

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 19, 2016

Briefing: 11:00 A.M. L1FN CONFERENCE CENTER AUDITORIUM
Public Hearing: 1:00 P.M. L1FN CONFERENCE CENTER AUDITORIUM

Purpose: To take action on the attached agenda, which contains the following:

1. Zoning Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

***All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas 75201**

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

10-19-2016

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 19, 2016
AGENDA

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

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

MISCELLANEOUS ITEMS

	Approval of the September 21, 2016 Board of Adjustment Panel B Public Hearing Minutes	M1
	Consideration and approval of Panel B's 2017 Public Hearing Calendar	M2
BDA156-036(SL)	4407 W. Lovers Lane REQUEST: Of Ryan Bellomy of Bellomy Minerals and Kori Haug of Bella Firma to waive the two year limitation on a final decision reached by Board of Adjustment Panel B for a special exception to the landscape regulations	M3

UNCONTESTED CASES

BDA156-097(SL)	2619 McKinney Avenue REQUEST: Application of Brad Oldham, represented by Aaron Wolf, for a special exception to the visual obstruction regulations	1
BDA156-103(SL)	11311 Stemmons Freeway REQUEST: Application of Mohammad Awad, represented by Jessica J. Kilgore, P.E., for a special exception to the landscape regulations	2

REGULAR CASE

BDA156-099(JM) 1521 Algonquin Drive 3
REQUEST: Application of Jose R. Castillo,
represented by Andres Barragan, for a variance to
the front yard setback regulations

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 3

FILE NUMBER: BDA156-036

REQUEST: To waive the two year limitation on a final decision reached by Board of Adjustment Panel B on April 20, 2016 - a request for a special exception to the landscape regulations that was granted with certain conditions.

LOCATION: 4407 W. Lovers Lane

APPLICANT: Ryan Bellomy of Bellomy Minerals and Kori Haug of Bella Firma

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

April 20, 2016: The Board of Adjustment Panel B granted a request for special exception to the landscape regulations and imposed the following condition to this request: Compliance with the submitted revised alternate landscape plan is required. The case report stated that the request was made to construct and maintain an office use/structure (DSF Capital) on a site currently undeveloped, and not fully meet the landscape regulations (See Attachment A for information related to this application).

September 26, 2016: One of the applicants submitted a letter to staff requesting that the Board waive the two year limitation on the request for a special exception to the landscape regulations granted by Board of Adjustment Panel B on April 20, 2016 (see Attachment B). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a landscape special exception on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.

- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

September 30, 2016: The Board Administrator emailed the applicants information regarding this miscellaneous item request (see Attachment C).



m3
Attach A
pg 1
B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-036

Data Relative to Subject Property:

Date: 02-25-16

Location address: ~~4435~~ 4407 W. Lovers Zoning District: PDD 326 Area A

Lot No.: 1A Block No.: ~~A/5679~~ E/4975 Acreage: .65 Census Tract: 73.02

Street Frontage (in Feet): 1) 56.8 2) 286.1 3) 130 4) _____ 5) _____

NW21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 4401 West LL Partners

Applicant: Santos T. Martinez Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Represented by: _____ Telephone: 214-761-9197

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

E-mail Address: santos@masterplanconsultants.com

Affirm that an appeal has been made for a Variance __, or Special Exception x, of approval of an alternate landscape plan

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:

PDD 326 requires a solid fence along property line adjacent to residential uses; irregular shaped lots create conflict with Article X ten foot buffer requirement; property owner seeks alternate plan that allows the solid fence with trees without a ten foot dedicated buffer

BOARD OF ADJUSTMENT DECISION FILED

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

Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez

ROFATRI MINDA (Affiant/Applicant's name printed)

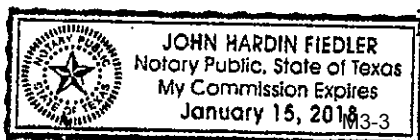
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 23 day of FEBRUARY 2016

[Signature]

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

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Attach A
Pg 2

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

WEDNESDAY, APRIL 20, 2016

FILE NUMBER: BDA156-036(SL)

BUILDING OFFICIAL'S REPORT: Application of Santos T. Martinez for a special exception to the landscape regulations at 4407 W. Lovers Lane. This property is more fully described as Lot 1A, Block E/4975, and is zoned PD-326 (Area A), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4407 W. Lovers Lane

APPLICANT: Santos T. Martinez

REQUEST:

A special exception to the landscape regulations is made to construct and maintain an office use/structure (DSF Capital) on a site currently undeveloped, and not fully meet the landscape regulations.

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

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

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

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

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

M3
Attach A
P33

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing April 20, 2016

Appeal was--Granted OR Denied

Remarks Granted
Compliance with the
submitted revised
alternate landscape
plan is required.

Scott Henry
Chairman

Building Official's Report

I hereby certify that Santos Martinez

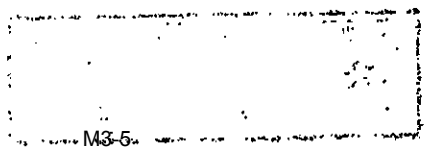
did submit a request for a special exception to the landscaping regulations
at 4407 W. Lovers Lane

BDA156-036. Application of Santos Martinez for a special exception to the landscaping regulations at 4407 W. Lovers Lane. This property is more fully described as Lot 1A, Block E/4975, and is zoned PD-326 (Area A), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscaping regulations.

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 21 DAY OF
April, 20 16.**
Shang
ADMINISTRATOR

Sincerely,

Philip Sikes
Philip Sikes, Building Official





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Attach A
Pg 4

April 26, 2016

Santos Martinez
Masterplan
900 Jackson Street, #640
Dallas, TX 75202

Re: BDA156-036(SL), Property at 4407 W. Lovers Lane

Dear Mr. Martinez:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, April 20, 2016, granted your request for a special exception to the landscape regulations, subject to the following condition:

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

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

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

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

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

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

M3
 A-124
 B-1

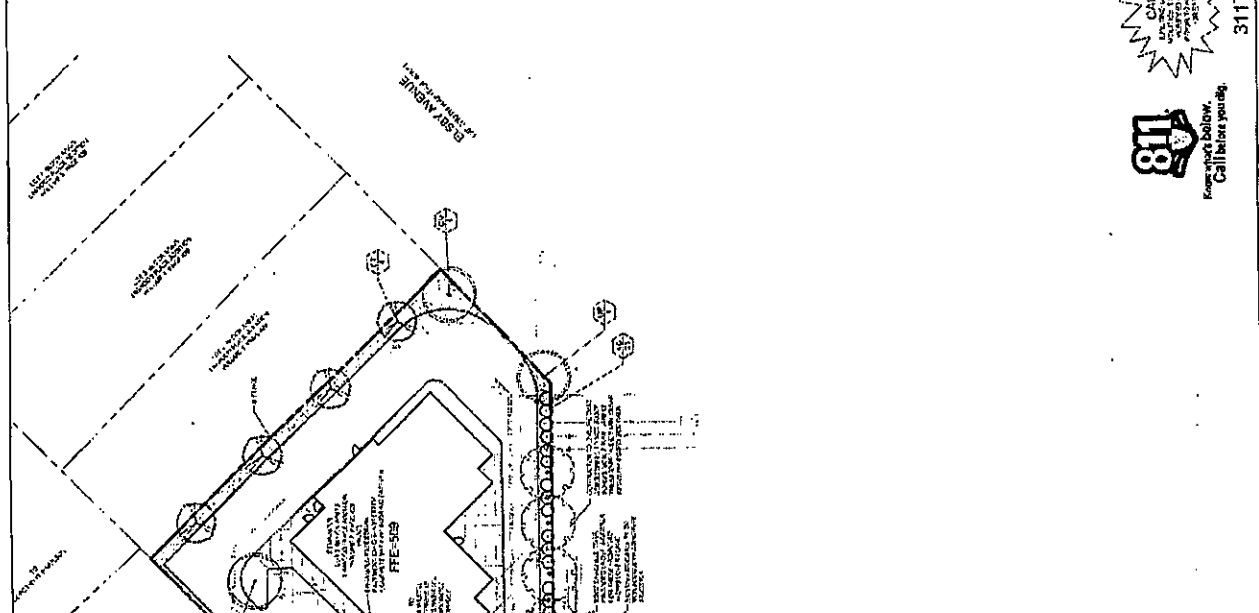
4307 W. LOWERS LANE
 DALLAS, TEXAS 75245
 DSF CAPITAL
 FILE NUMBER: 311T-0942
 LANDSCAPE PLAN
 SHEET NUMBER: L-02

Kimley-Horn
 1000 WEST WILSON AVENUE
 SUITE 1000
 DALLAS, TEXAS 75201
 TEL: 214-761-1000
 FAX: 214-761-1001
 WWW.KIMLEY-HORN.COM

CITY OF DALLAS (PRELIMINARY)
 PROJECT: 311T-0942
 SHEET: L-02
 DATE: 11-15-07
 PLANS APPROVED
 SUBJECT TO
 BOARD ACTION
 DATE: 11-15-07
 ADMINISTRATOR: [Signature]

CITY OF DALLAS (PRELIMINARY)
 PROJECT: 311T-0942
 SHEET: L-02
 DATE: 11-15-07
 PLANS APPROVED
 SUBJECT TO
 BOARD ACTION
 DATE: 11-15-07
 ADMINISTRATOR: [Signature]

CITY OF DALLAS (PRELIMINARY)
 PROJECT: 311T-0942
 SHEET: L-02
 DATE: 11-15-07
 PLANS APPROVED
 SUBJECT TO
 BOARD ACTION
 DATE: 11-15-07
 ADMINISTRATOR: [Signature]



PLANT SCHEDULE

NO.	SYMBOL	QUANTITY	PLANT NAME	SIZE	SPACING	NOTES
1	(Symbol)	1	AMERICAN OAK	12"	12' x 12'	PLANTING IN FRONT OF BUILDING
2	(Symbol)	1	SPYRAL PLUM	12"	12' x 12'	PLANTING IN FRONT OF BUILDING
3	(Symbol)	1	FLORIDA PALM	12"	12' x 12'	PLANTING IN FRONT OF BUILDING
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M3
Attach B



September 28, 2016

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

Re: BOA Case 156-036 Request for Waiver

Dear Mr. Long:

Please accept this letter as a request to waive the Board of Adjustment's two-year limitation imposed by Dallas City Code Section 51A-4.703(e). The property can be identified with preliminary plat number S 156-123 ("Property").

On April 20, 2016, Board of Adjustment Panel B granted a conditional special exception to reduce the required 10-foot landscape buffer found in Article X of the City's landscaping requirements. The case was presented as file number BDA-156-036, under a previous owner, 4401 West LL Partners for the address at 4407 West Lovers Lane.

On May 31, 2016, the Property was sold to Bellomy Minerals, LLC ("Bellomy"). Bellomy sought to improve the aesthetic appeal of the property by introducing underground parking and increasing the landscape area. This resulted in significant changes to the site plan including the parking layout, building footprint, and landscape design.

Dallas City Code Section 51A-4.703(e)(3) requires a showing of "changed circumstances" that are sufficient to warrant a new hearing. Changes from the initial hearing can be cited as (1) the ownership of the land; (2) the site plan; and (3) the landscape design. These deviations are sufficient enough to prevent development of the property under the conditions previously granted, therefore, meeting the requirements of a waiver request. Future special exceptions and variance requests are also a possibility due to the unique configuration of the site.

Bellomy appreciates your consideration in waiving the two-year time limitation regarding this case. The intent is to resubmit the new site plan based on the new design so that we to proceed with permitting. Bellomy asks this matter be placed on the October 19, 2016 docket for the Board of Adjustment Panel B.

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

Sincerely,

Ryan Bellomy
Office: 214.953.0188
ryan@thebellomygroup.com

Bellomy Minerals, LLC

1700 Pacific Avenue, Suite 2220, Dallas, Texas 75201

Long, Steve

m3
Attach C

From: Long, Steve
Sent: Friday, September 30, 2016 6:02 AM
To: 'Kori Haug'
Cc: Moorman, Donna; Duerksen, Todd; McCullough, Mary; 'Elizabeth Parham Johnson'; 'Sean Bellomy'; Meredith Small Wallace (mwallace@wallacejohnsonstudio.com); 'J. Scott Slagle'; 'Robert Harris'; 'Ryan Bellomy'
Subject: RE: BDA156-036, Property at 4407 W. Lovers Lane, two year limitation waiver miscellaneous request
Attachments: Waiver request letter.pdf; BDA156-036 application information.pdf; 2 year waiver.pdf; Panel B hearing date and deadlines.doc; documentary evidence.pdf

Dear Ms. Haug,

Here is information regarding your miscellaneous item request for a waiver of the two year limitation to the board of adjustment regarding the application referenced above:

1. Your letter of request of the waiver of the two-year limitation - which will be emailed to you and the board members about a week ahead of your October 19th Board of Adjustment Panel B public hearing.
2. The provisions/standard from the Dallas Development Code allowing the board to waive the two year time limitation on a final decision reached on an application on the same matter (other than a decision of denial without prejudice) (51A-4.703(e)(3)) - which in your case, is a waiver of the two year time limitation in place on a request for a special exception to the landscape regulations (BDA156-036) granted by Board of Adjustment Panel B (with a certain condition) on April 20, 2016.
3. Materials related to BDA156-036.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance (or someone who can speak on your behalf) at the October 19th public hearing to be held at 1:00 p.m. in Dallas City Hall is strongly encouraged).
5. The board's rule pertaining to documentary evidence.

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on your request.

Thank you,

Steve

From: Kori Haug [mailto:khaug@bellefirma.com]
Sent: Wednesday, September 28, 2016 1:08 PM
To: Long, Steve
Cc: Elizabeth Parham Johnson; Sean Bellomy; Meredith Small Wallace (mwallace@wallacejohnsonstudio.com); J. Scott Slagle; Robert Harris; Ryan Bellomy
Subject: 4415 W Lovers - Waiver Request

Good Afternoon Steve,

Please see attached for the waiver request letter from our client.

If you have any questions, please feel free to call us.

FILE NUMBER: BDA156-097(SL)

BUILDING OFFICIAL'S REPORT: Application of Brad Oldham, represented by Aaron Wolf, for a special exception to the visual obstruction regulations at 2619 McKinney Avenue. This property is more fully described as part of Lot 4, Block 3/955, and is zoned PD-193 (PDS 103), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain an item in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 2619 McKinney Avenue

APPLICANT: Brad Oldham
Represented by Aaron Wolf

REQUEST:

A request for a special exception to the visual obstruction regulations is made to locate and maintain a 16' high, 3' 10" wide sculpture structure in the 45' visibility triangle at the intersection of Routh Street and McKinney Avenue on a site being developed with a multistory multifamily structure/use (OneUptown).

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- Staff concurred with the Sustainable Development and Construction Department Project Engineer who has no objection (with the suggested condition above imposed) to locate/maintain the 16' high, 3' 10" wide sculpture structure in the Routh Street/McKinney Avenue 45' visibility triangle – an item in this location would not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (PDS 103) (Planned Development, Planned Development)
North: PD 193 (LC) (Planned Development, Light Commercial)
South: PD 193 (LC) (Planned Development, Light Commercial)
East: PD 193 (LC) (Planned Development, Light Commercial)
West: PD 9 (Planned Development)

Land Use:

The subject site is developed as a surface parking lot. The areas to the north, east, south, and west are developed with mostly with office uses.

Zoning/BDA History:

1. BDA123-123, Property at 2323 McKinney Avenue (the lot south of the subject site) On December 16, 2013, the Board of Adjustment Panel C denied a request for a special exception to the visual obstruction regulations without prejudice. The case report stated the request was made to maintain an existing 5' high open fence located in the 45' visibility triangle at the intersection of McKinney Avenue and Routh Street on a site developed with a restaurant without drive-in or drive-through service (Sfuzzi's).

