

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, MARCH 17, 2015
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the February 17, 2015 Board of Adjustment Panel A Public Hearing Minutes	M1
---	----

UNCONTESTED CASES

BDA 145-029	5522 Falls Road REQUEST: Application of Robert Baldwin of Baldwin and Associates for special exceptions to the fence height regulations	1
BDA 145-033	4717 Miron Drive REQUEST: Application of Chris Hill for a special exception to the fence height regulations	2
BDA 145-037	100 Crescent Court REQUEST: Application of Robert Reeves of Robert Reeves and Associates for a special exception to the landscape regulations	3

HOLDOVER CASE

BDA 145-022	3133 E. Lemmon Avenue REQUEST: Application of Michael Doggett for a special exception to the landscape regulations	4
--------------------	---	---

REGULAR CASES

BDA 145-036	1139 Lufkin Street REQUEST: Application of Adelmo Becerro, represented by Elias Rodriguez, for a variance to the front yard setback regulations	5
BDA 145-039	6834 Aberdeen Avenue REQUEST: Application of Scott G. Night for a special exception to the visual obstruction regulations	6

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A February 17, 2015 public hearing minutes.

FILE NUMBER: BDA 145-029

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for special exceptions to the fence height regulations at 5522 Falls Road. This property is more fully described as Lot 3, Block 6/5607, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and limits the height of a fence in a side yard to 9 feet. The applicant proposes to construct an 11 foot 1 inch high fence in a required front yard, which will require a 7 foot 1 inch special exception to the fence height regulations and to construct a 12 foot 6 inch high fence in a required side yard, which will require a 3 foot 6 inch special exception to the fence height regulations.

LOCATION: 5522 Falls Road

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUESTS:

The following requests have been made on a site being developed with a single family home structure/use:

1. A request for a special exception to the fence height regulations of 7' 1" is made to construct and maintain a fence in the site's 40' **front** yard setback that will reach 11' 1" in height; and
2. A request for a special exception to the fence height regulations of 3' 6" is made to construct and maintain a fence in the site's 10' **side** yard setback on the east side of the site that will reach 12' 6" in height.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac (A) (Single family district 1 acre)

North: R-1ac (A) (Single family district 1 acre)

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

Land Use:

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

Zoning/BDA History:

1. BDA 967-290, Property at 9750 Hollow Way Road (two lots west of the subject site)

On September 15, 1997, the Board of Adjustment Panel C granted requests for special exceptions to the fence height and visual obstruction regulations. The Board imposed the following conditions to these requests: compliance with the submitted elevation plan, and the amended site/landscape plan indicating no fence located in the Falls Road/Hollow Way Road visibility triangle is required. (This does not authorize the use of public right of way or authorize a license to use the public right-of-way for landscape materials).

The case report stated the requests were made to construct and maintain a 6' high open wrought iron fence with 6.5' high brick columns, and a 7' high open wrought iron pedestrian gate primarily along Hollow Way Road with a small length of fence along Falls Road, and to locate/maintain a small portion of the proposed fence, columns, and landscape materials in the drive approach visibility triangles into the site from Hollow Way Road and Falls Road.

GENERAL FACTS/STAFF ANALYSIS (front yard fence height special exception):

- This request focuses on constructing and maintaining the following in the 40' front yard setback:
 - Parallel to the street: an approximately 90' long, 5' high open wrought iron fence with two entry features that include 8' high open wrought iron gates flanked by 6' – 7' high masonry walls and caps;

- Perpendicular to the street on the east side: an approximately 38' long, 5' high open wrought iron fence, with 6'- 7' high masonry columns.
- Perpendicular to the street on the west side: an approximately 23' long, 5' high open wrought iron fence, and an approximately 15' long, 10' 7" high fence (8' wood fence atop a 2' 7" high retaining wall) with 11' 1" high masonry columns.
- 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 revised site plan/elevation of the proposal in the **front** yard setback indicating that it reaches a maximum height of 11' 1".
- The following additional information was gleaned from the submitted revised site plan:
 - The fence proposal is represented as being approximately 90' in length parallel to the street including two recessed entryway features.
 - The fence proposal is represented as being located approximately 2' from the front property line or about 14' from the pavement line.
 - The gate proposal is represented as being located approximately 5' from the front property line or about 17' from the pavement line.
- The fence proposal is located on the site where one lot would have direct/indirect frontage to it with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area (Falls Road between Hollow Way Road and Hathaway Street) and noted one other visible fence above 4 feet high which appeared to be located in a front yard setback – an approximately 6' high open wrought iron fence located two lots to the west of the subject site. The Board of Adjustment granted a fence height special exception on this property (BDA 967-290) in 1997 (see the "Zoning/BDA History" section of this case report for additional details).
- As of March 9, 2015, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 7' 1" will not adversely affect neighboring property.
- Granting this special exception of 7' 1" with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the **front** yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

GENERAL FACTS/STAFF ANALYSIS (side yard fence height special exception):

- This request focuses on constructing and maintaining the following in the 10' **side** yard setback on the east side of the site: an approximately 70' long, 12' 6" high masonry fence with 12' 6" high columns.
- The Dallas Development Code states that in all residential districts except multifamily districts, a person shall not erect or maintain a fence in a required yard more than 9' above grade. 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 revised site plan/elevation of the proposal in the **side** yard setback on its east side indicating that it reaches a maximum height of 12' 6".
- The following additional information was gleaned from the submitted revised site plan:
 - The fence proposal is represented as being approximately 70' long and located approximately 2' from the eastern side property line.
- The submitted revised site plan and elevation indicates that the fence proposal in the side yard is adjacent to a 12' 6' high tennis court fence on the property to the east.
- The Board Administrator conducted a field visit of the site and properties to the east and west and noted one other visible fence above 9 feet high which appeared to be located in a side yard setback – an approximately 12' high tennis court fence located immediately east of the subject site with no recorded BDA history.
- As of March 9, 2015, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 6" will not adversely affect neighboring property.
- Granting this special exception of 3' 6" with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 9' in height in the **side** yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

Timeline:

December 17, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

February 11, 2015: The Board Administrator contacted the applicant and emailed the following information:

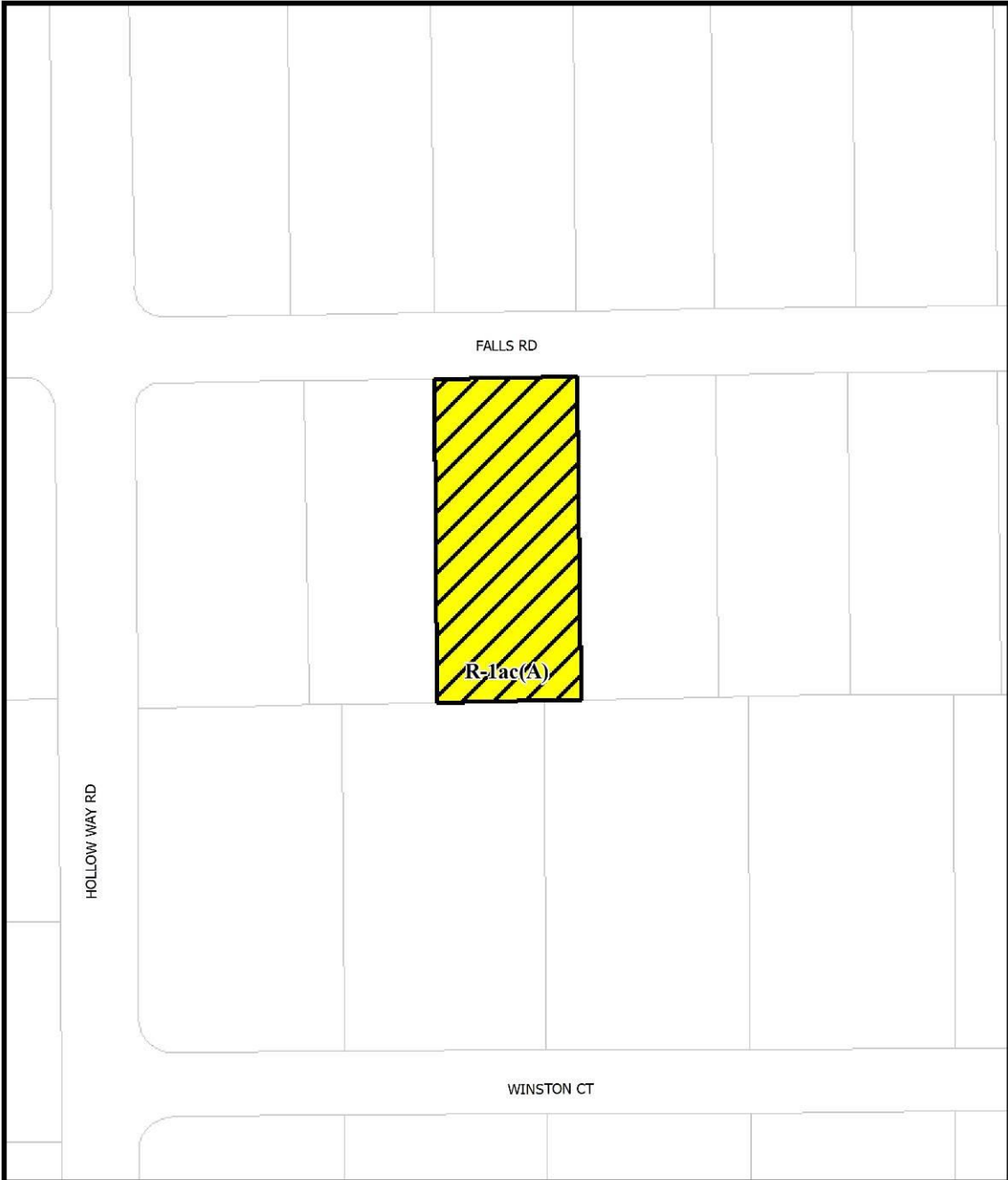
- an attachment that provided the public hearing date and panel that will consider the application; the February 25th deadline to submit additional evidence for staff to factor into their analysis; and the March 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- 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."

February 25, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public

hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

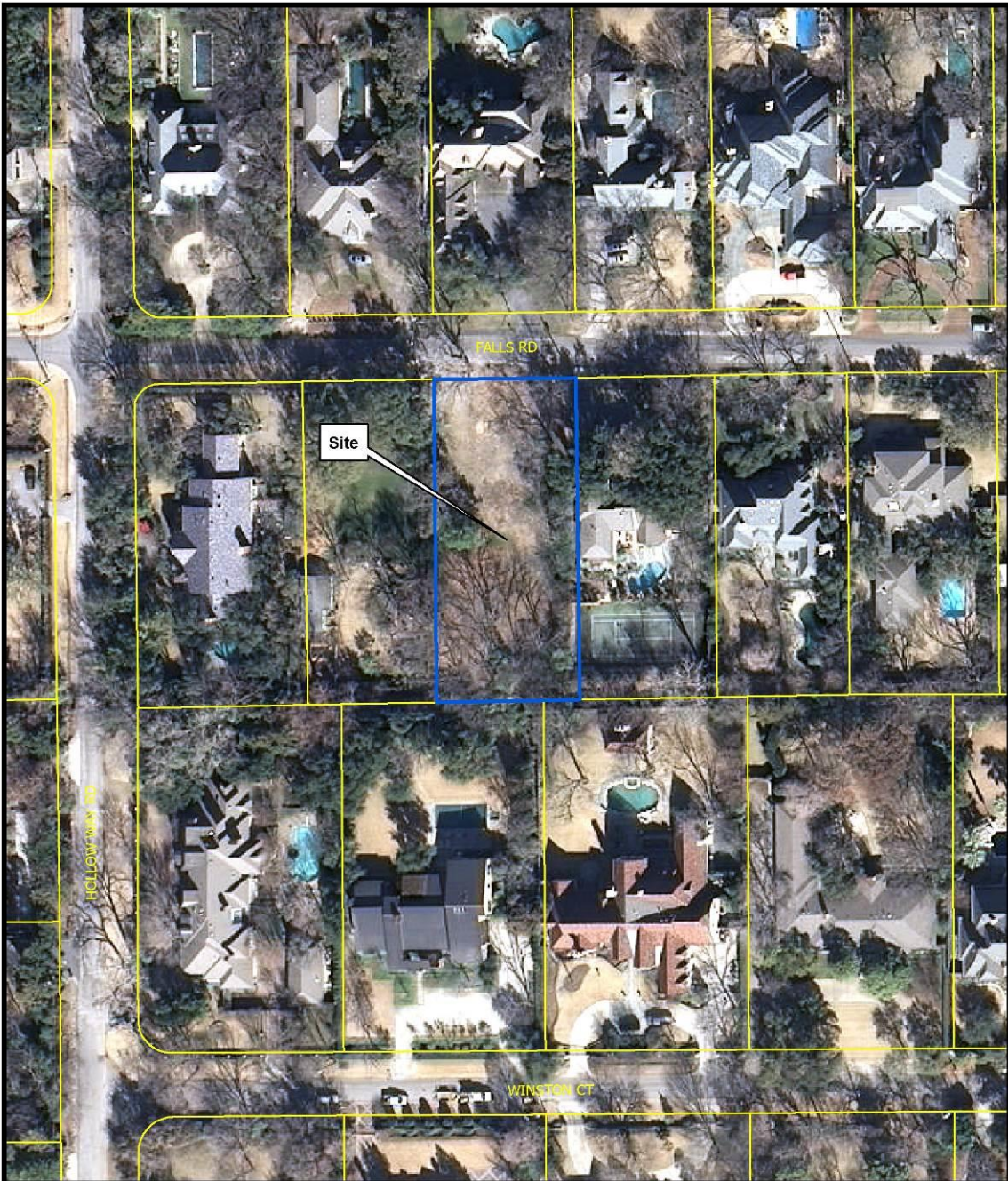


1:1,200

ZONING MAP

Case no: BDA145-029

Date: 2/24/2015



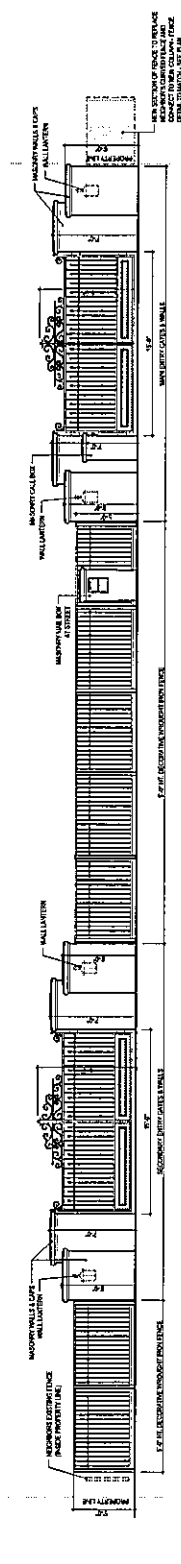
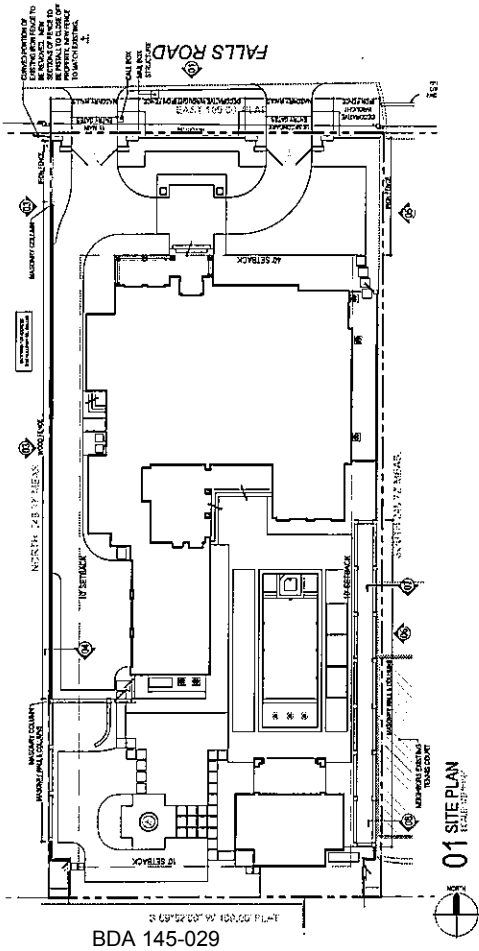
1:1,200

AERIAL MAP

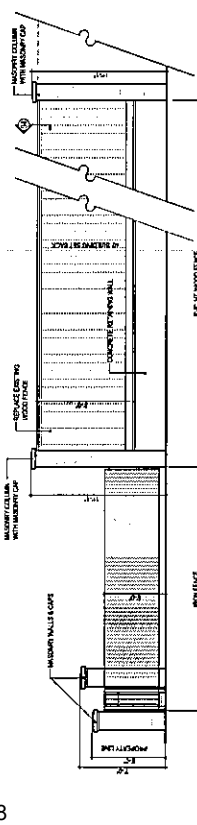
Case no: BDA145-029

Date: 2/24/2015

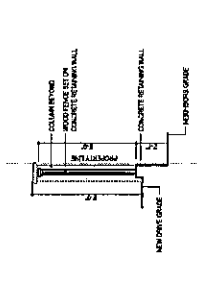
BDA145-029
 Attach A



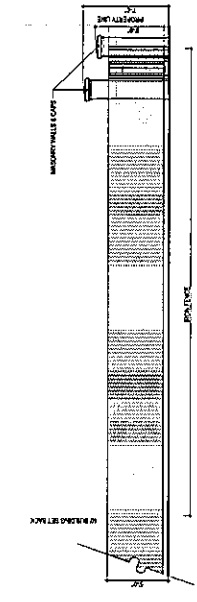
1-8



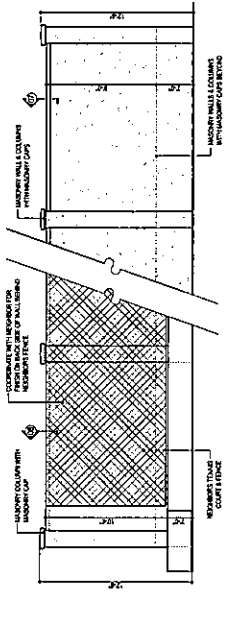
03 WEST SIDE FENCE & WALL ELEVATION



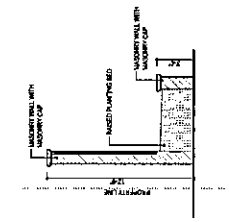
04 WEST SIDE FENCE & WALL SECTION



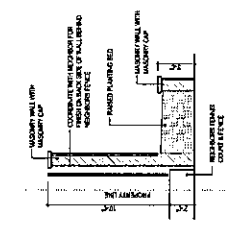
05 EAST SIDE FENCE & WALL ELEVATION



06 EAST SIDE WALL & COLUMNS ELEVATION



07 EAST SIDE WALL SECTION



08 EAST SIDE WALL SECTION @ TENNIS COURT



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-029

Data Relative to Subject Property:

Date: December 17, 2014

Location address: 5522 Falls Road Zoning District: R-1AC(A)

Lot No.: 3 Block No.: 6/5607 Acreage: 0.62 acres Census Tract: ~~75-00~~ 206.00

Street Frontage (in Feet): 1) 109 ft 2) _____ 3) _____ 4) _____ 5) _____ NE 2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Preston Hollow Capital, LLC

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 7 fence height of 7 feet 1 inch for a fence in a front yard and 3 feet 6 inches for a fence in a side yard

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

The proposed fencing will provide screening, security, and privacy and will complement the single family home. The reason for requesting higher fencing on the side yards is to match the height of the neighbor's fencing. The site plan and elevations show the height of the fence along Falls Road will be between 5 and 8 feet; however, there is a portion of the fence on the west property line that will be within the front yard setback. That portion of the fence will be located on top of a retaining wall and up to 11 feet 1 inch.

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 [Signature] (Affiant/Applicant's name printed)

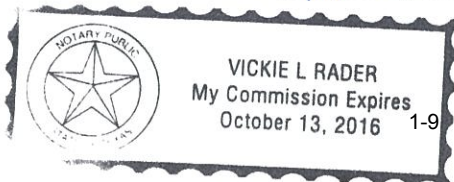
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Robert Baldwin (Affiant/Applicant's signature)

Subscribed and sworn to before me this 18th day of December, 2014

(Rev. 08-01-11)

BDA 145-029



[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

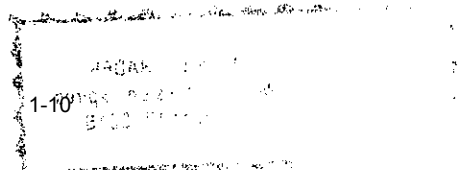
I hereby certify that Robert Baldwin

did submit a request for a special exception to the fence height regulations
at 5522 Falls Road

BDA145-029. Application of Robert Baldwin for a special exception to the fence height regulations at 5522 Falls Road. This property is more fully described as Lot 3, Block 6/5607, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and limits the height of a fence in a side yard to 9 feet. The applicant proposes to construct an 11 foot 1 inch high fence in a required front yard, which will require a 7 foot 1 inch special exception to the fence regulation and to construct a 12 foot 6 inch high fence in a required side yard, which will require a 3 foot 6 inch special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official

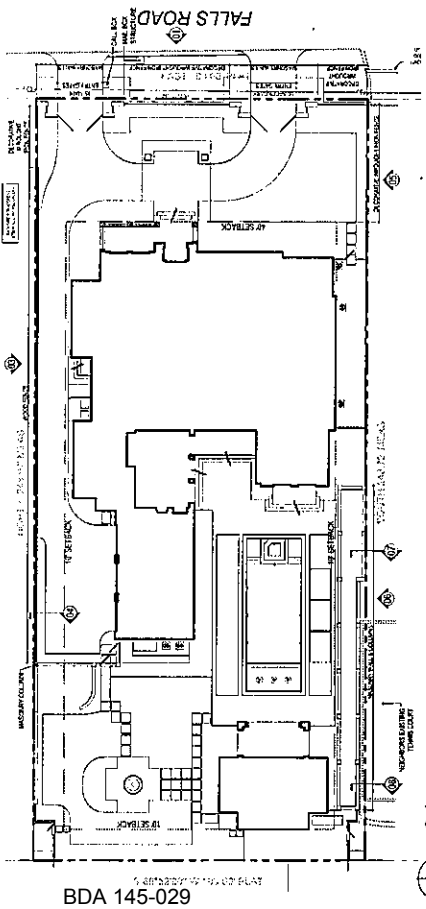




ms

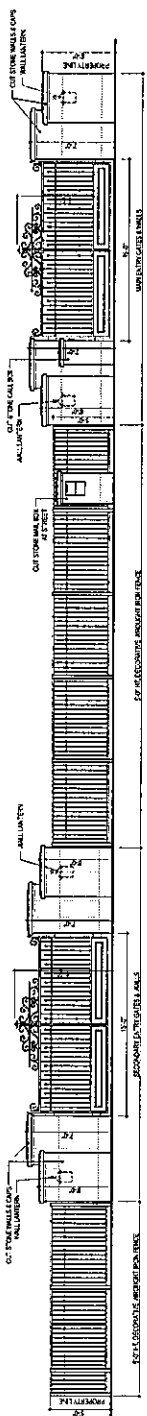
MMS



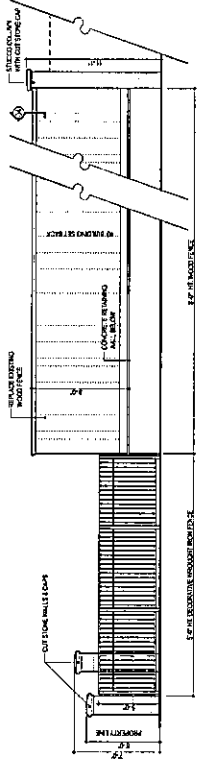


01 SITE PLAN
 SCALE: AS SHOWN

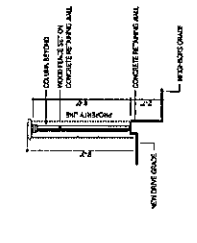
BDA 145-029



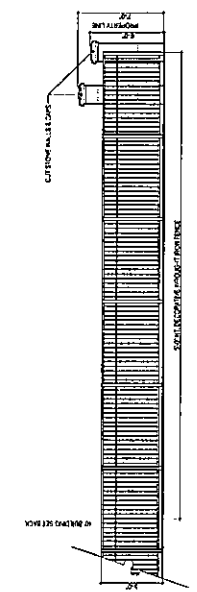
02 FRONT FENCE & WALL ELEVATION
 SCALE: AS SHOWN



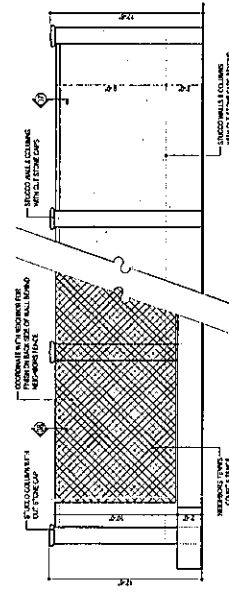
03 WEST SIDE FENCE & WALL ELEVATION
 SCALE: AS SHOWN



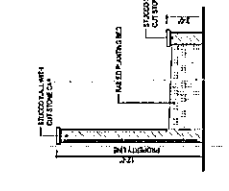
04 WEST SIDE FENCE & WALL SECTION
 SCALE: AS SHOWN



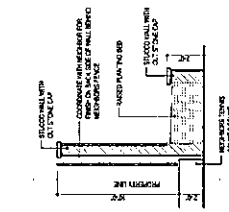
05 EAST SIDE FENCE & WALL ELEVATION
 SCALE: AS SHOWN



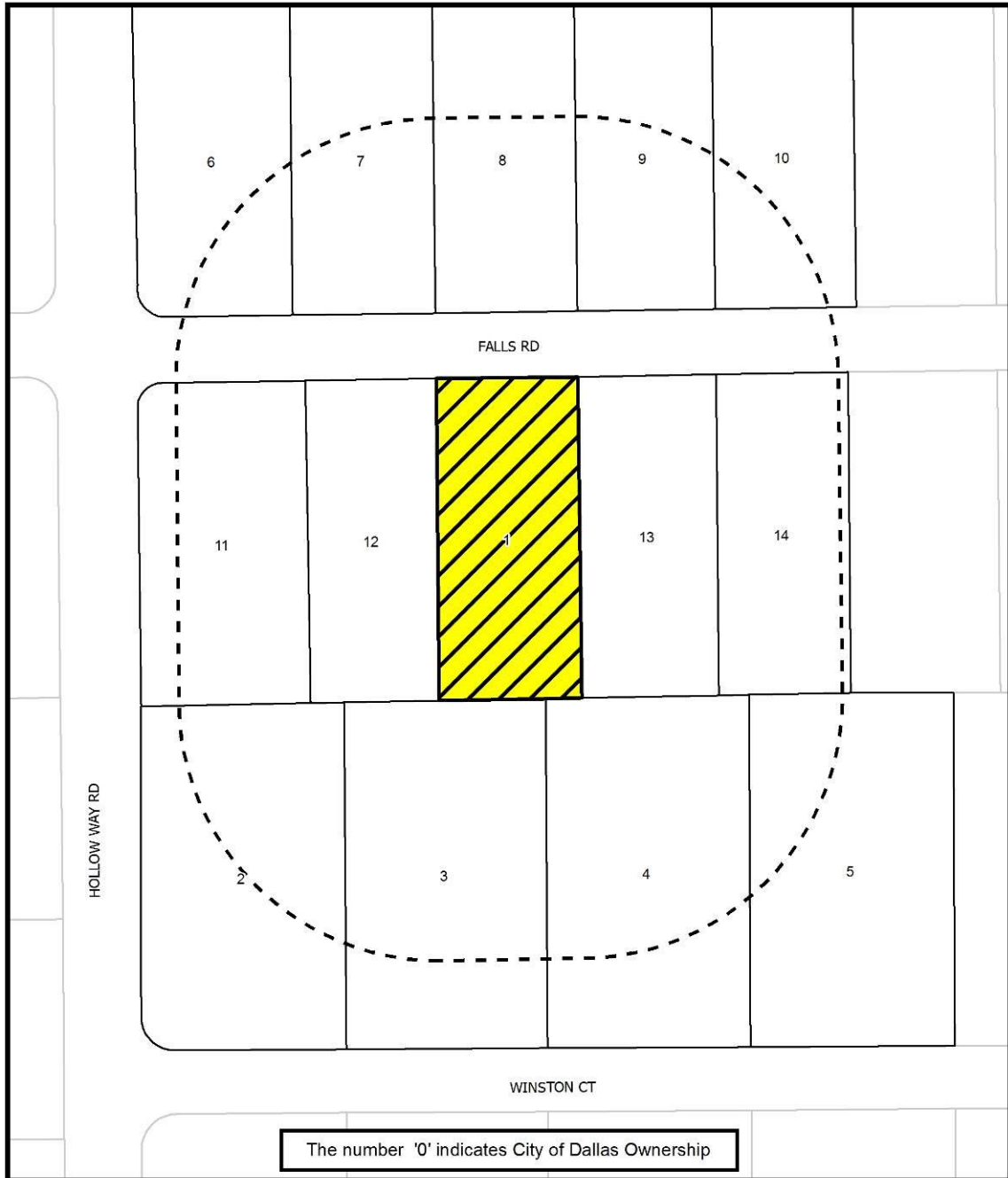
06 EAST SIDE WALL & COLUMNS ELEVATION
 SCALE: AS SHOWN



07 EAST SIDE WALL SECTION
 SCALE: AS SHOWN



08 EAST SIDE WALL SECTION
 SCALE: AS SHOWN



The number '0' indicates City of Dallas Ownership

 1:1,200	NOTIFICATION		Case no: BDA145-029
	<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;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 2/24/2015

Notification List of Property Owners

BDA145-029

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5522 FALLS RD	PRESTON HOLLOW CAPITAL LLC
2	5507 WINSTON CT	ELBAOR JAMES EDWARD
3	5519 WINSTON CT	ZILBERMANN MARK & PEGGY
4	5531 WINSTON CT	BOSCAMP KEVIN D &
5	5543 WINSTON CT	ROWLEY SHIRLEY G
6	5501 FALLS RD	BEST CHARLES M & GERTRUDE
7	5515 FALLS RD	SMITH EARL THOMAS &
8	5525 FALLS RD	ZALE MARK S & LISA G
9	5531 FALLS RD	CLARK HARRIS &
10	5539 FALLS RD	HAKERT JAMES D M D &
11	9750 HOLLOW WAY RD	SIMMONS LISA KAREN
12	5514 FALLS RD	SIMMONS LISA KAREN
13	5530 FALLS RD	NIEMI LESLIE O&
14	5538 FALLS RD	WYATT MICHAEL S &

FILE NUMBER: BDA 145-033

BUILDING OFFICIAL'S REPORT: Application of Chris Hill for a special exception to the fence height regulations at 4717 Miron Drive. This property is more fully described as a one acre tract of land, Tract 3.1, Block 5556, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence, which will require a 2 foot special exception to the fence height regulations.

