles at the drive approach into the site from Blossom Lane on a site is developed as a child-care facility.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for a special exception to the visual obstruction regulations to maintain an 8' high solid vinyl fence/sliding gate in each triangle does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would assure that the items located in the visibility triangles would be limited to the location, heights and materials of those items as shown on these documents.

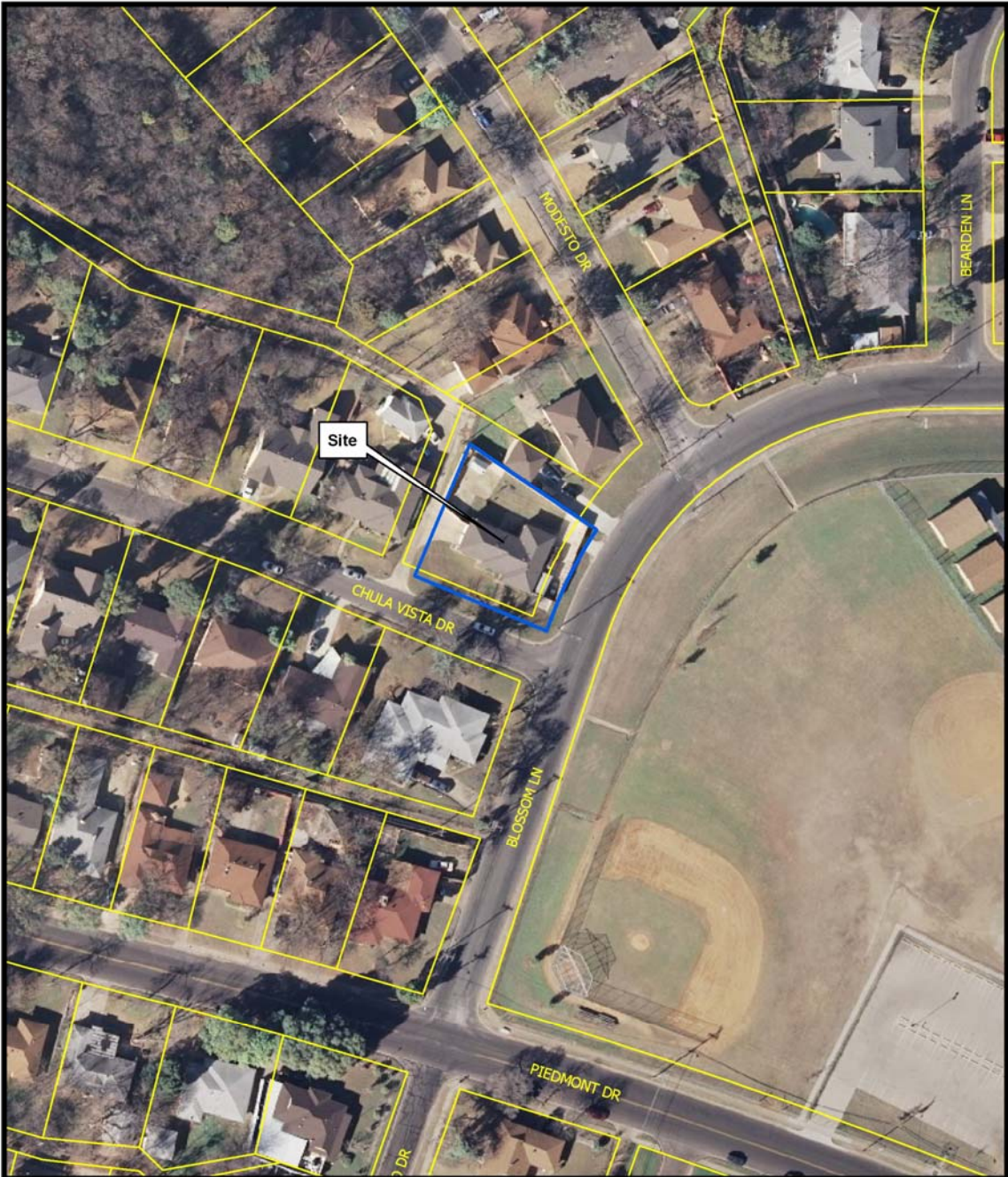


1:1,200

ZONING MAP

Case no: BDA101-128

Date: 11/17/2011



1:1,200

AERIAL MAP

Case no: BDA101-128

Date: 11/17/2011



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-128

Data Relative to Subject Property:

Date: 10-25-11

Location address: 7479 Chula Vista Drive

Zoning District: R-7.5(A)

Lot No.: 13 Block No.: B/6227 Acreage: .31

Census Tract: 009101

Street Frontage (in Feet): 1) 110 2) 89' 3) 4) 5)

To the Honorable Board of Adjustment :

JE9

Owner of Property (per Warranty Deed): Timothy Williams Sr.

Applicant: Timothy Williams Telephone: (214) 785-4743

Mailing Address: 7479 Chula Vista Drive Zip Code: 75227

E-mail Address: twilliams4@tx.rr.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 6 feet Variance front set back

Visibility Special Exception at driveway

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:

Variance pending required Plat Build line re-plat

Special exception private use only will not effect neighboring property use for unloading.

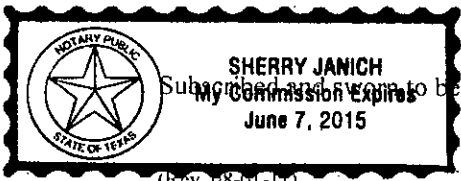
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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



Subscribed and sworn to before me this 11th day of October, 2011

Sherry Janich 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

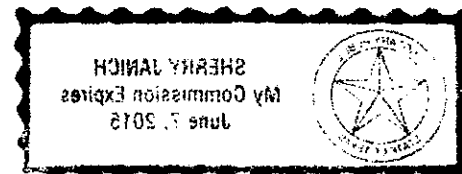
Building Official's Report

I hereby certify that Timothy Williams, Sr.
did submit a request for a variance to the front yard setback regulations, and for a special
exception to the visibility obstruction regulations
at 7479 Chula Vista Drive

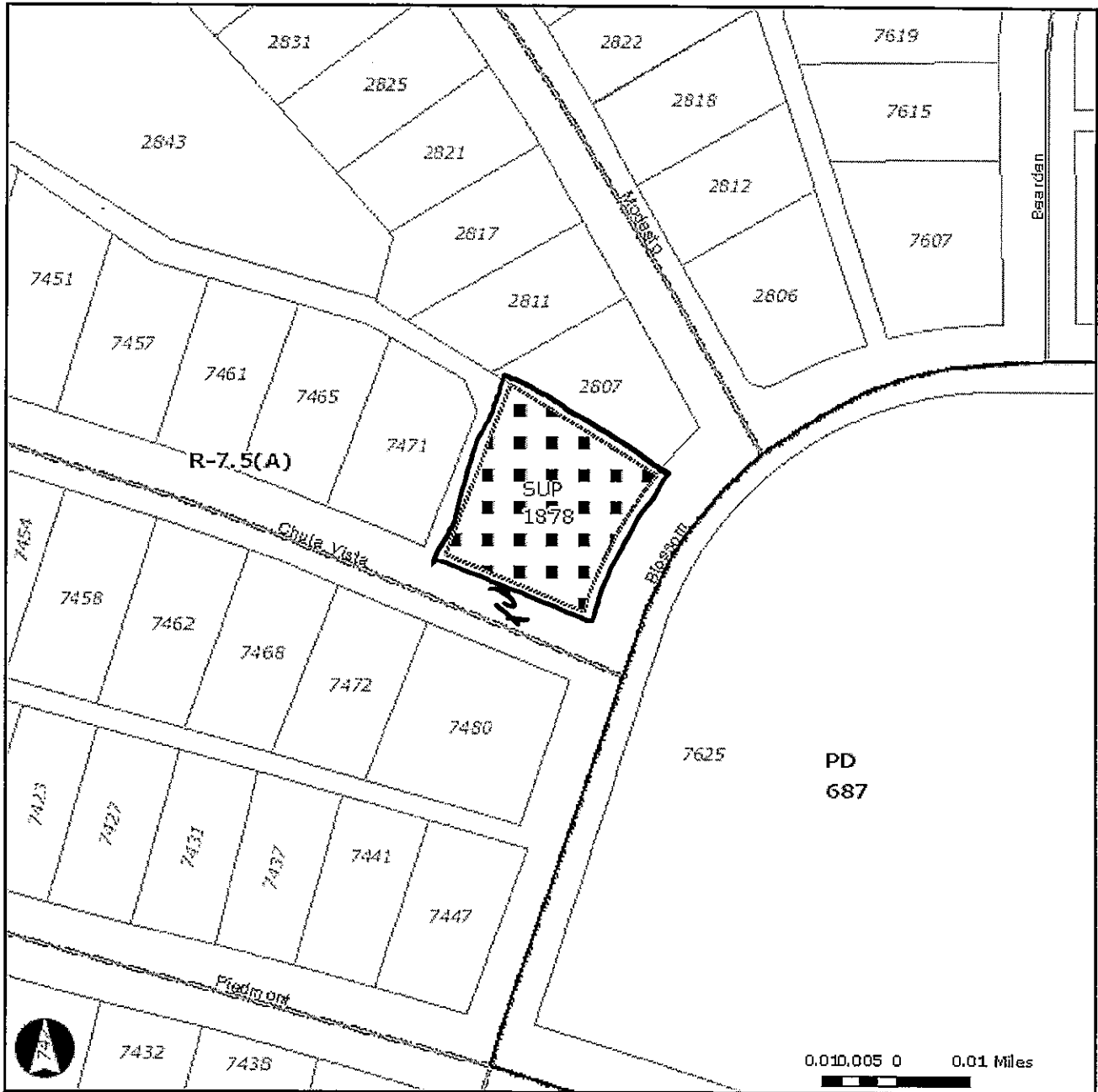
BDA101-128. Application of Timothy Williams, Sr. for a variance to the front yard setback regulations and a special exception to the visibility obstruction regulations at 7479 Chula Vista Drive. This property is more fully described as lot 13 in city block B/6227 and is zoned R-7.5(A), which requires a 20 foot visibility triangle at driveway approaches and requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 19 foot front yard setback, which will require a 6 foot variance to the front yard setback regulation, and to construct and maintain an accessory fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


Lloyd Denman, Building Official



City of Dallas Zoning



City Boundaries

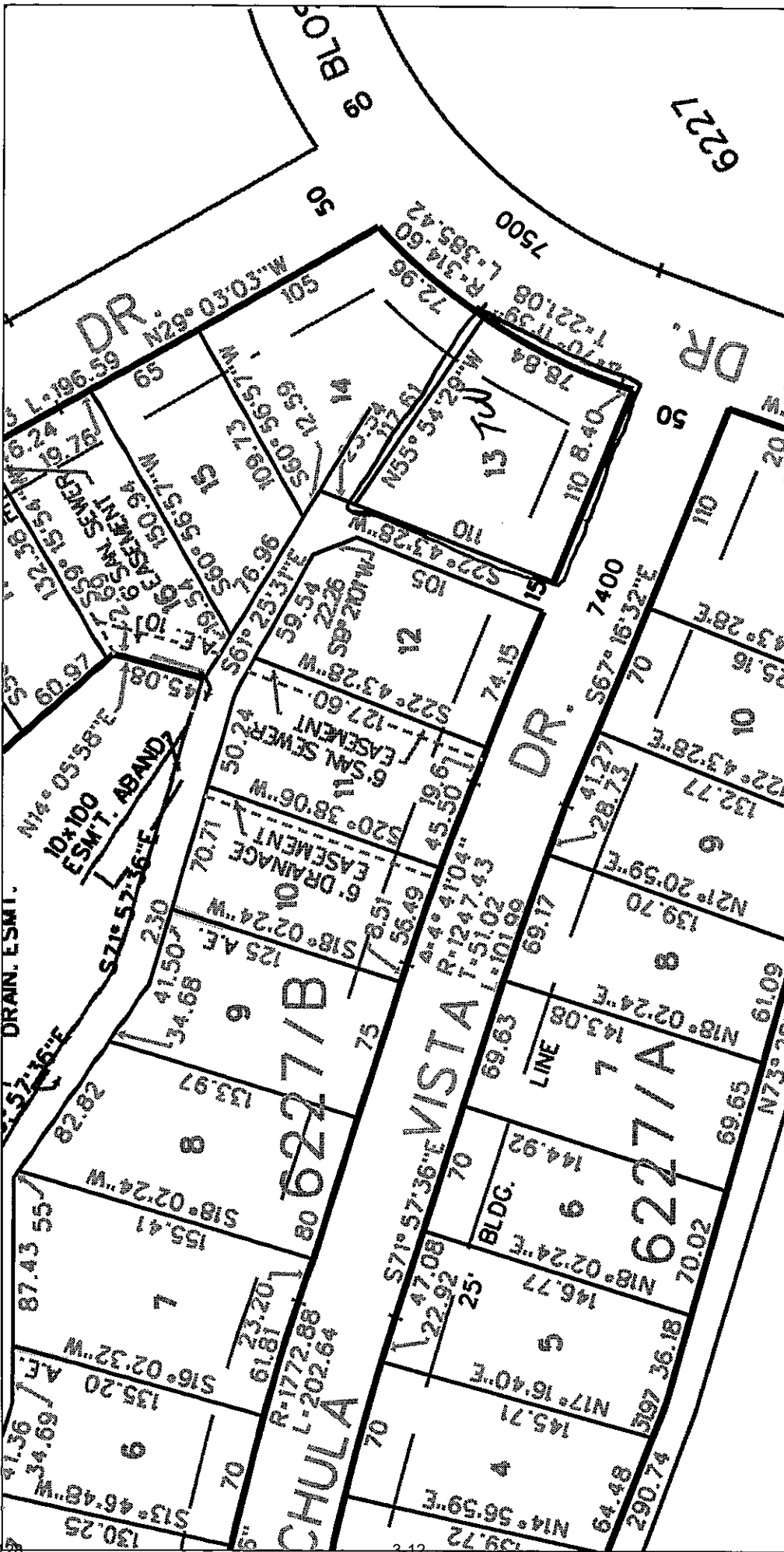
- City
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

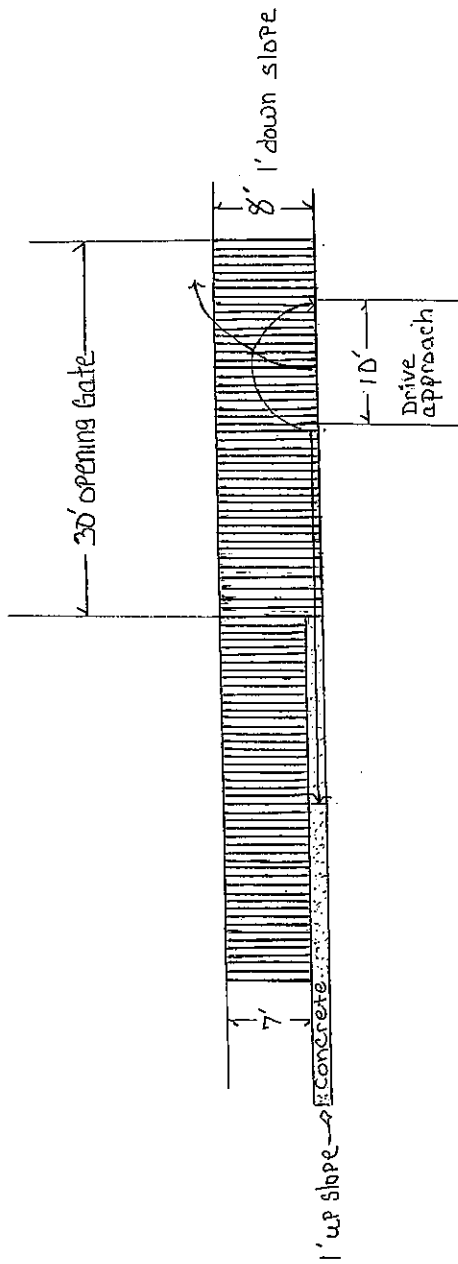
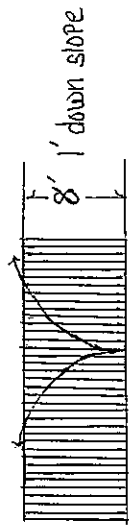
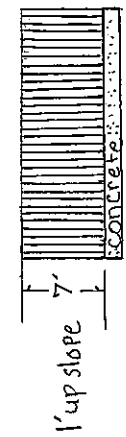
Dry Overlay

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

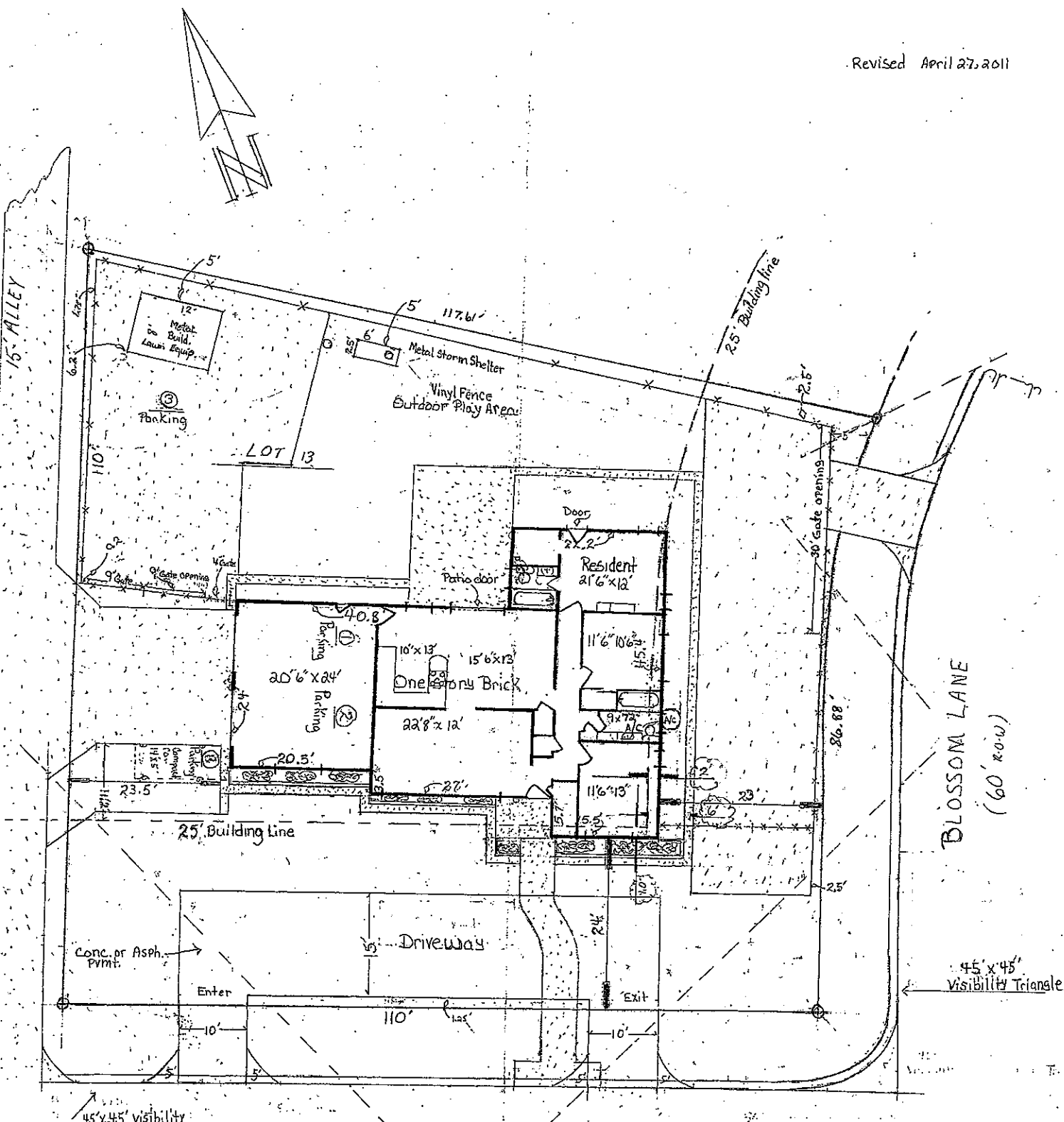
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors





1" = 10'

Revised April 27, 2011



13, Block G/6227 of Piedmont
 Section, Fifth Installment
 = 10'
 Address: 7479 Chula Vista Drive
 Address:
 Planning Case No.
 At: 1488 BDA-101-128
 Timothy Williams Sr. 6/3, 21, 2011
 Date: April 27, 2011

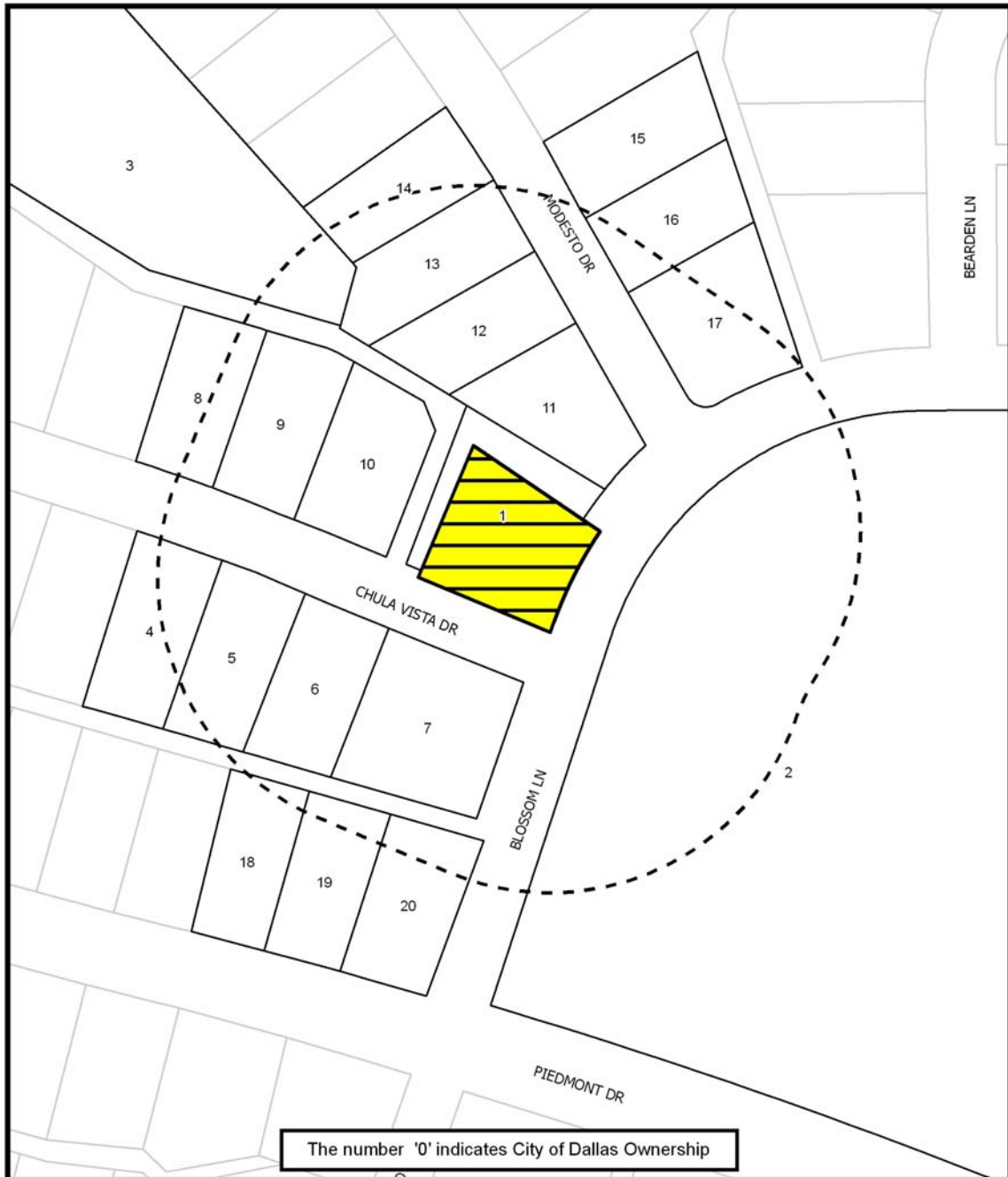
CHULA VISTA DRIVE
 (50' R.D.W.)

112040
 28302

Specific Use Permit
 No. 1878

APPROVED BY
 CITY COUNCIL
 AUG 10 2011

Approved
 City Plan Commission
 June 2, 2011



 1:1,200	NOTIFICATION		Case no: BDA101-128
	<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: 11/17/2011	

Notification List of Property Owners

BDA101-128

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7479 CHULA VISTA DR	WILLIAMS TIMOTHY SR
2	7625 HUME DR	Dallas ISD
3	2843 MODESTO DR	WADKINS WILLIAM A JR
4	7462 CHULA VISTA DR	COLLINS RONALD CRAIG
5	7468 CHULA VISTA DR	HADNOT CHARLES W & BRENDA J
6	7472 CHULA VISTA DR	PROBY MARY ELLA & AMINIKA T PROBY
7	7480 CHULA VISTA DR	JONES RAYMOND & GLORIA
8	7461 CHULA VISTA DR	BUTTS RUTH C
9	7465 CHULA VISTA DR	ESPARZA LUIS
10	7471 CHULA VISTA DR	MILLER DEBRA Y
11	2807 MODESTO DR	WINTERS MELVIN & JO ANN S
12	2811 MODESTO DR	CURTIS WM SHERFIELD
13	2817 MODESTO DR	ZAVALA MIGUEL A
14	2821 MODESTO DR	NAVA JUAN GONZALEZ
15	2818 MODESTO DR	MALDONADO MARIO A & DINA C
16	2812 MODESTO DR	PENNIE DORIS
17	2806 MODESTO DR	GLORIA ROSENDO & RODRIGUEZ CRISOFORA
18	7437 PIEDMONT DR	WASHINGTON EARL
19	7441 PIEDMONT DR	GREEN ROBERT CHARLES
20	7447 PIEDMONT DR	TURNER LOUIS C

FILE NUMBER: BDA 101-130

BUILDING OFFICIAL'S REPORT:

Application of Nathan Watkins, represented by Zach Spillers, for variances to the front yard setback regulations, a variance to the off-street parking regulations, and a special exception to the single family use development standard regulations at 7006 Shook Avenue. This property is more fully described as Lot 2 in City Block F/2812 and is zoned R-7.5(A), which requires a front yard setback of 25 feet, a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley, and limits the number of dwelling units to one. The applicant proposes to construct and maintain a structure and provide a 2 foot 6 inch front yard setback, which will require a variance of 22 foot 6 inches; to construct and maintain a structure and provide enclosed parking spaces with a setback of 2 feet 6 inches, which will require a variance of 17 feet 6 inches; and to construct and maintain an additional dwelling unit, which will require a special exception to the single family use development standard regulations.

LOCATION: 7006 Shook Avenue.

APPLICANT: Nathan Watkins
Represented by Zach Spillers

REQUESTS:

- The following appeals have been made in this application on a site that is currently developed with a one-story single family home structure with a one-story detached garage accessory structure:
 1. a variance to the front yard setback regulations of approximately 19' 6" is requested in conjunction with constructing and maintaining a second floor addition to align with the existing nonconforming one-story main structure/single family home on the site, part of which is located in one of the site's two 25' front yard setbacks (White Rock Road);
 2. a variance to the front yard setback regulations of 22' 5" is requested in conjunction with replacing a one-story detached accessory/garage structure with a detached two-story garage/dwelling unit structure, most of which would be located in one the site's two 25' front yard setbacks (White Rock Road),
 3. a variance to the off-street parking regulations of up to 17' 6" is requested in conjunction with enclosing parking spaces with garage doors in the proposed detached two-story two-vehicle garage/dwelling unit structure where the parking spaces that are to be enclosed with garage doors in the proposed detached

structure would be located less than the required 20' distance from right-of-way line on White Rock Road; and

4. a special exception to the single family use development standard regulations is requested in conjunction with constructing and maintaining the proposed detached two-story two-vehicle garage/dwelling unit structure on a site currently developed with a one-story dwelling unit/single family home structure.

STAFF RECOMMENDATION (front yard variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is an irregular-shaped corner lot with a restrictive area due to two front yard setbacks. The atypical irregular-shaped lot with two front yard setbacks precludes it from being developed in a manner commensurate with development on other similarly zoned properties - in this case, the development on the property with according to the applicant's representative's information, a site with a total living area of 3,542 square feet where the average of 9 other lots he found in the area/zoning district to be over 4,100 square feet.
- The virtually triangular-shaped site has a triangular-shaped area of developable space ranging from 0' – 50' in width on the lot that ranges in 4' – 98' in width.

STAFF RECOMMENDATION (parking variance):

Approval, subject to the following conditions:

1. Compliance with the submitted site plan is required.
2. Automatic garage doors must be installed and maintained in working order at all times.
3. At no time may the area in front of the garage doors be utilized for parking of vehicles.
4. All applicable permits must be obtained.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is an irregular-shaped corner lot with a restrictive area due to two front yard setbacks. The atypical irregular-shaped lot with two front yard setbacks precludes it from being developed in a manner commensurate with development on other similarly zoned properties - in this case, the development on the property with according to the applicant's representative's information, a site with a total living area of 3,542 square feet and includes a two-vehicle garage.
- Granting the request for variance in this case does not appear to be contrary to public interest seeing that the closest distance between the garage doors and the White Rock Road pavement line is 25', and that the Sustainable Development and Construction Department Project Engineer has no objections to this request.

STAFF RECOMMENDATION (single family special exception):

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

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.

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

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

GENERAL FACTS (variances):

- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25’.
- The subject site is located at the southwest corner of Shook Avenue and White Rock Road. Regardless of how the existing structure on the site is oriented or addressed (in this case, northward to Shook Avenue), the subject site has two 25’ front yards

along both streets. The site has a 25' front yard setback along Shook Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district, and a 25' front yard setback along White Rock Road, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5' setback would be required. But the site's White Rock Road frontage is deemed a front yard nonetheless given the code provision stating that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.

A site plan has been submitted denoting a portion of the existing main single family home structure that is located 5.3' from the White Rock Road front property line (or 19.7' into the 25' front yard setback). While the existing main one story single family home structure (constructed in 1950, according to DCAD) is a nonconforming structure (a structure that does not conform to the current front yard setback regulations but was lawfully constructed under the regulations in force at the time of construction), floor plans and elevations have been submitted showing a second floor addition proposed atop this structure.

The Dallas Development Code states that a person may renovate, remodel, repair, or rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations. The applicant seeks variance to the front yard setback regulations given this code provision since he proposes to cause the structure to become more nonconforming with regard to the site's 25' White Rock Road front yard setback – not by encroaching closer to the property line than what exists but by increasing the height of the structure in this setback.

A site plan has been submitted denoting a portion of the proposed detached two-story two-vehicle garage/dwelling unit structure located 2' 6" from the White Rock Road front property line (or 22' 6" into the 25' front yard setback).

A site plan has been submitted denoting the location of enclosed parking spaces in the proposed detached two-story two-vehicle garage/dwelling unit structure on the site as close as 2.5' from the White Rock Road right of way line/property line on the east side of the site. This site plan denotes that the closest distance between the garage doors and that White Rock Road pavement line to be 25'.

- It appears from the submitted site plan that approximately 1/5 of the existing nonconforming structure is located in the site's White Rock Road 25' front yard setback; and that virtually all of the proposed detached two-story two-vehicle garage/dwelling unit structure is located in this setback.
- According to DCAD records, the "main improvement" at 7006 Shook is a structure built in 1950 with 1,474 square feet of living area; with "additional improvements" being a detached garage with 462 square feet.
- The subject site is flat, virtually triangular in shape and according to the application, is 0.185 acres (or approximately 8,000 square feet) in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25' front yard setbacks; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.

- The virtually triangular-shaped site has a triangular-shaped area of developable space ranging from 0' – 50' in width on the lot that ranges in 4' – 98' in width.
- The main structure requiring variance to the front yard setback regulations would be allowed by right if the White Rock Road frontage of the property was a side yard setback since the main structure is shown to be 5.3' from the White Rock Road property line.
- The applicant's representative forwarded additional information beyond what was submitted with the original application (see Attachment A).

GENERAL FACTS (single family use special exception):

- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties. The Dallas Development Code defines "single family" use as "one dwelling unit located on a lot;" and a "dwelling unit" as "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."
A site plan has been submitted denoting the location of the two building footprints. An elevation document has been submitted showing the heights of the two structures on the site with the detached accessory structure being lower in height than that of the main structure. Floor plans have been submitted of both structures on the site. The first floor of the detached accessory structure denotes "garage" and the second floor denotes "bedroom," "bath," and "living room/kitchen." Building Inspection staff has reviewed the submitted floor plans and deemed it a "dwelling unit."
- According to DCAD records, the "main improvement" at 7006 Shook is a structure built in 1950 with 1,474 square feet of living area; with "additional improvements" being a detached garage with 462 square feet.
- The applicant's representative forwarded additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

- October 26, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- November 11, 2011: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 15, 2011: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.
- December 2, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”

STAFF ANALYSIS (front yard variances):

- These requests focus on constructing and maintaining a second floor addition to align with the existing nonconforming one-story main structure/single family home, and replacing a one-story detached accessory/garage structure with a detached two-story garage/dwelling unit structure some and/or most of which would be located in one of the site’s two 25’ front yard setbacks (White Rock Road) on a site developed

with a one-story single family home structure with a one-story detached garage accessory structure.

- The site has a 25' front yard setback along Shook Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district, and a 25' front yard setback along White Rock Road, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5' setback would be required. But the site's White Rock Road frontage is deemed a front yard nonetheless given the code provision stating that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- A site plan has been submitted denoting the location of the existing main structure at 5.3' from the White Rock Road front property line (or 19.7' into the 25' front yard setback). The applicant seeks variance to the front yard setback regulations for the main nonconforming single family home structure not by encroaching closer to the property line than what exists but by increasing the height of the structure in White Rock Road setback.
- A site plan has been submitted denoting the location of the proposed accessory/dwelling unit structure at 2' 6" from the White Rock Road front property line (or 22' 6" into the 25' front yard setback).
- It appears from the submitted site plan that approximately 1/5 of the existing nonconforming structure is located in the site's White Rock Road 25' front yard setback; and that virtually all of the proposed detached two-story two-vehicle garage/dwelling unit structure is located in this setback.
- According to DCAD records, the "main improvement" at 7006 Shook is a structure built in 1950 with 1,474 square feet of living area; with "additional improvements" being a detached garage with 462 square feet.
- The subject site is flat, virtually triangular in shape and according to the application, is 0.185 acres (or approximately 8,000 square feet) in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25' front yard setbacks; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- The virtually triangular-shaped site has a triangular-shaped area of developable space ranging from 0' – 50' in width on the lot that ranges in 4' – 98' in width.
- The main structure requiring variance to the front yard setback regulations would be allowed by right if the White Rock Road frontage of the property was a side yard setback since the main structure is shown to be 5.3' from the White Rock Road property line.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the White Rock Road 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 variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or

slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.

- The variances would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance requests and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case is a structure to be located as close as 2’ 6” from the White Rock Road front property line (or as much as 22’ 6” into this 25’ front yard setback).

STAFF ANALYSIS (parking variance):

- This request focuses on enclosing parking spaces with garage doors in the proposed detached two-story two-vehicle garage/dwelling unit structure where the parking spaces that are to be enclosed with garage doors in the proposed detached structure would be located less than the required 20’ distance from right-of-way line on White Rock Road.
- The submitted site plan denotes the location of enclosed parking spaces in the proposed detached two-story two-vehicle garage/dwelling unit structure on the site as close as 2.5’ from the White Rock Road right of way line/property line on the east side of the site. This site plan denotes that the closest distance between the garage doors and that White Rock Road pavement line to be 25’.
- The subject site is flat, virtually triangular in shape and according to the application, is 0.185 acres (or approximately 8,000 square feet) in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25’ front yard setback; and two 5’ side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- The virtually triangular-shaped site has a triangular-shaped area of developable space ranging from 0’ – 50’ in width on the lot that ranges in 4’ – 98’ in width.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the parking regulations of 17’ 6” will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance to the parking regulations of 17’ 6” is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.

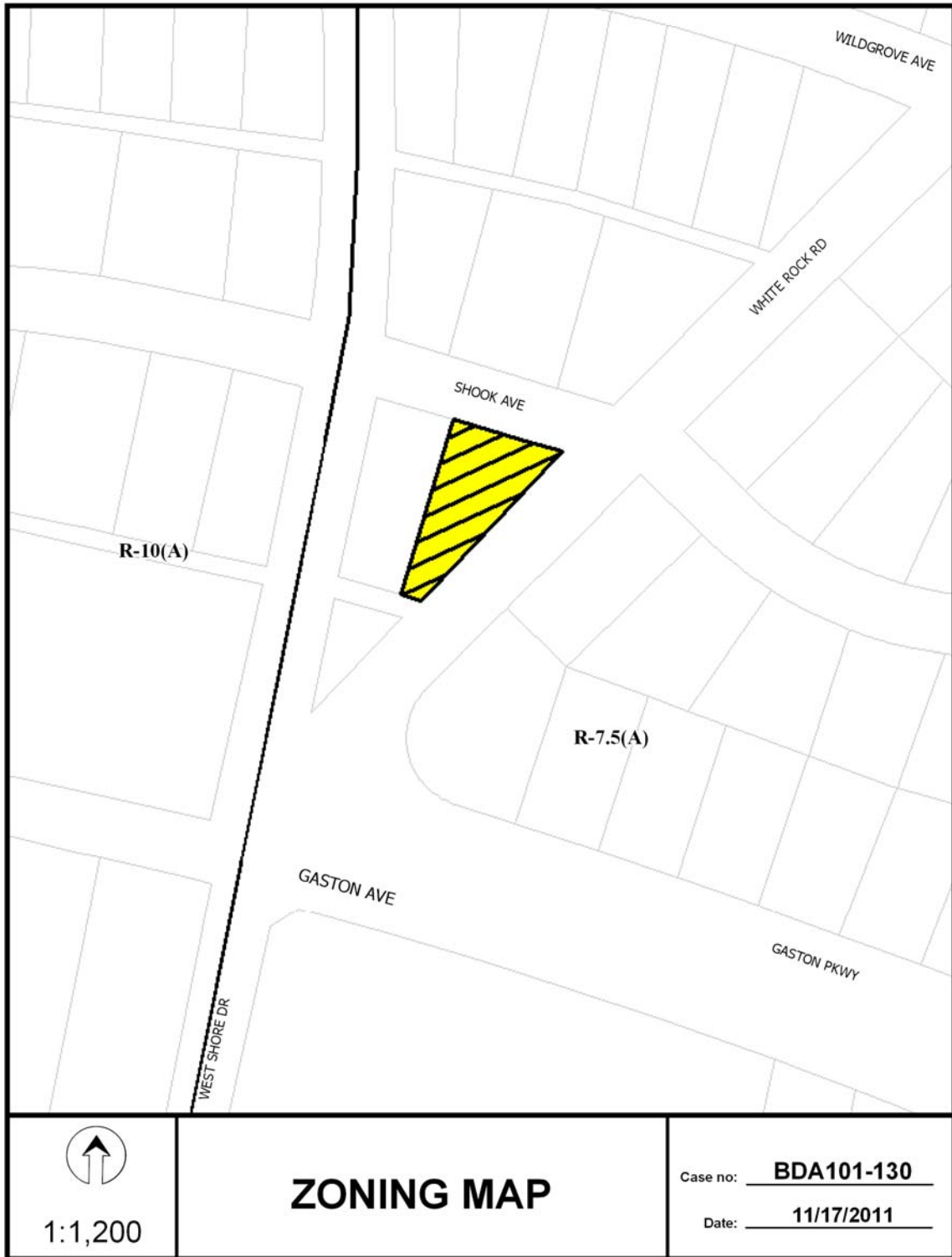
- The variance to the parking regulations of 17' 6" requested would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- Typically, when the Board has found that this type of variance request is warranted, they have imposed the following conditions:
 1. Compliance with the submitted site plan is required.
 2. Automatic garage doors must be installed and maintained in working order at all times.
 3. At no time may the areas in front of the garage be utilized for parking of vehicles.
 4. All applicable permits must be obtained.
 (These conditions are imposed to help assure that the variance will not be contrary to public interest).
- If the Board were to grant the variance request of 17' 6", imposing a condition whereby the applicant must comply with the submitted site plan, the parking spaces in the proposed accessory structure could be enclosed with garage doors that would be 2' 6" away from the White Rock Road right of way line (or 17' 6" into the 20' setback/distance requirement) where the closest distance between the garage doors and that White Rock Road pavement line would be 25'.

STAFF ANALYSIS (single family use special exception):

- This request focuses on constructing and maintaining a detached two-story two-vehicle garage/dwelling unit structure on a site currently developed with a one-story dwelling unit/single family home structure.
- The site is zoned R-7.5(A) (Single family district 7,500 square feet) where the Dallas Development Code permits one dwelling unit per lot. The site is developed with a single family home/dwelling unit where an additional dwelling unit/accessory structure is proposed on the site hence the special exception request.
- Building Inspection staff has reviewed the submitted floor plans of the proposed two-story accessory structure and deemed it a "dwelling unit" - that is per Code definition: "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms." The submitted floor plans denote the first floor of the detached accessory structure denotes "garage" and the second floor denotes "bedroom," "bath," and "living room/kitchen."
- As of December 5, 2011, no letters had been submitted to staff in support or in opposition to the application.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve the request for a special exception to the single family regulations, the Board may want to determine if they feel that imposing a condition that the applicant comply with the submitted site plan and/or floor plan are necessary in assuring that the special exception will not adversely affect neighboring

properties. Note that granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including but not limited to setback and coverage requirements).

- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

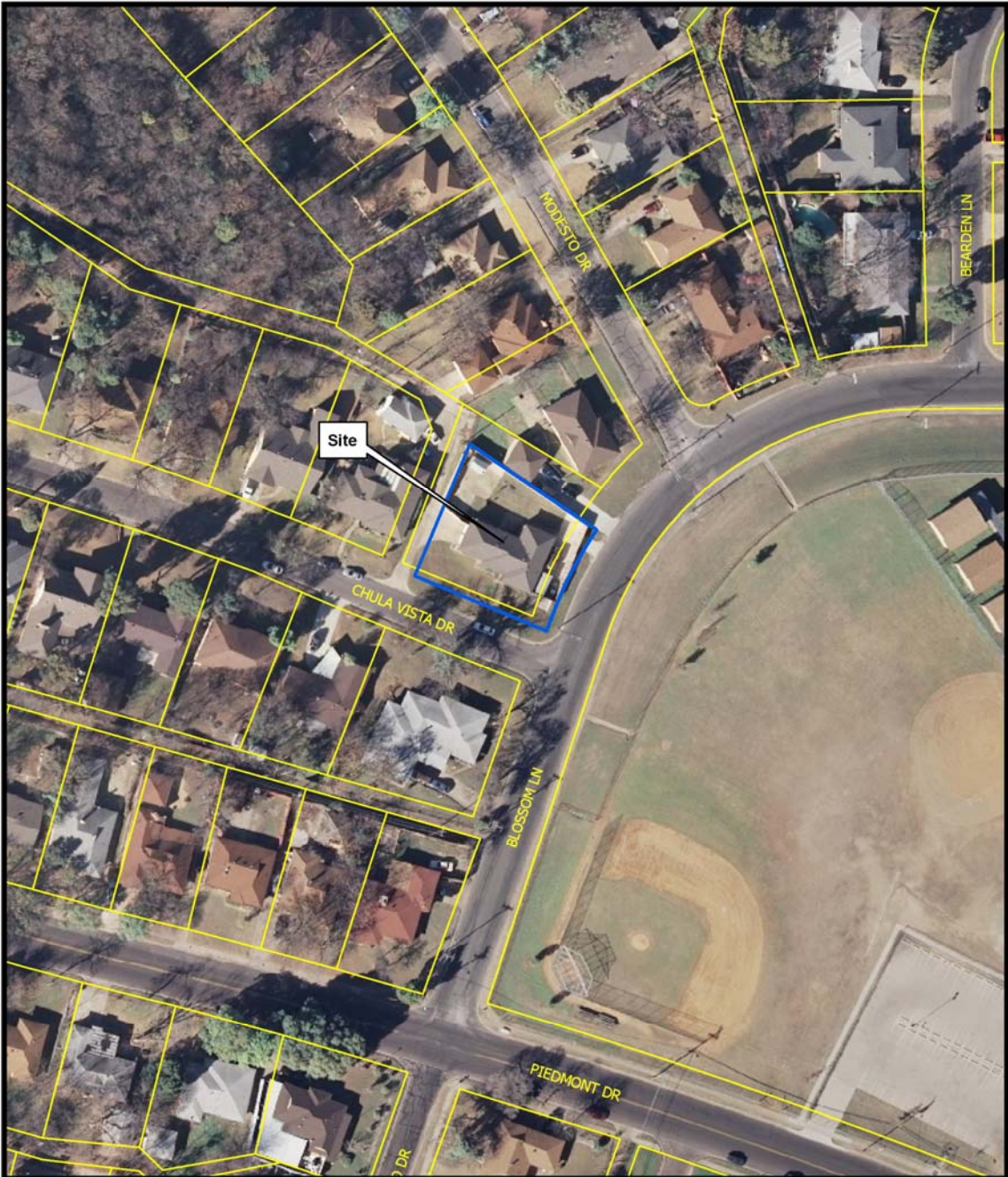


1:1,200

ZONING MAP

Case no: BDA101-130

Date: 11/17/2011



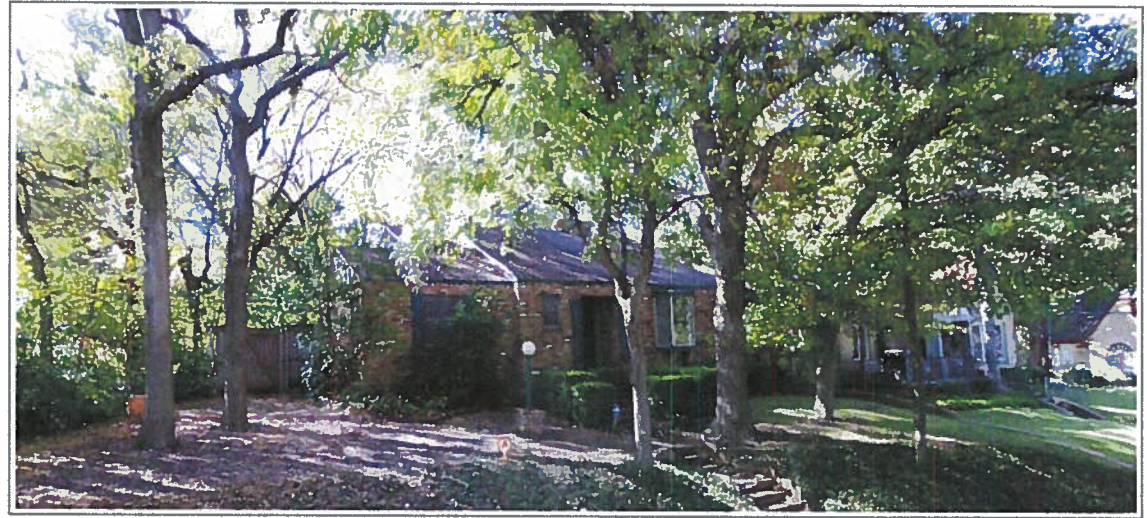
1:1,200

AERIAL MAP

Case no: BDA101-128

Date: 11/17/2011

7006 Shook
Dallas, TX 75214
Setback Variance Request



Request for Variance @ 7006 Shook Ave, 75214

A variance of **1) 22.5' to the front yard set back (white rock road side yard), 2) a variance of 17.5' to the set back required for enclosed parking and 3) a special exception to for an additional dwelling unit** are needed to conduct a valuable, albeit basic home remodel/addition and repositioning of the garage. Said variance would allow for the second story addition to the existing one story home as well as the repositioning the detached garage, as well as adding much needed living space above it. At the creation of White Rock Road the property suffered an awkward narrowing towards the rear resulting in a pie shape lot whose back yard is terminates in a corner. The property greatly benefits from its numerous mature trees, but suffers from limited options for reclaiming valuable backyard space as it pertains to a parking structure. In recent years a 75+ yr old tree fell and was removed, resulting in an opportunity to **1) relocate the garage, 2) maximize the home adjacent back yard space, and 3) reduce the total amount of non-permeable property surface.**

Currently the property exists as the street's, and possibly the neighboring blocks', least visually appealing. The redevelopment, as designed, will dramatically improve the surrounding area. Due to the particular arrangement of the surrounding properties there are no immediate neighbors to the variance side and therefore none detrimentally affected by the variance.

Great consideration and design time has been given to possible solutions for achievement of the goals outlined above. Please grant this reasonable request to improve the property.



Unbuildable lot determining frontage setbacks.

Former alley terminated by transformers and electrical.



What used to be an alley no longer functions as an alley.

Unbuildable lot determining frontage setbacks.



Pushing garage back allows us to save these trees while also reclaiming permeable surface/backyard at 7006 Shook.

7006 Shook
Images

Drawn by Zachary Spillers | November 15, 2011

A (proposed) = 3,542 sq.ft.
 w/ 36.7%
 Lot Coverage

B = 3,662 sq.ft.

C = **4,303** sq.ft.

D = **4,543** sq.ft.

E = 3,899 sq.ft.

F = 3,766 sq.ft.

G = **5,427** sq.ft.

H = 3,723 sq.ft.

I = 3,922 sq.ft.

J = 3,696 sq.ft.

