

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 19, 2011
AGENDA

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

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, September 21, 2011 Board of Adjustment Public Hearing Minutes	M1
Consideration and approval of Panel B's 2012 Public Hearing Schedule	M2

UNCONTESTED CASES

BDA 101-087	1808 Sylvan Avenue REQUEST: Application of John Batsell for a special exception to the tree preservation regulations	1
BDA 101-091	3021 Bachman Drive REQUEST: Application of Pablo Chavez for a variance to the front yard setback regulation	2
BDA 101-093	2906 E. Kiest Boulevard REQUEST: Application of Bill Manning, represented by Masterplan Consultants, for a special exception to the off-street parking regulations	3
BDA 101-098	4109 Marshall Street REQUEST: Application of Eric Miller for a special exception to the parking regulations	4

HOLDOVER CASE

BDA 101-085 6414 Abrams Road 5
REQUEST: Application of Ric Nesbit
for a special exception to the landscape regulations

REGULAR CASE

BDA 101-089 2817 Maple Avenue 6
REQUEST: Application of Frank Waterhouse,
represented by Michael R. Coker Company, for
variances to the front yard setback regulations and 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]

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B September 21, 2011 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

Consideration and approval of Panel B's 2012 Public Hearing Schedule.

FILE NUMBER: BDA 101-087

BUILDING OFFICIAL'S REPORT:

Application of John Batsell for a special exception to the tree preservation regulations at 1808 Sylvan Avenue. This property is more fully described as Lot 1 in City Block A/4021 and a 2.3673 acre tract in City Block 4021 and is zoned PD No. 714, Subdistrict 1B and IR, which requires mandatory tree mitigation. The applicant proposes to construct and maintain a structure and remove protected trees on the site and provide an alternate tree mitigation plan, which will require a special exception to the tree preservation regulations.

LOCATION: 1808 Sylvan Avenue

APPLICANT: John Batsell

REQUEST:

- A special exception to the tree preservation regulations is requested in conjunction with not fully mitigating protected trees removed on a vacant site to be developed with retail development.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The applicant shall fully comply with Article X: Tree Preservation Regulations with one exception: the applicant is granted an extended time period in which to fully mitigate for tree removal on site to either October 19, 2013 or before the final landscape inspection for new development on the site/property, whichever comes first.

Rationale:

- The applicant has substantiated how strict compliance with the requirements of the Tree Preservation Regulations will unreasonably burden the use of the property; and that the special exception will not adversely affect neighboring property.
- The City's Chief Arborist recommends approval of this request with the imposition of the condition mentioned above, largely because the applicant proposes to fully mitigate for protected trees removed on the site but only seeks exception from the provisions by requesting an extension in time in which to do so until *after* the site has been developed.

STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:

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

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

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

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

GENERAL FACTS:

- The Dallas Development Code states that the Tree Preservation, Removal, and Replacement Regulations apply to all property in the city except for: a) lots smaller than two acres in size that contain single family or duplex uses; and b) lots in a planned development district with landscaping and tree preservation regulations that vary appreciably from those in the provisions set forth in Chapter 51A.
- The Dallas Development Code states that if a tree removal application is approved, one or more healthy replacement trees must be planted in accordance with the following requirements:
 1. Quantity. The total caliper of replacement trees must equal or exceed the total caliper of the protected trees removed or seriously injured.
 2. Species. A replacement tree must be one of the specific “approved replacement trees” listed, and no one species of tree may constitute more than 30 percent of the replacement trees planted on a lot or tract.
 3. Location. The replacement trees must be planted on the lot from which the protected tree was removed or seriously injured, except as otherwise allowed by the code as an “alternate method of compliance with tree replacement requirements.” Replacement trees may not be planted within a visibility triangle, a water course, or an existing or proposed street or alley.
 4. Minimum size. A replacement tree must have a caliper of at least two inches.

5. Timing. Except as otherwise provided in the code, all replacement trees must be planted within 30 days after the removal or serious injury of the protected trees.

If the property owner provides the building official with an affidavit that all replacement trees will be planted within six months, the building official shall permit the property owner to plant the replacement trees during the six-month period.

If the property owner provides the building official with a performance bond or letter of credit in the amount of the total cost of purchasing and planting replacement trees, the building official may permit the property owner up to 18 months to plant the replacement trees with the following restrictions:

- For single family or multifamily developments, at least 50 percent of the total caliper of replacement trees must be planted before 65 percent of the development has received a final building inspection or a certificate of occupancy, and all replacement trees must be planted prior to the completion of the development; and
- In all other cases, the replacement trees must be planted prior to the issuance of a certificate of occupancy.

A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree that complies with the tree preservation regulations.

- The Dallas Development Code provides the following “alternate methods of compliance with tree replacement requirements” if the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the lot where the protected tree was removed or seriously injured (the “tree removal property”):
 1. Donate the replacement tree to the city’s park and recreation department.
 2. Plant the replacement tree on other property in the city that is within one mile of the tree removal property.
 3. Make a payment into the Reforestation Fund.
 4. Grant a conservation easement to the city.
- The applicant has stated on the application that he is “requesting an extension to the original mitigation date...an additional 24 month extension from the date of Board of Adjustment hearing.”
- The City of Dallas Chief Arborist submitted a memo to the Board Administrator (see Attachment A). The memo states among other things how the applicant is seeking an exception to the timing provisions of the Tree Preservation Regulations triggered by tree removal on the site in conjunction with development of the property. But rather than the applicant adhering to the provisions set forth in Article X by mitigating removed trees within 6 or 18 months from the tree removal in December of 2010 (which would be mitigation by June of 2011 or June of 2012), the applicant seeks to fully mitigate once the site is developed which the applicant projects on his application to be “an additional 24 month extension from date of Board of Adjustment hearing.”

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 713 (Subdistrict 1B) & IR (Planned Development and Industrial Research)
North: PD No. 713 (Subdistrict 1B) (Planned Development)
South: Interstate 30
East: IR (Industrial Research)
West: PD No. 713 (Subdistrict 2B) (Planned Development)

Land Use:

The site is currently undeveloped. The area to the north is developed with commercial uses; the area to the east is developed with a public use (U.S. Post Office); the area to the south is Interstate 30; and the area to the west is developed with retail/office uses.

Zoning/BDA History:

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

Timeline:

- July 12, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- September 21, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- September 21, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 4, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance

included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Sustainable Development and Construction Department Engineering Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

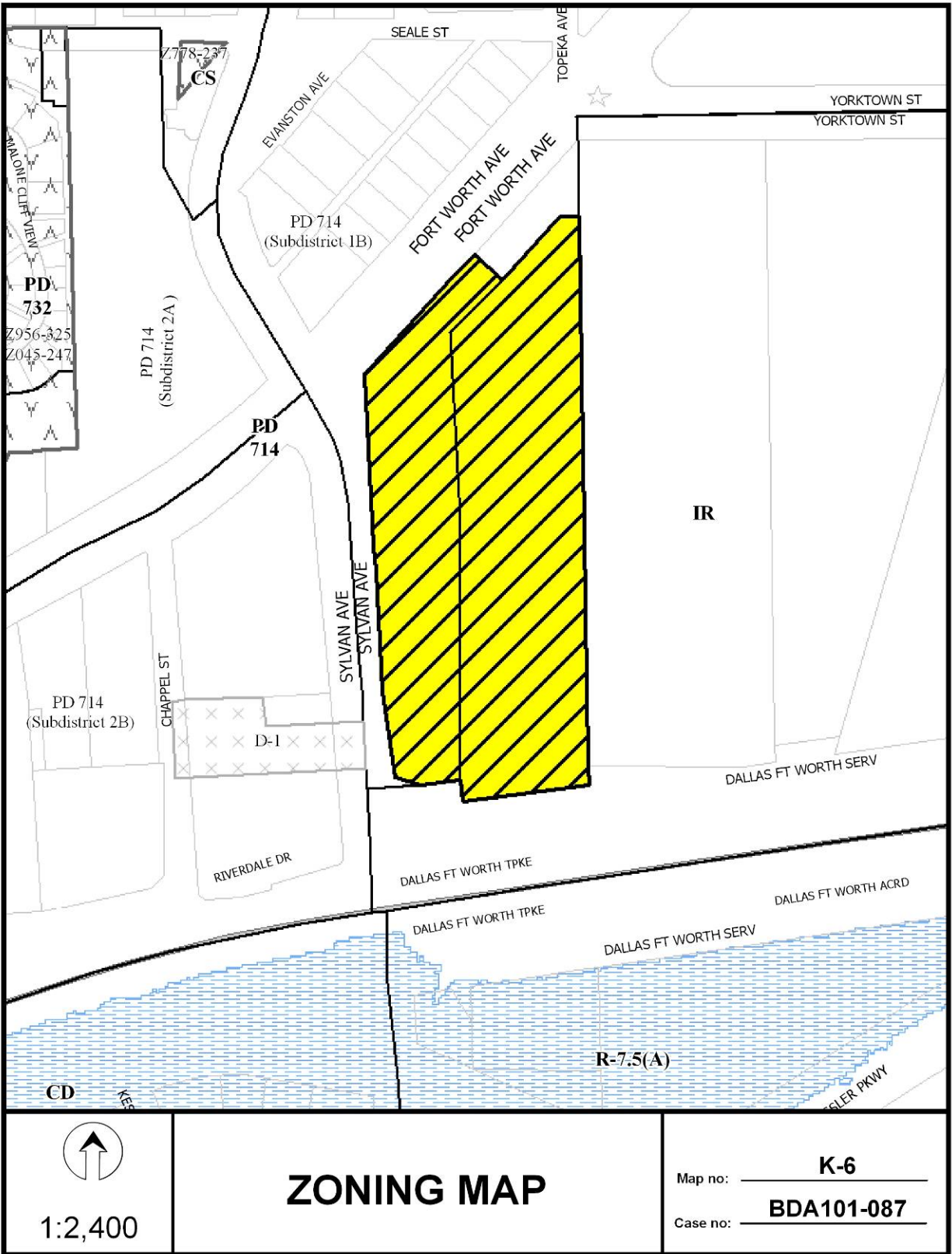
October 6, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

October 11, 2011: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment A).

STAFF ANALYSIS:

- The request focuses on not fully mitigating protected trees removed on a vacant site to be developed with retail development.
- The applicant is seeking an exception to the timing provisions of the Tree Preservation Regulations triggered by tree removal on the site in conjunction with development of the vacant property. But rather than the applicant adhering to the provisions set forth in Article X by mitigating removed trees within 6 or 18 months from the tree removal in December of 2010 (which would be mitigation by June of 2011 or June of 2012), the applicant seeks to fully mitigate for the trees removed on the site once the vacant site is developed which the applicant projects to be "an additional 24 month extension from date of Board of Adjustment hearing."
- The City of Dallas Chief Arborist supports the applicant's request on the condition that the Board impose a condition in conjunction with granting the request that the applicant be required to fully mitigate for the trees removed on the site with an extended time period beyond what the code requires in this case, full mitigation after the site has been developed (which is estimated to be two years from the board of adjustment hearing date on the application - October 2013) or before final landscape inspection, whichever comes first.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Tree Preservation 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 condition suggested by staff/the Chief Arborist, the site would be "excepted" from full compliance to the tree preservation regulations of the Dallas Development Code by merely having an extended time period in which to fully mitigate for protected trees

removed on the site/property – an extended period in which to fully mitigate *after* development of the site/property.





1:2,400

AERIAL MAP

Map no: K-6
Case no: BDA101-087

DATE: September 29, 2011



City of Dallas

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APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Data Relative to Subject Property:

Case No.: BDA 101-087
Date: 7-12-11

Location address: 1808 Sylvan Ave Zoning District: PD 714 Subdistrict C

Lot No.: Lot 1 Block No.: Block A/4021, Block 4021 Acreage: 6.5906 Census Tract: 0043.00

Street Frontage (in Feet): 1) 1007.90 2) 264.10 3) _____ 4) _____ 5) _____ 2/17

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Lynxette Exploration, LLC

Applicant: Brent Jackson Telephone: 214.760.8790

Mailing Address: 1881 Sylvan Ave, Suite 100, Dallas, TX Zip Code: 75208

Represented by: John Batsell Telephone: 972.503.0277

Mailing Address: 750 E. Interstate 30, #140 Rockwall Zip Code: 75087

Affirm that a request has been made for a Variance, or Special Exception X, of An alternate landscape plan for tree mitigation that addresses the mitigation requirements of tree removal permit #1012021118 issued December 2, 2010 for 1808 Sylvan Avenue. Requesting an extension to the original mitigation date. Requesting additional 24 month extension from date of Board of Adjustment hearing.

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: Site Design is underway with construction scheduled to begin February 7, 2012

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: JOHN R. BATSELL
Applicant's name printed

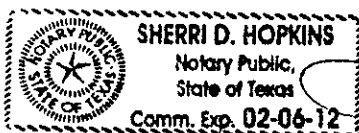
John R. Batsell
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared JOHN R. BATSELL 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.

John R. Batsell
Affiant (Applicant's signature)

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



Sherril Hopkins
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 Batsell

did submit a request for a special exception to the landscaping regulations
at 1808 Sylvan Avenue

BDA101-087. Application of John Batsell for a special exception to the landscape and tree preservation regulations at 1808 Sylvan Avenue. This property is more fully described as lot 1 in city block A/4021 and a 2.3673 acre tract in city block 4021 and is zoned PD-714 (Subdistrict C), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require a special exception to the landscape and tree preservation regulations.

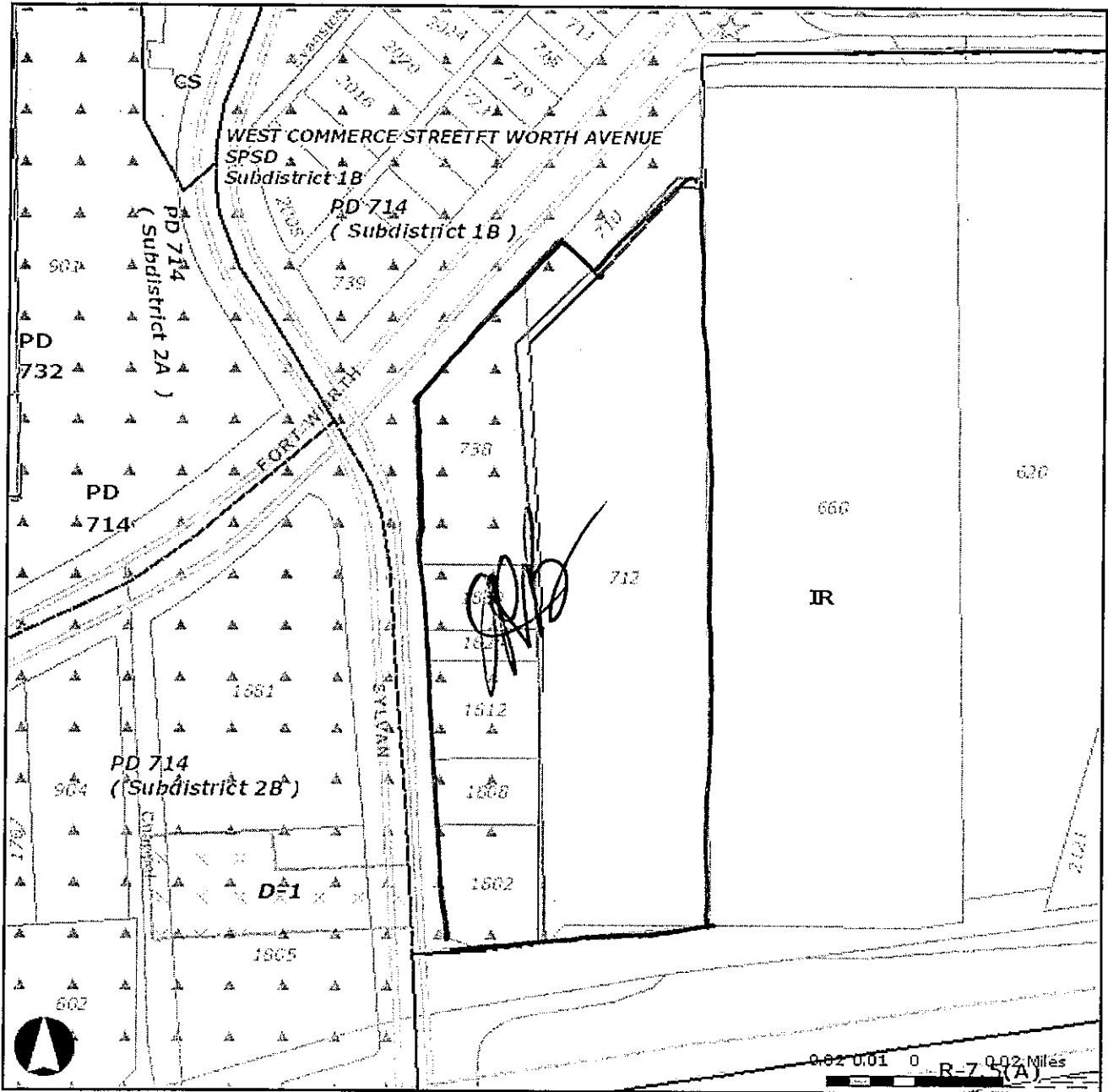
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

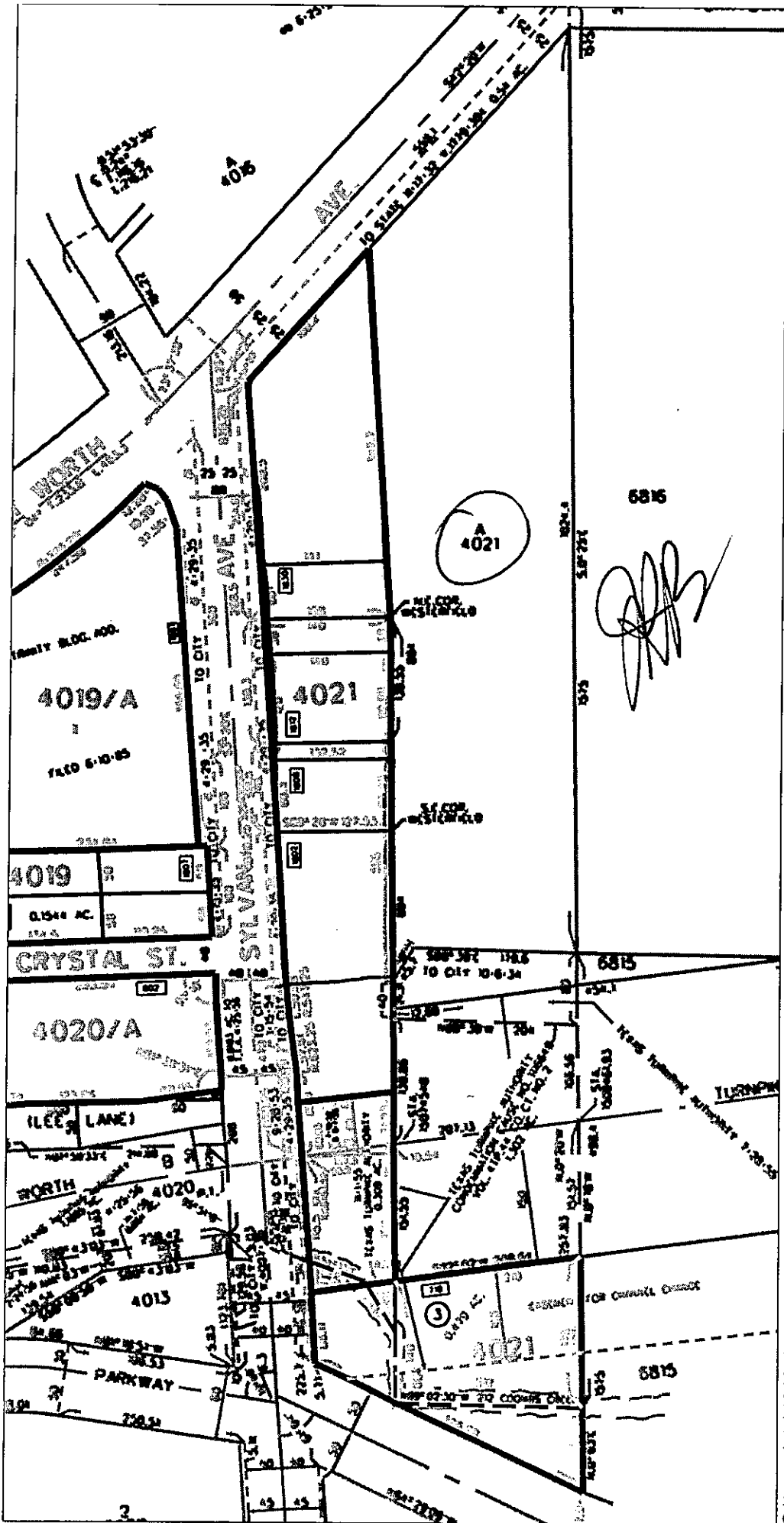
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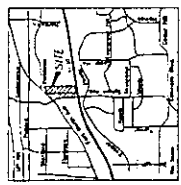
K-6

City of Dallas Zoning



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| <ul style="list-style-type: none"> City Boundaries <input type="checkbox"/> County <input type="checkbox"/> Certified Parcels <input type="checkbox"/> DISD Sites <input type="checkbox"/> Council Districts <input type="checkbox"/> Waterways <input type="checkbox"/> Parks <input type="checkbox"/> | <ul style="list-style-type: none"> Dry Overlay <input type="checkbox"/> D <input type="checkbox"/> D-1 <input type="checkbox"/> Historic Overlay <input type="checkbox"/> Historic Subdistricts <input type="checkbox"/> NSO Overlay <input type="checkbox"/> NSO Subdistricts <input type="checkbox"/> MD Overlay <input type="checkbox"/> | <ul style="list-style-type: none"> Base Zoning <input type="checkbox"/> Floodplain <input type="checkbox"/> 100 Flood Zone <input type="checkbox"/> Mill's Creek <input type="checkbox"/> Peak's Branch <input type="checkbox"/> X PROTECTED BY LEVEE <input type="checkbox"/> Pedestrian Overlay <input type="checkbox"/> CP <input type="checkbox"/> SP <input type="checkbox"/> Environmental Corridors <input type="checkbox"/> |
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LEGEND

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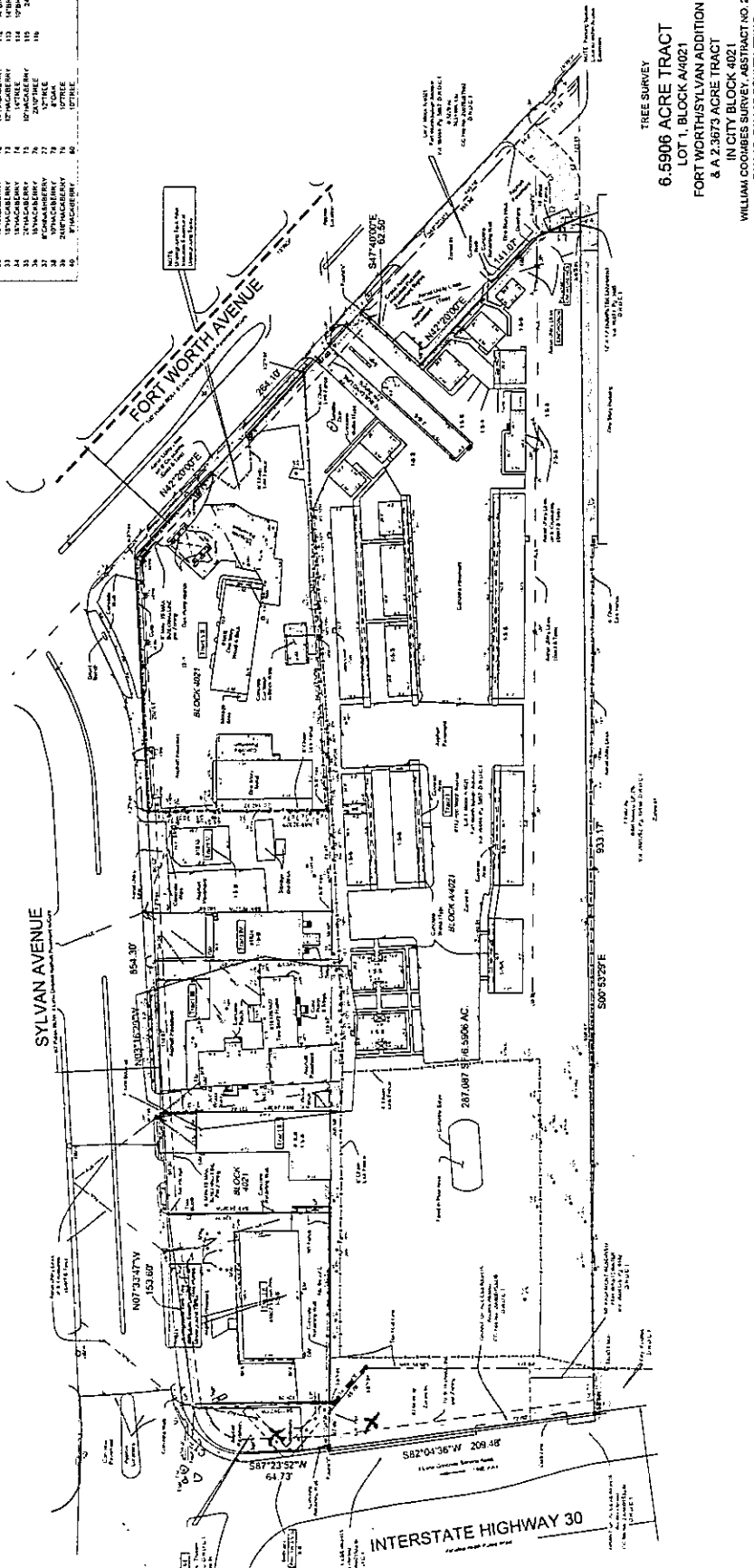
TREE LEGEND

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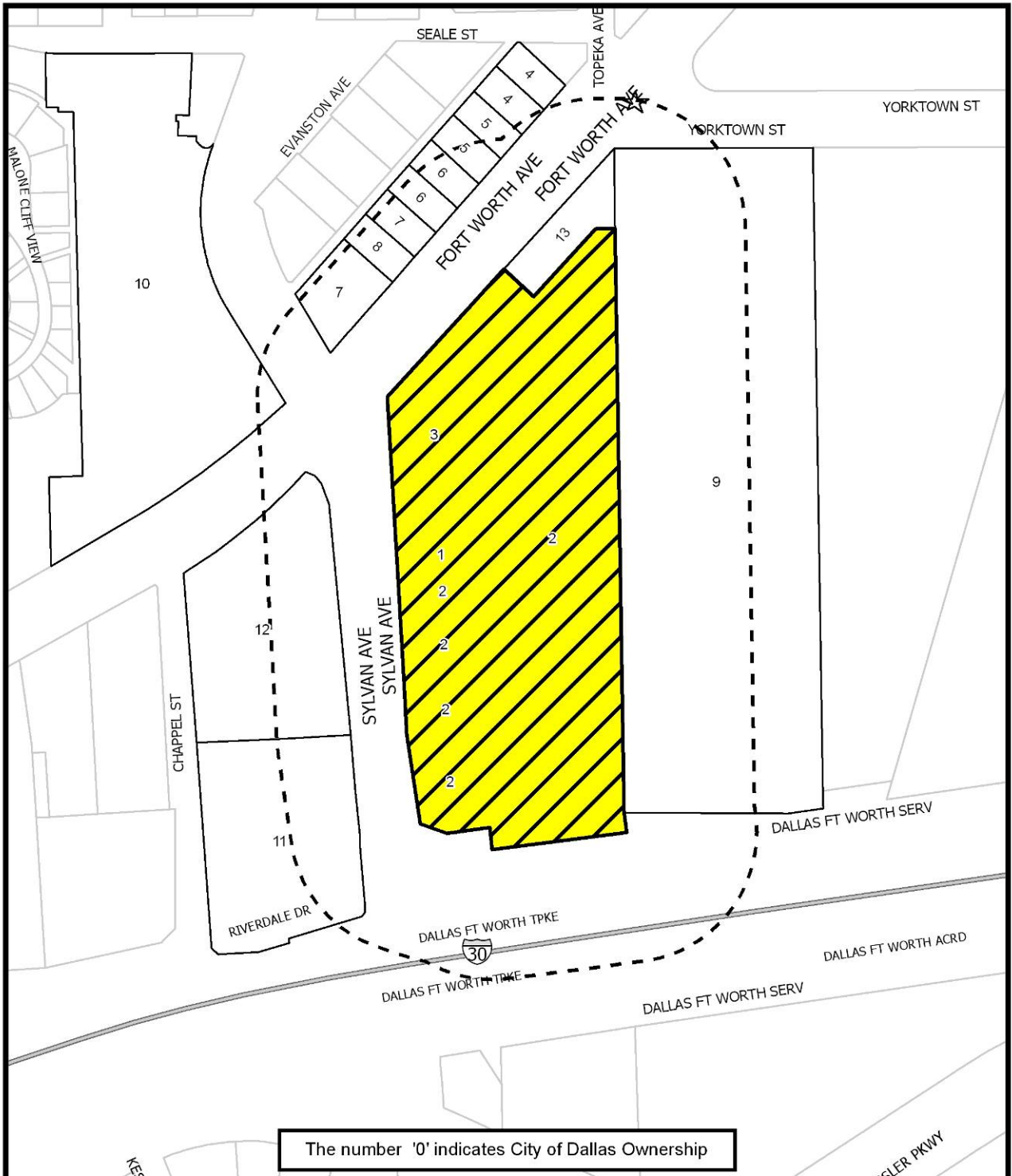
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TREE SUMMARY TABLE

TREE #	TREE SPECIES	TREE #	TREE SPECIES
1	...	41	...
2	...	42	...
3	...	43	...
4	...	44	...
5	...	45	...
6	...	46	...
7	...	47	...
8	...	48	...
9	...	49	...
10	...	50	...
11	...	51	...
12	...	52	...
13	...	53	...
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19	...	59	...
20	...	60	...
21	...	61	...
22	...	62	...
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25	...	65	...
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38	...	78	...
39	...	79	...
40	...	80	...



