

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, MARCH 18, 2015  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET	<b>10:30 A.M.</b>
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET	1:00 P.M.

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEMS**

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	Approval of the February 18, 2015 Board of Adjustment Panel B Public Hearing Minutes	M1
<b>BDA 134-049</b>	8216 Inwood Road <b>REQUEST:</b> Of Santos Martinez to waiver the two year limitation for a special exception to the fence height regulations denied with prejudice by Board of Adjustment Panel B on May 21, 2014	M2

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**UNCONTESTED CASES**

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<b>BDA 145-031</b>	4686 Meadowood Road <b>REQUEST:</b> Application of Ellen Grasso Isreal for a special exception to the fence height regulations	1
<b>BDA 145-034</b>	14087 Brookridge Drive <b>REQUEST:</b> Application of Kieu Handoko, represented by William Crews, for a special exception to the fence height regulations	2
<b>BDA 145-035</b>	9086 Longmont Drive <b>REQUEST:</b> Application of Marc Daniel Cabrera, represented by Bill Young, for special exceptions to the visual obstruction regulations	3
<b>BDA 145-038</b>	3121 N. Fitzhugh Avenue <b>REQUEST:</b> Application of John Weninger for a special exception to the landscape regulations	4

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**HOLDOVER CASE**

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**BDA 145-007** 8301 Westchester Drive 5  
**REQUEST:** Application of Suzan Kedron for special exceptionsto the pedestrian skybridge standards

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**REGULAR CASE**

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**BDA 145-014** 6405 (AKA 6565) Bandera 6  
**REQUEST:** Application of Ed Simons of Masterplan for a special exception to the landscape regulations

## EXECUTIVE SESSION NOTICE

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

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

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel B March 18, 2015 public hearing minutes.

**MISCELLANEOUS ITEM NO. 2**

**FILE NUMBER:** BDA 134-049

**REQUEST:** To waive the two year limitation on a final decision reached by Board of Adjustment Panel B on May 21, 2014 - a request for a special exception to the fence height regulations that was denied with prejudice.

**LOCATION:** 8216 Inwood Road

**APPLICANT:** Santos Martinez of Masterplan

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

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

**GENERAL FACTS/TIMELINE:**

May 21, 2014: The Board of Adjustment Panel B denied a request for special exception to the fence height regulations with prejudice. The case report stated that the request was made to construct/maintain an a 6' high open iron fence and gate with 6' 6" high stucco columns in the 35' front yard setback on a site that was developed with a single family home/use.

February 18, 2015: The Board of Adjustment Panel B denied a miscellaneous item request to waive the two year limitation on a final decision reached by Board of Adjustment Panel B on May 21, 2014 - a request for a special exception to the fence height regulations that was denied with prejudice.

March 6, 2015: The applicant submitted a letter (with related materials) to staff requesting that the Board waive the two year limitation on the request for a special exception to the fence height regulations denied with prejudice by Board of Adjustment Panel B on May 21, 2014 (see Attachment A). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a fence height special exception on the property.

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

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.
- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
  - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
  - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

March 6, 2015: The Board Administrator emailed the applicant information regarding his miscellaneous item request that included information about the application filed in 2014 (see Attachments B and C).



M2  
Attach A  
P31

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

RE: BDA 134-049, 8216 Inwood Road

Mr. Long,

As an authorized representative for the property owner, please accept this letter as an official request to waive the two year requirement on filing a special exception application for a fence in the required front yard.

As you are aware, the original decision of this case was appealed. We ask that the case be placed under consideration for a waiver to the two year time period in order to keep within the court's decision.

In addition to the appeal, the property owner and his family have taken up residence on the property. It should be noted that the property owner does not list his family name on the ownership records. This is due to several threats that have been made against him and his employer. These threats are continuous and taken seriously by the property owner.

I have attached copies of previous correspondence that he has received. There are threats to his safety in addition to his entire family. As was mentioned at the last hearing, the substantial change in property circumstance is that the property is now occupied. With constant and serious threats to his security, the property owner respectfully requests that a waiver of the two year requirement to submit a new special exception application for a fence in the required front yard. I have done my best to protect the identity of my client and his employer in the attached items.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Santos T. Martinez', written over a horizontal line.

Santos T. Martinez

**Santos**

M2  
Attach A  
Pg 2

**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:27 PM  
**To:** [REDACTED]  
**Subject:** FW: Your Telegraph open letter.

See below.

----- Forwarded message -----

**From:** jim KIRBY <jkirby1048@aol.com>  
**Date:** Sun, Feb 9, 2014 at 8:58 AM  
**Subject:** Your Telegraph open letter.  
**To:** [REDACTED]

Dear Mr [REDACTED]

Thank you for your advertisement in the Sunday Telegraph. It was a great laugh. You can take your fracking and shove it up your ass. Next time I am in America and if I can find your home address you better watch out. In the mean time I hope someone fucks you up the ass and rapes your wife and kids.

your truly

Jim Kirby



Santos

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MZ

From: [REDACTED]  
Sent: Tuesday, July 08, 2014 2:26 PM  
To: [REDACTED]  
Subject: Fw: Fuck off

Attach A  
ps 3

See below.

----- Forwarded message -----

From: **Jonathan Croan-meyer** <j.croan@yahoo.com>  
Date: Tue, Dec 17, 2013 at 6:55 AM  
Subject: Fuck off  
To: [REDACTED]

I would hope that you watch your back. You cannot run around telling the world how great fracking is knowing its destroying the planet. Watch your back mother fucker. Im gonna sort you out.  
JC

m2  
Attach A  
pg 3

Santos

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**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:26 PM  
**To:** [REDACTED]  
**Subject:** FW: <http://www.nofrackingway.us/2013/05/06/debunking-the-truth-about-mythical-fracking-talking-points/>

This lady has called me several times and threatened to come to my house..she is the head of my "fan" club..she lives 15 mins away.

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**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:07 PM  
**To:** [REDACTED]  
**Subject:** <http://www.nofrackingway.us/2013/05/06/debunking-the-truth-about-mythical-fracking-talking-points/>

<http://www.nofrackingway.us/2013/05/06/debunking-the-truth-about-mythical-fracking-talking-points/>

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

 **Please consider the environment before printing this e-mail**

INTERNET MAIL CONFIDENTIALITY

This E-mail is covered by the Electronic Communications Privacy Act, 18 U. S. C." 2510-2521 and is legally privileged. This information is confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

M2  
Attach A  
Pg 4

**Santos**

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**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:27 PM  
**To:** [REDACTED]  
**Subject:** FW: Fracking in the UK

----- Forwarded message -----

**From:** Roy Thomson <[roythomson@yahoo.co.uk](mailto:roythomson@yahoo.co.uk)>  
**Date:** Sun, Feb 9, 2014 at 3:28 PM  
**Subject:** Fracking in the UK  
**To:** [REDACTED]

Dear Sir

BURN IN HELL I HOPE I GET TO BE THE GUY THAT SENDS YOU THERE.

Roy Thomson

Sent from my iPad

M2  
Attach A  
PS 5

Santos

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**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:28 PM  
**To:** [REDACTED]  
**Subject:** FW: Newspaper Advertisement

See below.


----- Forwarded message -----  
**From:** Ann Wilson @ Dressage Hinton <[annwilson@tiscali.co.uk](mailto:annwilson@tiscali.co.uk)>  
**Date:** Sun, Feb 9, 2014 at 4:33 PM  
**Subject:** Newspaper Advertisement  
**To:** [REDACTED]

Die you fucking ass hole..you are ruining the world  
  
Ian Wilson

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I am using the Free version of SPAMfighter.  
SPAMfighter has removed 7138 of my spam emails to date.  
  
Do you have a slow PC? Try a free scan!

---

 This email is free from viruses and malware because avast! Antivirus protection is active.

M2  
Attach A  
Pg 6

**Santos**

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**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:29 PM  
**To:** [REDACTED]  
**Subject:** FW: Warm Regards

See below.

----- Forwarded message -----

**From:** <[atakunda@mail.com](mailto:atakunda@mail.com)>  
**Date:** Mon, Feb 10, 2014 at 4:16 AM  
**Subject:** Warm Regards  
**To:** [REDACTED]

Dear Sir,

Stop lying to people. You are killing kids and people around the world. I hope someone kills you and your whole goddamn family. By warm I mean BURN IN HELL.

Mr. Adam Takunda

Santos

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MZ  
Attach A  
PS 7

**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:30 PM  
**To:** [REDACTED]  
**Subject:** FW: Open Letter to Citizens of the UK

See below.

----- Forwarded message -----

**From:** David Bishop <[davidbishop5003@gmail.com](mailto:davidbishop5003@gmail.com)>  
**Date:** Mon, Feb 10, 2014 at 3:58 AM  
**Subject:** Open Letter to Citizens of the UK  
**To:** [REDACTED]

I read your letter in the newspaper and saw you on TV recently. I have more anger toward you than any other human you fucking piece of shit. If I can find your address you are fuckign done.

I look forward to meeting you face to face.

David Bishop

m2  
Attch A  
PS 8

Santos

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**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:31 PM  
**To:** [REDACTED]  
**Subject:** FW: Good luck asshole killer.

See below.

----- Forwarded message -----  
**From:** John Fish (gmail) <[johnafish@gmail.com](mailto:johnafish@gmail.com)>  
**Date:** Tue, Feb 11, 2014 at 7:13 AM  
**Subject:** Good luck.  
**To:** [REDACTED]

Dear Mr [REDACTED]

**DIE**  
**DIE**  
**DIE**  
**DIE**  
**DIE**

John Fish

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+44 (0)7745 745682 | [johnafish@gmail.com](mailto:johnafish@gmail.com)

m2  
Attach A  
PS 9

Santos

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**From:** [REDACTED]  
**Sent:** Tuesday, July 08, 2014 2:33 PM  
**To:** [REDACTED]  
**Subject:** [REDACTED]

See below. [REDACTED]

On Dec 16, 2013, at 6:10 AM, Dan Domino <[dandomino@hotmail.com](mailto:dandomino@hotmail.com)> wrote:

Dear [REDACTED]

I have read up on the Fracking Process, read many articles, read articles on the legislation, American society, American Government, the FDA, JFK, the Oil and Gas industry and have always had a strong desire to keep myself as an informed and educated individual. This is specifically so I can watch what is happening to British, European and American society and culture.

From my research and interest of American politics, the Republican party, GOP, Fox News, Mitt Romeny, Dick Cheney, the Bush Dynasty, the War on Drugs and the War on terror I feel very strongly that America has gone down a much darker path than the rest of the world.

This is down to the greed and corruption of the higher echelons of American Society and utter disregard for the poor and working class. Your treatment of the poor is vile and abhorrent. It creates crime and destroys society. This is done on purpose to fill the pockets of some billionaires.

Fracking is not safe, and has had Child Killing War Profiting Politicians modify legislation to make Fracking Companies invulnerable from any harm caused down the line of the Fracking process.



Therefore I kindly ask you to piss off out of England, take your Fracking with you or I will come to the USA and kill your whole fucking family you commy fuck.

M2  
Attach A  
Pg 10

You are part of an industry that has paid politicians to go to war in the middle east and topple governments to dictate favourable energy policies of other Nations. That means you have profited from war and child killing.

England does NOT want your Child Killing War Profiteering company or Disgusting Republican Right Wing Child Killing CEO to advise England on Fracking and how to further rape and pillage our own natural resources for other billionaires and millionaires to get Rich whilst increasing the chances of Natural Disasters on the shores of the UK.

American society is abhorrent compared to the rest of the world. Dictated by greedy billionaires America has Private Prisons which are part of Legalised Slavery. 1000s of Children dying because of a lack of medical Coverage, and rampant poverty and drug problems, made on purpose to supply the Gun Manufacturers greed. Purposely having a Right Wing ideology of Exploitation, of bribing politicians, of syphoning public money for Corporate Profit and Corporate Subsidies is inherently evil because it destroys society with its greed. This includes your vile company.

We dont want the statistics of America or the reputation of America which is as a corrupt and child killing country that does not care about its own citizens and is happy to let its own citizens die for profit and kill families and children of other countries, or a Right Wing Capitalist model entrenching itself into the UK with the promise of Boardroom positions and big bags of money for our politicians.

If I had the money I would pay people to go to the Child Killing and Corrupt ██████████ to really make you people see the error in your ways. Though I have a feeling that because of the Right Wing propaganda in Texas and the Greed that America creates that you will not do anything of the sort.

I can only hope someone takes it into their own hands to really make sure your Company gets its comeuppance and have honourable justice seeking members of Humanity go after you with the hatred that your Child Killing Enterprises and Corruption has created. Fracking is not welcome in the UK, it is a system to provide energy which is easily available in other forms BUT these other forms stop American Billionaires getting a cut.

American politicians may have purposefully made the majority of its population stupid and ignorant, lazy and subservient but we will not be bought and won so easily on these shores. You may have a culture to distract ignorant morons from the crimes of corporations, but more and more people in the UK are waking up to your evil.

Remember, to the eyes of many informed individuals, you are genuinely evil. The majority of the world sees AMERICAS Right Wing Ideology. Fox News, Propaganda, corrupt politicians, war for profit, we do not forget the crimes of Henry Kissingers foreign policy so easily as you want us to. Right Wing policies further the power and wealth of the Elite and Millionaires but screw over everyone else. This is widely well known and recognised and so we wont stand for your Exploitation.

So please eat shit and die, or whatever it takes to stop your exploitation of the UK. I hope you or your family get aids or cancer or dwarfism or are affected by Formaldehyde then you should

know you absolutely deserve it, you and your colleagues, family and pets completely and utterly it for being the corrupt child killing war profiteering cunts that you are.

M2  
Attach A  
Pg 11

Yours

Dan Brown.

P.S.

Your Company paid politicians to go to war in the middle east. **You have killed children for profit.** Choke on death. You are actually part of an organisation that has profitted from killing children. Can you comprehend how evil this is? How American Right Wing Foreign Policy has done some of the most vile and hideous acts on planet earth in the modern age. And your government intends to continue to actually kill children for profit. Die fucker.



B  
m2  
Attach B  
PS L

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-049

Data Relative to Subject Property:

Date: 2/26/14

Location address: 8216 Inwood Rd. Dallas, Texas Zoning District: R-16(A)

Lot No.: 24 Block No.: 5674 Acreage: 0.7600 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 148.1 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NEZIA

To the Honorable Board of Adjustment :

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

Applicant: Nancy Rodriguez Telephone: 214-280-1277

Mailing Address: 4347 W. Northwest Highway Suite 120-240 Zip Code: 75220

E-mail Address: nancy@mmchomes.net

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception<sup>X</sup> \_\_\_\_\_, of 2'-6" to the fence height in the front yard.

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

will not have an adverse affect on the neighbors  
because they to have fences similar in height

BOARD OF ADJUSTMENT DECISION FILED

Note to Applicant: If the Board of Adjustment grants the appeal, 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.

05 Affidavit

Before me the undersigned on this day personally appeared Nancy Rodriguez

(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: Mankeey  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of February, 2014



Irma Hayes  
Notary Public in and for Dallas County, Texas

M2  
Attach B  
Ps Z

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

**WEDNESDAY, MAY 21, 2014**

**FILE NUMBER:** BDA 134-049

**BUILDING OFFICIAL'S REPORT:** Application of Nancy Rodriguez for a special exception to the fence height regulations at 8216 Inwood Road. This property is more fully described as Lot 24, Block 5674, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain a 6 foot 6 inch high fence, which will require a 2 foot 6 inch special exception to the fence height regulations.

**LOCATION:** 8216 Inwood Road

**APPLICANT:** Nancy Rodriguez

**REQUEST:**

A request for a special exception to the fence height regulations of 2' 6" is made to construct and maintain a 6' high open iron fence and gate with 6' 6" high stucco columns in the 35' front yard setback on a site that is developed with a single family home/use.

**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-16(A) (Single family district 16,000 square feet)  
**North:** R-16(A) (Single family district 16,000 square feet)  
**South:** R-16(A) (Single family district 16,000 square feet)  
**East:** R-7.5(A) (Single family district 7,500 square feet)  
**West:** R-16(A) (Single family district 16,000 square feet)

M2  
Attach B  
PC-3

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing May 21, 2014

Appeal was--Granted OR Denied

Remarks Denied -  
with prejudice

[Signature]  
Chairman

**Building Official's Report**

I hereby certify that Nancy Rodriguez

did submit a request for a special exception to the fence height regulations  
at 8216 Inwood Road

BDA134-049. Application of Nancy Rodriguez for a special exception to the fence height regulations at 8216 Inwood Road. This property is more fully described as Lot 24, Block 5674, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence regulation.

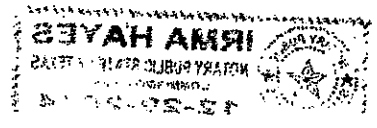
**BOARD OF ADJUSTMENT DECISION FILED  
IN THE OFFICE OF THE BOARD OF ADJUSTMENT  
THIS THE \_\_\_\_\_ DAY OF**

22  
May, 20 14

[Signature]  
ADMINISTRATOR

Sincerely,

[Signature]  
Larry Holmes, Building Official





M2  
Attach B  
pg 4

May 28, 2014

Nancy Rodriguez  
4347 W. Northwest Highway  
Suite 120-240  
Dallas, TX 75220

Re: BDA 134-049, Property at 8216 Inwood Road

Dear Ms. Rodriguez:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 21, 2014 denied your request for a special exception to the fence height regulations with prejudice.

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

A handwritten signature in cursive script that reads 'Steve Long'.

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

c: James Martin, Code Enforcement, 3112 Canton, RM 100  
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

M2  
Attach C

**Long, Steve**

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**From:** Long, Steve  
**Sent:** Friday, March 06, 2015 2:02 PM  
**To:** 'Santos'  
**Cc:** Moorman, Donna; Way, Jamilah; Duerksen, Todd; Dean, Neva; Caso, Chris; Law, Trena  
**Subject:** FW: Two year time limitation wavier request for BDA 134-049, Property at 8216 Inwood Road  
**Attachments:** Attach A.pdf; 2 year waiver.pdf; Attach B.pdf; Panel B hearing date and deadlines.doc; documentary evidence.pdf

Dear Santos,

Please consider this email as official notice that the **miscellaneous item request** for a waiver of the two year time limitation to refile another application for a special exception to the fence height regulations on the property referenced above that was denied with prejudice by Board of Adjustment Panel B on May 21, 2014 has been scheduled for the **Wednesday, March 18<sup>th</sup>** Panel B public hearing to be held in the **Council Chambers of Dallas City Hall at 1:00 p.m.** Attached are documents related to this request:

1. Your letter requesting the waiver of the two-year limitation (and related materials) that I have labeled as Attachment A)- which will be emailed to you and the board members next week, approximately one week ahead of your March 18<sup>th</sup> public hearing.
2. The provisions/standard from the Dallas Development Code allowing the board to waive the two year time limitation on a final decision reached on an application on the same matter (other than a decision of denial without prejudice) (51A-4.703(e)(3)) - which in your case, is a waiver of the two year time limitation in place with regard to BDA 134-049 - a request for a special exception to the fence height regulations denied with prejudice by Board of Adjustment Panel B in May of 2014.
3. Materials related to BDA 134-049 that I have labeled as Attachment B.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance or someone who can speak on your behalf at the March 18<sup>th</sup> public hearing is strongly encouraged).
5. The board's rule pertaining to documentary evidence.

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

Thank you,

Steve

PS: If there is anything that you want to submit to the board on this request, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or mail it to me at the following address:

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

**FILE NUMBER:** BDA 145-031

**BUILDING OFFICIAL'S REPORT:** Application of Ellen Grasso Isreal for a special exception to the fence height regulations at 4686 Meadowood Road. This property is more fully described as Lot A, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence, which will require a 5 foot special exception to the fence height regulations.

**LOCATION:** 4686 Meadowood Road

**APPLICANT:** Ellen Grasso Isreal

**REQUEST:**

A request for a special exception to the fence height regulations of 5' is made to replace existing fences that exceed 4' in height in one of its two 40' front yard setbacks on a site developed with a single family home use.

More specifically the request is made to replace and maintain the following in the site's Walnut Hill Lane 40' front yard setback: a 9' high solid brick fence is proposed to replace an approximately 7' high solid brick fence parallel to Walnut Hill Lane on the north, and an 8' high solid brick fence is proposed to replace an 8' high open picket perpendicular to Walnut Hill Lane on the west adjacent to Meadowood Road).

(No request has been made in this application to replace/construct/maintain any fence in the site's Meadowood Road front yard setback on the south side of the subject site).

**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 990-271, Property at 9963 Rockbrook Lane (one lot west of the subject site)

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

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

2. BDA 045-266, Property at 4722 Walnut Hill Lane (one lot east of the subject site)

On August 17, 2005, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 4' 10" and imposed the submitted site plan and elevation as a condition.

The case report stated the request was made to construct and maintain an 8' high solid stucco fence with 8'10" stucco columns and 8' metal gates in the front yard setback on a site that is developed with a single family house.

### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a 9' high solid brick fence to replace an approximately 7' high solid brick fence parallel to Walnut Hill Lane on the north, and an 8' high solid brick to replace an 8' high open picket perpendicular to Walnut Hill Lane on the west adjacent to Meadowood Road on a site developed with a single family home use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located on the southeast corner of Meadowood Road and Walnut Hill Lane. The subject site has front yard setbacks on the north and south since the subject site runs from one street to another (Walnut Hill Lane on the north, Meadowood Road on the south). Regardless of how the existing single-family structure is oriented to front southward towards Meadowcreek Road, the site has front yard setbacks on both of these streets since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both of these streets.
- Although the site has two, 40' front yard setbacks, the focus of the applicant's request in this application is only to replace and maintain a fence higher than 4' in the site's Walnut Hill Lane front yard setback on the north. No part of the application is made to address any fence in the site's Meadowood Road front yard setback on the south.
- The applicant has submitted a site plan and elevation of the proposal in the Walnut Hill Lane front yard setback with notations indicating that the proposal reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted site plan related to the proposal in the Walnut Hill Lane front yard setback:
  - The proposal is represented as being approximately 200' in length parallel to Walnut Hill Lane, and approximately 40' in length perpendicular to the Walnut Hill Lane.

- The proposal fence is represented as being located at a range of 0' – 2' from the front property line, or approximately 8' – 10' from the Walnut Hill Lane pavement line and 46' – 48' from the Meadowood Road pavement line.
- The applicant has submitted a landscape plan in addition to a site plan. The only landscape materials denoted on the street side of the fence on Meadowood Road and Walnut Hill Lane are intermittent rows of George Tabor azaleas.
- Two single family lots/houses front the Walnut Hill Lane replacement fence, neither with fences that appear to exceed 4' in height in their front yard setbacks; one single family lot/house fronts the Meadowood Road replacement fence, a house with an approximately 6' high fence that appears to be the result of a fence height special exception granted by the Board in 2000: BDA 990-271.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 300 feet east and west of the subject site) and noted one other fence that appeared to be in a front yard setback higher than 4' in height – an approximately 6' high solid fence located immediately east of the subject site that appears to be the result of a granted fence height special exception request granted by the Board in 2005: BDA 045-266.
- 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 exceptions to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting these special exceptions of 5' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposals exceeding 4' in height in the front yard setbacks to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

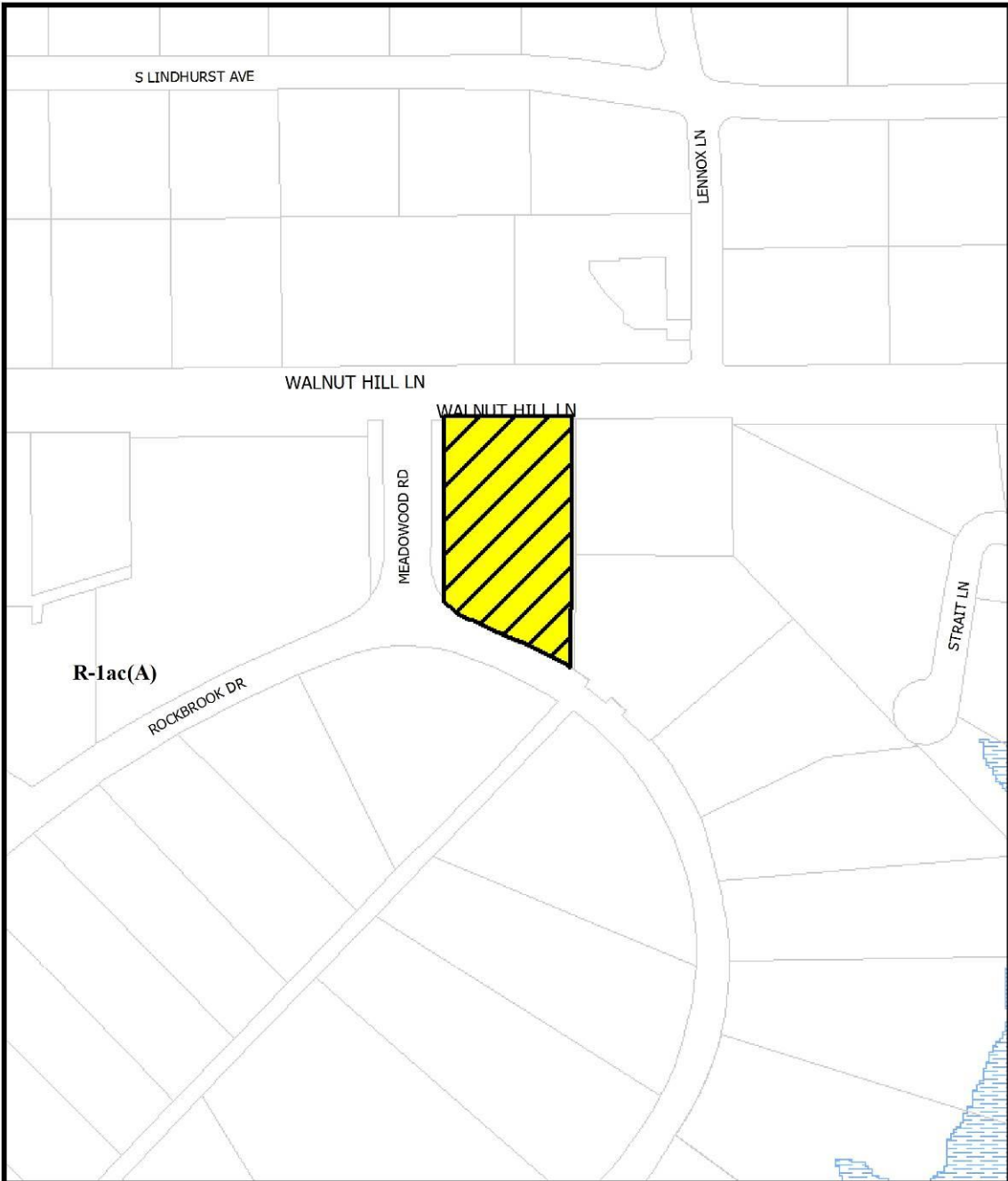
- January 12, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- February 11, 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 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> 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.

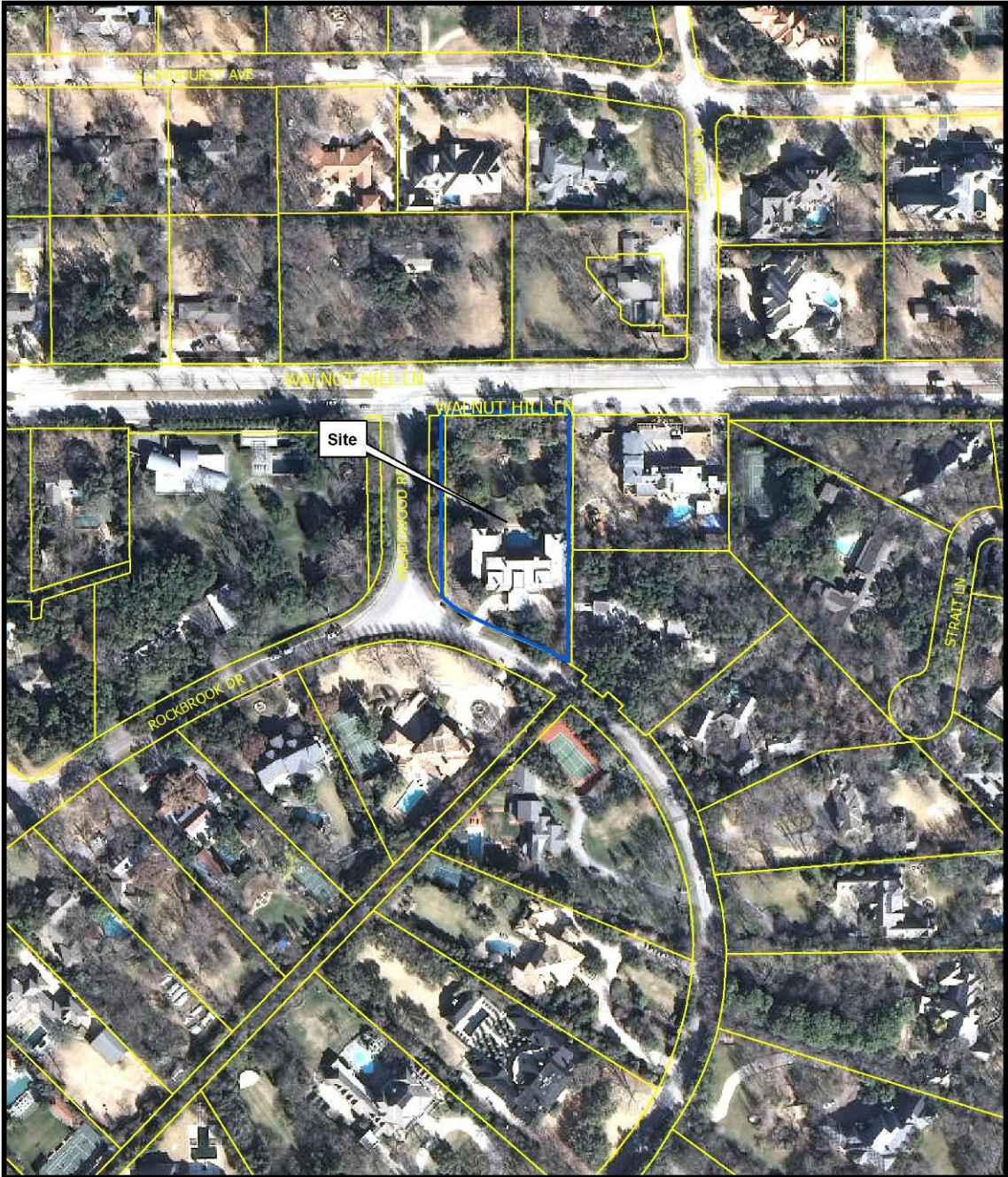


1:2,400

# ZONING MAP

Case no: BDA145-031

Date: 2/24/2015



1:2,400

# AERIAL MAP

Case no: BDA145-031

Date: 2/24/2015

**Long, Steve**

---

**From:** Ellen Grasso <Ellen@ellengrasso.com>  
**Sent:** Wednesday, February 25, 2015 10:34 AM  
**To:** Long, Steve  
**Subject:** Fwd: Emailing: 4686 Meadowood (landscape plan - revised 1.16.2015)  
**Attachments:** 4686 Meadowood (landscape plan - revised 1.16.2015).pdf; ATT00001.htm

This is the landscape plan that the owners have approved.

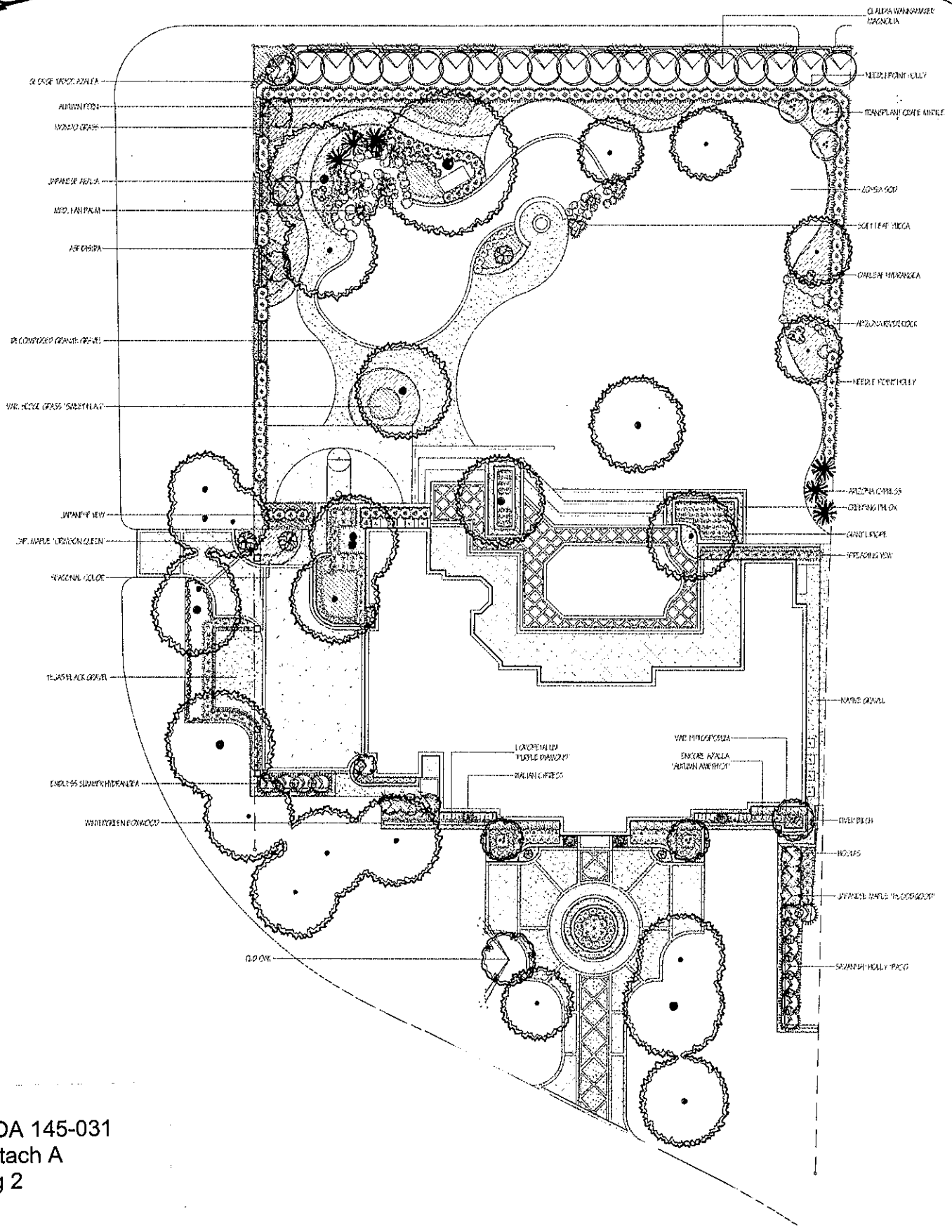
Ellen Grasso & Sons  
[ellengrasso.com](http://ellengrasso.com)  
214-202-0743 (cell)

Begin forwarded message:

**From:** Chase Schavrda <[chase@marlinlandscape.com](mailto:chase@marlinlandscape.com)>  
**To:** "[ellen@ellengrasso.com](mailto:ellen@ellengrasso.com)" <[ellen@ellengrasso.com](mailto:ellen@ellengrasso.com)>  
**Cc:** "Clay Grasso ([Clay@ellengrasso.com](mailto:Clay@ellengrasso.com))" <[Clay@ellengrasso.com](mailto:Clay@ellengrasso.com)>  
**Subject:** **Emailing: 4686 Meadowood (landscape plan - revised 1.16.2015)**  
**Date:** February 25, 2015 at 10:27:19 AM CST

Ellen,

Attached is the final landscape plan that was approved by the H.O. I do not have a colored version of this plan hopefully this will work. Thanks Chase



Marlin Landscapes Systems 214 731 0706 office 214 731 1017 fax www.marlinlandscapes.com

BDA 145-031  
 Attach A  
 Pg 2

RUBIN RESIDENCE  
 4686 MEADOWOOD  
 DALLAS, TEXAS

BDA 145-031

1-9

DRAWN BY:	MCH/LMF
DATE:	15 JANUARY 2019
SCALE:	PAGE
1" = 10'	1 OF 1

THE PLAN HEREON IS THE PROPERTY OF MARLIN LANDSCAPES SYSTEMS, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MARLIN LANDSCAPES SYSTEMS, INC.





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-031

Data Relative to Subject Property:

Date: 1/12/15

Location address: 4686 Meadowood Rd Zoning District: R-1ac(A)

Lot No.: A Block No.: 5543 Acreage: 1.65 Census Tract: 206.00

Street Frontage (in Feet): 1) 89 2) 271 3) 202 4) \_\_\_\_\_ 5) \_\_\_\_\_ NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Carl S. Rubin and Susan B Rubin

Applicant: ~~Ellen Grasso & Sons LLC~~ Telephone: 214-559-4580

Mailing Address: ~~8150 N Central Expy Suite M2070, Dallas, TX~~ Zip Code: 75206

E-mail Address: ~~ellen@ellengrasso.com~~

Represented by: Ellen Grasso Isreal Telephone: 214-202-0743

Mailing Address: 8150 N Central Expy Suite M2070, Dallas, TX Zip Code: 75206

E-mail Address: ellen@ellengrasso.com

Affirm that an appeal has been made for a Variance   , or Special Exception X, of an additional 5' of fence height in a 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:  
A taller fence does not adversely affect neighbors or traffic on Walnut Hill, but does provide a better sound barrier for homeowner.

