

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, JUNE 13, 2011
AGENDA

BRIEFING	5ES	11:00 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

Donnie Moore, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Monday, May 16, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONSTESTED CASES

BDA 101-048(J)	5242 Park Lane REQUEST: Application of Tony Visconti represented by Darren Marlowe for a special exception to the fence height regulations	1
BDA 101-052(J)	11217 Garland Road REQUEST: Application of Julianne McGee for a special exception to the parking regulations	2
BDA 101-054(J)	6776 Patrick Circle REQUEST: Application of Robert Jamieson represented by Andrew Papson for a variance to the side yard setback regulations	3
BDA 101-056	8344 Crystalwood Drive REQUEST: Application of Fernando Perez for a special exception to the fence height regulations	4
BDA 101-058	7107 Redbud Drive REQUEST: Application of Juan Diaz for a special exception to the side yard setback regulations	5

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 C May 16, 2011 public hearing minutes.

FILE NUMBER: BDA 101-048(J)

BUILDING OFFICIAL'S REPORT:

Application of Tony Visconti represented by Darren Marlowe for a special exception to the fence height regulations at 5242 Park Lane. This property is more fully described as Lot 4 in City Block 5/5595 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard setback which will require a special exception of 6 feet.

LOCATION: 5242 Park Lane

APPLICANT: Tony Visconti
Represented by Darren Marlowe

REQUEST:

- A special exception to the fence height regulations of 6' is requested in conjunction with constructing and maintaining primarily an 7' high open wrought iron fence with 7'9" high stucco cast stone columns, a recessed 9' open wrought iron vehicular gate, and a recessed 10' high open wrought iron pedestrian gate in the site's 40' Park Lane front yard setback on a lot being developed with a single family use.

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 and elevation indicating that the proposal in the required front yard setback reaches a maximum height of 10'.
- The following additional information is shown on the submitted site plan:
 - The proposal is approximately 160' in length parallel to the Park Lane, approximately 30' at the corner outside of the visibility triangle, approximately 18' parallel to Meadowbrook Drive and approximately 40' perpendicular on the west side in the front yard setback.
 - The fence proposal is shown to be located about 1' from the front property line or about 10' from the pavement line.
- Three single family homes have frontage facing the proposed fencing on the subject site.
- The Board Senior Planner conducted a field visit of the site and surrounding area (approximately 500' east and west of the subject site) and noted several other fences above four (4) feet high which appeared to be located in a front yard setback.

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 use. The areas to the north, east, south, and west are developed with single family uses.

Zoning/BDA History:

BDA001-174 5205 Park Lane	On March 27, 2001, the Board of Adjustment approved a special exception of 6' to the fence height regulations for a 10' fence in the required front yard.
BDA989-255 5223 Park Lane	On August 24, 1999, the Board of Adjustment approved a special exception of 6'6" to the fence height regulations for a 10'6" fence in the required front yard.

BDA990-354 9610 Meadowbrook Drive	On January 16, 2001, the Board of Adjustment approved a special exception of 4'6" to the fence height regulations for an 8'6" fence in the required front yard.
BDA090-071 5323 Park Lane	On June 16, 2000, the Board of Adjustment approved a special exception of 4'6" to the fence height regulations for an 8'6" fence in the required front yard.
BDA078-081 5330 Park Lane	On June 25, 2008, the Board of Adjustment approved a special exception of 3' to the fence height regulations for a 7' fence in the required front yard setbacks of Park Lane and Alva Drive.

Timeline:

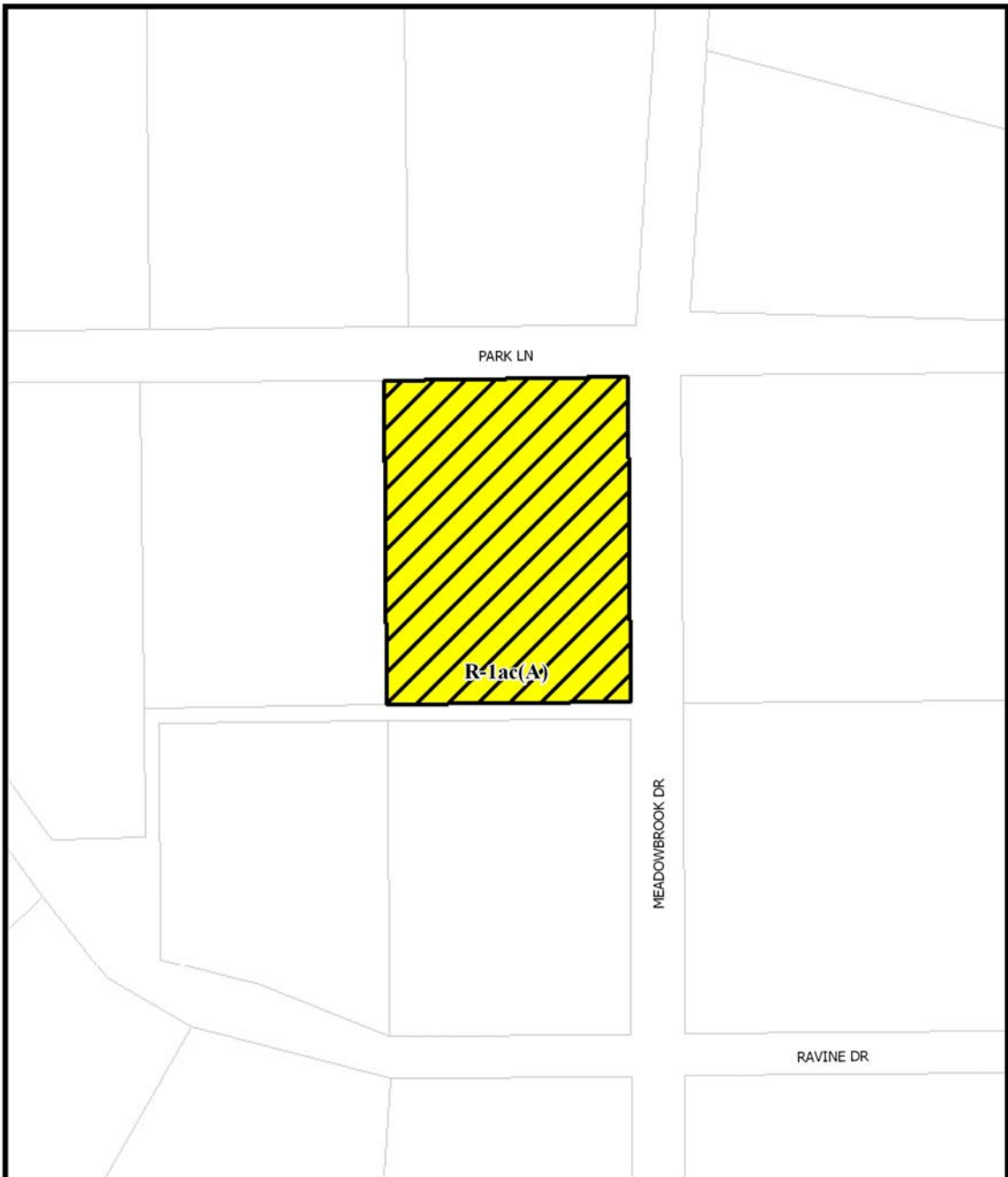
April 14, 2011:	The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
May 18, 2011:	The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
May 25, 2011:	The Board Senior Planner contacted the applicant and discussed the following information: <ul style="list-style-type: none"> • the public hearing date and panel that will consider the application; and the June 3rd 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 31, 2011:	The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Senior Planner, the Board of Adjustment Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorneys to the Board.

June 2, 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."

June 3, 2011: The applicant submitted a revised site plan showing the proposed fencing on the western property line.

STAFF ANALYSIS:

- This request is for constructing and maintaining primarily an 7' high open wrought iron fence with 7'9" high stucco cast stone columns, a recessed 9' open wrought iron vehicular gate, and a recessed 10' high open wrought iron pedestrian gate.
- The revised site plan and elevation documents the location, height, and material of the proposed fence over 4' in height in the required front yard setback.
- The site plan indicates that the proposal is approximately 160' in length parallel to the Park Lane, approximately 30' at the corner outside of the visibility triangle, approximately 18' parallel to Meadowbrook Drive and approximately 40' perpendicular on the west side in the front yard setback. The plan shows the fence to be located approximately 1' from the site's front property line or about 10' from the curb line.
- As of June 6, 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 6' will not adversely affect neighboring property.
- Granting this special exception of 6' with a condition imposed that the applicant complies with the submitted site plan and 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 height and material as shown on these documents.



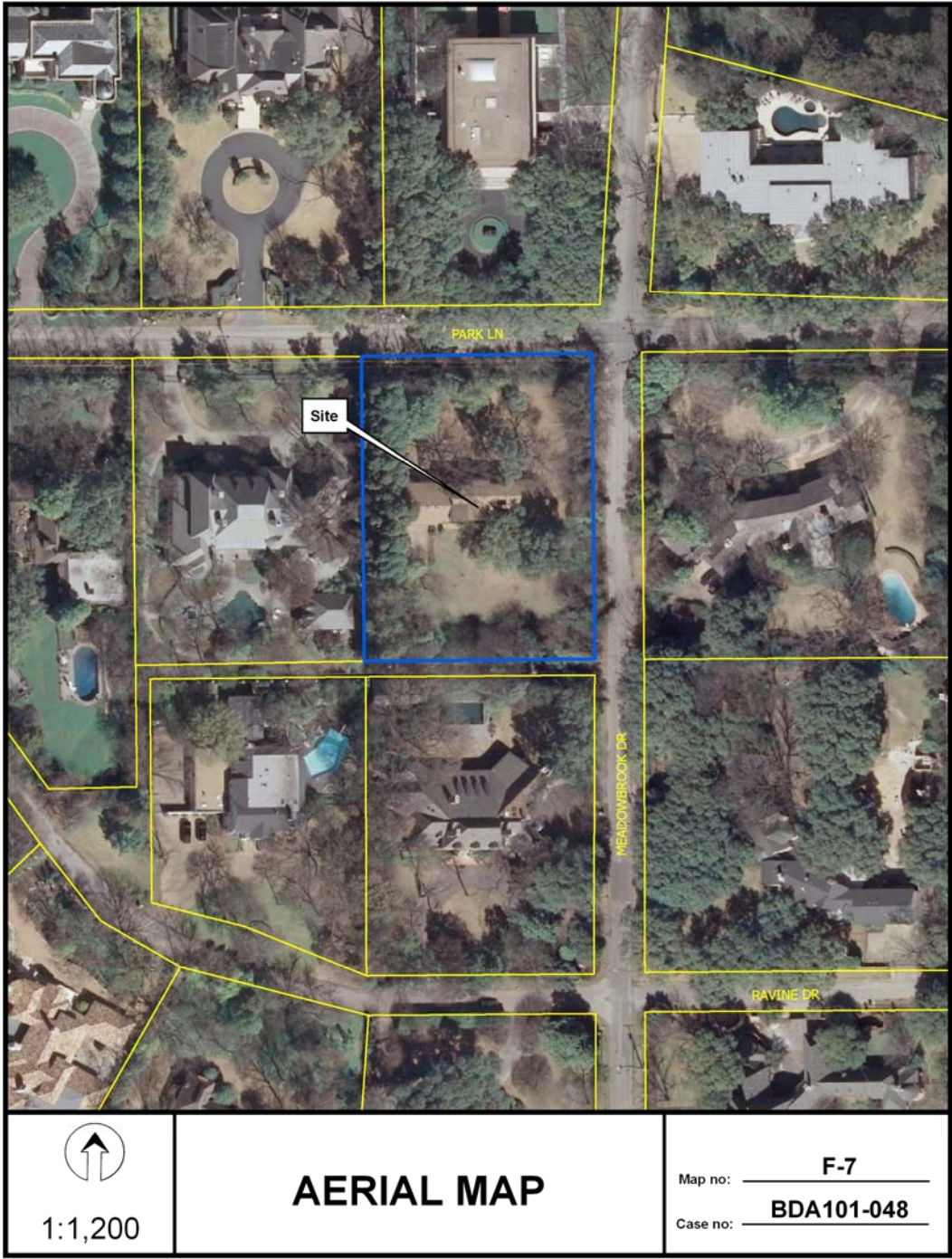
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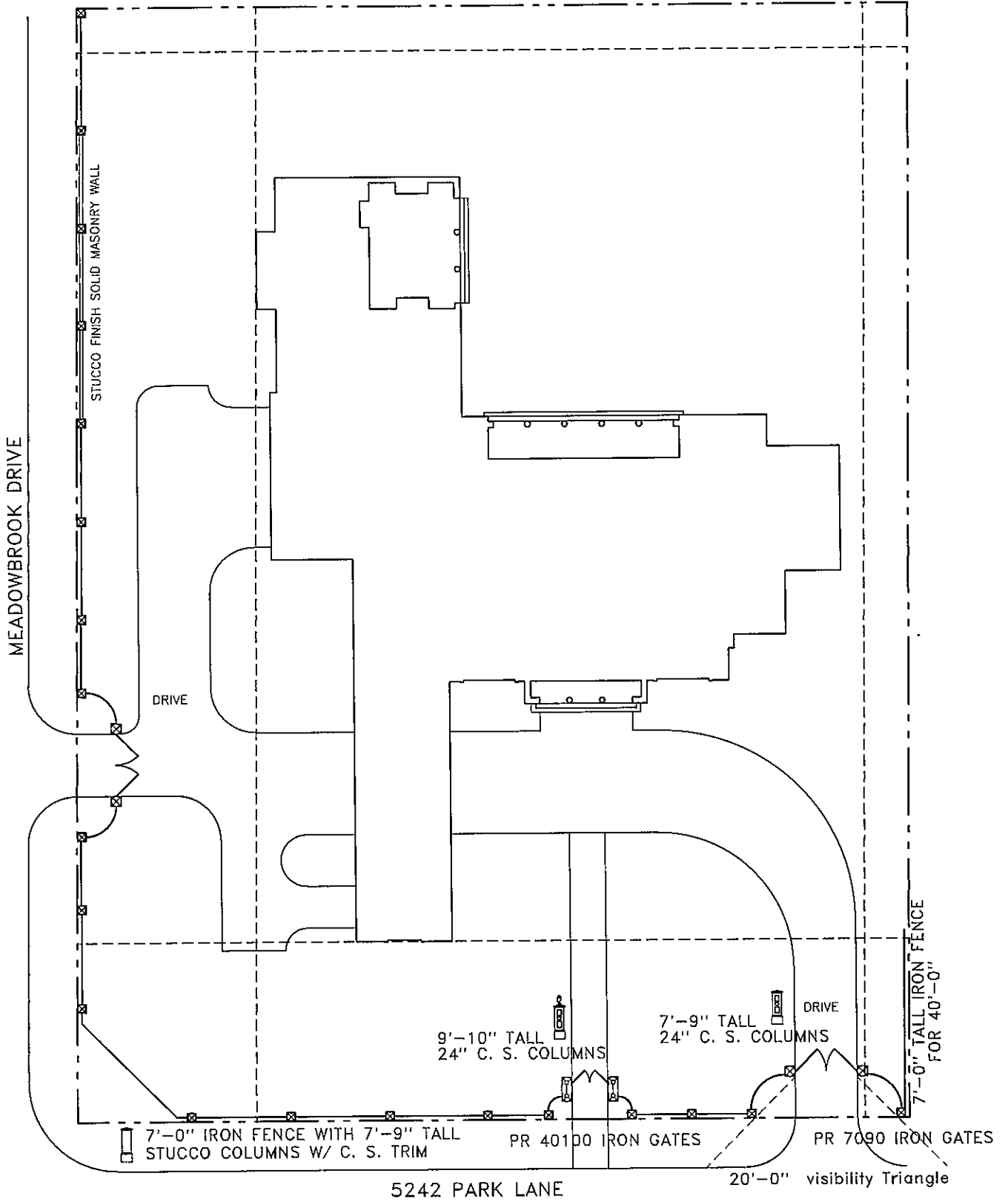
ZONING MAP

Map no: F-7

Case no: BDA101-048

DATE: May 24, 2011





SITE PLAN

Scale 1"=30'



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-048

Data Relative to Subject Property:

Date: 4-14-11

Location address: 5242 Park Lane, Dallas, TX 75226 Planning District: R-1ac(A)

Lot No.: 4 Block No.: 575595 Acreage: 1.0670 Census Tract: 75.00

Street Frontage (in Feet): 1) 186.00 2) 250.00 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE2S

Owner of Property/or Principal: Fair Winds and Following Seas, LLC

Applicant: _____ Telephone: (214) 232-3690
(Tony Visconti)

Mailing Address: P.O. Box 516, Addison, TX Zip Code: 75001

Represented by: Darren Marlowe Telephone: (214) 748-7900

Mailing Address: Downs & Stanford P.C., 2001 Bryan St Zip Code: 75201
Suite 4000, Dallas, TX

Affirm that a request has been made for a Variance or Special Exception of fence height regulation, City Code Section 51 A-4, 602(a)(1) of 6 feet to the fence height in a front yard.

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 special exception will not adversely affect neighboring property, [City Code Section 51 A-4, 602(a)(6)], because the other fences in the neighborhood and on neighboring properties are of similar height and design. This proposed fence will complement the neighborhood, and adjoining properties.

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

Respectfully submitted: Tony Visconti, President

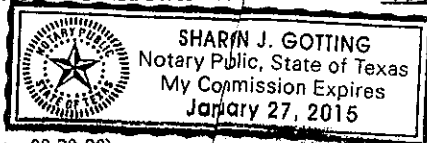
Applicant's name printed
Bella Custom Homes, Inc.
Affidavit

Applicant's signature

Before me the undersigned on this day personally appeared Tony Visconti, President of Bella Custom Homes, Inc who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Affiant (Applicant's signature)

Subscribed and sworn to before me this 13 day of April, 2011



(Rev. 08-20-09)

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

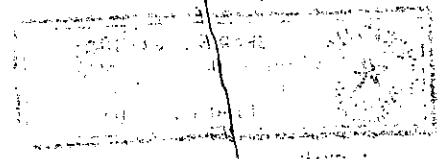
I hereby certify that
represented by
did submit a request

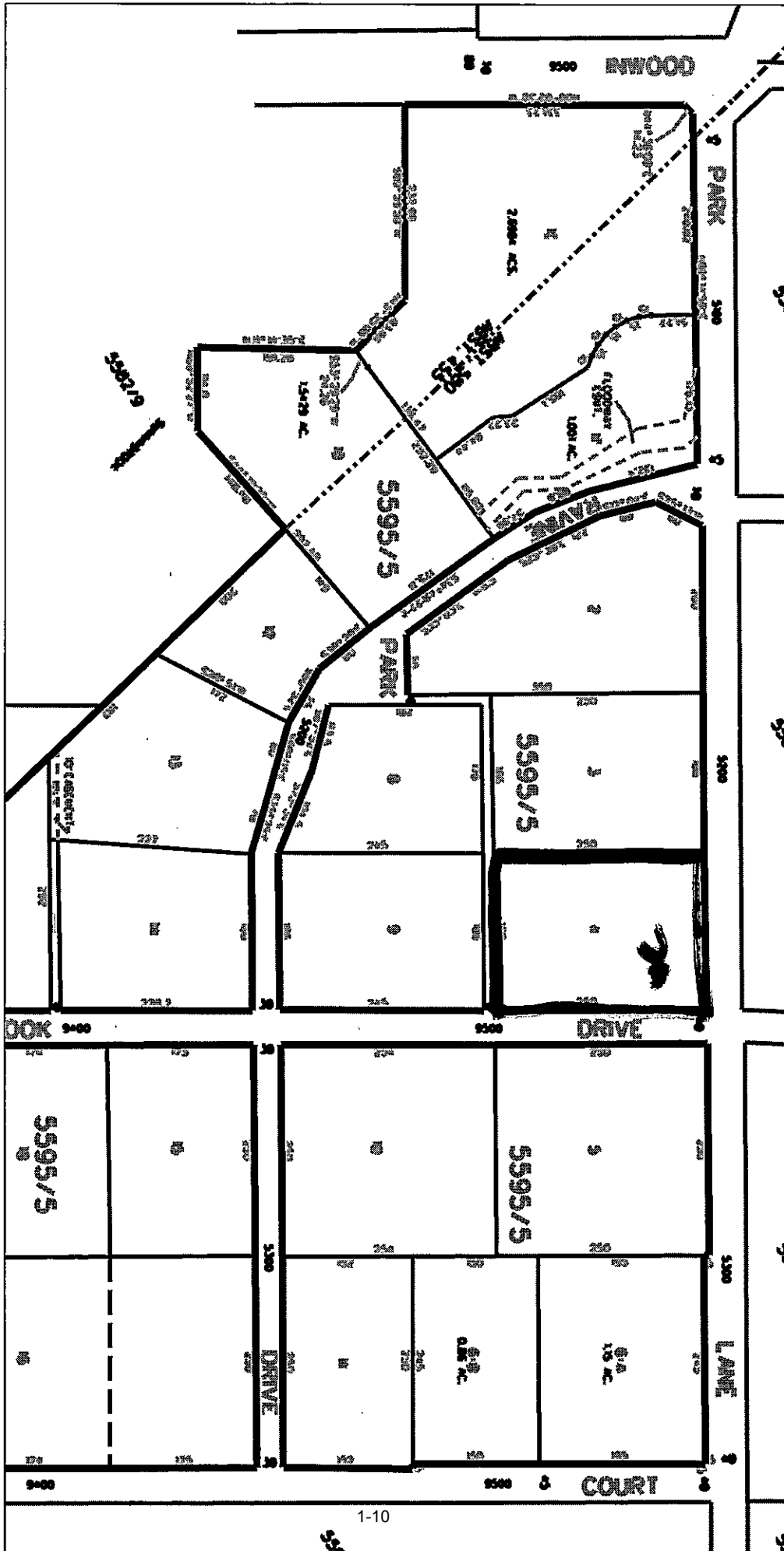
Tony Visconti
Darren Marlowe
for a special exception to the fence height regulations
5242 Park Lane

BDA101-048. Application of Tony Visconti represented by Darren Marlowe for a special exception to the fence height regulations at 5242 Park Lane. This property is more fully described as Lot 4 in city block 5/5595 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard setback, which will require a 6 foot special exception to the fence regulation.

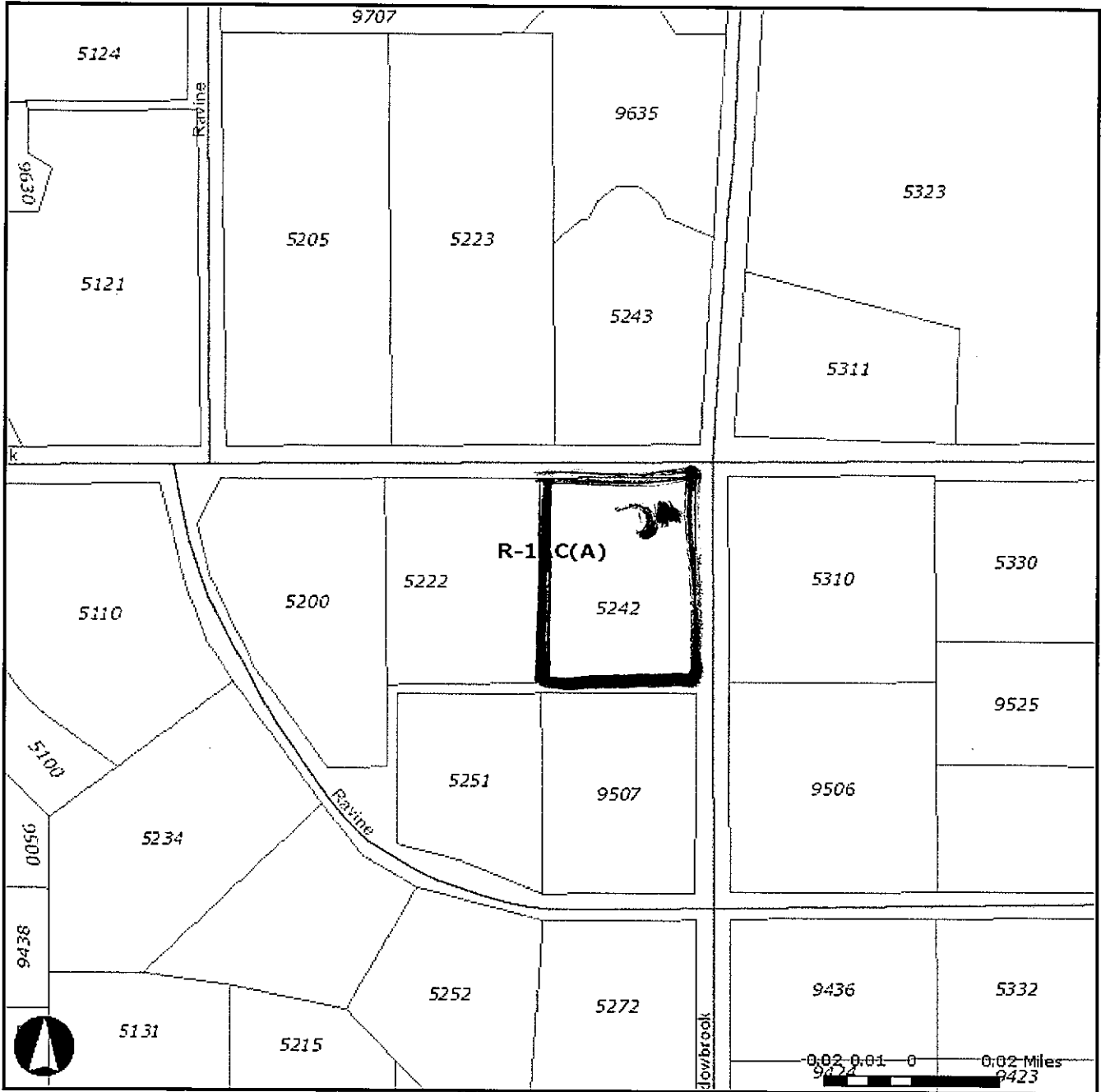
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official





