

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, FEBRUARY 15, 2011

Briefing: 11:00 A.M.
Public Hearing: 1:00 P.M.

5/E/S
COUNCIL CHAMBERS

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

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

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

tl
02-15-2011

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, FEBRUARY 15, 2011
AGENDA

BRIEFING	5/E/S	11:00 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS	1:00 P.M.

Donnie Moore, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Tuesday, January 18, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 101-015	7518 Wentwood Drive REQUEST: Application of Stephen Muncey, represented by James Davis Jr., for a special exception to the single family regulations	1
BDA 101-016	5744 Deloache Avenue REQUEST: Application of Ed Simons for a special exception to the fence height regulations	2
BDA 101-020	5100 Park Lane REQUEST: Application of Larry Loftis, represented by Don Caldera, for special exceptions to the fence height regulations	3

REGULAR CASE

BDA 101-017	715 Monssen Drive REQUEST: Application of Maria Isabel Hinojosa for a special exception to the single family regulations	4
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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)

- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties. The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
A site plan has been submitted denoting the locations of the building footprints of the “new two story brick and stone” dwelling unit structure and the “new two story brick and stone garage” dwelling unit structure relative to the entire site. The site plan shows that the building footprint of the “new two story brick & stone garage” structure is approximately 620 square feet in area, and that the building footprint of the “new two story brick and stone” main structure is approximately 1,300 square feet in area.
An elevation has been submitted of the second/additional dwelling unit on the site denoting a two-story structure that is approximately 18’ in height.
Floor plans have been submitted denoting the “new two story brick and stone garage” structure. The first floor denotes the following: “two car garage,” “stackable washer and dryer” space. The second floor denotes the following: “guest room,” “sitting room” with “fridge/freezer,” “GFCI,” dishwasher, and sink) and “bath” spaces. Building Inspection staff has reviewed the submitted floor plans and deemed it a “dwelling unit.”
- DCAD records indicate that the site is developed with the following:
 - a single family home built in 1953 with 1,334 square feet of living area; and
 - a 400 square foot detached garage.
- The applicant’s representative forwarded additional information beyond what was submitted with the original application (see Attachment A).

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

- December 16, 2010: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 19, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- January 20, 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 January 31st deadline to submit additional evidence for staff to factor into their analysis; and the February 4th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the specific accessory structure provisions from the Dallas Development Code attached (51A-4.209(6)(vii)) that would apply to one of the two structures on the site if your application for a special exception to the single family use regulations for an additional dwelling unit were to be denied by the board of adjustment at your public hearing; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 31, 2011: The applicant's representative forwarded additional information on this application to staff (see Attachment A).
- February 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, and the Assistant City Attorney to the Board.

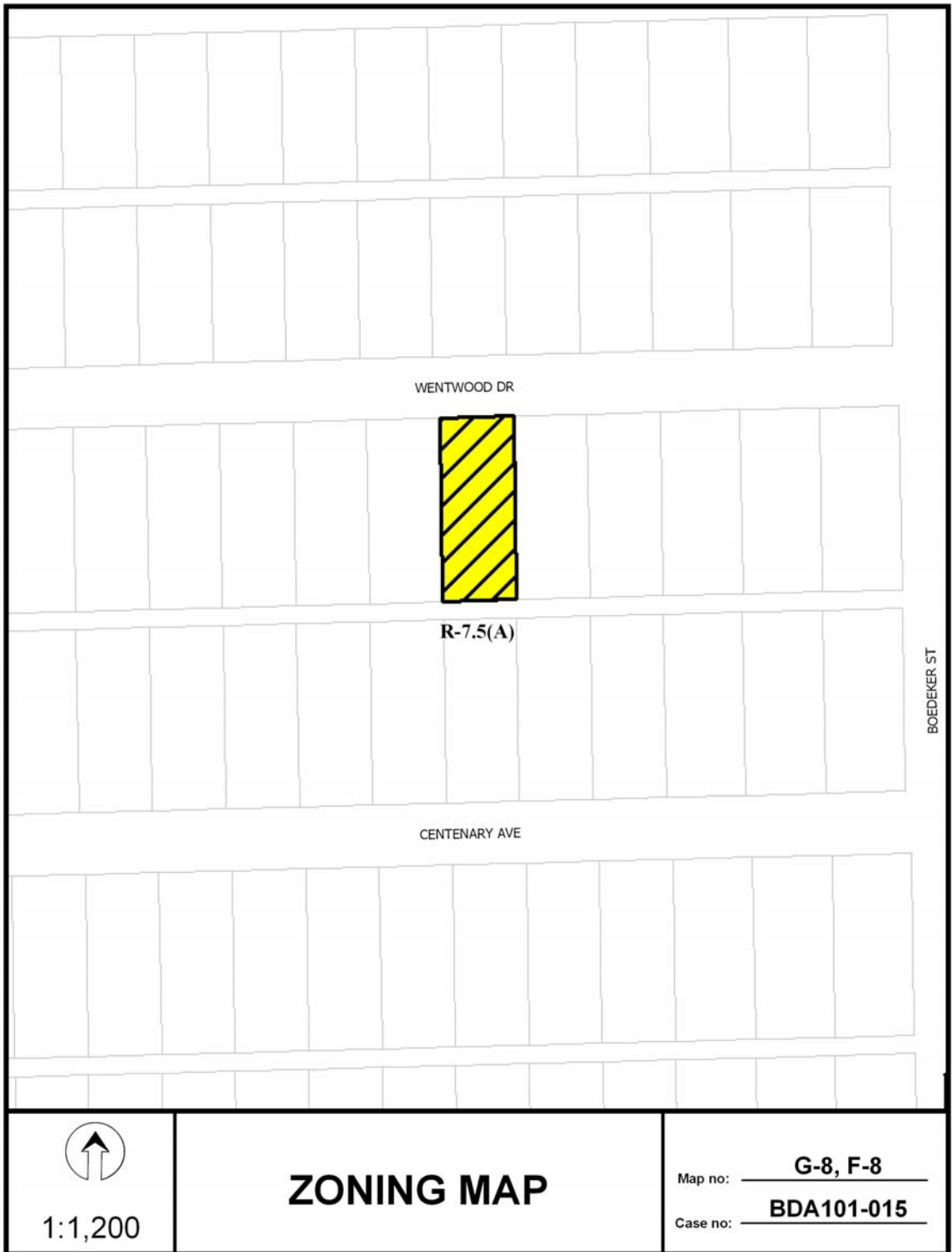
No additional review comment sheets with comments were submitted in conjunction with this application.