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

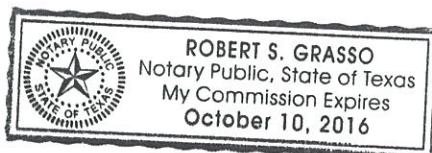
Before me the undersigned on this day personally appeared Ellen Grasso Isreal  
(Affiant/Applicant's name printed)

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: Ellen Grasso Isreal  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of January, 2015

(Rev. 08-01-11)



Robert Grasso  
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

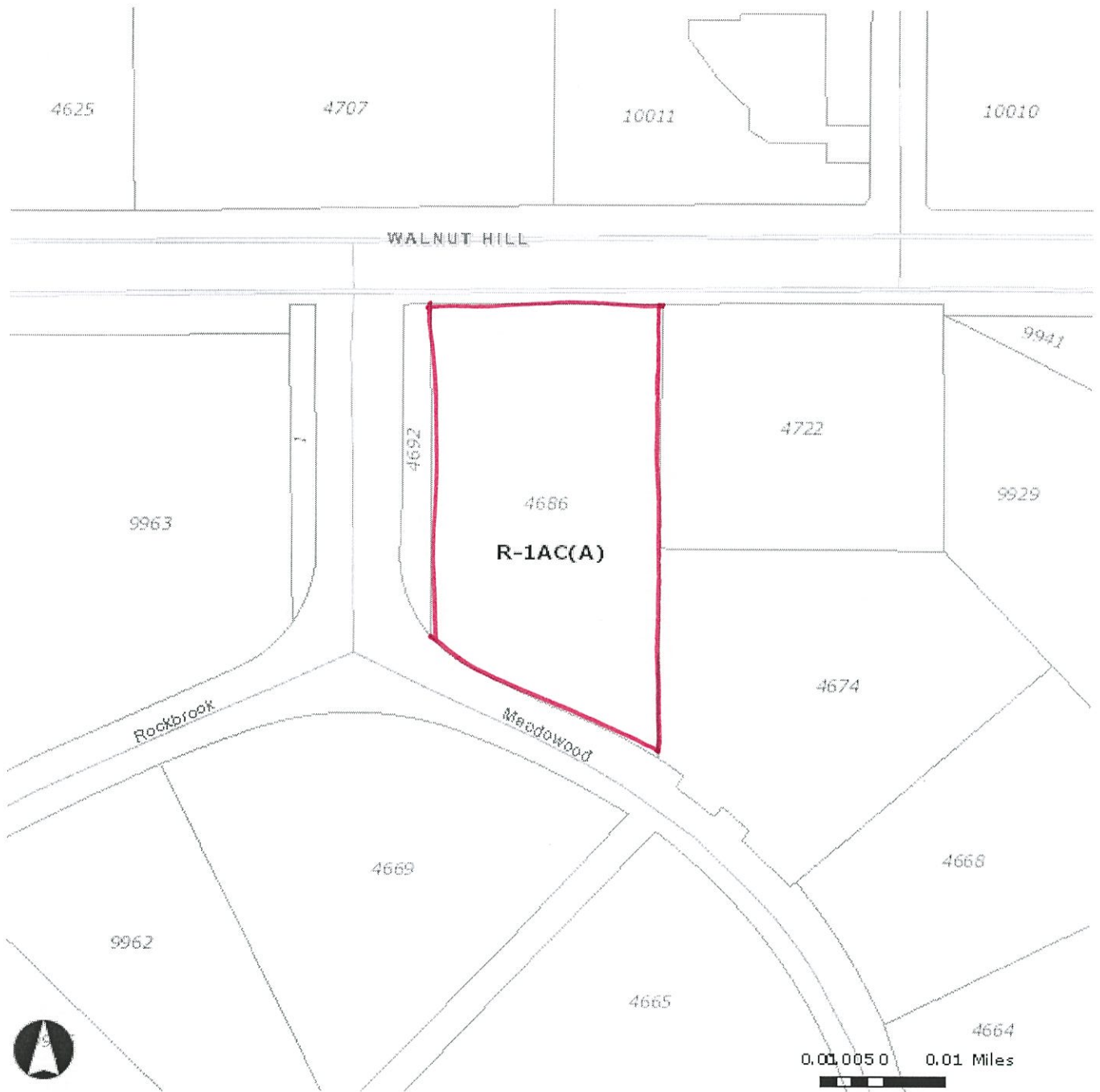
**Building Official's Report**

I hereby certify that Ellen Grasso Isreal  
did submit a request for a special exception to the fence height regulations  
at 4686 Meadowood Road

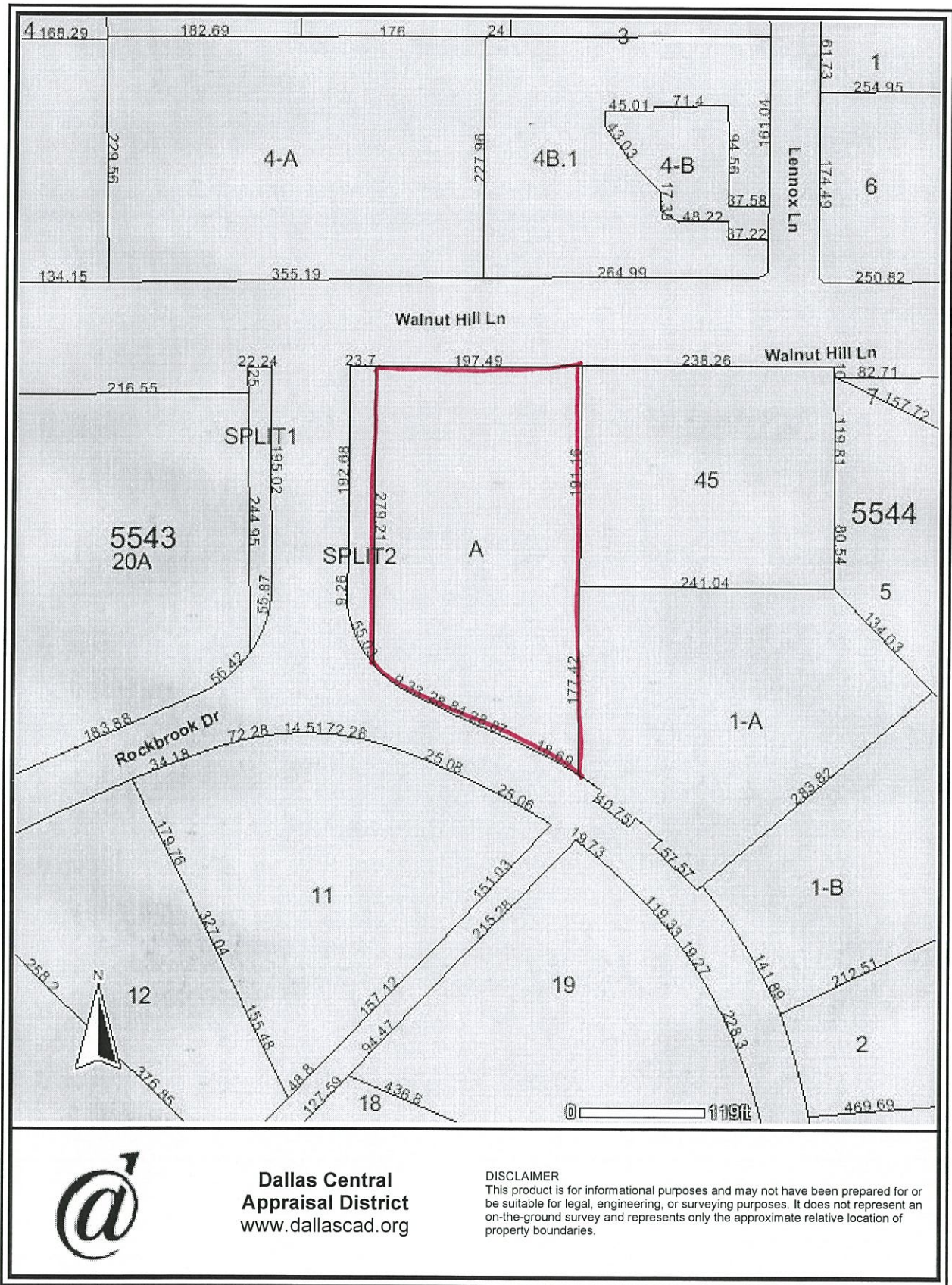
BDA145-031. Application of Ellen Grasso Isreal for a special exception to the fence height regulations at 4686 Meadowood Road. This property is more fully described as Lot A, Block 5543, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,

  
Larry Holmes, Building Official



EGJ

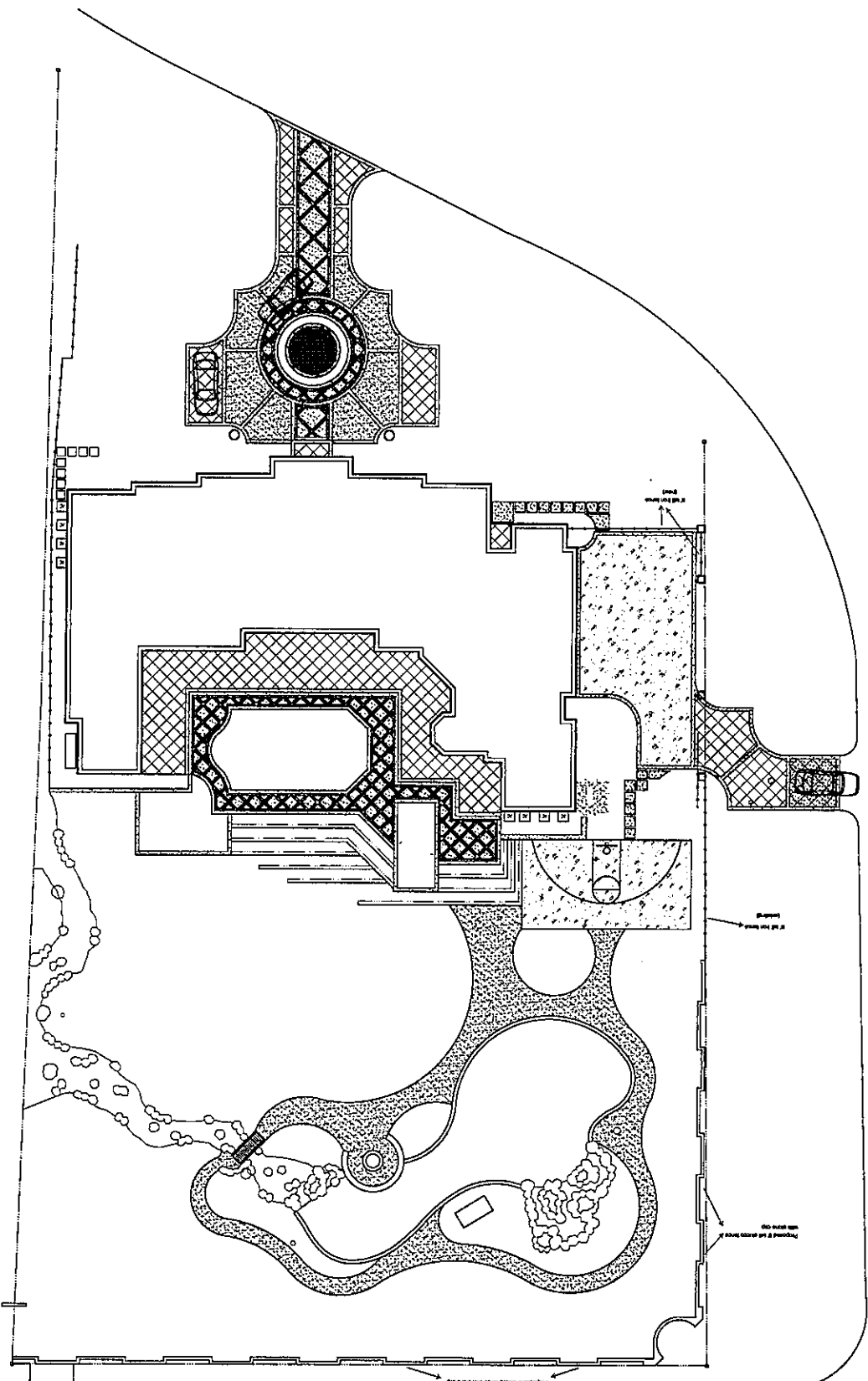


EGZ

site Plan  
S-1

RUBIN RESIDENCE  
4686 MEADOWOOD  
DALLAS, TEXAS

DATE: 9 JANUARY 2015  
DRAWN BY: MDM/LMF  
SCALE: 1" = 10'  
PAGE: 1 OF 1



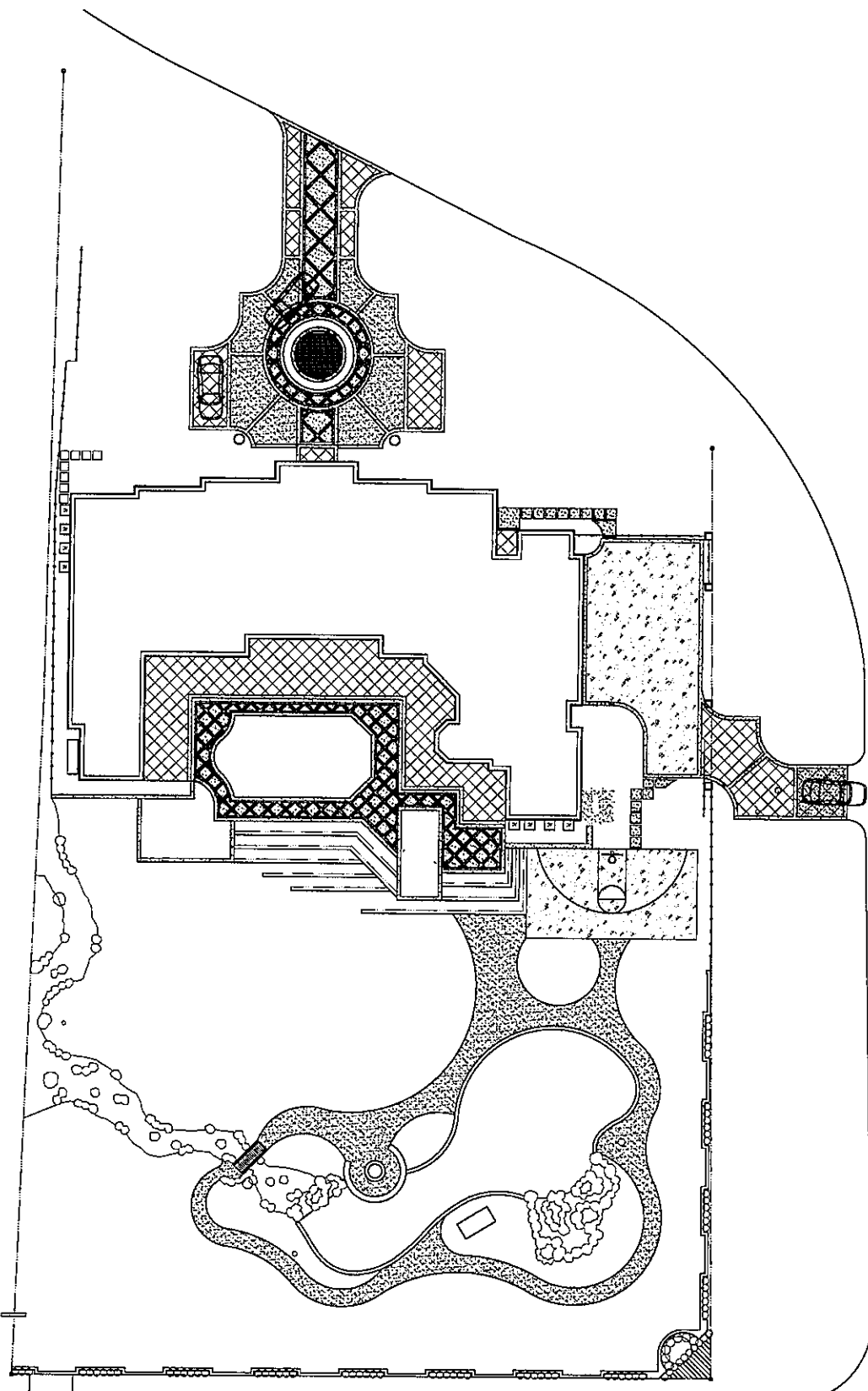
Marlin Landscape Systems 214.731.0706 office 214.731.1017 fax www.marlinlandscape.com

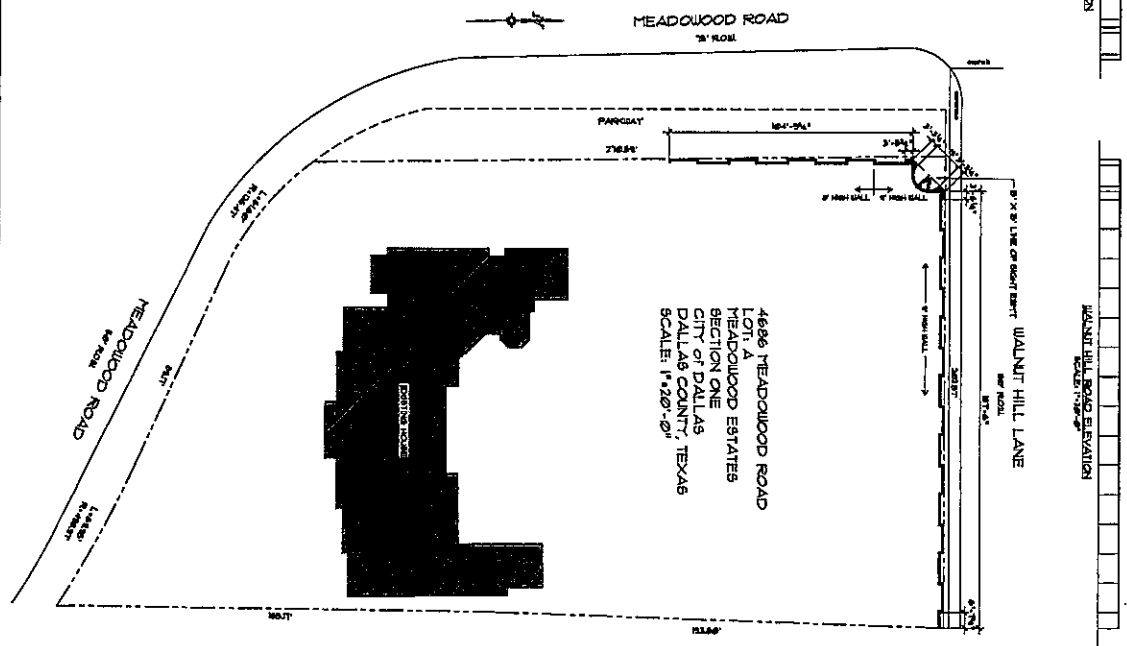
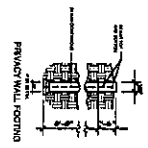
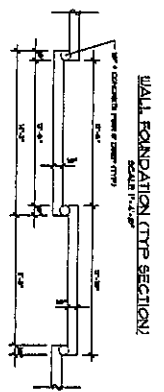
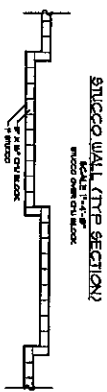
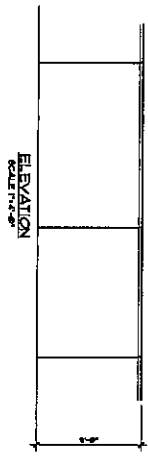
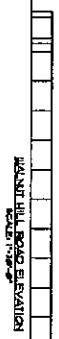
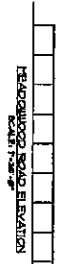
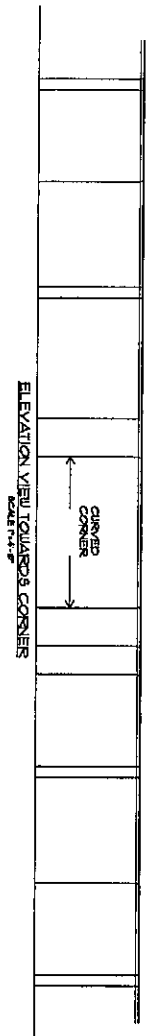


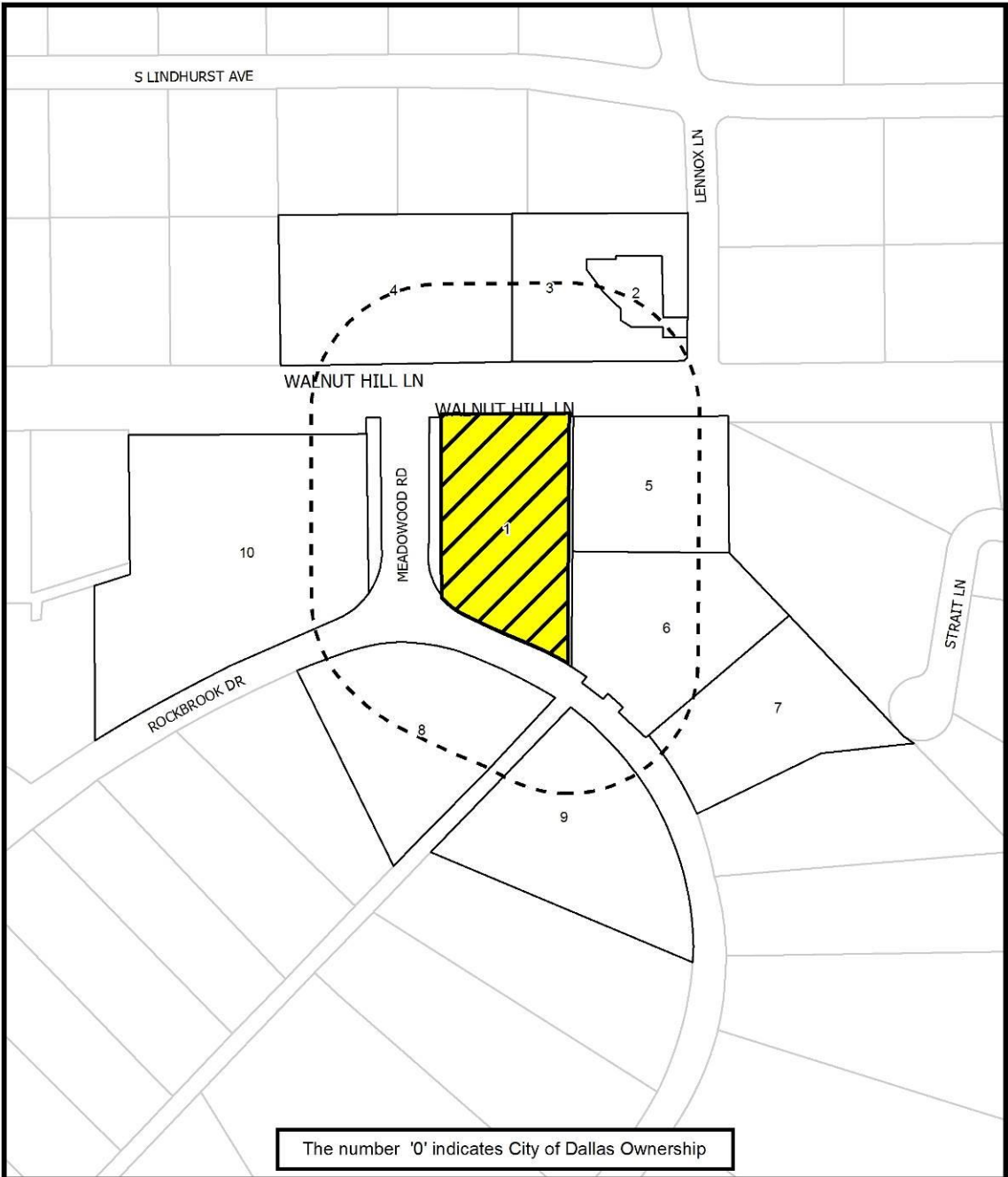
RUBIN RESIDENCE  
4686 NEADOWOOD  
DALLAS, TEXAS

THIS PLAN IS PROPERTY OF MARTIN LANDSCAPE SYSTEMS. ANY USE OF THIS PLAN WITHOUT WRITTEN PERMISSION FROM MARTIN LANDSCAPE SYSTEMS IS PROHIBITED.

DATE: 9 JANUARY 2016	SCALE: 1" = 10'
DRAWN BY: MDM/LMF	PAGE 1 OF 1







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;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-031</u> Date: <u>2/24/2015</u>
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					



## *Notification List of Property Owners*

***BDA145-031***

### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4686 MEADOWOOD RD	CONSTANTINE SAMI E &
2	10011 LENNOX LN	YANCEY JAY D TR
3	10011 LENNOX LN	FAR EAST TRADING LP
4	4707 WALNUT HILL LN	FRANKLIN JOHN C ETUX
5	4722 WALNUT HILL LN	HARTNETT WILL FORD & TAMMY C
6	4674 MEADOWOOD RD	SPIRITAS STEVEN F
7	4668 MEADOWOOD RD	GLAZER PHYLLIS R
8	4669 MEADOWOOD RD	KWUN FAMILY MEADOWOOD RESIDENCE TR
9	4665 MEADOWOOD RD	EAZOR JOSEPH F &
10	9963 ROCKBROOK DR	HOFFMAN MARGUERITE

**FILE NUMBER:** BDA 145-034

**BUILDING OFFICIAL'S REPORT:** Application of Kieu Handoko, represented by William Crews, for a special exception to the fence height regulations at 14087 Brookridge Drive. This property is more fully described as Lot 7, Block H/7424, and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

**LOCATION:** 14087 Brookridge Drive

**APPLICANT:** Kieu Handoko  
Represented by William Crews

**REQUEST:**

A request for a special exception to the fence height regulations of 4' is made to maintain an 8' high solid cedar wood fence and a 7' high solid wood gate in the one of the site's two required front yards (Spring Valley Road) on a site that is developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1/2ac(A) (Single family district ½ acre)  
North: R-1/2ac(A) (Single family district ½ acre)  
South: R-1/2ac(A) (Single family district ½ acre)  
East: R-1/2ac(A) (Single family district ½ acre)  
West: R-1/2ac(A) (Single family district ½ 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:**

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 an 8' high solid cedar wood fence and a 7' high solid wood gate in the one of the site's two required front yards (Spring Valley Road) on a site that is 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 site is located at the southwest corner of Spring Valley Road and Brookridge Drive. Regardless of how the home on the site is oriented to front eastward to Brookridge Drive and to side northward onto Spring Valley Road, the site has a 40' required front yard along Spring Valley Road, the shorter of the two frontages by approximately 2 feet, which is always deemed the front yard setback on a corner lot in a single-family zoning district; and a 60' required front yard along Brookridge Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence is allowed by right. But the site's Brookridge Drive frontage that functions as the front yard is also deemed a front yard setback to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented eastward towards Brookridge Drive.
- The applicant's request in this application is only to maintain a fence higher than 4' in the site's front yard setback on Spring Valley Road – a frontage that functions as is side yard but is a front yard nonetheless because it is approximately 2' shorter than the site's Brookridge Drive frontage. No part of the application is made to address any fence in the site's Brookridge Drive required front yard.
- The applicant has submitted a site plan and elevations of the proposal in the front yard setback with notations indicating that the fence reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 110' in length parallel to the Spring Valley Road and approximately 15' - 30' perpendicular to Spring Valley Road on the east and west sides of the site in this front yard setback.
  - The proposal is represented as being located about 5' – 20' from the Spring Valley Road front property line. (The distance of the fence to the pavement line cannot be determined since the site plan does not make representation of a pavement line).

- The proposal/existing fence is located across from one single family home that does not have a fence in its *side* yard setback along Spring Valley Road.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences along Spring Valley Road that appeared to be above 4' in height and located in a *front* yard setback.
- As of March 9, 2015, a petition signed by 9 neighbors/owners in support has been submitted 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 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the Spring Valley Road required front yard to be maintained in the location and of the heights and materials shown on these documents.

**Timeline:**

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

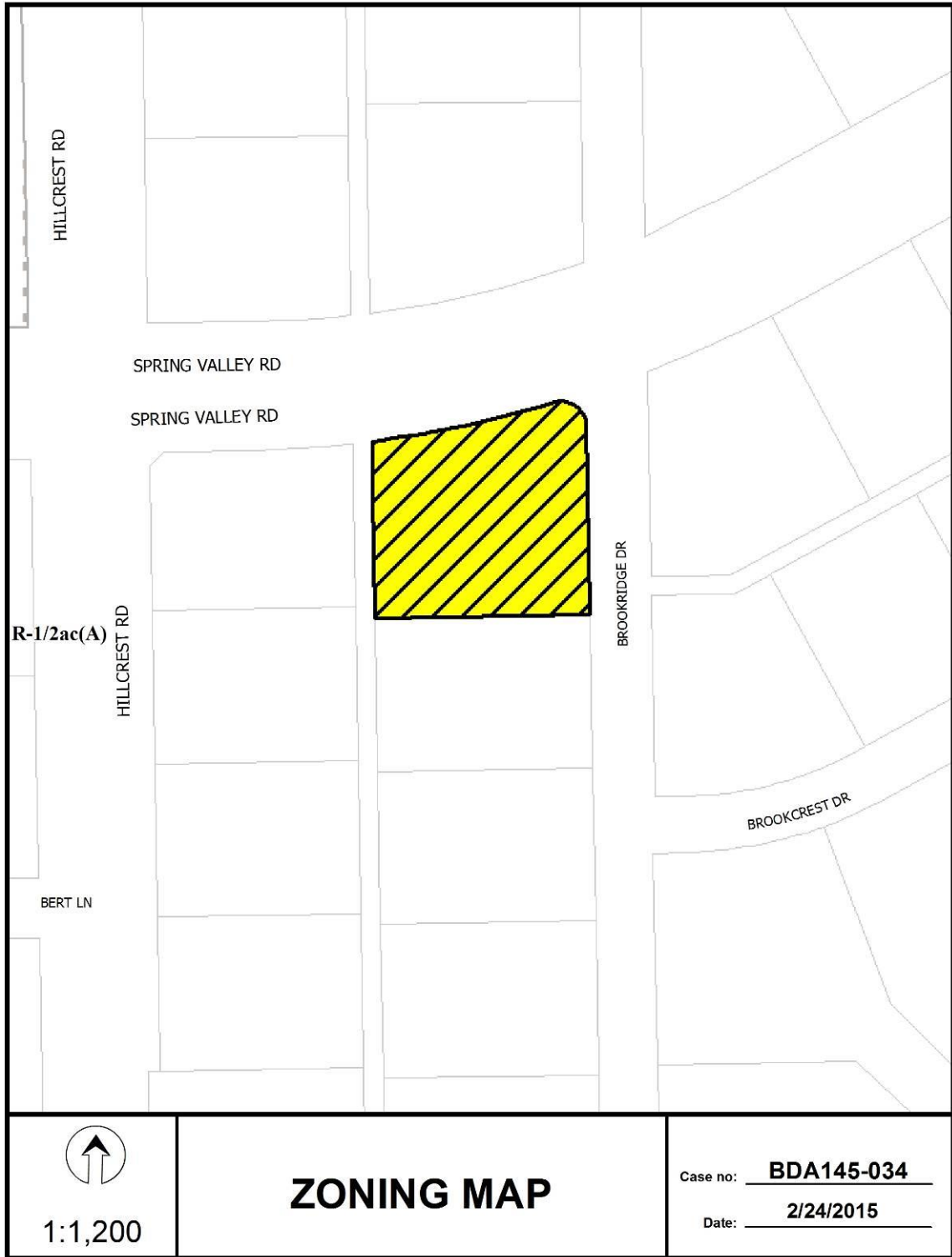
February 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

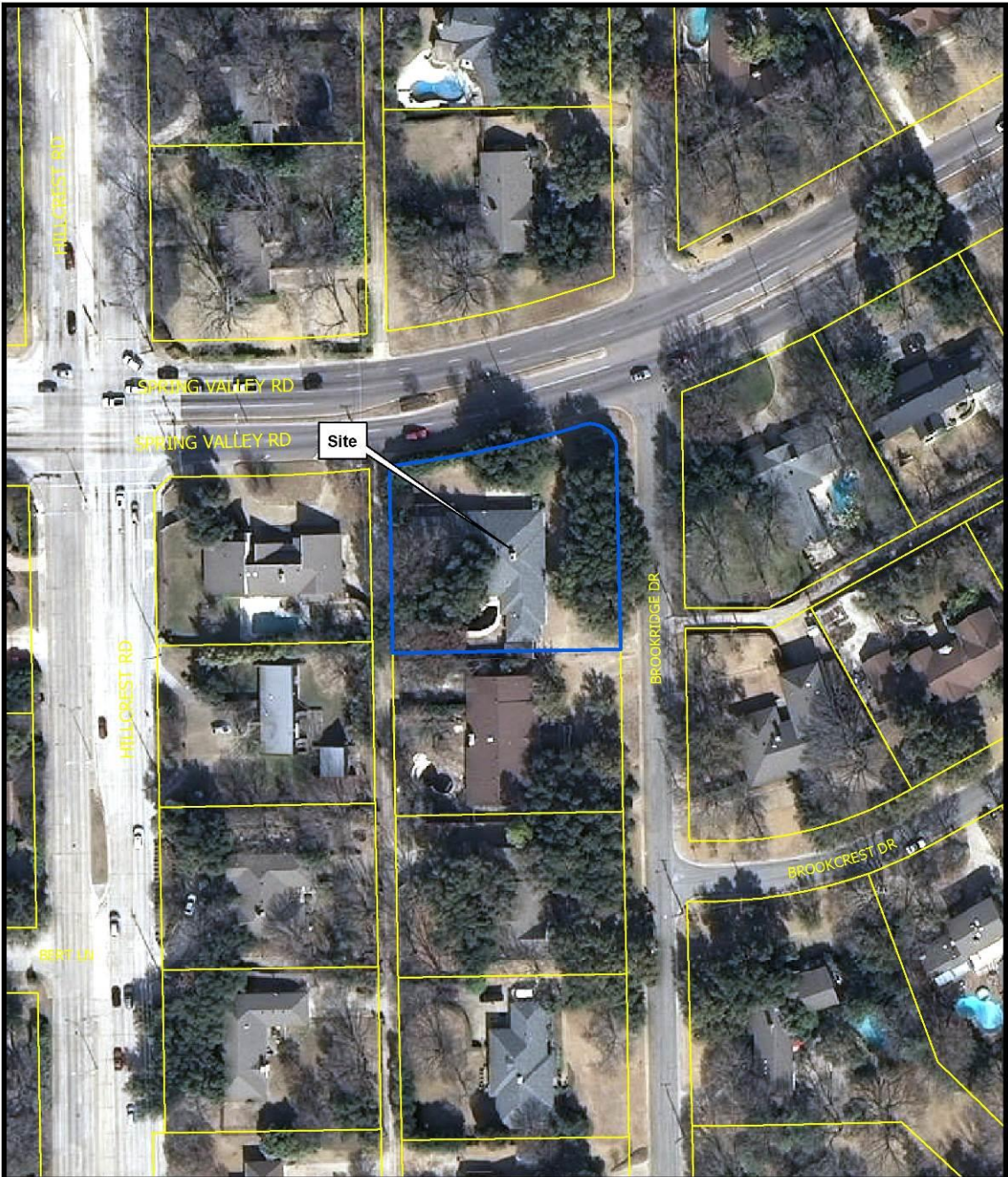
February 11, 2015: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> 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.