Get directions My places

- A** 7006 Shook Avenue, Dallas, TX
- B** 8932 Shook Ave, Dallas, Texas 75214
- C** 7003 Shook Avenue, Dallas, TX
- D** 7102 Shook Avenue, Dallas, TX
- E** 7115 Shook Avenue, Dallas, TX
- F** 6907 Wildgrove Avenue, Dallas, TX
- G** 7011 Wildgrove Avenue, Dallas, TX
- H** 7115 Wildgrove Avenue, Dallas, TX
- I** 7145 Wildgrove Avenue, Dallas, TX
- J** 7151 Wildgrove Avenue, Dallas, TX

Add Destination - Show options

GET DIRECTIONS

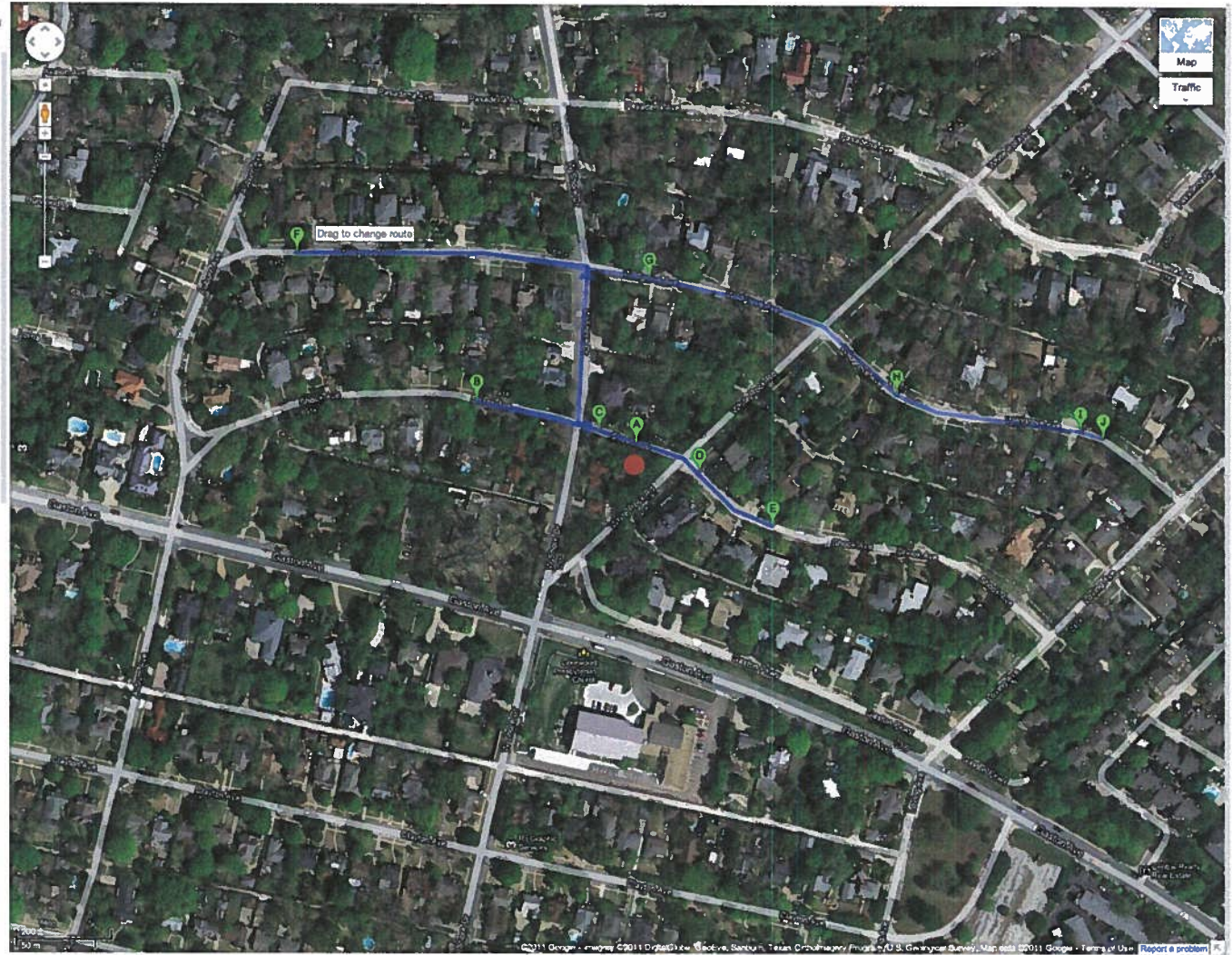
Bicycling directions are in beta.
 Use caution and please report unmapped bike routes, streets that aren't suited for cycling, and other problems [here](#).

Suggested routes

Wildgrove Ave 0.8 mi, 6 mins

Bicycling directions to 7151 Wildgrove Ave, Dallas, TX 75214

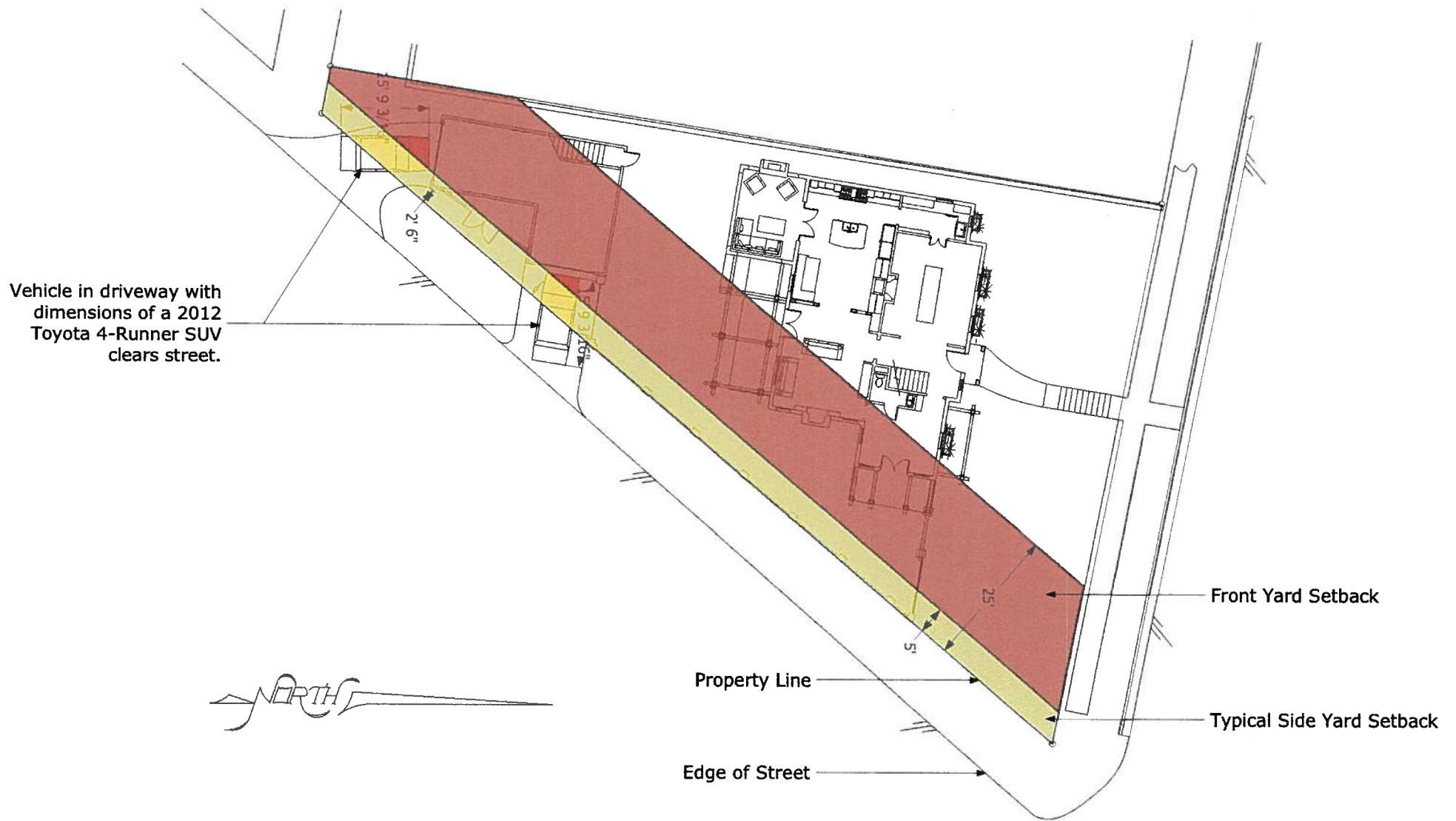
- A** 7006 Shook Ave
 Dallas, TX 75214
 1. Head west on Shook Ave toward W Shore Dr
 Destination will be on the left
 348 ft
- B** 8932 Shook Ave
 Dallas, TX 75214
 2. Head east on Shook Ave toward W Shore Dr
 Destination will be on the left
 266 ft
- C** 7003 Shook Ave
 Dallas, TX 75214
 3. Head east on Shook Ave toward White Rock Rd
 Destination will be on the right
 233 ft
- D** 7102 Shook Ave



7006 Shook
 Parking and Setback Diagram

Drawn by Zachary Spillers | November 15, 2011



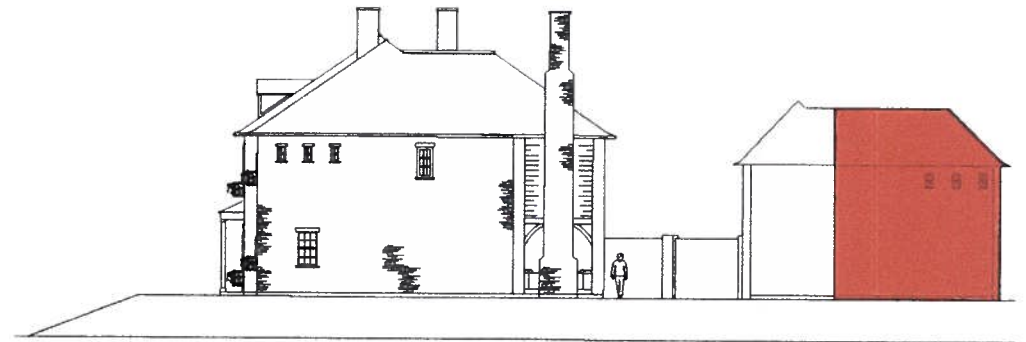
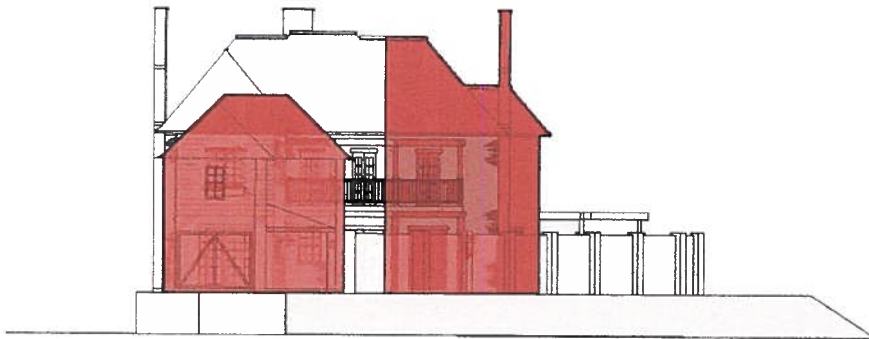
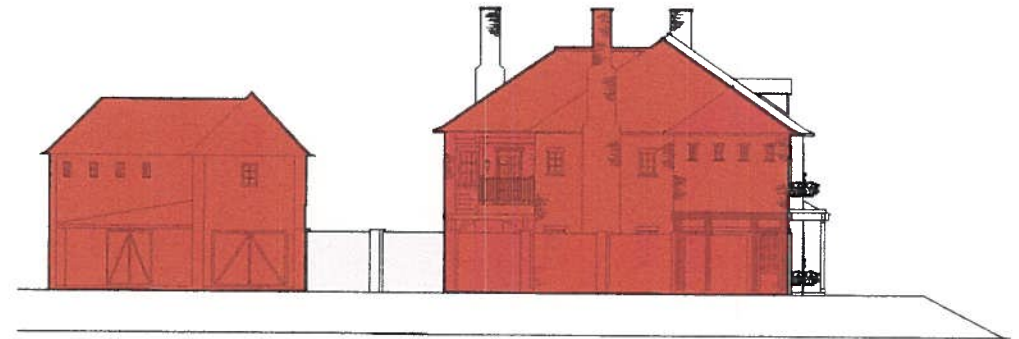


Scale: 1" = 16'

 = affected by setback

7006 Shook
Parking and Setback Diagram

Drawn by Zachary Spillers | November 15, 2011

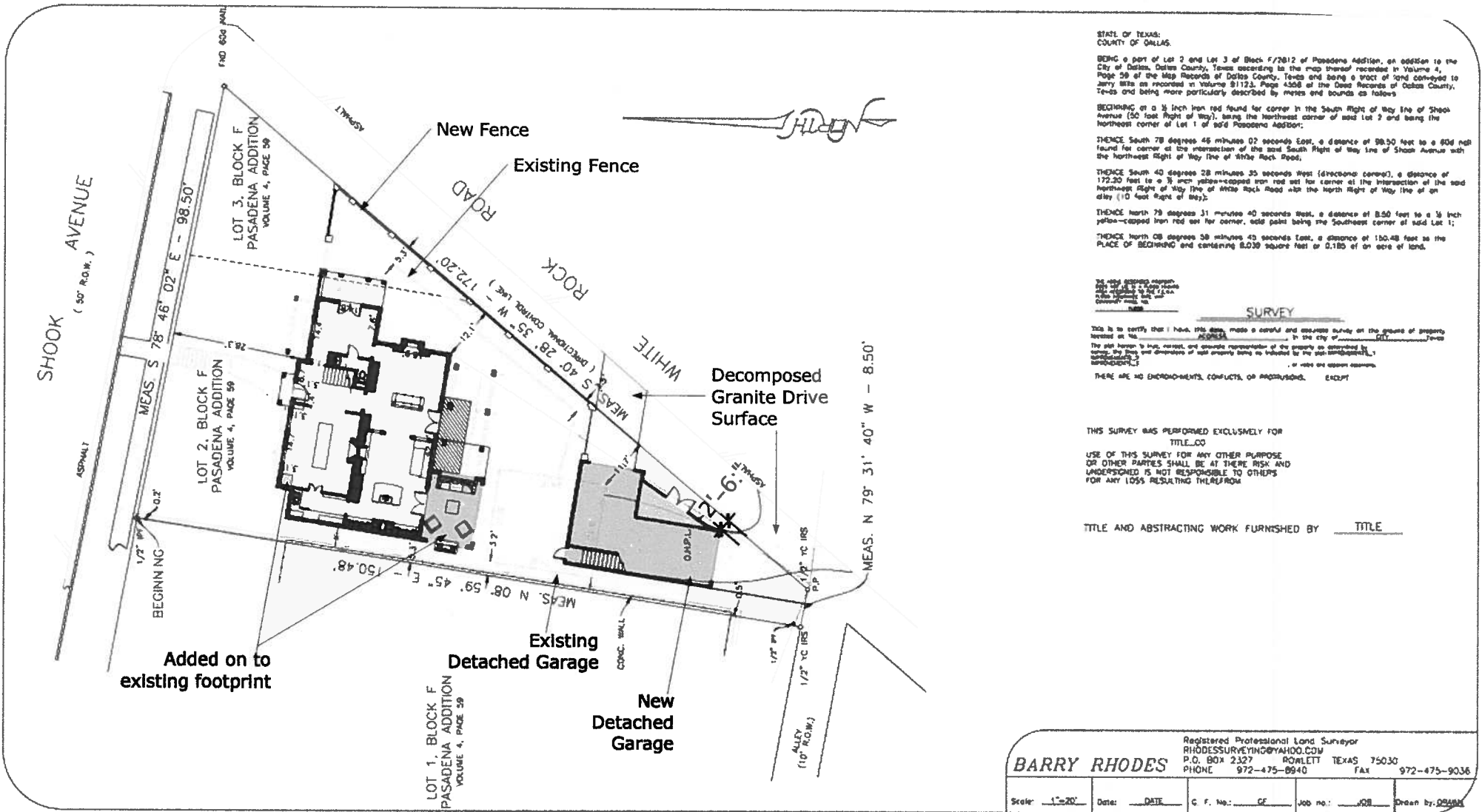


Scale: 1" = 16'

 = affected by setback

7006 Shook
Setback Elevation Diagram

Drawn by Zachary Spillers | November 15, 2011

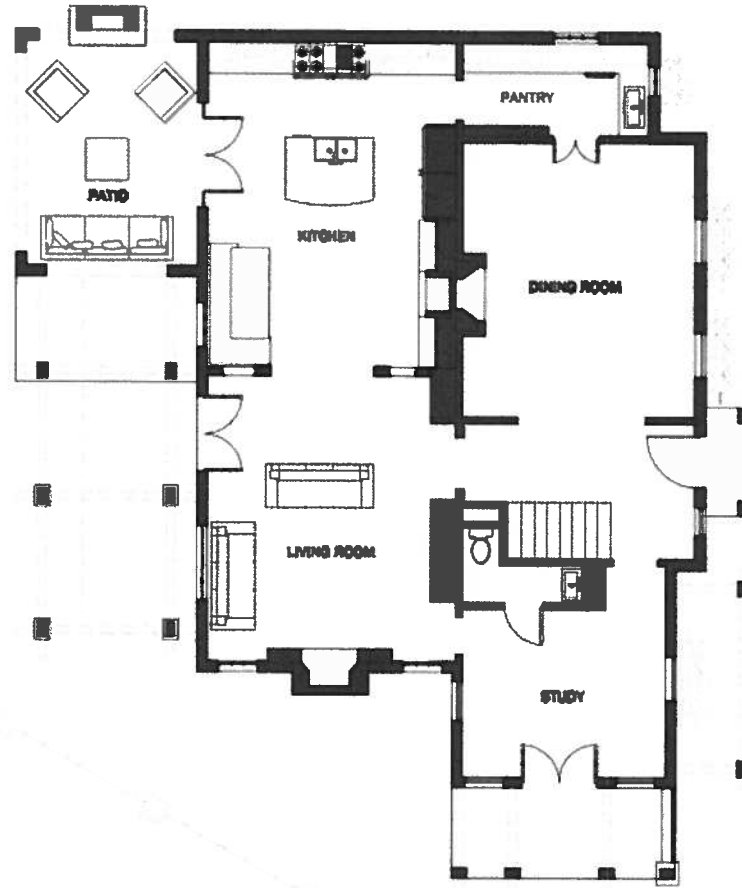
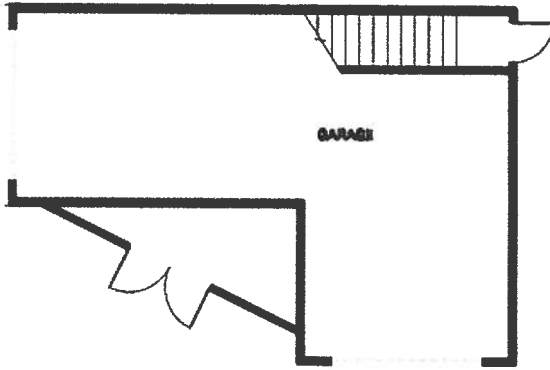


Scale: 1" = 20'

7006 Shook
 Proposed Site Plan

A1

Drawn by Zachary Spillers | November 15, 2011

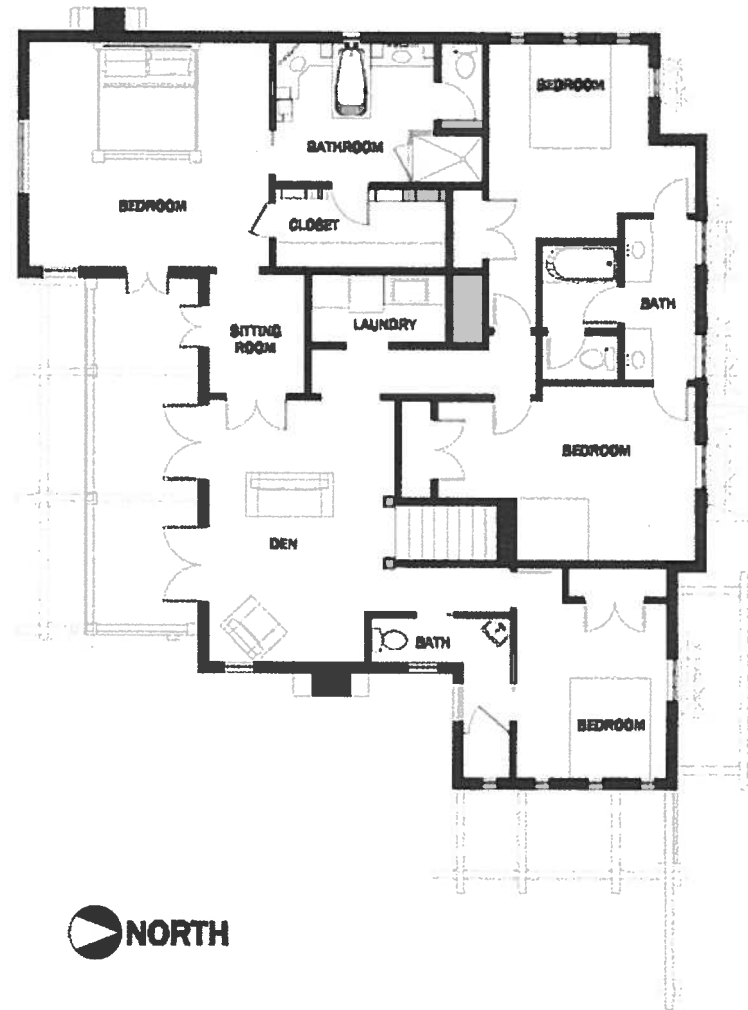
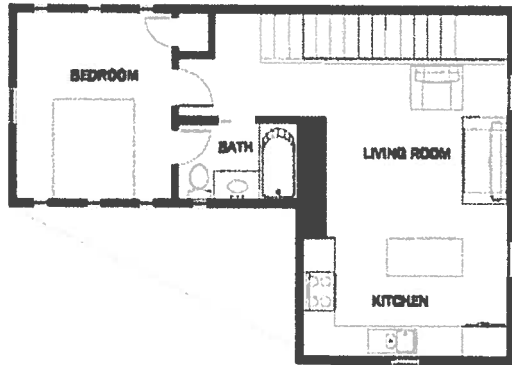


Scale: 1/8" = 1'-0"

7006 Shook
Plan: Level 1

A2-1

Drawn by Zachary Spillers | November 15, 2011



Scale: 1/8" = 1'-0"

7006 Shook
Plan: Level 2

A2-2

Drawn by Zachary Spillers | November 15, 2011



Scale: 1/8" = 1'-0"

7006 Shook
North Elevation

Drawn by Zachary Spillers | November 15, 2011

A3-1

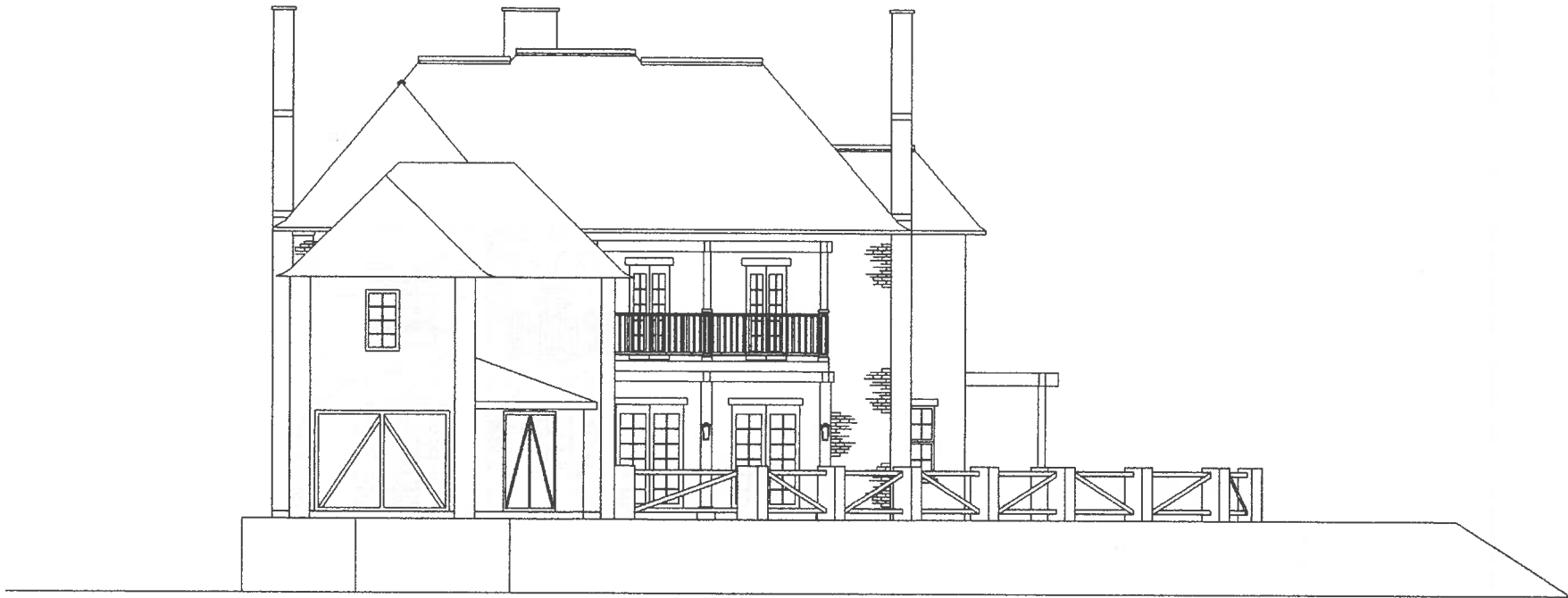


Scale: 1/8" = 1'-0"

7006 Shook
East Elevation

Drawn by Zachary Spillers | November 15, 2011

A3-2



Scale: 1/8" = 1'-0"

7006 Shook
South Elevation

Drawn by Zachary Spillers | November 15, 2011

A3-3



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-130

Data Relative to Subject Property:

Date: 10-26-11

Location address: 7006 SHOOK AVE. Zoning District: R-7.5(A)

Lot No.: 2 Block No.: F2812 Acreage: 0.185 Census Tract: 1.00

Street Frontage (in Feet): 1) 98.8' 2) 172.2' 3) _____ 4) _____ 5) _____

SE SB

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): NATHAN WATKINS

Applicant: NATHAN WATKINS Telephone: 214.769.2392

Mailing Address: 7006 SHOOK AVE. Zip Code: 75214

E-mail Address: nwatkins@universitylaundry.com

Represented by: ZACH SPILLERS Telephone: 214.868.5160

Mailing Address: 1118 N. ZANG BLVD., STE. 102 Zip Code: 75203

E-mail Address: zaspillers@spillersgroup.com

Affirm that an appeal has been made for a Variance , or Special Exception , of 22.5' to the front yard setback (white rock road, sideyard) and a variance of 17.5' to the setback required for enclosed parking. and a special exception for additional dwelling unit.

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

Due to 1) the size and shape of the property, 2) the slope of the front yard, and 3) the presence of numerous mature trees, the lot cannot be developed in a manner commensurate with properties in the area with same zoning classifications.

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

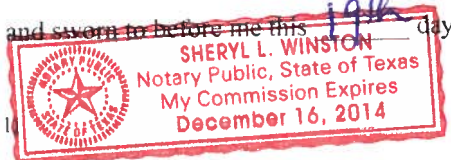
Before me the undersigned on this day personally appeared NATHAN WATKINS
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 19th day of October, 2011

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Nathan Watkins
represented by ZACHARY SPILLERS
did submit a request for a variance to the front yard setback regulations, and for a variance to the off-street parking regulation, and for a special exception to the single family regulations
at 7006 Shook Avenue

BDA101-130. Application of Nathan Watkins represented by Zachary Spillers for a variance to the front yard setback regulations, a variance to the off-street parking regulations, and a special exception to the single family regulations at 7006 Shook Avenue. This property is more fully described as lot 2 in city block F/2812 and is zoned R-7.5(A), which limits the number of dwelling units to one and requires a front yard setback of 25 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a single family residential structure and provide a 2 foot 6 inch front yard setback, which will require a 22 foot 6 inch variance to the front yard setback regulation, and to construct and maintain a single family residential structure with a front yard setback of 2 feet 6 inches, which will require a variance of 17 feet 6 inches to the off-street parking regulation, and to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

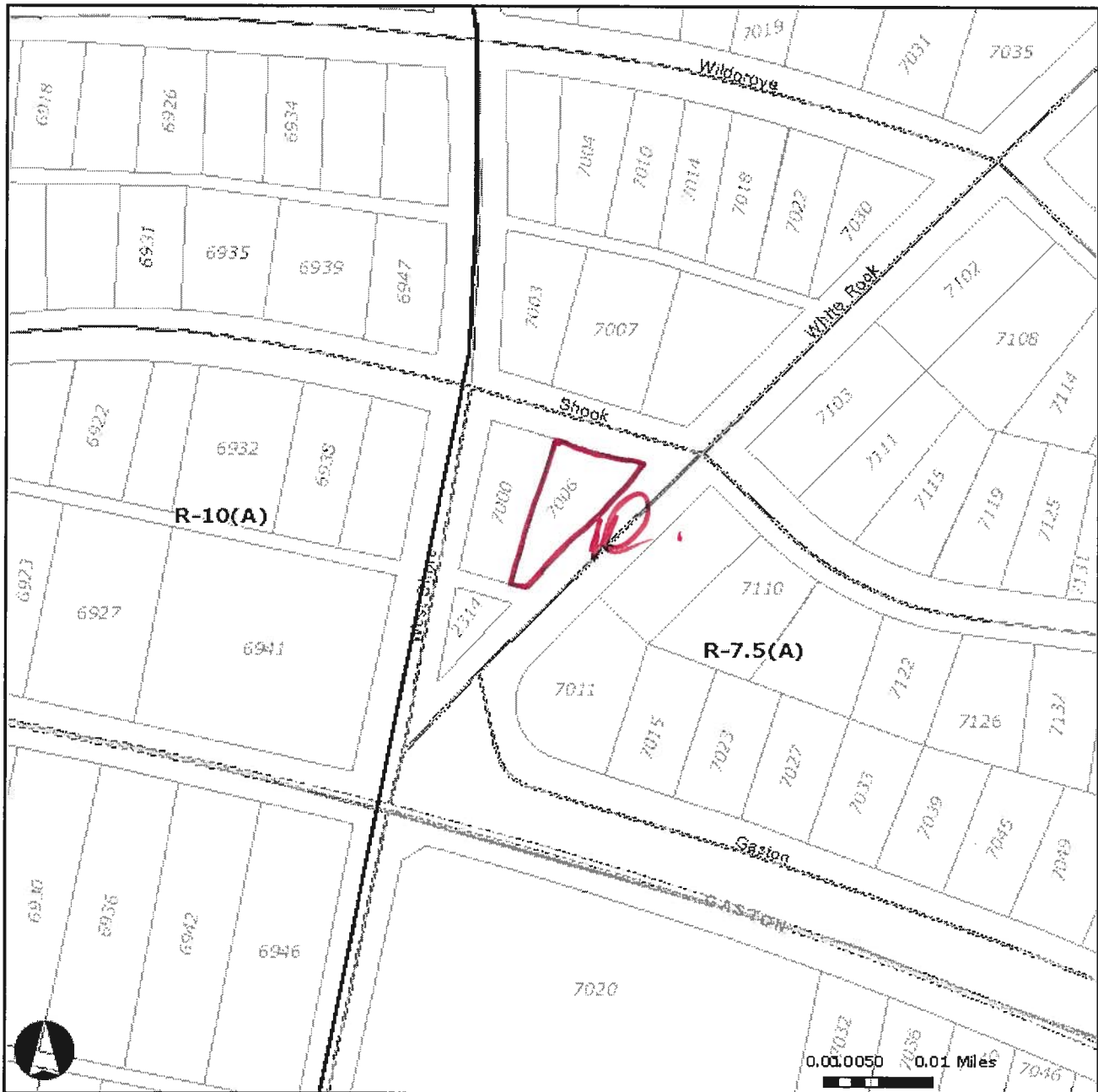

Lloyd Denman, Building Official





C:\tax_plats\2807_a.dgn 10/26/2011 8:43:20 AM

City of Dallas Zoning



Address Candidates

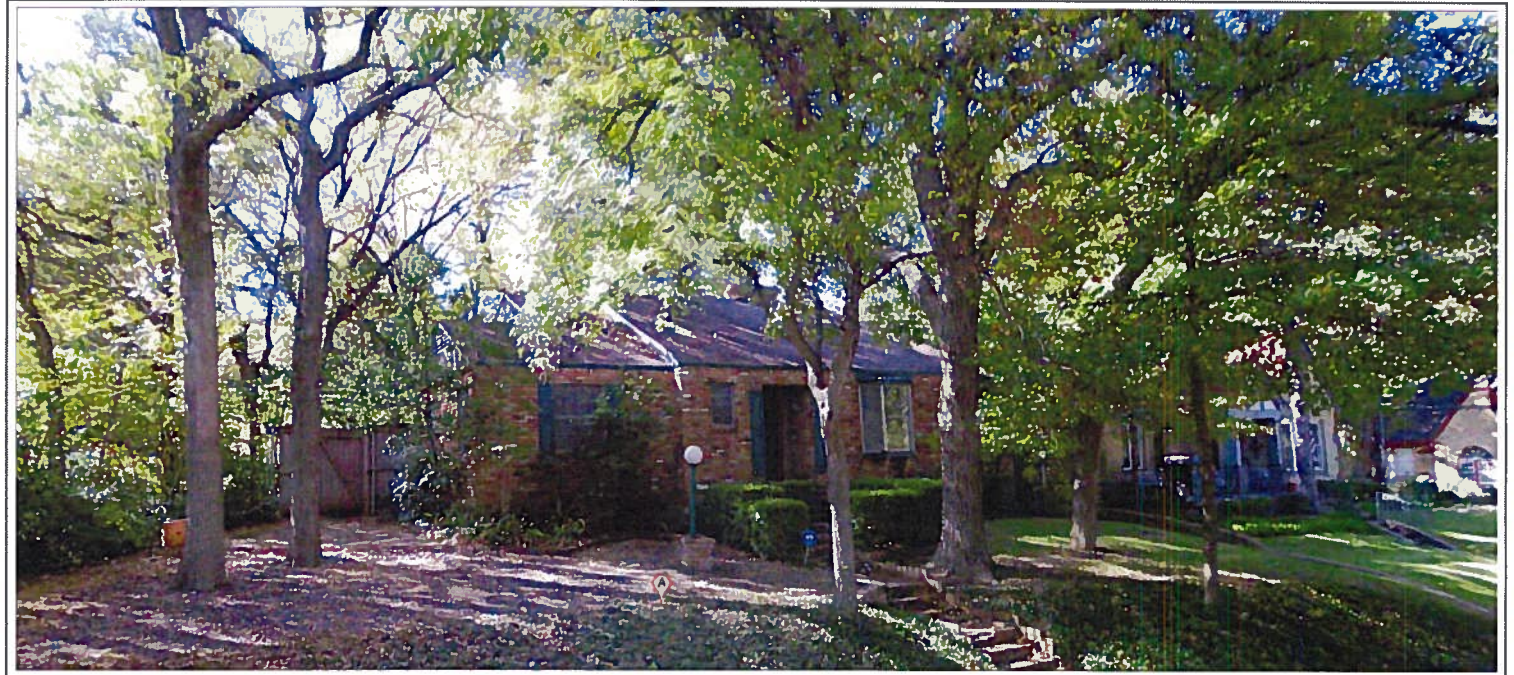
- Address Candidates
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



**7006 Shook
Dallas, TX 75214**

Setback Variance Request



Unbuildable lot determining frontage setbacks.

Former alley terminated by transformers and electrical.



What used to be an alley no longer functions as an alley.

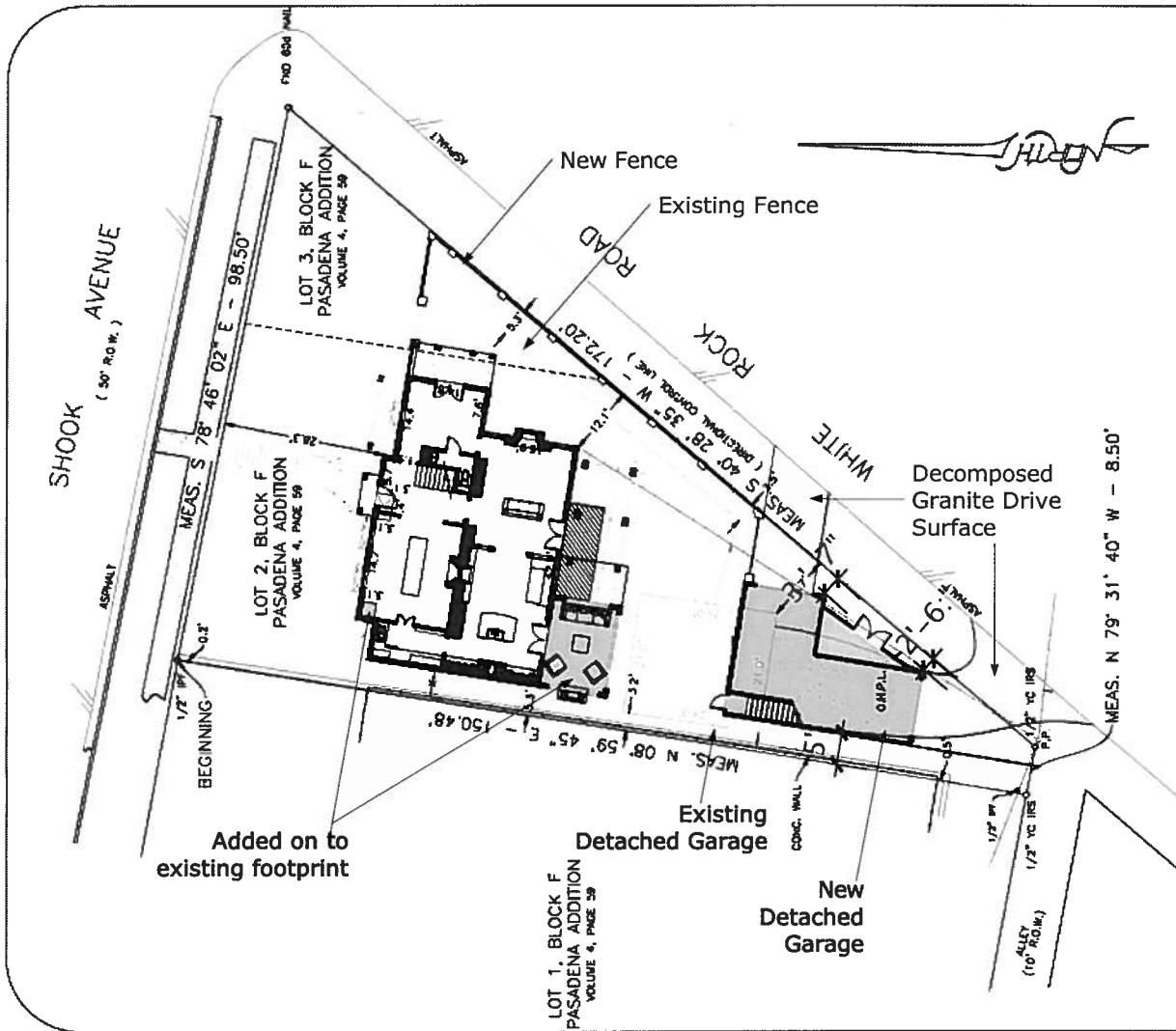
Unbuildable lot determining frontage setbacks.



Pushing garage back allows us to save these trees while also reclaiming permeable surface/backyard at 7006 Shook.

7006 Shook
Images

Drawn by Zachary Spillers | September 8, 2011



STATE OF TEXAS,
COUNTY OF DALLAS.

BEING a part of Lot 2 and Lot 3 of Block F/2012 of Pasadena Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 4, Page 59 of the Map Records of Dallas County, Texas and being a tract of land conveyed to Jerry Williams as reported in Volume 91123, Page 4368 of the Deed Records of Dallas County, Texas and being more particularly described by notes and bounds as follows:

BECHING at a 3/4 inch iron rod found for corner in the South Right of Way line of Shook Avenue (50 feet Right of Way), being the Northeast corner of said Lot 2 and being the Northeast corner of Lot 1 of said Pasadena Addition;

THENCE South 78 degrees 46 minutes 02 seconds East, a distance of 98.50 feet to a 60d nail found for corner at the intersection of the said South Right of Way line of Shook Avenue with the Northwest Right of Way line of White Rock Road;

THENCE South 40 degrees 28 minutes 35 seconds West (fractional corner), a distance of 172.20 feet to a 3/4 inch yellow-capped iron rod set for corner at the intersection of the said Northwest Right of Way line of White Rock Road with the North Right of Way line of an alley (10 feet Right of Way);

THENCE North 79 degrees 31 minutes 40 seconds West, a distance of 8.50 feet to a 3/4 inch yellow-capped iron rod set for corner, said point being the Southeast corner of said Lot 1;

THENCE North 08 degrees 59 minutes 45 seconds East, a distance of 150.48 feet to the PLACE OF BEGINNING and containing 8,036 square feet or .1185 of an acre of land.

BY Barry Rhodes
Surveyor
1922 South Loop West
Dallas, Texas 75219
Phone 972-475-0940

SURVEY

I do hereby certify that I have, this day, made a careful and accurate survey on the ground of property located at the _____ in the City of _____, Texas.

The said survey was made, revised, and accurately represented of the property as described by the plat hereon filed, and dimensions of said survey being subject to the plat hereon filed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office on the _____ day of _____, 2011.

THERE ARE NO ENCUMBRANCES, COLLUSIONS, OR FRAUDS. **EXEMPT**

THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR
TITLE CO

USE OF THIS SURVEY FOR ANY OTHER PURPOSE
OR OTHER PARTIES SHALL BE AT THEIR RISK AND
UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS
FOR ANY LOSS RESULTING THEREFROM

TITLE AND ABSTRACTING WORK FURNISHED BY _____ TITLE _____

Registered Professional Land Surveyor
BARRY RHODES
RHODES@SURVEYINGBYAHQ.COM
P.O. BOX 2327 ROWLETT TEXAS 75080
PHONE 972-475-0940 FAX 972-475-9036

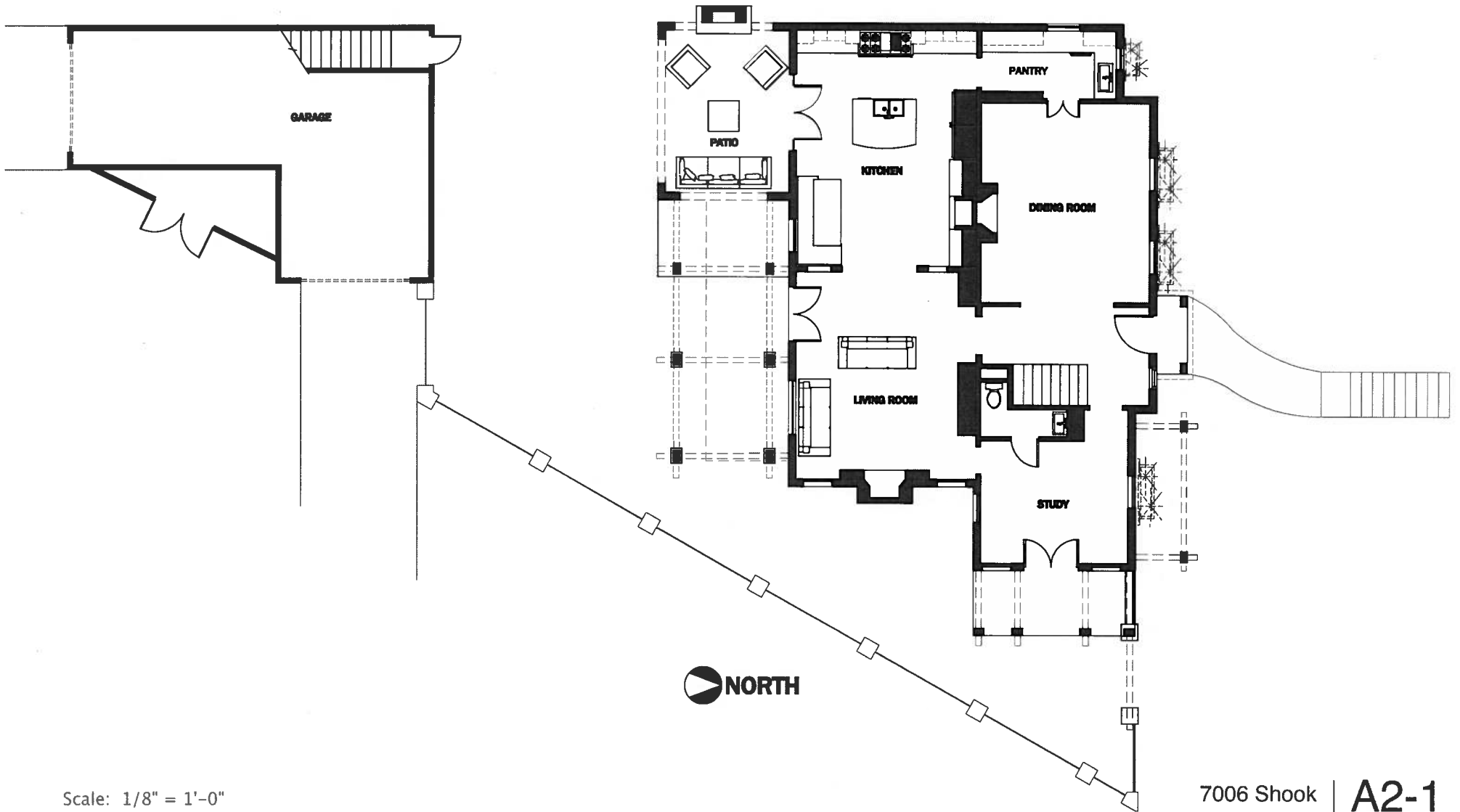
Scale: 1"=20'	Date: _____ DATE _____	C. F. No.: _____ CF _____	Job no.: _____ JOB _____	Drawn by: <u>DBS/ML</u>
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Scale: 1" = 20'

7006 Shook
Proposed Site Plan

A1

Drawn by Zachary Spillers | September 8, 2011

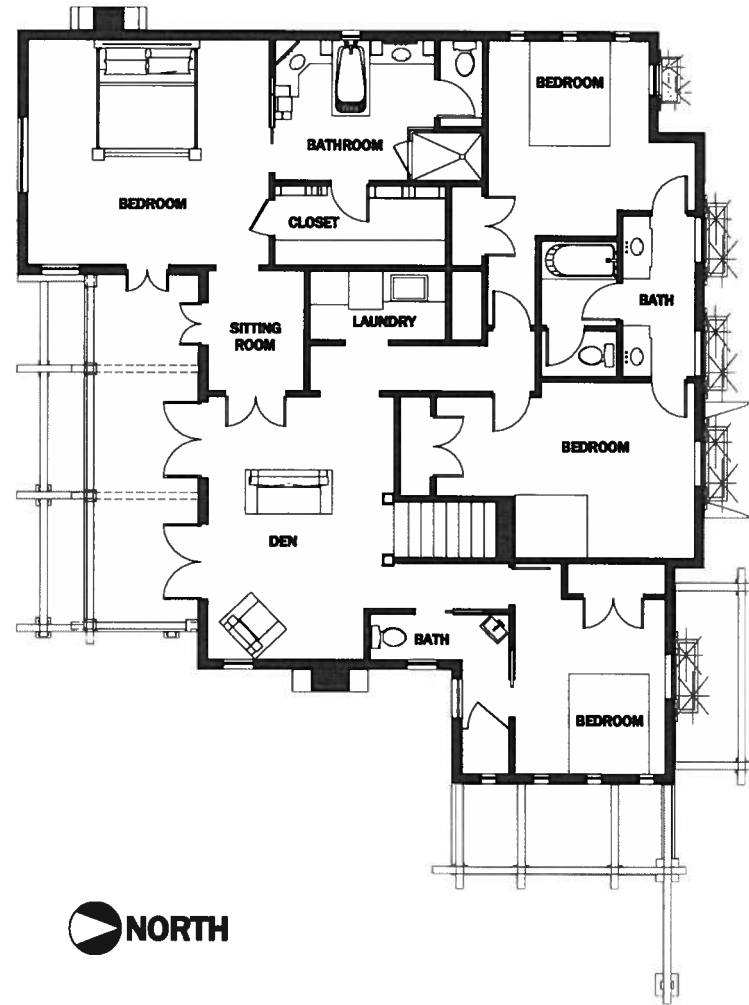
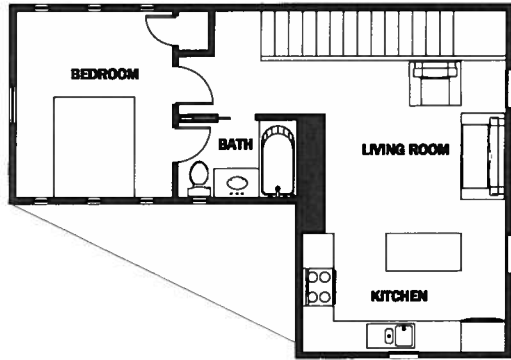


Scale: 1/8" = 1'-0"

7006 Shook
Plan: Level 1

A2-1

Drawn by Zachary Spillers | September 8, 2011



Scale: 1/8" = 1'-0"

7006 Shook
Plan: Level 2

A2-2

Drawn by Zachary Spillers | September 8, 2011



Scale: 1/8" = 1'-0"

7006 Shook
North Elevation

A3-1

Drawn by Zachary Spillers | September 8, 2011

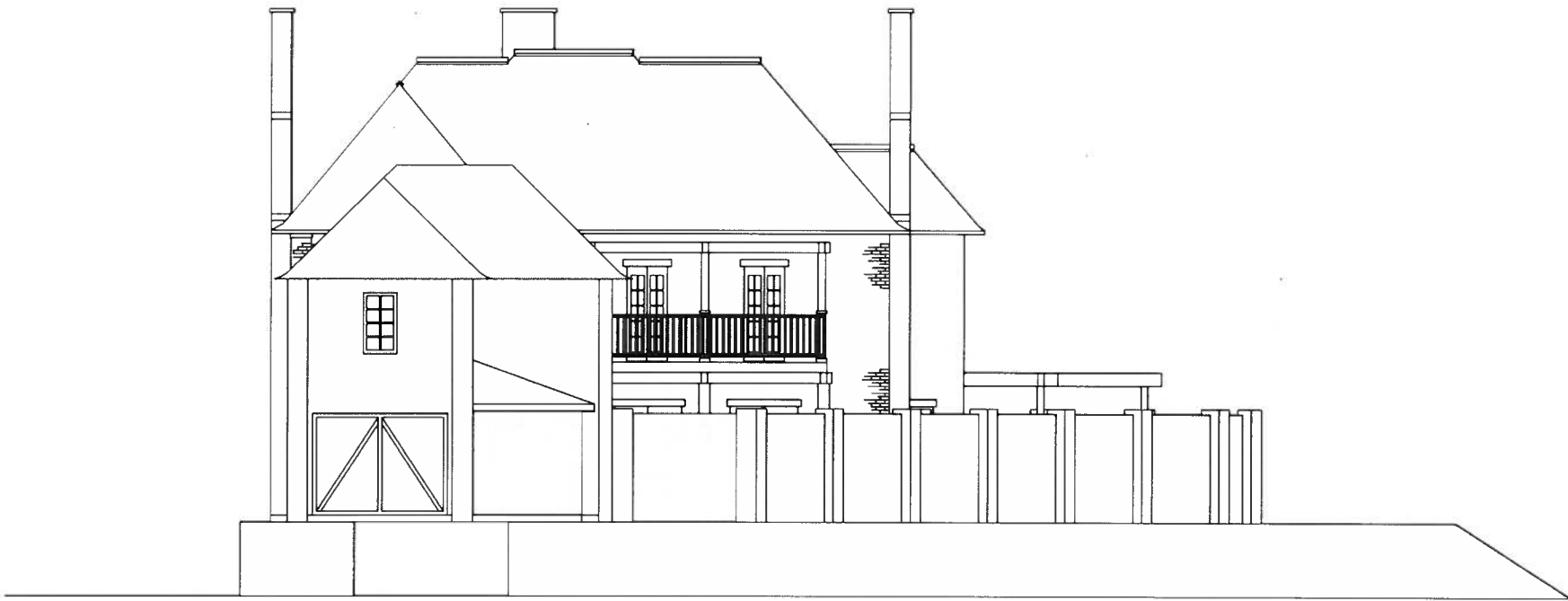


Scale: 1/8" = 1'-0"

