

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, MAY 18, 2011
AGENDA

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

Donnie Moore, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Wednesday, April 20, 2011 Board of Adjustment Public Hearing Minutes	M1
BDA 101-032(m)	7255 W. Camp Wisdom Road REQUEST: Of Gregg Pruett to reimburse the filing fee submitted in conjunction with a special exception to the tree preservation regulations	M2

UNCONTESTED CASES

BDA 101-032	7255 W. Camp Wisdom Road REQUEST: Application of Gregg Pruett for a special exception to the tree preservation regulations	1
BDA 101-038	10400 N. Central Expressway REQUEST: Application of Douglas Jorgensen for a special exception to the sign regulations	2
BDA 101-043	9438 Inwood Road REQUEST: Application of Donald Pate for a special exception to the fence height regulations	3

REGULAR CASE

BDA 101-037	9702 Vinewood Drive REQUEST: Application of Alan Joseph Eynon, represented by Santos T. Martinez, for a variance to the front yard setback 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)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B April 20, 2011 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 101-032

REQUEST: To reimburse the filing fee submitted in conjunction with a request for a special exception to the tree preservation regulations – BDA 101-032

LOCATION: 7255 W. Camp Wisdom Road

APPLICANT: Greg Pruett, President of Pioneer Bible Translators

STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:

The Dallas Development Code states that the board may waive the filing fee for a board of adjustment application if the board finds that payment of the fee would result in substantial financial hardship to the applicant.

GENERAL FACTS:

- The Dallas Development Code states the following with regard to requests for Board of Adjustment fee waivers/reimbursements:
 - The board may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant.
 - The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination.
 - If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for a waiver have been determined by the board.
 - In making this determination, the board may require the production of financial documents.

Timeline:

March 30, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" – BDA 101-032, and related documents to this application. (See Attachment A for the materials submitted in conjunction with this application – an application that included a request for a reimbursement of the filing fee which in this case was \$2,350.00).

April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 21, 2011: The Board Administrator emailed the applicant information related to the application and related fee reimbursement request (see Attachment B).

FILE NUMBER: BDA 101-032

BUILDING OFFICIAL'S REPORT:

Application of Gregg Pruett for a special exception to the tree preservation regulations at 7255 W. Camp Wisdom Road. This property is more fully described as Lot 1 in City Block A/ 8598 and is zoned LO-1, which requires mandatory tree mitigation. The applicant proposes to construct a structure and provide an alternate tree preservation plan which will require a special exception.

LOCATION: 7255 W. Camp Wisdom Road

APPLICANT: Gregg Pruett

REQUEST:

- A special exception to the tree preservation regulations is requested in conjunction with not fully mitigating protected trees removed/to be removed on a site being developed with (according to the application) a 10,000 square foot institutional use (Pioneer Bible Translators).

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. Compliance with the submitted landscape plan is required.
2. Compliance with Section 51A-10.108, General Maintenance, is required.
3. All development must comply with the minimum landscape standards of Article X, as amended. A landscape plan for construction must include a complete tabulation of provided and remaining mitigation as of the date of permit review.
4. Protected trees within the 'Area of next phase of development', per plan, may be removed with permit.
5. All other trees are subject to removal based on approval of the Building Official, per the conditions of Section 51A-10.132(e), Decision of the Building Official, or as necessary for purposes listed in Section 51A-10.140(b), Defense to Prosecution.
6. All trees to be mitigated up to 1,600 caliper inches are not subject to Section 51A-10.134 for 'timing.' All additional mitigation is subject to Article X requirements.

Rationale:

- The applicant has substantiated how strict compliance with the requirements of The Landscape and 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 conditions mentioned above, based upon among other things how the applicant proposes to compensate for mitigation by:
 - 1) a reduced carbon footprint by the introduction of an environmentally-valuable HVAC system on the site that includes geothermal heat exchange technology and general green building improvements; and
 - 2) the protection and stewardship of over 13 acres of the 22-acre site as open space and woodland – an area that the applicant is not technically able to designate as a “conservation easement” (an “alternate method of tree mitigation” provided in Article X) given that this area is an escarpment zone.

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 his application that “PBT is removing 1,600 caliper inches of trees out of an estimated 15,000 on the lot to build 10,000 square feet of institutional use building in 2 phases. We proposed to mitigate 1,600 caliper inches by installing thirty 300 ft. deep geothermal heat exchange wells for an environmentally valuable HVAC system. This will have no impact on our neighbors. Since 12 of 22 acres remain forested further tree mitigation would unreasonably burden the use of the property.”
 - The City of Dallas Chief Arborist submitted a memo to the Board Administrator and the Chief Board of Adjustment Planner (see Attachment A). The memo stated the following:
 - The applicant is seeking a special exception to Sections 51A-10.134 pertaining to replacement (mitigation) of removed trees and 51A-10.135 being alternate methods of tree replacement. The applicant requests the special exception to provide the following:
 1. tree mitigation resolution for a total of 1,600 caliper inches (quantity) from the current development (1,211”) and a future unscheduled construction (389”);
 2. tree mitigation resolution for future construction (389”) within an unspecified timeline (timing);
 3. tree mitigation resolution through a proposed alternate method of mitigation to compensate for the reduction of, or noncompliance with, available forms of mitigation including planting on site or complying with available alternate methods of mitigation by ordinance..
 - Trigger:

New construction and the related removal of protected trees
 - Deficiencies:

The ongoing development has presently incurred 1,211 inches of tree replacement requirement for the initial phase of development with the detention pond. A future proposed expansion could likely remove a minimum of 389 inches of protected trees for a potential removal of at least 1,600 inches. The current mitigation debt at the date of this letter is 1,211 inches.
 - Factors for consideration:
 - Upon final inspection of the initial construction, the property will comply with Article X landscape requirements.
 - The applicant will be adding 2 new 3” caliper red oak trees for 6” of total mitigation compliance on the property.
 - The applicant proposes compensation of mitigation by: 1) a reduced carbon footprint by the introduction of the “environmental value of the HVAC system that includes geothermal heat exchange technology and general green building improvements, and 2) the protection and stewardship of 13.4 acres of open space and woodland with significant topography. In total, native vegetation covers about 14.6 acres or 2/3 of the lot. The applicant has developed for minimal impervious surface.

- The property is 22.1 acres in size. Approximately 11 acres is within the Escarpment Zoned which is restricted area from development protected under Article V. The zone is 82 percent of the overall listed 13.4 acres of open space and woodland to be protected and nearly half of the total property area. The lands area is heavily wooded and not open to planting of nursery stock or the installation of irrigation systems.
- The property is not eligible for the full mitigation reduction potential of conservation easement under Article X, Section 51A-10.135. Escarpment zones are generally not allowed for use for credit in Article X conservation easements as they are not 'attractive for development.' Article V prohibits any development in escarpment zones, and is also restrictive to construction for adjacent land areas. For purposes of comparison, if the maximum land area to be protected was available for a conservation easement (no escarpment), the property would be eligible for 1,280 inches (80 percent of the 1,600 inches) of mitigation reduction by ordinance.
- The request is for a special exception of 1,600 inches of mitigation. Any tree removal permit that may occur on the property above this threshold would be mitigated per Article X requirements.
- Recommendation
 - Approval, subject to the submitted landscape plan and the following (additional) conditions.
 1. Compliance with Section 51A-10.108, General Maintenance, is required.
 2. All development must comply with the minimum landscape standards of Article X, as amended. A landscape plan for construction must include a complete tabulation of provided and remaining mitigation as of the date of permit review.
 3. Protected trees within the 'Area of next phase of development', per plan, may be removed with permit.
 4. All other trees are subject to removal based on approval of the Building Official, per the conditions of Section 51A-10.132(e), Decision of the Building Official, or as necessary for purposes listed in Section 51A-10.140(b), Defense to Prosecution.
 5. All trees to be mitigated up to 1,600 caliper inches are not subject to Section 51A-10.134 for 'timing.' All additional mitigation is subject to Article X requirements.

BACKGROUND INFORMATION:

Zoning:

Site: LO-1 (Limited Office)
North: A(A) (Agricultural)
South: PD No. 521 (Planned Development)

East: MF-1(A) (Multifamily)
West: R-7.5(A) & TH-1(A) (Single family 7,500 square feet and townhouse)

Land Use:

The site is currently being developed with developed with (according to the application) a 10,000 square foot institutional use (Pioneer Bible Translators). The areas to the north and east appear to be undeveloped; and the areas to the south and west are developed with single family uses.

Zoning/BDA History:

1. Miscellaneous Item #2, Property at 7255 W. Camp Wisdom Road (the subject site) On May 18, 2011, the Board of Adjustment Panel B will consider reimbursing the filing fee submitted in conjunction with BDA 101-032 – a request for a special exception to the tree preservation regulations.

Timeline:

March 30, 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.

April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable

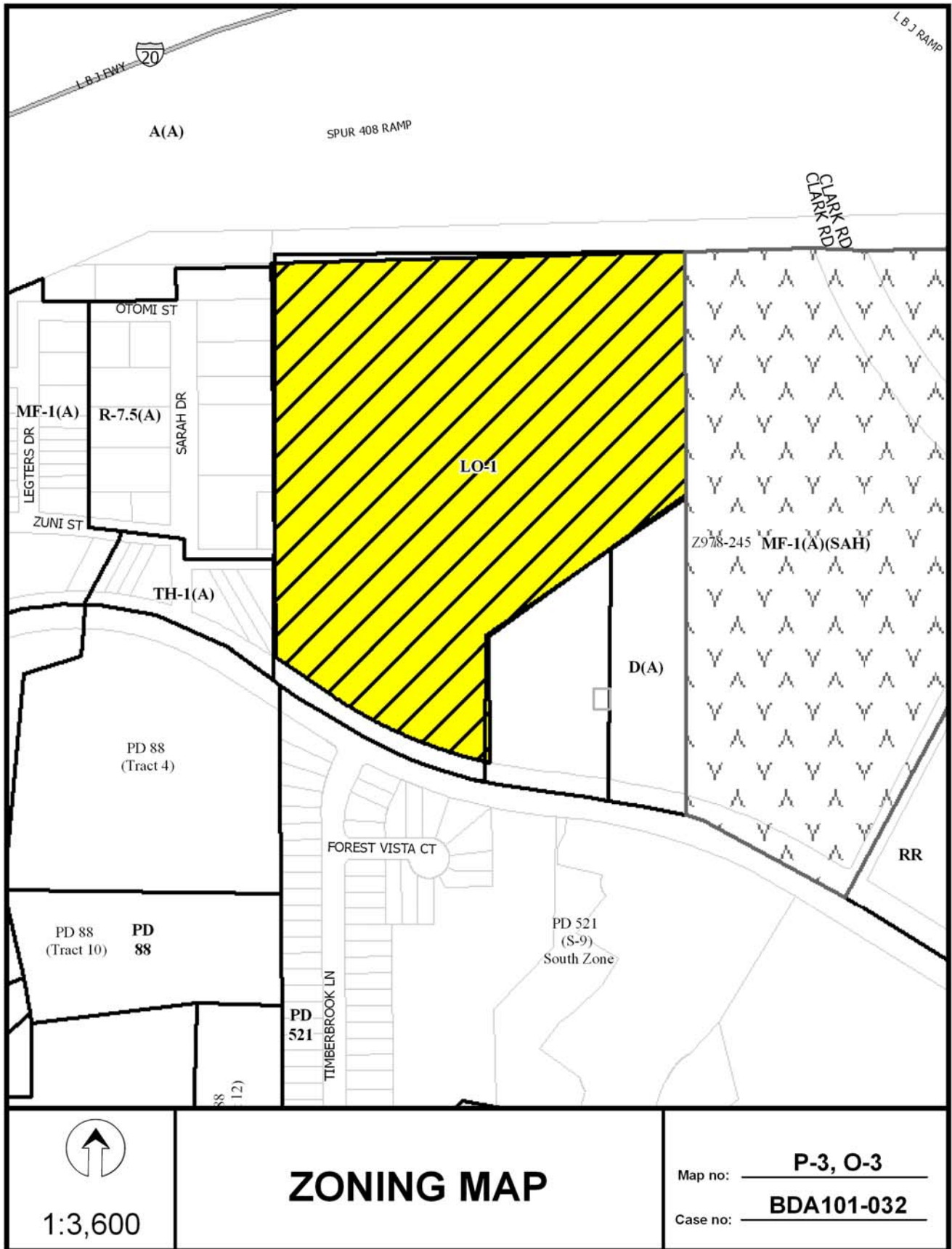
Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

May 4, 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/to be removed on a site being developed with (according to the application) a 10,000 square foot institutional use (Pioneer Bible Translators).
- The 1,600 caliper inches of trees that have been removed/or will be removed on the site are required to either be planted on site, or provided through one or more of the alternate methods of compliance provided in Article X: The Landscape and Tree Preservation Regulations of the Dallas Development Code – options including planting trees within one mile of the property; donating trees to the Park Department; making a payment into the Reforestation Fund, and granting a conservation easement to the City.
- 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 (in this case, a site that is currently under development as an institutional use (Pioneer Bible Translators); and
 - The special exception will not adversely affect neighboring property.
- The City of Dallas Chief Arborist recommends approval of the request, subject to the following conditions previously mentioned in this case report. The Chief Arborists conditional support is based upon among other things how the applicant proposes to compensate for mitigation by:
 - 1) a reduced carbon footprint by the introduction of an environmentally-valuable HVAC system on the site that includes geothermal heat exchange technology and general green building improvements; and
 - 2) the protection and stewardship of over 13 acres of the 22-acre site as open space and woodland – an area that the applicant is not technically able to designate as a “conservation easement” (an “alternate method of tree mitigation” provided in Article X) given that this area is an escarpment zone.
- If the Board were to grant this request and impose the conditions suggested by staff/the Chief Arborist, the site would be “excepted” from full compliance to the tree preservation regulations of the Dallas Development Code.



DATE: April 28, 2011



1:3,600

AERIAL MAP

Map no: P-3, O-3

Case no: BDA101-032

DATE: April 28, 2011



CITY OF DALLAS

Memorandum

DATE May 4, 2011

TO Donnie Moore, Chief Planner
Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 101 - 032 7255 W. Camp Wisdom Road

The applicant is requesting a special exception to the tree mitigation regulations of Article X. Specifically, the applicant requests a special exception of 51A-10.134 pertaining to the replacement (mitigation) of protected trees, and 51A-10.135, being alternative methods of tree replacement. The applicant requests the special exception to provide the following:

- 1) tree mitigation resolution for a total of 1,600 caliper inches (quantity) from the current development (1,211") and a future unscheduled construction (389");
- 2) tree mitigation resolution for future construction (389") within an unspecified timeline (timing);
- 3) tree mitigation resolution through a proposed alternative method of mitigation to 'compensate for the reduction' of, or noncompliance with, available forms of mitigation including planting on site or complying with available alternative methods of mitigation by ordinance.

Trigger

New construction and the related removal of protected trees.

Deficiencies

The ongoing development has presently incurred 1,211 inches of tree replacement requirement for the initial phase of development with the detention pond. A future proposed expansion could likely remove a minimum of 389 inches of protected trees for a potential removal of at least 1,600 inches. The current mitigation debt at the date of this letter is 1,211 inches.

Factors

Upon final inspection of the initial construction, the property will comply with Article X landscape requirements.

The applicant will be adding 2 new 3" caliper red oak trees for 6" of total mitigation compliance on the property.

The applicant proposes compensation of mitigation by 1) a reduced carbon footprint by the introduction of 'the environmental value of the HVAC system' that includes geothermal heat exchange technology and general green building improvements, and

2) the protection and stewardship of 13.4 acres of open space and woodland with significant topography. In total, native vegetation covers about 14.6 acres, or 2/3 of the lot. The applicant has developed for minimal impervious surface.

The property is 22.1 acres in size. Approximately 11 acres is within the Escarpment Zone which is restricted area from development protected under Article V. The zone is 82% of the overall listed 13.4 acres of open space and woodland to be protected and nearly half of the total property area. The land area is heavily wooded and not open to planting of nursery stock or the installation of irrigation systems.

The property is not eligible for the full mitigation reduction potential of a conservation easement under Article X, Section 51A-10.135. Escarpment zones are generally not allowed for use for credit in Article X conservation easements as they are not 'attractive for development.' Article V prohibits any development in escarpment zones, and is also restrictive to construction for adjacent land areas. For purposes of comparison, if the maximum land area to be protected was available for a conservation easement (no escarpment), the property would be eligible for 1,280 inches (80% of 1600 inches) of mitigation reduction by ordinance.

The request is for a special exception of 1,600 inches of mitigation. Any tree removal that may occur on the property above this threshold would be mitigated per Article X requirements.

Recommendation

Approval subject to the submitted landscape plan and the following conditions:

Compliance with Section 51A-10.108, General Maintenance, is required.

All development must comply with the minimum landscape standards of Article X, as amended. A landscape plan for construction must include a complete tabulation of provided and remaining mitigation as of the date of permit review.

Protected trees within the 'Area of next phase of development', per plan, may be removed with permit.

All other trees are subject to removal based on approval of the Building Official, per the conditions of Section 51A-10.132(e), Decision of the Building Official, or as necessary for purposes listed in Section 51A-10.140(b), Defenses to Prosecution.

All trees to be mitigated up to 1,600 caliper inches are not subject to Section 51A-10.134 for 'timing'. All additional mitigation is subject to Article X requirements.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-032

Data Relative to Subject Property:

Date: 03/30/2011

Location address: 7255 W. Camp Wisdom Rd. Zoning District: L0-1

Lot No.: 1 Block No.: A/8598 Acreage: 22.1 Census Tract: 165.01

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Pioneer Bible Translators

Applicant: Greg Pruett, President Telephone: 972.708.7460

Mailing Address: 7500 W. Camp Wisdom Rd., Dallas, TX Zip Code: 75236

Represented by: Same Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____, or Special Exception X, of an alternate landscape plan for tree mitigation.

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:

PBT is removing 1600 caliper inches of trees out of an estimated 15,000 on the lot to build 10,000 sq. ft. of institutional use building in 2 phases. We propose to mitigate 1600 caliper inches by installing thirty 300-ft deep geothermal heat exchange wells for an environmentally valuable HVAC system. This will have no impact on our neighbors. Since 12 of 22 acres will remain forested, further tree mitigation would unreasonably burden the use of the 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: Greg Pruett
Applicant's name printed

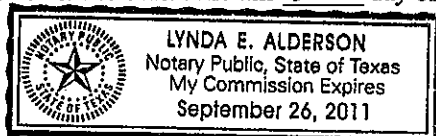
Greg Pruett
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Greg Pruett 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.

Greg Pruett
Affiant (Applicant's signature)

Subscribed and sworn to before me this 30th day of March, 2011



Lynda E. Alderson
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

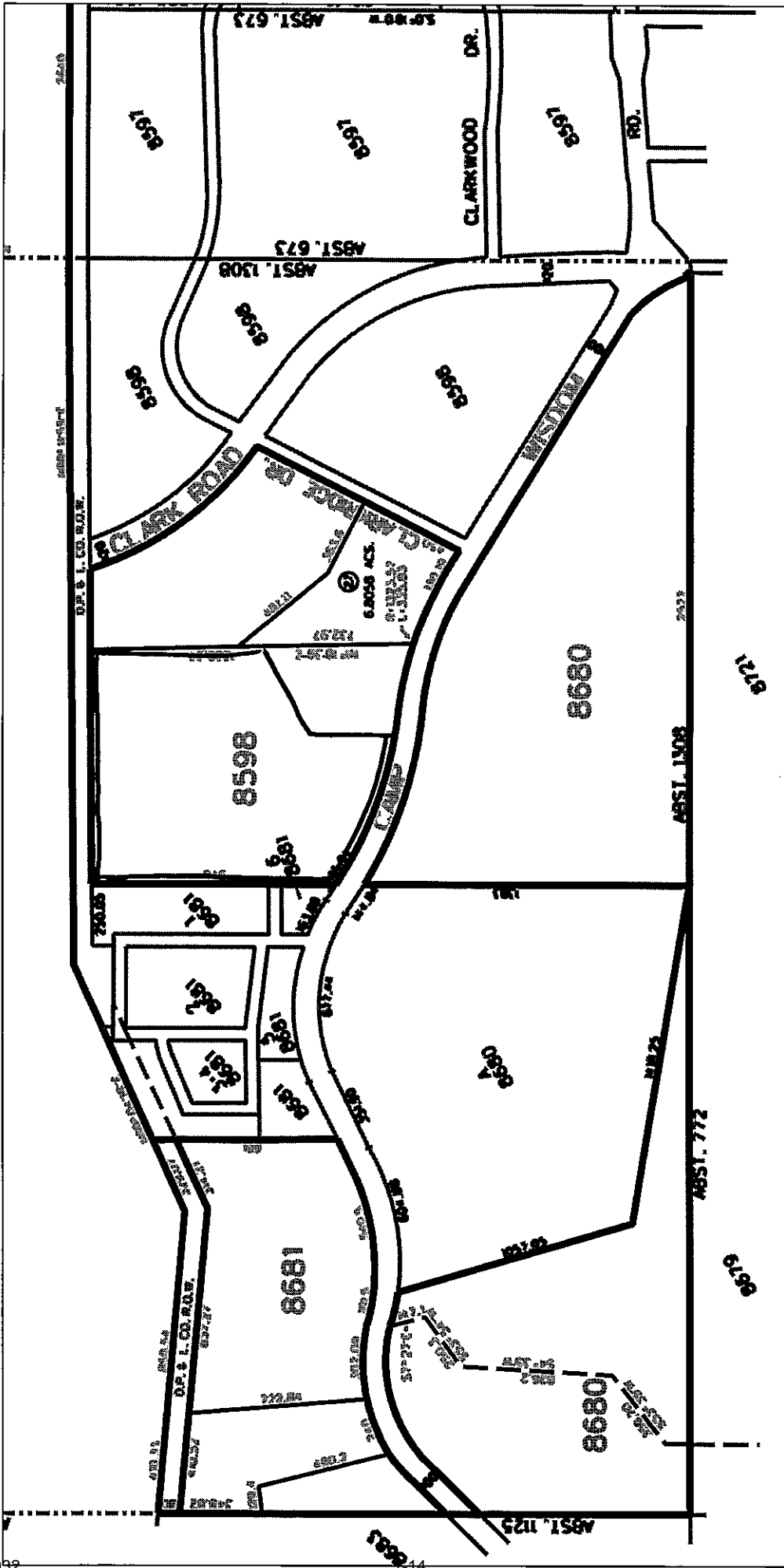
I hereby certify that Gregg Pruett

did submit a request for a special exception to the tree preservation regulations
at 7255 W. Camp Wisdom Road

BDA101-032. Application of Gregg Pruett for a special exception to the tree preservation regulations at 7255 W. Camp Wisdom Road. This property is more fully described as Lot 1 in city block A/ 8598 and is zoned LO-1, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate tree preservation plan, which will require a special exception to the tree preservation regulations.