1:1,200

# AERIAL MAP

Case no: BDA145-034

Date: 2/24/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-034

Data Relative to Subject Property:

Date: 01-22-15

Location address: 14087 Brookridge Dr. Dallas Zoning District: R-1/2ac(A)

Lot No.: 7 Block No.: H/7424 Acreage: .740 Census Tract: 136.10

Street Frontage (in Feet): 1) 180' 2) 178<sup>81</sup> 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) NEAR

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): The Handoko Team Home Investment, LLC

Applicant: Kieu Handoko Telephone: (214) 732-8869

Mailing Address: 14087 Brookridge Dr. Dallas Zip Code: 75240

E-mail Address: khandoko\_01@yahoo.com

Represented by: William Crews Telephone: 469 855 8459

Mailing Address: P.O. Box 532041 Grand Prairie TX Zip Code: 75053

E-mail Address: boss@wefixuglyhouses.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_ or Special Exception X, of 4'  
fence facing Spring Valley Rd. Board on Board  
cedar with decorative cap. in a 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:

To close in side yard for kids play area &  
recreation area including basketball goal/area.  
To help shield noise from traffic on Spring Valley.  
There are existing clump of large red tip shrubs  
New fence is mainly hid from street view. ~~and~~

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

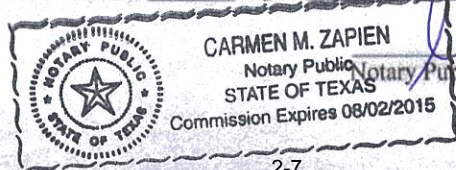
Before me the undersigned on this day personally appeared Kieu Handoko  
(Affiant/Applicant's name printed)

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: Kieu Handoko  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16<sup>th</sup> day of January, 2015

(Rev. 08-01-11)





**MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT**

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_


Chairman

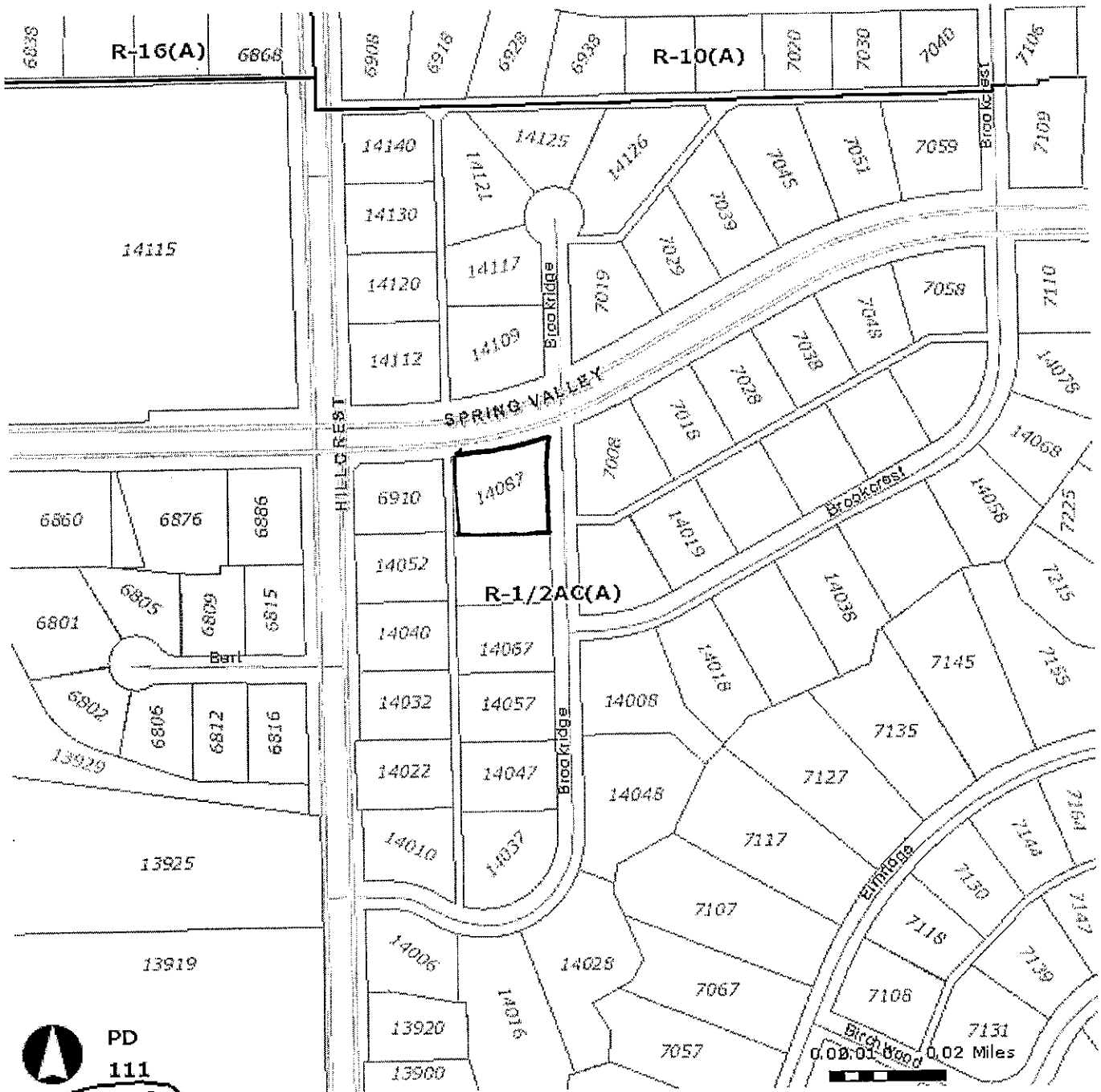
**Building Official's Report**

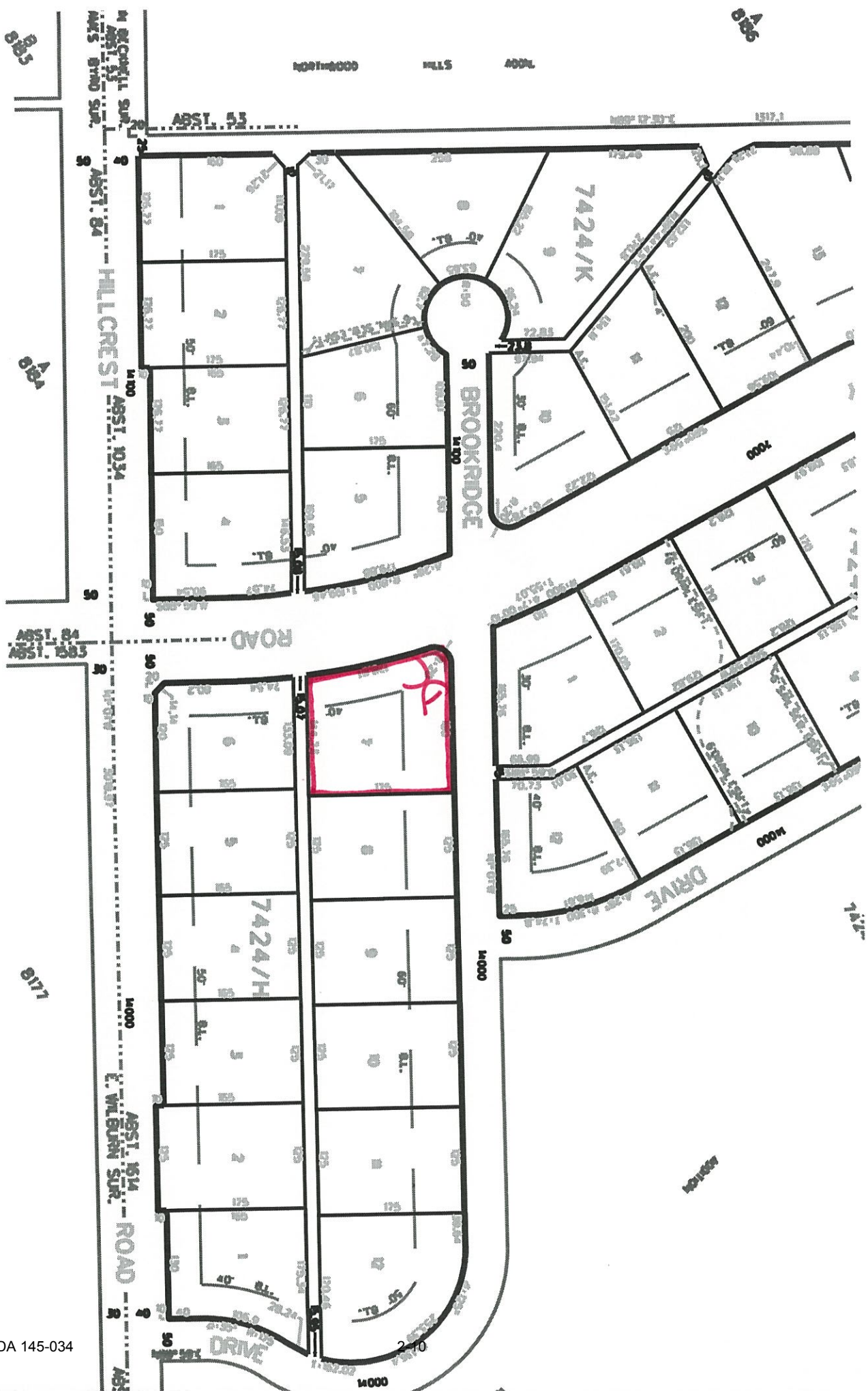
I hereby certify that     Kieu Handoko  
                                       represented by     William Crews  
 did submit a request     for a special exception to the fence height regulations  
                                                               at     14087 Brookridge Drive

BDA145-034. Application of Kieu Handoko represented by William Crews for a special exception to the fence height regulations at 14087 Brookridge Drive. This property is more fully described as Lot 7, Block H/7424, and is zoned R-1/2ac(A), which limits the height of fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence i a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

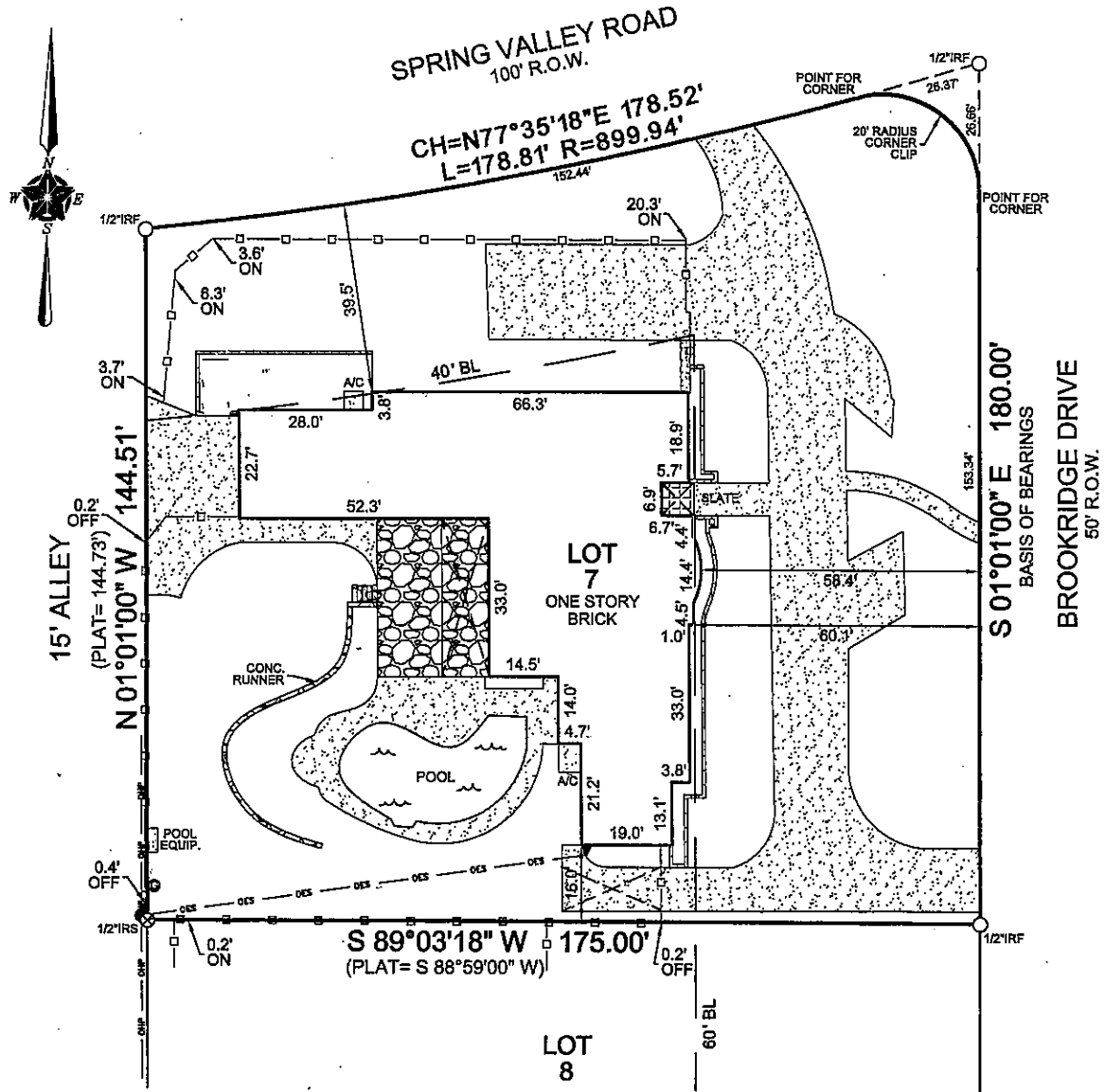
*Larry V. Holmes*  
 Larry Holmes, Building Official





# FINAL SURVEY

This is to certify that persons under my direction have, this date, made an on-the-ground survey of property located at  
14087 BROOKRIDGE DRIVE, in the City of DALLAS, Texas,  
 Lot 7 Block H/7424  
 of FIRST SECTION OF NORTHWOOD HILLS ADDITION, an addition  
 to the City of DALLAS, DALLAS COUNTY, Texas, according to the MAP THEREOF  
 recorded in VOLUME 31, PAGE 201 of the MAP Records of DALLAS County, Texas.



NOTE: PROPERTY SUBJECT TO TERMS,  
 CONDITIONS AND EASEMENTS  
 CONTAINED IN INSTRUMENT RECORDED IN  
 VOL. 2514, PG. 555; VOL. 1375, PG. 397  
 BY RIGHTS OF INGRESS AND EGRESS

ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48113C0185K  
 I, Gary E. Johnson, Texas Registered Professional Land Surveyor No. 5299, do hereby certify that the survey plat hereon is a true and correct  
 representation of the above described property, and do further state that this survey accurately depicts the substantial improvements to said  
 property as located on the ground and that there are no protrusions from or encroachments onto said property by any such improvements  
 except as shown hereon.

ACCEPTED BY: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TITLE CO.: REUNION  
 GF NO.: 2026-133043-RU  
 BORROWER: HANDOKO  
 DRAWN BY: XT  
 CHECKED BY: \_\_\_\_\_  
 DATE: 12/19/2014  
 SCALE: 1" = 30'  
 TASK NO.: 1404910-1

- |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>— ASPHALT PAVING</li> <li>— CHAIN LINK FENCE</li> <li>— WOOD FENCE (CENTER POST)</li> <li>— IRON FENCE</li> <li>— OES — OVERHEAD ELECTRIC SERVICE</li> <li>— OPW — OVERHEAD POWER LINE</li> </ul> | <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>— COVERED AREA</li> <li>— CONCRETE PAVING</li> <li>— GAS METER</li> <li>○ IRON ROD FOUND</li> <li>○ IRON ROD SET</li> <li>○ IRON PIPE FOUND</li> <li>⊗ "X" FOUND / SET</li> <li>▲ ELECTRIC METER</li> <li>● POWER POLE</li> </ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**TEXAS HERITAGE**  
 SURVEYING, LLC

10600 Metric Drive, Suite 104, Dallas, TX 75248  
 Office: 214-340-9700 Fax: 214-340-9710  
 info@thgsa.com



THE HAUDOKO HOME INVESTMENT LLC.  
 Kieu HAUDO KO  
 2601 LA SALLE DR.  
 PLANO, TEXAS 75025-4117  
 PROPERTY LOCATION.

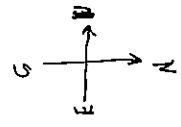
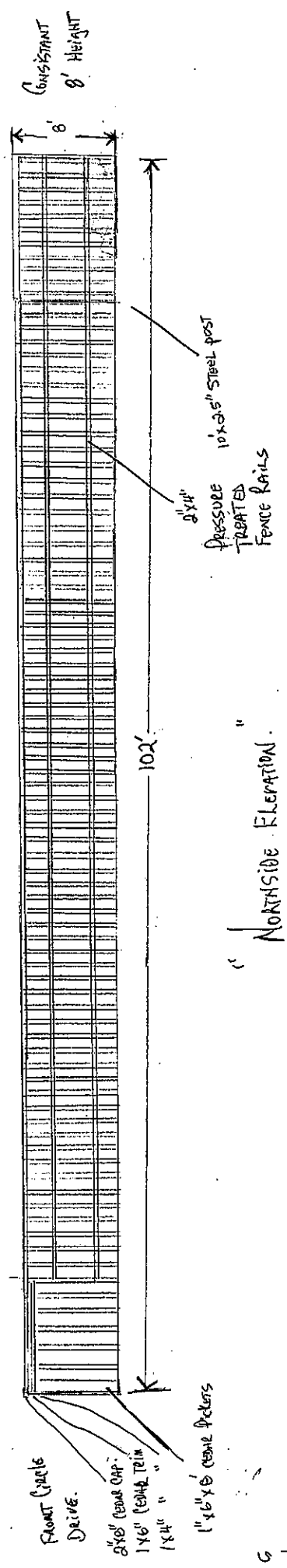
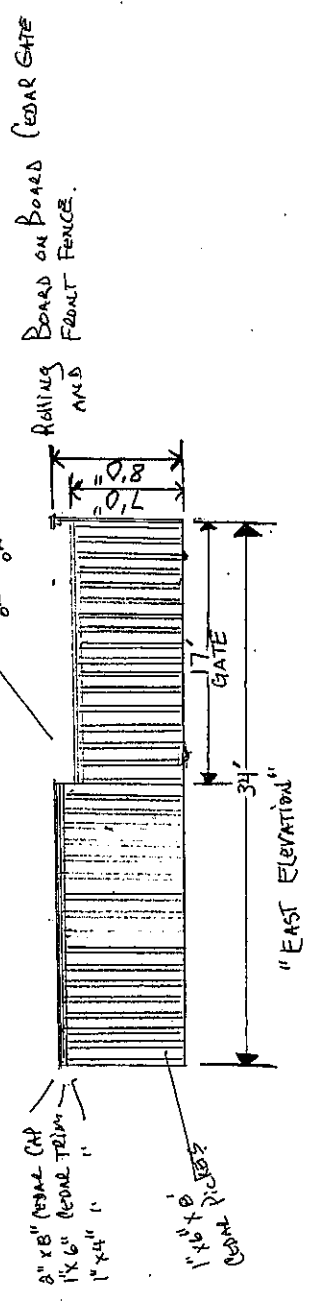
14087 BrookRidge Dr.  
 DALLAS, TEXAS 75240

SPRINGWOOD HILLS #1  
 Block N/7424 LOT #7

SCALE 1/8" = 1'0"  
 DRAWN BY:  
 William Crews

1" x 6" 8' BOARD ON BOARD CEDAR FENCE  
 WITH 10' METAL POST. BURIED 2'.  
 TRIM CAP 2" x 6" CEDAR.  
 1" x 6" CEDAR  
 1" x 4" CEDAR

ON 3" x 2" SQUARE METAL TUBES  
 ON STEEL KNU W/ROLLERS



Hi,

We are the new owners of 14087 Brookridge Dr Dallas TX 75240. We are building an 8ft fence on the North side of Spring Valley. The fence is inside our property line and not visible from the Street. We are hoping to block out some noises and wind and also to keep our children's basketball and badminton's shuttlecock from flying out to the street when they are playing.

We are asking for your support in building our family fence.

Thank you,  
Joseph and Kieu Handoko

Printed Name	Signature	Address
DAVID CATELOTTI	<i>[Signature]</i>	14077 BROOKRIDGE DR
EARL BARNETTE	<i>[Signature]</i>	14059 BROOKRIDGE DR
Dale Cohen	<i>[Signature]</i>	14058 Brookforest Dr
SUSIE GURINSKY	<i>[Signature]</i>	14004 Brookcrest Dr
CHARLES MARTIN	<i>[Signature]</i>	14047 Brookcrest Dr.
Lorri Laird	<i>[Signature]</i>	14057 Brookcrest Dr
Heather Brauke	<i>[Signature]</i>	14038 Brookcrest Dr
May Barbara Anderson	<i>[Signature]</i>	14028 Brook crest Dr

Hi,

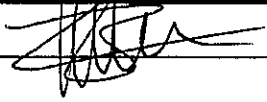
We are the new owners of 14087 Brookridge Dr Dallas TX 75240. We are building an 8ft fence on the North side of Spring Valley. The fence is inside our property line and not visible from the Street. We are hoping to block out some noises and wind and also to keep our children's basketball and badminton's shuttlecock from flying out to the street when they are playing.

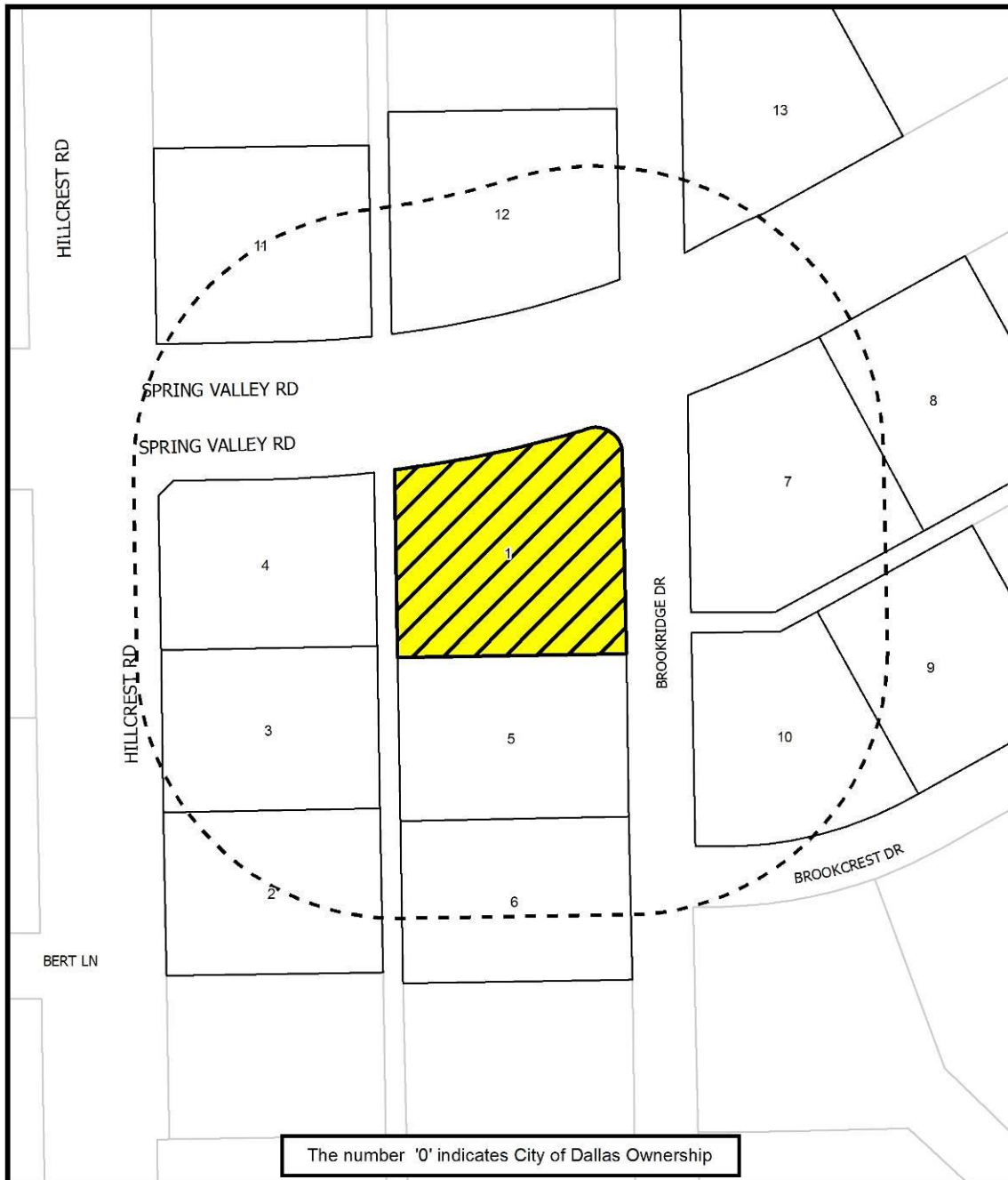
We are asking for your support in building our family fence.

Thank you,

Joseph and Kieu Handoko

214-732-8869 (Q)

Printed Name	Signature	Address
Yves Duhoux		7008 Spring Valley RD 75254 Dallas TX



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA145-034</b>
	<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;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>2/24/2015</b>



## ***Notification List of Property Owners***

### ***BDA145-034***

#### ***13 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	14087 BROOKRIDGE DR	HANDOKO TEAM HOME INVESTMENT LLC THE
2	14040 HILLCREST RD	FASSIHI MANSOUR NAZER &
3	14052 HILLCREST RD	STAHL EARL M
4	6910 SPRING VALLEY RD	KELLY KEVIN
5	14077 BROOKRIDGE DR	CATELOTTI DAVID & HEATHER
6	14067 BROOKRIDGE DR	RUFF R MARTEL
7	7008 SPRING VALLEY RD	DUHOUX YVES &
8	7018 SPRING VALLEY RD	BECKUM LAURA &
9	14019 BROOKCREST DR	CHANG CHIUSHENG &
10	14009 BROOKCREST DR	GURINSKY BARRY H
11	14112 HILLCREST RD	CARSEY ROBERT C III
12	14109 BROOKRIDGE CIR	HUMPHREY TOMMY GALE &
13	7019 SPRING VALLEY RD	KNIGHT ROBERT P

**FILE NUMBER:** BDA 145-035

**BUILDING OFFICIAL'S REPORT:** Application of Marc Daniel Cabrera, represented by Bill Young, for special exceptions to the visual obstruction regulations at 9086 Longmont Drive. This property is more fully described as Lot 22, Block C/7316, and is zoned R-7.5(A), which requires a 20 foot visibility triangle at driveway approaches and at an alley intersection with a street. The applicant proposes to locate and maintain items within required visibility triangles, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 9086 Longmont Drive

**APPLICANT:** Marc Daniel Cabrera  
Represented by Bill Young

**REQUESTS:**

Requests for special exceptions to the visual obstruction regulations are made to locate and maintain an 8' high solid cedar fence in the two, 20' visibility triangles on either side of the driveway into the site from McCree Road on a site developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of the proposed fence to be located in the 20' visibility triangles at the driveway into the site from McCree Road would 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:**

- These requests focus on locating and maintaining an 8' high solid cedar fence in the two, 20' visibility triangles on either side of the driveway into the site from McCree Street on a site developed with a single family home.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and elevations have been submitted indicating portions of a fence located in the two 20' visibility triangles on either side of the driveway into the site from McCree Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain portions of an 8' high solid cedar fence located in the two 20' visibility triangles at the driveway into the site from McCree Street does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be located in the 20' drive approach visibility triangles into the site from McCree Street to that what is shown on these documents – an 8' high solid cedar fence.

## **Timeline:**

December 29, 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.

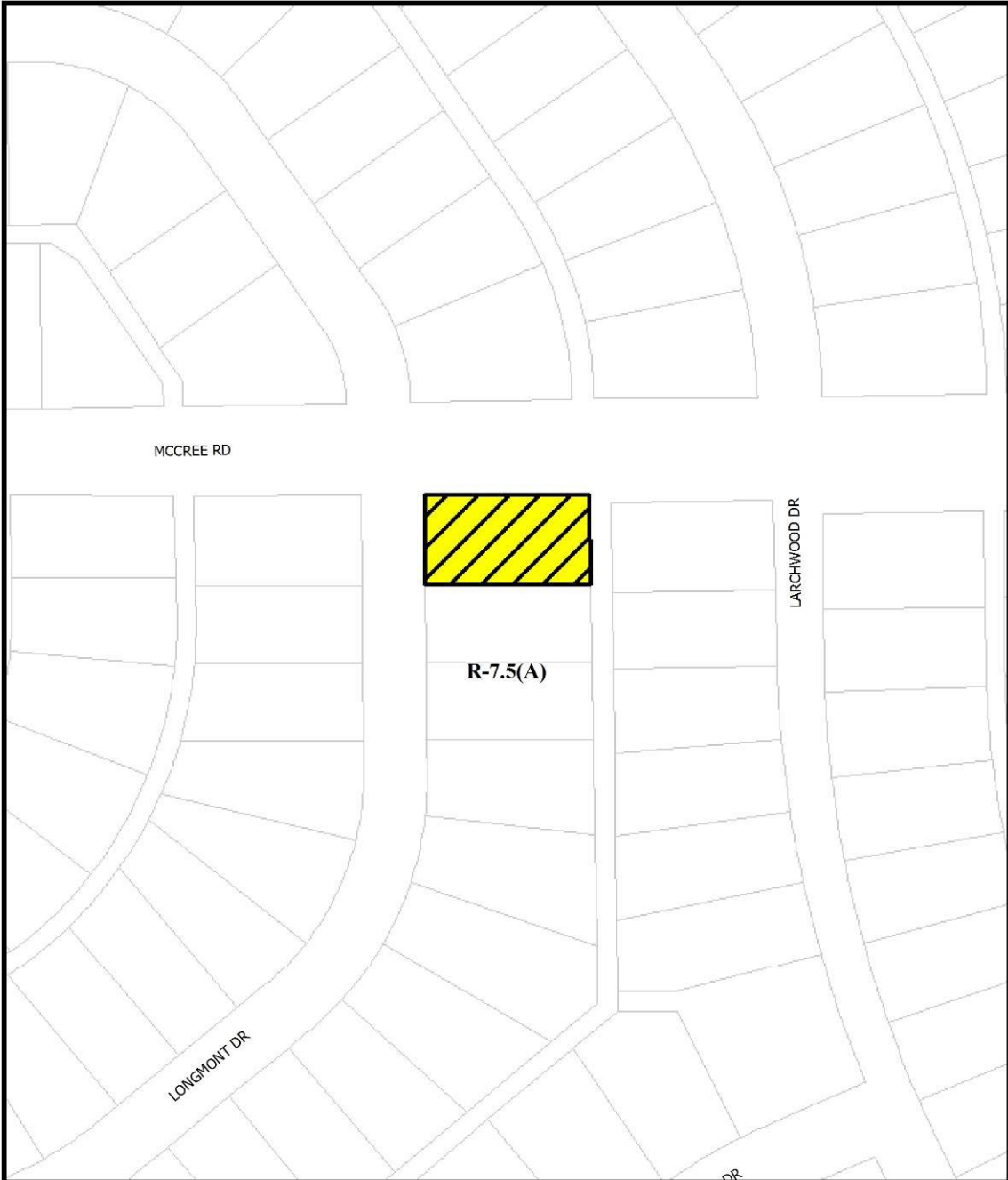
February 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

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 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> 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.

March 6, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”

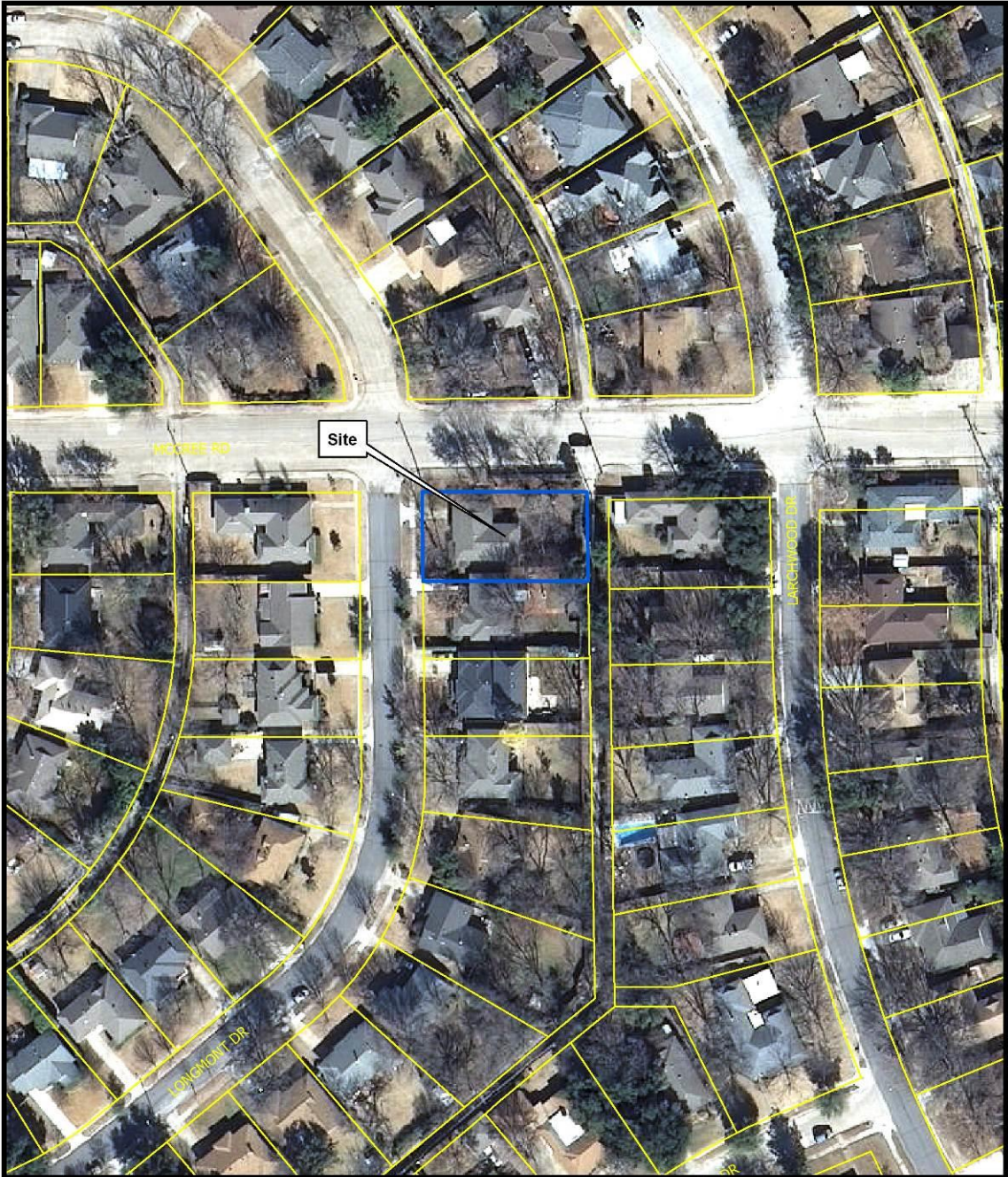


1:1,200

# ZONING MAP

Case no: BDA145-035

Date: 2/24/2015



1:1,200

# AERIAL MAP

Case no: BDA145-035

Date: 2/24/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-035

Data Relative to Subject Property:

Date: 12-29-14

Location address: 9086 Longmont Dr Dallas TX 75238 Zoning District: R-7.5(A)

Lot No.: 22 Block No.: C/73<sup>16</sup> Acreage: .195 Census Tract: 130.05

Street Frontage (in Feet): 1) 68 2) 125 3) 58 4) \_\_\_\_\_ 5) NE SA

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARC DANIEL CABRERA ? STEPHANIE CABRERA

Applicant: MARC DANIEL CABRERA Telephone: 214-734-1494

Mailing Address: 9086 Longmont Dr Dallas, TX Zip Code: 75238

E-mail Address: marcdcabrera@yahoo.com

Represented by: Bill Young Telephone: 214-797-1052

Mailing Address: P.O. Box 795384, Dallas, TX Zip Code: 75379

E-mail Address: billyoung748@att.net

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of visibility triangle obstruction at driveway

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

- the special exception will not adversely affect neighboring property
  - not a lot of pedestrian traffic & not a heavily trafficked street
- Thus, the fence across private driveway and gate across it will not compromise the safety of the public

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 MARC DANIEL CABRERA (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 29th day of December, 2014

(Rev. 08-01-11) Gena Taylor 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

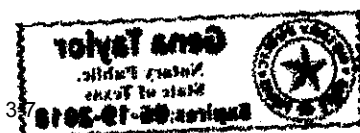
**Building Official's Report**

I hereby certify that **MARC CABRERA**  
represented by **BILL YOUNG**  
did submit a request for a special exception to the visibility obstruction regulations  
at 9086 Longmont Drive

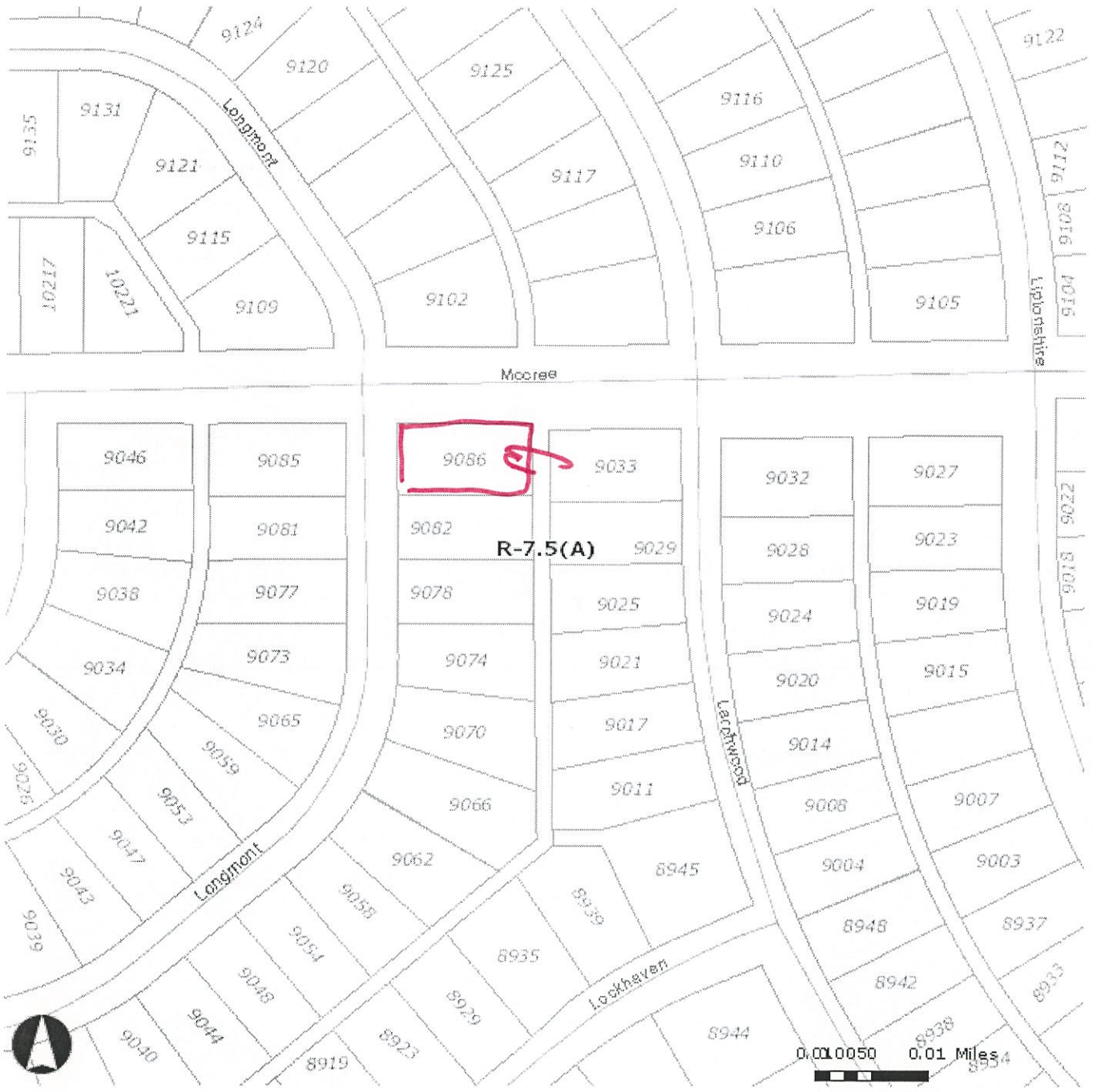
BDA145-035. Application of Marc Cabrera represented by Bill Young for a special exception to the visibility obstruction regulations at 9086 Longmont Drive. This property is more fully described as Lot 22, Block C/7316, and is zoned R-7.5(A), which requires a 20 foot visibility triangle at driveway approaches and at an alley intersection with a street. The applicant proposes to construct and maintain a single family residential structure fence in required visibility obstruction triangles, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official