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the visual obstruction regulations focuses on locating and maintaining a 16' high, 3' 10" wide sculpture structure in the 45' visibility triangle at the intersection of Routh Street and McKinney Avenue on a site being developed with a multistory multifamily structure/use (OneUptown).
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

- PD 193 defines “visibility triangle” as
 1. where a street designated on the city’s thoroughfare plan intersects another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;
 2. where two streets not designated on the city’s thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection;
 3. where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there are no street curbs, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating that a 16’ high, 3’ 10” wide sculpture structure is proposed to be in the 45’ visibility triangle at the intersection of McKinney Avenue and Routh Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting “subject to the site plan and sculpture elevation and cross-section”.
- The applicant has the burden of proof in establishing how granting this request for a special exception to the visual obstruction regulations to locate and maintain a 16’ high, 3’ 10” wide sculpture structure in the 45’ visibility triangle at the intersection of Routh Street and McKinney Avenue does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation/cross section would limit the item in the Routh Street/McKinney Avenue 45’ visibility triangle to that what is shown on this document – a 16’ high, 3’ 10” wide sculpture structure.

Timeline:

July 25, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

September 13, 2016: The Board Administrator emailed the applicant’s representative the following information:

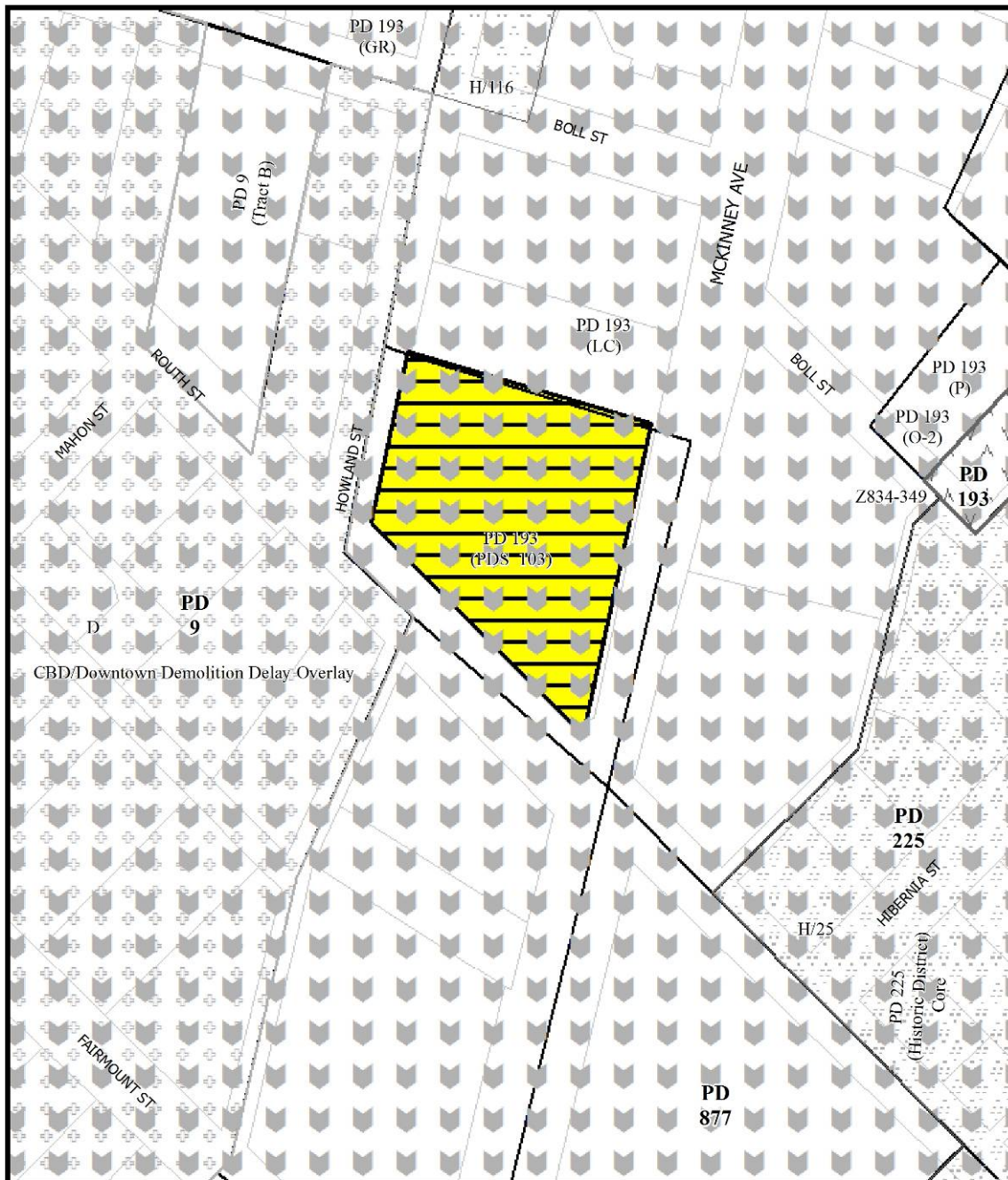
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis;

and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

October 6, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "subject to the site plan and sculpture elevation and cross-section".



1:1,200

ZONING MAP

Case no: BDA156-097

Date: 9/28/2016



1:1,200

AERIAL MAP

Case no: BDA156-097

Date: 9/23/2016



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-097

Data Relative to Subject Property:

Date: 07-25-16

Location address: 2619 McKinney Avenue

Zoning District: PD193(PDS 103)

Lot No.: Part of 4 Block No.: 3/955 Acreage: 0.85 Census Tract: 18.00

Street Frontage (in Feet): 1) 225.00 ft 2) 210.50 ft 3) 135.40 ft 4) _____ 5) _____

To the Honorable Board of Adjustment :

gw22

Owner of Property (per Warranty Deed): SC One Dallas, LLC

Applicant: BRAD OLDHAM Telephone: (214) 740-0600

Mailing Address: 1200 ROSS AVENUE SUITE 180 Zip Code: 75202

E-mail Address: BRAD@BRADOLDHAM.COM

Represented by: AARON WOLF Telephone: (972) 385-2272

Mailing Address: 14800 QUORUM DR. SUITE 220 Zip Code: 75254

E-mail Address: AWOLF@CATES-CLARK.COM

Affirm that an appeal has been made for a Variance _____, or Special Exception , of _____
Request to erect an artistic sculpture in the back of a 45'x45' visibility triangle at the northwest corner of McKinney Avenue and Routh Street.

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

The sculpture location will be in the back of the visibility easement, directly adjacent to the building; and due to the geometry of the signalized intersection will not obstruct the view of vehicles or pedestrians on Routh Street from motor traveling along McKinney Avenue, nor will it obstruct the view of motorists eastbound on Routh Street from property visibility along McKinney Avenue. Furthermore, the sculpture will only be twelve inches (12") in cross sectional width, and open in the middle such that view is not greatly obscured through the sculpture.

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.

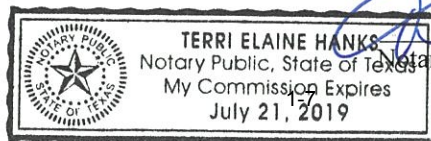
Affidavit

Before me the undersigned on this day personally appeared BRAD OLDHAM
(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 20th day of July, 2016



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Brad Oldham
represented by Aaron Wolf
did submit a request for a special exception to the visibility obstruction regulations
at 2619 McKinney Avenue

BDA156-097. Application of Brad Oldham represented by Aaron Wolf for a special exception to the visibility obstruction regulations at 2619 McKinney Avenue. This property more fully described as part of Lot 4, Block 3/955, and is zoned PD-193 (PDS 103), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct an accessory structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

