

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, NOVEMBER 13, 2017
AGENDA

BRIEFING	ROOM 5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Neva Dean, Assistant Director
Steve Long, Board Administrator/ Chief Planner
Jennifer Munoz, Senior Planner

MISCELLANEOUS ITEM

Approval of the October 16, 2017 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA167-116(SL)	6770 Abrams Road REQUEST: Application of Roger Albright for a special exception to the off-street parking regulations	1
BDA167-130(SL)	1125 N. Canterbury Court REQUEST: Application of John Oehlerts of JDS Design for a special exception to the off-street parking regulations	2
BDA167-131(JM)	4907 Deloache Avenue REQUEST: Application of Ed Simons for special exceptions to the fence standards regulations	3

HOLDOVER CASES

BDA167-081(SL)	400 Bobbie Street REQUEST: Application of Fred Brown for variances to the front and side yard setback regulations	4
BDA167-114(SL)	6920 Bob O Link Drive REQUEST: Application of Robert Reeves of Robert Reeves and Associates for a special exception to the landscape regulations	5

REGULAR CASES

BDA167-120(SL)	120 W. Commerce Street REQUEST: Application of David Martin of Winstead PC for variances to the minimum and maximum front yard setback regulations	6
BDA167-126(JM)	411 Avenue G REQUEST: Application of Stefan Kesler for special exceptions to the fence standards and visual obstruction regulations	7

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

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 City Council 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 §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

FILE NUMBER: BDA167-116(SL)

BUILDING OFFICIAL'S REPORT: Application of Roger Albright for a special exception to the off-street parking regulations at 6770 Abrams Road. This property is more fully described as Lot 1A, Block 1/5435, and is zoned CR, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a restaurant without drive-in or drive-through service use, office use, medical clinic or ambulatory surgical center use, personal service use, dry cleaner or laundry store use, general merchandise or food store 3500 square feet or less use, and theater use, and provide 664 of the required 781 parking spaces, which will require a 117 space special exception to the off-street parking regulations.

LOCATION: 6770 Abrams Road

APPLICANT: Roger Albright

REQUEST:

A request for a special exception to the off-street parking regulations of 117 spaces is made to transition uses that are/were within an existing shopping center (Creekside Shopping Center) that has approximately 72,000 square feet currently being remodeled (but not expanded), with office, medical clinic or ambulatory surgical center, restaurant without drive-in or drive through service, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses, and to provide 664 (or 85 percent) of the 781 required off-street parking spaces on the subject site.

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 delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is

greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 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.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 117 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use, office use, medical clinic or ambulatory surgical center use, personal service use, dry cleaner or laundry store use, general merchandise or food store 3500 square feet or less use, and theater use that are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Assistant Director of Engineering indicated that he has no objections to the applicant’s request.

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community retail)
- North: PD 65 (Planned Development)
- South: R-7.5(A) (Single family residential 7,500 square feet)
- East: CR (Community retail)
- West: CR (Community retail)

Land Use:

The subject site is developed with a shopping center use much of which is currently being remodeled (Creekside Shopping Center). The area to the north is undeveloped; and the areas to the south, east and west are developed with retail uses.

Zoning/BDA History:

1. BDA023-125, Property at 6770 Abrams Road (the subject site)

On September 15, 2003, the Board of Adjustment Panel C granted a variance to the height regulations of 39’ and imposed the following conditions: 1) Compliance with the submitted site plan is required; and 2) Compliance with a revised elevation to be submitted to the Board Administrator that shows installation of a flush mount antenna is required.

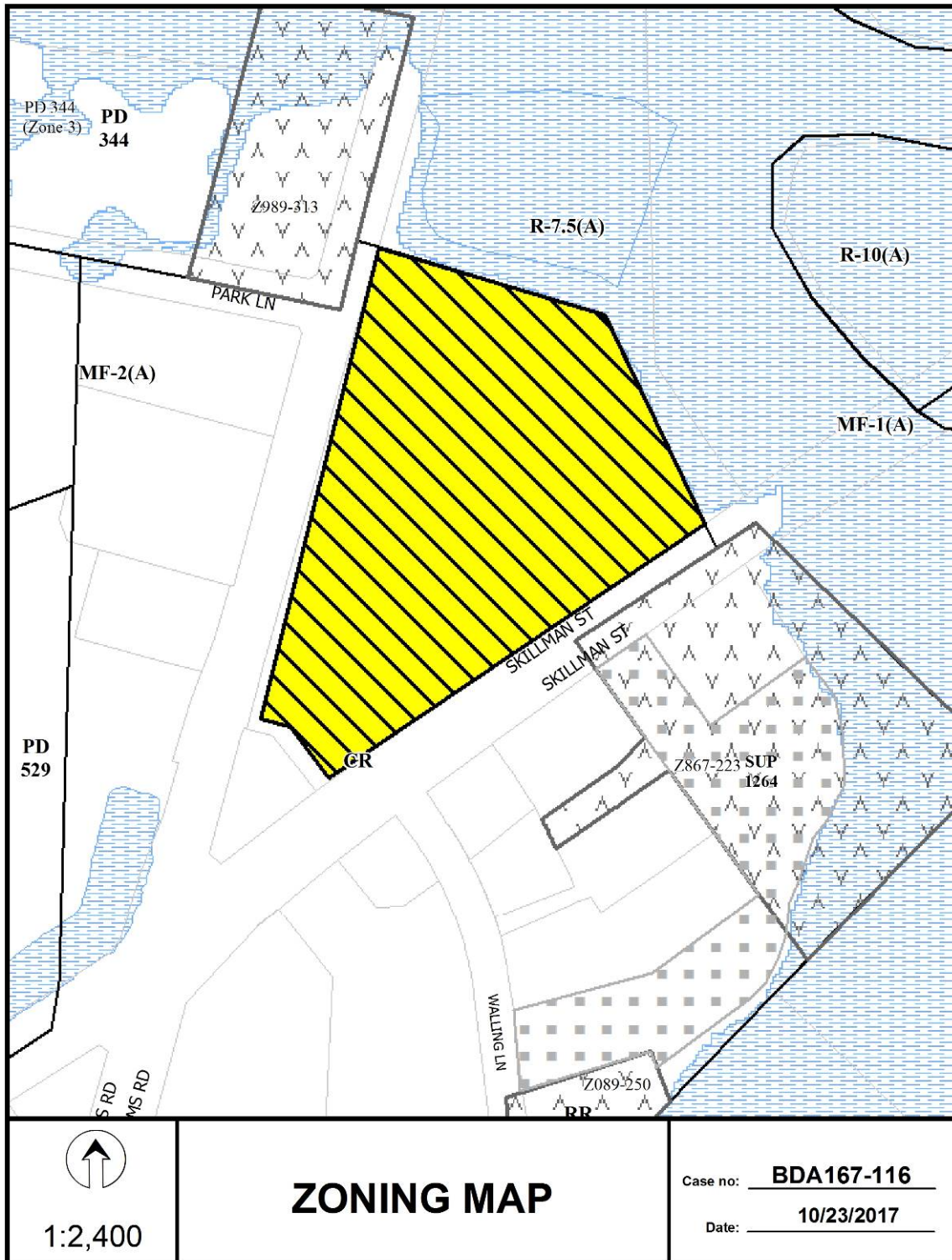
The case report stated the request was made to construct and maintain a 65’ high cellular monopole tower on a site developed with retail uses.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 117 spaces focuses on transitioning uses that are/were within an existing shopping center (Creekside Shopping Center) that has approximately 72,000 square feet currently being remodeled (but not expanded), with office, medical clinic or ambulatory surgical center, restaurant without drive-in or drive through service, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses, and providing 664 (or 85 percent) of the 781 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirements:
 - Restaurant without drive-in or drive through service: As a main use, 1 space per 100 square feet of floor area. As a limited or accessory use, 1 space per 200 square feet of floor area.
 - Office use: 1 space per 333 square feet of floor area.
 - Office Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area.
 - Personal service: 1 space per 200 square feet of floor area.
 - Dry cleaner or laundry store: 1 space per 200 square feet of floor area.
 - General merchandise or foot store 3,500 square feet or less: 1 space per 200 square feet of floor area.
 - Theater: 1 space per 28 square feet of seating area.
- The application states among other things that the submitted professional engineer parking study shows that the uses within the center could support not only the requested 117 space reduction request but a 182 space reduction.
- The Sustainable Development and Construction Department Assistant Director of Engineering 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 restaurant without drive-in or drive through service, office, medical clinic or ambulatory surgical center, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 117 spaces (or 15 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 117 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive through service, office, medical clinic or ambulatory surgical center, personal service, dry cleaner or laundry store, general merchandise or foot store 3,500 square feet or less, and theater uses are changed or discontinued, the applicant could lease the shopping center with these uses, and provide 664 (or 85 percent) of the 781 required off-street parking spaces.

Timeline:

- August 21, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- October 9, 2017: 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 October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd 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 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- November 1, 2017: The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked “Has no objections”.





1:2,400

AERIAL MAP

Case no: BDA167-116

Date: 10/23/2017



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-116

Data Relative to Subject Property:

Date: 08/21/2017

Location address: 6770 Abrams Road Zoning District: CR

Lot No.: 1A Block No.: 1/5435 Acreage: 7.73 Census Tract: 78.21

Street Frontage (in Feet): 1) 787 2) 479 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property/or Principal: RPI Skillman Abram S.C., Ltd.

Applicant: Roger Albright

Mailing Address: 3301 Elm Street, Dallas, Texas Zip Code: 75226-1637

Represented by: Roger Albright Telephone: 214.939.9224

Mailing Address: 3301 Elm Street, Dallas, Texas Zip Code: 75226-1637

Affirm that a request has been made for a Variance, or Special Exception X, of 117 spaces in the number of off-street parking spaces required for the Creekside Shopping Center which does or will contain the following uses: restaurant without drive-in or drive-thru service; office, medical clinic or ambulatory surgical center, personal service, dry cleaner or laundry store, general merchandise or a food store. 3,500 sq. ft. or less, theater or any combination of these uses which would normally need no more than 781 required off-street parking spaces. This proposed 117 space reduction from 781 spaces required by Code to the 664 spaces to be provided constitutes a 15% reduction.

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

This shopping center includes a theater use known as Alamo Draft House. This is not a conventional motion picture theater, but rather a "cinema eatery" which incorporates a full service restaurant use whereby staff provides food and beverage service to movie patrons in the movie theater auditoriums. The necessary inclusion of tables or other eating surfaces and necessary service aisles within the movie auditoriums results in less patrons being seated in a given square (continued on next page)

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

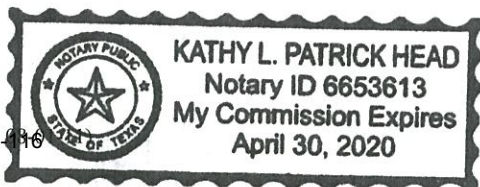
Affidavit

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

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

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 29th day of September, 2017.



(Notary Public 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

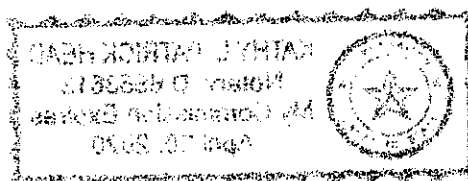
I hereby certify that Roger Albright

did submit a request for a special exception to the parking regulations
at 6770 Abrams Road

BDA167-116. Application of Roger Albright for a special exception to the parking regulations at 6770 Abrams Road. This property is more fully described as Lot 1A, Block 1/5435, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, office use, medical clinic or ambulatory surgical center use, personal service use, dry cleaner or laundry store use, general merchandise or food store 3500 square feet or less use, and theater use, and provide 664 of the required 781 parking spaces, which will require a 117 space special exception (15% reduction) to the parking regulation

Sincerely,

Philip Sikes
Philip Sikes, Building Official

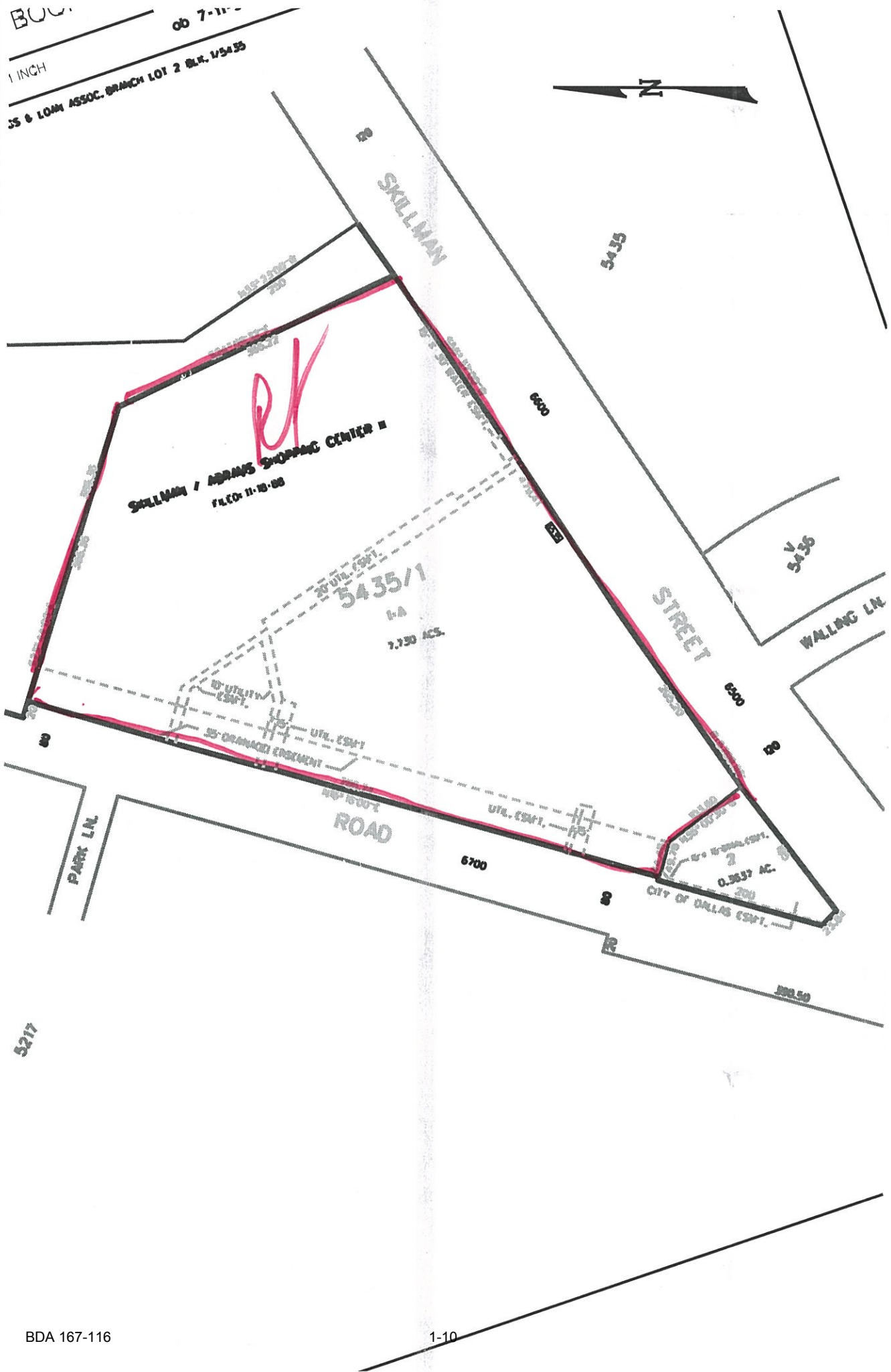


BCC.

00 7-11-

1 INCH

35 & LOAN ASSOC. BRANCH LOT 2 B.L.R. 19435



SKILLMAN / ADAMS SHOPPING CENTER II
FILED 11-10-08

PK

5435/1
1-A
1.730 ACS.



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

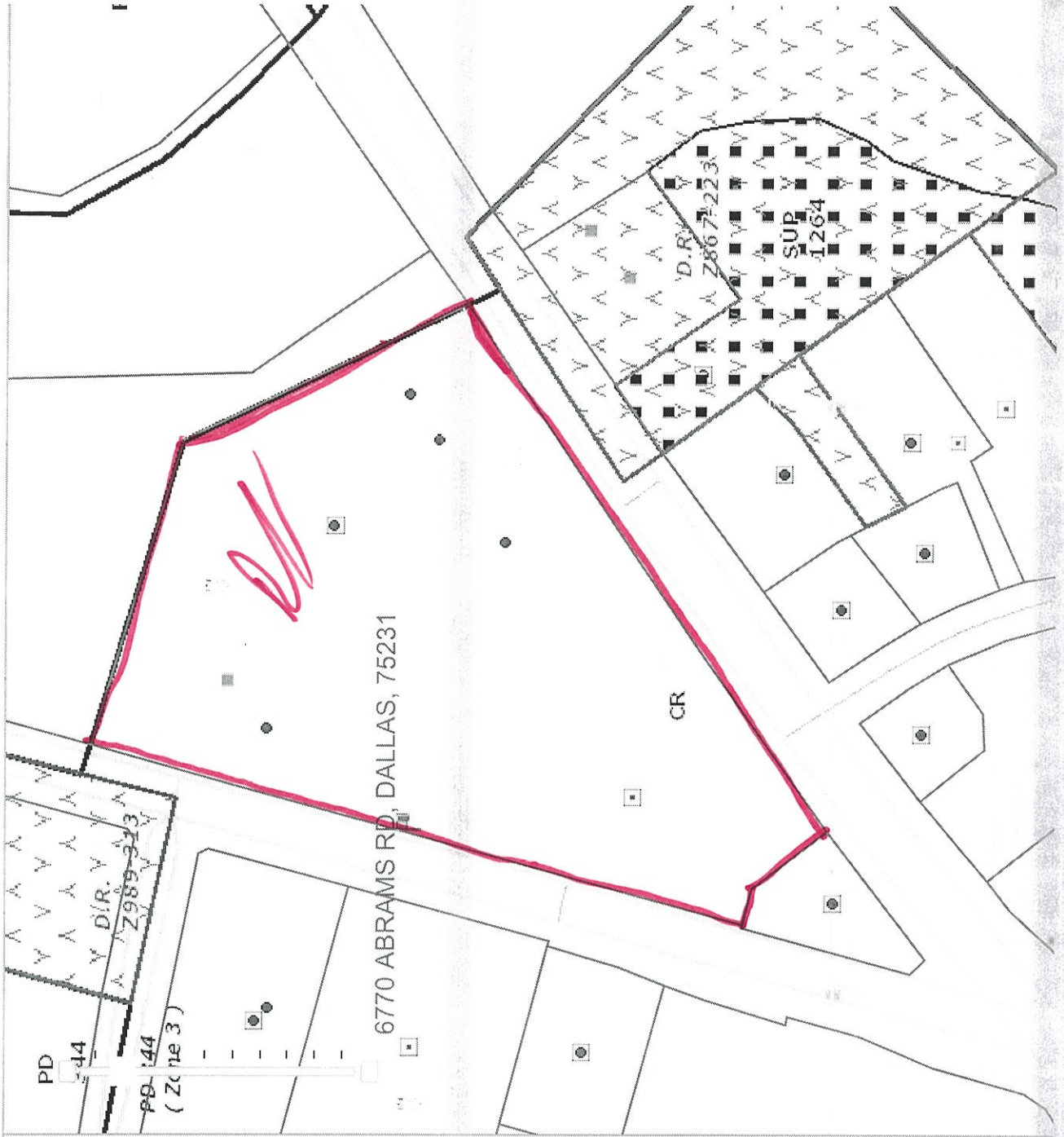
Street address,
6770 abrams

Locate

OR

Parcel address,
Use street type for better re

Locate



Continued from first page –

footage of seating area within the auditoriums where the movies are shown. This difference in layout and form of the cinema eatery use is not reflected in the required off-street parking requirement for theater uses contained within the Development Code which requires 1 space per 28 sq. ft. of seating area. Under that requirement, the theater use would require 346 off-street parking spaces. The previous theater parking requirement contained in Chapter 51 and still used as the basis for required parking for theater uses within the boundaries of PD-193 (e.g., the Magnolia Theater in West Village) is only one space for every 4 seats. In the case of the Alamo Drafthouse use which has a total of 816 seats, Chapter 51 would only require 204 off-street parking spaces rather than 346, a reduction of 142 spaces. Applicant only seeks a 117 space reduction. As set forth in the DeShazo Group parking study filed with this Application, the parking demand generated by the theater use does not warrant the number of off-street parking spaces required and the proposed Special Exception would not create a traffic hazard or increase traffic congestion on the adjacent or nearby streets. Nationally published data for theater seating would support a 126 space reduction; the shared parking analysis contained within the DeShazo Study would also support the requested special exception; DeShazo's shared parking analysis of all the Creekside uses would support a 182 space reduction. The applicant only seeks a 117 space/15% reduction.

Overall Parking Chart

for properties regulated by Dallas Development Code, Chapter 51A

Address: 6780 Skillman St. Dallas, TX 75231

Suite Number	Suite Name	Suite Type	Suite Area	Required	Parking
100	Proposed	Restaurant	2,573	1/100 SF	25.73
100 (remote)	Proposed	Restaurant	6,329	1/100 SF	63.29
101 south	Proposed	Restaurant	3,293	1/100 SF	32.93
105 (remote)	Proposed	Restaurant	4,231	1/100 SF	42.31
107 north	Bahama Bucks	Restaurant	1,740	1/100 SF	17.40
109 B	Subway	Restaurant	1,140	1/100 SF	11.40
110	Proposed	Restaurant	1,600	1/100 SF	16.00
119 south	Wingstop	Restaurant	1,500	1/100 SF	15.00
180	Proposed	Restaurant	1,600	1/100 SF	16.00
190	Proposed	Restaurant	3,178	1/100 SF	31.78
			27,484	Total	274.84
103 A	Liberty Tax	Office	919	1/333 SF	2.76
205	Proposed	Office	2,163	1/333 SF	6.50
210	Proposed	Office	2,045	1/333 SF	6.14
215	Proposed	Office	3,357	1/333 SF	10.08
			8,484	Total	25.48
101 north	Colorful Nails	Personal Service	1,020	1/200 SF	5.10
105	Proposed	Retail	1,749	1/200 SF	8.75
107 south	Proposed	Retail	1,800	1/200 SF	9.00
109	Proposed	Retail	1,619	1/200 SF	8.10
111	Proposed	Retail	2,400	1/200 SF	12.00
115 south	Proposed	Retail	1,440	1/200 SF	7.20
115 north	Best Clips	Personal Service	1,200	1/200 SF	6.00
119 north	Abrams Cleaners	Dry Cleaners	3,236	1/200 SF	16.18
201	Dentist - Dr. Jeffrey Jones	Medical Office	1,500	1/200 SF	7.50
203	Foot Doctor	Medical Office	1,454	1/200 SF	7.27
207	South Texas Dental Office	Medical Office	4,745	1/200 SF	23.73
209	My Salon Suites	Personal Service	5,298	1/200 SF	26.49
			27,461	Total	137.51
123	Alamo Drafthouse	Theater	9,690	1/28 SF	346.07
			9,690	Total	346.07
	Total		72,819		781

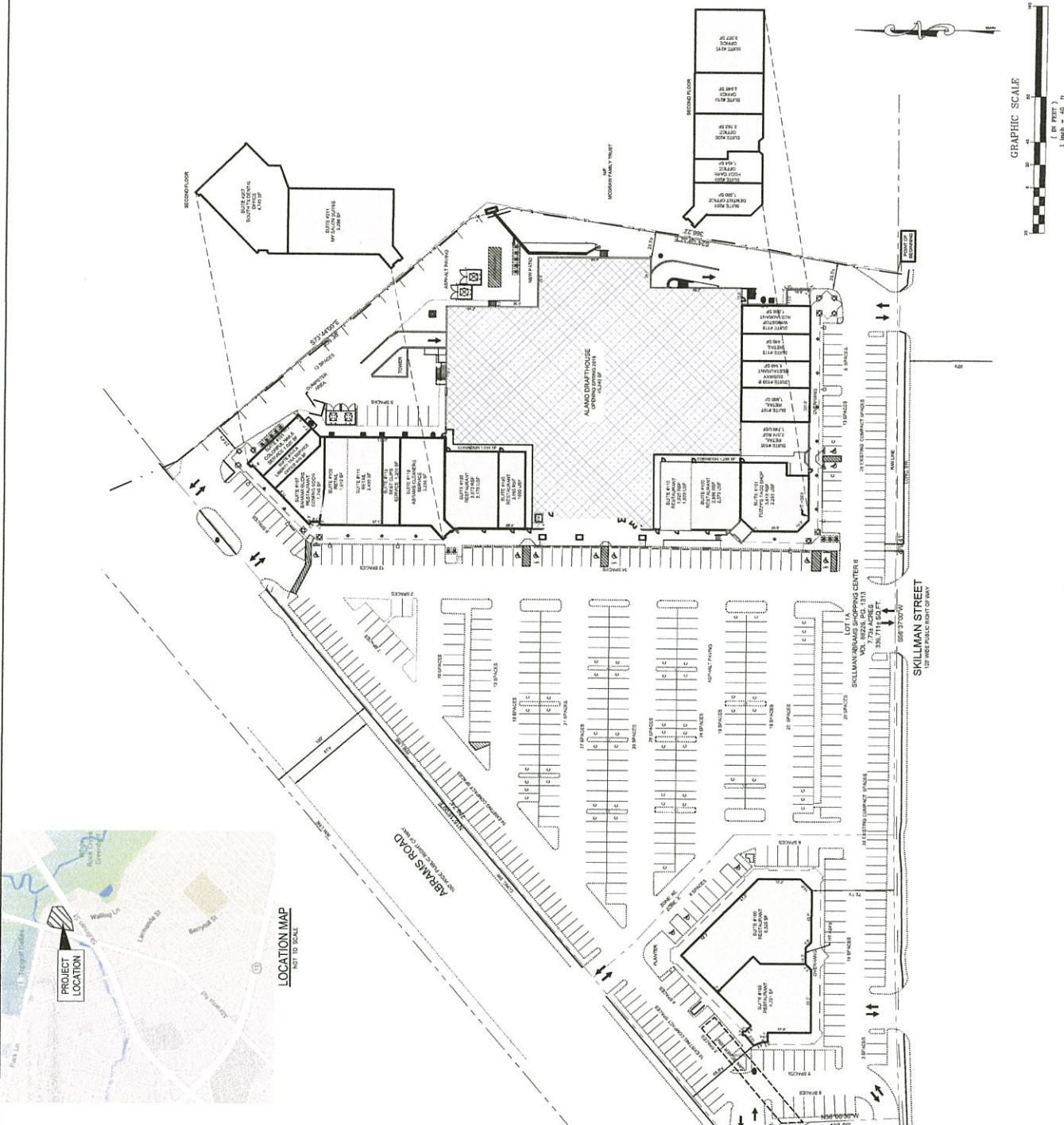
PRELIMINARY
NOT FOR CONSTRUCTION

NO.	DATE	REVISIONS/COMMENTS

Creekside Shopping Center
6750-6780 Skillman
Dallas, Texas

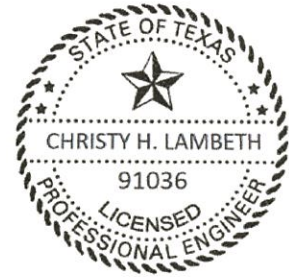
Parking Analysis

SCALE:	1" = 40'
DRAWN BY:	MT
DESIGNED BY:	MT
PROJECT NO.:	2017-024
DATE:	AUGUST 2017
SHEET:	1 OF 1



RESTAURANT (1:100 SF)	
SAITE #100 6,328 SF	
SAITE #105 4,231 SF	
SAITE #100 2,973 SF	
SAITE #101 FUZZY'S TACO SHOP 3,233 USF	
SAITE #107 BANANA BUNCH 1,740 SF	
SAITE #109 B. SUBWAY RESTAURANT 1,140 SF	
SAITE #110 2,000 USF	
SAITE #118 WINGSTOP RESTAURANT 1,000 SF	
SAITE #190 3,178 USF	
TOTAL RESTAURANT 27,184 SF	
OFFICE SPACE (1:333 SF)	
SAITE #103 A. LIBERTY TAX SERVICE 819 SF	
SAITE #205 2,163 SF	
SAITE #210 2,045 SF	
SAITE #215 3,307 SF	
TOTAL OFFICE 6,484 SF	
RETAIL (1:100 SF)	
SAITE #101 COLORFUL NAILS 1,020 SF	
SAITE #105 1,740 USF	
SAITE #107 1,800 SF	
SAITE #109 1,810 SF	
SAITE #111 2,400 SF	
SAITE #115 1,440 SF	
SAITE #119 ABRAMS CLEANERS 3,236 SF	
SAITE #211 MY SALON SUITES 5,208 SF	
SAITE #201 DENTIST OFFICE 1,500 SF	
SAITE #203 FOOT CARE 1,454 SF	
SAITE #207 SOUTH TX DENTAL 4,745 SF	
TOTAL RETAIL 27,461 SF	

PARKING PROVIDED	150
SURFACE PARKING	164
LANDSCAPE PARKING	17
COMPACT PARKING	208
BIKE PARKING	30
OFFICE SPACE (1:333 SF)	6,484 S.F.
RETAIL (1:100 SF)	27,461 S.F.
RESTAURANT (1:100 SF)	27,184 S.F.
MONUMENT (1:100 SF) - SEATING AREA	271.84
PARKING REDUCTION (1/25 PARKING SPACES)	637 SPACES (32 BIKES)
TOTAL REQUIRED PARKING	35 BIKES
APPROXIMATE GREENSPACE	8,000 S.F.
APPROXIMATE PAVED GREENSPACE	6,220 S.F.



TECHNICAL MEMORANDUM

To: Trey Hodge — Retail Plazas, Inc.
From: Christy Lambeth, P.E. — DeShazo Group, Inc.
Date: August 15, 2017
Re: Parking Analysis for the Creekside Shopping Center at 6770 Abrams Road in Dallas, Texas
DeShazo Project Number 17099

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis. The services of DeShazo were retained by RPI Skillman Abrams S.C., LTD (Client) to study the parking provisions for the Creekside Shopping Center, an existing center located at the northeastern intersection of Abrams Road and Skillman Street, bound by White Rock Creek Trail to the north, legally described as Lot 1A, Block 1/5435 in Dallas Texas.

The Creekside Shopping Center is zoned as Community Retail (CR) district and subject to the off-street parking requirements established in the City of Dallas Development Code Chapter §51A. The shopping center has retail, office, restaurant and theater uses. The anchor tenant is Alamo Cinema Drafthouse. The Alamo Cinema Drafthouse has 9,690 SF of seating area with 816 seats.

PURPOSE

This report presents a summary of a technical evaluation of the parking needs for the proposed Alamo Drafthouse Cinema and the Creekside Shopping Center. Findings of this analysis are intended to support a Parking Special Exception request to reduce the direct City of Dallas Code Chapter §51A parking requirement for the shopping center. This memorandum summarizes the code parking requirement and the projected parking demand based upon published national technical data and DeShazo's professional judgment and experience from prior parking studies.

PARKING SUPPLY

The shopping center currently provides a total supply of 664 off-street parking spaces.

CODE PARKING REQUIREMENT

As shown in **Table 1**, 781 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code.

Table 1. City Code Parking Requirement Summary

LAND USE	CITY CODE	TOTAL AMOUNT	RATE (1 space per)	REQUIRED PARKING
Restaurant	51A-4.210(b)(24)(C)(i)	27,184 SF	100 SF	271.84
Office	51A-4.207(5)(C)	8,484 SF	333 SF	25.48
Retail	51A-4.210(b)(13)(C)/ 51A-4.210(b)(14)(C)	27,461 SF	200 SF	137.31
Cinema Movie Theater (Alamo Drafthouse Cinema)	51A-4.210(b)(30)(C)	9,690 SF	28 SF	346.07
			TOTAL:	781 spaces

Bicycle Parking Reduction

In accordance with Section §51A-4.314 of the City of Dallas Development Code, off-street parking may be reduced if bicycle parking is provided. The Code allows for a reduction of *one off-street parking space for every six Class I bicycle parking spaces provided*, but a *bicycle parking reduction cannot exceed five percent of the total required off-street parking spaces for a building site*.

Following the City Code requirements, The Creekside Shopping Center may receive an off-street parking reduction if bicycle parking spaces are provided. However, this analysis does not account for bicycle parking, therefore, there will be an additional parking supply that is not accounted for in this study.

UNIQUE CHARACTERISTICS FOR THEATERS

The proposed theater will not be a conventional motion picture theater, but rather a “cinema eatery” whereby staff provides food and beverage service to movie patrons in the movie auditoriums. The necessary inclusion of tables or other eating surfaces and necessary service aisles within the movie auditoriums results in less patrons being seated in a given square footage of seating area within the auditorium where the movies are shown. An illustration comparing traditional theater seating and Alamo Drafthouse Cinema theater seating is provided in the **Appendix**.

This difference in layout and form of cinema eatery use is not reflected in the required off-street parking requirement within the City of Dallas Development Code Chapter §51A, which requires 1 space per 28

square feet of seating area, which means that this theater would require 346 off-street parking spaces. The Alamo Theater and seating spaces are more spaced out than a traditional movie theater. Therefore, parking should be required based on number of seat rather than square footage.

PARKING DATA FOR THEATERS

As a validation for the recommended parking rate for Movie Theater uses, published parking demand data is available from the *Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition (2010)* and from the *Urban Land Institute (ULI) Shared Parking (2010)* publication. These publications provide a reliable compilation of parking demand data from various land uses collected around the country over several years.

Table 2. Parking Data for Movie Theaters

<i>Reference</i>	<i>Parking Rates</i>	<i>Parking Spaces for the Theater</i>	
Dallas City Code Chapter §51A	1 space/28 SF	346 spaces	—
ITE Parking Generation ¹	0.26 vehicles/seat (1 vehicle/3.85 Seats)	212 spaces	(134 spaces less than code)
ULI Shared Parking ²	0.27 vehicles/seat (1 vehicle/3.70 Seats)	220 spaces	(126 spaces less than code)

¹Institute of Transportation Engineers (ITE) Parking Generation, 4th Edition (2010), Land Use 444

²Urban Land Institute (ULI) Shared Parking, 2nd Edition (2005)

Note: Alamo Cinema Drafthouse has 816 seats, throughout 8 auditoriums/theaters.

SHARED PARKING ANALYSIS FOR THE SHOPPING CENTER

Study Approach

To analyze the projected parking needs for the Creekside Shopping Center, DeShazo customized a version of the DeShazo Shared Parking Model. This model is a mathematical analysis tool used to identify shared parking opportunities and project the hourly parking demands of mixed use developments. It incorporates a variety of site-specific factors and other concepts known to affect the parking demand at mixed use developments. It is derived from technical publications and supplemented by proprietary data from previous studies performed by DeShazo. The following sections summarize the application of this model.

Shared Parking Model

The *DeShazo Shared Parking Model* derives from the concepts of the Urban Land Institute (ULI) *Shared Parking, 2nd Edition (2005)* and utilizes published parking demand data from ULI and the Institute of Transportation Engineers (ITE) *Parking Generation, 4th Edition (2010)*, as well as historical, local parking data and experience compiled by DeShazo over many years. As needed, the model is customized to reflect actual conditions for specific developments and anticipated tenants.

Shared Parking Definition

"Shared parking" is a concept that acknowledges the efficiencies of the net parking demand within a common parking facility that is generated by multiple land uses. Efficiency is realized due to the nature of combining multiple tenants with complementary parking demand.

The *time-of-day* component of shared parking considers offsets in the parking demand peaks of various land uses which permits a single parking space to be used during part of the day for a given use and an earlier or later part of the day for one or more other uses.

Shared Parking Model Methodology

The concepts and methods of customizing the *DeShazo Shared Parking Model* for the *Creekside Shopping Center* are explained in the following steps.

