

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, JANUARY 17, 2012
AGENDA

BRIEFING	5/E/S	11:00 a.m.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Tuesday, November 15, 2011 Board of Adjustment Public Hearing Minutes	M1
---	----

UNCONTESTED CASES

BDA 112-006	4929 Royal Lane REQUEST: Application of Mark Sharp for a special exception to the fence height regulations	1
BDA 112-011	908 S. Riverfront Boulevard REQUEST: Application of Bruce Myers, represented by Audra Buckley, for a special exception to the off-street parking regulations	2

REGULAR CASES

BDA 112-001	2611 Worthington Street (aka 2723 McKinney Avenue) REQUEST: Application of Johnny Lee, represented by Rob Baldwin, for a special exception to the visual obstruction regulations	3
BDA 112-002	1340 Highland Road REQUEST: Application of K. Michael King for a variance to the front yard setback regulations	4

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 A November 15, 2011 public hearing minutes.

FILE NUMBER: BDA 112-006

BUILDING OFFICIAL'S REPORT:

Application of Mark Sharp for a special exception to the fence height regulations at 4929 Royal Lane. This property is more fully described as Lot 3 in City Block 5503 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence, which will require a special exception of 4 feet 6 inches.

LOCATION: 4929 Royal Lane

APPLICANT: Mark Sharp

REQUEST:

- A special exception to the fence height regulations of 4' 6" is requested in conjunction with maintaining an approximately 7' 9" high brick wall with 8' 6" high brick columns and maintaining a 6' high open wrought iron gate in the site's 40' front yard setback on a site developed with a single family home.

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states that a fence may not exceed 4' above grade when located in the required front yard in all residential districts except multifamily districts.
The applicant has submitted a site plan/elevation document and gate elevation indicating a fence/column/gate in the site's front yard setback that reaches a maximum height of 8' 6".
- The following additional information was gleaned from the submitted site plan/elevation:

- The fence is shown to be approximately 170' in length mostly parallel to the street with a recessed entry gate.
- The fence is shown to be located at a range of approximately 0' - 16' from the property line or at a range of approximately 12' – 28' from the pavement line; and the gate is shown to be located approximately 15' from the property line or approximately 31' from the pavement line.
- The proposal is located on the site where one single family home has frontage, a property that appears to have a 6.5' high open iron fence with masonry base with no recorded BDA history in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area and noted the following additional fences above four feet high in the immediate area (approximately 500 feet east and west from the site), which appeared to be located in the front yard setback. (Note that these locations and dimensions are approximations):
 - a 9' high solid wood fence immediately west of the site; and
 - a 6.5' high solid stucco fence immediately southwest of the site.
 (There was no recorded BDA history for either of these fences).

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

- | | |
|--|---|
| <p>1. BDA 91-058, Property at 4929 Royal Lane (the subject site)</p> | <p>On October 8, 1991, the Board of Adjustment granted a request for a special exception to fence height regulations of 3' imposing the following condition to the request: "subject to submitting a site plan to be approved by the Board showing the landscaping, type of fence, and an automatic sprinkler on the street side of the fence." The case report stated that the request was made to construct/maintain a solid brick fence that will have panels six feet in height</p> |
|--|---|

and columns of 6' 9".

Timeline:

November 7, 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.

December 9, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 9, 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 December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

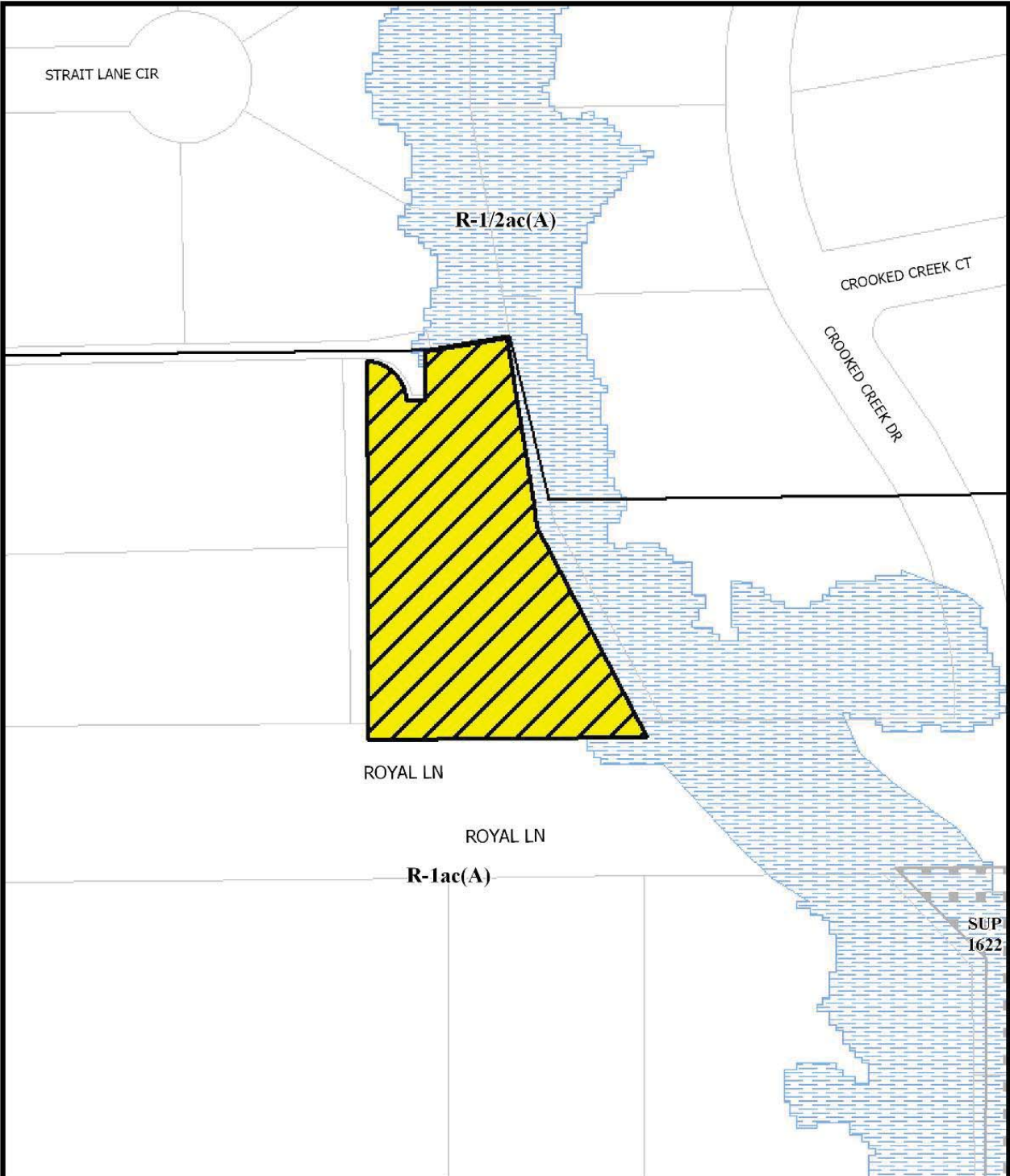
January 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.


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

STAFF ANALYSIS:

- The request focuses on maintaining an approximately 7' 9" high brick wall with 8' 6" high brick columns and maintaining a 6' high open wrought iron gate in the site's 40' front yard setback on a site developed with a single family home.
- A site plan/elevation document and gate elevation has been submitted indicating a proposal that reaches a maximum height of 8' 6". The site plan represents that the fence is about 170' in length mostly parallel to the street. The site plan represents that the fence is located at a range of approximately 0' - 16' from the property line or at a range of approximately 12' - 28' from the pavement line; and the gate is approximately 15' from the property line or approximately 31' from the pavement line.

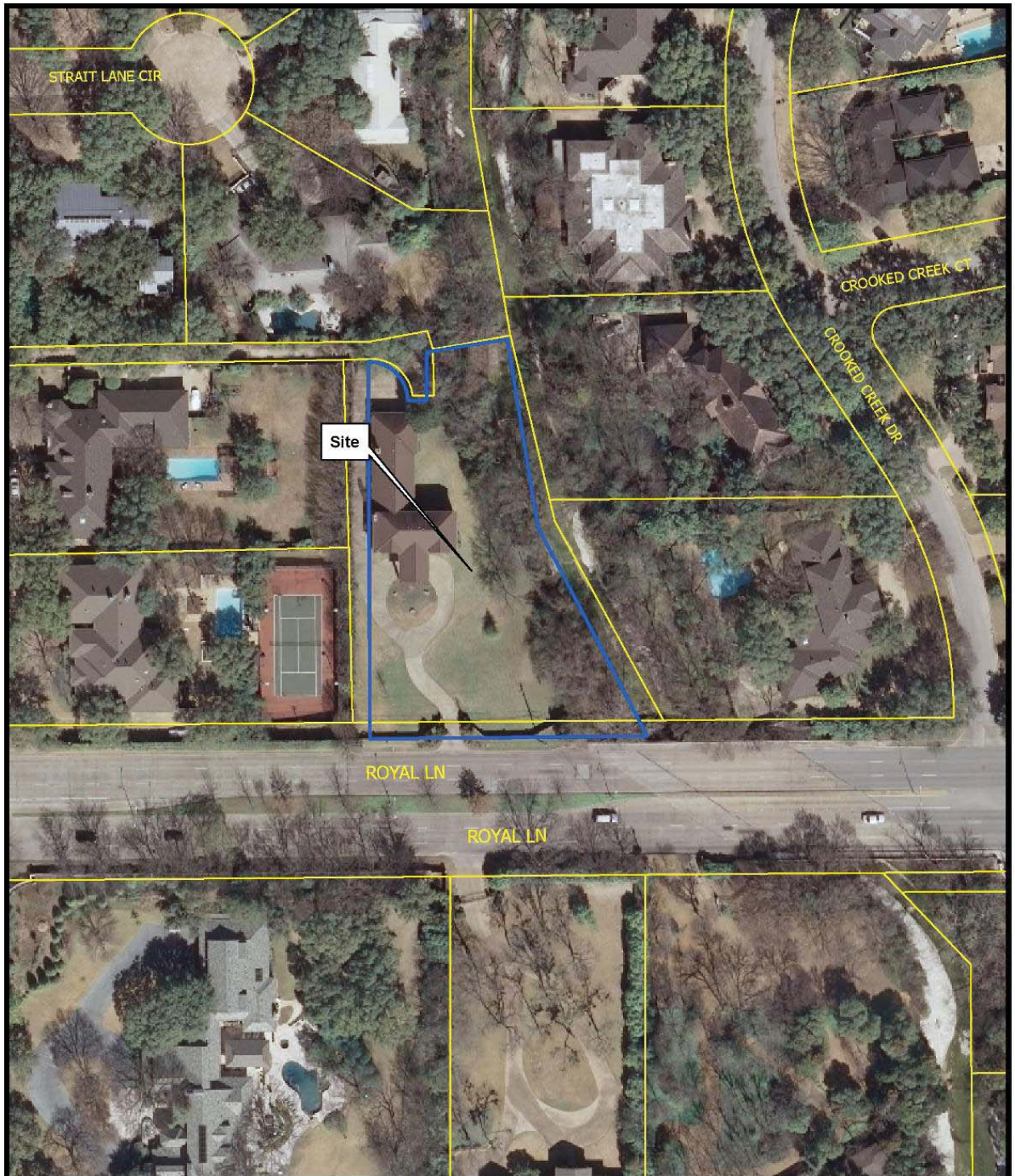
- The proposal is located on the site where one single family home has frontage, a property that appears to have a 6.5' high open iron fence with masonry base with no recorded BDA history in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area and noted the following additional fences above four feet high in the immediate area (approximately 500 feet east and west from the site) which appeared to be located in the front yard setback. (Note that these locations and dimensions are approximations):
 - a 9' high solid wood fence immediately west of the site; and
 - a 6.5' high solid stucco fence immediately southwest of the site.(There was no recorded BDA history for either of these fences).
- As of January 9, 2012, no letters had been submitted to staff in support or in opposition to the application.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal/existing fence that reaches 8' 6" in height) does not adversely affect neighboring property.
- Granting this special exception of 4' 6" with a condition imposed that the applicant complies with the submitted site plan/elevation document and gate elevation would assure that the proposal/existing fence/gates would be maintained in the location and of the heights and materials as shown on these documents.




1:1,200

ZONING MAP

Case no: BDA112-006
Date: 12/19/2011



 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA112-006</u> Date: <u>12/19/2011</u>
--	---------------------	---



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-006

Data Relative to Subject Property:

Date: 11-7-11

Location address: 4929 ROYAL LANE Zoning District: R-1ac(A)

Lot No.: 3 Block No.: 5503 Acreage: 1.13 Census Tract: 135.00

Street Frontage (in Feet): 1) 233.05 2) 3) 4) 5)

NE 2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JERRY DAUM

Applicant: MARK SHARP Telephone: 214-502-4116

Mailing Address: 1940 CASTLE CARROLLTON, TX Zip Code: 75007

E-mail Address: MSHARP@VERIZON.NET

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of ~~FENCE~~ 4'6" TO FENCE HEIGHT IN FRONT YARD

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: MAKE REPAIRS TO EXISTING FENCE WALL, TO ADD DECORATIVE CAP TO WALL, EXISTING WALL IS APPROX 7'6" TALL WITH NEW DECORATIVE CAP WALL WILL BE APPROX 7'6" TALL AND WOULD BE MORE CONSISTENT WITH OTHER WALLS IN NEIGHBORHOOD, AND WOULD ALSO IMPROVE THE LOOK OF DRIVE BY APPEARANCE

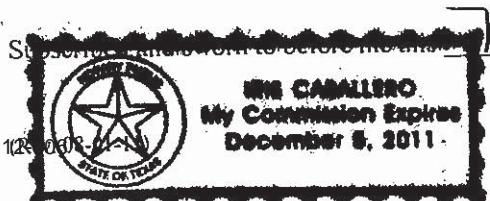
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared MARK SHARP (Affiant/Applicant's name printed)