TREE SURVEY
 6.5906 ACRE TRACT
 LOT 1, BLOCK A4021
 FORT WORTH SYLVAN ADDITION
 & A 2.3673 ACRE TRACT
 IN CITY BLOCK 4021
 WORTH COUNTY, TEXAS
 DALLAS, DALLAS COUNTY, TEXAS
 PREPARED BY
A MADLOCK & ASSOCIATES
 1111 W. WOODLAND AVENUE, SUITE 100
 DALLAS, TEXAS 75201
 48 04 00 00 00




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
14 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: K-6
 Case no: BDA101-087

DATE: September 29, 2011

Notification List of Property Owners

BDA101-087

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1830 SYLVAN	LYNXETTE EXPLORATION LLC ATTN: BRENT JAC
2	1808 SYLVAN	LYNXETTE EXPLORATION LLC
3	738 FORT WORTH	JACKSON O C LLC
4	707 FORT WORTH	YAZDCHI KHANOM
5	719 FORT WORTH	CUIN JOHNNY
6	723 FORT WORTH	MOXIE INVESTMENTS LTD
7	739 FORT WORTH	739 FORT WORTH AVENUE LLC
8	735 FORT WORTH	739 FORT WORTH AVE LLC
9	660 FORT WORTH	JBC LAND AND CATTLE COMPANY LLC
10	901 FORT WORTH	DILBECK COURT LIMITED
11	1805 SYLVAN	SYLVAN I 30 ENT INC
12	1881 SYLVAN	SYLVAN ONE PARTNERS LP &
13	710 FORT WORTH	SLI/FWA LTD
14	11111 MAIN	DALLAS TIF#210 FORT WORTH AVE % CITY OF

FILE NUMBER: BDA 101-091

BUILDING OFFICIAL'S REPORT:

Application of Pablo Chavez for a variance to the front yard setback regulation at 3021 Bachman Drive. This property is more fully described as Lot 1C in City Block A/5783 and is zoned CR, which requires a front yard setback of 15 feet. The applicant proposes to construct and maintain a structure and provide a 3 foot front yard setback, which will require a variance of 12 feet.

LOCATION: 3021 Bachman Drive

APPLICANT: Pablo Chavez

REQUEST:

- A variance to the front yard setback regulations of 12' is requested in conjunction with constructing and maintaining an approximately 68 square foot (8.5' x 8') "drive-up kiosk with canopy" / "drive-up machine and canopy" structure, all of which would be located in one of the site's two 15' front yard setbacks: Bachman Drive. The site is developed with a retail strip center.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned CR in that it is virtually triangular in shape. The atypical shape of this approximately 31,000 square foot lot precludes it from being developed in a manner commensurate with development on other similarly zoned CR properties that are rectangular in shape.

STANDARD FOR A VARIANCE:

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

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

GENERAL FACTS:

- The minimum front yard setback on a CR zoned lot is 15 feet.
The subject site has two street frontages and hence, two front yard setbacks, one along Northwest Highway, the other along Bachman Drive.
The applicant has a site plan indicating a “new drive-up machine and canopy” structure that is located 3’ from the Bachman Drive front property line or 12’ into this required 15’ front yard setback. The applicant has submitted an elevation of the “drive-up kiosk with canopy” structure denoting that it is approximately 10’ in height, and approximately 8.5’ long and 8’ wide.
- According to calculations taken by the Board Administrator from the submitted site plan, all of the approximately 68 square foot (8.5’ x 8’) “drive-up kiosk with canopy” structure is located in the 15’ Bachman Drive front yard setback. (No structure is shown to be located in the site’s 15’ Northwest Highway front yard setback).
- The site is flat, virtually triangular in shape, and according to the application, 0.7106 acres in area. The site is zoned CR (Community Retail). The site has two 15’ front yard setbacks which is typical of any corner lot that has a street frontage and is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the “improvements” at 3021 Bachman is a “retail strip” with 5,721 square feet built in 2005.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a retail strip. The areas to the north and west are developed with retail uses; and the areas to the east and south is Bachman Lake.

Zoning/BDA History:

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

Timeline:

July 20, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 21, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

September 22, 2011: The Board Administrator emailed the applicant the following information:

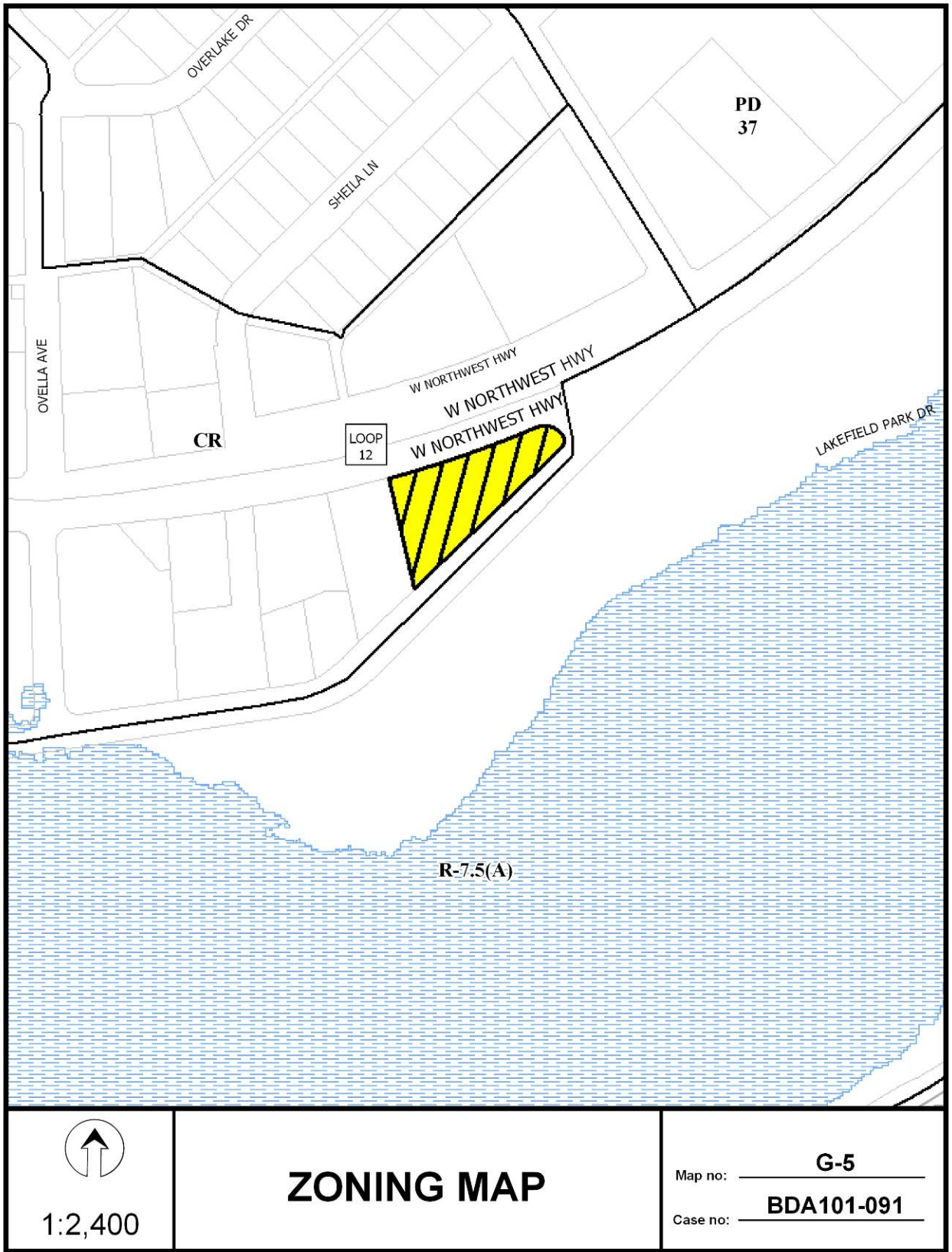
- an attachment that provided the public hearing date and panel that will consider the application; the September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 4, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Sustainable Development and Construction Department Engineering Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

October 6, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”

STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 68 square foot (8.5' x 8') "drive-up kiosk with canopy" / "drive-up machine and canopy" structure on a site developed as a retail strip center, part of which would be located in one of the site's two 15' front yard setbacks: Bachman Drive.
- The proposed "drive-up kiosk with canopy" structure that is the issue of this request is to be located on a site that has two front yard setbacks – a site with one front yard setback on Northwest Highway (where no structure is proposed to be located in); the other on Bachman Drive (where the proposed structure that is the issue of this application is shown to be 3' from the Bachman Drive front property line or 12' into this 15' front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, all of the approximately 68 square foot (8.5' x 8') "drive-up kiosk with canopy" structure is located in the 15' Bachman Drive front yard setback. (No structure is shown to be located in the site's 15' Northwest Highway front yard setback).
- The site is flat, virtually triangular in shape, and, according to the application, 0.7106 acres in area. The site is zoned CR (Community Retail). The site has two 15' front yard setbacks which is typical of any corner lot that has a street frontage and is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the "improvements" at 3021 Bachman is a "retail strip" with 5,721 square feet built in 2005.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Bachman Drive front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CR zoning classification.
- If the Board were to grant the request, subject to the submitted site plan, the structure in the front yard setback would be limited to what is shown on this document – which in this case is an approximately 68 square foot (8.5' x 8') "drive-up kiosk with canopy" / "drive-up machine and canopy" structure to be located 3' from the Bachman Drive front property line (or 12' into this 15' front yard setback).



1:2,400

ZONING MAP

Map no: G-5
 Case no: BDA101-091

DATE: September 29, 2011



1:2,400

AERIAL MAP

Map no: G-5
Case no: BDA101-091

DATE: September 29, 2011



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-091

Data Relative to Subject Property:

Date: 7-20-11

Location address: 3021 Bachman Dr. Zoning District: CR

Lot No.: Lot 1C Block No.: Block A/5783 Acreage: 0.7106 Census Tract: 4,03

Street Frontage (in Feet): 1) 290 2) 360 3) _____ 4) _____ 5) _____

NE 21A

To the Honorable Board of Adjustment :

Owner of Property/or Principal: 3021 Bachman Dr. Limited

Applicant: Pablo Chavez Telephone: 469-586-1018 x1601

Mailing Address: 8904 North Royal Lane Zip Code: 75063

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance X, or Special Exception , of 12' to the Front Yard Setback.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: **Due to the fact that this property has one 15' building setback off of West Northwest Highway and another off Bachman Drive which create a triangular shape that greatly restricts development. We are asking that The City of Dallas grant its approval of this variance which would let us encroach on the existing 15' building setback**

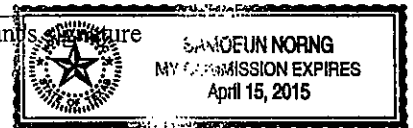
Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Pablo Chavez
Applicant's name printed

[Handwritten Signature]

Applicant's Signature

Affidavit



Before me the undersigned on this day personally appeared Pablo Chavez 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.

[Handwritten Signature]
Affiant (Applicant's signature)

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

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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that PABLO CHAVEZ

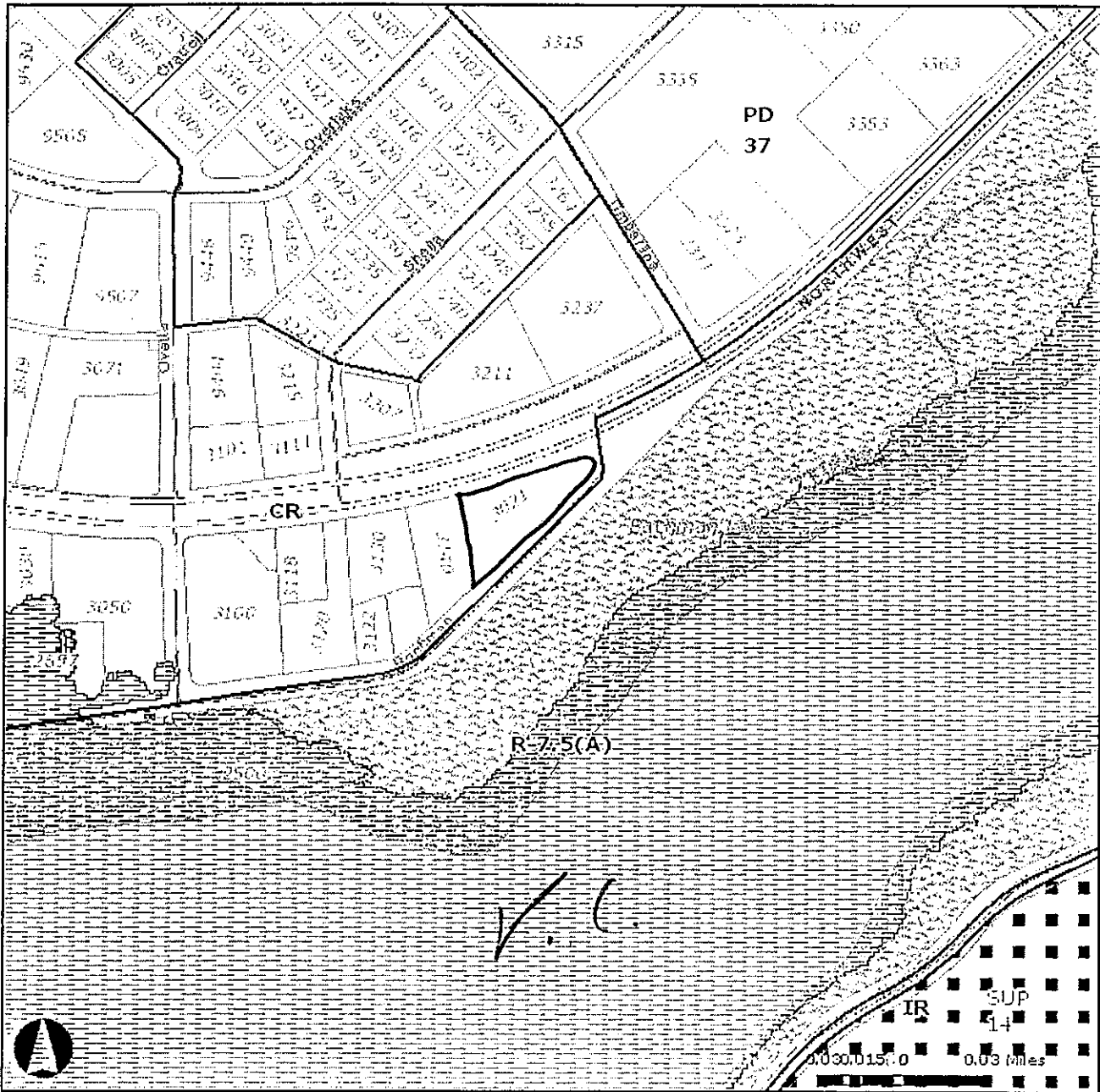
did submit a request for a variance to the front yard setback regulations
at 3021 Bachman Drive

BDA101-091. Application of Pablo Chavez for a variance to the front yard setback regulation at 3021 Bachman Drive. This property is more fully described as lot 1C in city block A/5783 and is zoned CR, which requires a front yard setback of 15 feet. The applicant proposes to construct and maintain a nonresidential structure and provide a 3 foot front yard setback, which will require a 12 foot variance to the front yard setback regulation.

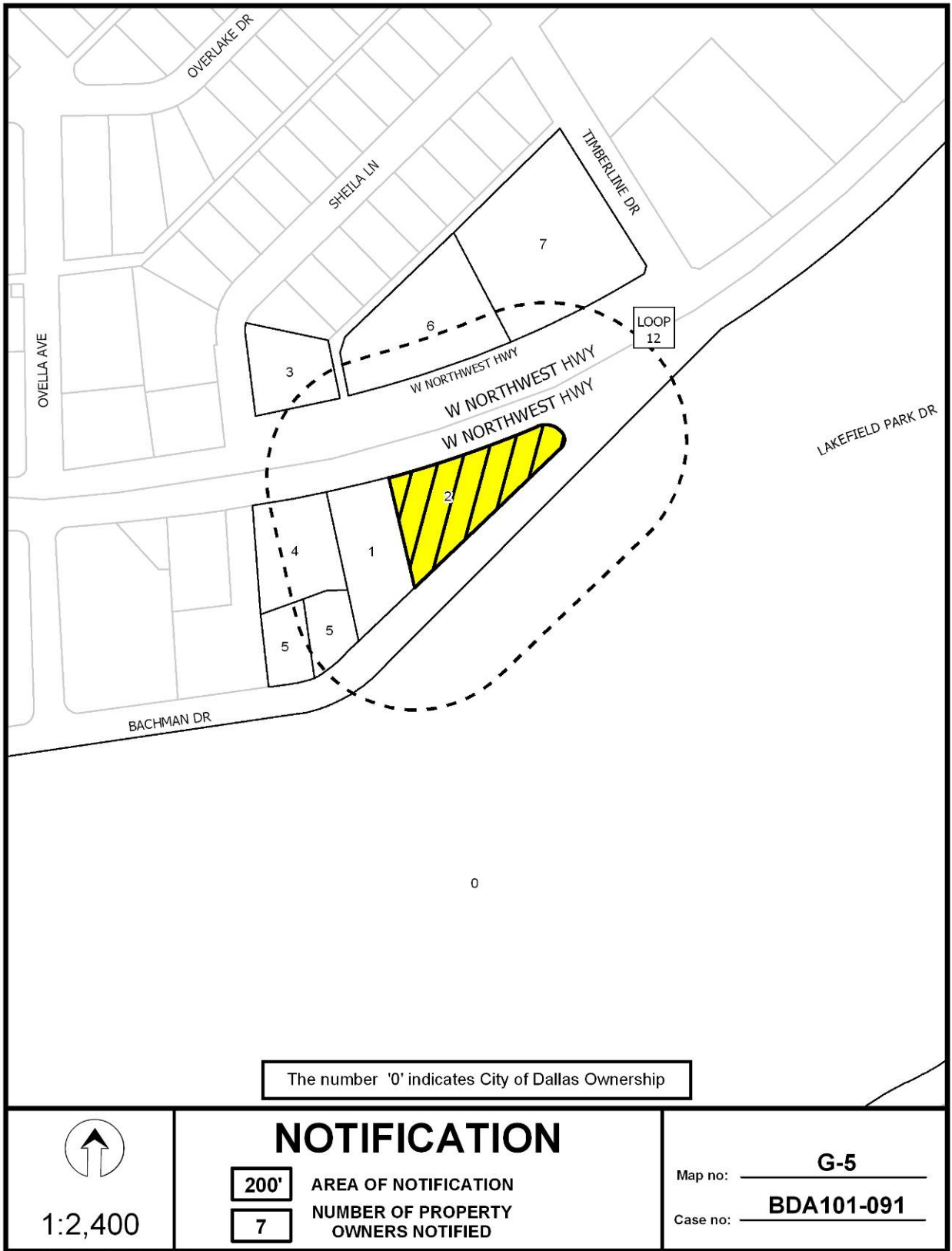
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



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



DATE: September 29, 2011

Notification List of Property Owners

BDA101-091

7 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3140 NORTHWEST	RANDY HOLCOMBE INVESTMENTS LLC
2	3021 BACHMAN	3021 BACHMAN DRIVE LTD
3	3207 NORTHWEST	WILDWOOD GROUP INV LTD
4	3130 NORTHWEST	SAVICKAS JOHN E
5	3122 BACHMAN	PEREZ ELIZABETH I & ASSOCIATES INC
6	3211 NORTHWEST	NWH BACHMAN PL LTD LIA CO SUITE 130
7	3237 NORTHWEST	NORTHWEST BACHMAN LTD ATTN: K MURCHISON

FILE NUMBER: BDA 101-093

BUILDING OFFICIAL'S REPORT:

Application of Bill Manning, represented by Masterplan Consultants, for a special exception to the off-street parking regulations at 2906 E. Kiest Boulevard. This property is more fully described as Tract 6 in City Block 7332 and is zoned MF-2(A), which requires parking to be provided. The applicant proposes to construct and maintain a structure for a multifamily use and an accessory community center (private) use and provide 303 of the required 401 parking spaces, which will require a special exception to the off-street parking regulations of 98 spaces.

LOCATION: 2906 E. Kiest Boulevard

APPLICANT: Bill Manning
Represented by Masterplan Consultants

REQUEST:

- A special exception to the off-street parking regulations of 98 parking spaces (or 24 percent reduction of the 401 off-street parking spaces that are required) is requested in conjunction with replacing an existing 150-unit multifamily development with a new 146-unit multifamily development and accessory community center. More specifically, the applicant intends to redevelop the site with an approximately 173,000 square foot multifamily use with an approximately 5,000 square foot accessory community center, and provide 303 (or 76 percent) of the 401 required off-street parking spaces.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 98 spaces shall automatically and immediately terminate when the multifamily and the accessory community center uses on the site are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Engineering Assistant Director has no objections to this request.
- The applicant has substantiated how the parking demand generated by the multifamily and accessory community center uses does not warrant the number of off-street parking spaces required, and the special exception would

not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 50 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) impose restrictions on access to or from the subject property; or
 - (C) impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.

- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

GENERAL FACTS:

- The Dallas Development Code requires the following off-street parking requirement:
 - Multifamily use: 1 space for 500 square feet of floor area. Not less than one space or more than two and one half spaces are required for each dwelling unit in a multifamily structure 36 feet or less in height.
 - Accessory community center (private) use: 1 space for 100 square feet of floor area.
- The applicant proposes to provide 303 (or 76 percent) of the required 401 off-street parking spaces in conjunction with redevelopment of the request site with multifamily uses.
- The applicant’s representative submitted information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multifamily)
North: IR (Industrial Research)
South: MF-2(A) (Multifamily)
East: IR (Industrial Research)
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

The subject site is currently developed with a multifamily use. The areas to the north, east, and west appear to be mostly undeveloped; and the area to the south appears to be developed with commercial uses.

