

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, SEPTEMBER 19, 2011
AGENDA

BRIEFING	5ES	11:30 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the **Monday, August 15, 2011** Board of Adjustment Public Hearing Minutes M1

EXECUTIVE SESSION: M2
Executive session for attorney briefing pursuant to Tex. Gov't Code Section 551.071, regarding *Billingsley Family Limited Partnership v. Dallas Board of Adjustment*, Cause No. DC-10-14095-I, BDA 090-097, Property at 4931 Gaston Avenue

UNCONTESTED CASE

BDA 101-080	2400 Olive Street REQUEST: Application of Jonathan Vinson for a special exception to the visual obstruction regulations	1
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REGULAR CASES

BDA 101-079	1523 N. Montclair Avenue REQUEST: Application of Claudia Rosales, represented by Construction Concepts, for a variance to the landscape regulations	2
BDA 101-084	3104 San Lucas Avenue REQUEST: Application of Dee Anna Hanchey for special exceptions to the visual obstruction regulations	3

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 August 15, 2011 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

Executive session for attorney briefing pursuant to Tex. Gov't Code Section 551.071, regarding *Billingsley Family Limited Partnership v. Dallas Board of Adjustment*, Cause No. DC-10-14095-I, BDA 090-097, Property at 4931 Gaston Avenue.

FILE NUMBER: BDA 101-080

BUILDING OFFICIAL'S REPORT:

Application of Jonathan Vinson for a special exception to the visual obstruction regulations at 2400 Olive Street. This property is more fully described as Lot 1.2 in City Block 3/948 and is zoned PD 334, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to allocate and maintain items in a required visibility triangle which will require a special exception.

LOCATION: 2400 Olive Street

APPLICANT: Jonathan Vinson

REQUEST:

- A special exception to the visual obstruction regulations is requested in conjunction with relocating/reconstructing and maintaining an existing three foot three inch high open metal fence to be added atop a proposed two and a half – two-foot eight-inch high masonry wall in the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road on a site developed as a residential development (The Regency Row Residences).

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted revised site plan/elevation is required.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to this request with the condition that the applicant complies with the submitted revised site plan/elevation.
- The applicant has substantiated how the location of the item in the 45 foot visibility triangle at the intersection of Olive Street and Cedar Springs Road does not constitute a traffic hazard.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections and 20-foot visibility triangles at drive approaches on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).A revised site plan/elevation has been submitted that shows what appears to be an approximately 18-foot long curved fence/wall line located in the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road. The revised elevation indicates a three-foot three-inch high open metal fence atop a two and a half -- two-foot eight-inch high “new brick wall.”
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 334 (Planned Development)
North: PD No. 193 (Planned Development)
South: PD No. 193 (Planned Development)
East: PD No. 193 (Planned Development)
West: PD No. 193 (Planned Development)

Land Use:

The subject site is developed as a mixed use residential/hotel development (The Regency Row residences and the Ritz Carlton Residential Tower and Hotel). The areas to the north, east, and west are developed with a mix of uses; and the area to the south is undeveloped.

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:

June 24, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 1 & 9, 2011: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

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

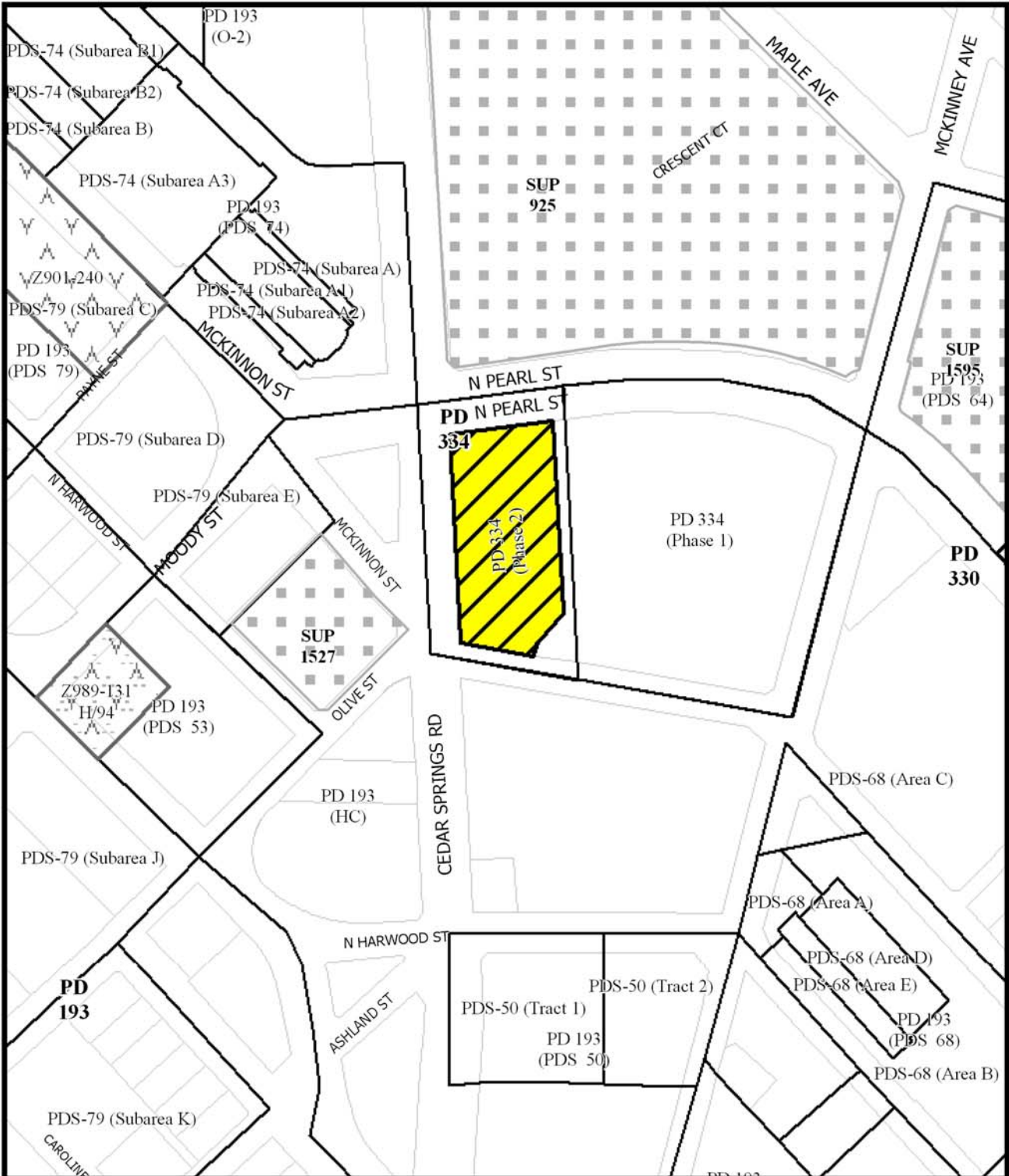
September 7, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "Conditions: 1) Applicant will provide minimum 33 x 33 ft visibility triangle as provided instead of the 45 x 45 ft standard; 2) wall under the fence will not exceed 30" in height above top of street curb; 3) fence on top of wall will be open (wrought iron) as proposed by the applicant; and 4) area in front of wall (streetside) will be concrete or grass with no obstructions above grade."

September 9, 2011: The Sustainable Development Department Project Engineer submitted a *revised* review comment sheet marked "Has no objections if certain conditions are met." (Note that some of the comments made in this revised review comment sheet

make reference to the “applicant’s email” that is part of Attachment A in this case report). The engineer commented: “I agree to the modified conditions of the applicant’s email dated 9-8-11, 11:57 a.m. (i.e. 33” on condition 2, allow 6” wide planting strip, no more than 30” in height). See attached emails dated 9-8-11 and 9-9-11.” (The applicant conveyed in a 9-12-11 email that his submitted revised site plan/elevation addresses the concerns mentioned in what was mentioned between him and the project engineer in the 9-8-11 and 9-9-11 emails).

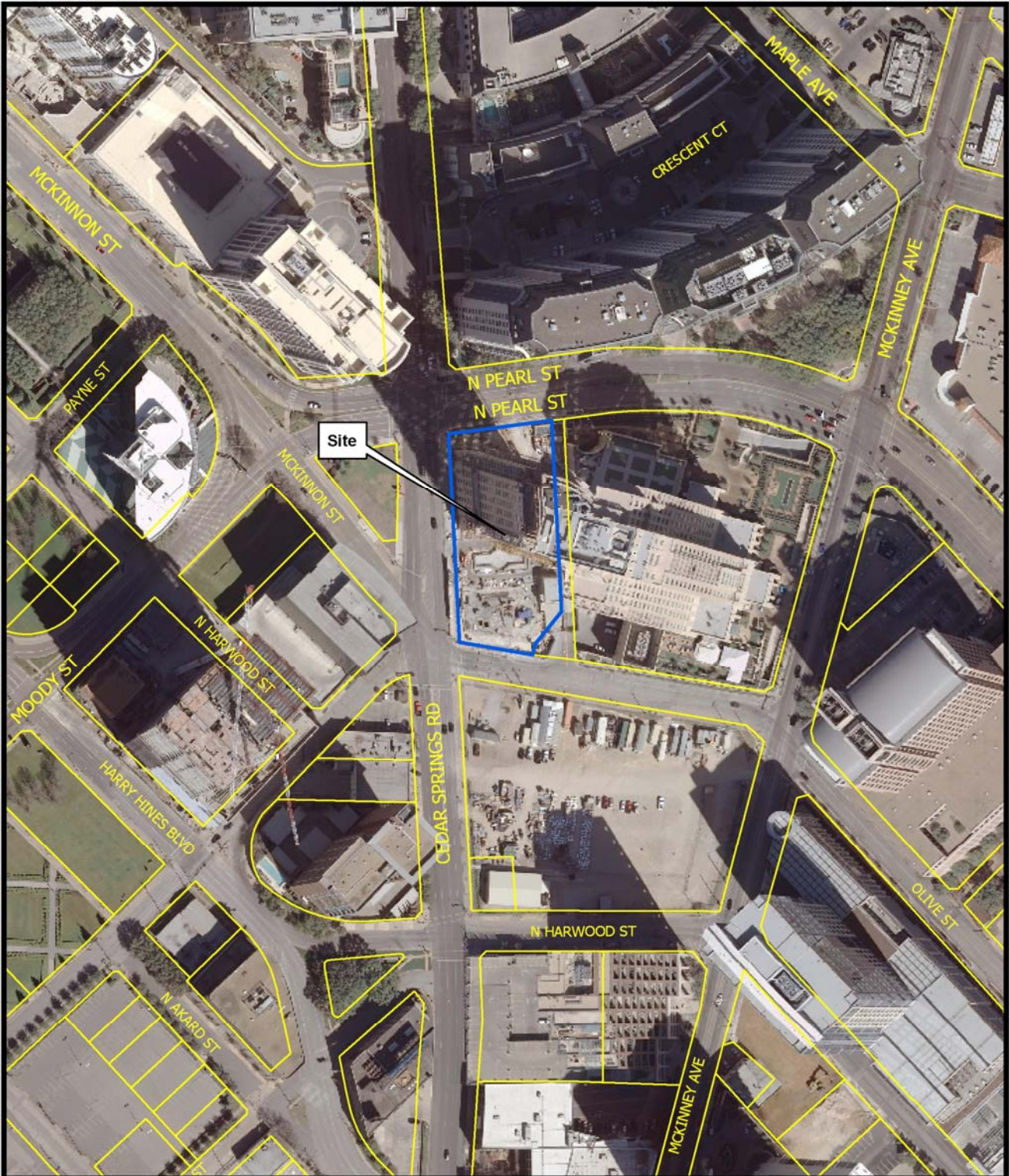
STAFF ANALYSIS:

- This request for a special exception to the visual obstruction regulations focuses on relocating/reconstructing and maintaining an existing three-foot three-inch high open metal fence to be added atop a proposed two and a half – two-foot eight-inch high masonry wall in the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road on a site developed as a residential development (The Regency Row Residences).
- The Sustainable Development and Construction Department Project Engineer has conveyed that he has no objections to the request based on what has been conveyed in the applicant’s revised site plan/elevation.
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations will not constitute a traffic hazard.
- If the Board chooses to grant this request, subject to compliance with the submitted revised site plan/elevation, the item shown on this document (in this case, what is represented as a three-foot three-inch high open iron picket fence atop an approximately two-foot six-inch high solid brick base wall) would be “excepted” into the 45-foot visibility triangle at the intersection of Olive Street and Cedar Springs Road.



 1:2,400	<h1 style="margin: 0;">ZONING MAP</h1>	J-7 Map no: _____ BDA101-080 Case no: _____
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DATE: August 18, 2011



1:2,400

AERIAL MAP

Map no: J-7

Case no: BDA101-080

DATE: August 18, 2011



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

BDA 101-080
Attach A
Pg 1

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

September 9, 2011

Hon. Chair and Members, Panel C
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 101-080; 2400 Olive Street

Dear Members of Panel C:

This letter is to provide you with additional information on our application for a special exception to the visibility triangle regulations. The purpose of this request is to relocate a relatively small open wrought iron fence (about 3 feet, 3 inches high) from its existing location (which is already partially in the visibility triangle) approximately 1.5 feet closer to the sidewalk, where it will be reused and mounted upon a low (ranging from 2 feet, 5 inches to 2 feet, 9 inches) masonry wall. A six inch planting strip will be maintained between the fence and the sidewalk in which we wish to install some more landscaping to further enhance the site.

The site is currently developed with four townhomes known as the Regency Row Townhomes, on the same block as the Ritz-Carlton Hotel and Condominiums. This fence is already in place, and the owners simply wish to move it closer to the sidewalk and mount it on the small masonry wall to provide some more enclosed front yard space for the townhome residents as well as to achieve more separation from the adjacent streets. Please note that the solid portion of the proposed fence, that is, the brick wall upon which the wrought iron will be mounted, is at its highest point no more than 2 feet, 9 inches above grade, so that this portion, barely, if at all, intrudes into the visibility triangle, which applies only from 2 ½ feet to 8 feet above the top of the adjacent street curb.

The Development Code's standard for approval of a special exception to the visibility triangle regulations is that the request, if approved, will not constitute a traffic hazard. I have attached to this letter a color site plan and site plan excerpt which shows the existing triangle and the proposed intrusion into the triangle. As you can see, even with moving the fence forward, there is still 15 feet, 2 inches of clearance from the fence to the street curb at the corner, 11 feet, 6 inches of clearance from the fence to the street curb on each side, and a 33 foot, 4 inch visibility triangle.

Please note also that Olive Street at this location is one way to the west. The intersection with Cedar Springs Road is a signalized intersection, so traffic must slow down and stop for the traffic light. In addition, Cedar Springs at the intersection with Olive, although two-way, is a wide street with two lanes in each direction and the traffic adjacent to Regency Row moves to the north. The location of fence will have absolutely no impact whatsoever on the ability of motorists to make right turns safely from Olive onto Cedar Springs (traffic on Cedar Springs would be coming from the opposite direction), which would be the only turns which would be affected.

I have also attached a Technical Memorandum prepared by Steve Stoner, P.E. of the Deshazo Group, Inc., which reviews the visibility of the intersection at this location. This Memorandum explains very well the existing conditions and the impact of the proposed fence relocation on intersection visibility.

Finally, I have attached a color aerial photo and several street-level photos to further orient you to the location of the request and the adjacent streets. We also met with Mr. Jerry Svec of the City's Engineering Staff to discuss our request. Mr. Svec had no objections, based on certain listed conditions. We asked Mr. Svec to consider (1) conditioning us to the submitted elevation drawing of the fence; (2) allowing plantings up to 30 inches at maturity in the small planting strip in front of the fence; and (3) stipulating that the one street tree in the triangle, on the Olive Street side, be allowed to remain, all of which he has agreed to (see attached comment sheet and emails). We believe that approval of these items will further enhance the look of the site for adjacent owners and the public.

In conclusion, this request clearly meets the standard for approval of a special exception to the visibility triangle regulations, that is, this item will definitely not constitute a traffic hazard; in fact, it will actually enhance the property for everyone. We hope, and would respectfully ask, that you will approve our request at your September 19 hearing. Thank you very much for your time and consideration.

Very truly yours,


Jonathan G. Vinson

Enclosures

cc: Joseph Pitchford
Kevin Crum
Travis Jeakins
Susan Mead

ISSUE		
ISSUE	DATE	DESCRIPTION
1	08.23.11	ISSUE FOR PRESENTATION TO BOARD OF ADJUSTMENT
2		
3		
4		
5		
6		

DRAWN BY: MM
 CHECKED BY: MM
 PROJECT DESIGNER: MM
 PROJECT DIRECTOR: JT



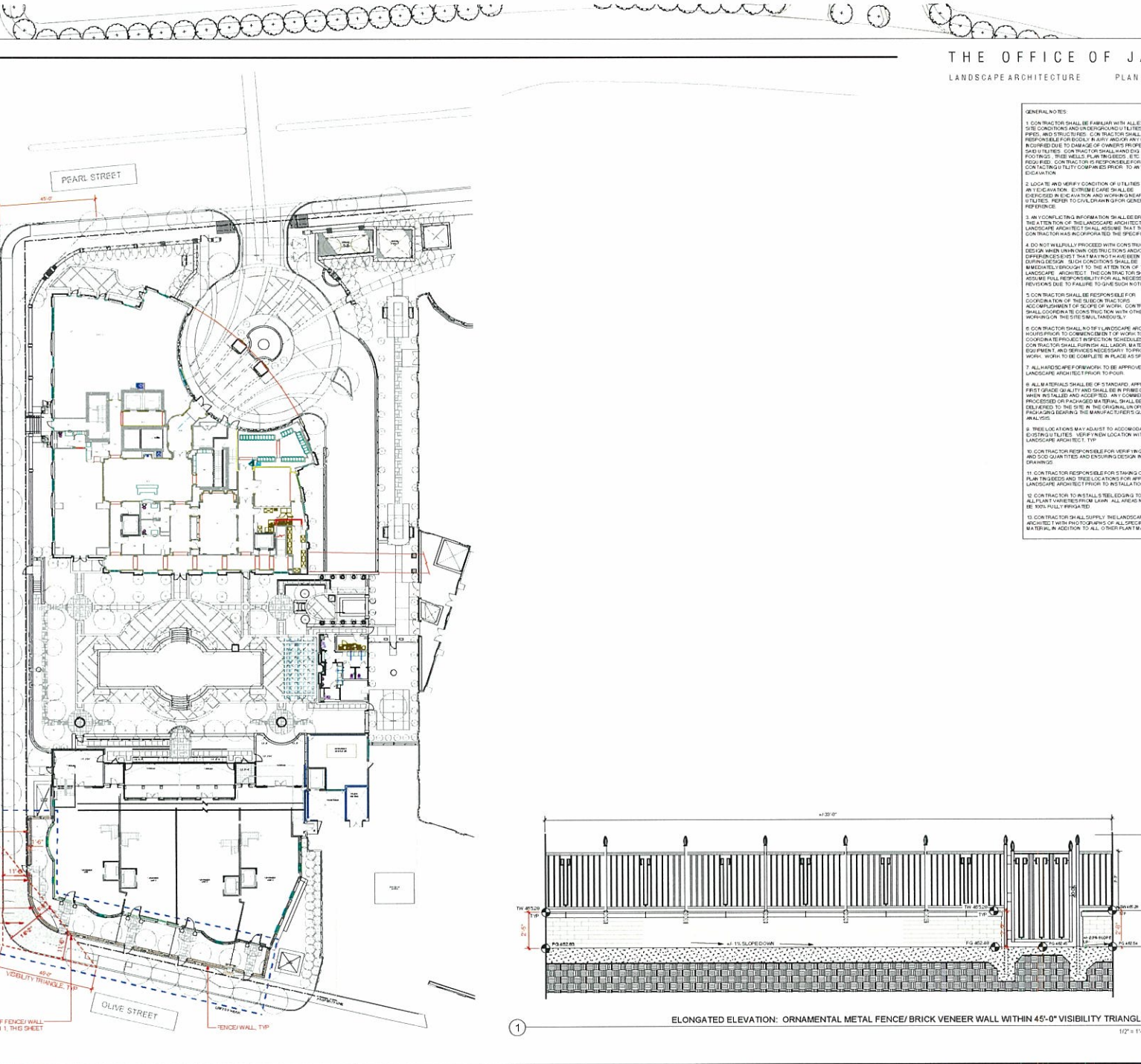
CONSULTANTS

BDA 101-080
 Attach A
 Pg 3

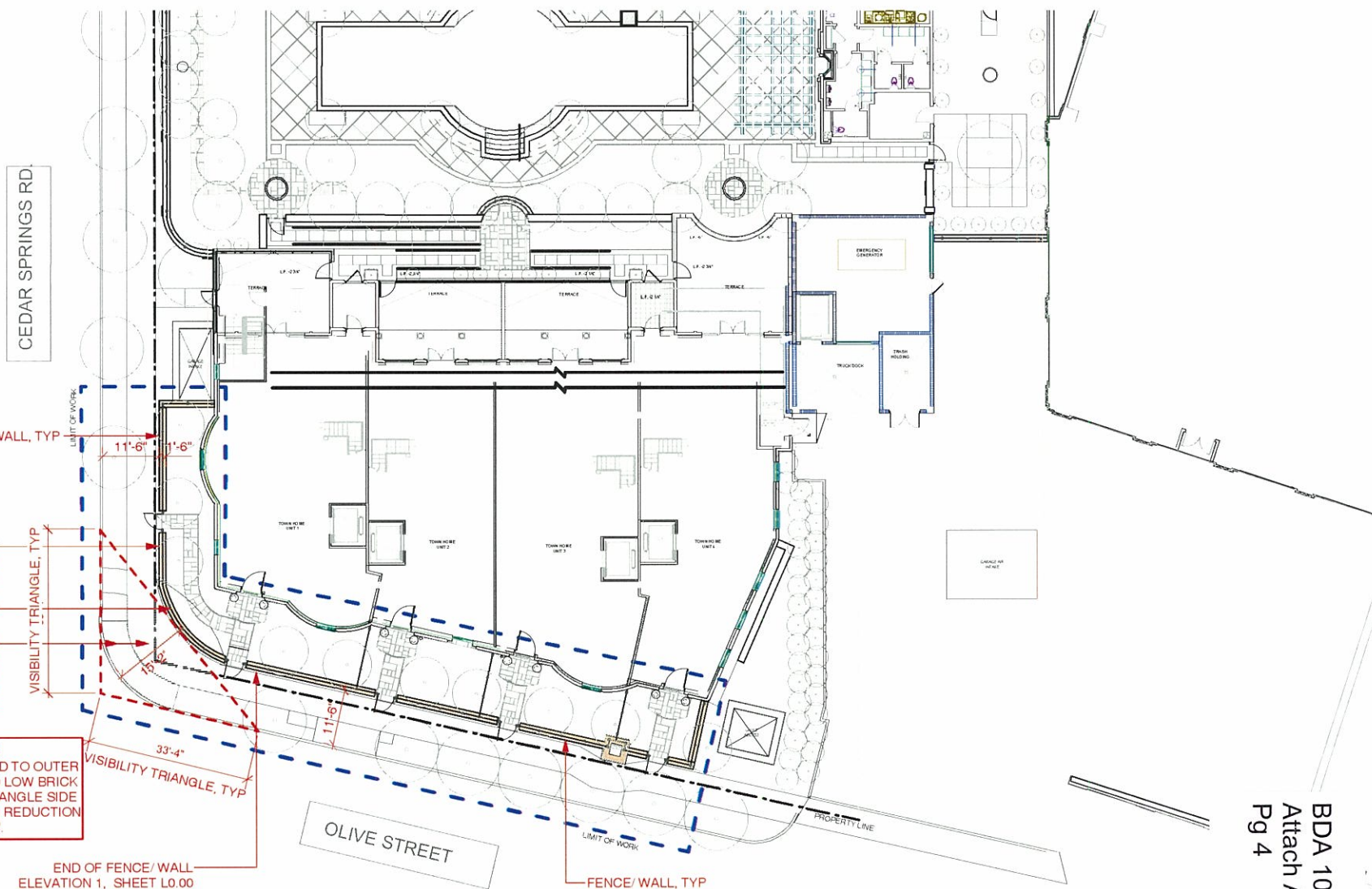
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PROJECT NAME	REGENCY ROW FENCE RE-DESIGN
SHEET TITLE	OVERALL SITE PLAN
PROJECT CODE	RI-FEN
ISSUE DATE	08.23.11
SHEET NUMBER	LO.00

1/8" = 1'-0" OR AS NOTED



① ELONGATED ELEVATION: ORNAMENTAL METAL FENCE/ BRICK VENEER WALL WITHIN 45'-0" VISIBILITY TRIANGLE
 1/2" = 1'-0"



START OF FENCE/WALL ELEVATION 1, SHEET SHEET L0.00

FENCE/WALL, TYP

SHADED AREA INDICATES PORTION OF CITY SIDEWALK WITHIN REVISED VISIBILITY TRIANGLE

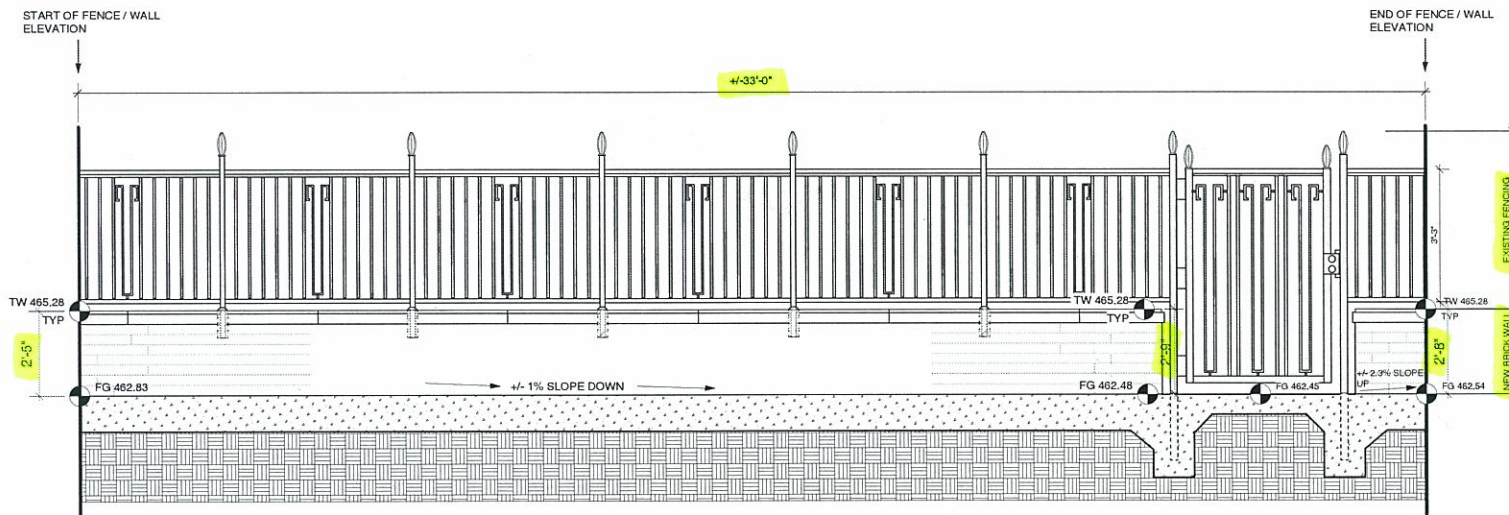
VISIBILITY TRIANGLE, TYP

VISIBILITY TRIANGLE HYPOTENUSE MOVED TO OUTER FACE OF PROPOSED LOW BRICK WALL. VISIBILITY TRIANGLE SIDE LENGTHS RESULT IN REDUCTION FROM 45'-0" TO 33'-4"

VISIBILITY TRIANGLE, TYP

END OF FENCE/WALL ELEVATION 1, SHEET L0.00

BDA 101-080
 Attach A
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ELONGATED ELEVATION: ORNAMENTAL METAL FENCE/ BRICK VENEER WALL WITHIN 45'-0" VISIBILITY TRIANGLE

1/2" = 1'-0"

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PROJECT NAME
**REGENCY ROW FENCE
 RE-DESIGN**

SHEET TITLE
OVEALL SITE PLAN

PROJECT CODE
RI-FEN

ISSUE DATE
08.23.11

SHEET NUMBER

LO.00

SCALE: 1/8" = 1'-0"
 OR AS NOTED ©2011 THE OFFICE OF JAMES BURNETT

BDA 101-080
 Attach A
 Pg 5



Traffic. Transportation Planning. Parking. Design.