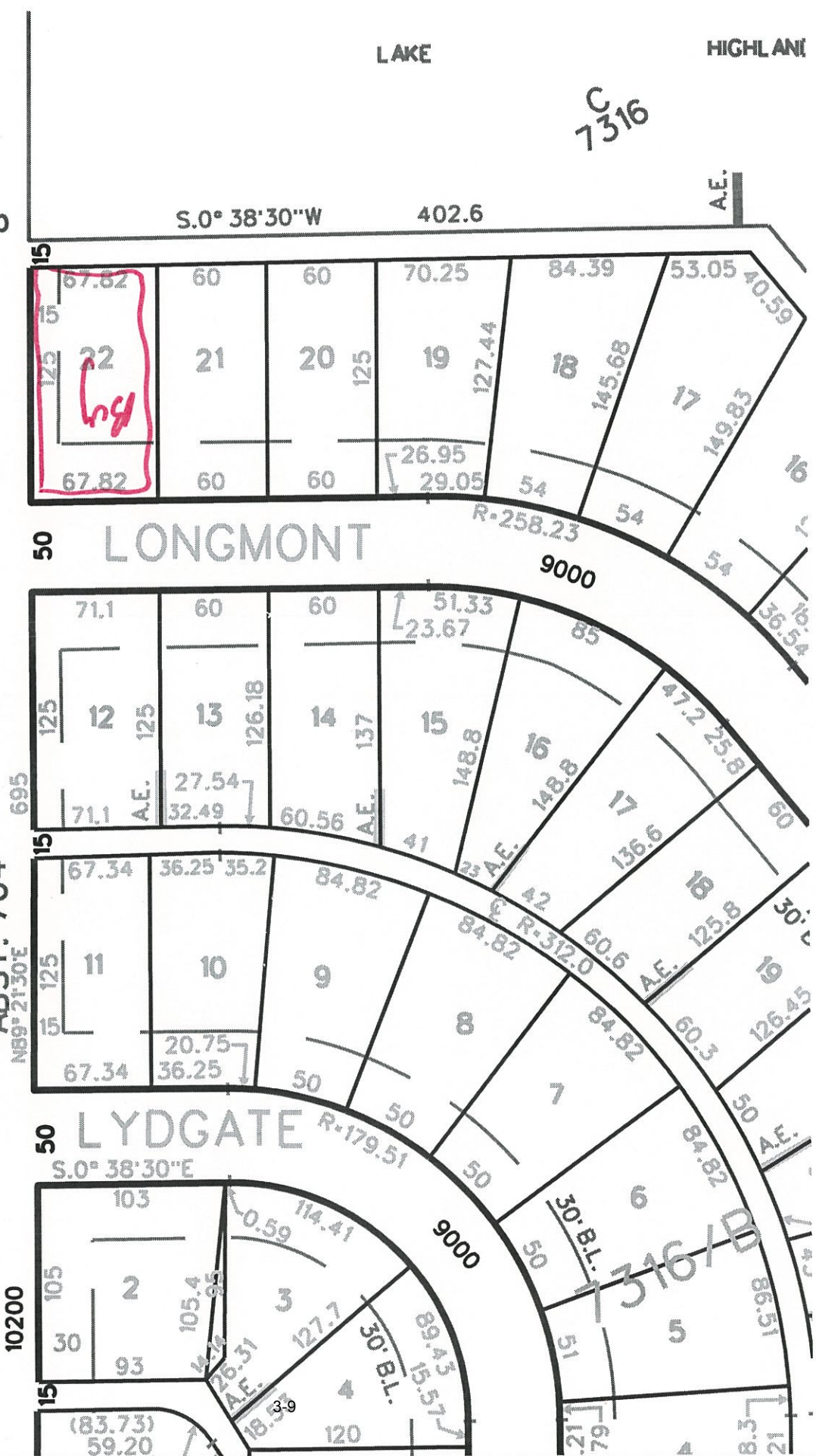


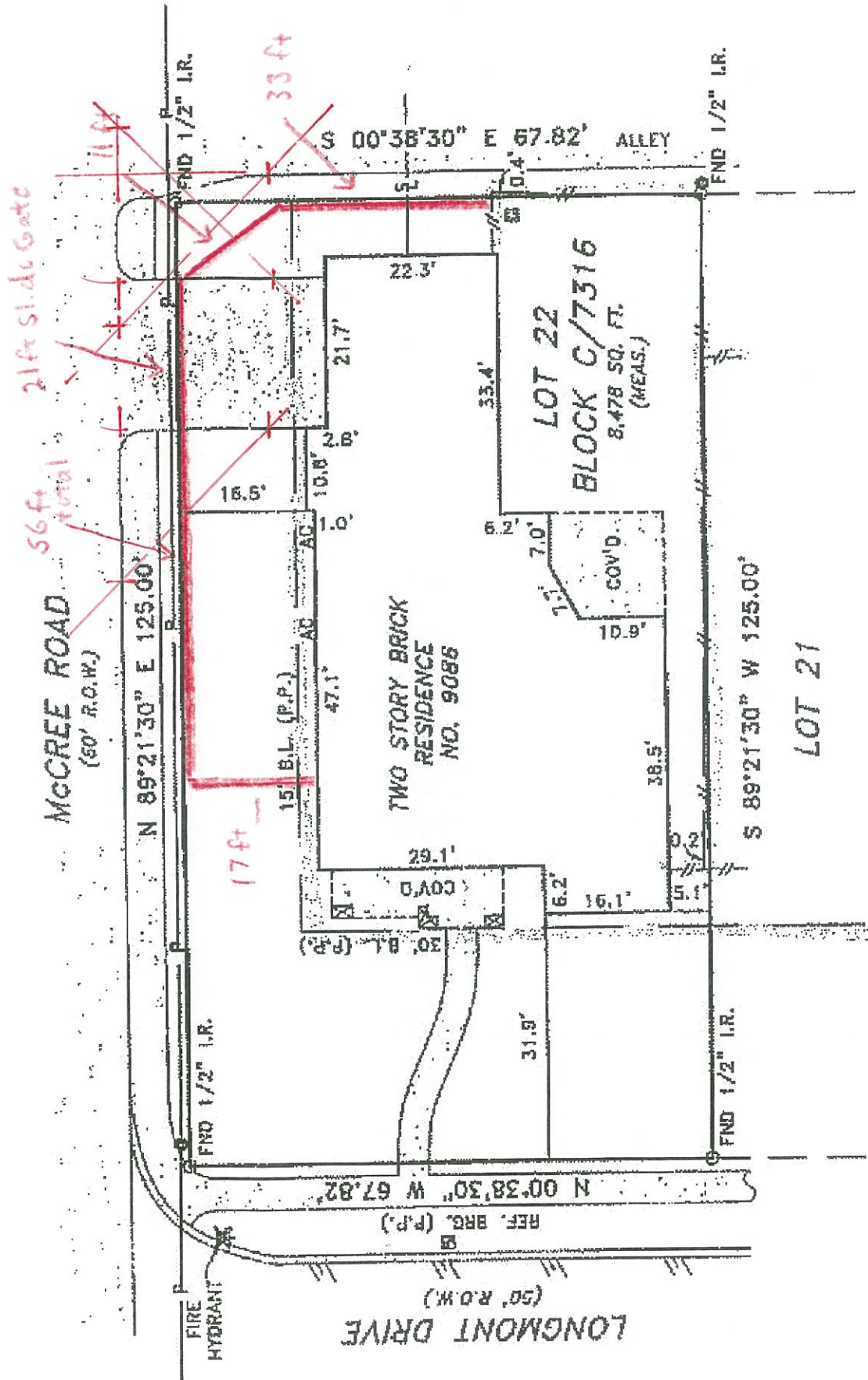
LAKE HIGH  
ESTATES  
BDA 45-135

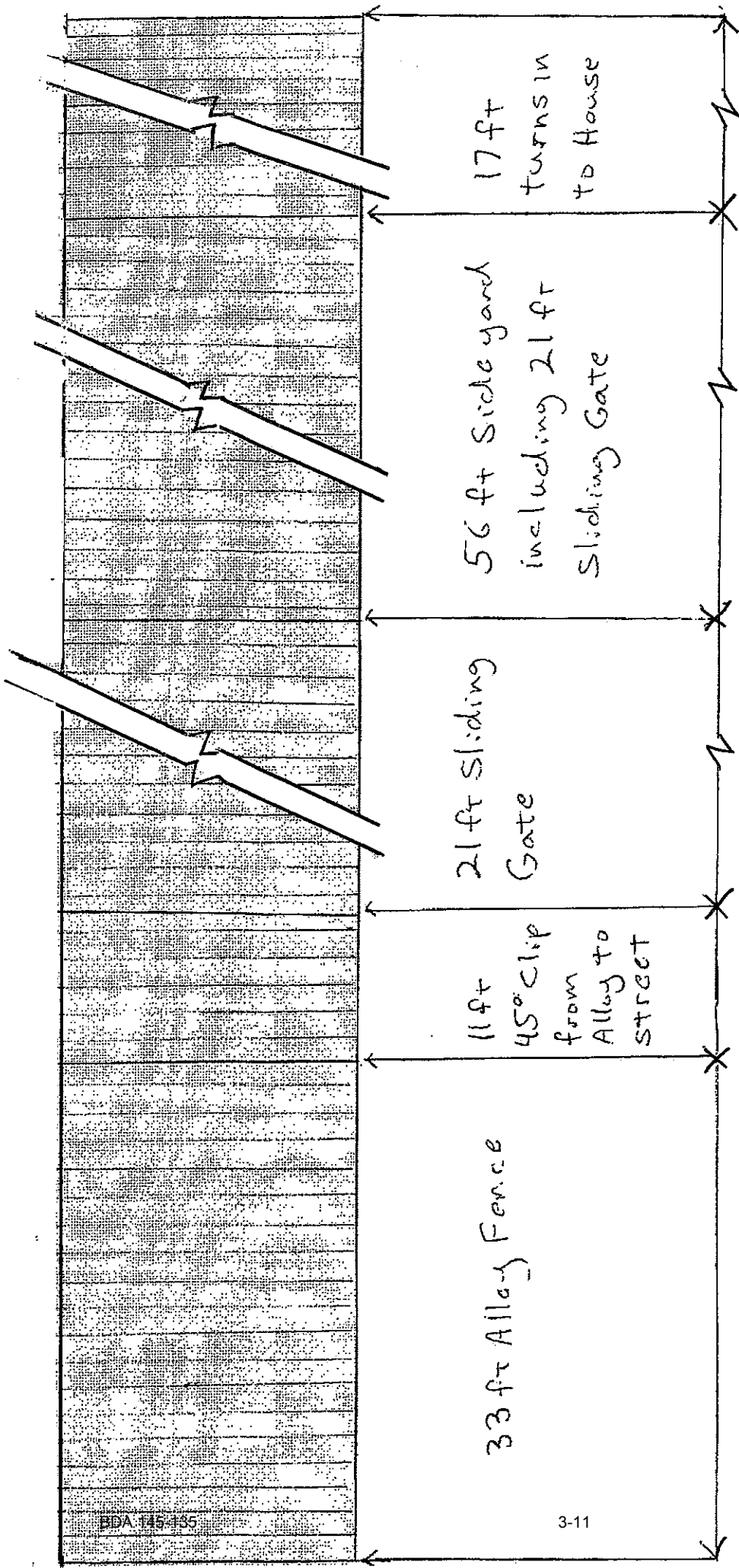
317

B  
7317

IC CREEK ROAD A.S. JACKSON SUR. ABST. 703 ABST. 704





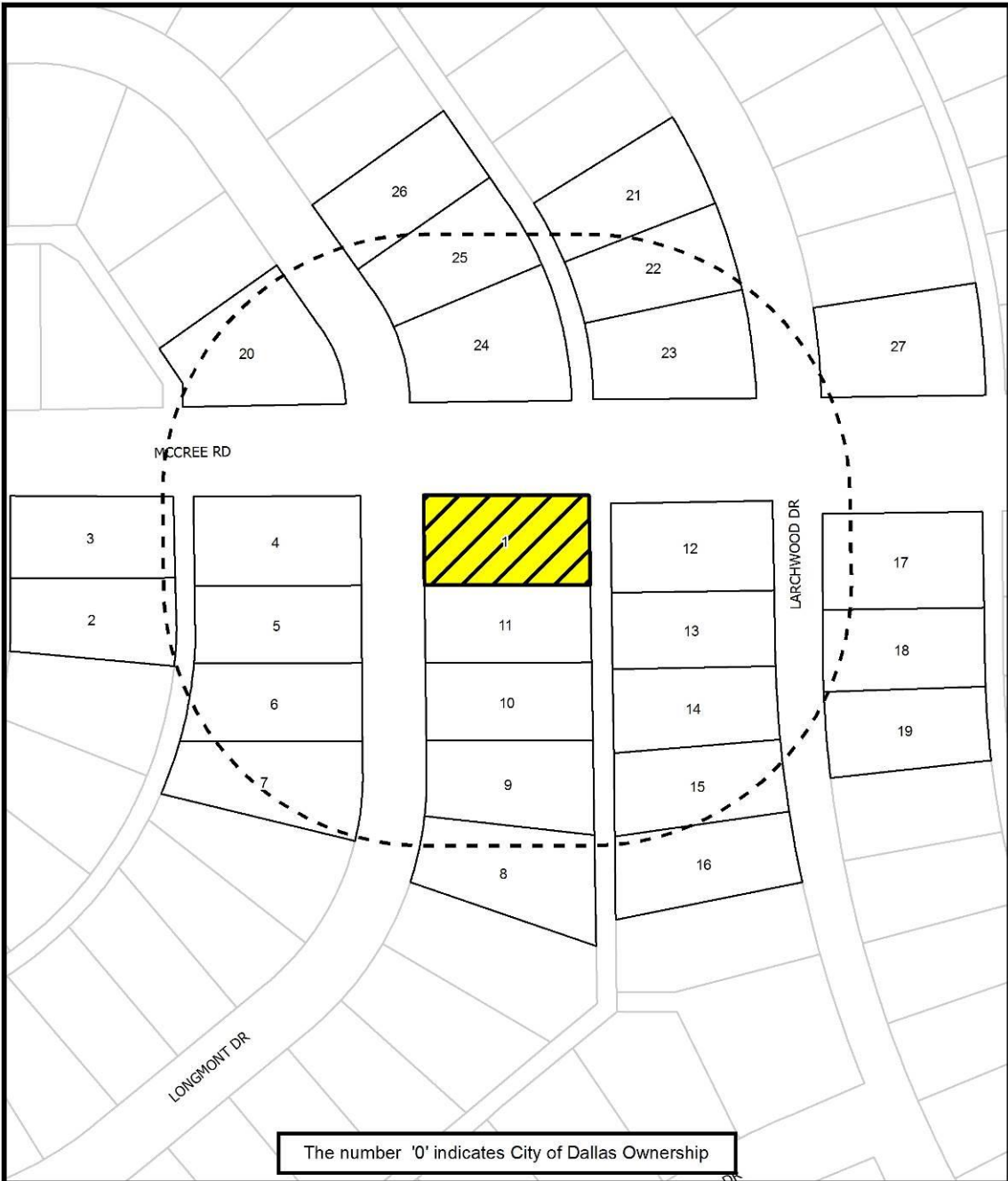


8 ft High Cedar Fence; Board on Board, Steel Poles, 2x4 Cedar Rails, 6 inch Pickets

138 ft total including Gate X 8 ft High

Scale: 1/4" = 1"

9086 Longmont Dr., Dallas 75238



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA145-035</b>
	<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: <b>2/24/2015</b>

## *Notification List of Property Owners*

***BDA145-035***

***27 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9086 LONGMONT DR	CORNWELL KYLE & SAVANNAH
2	9042 LYDGATE DR	KELLEY AMANDA J
3	9046 LYDGATE DR	PATTEN NATALIE &
4	9085 LONGMONT DR	BURNETT JANNA ELOISE & CHRISTOPHER MICHAEL
5	9081 LONGMONT DR	BALSMAN MATTHEW JAMES
6	9077 LONGMONT DR	BARRETT JESSICA M & LUKE
7	9073 LONGMONT DR	SIMMER CYNTHIA LORRAINE
8	9070 LONGMONT DR	KENNEDY KIM
9	9074 LONGMONT DR	WILLIS ELIZABETH LEEANN
10	9078 LONGMONT DR	PARSONS JON & SUE
11	9082 LONGMONT DR	MUMLEY RICHARD A & JAMI B
12	9033 LARCHWOOD DR	SANDERS MARILYN N
13	9029 LARCHWOOD DR	EISENSTEIN PAUL
14	9025 LARCHWOOD DR	KRIEHN THOMAS EDWARD
15	9021 LARCHWOOD DR	BROOKS WM M & SUSAN
16	9017 LARCHWOOD DR	BOSCO PATRICK A
17	9032 LARCHWOOD DR	NAIL CORY & SHANNON
18	9028 LARCHWOOD DR	BELLEW RENEE
19	9024 LARCHWOOD DR	WELCH BRADLEY H & KARA K
20	9109 LONGMONT DR	KNOBLOCK DAVID ROBERT
21	9117 LARCHWOOD DR	HORNER CHRISTOPHER G &
22	9109 LARCHWOOD DR	YORK MARY ELIZABETH
23	9105 LARCHWOOD DR	CARROLL BYRON & MICHELLE CARROLL
24	9102 LONGMONT DR	MIHALOPOULOS HOLDINGS LLC
25	9106 LONGMONT DR	WILDER BRENDA
26	9110 LONGMONT DR	SUNDAY TIFFANY A

02/24/2015

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9102 LARCHWOOD DR	SHELTON LOREN CARR

**FILE NUMBER:** BDA 145-038

**BUILDING OFFICIAL'S REPORT:** Application of John Weninger for a special exception to the landscape regulations at 3121 N. Fitzhugh Avenue. This property is more fully described as a 4,871 square foot unplatted parcel, Block 1/1519 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:** 3121 N. Fitzhugh Avenue

**APPLICANT:** John Weninger

**REQUEST:**

A request for a special exception to the landscape regulations is made in conjunction with constructing and maintaining a 2<sup>nd</sup> floor addition and related stairway structure atop an existing one story office use/structure (123 Divorce Company), and not fully providing required landscaping.

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following conditions:

1. Compliance with the submitted revised alternate landscape plan is required.
2. Any tree planted on the property may be a species that normally reaches a height of less than 30 feet upon maturity.

Rationale:

- The Chief Arborist recommends approval of the submitted revised alternate landscape plan because the proposal for the confined property does not compromise the spirit and intent of the PD 193 landscape regulations.



## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	PD 193 (GR) (Planned Development District, General Retail)
<u>North:</u>	PD 193 (PDS 100) (Planned Development District, Planned Development)
<u>South:</u>	PD 193 (GR) (Planned Development District, General Retail)
<u>East:</u>	PD 193 (GR) (Planned Development District, General Retail)
<u>West:</u>	PD 193 (GR) (Planned Development District, General Retail)

### **Land Use:**

The subject site is developed with a nonconforming structure that is an office use. The area to the north is under development; and the areas to the south, east and west are developed with a mix of residential and office uses.

### **Zoning/BDA History:**

1. BDA 134-024, Property located at 3121 N. Fitzhugh Avenue (the subject site)

On November 19, 2014, the Board of Adjustment Panel B took the following actions: 1) granted requests for a special exceptions to the visual obstruction regulations and imposed the following conditions: Compliance with submitted site plan is required, and vegetation in the 20 foot visibility triangle, where the alley meets/intersects with N. Fitzhugh Avenue, must comply with the Dallas Development Code's visual obstruction regulations; 2) granted requests for variances to the front yard setback regulations and imposed the submitted site plan as a condition; and 3) denied a request for a variance to the landscape regulations without prejudice.

The case report stated that the requests were made on a site developed with an existing nonconforming structure that is an office use (123 Divorce Company): a variance to the front yard setback regulations of 10' is made to maintain a portion of the existing nonconforming structure with an approximately 1,800 square foot building footprint located as close as on the site's N. Fitzhugh Avenue front property line or as much as 10' into this required 10' front yard setback; a variance to the front yard setback

regulations of 10' is made to construct, align and maintain a portion of a proposed 2<sup>nd</sup> floor addition atop the existing nonconforming structure that like the approximately 1,800 square foot building footprint would be located as close as on the N. Fitzhugh Avenue front property line or as much as 10 into this required 10' front yard setback;a variance to the landscape regulations is made to construct and maintain the proposed 2<sup>nd</sup> floor addition and related stairway structure, and not fully provide required landscaping; and special exceptions to the visual obstruction regulations are made to locate what could be vehicles parked in striped off-street parking spaces required to fulfill the required off-street parking for the office use/structure located in the 45' visibility triangle at the intersection of N. Fitzhugh Avenue and Cole Avenue, and in four, 20' visibility triangles at the two driveways into the site from N. Fitzhugh Avenue; and, according to what is represented on the submitted site plan, to maintain a portion of the existing nonconforming structure located in the 20' visibility triangle at where the alley intersects/meets N. Fitzhugh Avenue.

#### **GENERAL FACTS/ STAFF ANALYSIS:**

- This request focuses on constructing and maintaining the proposed 2<sup>nd</sup> floor addition and related stairway structure, and not fully provide required landscaping. More specifically, according to the City of Dallas Chief Arborist, the site does not conform to PD 193 landscape regulation standards related to sidewalks, trees, screening of off-street parking, and landscape site area of the required front yard.
- 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 A) that the request in this case is triggered by proposed new construction of an addition to building height on the site.
- The Chief Arborist notes that the submitted revised alternate landscape site plan is deficient in the following ways:
  1. Sidewalks at a minimum of 6' in width placed 5' – 12' from back of curb.
  2. Large trees in the tree planting zone between 2.5' – 5' from back of curb.
  3. Screening of off-street parking.
  4. A landscape site area of 10 percent and 60 percent of the required front yard containing appropriate general and special planting areas.  
(The proposed plan does not provide any of these requirements).
- The Chief Arborist listed several factors for consideration:
  1. The site at street level is fully developed with a structure and paved surface for parking and maneuvering. The property is long and narrow which provides only one possible location for a tree under the current configuration of parking. This location is on the property and adjacent to parking space #3 and #5 as identified on the submitted site plan. However, the Fitzhugh frontage and this possible location is encumbered with overhead power lines and a school zone signal adjacent to the structure a short distance to the east. The site has two wide driveways restricting plant locations.
  2. It is recommended to support small trees (trees that do not grow over 30 feet in height) as shown for the parking lot, due to direct vertical conflicts with overhead utilities. Although it is preferable to plant a canopy tree to avoid clearance conflicts with the school signal, the potential height growth will place the tree in direct conflict with overhead utilities. A smaller tree would be more suitable when maintained to minimize visibility restrictions with the signal and will be better adapted to the small planting areas, especially adjacent to the building structure.
  3. A very narrow planting bed is provided along the building frontage adjacent to the existing sidewalk. This is mostly kept of small vegetation which can provide for a minor green edge to soften the building frontage with proper maintenance. On the street side of the sidewalk, a one-foot wide strip is maintained with groundcover in front of the building and adjacent to the parking lot between driveways. The plan proposes additional improvements
  4. The only existing permeable area available for planting trees or other vegetation is on the Cole Avenue parkway but this is also restricted by the visibility triangle at the street intersection. The additional small vegetation is acceptable and must be maintained in compliance with city regulations for site visibility and sidewalk clearance per ordinance. However, the Chief Arborist does not recommend approval of any tree in this parkway area for purposes of public safety.
- The Chief Arborist recommends approval of the submitted revised alternate landscape plan because the proposal for the confined property does not compromise the spirit and intent of the PD 193 landscape regulations. The Chief Arborist recommends an added condition be imposed in addressing the potential conflicts with utilities and signal light clearance that being: any tree planted on the property may be a species that normally reaches a height of less than 30 feet upon maturity.

- The applicant has the burden of proof in establishing the following:
  - The special exception (where a revised alternate landscape plan has been submitted that is deficient in meeting the sidewalk, tree, screening of off-street parking, and landscape site area of the front yard 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 staff suggested conditions, the site would be granted exception from full compliance to the sidewalk, tree, screening of off-street parking screening, sidewalk, and front yard requirements of the PD 193 landscape regulations of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

December 9, 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 assigned this case to Board of Adjustment Panel B. 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 11, 2015: The Board Administrator emailed the following information to the applicant:

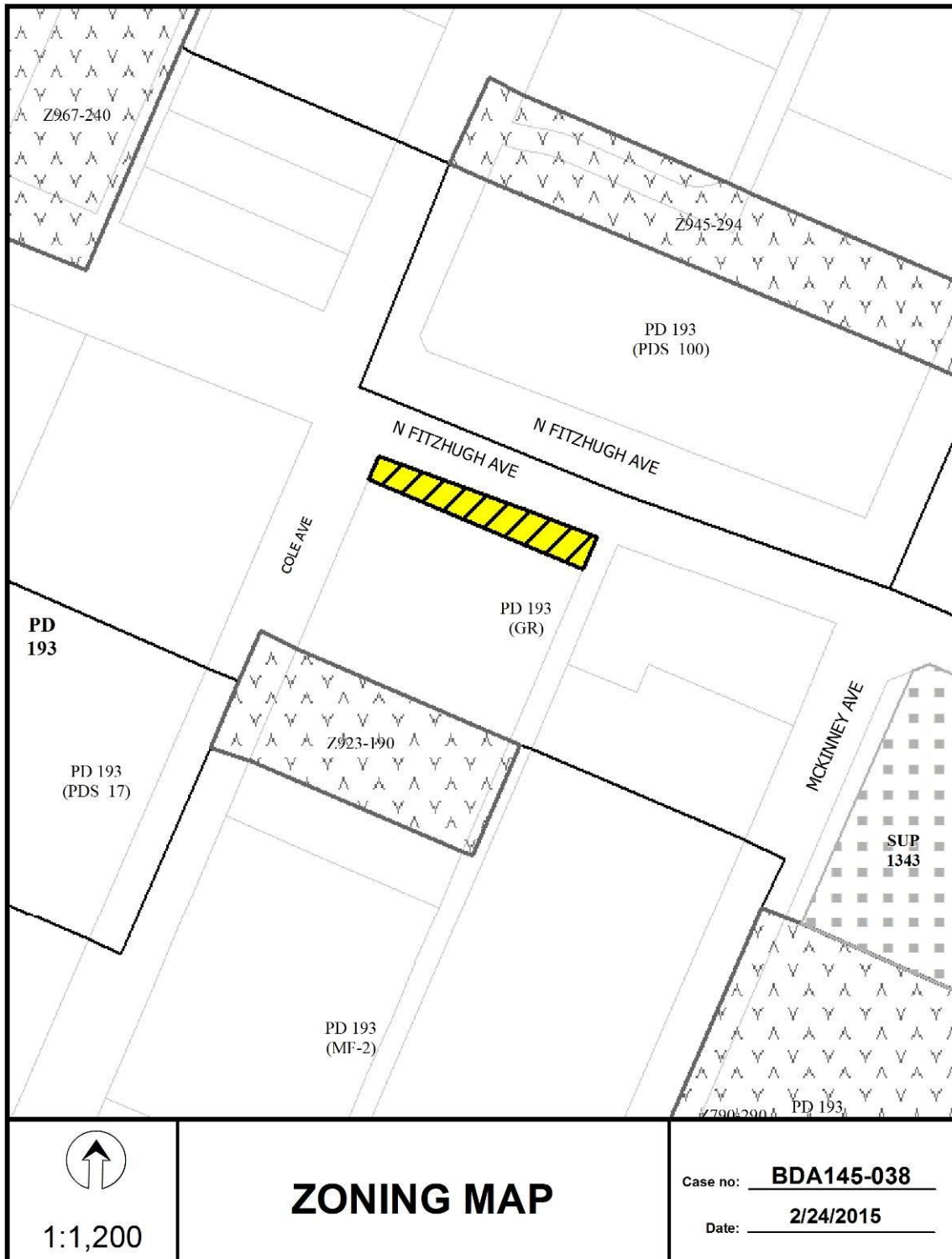
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> 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.”

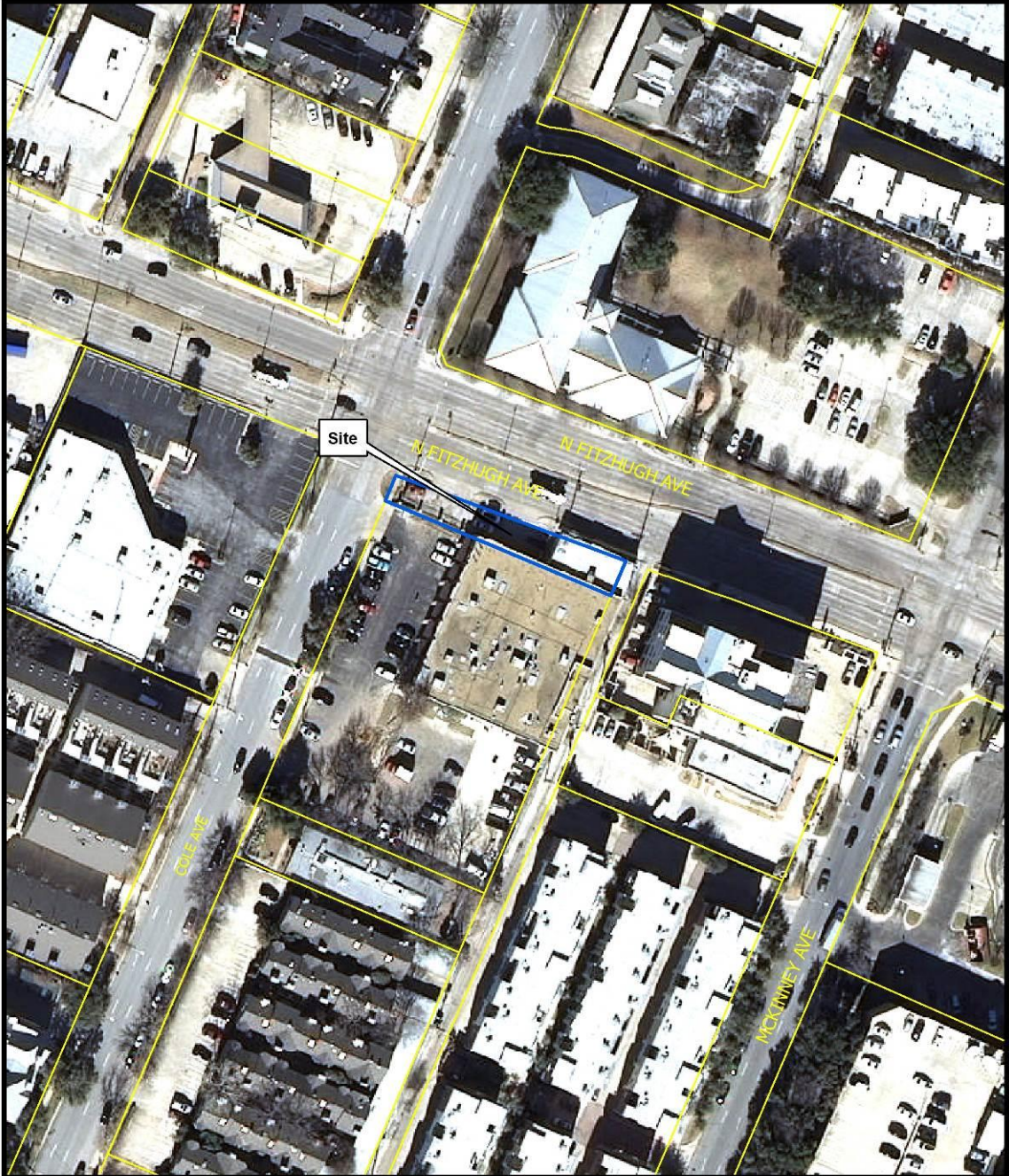
March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building 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.

March 6, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

March 9, 2015: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).



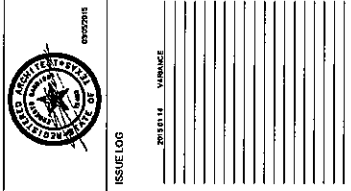


1:1,200

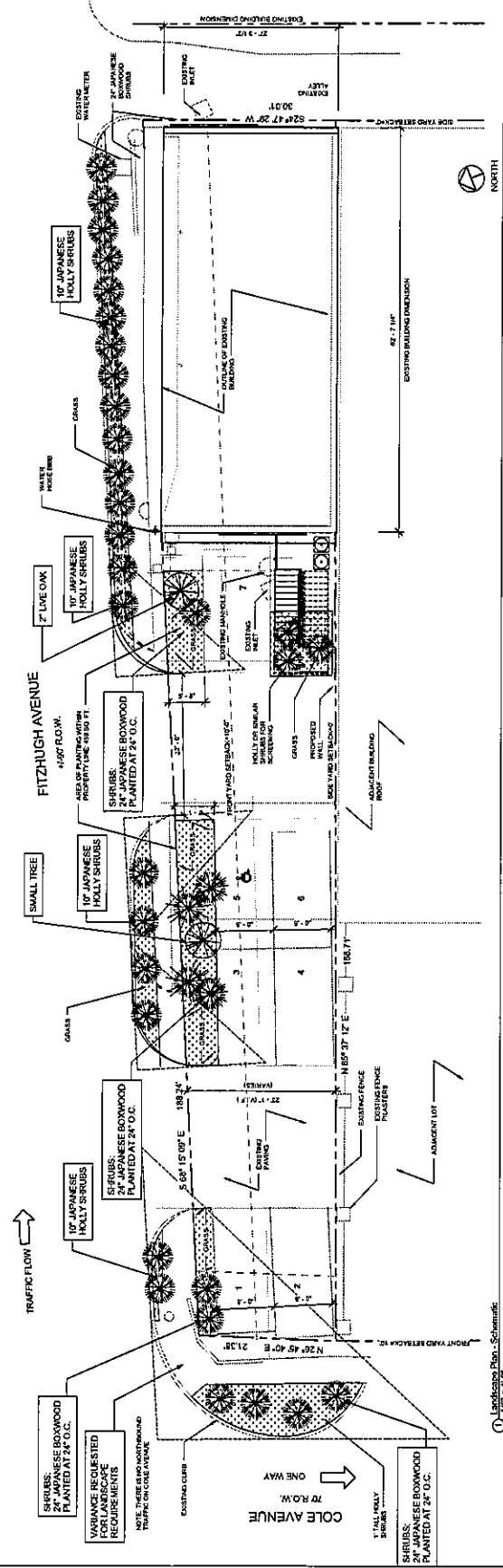
# AERIAL MAP

Case no: BDA145-038

Date: 2/24/2015



BDA145-038  
 Attach A



LANDSCAPE DECLARATION - ORDINANCE NO. 25243 (PD 193)

MANDATORY PROVISION	COMPLIANCE DECLARATION
TREE PROTECTION	N/A - THERE ARE NO EXISTING TREES ON THE SITE. SEE SHEET A1
PROTECTED TREE LIMITATION	N/A - THERE ARE NO EXISTING TREES ON THE SITE. SEE SHEET A1
21 FT. TREE RESIDENTIAL DEVELOPMENT TRACTS	N/A - SITE IS NOT A RESIDENTIAL DEVELOPMENT TRACT
4 FT. TREE RESIDENTIAL DEVELOPMENT TRACTS	N/A - SITE IS NOT A RESIDENTIAL DEVELOPMENT TRACT
6 FT. TREE SINGLE FAMILY RES. TRACTS	N/A - SITE IS NOT A SINGLE FAMILY RES. TRACT
FRANCES IN RESIDENTIAL SUBDIVISIONS AND DEVELOPMENTS	N/A - SITE IS NOT A RESIDENTIAL DEVELOPMENT
STREET TREES - 4 REQUIRED. BARREN 24 FEET OF STREET FRONTAGE PER 24' ON FITZHUGH AND 24' ON COLE	PLANTING 2 TREES - 24' BY 24' MINIMUM ALLOWED BY LOT SIZE AND SPEC. GRASS STRIPS REQUIREMENTS. VISIBILITY THROUGH EXISTING BACKING SETBACK APPROXIMATELY 25'.
SCENARIOS - NON-RESIDENTIAL LOTS	PLANTING 2 TREES - 24' BY 24' MINIMUM ALLOWED BY LOT SIZE AND SPEC. GRASS STRIPS REQUIREMENTS. VISIBILITY THROUGH EXISTING BACKING SETBACK APPROXIMATELY 25'.
DESIGNATED LANDSCAPE AREA / FEELINGS (OR SUBTRACT) - 10' BY 10' (OR 10' BY 10' OR 10' BY 10')	PLANTING 2 TREES - 24' BY 24' MINIMUM ALLOWED BY LOT SIZE AND SPEC. GRASS STRIPS REQUIREMENTS. VISIBILITY THROUGH EXISTING BACKING SETBACK APPROXIMATELY 25'.
SPECIAL PLANTING AREA	PLANTING 2 TREES - 24' BY 24' MINIMUM ALLOWED BY LOT SIZE AND SPEC. GRASS STRIPS REQUIREMENTS. VISIBILITY THROUGH EXISTING BACKING SETBACK APPROXIMATELY 25'.
IMPACT PLANTING ZONE	PLANTING 2 TREES - 24' BY 24' MINIMUM ALLOWED BY LOT SIZE AND SPEC. GRASS STRIPS REQUIREMENTS. VISIBILITY THROUGH EXISTING BACKING SETBACK APPROXIMATELY 25'.
OFF-STREET LOADING AND STORAGE	N/A - THERE ARE NO OFF-STREET LOADING AREAS OR GARAGES ON SITE.

ISSUED FOR VARIANCE PURPOSES ONLY  
 NOT FOR CONSTRUCTION



# Memorandum



CITY OF DALLAS

DATE March 9, 2014

TO Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 145 - 038 3121 N Fitzhugh

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

Trigger

New construction of an addition of building height.

Deficiencies

The PD 193 (GR) regulations require 1) a minimum of 6' sidewalks placed from 5 to 12 feet from back of curb, 2) large trees in the tree planting zone between 2.5 to 5 feet from back of curb, 3) screening of off-street parking, and 4) a landscape site area of 10% of the lot and 60% of the required front yard containing appropriate general and special planting areas. The proposed plan does not provide any of these requirements.

Factors

The site at street level is fully developed with a structure and paved surface for parking and maneuvering. The property is long and narrow which provides only one acceptable new location for a tree under the given configuration of parking. This location is on the property and adjacent to parking spaces #3 and #5, as identified on the Site Plan. However, the Fitzhugh frontage, and this possible location, is encumbered with overhead power lines, and a school zone signal is adjacent to the structure a short distance to the east. The site has two wide driveways restricting other planting locations.

It is recommended to support small trees (trees that do not grow over 30 feet in height), as shown for the parking lot, due to direct vertical conflicts with overhead utilities. Although it is preferable to plant a canopy tree to avoid clearance conflicts with the school signal, the potential height growth will place the tree in direct conflict with overhead utilities. A smaller tree would be more suitable when maintained to minimize visibility restrictions with the signal and will be better adapted to the small planting areas, especially adjacent to the building structure.

A very narrow planting bed is provided along the building frontage adjacent to the existing sidewalk. This is mostly kept with small vegetation which can provide for a minor green edge to soften the building frontage with proper maintenance. On the street side of the sidewalk, a one-foot wide strip is maintained with groundcover in

front of the building and adjacent to the parking lot between driveways. The plan proposes additional improvements.

The only existing permeable area available for planting trees or other vegetation is on the Cole Avenue parkway, but this is also restricted by the visibility triangle at the street intersection. The additional small vegetation is acceptable and must be maintained in compliance with city regulations for site visibility and sidewalk clearance, per ordinance. However, I do not recommend approval of any tree in this parkway area for purposes of public safety.

#### Recommendation

The chief arborist recommends approval of the alternate landscape plan because the proposal for the confined property does not compromise the spirit and intent of the PD 193 landscape regulations. In addressing the potential for conflicts with utilities and signal light clearance, I recommend an added condition that any trees planted on the property may be a species that normally reaches a height of less than 30 feet upon maturity.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-038

Date: 12-9-14

Data Relative to Subject Property:

Location address: 3121 N Fitzhugh Ave Zoning District: PD-193(4R)

Lot No.: 1 Block No.: 1519 Acreage: 4821 Census Tract: 7.01

Street Frontage (in Feet): 1) 157.32 2) 21.54 3) 4) 5) 2823

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): John Weninger

Applicant: John Weninger Telephone: 4699519694

Mailing Address: 3121 N Fitzhugh Ave DFW TX Zip Code: 75204

E-mail Address: john.weninger@hotmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of Landscape.