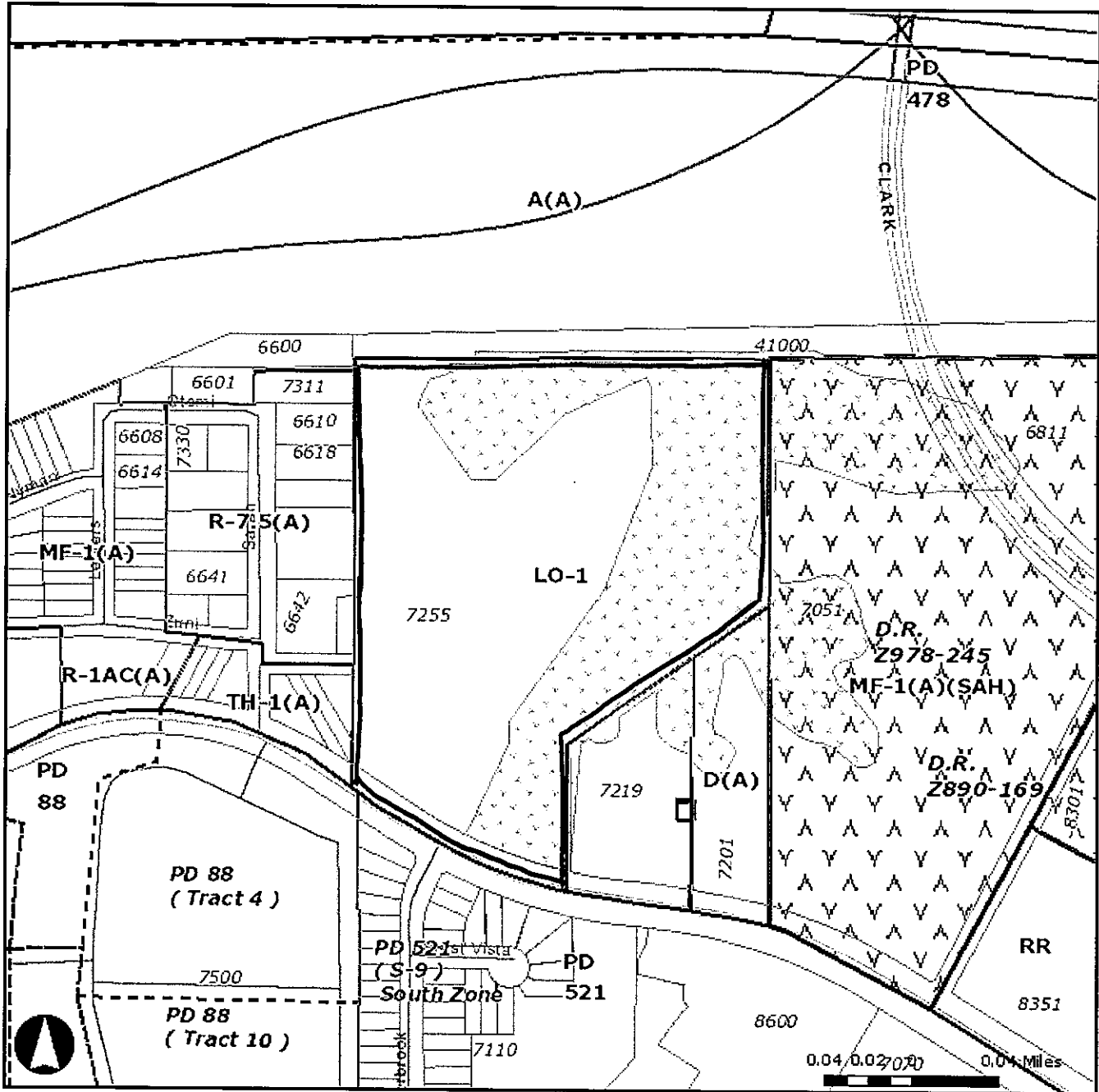
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



NDM

City of Dallas Zoning



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

GENERAL LANDSCAPING NOTES:

- (1) EXISTING NATURAL VEGETATION INCLUDES:
 - Av. of 630 caliper inches of trees per acre, including Juniperus virginiana, Quercus palustris, Celtis, Ulmus crassifolia, Quercus nigra, and others.
 - Various understory species
 - Total area of 14.6 acres (66% of lot)

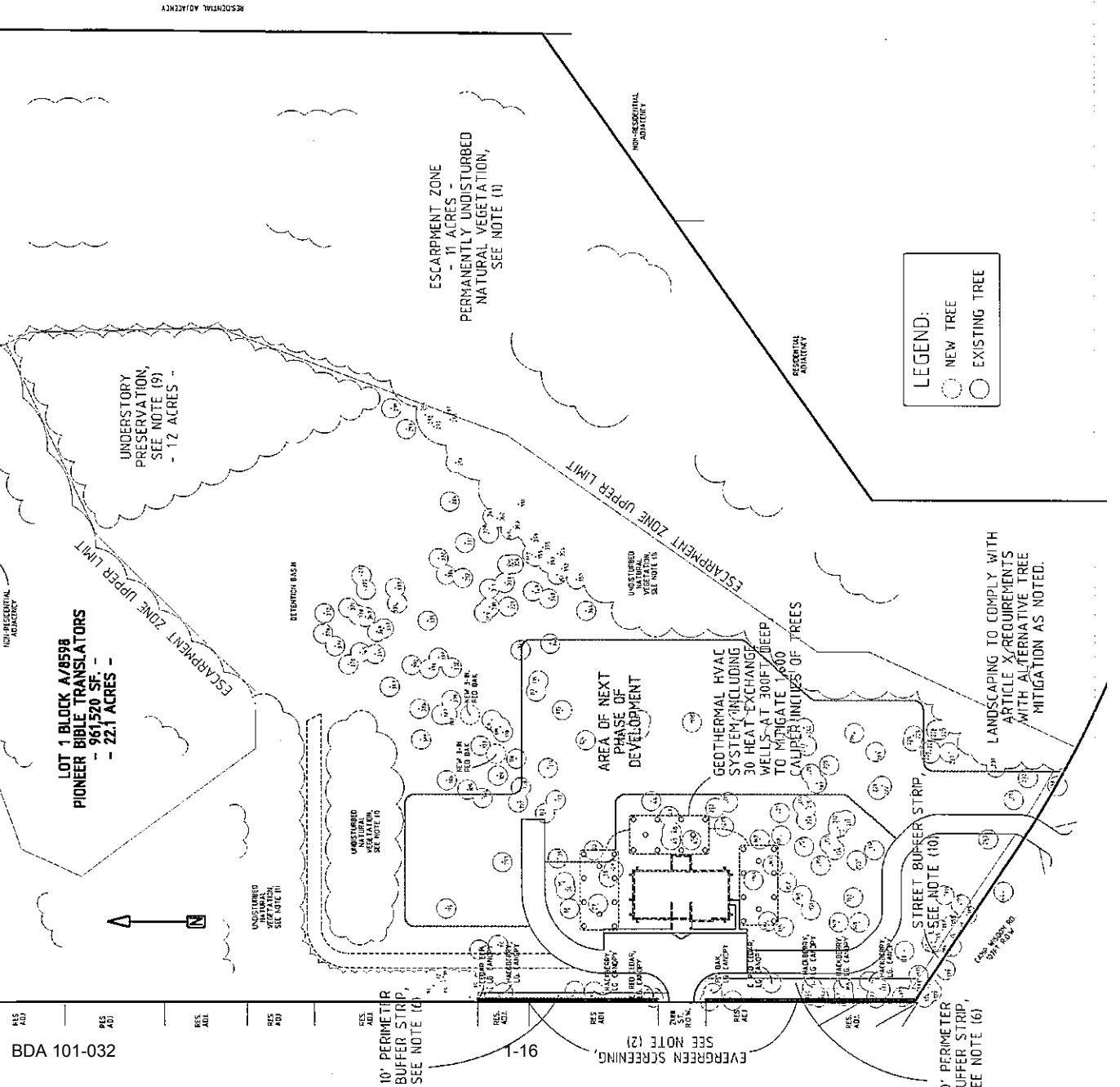
- ZONING REQUIREMENT:
 (2) EVERGREEN RESIDENTIAL SCREENING
 - Ebbings' Silverberry shrubs planted to reach 6ft tall within 3 years

ARTICLE X REQUIREMENTS:

- (3) TREE MITIGATION
 - See Note (11) below
- (4) SHALE TREES
 - 24 trees required
 - 24 trees retained with greater than 6in caliper trees
- (5) STREET TREES
 - included in Street Buffer Strip, Note (10)
- (6) PERIMETER BUFFER STRIP
 - As shown on plan
- (7) OFF-STREET LOADING SPACES: none
- (8) PARKING LOT TREES
 - As shown on plan (many trees provided)
- (9) UNDERSTORY PRESERVATION
 - As shown on plan: 50,500sf (5.3% of lot)
- (10) STREET BUFFER STRIP
 - 600ft of frontage
 - 20 trees > 6in caliper retained, similar species as Note (1)

(11) PROPOSED TREE MITIGATION ALTERNATIVE PLAN:

- ARTICLE X REQUIRED TREE MITIGATION:
 - 1211 caliper inches this phase
 - 389 estimated caliper inches next phase
 - 1600 total caliper inches
 *If next phase exceeds estimated inches, the remainder will be mitigated according to Art. X.
- ALTERNATIVE MITIGATION:
 - A geothermal heating & air-conditioning system, including 30 geothermal heat exchange wells at 300ft deep.
 - 2 new 3-in. red oaks, 6 caliper inches total



BDA 101-032

9-1

EVERGREEN SCREENING, SEE NOTE (2)

10' PERIMETER BUFFER STRIP, SEE NOTE (6)

LANDSCAPING TO COMPLY WITH ARTICLE X REQUIREMENTS WITH ALTERNATIVE TREE MITIGATION AS NOTED.

Attachment to Application for Special Exception for an Alternate Landscape Plan for Tree Mitigation for 7255 W. Camp Wisdom Rd. Lot 1 Block A/8598

Pioneer Bible Translators' Non-Profit Purpose

Pioneer Bible Translators recruits families from all over the US, gathers them together in Dallas, then trains and sends them out to translate the Bible for 19 million people in 49 languages in 10 countries all over the world. We are a sister organization to our good neighbor Wycliffe Bible Translators across the street from the project. By cooperating with this development, the people of the City of Dallas are helping to positively transform lives among the most poverty stricken parts of the world. Besides teaching people how to read and translating the Bible, we also do benevolent community development projects –in one case planting 6,000 fruit trees to feed the hungry and reforest land. We want to develop this land in Dallas applying the same neighborly, environmentally sensitive values.

Project Summary

PBT has bought and is developing 22 acres in the Mountain Creek community south of I-20 to build our first permanent headquarters. We intend to comply with Article X of the development code in every way, but we are asking for a special exception for an alternate tree mitigation plan. PBT is removing 1600 caliper inches of trees out of an estimated 15,000 on the property to build 10,000 square feet of institutional use building in 2 phases. We propose to mitigate 1600 caliper inches by installing thirty 300 foot deep geothermal heat exchange wells as part of an environmentally valuable HVAC system. This will have no adverse impact on our neighbors. Since 12 of 22 acres will be maintained as forested land, further tree mitigation would unreasonably burden the use of the property.

The Environmental Value of the HVAC system

Everyone wants to build green, but no one wants to pay for it. We have decided to make our building as green as possible using cutting edge eco-friendly technology. We are asking for cooperation from the city to help us pay for it by approving this alternate plan. We are building an expensive heating and air conditioning system involving thirty 300' deep wells and more expensive heating and air conditioning units and pumps that will greatly reduce our monthly consumption of electricity. Lower electrical demand will favorably impact the environment of the City of Dallas for the life of our facility. By allowing this alternate plan for tree mitigation, the City of Dallas will reduce the carbon footprint of our land development while helping us afford this beneficial heating and air conditioning system that more than offsets the loss of the trees.

Forested Land

The land is heavily forested. Eleven acres of it are in the escarpment zone. Another 1.2 acres is understory preservation. Another 1.2 acres of the land has been invested in a required detention basin to protect the escarpment zone. About 35% of all the trees removed in this project were

Alternate Landscape Plan for Tree Mitigation for 7255 W. Camp Wisdom Rd.

caused by the construction of the detention basin that was required for environmental reasons. Legally, the eleven acres of escarpment zone cannot be used for a conservation easement for tree mitigation. However, a total of 13.4 acres or 61% of our total land has been dedicated to environmental preservation. Already most of the value of the property has been invested in the environment. Strict compliance with the tree mitigation requirements would unreasonably burden the use of the property. Therefore, we propose this alternate mitigation method.

Neighbors

We have met with the neighborhood association from Sunset Acres next door. We have attached a letter signed by the president of the neighborhood association and four adjacent landowners. We also have attached a supportive letter from SIL and the International Linguistic Center across Camp Wisdom Road from us. We will continue to gain letters to document the agreement of other neighbors with our application. Many of the surrounding neighbors are also involved in Bible Translation, and they work in the International Linguistic Center across the street. We are a tight knit community, and our neighbors have been patient and cooperative as we develop this property. Many have helped us along the way. We have carefully worked to adjust our plan to preserve as much of the natural beauty of the property as possible. When we first looked at the property it was an impassible tangle of briars and poison ivy. Now our property has a park-like atmosphere that enhances the attractiveness of the neighborhood. We were able to preserve the largest and most beautiful trees and have worked hard to preserve even unprotected species wherever possible. We are committed to continuing to enhance our relationship with the neighbors by listening to their interests and making an effort to comply with them. Removing 1600 caliper inches of trees sounds like a lot, but we have preserved an estimated 15,000 caliper inches of trees for the beauty of the neighborhood. By approving this alternate mitigation plan, the zoning board of adjustment will help us be able to build a beautiful, heavily wooded, eco-friendly facility that will benefit our neighbors in the Mountain Creek Community as well as the entire City of Dallas.

Fee Waiver

Since this is a nonprofit endeavor, we are also requesting that the board of adjustment help our cause by waiving the application fee.

Anticipated questions

- 1) Why not grant the special exception for some portion of the 1600 caliper inches?

Answer: Any less than 1600 caliper inches would fall short of the objective of offsetting the increased cost of the environmentally sensitive HVAC system.

- 2) Why did you not ask for the special exception before the project began instead of after some trees have been removed?

Answer: The Board of Adjustment application says that "if your appeal is granted you will need to apply for the actual building permits to construct the proposed work within 180 days after the appeal is granted." At the beginning of the project we would not have been able to apply for the landscaping permit within 180 days, but now we can.

- 3) Why not mitigate by planting offsite?

Answer: Because 61% of the property is already invested in environmental protection, we feel that requiring further mitigation offsite would unreasonably burden the use of this property.

Allowing the alternative mitigation of 1600 caliper inches by providing the eco-friendly HVAC

Alternate Landscape Plan for Tree Mitigation for 7255 W. Camp Wisdom Rd.

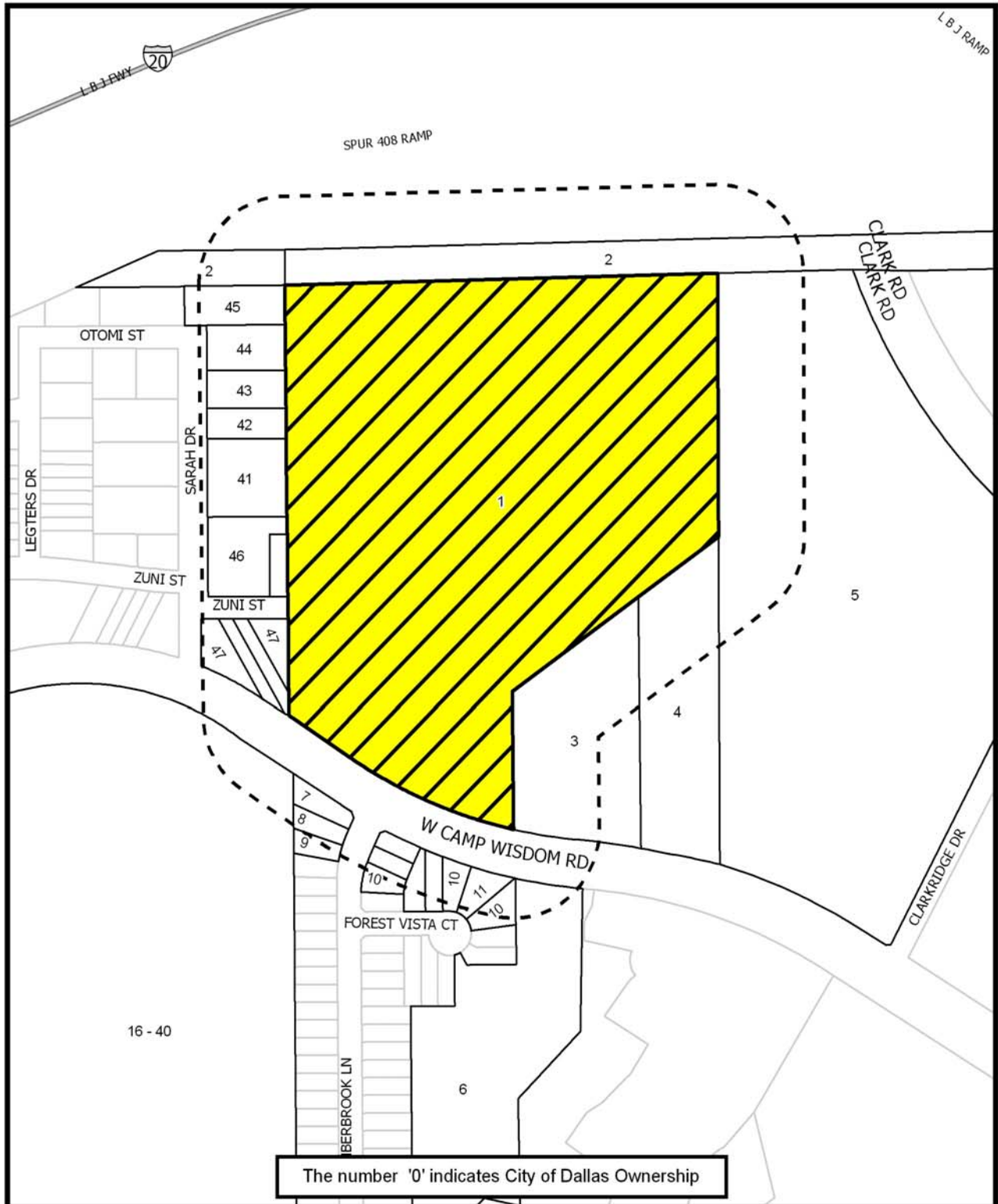
system will help us to pay for a green building that will have greater positive impact on the environment than planting trees offsite would provide.

Zoning Board of Adjustment,
City of Dallas

To Whom It May Concern;

Pioneer Bible Translators has discussed their landscaping and alternate tree mitigation plans with us, and as neighbors to their development property located at 7255 W. Camp Wisdom Road, we are supportive of their case currently before the Board of Adjustment.

NAME	ADDRESS	DATE
1. <u>Kenrick Stevenson President</u> <i>Sunset Acres Residents Assoc.</i>	<u>6608 Noyters Dallas 75236</u>	<u>3/29/11</u>
2. <u>Barry Hohulin</u> <i>Barry & Hehulin</i>	<u>6626 Sarah Dr Dallas 75236</u>	<u>3/29/11</u>
3. <u>Lorna Priest</u> <i>Lorna Priest</i>	<u>7258 Zuni St. Dallas TX 75236</u>	<u>3/29/11</u>
4. <u>Rebecca S. Moring</u>	<u>6642 Sarah Dr. Dallas TX 75236</u>	<u>3/29/11</u>
5. <u>Gerry & Fran</u>	<u>7250 Zuni St. Dallas TX 75236</u>	<u>3/29/11</u>
6. <u>Gary & Linda Simons</u>	<u>6619 Sarah Dr Dallas, TX 75236</u>	<u>3/30/11</u>
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____



 1:3,600	<h1>NOTIFICATION</h1> <p> 200' AREA OF NOTIFICATION 48 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	<p>Map no: <u> P-3, O-3 </u></p> <p>Case no: <u> BDA101-032 </u></p>
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DATE: April 28, 2011

Notification List of Property Owners

BDA101-032

48 Property Owners Notified

Label #	Address	Owner
1	7255 CAMP WISDOM	PIONEER BIBLE TRANSLATORS
2	6600 SARAH	TEXAS UTILITIES ELEC CO % STATE & LOCAL TAX DEPT
3	7219 CAMP WISDOM	WILLIAMS JAMES DEAN & DENNIS RALSTON WILLIAMS
4	7201 CAMP WISDOM	KRUCKEBERG ROBERT F & JOYCE A
5	7051 CLARKRIDGE	CLARKSRIDGE VILLAS HOUSING LP
6	7110 FOREST VISTA	MOUNTAIN CREEK COMM CHURC
7	8303 TIMBERBROOK	VEASLEY LYENISE
8	8307 TIMBERBROOK	CHUNG PYUNG SOO
9	8311 TIMBERBROOK	HAMPTON AMY LEE
10	8316 TIMBERBROOK	CHOICE HOMES INC
11	7107 FOREST VISTA	CARTER KAY
12	7115 FOREST VISTA	KIM SANG Y & GRACE H
13	7119 FOREST VISTA	VILLAREAL MACIE L
14	8308 TIMBERBROOK	ARRINGTON VICTORIA
15	8304 TIMBERBROOK	WALMAT INC
16	7500 CAMP WISDOM	INTERNATIONAL LINGUISTIC
17	7500 CAMP WISDOM	INTERNATIONAL LINGUISTIC
18	7500 CAMP WISDOM	INTERNATIONAL LINGUISTIC CENTER DIRECTORS OFFICE
19	7500 CAMP WISDOM	PIONEER BIBLE TRANSLATORS
20	7500 CAMP WISDOM	GOULD SANDRA LYNN SPACE 8
21	7500 CAMP WISDOM	JACKSON ELLEN M SPACE 10
22	7500 ZUNI	SUMMER INST LINGUISTICS % CENTER DIRECTOR
23	7500 CAMP WISDOM	ARRITT JAMES M SPACE D2
24	7500 CAMP WISDOM	SUMMER INST LING % CENTER DIRECTOR
25	7500 CAMP WISDOM	SUMMER INST LING SPACE 5
26	7500 CAMP WISDOM	ORWIG CAROL C/O CAROL CLICK

Label #	Address	Owner
27	7500 CAMP WISDOM	BEAL BRUCE BEAL HEATHER
28	7500 CAMP WISDOM	STAALSEN PHIL SPACE 12
29	7500 CAMP WISDOM	SUMMER INST LINGUISTICS %CENTER DIRECTOR
30	7500 CAMP WISDOM	BERRY ELEANOR SPACE 15
31	7500 CAMP WISDOM	SIL INTERNATIONAL % CENTER DIRECTOR
32	7500 CAMP WISDOM	SUMMER INST LING % CENTER DIRECTOR
33	7500 CAMP WISDOM	PARKER STEVE & SPACE 19
34	7500 CAMP WISDOM	SUMMER INSTITUTE OF LINGUISTICS
35	7500 CAMP WISDOM	SHOREY HAZEL SPACE 24
36	7500 CAMP WISDOM	ABBOT ELINOR SPACE 25D
37	7500 CAMP WISDOM	LONGACRE BOB SPACE 7
38	7500 CAMP WISDOM	NIES JOYCE SPACE 26
39	7500 CAMP WISDOM	VELIE VIRGINIA SPACE 22
40	7500 CAMP WISDOM	SUMMER INST LINGUISTICS % CENTER DIRECOR
41	6634 SARAH	COVER ROBIN
42	6626 SARAH	HOHULIN BARRY & DENISE
43	6618 SARAH	SIMONS GARY F & LINDA L
44	6610 SARAH	DELMEDICO DAVE & WENDY
45	7311 OTOMI	BUTLER DOREEN WINIFRED TR #148
46	7251 ZUNI	GORING REBECCA SUE
47	7274 ZUNI	SUMMER INSTITUTE LINGUIST % CENTER DIRECTOR
48	7258 ZUNI	PRIEST LORNA A

FILE NUMBER: BDA 101-038

BUILDING OFFICIAL'S REPORT:

Application of Douglas Jorgensen for a special exception to the sign regulations at 10400 N. Central Expressway. This property is more fully described as Lot 1C in City Block A/7292 and is zoned MC-1 which allows 1 detached sign for every 450 feet, or fraction thereof, of frontage on a public street. The applicant proposes to construct an additional detached premise sign which will require a special exception.