400 S. Houston Street, Suite 330
Dallas, TX 75202
214.748.6740 ♦ Fax: 214.748.7037
deshazogroup.com

Technical Memorandum

To: City of Dallas, Department of Sustainable Development and Construction
CC: Mr. Travis Jeakins — Crescent Real Estate Equities
From: Steve E. Stoner, P.E., PTOE — DeShazo Group, Inc.
Date: August 25, 2011
Re: Intersection Visibility Review: Northeast Quadrant - Cedar Springs Road at Olive Street
DeShazo Project No. 11139

INTRODUCTION

The services of DeShazo Group, Inc. (DeShazo) were retained by **Crescent Real Estate Equities** to review the intersection sight visibility for the northeast quadrant of the Cedar Springs Road-Olive Street intersection assuming the fence modifications proposed on the site are in place. The proposed fence will violate the City of Dallas “visibility triangle” requirements and require approval of a Special Exception from the Board of Adjustments.

PROJECT DESCRIPTION

The proposal is to demolish a section of the existing security fence and reconstruct a new, 33-foot fence section that is approximately 18 inches closer to the street intersection (and connects with the existing sections of fence to remain). The new fence will consist of a 2.5-foot* high brick masonry base with a 3.5-foot* high wrought iron fence atop the base with 1-foot* decorative spires (total height of approximately 7 feet*). The fence construction plan is illustrated on the attached exhibits.

** Heights are approximately and slightly vary along the length of the fence.*

*Intersection Visibility Review
Cedar Springs Road at Olive Street: Northeast Quadrant
Page 1*

DeShazo Group
August 25, 2011

SUMMARY OF REQUIREMENT

According to the regulations cited in Section 51A-4.602(d) of the Development Code, no visual obstruction higher than 2.5 feet and less than 8.0 feet shall be placed with a 45'x45' "visibility triangle" adjacent to a public street intersection. NOTE: The existing fence location in place on the site also violates the visibility triangle, but was approved by adopted site plan.

FIELD REVIEW

A field observation of the subject location was conducted by DeShazo Group on August 25, 2011 to review and assess the potential obstruction. Based upon the observation, it is believed that the overall impact to intersection visibility will be very minor. Relative to the specific consideration of traffic safety, the following findings were noted:

- *The intersection of Cedar Springs Road and Olive Street is operated by a traffic signal, so all maneuvers through the intersection are fully controlled. Generally, intersection visibility issues are negated by the presence of traffic signal, except where discretionary (i.e., permissive) turning traffic maneuvers are allowed.*
- *Furthermore, no discretionary/permissive traffic maneuvers are allowed at the intersection – for the westbound approach and southbound approaches, permissive turning maneuvers are restricted in any event by a "No Turn On Red" restriction and a "No Turn On Red Arrow" restriction, respective. Hence, intersection visibility is not applicable to traffic maneuvers.*

NOTE #1: Olive Street operation is one-way, westbound.

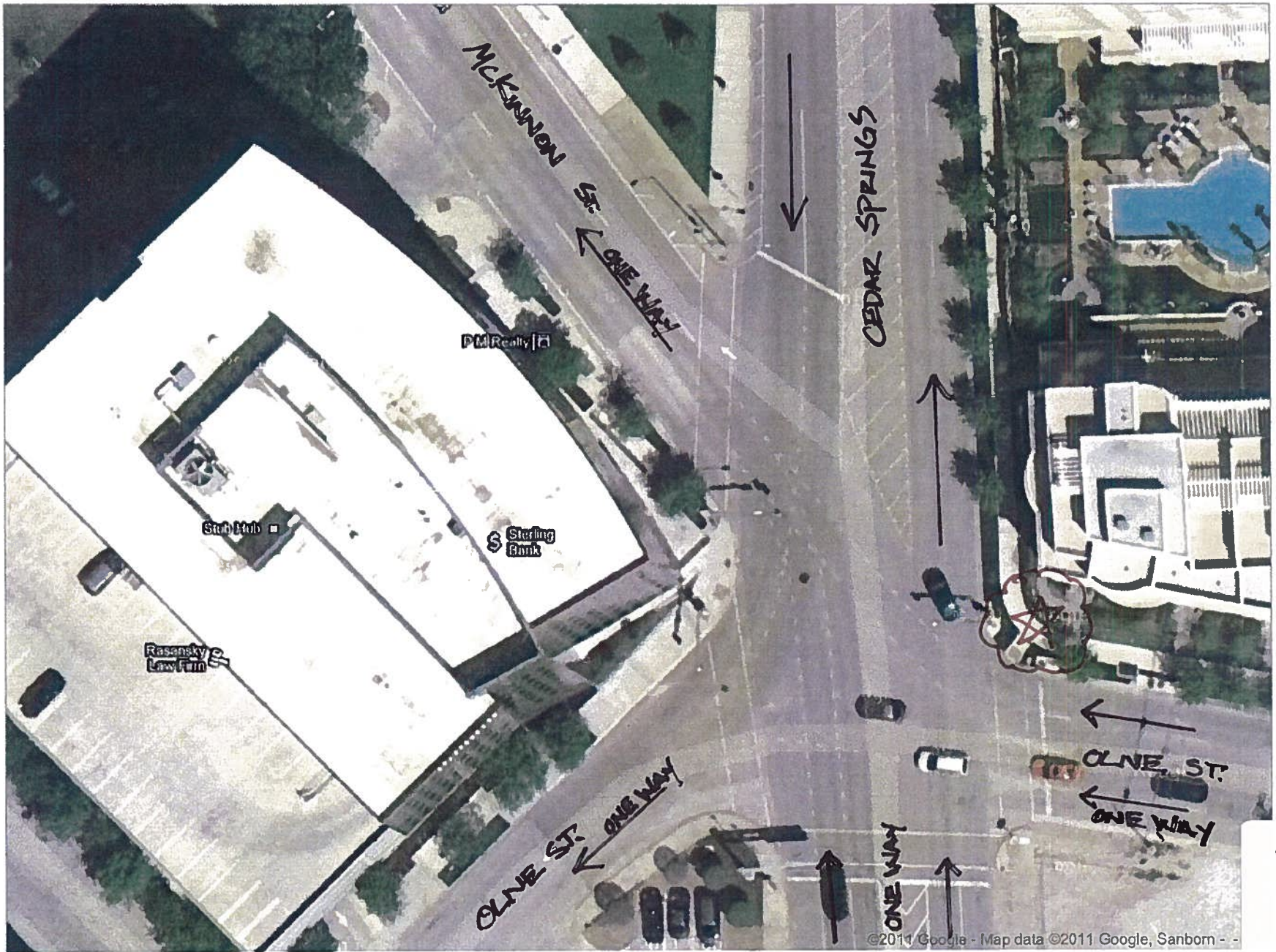
NOTE #2: Cedar Springs Road operation is one-way, northbound operation south of Olive Street and two-way operation north of Olive Street.

RECOMMENDATION

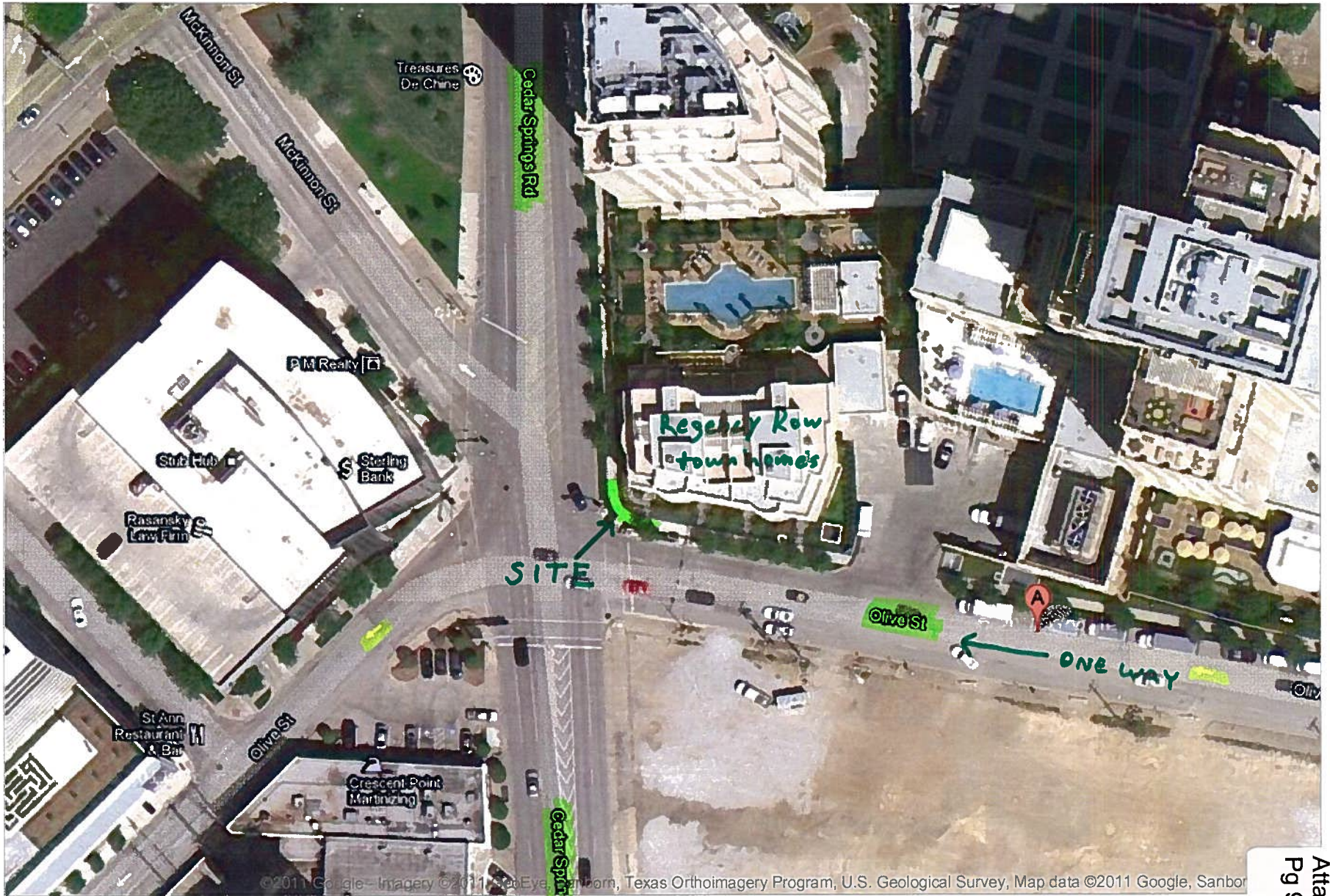
The proposed fence modification referenced herein is not expected to significantly change the intersection visibility conditions that currently exist at the intersection of Cedar Springs Road and Olive Street. Due to the presence of traffic signal operation and turn restrictions at the intersection, it is believed that safety related to intersection visibility will not be impacted by the proposed fence modification. Approval of the proposed modification is recommended.

END OF MEMO

*Intersection Visibility Review
Cedar Springs Road at Olive Street: Northeast Quadrant
Page 2*



BDA 101-080
Attach A
Pg 8



BDA 101-080
Attach A
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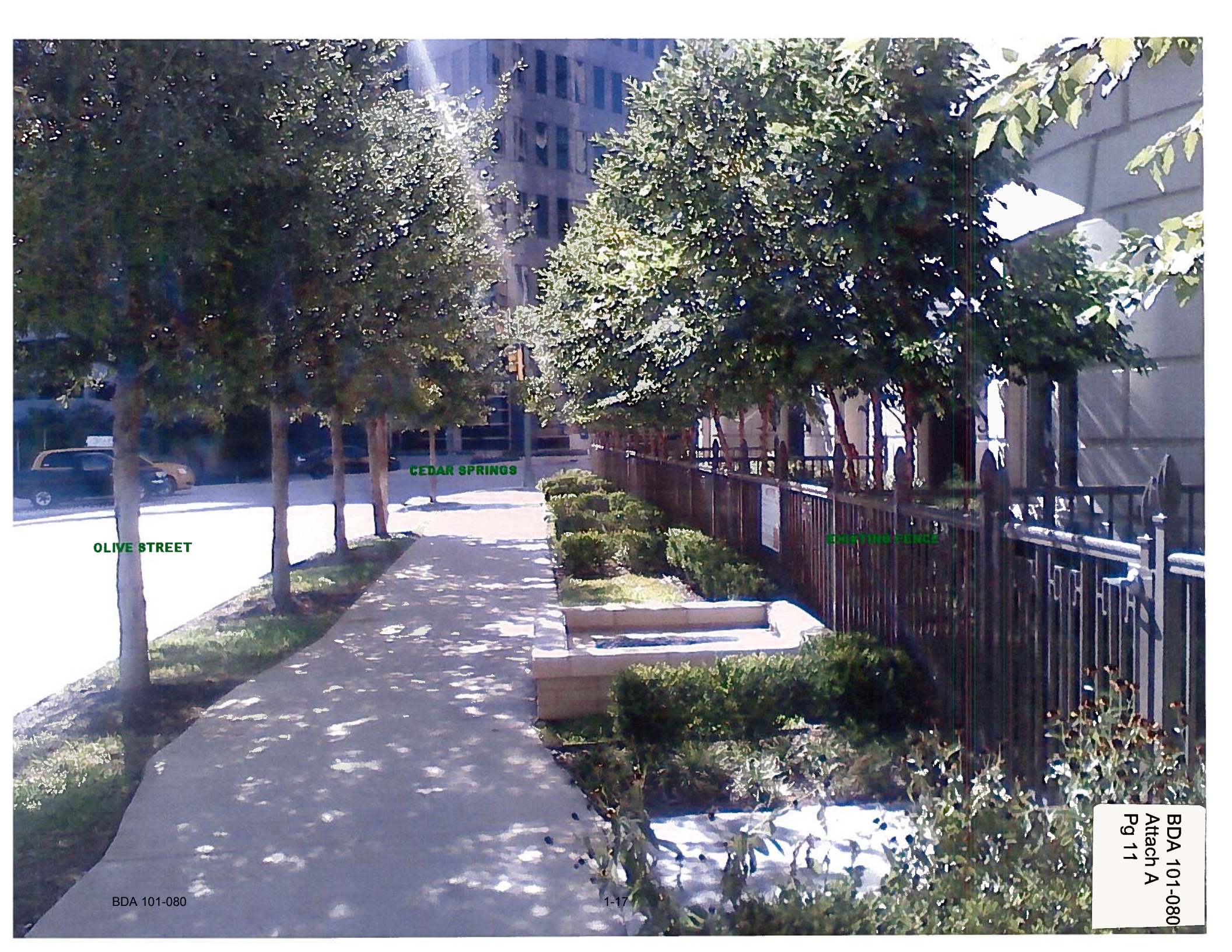


EXISTING FENCE

FENCE TO MOVE
ABOUT 4.5 FEET
TOWARD STREET

OLIVE STREET
(LOOKING EAST)

BDA 101-080
Attach A
Pg 10



OLIVE STREET

CEDAR SPRINGS

CHRISTMAS FENCE

CEDAR SPRING ROAD

STARTING FENCE



EXISTING SIDEWALK TO REMAIN

FENCE TO MOVE
ABOUT 1.5 FEET
TOWARD STREET

CEDAR SPRINGS ROAD

BDA 101-080
Attach A
Pg 14

Vinson, Jonathan

From: Svec, Jerry [jerry.svec@dallascityhall.com]
Sent: Friday, September 09, 2011 11:27 AM
To: Vinson, Jonathan; Long, Steve
Cc: Denman, Lloyd; Fard, Hamid
Subject: RE: BDA 101-080; 2400 Olive Street

Steve,
See the e-mails; I'm OK with Jonathan's modifications to my 4 conditions. I will get you an updated 063 shortly.
Jerry

From: Vinson, Jonathan [mailto:jvinson@jw.com]
Sent: Friday, September 09, 2011 11:04 AM
To: Svec, Jerry
Subject: Re: BDA 101-080; 2400 Olive Street

That sounds good, Jerry, I appreciate your consideration. Thank you.

Jonathan G. Vinson
Jackson Walker LLP
901 Main Street, Suite 6000
Dallas, Texas 75202
(O) 214-953-5941
(M) 214-770-4636
(F) 214-661-6809

From: Svec, Jerry [mailto:jerry.svec@dallascityhall.com]
Sent: Friday, September 09, 2011 10:46 AM
To: Vinson, Jonathan
Subject: RE: BDA 101-080; 2400 Olive Street

Jonathan,
I'm OK with 33" on condition 2, if needed to be 30" on condition 4, and if I understand, the tree is in the 45' but not the 33' so it just needs to be trimmed clear between 30" and 8'. If you agree I can support the request with 4 modified conditions. Please let me know.
Jerry

From: Vinson, Jonathan [mailto:jvinson@jw.com]
Sent: Thursday, September 08, 2011 11:57 AM
To: Svec, Jerry
Cc: Long, Steve; Pitchford, Joseph; Crum, Kevin; tjeakins@crescent.com; Mead, Susan
Subject: BDA 101-080; 2400 Olive Street

Jerry - Thank you very much for your comments, I appreciate it. I do have a couple of questions/suggestions, not of major significance, but items I wanted to follow up on.

- Condition # 2 would limit the brick portion of the fence to 30". Our elevation drawing shows the highest portion at 2'9" (33"), due, as I understand it, to linking the fence up to a concrete garage vent further down the street and a slight slope in the frontage. Would you consider conditioning us to the elevation drawing as submitted? This would just add a 3 inches at the highest point, while other portions of the brick portion of the fence as shown are actually under 30".

- Condition # 4 would limit the area in front of the fence to concrete or grass, that is, nothing higher than grade. There will be a six inch planting strip, and instead of, or at least in addition to, grass, I think it would be good to be able to plant some seasonal color, mondo grass, etc. It seems to me this would dress up the site and the fence, and be a benefit to the adjacent owners and to the public. Would you consider allowing plantings in that strip up to a certain height (maybe even up to 30" at maturity, so as not to be in the 2 1/2 foot visibility triangle)?

- Our submitted plan shows one street tree on the Olive Street side in the triangle. This tree is already in place, and was approved by Phil Erwin when the applicant's landscape plan is approved. They would like to be able to keep this tree here, which I think is also a benefit to the look of the site and how it appears to the public, with no downside regarding traffic safety. Would you consider stipulating that this tree can remain?

Thanks very much for all of your time and work on our case, Jerry. Please let me know if you have any questions or want to discuss any of this. I appreciate any favorable consideration you could give us on any or all of these points.

Jonathan G. Vinson
Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
Office: 214-953-5941
Cell: 214-770-4636
Fax: 214-661-6809
E-mail: jvinson@jw.com

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Thursday, September 08, 2011 6:23 AM
To: Vinson, Jonathan
Cc: Svec, Jerry
Subject: FW: BDA 101-080; 2400 Olive Street

Dear Jonathan,

Attached is the review comment sheet that Jerry forwarded to me yesterday evening. As you know, Jerry's comments will be included in the docket that is assembled and emailed to you and the board members next week.

Please call me at 214/670-4666 or Jerry at 214/948-4444 if you have any questions.

Thanks,

Steve

From: Vinson, Jonathan [<mailto:jvinson@jw.com>]
Sent: Thursday, September 01, 2011 11:32 AM
To: Long, Steve
Cc: Pitchford, Joseph; Crum, Kevin; Jeakins, Travis; Mead, Susan
Subject: BDA 101-080; 2400 Olive Street

Steve - Attached please find a letter and several attachments on BDA 101-080 for the Staff team meeting next week. Thank you very much.

**Jonathan G. Vinson
Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
Office: 214-953-5941
Cell: 214-770-4636
Fax: 214-661-6809
E-mail: jvinson@jw.com**

**BDA 101-080
Attach A
Pg 16**

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF SEPTEMBER 19, 2011 (C).

- | | |
|--|---|
| <input type="checkbox"/> Has no objections | <input type="checkbox"/> BDA 101-064 |
| <input checked="" type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) | <input type="checkbox"/> BDA 101-079 |
| <input type="checkbox"/> Recommends that this be denied (see comments below or attached) | <input checked="" type="checkbox"/> BDA 101-080 |
| <input type="checkbox"/> No comments | <input type="checkbox"/> BDA 101-084 |
| | <input type="checkbox"/> BDA 101-086 |

COMMENTS: *CONDITIONS*

① APPLICANT WILL PROVIDE MINIMUM OF 33 X 33 FT. VISIBILITY TRIANGLE AS PROPOSED INSTEAD OF THE 45 X 45 FT. STANDARD.

② WALL UNDER THE FENCE WILL NOT EXCEED 30" IN HEIGHT ABOVE THE TOP OF STREET CURB.

③ FENCE ON TOP OF WALL WILL BE OPEN (WROUGHT IRON) AS PROPOSED BY THE APPLICANT.

④ AREA IN FRONT OF WALL (STREET SIDE) WILL BE CONCRETE OR GRASS WITH NO VISIBILITY OBSTRUCTIONS ABOVE GRADE.

[Signature] P.E. DIV. SERV 9-7-11
Name/Title/Department Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-080

Data Relative to Subject Property:

Date: 6-24-11

Location address: 2555 North Pearl Street/2400 Olive Street Zoning District: P.D. 334

Lot No.: 1.2 Block No.: 3/948 Acreage: 4.86 acres Census Tract: 17.02

Street Frontage (in Feet): 1) 475 2) 320.63 3) 600 4) 385 5) gc 21

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Crescent Tower Residences, L.P. ~~The Tower and Regency Row Residences, Inc.~~

Applicant: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

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

Represented by: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

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

Affirm that a request has been made for a Variance , or Special Exception , of to the applicable visual obstruction regulations to permit the intrusion of a fence into the visibility triangle of up to 5 feet, 9 inches at its greatest extent.

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 should be granted because the item will not constitute a traffic hazard; further, there are other factors which support this request, all of which will be documented and elaborated upon further by the applicants in additional items to be submitted to the City Staff.