STAFF ANALYSIS:

- This request focuses on constructing and maintaining a two-story, detached "garage"/"guest suite" structure with an approximately 620 square foot building footprint on a site currently developed with a one-story dwelling unit/single family home structure to be demolished and replaced with a two-story dwelling unit/single family home structure that (according to the applicant's representative) will be "approximately 3,000 square feet."
- The site is zoned R-7.5(A) (Single family district 7,500 square feet) where the Dallas Development Code permits one dwelling unit per lot. The site is proposed to be developed with a new single family home/dwelling unit and an additional

dwelling unit/"garage"/"guest suite" structure on the site hence the special exception request.

- Building Inspection staff has reviewed the submitted floor plans of the proposed "garage"/"guest suite" structure and deemed it a "dwelling unit" - that is per Code definition: "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms." The submitted floor plans denote the first floor with the following: "two car garage," "stackable washer and dryer" space; and the second floor with the following: "guest room," "sitting room" with "fridge/freezer," "GFCI," dishwasher, and sink and "bath" spaces.
- This request appears to center on the function of what is proposed to be located inside the proposed "garage"/"guest suite" structure. If the board were to deny this request, it appears that this structure could be constructed and maintained with merely modifications to the function/use inside it (or to the floor plan) since the proposed structure appears (and is represented by the applicant's representative) to comply with the applicable zoning code development standards (i.e. no application has been made for variance to setbacks or any other zoning code provision). According to the applicant's representative, the "new garage with a guest room above it meets all of the requirements set forth by the City of Dallas except the fact that it can be used as a separate living quarters. We can actually obtain a building permit we would need with a slight manipulation of the interior floor plan. To obtain a building permit we would need to remove: any cooking area, any food preparation since, the closet, and the wall that divides the living spaced from the bedroom."
- As of February 7, 2011, no letters had been submitted to staff in support or in opposition to the application.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve the request for a special exception to the single family regulations, the Board may want to determine if they feel that imposing a condition that the applicant comply with the submitted site plan and/or floor plan are necessary in assuring that the special exception will not adversely affect neighboring properties. Note that granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including but not limited to setback and coverage requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.



DATE: January 21, 2011



1:1,200

AERIAL MAP

Map no: G-8, F-8

Case no: BDA101-015

DATE: January 21, 2011



7518 Wentwood board of adjustments

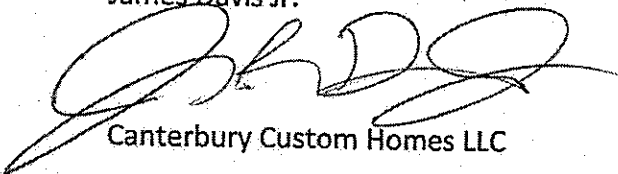
To whom it may concern,

I am the contractor for Steve and Bridgett Muncey. They would like to build a new home that is approximately 3,000 sq. ft. and have a detached garage with a guest suite. They designed the home with community preservation in mind. In order to avoid building a McMansion, they designed the new home to fit exactly where the old one was. The lack of space to accommodate the new design limited them to three bedrooms. This leaves little space for out of town guests.

The new garage with a guest room above it meets all of the requirements set forth by the City of Dallas except the fact that it can be used as a separate living quarters. We can actually obtain a building permit with a slight manipulation of the interior floor plan. To obtain a building permit we would need to remove: any cooking area, any food preparation sink, the closet, and the wall that divides the living space from the bedroom. You will notice that none of these items have any effect on how the structure will look from the outside.

I have attached a copy of the floor plan that we can use to obtain a building permit. The Muncey family has been visiting with neighbors and has obtained approximately 20 signatures in favor of the guest suite over the garage. They have not spoken with anyone that has been in opposition to this design. We will be submitting a full list of the petition for your review.

James Davis Jr.