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.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)



day of November, 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

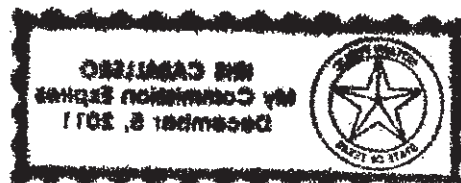
I hereby certify that MARK SHARP

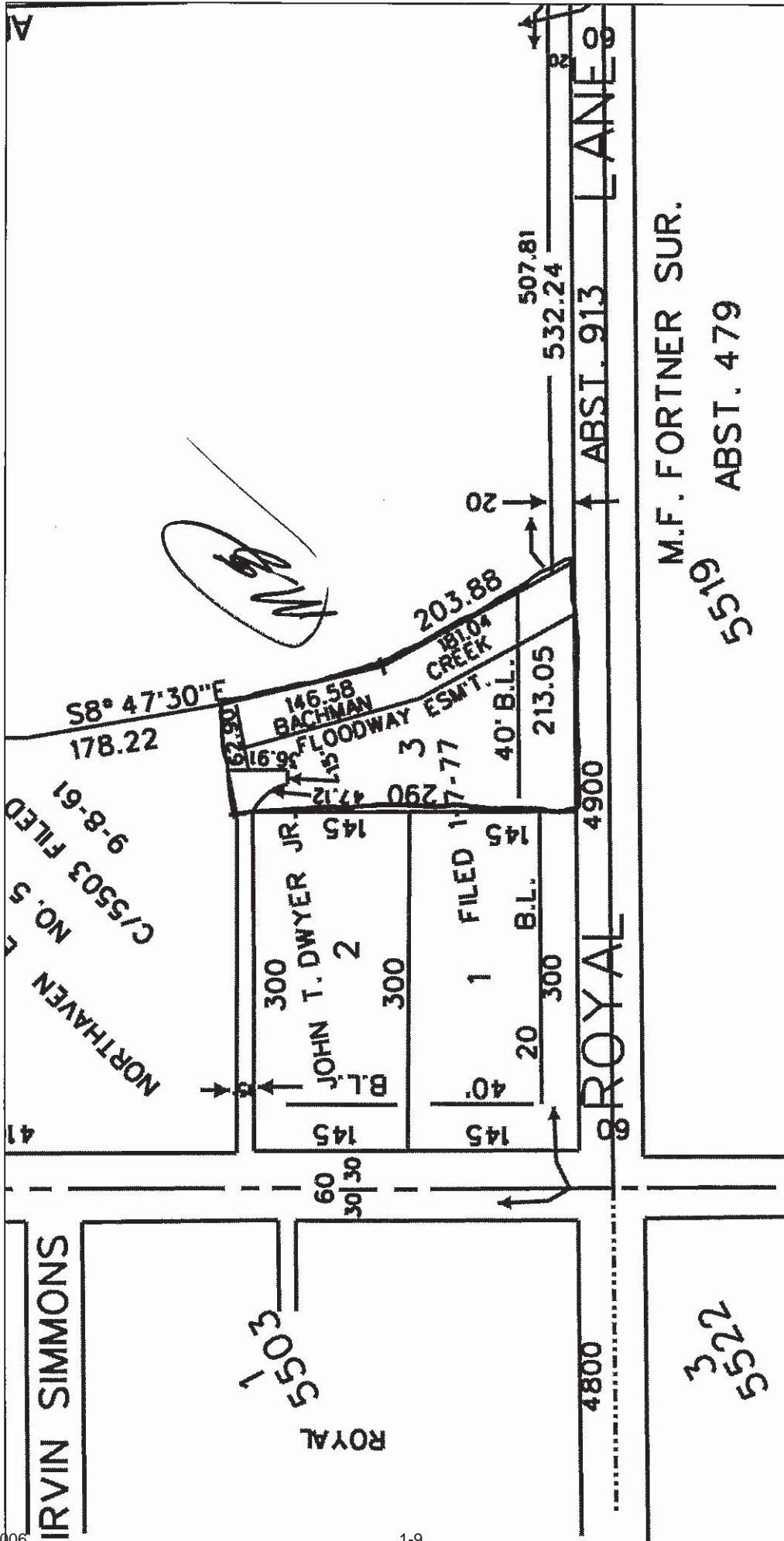
did submit a request for a special exception to the fence height regulations
at 4929 Royal Lane

BDA112-006. Application of Mark Sharp for a special exception to the fence height regulations at 4929 Royal Lane. This property is more fully described as lot 3 in city block 5503 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation.

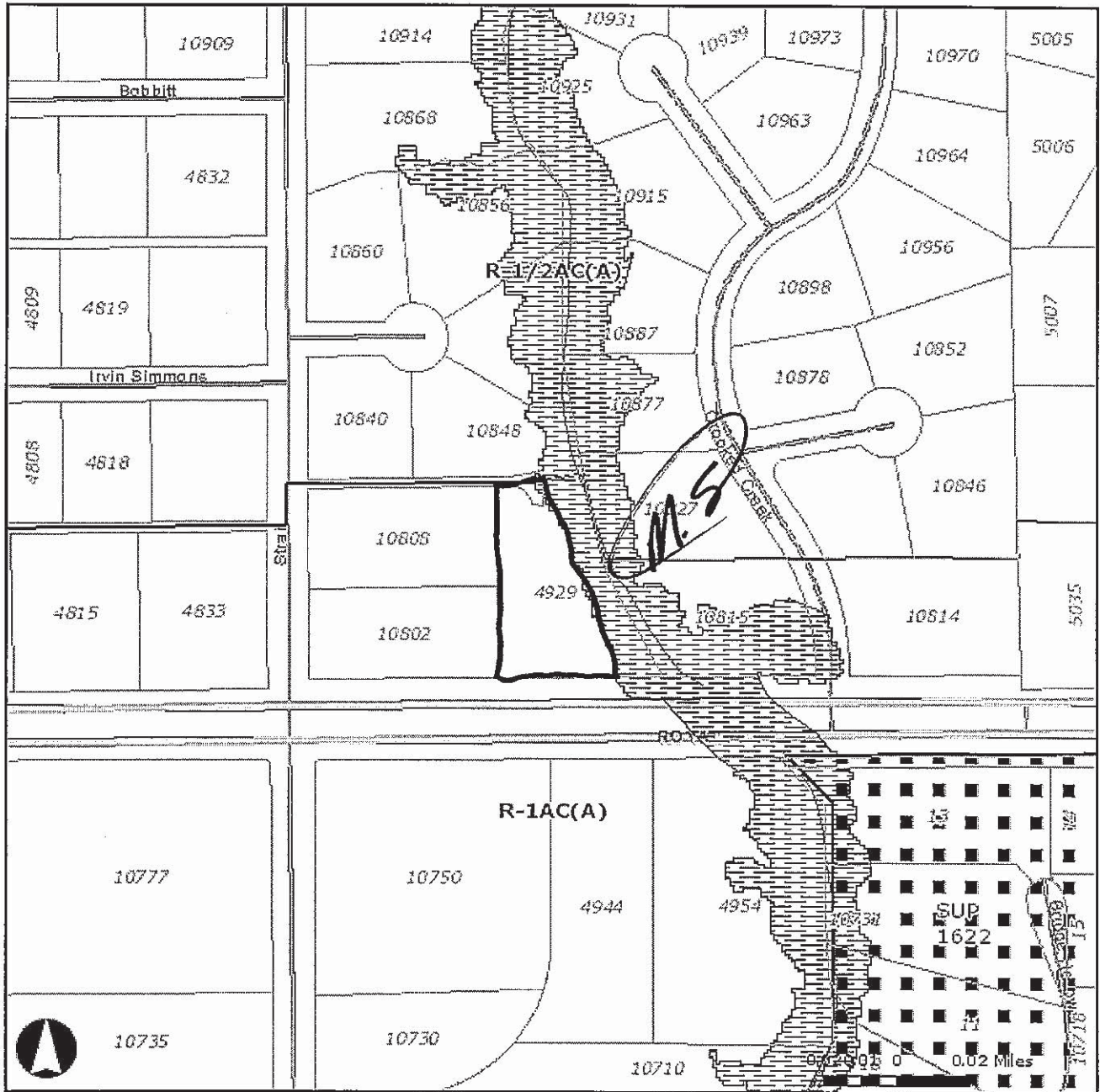
Sincerely,


Lloyd Denman, Building Official





City of Dallas Zoning



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

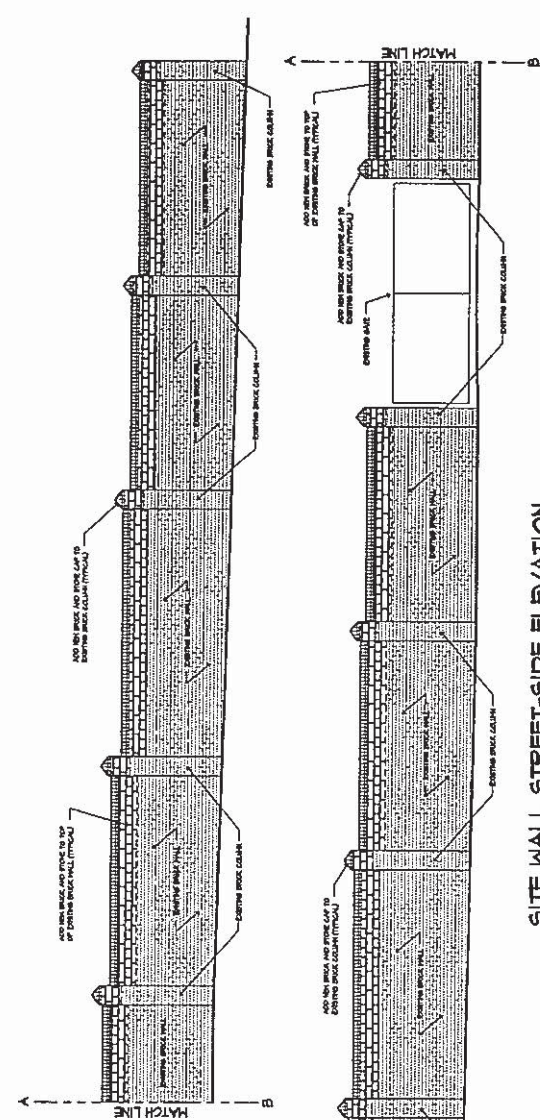
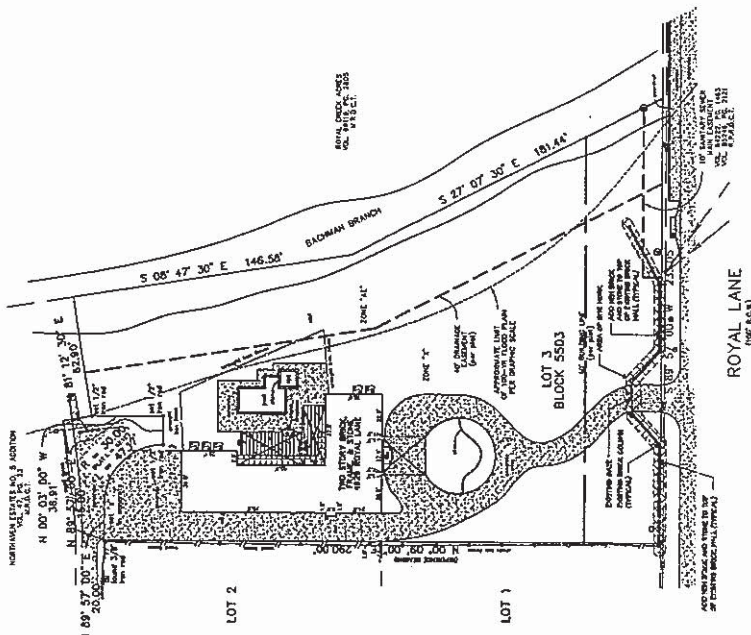
- Dry Overlay
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

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

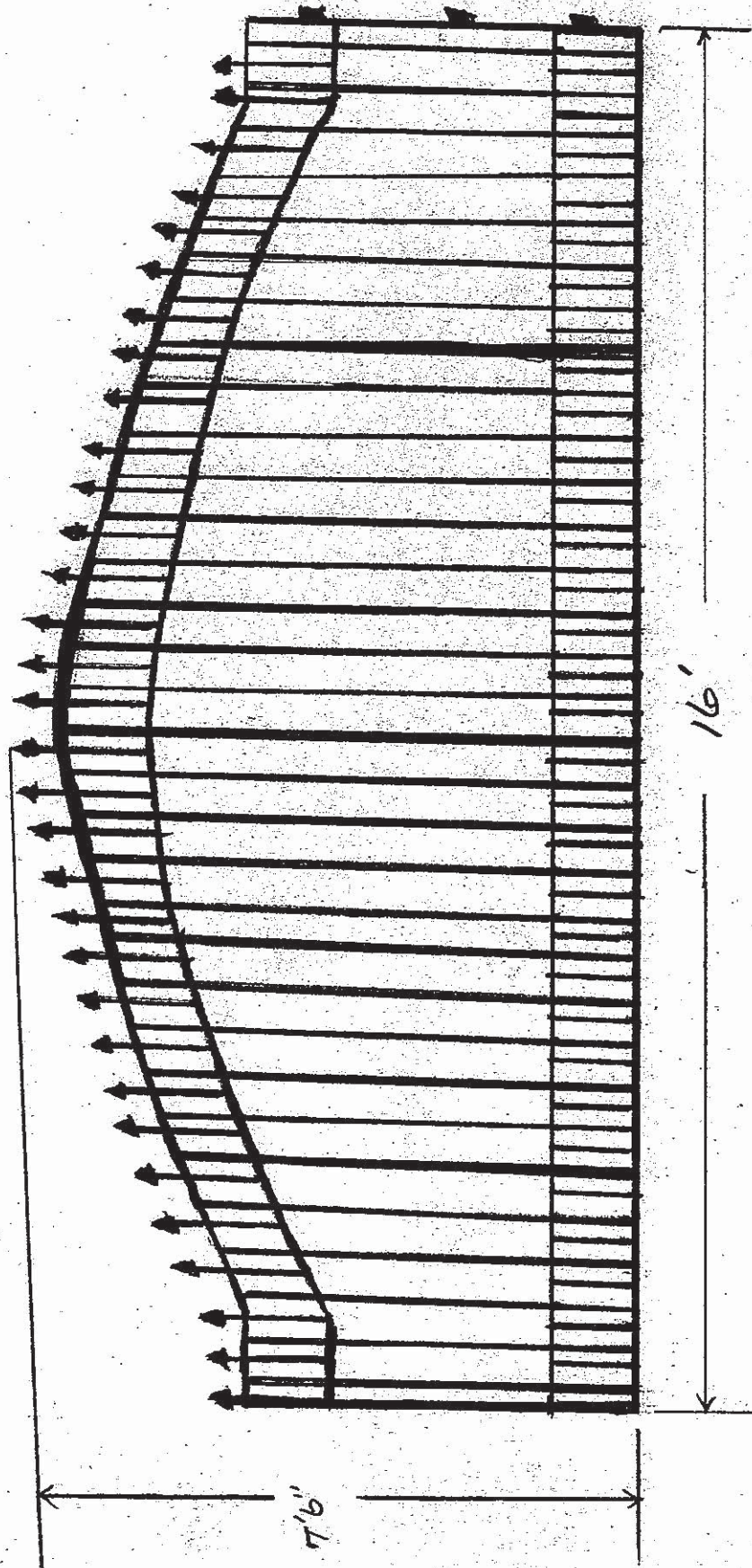
DATE: 8/20/20
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]
 REVISIONS:
 1. EXISTING SITE WALL MODIFICATION
 2. 4129 ROYAL LANE
 3. DALLAS, TEXAS
LERRY D'AM RESIDENCE

IKEMIRE ARCHITECTS
 ARCHITECTURE • PLANNING • INTERIORS
 1880 DALLAS PIKE, SUITE 1150 DALLAS, TX 972-240-2488 FAX 972-248-1597

S1
 1 of 1
 JOB # 210008



ENTRY GATE



4929 ROYAL LANE
SCALE 1/2" = 1'



CITY OF DALLAS

AFFIDAVIT

Appeal # BDA 112-006

I, JERRY DAUM, Owner of the subject property

at (address): 4929 ROYAL LANE

Authorize (Applicant's name) MARK SHARP

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

 Variance (specify below)

 X Special Exception (specify below)

 Other Appeal (specify below)

REPAIRS TO EXISTING FENCE WALL AND ADD APPROX 1'6" IN HEIGHT
WITH A DECORATIVE CAP TO BE MORE IN LINE WITH FENCED WALLS IN
NEIGHBORHOOD. EXISTING FENCE IS APPROX 6' TALL WITH ADDITION OF CAP WILL
BE APPROX 7'6" - 8' TALL

JERRY DAUM

[Signature]