City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



Peak's Branch



X PROTECTED BY LEVEE

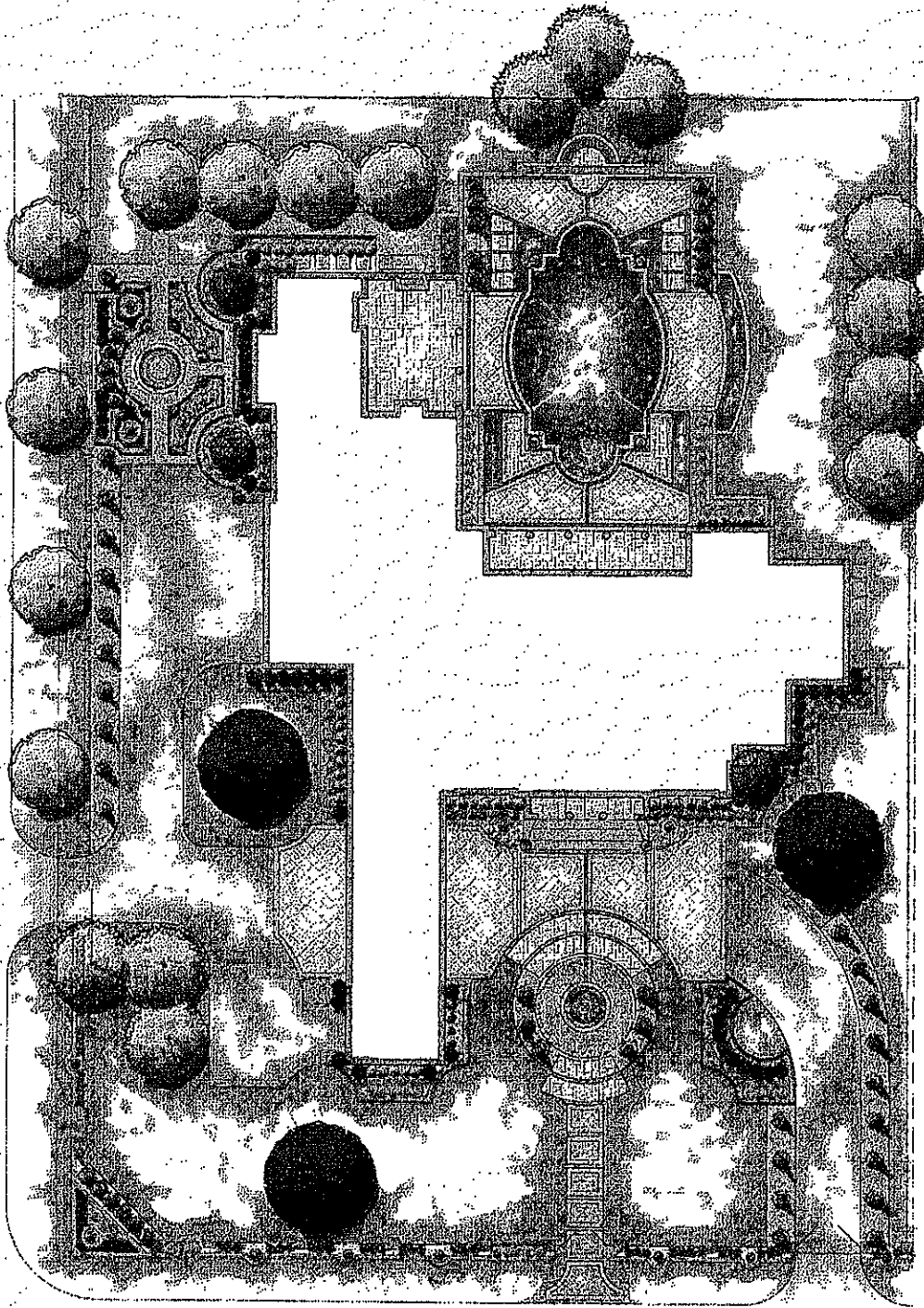
Pedestrian Overlay



CP



SP



BELLA CLUSTOM HOMES

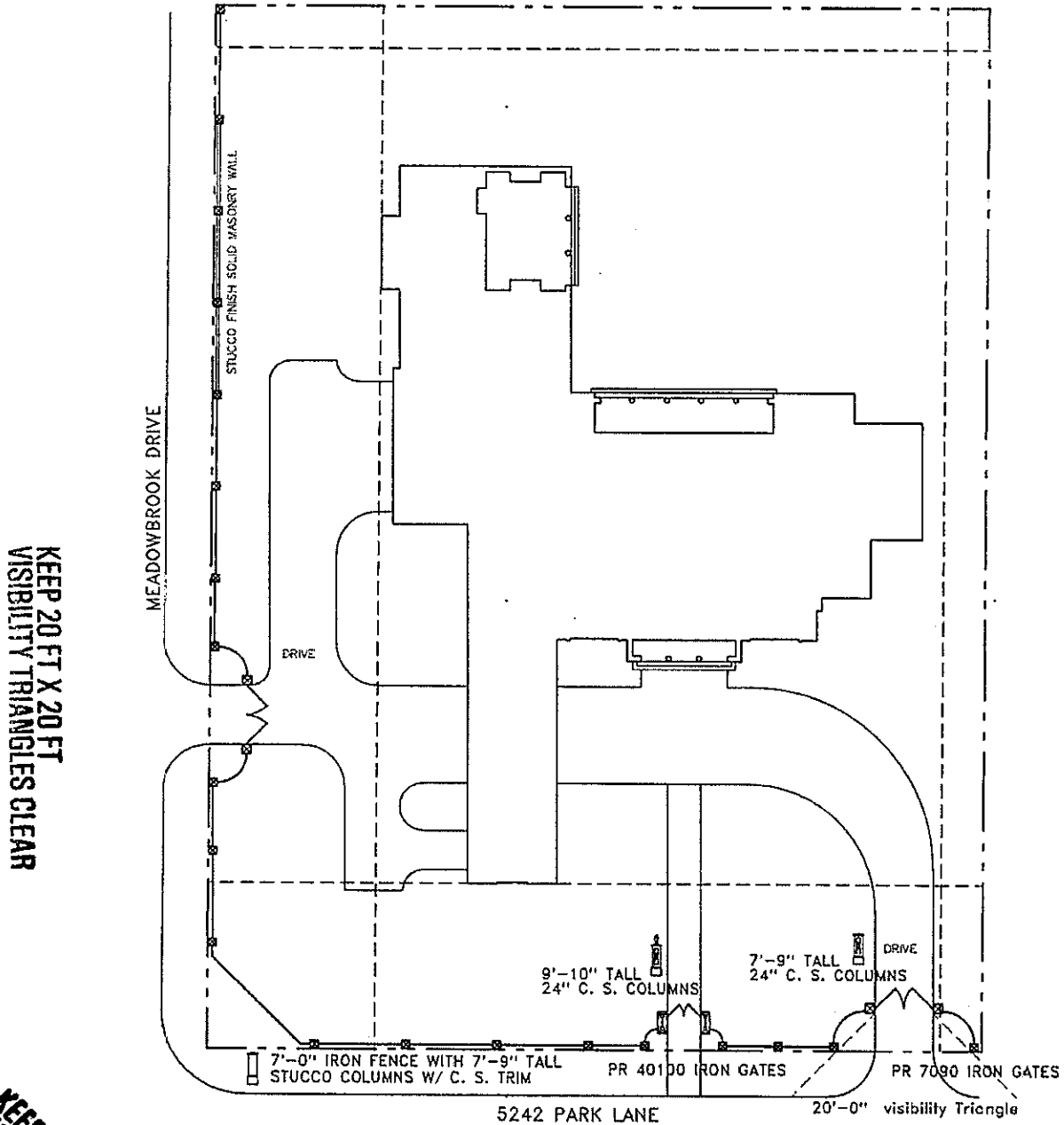
5742 PARK LANE
DALLAS, TEXAS

DRAWN BY: AWH

DATE: 24 AUGUST 2010

SCALE:
1/8" = 1'-0"

PAGE
1 OF 1



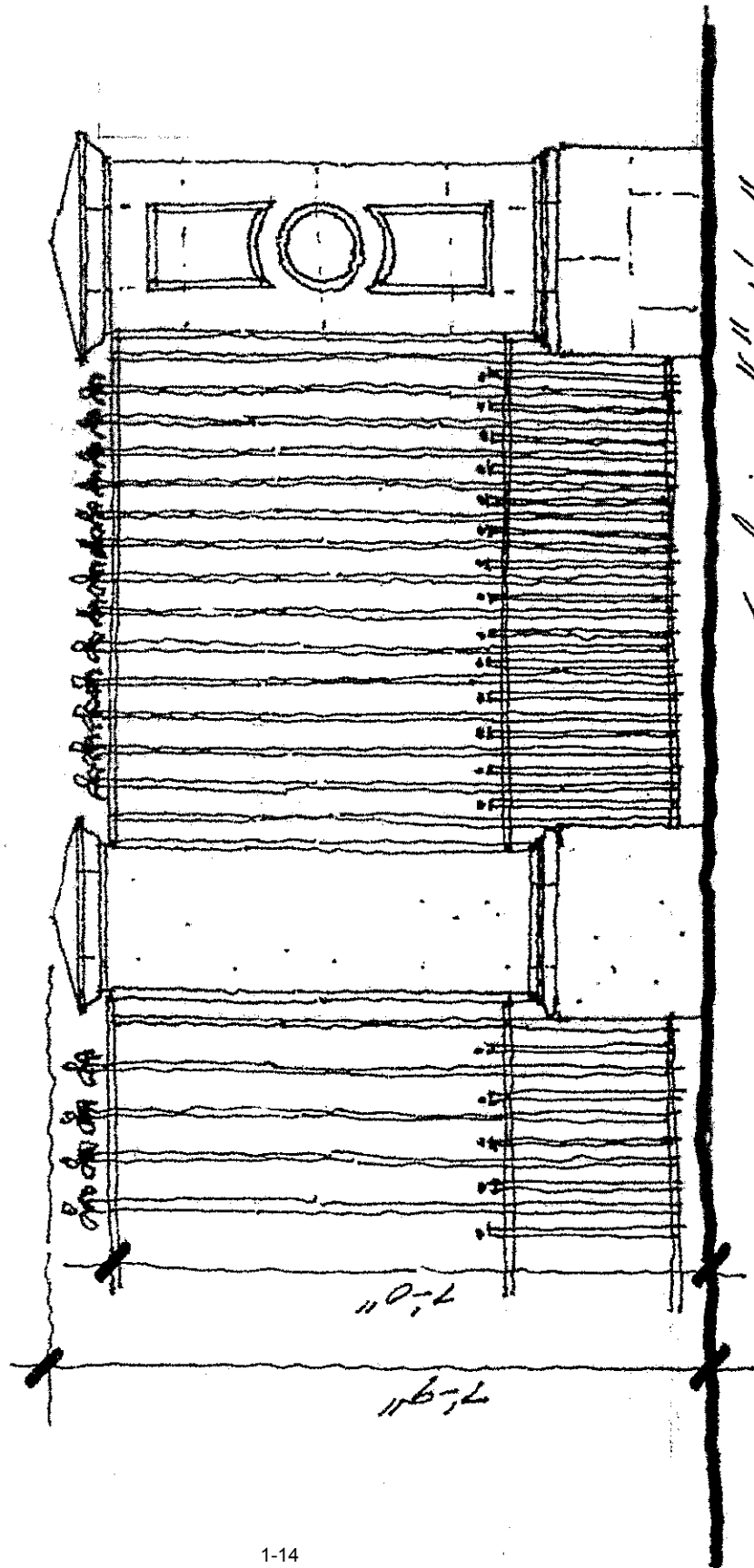
**KEEP 20 FT X 20 FT
VISIBILITY TRIANGLES CLEAR**

**KEEP 45 FT X 45 FT
VISIBILITY TRIANGLES CLEAR**

SITE PLAN

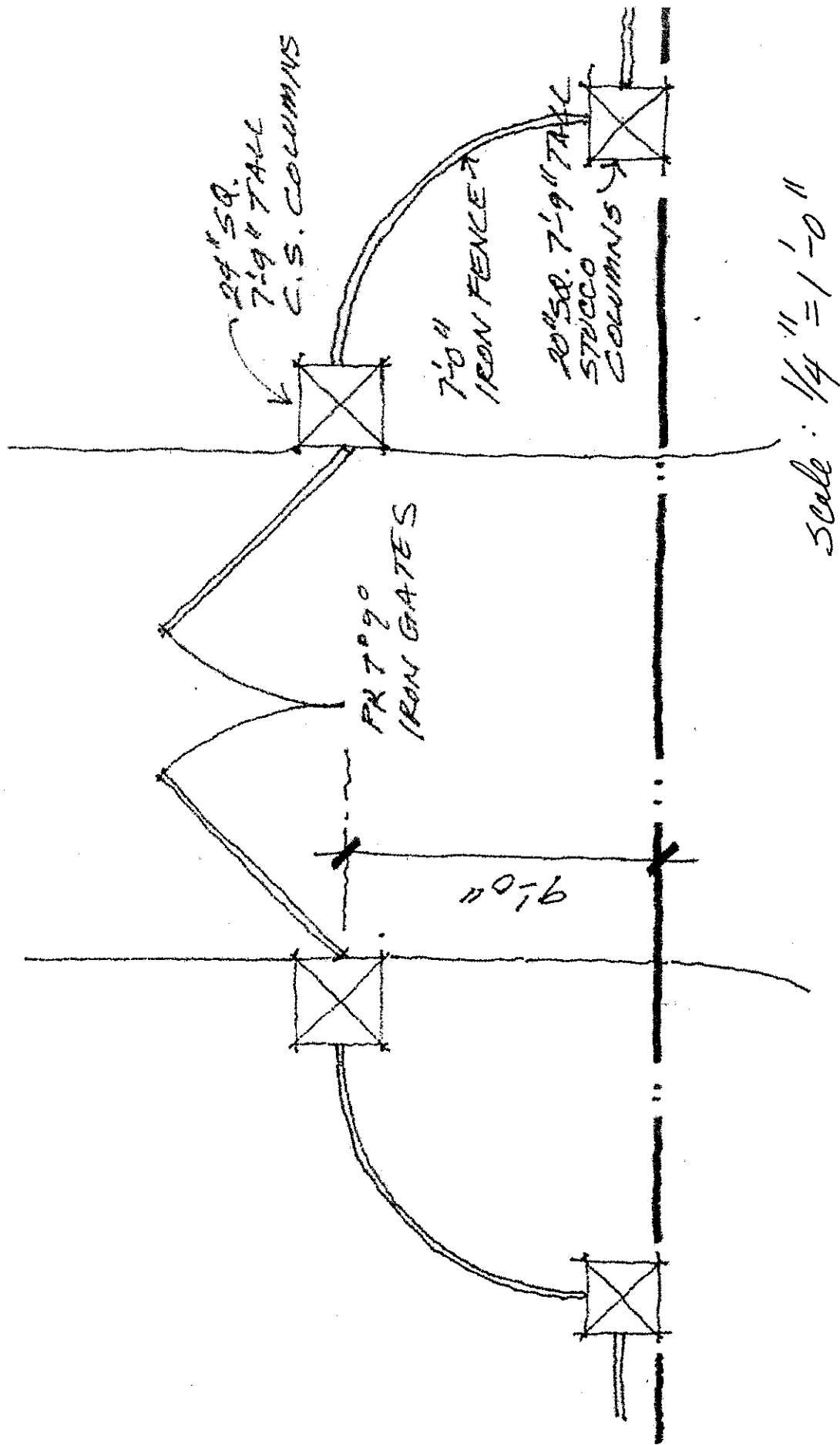
Scale 1"=40'

**KEEP 20 FT X 20 FT
VISIBILITY TRIANGLES CLEAR**

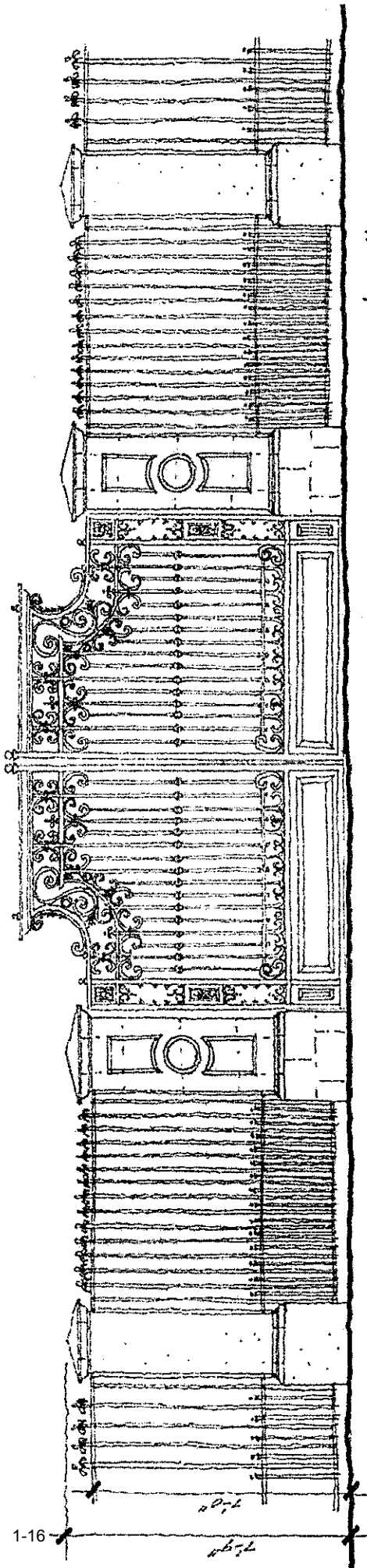


Scale: 1/2" = 1'-0"

IRON FENCE, STUCCO AND CAST STONE COLUMNS

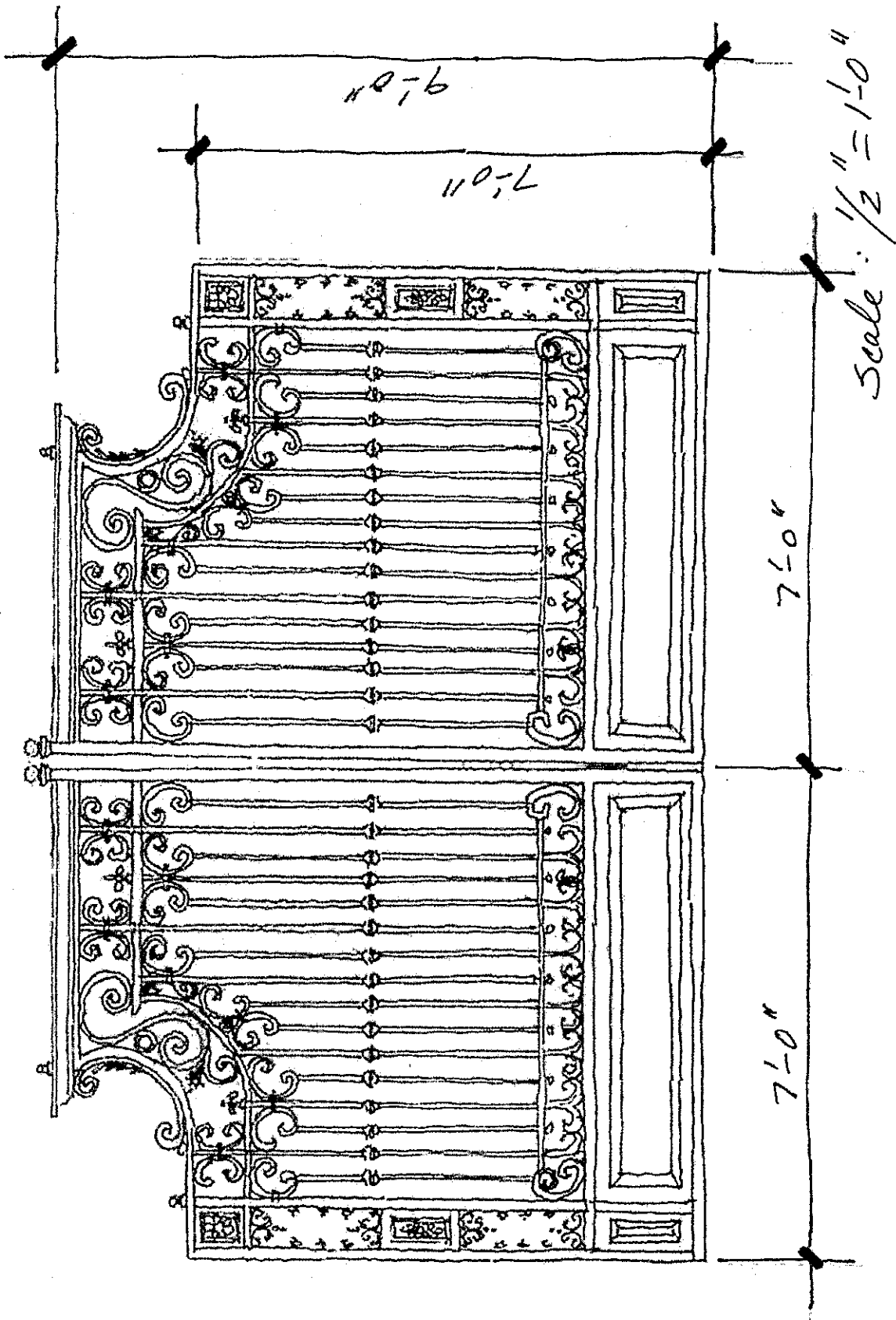


DRIVEWAY ENTRANCE

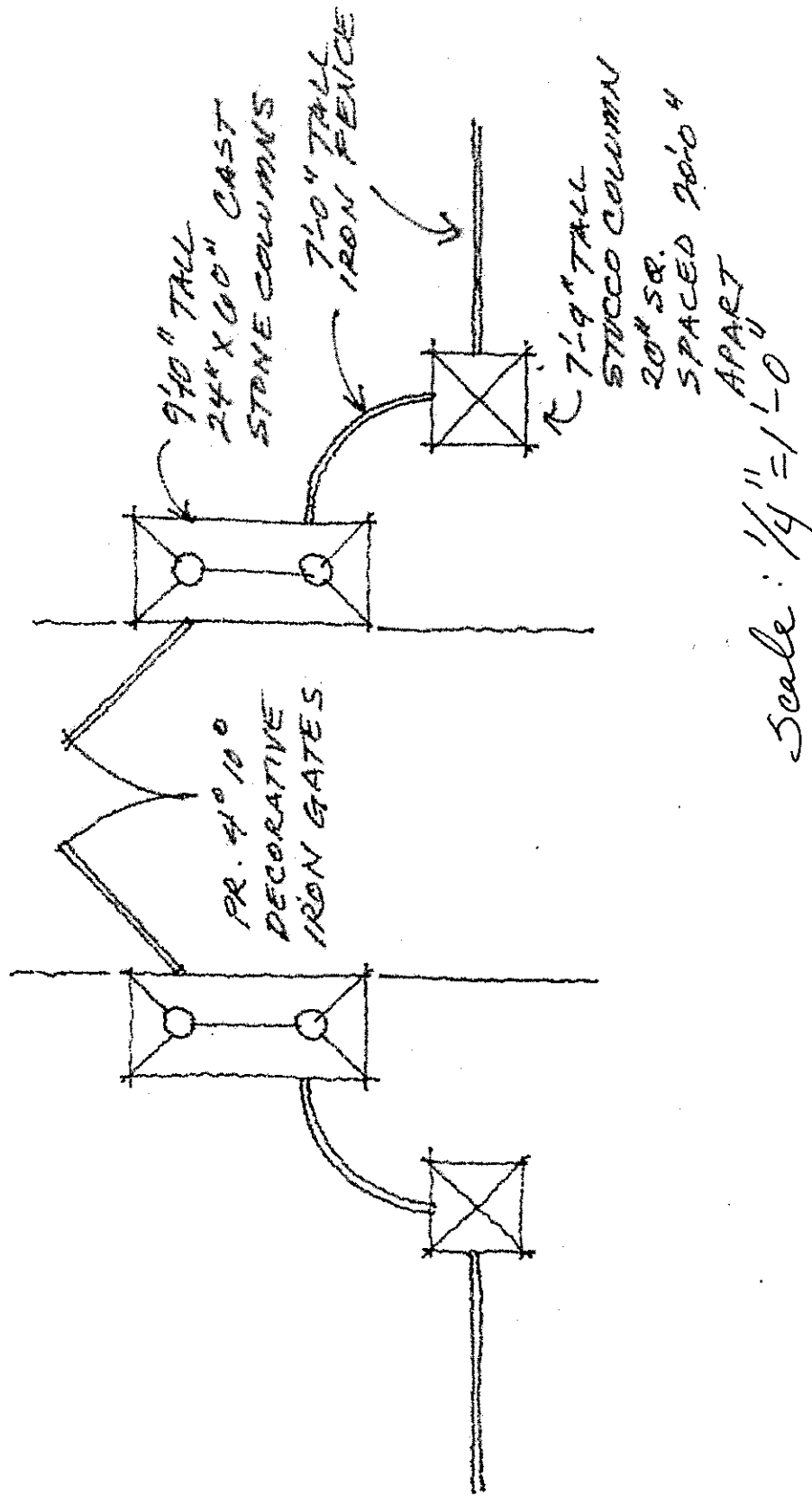


Scale: 1/4" = 1'-0"