LOCATION: 4717 Miron Drive

APPLICANT: Chris Hill

REQUEST:

A request for a special exception to the fence height regulations of 2' is made to construct and maintain a 6' high open galvanized bar grate fence with a recessed 6' high stone veneer fence/6' high sliding galvanized solid steel gate on a site being developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

- This request focuses on constructing and maintaining a 6' high open galvanized bar grate fence with a recessed 6' high stone veneer fence/6' high sliding galvanized solid steel gate on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan:
 - The open bar grate fence proposal is represented as being approximately 130' in length parallel to the street and approximately 35' perpendicular to the street on the north side of the site in the front yard setback.
 - The solid stone veneer fence proposal is represented as being approximately 60' in length parallel yet recessed from the street.
 - The open bar grate fence proposal is represented to be located approximately on the front property line or about 15' from the pavement line.
 - The solid stone fence and steel gate proposal is represented to be located approximately 20' from the front property line or about 35' from the pavement line.
- The fence proposal is located on the site where one lot (undeveloped) would have direct frontage to it with no fence in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other visible fence above 4 feet high which appeared to be located in a front yard setback – an approximately 5.5' high open picket fence located immediately south of the subject site with no recorded BDA history.
- As of March 9, 2015, one letter has been submitted in support of the request, and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 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 exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

January 13, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

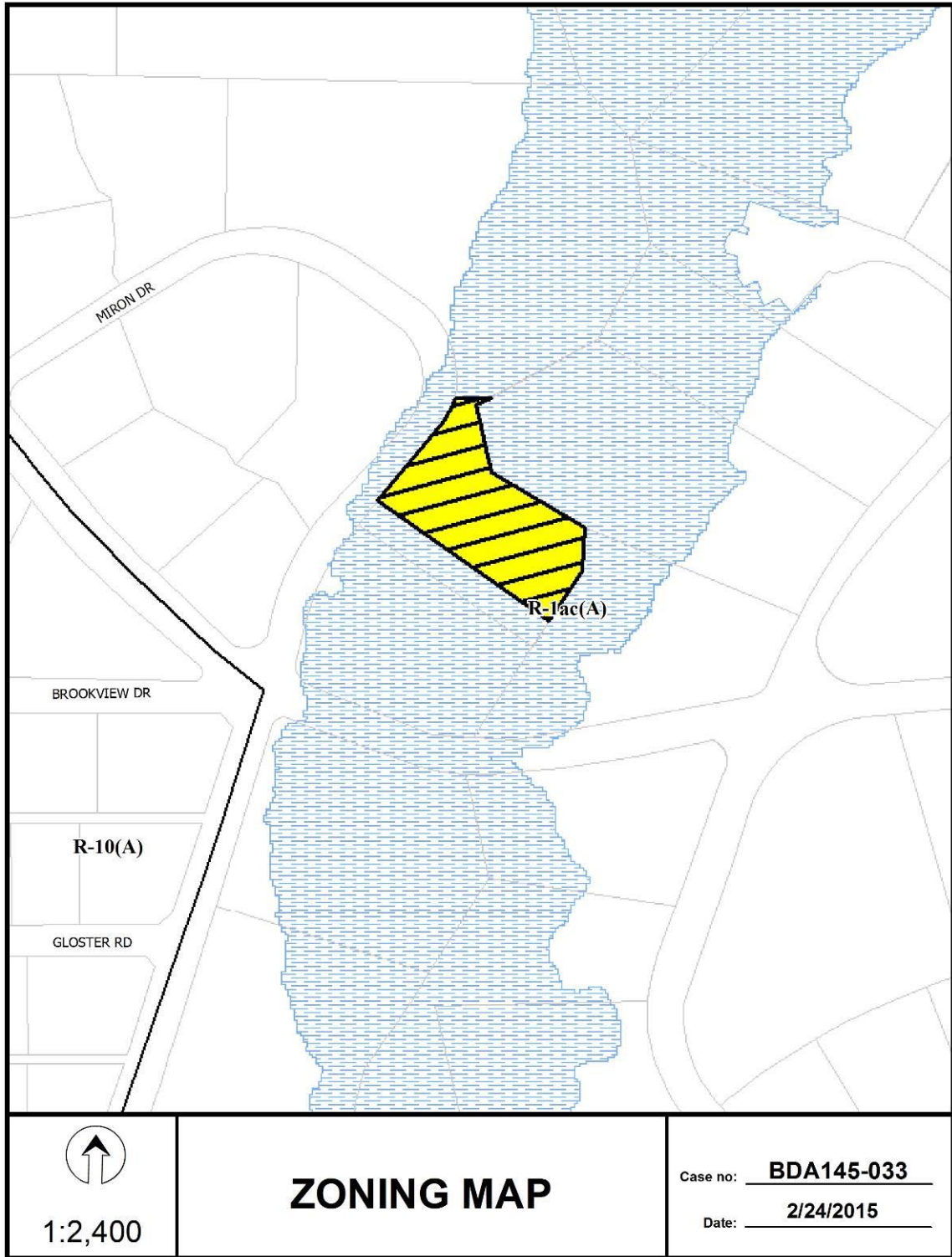
February 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

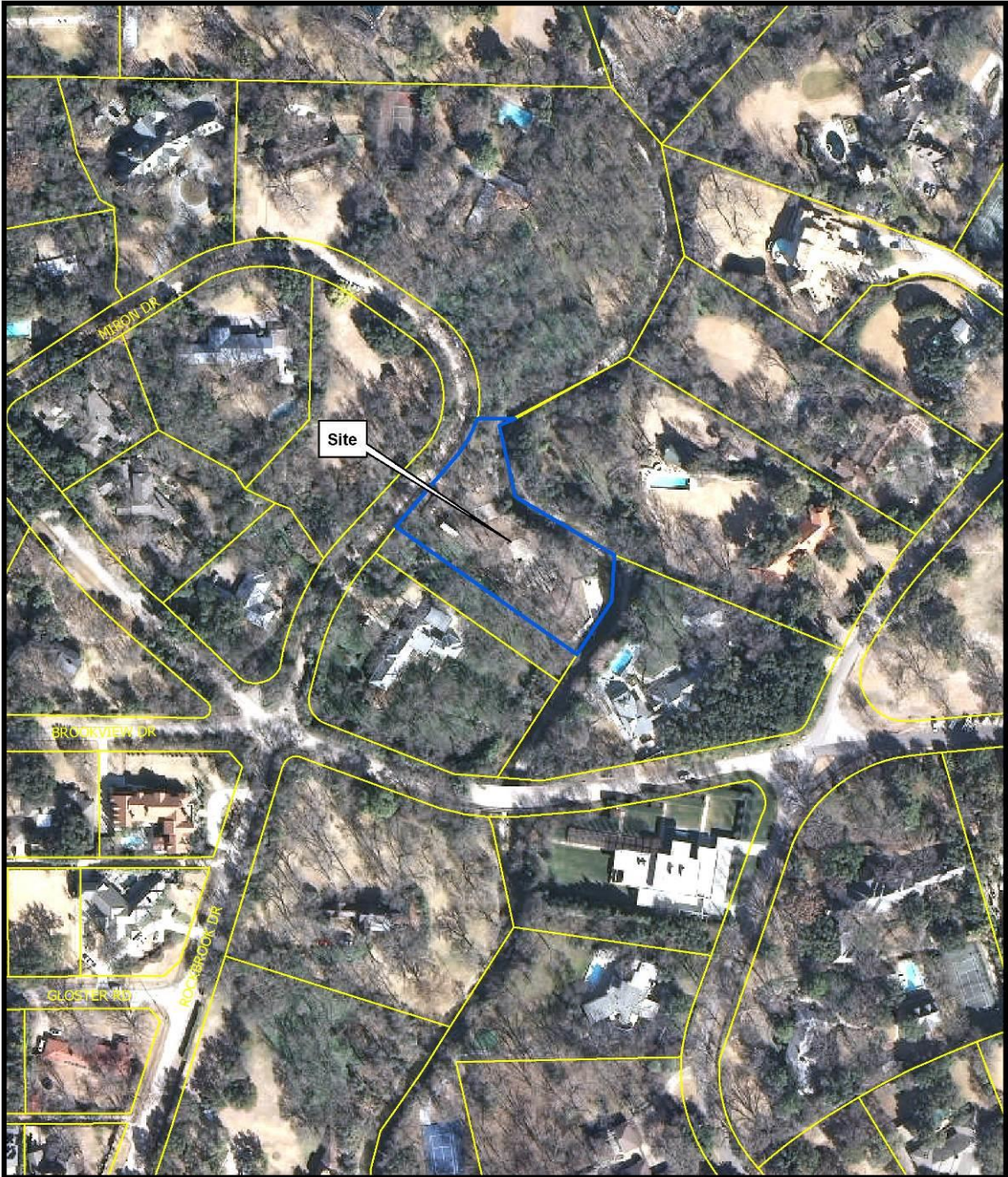
February 11, 2015: The Board Administrator contacted the applicant and emailed the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the February 25th deadline to submit additional evidence for staff to factor into their analysis; and the March 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.”

March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





1:2,400

AERIAL MAP

Case no: BDA145-033

Date: 2/24/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-033

Data Relative to Subject Property:

Date: 01.13.15

Location address: 4717 MIRON DR DALLAS 75220 Zoning District: R-120(A)

Lot No.: 3.1 Block No.: 5556 Acreage: 1.00 Census Tract: 206.00

Street Frontage (in Feet): 1) 192 2) _____ 3) _____ 4) _____ 5) NEZA

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): KENNETH & SHIRLEY EASON

Applicant: CHRIS HILL Telephone: 972-679-6672

Mailing Address: 1030 E. NORTH GATE DR, ST100 IRVING Zip Code: 75062

E-mail Address: KEASON@EASONPETRO.COM

Represented by: CHRIS HILL Telephone: 469-222-2339

Mailing Address: 1723 SPRING LAKE DR ARLINGTON TX Zip Code: 76012

E-mail Address: CHILL@STUDIOMUD.COM

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 2' HIGHER FENCE @ FRONT PROPERTY LINE IN FRONT YARD

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
WILL NOT INTERRUPT THE CONTINUITY OF EXISTING FENCING AT STREET FACE WITH EXISTING NEIGHBORS FENCE. DESIGNED TO MAINTAIN THE CONTINUITY AND HEIGHT OF EXISTING NEIGHBORS FENCE.

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

Affidavit

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

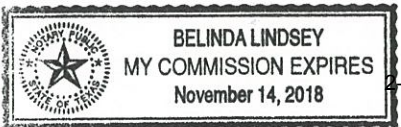
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 14th day of January, 2015

Belinda Lindsey 11.14.18
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

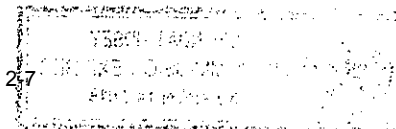
I hereby certify that Chris Hill

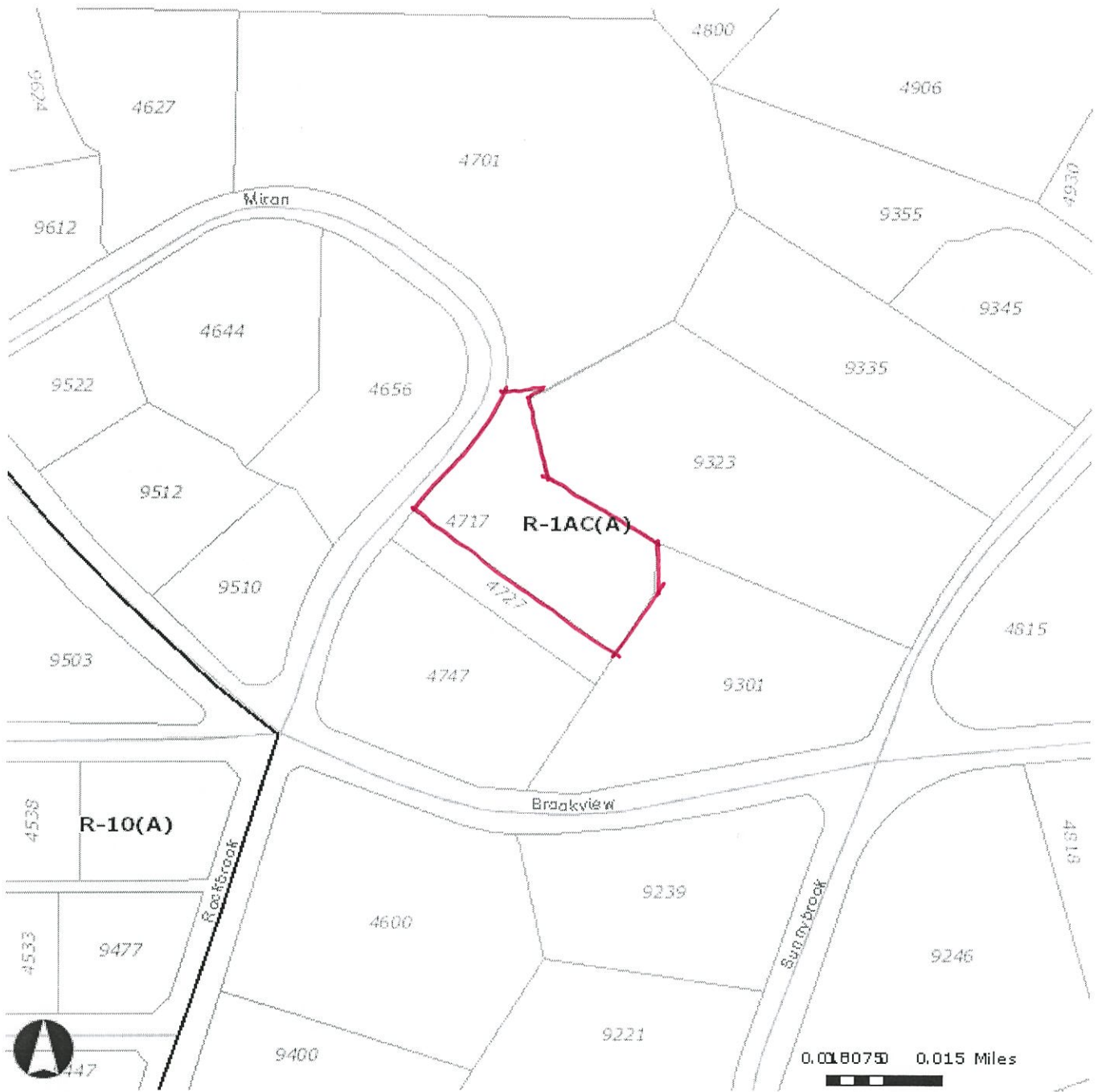
did submit a request for a special exception to the fence height regulations
at 4717 Miron Drive

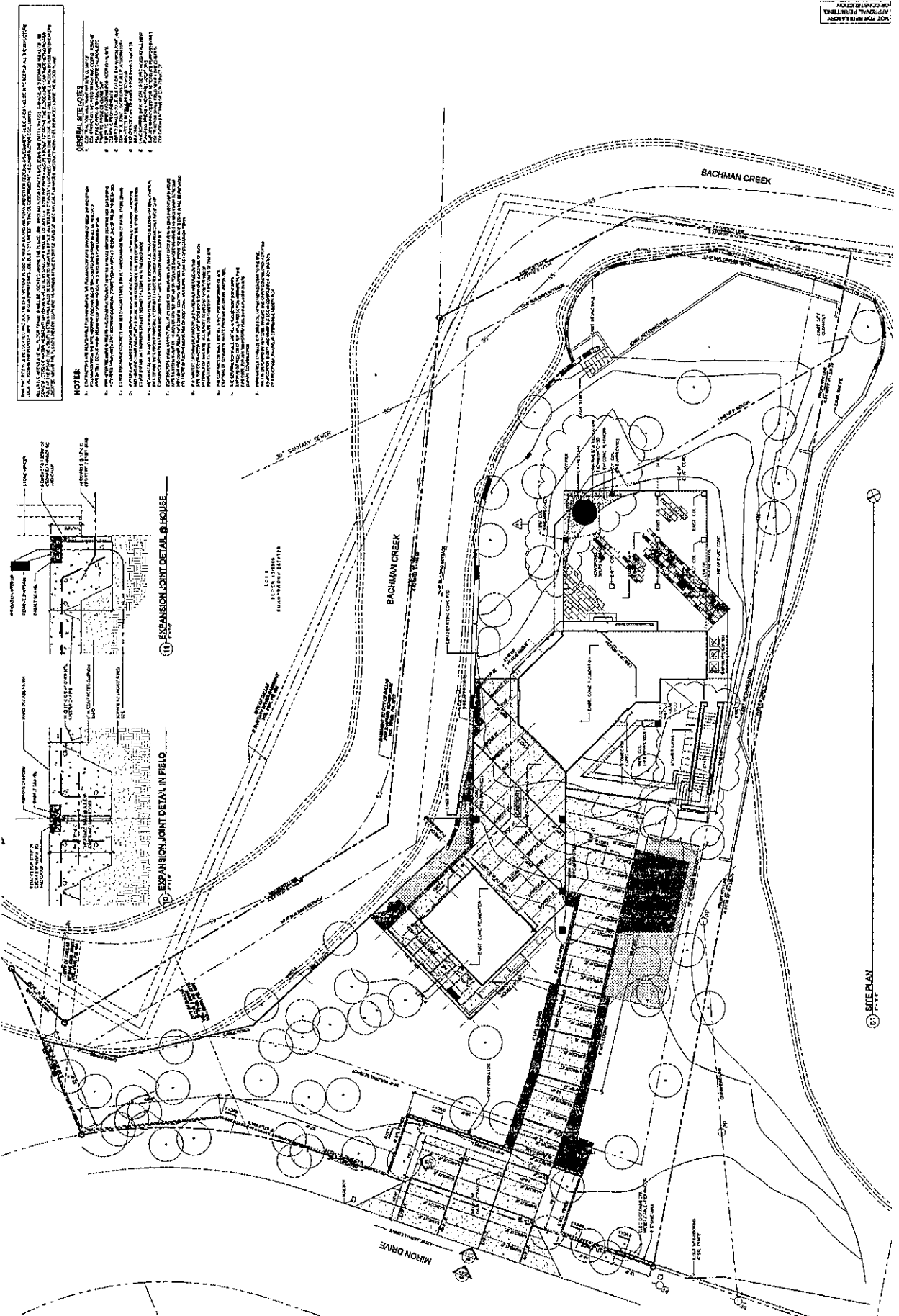
BDA145-033. Application of Chris Hill for a special exception to the fence height regulations at 4717 Miron Drive. This property is more fully described as a one acre tract of land, Tract 3.1, Block 5556, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official







- NOTES:**
1. ALL WORK SHALL BE ACCORDING TO THE 2012 IBC, AS AMENDED BY THE 2012 IBC CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

GENERAL NOTES:

1. ALL WORK SHALL BE ACCORDING TO THE 2012 IBC, AS AMENDED BY THE 2012 IBC CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

ARCHITECTS:
 1102 Third Street
 Dallas, Texas 75202
 469.222.1237

Eason Residence
 4717 Miron Drive
 Dallas, Texas

DRAWING TITLE
 0200
 0200

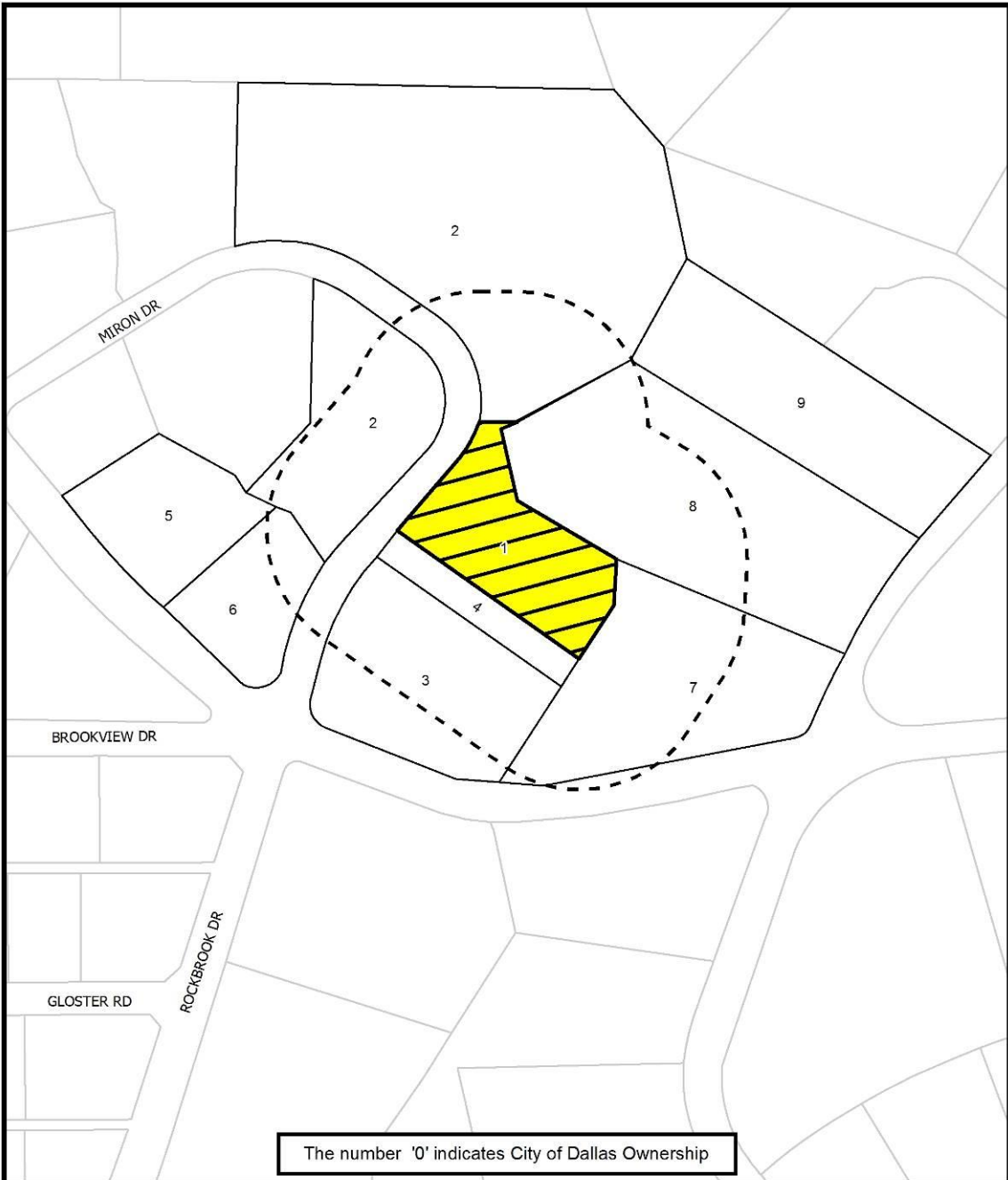
REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			

DATE 02/10/12
DRAWN BY MJD
CHECKED BY MJD
DATE 02/10/12

NOT FOR REISSUE
 OR REVISIONS
 WITHOUT PERMISSION
 OF ARCHITECT

SHEET NO. C-10



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-033</u> Date: <u>2/24/2015</u>
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-033

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4717 MIRON DR	EASON KENNETH &
2	4701 MIRON DR	MIRON PROPERTY LLC
3	4747 MIRON DR	SINCLAIR ROBERT E &
4	4727 MIRON DR	SINCLAIR ROBERT E & MARY LOUISE
5	9512 ROCKBROOK DR	CLOUD PERRY W JR
6	9510 ROCKBROOK DR	MCCRORY OWEN E & GAIL S
7	9301 SUNNY BROOK LN	POTTS DONALD C & SARA SUE
8	9323 SUNNY BROOK LN	STOOL GERALD H &
9	9335 SUNNY BROOK LN	LYNCH HARRY H

FILE NUMBER: BDA 145-037

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves of Robert Reeves and Associates for a special exception to the landscape regulations at 100 Crescent Court. This property is more fully described as Lot 1A, Block 2/948, and is zoned PD193 (HC), 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: 100 Crescent Court

APPLICANT: Robert Reeves of Robert Reeves and Associates

REQUEST:

A special exception to the landscape regulations is made to replace an existing drive-through bank facility with an approximately 3,000 square foot restaurant, and not fully providing required landscaping on a site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent).

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request in that the submitted revised alternate landscape proposal meets the spirit and intent of the PD 193 landscape requirements.

BACKGROUND INFORMATION:

Site: PD 193(HC) (Planned Development, Heavy Commercial)
North: PD 193(HC) (Planned Development, Heavy Commercial)
South: PD 193 (PDS 334) (Planned Development, Planned Development)

East: PD 193(PDS 64) (Planned Development, Planned Development)
West: PD 193(PDS 74) (Planned Development, Planned Development)

Land Use:

The subject site is developed with a mixed use development (The Crescent). The areas to the north, east, south, and west are developed with a mix of land uses.

Zoning/BDA History:

1. BDA 134-042, Property at 100, Crescent Court (the subject site)
On June 24, 2014, the Board of Adjustment granted a request for special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition. The case report stated the request was made to construct and maintain an approximately 1,400 square foot addition to an approximately 1,450,000 square foot mixed use development (The Crescent), and not fully providing required landscaping. (Note that the Board of Adjustment Panel C granted the applicant's request to waive the two year time limitation to refile a new application on this site on January 20, 2015).

2. BDA 81-239A, Property at 100, 200, 300, 400, and 500 Crescent Court (the subject site)
On February 14, 1988, the Board of Adjustment granted a request for "a 599 parking space variance and eliminate the set-aside land provisions subject to a TMP program as per the memo from Ken Melston, Manager of Transportation Engineering Services.

3. BDA 81-239, 239, Property at 2304 Cedar Springs Road (the subject site)
On October 13, 1981, the Board of Adjustment granted a 599 parking space variance, subject to a parking study to be conducted approximately one year after initial completion of the project

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on replacing existing drive-through bank facility with an approximately 3,000 square foot restaurant, and not fully providing required landscaping on a site developed as an approximately 1,450,000 square foot mixed use development (The Crescent) .

- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist states in a memo (see Attachment C) that the request in this case is triggered by new construction with a minor floor area increase on a developed lot.
- The Chief Arborist notes that the site is deficient in meeting the landscape requirements in that the proposed plan does not fully comply with sidewalk and tree planting zone requirements related to location.
- The Chief Arborist notes that the following factors for consideration:
 - the original permitting and construction of the development occurred prior to the creation of the Oak Lawn Special Purpose District PD 193.
 - Most perimeter trees initially planted are maturing and will remain with the new landscape design.
 - The entire site area will be subject to site amendments that will require some tree removal and mitigation. Tree replacement on site will exceed the inches removed.
 - The plan meets all other requirements for the PD 193 (HC) district.
 - The new plan provides for additional parking and a small structure while minimally impacting the overall landscape of the site and enhancing its pedestrian use.
- The Chief Arborist supports the request because the applicant has demonstrated that the submitted landscape plan meets the spirit and intent of the PD 193 regulations.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a landscape plan has been submitted that is deficient in meeting the sidewalk and tree planting zone requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126: "Landscape, streetscape, screening, and fencing standards".
- If the Board were to grant this request and impose the submitted landscape plan as a condition, the site would be granted exception from full compliance to sidewalk and tree planting zone requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance.

Timeline:

January 12, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 10, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

February 10, 2015: The Board Administrator emailed the following information to the applicant:

- 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 February 25th deadline to submit additional evidence for staff to factor into their analysis; and the March 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."

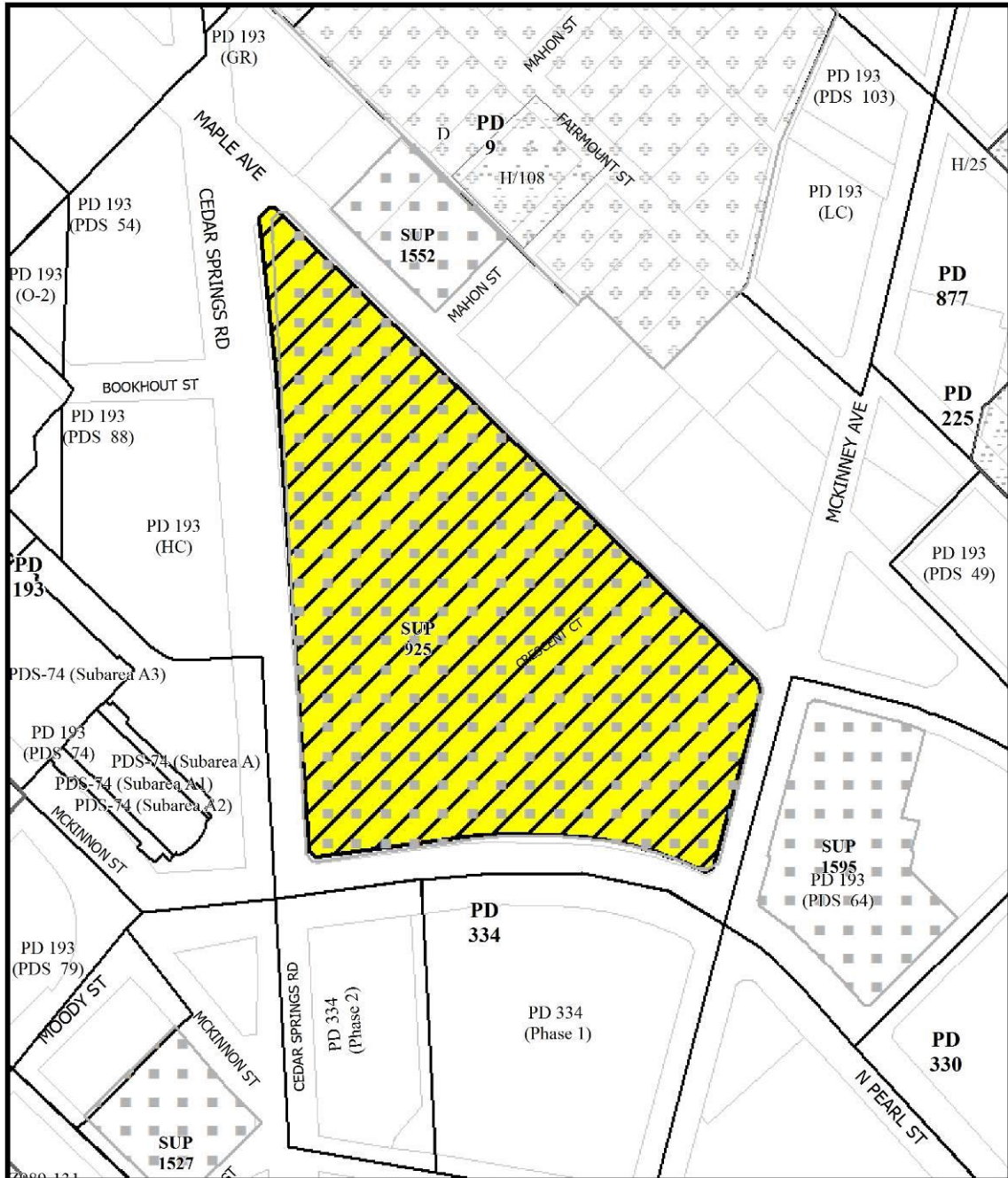
February 24, 2015: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).