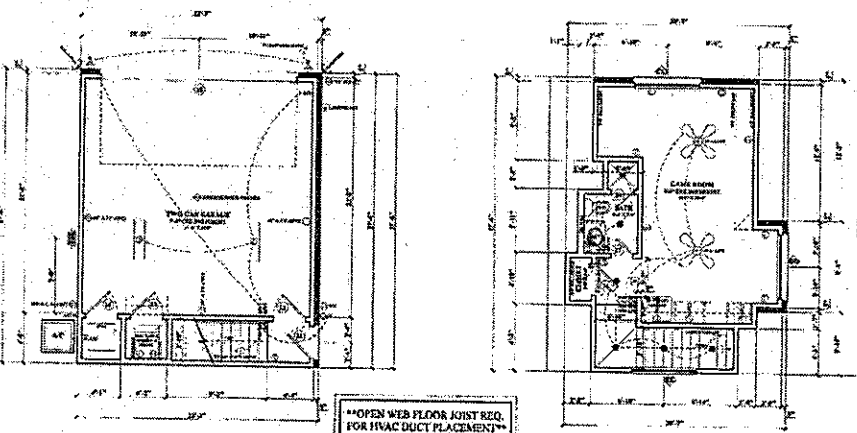


Canterbury Custom Homes LLC

P.O. Box 12638

Dallas, Tx. 75225

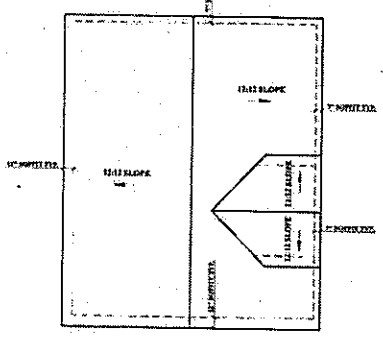
(972)658-9206



OPEN WEB FLOOR JOIST REQ. FOR HVAC DUCT PLACEMENT

1st FLOOR PLAN

2nd FLOOR PLAN



ROOF PLAN

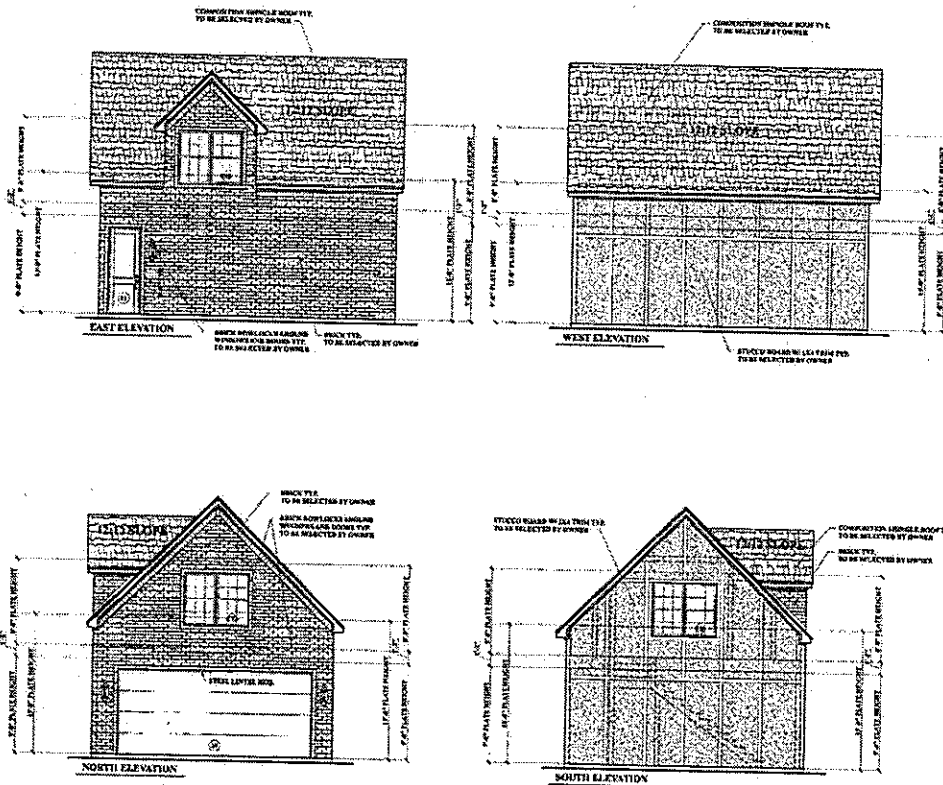
SYMBOL LEGEND	GENERAL NOTES
[Symbol: Hatched Area]	1. ALL NEW CONSTRUCTION TO COMPLY WITH TEXAS STATE BUILDING CODE, 2003 EDITION.
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[Symbol: Solid Line]	3. ALL ELECTRICAL SHALL BE IN ACCORDANCE WITH THE 2003 NATIONAL ELECTRICAL CODE.
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[Symbol: Square]	5. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE.
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[Symbol: Diamond with X]	25. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE.

ELECTRICAL NOTES	ROOF NOTES
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7518 WENTWOOD
 DALLAS, TEXAS 75225
 MUNCY RESIDENCE

Cummings & Associates
 Architects, Inc.
 1000 Ross Street, Suite 1000
 Dallas, Texas 75208
 Phone: (214) 751-1111
 Fax: (214) 751-1112
 Website: www.cummings-architects.com

DATE: 04.05.09
 SCALE: 1/4" = 1'-0"
 DRAWN BY: CHU
 SHEET NAME: GARAGE FLOOR PLANS
 SHEET NO.: A9
 SHEET OF: 15



REVISIONS	BY

7518 WENTWOOD
DALLAS, TEXAS 75225
MUNCY RESIDENCE

Cummings & Associates, Inc.
Architects, Inc.
Dallas, Texas 75201
Phone: 972.350.0000
Fax: 972.350.0001
www.cummingsandassociates.com