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: Jonathan G. Vinson
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Jonathan G. Vinson
Affiant (Applicant's signature)

Subscribed and sworn to before me this 24 day of June 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

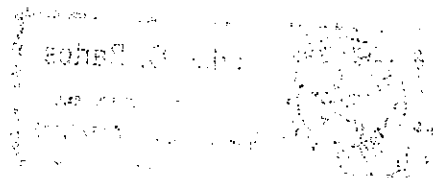
Building Official's Report

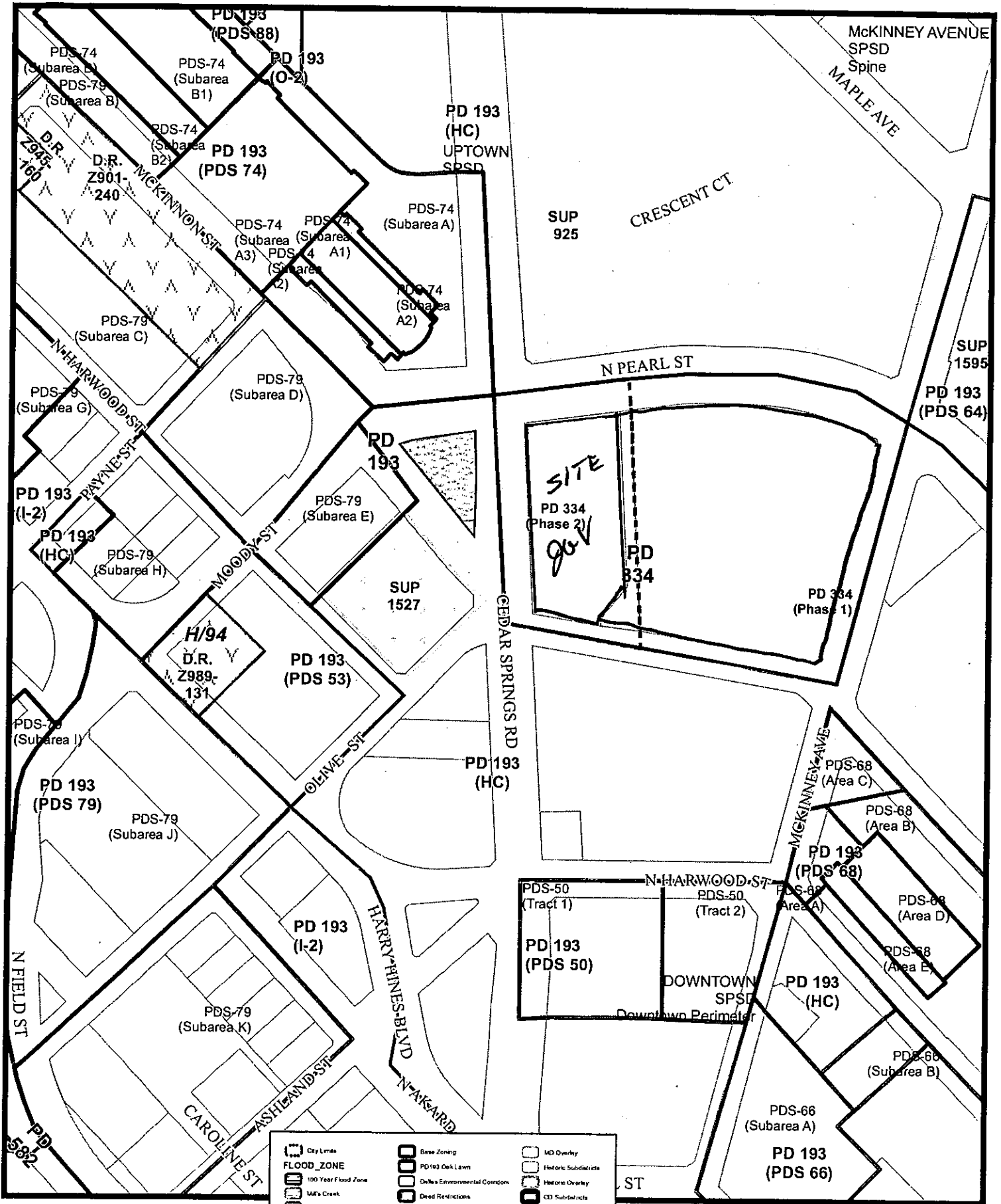
I hereby certify that JONATHAN VINSON
did submit a request for a special exception to the visibility obstruction regulation
at 2400 Olive Street

BDA101-080. Application of Jonathan Vinson for a special exception to the visibility obstruction regulation at 2400 Olive Street. This property is more fully described as lot 1.2 in city block 3/948 and is zoned PD-334, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a nonresidential structure/fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official





City Limits	Base Zoning	HO Overlay
FLOOD_ZONE	PD 193 Oak Lawn	Historic Subdistricts
100 Year Flood Zone	Dallas Environmental Corridor	Historic Overlay
Milk Creek	Deed Restrictions	CD Subdistricts
Parker Branch	SUP	PD Subdistricts
X PROTECTED BY LEVEE	D	PDS Subdistricts
Parks	D-1	NSD Subdistricts
	OP	NSD Overlay
	SP	Environment Overlay

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Case ID:

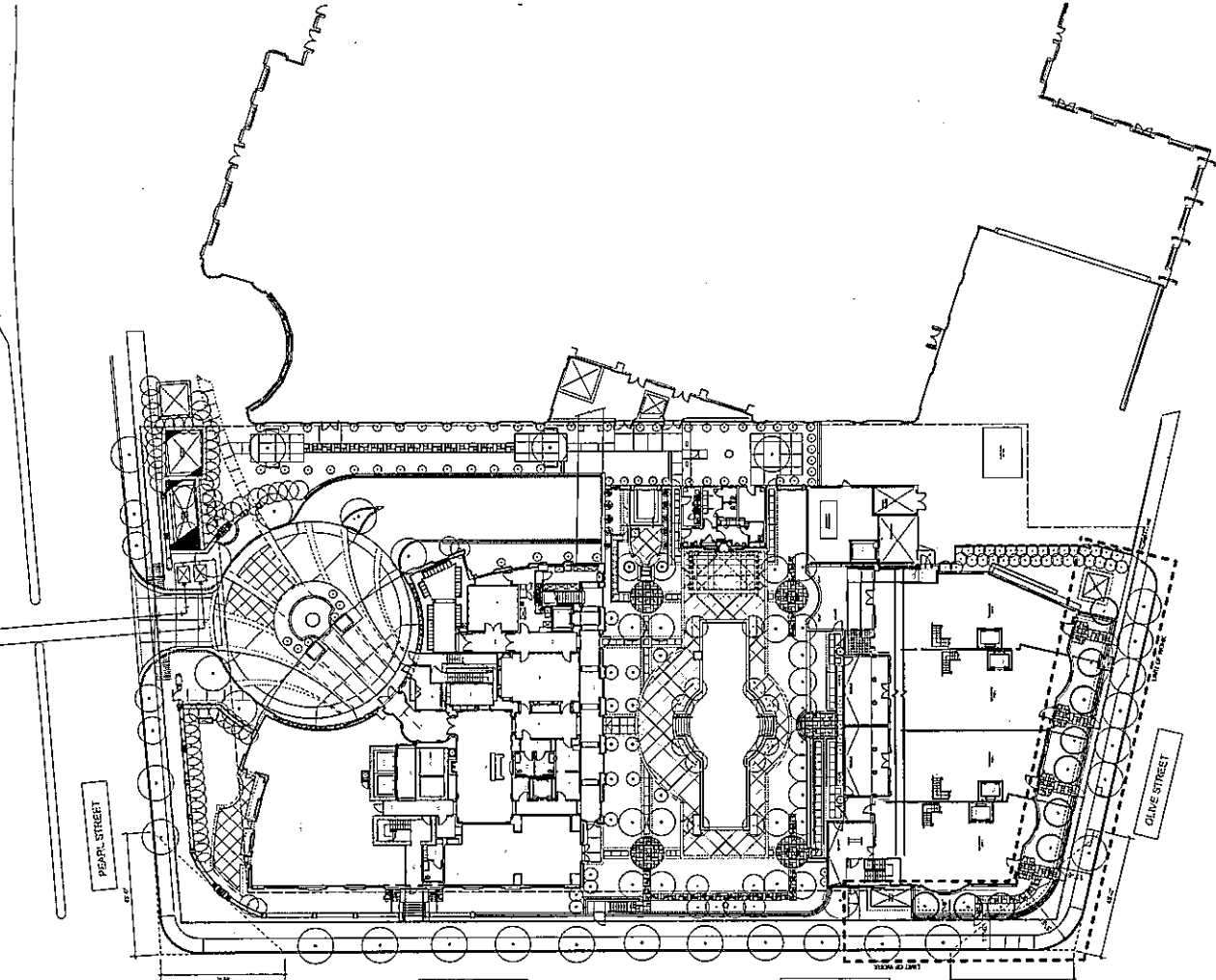
 Printed: 6/24/2011

ISSUE	DATE	DESCRIPTION
1	04/11/11	ISSUE FOR PERMIT
2		
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4		
5		
6		
7		



CONSULTANTS

GENERAL NOTES:
 1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CITY AND STATE ORDINANCES, REGULATIONS AND STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHARLOTTE AND THE STATE OF VIRGINIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHARLOTTE AND THE STATE OF VIRGINIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHARLOTTE AND THE STATE OF VIRGINIA.
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 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CITY AND STATE ORDINANCES, REGULATIONS AND STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHARLOTTE AND THE STATE OF VIRGINIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHARLOTTE AND THE STATE OF VIRGINIA.
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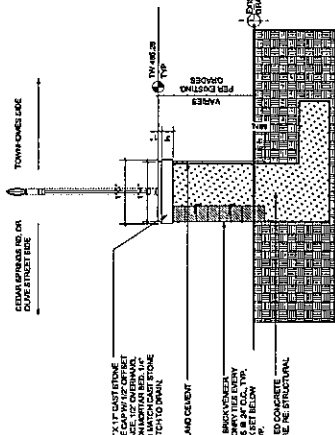
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 REGENCY ROW FENCE
 RE-DESIGN
 SHEET TITLE
 OVERALL SITE PLAN
 PROJECT CODE
 RI-FEN
 ISSUE DATE
 04.11.11
 SHEET NUMBER
 L0.00

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1	HALLI	ISSUE FOR PERMIT
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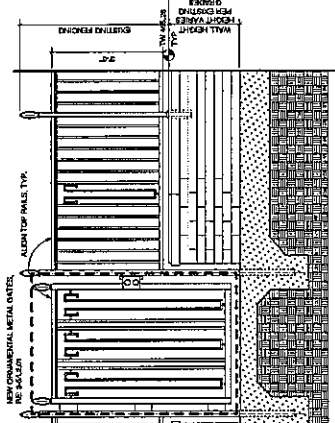
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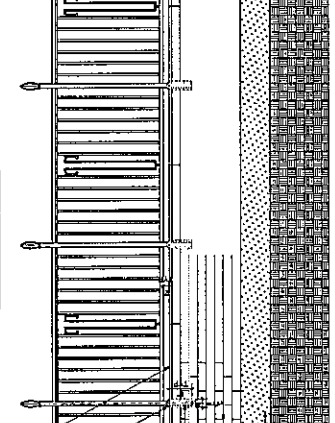
CONSULTANTS



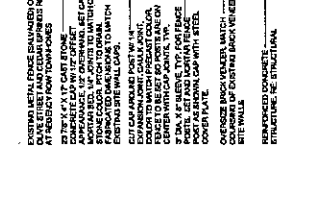
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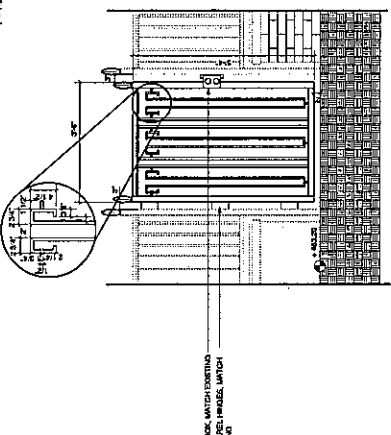
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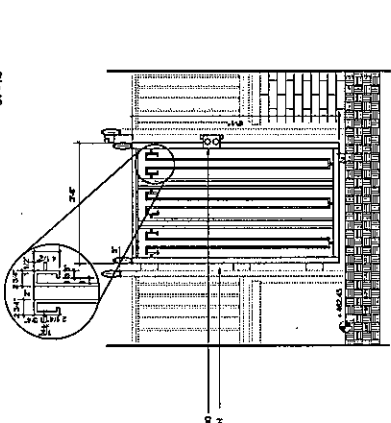
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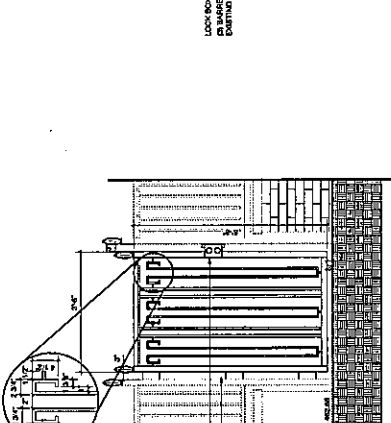
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ELEVATION: TOWNHOME ORNAMENTAL METAL GATES 3, 4 & 5 3\"/>



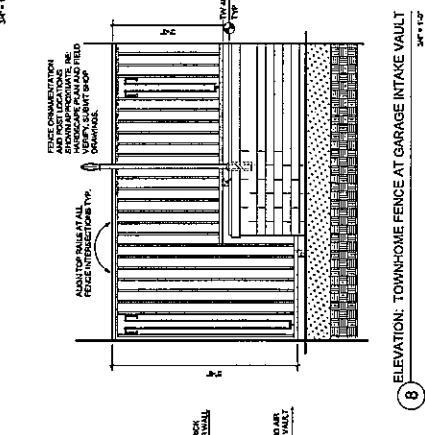
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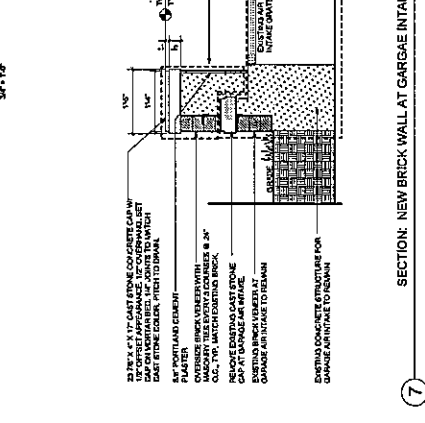
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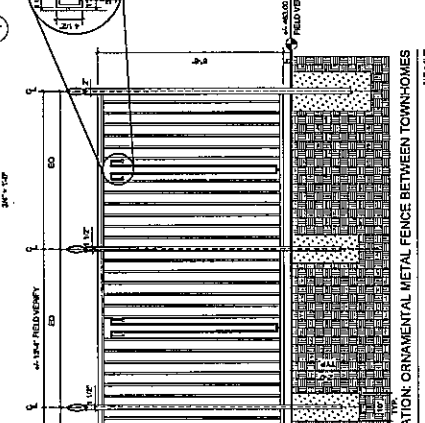
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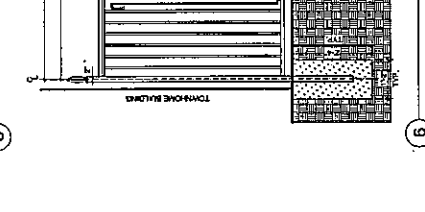
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ELEVATION: TOWN-HOME FENCE AT GARGAE INTAKE VAULT 3\"/>



ELEVATION: ORNAMENTAL METAL FENCE BETWEEN TOWN-HOMES 3\"/>



ELEVATION: ORNAMENTAL METAL FENCE BETWEEN TOWN-HOMES 3\"/>

PROJECT NAME	
REGENCY ROW FENCE	
RE-DESIGN	
SHEET TITLE	
HARDSCAPE DETAILS	
PROJECT CODE	
R-1-PEN	
ISSUE DATE	
04.11.11	
SHEET NUMBER	
L2.01	

STONEWORK NOTES:
EXISTING METAL FENCE REMOVED ON...
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METALWORK NOTES:
EXISTING METAL FENCE REMOVED ON...
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EXISTING GARAGE STRUCTURE AND...
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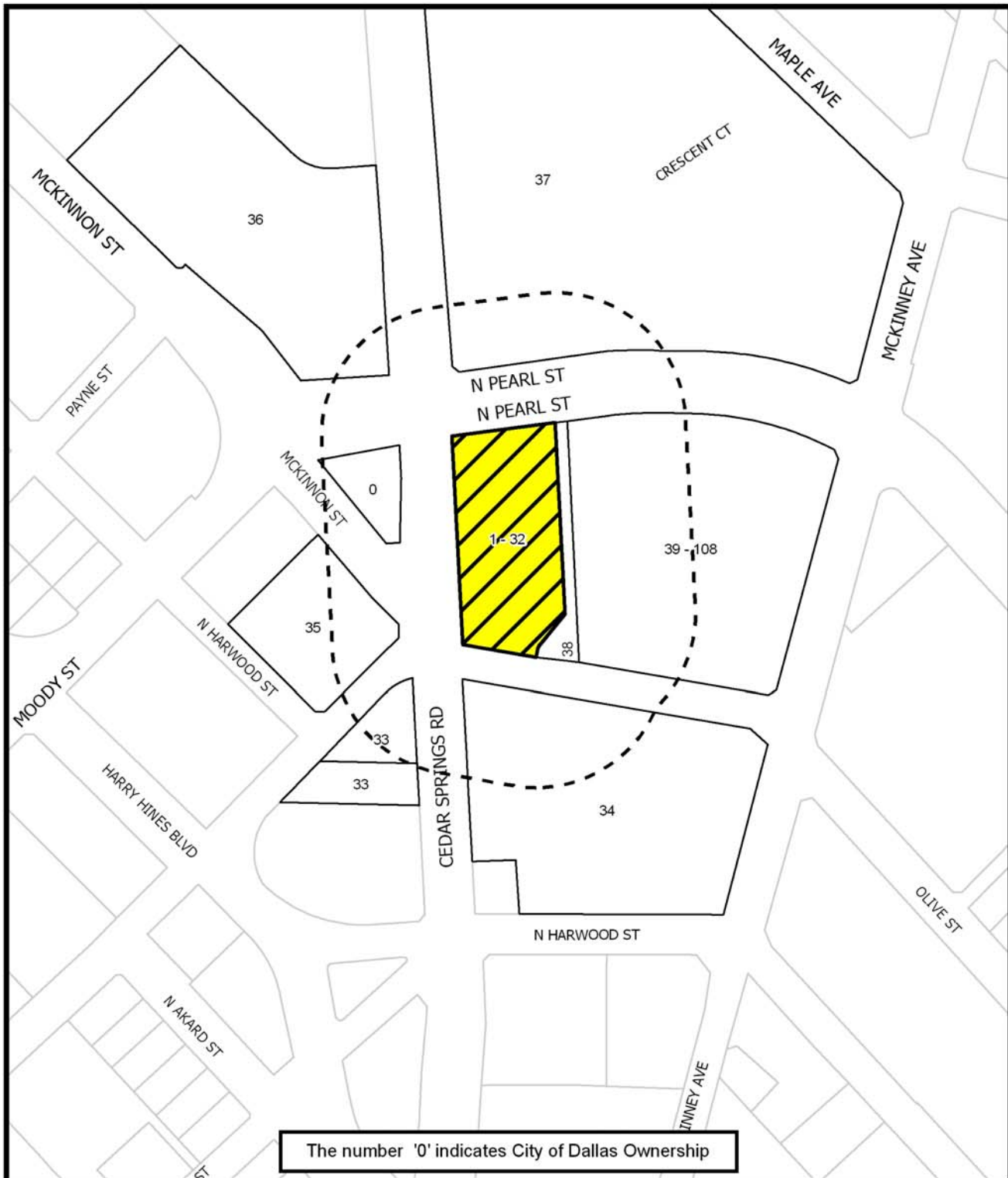
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NOTIFICATION

200' AREA OF NOTIFICATION
108 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: J-7
 Case no: BDA101-080

DATE: August 18, 2011

Notification List of Property Owners

BDA101-080

108 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2555 PEARL	CRESCENT TOWER RESIDENCES LP STE 2100
2	2555 PEARL	LARRAC INV LLC
3	2555 PEARL	HARKEY JOHN D JR
4	2555 PEARL	BAXTER ROSS UNDERWOOD
5	2555 PEARL	STEPHANIAN EDIC
6	2555 PEARL	TRANSATLANTIC TRUST
7	2555 PEARL	THELIN THOMAS
8	2555 PEARL	ZOYS GEORGE N
9	2555 PEARL	VEERARAGHAVAN UMA & KRISHNA
10	2555 PEARL	WEIMER BRETT & AUDREA WEIMER
11	2555 PEARL	RITZ TOWER 405 LLC
12	2555 PEARL	HENRY JAMES J & PATRICIA M
13	2555 PEARL	HASHEM OMAR & MIASSAR
14	2555 PEARL	WILKINS LINDA A TR THE PINK DIAMOND TRUS
15	2555 PEARL	LEVY MARLON & LEVY JENNIFER
16	2555 PEARL	HALL ALICE T
17	2555 PEARL	MUSSULMAN DANIEL G #701
18	2555 PEARL	CLAUSE CARL & ROSALIE
19	2555 PEARL	CRESCENT TOWER RESIDENCES LP
20	2555 PEARL	WILLIAMS KEVIN
21	2555 PEARL	CLARK PHILIP L & PATRICIA G
22	2555 PEARL	HEEBE ADREA D
23	2555 PEARL	HASTINGS JULIANA & HUNTER
24	2555 PEARL	SITE HARVEST LLC
25	2555 PEARL	THE KEN CARLILE 2004 TRUST
26	2555 PEARL	LAM SAMUEL M MD STE 101

27	2555	PEARL	LAZOF FAMILY TRUST
28	2555	PEARL	SIKKEL MARK
29	2555	PEARL	FULTON FRED W TRUSTEE THE RC TRUST
30	2555	PEARL	SHINN LLOYD & BARBARA SHINN
31	2555	PEARL	REESJONES TREVOR
32	2555	PEARL	VAN WOLFSWINKEL RANDALL
33	2017	CEDAR SPRINGS	CRESCENT POINT LTD
34	2001	MCKINNEY	CRESCENT REAL ESTATE EQUITIES LTD PS
35	2525	MCKINNON	2525 MCKINNON LLC STE 100 E
36	2101	CEDAR SPRINGS	ROSEWOOD COURT LLC
37	100	CRESCENT	CRESCENT TC INVESTORS LP ATTN: PROPERTY
38	2510	CEDAR SPRINGS	CRESCENT REAL ESTATE EQUITIES LIMITED PS
39	2121	MCKINNEY	CRESCENT PLZ HOTEL OWNER SUITE 2100
40	2525	PEARL	BULARD FAMILY TRUST UTA
41	2525	PEARL	ADELGLASS JEFFREY & BARBARA
42	2525	PEARL	MARCHESSEAU OWEN UNIT 903
43	2525	PEARL	HIXSON PROPERTIES LLC
44	2525	PEARL	BASS H NEIL & BARBARA D
45	2525	PEARL	PASTORE WILLIAM & L FALLON
46	2525	PEARL	DONDERO ROBERT C & MARIAN T
47	2525	PEARL	COTTEL WILLIS I
48	2525	PEARL	SHINN LLOYD & SHINN BARBARA
49	2525	PEARL	LOVE GREGORY M TR &
50	2525	PEARL	QUIST SHARON S
51	2525	PEARL	BULARD RONALD A
52	2525	PEARL	MCLAREN JEFFREY
53	2525	PEARL	STERN MATT D
54	2525	PEARL	ZWEDEN JAAP VAN &
55	2525	PEARL	OHRE DAVID E
56	2525	PEARL	PECOS BEND ROYALTIES LP STE 2207
57	2525	PEARL	SHUMRAK H MICHAEL & SARAH C

58	2525	PEARL	TOELLER ANNE S
59	2525	PEARL	SONNENSCHNEIN MABELLE G UNIT 1107
60	2525	PEARL	MORENO ROBERTO JAVIER GONZALEZ
61	2525	PEARL	MILLER ROBERT H & DEBRA J
62	2525	PEARL	CARLOW CORP
63	2525	PEARL	GINSBURG SCOTT K
64	2525	PEARL	CONNOLLY ROBERT G & JOANN APT 1205
65	2525	PEARL	THE NAJERA 2009 TRUST
66	2525	PEARL	PIMENTEL EMILIO & MONICA STE 100-179
67	2525	PEARL	GALLETTA NANCY J #1301
68	2525	PEARL	BAILEY CHARLES R & VIRGINIA H
69	2525	PEARL	EAGLE ROBERT M
70	2525	PEARL	WESTDALE PPTIES AMERICA I
71	2525	PEARL	MINOR DANE & MICHELLE
72	2525	PEARL	WOOD DAVID M STE 1306
73	2525	PEARL	YOUNAN FAMILY TRUST
74	2525	PEARL	SANDLIN MARK R
75	2525	PEARL	JOHNSON AVERY & JOHNSON CASSANDRA
76	2525	PEARL	CORNELL BRIAN TR & MARTHA G CORNELL TR
77	2525	PEARL	BROWER SHANNON
78	2525	PEARL	KIM TAESEUNG BEN & CHUNG TAMMY K
79	2525	PEARL	RAPHAEL AUDREY LIVING TR THE PHOENICIAN
80	2525	PEARL	PLAMONDON MARK & PEGGY
81	2525	PEARL	1013 NW LOOP 410 VENTURE 1 FORUM 16TH FL
82	2525	PEARL	REYNOLDS RYAN MARK
83	2525	PEARL	MITCHELL G KEITH JR & LOIS D
84	2525	PEARL	ALVARADO JOSEPH & DORIS A UNIT #1504
85	2525	PEARL	HAUSLEIN FERDINAND A JR SUITE 1505
86	2525	PEARL	WALKER ROBERT M & GUDRUN S
87	2525	PEARL	CASTO DAVID & LUANN UNIT 1507
88	2525	PEARL	TAYLOR BERNARD &

89	2525	PEARL	ALBERTS DENNY & CYNTHIA COMPARIN STE 160
90	2525	PEARL	DOUGLASS GREGORY
91	2525	PEARL	NURENBERG PAMELA & DAVID EWALT
92	2525	PEARL	PARKS JAMES LEE
93	2525	PEARL	ROMAN FRANK
94	2525	PEARL	CROWDER KEVIN & KAREN
95	2525	PEARL	HEADINGTON TIMOTHY
96	2525	PEARL	ROSS STEPHANIE REVOCABLE TRUST
97	2525	PEARL	BORICUA ENTERPRISES LP
98	2525	PEARL	BGB HOLDINGS INC
99	2525	PEARL	JENSEN JANET J
100	2525	PEARL	MAYER TOM & SUSAN
101	2525	PEARL	KARKOUTLY AMAN & KARKOUTLY SUSAN
102	2525	PEARL	HAMMOND GABRIEL
103	2525	PEARL	TWOMEY KEVIN M & TWOMEY DANNEHL M
104	2525	PEARL	WAGNER DUER III
105	2525	PEARL	HADDOCK RON W & HADDOCK SANDI
106	2525	PEARL	SOLOMON WILLIAM T & GAY F
107	2525	PEARL	DISNEY RONALD W & KATHLEEN
108	2525	PEARL	HEADINGTON REALTY & CAPITAL LLC

FILE NUMBER: BDA 101-079

BUILDING OFFICIAL'S REPORT:

Application of Claudia Rosales, represented by Construction Concepts, for a variance to the landscape regulations at 1523 N. Montclair Avenue. This property is more fully described as Lot 6 in City Block 3955 and is zoned PD 714 (Subdistrict 2B), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a variance.