1. For each land use category, two independent parking rates were applied: a long-term (e.g., employees, residents) and a short-term (e.g., customer, visitor) parking ratio in terms of number of cars per unit. Parking ratios are based on data published by ULI and ITE as well as local historical data compiled by DeShazo over many years. Ratios are intended to reflect anticipated parking characteristics based on propriety data and the client's description of the proposed tenants.
2. Urban developments normally experience additional reduction factors that account for the use of transit and/or latest trends in local ridership (e.g., Uber, Lift). However, no further reductions were considered in this analysis based upon a subjective evaluation of the study site location. Albeit alternative modes of transportation may play an important role at Creekside Shopping Center in the future, their impact will only reduce parking projections presented in this study.
3. After calculating hourly parking demands for each land use, totals were tabulated by hour of day to identify the cumulative parking demand of each study area on a typical weekday and Saturday.

Shared Parking Analysis Results

Based upon the shared parking analysis, the projected peak parking demand for the shopping center is 599 vehicles, thereby supporting a 182-parking space reduction from the 781-parking space code requirement. The demand is graphically presented in **Figure 1** and details of the cumulative hourly parking demand are included in the Appendix.

Figure 1A. Shared Parking Demand at Creekside Shopping Center
WEEKDAY PARKING DEMAND

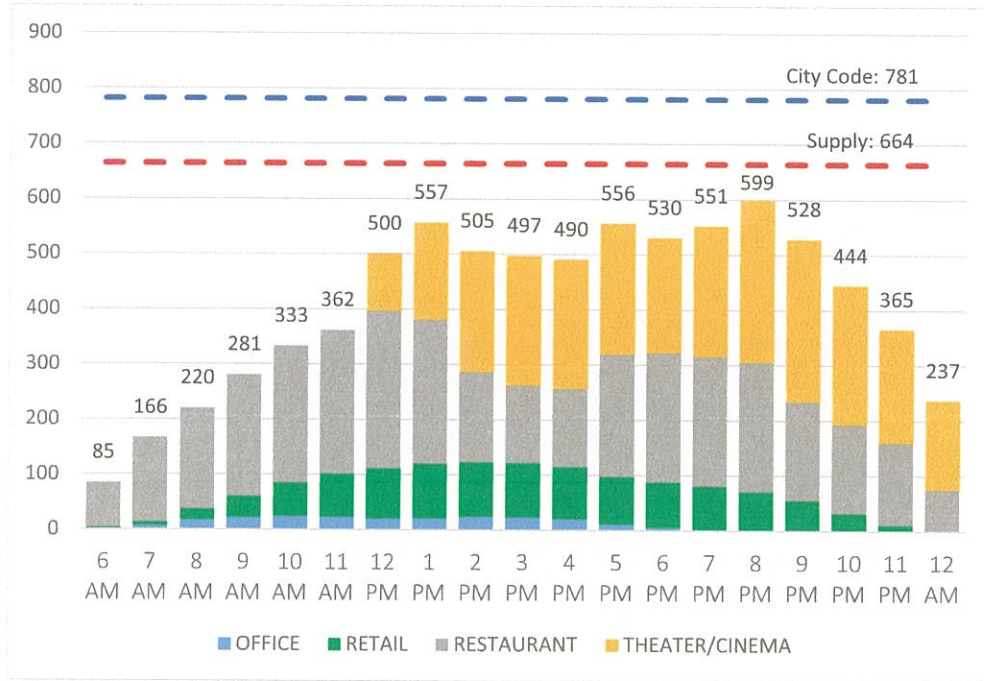
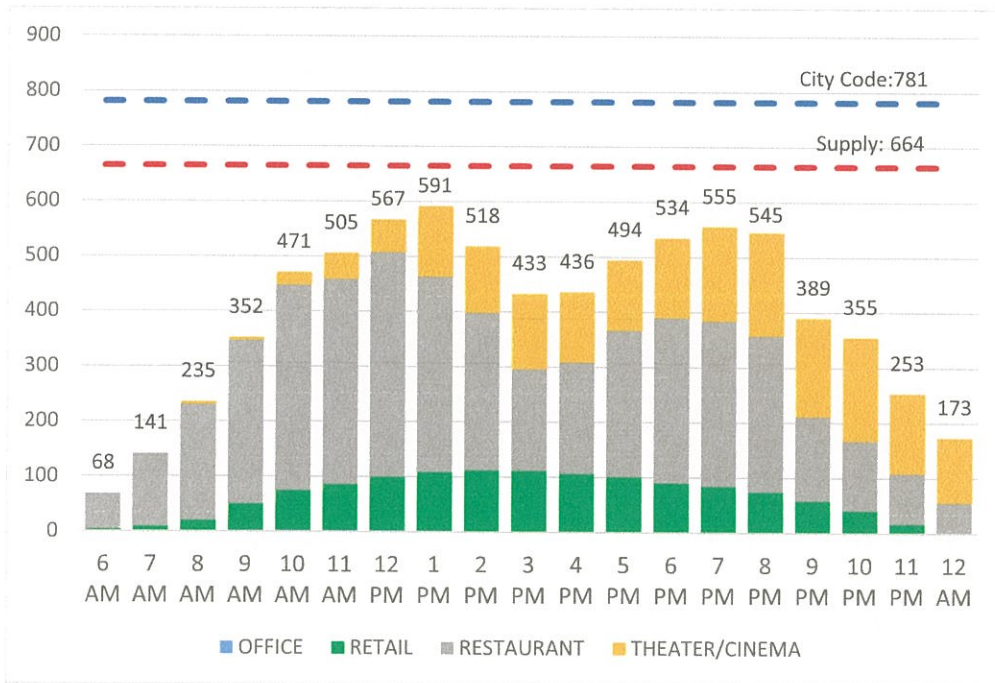


Figure 1B. Shared Parking Demand at Creekside Shopping Center
SATURDAY PARKING DEMAND



SUMMARY

This study summarizes the code parking requirements for the Creekside Shopping Center located at the northeastern intersection of Abrams Road and Skillman Street in Dallas, Texas. Based upon application of the standard parking requirements from the City of Dallas Development Code Chapter §51A, a total off-street parking supply of 781 parking spaces would typically be required for the development. However, a parking requirement reduction is supported based upon published parking demand characteristics for a movie theater, as well as shared parking analysis for the shopping center, as summarized below.

- Nationally published data for theater seating (shown in **Table 2**):
126-parking space reduction from code requirement is warranted
- Shared parking analysis for Creekside Shopping Center (shown in **Figure 1**):
182-parking space reduction from code requirement is warranted

In accordance with Section 51A-4.311(a)(1), the Board of Adjustment may grant a special exception to authorize a maximum reduction of 25% of the number of off-street parking spaces required. DeShazo supports the exception of 117 spaces (or 15% of the required 781 spaces) based upon the results of this technical analysis, professional judgment and experience from similar parking.

Table 3. Parking Special Exception Request

<i>Reference</i>	<i>Number of Parking Spaces</i>
Parking Supply	664 spaces
Dallas City Code <i>Chapter §51A</i>	781 spaces
Deficit (Request):	117 spaces (15%)

The objective of this memorandum was to provide technical support for a proposed Parking Special Exception. Based upon the results of this technical analysis, professional judgment and experience from similar parking studies, DeShazo recommends approval of the 117-space (15%) Parking Special Exception.

PARKING SPECIAL EXCEPTION REQUEST

A Parking Special Exception is requested from the City of Dallas Board of Adjustment. Based upon findings of this analysis, 664 spaces (i.e., 15% reduction) will satisfy the parking needs for the Creekside Shopping Center in Dallas, Texas. A reduction of 117 required spaces is warranted based upon the following considerations as specified in the Dallas Development Code §51A-4.2(a)(2):

(A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*

A parking reduction justification for the subject property is a function of actual parking characteristics inherent to community, mixed-use developments and does not rely upon remote or packed parking.

(B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*

The projected parking demand takes into consideration the needs of the fully functional shopping center. In determining an appropriate parking demand, DeShazo consulted parking demand data published on ITE's *Parking Generation* manual, 4th Edition (2010); *the Urban Land Institute (ULI) Shared Parking (2010)* publication; and DeShazo's professional judgment and experience from similar parking analyses in the Dallas-Fort Worth area.

(C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*

The subject site is zoned CR. This request is based upon the subject site's independent projected parking demands and not upon any special zoning adjustments.

(D) *The current and probably future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides convenient site access to the surrounding roadway network.

(E) *The availability of public transit and the likelihood of its use.*

The site is located approximately a mile and a half from Dallas Area Rapid Transit (DART) Rail System's Red Line Park Lane Station and approximately a mile from the Blue Line White Rock Station. DART public transit Bus Routes 582 and 583 is also within convenient walking distance. However, transit is not considered a factor in the justification of a parking reduction.

(F) *The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

The parking reduction is justified by specific parking demand characteristics for the Creekside Shopping Center. This study does not account for the parking reduction due to bicycle parking, which will provide additional spaces. No other parking mitigation measure is considered significant in the evaluation of the property's parking needs.

In summary, DeShazo recommends approval of a 117-space (15%) reduction to authorize the proposed layout with 664 off-street parking spaces. The requested parking reduction will neither create a traffic hazard nor restrict the subject property parking operations. It is also presumed that it is in the best interest of the property owner to provide an appropriate parking environment for their tenants.

END OF MEMO

DeShazo Shared Parking Analysis for
Creekside Shopping Center
WEEKDAY

SEE EXHIBIT 1

Quantities **8,484** SF GBA **27,461** SF GBA **27,184** SF GBA **816** Seats

LAND USE	OFFICE (General) ITE-701 (spaces/kSF)			RETAIL (Strip/Mixed) ITE-820 (spaces/kSF)			RESTAURANT (Hi-TO Fam/Chain) ITE-932 (spaces/unit)			THEATER/CINEMA (W/ Matinee) ITE-444 (spaces/unit)		
	employee	visitor	TOTAL	employee	customer	TOTAL	employee	customer	TOTAL	employee	customer	TOTAL
PEAK RATIO (1 space/unit)	2.59 386	0.25 4000	2.84 352	0.70 1429	2.90 345	3.60 278	1.50 667	9.00 111	10.50 95	0.01 -	0.35 -	0.36 -

I. Hourly Rates (as percent, proprietary data available upon request)

IIIa. Long-Term Parking Subtotals (employee, resident, etc.)

6:00 AM	1		2		20		0		23
7:00 AM	7		3		31		0		40
8:00 AM	16		8		37		0		61
9:00 AM	21		14		37		0		72
10:00 AM	22		16		41		0		79
11:00 AM	22		18		41		0		81
12:00 PM	20		19		41		4		84
1:00 PM	20		19		41		5		85
2:00 PM	22		19		41		5		87
3:00 PM	22		19		31		6		78
4:00 PM	20		19		31		6		76
5:00 PM	11		18		39		8		76
6:00 PM	5		18		39		8		71
7:00 PM	2		18		39		8		67
8:00 PM	2		17		39		8		66
9:00 PM	1		14		33		8		56
10:00 PM	0		8		27		8		43
11:00 PM	0		3		27		6		35
12:00 AM	0		0		14		4		18

Peak Hour Demand: 87

IIIb. Short-Term Parking Subtotals (customer, guest, etc.)

6:00 AM	0		1		61		0		62
7:00 AM	0		4		122		0		126
8:00 AM	0		12		147		0		159
9:00 AM	1		24		183		0		209
10:00 AM	2		44		208		0		254
11:00 AM	1		60		220		0		281
12:00 PM	0		72		245		100		417
1:00 PM	1		80		220		171		472
2:00 PM	2		80		122		214		418
3:00 PM	1		80		110		228		419
4:00 PM	0		76		110		228		415
5:00 PM	0		68		183		228		480
6:00 PM	0		64		196		200		459
7:00 PM	0		60		196		228		484
8:00 PM	0		52		196		286		533
9:00 PM	0		40		147		286		472
10:00 PM	0		24		135		243		401
11:00 PM	0		8		122		200		330
12:00 AM	0		0		61		157		218

Peak Hour Demand: 533

IV. Weekday Total Parking Demand

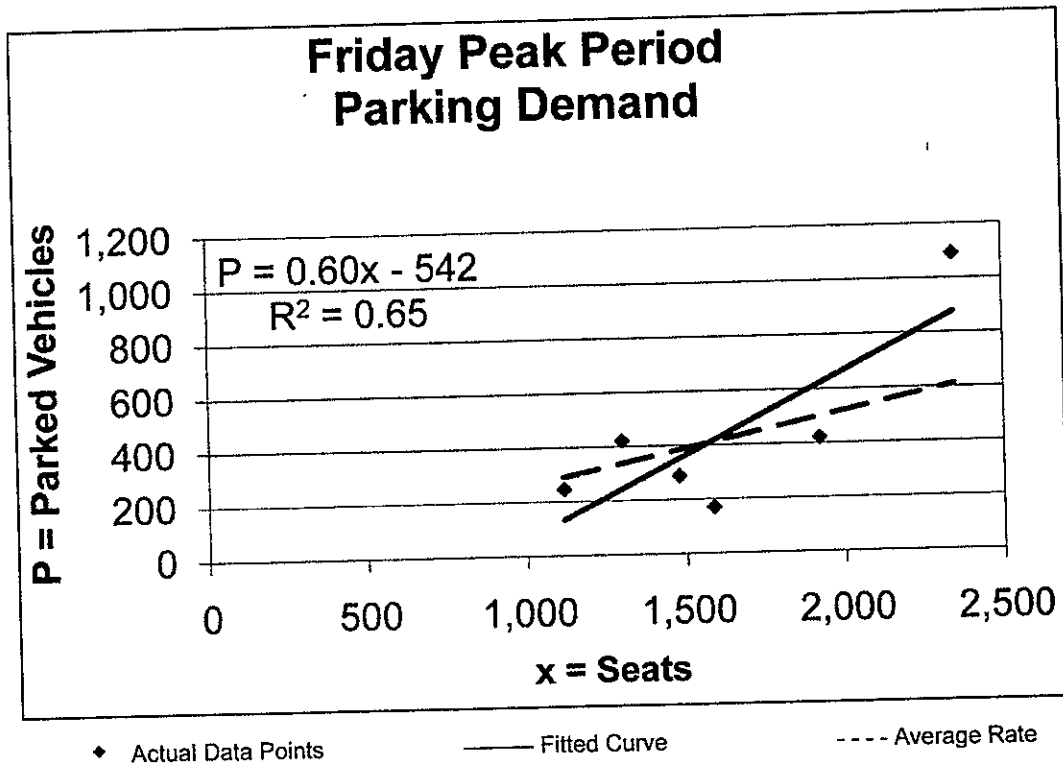
6:00 AM	1		3		82		0		85
7:00 AM	7		7		153		0		166
8:00 AM	17		20		183		0		220
9:00 AM	22		38		220		0		281
10:00 AM	24		60		249		0		333
11:00 AM	23		78		261		0		362
12:00 PM	20		91		285		104		500
1:00 PM	21		99		261		176		557
2:00 PM	24		99		163		219		505
3:00 PM	23		99		141		235		497
4:00 PM	20		95		141		235		490
5:00 PM	11		86		222		237		556
6:00 PM	6		82		234		208		530
7:00 PM	2		78		234		237		551
8:00 PM	2		69		234		294		599
9:00 PM	1		54		179		294		528
10:00 PM	0		32		161		251		444
11:00 PM	0		11		149		206		365
12:00 AM	0		0		75		161		237

Peak Hour Pkg Demand: 599

Land Use: 444 Movie Theater with Matinee

**Average Peak Period Parking Demand vs. Seats
On a Friday**

Statistic	Peak Period Demand
Peak Period	8:00-10:00 p.m.
Number of Study Sites	6
Average Size of Study Sites	1,600 seats
Average Peak Period Parking Demand	0.26 vehicles per seat
Standard Deviation	0.12
Coefficient of Variation	49%
Range	0.11-0.46 vehicles per seat
85th Percentile	0.36 vehicles per seat
33rd Percentile	0.21 vehicles per seat

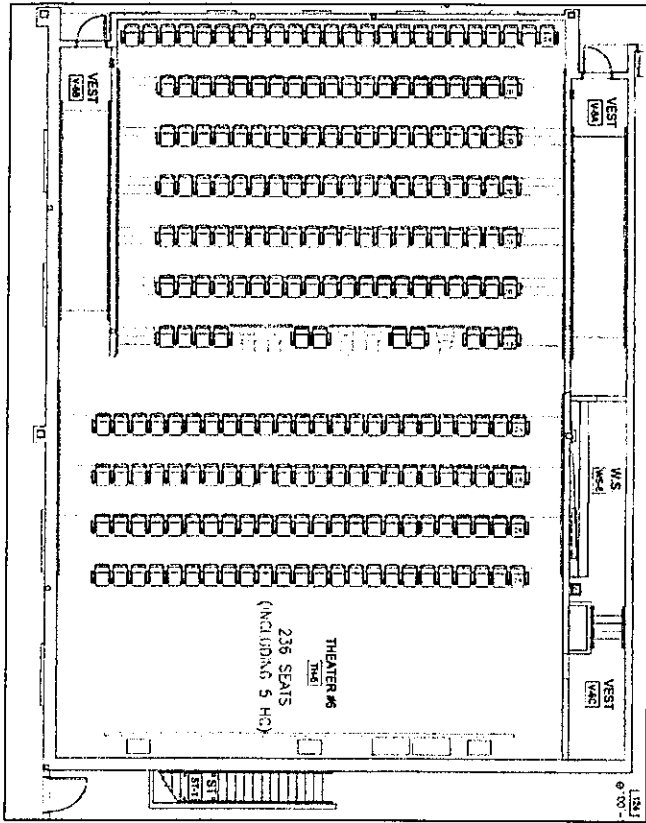


Layout Comparison between a Traditional Theater Seating and Alamo Draffhouse Seating

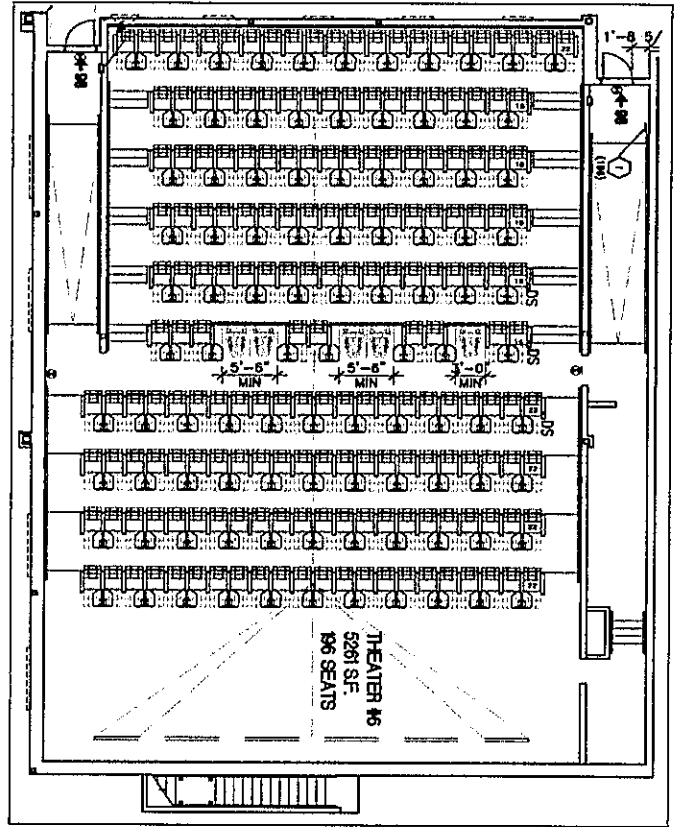
Alamo Cinema Draffhouse at Creekside Shopping Center will have 8 auditoriums/theaters.

Below is a comparison of what one auditorium may look like between traditional movie theater and Alamo seating.

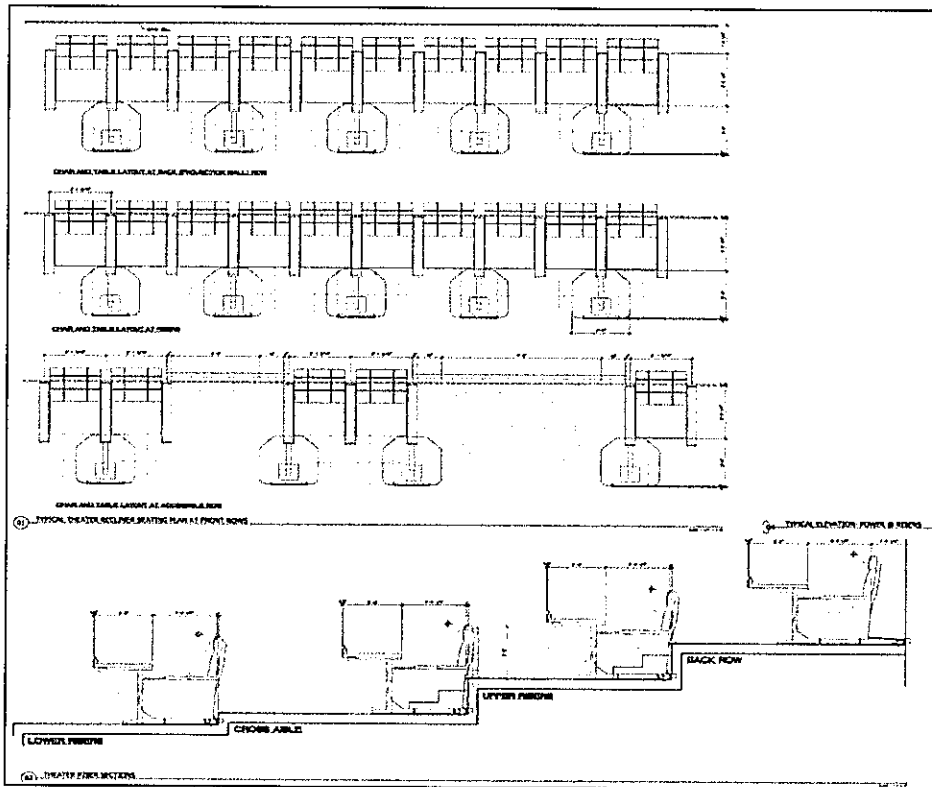
Traditional Theater Seating (236 Seats)

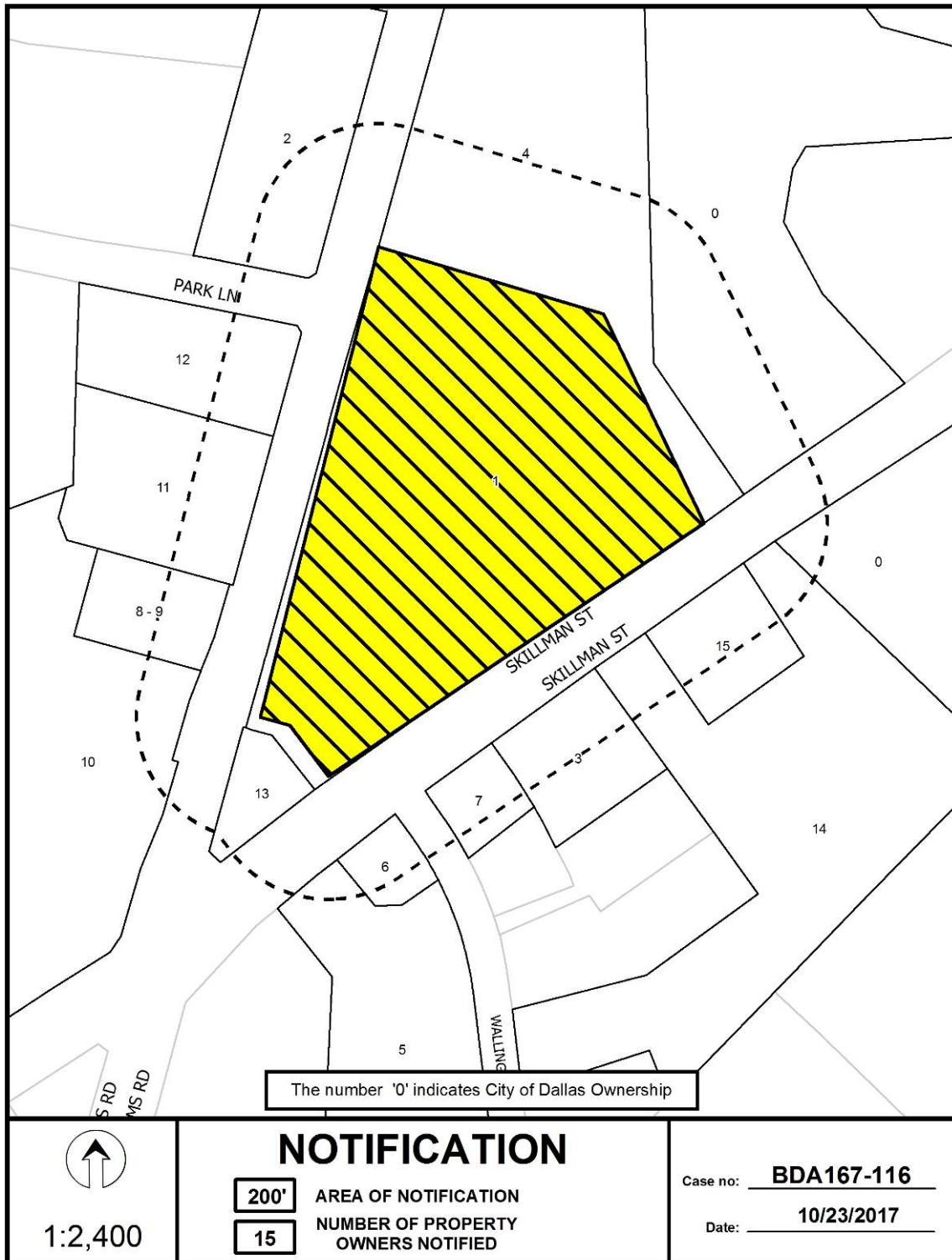


Alamo Draffhouse Seating (196 Seats)



Alamo Draffhouse Seating (Plan and Section View)





Notification List of Property Owners

BDA167-116

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6770 ABRAMS RD	RPI SKILLMAN ABRAMS S C LTD
2	6801 ABRAMS RD	CARUTH EARLE CLARK TRUST
3	6616 SKILLMAN ST	NEWMAN ROSE CO
4	6800 ABRAMS RD	RPI CREEKSIDE II LTD
5	6520 SKILLMAN ST	ARIAN SYLVIA SEPARATE
6	6556 SKILLMAN ST	HOSSAIN MOHAMMED A
7	6606 SKILLMAN ST	NASH GLORIA
8	6749 ABRAMS RD	WYNN BARBARA A
9	6749 ABRAMS RD	BURGER KING
10	6419 SKILLMAN ST	DAYTON HUDSON CORP
11	6751 ABRAMS RD	J EVANS FAMILY PS KNOX LTD
12	6769 ABRAMS RD	IM & AY LLC
13	6535 SKILLMAN ST	WORLD SAVINGS & LOAN ASSN
14	6640 SKILLMAN ST	SECURITY PORTFOLIO IV LP
15	6666 SKILLMAN ST	DRKZ INC

FILE NUMBER: BDA167-130(SL)

BUILDING OFFICIAL'S REPORT: Application of John Oehlerts of JDS Design for a special exception to the off-street parking regulations at 1125 N. Canterbury Court. This property is more fully described as Lot 9B, Block 13/3800, and is zoned CD 13, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a residential structure for a single family use and provide 0 of the required 1 parking spaces, which will require a 1 space special exception to the off-street parking regulations.

LOCATION: 1125 N. Canterbury Court

APPLICANT: John Oehlerts of JDS Design

REQUEST:

A request for a special exception to the off-street parking regulations of 1 space is made to maintain the existing single family use/structure where the original attached garage was recently transitioned to living space and where the existing gravel driveway is proposed to be relocated, and not provide the 1 required parking space for the single family use on a site.

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 delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 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.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

- The special exception shall automatically and immediately terminate if and when the single family use on the property is changed or discontinued.
- Compliance with a revised site plan is required to be submitted to the Board that removes the gate swing path towards the street shown on the submitted site plan.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to this request with the condition that the applicant remove the gate swing path towards the street as shown on his submitted site plan since the proximity of the gate swing to the street will adversely affect neighboring properties by creating a traffic hazard due to blocking the travel lane while waiting for the gate to open.
- The applicant substantiated how the parking demand generated by the use does not warrant the number of off-street parking spaces required since the parking “reduction” request of 1 space is only made on the fact that the City does not recognize the location of two parking spaces denoted on the submitted site plan as spaces to fulfill the required off-street parking requirement because of their location in the required front yard setback.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Subarea 1) (Conservation District)
North: CD 13 (Subarea 3) (Conservation District)
South: CD 13 (Subarea 1) (Conservation District)
East: CD 13 (Subarea 1) (Conservation District)
West: CD 13 (Subarea 1) (Conservation District)

Land Use:

The subject site is developed with a single family home structure/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.

GENERAL FACTS/STAFF ANALYSIS (parking special exception):

- This request focuses on maintaining an existing single family use/structure where the original attached garage was recently transitioned to living space and where the existing gravel driveway is proposed to be relocated, and not providing the 1 required parking space for the single family use on a site.
- The Dallas Development Code requires the following off-street parking requirement:
 - Single family use: one space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required.

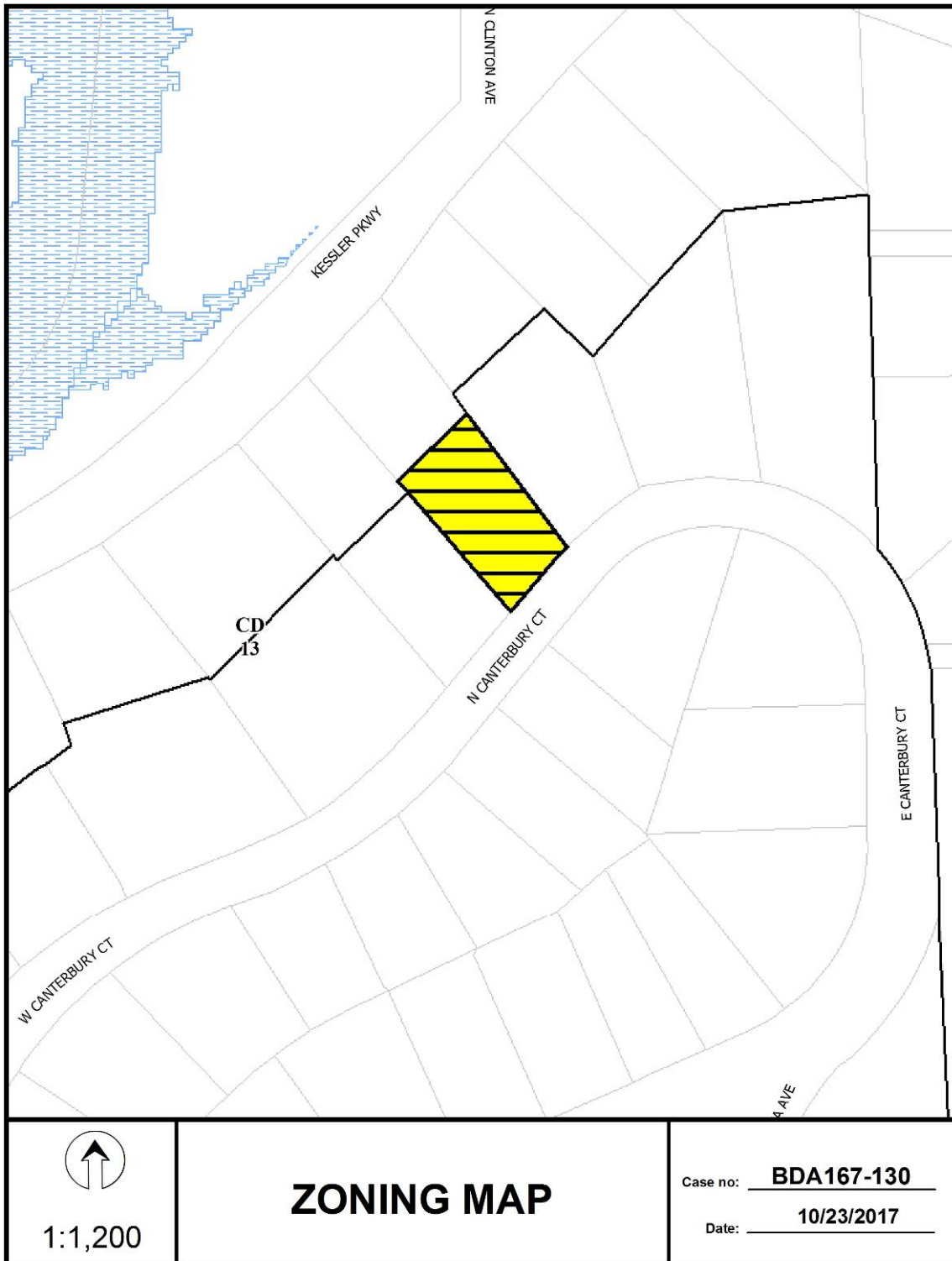
- The subject site is zoned CD 13 (Conservation District) that states that in general, except as otherwise provided in the ordinance, the development standards of the R-7.5(A) Single Family District apply. Because CD 13 does not provide any specific provision to off-street parking requirements, the single family use on this site requires 1 space.
- The off-street parking provisions of the Dallas Development Code states that “in residential districts except an MF-3(A) or MF-4(A) district, required off-street parking for residential uses must be located behind a required front building line.”
- The submitted site plan represents no area on the site behind the required front building line in which a parking space is located. The site plan does represent an area on the site that would accommodate an area where two vehicles could park on the site. However, the location of this area in which these vehicles could park is located in the front yard setback. As a result, the City does not recognize these spaces as spaces to fulfill the required off-street parking requirement because of their location in the required front yard setback.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting: “Remove the gate swing path. The proximity of the gate swing to the street will adversely affect neighboring properties by creating a traffic hazard due to blocking the travel lane while waiting for the gate to open”.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated single family use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 1 space would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the staff suggested conditions, the applicant would be allowed to maintain the single family use/structure on the site, and provide 0 of the 1 code required off-street parking spaces.

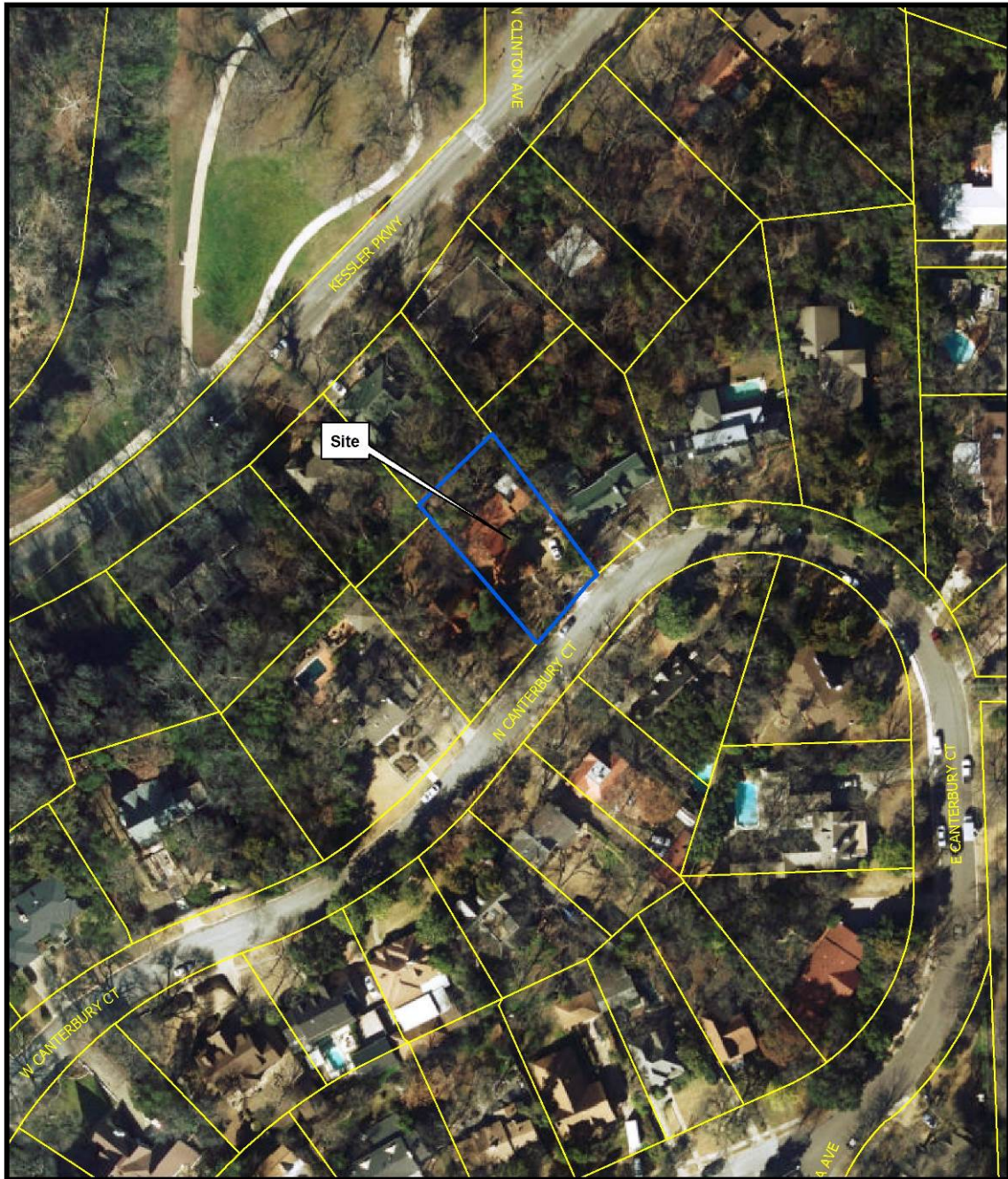
Timeline:

September 22, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

- October 9, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd 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 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- November 1, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting: "Remove the gate swing path. The proximity of the gate swing to the street will adversely affect neighboring properties by creating a traffic hazard due to blocking the travel lane while waiting for the gate to open".