LOCATION: 10400 N. Central Expressway

APPLICANT: Douglas Jorgensen

REQUESTS:

- A special exception to the sign regulations is requested in conjunction with erecting and maintaining an additional detached sign on the property near the intersection of North Central Expressway northbound service road and Meadow Road. The site is developed with a medical office use (Minimally Invasive Spine Institute) and currently has two detached signs – one detached sign along its North Central Expressway service road frontage and another along its Meadow Road frontage.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The applicant has substantiated how strict compliance with the sign regulations (in this case, the site being held to one detached premise sign along each of the site's street frontages) would result in an inequity since the site has limited visibility due to the adjacent elevated freeway to its west (North Central Expressway). The proposed additional sign in its proposed location near the intersection of North Central Expressway and Meadow Road would provide direction and identification of the medical office use on the site (Minimally Invasive Spine Institute) to patients or emergency vehicles, particularly those traveling southbound from Central Expressway and eastbound on Meadow Road.
- In addition, there appears to be no corresponding benefit to the city and its citizens in accomplishing the objective of the sign regulations in this case (i.e.

holding this site to just one sign on each street frontage) since the proposed additional sign has been represented as being in compliance with all other Code requirements. (If for any reason, the “additional sign” granted by the board in this request was discovered to be out of compliance with some other Code requirement at a later date, the applicant would be required to return to the board with a new application to address any issue that the board is empowered to consider related to non-compliance with city sign codes).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

The Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

GENERAL FACTS:

- The Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. The applicant has submitted a site plan which indicates the locations of existing signs along the North Central Expressway northbound service road and Meadow Road. The site plan also indicates the location of a proposed sign near/at the intersection of these two streets at the southwest corner of the property. The applicant has also submitted a sign elevation denoting a monument sign that is 4’ 4” – 5’ 5” high and 12’ in length.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: MC-1 (Deed Restricted)(Multiple Commercial)
North: MU-3 (Mixed use)
South: MU-3 (SAH) (Mixed use)(Standard Affordable Housing)
East: MF-2 (A) (Multifamily)
West: MU-1 (Mixed use)

Land Use:

The site is currently developed with a medical office use (Minimally Invasive Spine Institute). The area to the north is developed with office use; the area to the east is developed with multifamily use; the area to the south is undeveloped; and the area to the west is developed as the North Central Expressway. (Note that although the property is deed restricted, the applicant has represented “that there are no deed restrictions regarding signs.”)

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:

March 9, 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.

April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2011: The applicant submitted additional information to the Board Administrator beyond what was submitted in the original application (see Attachment A).

May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project

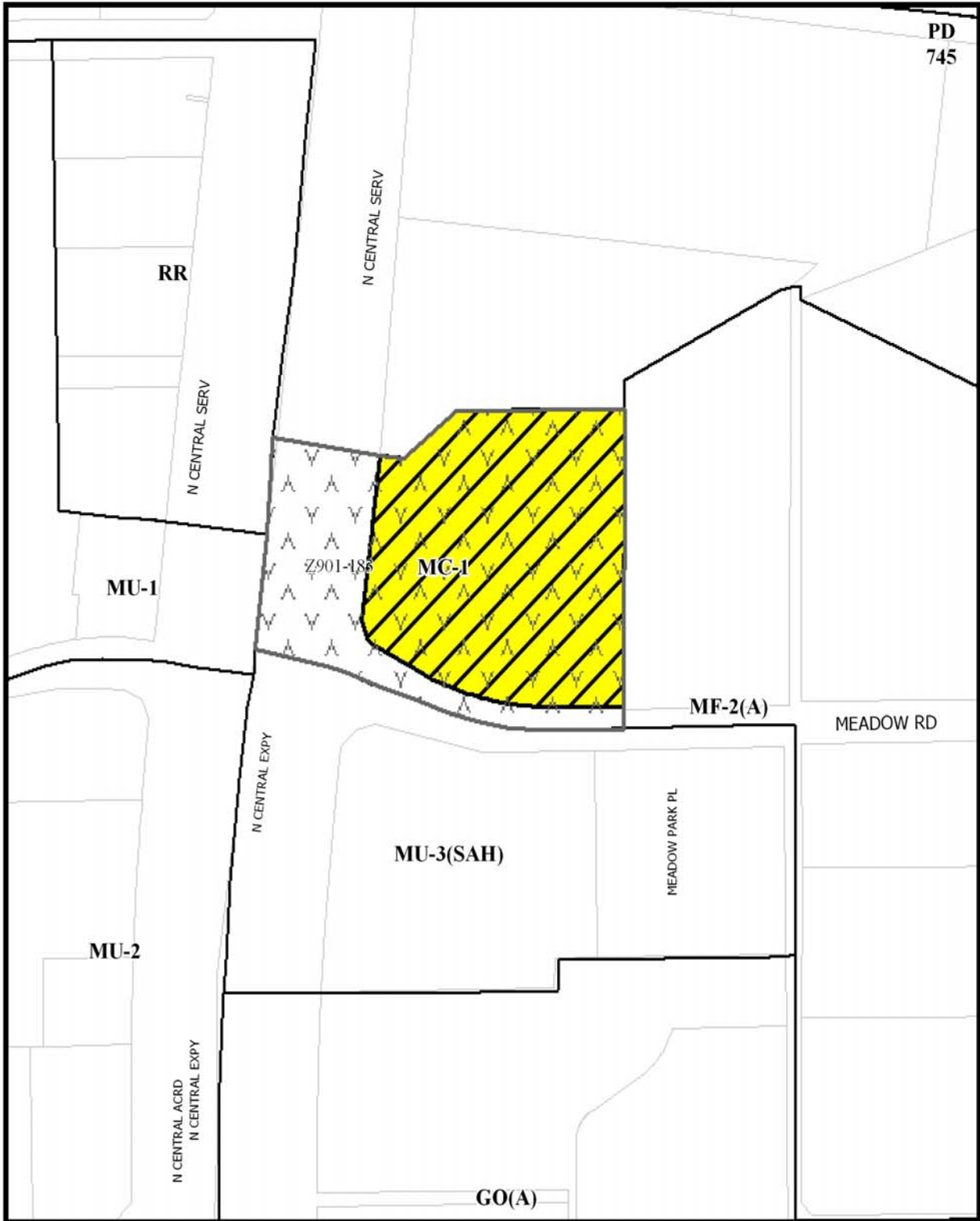
Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

May 5, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Comply with all C.O.D visibility requirements." (Note that the proposed sign that is the issue in this application appears on the submitted site plan to be in compliance with the city's visual obstruction regulations).

STAFF ANALYSIS:

- The request focuses on erecting and maintaining an additional detached sign on the property near the intersection of North Central Expressway northbound service road and Meadow Road. The site is developed with a medical office use (Minimally Invasive Spine Institute) and currently has two detached signs – one detached sign along its North Central Expressway service road frontage and another along its Meadow Road frontage.
- A site plan has been submitted which indicates the locations of existing signs along the North Central Expressway northbound service road and Meadow Road. The site plan also indicates the location of a proposed sign near/at the intersection of these two streets at the southwest corner of the property.
- A sign elevation has been submitted denoting a monument sign that is 4' 4" – 5' 5" high and 12' in length.
- The applicant has represented that "if the sign is allowed it will meet all required city codes."
- The applicant has the burden of proof in establishing the following:
 - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along each of its street frontages) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.
- Granting this special exception would allow an additional sign on the site – in this case a sign that could serve to provide direction and identification of the medical office use on the site (Minimally Invasive Spine Institute) to patients or emergency vehicles, particularly those traveling southbound from Central Expressway and eastbound on Meadow Road. If the Board were to impose the submitted elevation and site plan as a condition to the request, the additional sign would be limited to the specific location and characteristics as shown of these documents.

PD
745



1:2,400

ZONING MAP

Map no: E-8

Case no: BDA101-038

DATE: April 28, 2011



1:2,400

AERIAL MAP

Map no: E-8

Case no: BDA101-038

DATE: April 28, 2011

We are requesting a special Exception for additional detached sign to set at the corner of 10400 N. Central and Meadows Rd. The sign will direct emergency vehicles and patients to the correct entrances. The intersection at this location has limited visibility due to the elevated highway.

A patient or emergency vehicle south bound from Central Expressway or east bound on Meadows Rd. can easily overlook the unmarked drive causing potentially serious 5 to 7 minute delay in emergency services.

If the sign is allowed it will meet all required city codes. It will increase safety in the blind intersection and will not distract drivers in the area.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-038

Data Relative to Subject Property:

Date: 3/9/11

Location address: 10400 N. CENTRAL Zoning District: MC-1

Lot No.: 1C Block No.: A17292 Acreage: 3.7 Census Tract: 78.06

Street Frontage (in Feet): 1) 281' 2) 432' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NEAA

Owner of Property/or Principal: MISE REALTY CC DALLAS LP

Applicant: DOUGLAS JORGENSEN Telephone: 214-339-2227

Mailing Address: 4610 MINTWAY DALLAS TX Zip Code: 75236

Represented by: SIGN'S MANUFACTURING Telephone: 214-339-2227

Mailing Address: 4610 MINTWAY DALLAS TX Zip Code: 75236

Affirm that a request has been made for a Variance , or Special Exception of ONE EXTRA DETACHED SIGN ON PROPERTY.

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:

REQUESTING PERMISSION TO HAVE A MONUMENT SIGN ON THE CORNER OF THE PROPERTY AT THE INTERSECTION. SO CUSTOMERS CAN SEE WHERE THE STORE IS BEFORE DRIVING BY IT AND HAVING TO TURN AROUND. THIS SO WILL INCREASE SAFETY FOR CUSTOMERS.

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: DOUGLAS JORGENSEN Applicant's name printed [Signature] Applicant's signature

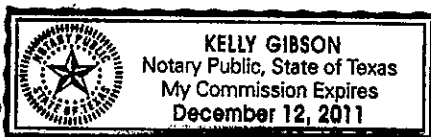
Affidavit

Before me the undersigned on this day personally appeared DOUGLAS JORGENSEN 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 9 day of MARCH, 2011

[Signature] Notary Public and for Dallas County, Texas



(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Douglas Jorgensen

did submit a request for a special exception to the sign regulations

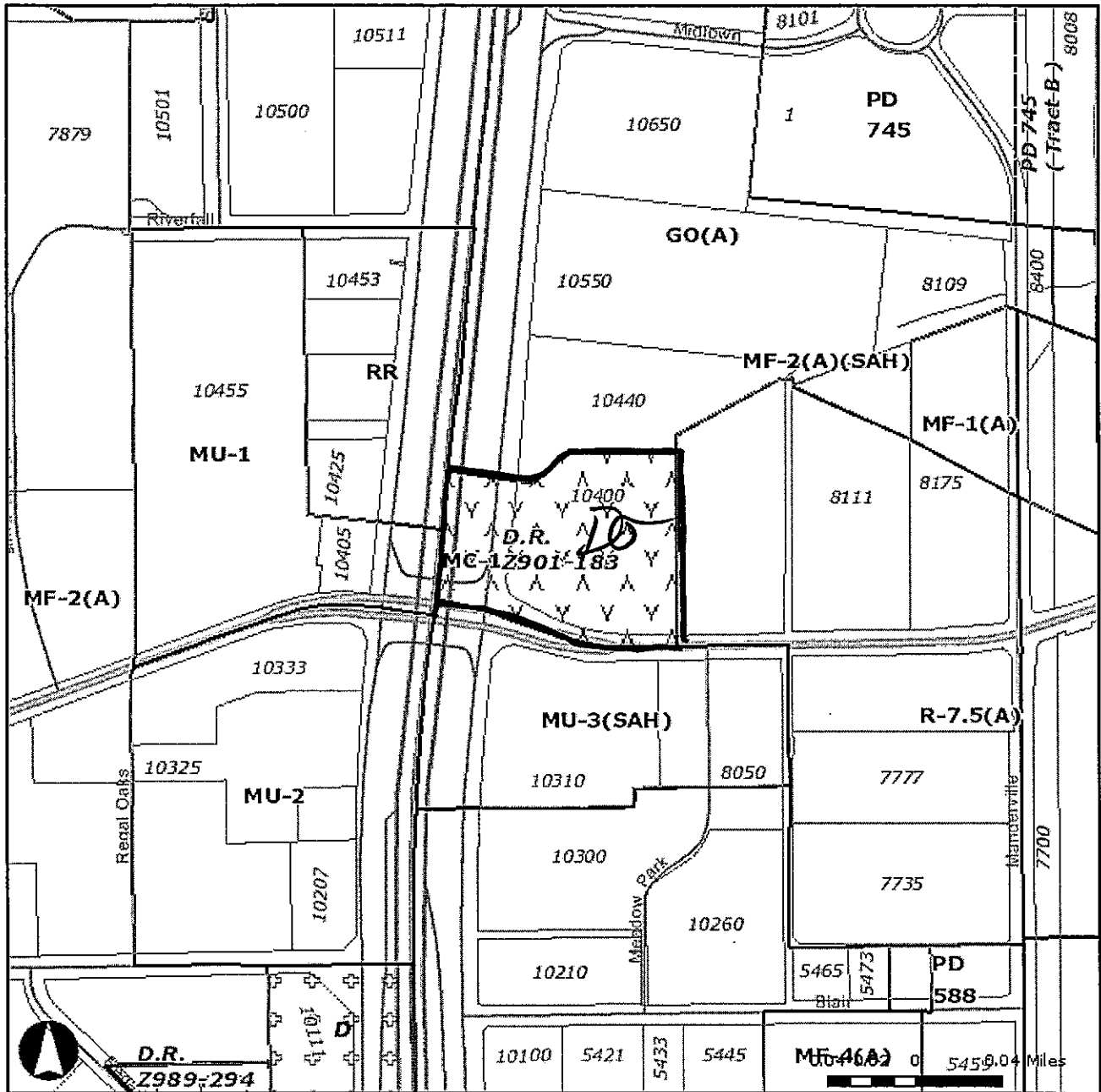
at 10400 N. Central Expressway

BDA101-038. Application of Douglas Jorgensen for a special exception to the sign regulations at 10400 N. Central Expressway. This property is more fully described as Lot 1C in city block A/7292 and is zoned MC-1 which allows 1 detached sign for ever 450 feet or fraction thereof, of frontage on a public street. The applicant proposes to construct a second additional detached premise sign, which will require a special exception to the sign regulations.

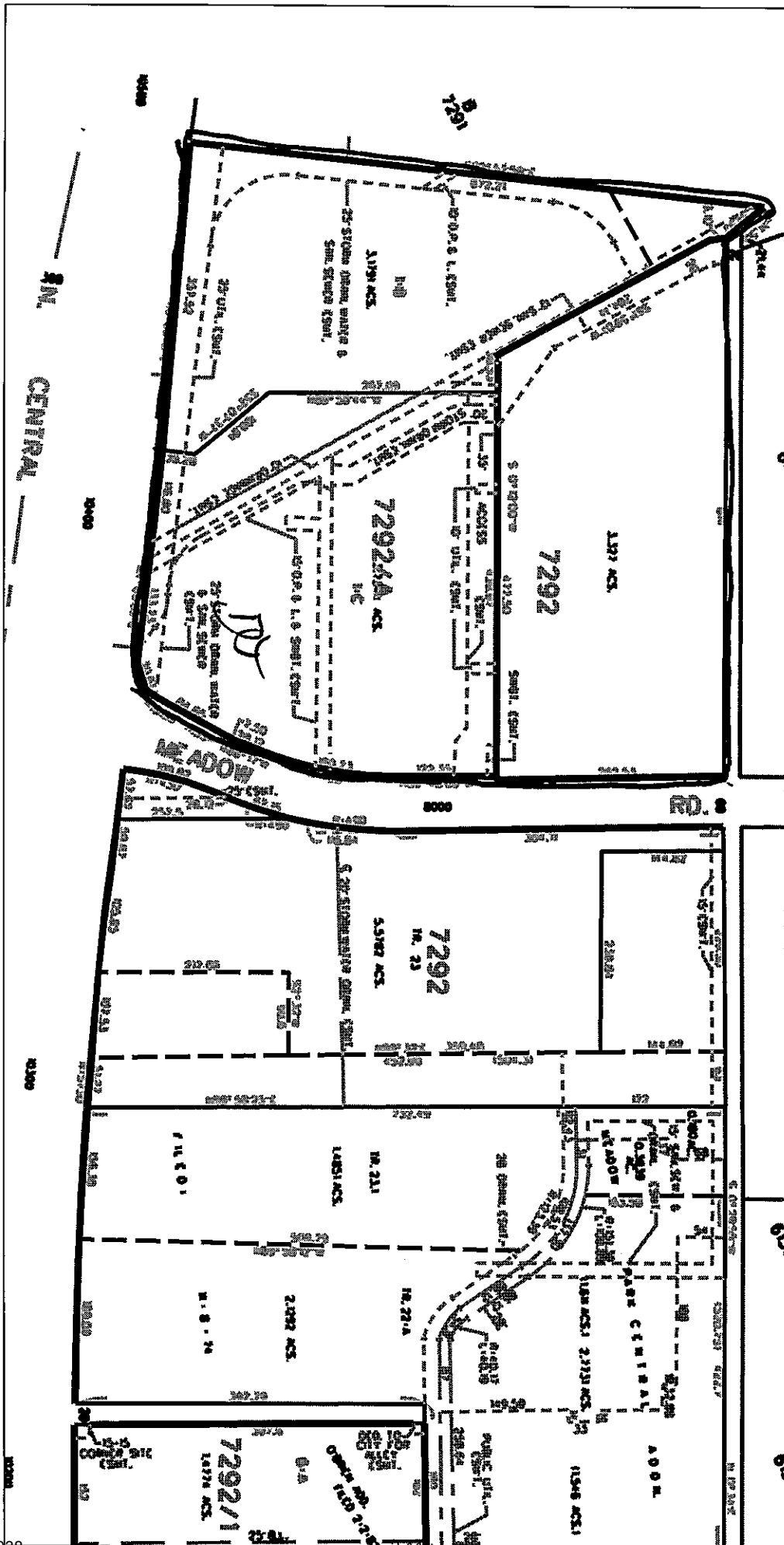
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

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>D</p> <p>D-1</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</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>CP</p> <p>SP</p> |
|--|--|---|



signs manufacturing
 Corporation
 (214) 339-2227 (817) 861-1234
 (727) 850-3300 Fax: (214) 339-9987