LOCATION: 1523 N. Montclair Avenue

APPLICANT: Claudia Rosales
Represented by Construction Concepts

REQUEST:

- A variance to the landscape regulations is requested in conjunction with paving an undeveloped lot as a surface parking lot to be used in conjunction with a use located in close proximity to the subject site at 1540 Fort Worth Avenue and not fully meeting the landscape requirements of PD No. 714.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how the restrictive area, shape, or slope of the site/lot precludes it from being developed in a manner commensurate with development found on other PD. No. 714 zoned lots.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

GENERAL FACTS:

- PD No. 714 states that “except as modified in this section (Landscaping), the regulations in Article X, “Landscape and Tree Preservation Regulations,” apply in this district. In the event of a conflict between this section and Article X, this section controls.” The applicant has submitted a landscape plan of the subject site whereby, according to the City of Dallas Chief Arborist, relief is sought from landscape requirements of PD No. 714, specifically from its street tree, parking lot tree, and maintenance schedule and design standards provisions.
 - Deficiencies:
 - Street Trees – The ordinance requires one tree per 30 feet of frontage (with a minimum of two) at three-inches caliper, and planted in a four foot wide planting strip with a minimum length of six feet. The trees must be planted in the required locations along the street frontage as specified in the Exhibit 714F. Street trees may not be counted as site trees and must be from a specific list.
No street trees are provided as required per ordinance. Two three-inch caliper Caddo maples are provided within a 30 foot distance of the street.
 - Parking Lot Trees – The ordinance requires each required parking space to be within 75 feet of a large canopy site tree.
The rear half of the parking lot does not comply with this requirement.
 - Design Standards – The ordinance requires each landscape plan to earn a minimum of 75 points from five design criteria. The plan identifies for option A, 20 points; option B, 0 points; option C, 15 points, option D, 30 points, and option E, 0 points.
The plan attains 65 points of the minimum 75 points required. It should be noted that Option B, foundation planting, provides 30 possible points but no structure is planned for this property. It may also be suggested that “open space” as defined in this ordinance was not available for this property as it must be publicly accessible and with pedestrian improvements. Open space provides for 20 possible points.
 - The landscape plan does not provide a required schedule for maintenance.
 - Factors:

- This Special Purpose District, PD 714, has specific landscape requirements beyond Article X and a requirement to comply with an exhibit for planting location.
- Sidewalk standards and screening regulations are not controlled under the landscape section of PD 714. New paving construction will require the property to come into compliance with the Street and Sidewalk Standards in Section 51P-714.115 and 116 of the PD(), which are not under review with this request.
- An “adequate irrigation and drainage system must be provided for all landscaping” is required in Section 51P-714.114(h).
- The property in review is about 120 feet from the property that will maintain the parking lot as an accessory use to the main use. Both properties are on the south side of Fort Worth Avenue and with no residential adjacency.
- An alternative landscape plan that includes drought-hardy screening shrubs that surrounds the parking lot is provided.
- The site is flat, rectangular in shape (50’ x 150’) and 7,500 square feet in area. The subject site is zoned PD No. 714 (Subdistrict 2B).
- DCAD shows “no main improvement” on the site.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 714 (Subdistrict 2B) (Planned Development District)
North: PD No. 714 (Subdistrict 2B) (Planned Development District)
South: PD No. 714 (Subdistrict 2B) (Planned Development District)
East: PD No. 714 (Subdistrict 2B) (Planned Development District)
West: PD No. 714 (Subdistrict 2B) (Planned Development District)

Land Use:

The subject site is undeveloped. The areas to the north, east, and west appear to be a mix of storage uses or undeveloped parcels of land; and the area to the south appears to be developed with office.

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:

June 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.

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

September 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Must comply with all C.O.D. visibility requirements."

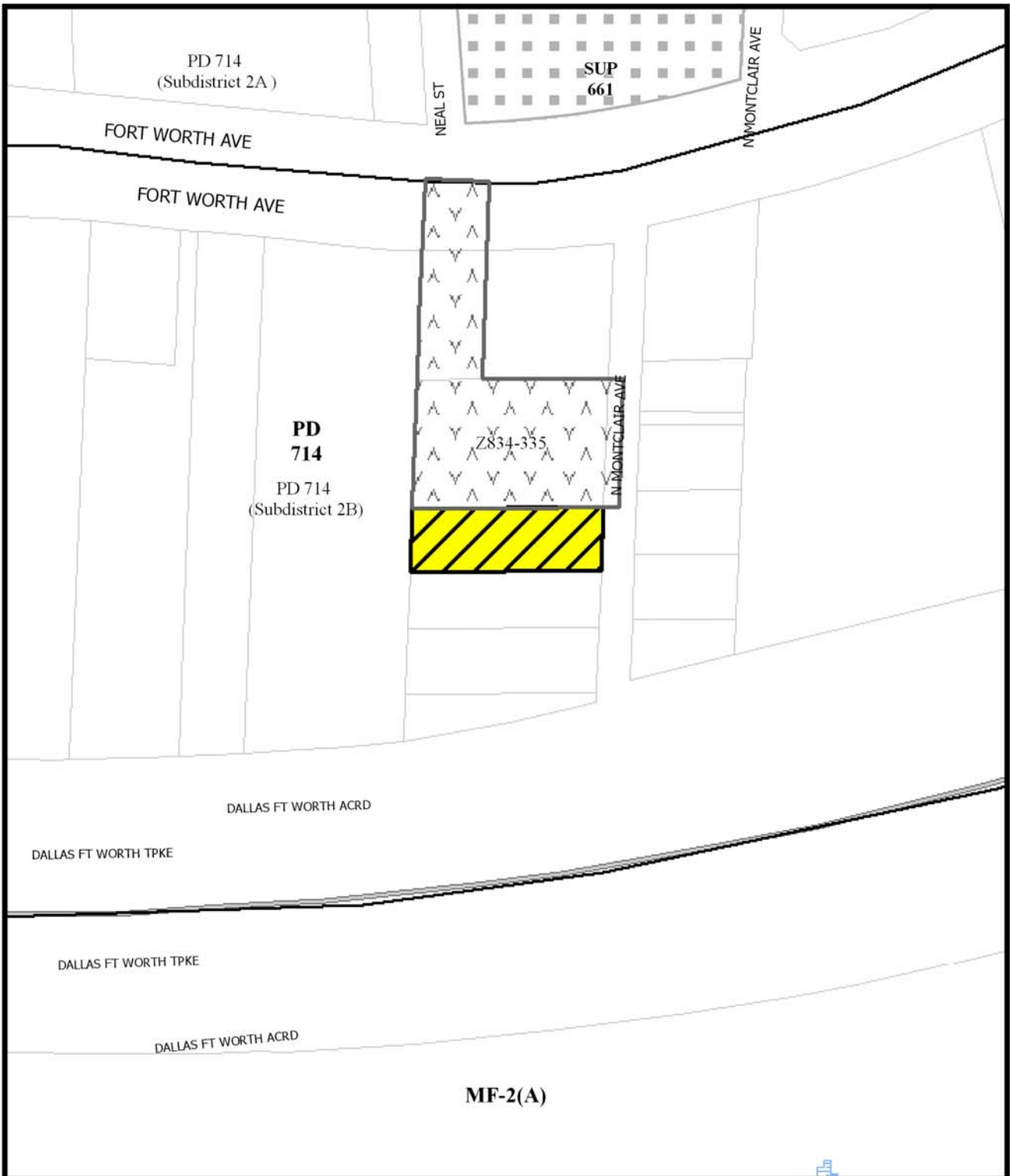
September 12, 2011: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment A).


STAFF ANALYSIS:

- This request focuses on paving an undeveloped lot as a surface parking lot to be used in conjunction with a use located in close proximity to the subject site at 1540 Fort Worth Avenue and not fully meeting the landscape requirements of PD No. 714, more specifically its provisions related to street trees, parking lot trees, design standards, and maintenance.
- Given specific provisions of the landscape provisions of PD No. 714, the applicant can only seek these leniencies from the board of adjustment by

requesting a *variance* to the landscape regulations as opposed to the more typical *special exception* to the landscape regulations.

- The site is flat, rectangular in shape (50' x 150') and 7,500 square feet in area. The subject site is zoned PD No. 714 (Subdistrict 2B).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the landscape regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 714 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 PD No. 714 zoning classification.
- If the Board were to grant this request and impose a condition that the applicant must comply with the submitted alternate landscape plan, the site would be “varied” from full compliance to the landscape regulations of the PD No. 714 whereby the site would be waived from providing any of the required street trees, from providing about half of the required parking lot trees, from providing 65 of the required 75 design standard points, and from providing the required maintenance schedule.
- The applicant’s request for a variance to the landscape regulations will not provide any relief to any existing or proposed noncompliant issues on the subject site pertaining to Section 51P-714.115 and 11,- the Sidewalk and Sidewalk Standards and the Screening Regulations of this Special Purpose District.




 1:1,200

ZONING MAP

Map no: K-6
 Case no: BDA101-079

DATE: August 18, 2011



 1:1,200	<h1>AERIAL MAP</h1>	Map no: <u> K-6 </u> Case no: <u> BDA101-079 </u>
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DATE: August 18, 2011

Memorandum



CITY OF DALLAS

DATE September 12, 2011

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 101 · 079

1523 N. Montclair Avenue

The applicant is requesting a variance to the landscape requirements of PD 714, the West Commerce/Fort Worth Avenue Special Purpose District. Specifically, the request is for a variance to the requirements under Section 51P-714.114(a)(1) and (a)(2).

Trigger

New construction of a parking lot.

Deficiencies

The proposed plan does not comply with following ordinance requirements: 51P-714.114(b), Street Trees; 51P-714.114(d), Parking Lot Trees; and, 51P-714.114(j)(3) and (4), Maintenance schedule and Design Standards.

1) Street Trees: The ordinance requires 1 tree per 30 feet of frontage (with a minimum of two), at 3-inches caliper, and planted in a four-foot wide planting strip with a minimum length of six feet. The trees must be planted in the required locations along the street frontage as specified in Exhibit 714F. Street trees may not be counted as site trees and must be from a specific list. (51P-714.114(b)(1, 3, 5, 14, 15 and 16).

No Street Trees are provided as required per ordinance. Two 3" caliper Caddo maples (large canopy trees) are provided in the property within thirty feet distance of the street.

2) Parking Lot Trees: The ordinance requires each required parking space to be within 75 feet of a large canopy site tree. (51P-714.114(d)(1).

The rear half of the parking lot does not comply with this requirement.

3) Design Standards: The ordinance requires each landscape plan to earn a minimum of 75 points from five design criteria. The plan identifies for option (A), 20 points; for (B), 0 points; for (C), 15 points; for (D), 30 points; and for (E), 0 points.

The plan attains 65 points of the minimum 75 points required. It should be noted that Option (B), foundation planting, provides for 30 possible points but no structure is planned for this property. It may also be suggested that 'open space,' as defined in this ordinance, was not available for this property as it must

be publicly accessible and with pedestrian improvements. Open space provides for 20 possible points.

4) The landscape plan does not provide a required schedule for maintenance.

Factors

The Special Purpose District has distinct landscape requirements that include a modified Article X and requirement to comply with an exhibit for planting location.

Sidewalk standards and screening regulations are not controlled under the landscape section of this ordinance. New paving construction will require the property to come under compliance with Section 51P-714.115 (Street and sidewalk standards) and 51P-714.116 (Screening regulations). These are not under review with this request.

Under 51P-714.114(h), Plant Requirements, an 'adequate irrigation and drainage system must be provided for all landscaping.'

The landscape plan complies with the site tree requirements and plant requirements.

The property in review is about 120 feet from the property that will maintain the parking lot as an accessory use to the main use. Both properties are on the south side of Fort Worth Avenue and with no residential adjacency.

An alternative landscape plan that includes drought-hardy screening shrubs that surround the parking lot is provided.

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



City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-079

Data Relative to Subject Property:

Date: 6-22-11

Location address: 1523 N. Montclair Ave. Zoning District: PD 714 (2B)

Lot No.: 6 Block No.: 3955 Acreage: .17 Census Tract: 43.00

Street Frontage (in Feet): 1) 50' 2) _____ 3) _____ 4) _____ 5) _____ *gw 16*

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Luis A. Gonzalez Enterprises Inc

Applicant: Claudia Rosales Telephone: 214-946-4300

Mailing Address: 317 E. Jefferson Blvd Dallas, Tx 75203 Zip Code: 75203

Represented by: Construction Concepts Inc. Telephone: 214-946-4300

Mailing Address: 317 E. Jefferson Blvd Dallas, Tx 75203 Zip Code: 75203

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

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:
Due to the lot size, we can't comply with the 75 point system.

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.

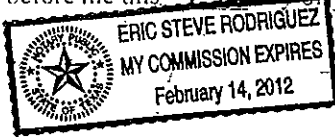
Respectfully submitted: Claudia Rosales Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Claudia Rosales 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 22 day of June, 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

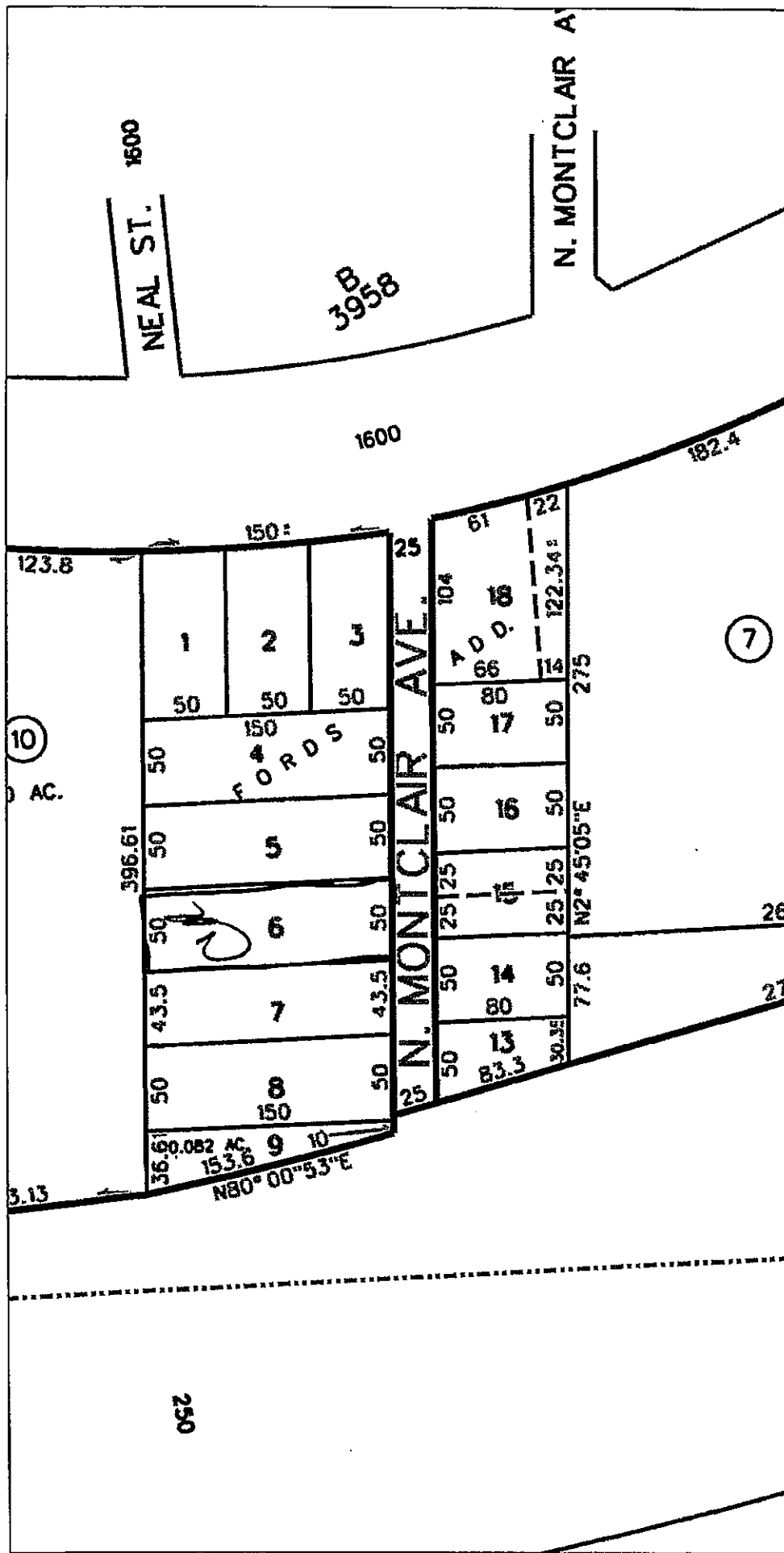
I hereby certify that Claudia Rosales

did submit a request for a variance to the landscaping regulations
at 1523 N. Montclair Avenue

BDA101-079. Application of Claudia Rosales for a variance to the landscaping regulations at 1523 N. Montclair Avenue. This property is more fully described as lot 6 in city block 3955 and is zoned PD-714(Subdistrict 2B), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a variance to the landscape regulations.

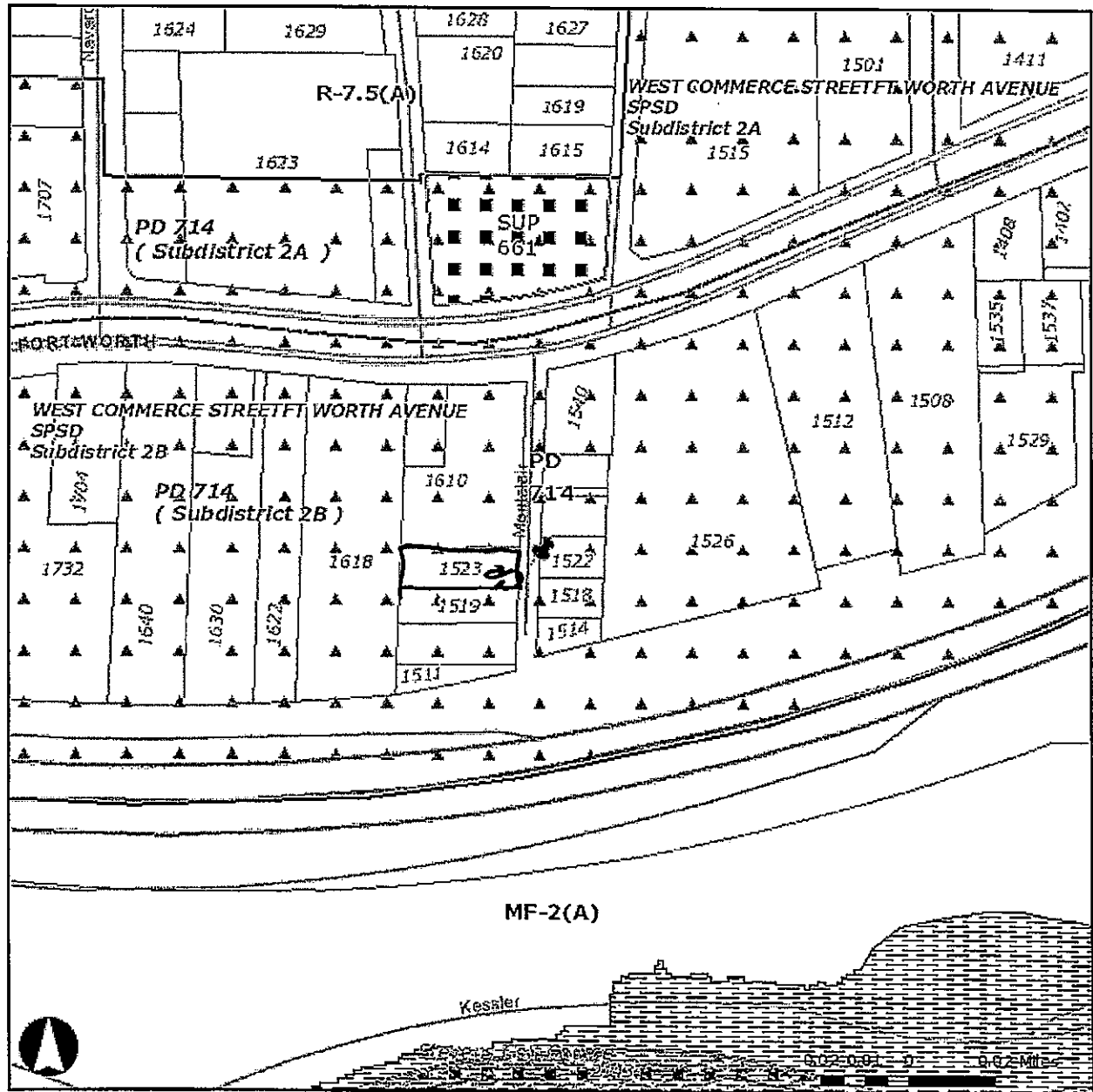
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



C:\tax_plats\3955.dgn 6/23/2011 3:26:48 PM

City of Dallas Zoning



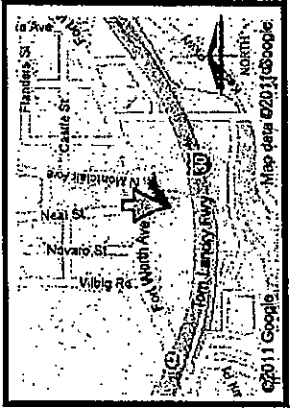
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City Boundaries	Dry Overlay	Base Zoning
	<input type="checkbox"/>	<input type="checkbox"/>
County	<input type="checkbox"/>	Floodplain
	<input type="checkbox"/>	<input type="checkbox"/>
Certified Parcels	D-1	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
DISD Sites	Historic Overlay	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Council Districts	Historic Subdistricts	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Waterways	NSO Overlay	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	NSO Subdistricts	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

CONSTRUCTION CONCEPTS INC.
 Planning and Designing a Better Tomorrow
 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 948-4300
 FAX. (214) 948-9544

GENERAL NOTES
 -PARKING AGREEMENT WITH 1540 FT. WORTH AVE, DALLAS, TX 75208

Project Name & Address
 1523 N. MONTCLAIRE AVE
 DALLAS, TEXAS
 75208

Project: SITE PLAN
 Date: 03/30/11
 Scale: 1" = 20'-0"
 Drawn By: LA
 Sheet: 1



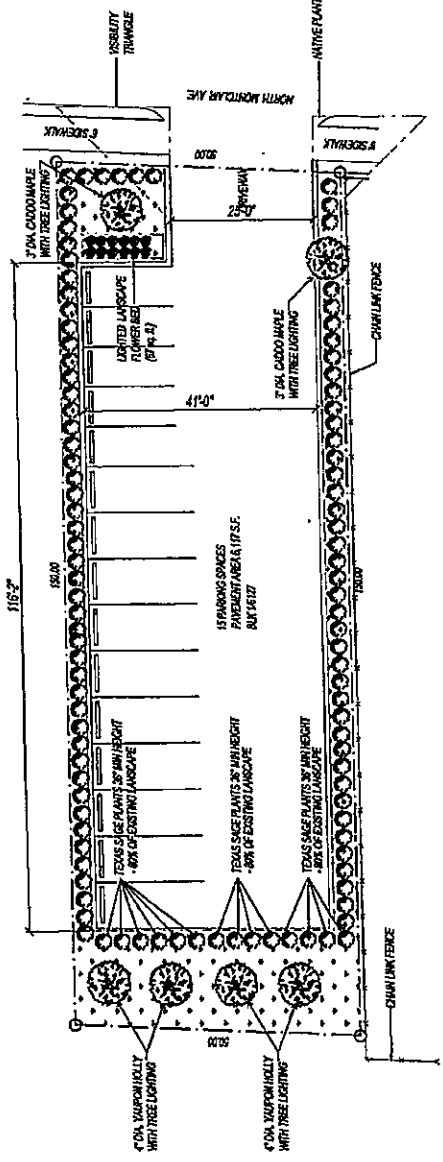
ZONING:
 P.D. 714
 SUB DISTRICT 2B

ANALYSIS PARKING

STZ	USE	SOFT	RAND	PARKING REQ.
100	OFFICE	1800	333	0
101	GENERAL MERCHANDISE	2424	200	12
TOTAL		4,224		18

1523 MONTCLAIRE PARKING	15
PARKING REQ.	15
PARKING PROVIDED	15

-PARKING AGREEMENT WITH 1540 FT. WORTH AVE, DALLAS, TX 75208



CONSTRUCTION CONCEPTS INC.
 Planning and Designing a Better Tomorrow
 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 948-4309
 FAX. (214) 948-9544

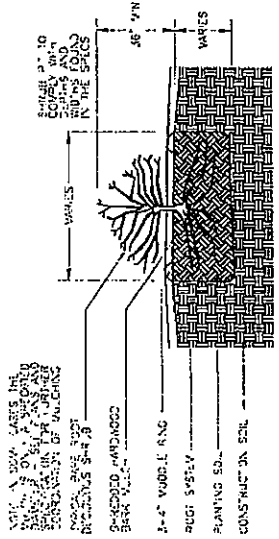
GENERAL NOTES

-PARKING
 AGREEMENT WITH
 1540 FT. WORTH AVE,
 DALLAS, TX 75208

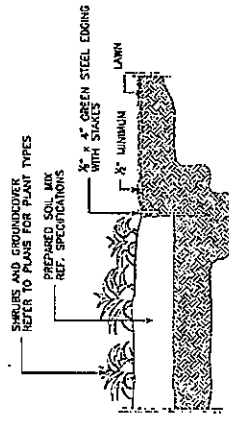
Project Name & Address
 1523 N. MONTCLAIRE AVE
 DALLAS, TEXAS
 75208

Project	Sheet
DETAILS	
Date	03/30/11
Scale	N.T.S.
Drawn By	LA

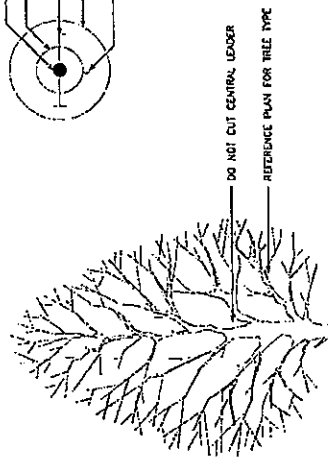
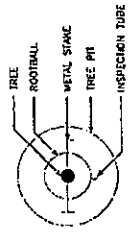
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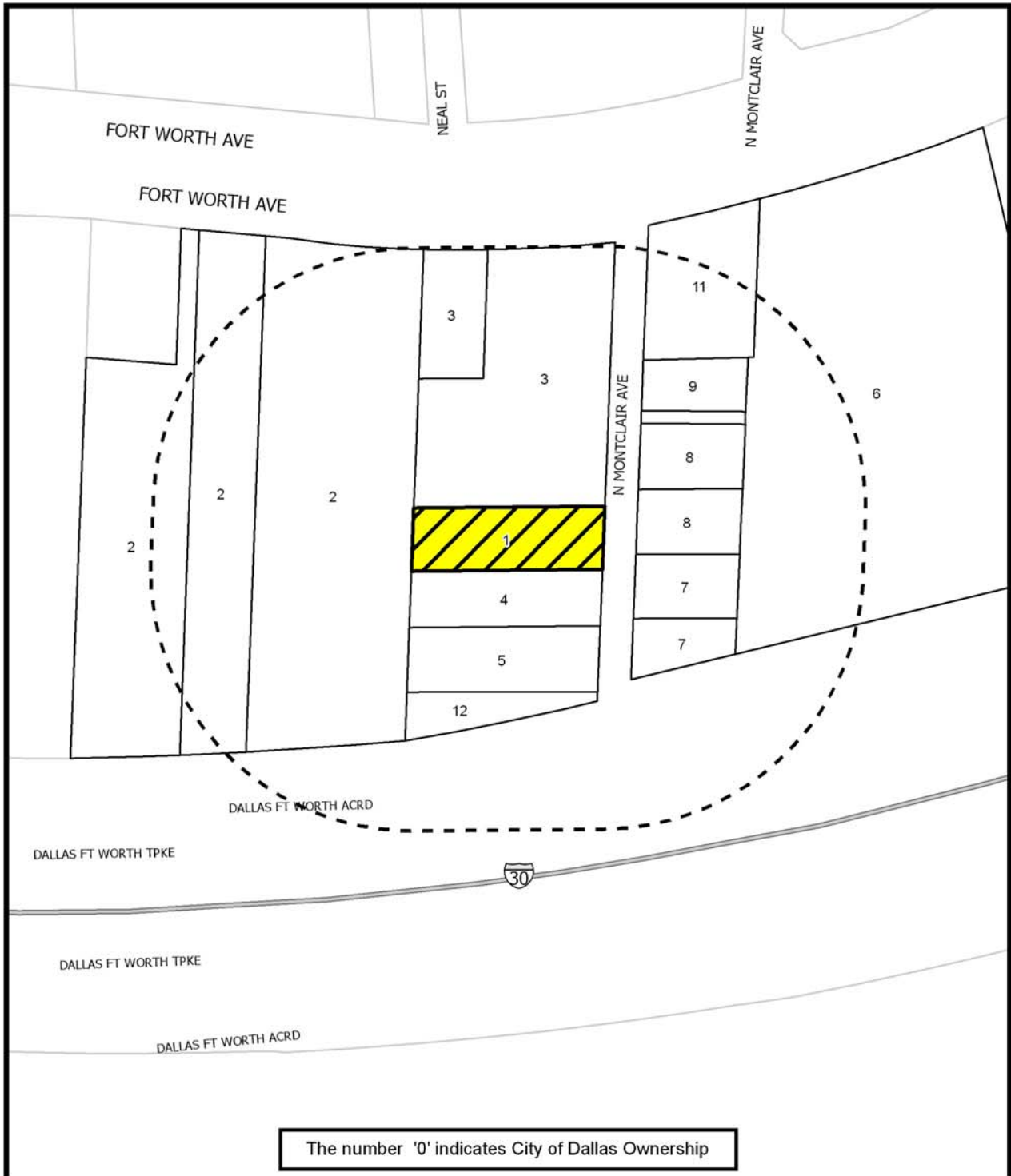
BARE ROOT PLANTING DETAIL
 not scale



STEEL EDGING DETAIL
 not scale



TREE PLANTING DETAIL
 not scale



The number '0' indicates City of Dallas Ownership

 <p>1:1,200</p>	<h2 style="text-align: center;">NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>12 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Map no: <u> K-6 </u></p> <p>Case no: <u> BDA101-079 </u></p>
---	---	---

DATE: August 18, 2011

Notification List of Property Owners

BDA101-079

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1523 MONTCLAIR	GONZALES L ENTERPRISES INC
2	1622 FORT WORTH	SLJ FWA LTD
3	1612 FORT WORTH	GONZALEZ L ENTERPRISE INC DBA GONZALEZ F
4	1519 MONTCLAIR	GONZALES LUZ
5	1515 MONTCLAIR	TLC PROPERTIES INC
6	1526 FORT WORTH	NORTH TEXAS DIST COUNCIL OF THE ASSEMBLY
7	1518 MONTCLAIR	DAUM MANAGEMENT LTD STE 806
8	1522 MONTCLAIR	BARRETO DAVID
9	1528 MONTCLAIR	URBINA JUAN JOSE
10	1528 MONTCLAIR	BARRETO DAVID
11	1540 FORT WORTH	L GONZALEZ ENTERPRISES INC DBA GONZALEZ
12	1511 MONTCLAIR	TEXAS TURNPIKE AUTHORITY

FILE NUMBER: BDA 101-084

BUILDING OFFICIAL'S REPORT:

Application of Dee Anna Hanchey for special exceptions to the visual obstruction regulations at 3104 San Lucas Avenue. This property is more fully described as Lot 1 in City Block L/7312 and is zoned R-7.5(A) which requires a 20 foot visibility triangle at alley and driveway approaches. The applicant proposes to locate and maintain items in required visibility triangles which will require special exceptions.