706 Shook
East Elevation

Drawn by Zachary Spillers | September 8, 2011

A3-2

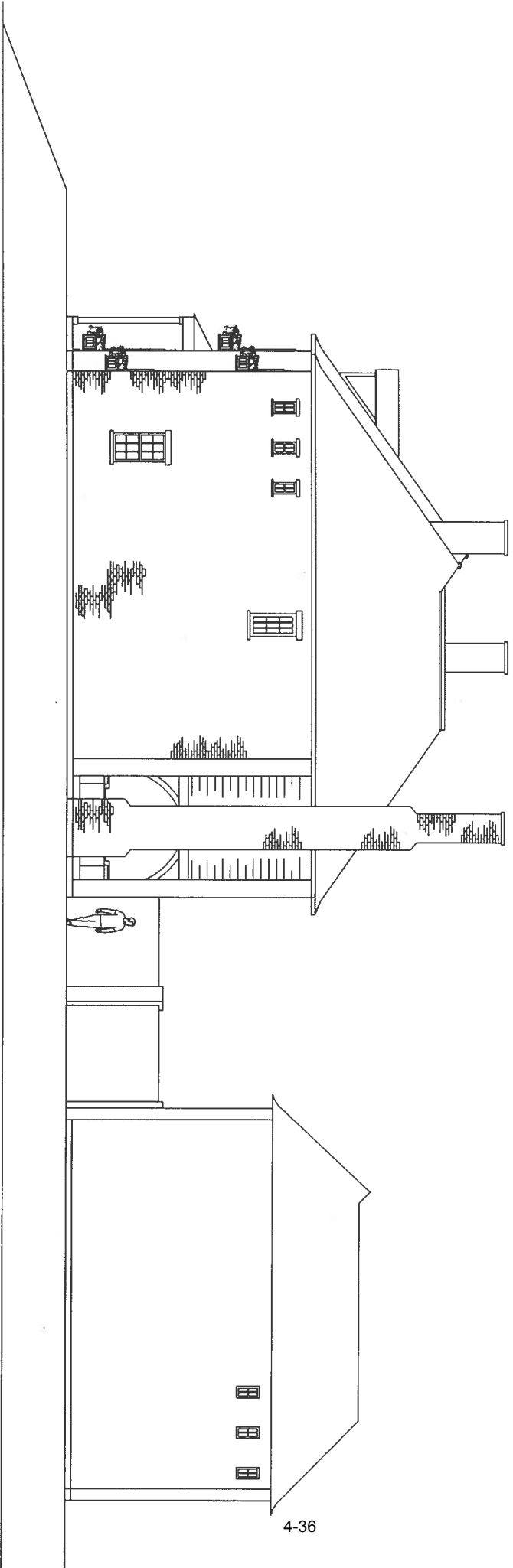


Scale: 1/8" = 1'-0"

7006 Shook
South Elevation

Drawn by Zachary Spillers | September 8, 2011

A3-3



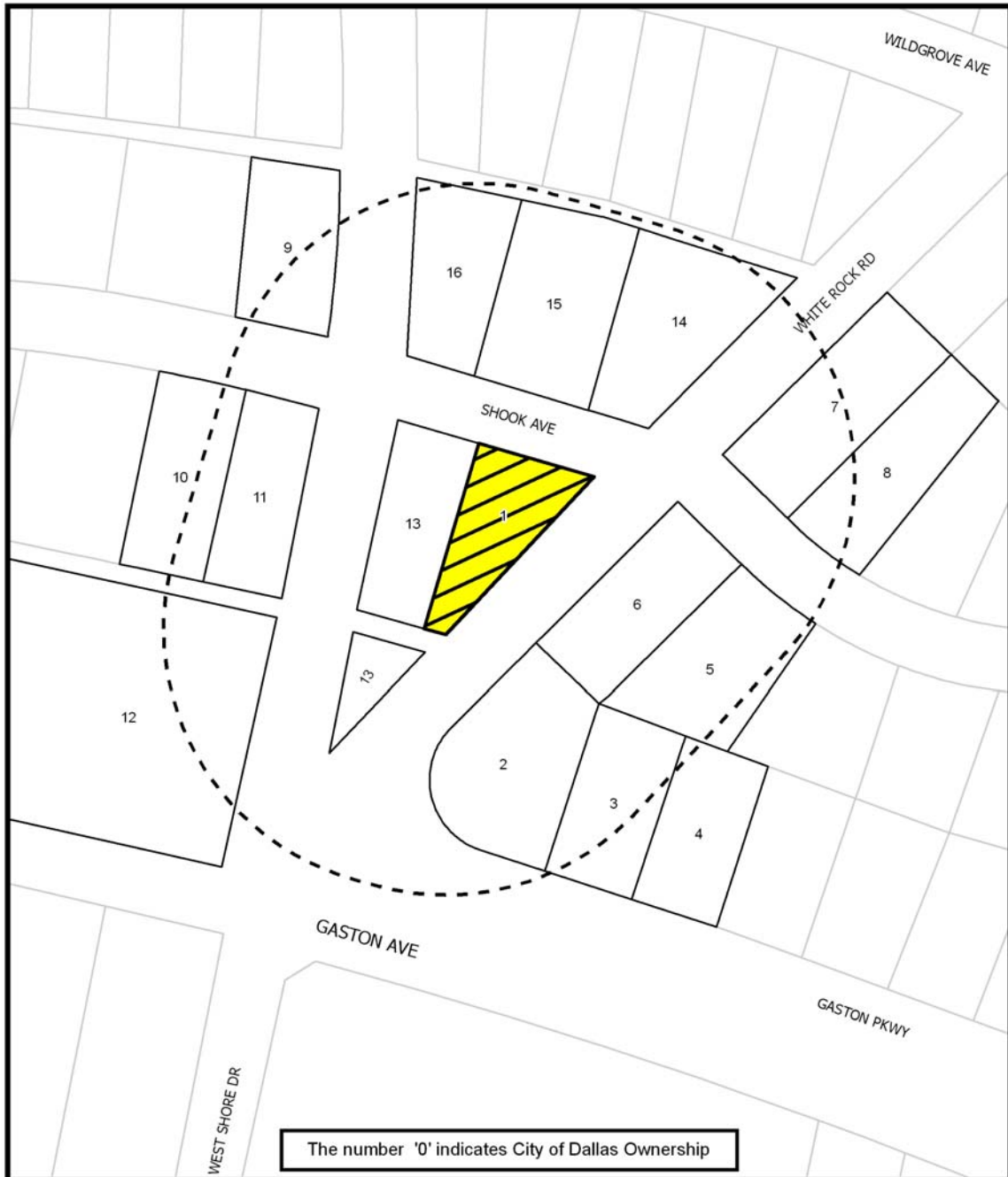
Scale: 1/8" = 1'-0"

7006 Shook
South Elevation
Drawn by Zachary Spillers | September 8, 2011

A3-4

BDA 101-130

4-36



 1:1,200	NOTIFICATION		Case no: BDA101-130
	<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;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 11/17/2011	

Notification List of Property Owners

BDA101-130

16

Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7006 SHOOK AVE	WATKINS NATHAN & PAIGE
2	7011 GASTON PKWY	THOMPSON LINDA DIANNE
3	7015 GASTON PKWY	OCONNOR NOAH & CASEY REIVICH
4	7023 GASTON PKWY	HUNT SCOTT D &
5	7110 SHOOK AVE	HOUSEY MATTHEW M & ANDREA
6	7102 SHOOK AVE	RUST RANDAL T LIVING TRUST RUST RANDAL T
7	7103 SHOOK AVE	SPIES BEN PATRICK
8	7111 SHOOK AVE	SHAPLEIGH COLBERT
9	6947 SHOOK AVE	KING ALLAN G & REBECCA E HAMILTON
10	6938 SHOOK AVE	AGOSTINI ROSEMARI
11	6942 SHOOK AVE	NORWOOD ANNETTA S
12	6941 GASTON AVE	FAHEY MICHAEL
13	7000 SHOOK AVE	GUFFEY JOSEPH A
14	7011 SHOOK AVE	MARSHALL ALBERT P & JANICE J
15	7007 SHOOK AVE	MIDDLEMIS HOLLY H & TODD W
16	7003 SHOOK AVE	GLOVER KRIS & ASHLEY

FILE NUMBER: BDA 101-120

BUILDING OFFICIAL'S REPORT:

Application of Terry Ford, represented by Michael R. Coker Company, for a special exception to the off-street parking regulations and for a variance to the side yard setback regulations at 3363 Park Lane. This property is more fully described as Lot 1A in City Block A/6449 and is zoned D(A), which requires off-street parking to be provided and a side yard setback of 10 feet. The applicant proposes to construct and maintain a structure for church and child-care facility uses and provide 54 of the required 60 parking spaces, which will require a special exception of 6 spaces to the off-street parking regulations, and to construct and maintain a structure and provide a 2 foot 9 inch side yard setback, which will require a variance of 7 feet 3 inches.

LOCATION: 3363 Park Lane

APPLICANT: Terry Ford
Represented by Michael R. Coker Company

REQUESTS:

- The following appeals have been made in this application on a site that is currently being developed with a church and child-care facility structure/uses (Christ's Foundry United Methodist Church and Bachman Lake Community School):
 1. A special exception to the off-street parking regulations of 6 parking spaces (or a 10 percent reduction of the 60 off-street parking spaces that are required) is requested in conjunction with completing and maintaining an approximately 12,500 square foot structure with a church use or sanctuary of 1,680 square feet and a child-care facility use of approximately 9,700 square feet, and providing 54 (or 90 percent) of the 60 required off-street parking spaces; and
 2. A variance to the side yard setback regulations of 7' 3" is requested in conjunction with locating and maintaining playground equipment and fall zone "structures" in the 10' side yard setback along Park Lane.

STAFF RECOMMENDATION (parking special exception):

Approval, subject to the following condition:

- The special exception of 6 spaces shall automatically and immediately terminate when the church and child-care facility uses on the site are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to this request.

- The applicant has substantiated how the parking demand generated by the church and child-care facility uses does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- In this particular case, granting this request would merely be reinstating the same parking reduction request granted by Board of Adjustment Panel C with one exception: adding “child-care facility” use to the uses permitted on the property - a use that would be maintained mutually exclusive or with compatibly overlapping hours of operation with the other use on the property: church use.

STAFF RECOMMENDATION (variance):

Denial

Rationale:

- Although granting the request for variance in this case does not appear to be contrary to public interest seeing that the structures that are proposed to encroach into the setback are relatively small playground equipment “structures,” the applicant had not substantiated how either the restrictive area, shape, or slope of the site/lot preclude it from being developed in a manner commensurate with development found on other D(A) zoned lots.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 50 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.

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

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.

GENERAL FACTS (parking special exception):

- The Dallas Development Code requires the following off-street parking requirement:
 - Church: 1 space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space per each 28 square feet of floor area.
 - Child-care facility: 1 space for 500 square feet of floor area.

The applicant has submitted a site plan indicating that 54 (or 90 percent) of the required 60 off-street parking spaces are provided in conjunction with completing the site with church and child-care facility uses.

GENERAL FACTS (variance):

- The minimum side yard setback for a permitted structure other than single family or duplex structure on a D(A) Duplex zoned lot is 10 feet.
The applicant had submitted a site plan indicating that an approximately 68 square foot (17' x 4') “rock wall” structure partially enclosed in a 196 square foot (14' x 14') “integrated solar shade” structure, an approximately 40 (10' x 4') “slide” structure, and an approximately 81 square foot (9' x 9') “infant gazebo” structure are to be located in the site’s 10’ side yard setback along Park Lane. The site plan denotes that the solar shade structure located in the side yard setback which is according to the Building Official’s Report 2’ 9” from the side yard property line along Park Lane (or as much as 7’ 3” in this 10’ side yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, about half of the structures mentioned above are located in the site’s 10’ side yard setback along Park Lane/south side of the subject site.
- The site is flat, is irregular in shape, and according to the application, 0.9428 acres (or approximately 41,000 square feet) in area. The site is zoned D(A) Duplex.
- DCAD records indicate that the “no improvements” at 3363 Park Lane.

BACKGROUND INFORMATION:

Zoning:

- Site: D(A) (Duplex)
- North: R-10(A) (Single family residential 10,000 sq ft)
- South: D(A) (Duplex)
- East: R-7.5(A) (Single family residential 7,500 sq ft)
- West: D(A) (Duplex)

Land Use:

The subject site is being developed with a church and child care facility structure/uses (Christ’s Foundry United Methodist Church). The areas to the north and west are

undeveloped; the area to the east is developed with single family uses; and the area to the south is developed with multifamily uses.

Zoning/BDA History:

1. BDA 090-011, Property at 3363 Park Lane (the subject site)
On December 14, 2009, the Board of Adjustment Panel C granted a request for a special exception to the off-street parking regulations of 6 spaces on the subject site and imposed the following condition: The special exception shall automatically and immediately terminate if and when the church use is changed or discontinued as a condition to the request. (The case report stated that the request was made in conjunction with constructing and maintaining an approximately 12,000 square foot church where the applicant proposed to provide 54 of the required 60 off-street parking spaces).

2. Miscellaneous Item #3, BDA 090-011, Property at 3363 Park Lane (the subject site)
On October 17, 2011, the Board of Adjustment Panel C waived the two year limitation on a request for a special exception to the off-street parking regulations of 6 parking spaces that was granted with an imposed condition by Board of Adjustment Panel C on December 14, 2009.

Timeline:

September 27, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 9, 2011: 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.”

November 11, 2011: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

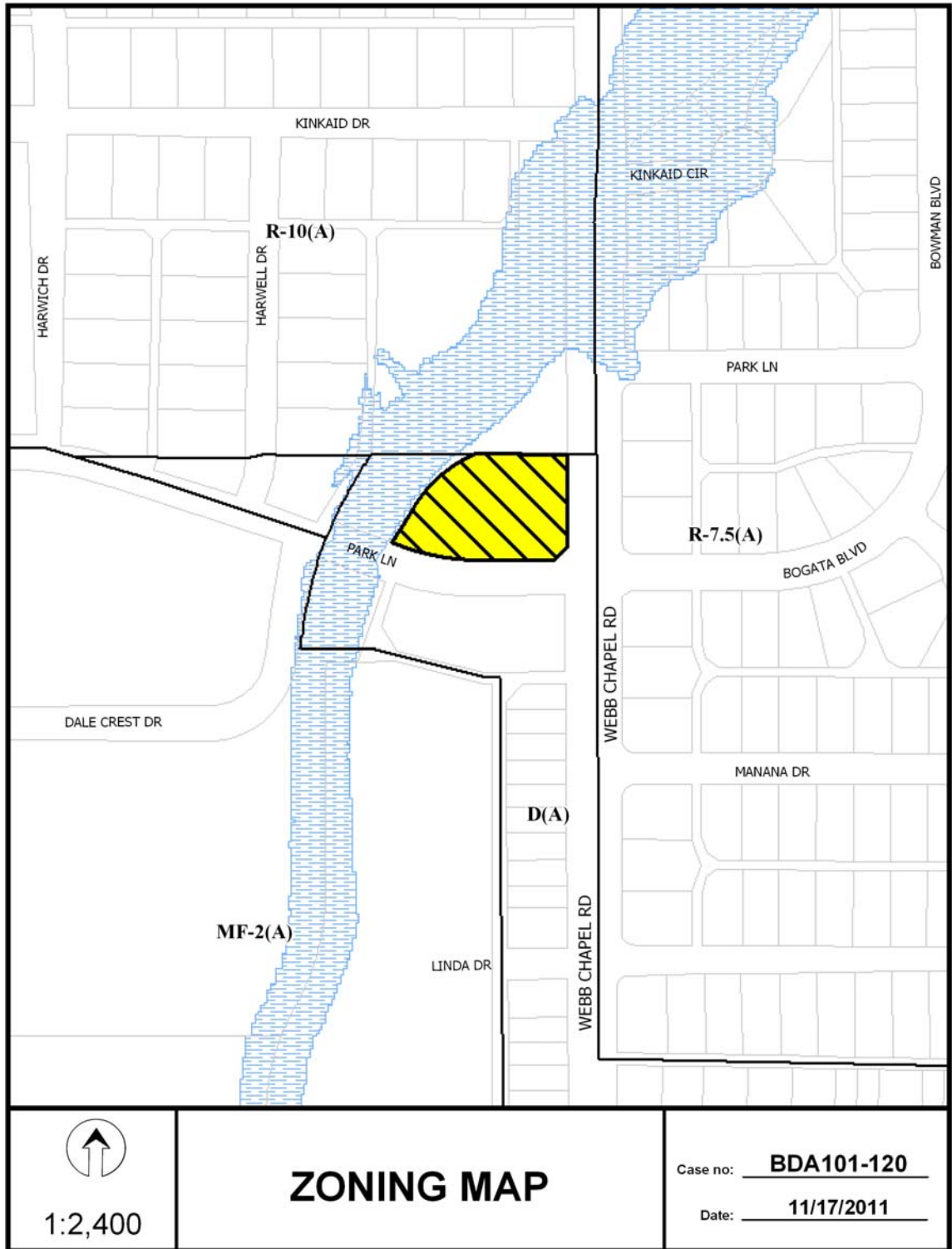
December 2, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

STAFF ANALYSIS (parking special exception):

- This request focuses on completing and maintaining a approximately 12,500 square foot structure with church use/sanctuary of 1,680 square feet and with child-care facility use of approximately 9,700 square feet, and providing 54 (or 90 percent) of the 60 required off-street parking spaces.
- This request is largely merely a reinstatement of a request for an off-street parking special exception granted on this site/property by the Board of Adjustment Panel C in December of 2009: BDA 090-011 – a special exception made for the same sized-structure and church use but with the addition of another use that would be on the site/in this structure: child care facility. In 2009, the Board imposed a condition in conjunction with granting the previous parking reduction request on this site, that being that the special exception shall automatically and immediately terminate if and when the church use is changed or discontinued as a condition to the request. The City of Dallas Building Inspection staff had determined that the addition of child-care facility use on the property constitutes a change in the specific condition imposed by the Board on this property two years ago and would cause the termination of this special exception hence this new request for the same structure/amount of parking to be reduced to the Board in 2011.
- The Sustainable Development and Construction Department Project Engineer has submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the church and child-care facility uses does not warrant the number of off-street parking spaces required, and
 - The special exception of 6 spaces would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, subject to the condition that the special exception of 6spaces shall automatically and immediately terminate if and when the church and child-care facility uses are changed or discontinued, the applicant would be allowed to develop the property these uses and provide only 90 percent of the required off-street parking.

STAFF ANALYSIS (variance):

- This request focuses on locating and maintaining playground equipment “structure” in a side yard setback on a site being developed with a church and child-care facility structure/uses (Christ’s Foundry United Methodist Church and Bachman Lake Community School).
- The “structures” requiring variance to the side yard setback on the south side of this site along Park Lane are as follows: an approximately 68 square foot (17’ x 4’) “rock wall” structure partially enclosed in a 196 square foot (14’ x 14’) “integrated solar shade” structure, an approximately 40 (10’ x 4’) “slide” structure, and an approximately 81 square foot (9’ x 9’) “infant gazebo” structure.
- According to calculations taken by the Board Administrator from the submitted site plan, about half of the structures mentioned above are located in the site’s 10’ side yard setback along Park Lane/south side of the subject site.
- The site is flat, is irregular in shape, and according to the application, 0.9428 acres (or approximately 41,000 square feet) in area. The site is zoned D(A) Duplex.
- DCAD records indicate that the “no improvements” at 3363 Park Lane.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same D(A) zoning classification.
 - The variances 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 D(A) zoning classification.
- If the Board were to grant this request, imposing a condition whereby the applicant must comply with the submitted site plan, the structures in the side yard setback would be limited to what is shown on this plan –playground equipment “structures” in the 10’ required side yard setback on the south side of the site along Park Lane.





1:2,400

AERIAL MAP

Case no: BDA101-120

Date: 11/17/2011



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-120

Data Relative to Subject Property:

Date: 9-27-11

Location address: 3363 Park Lane Zoning District: D(A)

Lot No.: 1A Block No.: A/6449 Acreage: 0.9380 Census Tract: 0098.03

Street Frontage (in Feet): 1) 270.14' 2) 153.00 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Christ's Foundry Supporting Ministries

Applicant: Terry Ford Telephone: 214-351-6700

Mailing Address: 3108 Valley Meadow Drive Zip Code: 75220

Represented by: Michael R. Coker Company Telephone: 214-821-6105

Mailing Address: 2700 Swiss Avenue, Ste. 100, Dallas Zip Code: 75204

Affirm that a request has been made for a Variance, or Special Exception X, of the off-street parking regulations to allow for a reduction of six required spaces for a church and a proposed child care facility from the required 60 (1070 reduction) a variance of 7'-3" to side yard setback Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:

The requested reduction will have no adverse impact on neighboring properties or the surrounding street system. DART bus stops are located near the site and the church and proposed child care facility are intended to serve the immediately surrounding community, many of whom will walk from their homes to attend services and programs. (SEE ATTACHED)

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: Terry Ford, Executive Director

Applicant's name printed

Terry Ford Applicant's signature

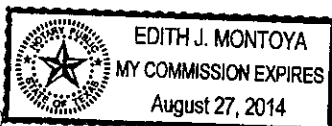
Affidavit

Before me the undersigned on this day personally appeared Terry Ford 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.

Terry Ford Affiant (Applicant's signature)

Subscribed and sworn to before me this day of

Edith J. Montoya Notary Public in and for Dallas County, Texas



(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

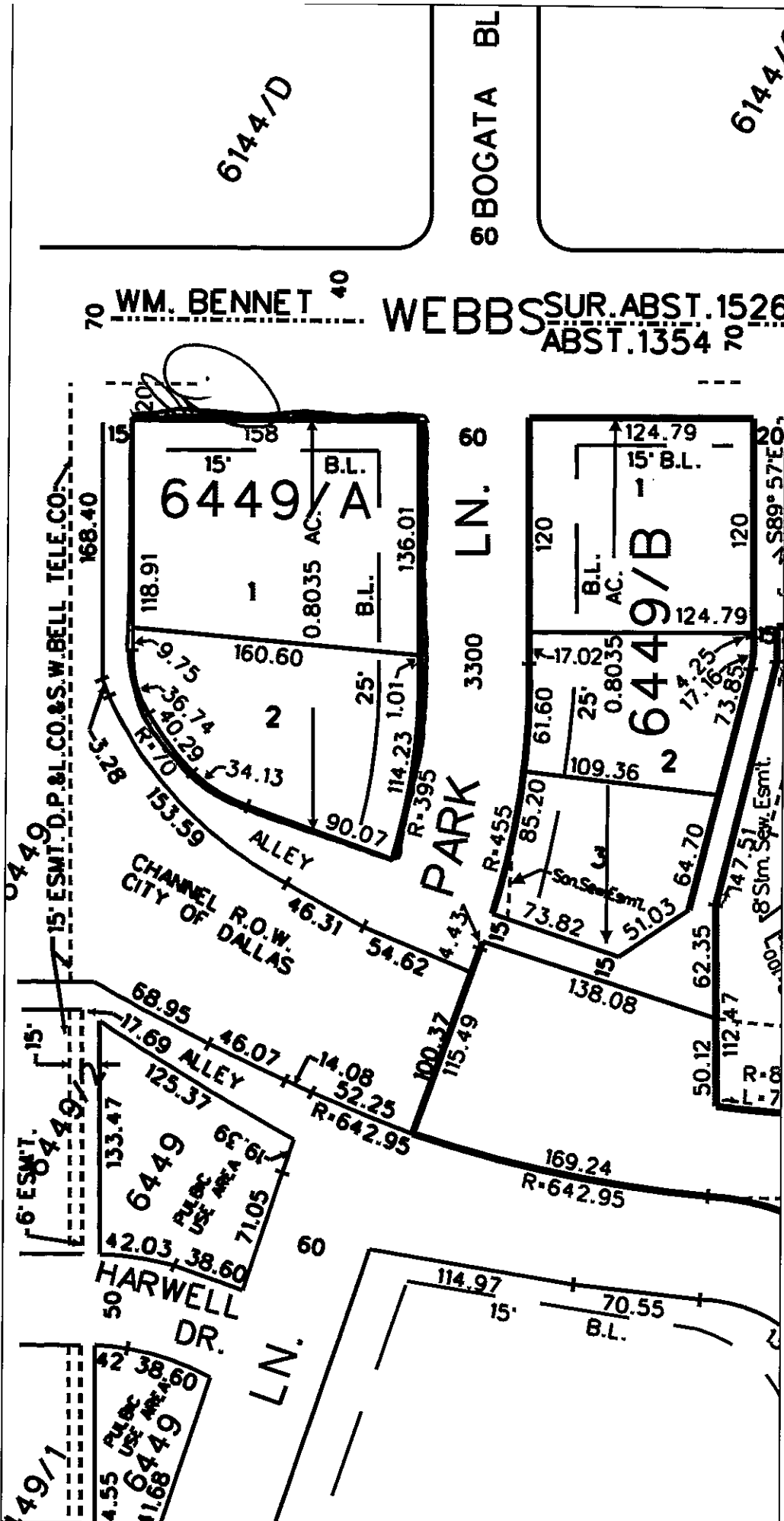
I hereby certify that Terry Ford
represented by MICHAEL COKER
did submit a request for a special exception to the parking regulations, and for a variance to the
side yard setback regulations
at 3363 Park Lane

BDA101-120. Application of Terry Ford represented by Michael Coker for a special exception to the parking regulations and a variance to the side yard setback regulations at 3363 Park Lane. This property is more fully described as lot 1A in city block A/6449 and is zoned D(A), which requires a side yard setback of 10 feet and requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for church use and a child-care facility use and provide 54 of the required 60 parking spaces, which will require a 6 space special exception (10% reduction) to the parking regulation, and to construct and maintain a nonresidential structure and provide a 2 foot 9 inch side yard setback, which will require a 7 foot 3 inch variance to the side yard setback regulation.

Sincerely,


Lloyd Denman, Building Official





70 WM. BENNET 40 WEBBSUR.ABST.1526
ABST.1354 70

6144/D

8 BOGATA BL

6144

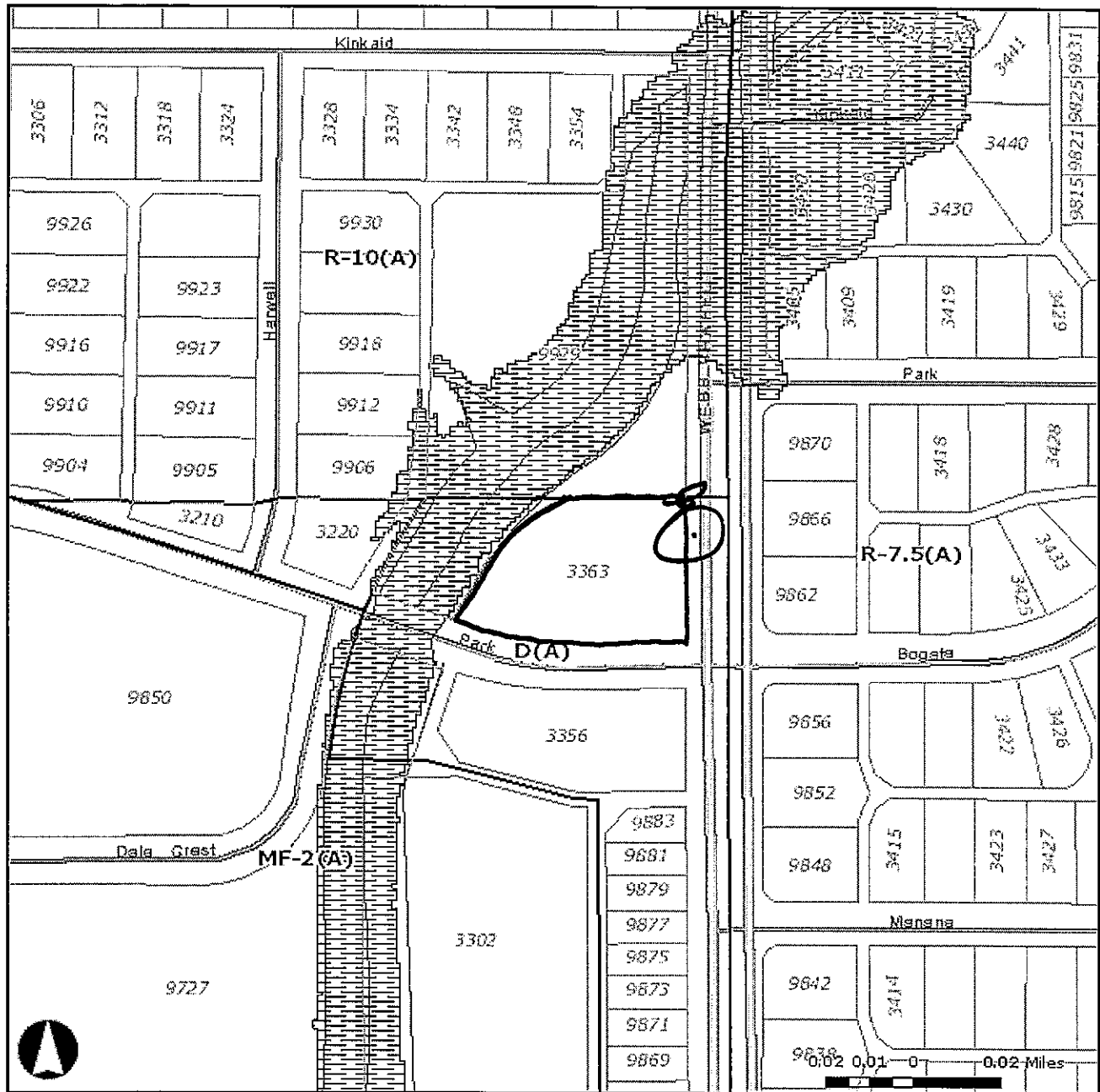
6449
15' ESMT. D.P. & L. CO. & S.W. BELL TELE. CO.

6' ESMT. 6449

HARWELL DR.

PARK LN.

City of Dallas Zoning



City Boundaries

- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



Michael R. Coker Company
 10000 Preston Road, Suite 1000
 Dallas, Texas 75240
 Phone: (214) 343-1000
 Fax: (214) 343-1001
 Website: www.mrcoker.com

3363 PARK LANE
CHRIST'S FOUNDRY
SUPPORTING MINISTRIES
 LOT 1A, BLOCK A/6449
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

No.	Date	Description
1	02/21/11	REVISED
2	02/21/11	REVISED
3	02/21/11	REVISED
4	02/21/11	REVISED
5	02/21/11	REVISED
6	02/21/11	REVISED
7	02/21/11	REVISED
8	02/21/11	REVISED
9	02/21/11	REVISED
10	02/21/11	REVISED

NOTES
OWNER: CHRIST'S FOUNDRY SUPPORTING MINISTRIES
 3363 PARK LANE
 DALLAS, TEXAS 75220
APPLICANT: TERRY FORD, EXECUTIVE DIRECTOR
 BACHMAN LAKE COMMUNITY SCHOOL
 3108 VALLEY MEADOW DRIVE
 DALLAS, TEXAS 75220

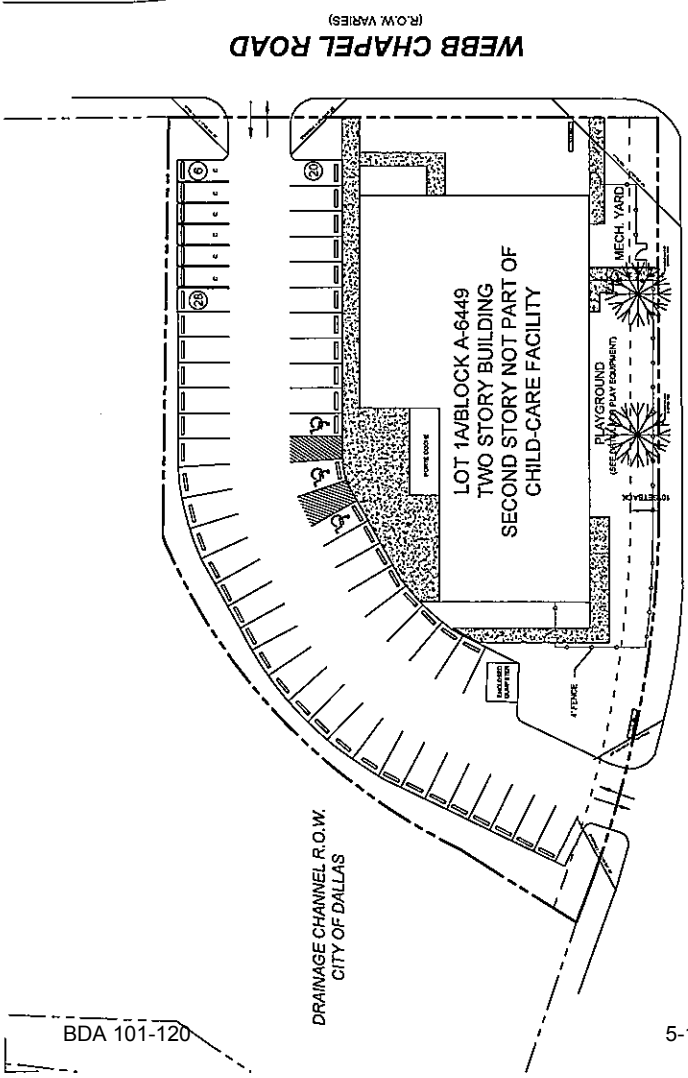
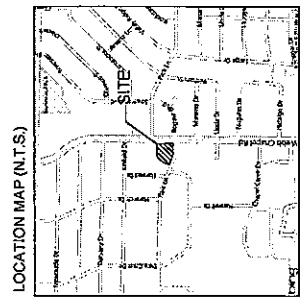
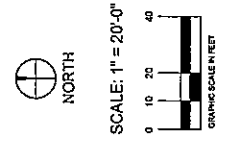
AREA OF REQUEST:
 CHURCH SANCTUARY FLOOR AREA: 1,680 S.F. (FIRST AND SECOND FLOOR)
 CHILD-CARE FACILITY FLOOR AREA: 9,734 S.F. (FIRST FLOOR ONLY)

PARKING
 CHURCH
 1 SPACE PER 28 S.F. OF SANCTUARY SEATING AREA
 1,680 S.F./28 = 60
 REQUIRED = 60
 PROVIDED = 64 (10% REDUCTION)

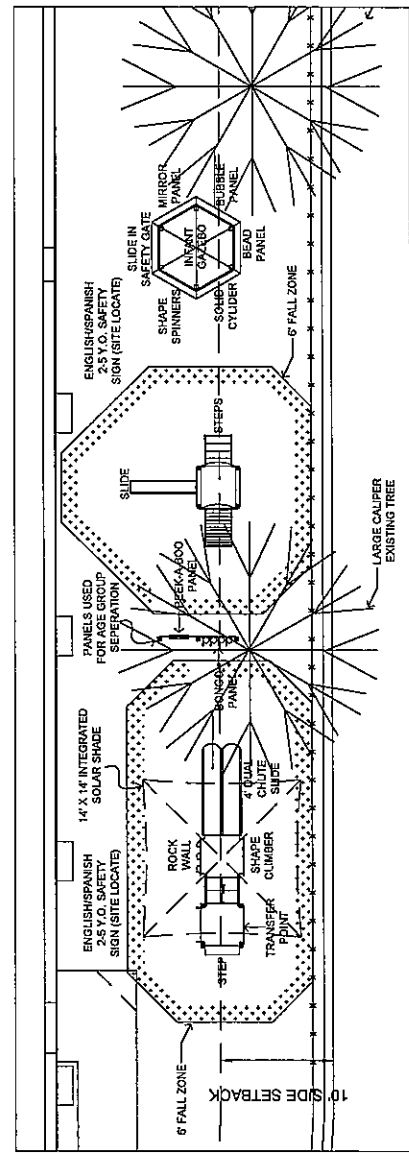
CHILD-CARE FACILITY
 1 SPACE PER 500 S.F. OF FLOOR AREA
 9,734 S.F./500 = 20
 REQUIRED = 20 SPACES
 PROVIDED = 20 SPACES

SITE PLAN
 Issue Date: 09/15/11
 Color Co Project: 21119
 Reviewed By: MRC
 Drawn By: acs
 Drawing Number: S-1

Prepared by: BACHMAN-GARRELL
 10000 Preston Road, Suite 1000
 Dallas, Texas 75240
 Phone: (214) 343-1000
 Fax: (214) 343-1001
 Website: www.bachmangarrell.com



PARK LANE
 (80' R.O.W.)



PLAY EQUIPMENT DETAIL
 SCALE: 1" = 5'-0"

BDA 101-120

ATTACHMENT

The church has agreed to allow Bachman Lake Community School to operate a child-care use in their facility at this site. The proposed child-care facility would provide care for children within the church's local community. The owner and the applicant are requesting a new special exception of six off-street parking spaces (a 10% reduction of the required parking for the church, in accordance with the previously approved parking special exception) in order to maintain the reduction of six spaces but to also allow for the child-care use.

In December, 2009, this church facility was granted a special exception of six spaces to the off-street parking regulations. The approval language states that the special exception shall automatically and immediately terminate if and when the church use on the site is changed or discontinued. The City of Dallas Building Inspection staff has determined that the addition of the child-care facility constitutes a change in the church use and would cause the termination of the special exception that was granted in 2009.

The parking calculation is based on the amount of provided seating within the sanctuary area of the structure. The church is approximately 12,500 square feet with sanctuary of 1,680 square feet. The seating area is not equipped with fixed seats, benches or pews, so the parking requirement is one space per twenty eight (28) square feet of floor area.

The church is primarily used on Sundays and the attendees come from the immediate surrounding community. Many of the attendees walk from their homes to attend services and programs. Additionally, there are two DART bus stops located near the site.

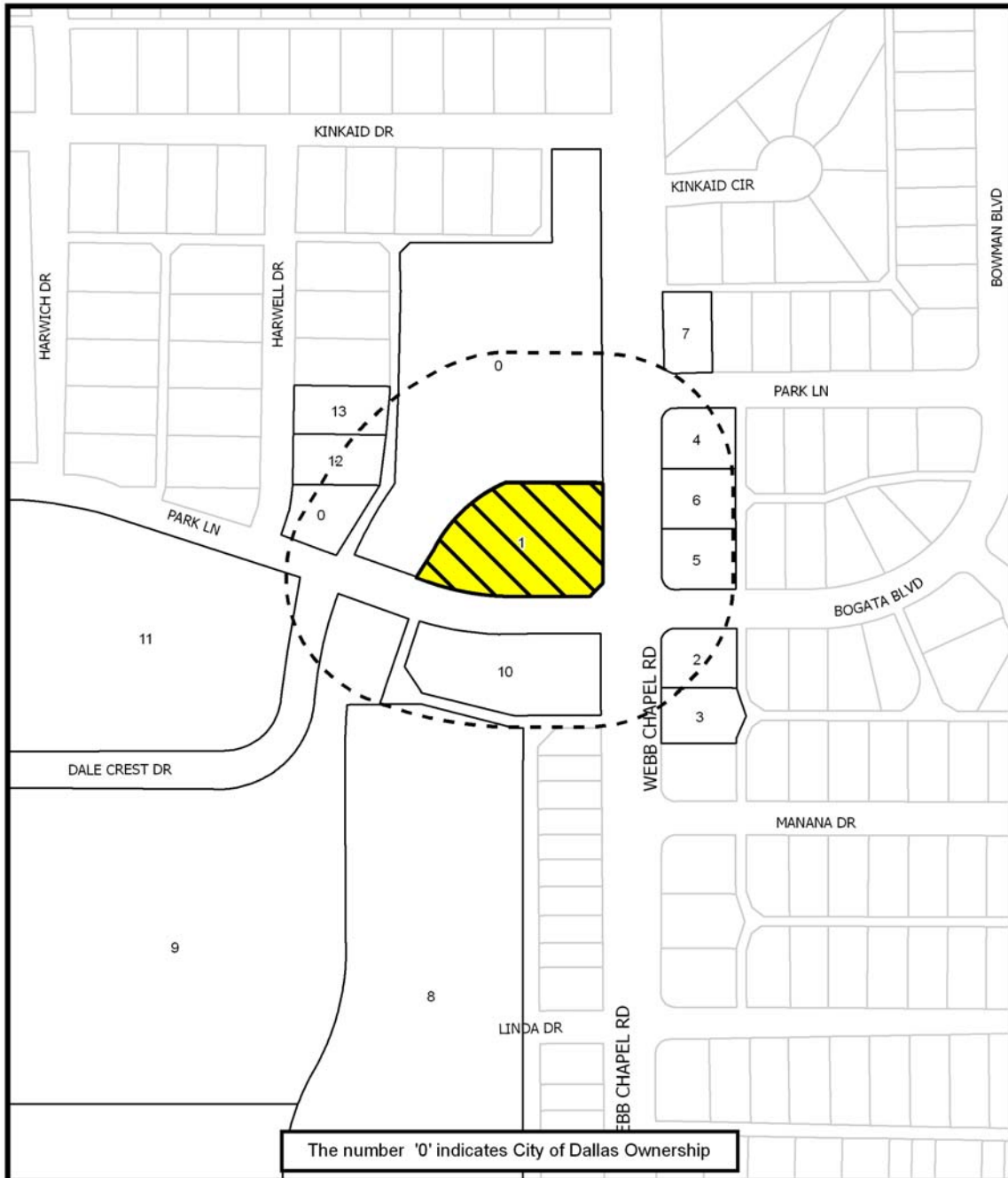
A child-care facility use requires one parking space for every five hundred square feet of floor area. The structure has two floors but the child-care facility will only occupy the first floor, which contains 9,734 square feet. The parking required for this child-care facility is twenty spaces.

The church and the child-care facility are required to enter into a parking agreement, prior to the issuance of a Certificate of Occupancy, in order to share the parking provided on the site and will maintain mutually exclusive or compatibly overlapping hours of operation.

In addition to the special exception request, the Owner and Applicant are requesting a variance to the side yard setback requirements along Park Lane in order to allow playground equipment and fall zones to be located in the playground area of the site. Building Inspection staff has indicated that Park Lane is a side yard and the setback is required to be ten feet.

Because the site is limited in its size and shape due to street frontage on two sides and a City of Dallas drainage channel located along the western and northwestern portion of the property, there are no other locations on the property that are large enough to accommodate the play equipment while providing the fall zone areas.

Within the playground area, there are two existing large caliper canopy trees that are being preserved and new sidewalks and patio areas are being constructed to provide accessibility to and from the playground area. The State of Texas Department of Family and Protective Services requires use zones to be provided around all play equipment. The use zone (fall zone) is the surface area under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land. Other than the equipment itself, the fall zone must be free of obstacles that a child could run into or fall on top of and be injured. The fall zone must extend a minimum of six feet in all directions from the perimeter of the equipment. Fall zones must not overlap other fall zones.



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u> BDA101-120 </u> Date: <u> 11/17/2011 </u>
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA101-120

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3363 PARK LN	CHRISTS FOUNDRY SUPPORTING MINISTRIES
2	9856 WEBB CHAPEL RD	JASSO ALICIA
3	9852 WEBB CHAPEL RD	HERNANDEZ AURELIO G
4	9870 WEBB CHAPEL RD	STONE DORETHA MAYFIELD
5	9862 WEBB CHAPEL RD	COOL WATER HOME SOLUTIONS
6	9866 WEBB CHAPEL RD	STOVALL ALMA R
7	3405 PARK LN	VENTURA SANTOS R
8	3302 LINDA DR	ANDORA APARTMENTS LEVERAGE PARTNERS LP
9	9727 DALE CREST DR	PDG APARTMENTS LLC % COPELAN GROUP INC
10	3356 PARK LN	SANTA MONICA PROPERTIES LLC
11	9850 DALE CREST DR	SANTA MONICA PROPERTIES LLC
12	9906 HARWELL DR	LAWRENCE JAY DEAN
13	9912 HARWELL DR	VENER LYNNE

FILE NUMBER: BDA 101-125

BUILDING OFFICIAL'S REPORT:

Application of Stephen Timon, represented by Emily Timon, for a variance to the off-street parking regulations at 6474 Norway Road. This property is more fully described as Lot 9 in City Block P/5496 and is zoned R-16(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a structure and provide enclosed parking spaces with a setback of 14 feet, which will require a variance of 6 feet.

LOCATION: 6474 Norway Road

APPLICANT: Stephen Timon
Represented by Emily Timon

REQUEST:

- A variance to the off-street parking regulations of 6' is requested in conjunction with enclosing parking spaces with garage doors in a proposed two-story three-vehicle addition on a lot developed with a single family home. The parking spaces that are to be enclosed with garage doors in the proposed addition would be located less than the required 20' distance from right-of-way line on Edgemere Road.

STAFF RECOMMENDATION:

Denial

Rationale:

- Although granting the request for variance in this case does not appear to be contrary to public interest seeing that the enclosed parking spaces in this case would be located over 25' from the projected pavement line of Edgemere Road and that the Sustainable Development and Construction Department Project Engineer has no objections, the applicant had not substantiated how either the restrictive area, shape, or slope of the flat, rectangular -shaped approximately 19,000 square feet site/lot preclude it from being developed in a manner commensurate with development found on other R-16(A) zoned lots.

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.

GENERAL FACTS:

- The Dallas Development Code requires that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley.

A site plan has been submitted that indicates the location of enclosed parking spaces in a proposed addition to the existing single family home on the site 14' from the Edgemere Road right of way line/property line on the east side of the site. This site plan denotes a 20' 8" dimension between the enclosed parking spaces and the inside/house-side of the existing home and a 25' 11 3/8" dimension between the enclosed parking spaces in the proposed addition and the projected Edgemere Road pavement line.

- The site is relatively flat, rectangular in shape (approximately 158' x 123'), and approximately 19,000 square feet in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- According to DCAD records, the property at 6474 Norway has the following:
 - "main improvements": a structure built in 2006 with 7,662 square feet of living area;
 - "additional improvements": a 982 square foot attached garage.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family residential 16,000 sq ft)
North: R-16(A) (Single family residential 16,000 sq ft)
South: R-16(A) (Single family residential 16,000 sq ft)
East: R-16(A) (Single family residential 16,000 sq ft)
West: R-16(A) (Single family residential 16,000 sq ft)

Land Use:

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

Zoning/BDA History:

1. BDA 078-124, Property at 6474 Norway Road (the subject site)

On October 14, 2008, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 3' 5" and imposed the following condition: compliance with the submitted site plan and elevation is required. (The case report stated that the request was made in conjunction with constructing and maintaining 2' 4' 5" of wood latticing atop an existing 8' high solid board-on-board fence wall located in the site's 10' rear yard and western side yard setbacks on a site developed with a single family home).

Timeline:

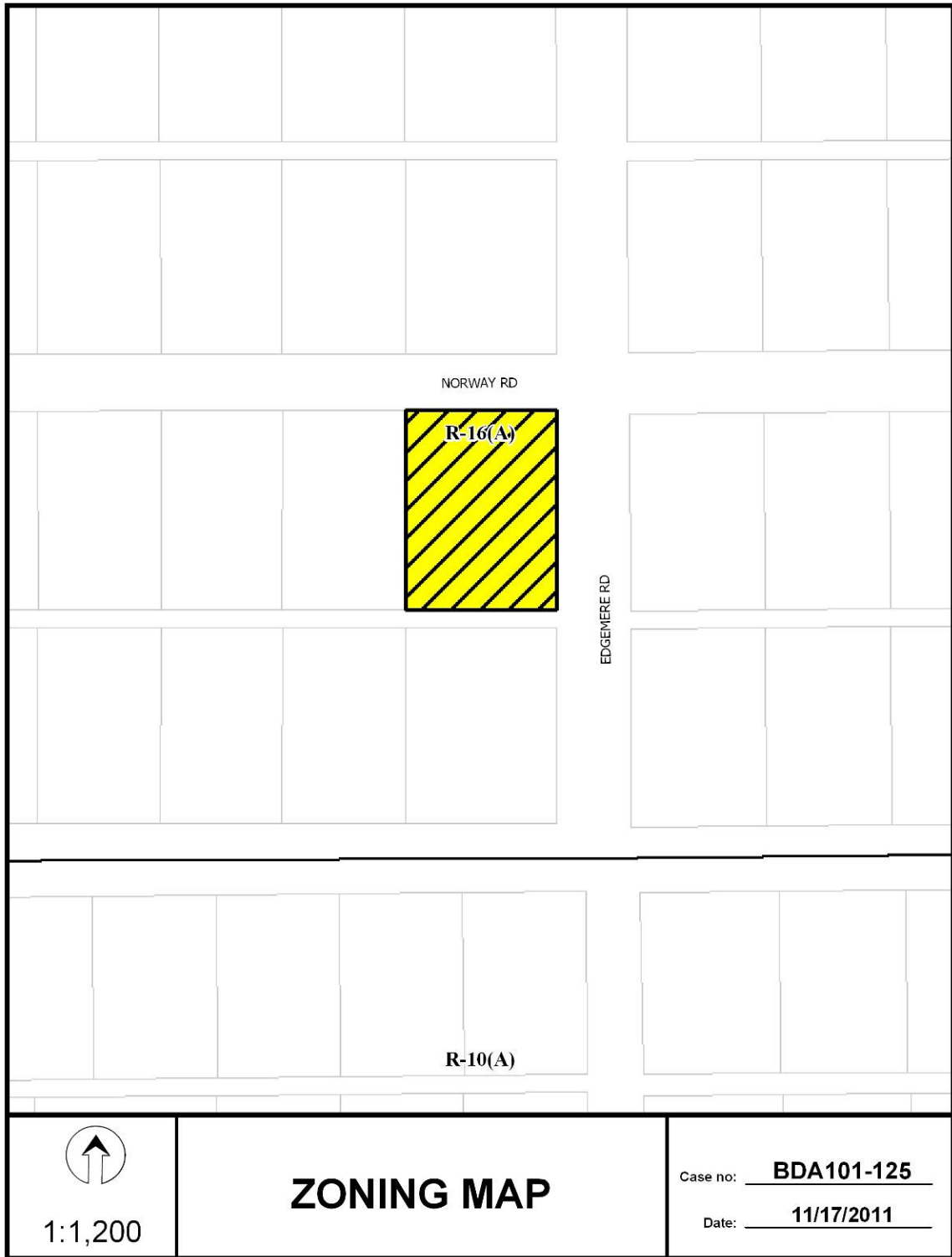
- October 10, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment to Panel C was made on this property with board of adjustment history since it did not conflict 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."
- November 15, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

December 2, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

STAFF ANALYSIS:

- This request focuses on enclosing parking spaces with garage doors in a proposed two-story three-vehicle addition on a lot developed with a single family home. The parking spaces that are to be enclosed with garage doors in the proposed accessory structure would be located less than the required 20' distance from right-of-way line on Edgemere Road.
- The site plan indicates the location of enclosed parking spaces in a proposed addition to the existing single family home on the site 14' from the Edgemere Road right of way line/property line on the east side of the site. This site plan denotes a 20' 8" dimension between the enclosed parking spaces and the inside/house-side of the existing home and a 25' 11 3/8" dimension between the enclosed parking spaces in the proposed addition and the projected Edgemere Road pavement line.
- The site is relatively flat, rectangular in shape (approximately 158' x 123'), and approximately 19,000 square feet in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- According to DCAD records, the property at 6474 Norway has the following:
 - "main improvements": a structure built in 2006 with 7,662 square feet of living area;
 - "additional improvements": a 982 square foot attached garage.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The proposed addition could be constructed and maintained on the site as shown on the submitted site plan and elevation *without* garage doors (or without enclosed parking spaces) if this request were denied since the structure complies with the 10' required side yard setback.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the parking regulations of 6' to install garage doors (or enclose parking spaces) will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance to the parking regulations of 6' is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
 - The variance to the parking regulations of 6' requested would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.