PAW

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

Locate

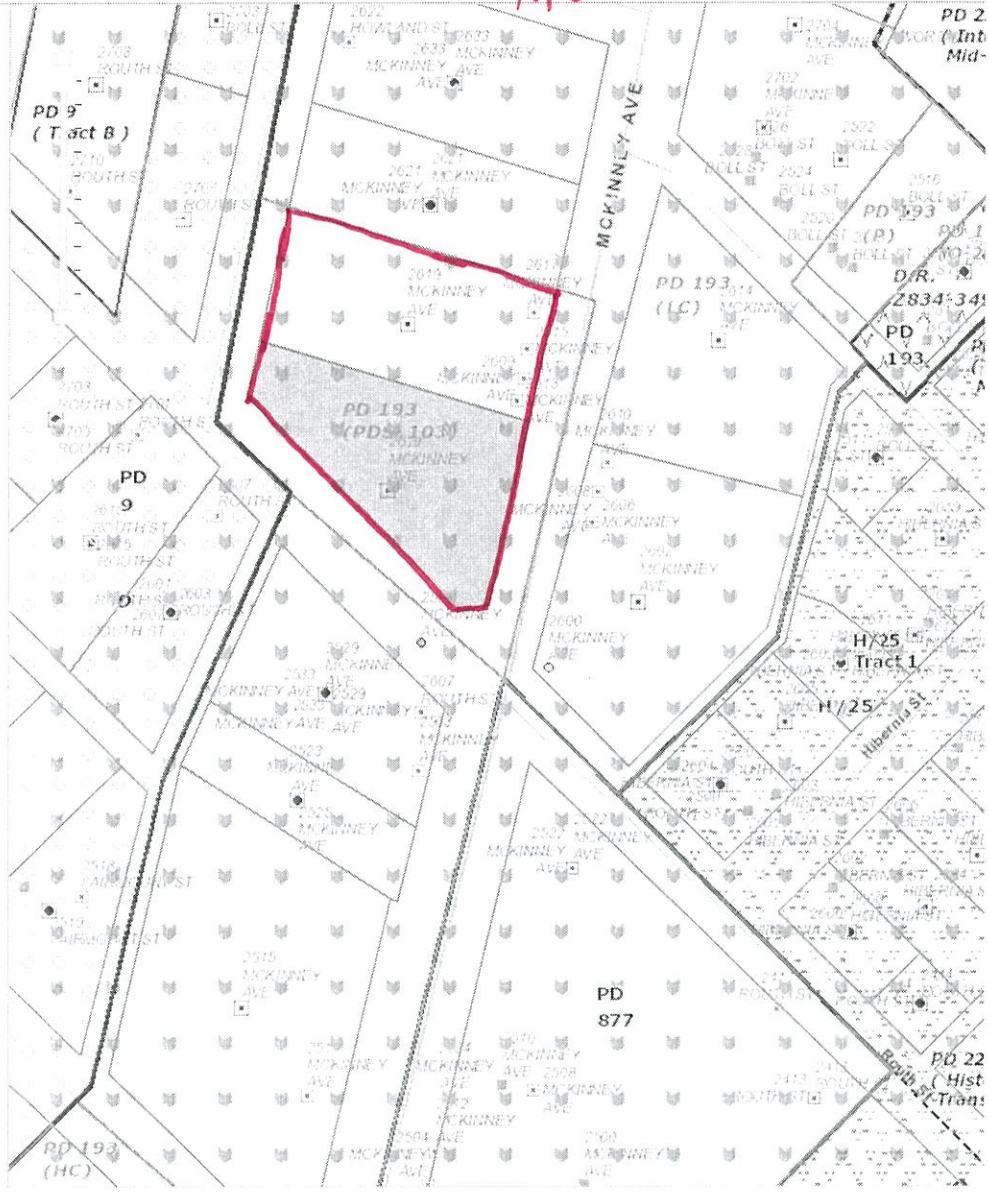
OR

Parcel address.
Use street type for better re
2615 MCKINNEY

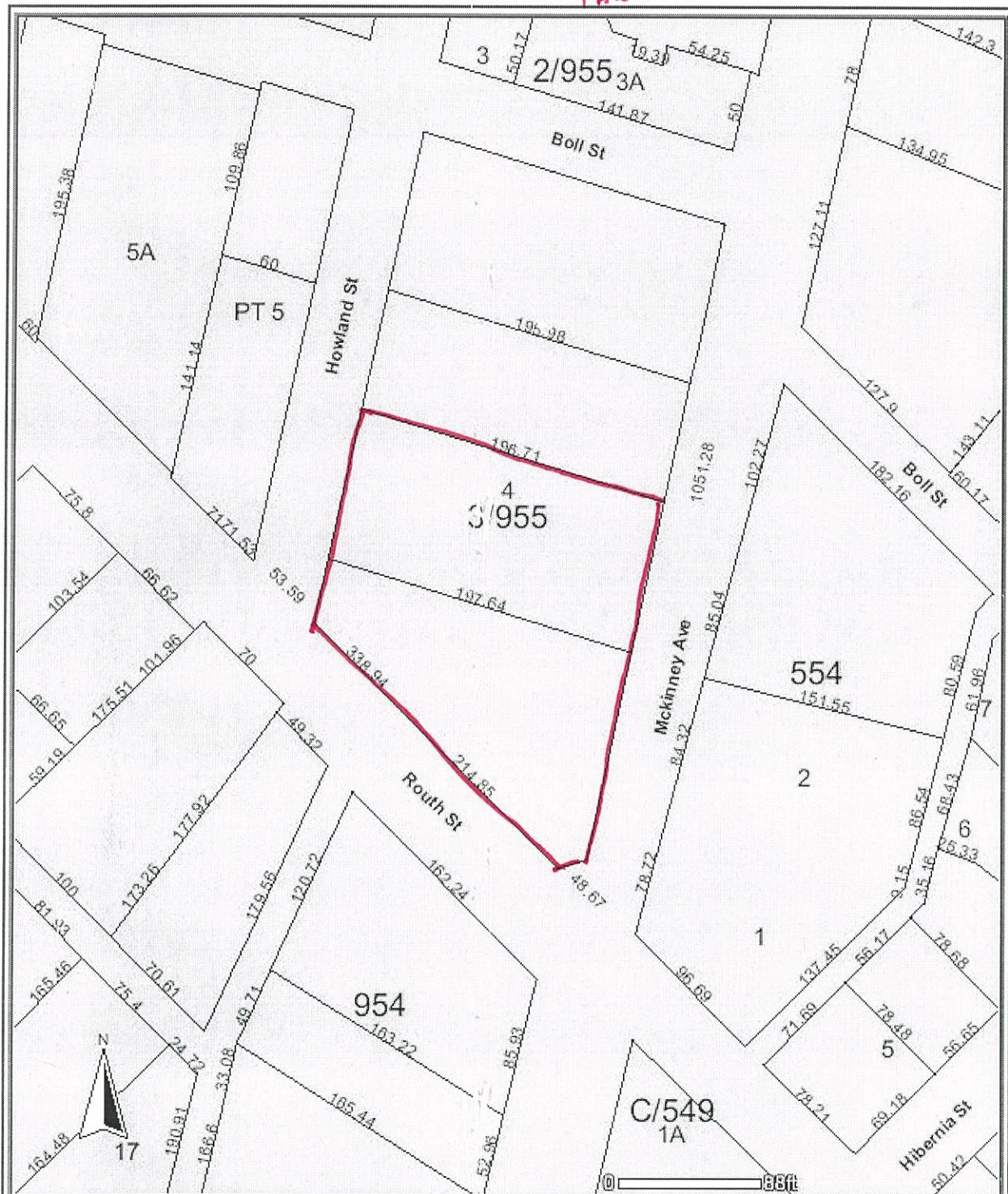
Locate

Locate Zoning

Links

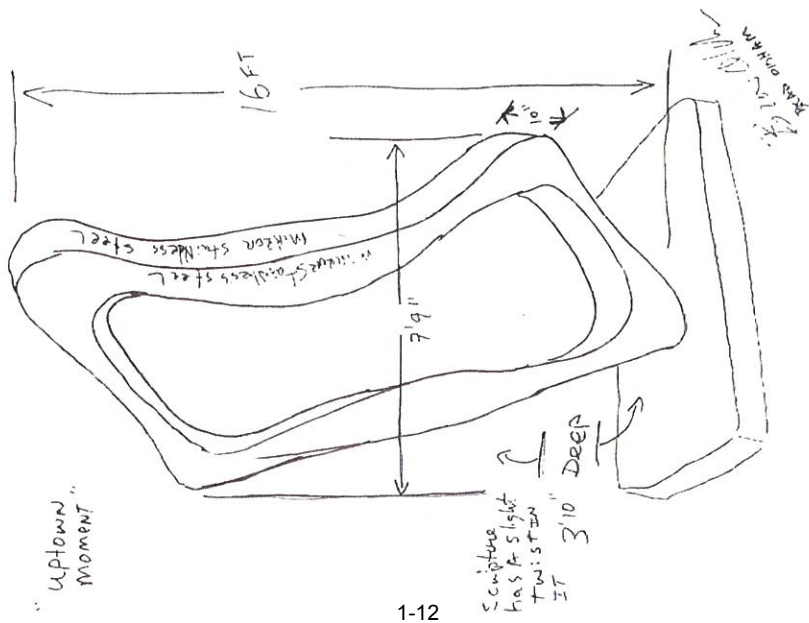
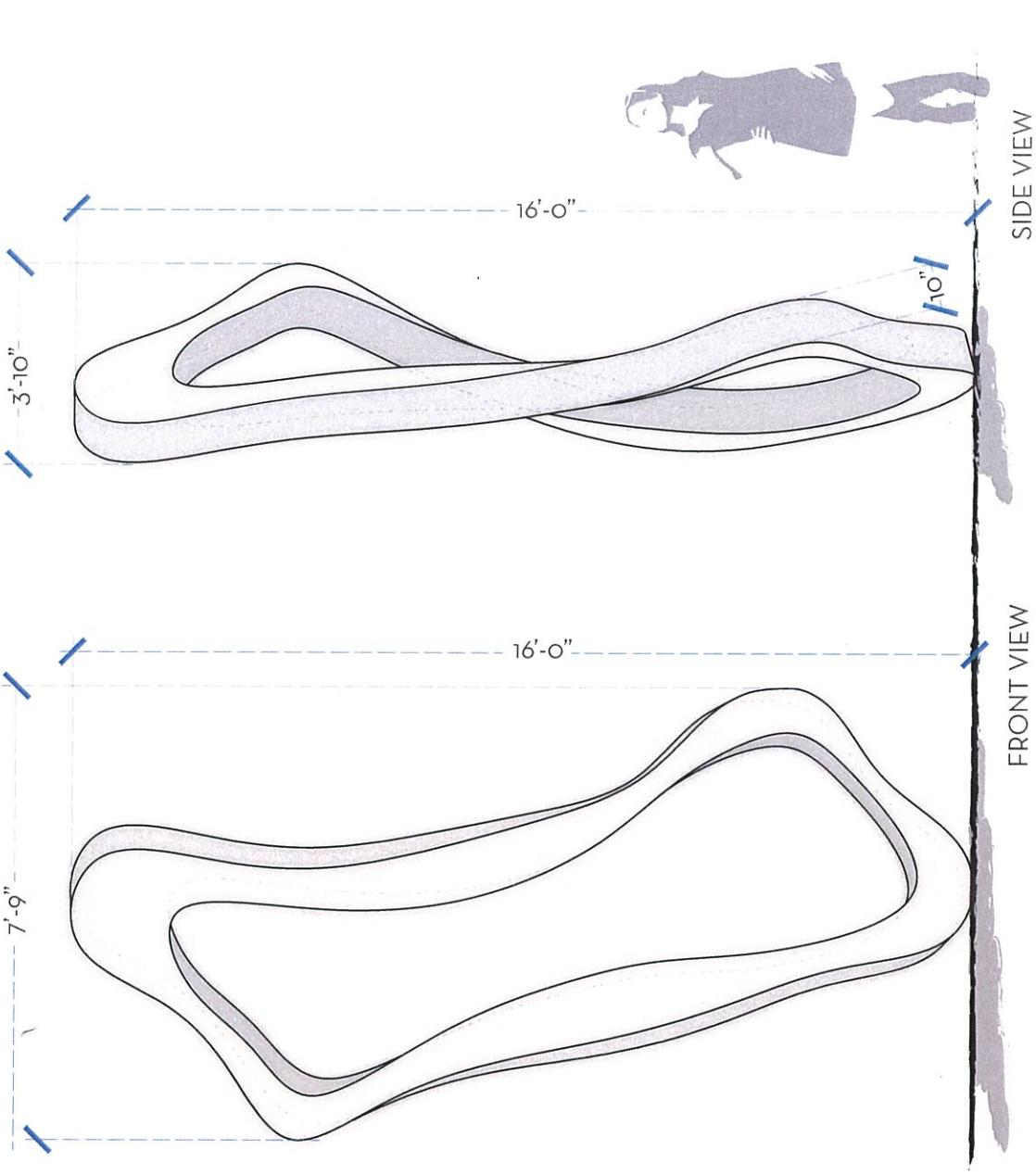


TAW



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

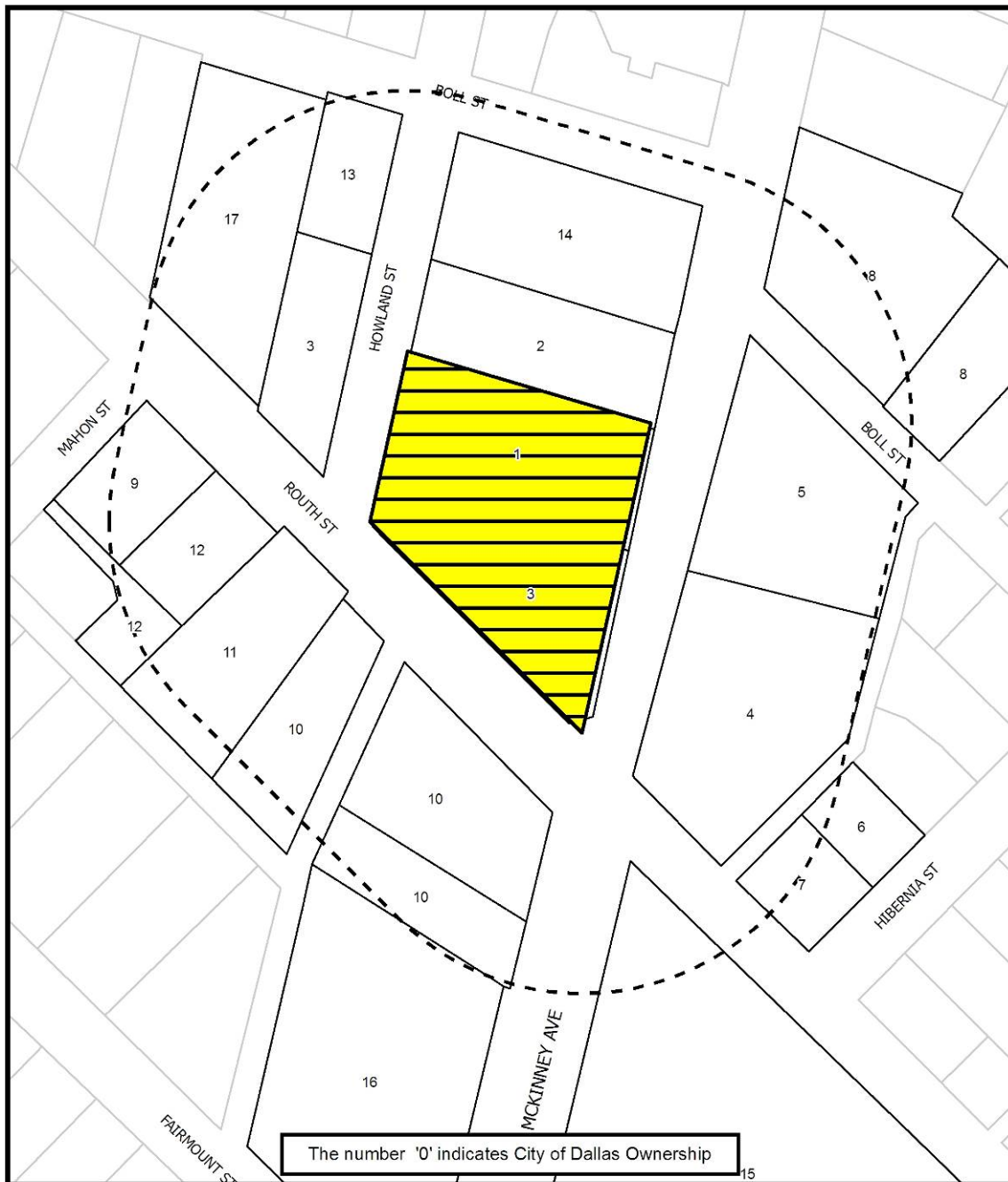
DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Brad Oldham Sculpture
1200 Ross Avenue, Suite 180
Dallas, TX 75202

UPTOWN MOMENT

1200 Ross Avenue, Suite 180, Dallas, TX 75202



 1:1,200	NOTIFICATION		Case no: BDA156-097
	<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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 9/23/2016

Notification List of Property Owners

BDA156-097

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2619 MCKINNEY AVE	SC ONE DALLAS LLC
2	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC
3	2704 ROUTH ST	SC ONE DALLAS LLC
4	2602 MCKINNEY AVE	UPTOWN ENERGY PARTNERS LP
5	2614 MCKINNEY AVE	J&K REAL ESTATE INV LTD
6	2605 HIBERNIA ST	HUMPHRIES JOHN JR
7	2500 ROUTH ST	FATIMA LLC
8	2516 BOLL ST	AJP PROPERTIES
9	2707 ROUTH ST	TURTLE CREEK MANOR INC
10	2609 ROUTH ST	OR ASSET HOLDINGS LP
11	2615 ROUTH ST	OR ASSET HOLDINGS LP
12	2703 ROUTH ST	DAYTON JOHN W & ARLENE J
13	2703 BOLL ST	OGLE LINDA K ET AL
14	2633 MCKINNEY AVE	CH RETAIL FUND I DALLAS MCKINNEY AVENUE LP
15	2500 MCKINNEY AVE	LG ROUTH LP
16	2515 MCKINNEY AVE	CHATEAU PLAZA HOLDINGS LP
17	2708 ROUTH ST	JTS ROUTH ST PARTNERS LLC

FILE NUMBER: BDA156-103(SL)

BUILDING OFFICIAL'S REPORT: Application of Mohammad Awad, represented by Jessica J. Kilgore, P.E., for a special exception to the landscape regulations at 11311 Stemmons Freeway. This property is more fully described as Lot 1, Block B/6547, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 11311 Stemmons Freeway

APPLICANT: Mohammad Awad
Represented by Jessica J. Kilgore, P.E.

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a new office/warehouse structure on a site that is in part undeveloped and in part developed with an office/warehouse structure, and not fully meet the landscape regulations, more specifically, to not provide the required number of street trees on the property.

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

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required with the additional condition that the owner must obtain applicable authorization for landscape improvements at Joe Field Road - the three trees shown on this submitted plan proposed at the corner of Joe Field Road in the public right-of-way under city jurisdiction.

Rationale:

- Staff concurs with the Chief Arborist and supports this request because strict compliance with the street tree requirements for this site will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring properties given that the area in which the exception is sought (Stemmons Freeway right-of-way) is where the highway authority has determined that no improvements shall be made.

BACKGROUND INFORMATION:

Zoning:

Site: IR (Industrial/research)
North: IR (Industrial/research)
South: IR (Industrial/research)
East: IR (Industrial/research)
West: IM (Industrial/manufacturing)

Land Use:

The subject site is in part undeveloped, and in part developed with an office/warehouse use. The areas to the north, south, and west are developed with a mix of nonresidential uses; and the area to the east is Stemmons Freeway.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a new office/warehouse structure on a site that is in part undeveloped and in part developed with an office/warehouse structure, and not

fully meeting the landscape regulations, more specifically not providing the required number of street trees.

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by a new construction of commercial property.
- The Chief Arborist's memo stated that the proposed alternate landscape plan is deficient in that the proposed landscape plan does not provide the required 12 street trees for the over 600 feet of street frontage. (The plan identifies 6 trees for Joe Field Road (within public ROW) and Emerald Street (on the property)).
- The Chief Arborist's memo listed the following factors for consideration:
 1. The highway construction over the last decade has reduced the property size. Due to demands for parking and safe vehicular movement, the owner is proposing pavement to the edge of the adjusted property boundary. The highway authority has determined that no improvements shall be made in the right-of-way along Stemmons Freeway. A group of four trees will be placed in the parking set back from the street frontage. Three trees are proposed at the corner of Joe Field Road in the public right-of-way under city jurisdiction. The owner is responsible for attaining license and permit for improvements in the public right-of-way prior to obtaining a certificate of occupancy.
 2. A paved section in front of the existing building facing Stemmons Freeway is being converted to a grass groundcover. This will leave a standard sidewalk in front of the building for pedestrian use.
 3. All other minimum landscape requirements of Article X are met. Design standards are being met by enhanced pavements, allowed by ordinance.
- The City of Dallas Chief Arborist recommends approval of the proposed alternate landscape plan because in his opinion full compliance with the landscape regulations for street trees will unreasonably burden the use of the property, and the exception will not adversely affect neighboring properties. (The Chief Arborist notes that the owner must obtain applicable authorization for landscape improvements at Joe Field Road).
- 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 condition to the request, the site would be provided exception from full compliance with the required number of street trees on the subject site.

Timeline:

August 24, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

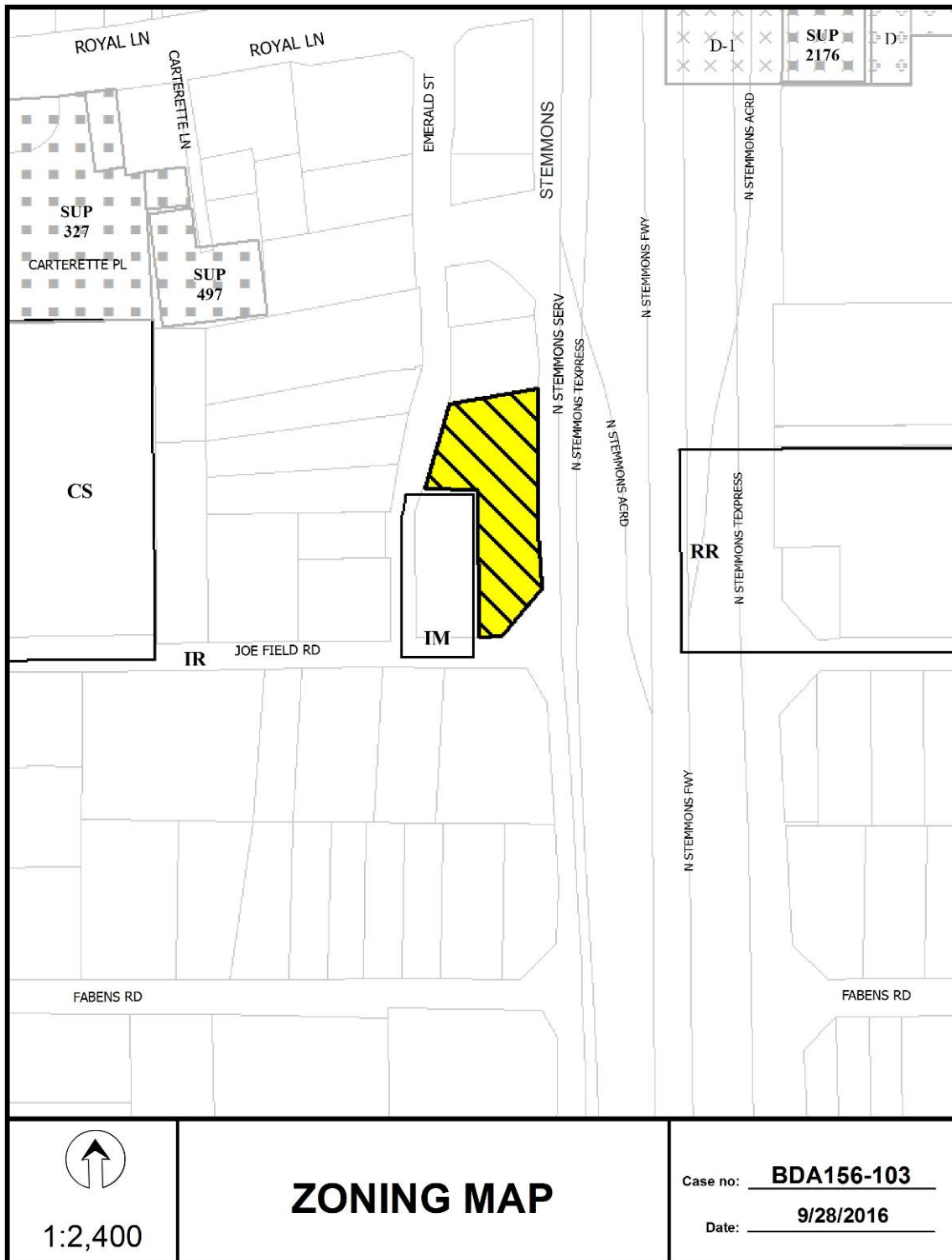
September 13, 2016: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

October 6, 2016: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).