11-7-2011

Print name of property owner

Signature of property owner

Date

Before me the undersigned on the day of personally appeared Jerry Daum

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

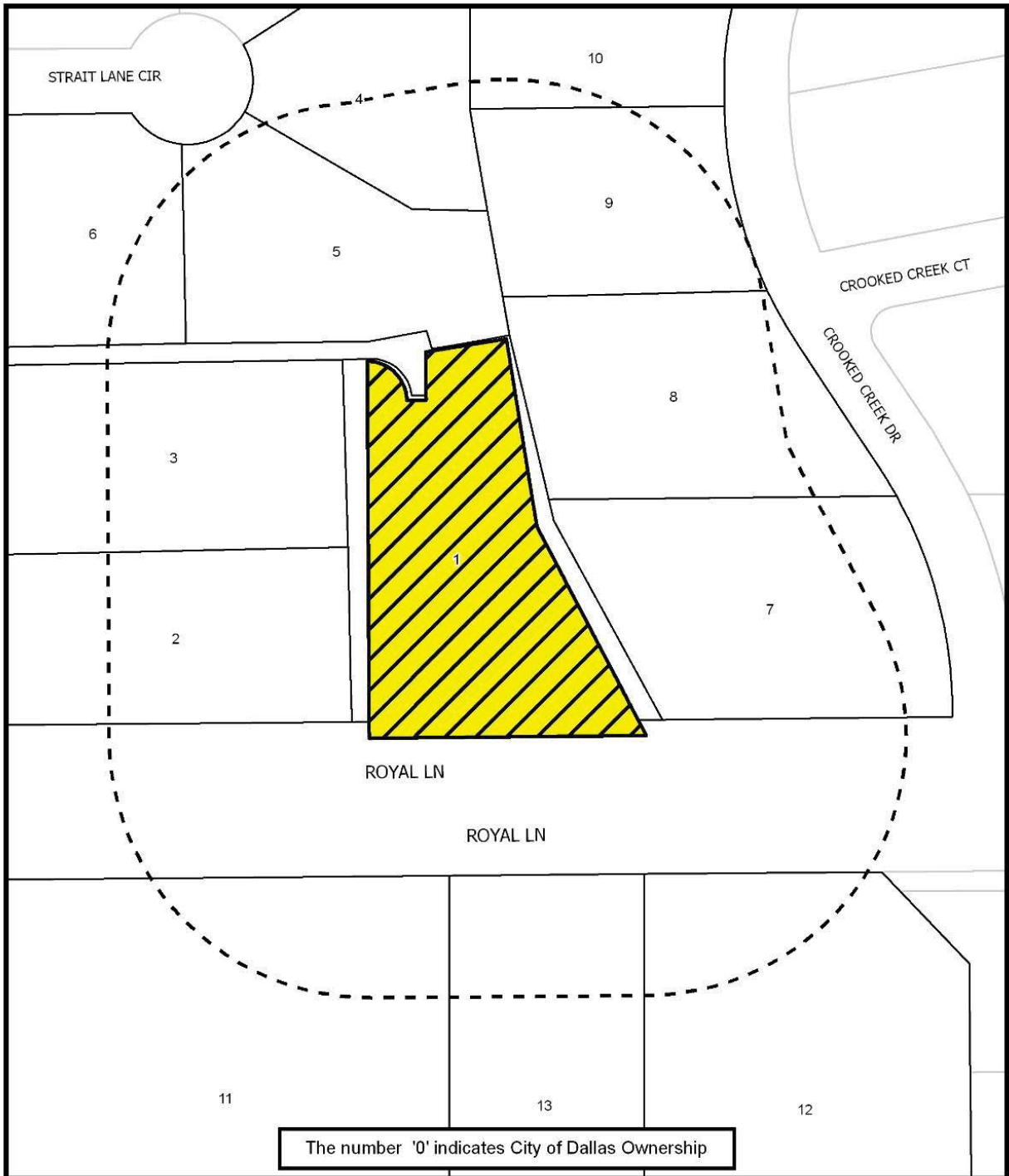
Subscribed and sworn to before me this 11 day of November, 2011

Susan Irene Rutherford

Notary Public for Dallas County, Texas

Commission expires on 3/8/14





 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA112-006			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
13	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA112-006

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4929 ROYAL LN	DAUM JERRY FREDERICK
2	10802 STRAIT LN	WINSPEAR DONALD W & ELLEN N WINSPEAR
3	10808 STRAIT LN	WIELEBINSKI JOSEPH J & EMILY J MADURO
4	10852 STRAIT LN	SINGER ARTURO
5	10848 STRAIT LN	OSBORN GEOFFREY D & NATALIE C
6	10840 STRAIT LN	COOK MARY MCDERMOTT
7	10815 CROOKED CREEK DR	THOMAS NATHAN T & MIKA R TRUSTEES N & M
8	10827 CROOKED CREEK DR	HELLSTERN RONALD A & CINDY J
9	10877 CROOKED CREEK DR	DAVIS JOHN M & JANICE M
10	10887 CROOKED CREEK DR	HOLDER MICHAEL & ELINOR
11	10750 STRAIT LN	OYSTER TINA
12	4954 ROYAL LN	BEASLEY JOHNNY MARK & BARBARA S
13	4944 ROYAL LN	HAGLER STUART G

FILE NUMBER: BDA 112-011

BUILDING OFFICIAL'S REPORT:

Application of Bruce Myers, represented by Audra Buckley, for a special exception to the off-street parking regulations at 908 S. Riverfront Boulevard. This property is more fully described as Lot 1 in City Block 7334 and is zoned PD-784, which requires off-street parking to be provided. The applicant proposes to construct/maintain a structure for a restaurant without drive-in or drive-through service use and provide 38 of the required 46 off-street parking spaces, which will require a special exception of 8 spaces.

LOCATION: 908 S. Riverfront Boulevard

APPLICANT: Bruce Myers
Represented by Audra Buckley

REQUEST:

- A special exception to the off-street parking regulations of 8 spaces is requested in conjunction with transitioning an existing approximately 4,600 square foot structure, formerly uses as a general merchandise or food store use (Elmer's Ice House), to a restaurant without drive-in or drive through use (Riverfront Café), and providing 38 (or 83 percent) of the 46 required off-street parking spaces.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use is changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the proposed restaurant without drive-in or drive-through service use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the applicant's request.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 50 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) impose restrictions on access to or from the subject property; or
 - (C) impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

GENERAL FACTS:

- The Dallas Development Code requires the following off-street parking requirement:
 - Restaurant without drive-in service use: 1 space per 200 square feet of floor areaThe applicant proposes to provide 38 (or 83 percent) of the required 46 off-street parking spaces in conjunction with the site being leased/maintained with the use mentioned above.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 784 (Planned Development)
North: PD No. 784 (Planned Development)
South: PD No. 784 (Planned Development)
East: PD No. 784 (Planned Development)
West: PD No. 784 (Planned Development)

Land Use:

The subject site is developed with an existing approximately 4,600 square foot structure. The areas to the north, east, and west are developed with freeways; and the area to the south is developed with a utility use.

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:

November 7, 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.

December 9, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 9, 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 December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;

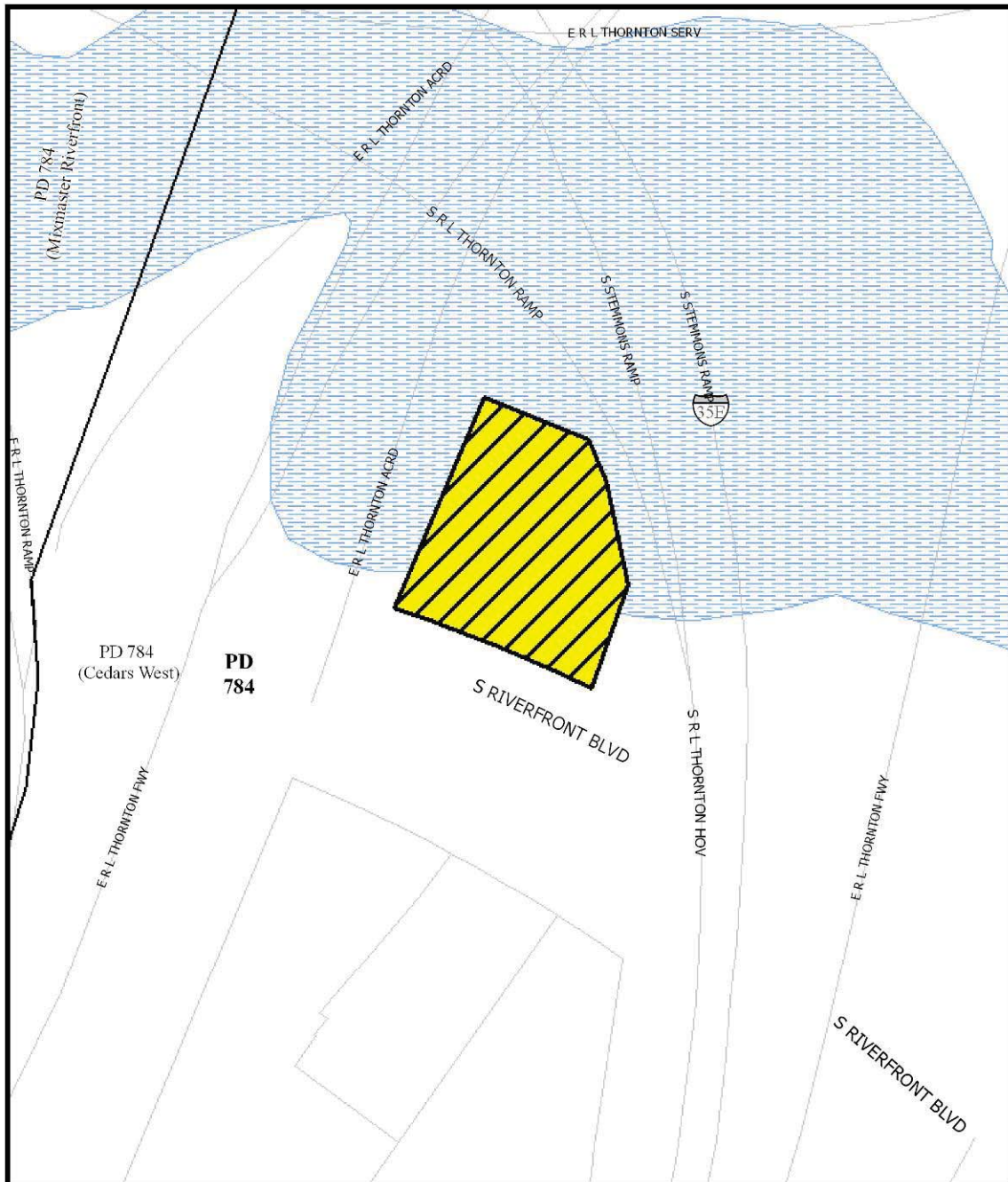
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.

January 6, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

STAFF ANALYSIS:

- This request focuses on transitioning an existing approximately 4,600 square foot structure, formerly uses as a general merchandise or food store use (Elmer's Ice House), to a restaurant without drive-in or drive through use (Riverfront Café), and providing 38 (or 83 percent) of the 46 required off-street parking spaces.
- The request is triggered from the applicant's attempt to lease the existing structure with a use that required more off-street parking than the former use -- 1 space per 100 square feet is required for restaurant use; 1 space per 200 square feet is required for general merchandise or food store use.
- The applicant has stated that of the approximately 4,600 square feet of structure, only approximately 3,250 square feet will be used by the public with the remaining square footage being storage/kitchen area.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the applicant's request for the 17 percent parking reduction.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed restaurant without drive-in or drive through use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 8 spaces (or a 17 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 8 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive through service use is changed or discontinued, the applicant would be allowed to lease/maintain the site with this specific use and provide only 38 of the 46 code required off-street parking spaces.

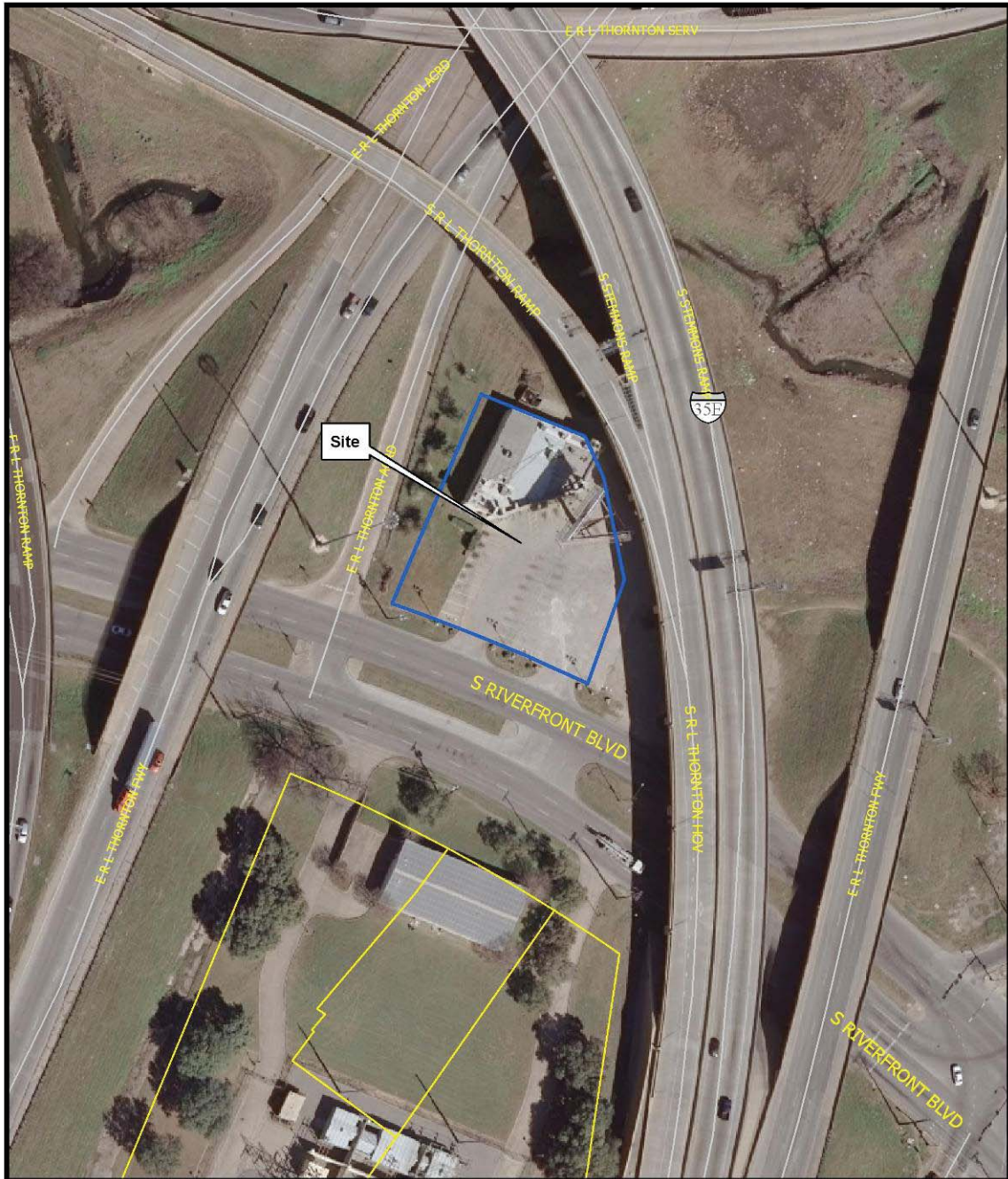


1:1,200

ZONING MAP

Case no: **BDA112-011**

Date: **12/19/2011**



1:1,200

AERIAL MAP

Case no: BDA112-011

Date: 12/19/2011



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-011

Date: November 7, 2011

Data Relative to Subject Property:

Location address: 908 S. Riverfront Blvd. Zoning District: PDD 784

Lot No.: 1 Block No.: 7334 Acreage: .5668 Census Tract: 0100.00

Street Frontage (in Feet): 1) 162.54 2) _____ 3) _____ 4) _____ 5) _____

7628

To the Honorable Board of Adjustment :

Owner of Property/or Principal: C A H PROPERTIES

Applicant: Bruce Myers Telephone: 214-669-6258

Mailing Address: 903 S. Riverfront Blvd. Zip Code: 75207

Represented by: Audra Buckley - Permitted Development Telephone: 214-686-3635

Mailing Address: 2814 Main Street, Ste 102 Dallas, TX Zip Code: 75226

Affirm that a request has been made for a Variance or Special Exception X of 8 spaces
Parking reduction - Parking required 46 spaces; Parking provided 38 spaces
for a restaurant without drive-in service

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:

Please see attached statement of request. Smaller public area
does not require the number of spaces for the
total square footage of the building

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.