- Typically, when the Board has found that this type of variance request is warranted, they have imposed the following conditions:
 1. Compliance with the submitted site plan is required.
 2. Automatic garage doors must be installed and maintained in working order at all times.
 3. At no time may the area in front of the garages be utilized for parking of vehicles.
 4. All applicable permits must be obtained.(These conditions are imposed to help assure that the variance will not be contrary to public interest).
- If the Board were to grant the variance request of 6', imposing a condition whereby the applicant must comply with the submitted site plan, the parking spaces in the proposed addition could be enclosed with garage doors that would be 14' away from the Edgemere Road right of way line (or 6' into the 20' setback/distance requirement) yet over 25' from the Edgemere Road projected pavement line.







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-125

Date: 10/10/11

Data Relative to Subject Property:

Location address: 474 NORWAY ROAD Zoning District: R-16(A)

Lot No.: 9 Block No.: P/5496 Acreage: .459 Census Tract: DD76.04

Street Frontage (in Feet): 1) 123 (FRONTAGE) 2) 158 (DEPTH) 3) 4) 5) NE 3S

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Stephen J. Timon

Applicant: Stephen J. Timon Telephone: 214/536-7878

Mailing Address: 474 Norway Road Zip Code: 75230

Represented by: Emily Timon Telephone: Same

Mailing Address: Same Zip Code:

Affirm that a request has been made for a Variance or Special Exception of 6 feet to the 20 foot setback for an enclosed parking space.

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: Current garage layout does not allow for safe approach while waiting for rolling gate to open - 2 accidents have occurred while we have waited for gate to open. Other lots in area have the proposed garage access that would reduce hazard.

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.

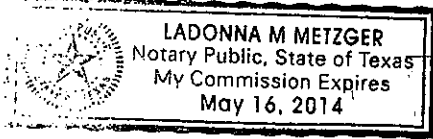
Respectfully submitted: Stephen Timon Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Stephen Timon 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.

[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me this 10th day of October, 2011



[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

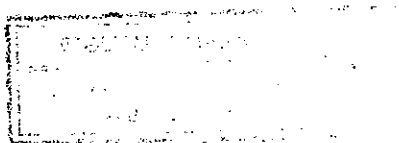
I hereby certify that Stephen Timon

did submit a request for a variance to the off-street parking regulation
at 6474 Norway Road

BDA101-125. Application of Stephen Timon for a variance to the off-street parking regulation at 6474 Norway Road. This property is more fully described as lot 9 in city block P/5496 and is zoned R-16(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a single family residential structure with a side yard setback of 14 feet, which will require a variance of 6 feet to the off-street parking regulation.

Sincerely,

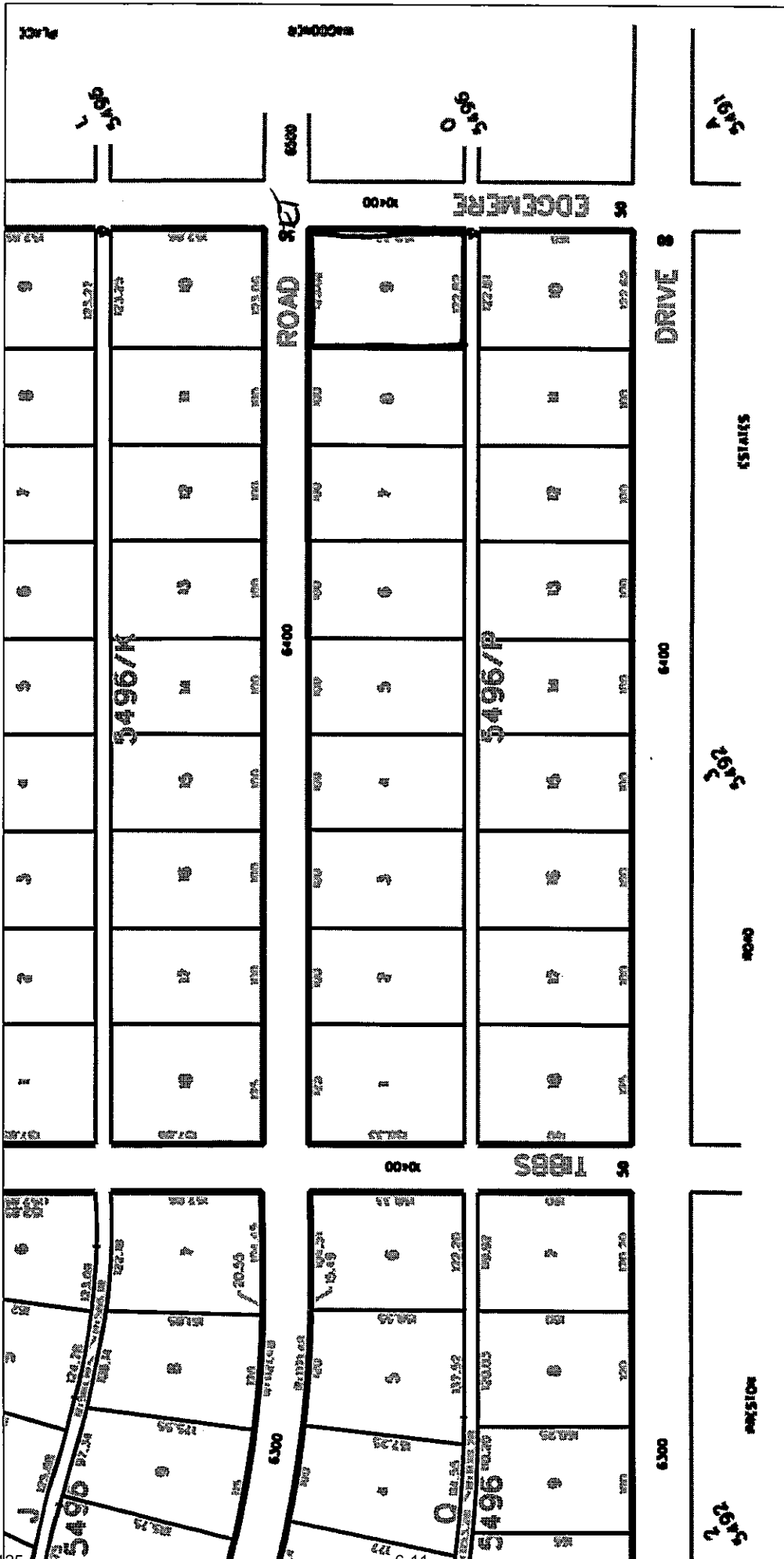

Lloyd Denman, Building Official



City of Dallas Zoning



- | | | |
|--------------------------|------------------------------|---|
| County | Dry Overlay | PDS Subdistricts |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Certified Parcels | <input type="checkbox"/> D | Base Zoning |
| <input type="checkbox"/> | <input type="checkbox"/> D-1 | <input type="checkbox"/> |
| DISD Sites | Historic Overlay | Floodplain |
| | <input type="checkbox"/> | <input type="checkbox"/> 100 Flood Zone |
| Council Districts | Historic Subdistricts | <input type="checkbox"/> Mill's Creek |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Peak's Branch |
| Waterways | NSO Overlay | <input type="checkbox"/> X PROTECTED BY LEVEE |
| <input type="checkbox"/> | <input type="checkbox"/> | Pedestrian Overlay |
| Parks | NSO Subdistricts | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> CP |
| Major Lakes | MD Overlay | |
| <input type="checkbox"/> | | |

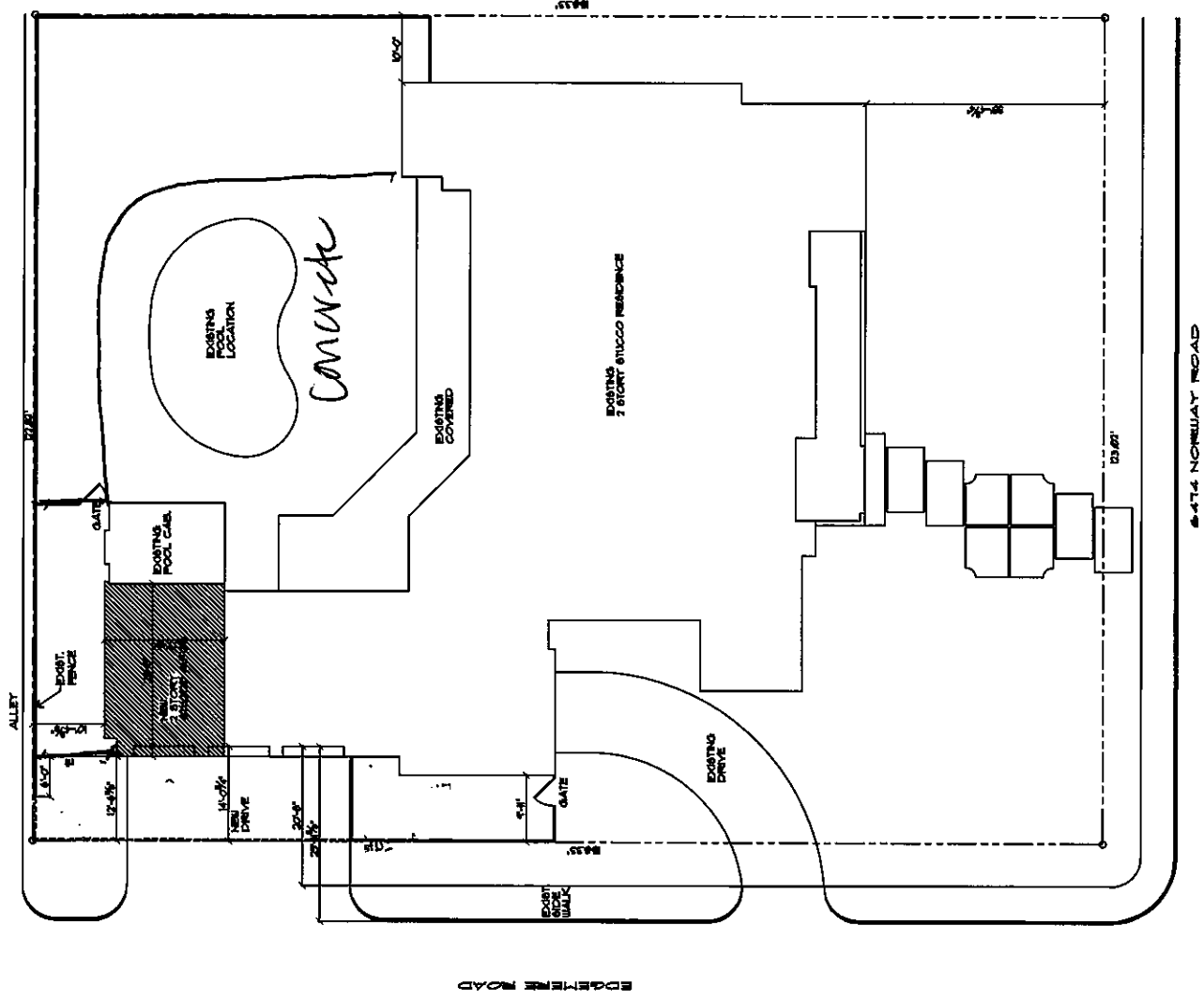


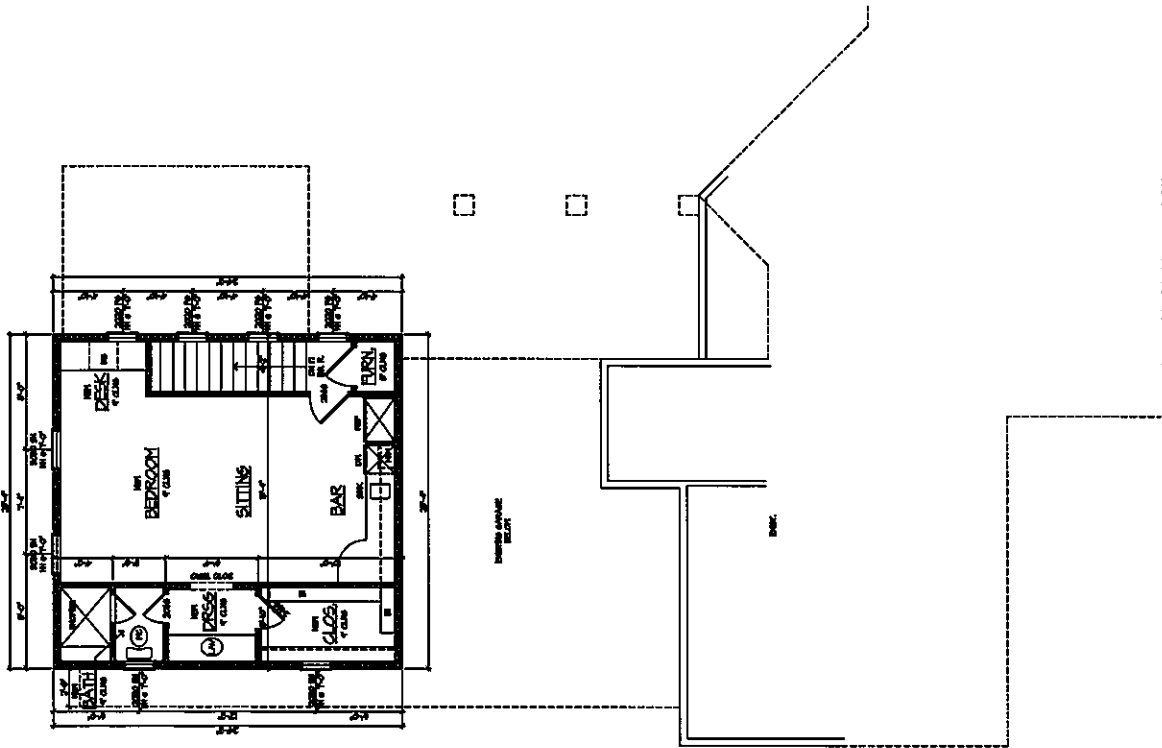
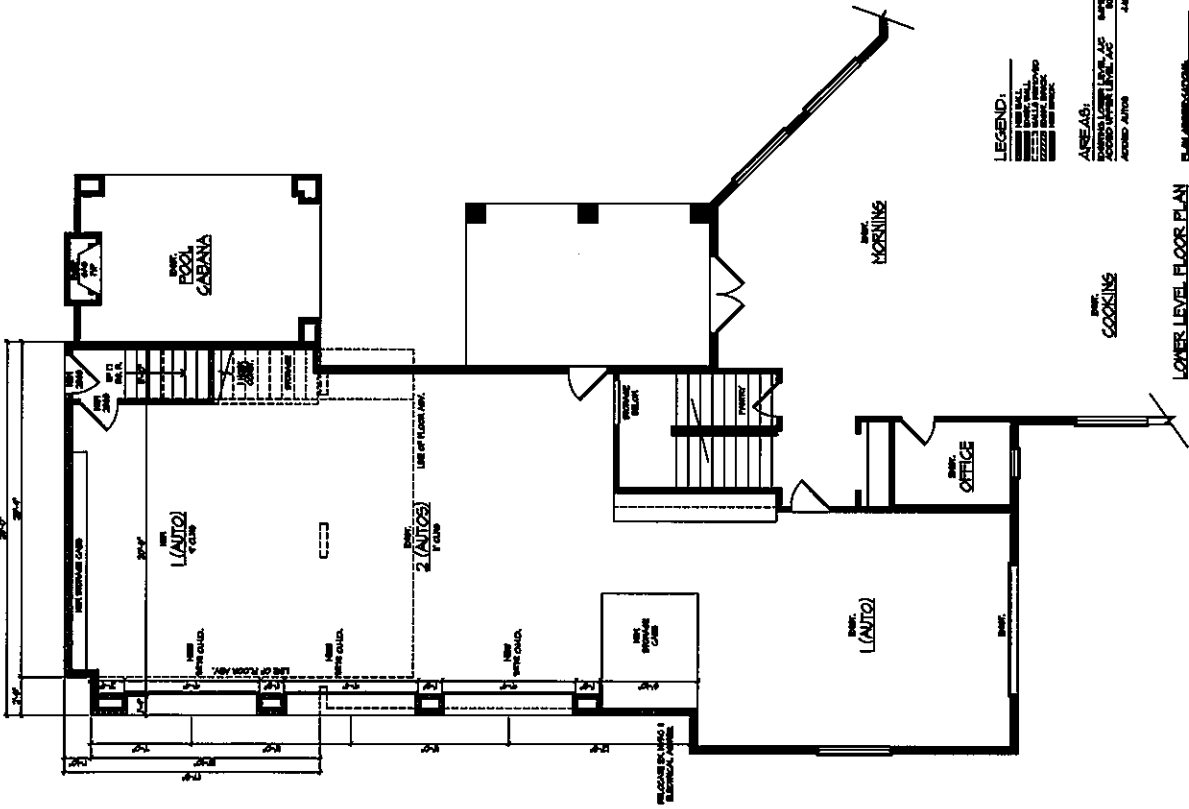
SHEET 1 OF 4
 000000
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 DRAWN BY: M.B.

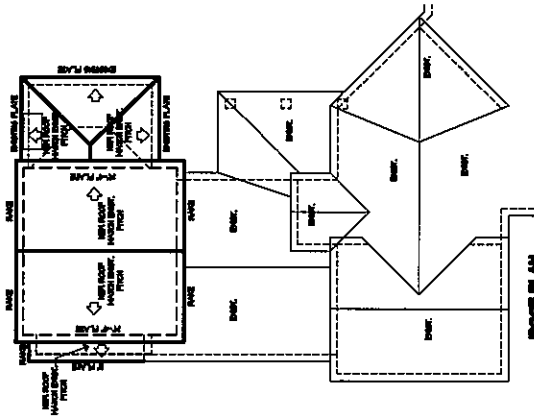
COVERT + ASSOCIATES
 472-782-4660 1910 DAVENPORT, SUITE III, DALLAS, TX 75232

A CUSTOM REMODEL FOR
 TILTON RESIDENCE
 6474 NORWAY ROAD
 DALLAS, TEXAS

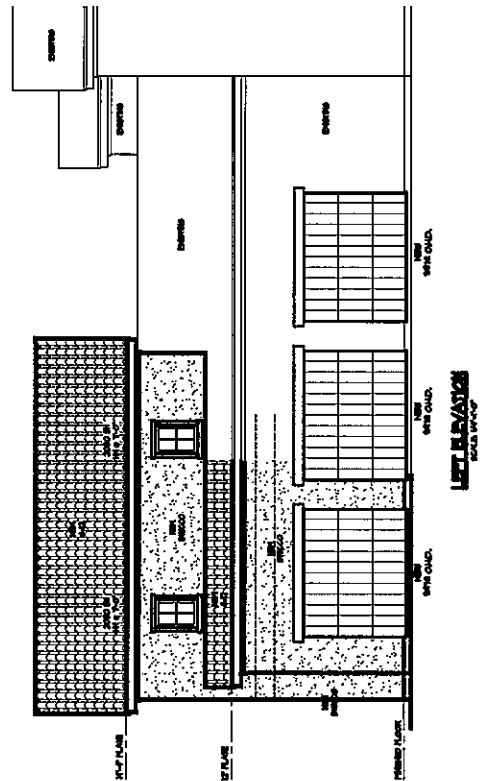
SITE PLAN
 100-144-014



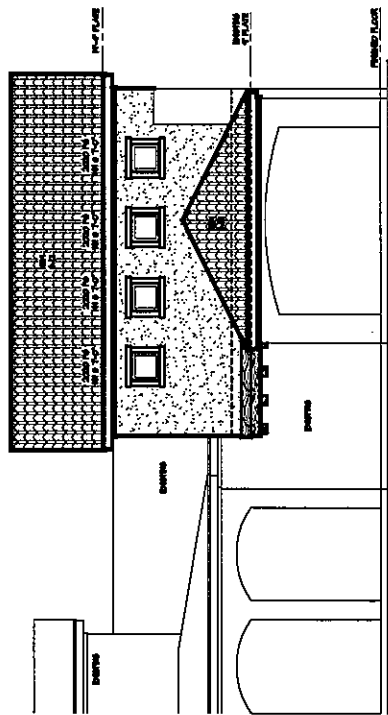




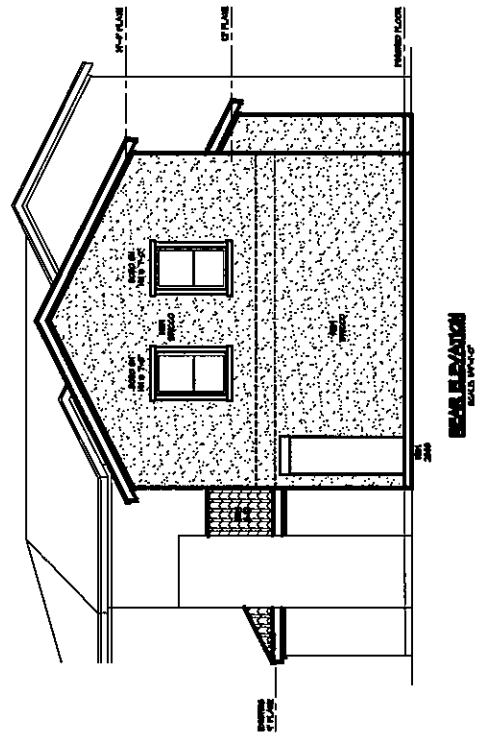
ROOF PLAN
 SOUTH ELEVATION
 WEST ELEVATION
 EAST ELEVATION
 REAR ELEVATION



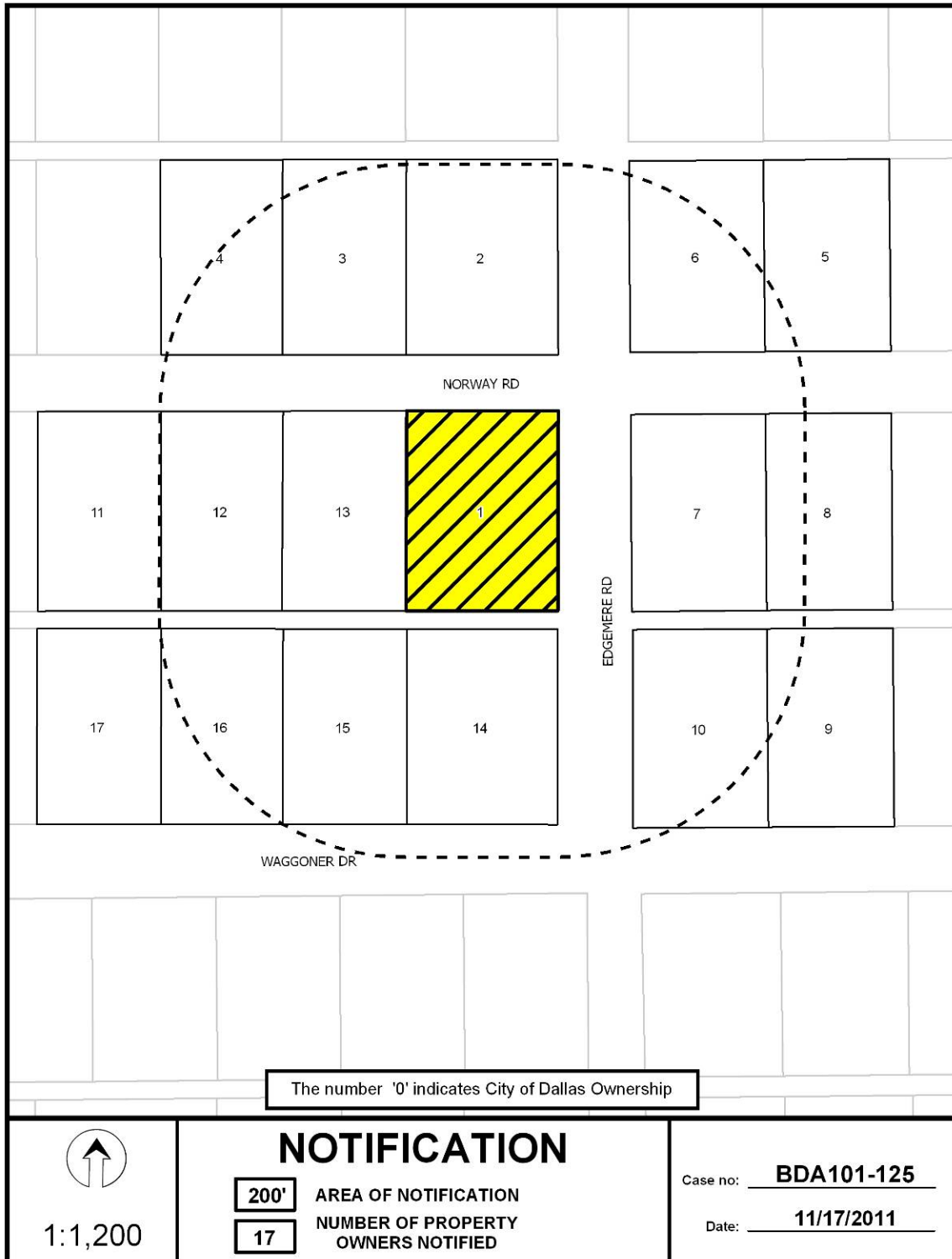
LEFT ELEVATION
 SOUTH ELEVATION



FRONT ELEVATION
 SOUTH ELEVATION



REAR ELEVATION
 SOUTH ELEVATION



Notification List of Property Owners

BDA101-125

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6474 NORWAY RD	TIMON STEPHEN J
2	6475 NORWAY RD	FAULKNER GREG & KELLY
3	6465 NORWAY RD	SHARIF & MUNIR ENTERPRISE INC
4	6457 NORWAY RD	MAGEE MITCHELL J & KAREN L
5	6515 NORWAY RD	HUSTIS GREGORY J
6	6507 NORWAY RD	LEON KATIE W
7	6506 NORWAY RD	BARROSO CARLOS J & KAY D COLBERT
8	6514 NORWAY RD	ROVILLO EUGENIA DABNEY
9	6515 WAGGONER DR	ROY CHRISTOPHER T
10	6511 WAGGONER DR	BATES TIMOTHY MARK & VERONICA M
11	6448 NORWAY RD	BERNSTEIN SCOT
12	6456 NORWAY RD	KILDEE THOMAS J & MARY LYNN COYLE
13	6464 NORWAY RD	BOX APRIL B
14	6475 WAGGONER DR	POLINER LARRY R & RUTH ANN
15	6465 WAGGONER DR	WILLIAMS SCOTT D
16	6457 WAGGONER DR	BEENE ROBERT MICHAEL & ELIZABETH BEENE
17	6449 WAGGONER DR	HODGES CRAIG D

FILE NUMBER: BDA 101-126

BUILDING OFFICIAL'S REPORT:

Application of Santos T. Martinez, represented by Masterplan, for a special exception to the landscape regulations and a variance to the off-street parking regulations at 1703 N. Beckley Avenue. This property is more fully described as Lot 1A in City Block 3/4634-1/2 and is zoned PD-468 (Subdistrict A), which requires mandatory landscaping and requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to not provide the required screening to separate the parking area from a contiguous residential use, which will require a variance to the off-street parking regulations.

LOCATION: 1703 N. Beckley Avenue

APPLICANT: Santos T. Martinez
Represented by Masterplan

REQUESTS:

- The following appeals have been made in this application on a site that is in part developed with a vacant 1960's "storage and manufacturing" structure (that the applicant intends to transition it to a medical office) and in part undeveloped (that the applicant intends to transition it to a related surface parking lot):
 - A special exception to the landscape regulations is requested in conjunction with increasing the nonpermeable coverage on a lot by more than 2,000 square feet or in this case, constructing and maintaining a surface parking lot, and not fully meeting the landscape regulations, and
 - a variance to the off-street parking regulations is requested in conjunction with not providing the required brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence not less than 6' in height to be provided between the required off-street parking on the site being developed as a nonresidential use (medical office) and the contiguous residential uses zoned R-7.5(A) immediately west of the subject site.

STAFF RECOMMENDATION (landscape special exception):

Approval, subject to the following conditions:

- Compliance with the submitted “tree preservation and landscape plan” is required with the following additional provisions:
 1. Street trees in the parkway along Beckley must comply with all licensing and permit provisions of the City of Dallas prior to final landscape inspection; and
 2. Any protected tree identified on the landscape plan is subject to full mitigation upon the removal of the trees. (If either tree listed as 102 or 103 on this plan are removed, a large canopy tree from the Approved Replacement Tree List of Section 10.134 must be planted in the general location of the original tree within 90 days of removal. The replacement tree must have a minimum caliper of 3 inches at time of planting).

Rationale:

- The City’s Chief Arborist supports the request with the conditions mentioned above imposed in conjunction with the request.
- The applicant has substantiated how strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION (parking variance):

Denial

Rationale:

- Although granting the request for variance in this case does not appear to be contrary to public interest seeing that there is already a solid screen fence provided on the residentially zoned properties immediately west of the site, and that the Sustainable Development and Construction Department Project Engineer has no objections, the applicant had not substantiated how either the restrictive area, shape, or slope precluded the applicant from providing the required screening between the office use surface parking area and the single family zoned property to the west of the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

- the extent to which there is residential adjacency;

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

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.

GENERAL FACTS (landscape special exception):

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. The applicant has submitted a “tree preservation and landscape plan”— a plan in which the Chief Arborist had written his memo on the merits of this landscape special exception request (see Attachment B). The Chief Arborist’s memo states among other things how the applicant’s alternate plan is deficient from providing the minimum 10’ wide perimeter landscape buffer where residential adjacency exists and from providing the required buffer plant materials. The arborist’s memo explains several “factors’ related to the application, and recommends approval of the request, subject to certain conditions being imposed including the applicant’s submitted alternate landscape plan along with additional conditions related to Beckley Avenue street trees and mitigation of certain trees if removed on the site.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

GENERAL FACTS (variance):

- The Dallas Development Code requires certain screening provisions for off-street parking- specifically that the owner of off-street parking must provide screening to separate the parking area from: 1) a contiguous residential use or a vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, MH(A) district and the parking area serves a nonresidential use; or 2) a contiguous single family or duplex use or a vacant lot if either is in an R, R(A), D, D(A), TH, TH(A), CH, district and the parking area serves a multifamily use. The code continues to state that screening for off-street parking must be a brick, stone, or concrete masonry, stucco, or wood wall or fence that is not less than 6’ in height; that the wall or fence may not have more than 10 square inches of open area for each square foot of surface area, and may not contain any openings or gates for vehicular access; and that the board may not grant a special exception to the height requirements for screening around off-street parking.

The applicant has submitted a “tree preservation and landscape plan” indicating no screening that would separate the proposed parking area on the subject site from the lots zoned R-7.5(A) (single family residential) immediately west of the subject site.

It appears from calculations taken by the Board Administrator from the submitted “tree preservation and landscape plan” that about 60 linear feet of the proposed parking area along the site’s western boundary is proposed not to be screened per the code provisions.

- The site appears to be relatively flat, rectangular in shape (approximately 213’ x 135’), and according to the application, 0.729 acres (or approximately 32,000 square feet) in area. The site is zoned PD No. 468 (Subdistrict A).
- According to DCAD records, the property at 1703 Beckley has “improvements” listed as “light industrial” with 11,750 square feet built in 1962.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

- Site: PD No. 468 (Planned Development)
- North: PD No. 468 (Planned Development)
- South: PD No. 468 (Planned Development)
- East: PD No. 468 (Planned Development)
- West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The site is in part developed with a vacant warehouse/manufacturing structure and in part undeveloped. The areas to the north, east, and south are developed with commercial uses; and the area to the west is developed with single family uses.

Zoning/BDA History:

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

Timeline:

October 21, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 11, 2011: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

November 30, 2011: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

December 2, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

December 5, 2011: The Chief Arborist submitted a memo pertaining to the landscape special exception request to the Board Administrator (see Attachment B).

STAFF ANALYSIS (landscape special exception):

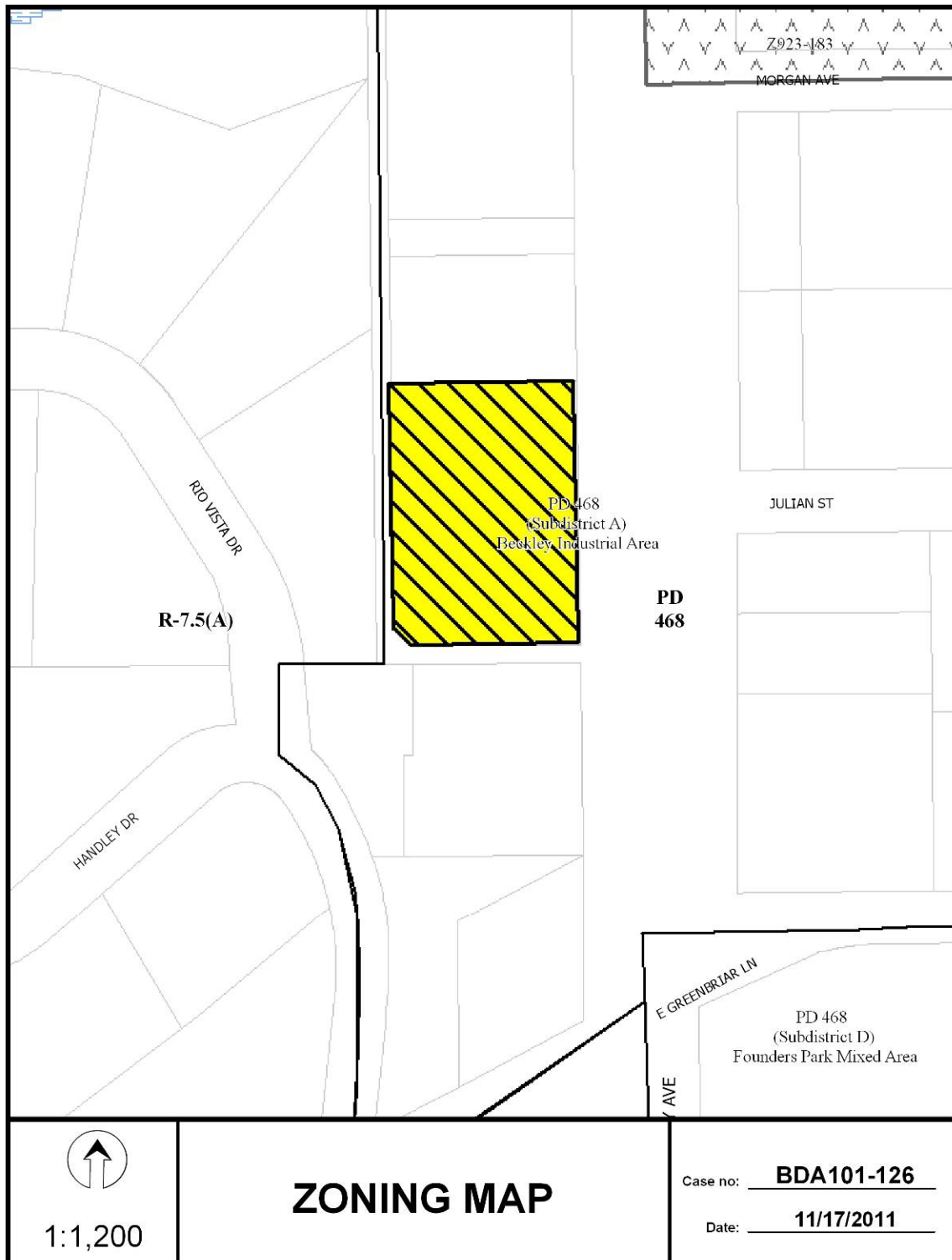
- This request focuses on transitioning a vacant undeveloped part of the subject site into a surface parking lot related to transitioning a vacant 1960's storage/manufacturing structure into a medical office, and not fully complying with landscape regulations.

- A “tree preservation and landscape plan” has been submitted that the City of Dallas Chief Arborist has stated is deficient from providing the minimum 10’ wide perimeter landscape buffer where residential adjacency exists and from providing the required buffer plant materials. The arborist’s memo explains several “factors’ related to the application, and recommends approval of the request, subject to certain conditions being imposed.
- The Chief Arborists supports the applicant’s request on the condition that the submitted alternate landscape plan is imposed as a condition along with: 1) street trees in the parkway along Beckley must comply with all licensing and permit provisions of the City of Dallas prior to final landscape inspection; and 2) any protected tree identified on the landscape plan is subject to full mitigation upon the removal of the trees. (If either tree listed as 102 or 103 on this plan are removed, a large canopy tree from the Approved Replacement Tree List of Section 10.134 must be planted in the general location of the original tree within 90 days of removal. The replacement tree must have a minimum caliper of 3 inches at time of planting).
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the staff suggested conditions mentioned previously in this case report, the site would be “excepted” from the perimeter landscape buffer where residential adjacency exists and from providing the buffer plant material requirements of Article X: The Landscape Regulations.

STAFF ANALYSIS (parking variance):

- This request focuses on transitioning a vacant undeveloped part of the subject site into a surface parking lot related to transitioning a vacant 1960’s storage/manufacturing structure into a medical office, and not fully complying with off-street parking regulations, specifically those regulations related to the requirement of providing a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence not less than 6’ in height between the required off-street parking on the site being developed as a medical office and the contiguous residential uses zoned R-7.5(A) immediately west of the subject site. The applicant is proposing to not provide the required screening in this location on the site.
- It appears from calculations taken by the Board Administrator from the submitted “tree preservation and landscape plan” that about 80 linear feet of the approximately 240 total linear feet of the site’s western boundary is proposed not to be screened per the code provisions.
- The site appears to be relatively flat, rectangular in shape (approximately 213’ x 135’), and according to the application, 0.729 acres (or approximately 32,000 square feet) in area. The site is zoned PD No. 468 (Subdistrict A).
- According to DCAD records, the property at 1703 Beckley has “improvements” listed as “light industrial” with 11,750 square feet built in 1962.
- The applicant has the burden of proof in establishing the following:

- That granting the variance to the off-street parking 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.
- That 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 No. 468 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 No. 468 zoning classification.
- If the Board were to this request, imposing a condition whereby the applicant must comply with the submitted “tree preservation and landscape plan”, the variance to the screening requirement would be limited to the area of that what is shown on this document.





1:1,200

AERIAL MAP

Case no: BDA101-126

Date: 11/17/2011



November 29, 2011

Mr. Steve Long
Board of Adjustment
City of Dallas
1500 Marilla, Room 5BN
Dallas, Texas 75201

RE: BDA 101-126, 1703 N. Beckley

Dear Mr. Long:

The property owner seeks to redevelop the former storage and manufacturing building located at the address listed above. The intent is to convert this space into a medical office. The property owner maintains a current practice at the Methodist Hospital campus, but must relocate into this facility by February due to the demolition of her existing building.

In order to convert this building into a medical office, the property owner needed to acquire the vacant lot immediately to the south of the building. Both lots had to be replatted in order for the applicant to satisfy the parking requirements for this use. A parking agreement between the two properties is not an option because a parking lot is not an allowable main use within this planned development district. Therefore, the only option available to satisfy the development of this building was by replatting the two lots into one.

The existing building was constructed in the early 1960's with a zero setback in the rear yard. This is an allowable setback within the planned development district. However, due to the residential zoning across the alley, Article X requires a 10' open space buffer along this portion of the property. This has to be satisfied on the entire property because the property does not meet the two acre minimum requirement to create an artificial lot. This requires the demolition of the existing structure in order to comply with the landscape regulations. We have submitted an alternate landscape plan in order to maintain our existing structure.

The property owner is seeking a variance to the required parking lot screening along the western portion of the new parking lot. This variance is sought for a variety of factors that create a negative impact on the property. First, it is the only property along the alley that has to comply with the residential adjacency requirement. The commercial properties to the north of the site do not have either parking adjacent to the western portion of the alley, or they are adjacent to public property. The properties within this planned development district that are located to the north of this site are not required to construct this required solid screening for these reasons.

MASTERPLAN
900 Jackson Street, Suite 640
Dallas, Texas 75202

Phone: (214) 761-9197
Fax: (214) 748-7114
Web: masterplanconsultants.com



Second, the elevation of this property is two to three feet lower than the residential properties across the alley. These residential properties are developed with solid fences. This creates a solid screen that exceeds ten feet along the west side of the alley. The attached photos show these conditions along the residential portion of the alley. Since the developed residential properties have a natural elevation that is higher than this request site, the need for additional screening is unnecessary. In speaking with our residential property owners, it is believed that a screening wall will create a safety hazard.

This is the only property that has either an alley or major thoroughfare on three sides and has residential adjacency issues. The alley turns back towards Beckley at the southwest corner of the property. The western portion of the alley will be the only segment to have screening fences along both sides. Residential property owners have expressed concern of the vagrants that were using the alley because they were shielded from Beckley Avenue. They believe a solid screen on this portion of the property will perpetuate this condition. It is preferred to maintain an open landscape buffer area along this portion of the property.

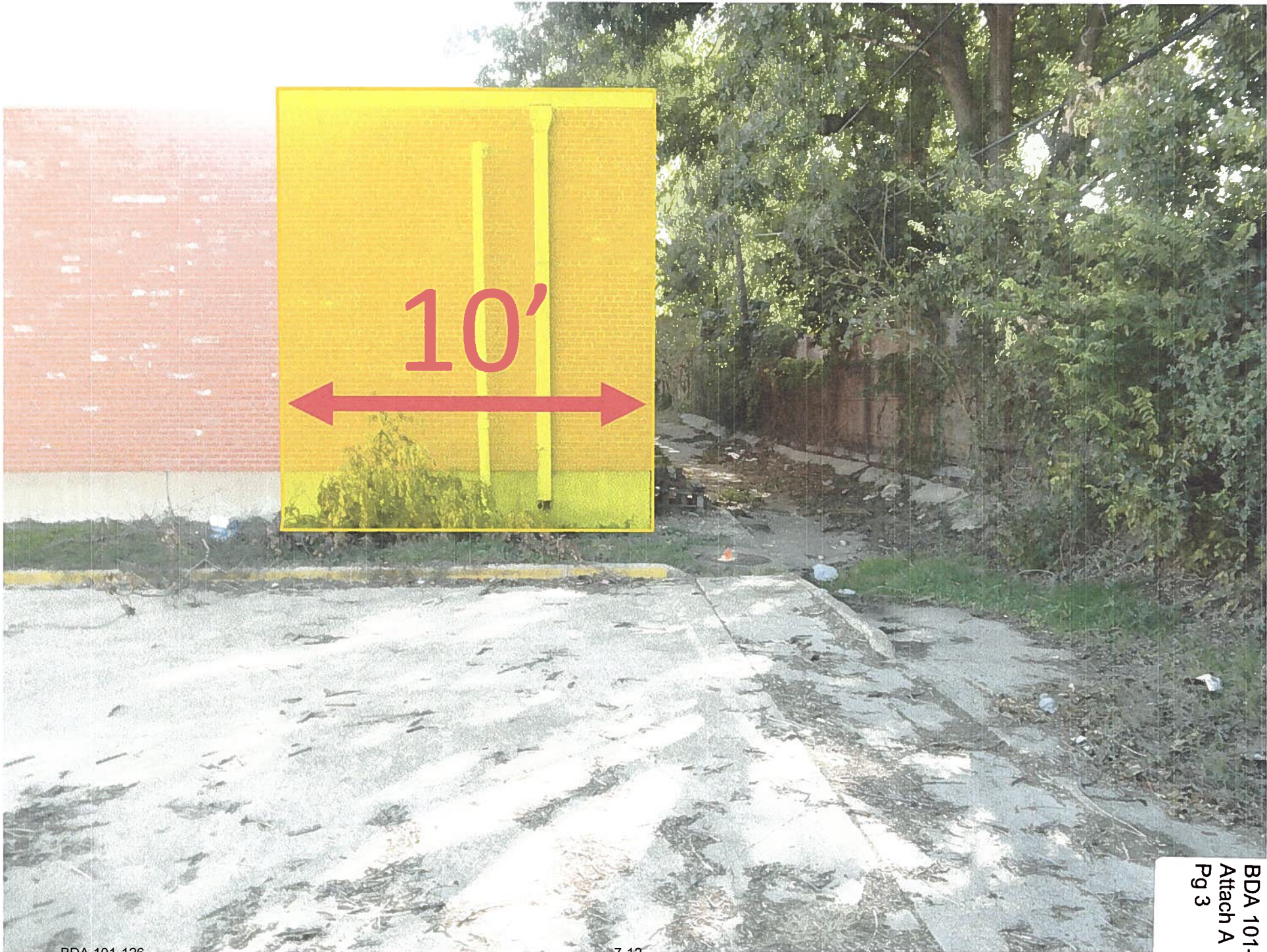
Finally, the construction of a solid screen would make it impractical to utilize the entire parking lot. The attached exhibit demonstrates how one would otherwise have to access these spaces. They would have to enter or exit the alley over 1000 feet to the north. The ability to leave this area open will allow full maneuverability of the parking area and minimize the need to travel off-site to access these offices.

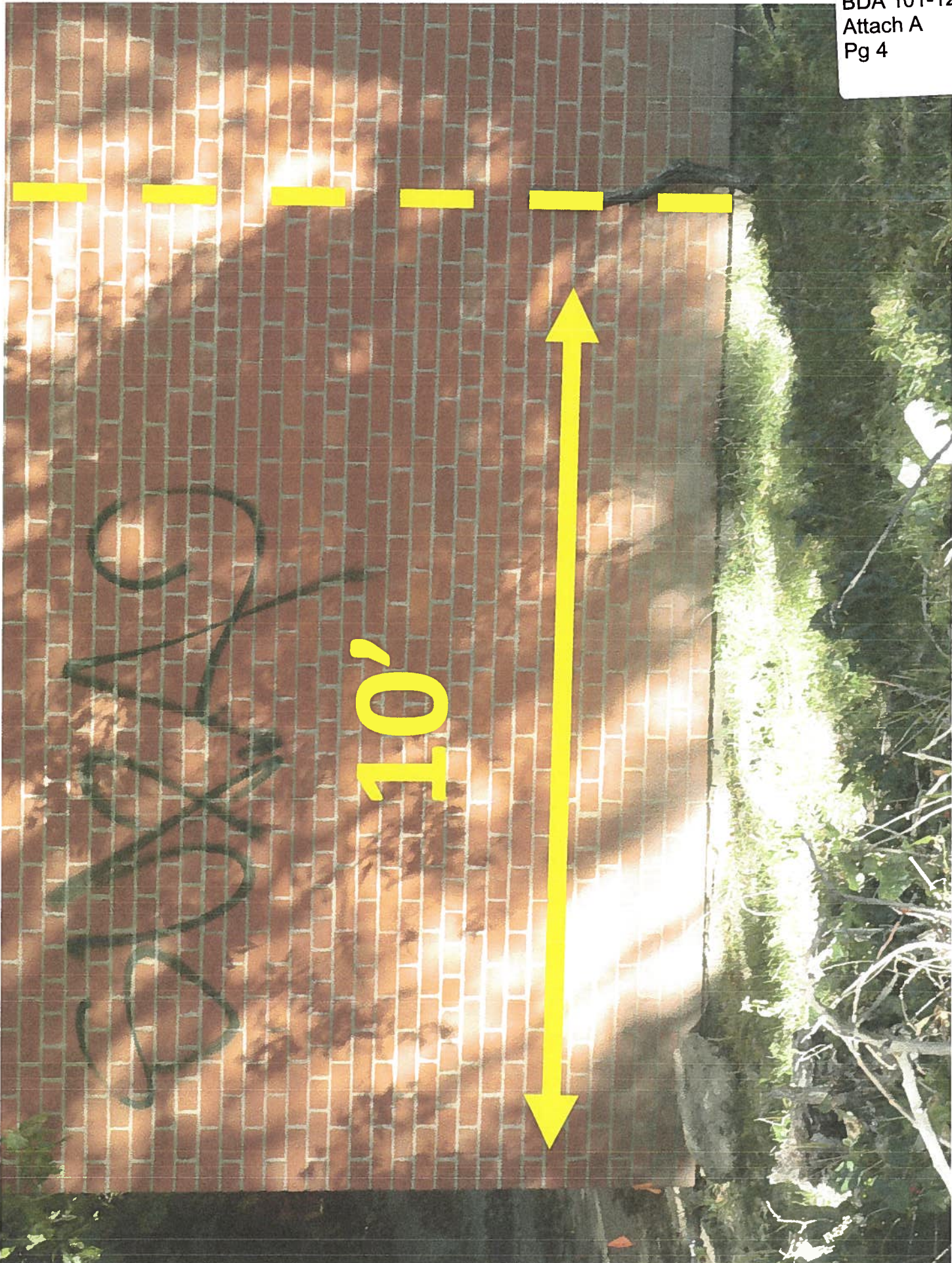
Please feel free to contact our offices if you need any additional information regarding this request.