Plant large live oak trees, 2' shrubs and 1' shrubs, HOLLY SHRUBS FOR EVER GREEN in perimeter and parking lot areas. I will hand water from existing outside supply. 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: HARSHNESS meaning the lot is a unique shape 20' by 150' with a 62' boundary on one end. Concrete parking will be cut up to plant ground cover, shrubs, and trees. I will manually water, just as I do now from flower beds. Verbs are changed to control plant size, all plants are evergreen.

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

Affidavit

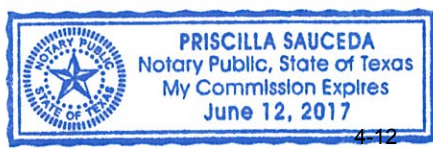
Before me the undersigned on this day personally appeared John Weninger (Affiant/Applicant's name printed)

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: John A. Weninger (Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of December, 2014

(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

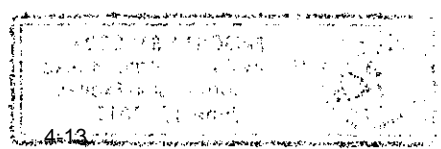
Building Official's Report

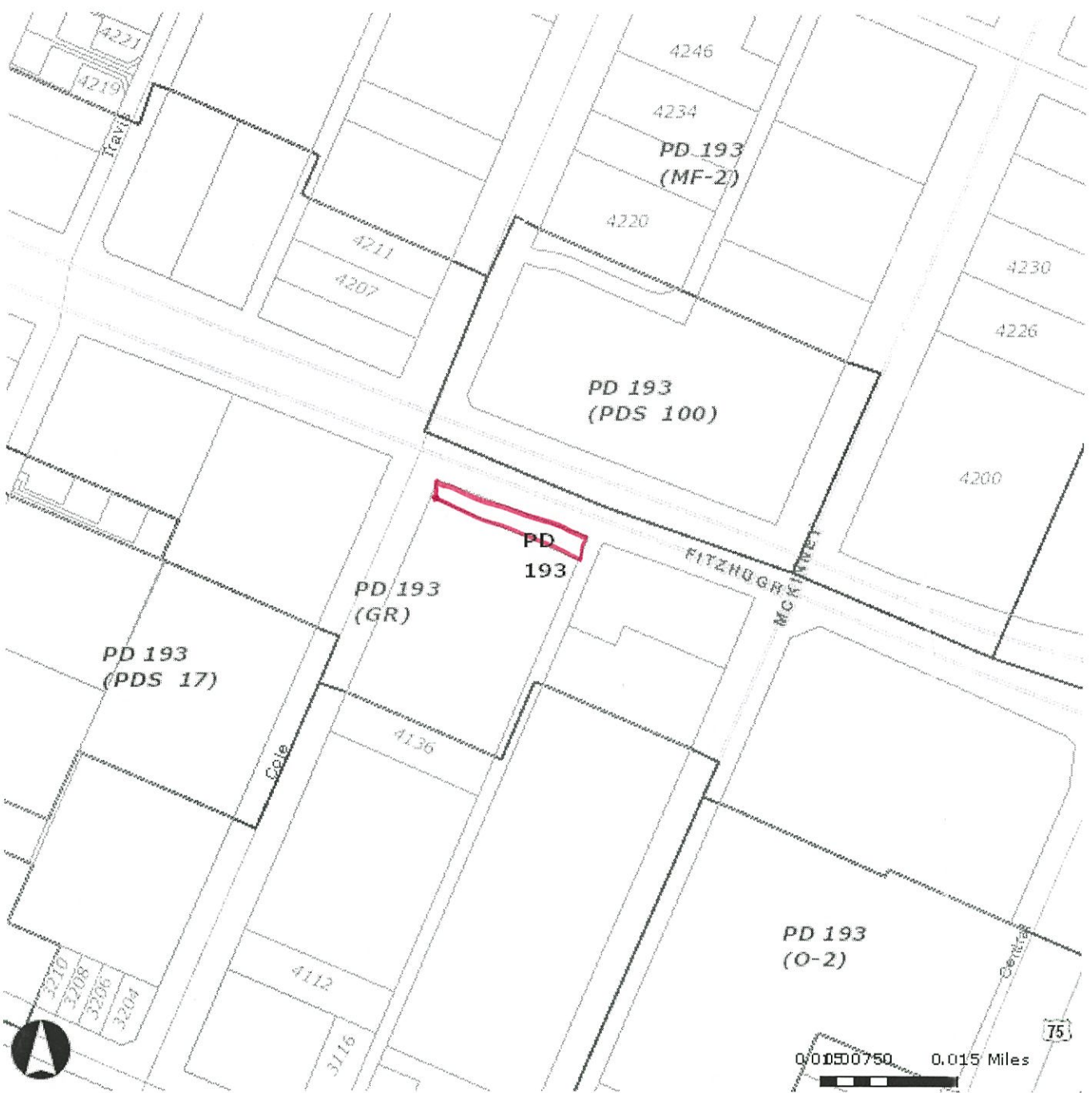
I hereby certify that JOHN WENINGER  
did submit a request for a special exception to the landscaping regulations  
at 3121 N. Fitzhugh Avenue.

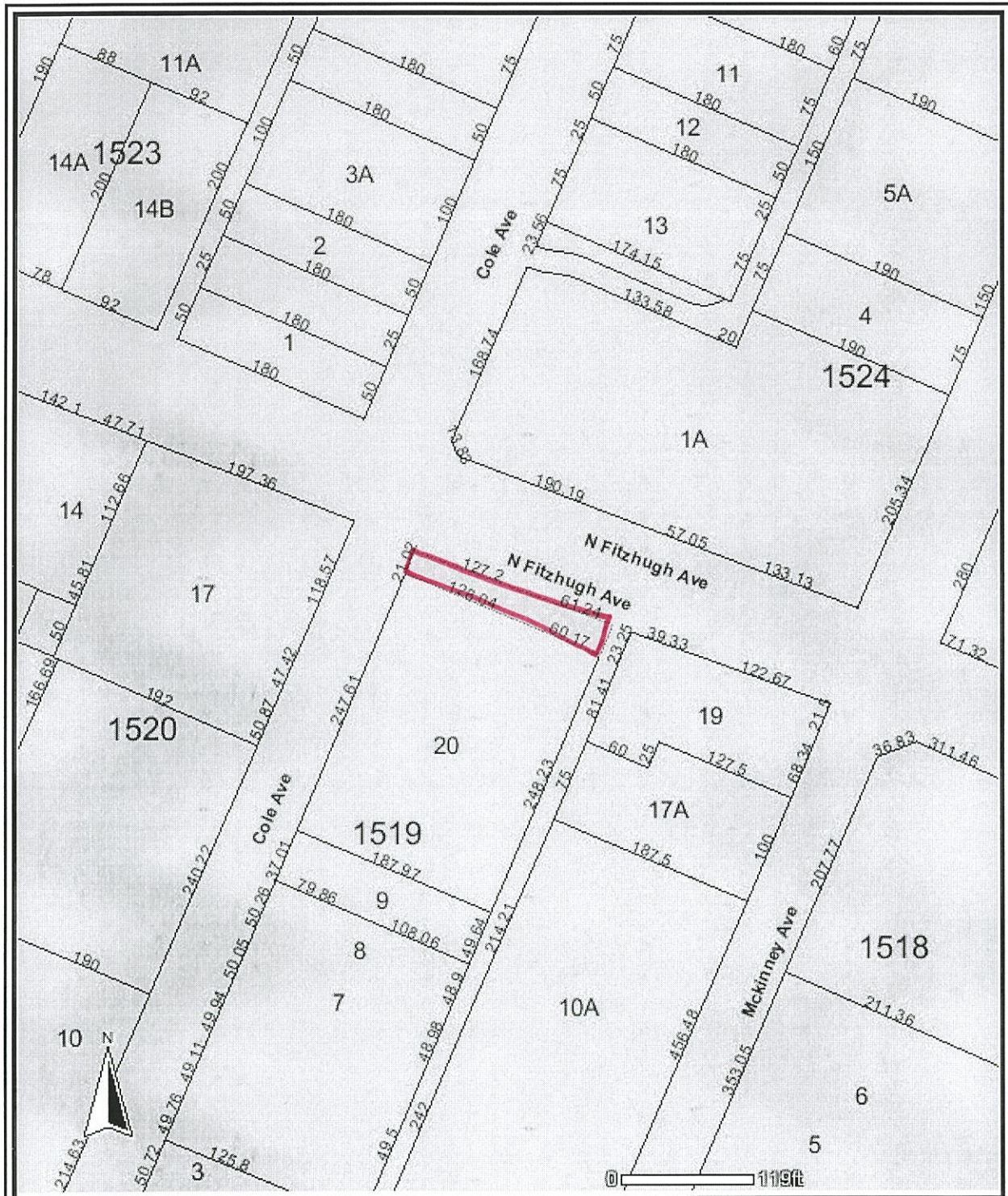
BDA145-038. Application of John Weninger for a special exception to the landscaping regulations at 3121 N. Fitzhugh Avenue. This property is more fully described as a 4,871 sq.ft. unplatted parcel, Block 1/1519 and is zoned PD193 (GR), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan which will require a special exception to the landscape regulation.

Sincerely,

Larry V. Holmes  
Larry Holmes, Building Official

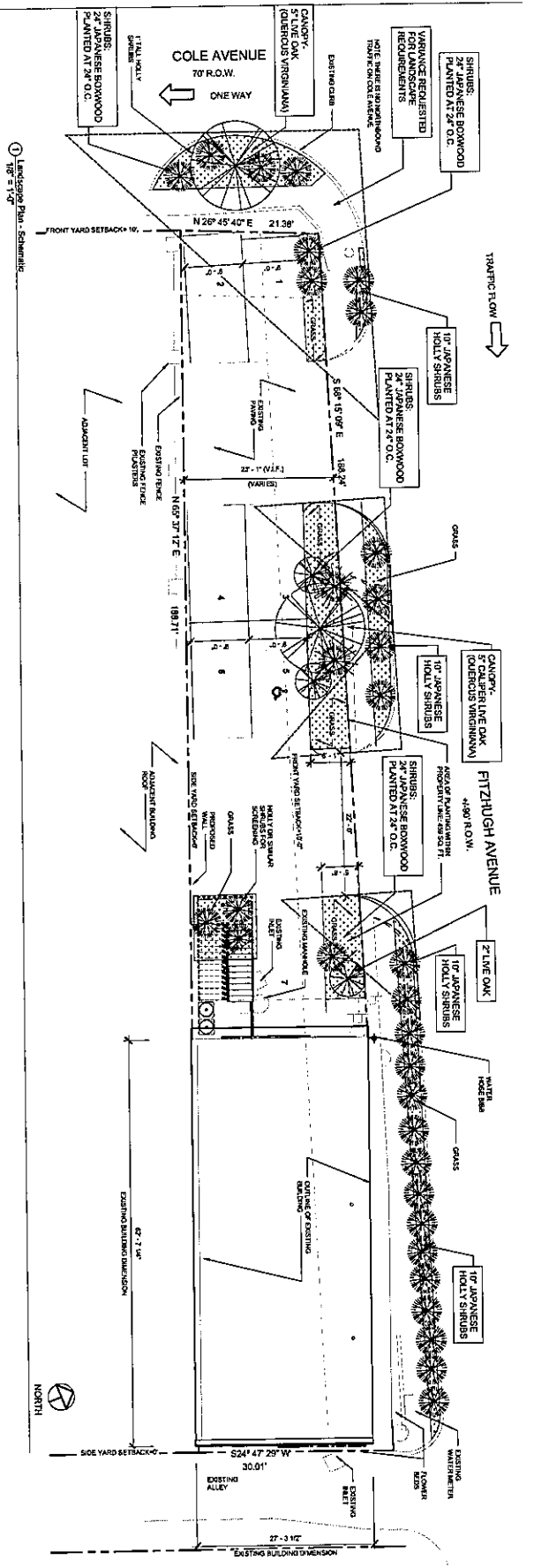






**Dallas Central  
Appraisal District**  
www.dallascad.org

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



① Landscaping Plan, Schematic  
1/8" = 1'-0"

LANDSCAPE DECLARATION - ORDINANCE NO. 25243 (PD 193)	
<b>MANDATORY PROVISION</b>	<b>COMPLIANCE DECLARATION</b>
1. THE SUBJECT	1. I, THE UNDERSIGNED, DECLARE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THE ABOVE DECLARATION.
2. THE PROVISION	2. I HAVE READ AND UNDERSTAND THE PROVISIONS OF THE ORDINANCE AND I AGREE TO COMPLY WITH THEM.
3. THE PROPOSED USE AND/OR DEVELOPMENT	3. THE PROPOSED USE AND/OR DEVELOPMENT IS AS SHOWN ON THE ATTACHED PLANS AND IS IN ACCORDANCE WITH THE ORDINANCE.
4. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE	4. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE.
5. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE	5. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE.
6. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE	6. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE.
7. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE	7. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE.
8. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE	8. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE.
9. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE	9. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE.
10. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE	10. THE PROPOSED USE AND/OR DEVELOPMENT IS IN ACCORDANCE WITH THE ORDINANCE.

ISSUED FOR VARIANCE PURPOSES ONLY  
NOT FOR CONSTRUCTION

**Ernesto Garrido AIA**  
**ARCHITECT**

5565 Preston Oaks Rd. #138  
Dallas, Texas 75254  
(972) 866 6754 (972) 768 5494

**WENINGER ADDITION**  
4-163121 N. FITZHUGH AVE.  
DALLAS, TX 75204

PROJECT: 12099  
DRAWING: 038  
LANDSCAPE PLAN

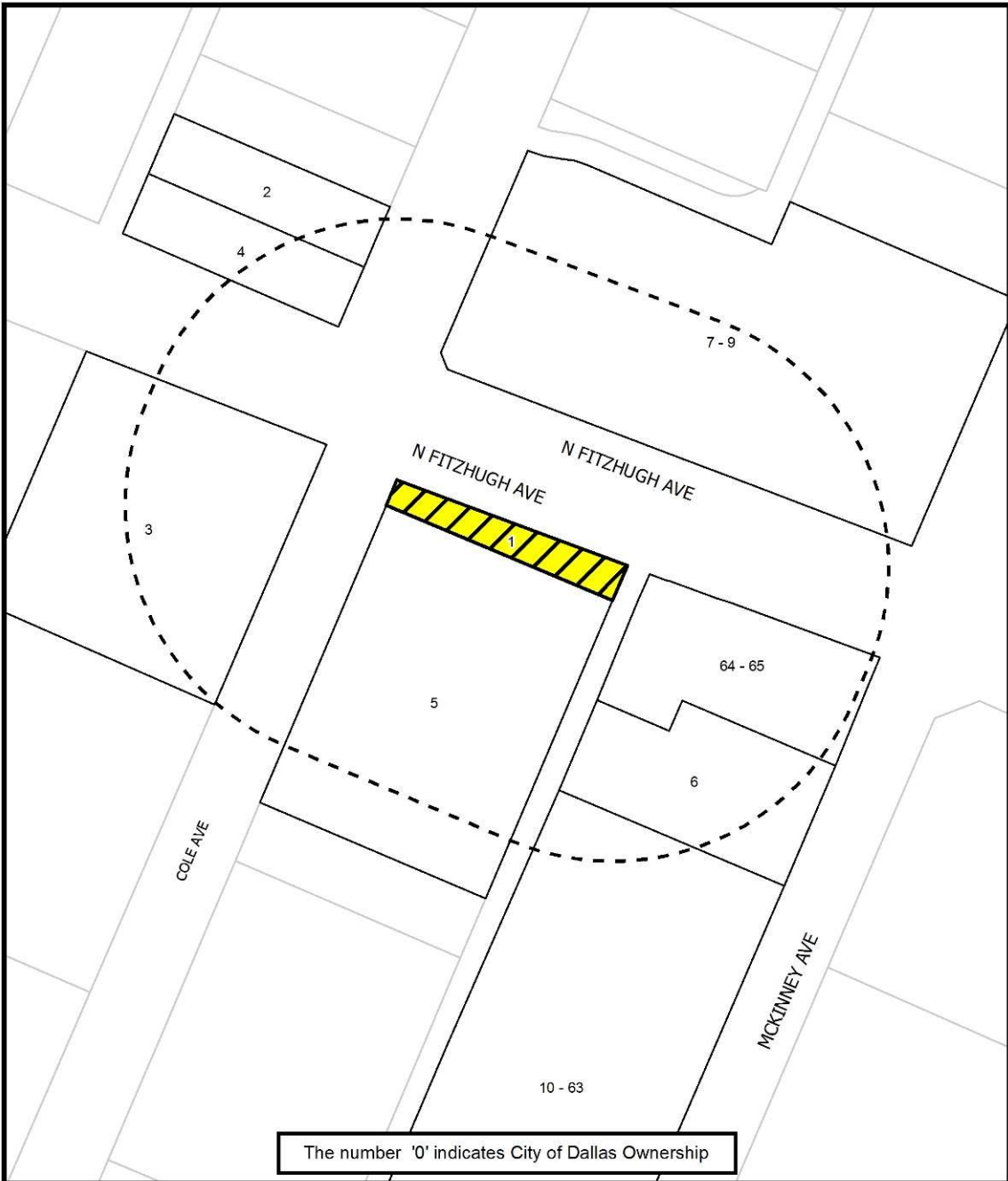
DATE: 12/10/2014  
SCALE: 1/8" = 1'-0"

ISSUE LOG

2015.14 - VARIANCE

01/04/2015

BDA  
L-1



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA145-038</b>
	<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;">65</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>2/24/2015</b>



## *Notification List of Property Owners*

***BDA145-038***

***65 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3121 FITZHUGH AVE	WENINGER JOHN
2	4207 COLE AVE	GRAND BANK CENTRAL
3	3209 FITZHUGH AVE	LAWS STREET LP
4	4203 COLE AVE	GRAND BANK CENTRAL AT
5	4152 COLE AVE	4152 COLE AVE PTNR LTD
6	4151 MCKINNEY AVE	4151 MCKINNEY JV
7	3122 FITZHUGH AVE	TEXACO INC
8	4209 MCKINNEY AVE	HOPE COTTAGE INC
9	4209 MCKINNEY AVE	HOPE COTTAGE INC
10	4121 MCKINNEY AVE	CHAPMAN CARLYLE H &
11	4121 MCKINNEY AVE	BROWN MARCUS D
12	4121 MCKINNEY AVE	GRIFFIN AMANDA L
13	4121 MCKINNEY AVE	SEIDEL DOUGLAS P &
14	4121 MCKINNEY AVE	RICE AMANDA &
15	4121 MCKINNEY AVE	DIXON RONALD
16	4121 MCKINNEY AVE	LOGSDON ANTHONY
17	4121 MCKINNEY AVE	GONZALES STEPHANY & JONATHAN JASON
18	4121 MCKINNEY AVE	SISLE WENDY Z
19	4121 MCKINNEY AVE	PAXSON SARAH M
20	4121 MCKINNEY AVE	CEARLOCK WILLIAM TODD &
21	4121 MCKINNEY AVE	CHERIYAN ABRAHAM &
22	4121 MCKINNEY AVE	KNETSCH WILLIAM LEE
23	4121 MCKINNEY AVE	BOWIE JAMES P &
24	4121 MCKINNEY AVE	MAN JASON S & LIANGPING JIA
25	4121 MCKINNEY AVE	PAYNE MARTIN A
26	4121 MCKINNEY AVE	BART ANDREA M

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	4121 MCKINNEY AVE	VAZQUEZ JESSICA
28	4121 MCKINNEY AVE	DONAHUE CRAIG
29	4121 MCKINNEY AVE	MURRAY MOLLY M
30	4121 MCKINNEY AVE	WEGNER RICHARD
31	4121 MCKINNEY AVE	SAAB ANTHONY G &
32	4121 MCKINNEY AVE	MOSIER MATTHEW B
33	4121 MCKINNEY AVE	OUYANG JAENNETTE &
34	4121 MCKINNEY AVE	SEDLIN DAVID
35	4121 MCKINNEY AVE	BROWN MATTHEW T
36	4121 MCKINNEY AVE	TO DUONG HAI &
37	4121 MCKINNEY AVE	DOUGLAS BRITTON
38	4121 MCKINNEY AVE	DYSON FREDERICK M
39	4121 MCKINNEY AVE	CHUNG TAEJIN &
40	4121 MCKINNEY AVE	CARSON DAWN
41	4121 MCKINNEY AVE	CHURCH JULIE A
42	4121 MCKINNEY AVE	MIGLIAZZO NICOLE M
43	4121 MCKINNEY AVE	SUESSMANN KRISTEN MARY
44	4121 MCKINNEY AVE	RUSSO DANIEL
45	4121 MCKINNEY AVE	ELLIS RICHARD E JR
46	4121 MCKINNEY AVE	CHASANOFF STUART J
47	4121 MCKINNEY AVE	DANG NGUYEN &
48	4121 MCKINNEY AVE	SHI KEVIN Y
49	4121 MCKINNEY AVE	CIANFARANI MICHAEL A
50	4121 MCKINNEY AVE	NICEWANDER DAVID
51	4121 MCKINNEY AVE	ROPER VERONICA
52	4121 MCKINNEY AVE	CUSACK PHILLIP J
53	4121 MCKINNEY AVE	FLEMING CHERYL R
54	4121 MCKINNEY AVE	ANSINELLI EMELINE &
55	4121 MCKINNEY AVE	JEKAUC IGOR
56	4121 MCKINNEY AVE	HODGE CHRISTINE
57	4121 MCKINNEY AVE	HEJNY JAYME DANIELLE

02/24/2015

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	4121 MCKINNEY AVE	PEARSON DEREK
59	4121 MCKINNEY AVE	RIVERA SARA & FRANK JAMES
60	4121 MCKINNEY AVE	WILLIAMS KIRSTEN GAIL &
61	4121 MCKINNEY AVE	DARAM SHIVA PRASAD & LEKSHMI NANDAKUMAR PI
62	4121 MCKINNEY AVE	JOHNSON R DAVID & BETH ANN
63	4121 MCKINNEY AVE	SHANAHAN RICHARD
64	4161 MCKINNEY AVE	4161 MCKINNEY AVE LLC
65	4161 MCKINNEY AVE	DIEB J STEPHEN

**FILE NUMBER:** BDA 145-007

**BUILDING OFFICIAL'S REPORT:** Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way, that a pedestrian skybridge must provide clearance above the public right-of-way of at least 18 feet above grade, that the interior passageway must be no greater than 20 feet in width, and must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The applicant proposes to construct and maintain a pedestrian skybridge and locate supports within a public right-of-way, reduce the minimum 18 foot clearance above the public right-of-way to 14 feet, increase the maximum 20 foot interior passageway width to 61 feet, and increase the maximum 30 degree divergance from the perpendicular angle to the right-of-way to 45 degrees, which will require special exceptions to the pedestrian skybridge standards.

**LOCATION:** 8301 Westchester Drive

**APPLICANT:** Suzan Kedron and Jonathan Vinson of Jackson Walker LLP

**REQUESTS:**

Requests for special exceptions to the mandatory pedestrian skybridge standards are made to construct and maintain a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage:

1. With a clearance above public right-of-way of 14' above grade;
2. With an interior passageway width of 61';
3. With support columns located within the Westchester Drive public right-of-way; and
4. That will diverge from a perpendicular angle to the right-of-way by 45 degrees.

**STANDARD FOR A SPECIAL EXCEPTION TO THE MANDATORY PEDESTRIAN SKYBRIDGE STANDARDS:**

Section 51A-4.217 of the Dallas Development Code states that the board of adjustment may grant a special exception to the pedestrian skybridge standards if the board finds that:

1. Strict compliance with the requirements will unreasonably burden the use of either of the properties;
2. The special exception will not adversely affect neighboring property; and
3. The special exception will not be contrary to the public interest.

## **STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the pedestrian skybridge standards since the basis for this type of appeal is if the board finds that: strict compliance with the requirements will unreasonably burden the use of either of the properties; the special exception will not adversely affect neighboring property; and the special exception will not be contrary to the public interest.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD 314 (Planned Development)  
North: PD 314 (Planned Development)  
South: PD 314 (Planned Development)  
East: PD 314 (Planned Development)  
West: PD 314 (Planned Development)

### **Land Use:**

The proposed skybridge would connect an existing two story retail structure to an existing one-story parking garage. The areas to the north, east, south, and west are developed with mostly with retail uses.

### **Zoning/BDA History:**

1. Z 134-341 (the subject site)

On March 5, 2015, the City Plan Commission recommended approval of an application for a specific use permit for a pedestrian skybridge. (A City Council date for consideration of the SUP and a real estate license will be scheduled after the Board of Adjustment takes action on the requests for special exceptions to the pedestrian skybridge standards).

## **GENERAL FACTS/STAFF ANALYSIS:**

- These requests focus on constructing and maintaining a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage – a skybridge that would have a clearance above public right-of-way of 14' above grade, an interior passageway of 61', support columns within the Westchester Drive public right-of-way, and that will diverge from a perpendicular angle to the right-of-way by 45 degrees.
- The Dallas Development Code states that the purpose of pedestrian skybridge section of the code is to promote the health, safety, and general welfare of persons

and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting and safety facilities; and establishing standards for construction and maintenance of pedestrian skybridges.

- The Dallas Development Code provides 19 mandatory skybridge provisions of which the applicant seeks special exceptions from the following four:
  1. Pedestrian skybridges must have a clearance above the public right-of-way of at least 18 feet above grade. (The applicant has submitted a site plan and bridge section that indicates the clearance above the public right of way is 14' above grade.)
  2. If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. (While a site plan has not been submitted to date that appears to indicate a skybridge with an interior passageway of 61 feet, the applicant is requesting dimensions from 28 feet to a maximum of 61 feet).
  3. Pedestrian skybridge supports must not be located within the public right-of-way. (The applicant had originally submitted a site plan and bridge section that indicated 5 support columns in the public right-of-way, four on the west side of Westchester Drive, one on the east side of Westchester Drive, however on March 6<sup>th</sup>, the applicant submitted a revised site plan that However on March 6<sup>th</sup>, the applicant submitted a revised site plan that changed two items: removal of one of the bridge support columns formerly located on the west side of Westchester, and moving/relocating the bridge column on the east side of Westchester to the south several feet).
  4. Pedestrian skybridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees). (The applicant has stated on the application that a request to increase the divergence from 30 degrees to 45 degrees).
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Has no objections if certain conditions are met" commenting "Bridge column locations within public right-of-way shall be revised to comply with PD 314 and ADA standards with regards to sidewalk and pedestrian clearance. No columns shall be located within roadway or ground level parking spaces within right-of-way."
- The Assistant Director of Transportation Operations with the Department of Street Services has stated among other things in a February 25<sup>th</sup> email that "if a truck is allowed to have a maximum height of 14' per Texas Transportation Code, our bridges should have a minimum clearance of at least 1', preferably 2' above that height."

- The applicant has the burden of proof in establishing how strict compliance with the skybridge standards (constructing/maintaining a pedestrian skybridge that would: a) have a clearance above public right-of-way of less than 18' above grade; b) have an interior passageway of a maximum of 61'; c) have support columns within the Westchester Drive public right-of-way, and d) that will diverge from a perpendicular angle to the right-of-way by 45 degrees) will unreasonably burden the use of either of the properties; that the special exceptions will not adversely affect neighboring property; and the special exceptions will not be contrary to the public interest.
- If the Board were to grant any or all of these requests, the Board can consider imposing the applicant's submitted revised site plan/elevation as a condition. If the Board were to grant any or all of these requests and impose the applicant's submitted revised site plan/elevation as a condition, any granted exception would be required to be constructed and maintained as shown on any such document.

### **Timeline:**

November 20, 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.

December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 10, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 9<sup>th</sup> 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."

December 24, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and

Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

January 9, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

January 21, 2015: The Board of Adjustment Panel B conducted a public hearing on this application. The Board Administrator circulated additional written documentation to the Board at the briefing (see Attachment C). This documentation was a letter from the applicant requesting that the Board move to hold the application over until their March 18<sup>th</sup> public hearing given that “we are continuing to work with our architects and engineers to further refine our plans, and to be able to continue our outreach with other stakeholders in the vicinity of our request.” The Board delayed action on this application until their next public hearing to be held on March 18, 2015.

January 30, 2015: The Board Administrator sent a letter to the applicant that noted the decision of the panel, and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials.

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 information to staff beyond what was submitted with the original application (see Attachment D).

March 6, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant’s request marked “Has no objections if certain conditions are met” commenting “Bridge column locations within public right-of-way shall be revised to comply with PD 314 and ADA standards with regards to sidewalk and pedestrian clearance. No columns shall be located within roadway or ground level parking spaces within right-of-way.”



March 11, 2015: The Interim Assistant Director of Sustainable Development and Construction forwarded an email from the Assistant Director of Transportation Operations with the Department of Street Services to the Board Administrator (see Attachment E). The email stated among other things that “if a truck is allowed to have a maximum height of 14’ per Texas Transportation Code, our bridges should have a minimum clearance of at least 1’, preferably 2’ above that height.”

**BOARD OF ADJUSTMENT ACTION: JANUARY 21, 2015**

**APPEARING IN FAVOR:** Jonathan Vinson, 901 Main St., Dallas, TX  
Robert Dozier, 2000 McKinney, Dallas, TX  
Jack O’Brien, 5310 Harvest Hill, Dallas, TX

**APPEARING IN OPPOSITION:** Laura Miller, 5335 S. Dentwood Dr., Dallas, TX

**MOTION: Gillespie**

I move that the Board of Adjustment in request No. **BDA 145-007**, hold this matter under advisement until **March 18, 2015**.

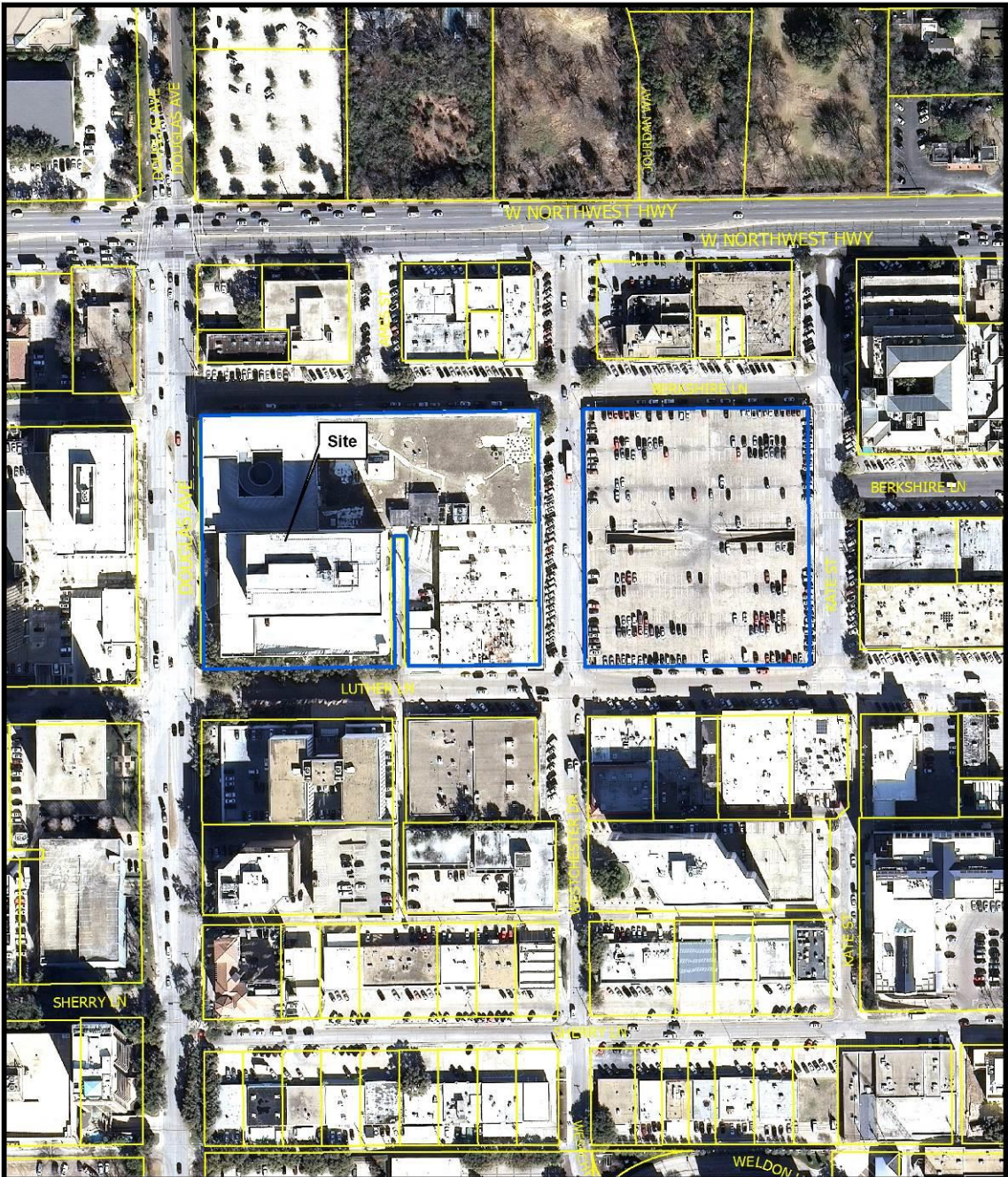
**SECONDED: Leone**

**AYES:** 5 – Reynolds, Gillespie, Leone, Hounsel, Agnich

**NAYS:** 0 –

**MOTION PASSED** 5– 0 (unanimously)





1:2,400

# AERIAL MAP

Case no: BDA145-007

Date: 12/23/2014



BDA 145-007  
Attach A  
Pg 1  
B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-007

Data Relative to Subject Property:

Date: 11-20-14

Location address: 8301 Westchester Drive / 8300 Westchester Drive Zoning District: PD 314

JW 12/24/14 (8301) and Tract 1 (8300)  
Lot No.: 6A; 7A Block No.: 5623 Acreage: 0.062 (skybridge) Census Tract: 73.01

Street Frontage (in Feet): 1) 60.53 (skybridge) 2) 28.0 (skybridge) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CH Realty VI/R Dallas Preston Center, L.P.

Applicant: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Represented by: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Affirm that an appeal has been made for a Variance   , or Special Exception , of    to allow a support    for a pedestrian skybridge within the public right-of-way pursuant to Sec. 51A-4.217(b)(12)(H).

for clearance above the public right-of-way (4'); increase of 4' of the interior passageway; to increase the divergence from 30° to 45° of the perpendicular angle.

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:

- (i) Strict compliance with the requirements will unreasonably hinder the use of either/both of the properties;
- (ii) the special exception will not adversely affect neighboring property; and (iii) the special exception will not be contrary to the public interest.

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 Suzan Kedron  
(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 19<sup>th</sup> day of November, 2014



Marlene Somraty  
Notary Public in and for Dallas County, Texas





JACKSON WALKER L.L.P.  
125 YEARS  
ATTORNEYS & COUNSELORS

BDA145-007  
Attach A  
pg 3

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

December 24, 2014

Via Scan/Email

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

Re: BDA 145-007; 8301 Westchester Drive.

Dear Steve:

In connection with Case No. BDA 145-007, this letter is to confirm our understanding that, as an application for a special exception to the pedestrian skybridge regulations pursuant to Sec. 51A-4.217(b)(12)(H), and as stated in your email of December 10, the City Staff will not be making a recommendation to the Board of Adjustment on this request, presumably due to the fact that the applicable standard is that:

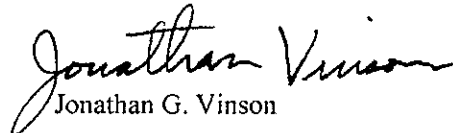
"The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph *if the board finds that:*

- (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;
- (ii) the special exception will not adversely affect neighboring property; and
- (iii) the special exception will not be contrary to the public interest".

We will be providing to you an explanatory letter and attachments, by your deadline of 1:00 P.M. on Friday, January 9, 2015, to be provided to the Board Panel in further explanation of our request. In that letter and attachments, we will be stating, and providing evidence of, the fact that the Applicant's request meets the above-referenced standards for approval.

I will also stop by your office today to make sure the property description matches that in the Building Official's Report. Please let me know if you have any questions, or if you need anything else from us on this. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Robert Dozier  
Susan Mead  
Suzan Kedron

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822



JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

BDA 145-007  
Attach B  
Pg 1

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

January 9, 2015

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

**I. Introduction.** We represent Lincoln Property Co. in this case ("Lincoln"), with regard to the retail property at Westchester Drive, between Luther Lane and Berkshire Lane in Preston Center. We are coming to you with our special exception request for certain exceptions to the pedestrian skybridge standards found in Sec. 51A-4.217(b)(12)(F) of the *Dallas Development Code* to facilitate safe pedestrian access to a community-serving use proposed for the second level of the retail building. As you may know, second floor retail spaces are very difficult to lease, and this represents a very creative and productive proposed use of the space.

A pedestrian skybridge has been designed to connect the upper level of the Preston Center parking garage with the retail building across Westchester Drive to the west. This building has been at this location for many years and has in the past housed a Sanger-Harris department store and, more recently, other uses. Lincoln plans to lease the space to a major grocery store chain so the grocer can open a first-class neighborhood-serving grocery store, with the skybridge link to the upper garage deck for the safety and convenience of grocery customers.

This skybridge is necessary to be able to quickly and safely transport customers from one side to the other without having to descend to street level with their groceries, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. In particular, this would be impossible to do with grocery carts. This is a matter not merely of convenience, but first and foremost of pedestrian safety. However, a pedestrian skybridge which crosses public right-of-way has a large number of requirements imposed by the City of Dallas in the pedestrian skybridge accessory use definition.

**II. Special Exception Request.** We are before you on this special exception request because of the regulations set forth below.

*SEC. 51A-4.217. ACCESSORY USES. (12) Pedestrian skybridges. (F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian*

---

*walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:*

*(iii) Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade. We are requesting 14 feet clearance, per the Site Plan (4 foot decrease from 18 feet) This is due to the existing structure height on both sides, otherwise complicated and unnecessary elevation changes would be required.*

*(iv) If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width. We are requesting dimensions from 28 feet to a maximum of 61 feet (special exception of up to 41 feet). This design is for the purpose of enhancing customer safety and convenience.*

*(vi) Supports must not be located within the public right-of-way. There are certain small supports located in the right-of-way as per the Site Plan. These support columns are unobtrusive, represent no traffic hazard or any other adverse impact, are not detrimental in any way, and are necessary from an architectural and engineering standpoint to support the skybridge.*

*(xi) Pedestrian sky-bridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The divergence is approximately 45 degrees. As for (iv) above, this design is for the purpose of enhancing customer safety and convenience.*

**III. Special Exception Standard Issues.** The Board can grant a special exception from the above-described requirements on the following basis:

*(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:*

*(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;*

*(ii) the special exception will not adversely affect neighboring property; and*

*(iii) the special exception will not be contrary to the public interest.*

We believe that we clearly meet each of three standards required for granting of the special exception as follows:

**1. *Strict compliance with the requirements will unreasonably burden the use of either of the properties.*** The requested exceptions to the otherwise-required pedestrian skybridge standards are all necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the proposed grocery store. The skybridge of necessity must be at the height level of the parking deck and the retail use, that is, at 14 feet. Similarly, the



---

requested exceptions to the width and configuration standards are necessary to provide a pedestrian-friendly design to accommodate grocery shoppers with their carts and other items. Finally, the supports in the right-of-way are necessary for structural support of the skybridge as designed.