1:2,400

ZONING MAP

Case no: BDA156-103

Date: 9/28/2016



1:2,400

AERIAL MAP

Case no: BDA156-103

Date: 9/23/2016

Memorandum



CITY OF DALLAS

DATE October 7, 2016

TO Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 156 - 103 11311 N Stemmons

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

Trigger

New construction of commercial property.

Deficiencies

The proposed landscape plan does not provide the required 12 street trees for the over 600 feet of street frontage. The plan identifies 6 trees for Joe Field Road (within public ROW) and Emerald Street (on the property).

Factors

The highway construction over the last decade has reduced the property size. Due to demands for parking and safe vehicular movement, the owner is proposing pavement to the edge of the adjusted property boundary. The highway authority has determined that no improvements shall be made in the right-of-way along Stemmons Freeway. A group of four trees will be placed in the parking set back from the street frontage. Three trees are proposed at the corner of Joe Field Road in the public right-of-way under city jurisdiction. The owner is responsible for attaining license and permit for improvements in the public right-of-way prior to obtaining a certificate of occupancy.

A paved section in front of the existing building facing Stemmons Freeway is being converted to a grass groundcover. This will leave a standard sidewalk in front of the building for pedestrian uses.

All other minimum landscape requirements of Article X are met. Design standards are being met by enhanced pavements, allowed by ordinance.

Recommendation

The chief arborist recommends conditional approval of the revised alternate landscape plan because it is my opinion that full compliance with the landscape regulations for street trees will unreasonably burden the use of the property, and the exception will not adversely affect neighboring properties. The owner must obtain applicable authorization for landscape improvements at Joe Field Road.

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



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-103

Data Relative to Subject Property:

Date: 08/24/2016

Location address: 11311 N. Stemmons Fwy. Zoning District: IR

Lot No.: 1 Block No.: B / 6547 Acreage: 1.081 Census Tract: 99.00

Street Frontage (in Feet): 1) 329.65 2) 143.05 3) 137.68 4) 5) NW7

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Nasser Investments, Inc.

Applicant: Mohammad Awad Telephone: 214-850-6030

Mailing Address: P.O. Box 29181, Dallas, Texas Zip Code: 75229

E-mail Address: moe@nasserinvestments.com

Represented by: Jessica J. Kilgore, P.E. Telephone: 817-653-4122

Mailing Address: 3825 W. Green Oaks Blvd. Ste. 200, Arlington, Texas Zip Code: 76016

E-mail Address: mail@ameengineer.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of an alternate landscape plan.

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:

Per TxDOT, the required Street Trees will not be allowed in the Right-of-Way. If the required Street Trees are installed on-site with-in 30' of the street curb, it would reduce the oddly shaped property such that it would no longer be feasible to construct any building structure in conjunction with the required parking for the existing building on the site. The past parking lot for the existing building was removed due to the Stemmons Expansion Project in approximately 2007. Per a google aerial search it appears that a majority of the adjacent properties also do not have any street trees along this frontage road. With regards to the proposed crepe myrtles as parking lot trees within the western most landscape island; this is due to the close proximity of the adjacent properties building with respect to the property line. If we were to plant a large canopy tree it would certainly be an issue to this building within a short amount of growth time.

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 Mohammad Awad (Affiant/Applicant's name printed)

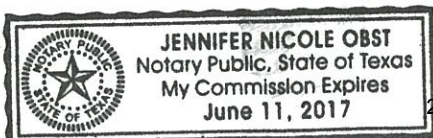
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 24 day of August, 2016

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

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

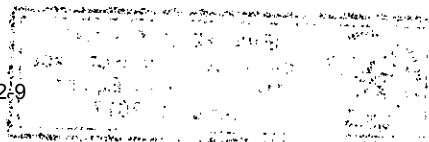
Building Official's Report

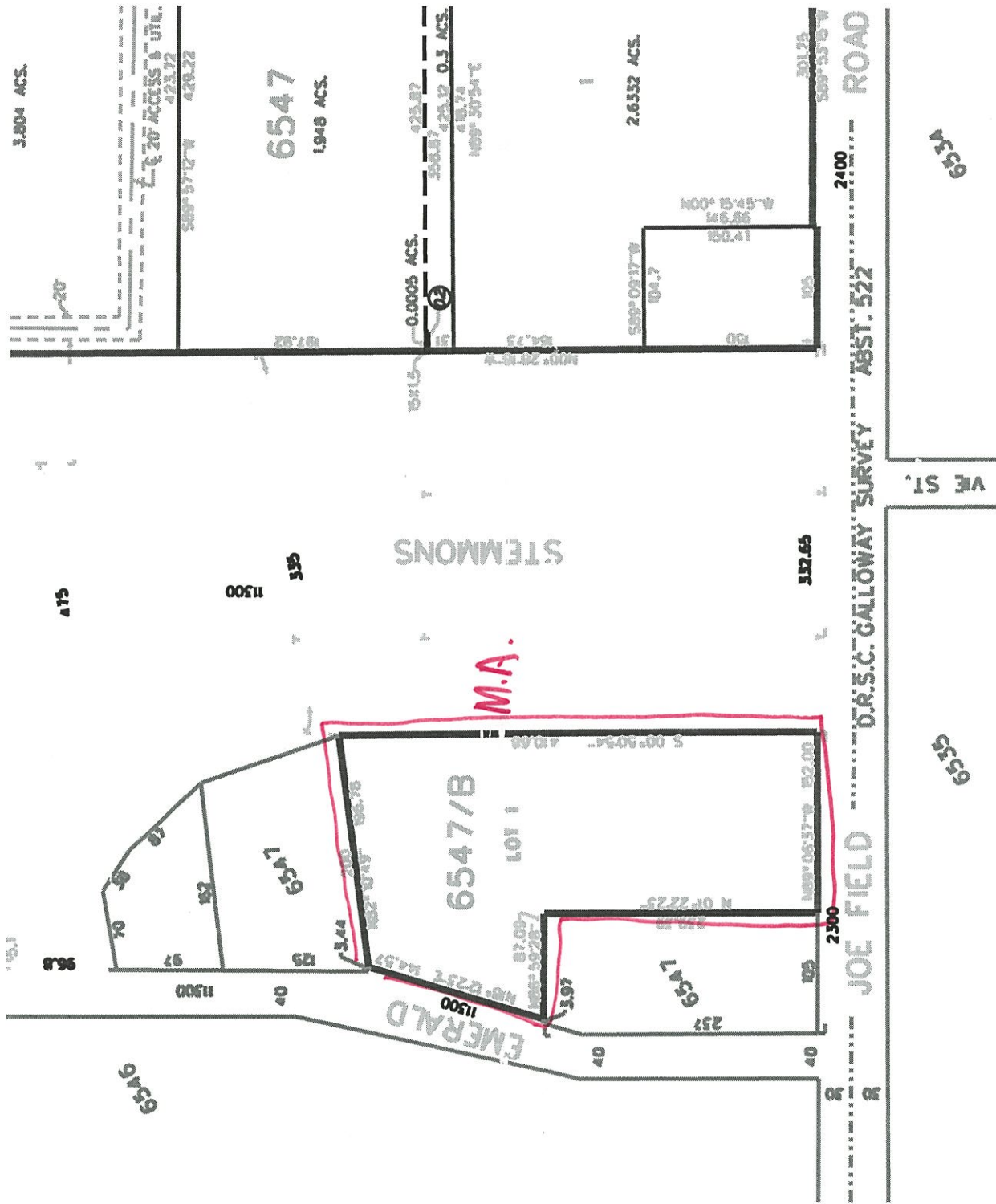
I hereby certify that Mohammad Awad
represented by Jessica Kilgore
did submit a request for a special exception to the landscaping regulations
at 11311 N. Stemmons Freeway

BDA156-103. Application of Mohammad Awad represented by Jessica Kilgore for a special exception to the landscaping regulations at 11311 Stemmons Freeway. This property is more fully described as Lot 1, Block B/6547, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscaping regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





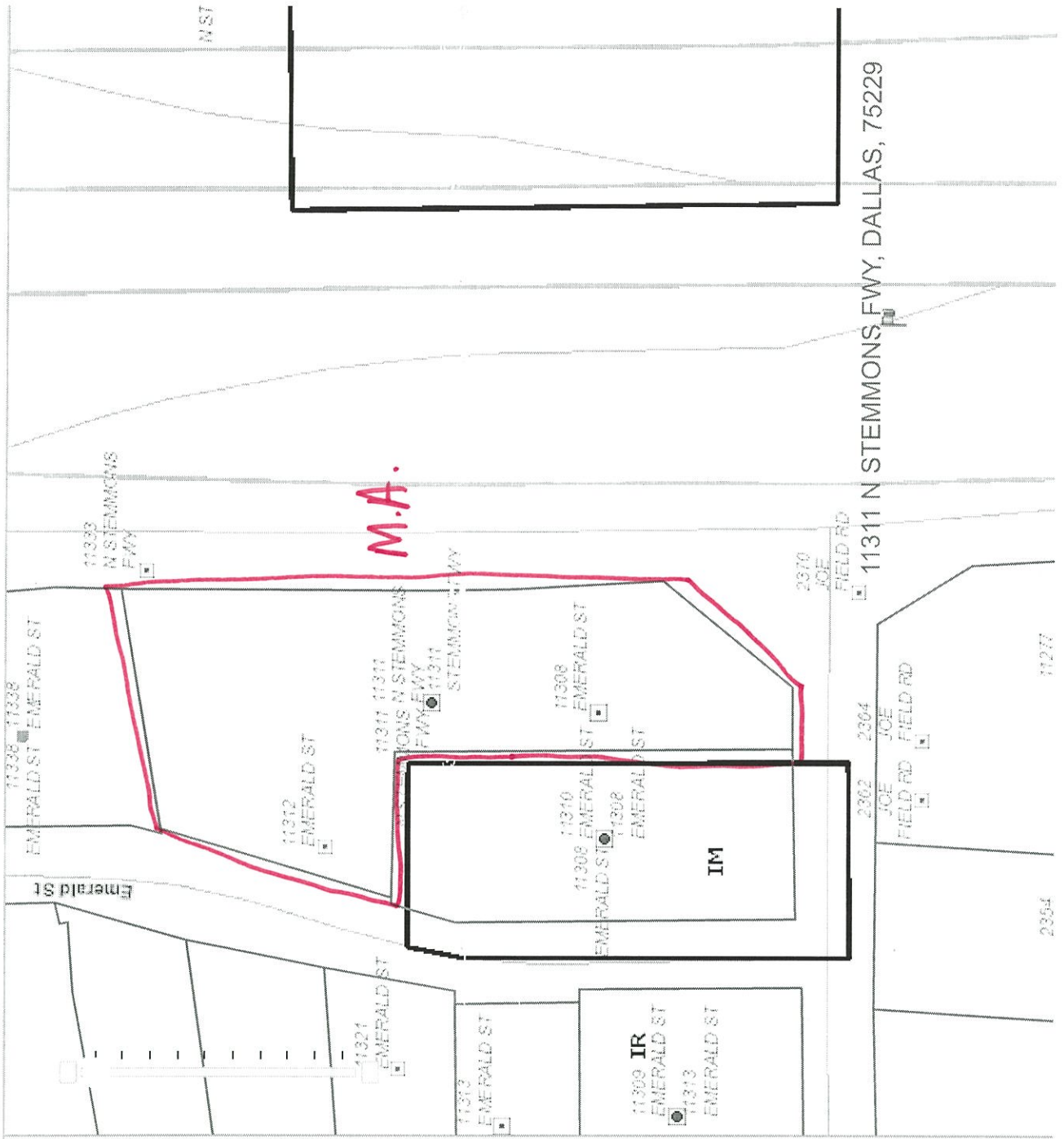
M.A.

City of Dallas

Internal Development Research Site

Legend

Locate Property



Long, Steve

From: AME Engineering <mail@ameengineer.com>
Sent: Thursday, September 22, 2016 11:09 AM
To: Erwin, Philip; Long, Steve
Cc: Moe Awad
Subject: Re: BDA156-103, Property at 11311 N. Stemmons Freeway
Attachments: LANDSCAPE PLAN2.pdf

Gentleman,

Please see the attached revised Landscape Plan based on Mr. Erwin's comments below for the above referenced project. Please replace the originally submitted Landscape Special Exemption Plan with the one attached. If you need any additional information please let me know. We appreciate your help in this matter.

Best Regards,

Jennifer Boswell
Office Administrator
AME Engineering, Inc.
817-653-4122 fax 817-754-6615
3825 W Green Oaks Blvd Ste 200
Arlington, TX 76016-2700

On 9/20/2016 1:22 PM, Erwin, Philip wrote:

Jennifer,

Sorry for the hold up. I have a few comments to consider for modification.

You may wish to consider smaller symbol graphics for the large trees to put them at a smaller image based on a reduced age of tree.

Trees at the intersection of Joe Field Road and the frontage road appear to possibly be in the visibility triangle, if the property line is the designation of that triangle. Please confirm the location of the two trees to be out of the triangle. If they are within, we need to consider a separate option. City engineers may not qualify if within the 45' clip. The clip is measured from the curb line and not the property line.

The trees along Emerald Street are all planted in the parkway. Typically these require licensing approval. If there are engineering requirements for sidewalk and drainage, it may limit the ability to comply with the landscape plan for the three trees. Front yard planting is probably a better option if approval of the design is not certain.

The plan meets our requirements for a submittal. You may wish to confirm some technical conditions to make sure you will not need to make further amendments later which could cause delays in construction inspections.

Phil Erwin

From: AME Engineering [<mailto:mail@ameengineer.com>]
Sent: Tuesday, September 20, 2016 11:27 AM
To: Erwin, Philip
Cc: Long, Steve
Subject: Fwd: Re: BDA156-103, Property at 11311 N. Stemmons Freeway

Mr. Erwin,

I'm following up regarding the below email for the 11311 N Stemmons project. I know the deadline to submit documents for the staff meeting is September 23rd at noon, did you have a chance to review the pdf landscape plan? Please let me know if you need any additional information.

Thank you for your help with this project.

Best Regards,

Jennifer Boswell
Office Administrator
AME Engineering, Inc.
817-653-4122 fax 817-754-6615
3825 W Green Oaks Blvd Ste 200
Arlington, TX 76016-2700

----- Forwarded Message -----

Subject:Re: BDA156-103, Property at 11311 N. Stemmons Freeway
Date:Thu, 15 Sep 2016 17:26:20 -0500
From:AME Engineering <mail@ameengineer.com>
Reply-To:mail@ameengineer.com
Organization:AME Engineering
To:philip.erwin@dallascityhall.com
CC:Long, Steve <steve.long@dallascityhall.com>

Philip,

As you requested please see the attached PDF Landscape Plan. If you need any additional information please let me know. Thanks for all your help in this matter.

Best Regards,

Jennifer Boswell
Office Administrator
AME Engineering, Inc.
817-653-4122 fax 817-754-6615
3825 W Green Oaks Blvd Ste 200
Arlington, TX 76016-2700

On 9/13/2016 10:32 AM, Long, Steve wrote:

Dear Ms. Kilgore,

Here is information regarding the board of adjustment application referenced above that you are representing for Mohammed Awad:

1. The submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled October 19th Board of Adjustment Panel B public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the landscape regulations (51A-10.110).
3. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board beyond what is included in the attached application materials.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these application materials, the Building Official's Report/second page of your application (page 2 of 5 in this attachment). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, September 28th with regard to anything that appears to be missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed other than the landscape special exception request will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Given that you are seeking a special exception to the landscape regulations, I would encourage that you contact Phil Erwin, the City of Dallas Chief Arborist, at 214/948-4117 to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your request.