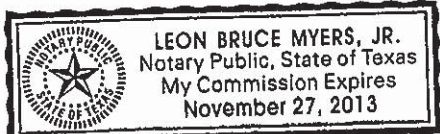
Respectfully submitted: Bruce Myers
Applicant's name printed [Signature]
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Bruce Myers
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 7th day of November, 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 Bruce Myers
represented by Audra Buckley
did submit a request for a special exception to the parking regulations
at 908 S. Riverfront Blvd.

BDA112-011. Application of Bruce Myers represented by Audra Buckley for a special exception to the parking regulations at 908 S. Riverfront Blvd. This property is more fully described as lot 1 in city block 7334 and is zoned PD-784, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant without drive-in or drive-through service use and provide 38 of the required 46 parking spaces, which will require an 8 space special exception (18% reduction) to the parking regulation.

Sincerely,

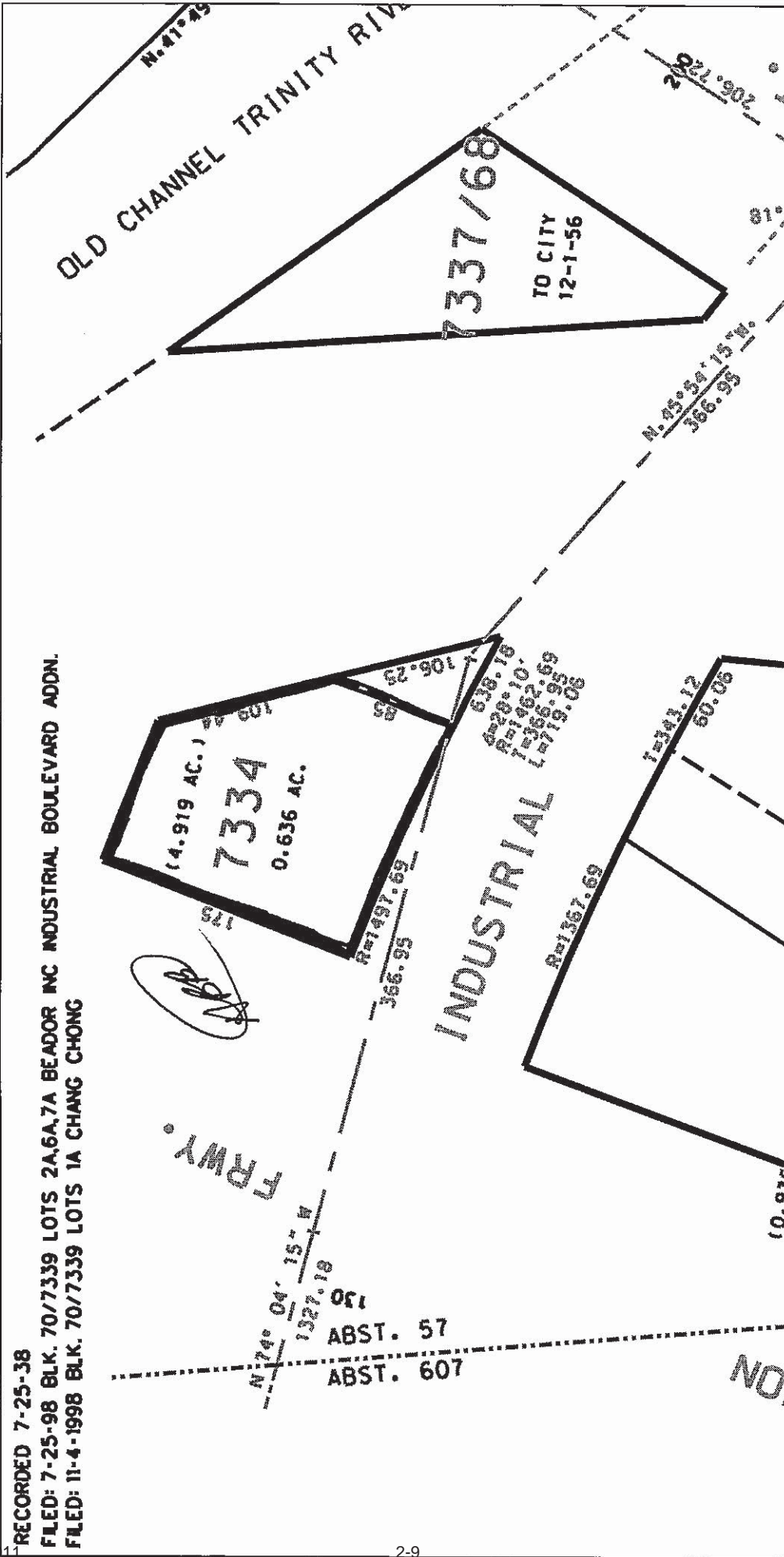

Lloyd Denman, Building Official



RECORDED 7-25-38

FILED: 7-25-98 BLK. 70/7339 LOTS 2A,6A,7A BEADOR INC INDUSTRIAL BOULEVARD ADDN.

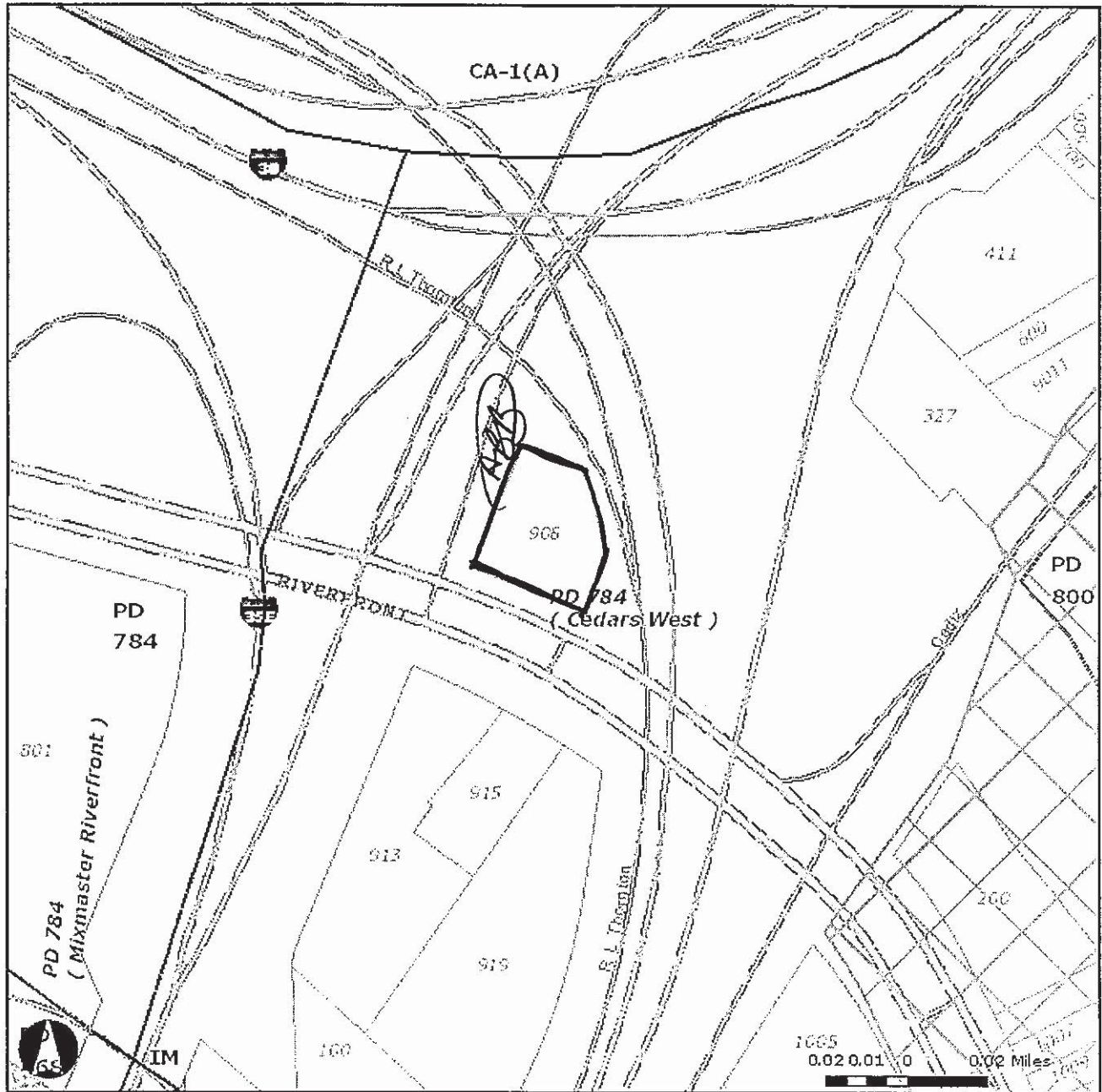
FILED: 11-4-1998 BLK. 70/7339 LOTS 1A CHANG CHONG



City of Dallas Zoning

Z001-129

011
K-7 45T



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

- Deed Restrictions
- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay

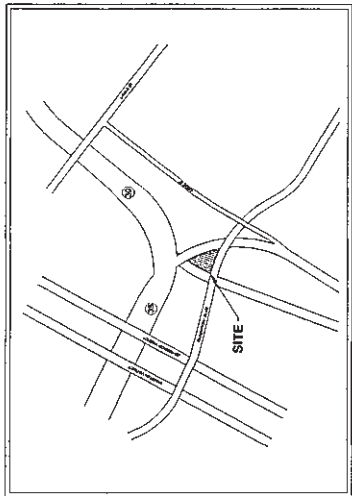
- CD Subdistricts
- PD Subdistricts
- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP

CITY OF DALLAS, TEXAS
 908 S. RIVERFRONT DR.

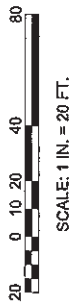
PERMITTED DEVELOPMENT
PD

PERMITTED DEVELOPMENT
 2814 Main St. Dallas, Sps 102
 Dallas, Texas 75226
 214.666.3635
 www.permitteddevelopment.com

DATE: 11/11/11
 PROJECT NUMBER:
 CASE NUMBER:



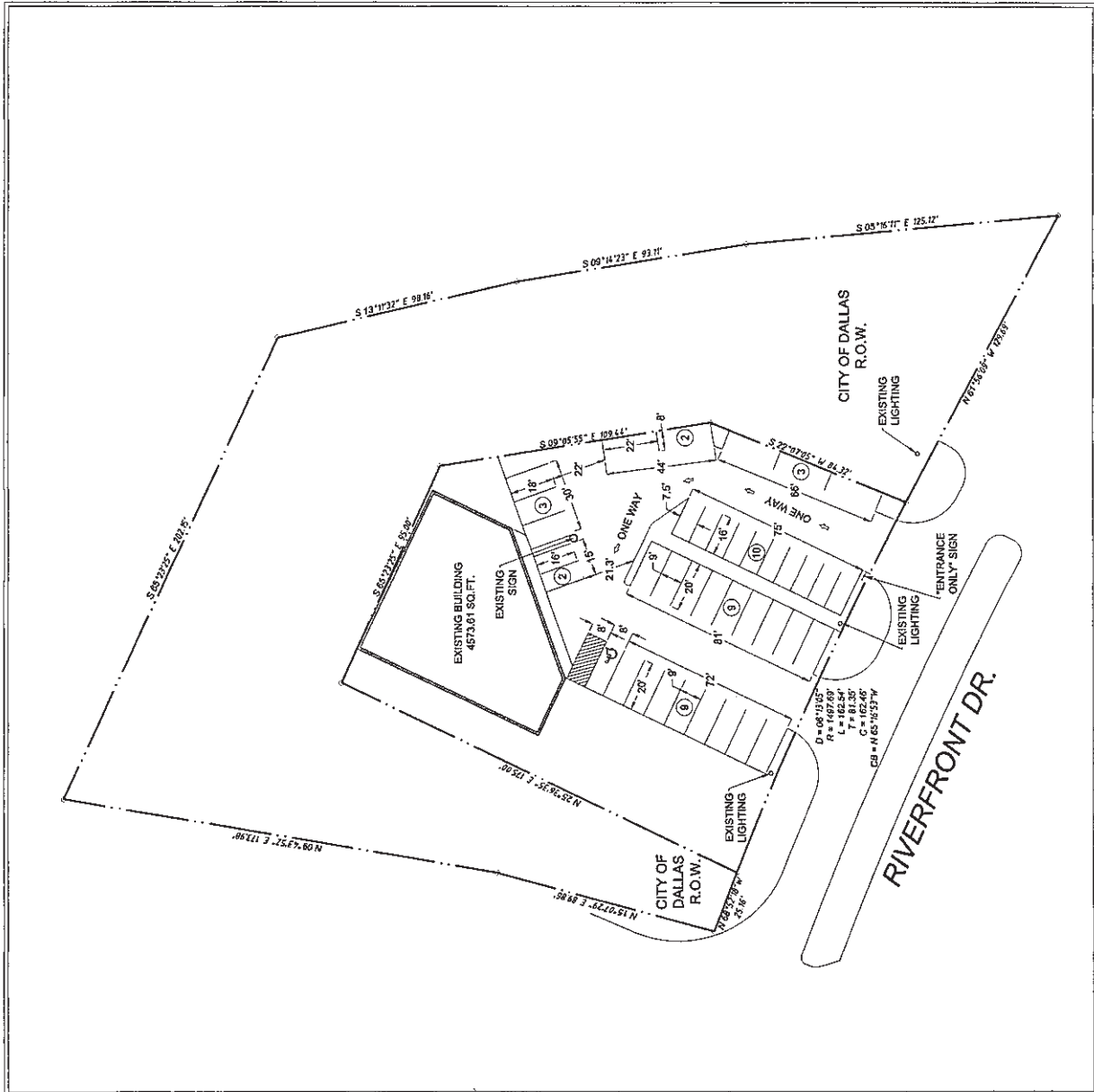
VICINITY MAP
 NTS



SCALE: 1 IN. = 20 FT.

RIVERFRONT CAFE SITE PLAN
 LAND AREA: 24,689.60 SF (0.5668 AC)
 FLOOR AREA: 4573.61 SF
 LOT COVERAGE: 18.5%
 REQUIRED PARKING: 46 SPACES
 PARKING SPECIAL EXCEPTION REQUEST: 8 SPACES
 PROVIDED PARKING: 36 SPACES

CASE NUMBER:



1 RIVERFRONT CAFE SITE PLAN
 SCALE: 1" = 20'-0"

Reason for the Request

LAND USE:

The subject site is developed with a 4,573.61 sq. ft. restaurant with surface parking. The areas adjoining the site on all sides are City of Dallas right-of-way.

Zoning:

Site and Surrounding Zoning: PD 784 Trinity River Corridor Special Purpose District. Property does lie within and is surrounded by Flood Zones AE and Zone X (protected by levee).

GENERAL FACTS:

- The Dallas Development Code requires the following parking requirements for the existing and planned uses on the subject site:
 - 1 space is required per 100 square feet of floor area for a restaurant without drive-thru service.
- Previous use was General Merchandise store <3500 sq. ft. and restaurant combination. This site has been in existence since 1944.
- The applicant has recently renovated the interior of the existing building for the restaurant use. No other improvements have been made on the property.
- Previously, there were 9 parking spaces utilized to meet the parking requirements. However, the applicant discovered the 9 spaces were located on City ROW and would not be recognized by the city as required parking for a Certificate of Occupancy for the restaurant use.
- Of the 4573.61 square feet, approximately 3250 sq. ft. will be utilized by the public. The remaining square footage will be storage/kitchen area and will only be accessible by three employees.
- The site requires 46 parking spaces. The applicant proposes to provide 38 parking spaces.