**2. *The special exception will not adversely affect neighboring property.*** There will be no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or clearance. The skybridge will also be very well designed and attractive. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use – as you know, second story retail has a track record in general of being difficult to use and lease, in particular for a grocer, whose customers by definition must transport multiple bags of items, either by hand or in a grocery cart.

**3. *The special exception will not be contrary to the public interest.*** Not only is this request in no way contrary to the public interest, this skybridge is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

**IV. Conclusion.** In summary, this request very clearly meets the standards required for granting of the special exception.

*First*, strict compliance with the requirements would unreasonably burden use of the properties as discussed above.

*Second*, the special exception will not adversely affect neighboring property.

*Third*, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

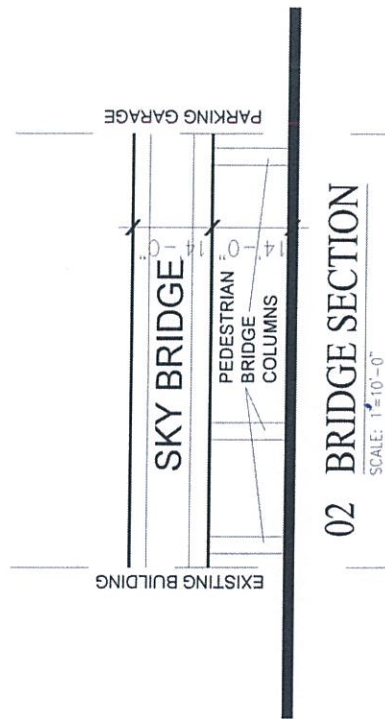
We look forward to appearing at your public hearing on January 21 to respectfully ask that you approve our request. Thank you very much.

Very truly yours,



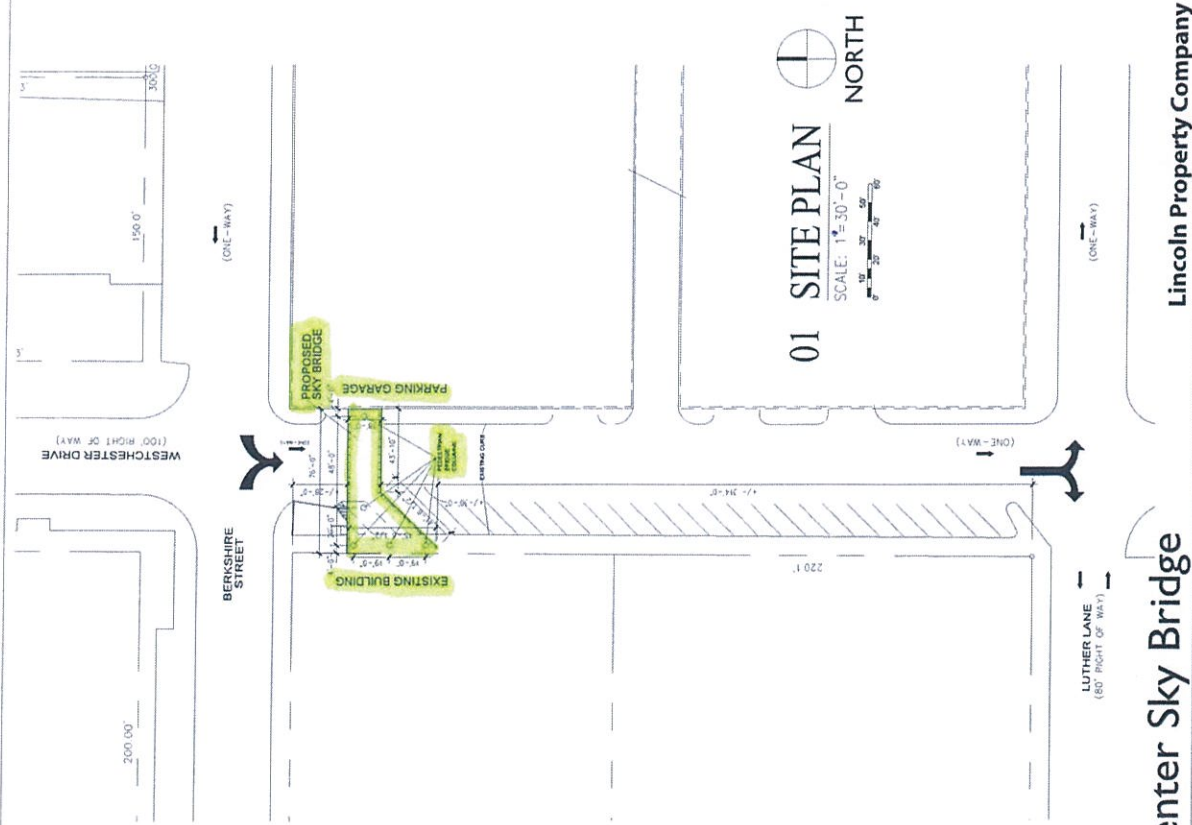
Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Susan Mead  
Suzan Kedron



**Site Plan 01**

Date: 09.08.14 Scale 1"=30'-0"

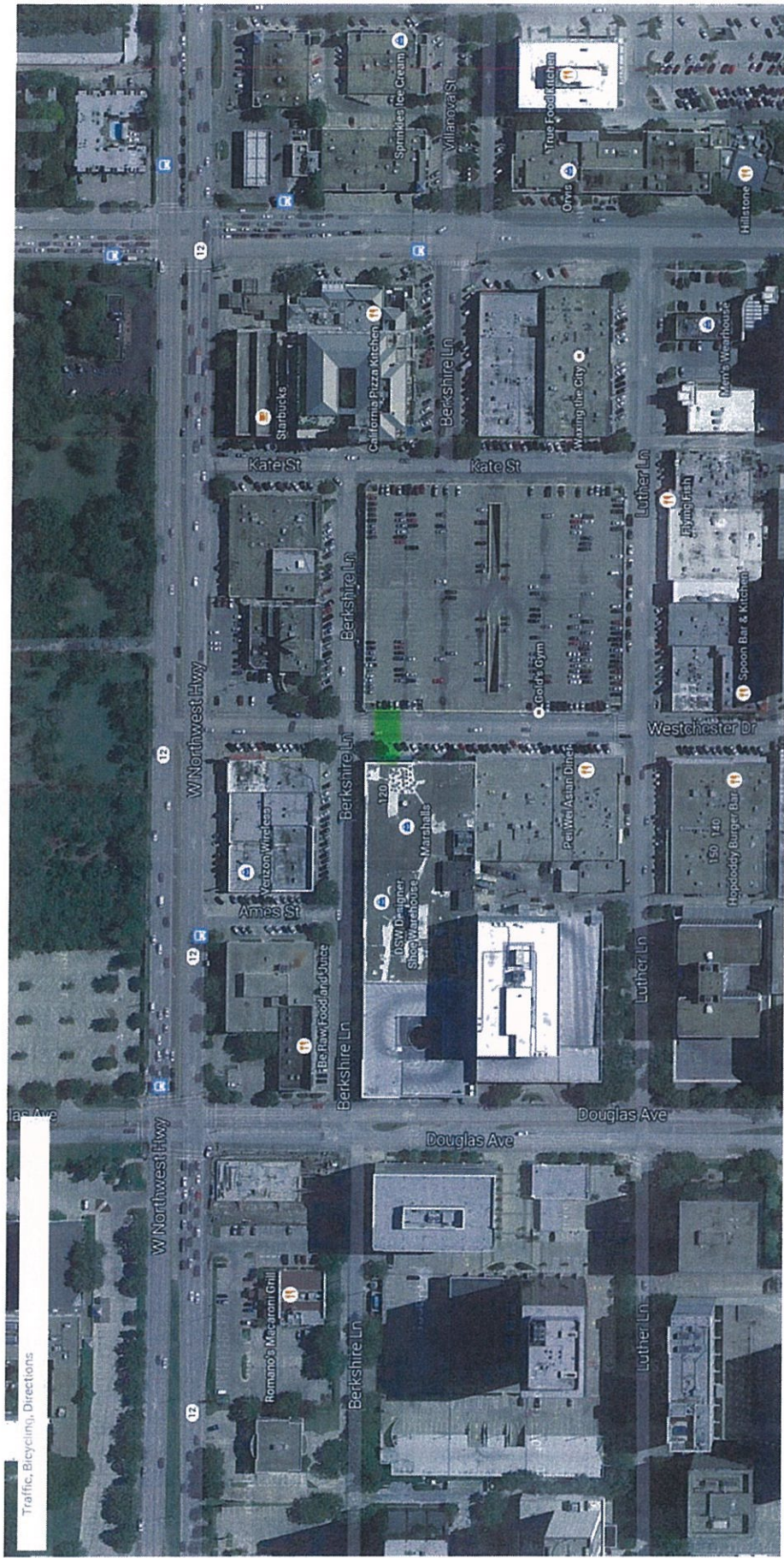


Lincoln Property Company

**Preston Center Sky Bridge**

8335 Westchester Drive  
 Dallas, TX 75225

**1. Site Plan/Bridge Section**



2. Aerial Photo (showing approximate skybridge location)

BDA 145-007  
 Attach B  
 Pg 5

Imagery ©2015 DigitalGlobe, Sanborn, Texas Orthoimagery Program, U.S. Geological Survey, Map data ©2015 Google, 100 ft

<https://www.google.com/maps/@32.8647097,-96.8068278,378m/data=!3m1!1e3?hl=en>

1/9/2015



8419 Westchester Dr  
 Dallas, Texas  
 Street View - Nov 2012

3. Area Photo – View South on Westchester

BDA 145-007  
 Attach B  
 Pg 6

Image capture: Nov 2012 © 2015 Google



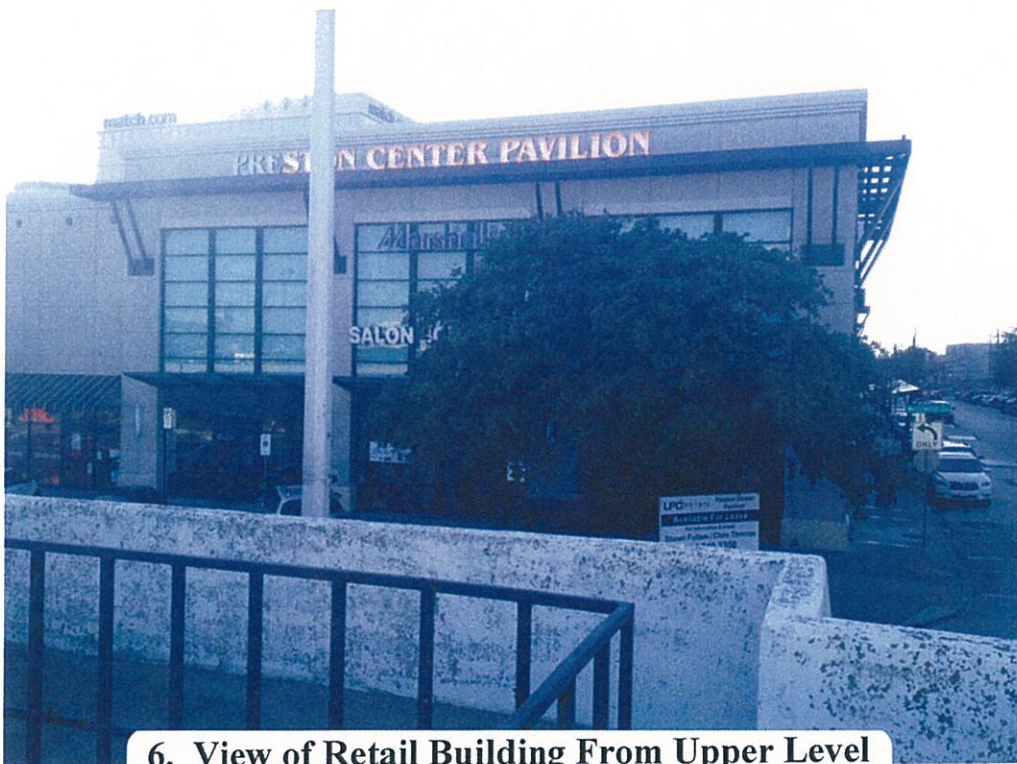
4. Area Photo – View North on Westchester

BDA 145-007  
Attach B  
Pg 7

Image capture: Nov 2012 © 2015 Google



**5. View of Retail Building from Ground Level of Garage**



**6. View of Retail Building From Upper Level of Garage**



**7. View of Northbound Westchester from  
Upper Level of Garage**



JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

January 21, 2015

BDA 145-007

Attach C

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

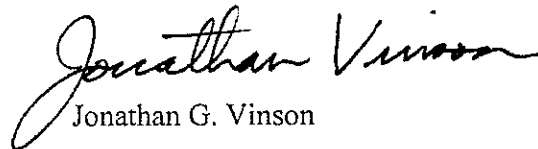
Dear Members of Panel B:

This letter is being submitted to you through Board Administrator Mr. Steve Long to respectfully ask that you move today to *hold the above-referenced case over* until your March Panel B meeting on *March 18, 2015*.

The reasons for this request are that we are continuing to work with our architects and engineers to further refine the plans, and to be able to continue our outreach efforts with other stakeholders in the vicinity of our request.

We believe that holding the case until then will be beneficial for everyone, and we respectfully ask that you hold the case over until March 18, 2015. Thank you very much.

Very truly yours,



Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Anna Graves  
Susan Mead  
Suzan Kedron



**Long, Steve**

---

**From:** Vinson, Jonathan <jvinson@jw.com>  
**Sent:** Friday, March 06, 2015 12:29 PM  
**To:** Long, Steve; Law, Trena  
**Cc:** Moorman, Donna; Duerksen, Todd; Dean, Neva; RDozier@LPC.com; Jarrod Yates; Anna Graves (AGraves@CrowHoldings.com) (AGraves@CrowHoldings.com); Mead, Susan; Kedron, Suzan  
**Subject:** BDA 145-007; 8301 Westchester Drive  
**Attachments:** BDA 145-007; 3-6-15 Panel Letter.pdf; BDA 145-007; 1-9-15 Panel Packet.pdf

Steve – Attached please find additional information (the *first* attachment above) for the Panel B packet for BDA 145-007. Please note that the *second* attachment above is another copy of our January 9, 2015 materials, which you already have, but which I would ask that you also include in the Panel B packet for the March 18 hearing. Thanks very much, and please let me know if you have any questions or if you need anything else from us.

*Jonathan G. Vinson*  
*Partner, Land Use Group*  
*Jackson Walker L.L.P.*  
901 Main Street, Suite 6000  
Dallas, Texas 75202  
**Office:** (214) 953-5941  
**Fax:** (214) 661-6809  
**Mobile:** (214) 770-4636  
**Email:** [jvinson@jw.com](mailto:jvinson@jw.com)  
**Website:** [www.jw.com](http://www.jw.com)



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JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

BDA 145-007  
Attach D  
Pg 2

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

March 6, 2015

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

As you will recall, we represent Lincoln Property Co. in this case ("Lincoln"), with regard to the retail property at Westchester Drive, between Luther Lane and Berkshire Lane in Preston Center. We have applied for a special exception for certain exceptions to the pedestrian skybridge standards found in Sec. 51A-4.217(b)(12)(F) of the *Dallas Development Code* to facilitate safe pedestrian access to a community-serving use proposed for the second level of the retail building.

At our January 21 hearing, we were held over, at our request, until your March 18 hearing date because we were also anticipating a hearing at the City Plan Commission on our Specific Use Permit request for the skybridge, and because we were continuing to refine our Site Plan. I have attached a copy of our previous explanatory letter, dated January 9, 2015, which you saw prior to our January 21 hearing date on our request. On March 5, the City Plan Commission recommended approval of our S.U.P. request for the skybridge, so that request will now move on to the City Council.

Our attached January 9 letter, which I would ask you to review again for more detail, gives you additional factual background; goes through the pedestrian skybridge standards on which we are asking for special exceptions; and demonstrates how we clearly meet all of the required criteria for approval of our request.

I also want to reemphasize that this skybridge is necessary to be able to quickly and safely allow retail customers to get across Westchester Drive from one side to the other without having to descend to street level, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. This is not just a matter of convenience – it is a critical issue of pedestrian safety.

Since we were before you on January 21, we have used that time to make additional refinements to our submitted Site Plan. While we are continuing to review and analyze that plan,

12331568v.1

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

I have attached a copy of our revised Site Plan as it stands today, annotated to show you what has changed since last time. These changed items include two items at this time. These are:

1. Removal of one of the bridge support columns as shown, formerly to be located on the west side of Westchester, as shown on the attached Site Plan both in plan view and in the Bridge Section drawing. We believe this is an improved design.
2. Moving the bridge column indicated on the east side of Westchester to the south several feet. This will move the column away from the drive access as shown and will improve visibility.

As said above, I would ask you to review our January 9 letter for more detail on our pending special exception request. However, I do want to emphasize again that we clearly meet each of three standards required by the *Dallas Development Code* for the granting of the special exception as follows:

1. ***Strict compliance with the requirements will unreasonably burden the use of either of the properties.*** The requested exceptions to the otherwise-required pedestrian skybridge standards are all necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the retail space across Westchester. The skybridge must be at the height level of the parking deck and the retail use, that is, at about 14 feet. Similarly, the requested exceptions to the width and configuration standards are necessary to provide a pedestrian-friendly design. Finally, the supports in the right-of-way are necessary for structural support of the skybridge as designed, although we have been able to eliminate one of the previously-shown supports.
2. ***The special exception will not adversely affect neighboring property.*** There will be no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or clearance. The skybridge will also be very well designed and attractive, and in fact the design is now improved with the removal of one column and the movement of another, as described above. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use.
3. ***The special exception will not be contrary to the public interest.*** Not only is this request in no way contrary to the public interest, this skybridge is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

In summary, this request very clearly meets the standards required for granting of the special exception as follows: *first*, strict compliance with the requirements would unreasonably burden use of the properties as discussed above; *second*, the special exception will not adversely affect neighboring property; and *third*, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

Hon. Chair and Members, Panel B  
March 6, 2015  
Page 3

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We look forward to appearing at your public hearing on March 18 to discuss our request with you in more detail and to respectfully ask that you approve our request. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Robert Dozier  
Jarrod Yates  
Anna Graves  
Susan Mead  
Suzan Kedron



BERKSHIRE STREET

Column formerly to be located here has been eliminated

PROPOSED SKY BRIDGE

This column to be moved several feet to the south

EXISTING BUILDING

PARKING GARAGE

PEDESTRIAN BRIDGE COLUMNS 24" DIAMETER

WESTCHESTER DRIVE



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

Preston Center Sky Bridge

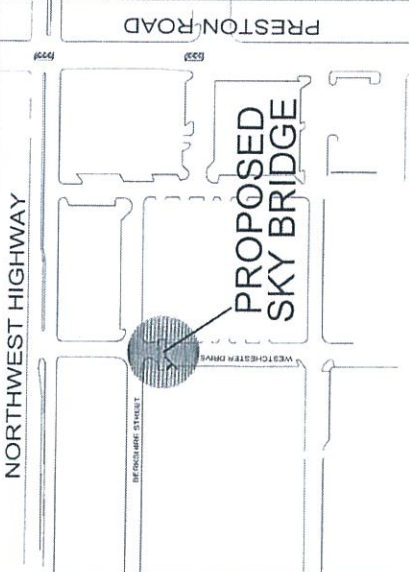
8335 Westchester Drive  
Dallas, TX 75225

Lincoln Property Company

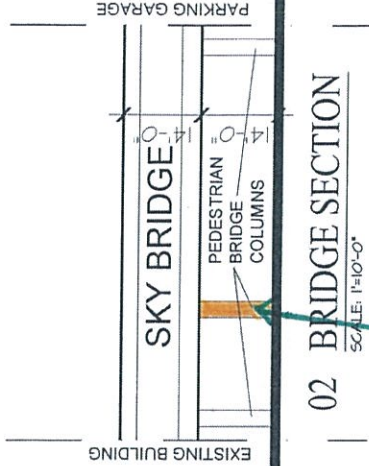
Date: 02.25.15 Scale 1"=30'-0"



Site Plan 01



KEY PLAN  
N.T.S.



02 BRIDGE SECTION  
SCALE: 1"=10'-0"

Column formerly to be located here has been eliminated (same as shown on west side of Westchester)



JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

BDA 145-007  
Attach D  
Pg 6

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

January 9, 2015

Hon. Chair and Members,  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator,  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

**I. Introduction.** We represent Lincoln Property Co. in this case ("Lincoln"), with regard to the retail property at Westchester Drive, between Luther Lane and Berkshire Lane in Preston Center. We are coming to you with our special exception request for certain exceptions to the pedestrian skybridge standards found in Sec. 51A-4.217(b)(12)(F) of the *Dallas Development Code* to facilitate safe pedestrian access to a community-serving use proposed for the second level of the retail building. As you may know, second floor retail spaces are very difficult to lease, and this represents a very creative and productive proposed use of the space.

A pedestrian skybridge has been designed to connect the upper level of the Preston Center parking garage with the retail building across Westchester Drive to the west. This building has been at this location for many years and has in the past housed a Sanger-Harris department store and, more recently, other uses. Lincoln plans to lease the space to a major grocery store chain so the grocer can open a first-class neighborhood-serving grocery store, with the skybridge link to the upper garage deck for the safety and convenience of grocery customers.

This skybridge is necessary to be able to quickly and safely transport customers from one side to the other without having to descend to street level with their groceries, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. In particular, this would be impossible to do with grocery carts. This is a matter not merely of convenience, but first and foremost of pedestrian safety. However, a pedestrian skybridge which crosses public right-of-way has a large number of requirements imposed by the City of Dallas in the pedestrian skybridge accessory use definition.

**II. Special Exception Request.** We are before you on this special exception request because of the regulations set forth below.

*SEC. 51A-4.217. ACCESSORY USES. (12) Pedestrian skybridges. (F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian*

11920571v.1

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

---

walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(iii) *Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade. We are requesting 14 feet clearance, per the Site Plan (4 foot decrease from 18 feet) This is due to the existing structure height on both sides, otherwise complicated and unnecessary elevation changes would be required.*

(iv) *If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width. We are requesting dimensions from 28 feet to a maximum of 61 feet (special exception of up to 41 feet). This design is for the purpose of enhancing customer safety and convenience.*

(vi) *Supports must not be located within the public right-of-way. There are certain small supports located in the right-of-way as per the Site Plan. These support columns are unobtrusive, represent no traffic hazard or any other adverse impact, are not detrimental in any way, and are necessary from an architectural and engineering standpoint to support the skybridge.*

(xi) *Pedestrian sky-bridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The divergence is approximately 45 degrees. As for (iv) above, this design is for the purpose of enhancing customer safety and convenience.*

**III. Special Exception Standard Issues.** The Board can grant a special exception from the above-described requirements on the following basis:

*(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:*

*(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;*

*(ii) the special exception will not adversely affect neighboring property; and*

*(iii) the special exception will not be contrary to the public interest.*

We believe that we clearly meet each of three standards required for granting of the special exception as follows:

**1. *Strict compliance with the requirements will unreasonably burden the use of either of the properties.*** The requested exceptions to the otherwise-required pedestrian skybridge standards are all necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the proposed grocery store. The skybridge of necessity must be at the height level of the parking deck and the retail use, that is, at 14 feet. Similarly, the

requested exceptions to the width and configuration standards are necessary to provide a pedestrian-friendly design to accommodate grocery shoppers with their carts and other items. Finally, the supports in the right-of-way are necessary for structural support of the skybridge as designed.

2. ***The special exception will not adversely affect neighboring property.*** There will be no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or clearance. The skybridge will also be very well designed and attractive. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use – as you know, second story retail has a track record in general of being difficult to use and lease, in particular for a grocer, whose customers by definition must transport multiple bags of items, either by hand or in a grocery cart.

3. ***The special exception will not be contrary to the public interest.*** Not only is this request in no way contrary to the public interest, this skybridge is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

**IV. Conclusion.** In summary, this request very clearly meets the standards required for granting of the special exception.

*First*, strict compliance with the requirements would unreasonably burden use of the properties as discussed above.

*Second*, the special exception will not adversely affect neighboring property.

*Third*, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

We look forward to appearing at your public hearing on January 21 to respectfully ask that you approve our request. Thank you very much.

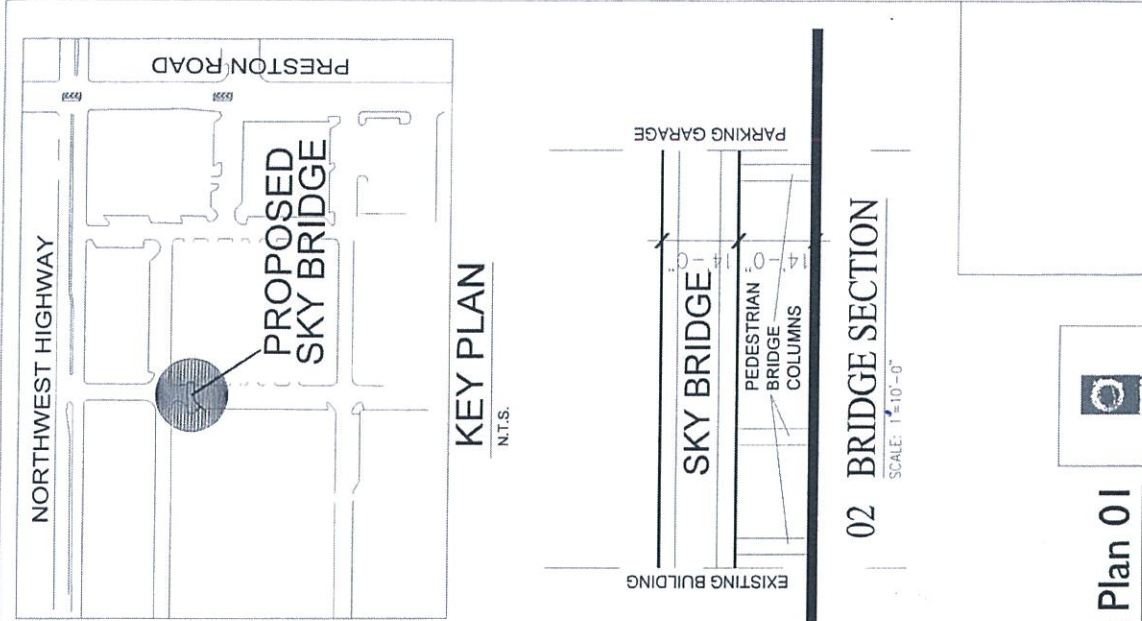
Very truly yours,



Jonathan G. Vinson

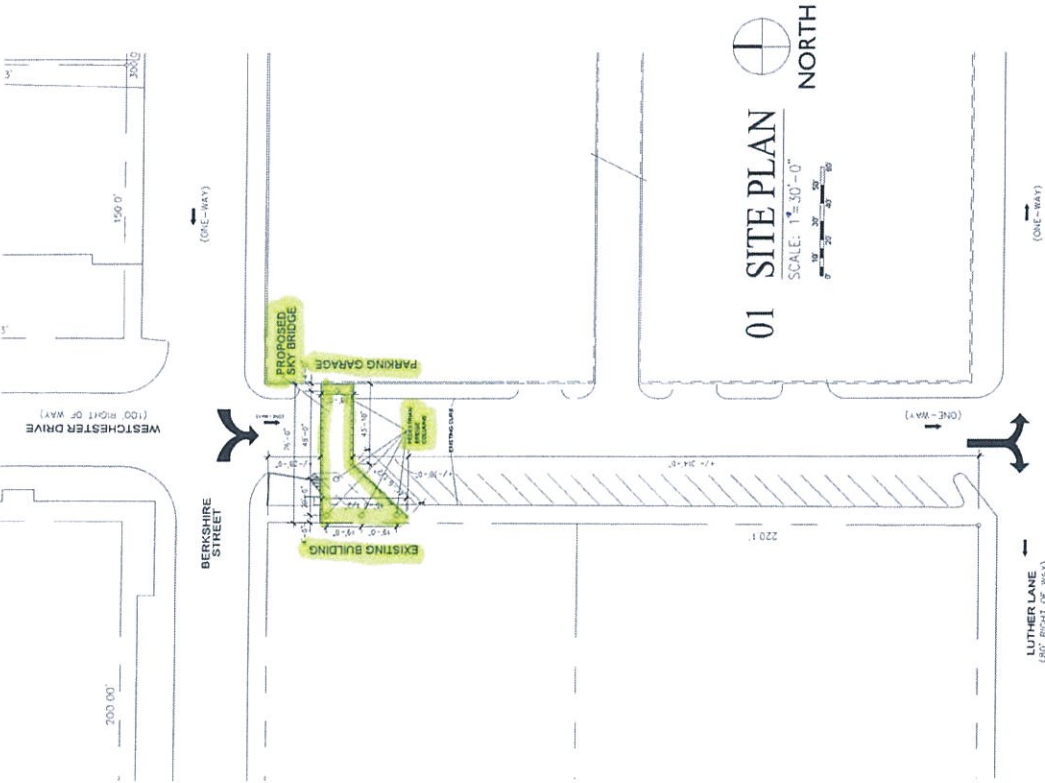
cc: Robert Dozier  
Jarrod Yates  
Susan Mead  
Suzan Kedron





### Site Plan 01

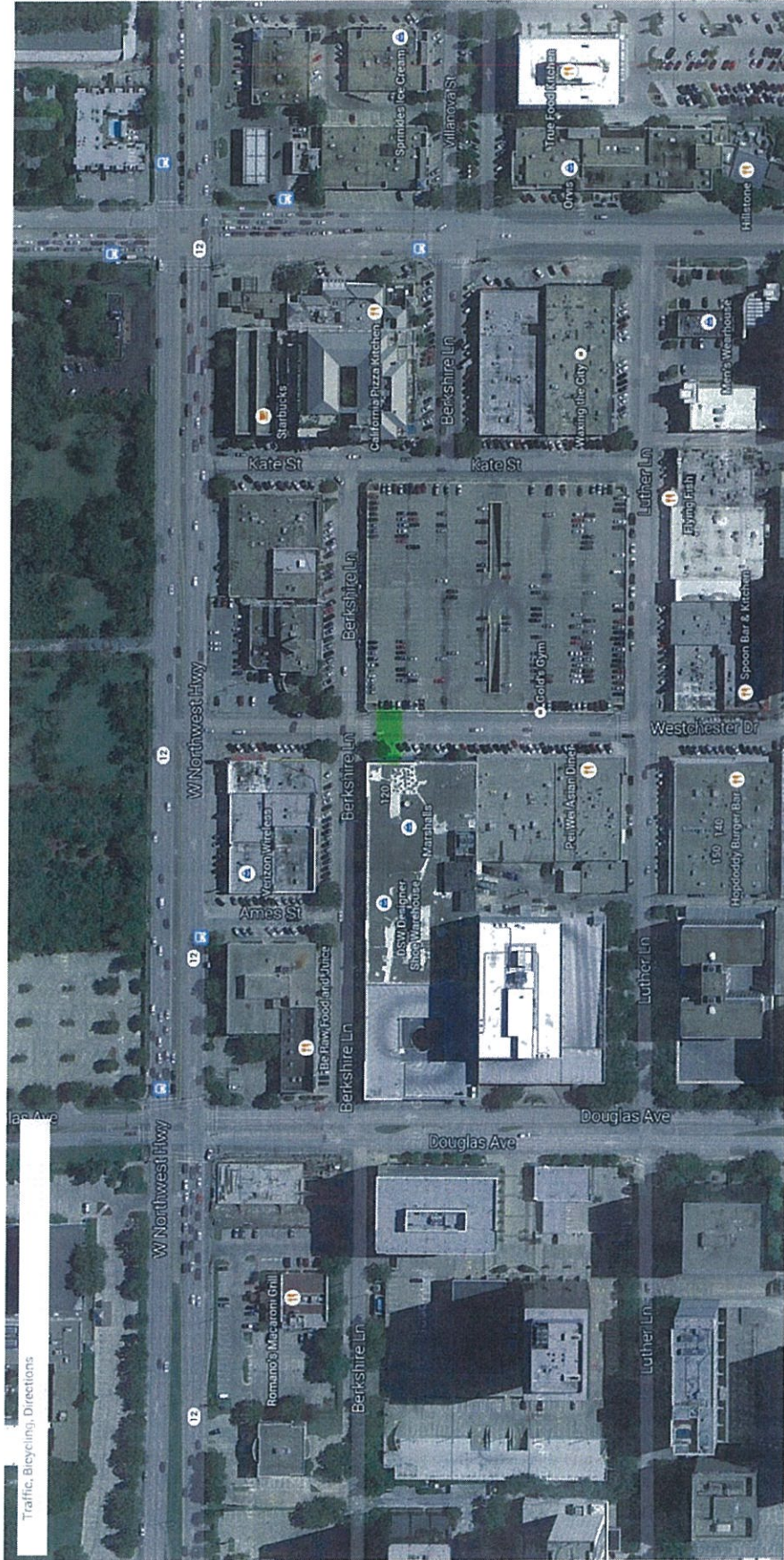
Date: 09.08.14 Scale 1"=30'-0"



Lincoln Property Company

**Preston Center Sky Bridge**  
8335 Westchester Drive  
Dallas, TX 75225

### 1. Site Plan/Bridge Section



2. Aerial Photo (showing approximate skybridge location)



8419 Westchester Dr  
 Dallas, Texas

Street View - Nov 2015

Image capture - Nov 2012

### 3. Area Photo – View South on Westchester

BDA 145-007  
 Attach D  
 Pg 11

<https://www.google.com/maps/@32.8649826,-96.8065694,3a,75y,176.72h,85.86t/data=!3m4!1e1!3m2!1sw19vw7F3uw1AhjaS0...> 1/9/2015



4. Area Photo – View North on Westchester

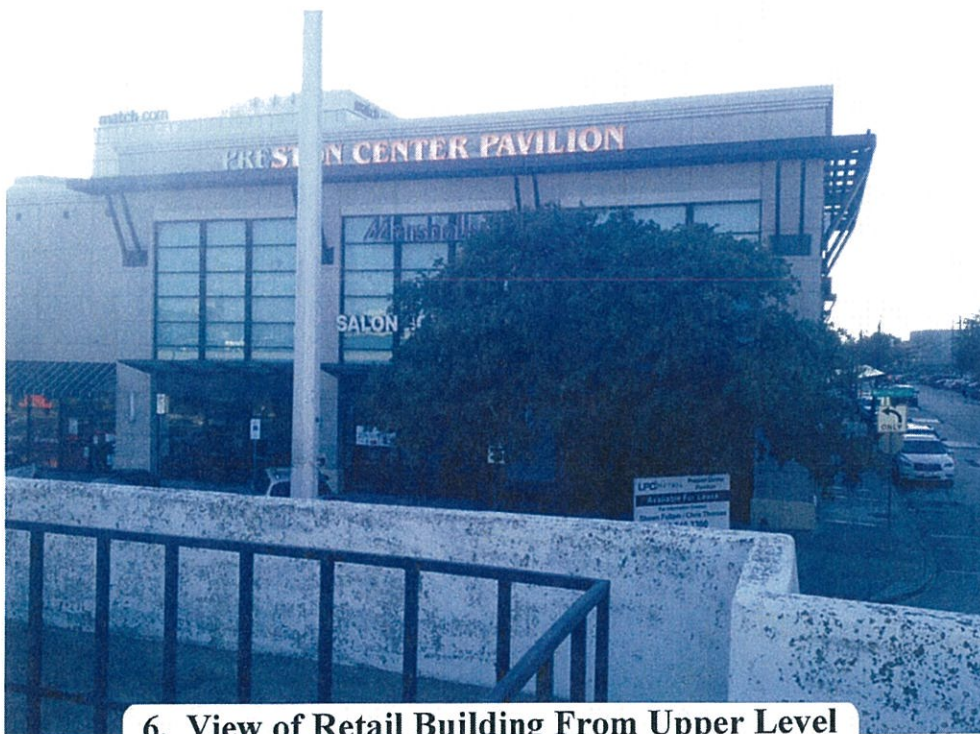
BDA 145-007  
Attach D  
Pg 12

Image capture: Nov 2012 © 2015 Google

<https://www.google.com/maps/@32.8643444,-96.8065796,3a,75y,6.55h,91.91t/data=!3m4!1e1!3m2!1s-p2jgl1mcplu29v8TzcFX...> 1/9/2015



**5. View of Retail Building from Ground Level of Garage**



**6. View of Retail Building From Upper Level of Garage**



**7. View of Northbound Westchester from  
Upper Level of Garage**

**Long, Steve**

Pg 1

**From:** Long, Steve  
**Sent:** Wednesday, March 11, 2015 12:37 PM  
**To:** Dean, Neva  
**Cc:** Moorman, Donna  
**Subject:** RE: skybridge

Ok. Thanks, Neva. Will do.

Steve

---

**From:** Dean, Neva  
**Sent:** Wednesday, March 11, 2015 11:37 AM  
**To:** Long, Steve  
**Cc:** Moorman, Donna  
**Subject:** skybridge

Ok to include in case report

Neva Dean, Interim Assistant Director  
Current Planning Division  
Sustainable Development & Construction Department  
(214) 670-5803  
[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)  
Main number: (214) 670-4209  
1500 Marilla St, Room 5BN

---

**From:** Majumdar, Aurobindo  
**Sent:** Wednesday, February 25, 2015 6:20 PM  
**To:** Cossum, David; Dean, Neva  
**Cc:** Cherryholmes, Steve  
**Subject:** RE: 15'

David

Here is what I dug up from a TXDOT website:

Sections 621.207 and 621.504 of the Texas Transportation Code restrict a vehicle and its load to a height of no more than 14 feet, unless an oversize/overweight permit is obtained from the department. It is unlawful to operate a vehicle over or on any bridge or through any underpass or similar structure unless the height of the vehicle, including its load, is less than the vertical clearance of the structure as shown by the department's records.

If a truck is allowed to have a maximum height of 14' per Texas Transportation Code, our bridges should have a minimum clearance of at least 1', preferably 2' over that height.