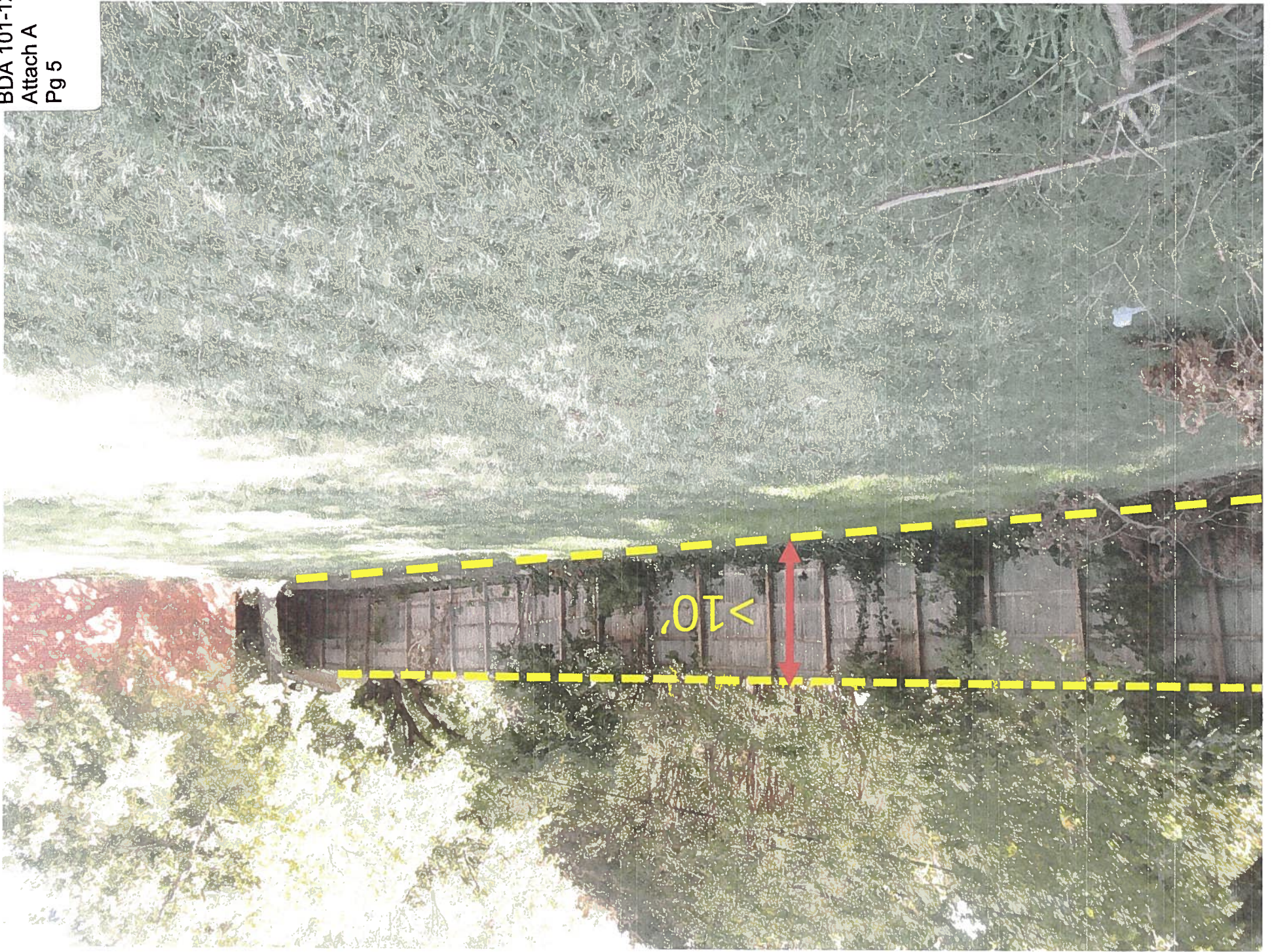
Santos T. Martinez
Authorized representative for
BG Brookview Partners LTD

MASTERPLAN
500 South Ervay, Suite 112B
Dallas, Texas 75201

Phone: (214) 761-9197
Fax: (214) 748-7114
Web: masterplanconsultants.com











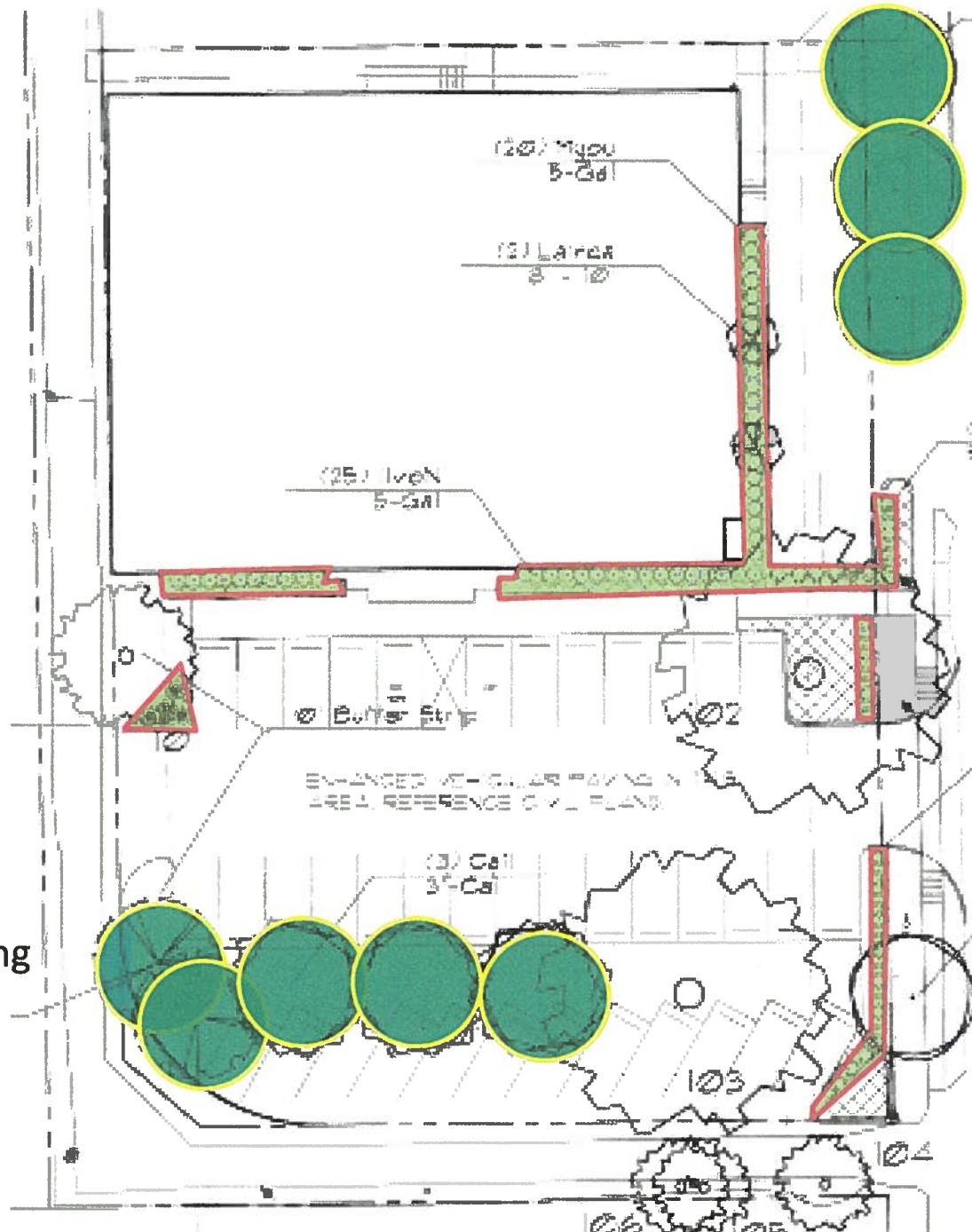
BDA 101-126
Attach A
Pg 7



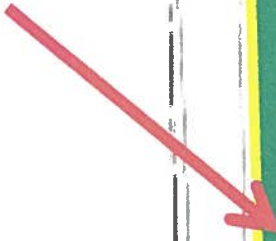
New Planting Areas



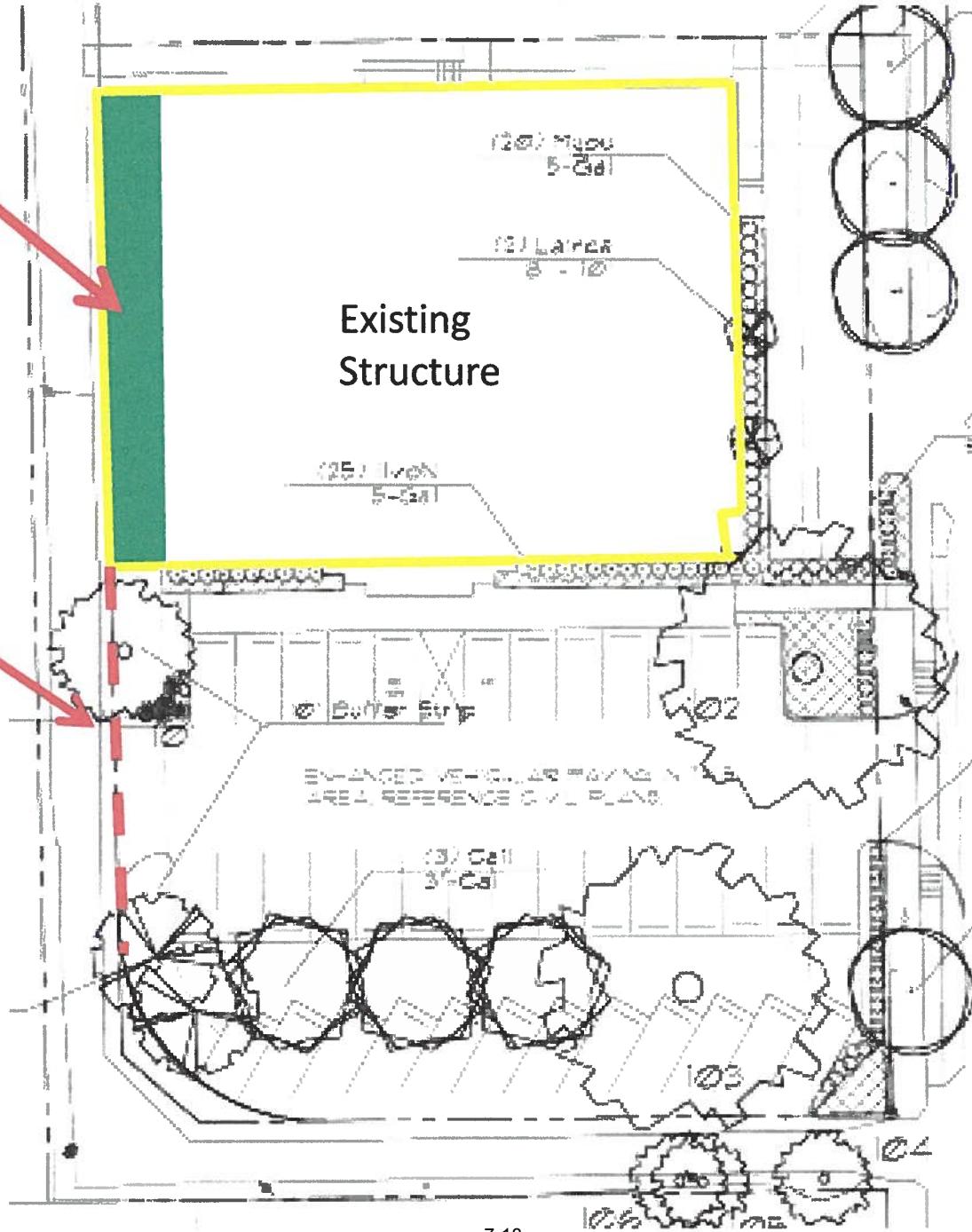
New tree

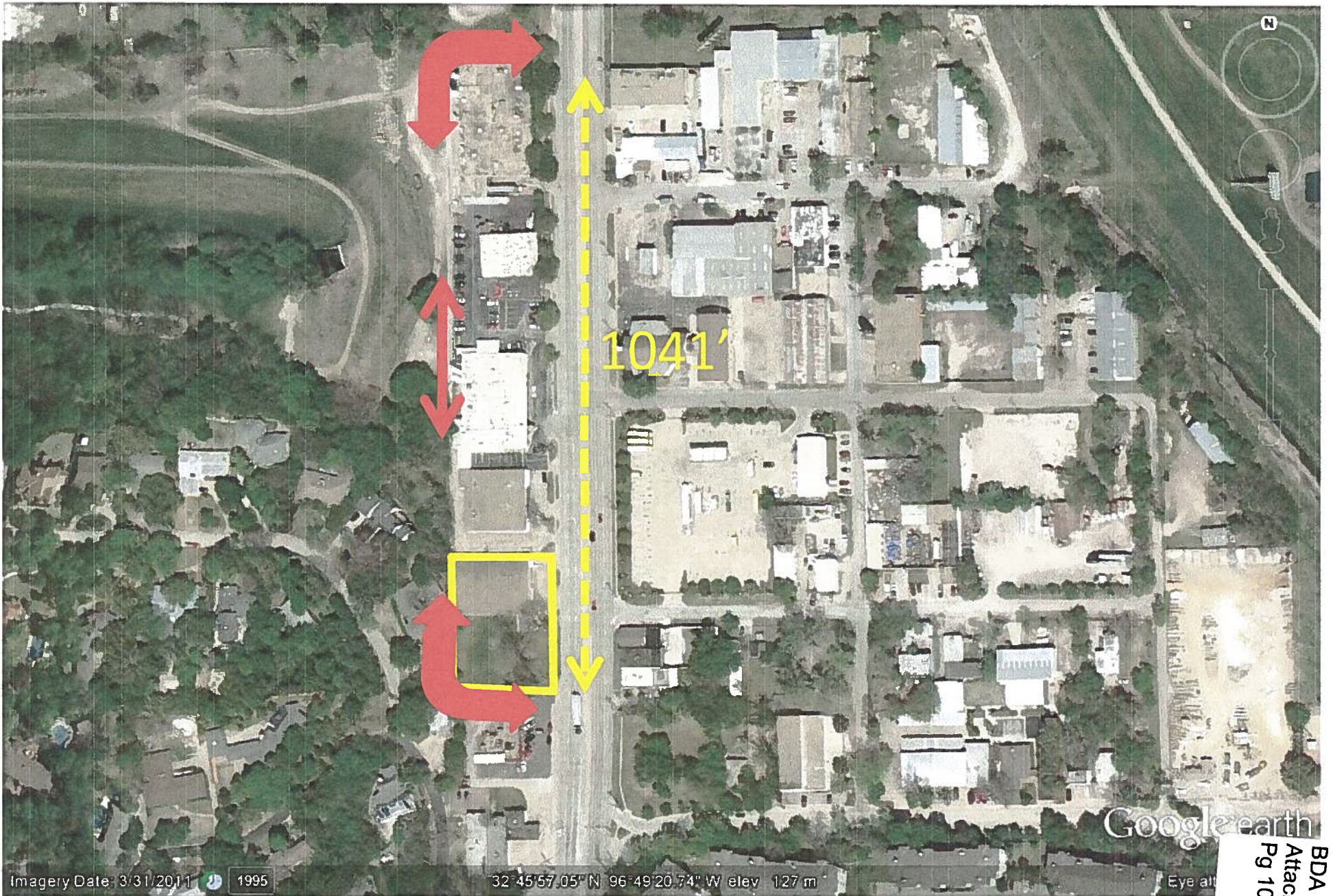


Required 10' Buffer



Required solid screening





BDA 101-126
Attach B
Pg 1

Memorandum



CITY OF DALLAS

DATE December 5, 2011
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 101 · 126 1703 N Beckley Avenue

The applicant is requesting a special exception to the landscape requirements of Article X, as required in PD 468, Subdistrict A.

Trigger

New impervious surface for parking lot in excess of 2,000 square feet with the renovation of an existing structure.

Deficiencies

The mandatory provisions of Article X (Section 51A-10.125(b)(1)) require a minimum 10-foot wide perimeter landscape buffer where residential adjacency exists. The plan is also deficient the required buffer plant materials of 10.125(b)(7). The proposed plan calls for the existing building to remain within the perimeter buffer with the 0' building setback.

Factors

The proposed plan provides sufficient street trees for Article X compliance, subject to compliance with city licensing requirements.

PD 468 Subdistrict A requires landscaping per Article X. Other PD conditions for 'urban design guidelines' along Beckley Avenue requires mandatory screening of the parking lot, and street trees 'planted within 10 feet of the property line at a density of one tree for each 30 linear feet of street frontage', with exclusions. This urban design guideline requirement is *not* subject to the special exception for landscaping under Article X.

Two large protected pecan trees of 24" and 36" are proposed for preservation on the property. The amount of proposed new impervious surface around the trees is extensive and is not always recommended for sake of the health and longevity of the trees. The potential for significant root damage to the trees, and for property damages from a weakened tree, will be higher if construction standards and design do not adequately account for the healthy retention of tree roots. Under a building permit for construction, the decisions and risks on this project, for the removal or preservation of the trees, will belong to the property owner. The Board should understand there is a greater risk that either tree in the site's improved area will be

diminished, or possibly fail, as a result of the construction process and the altered environmental conditions of the soil. If either tree is removed, the property owner will be responsible for full mitigation of the tree under Article X.

Recommendation

Approval of the submitted landscape plan, subject to the following conditions:

Street trees in the parkway along Beckley must comply with all licensing and permit provisions of the City of Dallas prior to final landscape inspection.

Any protected tree identified on the landscape plan is subject to full mitigation upon the removal of the tree. In addition, included as a part of their mitigation, if either tree listed as #102 or #103 are removed, a large canopy tree from the Approved Replacement Tree List of Section 51A-10.134 must be planted in the general location of the original tree within 90 days of removal. The replacement tree must have a minimum caliper of 3 inches at time of planting.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-126

Data Relative to Subject Property:

Date: 10-21-11

Location address: 1703 N. Beckley Zoning District: PDD 468-SD A

Lot No.: 1A Block No.: 3/4634/12 Acreage: .729 Census Tract: 42.01

Street Frontage (in Feet): 1) 212' 2) na 3) na 4) na 5) na

To the Honorable Board of Adjustment :

Owner of Property/or Principal: BG Brookview Partners LTD

Applicant: Santos T. Martinez Telephone: _____

Mailing Address: 4907 BROOKVIEW DR Zip Code: 75220

Represented by: Masterplan Telephone: 214-761-9197

Mailing Address: 900 Jackson #640 Zip Code: 75202

Affirm that a request has been made for a Variance X or Special Exception X, of to the landscape regulations with an alternate landscape plan and variance to the off-street parking requirement for a 6' screening fence.

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 was developed in 1962 with a structure placed at a zero setback along the alley. New owner seeks to complete an interior remodel of this vacant building. A strict interpretation of the landscape regulations requires that ten feet of the existing building be removed to establish a buffer strip along the alley. The owner seeks an exception to this provision of the code in order to maintain the existing building. All other required landscaping elements will be maintained on the property. Property grade is lower than surrounding residential regulations and screen fence will create a hazard.

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

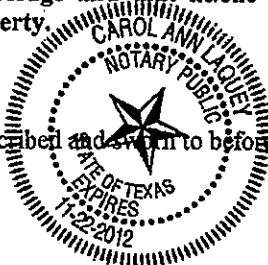
[Signature]
Applicant's signature

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/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 21 day of October, 2011



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman

Building Official's Report

I hereby certify that **SANTOS MARTINEZ**

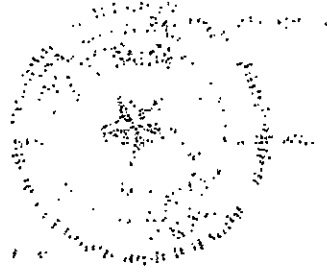
did submit a request for a special exception to the landscaping regulations, and for a variance to the off-street parking regulation

at **1703 N. Beckley Avenue**

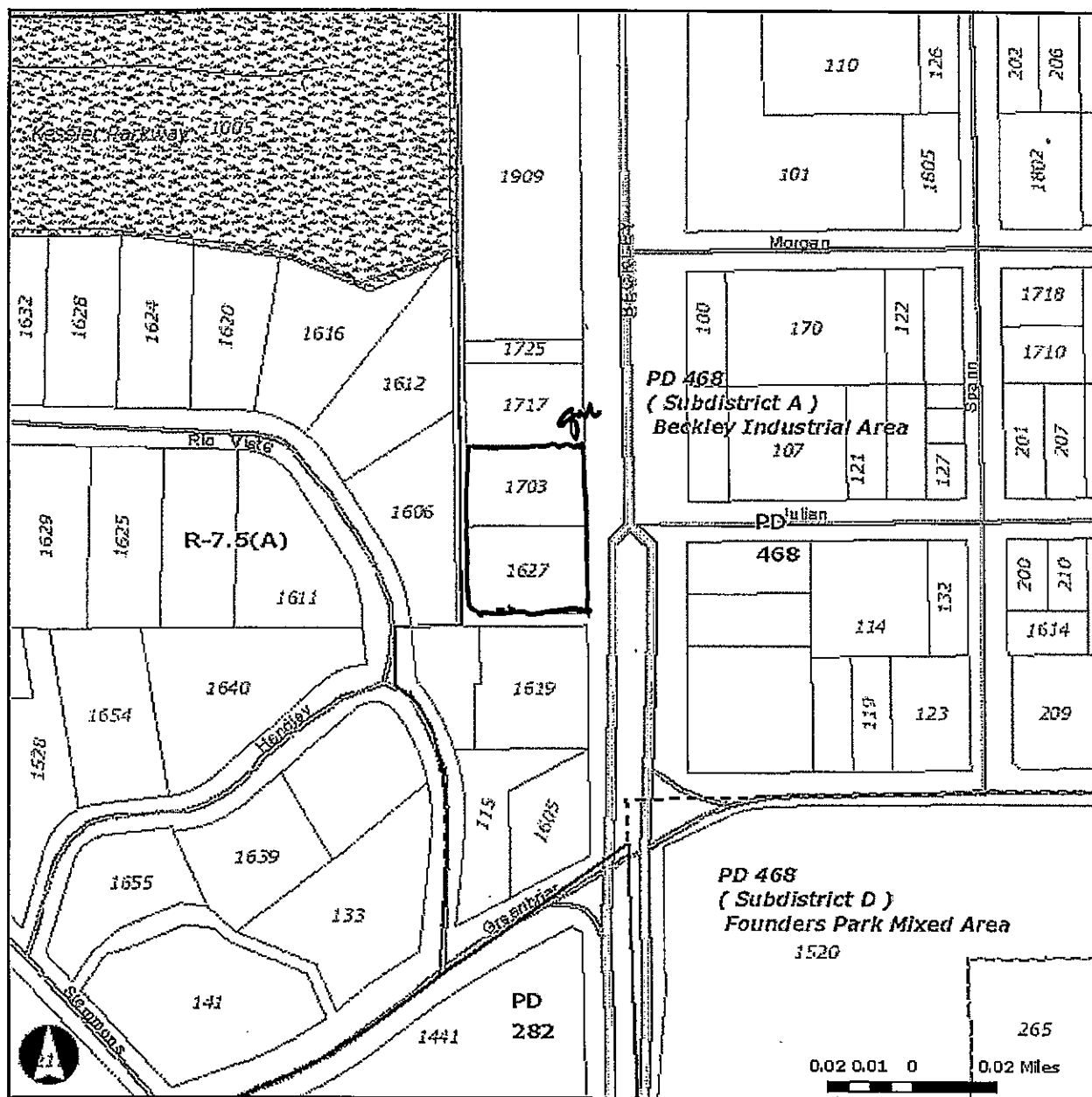
BDA101-126. Application of Santos Martinez for a special exception to the landscaping regulations and a variance to the off-street parking regulations at 1703 N. Beckley Avenue. This property is more fully described as lot 1A in city block 3/4634-1/2 and is zoned PD-468 (Subdistrict A), which requires mandatory landscaping and requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct and maintain a nonresidential structure and not provide the required screening to separate the parking area from a contiguous residential use which will require a variance to the off-street parking regulation.

Sincerely,

Lloyd Denman
Lloyd Denman, Building Official



City of Dallas Zoning



- | | | |
|-------------------|-----------------------|-------------------------|
| County | SUP | PD Subdistricts |
| Certified Parcels | Dry Overlay | PD193 Oak Lawn |
| DISD Sites | D | PDS Subdistricts |
| Council Districts | D-1 | Base Zoning |
| Waterways | Historic Overlay | Pedestrian Overlay |
| Parks | Historic Subdistricts | CP |
| Major Lakes | NSO Overlay | SP |
| | NSO Subdistricts | Environmental Corridors |



THE CITY OF DALLAS HAS REVIEWED THIS PLAN FOR COMPLIANCE WITH THE CITY OF DALLAS LANDSCAPE AND LANDSCAPE COMPLIANCE HANDBOOK. THIS REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE CITY OF DALLAS DOES NOT ASSUME ANY LIABILITY FOR DAMAGES OF ANY KIND, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING THE SERVICES OF A QUALIFIED PROFESSIONAL ENGINEER OR ARCHITECT TO OBTAIN THE NECESSARY PERMITS AND FOR OBTAINING THE SERVICES OF A QUALIFIED PROFESSIONAL LANDSCAPE ARCHITECT TO OBTAIN THE NECESSARY PERMITS.

CITY OF DALLAS LANDSCAPE AND LANDSCAPE COMPLIANCE HANDBOOK REQUIREMENTS

SITE TREES	ONE TREE PROVIDED FOR EACH 4000 SQ FT OF LOT AREA	PROVIDED
STREET TREES	31660 SF/4660' - 8 TREES	8 TREES
STREET TREES	ONE LARGE TREE PROVIDED FOR 50 LF OF STREET FRONTAGE	PROVIDED
STREET TREES	30 LP/60' - 5 TREES	5 TREES
VEGETATION	ONE LARGE CANOPY AND THREE LARGE EVERGREENS PER 5000 SQ FT OF LOT AREA	1 LG. EVER. SHRUBS 3 LG. CANOPY
VEGETATION	80 LP/60' - 3 LG. EVER. SHRUBS	3 LG. EVER. SHRUBS
VEGETATION	NO REQUIRED PARKING SPACE LOCATED MORE THAN 100 FT FROM LARGE CANOPY TREE.	

DESIGN STANDARDS - 2 PROVIDED
 - ENHANCED VEHICULAR PARKING, MIN. 25%
 - FOUNDATION PLANTING

TREE REMOVAL

Number	DISH	Common Name	Comment
101	20"	MAGNOLIA	PRESERVE
102	24"	PECAN	PRESERVE
103	34"	PECAN	PRESERVE
104	28"	PECAN	OFF SITE
105	11"	CEGAR BUSH	OFF SITE
106	8"	ASH	OFF SITE

TOTAL CALIPER INCHES TO LOT: 100"
 TOTAL CALIPER INCHES PERMITTED: 100"
 # CALIPER INCHES REMOVED: 0"

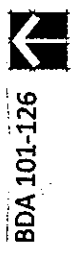
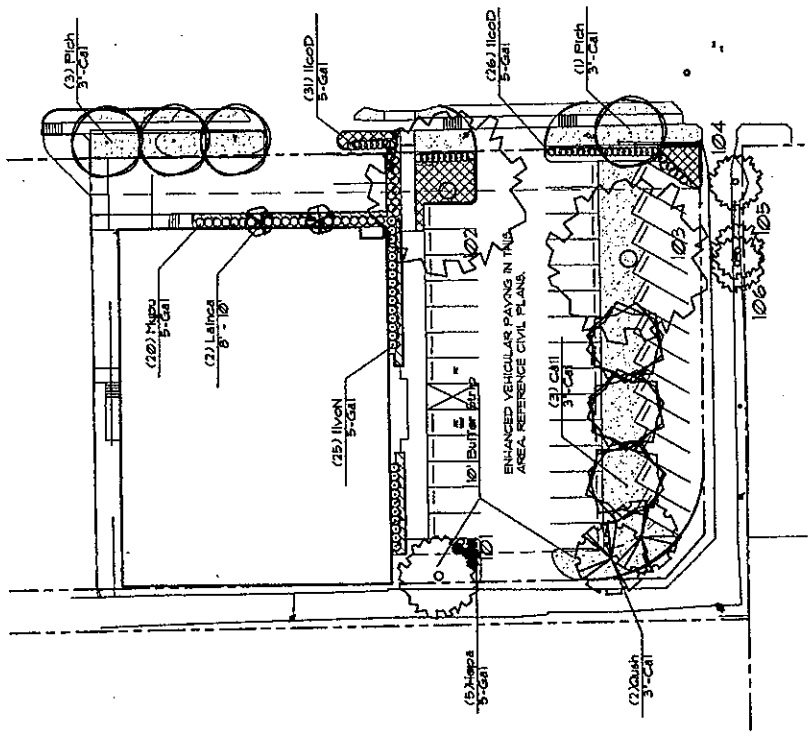


- PLANTING NOTES:**
- PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
 - ALL PLANTING SHALL BE DONE BY THE CONTRACTOR'S REPRESENTATIVE.
 - PROTECT ALL EXISTING TREES AND PLANTS TO REMAIN. ALL PLANT MATERIAL SHALL BE PROTECTED AND MAINTAINED UNTIL PROJECT ACCEPTANCE.
 - ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEMS. ALL PLANTS TO BE PLANTED IN CONTAINERS WITH 18" OF SLITTED AND FULLY BRANCHED, ALL TREES WITH SPREAD 2/3 OF HEIGHT.
 - CONTRACTOR TO PROVIDE OWNER WITH PREPARED PLANTING SCHEDULE AND MAINTENANCE PLAN. MAINTENANCE PLAN SHALL BE SUBMITTED WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE.
 - IF EXISTING TREES OR ALL OTHER PLANTS ARE LOCATED AS OUTLINED IN SPECIFICATIONS, THESE TREES ARE TO BE PRESERVED AND SET BACK FROM CURB 3 FT.
 - SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS.
 - ALL PLANTING SHALL BE DONE BY THE CONTRACTOR'S REPRESENTATIVE. ALL PLANTING SHALL BE DONE INCLUDING BUT NOT LIMITED TO TELEPHONE, TELECASTER, ELECTRIC, GAS, WATER AND OTHER ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
 - IF EXISTING TREES ARE SHOWN TO REMAIN, CONTRACTOR SHALL PRUNE AS DIRECTED BY OWNER'S REPRESENTATIVE. ALL PRUNING SHALL BE DONE BY THE CONTRACTOR'S REPRESENTATIVE AND DEBRIS TO BE REMOVED FROM SITE. ALL OTHER INVASIVE GROWTH AND ALL INTERFERING BRANCHES MAKE ALL CUTS FLUSH TO REMAINING LIPS, RETAIN NATURAL APPEARANCE. ALL PRUNING SHALL BE SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
 - QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY QUANTITIES.
 - INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS, REFER TO SPECIFICATIONS FILE ALL CORNERS SMOOTH.
 - INSTALL CORNER EDGING (OR EQUAL) WHERE MANUFACTURES SLOPE OF 4:1 OR GREATER.
 - AT TIME OF PLANT PREPARATION, SEASONAL PLANT RESPONSIBILITY OF THE CONTRACTOR TO BEHOLD AND RESERVE ALL BID PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. CONTRACTOR TO HOLD BID PLANTS FOR LATE SEASON INSTALLATION.
 - GOOD SHADY AREAS W/ST. ARGENTINE, 900 BUNNY AREAS UNDERPADA.

Default Plant Table

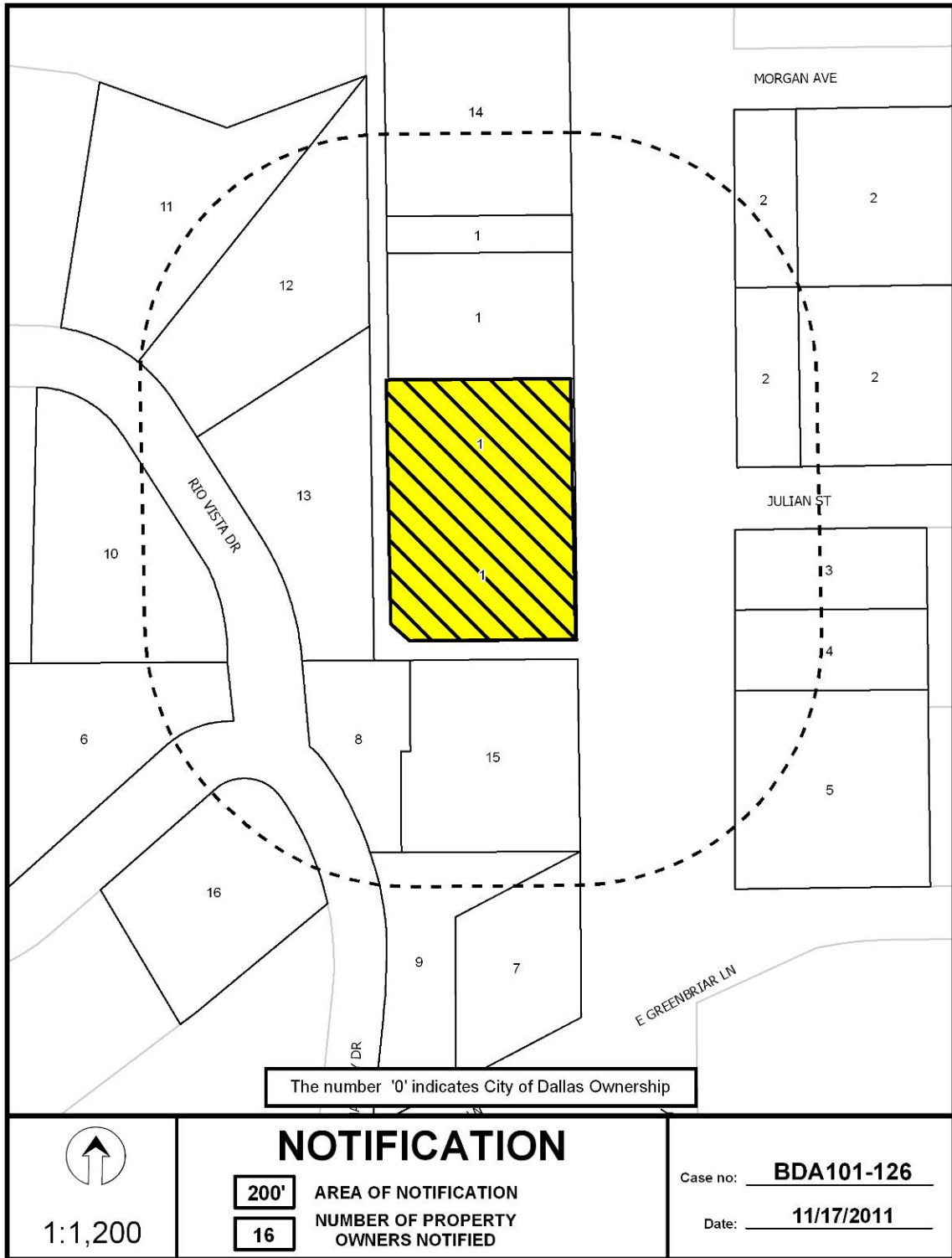
Quantity	Symbol	Scientific Name	Common Name	Code Name	Planting Size	Comments
3	○	Carya ilicifolia	Pechan	Call	3'-Cal	B x B
4	○	Ficus obtusifolia	Chinese Pistache	Fich	3'-Cal	B x B
51	○	Ilex cornuta 'Dwarf Barford'	Dwarf Barford holly	Ilecd	5'-Gal	24' OC
25	○	Ilex vomitoria 'Nana'	Dwarf yucca	Ilyvn	5'-Gal	36' OC
2	○	Lagerflora indica 'Calamita'	Calamita crape myrtle	Lainca	8' - 10'	3 to 5 Calves
20	○	Myrica pauciflora	Dwarf Wax Myrtle	Mydn	5'-Gal	36' OC
2	○	Quercus muhlenbergii	Shrubbed oak	Quhn	3'-Cal	B x B
5	○	Hesperaloe parviflora	Red yucca	Hepra	5'-Gal	48' OC
110	○	Liriodendron tulipifera 'Big Blue'	Big Blue' tulip	Liru	4' pot	12' OC
545	○	Tetradlea peruviana	Asian Jasmine	Traa	4' pot	12' OC

NOTE:
 NO LANDSCAPE PLANTINGS WITHIN 18" OF PARKING LOT CURBS.



TREE PRESERVATION AND LANDSCAPE PLAN





Notification List of Property Owners

BDA101-126

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1725 BECKLEY AVE	BG BROOKVIEW PARTNERS LTD
2	170 BECKLEY AVE	DALLAS COUNTY SCHOOLS
3	1616 BECKLEY AVE	STEWARD MICHAEL
4	1620 BECKLEY AVE	STEWARD MICHAEL LEE
5	1612 BECKLEY AVE	METHODIST HOSPITALS OF DALLAS % DIRECTOR
6	1640 HANDLEY DR	MALLINSON LUKE W & LESLEE J
7	1605 BECKLEY AVE	AUSBROOKE STE 520
8	1620 HANDLEY DR	KAVANAGH PETER
9	115 GREENBRIAR LN	RENNER DARWIN S
10	1611 RIO VISTA DR	CHERNOCK CHRISTIAN S
11	1616 RIO VISTA DR	SMITH ELIZABETH
12	1612 RIO VISTA DR	TRAYLOR GARY L & JANET TRAYLOR
13	1606 RIO VISTA DR	SIMPSON RANDALL SCOTT & NEISHA STEWART
14	1909 BECKLEY AVE	BURDINE INDUSTRIES INC
15	1619 BECKLEY AVE	AUSBROOKE SUITE 1080 LB
16	1629 HANDLEY DR	HOMAN KATHERINE

FILE NUMBER: BDA 101-129

BUILDING OFFICIAL'S REPORT:

Application of Ethan Davis for a special exception to the fence height regulations at 15315 Leavalley Drive. This property is more fully described as Lot 12 in City Block 12/8188 and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 9 foot high fence, which will require a special exception of 5 feet.

LOCATION: 15315 Leavalley Drive

APPLICANT: Ethan Davis

REQUEST:

- A special exception to the fence height regulations of 5' is requested in conjunction with constructing and maintaining a 6' high stone wall (with a 9' high arched pedestrian gateway/opening) and wood fence to be located in one of the site's two required front yards on a site developed with a single family home – Winterwood Lane. (No fence proposal is shown to be located in the site's Leavalley Drive required front yard).

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.

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.

GENERAL FACTS:

- The Dallas Development Code provides for front yard provisions for residential districts, specifically stating that if a corner lot in a single family zoning district has two street frontages of unequal distance, the shorter frontage is governed by the front yard regulations, and the longer frontage is governed by the side yard regulations. But the code continues to state that notwithstanding this provision, the continuity of the established setback along street frontage must be maintained.

- The subject site is a property zoned R-10(A) located at the southwest corner of Winterwood Lane and Leavalley Drive. The property has street frontages of unequal distances – the property’s frontage along Winterwood Lane is 136’; the property’s frontage along Leavalley Drive is 120’.
This site has two required front yards - a 30’ required front yard created by a platted building line along its shorter frontage (Leavalley Drive) and a 30’ required front yard (created by another platted building line) along its longer frontage (Winterwood Lane). Regardless of how the site’s Winterwood Lane frontage functions as a side yard on the property and is the longer of the property’s street frontages (which is typically deemed a side yard where a fence can be erected by right at 9’ in height), it is a front yard nonetheless in order to maintain continuity of the required front yards established by the lots west of the site fronting northward onto Winterwood Lane.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9’ above grade, and additionally 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 elevations indicating that the proposal in the 30’ Winterwood Lane required front yard reaches a maximum height of 9’.
- The following additional information was gleaned from the submitted site plan:
 - The proposal located in the Winterwood Lane required front yard over 4’ in height is approximately 80’ in length parallel to the street and approximately 30’ in length *perpendicular* and/or *diagonal* to Winterwood Lane on the east and west sides of the site in the required front yard. (Note that the submitted elevations show that the proposed fence parallel to Winterwood Lane and on the west side of the site in the Winterwood Lane required front yard 6’ in height and of “treated cedar” and the proposed fence on the east side of the site in the Winterwood Lane required front yard to be 6’ in height with a 9’ high archway at a pedestrian opening and of “Austin builders stone (both sides) to match the house construction.”)
 - The proposal is shown to be located on the site’s Winterwood Lane front property line or 13’ from the curb line.
- One single family home is located directly north of the site – a home with no fence and a home that fronts eastward onto Leavalley Drive as does the home on the subject site.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)

South: R-10(A) (Single family district 10,000 square feet)
East: R-10(A) (Single family district 10,000 square feet)
West: R-10(A) (Single family district 10,000 square feet)

Land Use:

The subject site is developed with a single family home. The areas to the north, south, and west are developed with single family uses; and the area to the east is developed as a public park (Kiowa Parkway 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.

Timeline:

October 21, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 11, 2011: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

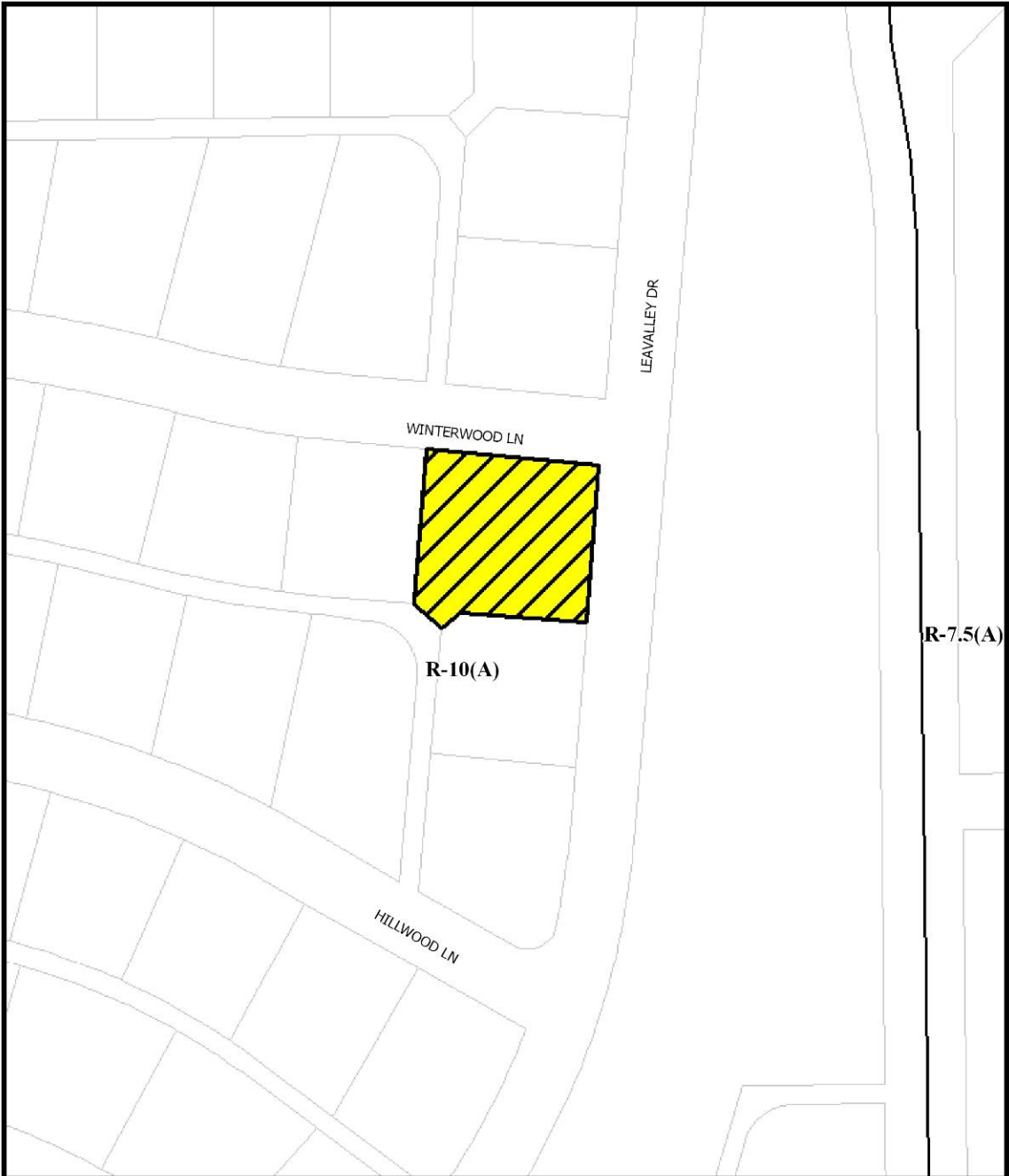
November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

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

December 2, 2011: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 6' high stone wall (with a 9' high arched pedestrian gateway/opening) and wood fence to be located in one of the site's two required front yards on a site developed with a single family home – Winterwood Lane. (No fence proposal is shown to be located in the site's Leavalley Drive required front yard).
- The subject site is a property zoned R-10(A) located at the southwest corner of Winterwood Lane and Leavalley Drive. The property has two required front yards - a 30' required front yard created by a platted building line along its shorter frontage (Leavalley Drive) and a 30' required front yard (created by another platted building line) along its longer frontage (Winterwood Lane). Regardless of how the site's Winterwood Lane frontage functions as a side yard on the property and is the longer of the property's street frontages (which is typically deemed a side yard where a fence can be erected by right at 9' in height), it is a front yard nonetheless in order to maintain continuity of the required front yards established by the lots west of the site fronting northward onto Winterwood Lane.
- The submitted elevations show that the proposed fence parallel to Winterwood Lane and on the west side of the site in the Winterwood Lane required front yard 6' in height and of "treated cedar," and the proposed fence on the east side of the site in the Winterwood Lane required front yard to be 6' in height with a 9' high archway at a pedestrian opening and of "Austin builders stone (both sides) to match the house construction."
- One single family home is located directly north of the site – a home with no fence and a home that fronts eastward onto Leavalley Drive as does the home on the subject site.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- As of December 5, 2011, a petition signed by 7 neighbors/owners had been submitted in support of the request and 3 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 5' (whereby the proposal would reach a maximum height of 9' in the site's Winterwood Lane required front yard) would not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted site plan and elevations would assure that the proposal exceeding 4' in height in the Winterwood Lane required front yard would be maintained in the locations and of the heights and materials as shown on these documents.

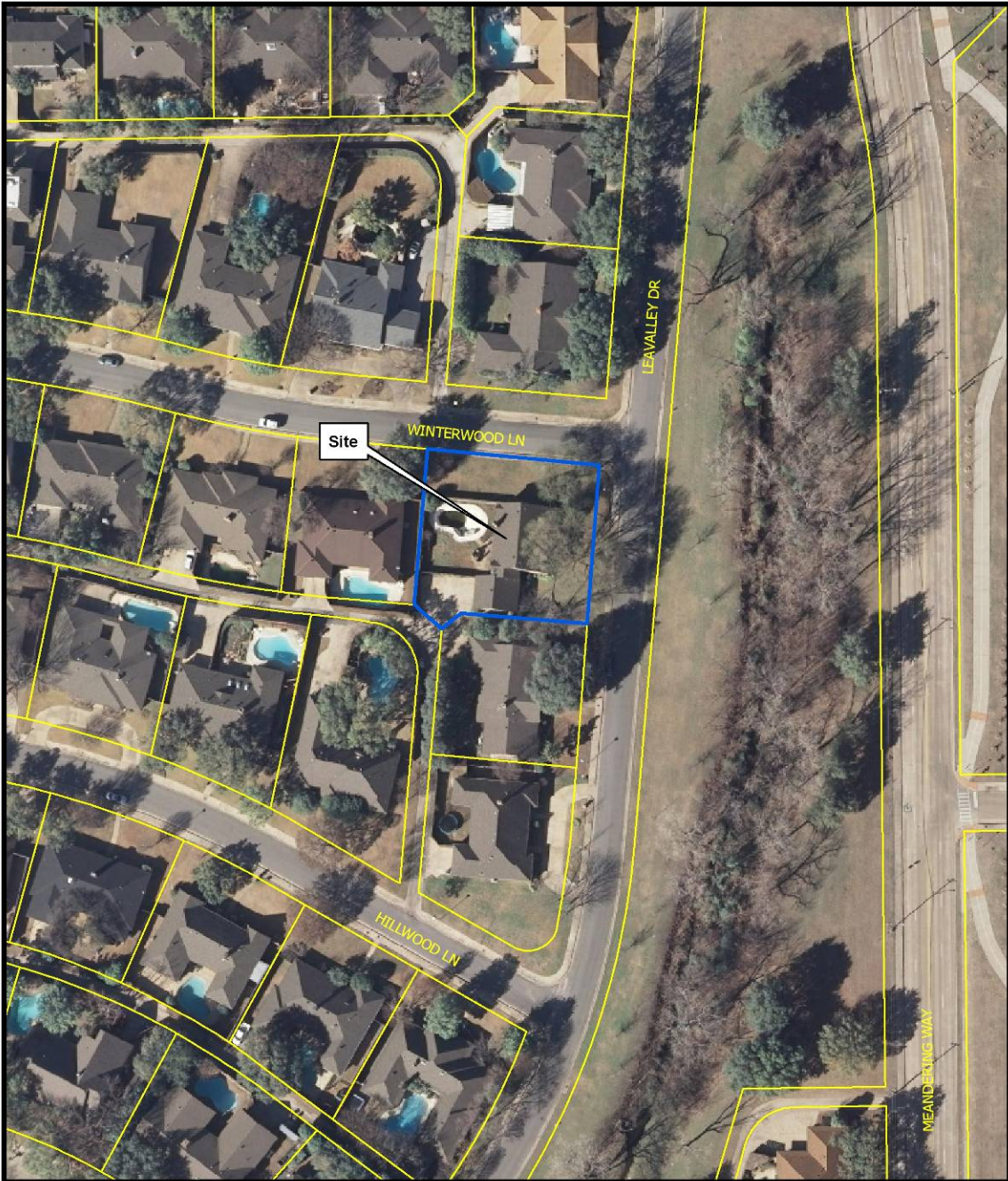


1:1,200

ZONING MAP

Case no: BDA101-129

Date: 11/17/2011



1:1,200

AERIAL MAP

Case no: **BDA101-129**

Date: **11/17/2011**

BDA 101-129
Attach A

Dec 2, 2011
Pg 1

To: Dallas Board of Adjustment

From: Ethan Davis

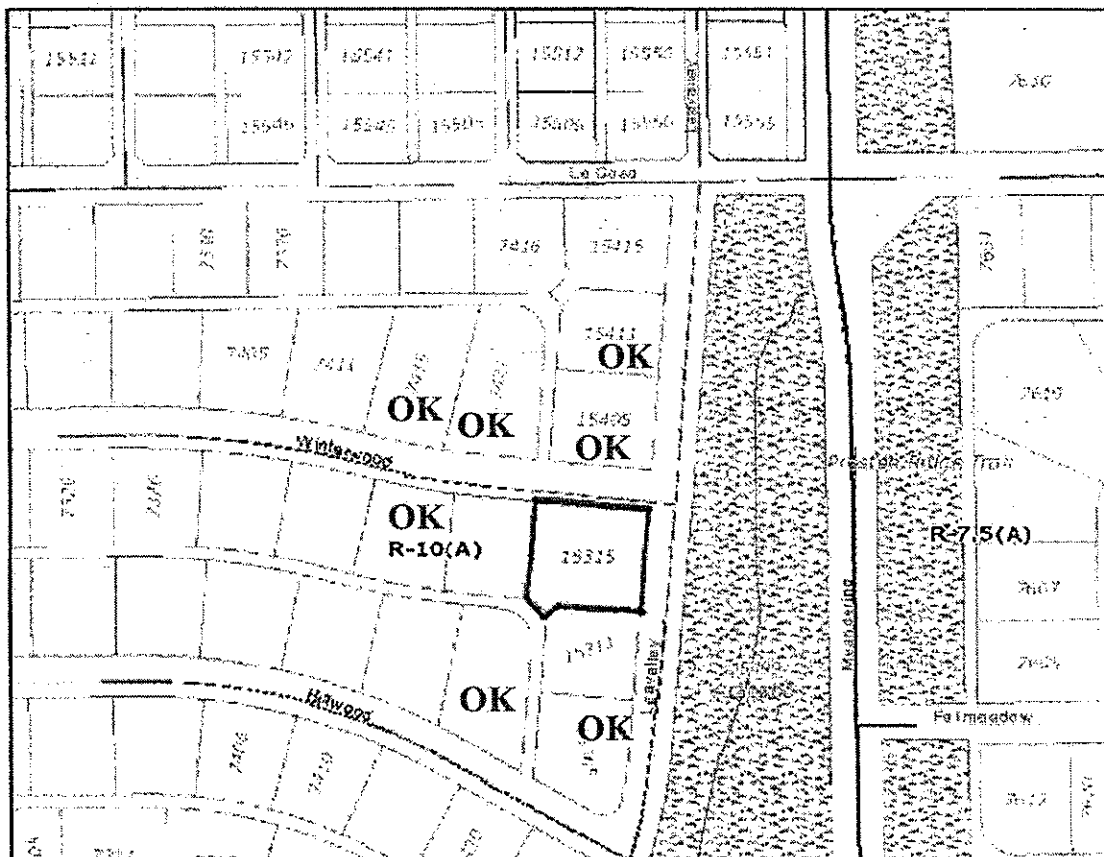
Re: 15315 Leavalley Dr – Case No. BDA 101-129

Dear Dallas Board of Adjustment,

As of Friday December 2, I have received seven signatures for my petition for a fence variance at 15315 Leavalley Dr. that you will find in attached. To put that in pictorial perspective I have created the following map. I will continue to seek approval of other neighbors until the hearing on January 12. Thank you for your attention to this issue.