THE REQUEST:

The applicant respectfully requests that an off-street parking special exception be granted for 8 parking spaces as follows:

- Total required = 46 parking spaces
- Parking provided = 38 parking spaces
- Net difference (17% special exception) = 8 parking spaces

- Square footage for public use 3,250 = 33 parking spaces
- Staff parking (3 employees) = 3 parking spaces
- Total parking required = 36 parking spaces
- Total parking provided with special exception = 38 parking spaces

The request is based on Section 51A-4.2(a)2 as follows:

(A) The parking spaces provided will be sufficient for the land use and will not increase traffic congestion.

(B) The trip generation characteristics of the restaurant are:
 $158.37 \text{ trips per } 1000 \text{ sq. ft.} = 4.58 * 158.37 = 725 \text{ trips per day.}$

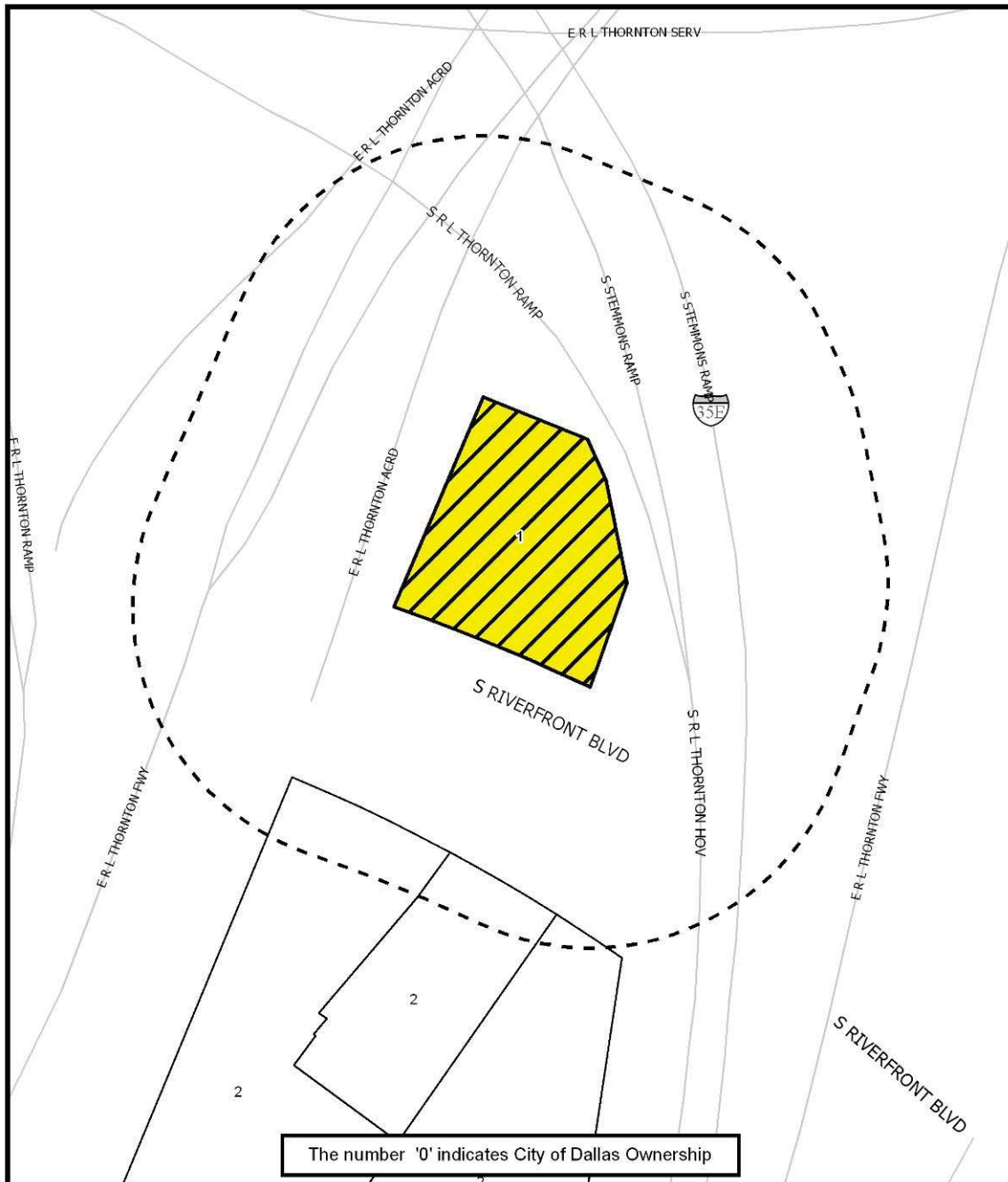
(C) The subject property or any property in the general area is not part of any known delta overlay district. The request is made based on the project's parking demand.

(D) Based on the city's thoroughfare plan, Riverfront is a principal arterial. According to the most recent traffic counts taken in 2004 (NCTCOG), the daily vehicle trips along Riverfront are 14,034 between Cadiz and R.L Thorton. Riverfront will be able to support 725 trips per day for the proposed use.

(E) Public transit is available as follows:

Pin	Stop Name [Stop ID]
A	RIVERFRONT @ IH 35 - N - NS [30665]
B	RIVERFRONT @ CADIZ - N - FS [30817]
C	CADIZ @ INDUSTRIAL - E - FS [29255]
D	LAMAR @ CANTON - N - FS [29256]

(F) With the DART stops located along Riverfront, Cadiz and Lamar, public transit is very accessible at this location and a viable alternative mode of transportation for patrons.



 1:1,200	NOTIFICATION		Case no: BDA112-011
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">2</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 12/19/2011	

Notification List of Property Owners

BDA112-011

2 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	908 RIVERFRONT BLVD	C A H PROPERTIES APT C302
2	915 RIVERFRONT BLVD	TEXAS UTILITIES ELEC CO % STATE & LOCAL

FILE NUMBER: BDA 112-001

BUILDING OFFICIAL'S REPORT:

Application of Johnny Lee, represented by Rob Baldwin, for a special exception to the visual obstruction regulations at 2611 Worthington Street (AKA 2723 McKinney Avenue). This property is more fully described as part of Lot 2 in City Block 2/955 and is zoned PD-193 (LC), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception.

LOCATION: 2611 Worthington Street (AKA 2723 McKinney Avenue)

APPLICANT: Johnny Lee
Represented by Rob Baldwin

REQUEST:

- A special exception to the visual obstruction regulations is requested in conjunction with maintaining an existing retaining wall, and constructing and maintaining an approximately 1' high wood deck and 3.5' high open wrought iron fence atop in the 45-foot visibility triangle at the intersection of Worthington Street and McKinney Avenue on a site developed as a three non-residential structures (Tate's, Gui, and a vacant structure).

STAFF RECOMMENDATION:

Denial

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director recommends that this request be denied based on a site visit where he has concluded that there is not adequate visibility.
- The applicant has not substantiated how the location of the items located/to be located in the 45 foot visibility triangle at the intersection of Worthington Street and McKinney Avenue 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 site plan/elevation document has been submitted that shows approximately 28 linear feet of “3.5’ wrought iron fence” in the 45-foot visibility triangle at the intersection of Worthington Street and McKinney Avenue. The elevation also indicates a 5.32 high “existing retaining wall,” a 1.1’ high “wood deck,” and a 3.5’ high “wrought iron fence” located in the visibility triangle.
- The applicant’s representative submitted additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed as three nonresidential structures (Tate’s, Gui, and a vacant structure). The areas to the north, east, south, and west are developed with a mix of 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:

October 27, 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.

December 9, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 9, 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 December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 16, 2011: The applicant's representative forwarded additional information beyond what was submitted with the original application (see Attachment A).

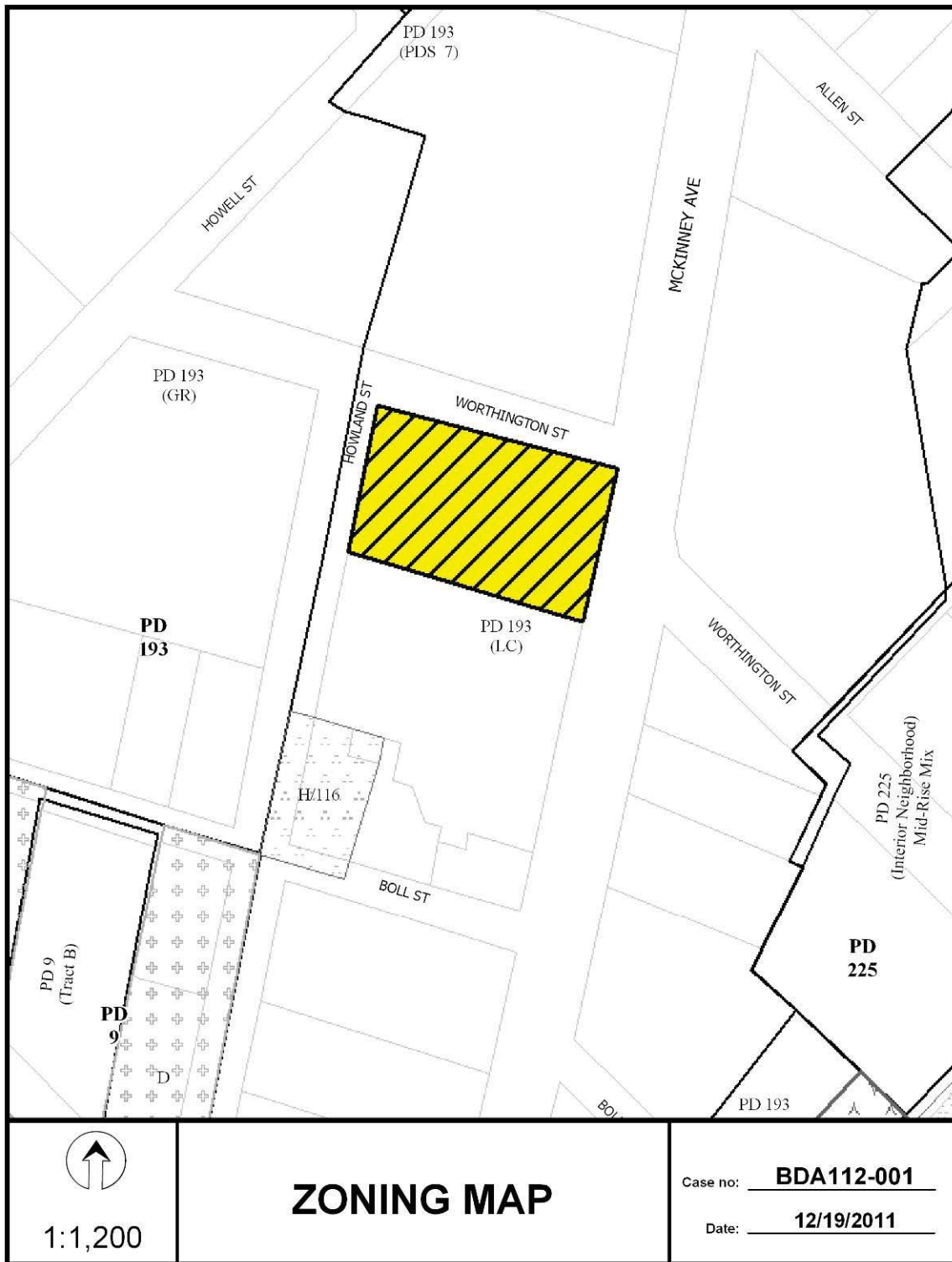
January 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.

January 6, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "Based on site visit, there is not adequate visibility."

STAFF ANALYSIS:

- This request focuses on: 1) maintaining an existing retaining wall, and 2) constructing and maintaining an approximately 1' high wood deck and 3.5' high open wrought iron fence atop in the 45' visibility triangle at the intersection of Worthington Street and McKinney Avenue on a site developed as a three non-residential structures (Tate's, Gui, and a vacant structure).
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "Based on site visit, there is not adequate visibility."
- 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 site plan/elevation, the items shown on this document (in this case, what is

represented as an “existing retaining wall with planting;” a 1.1’ high “wood deck;” and a 3.5’ high “wrought iron fence”) would be “excepted” into the 45’ visibility triangle at the intersection of Worthington Street and McKinney Avenue.

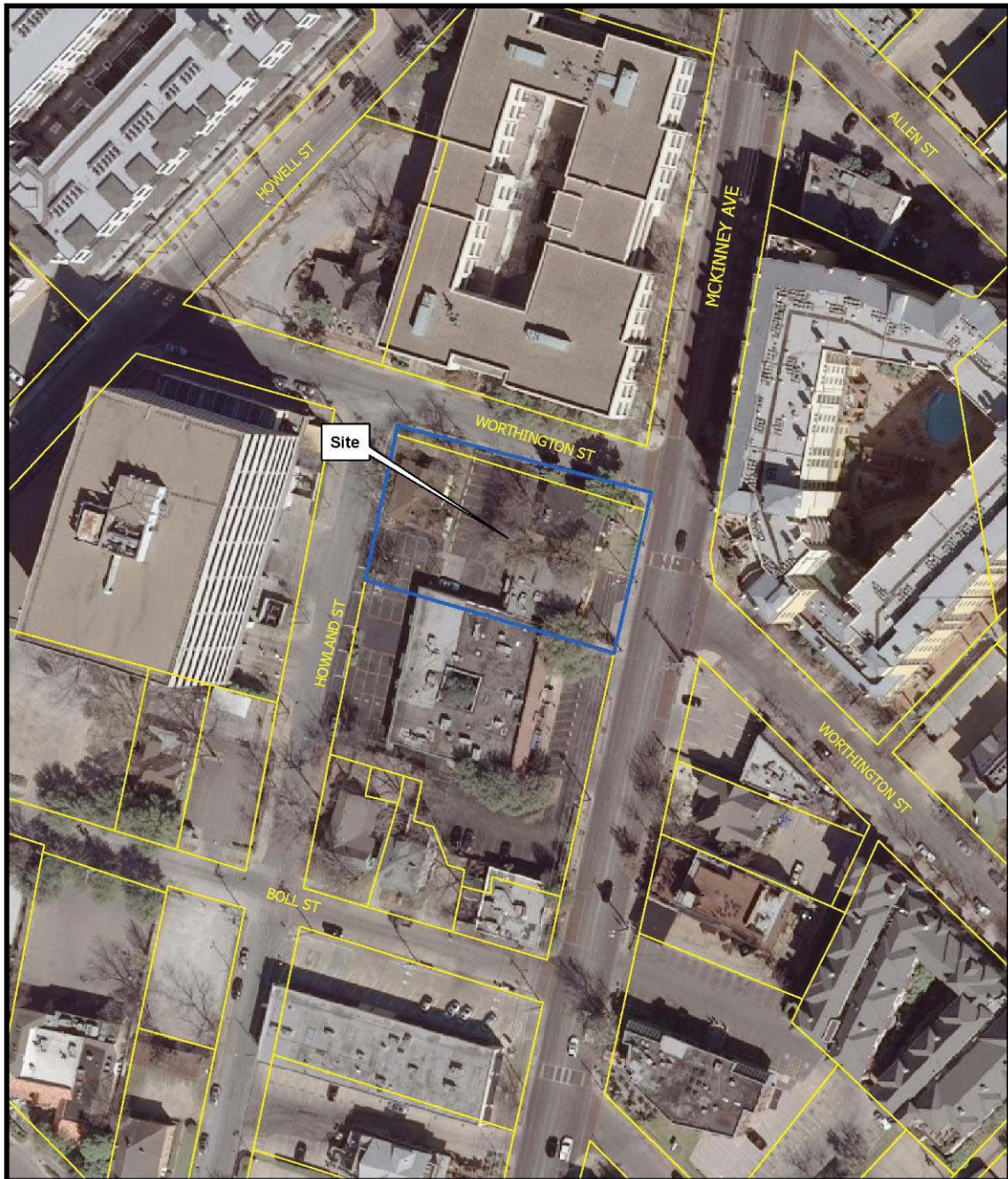


1:1,200

ZONING MAP

Case no: BDA112-001

Date: 12/19/2011



1:1,200

AERIAL MAP

Case no: BDA112-001

Date: 12/19/2011

December 16, 2011

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla
Dallas, TX 75201

Re: BDA 112-001 – 2611 Worthington (aka 2723 McKinney Avenue)

Dear Steve,

This firm represents the owner of the property known as both 2611 Worthington and 2723 McKinney Avenue in their request for permission to install an open decorative iron fence in a sight visibility triangle at the corner of Worthington and McKinney Avenue. This is a single property, but has two addresses. The property is located at the southwest corner of the intersection of McKinney Avenue and Worthington Street. There are three (3) buildings on the property; one of which was recently renovated for a restaurant with outside dining facing McKinney Avenue. The recently renovated building is the one-story building located directly on the corner of Worthington and McKinney Avenue. According to the Dallas County Central Appraisal District, this building was constructed in 1940. The finished floor elevation of this building is approximately five (5) to six (6) feet above the curb line. There is a retaining wall along Worthington Street and McKinney Avenue with waterfall stairs leading to the front door from McKinney Avenue.