LOCATION: 3104 San Lucas Avenue

APPLICANT: Dee Anna Hanchey

REQUESTS:

- Special exceptions to the visual obstruction regulations are requested in conjunction with maintaining an eight-foot high solid wood fence/sliding wood gate in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive, and at the 20-foot visibility triangle at the intersection of the alley immediately south of the site and Matterhorn Drive. The site is developed as a single family home.

STAFF RECOMMENDATION:

(1) Approval of the requests for special exceptions to the visual obstruction regulations to maintain an eight-foot high solid wood fence/gate in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Engineering Assistant Director recommends approval of these requests.
- The applicant has substantiated how the location of the items in these drive approach visibility triangles does not constitute a traffic hazard.

(2) Denial of the request for a special exception to the visual obstruction regulations to maintain an eight-foot high solid wood fence/gate in the 20-foot visibility triangle at the intersection of the alley immediately south of the site and Matterhorn Drive.

Rationale:

- The Sustainable Development and Construction Department Engineering Assistant Director recommends denial of this request.
- The applicant has not substantiated how the location of the items in this 20-foot visibility triangle does not constitute a traffic hazard.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

A site plan has been submitted that shows a fence (and sliding gate) located in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive (lengths of approximately six feet in each triangle), and in the 20-foot visibility triangle at the intersection the alley immediately south of the site at Matterhorn Drive (length of approximately five feet in this triangle). An elevation document has been submitted that represents what appears as a solid fence (no materials are denoted on the elevation) that is eight feet in height.

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 as 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:

June 30, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

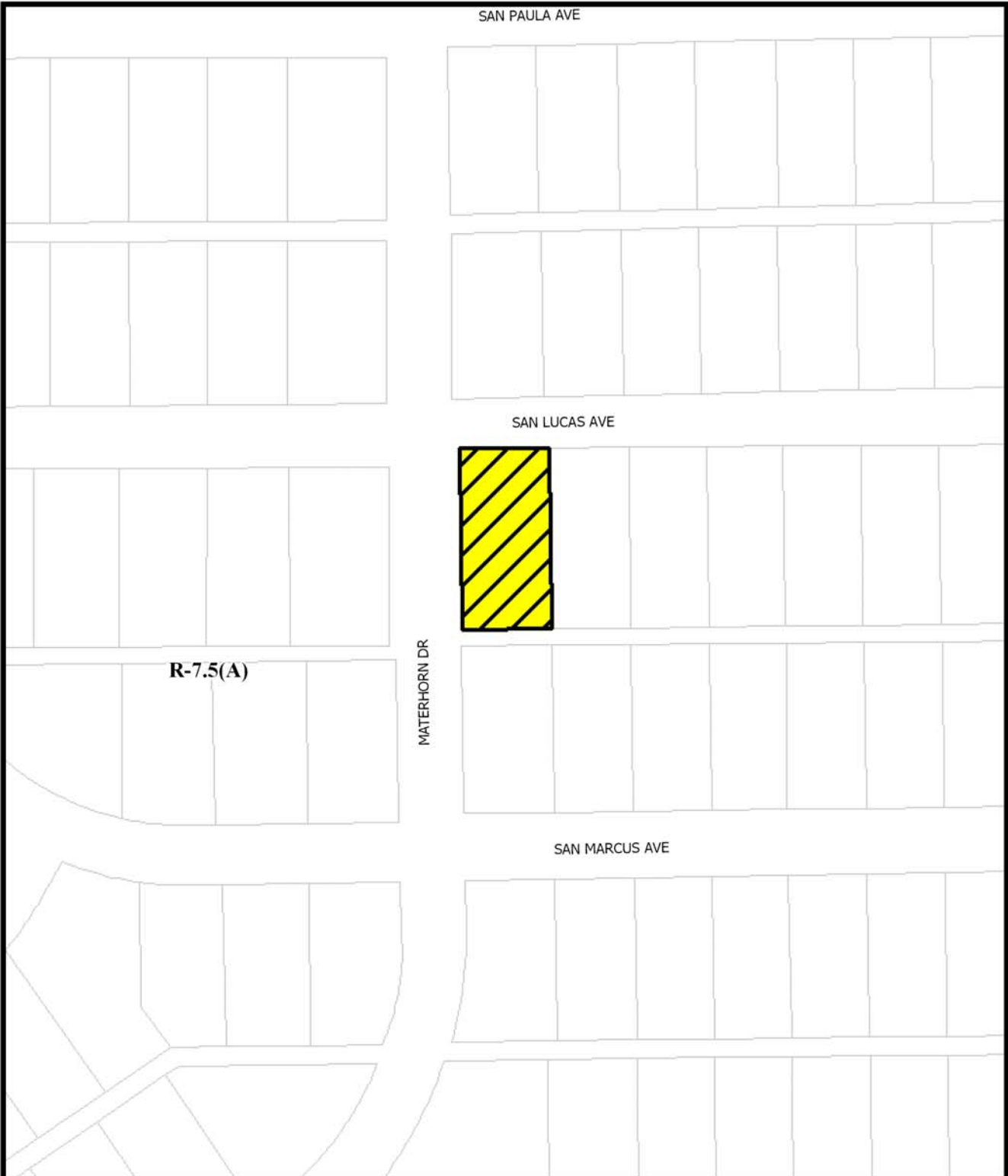
September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable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

September 8, 2011: The Sustainable Development and Construction Department Engineering Assistant Director submitted a review comment sheet marked “Recommends that this be denied” commenting “1) Alley visibility obstruction should be denied due to pedestrian safety concerns. (Remedy exists by sliding

gate in other direction); and 2) No objections to driveway visibility triangles.”

STAFF ANALYSIS:

- The requests for special exceptions to the visual obstruction regulations focus on maintaining an eight-foot high solid wood fence/sliding wood gate in the two 20-foot visibility triangles at the drive approach into the site from Matterhorn Drive, and at the 20 foot visibility triangle at the intersection of the alley immediately south of the site and Matterhorn Drive. The site is developed as a single family home.
- The Sustainable Development and Construction Department Engineering Assistant Director submitted a review comment sheet marked “Recommends that this be denied” commenting “1) Alley visibility obstruction should be denied due to pedestrian safety concerns. (Remedy exists by sliding gate in other direction); and 2) No objections to driveway visibility triangles.”
- The applicant has the burden of proof in establishing how granting each/all of the requests for a special exception to the visual obstruction regulations to maintain eight-foot high solid wood fence/sliding gate in each triangle does not constitute a traffic hazard.
- If the Board chooses to grant any/all of these requests, and impose the submitted site plan and elevation as a condition, the item shown on these documents (in this case, an eight-foot high solid wood fence/gate) would be “excepted” into the each/all of the 20-foot visibility triangles.



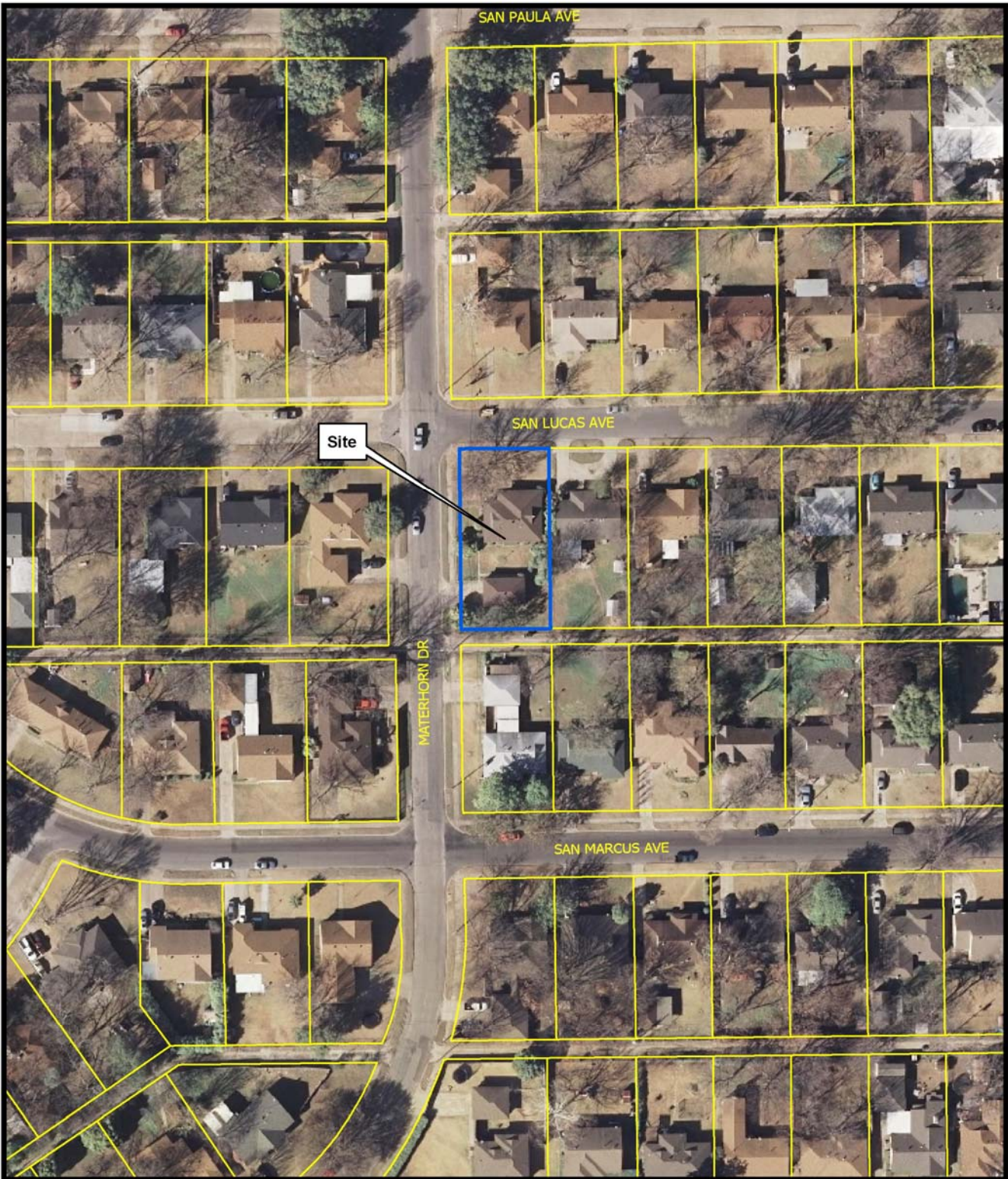
1:1,200

ZONING MAP

Map no: H-11

Case no: BDA101-084

DATE: August 18, 2011



1:1,200

AERIAL MAP

Map no: H-11

Case no: BDA101-084

DATE: August 18, 2011



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-084

Data Relative to Subject Property:

Date: 6/30/11

Location address: 3104 San Lucas Avenue Zoning District: R-7.5(A)

Lot No.: 1 Block No.: L/7312 Acreage: .2194 Census Tract: 125.00

Street Frontage (in Feet): 1) 70' 2) 136.5' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

588

Owner of Property/or Principal: Dee Anna (Smith) Hanchey

Applicant: Dee Anna Hanchey Telephone: 972-686-1385

Mailing Address: 3104 San Lucas Avenue Zip Code: 75228

Represented by: Self Telephone: Same

Mailing Address: Same Zip Code: Same

Affirm that a request has been made for a Variance __, or Special Exception , of _____
The visibility triangle requirements at the alleyway and driveway of 3104 San Lucas Avenue

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 homeowners believe that these special exceptions are not a safety hazard for the neighborhood for these reasons:

- This block does not have alley-facing driveways, making residential alley traffic very rare
- Sanitation has not collected via this alleyway since August of 2009
- The alleyway corner breaches the visibility triangle by only 4' and the driveway is only breached by 6.5' (when gate is open)
- Safety mirrors have been installed at the alleyway and driveway to increase visibility for drivers and pedestrians

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: Dee Anna Hanchey [Signature]
Applicant's name printed Applicant's signature

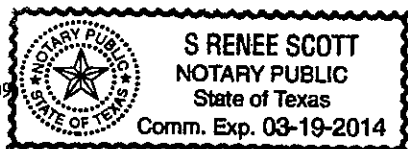
Affidavit

Before me the undersigned on this day personally appeared Dee Anna Hanchey 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 30th day of June, 2011

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



(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was ---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that DEE ANNA HANCHEY

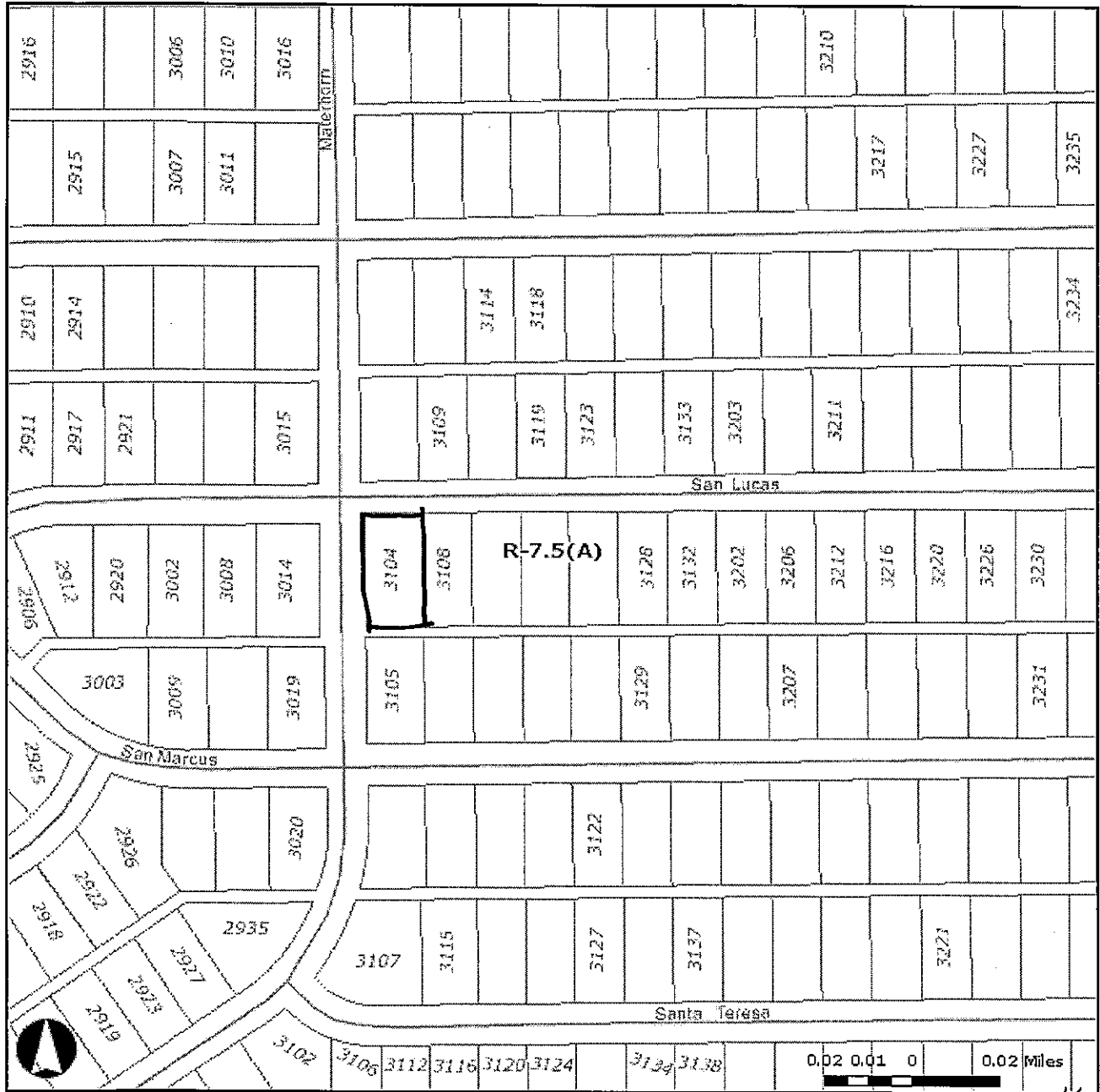
did submit a request for a special exception to the visibility obstruction regulation
at 3104 San Lucas Avenue

BDA101-084. Application of Dee Anna Hanchey for a special exception to the visibility obstruction regulations at 3104 San Lucas Avenue. This property is more fully described as lot 1 in city block L/7312 and is zoned R-7.5(A), which requires a 20 foot visibility triangle at alley and driveway approaches. The applicant proposes to construct and maintain a single family residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

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

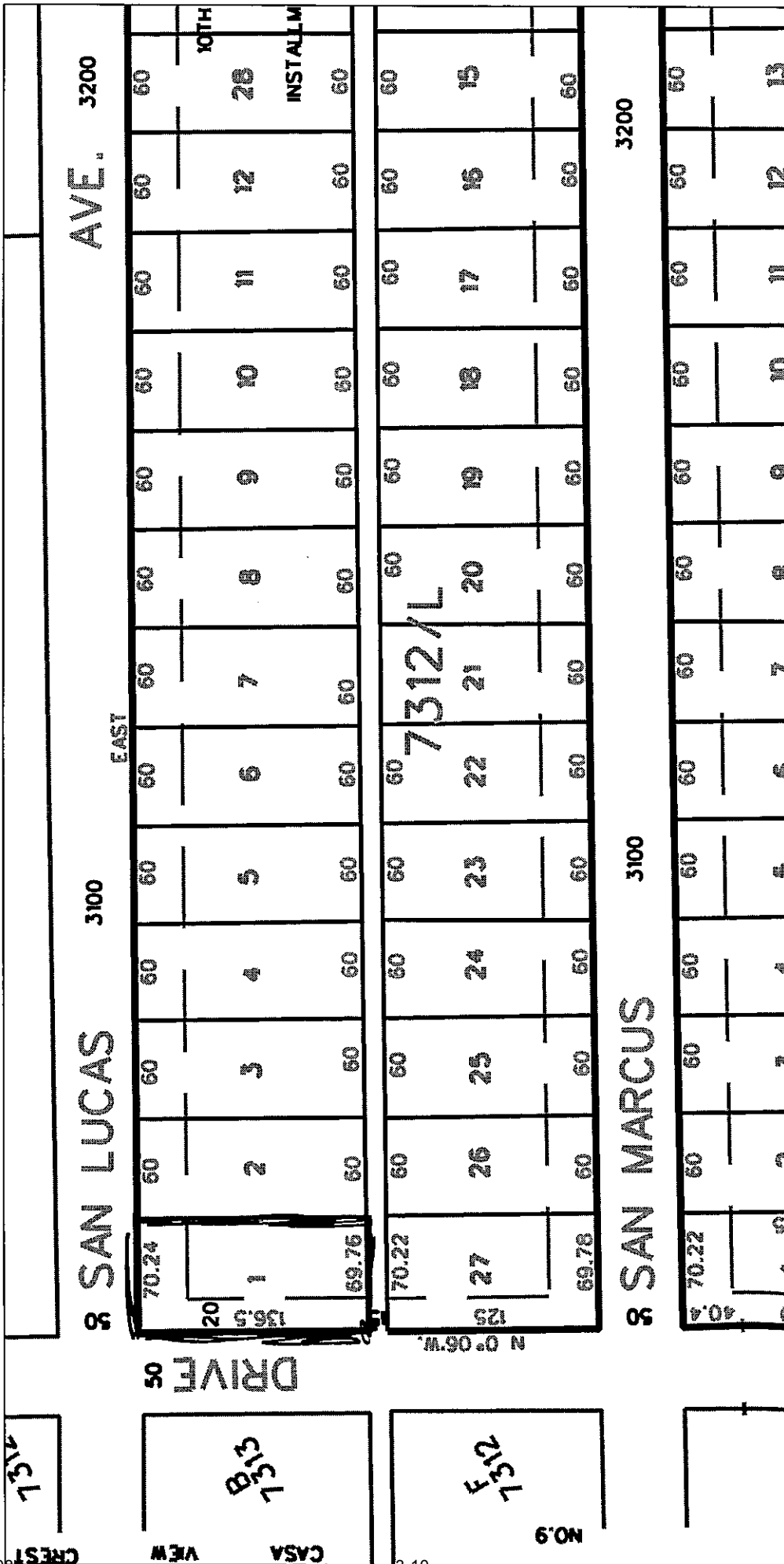
Dry Overlay

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

Base Zoning

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

CH



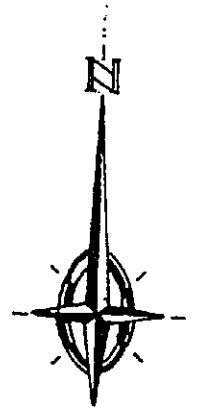
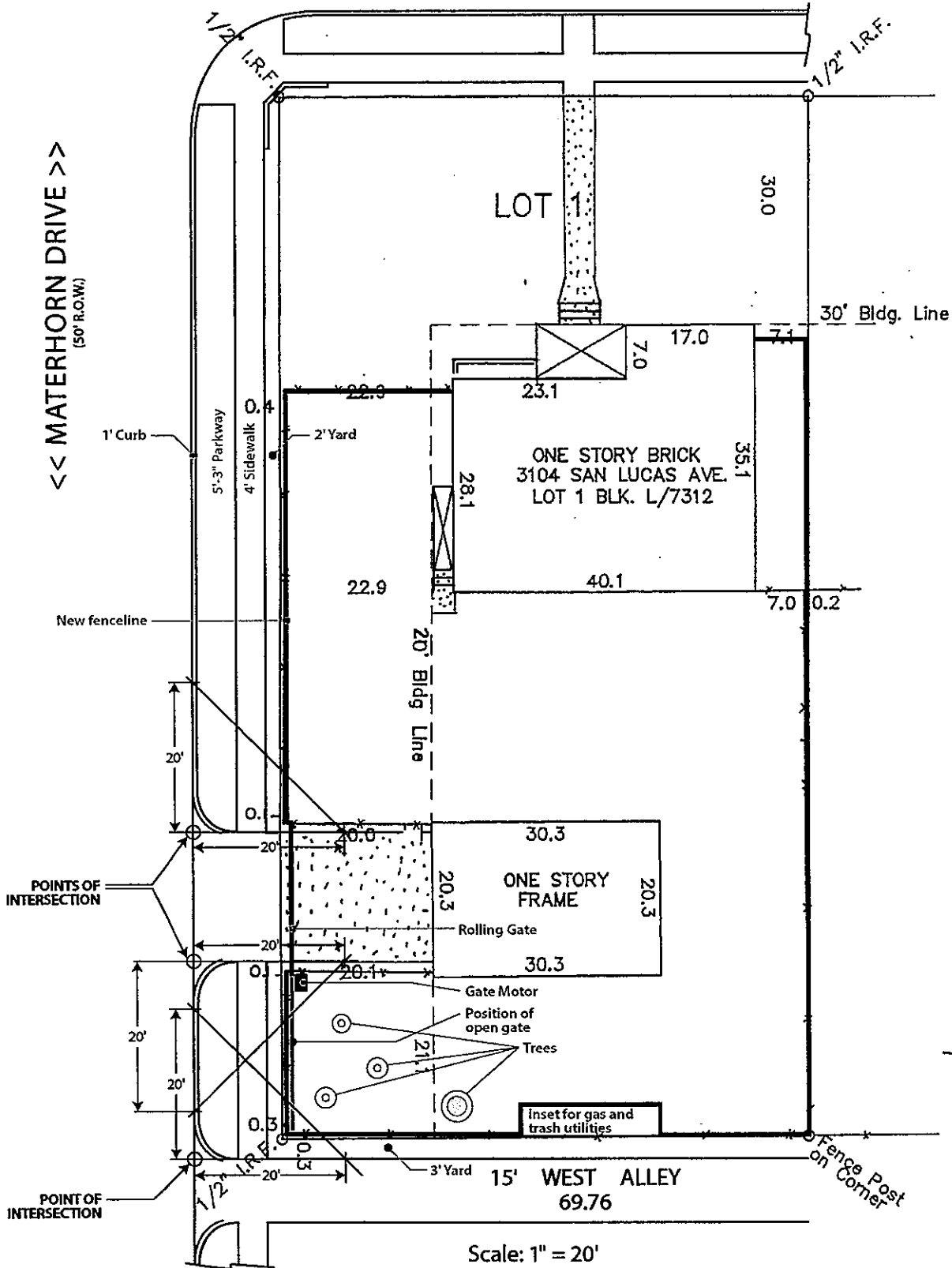
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Handwritten signature

<< SAN LUCAS AVENUE >>
(50' R.O.W.)