MISI
 Dallas TX
 3/14/2011
 2-13
 Customer Representative:
Harley Butker

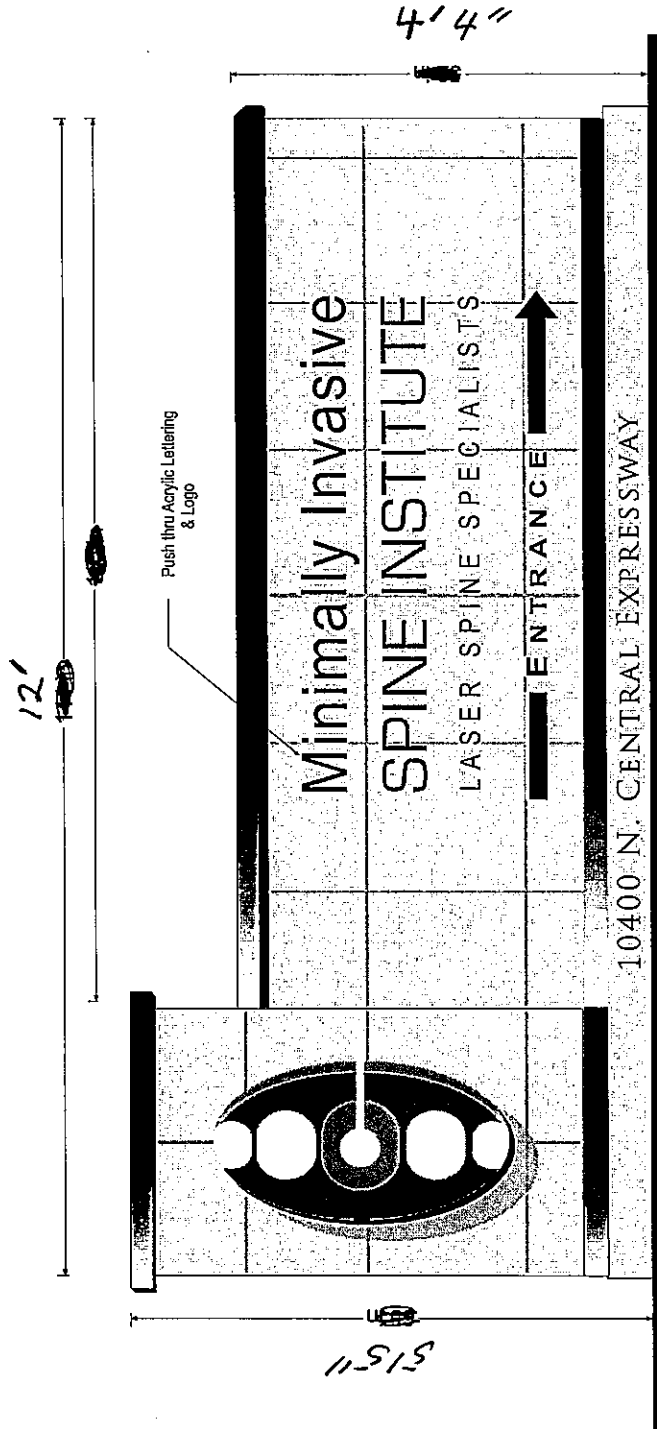
Customer Approval



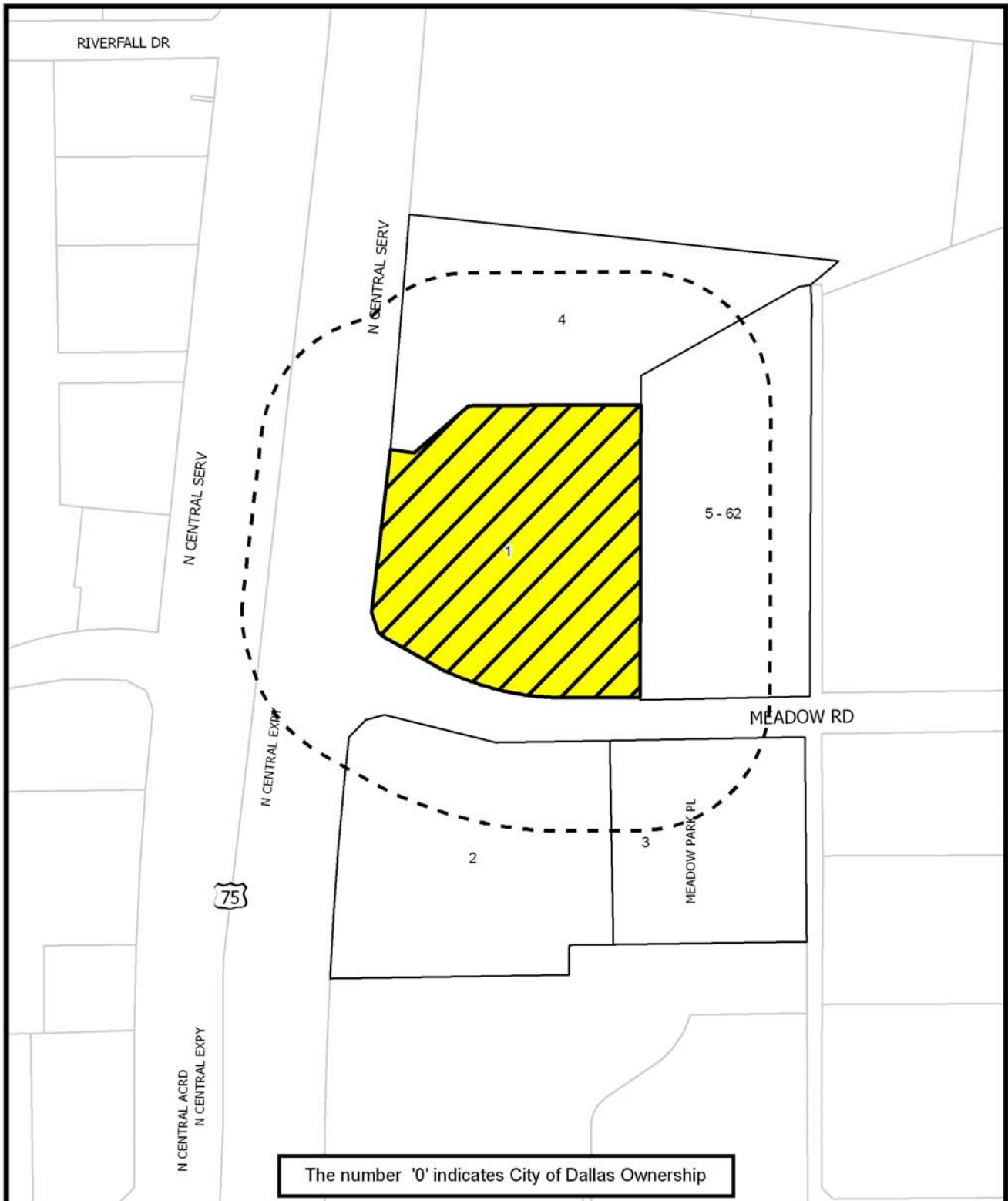
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THIS IS A PRELIMINARY DRAWING. SOME DETAILS MAY BE MODIFIED IN PRODUCTION

Cabinet to be brushed or painted aluminum
 Internally lit with 1/2 inch push thru acrylic



515-11



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

62

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: E-8

Case no: BDA101-038

DATE: April 28, 2011

Notification List of Property Owners

BDA101-038

62 Property Owners Notified

Label #	Address	Owner
1	10400 CENTRAL	MISI REALTY CC DALLAS LP
2	10310 CENTRAL	CENTRAL DP LP SUITE 400
3	8050 MEADOW	HTA DALLAS LTAC LLC
4	10440 CENTRAL	MEADOW PARK OFFICE LLC SUITE 500
5	8059 MEADOW	SOLOMON YEMANE &
6	8059 MEADOW	TODORA TONY
7	8089 MEADOW	WEAVER TOM
8	8057 MEADOW	FOSTER JAY
9	8057 MEADOW	NEWAY ZEKARIAS BLDG A UNIT 202
10	8057 MEADOW	MIRKOWICZ ARNOLDO EST OF BLDG A UNIT 203
11	8089 MEADOW	WEAVER THOMAS R
12	8055 MEADOW	FRIEDRICH ELIZABETH E & HARRY FRIEDRICH JR
13	8055 MEADOW	CUNNINGHAM SHEREICE BLDG B UNIT 106
14	8057 MEADOW	CUNNINGHAM SHEREICE UNIT 204
15	8055 MEADOW	KEBEDE TAFESECH
16	8081 MEADOW	WEAVER TOM R
17	8063 MEADOW	WEAVER TOM & GLENDA
18	8065 MEADOW	SMITH LOUCILE BLDG D UNIT 111
19	8065 MEADOW	HUEY JOSEPH D & LORI A
20	8067 MEADOW	CHILDRESS CAROLYN H
21	8065 MEADOW	YEMAME SOLOMON
22	8065 MEADOW	JORDAN JAMES C & BISHOP PAUL C
23	8067 MEADOW	POMROY DAVID B
24	8069 MEADOW	HARTGROVE GRACE T
25	8069 MEADOW	ASKY MAZYAR BLDG E UNIT 216
26	8069 MEADOW	OUZTS JOHN B JR
27	8071 MEADOW	GARCIA CYNTHIA

28	8071	MEADOW	WOLTER DIANE
29	8071	MEADOW	MESSEYE ABIER
30	8071	MEADOW	YANACEK CANDACE L
31	8075	MEADOW	LEWIS PAUL C STE 120-189
32	8075	MEADOW	NGUYEN LAM P
33	8075	MEADOW	SINGLETON PAULA K
34	8075	MEADOW	BARNES MATTHEW D & ERICA J
35	8081	MEADOW	SALCEDO DANNIEL E
36	8081	MEADOW	FEDER HELENE BLDG H UNIT 222
37	8081	MEADOW	VILLAFUERTE ARMANDO BLDG H UNIT 223
38	8083	MEADOW	MAYO HEDWIG J BLDG J UNIT 124
39	8083	MEADOW	VALDEZ FEDERICO C & STELLA M
40	8083	MEADOW	ARMSTRONG YENY A BLDG J UNIT 224
41	8083	MEADOW	LARUMBE ZULEMA
42	8085	MEADOW	WALKER GEORGE FURMAN # 126
43	8085	MEADOW	RODRIGUEZ JULIO D
44	8085	MEADOW	MITCHELL LAURENCE
45	8087	MEADOW	KIRK CHARLES GLEN
46	8087	MEADOW	MCVAY NIKKI J
47	8087	MEADOW	HOLCOMB JAMES RUSSELL III UNIT 229
48	8089	MEADOW	JOHNSTON HILLARY BLDG M UNIT 230
49	8089	MEADOW	HAILE TESHOME S UNIT 231
50	8091	MEADOW	BENAVIDES OSCAR R JR UNIT 1102
51	8091	MEADOW	ALEMU HULUMSEW ABEBE
52	8093	MEADOW	KIDANE MULU HABITE & BLDG N #134
53	8093	MEADOW	BENEVIDES OSCAR
54	8091	MEADOW	CHOU AMY APT 301
55	8093	MEADOW	ABRAHA SELAMAWIT
56	8095	MEADOW	MILLER PAULETTA J APT 213
57	8095	MEADOW	TAN JINI L
58	8095	MEADOW	SHEPHERD MARGARET BLDG P UNIT 137
59	8095	MEADOW	SEUBERT SALLY A
60	8095	MEADOW	STOKES CATRIONA BLDG P UNIT 236
61	8095	MEADOW	FOSTER CORRIE LEE # 237-P
62	8079	MEADOW	DYGOWSKI LAURIEANN

FILE NUMBER: BDA 101-043

BUILDING OFFICIAL'S REPORT:

Application of Donald Pate for a special exception to the fence height regulations at 9438 Inwood Road. This property is more fully described as Lots 1 and 2 in City Block 9/5582 and is zoned R-1ac(A) which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8-foot high which will require a special exception of 4 feet.

LOCATION: 9438 Inwood Road

APPLICANT: Donald Pate

REQUEST:

- A special exception to the fence height regulations of 4' is requested in conjunction with constructing and maintaining a 7' 6" high stone veneer wall 8' high cast stone columns and two, 7' 6" high metal swing gates ("design TBD") in the site's 40' front yard setback on a lot developed with a single family home. (The proposed fence appears to be replacement of an approximately 4' high open wrought iron fence in the property's front yard setback).

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states

that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.

The applicant had submitted a site plan/elevation indicating that the proposal in the required front yard setback reaches a maximum height of 8'.

- The following additional information was gleaned from the submitted site plan:
 - The proposal is approximately 144' in length parallel to the street and approximately 40' in length *perpendicular* to the street on the north and south sides of the site in the front yard setback.
 - The fence proposal is shown to be located on the front property line or about 14' – 20' from the curb line.
 - The proposed gates (of materials “to be determined”) are shown to be located approximately 13' from the front property line or about 27' – 33' from the curb line.
- The submitted site plan denotes several notations pertaining to landscaping adjacent to the proposed wall: “retain and salvage existing landscaping were possible. Replant as necessary,” “remove existing evergreen tree, retain existing crape myrtle.”
- Two single family homes “front” to the proposal on the subject site, one of which appears to have a fence higher than 4' in height in its front yard setback – an approximately 6' high solid stucco wall with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 500' north and south of the subject site) and noted the following additional fences above four (4) feet high which appeared to be located in a front yard setback beyond what was previously described:
 - an approximately 6' high open wrought iron fence with approximately 7' high stucco columns immediately south of the site that may be the result of a granted fence height special exception from October of 2002- BDA 012-248; and
 - an approximately 8.5' high solid stone fence two lots southwest of the site that appears to be a result of an approved fence height special exception from November of 2006- BDA 056-235.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 101-020, Property at 5100 Park Lane (two lots north of subject site)
On February 15, 2011, the Board of Adjustment Panel A granted special exceptions to the fence height regulations of up to 8' 8" imposing the submitted site plan and elevation document as a condition to the request. The staff report stated that these requests were made in conjunction with constructing and maintaining the following in the site's 40' Park Lane front yard setback: an 8' high open wrought iron fence with 9' high stone columns and an approximately 11.5' high open wrought iron gate with 12' 8" high entry gate columns parallel to Park Lane, and an 8' high stucco wall with 9' high stone columns perpendicular to Park Lane on the east side of the subject site ; and in the site's 40' Inwood Road front yard setback: an 8' high stucco wall with 9' high stone columns parallel and perpendicular to Inwood Road on the west and south sides of the subject site
2. BDA 012-248, Property at 9430 Inwood Road (the lot immediately south of subject site)
On October 22, 2002, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 5' 3.5" to the front yard fence height regulations and a special exception of 3.5 inches to the side yard fence regulations and imposed the submitted site plan and elevation as a condition to the request. The case report stated that a special exception of 5' 3.5" to the *front* yard fence height regulations was requested in conjunction with the constructing and maintaining the following in the *front* yard setback along Inwood Road: an 8' high solid wall; an 8' high open metal entry gate; and 9' 3.5" high columns; and that a special exception of 3.5" to the *side* yard fence height regulations was requested however, upon further review of plans and elevations, the applicant has informed the Board Administrator that there

was no longer a need for that request.

3. BDA 056-235, Property at 5031 Deloache (two lots southwest of subject site)

On November 14, 2006, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4.5' and a special exception to the visual obstruction regulations and imposed the submitted revised site plan and elevation and that gates must be set 20 feet from edge of pavement as a condition to the requests. The case report stated that the requests were made in conjunction with constructing and maintaining an 8' high solid stone wall with 8.5' high columns.

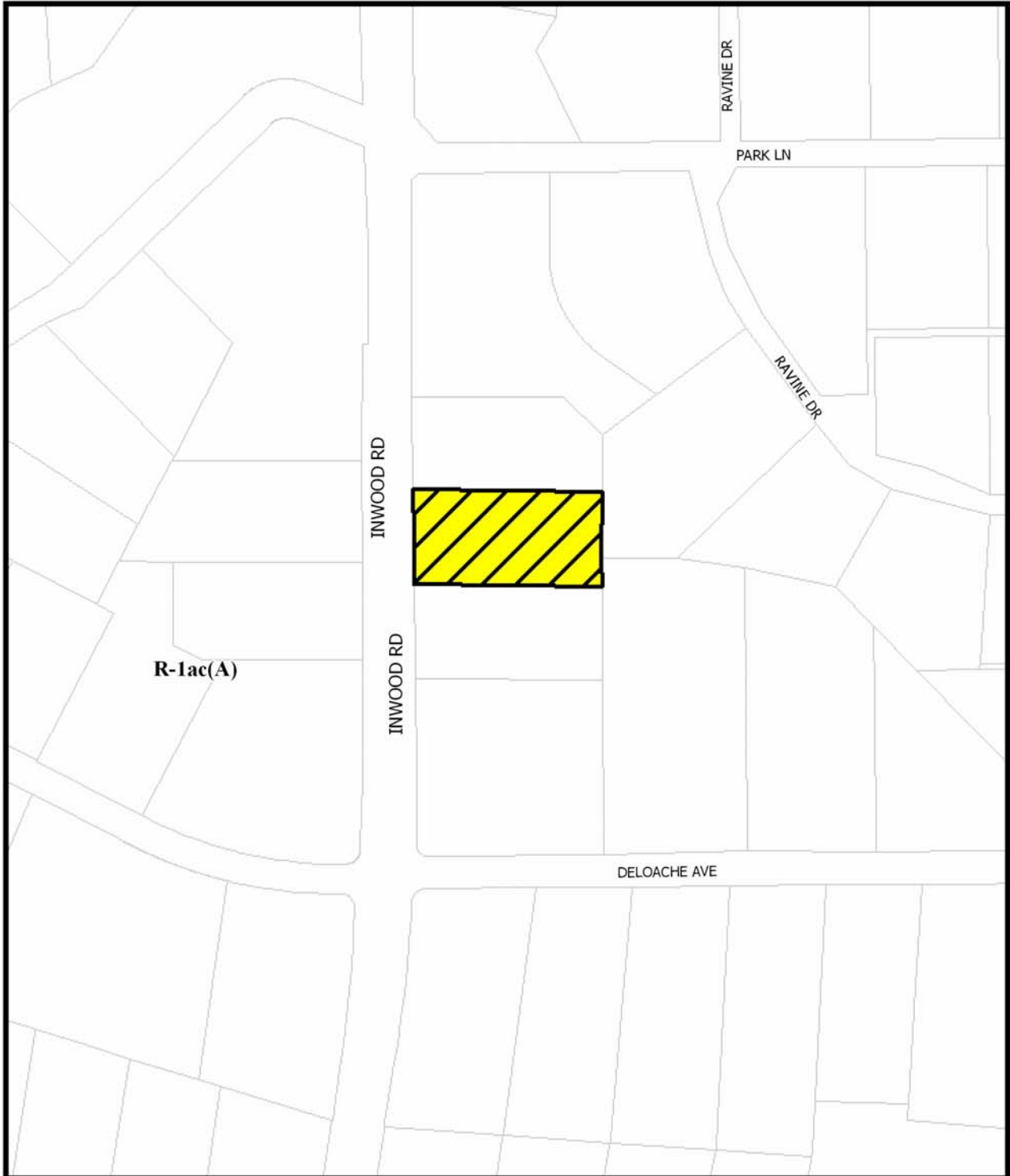
Timeline:

- March 24, 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.
- April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

May 5, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Comply with all C.O.D visibility requirements." (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).

STAFF ANALYSIS:

- This request focuses on replacing what appears to be an approximately 4' high open wrought iron fence with a 7' 6" high stone veneer wall 8' high cast stone columns and two, 7' 6" high metal swing gates ("design "TBD"") in the site's 40' front yard setback on a lot developed with a single family home.
- The submitted site plan/elevation documents the location, height, and materials of the proposed solid stone veneer fence/wall over 4' in height in the required front yard setback. The site plan indicates that the proposal is about 144' in length parallel to the street and approximately 40' in length *perpendicular* to the street on the north and south sides of the site in the front yard setback. The plan shows the fence to be located approximately on the site's front property line or about 14' – 20' from the curb line. The proposed gates (of materials "to be determined") are shown to be located approximately 13' from the front property line or about 27' – 33' from the curb line.
- The submitted site plan denotes several notations pertaining to landscaping adjacent to the proposed wall: "retain and salvage existing landscaping were possible. Replant as necessary," "remove existing evergreen tree, retain existing crape myrtle."
- Two single family homes "front" to the proposal on the subject site, one of which appears to have a fence higher than 4' in height in its front yard setback – an approximately 6' high solid stucco wall with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two additional fences above four (4) feet high in the immediate area which appeared to be located in a front yard setback beyond what was previously described in the "General Facts" section of this case report.
- As of May 9, 2011, no letters had been submitted to staff in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan/elevation would provide assurance that the proposal exceeding 4' in height in the front yard setback would be constructed and maintained in the location and of the heights and materials as shown on this document.



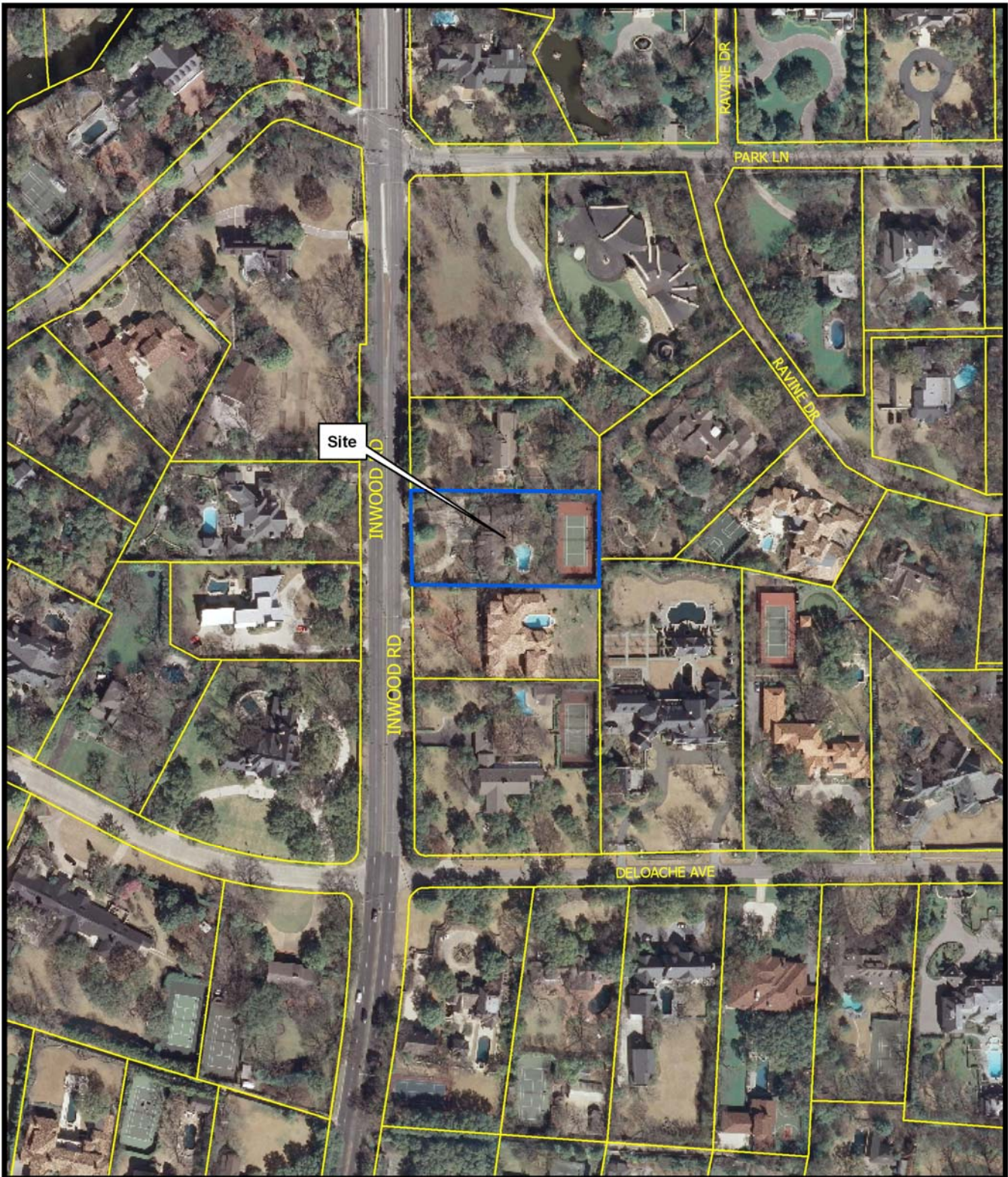
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ZONING MAP

Map no: F-7

Case no: BDA101-043

DATE: April 28, 2011



1:2,400

AERIAL MAP

Map no: F-7

Case no: BDA101-043

DATE: April 28, 2011



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-043

Data Relative to Subject Property:

Date: 3-24-2011

Location address: 9438 INWOOD Rd, DALLAS 75220 Zoning District: R-12c(A)

Lot No.: 1 & 2 Block No.: 9/5582 Acreage: .99 Census Tract: 75.00

Street Frontage (in Feet): 1) 144.85' 2) _____ 3) _____ 4) _____ 5) _____

NE2S

To the Honorable Board of Adjustment :

Owner of Property/or Principal: DONALD BECK PATE / JILL ANN PATE

Applicant: DONALD BECK PATE Telephone: 214-405-9628

Mailing Address: 9438 INWOOD Rd, DALLAS, TX. Zip Code: 75220

Represented by: DONALD PATE Telephone: 214-405-9628

Mailing Address: 9438 INWOOD Rd., DALLAS, TX. Zip Code: 75220

Affirm that a request has been made for a Variance or Special Exception of FENCE/WALL HEIGHT ALONG FRONTAGE ON INWOOD Rd. AND ALONG NORTH & SOUTH SIDE FROM FRONT PROPERTY LINES TO SETBACK. SPECIAL EXCEPTION OF FOUR FEET FOR A FRONT YARD FENCE.