DATE: 04.08.09
SCALE: 1/4" = 1'-0"
DRAWN BY: CHJ
SHEET NAME: GARAGE ELEVATIONS
SHEET NO.: A10
SHEET 13

ELEVATION NOTES

1. ALL NEW CONSTRUCTION TO COMPLY WITH APPLICABLE REGIONAL CODES, LOCAL ORDINANCES AND SPECIFIC EXISTING CODES.
2. STRUCTURAL AND MECHANICAL WORK BY OTHER AGENCIES SHALL BE ASSIGNED TO THE CONTRACTOR BY THE ARCHITECT.
3. ITEMS TO BE SELECTED BY OWNER.
4. STUCCO TO BE SELECTED BY OWNER.
5. WINDOW COLOR TO BE MATCHED TO EXISTING.
6. PAINT TO BE SELECTED BY OWNER.
7. WINDOWS AND DOORS TO BE SELECTED BY OWNER.
8. INSTALL LEVELS, LEVELS AS REQUIRED.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-015

Data Relative to Subject Property:

Date: 12/16/2010

Location address: 7518 WENTWOOD DR, DALLAS, TX 75225 Zoning District: R-7.5(A)

Lot No.: 12 Block No.: 7/5450 Acreage: .207 Census Tract: 79.06

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

To the Honorable Board of Adjustment :

NE4B

Owner of Property/or Principal: STEPHEN MUNCEY

Applicant: STEPHEN MUNCEY Telephone: 214-597-4235

Mailing Address: 7518 WENTWOOD DR., DALLAS, TX Zip Code: 75225

Represented by: JAMES DAVIS JR. Telephone: 972-658-9306

Mailing Address: P.O. Box 12638 Dallas, Tx Zip Code: 75225

Affirm that a request has been made for a Variance, or Special Exception of An additional dwelling unit for a single family use

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 additional dwelling will be a guest suite over the garage and will not be permanently occupied.

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: STEPHEN MUNCEY Applicant's name printed [Signature] Applicant's signature

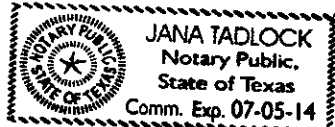
Affidavit

Before me the undersigned on this day personally appeared STEPHEN MUNCEY 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 14th day of December, 2010

Jana Tadlock 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

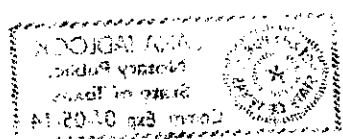
Building Official's Report

I hereby certify that Stephen Muncey
represented by James Davis Jr.
did submit a request for a special exception to the single family regulations
at 7518 Wentwood Drive

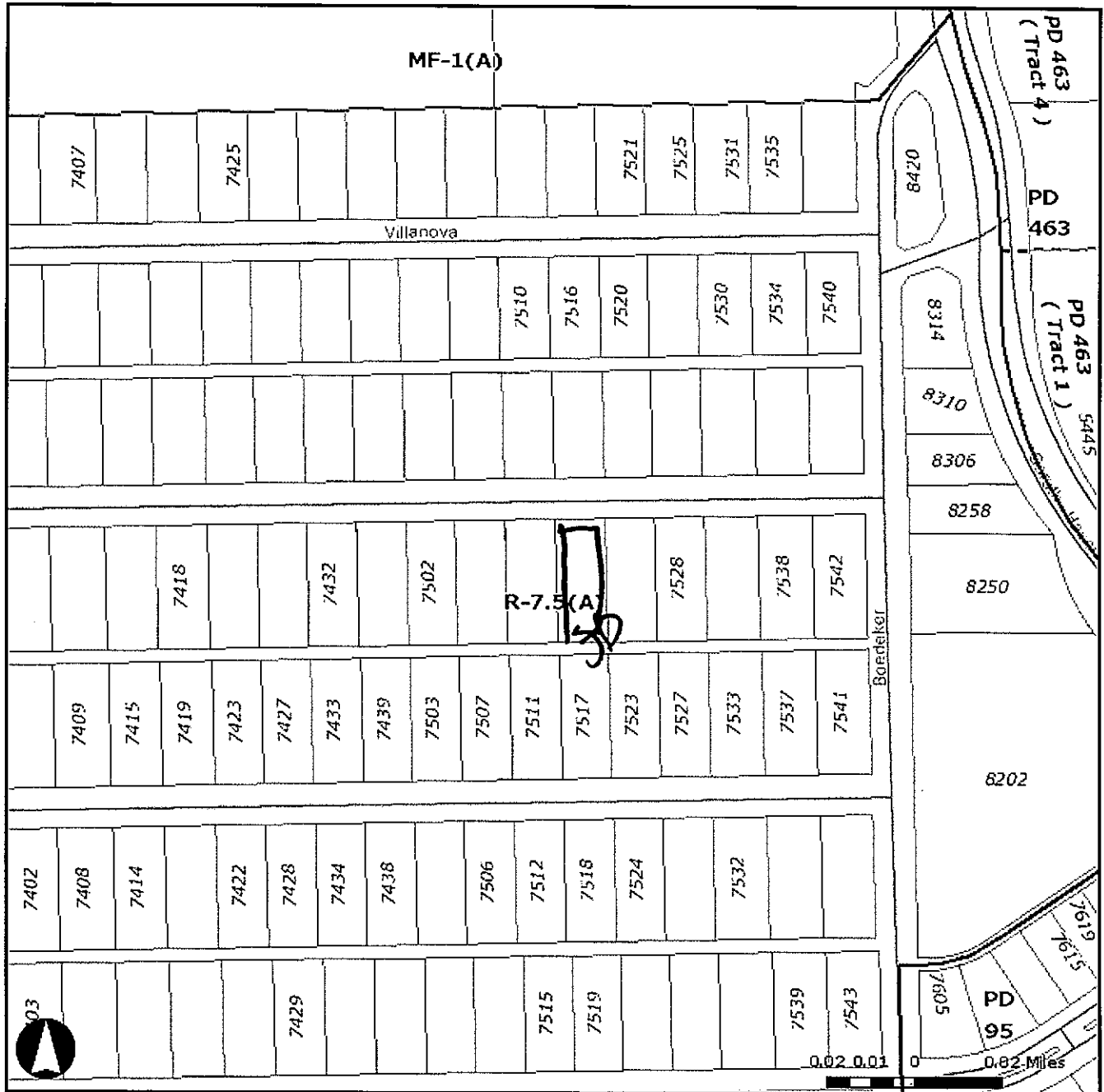
BDA101-015. Application of Stephen Muncey represented by James Davis Jr. for a special exception to the single family regulations at 7518 Wentwood Drive. This property is more fully described as Lot 12 in city block 7/5450 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