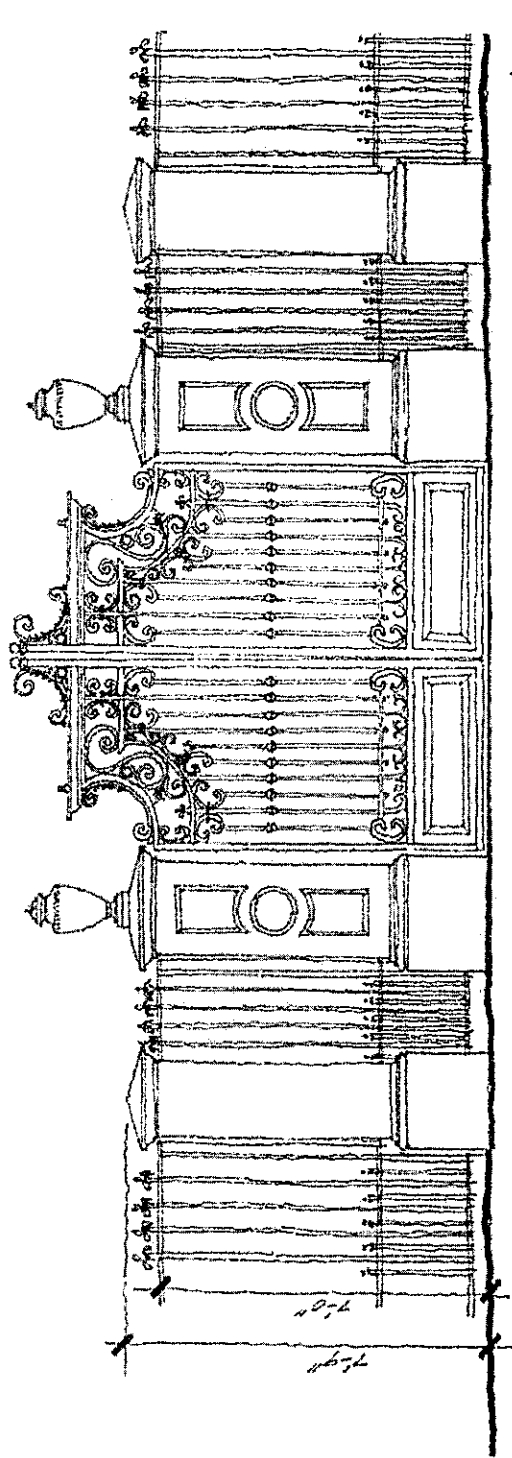
DRIVEWAY ENTRANCE



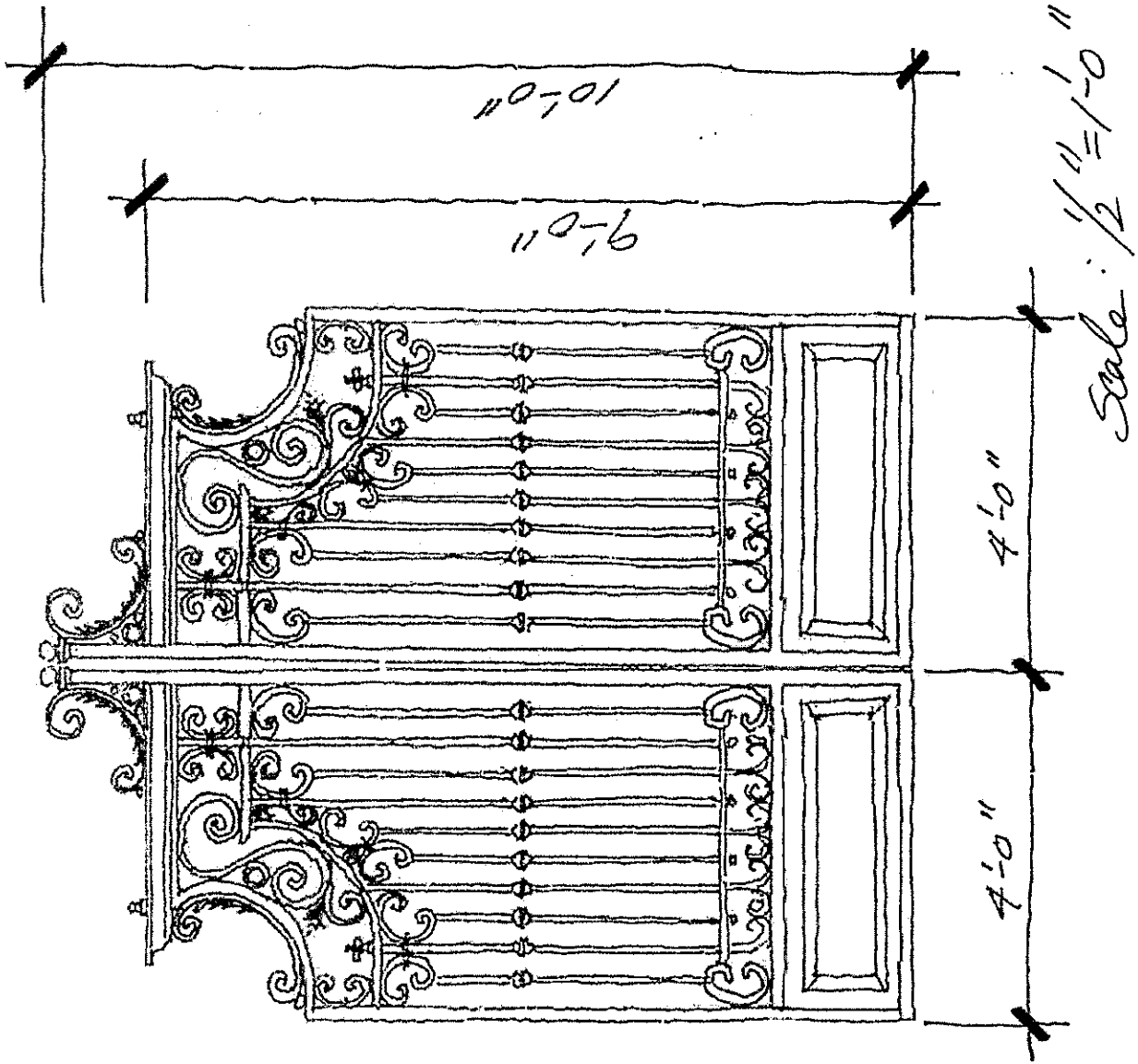
DRIVEWAY ENTRANCE GATES



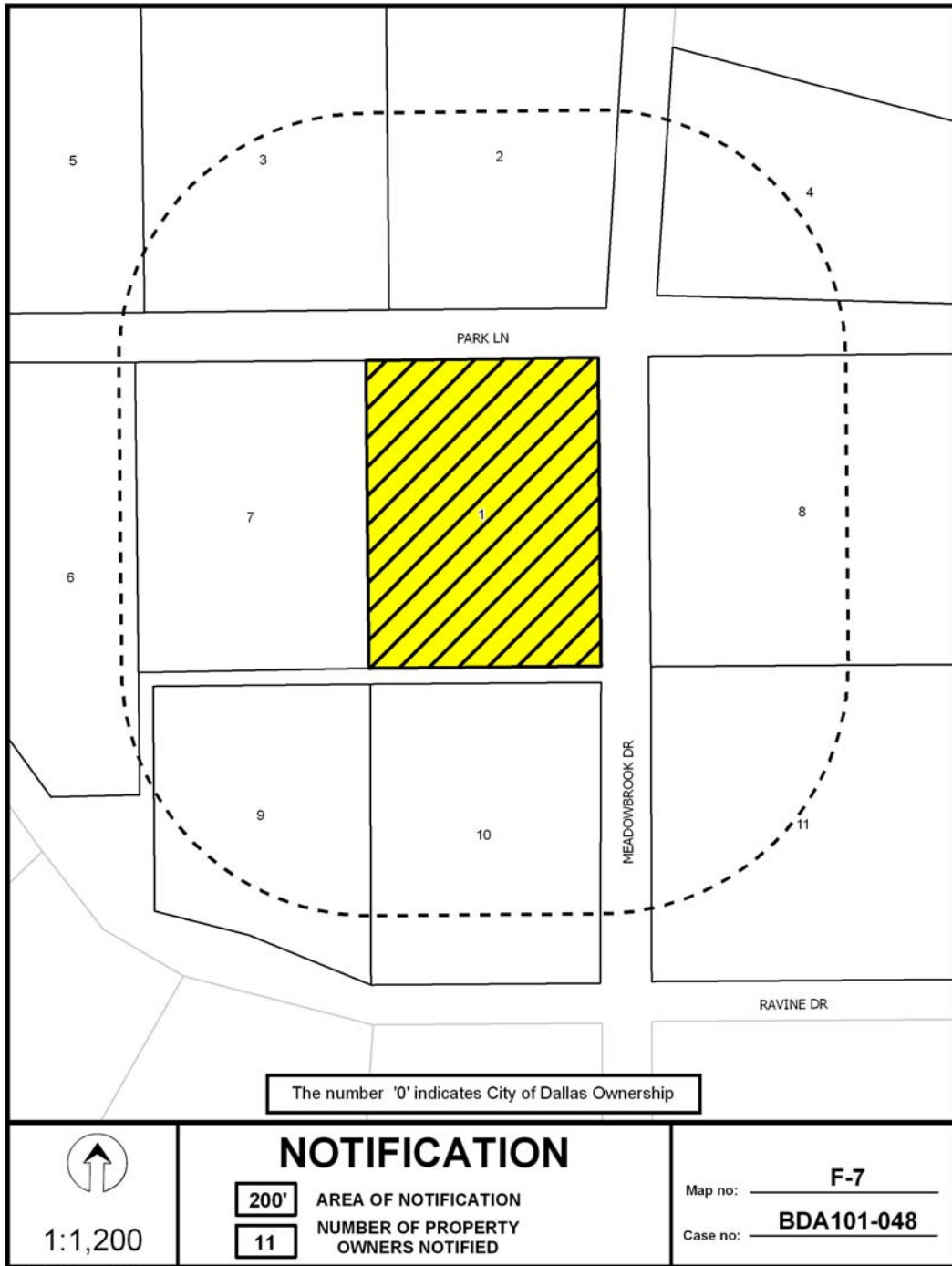
PEDISTRIAN ENTRANCE



PEDISTRIAN ENTRANCE



PEDISTRIAN ENTRANCE GATES



DATE: May 24, 2011

Notification List of Property Owners

BDA101-048

11Property Owners Notified

Label #	Address	Owner
1	5242 PARK	FAIR WINDS & FOLLOWING SEAS INV LLC
2	5243 PARK	EAGLE JOHN & JENNIFER J
3	5223 PARK	LONGWELL HARRY J & NORMA L
4	5311 PARK	BURK LELAND RONALD STE 2100
5	5205 PARK	STRAUSS RICHARD C & DIANA STRAUSS
6	5200 PARK	WEISMAN MCADAM SUSAN S
7	5222 PARK	JAMES GRETCHEN
8	5310 PARK	SHUTT GEORGE A
9	5251 RAVINE	BANGS NELSON A & VERA R
10	9507 MEADOWBROOK	SON DANIEL P & ANN H
11	9506 MEADOWBROOK	SAHM VICTOR A III & KRISTY E SAHM

FILE NUMBER: BDA 101-052(J)

BUILDING OFFICIAL'S REPORT:

Application of Julianne McGee for a special exception to the parking regulations at 11217 Garland Road. This property is more fully described as Lot 18 in City Block 34/5364 and is zoned CR, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a retail and personal service use and provide 33 of the required 41 parking spaces which will require a special exception of 8 spaces (20% reduction).

LOCATION: 11217 Garland Road

APPLICANT: Julianne McGee

REQUEST:

- A special exception to the off-street parking regulations of 8 parking spaces (or an 20 percent reduction of the 41 off-street parking spaces that are required) is requested in conjunction with constructing a 176 square foot addition on an 3,960 square foot restaurant with drive-through or drive-in service (4,136 sf total) and reconfiguring the parking and drive-through lane. The applicant proposes to provide 33 (or 80 percent) of the required 41 off-street parking spaces.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 8 spaces shall automatically and immediately terminate when and if the property is no longer used for a restaurant with drive-through or drive-in service.

Rationale:

- The Sustainable Development Department Project Engineer has no objections to this request given the applicant's submitted parking analysis study.
- The applicant has substantiated how the parking demand generated by the existing/proposed office and retail and personal service uses does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

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

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

GENERAL FACTS:

- The Dallas Development Code requires the following off-street parking requirement:
 - Restaurant with drive-through or drive-in service use: 1 space for 100 square feet of floor area.The applicant proposes to provide 33 (or 80 percent) of the required 41 off-street parking spaces in conjunction with constructing a 176 square foot addition on an 3,960 square foot restaurant with drive-through or drive-in service (4,136 sf total) and reconfiguring the parking and drive-through lane.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail)
North: CR (Community Retail)
South: CR (Community Retail)
East: CR (Community Retail)
West: CR (Community Retail)

Land Use:

The subject site is currently developed an approximately 3,960 square foot structure that is used as a restaurant with drive-through or drive-in service. The surrounding area to the north is developed with retail, personal service, and office uses.

Zoning/BDA History:

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

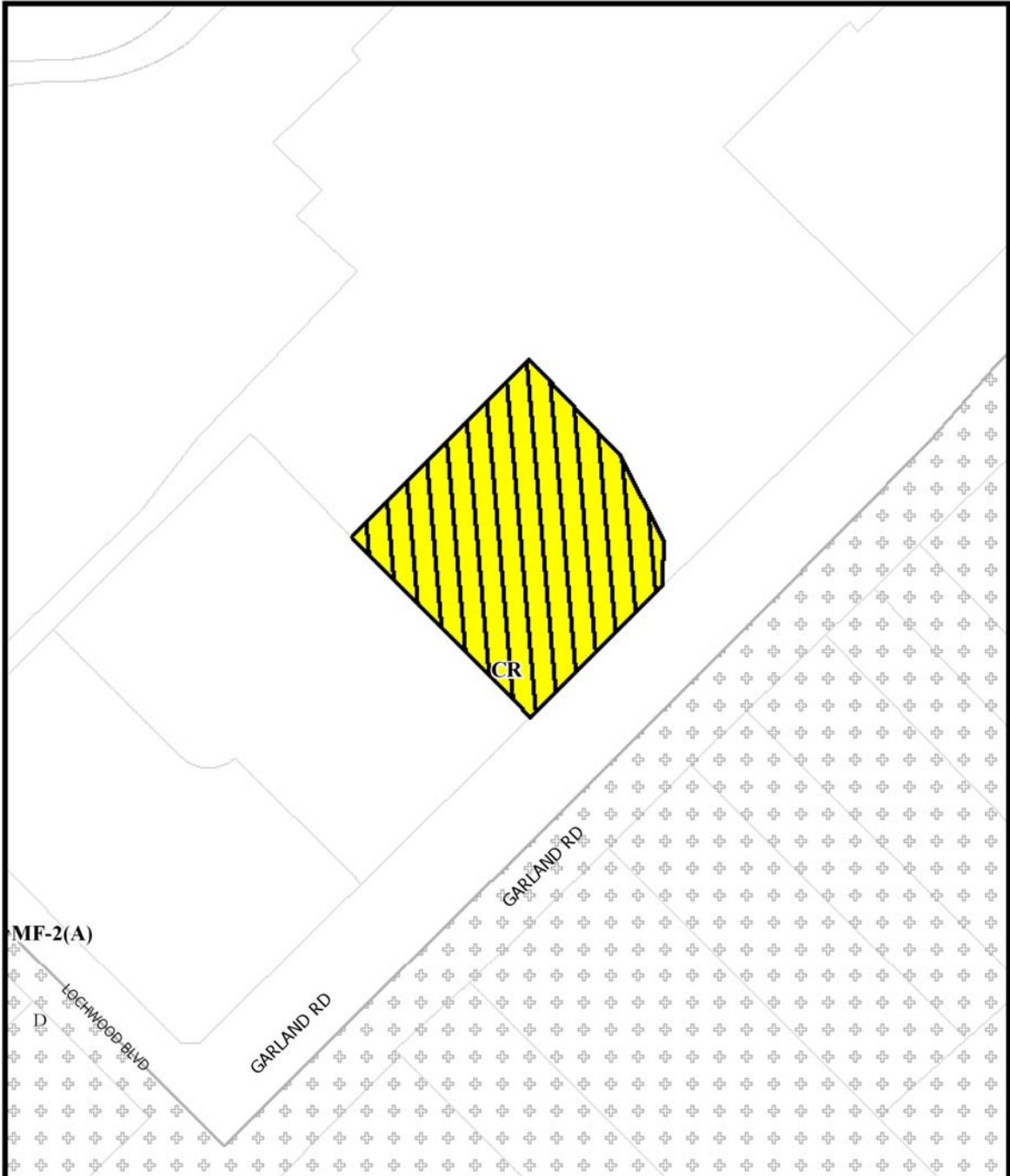
Timeline:

April 21, 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.

- May 18, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 25, 2011: The Board Senior Planner contacted the applicant and discussed the following information:
- the public hearing date and panel that will consider the application; and the June 3rd 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 31, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Board of Adjustment Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorneys to the Board.
- April 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

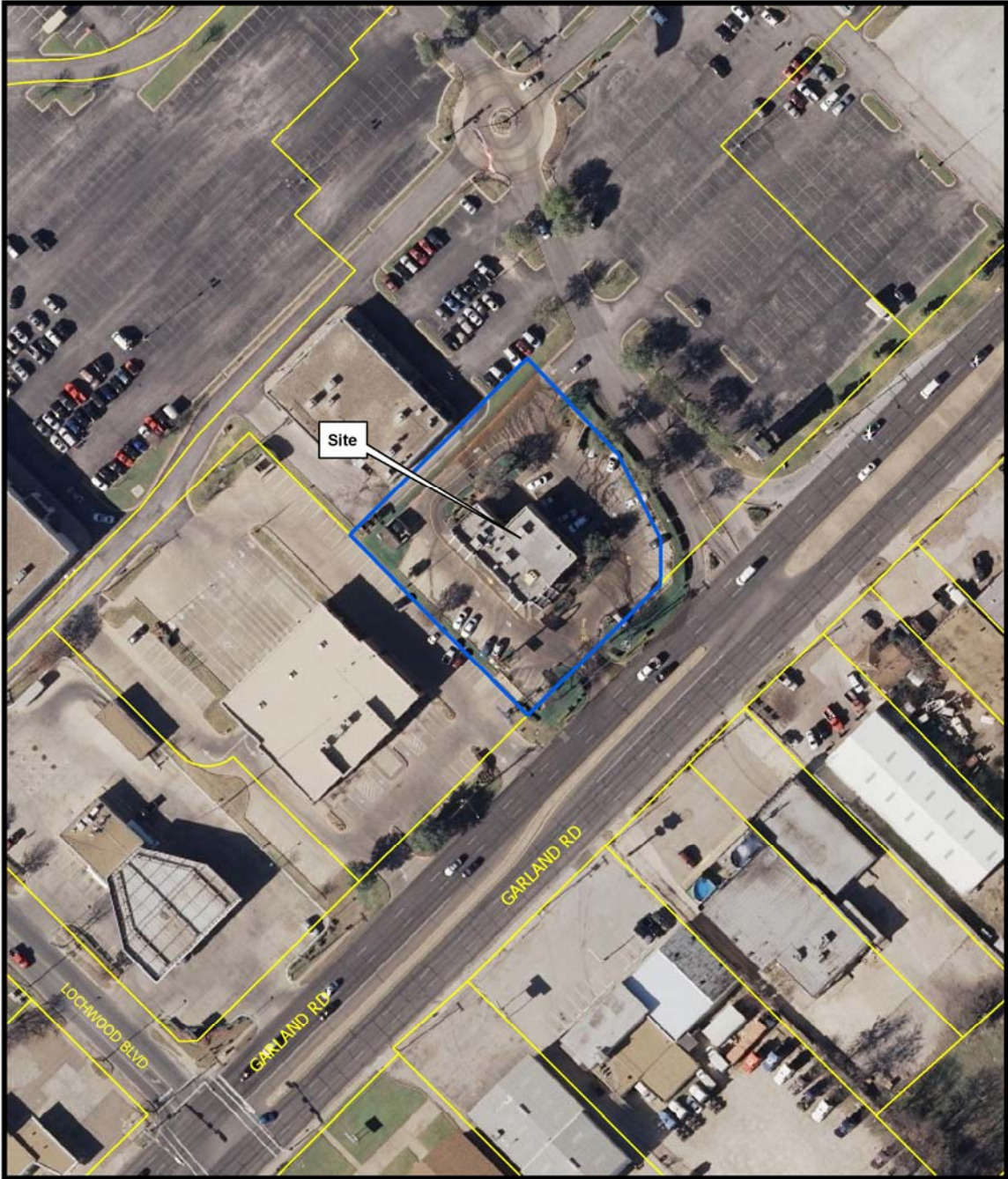
STAFF ANALYSIS:

- This request focuses on the applicant's proposal to provide 33 (or 80 percent) of the required 41 off-street parking spaces in conjunction with constructing a 176 square foot addition on an 3,960 square foot restaurant with drive-through or drive-in service (4,136 sf total) and reconfiguring the parking and drive-through lane.
- The Sustainable Development and Construction Department Project Engineer has submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the existing and proposed uses does not warrant the number of off-street parking spaces required, and
 - The special exception of 8 spaces (or 20 percent reduction of the required off-street parking spaces) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, subject to the condition that the special exception of 8 spaces shall automatically and immediately terminate if and when the restaurant with drive-through or drive-in service use is changed or discontinued, the applicant would be allowed to construct the proposed addition and reconfigure the parking and drive-through lane and provide only 33 of the 41 code required off-street parking spaces.



 1:1,200	<h1>ZONING MAP</h1>	Map no: <u> G-10 </u> Case no: <u> BDA101-052 </u>
------------------------------------------------------------------------------------------------	---------------------	---------------------------------------------------------------------------------------------------------

DATE: May 24, 2011



1:1,200

AERIAL MAP

Map no: G-10
Case no: BDA101-052

DATE: May 24, 2011



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-052

Data Relative to Subject Property:

Date: 4-21-11

Location address: 11217-11225 Garland Rd. Zoning District: CR

Lot No.: 18 Block No.: 34/5304 Acreage: .838 Census Tract: 128.00

Street Frontage (in Feet): 1) 146.77 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SEBA

Owner of Property/or Principal: McDonalds Corp USA, LLC

~~Applicant: PINK CONSTRUCTION CONST Telephone: 682-429-6254~~

~~Mailing Address: 5119 Armonis St. Zip Code: 76117~~

Applicant

Represented by: Julianne McBee Telephone: 682-429-6254

Mailing Address: 5119 Armonis St. Zip Code: 76117

Affirm that a request has been made for a Variance or Special Exception ~~of~~ request the reduction of 3 parking spaces where 4 are required for a total of 33 spaces.

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

The proposed request will not adversely affect the maneuverability or create unnecessary congestion on site. The additional drive-thru lane is designed to expedite traffic flow.

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.

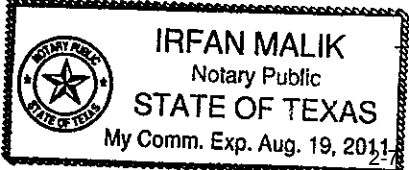
Respectfully submitted: Julianne McBee Applicant's name printed Julianne McBee Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Julianne McBee 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.

Julianne McBee
Affiant (Applicant's signature)

Subscribed and sworn to before me this 19th day of April, 2011



if Malik
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

JULIANNE MCGEE

did submit a request

for a special exception to the parking regulations

at

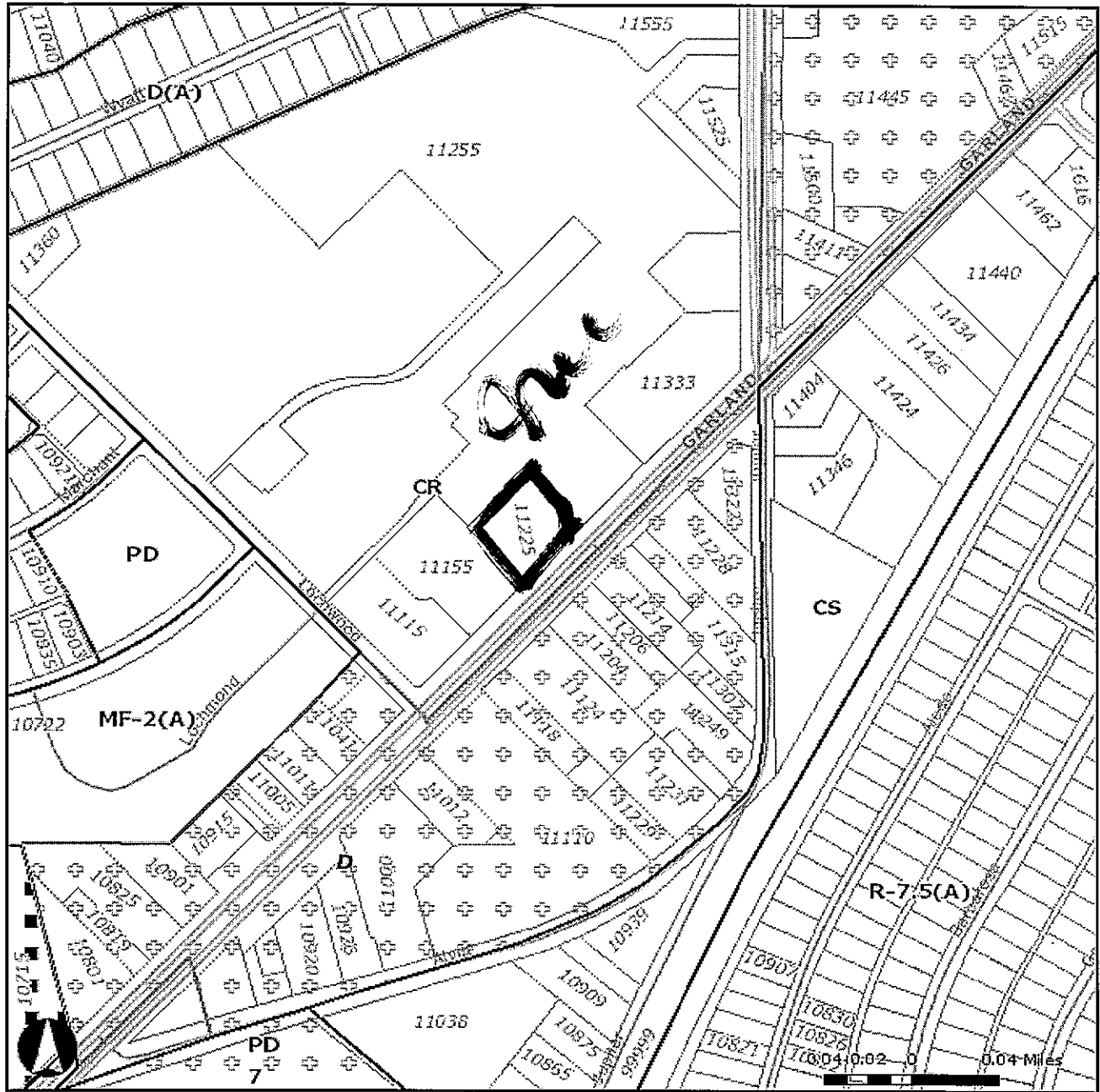
11217 Garland Road

BDA101-052 Application of Julianne McGee for a special exception to the parking regulations at 11217 Garland Road. This property is more fully described as Lot 18 in city block 34/5364 and is zoned CR, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a retail and personal service use and provide 33 of the required 41 parking spaces, which will require an 8 space special exception (20% reduction) to the parking regulation.

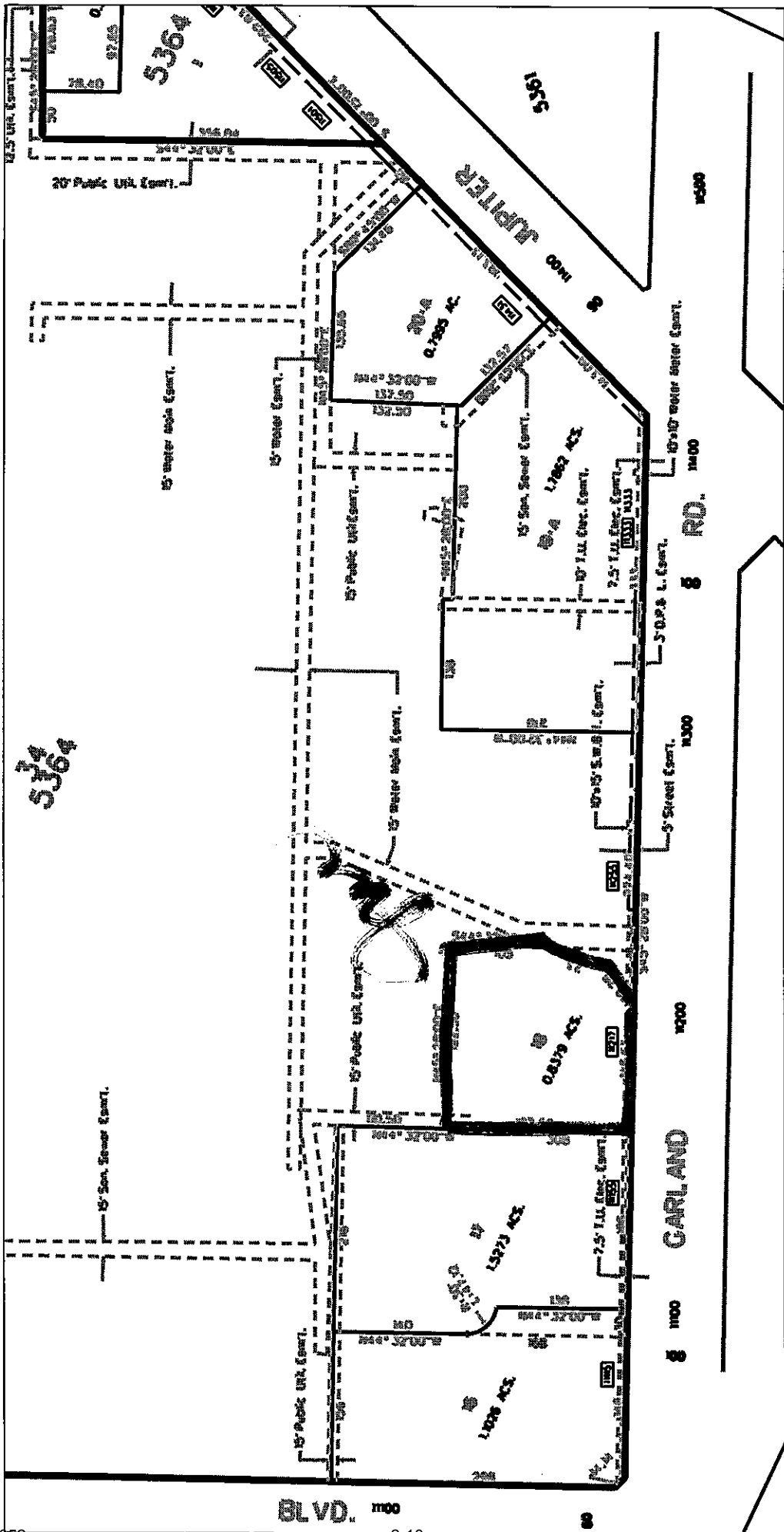
Sincerely,


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>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> <p>MD Overlay</p> | <p>Base Zoning</p> <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> <p>Environmental Corridors</p> |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|





Adams Engineering
Professional Engineers
1111 West Loop West, Suite 1000
Dallas, Texas 75243

MCDONALD'S
11215 GARLAND ROAD
DALLAS, TEXAS

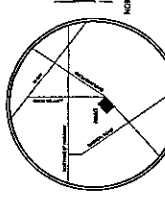
McDONALD'S
11215 GARLAND ROAD
DALLAS, TEXAS

DATE: 08/21/18
BY: [Signature]

GENERAL NOTES

1. The owner, Adams Engineering, is the owner of the subject property.
2. The site is located at the intersection of 11215 Garland Road and [Street Name].
3. The site is zoned [Zoning Code] and the proposed use is consistent with the zoning requirements.
4. The site is currently vacant.
5. The site is to be developed for a [Use Type].
6. The site is to be developed in accordance with the [Code/Regulation].
7. The site is to be developed in accordance with the [Code/Regulation].
8. The site is to be developed in accordance with the [Code/Regulation].
9. The site is to be developed in accordance with the [Code/Regulation].
10. The site is to be developed in accordance with the [Code/Regulation].
11. The site is to be developed in accordance with the [Code/Regulation].
12. The site is to be developed in accordance with the [Code/Regulation].
13. The site is to be developed in accordance with the [Code/Regulation].
14. The site is to be developed in accordance with the [Code/Regulation].
15. The site is to be developed in accordance with the [Code/Regulation].
16. The site is to be developed in accordance with the [Code/Regulation].
17. The site is to be developed in accordance with the [Code/Regulation].
18. The site is to be developed in accordance with the [Code/Regulation].
19. The site is to be developed in accordance with the [Code/Regulation].
20. The site is to be developed in accordance with the [Code/Regulation].

VICINITY MAP
N.T.S.