During the building permit review process, the city staff noted that the retaining wall was located within the sight visibility triangle and would not allow any additional structures to be placed within the visibility triangle. The original plans showed a four (4) foot tall open, decorative iron fence along the property line, which sits approximate five to six feet above street level. In order to allow handicapped people onto the patio, we need to install a four (4) foot tall decorative iron fence along the perimeter of the patio. The city will not issue the permit to allow this fence unless and until we get permission from the Board of Adjustment to encroach into the sight visibility triangle. Consequently, we have filed this request to allow for a four-foot tall open, decorative iron fence to be installed along the perimeter of the patio; a portion of which will encroach into the sight visibility triangle.

We have presented this request to the Oak Lawn Committee and they have issued a letter in support of this request. They concluded that the real encroachment into the visibility triangle is the retailing wall that has been there over 60 years and not the

proposed fence. I hope that the city staff and Board of Adjustment come to the same conclusion.

Thank you for your time and attention to this matter. If you have any questions or would like to speak with me about this, please contact me at rob@baldwinplanning.com or call me at (214) 824-7949.

With kind regards,

A handwritten signature in black ink, appearing to read 'R. Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No 112-001

Data Relative to Subject Property:

Date: 10-27-11

Location address: 2611 Worthington (aka 2723 McKinney) Zoning District: PD 193 -LC

Lot No 2 Block No.: 2/955 Acreage: .492 ac Census Tract: 18,60

Street Frontage (in Feet): 1) 110 2) 195 3) 110 4) _____ 5) _____

SW 22

To the Honorable Board of Adjustment :

Owner of Property/or Principal: McKinney Avenue Partners, LP

Applicant: Johnny Lee Telephone: _____

Mailing Address: 17752 Preston Road Dallas, TX Zip Code: 75252

Represented by: Rob Baldwin Telephone: (214) 824-7949

Mailing Address: 3904 Elm St. # B Dallas, TX Zip Code: 75226

Affirm that a request has been made for a Variance or Special Exception of to allow an encroachment into the visibility triangle to allow a decorative iron fence at street intersection *PK*

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: Currently there is a 3'10" retaining wall that is located within the visibility triangle; we are requesting to place a 42" decorative iron fence on top of the retaining wall. This wrought iron fence will not impact vehicle visibility.

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: Johnny Lee
Applicant's name printed

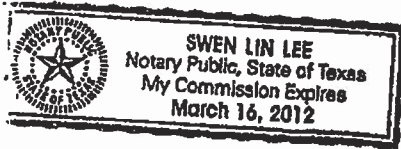
[Signature]
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Johnny Lee 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.

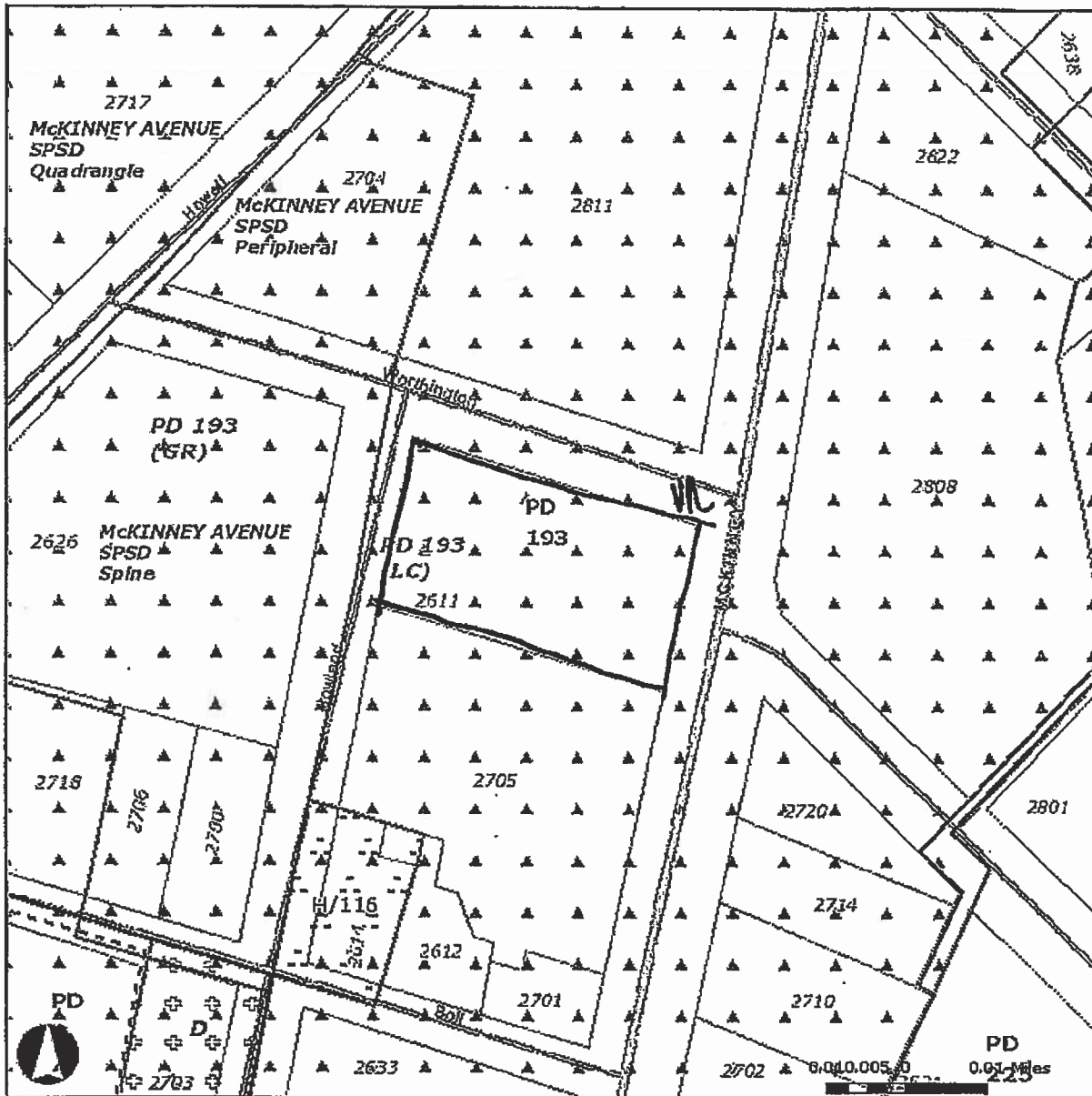
[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 26th day of October, 2011

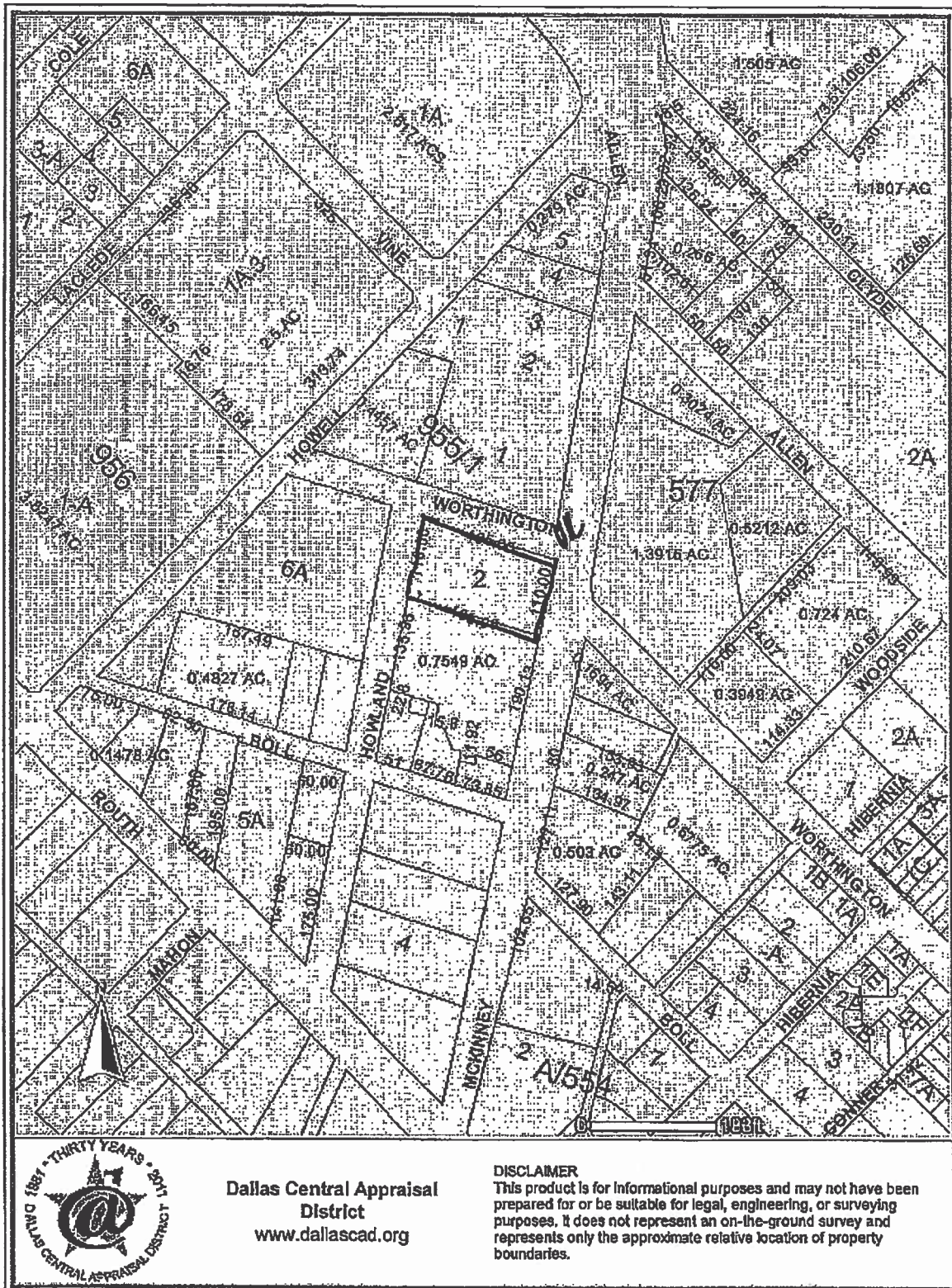


[Signature]
Notary Public in and for Dallas County, Texas

City of Dallas Zoning



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

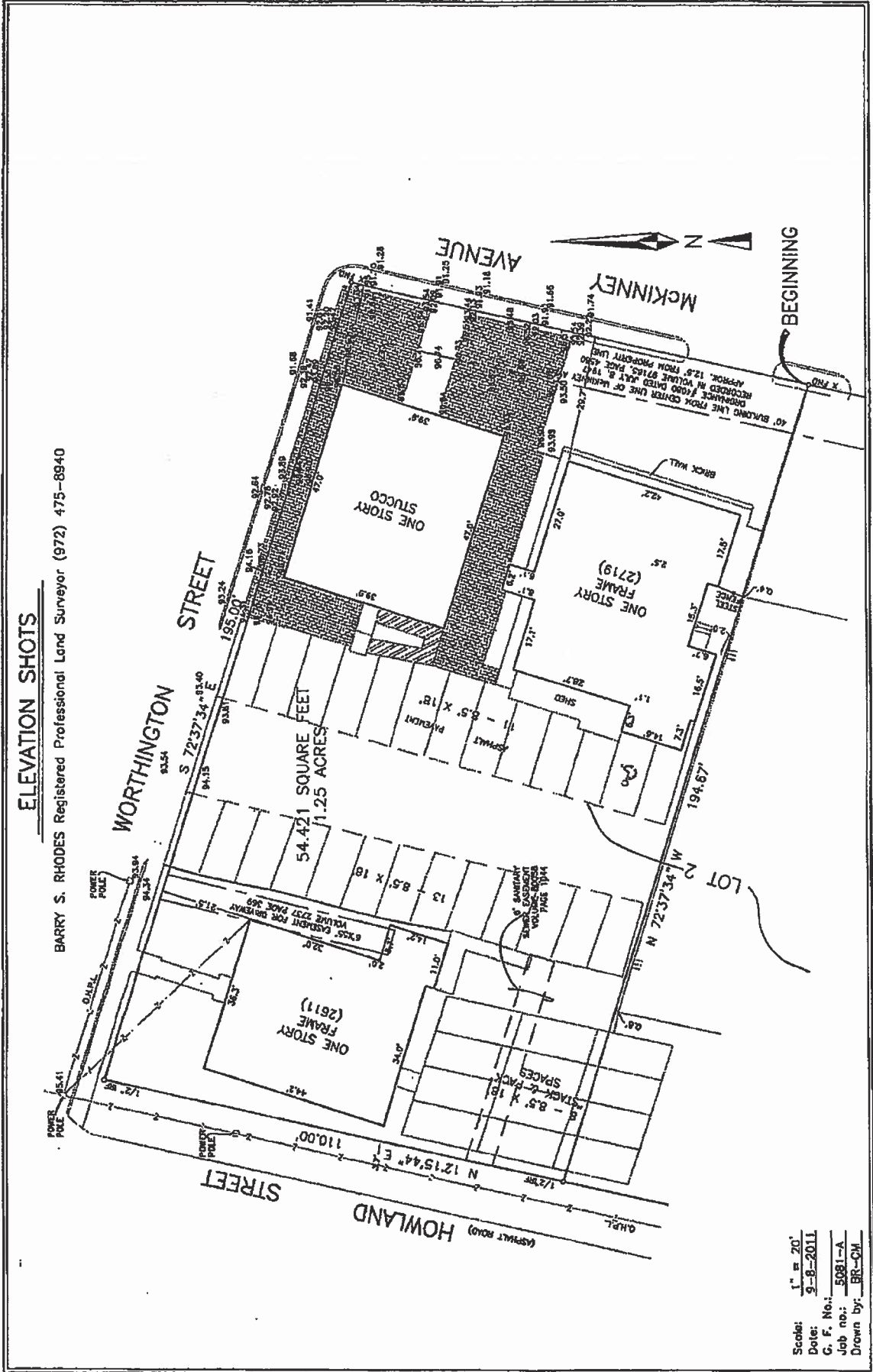


Dallas Central Appraisal District
www.dallascad.org

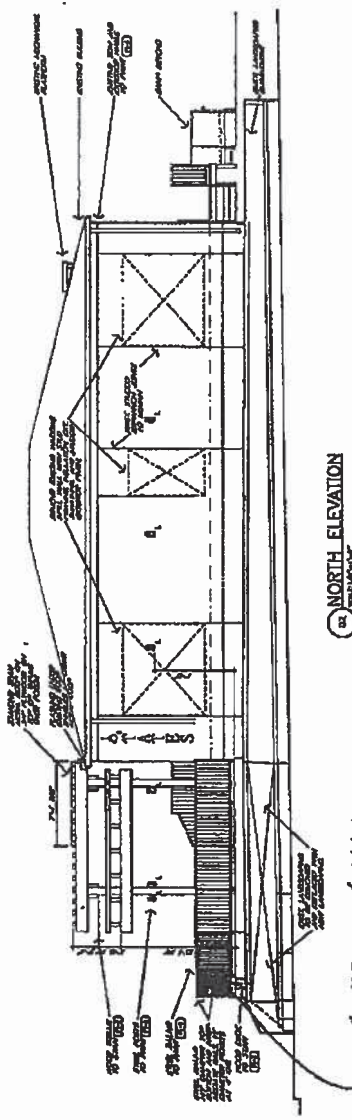
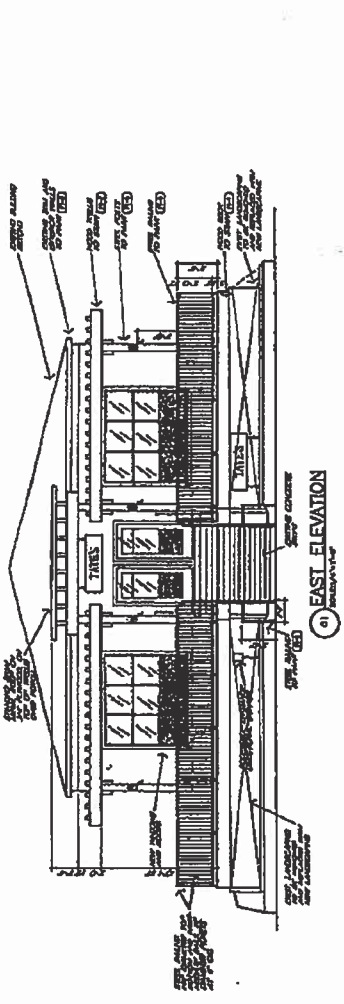
DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ELEVATION SHOTS

BARRY S. RHODES Registered Professional Land Surveyor (972) 475-8940



Scale: 1" = 20'
 Date: 9-8-2011
 C. F. No.:
 Job no.: 5081-A
 Drawn by: BR-DM



*comply w/ sight visibility
requirements & setback*

BDA Case Number: 112-001

I, Johnny Lee McKinney Avenue Partners, L.P.