Base Zoning



Floodplain



500 Year



A



AE



AH



Mills Creek

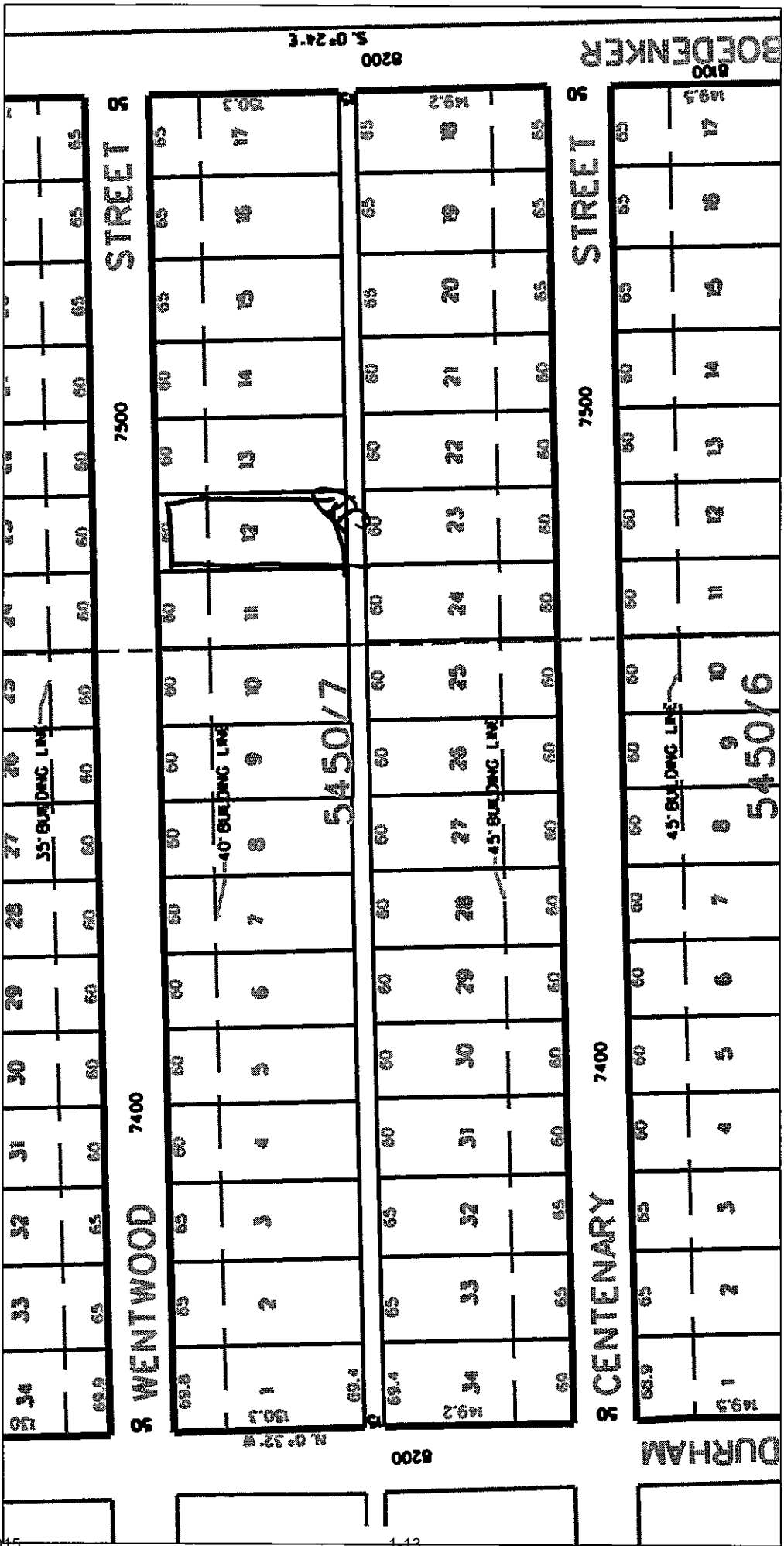


Peak's Branch



X PROTECTED BY LEVEE

Pedestrian Overlay



REVISION	BY

7518 WENTWOOD
DALLAS, TEXAS 75225



Cummings & Associates
Architects, Inc.
 2000 Ross Ave. Suite 117
 Dallas, Texas 75201
 Tel: 972.252.1177
 Fax: 972.252.1178
 www.cummingsandassociates.com