Zoning/BDA History:

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

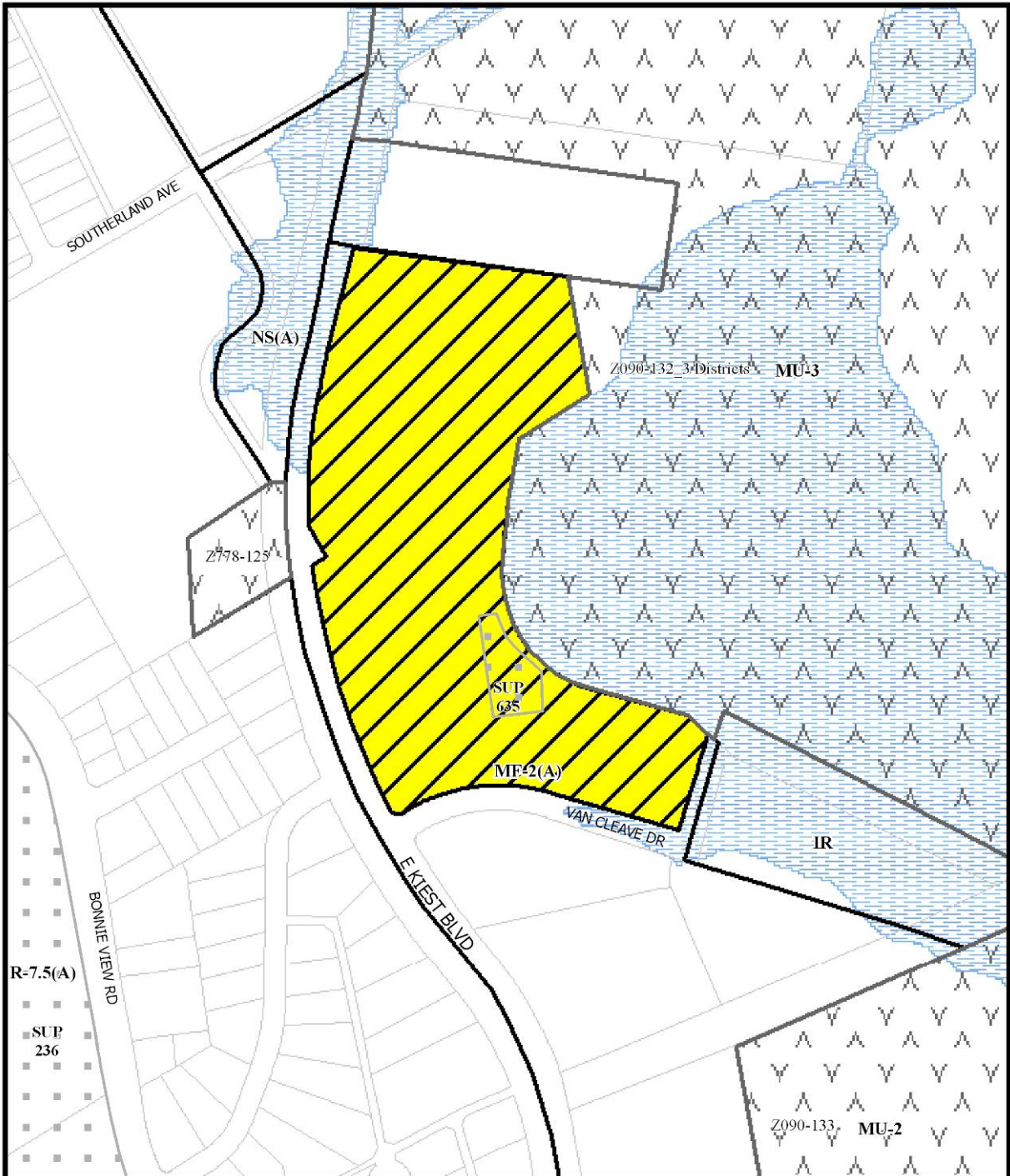
Timeline:

- July 22, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 21, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- September 21, 2011: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 4, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Sustainable Development and Construction Department Engineering Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- September 30, 2011: The applicant’s representative submitted additional information beyond what was submitted with the original application (Attachment A).
- October 10, 2011: The Sustainable Development and Construction Department Engineering Assistant Director submitted a review comment sheet marked “Has no objections.”

STAFF ANALYSIS:

- This request focuses on replacing an existing 150-unit multifamily development with a new 146-unit multifamily development and accessory community center, and providing 303 of the required 401 off-street parking spaces.

- The applicant's representative has stated that although the number of units have been reduced between the existing and proposed multifamily development on the site (currently 150 units; proposed 146 units), the total square footage of the proposal has increased from what exists, hence this request to the board to reduce the required off-street parking – a proposal with less units but with greater square footage.
- The Sustainable Development and Construction Department Engineering Assistant Director has submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed multifamily and accessory community center uses does not warrant the number of off-street parking spaces required, and
 - The special exception of 98 spaces would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, subject to the condition that the special exception of 98 spaces shall automatically and immediately terminate if and when the multifamily and accessory community center uses are changed or discontinued, the applicant would be allowed to redevelop the property with a new multifamily development and provide only 76 percent of the required off-street parking.



1:3,600

ZONING MAP

Map no: M-7, M-8

Case no: BDA101-093

DATE: September 29, 2011



1:3,600

AERIAL MAP

Map no: M-7, M-8

Case no: BDA101-093

DATE: September 29, 2011

September 30, 2011

Mr. Steve Long, Board Administrator
Board of Adjustment
Department of Planning and Development
City of Dallas
1500 Marilla Street
Dallas, Texas 75201

RE: Special Exception to the Off-Street Parking Requirements, BDA 101-093,
2906 E. Kiest Boulevard

Dear Mr. Long:

The above referenced special exception to the minimum number of required parking spaces is requested in order to reduce the required number of parking spaces in conjunction with a 146 unit multifamily development. The site is located on E. Kiest Blvd., at its intersection with Van Cleave Dr. The proposed development will consist of one, two and three bedrooms units and will be developed by the Dallas Housing Authority (DHA). This is to say that the units must be leased to individuals or families that meet certain income requirements. The site is currently developed with an existing 150 unit complex, owned and managed by the DHA, which will be demolished and replaced with the proposed project.

The Dallas Development Code bases parking requirements for multifamily uses on two different measures, either 1 parking space per 500 square feet of floor area or a minimum of 1.5 spaces per unit to a maximum of 2.5 spaces per unit. The nature of affordable housing is oriented to families and their needs, as such individual units are larger than typical market rate apartments. The average unit size for this development is 1,143 square feet. This average would be large for even a three-bedroom unit, yet alone a one or two-bedroom unit. Since the average unit is large the required number of spaces is dictated by the floor area requirement of one space per 500 square feet of floor area. Based on a total floor area of the units of 172,674 square feet, this development is required to have 345 parking spaces or 2.36 spaces per unit.

The proposed parking special exception would reduce the required number of parking spaces from 345 spaces to 260 parking spaces for a reduction of 25%. The Development Code allows a special exception of up to 25% based on certain factors to be reviewed by the Board of Adjustment. The factors which are relevant to this request are the parking demand generated by this use does not warrant the required number of spaces, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

As mentioned earlier the request site is located on E. Kiest Boulevard. The street is on the Thoroughfare Plan with a 100 foot right of way. The site will have an access point on Kiest and one on Van Cleave. As mentioned the development will be affordable housing which by its very nature has a number of residents which will rely on public transit and do not have personal vehicles. DART has a Rail Station route with a stop at the entrance to the development. The route goes to the 8th and Corinth Station which affords easy access to the entire DART system. The proposed

MASTERPLAN
Founders Square
900 Jackson St., Suite 600
Dallas, Texas 75202

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

Steve Long
September 30, 2011
Page 2

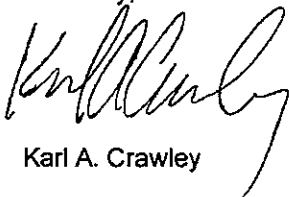
development will have parking spaces for 1.71 spaces per unit. Other affordable housing developments, with large units, have been developed with the same approximate number of spaces per units and have not had parking shortages.

In addition to the parking required for the proposed multifamily units parking is also being required for an accessory community center. The accessory community center use is being developed in conjunction with the project to help provide programs for the residents. The building which houses this use is a two story building with one floor devoted to the community center and the other the leasing and management office. Parking for this use is one space per 100 square feet of floor area or 51 spaces for the 5027 square foot center use. The use of this facility is limited to residents of the complex and limited outside personnel. The project is requesting a 25% reduction from 51 spaces to 38 spaces. Using a maximum of 10 employees for the community center use at any given time, 28 spaces would be available for additional parking for residents. This additional parking would bring the total parking for residents to 278 spaces or 1.9 spaces per unit.

In March 2009 in conjunction with a BDA request for an apartment complex to be constructed by the DHA within a few blocks of this site, parking surveys were conducted to justify a Special Exception for Parking. Three existing DHA owned developments with a similar mix of units were surveyed on three different days at three separate times. That information was provided to the BDA and is attached. In conjunction with this request the same complexes were surveyed again and the existing site/complex was also surveyed. Attached is a spreadsheet showing the surveys from two years ago and this month. The telling number of the spreadsheet is the percentage of occupied parking spaces. The highest average percentage of occupied spaces was in the morning at 46%. Each of these developments has a similar mix of unit types, occupancy and access to public transit. Using the greatest average percentage would yield a need for 177 parking spaces. The proposed development is providing 288 parking spaces or more than 100 spaces over the percentage generated number from the survey of similar developments.

In conclusion, we believe that the special exception for parking will not increase traffic congestion in the area or on area streets and the nature of the proposed development, affordable/work force housing, does not warrant the additional spaces for these large units. Taking all of these factors into play, we are requesting a recommendation of approval for this parking special exception.

Sincerely,



Karl A. Crawley

BDA 101-093
 Attach A
 PS 3

Site Information	Little Mexico 3027 Harry Hines	Brackins Village 1544 E. Eighth St.	Barbara Jordan Square 4700 Country Creek	Cedar Glen II (Exist.) 2906 E. Kiest	Cedar Glen II (Prop.)	Avg. % Parking Occupied
------------------	-----------------------------------	--	---	---	-----------------------	----------------------------

Number of Units	102	102	100	150	146	
Number of 1 bedroom units	24	16	0	30	53	
Number of 2 bedroom units	33	48	0	44	74	
Number of 3 bedroom units	32	26	100	60	19	
Number of 4 bedroom units	13	12	0	16	0	

Percent Occupancy (Mar. 2009)	100%	97%	100%	98%	288	
(Sept. 2011)	99%	98%	100%	98%		
Parking Spaces Provided	178	110	212	280	288	

Parking Spaces Occupied						
March 24, 2009 6:00 a.m. to 6:30 a.m.	64	85	84			
Percentage Occupied	36%	77%	40%			47%
March 25, 2009 11:15 a.m. to 11:45 a.m.	57	65	54			
Percentage Occupied	32%	59%	25%			35%
March 26, 2009 6:00 p.m. to 6:30 p.m.	51	81	61			
Percentage Occupied	29%	74%	29%			22%

Parking Spaces Occupied						
Sept. 30, 2011 6:00 a.m. to 6:30 a.m.	71	78	81	127		
Percentage Occupied	40%	71%	38%	45%		46%
Sept. 27, 2011 11:15 a.m. to 11:45 a.m.	28	46	51	58		
Percentage Occupied	16%	42%	24%	21%		23%
Sept. 28, 2011 6:00 p.m. to 6:30 p.m.	69	74	77	121		
Percentage Occupied	39%	67%	36%	43%		44%

B



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-093

Data Relative to Subject Property:

Date: 7-22-11

Location address: 2906 E. Kiest Blvd Zoning District: MF-2(A)

Lot No.: Tr. 6 Block No.: 7332 Acreage: 15.096 Census Tract: 86.03

Street Frontage (in Feet): 1) 175 2) 652 3) 1340 4) _____ 5) _____

sw 11

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Dallas Housing Authority

Applicant: Bill Manning Telephone: 214 951 8316

Mailing Address: 3939 N Hampton Rd Zip Code: 75212

Represented by: Masterplan Telephone: 214 761 9197

Mailing Address: 900 Jackson St. Ste 640 Dallas TX Zip Code: 75202

Affirm that a request has been made for a Variance __, or Special Exception X, of 98 spd's
the parking regulations to allow a reduction of 25 % of the required parking
of 401 req'd.

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 proposed units are larger in size because that are being developed as affordable units the residents for the most part rely on public transportation and do not have more than one vehicle per unit

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: Bill Manning Applicant's name printed [Signature] Applicant's signature

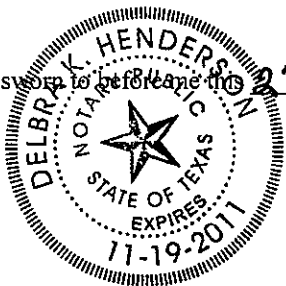
Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 27th day of June, 2011

Delbora K. Henderson
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

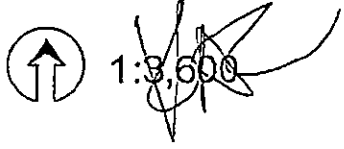
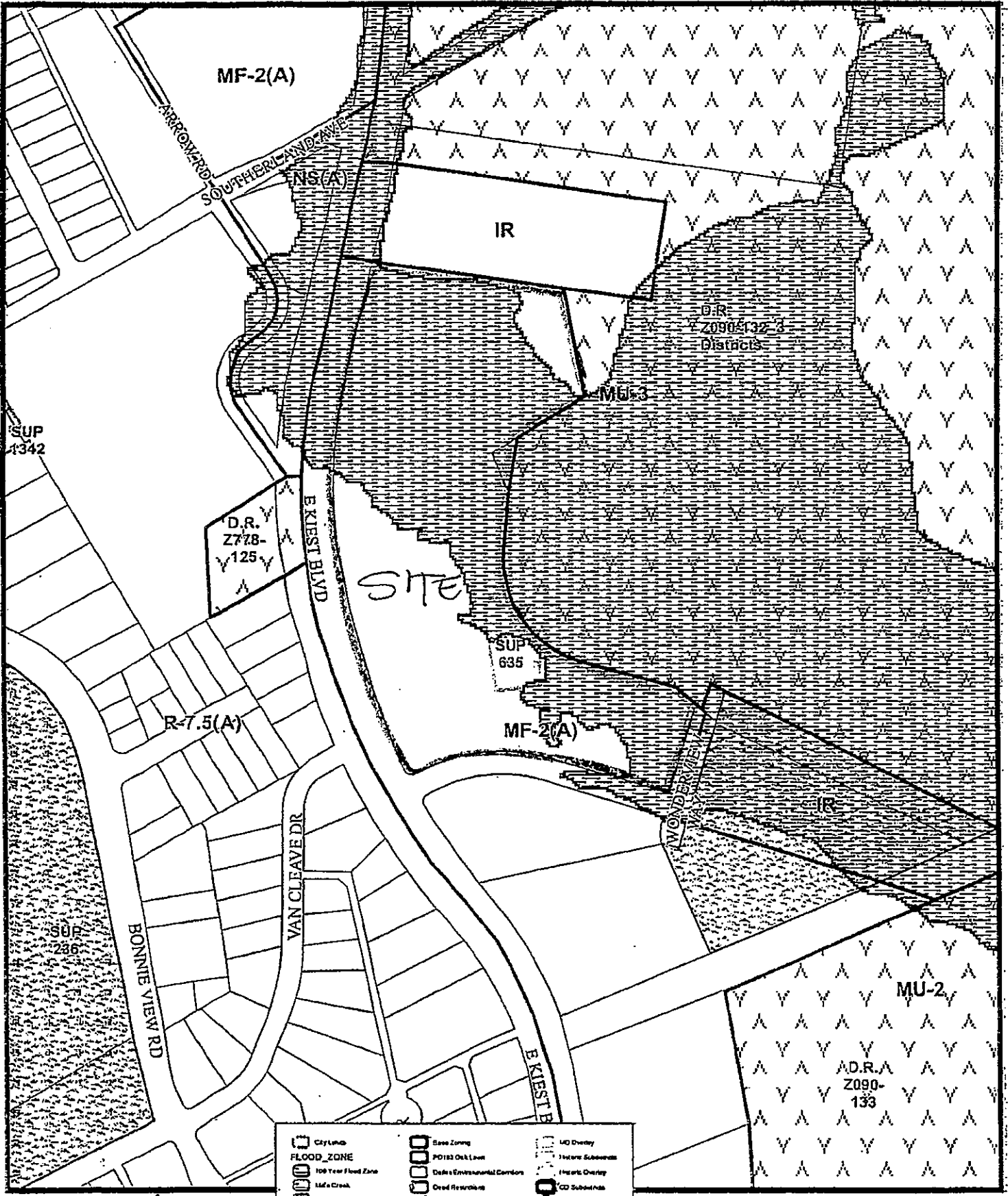
Building Official's Report

I hereby certify that Bill Manning
represented by MASTERPLAN CONSULTANTS
did submit a request for a special exception to the parking regulations
at 2906 E. Kiest Blvd.

BDA101-093. Application of Bill Manning represented by Masterplan Consultants for a special exception to the parking regulations at 2906 E. Kiest Blvd. This property is more fully described as Tract 6 in city block 7332 and is zoned MF-2(A), which requires parking to be provided. The applicant proposes to construct and maintain a structure for a residential multifamily use and an accessory community center (private) use and provide 303 of the required 401 parking spaces, which will require a 98 space special exception (24.43% reduction) to the parking regulation.

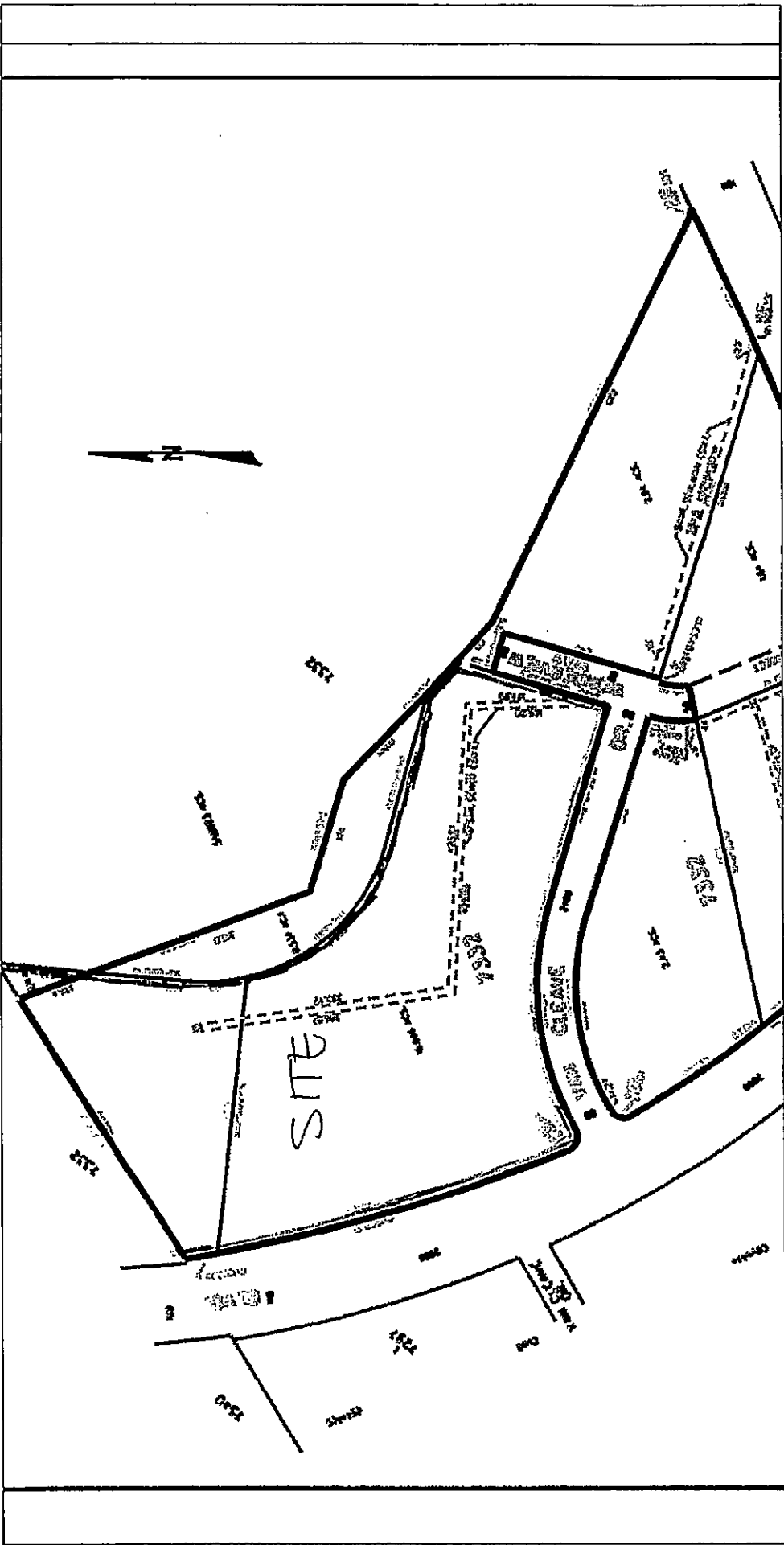
Sincerely,


Lloyd Denham, Building Official



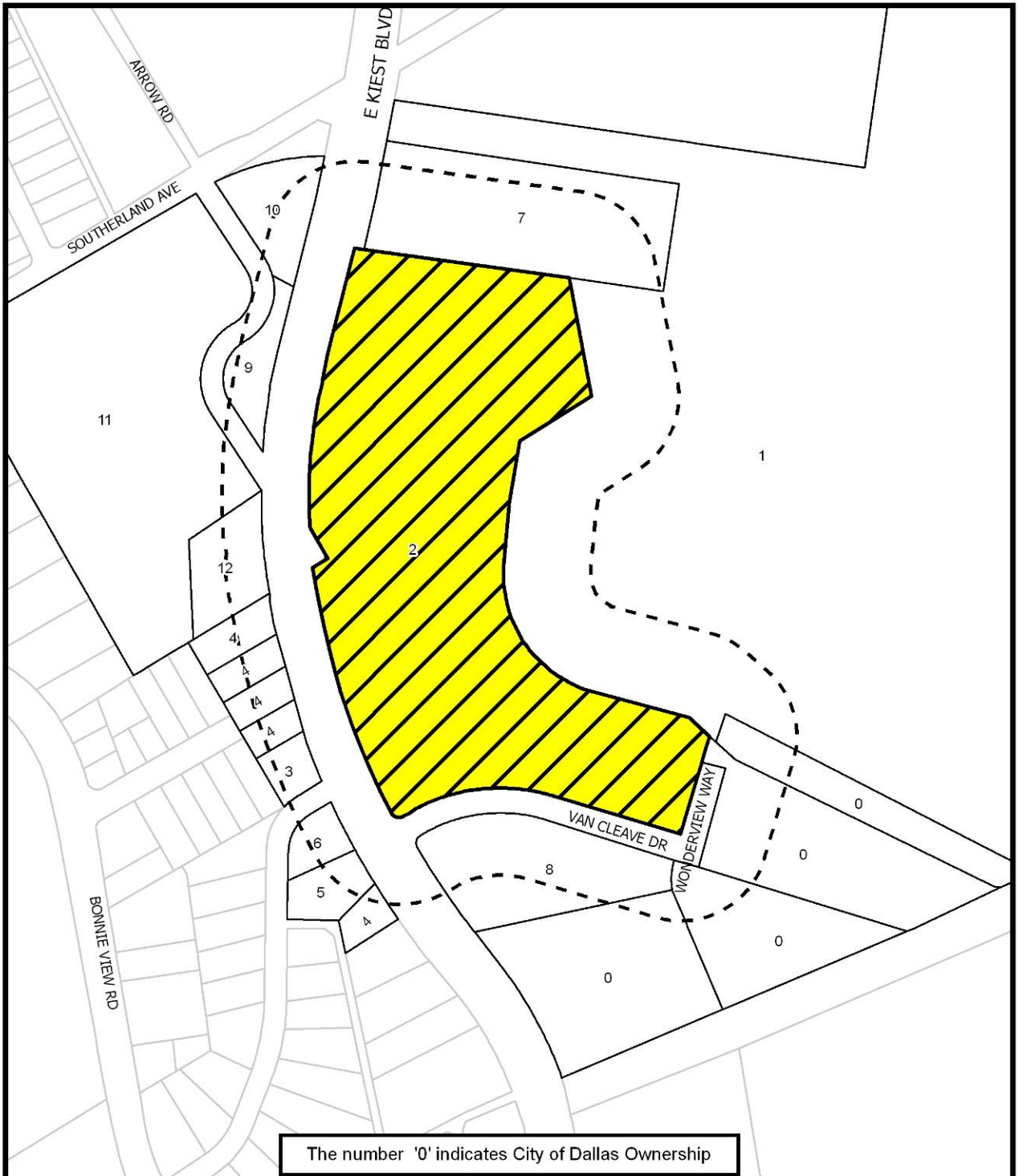
City Limit	Base Zoning	MO Overlay
FLOOD_ZONE	PD182 Oak Lawn	Historic Subdistrict
100 Year Flood Zone	Duke's Environmental Corridor	Historic Overlay
Mia's Creek	Ored Restrictions	CO Subdistrict
Pee's Branch	SUP	PD Subdistrict
A PROTECTED BY LEVEE	D	PDS Subdistrict
Park	D-1	NSD Subdistrict
	SP	AGD Overlay
		Encampment Overlay

Case ID:
Printed: 6/27/2011



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VRL



1:3,600

NOTIFICATION

200'

AREA OF NOTIFICATION

12

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: M-7, M-8

Case no: BDA101-093

DATE: September 29, 2011

Notification List of Property Owners

BDA101-093

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3148 Kiest	WONDERVIEW PPTIES LLC
2	2906 Kiest	DALLAS HOUSING CORP
3	2909 Kiest	HICKLEN PATRICIA
4	2929 Kiest	THOMAS ROY D
5	2855 Kiest	BATTEE BRUCE
6	2865 Kiest	JONES DEXTER C
7	3148 Kiest	BABCORP 200 LTD
8	2828 Kiest	HANSON WELDON
9	3031 Kiest	RIVERS WILLIE
10	3131 Kiest	BONNIE Y LLC
11	2302 SOUTHERLAND	BALLAS VICTOR E
12	2949 Kiest	BALLAS VICTOR

FILE NUMBER: BDA 101-098

BUILDING OFFICIAL'S REPORT:

Application of Eric Miller for a special exception to the parking regulations at 4109 Marshall Street. This property is more fully described as Lot 3 in City Block 2/1839 and is zoned PD-595 (R-5(A), which requires parking to be provided. The applicant proposes to construct and maintain a single family residential structure and provide 0 of the required 1 parking space, which will require a special exception to the off-street parking regulations of 1 space.

LOCATION: 4109 Marshall Street

APPLICANT: Eric Miller

REQUEST:

- A special exception to the off-street parking regulations of 1 parking space is requested in conjunction with maintaining a single family home structure and not providing the one city-recognized required off-street parking space in an area on the site that is located behind the 20' required building line.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 1 space shall automatically and immediately terminate if and when the single family use on the site is changed or discontinued.

Rationale:

- The Sustainable Development Department Project Engineer has no objections to this request.
- The applicant has substantiated how the parking demand generated by the single family use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article

if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 50 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.