March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

March 2, 2015: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

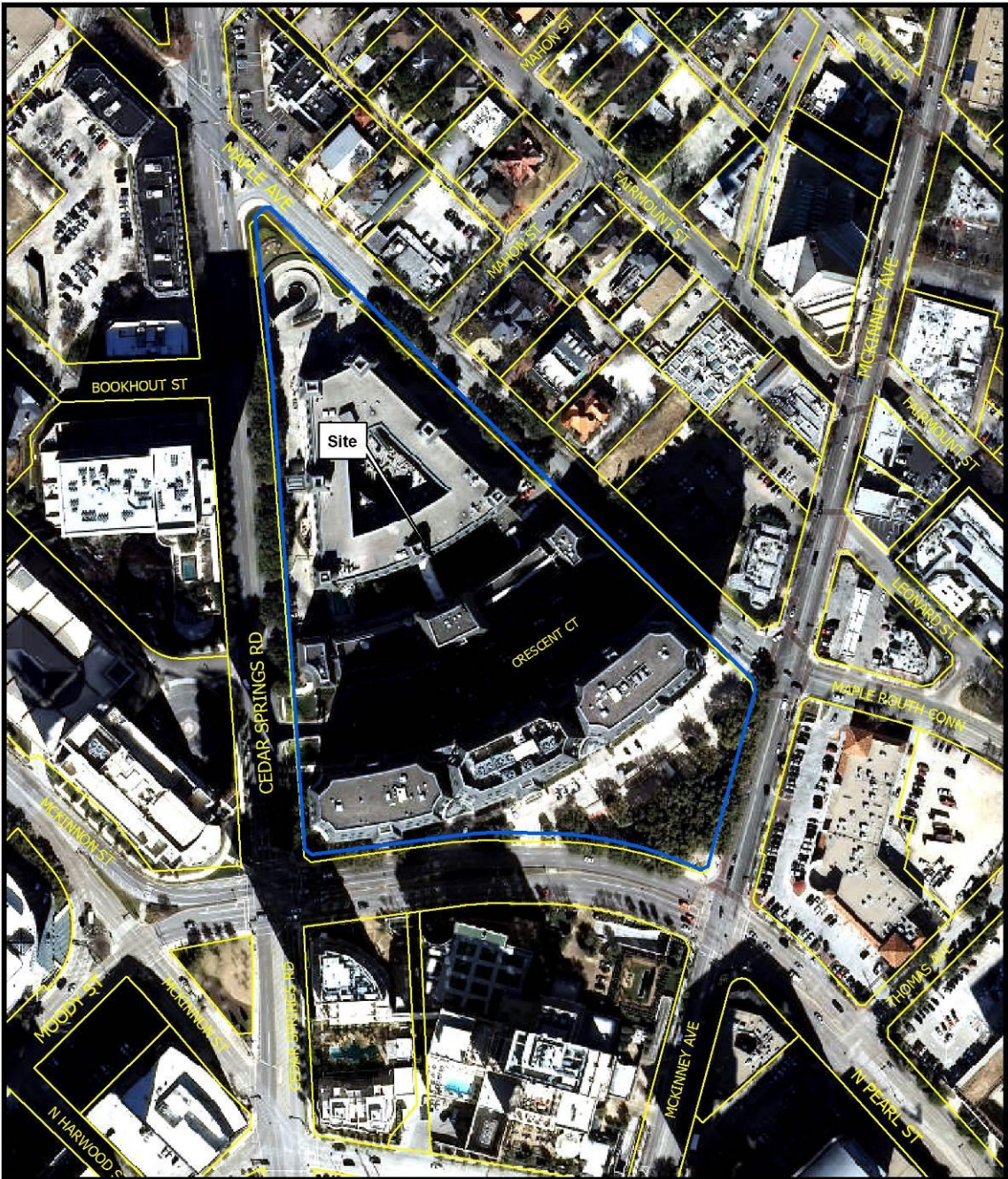
March 5, 2015: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment C).




 1:2,400

ZONING MAP

Case no: BDA145-037
 Date: 2/24/2015



1:2,400

AERIAL MAP

Case no: BDA145-037

Date: 2/24/2015

ROBERT REEVES
& Associates, Inc.

February 24, 2015

PLANNING AND ZONING CONSULTANTS

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


RE: Revised Landscape Plan & Clarification
BDA 145-037, The Crescent

Dear Mr. Long:

Enclosed are revised copies of the revised landscape plan for Case BDA 145-037. There was a slight error in the table concerning the number of interior trees. The numbers in the Symbol Legend and the Tree Total chart did not correspond.

I want to clarify that the only area that is impacted by this revised landscape plan is the area near the intersection of N. Pearl Street and McKinney Avenue. The new landscape plan is proposing a new restaurant with ten parking spaces and the removal of five interior trees. Nothing else has change on the previously board-approved alternate landscape plan.

Sincerely:



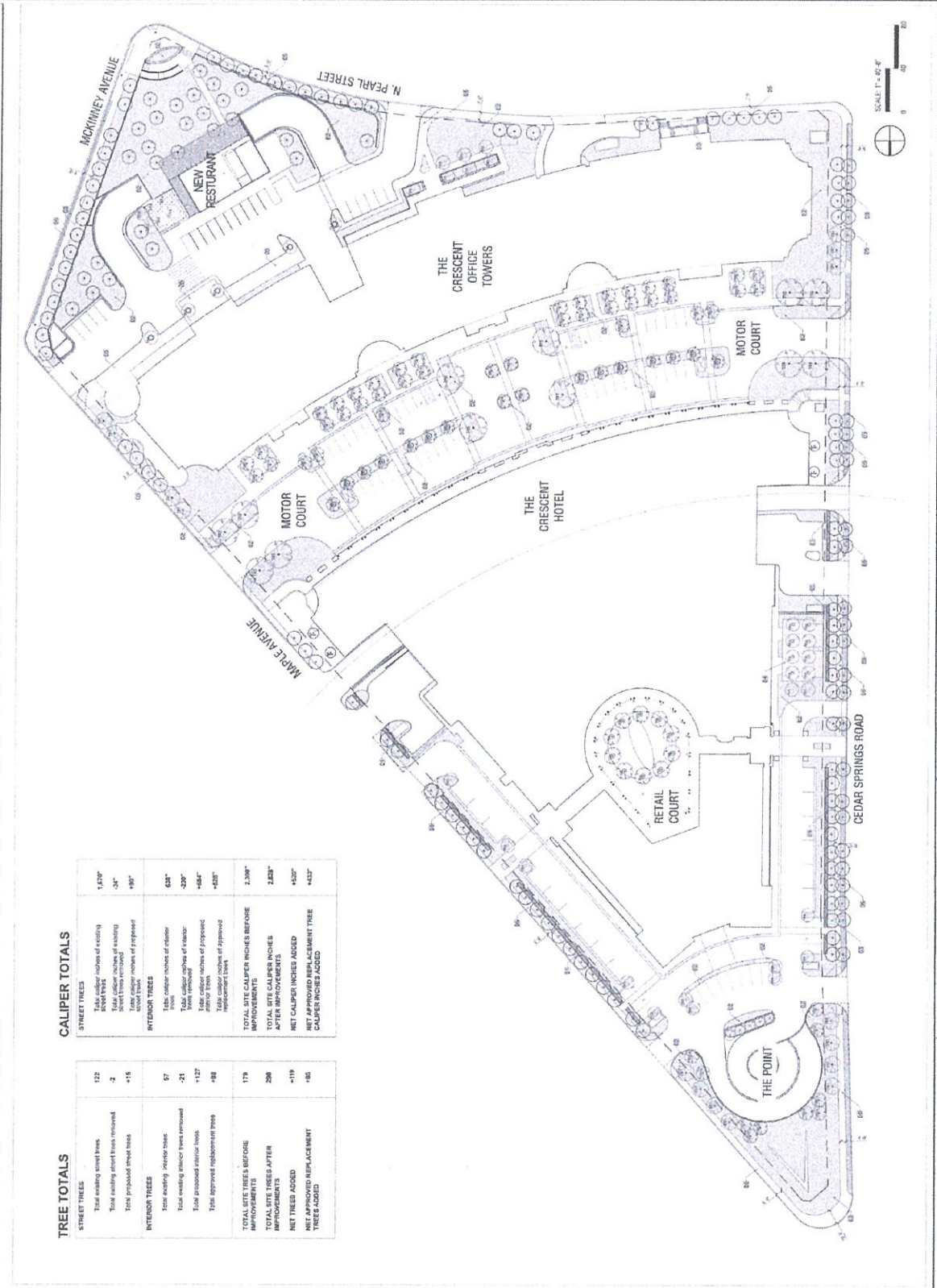
Robert Reeves

THE CRESCENT
DALLAS, TX

SYMBOL LEGEND

SYMBOL	TYPE	QTY
(Symbol)	PROPOSED STREET TREES	1,470*
(Symbol)	EXISTING STREET TREES	2
(Symbol)	PROPOSED INTERIOR TREES	15
(Symbol)	EXISTING INTERIOR TREES	57
(Symbol)	PROPOSED CALIPER IMPROVEMENTS	2,396"
(Symbol)	EXISTING CALIPER IMPROVEMENTS	2,287"
(Symbol)	NET CALIPER INCHES ADDED	+109"
(Symbol)	NET APPROVED REPLACEMENT TREE CALIPER INCHES ADDED	+432"

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 TO BE USED FOR LANDSCAPE PURPOSES ONLY
 Drawing Number: _____



TREE TOTALS	
STREET TREES	1,470*
Total existing street trees	2
Total existing street trees removed	-2
Total proposed street trees	+15
INTERIOR TREES	57
Total existing interior trees	57
Total existing interior trees removed	-21
Total proposed interior trees	+127
Total approved replacement trees	108
TOTAL SITE TREES BEFORE IMPROVEMENTS	179
TOTAL SITE TREES AFTER IMPROVEMENTS	286
NET TREES ADDED	+109
NET APPROVED REPLACEMENT TREES ADDED	+432

CALIPER TOTALS	
STREET TREES	1,470*
Total existing caliper inches of existing street trees	24"
Total existing caliper inches of existing street trees removed	-190"
Total proposed caliper inches of proposed street trees	638"
INTERIOR TREES	57
Total existing caliper inches of existing interior trees	239"
Total existing caliper inches of existing interior trees removed	-184"
Total proposed caliper inches of proposed interior trees	428"
TOTAL SITE CALIPER INCHES BEFORE IMPROVEMENTS	2,396"
TOTAL SITE CALIPER INCHES AFTER IMPROVEMENTS	2,287"
NET CALIPER INCHES ADDED	+109"
NET APPROVED REPLACEMENT TREE CALIPER INCHES ADDED	+432"

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

March 2, 2015

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

RE: Supplemental Information
BDA 145-037, The Crescent

Dear Mr. Long:

Enclosed are additional exhibits for the Board of Adjustment, which I believe will be helpful. I will also deliver a hard copy to Phil Erwin and Todd Duerksen.

Let me know if you have any questions.

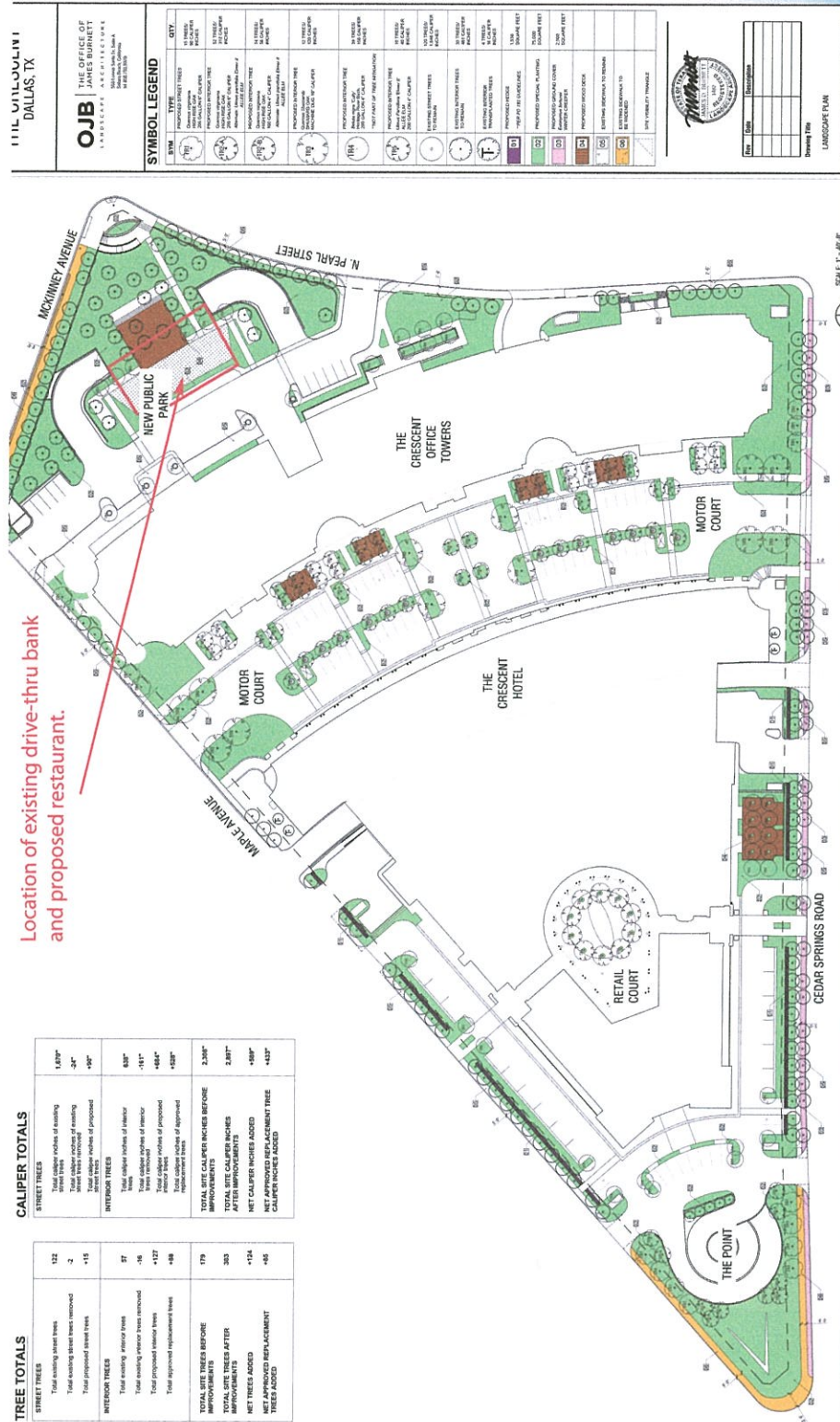
Sincerely:



Robert Reeves

cc: Phil Erwin
Todd Duerksen

Approved Landscape Plan Location of Proposed Restaurant



TREE TOTALS		CALIPER TOTALS	
STREET TREES		STREET TREES	
Total existing street trees	122	Total caliper inches of existing street trees	1,679"
Total existing street trees removed	-2	Total caliper inches of existing interior trees	-34"
Total proposed street trees	+15	Total caliper inches of proposed street trees	+90"
INTERIOR TREES		INTERIOR TREES	
Total existing interior trees	57	Total caliper inches of interior trees removed	630"
Total existing interior trees removed	-16	Total caliper inches of proposed interior trees	-151"
Total proposed interior trees	+127	Total caliper inches of proposed replacement trees	+628"
Total approved replacement trees	+88		
TOTAL SITE TREES BEFORE IMPROVEMENTS		TOTAL SITE CALIPER INCHES BEFORE IMPROVEMENTS	
	179		2,300"
TOTAL SITE TREES AFTER IMPROVEMENTS		TOTAL SITE CALIPER INCHES AFTER IMPROVEMENTS	
	303		2,887"
NET TREES ADDED		NET CALIPER INCHES ADDED	
	+114		+587"
NET APPROVED REPLACEMENT TREES ADDED		NET APPROVED REPLACEMENT CALIPER INCHES ADDED	
	+85		+432"

1111 L. VILLOVULINI DALLAS, TX

OJB THE OFFICE OF JAMES C. BURDETTE ARCHITECTS ASSOCIATES

SYMBOL LEGEND

SYM.	TYPE	NOTES
(S)	STREET TREE	SEE SPECIFICATIONS
(I)	INTERIOR TREE	SEE SPECIFICATIONS
(R)	REPLACEMENT TREE	SEE SPECIFICATIONS
(P)	PROPOSED PLANTING	SEE SPECIFICATIONS
(M)	MATERIAL	SEE SPECIFICATIONS
(C)	CONSTRUCTION	SEE SPECIFICATIONS
(D)	DEMOLITION	SEE SPECIFICATIONS
(E)	EXISTING	SEE SPECIFICATIONS
(F)	FINISH	SEE SPECIFICATIONS
(G)	GRASS	SEE SPECIFICATIONS
(H)	HARDSCAPE	SEE SPECIFICATIONS
(J)	JOB	SEE SPECIFICATIONS
(K)	KEY	SEE SPECIFICATIONS
(L)	LANDSCAPE	SEE SPECIFICATIONS
(M)	MATERIAL	SEE SPECIFICATIONS
(N)	NOTES	SEE SPECIFICATIONS
(O)	OTHER	SEE SPECIFICATIONS
(P)	PROPOSED	SEE SPECIFICATIONS
(Q)	QUALITY	SEE SPECIFICATIONS
(R)	REPLACEMENT	SEE SPECIFICATIONS
(S)	STREET	SEE SPECIFICATIONS
(T)	TERRACE	SEE SPECIFICATIONS
(U)	UTILITY	SEE SPECIFICATIONS
(V)	VEGETATION	SEE SPECIFICATIONS
(W)	WATER	SEE SPECIFICATIONS
(X)	WOOD	SEE SPECIFICATIONS
(Y)	YARD	SEE SPECIFICATIONS
(Z)	ZONING	SEE SPECIFICATIONS

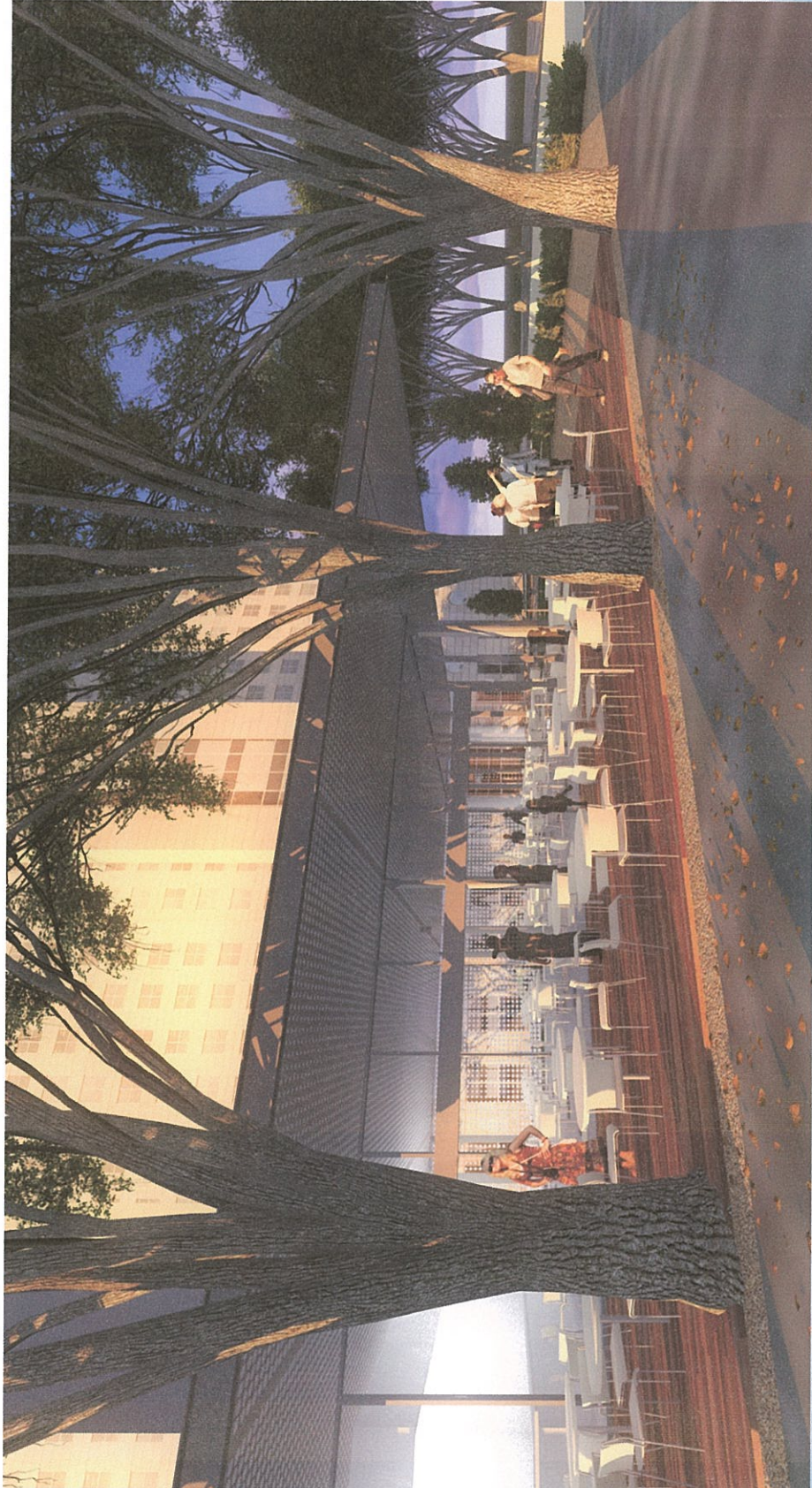
DATE: _____ DRAWN BY: _____ CHECKED BY: _____

ISSUE NO. _____

LANDSCAPE PLAN

SCALE: 1" = 40'-0"

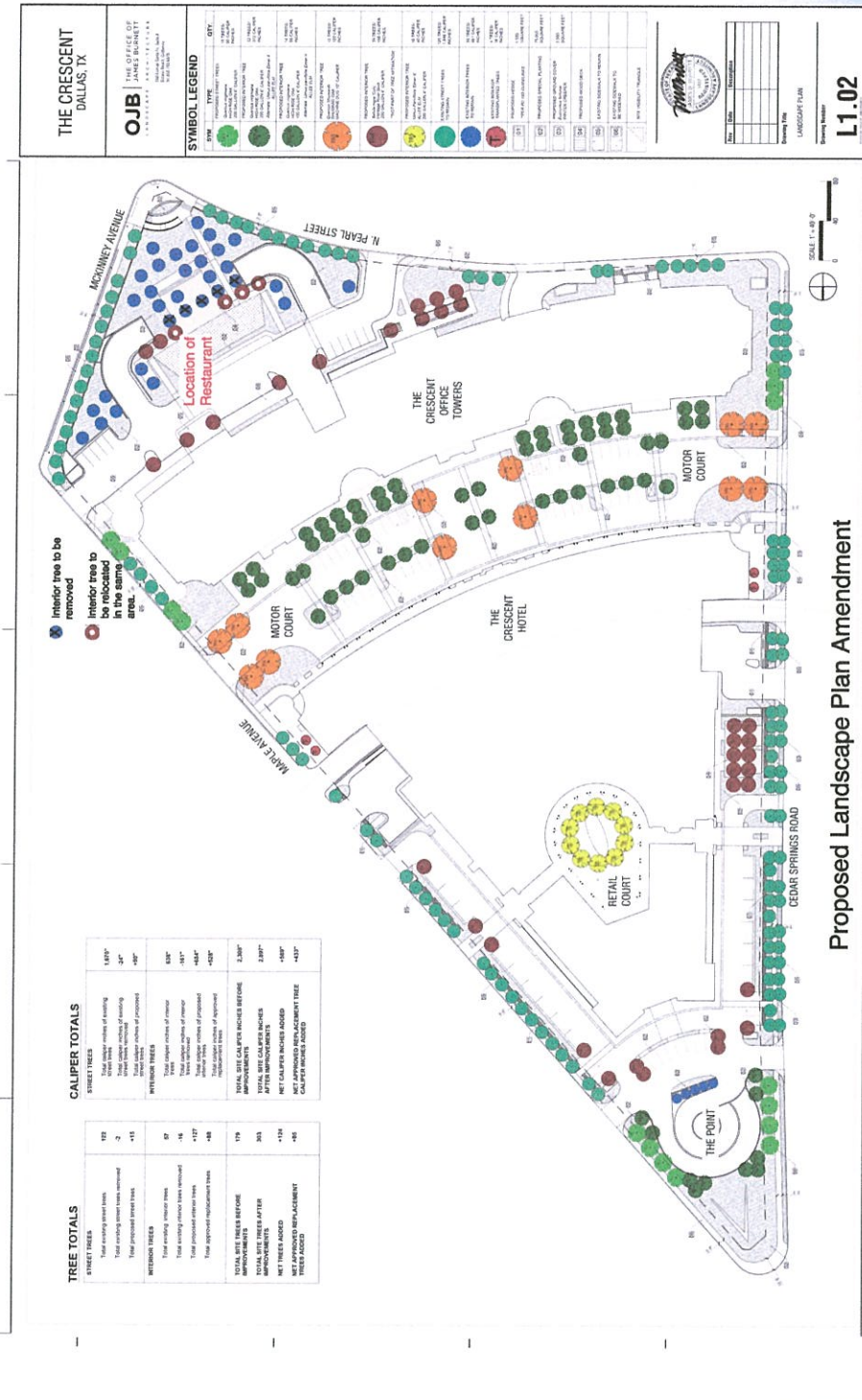
Proposed Restaurant



Proposed Restaurant



Amended Landscape Plan



Amended Landscape Plan



Tree Summary

- **Street Trees: 135 Trees (no change)**
- **Interior Trees:**
 - Existing: 57
 - Trees Removed: 21
 - (5 additional trees)
 - Trees Added: 127
 - Total Interior Trees: 163
- **Total Site Trees: 298**
 - (116 additional trees)

Caliper Inch Summary

- **Street Trees:**
 - **1,736 caliper inches (no change)**
- **Interior Trees:**
 - **Existing: 638 caliper inches**
 - **Removed: 230 caliper inches**
 - **(69 additional inches)**
 - **Added: 684 caliper inches**
- **Total: 2,828 caliper inches**
 - **(454 additional inches)**

Memorandum



CITY OF DALLAS

DATE March 5, 2015

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 145 · 037 100 Crescent Court

The applicant is requesting a special exception to the landscape requirements of PD 193 (HC).

Trigger

New construction with minor floor area increase ratio on a developed lot.

Deficiencies

The proposed plan does not fully comply with sidewalk (51P-193.126(b)(4)) and tree (51P-193.126(b)(5)) requirements. The sidewalk locations and tree planting zones are not correctly placed per ordinance.

Factors

The original permitting and construction of the development was prior to the creation of the Oak Lawn Special Purpose District, PD 193. Most perimeter trees initially planted are maturing and will remain with the new landscape design.

The entire site area will be subject to site amendments that will require some tree removal and mitigation. Tree replacement on site will exceed the inches removed.

The plan meets all other requirements for the PD 193 (HC) district.

The new plan provides for additional parking and a small structure while minimally impacting the overall landscape of the site and enhancing its pedestrian use.

Recommendation

The chief arborist recommends approval of the request because the applicant has demonstrated the plan meets the spirit and intent of PD 193 regulations.

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-037

Data Relative to Subject Property:

Date: 1/12/2015

Location address: 100 Crescent Court Zoning District: PD193, SUP 925, HC Heavy Commercial Subdistrict

Lot No.: 1A Block No.: 2/948 Acreage: 9.9414 acres Census Tract: 18.00

Street Frontage (in Feet): (1) Cedar Spr. 958' (2) Maple 1,082' (3) Pearl 559' 4) McKinney 300'

To the Honorable Board of Adjustment:

SW 22

Owner of Property (per Warranty Deed): Crescent TC Investors LP

Applicant: Robert Reeves Telephone: (214) 749-0530

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

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

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

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

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

Affirm that a request has been made for a Variance, or Special Exception X of An alternate landscape plan for 100 Crescent Ct.

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

The Crescent would like add a restaurant within the planned park area at McKinney Ave. and N. Pearl Ave. Some modifications to the current landscape plan are requested to accommodate this plan.

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.

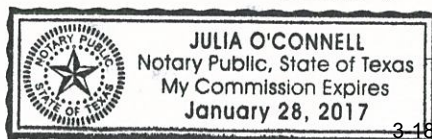
Affidavit

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

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 21st day of January, 2015.



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

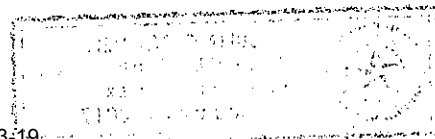
I hereby certify that Robert Reeves

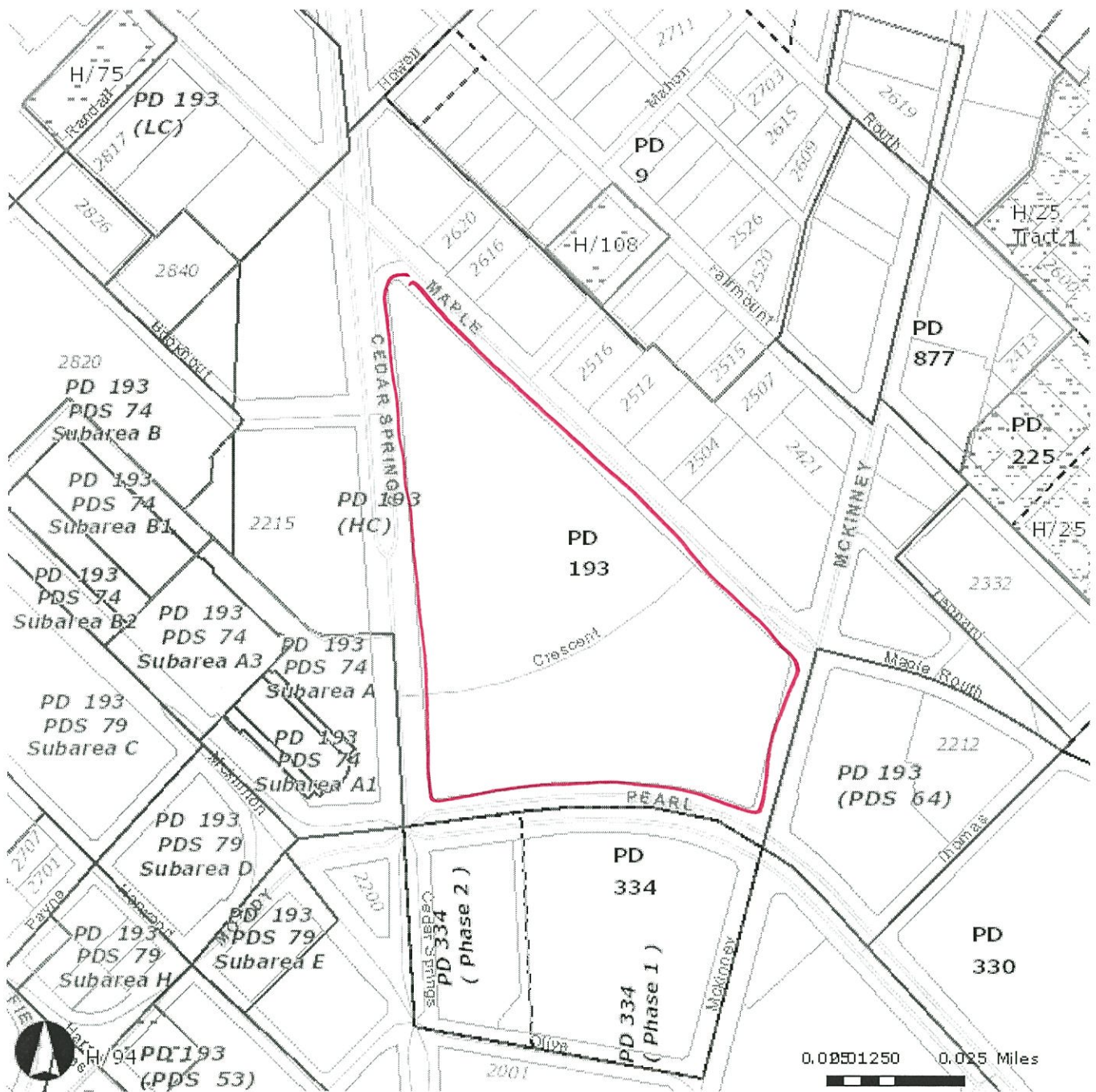
did submit a request for a special exception to the landscaping regulations
at 100 Crescent Court

BDA145-037. Application of Robert Reeves for a special exception to the landscaping regulations at 100 Crescent Court. This property is more fully described as Lot 1A, Block 2/948, and is zoned PD193 (HC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

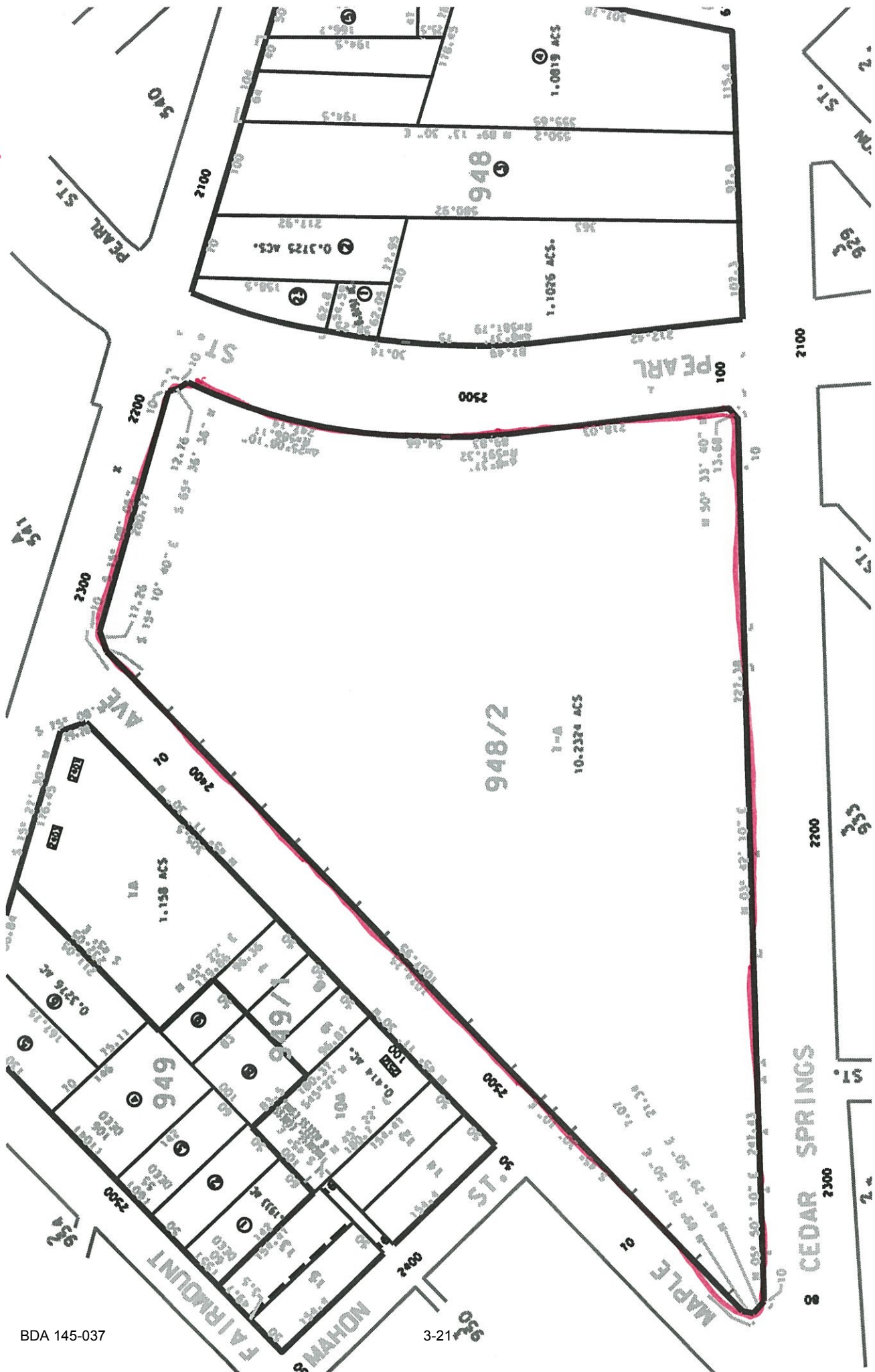
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





R





ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

January 22, 2015

Todd Duerksen
Building Inspection
320 E. Jefferson, Room 105
Dallas, Texas 75203

RE: Board Application to Amend Landscape Plan
The Crescent, 100 Crescent Court

Dear Mr. Duerksen:

Enclosed is an application to amended the Board of Adjustment approved landscape plan for the Crescent in order in order to construct an approximately 3,000 sq. ft. restaurant, which will be located near the intersection of McKinney and Pearl. The Board of Adjustment, Panel A approved an alternate Landscape Plan for the Crescent on June 24, 2014, BDA 134-042 and a waiver of the two-year waiting period on January 20, 2015.