DATE: 04.08.09

SCALE: 1" = 10.0'

DESIGNER: CHJ

SHEET NAME: SITE PLAN

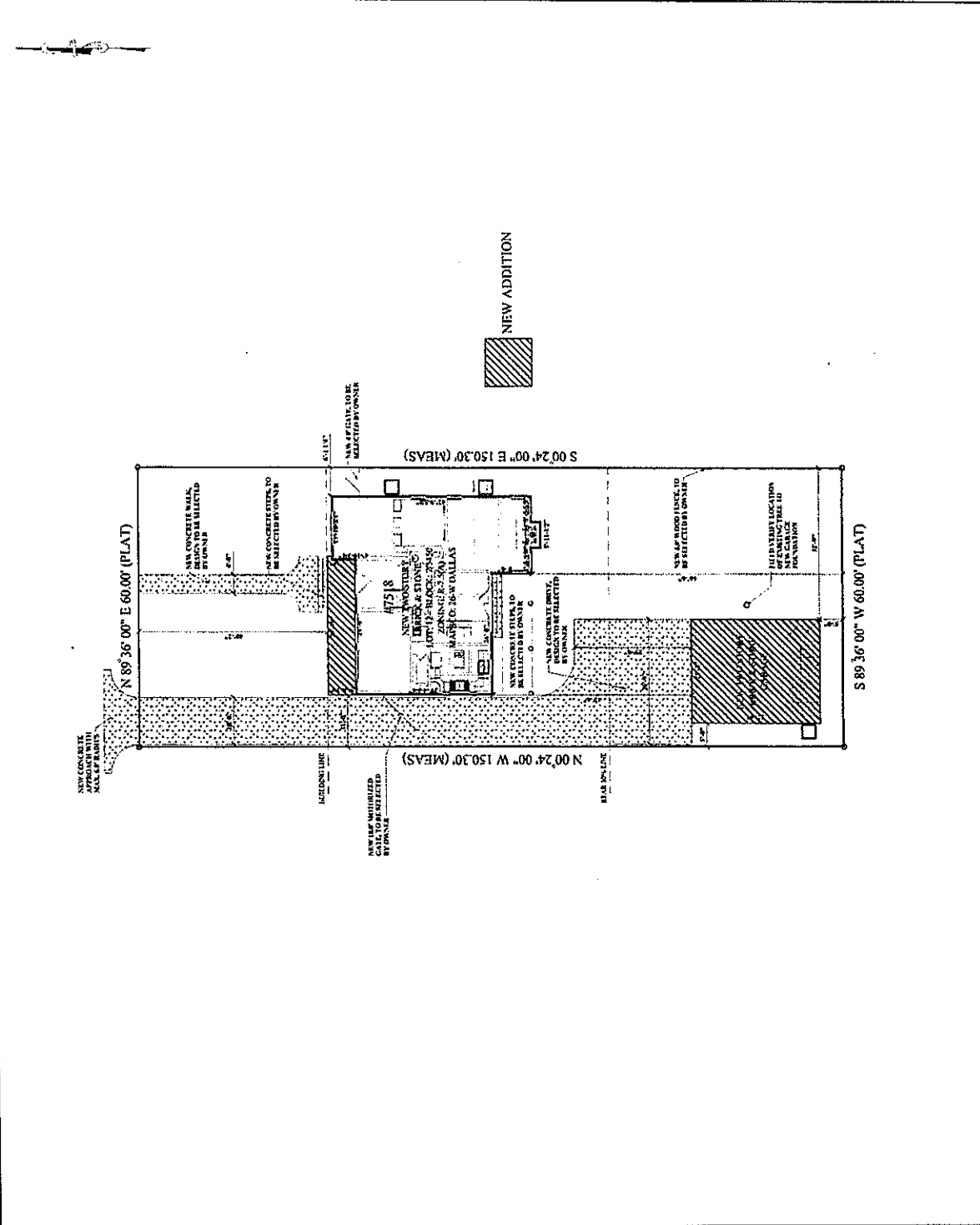
SHEET NO.: SP

SHEET NO.: SP
 SHEET 1

SHEET INDEX

SP - SITE PLAN
A1 - 1st FLOOR PLAN
A2 - 2nd FLOOR PLAN
A3 - 1st FLOOR ELECTRICAL PLAN
A4 - 1st FLOOR MECHANICAL PLAN
A5 - NORTH & WEST ELEVATIONS
A6 - SOUTH & EAST ELEVATIONS
A7 - ROOF PLAN
A8 - TERRACE & PORCHES
A9 - GARAGE FLOOR PLANS
A10 - GARAGE ELEVATIONS

- SITE NOTES**
1. ALL NEW CONSTRUCTION TO COMPLY WITH APPLICABLE BUILDING CODES, DEED RESTRICTIONS AND REGULATIONS.
 2. STRUCTURAL AND MECHANICAL DESIGNED BY OTHERS. VERIFY WITH CONTRACTOR.
 3. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 4. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES WITH OWNER PRIOR TO CONSTRUCTION.
 5. CONTRACTOR TO VERIFY ALL UTILITIES TO BE USED WITHIN OWNER PROPERTY PRIOR TO CONSTRUCTION.
 6. CONTRACTOR TO VERIFY EXISTING LOCATIONS AND DEPT. OF PUBLIC WORKS PRIOR TO CONSTRUCTION.
 7. GENERAL CONTRACTOR TO LOCATE AND VERIFY WITH UTILITY COMPANIES ALL TREES THAT ARE TO REMAIN.
 8. GENERAL CONTRACTOR TO MAINTAIN POSITIVE DRAINAGE A WAY FROM FOUNDATION.
 9. GENERAL CONTRACTOR TO PROVIDE SILT FENCE AS NEEDED.