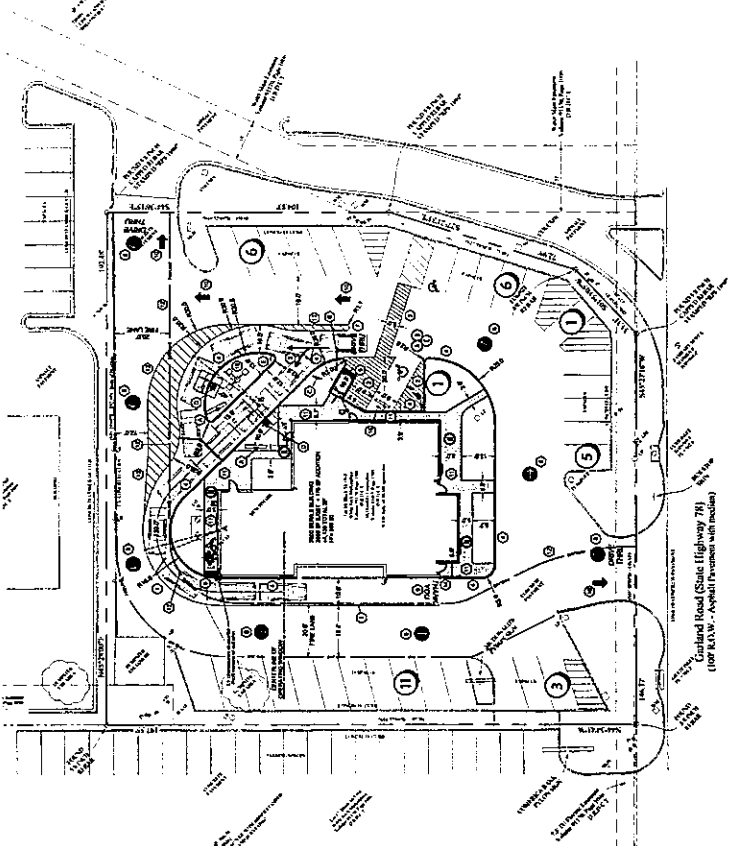


811
Know what's below.
Call before you dig.

McDONALD'S
1111 West Loop West, Suite 1000
Dallas, Texas 75243

SCALE: 1" = 20'

WEST LANE AUTOMATIC DRIVE-IN DRIVE-THRU RESTAURANT



811
Know what's below.
Call before you dig.

McDONALD'S
1111 West Loop West, Suite 1000
Dallas, Texas 75243

VEHICLE SCHEDULE

NO.	MARK	DESCRIPTION
1	(1)	WEST LANE AUTOMATIC DRIVE-THRU RESTAURANT
2	(2)	PARKING
3	(3)	LANDSCAPING
4	(4)	LANDSCAPING
5	(5)	LANDSCAPING
6	(6)	LANDSCAPING
7	(7)	LANDSCAPING
8	(8)	LANDSCAPING
9	(9)	LANDSCAPING
10	(10)	LANDSCAPING
11	(11)	LANDSCAPING

SITE LEGEND

MARKING	DESCRIPTION
(1)	PROPOSED DRIVE-THRU RESTAURANT
(2)	PROPOSED DRIVE-THRU RESTAURANT
(3)	PROPOSED DRIVE-THRU RESTAURANT
(4)	PROPOSED DRIVE-THRU RESTAURANT
(5)	PROPOSED DRIVE-THRU RESTAURANT
(6)	PROPOSED DRIVE-THRU RESTAURANT
(7)	PROPOSED DRIVE-THRU RESTAURANT
(8)	PROPOSED DRIVE-THRU RESTAURANT
(9)	PROPOSED DRIVE-THRU RESTAURANT
(10)	PROPOSED DRIVE-THRU RESTAURANT
(11)	PROPOSED DRIVE-THRU RESTAURANT

SITE INFORMATION

OWNER: [Owner Name]

PROJECT: [Project Name]

DATE: [Date]

BY: [Signature]

Traffic Engineering Consultants, Inc.

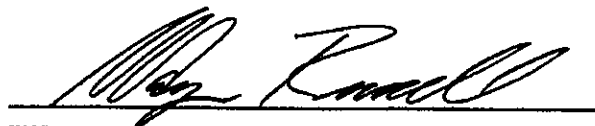
PARKING DEMAND STUDY

McDonald's Restaurant
11215 Garland Road
Dallas, Texas

Prepared for:
Adams Engineering, Inc.

May 2011

Prepared by:
Traffic Engineering Consultants, Inc.



Wayne Russell, P.E., PTOE
Texas P.E. #88215
CA # F-002934

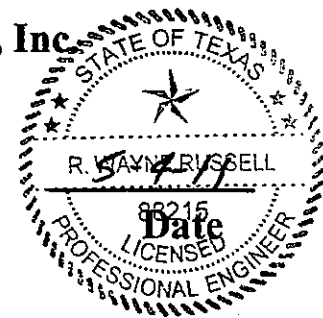


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3.0 PARKING DATA.....	1
4.0 CONCLUSIONS.....	3

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Figure 2: Proposed Site Plan.....	1

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Table 2: Number of Parked Vehicles.....	2

1.0 INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained to conduct a parking demand study for a McDonald's fast food restaurant located along Garland Road in Dallas, Texas. The study was requested to review the current peak parking demand for the location and provide recommendations for parking spaces with regard to the remodel of the existing restaurant site.

2.0 BACKGROUND

The existing McDonald's restaurant site, as shown in **Figure 1** includes a total of 38 parking spaces. The existing gross floor area is approximately 3960 square feet. The proposed remodel for the site, as shown in **Figure 2**, includes a total of 33 parking spaces. The reduced number of parking spaces was required to accommodate a second drive-thru order lane and some minor building expansion.

3.0 PARKING DATA

TEC collected peak parking demand data on the site. The peak hour periods of sales during both a weekday period and a weekend period were provided by the restaurant manager. The peak hours of sales periods are indicated in **Table 1** below.

TABLE 1.
Peak Hours of Sales*

	Monday - Thursday	Friday	Saturday	Sunday
Period				
AM	8:00 to 10:00	7:00 to 9:00	9:00 to 12:00	9:00 to 11:00
NOON	12:00 to 3:00	12:00 to 2:00	1:00 to 2:00	1:00 to 2:00
PM	6:00 to 8:00	3:00 to 5:00	7:00 to 9:00	6:00 to 8:00
		6:00 to 9:00		

* Data provided by McDonald's Restaurant Manager 4-20-11

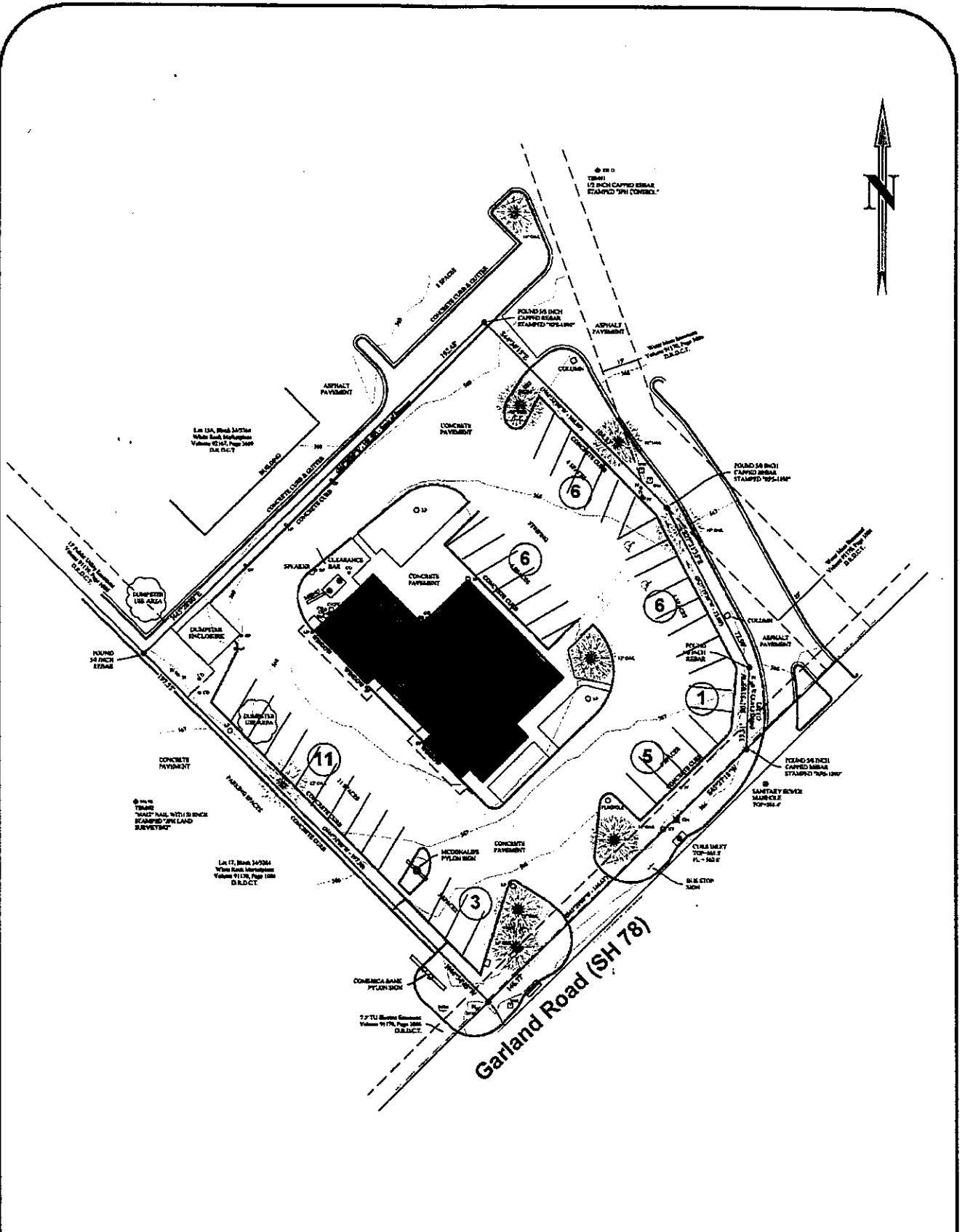


FIGURE 1. Existing Site Plan

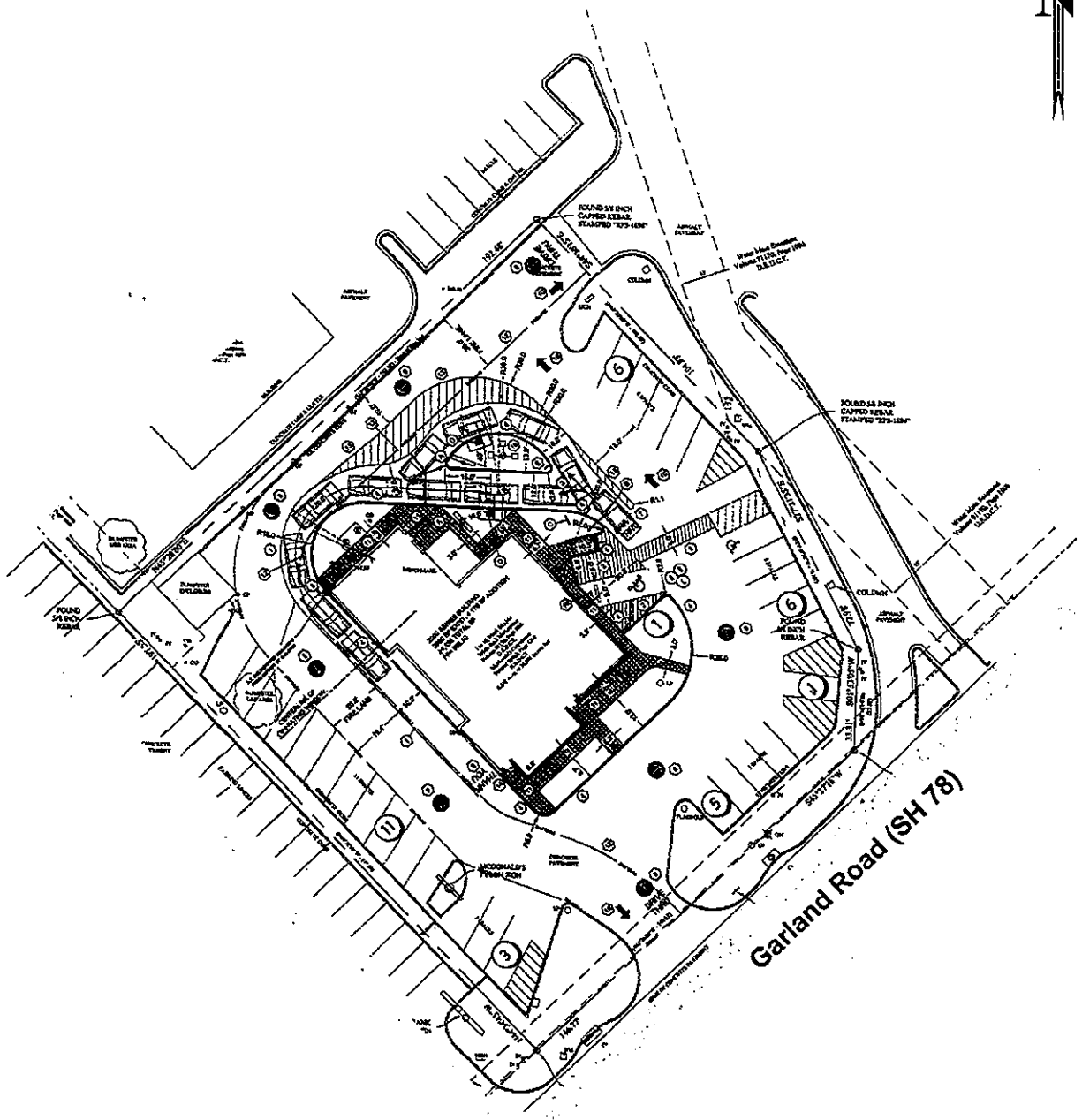


FIGURE 2. Proposed Site Plan

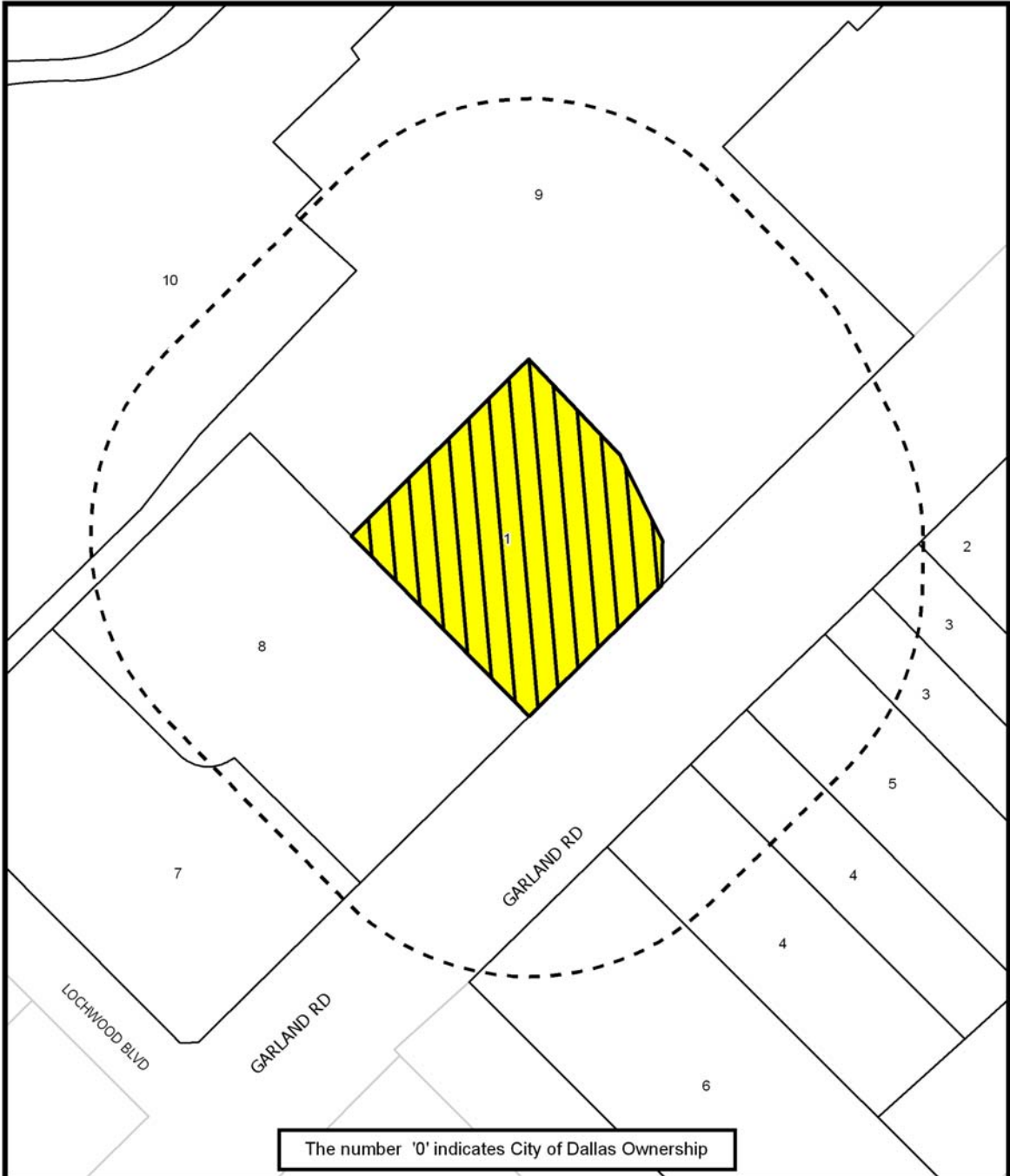
Parked vehicle counts were collected in 15 minute increments during the peak hours of the sales. The data was manually collected on a Friday and Saturday. The numbers of parked vehicles observed during these periods are summarized in Table 2 below.

TABLE 2.
Number of Parked Vehicles

		FRIDAY 4/29/2011			SATURDAY 4/30/2011
TIME		Parked Veh	TIME		Parked Veh
AM Peak			AM Peak		
7:00 - 7:15		5	11:00 - 11:15		16
7:15 - 7:30		7	11:15 - 11:30		14
7:30 - 7:45		14	11:30 - 11:45		14
7:45 - 8:00		13	11:45 - 12:00		16
8:00 - 8:15		15	12:00 - 12:15		19
8:15 - 8:30		17	12:15 - 12:30		18
8:30 - 8:45		15	12:30 - 12:45		25
8:45 - 9:00		11	12:45 - 12:00		19
PM Peak			PM Peak		
3:00 - 3:15		9	7:00 - 7:15		12
3:15 - 3:30		13	7:15 - 7:30		8
3:30 - 3:45		16	7:30 - 7:45		11
3:45 - 4:00		11	7:45 - 8:00		12
4:00 - 4:15		17	8:00 - 8:15		13
4:15 - 4:30		22	8:15 - 8:30		11
4:30 - 4:45		17	8:30 - 8:45		13
4:45 - 5:00		19	8:45 - 9:00		11

4.0 CONCLUSION

Traffic Engineering Consultants, Inc. (TEC) was requested to conduct a peak period parking demand study for an existing McDonald's restaurant located along Garland Road in Dallas. The peak hours of sales information was obtained from the restaurant manager to determine the periods in which the parking data was to be collected. The number of parked vehicles were observed in 15 minute increments during the peak hours of sales on a Friday and a Saturday. Based on the information obtained from the restaurant and the data collected on the site during the peak hours of operation, the maximum number of parked vehicles during this period was found to be 25 on a Saturday, during the noon peak hour. The average number of parked vehicles was determined to be 14.15 during these periods. The results of these reviews indicate the restaurant, with proposed modifications, is expected to have an adequate number of parking spaces.



 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;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Map no: G-10 Case no: BDA101-052
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					

DATE: May 24, 2011

Notification List of Property Owners

BDA101-052

10 Property Owners Notified

Label #	Address	Owner
1	11225 GARLAND	MCDONALDS CORPORATION % ADAME INC
2	11228 GARLAND	DAY LAURA LEONA WOOTEN
3	11224 GARLAND	ANDERSON DAVID D
4	11206 GARLAND	WALL FREDA MAE TR ET AL
5	11214 GARLAND	HOYOS JOEL
6	11124 GARLAND	MCAFEE SUE N ESTATE
7	11115 GARLAND	RAS ENTERPRISE INC
8	11155 GARLAND	COMERICA BANK TEXAS
9	11255	GARLAND WHITEROCK IMPROVMENTS L P C/O DLC MANAGEMENT
10	11255	GARLAND CSN INVESTMENTS INC %CHONG SON NA (PRES)

FILE NUMBER: BDA 101-054(J)

BUILDING OFFICIAL'S REPORT:

Application of Robert Jamieson represented by Andrew Papson for a variance to the side yard setback regulations at 6776 Patrick Circle. This property is more fully described as Lot 29 in City Block D/2960 and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a residential structure and provide a 2-foot 6-inch side yard setback, which will require a variance of 2 feet 6 inches.

LOCATION: 6776 Patrick Circle

APPLICANT: Robert Jamieson
Represented by Andrew Papson

REQUEST:

- A variance to the side yard setback regulations of 2'6" is requested in conjunction with constructing an approximately 540 square foot addition within the required 5' side yard setback along its western boundary on a site currently developed with a single family structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The applicant has substantiated how the variance is necessary to permit development of the site which is different from other lots by its irregular shape, and restrictive area caused by the floodplain on property.

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:

- The minimum side yard setback for lots zoned R-7.5(A) is 5 feet.
- The subject site is a lot that is an irregular wedge shape, which is not typical of a lot within an R-7.5(A) zoning district.
- A site plan has been submitted showing the proposed addition 2'6" into the 5' required side yard setback. A proposed carport is shown extending over the 30' platted building line; however, the applicant is aware of the procedures to alter a platted building line and that this application will not permit that encroachment.
- The applicant has provided elevations and floor plans showing the proposed addition will be two stories for informational purposes.
- The appearance of the slope of the subject site could not be determined by the Board Senior Planner's site visit. However, the entire subject site appears to be located in the floodplain. The applicant's representative has indicated that he is aware of the line of the floodplain and its limitations on construction.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

April 22, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

May 18, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 25, 2011: The Board Senior Planner contacted the applicant and discussed the following information:

- the public hearing date and panel that will consider the application; and the June 3rd 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.

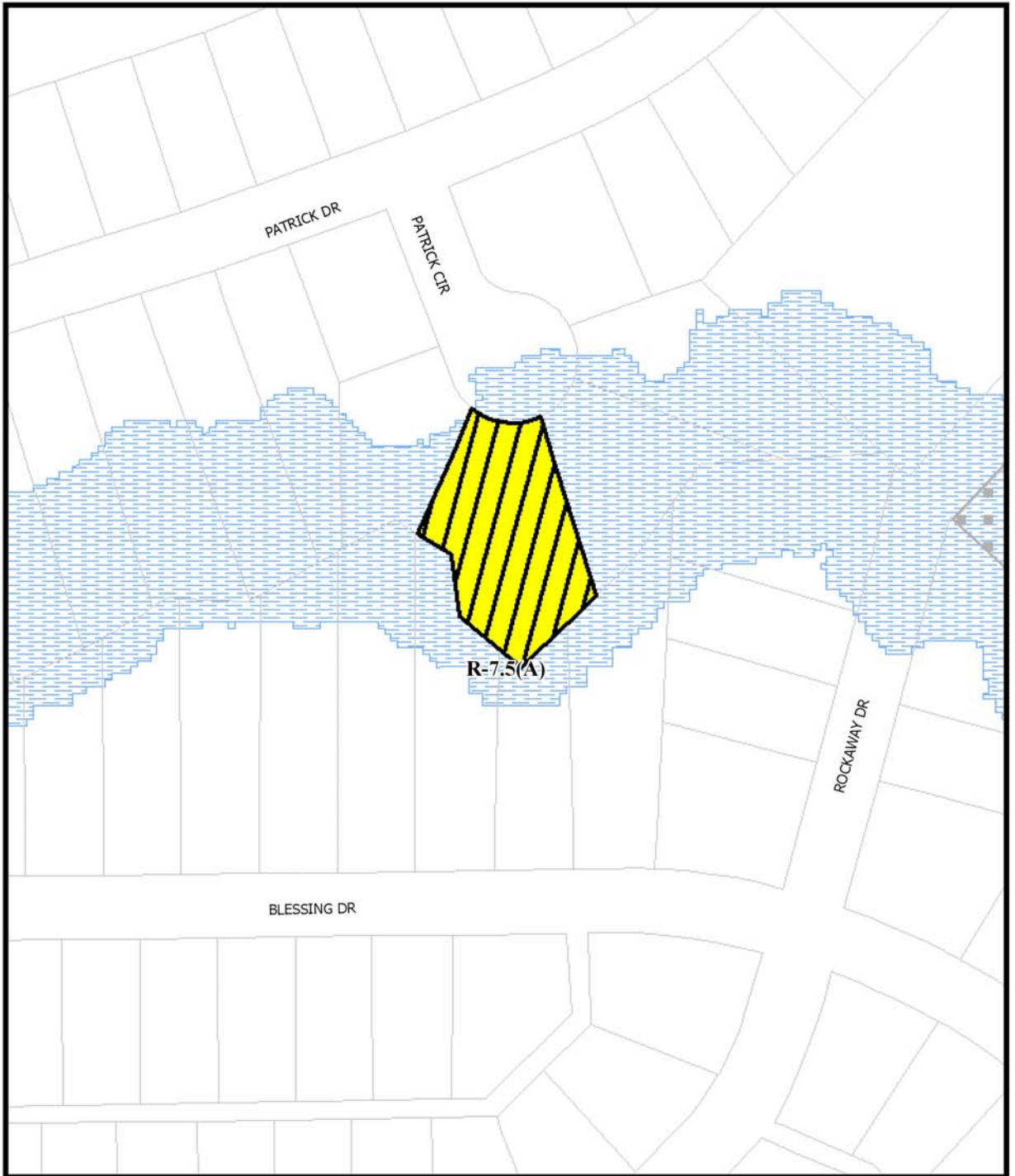
May 31, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Senior Planner, the Board of Adjustment Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorneys to the Board.

June 2, 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 floodplain requirements."

STAFF ANALYSIS:

- The request focuses on constructing an approximately 540 square foot addition within the required 5' side yard setback along its western boundary on a site currently developed with a single family structure.

- According to calculations taken by the Board Senior Planner from the submitted site plan, the area of the structure footprint to be maintained in the site's 5' side yard setback is approximately 540 square feet.
- The subject site is a lot that is an irregular wedge shape, which is not typical of a lot within an R-7.5(A) zoning district.
- The appearance of the slope of the subject site could not be determined by the Board Senior Planner's site visit. However, the subject site appears to be located in the floodplain.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulation will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, subject to the submitted site plan, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a structure located 2'6" into the 5' side yard setback.

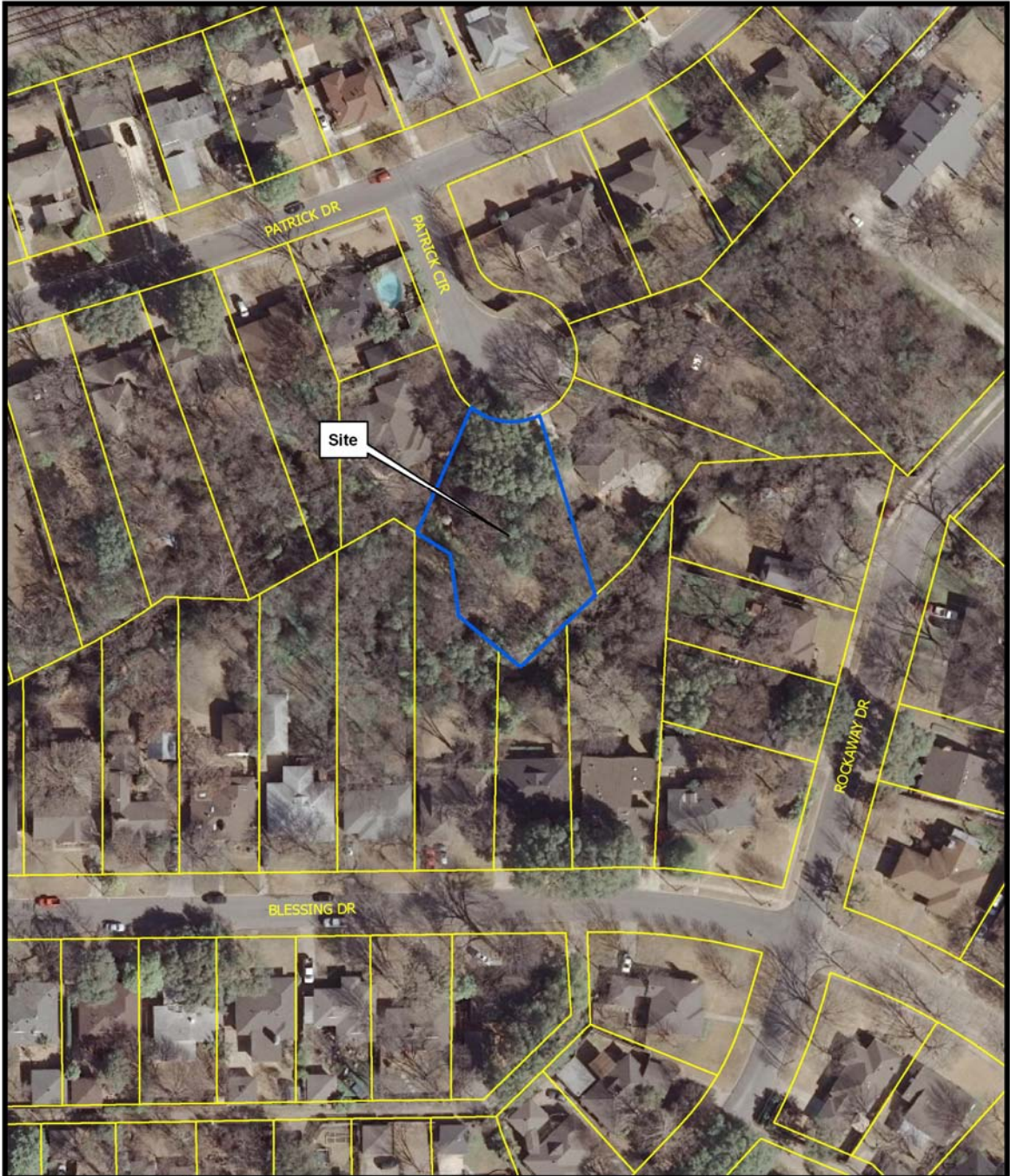


1:1,200

ZONING MAP

Map no: G-9
Case no: BDA101-054

DATE: May 25, 2011



1:1,200

AERIAL MAP

Map no: G-9
Case no: BDA101-054

DATE: May 25, 2011



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-054

Data Relative to Subject Property:

Date: 4-22-11

Location address: 6776 Patrick c'dr

Zoning District: R-7.5(A)

Lot No.: 29 Block No.: D/2960 Acreage: .30

Census Tract: 79.02

Street Frontage (in Feet): 1) 55' 2) _____ 3) _____ 4) _____ 5) _____

SESB

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Robert Jamieson

Applicant: Robert Jamieson

Telephone: 972-562 0876

Mailing Address: 6776 Patrick c'dr

Zip Code: 75214

Represented by: Andrew Papsen

Telephone: 972 979 9357

Mailing Address: 4231 MODLIN ST. MESQUITE

Zip Code: 75150

Affirm that a request has been made for a Variance or Special Exception of 2'6"
TO THE SIDE YARD SET BACK req.