A key element of the approved landscape plan focuses on enhancing the existing park area located at the intersection of McKinney and Pearl. The goal is to make this area more accessible to pedestrians and encourage folks to come into the park. A key component of this strategy is to construct a restaurant venue, which will compliment the park and attract folks into the area. Therefore, the Crescent would like to construct a restaurant in an area where there is an existing vacant drive-thru bank facility, which is located adjacent to the park.

There is no proposed landscaping shown on the approved Landscape Plan in the area where the existing drive-thru bank is located, see attached plan. Construction of the restaurant will require the removal of five existing interior trees and the relocation of six proposed interior trees. There are no proposed amendments to street trees. The relocated interior trees will be planted adjacent to the new restaurant. After this tree adjustment, there will be 119 net trees added to the Crescent site or 520 net caliper inches added.

Sincerely:

Robert Reeves

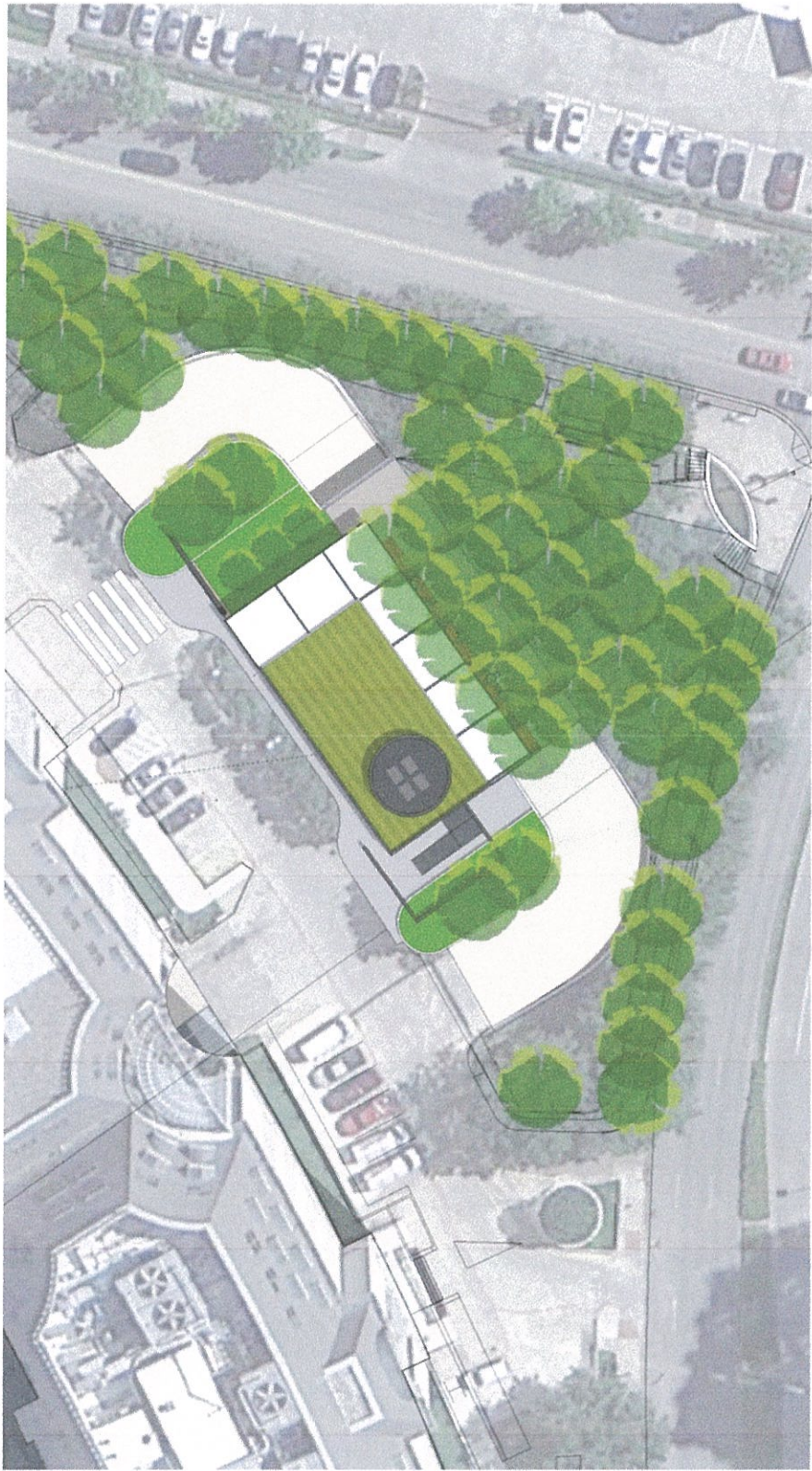
Existing Drive-Thru Bank



Existing Drive-Thru Bank



Proposed Restaurant

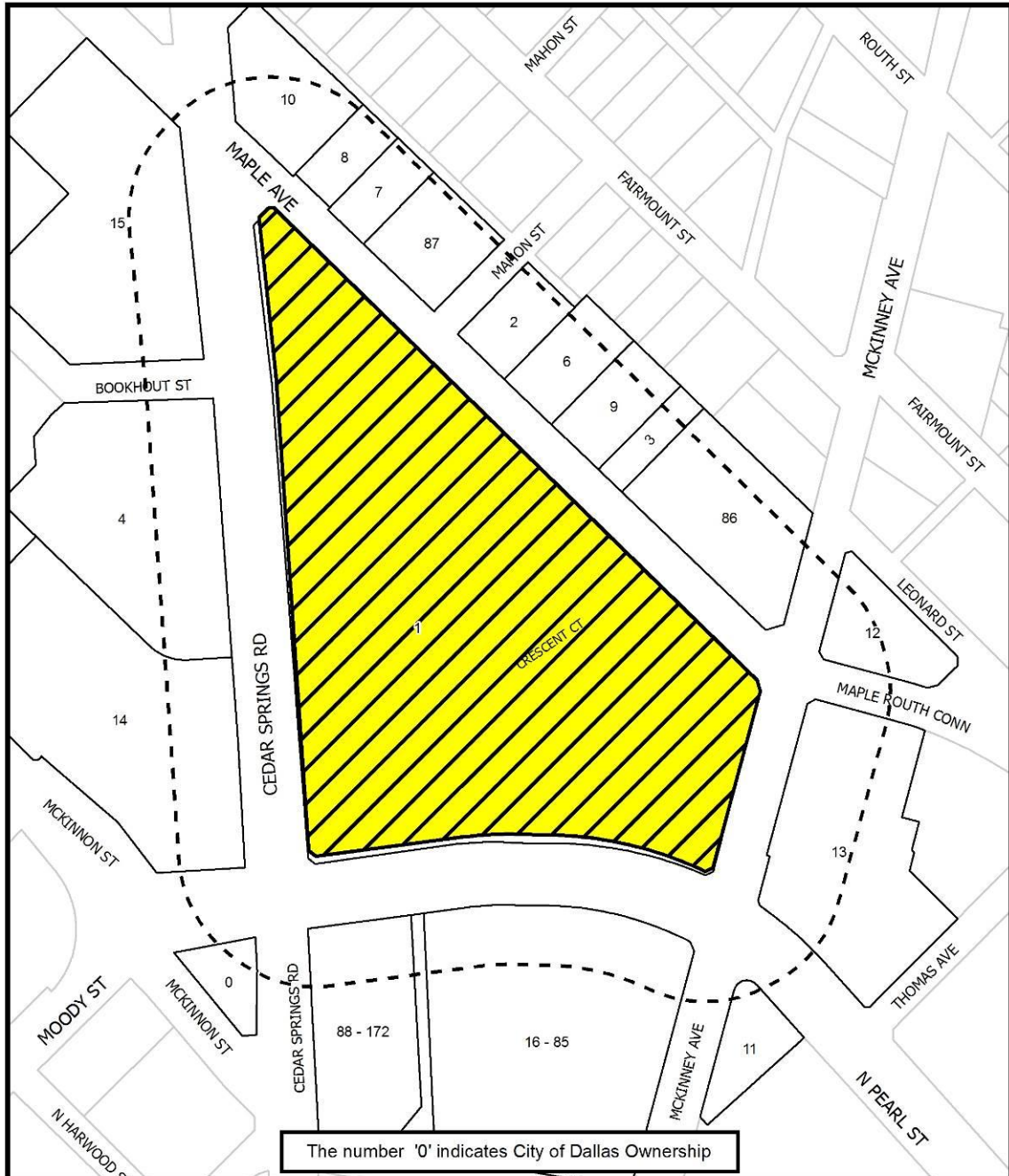


Proposed Restaurant



Proposed Restaurant





 1:2,400	NOTIFICATION		Case no: BDA145-037
	<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;">172</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 2/24/2015

Notification List of Property Owners

BDA145-037

172 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	100 CRESCENT CT	CRESCENT TC INVESTORS LP
2	2516 MAPLE AVE	HEYMANN CLAIRE L
3	2504 MAPLE AVE	PASHA & SINA INC
4	2215 CEDAR SPRINGS RD	ASHTON UPTOWN LP
5	2510 CEDAR SPRINGS RD	CRESCENT REAL ESTATE
6	2512 MAPLE AVE	HEIDARI ALI
7	2616 MAPLE AVE	HEIDARI ALI A
8	2620 MAPLE AVE	MAPLE MARKETING CORPORATION
9	2508 MAPLE AVE	PASHA & SINA INC
10	2628 MAPLE AVE	GREENWAY MAPLE LP
11	2120 MCKINNEY AVE	METROPOLITAN LIFE INS CO
12	2324 MCKINNEY AVE	MAPLE AND MCKINNEY L P
13	2222 MCKINNEY AVE	AMREIT UPTOWN DALLAS LP
14	2101 CEDAR SPRINGS RD	ROSEWOOD COURT LLC
15	2305 CEDAR SPRINGS RD	GPI CEDAR MAPLE LP
16	2121 MCKINNEY AVE	CRESCENT PLZ HOTEL OWNER
17	2525 PEARL ST	HOWE KEVIN & CONSTANCE HOWE
18	2525 PEARL ST	ADELGLASS JEFFREY &
19	2525 PEARL ST	MCKENZIE ARETA B
20	2525 PEARL ST	HIXSON ROBERT L JR &
21	2525 PEARL ST	BADINTER SIMON M
22	2525 PEARL ST	STONE EVAN
23	2525 PEARL ST	FRICKE MICHAEL T & ARLENE S
24	2525 PEARL ST	COTTEL WILLIS I TRUSTEE
25	2525 PEARL ST	SHINN LLOYD &
26	2525 PEARL ST	BOSSE JEFFREY F & DONNA S

Label #	Address	Owner
27	2525 PEARL ST	QUIST SHARON S
28	2525 PEARL ST	MILLER PAUL C & C KELLEY KLINE
29	2525 PEARL ST	PIP HOLDINGS LLC
30	2525 PEARL ST	STERN MATT D
31	2525 PEARL ST	BOSH CHRISTOPHER WESSON & ADRIENNE
32	2525 PEARL ST	OHRE DAVID E
33	2525 PEARL ST	LIMBER JOSEPH M
34	2525 PEARL ST	SAVAGE LIVING TRUST THE
35	2525 PEARL ST	TOELLER GARY RICHARD & ANNE S TRUSTEES
36	2525 PEARL ST	SONNENSCHNEIN INVESTMENTS LTD
37	2525 PEARL ST	FONBERG PETER
38	2525 PEARL ST	CARTER LINDA JO
39	2525 PEARL ST	CARLOW CORP
40	2525 PEARL ST	GINSBURG SCOTT K
41	2525 PEARL ST	DIXON GENE JR &
42	2525 PEARL ST	ABOU QAMAR MAAMOUN Y
43	2525 PEARL ST	MITCHELL F LANE
44	2525 PEARL ST	GALLETTA NANCY J
45	2525 PEARL ST	BAILEY CHARLES R & VIRGINIA H
46	2525 PEARL ST	EAGLE ROBERT M
47	2525 PEARL ST	WESTDALE PPTIES AMERICA I
48	2525 PEARL ST	WITRY MARY CAROL
49	2525 PEARL ST	MANUEL GREGORY W
50	2525 PEARL ST	CUMMINGS KEVIN & GUINEVERE
51	2525 PEARL ST	SANDLIN MARK R
52	2525 PEARL ST	RICHARDSON ANDREW C & ERIN
53	2525 PEARL ST	ZISMAN AVI
54	2525 PEARL ST	BROWER SHANNON
55	2525 PEARL ST	KIM TAESEUNG BEN &
56	2525 PEARL ST	RAPHAEL AUDREY LIVING TR
57	2525 PEARL ST	VANCLEAVE ROBERT C & SHARON L

Label #	Address	Owner
58	2525 PEARL ST	1013 NW LOOP 410 VENTURE
59	2525 PEARL ST	MCKNIGHT JAMES ROSS & BILLIE
60	2525 PEARL ST	MITCHELL KEITH & LOIS TRUST THE
61	2525 PEARL ST	ALVARADO JOSEPH
62	2525 PEARL ST	HAUSLEIN FERDINAND A JR
63	2525 PEARL ST	WALKER ROBERT M & GUDRUN S
64	2525 PEARL ST	CASTO DAVID & LUANN
65	2525 PEARL ST	TAYLOR BERNARD &
66	2525 PEARL ST	ALBERTS DENNY & CYNTHIA COMPARIN
67	2525 PEARL ST	DOUGLASS GREGORY
68	2525 PEARL ST	NURENBERG PAMELA &
69	2525 PEARL ST	PARKS JAMES LEE
70	2525 PEARL ST	ROMAN FRANK
71	2525 PEARL ST	CROWDER KEVIN & KAREN
72	2525 PEARL ST	HEADINGTON REALTY & CAPITAL LLC
73	2525 PEARL ST	ROSS STEPHANIE REVOCABLE TRUST
74	2525 PEARL ST	BORICUA ENTERPRISES LP
75	2525 PEARL ST	TEL REAL ESTATE LLC
76	2525 PEARL ST	CARTER DONALD J & LINDA JO
77	2525 PEARL ST	MAYER TOM & SUSAN
78	2525 PEARL ST	KARKOUTLY AMAN &
79	2525 PEARL ST	WITZKE DAVID
80	2525 PEARL ST	QUINN TERRENCE JEROME &
81	2525 PEARL ST	WAGNER DUER III
82	2525 PEARL ST	HADDOCK RON W &
83	2525 PEARL ST	SOLOMON WILLIAM T & GAY F
84	2525 PEARL ST	LARKIN JOHN G &
85	2525 PEARL ST	ANDERSON CHARLES C JR & MOLLY R
86	2401 MCKINNEY AVE	ELK FINANCIAL INC
87	2610 MAPLE AVE	WARSAW RESTAURANT INC
88	2400 OLIVE ST	CRESCENT TOWER RESIDENCES LP

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2555 PEARL ST	TORRENCE FLP
90	2555 PEARL ST	CHOTI CAROLE LAMPESIS & MICHAEL ANDREW
91	2555 PEARL ST	CREWS KYLE W & ANNE C
92	2555 PEARL ST	CREWS KYLE W & ANNE C CREWS
93	2555 PEARL ST	HENDRICKS JAMES P &
94	2555 PEARL ST	ALEXANDER GREG
95	2555 PEARL ST	AMENDED AND RESTATED DAGNON REV TRUST
96	2555 PEARL ST	HOWARD JAMES MILTON JR &
97	2555 PEARL ST	STEPHANIAN EDIC
98	2555 PEARL ST	MOROS HORACIO JAVIER
99	2555 PEARL ST	THELIN THOMAS
100	2555 PEARL ST	ZOYS GEORGE N
101	2555 PEARL ST	VEERARAGHAVAN UMA & KRISHNA
102	2555 PEARL ST	CHI WEIWEI &
103	2555 PEARL ST	RITZ TOWER 405 LLC
104	2555 PEARL ST	CLARKE DIEN S & FRED E III
105	2555 PEARL ST	HENRY JAMES J & PATRICIA M
106	2555 PEARL ST	ATTICUS PEARL STREET LLC
107	2555 PEARL ST	HASHEM OMAR & MIASSAR
108	2555 PEARL ST	FABER CAREY E
109	2555 PEARL ST	SREERAMA RAVI KUMAR &
110	2555 PEARL ST	WORTLEY MICHAEL D & PATRICIA
111	2555 PEARL ST	LEVY MARLON &
112	2555 PEARL ST	PERSONS MELISSA LEE &
113	2555 PEARL ST	MUSSULMAN DANIEL G
114	2555 PEARL ST	CLAUSE CARL & ROSALIE
115	2555 PEARL ST	CAMMACK BRUCE A & MICHELE G
116	2555 PEARL ST	CLAUSE CARL & ROSALIE
117	2555 PEARL ST	PESES IAN &
118	2555 PEARL ST	WILLIAMS KEVIN
119	2555 PEARL ST	HOLMES CHARLTON C

Label #	Address	Owner
120	2555 PEARL ST	MILLER PAMELA MARGARET
121	2555 PEARL ST	CHALMERS FAMILY REVOCABLE TRUST
122	2555 PEARL ST	YOUNGMAN STEPHEN A & DENISE A
123	2555 PEARL ST	ROBERSON SHANNON G
124	2555 PEARL ST	TWOMEY FAMILY TRUST AGREEMENT
125	2555 PEARL ST	SMITH OPERATING AND MANAGEMENT CO
126	2555 PEARL ST	PORTER ZACHARY & EMILY RAY
127	2555 PEARL ST	HEEBE ADREA D
128	2555 PEARL ST	KLAASSEN LIVING TRUST
129	2555 PEARL ST	RODER RICHARD
130	2555 PEARL ST	KRISHNAN SUMANT GOPAL
131	2555 PEARL ST	BEREZINA VICTORIA
132	2555 PEARL ST	ULLMAN MYRON EDWARD & CATHY EMMONS TRUSTEE
133	2555 PEARL ST	HARGIS KENNETH & DARLENE LIVING TRUST
134	2555 PEARL ST	FAURIA THOMAS J & RENEE
135	2555 PEARL ST	HARASYM STEVEN MICHAEL
136	2555 PEARL ST	KEN CARLILE 2004 TRUST THE
137	2555 PEARL ST	RIPPETO J DOUGLAS
138	2555 PEARL ST	NICKERSON STEVEN CASH & EVELYN THOMAS
139	2555 PEARL ST	UPTOWN DREAMS LLC
140	2555 PEARL ST	MUHL BRADLEY GILBERT & HOLLY BOWEN
141	2555 PEARL ST	FRAZIER DEBBIE
142	2555 PEARL ST	BLUE CRESCENT VENTURE LP
143	2555 PEARL ST	FOX PATRICK K & CYNTHIA E
144	2555 PEARL ST	FORD SCOTT T & JOAN D
145	2555 PEARL ST	SNEAD RICHARD & MARILYN
146	2555 PEARL ST	SANTAGA GREGORY P & ANN M JOINT REVOCABLE
147	2555 PEARL ST	AVANT HARRY L
148	2555 PEARL ST	BARSACHS EDWIN HARRY JR
149	2555 PEARL ST	DORF ROGER & SANDRA DORF
150	2555 PEARL ST	PARSELL SUSAN P

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	2555 PEARL ST	GRANGER KIMBERLEY
152	2555 PEARL ST	LAM SAMUEL M MD
153	2555 PEARL ST	STUEWE RANDALL C
154	2555 PEARL ST	LAZOF FAMILY TRUST
155	2555 PEARL ST	CRAIG WILLIAM MARK TR &
156	2555 PEARL ST	DUNN FREDRICK L &
157	2555 PEARL ST	MUHL BRADLEY GILBERT & HOLLY
158	2555 PEARL ST	SIKKEL MARK
159	2555 PEARL ST	ROBINSON STEPHEN WILLIAM &
160	2555 PEARL ST	RC TRUST THE &
161	2555 PEARL ST	ROGERS ROBYN M REVOCABLE
162	2555 PEARL ST	THE FRONT PORCH LLC
163	2555 PEARL ST	FRONT PORCH LLC THE
164	2555 PEARL ST	DARVISHSEFAT FARID YU
165	2555 PEARL ST	DARVISHSEFAT FARID YU
166	2555 PEARL ST	SHINN LLOYD &
167	2555 PEARL ST	HEDGEHOG REAL ESTATE LLC
168	2555 PEARL ST	CHILANGO LLC
169	2555 PEARL ST	KAPLAN GABRIEL TR
170	2555 PEARL ST	GRANGER KIMBERLEY
171	2555 PEARL ST	REESJONES TREVOR
172	2555 PEARL ST	VAN WOLFSWINKEL RANDALL

FILE NUMBER: BDA 145-022

BUILDING OFFICIAL'S REPORT: Application of Michael Doggett for a special exception to the landscape regulations at 3133 E. Lemmon Avenue. This property is more fully described as Lot 4A, Block 978, and is zoned PD193 (GR), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 3133 E. Lemmon Avenue

APPLICANT: Michael Doggett

REQUEST:

A request for a special exception to the landscape regulations is made to maintain a retail use/structure (CVS) on a site, and not fully provide required landscaping.

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

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

ORIGINAL STAFF RECOMMENDATION (February 17, 2015):

Approval, subject to the following conditions:

- Compliance with the submitted revised alternate landscape plan is required.
- All surface parking screening required by ordinance must be installed and maintained with the exemption of a maximum of three feet width opening between the screening shrubs for each required tree in the planting row; the screening plantings must be capable of obtaining a solid appearance within three years from the date of the favorable action of the Board.

Rationale:

- The City of Dallas Chief Arborist supported the applicant's request with the staff suggested conditions imposed because the proposal did not compromise the spirit and intent of the PD 193 landscape requirements.

REVISED STAFF RECOMMENDATION (March 17, 2015):

Approval, subject to the following condition:

- Compliance with the submitted revised landscape plan dated 3-3-15 is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request with the staff suggested condition imposed because the revised proposal does not compromise the spirit and intent of the PD 193 landscape requirements.

BACKGROUND INFORMATION:

Site: PD 193 (GR) (Planned Development, General Retail)
North: PD 305 (Planned Development)
South: PD 193 (LC) (Planned Development, Light Commercial)
East: PD 372 (Planned Development)
West: PD 193 (GR) (Planned Development, General Retail)

Land Use:

The subject site is developed with a retail use/structure (CVS). The areas to the north, south, east, and west are developed with mostly retail uses.

Zoning/BDA History:

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

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on maintaining a retail use/structure, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, while that applicant had originally sought relief from fully complying with the surface parking screening, sidewalk, and tree requirements of the PD 193 landscape regulations, the applicant now seeks relief from only full compliance with the sidewalk requirements.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- Prior to the February 17th public hearing, the City of Dallas Chief Arborist had submitted a memo regarding the applicant's revised request (see Attachment B). The memo states how this request is triggered by new construction.

- The Chief Arborist's February 6th memo identified how the features shown on the applicant's revised landscape plan was deficient from surface parking screening (surface parking screening adjacent to Lemmon Avenue was interrupted by trees planted between shrubs), sidewalks (sidewalks along Lemmon Avenue were not 6' in width located between 5' – 12' from back of curb), and trees (none of the trees along Lemmon Avenue and McKinney Avenue were located within the tree planting zone).
- The Chief Arborist's February 6th memo listed a number of factors for consideration that pertain to surface parking screening, sidewalks, trees, and "additional information."
- Prior to the February 17th hearing, the Chief Arborist had recommended approval of the request because of his belief that the plan did not compromise the spirit and intent of the PD 193 landscape regulations. The arborist recommended that beyond the Board imposing the revised alternate landscape plan as a condition to the request, that they also impose the following: all surface parking screening required by ordinance must be installed and maintained with the exemption of a maximum of three feet width opening between the screening shrubs for each required tree in the planting row; the screening plantings must be capable of obtaining a solid appearance within three years.
- On March 3, 2015, a revised landscape plan that had been prepared by the applicant was forwarded to the Board Administrator by the Building Inspection Senior Plans Examiners/Development Code Specialist (see Attachment C).
- On March 6, 2015, the Chief Arborist submitted a revised memo regarding the applicant's revised request and revised landscape plan (see Attachment D). This memo stated that features shown on a revised landscape plan dated 3-3-15 is only deficient in that it does not comply with sidewalk requirements.
- The Chief Arborist's March 6th memo listed a number of factors for consideration that pertain to sidewalks, surface parking screening, trees, and "additional information."
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a revised landscape plan with a revision date of 2-12-15 has been submitted that is deficient in meeting the sidewalk requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126: "Landscape, streetscape, screening, and fencing standards".
- If the Board were to grant this request and impose the submitted revised landscape plan dated 3-3-15 as a condition, the site would be granted exception from full compliance to the sidewalk requirements of the PD 193 landscape regulations of the Oak Lawn PD 193 landscape ordinance.

Timeline:

December 18, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

- January 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- January 14, 2015: 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 January 28th deadline to submit additional evidence for staff to factor into their analysis; and the February 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."
- February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- No review comment sheets with comments were submitted in conjunction with this application.
- February 5, 2015: The applicant submitted additional information to the Board Administrator beyond what was submitted in the original application (see Attachment A).
- February 6, 2015: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment B).
- February 17, 2015: The Board of Adjustment Panel A conducted a public hearing on this application. The applicant submitted a revised landscape plan to the Board at the public hearing. The Board delayed action on this application until their next hearing to be held on March 17, 2015.
- February 28, 2015: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the February 25th deadline to submit additional evidence for staff review, and the March 6th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- March 3, 2015: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised landscape plan submitted by

the applicant to the Board Administrator (see Attachment C). (While this plan was noted with a revision date of 2-12-15, the Chief Arborist informed the Board Administrator that notes/revisions were made to this plan after this date hence a received date by the Board Administrator of 3-3-15 was noted on this plan by the Board Administrator).

March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

March 6, 2015: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment D).

BOARD OF ADJUSTMENT ACTION: FEBRUARY 17, 2015

APPEARING IN FAVOR: Robert Baldwin. 3904 Elm Street, Dallas, TX

APPEARING IN OPPOSITION: Anthony Page, 100 Crescent Ct., Dallas, TX
Micah Byrnes, 2320 N Houston #1902, Dallas, TX
Brenda Marks, 3926 Gilbert Ave., Dallas, TX

MOTION: **Rieves**

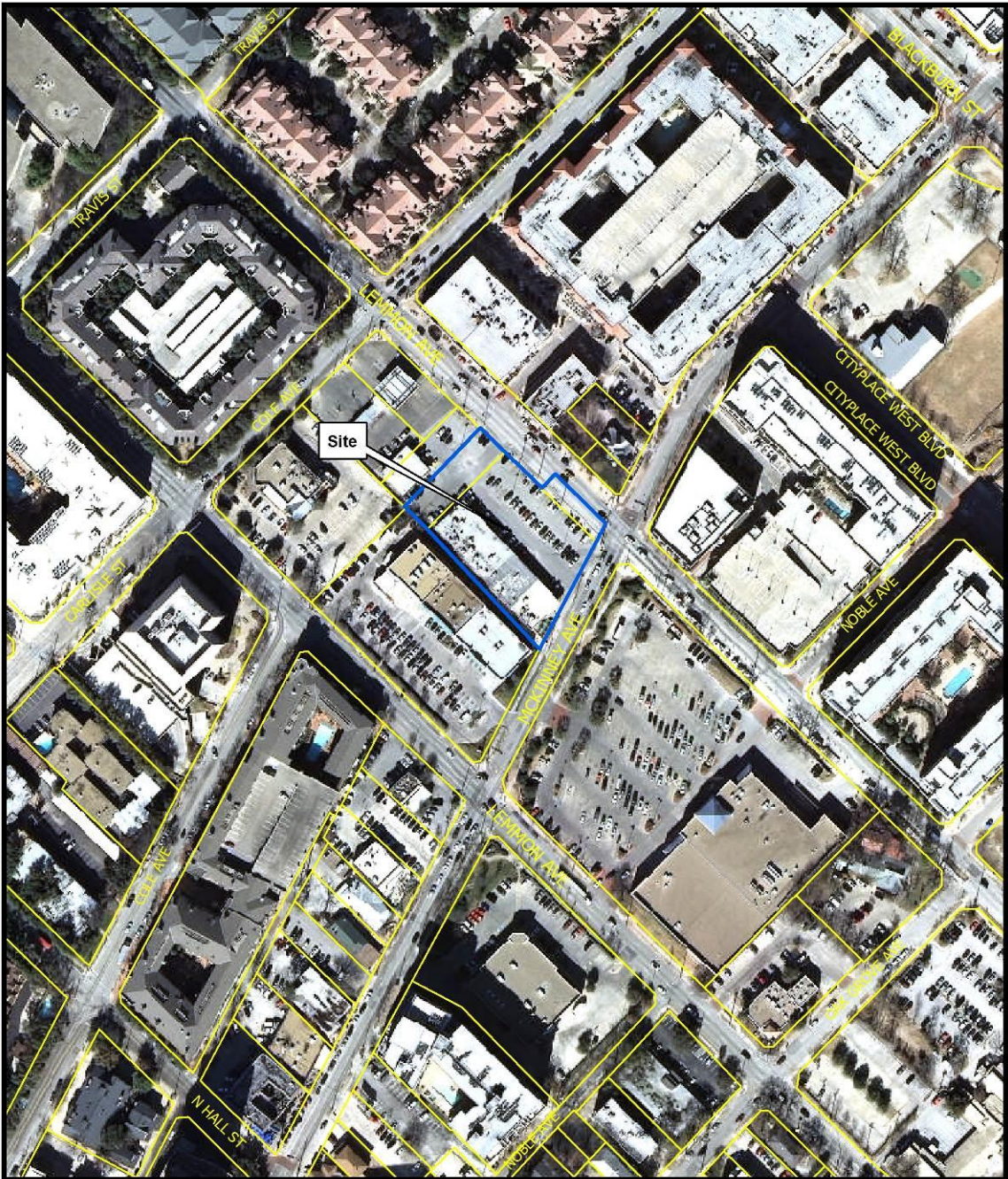
I move that the Board of Adjustment in appeal No. **BDA 145-022** hold this matter under advisement until **March 17, 2015**.