REVISIONS:	BY:

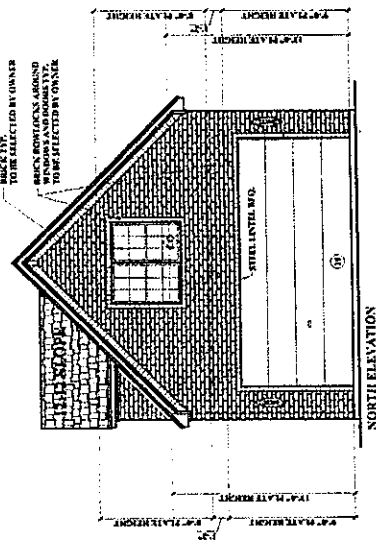
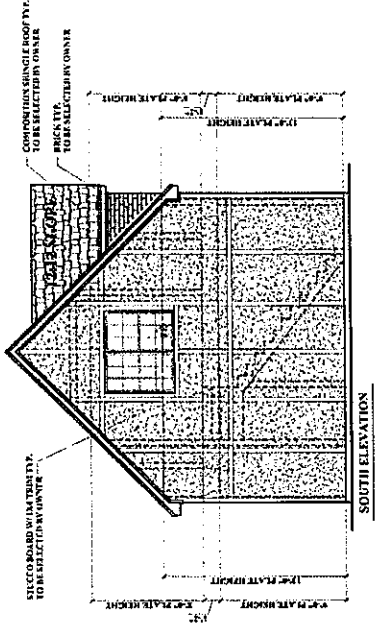
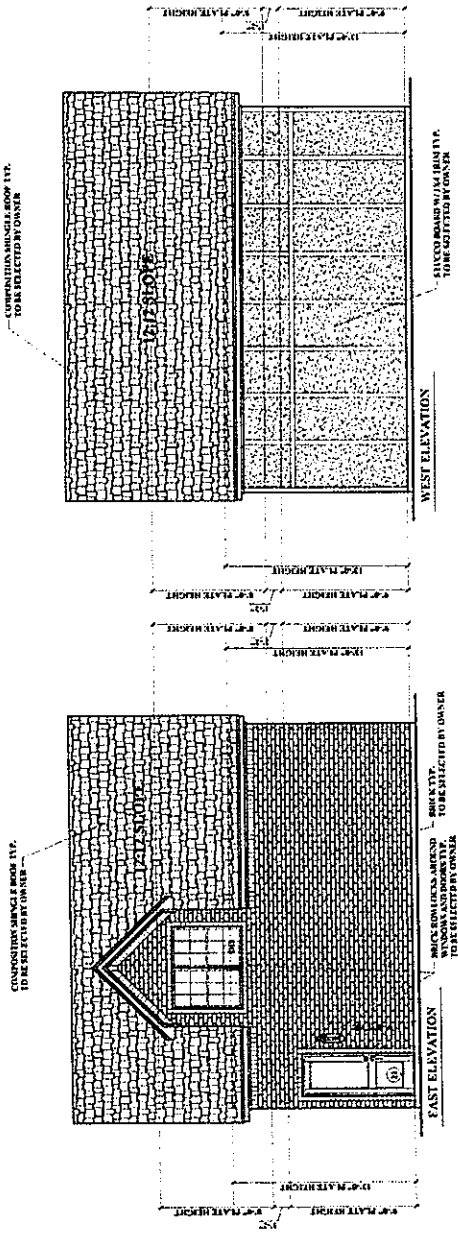
7518 WENTWOOD
DALLAS, TEXAS 75225
MUNCY RESIDENCE