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

Thank you,

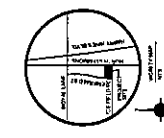
Steve

PS: If there is anything that you want to submit to the board on this application beyond what you have included in the attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address before the deadlines indicated in the attachment:

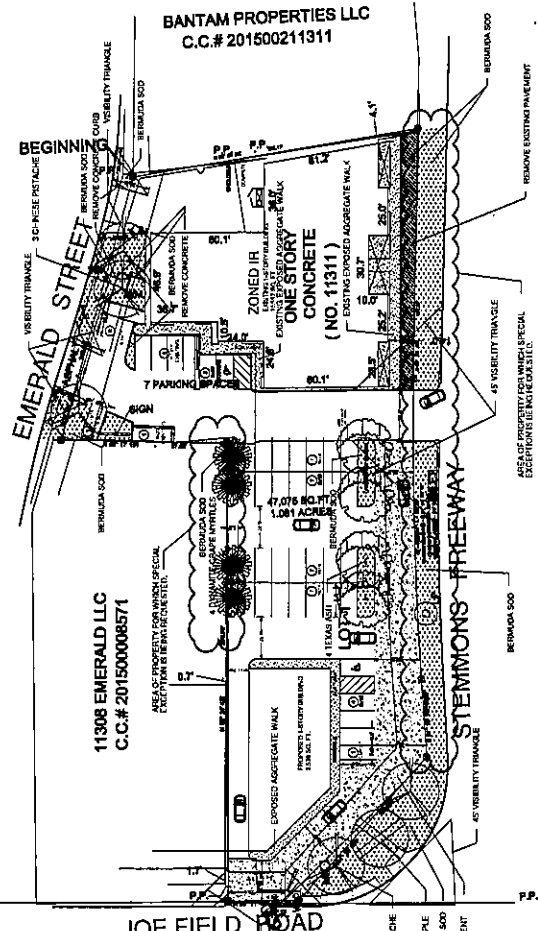
Steve Long, Board of Adjustment Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

LANDSCAPE REQUIREMENTS

MANDATORY REQUIREMENTS	REQUIRED	PROVIDED
PROTECTED TREE MITIGATION: PROTECTED TREES SHALL BE MAINTAINED AND PRESERVED TO THE MAXIMUM EXTENT POSSIBLE. ANY REMOVAL OF PROTECTED TREES SHALL BE REPLACED WITH A MINIMUM OF 1:1 RATIO OF REPLACEMENT TREES. REPLACEMENT TREES SHALL BE OF EQUAL OR GREATER CALIBER AND SPECIES AS THE PROTECTED TREES. REPLACEMENT TREES SHALL BE PLANTED WITHIN 12 MONTHS OF THE DATE OF REMOVAL. A PERMITS LANDSCAPE BUFFER STRIP SHALL BE PROVIDED ALONG THE ENTIRE LENGTH OF ALL RESIDENTIAL ALLEYS AND AT LEAST 10' WIDE SCREENING OF OFF-STREET LOADING SPACES. ALL OFF-STREET LOADING SPACES SHALL BE COVERED FROM ALL ADJACENT PUBLIC STREETS.	NO EXISTING TREES ON-LITE NO RESIDENTIAL ALLEYS NO OFF-STREET LOADING SPACES	NO EXISTING TREES ON-SITE NO RESIDENTIAL ALLEYS NO OFF-STREET LOADING SPACES
SITE TREES: ALL TREES SHALL BE MAINTAINED AND PRESERVED TO THE MAXIMUM EXTENT POSSIBLE. ANY REMOVAL OF TREES SHALL BE REPLACED WITH A MINIMUM OF 1:1 RATIO OF REPLACEMENT TREES. REPLACEMENT TREES SHALL BE OF EQUAL OR GREATER CALIBER AND SPECIES AS THE PROTECTED TREES. REPLACEMENT TREES SHALL BE PLANTED WITHIN 12 MONTHS OF THE DATE OF REMOVAL.	NO OFF-STREET LOADING SPACES	9 TREES
STREET TREES: MUST HAVE ONE (1) CALIBER LARGER TREE LARGE CALIBER TREE (MINIMUM 10" DBH) PLANTED ALONG THE ENTIRE LENGTH OF ALL STREETS WITHIN 30' OF THE PROJECTED STREET. MOST BE LOCATED WITHIN 30' OF THE PROJECTED STREET.	40' FIELD ROAD & INTERSECTION 10' WALKWAY - 2 TO 3 TREES 10' WALKWAY - 2 TO 3 TREES MINIMUM 7 TREES	3 TREES
PARKING LOT TREES: TREES SHALL BE PLANTED WITHIN 10' OF THE PERIMETER OF ALL PARKING SPACES. TREES SHALL BE OF EQUAL OR GREATER CALIBER AND SPECIES AS THE PROTECTED TREES. REPLACEMENT TREES SHALL BE PLANTED WITHIN 12 MONTHS OF THE DATE OF REMOVAL.	PROVIDED	PROVIDED
DESIGN STANDARDS (MUST PICK 2): ENHANCED PEDESTRIAN WALKWAY: 1. WALKWAY SHALL BE 6' WIDE AND 1/2" THICK CONCRETE OR PAVED WITH PERMEABLE PAVEMENT. 2. WALKWAY SHALL BE 6' WIDE AND 1/2" THICK CONCRETE OR PAVED WITH PERMEABLE PAVEMENT. 3. WALKWAY SHALL BE 6' WIDE AND 1/2" THICK CONCRETE OR PAVED WITH PERMEABLE PAVEMENT.	47,075 SQ. FT. REQUIRED 2,593.75 SQ. FT. REQUIRED	2,405 SQ. FT.
ENHANCED VEHICULAR PAVEMENT: 1. PAVEMENT SHALL BE AT LEAST 2% PERCENT OF ALL CONCRETE OR PAVED WITH PERMEABLE PAVEMENT. 2. PAVEMENT SHALL BE AT LEAST 2% PERCENT OF ALL CONCRETE OR PAVED WITH PERMEABLE PAVEMENT. 3. PAVEMENT SHALL BE AT LEAST 2% PERCENT OF ALL CONCRETE OR PAVED WITH PERMEABLE PAVEMENT.	33,345 SQ. FT. REQUIRED 3,334.5 SQ. FT. REQUIRED	6,208 SQ. FT.

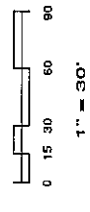


Quantity	Symbol	Description
4	○	Ash, Texas - Fraxinus texensis 3 to 3 1/2
4	●	Crape Myrtle - Dynamis - Lagerflorata indica 5 gallon
1	⊗	Mullein, Garden - Aberration 'Cadeau' 3 to 3 1/2
5	⊕	Philadelphus - Philadelphus 'Chirahua' 3 to 3 1/2
10-451	■	Onion - Onion, Spanish Feet



SITE DATA:

TOTAL SITE AREA: 47,075 SQ. FT.
STREET FRONTAGE: 662.38'
ZONING: R-1
ADJACENT ZONING: R-1
TOTAL AREA OF NEW STRUCTURE: 3,334.50 SQ. FT.

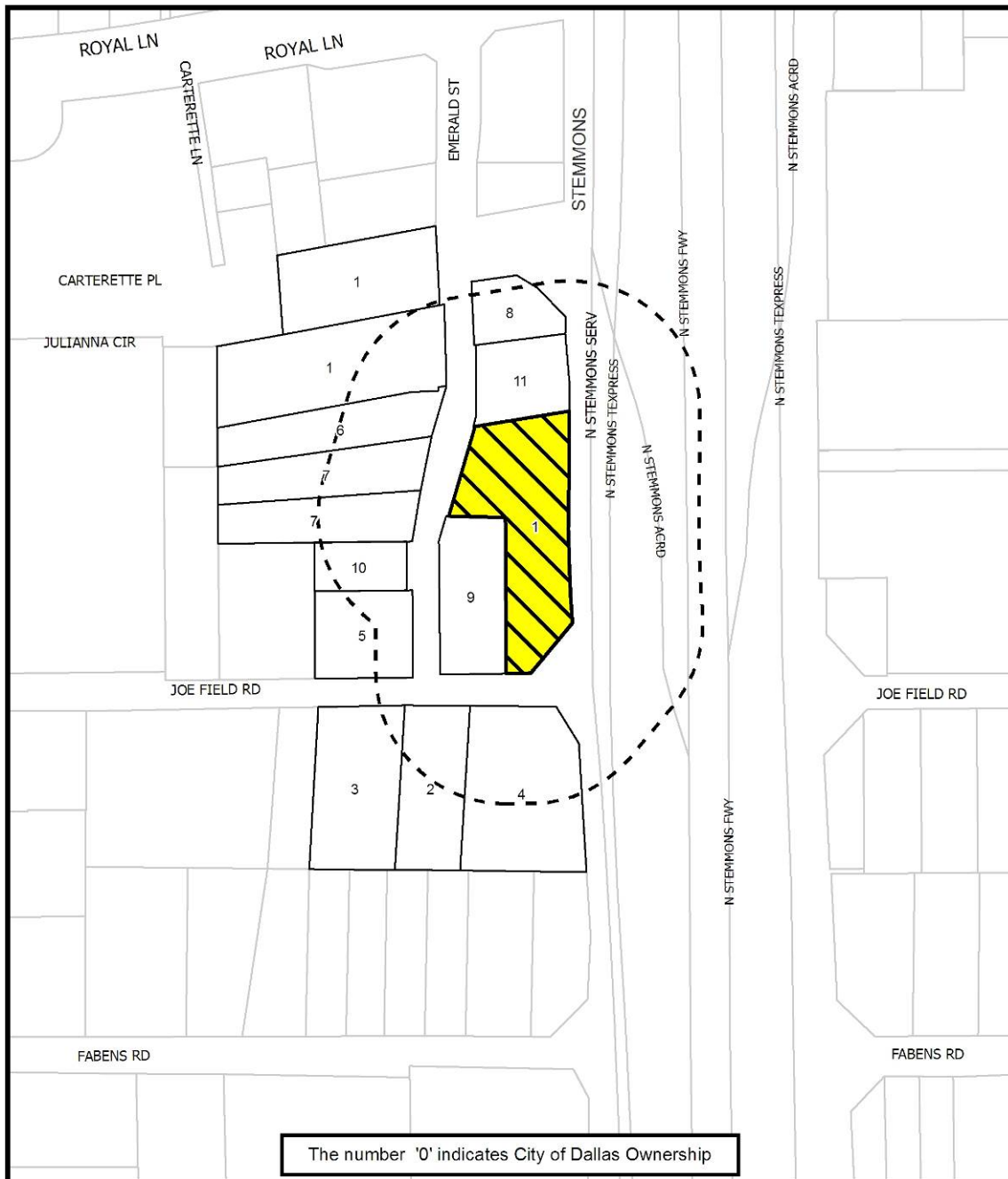


Designed By:
C. Travis Frazee
17482
11.2.2016
c.frazee@bentall.com

LANDSCAPE NOTES:
1. ALL TREES SHALL BE PLANTED WITH A 5 GALLON GROWN POT WITH A PERFORATED SYSTEM WITH A FREEZE SENSOR THAT IS CHANGEABLE.
2. THE PROPERTY OWNER IS RESPONSIBLE FOR REGULAR IRRIGATION OF ALL PLANTINGS. THE REQUIRED IRRIGATION MUST BE MAINTAINED IN A HEALTHY GROWING CONDITION AT ALL TIMES.

PROJECT: 10110 HURSTLETTAMENUS HWY DALLAS TEXAS
DATE: 8/19/2016
SCALE: 1" = 30'
SHEET DESCRIPTION: LANDSCAPE PLAN

9-23



 1:2,400	<h2>NOTIFICATION</h2>	Case no: <u>BDA156-103</u>
	<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;">11</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <u>9/23/2016</u>

Notification List of Property Owners

BDA156-103

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11339 EMERALD ST	NASSER INVESTMENTS INC
2	2354 JOE FIELD RD	GONZALEZ A INVESTMENTS LTD
3	2346 JOE FIELD RD	A GONZALEZ INVESTMENTS LTD
4	11277 N STEMMONS FWY	HESTE TRUST
5	11309 EMERALD ST	NEW YORK CO
6	11333 EMERALD ST	MOUSSA TONY
7	11333 EMERALD ST	MOUSSA ANTOINE ABOU
8	11346 EMERALD ST	CLUTTER LARRY C &
9	11308 EMERALD ST	11308 EMERALD LLC
10	11313 EMERALD ST	PROTON PROPERTIES LLC
11	11338 EMERALD ST	BANTAM PROPERTIES LLC

FILE NUMBER: BDA 156-099(JM)

BUILDING OFFICIAL'S REPORT: Application of Jose R. Castillo, represented by Andres Barragan, for a variance to the front yard setback regulations at 1521 Algonquin Drive. This property is more fully described as Lot 6, Block 7/6716, 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 9 foot 6 inch front yard setback measured at the foundation with a 1 foot roof eave, which will require a 15 foot 6 inch variance to the front yard setback regulations.

LOCATION: 1521 Algonquin Drive

APPLICANT: Jose R. Castillo
Represented by Andres Barragan

REQUEST:

A request for a variance to the front yard setback regulations of 15'6" is made to maintain an approximately 396 square foot addition to a two story, approximately 2,324 square foot single family home, part of which is located 9'6" (roof eave) from the site's front property line or 15'6" into the 25' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated at the time of the October 4th staff review team meeting how the features of the flat, rectangular-shaped, and approximately 7,500 square foot lot precluded him from developing it in a manner commensurate with other developments found on similarly-zoned R-7.5(A). There do not seem to be any restrictions hindering the applicant from developing/maintaining the lot with a commensurately-sized single family home structure/use that can comply with setbacks.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home. The areas to the north, east, and south are developed with single family uses. There is a floodplain to the west, part of St. Augustine Park. The property is owned by the City and zoned R-7.5(A) with no current structures on-site.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining an addition made to an existing single family home, part of which is located 15' 6" inside of the site's 25' front property line along Algonquin Drive.
- The subject site is located west line of Algonquin Drive, south of Mesita Drive.
- Lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The subject property currently provides a 9' 6" front yard setback.
- In addition, there is a 30' front yard setback dedicated by the plat. The board cannot provide relief to platted building lines. A replat is required to change a platted building line. Replatting is not allowed until the site meets the zoning regulations for

a district. In order to replat the lot and remove or alter the platted 30' front yard building setback, the applicant must first rezone the lot or receive relief from current zoning standards by way of a variance from the board.

- According to DCAD records, the “main improvement” for property addressed at 1521 Algonquin Drive is a structure built in 1964 with 1,656 square feet of living/total area with a 480 square foot attached brick garage as an additional improvement.
- A site plan has been submitted identifying the total square footage to be 2,324. The new front porch adds 396 square feet to the total square footage. The entire addition is within the required 25' front yard setback.
- According to calculations taken by the Board Senior Planner from the submitted site plan, the addition in the Algonquin Drive front yard setback accounts for about 17 percent of the total square footage of the existing single family home on the subject site.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(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, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 9’6” from the site’s front property line along Algonquin Drive (or 15’6” into the 25’ front yard setback). Additionally, the board cannot provide relief to the platted front yard setback of 30’. A replat is required to remove the platted building line.
- Furthermore, granting this request for variance would not provide relief to remedy any nonconforming structure on the site or any existing/proposed noncompliance with the fence height regulations.