(PLAT BEARING)
EAST
70.24

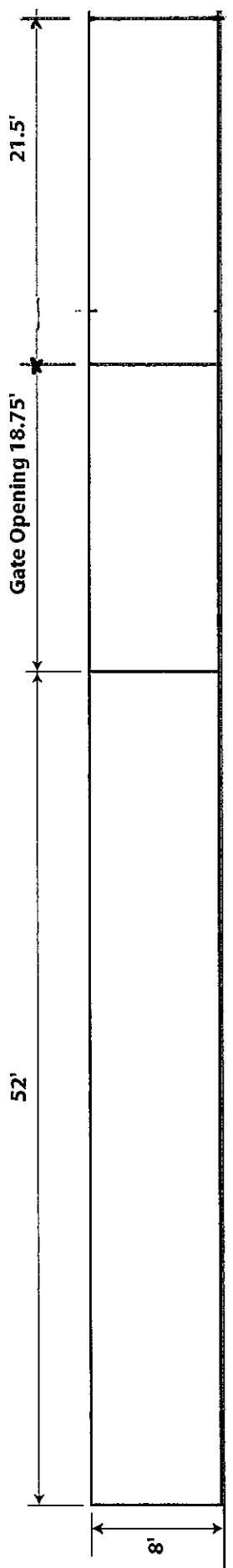
<< WATERHORN DRIVE >>
(50' R.O.W.)



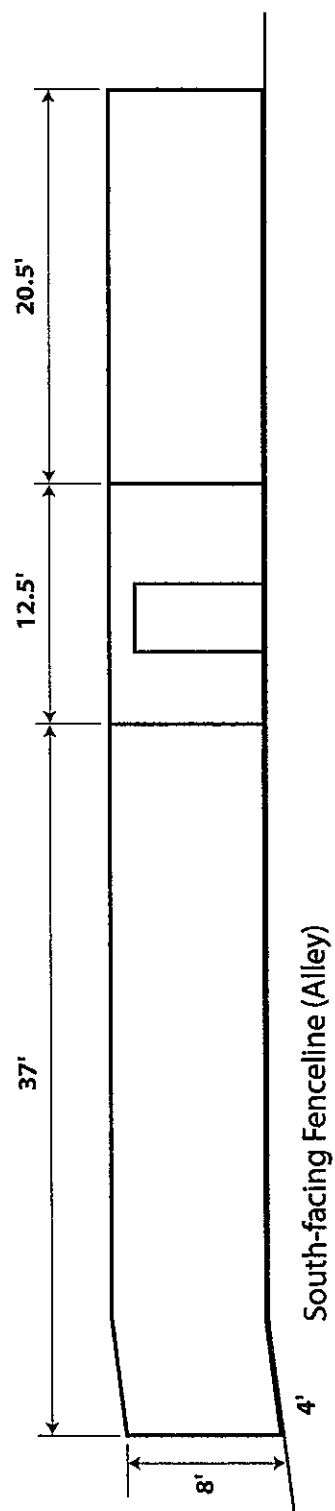
Scale: 1" = 20'

3104 San Lucas Avenue: Fenceline Elevation Drawings

Scale: .1" = 1'



West-facing Fenceline (Waterhorn Drive)



South-facing Fenceline (Alley)

Appeal to the Board of Adjustment

City of Dallas

**Chris and Dee Anna Hanchey
3104 San Lucas Avenue
Dallas, Texas 75228**

July 1, 2011

Overview

After a permit was issued allowing the installation of an 8-foot fence along an existing fenceline at 3104 San Lucas Avenue, the structure did not pass inspection due to its encroachment into the visibility triangle located at the alleyway. Upon speaking with Todd Duerksen in preparation for this appeal, homeowners Chris and Dee Anna (Smith) Hanchey were advised that the visibility triangles along the driveway must be addressed as well. The Hancheys have already made enhancements to address safety concerns, and are now requesting a variance to allow the current configuration to stand.

Pertinent Background Information

The homeowners engaged the help of a friend and former fence contractor to help them replace their aging chain-link fence with an 8-foot privacy fence. Through this relationship, they were able to obtain materials at a considerable discount. They were also glad to have someone who reportedly was experienced in dealing with the city who was willing to help them get their permits in order. After assuring the Hancheys that their intended plan was approved, and producing a permit that confirmed that plan, the work proceeded.

Points in Support of the Proposed Variance

Safety

- Unlike many neighborhoods in the Dallas area, no homes along this particular block have alley-facing driveways, making residential alley traffic extremely rare.
- The alley at issue has not been used for garbage or recycling collection since August of 2009, making sanitation traffic nonexistent. [EXHIBIT A]
- The cross street (Materhorn) is not a major thoroughfare, consisting of a single lane in either direction.
- The street is not a part of the DART bus network.
- Pedestrian traffic is light.
- When the solar-powered sliding gate is open, the fence on either side of the driveway is a full 13 feet back from the street, and more than 2 feet back from the sidewalk.
- Since the original inspection, the homeowners have installed an 18-inch convex mirror to the corner of the fence at the alleyway to address safety concerns.
 - Even before the mirror was added, oncoming vehicular and pedestrian traffic coming from either direction could be clearly seen by a driver traveling at a reasonable speed for alley travel.
 - Now, with the addition of the safety mirror, visibility is further expanded for both drivers and pedestrians.

- For a vehicle positioned up to 18 feet short of the sidewalk in the alleyway, the driver’s ability to see pedestrians now extends to approximately 18 feet down the sidewalk, as measured from the inside corner of the intersection of the alleyway and sidewalk — or approximately 25 feet down the sidewalk, if measured from the center of the alleyway. As both car and pedestrian advance, that visibility is further enhanced. [EXHIBIT B]
 - For a pedestrian walking south along the near sidewalk, motion in the alley is detectable from up to 18 feet down the sidewalk, as measured from the inside corner of the intersection of the alleyway and sidewalk — or approximately 25 feet down the sidewalk, if measured from the center of the alleyway. As both car and pedestrian advance, that visibility is further enhanced. [EXHIBIT C]
 - As the driver exits the alleyway, visibility of both northbound and southbound traffic is completely unfettered. [EXHIBIT D]
- In addition to the 18-inch convex mirror installed at the alleyway, the homeowners have also installed two 4x5.5-inch convex mirrors — one on either side of the driveway.
 - Even before these mirrors were added, a driver backing slowly and cautiously out of the driveway could safely ease out the opening and have an unobstructed view in either direction.
 - Now, with the addition of these mirrors, visibility is further enhanced. [EXHIBIT E]

Good-Faith Efforts to Comply

- While the homeowners now understand that the structure does not conform to the letter of the law, they made efforts in good faith to observe city codes, as evidenced by the following measures:
 - They searched the City of Dallas website for applicable codes and conditions and found mention of the visibility triangle on item no. 12 — but the reference to “Chapter 51A-4.602 (d)(13)” seemed to the homeowners to read as a notation of where this passage was obtained, rather than a directive to seek further details. [EXHIBIT F]
 - No links are embedded in the web page to direct novices to a more detailed city code.
 - The page does not include a directive to call the city for important information that is not listed on this page, or to visit City Hall to research specific measurements related to the visibility triangle.

- Searches for the terms “visibility triangle” and “Chapter 51A-4.602” yield no results on the City of Dallas website. [EXHIBIT G]
 - In contrast, the information in the second half of item no. 12 regarding corner lots is more specific about directing readers to “See Chapter 51A-4.401(b)” for special provisions that govern the front yard — a directive that would have prompted the homeowners to seek additional information had it been applied to the visibility triangle code. [EXHIBIT H]
 - They sought and obtained a permit, which was approved without alteration to the corner shown on the survey plat. [EXHIBIT I]
 - After the fence was constructed, the homeowners took it upon themselves to do a test drive from both the alleyway and the driveway to be sure that drivers and pedestrians would have adequate visibility.
 - It’s worth noting that at this point, the homeowners were under the impression that the visibility triangle was determined on a case-by-case basis, rather than by a hard-and-fast measurement.
 - Their belief that the fenceline would be in compliance was further supported by a long list of both recently constructed and older fences within a ½-mile radius that have the same alleyway footprint — and driveway/gate configuration — as the fence at 3104 San Lucas Avenue. (Many more examples exist beyond those that were photographed for this application.) [EXHIBIT J]
- Despite these efforts, the structure failed inspection due to its failure to conform to the letter of the law with relation to the visibility triangle restrictions. At the time of this inspection, no mention was made of any issue with the visibility triangles adjacent to the driveway.
- It was only at that point, the failed inspection, that the homeowners were presented with specific measurements and diagrams outlining the visibility triangle. Had this information been readily available at the outset, the homeowners would have adjusted their plans accordingly before moving forward with construction. [EXHIBIT K]

Homeowner Burden

- The city code states that a variance will not be granted to alleviate a “self-created or personal hardship, nor for financial reasons only.” It also states, however, that “when, owing to special conditions, a literal enforcement of the zoning ordinance would result in unnecessary hardship...the spirit of the ordinance will be observed and substantial justice done.”
- The homeowners have saved for this project for a decade, and being required to alter the existing structure will result in undue financial burdens, including:

- An estimated \$1,000–\$1,500 to alter the fence itself.
 - An estimated \$200–\$300 for the relocation or replacement of a recently planted tree that would be affected by the altered fenceline.
 - An estimated \$1,000 to reposition a sliding gate that currently opens all the way into the corner at issue. [EXHIBIT L]
- The decision to pay the \$600 application fee to appeal the decision was not taken lightly by the homeowners, but it's a step they felt compelled to take since they believe they've presented solid evidence that public safety is not in jeopardy, and since the \$600 fee may prevent the homeowners from spending a much greater amount to conform to the code as written.

Summary

Despite good-faith efforts to obtain a permit and comply with city codes, the homeowners at 3104 San Lucas Avenue find themselves in a situation that could compel them to spend thousands of dollars to comply with city codes after the fact. With the addition of the safety mirror, along with the minimal alleyway and pedestrian traffic outlined previously in this document, Chris and Dee Anna Hanchey ask that the board to use compassionate and logical discretion to allow for the requested variance. The homeowners would gladly welcome the board to visit the location to inspect the structure and surroundings firsthand.



August 24, 2009

Dear Valued Customer:

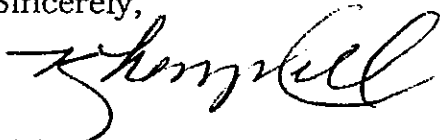
You will experience a temporary change in your garbage and recycle collection procedure in a few days.

The alley behind your house is no longer passable for Sanitation collection services. For safety reasons and the prevention of damage to City and private property, the point of service will be moved to the street.

Starting Monday August 24th, 2009, please place your garbage and recyclables on the street. Your days of collection will remain Monday and Thursday. You may place your roll cart out after 6:00 p.m., the day prior to pick up. You must remove your roll cart to a point behind the building line by 8:00 a.m. following your collection day. We apologize for any inconvenience that this change may cause.

Your cooperation and patience is appreciated. If you have questions please call us at 214.670.3703.

Sincerely,



Kirk Hemphill
Service Response Agent
City of Dallas Sanitation District 5

Pedestrian Visibility Sequence - Part 1

Visibility from Vehicle (Driver's Position) – Vehicle distance from sidewalk: 18' (front nose of vehicle)

Note: For both pedestrians and drivers alike, motion is always the key to noticing any oncoming traffic, with or without obstructions. This demonstration is attempting to simulate the actual motion since there is no video format presentation available for this appeal process.

VIEW FROM CAR

MIRROR DETAIL

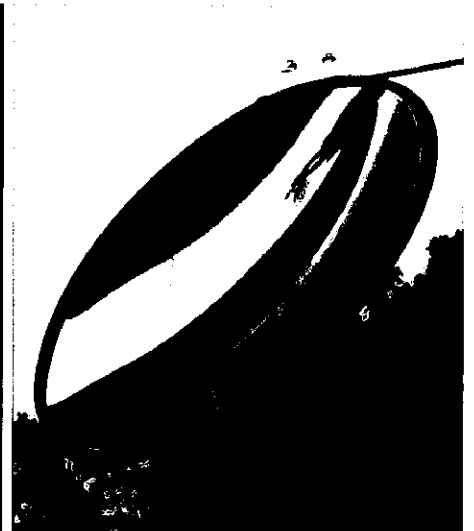
Position 1:

Motion is initially visible. Pedestrian approx. 18' from inside corner of alleyway and sidewalk.



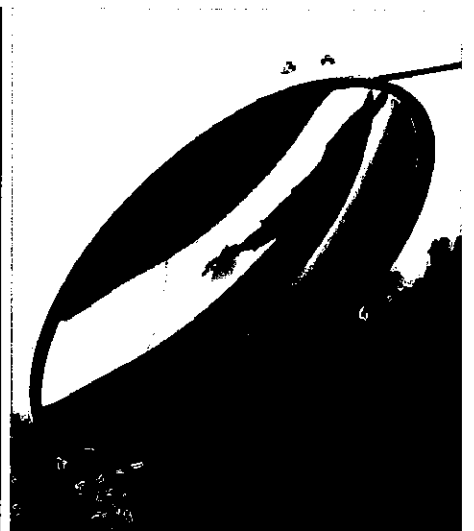
Position 2:

Motion is still visible. Pedestrian approx. 14' from inside corner of intersection of alleyway and sidewalk.



Position 3:

Motion is still visible. Pedestrian approx. 10' from inside corner of intersection of driveway and sidewalk.



Pedestrian Visibility Sequence - Part 2

Visibility from Vehicle (Driver's Position) – Vehicle distance from sidewalk: 18' (front nose of vehicle)

Position 4:

Motion is still visible.
Pedestrian approx. 6'
from inside corner of
intersection of driveway
and sidewalk.

VIEW FROM CAR



MIRROR DETAIL



Position 5:

Pedestrian is now visible.
Pedestrian approx. 2'
from inside corner of
intersection of driveway
and sidewalk.



Vehicle Visibility Sequence - Part 1

Visibility from sidewalk – Pedestrian distance from sidewalk: 12' from inside corner of alley and sidewalk

Note: For both pedestrians and drivers alike, motion is always the key to noticing any oncoming traffic, with or without obstructions. This demonstration is attempting to simulate the actual motion since there is no video format presentation available for this appeal process.

VIEW FROM SIDEWALK

MIRROR DETAIL

Position 1:

Motion is initially visible. Vehicle's nose is approx. 18' from inside corner of intersection of alleyway and sidewalk.



Position 2:

Motion is still visible. Vehicle's nose is approx. 9' from inside corner of intersection of alleyway and sidewalk.



Position 3:

Motion is still visible. Vehicle's nose is approx. 2' from inside corner of intersection of alleyway and sidewalk.



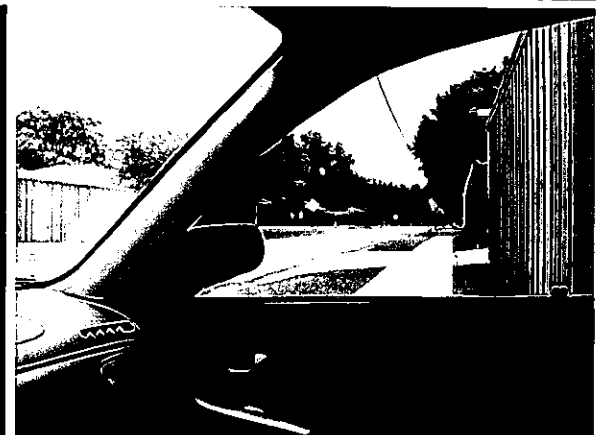
Vehicle Visibility Demonstration

Visibility from normal stopped position at alley opening.

When vehicles properly stop at alley opening, vehicle has full visibility to street in both directions.



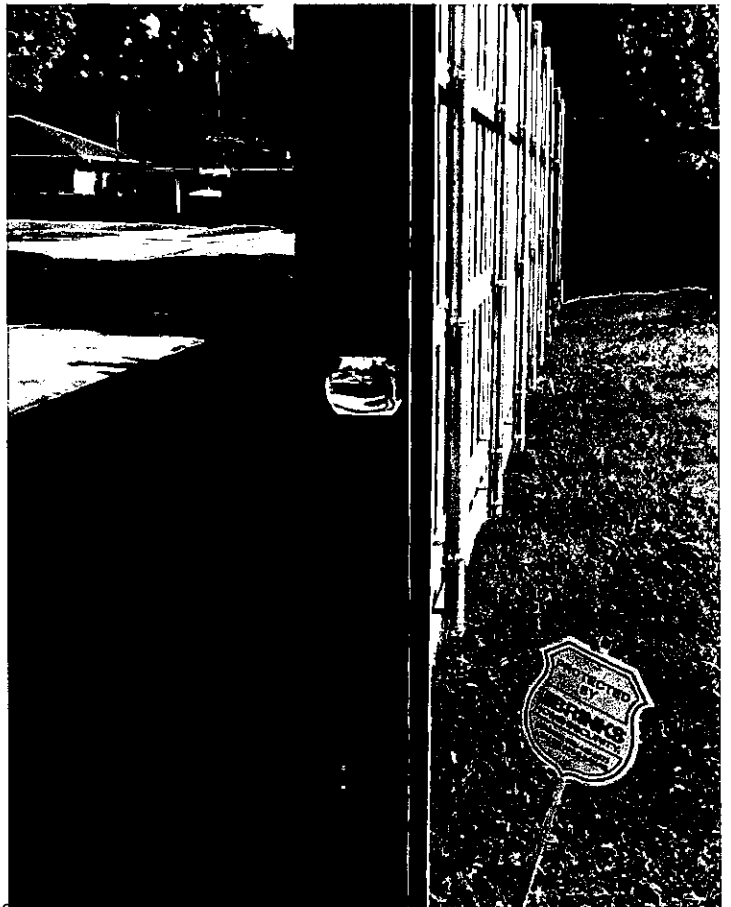
VIEW TO LEFT (INSIDE VEHICLE)



VIEW TO RIGHT (INSIDE VEHICLE)

Driveway Visibility

Gate distance from street allows for easy viewing of oncoming traffic. Mirrors added for enhanced visibility.





Español



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Fences

1. A fence and screening wall must be structurally sound. It must be capable of supporting its own weight. It must be properly maintained and not out of vertical alignment more than one foot from the vertical. Chapter 27-11 (b)(10)
2. Fences in single family and duplex districts may not exceed four (4) feet above grade when located in the required front yard. Chapter 51A-4.602 (a)(1)
3. Fences in a required yard may not exceed nine (9) feet in height. Chapter 51A-4.602 (a)(1)
4. Fences in multi-tenant districts may be built to a maximum height of six (6) ft if all conditions of Chapter 51A-4.604 (a)(2), (A)(B)(C) are met.
5. Unless the conditions of Chapter 51A-4.602 (a)(2)(3)(4) are met, a fence in a multi-tenant district may not exceed four (4) ft above grade, except when the required front yard is governed by the side yard regulations pursuant to Chapter 51A-4.401.
6. A Master Permit is required to erect any fence or wall over four (4) feet high in the front yard or over six (6) feet high if located elsewhere on private property. (Side and Rear Yard) Chapter 52 (301).
7. Fence heights in single family and duplex districts shall be measured from the top of the fence to the level of the ground on the inside and outside of any fence. The fence height shall be the greater of these two measurements if the fence is constructed on fill material that alters the grade, as determined by the Building Official, the height of the altered grade shall be included in the height of the fence. For the purpose of this provision, altered grade means the placement of fill material that exceed a slope of one (1) foot of height for three (3) feet of distance. Chapter 51A-4.602 (a)(5)(A)
8. In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence. Chapter 51A-4.602 (a)(5)(A)
9. Barbed wire may not be used for fencing unless it is located six (6) feet or more above grade AND does not project beyond the property line. Chapter 51A-4.602 (a)(8)
10. Fences may not be located in easements. Chapter 51A-4.602 (a)(7)
11. Fences must provide fire-fighting access to the side and rear yard. Chapter 51A-4.602 (a)(9)
12. A fence must not be placed or maintained within a visibility triangle at street, alley or driveway intersections if the fence is higher than two and a half (2 1/2) feet measured from the top of the adjacent street curb. Chapter 51A-4.602 (d)(13) Corner Lot: Has special provisions that govern the front yard. See Chapter 51A-4.401(b).
13. If fence panel set back is required under Chapter 51A-4.602(a) (2)(C) (3) the landscaping must be approved by the Parks and Recreation Director.
14. All screening of off street parking, garbage storage areas, etc. must be constructed and maintained in accordance with applicable codes and ordinances. Chapter 51A-4.301 (f) / Chapter 51A-4.602 (b),(c)
15. Construction fences are under the jurisdiction of Building Inspection.
16. Existing swimming pool installations require that all gates and doors into swimming pool enclosures which lawfully existed before June 1, 1998, shall be made to fully comply with the self-closing and self-latching provisions of Chapter 6304 subsection (b).
17. Swimming pool enclosures have additional fence regulations. See Swimming Pool Policy.
18. If fence is located in an Historical or Conservation District, other regulations may apply.

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visibility triangle

Search

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Chapter 51A-4.602

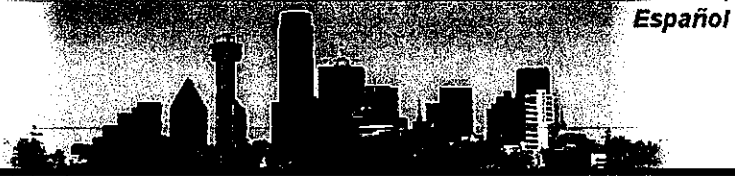
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8. In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence. Chapter 51A-4.602 (a)(5)(A)
9. Barbed wire may not be used for fencing unless it is located six (6) feet or more above grade AND does not project beyond the property line. Chapter 51A-4.602 (a)(8)
10. Fences may not be located in easements. Chapter 51A-4.602 (a)(7)
11. Fences must provide fire-fighting access to the side and rear yard. Chapter 51A-4.602 (a)(9)
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17. Swimming pool enclosures have additional fence regulations. See Swimming Pool Policy.
18. If fence is located in an Historical or Conservation District, other regulations may apply.

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City of Dallas

Permit # 1104081038

Issue Date: 04/08/2011

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address: **3104 SAN LUCAS AVE 75228**

Land Use Description: SINGLE FAMILY DWELLING

Work Description: INSTALL 8' FENCE

Value Of Work: \$6,473.00

Owner Or Tenant: DEE ANN SMITH-HANCHEY
3104 SAN LUCAS AVE
DALLAS, TX 75228

Applicant: DEE ANNA HANCHEY
Contractor: HANCHEY, DEE ANNA
Business Address: 2104 SAN LUCAS AVE, DALLAS, TX 75228
Telephone: 972/686-1385 Fax:

Lot: 1	Block: L/7312	Zoning: R-7.5(A)	PDD:	SUP:
Historic Dist:	Consv Dist:	Pro Park:	Req Park:	Park Agrmt:N
Dwlg Units:	Stories:	New Area:	Lot Area: 0	Total Area:
Type Const:	Sprinkler:	Occ Code:	Occ Load:	
Inches Of Removed Trees:				

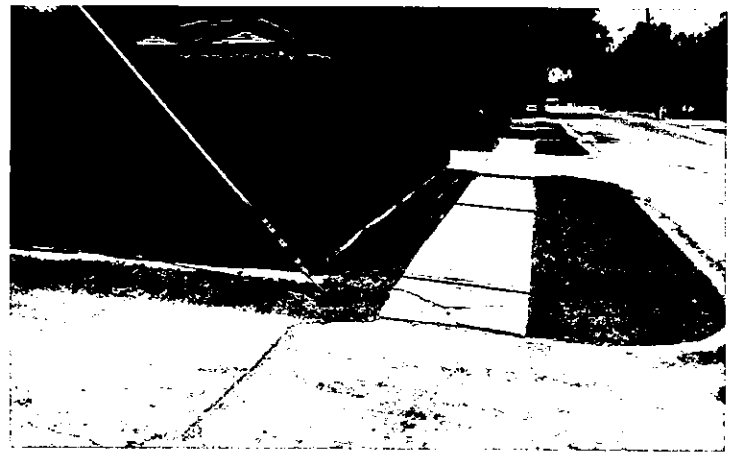
Remarks: SUBJECT TO FIELD INSPECTOR APPROVAL;

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.

Comparable Fenceline Examples

Other alley/street intersection fenceline examples within 1/2-mile radius of 3104 San Lucas



WHAT ARE THE PROCEDURES?