Owner of subject property at 2611 Worthington (incl. 2723 McKinney)

Authorize (applicant) Johnny Lee

To pursue an appeal to the City of Dallas board of Adjustment for the following request (s):
Variance (please specify type(s))

Special Exception (please specify type(s)) Requesting a special exception expand a non-conformity for a visibility triangle

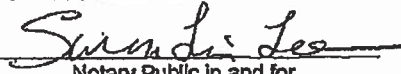
Other (please specify)

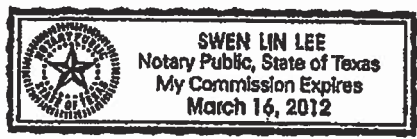
Johnny Lee, Registered Agent for McKinney Avenue Partners, LP  10/24/2011
Printed Name of Property Owner Signature of Property Owner Date

Before me the undersigned on this day of personally appeared Johnny Lee
(Print name of Property Owner)

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 24th day of October, 2011


Notary Public in and for
Dallas County, Texas
Commission expires on _____



(05-27-99)

December 16, 2011

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla
Dallas, TX 75201

Re: BDA 112-001 – 2611 Worthington (aka 2723 McKinney Avenue)

Dear Steve,

This firm represents the owner of the property known as both 2611 Worthington and 2723 McKinney Avenue in their request for permission to install an open decorative iron fence in a sight visibility triangle at the corner of Worthington and McKinney Avenue. This is a single property, but has two addresses. The property is located at the southwest corner of the intersection of McKinney Avenue and Worthington Street. There are three (3) buildings on the property; one of which was recently renovated for a restaurant with outside dining facing McKinney Avenue. The recently renovated building is the one-story building located directly on the corner of Worthington and McKinney Avenue. According to the Dallas County Central Appraisal District, this building was constructed in 1940. The finished floor elevation of this building is approximately five (5) to six (6) feet above the curb line. There is a retaining wall along Worthington Street and McKinney Avenue with waterfall stairs leading to the front door from McKinney Avenue.

During the building permit review process, the city staff noted that the retaining wall was located within the sight visibility triangle and would not allow any additional structures to be placed within the visibility triangle. The original plans showed a four (4) foot tall open, decorative iron fence along the property line, which sits approximate five to six feet above street level. In order to allow handicapped people onto the patio, we need to install a four (4) foot tall decorative iron fence along the perimeter of the patio. The city will not issue the permit to allow this fence unless and until we get permission from the Board of Adjustment to encroach into the sight visibility triangle. Consequently, we have filed this request to allow for a four-foot tall open, decorative iron fence to be installed along the perimeter of the patio; a portion of which will encroach into the sight visibility triangle.

We have presented this request to the Oak Lawn Committee and they have issued a letter in support of this request. They concluded that the real encroachment into the visibility triangle is the retaining wall that has been there over 60 years and not the

proposed fence. I hope that the city staff and Board of Adjustment come to the same conclusion.

Thank you for your time and attention to this matter. If you have any questions or would like to speak with me about this, please contact me at rob@baldwinplanning.com or call me at (214) 824-7949.

With kind regards,

A handwritten signature in blue ink, appearing to read 'Rob Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

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

December 7, 2011

Rob Baldwin
Baldwin Associates LLC
3904 Elm Street - Suite B
Dallas, Texas 75226
214.729-7949 (cell)
Rob@baldwinplanning.com

**RE: BDA 112-001
2611 Worthington**

Dear Mr. Baldwin:

At its December meeting, the Oak Lawn Committee voted to support the applicant's request for a variance to allow a decorative iron fence to encroach into a site visibility triangle. Because of the existing retaining wall, we do not see a problem with placing an open iron fence on it.

Thank you for your excellent presentation.

Sincerely,

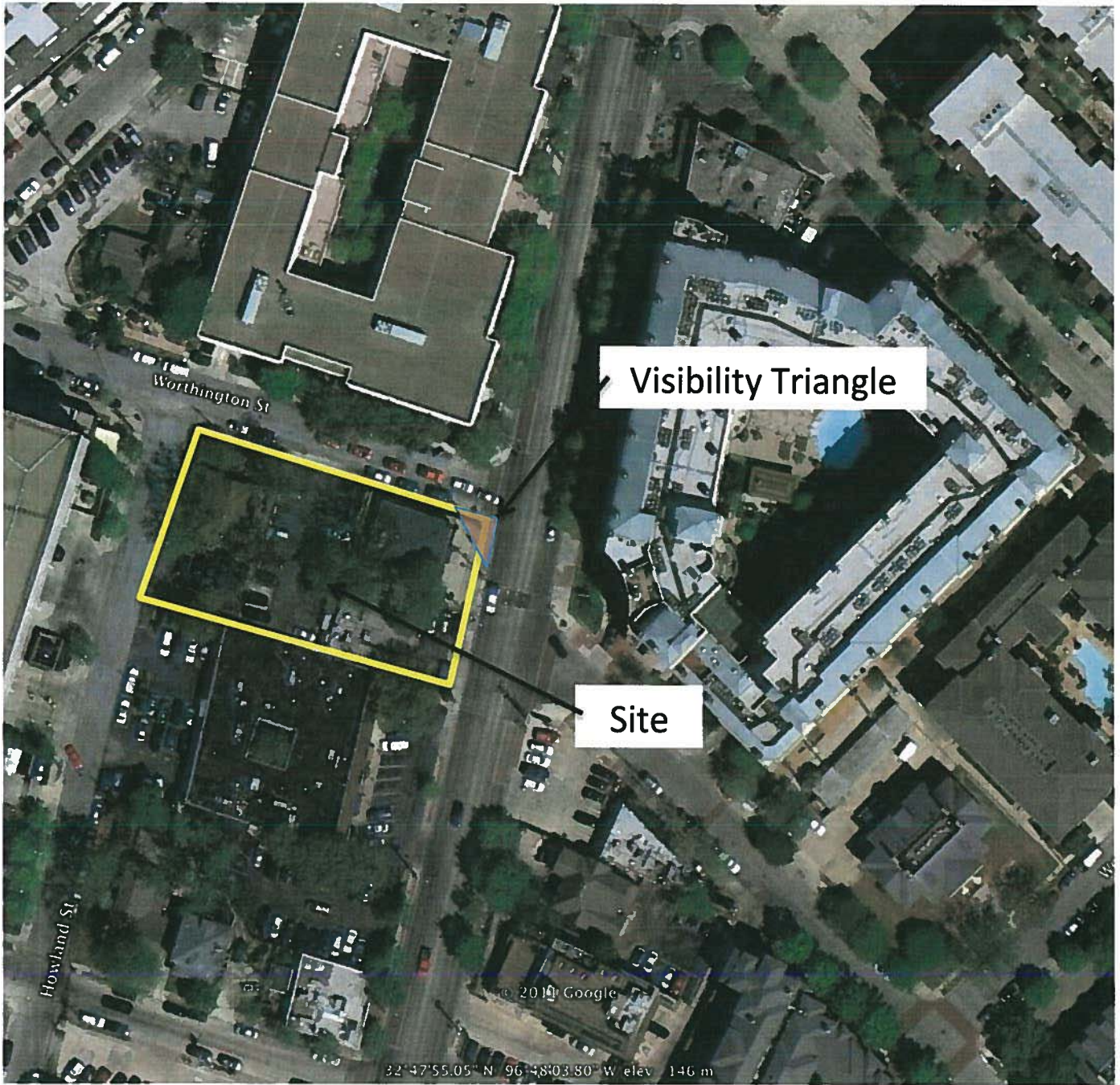


Rob Elmore
President

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

P.O. Box 190912, Dallas, Texas 75219

BDA 112-001





Site Visibility Triangle



Proposed Open Decorative Iron Fence

Sight Visibility Triangle Encroachment

BDA 112-001



Looking North To Property



Looking Northwest To Property



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA112-001 Date: 12/19/2011
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA112-001

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2611 WORTHINGTON ST	PARK CITIES BANK
2	2714 MCKINNEY AVE	PASHA & SINA INC
3	2720 MCKINNEY AVE	HEIDARI MOHSEN C/O SAN FRANCISCO ROSE
4	2710 MCKINNEY AVE	AJP PROPERTIES
5	2811 MCKINNEY AVE	2811 MCKINNEY LTD
6	2701 MCKINNEY AVE	STORY HERBERT B JR
7	2614 BOLL ST	LONGCRIER MICHAEL C
8	2612 BOLL ST	JACKSON FRANK & EDGAR MASON
9	2705 MCKINNEY AVE	PARK CITIES BANK
10	2718 BOLL ST	PUBS LAND PARTNERSHIP STE 200
11	2706 BOLL ST	STORY HERBERT B JR & MARY KAY STORY
12	2808 MCKINNEY AVE	POST APARTMENT HOMES LP
13	2626 HOWELL ST	KODIAK UPTOWN CENTER H LP STE 100

FILE NUMBER: BDA 112-002

BUILDING OFFICIAL'S REPORT:

Application of K. Michael King for a variance to the front yard setback regulations at 1340 Highland Road. This property is more fully described as Lot 17 in City Block 11/5262 and is zoned PD-575 (Subdistrict I), which requires a front yard setback of 80 feet. The applicant proposes to construct and maintain a structure and provide a 70 foot front yard setback, which will require a variance of 10 feet.

LOCATION: 1340 Highland Road

APPLICANT: K. Michael King

REQUEST:

- A variance to the front yard setback regulations of 10' is requested in conjunction with constructing and maintaining an addition to an existing single family home on the site, part of which is proposed to be located in the site's 80' front yard setback.

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff was unable to conclude how the parcel differs from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.

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:

- Structures on lots zoned PD No. 575 (Subdistrict I) are required to provide a minimum front yard setback of 80'.
A revised site plan has been submitted denoting a portion of a proposed addition to a single family home that is located 70' from the front property line (or 10' into the 80' front yard setback).
- It appears from the submitted revised site plan that the existing building footprint of the home on the site is approximately 2,100 square feet and that the proposed addition (which, according to a submitted revised floor plan, includes a master bathroom, a master closet, and a garage) is approximately 1,200 square feet. The site plan shows that approximately 300 square feet (or 1/4 of the proposed addition) is to be located in the site's 80' front yard setback.
- According to DCAD records, the "main improvement" at 1340 Highland is a structure built in 1951 with 2,016 square feet of living area; with "additional improvements" being an attached garage with 420 square feet.
- The subject site is sloped, rectangular in shape and according to the application, is 0.58 acres (or approximately 25,000 square feet) in area. The site is zoned PD No. 575 (Subdistrict I). The applicant has submitted a partial site plan that shows contour lines and vegetation/trees in the back of the property.
- Before creation of PD No. 575 in 2000, the property had been zoned R-10(A) where lots in this zoning district are typically 10,000 square feet in area, and where lots are required to provide a 30' front yard setback.
- The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 575 (Planned Development)
North: PD No. 575 (Planned Development)
South: PD No. 575 (Planned Development)
East: PD No. 575 (Planned Development)
West: PD No. 207 (Planned Development)

Land Use:

The subject site is developed with a single family home use. The areas to the north, south, east, 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:

October 27, 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.

December 9, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 9, 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 December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 28, 2011: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

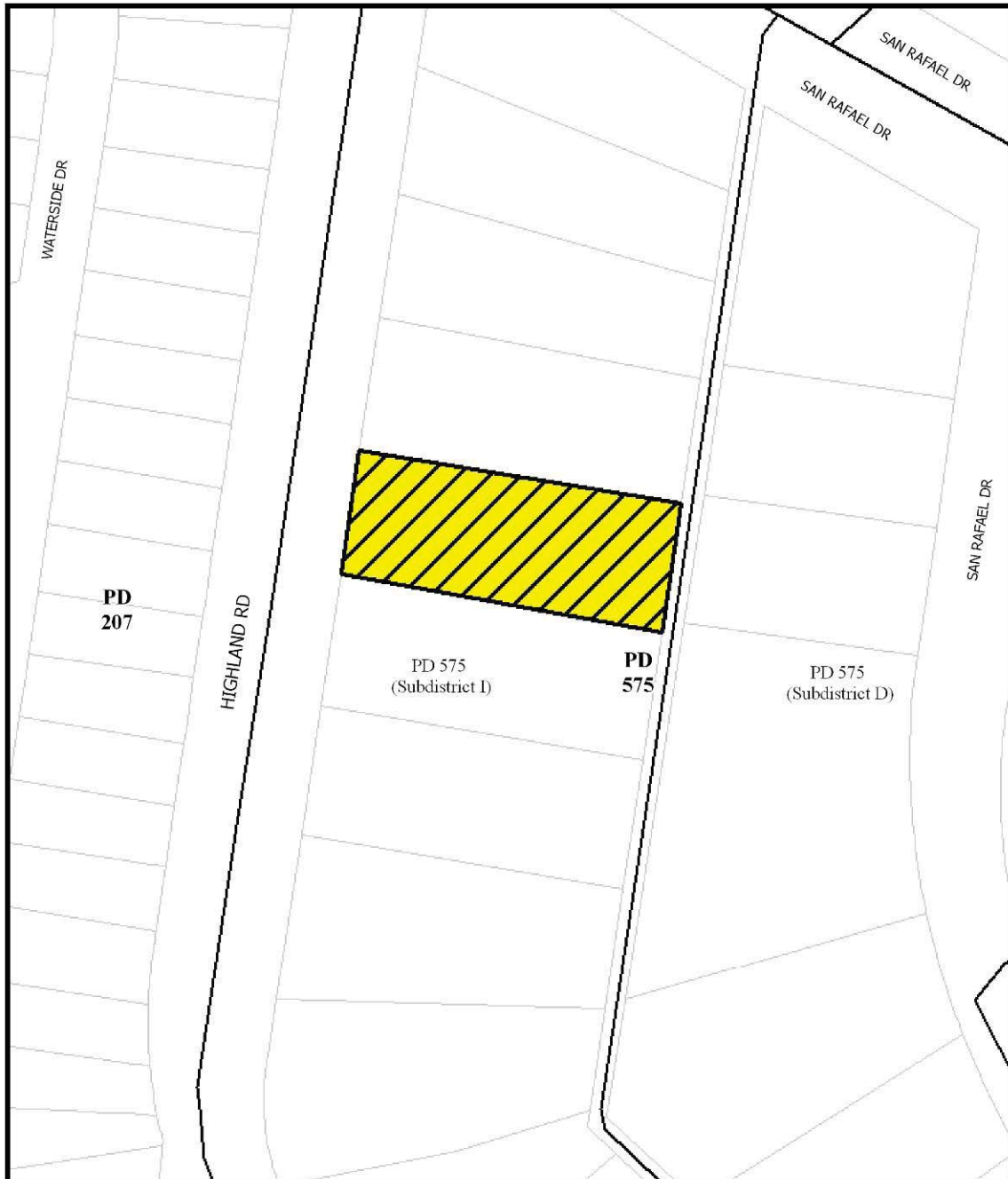
January 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and the Assistant City Attorney to the Board.