Regards, Ethan

City of Dallas Zoning



Petition for approval of Case No. BDA 101-129

I have reviewed the plan for a fence to be built on the Winterwood side of 15315 Leavalley Dr and have no objection.

#1) Signed: Stanley Shulkin Date: 11-13-11

Name Printed: STANLEY SHULKIN

Address: 15405 LEAVALLEY DRIVE

#2) Signed: Geoffrey Howland Date: 11-13-11

Name Printed: GEOFFREY HOWLAND

Address: 7421 WINTERWOOD LANE

#3) Signed: Mike Hardy Date: 11/20/11

Name Printed: MIKE HARDY

Address: 7421 HILLWOOD LANE, DALLAS, TX 75248

#4) Signed: Nancy Hearn Date: 11/20/11

Name Printed: Nancy Hearn

Address: 15305 Leavalley Dr., Dallas 75248

Petition for approval of Case No. BDA 101-129

I have reviewed the plan for a fence to be built on the Winterwood side of 15315 Leavalley Dr and have no objection.

#5) Signed: Barbara Hoppman Date: 11-27-11
 Name Printed: Barbara Hoppman H Philly Hoppman
 Address: 15411 Leavalley Dr. Dallas, TX

#6) Signed: Roger J. Stierman Date: 11/27/11
 Name Printed: Roger J. Stierman
 Address: 7415 Winterwood Dallas TX

#7) Signed: Michael W. Sawa Date: 11-27-11
 Name Printed: MICHAEL W. SAWA
 Address: 7416 WINTERWOOD LN. DALLAS, TX

#8) Signed: _____ Date: _____
 Name Printed: _____
 Address: _____



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-129

Data Relative to Subject Property:

Date: 10/21/2011

Location address: 15315 Leavalley Drive, Dallas 75248 Zoning District: R-10(A)

Lot No.: 12 Block No.: 12/8188 Acreage: .37 Census Tract: 136.07

Street Frontage (in Feet): 1) 120ft 2) 136ft 3) 4) 5)

NE3N

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ethan Davis

Applicant: Ethan Davis Telephone: 214 228 7259

Mailing Address: 15315 Leavalley Dr, Dallas TX Zip Code: 75248

E-mail Address: ethan@ti.com

Represented by: Self Telephone:

Mailing Address: Zip Code:

E-mail Address:

ETD

Affirm that an appeal has been made for a Variance, or Special Exception X, of Request a special exception of 5 feet for construction of fence in a front yard. The majority of the proposed fence is six feet tall, but a small section of the proposed stone fence is nine feet tall around the gate.

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:

ETD

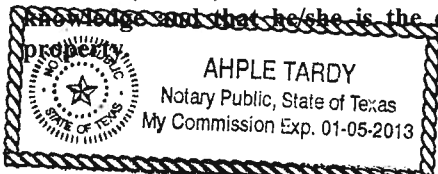
Improvement of property value by expand backyard fence to enable larger ornamental flower garden. In addition the neighbors have expressed their approval for the fence.

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 Ethan Davis (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



Respectfully submitted: Ethan Davis (Affiant/Applicant's signature)

Subscribed and sworn to before me this 24 day of October, 2011

[Signature of Notary Public]

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 **ETHAN DAVIS**

did submit a request for a special exception to the fence height regulations
at 15315 Leavalley Drive

BDA101-129. Application of Ethan Davis for a special exception to the fence height regulations at 15315 Leavalley Drive. This property is more fully described as lot 12 in city block 12/8188 and is zoned R-10(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,


Lloyd Denman, Building Official

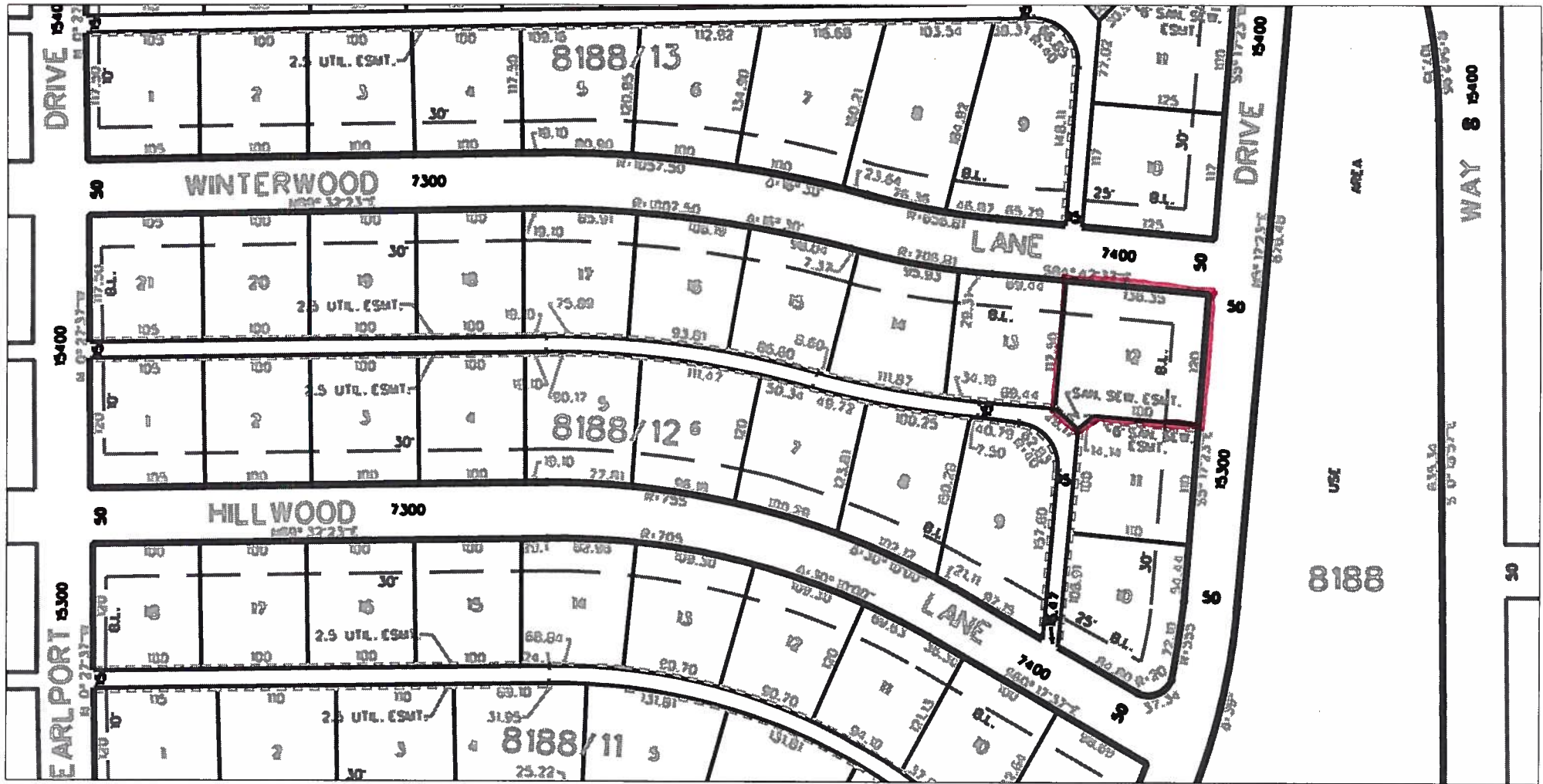
City of Dallas Zoning



- | | | |
|--|--|---|
| <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>Parks</p> <p>Major Lakes</p> | <p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> <p>MD Overlay</p> | <p>PDS Subdistricts</p> <p>Base Zoning</p> <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> <p>CP</p> |
|--|--|---|

ETD

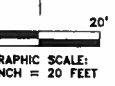
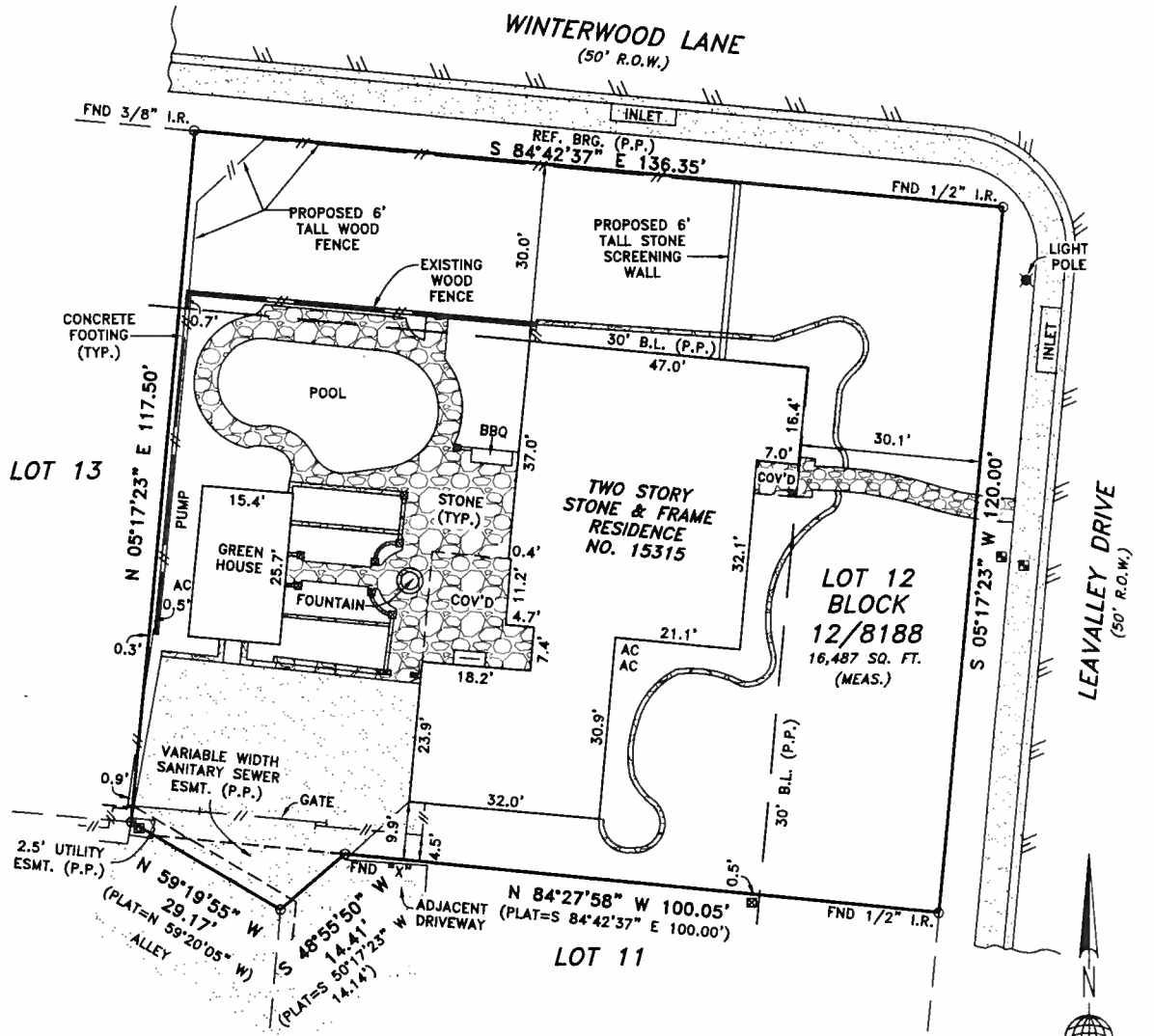
DLA



C:\tax_plats\8188_pt.dgn 10/25/2011 3:52:50 PM

"SURVEY PLAT/SITE PLAN"

LOT 12, BLOCK 12/8188, OF SIXTH SECTION, PRESTONWOOD ESTATES, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 71251, PAGE 1988, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.



NOTES:

- (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.
- THE PROPERTY SHOWN HEREON APPEARS TO BE SUBJECT TO THE DALLAS POWER & LIGHT COMPANY AGREEMENT FOR UNDERGROUND EXTENSION OF SINGLE PHASE ELECTRIC SERVICE & SPECIAL STREET LIGHTING RECORDED IN VOLUME 72051, PAGE 989, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS.
- THE PROPERTY SHOWN HEREON APPEARS TO BE SUBJECT TO THE EASEMENTS RECORDED IN VOLUME 72156, PAGE 1072, AND VOLUME 1595, PAGE 485, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS.
- TO THE BEST OF MY KNOWLEDGE AND BELIEF THE EASEMENT RECORDED IN VOLUME 964, PAGE 771, REAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, DOES NOT APPEAR TO CROSS SUBJECT PROPERTY.

ADDRESS: 15315 LEAVALLEY DRIVE

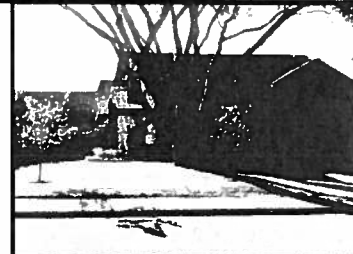
FLOOD STATEMENT:
 ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480171 01851, DATED 08/23/2001, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

CERTIFIED TO: HEXTER-FAIR TITLE | BUYER: DAVIS | DATE: 10/19/2011 | GF#: DP10608333 | TECH: BM | DRAFTER: HLH | JOB NO.: 11-10-062

SYMBOL LEGEND	
—//—	WOOD FENCE
—x—	CHAIN LINK FENCE
—x—	WIRE FENCE
—o—	WROUGHT IRON FENCE
⊙	COLUMN
⊙	POWER POLE
⊙	WATER METER
—+—	POWERLINE
—e—	OVERHEAD SERVICE LINE
⊞	TRANSFORMER AND PAD
⊞	GAS METER
⊞	ASPHALT SURFACE
⊞	CONCRETE

I, JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PERFORMED IN CONNECTION WITH TITLE COMMITMENT OF NO. DP10608333 PROVIDED BY HEXTER-FAIR TITLE REFLECTING ONLY THE EASEMENT(S) LISTED IN SCHEDULE "B" OF SAID COMMITMENT. USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. THIS SURVEY IS NOT VALID WITHOUT A RED SEAL AND SIGNATURE.

Jason L. Morgan
 JASON L. MORGAN RPLS 5587



Global Land Surveying, Inc.
 BDA101-129 SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

GLOBAL LAND SURVEYING, INC.
 2030 AVENUE G, SUITE 1104
 PLANO, TEXAS 75074
 PHONE (972) 881-1700
 FAX (972) 423-1083
 WWW.GLS-INC.COM

15315 Leavalley Drive

North Fence Extension Project

elevation drawings

Title: 15315 Leavalley Fence	
Name: Davis	Date: 10/24/11
Scale:	Sheet: 1

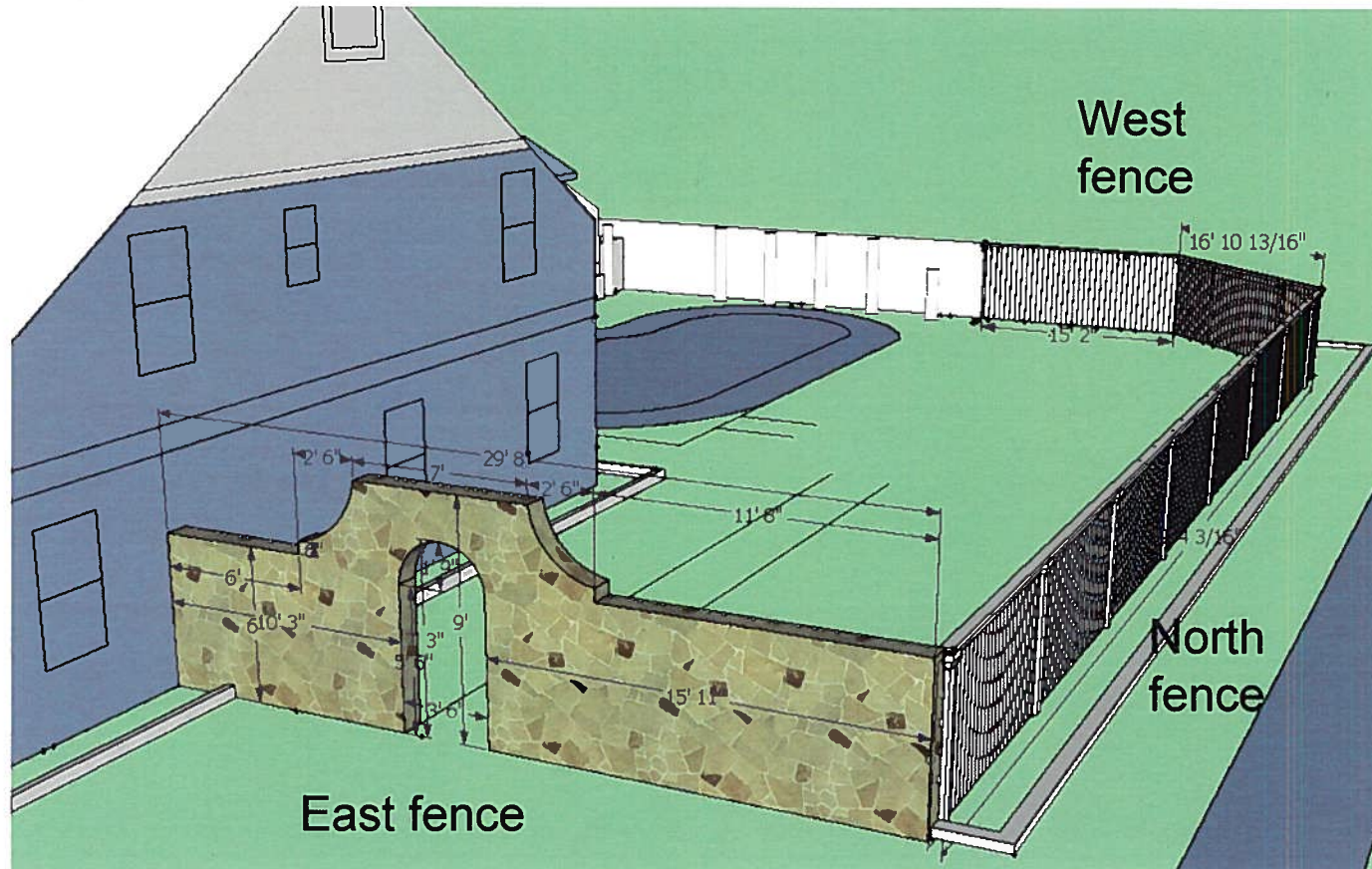
Existing Property View



- The house faces Leavalley but has a 30 foot front yard easement along Winterwood as seen above.
- Owner would like to improve the property value by expanding the backyard fenced area to enclose the side yard.
- Proposed fence will not require removal of any existing trees or shrubs.

Title: 15315 Leavalley Fence	
Name: Davis	Date: 10/24/11
Scale: NA	Sheet: 2

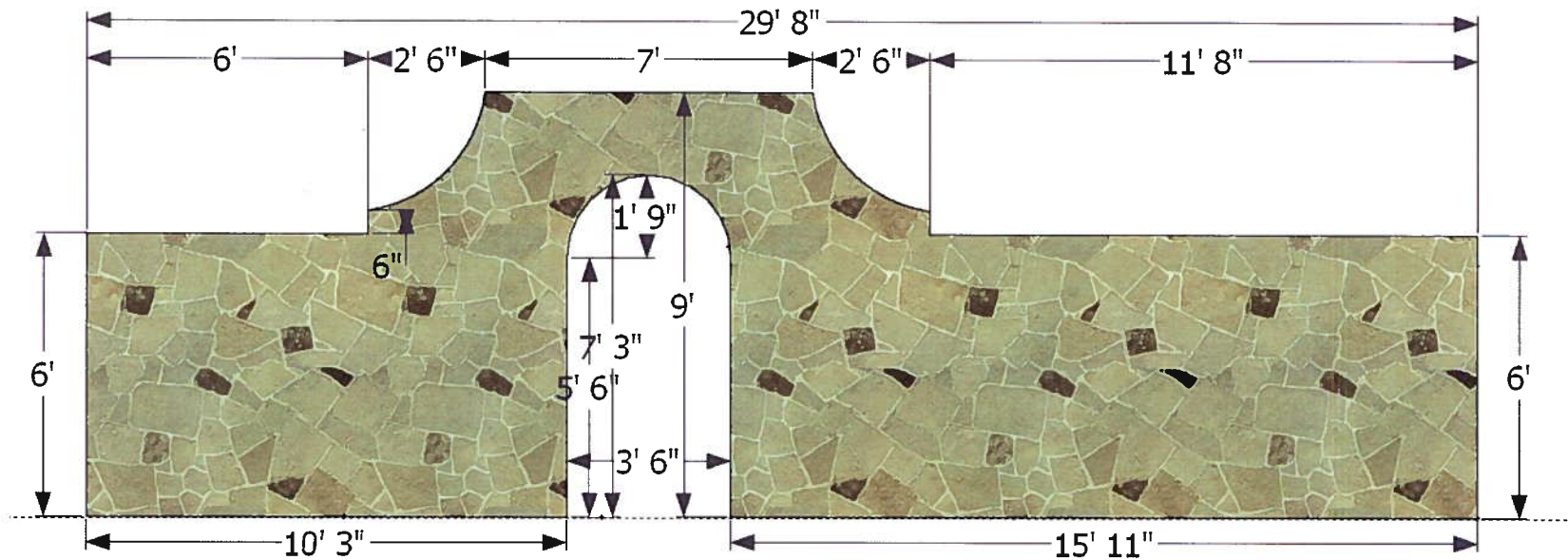
Fence Addition



- East wall made of stone to match house façade. North and west fence made of cedar wood to match rest of backyard fence construction.
- Flower bed to be installed along north and west fences:
 - North flower bed will be planted with hydrangeas and daffodils
 - West flower bed in the corner will be planted with evergreen shrubs and Japanese Maples

Title: 15315 Leavalley Fence	
Name: Davis	Date: 10/24/11
Scale: NA	Sheet: 3

Fence - East Elevation



- Fence to be constructed of Austin builders stone (both sides) to match house construction.
- Fence will have concrete foundation
- Height is 6' with center section 9' high

Title: 15315 Leavalley Fence	
Name: Davis	Date: 10/24/11
Scale: 1in = 4ft	Sheet: 4

Fence - North Elevation

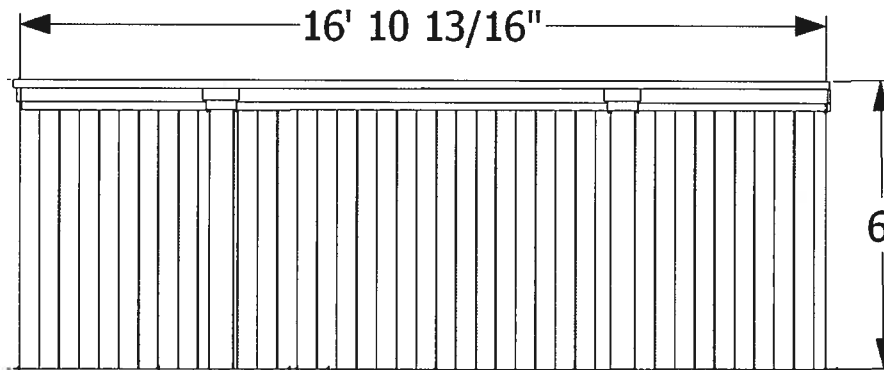


- North and West fences will be constructed of treated cedar wood.
- Height of fence is 6'
- Wood fence to be supported by concrete enforced steel posts every 8'. The steel posts will be located on the inside of the fence.

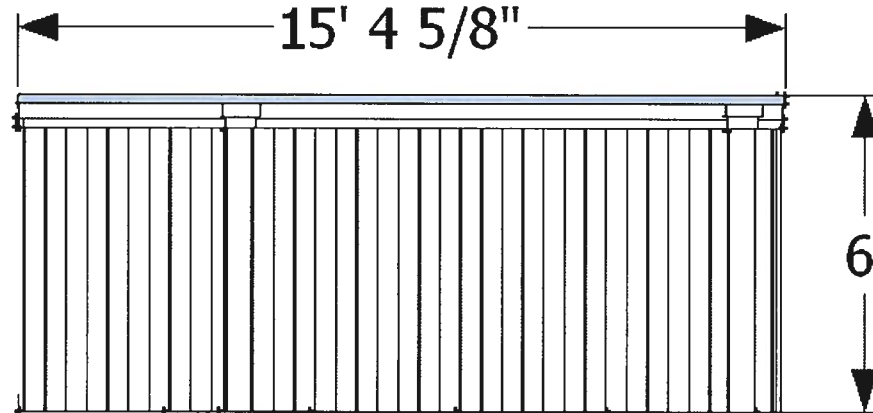
Title: 15315 Leavalley Fence	
Name: Davis	Date: 10/24/11
Scale: 1in = 10 ft	Sheet: 5

Fence - West Elevation

Corner Fence
Section



West Fence
Section



- Six foot high wood fence.
- Fence is angled in corner to enable west flower bed to be planted with evergreen shrubs and Japanese maples.

Title: 15315 Leavalley Fence

Name: Davis

Date: 10/24/11

Scale: 1in = 4ft

Sheet: 6



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA101-129 Date: 11/17/2011
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA101-129

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	15315 LEAVALLEY DR	DAVIS ETHAN D
2	7411 HILLWOOD LN	HILL LAWRENCE & CATHLEEN
3	7415 HILLWOOD LN	MIGLINI RON G
4	7421 HILLWOOD LN	HARVEY SUSAN K
5	15305 LEAVALLEY DR	HEARN CURTIS DALE & NANCY PEELER
6	15311 LEAVALLEY DR	STOLLON NEAL S & MARCY S
7	7420 WINTERWOOD LN	SACK HENRY P & JANA L HOWSER
8	7416 WINTERWOOD LN	SAWA JEANETTE M & MICHAEL W
9	7410 WINTERWOOD LN	KOCH VICKI
10	7415 WINTERWOOD LN	STIERMAN ROGER J & LORI A
11	7421 WINTERWOOD LN	HOWLAND GEOFFREY L & LYRIA F
12	15405 LEAVALLEY DR	SHULKIN STANLEY
13	15411 LEAVALLEY DR	HOPPMAN PHILLIP J & BARBARA N

FILE NUMBER: BDA 101-131

BUILDING OFFICIAL'S REPORT:

Application of Tommy Mann, Winstead PC for variances to the front yard setback regulations at 3440 Dickason Avenue. This property is more fully described as Lot 2 in City Block A/1035 and is zoned PD-193 (O-2), which requires front yard setbacks of 20 feet. The applicant proposes to construct and maintain a structure and provide 5 foot front yard setbacks, which will require variances to the front yard setback regulations of 15 feet.

LOCATION: 3440 Dickason Avenue

APPLICANT: Tommy Mann, Winstead PC

REQUESTS:

- Variances to the front yard setback regulations of up to 15' are requested in conjunction with constructing and maintaining according to the submitted revised "development plan" a 230-unit approximately 54,000 square foot structure on vacant/undeveloped property, part of which would be located in the site's 20' front yard setbacks along Dickason Avenue, Sale Street, and Cedar Springs Road.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated how the restrictive area, shape, or slope of the site/lot precludes it from being developed in a manner commensurate with development found on other PD. No. 193 (O-2) zoned lots.

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.

GENERAL FACTS:

- The minimum front yard provisions of 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 line as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the front yard is measured from the front lot line of the building site or the existing right-of-way, whichever creates the greater setback. When the city council by ordinance establishes a specific right-of-way line for a street, the front yard setback is measured from that right-of-way line.
- PD No. 193 states that minimum front yard setback for permitted structures other than single-family structures or structures on residential development tracts on lots zoned O-2 is 20 feet.

The applicant has submitted a revised development plan/site plan indicating a structure that provides a 5’ distance from the Dickason Avenue easement line on the southwest side of the site (or 15’ into the 20’ front yard setback), a 15’ 5” distance from the Sale Street easement line or northwest side of the site (or 4’ 7” into the 20’ front yard setback), and a 5’ distance from the Cedar Springs Road easement line on the northeast side of the site (or 15’ into the 20’ front yard setback).

- The site is slightly sloped, generally rectangular in shape, and according to the application, 2.004 acres in area. The site is zoned PD No. 193 (O-2). The site has three front yard setbacks which is typical of any lot that has two street frontages and is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the “no improvements” at 3440 Dickason.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 193 (O-2) Planned Development, Office)
North: PD No. 193 (O-2) Planned Development, Office)
South: PD No. 193 (O-2) Planned Development, Office)
East: PD No. 193 (O-2) (Planned Development, Office)
West: PD No. 193 (O-2) Planned Development, Office)

Land Use:

The subject site is undeveloped. The areas to the north, east, south, and west appear to be developed mostly as residential uses.

Zoning/BDA History:

- | | |
|---|---|
| 1. BDA 101-132, Property at 2918 Sale Street (the lot immediately west of the subject site) | On December 12 2011, the Board of Adjustment Panel C will consider requests for Variances to the front yard setback regulations of up to 15' are requested in conjunction with constructing and maintaining according to the submitted revised "development plan" a 117-unit approximately 38,000 square foot structure on vacant/undeveloped property, part of which would be located in the site's 20' front yard setbacks along Dickason Avenue and Sale Street. |
|---|---|

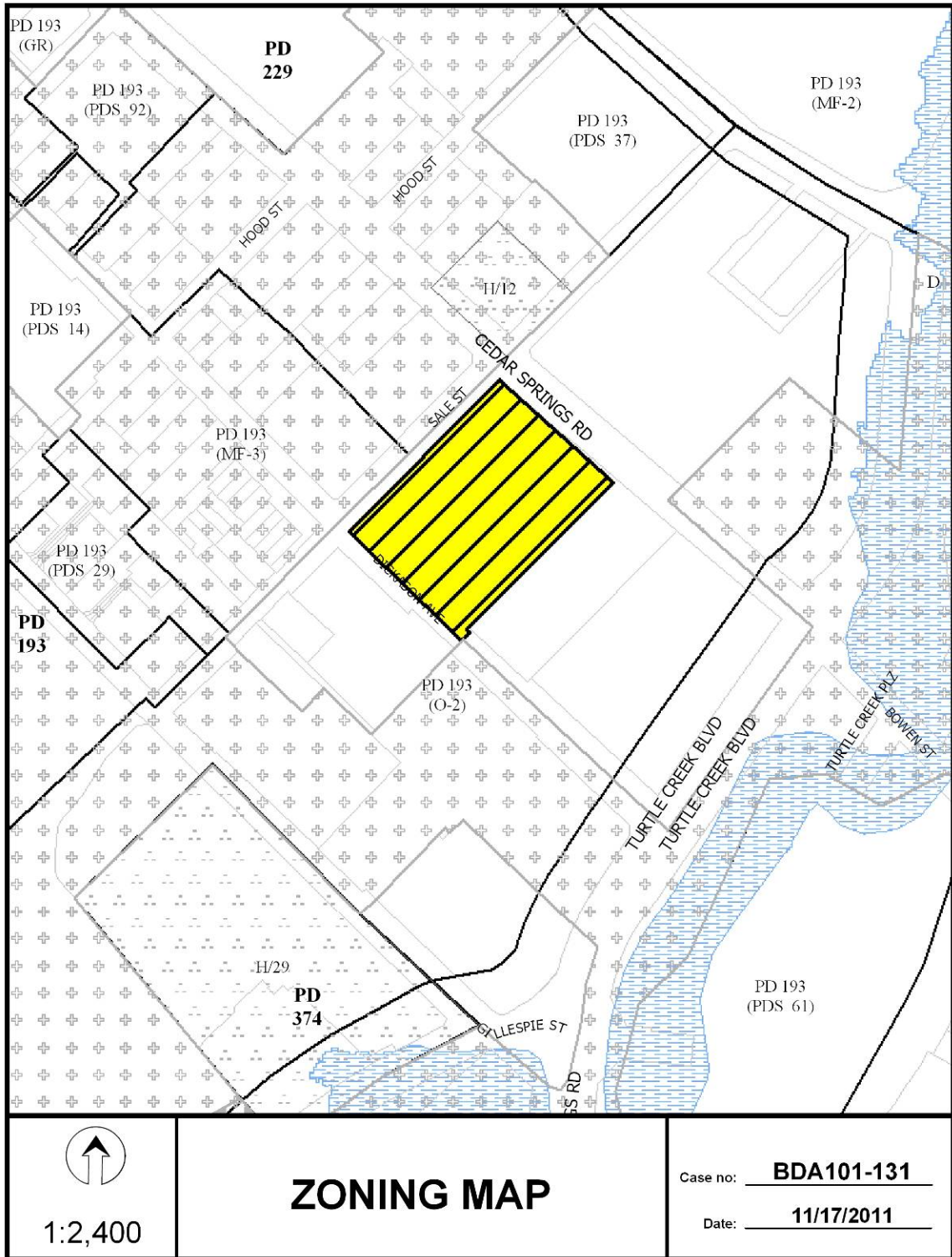
Timeline:

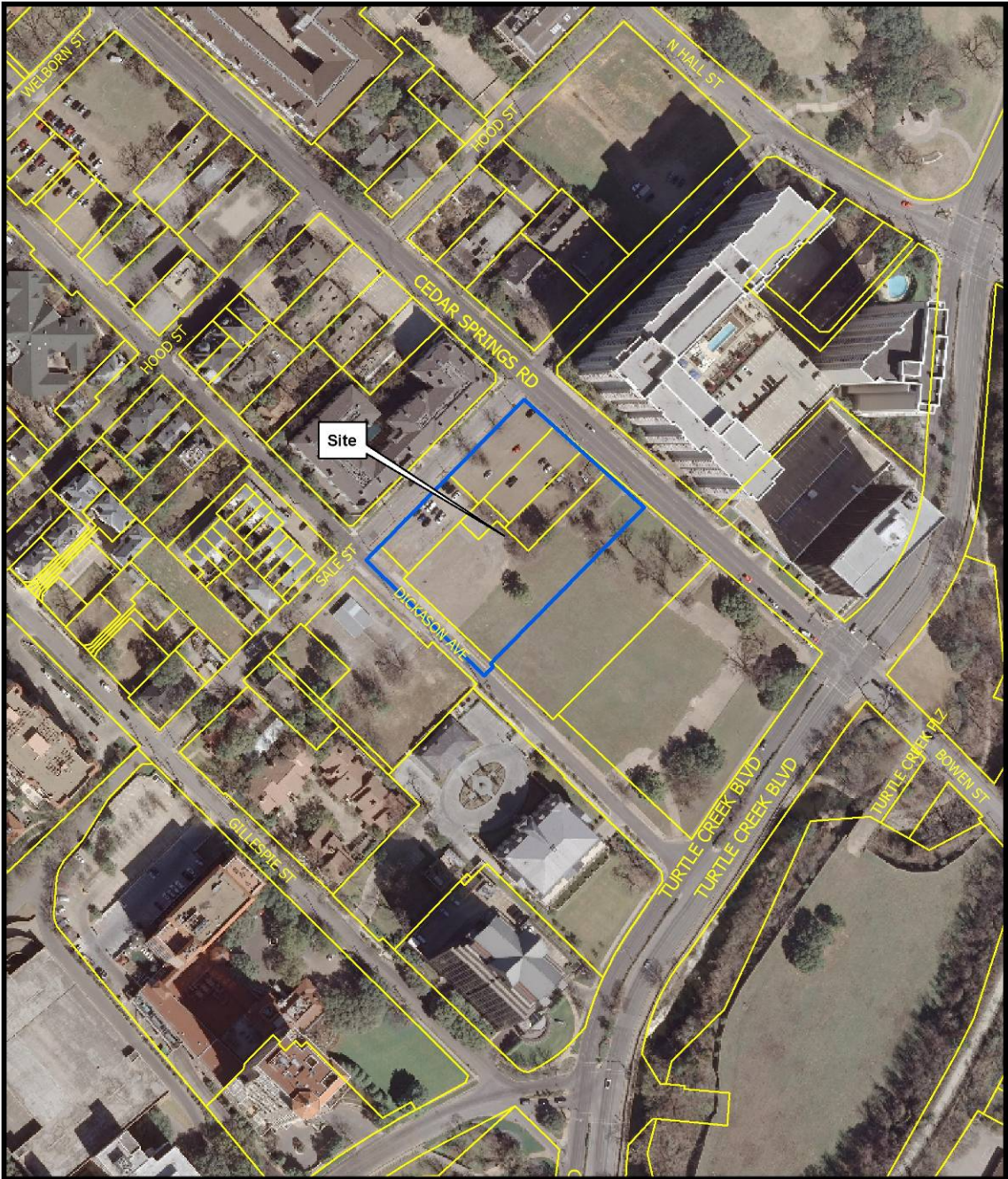
- October 26, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- November 11, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 22, 2011: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

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

STAFF ANALYSIS:

- The requests focus on constructing and maintaining according to the submitted revised “development plan” a 230-unit approximately 54,000 square foot structure on vacant/undeveloped property, part of which would be located in the site’s 20’ front yard setbacks along Dickason Avenue, Sale Street, and Cedar Springs Road.
- The revised development plan/site plan indicates a structure that provides a 5’ distance from the Dickason Avenue easement line on the southwest side of the site (or 15’ into the 20’ front yard setback), a 15’ 5” distance from the Sale Street easement line or northwest side of the site (or 4’ 7” into the 20’ front yard setback), and a 5’ distance from the Cedar Springs Road easement line on the northeast side of the site (or 15’ into the 20’ front yard setback).
- The site is slightly sloped, generally rectangular in shape, and according to the application, 2.004 acres in area. The site is zoned PD No. 193 (O-2). The site has three front yard setbacks which is typical of any lot that has two street frontages and is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the “no improvements” at 3440 Dickason.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to 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 variances are 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 No. 193 (O-2) zoning classification.
 - The variances 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 No. 193 (O-2) zoning classification.
- If the Board were to grant the variance requests, and impose the submitted revised development plan/site plan as a condition, the structure encroaching into the required front yard setbacks would be required to be maintained in the location and to the features shown on this document.





1:2,400

AERIAL MAP

Case no: BDA101-131

Date: 11/17/2011

Steve Long
City Hall Room 5BN

131

Mann, Tommy

From: Mann, Tommy
Sent: Tuesday, November 22, 2011 1:48 PM
To: 'Long, Steve'; 'Duerksen, Todd'
Cc: Williams, Kirk; 'mwolf@jhparch.com'; 'Robert Shaw'
Subject: RE: BDA 101- 131, Property at 3440 Dickason Avenue; and BDA 101-132, Property at 2918 Sale Street

BDA 101-131
Attach A
Pg 1

Steve/Todd,

After re-examining the site plans, our architect has determined that the setbacks need to be corrected as follows:

North of Dickason (BDA 101-131)

Dickason: 5' setback from street easement (i.e. a 15' variance)
Sale: 15' setback from street easement (i.e. a 5' variance)
Cedar Springs: 5' from street easement (i.e. a 15' variance)

South of Dickason (BDA 101-132)

Sale: 15' from street easement (i.e. a 5' variance)
Dickason: 5' from street easement (i.e. a 15' variance)

I am sending copies of the revised plans to each of you this afternoon and will include a hard copy of this email for reference. Please revise the building official's report accordingly, and do not hesitate to give me a call with any questions.

Thanks,
Tommy

Tommy Mann, Attorney

Winstead PC | 5400 Renaissance Tower | 1201 Elm Street | Dallas, Texas 75270
214.745.5724 direct | 214.745.5390 fax | tmann@winstead.com | www.winstead.com

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Friday, November 11, 2011 12:15 PM
To: Mann, Tommy
Cc: Duerksen, Todd
Subject: BDA 101- 131, Property at 3440 Dickason Avenue; and BDA 101-132, Property at 2918 Sale Street

Dear Tommy,

Here is information regarding your applications to the board of adjustment at the addresses referenced above, most of which I believe you are familiar with given your experience with the board:

1. Your application materials- all of which will be incorporated in a docket that is emailed to you and the board of adjustment members about a week ahead of the scheduled December 12th public hearing;
2. The standard as to how the board is able to grant a variance to the front yard setback regulations (51A-3.102(d)(10));

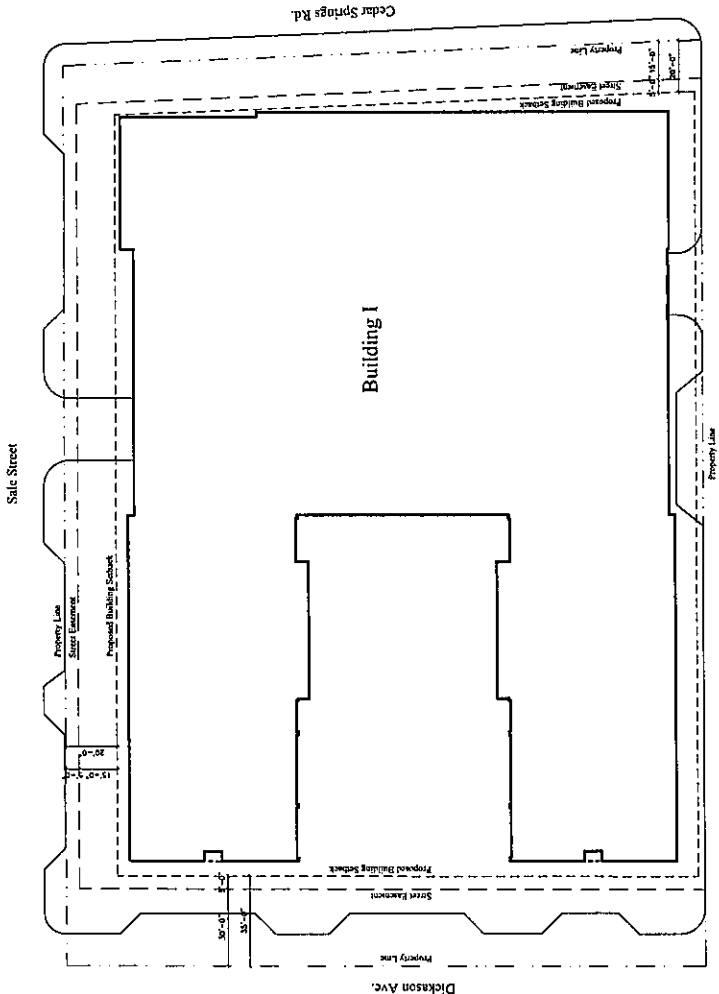


JHP
 Architectural / Urban Design
 2531
 Dallas, Texas 75211
 Telephone: 214-953-6687
 FAX: 214-953-9595

NOT FOR PERMIT OR
 CONSTRUCTION.

Mark, V&P
 Submission Number: 117

GE Cedar Springs
 Dallas, TX



11 Development Plan
 Scale: 1"=20'-0"

BLDG. II PROJECT DATA:

TOTAL UNITS:	117 Units
PARKING REQUIRED:	166 Spaces
PARKING PROVIDED:	173 Spaces
MAX. BLDG. HEIGHT:	100'-0"
BLDG. AREA:	37,893 S.F. Gross
SITE AREA:	54,245 S.F. Gross

BLDG. I PROJECT DATA:

TOTAL UNITS:	219 Units
PARKING REQUIRED:	279 Spaces
PARKING PROVIDED:	264 Spaces
MAX. BLDG. HEIGHT:	100'-0"
BLDG. AREA:	51,522 S.F. Gross
SITE AREA:	83,040 S.F. Gross



DEVELOPMENT PLAN

A101

BDA101-131
 Attachment A
 Pg 2

Long, Steve

BDA 101 - 131

Attach A
Pg 3

From: Mann, Tommy [tmann@winstead.com]
Sent: Tuesday, November 22, 2011 2:52 PM
To: Duerksen, Todd
Cc: Long, Steve; Williams, Kirk
Subject: Revisions to Building Official Reports (BDA 101-131 and 132)
Attachments: 999993-1(2011-11-22 14-46-15)-001.PDF; 999993-1(2011-11-22 14-46-15)-002.PDF

Todd,

Per our previous emails, I have marked on the attached reports the revisions that need to be made to reflect the setbacks shown on our revised site plans. Copies of the revised plans should arrive to each of your offices within the hour. Let me know if you need anything else.

Thanks,
Tommy

Tommy Mann, Attorney

Winstead PC | 5400 Renaissance Tower | 1201 Elm Street | Dallas, Texas 75270
214.745.5724 *direct* | 214.745.5390 *fax* | tmann@winstead.com | www.winstead.com

From: tmann [mailto:omtoolserver]
Sent: Tuesday, November 22, 2011 2:46 PM
To: Mann, Tommy
Subject: MyAccuRoute Delivery

The attached file was processed by the AccuRoute server as requested.

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

Information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

BDA101-131

Attach A
Pg 4

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 Tommy Mann

did submit a request for a variance to the front yard setback regulations
at 3440 Dickason Avenue

BDA101-131. Application of Tommy Mann for a variance to the front yard setback regulations at 3440 Dickason Avenue. This property is more fully described as lot 2 in city block A/1035 and is zoned PD-193 (O-2), which requires front yard setbacks of 20 feet. The applicant proposes to construct a multifamily residential structure and provide a 10 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation, and provide a 14 foot 6 inch front yard setback, which will require a 5 foot variance to the front yard setback regulation, and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback regulation.

15

5

15 foot setback

Sincerely,

Lloyd Denman
Lloyd Denman, Building Official



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-131

Data Relative to Subject Property:

Date: 10-26-11

Location address: 3440 Dickason (AKA) Zoning District: PD 193(0-2)

Lot No.: 1 Block No.: A/1035 Acreage: 2.004 Census Tract: 0005.00

Street Frontage (in Feet): 1) 248.25' 2) 346.41' 3) 253.92' 4) _____ 5) _____

SW22

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Turtle Creek Realty LLC

Applicant: Tommy Mann, Winstead PC Telephone: (214) 745-5724

Mailing Address: 1201 Elm St., suite 5400 Dallas, TX Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance 1, or Special Exception _____, of front yard setback variances as follows: (1) 10 feet on Dickason Ave. (2) 5.5 feet on Sale Street (3) Cedar Springs Rd. of 15 feet

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

The property has multiple front yards and an effectively regular shape due to many street easements that generate setbacks as well as extensive topographical changes on the site

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: Tommy Mann Applicant's name printed [Signature] Applicant's signature

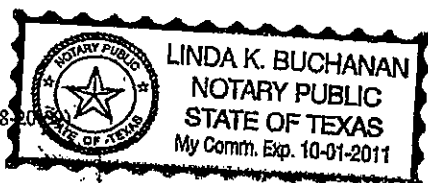
Affidavit

Before me the undersigned on this day personally appeared Tommy Mann 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 26th day of October, 2011

[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 Tommy Mann

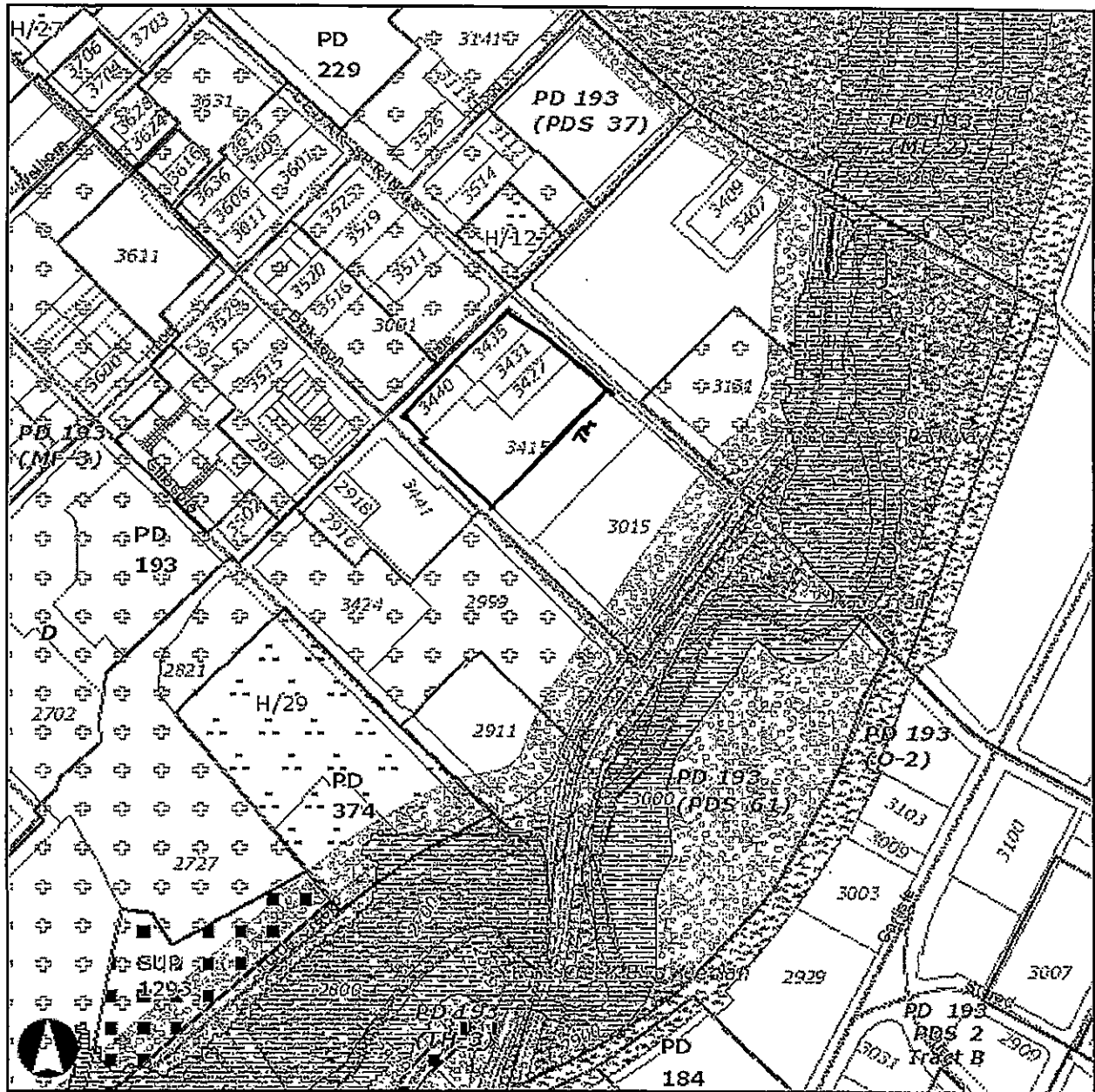
did submit a request for a variance to the front yard setback regulations
at 3440 Dickason Avenue

BDA101-131. Application of Tommy Mann for a variance to the front yard setback regulations at 3440 Dickason Avenue. This property is more fully described as lot 2 in city block A/1035 and is zoned PD-193 (O-2), which requires front yard setbacks of 20 feet. The applicant proposes to construct a multifamily residential structure and provide a 10 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation, and provide a 14 foot 6 inch front yard setback, which will require a 5 foot 6 inch variance to the front yard setback regulation, and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback regulation.