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:

TO ADD ADDITIONAL SECURITY / SAFETY, TO ASSIST IN PREVENTING ROAD NOISE AND SECURE PROPERTY FOR CHILDREN & PETS, FAMILY. GRANTING THIS REQUEST WILL HAVE NO ADVERSE AFFECT ON THE HOMES IN THE AREA. OTHER ADJACENT IN THE AREA HAVE THE SAME HEIGHT AS THIS REQUEST.

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.

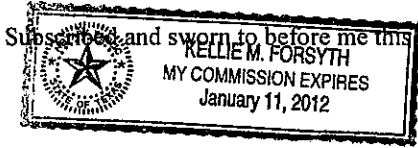
Respectfully submitted: DONALD PATE
Applicant's name printed

[Signature]
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared DONALD PATE 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)



23 day of March 2011
[Signature]
Notary Public in and for Dallas County, Texas

(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman

Building Official's Report

I hereby certify that DONALD PATE

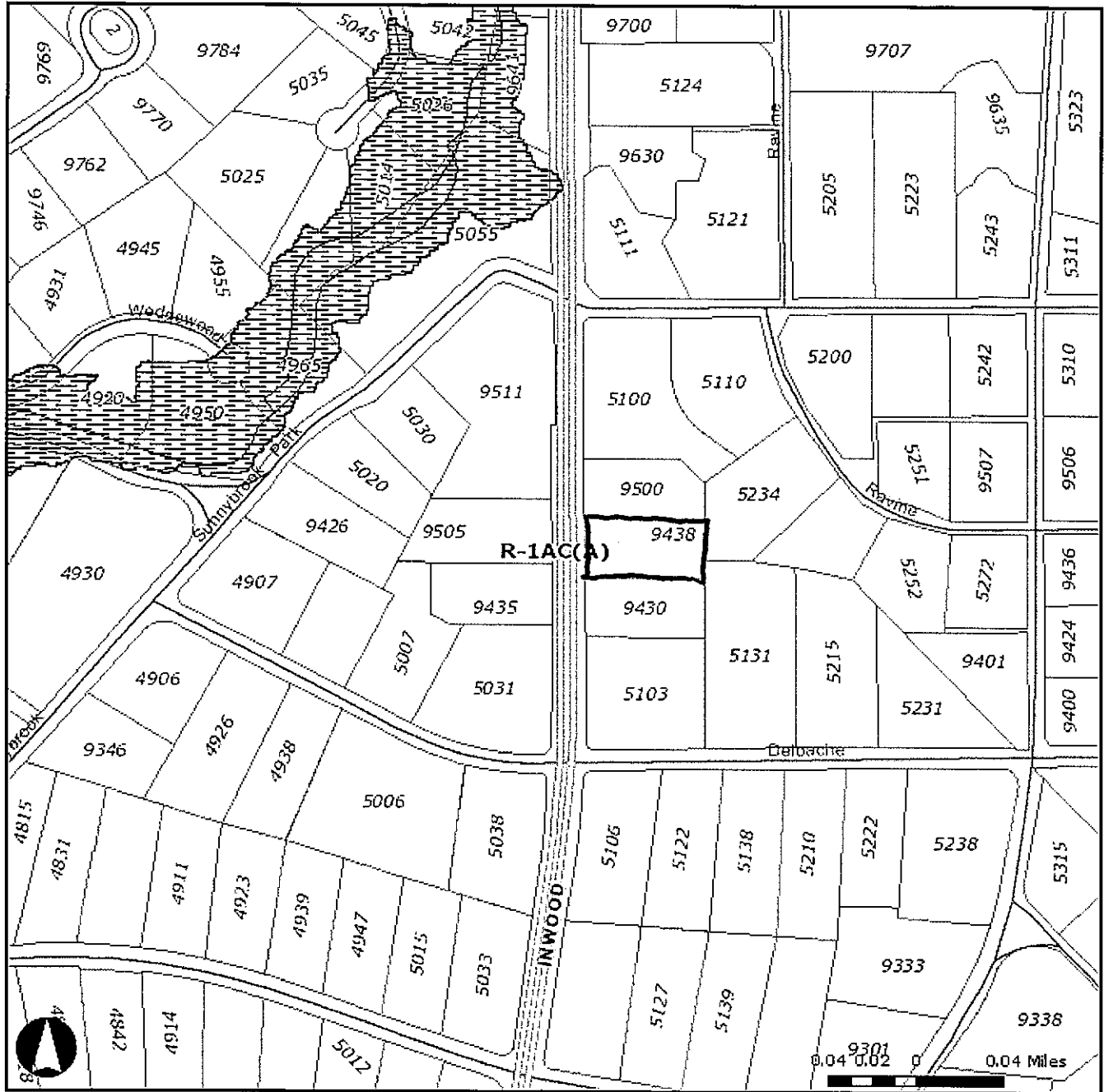
did submit a request for a special exception to the fence height regulations
at 9438 Inwood Road

BDA101-043. Application of Donald Pate for a special exception to the fence height regulations at 9438 Inwood Road. This property is more fully described as Lot 1 and 2 in city block 9/5582 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard setback, which will require a 4 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

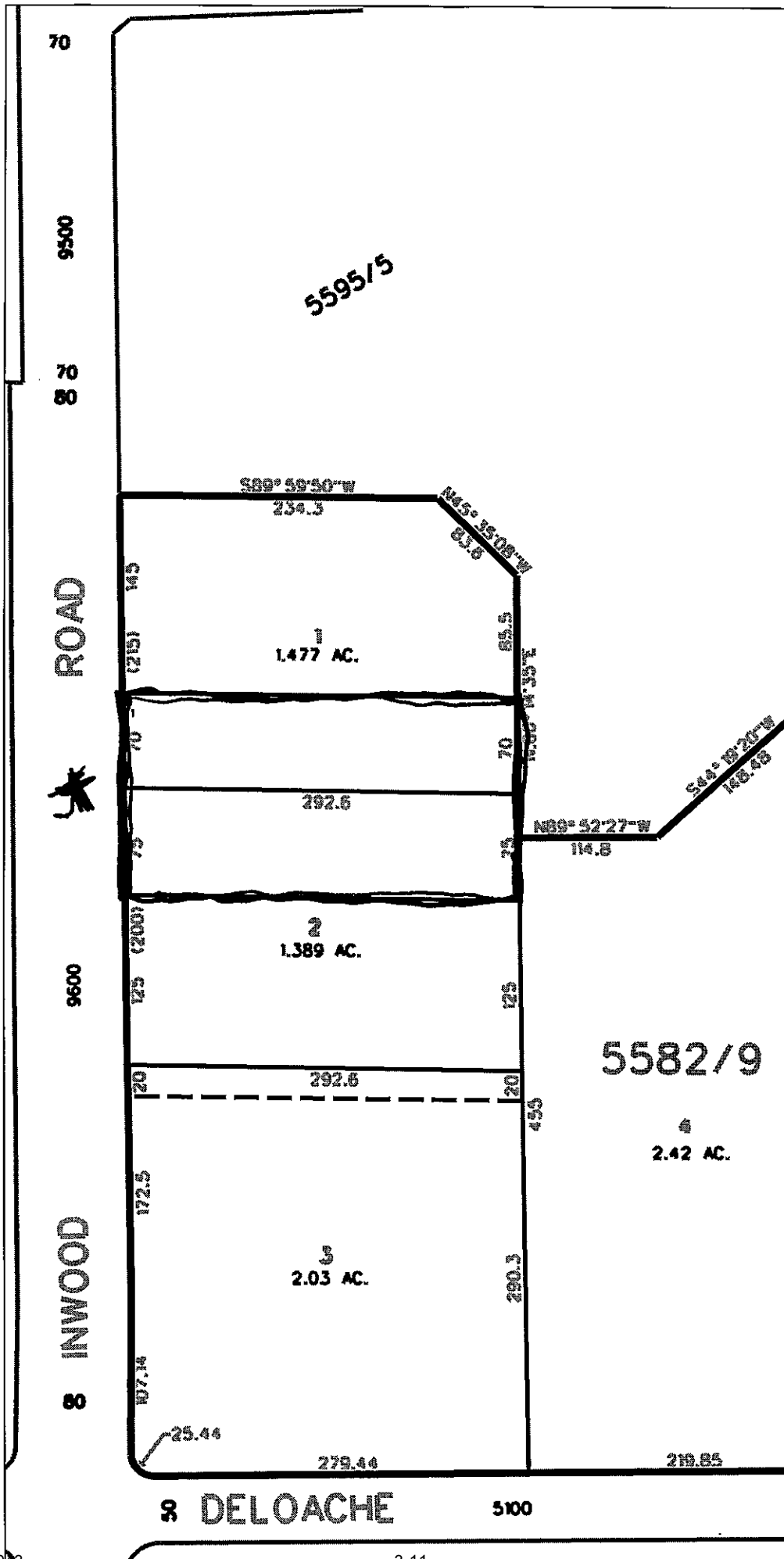
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

Dry Overlay

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

Base Zoning

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



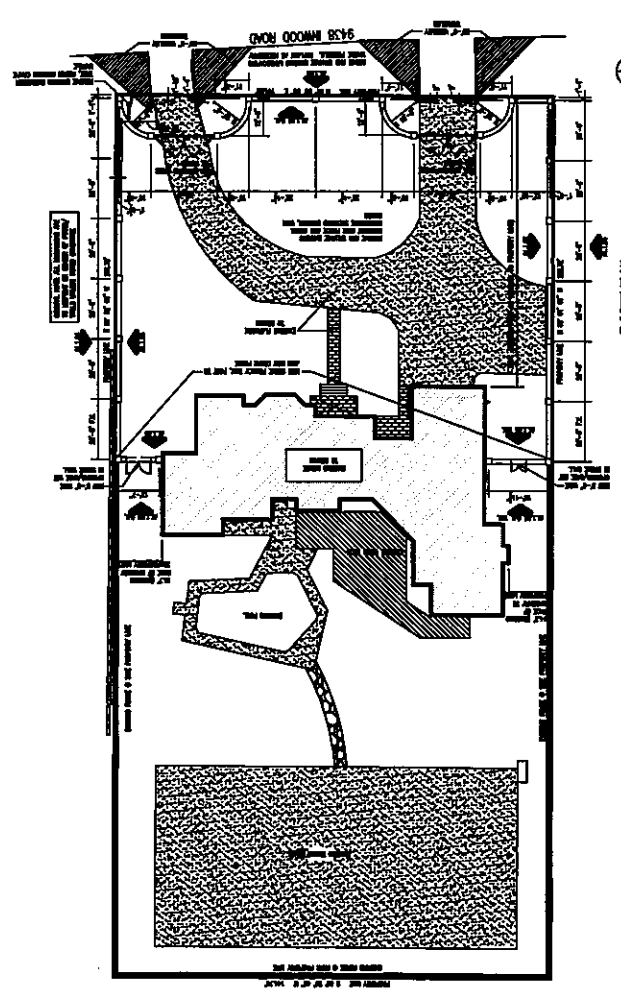
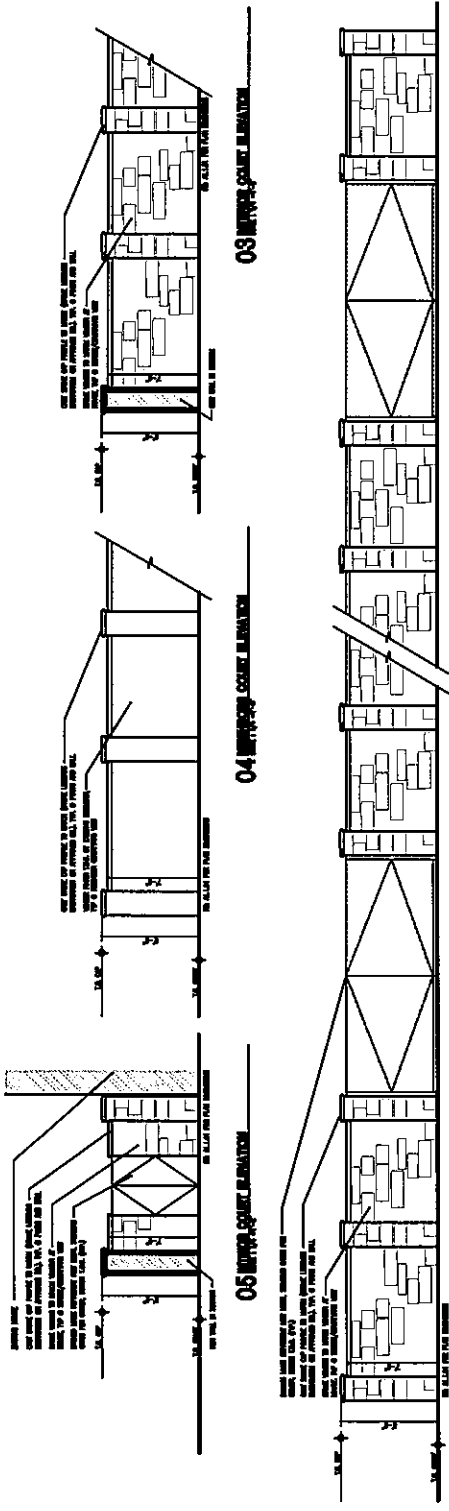
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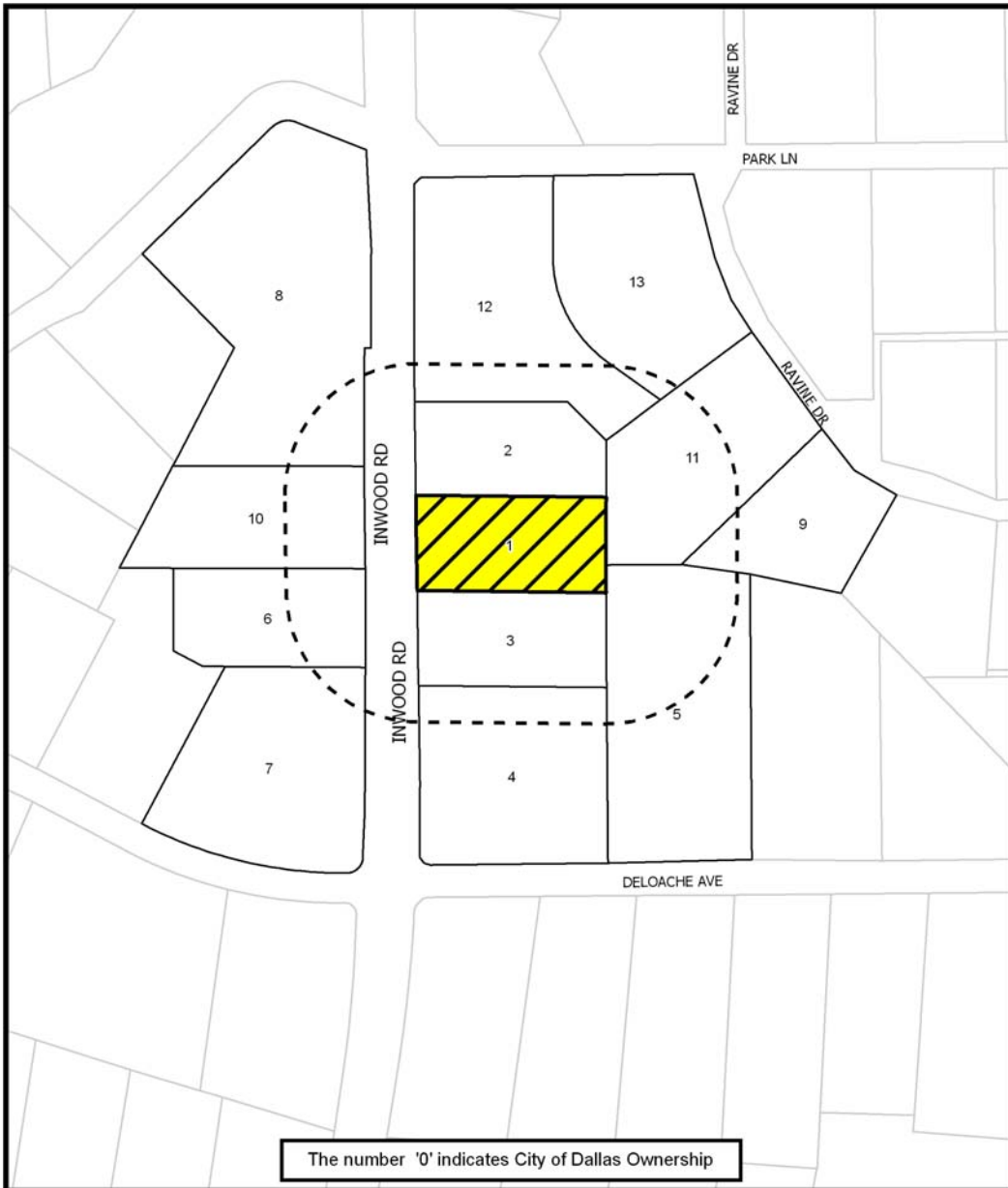


PATE REMODEL
 9438 INWOOD DALLAS, TEXAS
 STOCKER HOESTER MONTENEGRO
 6514 TRAVES, SUITE 200 DALLAS, TEXAS 75241
 214.523.2800 1.214.523.2840

PROJECT # SHM11-015
 DATE 24 March 2011
 Site Plan

A1.1





 1:2,400	<h2>NOTIFICATION</h2>	F-7 Map no: _____			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
13	NUMBER OF PROPERTY OWNERS NOTIFIED				

DATE: April 28, 2011

Notification List of Property Owners

BDA101-043

13 Property Owners Notified

Label #	Address	Owner
1	9438 INWOOD	HUGHES KING B STE 100-773
2	9500 INWOOD	JORDAN ANDREW M
3	9430 INWOOD	ALLEN HENRY & FARIBA PAYERVAND
4	5103 DELOACHE	AUNG MIN & FLEUR
5	5131 DELOACHE	CARONA JOHN J
6	9435 INWOOD	ROME RICHARD L & NANCY
7	5031 DELOACHE	MCCOY MICHAEL V & JONI K
8	9511 INWOOD	MARR RAY H
9	5242 RAVINE	STAUBACH ROGER T & MARIANNE
10	9505 INWOOD	VERGNEMARINI PEDRO & OLGA MORELL DEVERGNE
11	5234 RAVINE	HOWLEY CHARLES L & NANCY W
12	5100 PARK	FISCHER CLIFFORD R &
13	5110 PARK	SNYDER RICHARD W & ROBERTA M SNYDER

FILE NUMBER: BDA 101-037

BUILDING OFFICIAL'S REPORT:

Application of Alan Joseph Eynon, represented by Santos T. Martinez, for a variance to the front yard setback regulations at 9702 Vinewood Drive. This property is more fully described as Lot 19A in City Block D/7399 and is zoned R-7.5(A) which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family structure and provide a 19.7 foot front yard setback which will require a variance of 5.3 feet.

LOCATION: 9702 Vinewood Drive

APPLICANT: Alan Joseph Eynon
Represented by Santos T. Martinez

REQUESTS:

- Variances to the front yard setback regulations of 5.3' are requested in conjunction with the following on a site developed with a single family home and a detached garage:
 1. maintaining an existing one-story garage, part of which is located in one of the site's two 25' front yard setbacks (Vinewood Drive); and
 2. completing and maintaining a second floor atop the existing garage, part of which is located in the same 25' Vinewood Drive front yard setback as is the existing garage.(No portion of the request is made in this application to construct/maintain any portion of a structure in the site's Oates Drive front yard setback).

STAFF RECOMMENDATION:

Denial

Rationale:

- Although the site is somewhat sloped, slightly irregular in shape, and with the unique characteristic (given its single family zoning and location at the corner of two streets) of having two 25' front yard setbacks, the applicant has not substantiated how these physical features of the property are of a restrictive enough nature that preclude him from being able to comply with the development standards in the Dallas Development Code including but not limited to front yard setbacks particularly since the subject site is (according to the application) 0.33 acres or over 14,000 square feet in area - nearly twice the area of typical lot found in R-7.5(A) zoning at 7,500 square feet.

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:

- (A) the variance is 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) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) the variance is 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:

- Single family structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
The subject site is located at the northeast corner of Oates Drive and Vinewood Drive. Regardless of how the structures on the site may be oriented or addressed on the property, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along Oates Drive (the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single family zoning district), and a 25' front yard setback along Vinewood Drive, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where a 5' side yard setback would be required. However, the site's Vinewood Drive frontage is deemed a front yard setback in order to maintain the continuity of the established front yard setback established by the lots north of the site that front/are oriented westward onto Vinewood Drive.
The applicant has submitted a site plan has been submitted denoting a portion of an "existing detached 2 car garage & proposed second story addition" structure located in the 25' Vinewood Drive front yard setback. The application requests a variance of 5.3' which would make the structure 19.7' from the front property line or 5.3' into this 25' front yard setback. (No encroachment is proposed in the site's Oates Drive 25' front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the structure footprint to be maintained and to be completed/maintained vertically with a 2nd floor in alignment with the 1st floor

of the existing structure in the site's Vinewood Drive 25' front yard setback is approximately 125 square feet in area or approximately 1/5 of the approximately 670 square foot building footprint.