SECONDED: **Nolen**

AYES: 5 – Nolen, French, Rieves, Bartos, Agnich

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)



1:2,400

AERIAL MAP

Case no: BDA145-022

Date: 1/23/2015

February 4, 2015

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

RE: BDA 145-022
3133 E. Lemmon Avenue

Mr. Long,

At your request, I am providing historical data as to why we are preparing this Special Exception request. As you know CVS Pharmacy has constructed its 13,000 SF retail store at the above referenced address. The building and site work was built in accordance with the City approved drawings. Below is a chronological list of events that occurred leading up to today.

01/15/13 – Winkelmann & Associates (WAI) had a pre-development meeting with the City of Dallas. After the meeting, I spoke with Clay Walker and David Rhoads in the City Arborist Department regarding the existing utilities and sidewalk along Lemmon Ave. I informed them at the meeting that there are several large underground duct banks of fiber optics, telephone, as well as an underground water line, and overhead power lines along the ROW of Lemmon Ave. Clay and David explained to me that PD-193 requires a 6' sidewalk located a minimum 5' from the back of the existing curb. However, the code also provides a provision that allows street trees and plantings to be located onsite within a certain distance from the curb if the 5' planting area is encumbered with underground utilities. We then discussed the area and WAI made the decision to design the area from back of curb to be an 11' wide sidewalk given the pedestrian nature of the area.

08/22/13 – WAI attended a Q-Team Express Plan Review meeting for the building permit submittal. Our site has limited depth from Lemmon Ave. to the opposite property line to allow for the required parking and adequate space for landscaping. However, our Landscape Plan which was stamped for approval at that meeting included a 3' wide space between the required sidewalk and the parking lot. Within that 3' area, headlight screening shrubs were planned along with street trees. These plans were stamped for approval at this meeting.

11/6/14 – We were made aware of an issue with the installation of the street trees within the 3' planting area provided since the root balls of the trees were 39". Our GC reached out to his city inspector (Fel Bolton) who approved cutting triangular shaped cuts into the sidewalk to allow the installation of the trees.

11/19/14 – We received email correspondence from Clay Walker regarding Landscape Inspection results. At that time, we were made aware that the trees planted in the place of required shrubs as shown on the approved landscape plan were not acceptable. The Landscape Department was not informed of the cuts into the sidewalk either. The arborist provided comments on shrub height installed as well as tree placement. These items were subsequently addressed and new shrubs not shown on the plan were added in front of the store along Lemmon. We were informed at this time that the City of Dallas approved our plans in error and should have addressed these issues during plan review. The Board of Adjustment was one of the avenues to proceed to allow the plans to be approved as presented.

After discussing these issues with Philip Erwin, Chief Arborist, CVS felt it was in their best interest to apply for a Special Exception to allow a deviation to the requirements of PD-193. These deviations include breaks in the row of shrubs to include required tree plantings and cuts into the required 6' wide sidewalk for the trees planted. It should be noted that since the sidewalk exceeds 6' wide in the area, the cuts for the trees do not critically alter the path of accessibility along the street.

We would respectfully request the Board to approve this Special Exception request which honors the approvals we were granted to allow construction. This approval would allow the hold on the Permanent Certificate of Occupancy to be released.

G:\701\76\ENGINEERING\Construction Plans\PDF\20150204 Lanscape Updates\ZBA Letter 02 04 05.docx



BDA 145-022

Attach A

pg 2

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Doggett', is written over a horizontal line.

Winkelmann & Associates, Inc.
Michael Doggett, P.E., LEED Green Associate
Vice President

CC: 70176
Donn Fizer – ODI
Joseph Mutter – CVS

CVS pharmacy
 SOUTHERN 12900-RGHT
 CHAMBER DRIVE-THRU
 STORE NUMBER: 0330
 501 LOMON AVE. EAST & HORNBY AVE
 DALLAS, TEXAS
 PROJECT TREE NEW
 DEAL TRS FEE FOR SERVICE
 CS PROJECT NUMBER: 72502

CHL ENGINEER
Winkelmann & Associates, Inc.
 10000 W. LBJ Fwy., Suite 1000
 Dallas, Texas 75243
 Phone: (214) 343-1111
 Fax: (214) 343-1111

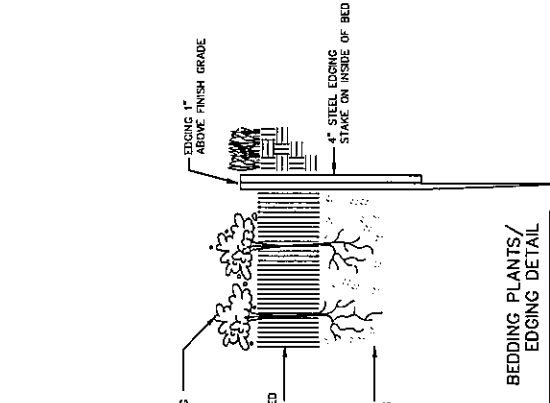
CONSULTANT:

DEVELOPER:
 Orange Development Inc.
 1200 Corporate Drive
 BIRMINGHAM, AL 35242
 TEL: (205) 948-3443
 FAX: (205) 948-1151

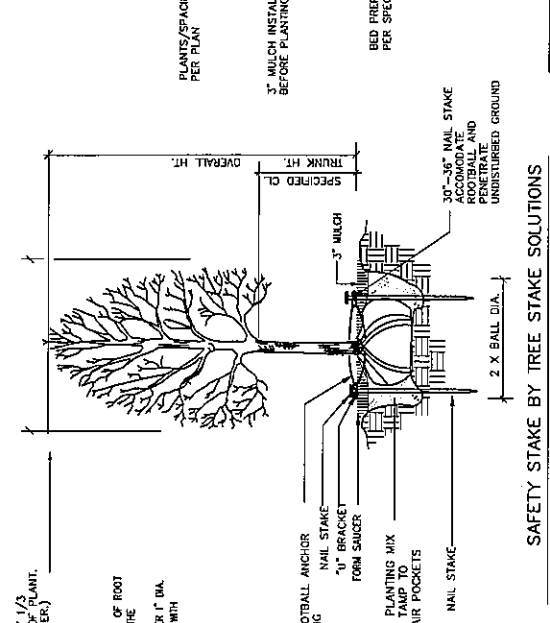
SEAL:

REVISIONS:
 1) 10.04.13 ADDENDUM #1
 2) 10.17.13 ADDENDUM #2
 3) 11.07.13 CITY COMMENTS
 4) 11.21.13 RELEASED FOR CONSTRUCTION
 5) 5.26.14 S.E. ACCESS REGRADING

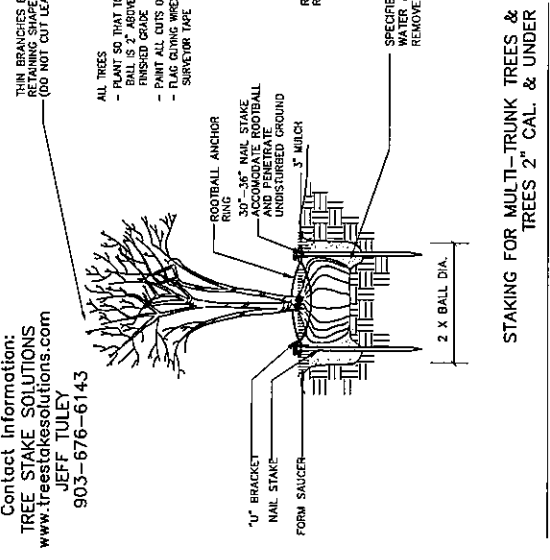
FILE NAME: 70176-10n.dwg
JOB NUMBER: 70176.01(0)
DATE: AUGUST 25, 2013
TITLE: LANDSCAPE DETAILS
SHEET NUMBER: L-2
COMMENTS:



**BEDDING PLANTS/
 EDGING DETAIL**
 SCALE: NOT TO SCALE



SAFETY STAKE BY TREE STAKE SOLUTIONS
 SCALE: NOT TO SCALE



**STAKING FOR MULTI-TRUNK TREES &
 TREES 2" CAL. & UNDER**
 SCALE: NOT TO SCALE

PLANT LIST

Symbol	Quantity	Code Name	Scientific Name	Common Name	Comments
⊗	9	Lahna	Lagerstrœmia indica 'Natchez'	Crape myrtle 'Natchez'	3 to 5 Cones, Full, Tree form
⊙	12	Hepa	Hesperaloe parviflora	Red yucca	36" O.C.
⊗	9	Muca	Muhlenbergia capillaris	Gulf muhly	36" O.C.
⊙	15	Sage	Salvia greggii	Audubon Sage	24" O.C.
⊗	14	Lijava	Ligustrum japonicum 'Vervegatum'	Variegated Privet	48" O.C.
⊙	13	line	Illex x 'Nelle R. Stevens'	Nelly R. Stevens holly	B & B, 14" Min Ht. Single straight trunk
⊗	7	Fpedrh	Fraxinus pennsylvanica Urbanite	'Urbanite' ash	B & B, 14" Min Ht. Single straight trunk
⊙	3	Quah	Quercus shumardii	Shumard oak	B & B, 14" Min Ht. Single straight trunk
⊗	4	Oxal	Quercus virginiana	Southern live oak	B & B, 14" Min Ht. Single straight trunk
⊙	4	Pich	Platycodon chinensis	Chinese platycodon	B & B, 14" Min Ht. Single straight trunk
⊗	4	Mypu	Myrica pusilla	Dwarf Wax Myrtle	36" O.C., 42" Min Ht.
⊙	31	Site	Slopa tenuissima	Medean feathergrass	18" O.C.
⊗	476	Tra	Trichostema aridicum	Atlan peashine	12" O.C.
⊙	1150	Uma	Ulmus marmoratus 'Big Blue'	'Big Blue' Fringe	12" O.C.
⊗	84	Cyde	Cynodon dactylon	Sold Bermuda seed	Sold/seed

SHRUB PLANTING

SCALE: NOT TO SCALE

PLANT MIX - (USE 3 SIZES FOR DEPTH, WIDTH, ETC.)

3:1 MAXIMUM SLOPE

CURB

6"-9"

TYPICAL PARKING LOT ISLAND MOUNDING



NOTE: IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM TREE CALIPER MEASUREMENT HEIGHT ABOVE GRADE AS REQUIRED BY CITY.

Contact Information:
TREE STAKE SOLUTIONS
 www.treestakesolutions.com
 JEFF TULEY
 903-676-6143

Memorandum



CITY OF DALLAS

DATE February 6, 2015
 TO Steve Long, Board of Adjustment Administrator
 SUBJECT # BDA 145 - 022 3133 E. Lemmon Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (GR). More specifically, the request is for relief from full compliance with the surface parking screening (51P-193.126(b)(3)(A)), full compliance with the sidewalk requirements (51P-193.126(b)(4)), and full compliance with the trees requirement (51P-193.126(b)(5)).

Trigger

New construction.

Deficiencies

Surface parking screening:

The plan identifies a surface parking screening row adjacent to Lemmon Avenue. However, the screening continuity is interrupted by trees planted between shrubs in the shared 3-foot wide planting bed. The break in screening, imposed by the placement of the trees in the same linear bed, is in violation of landscape regulations.

Sidewalks:

Along Lemmon Avenue, and adjacent to the parking lot, multiple cut-outs were made within the required sidewalk for the installation and maintenance of required trees. The required sidewalk, established by code as 6 feet in width, is to be placed between 5 and 12 feet from back of curb. The maximum sidewalk distance that was built along Lemmon Avenue is 11 feet. The full width of the required 6 feet sidewalk is between 5 and 11 feet from curb. The cut-outs on the street-side of the planting bed slightly restrict the use of the required sidewalk in favor of the landscape use for the tree planting. The McKinney Avenue sidewalk is compliant.

Trees:

Along Lemmon Avenue and McKinney Avenue, the plan and installation placed all required 'street' trees within the property and none within the "tree planting zone." Ordinance authorizes the relocation of trees from the tree planting zone to the required front yard of the property under certain circumstances. However, three of the trees along McKinney Avenue are placed outside of the "required front yard."

The original landscape plan was approved through Q-team building permit review process for a permit issued June 26, 2014. The revised plan is slightly modified to address landscape adjustments after working with the arborist. The conditions of the planting layout came into question by our office several months after permit and after parking and sidewalk installation. In my review of the landscape inspection with the inspector, I concluded the completed plan, and installation of plants that separated the screening shrubs, do not comply with the conditions of PD 193 landscape regulations. All construction in the City of Dallas is subject to field verification and inspector approval for code compliance.

Surface parking screening:

The PD 193 regulation states "all surface parking must be screened from the street." The property must use either a berm, solid wood or masonry fence, or "hedge-like evergreen plant materials." It further states "the plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density and the building official determines is capable of providing a solid appearance within three years." It is our opinion the combined tree and shrub planting conditions in the narrow bed do not fully support the compliance with this requirement.

Sidewalks:

The development's design and installation provided a 11-foot wide sidewalk from the curb, after it was determined the trees could not be provided in the tree planting zone near the curb due to underground local utility conflicts. The required sidewalk is specified by ordinance as 6 feet wide and beginning at 5 feet from back of curb. The triangle encroachments enter into the required sidewalk by a matter of inches, and causes a minor pedestrian restriction in the passage of the overall sidewalk.

Trees:

The reason for the authorization of the relocation of trees from the tree planting zone is found in 51P-193.126(b)(5), Trees. It states the zone is the area between 2.5 feet and 5 feet from the back of the curb. If the owner cannot obtain a landscape permit to locate a required tree in the parkway, the owner shall locate the tree in the required front yard as near as practicable to the front lot line. The required front yard is defined as "the portion of a lot that abuts a street and extends across the width of the lot between the street and the setback line."

The trees were relocated along both McKinney Avenue and Lemmon Avenue because of nearby underground utility (water line) conflicts. When city engineers prohibited the placement of the trees in the area near the existing water lines, a permit authorization could not be obtained for tree placement in the zone. Under 193.126(b)(5)(B), the trees are allowed to be relocated, but were required to be approved for planting in the required front yard. In approval of the design, several trees along McKinney Avenue were approved beyond the required front yard but still in the front yard.

Additional information:

The table below indicates the property complies with all other standards of PD 193 for GR districts, including landscape, general and special planting areas.

Required			Provided			
18 STREET TREES, BETWEEN 2.5' - 5' OF CURB			18 STREET TREES, 15' - 30' FROM CURB			
6' SIDEWALK BETWEEN 5'-12' FROM BACK OF CURB			*11' SIDEWALK AT THE CURB TO 11' (LEMMON)			
AREA %'S IN SQFT	LANDSCAPE SITE AREA		GENERAL PLANTING AREA		SPECIAL PLANTING AREA	
LOT AREA	10%		NA		NA	
REQ'D FR YARD	60%		12%		6%	
	Required	Provided	Required	Provided	Required	Provided
LOT AREA	4762	8696	NA	NA	NA	NA
REQ'D FR YARD	2857	6168	342	1052	171	763

*McKinney Avenue sidewalk is in compliance.

In reference to parkway (curb to sidewalk) planting areas in PD 193, this provision to provide living trees, turf grass, flowers, or groundcover vegetation (which is generally in alignment with the tree planting zone) is only specifically required in MF districts and not in GR districts. The 11-foot wide sidewalk expanse along Lemmon Avenue is allowed by ordinance under the given conditions.

Local utility infrastructure conflicts initiated a site conflict with landscape zoning regulations. Although there is a limiting landscape area for the trees, the sidewalk and tree front yard location conditions (with three exceptions along McKinney Avenue) are authorized by ordinance, and the sidewalk cut-outs are minimal against a 11-foot wide walkway. The applicant has worked to provide the parking screening although it is incomplete with gaps for tree placement.

Recommendation

In reviewing the full content of the plan and the ordinance, I am recommending approval of the alternative landscape plan because I believe the plan does not compromise the spirit and intent of the PD 193 landscape regulations.

I further recommend the following condition be applied for clarification of the plan:

All surface parking screening required by ordinance must be installed and maintained with the exemption of a maximum space of three feet width opening between screening shrubs for each required tree in the planting row. The screening plantings must be capable of obtaining a solid appearance within three years.

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

BDA 145-022

Attach C

PS 1

WINKELMANN & ASSOCIATES, INC.

Concorde on the Creek
6750 Hillcrest Plaza Drive
Suite 325
Dallas, Texas 75230
(972) 490-7090 x205
Fax (972) 490-7099

DISTRIBUTION LIST

DATE: 02/27/15
WAI #: 70176
CS # 72502
CVS # 10351
Intersection: SWC Lemmon & McKinney
City/State: Dallas, TX
Regarding: Revised Landscaping Plan

City of Dallas (Delivered by PM)
Attn: Todd Duerksen
320 E. Jefferson Blvd.
Dallas, TX

***Enclosed are the 4 Full Size Copies of the Alternate Landscape Plan for
BDA 145-022 for the property at 3133 E. Lemmon Ave.***

Should you need anything else, please give me a call.

***Thanks,
Michael Doggett, P.E.
Vice President***

BDA 134-096

**4801 Lemmon
Ave.**

Signed: 
BDA 145-022

CVS pharmacy
 SOUTHERN 12900-RIGHT
 CHAMBER DRYE-THRU
 STORE NUMBER: 10651
 5100 LEMMON AVE. EAST & HERNETT AVE.
 DALLAS, TEXAS
 PROJECT TRIP NEW
 LOCAL TRIP FILE FOR SERVICE
 CS PROJECT NUMBER: 72502

CML ENGINEER
Winkelmann & Associates, Inc.
 10000 W. LBJ Fwy., Suite 1000
 Dallas, TX 75243
 TEL: 972-382-1100
 FAX: 972-382-1101

CONSULTANT:

DEVELOPER:
 Orange Development Inc.
 10000 W. LBJ Fwy., Suite 1000
 Dallas, TX 75243
 TEL: 972-382-1100
 FAX: 972-382-1101

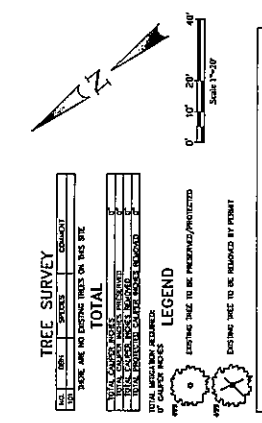
SEAL:

REVISIONS:
 1) 10.04.13 ADDENDUM #1
 2) 10.17.13 ADDENDUM #2
 3) 11.07.13 CITY COMMENTS
 4) 11.12.13 RELEASED FOR CONSTRUCTION
 5) 9.26.14 S.E. ACCESS REGRADING
 6) 02.12.15 BOA CASE

FILE NAME: 70176-landscape.dwg
JOB NUMBER: 70176 01(10)
DATE: AUGUST 26, 2013
TITLE: ALTERNATE LANDSCAPE PLAN

SHEET NUMBER: L-1
COMMENTS:

BDA145-022
 Attach C
 pg 2



NO.	DBH	SPECIES	COMMENTS
1	10"	FRAX	REMOVED
2	10"	FRAX	REMOVED
3	10"	FRAX	REMOVED
4	10"	FRAX	REMOVED
5	10"	FRAX	REMOVED
6	10"	FRAX	REMOVED
7	10"	FRAX	REMOVED
8	10"	FRAX	REMOVED
9	10"	FRAX	REMOVED
10	10"	FRAX	REMOVED
11	10"	FRAX	REMOVED
12	10"	FRAX	REMOVED
13	10"	FRAX	REMOVED
14	10"	FRAX	REMOVED
15	10"	FRAX	REMOVED
16	10"	FRAX	REMOVED
17	10"	FRAX	REMOVED
18	10"	FRAX	REMOVED
19	10"	FRAX	REMOVED
20	10"	FRAX	REMOVED
21	10"	FRAX	REMOVED
22	10"	FRAX	REMOVED
23	10"	FRAX	REMOVED
24	10"	FRAX	REMOVED
25	10"	FRAX	REMOVED
26	10"	FRAX	REMOVED
27	10"	FRAX	REMOVED
28	10"	FRAX	REMOVED
29	10"	FRAX	REMOVED
30	10"	FRAX	REMOVED
31	10"	FRAX	REMOVED
32	10"	FRAX	REMOVED
33	10"	FRAX	REMOVED
34	10"	FRAX	REMOVED
35	10"	FRAX	REMOVED
36	10"	FRAX	REMOVED
37	10"	FRAX	REMOVED
38	10"	FRAX	REMOVED
39	10"	FRAX	REMOVED
40	10"	FRAX	REMOVED
41	10"	FRAX	REMOVED
42	10"	FRAX	REMOVED
43	10"	FRAX	REMOVED
44	10"	FRAX	REMOVED
45	10"	FRAX	REMOVED
46	10"	FRAX	REMOVED
47	10"	FRAX	REMOVED
48	10"	FRAX	REMOVED
49	10"	FRAX	REMOVED
50	10"	FRAX	REMOVED
51	10"	FRAX	REMOVED
52	10"	FRAX	REMOVED
53	10"	FRAX	REMOVED
54	10"	FRAX	REMOVED
55	10"	FRAX	REMOVED
56	10"	FRAX	REMOVED
57	10"	FRAX	REMOVED
58	10"	FRAX	REMOVED
59	10"	FRAX	REMOVED
60	10"	FRAX	REMOVED
61	10"	FRAX	REMOVED
62	10"	FRAX	REMOVED
63	10"	FRAX	REMOVED
64	10"	FRAX	REMOVED
65	10"	FRAX	REMOVED
66	10"	FRAX	REMOVED
67	10"	FRAX	REMOVED
68	10"	FRAX	REMOVED
69	10"	FRAX	REMOVED
70	10"	FRAX	REMOVED
71	10"	FRAX	REMOVED
72	10"	FRAX	REMOVED
73	10"	FRAX	REMOVED
74	10"	FRAX	REMOVED
75	10"	FRAX	REMOVED
76	10"	FRAX	REMOVED
77	10"	FRAX	REMOVED
78	10"	FRAX	REMOVED
79	10"	FRAX	REMOVED
80	10"	FRAX	REMOVED
81	10"	FRAX	REMOVED
82	10"	FRAX	REMOVED
83	10"	FRAX	REMOVED
84	10"	FRAX	REMOVED
85	10"	FRAX	REMOVED
86	10"	FRAX	REMOVED
87	10"	FRAX	REMOVED
88	10"	FRAX	REMOVED
89	10"	FRAX	REMOVED
90	10"	FRAX	REMOVED
91	10"	FRAX	REMOVED
92	10"	FRAX	REMOVED
93	10"	FRAX	REMOVED
94	10"	FRAX	REMOVED
95	10"	FRAX	REMOVED
96	10"	FRAX	REMOVED
97	10"	FRAX	REMOVED
98	10"	FRAX	REMOVED
99	10"	FRAX	REMOVED
100	10"	FRAX	REMOVED

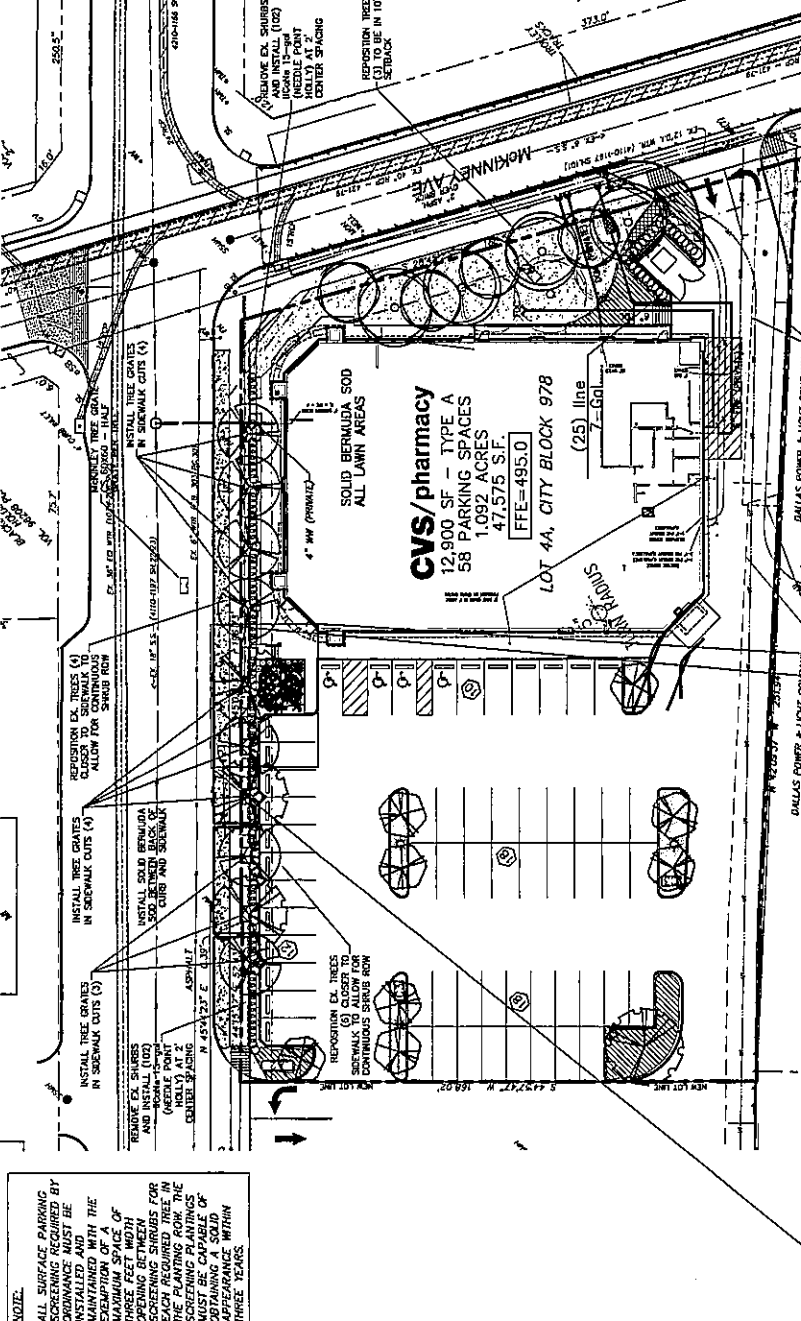
NOTE:
 NO LANDSCAPE PLANTINGS WITHIN 18' OF PARKING LOT CURBS.

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. SOO TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.

CAUTION:
 THESE ARE LOCATED IN THE AREA OF THE PROJECT. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

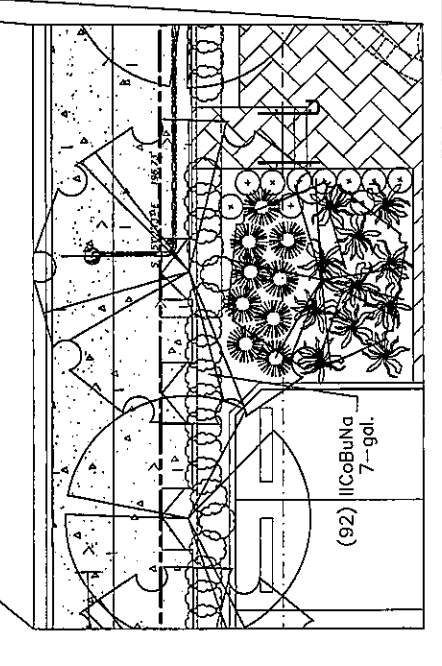


DFL Group, LLC
 10000 W. LBJ Fwy., Suite 1000
 Dallas, TX 75243
 TEL: 972-382-1100
 FAX: 972-382-1101



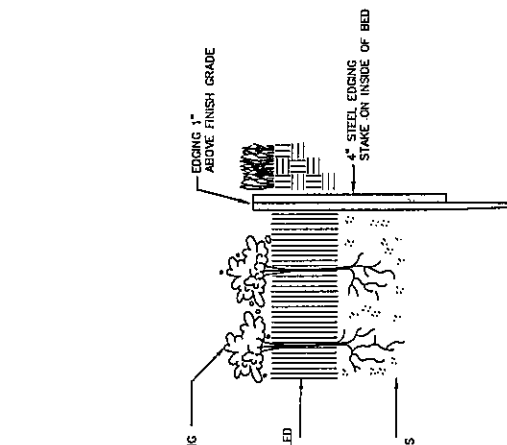
REF SHEET L-2 FOR PLANT LEGEND, SOLID BERMUDA SOD ALL LAWN AREAS

- PLANTING NOTES:**
1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
 2. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
 3. CONTRACTOR TO PROVIDE OWNER WITH PREPARED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS.
 4. MAINTAIN PROTECT VIBRANT TRIMMAGE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL PREP EXITS WITHIN OF ALL DEFINED PLANTING BEDS WITH MAX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURBS, SET SHRUBS BACK FROM CURB 3 FT.
 5. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELEGRAPH, ELECTRIC, GAS, WATER AND SEWER, ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR.
 6. EXISTING TREES ARE SHOWN TO REMAIN. CONTRACTOR SHALL PRUNE ONLY ON APPROVAL OF CITY ARBORIST. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH, DEAD AND DISEASED BRANCHES, AND ALL INTERFERING BRANCHES. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES.
 7. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 8. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 9. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 10. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 11. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 12. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 13. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 14. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 15. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 16. CONTRACTOR TO VERIFY PRIOR TO PLANTING.
 17. PRIOR TO PLANTING, CONTRACTOR SHALL STAKE TREE LOCATIONS FOR APPROVAL BY OWNER.

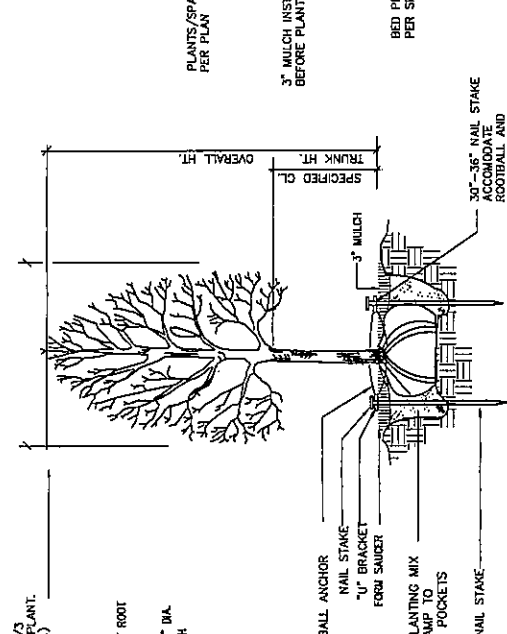


NOTE:
 ALL SURFACE PARKING SCREENING REQUIRED BY ORDINANCE MUST BE MAINTAINED WITH THE MAXIMUM SPACE OF THREE FEET WIDTH OPENING BETWEEN EACH REQUIRED TREE IN THE PLANTING ROW. THE SCREENING PLANTINGS MUST BE MAINTAINED AND APPEARANCE WITHIN THREE YEARS.