Auro Majumdar, P.E.; P.T.O.E.  
Asst. Director – Transportation Operations/ City Traffic Engineer

Department of Street Services  
City of Dallas  
Tel (214) 670-3122

BDA 145-007  
Attach E  
Pg 2

**Department of Street Services Mission Statement**

To ensure safety of streets and mobility within the City of Dallas, enhancing economic vibrancy and quality of life.

---

**From:** Dean, Neva  
**Sent:** Wednesday, February 25, 2015 9:12 AM  
**To:** Cossum, David  
**Subject:** RE: 15'

Any street with truck traffic should have a minimum clearance of 15' – this is a National minimum.

Auro Majumdar, P.E.; P.T.O.E.  
Asst. Director – Transportation Operations/ City Traffic Engineer  
Department of Street Services  
City of Dallas  
Tel (214) 670-3122

**Department of Street Services Mission Statement**

To ensure safety of streets and mobility within the City of Dallas, enhancing economic vibrancy and quality of life.





B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-007

Data Relative to Subject Property:

Date: 11-20-14

Location address: 8301 Westchester Drive Zoning District: PD 314

Lot No.: 6A; FR-1 Block No.: 5623 Acreage: 0.062 (skybridge) Census Tract: 73.01

Street Frontage (in Feet): 1) 60.53 (skybridge) 2) 28.0 (skybridge) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CH Realty VI/R Dallas Preston Center, L.P.

Applicant: ~~Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson~~ Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Represented by: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Affirm that an appeal has been made for a Variance   , or Special Exception , of    to allow a support for a pedestrian skybridge within the public right-of-way pursuant to Sec. 51A-4.217(b)(12)(H).

for clearance above the public right-of-way (4'); increase of 4' of the interior passage way; to increase the divergence from 30° to 45° of the perpendicular angle.

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:

- (i) Strict compliance with the requirements will unreasonably hinder the use of either/both of the properties;
- (ii) the special exception will not adversely affect neighboring property; and (iii) the special exception will not be contrary to the public interest.

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.

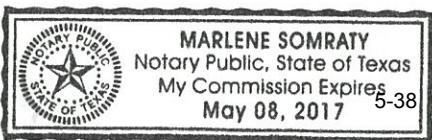
Affidavit

Before me the undersigned on this day personally appeared Suzan Kedron (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)

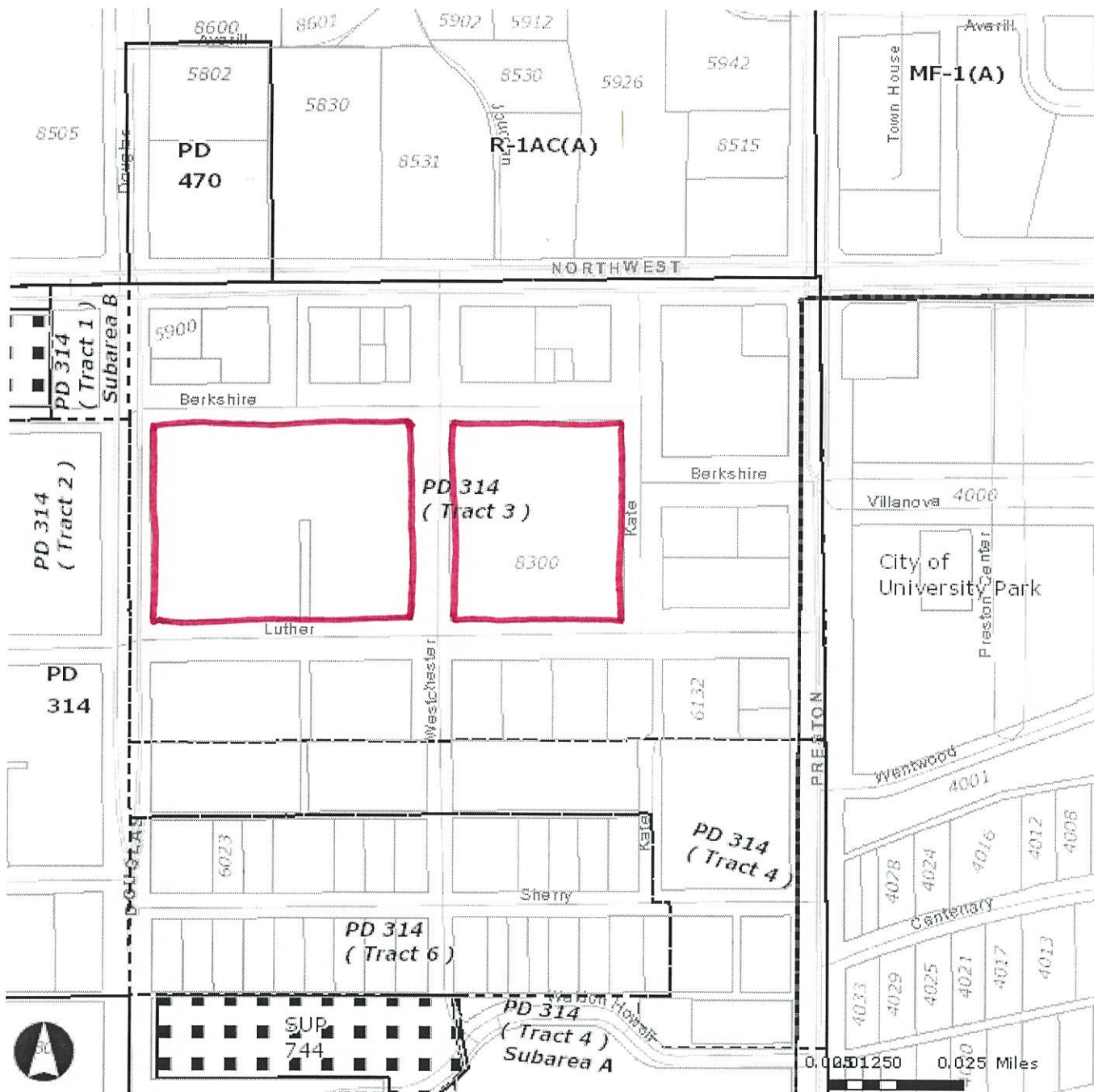
Subscribed and sworn to before me this 19<sup>th</sup> day of November, 2014

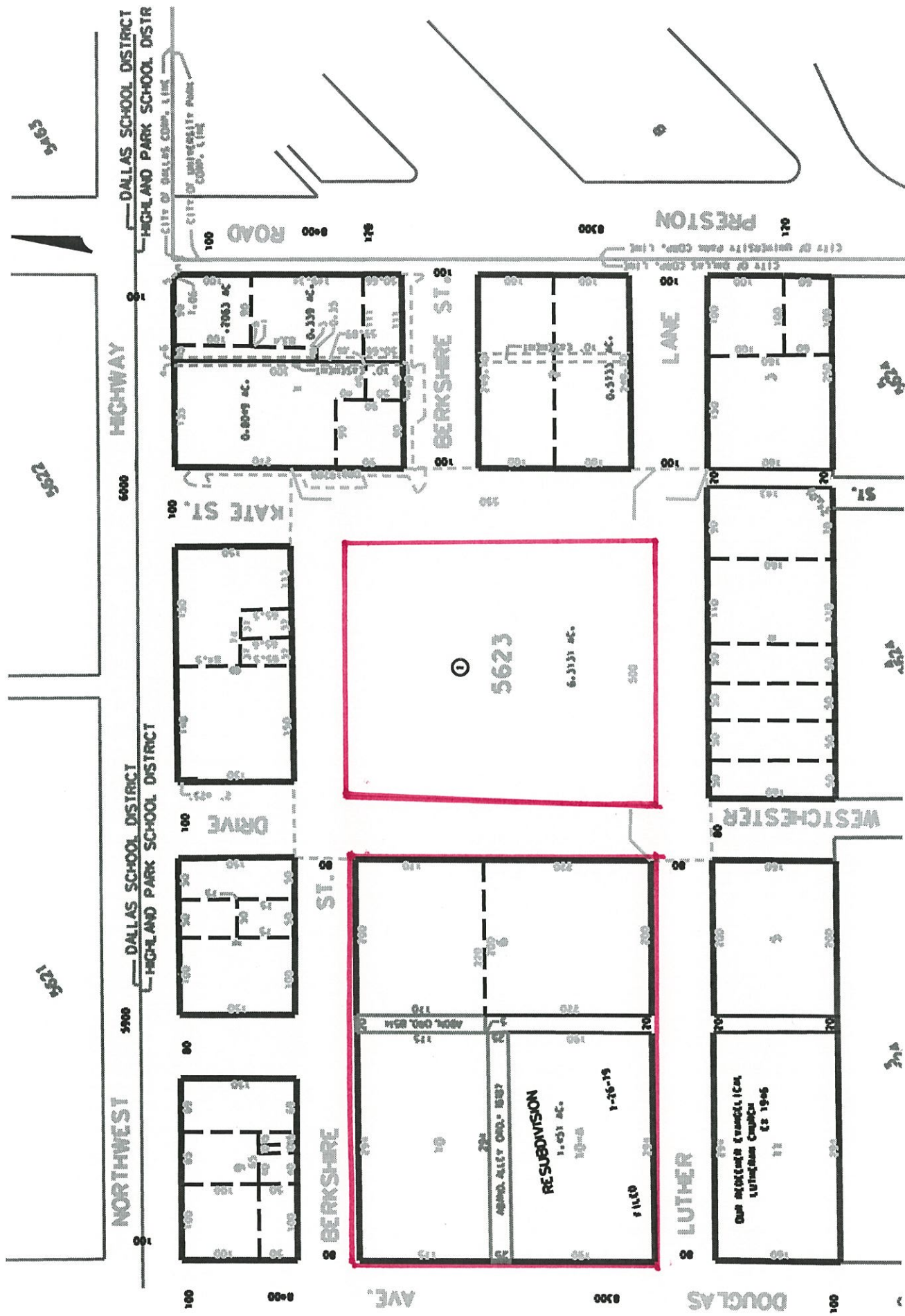


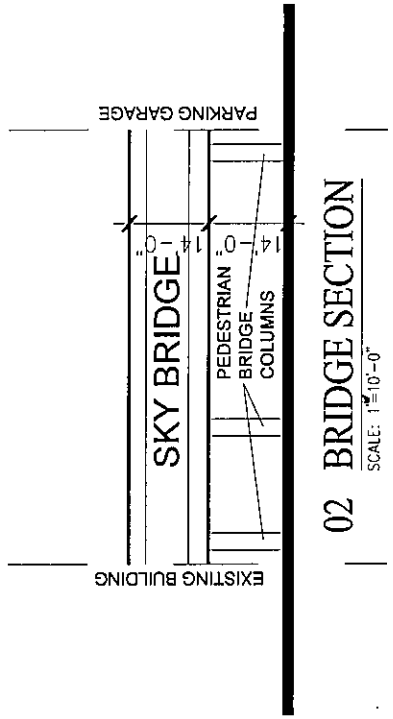
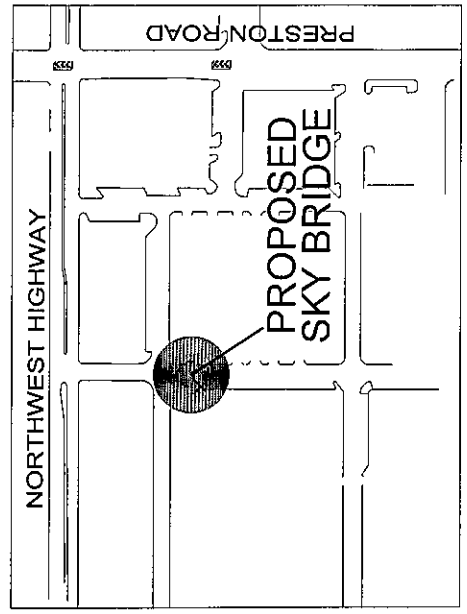
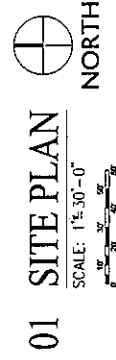
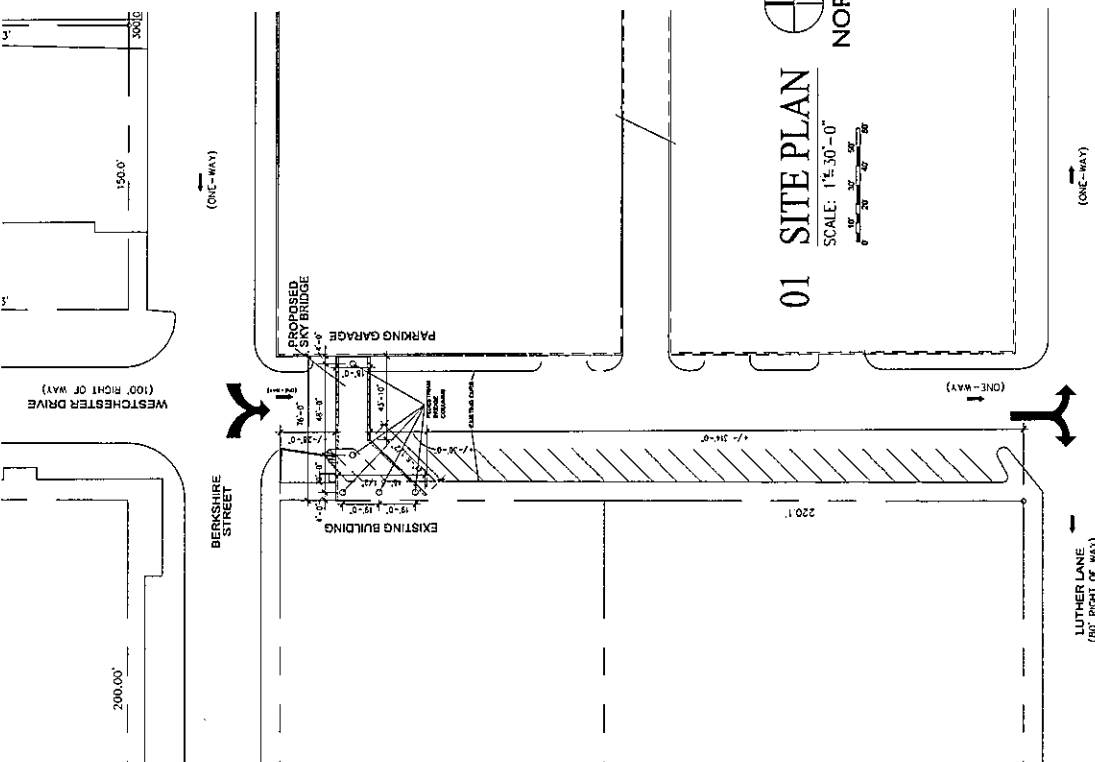
Marlene Somraty Notary Public in and for Dallas County, Texas



134-341





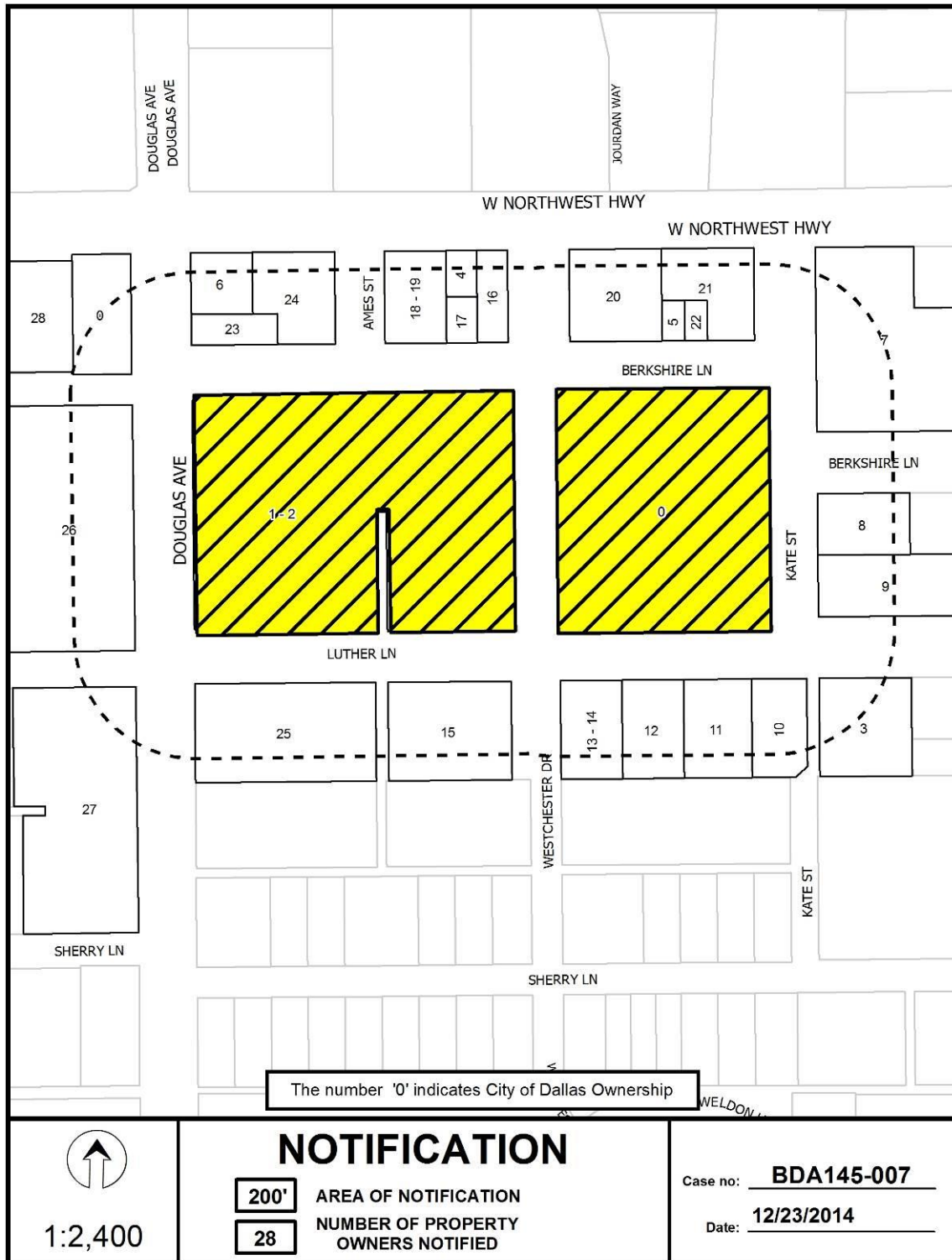


**Site Plan 01**  
Date: 09.08.14 Scale 1"=30'-0"

Lincoln Property Company

**Preston Center Sky Bridge**

8335 Westchester Drive  
Dallas, TX 75225



## *Notification List of Property Owners*

***BDA145-007***

***28 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8301 WESTCHESTER DR	CH REALTY VI R DALLAS PRESTON CTR LP
2	8300 DOUGLAS AVE	CFO DT II LLC
3	6132 LUTHER LN	KATE LUTHER LP
4	5930 NORTHWEST HWY	LOBELLO SAM INV
5	6115 BERKSHIRE LN	K & B COMM TEXAS LTD ETAL
6	5900 NORTHWEST HWY	HBT PARTNERS LP
7	8411 PRESTON RD	PRESTON CTR WEST JV
8	8307 PRESTON RD	ROBBINS SERAFINA ETAL
9	6131 LUTHER LN	PRESTON SQUARE TRUST THE
10	6126 LUTHER LN	RAMSBOTTOM PARTNERS LP
11	6118 LUTHER LN	RAMSBOTTOM PARTNERS LP
12	6110 LUTHER LN	MCEVOY A PATRICK ET AL
13	6100 LUTHER LN	TREK RESOURCES INC
14	6100 LUTHER LN	TREK RESOURCES INC
15	6038 LUTHER LN	RB PASS LLC
16	5938 NORTHWEST HWY	KINNEY PROPERTY F & P LTD
17	6033 BERKSHIRE LN	6033 BERKSHIRE LLC
18	5926 NORTHWEST HWY	LOBELLO SAM INV
19	5926 NORTHWEST HWY	LCT MATHEWS JV
20	8400 WESTCHESTER DR	SEARS DIANA COX &
21	5960 NORTHWEST HWY	CURRIN LAND JOINT VENTURE
22	6117 BERKSHIRE LN	K & B COMM TEXAS LTD ETAL
23	6003 BERKSHIRE LN	BERKSHIRE DOUGLAS RETAIL
24	6019 BERKSHIRE LN	HBT PARTNERS LP
25	8226 DOUGLAS AVE	DOUGLAS PLAZA LAND LLC
26	8333 DOUGLAS AVE	CFO DT III LLC

12/23/2014

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	8235 DOUGLAS AVE	DIP SPV COMPANY 4 LLC
28	5858 NORTHWEST HWY	DB FIVE GRILL LP



**FILE NUMBER:** BDA 145-014

**BUILDING OFFICIAL'S REPORT:** Application of Ed Simons of Masterplan for a special exception to the landscape regulations at 6405 (AKA 6565) Bandera Avenue. This property is more fully described as Lot 8A, Block 4/5464, and is zoned MF-1(A), 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:** 6405 (AKA 6565) Bandera Avenue

**APPLICANT:** Ed Simons of Masterplan

**REQUEST:**

A request for a special exception to the landscape regulations is made to maintain a multifamily use (Bandera Avenue Townhomes), and not fully meet the landscape regulations.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan due to the restrictive interior lot conditions. The Chief Arborist concludes that strict compliance with the requirements of Article X would unreasonably burden the use of the property, and that the special exception would not adversely affect neighboring property.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: MF-1(A) (Multifamily)  
North: D(A) (Duplex)  
South: MF-1(A) (Multifamily))  
East: MF-1(A) (Multifamily))  
West: MF-1(A) (Multifamily)

### **Land Use:**

The site is currently developed with a multifamily use (Bandera Avenue Town Homes). The area to the north is developed with duplex use; and the areas to the east, south, and west are developed with multifamily 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 multifamily use (Bandera Avenue Townhomes), and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the existing landscaping on the site and the proposed alternate landscape plan submitted by the applicant representing these conditions is for an exception to the mandatory requirements of site trees, perimeter landscape buffer for residential adjacency, and buffer plant materials.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo states how this request is triggered by the new construction of a multifamily development.
- The Chief Arborist's memo lists the following deficiencies:
  1. Site trees: the plan proposes 32 site trees when 45 are required

2. Perimeter landscape buffer strip and buffer plant groups: No landscaping improvements for the north perimeter buffer and no buffer plant groups when 1 large tree per 50 linear feet of adjacency (or 22 large trees) is required. (A tall solid screen fence provides the only visual buffer between the multifamily use and the adjacent residential uses).
- The Chief Arborist’s memo lists the following factors for consideration:
    1. The property exceeds the required number of 29 street trees. The property also has provided two design standards including screening of off-street parking (underground parking) and foundation planting.
    2. According to the applicant, the underground parking structure extends to the north property line and from beneath the building structures. The placement of the large trees, as required by code, would be prohibitive with severely limited soil availability over a structure. This may also be restrictive for structural reasons.
    3. The property was developed under a building project involving multiple properties and addresses which originated in Express Review in November of 2005. The review and inspection process for this address is incomplete. The property is occupied.
    4. Board approval of an alternate landscape plan does not amend the conditions of the tree ordinance regulations which may be applicable to the property, or remove requirements for compliance with city licensing provisions for parkway improvements.
  - The City of Dallas Chief Arborist recommends approval of the alternate landscape plan due to the restrictive interior lot conditions. The Chief Arborist concludes that strict compliance with the requirements of Article X would unreasonably burden the use of the property, and that the special exception would not adversely affect neighboring property.
  - The applicant has the burden of proof in establishing the following:
    - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
  - If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the site tree, perimeter landscape buffer, and buffer plant material requirements of Article X: The Landscape Regulations.

**Timeline:**

November 23, 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 B.

January 14, 2015: The Board Administrator contacted the applicant and emailed the following information:

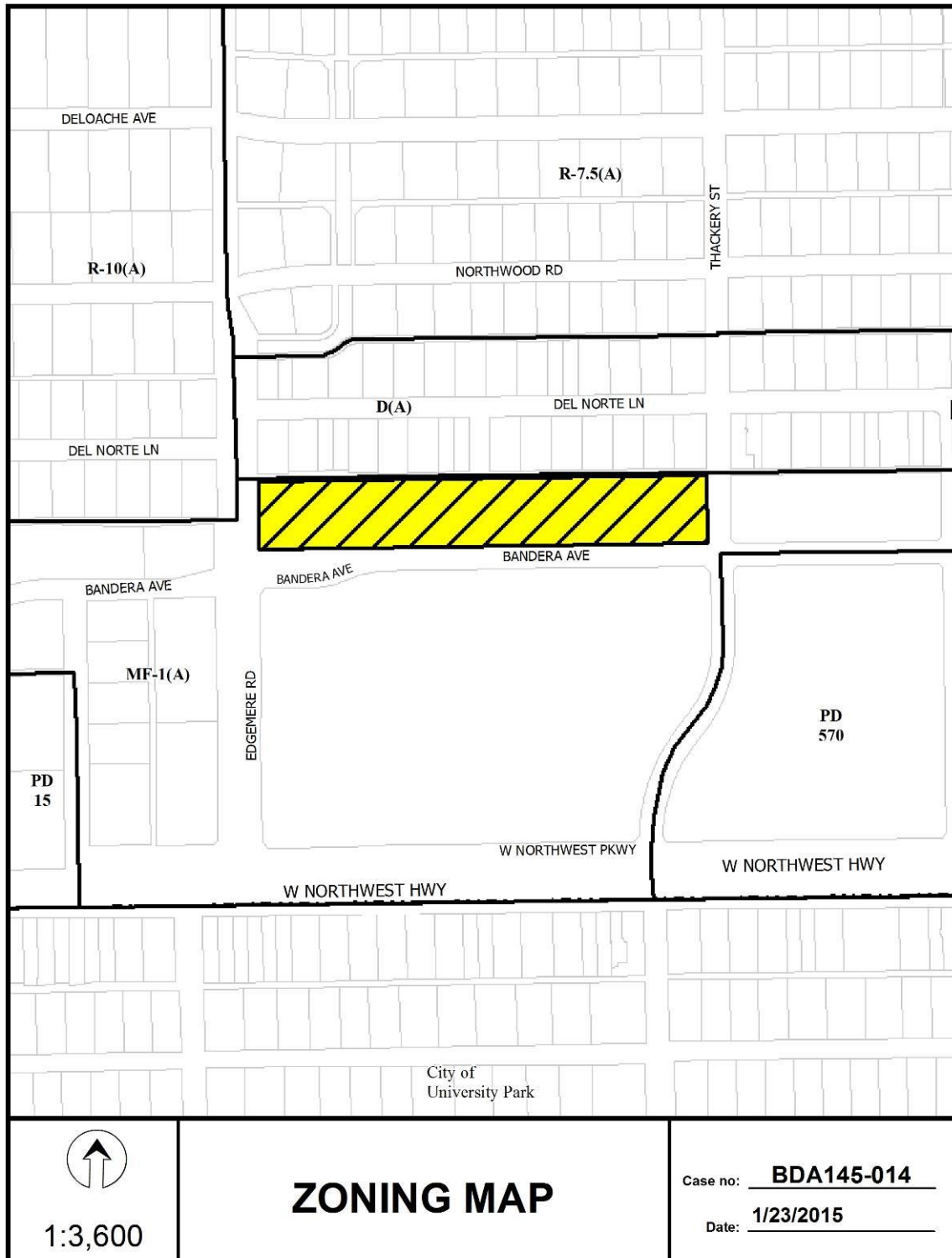
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the January 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 6<sup>th</sup> 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."

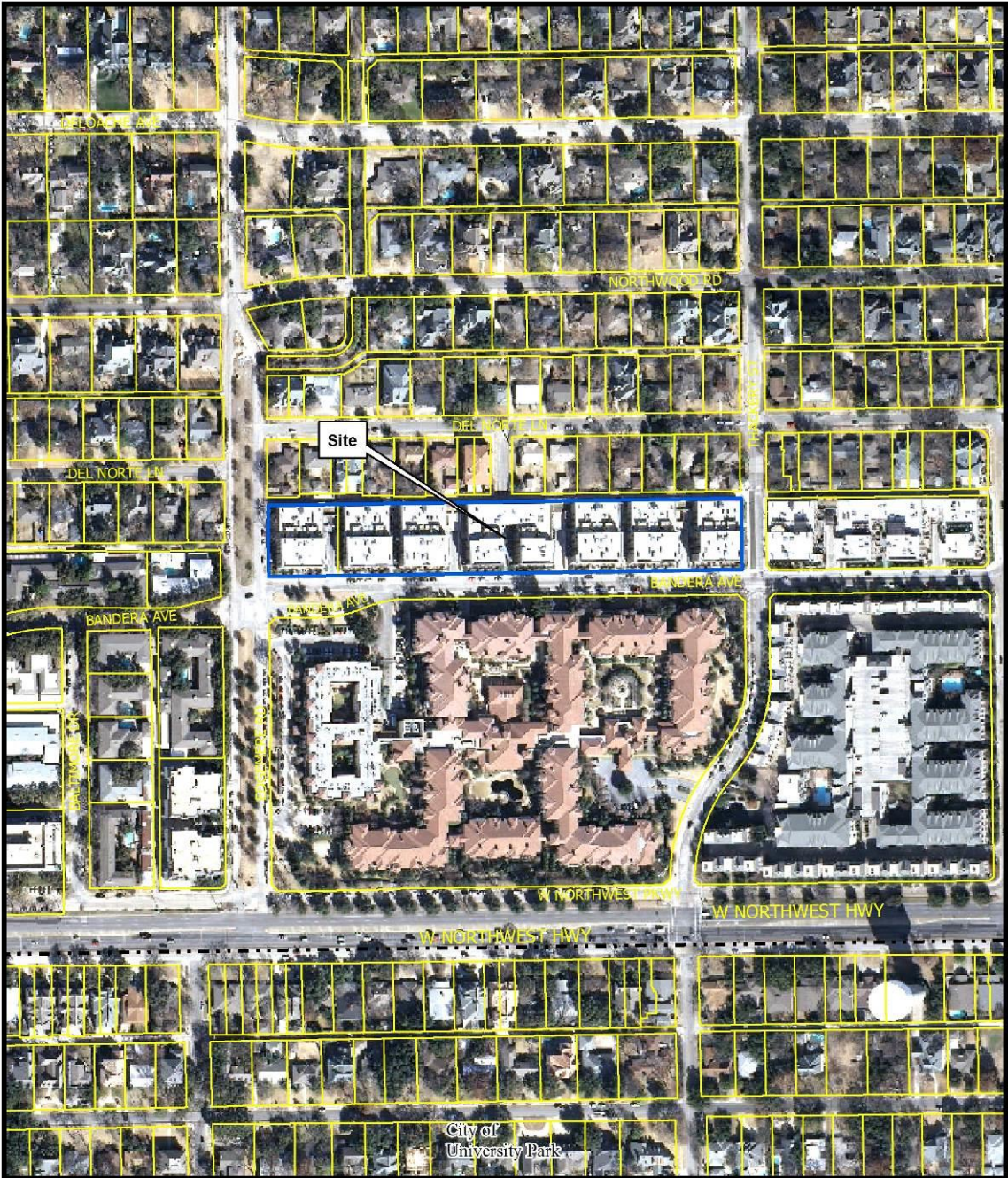
March 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, Building 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.

March 5, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

March 6, 2015: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).

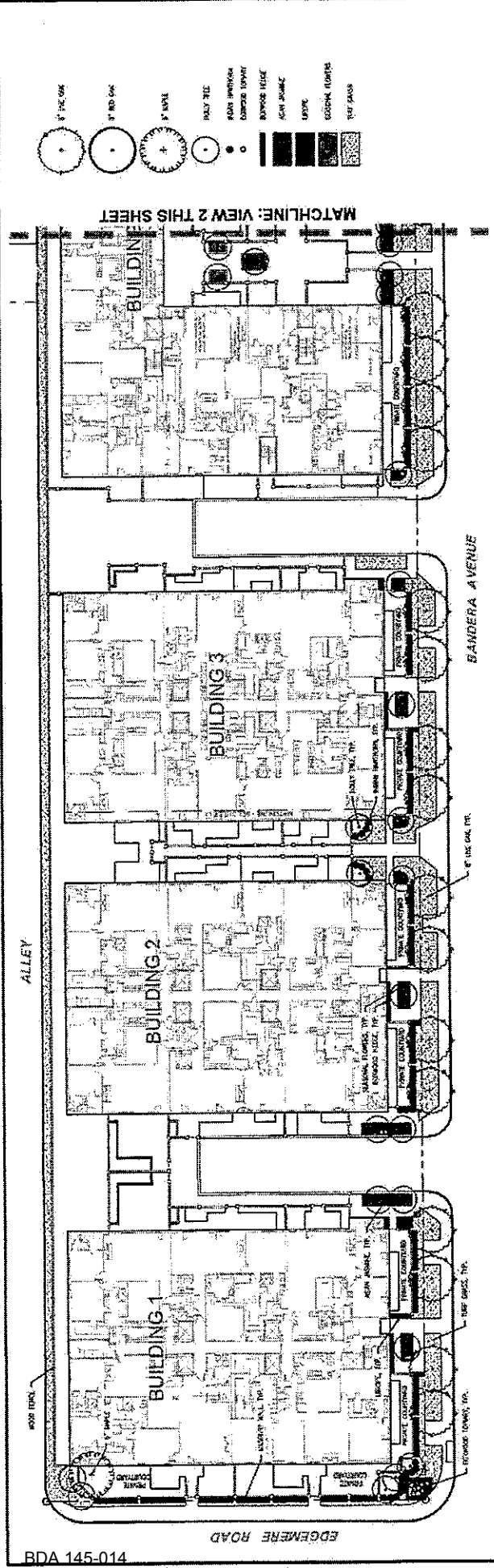




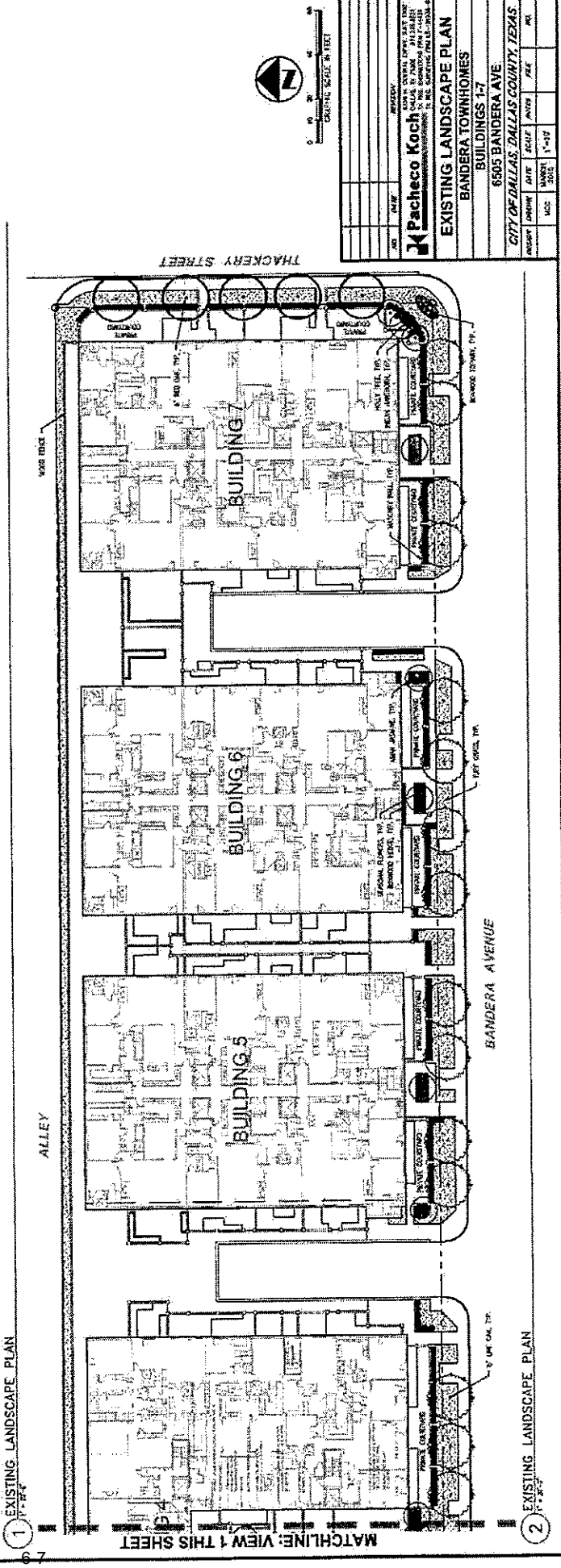
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# AERIAL MAP

Case no: BDA145-014  
Date: 1/23/2015



MATCHLINE: VIEW 2 THIS SHEET



MATCHLINE: VIEW 1 THIS SHEET

<b>Pacheco Koch</b> ARCHITECTS 6505 BANDERA AVE DALLAS, TEXAS 75204	
PROJECT NO.	145-014
DATE	11-11-17
SCALE	AS SHOWN
PROJECT	EXISTING LANDSCAPE PLAN
NO.	1
BANDERA TOWNHOMES BUILDINGS 1-7 6505 BANDERA AVE CITY OF DALLAS, DALLAS COUNTY, TEXAS	

# Memorandum



DATE March 6, 2015  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 145 · 014 6405 Bandera

The applicant is requesting a special exception to the landscape requirements of Article X. Specifically, the request is for exception to the mandatory requirements of site trees (10.125(b)(3)), perimeter landscape buffer strip requirements for residential adjacency (10.125(b)(1)), and buffer plant materials (10.125(b)(7)).

## Trigger

New construction of a multifamily development.

## Deficiencies

The existing landscaping on site, and the proposed alternative landscape plan submitted by the applicant representing these conditions, shows the following deficiencies:

Site trees – the plan proposes 32 site trees but the property requires 45 site trees. Most site trees are listed as small holly trees. Street trees planted off-site in the parkway may not be registered as site trees under Article X ordinance.

Perimeter landscape buffer strip and buffer plant groups – the plan provides for no landscaping improvements for the north perimeter buffer and does not provide for buffer plant groups. The buffer plant group requirement is 1 large tree per 50 linear feet of adjacency, or 22 large trees. A tall solid screen fence provides the only visual buffer between the multifamily use and the adjacent residential uses.

## Factors

The property exceeds the required number of 29 street trees. The property also has provided for two design standards including screening of off-street parking (underground parking) and foundation planting.

According to the applicant, the underground parking structure extends to the north property line and extending from beneath the building structures. The placement of large trees, as required under Article X, would be prohibitive with severely limited soil availability over a structure. This may also be restrictive for structural reasons.