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

GENERAL FACTS:

- The Dallas Development Code requires the following off-street parking requirement:
 - Single family use: 1 space in R-7.5(A), R-5(A), and TH districts. 2 spaces in all other districts.
- The Dallas Development Code requires the following off-street parking provision for residential districts:
 - In residential districts, except an MF-3(A) or MF-4(A) district, required off-street parking for residential uses must be located behind a required front building line.
- The minimum front yard setback on lots zoned PD No. 595 (R-5(A) is 20’.
- The applicant proposes to not provide the one required parking space on the site in an area behind the required front building line. Even though an area appears on the site that would accommodate at least one parking space, this area is located in the 20’ front yard setback, hence a parking space that while on the site is not recognized by the City as an “off-street parking space” that fulfills the off-street parking requirement merely because of its location in front of (as opposed to behind) the required front building line.
- The applicant submitted information to staff beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 595 (R-5) (Planned Development)
North: PD No. 595 (R-5) (Planned Development)
South: PD No. 595 (R-5) (Planned Development)
East: PD No. 595 (R-5) (Planned Development)
West: PD No. 595 (R-5) (Planned Development)

Land Use:

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

Zoning/BDA History:

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

Timeline:

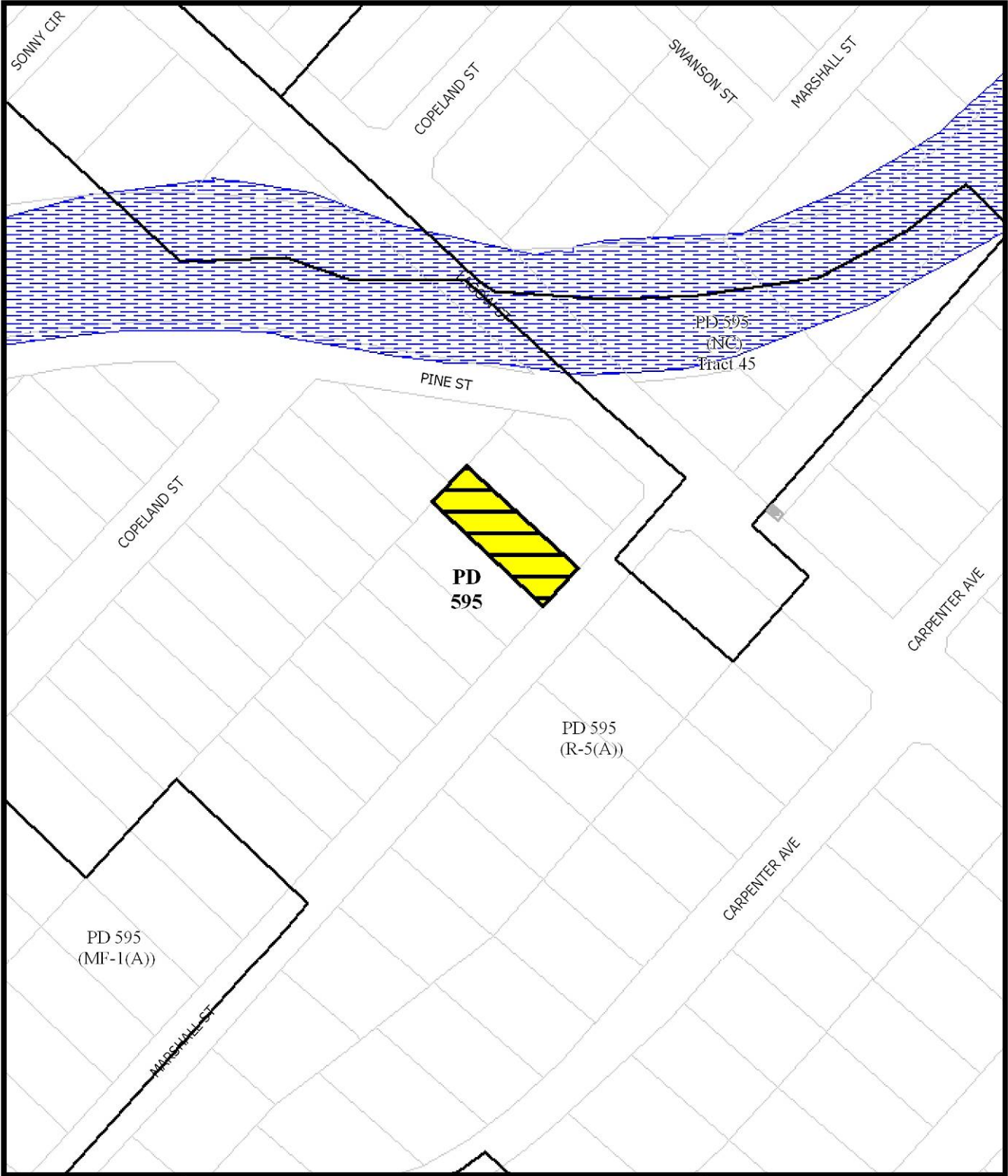
- July 29, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 21, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- September 23, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 28, 2011: The applicant submitted additional information to staff beyond what was submitted with the original application (Attachment A).
- October 4, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Sustainable Development and Construction Department Engineering Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- October 6, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked “Has no objections.”

STAFF ANALYSIS:

- This request focuses on maintaining a single family home structure and not providing the one city-recognized required off-street parking space in an area on the site that is located behind the 20’ required building line.
- It appeared from a field visit of the site conducted by the Board Administrator on September 15th that there is a concrete slab and drive approach on the property/subject site that accommodates space for one if not two parked vehicles. But the applicant is seeking this special exception to the off-street

parking regulations because the City does not officially recognize this or any area on this or any single family-zoned property that could accommodate a parking space as a space to fulfill required off-street parking if that area is not located behind the required front building line.

- The applicant has written that the subject property had been constructed to the point of final inspections before it was realized that the property did not contain a designated parking space behind the front building setback requirement.
- The Sustainable Development and Construction Department Project Engineer has submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the single family use does not warrant the number of off-street parking spaces required, and
 - The special exception of 1 space would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, subject to the condition that the special exception of 1 space shall automatically and immediately terminate if and when the single family use is changed or discontinued, the applicant would be allowed to maintain the site without the required one parking space in an area behind the front building line.



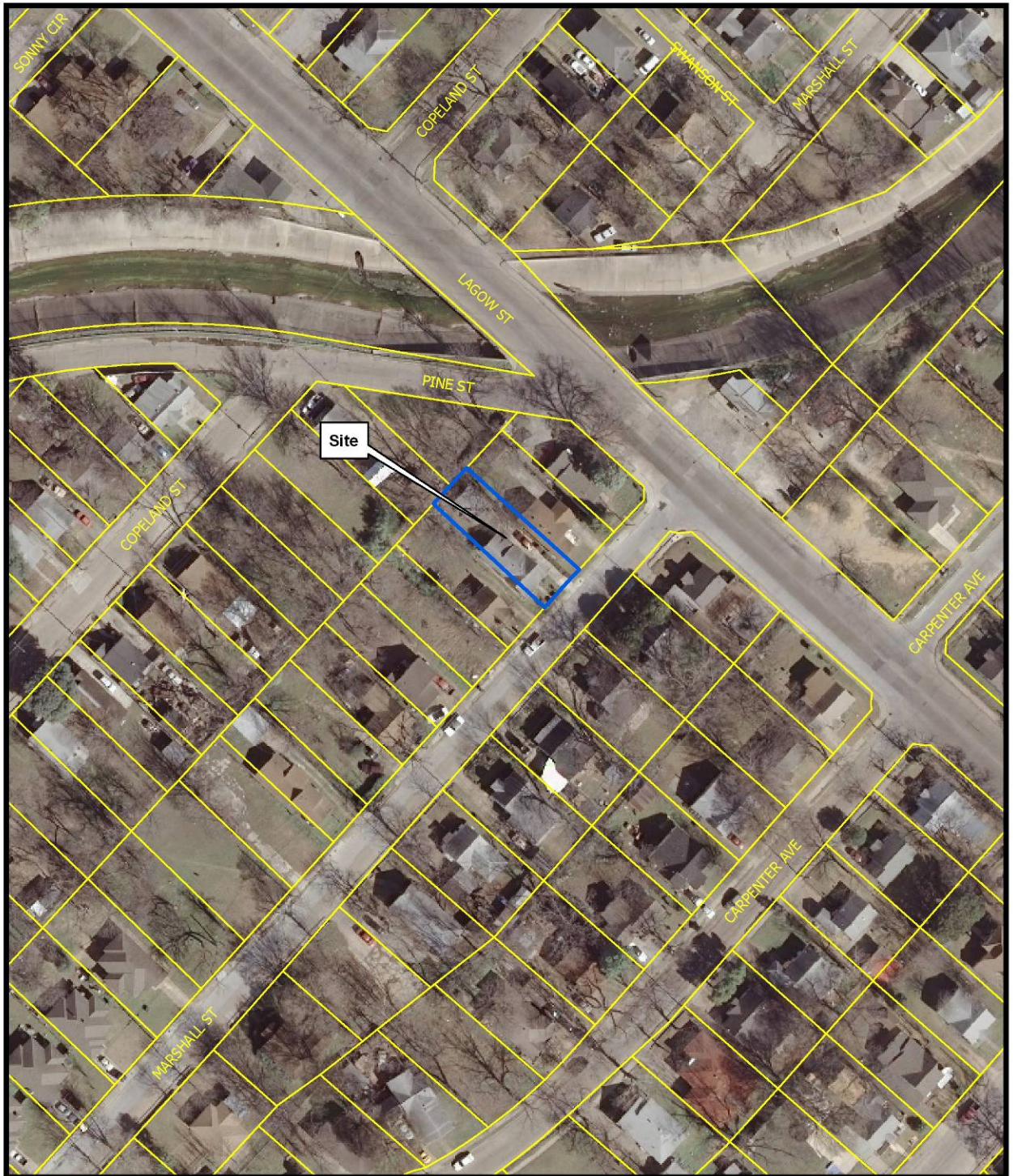
1:1,200

ZONING MAP

Map no: K-9

Case no: BDA101-098

DATE: September 29, 2011



1:1,200

AERIAL MAP

Map no: K-9

Case no: BDA101-098

DATE: September 29, 2011

Long, Steve

From: eric miller [ericmillerhomes@yahoo.com]
Sent: Wednesday, September 28, 2011 7:10 PM
To: Long, Steve
Subject: Case Number BDA 101-098, 4109 Marshall

Attach A
Pg 1

Attachments: Marshall, Holmes letter0001.pdf; Marshall, Tate letter41060001.pdf



Marshall, Holmes letter0001.pdf... Marshall, Tate letter41060001....

Steve,

Attached are two letters that I think are significant and should be added to the Board of Adjustment's case file for subject address. I will add another letter tomorrow or possibly Friday morning.

Thank you for your help.

Eric Miller
Eric Miller Homes, Inc.

ERIC MILLER HOMES, INC.
9049 Fairglen Dr.
Dallas, Texas 75231
PH/FAX 214.342.2292
Cell 214.232.3379
ericmillerhomes@yahoo.com
www.ericmillerhomes.com

BDA 101-098
Attach A
pg 2

August 9, 2011

Mr. Larry Holmes, Assistant Building Official
City of Dallas
320 E Jefferson, Suite 201
Dallas, TX 752

Subject: 4109 Marshall

Dear Mr. Holmes;

I am constructing a new home at the subject address for the City of Dallas Housing Department under the Community Development Block Grant (CDBG) program.

As you are aware, the subject property has been constructed to the point of final inspections before it was realized that the property did not contain a designated parking space behind the front setback requirement. I have completed the application process and paid appropriate fees for a Special Exception to the parking requirement. My case, number BDA 101-098, is scheduled for October, 2011. I have been advised that the Board of Adjustments will most likely require a double wide driveway in the front yard, thereby providing two off street parking spaces. Plans for this parking area are underway and it will be completed by the end of next week.

Should the Board of Adjustments require anything else from me in addition to the larger driveway I give you my personal pledge that I will do it. I have built low income housing in Dallas since 1998 and specifically for the Dallas Housing Department since 2008. I am not going anywhere. I have not received a construction draw for any work on 4109 Marshall Street. If the City feels that it is necessary to suspend payments until this matter has been cleared through the Board of Adjustments, I will abide by that decision and complete the project as soon as possible.

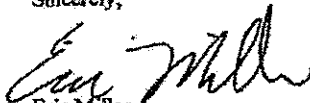
I am requesting that the City allow me to complete the construction and the inspection process and allow the owners to occupy the home as soon as possible.

This home has been vandalized once already. Repairs have cost in excess of \$2,000. The home will almost certainly be burglarized again and again between now and October if it is not occupied. The low income home owners are living in a nearby apartment that is, in my opinion, unsafe. They are very anxious to move into their new home.

Lastly, I want to apologize for any inconvenience or embarrassment this oversight has caused the City of Dallas. I take full responsibility for not providing the parking demand. I have been previously aware of the requirement, however, for some unexplainable reason, I failed to recall the parking requirement on this project and now it is too late.

If you have any questions or require additional information, please do not hesitate to contact me by any of the means above.

Sincerely,


Eric Miller
Eric Miller Homes, Inc.

Approved
Larry V. Holmes
City of Dallas
CBO, ABO

BDA101-098

Attach 4

Pg 3

Long, Steve

From: eric miller [ericmillerhomes@yahoo.com]
Sent: Wednesday, September 28, 2011 7:17 PM
To: Long, Steve
Subject: Fw: Property on Marshall

Steve,

This is an email I received from Karen Rayzer indicating that Council member Carolyn Davis is supportive of the plan as long as the homeowner also agrees. I have sent you a letter signed by Mrs. Tate, the homeowner of 4109 Marshall, indicating that she is fine with the 20X20 parking area in lieu of the parking space beside her home.

Thank you,

Eric Miller

--- On Mon, 9/19/11, Rayzer, Karen <karen.bradford@dallascityhall.com> wrote:

From: Rayzer, Karen <karen.bradford@dallascityhall.com>
Subject: Property on Marshall
To: ericmillerhomes@yahoo.com
Cc: "Owusu, Nana" <nana.owusu@dallascityhall.com>, "Serrano, Miguel" <miguel.serrano@dallascityhall.com>, "Jones, Pamela" <pamela.jones2@dallascityhall.com>
Date: Monday, September 19, 2011, 10:53 AM

In discussion with the Councilmember, in preparation for the Board of adjustments meeting, she is supportive of the adjustments as long as it meets the approval of the homeowner. So I think for the meeting with the Board of adjustments what should be the view of the homeowner as to how the adjustment meets their approval.

Karen D. Rayzer, Assistant Director

Housing/Community Services

karen.bradford@dallascityhall.com

214-670-5711

BDA 101-098
Attachment
pg 4

Mrs. Doris Tate
4109 Marshall St.
Dallas, Texas 75210

September 19, 2011

Mr. Miguel Serrano, Manager II
City of Dallas Housing Department
City Hall, Room 6CN
1500 Marilla
Dallas, Tx 75201

Subject: Off Street Parking
4109 Marshall St.

Dear Mr. Serrano;

I want to confirm that I approve of the 20' X 20' parking area in front of my home instead of a parking space beside my home. The parking space is more than adequate for two vehicles.

I am very happy with my new home.

If you need additional information, please contact me at 214-710-8565.

Sincerely,

Doris Tate

Sept. 20-2011
Doris M. Tate



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-098

Data Relative to Subject Property:

Date: 7-29-11

Location address: 4109 Marshall St. Zoning District: PD595(R-5(A))

Lot No.: 3 Block No.: 2/1839 Acreage: _____ Census Tract: 27.02

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

SE 268

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Doris Tate

Applicant: Eric Miller Telephone: 214.232.3379

Mailing Address: 9049 Fairglan Zip Code: 75231

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____, or Special Exception of one parking space from the required parking space

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

The reduction of one parking space will not adversely affect neighboring property because in fact two spaces will be provided but cannot be counted toward meeting the parking demand at use.

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: Eric Miller *Eric Miller*
Applicant's name printed Applicant's signature

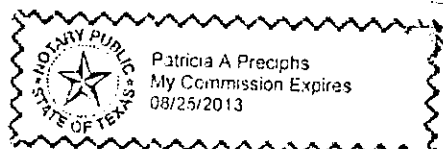
Affidavit

Before me the undersigned on this day personally appeared Eric Miller 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.

Eric Miller
Affiant (Applicant's signature)

Subscribed and sworn to before me this 29 day of July, 2011

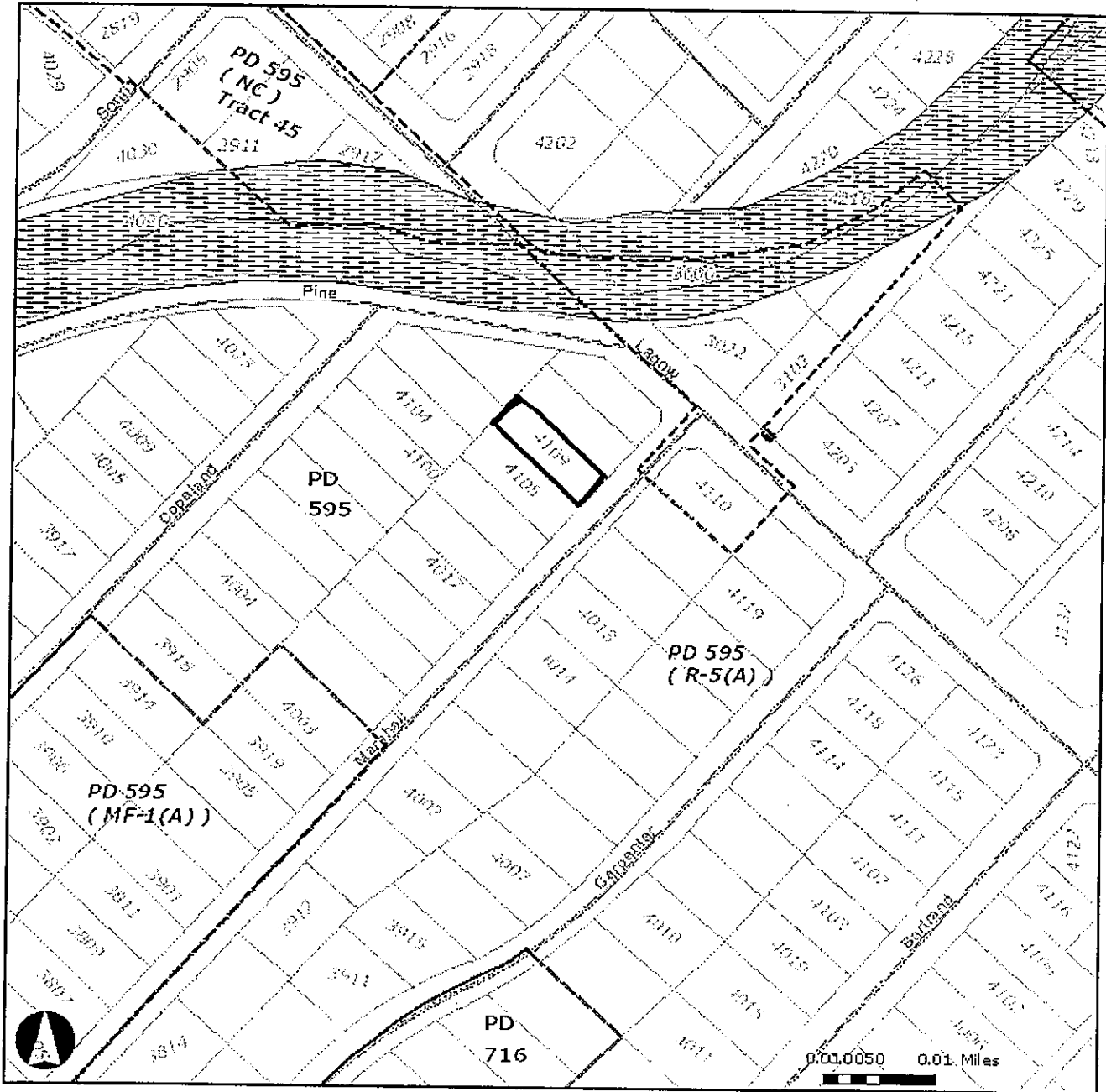
Patricia A. Preciphs
Notary Public in and for Dallas County, Texas



(Rev. 08-20-09)

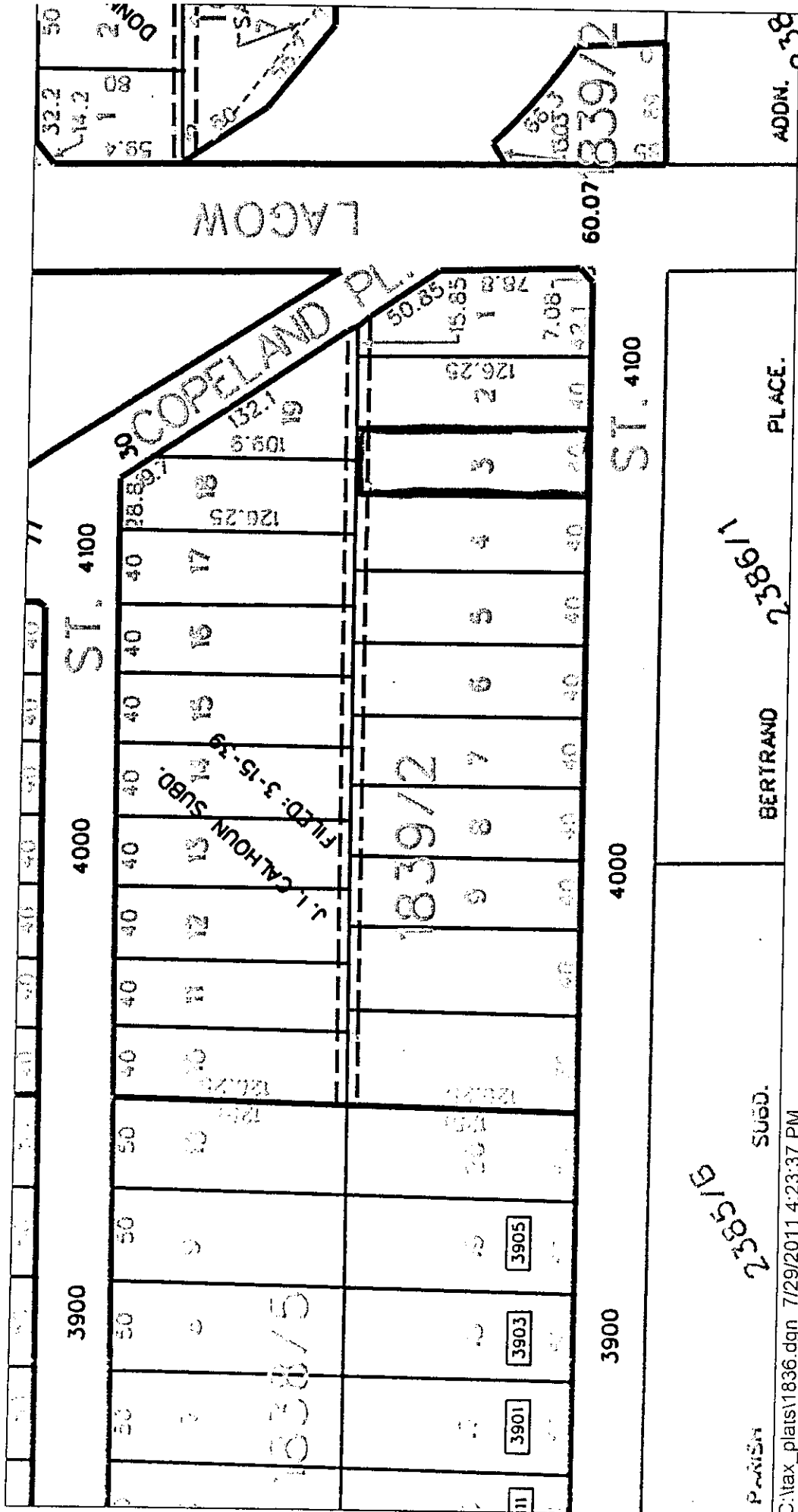
K-9
98

City of Dallas Zoning



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

Handwritten signature

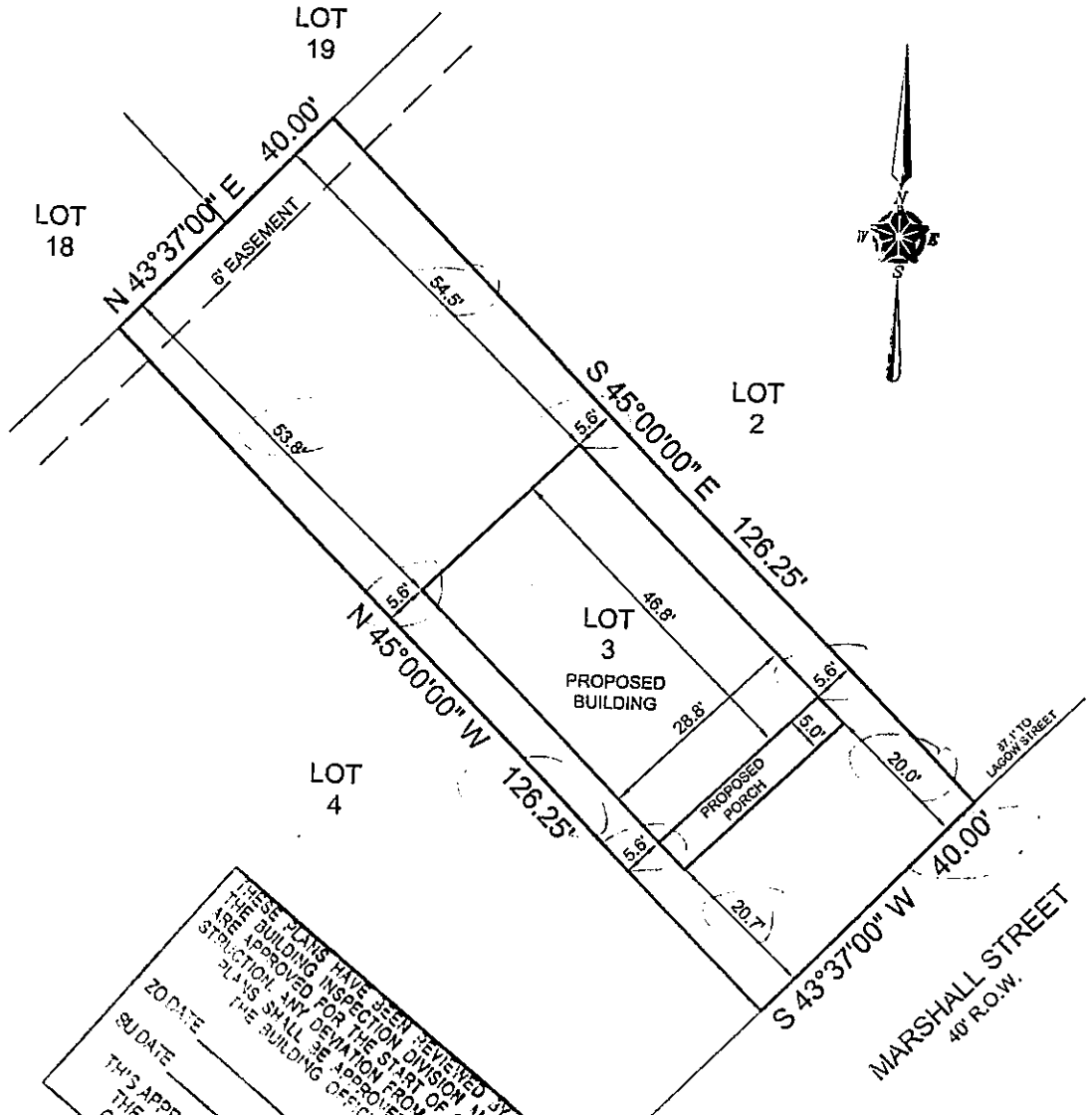


P. 1038/5
 SUBD.
 1039/2
 BERTRAND
 PLACE.
 1039/2
 7/29/2011 4:23:37 PM

EA

SITE PLAN

This is to certify that persons under my direction have, this date, made an on-the-ground survey of property located at
 4109 MARSHALL STREET, in the City of DALLAS, Texas.
 Lot No. 3 Block No. 1/1839
 of J.I. CALHOUNS SUBDIVISION
 to the City of DALLAS, DALLAS COUNTY, Texas, according to the MAP OR PLAT
 recorded in VOLUME 6, PAGE 72 of the MAP Records of DALLAS County, Texas.