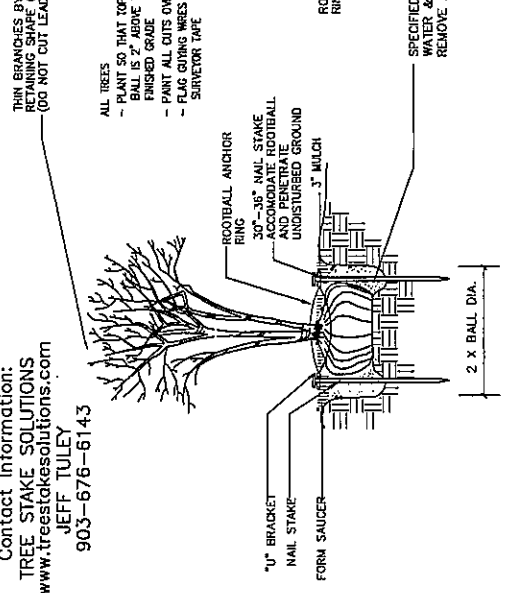
BDA 145 022
 Attach C
 pg 2



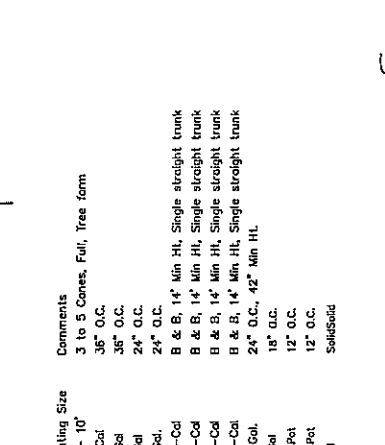
STAKING FOR MULTI-TRUNK TREES & TREES 2" CAL. & UNDER
 SCALE: NOT TO SCALE



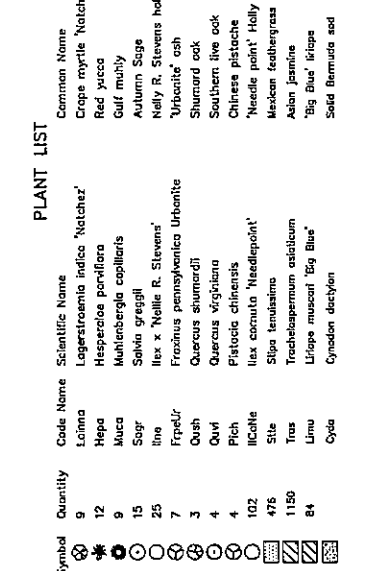
SAFETY STAKE BY TREE STAKE SOLUTIONS
 SCALE: NOT TO SCALE



STAKING FOR MULTI-TRUNK TREES & TREES 2" CAL. & UNDER
 SCALE: NOT TO SCALE



SHRUB PLANTING
 SCALE: NOT TO SCALE



TYPICAL PARKING LOT ISLAND MOUNDING
 SCALE: NOT TO SCALE

PLANT LIST

Symbol	Quantity	Code Name	Scientific Name	Common Name
⊗	9	Hepa	Lagerstroemia indica	Crape myrtle 'Natchez'
⊙	12	Muca	Hesperaloe parviflora	Red yucca
⊕	9	Sagr	Muhlenbergia capillaris	Gulf muhly
⊖	15	lne	Salvia greggii	Autumn Sage
⊗	25	Frpe/Lr	Ilex x 'Nellie R. Stevens'	Nelly R. Stevens holly
⊕	7	Qush	Frocinus pennsylvanica Urbanite	'Urbanite' oak
⊖	3	Qush	Quercus shumardii	Shumard oak
⊗	4	Qush	Quercus virginiana	Southern live oak
⊕	4	Pich	Pistacia chinensis	Chinese pistache
⊖	102	lICole	Ilex cornuta 'Needlepoint'	'Needle point' Holly
⊗	476	Site	Stipa tenuissima	Mexican feathergrass
⊕	1180	Tras	Trochodendron araliifolium	Asian jasmine
⊖	84	Linu	Liriodendron tulipifera	'Big Blue' Liriodendron
⊗	84	Cyda	Cynodon dactylon	Solid Bermuda sod

NOTE: IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM TREE CALIPER MEASUREMENT HEIGHT ABOVE GRADE AS REQUIRED BY CITY.



DFL Group, LLC
 LANDSCAPE ARCHITECTURE
 1005615

THIS SEAL IS VALID ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THIS DRAWING. IT IS THE RESPONSIBILITY OF THE SEALER TO MAINTAIN THE RECORDS OF THE BOARD OF PROFESSIONAL ENGINEERS AND ARCHITECTS OF THE STATE OF TEXAS. ANY UNLAWFUL USE OF THIS SEAL SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ENGINEERING ACT AND THE PROFESSIONAL ARCHITECTURE ACT. ANY UNLAWFUL USE OF THIS SEAL SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ENGINEERING ACT AND THE PROFESSIONAL ARCHITECTURE ACT.

Contact Information:
 TREE STAKE SOLUTIONS
 www.treestakesolutions.com
 JEFF TULEY
 903-676-6143

BDA145 - 022
Attach D pg 1

Memorandum



CITY OF DALLAS

DATE March 6, 2015
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 145 · 022 3133 E. Lemmon Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (GR). More specifically, the request, as amended from my previous report, is for relief from full compliance with the sidewalk requirements (51P-193.126(b)(4)).

Trigger

New construction.

Deficiencies

Sidewalks:

February: "Along Lemmon Avenue, and adjacent to the parking lot, multiple cut-outs were made within the required sidewalk for the installation and maintenance of required trees. The required sidewalk, established by code as 6 feet in width, is to be placed between 5 and 12 feet from back of curb. The maximum sidewalk distance that was built along Lemmon Avenue is 11 feet. The full width of the required 6 feet sidewalk is between 5 and 11 feet from curb. The cut-outs on the street-side of the planting bed slightly restrict the use of the required sidewalk in favor of the landscape use for the tree planting. The McKinney Avenue sidewalk is compliant."

March: The applicant has proposed a further modification of the sidewalk cut-outs to place half tree grates in the required sidewalk area in combination with the relocation of at least four trees into, or to the edge of, the required sidewalk. The tree grate is intended to allow pedestrian passage while allowing the additional space for the trees. The trees are being shifted to allow space in the planting strip for the addition of new screening shrubs.

Factors

Sidewalks:

The applicant has proposed amendments to the previous plan to voluntarily provide a parkway landscape area with groundcover along the Lemmon Avenue frontage. The development's design and installation originally provided a 11-foot wide sidewalk from

the curb after it was determined the trees could not be provided in the tree planting zone near the curb due to underground local utility conflicts. The required sidewalk is specified by ordinance as 6 feet wide and beginning at 5 feet from back of curb.

The non-conformity that remains for consideration by the Board is derived by the relocation of the trees into the required sidewalk area, as indicated in the revised alternative landscape plan. The tree symbol identifies the trees as encroaching into the required sidewalk. In physical application, we must account for the diameter and future growth of the tree, and the location of the opening in the tree grate and any future potential expansion cuts (further reduction of walkable space) to allow for the tree trunk growth. The addition of new half-grates provides compliance with the requirement that any tree within 18 inches of a sidewalk must be placed within a tree grate.

The combination of the parkway landscape area, and the tree grate introduction, will leave a reduced required sidewalk span for only the specific locations of these trees.

Surface parking screening:

The applicant has altered the species, size and density of the screening shrubs for the Lemmon Avenue frontage to fully screen the parking lot from the street. It is believed the alteration will be able to fully account for a full hedge effect sooner than the required three years from planting.

Trees:

The applicant has proposed on the plan to relocate some trees along McKinney Avenue to provide the required number of trees in the required front yard. Relocated trees on Lemmon Avenue will still be in the required front yard.

Additional information:

The table below indicates the property complies with all other standards of PD 193 for GR districts, including landscape, general and special planting areas.

Required		Provided				
18 STREET TREES, BETWEEN 2.5' - 5' OF CURB		18 STREET TREES, 15' - 30' FROM CURB				
6' SIDEWALK BETWEEN 5'-12' FROM BACK OF CURB		*6' SIDEWALK BETWEEN 5-11' (LEMMON)				
AREA %'S IN SQFT	LANDSCAPE SITE AREA	GENERAL PLANTING AREA		SPECIAL PLANTING AREA		
LOT AREA	10%	NA		NA		
REQ'D FR YARD	60%	12%		6%		
	Required	Provided	Required	Provided	Required	Provided
LOT AREA	4762	8696	NA	NA	NA	NA
REQ'D FR YARD	2857	6168	342	1052	171	763

*McKinney Avenue sidewalk is in compliance. Lemmon Avenue sidewalk includes new tree grates.

In reference to parkway (curb to sidewalk) planting areas in PD 193, this provision to provide living trees, turf grass, flowers, or groundcover vegetation (which is generally in alignment with the tree planting zone) is only specifically required in MF districts and not stated in GR districts. The 11-foot wide sidewalk expanse originally proposed along Lemmon Avenue is allowed by ordinance under the given conditions.

The applicant has reviewed for other PD 193 zoning regulations not contained within the 193.126 landscape provisions and have provided modifications for wheel stops

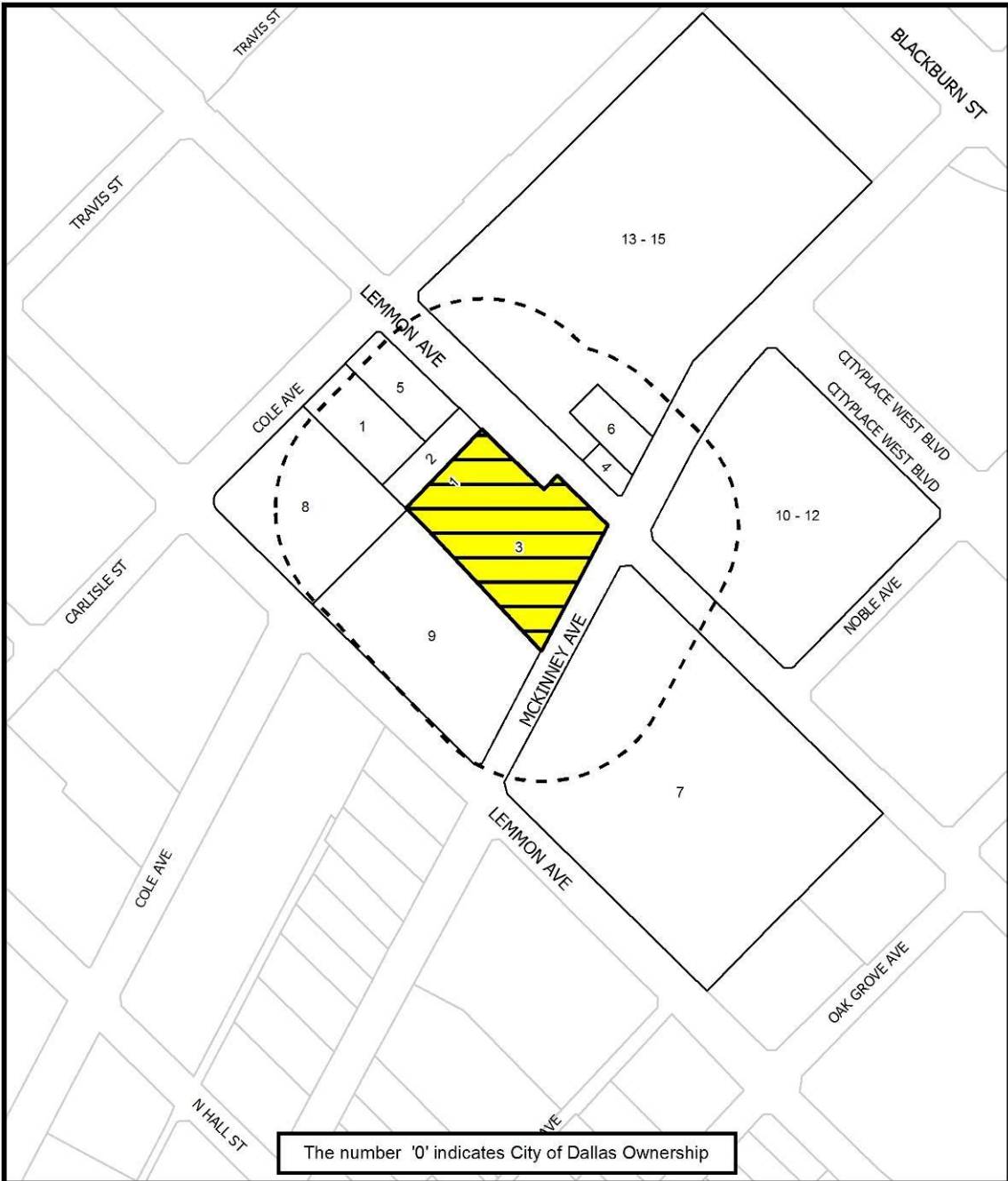
BDA145-022
Attach D p 3

and additional plantings around the garbage storage area. All construction in the City of Dallas is subject to field verification and inspector approval for code compliance.

Recommendation

In reviewing the full content of the plan and the ordinance, I am recommending approval of the alternative landscape plan because I believe the plan does not compromise the spirit and intent of the PD 193 landscape regulations.

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



The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-022</u> Date: <u>1/23/2015</u>
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-022

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3130 LEMMON AVE	RP TOWN & COUNTRY SC
2	3117 LEMMON AVE EAST AVE	RP TOWN & COUNTRY SC
3	3519 MCKINNEY AVE	RP TOWN & COUNTRY SC
4	3128 LEMMON AVE	BLACKBURN CTRL HLDG LP
5	3522 COLE AVE	RP TOWN & COUNTRY SC
6	3605 MCKINNEY AVE	MESSINA MARIO L
7	3524 MCKINNEY AVE	PAN COASTAL LIMITED PS
8	3130 LEMMON AVE	LEMMON & COLE PARTNERS LP
9	3501 MCKINNEY AVE	3501 MCKINNEY LTD
10	3636 MCKINNEY AVE	CIM/3636 MCKINNEY AVE LP
11	3600 MCKINNEY AVE	3600 MCKINNEY LTD PS
12	3636 MCKINNEY AVE	3600 MCKINNEY LTD PS
13	3699 MCKINNEY AVE	3700 COLE AVE LLC
14	3699 MCKINNEY AVE	SOUTH ALLEY LOFT LLC
15	3699 MCKINNEY AVE	MILLER ANGELA AMHADI

FILE NUMBER: BDA 145-036

BUILDING OFFICIAL'S REPORT: Application of Adelmo Becerro, represented by Elias Rodriguez, for a variance to the front yard setback regulations at 1139 Lufkin Street. This property is more fully described as a part of Lot 3, Block 1/6682, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 15 foot front yard setback (16 feet at the foundation with a 1 foot eave), which will require a 10 foot variance to the front yard setback regulations.

LOCATION: 1139 Lufkin Street

APPLICANT: Adelmo Becerro
Represented by Elias Rodriguez

REQUEST:

A request for a variance to the front yard setback regulations of 10' is made to maintain an approximately 160 square foot addition to a one story, approximately 1,000 square foot single family home, part of which is located 15' (roof eave) from one of the site's two front property lines (Elf Street) or 10' into this 25' front yard setback.

(No variances are requested to remedy any nonconforming structure or for any structure to be located in the site's 25' front yard setback along Lufkin Street).

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While the subject site is unique and different from most lots zoned R-7.5(A) in that it has two front yard setbacks, the applicant had not substantiated at the time of the March 3rd staff review team meeting how the features of the flat, rectangular-shaped, and approximately 9,700 square foot lot precluded him from developing it in a manner commensurate with other developments found on similarly-zoned R-7.5(A). While the site has two 25' front yard setbacks, the site is over 2,000 square feet larger than most lots in the R-7.5(A) zoning district with 7,500 square feet. The two front yard setbacks do not appear to restrict the applicant from developing/maintaining it with a commensurately-sized single family home structure/use that can comply with setbacks.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home structure. The areas to the north, east, south, 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:

- This request focuses on maintaining an addition made to an existing single family home structure, part of which is located 15' from one of the site's two 25' front property lines: Elf Street. (No variance is requested to locate any structure in the site's 30' front yard setback along Lakewood Boulevard).
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.

- The subject site is located at the northwest corner of Lufkin Street and Elf Street. Regardless of how the existing structure is oriented to front Lufkin Street, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along Lufkin Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Elf Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where 5' side yard setback is required. But the site's Elf Street frontage that functions as side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the west zoned R-7.5(A) that front/are oriented southward towards Elf Street.
- A scaled site plan has been submitted indicating that a portion of the existing single family home is to be located 16' 1" from the Elf Street front property line or approximately 10' into this 25' front yard setback to accommodate a roof eave that is 15' from the Elf Street property line.
- According to DCAD records, the "main improvement" for property addressed at 1139 Lufkin Street is a structure built in 1949 with 480 square feet of living/total area with no "additional improvements."
- The applicant has chosen only to seek variance to the front yard setback regulations for the addition to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming main single family home structure or the existing detached garage accessory structure that are also located in the site's Elf Street front yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is flat, rectangular in shape (103' x 94'), and according to the submitted application is 0.223 acres (or approximately 9,700 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- Most lots in R-7.5(A) zoning have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and two 5' side yard setbacks.
- According to calculations taken by the Board Administrator from the submitted site plan, the addition in the Elf Street front yard setback accounts for about 16 percent of the total square footage of the existing single family home on the subject site.
- The 94' wide subject site has approximately 64' of developable width available once a 25' front yard setback is accounted for on the south and a 5' side yard setback is accounted for on the north. If the lot were more typical to others in the zoning district with only one front yard setback, the 94' wide site would have 84' of developable width.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 15’ from the site’s Elf Street front property line (or 10’ into this 25’ front yard setback).
- Granting this request for variance would not provide relief to remedy any nonconforming structure on the site or any existing/proposed noncompliance with the fence height regulations.

Timeline:

January 14, 2105: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

February 11, 2015: The Board Administrator shared the following information with the applicant’s representative via email:

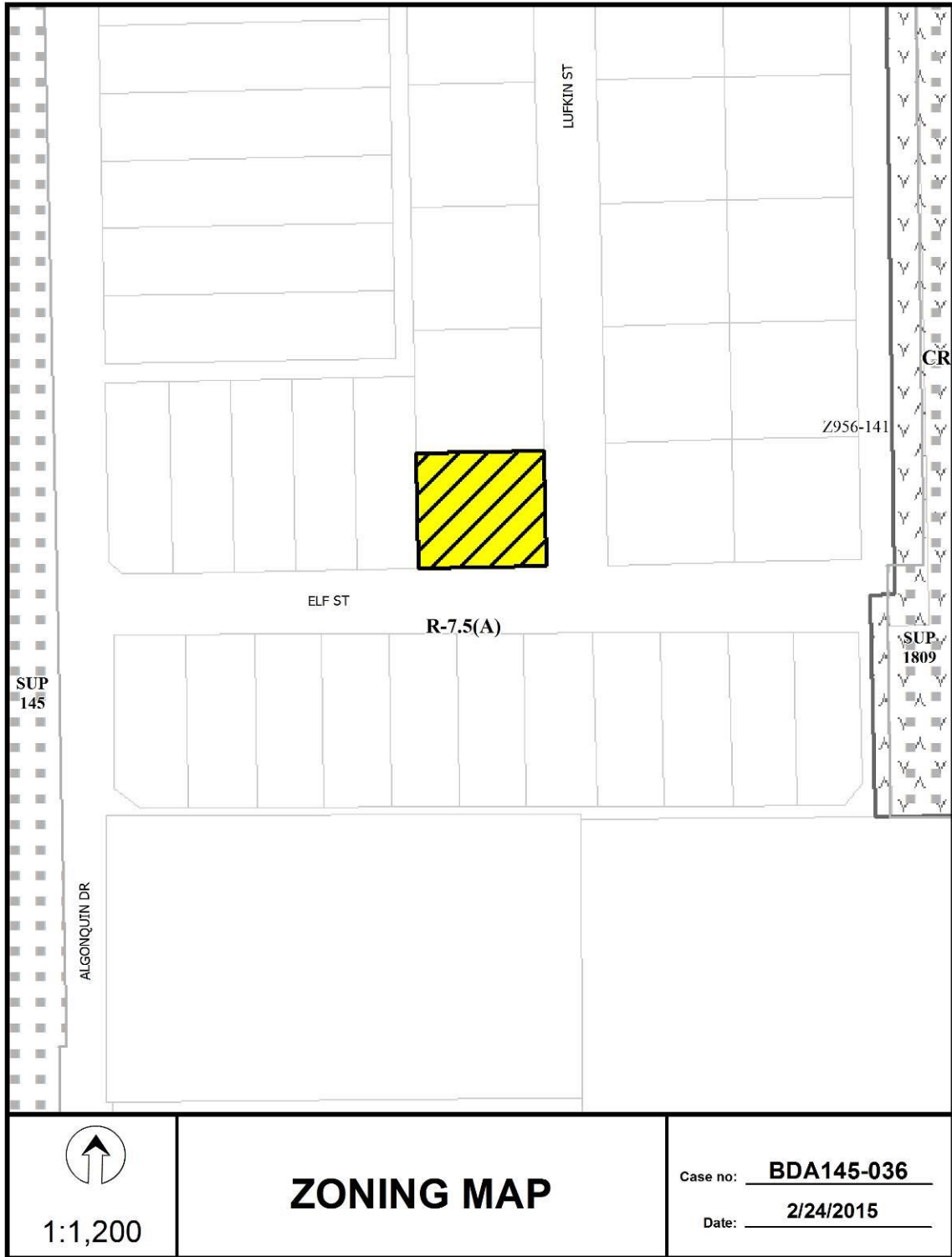
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the February 25th deadline to submit additional evidence for staff to factor into their analysis; and the March 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.”

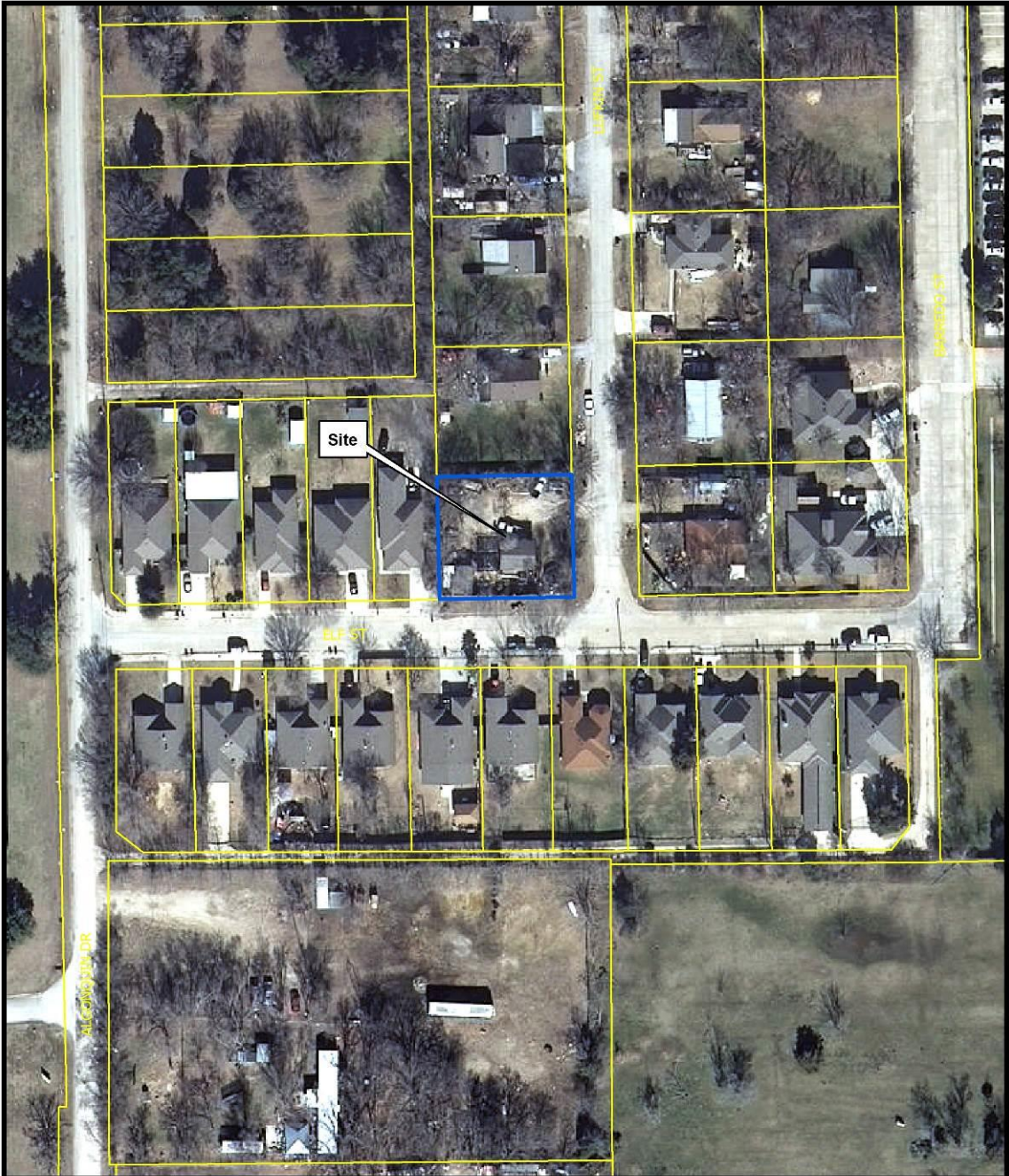
February 20, 2015: The Board Administrator shared the following additional information with the applicant's representative via email:

- an attachment that provided the section from the Dallas Development Code regarding nonconforming uses; and
- the note that unless he is informed otherwise by noon, Wednesday, February 25th, an assumption will be made that the request for variance to the front yard setback regulations in this case is only made to address/remedy the 161 square foot addition to the existing frame home that is located in the Elf Street front yard setback and NOT to address/remedy any nonconforming structures that are also located in the Elf Street front yard setback.”

March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA145-036

Date: 2/24/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-036

Data Relative to Subject Property:

Date: 01/14/2015

Location address: 1139 Lufkin Street Zoning District: R-7.5(A)

Lot No.: 3TR26 Block No.: 1/6682 Acreage: .223 Census Tract: 118.00

Street Frontage (in Feet): 1) 95' 2) 103' 3) 4) 5) SE 10

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Adelmo BECERRO

Applicant: Adelmo Becerro Telephone: 469.767.3472

Mailing Address: 1139 Lufkin St. Dallas TX Zip Code: 75217

E-mail Address:

Represented by: ~~Construction Concepts Inc~~ Elias Rodriguez Telephone: 214/946.4300

Mailing Address: 317 E Jefferson Blvd Zip Code: 75203

E-mail Address: energyinspector@yahoo.com

Affirm that an appeal has been made for a Variance [checked] or Special Exception of 9' to the front yard setback (measured at the foundation)

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:

Owner hired Contractor who built addition without permit and into setbacks.

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

Affidavit

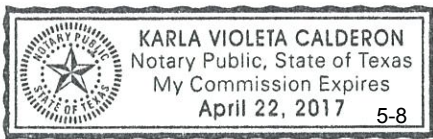
Before me the undersigned on this day personally appeared Adelmo Becerro (Affiant/Applicant's name printed)

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: Adelmo Becerro (Affiant/Applicant's signature)

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

(Rev. 08-01-11)



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

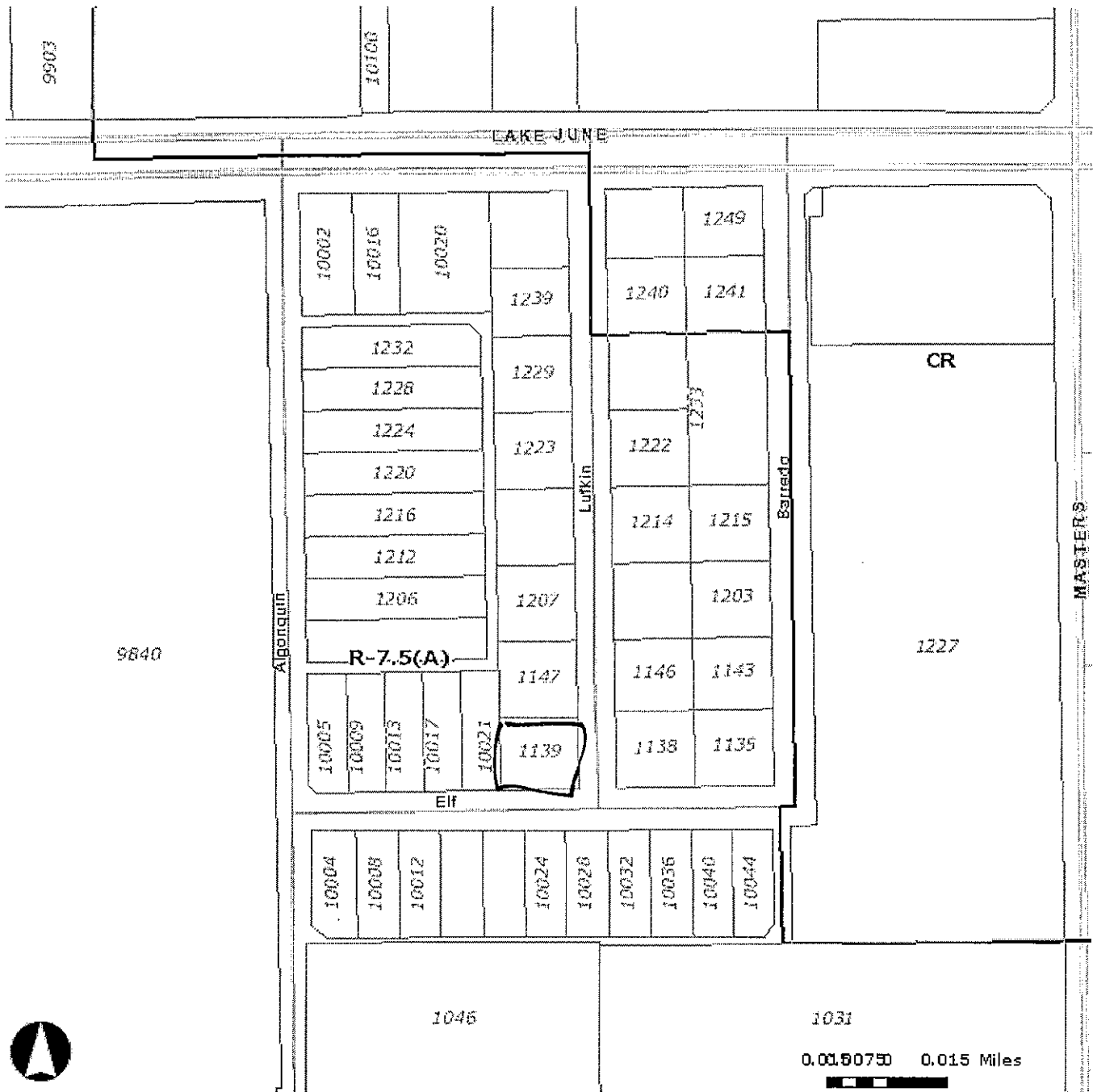
Building Official's Report

I hereby certify that Adelmo Becerro
represented by Elias Rodriguez
did submit a request for a variance to the front yard setback regulations
at 1139 Lufkin Street

BDA145-036. Application of Adelmo Becerro represented by Elias Rodriguez for a variance to the front yard setback regulations at 1139 Lufkin Street. This property is more fully described as a part of Lot 3, Block 1/6682, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 15 foot front yard setback (16 feet at the foundation with a 1 foot eave), which will require a 10 foot variance to the front yard setback regulation.