Timeline:

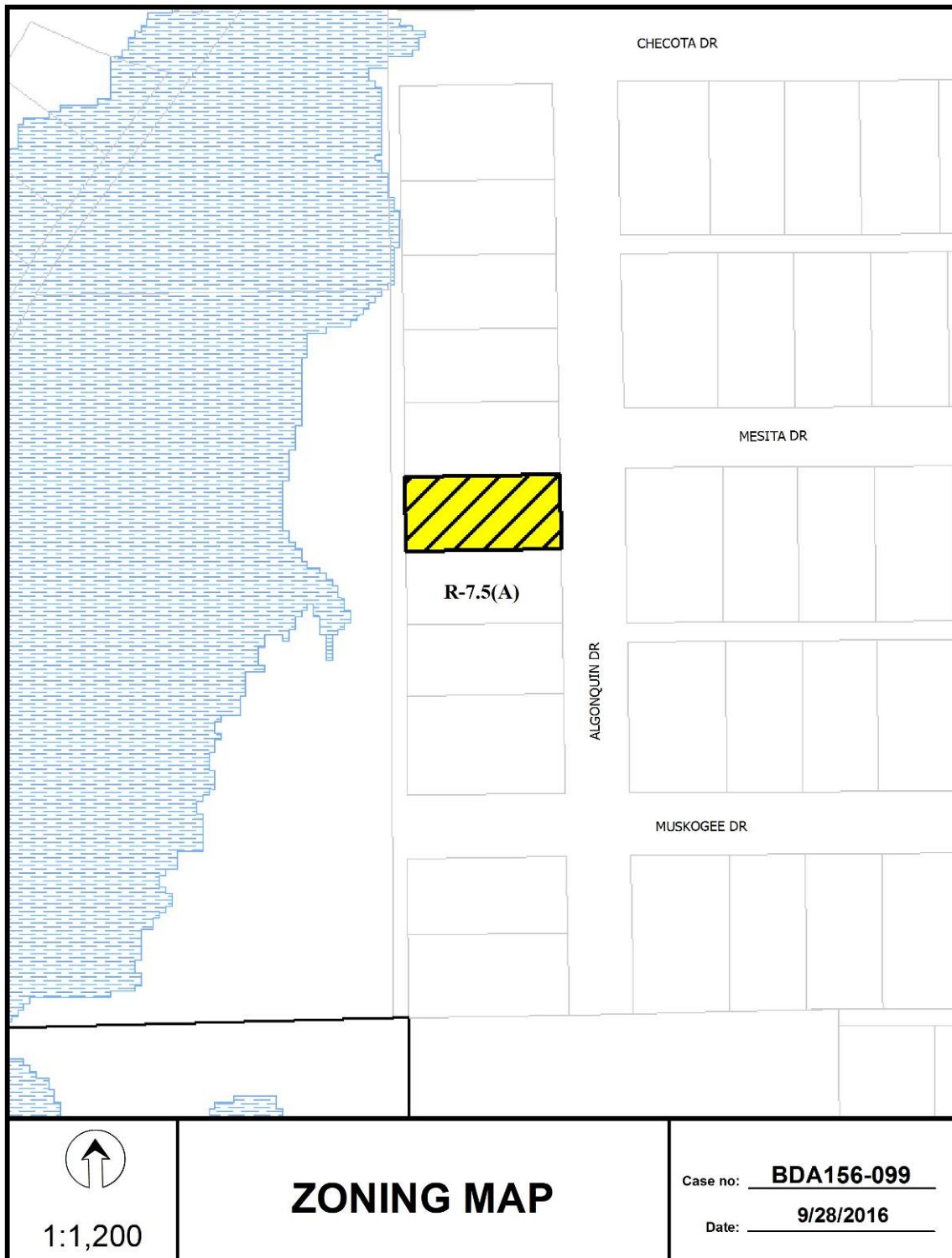
- August 10, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

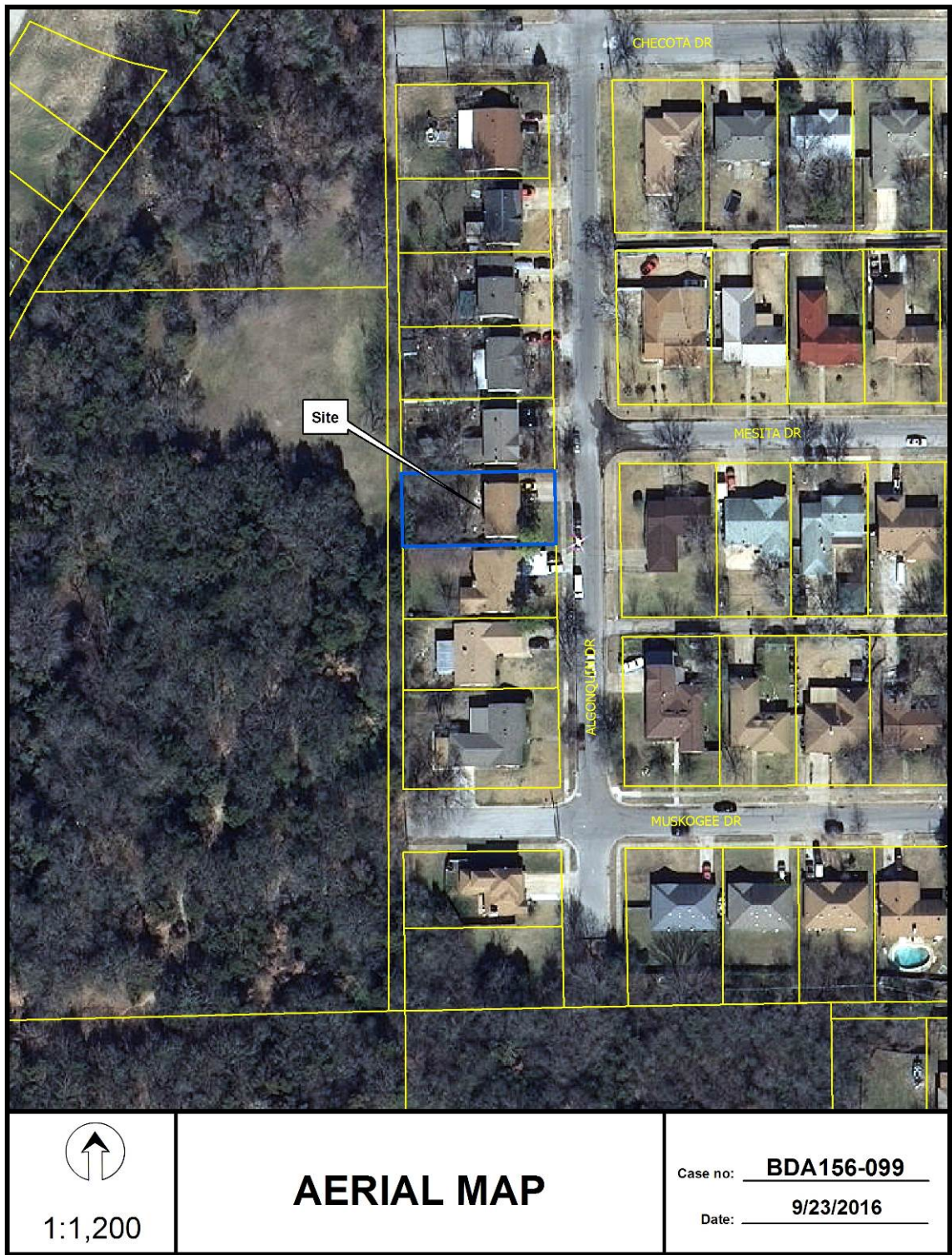
September 28, 2016: The Board Administrator shared the following information with the applicant's representative via email:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the board.

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







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-099

Data Relative to Subject Property:

Date: 8-10-16

Location address: 1521 Algoquin Dr. Zoning District: R-7.5(A)

Lot No.: 6 Block No.: 7/6716 Acreage: .17 Census Tract: 119.00

Street Frontage (in Feet): 1) 60 Ft 2) _____ 3) _____ 4) _____ 5) _____

SET TO A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jose R. Castillo

Applicant: Jose R. Castillo Telephone: _____

Mailing Address: 1521 Algoquin Dr. Zip Code: 75217

E-mail Address: _____

Represented by: (Andres Barragan) Construction Concepts Telephone: 214.946.4300

Mailing Address: 317 E. Jefferson Blvd Zip Code: 75203

E-mail Address: energyinspector@yahoo.com

Affirm that an appeal has been made for a Variance X, or Special Exception of Encroaching 15 ft into setback front yard with paver patio.

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:

COVERED PATIO IS ENCRUCHING INTO FRONT YARD SET BACKS

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.

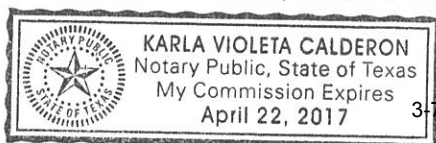
Affidavit

Before me the undersigned on this day personally appeared Jose R. Castillo (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: Jose R. Castillo (Affiant/Applicant's signature)

Subscribed and sworn to before me this 1st day of June 2016



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Jose R. Castillo
represented by Andres Barragan
did submit a request for a variance to the front yard setback regulations
at 1521 Algonquin Drive

BDA156-099. Application of Jose R. Castillo represented by Andres Barragan for a variance to the front yard setback regulations at 1521 Algonquin Drive. This property is more fully described as Lot 6, Block 7/6716, 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 9 foot 6 inch front yard setback measured at the foundation with a 1 foot roof eave, which will require a 15 foot 6 inch variance to the front yard setback regulation.

Sincerely,

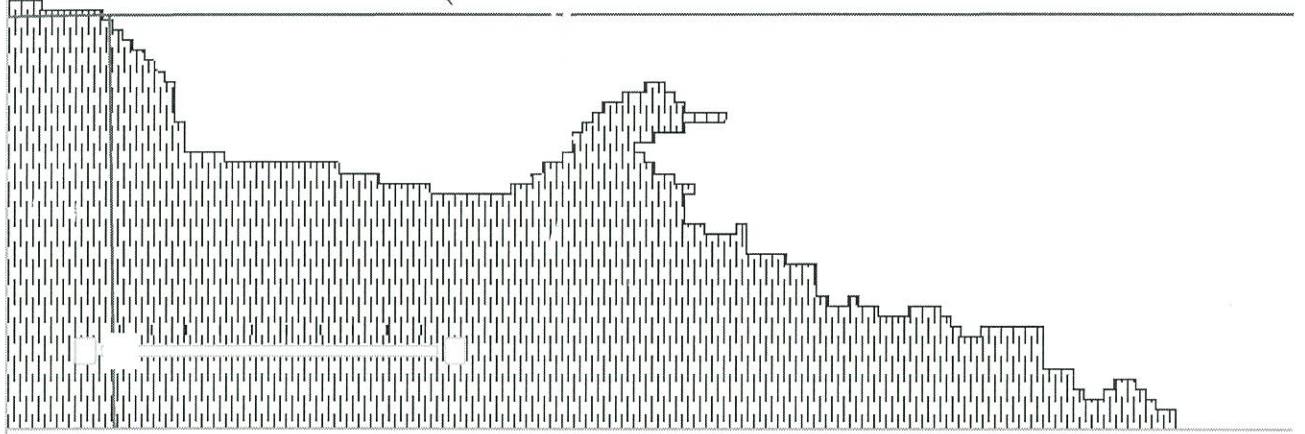
Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

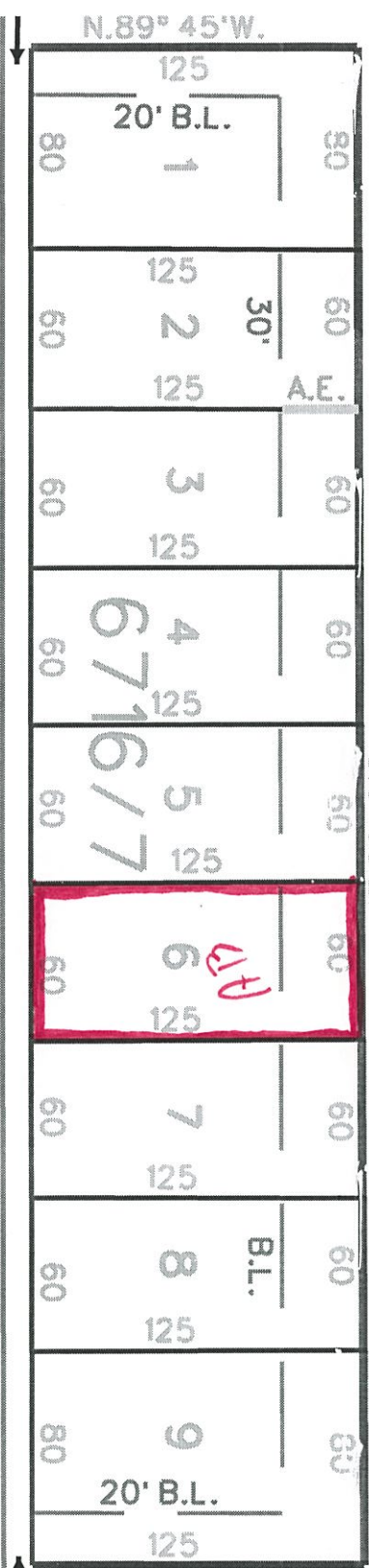
Locate Property



1530 ALGONQUIN DR	10005 MESITA DR	10009 MESITA DR	10015 MESITA DR	10019 MESITA DR
1533 ALGONQUIN DR	10004 MESITA DR	10008 MESITA DR	10014 MESITA DR	10018 MESITA DR
1527 ALGONQUIN DR	DALLAS, 75217			
1521 ALGONQUIN DR A-D	10003 MUSKOGEE DR	10009 MUSKOGEE DR	10015 MUSKOGEE DR	10019 MUSKOGEE DR
1515 ALGONQUIN DR	R-7.5(A)			
1509 ALGONQUIN DR	10006 MUSKOGEE DR	10008 MUSKOGEE DR	10014 MUSKOGEE DR	10018 MUSKOGEE DR
1505 ALGONQUIN DR	MUSKOGEE DR			
1445 ALGONQUIN DR	10006 MUSKOGEE DR	10008 MUSKOGEE DR	10014 MUSKOGEE DR	10018 MUSKOGEE DR
1439 ALGONQUIN DR	MUSKOGEE DR			

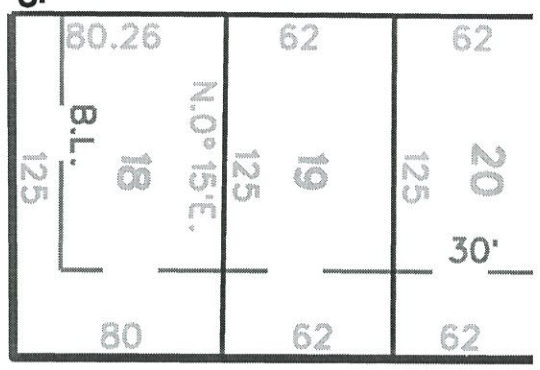
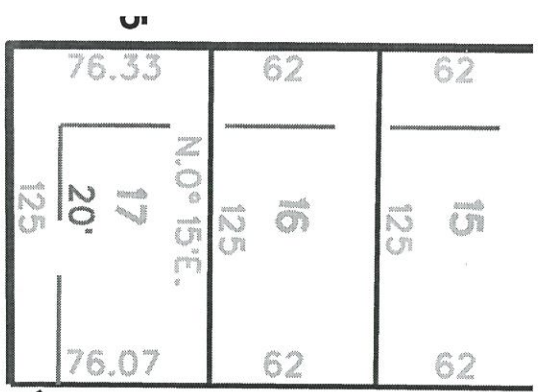
6714

N.0° 08'E.



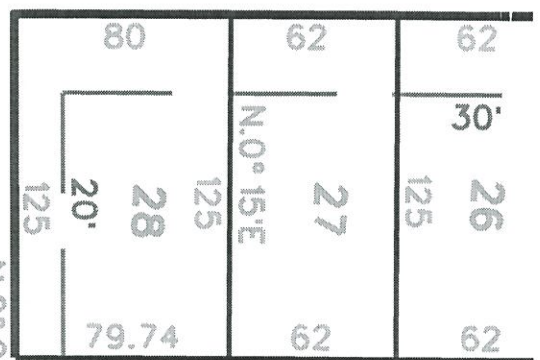
S.0° 08'E.

1500

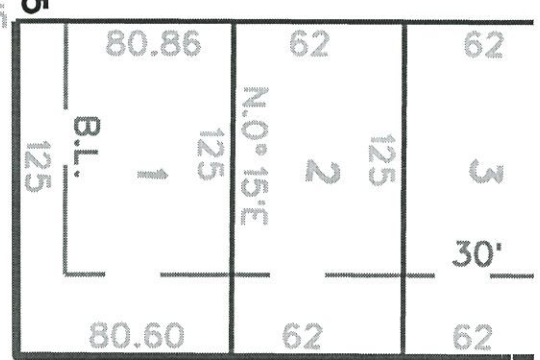


50

MESITA

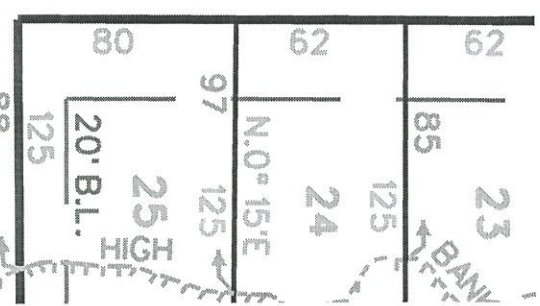


N.0° 08'E.