THESE PLANS HAVE BEEN REVIEWED BY
 THE BUILDING INSPECTION DIVISION AND
 ARE APPROVED FOR THE START OF CON-
 STRUCTION. ANY DEVIATION FROM THESE
 PLANS SHALL BE APPROVED BY
 THE BUILDING OFFICIAL.
 ZONING DATE: _____ BY: _____
 BUILDING DATE: _____
 THIS APPROVAL DOES NOT
 CONSTITUTE AN ENDORSEMENT
 OF THE VIOLATION OF ANY
 ORDINANCES OR CODES.


ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 NOTE: THIS SURVEY PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE. TEXAS HERITAGE SURVEYING HAS NOT RESEARCHED THE LAND TITLE RECORDS FOR THE EXISTENCE OF EASEMENTS, RESTRICTIVE COVENANTS OR OTHER ENCUMBRANCES. ADDITIONAL MATTERS MAY BE DISCLOSED IN THE COURSE OF A THOROUGH EXAMINATION OF THE RECORD TITLE.
 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.

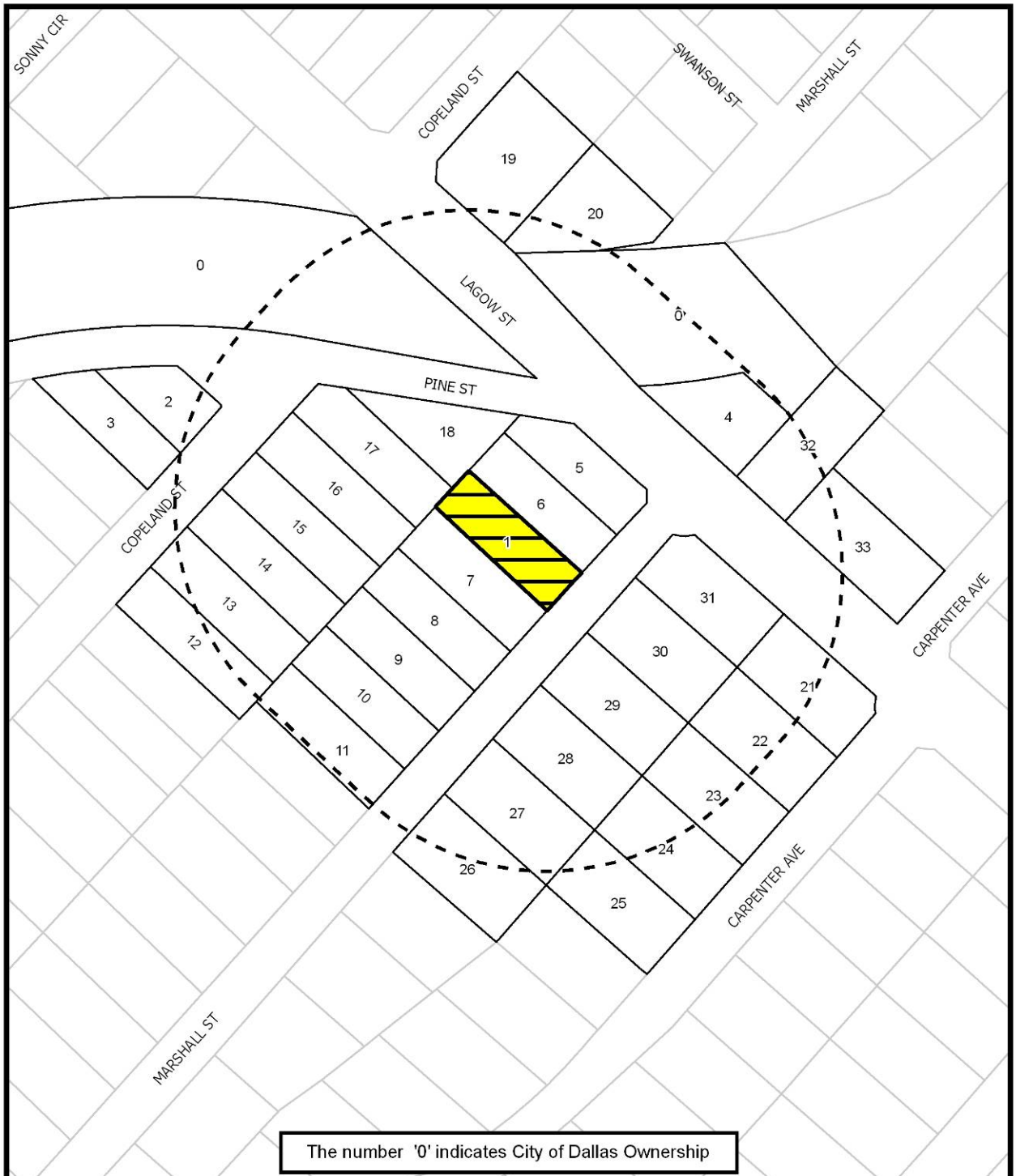
ACCEPTED BY: _____ DATE: _____

TITLE CO.: _____
 GF NO.: _____
 BORROWER: _____
 DRAWN BY: EDDIE
 CHECKED BY: TDS
 DATE: 05/17/2011
 SCALE: 1"=20'
 TASK NO.: 1101147-2

LEGEND	
	ASPHALT PAVING
	CHAIN LINK FENCE
	WOOD FENCE
	IRON FENCE
	OVERHEAD ELECTRIC SERVICE
	OVERHEAD POWER LINE
	COVERED AREA
	CONCRETE PAVING
	IRON ROD FOUND
	IRON PIPE FOUND
	1/2" FOUND SET
	ELECTRIC METER
	POWER POLE


TEXAS HERITAGE
 SURVEYING, LLC
 10610 Metric Drive, Suite 124 Dallas, TX 75243
 Office 214-340-9700 Fax 214-340-9710
 txheritage.com


 GARY E. JOHNSON
 5299
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 Gary Johnson R/L.S. No. 5299



The number '0' indicates City of Dallas Ownership

 1:1,200	<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;">33</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	33	NUMBER OF PROPERTY OWNERS NOTIFIED	<p style="text-align: right;">Map no: <u> K-9 </u></p> <p style="text-align: right;">Case no: <u> BDA101-098 </u></p>
200'	AREA OF NOTIFICATION					
33	NUMBER OF PROPERTY OWNERS NOTIFIED					

DATE: September 29, 2011

Notification List of Property Owners

BDA101-098

33 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4109 MARSHALL	TATE DORIS M
2	4103 COPELAND	BREETE LLC
3	4023 COPELAND	LAWRENCE LTD % G W WORKS CO
4	3022 LAGOW	REYNOLDS CARRIE LOUISE
5	4115 MARSHALL	RIDGE DELORES FAYE
6	4111 MARSHALL	WILLIAMS PATRICK
7	4105 MARSHALL	NEWSON INVESTMENTS
8	4103 MARSHALL	MOODY MAY BERTHA % PHILLIP M PATTERSON
9	4019 MARSHALL	NEWSON INVESTMENTS
10	4017 MARSHALL	DUNCAN MARY HENRY F DUNCAN
11	4015 MARSHALL	DUNCAN HENRY F
12	4010 COPELAND	REED O C
13	4014 COPELAND	PEAVY ADAM D
14	4018 COPELAND	HARDY VENDETTA D
15	4100 COPELAND	FORD DRUE & ELFREDA FAM LTD LIABILITY CO
16	4104 COPELAND	DALLAS NEIGHBORHOOD ALLIANCE FOR HABITAT
17	4110 COPELAND	DEVEREAUX LIDELL
18	4114 COPELAND	RANDELL ADELL ET AL
19	4202 COPELAND	SALVO JIM
20	4207 MARSHALL	WILLIAMS SHIRLEY
21	4123 CARPENTER	LUSTER ETHEL
22	4119 CARPENTER	BLACK MIKE
23	4115 CARPENTER	BERRY OLAN T
24	4111 CARPENTER	DARRETT SHONTA D
25	4107 CARPENTER	AMOS CELESTINE
26	4010 MARSHALL	ROSE HOMER JR

27	4014	MARSHALL	CALLOWAY ANDREW J EST OF % ALZEMIA CALLO
28	4018	MARSHALL	HARDEN DEBORAH DARLENE
29	4102	MARSHALL	BAYWOOD HOMES LLC
30	4106	MARSHALL	RODRIGUEZ DOMINGO & RODRIGUEZ BRENDA
31	4110	MARSHALL	HUDGENS JOHNNIE MAE ESTATE OF
32	3102	LAGOW	REYNOLDS CARRIE LOUISE
33	4203	CARPENTER	SMITH JOHN A ESTATE

FILE NUMBER: BDA 101-085

BUILDING OFFICIAL'S REPORT:

Application of Ric Nesbit for a special exception to the landscape regulations at 6414 Abrams Road. This property is more fully described as Tract 9.1 and a part of Lot 9 in City Block 1/5437 and is zoned D(A), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception.

LOCATION: 6414 Abrams Road

APPLICANT: Ric Nesbit

REQUEST:

- A special exception to the landscape regulations is requested in conjunction with constructing and maintaining an approximately 1,700 square foot "new one story brick" structure on a site developed with an approximately 4,400 square foot "existing one story brick" structure/church use, and not fully meeting the landscape regulations.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. Compliance with the submitted revised "site and landscape plan" is required.
2. All screening plant materials must be planted and maintained in compliance with City visibility/visual obstruction regulations.

Rationale:

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

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.

GENERAL FACTS:

- 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.
In this particular application, three plans had been submitted to staff at the time of the September 21st hearing since its submittal to the City in July 2011. One plan was submitted with the application – a plan that appeared to be merely a tree survey of the entire site. A second plan had been submitted to the Building Inspection Development Code Specialist/Senior Plans Examiner near/on September 1st - a plan that appeared to be a landscape plan for a part of the subject site (see Attachment A). A third plan had been submitted to the Chief Arborist (and forwarded to the Board Administrator on September 13th) – a revised plan of the entire subject site – a plan in which the Chief Arborist had written his memo on the merits of this landscape special exception request (see Attachment B) prior to the September 21st hearing.
- On September 21, 2011, the board conducted a public hearing and heard testimony some of which was from the City of Dallas Chief Arborist who stated that he no longer supported the applicant's request upon further review of the issue at hand. The Board delayed action on this application until October 19th to allow the applicant to prepare a revised alternate landscape plan that addressed all of the concerns that had been expressed to date by city staff.
- On October 4, 2011, the Chief Arborist forwarded a revised "site and landscape plan" to the Board Administrator (see Attachment C).
- The City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the applicant's revised request/ "site and landscape

plan” (see Attachment D). The memo states among other things how the applicant’s revised “site and landscape plan” shows only additional landscaping for the area near the new construction on the property near the corner of Larmanda and Abrams, and that the new permit will require landscaping for the entire platted 1.77 acre property since the newly platted property will be under 2 acres in size where (given the size of the site) conditions for artificial lot do not apply. The arborist’s memo additionally states that the site that is deficient from meeting Article X: Landscape Regulations by not fully providing the perimeter landscape buffer; not providing the required number of street trees, not providing the required number of parking lot trees, and not providing the two required design standards. The arborist’s memo explains several “factors’ related to the application, and recommends approval of the request, subject to the approval being conditioned to: 1) the submitted revised “site and landscape plan” is required; and 2) all screening plant material must be planted and maintained in compliance with the City visibility/visual obstruction regulations.

BACKGROUND INFORMATION:

Zoning:

Site: D (A) (Duplex)
North: D (A) (Duplex)
South: D (A) (Duplex)
East: R-7.5(A) (Single family district 7,500 square feet)
West: PD No. 302 (Planned Development)

Land Use:

The site is developed as a church use (Seventh Church of Christ Scientist). The area to the north is developed with office use; the areas to the east and south are developed with single family uses; and the area to the west is developed with retail uses.

Zoning/BDA History:

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

Timeline:

July 8, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 12, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

August 18, 2011: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th 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.

September 2, 2011: In response to the Board Administrator's discovery that an alternate landscape plan had not been submitted with the application for a special exception to the landscape regulations in July, the Chief Arborist emailed the Board Administrator that he had spoken to the applicant on September 1st who had indicated that he would be attempting to have an alternate landscape plan submitted in conjunction with his request by the September 6th staff review team meeting. (As of September 2nd, the only plan that had been submitted to staff in conjunction with the applicant's request for a special exception to the landscape regulations had been what appeared to be a tree survey).

September 6, 2011: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a "site/floor plan" to the Board Administrator (see Attachment A). This plan that was only a representation of the part of the subject site on which the proposed reading room was to be located.

September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable Development and Construction Department Engineering Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

September 8, 2011: The Board Administrator contacted the applicant with regard to whether location of the proposed structure that triggered the applicant's request for a special exception to the landscape regulations was in compliance with side yard setback regulations. The Board Administrator informed the applicant that the Chief Arborist had pointed out that the plan (tree survey) submitted in conjunction with the application showed a 10' setback denoted from one of two dashed lines. But depending on which of the two dashed lines was the actual side property line would be whether the structure is in compliance with the side yard setback. The applicant stated that he would touch base with his architect and confirm that this proposed structure was located out of the side yard setback since he had not intended to request variance to the side yard setback regulations for the proposed structure. (As of September 13th, the applicant had not confirmed with the Board Administrator that the proposed structure would be providing the required 10' setback from the side property line).

September 8, 2011: The Building Inspection Senior Plans Examiner/Development Code Specialist emailed the Board Administrator stating that he was unable to make a full determination with regard to whether the proposed structure was providing the required side yard setback. The applicant had submitted a plan to him and the Chief Arborist that was still showing two property lot lines side by side adjacent to the proposed structure's side yard setback area. The Code Specialist stated, however, that this did not affect the proposed alternate landscape plan since even if the applicant had to move the building over to meet the setback, the landscaping will still be provided as shown. The Code Specialist stated that the Chief Arborist had asked that the applicant's architect to confirm the correct property lot line.

September 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Need to comply with all C.O.D visibility requirements." (The Board Administrator was unable to make a determination as to compliance with these regulations in that no full scale alternate landscape/site plan had been submitted to him as of September 13th).

September 13, 2011: The Chief Arborist submitted a reduced copy of a revised plan and a memo pertaining to the landscape special

exception request to the Board Administrator (see Attachment B).

- September 21, 2011: The Board heard testimony at the public hearing some of which was from the City of Dallas Chief Arborist who stated that he no longer supported the applicant's request upon further review of the issue at hand. The Board delayed action on this application until October 19th to allow the applicant to prepare a revised alternate landscape plan that addressed all of the concerns that had been expressed to date by city staff.
- September 26, 2011: The Board Administrator wrote the applicant a letter that conveyed the board's action of September 21st, and provided the new public hearing date, the October 3rd deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- September 28, 2011: The applicant's representative submitted a revised site plan/partial elevation to staff (see Attachment A).
- October 4, 2011: The Chief Arborist forwarded a revised "site and landscape plan" to the Board Administrator (see Attachment C).
- October 4, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Sustainable Development and Construction Department Engineering Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- October 6, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- October 11, 2011: The Chief Arborist submitted a memo pertaining to the landscape and tree preservation special exception requests to the Board Administrator (see Attachment D).

STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 1,700 square foot “new one story brick” structure on a site developed with an approximately 4,400 square foot “existing one story brick” structure/church use, and being “excepted” from fully meeting the City’s landscape regulations.
- A revised “site and landscape plan” has been submitted since the September 21st hearing on this application, a plan in which the City of Dallas Chief Arborist has stated is deficient from meeting Article X: Landscape Regulations by not fully providing the perimeter landscape buffer; not providing the required number of street trees, not providing the required number of parking lot trees, and not providing the two required design standards.
- The City of Dallas Chief Arborist recommends approval of the request, subject to the approval being conditioned to: 1) the submitted revised “site and landscape plan” is required; and 2) all screening plant material must be planted and maintained in compliance with the City visibility/visual obstruction regulations.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the staff suggested conditions, the site would be “excepted” from full compliance with the mandatory requirements and design standard requirements of Article X: The Landscape Regulations.
- Note that the applicant has only made an application for a special exception to the landscape regulations. Although the applicant’s revised “site and landscape plan” has addressed staff’s previous concern with regard to the location of the proposed structure outside of the required side yard setback (the submitted revised plan denotes a 10’ distance from what appears to be the side property line), the submitted revised “site and landscape plan” does not allow city staff to fully determine the applicant’s ability to comply with the visual obstruction regulations. But approval of the applicant’s singular request to the Board – that being a request for a special exception to the landscape regulations will not provide any relief with regard to visual obstruction regulations.

BOARD OF ADJUSTMENT ACTION: SEPTEMBER 21, 2011

APPEARING IN FAVOR: Ric Nesbit, 1701 Druid Ct., Ft. Worth, Texas

APPEARING IN OPPOSITION: No one

MOTION: **Wilson**

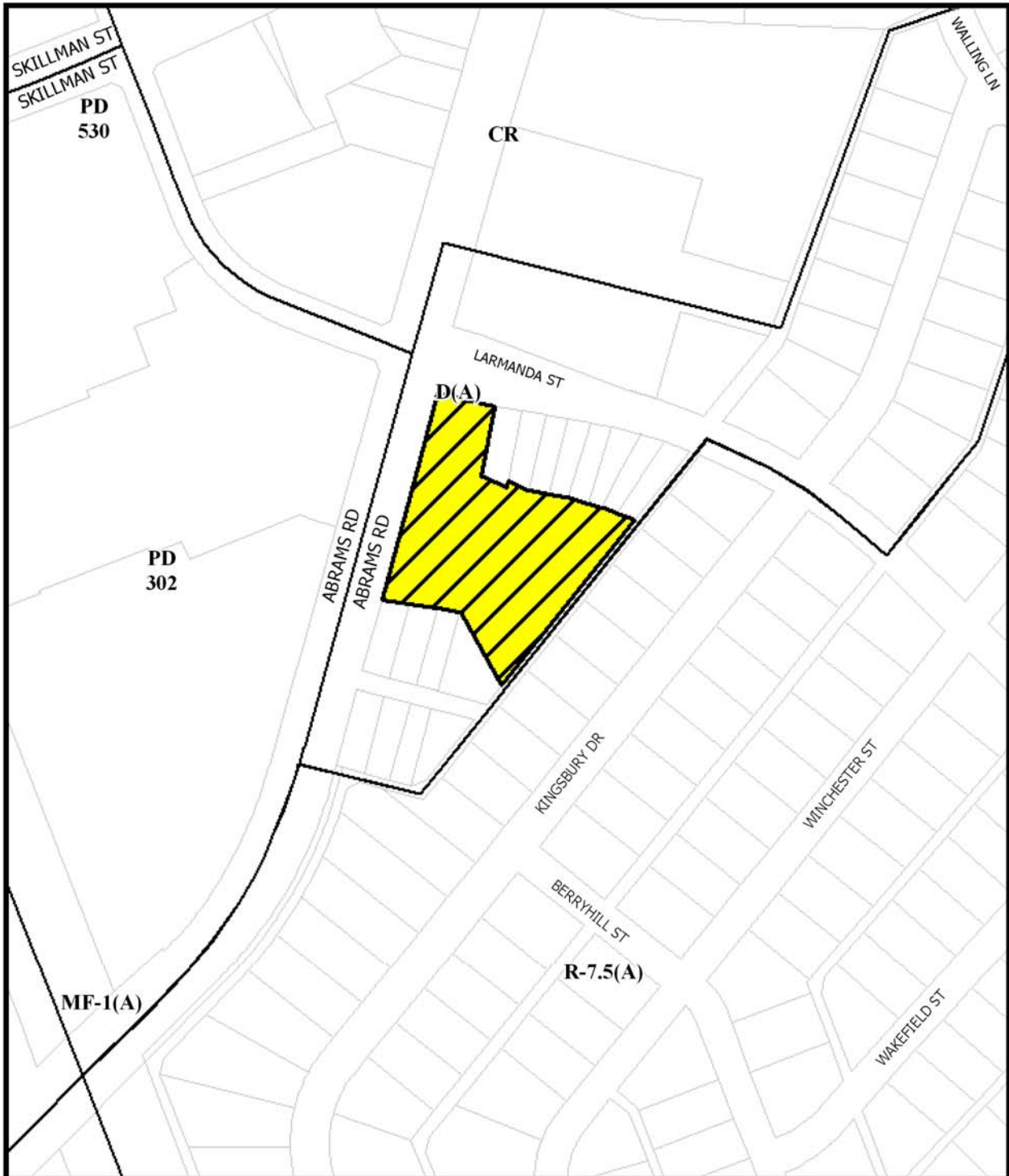
I move that the Board of Adjustment in Appeal No. **BDA 101-085**, hold this matter under advisement until **October 19, 2011**.

SECONDED: **Chernock**

AYES: 5– Reynolds, Chernock, Wilson, Leone, Murrah

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)



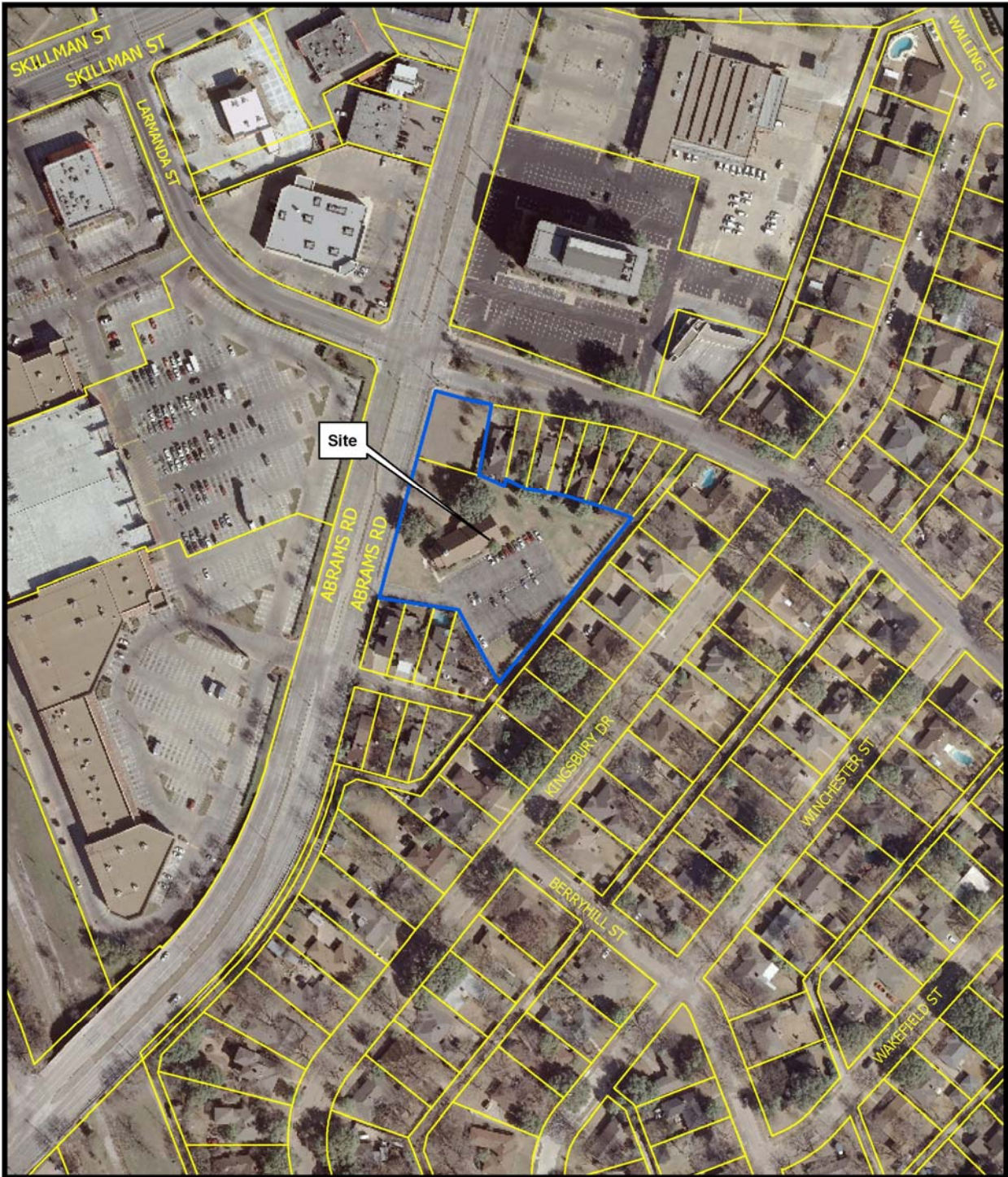
1:2,400

ZONING MAP

Map no: G-8, G-9

Case no: BDA101-085

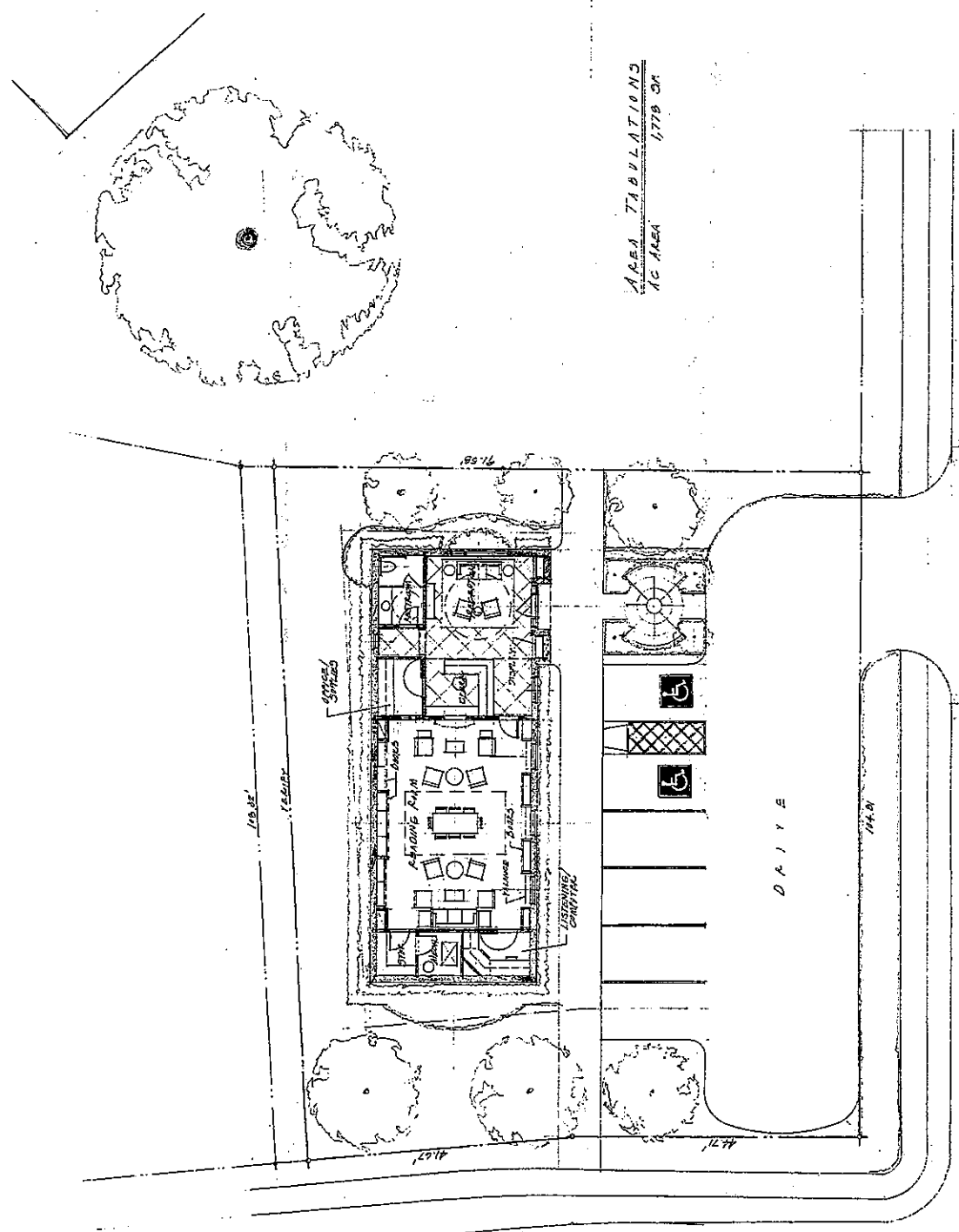
DATE: August 18, 2011



 1:2,400	<h1>AERIAL MAP</h1>	Map no: <u> G-8, G-9 </u> Case no: <u> BDA101-085 </u>
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DATE: August 18, 2011

BDA 101-085
Attach A



SITE / FLOOR PLAN
SCALE 1/8"=1'-0"

ABRAMS ROAD

LARAMANDA STREET

existing church structure that might be accounted for in meeting the requirements. A small screening row could provide for screening the existing primary parking lot.