1:1,200

AERIAL MAP

Case no: BDA167-130

Date: 10/23/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-130

Data Relative to Subject Property:

Date: 09-22-17

Location address: 1125 N. CANTERBURY Zoning District: CD 13

Lot No.: 9B Block No.: 13/3800 Acreage: .22 Census Tract: _____

Street Frontage (in Feet): 1) 70' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DAVID M. & CAITLIN C. STINNETT

Applicant: JOHN OEHLERTS - JDS DESIGN Telephone: 972 261-8945

Mailing Address: 125 BROOKWOOD RICHARDSON, TX Zip Code: 75080

E-mail Address: JOHN@JDSDESIGN.BIZ

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of THE REQUIREMENT FOR 1 OFF STREET PARKING SPACE FOR SINGLE FAMILY RESIDENTIAL PROPERTY

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

TO DEVELOP OFF STREET PARKING FOR 2 CARS. DEVELOPMENT OF LANDSCAPE & LAWN AREAS IN FRONT YARD. THERE WILL BE NO ADVERSE EFFECT TO NEIGHBORING PROPERTIES BECAUSE ADEQUATE PARKING IS PROVIDED ON THE SITE FOR RESIDENT'S VEHICLES.

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.

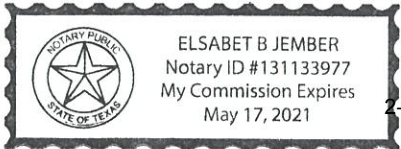
Affidavit

Before me the undersigned on this day personally appeared JOHN OEHLERTS
(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 21 day of September, _____



[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

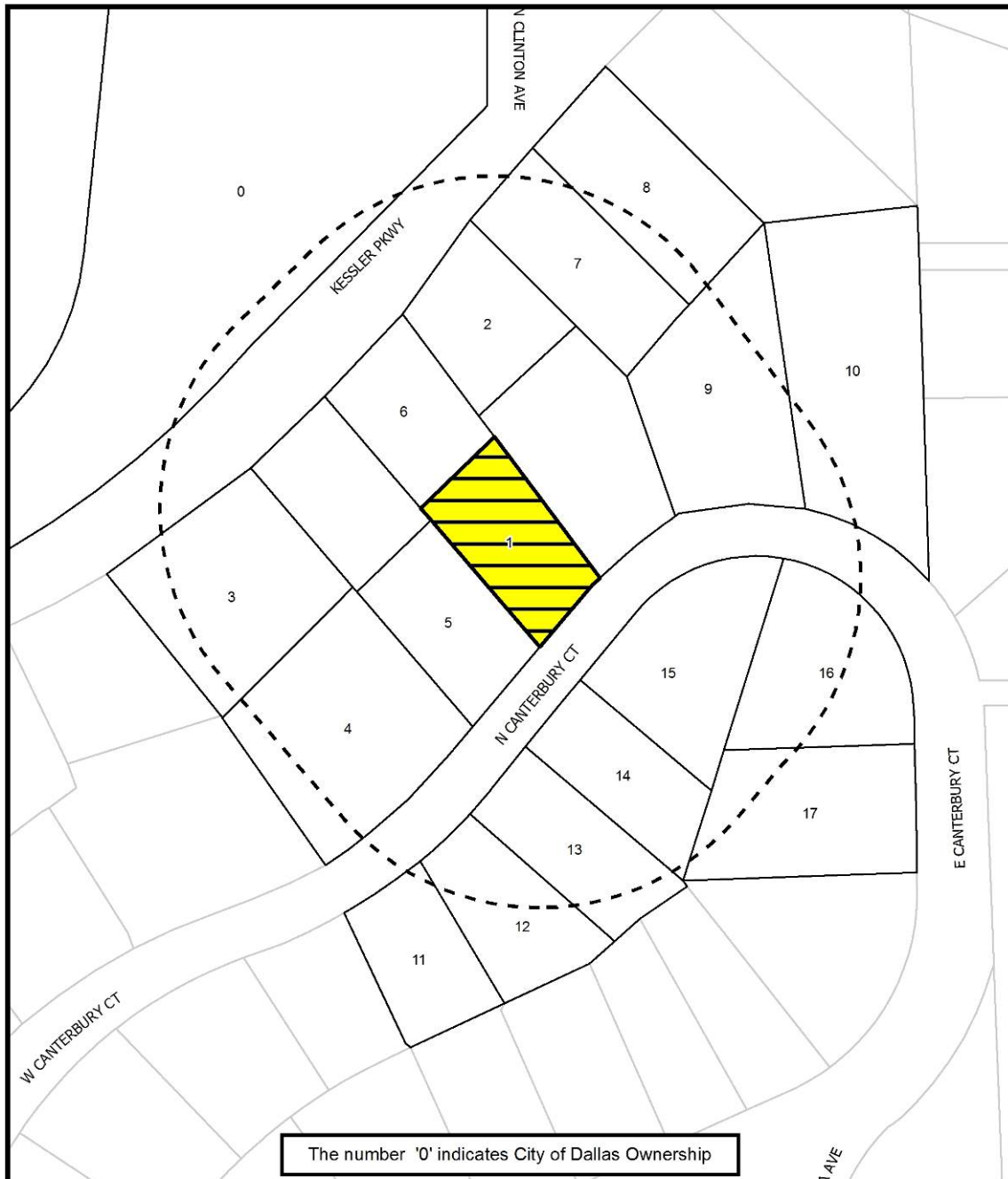
Building Official's Report

I hereby certify that John Oehlerts
did submit a request for a special exception to the parking regulations
at 1125 N. Canterbury Court

BDA167-130. Application of John Oehlerts for a special exception to the parking regulations at 1125 N. Canterbury Court. This property is more fully described as Lot 9B, Block 13/3800, and is zoned CD 13, which requires parking to be provided. The applicant proposes to construct a residential structure for a single family use and provide 0 of the required 1 parking space, which will require a 1 space special exception to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



The number '0' indicates City of Dallas Ownership

 1:1,200	<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;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA167-130 Date: 10/23/2017
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-130

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1125 N CANTERBURY CT	STINNETT DAVID M & CAITLIN C
2	1940 KESSLER PKWY	FABIAN BRIAN CARY & MOLLIE BLAINE MILLIGAN
3	2010 KESSLER PKWY	BROWN LINDA S &
4	1139 N CANTERBURY CT	AVERY HEATHER M
5	1133 N CANTERBURY CT	TORRES PATRICIO JR & VENNESSA VILLARREAL
6	1948 KESSLER PKWY	SOKOLOVIC BENJAMIN S &
7	1934 KESSLER PKWY	SMITHER E MURRAY
8	1924 KESSLER PKWY	ANDERSON JESSE G
9	1113 N CANTERBURY CT	APW FAMILY REVOCABLE TRUST
10	1105 N CANTERBURY CT	HUNTER LEIGH K
11	1128 N CANTERBURY CT	FOWLER CHARLES A
12	1122 N CANTERBURY CT	WARD JOHN F
13	1120 N CANTERBURY CT	CLEVELAND SEAN P & SANDRA L CLEVELAND
14	1116 N CANTERBURY CT	HICKMAN CHRISTOPHER L
15	1100 N CANTERBURY CT	BERRY PHIL H JR
16	1321 CANTERBURY CT	JOHNSON MICHAEL G
17	1315 CANTERBURY CT	BARTHLOW HEATHER S & DARIN W

FILE NUMBER: BDA167-131(JM)

BUILDING OFFICIAL'S REPORT: Application of Ed Simons for special exceptions to the fence standards regulations at 4907 Deloache Avenue. This property is more fully described as part of Lot 5, Block 10/5583, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and maintain an 8 foot 8 inch high fence in a required front yard, which will require a 4 foot 8 inch special exception to the fence standards, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 4907 Deloache Avenue

APPLICANT: Ed Simons

REQUEST:

The following requests for special exceptions to the fence standards have been made on a site that is developed with a single-family home (under construction):

- 1) A special exception related to fence height of 4' 8" is made to complete and maintain a fence higher than 4' in height in the front yard setback (a 5' high wrought iron fence, a 7' 6" solid wood fence, and brick columns varying in height up to 8' 8"); and,
- 2) A special exception related to fence materials is made to complete and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA956-217, Property at 4907 Deloache Avenue (the subject site)

On June 21, 1999, the Board of Adjustment Panel C approved staff's recommended request for a special exception to the fence height regulations of 4' subject to a revised site/elevation plan and landscape plan. Additionally, the board denied a request for a special exception to the visibility triangle regulations without prejudice.

The case report stated that the request was made to construct/maintain a 6' open metal fence, 6.5' solid masonry columns, and 8' wooden entry gate/columns.

2. BDA156-045, Property at 4926 Deloache Avenue (south of the subject site)

On May 18, 2016, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 6' 6" without prejudice.

The case report stated that the request was made to construct/maintain a 6' 3" high open wrought iron fence with 7' high cement plaster columns, an approximately 8' high open metal pedestrian gate with approximately 8' high cement plaster columns topped with approximately 2' high decorative urns, and an approximately 9' 6" high open metal vehicular entry gate with approximately 8' 6" high cement plaster columns topped with 2' high decorative urns.

3. BDA989-237, Property at 9426 Sunnybrook Lane (northeast of the subject site)

On June 21, 1999, the Board of Adjustment Panel C approved a request for a variance to the side yard regulations of 8 feet.

The case report stated that the request was made to construct/maintain an attached garage and provide a 2-foot side yard setback along

4. BDA94-116, Property at 4930 Park Lane (west of the subject site)

On September 27, 1994, the Board of Adjustment approved a request for a special exception to the fence height regulations of 4' subject to a site/elevation plan and landscape plan.

The case report stated that the request was made to construct/maintain an existing 8' solid wood fence along a portion of Sunnybrook Lane and an existing 6' open metal fence with brick columns at 20 feet on center along the remaining portion of Sunnybrook Lane and Park Lane.

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards focus on completing and maintaining: 1) a fence higher than 4' in height in the front yard setback (a 5' high wrought iron fence, a 7' 6" solid wood fence, and brick columns varying in height up to 8' 8"); and, 2) a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-1ac(A).
- The site has a required front yard along Sunnybrook Lane (the shorter of the two frontages of the subject site which is always a front yard in this case).
- The site has a front yard setback along Deloache Avenue, (the longer of the two frontages which is typically considered a side yard where on this R-1ac(A) zoned property a 9' high fence could be erected by right).
- However, the site has a required front yard along Deloache Avenue in order to maintain continuity of the established front yard setback along this street frontage where lots to the east of the subject site (developed with a single family homes) "front" on Deloache Avenue.
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fence in the front yard setback:

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8' 8".
- The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height is represented as being approximately 66' along the northwest property boundary (within 5' of and up to the property line) 192' along the property line parallel to Sunnybrook Ln.; and, 260' along the south property boundary, parallel to Deloache Ave. (within 5' of and up to the property line)—all within the front yard setback.
- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence:
 - The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
 - With regard to the special exception to the fence standards pertaining to the location and materials of the proposed fence, the applicant has submitted a site plan and elevation of the fence with fence panels with surface areas that are less than 50 percent open (a 7' 6" solid wood fence with brick columns up to 8' 8" in height) located as close as on the front lot line (or less than 5' from this front lot line).
- The Board Senior Planner conducted a field visit of the site and surrounding area within the same block facing Sunnybrook Ln. and Deloache Ave. and noted **four fences** that appeared to be above 4' in height and located in a front yard setback. Two cases had BDA history as noted in the history section of this report.
- As of November 3, 2017, no letters have been submitted in support/opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setback and materials/height/location of the proposed fence will not adversely affect neighboring property. No evidence was submitted with this request.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

September 19, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

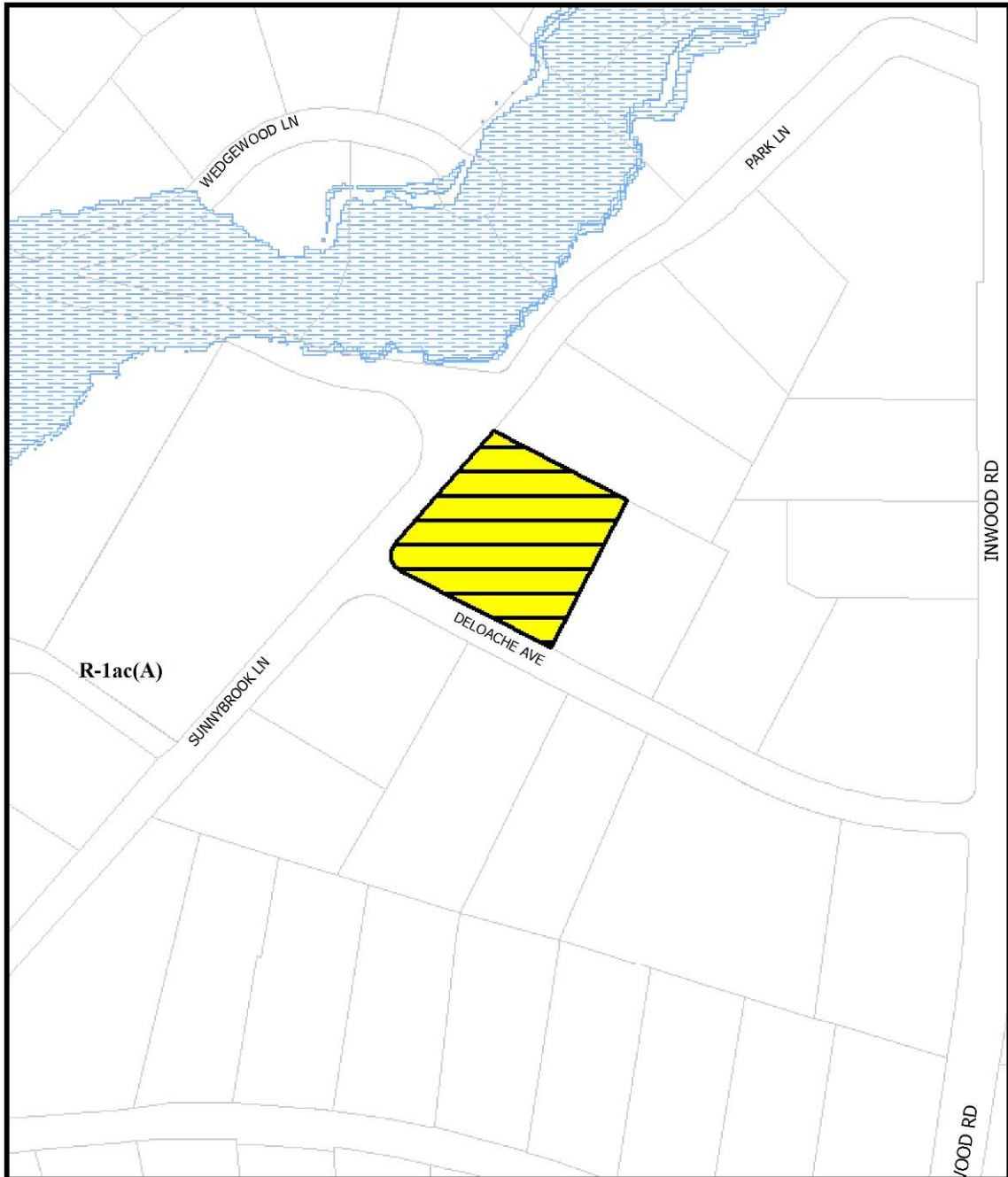
October 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

October 12, 2017: The Board Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd 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 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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



1:2,400

ZONING MAP

Case no: BDA167-131

Date: 10/23/2017



1:2,400

AERIAL MAP

Case no: **BDA167-131**

Date: **10/23/2017**



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-131

Data Relative to Subject Property:

Date: September 19, 2017

Location address: 4907 DeLoache Ave. Zoning District: R 1ac(A)

Lot No.: WPT 5 Block No.: 10/5583 Acreage: 1.60 Census Tract: _____

Street Frontage (in Feet): 1) 260' 2) 230' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property/or Principal Ellen Porter and Reid Porter

Applicant: Ed Simons Telephone: 214-761-9197

Mailing Address 900 Jackson Street, Suite 640 Zip Code: 75202

Represented by: Same Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance __, or Special Exception X, of a Special exception of 4 feet 8 inches to the height of a fence in the required front yard, and fence panels with less than 50% open surface within 5' of property line.

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 2 front yards.. The fence height is mainly affected by decorative columns which improve the impact on surrounding properties. We are also repairing and replacing portions of the existing fence.

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: Ed Simons
Applicant's name printed

[Signature]
Applicant's signature

Affidavit

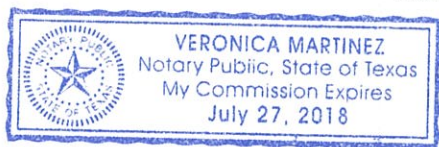
Before me the undersigned on this day personally appeared Ed Simons who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 21 day of Sept., 2017

Veronica Martinez
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 Ed Simons

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 4907 Deloache Avenue

BDA167-131. Application of Ed Simons for a special exception to the fence height regulations and a special exception to the fence standards regulations at 4907 Deloache Avenue. This property is more fully described as part of Lot 5, Block 10/5583, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot 8 inch high fence in a required front yard, which will require a 4 foot 8 inch special exception to the fence regulation, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

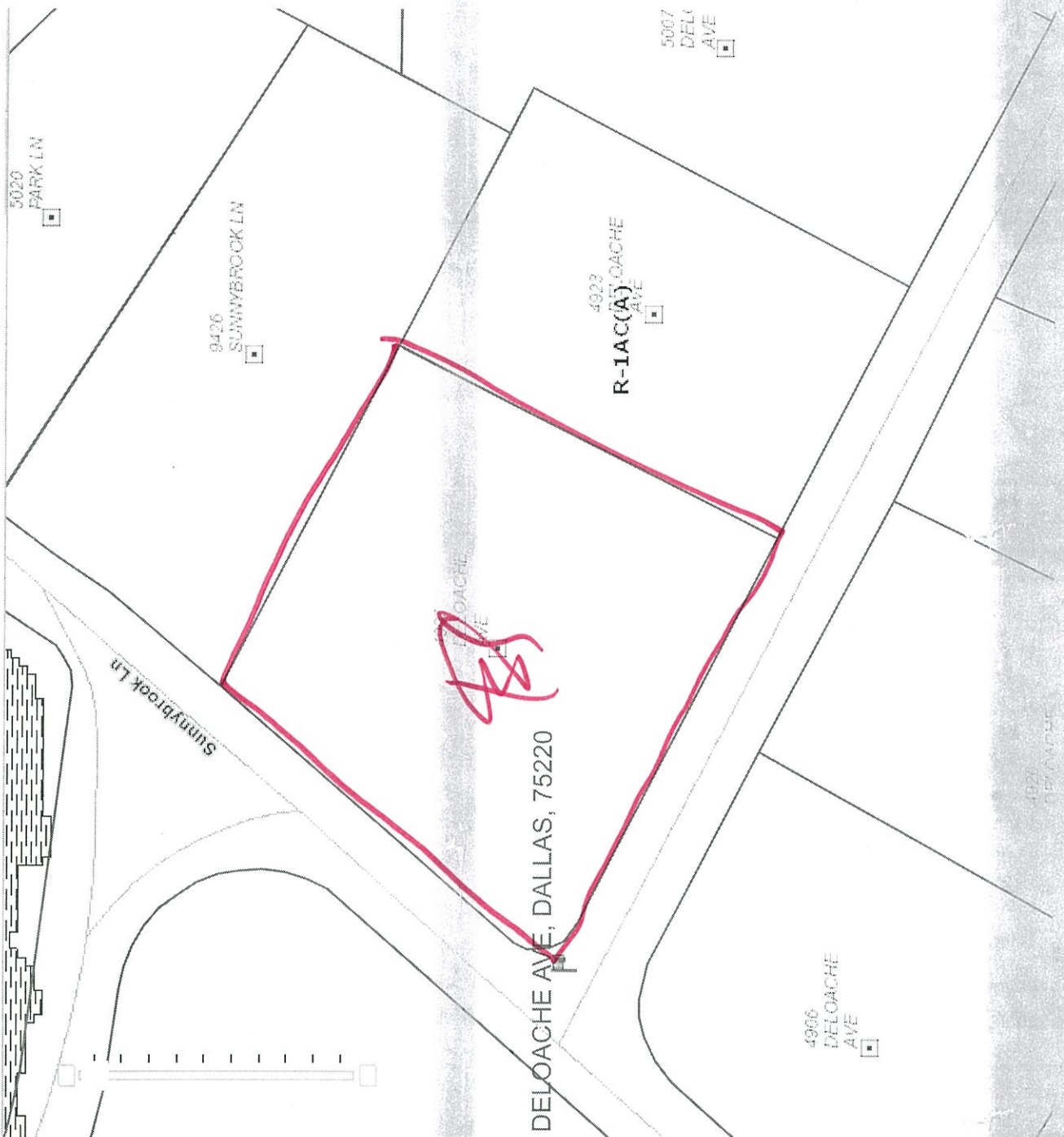
Street address.
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Locate

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Parcel address.
Use street type for better re

Locate



NOTES:
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9/2017

CONSTRUCTION REVIEW SET
 SEAL

NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

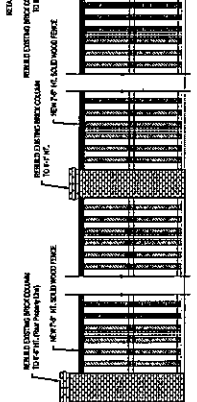
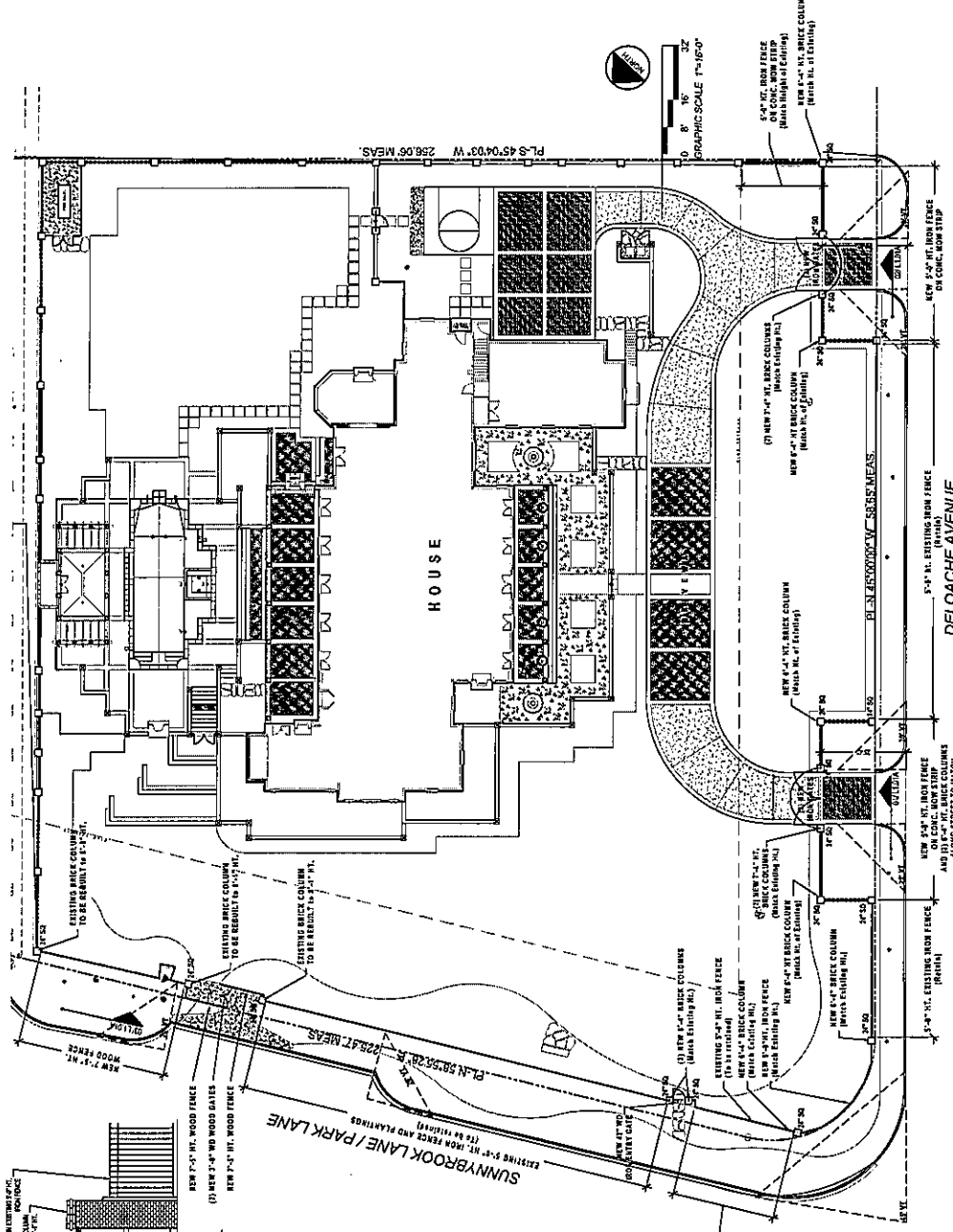
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 2/21/18 (8) Column 10 of Face Proposed (None)

Armstrong Berger
 ARCHITECTS
 10000 DELOACH AVENUE, SUITE 100
 PORTER, TEXAS 77365
 TEL: 281-419-1111
 FAX: 281-419-1112
 WWW.ARMSTRONGBERGER.COM

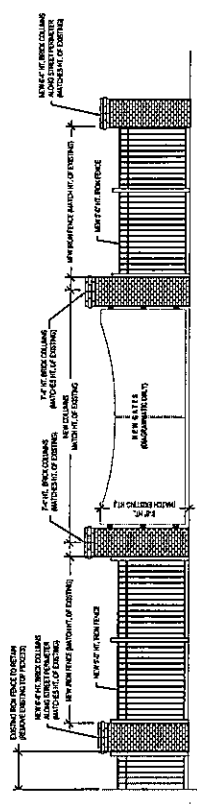
PORTER RESIDENCE
 1907 DeLoache
 PORTER, TEXAS

PROPOSED Street Fontage Fence/Columns Plan
 ISSUE DATE: 01-07-2018
 DRAWING SCALE: 1/8"=1'-0"
 PROJECT NUMBER: 18015
 DRAWN BY: JAV
 CHECKED BY: JAV
 APPROVED BY: JAV
 DRAWING NUMBER: JAV

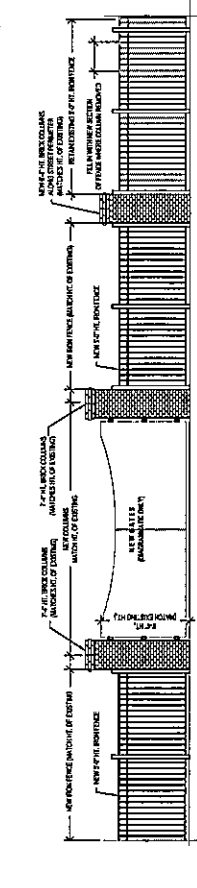
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03 ELEVATION 03 (Sunnybrook Lane Columns-Fence)
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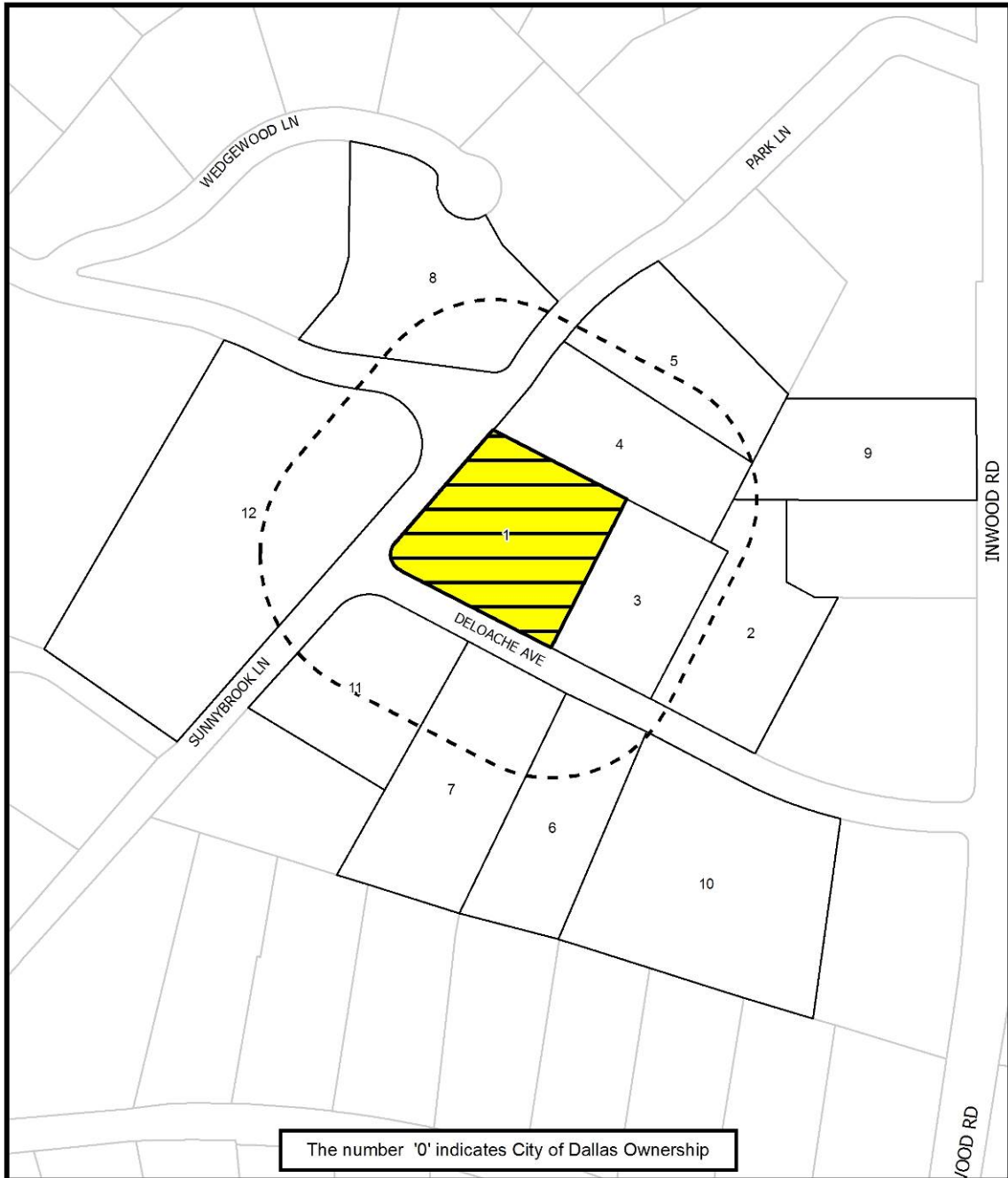


02 ELEVATION 02 (DeLoache Ave. SE Entry Columns & Fencing)
 SCALE



01 ELEVATION 01 (DeLoache Ave. SW Entry Columns & Fencing)
 SCALE

ALL 1/2"X1/8" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE



The number '0' indicates City of Dallas Ownership

 1:2,400	NOTIFICATION		Case no: BDA167-131
	<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;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 10/23/2017

Notification List of Property Owners

BDA167-131

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4907 DELOACHE AVE	PORTER J REID &
2	5007 DELOACHE AVE	KIRK JAMES C & MIRJAM
3	4923 DELOACHE AVE	GREENSTONE DAVID C & JOANNA
4	9426 SUNNY BROOK LN	ENGSTROM KATHERINE L
5	5020 PARK LN	CHEHABI SAAD & RANA
6	4938 DELOACHE AVE	HAEMISEGGER DAVID J &
7	4926 DELOACHE AVE	TERRA LOAM LLC
8	4950 WEDGEWOOD LN	PANCERZ TED F LIFE EST &
9	9505 INWOOD RD	VERGNEMARINI PEDRO &
10	5006 DELOACHE AVE	HAEMISEGGER DAVID J &
11	4906 DELOACHE AVE	BECKWITT RICHARD &
12	4930 PARK LN	DEDMAN ROBERT H JR

FILE NUMBER: BDA167-081(SL)

BUILDING OFFICIAL'S REPORT: Application of Fred Brown for variances to the front and side yard setback regulations at 400 Bobbie Street. This property is more fully described as Lot 1, Block 7/7679, and is zoned R-5(A), which requires a front yard setback of 20 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback measured at the foundation, which will require a 10 foot variance to the front yard setback regulations, and provide a 2 foot 6 inch side yard setback measured at the foundation, which will require a 2 foot 6 inch variance to the side yard setback regulations.

LOCATION: 400 Bobbie Street

APPLICANT: Fred Brown

REQUESTS:

The following requests are made on a site that is undeveloped:

1. A variance to the front yard setback regulations of 10' is made to construct and maintain a 1 ½ -story single family home structure to be located 10' from the site's front property line or 10' into this 20' front yard setback.
2. A variance to the side yard setback regulations of 2' 6" is made to construct and maintain the aforementioned structure to be located 2' 6" from the site's northern side property line or 2' 6" into this 5' required side yard setback.

STANDARD FOR A VARIANCE:

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

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

ORIGINAL STAFF RECOMMENDATION (August 14, 2017):

Denial

- While staff recognized that subject site was somewhat sloped and slightly irregular in shape, and that the proposed single family home with approximately 2,000 of “livable area” was commensurate with others homes in the R-5(A) zoning district (the average of 10 other properties zoned R-5(A) from the applicant was approximately 2,300 square feet), staff concluded the slope and shape of the site with slightly over 5,000 square feet in area did not preclude the applicant from developing it with a single family home/use that could comply with the front and side yard setbacks.

UPDATED STAFF RECOMMENDATION (September 18 and November 13, 2017):

Denial

- Once again, while staff recognized that subject site was somewhat sloped and slightly irregular in shape, and that the proposed single family home with approximately 2,000 of “livable area” was commensurate with others homes in the R-5(A) zoning district (the average of 10 other properties zoned R-5(A) from the applicant was approximately 2,300 square feet), staff concluded the slope and shape of the site with slightly over 5,000 square feet in area did not preclude the applicant from developing it with a single family home/use that could comply with the front and side yard setbacks.