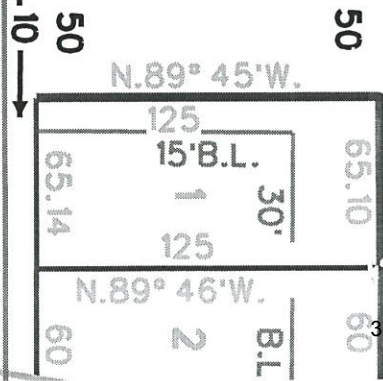


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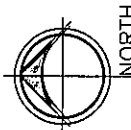
MUSKOGEE



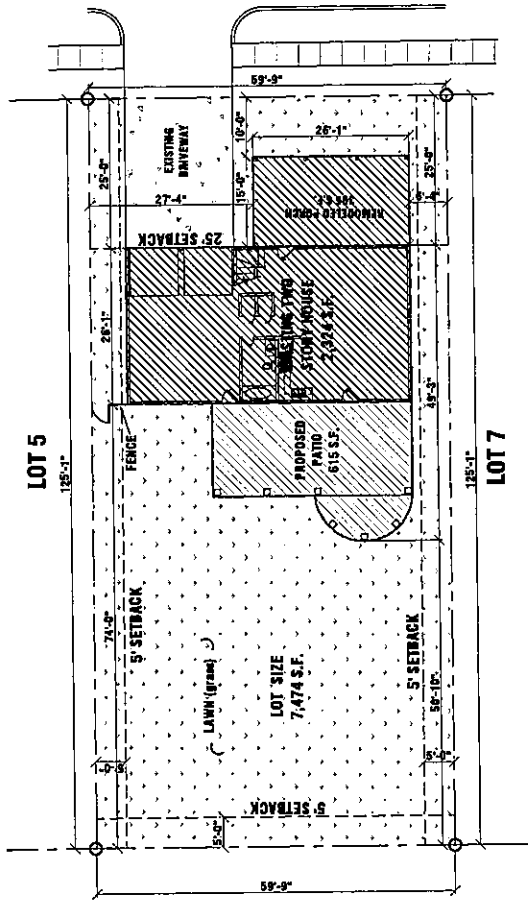
DR. 50



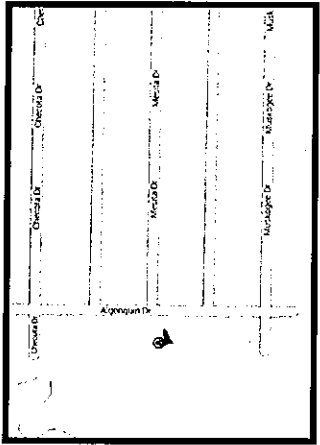
67167



LEGAL DESCRIPTION:
LAKE JUNE TERRACE NO
18LK BLK 7/5716 LOT 6



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



**VICINITY MAP
FOR REFERENCE ONLY**

SQUARE FOOTAGE	
- EXISTING HOUSE AREA	2,324 S.F.
- PROPOSED PATIO	615 S.F.
- PROPOSED PORCH	130 S.F.
TOTAL	3,069 S.F.
LOT SIZE	7,474 S.F.
% OF LOT	41.06 %

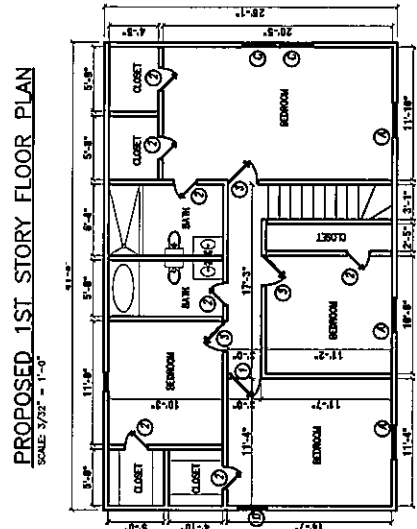
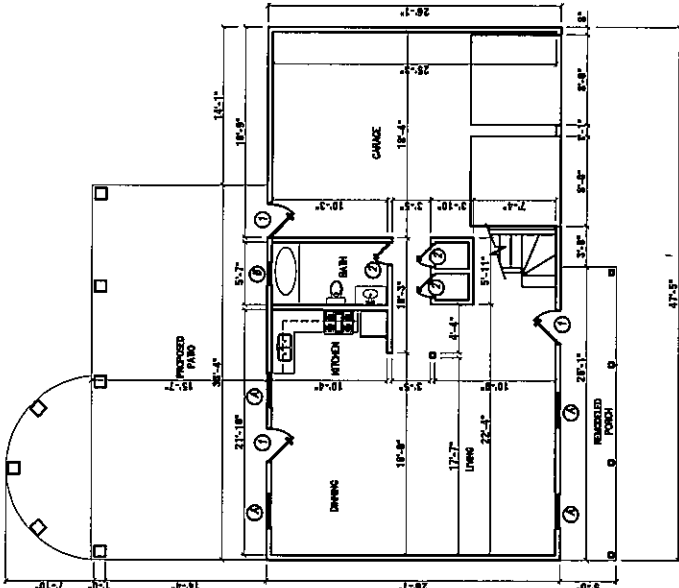
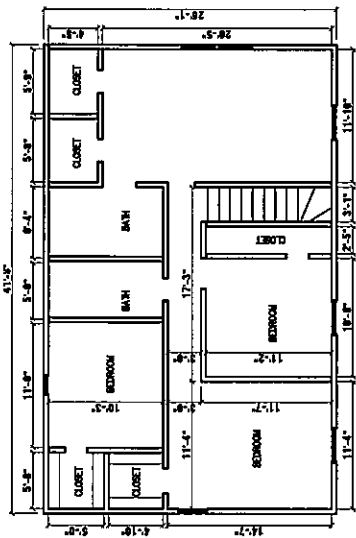
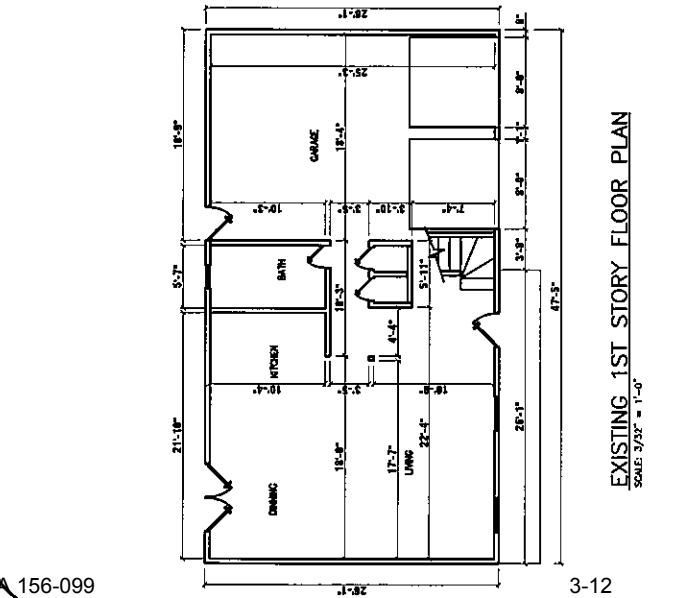
LEGEND	
	EXISTING
	SETBACK LINE
	PROPERTY LIMIT
	FENCE LINE

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 948-4300
FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THE STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OR CONSULTANTS INVOLVED IN THE PROJECT PRIOR TO COMMENCEMENT OF CONSTRUCTION. THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING NOTES, SPECIFICATIONS, AND ALL REQUIREMENTS FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST CONSULT WITH THE ARCHITECT AND ENGINEER FOR ANY DAMAGES DUE TO ERRORS. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE HOUSE. LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, CONSTRUCTION PERMITS, VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS. ONLY ONE, ANY COPYING, REPRODUCING OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
1521 ALGONQUIN DR
DALLAS, TX
75217

Project SITE	Sheet
Date	07/06/16
Scale	1" = 20'
Drawn By	AC
1	



DOOR SCHEDULE

TAG	SIZE	DESC.	QTY.
1	3'-0" X 6'-8"	SC	4
2	2'-0" X 6'-8"	HC	10
3	2'-8" X 6'-8"	HC	3

H.C. = HOLLOW CORE
S.C. = SOLID CORE

WINDOW SCHEDULE

TAG	SIZE	DESC.	QTY.
A	3'-0" X 5'-0"	SE	7
B	2'-0" X 2'-0"	SE	1
C	2'-10" X 2'-0"	SE	2
D	2'-8" X 5'-0"	SE	1

S.S. = SINGLE HUNG GLASS

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"

317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEORGRAPHIC LOCATIONS, CONSTRUCTION METHODS, OR OTHERS ON THESE PLANS, CONCEPTS INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS OR OMISSIONS IN THESE PLANS. THE PURCHASER OF THESE PLANS AGREES TO CONSTRUCT THIS HOUSE PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
1521 ALCONQUIN DR
DALLAS, TX
75217

Project: FLOOR
Date: 18/12/14
Scale: 3/32" = 1'-0"
Sheet: 2
Drawn By: JR

- SCOPE OF WORK EXISTING HOUSE TO BE REMODELED
- EXISTING ROOF TO BE REPAIRED.
- EXISTING CEILING AND INTERIOR WALLS TO BE REPAIRED.
- EXISTING COMPOSITION SHINGLES TO BE REPLACED.
- EXISTING WINDOWS AND DOORS TO BE REPLACED.
- EXISTING FLOOR JOIST TO BE REPAIRED.
- EXISTING BATHROOM AND KITCHEN FIXTURES TO BE REPLACED
- EXISTING ELECTRICAL PANEL AND CONDUITS TO BE REPLACED.
- EXISTING PLUMBING TO BE REPLACED
- EXISTING STAIRS TO BE REPAIRED

CONSTRUCTION CONCEPTS INC.
 "Planning and Designing a Better Tomorrow"

317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203

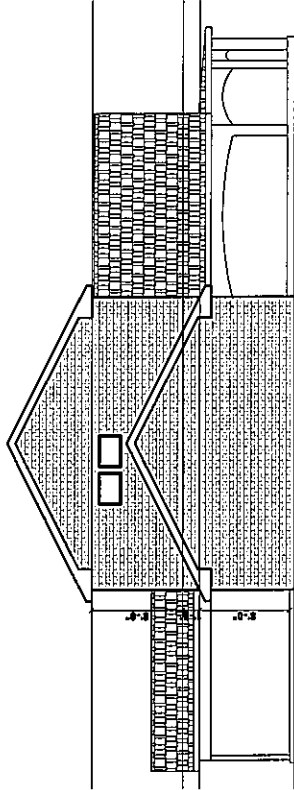
TEL. (214) 946-4300
 FAX. (214) 946-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF SERVICES, HVAC AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

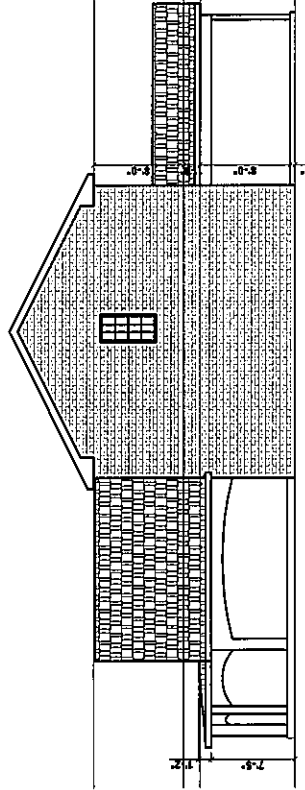
GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, CONSTRUCTION METHODS, OR DIFFERENCES ON THESE PLANS, OWNER/BUILDER MUST CONSULT WITH CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS. LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
 1521 ALGONQUIN DR
 DALLAS, TX
 75217

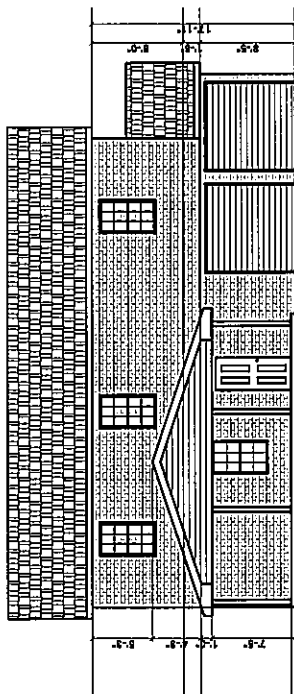
Project ELEVATION	Sheet
Date 07/06/16	4
Scale 3/32" = 1'-0"	Drawn By AC



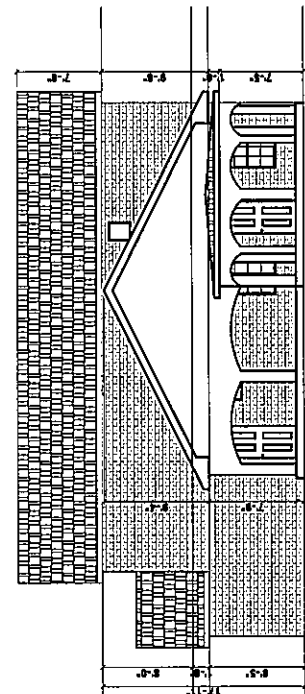
RIGHT ELEVATION
 SCALE 3/32" = 1'-0"



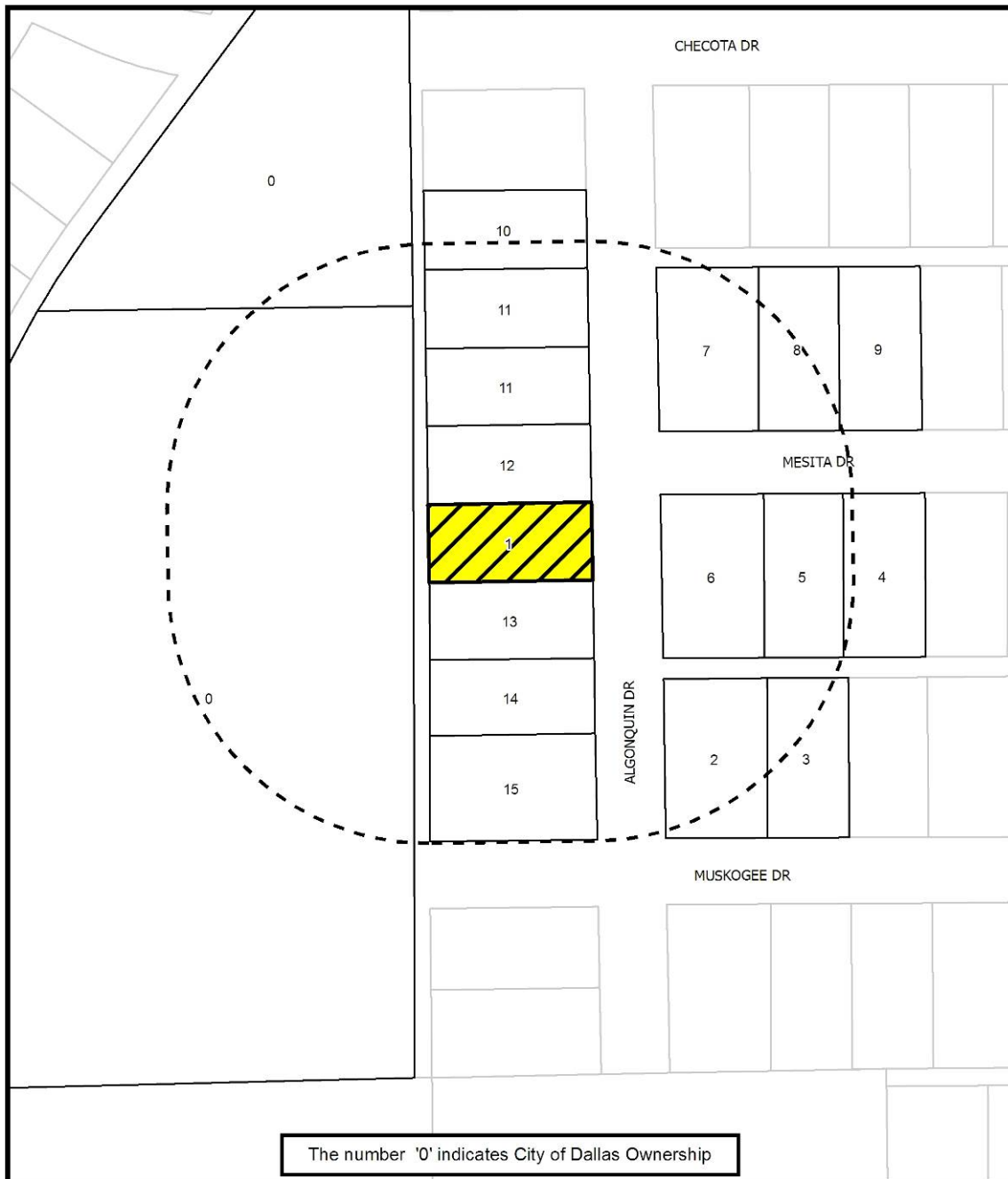
LEFT ELEVATION
 SCALE 3/32" = 1'-0"



FRONT ELEVATION
 SCALE 3/32" = 1'-0"



REAR ELEVATION
 SCALE 3/32" = 1'-0"



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 10px auto; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; padding: 2px 5px; text-align: center;">200'</td> <td style="padding-left: 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px 5px; text-align: center;">15</td> <td style="padding-left: 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA156-099 Date: 9/23/2016
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

FILE NUMBER: BDA 156-099

BUILDING OFFICIAL'S REPORT: Application of Jose R. Castillo, represented by Andres Barragan, for a variance to the front yard setback regulations at 1521 Algonquin Drive. This property is more fully described as Lot 6, Block 7/6716, 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 9 foot 6 inch front yard setback measured at the foundation with a 1 foot roof eave, which will require a 15 foot 6 inch variance to the front yard setback regulations.