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 entire lot falls within the new floor plan Area (map) this restricts/prohibits the ability to increase the footprint. The only option provided by public works is to build vertically

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: Robert Jamieson

Applicant's name printed

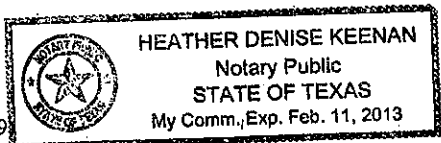
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared _____ 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 21st day of April, 2011



Heather Keenan
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

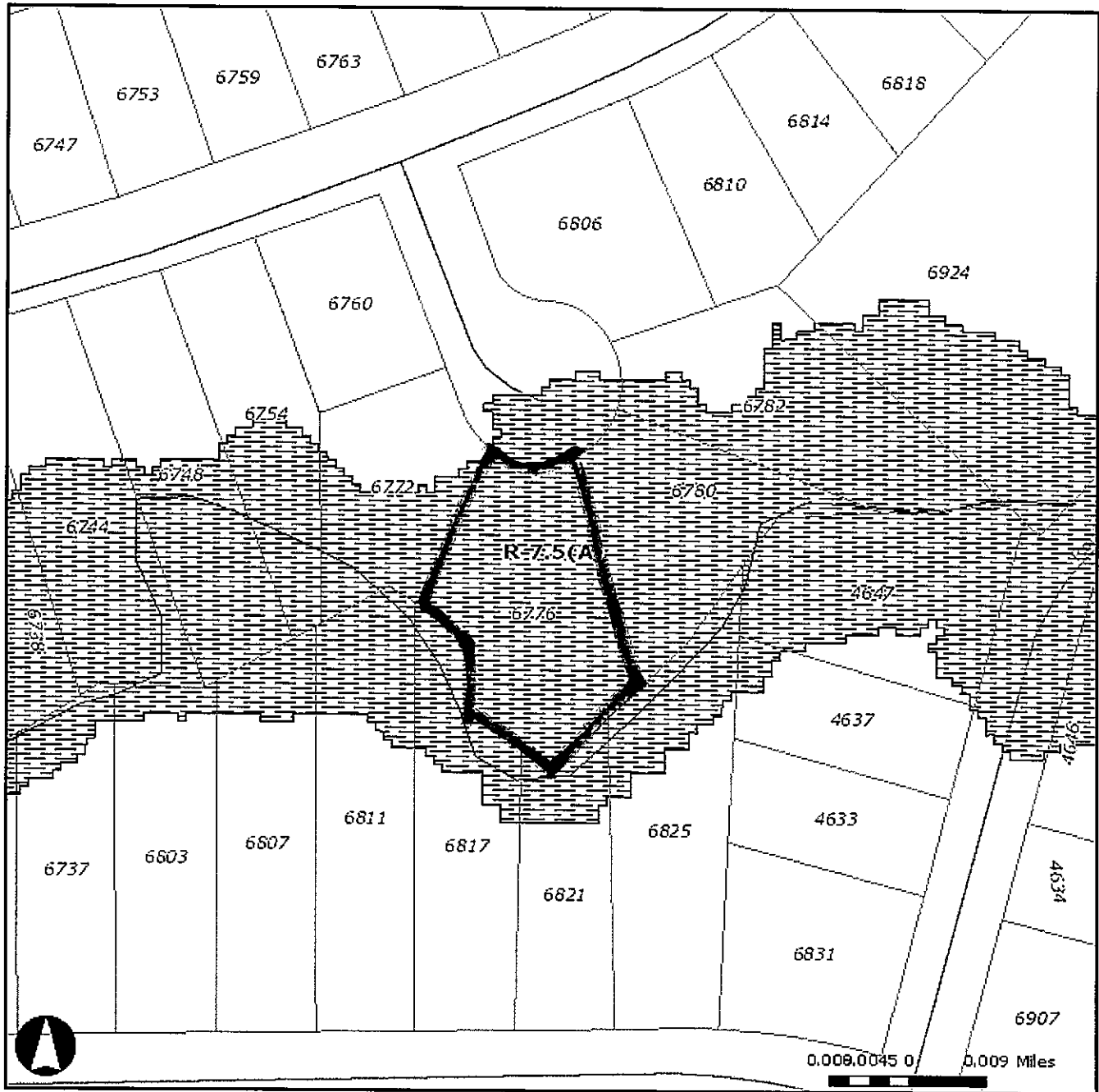
I hereby certify that Robert Jamieson
represented by Andrew Papson
did submit a request for a variance to the side yard setback regulations
at 6776 Patrick Circle

BDA101-054. Application of Robert Jamieson represented by Andrew Papson for a variance to the side yard setback regulations at 6776 Patrick Circle. This property is more fully described as Lot 29 in city block D/2960 and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a residential structure and provide a 2 foot 6 inch side yard setback, which will require a 2 foot 6 inch variance to the side yard setback regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



Peak's Branch



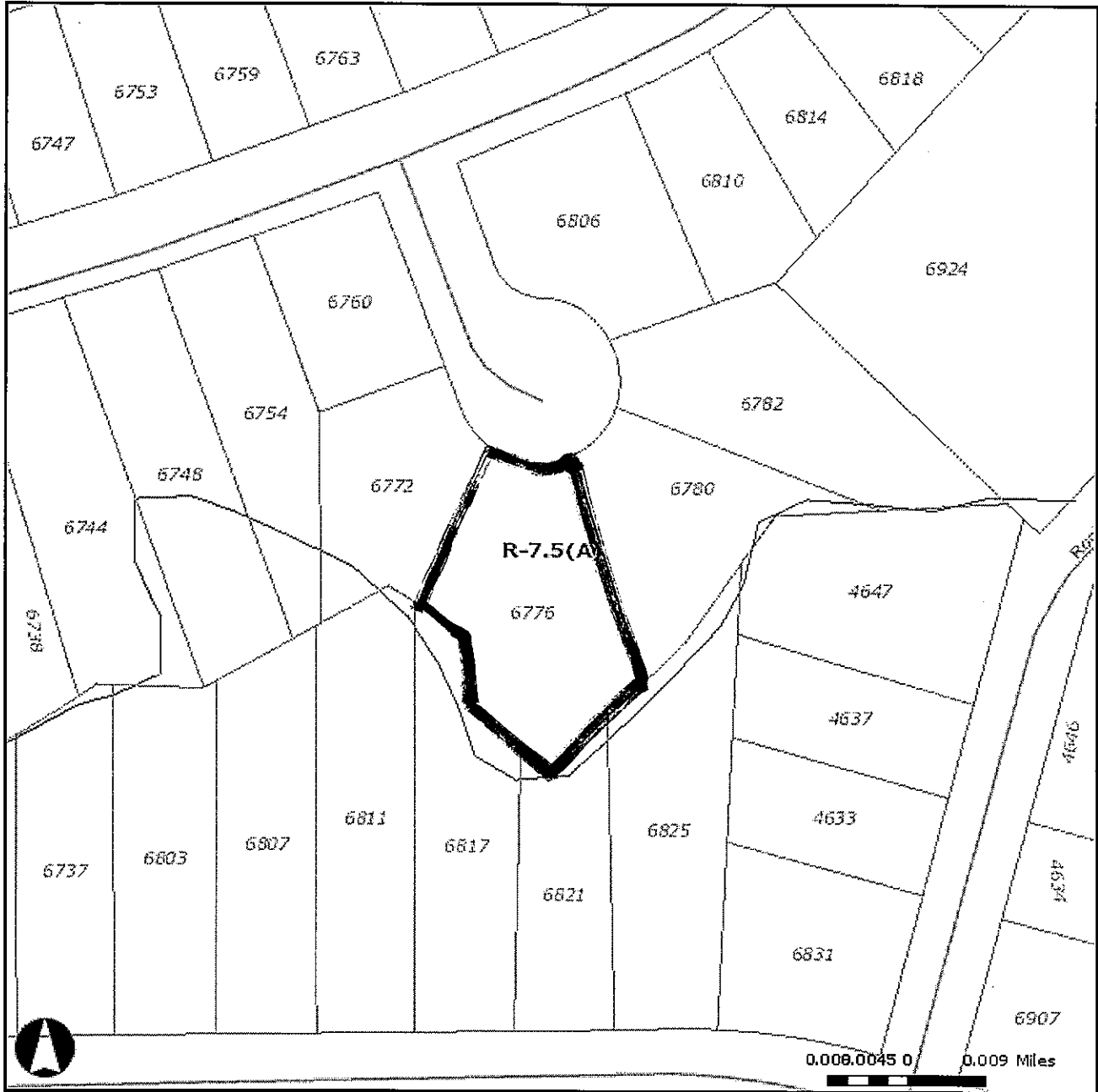
X PROTECTED BY LEVEE



Pedestrian Overlay



City of Dallas Zoning



City Boundaries

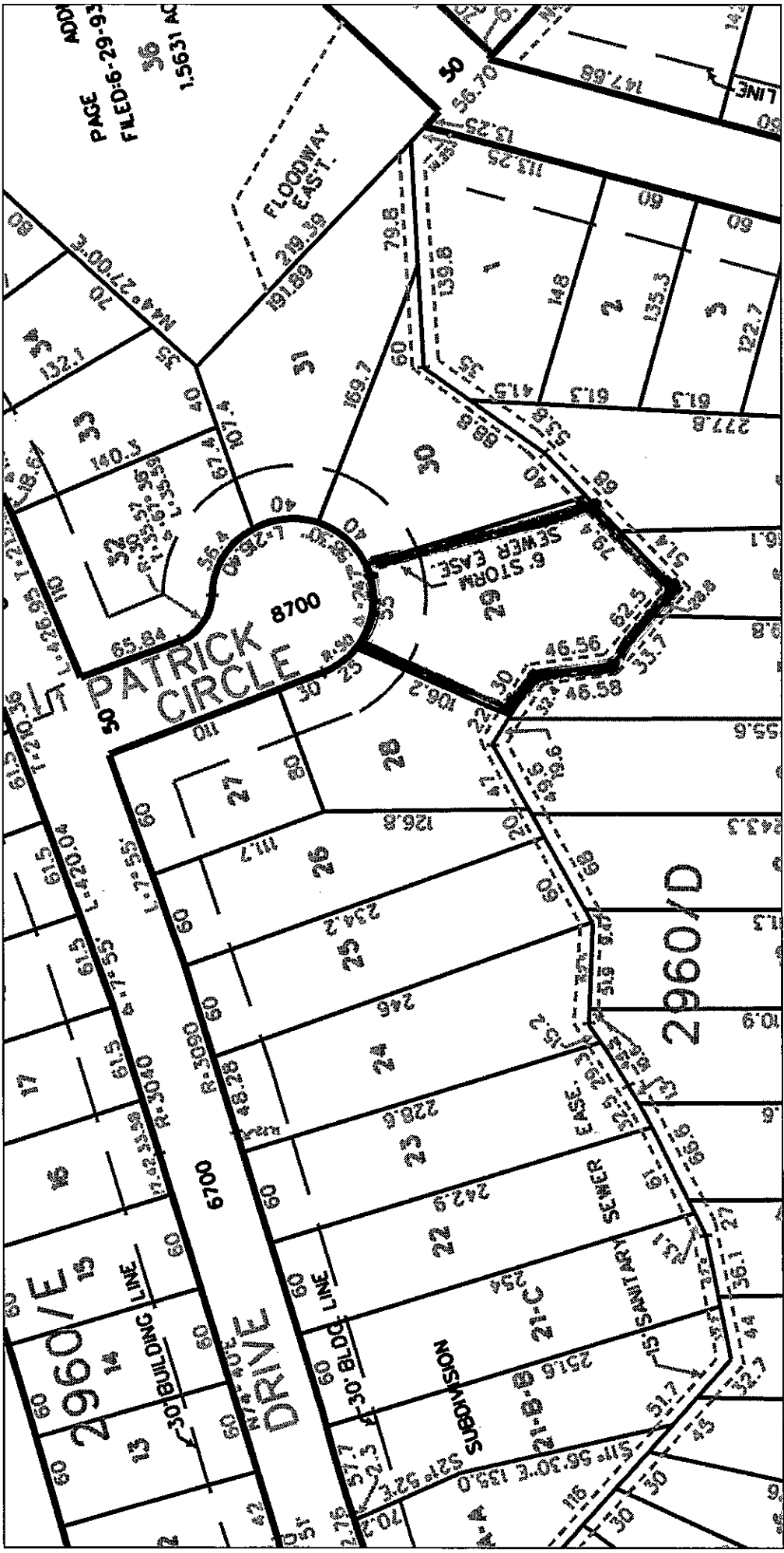
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

SUP

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

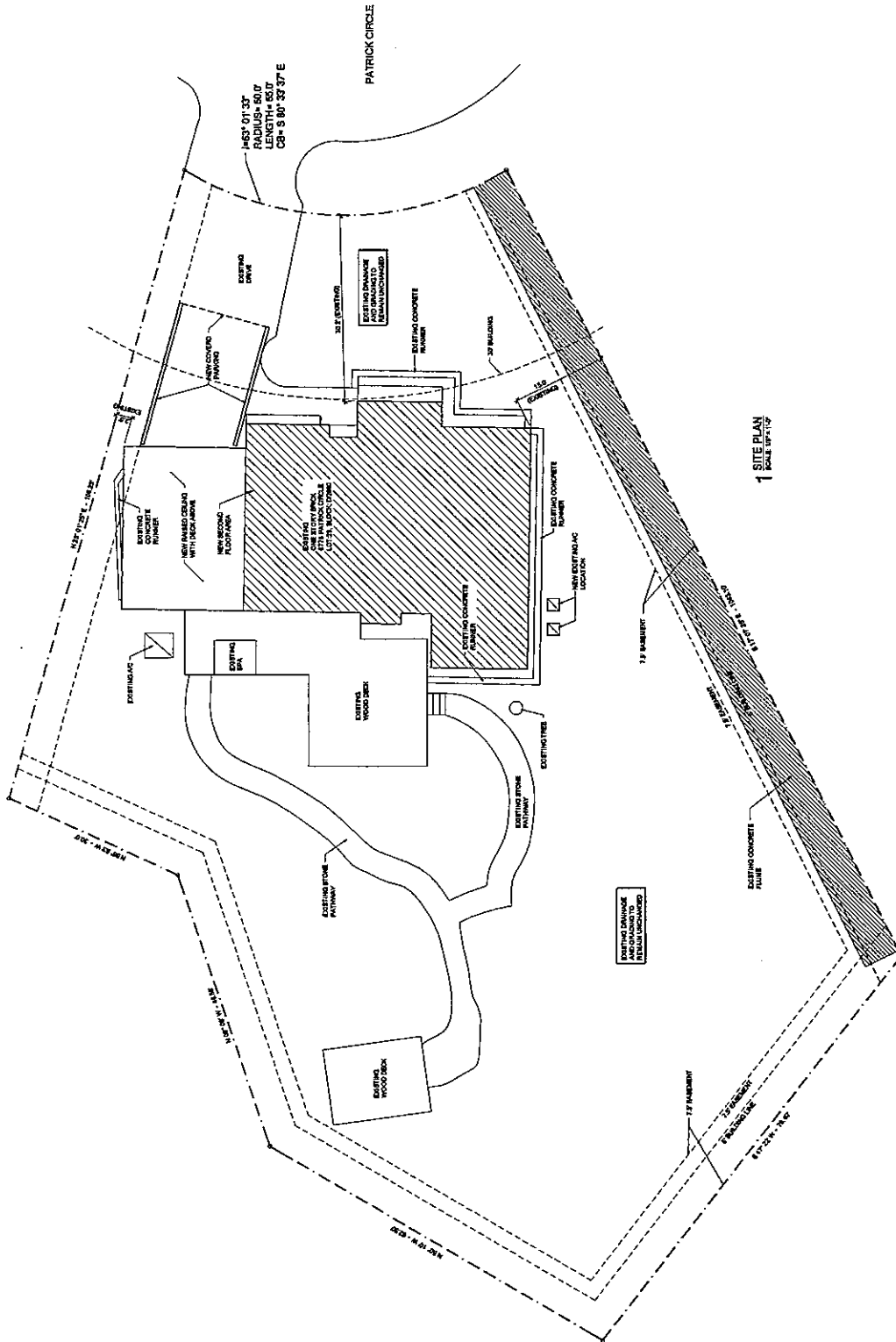
PD193 Oak Lawn

- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay

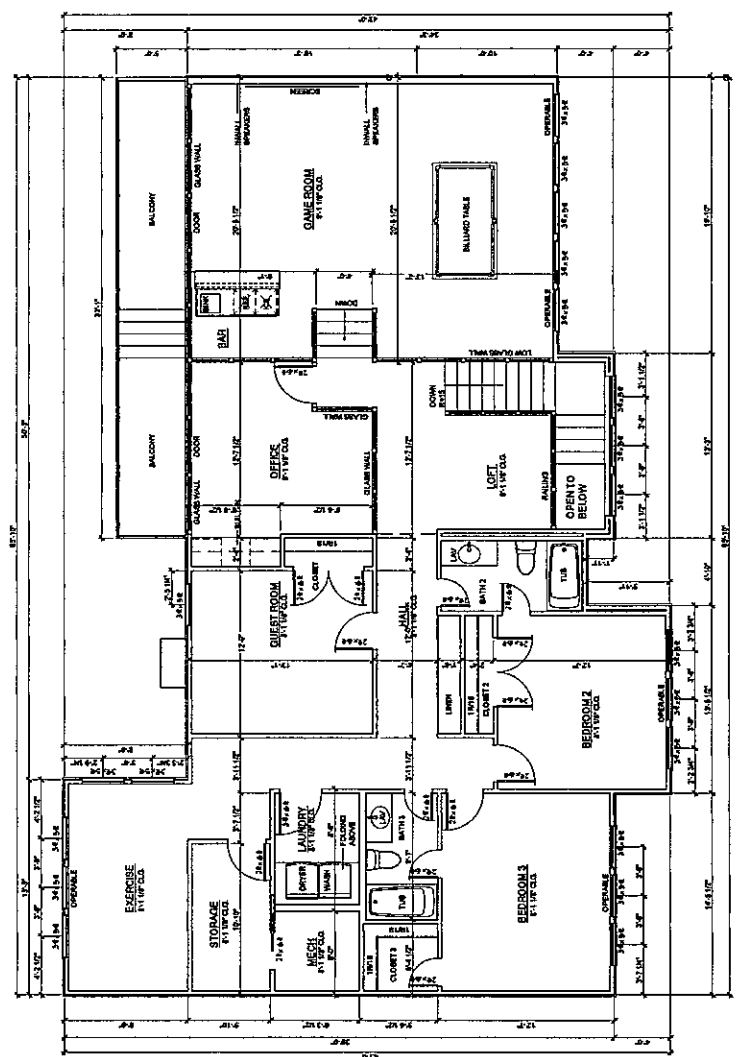


ADD PAGE FILED 6-29-92 1.5631 AC 36

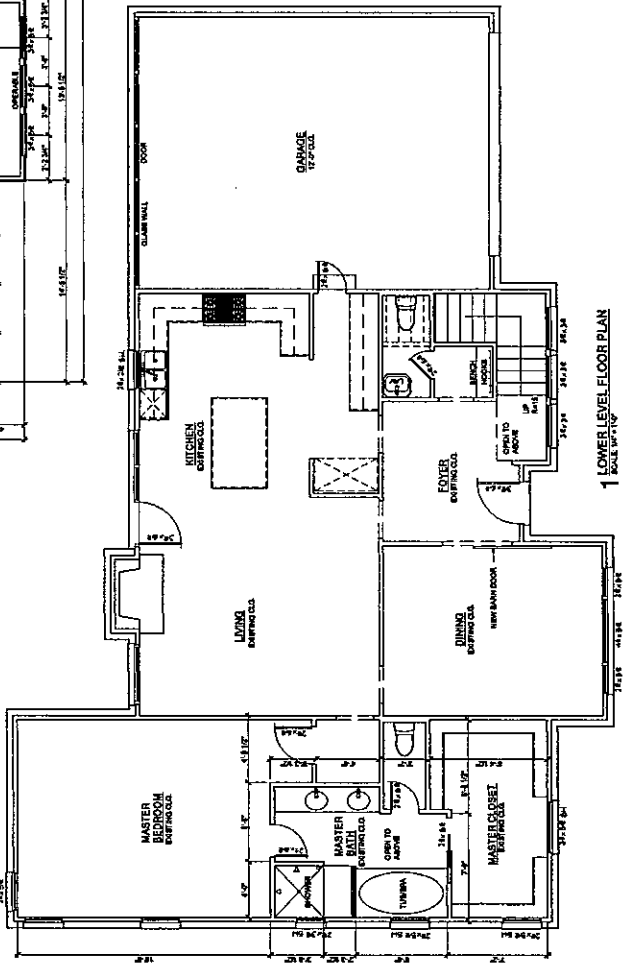
This plan is for information only and is not to be used for construction. It is intended for the use of the City of Dallas and is not intended for use by anyone other than the City of Dallas. Buckhynne, Inc. and Andy Papson are not responsible for any errors or omissions in this plan. The City of Dallas is not responsible for any errors or omissions in this plan.



These plans are prepared in accordance with the Texas construction requirements necessary to obtain a building permit for the construction of the building shown on these plans. The architect, engineer, and contractor shall be responsible for obtaining all other permits and approvals required for the construction of the building shown on these plans. The architect, engineer, and contractor shall be responsible for obtaining all other permits and approvals required for the construction of the building shown on these plans. The architect, engineer, and contractor shall be responsible for obtaining all other permits and approvals required for the construction of the building shown on these plans.

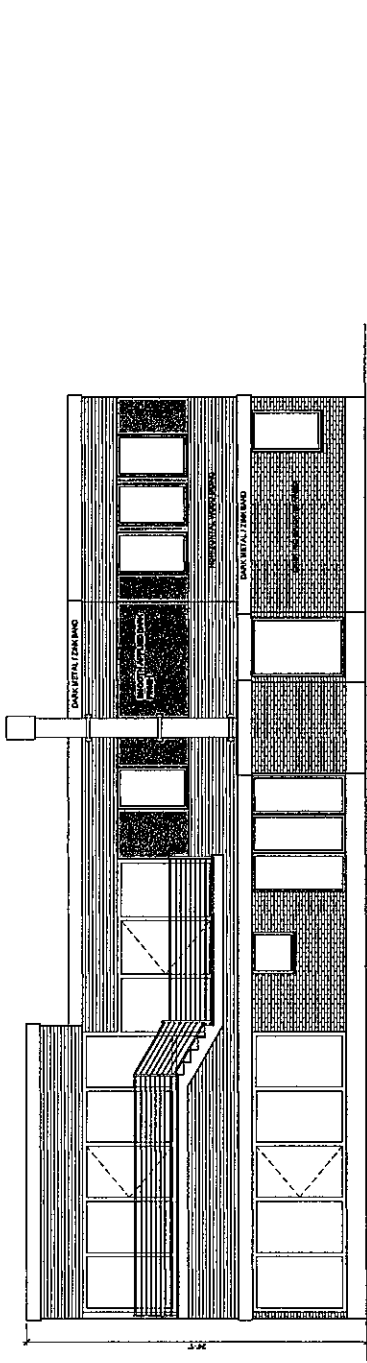


2 UPPER LEVEL FLOOR PLAN
 SCALE 1/8"=1'-0"

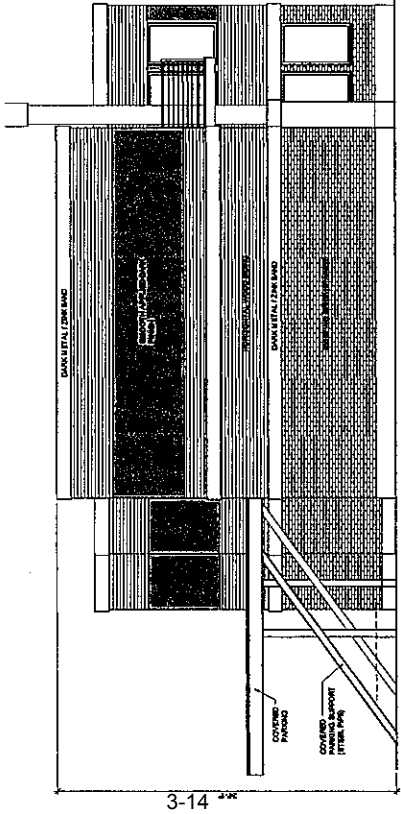


1 LOWER LEVEL FLOOR PLAN
 SCALE 1/8"=1'-0"

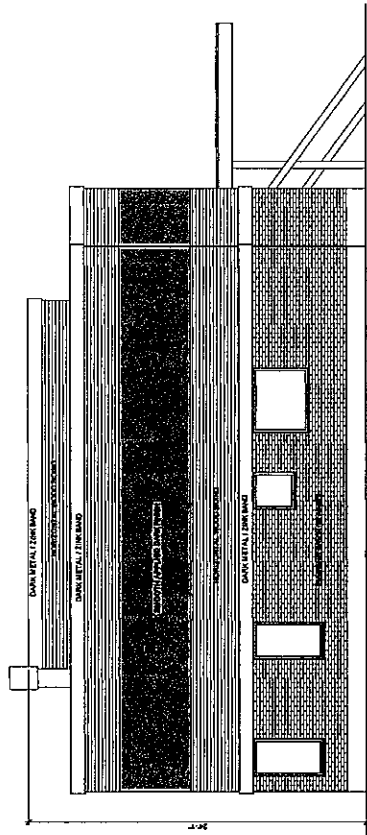
AREAS:	1,583 S.F.
2ND FLOOR AC	2,011 S.F.
2ND FLOOR AC	3,594 S.F.
TOTAL AC	539 S.F.
GARAGE	4,132 S.F.
TOTAL COVERED AREA	4,132 S.F.