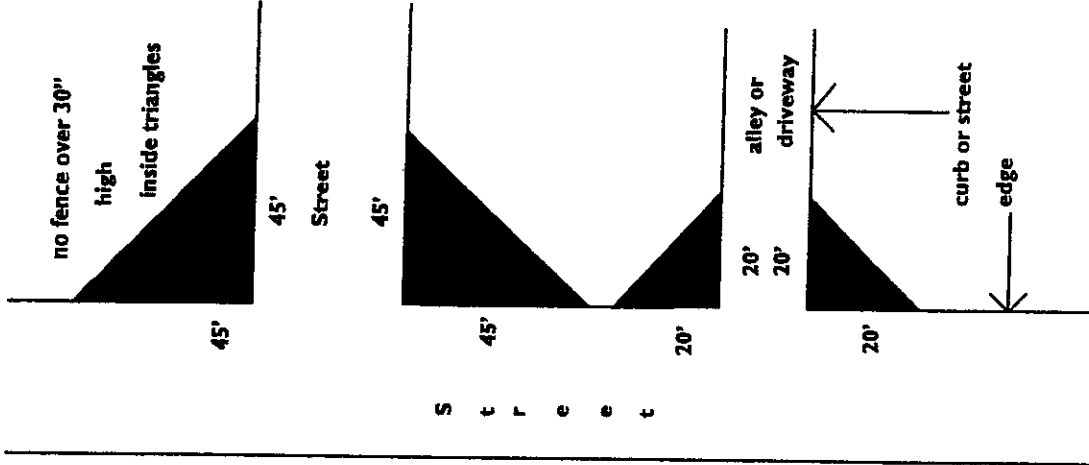
- Complete and submit an application to Building Inspection. See this pamphlet for directions to our locations and internet site. The application form can be downloaded from our internet site.
- Applicants are usually not required to submit a site plan.

HOW MUCH WILL IT COST?

The cost is based on the value of the work with a minimum fee of \$60.00.

HOW LONG DOES IT TAKE TO GET A FENCE PERMIT?

Normally, a fence permit is issued while you wait. Historic Districts take longer due to the review requirement by the Landmark Commission.



If you are not in a special district the following general rules apply:

- In a required front yard setback, fences for single family and duplex uses are limited to four (4) feet above grade. Corner lots may have both street frontages considered as front yard setbacks.
- Fences on the remainder of the lot may not exceed nine (9) feet in height
- Barbed wire may not be used for fencing unless it is located six (6) feet or more above grade AND does not project beyond the property line.
- Fences may not be located in easements.
- Swimming pool enclosures have additional fence regulations. See the "How to get a Swimming Pool Permit" guide at any Building Inspection office, call 214-948-4480, or check our Internet web page.
- All fences must provide fire-fighting access to the side and rear yard.
- A fence must not be placed within a visibility triangle at street, alley or driveway intersections if the fence is higher than two and a half (2 1/2) feet measured from the top of the adjacent street curb. See the illustration on the following page.

WHEN IS A FENCE PERMIT REQUIRED?

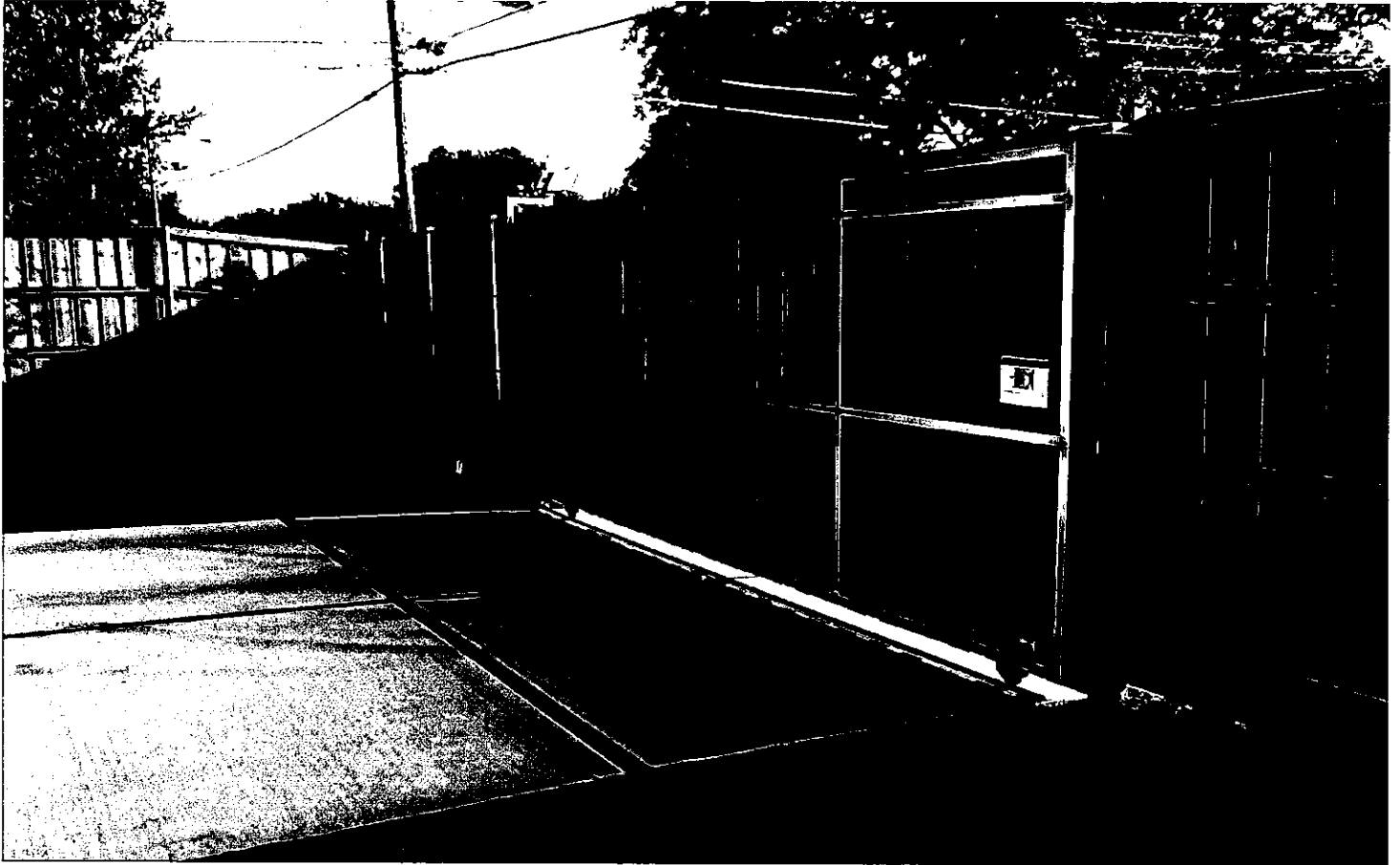
A fence permit is required to erect a fence or wall over four (4) feet in a required front yard setback or over six (6) feet high if located elsewhere on private property.

WHAT SPECIAL REGULATIONS SHOULD I BE AWARE OF?

Special zoning areas called Planned Development Districts, Historic Districts, and Conservation Districts may have unique requirements for fences. To determine if you are in one of these districts and to obtain details about district regulations, call 214-948-4480 or look at the zoning maps on our internet site at www.dallascityhall.com. Locate City Departments, then click on Department of Development Services, and finally Zoning Maps.

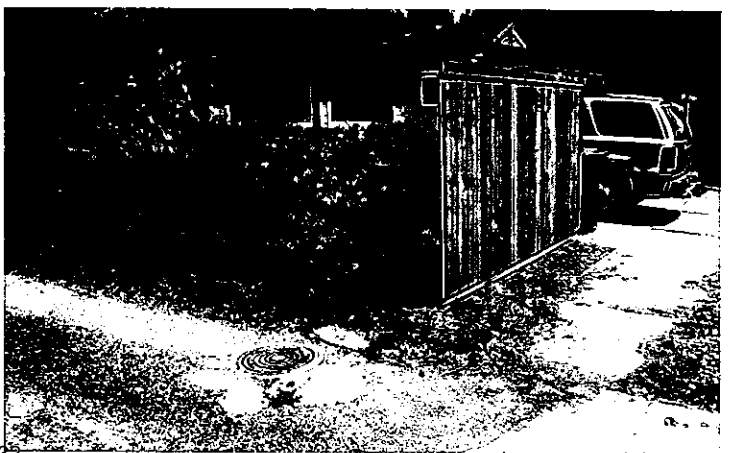
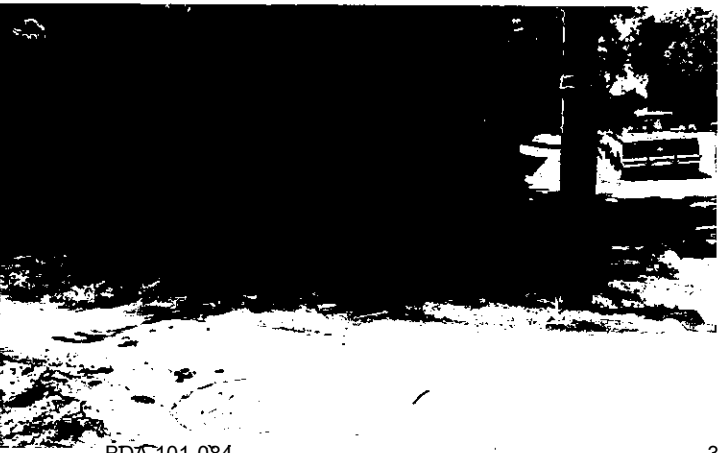
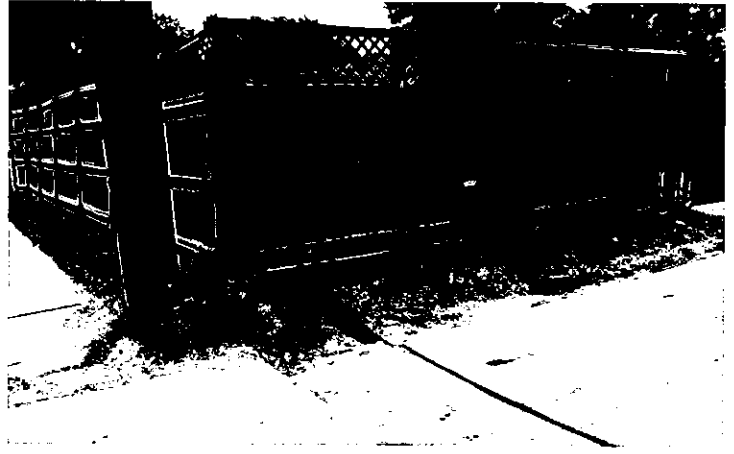
Interior Corner Detail

Shows gate opening requires full distance to corner



Comparable Fenceline Examples

Other alley/street intersection fenceline examples within 1/2-mile radius of 3104 San Lucas





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-084

Data Relative to Subject Property:

Date: 6/30/11

Location address: 3104 San Lucas Avenue Zoning District: R-7.5(A)

Lot No.: 1 Block No.: L/7312 Acreage: .2194 Census Tract: 125.00

Street Frontage (in Feet): 1) 70' 2) 136.5' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

588

Owner of Property/or Principal: Dee Anna (Smith) Hanchey

Applicant: Dee Anna Hanchey Telephone: 972-686-1385

Mailing Address: 3104 San Lucas Avenue Zip Code: 75228

Represented by: Self Telephone: Same

Mailing Address: Same Zip Code: Same

Affirm that a request has been made for a Variance , or Special Exception , of _____
The visibility triangle requirements at the alleyway and driveway of 3104 San Lucas Avenue

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 homeowners believe that these special exceptions are not a safety hazard for the neighborhood for these reasons:

- This block does not have alley-facing driveways, making residential alley traffic very rare
- Sanitation has not collected via this alleyway since August of 2009
- The alleyway corner breaches the visibility triangle by only 4' and the driveway is only breached by 6.5' (when gate is open)
- Safety mirrors have been installed at the alleyway and driveway to increase visibility for drivers and pedestrians

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: Dee Anna Hanchey [Signature]
Applicant's name printed Applicant's signature

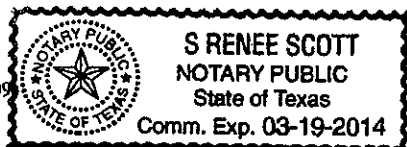
Affidavit

Before me the undersigned on this day personally appeared Dee Anna Hanchey 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 30th day of June, 2011

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



(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that DEE ANNA HANCHEY

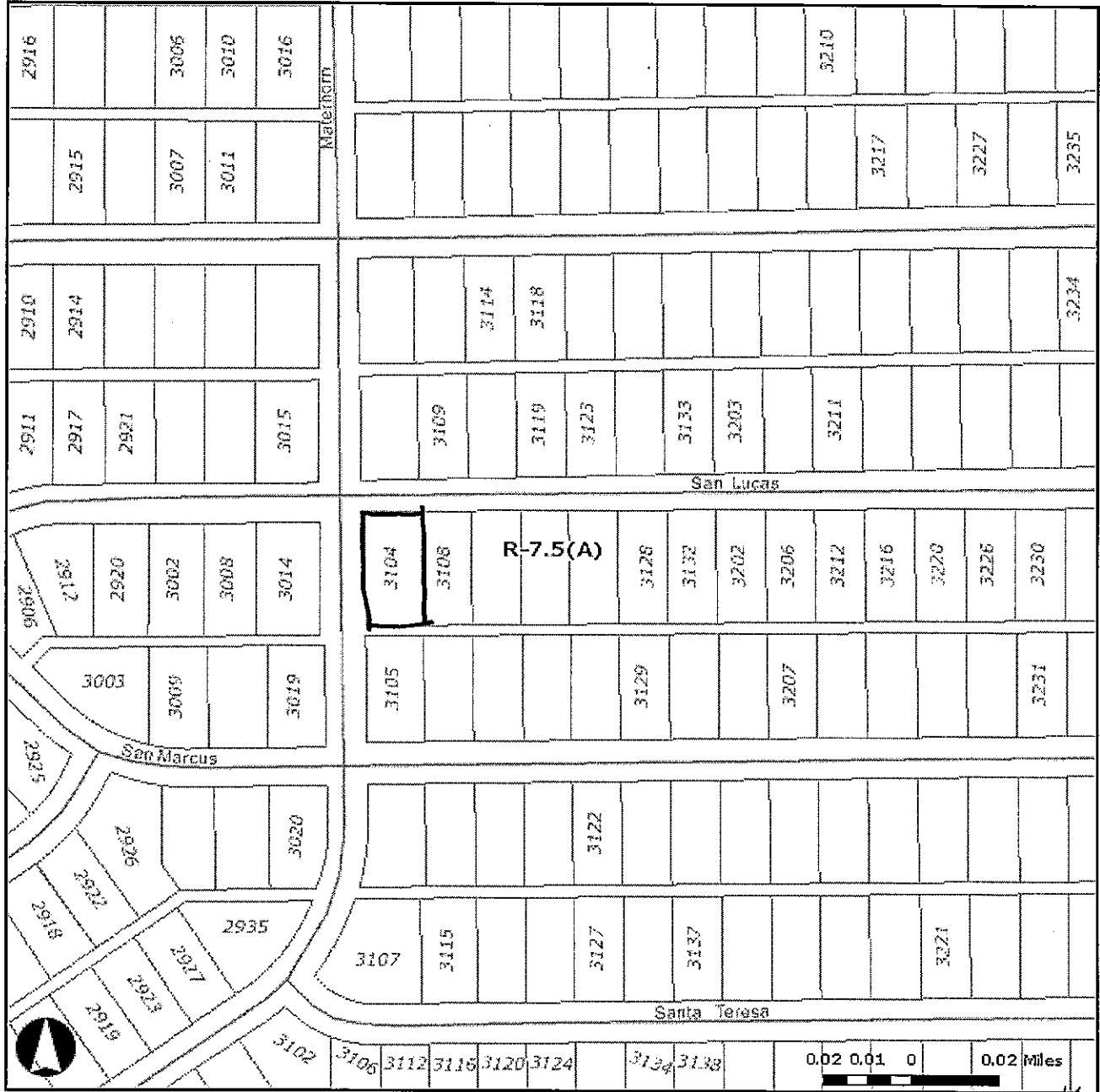
did submit a request for a special exception to the visibility obstruction regulation
at 3104 San Lucas Avenue

BDA101-084. Application of Dee Anna Hanchey for a special exception to the visibility obstruction regulations at 3104 San Lucas Avenue. This property is more fully described as lot 1 in city block L/7312 and is zoned R-7.5(A), which requires a 20 foot visibility triangle at alley and driveway approaches. The applicant proposes to construct and maintain a single family residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

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

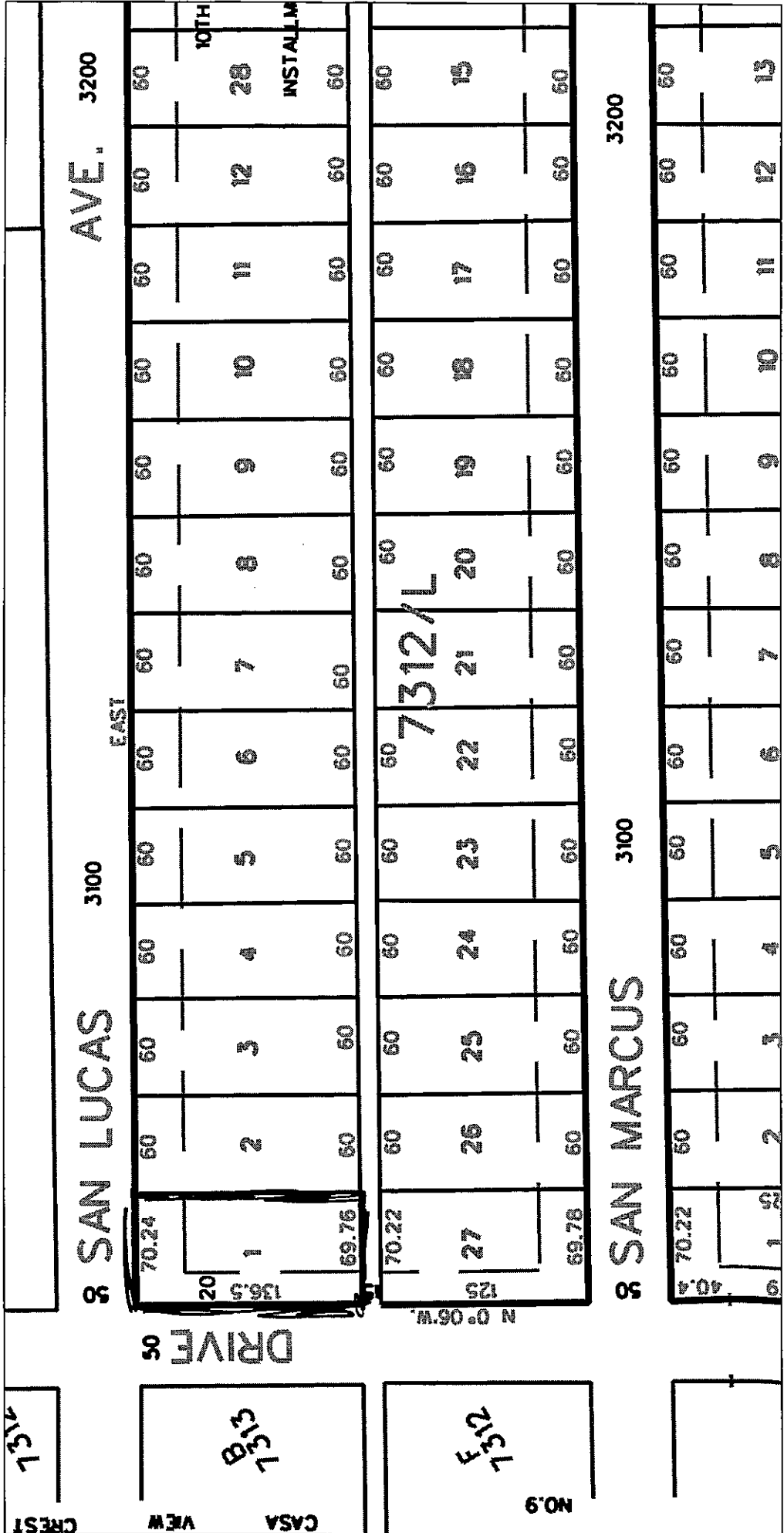
Dry Overlay

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

Base Zoning

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

CH



1314

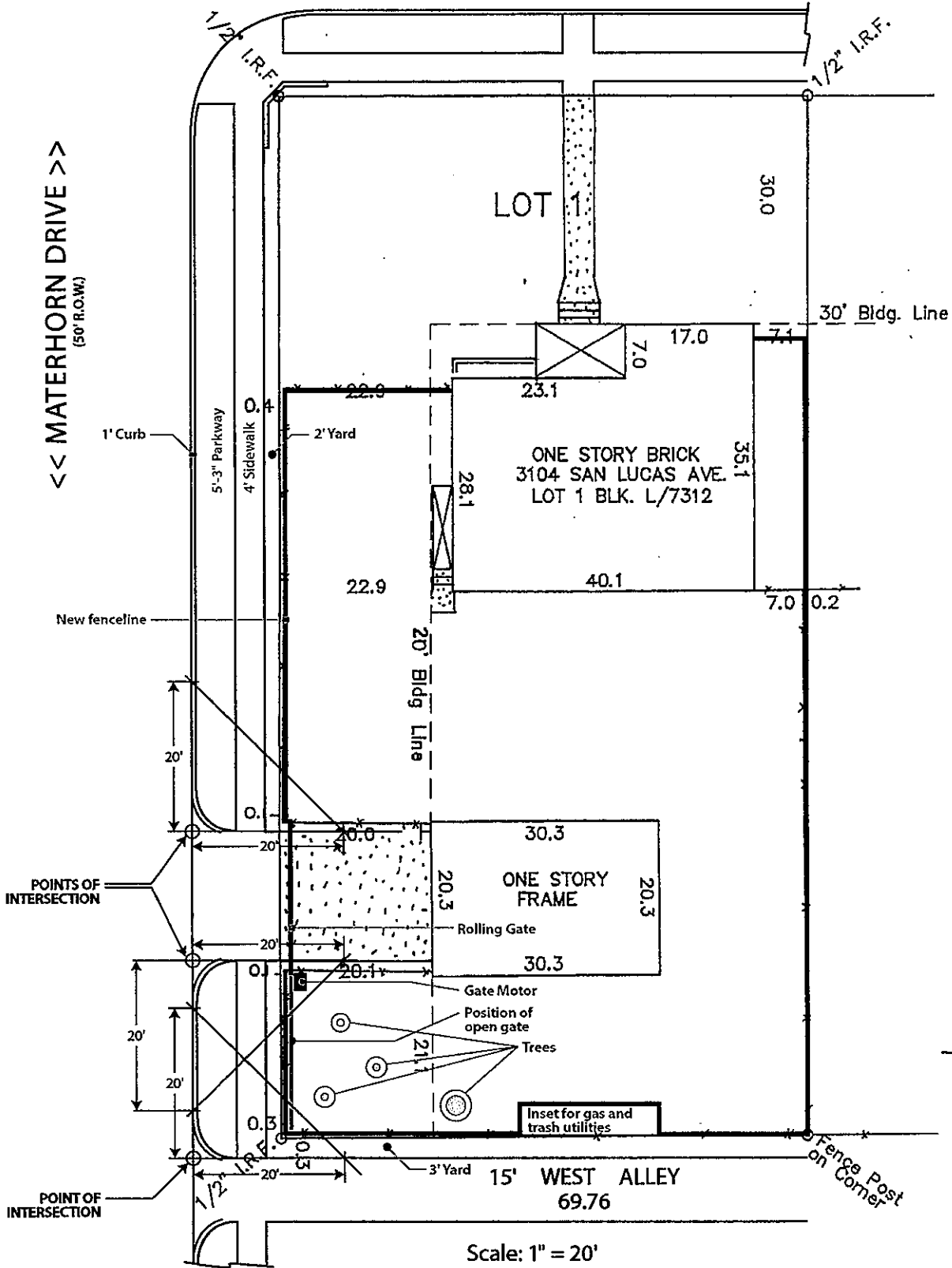
CASA VIEW
1315

NO. 9
1312

<< SAN LUCAS AVENUE >>
(50' R.O.W.)

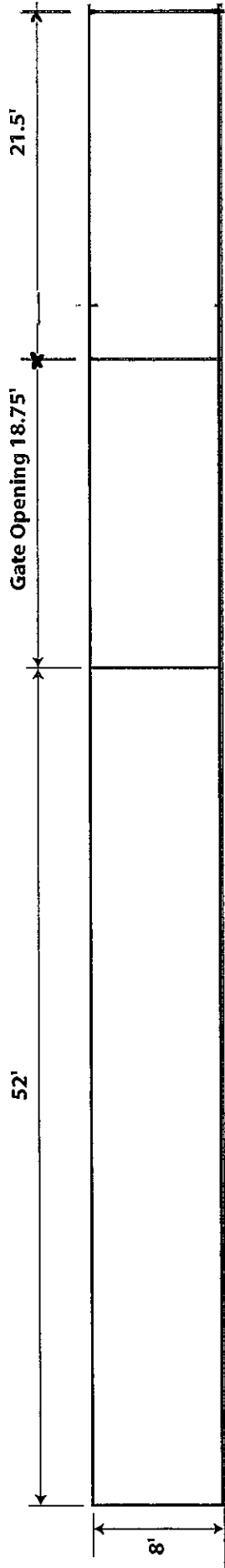
(PLAT BEARING)
EAST
70.24

<< MATERHORN DRIVE >>
(50' R.O.W.)

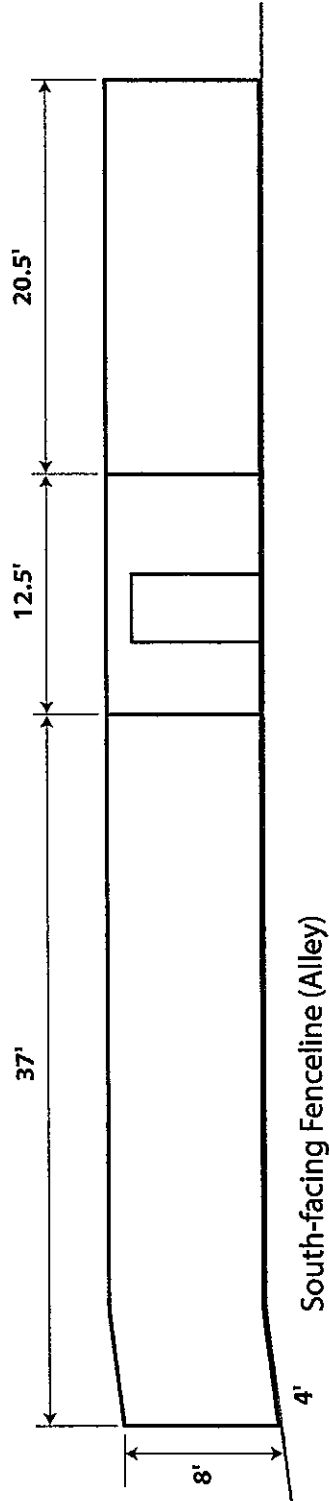


3104 San Lucas Avenue: Fenceline Elevation Drawings

Scale: .1" = 1'



West-facing Fenceline (Materhorn Drive)



South-facing Fenceline (Alley)

**Appeal to the Board of Adjustment
City of Dallas**

**Chris and Dee Anna Hanchey
3104 San Lucas Avenue
Dallas, Texas 75228**

July 1, 2011

Overview

After a permit was issued allowing the installation of an 8-foot fence along an existing fenceline at 3104 San Lucas Avenue, the structure did not pass inspection due to its encroachment into the visibility triangle located at the alleyway. Upon speaking with Todd Duerksen in preparation for this appeal, homeowners Chris and Dee Anna (Smith) Hanchey were advised that the visibility triangles along the driveway must be addressed as well. The Hancheys have already made enhancements to address safety concerns, and are now requesting a variance to allow the current configuration to stand.