LOCATION: 1521 Algonquin Drive

APPLICANT: Jose R. Castillo
Represented by Andres Barragan

REQUEST:

A request for a variance to the front yard setback regulations of 15'6" is made to maintain an approximately 396 square foot addition to a two story, approximately 2,324 square foot single family home, part of which is located 9'6" (roof eave) from the site's front property line or 15'6" into the 25' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated at the time of the October 4th staff review team meeting how the features of the flat, rectangular-shaped, and approximately 7,500 square foot lot precluded him from developing it in a manner commensurate with other developments found on similarly-zoned R-7.5(A). There do not seem to be any restrictions hindering the applicant from developing/maintaining the lot with a commensurately-sized single family home structure/use that can comply with setbacks.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home. The areas to the north, east, and south are developed with single family uses. There is a floodplain to the west, part of St. Augustine Park. The property is owned by the City and zoned R-7.5(A) with no current structures on-site.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining an addition made to an existing single family home, part of which is located 15' 6" inside of the site's 25' front property line along Algonquin Drive.
- The subject site is located west line of Algonquin Drive, south of Mesita Drive.
- Lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The subject property currently provides a 9' 6" front yard setback.
- In addition, there is a 30' front yard setback dedicated by the plat. The board cannot provide relief to platted building lines. A replat is required to change a platted building line. Replatting is not allowed until the site meets the zoning regulations for

a district. In order to replat the lot and remove or alter the platted 30' front yard building setback, the applicant must first rezone the lot or receive relief from current zoning standards by way of a variance from the board.

- According to DCAD records, the “main improvement” for property addressed at 1521 Algonquin Drive is a structure built in 1964 with 1,656 square feet of living/total area with a 480 square foot attached brick garage as an additional improvement.
- A site plan has been submitted identifying the total square footage to be 2,324. The new front porch adds 396 square feet to the total square footage. The entire addition is within the required 25' front yard setback.
- According to calculations taken by the Board Senior Planner from the submitted site plan, the addition in the Algonquin Drive front yard setback accounts for about 17 percent of the total square footage of the existing single family home on the subject site.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(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, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 9’6” from the site’s front property line along Algonquin Drive (or 15’6” into the 25’ front yard setback). Additionally, the board cannot provide relief to the platted front yard setback of 30’. A replat is required to remove the platted building line.
- Furthermore, granting this request for variance would not provide relief to remedy any nonconforming structure on the site or any existing/proposed noncompliance with the fence height regulations.

Timeline:

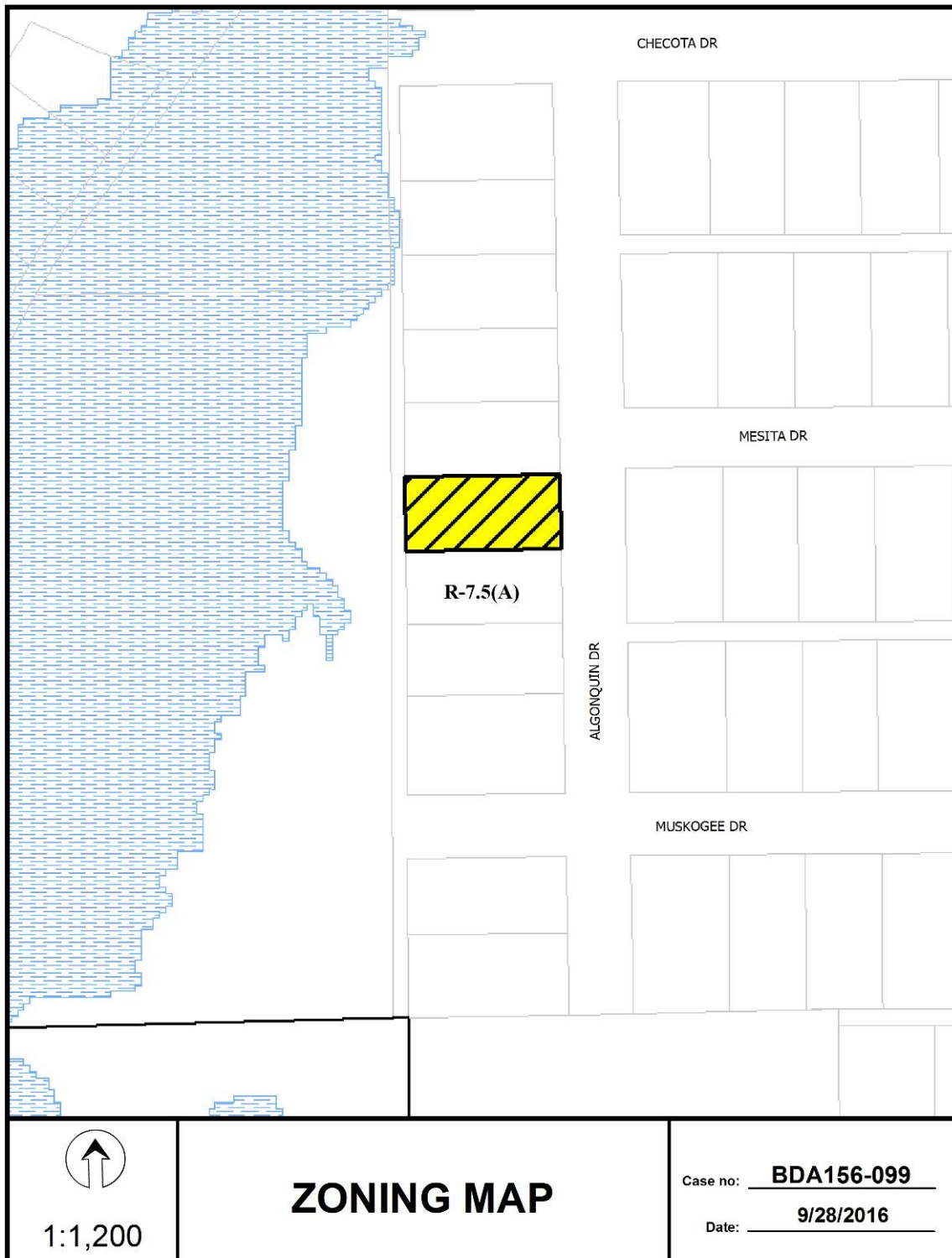
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|---------------------|--|
| August 10, 2016: | The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report. |
| September 13, 2016: | The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A. |

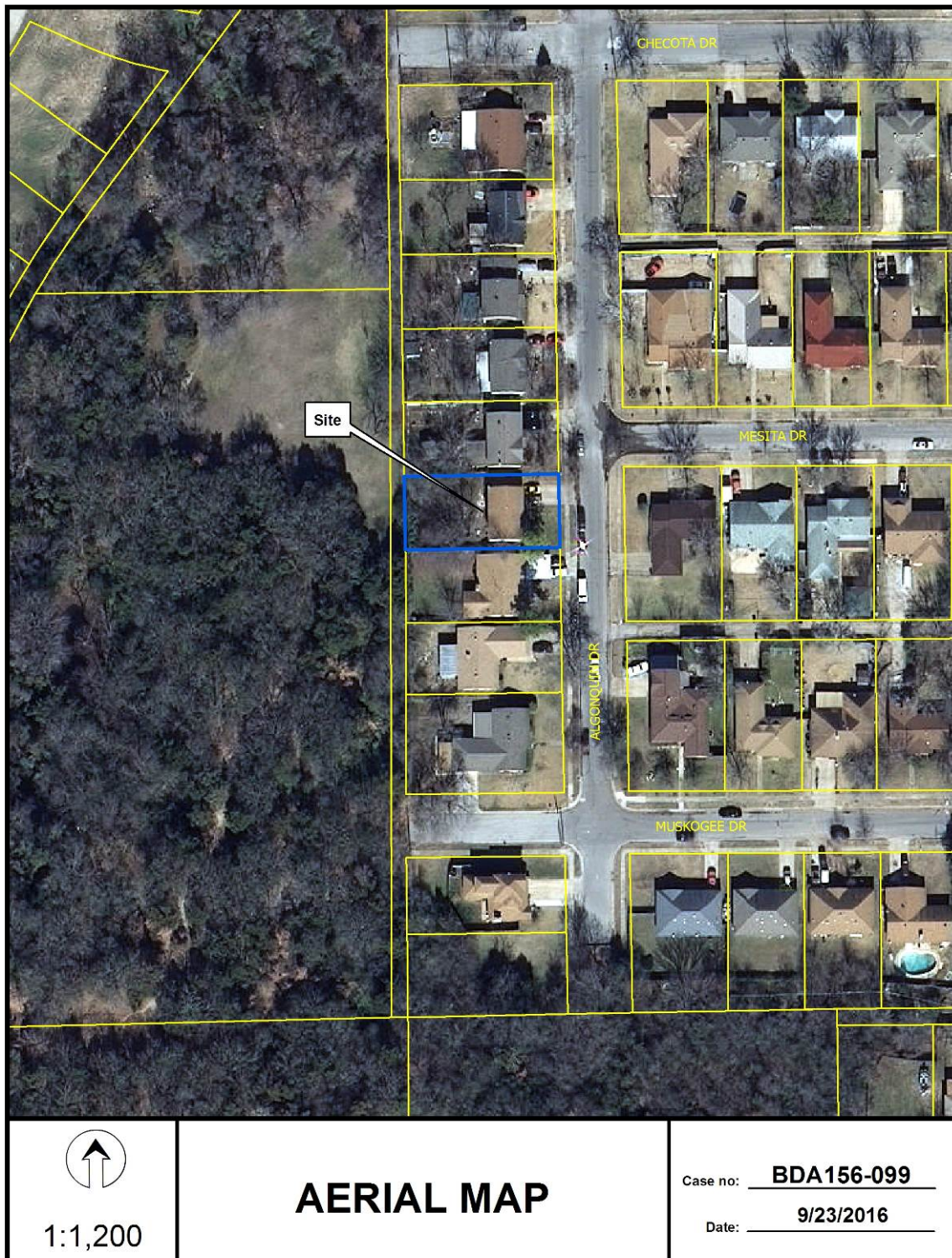
September 28, 2016: The Board Administrator shared the following information with the applicant's representative via email:

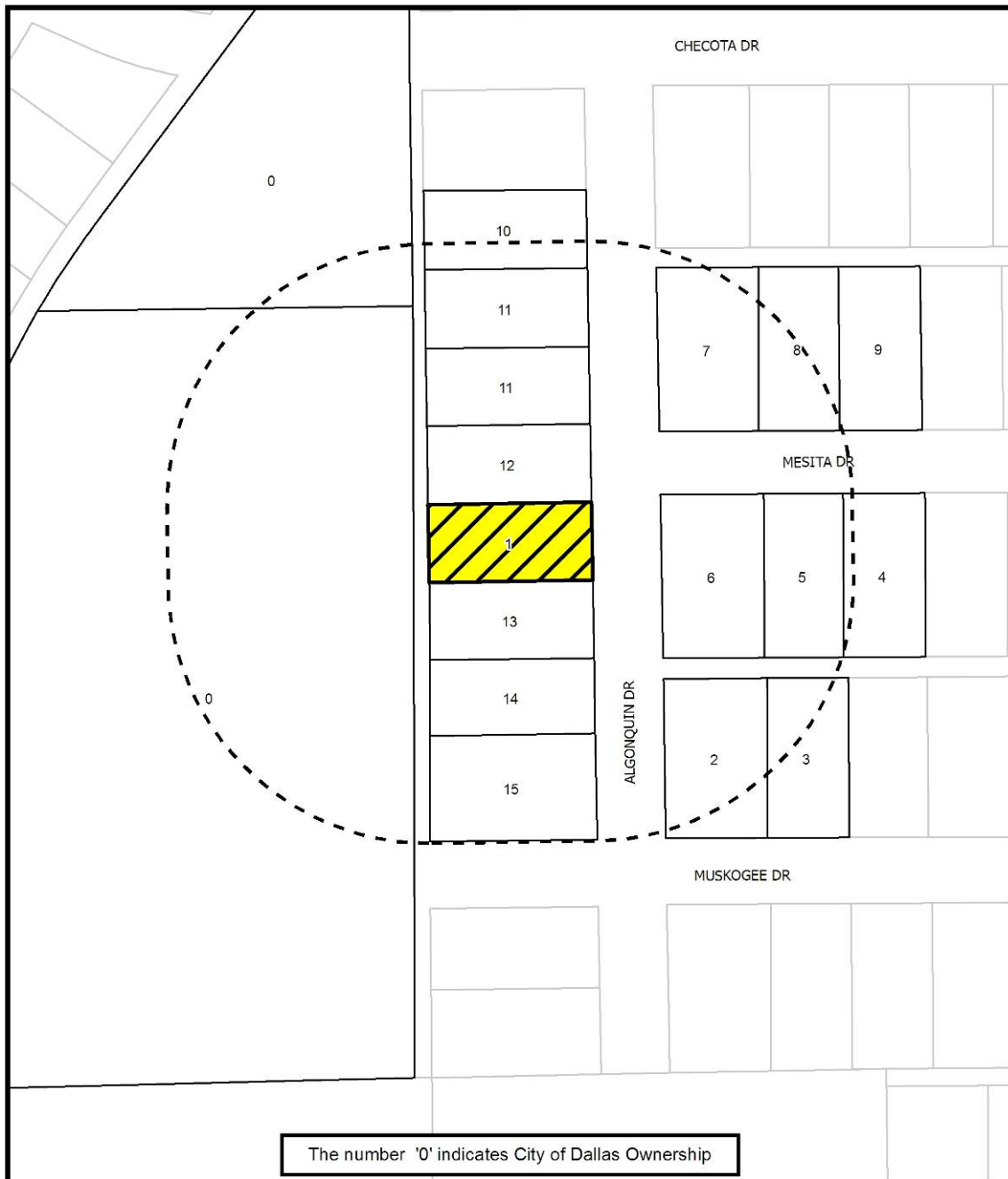
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the board.

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







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