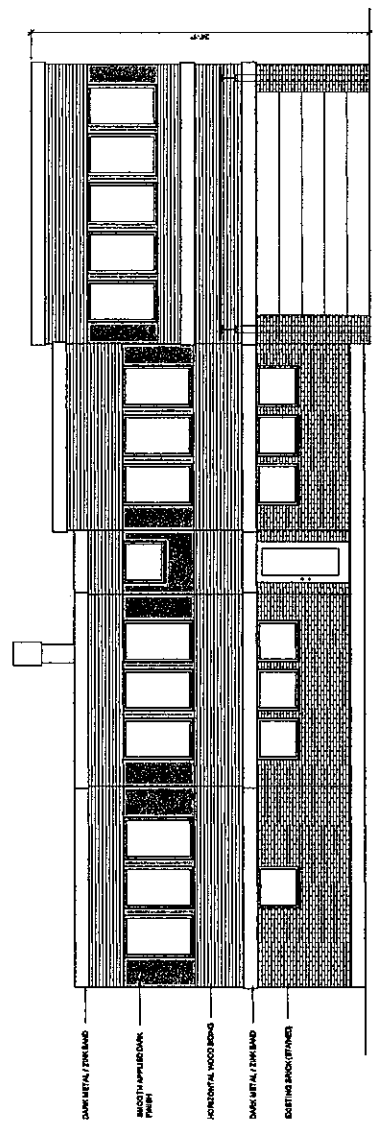
4 REAR ELEVATION
Scale: 1/4" = 1'-0"



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



3 LEFT ELEVATION
Scale: 1/4" = 1'-0"

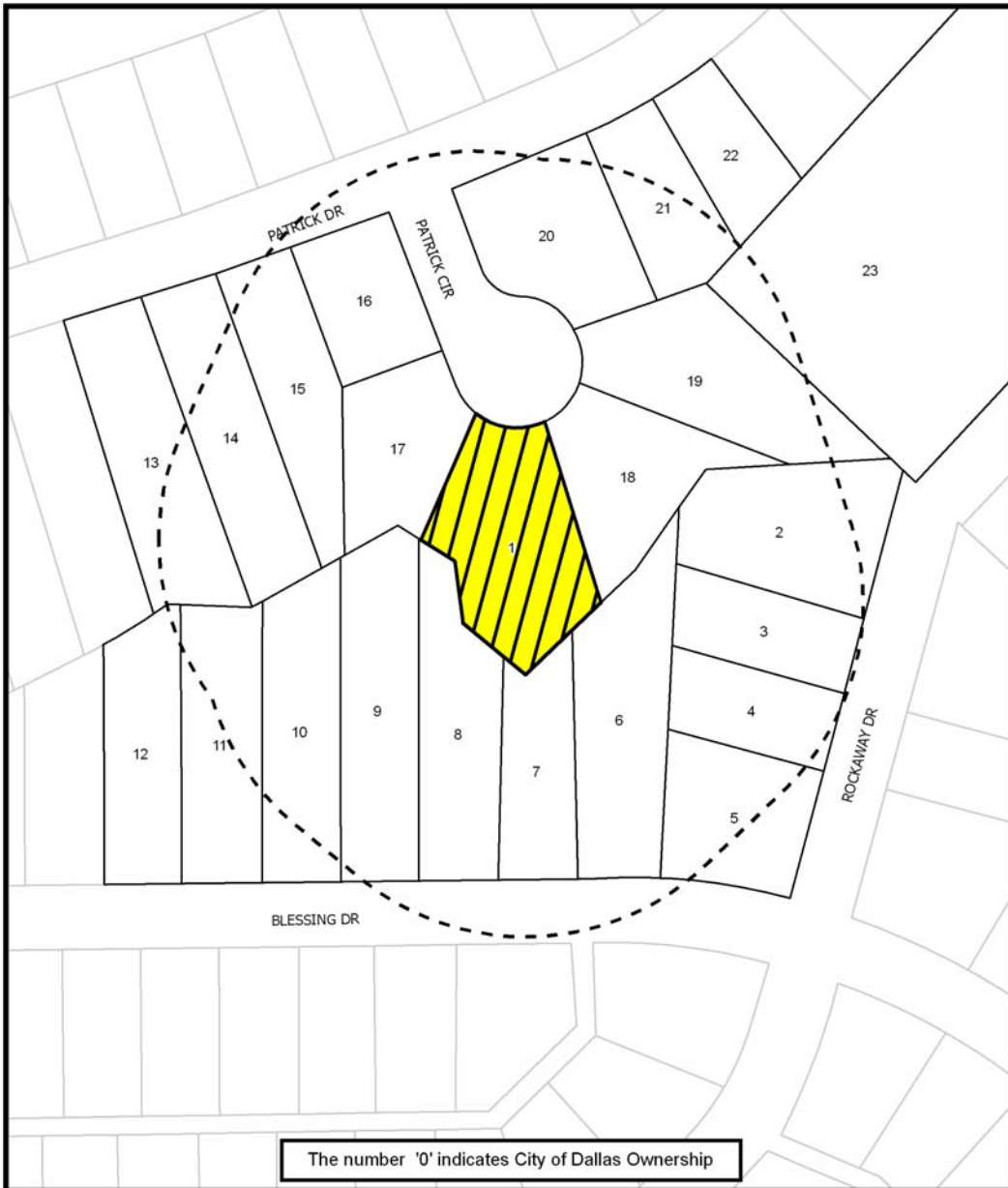


1 FRONT ELEVATION
Scale: 1/4" = 1'-0"

BUCKHYNE, Inc.
ANDY PAPSON
4231 MODLIN ST. MESQUITE, TEXAS 75150
PH: (972) 886-8723 FAX: (972) 886-0862 e-mail: andy@buckhyne.com

This plan set includes 12 sheets of architectural drawings prepared by Buckhyne, Inc. for the purpose of providing information to the contractor. The contractor shall be responsible for providing all necessary permits and approvals. Buckhyne, Inc. is not responsible for any errors or omissions in these drawings. Buckhyne, Inc. is not responsible for any construction or safety issues. Buckhyne, Inc. is not responsible for any construction or safety issues. Buckhyne, Inc. is not responsible for any construction or safety issues.

6776 PATRICK CIR.
DALLAS, TEXAS
A3
Drawn By: Buckhyne, Inc.
Date: 12/2011



 1:1,200	NOTIFICATION	G-9
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">23</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Map no: _____ Case no: BDA101-054

DATE: May 25, 2011

Notification List of Property Owners

BDA101-054

23 Property Owners Notified

Label #	Address	Owner
1	6776 PATRICK	JAMIESON ROBERT E
2	4647 ROCKAWAY	SNYDER DIANA
3	4637 ROCKAWAY	HOWELL KELLYE GAYLE
4	4633 ROCKAWAY	MESSERSCHMITT KURT
5	6831 BLESSING	ONSGARD HENRY A & LAURA A
6	6825 BLESSING	WILLIAMS ANGELA N & BENJAMIN J
7	6821 BLESSING	GEORGE EILEEN M.
8	6817 BLESSING	THOMPSON JOAN D
9	6811 BLESSING	MOCTEZUMA SERGIO & AMY K MOCTEZUMA
10	6807 BLESSING	COLLINS DERRICK & JUDITH C
11	6803 BLESSING	CASS RANDALL
12	6737 BLESSING	ADOLPH JOHN C
13	6744 PATRICK	RIDLEHUBER IVA G
14	6748 PATRICK	MOORE WILLIAM S & ASHLEY N FARRIS
15	6754 PATRICK	COX MILDRED
16	6760 PATRICK	COOPER JAY E
17	6772 PATRICK	GUNAWARDENA DUMINDA & CHANTAL GUNAWARDENA
18	6780 PATRICK	HART VICKI
19	6782 PATRICK	GUTHRIE DONNA DENNING TR
20	6806 PATRICK	AHMED FAISAL J & DEBORAH L
21	6810 PATRICK	CUMMING STEVEN B & JEANETTE
22	6814 PATRICK	CONATY KELLEY
23	6924 FISHER	PAGE CASEY ARLAND JR

FILE NUMBER: BDA 101-056

BUILDING OFFICIAL'S REPORT:

Application of Fernando Perez for a special exception to the fence height regulations at 8344 Crystalwood Drive. This property is more fully described as Lot 7 in City Block E/8684 and is zoned PD-521(S-3), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 13-foot high fence in a required front yard setback which will require a special exception of 9 feet.

LOCATION: 8344 Crystalwood Drive

APPLICANT: Fernando Perez

REQUEST:

- A special exception to the fence height regulations of 9' is requested in conjunction with (according to the application) constructing and maintaining a 13' high fence ("5' – 0" retaining wall plus 8' – 0" fence") to be located in the one of the site's two 20' required front yards – Crystalwood Court on a site developed with a single family home. (This request is not made to erect or maintain any fence higher than 4' in the site's other required front yard along Crystalwood Drive).

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 subject site is a corner lot zoned PD No. 521 with two street frontages of unequal distance. The site is located at the southern corner of Crystalwood Drive and Crystalwood Court. Even though the Crystalwood Drive frontage of the subject site appears to function as its front yard and the Crystalwood Court frontage appears to function as its side yard, the subject site has two 20' required front yards (established through a platted 20' building line) along both streets.

The site has a 20' required front yard along Crystalwood Drive (the shorter of the two frontages which is always deemed the front yard setback on a corner lot of unequal frontage distance in a single family zoning district), and a 20' required front yard along Crystalwood Court (the longer of the two frontages of this corner lot of unequal frontage distance which would typically be regarded as a side yard where a 9' high fence could be maintained by right). The site's Crystalwood Court frontage is deemed a front yard nonetheless in order to maintain the continuity of the established required front yard established by the lots south and east of the site that front/are oriented northward and westward onto Crystalwood Court.

- 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 submitted application requests a 9' special exception for a 13' high fence (5' high retaining wall plus 8' high fence) however, the applicant has submitted a revised site plan/elevation indicating that the proposal in the required front yard setback reaches a maximum height of 11' 6" (a retaining wall that ranges from 5' - 5' 6" in height with a wood fence atop that ranges from 6' 1" - 6' 6" in height). (No fence is proposed to be constructed/maintained in the subject site's 20' Crystalwood Drive required front yard).

- The following additional information was gleaned from the submitted site plan:
 - The proposal located in the Crystalwood Court front yard over 4' in height is approximately 100' in length parallel to the street and approximately 15' - 20' in length *perpendicular* to Crystalwood Court on the south and north sides of the site in the required front yard.
 - The proposal is shown to be located about 0' - 5' from the site's Crystalwood Court front property line or about 11' - 13' from the curb line.
- One single family home "fronts" to the proposed fence on the subject site - a property with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- On May 31, 2011, the applicant submitted a revised site plan/elevation of the proposal (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 521 (Planned Development)
North: PD No. 521 (Planned Development)
South: PD No. 521 (Planned Development)
East: PD No. 521 (Planned Development)
West: PD No. 521 (Planned Development)

Land Use:

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

Zoning/BDA History:

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

Timeline:

- April 21, 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.
- May 18, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 19, 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 26th deadline to submit additional evidence for staff to factor into their analysis; and the June 3rd 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 31, 2011: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

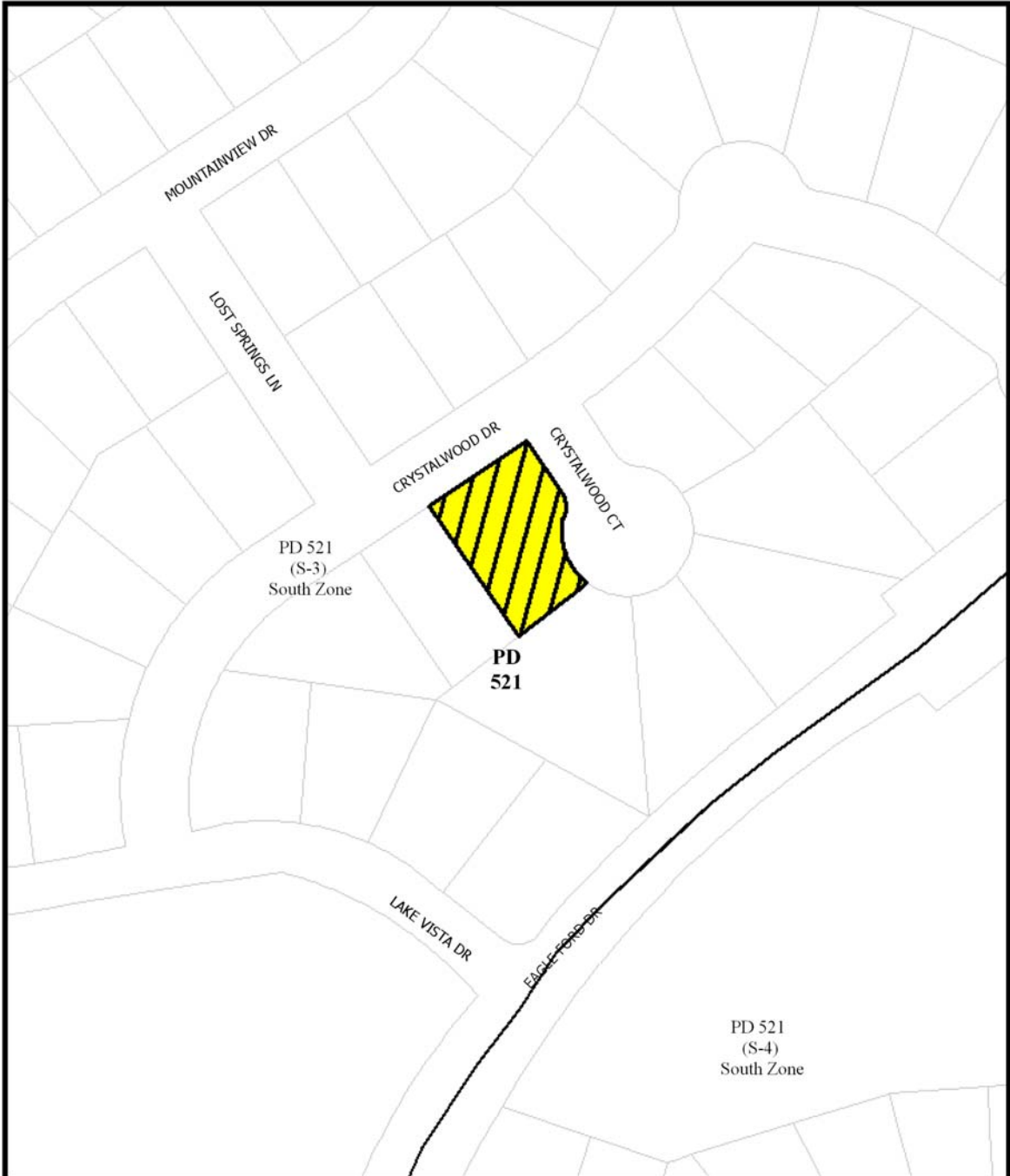
May 31, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Board of Adjustment Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorneys to the Board.

June 2, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "Since the proposed retaining wall exceeds 4 feet, will need to be designed by a registered professional engineer."

STAFF ANALYSIS:

- This request focuses on constructing and maintaining a fence/retaining wall that may reach a combined height of 13' (according to the application – a "5' – 0" retaining wall plus 8' – 0" fence") to be located in the one of the site's two 20' required front yards – Crystalwood Court on a site developed with a single family home. (This special exception request is not made to erect or maintain any fence higher than 4' in the site's other required front yard along Crystalwood Drive).
- The submitted revised site plan/elevation documents the location, height, and materials of the fence over 4' in height in the required front yard. The revised site plan/elevation indicates that the proposal in the required front yard setback reaches a maximum height of 11' 6" (a retaining wall that ranges from 5' - 5' 6" in height with a wood fence atop that ranges from 6' 1" - 6' 6" in height). The revised site plan/elevation shows the proposal to be approximately 100' in length parallel to Crystalwood Court and approximately 20' in length *perpendicular* to this street on the north and south sides of the site in the required front yard; and to be located about 0' – 5' from the site's Crystalwood Court front property line or about 11' – 13' from the curb line.
- One single family home "fronts" to the proposed fence on the subject site – a property with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- As of June 6, 2011, no letters had been submitted to staff in opposition to the request, and a petition signed by 24 neighbors/owners had been submitted in support of the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 9' will not adversely affect neighboring property.

- Granting this special exception of 9' with a condition imposed that the applicant complies with the submitted revised site plan/elevation would provide assurance that the proposal exceeding 4' in height in the required front yard would be constructed and maintained in the location and of the heights and materials as shown on this document.

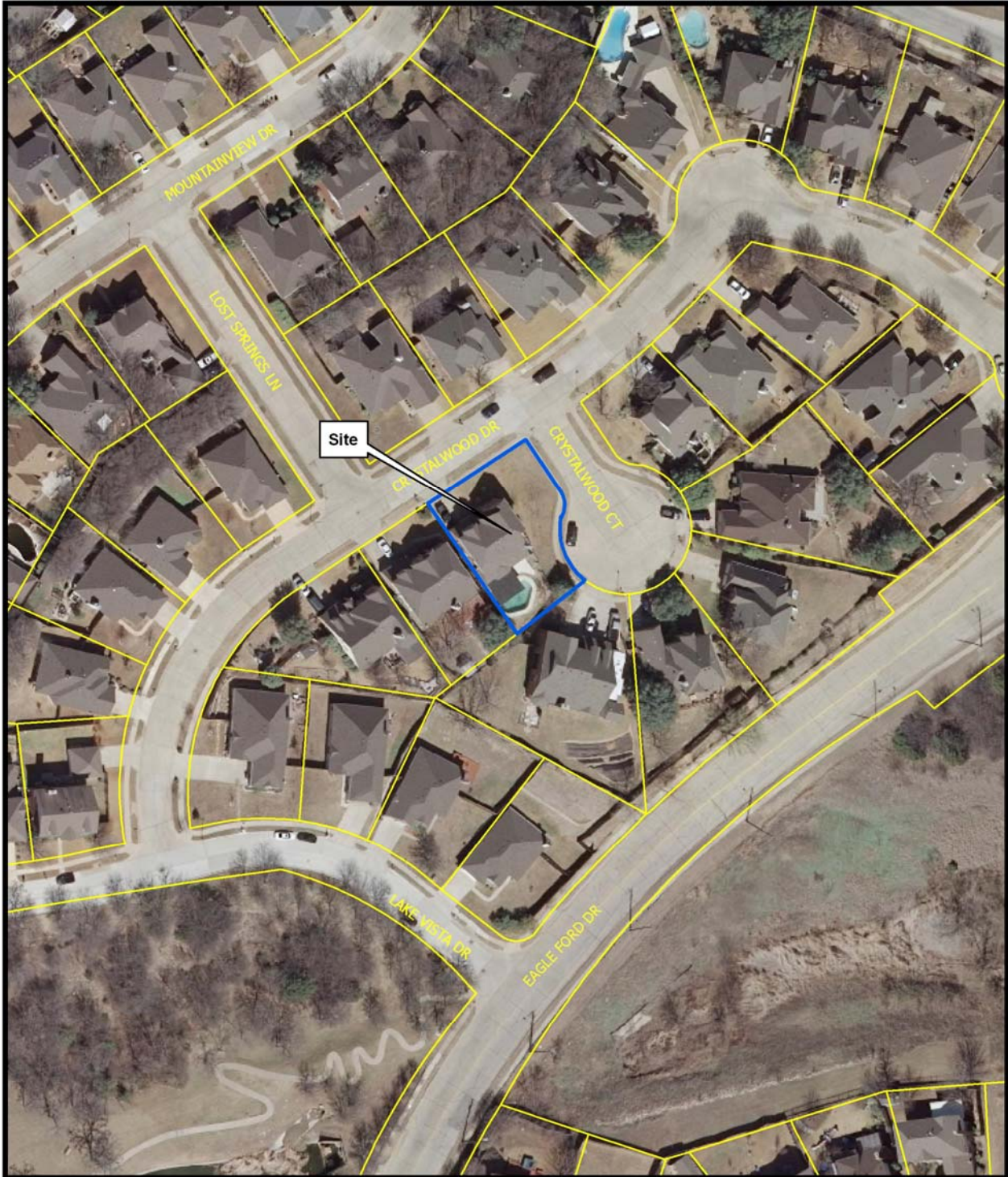


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ZONING MAP

Map no: P-3
 Case no: BDA101-056

DATE: May 25, 2011



1:1,200

DATE: May 25, 2011

AERIAL MAP

Map no: P-3

Case no: BDA101-056

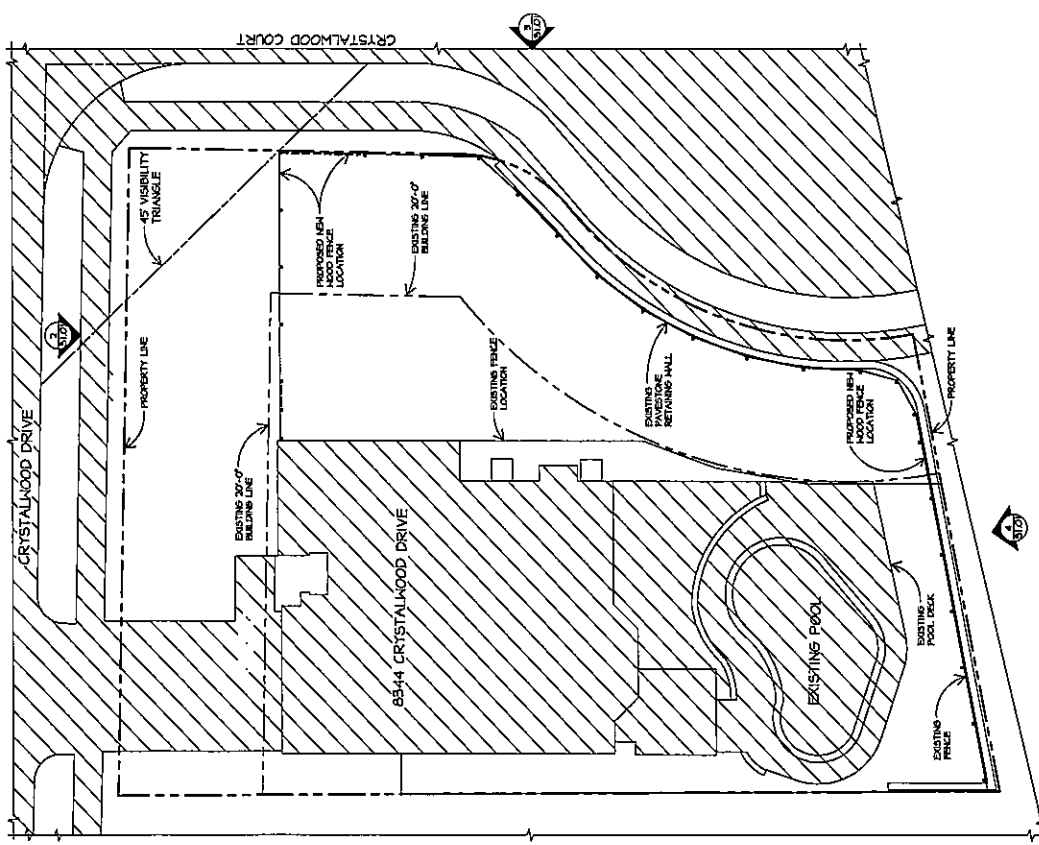
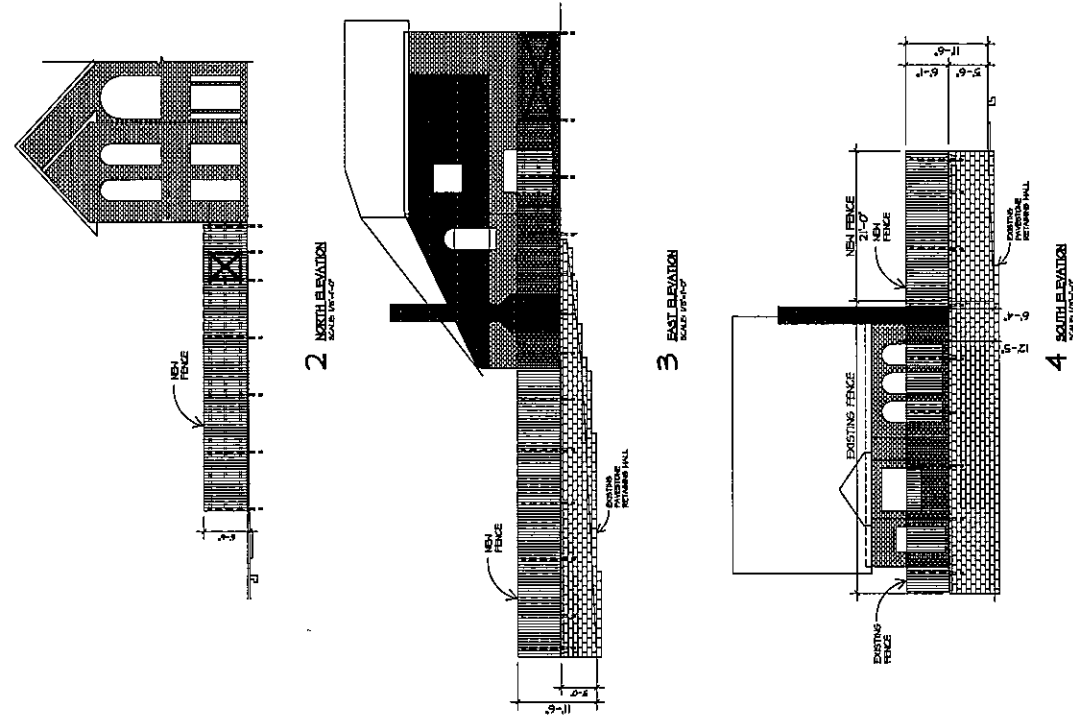
SITE PLAN & ELEVATIONS
8344 CRYSTALWOOD DRIVE
DALLAS, TEXAS 75249

Revisions:

Date: 04/04/11
 Project No.
 Sheet Title:
 SITE PLAN AND
 ELEVATIONS
 Drawing No.

S1.01

BDA10-056
Attach A



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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-056

Data Relative to Subject Property:

Date: 4.12.2011

Location address: 8344 Crystalwood Drive Zoning District: PD 521 (S-3)

Lot No.: 7 Block No.: E/8684 Acreage: .21 Census Tract: 165.10

Street Frontage (in Feet): 1) 90.60 2) 126 3) _____ 4) _____ 5) _____

SN 14A

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Fernando Perez

Applicant: Fernando Perez Telephone: 969-826-6707

Mailing Address: 8344 Crystalwood Drive Zip Code: 75299

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____, or Special Exception X, of 9'-0" to the fence height in front yard set back for a 13'-0" fence. (5'-0" retaining wall plus 8'-0" 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:

Raising HT of wall at rear + side has improved drainage. New fence at top of wall will provide a barrier from having a drop from top of wall. Ultimately increasing property value without adversely affecting neighbors or 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: Fernando Perez [Signature]
Applicant's name printed Applicant's signature

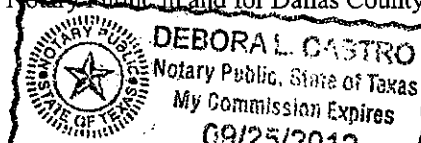
Affidavit

Before me the undersigned on this day personally appeared Fernando Perez 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 13 day of April, 2011

Deborah L Castro
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

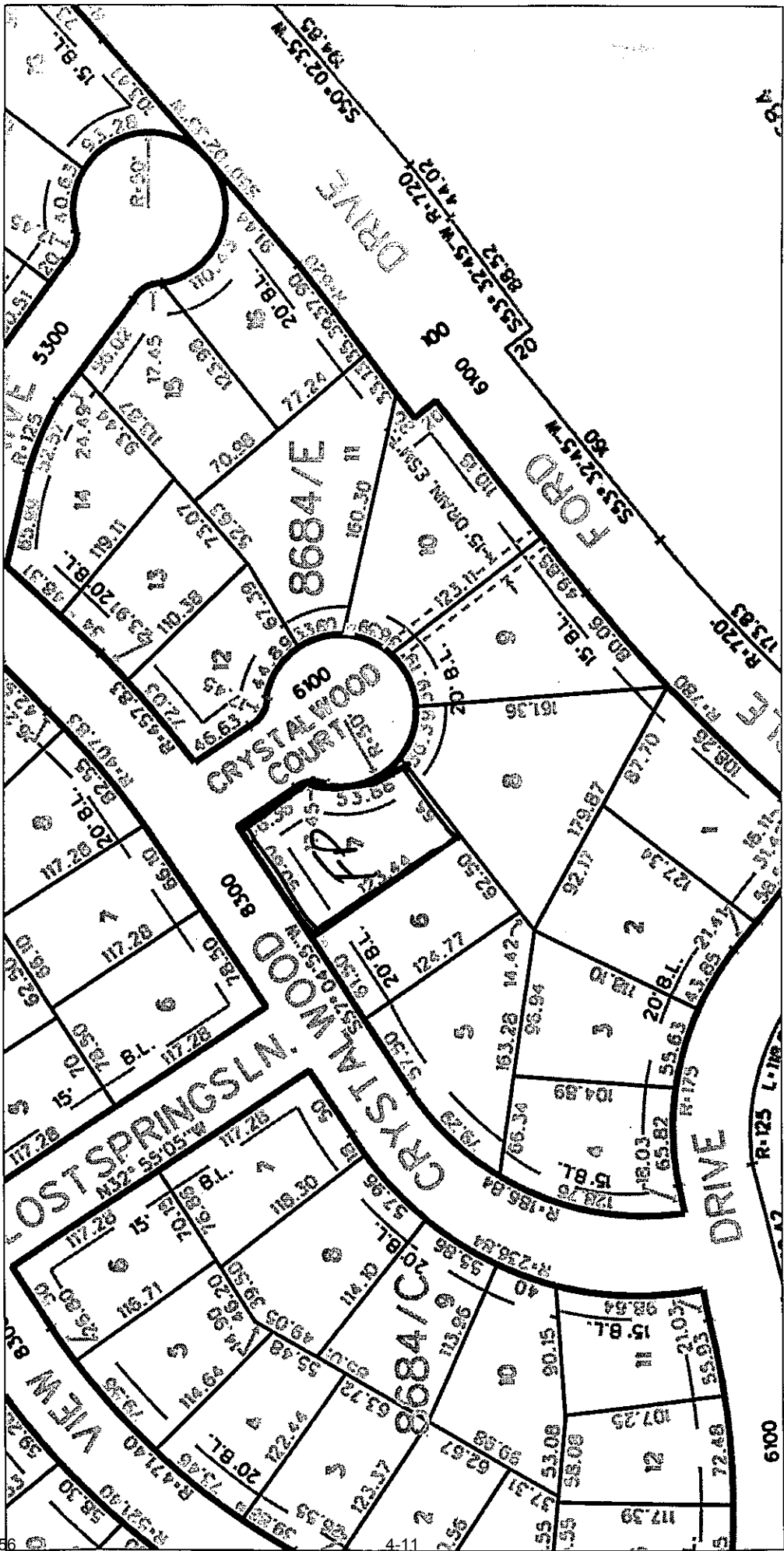
I hereby certify that Fernando Perez

did submit a request for a special exception to the fence height regulations
at 8344 Crystalwood Drive