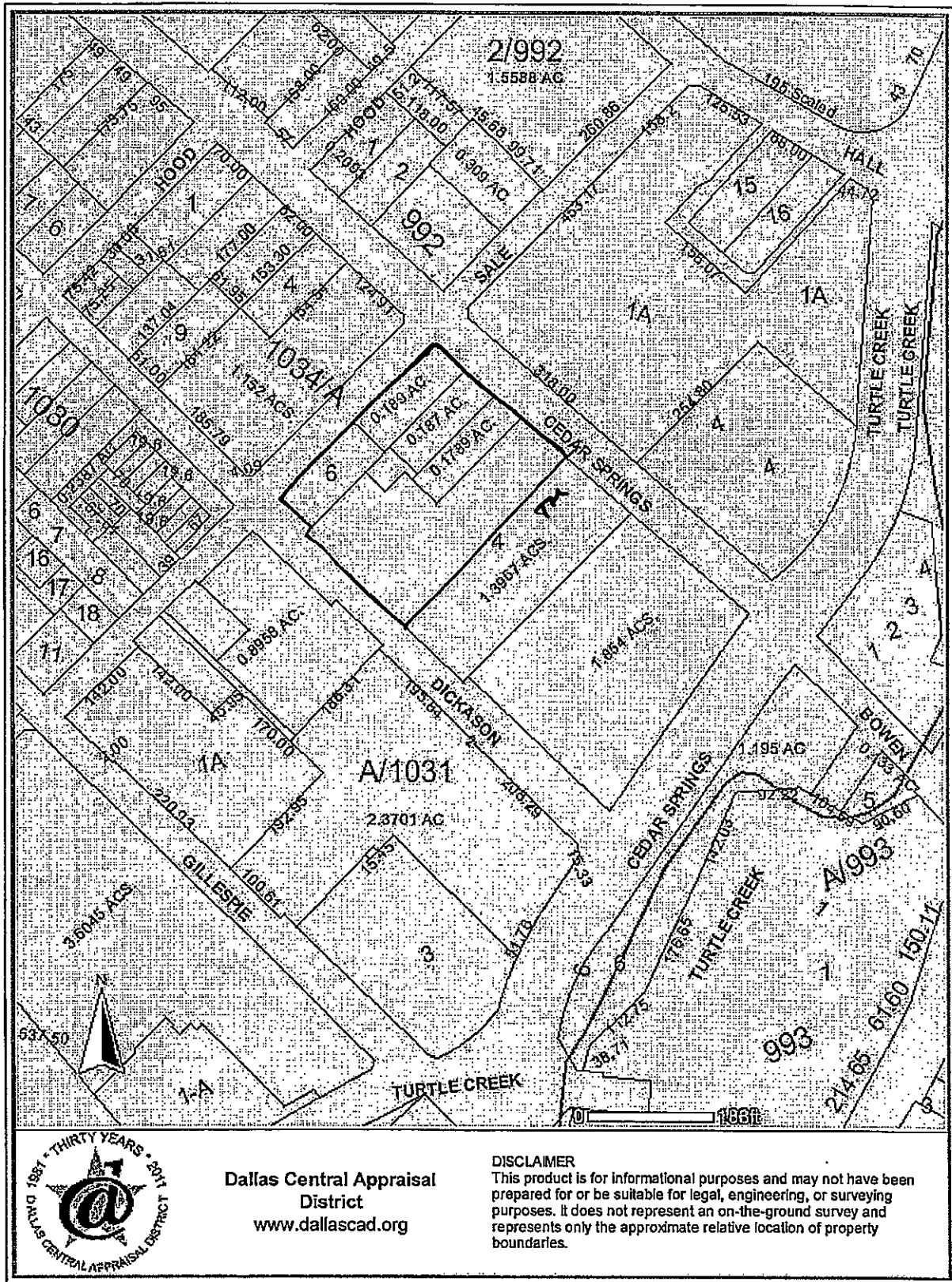
Sincerely,


Lloyd Denman, Building Official

City of Dallas Zoning

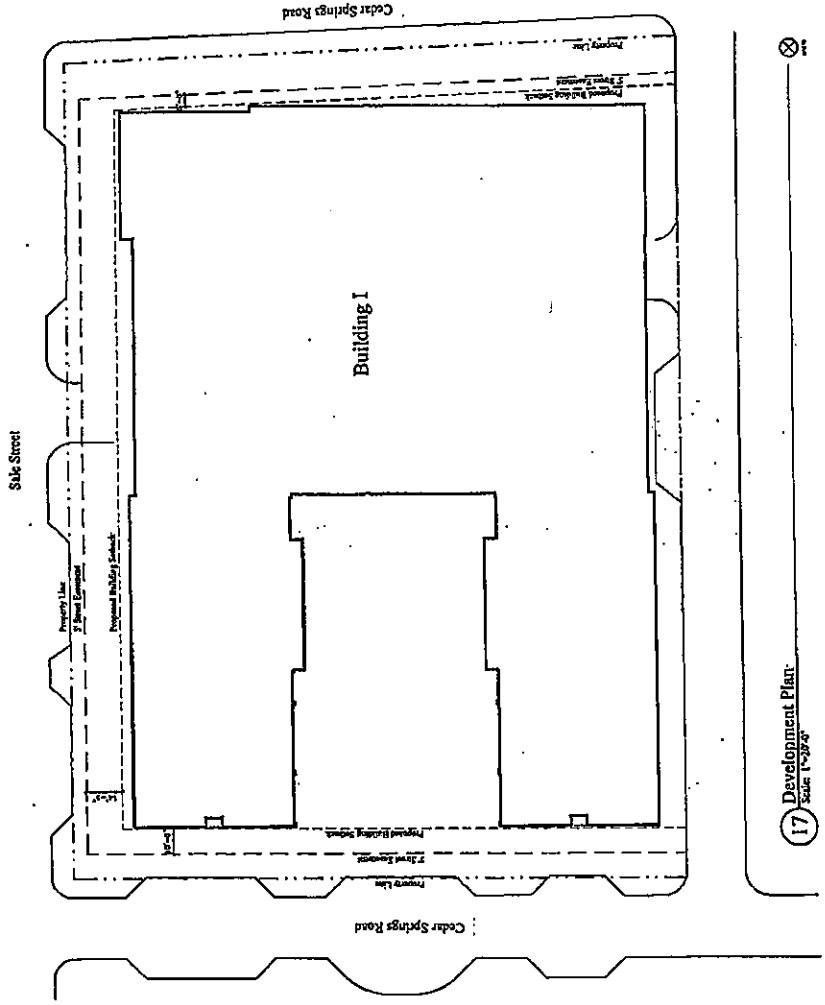


- | | | |
|-------------------|-----------------------|----------------------|
| County | Dry Overlay | PDS Subdistricts |
| Certified Parcels | D | Base Zoning |
| DISD Sites | D-1 | Floodplain |
| Council Districts | Historic Overlay | 100 Flood Zone |
| Waterways | Historic Subdistricts | Mill's Creek |
| Parks | NSO Overlay | Peak's Branch |
| Major Lakes | NSO Subdistricts | X PROTECTED BY LEVEE |
| | MD Overlay | Pedestrian Overlay |
| | | CP |



Dallas Central Appraisal District
www.dallascad.org

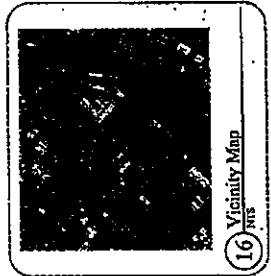
DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



17 Development Plan
 Scale: 1"=30'-0"

PROJECT DATA:

TOTAL UNITS:	238 Units
PARKING REQUIRED:	279 Spaces
PARKING PROVIDED:	244 Spaces
MAX. BLDG. HEIGHT:	100'±
BLDG. AREA:	51,312 S.F. Gross
STTB AREA:	81,000 S.F. Gross



DEVELOPMENT PLAN



CITY OF DALLAS

AFFIDAVIT

BDA Case # 101-131

I, Turtle Creek Realty LLC, Owner of the subject property

at: Sale Street and Dickason Avenue

Authorize (applicant) Winstead PC (Tommy Mann and Kirk Williams)

To pursue an appeal to the City of Dallas Board of Adjustment for the following request (s)

Variance (please specify) Front yard setback variance

Special Exception (please specify)

Other (please specify)

Turtle Creek Realty LLC

10.20.11

Print name of property owner

Signature of property owner

Date

Before me the undersigned on the day of personally appeared Jerry Karr

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 20th day of October, 2011

OWNER:

TURTLE CREEK REALTY, LLC
a Delaware limited liability company

Pat Malone

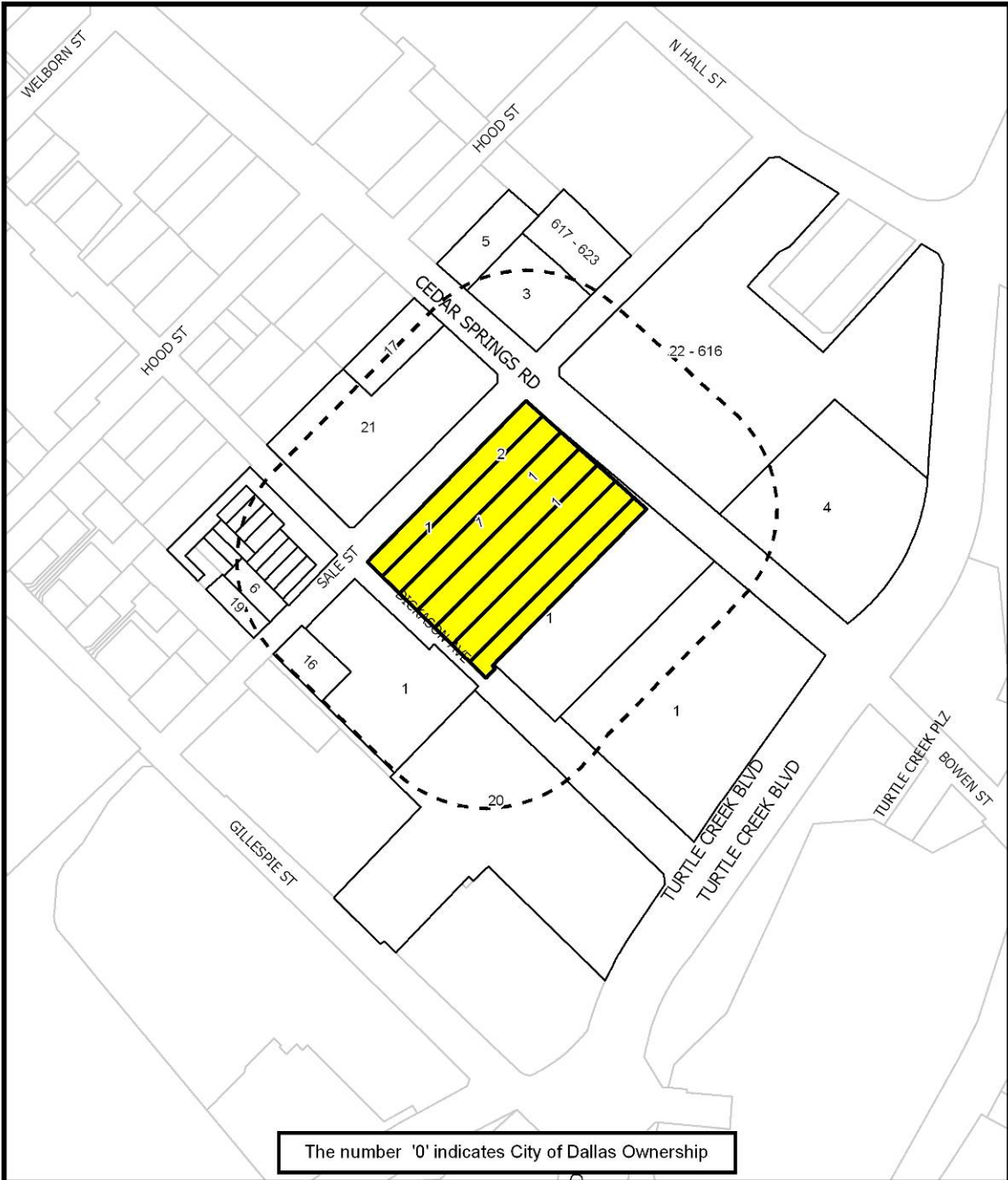
Notary Public on and for

Dallas County, Texas

Commission expires on 5.29.14

By:
Name: Jerry Karr
Title: EVP





 1:2,400	<h2>NOTIFICATION</h2>	Case no: BDA101-131
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">623</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 11/17/2011

Notification List of Property Owners

BDA101-131

623 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3441 DICKASON AVE	LINPRO ESPLANADE LAND %GEN ELECTRIC PENS
2	3435 CEDAR SPRINGS RD	LINPRO ESPLANADE LAND LTD
3	3506 CEDAR SPRINGS RD	BANK OF AMERICA NA ATTN: PATRICIA A PROV
4	3131 TURTLE CREEK BLVD	TCT HOLDING COMPANY STE 214
5	3514 CEDAR SPRINGS RD	CEDAR SPRINGS MGMT LTD
6	2921 SALE ST	PERKINS JOE B LIFE ESTATE REM: SCOTT GRA
7	3509 DICKASON AVE	STREIDL LISA APT 901
8	3509 DICKASON AVE	WAINSCOTT MICHAEL P
9	3507 DICKASON AVE	ROSA EMILIO
10	3505 DICKASON AVE	ADAMS DAVID G BLDG B UNIT 7
11	3505 DICKASON AVE	STILES DONNA M UNIT A
12	3503 DICKASON AVE	HOSFORD LESLIE L SORRELL
13	3503 DICKASON AVE	BARBER MONTY C SUITE 10
14	3501 DICKASON AVE	MORRIS JAMES D & MIRIAM R UNIT 11
15	3501 DICKASON AVE	ARMSTRONG JIMMY U
16	2918 SALE ST	LINPRO ESPLANADE LAND %GEN ELECTRIC PENS
17	3511 CEDAR SPRINGS RD	Z7 GROUP INC STE B
18	3500 DICKASON AVE	SALE STREET HOMEOWNERS AS
19	2917 SALE ST	GRANOWSKI SCOTT
20	2999 TURTLE CREEK BLVD	2999 TURTLE CREEK INC
21	3001 SALE ST	CWS ROYALE FRANCISCAN LP CWS ROYALE SW L
22	3225 TURTLE CREEK BLVD	THE EDWARD SCOTT MANAGEMENT TRUST EDWARD
23	3225 TURTLE CREEK BLVD	PORTER HAZEL
24	3225 TURTLE CREEK BLVD	T F W MANAGEMENT INC
25	3225 TURTLE CREEK BLVD	COONER REBECCA UNIT 14
26	3225 TURTLE CREEK BLVD	COUCH ZACHARY UNIT 16

11/17/2011

Label #	Address	Owner
27	3225 TURTLE CREEK BLVD	KHYBER HOLDINGS LLC
28	3225 TURTLE CREEK BLVD	LOMBARDO PEDRO A UNIT 123
29	3225 TURTLE CREEK BLVD	JACOBOWSKI THOMAS J & JEANNE M
30	3225 TURTLE CREEK BLVD	MICHAEL RICKY
31	3225 TURTLE CREEK BLVD	BATLLE FRANCISCO J UNIT 47
32	3225 TURTLE CREEK BLVD	DEPALMA MARCO & NADINE MAHONY
33	3225 TURTLE CREEK BLVD	GILBERT FRANCES M UNIT 101
34	3225 TURTLE CREEK BLVD	SINCLAIR MARGARET TRUSTEE MARGARET ANNE
35	3225 TURTLE CREEK BLVD	HEARN JUSTIN UNIT 108
36	3225 TURTLE CREEK BLVD	ROST DAVID B & JENNIFER L UNIT 110
37	3225 TURTLE CREEK BLVD	FRY AMY BLDG B UNIT 112
38	3225 TURTLE CREEK BLVD	MEWHIRTER MATTHEW
39	3225 TURTLE CREEK BLVD	DRYER WILLIAM J ETAL
40	3225 TURTLE CREEK BLVD	NOVAKOWSKI JOY
41	3225 TURTLE CREEK BLVD	PATEL PARAG & ADITI
42	3225 TURTLE CREEK BLVD	KHONSARI AMIR EFTEKHARI UNIT 122
43	3225 TURTLE CREEK BLVD	GARCIA LEE UNIT 124
44	3225 TURTLE CREEK BLVD	LIESNER DARLENE # 126
45	3225 TURTLE CREEK BLVD	BLAKESLEY DAVID WAYNE & CYNTHIA ANNE
46	3225 TURTLE CREEK BLVD	RAMAN SUBRA M
47	3225 TURTLE CREEK BLVD	CALDWELL ROGER & KIMBERLY S
48	3225 TURTLE CREEK BLVD	NEMETH IRA #134
49	3225 TURTLE CREEK BLVD	SANTIAGO SAMUEL #136
50	3225 TURTLE CREEK BLVD	MCCANCE MELISSA # 138
51	3225 TURTLE CREEK BLVD	CHIEN NANCY K STE 140
52	3225 TURTLE CREEK BLVD	DEAN MICHAEL R & KAREN D STE 142
53	3225 TURTLE CREEK BLVD	BRISCOE SHEILA A #143
54	3225 TURTLE CREEK BLVD	ADAMS ARMELIA A UNIT 145
55	3225 TURTLE CREEK BLVD	BLEU-LAINE GILLES-ARNAUD
56	3225 TURTLE CREEK BLVD	MCCALLISTER RONALD D & LADONNA L UNIT
57	3225 TURTLE CREEK BLVD	WALKER ARTHUR L & ANNABELLE T

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3225 TURTLE CREEK BLVD	MORALES MICHAEL D APT 201
59	3225 TURTLE CREEK BLVD	MILLER MARY L UNIT 202
60	3225 TURTLE CREEK BLVD	STEFKA IRIS # 203
61	3225 TURTLE CREEK BLVD	DREYER WILLIAM E & LINDA H
62	3225 TURTLE CREEK BLVD	FETZER MARC
63	3225 TURTLE CREEK BLVD	KIM HORTON
64	3225 TURTLE CREEK BLVD	ORR DONNIE M & ALICE M #701
65	3225 TURTLE CREEK BLVD	HIGHTOWER MICHAELA A STE 208
66	3225 TURTLE CREEK BLVD	GROSHEK JESSICA L
67	3225 TURTLE CREEK BLVD	OWSTON RICHARD G & DONNA K
68	3225 TURTLE CREEK BLVD	EASTERLING FRANKLIN
69	3225 TURTLE CREEK BLVD	MEZZOUR ANIS UNIT 216
70	3225 TURTLE CREEK BLVD	LONE STAR FAMILY TRUST
71	3225 TURTLE CREEK BLVD	LOGGINS BARRY SR & DIANE UNIT 220
72	3225 TURTLE CREEK BLVD	ANDERSON ALLAN L & KAY K UNIT 222
73	3225 TURTLE CREEK BLVD	BATES KAREN # 224
74	3225 TURTLE CREEK BLVD	SPERBER LAURA
75	3225 TURTLE CREEK BLVD	CLAUS JAMES H #228
76	3225 TURTLE CREEK BLVD	KEEGAN CANDACE #230
77	3225 TURTLE CREEK BLVD	SCHENCK ANDY W #232
78	3225 TURTLE CREEK BLVD	MERCADANTE PATRICK J & HELEN A MERCADANT
79	3225 TURTLE CREEK BLVD	SCHUENEMEYER RAMONA & EARNST
80	3225 TURTLE CREEK BLVD	CAMP TAMMY D & UNIT 238
81	3225 TURTLE CREEK BLVD	KURLAKOWSKY KRISTYN
82	3225 TURTLE CREEK BLVD	TRIMMER JENNIFER R #242
83	3225 TURTLE CREEK BLVD	BULL BRIAN W #243
84	3225 TURTLE CREEK BLVD	BIELAMOWICZ CORNELIUS & DORA A
85	3225 TURTLE CREEK BLVD	KAPUR ASHISH
86	3225 TURTLE CREEK BLVD	VELOZ GEORGE & ANGELINA UNIT 247
87	3225 TURTLE CREEK BLVD	LEIBASCHOFF GUSTAVO & JULIANA
88	3225 TURTLE CREEK BLVD	LACARRA ANTONIO

11/17/2011

Label #	Address	Owner
89	3225 TURTLE CREEK BLVD	JAROSKI NATALIE & STE 302
90	3225 TURTLE CREEK BLVD	VICTEC INTERNATIONAL LLC
91	3225 TURTLE CREEK BLVD	DENTON IRA C & JUDITH S DENTON
92	3225 TURTLE CREEK BLVD	RIEGEL DARRELL
93	3225 TURTLE CREEK BLVD	SMITH KATHRYN G STE 306
94	3225 TURTLE CREEK BLVD	TURNER RICK
95	3225 TURTLE CREEK BLVD	DELVE FRED UNIT 308
96	3225 TURTLE CREEK BLVD	GARAY ROGER & KAREN GARAY
97	3225 TURTLE CREEK BLVD	TORRES DENNIS M ET AL
98	3225 TURTLE CREEK BLVD	SINCLAIR MARGARET TRUSTEE MARGARET ANNE
99	3225 TURTLE CREEK BLVD	YOUNG ALISHA Y
100	3225 TURTLE CREEK BLVD	BEHRGHUNDI BRAEBORNE TR REVOCABLE TRUST
101	3225 TURTLE CREEK BLVD	HAJJ WALID
102	3225 TURTLE CREEK BLVD	CHUNG PAUL BLDG B UNIT 322
103	3225 TURTLE CREEK BLVD	HALI ASAF UNIT 324
104	3225 TURTLE CREEK BLVD	DESOUZA CHAKA UNIT 326
105	3225 TURTLE CREEK BLVD	CHIEN ALISON L & YU HUNG CHEN - APT 178
106	3225 TURTLE CREEK BLVD	LOBRAICO JENNIFER A UNIT 330
107	3225 TURTLE CREEK BLVD	RODRIGUEZ JAVIER M # 332
108	3225 TURTLE CREEK BLVD	TOLAND JANICE UNIT 334
109	3225 TURTLE CREEK BLVD	BEGUM ISHRAT JEHAN
110	3225 TURTLE CREEK BLVD	LEWIS LUCINDA J
111	3225 TURTLE CREEK BLVD	O TONY & YOUNG KYUNG SUH UNIT 340
112	3225 TURTLE CREEK BLVD	SOUZA NAOMI & JONATHAN UNIT 342
113	3225 TURTLE CREEK BLVD	MUNCIE DIANNA
114	3225 TURTLE CREEK BLVD	GWITE FLORENCE N #345
115	3225 TURTLE CREEK BLVD	CONRAD SARAH M UNIT #346
116	3225 TURTLE CREEK BLVD	WRIGHT PAUL & ALISON #347
117	3225 TURTLE CREEK BLVD	BOWDEN SCOTT
118	3225 TURTLE CREEK BLVD	MCDERMOTT JOHN P #401
119	3225 TURTLE CREEK BLVD	LEAHY DEDIE UNIT 402

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	3225 TURTLE CREEK BLVD	ARNOLD THOMAS JR ARNOLD FAMILY 1995 TRUS
121	3225 TURTLE CREEK BLVD	WILEMON ALAYNE UNIT 404
122	3225 TURTLE CREEK BLVD	FINLEY STEPHEN M & CHRISTINE A
123	3225 TURTLE CREEK BLVD	WAN SZE KAR & MARIA MAK
124	3225 TURTLE CREEK BLVD	DAVIS STEPHEN B
125	3225 TURTLE CREEK BLVD	FIGUEROA STEPHEN A & #408
126	3225 TURTLE CREEK BLVD	MCLEAN KATHLEEN UNIT 410
127	3225 TURTLE CREEK BLVD	DEAN ASAD
128	3225 TURTLE CREEK BLVD	CHOI WILLIAM
129	3225 TURTLE CREEK BLVD	MF GROUP LLC
130	3225 TURTLE CREEK BLVD	ALEXANDER THOMAS H & LINDA J ALEXANDER
131	3225 TURTLE CREEK BLVD	MAGEE JAMES M UNIT 420
132	3225 TURTLE CREEK BLVD	HOPPER KELLY M BLDG B UNIT 422
133	3225 TURTLE CREEK BLVD	WRIGHT CHERYL # 424
134	3225 TURTLE CREEK BLVD	ORE MOSHE & KAREN PERRY
135	3225 TURTLE CREEK BLVD	CORDERO LUIS UNIT 428
136	3225 TURTLE CREEK BLVD	LESSER AMICHAH ETAL &
137	3225 TURTLE CREEK BLVD	MEEKS JOSHUA A APT 14
138	3225 TURTLE CREEK BLVD	HAREN MARY A #434
139	3225 TURTLE CREEK BLVD	TURBEVILLE JUSTIN K UNIT 436
140	3225 TURTLE CREEK BLVD	TYNER JERRY D
141	3225 TURTLE CREEK BLVD	LATHAM GRANVILLE STE 440
142	3225 TURTLE CREEK BLVD	POKORSKI CHARLES J & THU T POKORSKI
143	3225 TURTLE CREEK BLVD	SHAIKH NAVEED & MUNA KHAN #443
144	3225 TURTLE CREEK BLVD	ORDONEZ MYRNA # 445
145	3225 TURTLE CREEK BLVD	MAEDA SONIA A
146	3225 TURTLE CREEK BLVD	PASCUAL VIRGINIA & OCTAVIO RAMILO
147	3225 TURTLE CREEK BLVD	SUMMEROUR SHELLY #448
148	3225 TURTLE CREEK BLVD	ARREDONDO RODOLFO #501
149	3225 TURTLE CREEK BLVD	MEZA GEORGE UNIT 502
150	3225 TURTLE CREEK BLVD	ROPER RONDA K # 503

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	3225 TURTLE CREEK BLVD	NIEDERMEYER ANDREA
152	3225 TURTLE CREEK BLVD	ESTES JON M UNIT 505
153	3225 TURTLE CREEK BLVD	WALKER ROSLYN A #506
154	3225 TURTLE CREEK BLVD	MELLGREN STACEY
155	3225 TURTLE CREEK BLVD	LEWIS MICHAEL RAY & PEGGY LEA
156	3225 TURTLE CREEK BLVD	KINZY H NORMAN & PAULINE UNIT 509
157	3225 TURTLE CREEK BLVD	YANUS MARGARET # 510
158	3225 TURTLE CREEK BLVD	PATRICIA ELLEN LAU REV TR
159	3225 TURTLE CREEK BLVD	TILBURY MICHAEL L & SUITE 512
160	3225 TURTLE CREEK BLVD	REDDY JAYANTH V UNIT 514
161	3225 TURTLE CREEK BLVD	ANTONIADIS PAUL
162	3225 TURTLE CREEK BLVD	ABURROW HARRY J & UNIT 517
163	3225 TURTLE CREEK BLVD	RICO ANGEL UNIT 518
164	3225 TURTLE CREEK BLVD	ROSENBERG JONATHAN UNIT 519
165	3225 TURTLE CREEK BLVD	BERRYHILL REVOCABLE TRUST
166	3225 TURTLE CREEK BLVD	JONSKE DIRK E
167	3225 TURTLE CREEK BLVD	CHIAVIELLO ASHLEIGH B UNIT 524
168	3225 TURTLE CREEK BLVD	WALLACE LOUISE L STE 526
169	3225 TURTLE CREEK BLVD	KELLEY CLARENCE # 528
170	3225 TURTLE CREEK BLVD	ROSENBERGER GLENN
171	3225 TURTLE CREEK BLVD	PATIL ABHITABH
172	3225 TURTLE CREEK BLVD	DONER BONNIE & ROBERT #533
173	3225 TURTLE CREEK BLVD	KARAMALLY ZAHOOR A
174	3225 TURTLE CREEK BLVD	BRASWELL HARVEY V & KAREN #535
175	3225 TURTLE CREEK BLVD	GRAVES HERBERT C IV #536
176	3225 TURTLE CREEK BLVD	WILLIAMS KEVIN A
177	3225 TURTLE CREEK BLVD	KASHOID DENIS & LYND SAY MURRAY
178	3225 TURTLE CREEK BLVD	FERNANDEZ ERNESTO M
179	3225 TURTLE CREEK BLVD	HALI ASAF UNIT 543
180	3225 TURTLE CREEK BLVD	MARTINEZ MATISSE M & UNIT 545
181	3225 TURTLE CREEK BLVD	HUKIC OMER & SONJA UNIT 546

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	3225 TURTLE CREEK BLVD	BEACH DENNIS & JO 547
183	3225 TURTLE CREEK BLVD	LUDER HOWARD L & PATRICIA P
184	3225 TURTLE CREEK BLVD	RAMEZAN FRED TR UNIT 601
185	3225 TURTLE CREEK BLVD	DND TRUST
186	3225 TURTLE CREEK BLVD	NIEDERMEYER VALERY A
187	3225 TURTLE CREEK BLVD	FANNIE MAE
188	3225 TURTLE CREEK BLVD	TONELLI ROMINA M UNIT 605
189	3225 TURTLE CREEK BLVD	PANTELY CLORINDA & PAUL D #606
190	3225 TURTLE CREEK BLVD	SCOTT ROBERT R JR & SUSAN J
191	3225 TURTLE CREEK BLVD	TUDOR GREGORY D & DEBORAH R UNIT 608
192	3225 TURTLE CREEK BLVD	BALARSKY BRIAN A & BALARSKY SANDRA J
193	3225 TURTLE CREEK BLVD	LO HELEN UNIT 610
194	3225 TURTLE CREEK BLVD	SOLK ANGELA L
195	3225 TURTLE CREEK BLVD	TU PENG CHU BENJAMIN
196	3225 TURTLE CREEK BLVD	GIAMELLO ANTHONY M UNIT 614
197	3225 TURTLE CREEK BLVD	BLANCO JORGE D # 616
198	3225 TURTLE CREEK BLVD	KERBY TROY W UNIT 617
199	3225 TURTLE CREEK BLVD	EGHDAMI AEMEH & # 618
200	3225 TURTLE CREEK BLVD	DREW LORCAN EDWARD
201	3225 TURTLE CREEK BLVD	KAYYAL SIMON Y & KAYYAL LIZA
202	3225 TURTLE CREEK BLVD	DAVIS JERROD
203	3225 TURTLE CREEK BLVD	ABBOUD JOSEPH
204	3225 TURTLE CREEK BLVD	AYALA EVINES UNIT 626
205	3225 TURTLE CREEK BLVD	BOLTON BEN & DAWN BOLTON
206	3225 TURTLE CREEK BLVD	WRIGHT LEMOINE UNIT 629
207	3225 TURTLE CREEK BLVD	KIRSTEN CORNELIA J & NICO
208	3225 TURTLE CREEK BLVD	MULKEY ERIC W
209	3225 TURTLE CREEK BLVD	KELLEY ANITA L UNIT 632
210	3225 TURTLE CREEK BLVD	ANSARI HAMID
211	3225 TURTLE CREEK BLVD	SACKETT KIMBERLY UNIT 634
212	3225 TURTLE CREEK BLVD	OWENS HAYWOOD

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	3225 TURTLE CREEK BLVD	HUYNH DZUY H #636
214	3225 TURTLE CREEK BLVD	MCKENNETT MICHELLE D
215	3225 TURTLE CREEK BLVD	MATHIS SHELLY & SCOTT S CALHOUN
216	3225 TURTLE CREEK BLVD	GANESH CHAT P & LALITHA
217	3225 TURTLE CREEK BLVD	RODRIGUEZ RONALD L & LORI UNIT 642
218	3225 TURTLE CREEK BLVD	RADOMSKI LAUREN & UNIT 643
219	3225 TURTLE CREEK BLVD	MAYON MIKE
220	3225 TURTLE CREEK BLVD	HIGGINBOTHAM PAUL R UNIT 646
221	3225 TURTLE CREEK BLVD	SUMMER RESOURCES LLC #647
222	3225 TURTLE CREEK BLVD	STAGGS WILLIAM F JR # 648
223	3225 TURTLE CREEK BLVD	ORR DONNIE & ORR ALICE
224	3225 TURTLE CREEK BLVD	PRICE MARION & MARTHA UNIT 702
225	3225 TURTLE CREEK BLVD	SEAY MICHAEL UNIT 703
226	3225 TURTLE CREEK BLVD	CAMPBELL EDWARD J & UNIT 704
227	3225 TURTLE CREEK BLVD	WOOD WAYNE # 705
228	3225 TURTLE CREEK BLVD	SANCHEZ CHRISTIAN &
229	3225 TURTLE CREEK BLVD	LE JOHNATHAN
230	3225 TURTLE CREEK BLVD	HALI ASAF UNIT 708
231	3225 TURTLE CREEK BLVD	HADAVAND REZA
232	3225 TURTLE CREEK BLVD	WRIGHT PAIGE H UNIT 710
233	3225 TURTLE CREEK BLVD	LEPP JANICE
234	3225 TURTLE CREEK BLVD	AVERY SARAH UNIT 712
235	3225 TURTLE CREEK BLVD	PELOSOF LORRAINE C
236	3225 TURTLE CREEK BLVD	CLINE FAMILY TRUST FBO WILLIAM % BANK OF
237	3225 TURTLE CREEK BLVD	JONES ALICIA LANE UNIT 717
238	3225 TURTLE CREEK BLVD	SANDERS STEPHEN W & MARGARET M
239	3225 TURTLE CREEK BLVD	CHAUVIN CHRISTOPHER L # 719
240	3225 TURTLE CREEK BLVD	WOOLFORK TINA UNIT 720
241	3225 TURTLE CREEK BLVD	GERALD ROBERT E UNIT 722
242	3225 TURTLE CREEK BLVD	DOYLE TIMOTHY B & BLDG B UNIT 724
243	3225 TURTLE CREEK BLVD	RICHARDSON ALFRED H III UNIT 726

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
244	3225 TURTLE CREEK BLVD	PERRONE GILBERT UNIT 728
245	3225 TURTLE CREEK BLVD	LESNIEWSKI LORI A UNIT 729
246	3225 TURTLE CREEK BLVD	BARNEY FRED O JR & SHIRLEY A
247	3225 TURTLE CREEK BLVD	SANDS MICHAEL J UNIT 00731
248	3225 TURTLE CREEK BLVD	WEST SARALEA #732
249	3225 TURTLE CREEK BLVD	CIOCH JOHN J UNIT 733
250	3225 TURTLE CREEK BLVD	HENNEBERG WILLIAM H III UNIT 734
251	3225 TURTLE CREEK BLVD	MCKAY LAURIE A APT 1205
252	3225 TURTLE CREEK BLVD	WOOD ERIN M UNIT 736
253	3225 TURTLE CREEK BLVD	DONAHUE PATRICK K
254	3225 TURTLE CREEK BLVD	FEDERAL HOME LOAN MTG CORP
255	3225 TURTLE CREEK BLVD	MURPHY GARY
256	3225 TURTLE CREEK BLVD	MARASLIOGLU SAHIN & DIKRANUHI
257	3225 TURTLE CREEK BLVD	STUENKEL ROBERT L
258	3225 TURTLE CREEK BLVD	DIAZ CELINA M UNIT 745
259	3225 TURTLE CREEK BLVD	KNOBBE BERNARD C
260	3225 TURTLE CREEK BLVD	ENGLAND JULIE S & ROBERT W
261	3225 TURTLE CREEK BLVD	GOLDMAN JEANIE UNIT 748
262	3225 TURTLE CREEK BLVD	KRIDER SUE UNIT 801
263	3225 TURTLE CREEK BLVD	KOVAL JOHN & LAURA
264	3225 TURTLE CREEK BLVD	TAGGART KEVIN J & JULIE A #803
265	3225 TURTLE CREEK BLVD	LEE VIVIAN S
266	3225 TURTLE CREEK BLVD	DURKAN MARTIN 208F
267	3225 TURTLE CREEK BLVD	MACLEOD MARY A UNIT 806
268	3225 TURTLE CREEK BLVD	GRESHAM RONALD DEAN
269	3225 TURTLE CREEK BLVD	DUNCAN JOHN M & AMANDA M UNIT 808
270	3225 TURTLE CREEK BLVD	MOSTAFAIE ALIREZA UNIT 809
271	3225 TURTLE CREEK BLVD	KARLOCK KENDRA
272	3225 TURTLE CREEK BLVD	WALLS DAVID & JANA
273	3225 TURTLE CREEK BLVD	PAYNE JONATHAN M & MARGARET A
274	3225 TURTLE CREEK BLVD	HOCHSCHULER JOSHUA H

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
275	3225 TURTLE CREEK BLVD	LUCIO JESSE & ERICK L #816
276	3225 TURTLE CREEK BLVD	KUSTOFF JULIE # 817
277	3225 TURTLE CREEK BLVD	GRIFFITH CARROLL & APT 818
278	3225 TURTLE CREEK BLVD	FAIR ROGERS P JR
279	3225 TURTLE CREEK BLVD	MAMLOUK VICK K & RANIA UNIT 820
280	3225 TURTLE CREEK BLVD	YOUNG MARK D APT 822
281	3225 TURTLE CREEK BLVD	THE ZONDEL GORDON TRUST # 824
282	3225 TURTLE CREEK BLVD	LESLEY PEGGY UNIT 826
283	3225 TURTLE CREEK BLVD	HILDEBRAND NICHOLAS
284	3225 TURTLE CREEK BLVD	MADDUR SHANTA D
285	3225 TURTLE CREEK BLVD	BONA FABRIZO U & MELISSA
286	3225 TURTLE CREEK BLVD	KO JACKY M # 831
287	3225 TURTLE CREEK BLVD	BLAKE ROGER L & PAMELA S #832
288	3225 TURTLE CREEK BLVD	MARTINEZ FRANCISCO JAVIER C UNIT 833
289	3225 TURTLE CREEK BLVD	AGAN ASHLEY D & MARR CHRISTOPHER S
290	3225 TURTLE CREEK BLVD	SAUER GARY L & CLAUDIA M
291	3225 TURTLE CREEK BLVD	CASTOR LAWRENCE & # 836
292	3225 TURTLE CREEK BLVD	SAGINAW MICHAEL
293	3225 TURTLE CREEK BLVD	BROWNFIELD GARY
294	3225 TURTLE CREEK BLVD	GUEMES FRANISCO JAVIER UNIT 842
295	3225 TURTLE CREEK BLVD	SHAFFER DIANA L UNIT # 843
296	3225 TURTLE CREEK BLVD	NGUYEN LINH AI & UNIT 845
297	3225 TURTLE CREEK BLVD	CALDWELL DANIEL & ROBIN
298	3225 TURTLE CREEK BLVD	EDWARDS HAL
299	3225 TURTLE CREEK BLVD	EVANS BRIAN E
300	3225 TURTLE CREEK BLVD	GONZALES CYNTHIA
301	3225 TURTLE CREEK BLVD	PARIKH VRAJESH M
302	3225 TURTLE CREEK BLVD	REECE BOBBY N UNIT 903
303	3225 TURTLE CREEK BLVD	DELVECCHIO JOHN # 904
304	3225 TURTLE CREEK BLVD	KIM EUNSUP # 905
305	3225 TURTLE CREEK BLVD	COLOMBO NORMA UNIT 906

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
306	3225 TURTLE CREEK BLVD	MILLS ANDREW D & LEE A
307	3225 TURTLE CREEK BLVD	MURPHEY KELLY C
308	3225 TURTLE CREEK BLVD	SPACKMAN PAMELA K
309	3225 TURTLE CREEK BLVD	AHEARN STEVEN P & VALERIE B
310	3225 TURTLE CREEK BLVD	HIRST NORMA & ENZIO UNIT 911
311	3225 TURTLE CREEK BLVD	RICHARDSCARTY CHERRI J
312	3225 TURTLE CREEK BLVD	STORMER CINDY H
313	3225 TURTLE CREEK BLVD	BROWN LAURIE R
314	3225 TURTLE CREEK BLVD	WILLS CHRIS D UNIT 917
315	3225 TURTLE CREEK BLVD	ELMORE MERRY
316	3225 TURTLE CREEK BLVD	CANTON MICHAEL
317	3225 TURTLE CREEK BLVD	PRICE JORDAN S UNIT 920
318	3225 TURTLE CREEK BLVD	PARKER GLENDA # 922
319	3225 TURTLE CREEK BLVD	NOREN ROBERT UNIT 924
320	3225 TURTLE CREEK BLVD	JENKINS NATALIE L UNIT 926
321	3225 TURTLE CREEK BLVD	SPERO KIMBERLY #928
322	3225 TURTLE CREEK BLVD	KULKARNI MONA S
323	3225 TURTLE CREEK BLVD	KRAMER HILLARY MORRISON #930
324	3225 TURTLE CREEK BLVD	COOK MICHAEL
325	3225 TURTLE CREEK BLVD	SUDDHIPRAKARN SUMITT & #932
326	3225 TURTLE CREEK BLVD	DONOVAN GEORGE J III PMB 400
327	3225 TURTLE CREEK BLVD	ROBINSON MARGARET %RENAISSANCE
328	3225 TURTLE CREEK BLVD	GORAL ALEXANDER
329	3225 TURTLE CREEK BLVD	ALSTON WILLIAM W III UNIT 936
330	3225 TURTLE CREEK BLVD	RUBLE EILEEN M
331	3225 TURTLE CREEK BLVD	WILLIAMS CHARLES & CHERYL UNIT 938
332	3225 TURTLE CREEK BLVD	WASHINGTON RODNEY UNIT 940
333	3225 TURTLE CREEK BLVD	FARIAS JAMES E UNIT 942
334	3225 TURTLE CREEK BLVD	GAUDIN ROBERT L #943
335	3225 TURTLE CREEK BLVD	DUNHAM JAMIE K & WILLIAM STE 945
336	3225 TURTLE CREEK BLVD	JAIN SHEENA K & RAJIV

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
337	3225 TURTLE CREEK BLVD	JONES ANN LUTZ
338	3225 TURTLE CREEK BLVD	COMMUNICATIONS DISTRIBUTORS INC STE 204
339	3225 TURTLE CREEK BLVD	COLOMBO PATRICK G & COLOMBO NORMA R
340	3225 TURTLE CREEK BLVD	LACARRA ANTONIO
341	3225 TURTLE CREEK BLVD	FANG SUE
342	3225 TURTLE CREEK BLVD	UBINAS CARLOS R BLVD #01004
343	3225 TURTLE CREEK BLVD	TONELLI ROMINA M &
344	3225 TURTLE CREEK BLVD	EL MAHDI SAMIA
345	3225 TURTLE CREEK BLVD	WALLACE WILLIAM H #1007
346	3225 TURTLE CREEK BLVD	LANTZ BRAD & LISA %RENAISSANCE
347	3225 TURTLE CREEK BLVD	KERSEY ASHLEY UNIT 1009
348	3225 TURTLE CREEK BLVD	DUFFY PAMELA C UNIT 1010
349	3225 TURTLE CREEK BLVD	MESSENGER CLYDE # 1011
350	3225 TURTLE CREEK BLVD	VRLA KELLI #P204
351	3225 TURTLE CREEK BLVD	ABRAHAM CHARLES T #1014
352	3225 TURTLE CREEK BLVD	SIMS MARK A
353	3225 TURTLE CREEK BLVD	PINE TREE REAL E INV INC #193
354	3225 TURTLE CREEK BLVD	PANT GARVIT
355	3225 TURTLE CREEK BLVD	PENOT CHARLES R JR STE 1019
356	3225 TURTLE CREEK BLVD	DREW RACHEL M STE 1020
357	3225 TURTLE CREEK BLVD	KORAB JEANETTE UNIT 1022
358	3225 TURTLE CREEK BLVD	KORAB JEANETTE UNIT 1024
359	3225 TURTLE CREEK BLVD	GERMANWALA SAMIR V & GANA R NADIGA
360	3225 TURTLE CREEK BLVD	MANDEL GARY & MILA &
361	3225 TURTLE CREEK BLVD	BRYANT EDWIN W & JUDITH
362	3225 TURTLE CREEK BLVD	FRIEDMAN JACQUELINE
363	3225 TURTLE CREEK BLVD	SAYFIE JAN T
364	3225 TURTLE CREEK BLVD	THERIOT E ROBERT & JANET I
365	3225 TURTLE CREEK BLVD	RINCON ANDRES F STE 1033
366	3225 TURTLE CREEK BLVD	MILLAR DARYL STE 1034
367	3225 TURTLE CREEK BLVD	WILLIS CHRIS D UNIT 1035

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
368	3225 TURTLE CREEK BLVD	REZNIK YAIR
369	3225 TURTLE CREEK BLVD	SOJOURNER WILLIAM
370	3225 TURTLE CREEK BLVD	SHI BING
371	3225 TURTLE CREEK BLVD	CLELAND DONNA B UNIT 1040
372	3225 TURTLE CREEK BLVD	RUSSELL THOMAS L JR & RUSSELL BRENDA SEA
373	3225 TURTLE CREEK BLVD	CORNELL DOUGLAS T & SHARON APT
374	3225 TURTLE CREEK BLVD	SMOLENSKY FERNANDO & MARGARITA FELLENA
375	3225 TURTLE CREEK BLVD	SCOTT JUDITH L UNIT 1046
376	3225 TURTLE CREEK BLVD	DOYLE TIMOTHY B &
377	3225 TURTLE CREEK BLVD	BEISER STEVEN P
378	3225 TURTLE CREEK BLVD	REDDY JAYAPRAKASH N & JYOTHI J
379	3225 TURTLE CREEK BLVD	WERIZ REALTY INVESTMENTS
380	3225 TURTLE CREEK BLVD	DASH RANGADHAR # 1103
381	3225 TURTLE CREEK BLVD	QUINONES RAUL & URBANIZACION STA ROSA DE
382	3225 TURTLE CREEK BLVD	STEWART DOUGLAS N UNIT 16E
383	3225 TURTLE CREEK BLVD	GREGORY J MINOR & EMILY
384	3225 TURTLE CREEK BLVD	MADNANI KUNAL M
385	3225 TURTLE CREEK BLVD	MOOSCHEKIAN TERRY TR & STE 510
386	3225 TURTLE CREEK BLVD	LITTWITZ DAVID & IRIS
387	3225 TURTLE CREEK BLVD	GIRALDO HERNAN F
388	3225 TURTLE CREEK BLVD	WALLS DAVID
389	3225 TURTLE CREEK BLVD	BOHLMAN ROBERT # 1112
390	3225 TURTLE CREEK BLVD	THOMAS CLIFTON B #1114
391	3225 TURTLE CREEK BLVD	OCONNELL KATIE UNIT 1116
392	3225 TURTLE CREEK BLVD	HARRIS J JOE & DIANA H #1117
393	3225 TURTLE CREEK BLVD	WALKER DONALD E III STE 1118
394	3225 TURTLE CREEK BLVD	PEYROVI LILLY
395	3225 TURTLE CREEK BLVD	LUFESA INV PPTIES LLC
396	3225 TURTLE CREEK BLVD	SAMEI ROZITA &
397	3225 TURTLE CREEK BLVD	HANNIFIN DANIELLE UNIT 1124
398	3225 TURTLE CREEK BLVD	LYNCH SHANE A UNIT 1126

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399	3225 TURTLE CREEK BLVD	KHAVARI ROD B BLDG B UNIT 01128
400	3225 TURTLE CREEK BLVD	DAVID SIKORA FAMILY TRUST %DANIEL M SIKO
401	3225 TURTLE CREEK BLVD	FOSTER JEFFREY UNIT 1130
402	3225 TURTLE CREEK BLVD	ORTIZ LUIS A
403	3225 TURTLE CREEK BLVD	RYER WADE T # 1132
404	3225 TURTLE CREEK BLVD	LIES JOHN J & #1133
405	3225 TURTLE CREEK BLVD	MCDANIEL TAYLOR J # 1134
406	3225 TURTLE CREEK BLVD	ROCKSTROH HOLDINGS LLC
407	3225 TURTLE CREEK BLVD	TARTIBI MOHSEN & HANA # 1136
408	3225 TURTLE CREEK BLVD	JHANGIANI NARAIN & LALITA
409	3225 TURTLE CREEK BLVD	ANDERSON CHERYL C
410	3225 TURTLE CREEK BLVD	FIERRO VALERIE A UNIT 1140
411	3225 TURTLE CREEK BLVD	AKIVA RONEN & MICHAEL B STE 1142
412	3225 TURTLE CREEK BLVD	HARRELL ZELLA K
413	3225 TURTLE CREEK BLVD	SADA MATIAS D & ETAL UNIT 1145
414	3225 TURTLE CREEK BLVD	ESQUINO VERONICA UNIT 1146
415	3225 TURTLE CREEK BLVD	PURDY BRIAN S & LESLIE H #1147
416	3225 TURTLE CREEK BLVD	SINGH SUDARSHAN & HELENE
417	3225 TURTLE CREEK BLVD	DIDI LUNNA LLC
418	3225 TURTLE CREEK BLVD	KOWALSKI ELIZABETH # 1202
419	3225 TURTLE CREEK BLVD	WONG KRISTIN UNIT 1203
420	3225 TURTLE CREEK BLVD	HUR LISA # 1204
421	3225 TURTLE CREEK BLVD	NI HAO UNIT 1205
422	3225 TURTLE CREEK BLVD	WALKOWIAK STEVEN & JAIME APT 1206
423	3225 TURTLE CREEK BLVD	HABIBPOUR HALEH
424	3225 TURTLE CREEK BLVD	ELLIS THOMAS J UNIT 1208
425	3225 TURTLE CREEK BLVD	ODEH BASSAM & DEBORAH
426	3225 TURTLE CREEK BLVD	YIU RON
427	3225 TURTLE CREEK BLVD	MANN SIMARDEEP K
428	3225 TURTLE CREEK BLVD	KARIMI MANDY
429	3225 TURTLE CREEK BLVD	JEFFERS CHRISTOPHER D #1214