Factors

If the combined property was 10,000 square feet larger, the building site would meet the requirements for an artificial lot, per Section 51A-10.122, for landscape area reduction. The special exception request under an artificial lot would be for the perimeter landscape buffer plant groups (51A-10.125(b)(7)), and street trees (51A-10.125(b)(4)).

There are a few large trees in open space locations on the property to the north of the church structure. Other maturing large and small tree species populate the property. The property does meet the requirements for Site Trees under Article X regulations.

The plan calls for four new live oak trees of 4" caliper each to be planted near the new construction. A row of evergreen screening shrubs has been proposed along the perimeter of the lot at Larmanda and Abrams. A row of evergreen plantings have been proposed along the entire street side facade of the new structure.

Several young trees will be removed for construction. Any mitigation will be enforced under Article X tree preservation regulations. Planting the four proposed 4" live oaks would place 16 inches onto the property.

The exact location of the building, new impervious pavement, and other improvements, is subject to final review by Building Inspection.

Recommendation

Approval of the submitted landscape plan subject to the following recommendations:

All screening plant material must be planted and maintained in compliance with City visibility regulations.

Allow any one 4" large tree, or two 2" small trees, from the City Approved Replacement Tree List, to substitute for each live oak tree proposed for the Abrams Road frontage for proper planting adjacent to the overhead utility.

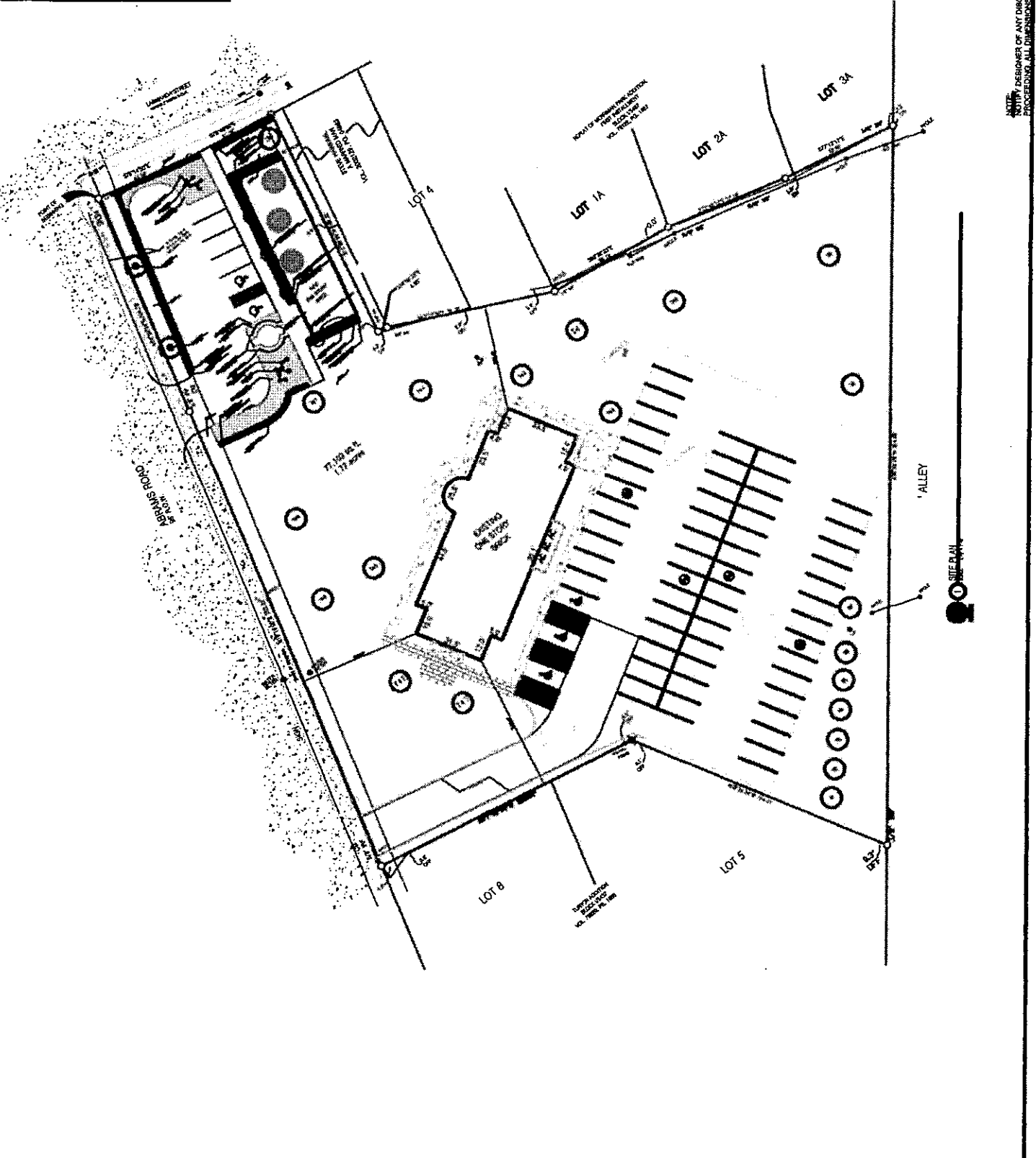
Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist

SEVENTH CHURCH OF CHRIST SCIENTIST
6414 Abrams Rd.
Dallas, Texas 75231

ALLEN KIRSCH & ASSOC., INC.
PLANNING AND DESIGN
1448 WESTWAY AVE.
DALLAS, TEXAS 75208
TEL: (214) 358-8888
FAX: (214) 358-8888
www.allenkirsch.com

DATE: _____
DRAWING NO.: _____
SCALE: _____
SHEET NO.: 1 of 1

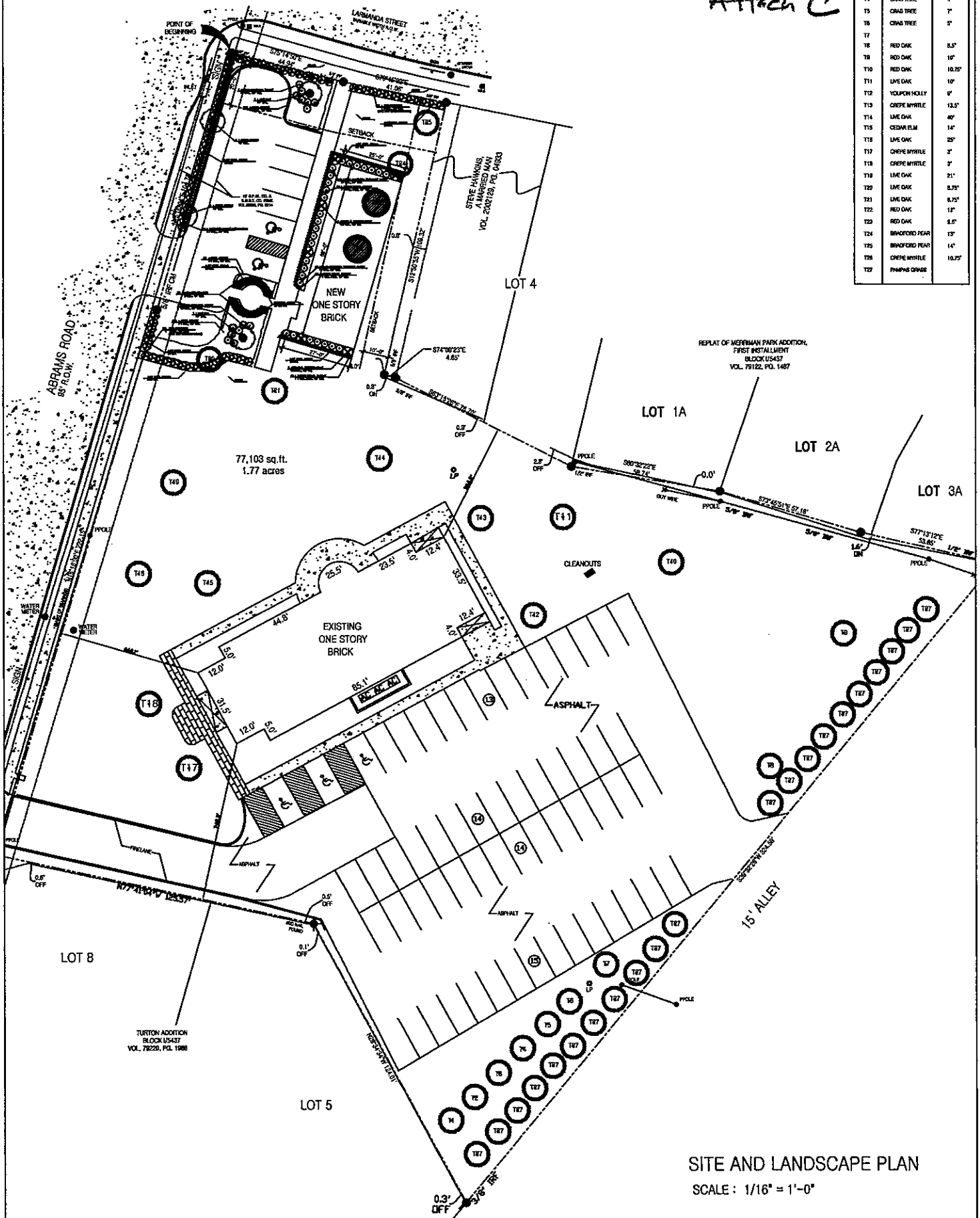
NO.	REVISION	DATE
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50	ISSUED FOR PERMITS	03/15/05



NOTE: DESIGNER OF ANY DISCREPANCIES ON DRAWINGS BEFORE PROCEEDING, ALL DIMENSIONS TO BE VERIFIED ON SITE.

BDA101-005
 Attach C

TREE LEGEND		
TREE#	TYPE	SIZE
T1	CHINA TREE	5.50'
T2	CHINA TREE	2'
T3	CHINA TREE	4'
T4	CHINA TREE	4'
T5	CHINA TREE	7'
T6	CHINA TREE	5'
T7		
T8	RED OAK	8.5'
T9	RED OAK	10'
T10	RED OAK	10.75'
T11	LIVE OAK	10'
T12	YOLKON HOLLY	6'
T13	CREPE MYRTLE	13.5'
T14	LIVE OAK	40'
T15	CEMUR FLM	14'
T16	LIVE OAK	25'
T17	CREPE MYRTLE	3'
T18	CREPE MYRTLE	3'
T19	LIVE OAK	21'
T20	LIVE OAK	8.75'
T21	LIVE OAK	8.75'
T22	RED OAK	12'
T23	RED OAK	8.5'
T24	BRADFORD PEAR	15'
T25	BRADFORD PEAR	14'
T26	CREPE MYRTLE	10.75'
T27	PAMPAS GRASS	



SITE AND LANDSCAPE PLAN
 SCALE: 1/16" = 1'-0"

BDA 101-085
Attach D
As 1

Memorandum



CITY OF DALLAS

DATE October 11, 2011
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 101 · 085 6414 Abrams Road - REVISED

The applicant is requesting a special exception to the landscape requirements of Article X. Specifically, the request is for the mandatory requirements of 51A-10.125(b) and design standards of 51A-10.126.

Trigger

Proposed construction of a new structure on a property to be replatted with adjoining property with a church use. Replat is to occur prior to permitting.

Deficiencies

Additional landscaping has been indicated only for the area near the new construction at the corner of Larmanda and Abrams. The new permit will require landscaping for the entire platted 1.77 acre property since the newly platted property will be under 2 acres in size. The conditions for an artificial lot do not apply. Section 51A-10.122 states a property over two acres in size may request for a artificial lot to satisfy the requirements of Article X that would not 'violate the spirit of the landscape regulations.'

51A-10.125(b)(1) and (b)(7). The property has a non-residential use in a residential (duplex) district. Article X requires a perimeter landscape buffer of a minimum of 10 feet in width, with the required plant groups, where residential adjacency exists. The existing church site does not comply with buffer plant groups or buffer areas (portion of parking lot and driveway) on the south and east sides of the property. The area for the new structure shows to have the required buffer area, but not the required plant groups.

51A-10.125(b)(4). The overall site requires 9 street trees. One new street tree is proposed. Two new crepe myrtles do not qualify as Article X street trees.

51A-10.125(b)(5). The southern half of the existing parking lot does not currently conform to Article X requirements for parking lot trees. The new additional parking proposed for the new structure would comply by definition although these may not be required parking spaces.

The property will require two design standards. The plan identifies two design standards on the drawing for the new addition with 1) screening of off-street parking, and 2) foundation planting. The plan does not identify all plantings at or near the

existing church structure that might be accounted for in meeting the requirements. A small screening row could provide for screening the existing primary parking lot.

Factors

If the combined property was 10,000 square feet larger, the building site would meet the requirements for an artificial lot, per Section 51A-10.122, for landscape area reduction. The special exception request under an artificial lot would be for the perimeter landscape buffer plant groups (51A-10.125(b)(7)), and street trees (51A-10.125(b)(4)).

There are a few large trees in open space locations on the property to the north of the church structure. Additional maturing large and small tree species populate the property. The overall property does meet the requirements for Site Trees under Article X regulations.

The plan calls for two new live oak trees of 4" caliper each to be planted near the new construction. A row of evergreen screening shrubs (Wax ligustrum, or an alternate of dwarf burford holly) has been proposed along the perimeter of the lot at Larmanda and Abrams. Shrubs in the visibility triangle must be maintained in compliance with visibility regulations at no taller than 2.5 feet above the curb. A row of evergreen plantings has been proposed along the entire street side facade of the new structure.

Two crepe myrtle trees are proposed along Abrams Road under the overhead utilities in place of large trees. The arborist office recommends minimizing aerial obstructions with overhead electric lines and favors the plant size reduction.

Two trees are identified for removal with construction. Any mitigation will be enforced under Article X tree preservation regulations. Planting two proposed 4" live oak trees, and two crepe myrtles would place 16 inches onto the property. The applicant has indicated any tree mitigation would be applied through additional trees on the property.

The exact location of the building, new impervious pavement, and other improvements, is subject to final review by Building Inspection.

Recommendation

Approval of the submitted revised landscape plan, subject to the following recommendation:

All screening plant material must be planted and maintained in compliance with City visibility regulations.

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-085

Data Relative to Subject Property:

Date: 7-8-2011

Location address: 6414 ABRAMS RD 76231 Zoning District: D(A)
TRACT 9.1 and part of lot 9
Lot No.: Block No.: 15437 Acreage: 1.77 Census Tract: 78.09
Street Frontage (in Feet): 1) 326' 2) 86' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: SEVENTH CHURCH OF CHRIST, SCIENTIST DALLAS

Applicant: Ric NESBIT Telephone: 817-371-0184

Mailing Address: 1701 DAVID CT FLEWORTH Zip Code: 76112

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance, or Special Exception, of alternative landscape plan

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 proposed construction will be adequately landscaped as closely as possible to Article X standards and will have no adverse effect on neighboring property.

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: RICHARD NESBIT Applicant's name printed

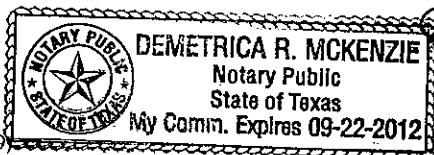
[Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Richard Stetson Nesbit 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.

Affiant (Applicant's signature)

Subscribed and sworn to before me this 8th day of July, 2011



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

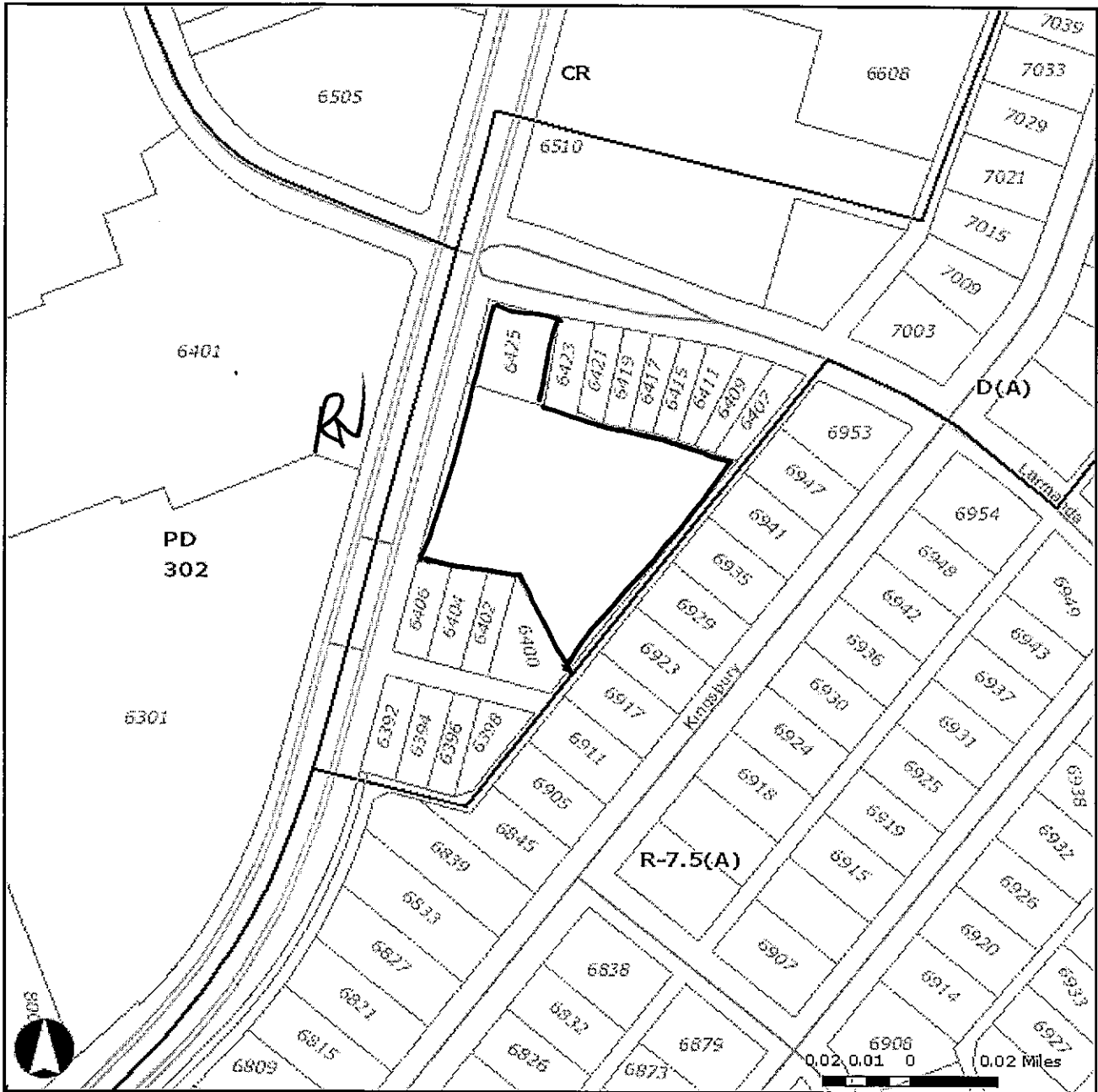
I hereby certify that Ric Nesbit
did submit a request for a special exception to the landscaping regulations
at 6414 Abrams Road

BDA101-085. Application of Ric Nesbit for a special exception to the landscaping regulations at 6414 Abrams Road. This property is more fully described as tract 9.1 and a part of lot 9 in city block 1/5437 and is zoned D(A), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

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

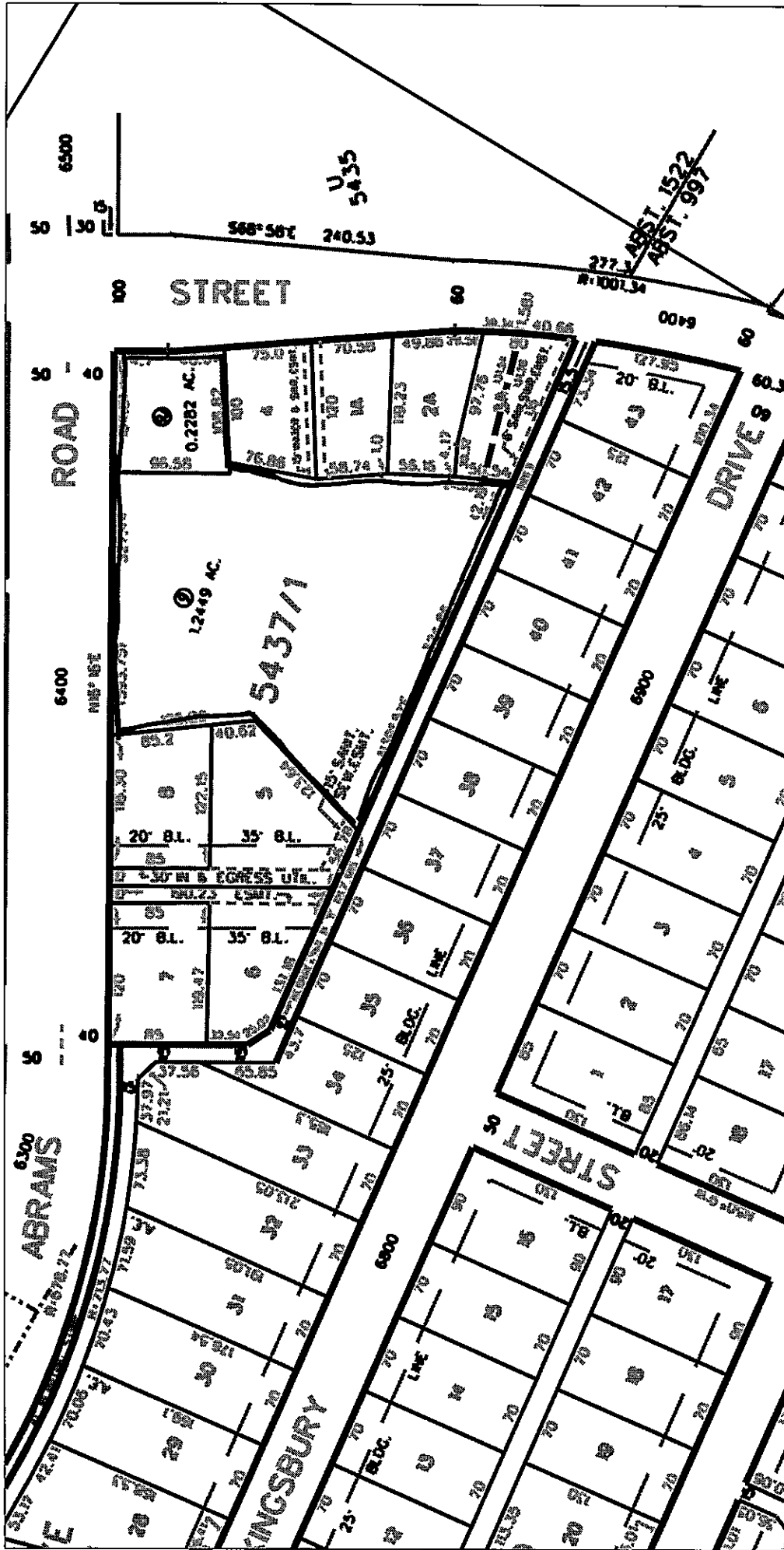
Dry Overlay

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

Base Zoning

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

RN

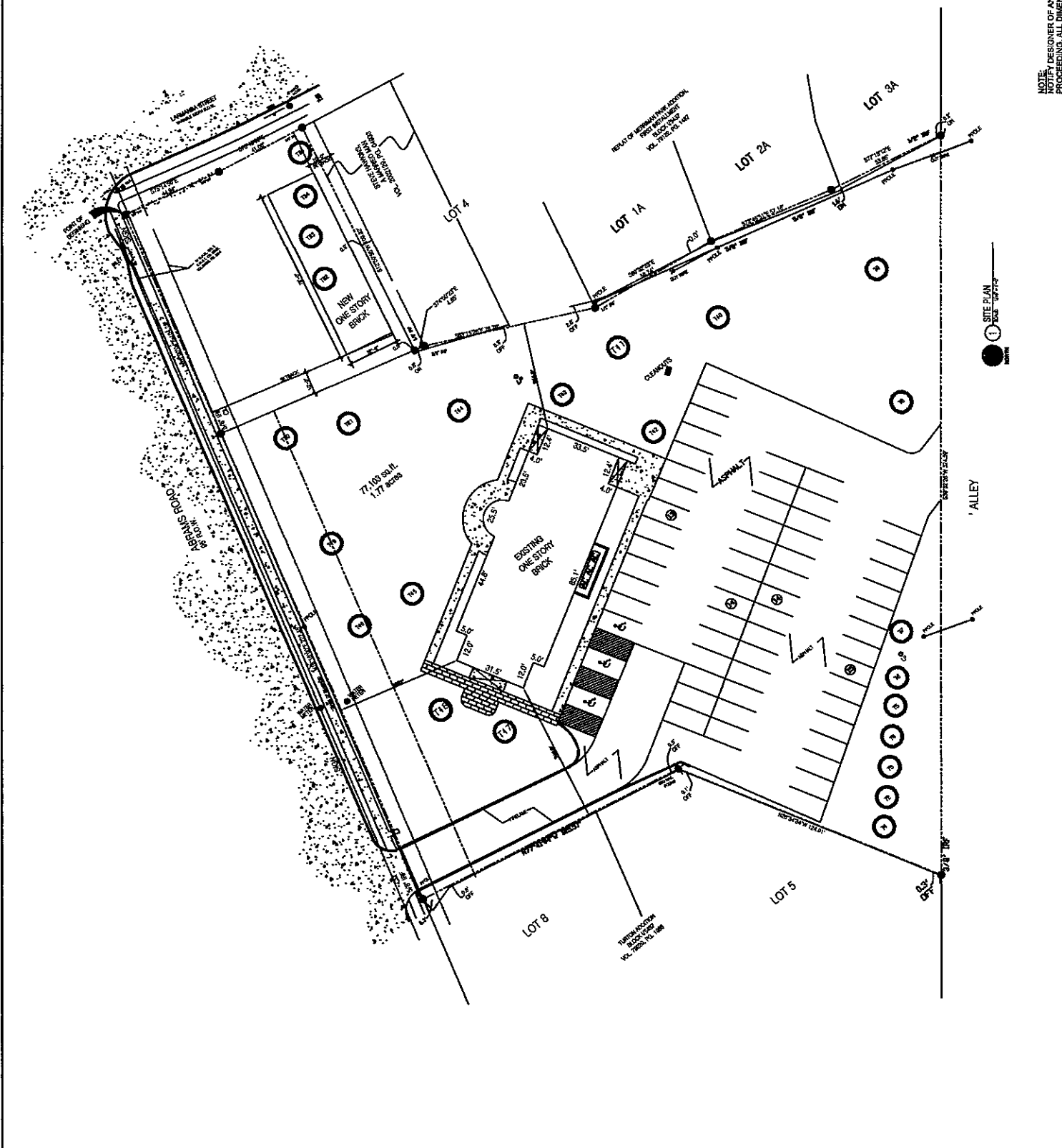


SEVENTH CHURCH OF CHRIST SCIENTIST
OFFICE & RESTROOM RENOVATION
6414 Abrams Rd, Dallas, Texas 75231