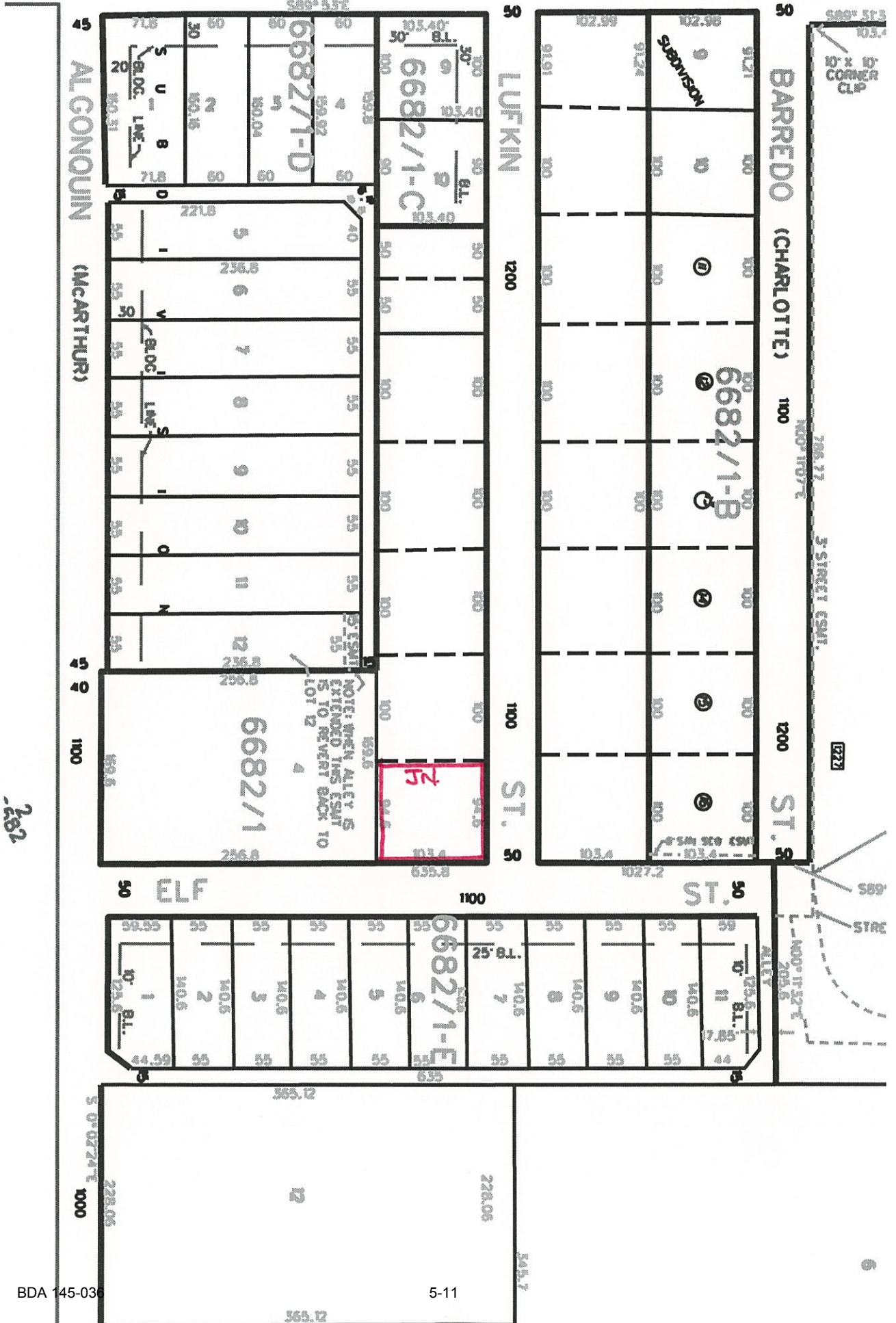
Sincerely,


Larry Holmes, Building Official



LAKE JUNE

S. CARVER SUR. ABST. 260 ABST. 1224



262

CONSTRUCTION CONCEPTS, INC.

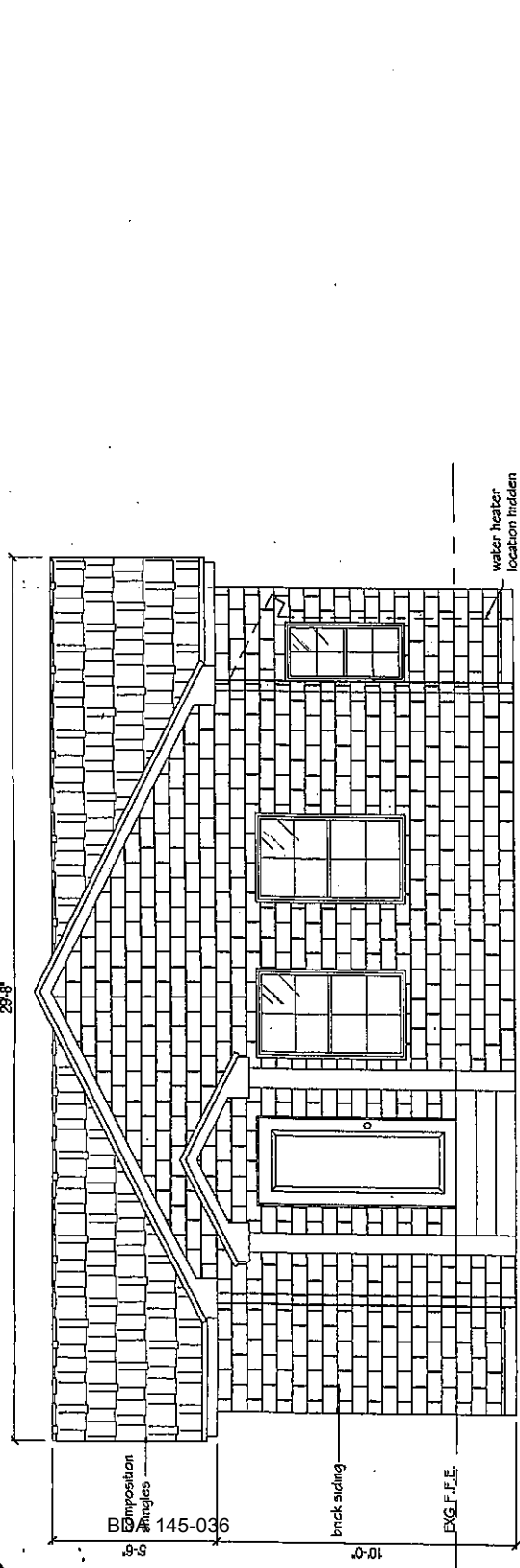
"Planning and Designing a Better Tomorrow"

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

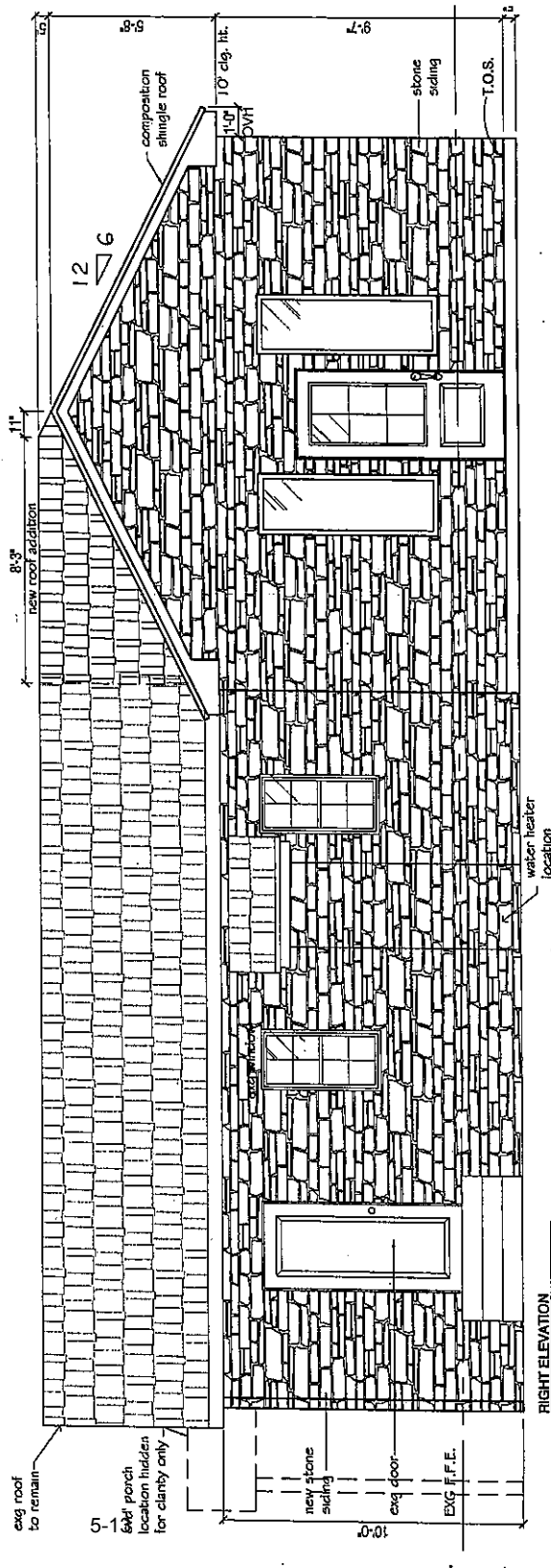
THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING OR ARCHITECTURAL CONSULTATION AND LOCAL CODES AND RESTRICTIONS THAT PRECEDENCE OVER ANY PART OF THESE PLANS.
NOTE: ALL FEDERAL, STATE AND LOCAL CODES AND RESTRICTIONS THAT PRECEDENCE OVER ANY PART OF THESE PLANS.
CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, REPRODUCING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
1139 Lurkin Street
Dallas, Texas
75217

Project	ELEVATIONS	Sheet	5
Date	9/22/14	Scale	1/4" = 1'-0"
Drawn By	LA		



FRONT ELEVATION - W NEW BRICK
Scale: 1/8" = 1'-0"



RIGHT ELEVATION
Scale: 1/4" = 1'-0"

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

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

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

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.

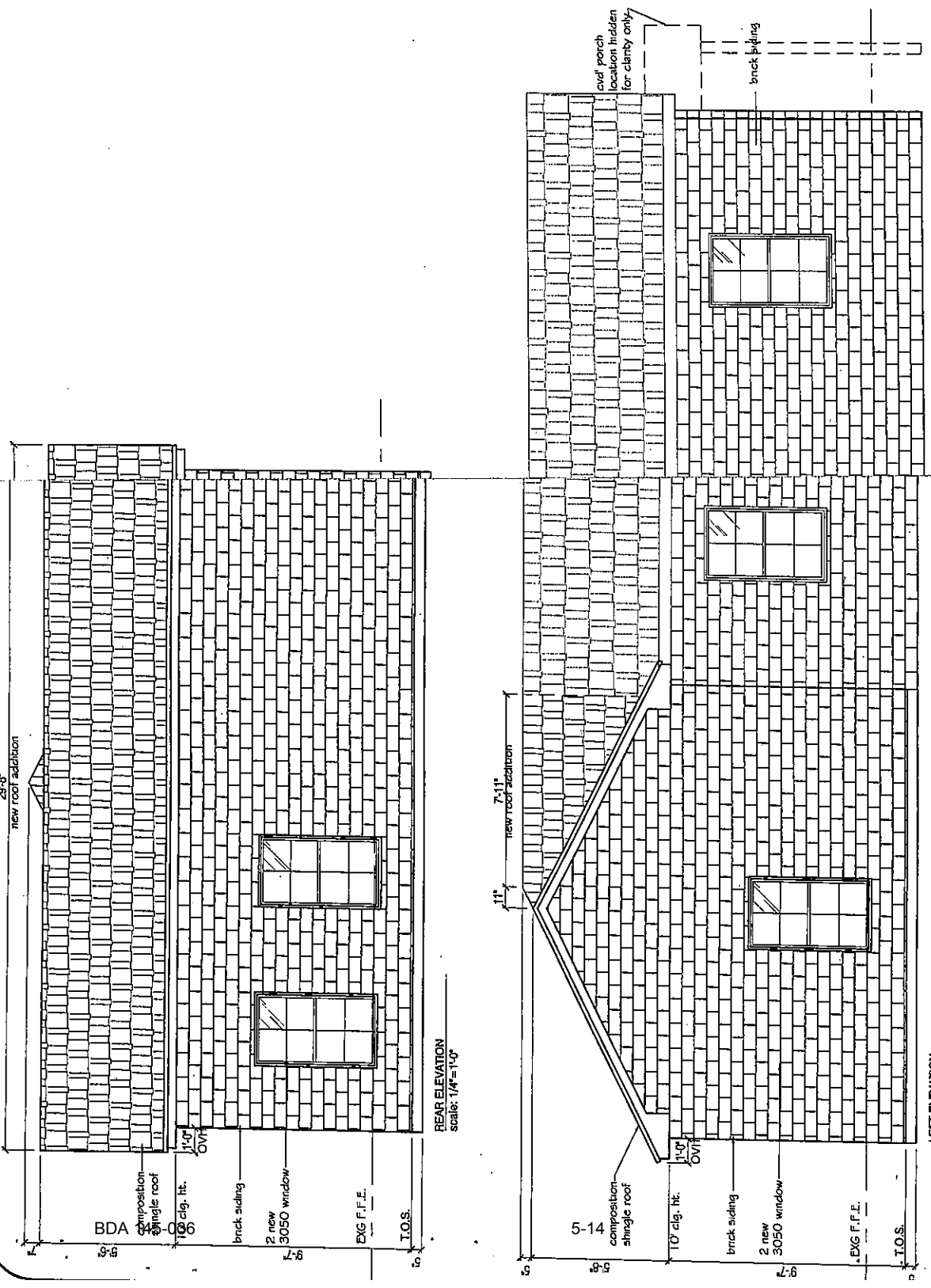
THE PURCHASER OF THESE PLANS WAIVES THE RIGHT TO CONSTRUCT THIS HOUSE ONLY ONCE ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
 1139 Lufkin Street
 Dallas, Texas
 75217

Project Sheet
 ELEVATIONS

Date 9/22/14
 Scale 1/4"=1'-0"
 Drawn By LA

5.1

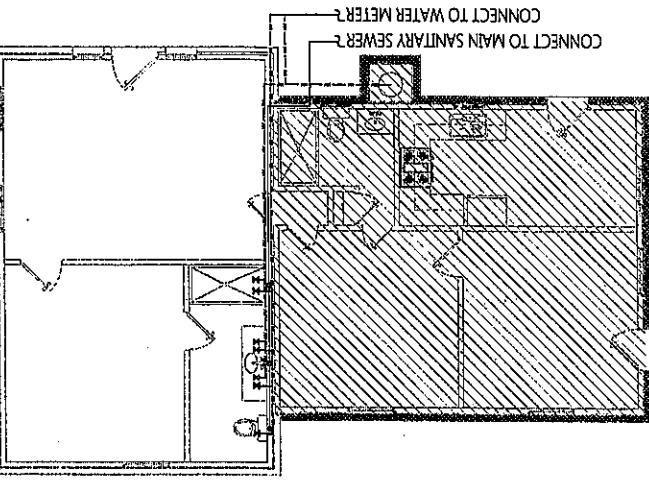


CONSTRUCTION CONCEPTS INC.
 "Planning and Designing a Better Tomorrow"
 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 948-4300
 FAX. (214) 948-9544

Project Name & Address
 1139 Lufkin Street
 Dallas, Texas
 75217

Project: FLOOR
 Sheet: 3
 Date: 9/22/14
 Scale: 1/8" = 1'-0"
 Drawn By: LA

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OR SERVICES BEFORE BEGINNING CONSTRUCTION OF ANY KIND. THE BUILDER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS OVER ANY PART OF THESE PLANS. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. CONCEPTS INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNERS/BUILDERS MUST COMPLY WITH LOCAL BUILDING CODES AND REQUIREMENTS OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.



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

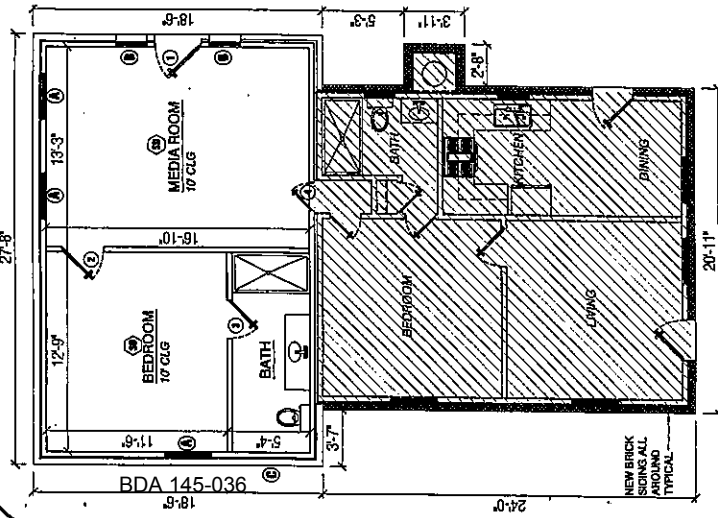
MARK	FIXTURE	WASTE	VENT	LOC.	CM	HW
WC	TOILET	4"	2"	1"	1"	1"
FD	FLOOR DRAIN	3"	2"	1"	1"	1"
IS	WASH SINK	2"	1 1/2"	3/4"	3/4"	3/4"
WH	WATER HEATER	—	—	—	3/4"	3/4"

NOTES:
 1. SEE SCHEDULES FOR DIMENSIONS AND MATERIALS.
 2. IF CAST IRON, INDICATE BY "C.I." IN THE MARK.
 3. ALL WASTE PIPES SHALL BE 1/2" ABOVE FINISH FLOOR.
 4. ALL VENTS SHALL BE 2" ABOVE FINISH FLOOR.

SYMBOL	ITEM DESCRIPTION
—	SANITARY SEWER
—	HOT WATER
—	COLD WATER

ENERGY CODE NOTES:
 -ALL L.V. PANELS TO HAVE AN AMPERAGE RATING OF 200 AMP.
 -ALL SERVICE MAINS TO HAVE AN AMPERAGE RATING OF 200 AMP.
 -ALL SERVICE MAINS TO BE 1/2" ABOVE FINISH FLOOR.
 -ALL SERVICE MAINS TO BE 1/2" ABOVE FINISH FLOOR.
 -EXT. BREAKERS TO BE 15% AMPERE RATING EFF. THAN 200% E.C.C.
 -A.C. TO BE 20 AMPERES.
 -A.C. TO BE 20 AMPERES.
 -A.C. TO BE 20 AMPERES.
 -A.C. TO BE 20 AMPERES.

- FLOOR PLAN NOTES:
- ALL STRUCTURAL INFORMATION SHOWN FOR REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE LICENSED STRUCTURAL ENGINEER REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS SUCH AS ALL FRAMING WALLS, BEAMS, CONNECTIONS, HEADERS, JOIST AND RAFTERS. ALL DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS NOTED OTHERWISE.
 - WINDOW SIZES INDICATED ON PLANS ARE NOTED BY APPROXIMATE ROUGH OPENING SIZE. REFER TO PLANS AND EXTERIOR ELEVATIONS FOR WINDOW TYPES.
 - COORDINATE LOCATION OF UTILITY METERS WITH SITE PLAN AND LOCATE AWAY FROM PUBLIC VIEW. VISUAL IMPACT SHALL BE MINIMIZED, I.E. MOUNT AS LOW AS POSSIBLE. CONTRACTOR SHALL COORDINATE ALL CLOSET SHELVEYS REQUIREMENTS.
 - DO NOT SCALE DRAWINGS, FOLLOW DIMENSIONS ONLY.
 - CONTRACTOR SHALL FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION.
 - BEDROOM WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQ.FT. A MINIMUM NET CLEAR OPERABLE WIDTH OF 20", A MINIMUM NET CLEAR OPERABLE HEIGHT OF 24" AND HAVE A MAXIMUM FINISH SILL HEIGHT OF 43" FROM FINISH FLOOR.
 - OR GLASS LOCATED WITHIN 18" OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 60" OF FLOOR AT BATHROOMS, WHIRLPOOLS, SHOWERS, SAUNAS, STEAM ROOMS OR HOT TUBS SHALL BE TEMPERED.
 - ALL EXPOSED INSULATION SHALL HAVE A FLAME SPREAD RATING OF LESS THAN 25 AND A SMOKE DENSITY RATING OF LESS THAN 450.
 - PROVIDE COMBUSTION AIR VENTS, WITH SCREEN AND BACK DAMPER, FOR FIREPLACES, WOOD STOVES AND AXT APPLIANCE WITH AN OPEN FLAME.
 - BATHROOMS AND UTILITY ROOMS SHALL BE VENTED TO THE OUTSIDE WITH A MINIMUM OF A 90 CFM FAN. RANGE HOODS SHALL ALSO BE VENTED TO OUTSIDE.
 - ATTIC HVAC UNITS SHALL BE LOCATED WITHIN 20' OF ITS SERVICE OPENING. RETURN AIR GRILLES SHALL NOT BE LOCATED WITHIN 10 FEET OF A GAS FIRED APPLIANCE.
 - ALL WALLS AND CEILINGS IN GARAGE AND GARAGE STORAGE AREAS TO HAVE 5/8" TYPE-X GYP. BOARD W/ 1-HOUR FIRE RATING. ALL EXT. DOORS IN GARAGE TO BE METAL OR SOLID CORE DOORS INCLUDING DOORS ENTERING HEAT/COOLED PORTION OF RESIDENCE.
 - ALL FIREPLACE CHASE WALLS SHALL BE INSULATED INSIDE AND OUTSIDE. PROVIDE HORIZONTAL DRAFT STOPS AT EACH FLOOR LEVEL BY PACKING 6" (R-19) INSULATION BETWEEN 2x4 JOISTS.
 - ALL INTERIOR WALLS SHALL BE COVERED WITH 1/2" GYPSUM BOARD, WITH METAL CORNER REINFORCING, TAPE JOINT AND SAND. (3 COATS) USE 5/8" GYPSUM BOARD ON CEILING WHEN SUPPORTING MEMBERS ARE 24" O.C. OR GREATER USE 1/2" GYP. BOARD ON CEILING MEMBERS LESS THAN 24" O.C.
 - ALL BATH AND TOILET AREA WALLS AND CEILINGS SHALL HAVE WATER RESISTANT GYPSUM BOARD.



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

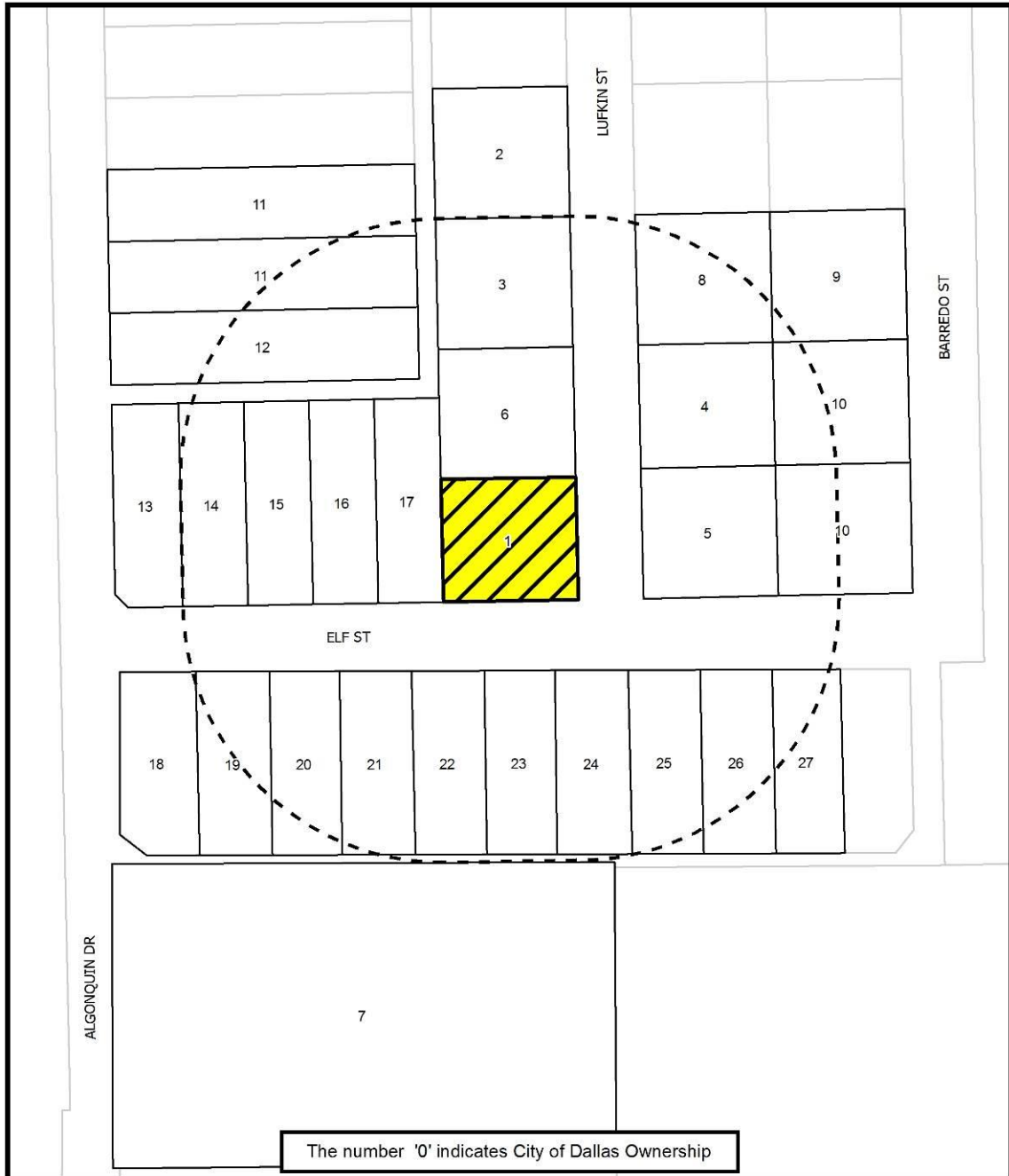
TYPE	SIZE	DESC.	QTY.
1	3'-0" X 8'-0"	3/4"	1
2	2'-0" X 8'-0"	3/4"	1
3	2'-0" X 8'-0"	3/4"	1
4	2'-0" X 8'-0"	3/4"	1

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

TYPE	SIZE	DESC.	QTY.
A	3'-0" X 8'-0"	3/4"	3
B	1'-0" X 7'-0"	3/4"	2
C	3'-0" X 3'-0"	3/4"	1

S.C. = SHEET METAL GLASS

TYPE	SIZE	DESC.	QTY.
NEW ADDITION			512
EXISTING HOUSE			480
EXISTING GARAGE			440



 1:1,200	NOTIFICATION		Case no: BDA145-036
	<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;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 2/24/2015	

Notification List of Property Owners

BDA145-036

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1139 LUFKIN ST	BECERRA ADELMO
2	1215 LUFKIN ST	SANCHEZ CARLOS H &
3	1207 LUFKIN ST	SANCHEZ CARLOS H
4	1146 LUFKIN ST	OROZCO RHEA LYNN
5	1138 LUFKIN ST	BLEVINS DIANNA SHUNTEL & DURAN
6	1147 LUFKIN ST	FLORES LUPE
7	1046 ALGONQUIN DR	COLLARD NANCY A
8	1206 LUFKIN ST	JIMENEZ JOSE LUIS & MARIA BELEN
9	1203 BARREDO ST	HOLLAND GLADYS
10	1143 BARREDO ST	LOPEZ FRANCISCO & DORA A
11	1212 ALGONQUIN DR	GONZALES ELEAZAR &
12	1202 ALGONQUIN DR	GONZALEZ SOFIA
13	10005 ELF ST	GALLEGOS OSCAR
14	10009 ELF ST	HERNANDEZ MARTHA &
15	10013 ELF ST	NAJERA CARLOS ALBERTO &
16	10017 ELF ST	LAZO JOSE L
17	10021 ELF ST	RIVERA SERGIO
18	10004 ELF ST	ORTIZ CLAUDIA M &
19	10008 ELF ST	SAVING GRACE LLC
20	10012 ELF ST	MENDOZA JOSE R
21	10016 ELF ST	ANTERO MONICA I & MIGUEL M
22	10020 ELF ST	ARREDONDO PATRICIA A &
23	10024 ELF ST	MAGANA FRANCISCO A &
24	10028 ELF ST	HARPER MELVIN C
25	10032 ELF ST	ROJO RENE
26	10036 ELF ST	CHAVEZ ANTIONO

02/24/2015

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10040 ELF ST	ORTEGA ABIXAG

FILE NUMBER: BDA 145-039

BUILDING OFFICIAL'S REPORT: Application of Scott G. Night for a special exception to the visual obstruction regulations at 6834 Aberdeen Avenue. This property is more fully described as Lot 12, Block M/5489, and is zoned R-7.5(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to maintain items within a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 6834 Aberdeen Avenue

APPLICANT: Scott G. Night

REQUEST:

A request for a special exception to the visual obstruction regulations is made to maintain six approximately 6' – 7' high holly trees (with circumferences of 10' - 45'), two approximately 16' high crepe myrtles (with circumferences of 38' – 41'), and one approximately 27' high tree located in the 45' visibility triangle at the intersection of Hillcrest Road and Aberdeen Avenue on a site developed with a single family home use.

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:

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer has recommended that this application be denied.
- At the time of the March 3rd staff review team meeting, the applicant had not substantiated how maintaining certain landscape materials in the 45' visibility triangle at the intersection of Aberdeen Avenue and Hillcrest Road does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining six approximately 6' – 7' high holly trees (with circumferences of 10' - 45'), two approximately 16' high crepe myrtles (with circumferences of 38' – 41'), and one approximately 27' high tree located in the 45' visibility triangle at the intersection of Hillcrest Road and Aberdeen Avenue on a site developed with a single family home use.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A revised site plan and revised elevation documents have been submitted indicating the locations of the previously mentioned landscape items located in the 45' visibility triangle at the intersection of Hillcrest Road and Aberdeen Avenue.
- The Sustainable Development and Construction Department Project Engineer has submitted a review comment sheet marked "recommends that this be denied."
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain portions of six approximately 6' – 7' high holly trees (with circumferences of 10' - 45'), two approximately 16' high crepe myrtles (with circumferences of 38' – 41'), and one

approximately 27' high tree in the 45' visibility triangle at the intersection of Aberdeen Avenue and Hillcrest Road does not constitute a traffic hazard.

- Granting this request with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation documents would require the items (six approximately 6' – 7' high holly trees (with circumferences of 10' - 45'), two approximately 16' high crepe myrtles (with circumferences of 38' – 41'), and one approximately 27' high tree on the applicant's property) to be limited to and maintained in the locations, heights, and materials as shown on these documents.

Timeline:

January 21, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

February 12, 2014: The Board Administrator contacted the applicant and emailed him 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 February 25th deadline to submit additional evidence for staff to factor into their analysis; and the March 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence".