BACKGROUND INFORMATION:

Zoning:

Site: R-5(A) (Single family district 5,000 square feet)
North: R-5(A) (Single family district 5,000 square feet)
South: R-5(A) (Single family district 5,000 square feet)
East: R-5(A) (Single family district 5,000 square feet)
West: R-5(A) (Single family district 5,000 square feet)

Land Use:

The subject site is undeveloped. The areas to the north, south, east, and west are undeveloped.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- The request for a variance to the front yard setback regulations of 10' focuses on constructing and maintaining a 1 ½ -story single family home structure with an approximately 1,500 square foot building footprint to be located 10' from the site's front property line or 10' into the 20' required front yard setback on a site that is undeveloped.
- A 20' front yard setback is required in the R-5(A) zoning district.
- The subject site is located at the northeast corner of Canyon Street and Bobbie Street. The site has one 20' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The submitted site plan represents that the proposed structure is located 10' from the front property line or 10' into the 20' required front yard setback.
- There are no DCAD records found for property addressed at 400 Bobbie Street.
- The subject site is somewhat sloped, slightly irregular in shape, and according to the submitted application is 0.12 acres (or approximately 5,200 square feet) in area. The site is zoned R-5(A) where lots are typically 5,000 square feet in area.
- The applicant submitted a document (Attachment A) that denoted that the "livable area" of the proposed home on the subject site was approximately 2,000 square feet, and that the average "livable area" of 10 other properties zoned R-5(A) was approximately 2,300 square feet.
- 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-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-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 structure that would be located 10' from the site's front property line (or 10' into the 20' required front yard setback).

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- The request for a variance to the side yard setback regulations of 2' 6" focuses on constructing and maintaining a 1 ½ -story single family home structure with an approximately 1,500 square foot building footprint to be located 2' 6" from the site's northern side property line or 2' 6" into this 5' required side yard setback on a site that is undeveloped.
- A 5' side yard setback is required in the R-5(A) zoning district.
- The subject site is located at the northeast corner of Canyon Street and Bobbie Street. The site has one 20' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The submitted site plan represents that the proposed structure is located 2' 6" from the northern side property line or 2' 6" into this 5' required side yard setback.
- There are no DCAD records found for property addressed at 400 Bobbie Street.
- The subject site is somewhat sloped, slightly irregular in shape, and according to the submitted application is 0.12 acres (or approximately 5,200 square feet) in area. The site is zoned R-5(A) where lots are typically 5,000 square feet in area.
- The applicant submitted a document (Attachment A) that denoted that the "livable area" of the proposed home on the subject site was approximately 2,000 square feet, and that the average "livable area" of 10 other properties zoned R-5(A) was approximately 2,300 square feet.
- 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 R-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-5(A) zoning classification.
- If the Board were to grant the side yard variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document— which in this case is a structure that would be located 2' 6" from the site's northern side property line or 2' 6" into this 5' required side yard setback.

Timeline:

- April 21, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 2017: 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 July 26th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 1, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- August 14, 2017: The Board of Adjustment Panel C conducted a public hearing on this application. A person appeared on behalf of the applicant and submitted additional information to the Board at the public hearing (see Attachment B). The Board delayed action on this application until their next public hearing to be held on September 18, 2017.

August 21, 2017: The Board Administrator wrote the applicant a letter of the board's action; the August 30th deadline to submit additional evidence for staff to factor into their analysis; and the September 8th deadline to submit additional evidence to be incorporated into the Board's docket materials.

September 5, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

September 18, 2017: The Board of Adjustment Panel C conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on November 13, 2017. (Note that the applicant has not submitted any additional documentation to staff since the September 18, 2017 public hearing).

September 21, 2017: The Board Administrator wrote the applicant a letter of the board's action; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: AUGUST 14, 2017

APPEARING IN FAVOR: Brian Williams, 134666 Thunderbrook Dr.. DeSoto, TX

APPEARING IN OPPOSITION: No one

MOTION: **Foster**

I move that the Board of Adjustment, in Appeal **No. BDA 167-081**, hold this matter under advisement until **September 18, 2017**.

SECONDED: **Agnich**

AYES: 5 – Richardson, Foster, Gambow, Agnich, Lewis

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 18, 2017

APPEARING IN FAVOR: Bryant Williams, 134666 Thunderbrook Dr.. DeSoto, TX

APPEARING IN OPPOSITION: No one

MOTION #1: **Gambow**

I move that the Board of Adjustment, in Appeal No. **BDA 167-081**, hold this matter under advisement until **October 16, 2017**.

SECONDED: **Foster**

AYES: 3 – Foster, Gambow, Agnich

NAYS: 1 – Richardson

MOTION PASSED: 3 – 1

MOTION #2: **Agnich**

I move that the Board of Adjustment, in Appeal No. **BDA 167-081** reconsider the previous motion made.

SECONDED: **Gambow**

AYES: 4 – Richardson, Foster, Gambow, Agnich

NAYS: 0 –

MOTION PASSED: 4 – 0 (Unanimously)

MOTION #3: **Agnich**

I move that the Board of Adjustment, in Appeal No. **BDA 167-081**, hold this matter under advisement until **November 13, 2017**.

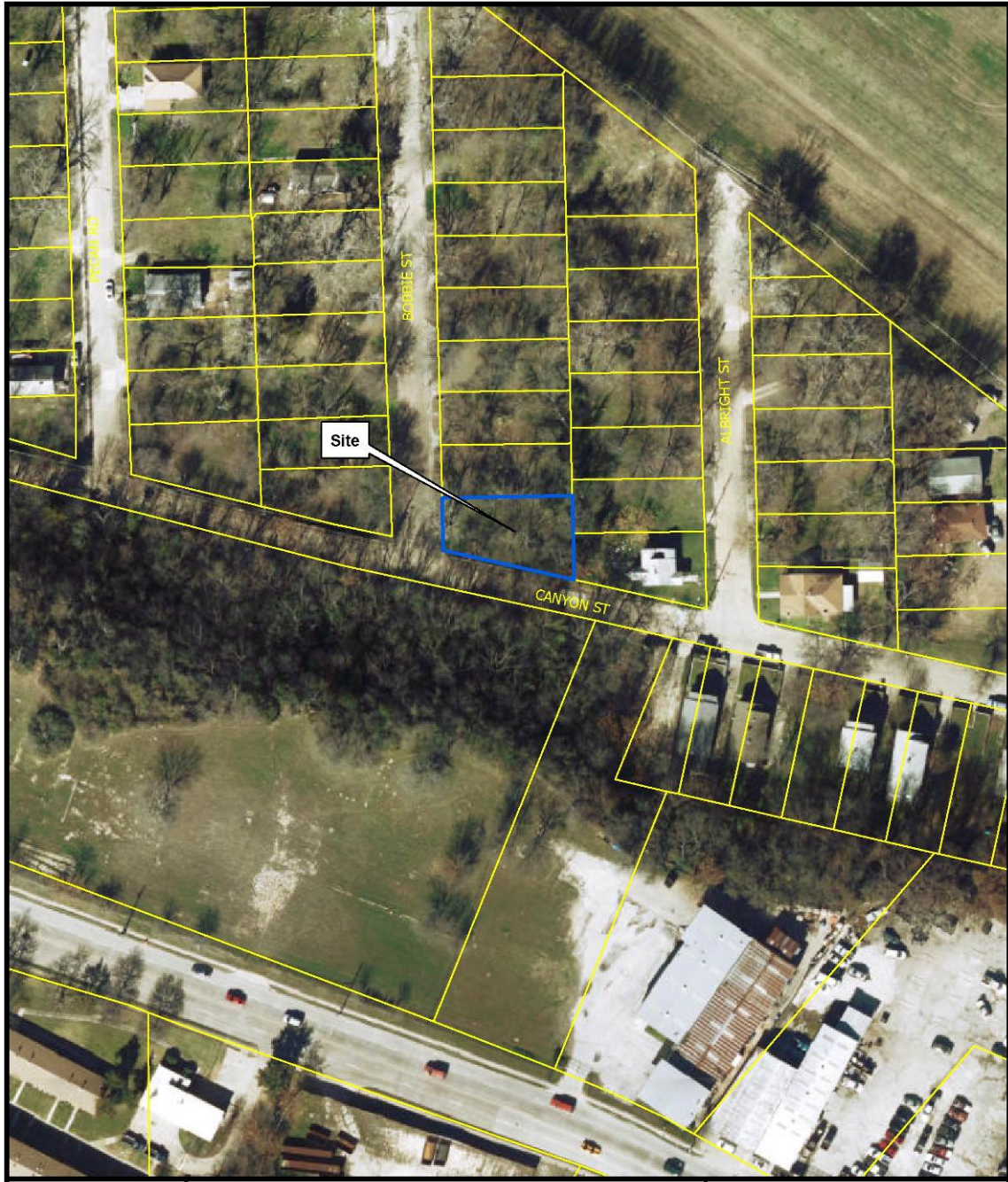
SECONDED: **Foster**

AYES: 3 –Foster, Gambow, Agnich

NAYS: 1 – Richardson

MOTION PASSED: 3 – 1





1:1,200

AERIAL MAP

Case no: BDA167-081

Date: 7/17/2017

400 Bobbie Street

The subject property, 400 Bobbie Street is zoned R5(A), which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement (which is a rarity in The Bottom neighborhood) at 5,254/sf, the irregular pie shape of the lot creates significant challenges in delivering commensurate development to The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street created by the irregularity of the pie shaped lot configuration. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas.

Below is a chart of randomly selected R5(A) zoned lots and housing stock in the city of Dallas. Please note that the livable area and improvements of the subject property, 400 Bobbie Street are commensurate of other R5(A) zoning in the city of Dallas.

R5(A) Zoned Lots & Housing					
Zoning	Lot Size	Street Address	Livable Area	Improvements	A.U.R.
R5(A)	5,000/SF (50x100)	2542 Friendly Lane	2,274/SF	409/SF	2,683/SF
R5(A)	5,000/SF (50x100)	2560 Pilgrim Rest	2,274/SF	409/SF	2,683/SF
R5(A)	5,000/SF (50x100)	7927 Peaceful Bend Drive	2,324/SF	429/SF	2,753/SF
R5(A)	5,000/SF (50x100)	2826 Gospel Drive	2,363/SF	424/SF	2,787/SF
R5(A)	5,000/SF (50x100)	2838 Gospel Drive	2,679/SF	400/SF	3,079/SF
R5(A)	5,000/SF (50x100)	2850 Gospel Drive	2,358/SF	424/SF	2,782/SF
R5(A)	5,000/SF (50x100)	2903 Gospel Drive	2,394/SF	420/SF	2,814/SF
R5(A)	5,000/SF (50x100)	119 Idlewheat Lane	2,028/SF	400/SF	2,428/SF
R5(A)	5,000/SF (50x100)	116 Idlewheat Lane	2,428/SF	462/SF	2,890/SF
R5(A)	5,000/SF (50x100)	148 Triumph Road	2,076/SF	484/SF	2,560/SF

400 Bobbie Street					
Zoning	Lot Size	Street Address	Livable Area	Improvements	A.U.R.
R5(A)	5,254/SF (Irregular)	400 Bobbie Street	2,050/SF	400/SF	2,450/SF

In addition to delivering commensurate development to The Bottom that is commensurate of other R5(A) zoning in the city of Dallas, this variance request strives to ensure that the standard of housing options in The Bottom meet the intent of the design guidelines adopted for the neighborhood in 2015 (The Bottom Urban Structure) and establish a benchmark for single-family housing that define the community's vision and prioritizes a framework to realize the potential for the area. As such, this is one of the first of the twenty lots that we are in partnership with the City of Dallas, or have purchased from the City of Dallas that will be submitted for variances this year. The fundamental objective is to provide a more sustainable and equitable redevelopment approach while we work on a comprehensive zoning plan for the entirety of The Bottom. These are the bones from which we will begin the transformation of this once strong and vital single-family neighborhood and build a diverse, sustainable community, reviving the original spirit of The Bottom - a place for new beginnings and greater opportunity.

400 Bobbie Street

The subject property, 400 Bobbie Street is zoned R5(A), which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement (which is a rarity in The Bottom neighborhood) at 5,254/sf, the irregular pie shape of the lot creates significant challenges in delivering commensurate development to The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street created by the irregularity of the pie shaped lot configuration. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas.

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R5(A)	5,000/SF (50x100)	148 Triumph Road	2,076/SF	484/SF	2,560/SF

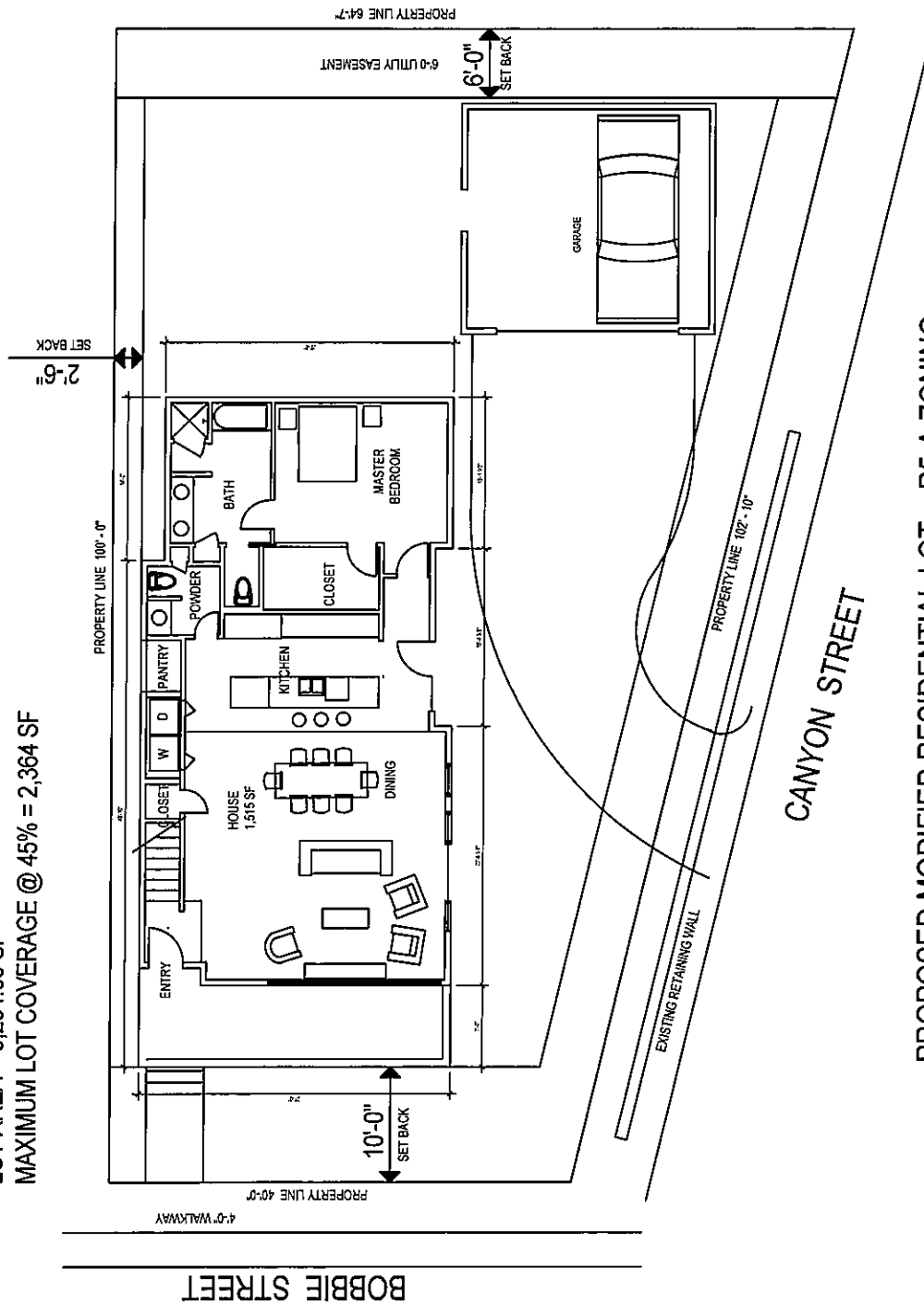
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DESIGN	ALCHEMY
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ARCHITECTURE
INTERIOR DESIGN
GRAPHIC DESIGN

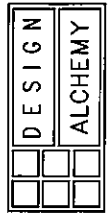
LOT AREA = 5,254.00 SF
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



PROPOSED MODIFIED RESIDENTIAL LOT - R5-A ZONING

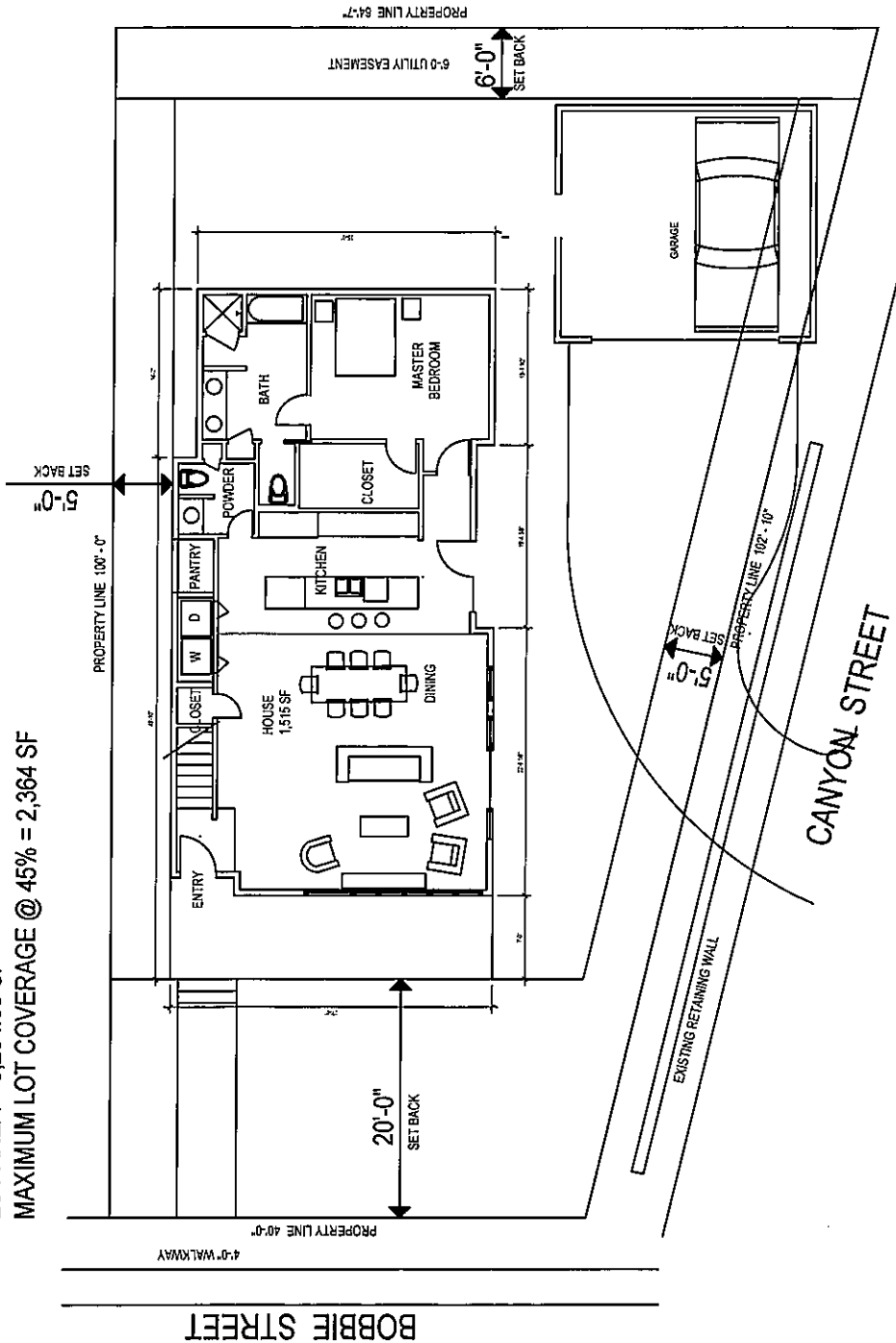
DATE: APRIL 21, 2017	PROJ. NO.: 16013
SCALE: NTS	DRAWING NO.:
<p>THE BOTTOM Single Family Residence 400 Bobbie Street Dallas, Texas 75203</p>	
<p>428 W. Davis St., Studio 3 Dallas, Texas 75208</p>	

DESIGN ALCHEMY, L.L.C.
214.693.7543



ARCHITECTURE
INTERIOR DESIGN
CHARLIE PERRY

LOT AREA = 5,254.00 SF
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



RESIDENTIAL LOT - R5-A ZONING

PROJ. NO.:
16013

DRAWING NO.:

THE BOTTOM
Single Family Residence
400 Bobbie Street
Dallas, Texas 75203

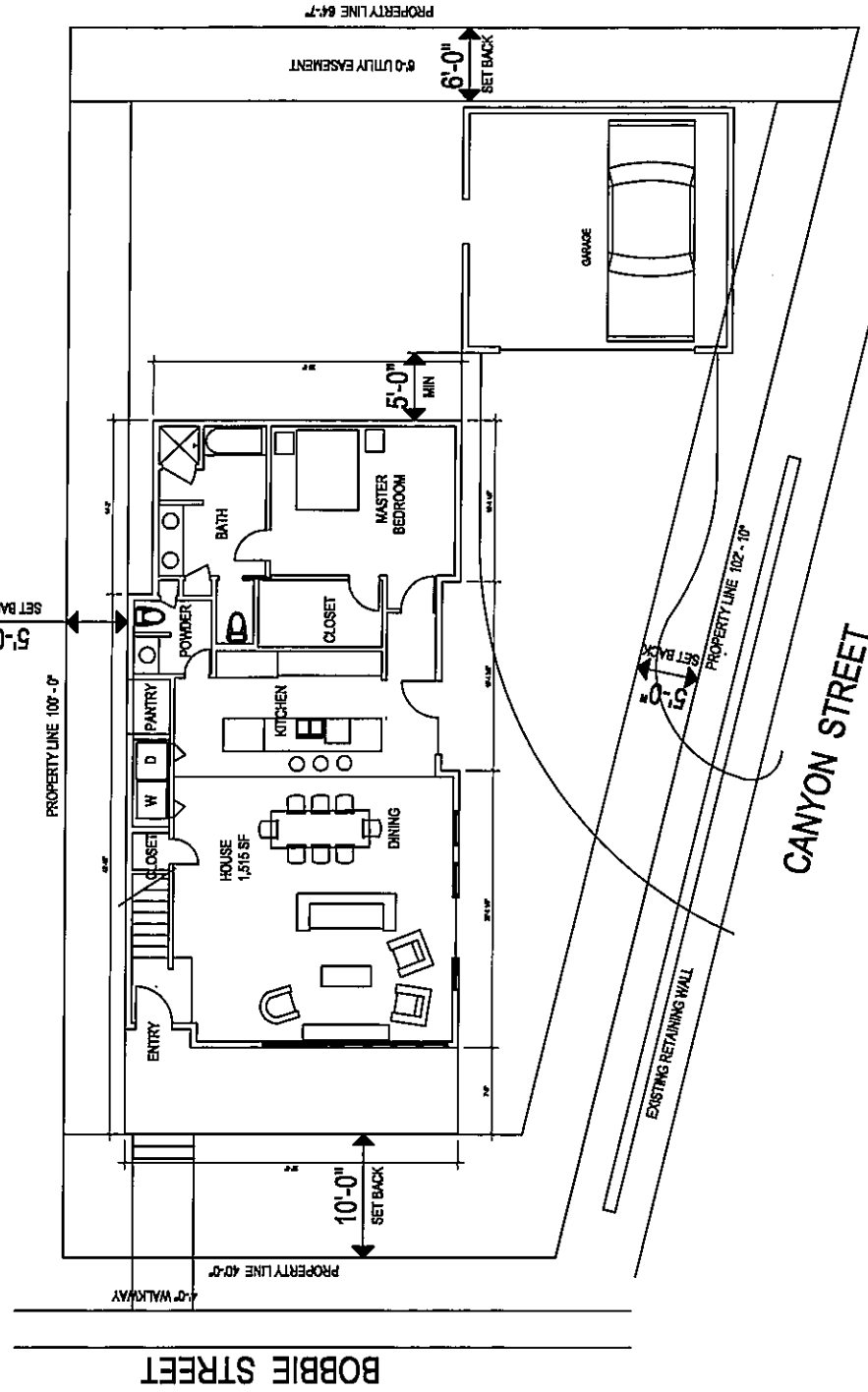
428 W. Davis St., Studio 3
Dallas, Texas 75208

DATE:
AUGUST 14, 2017

SCALE:
NTS"

DESIGN ALCHEMY, LLC.
2.1.1 8037542

LOT AREA = 5,254.00 SF
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



PROPOSED 10'-0" FRONT SET BACK OPTION
RESIDENTIAL LOT - R5-A ZONING

PROJ. NO.:	16013
DRAWING NO.:	

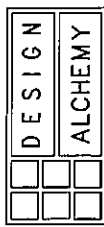
THE BOTTOM
Single Family Residence
Dallas, Texas 75203

Dallas, Texas 75208

DATE:	JUNE 18, 2015
SCALE:	1/4" = 1'-0"

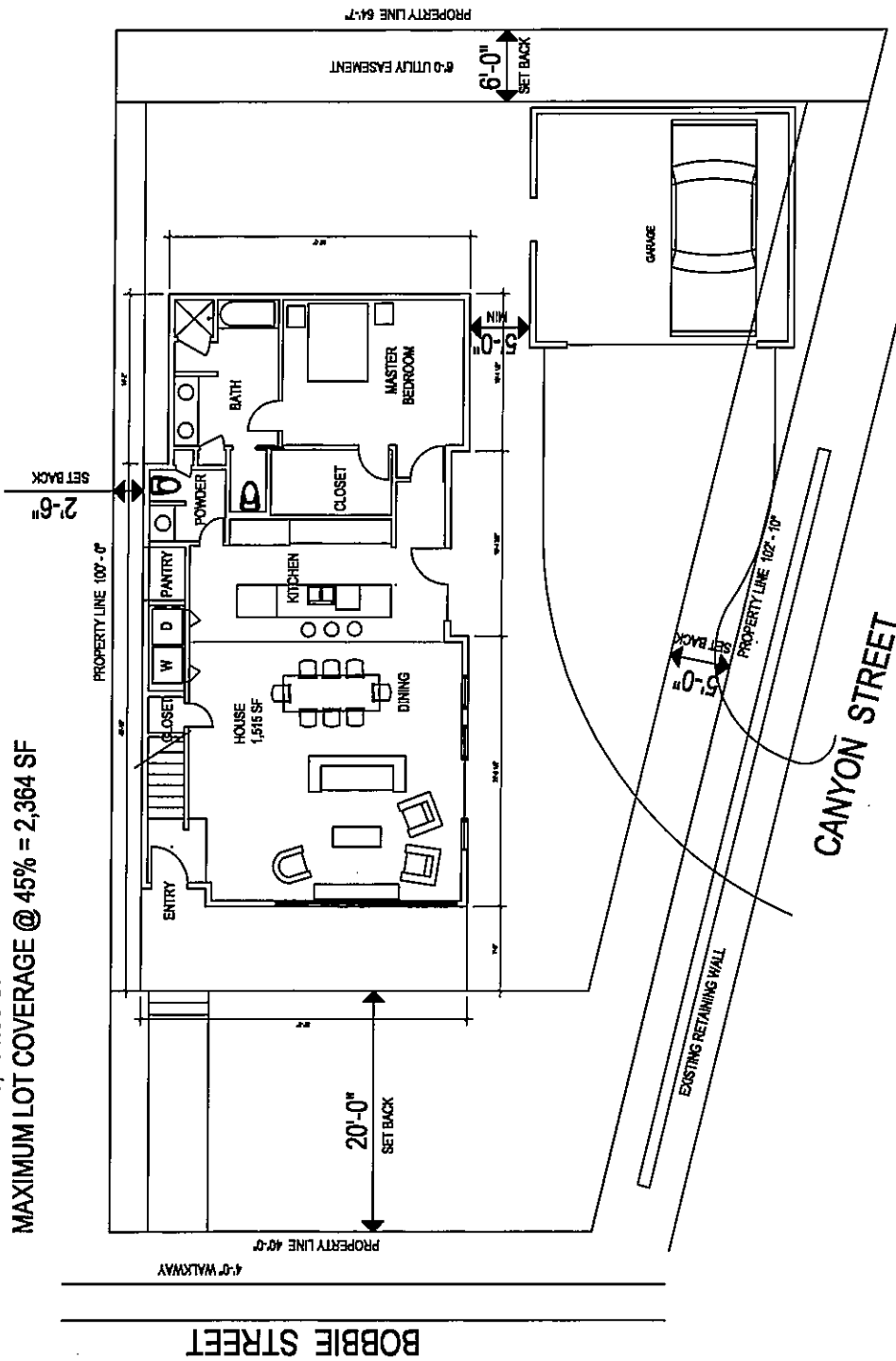
DESIGN ALCHEMY, LLC.
214.893.7543

BDA167-081 Attach B
P 3 D



ARCHITECTUR
INTERIOR DESIGN
GRAPHIC DESIGN

LOT AREA = 5,254.00 SF
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



PROPOSED 2'-6" SIDE SET BACK OPTION
RESIDENTIAL LOT - R5-A ZONING

PROJ. NO.:	16013
DRAWING NO.:	

THE BOTTOM
Single Family Residence
Dallas, Texas 75203

Dallas, Texas 75208

DATE:	JUNE 18, 2015
SCALE:	1/4" = 1'-0"

DESIGN ALCHEMY, LLC.
214.893.7543



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-081

Data Relative to Subject Property:

Date: 4/21/2017

Location address: 400 Bobbie Street Zoning District: R5(A)

Lot No.: 1 Block No.: 7/7679 Acreage: .12 Census Tract: 41.00

Street Frontage (in Feet): 1) 40 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): B& J Custom Homes dba Redline Development Group

Applicant: Fred Brown Telephone: 817.658.0179

Mailing Address: P.O. Box 3578, Cedar Hill, Texas Zip Code: 75104

E-mail Address: brownfred@bjcustomhomes.com

Represented by: Fred Brown Telephone: 817.658.0179

Mailing Address: P.O. Box 3578, Cedar Hill, Texas Zip Code: 75104

E-mail Address: brownfred@bjcustomhomes.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of Front Yard Setback (10') Side Yard Setback (2'6")

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 subject property, 400 Bobbie Street is zoned R5A, which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement, the irregular shape of the lot creates significant challenges to delivering commensurate development to The Bottom neighborhood. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood.

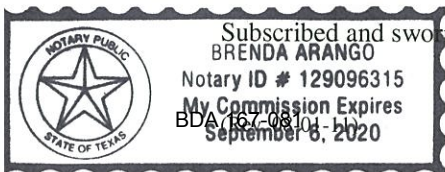
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Fred Brown (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 21 day of April, 2017. [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 Fred Brown

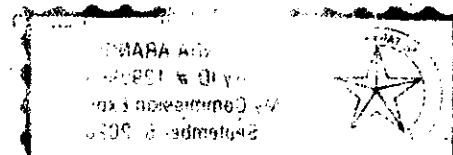
did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations

at 400 Bobbie Street

BDA167-081. Application of Fred Brown for a variance to the front yard setback regulations and a variance to the side yard setback regulations at 400 Bobbie Street. This property is more fully described as Lot 1, Block 7/7679, and is zoned R-5(A), which requires a front yard setback of 20 feet and requires a side yard setback of 5 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback measured at the foundation, which will require a 10 foot variance to the front yard setback regulation, and provide a 2 foot 6 inch side yard setback measured at the foundation, which will require a 2 foot 6 inch variance to the side yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

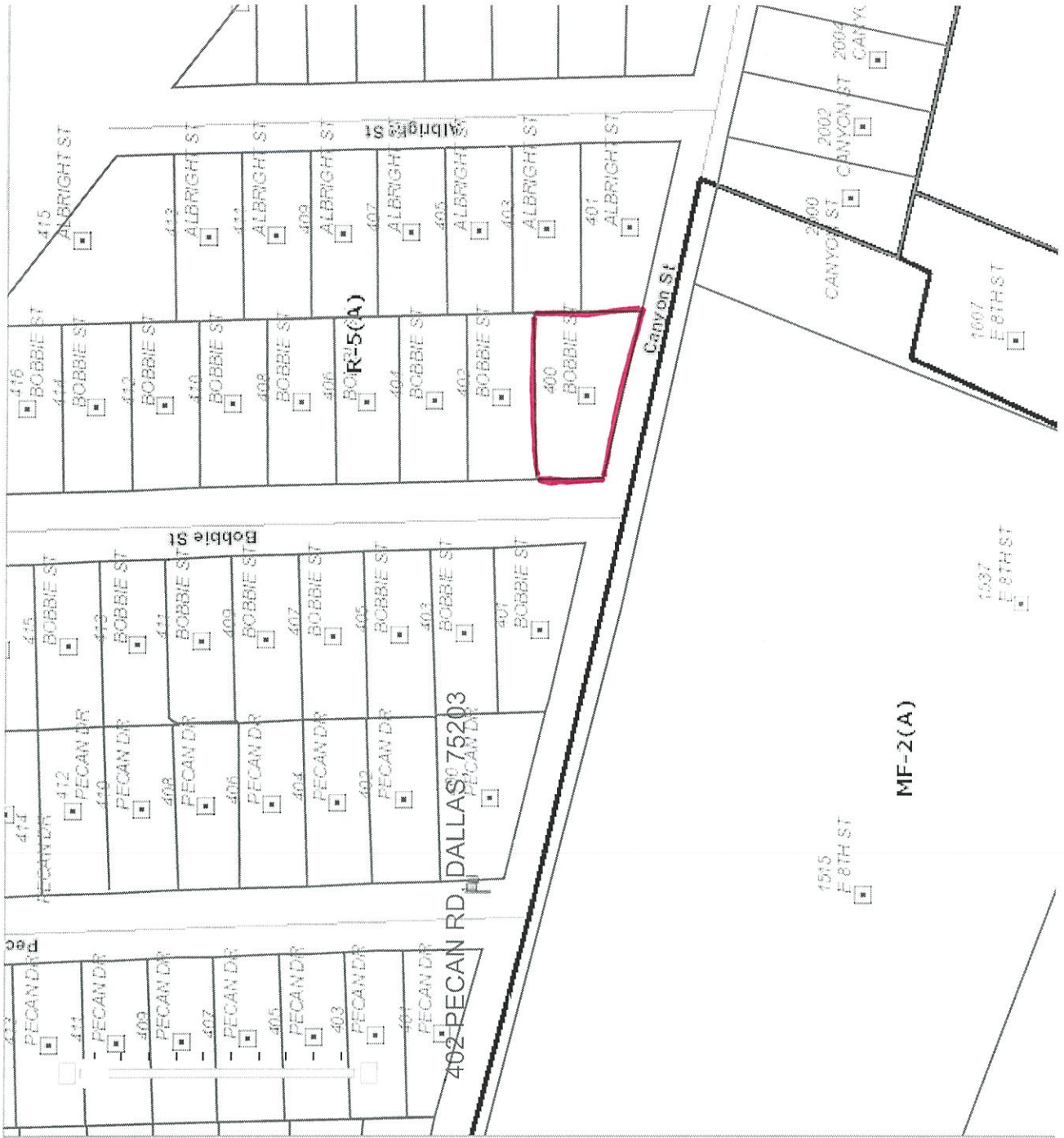
Street address.
402 pecan

Locate

OR

Parcel address.
Use street type for better re

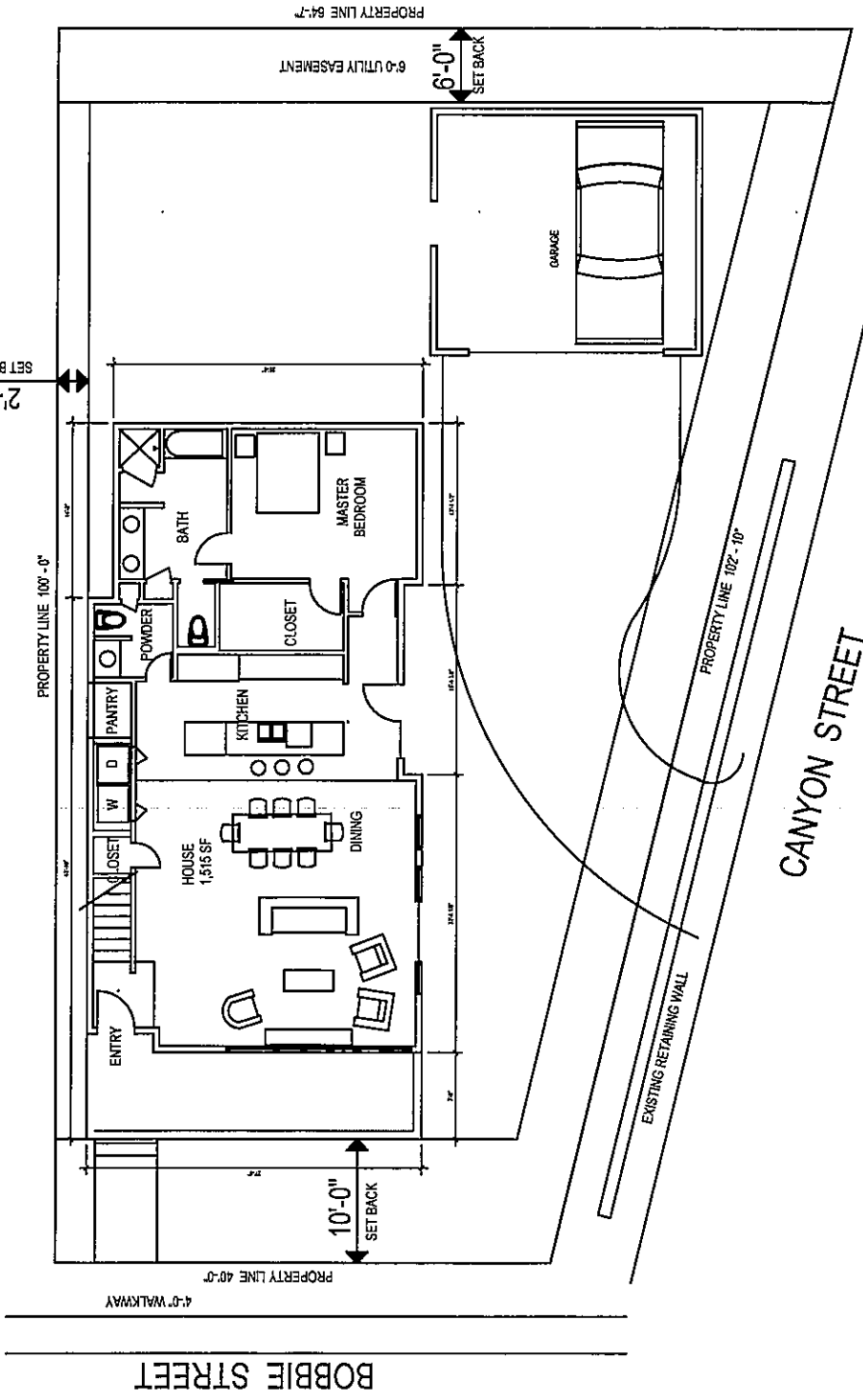
Locate





CRF

LOT AREA = 5,254.00 SF
 MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



PROPOSED MODIFIED RESIDENTIAL LOT - R5-A ZONING

CANYON STREET

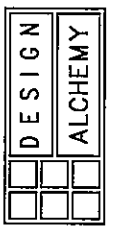
BOBBIE STREET

DATE: APRIL 21, 2017	PROJ. NO.: 16013
SCALE: NTS	DRAWING NO.:

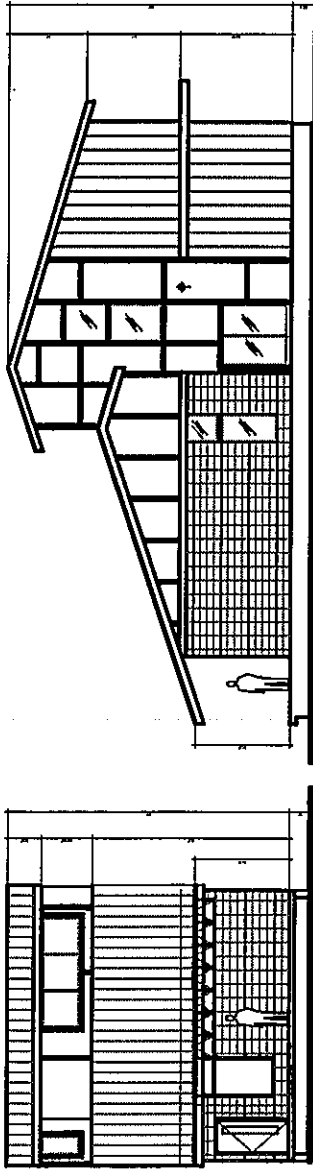
THE BOTTOM
 Single Family Residence
 400 Bobbie Street
 Dallas, Texas 75203

DESIGN ALCHEMY, L.L.C.
 214.893.7543

428 W. Davis St., Studio 3
 Dallas, Texas 75208

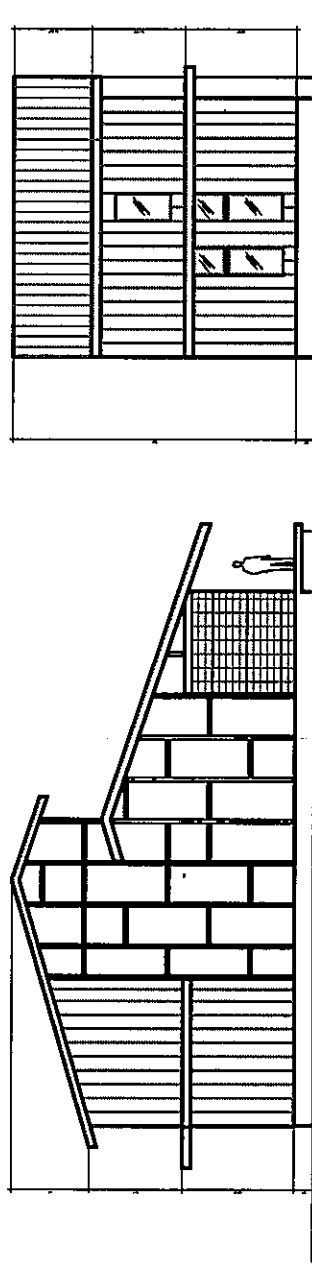


ARCHITECTURE
 INTERIOR DESIGN
 GRAPHIC DESIGN



FRONT ELEVATION

SIDE ELEVATION



SIDE ELEVATION

BACK ELEVATION

DATE:
APRIL 18, 2017

SCALE:
1/4" = 1'-0"

THE BOTTOM
400 BOBBIE STREET
DALLAS, TEXAS

PROJ. NO.:

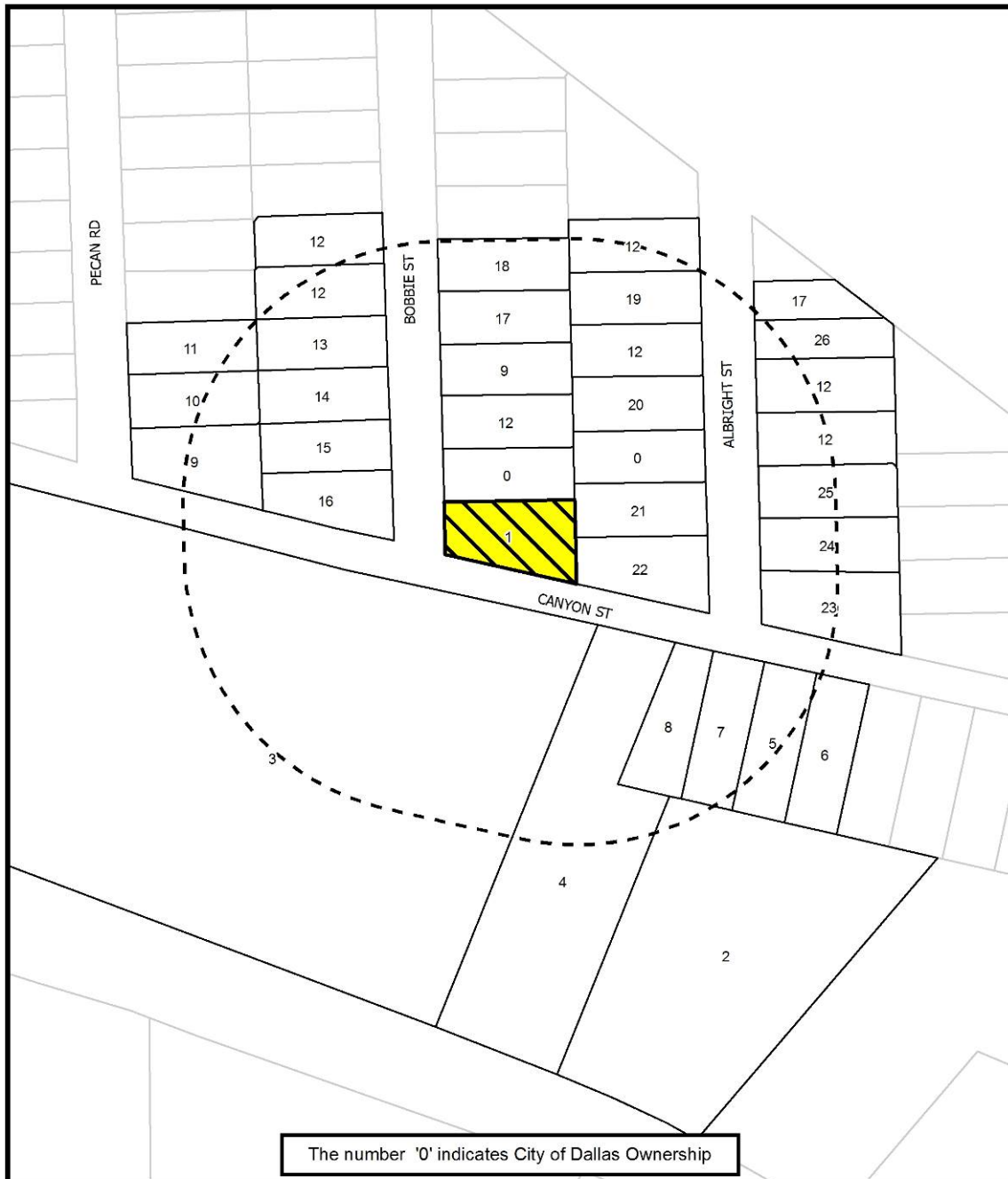
DRAWING NO.:

DESIGN ALCHEMY, L.L.C.
214.693.7543

428 W. Davis St., Studio 3
Dallas, Texas 75208



DESIGN
ALCHEMY
ARCHITECTURE
INTERIOR DESIGN
GRAPHIC DESIGN



 1:1,200	NOTIFICATION	Case no: BDA167-081			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
26	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-081

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	400 BOBBIE ST	PAYNE DORA EST
2	1609 E 8TH ST	1609 PARTNERS LLC
3	1515 E 8TH ST	EAST EIGHTS STREET GROUP LLC
4	1607 E 8TH ST	THERM PROCESSES INC
5	2004 CANYON ST	FORTSON LEON EST OF
6	2006 CANYON ST	APEX FINANCIAL CORP
7	2002 CANYON ST	LISTER WILLIE JR
8	2000 CANYON ST	CALAHAN STACEY L &
9	400 PECAN DR	TEXAS HEAVENLY HOME BUILDERS LTD
10	402 PECAN DR	DALLAS HOUSING ACQUISITION & DEV CORP
11	404 PECAN DR	PARKER DE LAWRENCE
12	411 BOBBIE ST	TEXAS HEAVENLY HOMES LTD
13	407 BOBBIE ST	MCFARLAND GLADYS MARIE
14	405 BOBBIE ST	CANYON O C & DELMA
15	403 BOBBIE ST	FAIRCHILD M E
16	401 BOBBIE ST	SMITH NAOMI JOE
17	408 BOBBIE ST	TEXAS HEAVENLY HOMES
18	410 BOBBIE ST	NELSON GEORGE W
19	411 ALBRIGHT ST	PRICE RACHAEL D
20	407 ALBRIGHT ST	HMK LTD
21	403 ALBRIGHT ST	TOLIVER WILLIE MAE EST OF
22	401 ALBRIGHT ST	SOWARDS REBECCA
23	400 ALBRIGHT ST	GAMBER MONTY
24	402 ALBRIGHT ST	J E M COLOR INC
25	404 ALBRIGHT ST	J E M COLOR INC
26	410 ALBRIGHT ST	NEW COVENANT PENTECOSTAL EVANGELIST HOLY TEMPLE

FILE NUMBER: BDA167-114(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves of Robert Reeves and Associates for a special exception to the landscape regulations at 6920 Bob O Link Drive. This property is more fully described as Lot 1, Block 7/2984, and is zoned R-7.5(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: 6920 Bob O Link Drive

APPLICANT: Robert Reeves of Robert Reeves and Associates

REQUEST:

A request for a special exception to the landscape regulations is made to demolish, remodel, and expand part of an existing church use/structure (Northridge Presbyterian Church), and not fully meet the landscape regulations, more specifically with regard to a revised landscape plan submitted on October 4th, to not provide the required landscape buffer strip with plant groups along the western, southern, and northern perimeters on the subject site.

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 (October 16 and November 13, 2017)*:

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan submitted on October 4th is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request submitted on October 4th concluding that strict compliance with the requirements of Article X will unreasonably burden the use of the property, and that the special exception will not adversely affect/negatively impact neighboring property.

* While the applicant submitted a revised landscape plan to staff on November 3rd (see Attachment E), this plan was not reviewed by the City of Dallas Chief Arborist since it was submitted after the October 31st staff review team meeting.

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 church use (Northridge Presbyterian Church). The areas to the north, east, south, and west are developed with single family uses.

Zoning/BDA History:

1. BDA989-294, Property at 6920 Bob-O-Link Drive (the subject site) On September 20, 1999, the Board of Adjustment Panel C granted a request for a variance to the Residential Proximity Slope height regulations of 22.5' and imposed the following condition: 1) compliance with the submitted site plan and elevations is required. The case report states that the request was made to replace an existing circa 1948 steeple/cupola roof element and to construct and maintain a gable roof on the westernmost portion of a proposed sanctuary.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on demolishing, remodeling, and expanding part of an existing church use/structure (Northridge Presbyterian Church), and not fully meeting the landscape regulations, more specifically with regard to a revised alternate landscape plan submitted on October 4th, not providing the required landscape buffer strip with plant groups along the western, southern, and northern perimeters on the subject site on the subject site.
- 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 submitted a revised alternate landscape plan in conjunction with this application (see Attachment B).
- On October 4, 2017, the City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment C).
- The Chief Arborist's October 4th memo stated the following with regard to "request" pertaining to the revised submitted alternate landscape plan submitted by the applicant on October 4th:
 - The applicant requests a special exception to the landscape regulations in Article X. Since the demolition will reduce the floor area on the property, the new addition will expand the new floor area and will require the site to comply with the Article X ordinance. The applicant requests to allow for a revised alternative landscape plan which applies a modified artificial lot area in close proximity to the structure and areas north, and to allow the use of existing perimeter buffer strips with additional plantings.
- The Chief Arborist's memo stated the following with regard to "provision" pertaining to the revised submitted alternate landscape plan submitted by the applicant on October 4th:
 - The proposed plan includes an expanded floor area which projects southward. The revised alternate landscape plan provides for four new 6" diameter live oaks to the south to provide visual buffering of the structure. The applicant will use existing landscape areas to expand their screening of off-street parking along Bob O Link Drive and to maintain and enhance buffering on the west and east perimeters.
- The Chief Arborist's memo stated the following with regard to "deficiencies" pertaining to the revised submitted alternate landscape plan submitted by the applicant on October 4th:
 - The non-residential use is surrounded by properties in a residential district. This situation requires a minimum 10' perimeter landscape buffer strip with plant groups (10.125(b)(1) and (7)) along each applicable frontage. The western, southern, and northern perimeters indicate non-compliance with the landscape area requirement

- The applicant is requesting that the maximum development area, shown on the plan as an artificial lot (10.122), to be the limit to required landscaping. Ordinance specifies the area should not be greater than 50% of the area of the building site. The southern field and perimeter of the property would be unchanged.

The Chief Arborist's memo stated the following with regard to "factors" pertaining to the revised submitted alternate landscape plan submitted by the applicant on October 4th:

- The applicant is removing 11 trees to the south of the existing structure for the purpose of new construction. Four 6" diameter live oaks will be placed south of the building to provide an expanding tree canopy buffer in relief.
- The existing east garden and all other trees and landscape areas are to remain. Additional landscaping will be provided to screen and buffer the parking lots to the north and west.
- All other requirements of Article X are met.
- The City of Dallas Chief Arborist recommended approval of the revised alternate landscape plan submitted on October 4th because strict compliance with the Article X regulations will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring properties.
- On November 3, 2017, the applicant submitted a revised landscape plan (see Attachment E). The City of Dallas Chief Arborist did not prepare a memo or recommendation on this plan since it was submitted after the October 31st staff review team meeting.
- 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 either the alternate landscape plan submitted on October 4th or November 3rd as a condition to the request, the site would be provided exception to the landscape regulations as shown on either one of these documents.

Timeline:

August 11, 2017: 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 12, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

- September 12, 2017: 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 September 27th deadline to submit additional evidence for staff to factor into their analysis; and the October 6th 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 2, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- October 3, 2017: 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 Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- October 4, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- October 4, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment C).
- October 16, 2017: The Board of Adjustment Panel C conducted a public hearing on this application. The Board Administrator circulated additional information from applicant to the Board members at the briefing (see Attachment D). The Board delayed action on this application until their next public hearing to be held on November 13, 2017.
- October 20, 2017: The Board Administrator wrote the applicant a letter of the board's action; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

November 3, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment E). Note that this information was not factored into the staff recommendation since it was submitted after the October 31st staff review team meeting.

BOARD OF ADJUSTMENT ACTION: OCTOBER 16, 2017

APPEARING IN FAVOR: Robert Reeves, 900 Jackson St., Dallas, TX

APPEARING IN OPPOSITION: Mark Sefein, 6927 Bob O Link Dr., Dallas, TX

MOTION: **Gambow**

I move that the Board of Adjustment in Appeal No. **BDA 167-114** hold this matter under advisement until **November 13, 2017**.

SECONDED: **Bartos**

AYES: 4 – Richardson, Gambow, Agnich, Bartos

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)



1:2,400

AERIAL MAP

Case no: BDA167-114

Date: 9/21/2017

BDA 167-114

Attach B

pg 1

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

October 4, 2017

Phil Erwin & Todd Duerksen
320 E. Jefferson Blvd.
Dallas, Texas 785203

RE: Revised Landscape Plan
BDA 167-114
Northridge Presbyterian Church

Gentlemen:

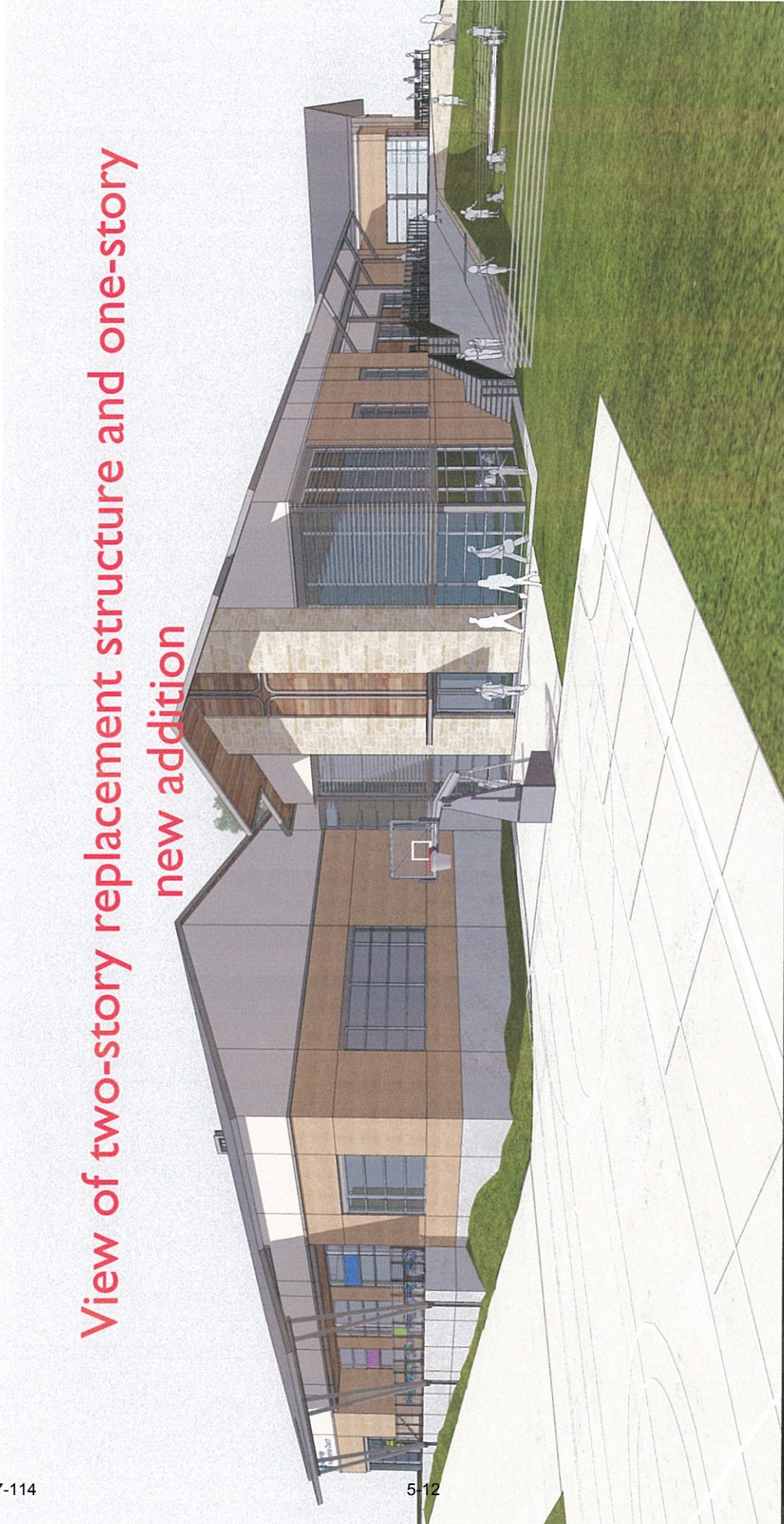
Attached is a revised landscape plan relating to the above mentioned board case. We have added four new 6" Live Oak trees along the south side of the building addition per Phil Erwin's input. Please let Steve Long and I know if this revised plan is acceptable and I will deliver hard copies to him. I sent him an email with the revised landscape plan earlier.

Respectfully:



Robert Reeves

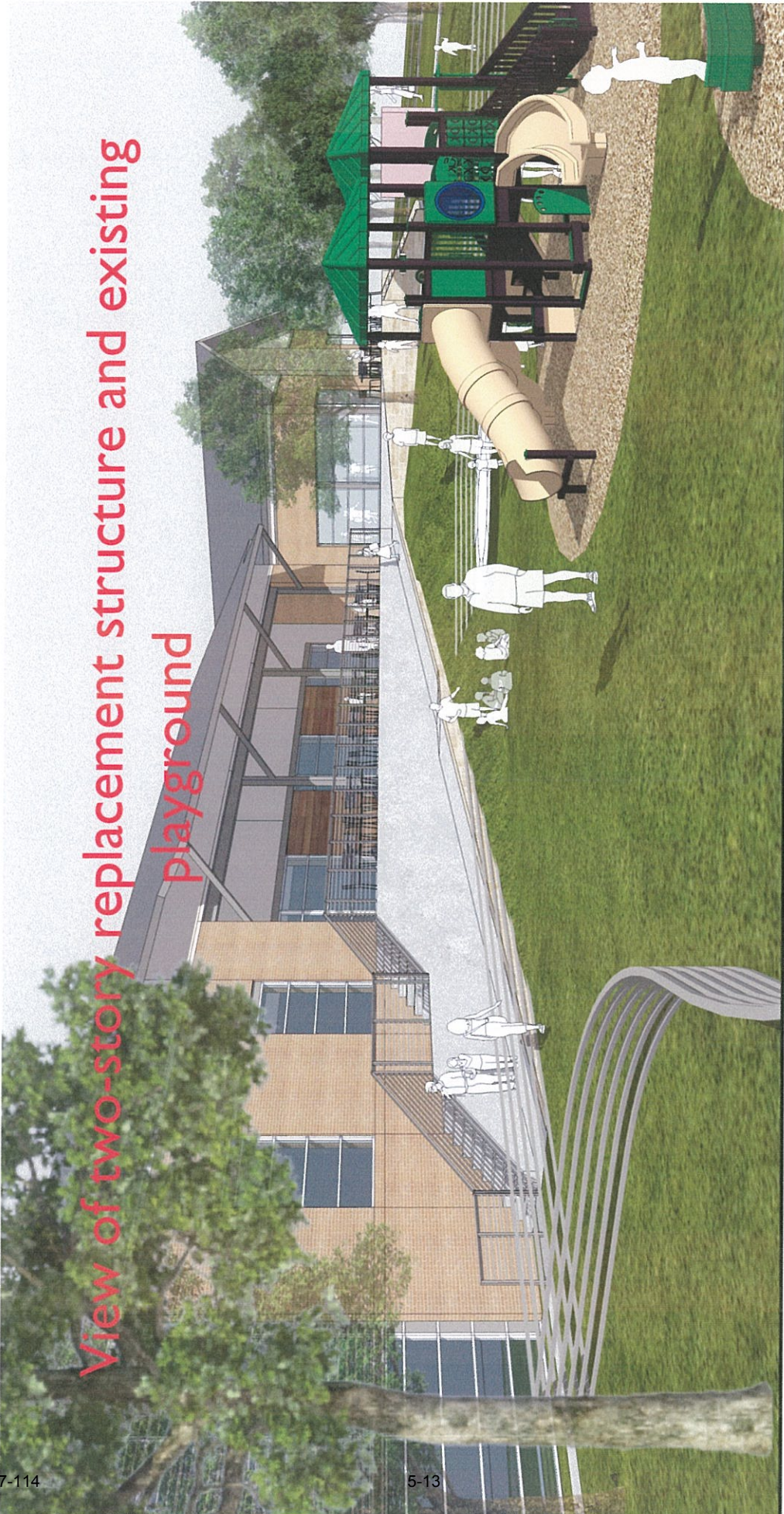
View of two-story replacement structure and one-story new addition



LOWER LEVEL ENTRY

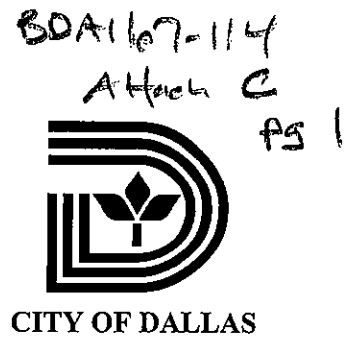


View of two-story replacement structure and existing playground



NEW YOUTH & ADULT CLASSROOM BUILDING

Memorandum



Date October 4, 2017
To Steve Long, Board Administrator
Subject BDA #167-114 6920 Bob O Link Drive

Request

The applicant requests a special exception to the landscape regulations in Article X. Since the demolition will reduce the floor area on the property, the new addition will expand the new floor area and will require the site to comply with the Article X ordinance. The applicant requests to allow for a revised alternative landscape plan which applies a modified artificial lot area in close proximity to the structure and areas north, and to allow the use of existing perimeter buffer strips with additional plantings.

Provision

The proposed plan includes an expanded floor area which projects southward. The revised alternate landscape plan provides for four new 6" diameter live oaks to the south to provide visual buffering of the structure. The applicant will use existing landscape areas to expand their screening of off-street parking along Bob O Link Drive and to maintain and enhance buffering on the west and east perimeters.

Deficiencies

The non-residential use is surrounded by properties in a residential district. This situation requires a minimum 10' perimeter landscape buffer strip with plant groups (10.125(b)(1) and (7)) along each applicable frontage. The western, southern, and northern perimeters indicate non-compliance with the landscape area requirement.

The applicant is requesting that the maximum development area, shown on the plan as an artificial lot (10.122), to be the limit to required landscaping. Ordinance specifies the area should not be greater than 50% of the area of the building site. The southern field and perimeter of the property would be unchanged.

Factors

- The applicant is removing 11 trees to the south of the existing structure for the purpose of new construction. Four 6" diameter live oaks will be placed south of the building to provide an expanding tree canopy buffer in relief.
- The existing east garden and all other trees and landscape areas are to remain. Additional landscaping will be provided to screen and buffer the parking lots to the north and west.
- All other requirements of Article X are met.

Recommendation

The chief arborist recommends approval of the revised alternative landscape plan because strict

BDA 167-114
Attach 2 pg 2

compliance with the Article X regulations will unreasonably burden the use of the property. The special exception will not adversely affect neighboring properties.

Philip Erwin
Chief Arborist
Building Inspection

BDA167-114
Attach D

ROBERT REEVES
& Associates, Inc.

C

PLANNING AND ZONING CONSULTANTS

October 15, 2017


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

RE: BDA 167-114(SL)

Dear Mr. Long:

On behalf of my client, Northridge Presbyterian Church, we are requesting that the board take this case under advisement until November 13, 2017. In the last few days, we have received opposition from a few of our neighbors along Bob-O-Link Dr. After reading their comments, we feel it will be helpful for the church to meet with these folks and respond to their questions and concerns. The church did invite our neighbors to a meeting several months ago in order to explain its building program and the church sent an information packet to each neighbor within the notification area on October 5.

Respectfully:



Robert Reeves, President
Robert Reeves & Associates, Inc.

BDA 167-114

Attach E

PS 1

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

November 3, 2017

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

RE: Revised Landscape Plan
BDA 167-114, Northridge Presbyterian Church

Dear Mr. Long:

Since our last board hearing, we have meet with our immediate neighbors twice. After listening to their objections, we have revised our landscape plan in order to address those concerns. The landscape plan supported by the staff and presented to the board at its last meeting remains the same, except we have added two new features.

- a) In order to improve the screening along Bob-O-Link Drive, we have agreed to plant eighteen new Savannah Holly evergreen trees in the parkway along Bob-O-Link Drive.
- b) In addition, we have agreed to replace the existing lighting fixtures along Bob-O-Link Drive and the west property line with ten new updated lighting fixtures, which are more directional and eliminates the glare on the adjacent property owners based on our photometric study.

Please submit this landscape plan and graphics to the board for their consideration and I will provide Phil Erwin hard copies for his review.

Respectfully:



Robert Reeves

cc: Phil Irwin



- 1 EXISTING LIVE OAK STREET TREES
- 2 3'-0" HT. PROPOSED EVERGREEN HEDGE
- 3 PROPOSED SAVANNAH HOLLY EVERGREEN TREE

NORTH LANDSCAPE BUFFER ELEVATION
 NORTHRIDGE PRESBYTERIAN CHURCH
 DALLAS, TEXAS

Job #: 16033.06
 File Name: NORTH_BUFFER.JPG
 Date: 11.03.17
 Drawn by: CLM



2808 Fairmount Street, Suite 300
 Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110
 Fort Worth, Texas 76107 | 817.303.1500



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-114

Data Relative to Subject Property:

Date: 8/11/2017

Location address: 6920 Bob O Link Dr. Zoning District: 7.5(A) R-7.5(A)

Lot No.: 1 Block No.: 7/2984 Acreage: 4.62 Census Tract: 0080.00

Street Frontage (in Feet): 1) 350.86' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Northridge Presbyterian Church

Applicant: Robert Reeves & Associates, Inc. Telephone: 214-749-0530

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

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

Represented by: Robert Reeves Telephone: 214-749-0530

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

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

Affirm that an appeal has been made for a Variance, or Special Exception X, of a 4'3" landscape buffer strip on the west side of the site and a 6' special exception of the landscape buffer strip on the north side of the site, in addition, a request for a special exception of 21% to the limitation of the size of an artificial lot, per Article X Sec. 51A-10.110. Special Exception.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: We believe that strict compliance with the 10' wide landscape buffer strip requirement will unreasonably burden the use of the property causing the unreasonable expense of moving the existing parking lots to the south and east sides of the property, we also believe that the special exception will not adversely affect the neighboring property as the landscape buffer strips on the west and north sides of the property have been in place since 1950. Also, since the building remodeling will only increase the footprint of the existing building by 2,975 sf, we feel that the special exception of 21% to create an artificial lot will not violate the spirit of the landscape regulations.

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

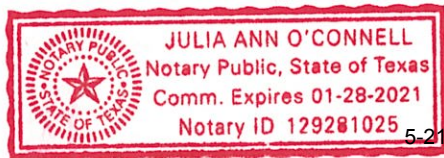
Affidavit

Before me the undersigned on this day personally appeared Robert Reeves (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 11th day of August, 2017



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

9A

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

OR

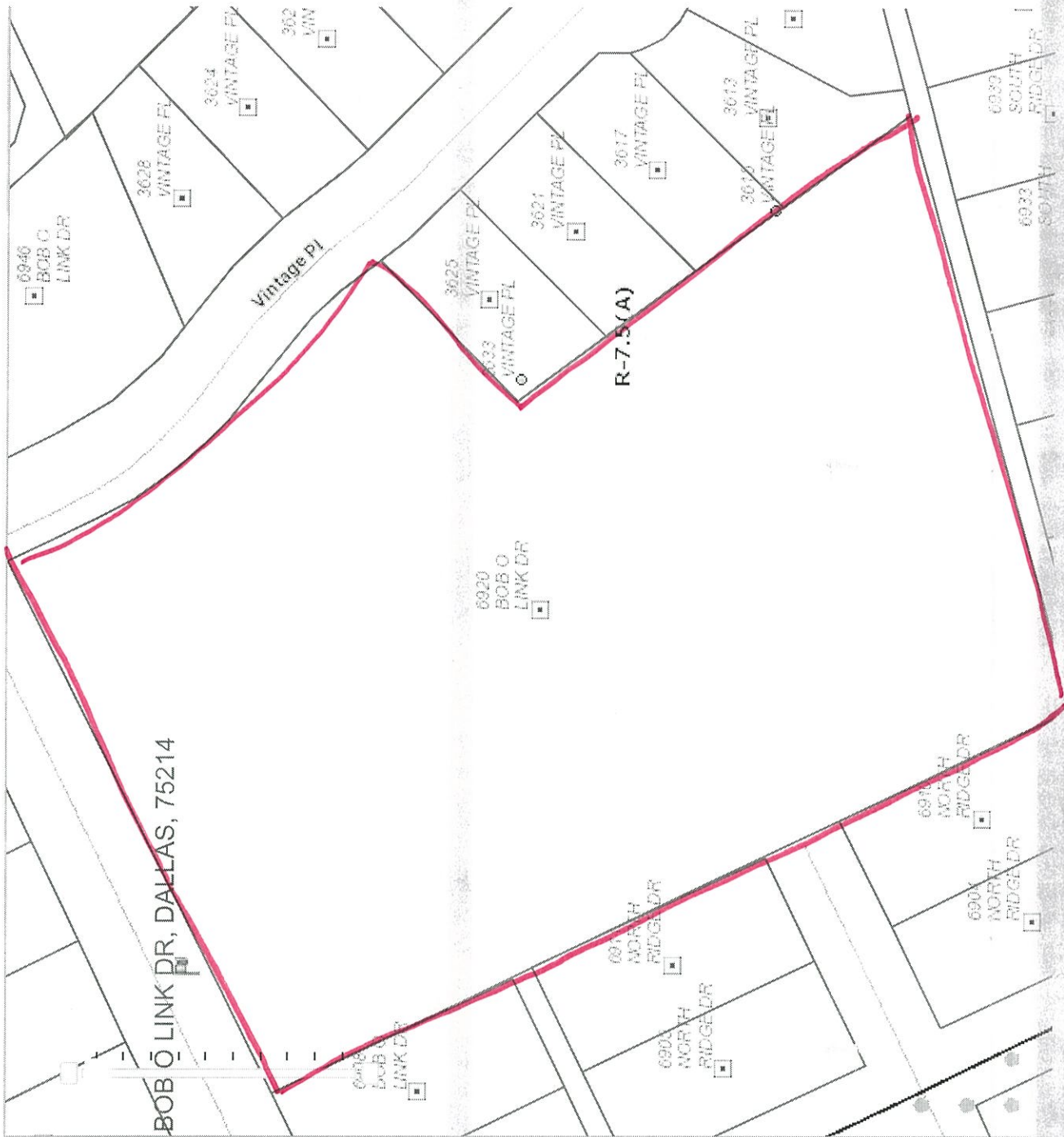
Street address.