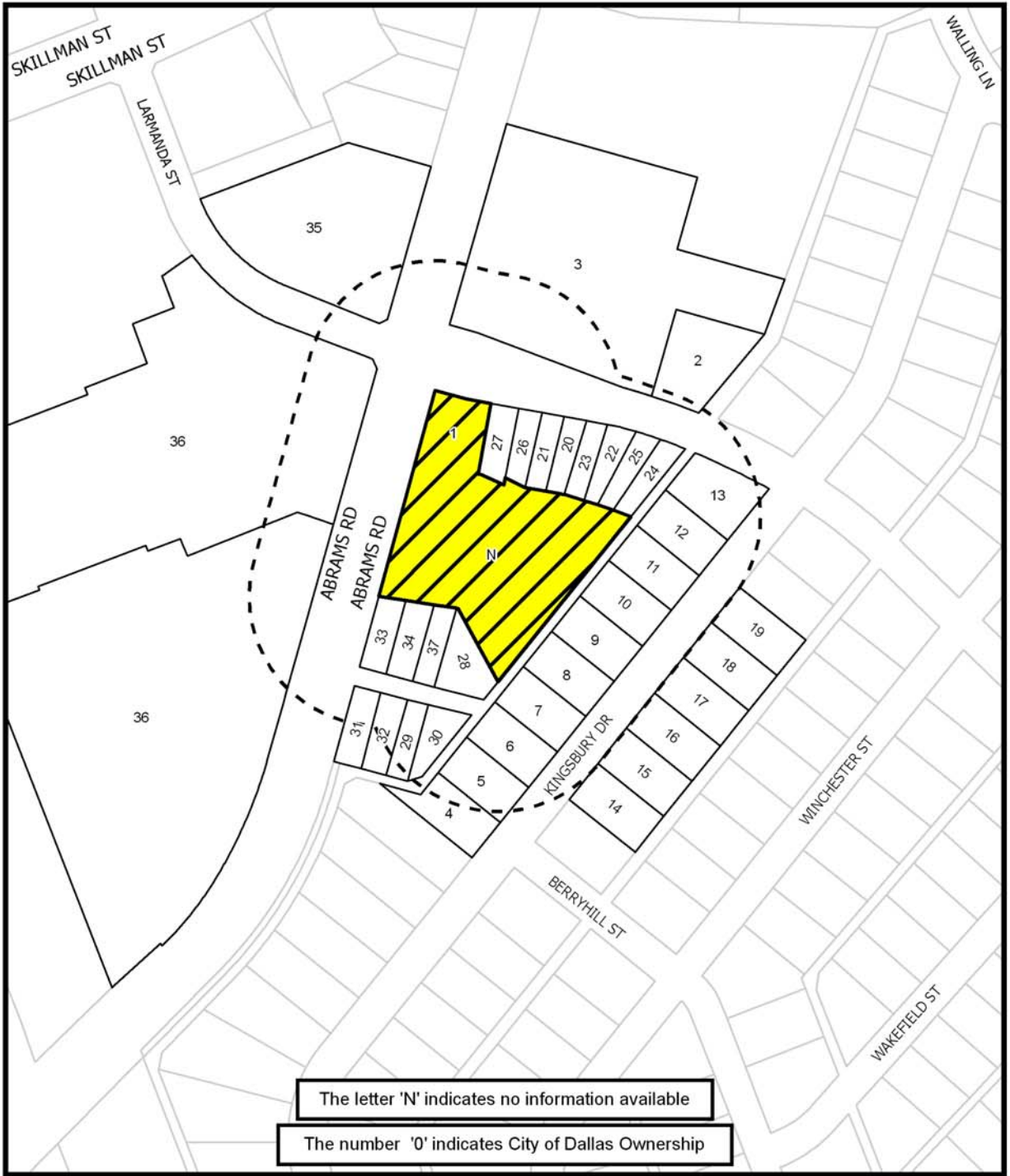
ALLEN KIRSCH & ASSOC., INC.
PLANNING AND DESIGN
4444 WESTWAY AVE.
DALLAS, TEXAS 75205-3801
TEL (214) 826-6966
FAX (214) 826-6968
E-MAIL: AKIRSCH@ALLENKIRSCH.COM

DATE: _____
 REVISIONS: _____
 DRAWING NO.: _____
 SHEET NO.: 1
 OF 1

TRACT #	CHAB APPLE	SIZE
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88	CHAB APPLE	20.70'
89	CHAB APPLE	20.70'
90	CHAB APPLE	20.70'
91	CHAB APPLE	20.70'
92	CHAB APPLE	20.70'
93	CHAB APPLE	20.70'
94	CHAB APPLE	20.70'
95	CHAB APPLE	20.70'
96	CHAB APPLE	20.70'
97	CHAB APPLE	20.70'
98	CHAB APPLE	20.70'
99	CHAB APPLE	20.70'
100	CHAB APPLE	20.70'



NOTE: NOTIFY DESIGNER OF ANY DISCREPANCIES ON DRAWINGS BEFORE PROCEEDING. ALL DIMENSIONS TO BE VERIFIED ON SITE.



The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership

 1:2,400	<h1>NOTIFICATION</h1>	G-8, G-9 Map no: _____			
	<table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">37</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	37	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
37	NUMBER OF PROPERTY OWNERS NOTIFIED				

DATE: August 18, 2011

Notification List of Property Owners

BDA101-085

37 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6425 LARMANDA	SEVENTH CHURCH OF CHRIST SCIENTIST
2	6401 LARMANDA	COMERICA BANK TEXAS C/O COLLIERS INT L
3	6510 ABRAMS	HERMOSA LP STE 350
4	6845 KINGSBURY	BRYDON ALBERT ROBERT JR
5	6905 KINGSBURY	AUSTIN MARJORIE A
6	6911 KINGSBURY	SCHEIBE PAUL F JR
7	6917 KINGSBURY	KING REBECCA N & RANDOLPH
8	6923 KINGSBURY	PEAKE TERRENCE M
9	6929 KINGSBURY	CHRISMON KENNY S
10	6935 KINGSBURY	BERK MICHAEL J & LAUREL E FROWINE
11	6941 KINGSBURY	LA BARBA FRANK JR
12	6947 KINGSBURY	SALMON BELINDA R
13	6953 KINGSBURY	PROCTOR ALAN R & JANIS
14	6912 KINGSBURY	FRIESEN GLENNA A
15	6918 KINGSBURY	CROWDER DENISE & JAYE D
16	6924 KINGSBURY	HASELL LINDA
17	6930 KINGSBURY	IRONS RICKY LYNN & CHRIS
18	6936 KINGSBURY	WRIGHT JENNA P & PAUL F
19	6942 KINGSBURY	CRAIG PAULINE F
20	6417 LARMANDA	BUNDREN CHARLES & KAREN C & K RESIDENTIA
21	6419 LARMANDA	PETERSON ANTONE L III
22	6411 LARMANDA	DARTEZ CHRISTOPHER J
23	6415 LARMANDA	BULLARD SAM H & VERONICA I
24	6407 LARMANDA	SWANK ALICE RUTH
25	6409 LARMANDA	JENSEN DONALD J
26	6421 LARMANDA	GULLEY NICOLE

8/18/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6423 LARMANDA	HAWKINS STEVE
28	6400 ABRAMS	RUFF BEVERLY JO PATTON
29	6396 ABRAMS	REYNOLDS JUDITH D
30	6398 ABRAMS	HARRIS ANN M
31	6392 ABRAMS	KLINE JOHN EDWIN
32	6394 ABRAMS	HOMER CHRISTOPHER S
33	6406 ABRAMS	EVERITT CECIL H JR
34	6404 ABRAMS	EVERITT CECIL H JR
35	6505 ABRAMS	ABRAMS LARMANDA LTD PS
36	6401 ABRAMS	TSCA-232 LP STE 100
37	6402 ABRAMS	MYERS JACK E & THEA TEMPLE

FILE NUMBER: BDA 101-089

BUILDING OFFICIAL'S REPORT:

Application of Frank Waterhouse, represented by Michael R. Coker Company, for variances to the front yard setback regulations and a special exception to the landscape regulations at 2817 Maple Avenue. This property is more fully described as Lot 7A in City Block 6/943 and is zoned PD-193 (LC), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide 0 foot front yard setbacks, which will require 10 foot variances to the front yard setback regulation, and to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2817 Maple Avenue

APPLICANT: Frank Waterhouse
Represented by Michael R. Coker Company

REQUESTS:

- The following appeals have been made in this application on a site that is currently developed with a vacant office structure and related surface parking lot:
 1. A variance to the front yard setback regulations of 10' is requested in conjunction with constructing and maintaining an approximately 45 square foot (9' x 5') and an approximately 630 square foot (70' x 9') "planting box" structures in the site's 10' front yard setback along Maple Avenue;
 2. A variance to the front yard setback regulations of 10' is requested in conjunction with replacing an existing retaining wall with a new approximately 600 square foot (100' x 6') retaining wall and stair/ramp structures in the site's 10' front yard setback along Randall Street; and
 3. A special exception to the landscape regulations is requested in conjunction with increasing the existing building height, floor area ratio, and/or nonpermeable coverage on the site with the construction and maintenance of the proposed previously mentioned structures and a garage structure, and not fully meeting the landscape requirements of PD No. 193.

STAFF RECOMMENDATION (variances):

Denial

Rationale:

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

STAFF RECOMMENDATION (landscape special exception):

Approval, subject to the following condition:

- Compliance with the submitted revised landscape plan is required except that the City Arborist may approve a deviation to the trees shown on the revised landscape plan along Randall Street if the City arborist determines that the required trees will interfere with adjacent overhead utilities.

Rationale:

- The City's Chief Arborist recommends approval of this request whereby, if the modified revised landscape plan is imposed as a condition, the special exception would not compromise the spirit and intent of the landscaping requirements of PD No. 193.
- In this particular case, the applicant's submitted revised alternate landscape plan is one that while is not in full compliance with the "garage screening and landscaping" requirements within PD No. 193, meets or exceeds the street tree, landscape site area, general planting area, and special planting area requirements of the ordinance.

STANDARD FOR A VARIANCE:

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

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

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

Section 26(a)(4) of Ordinance No. 21859, which establishes PD No. 193, 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.

GENERAL FACTS (variances):

- The minimum front yard setback on a PD No. 193 (LC) zoned lot is 10 feet. The applicant had submitted a site plan with the original application indicating an approximately 90 square foot (15' x 6') "raised planter bed" structure in the site's 10' front yard setback along Maple Avenue, and a new 4' 9' high, approximately 600 square foot (100' x 6') "retaining wall/ "raised planting box" structure in the site's 10' front yard setback along Randall Street. On October 7, 2011, the applicant's representative submitted a revised site plan, revised elevations document, and a revised landscape plan to staff (see Attachment A). These revised plans were in part submitted to bring the site and proposed additions/modifications to the site in compliance with visual obstruction regulations, and to bring clarity to what had been noted on the originally submitted plans. The applicant has stated that the revised plans do not affect the variance request for the front yard.
- According to calculations taken by the Board Administrator from the originally submitted and revised site plans, all of the structures mentioned above are in either one or both of the site's two 10' front yard setbacks.
- The site is sloped southwesterly from Maple Avenue towards Bookout Street. The site is rectangular in shape (255' x 100'), and according to the application, 0.58 acres in area. The site is zoned PD No. 193 (LC). The site has two 10' front yard setbacks which is typical of any corner lot that has a street frontage and is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the improvements at 2817 Maple Avenue is an "office building" with 13,376 square feet built in 1971.

GENERAL FACTS (landscape special exception):

- PD No. 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.

On October 7, 2011, the applicant's representative submitted a revised alternate landscape plan to replace the alternate landscape plan submitted with the original application (see Attachment A). According to the City of Dallas Chief Arborist, the applicant is seeking relief from the landscaping requirements of PD No. 193, specifically the "garage screening and landscaping" requirements of the ordinance.

- On October 12, 2011, the City of Dallas Chief Arborist submitted a memo to the Board Administrator pertaining to the landscape special exception request (see Attachment B). The memo stated among other things how the applicant's revised alternate landscape plan shows a site that is deficient from meeting PD No. 193 Landscaping Requirements by not providing the 10 foot landscaping buffer on a side of an above ground parking structure with the buffer containing 1 tree for every 25 feet of frontage. (The arborist notes that the applicant proposes to provide a reduced buffer with evergreen shrubs and no additional tree planting).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 193 (LC) (Planned Development District, Light commercial)
North: PD No. 193 (LC) (Planned Development District, Light commercial)
South: PD No. 193 (LC) (Planned Development District, Light commercial)
East: PD No. 193 (LC) (Planned Development District, Light commercial)
West: PD No. 193 (LC) (Planned Development District, Light commercial)

Land Use:

The subject site is developed with a vacant office building and related surface parking lot. The areas to the north, east, south, and west are a mix of office and residential uses.

Zoning/BDA History:

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

Timeline:

July 15, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 21, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

September 21, 2011: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 4, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Sustainable Development and Construction Department Engineering Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

October 7, 2011: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 12, 2011: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment B).

STAFF ANALYSIS (variances):

- These requests focus on constructing and maintaining an approximately "planting box" structures in the site's 10' front yard setback along Maple Avenue; and replacing an existing retaining wall with a new retaining wall and stair/ramp structures in the site's 10' front yard setback along Randall Street. The site is currently developed with a vacant office structure.
- According to calculations taken by the Board Administrator from the originally submitted and revised site plans, all of the structures mentioned above are in either one or both of the site's two 10' front yard setbacks.
- The site is sloped southwesterly from Maple Avenue towards Bookout Street. The site is rectangular in shape (255' x 100'), and according to the application, 0.58 acres in area. The site is zoned PD No. 193 (LC). The site

has two 10' front yard setbacks which is typical of any corner lot that has a street frontage and is not zoned single family, duplex, or agricultural.

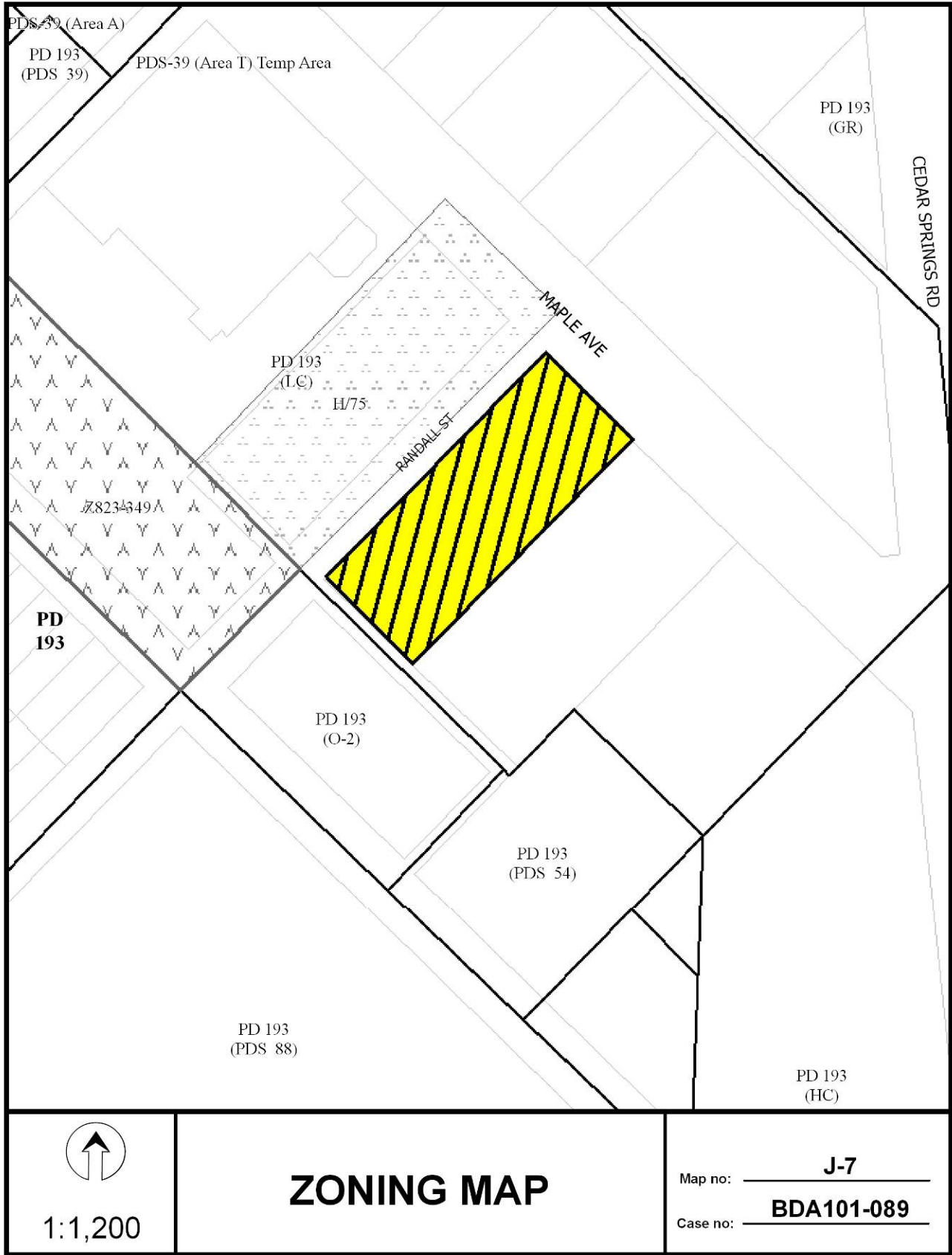
- DCAD records indicate that the improvements at 2817 Maple Avenue is an “office building” with 13,376 square feet built in 1971.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 193 (LC) zoning classification.
 - The variances would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD No. 193 (LC) zoning classification.
- If the Board were to grant the front yard variance requests, imposing a condition whereby the applicant must comply with the submitted revised site plan, the structures in the front yard setbacks would be limited to what is shown on this plan – which in this case are planting box, retaining wall, and stair/ramp “structures” in the 10' required front yard setbacks along Randall Street and Maple Avenue.

STAFF ANALYSIS (related to the landscape special exception) :

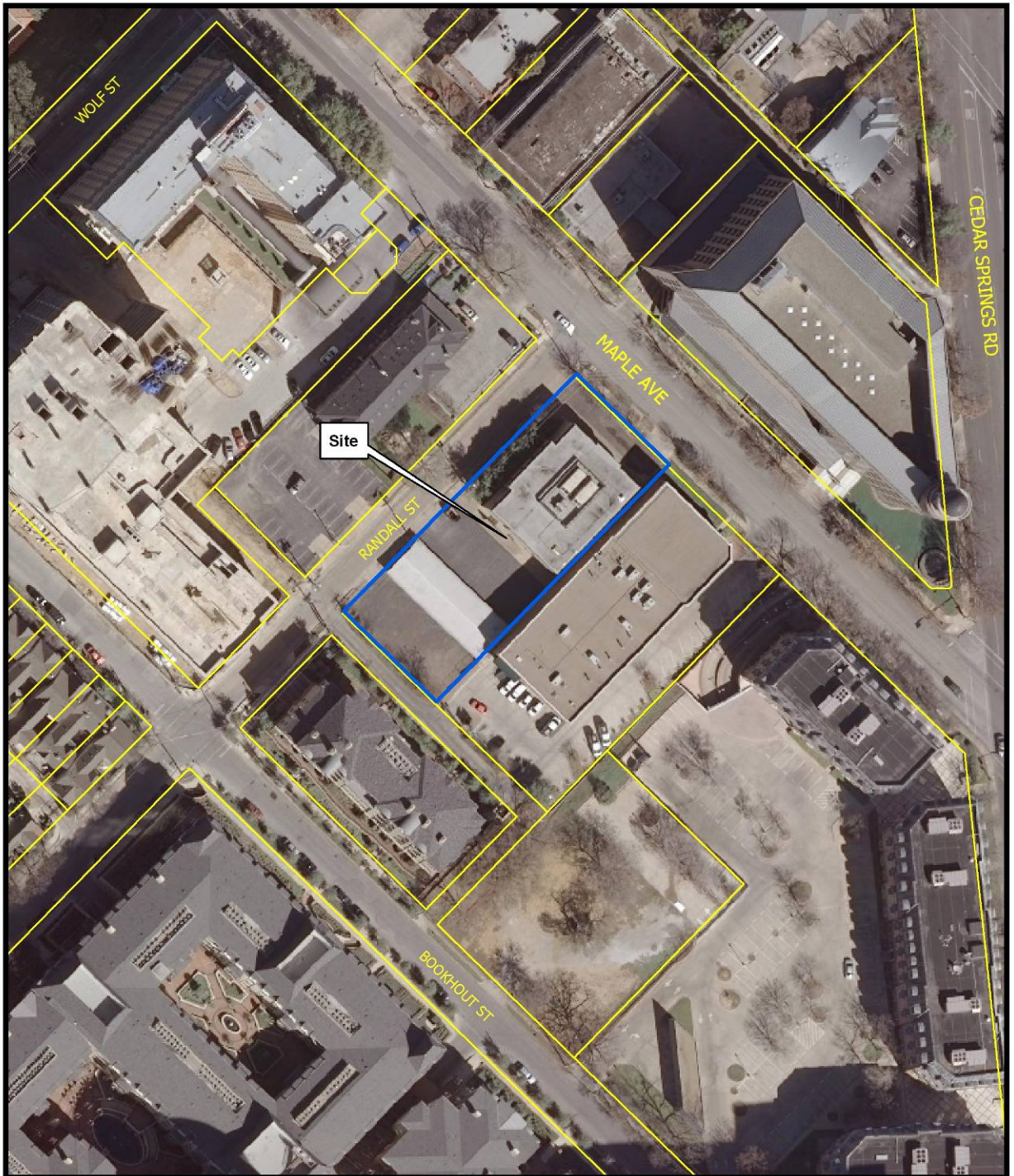
- This request focuses on increasing the existing building height, floor area ratio, and/or nonpermeable coverage on the site with the construction and maintenance of “planting box,” retaining wall, stair/ramp structures that require variance to front yard setback regulations, and a garage structure (that complies with front yard setbacks), and not fully meeting the landscape requirements of PD No. 193, more specifically, the “garage screening and landscaping” requirements within PD No. 193.
- The applicant seeks exception from the landscaping requirements of PD No. 193 by providing a reduced buffer with evergreen shrubs and no additional tree planting when the ordinance requires a 10 foot landscaping buffer on a side of an above ground parking structure with the buffer containing 1 tree for every 25 feet of frontage.
- The City of Dallas Chief Arborist recommends approval of the request with modifications to the submitted revised alternate landscape plan that would accommodate a tree reduction along Randall Street to avoid future conflicts with overhead and underground utilities. The Chief Arborist has prepared a memo that indicates how the site meets or exceeds street tree, landscape site

area, general planting area, and special planting area requirements of PD No. 193 (see Attachment B).

- The applicant has the burden of proof in establishing the following:
 - The special exception will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
- If the Board were to grant this request and impose the condition suggested by staff/the Chief Arborist previously mentioned in this case report, the site would be provided exception to full compliance with the “garage screening and landscaping” requirements within PD No. 193 while either meeting or exceeding the street tree, landscape site area, general planting area, and special planting area requirements of the ordinance.



DATE: September 29, 2011



1:1,200

AERIAL MAP

Map no: J-7
Case no: BDA101-089

DATE: September 29, 2011

Michael R. COKER Company

2700 Swiss Avenue
Suite 100
Dallas, Texas 75204

October 7, 2011

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

Re: Revised Landscape Plan for Landscape Special Exception request and revised Site Plan and Elevations on property located at 2817 Maple Avenue, BDA 101-089.

Dear Mr. Long,

The Board of Adjustment Panel B will hear our request for a variance to the front yard requirements and a request for a Landscape Special Exception at their public hearing scheduled for October 19, 2011. While preparing for the hearing and coordinating with the city's staff regarding the Landscape Special Exception and the Front Yard variance, I determined that the proposed alternative Landscape Plan needed to be revised in order to clarify the request and the proposed Site Plan and Elevations needed to be revised in order to make structures in the visibility triangle (a planter and stairs) at Randall and Maple compliant with the visual obstruction regulations.

Enclosed is the revised Landscape Plan that I am proposing for this property. The revisions are to the Oak Lawn Ordinance calculations. The previously submitted plan did not include the Maple Avenue required front yard area in the calculations and did not accurately reflect the required and provided landscaping. The revised Landscape Plan corrects the calculation errors.