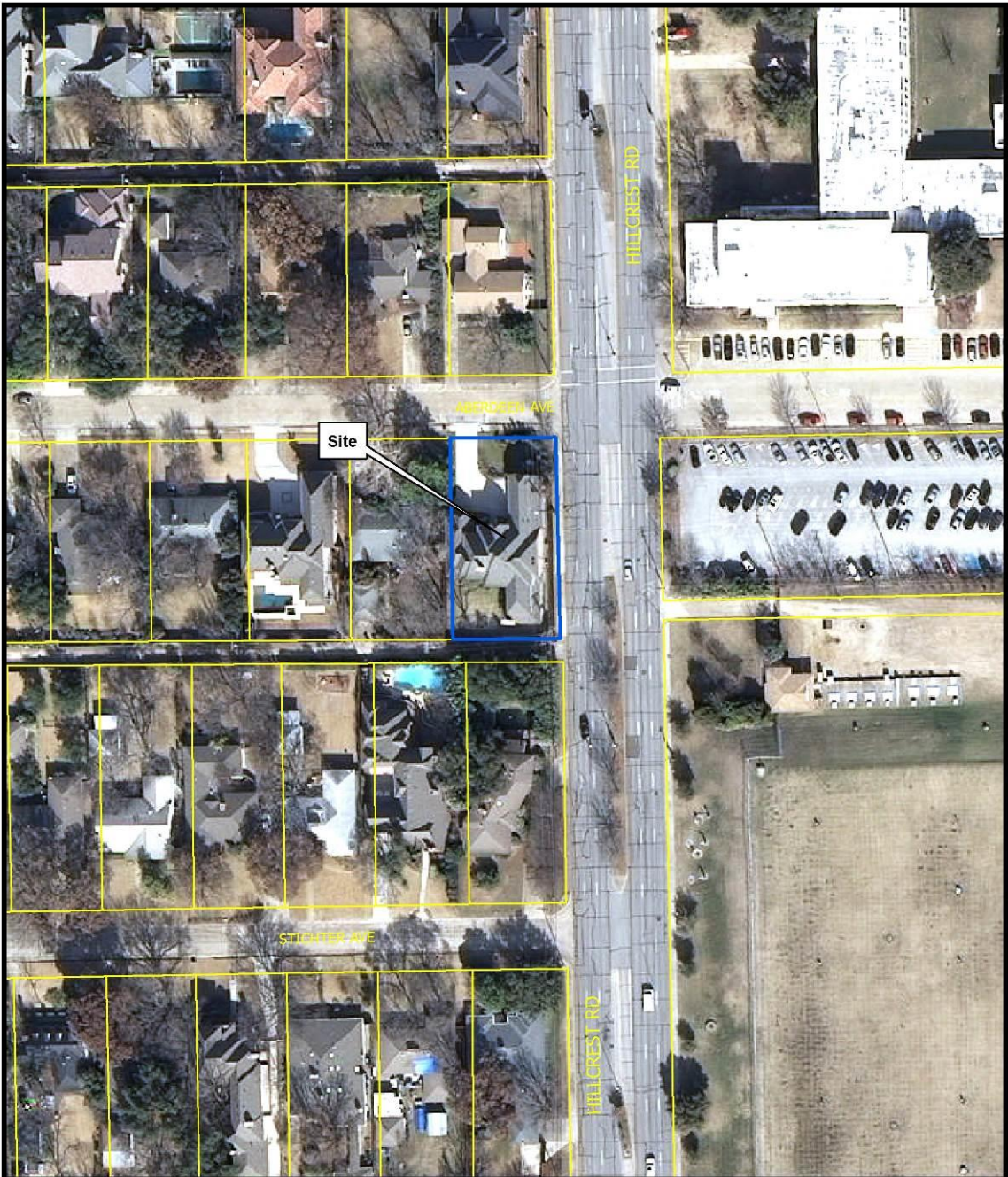
February 25, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building Inspection Chief Planners, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

March 6, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

March 6, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Recommends that this be denied."





1:1,200

AERIAL MAP

Case no: BDA145-039

Date: 2/24/2015

Scott and Cathy Night
6834 Aberdeen Avenue
Dallas, Texas 75230
(972) 803-1417

February 25, 2015

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

VIA EMAIL

Re: Request for Special Exception BDA-145-039
6834 Aberdeen Avenue, Dallas, Texas 75230

Dear Steve:

Pursuant to our discussions, I have attached updated drawings including a top view, an Aberdeen Avenue view, and a Hillcrest Avenue view. As reflected in the drawings, we are requesting a Special Exception to retain the following items that are above 30" in the 45' visibility triangle at the Southwest corner of Aberdeen and Hillcrest:

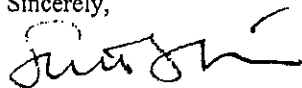
1. One (1) 12.75' tall holly tree (having a circumference of approximately 20').
2. One (1) 7.2' tall holly tree (having a circumference of approximately 10').
3. One (1) 7.2' tall holly tree (having a circumference of approximately 10').
4. One (1) 12.75' tall Holly tree (having a circumference of approximately 20').
5. One (1) 13.2' tall holly tree (having a circumference of approximately 45').¹
6. One (1) 6.2' tall holly tree (having a circumference of approximately 10').
7. One (1) 16.2' crepe myrtle (having a circumference of approximately 41").
8. One (1) 16.2' crepe myrtle (having a circumference of approximately 38").
9. One (1) 27.2' tree (having a circumference of approximately 3.5').

With respect to items 7, 8, and 9, the foliage of these trees is generally above 8' and only the tree trunks are visible below 8'.

If you have any questions or concerns regarding our request for a Special Exception, then please do not hesitate to me at 214-651-5523 (work) or 214-893-9212 (cell).

Thanks.

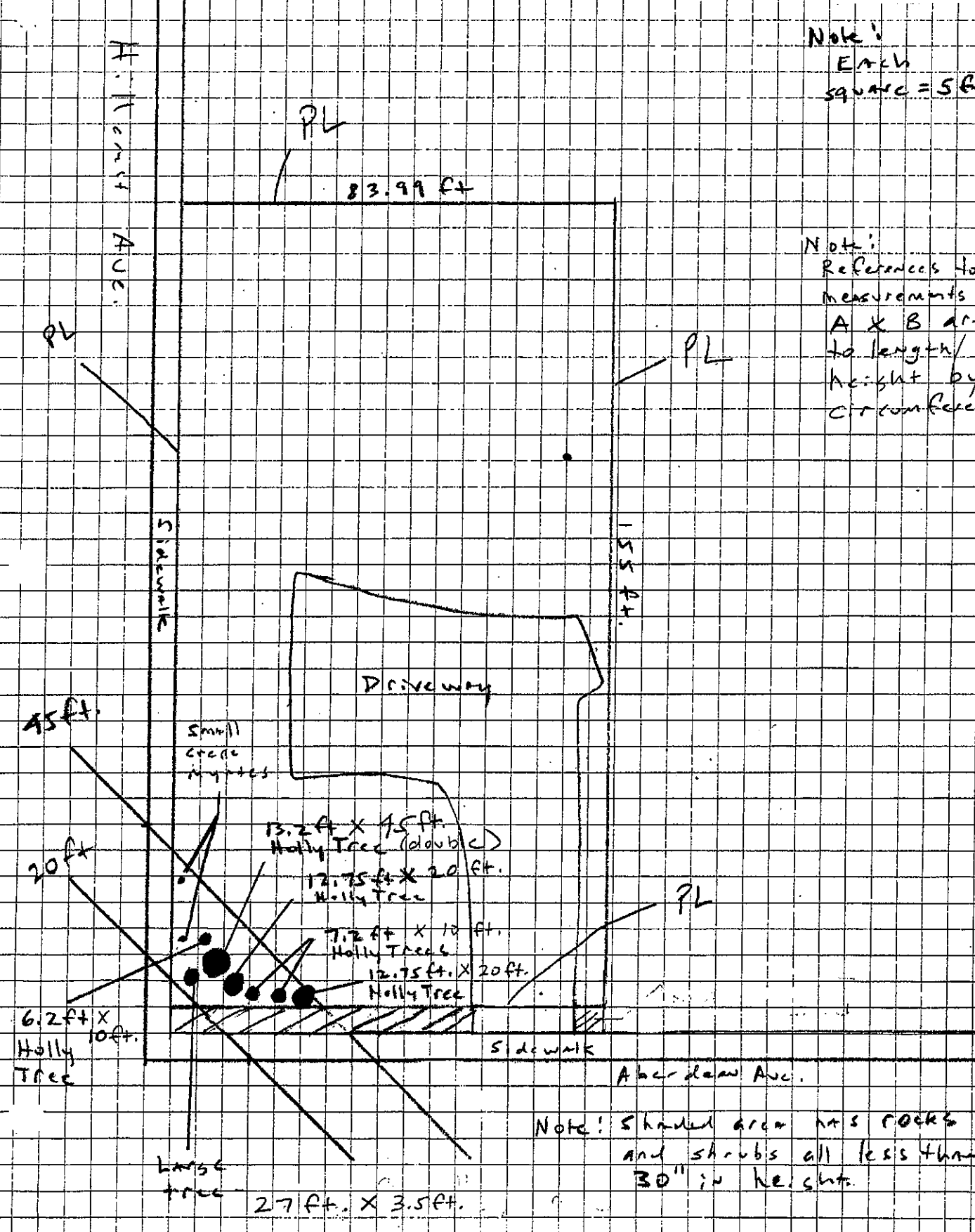
Sincerely,



Scott G. Night

¹Note: This holly tree is essentially two (2) trees that have grown together.

6834 Aberdeen Avenue

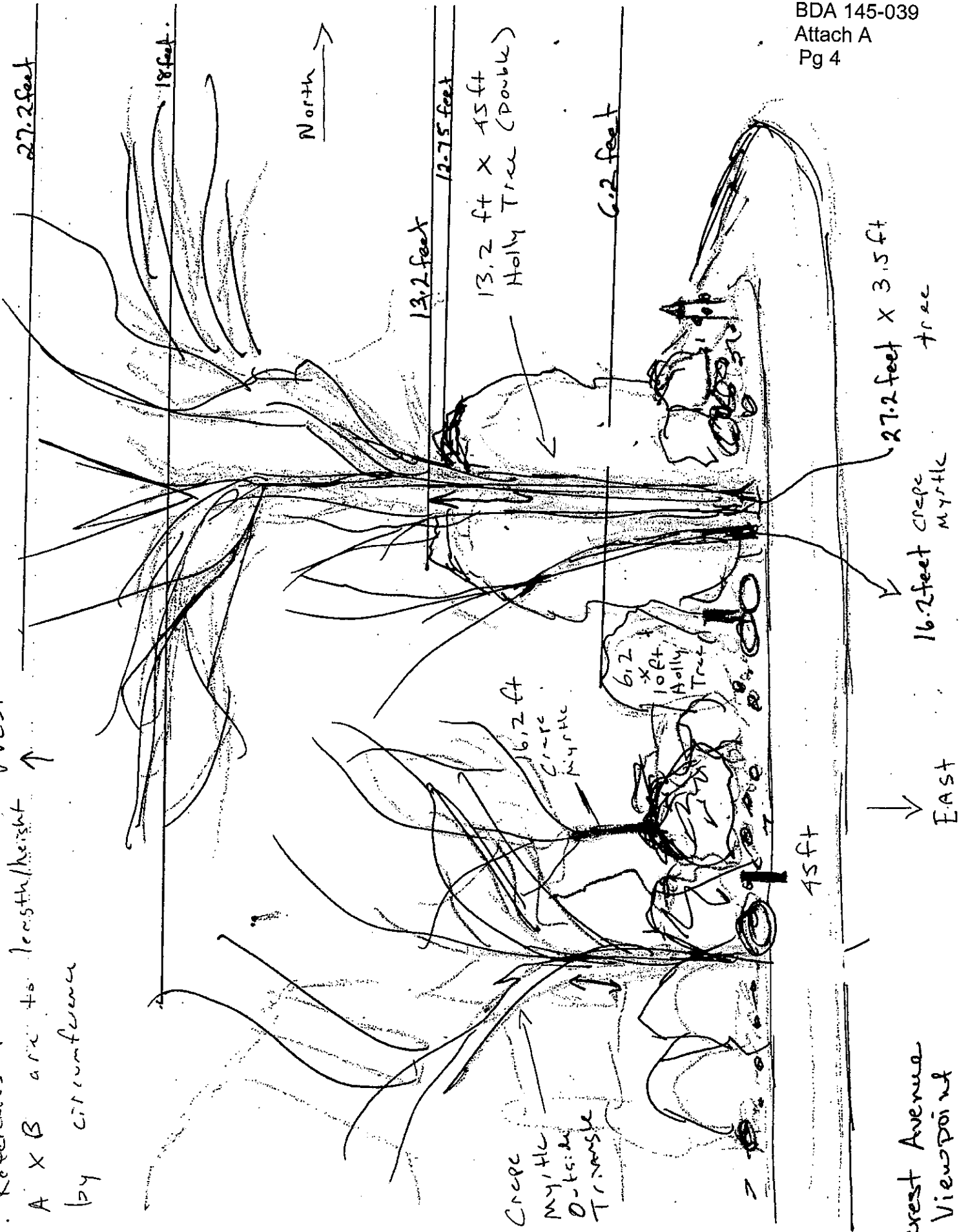


Note:
Each
square = 5 ft.

Note:
References to
measurements
A x B are
to length/
height by
circumference

Note: Shaded area has rocks
and shrubs all less than
30" in height.

Note: References to measurements West
A X B are to length/height ↑
by circumference



Hill crest Avenue
Viewpoint

BDA145-039
Attach B
Pg 1

Scott and Cathy Night
6834 Aberdeen Avenue
Dallas, Texas 75230
(972) 803-1417

March 6, 2015

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

VIA EMAIL

Re: Request for Special Exception BDA-145-039
6834 Aberdeen Avenue, Dallas, Texas 75230

Dear Steve:

This letter supplements my letter dated February 25, 2015.

Pursuant to our discussions, I have attached an updated top view drawing. As we have discussed, the following items that are above 30" are in the 45' visibility triangle at the Southwest corner of Aberdeen and Hillcrest:

1. One (1) 12.75' tall holly tree (having a circumference of approximately 20').
2. One (1) 7.2' tall holly tree (having a circumference of approximately 10').
3. One (1) 7.2' tall holly tree (having a circumference of approximately 10').
4. One (1) 12.75' tall Holly tree (having a circumference of approximately 20').
5. One (1) 13.2' tall holly tree (having a circumference of approximately 45').¹
6. One (1) 6.2' tall holly tree (having a circumference of approximately 10').
7. One (1) 16.2' crepe myrtle (having a circumference of approximately 41").
8. One (1) 16.2' crepe myrtle (having a circumference of approximately 38").
9. One (1) 27.2' tree (having a circumference of approximately 3.5').

We are requesting a Special Exception to retain these items with the following modifications based on discussions with David Lam:

1. We will remove the crepe myrtle identified in Item 8 above.
2. We will remove the tree identified in Item 9 above.
3. We will trim and maintain the holly tree that faces Hillcrest Avenue identified as Item 5 above so that the circumference is reduced to approximately 44'.
4. We will trim and maintain the holly tree that faces Hillcrest Avenue identified as Item 6 above so that the circumference is reduced to approximately 19'.
5. We will trim and maintain the other holly trees so that their circumferences are maintained at or below their current size.

Certain of the items (notably, Items 1 and 2 above) are situated both within our property line and within the City of Dallas right of way. We are requesting the Special Exception for these items only to the extent they are within our property line.

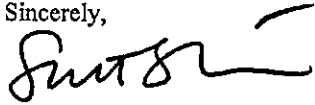
¹Note: This holly tree is essentially two (2) trees that have grown together.

BDA 145-039
Attach B
P52

If you have any questions or concerns regarding our request for a Special Exception, then please do not hesitate to me at 214-651-5523 (work) or 214-893-9212 (cell).

Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott G. Night". The signature is fluid and cursive, with a prominent horizontal stroke at the end.

Scott G. Night

6834 Aberdeen Avenue

BDA 145-039

Attach B

3

Note:

Each square = 5 ft

Hillcrest Ave.

PL

83.99 ft

PL

PL

Note:

References to measurements A x B are to length/height by circumference

Sidewalk

155 ft.

Driveway

Small crepe myrtles

45 ft.

20 ft.

13.2 ft x 1.5 ft Holly Tree (double)

12.75 ft x 20 ft. Holly Tree

7.2 ft x 10 ft. Holly Trees

12.75 ft. x 20 ft. Holly Tree

(To be removed)

6.2 ft x 10 ft. Holly Tree

Sidewalk

Aberdeen Ave.

Large tree

27 ft. x 3.5 ft.

(To be removed)

Note: Shaded area has rocks and shrubs all less than 30" in height.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-039

Data Relative to Subject Property:

Date: January 21, 2015

Location address: 6834 Aberdeen Avenue, Dallas Texas 75230 Zoning District: R-7.5(A)

Lot No.: 12 Block No.: M/5489 Acreage: .29 Census Tract: 76.04

Street Frontage (in Feet): 1) 82.39 2) 155.01 3) _____ 4) _____ 5) NE 35

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Scott Gordon Night and Catherine Anita Night

Applicant: Scott G. Night Telephone: 214-651-5523

Mailing Address: 6834 Aberdeen Avenue, Dallas Texas Zip Code: 75230

E-mail Address: scott.night@haynesboone.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception X, of obstruction in 45 ft. visibility triangle at the Southwest corner of Hillcrest and Aberdeen for trees and other vegetation that encroach in triangle and obstruct view.

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: There is currently a 20 ft. visibility triangle that allows for an unobstructed view (other than a tree trunk) of Northbound traffic on Hillcrest. The current vegetation has been in place for almost five years and the applicant is not aware of any accidents or other safety issues at this intersection. The current vegetation provides the homeowners with noise and light barriers with respect to traffic on Hillcrest.

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

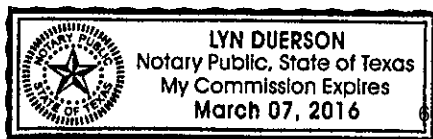
Before me the undersigned on this day personally appeared Scott G. Night
(Affiant/Applicant's name printed)

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 21st day of January, 2015

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Scott G. Night

did submit a request for a special exception to the visibility obstruction regulations
at 6834 Aberdeen Avenue

BDA145-039. Application of Scott G. Night for a special exception to the visibility obstruction regulations at 6834 Aberdeen Avenue. This property is more fully described as Lot 12, Block M/5489, and is zoned R-7.5(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to maintain a single family residential property with an obstruction in a required visibility triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official

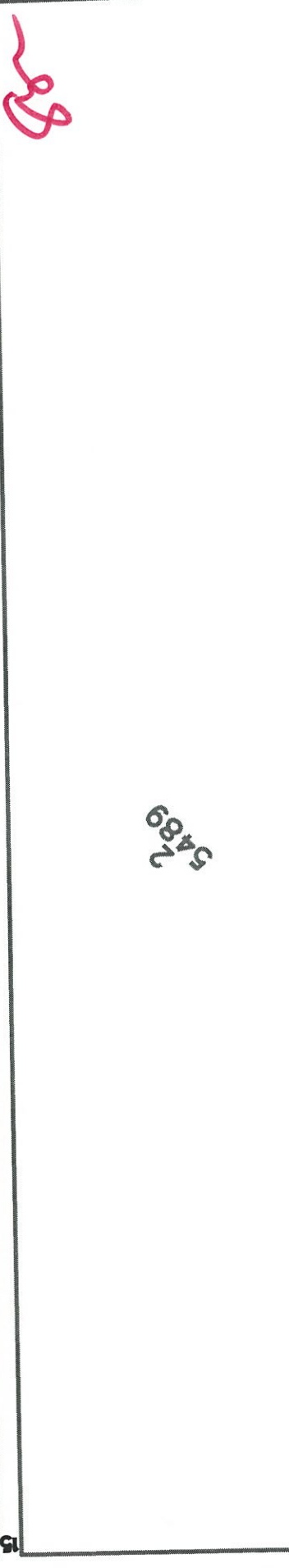


1	2	3	4	5	6	7	8	9	10	11	12
82.10	82.10	82.10	82.10	82.10	82.10	82.10	82.10	82.10	82.10	82.10	80.42

24	23	22	21	20	19	18	17	16	15	14	13
82.13	77	77	77	77	77	77	77	77	77	77	82.13

WEST 6700 6800 AVE. 90

1	2	3	4	5	6	7	8	9	10	11	12
82.40	77	77	77	77	77	77	77	77	77	77	82.39
SECOND		INSTALLEMENT		5489/M							
82.43	77	77	77	77	77	77	77	77	77	77	83.99



5489

PROPERTY DESCRIPTION

Address: 6834 Aberdeen Avenue, Lot 12, Block M/5489, Pemberton Addition, Second Installment, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 15, Page 57, Map Records, Dallas County, Texas.

Roome Land Surveying, Inc.

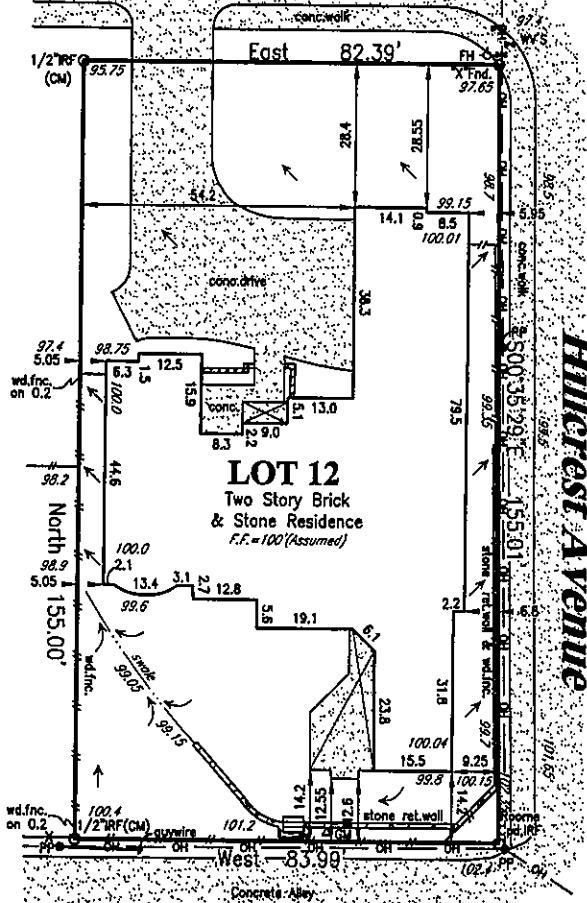
2000 Avenue G, Suite 810
Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com



Aberdeen Avenue

LOT 11



LOT 12
Two Story Brick & Stone Residence
F.F. = 100.0 (Assumed)

Hillcrest Avenue

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C 0195J of the F.E.M.A. Flood Insurance Rate Maps for Dallas County, Texas and Incorporated Areas dated August 23, 2001. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any and all notes, details, and easements, and other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request.

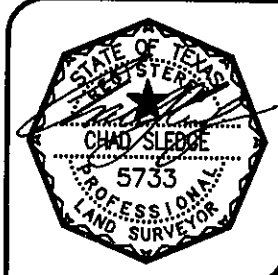
CERTIFICATION

On the basis of my knowledge, information and belief, I certify to Hexter-Fair Title Company that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct, and accurate as to the boundaries of the subject property, and if shown, location and type of buildings and visible improvements hereon.

Date: 2/7/2011 Revised: _____ Job No. LB94444
Title commitment/Survey Request File No. PF14618670 dated: 1/21/2011

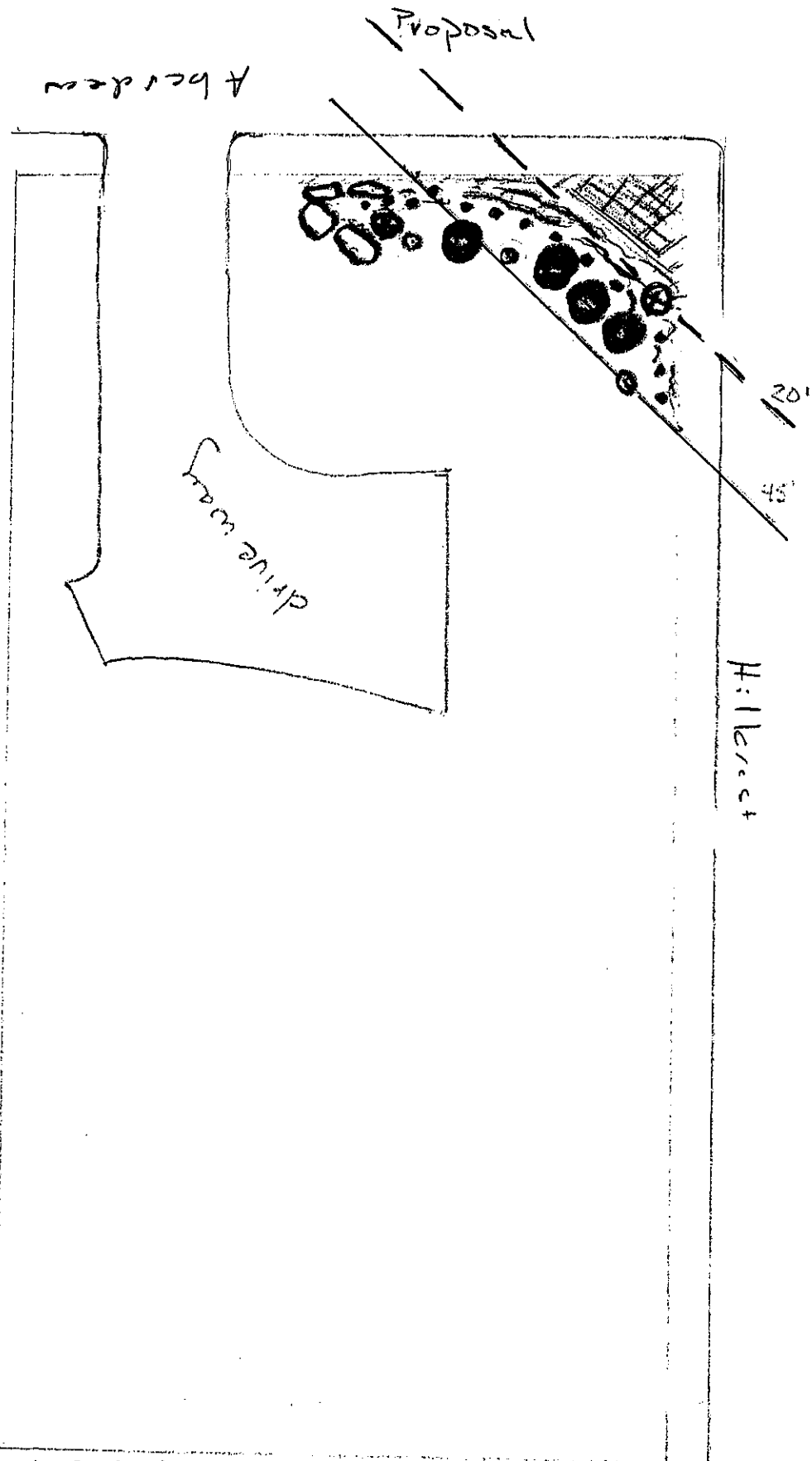


SCALE: 1" = 30'



LEGEND
 BR=Iron Rod Found | RS=Iron Rod Set | CR=Capped | OH=Overhead Line | PP=Power Pole | LP=Light Pole | FH=Fire Hydrant | WW=Water Valve | WM=Water Meter | CH=Cas. Meter | B=L=Building | U=Utilities | WH=Household | SW=Swamp/Gas | T.O.F.=Top of Form | MH=Manhole | F.P.=Finished Floor | MI=Manhole

PLB920101095444.dwg, 2/10/2011 3:46:26 PM, .08



☐ rock boulders

rocks small

~ pansies / ornamental kale / orn. Swiss chard

○ small holly trees

○ lg. holly trees

⊗ crepe myrtle trees

• small bushes

BDA 145-039



ABERDEEN AVENUE
 VIOINMINI

27.2 feet

18 feet

13.2 feet

12.75 feet

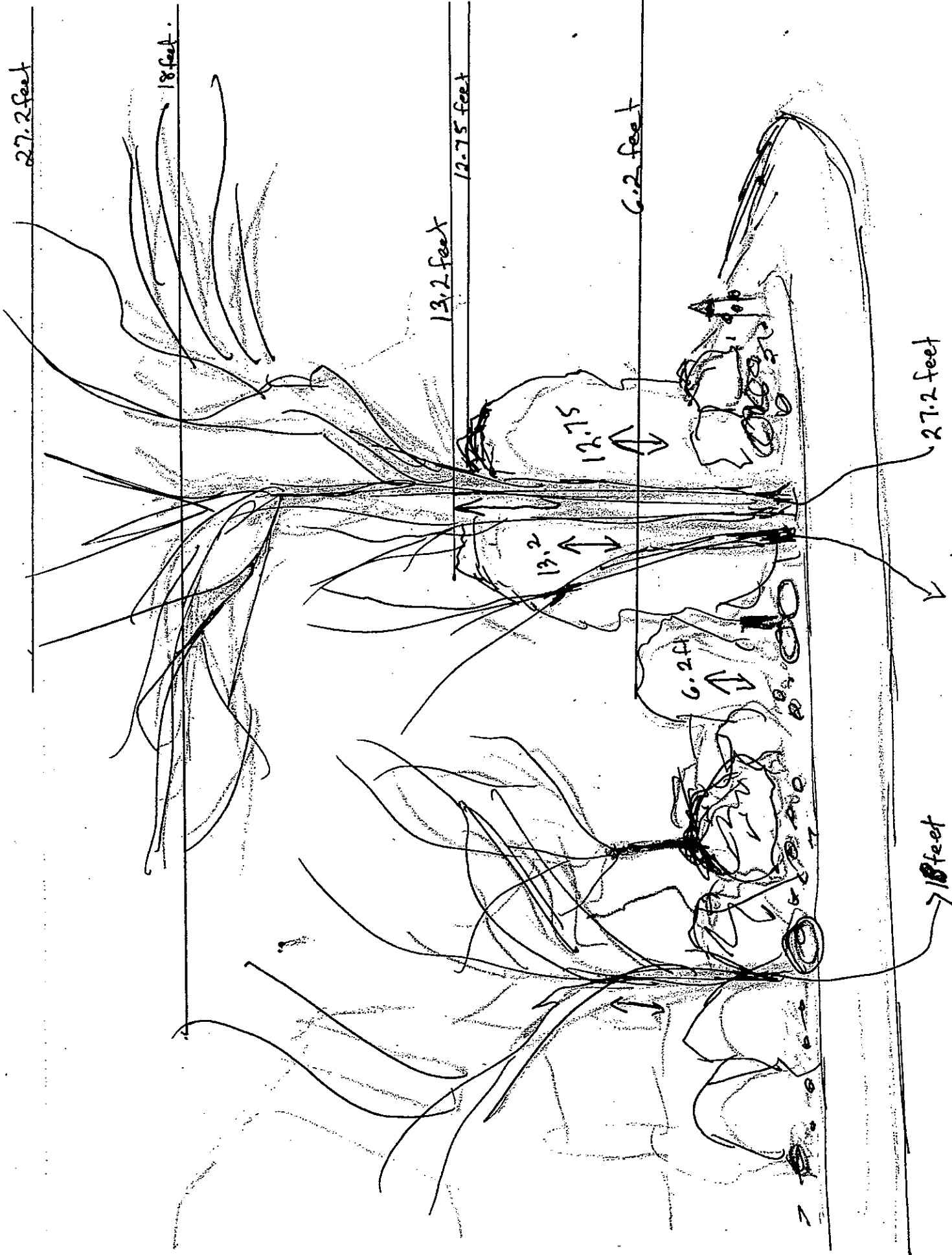
6.2 feet

27.2 feet

16.2 feet

18 feet

Hillcrest Avenue





1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA145-039**

Date: **2/24/2015**

Notification List of Property Owners

BDA145-039

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6834 ABERDEEN AVE	NIGHT SCOTT GORDON & CATHERINE ANITA
2	6816 ABERDEEN AVE	MELUCCI JEFFREY
3	6822 ABERDEEN AVE	NASH DOUGLAS C &
4	6828 ABERDEEN AVE	HOME ALONE CORP THE
5	6821 STICHTER AVE	CROCKETT TOMMY L
6	6825 STICHTER AVE	WALLIS ITHA M PAT
7	6831 STICHTER AVE	RATLIFF BRENT & SUSIE
8	6837 STICHTER AVE	WELLSFRY JOHN L & ANDREA B
9	6835 ABERDEEN AVE	VALDEZ LILLIAN
10	6829 ABERDEEN AVE	RAMIREZ DANIEL
11	6823 ABERDEEN AVE	POUNDERS NOLAND M
12	6817 ABERDEEN AVE	BODWELL MICHAEL R &
13	9924 HILLCREST RD	DALLAS ISD