- According to DCAD records, the site is developed with the following:
 - a structure built in 1999 in “very good” condition with 2,648 square feet of living area;
 - a 725 square foot detached garage; and
 - a 725 square foot room addition.
- The subject site is relatively flat (contour lines on the submitted site plan show a change in grade from 510' to 515' over a length of about 77'), slightly irregular in shape (approximately 112' on the north; approximately 108' on the south; approximately 123' on the east; and approximately 119' on the west), and (according to the application) is 0.33 acres (or 14,375 square feet) in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25' front yard setbacks; and two 5' side yard setbacks; most residentially-zoned lots have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The applicant's representative forwarded additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>East:</u>	R-7.5(A)(SUP 1256) (Single family district 7,500 square feet)(Specific Use Permit)
<u>West:</u>	R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The subject site is developed with a single family home and a detached garage structure currently being modified with a second story atop. The areas to the north, south, and west are developed with single family uses; and the area to the east is developed with a private school (White Rock Montessori School).

Zoning/BDA History:

1. BDA 101-022, Property at 9702 Vinewood Drive (the subject site)

On March 16, 2011, the Board of Adjustment Panel B denied requests for variances to the front yard setback regulations of 5.3' without prejudice. The staff report stated that the requests were made maintaining an existing one-story garage, part of which is located in

one of the site's two 25' front yard setbacks (Vinewood Drive); and completing and maintaining a second floor atop the existing garage, part of which is located in the same 25' Vinewood Drive front yard setback as is the existing garage.

Timeline:

March 17, 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.

April 20, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

April 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2011: The applicant's representative forwarded additional information on this application to staff (see Attachment A).

May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

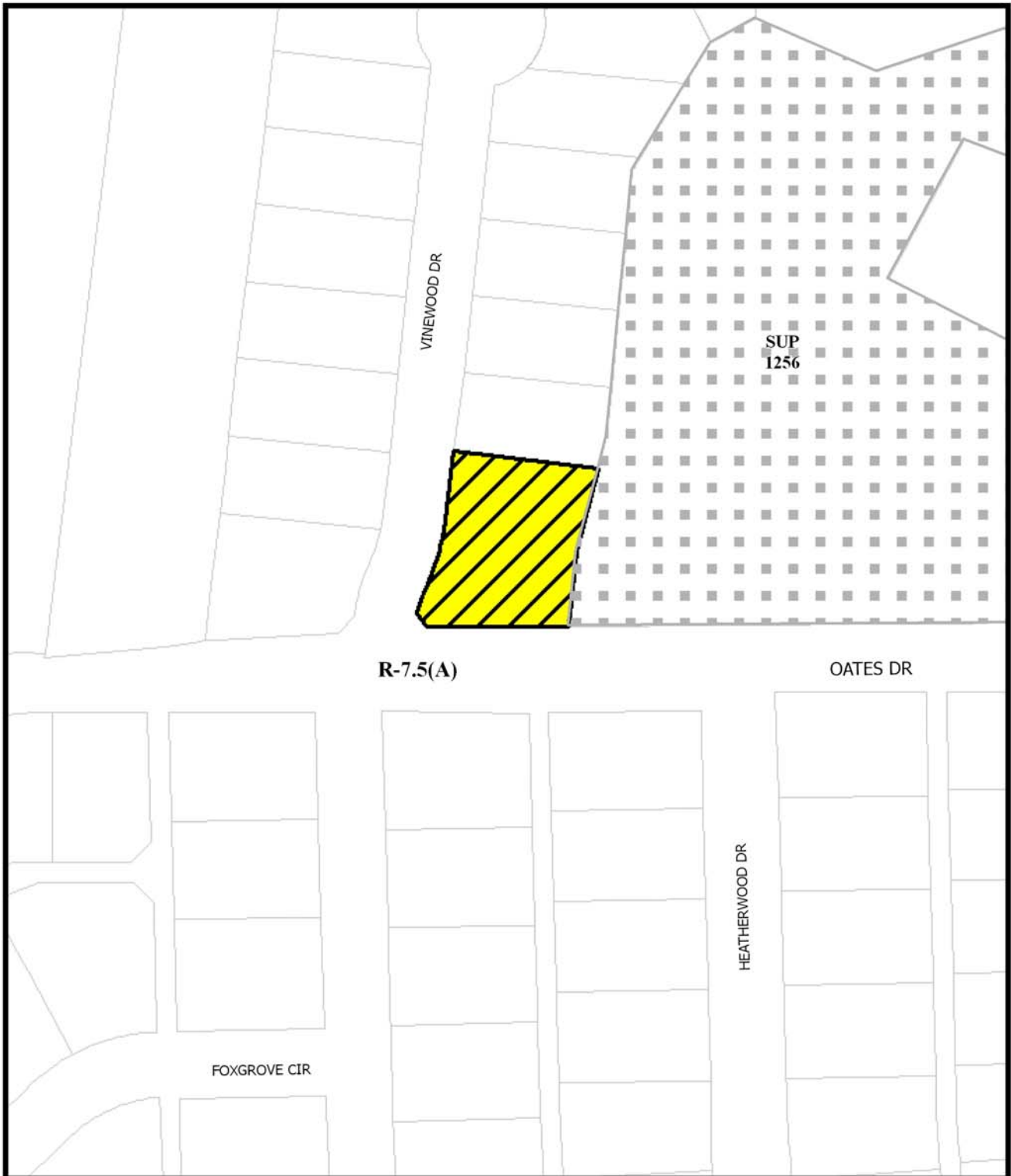
No review comment sheets with comments were submitted in conjunction with this application.

STAFF ANALYSIS:

- The requests focus on maintaining an existing one-story garage, part of which is located in one of the site's two 25' front yard setbacks (Vinewood Drive); and completing and maintaining a second floor atop this existing garage. (No portion of the request is made in this application to maintain and/or complete/maintain any portion of a structure in the site's Oates Drive front yard setback).
- The structure (an existing one-story garage with a second floor to be completed/maintained atop) that is the issue of this request is located on a site that has two 25' front yard setbacks. An application for variance of 5.3' has been requested which would make the structure that is the issue of this request located 19.7' from the Vinewood Drive front property line.
- Regardless of how the existing main structure on the site may be oriented or addressed, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along Oates Drive (the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single family zoning district), and a 25' front yard setback along Vinewood Drive, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where a 5' side yard setback is required. The site's Vinewood Drive frontage is deemed a front yard setback nonetheless in order to maintain the continuity of the established front yard setback established by the lots north of the site that front/are oriented westward onto Vinewood Drive.
- According to calculations taken by the Board Administrator from the submitted revised site plan, the area of the structure footprint to be maintained and to be completed/maintained vertically with a 2nd floor in alignment with the 1st floor of the existing structure in the site's Vinewood Drive 25' front yard setback is approximately 125 square feet in area or approximately 1/5 of the approximately 670 square foot building footprint.
- According to DCAD records, the site is developed with the following:
 - a structure built in 1999 in "very good" condition with 2,648 square feet of living area;
 - a 725 square foot detached garage; and
 - a 725 square foot room addition.
- The subject site is relatively flat (contour lines on the submitted site plan show a change in grade from 510' to 515' over a length of about 77'), slightly irregular in shape (approximately 112' on the north; approximately 108' on the south; approximately 123' on the east; and approximately 119' on the west), and (according to the application) is 0.33 acres (or 14,375 square feet) in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25' front yard setbacks; and two

5' side yard setbacks; most residentially-zoned lots have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.

- The site has approximately 90' x 80' of developable area left (or an approximately 7,200 square foot area) once its setbacks are accounted for as opposed to 90' x 100' of developable area left (or an approximately 9,000 square foot area) if the site were more typical with having just one front yard setback. The site's approximately 7,200 square feet of developable space is larger than the developable space found on a more typically sized R-7.5(A) zoned lot (150' x 50') with two front yard setbacks at approximately 2,400 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the Vinewood 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 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 R-7.5(A) 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 same R-7.5(A) zoning classification.
- If the Board were to grant either one or both of the variance requests, 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 a structure that is represented on the application as being located 5.3' into the 25' Vinewood Drive front yard setback



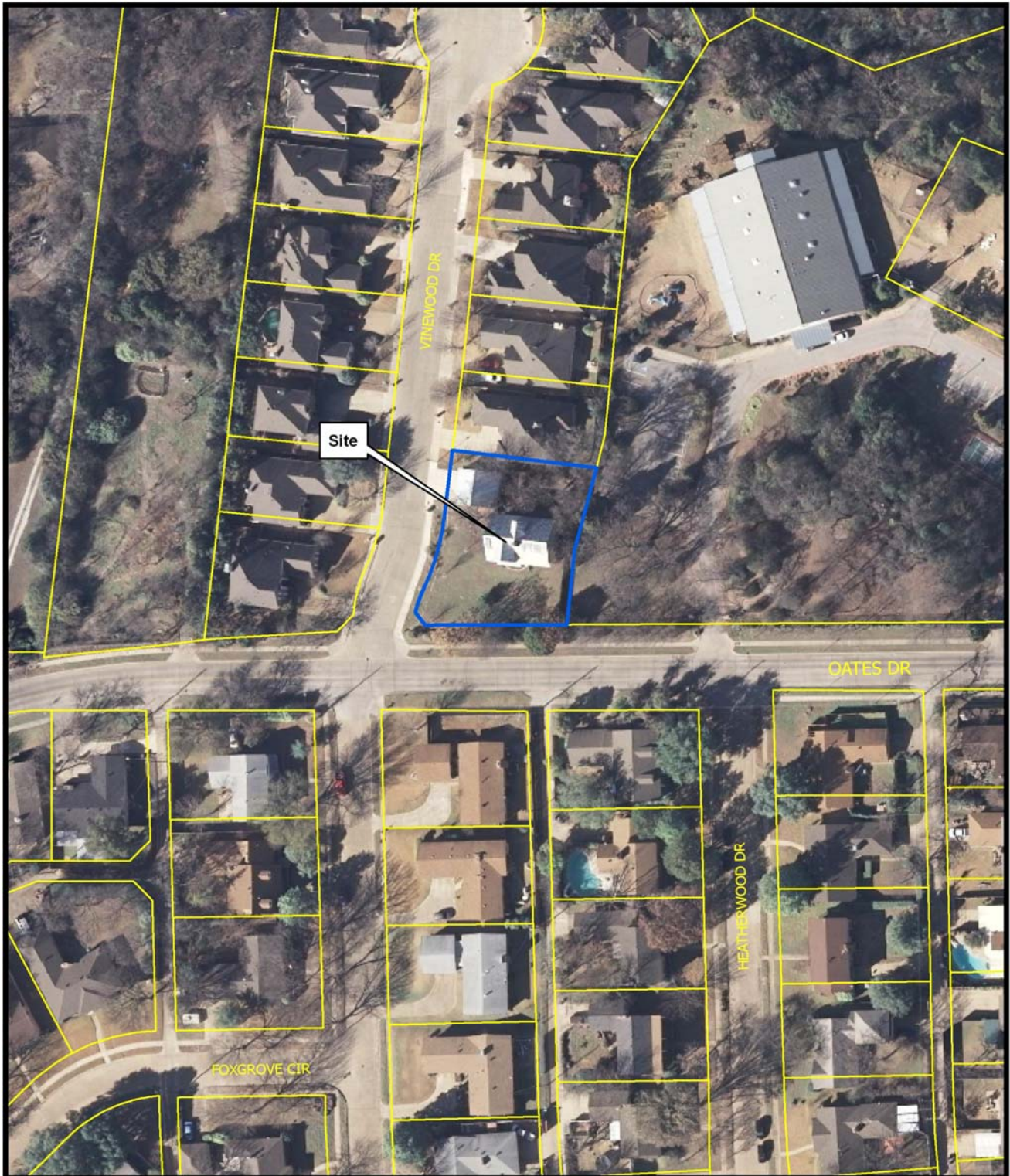
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ZONING MAP

Map no: H-10

Case no: BDA101-037

DATE: April 28, 2011




1:1,200

AERIAL MAP

Map no: H-10
Case no: BDA101-037

DATE: April 28, 2011



May 2, 2011

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

BDA 101-037
Attach A
Pg 1

RE: BDA 101-037, 9702 Vinewood

Dear Mr. Long:

The applicant seeks to construct a second floor over the existing detached garage. City records show that the existing garage and single family structure were permitted at these locations in November of 1998. A variance is sought for this construction due to the existing topography of the property, the limitations of development due to two required front yard setbacks, and that relocating the proposed garage to the front of the house does not make this property commensurate with green energy development.

Although the property is developed, it still maintains a topography that is different than most parcels. The property is not flat. The existing single family dwelling unit is at an elevation five feet higher than the sidewalk. A review of similar corner lots in the same zoning district reveals that no other properties maintain a slope greater than two feet. The development of this property did not reduce the existing topography.

A review of the 1998 permit and inspection records reveals that the existing garage was permitted to be constructed with a twenty foot setback rather than the allowed twenty three feet for a required front yard within a community unit development district. The approved set of plans also show that the single family dwelling unit was permitted at its current location despite the fact the plans showed the structure crossing a property line. Inspection records show that after the foundation and rough framing inspections were approved, construction was stopped until the owner replatted the property to correct the error of the approved site plan. City records show that construction was allowed to continue after the owner secured an approved preliminary and final plat that consolidated both properties into its current configuration.

By replating the properties in order to complete construction, the parcel was affirmed to maintain two required front yard setbacks. The completed replat did not make this property the largest parcel in this area. There are other parcels located along Vinewood and Oats that are larger than this property.

MASTERPLAN
900 Jackson Street, Suite 640
Dallas, Texas 75202

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



The property is hindered by a 45% reduction of buildable area due to these two required front yards. This limitation is 12-15% greater than most residential properties located within an R-7.5(A) zoning district.

In an effort to relocate the previously approved structure onto other areas of the property, the following obstacles would have to be rectified. To move the existing garage five feet east would require the removal of 400 cubic feet of limestone. It would also require the re-establishment of geothermal wells to be dug at a new depth of 300 feet (currently at 200 feet depth). New plumbing would also be required to connect to the new well field. Moving the garage to the south and utilize a “j” swing garage door would require the removal of an existing mature canopy tree.

Any effort to relocate a two story garage structure to the open space located between the main dwelling unit and Oates Drive, would render this property unusable. This property has been designed and functions utilizing solar power. Commensurate development must utilize similar design. The placement of a two story garage in this area would limit the structures ability to maintain stable active and passive solar energy designs. The attached calculations and slides demonstrate how the placement of any structure in this area will impact the main dwelling unit throughout the year.

In essence, to develop the property with commensurate design standards for an active and passive solar power, the property maintains an additional no build area along the south façade. The existing tree canopies located along Oates Drive and within the public right of way were calculated in the placement of the main dwelling unit. The applicant was deliberate in their purchase of two residential lots in order to minimize any risks of development that would impact these solar designs.

This request is to continue forward with the plans and permit that were approved by the City of Dallas on December 7, 2010. There is overwhelming support for this request among property owners within the notification area and surrounding neighborhood. Your office has received updated responses from those who were initially “neutral” to the request that have now expressed support for this variance request.

Please feel free to contact our offices if you need any additional information regarding this request.

Santos T. Martinez
Authorized representative for
Alan Eynon and Angela Scheuerle

MASTERPLAN
500 South Ervay, Suite 112B
Dallas, Texas 75201

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

GENERAL NOTES

1. All work shall be in accordance with the latest edition of the International Building Code and the International Residential Code, as amended by the City of Dallas.
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CODE REVIEW

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE, AS AMENDED BY THE CITY OF DALLAS.

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MUNICIPALITY

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ARCHITECT'S GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE, AS AMENDED BY THE CITY OF DALLAS.

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DRAWING INDEX

CG SITE PLAN

CF FOUNDATION PLAN

CD FINISHING PLANS

AF FIRST FLOOR PLANS

AD SECOND FLOOR PLAN

AB ROOF PLANS

AA ELEVATIONS

AS BUILDING SECTIONS

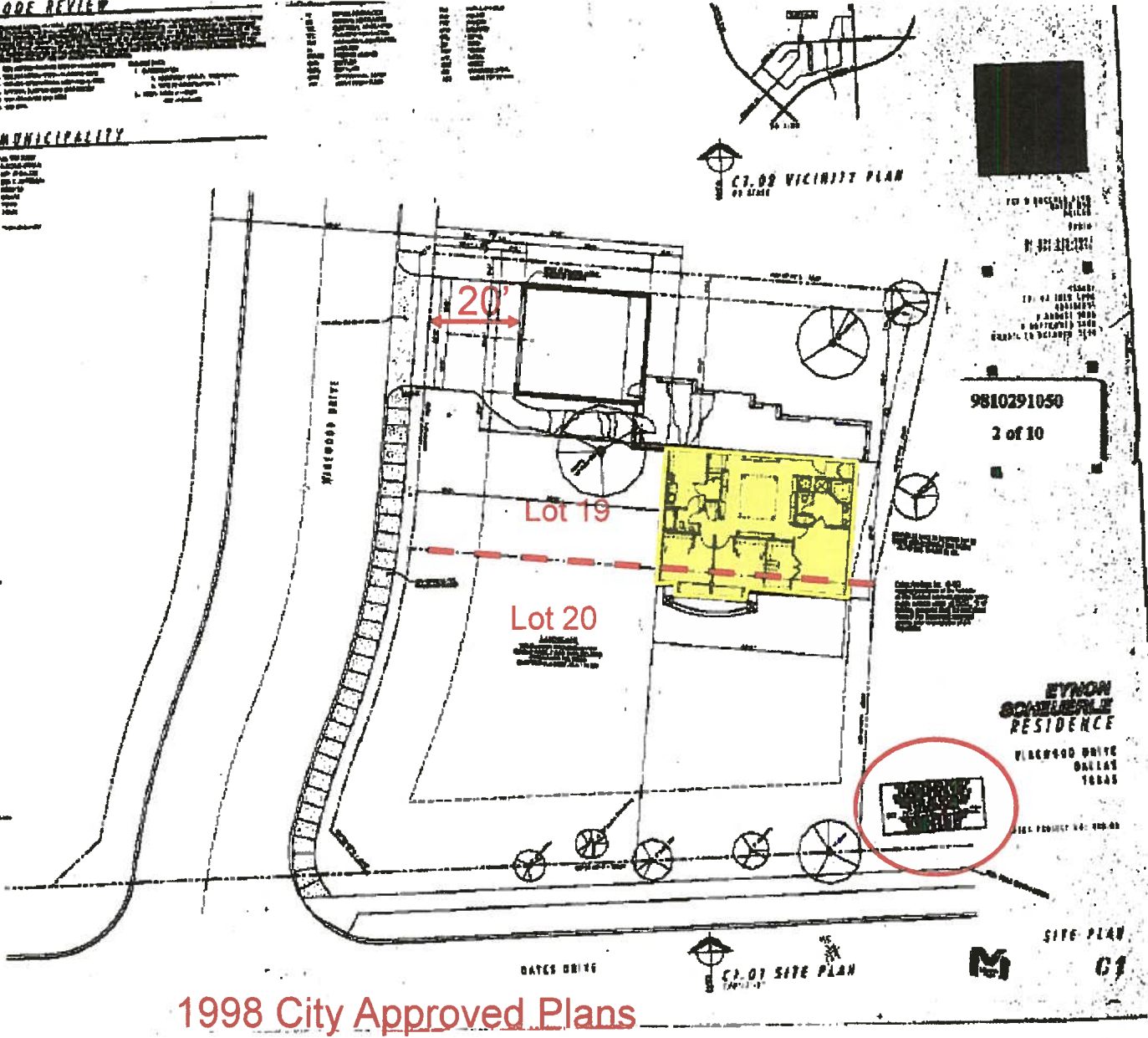
ME1 MECHANICAL/ELECTRICAL PLANS

SYMBOL LEGEND

	FOUNDATION WALL		DOOR
	WINDOW		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN
	WINDOW WITH SCREEN		WINDOW WITH SCREEN

MATERIAL LEGEND

	BRICK		CONCRETE
	CONCRETE		CONCRETE
	CONCRETE		CONCRETE
	CONCRETE		CONCRETE
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	CONCRETE		CONCRETE