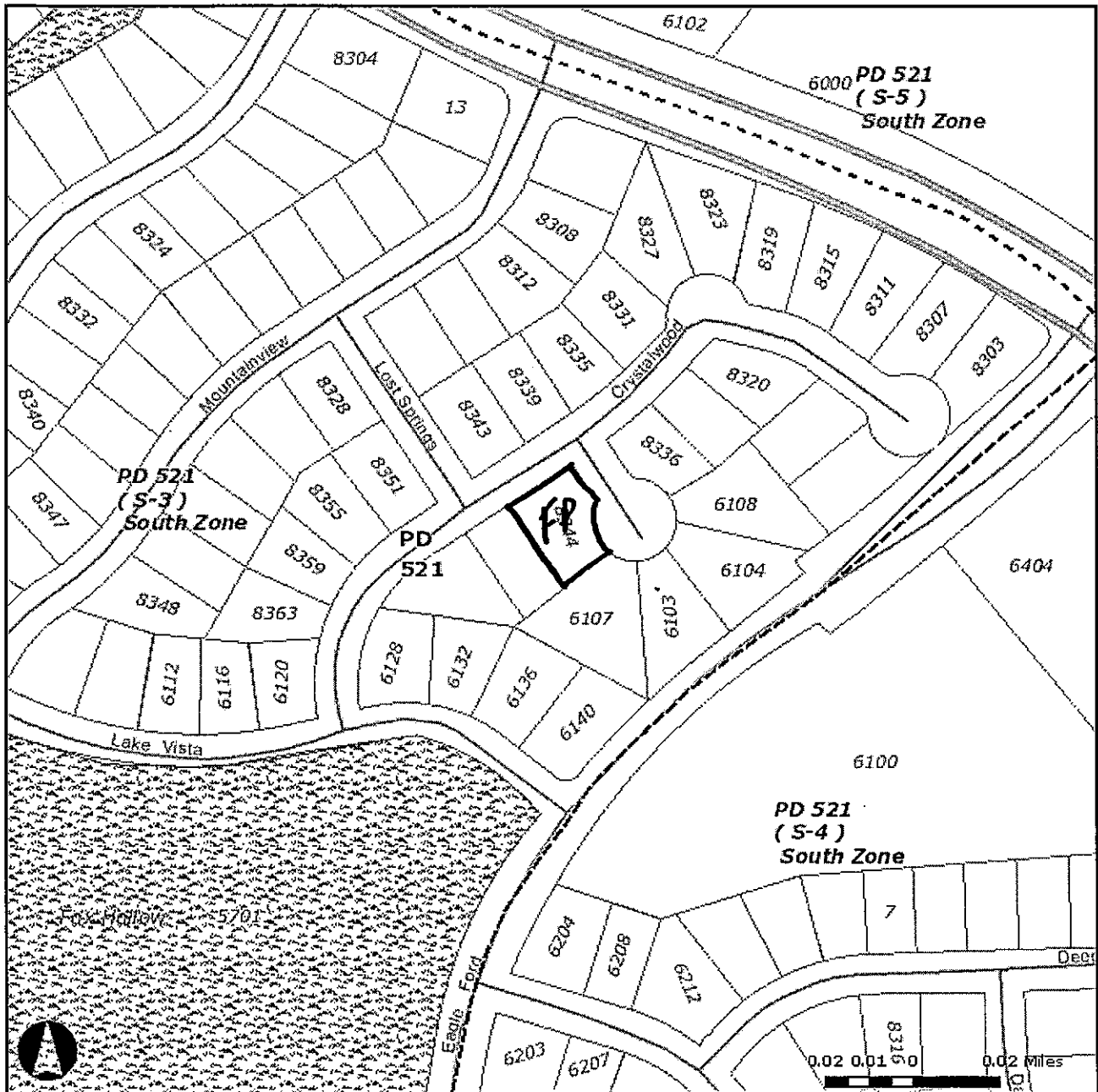
BDA101-056. Application of Fernando Perez for a special exception to the fence height regulations at 8344 Crystalwood Drive. This property is more fully described as Lot 7 in city block E/8684 and is zoned PD-521(S-3), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 13 foot high fence in a required front yard setback, which will require a 9 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



City of Dallas Zoning



City Boundaries

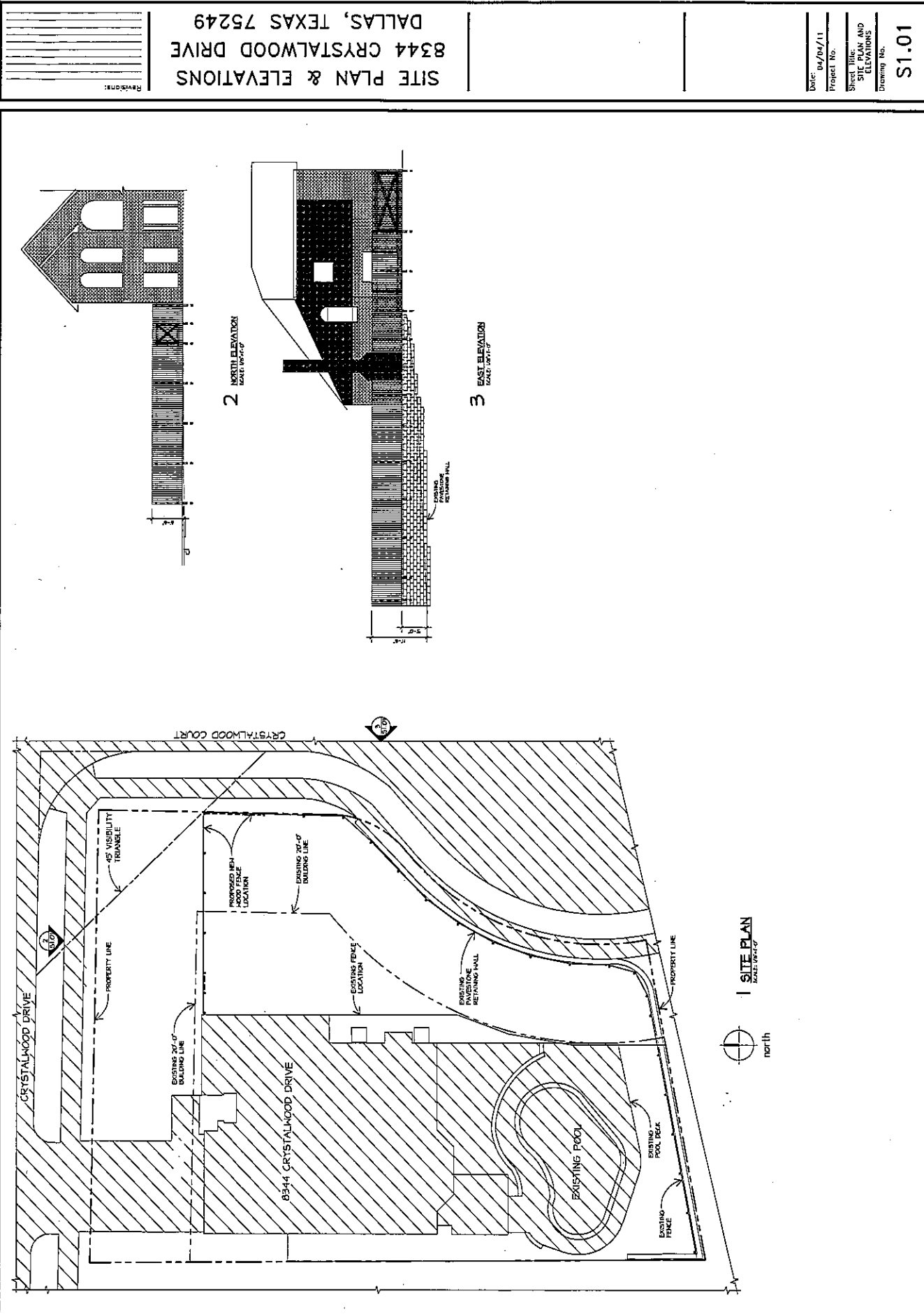
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

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

Base Zoning

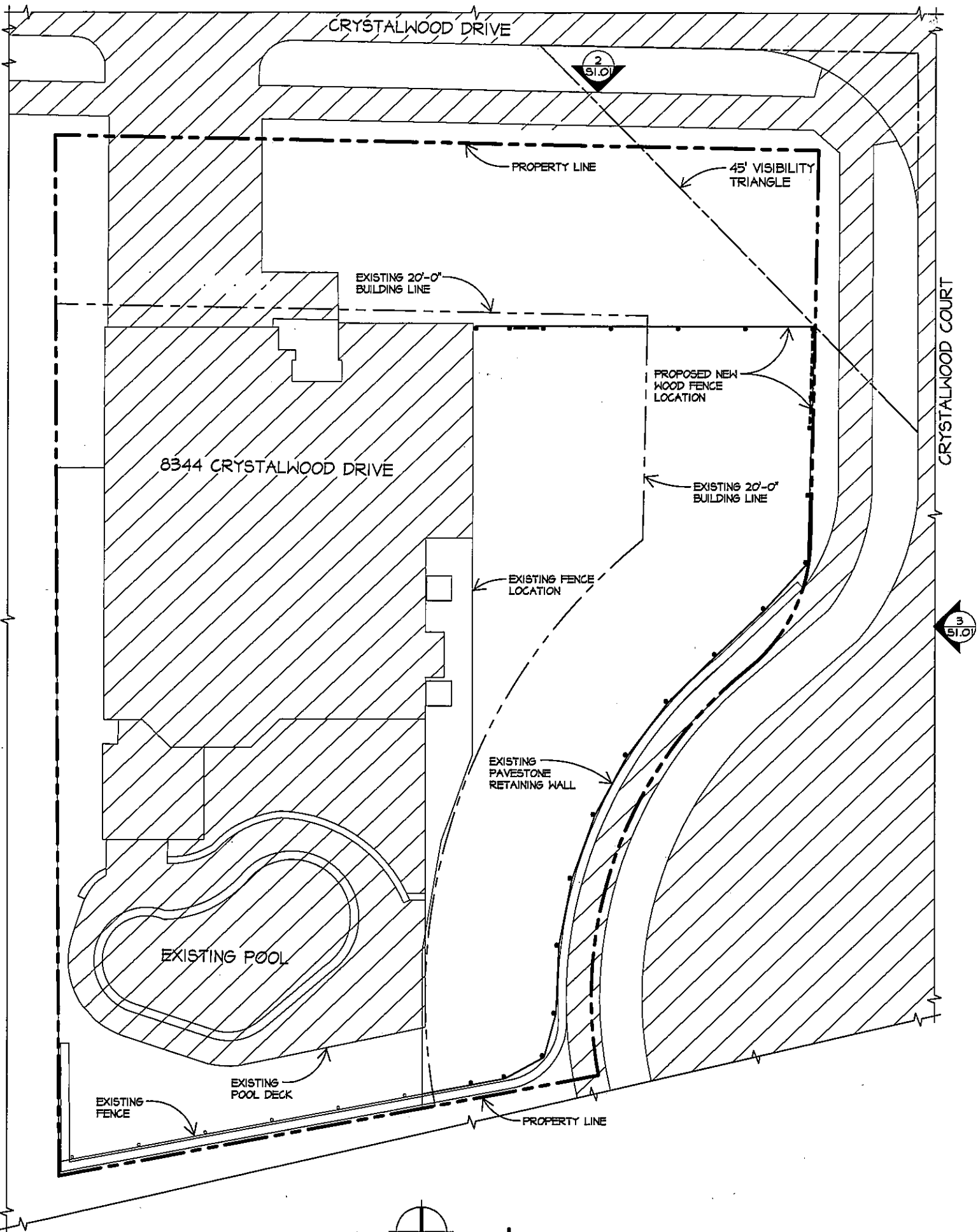
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP



Raising the height of the wall at the rear and side of property has helped for proper drainage. By redirecting the flow of the water to built-in drains from within the wall, instead of just pouring over into my neighbor's property.

I would like to place a fence at the top of the wall, resulting in a 13'-0" overall height measured from the existing sidewalk at its lowest point. Total height will shorten as sidewalk level rises.

Ultimately this will increase the property value and the safety of neighboring properties. Immediate adjacent neighbor has donated to the project as he is aware of the importance and improvement to our properties.



Petition to Relocate Fence at 8344 Crystalwood Drive

Petition summary and background: Fence Relocation at property whose address is 8344 Crystalwood Drive, Dallas, Texas 75249 Belonging to Fernando and Mariu Perez.

Action petitioned for: We, the undersigned, are neighboring citizens who have been made aware, and have viewed attached site plan, approve of this petition.

Printed Name	Signature	Address	Comment	Date
GARY TRAPLEY		8336 CRYSTALWOOD		4/11/11
DON DYE		8332 CRYSTALWOOD		4/11/11
Richard Lopez		8319 Crystalwood		4-11-11
Alto Garcia		6108 Crystalwood		4-11-11
Abdul Adoo		6104 Crystalwood Ct.		4-11-11
Kristopher Hendrick		6103 Crystalwood Ct.	Get it Done	4/11/11
Terry Hershberger		6107 Crystalwood Ct		4-11-11
Kathy Price		8339 Crystalwood Dr.		4-11-11
Victor Apolton		8348 Crystalwood Dr		4-11-11
Veronica Tobias		6128 LAKE VISTA Dr. Dallas		4-11-11
Rigo Castro		6128 LAKE VISTA Dr.		4-11-11
JAMES BAYTON		6136 LAKE VISTA DR		4-11-11



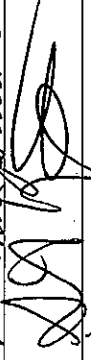

Petition to Relocate Fence at 8344 Crystalwood Drive

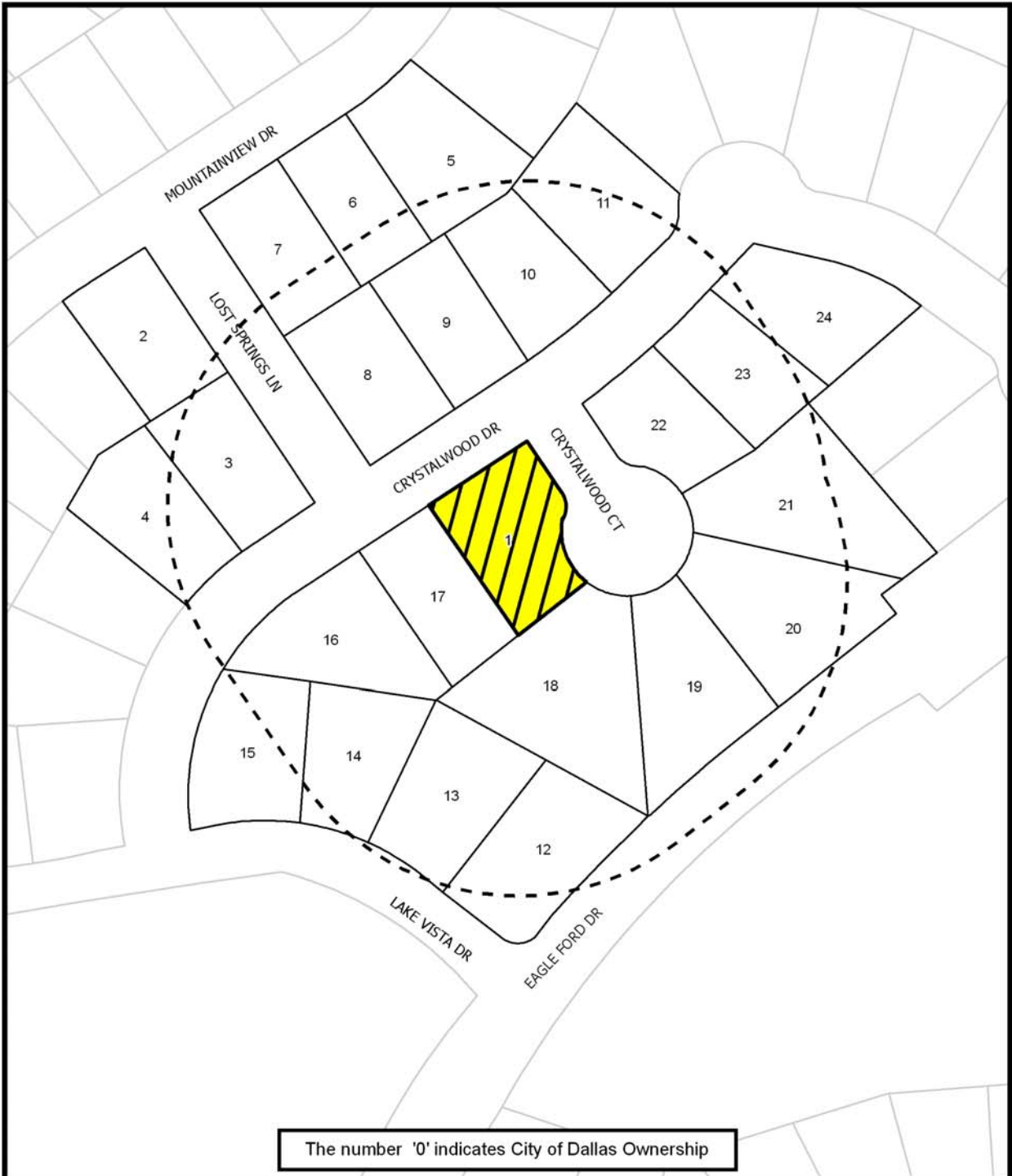
Petition summary and background	Fence Relocation at property whose address is 8344 Crystalwood Drive, Dallas, Texas 75249 Belonging to Fernando and Marilu Perez.		
Action petitioned for	We, the undersigned, are neighboring citizens who have been made aware, and have viewed attached site plan, approve of this petition.		

Printed Name	Signature	Address	Comment	Date
Steven Boedeker		640 Lake Vista Dr 75249		4/12/2011
EDUARDO DAVARIS		6120 LAKE VISTA DR		4/12/11
Lisa McNear		8363 Crystalwood Dr		4/12/11
Gwendolyn Richardson		8359 Crystalwood Drive		4/12/11
Paula Samuel		8355 Crystalwood Dr.		4/12/11
JoAnne Brunson		8328 Mountainview		4/12/11
Guiney Carr		8312 Mountainview Dr		
DANIEL C MURPHY		8352 CRYSTALWOOD DR		4/12/2011
D. Solis	FRANCISCO J. SOLIS	8323 CRYSTALWOOD DR		4-13-2011
ED GIVENS		8308 CRYSTALWOOD DR		4-13-11
Eric Z. Gill, Sr.		8316 Mountainview Drive		4-14-11
Jeffrey A. Laird		8320 Mountainview Dr		4/14/11

Petition to Relocate Fence at 8344 Crystalwood Drive

Petition summary and background Fence Relocation at property whose address is 8344 Crystalwood Drive, Dallas, Texas 75249 Belonging to Fernando and Marilu Perez.	Action petitioned for We, the undersigned, are neighboring citizens who have been made aware, and have viewed attached site plan, approve of this petition.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------

Printed Name	Signature	Address	Comment	Date
Stanley P. Harris		8335 Crystalwood Dr		4-14-11
MARTHA JORDAN		8320 Crystalwood Dr		4/15/11
Sirrah Harris		8351 Crystalwood Dr.		4/16/11
Jo Nell Brubaker		8331 Crystalwood Dr		4-17-11



 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;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED	<table border="1"> <tr> <td>Map no:</td> <td style="text-align: center;">P-3</td> </tr> <tr> <td>Case no:</td> <td style="text-align: center;">BDA101-056</td> </tr> </table>	Map no:	P-3	Case no:	BDA101-056
200'	AREA OF NOTIFICATION									
24	NUMBER OF PROPERTY OWNERS NOTIFIED									
Map no:	P-3									
Case no:	BDA101-056									

DATE: May 25, 2011

Notification List of Property Owners

BDA101-056

24 Property Owners Notified

Label #	Address	Owner
1	8344 CRYSTALWOOD	PEREZ FERNANDO
2	8328 MOUNTAINVIEW	BRUNSON ALBERT & JO ANNE
3	8351 CRYSTALWOOD	HARRIS SIRRAH
4	8355 CRYSTALWOOD	HARPER EURALENE & SAMUELS PAULA
5	8312 MOUNTAINVIEW	SANDLIN JORDAN L &
6	8316 MOUNTAINVIEW	GILL ERIC Z & BRENDA J
7	8320 MOUNTAINVIEW	LAIRD JERRY & JOYCE KASKA
8	8343 CRYSTALWOOD	MORRIS ANNETTE P
9	8339 CRYSTALWOOD	PRICE JOHN EARL & KATHLEEN MARIE
10	8335 CRYSTALWOOD	KELLY CHARLES KEVIN
11	8331 CRYSTALWOOD	BRUBAKER JON L & JONELL P
12	6140 LAKE VISTA	BOEDEKER STEVEN D
13	6136 LAKE VISTA	HALL ANDREW HUNTER
14	6132 LAKE VISTA	COOPER TONYA A APT C6A
15	6128 LAKE VISTA	TOBIAS VERONICA & RIGOBERTO
16	8352 CRYSTALWOOD	MURPHY DANIEL R & PATRICIA MURPHY
17	8348 CRYSTALWOOD	NAPOLEON VICTOR
18	6107 CRYSTALWOOD	HERSHBERGER TERRY G & CAROL J
19	6103 CRYSTALWOOD	HERRICK JOSEPH & MALGORZATA
20	6104 CRYSTALWOOD	ADLOO ABDOL RAHIM
21	6108 CRYSTALWOOD	GARCIA ROSABELIA & NED R JR
22	8336 CRYSTALWOOD	TARPLEY GAROLD W & LINDA K
23	8332 CRYSTALWOOD	DYE DONALD W SR
24	8320 CRYSTALWOOD	JORDAN WILLEFORD F & MARTHA MANNING

FILE NUMBER: BDA 101-058

BUILDING OFFICIAL'S REPORT:

Application of Juan Diaz for a special exception to the side yard setback regulations at 7107 Redbud Drive. This property is more fully described as Lot 13 in City Block 1/5825 and is zoned R-7.5(A) which requires a side yard setback of 5 feet. The applicant proposes to maintain a carport in a side yard and provide a 1 foot setback which will require a special exception of 4 feet.

LOCATION: 7107 Redbud Drive

APPLICANT: Juan Diaz

REQUEST:

- A special exception to the side yard setback regulations of 4' is requested in conjunction with maintaining an existing approximately 480 square foot metal carport attached to a single family home, part of which is located in the site's 5' side yard setback on the east side of the property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is *when in the opinion of the board*, the carport will not have a detrimental impact on surrounding properties.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

ORIGINAL GENERAL FACTS:

- A 5' side yard setback is required in the R-7.5(A) zoning district. The applicant has submitted a site plan and elevations indicating the location of the carport 1' 4" from the site's eastern side property line or 3' 8" into the 5' side yard setback. (Note that the application notes that the special exception is for 4' to the side yard setback).
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 40' in length and 12' in width (480 square feet in total area) of which 160 square feet or approximately 1/3 is located in the western side yard setback.
- The following information was gleaned from the submitted elevations/sections:
 - Represented to be 10' in height, in line with the cornice line of the house with "4 x 4 metal posts" and "16" metal span-lok roofing."
- The subject site is 165' x 50' (or 8,250 square feet) in area.
- According to DCAD, the property at 7107 Red Bud Drive is developed with the following:
 - a structure in "average" condition built in 1935 with 720 square feet of living area,
 - a 396 square foot "attached carport;" and
 - a 192 square foot 'storage building."
- The Dallas Development Code provides for the Board of Adjustment to consider special exceptions for *carports* in the side yard with a specific basis for this type of appeal. (Note that the Dallas Development Code does not provide a definition of "carport" however Building Inspection interprets a "carport" to be a structure that would cover a vehicle and be open on at least one side. Building Inspection has recently been interpreting what would appear to a layperson to be a garage without a garage door as a "carport").
- The Dallas Development Code provides for the Board of Adjustment to consider *variances for structures* in the side yard setback with a different basis for appeal than that of *special exceptions for carports* in the side yard setback.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

April 26, 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.

May 18, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 19, 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 26th deadline to submit additional evidence for staff to factor into their analysis; and the June 3rd 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;
- code provision related to visual obstruction regulations; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

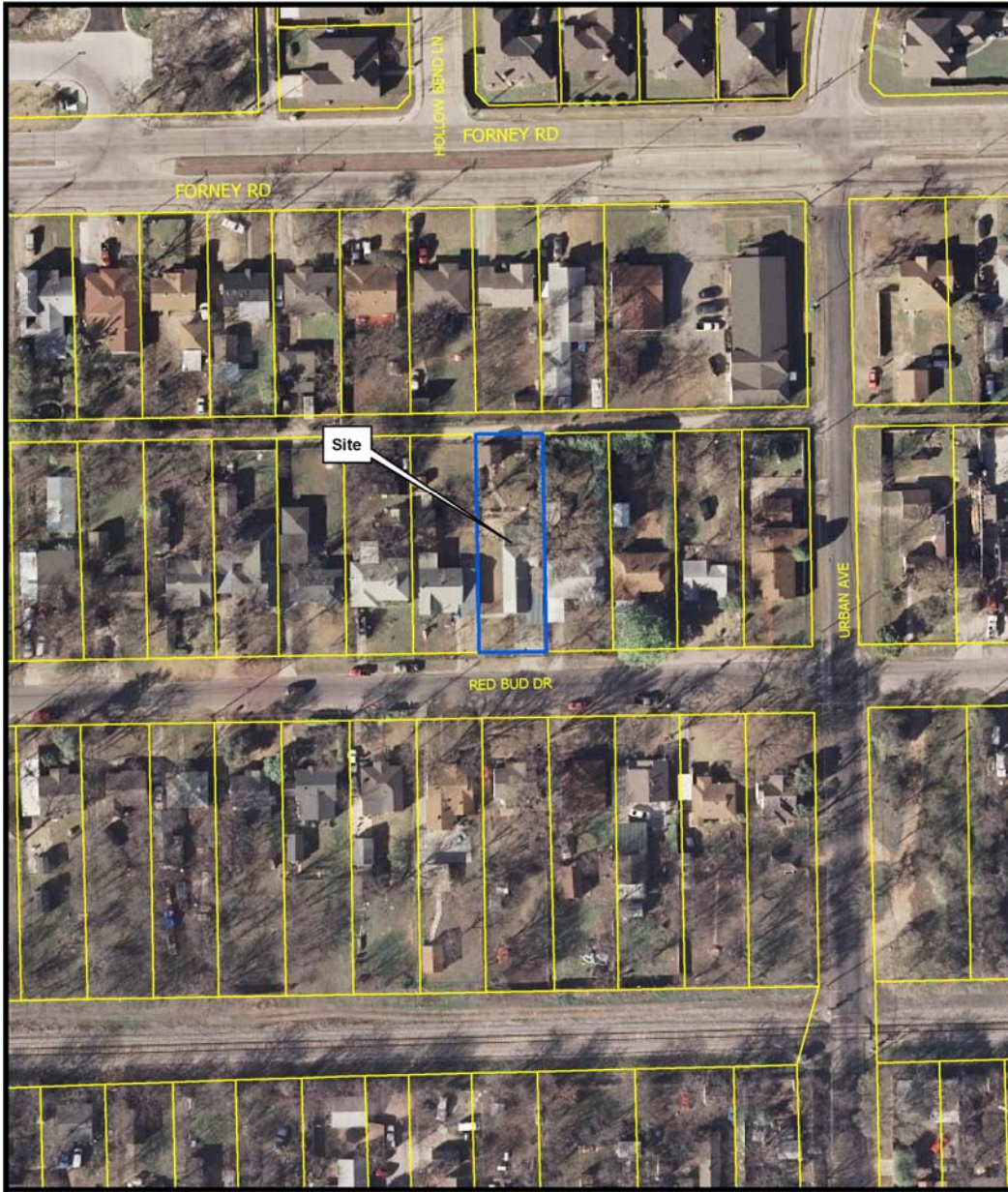
May 31, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Board of Adjustment Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorneys to the Board.