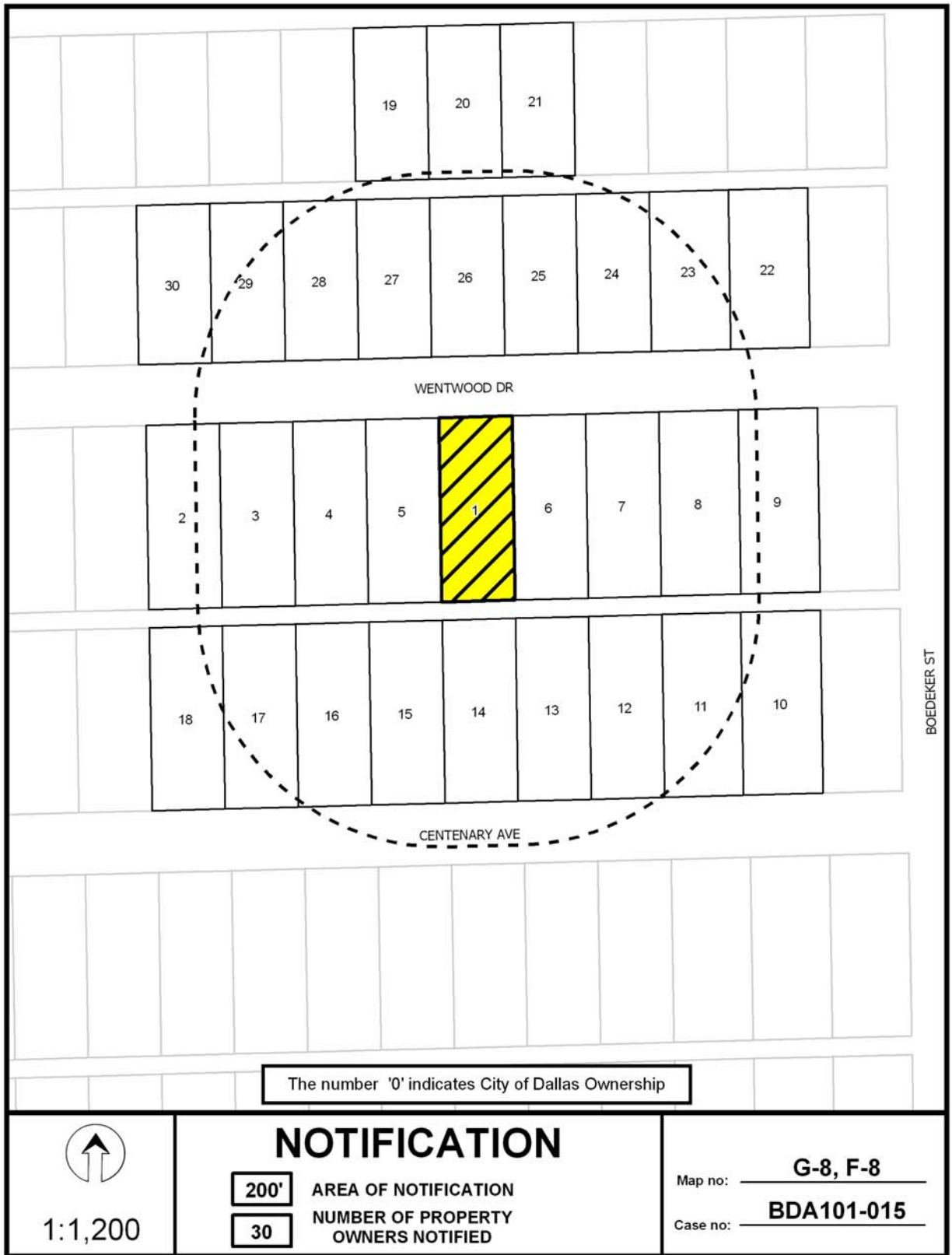


Cummings & Associates
Architects, Inc.
2400 West Loop West, Suite 110
Dallas, Texas 75220
Tel: 972-241-1111
Fax: 972-241-1112

DATE: 04.08.09
SCALE: 1/4" = 1'-0"
DRAWN BY: CTH
SHEET NAME: GARAGE ELEVATIONS
SHEET NO.: A10
SHEET 11

ELEVATION NOTES
 1. CALL NEW CONSTRUCTION TO BUILDING CODES, DEED REGULATIONS AND ELEVATIONS AND ASSUMED TO BE 1" VENTY FIVE TO BE SELECTED BY OWNER.
 2. OWNER TO BE SELECTED BY OWNER.
 3. ROOFING COLOR TO BE SELECTED BY OWNER.
 4. PAINT TO BE SELECTED BY OWNER.
 5. INSTALL STEEL LINTEL AS REQUIRED.





Notification List of Property Owners

BDA101-015

30 Property Owners Notified

Label #	Address	Owner
1	7518 WENTWOOD	MUNCEY BRIDGETTE & STEPHEN L
2	7438 WENTWOOD	BRANNON JOE P & KIMBERLY S
3	7502 WENTWOOD	SHELBY MICHAEL H
4	7506 WENTWOOD	CORBITT MICHELLE R & JOHN T CORBITT
5	7512 WENTWOOD	REGISTRY HOMES LTD
6	7524 WENTWOOD	HANNA JOSEPH LUCAS & TIFFIN MCBRIDE MALOY
7	7528 WENTWOOD	SANDERS GRACE B
8	7532 WENTWOOD	ELKINS KATHLEEN
9	7538 WENTWOOD	BUNCH BRIAN A
10	7537 CENTENARY	MORGAN FRANCES BLANKS
11	7533 CENTENARY	SMITH MARINA SBROCHI
12	7527 CENTENARY	BUTCHER PATRICIA &
13	7523 CENTENARY	SWANK JOHN P
14	7517 CENTENARY	STEVENS CONNIE R
15	7511 CENTENARY	RITCHIE CATHERINE C
16	7507 CENTENARY	NEWHOUSE SHARI K & RUSSELL S NEWHOUSE
17	7503 CENTENARY	WOOLLEY J C
18	7439 CENTENARY	FOSTER CHRISTOPHER A
19	7510 VILLANOVA	GEDDIE CARROLL A
20	7516 VILLANOVA	HARRISON MARY B
21	7520 VILLANOVA	BETHMANN JAMES S
22	7535 WENTWOOD	OPPENHEIM THOMAS K
23	7531 WENTWOOD	FARROW JULIE A
24	7525 WENTWOOD	MAIN ONE CAPITAL II LP
25	7521 WENTWOOD	NOLAN CYRENA ANNE
26	7517 WENTWOOD	DARBY JUDY S
27	7511 WENTWOOD	COLLIE ELAINE
28	7507 WENTWOOD	MELTON SUE CAROLYN
29	7503 WENTWOOD	SHAW ROBIN C
30	7439 WENTWOOD	JDS CUSTOM HOMES LP