6920 bob o link

OR

Parcel address.

Use street type for better re



ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

August 10, 2017

Todd Duerksen, Senior Code Specialist
Building Inspection
Department of Sustainable Development and Construction
320 E. Jefferson Blvd.
Dallas, Texas 75203

RE: Special Exception Request for Alternate Landscape Plan
Northridge Presbyterian Church, 6920 Bob-O-Links Dr.

Dear Mr. Duerksen:

Northridge Presbyterian Church has initiated a demolition, remodeling, and minor floor area expansion of its existing facility located at 6920 Bob-O-Links Dr. The Church intends to enlarge the existing campus by only 2,975 square feet. In addition, the will demolish 17,179.86 square feet of its existing 34,359.68 square foot facility. The completed facility will have 37,334.68 square feet, which includes replacing the 17,179.86 square feet of demolished structures and increasing the floor area by 2,975 square feet.

Article X states that the landscape provisions are triggered when a structure is increase by more than 35 percent or 10,000 square feet, whichever is less. Since the church is only adding 2,975 square feet, they were within the 10,000 square foot trigger point. However, the trigger point is based on the 17,179.86 square foot replacement structure plus 2,975 square foot net increase in floor. Therefore, floor area increased by 20,154.86 square feet or 58.7%. The net increase floor area is only 8.7%.

Northridge Presbyterian Church is requesting a special exception to Article X Sec. 51A.10.125.(b).(1) – Perimeter landscape buffer strip from the 10' wide landscape buffer strip required along the length of the perimeter of the property where residential adjacency exists, to a 5'9" to 8'9" wide landscape buffer strip on the west side of the site and a 4' to 5'3" wide landscape buffer strip on the north side of the site. A special exception of 6' wide on the west side of the site and 4'3" wide on the north side of the site.

West – 5'9" wide landscape buffer strip, a special exception of 4'3"
North – 4' wide landscape buffer strip, special exception of 6'

We are also requesting a special exception of the limitation of the size of an artificial lot per Article X Sec. 51A-10-122 from 50% to 71% of the area of the building site, a special exception of 21%. The building site is 3.27 acres and the property is 4.62 acres, or 71% of the site.

Granting a special exception to the 10' wide landscape buffer strip requirement allows the church to retain the current parking lots on the west and north sides of the site, which is too close to the property line to accommodate the 10' wide landscape buffer strip, avoiding the enormous and unreasonable expense of moving the existing parking lots to the south and east sides of the property. We believe that strict compliance with the 10' wide landscape buffer strip requirement will unreasonably burden the use of the property, we also believe that the special exception will not adversely affect the neighboring property as the landscape buffer strips on the west and north sides of the property have been in place since 1950. Also, since the building remodeling will only increase the footprint of the existing building by 2,975 square feet, we feel that the special exception of 21% to create an artificial lot will not violate the spirit of the landscape regulations.

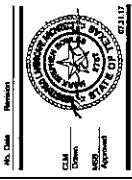
Respectfully:

A handwritten signature in black ink, appearing to read 'Robert Reeves', written in a cursive style.

Robert Reeves



**NORTHRIDGE
PRESBYTERIAN CHURCH
DALLAS, TEXAS 75214
6920 BOB-O-LINK DR
BOARD OF ADJUSTMENTS APPEAL**

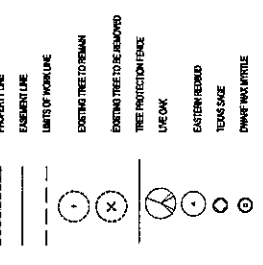


**LANDSCAPE
VARIANCE PLAN**

Project No. 160308.06
Date 08.03.17

L-100

LANDSCAPE LEGEND

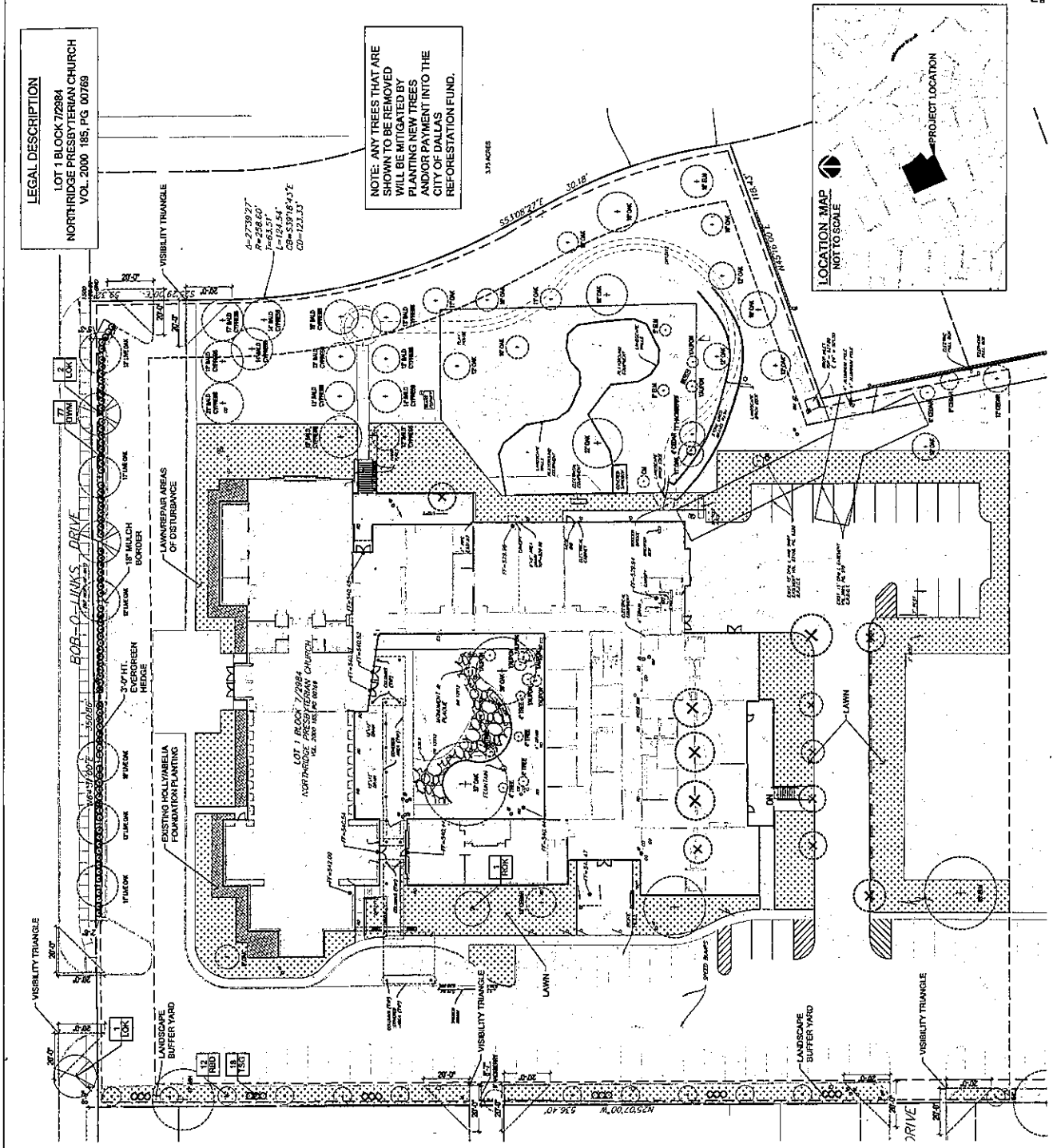


TREE PRESERVATION NOTES

- A. ALL TREES SHALL REMAIN UNLESS NOTED ON THEIR A/R.
- B. NO SITE PREPARATION WORK SHALL BEGIN UNLESS ALL NECESSARY TREE PRESERVATION AND TREATMENT MEASURES HAVE NOT BEEN COMPLETED.
- C. ALL EXISTING TREES LOCATED TO REMAIN SHALL BE PROTECTED AT THE ROOT PROTECTION ZONE (RPZ). THE RPZ SHALL BE DETERMINED BY TREE SIZE, PRECOMMUNICATED BY FRAMES FROM TRUNK FOR EVERY TREE. THE NUMBER OF FRAMES AT 45 DEGREE ANGLE SHALL BE 4 TIMES THE DIAMETER FROM THE TRUNK.
- D. A CHALK LINE TRACE BARBER BEHIND THE RPZ SHALL BE DIRECTED AND MAINTAINED BY THE CONTRACTOR UNTIL CONSTRUCTION IS COMPLETED.
- E. RPZ SHALL BE SUSTAINED IN A NATURAL STATE AND SHALL BE FREE FROM VEHICULAR OR MECHANICAL TRAFFIC.
- F. THE RPZ SHALL BE COVERED WITH MULCH AND BE MAINTAINED BY GENERAL CONTRACTOR DURING CONSTRUCTION PHASE TO REDUCE MOISTURE STRESS.
- G. DURING CONSTRUCTION NO EXCESSIVE SOIL, ADDITIONAL FILL, MATERIAL, EQUIPMENT, LOADS, OR CONSTRUCTION GEAR SHALL BE PLACED INSIDE THE PROTECTION BARBER, NOR SHALL ANY SOIL BE REMOVED FROM WITHIN THE BARBER.
- H. ANY DAMAGE DONE TO EXISTING TREE CRUWNS OR ROOT SYSTEMS SHALL BE CUT CLEANLY IMMEDIATELY AFTER REPAIR. ALL WORKERS SHALL BE TRAINED IN TREE CARE AND MAINTENANCE. ALL TREE OPERATIONS SHALL BE DONE BY LICENSED TREE CARE OPERATORS WHOSE OPERATIONS WILL BE CUT CLEANLY.
- I. THE PROPOSED TRUNK BARBER AND RPZ SHALL BE MAINTAINED WITHIN THE RPZ OF ANY TREE TO BE REMOVED. ALL TREE REMOVAL SHALL BE LOWERED MORE THAN THREE INCHES, WELLING AND RETURNING METHODS ARE ALLOWED OUTSIDE THE RPZ.
- J. THE RPZ SHALL REMAIN UNOPENED, I.E. COORDINATED UTILITIES AT COMPLETION OF LANDSCAPE INSTALLATION.
- K. THE ASSOCIATED TREE PROTECTION DETAIL COMPARES WITH THE TREE PROTECTION GUIDELINES FROM THE CITY OF DALLAS (ANYWAY).
- L. WHERE POSSIBLE PROVIDE FENCE TO TREE TRUNK LINE ON GROUP TREES AND TO CONTACT TO PROVIDE INCREASED PROTECTION.
- M. NO WORK SHALL BE IN AREAS WHERE TREE PRESERVATION AND TREATMENT MEASURES HAVE NOT BEEN COMPLETED AND APPROVAL.
- N. TREES WHICH HAVE DAMAGED OR LOST DUE TO THE CONTRACTORS NEGLIGENCE DURING CONSTRUCTION SHALL BE REPLANTED PERIOD 30 DAYS IN ORIGINAL.
- O. TREES MUST BE MAINTAINED IN GOOD HEALTH THROUGHOUT THE CONSTRUCTION PROCESS. MAINTENANCE MAY INCLUDE BUT NOT LIMITED TO: WATERING, FERTILIZATION, PRUNING, ADDITIONAL MULCH APPLICATIONS AND OTHER MAINTENANCE AS NEEDED ON THE PROJECT.
- P. ROOTS SHALL BE CUT WITH A ROOT SAW OR BY HAND NOT BY AN EXCAVATOR OR OTHER BRAND CONSTRUCTION EQUIPMENT.

LEGAL DESCRIPTION
LOT 1 BLOCK 7/298A
NORTHRIDGE PRESBYTERIAN CHURCH
VOL. 2000 185, PG. 00769

NOTE: ANY TREES THAT ARE SHOWN TO BE REMOVED WILL BE MITIGATED BY PLANTING NEW TREES AND/OR PAYMENT INTO THE CITY OF DALLAS REFORESTATION FUND.



ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

August 29, 2017

Todd Duerksen, Board Coordinator
Department of Sustainable Development & Construction
City of Dallas
320 E. Jefferson, Room 105
Dallas, Texas 75203

RE: BDA167-114 – Northridge Presbyterian Church Alternative Landscape Plan

Dear Todd,

Based on Phil Erwin's comments on August 21, 2017 we have revised the alternative landscape plan for Northridge Presbyterian Church, BDA167-114. Here is a summary of the changes:

1. We revised the plan to show the entire 4.62-acre site with a line delineating the artificial lot. A note was also added with the artificial lot area in square footage and acres.
2. We noted the type/species and caliper inches of the trees to be removed.
3. The revision also shows the residential properties on Vintage Place on the east side of the site.
4. We also confirmed that the church will not be adding an additional square footage to the chapel area, including additional pews which would impact the existing parking.

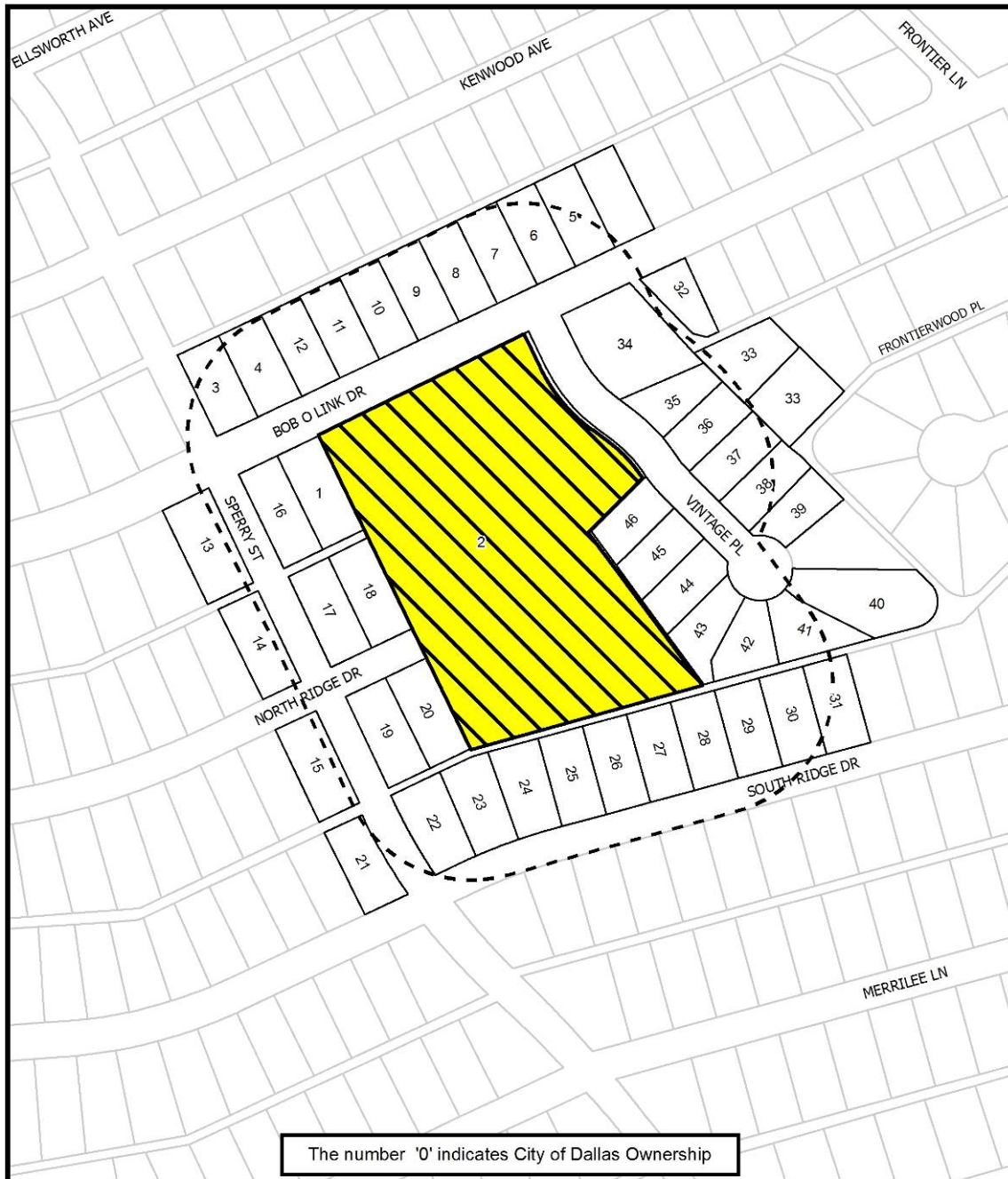
Please let us know if you have any questions or require any additional changes to the landscape plan.

Sincerely,



Robert Reeves

cc: Phil Erwin – 2 copies of plan
Steve Long – 2 copies of plan



 1:2,400	NOTIFICATION	Case no: BDA167-114			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">46</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	46	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
46	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-114

46 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6908 BOB O LINK DR	OVERBEY JAMES G
2	6920 BOB O LINK DR	NORTHRIDGE PRESBYTERIAN
3	6903 BOB O LINK DR	PLATNER KERT
4	6909 BOB O LINK DR	JACKSON JOE A &
5	6953 BOB O LINK DR	RYENOLDS KELLY & ISA
6	6947 BOB O LINK DR	WRIGHT JAMES A & MARCY G
7	6943 BOB O LINK DR	FLOREY RANDALL LYNN LIFE ESTATE
8	6937 BOB O LINK DR	THYAGARAJAN KARTHIKEYAN
9	6931 BOB O LINK DR	PALMER PATRICK &
10	6927 BOB O LINK DR	SEFEIN MARK N
11	6919 BOB O LINK DR	COTTON ALBERT R III &
12	6915 BOB O LINK DR	BRINKLEY KYLE
13	6838 BOB O LINK DR	STEPHENSON MICHAEL C &
14	6847 NORTHRIDGE DR	BRASHER HEATHER
15	6850 NORTHRIDGE DR	COLLINS MICHAEL J & BECKY G
16	6904 BOB O LINK DR	DICARLO NICHOLAS
17	6905 NORTHRIDGE DR	ROBERSON MICHAEL P &
18	6911 NORTHRIDGE DR	LOWERY PERRY
19	6904 NORTHRIDGE DR	WILLIAMSON STEVEN R &
20	6910 NORTHRIDGE DR	GRIFFITH GARY L ETAL
21	6859 SOUTHRIDGE DR	BOEHME PAUL
22	6905 SOUTHRIDGE DR	MCALLISTER GREG P & KRISTI R
23	6911 SOUTHRIDGE DR	ROYBAL KERRY T & PAULA B
24	6915 SOUTHRIDGE DR	AMBROSI ANA P
25	6921 SOUTHRIDGE DR	VALDEZ PAUL J
26	6927 SOUTHRIDGE DR	WILLIAMS GREGORY W &

Label #	Address	Owner
27	6933 SOUTHRIDGE DR	CONNELLY CLAUDE & JULIE
28	6939 SOUTHRIDGE DR	TURPIN M E MRS
29	6945 SOUTHRIDGE DR	GOODELL STEVE J & HEATHER
30	6951 SOUTHRIDGE DR	MAYER THOMAS P
31	6957 SOUTHRIDGE DR	CAROTHERS J CARR & ASHLEY
32	6952 BOB O LINK DR	ZOES NICK H
33	6920 FRONTIERWOOD PL	CAMBRIDGE HOMES URBAN LLC
34	6946 BOB O LINK DR	LAVIOLETTE STEPHEN O & KRISTI L
35	3628 VINTAGE PL	CLENCH BARRY & MARGARET
36	3624 VINTAGE PL	SEALE JOHNNY & CARLEY C
37	3620 VINTAGE PL	DUBOSE BEN & ALIISA
38	3616 VINTAGE PL	LEEDY KURT DAVID & TIFFANY L
39	3612 VINTAGE PL	MATEJA WILLIAM B & CASSANDRA C
40	3604 VINTAGE PL	SENDRA JAIME A
41	3605 VINTAGE PL	DILLON DAVID M
42	3609 VINTAGE PL	PERRY JAMES &
43	3613 VINTAGE PL	JOHNSON W ROBERT &
44	3617 VINTAGE PL	LATHAM ROBERT P
45	3621 VINTAGE PL	JOHNS THEODORE A
46	3625 VINTAGE PL	WEBER JAMES H & ADELE B

FILE NUMBER: BDA167-120(SL)

BUILDING OFFICIAL'S REPORT: Application of David Martin of Winstead PC for variances to the minimum and maximum front yard setback regulations at 120 W. Commerce Street. This property is more fully described as Lot 1A, Block 1/6810, and is zoned PD 714 (Subdistrict 1A), which requires a minimum front yard setback of 6 feet with at least 50 percent of the front facade at the 6 foot minimum front yard setback and requires a maximum front yard setback of 15 feet. The applicant proposes to construct and maintain a structure and provide a 176 foot front yard setback with 0 percent of the front facade at the minimum 6 foot front yard setback, which will require a 170 foot variance to the 6 foot minimum front yard setback regulations, and to construct and maintain a structure and provide a 176 foot front yard setback, which will require a 161 foot variance to the maximum 15 foot front yard setback regulations.

LOCATION: 120 W. Commerce Street

APPLICANT: David Martin of Winstead PC

REQUESTS:

Requests for variances to the PD 714 (Subdistrict 1A) minimum and maximum front yard setback regulations are made to construct and maintain a mixed use structure/development of an unspecified square footage and height on an approximately 4-acre subject site that is partly undeveloped and partly developed with a warehouse that the application intends to demolish – more specifically:

1. Variances to the required 6' minimum front yard setback for at least 50 percent of the front façade along West Commerce Street, Beckley Avenue, and Beatrice Street are made to construct and maintain the structure with a setback of up to 176' away from the one of the site's six front property lines since over 50 percent of the façade of the structure is proposed to be located as far as 176' from one of the site's six front property lines, which will require a variance of up to 170'; and
2. A variance to the required 15' maximum front yard setback along Beatrice Street is made to construct and maintain the structure with a setback of 176' away from this front property line since the structure is proposed to be located as far as 176' from one of the site's six front property lines, which will require a variance of 161'.

STANDARD FOR A VARIANCE:

The Dallas Development Code Section 51A-3.102(d)(10) specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While staff recognized that the subject site has six front yard setbacks, an easement, and was irregular in shape, staff concluded that the applicant had not substantiated how these features preclude the applicant from developing it in a manner commensurate with the development upon other parcels of land with the same PD 714 (Subdistrict 1A) zoning, and had not substantiated how granting these variances are not needed to relieve a self-created hardship.

BACKGROUND INFORMATION:

Zoning:

Site: PD 714 (Subdistrict 1A) (Planned Development)
North: PD 714 (Subdistrict 1A) (Planned Development)
South: PD 714 (Subdistrict 1A) (Planned Development)
East: PD 714 (Subdistrict 1A) (Planned Development)
West: PD 714 (Subdistrict 1A) (Planned Development)

Land Use:

The subject site is partly undeveloped and partly developed with a warehouse that the application intends to demolish. The areas to the north, south, east, and west are a mix of undeveloped land and mostly commercial uses.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- The requests for variances to the minimum and maximum front yard setback regulations focuses on constructing and maintaining construct and maintain an mixed use structure/development of an unspecified square footage and height on an approximately 4-acre subject site that is partly undeveloped and partly developed with a warehouse that the application intends to demolish.
- The subject site is located in/zoned PD 714 (Subdistrict 1A).
- PD 714 (Subdistrict 1A) states the following with regard to “Front yard”:
 1. Minimum front yard is 6’. At least 50 percent of the front façade must be at the minimum front yard setback.
 2. Maximum front yard is 15’.
 3. An additional 20’ front yard setback is required for that portion of a structure above 45’ in height.
- The subject site has 6 street frontages and minimum and maximum front yard setback is required on each.
- The submitted site plan denotes the areas of the subject site that require variance. This plan denotes variances to the 6’ **minimum** front yard setback on the north (a 9’ variance on a portion of West Commerce Street); on the east (a 1’ - 7’ variance on Beckley Avenue); and on the southeast (a 170’ variance on east/west Beatrice Street). The site plan denotes variances to the 15’ **maximum** front yard setback on the southeast (a 161’ variance on east/west Beatrice Street). The site plan represents compliance with minimum and maximum front yard setbacks along Wink Street, Langford Street, and north/south Beatrice Street).
- The applicant has provided a document stating among other things that the subject site has hardship because of having 6 front yards and irregular shape.
- The applicant has stated in an email to the Board Administrator “it is our intent to request a postponement of our hearing until December”. (Note that the Board Administrator has advised the applicant that there is not a process for staff to administer a postponement of a board of adjustment application. If an applicant wants the board to postpone action on a complete application that has been scheduled for a hearing, the applicant can request that the board do so at the scheduled public hearing. Lastly, unless the applicant were to withdraw the application referenced above, this application would be put on the Board of Adjustment Panel C November 13th docket where it will be called at this public hearing, and where the board can grant the request, deny the request, or delay action on the request.)
- According to DCAD records, there are “no improvements” for property addressed at 120 W. Commerce Street.
- The site is relatively flat, irregular in shape, and according to the application is approximately 3.8 acres in area. The site has six front yard setbacks.
- 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 to front yard setback regulations 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 714 (Subdistrict 1A) zoning classification.

- The variances to front yard setback regulations 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 714 (Subdistrict 1A) zoning classification.
- If the Board were to grant the requests for variances to the front yard setback regulations and impose the applicant's submitted site plan as a condition, the structure in the front yard setbacks would be limited to that what is shown on this document.

Timeline:

August 24, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

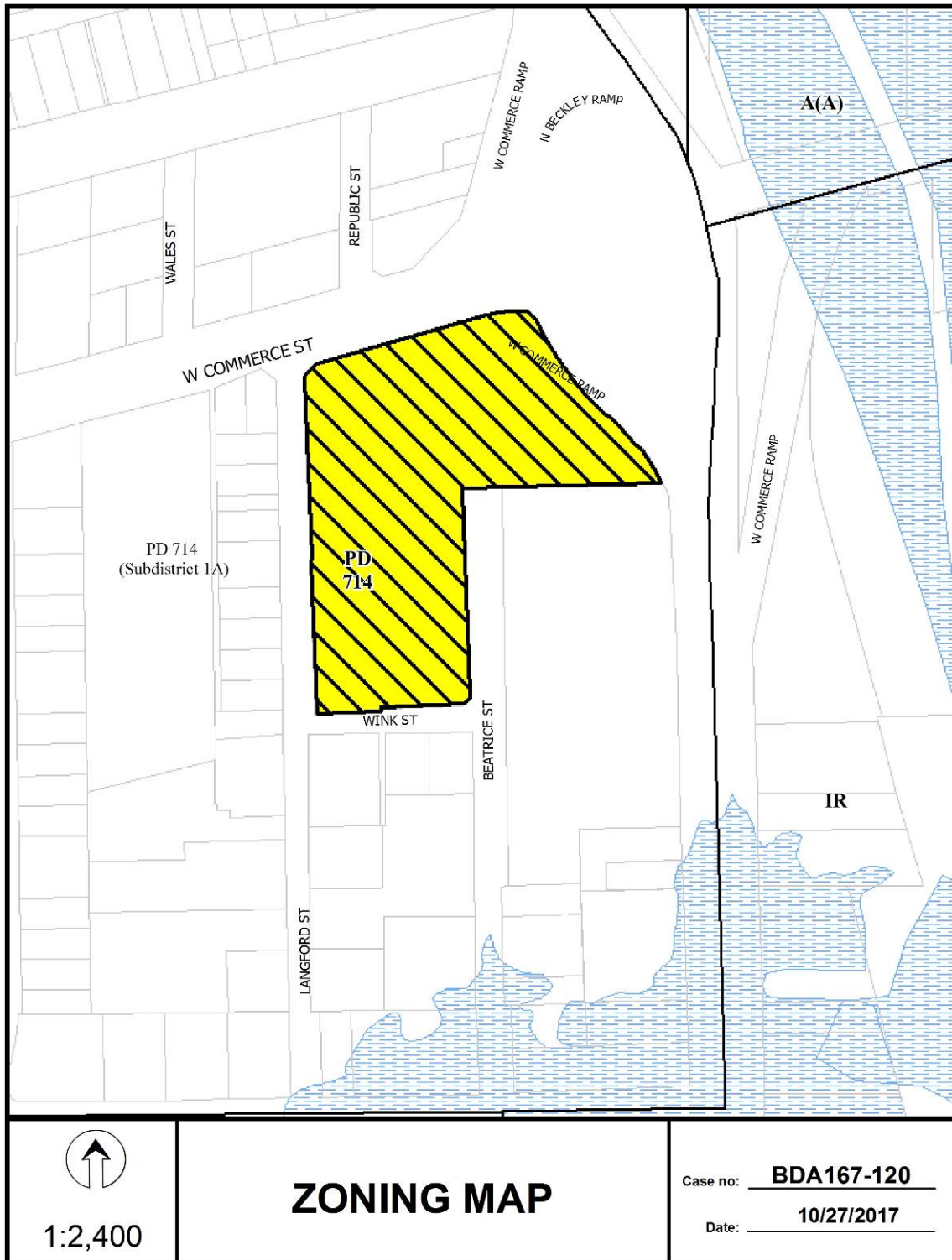
October 9, 2017: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd 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 26, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:2,400

AERIAL MAP

Case no: BDA167-120

Date: 10/27/2017

BDA167-120
Attach A
pg 1

Long, Steve

From: Long, Steve
Sent: Thursday, October 26, 2017 9:01 AM
To: 'Martin, David'
Cc: Dean, Neva; Duerksen, Todd; Williams, Kanesia
Subject: FW: BDA167-120, Property at 120 W. Commerce Street

Dear David,

I gather from what you wrote below that you understand there is not a process for staff to administer a postponement of a board of adjustment application, and that if an applicant is wanting the board to postpone action on a complete application that has been scheduled for a hearing like yours, the applicant can request that the board do so at the scheduled public hearing which in this case is November 13th.

Lastly, be advised that unless you withdraw the application referenced above, this application will be put on the Board of Adjustment Panel C November 13th docket where it will be called at this public hearing, and where the board can grant the request, deny the request, or delay action on the request.

Please write or call if I can assist you in any other way on this matter.

Thank you,

Steve



Steve Long
Board of Adjustment Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.**

From: Long, Steve
Sent: Thursday, October 26, 2017 7:59 AM
To: 'Martin, David' <dmartin@winstead.com>
Cc: Maberry, Adrianna <adrianna.maberry@dallascityhall.com>; Law, Trena <trena.law@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>; Williams, Kanesia <kanesia.williams@dallascityhall.com>; Law, Trena <trena.law@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; DL DEV Zone Maps <ZonMaps@dallascityhall.com>
Subject: FW: BDA167-120, Property at 120 W. Commerce Street

BDA167-120

Attach A

PS2

Dear David,

It appears that the notification issue regarding the board of adjustment application referenced above has been resolved. This application will remain on Panel C's November 13th docket.

Steve



Steve Long

Board of Adjustment Chief Planner

City of Dallas | www.dallascityhall.com

Current Planning Division

Sustainable Development and Construction

1500 Marilla Street, 5BN

Dallas, TX 75201

O: 214-670-4666

steve.long@dallascityhall.com



OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

From: Martin, David [<mailto:dmartin@winstead.com>]

Sent: Wednesday, October 25, 2017 4:01 PM

To: Duerksen, Todd <todd.duerksen@dallascityhall.com>; Long, Steve <steve.long@dallascityhall.com>

Cc: Maberry, Adrianna <adrianna.maberry@dallascityhall.com>; Law, Trena <trena.law@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>; Williams, Kanesia <kanesia.williams@dallascityhall.com>; DL DEV Zone Maps <ZonMaps@dallascityhall.com>; Mann, Tommy <tmann@winstead.com>

Subject: RE: BDA167-120, Property at 120 W. Commerce Street

Thank you.

I confirm that the property outlined in blue and in red in the attachments is the same and correct property/site/area of request, and that the correct legal description of the property/site is **LOT 1A, BLOCK 1/6810**.

It is our intent to request a postponement of our hearing until December. We plan to appear at the Nov. 13 hearing to request the postponement, but we would like this to be our formal request for postponement if we are permitted to make the request at this time and manner.

Thank you,

David Martin, Attorney

Winstead PC | 500 Winstead Building | 2728 N. Harwood Street | Dallas, Texas 75201

214.745.5440 direct | 214.745.5390 fax | dmartin@winstead.com | www.winstead.com





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-120

Data Relative to Subject Property:

Date: 8-24-17

Location address: 120 W. Commerce St.
~~SW Corner of Commerce St. & Beckley Ave. (See attached)~~ Zoning District: PD 714

Lot No.: see attached Block No.: see attached Acreage: +/- 3.854 Census Tract: 43.00

Street Frontage (in Feet): 1) 568 2) 270 3) 590 4) 671 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): West Commerce Investments LLC

Applicant: David Martin (Winstead PC) Telephone: 214.745.5440

Mailing Address: 2728 N. Harwood St. Zip Code: 75201

E-mail Address: dmartin@winstead.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of
The front yard setback requirements of Section 51P-714.108(c)(1)(A-B) of the Dallas City Code.

170' Variance from front facade requirement and 161' variance from 15' maximum 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:

Literal enforcement of the front yard setback would result in unnecessary hardship and the granting of the variance will observe the spirit of the ordinance and substantial justice will be done; the unique shape of the property prevents the property from being developed in a manner commensurate with the development of land with the same zoning; and the hardship is not self-created.

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

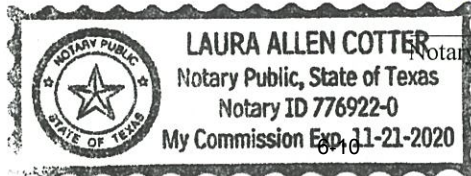
Before me the undersigned on this day personally appeared David Martin
(Affiant/Applicant's name printed)

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.