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

STAFF ANALYSIS:

- This request focuses on maintaining an existing carport that is accessory to a single family home, and (according to the application) is located 4' into the required 5' side yard setback on the east side of the property.
- A site plan has been submitted indicating that the carport structure is 40' in length and 12' in width. The site plan denotes that the carport is located 1' 4" from the site's eastern side property line or 3' 8" into the required 5' side yard setback.
- The submitted elevations/sections represent the carport to be 10' in height with "4 x 4 metal poles" and "16" metal span-lok roofing."
- The applicant has the burden of proof in establishing the following:
 - That granting this special exception to the side yard setback regulations of 4' will not have a detrimental impact on surrounding properties.
- As of June 6, 2011, no letters had been submitted in support or in opposition to the request.
- Typically, staff has suggested that the Board impose conditions with this type of appeal. The following conditions would restrict the location and size of the carport in the side yard setback; would require the carport in the side yard setback to be maintained (in this case) in a specific design with specific materials and in a specific configuration; and would require the applicant to mitigate any water drainage-related issues that the carport may cause on the lot immediately west:
 1. Compliance with the submitted site plan and elevations/sections is required.
 2. The carport structure must remain open at all times.
 3. There is no lot-to-lot drainage in conjunction with this proposal.
 4. All applicable building permits are obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board chooses to grant this side yard special exception request, and impose the submitted site plan and elevations/sections as a condition, the applicant would only be provided exception for what has been applied for, in this case, exception for the carport structure in the required side yard setback as represented/shown on these documents.
- Note that the applicant is aware of the fact that granting his request for a special exception to the side yard setback regulations to maintain a carport will not provide any relief to any existing/proposed condition on the site that is/would become in noncompliance with the Code's visual obstruction regulations.





1:1,200

AERIAL MAP

Map no: J-10

Case no: BDA101-058

DATE: May 25, 2011



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-058

Data Relative to Subject Property:

Date: 4-26-11

Location address: 7107 RED BUD Zoning District: R-7.5(A)

Lot No.: BAST Block No.: 1/5825 Acreage: .19 Census Tract: 85.00

Street Frontage (in Feet): 1) 50 2) 3) 4) 5)

To the Honorable Board of Adjustment :

589

Owner of Property/or Principal: JUAN & LUISA DIAZ

Applicant: JUAN DIAZ Telephone: 214-370-9149

Mailing Address: 7107 RED BUD DALLAS TX Zip Code: 75227

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance, or Special Exception X, of 4' to the SIDE YARD setback of 5' for AN EXISTING CARPORT.

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: THIS WILL NOT ADVERSELY AFFECT THE NEIGHBORING PROPERTIES BECAUSE MANY HAVE EXISTING CARPORTS AND IT ADDS TO THE VALUE OF THE PROPERTY. THE NEIGHBORS DO NOT OBJECT TO THE CARPORT.

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: JUAN DIAZ Applicant's name printed Juan Diaz Applicant's signature

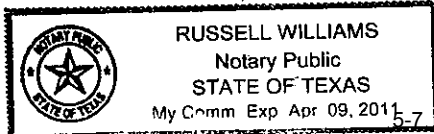
Affidavit

Before me the undersigned on this day personally appeared JUAN DIAZ 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.

Juan Diaz Affiant (Applicant's signature)

Subscribed and sworn to before me this 9th day of April, 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 Juan Diaz

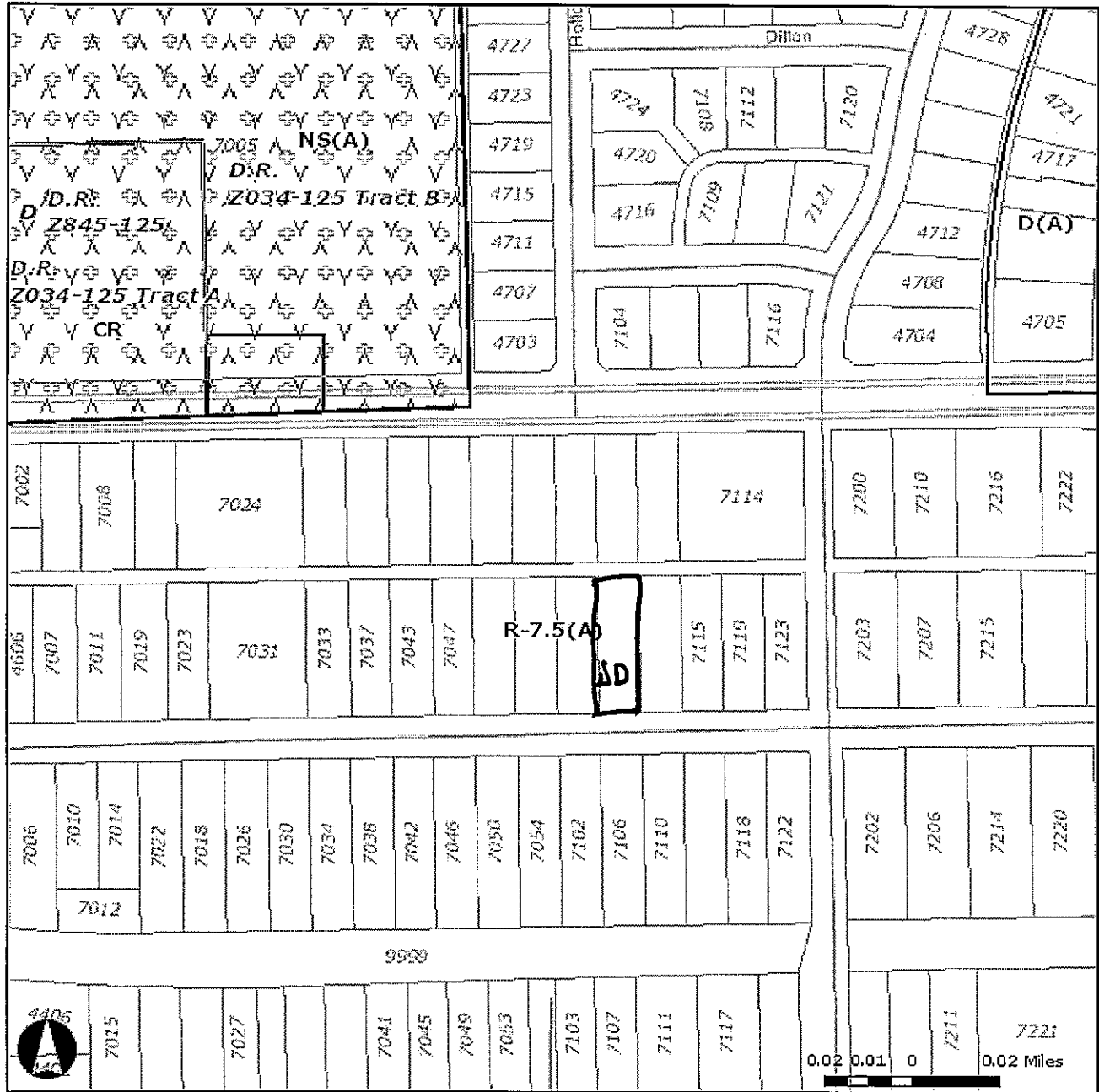
did submit a request for a special exception to the side yard setback regulations
at 7107 Red Bud Drive

BDA101-058: Application of Juan Diaz for a special exception to the side yard setback regulations at 7107 Redbud Drive. This property is more fully described as Lot 13 in city block 1/5825 and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a side yard and provide a 1 foot setback which will require a 4 foot special exception to the side yard setback regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

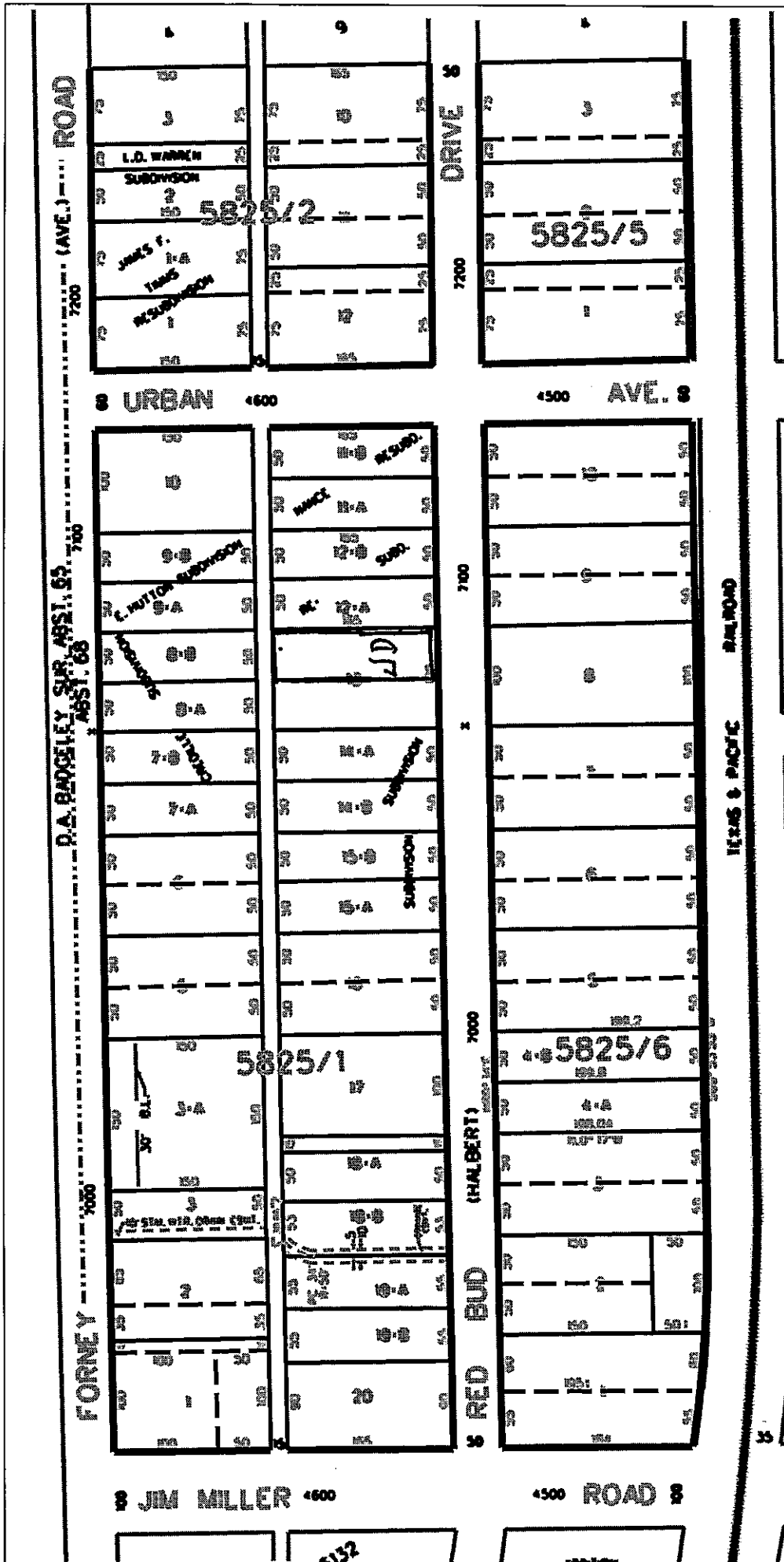
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

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

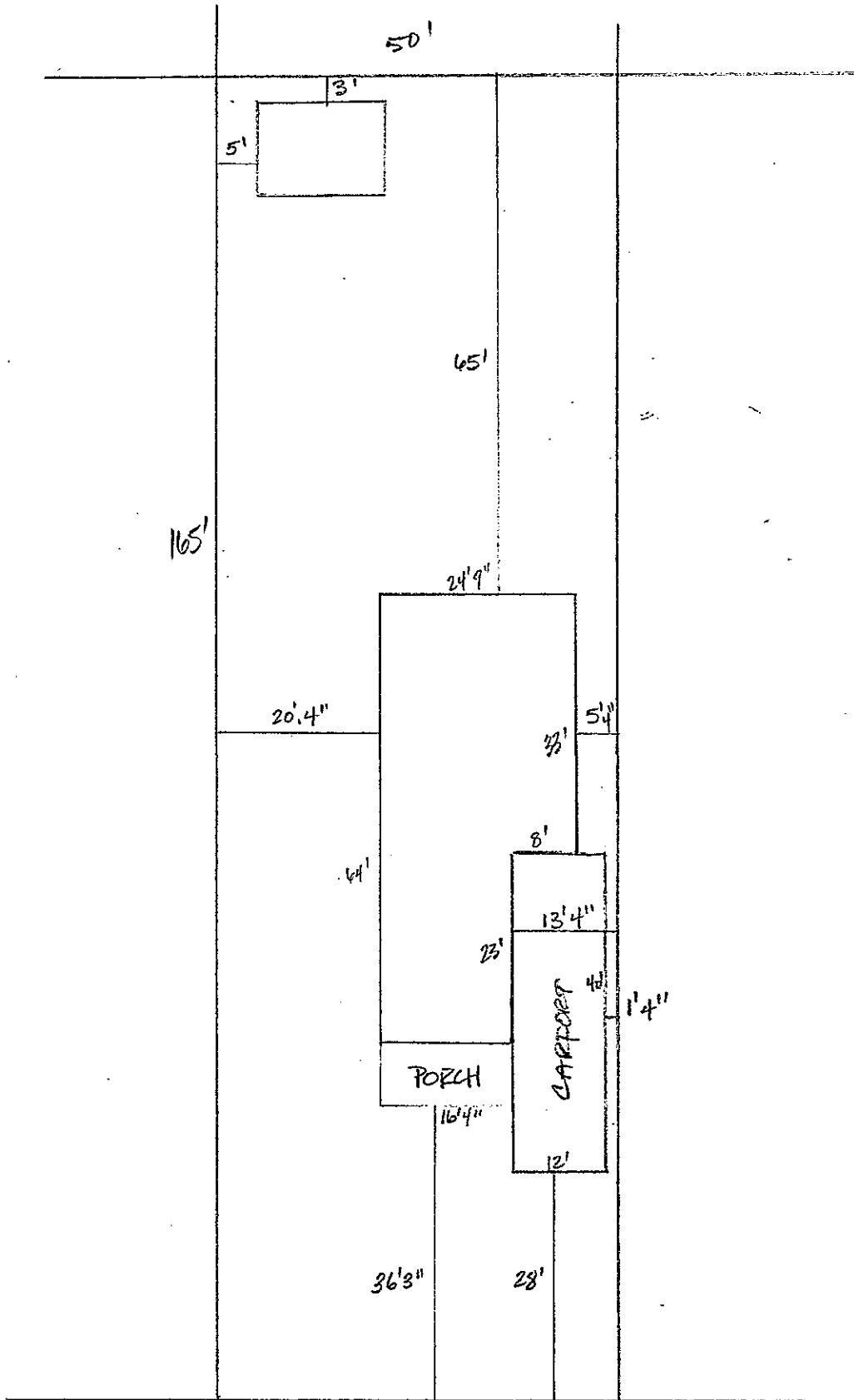
Base Zoning

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



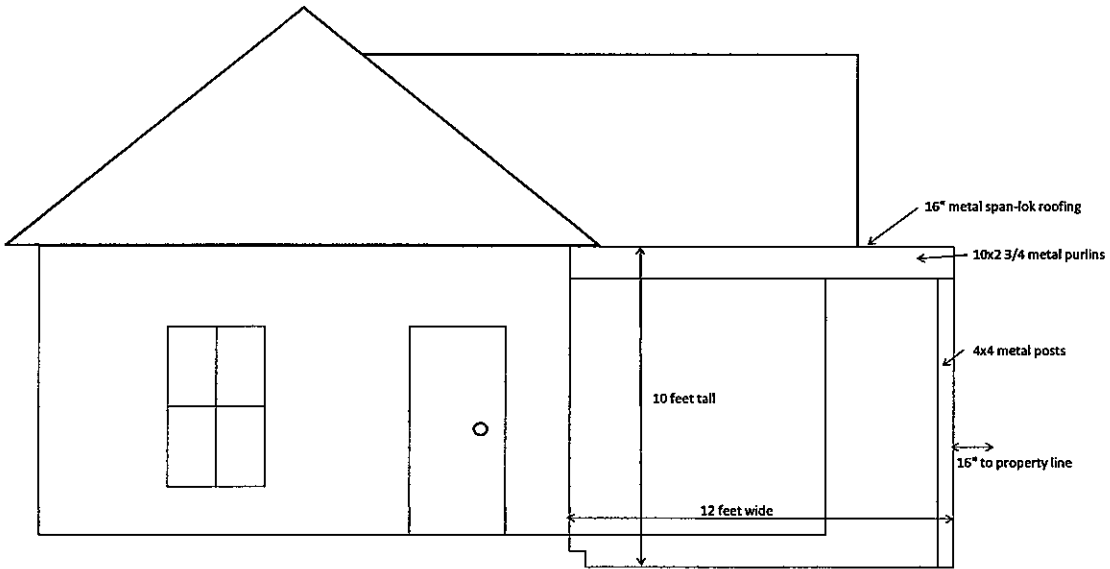


NORTH



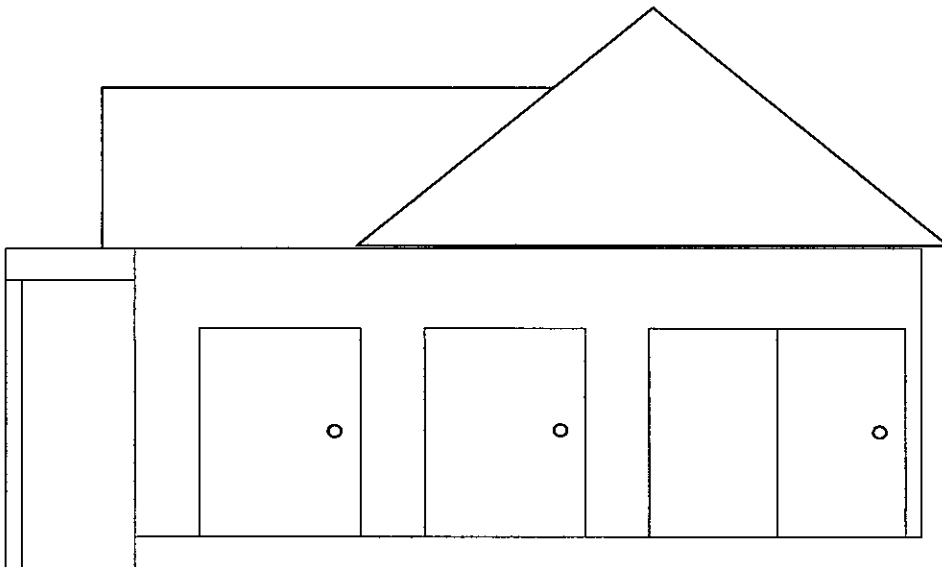
7107 RED BUD
SITE PLAN

1/20 SCALE



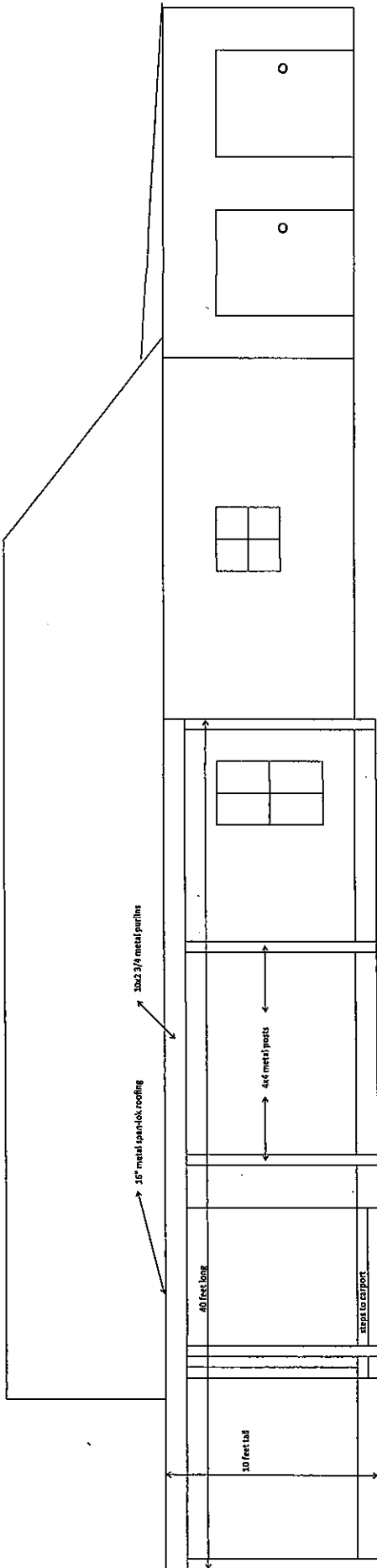
Front Elevation View of 7107 Red Bud

Scale 1":6' - Use engineers 1:60 scale, but do not multiply by 10 (example 40 on scale equals 40 feet)

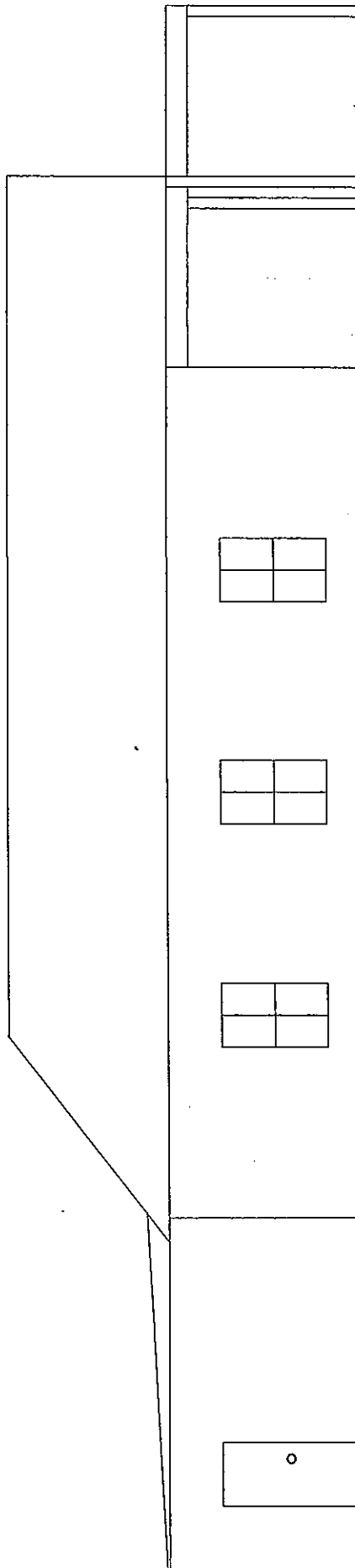


Back Elevation View of 7107 Red Bud

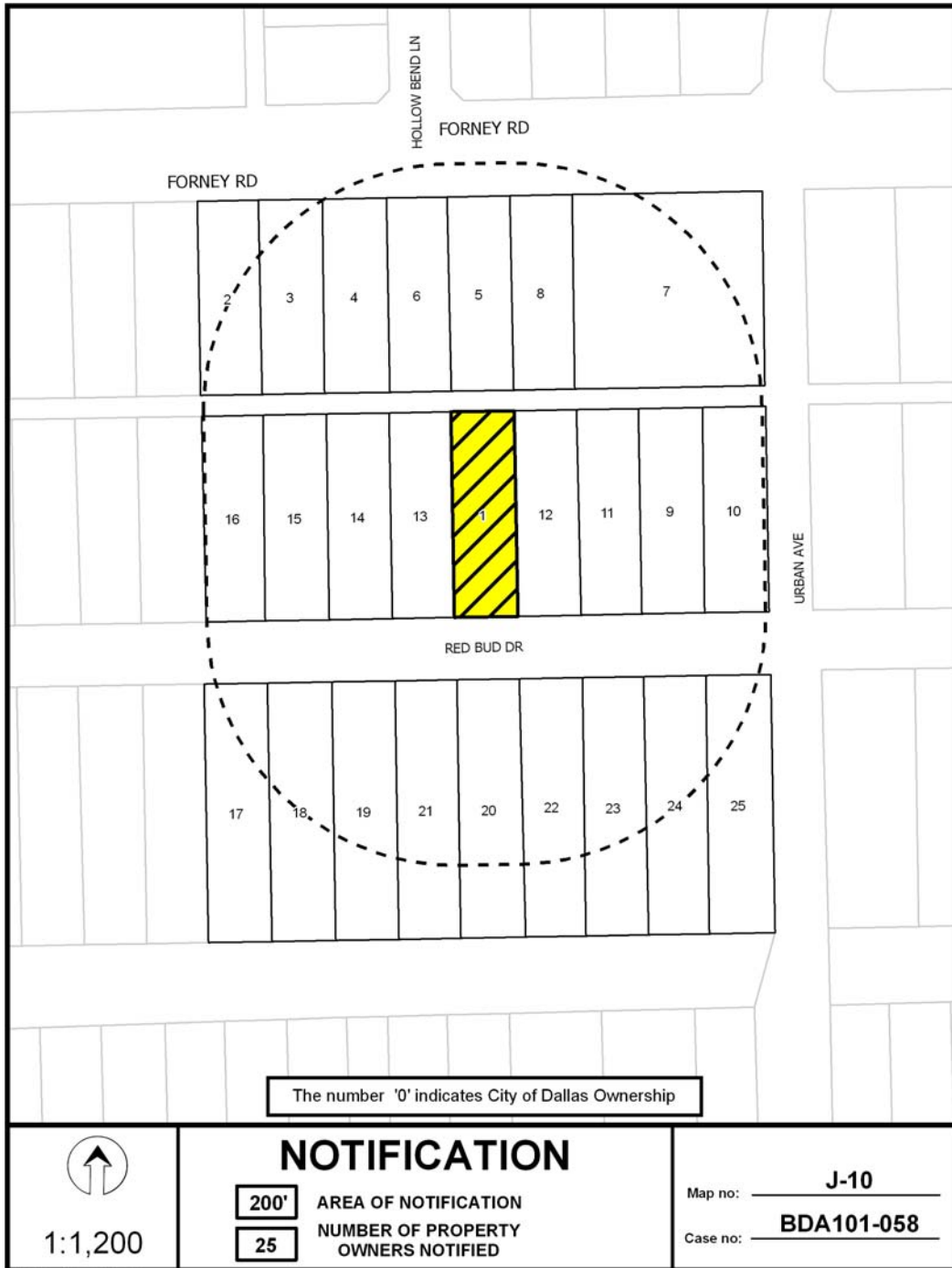
Scale 1":6' - Use engineers 1:60 scale, but do not multiply by 10 (example 40 on scale equals 40 feet)



Right Side Elevation View of 7107 Red Bud
 Scale 1"=6' - Use engineers 1:60 scale, but do not multiply by 30 (example 40 on scale equals 40 feet)



Left Side Elevation View of 7107 Red Bud
 Scale 1"=6' - Use engineers 1:60 scale, but do not multiply by 30 (example 40 on scale equals 40 feet)



Notification List of Property Owners

BDA101-058

25 Property Owners Notified

Label #	Address	Owner
1	7107 RED BUD	DIAZ JUAN & LUISA DIAZ
2	7046 FORNEY	CURRAN PRICE LLC
3	7050 FORNEY	MARTINEZ JUAN & PINAL JAIME
4	7054 FORNEY	ESCOBAR JORGE A
5	7106 FORNEY	HERNANDEZ JUAN G
6	7102 FORNEY	WELCH BENNIE G
7	7114 FORNEY	FAITH TEMPLE CHURCH
8	7110 FORNEY	SPEIR LEON
9	7119 RED BUD	TRANHAM MARIA G
10	7123 RED BUD	MONSIVAIS OSVALDO G
11	7115 RED BUD	DIAZ JESSE
12	7111 RED BUD	GASSETT DAISY CAROLYN
13	7103 RED BUD	DIAZ FLORENCIO
14	7055 RED BUD	JANEK PAUL W
15	7051 RED BUD	HERNANDEZ EPIFANIO
16	7047 RED BUD	VASQUEZ BLANCA M & ALFREDO M
17	7046 RED BUD	DIAZ LORENZO
18	7050 RED BUD	FLORES ROSALIE S
19	7054 RED BUD	REYES JOSE B & JUANITA P
20	7106 RED BUD	RODRIGUEZ IVONNE
21	7102 RED BUD	CHAVARRIA VICTORINO & ROSARIO Q CHAVARRIA
22	7110 RED BUD	SALINAS MODESTO & ADELINA
23	7114 RED BUD	RODRIGUEZ HERMINIA
24	7118 RED BUD	COZBY HARRIET MAE
25	7122 RED BUD	COZBY HARRIET