BDA145-014  
Attach B  
Pg 2

The property was developed under a building project involving multiple properties and addresses which originated in Express Review on November 18, 2005. The review and inspection process for this address is incomplete. The property is occupied.

Board approval of an alternative landscape plan does not amend the conditions of the tree ordinance regulations which may be applicable to this property, or remove requirements for compliance with city licensing provisions for parkway improvements.

#### Recommendation

Due to the restrictive interior lot conditions, the chief arborist recommends approval of the alternative landscape plan. I believe strict compliance with the landscape requirements of this article will unreasonably burden the use of the property, and I believe the special exception will not adversely affect neighboring property.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-014

Data Relative to Subject Property:

Date: November 23, 2014

Location address: 6405-5665 Bandera Zoning District: MF-2(A)<sup>1</sup>

Lot No.: 8A Block No.: 4/5464 Acreage: 4.146 Census Tract: 77.00

Street Frontage (in Feet): 1 1104 2 155 3) 155 4) \_\_\_\_\_ 5) \_\_\_\_\_ NE35

To the Honorable Board of Adjustment:

Owner of Property/or Principal Drexel Development CO.LLC and Drexel Bandera I LP

Applicant: Ed Simons (Masterplan) Telephone: 214-761-9197

Mailing Address 900 Jackson, Suite 640 Zip Code: 75202

Represented by: Same Telephone: Same

Mailing Address: Same Zip Code: \_\_\_\_\_

Affirm that a request has been made for a Variance   , or Special Exception X, of landscape regulations  
pertaining to perimeter buffer strip and planting requirements

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The project was constructed with an underground parking garage that extends to the rear property line. There are limited opportunities to provide the required buffer.

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

Respectfully submitted: Ed Simons Applicant's name printed [Signature] Applicant's signature

Affidavit

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

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 24 day of NOVEMBER 2014



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

(Rev. 08-20-09)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

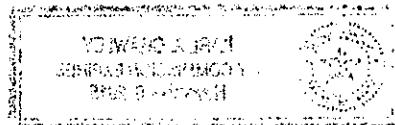
I hereby certify that Ed Simons

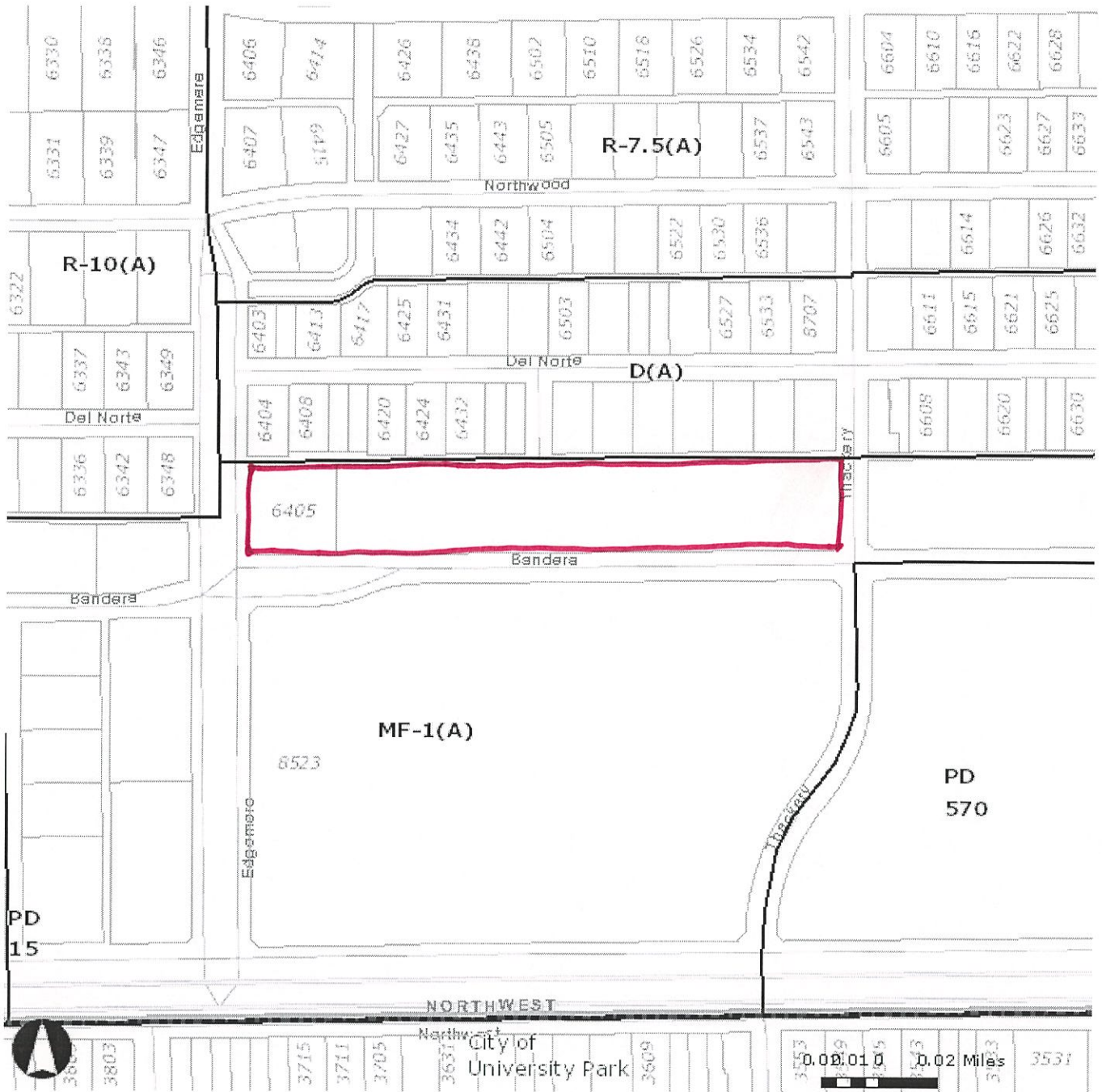
did submit a request for a special exception to the landscaping regulations  
at 6405 Bandera Avenue (AKA: 6565 Bandera Ave.)

BDA145-014. Application of Ed Simons for a special exception to the landscaping regulations at 6405 Bandera Avenue (aka: 6565). This property is more fully described as Lot 8A, Block 4/5464, and is zoned MF-1(A), which requires mandatory landscaping. The applicant proposes to construct a multifamily residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

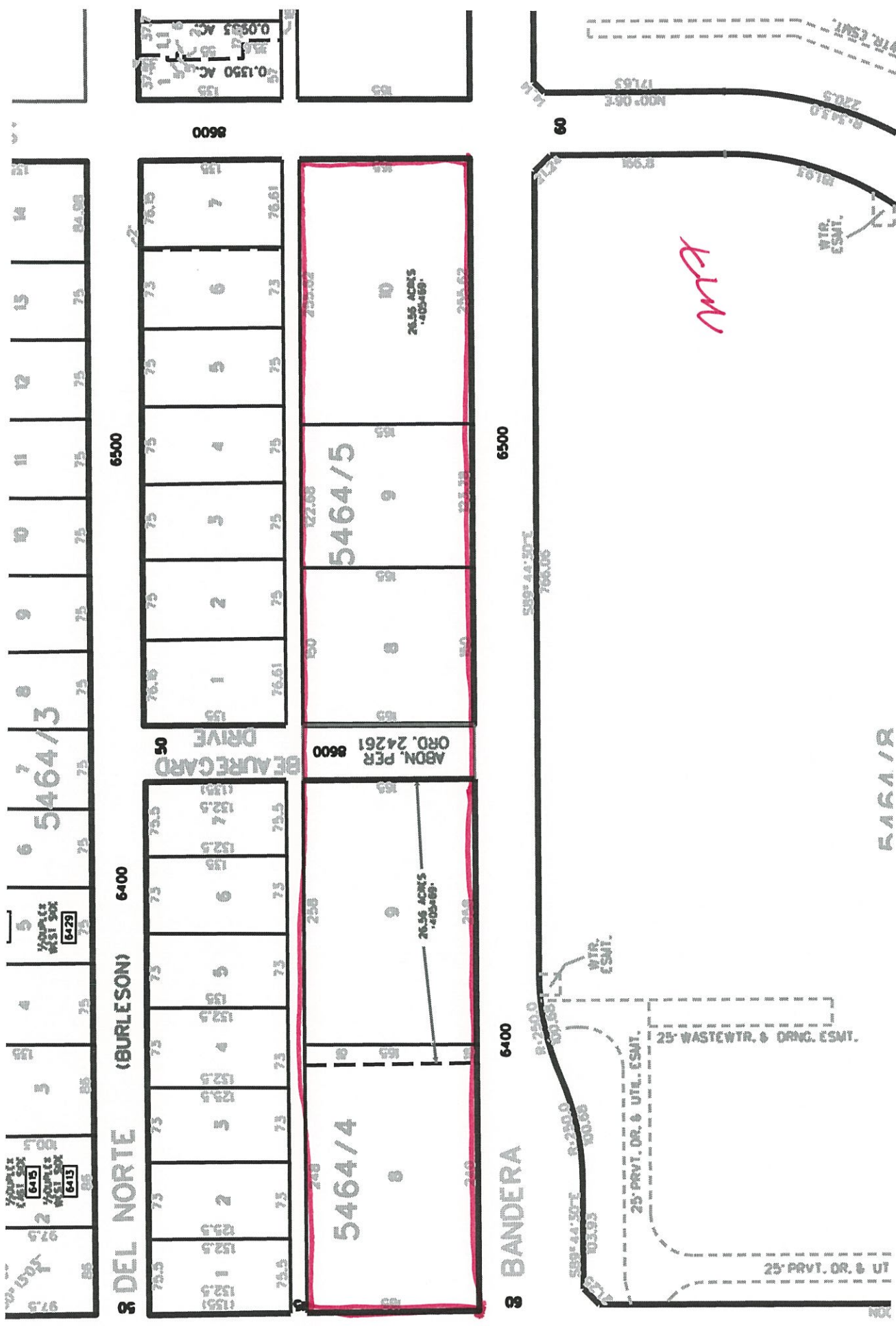
Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official

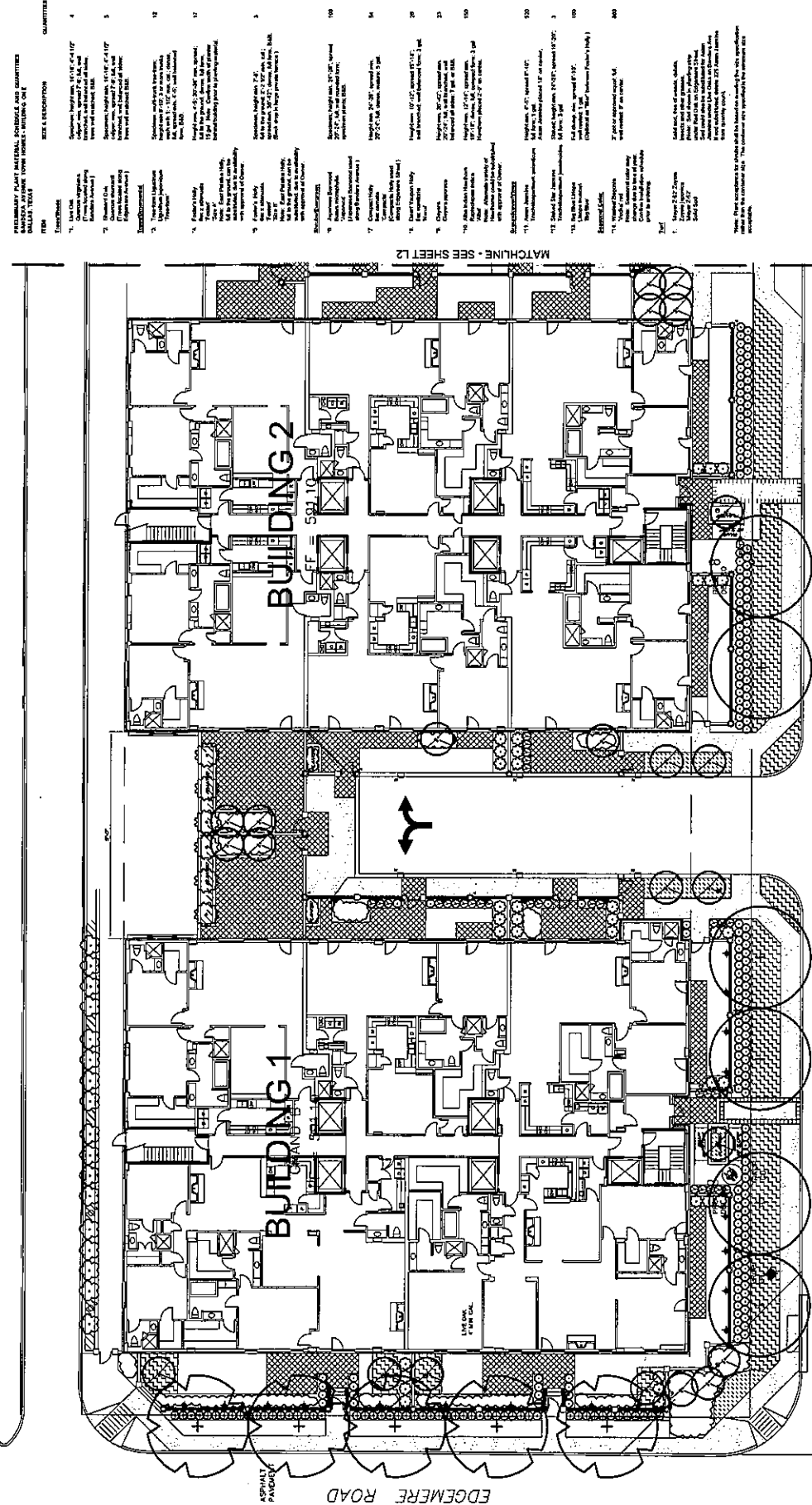




*Handwritten signature or initials in red ink.*



DATE	NO.	DESCRIPTION
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02/10/10	02	ISSUED FOR PERMITS
03/10/10	03	ISSUED FOR PERMITS
04/10/10	04	ISSUED FOR PERMITS
05/10/10	05	ISSUED FOR PERMITS
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09/14/10	57	ISSUED FOR PERMITS
10/14/10	58	ISSUED FOR PERMITS
11/14/10	59	ISSUED FOR PERMITS
12/14/10	60	ISSUED FOR PERMITS



PRELIMINARY PLANT MATERIAL SCHEDULE AND QUANTITIES  
MULTIPLY BY NUMBER OF UNITS TO OBTAIN TOTAL QUANTITY

ITEM	DESCRIPTION	QUANTITIES
1	Asphalt Paver	4
2	Asphalt Paver	4
3	Asphalt Paver	4
4	Asphalt Paver	4
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60	Asphalt Paver	4

### LEGEND


SOLID SOIL  
 ECOLOGICAL COLOR  
 JAPANESE CEDAR  
 COMPACT HOLLY  
 DWARF JAPANESE HOLLY  
 GREEN  
 STAR-JADE  
 LIVE OAK 6" DBH CAL.  
 LIVE OAK 8" DBH CAL.  
 LIVE OAK 10" DBH CAL.  
 LIVE OAK 12" DBH CAL.  
 LIVE OAK 14" DBH CAL.  
 TREE FORM ORNAMENTAL  
 FOXTAIL HOLLY 12"  
 FOXTAIL HOLLY 18"  
 FOXTAIL HOLLY 24"  
 JAPANESE BIRCHWOOD

## BUILDING 1 LANDSCAPE PLAN

SCALE: 1"=10'

BANDERA AVENUE

8

MATCHLINE - SEE SHEET L2

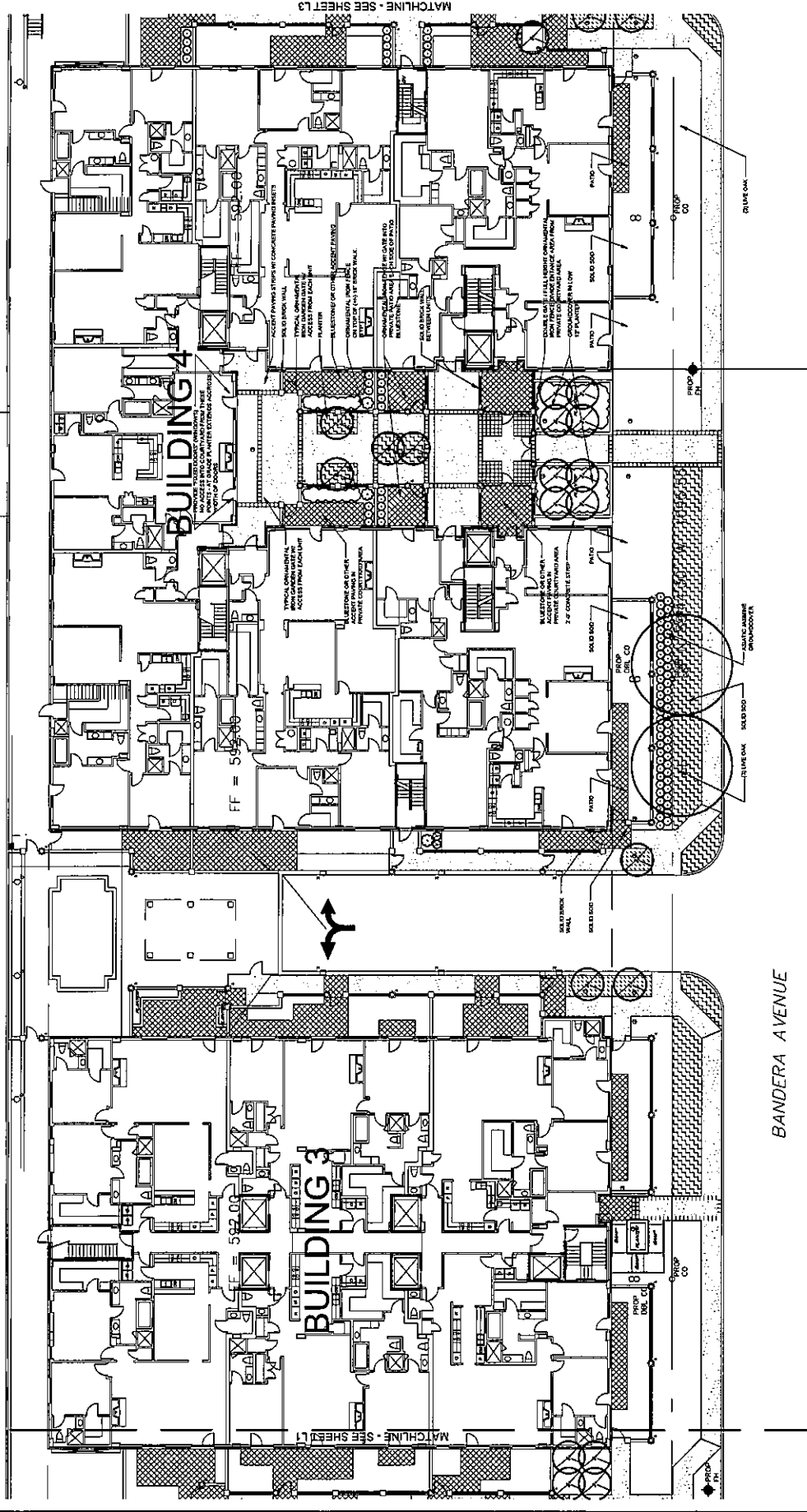
BUILDING 2

BUILDING 1

EDGEMERE ROAD

ASPHALT PAVEMENT

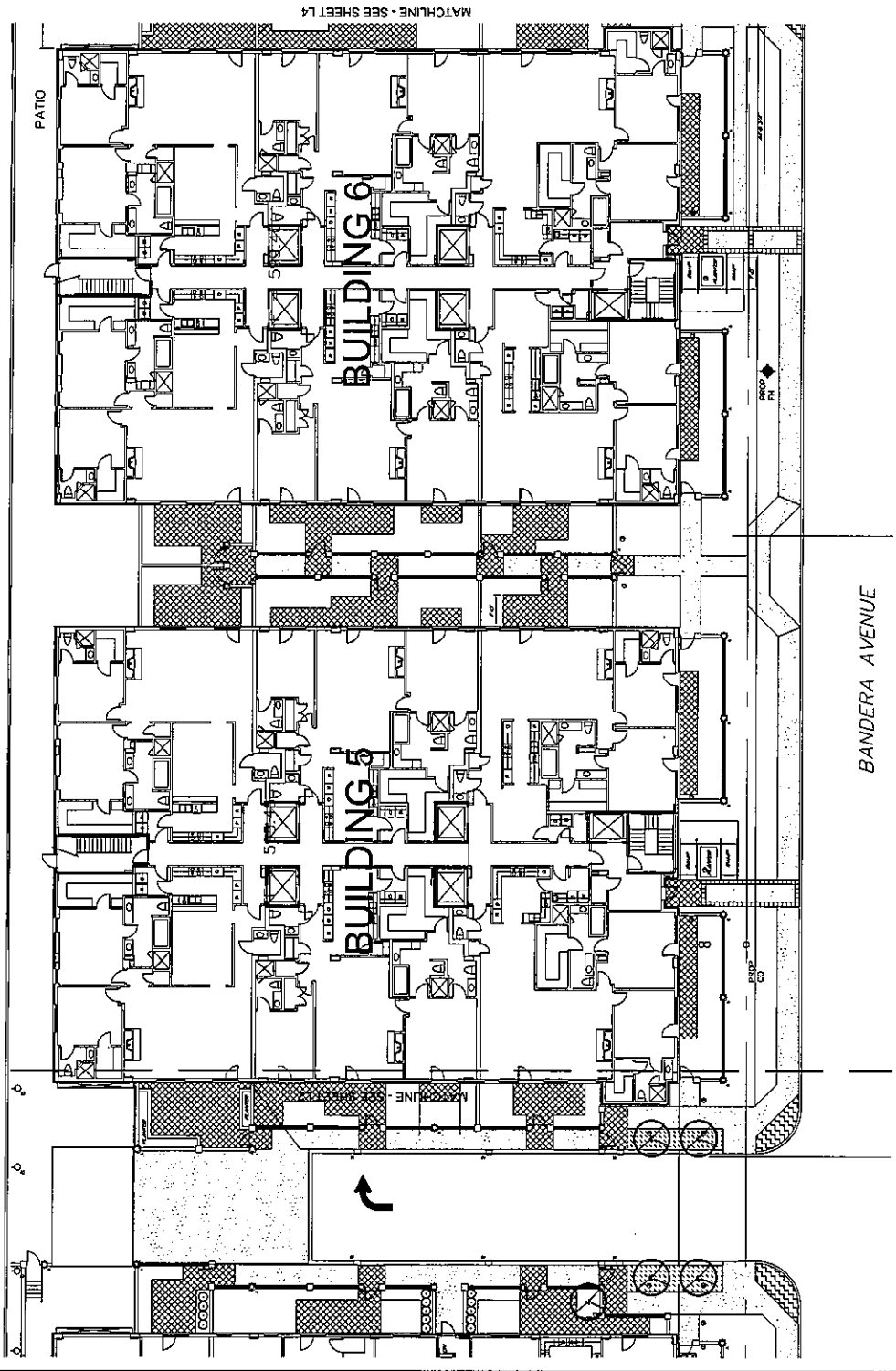
CON. NO.	00000
DATE	05/20/17
SCALE	1"=10'-0"
BY	DM
CHECKED	
DATE	
APPROVED	
DATE	



**BUILDING 3 & 4**  
**LANDSCAPE PLAN**  
 SCALE: 1"=10'-0"

LEGEND

BANDERA AVENUE



LEGEND

BANDERA AVENUE

MATCHLINE - SEE SHEET L4

PATIO

BUILDING 6

BUILDING 5

POP

PN

POP

PN

Job No.	00000
Project	Bandera Avenue
Sheet	L3
Date	10/1/14
Scale	1" = 10'-0"
Drawn	
Checked	
Approved	

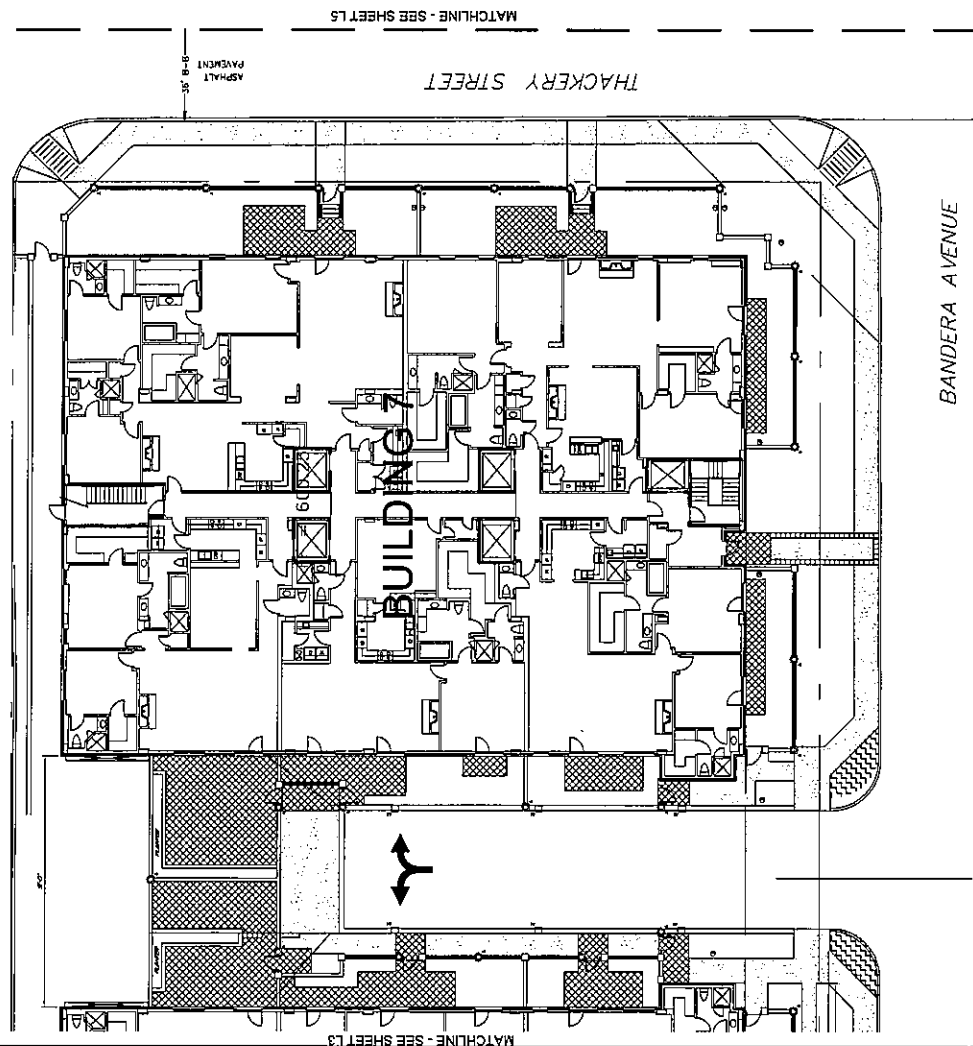
BUILDING 5 & 6  
LANDSCAPE PLAN





APP. NO.	00000
DATE	05/25/00
BY	ML/PLH
CHECKED	
DATE	
BY	
CHECKED	
DATE	
BY	
CHECKED	
DATE	
BY	

BUILDING 7  
LANDSCAPE PLAN  
SHEET 1 OF 2



MATCHLINE - SEE SHEETS 1S

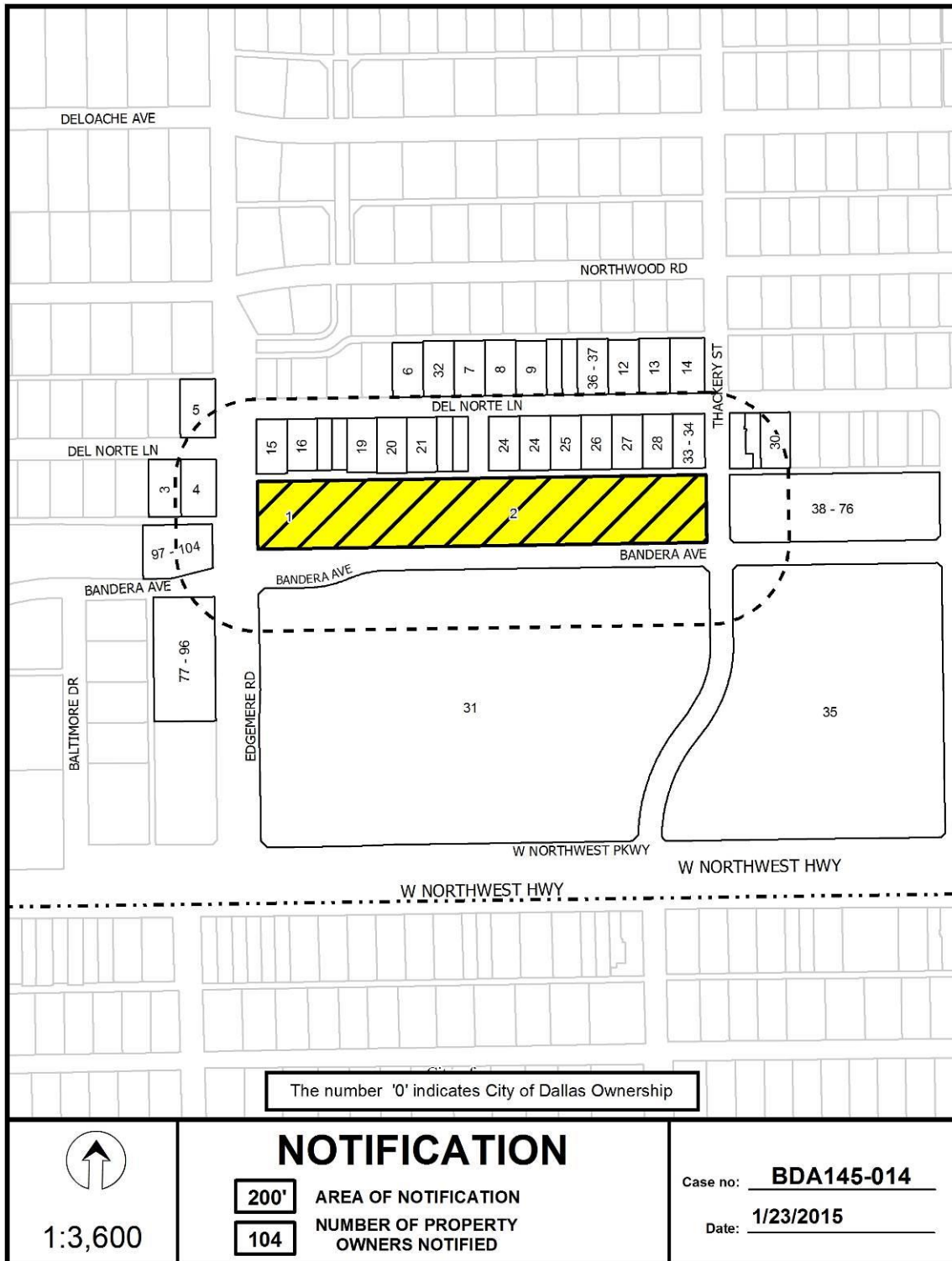
ASPHALT  
PAVEMENT

THACKERY STREET

BANDERA AVENUE

MATCHLINE - SEE SHEET 1S

LEGEND



# *Notification List of Property Owners*

## *BDA145-014*

### *104 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6405 BANDERA ST	DREXEL BANDERA I LP
2	6565 BANDERA AVE	DREXEL DEV CO LLC
3	6342 DEL NORTE LN	DEL PORTO JEROME P &
4	6348 DEL NORTE LN	HULL SHERRIE NEWSOM &
5	6349 DEL NORTE LN	HARBOUR BRUCE H JR
6	6431 DEL NORTE LN	FLANDERS PATTI DEE
7	6443 DEL NORTE LN	MASSEY ANDREA E &
8	6503 DEL NORTE LN	KERSHAW ELLA H
9	6511 DEL NORTE LN	ZIMMERMAN VICTOR J
10	6515 DEL NORTE LN	T & A NELSON RESOURCES LTD
11	6515 DEL NORTE LN	CMS METRO INVESTMENTS
12	6527 DEL NORTE LN	LEE JOHN C
13	6533 DEL NORTE LN	KUNG TIMOTHY
14	8707 THACKERY ST	HOFFMAN ROBERT LEE
15	6404 DEL NORTE LN	HUMPHREY R W II
16	6408 DEL NORTE LN	SARFATIS ROBERT
17	6414 DEL NORTE LN	MERCER EDWARD M & ANNE W
18	6416 DEL NORTE LN	CHESTER DONALD B & SUSAN
19	6420 DEL NORTE LN	NEIL WILLIAM R
20	6424 DEL NORTE LN	GOLDBERG RICHARD A
21	6432 DEL NORTE LN	ELY ROWENIA
22	6436 DEL NORTE LN	DODGE FAMILY TRUST THE
23	6438 DEL NORTE LN	LEWIS PAUL
24	6502 DEL NORTE LN	MATTER TOM
25	6514 DEL NORTE LN	T & A NELSON RESOURCES
26	6520 DEL NORTE LN	PLUMMER ROBERT C & ANNA K

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	6526 DEL NORTE LN	SEDTA LOUIS & ANN
28	6534 DEL NORTE LN	SHERER DAVID M
29	6602 DEL NORTE LN	BCH DEVELOPMENT LLC
30	6608 DEL NORTE LN	GUTHRIE MAURA P
31	8523 THACKERY ST	INTERCITY INVESTMENTS
32	6435 DEL NORTE LN	MATISE HOYT R & PATRICIA A
33	6540 DEL NORTE LN	BRADEN CAROLE L
34	6538 DEL NORTE LN	BRADEN CAROLE L
35	8600 THACKERY ST	INTERCITY INVESTMENTS
36	6521 DEL NORTE LN	ODONNELL TERI E
37	6523 DEL NORTE LN	MORAN ROBERT E JR & LUZ S
38	6605 BANDERA AVE	LAIN DANNY B & SARA K
39	6605 BANDERA AVE	HICKMAN BETSY B
40	6605 BANDERA AVE	GLUCK MARTIN R & SUSAN B
41	6605 BANDERA AVE	DUNN PETER A
42	6605 BANDERA AVE	SG HEALTH GROUP LLC
43	6605 BANDERA AVE	POWERS DAVID LEON
44	6605 BANDERA AVE	BOND WILLIAM M
45	6605 BANDERA AVE	TEEGARDEN DAVID KENT & SUZANNE HARRIS TEEG
46	6605 BANDERA AVE	WYSONG KATHARINE L
47	6605 BANDERA AVE	WOOLDRIDGE KAREN A
48	6605 BANDERA AVE	SIDERIS DINO G
49	6605 BANDERA AVE	LERMAN MELVYN & ELAINE
50	6605 BANDERA AVE	DEVRIES WILLEML J & ASA C
51	6605 BANDERA AVE	STETSON ROBERT J &
52	6615 BANDERA AVE	FITZSIMMONS CHARLES M & CHERI E
53	6615 BANDERA AVE	JACOBS DAVID M &
54	6615 BANDERA AVE	LEE MING-ZE & PEARL TANG
55	6615 BANDERA AVE	RIVERA ELIZABETH
56	6615 BANDERA AVE	ALCANTAR JOSEPH
57	6615 BANDERA AVE	KASPAR MARK R &

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	6615 BANDERA AVE	ROLLINS NANCY K
59	6615 BANDERA AVE	BETTS DIANNE
60	6615 BANDERA AVE	FRONZAGLIO JOSEPH G &
61	6615 BANDERA AVE	LEE MING-ZE
62	6615 BANDERA AVE	POGOLOFF ISABEL M
63	6615 BANDERA AVE	MICHELS KURT S & JESSICA M
64	6615 BANDERA AVE	PERRY KENNETH W & MARY S
65	6615 BANDERA AVE	COYLE FRANCIS P & DEDMON JUDITH
66	6615 BANDERA AVE	IKPH 2010 LLC
67	6615 BANDERA AVE	ACKERMAN NEEL B &
68	6625 BANDERA AVE	BARTON BENNY M
69	6625 BANDERA AVE	HERMAN JESALEXIS
70	6625 BANDERA AVE	BRODSKY LOTTYE
71	6625 BANDERA AVE	LOVELL DANIEL S & AMBER C
72	6625 BANDERA AVE	NELSON ALAN D & ANGELA V
73	6625 BANDERA AVE	CONNELL B ALLEN & KATHLEEN C
74	6625 BANDERA AVE	LISOTTA ANTHONY C SR & RUTH A
75	6625 BANDERA AVE	ALCOTT MAGGIE
76	6625 BANDERA AVE	RIGNEY ONESIA
77	8615 EDGEMERE RD	NANNEY D ROGER &
78	8615 EDGEMERE RD	BRENNER MAUREEN A
79	8619 EDGEMERE RD	RICE NORMAN R & SHARON F
80	8619 EDGEMERE RD	ANTHONY CHARLES T & JEAN C
81	8619 EDGEMERE RD	ZUNIGA ADA M
82	8619 EDGEMERE RD	MCBURNETT WINSTON
83	8625 EDGEMERE RD	ANTHONY CHARLES T & JEAN C
84	8625 EDGEMERE RD	KECHEJIAN MARIE F
85	8625 EDGEMERE RD	SPARKMAN LAURA LOUISE
86	8625 EDGEMERE RD	COLE TIM
87	8629 EDGEMERE RD	WALTON KATHLEEN REBECCA
88	8629 EDGEMERE RD	GOODMAN JEFFREY

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	8629 EDGEMERE RD	WOLF BARBARA I & MELVIN A
90	8629 EDGEMERE RD	SMITH BOBBIE H
91	6358 BANDERA AVE	POON PATRICK YAU ON
92	6358 BANDERA AVE	LEWIS MARION & PAULINE ANN
93	6358 BANDERA AVE	KARIEL NANCY E
94	6358 BANDERA AVE	SPARKMAN PATTI L
95	6815 BANDERA AVE	WALKER BILLY RAY LIVING TRUST
96	8621 BANDERA AVE	WILLIAMS LISA ANN
97	6359 BANDERA AVE	KACI INVESTMENTS LLC
98	6359 BANDERA AVE	SIMS THOMAS B
99	6359 BANDERA AVE	FANNING ELIZABETH K
100	6359 BANDERA AVE	HARRIS JOHN ANDREW SR &
101	8639 EDGEMERE RD	JONES PHYLLIS ANN
102	8639 EDGEMERE RD	MILLER TERESA J
103	8639 EDGEMERE RD	LIPSCOMB DOROTHY E
104	8639 EDGEMERE RD	HALEY KAREN LOUISE