The enclosed revised Site Plan and Elevations show the planter and the stairs located in the visibility triangle at the corner of Randall and Maple reduced in height. The height reduction of these structures only impacts the visual obstruction compliance. The revisions do not affect the variance request for the front yard.

Please also let the record show that the revised Landscape Plan does not affect the structures in the front yard requiring the variance.

Sincerely,

Michael R. Coker, AICP
Representative for Owner and Applicant

M/A
 MICHAEL
 MALONE
 ARCHITECTS
 PHONE: 214.444.4444
 WEBSITE: WWW.MALONEARCH.COM
 3400 WEST CENTRAL AVENUE SUITE 200
 DALLAS, TEXAS 75201

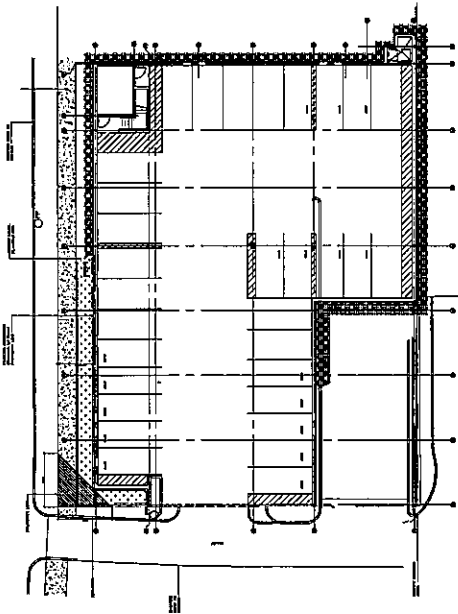
2817 MARBLE AVE
DALLAS, TX

GENERAL NOTES:

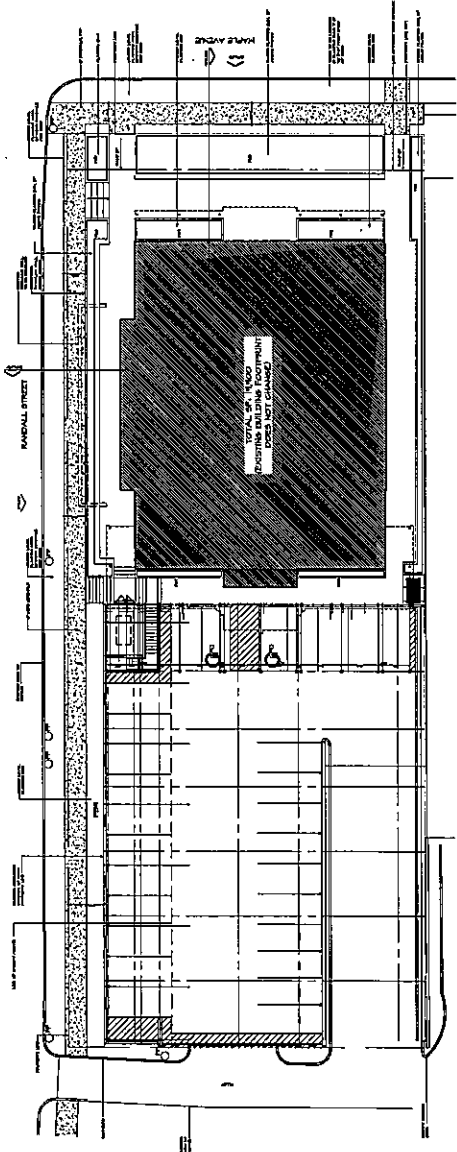
FOR REVIEW

A-101r
SITE
PLAN

PROJECT NUMBER:
 FEMA CODE: 15000
 DRAW: 15000-001
 DATE: 07/18/2011



02 SITE PLAN - LOWER GARAGE LEVEL
SCALE: 1/8" = 1'-0"



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

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

American National Bank
Crescent Real Estate
Equities
ROB ELMORE
PITTMAN HAYMORE
PHILIP HENDERSON
BRUCE HORTON
BRENDA MARKS
MICHAEL MILLIKEN
JOHN OLSON
PAUL ONDREJ
PEGGY REY
MARK SHEKTER
CINTHIA SKIDMORE
FRANK STICH
Warwick Melrose Hotel
NANCY WEINBERGER
DOUG WOODHOUSE

August 3, 2011

Mr. Michael R. Coker
Michael R. Coker Company
2700 Swiss Avenue
Suite 100
Dallas, Texas 75204
mrcoker@cokercompany.com

RE: BDA 101-089
2817 Maple Avenue

Dear Mr. Coker:

At its August meeting, the Oak Lawn Committee voted to support the applicant's request for 10-foot variance for the two front yard setbacks to allow for a new retaining wall, stairs, ramps, and planters and variance for an alternative landscape plan that provides for the garage to be immediately adjacent to the alley, leaving no discernible room for a required landscape buffer in order to obtain as many spaces as possible in the parking garage.

Thank you for your excellent presentation.

Sincerely,



Rob Elmore
President

cc: Honorable Angela Hunt
Dr. Bill Peterson
Mr. Frank Stich

P.O. Box 190912, Dallas, Texas 75219



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-089

Date: 7-15-11

Data Relative to Subject Property:

Location address: 2817 Maple Avenue Zoning District: PDD 193 (LC)

Lot No.: 7A Block No.: 6/943 Acreage: 0.5877 Census Tract: 0018.00

Street Frontage (in Feet): 1) Maple: 100' 2) Randall: 256' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Highland Capital Management, LP

Applicant: Highland Capital Management, LP (Frank Waterhouse) Telephone: 972-628-4100

Mailing Address: 13455 Noel Road, Suite 800 Zip Code: 75240

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

Mailing Address: 2700 Swiss Avenue, Suite 100 Zip Code: 75204

Affirm that a request has been made for a Variance X, or Special Exception _____, of _____
Request for a Variance of ten (10) feet to the front yard setback as illustrated on attached site
plan and section/elevation plans of an alternate landscape plan

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 natural slope of the land makes the property difficult to develop in a manner commensurate
with similar properties within Planned Development District 193 (LC). THE ALTERNATE
Landscape Plan is requested because of the restorative nature
of the property & does not have adversely effect neighboring properties.

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: FRANK WATERHOUSE Frank Waterhouse
Applicant's name printed Applicant's signature

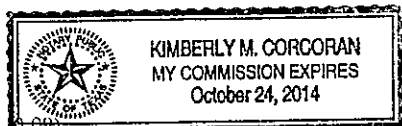
Affidavit

Before me the undersigned on this day personally appeared FRANK WATERHOUSE
who on (his) 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.

Frank Waterhouse
Affiant (Applicant's signature)

Subscribed and sworn to before me this 12TH day of JULY, 2011

Kimberly M. Corcoran
Notary Public in and for Dallas County, Texas



(Rev. 08-1-09)

B

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 Frank Waterhouse
represented by Michael R. Coker Company
did submit a request for a variance to the front yard setback regulations, and for a special
exception to the landscaping regulations
at 2817 Maple Avenue

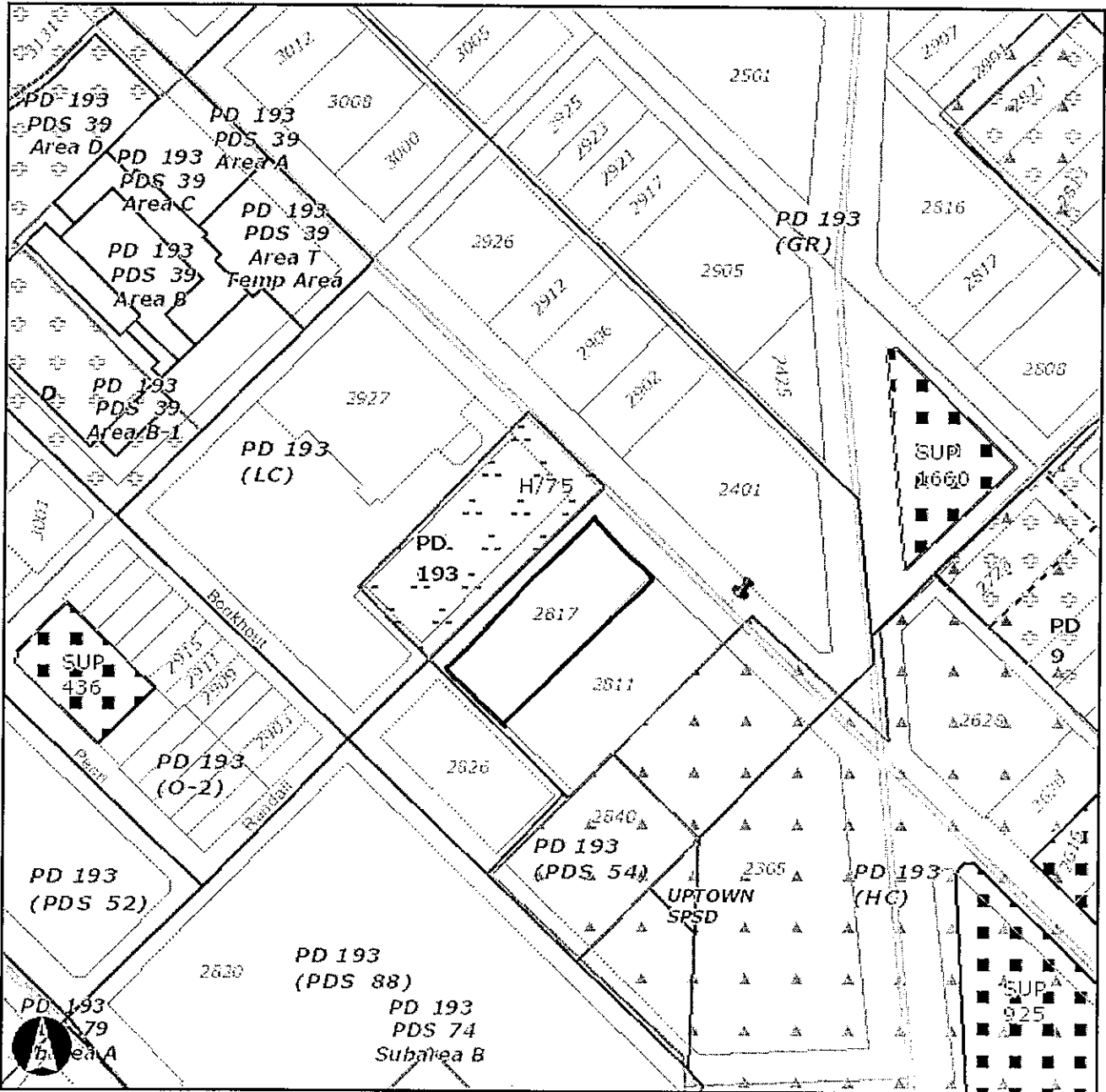
BDA101-089. Application of Frank Waterhouse represented by Michael R. Coker Company for a variance to the front yard setback regulations and a special exception to the landscape regulations at 2817 Maple Avenue. This property is more fully described as lot 7A in city block 6/943 and is zoned PD-193 (LC), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation, and to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

89
J-7

City of Dallas Zoning



Address Candidates

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

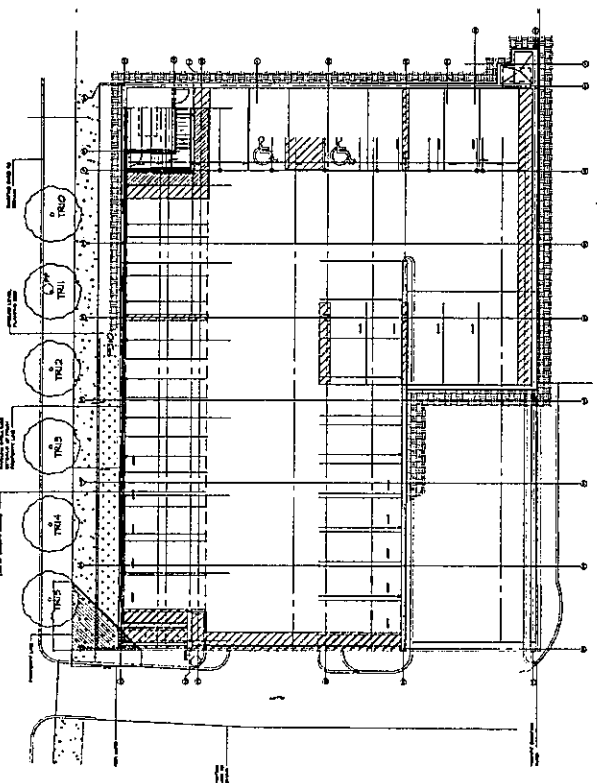
SUP

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

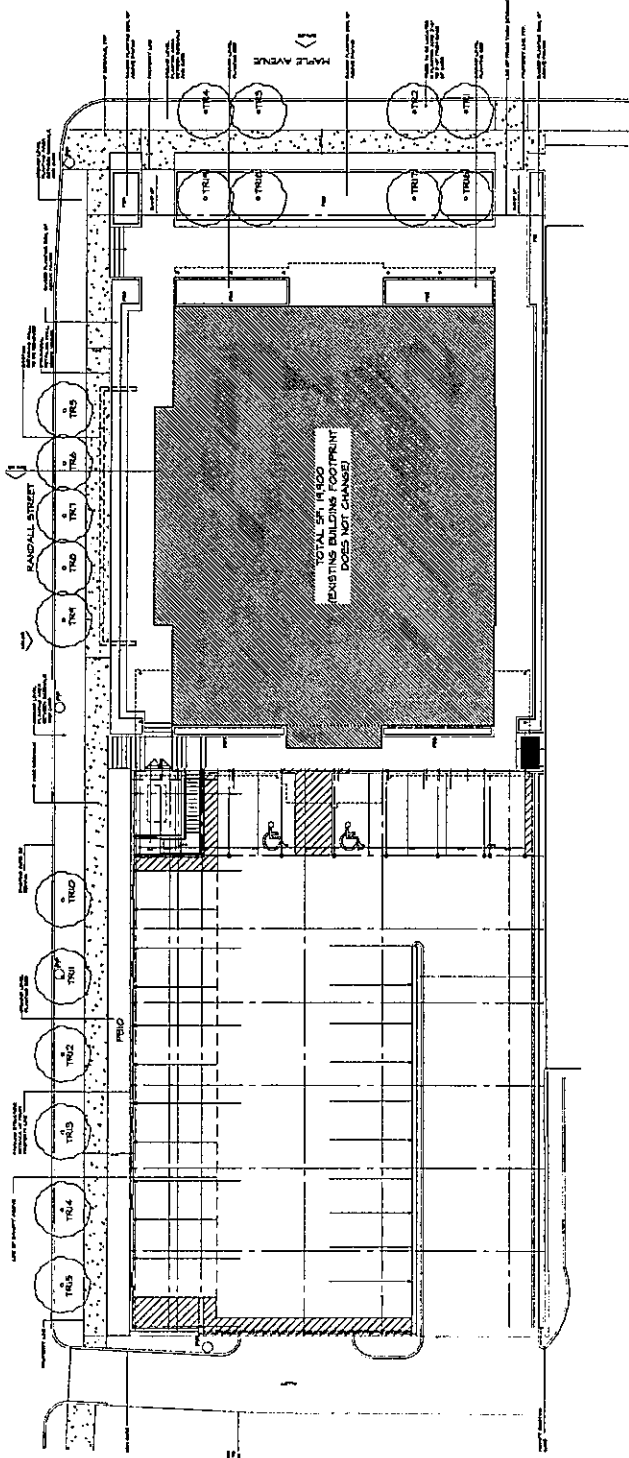
PDS Subdistricts

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

E



02 SITE PLAN - LOWER GARAGE LEVEL
 SCALE: 1/8" = 1'-0"



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

B PLANTING GENERAL NOTES

1. ALL SOIL EXCAVATION MAY BE DEPOSED ON SITE.
2. IF A LIVE UTILITY IS ENCOUNTERED DURING EXCAVATION, CONTACT OWNER'S REPRESENTATIVE.
3. SEE PLANTING SPECIFICATIONS FOR A COMPLETE DESCRIPTION OF PLANT MATERIALS AND INSTALLATION.
4. ALL PLANT MATERIAL SHALL BE STAKED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANT INSTALLATION.
5. ALL PLANTING DETAILS ARE TYPICAL.
6. ALL DISTURBED AREAS WITHIN THE PROJECT LIMITS MUST BE EITHER REVEGETATED OR SOLID BONDED UNLESS NOTED.

C PREPARATION GENERAL NOTES

1. PLAN PREPARED BY:
MICHAEL A. RANDALL
KENDALL A. LANDSCAPE ARCHITECTURE
2817 MAPLE AVE
DALLAS, TEXAS 75201
PHONE (214) 969-1400
FAX (214) 969-1402
E-MAIL: M@MALONEARCHITECTS.COM
2. TEXAS LANDSCAPE ARCHITECT LICENSE NO. 1127
3. ALL REQUIRED TREES ARE 3" MINIMUM CALIPER.
4. ALL REQUIRED TREES FROM THE CITY APPROVED LISTING.

D OAK LAWN ORDINANCE

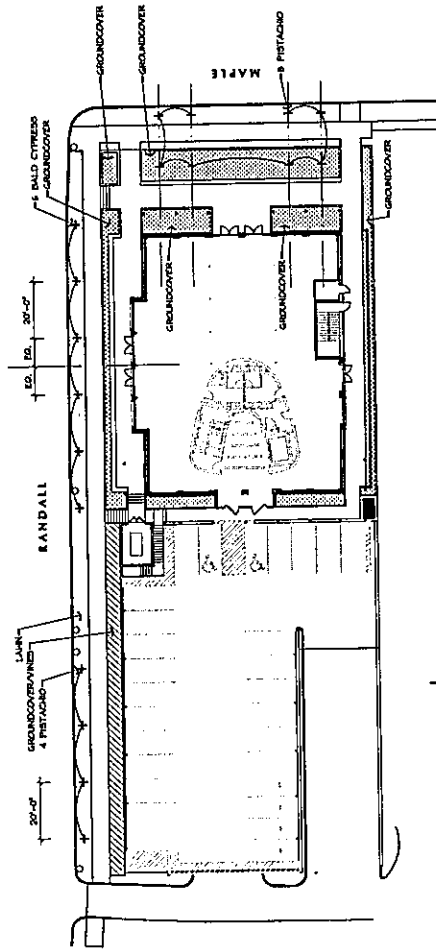
Landscape Ordinance - PD 193 - Oak Lawn Subdistrict
Dallas, Texas

Minimum Diameter	Quantity	Notes
1. Protected Tree Mitigation	72	18' 4" caliper trees required
2. Landscape Area	25,000	0.7% 2.00' Lantabula area (total) 2,500 Lantabula area (total)
3. Front yard Landscape coverage	2,200	0.6% 1.50' 1.50' trees (total) 1,320 Front yard (total)
4. Ground planting area (excludes tree pits)	1,338	0.4% 1.50' 1.50' trees (total) 1,320 Front yard (total)
5. Special Planting Area (excludes tree pits)	104	0.4% 1.50' 1.50' trees (total) 1,320 Front yard (total)
6. E.O.M. trees	100	0.4% 1.50' 1.50' trees (total) 1,320 Front yard (total)
Special Planting Area (excludes tree pits)	208	0.8% 1.50' 1.50' trees (total) 1,320 Front yard (total)

E PLANT LISTING

ALL SIZES SHOWN ARE MINIMUM. SMALLER CONTAINERS MEETING THE SPECIFIED HEIGHT AND SPREAD WILL NOT BE ACCEPTED.

BOTANIC NAME	COMMON NAME	SIZE	DESCRIPTION	QTY
LARGE TREES	PRISTACHE	4 1/2" CALIPER, 8' - 10' HEIGHT, 4'-6" SPREAD	BALLED AND BURLAPPED, SINGLE STRAIGHT LEADER	2
PRISTACHE	BALD CYPRESS	4 1/2" CALIPER, 8' - 10' HEIGHT, 4'-6" SPREAD	BALLED AND BURLAPPED, SINGLE STRAIGHT LEADER	6
TANDEMUM DISTICHAET	BURFUGIA GRASS	SOLID 500		



A LANDSCAPE PLAN

F TREE MITIGATION

1. THE TREE REMOVAL PLAN SHOWS 75 CALIPER INCHES OF PROTECTED TREES.
2. THE PLANTING PLAN WILL INSTALL 18 TREES AT 4 1/2" CALIPER = 76.5 CALIPER INCHES.

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

American National Bank
Crescent Real Estate
Equities
ROB ELMORE
PITTMAN HAYMORE
PHILIP HENDERSON
BRUCE HORTON
BRENDA MARKS
MICHAEL MILLIKEN
JOHN OLSON
PAUL ONDREJ
PEGGY REY
MARK SHEKTER
CINTHIA SKIDMORE
FRANK STICH
Warwick Melrose Hotel
NANCY WEINBERGER
DOUG WOODHOUSE

August 3, 2011

Mr. Michael R. Coker
Michael R. Coker Company
2700 Swiss Avenue
Suite 100
Dallas, Texas 75204
mrcoker@cokercompany.com

RE: BDA 101-089
2817 Maple Avenue

Dear Mr. Coker:

At its August meeting, the Oak Lawn Committee voted to support the applicant's request for 10-foot variance for the two front yard setbacks to allow for a new retaining wall, stairs, ramps, and planters and variance for an alternative landscape plan that provides for the garage to be immediately adjacent to the alley, leaving no discernible room for a required landscape buffer in order to obtain as many spaces as possible in the parking garage.

Thank you for your excellent presentation.

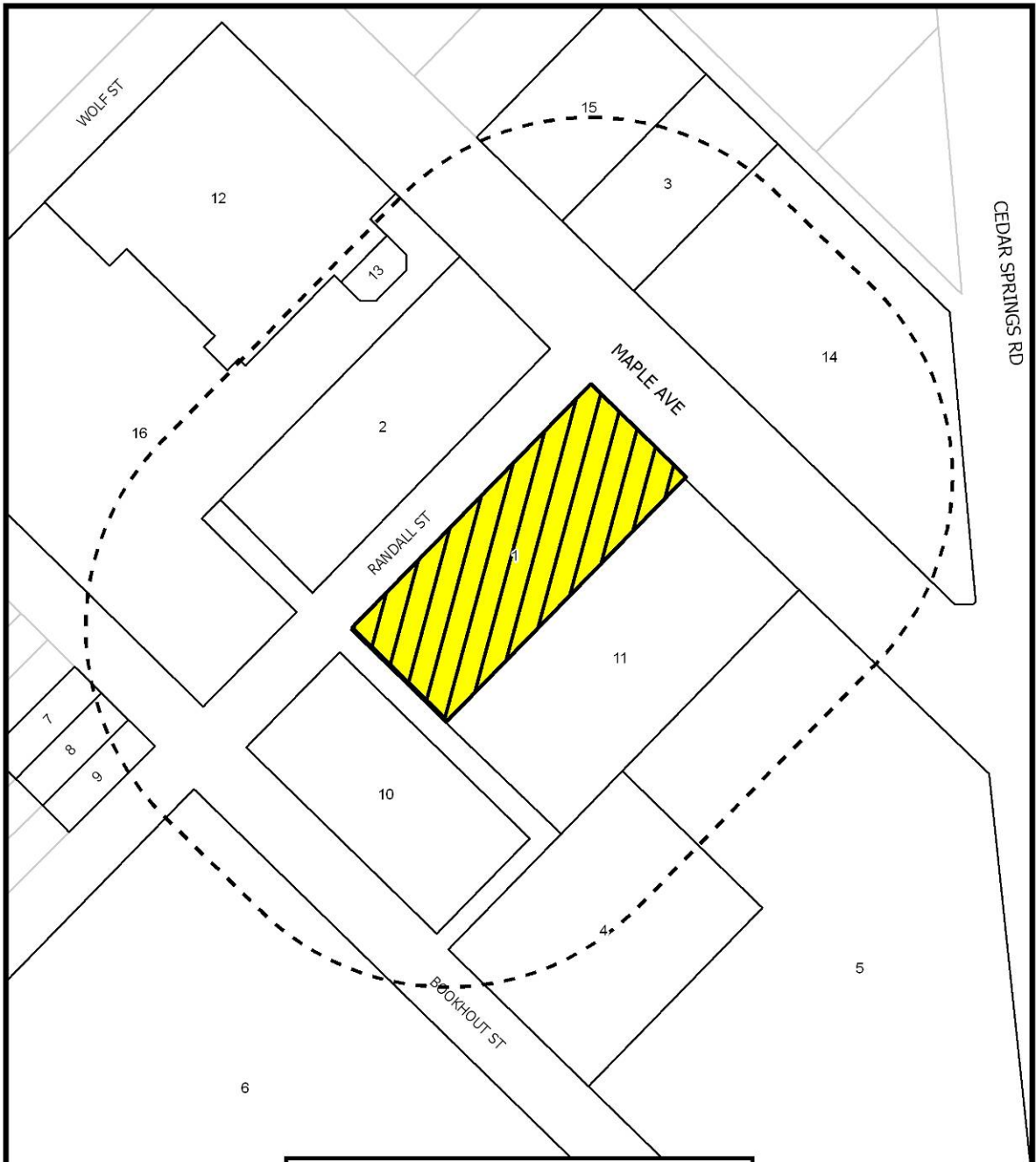
Sincerely,



Rob Elmore
President

cc: Honorable Angela Hunt
Dr. Bill Peterson
Mr. Frank Stich

P.O. Box 190912, Dallas, Texas 75219



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
16 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: J-7
 Case no: BDA101-089

DATE: September 29, 2011

Notification List of Property Owners

BDA101-089

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2817 MAPLE	HIGHLAND CAPITAL MANGT LP SUITE 800
2	2905 MAPLE	FIRST DALLAS HOLDINGS INC % DON HODGES
3	2902 MAPLE	2902 MAPLE LP % COMERICA BANK 5TH FL
4	2840 BOOKHOUT	CENTEX HARWOOD BOOKHOUT LP
5	2305 CEDAR SPRINGS	CARR NP TX PROPERTIES LP % A/P TEAM LEAD
6	2820 MCKINNON	WINDSOR AT TRIANON LP % TRIANON
7	2905 BOOKHOUT	SALMASSIAN ERIC & URIBE MERCEDES
8	2903 BOOKHOUT	BALDWIN LAURA C
9	2901 BOOKHOUT	HOANG DANE
10	2826 BOOKHOUT	WINDSOR AT TRIANON LP HIGH STREET TOWER
11	2811 MAPLE	THOMAS MAPLE LLC BILL E THOMAS PARTNERSH
12	2927 MAPLE	KODIAK INV GROUP LC STE 642
13	2927 MAPLE	AP PRESCOTT STONELEIGHT HOTEL LP C/O APO
14	2401 CEDAR SPRINGS	GUIDESTONE FINANCIAL RES OF THE SOUTHERN
15	2906 MAPLE	MAPLE PLAZA INC
16	2919 MAPLEMAPLE	WOLF STONELEIGH LLC