Pertinent Background Information

The homeowners engaged the help of a friend and former fence contractor to help them replace their aging chain-link fence with an 8-foot privacy fence. Through this relationship, they were able to obtain materials at a considerable discount. They were also glad to have someone who reportedly was experienced in dealing with the city who was willing to help them get their permits in order. After assuring the Hancheys that their intended plan was approved, and producing a permit that confirmed that plan, the work proceeded.

Points in Support of the Proposed Variance

Safety

- Unlike many neighborhoods in the Dallas area, no homes along this particular block have alley-facing driveways, making residential alley traffic extremely rare.
- The alley at issue has not been used for garbage or recycling collection since August of 2009, making sanitation traffic nonexistent. [EXHIBIT A]
- The cross street (Materhorn) is not a major thoroughfare, consisting of a single lane in either direction.
- The street is not a part of the DART bus network.
- Pedestrian traffic is light.
- When the solar-powered sliding gate is open, the fence on either side of the driveway is a full 13 feet back from the street, and more than 2 feet back from the sidewalk.
- Since the original inspection, the homeowners have installed an 18-inch convex mirror to the corner of the fence at the alleyway to address safety concerns.
 - Even before the mirror was added, oncoming vehicular and pedestrian traffic coming from either direction could be clearly seen by a driver traveling at a reasonable speed for alley travel.
 - Now, with the addition of the safety mirror, visibility is further expanded for both drivers and pedestrians.

- For a vehicle positioned up to 18 feet short of the sidewalk in the alleyway, the driver’s ability to see pedestrians now extends to approximately 18 feet down the sidewalk, as measured from the inside corner of the intersection of the alleyway and sidewalk — or approximately 25 feet down the sidewalk, if measured from the center of the alleyway. As both car and pedestrian advance, that visibility is further enhanced. [EXHIBIT B]
 - For a pedestrian walking south along the near sidewalk, motion in the alley is detectable from up to 18 feet down the sidewalk, as measured from the inside corner of the intersection of the alleyway and sidewalk — or approximately 25 feet down the sidewalk, if measured from the center of the alleyway. As both car and pedestrian advance, that visibility is further enhanced. [EXHIBIT C]
 - As the driver exits the alleyway, visibility of both northbound and southbound traffic is completely unfettered. [EXHIBIT D]
- In addition to the 18-inch convex mirror installed at the alleyway, the homeowners have also installed two 4x5.5-inch convex mirrors — one on either side of the driveway.
 - Even before these mirrors were added, a driver backing slowly and cautiously out of the driveway could safely ease out the opening and have an unobstructed view in either direction.
 - Now, with the addition of these mirrors, visibility is further enhanced. [EXHIBIT E]

Good-Faith Efforts to Comply

- While the homeowners now understand that the structure does not conform to the letter of the law, they made efforts in good faith to observe city codes, as evidenced by the following measures:
 - They searched the City of Dallas website for applicable codes and conditions and found mention of the visibility triangle on item no. 12 — but the reference to “Chapter 51A-4.602 (d)(13)” seemed to the homeowners to read as a notation of where this passage was obtained, rather than a directive to seek further details. [EXHIBIT F]
 - No links are embedded in the web page to direct novices to a more detailed city code.
 - The page does not include a directive to call the city for important information that is not listed on this page, or to visit City Hall to research specific measurements related to the visibility triangle.

- Searches for the terms “visibility triangle” and “Chapter 51A-4.602” yield no results on the City of Dallas website. [EXHIBIT G]
 - In contrast, the information in the second half of item no. 12 regarding corner lots is more specific about directing readers to “See Chapter 51A-4.401(b)” for special provisions that govern the front yard — a directive that would have prompted the homeowners to seek additional information had it been applied to the visibility triangle code. [EXHIBIT H]
 - They sought and obtained a permit, which was approved without alteration to the corner shown on the survey plat. [EXHIBIT I]
 - After the fence was constructed, the homeowners took it upon themselves to do a test drive from both the alleyway and the driveway to be sure that drivers and pedestrians would have adequate visibility.
 - It’s worth noting that at this point, the homeowners were under the impression that the visibility triangle was determined on a case-by-case basis, rather than by a hard-and-fast measurement.
 - Their belief that the fenceline would be in compliance was further supported by a long list of both recently constructed and older fences within a ½-mile radius that have the same alleyway footprint — and driveway/gate configuration — as the fence at 3104 San Lucas Avenue. (Many more examples exist beyond those that were photographed for this application.) [EXHIBIT J]
- Despite these efforts, the structure failed inspection due to its failure to conform to the letter of the law with relation to the visibility triangle restrictions. At the time of this inspection, no mention was made of any issue with the visibility triangles adjacent to the driveway.
- It was only at that point, the failed inspection, that the homeowners were presented with specific measurements and diagrams outlining the visibility triangle. Had this information been readily available at the outset, the homeowners would have adjusted their plans accordingly before moving forward with construction. [EXHIBIT K]

Homeowner Burden

- The city code states that a variance will not be granted to alleviate a “self-created or personal hardship, nor for financial reasons only.” It also states, however, that “when, owing to special conditions, a literal enforcement of the zoning ordinance would result in unnecessary hardship...the spirit of the ordinance will be observed and substantial justice done.”
- The homeowners have saved for this project for a decade, and being required to alter the existing structure will result in undue financial burdens, including:

- An estimated \$1,000–\$1,500 to alter the fence itself.
- An estimated \$200–\$300 for the relocation or replacement of a recently planted tree that would be affected by the altered fenceline.
- An estimated \$1,000 to reposition a sliding gate that currently opens all the way into the corner at issue. [EXHIBIT L]
- The decision to pay the \$600 application fee to appeal the decision was not taken lightly by the homeowners, but it's a step they felt compelled to take since they believe they've presented solid evidence that public safety is not in jeopardy, and since the \$600 fee may prevent the homeowners from spending a much greater amount to conform to the code as written.

Summary

Despite good-faith efforts to obtain a permit and comply with city codes, the homeowners at 3104 San Lucas Avenue find themselves in a situation that could compel them to spend thousands of dollars to comply with city codes after the fact. With the addition of the safety mirror, along with the minimal alleyway and pedestrian traffic outlined previously in this document, Chris and Dee Anna Hanchey ask that the board to use compassionate and logical discretion to allow for the requested variance. The homeowners would gladly welcome the board to visit the location to inspect the structure and surroundings firsthand.



CITY OF DALLAS

August 24, 2009

Dear Valued Customer:

You will experience a temporary change in your garbage and recycle collection procedure in a few days.

The alley behind your house is no longer passable for Sanitation collection services. For safety reasons and the prevention of damage to City and private property, the point of service will be moved to the street.

Starting Monday August 24th, 2009, please place your garbage and recyclables on the street. Your days of collection will remain Monday and Thursday. You may place your roll cart out after 6:00 p.m., the day prior to pick up. You must remove your roll cart to a point behind the building line by 8:00 a.m. following your collection day. We apologize for any inconvenience that this change may cause.

Your cooperation and patience is appreciated. If you have questions please call us at 214.670.3703.

Sincerely,

Kirk Hemphill
Service Response Agent
City of Dallas Sanitation District 5

Pedestrian Visibility Sequence - Part 1

Visibility from Vehicle (Driver's Position) – Vehicle distance from sidewalk: 18' (front nose of vehicle)

Note: For both pedestrians and drivers alike, motion is always the key to noticing any oncoming traffic, with or without obstructions. This demonstration is attempting to simulate the actual motion since there is no video format presentation available for this appeal process.

VIEW FROM CAR

MIRROR DETAIL

Position 1:

Motion is initially visible.
Pedestrian approx. 18'
from inside corner of
intersection of alleyway
and sidewalk.



Position 2:

Motion is still visible.
Pedestrian approx. 14'
from inside corner of
intersection of driveway
and sidewalk.



Position 3:

Motion is still visible.
Pedestrian approx. 10'
from inside corner of
intersection of driveway
and sidewalk.



Pedestrian Visibility Sequence - Part 2

Visibility from Vehicle (Driver's Position) – Vehicle distance from sidewalk: 18' (front nose of vehicle)

Position 4:

Motion is still visible. Pedestrian approx. 6' from inside corner of intersection of driveway and sidewalk.

VIEW FROM CAR



MIRROR DETAIL



Position 5:

Pedestrian is now visible. Pedestrian approx. 2' from inside corner of intersection of driveway and sidewalk.



Vehicle Visibility Sequence - Part 1

Visibility from sidewalk – Pedestrian distance from sidewalk: 12' from inside corner of alley and sidewalk

Note: For both pedestrians and drivers alike, motion is always the key to noticing any oncoming traffic, with or without obstructions. This demonstration is attempting to simulate the actual motion since there is no video format presentation available for this appeal process.

VIEW FROM SIDEWALK

MIRROR DETAIL

Position 1:
Motion is initially visible.
Vehicle's nose is approx. 18' from inside corner of alleyway and sidewalk.



Position 2:
Motion is still visible.
Vehicle's nose is approx. 9' from inside corner of intersection of alleyway and sidewalk.



Position 3:
Motion is still visible.
Vehicle's nose is approx. 2' from inside corner of intersection of alleyway and sidewalk.



Vehicle Visibility Demonstration

Visibility from normal stopped position at alley opening.

When vehicles properly stop at alley opening, vehicle has full visibility to street in both directions.



VIEW TO LEFT (INSIDE VEHICLE)



VIEW TO RIGHT (INSIDE VEHICLE)

Driveway Visibility

Gate distance from street allows for easy viewing of oncoming traffic. Mirrors added for enhanced visibility.





Español



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Fences

1. A fence and screening wall must be structurally sound. It must be capable of supporting its own weight. It must be properly maintained and not out of vertical alignment more than one foot from the vertical. Chapter 27-11 (b)(10)
2. Fences in single family and duplex districts may not exceed four (4) feet above grade when located in the required front yard. Chapter 51A-4.602 (a)(1)
3. Fences in a required yard may not exceed nine (9) feet in height. Chapter 51A-4.602 (a)(1)
4. Fences in multi-tenant districts may be built to a maximum height of six (6) ft if all conditions of Chapter 51A-4.604 (a)(2), (A)(B)(C) are met.
5. Unless the conditions of Chapter 51A-4.602 (a)(2)(3)(4) are met, a fence in a multi-tenant district may not exceed four (4) ft above grade, except when the required front yard is governed by the side yard regulations pursuant to Chapter 51A-4.401.
6. A Master Permit is required to erect any fence or wall over four (4) feet high in the front yard or over six (6) feet high if located elsewhere on private property. (Side and Rear Yard) Chapter 52 (301).
7. Fence heights in single family and duplex districts shall be measured from the top of the fence to the level of the ground on the inside and outside of any fence. The fence height shall be the greater of these two measurements if the fence is constructed on fill material that alters the grade, as determined by the Building Official, the height of the altered grade shall be included in the height of the fence. For the purpose of this provision, altered grade means the placement of fill material that exceed a slope of one (1) foot of height for three (3) feet of distance. Chapter 51A-4.602 (a)(5)(A)
8. In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence. Chapter 51A-4.602 (a)(5)(A)
9. Barbed wire may not be used for fencing unless it is located six (6) feet or more above grade AND does not project beyond the property line. Chapter 51A-4.602 (a)(8)
10. Fences may not be located in easements. Chapter 51A-4.602 (a)(7)
11. Fences must provide fire-fighting access to the side and rear yard. Chapter 51A-4.602 (a)(9)
12. A fence must not be placed or maintained within a visibility triangle at street, alley or driveway intersections if the fence is higher than two and a half (2 1/2) feet measured from the top of the adjacent street curb. Chapter 51A-4.602 (d)(13) Corner Lot: Has special provisions that govern the front yard. See Chapter 51A-4.401(b).
13. If fence panel set back is required under Chapter 51A-4.602(a) (2)(C) (3) the landscaping must be approved by the Parks and Recreation Director.
14. All screening of off street parking, garbage storage areas, etc. must be constructed and maintained in accordance with applicable codes and ordinances. Chapter 51A-4.301 (f) / Chapter 51A-4.602 (b),(c)
15. Construction fences are under the jurisdiction of Building Inspection.
16. Existing swimming pool installations require that all gates and doors into swimming pool enclosures which lawfully existed before June 1, 1998, shall be made to fully comply with the self-closing and self-latching provisions of Chapter 6304 subsection (b).
17. Swimming pool enclosures have additional fence regulations. See Swimming Pool Policy.
18. If fence is located in an Historical or Conservation District, other regulations may apply.

Code Compliance Home

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Chapter 51A-4.602

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3. Fences in a required yard may not exceed nine (9) feet in height. Chapter 51A-4.602 (a)(1)
4. Fences in multi-tenant districts may be built to a maximum height of six (6) ft if all conditions of Chapter 51A-4.604 (a)(2), (A)(B)(C) are met.
5. Unless the conditions of Chapter 51A-4.602 (a)(2)(3)(4) are met, a fence in a multi-tenant district may not exceed four (4) ft above grade, except when the required front yard is governed by the side yard regulations pursuant to Chapter 51A-4.401.
6. A Master Permit is required to erect any fence or wall over four (4) feet high in the front yard or over six (6) feet high if located elsewhere on private property. (Side and Rear Yard) Chapter 52 (301).
7. Fence heights in single family and duplex districts shall be measured from the top of the fence to the level of the ground on the inside and outside of any fence. The fence height shall be the greater of these two measurements if the fence is constructed on fill material that alters the grade, as determined by the Building Official, the height of the altered grade shall be included in the height of the fence. For the purpose of this provision, altered grade means the placement of fill material that exceed a slope of one (1) foot of height for three (3) feet of distance. Chapter 51A-4.602 (a)(5)(A)
8. In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence. Chapter 51A-4.602 (a)(5)(A)
9. Barbed wire may not be used for fencing unless it is located six (6) feet or more above grade AND does not project beyond the property line. Chapter 51A-4.602 (a)(8)
10. Fences may not be located in easements. Chapter 51A-4.602 (a)(7)
11. Fences must provide fire-fighting access to the side and rear yard. Chapter 51A-4.602 (a)(9)
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14. All screening of off street parking, garbage storage areas, etc. must be constructed and maintained in accordance with applicable codes and ordinances. Chapter 51A-4.301 (f) / Chapter 51A-4.602 (b),(c)
15. Construction fences are under the jurisdiction of Building Inspection.
16. Existing swimming pool installations require that all gates and doors into swimming pool enclosures which lawfully existed before June 1, 1998, shall be made to fully comply with the self-closing and self-latching provisions of Chapter 6304 subsection (b).
17. Swimming pool enclosures have additional fence regulations. See Swimming Pool Policy.
18. If fence is located in an Historical or Conservation District, other regulations may apply.

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City of Dallas

Permit # 1104081038

Issue Date: 04/08/2011

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address: **3104 SAN LUCAS AVE 75228**

Land Use Description: SINGLE FAMILY DWELLING

Work Description: INSTALL 8' FENCE

Value Of Work: \$6,473.00

Owner Or Tenant: DEE ANN SMITH-HANCHEY
3104 SAN LUCAS AVE
DALLAS, TX 75228

Applicant: DEE ANNA HANCHEY

Contractor: HANCHEY, DEE ANNA

Business Address: 2104 SAN LUCAS AVE, DALLAS, TX 75228

Telephone: 972/686-1385 Fax:

Lot: 1	Block: L/7312	Zoning: R-7.5(A)	PDD:	SUP:
Historic Dist:	Consv Dist:	Pro Park:	Req Park:	Park Agrmt:N
Dwlg Units:	Stories:	New Area:	Lot Area: 0	Total Area:
Type Const:	Sprinkler:	Occ Code:	Occ Load:	
Inches Of Removed Trees:				

Remarks: SUBJECT TO FIELD INSPECTOR APPROVAL;

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

BDA 101-004 3-54
THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE

Comparable Fenceline Examples

Other alley/street intersection fenceline examples within 1/2-mile radius of 3104 San Lucas



BDA 101-084

3-55

Comparable Fenceline Examples

Other alley/street intersection fenceline examples within 1/2-mile radius of 3104 San Lucas



BDA 101-084

3-56

WHEN IS A FENCE PERMIT REQUIRED?

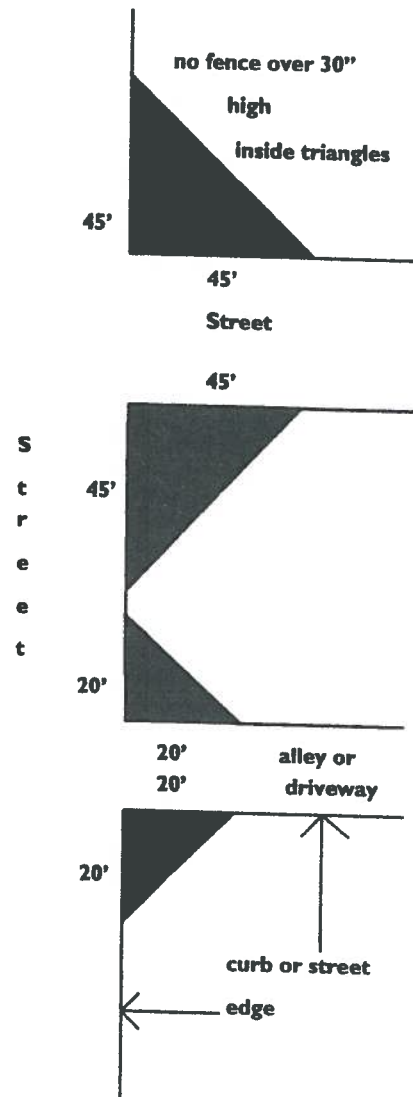
A fence permit is required to erect a fence or wall over four (4) feet in a required front yard setback or over six (6) feet high if located elsewhere on private property.

WHAT SPECIAL REGULATIONS SHOULD I BE AWARE OF?

Special zoning areas called Planned Development Districts, Historic Districts, and Conservation Districts may have unique requirements for fences. To determine if you are in one of these districts and to obtain details about district regulations, call 214-948-4480 or look at the zoning maps on our internet site at www.dallascityhall.com. Locate City Departments, then click on Department of Development Services, and finally Zoning Maps.

If you are not in a special district the following general rules apply:

- In a required front yard setback, fences for single family and duplex uses are limited to four (4) feet above grade. Corner lots may have both street frontages considered as front yard setbacks.
- Fences on the remainder of the lot may not exceed nine (9) feet in height.
- Barbed wire may not be used for fencing unless it is located six (6) feet or more above grade AND does not project beyond the property line.
- Fences may not be located in easements.
- Swimming pool enclosures have additional fence regulations. See the "How to get a Swimming Pool Permit" guide at any Building Inspection office, call 214-948-4480, or check our Internet web page.
- All fences must provide fire-fighting access to the side and rear yard.
- A fence must not be placed within a visibility triangle at street, alley or driveway intersections if the fence is higher than two and a half (2 1/2) feet measured from the top of the adjacent street curb. See the illustration on the following page.



WHAT ARE THE PROCEDURES?

- Complete and submit an application to Building Inspection. See this pamphlet for directions to our locations and internet site. The application form can be downloaded from our internet site.
- Applicants are usually not required to submit a site plan.

HOW MUCH WILL IT COST?

The cost is based on the value of the work with a minimum fee of \$60.00.

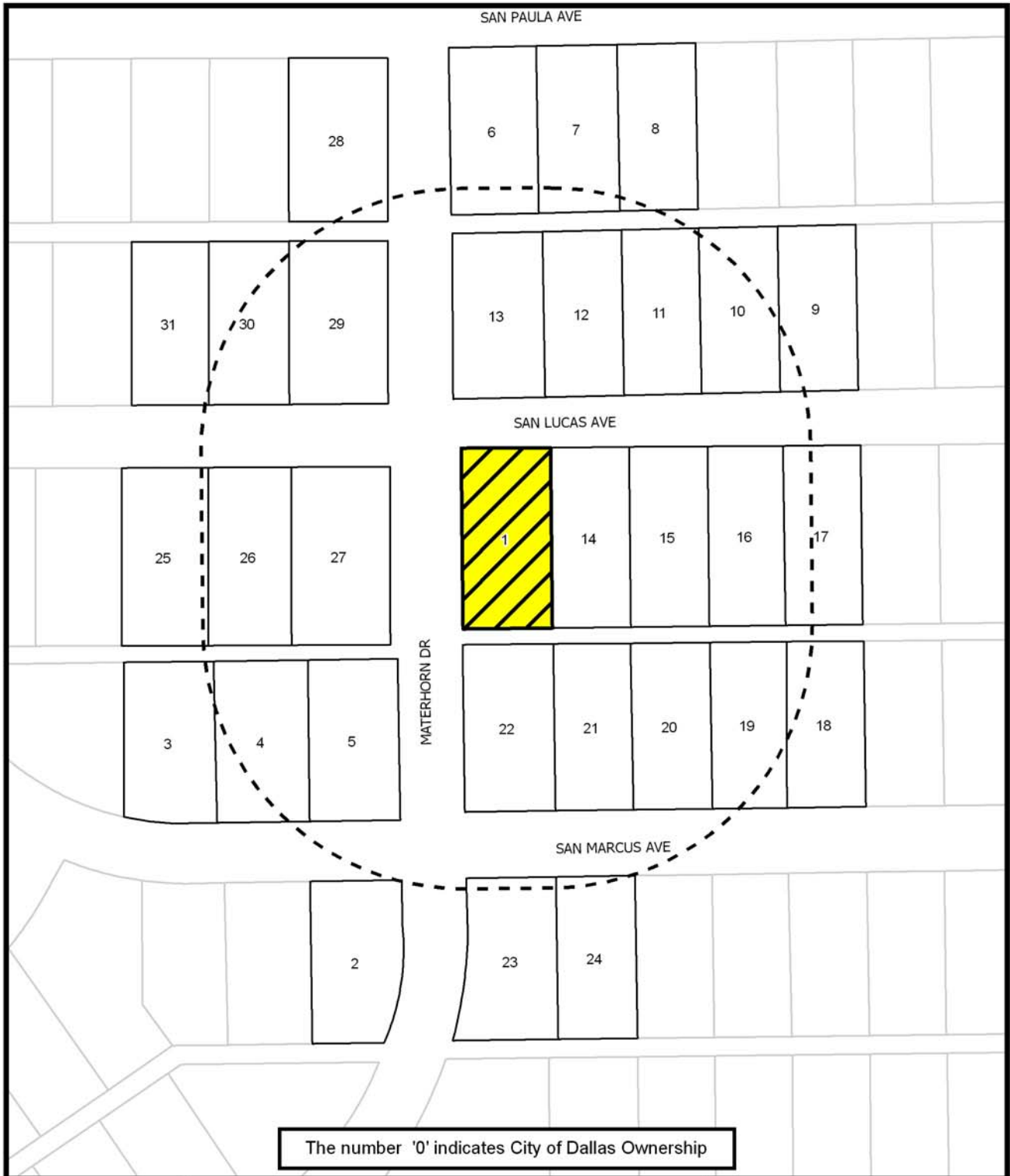
HOW LONG DOES IT TAKE TO GET A FENCE PERMIT?

Normally, a fence permit is issued while you wait. Historic Districts take longer due to the review requirement by the Landmark Commission.

Interior Corner Detail

Shows gate opening requires full distance to corner





 <p>1:1,200</p>	<h2 style="text-align: center;">NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>31 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Map no: <u> H-11 </u></p> <p>Case no: <u> BDA101-084 </u></p>
---	---	--

DATE: August 18, 2011

Notification List of Property Owners

BDA101-084

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3104 SAN LUCAS	SMITH DEE ANNA
2	3020 SAN MARCUS	MURILLO MARTIN C
3	3009 SAN MARCUS	FOERSTER KEITH & HEATHER FOERSTER
4	3015 SAN MARCUS	MARTINEZ JUAN CARLOS
5	3019 SAN MARCUS	GRACIANO LUIS
6	3104 SAN PAULA	SCAMARDO PAULINE M
7	3108 SAN PAULA	MISSI NANCY L
8	3114 SAN PAULA	GILLEY MARY YARBROUGH
9	3123 SAN LUCAS	BANK OF NEW YORK
10	3119 SAN LUCAS	MITCHELL ROBERT H SR
11	3115 SAN LUCAS	HOLDERFIELD TIMOTHY ETAL
12	3109 SAN LUCAS	MCLAIN DEBORAH N
13	3105 SAN LUCAS	HUNKER ANDREW
14	3108 SAN LUCAS	GONZALES ALCADIO MACK
15	3114 SAN LUCAS	HEINONEN ROBERT L & GAIL W HEINONEN
16	3118 SAN LUCAS	GLASPY MARY JO
17	3122 SAN LUCAS	PETERS VICKI
18	3123 SAN MARCUS	GONZALEZ ROLANDO A
19	3119 SAN MARCUS	AUSTIN STONE INVESTMENTS
20	3115 SAN MARCUS	HAMILTON OPHELIA
21	3109 SAN MARCUS	LESTER CHRISTOPHER R
22	3105 SAN MARCUS	VAQUERA MARIA G
23	3104 SAN MARCUS	SANCHEZ RAMIRO
24	3108 SAN MARCUS	NOBLES LETHA
25	3002 SAN LUCAS	DOTSON JAMIE L
26	3008 SAN LUCAS	MONIER MARIE &

27	3014	SAN LUCAS	MCDONALD NEILL E & ROSARIO T
28	3014	SAN PAULA	DUNCAN JOE C
29	3015	SAN LUCAS	LORENTZ TERESA MAE TR LORENTZ LIVING TR
30	3009	SAN LUCAS	DE LA ROSA MANUEL
31	3003	SAN LUCAS	BENAVIDES R DAVID & TERESA M BENAVIDES