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
430	3225 TURTLE CREEK BLVD	ALFARO DENISSE UNIT 1216
431	3225 TURTLE CREEK BLVD	ARCHER ELIZABETH
432	3225 TURTLE CREEK BLVD	SHAVER HERBERT E APT 1218
433	3225 TURTLE CREEK BLVD	RACTLIFFE COURTNEY V & #1219
434	3225 TURTLE CREEK BLVD	WYLL MICHAEL STE 1220
435	3225 TURTLE CREEK BLVD	CHARAN RAM
436	3225 TURTLE CREEK BLVD	PARKER MICHAEL L
437	3225 TURTLE CREEK BLVD	SPENCER LESLIE #1226
438	3225 TURTLE CREEK BLVD	RAZVI FATIMA UNIT 1228
439	3225 TURTLE CREEK BLVD	WARE JASMINE &
440	3225 TURTLE CREEK BLVD	HERBERT SCOTT
441	3225 TURTLE CREEK BLVD	WHITWORTH LINA & BRIAN
442	3225 TURTLE CREEK BLVD	AMADOR MARISOL #1232
443	3225 TURTLE CREEK BLVD	BESEFKI ARI A
444	3225 TURTLE CREEK BLVD	THAN THAN INVESTMENTS LTD
445	3225 TURTLE CREEK BLVD	MCCRARY KRISTIE K APT 1235
446	3225 TURTLE CREEK BLVD	KINZY HARRY N & PAULINE H KINZY
447	3225 TURTLE CREEK BLVD	SILES MELISA & UNIT 1238
448	3225 TURTLE CREEK BLVD	TURTLE CREEK DEVELOPMENT %CRESCENT HEIGH
449	3225 TURTLE CREEK BLVD	KOBLER CHRISTOPHER
450	3225 TURTLE CREEK BLVD	MODY ALKA
451	3225 TURTLE CREEK BLVD	KESSLER TIMOTHY #1245
452	3225 TURTLE CREEK BLVD	OTT JESSICA UNIT 1246
453	3225 TURTLE CREEK BLVD	STAMP DUANE M & LINDA E UNIT 1247
454	3225 TURTLE CREEK BLVD	KEARNS THOMAS V UNIT 1248
455	3225 TURTLE CREEK BLVD	MACHON ED & APT 1401
456	3225 TURTLE CREEK BLVD	MORGAN MARK G # 1402
457	3225 TURTLE CREEK BLVD	VALENCIA CARLOS R & MARTHA ORTIZ DE UNIT
458	3225 TURTLE CREEK BLVD	MALLEMPATI SRINIVAS ET AL
459	3225 TURTLE CREEK BLVD	IVEY EDWARD J JR UNIT 1405
460	3225 TURTLE CREEK BLVD	JONES TAMEKIA STE 101-169

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
461	3225 TURTLE CREEK BLVD	MCDANIEL LISA K UNIT 1407
462	3225 TURTLE CREEK BLVD	MEFTHAH ALIA
463	3225 TURTLE CREEK BLVD	GAGNET UNKEFER CORRINE UNIT 1410
464	3225 TURTLE CREEK BLVD	MEDUNA RUSSELL P
465	3225 TURTLE CREEK BLVD	CANNATA JAMES # 1412
466	3225 TURTLE CREEK BLVD	PELFREY ROBERT J TR &
467	3225 TURTLE CREEK BLVD	SANTAROSA JULIANNE M UNIT 1416
468	3225 TURTLE CREEK BLVD	RAHIM AHMED
469	3225 TURTLE CREEK BLVD	STEINWAY HILARY P.
470	3225 TURTLE CREEK BLVD	MOHAN ALOK #1419
471	3225 TURTLE CREEK BLVD	MURRAY NATALIE TRUSTEE MURRAY-ALLISON LI
472	3225 TURTLE CREEK BLVD	TEAGUE TRAVIS M #1422
473	3225 TURTLE CREEK BLVD	NORDSTROM JASON R & LEIGH F UNIT 1424
474	3225 TURTLE CREEK BLVD	ZABANEH SOPHIA UNIT 1426
475	3225 TURTLE CREEK BLVD	FOGLER JASON C
476	3225 TURTLE CREEK BLVD	LYON PAYTON T & TED B JR #1429
477	3225 TURTLE CREEK BLVD	RASTOGI ANJANA & RAGHAV
478	3225 TURTLE CREEK BLVD	CHADDERDON KRISTY APT 512
479	3225 TURTLE CREEK BLVD	MOMAYEZI FARRAH #1432
480	3225 TURTLE CREEK BLVD	FEDERAL NATIONAL MTG ASSOC SUITE 100
481	3225 TURTLE CREEK BLVD	LU YEHUI
482	3225 TURTLE CREEK BLVD	MOSES BERNARD S
483	3225 TURTLE CREEK BLVD	DEFURIA LINDA M UNIT 1436
484	3225 TURTLE CREEK BLVD	NESBITT GILDA D BLDG B UNIT 1437
485	3225 TURTLE CREEK BLVD	DELAGARZA FRANK
486	3225 TURTLE CREEK BLVD	SANCHEZ DR CHRISTIAN & KEVIN WILLIAMS &
487	3225 TURTLE CREEK BLVD	FLANNERY EARLINE # 1442
488	3225 TURTLE CREEK BLVD	YEH YICHUN # 1443
489	3225 TURTLE CREEK BLVD	KING IVORY L # 1445
490	3225 TURTLE CREEK BLVD	RUSSELL STEPHEN & MELANY
491	3225 TURTLE CREEK BLVD	DAVIDSON JIM & LYNN

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
492	3225 TURTLE CREEK BLVD	DERINGER JESSICA MARIE APT 1448
493	3225 TURTLE CREEK BLVD	PATEL RAJESH
494	3225 TURTLE CREEK BLVD	LARSON MARK & FAYE LARSON #1502
495	3225 TURTLE CREEK BLVD	CAMPBELL JIM L #1503
496	3225 TURTLE CREEK BLVD	GAULDING JON C
497	3225 TURTLE CREEK BLVD	NIX H KEITH
498	3225 TURTLE CREEK BLVD	UNTERBERG MARK P & MADELINE L
499	3225 TURTLE CREEK BLVD	VANCE JEFFREY D UNIT 1507
500	3225 TURTLE CREEK BLVD	BAKER PRESTON B & NANCY UNIT 1508
501	3225 TURTLE CREEK BLVD	OSUAGWU CHUKWUMA J #1509
502	3225 TURTLE CREEK BLVD	SULLIVAN PATRICK
503	3225 TURTLE CREEK BLVD	KRALIS LESLEY E #1511
504	3225 TURTLE CREEK BLVD	CRONK M ESTELLE
505	3225 TURTLE CREEK BLVD	KHAYAI HUSNI R UNIT 1516
506	3225 TURTLE CREEK BLVD	MACKENZIE KEVAN # 1517
507	3225 TURTLE CREEK BLVD	SPARKS TAMMY A & RAMON A #1518
508	3225 TURTLE CREEK BLVD	REDDY KEVIN P #1519
509	3225 TURTLE CREEK BLVD	COFFEY ELIZABETH M
510	3225 TURTLE CREEK BLVD	KRAWIETZ PAUL UNIT 1522
511	3225 TURTLE CREEK BLVD	MORGAN CHRIS B UNIT 1524
512	3225 TURTLE CREEK BLVD	NAIR CKP & SYAMALA C UNIT 1526
513	3225 TURTLE CREEK BLVD	HIGHTOWER ELIZABETH K
514	3225 TURTLE CREEK BLVD	GOPAL RAVI & ANJALI N SHAH UNIT 1529
515	3225 TURTLE CREEK BLVD	BINFORD OSWALD & LORETTA L KATZ
516	3225 TURTLE CREEK BLVD	WOOLSEY HENRY C & SARAH A
517	3225 TURTLE CREEK BLVD	KUMAR DEVINDER S & KUMAR JASWINDER S
518	3225 TURTLE CREEK BLVD	SWOFFORD JOE B III & #1533
519	3225 TURTLE CREEK BLVD	YORK BARBARA K UNIT1534
520	3225 TURTLE CREEK BLVD	LACARRA ADRIANNA
521	3225 TURTLE CREEK BLVD	PARNELL WENDY UNIT 1536
522	3225 TURTLE CREEK BLVD	MCRUIZ ROBIN MARCH # 1537

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
523	3225 TURTLE CREEK BLVD	BREKKE MAKENZIE STE 1538
524	3225 TURTLE CREEK BLVD	RIEGEL DARRELL A
525	3225 TURTLE CREEK BLVD	CIOLLI JOSEPH M UNIT 1542
526	3225 TURTLE CREEK BLVD	ZOLNOWSKI PETER J # 1543
527	3225 TURTLE CREEK BLVD	EDWARDS MICHAEL A UNIT 1545
528	3225 TURTLE CREEK BLVD	HENSLEY LIVING TRUST
529	3225 TURTLE CREEK BLVD	KOGAN ALLAN J #1547
530	3225 TURTLE CREEK BLVD	JONES JAMES ADRIAN & SCOTT JEFFREY S KAH
531	3225 TURTLE CREEK BLVD	SIMPSON STEPHEN T
532	3225 TURTLE CREEK BLVD	LIDJI LEON J & MYRIAM B #1602
533	3225 TURTLE CREEK BLVD	WILLIAMS STEVEN S # 1603
534	3225 TURTLE CREEK BLVD	JONES JAMES ADRIAN & UNIT 1604
535	3225 TURTLE CREEK BLVD	GLENOS GAY WILHITE
536	3225 TURTLE CREEK BLVD	PHAM MAI AN UNIT 1606
537	3225 TURTLE CREEK BLVD	MOGHADAM ALI A
538	3225 TURTLE CREEK BLVD	ALLEN DANDRIC E # 1608
539	3225 TURTLE CREEK BLVD	MILLER RICHARD & KATHRYN #1609
540	3225 TURTLE CREEK BLVD	BRADBURY CHARLOTTE S & CURTIS F BRADBURY
541	3225 TURTLE CREEK BLVD	PARKS EVA NELL UNIT 1611
542	3225 TURTLE CREEK BLVD	SANDERS DENE L #1613
543	3225 TURTLE CREEK BLVD	WHITE JASON #1614
544	3225 TURTLE CREEK BLVD	ARKOMA REALTY LTD
545	3225 TURTLE CREEK BLVD	BALL LESLIE A & STE 1503
546	3225 TURTLE CREEK BLVD	PAVIA FAMILY TRUST #1617
547	3225 TURTLE CREEK BLVD	WHITE TODD S UNIT 1618
548	3225 TURTLE CREEK BLVD	CONNELL JEFFREY D & CONNELL DAVID A
549	3225 TURTLE CREEK BLVD	CALHOUN DIONNE #1621
550	3225 TURTLE CREEK BLVD	NESSERROAD MARK UNIT1623
551	3225 TURTLE CREEK BLVD	SHATSKY STEVEN H #1625
552	3225 TURTLE CREEK BLVD	DOROTHY LAY MGMT TRUST
553	3225 TURTLE CREEK BLVD	DUNCAN JOHN MICHAEL & AMANDA MAE

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
554	3225 TURTLE CREEK BLVD	WETTREICH DANNY UNIT 1628
555	3225 TURTLE CREEK BLVD	ROSE BRYAN &
556	3225 TURTLE CREEK BLVD	MUSSULMAN DANIEL & NAILA #0701
557	3225 TURTLE CREEK BLVD	WOLOWICZ LAWRENCE & CATHY
558	3225 TURTLE CREEK BLVD	BAEK STEVEN A UNIT 1635
559	3225 TURTLE CREEK BLVD	ROZENZVIG YEHIEL STE 1636
560	3225 TURTLE CREEK BLVD	MCFARLING BRANDON
561	3225 TURTLE CREEK BLVD	FAULKNER DANYELLE J
562	3225 TURTLE CREEK BLVD	KELLEY CHARLES D 1640
563	3225 TURTLE CREEK BLVD	BEH HAN NAN & AUDREY J CHANG UNIT 1641
564	3225 TURTLE CREEK BLVD	JOHANN MARK A & MELISSA #1642
565	3225 TURTLE CREEK BLVD	PHAM LAN D #1643
566	3225 TURTLE CREEK BLVD	HICKMAN JAMES J SUITE 210 PMB 207
567	3225 TURTLE CREEK BLVD	WETTERSTRAND MAGNUS J APT 1646
568	3225 TURTLE CREEK BLVD	LISULA SCOTT & BRIANNON #1647
569	3225 TURTLE CREEK BLVD	GRACIA REBECA C #1648
570	3225 TURTLE CREEK BLVD	DENIO MICHAEL E STE 4-102
571	3225 TURTLE CREEK BLVD	KAMPINE JOHN M & STEPHANIE A
572	3225 TURTLE CREEK BLVD	MANIGAULT LORRANE STE 4057
573	3225 TURTLE CREEK BLVD	PITKOFKY JAY
574	3225 TURTLE CREEK BLVD	STEETS KEVIN UNIT 1655
575	3225 TURTLE CREEK BLVD	ARMAND AHMAD & MAHVASH UNIT1656
576	3225 TURTLE CREEK BLVD	WINDSPEARE NEVE A
577	3225 TURTLE CREEK BLVD	BLAKE NINA CERVANTES
578	3225 TURTLE CREEK BLVD	WATTS JANET L # 1702
579	3225 TURTLE CREEK BLVD	NORTHCUTT RYAN & LAUREN STOKES APT 17
580	3225 TURTLE CREEK BLVD	SILVER STEPHEN C
581	3225 TURTLE CREEK BLVD	SOJOURNER WILLIAM & JANA
582	3225 TURTLE CREEK BLVD	KHANBEIGI MANOOCH & ANNIE APT 1706
583	3225 TURTLE CREEK BLVD	BLACKLEDGE LAWRENCE A UNIT 1707
584	3225 TURTLE CREEK BLVD	LEE BILL G BLDG A UNIT 1801

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
585	3225 TURTLE CREEK BLVD	MARTINEZ FAUSTINA # 1802
586	3225 TURTLE CREEK BLVD	AKIN MARK & DEBI AKIN
587	3225 TURTLE CREEK BLVD	SEEBERGER JOAN P #1804
588	3225 TURTLE CREEK BLVD	BELL THOMAS F
589	3225 TURTLE CREEK BLVD	MINTZ MARTIN L UNIT 1806
590	3225 TURTLE CREEK BLVD	CHRISTIANSEN BRETT UNIT 1807
591	3225 TURTLE CREEK BLVD	DEBLANK ANNE B UNIT 1901
592	3225 TURTLE CREEK BLVD	MARSH HOLLIS E & #1902
593	3225 TURTLE CREEK BLVD	SPIES RONALD & CHERI #1903
594	3225 TURTLE CREEK BLVD	BLOOM ROBERT A UNIT 1904
595	3225 TURTLE CREEK BLVD	KREIGHBAUM JOHN & JOANNE F KREIGHBAUM
596	3225 TURTLE CREEK BLVD	MCREYNOLDS SHARON N UNIT 1906
597	3225 TURTLE CREEK BLVD	MATHER MATTHEW J # 1907
598	3225 TURTLE CREEK BLVD	BINFORD OSWALD S & LORETTA L KATZ
599	3225 TURTLE CREEK BLVD	DUNDON KENNETH J UNIT 2002
600	3225 TURTLE CREEK BLVD	PANCHASARP VANEE & APT 2003
601	3225 TURTLE CREEK BLVD	STEIN GIFFORD P & SHARON UNIT 2004
602	3225 TURTLE CREEK BLVD	KUBILIUN NISA
603	3225 TURTLE CREEK BLVD	HARDIN BRIAN APT 2006
604	3225 TURTLE CREEK BLVD	TEEL PRESTON B APT 2007
605	3225 TURTLE CREEK BLVD	BURGIO DONALD A # 2101
606	3225 TURTLE CREEK BLVD	DELBAGNO JOHN B TR & MEBA RE REV LIV TRU
607	3225 TURTLE CREEK BLVD	HARMON DONALD B UNIT 2103
608	3225 TURTLE CREEK BLVD	BREGMAN ROBERT ALAN & JOYCE A A
609	3225 TURTLE CREEK BLVD	NOT FOREVER LLC
610	3225 TURTLE CREEK BLVD	ROSENBERG CARLA UNIT 2106
611	3225 TURTLE CREEK BLVD	BENAHARON SOL # 2107
612	3225 TURTLE CREEK BLVD	TX PREMIER REAL ESTATE GROUP LLC
613	3225 TURTLE CREEK BLVD	ELITE CONDO INC SUITE 240
614	3225 TURTLE CREEK BLVD	ELITE CONDOMINIUMS INC STE 240
615	3225 TURTLE CREEK BLVD	JONES JAMES ADRIAN ET AL #2207

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
616	3225 TURTLE CREEK BLVD	RENAISSANCE ON TURTLE CREEK
617	3111 SALE ST	ROMERO GUSTAVO
618	3111 SALE ST	PRICE JAMES & ESTELLE CARTER
619	3111 SALE ST	PRICE JAMES E BLDG A UNIT 3
620	3111 SALE ST	BOECK BLAIR ANN
621	3115 SALE ST	SALWEI ROBERT J UNIT 5
622	3115 SALE ST	DANIEL WILLIAM SAMUEL
623	3115 SALE ST	MILLER ERIC W &

FILE NUMBER: BDA 101-132

BUILDING OFFICIAL'S REPORT:

Application of Tommy Mann, Winstead PC for variances to the front yard setback regulations at 2918 Sale Street. This property is more fully described as Lot 2 in City Block A/1031 and is zoned PD-193 (O-2), which requires front yard setbacks of 20 feet. The applicant proposes to construct and maintain a structure and provide 5 foot front yard setbacks, which will require variances to the front yard setback regulations of 15 feet.

LOCATION: 2918 Sale Street

APPLICANT: Tommy Mann, Winstead PC

REQUESTS:

- Variances to the front yard setback regulations of up to 15' are requested in conjunction with constructing and maintaining according to the submitted "development plan" a 117-unit approximately 38,000 square foot structure on vacant/undeveloped property, part of which would be located in the site's 20' front yard setbacks along Dickason Avenue and Sale Street.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated how the restrictive area, shape, or slope of the site/lot precludes it from being developed in a manner commensurate with development found on other PD. No. 193 (O-2) zoned lots.

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.

GENERAL FACTS:

- The minimum front yard provisions of 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 line as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the front yard is measured from the front lot line of the building site or the existing right-of-way, whichever creates the greater setback. When the city council by ordinance establishes a specific right-of-way line for a street, the front yard setback is measured from that right-of-way line.
- PD No. 193 states that minimum front yard setback for permitted structures other than single-family structures or structures on residential development tracts on lots zoned O-2 is 20 feet.
The applicant has submitted a revised development plan/site plan indicating a structure that provides a 15' 5" distance from the Sale Street easement line on the northwest side of the site (or 4' 7" into the 20' front yard setback) and a 5' distance from the Dickason Avenue easement line or northeast side of the site (or 15' into the 20' front yard setback).
- The site is slightly sloped, generally rectangular in shape, and according to the application, 2.004 acres in area. The site is zoned PD No. 193 (O-2). The site has two front yard setbacks which is typical of any lot that has two street frontages and is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the "no improvements" at 2918 Sale.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 193 (O-2) Planned Development, Office)
North: PD No. 193 (O-2) Planned Development, Office)
South: PD No. 193 (O-2) Planned Development, Office)
East: PD No. 193 (O-2) (Planned Development, Office)
West: PD No. 193 (O-2) Planned Development, Office)

Land Use:

The subject site is undeveloped. The areas to the north, east, south, and west appear to be developed mostly as residential uses.

Zoning/BDA History:

- | | |
|---|--|
| 1. BDA 101-131, Property at 3440 Dickason Avenue (the lot immediately east of the subject site) | On December 12 2011, the Board of Adjustment Panel C will consider requests for variances to the front yard setback regulations of up to 15' are requested in conjunction with constructing and maintaining according to the submitted "development plan" a 230-unit approximately 54,000 square foot structure on vacant/undeveloped property, part of which would be located in the site's 20' front yard setbacks along Dickason Avenue, Sale Street, and Cedar Springs Road. |
|---|--|

Timeline:

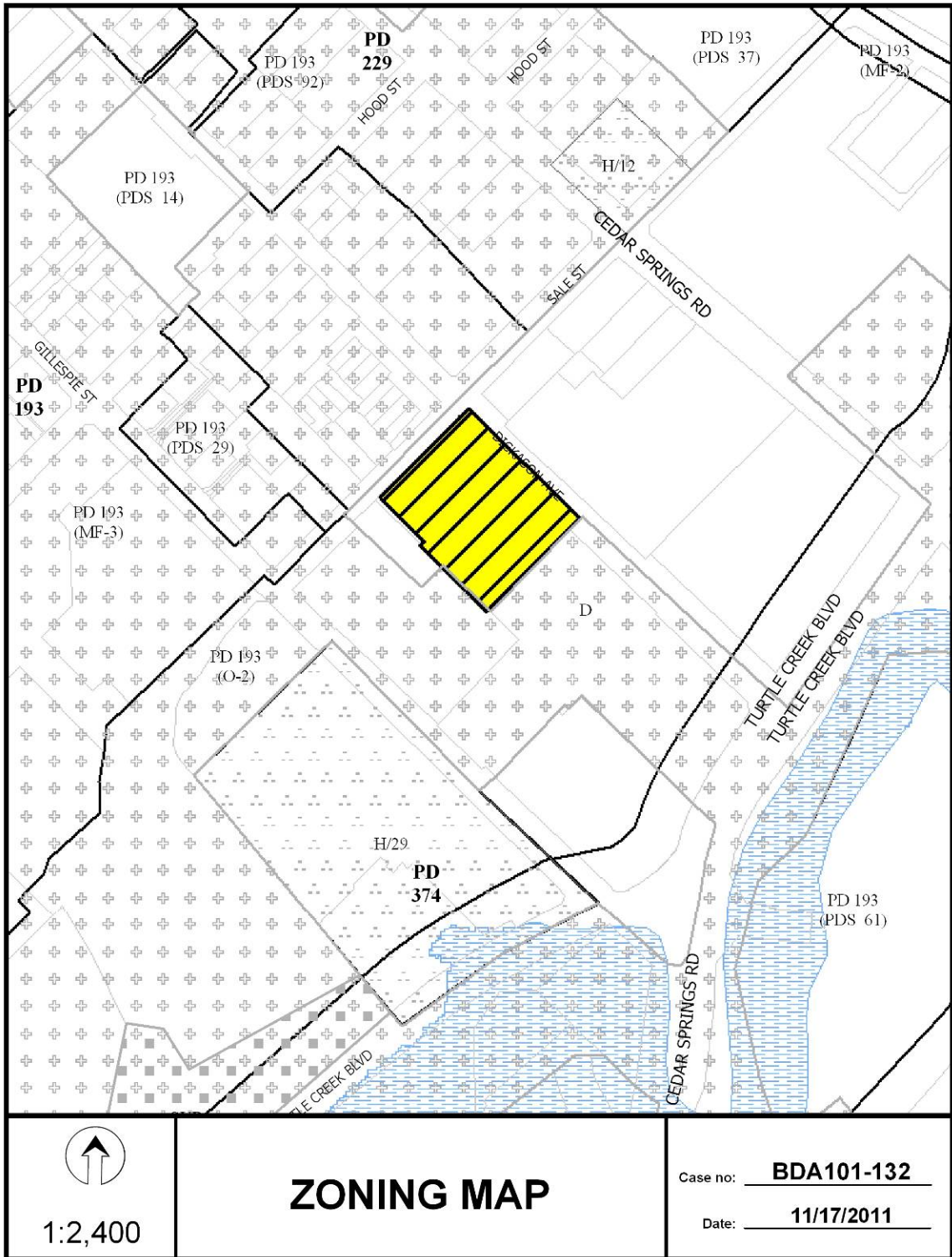
- October 26, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 9, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- November 11, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 23rd deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.
- November 22, 2011: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

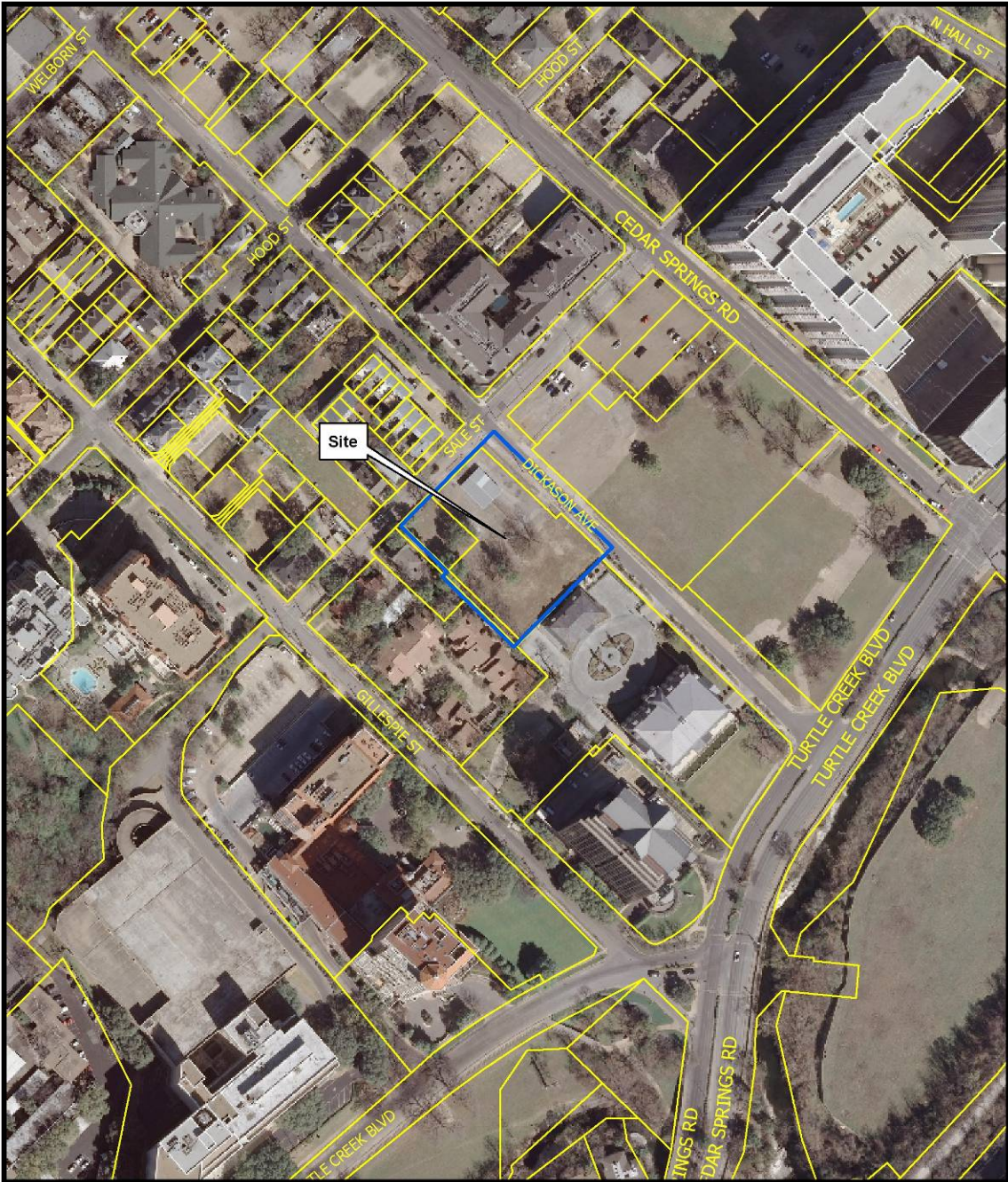
November 30, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing.

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

STAFF ANALYSIS:

- The requests focus on constructing and maintaining according to the submitted “development plan” a 117-unit approximately 38,000 square foot structure on vacant/undeveloped property, part of which would be located in the site’s 20’ front yard setbacks along Dickason Avenue and Sale Street.
- The revised development plan/site plan indicates a structure that provides a structure that provides a 15’ 5” distance from the Sale Street easement line on the northwest side of the site (or 4’ 7” into the 20’ front yard setback) and a 5’ distance from the Dickason Avenue easement line on the northeast side of the site (or 15’ into the 20’ front yard setback).
- The site is slightly sloped, generally rectangular in shape, and according to the application, 2.004 acres in area. The site is zoned PD No. 193 (O-2). The site has two front yard setbacks which is typical of any lot that has two street frontages and is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the “no improvements” at 2918 Sale.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to 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 variances are 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 No. 193 (O-2) zoning classification.
 - The variances 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 No. 193 (O-2) zoning classification.
- If the Board were to grant the variance requests, and impose the submitted revised development plan/site plan as a condition, the structure encroaching into the required front yard setbacks would be required to be maintained in the location and to the features shown on this document.





1:2,400

AERIAL MAP

Case no: BDA101-132

Date: 11/17/2011

Steve Long
City Hall Room 5BN

Mann, Tommy

From: Mann, Tommy
Sent: Tuesday, November 22, 2011 1:48 PM
To: 'Long, Steve'; 'Duerksen, Todd'
Cc: Williams, Kirk; 'mwolf@jhparch.com'; 'Robert Shaw'
Subject: RE: BDA 101- 131, Property at 3440 Dickason Avenue; and BDA 101-132, Property at 2918 Sale Street

BDA101-132
Attach A
pg 1

Steve/Todd,

After re-examining the site plans, our architect has determined that the setbacks need to be corrected as follows:

North of Dickason (BDA 101-131)

- Dickason: 5' setback from street easement (i.e. a 15' variance)
- Sale: 15' setback from street easement (i.e. a 5' variance)
- Cedar Springs: 5' from street easement (i.e. a 15' variance)

South of Dickason (BDA 101-132)

- Sale: 15' from street easement (i.e. a 5' variance)
- Dickason: 5' from street easement (i.e. a 15' variance)

I am sending copies of the revised plans to each of you this afternoon and will include a hard copy of this email for reference. Please revise the building official's report accordingly, and do not hesitate to give me a call with any questions.

Thanks,
Tommy

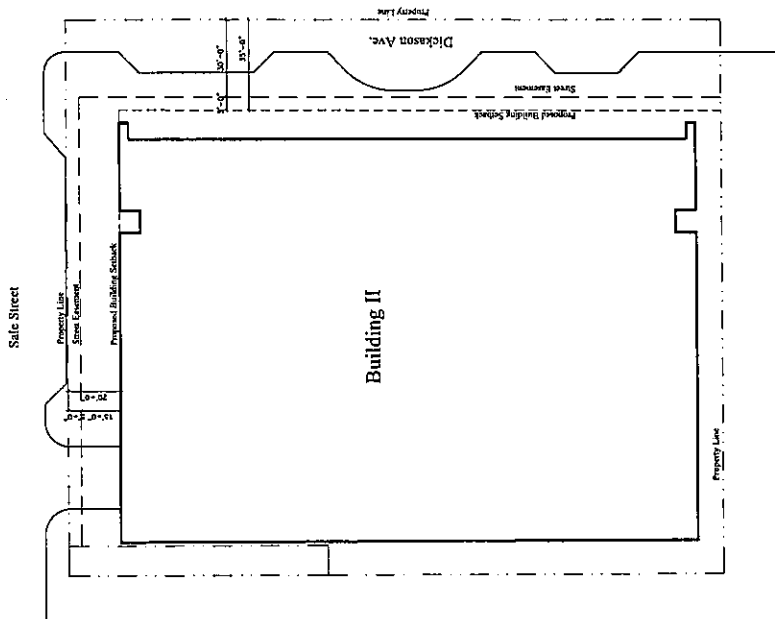
Tommy Mann, Attorney
Winstead PC | 5400 Renaissance Tower | 1201 Elm Street | Dallas, Texas 75270
214.745.5724 direct | 214.745.5390 fax | tmann@winstead.com | www.winstead.com

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Friday, November 11, 2011 12:15 PM
To: Mann, Tommy
Cc: Duerksen, Todd
Subject: BDA 101- 131, Property at 3440 Dickason Avenue; and BDA 101-132, Property at 2918 Sale Street

Dear Tommy,

Here is information regarding your applications to the board of adjustment at the addresses referenced above, most of which I believe you are familiar with given your experience with the board:

1. Your application materials- all of which will be incorporated in a docket that is emailed to you and the board of adjustment members about a week ahead of the scheduled December 12th public hearing;
2. The standard as to how the board is able to grant a variance to the front yard setback regulations (51A-3.102(d)(10));



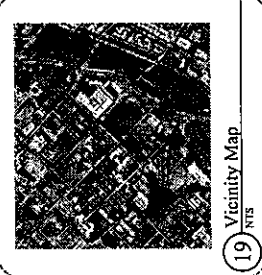
11 Development Plan
 Scale: 1"=50'-0"

BLDG. II PROJECT DATA:

TOTAL UNITS:	117 Units
PARKING REQUIRED:	166 Spaces
PARKING PROVIDED:	172 Spaces
MAX. BLDG. HEIGHT:	100'-0"
BLDG. AREA:	37,992 S.F. Gross
SITE AREA:	54,555 S.F. Gross

BLDG. I PROJECT DATA:

TOTAL UNITS:	230 Units
PARKING REQUIRED:	279 Spaces
PARKING PROVIDED:	284 Spaces
MAX. BLDG. HEIGHT:	100'-0"
BLDG. AREA:	51,522 S.F. Gross
SITE AREA:	83,060 S.F. Gross



DEVELOPMENT PLAN

BDA101 - A102
 A Hock A
 pg 2

Long, Steve

BDA 101 - 132

From: Mann, Tommy [tmann@winstead.com]
Sent: Tuesday, November 22, 2011 2:52 PM
To: Duerksen, Todd
Cc: Long, Steve; Williams, Kirk
Subject: Revisions to Building Official Reports (BDA 101-131 and 132)
Attachments: 999993-1(2011-11-22 14-46-15)-001.PDF; 999993-1(2011-11-22 14-46-15)-002.PDF

A Hach A
P33

Todd,

Per our previous emails, I have marked on the attached reports the revisions that need to be made to reflect the setbacks shown on our revised site plans. Copies of the revised plans should arrive to each of your offices within the hour. Let me know if you need anything else.

Thanks,
Tommy

Tommy Mann, Attorney

Winstead PC | 5400 Renaissance Tower | 1201 Elm Street | Dallas, Texas 75270
214.745.5724 *direct* | 214.745.5390 *fax* | tmann@winstead.com | www.winstead.com

From: tmann [mailto:omtoolserver]
Sent: Tuesday, November 22, 2011 2:46 PM
To: Mann, Tommy
Subject: MyAccuRoute Delivery

The attached file was processed by the AccuRoute server as requested.

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

Information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

BDA 101-132
Attach A
AS

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 Tommy Mann

did submit a request for a variance to the front yard setback regulations
at 2918 Sale Street

BDA101-132. Application of Tommy Mann for variances to the front yard setback regulations at 2918 Sale Street. This property is more fully described as lot 2 in city block A/1031 and is zoned PD-193 (O-2), which requires front yard setbacks of 20 feet. The applicant proposes to construct a multifamily residential structure and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback regulation, and provide a 15 foot front yard setback, which will require a 5 foot variance to the front yard setback regulation.

Sincerely,


Lloyd Denmark, Building Official



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-132

Data Relative to Subject Property:

Date: 10-26-11

Location address: 2918 Sale St. (AKA) : Zoning District: PD 193 0-2

Lot No.: 2 Block No.: A/1031 Acreage: 2.004 Census Tract: 0005.00

Street Frontage (in Feet): 1) 248.25' 2) 346.41' 3) 253.92' 4) _____ 5) _____ SW 22

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Turtle Creek Realty LLC

Applicant: TOMMY MANN, WINSTEAD PC Telephone: (214) 745-5724

Mailing Address: 1201 Elm St., suite 5400 Dallas, TX Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance 1, or Special Exception _____, of front yard setback variances as follows: (1) 10 feet on Dickason Ave. (2) 5.5 feet on Sale Street (3) Cedar Springs Rd. of 15 feet

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

The property has multiple front yards and an effectively regular shape due to many street easements that generate setbacks as well as extensive topographical changes on the site

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.

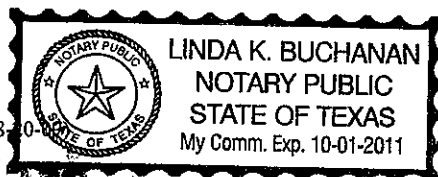
Respectfully submitted: Tommy Mann Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Tommy Mann 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 26th day of October, 2011



[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 Tommy Mann

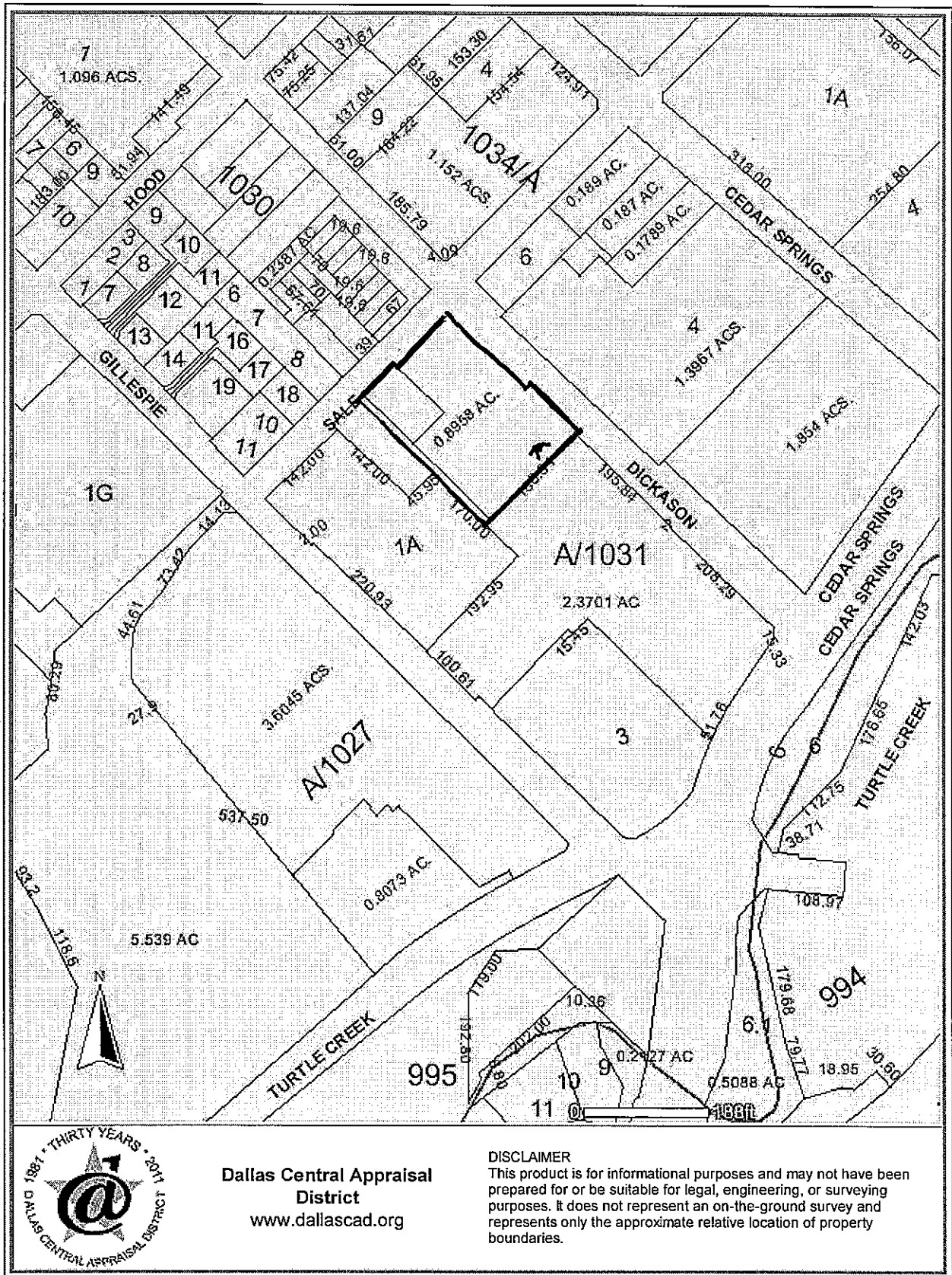
did submit a request for a variance to the front yard setback regulations

at 2918 Sale Street

BDA101-132. Application of Tommy Mann for variances to the front yard setback regulations at 2918 Sale Street. This property is more fully described as lot 2 in city block A/1031 and is zoned PD-193 (O-2), which requires front yard setbacks of 20 feet. The applicant proposes to construct a multifamily residential structure and provide a 10 foot 2 inch front yard setback, which will require a 9 foot 10 inch variance to the front yard setback regulation, and provide a 15 foot 6 inch front yard setback, which will require a 4 foot 6 inch variance to the front yard setback regulation.

Sincerely,

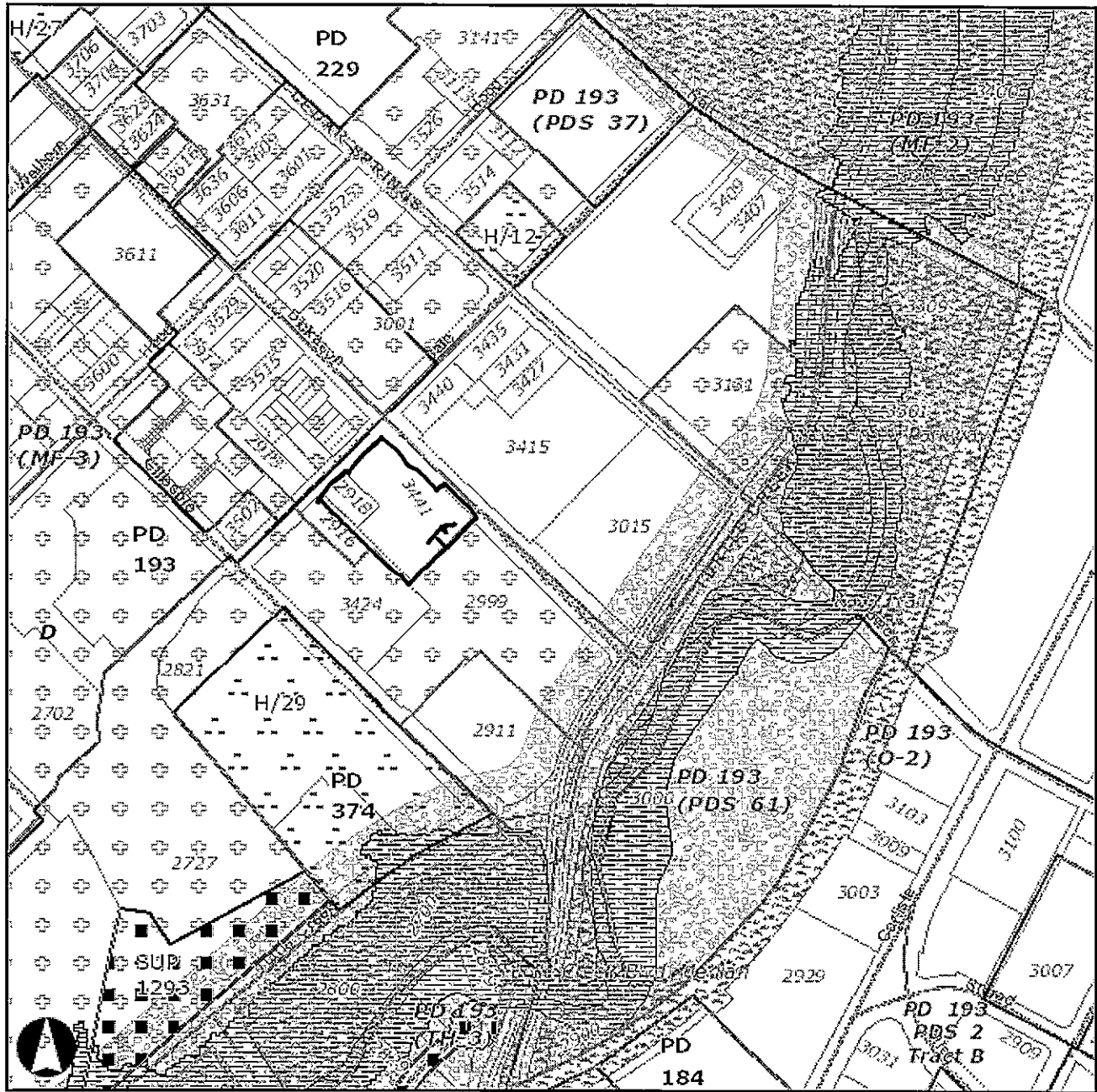

Lloyd Denman, Building Official



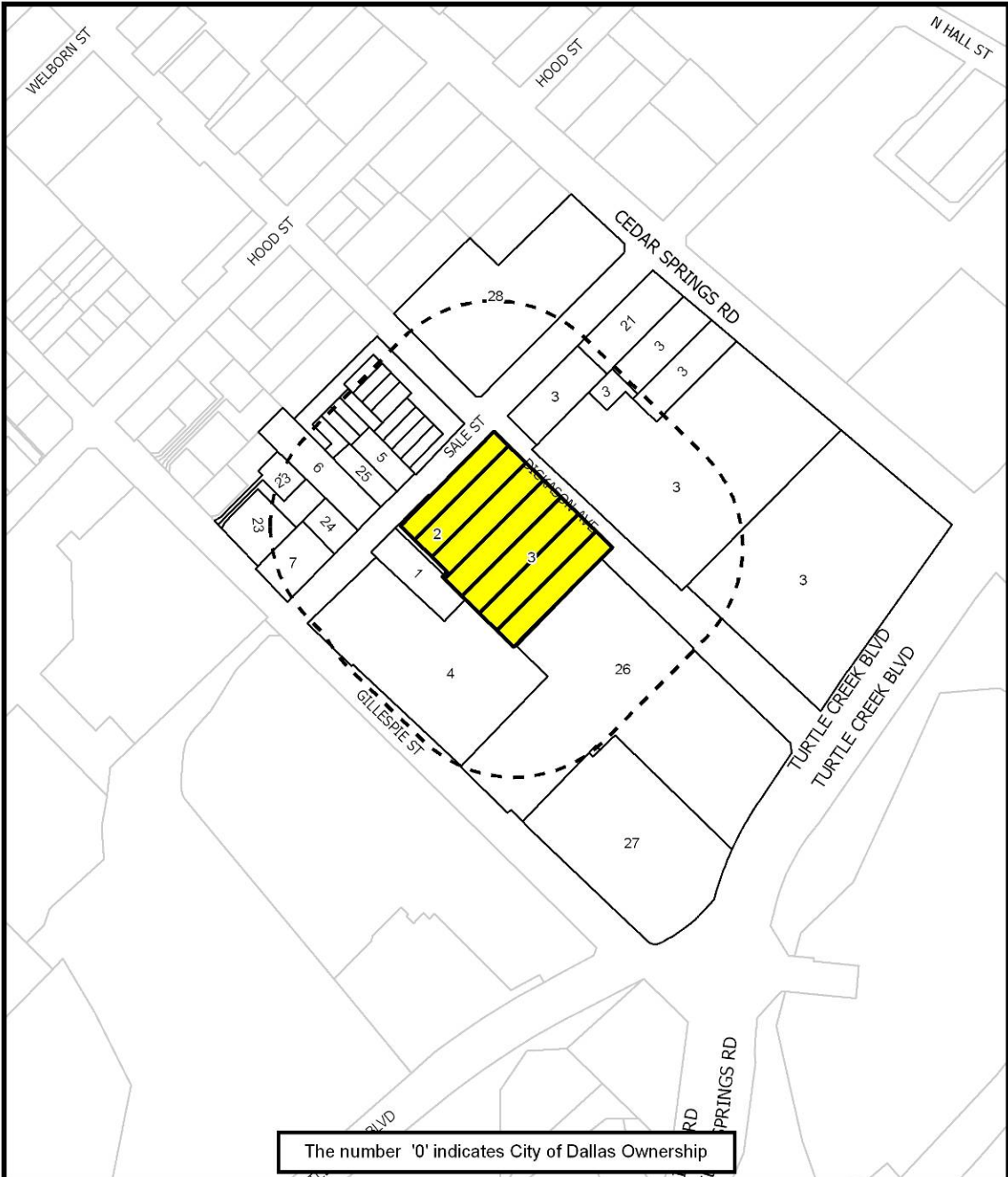
Dallas Central Appraisal District
www.dallascad.org

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.

City of Dallas Zoning



- | | | |
|-------------------|-----------------------|----------------------|
| County | Dry Overlay | PDS Subdistricts |
| Certified Parcels | D | Base Zoning |
| DISD Sites | D-1 | Floodplain |
| Council Districts | Historic Overlay | 100 Flood Zone |
| Waterways | Historic Subdistricts | Mill's Creek |
| Parks | NSO Overlay | Peak's Branch |
| Major Lakes | NSO Subdistricts | X PROTECTED BY LEVEE |
| | MD Overlay | Pedestrian Overlay |
| | | CP |



The number '0' indicates City of Dallas Ownership



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA101-132**

Date: **11/17/2011**

Notification List of Property Owners

BDA101-132

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2916 SALE ST	DEWEY JOHN PEYTON JR FAMILY TRUST
2	2918 SALE ST	LINPRO ESPLANADE LAND %GEN ELECTRIC PENS
3	3431 CEDAR SPRINGS RD	LINPRO ESPLANADE LAND %GEN ELECTRIC PENS
4	3424 GILLESPIE ST	PUIG A WINSTON VILLA 8
5	2921 SALE ST	PERKINS JOE B LIFE ESTATE REM: SCOTT GRA
6	2913 SALE ST	LENNOX EDWARD & LENNOX LISA
7	3502 GILLESPIE ST	KLEMENT MICHAEL
8	3511 DICKASON AVE	LENTZ HAROLD CALVIN III UNIT 1
9	3511 DICKASON AVE	LIN CHUN HAN & UNIT A
10	3509 DICKASON AVE	STREIDL LISA APT 901
11	3509 DICKASON AVE	WAINSCOTT MICHAEL P
12	3507 DICKASON AVE	ARKAN EROL E UNIT 5
13	3507 DICKASON AVE	ROSA EMILIO
14	3505 DICKASON AVE	ADAMS DAVID G BLDG B UNIT 7
15	3505 DICKASON AVE	STILES DONNA M UNIT A
16	3503 DICKASON AVE	HOSFORD LESLIE L SORRELL
17	3503 DICKASON AVE	BARBER MONTY C SUITE 10
18	3501 DICKASON AVE	MORRIS JAMES D & MIRIAM R UNIT 11
19	3501 DICKASON AVE	ARMSTRONG JIMMY U
20	2919 CEDAR SPRINGS RD	BURLESON PATE & GIBSON
21	3435 CEDAR SPRINGS RD	LINPRO ESPLANADE LAND LTD
22	3500 DICKASON AVE	SALE STREET HOMEOWNERS AS
23	3510 GILLESPIE ST	REGENTS PARK RESIDENCES II LP
24	2909 SALE ST	LENNOX EDWARD L & LISA LENNOX % SERVICE
25	2917 SALE ST	GRANOWSKI SCOTT
26	2999 TURTLE CREEK BLVD	2999 TURTLE CREEK INC

11/17/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2911 TURTLE CREEK BLVD	TRT PARK PLACE LLC
28	3001 SALE ST	CWS ROYALE FRANCISCAN LP CWS ROYALE SW L