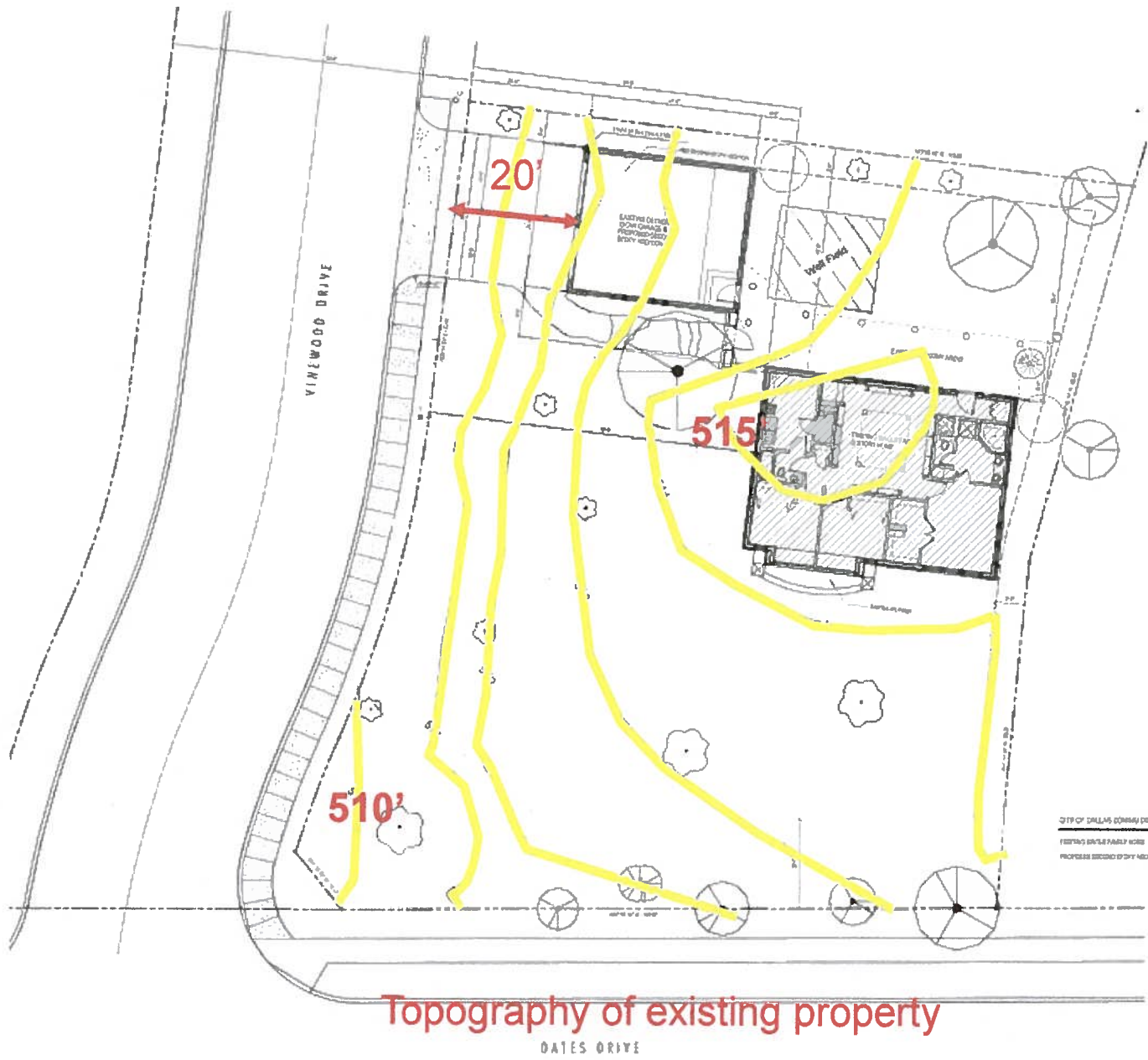
1998 City Approved Plans



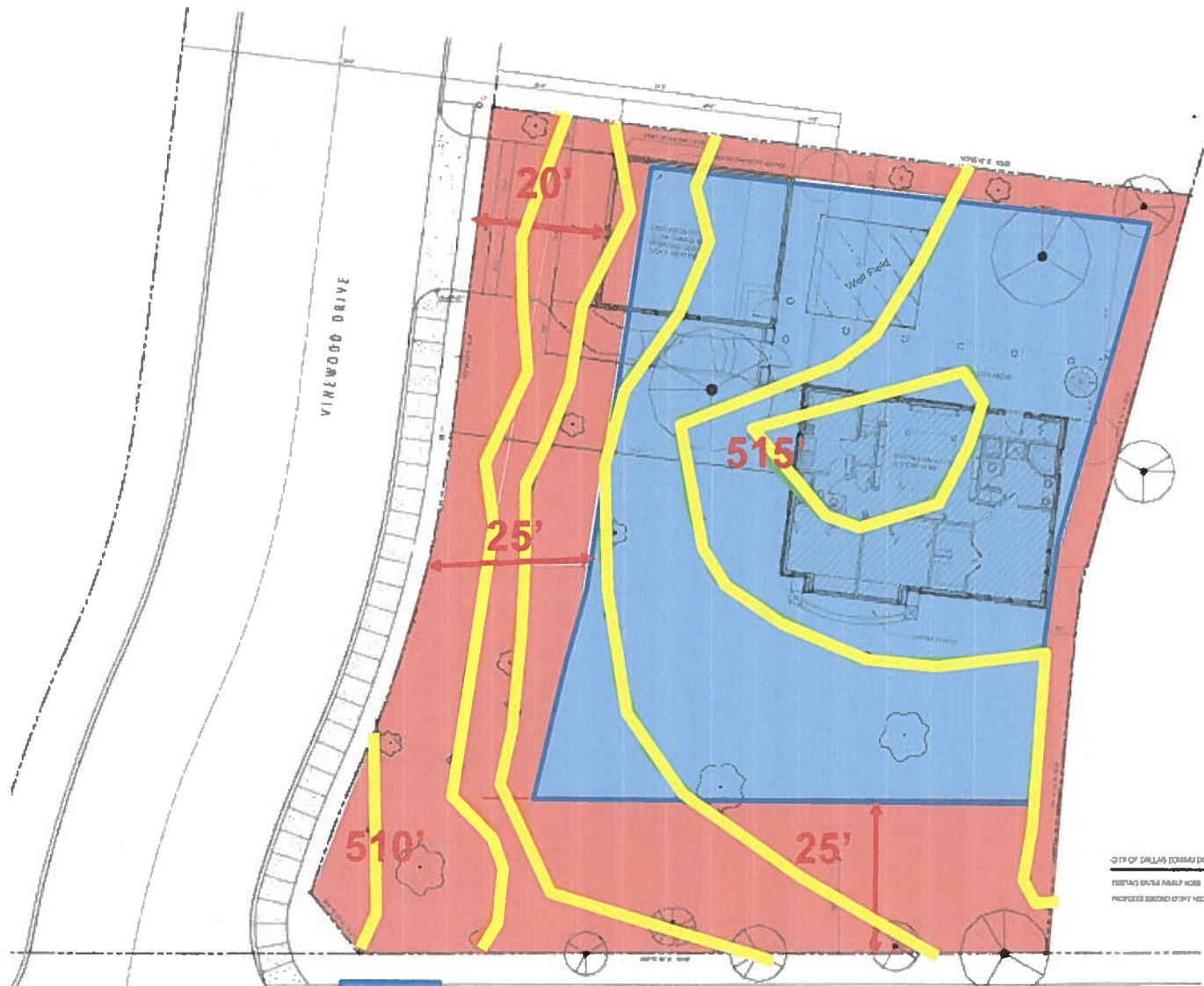
9810291050
2 of 10



BYRON SCHUBERT RESIDENCE
WACO DRIVE
DALLAS
75248

SITE PLAN
CG

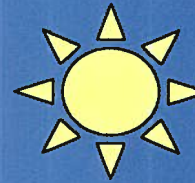


Topography of existing property

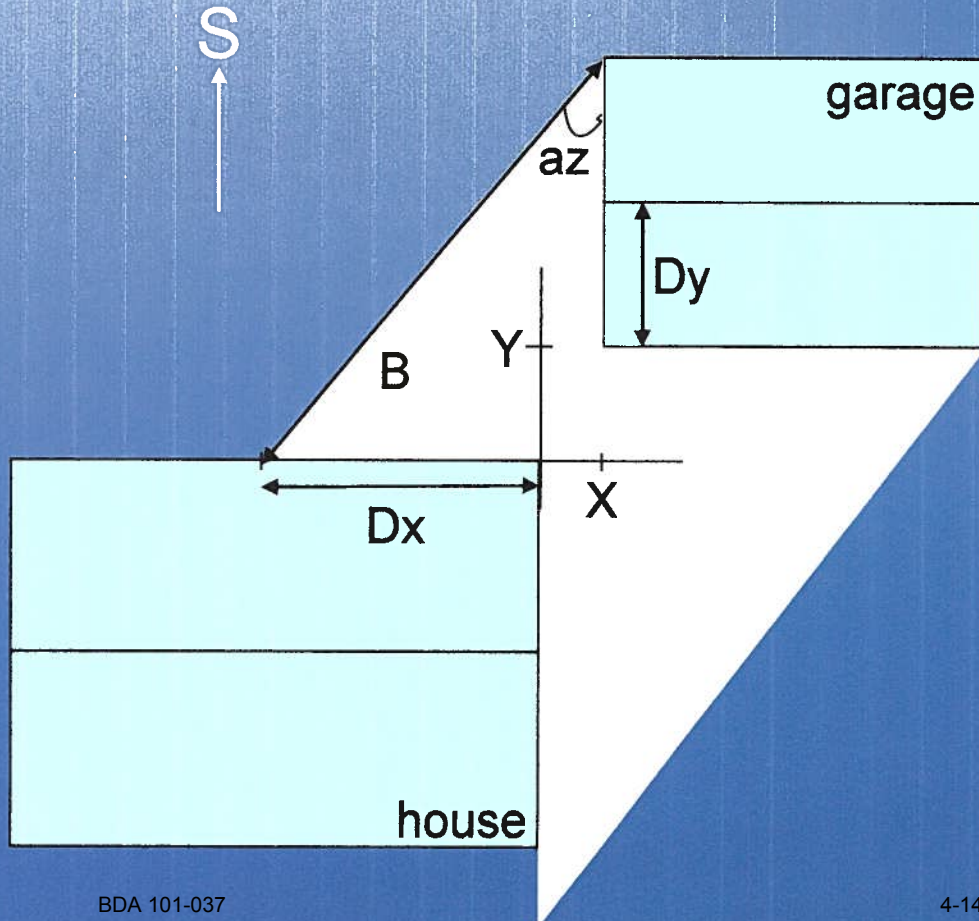


 Buildable Area = 55% of property
 Required Setbacks = 45% of property

Shadow Baseline Model



as seen from overhead



length of the baseline
of the shadow of the garage peak
 $B = (Y + Dy) * \text{sqrt}(1 + \tan^2(\text{az}))$

where:

X = distance of garage west of house

Y = distance of garage south of house

Dx = length of shadow on house

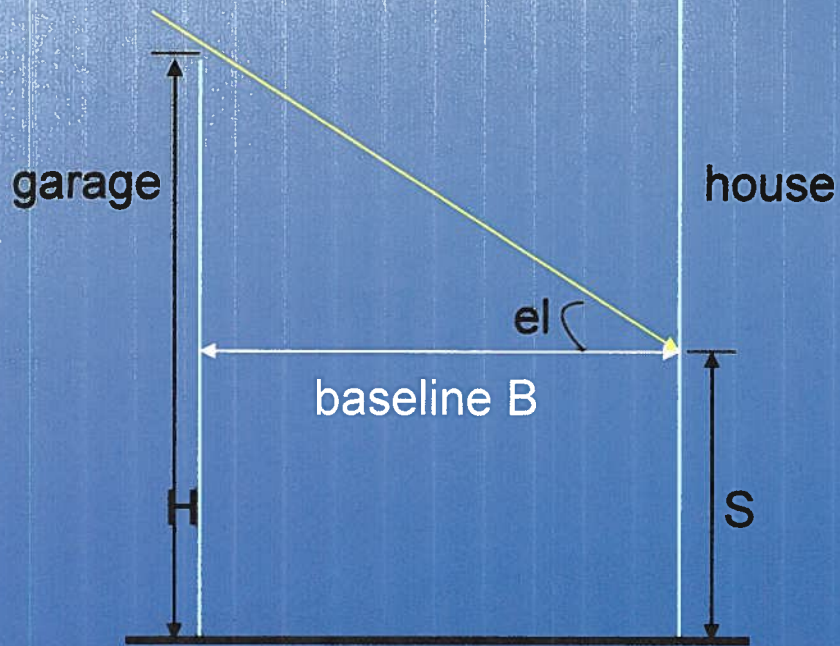
Dy = (width of garage) / 2

az = azimuth angle of sun

Shadow Height and Length on House



as seen from the side



height of the shadow on the house

$$S = H - B * \tan(el)$$

where:

H = height of garage peak

B = baseline length of the garage peak shadow

el = elevation angle of sun

length of the shadow on the house

$$Dx = \tan(az) * (Y + Dy) - X$$

where:

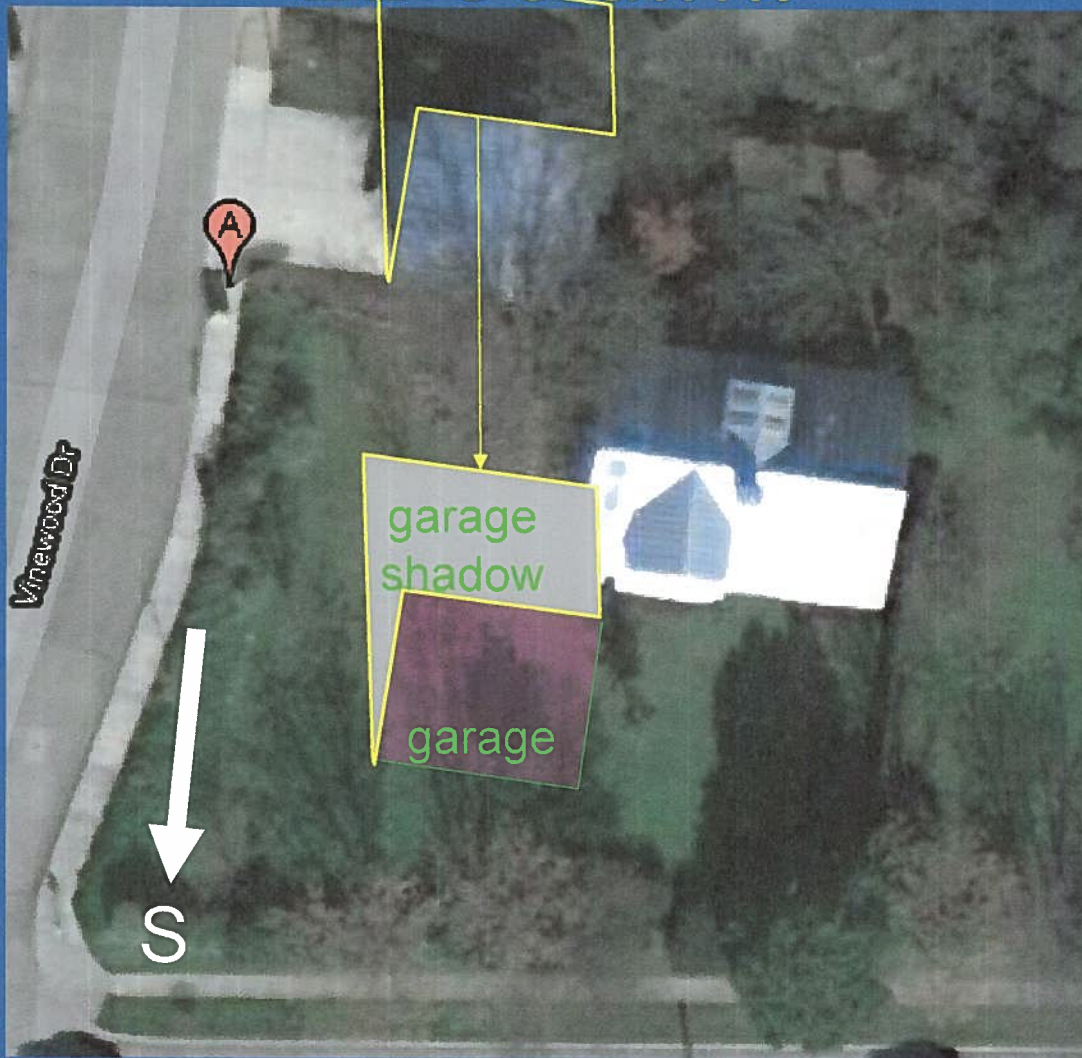
X = distance of garage west of house

Y = distance of garage south of house

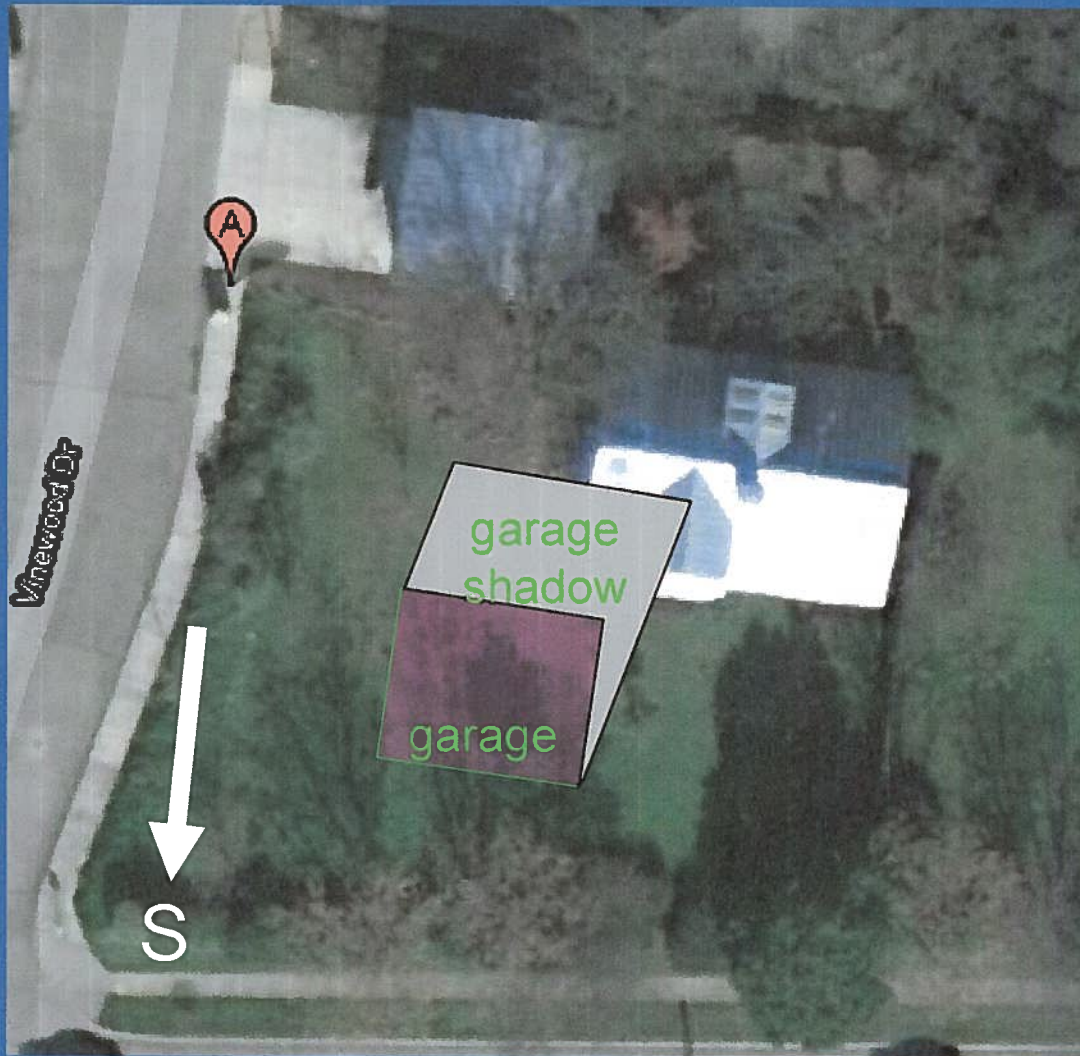
Dy = (width of garage) / 2

az = azimuth angle of sun

Garage Shadow 11:00 a.m.

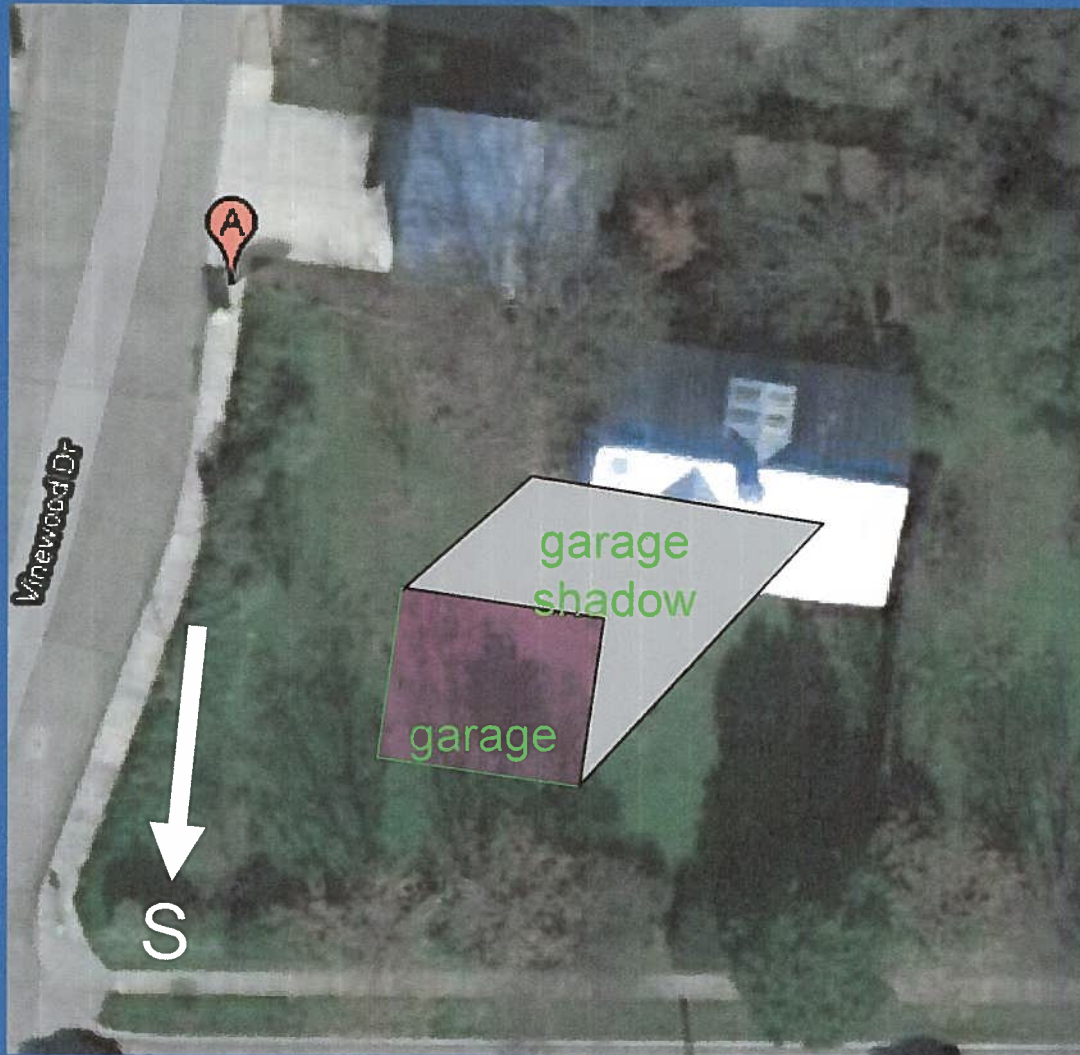


Garage Shadow 1:00 p.m.



Passive Solar Hardship

3:00 p.m.





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-037

Data Relative to Subject Property:

Date: March 17, 2011

Location address: 9702 Vinewood Zoning District: R-7.5 (A)

Lot No.: 19A Block No.: D/7399 Acreage: .33 Census Tract: 124.00

Street Frontage (in Feet): 1) 121.37' 2) 129.02' 3) na 4) na 5) na

587

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Alan Joseph Eynon & Angela Elizabeth Scheuerle

Applicant: Alan Joseph Eynon Telephone: 214-327-1696

Mailing Address: 9702 Vinewood Drive , Dallas Zip Code: 75228-3772

Represented by: Santos T. Martinez Telephone: 214-761-9197

Mailing Address: 900 Jackson #640, Dallas Zip Code: 75202

Affirm that a request has been made for a Variance , or Special Exception , of 5.3' to the required 25 foot 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:
The property has a restricted shape, slope, and is impacted by 2 required front yards.