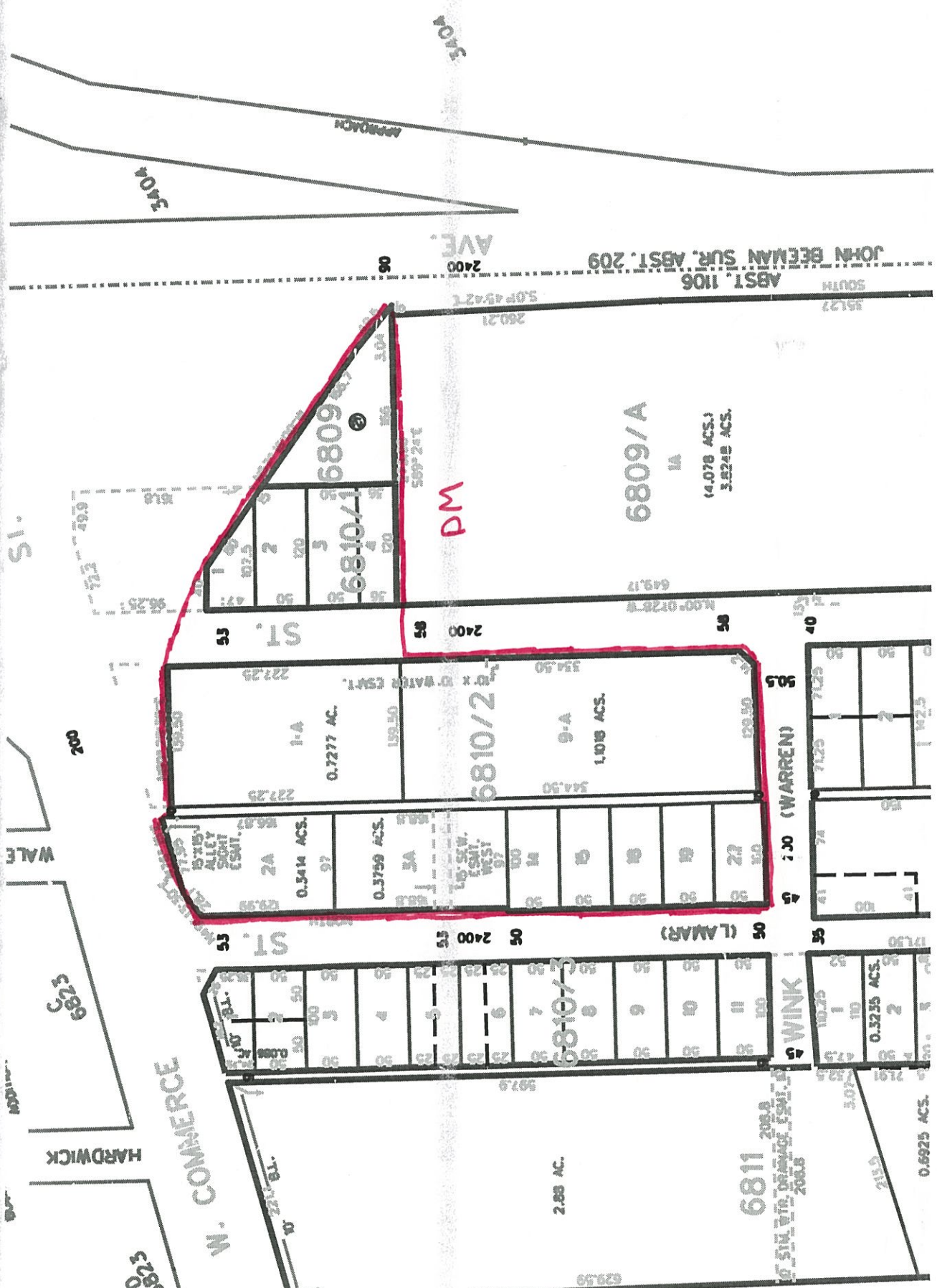
Respectfully submitted: David Martin
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 13th day of August, 2017

(Rev. 08-01-11)



Laura Allen Cotter
Notary Public in and for Dallas County, Texas

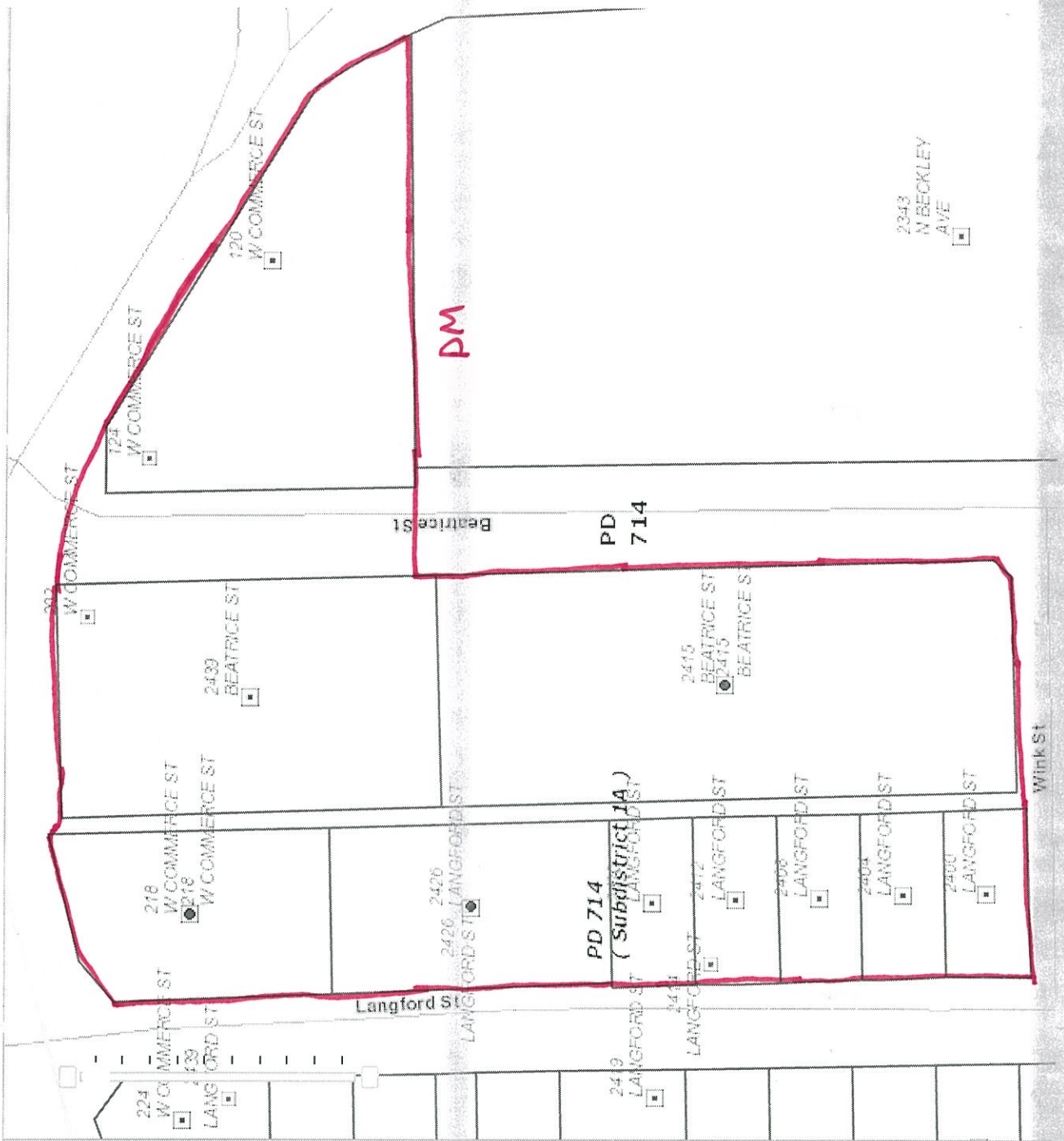


City of Dallas


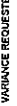
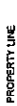
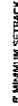


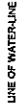
Internal Development Research Site

Legend

- Floodplain
- Building Inspection
- DART
- Licenses in ROW
- Real Estate
- Alcohol
- Plats
- Areas of Request
- Thoroughfare Plan
- Long Range Plans
- Capital Improvemen
Program
- Council and Census
- Roads
- Tax Parcels
- Zoning Grid
- Stormwater
- Water Distribution
- Waste Water
Collection



LEGEND

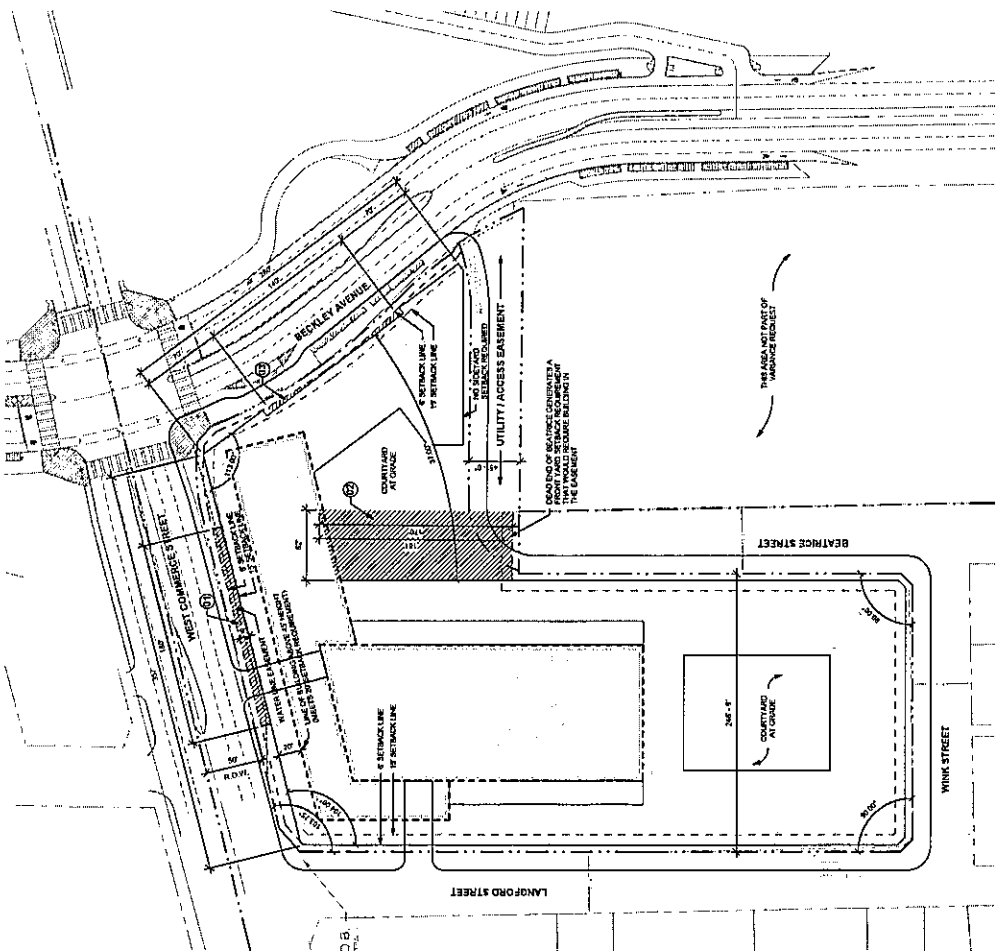
-  BUILDING FOOTPRINT
-  VARIANCE REQUESTED
-  PROPERTY LINE
-  8' MINIMUM SETBACK LINE (FOR FRONT YARD, 50% OF FACADE REQUIRED AT THIS LINE)
-  15' MINIMUM SETBACK LINE (FOR FRONT YARD, 50% OF FACADE REQUIRED AT THIS LINE)
-  LINE OF WATERLINE EASEMENT
-  OUTLINE OF BUILDING ABOVE 45' HEIGHT (MEETS 20' SETBACK REQUIREMENT)

ZONING NOTES & REQUIREMENTS

- TOTAL SITE: 4.18 ACRES
- ZONING: PD 14: SUB-DISTRICT 1A
- FRONT YARD:
 - A. 15' MINIMUM SETBACK
 - B. 15' MINIMUM SETBACK
 - C. 50% OF FACADE AT MIN. SETBACK
 - D. 20' ADDITIONAL SETBACK FOR BUILDING HEIGHT ABOVE 45'
- SIDE AND REAR YARD:
 - A. 10' MINIMUM
 - B. 1:1 PER 2' OF HEIGHT ABOVE 45'
- LOT COVERAGE:
 - A. 70% OF LOT
 - B. 70% OF COVERAGE SHOWN / PROPOSED ON SITE PLAN
- FAR:
 - A. USE CATEGORY: MUP-2 (WITH RES.)
 - B. MAX FAR OF 3.0
 - C. 2:1 FAR SHOWN / PROPOSED ON SITE PLAN

SITE PLAN NOTES - REQUESTED VARIANCES

- ① TOTAL FRONT YARD ALONG WEST COMMERCE: 44'-35"
- VARIANCE REQUESTED: 9' VARIANCE FROM 8' SETBACK LINE FOR 50% (44'-180") OF FRONT YARD FACADE
- ② TOTAL FRONT YARD ALONG NORTH PROPERTY LINE OF BEATRICE ST.: 44'-62"
- VARIANCE REQUESTED: 15' SETBACK LINE FOR 50% OF FRONT YARD FACADE ALONG NORTH PROPERTY LINE AT THE END OF BEATRICE STREET
- ③ 161' MAXIMUM VARIANCE FROM 15' SETBACK LINE FOR 100% OF FRONT YARD FACADE ALONG NORTH PROPERTY LINE AT THE END OF BEATRICE STREET.
- ④ TOTAL FRONT YARD ALONG BECKLEY AVENUE: 44'-236" (NON-LINEAR)
- VARIANCE REQUESTED: MINIMUM 10' MAXIMUM VARIANCE FROM 8' SETBACK LINE FOR 50% (44'-140") OF THE TOTAL FRONT YARD FACADE ALONG BECKLEY AVENUE.



gff ARCHITECTS

2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110
Fort Worth, Texas 75107 | 817.303.1500

Job #: 17111
Date: 08/23/17
Drawn by: CH, ELB

BOARD OF ADJUSTMENT
ZONING VARIANCE EXHIBIT
Pollack Shores - West Commerce
Dallas, Texas

500 Winstead Building
2728 N. Harwood
Dallas, TX 75201

214.745.5400 OFFICE
214.745.5390 FAX
214.745.5724 DIRECT DIAL
tmann@winstead.com

August 24, 2017

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

Re: Appeal to the Board of Adjustment – SW Corner of Commerce St. and Beckley Ave.

Dear Steve:

Our Firm represents Pollack Shores Real Estate Group, LLC ("**Pollack Shores**") in this appeal to the Board of Adjustment ("**Board**") concerning property at the SW corner of Commerce Street and Beckley Avenue ("**Property**"), on which Pollack Shores proposes to build apartments ("**Project**"). The Project is shown on the attached Site Plan ("**Exhibit A**"). The Project includes the realignment of Beckley to the east, the abandonment of a portion of Beatrice Street, and the dedication of an access/utility easement between Beatrice and Beckley.

We are submitting this letter for the Board's review of Pollack Shores' request for a variance from the front yard requirements listed in Sections 51P-714.108(c)(1)(A-B) of the Dallas City Code ("**Code**") that: (a) 50 percent of the front façade be located at the minimum front yard of 6 feet ("**Front Façade Requirement**"); and that (b) the maximum front yard be 15 feet ("**Maximum Front Yard Requirement**") (collectively, the "**Requirements**"). Although the Code makes reference to "*the* front façade," suggesting that the facades facing front yards be considered cumulatively for purposes of meeting the Front Façade Requirement, the City issued a determination that each individual façade must meet the Front Façade Requirement ("**Exhibit B**"). The reason for this request is to accommodate easements along the Commerce and Beatrice frontages, to allow feasible constructability along the unique curvature of the Beckley frontage, and to allow for a courtyard adjacent to the dead end portion of the Beatrice frontage, as shown on the Site Plan. The Property is currently zoned PD-714.

The Board may grant a variance from a front yard requirement where: (1) literal enforcement of the Code would result in unnecessary hardship and so that the spirit of the Code is met; (2) the variance is necessary to permit development of a parcel that is restricted by area, shape, or slope such that it cannot be developed in a manner commensurate with the development of other parcels of land with the same zoning; and (3) the variance is not granted to relieve a self-created hardship. (City Code, Section 51A-3.102(d)(10)).

As further discussed below, this Request concerns a fact situation where: (1) literal enforcement of the Code would cause the Project to encroach upon easements along both Commerce and Beatrice and would require highly inefficient and impractical construction of the Beckley facade, despite the fact that the Project's cumulative front facade satisfies the Front Façade Requirement; (2) the Property is a corner lot confined by six front yards and burdened by angled and curved frontages along Commerce and Beckley; and (3) Pollack Shores has not created the hardship.

I. Front Façade Requirement (Sec. 51P-714.108(c)(1)(A)).

A. A Variance from the Front Façade Requirement Will Grant Relief From Unnecessary Hardship and Observe the Spirit of the Code, Because Literal Enforcement Would Cause the Project to Encroach Upon Two Easements and Render Constructability Impractical, and the Project's Cumulative Front Façade Satisfies the Front Façade Requirement.

Pollack Shores requests a variance from the Front Yard Requirement for the frontages along Commerce, Beckley, and a small portion of Beatrice. As indicated on the Site Plan, the Project's cumulative front façade satisfies the Front Yard Requirement. Pollack Shores is only seeking this variance based on the City's determination that each individual façade facing a front yard must meet the Front Façade Requirement.

1. West Commerce Frontage.

The City requires that a water easement be dedicated on the Property in between the minimum and maximum front yards along more than 50% of the Commerce frontage (the "**Water Easement**"). Literal enforcement of the Front Façade Requirement would force Pollack Shores to violate the Water Easement by constructing a building on top of the Easement. Satisfying the Front Façade Requirement along Commerce is literally impossible without subjecting Pollack Shores to liability. The proposed Commerce façade will be pulled as close to the minimum front yard as practicable while complying with the Water Easement, therefore satisfying the spirit of the ordinance, which calls for buildings to front the street and to create an "overall urban feel" (Sec. 51P-714.103(a)(1)) ("**Spirit of the Ordinance**").

2. Beckley Frontage.

As discussed above, the Project includes a realignment of Beckley (the "**Realignment**"). The Realignment calls for curvatures of the portion of Beckley abutting the east side of the Project, resulting in a curved and irregularly shaped frontage along Beckley. Literal enforcement of the Front Yard Requirement would require Pollack Shores to construct an irregular, impractical façade to maintain a 6-foot front yard along the Beckley frontage. As shown on the Site Plan, the proposed façade along Beckley will only vary a few feet from the minimum front yard, therefore satisfying the Spirit of the Ordinance.

3. Beatrice Frontage.

As discussed above and as shown on the Site Plan, the Project includes the abandonment of a portion of Beatrice (the "**Abandonment**") and the dedication of a utility/access easement between Beatrice and Beckley (the "**Access Easement**"). The Abandonment and Access Easement dedication will result in leaving a small front yard abutting the width of Beatrice at its northern dead-end ("**Beatrice Frontage**"). Literal enforcement of the Front Façade Requirement would require Pollack Shores to violate the Access Easement by constructing a building on top of the Access Easement. Furthermore, this portion of the Beatrice Frontage is practically treated as the rear of the building in that it abuts the dead-end of an interior street and is not visible from the main thoroughfares of Commerce and portions of Beckley, nor from Langford Street and Wink Street. Accordingly, granting the variance will preserve the Spirit of the Ordinance.

B. The Property Cannot be Developed in a Manner Commensurate With the Development Upon Other Parcels of the Same Zoning, Because the Property is Restricted by 6 Front Yards and a Curved Frontage Along Beckley.

The Request is necessary to permit development of the Property, because its unique physical characteristics prevent it from being developed in a like manner as other properties zoned PD 714. Firstly, unlike similarly situated properties in PD 714, the Property is restricted by 5 street frontages, creating 6 front yards (2 of which will be encumbered by easements) that prevent Pollack Shores from satisfying the Front Façade Requirement. Secondly, the Property is restricted by its curved frontage along realigned Beckley, which hinders constructability for purposes of satisfying the Front Façade Requirement. An aerial photo reveals that no other property in PD 714 has both 6 front yards and an irregularly curved frontage ("**Exhibit C**"). The unique shape of the Property and its numerous front yards thus pose architectural obstacles that prevent Pollack Shores from satisfying the Front Façade Requirement.

This Request would allow Pollack Shores to develop the Property in a manner commensurate with similarly zoned property, despite its unique physical limitations.

C. Pollack Shores Did Not Create the Hardship, Because It Has Not Altered the Physical Characteristics of the Property, and the Project's Cumulative Front Façade Satisfies the Front Yard Requirement.

Not only did Pollack Shores not create this hardship, but the Project's cumulative front façade satisfies the Front Yard Requirement, as shown on the Site Plan.

II. Maximum Front Yard Requirement (Sec. 51P-714.108(c)(1)(B)).

Pollack Shores also requests a variance from the Maximum Front Yard Requirement only along the portion of the Beatrice Frontage that abuts the width of Beatrice at its northern dead-end. It is worth noting that apart from the small Beatrice facade, the entire Project meets the Maximum Front Yard Requirement.

Similar to the above, literal enforcement of the Maximum Setback Requirement would require Pollack Shores to violate the Access Easement by constructing a building on top of the Easement. Furthermore, this portion of the Beatrice Frontage is practically treated as the rear of the building in that it abuts the dead-end of an interior street and is not visible from the main thoroughfares of Commerce and portions of Beckley, nor from Langford Street and Wink Street. No surface parking or other structures are situated in between the right-of-way and the proposed building, therefore ensuring that the Project will maintain an urban feel. Accordingly, granting the variance will preserve the Spirit of the Ordinance.

The request is necessary to permit development of the Property, because unlike other property in PD 714, the Property is restricted by 6 front yards, is irregularly shaped, and contains a curved frontage along Beckley.

Lastly, Not only did Pollack Shores not create this hardship, but the Project's cumulative front façade satisfies the Maximum Front Yard Requirement.

Conclusion

Pollack Shores respectfully requests the Board to grant a variance from the Requirements that (a) 50 percent of the front façade be located at the minimum front yard of 6 feet and (b) the maximum front yard be 15 feet for the frontages discussed above in order to allow development in accordance with the proposed site plan. As discussed above, granting this request: (1) will provide relief to unnecessary hardship and observe the spirit of the Code; (2) is necessary to permit development of the Property otherwise constrained by unique physical characteristics; and (3) will not relieve a self-created hardship. Pollack Shores is agreeable to conditions of approval including adherence to a site plan. The enhancements will allow Pollack Shores to

Steve Long
August 24, 2017
Page 5

develop quality apartments and related improvements that will benefit the surrounding neighborhood.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

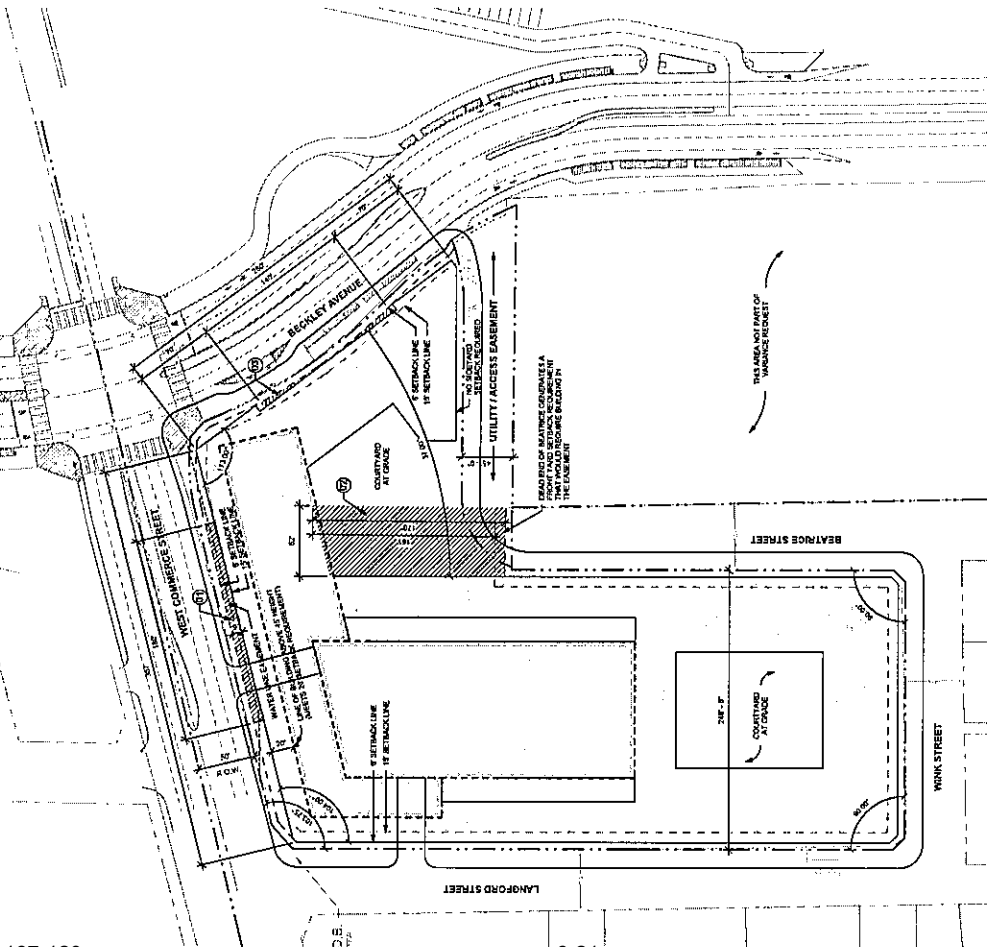
A handwritten signature in blue ink, appearing to read "David Martin". The signature is written in a cursive style with a blue ink color.

David Martin

Steve Long
August 24, 2017
Page 6

Exhibit A

Site Plan



LEGEND

- ▨ BUILDING FOOTPRINT
- ▬ VARIANCE REQUESTED
- ▬ PROPERTY LINE
- ▬ 5' MINIMUM SETBACK LINE (FOR FRONT YARD; 50% OF FACADE REQUIRED AT THIS LINE)
- ▬ 15' MAXIMUM SETBACK (FOR FRONT YARD)
- ▬ LINE OF WATERLINE EASEMENT
- ▬ OUTLINE OF BUILDING ABOVE 45' HEIGHT (MEETS 20' SETBACK REQUIREMENT)

SITE PLAN NOTES - REQUESTED VARIANCES

- ① TOTAL FRONT YARD ALONG WEST COMMERCE: +/- 397'
VARIANCE REQUESTED: 9' VARIANCE FROM 8' SETBACK LINE FOR 80% (+/- 190') OF FRONT YARD FACADE.
- ② TOTAL FRONT YARD ALONG NORTH PROPERTY LINE OF BEATRICE ST.: +/- 62'
VARIANCE REQUESTED:
(A) 17' MAXIMUM VARIANCE FROM 8' SETBACK LINE FOR 50% OF FRONT YARD FACADE
(B) 17' MAXIMUM VARIANCE FROM 15' SETBACK LINE FOR 100% OF FRONT YARD FACADE ALONG NORTH PROPERTY LINE AT THE END OF BEATRICE STREET.
- ③ TOTAL FRONT YARD ALONG SECULEY AVENUE: +/- 286' (NON-LINEAR)
VARIANCE REQUESTED: 1' MINIMUM TO 7' MAXIMUM VARIANCE FROM 8' SETBACK LINE FOR 50% (+/- 140') OF THE TOTAL FRONT YARD FACADE ALONG SECULEY AVENUE.

ZONING NOTES & REQUIREMENTS

- TOTAL SITE: 4.73 ACRES
- ZONING: PD TH - SUBDISTRICT 1A
- FRONT YARD:
 - A. 15' MINIMUM SETBACK
 - B. 50% OF FACADE AT MIN. SETBACK
 - C. 20' ADDITIONAL SETBACK FOR BUILDING HEIGHT ABOVE 45'
- SIDE AND REAR YARD:
 - A. 5' PER 2' OF HEIGHT ABOVE 45'
- LOT COVERAGE:
 - A. MAX. OF 80%
 - B. 70% LOT COVERAGE SHOWN / PROPOSED ON SITE PLAN
- FAR:
 - A. USE CATEGORY: MUPR-2 (WITH RES.)
 - B. MAX FAR OF 3.0
 - C. 2.0 FAR SHOWN / PROPOSED ON SITE PLAN



**BOARD OF ADJUSTMENT
ZONING VARIANCE EXHIBIT**
Pollack, Shores - West Commerce
Dallas, Texas

Job #: 17111
Date: 08/23/17
Drawn by: CH, ELB

2808 Fulmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500
3300 West 7th Street, Suite 110
Fort Worth, Texas 75107 | 817.303.1500

Steve Long
August 24, 2017
Page 7

Exhibit B

City Determination Letter



CITY OF DALLAS

August 4, 2017

David Martin
Winstead
2728 N. Harwood Street
Dallas, TX 75201

RE: Zoning Determination Request; Southwest corner of West Commerce Street and Beckley Avenue

Dear Mr. Martin:

As detailed in your letter dated August 3, 2017 and attached, you have requested a written determination pertaining to front yard designations, façade location and front yard requirements, and Board of Adjustment options pertaining to a parcel zoned Subdistrict 1A within PDD No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District.

The attached site plan details the area in blue as an access easement. A final determination of this cannot be made until the Engineering Division of Sustainable Development and Construction approve the type of easement for this proposed development. If this area is approved as an access easement only, not a street easement or right-of-way dedication, this portion of the lot will be considered a side yard for purposes of setback compliance.

Sec.51P-714.108(c)(1)(A) Front yard, states: Minimum front yard is six feet. At least 50 percent of the front façade must be at the minimum front yard setback. Sec.51P-714.104(3) defines FRONT FAÇADE as the primary building elevation facing the front yard. Sec.51A-2.101(40) defines FRONTAGE as the length of property along one side of the street between property or lease boundary lines. Sec.51A-2.101(41) defines a FRONT YARD as that portion of a lot which abuts a street and extends across the width of the lot between the street and the setback line. The official interpretation of this requirement in regards to the front yard is each street frontage that creates a front yard is to meet the ordinance requirement individually not cumulatively. The attached site plan indicates that the West Commerce Street and Beckley Avenue frontage are not in compliance with Sec.51P-714.108(c)(1)(A) individually.

This development does have the option to go to the Board of Adjustment and ask for a variance to the front yard setback requirement. Sec.51A-3.102(d)(10) details the powers and duties of the Board of Adjustment and is described below.

A variance cannot 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 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. The variance cannot be 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.



CITY OF DALLAS

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations.

If you have any further questions please contact me at 214-948-4476 or kiesha.kay@dallascityhall.com.

Respectfully,

A handwritten signature in blue ink that reads "Kiesha M. Kay".

Kiesha Kay
Senior Planner
Building Inspection Division

cc: Megan Wimer, Chief Planner

August 3, 2017

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

David Martin
direct 214.745.5440
email dmartin@winstead.com

VIA HAND DELIVERY

Kiesha Kay
Senior Planner
City of Dallas
320 E. Jefferson Street
Dallas, Texas 75203

Re: Determination Request – Front Yard – PD 714 – SW corner of Commerce St.
and Beckley Ave.

Dear Kiesha,

The purpose of this letter is to confirm that the project depicted in the attached site plan ("Project") complies with the front yard requirement in Section 51P-714.108(c)(1)(A), which requires that 50% of the front façade be located at the minimum front yard of 6 feet.

As an initial question:

- (1) *If the property adjacent to the south façade of the Project between Beatrice and Beckley (highlighted in blue on the site plan) is dedicated as an "Access and Utility Easement", will a front yard setback apply for that portion of the Project?*

Section 51P-714.104(3) defines "front façade" as "the primary building elevation facing the front yard." As shown on the site plan, the Project is one building with multiple front yards. It is our position that by referring to "**the** front façade," Section 51P-714(c)(1)(A) envisions a single building with multiple front yards to have only one front façade. Thus, the length of the Project's front façade is the sum of the building's frontages along Commerce, Beckley, Beatrice, Wink, and Langford. When read in this manner, the attached site plan demonstrates that approximately 60% of the Project's front façade is located at the minimum front yard of 6 feet (See site plan "Legend" for "portion of façade meeting 6' minimum setback requirement" and "Zoning Plan Note 1B.").

- (2) *Does the Project comply with the requirement in Section 51P-714.108(c)(1)(A) that 50 percent of the Project's front façade be located at the minimum front yard ("Front Yard Setback")?*

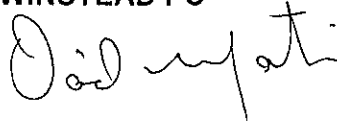
As discussed above, the Project is in a Planned Development District.

- (3) *If the Project does not comply with Section 51P-714.108(c)(1)(A), may the property owner appeal to the Board of Adjustment for a variance from the Front Yard Setback based on the unique shape of the owner's property? (Note: if the answer to question 2 is "yes," we do not need an answer to this question).*

Enclosed with this letter is a check made payable to the City of Dallas in the amount of \$100.00. It is understood that additional payment for time spent researching the answer to the questions posed in this request may be required. At your earliest convenience, please provide a letter responsive to the questions along with a final invoice. Please do not hesitate to contact me should you need any further information.

Sincerely,

WINSTEAD PC

A handwritten signature in black ink, appearing to read "David Martin", written in a cursive style.

David Martin

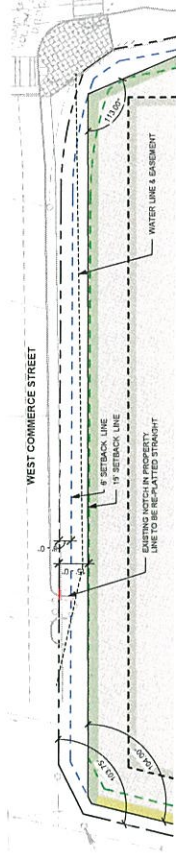
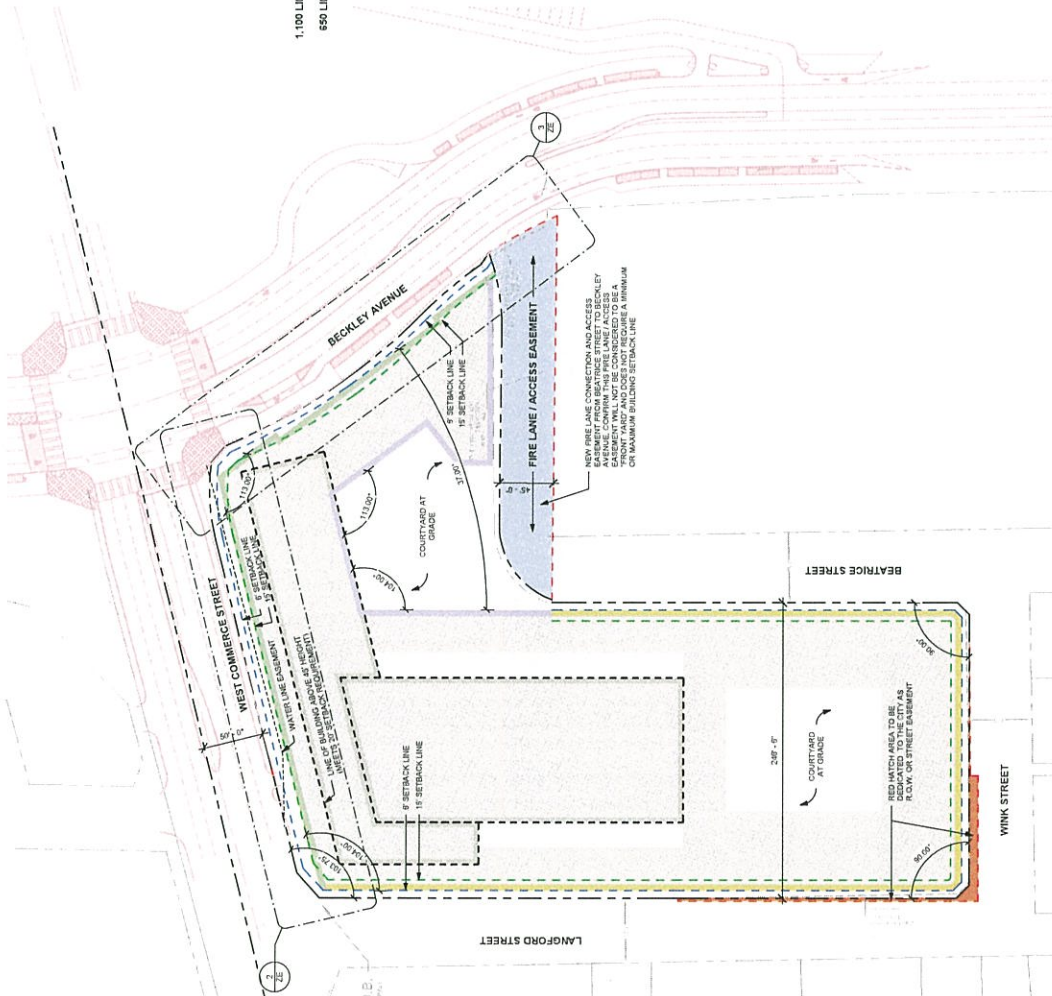
ZONING PLAN NOTES

- 1A. 50% MINIMUM OF FRONT YARD FACADE IS REQUIRED TO BE AT THE 5' MINIMUM SETBACK REQUIREMENT.
- 1B. 60% OF FRONT YARD FACADE MEETS THE 5' MINIMUM SETBACK REQUIREMENT. REFER TO LEGEND FOR ADDITIONAL INFORMATION.
- 2. 100% OF FRONT YARD FACADE MEETS 15' MAXIMUM BUILDING SETBACK REQUIRED.
- 3. CITY TO CONFIRM FIRE LANE / ACCESS EASEMENT BETWEEN BEATRICE STREET AND BECKLEY AVENUE.