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: ALAN J. EYNON
Applicant's name printed

[Signature]
Applicant's signature

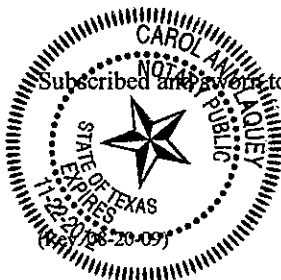
Affidavit

Before me the undersigned on this day personally appeared Alan Eynon 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 17 day of March, 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 Alan Joseph Eynon
represented by SANTOS MARTINEZ
did submit a request for a variance to the front yard setback regulations
at 9702 Vinewood Drive

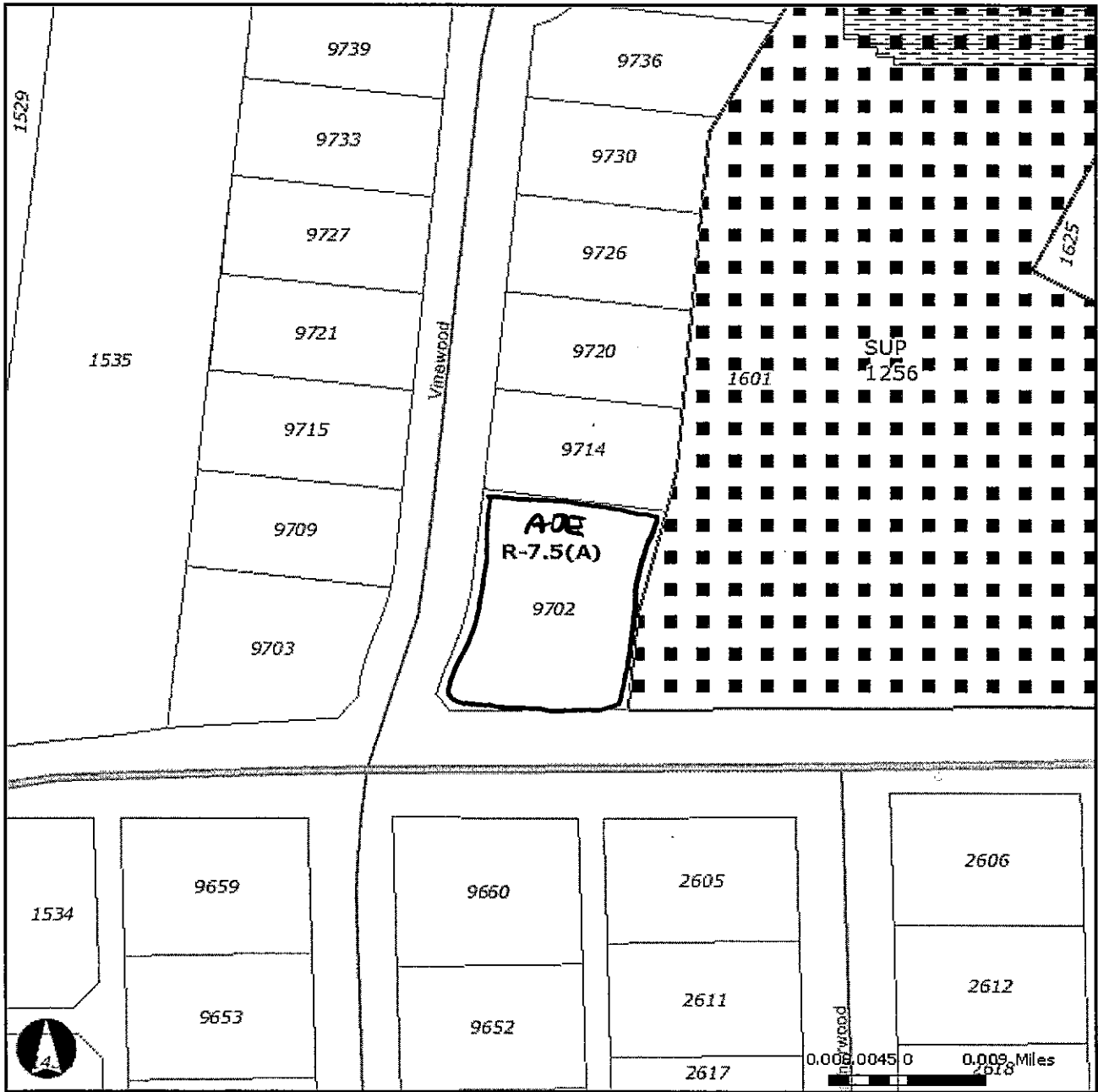
BDA101-037. Application of Alan Joseph Eynon represented by Santos Martinez for a variance to the front yard setback regulations at 9702 Vinewood Drive. This property is more fully described as Lot 19A in city block D/ 7399 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family structure and provide a 19.7 foot front yard setback, which will require a 5.3 foot variance to the front yard setback regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



City of Dallas Zoning



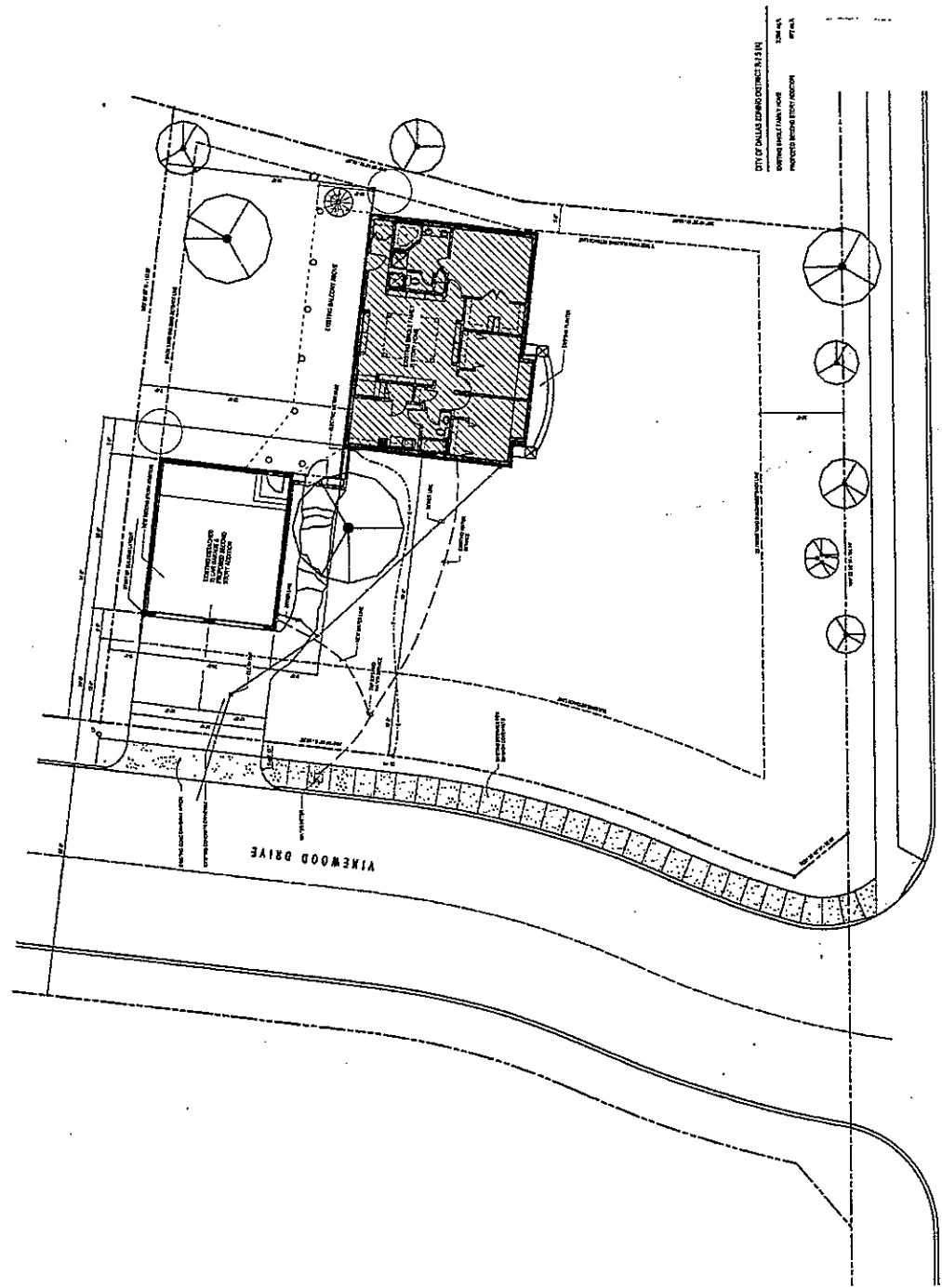
- | | | |
|--|--|---|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>Parks</p> | <p>Dry Overlay</p> <p>D</p> <p>D-1</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> | <p>Base 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>CP</p> <p>SP</p> |
|--|--|---|



DATE	
BY	
CHECKED	
APPROVED	
PROJECT NO.	
SHEET NO.	
TOTAL SHEETS	
SCALE	
DATE	
BY	
CHECKED	
APPROVED	

DALLAS TEXAS
PROJECT NO. 1111
SHEET NO. 1111

DATE: 11/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: 1111
 SHEET NO.: 1111



DIVISION OF DALLAS ZONING DEPARTMENT
 DIVISION OF DALLAS ZONING DEPARTMENT
 PROJECT NO. 1111
 SHEET NO. 1111



011 Site Plan

Notes

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES AND REGULATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY HAVING JURISDICTION.

Wall Legend

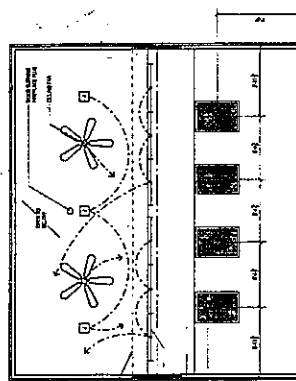
1. 1/2" GYPSUM BOARD
 2. 5/8" GYPSUM BOARD
 3. 1" GYPSUM BOARD
 4. 1 1/2" GYPSUM BOARD
 5. 2" GYPSUM BOARD

Finish Legend

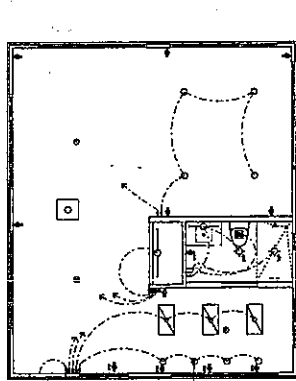
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Lighting and Electrical Legend

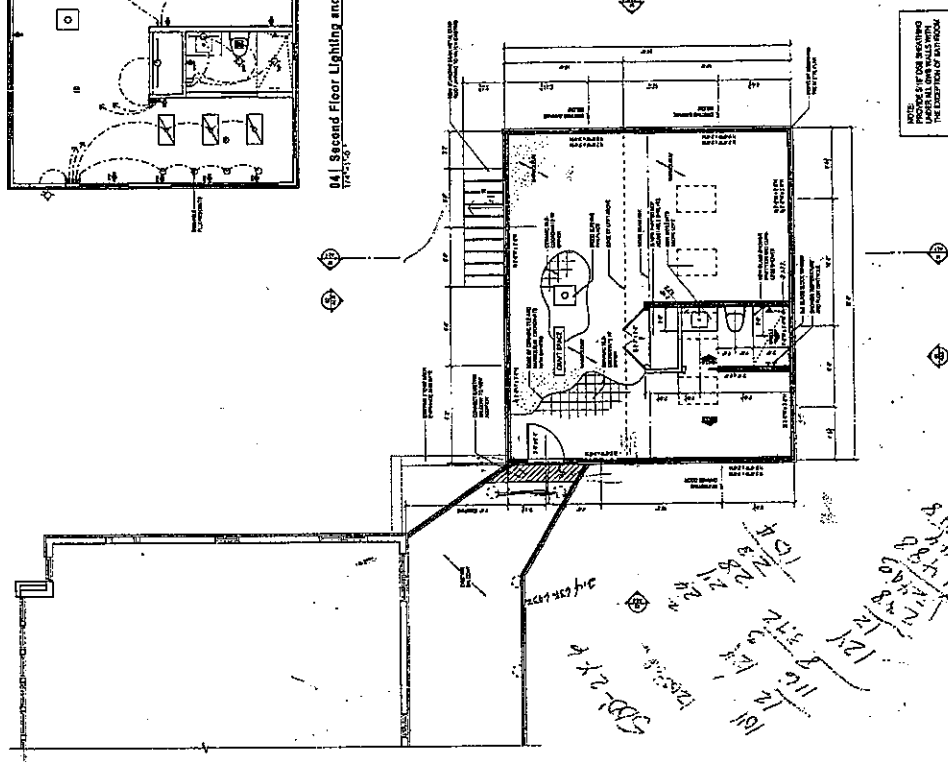
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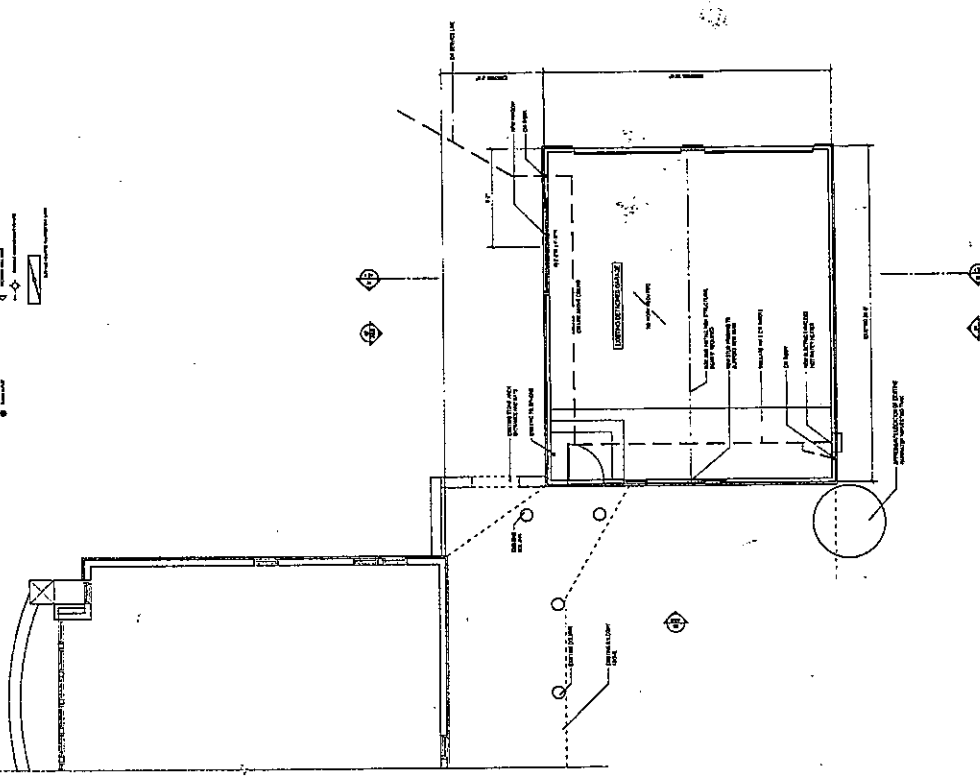
03 | Left Lighting and Reflected Ceiling Plan



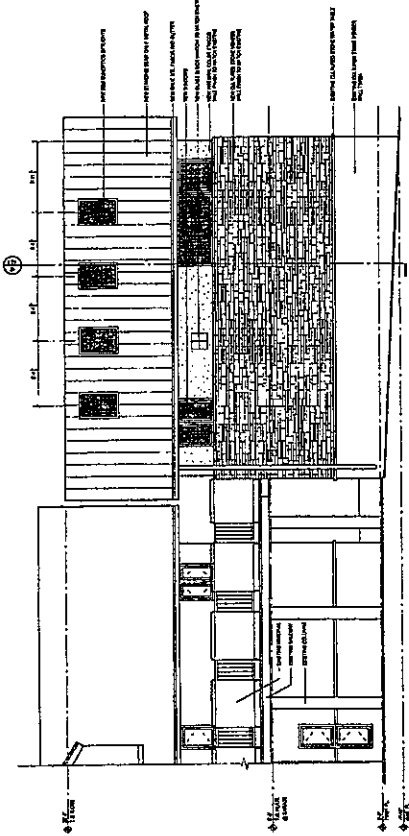
04 | Second Floor Lighting and Electrical Plan



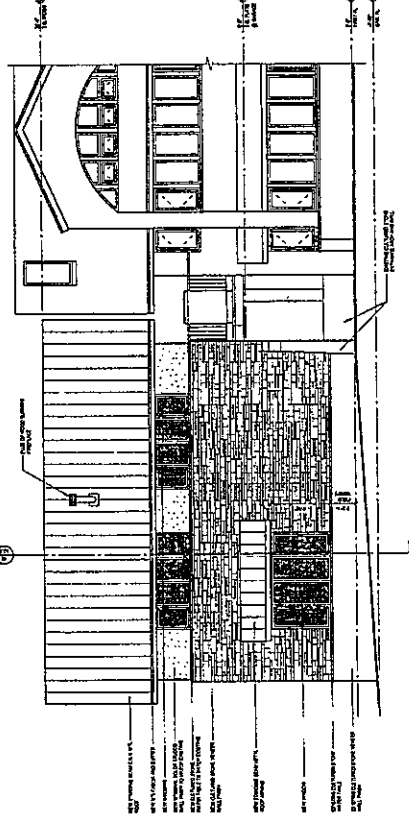
02 | Second Floor Garage Plan



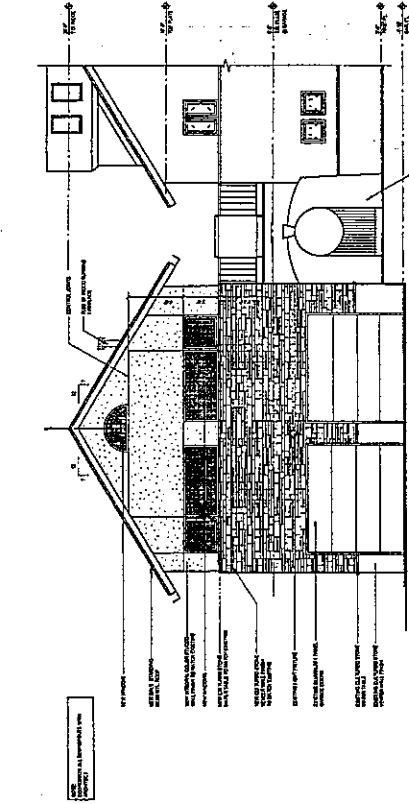
01 | Existing First Floor Garage Plan



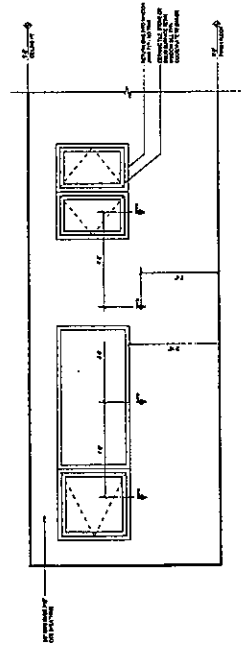
01. North Elevation
1/2"=1'-0"



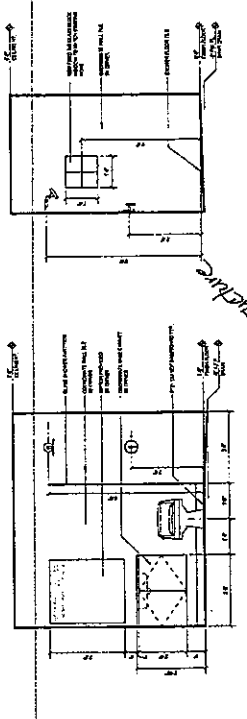
02. South Elevation
1/2"=1'-0"



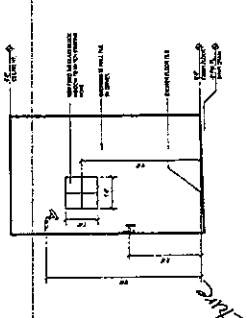
04. West Elevation
1/2"=1'-0"



05. Interior Elevation at Millwork
1/2"=1'-0"

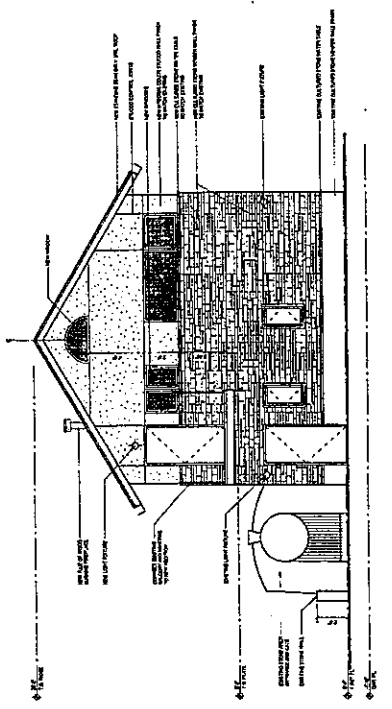


06. Interior Elevation at Bathroom
1/2"=1'-0"

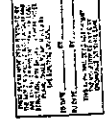


07. Interior Elevation at Bathroom
1/2"=1'-0"

Height (count main structure)
R75 Max Height



03. East Elevation
1/2"=1'-0"





 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">20</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	20	NUMBER OF PROPERTY OWNERS NOTIFIED	Map no: <u> H-10 </u> Case no: <u> BDA101-037 </u>
200'	AREA OF NOTIFICATION					
20	NUMBER OF PROPERTY OWNERS NOTIFIED					

DATE: April 28, 2011

Notification List of Property Owners

BDA101-037

20 Property Owners Notified

Label #	Address	Owner
1	9702 VINEWOOD	EYNON ALAN JOSEPH & ANGELA ELIZABETH SCHEUERL
2	2606 HEATHERWOOD	DANTER JOYCE H
3	2605 HEATHERWOOD	BURGESS ALLEN W
4	2611 HEATHERWOOD	BRIONES FRANCISCO
5	9652 VINEWOOD	DEREK ZDENO & GORDANA
6	9660 VINEWOOD	CHRISTIE WILLIAM M III & LUCY H
7	9659 VINEWOOD	PANZA CRAIG S & DENA H
8	9653 VINEWOOD	GOLDSMIT JORGE D & SHARON A KOWALSKY
9	1535 OATES	CUTSHALL WILLIAM CHRIS
10	9703 VINEWOOD	BOB ZIA
11	9709 VINEWOOD	SULLIVAN PEGGY L
12	9715 VINEWOOD	LEE DAVID
13	9721 VINEWOOD	CHRISTENSEN JAMES A & MARGARET B
14	9727 VINEWOOD	AVALOS GINESSA
15	9733 VINEWOOD	TARTAGLIONE JAMES G II
16	9730 VINEWOOD	WAN LINDA K & RICHARD MONTALVO
17	9726 VINEWOOD	ONTIVEROS JORGE &
18	9720 VINEWOOD	ACHILLES JOSEPH A & LINDA D
19	9714 VINEWOOD	ARENAS LILY
20	1601 OATES	WHITE ROCK MONTESSORI