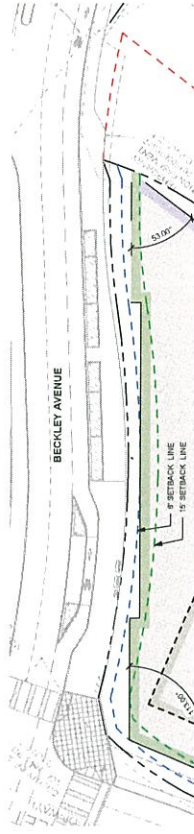
LEGEND

- BUILDING FOOTPRINT
- AREA TO BE DEDICATED TO THE CITY AS R.O.W. OR STREET EASEMENT
- AREA TO BE RE-PLATTED FOR NEW BEATRICE CONNECTION TO BECKLEY AVENUE
- PORTION OF EXISTING PROPERTY LINE TO BE REMOVED / REVISED
- 5' MINIMUM SETBACK LINE (FOR FRONT YARD; 50% OF FACADE REQUIRED AT THIS LINE)
- 15' MAXIMUM SETBACK (FOR FRONT YARD)
- LINE OF BUILDING ABOVE 45' HEIGHT (20' SETBACK REQUIRED)
- PORTION OF FACADE MEETING 6' MINIMUM SETBACK REQUIREMENT
- PORTION OF FACADE NOT AT 6' SETBACK BUT MEETING 15' MAXIMUM SETBACK REQUIREMENT (CITY TO CONFIRM)
- PORTION OF FACADE NOT REQUIRED TO MEET FRONT YARD SETBACK (CITY TO CONFIRM)
- LINE OF WATER-LINE EASEMENT

1,100 LINEAR FEET
650 LINEAR FEET



② West Commerce Street - Enlarged
1" = 30'-0"



③ Beckley Avenue - Enlarged
1" = 30'-0"



ZONING EXHIBIT

Pollack Shores - West Commerce
Dallas, Texas

Job # - 17111

Date: 07/28/17

Drawn by: CH, ELB

2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

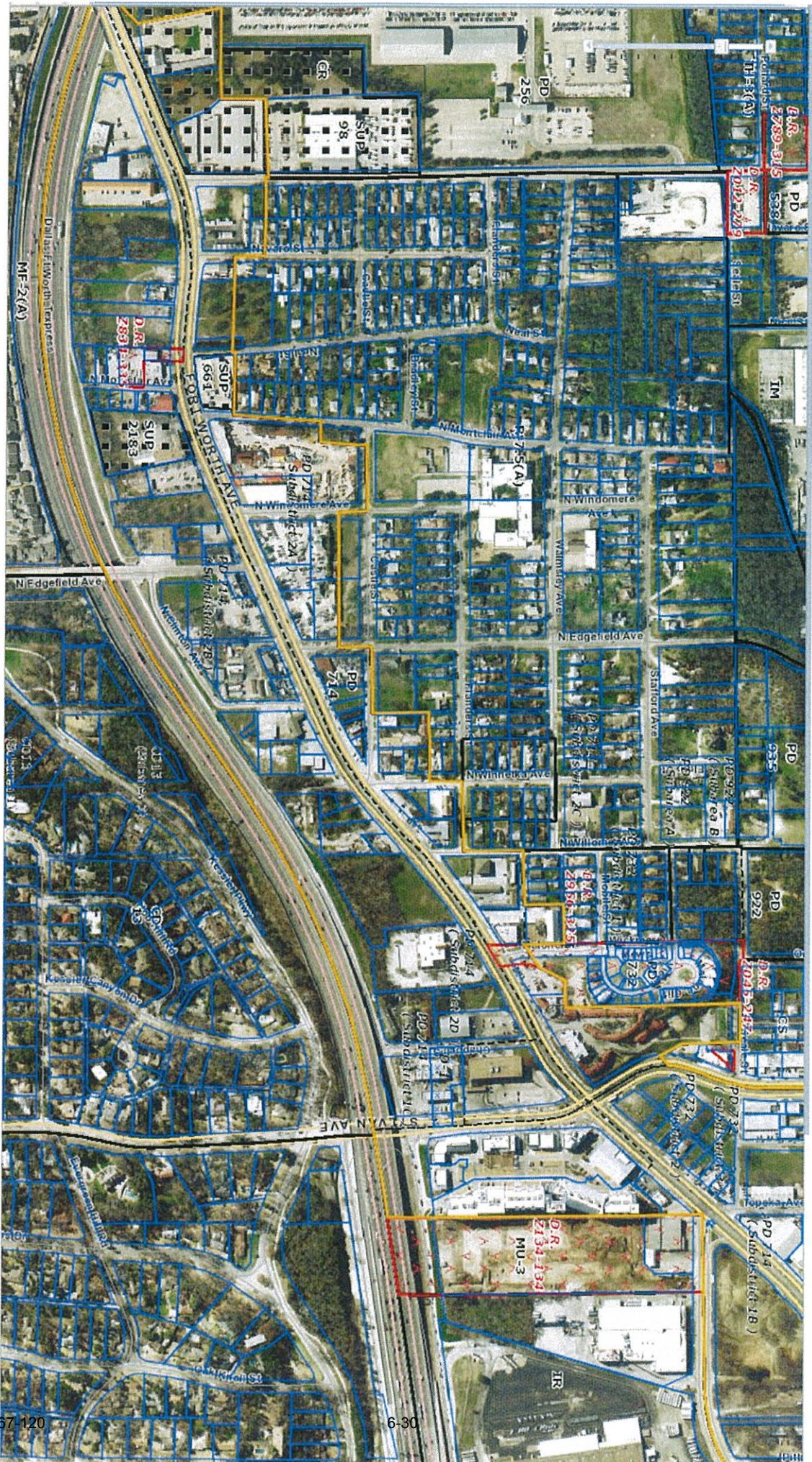
3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

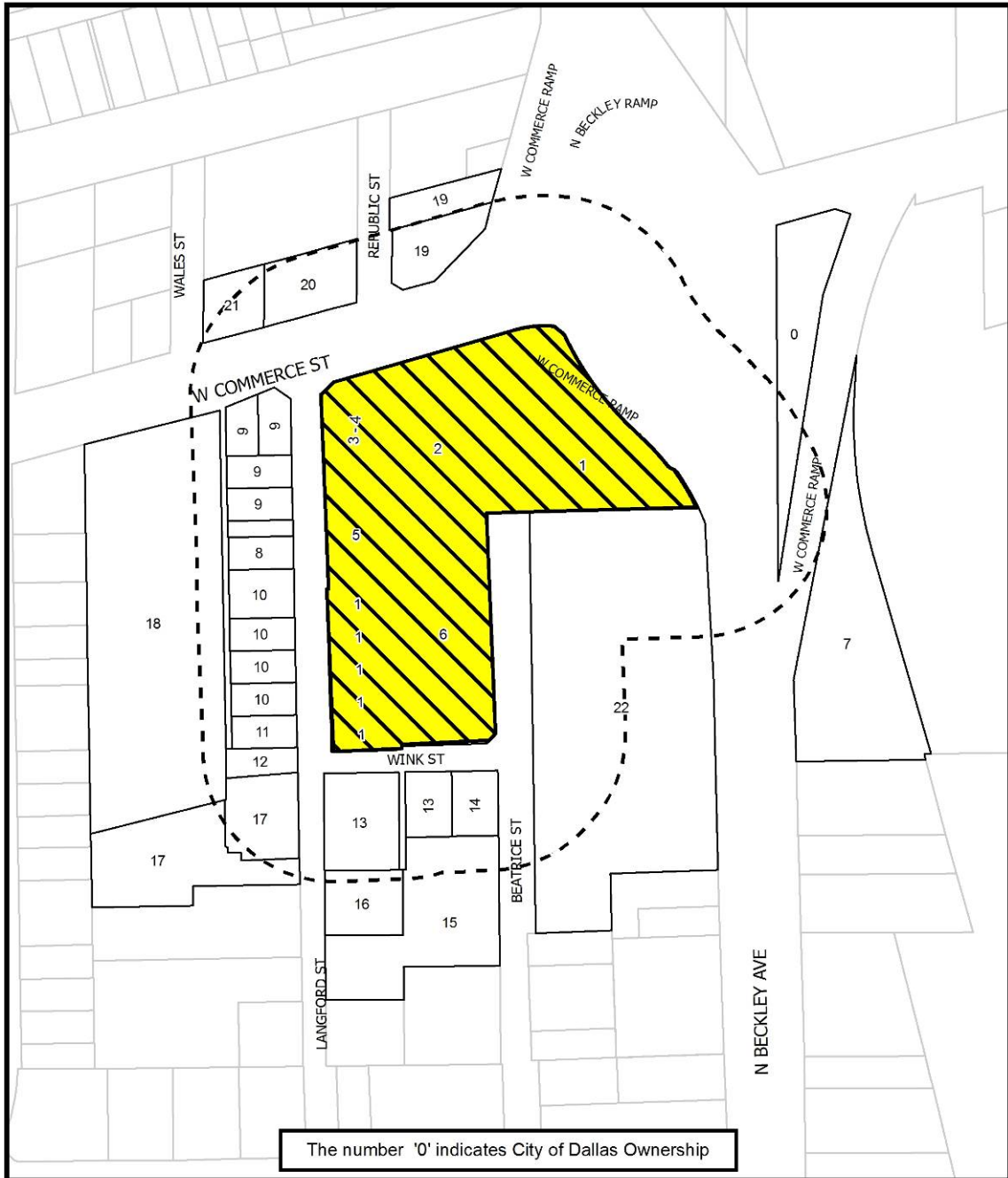
Exhibit C

Aerial



 = Property





The number '0' indicates City of Dallas Ownership

 1:2,400	<h2>NOTIFICATION</h2>	Case no: BDA167-120
	<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;">22</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 10/27/2017

Notification List of Property Owners

BDA167-120

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2420 LANGFORD ST	WEST COMMERCE INVESTMENTS LLC
2	2439 BEATRICE ST	WEST COMMERCE INVESTMENTS LLC
3	218 W COMMERCE ST	WEST COMMERCE INVESTMENTS LLC
4	218 W COMMERCE ST	WEST COMMERCE INVESTMENTS LLC
5	2426 LANGFORD ST	WEST COMMERCE INVESTMENTS LLC
6	2415 BEATRICE ST	WEST COMMERCE INVESTMENTS LLC
7	2332 N BECKLEY AVE	RSDC LLC &
8	2419 LANGFORD ST	PENSKE TRUCK LEASING CO LP
9	224 W COMMERCE ST	JC GOODMAN INVESTMENT GROUP INC
10	2423 LANGFORD ST	DP LANGFORD 2411 LLC
11	2403 LANGFORD ST	OLIVERA VIRGINIA
12	2347 LANGFORD ST	ORNELAS ADRIAN T &
13	212 WINK ST	COOPER DEWAYNE
14	2343 BEATRICE ST	COOPER L DEWAYNE
15	2327 BEATRICE ST	QUIRL FAMILY FIRST LTD PS
16	2330 LANGFORD ST	QUIRL FAMILY FIRST LTD
17	2341 LANGFORD ST	JC GOODMAN INVESTMENT GROUP INC
18	234 W COMMERCE ST	PENSKE TRUCK LEASING CO LP
19	2511 N BECKLEY AVE	COMMERCE PPTIES WEST LC
20	201 W COMMERCE ST	WEEMPE DONALD G &
21	215 W COMMERCE ST	EASOM JIMMY L
22	2343 N BECKLEY AVE	BLANKS INVESTMENT

FILE NUMBER: BDA167-126(JM)

BUILDING OFFICIAL'S REPORT: Application of Stefan Kesler for special exceptions to the fence standards and visual obstruction regulations at 411 Avenue G. This property is more fully described as Lot 37, Block 3/4653, and is zoned R-5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence standards, and to locate and maintain items in required visibility triangles, which will require special exception to the visual obstruction regulations.

LOCATION: 411 Avenue G

APPLICANT: Stefan Kesler

REQUEST:

The following requests have been made on a site that is developed with a single family home:

1. A request for a special exception to the fence standards related to height of up to 2' is made to maintain a fence (a 5' high wrought iron fence with a 6' high wrought iron driveway gate) higher than 4' in height in the site's required front yard along Avenue G; and,
2. Requests for special exceptions to the visual obstruction regulations are made to maintain portions of the aforementioned up to 6' high wrought iron fence and gate in the two, 20' visibility triangles on both sides of the driveway into the site from Avenue G.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

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 (fence standards):

No staff recommendation is made on this or any request for a special exception to the fence standards 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.

STAFF RECOMMENDATION (visual obstruction special exceptions):

Denial

Rationale:

- The Sustainable Development Department Assistant Director of Engineering recommends that these requests be denied.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be denied because the applicant had not substantiated how the items proposed to be located in the visibility triangles do not constitute a traffic hazard.

Zoning:

Site: R-5(A) (Single family residential 5,000 square feet)
North: R-5(A) (Single family residential 5,000 square feet)
South: R-5(A) (Single family residential 5,000 square feet)
East: R-5(A) (Single family residential 5,000 square feet)
West: R-5(A) (Single family residential 5,000 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The request for a special exception to the fence standards related to height of up to 2' focuses on maintaining a 5' high wrought iron fence with a 6' high wrought iron driveway gate on a site developed with a single family home.
- The subject site is zoned R-5(A) which requires a 20' front yard setback.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located along the west line of Avenue G.
- The applicant has submitted a site plan and an elevation of the proposal/existing fence in the required front yard indicating that the proposal reaches a maximum height of 6'. (The submitted site plan shows a different location for the sliding gate and a portion of the surrounding fence when compared to what exists and what was requested with this application).
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 50' in length parallel to Avenue G and approximately 20' perpendicular to Avenue G on the north and south sides of the site in the front yard setback.
 - The proposal is represented as being located approximately along the property line parallel to the Avenue G front property line or approximately 6' from the pavement line.
- The Board Senior Planner conducted a field visit of the site and surrounding area from Sanderson Avenue to E. 11th Street (all along Avenue G) and noted **9 other fences** that appeared to be above 4' in height and located in a front yard setback. None of the properties have BDA history.
- As of November 3, 2017, no letters had been submitted in support/opposition of the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards of up to 2' will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal/existing fence exceeding 4' in height in the Avenue G required front yard to be maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations focus on maintaining portions of a 5' high wrought iron fence with a 6' high wrought iron sliding driveway gate in two 20' visibility triangles at the driveway into the site on Avenue G.
- 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

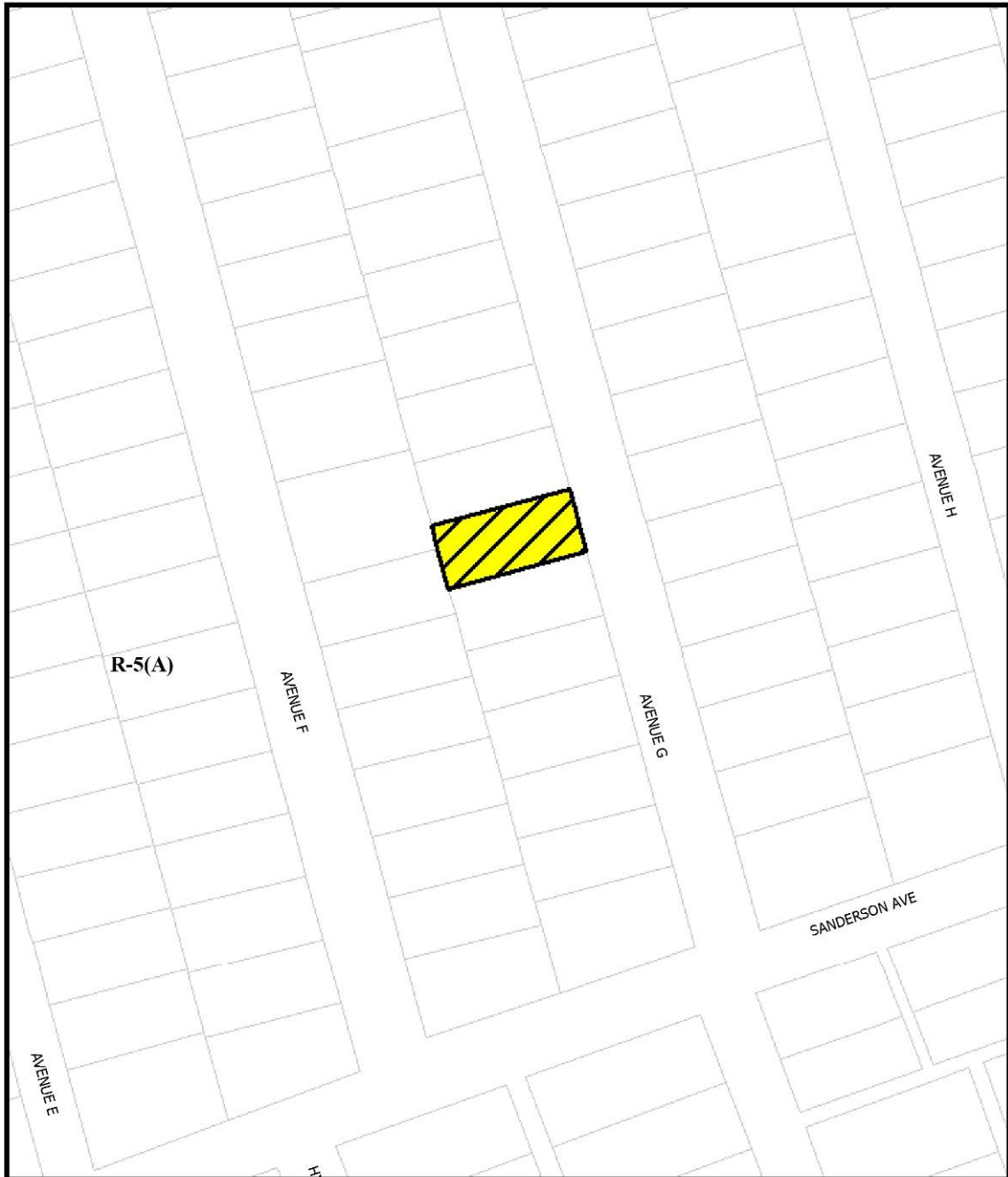
- between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a site plan and an elevation representing a 5' high wrought iron fence with a 6' high wrought iron sliding driveway gate in two, 20' visibility triangles at the driveway into the site on Avenue G.
- On November 2, 2017, the Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Recommends that this be denied" with the following additional comment: "The proximity of the fence gate to the street will adversely affect neighboring properties by creating a traffic hazard due to blocking the travel lane while waiting for the gate to open. The portion of the gate in the visibility triangle therefore creates a traffic hazard."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of a 5' high wrought iron fence with a 6' high wrought iron sliding driveway gate in two 20' visibility triangles at the driveway into the site on Avenue G do not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the revised site plan and elevation would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents. The existing plan identifies the fence/sliding gate in a different location than what exists or is described per the application. If the board considers approving the requests and the applicant intended to keep what exists, a revised site plan is required OR the fence would have to comply with the submitted site plan.

Timeline:

- September 20, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 6, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- October 12, 2017: The Board Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd 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 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

November 2, 2017: The Sustainable Development Department Assistant Director of Engineering has submitted a review comment sheet marked "Recommends that this be denied" with the following comment: "The proximity of the fence gate to the street will adversely affect neighboring properties by creating a traffic hazard due to blocking the travel lane while waiting for the gate to open. The portion of the gate in the visibility triangle therefore creates a traffic hazard." (see Attachment A).



1:1,200

ZONING MAP

Case no: BDA167-126

Date: 10/24/2017



1:1,200

AERIAL MAP

Case no: BDA167-126

Date: 10/24/2017

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING NOVEMBER 13, 2017 (C)

Has no objections

Has no objections if certain conditions
are met (see comments below or attached)

Recommends that this be denied
(see comments below or attached)

No comments

BDA 167-116(SL)

BDA 167-120(SL)

BDA 167-126(JM)

BDA 167-130(SL)

BDA 167-131(JM)

COMMENTS:

The proximity of the fence gate
to the street will adversely affect
neighboring properties by creating
a traffic hazard due to blocking
the travel lane while waiting for
the gate to open. The portion of
the gate in the visibility triangle
therefore creates a traffic hazard.

Lloyd Werman
Name/Title/Department

11-1-17
Date

Assistant Director Engineering

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-126

Data Relative to Subject Property:

Date: 9/20/17

Location address: 411 Avenue G Zoning District: R-5(A)

Lot No.: 37 Block No.: 3/4653 Acreage: .059 Census Tract: 89.00

Street Frontage (in Feet): 1) 50.11 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Hermelindo Coria

Applicant: Stefan Kesler Telephone: 214-226-6332

Mailing Address: 2915 Leeshire Dr. Zip Code: 75228

E-mail Address: stefan @ Keslerconsulting.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of 2 ft of fence/gate height, visibility triangle

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:

A 5ft high fence and a 8ft high gate will not have an adverse effect on the neighborhood. 5ft fence height is common in the neighborhood. Fence does not obstruct view since it is wrought iron. Private owner has knowledge of surroundings; not a safety hazard.

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

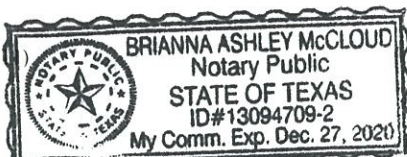
Before me the undersigned on this day personally appeared Stefan Kesler
(Affiant/Applicant's name printed)

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: Stefan Kesler
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20 day of September, 2017

Brianna Ashley McCLOUD
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 **Stefan Kesler**
 did submit a request for a special exception to the fence height regulations, and for a special
 exception to the visibility obstruction regulations
 at **411 Avenue G**

BDA167-126. Application of Stefan Kesler for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 411 Avenue G. This property is more fully described as Lot 37, Block 3/4653, and is zoned R-5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation, and to construct a single family residential fence 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

PROJECT ZONING DESCRIPTION	
DATE	9/18/17
SCALE	1/4" = 1'-0"

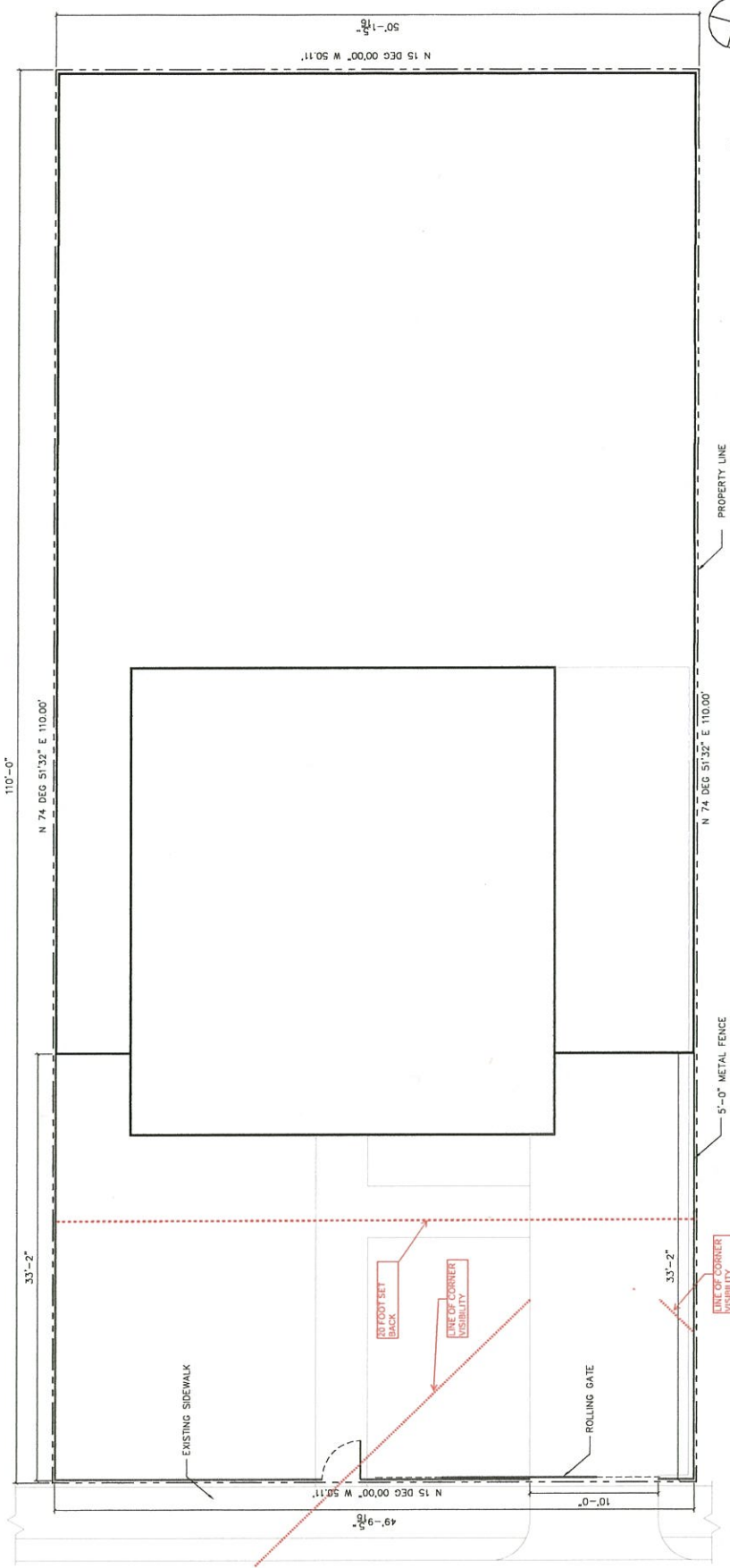
A1.0
SHEET

PROPERTY DESCRIPTION:
LOT 37, BLOCK 3/4653,
SKYLINE HEIGHTS ADDITION

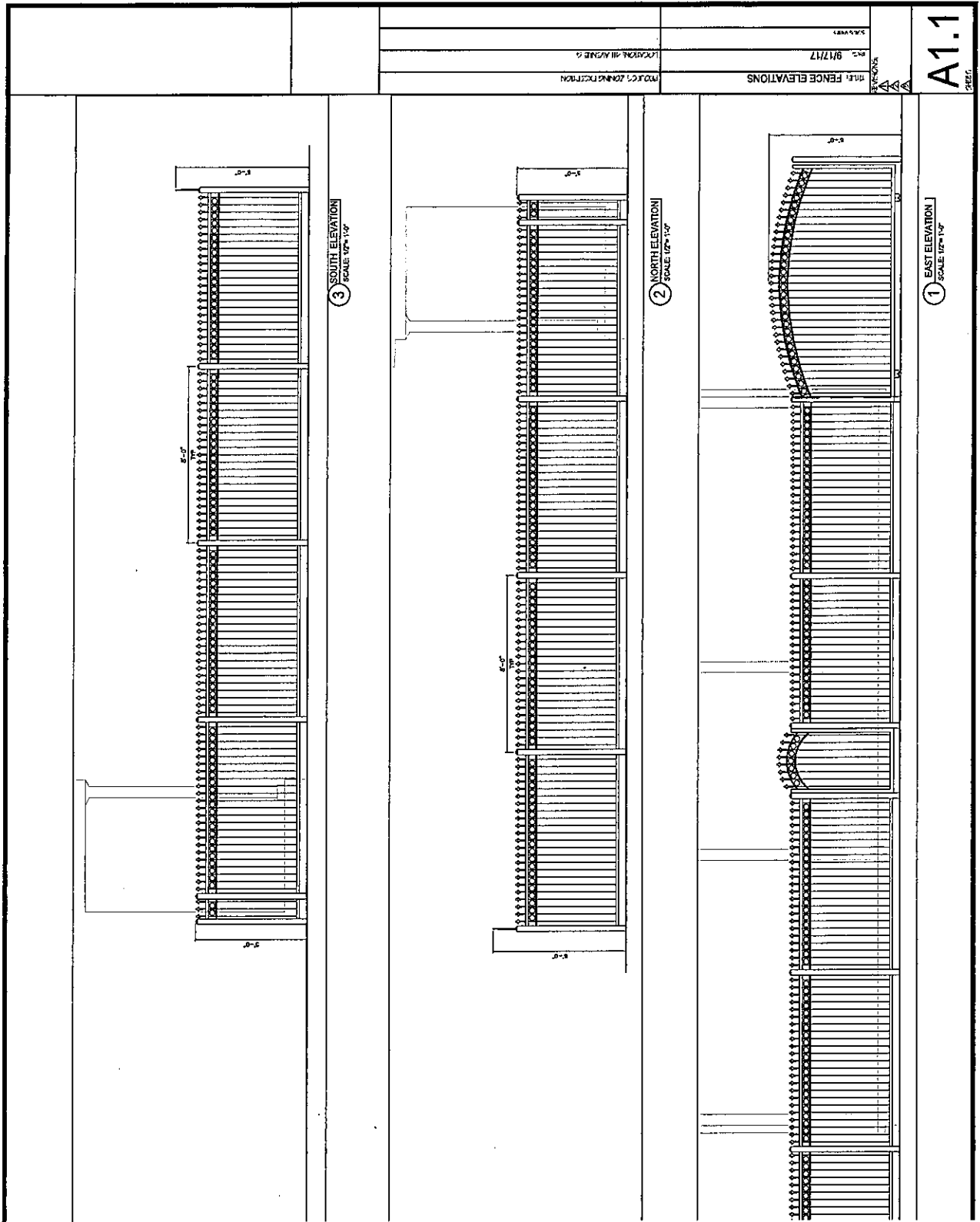
FENCE NOTES:
MAX FENCE HEIGHT = 5'-0"
FENCE LENGTH = 116'-1"

SHEET INDEX

A1.0 - SITE PLAN
A1.1 - METAL FENCE ELEVATIONS



① SITE PLAN J
SCALE: 1/4" = 1'-0"



A1.1
SHEET

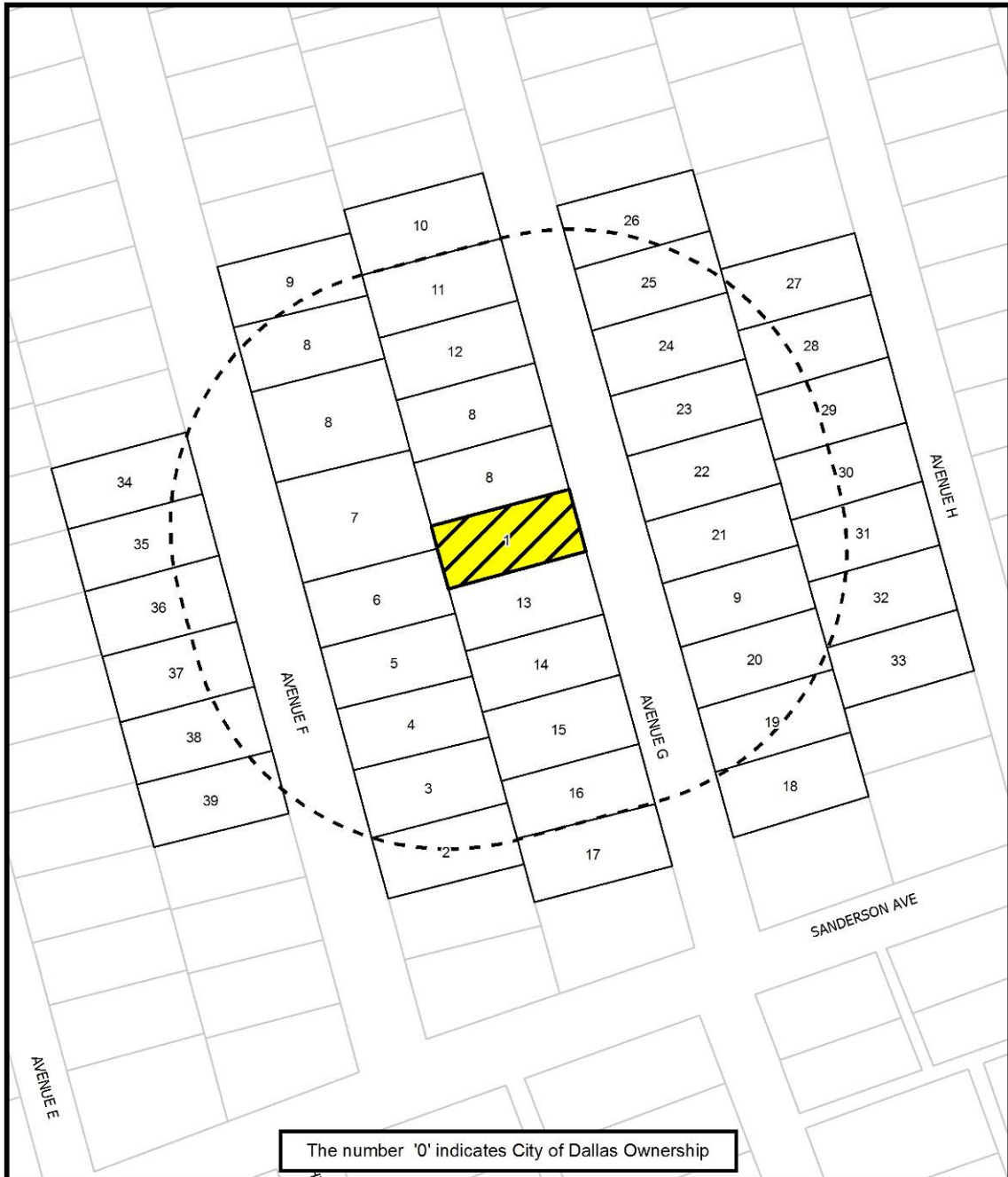
DATE: 01/17/17
PROJECT: FENCE ELEVATIONS

LOCATION: 411 AVENUE

① EAST ELEVATION
SCALE: 1/8" = 1'-0"

② NORTH ELEVATION
SCALE: 1/8" = 1'-0"

③ SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



 1:1,200	NOTIFICATION	Case no: BDA167-126			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">39</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	39	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
39	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-126

39 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	411 AVE G	CORIA HERMELINDO
2	426 AVE F	BRYANT DIAHANN &
3	424 AVE F	ANDERSON CURTIS
4	422 AVE F	THOMAS KIMBERLY D &
5	418 AVE F	DALLAS HOUSING ACQUISITION & DEV CORP
6	414 AVE F	TIMMONS JAMES
7	410 AVE F	BUTLER MATTIE
8	402 AVE F	GREATER EMMANUEL BAPTIST
9	342 AVE F	AGUILAR ISMAEL
10	339 AVE G	SMITH VERNA L
11	343 AVE G	HERNANDEZ ANGELICA
12	347 AVE G	CLARK PEGGY B LIFE ESTATE
13	415 AVE G	CALLADO GLADYS C
14	419 AVE G	PEREZ HUMBERTO C &
15	423 AVE G	TOLIVER WILLIE J &
16	427 AVE G	QUINTERO ANTONIO
17	431 AVE G	BUTLER DAIRL WAYNE &
18	430 AVE G	TOLIVER WILLIE & RAI
19	426 AVE G	WOODS JOHNNIE RUTH
20	422 AVE G	FRANKLIN STANLEY B
21	414 AVE G	TOLBERT BOBBIE
22	410 AVE G	SMITH KAREN ANITA
23	406 AVE G	AGUILAR ISMAEL &
24	402 AVE G	ULLUA JOSE CONCEPCION GONZALEZ &
25	342 AVE G	JACOB MARIE EST OF
26	338 AVE G	JACKSON JACK JR

10/24/2017

Label #	Address	Owner
27	343 AVE H	FAGAN GWENDOLYN C
28	403 AVE H	CELESTINO HERBY T
29	407 AVE H	MILES-CALLOWAY GENDOLYN
30	411 AVE H	POUNDERS STANLEY
31	415 AVE H	TRUJILLO YADIRA
32	419 AVE H	EDWARDS RUBY ETAL
33	423 AVE H	RAY SHIRLEY ANN &
34	403 AVE F	QUINONES BENITA RIOS DE
35	407 AVE F	THOMAS CHARLETTA IVEY
36	411 AVE F	SMITHHAWKINS SHIRLEY
37	415 AVE F	JAMES CLARESE
38	419 AVE F	SANDOVAL ANTONIO &
39	423 AVE F	OROZCO NEREIDA