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

STAFF ANALYSIS:

- The request focuses on constructing and maintaining an approximately 1,200 square foot addition (including an expanded master bedroom, a master bath and closet, and a two car garage) to an existing single family home on the site, part of which is proposed to be located in the site's 80' front yard setback.
- A revised site plan has been submitted denoting that the proposed addition will be located 70' from the front property line (or 10' into the 80' front yard setback).

- It appears from the submitted revised site plan that the existing building footprint of the home on the site is approximately 2,100 square feet and that the proposed addition is approximately 1,200 square feet. The site plan shows that approximately 300 square feet (or 1/4 of the proposed addition) is to be located in the site's 80' front yard setback.
- According to DCAD records, the "main improvement" at 1340 Highland is a structure built in 1951 with 2,016 square feet of living area; with "additional improvements" being an attached garage with 420 square feet.
- The subject site is sloped, rectangular in shape and according to the application, is 0.58 acres (or approximately 25,000 square feet) in area. The site is zoned PD No. 575 (Subdistrict I). The applicant has submitted a partial site plan that shows contour lines and vegetation/trees in the back of the property.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The 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. 575 (Subdistrict I) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 575 (Subdistrict I) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document – which in this case is a structure to be located 70' from the front property line (or 10' into the 80' front yard setback).

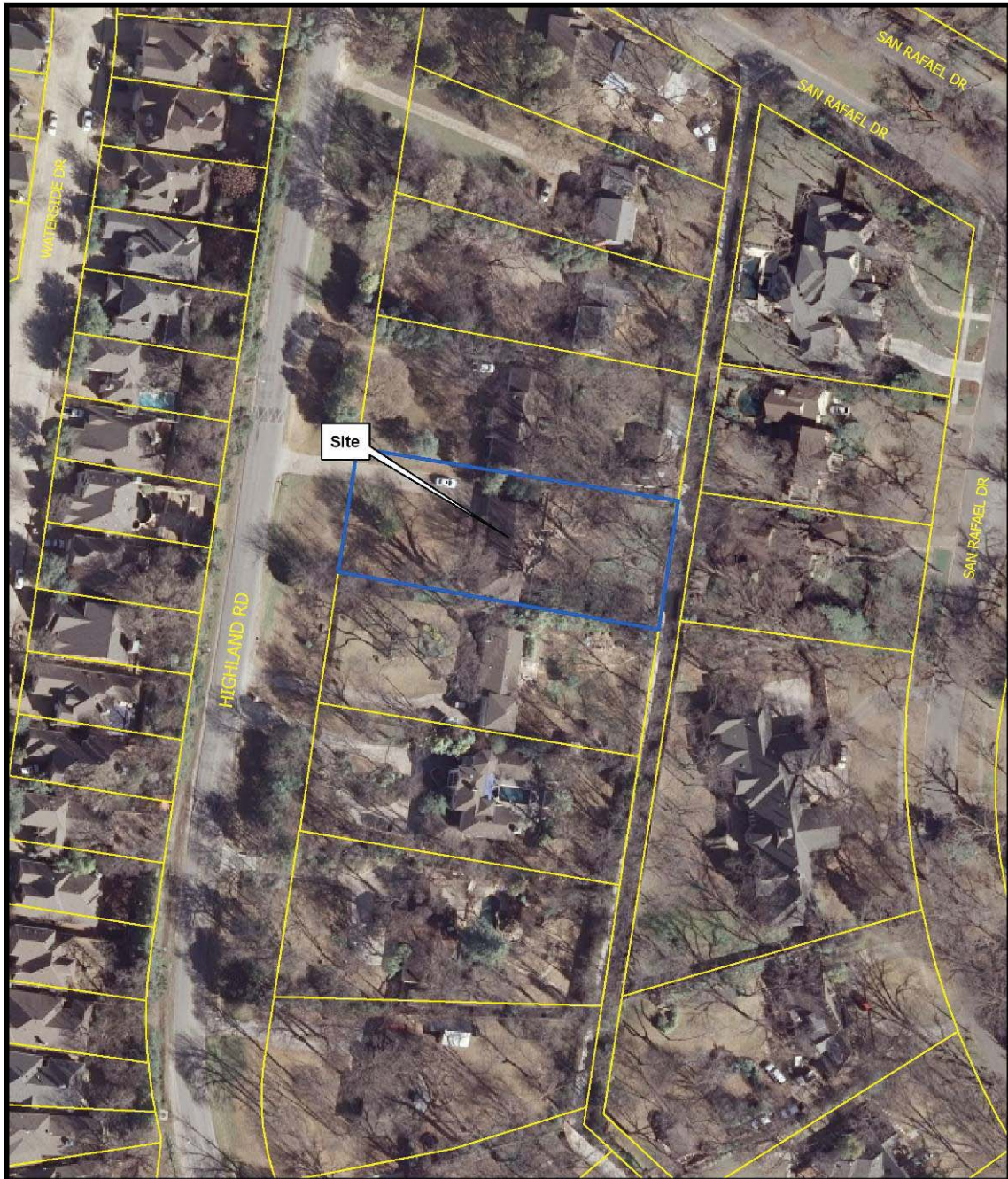


1:1,200

ZONING MAP

Case no: BDA112-002

Date: 12/19/2011



1:1,200

AERIAL MAP

Case no: BDA112-002

Date: 12/19/2011



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-002

Data Relative to Subject Property:

Date: 10-27-11

Location address: 1340 Highland Road Zoning District: PD575 (Subd. I)

Lot No.: 17 Block No.: 11/5262 Acreage: .58 Census Tract: 81.00

Street Frontage (in Feet): 1) 100 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

set

Owner of Property (per Warranty Deed): K. Michael King Craig Weitz

Applicant: K. Michael King Telephone: (214) 208-6733

Mailing Address: 8631 Richardson Branch Tr Zip Code: 75243

E-mail Address: King.Kmichael@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception _____ of 10 ^{*15*} ft reduction ^{*KMK*}
in front yard setback, 80 to 65 ft setback

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

Extreme slope and dense forestation in rear yard make a rear addition untenable. Property is already against both side yard setbacks.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a 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.

Affidavit

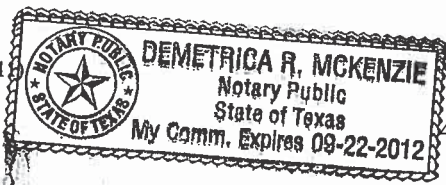
Before me the undersigned on this day personally appeared Michael K King
(Affiant/Applicant's name printed)

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.

Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

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

(Rev. 08-01-11)



[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 K MICHAEL KING

did submit a request for a variance to the front yard setback regulations
at 1340 Highland Road

BDA112-002. Application of K. Michael King for a variance to the front yard setback regulations at 1340 Highland Road. This property is more fully described as lot 17 in city block 11/5262 and is zoned PD-575 (subdistrict I), which requires a front yard setback of 80 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 70 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation.

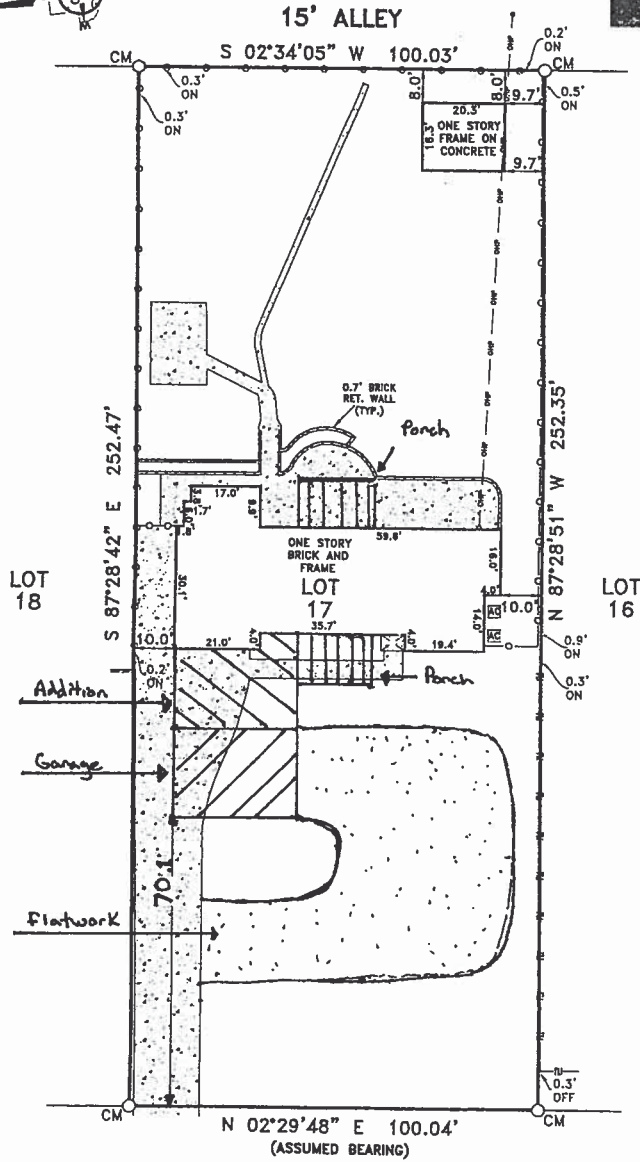
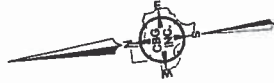
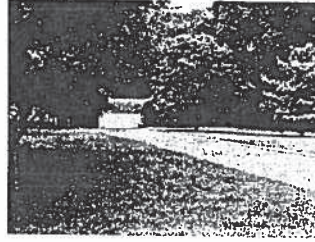
Sincerely,


Lloyd Denmah, Building Official

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1340 HIGHLAND ROAD, in the city of DALLAS, Texas, Lot No. 17 Block No. 11/5262 of FOREST HILLS an addition to the City of DALLAS, DALLAS COUNTY, Texas, according to the MAP OR PLAT THEREOF recorded in VOLUME 3 at PAGE 117 of the MAP Records of DALLAS County, Texas.

BDA 112-002
Attach A
Pg 3



HIGHLAND ROAD
70' R.O.W.



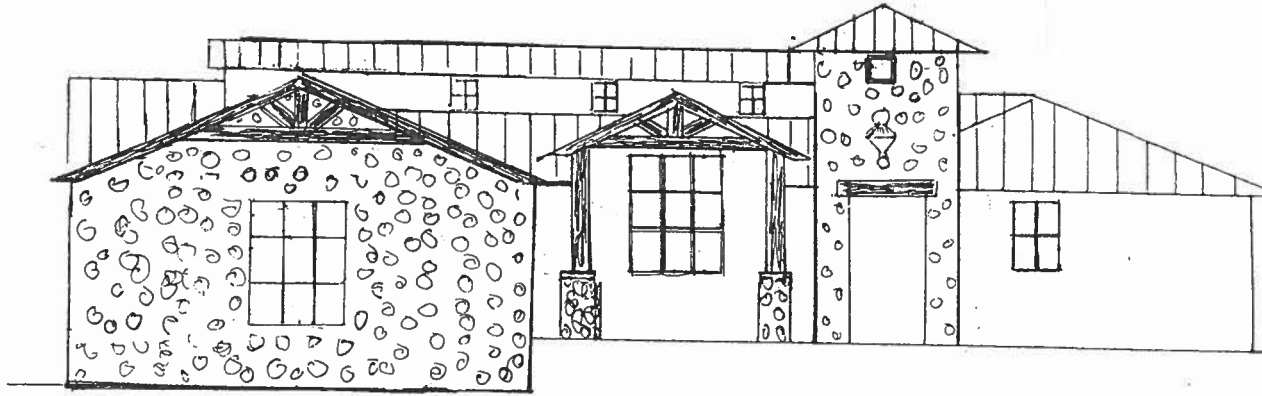
NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 NOTE: According to the F.I.R.M. No. 48113C0365 J, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.
 This survey is made in conjunction with the information provided by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY in connection with the transaction described in G.F. 5133000410A. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.
 This survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

Drawn By: AW
 Scale: 1"=30'
 Date: 4/26/2011
 Borrower: KING/WEITZ
 Job No. 1101291-1

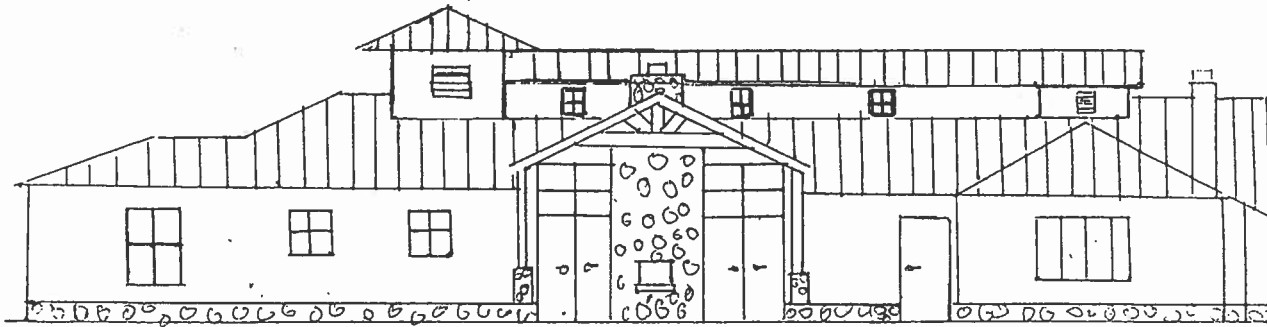
LEGEND	
CM	CONTROLLING MONUMENT
○	1/2" IRON ROD FOUND
⊗	1/2" IRON ROD SET
○	1" IRON PIPE FOUND
□	FENCE POST CORNER
⊗	"X" FOUND/SET
△	UNDERGROUND ELECTRIC
▲	OVERHEAD ELECTRIC
▨	ASPHALT PAVING
▩	GRAVEL/ROCK ROAD OR DRIVE
○-○	CHAIN LINK FENCE
□	WOOD FENCE
○-○	0.5' WIDE TYPICAL
×-×	BARBED WIRE
▭	IRON FENCE
▨	PIPE FENCE
▨	COVERED PORCH, DECK OR CARPORT
○-○	OVERHEAD ELECTRIC SERVICE
○-○	OVERHEAD POWER LINE
▩	CONCRETE PAVING
●	POWER POLE
■	BRICK COLUMN
■	A/C AIR CONDITIONING

C.B.G. Surveying, Inc.
 12025 Shiloh Rd. Suite 230
 Dallas, Texas 75228
 P 214-349-9485 F 214-349-2216
 www.cbgsfw.com

Bryan Connally
 BRYAN CONNALLY
 5513
 STATE OF TEXAS REGISTERED PROFESSIONAL SURVEYOR
 EXPIRES 12/31/2013



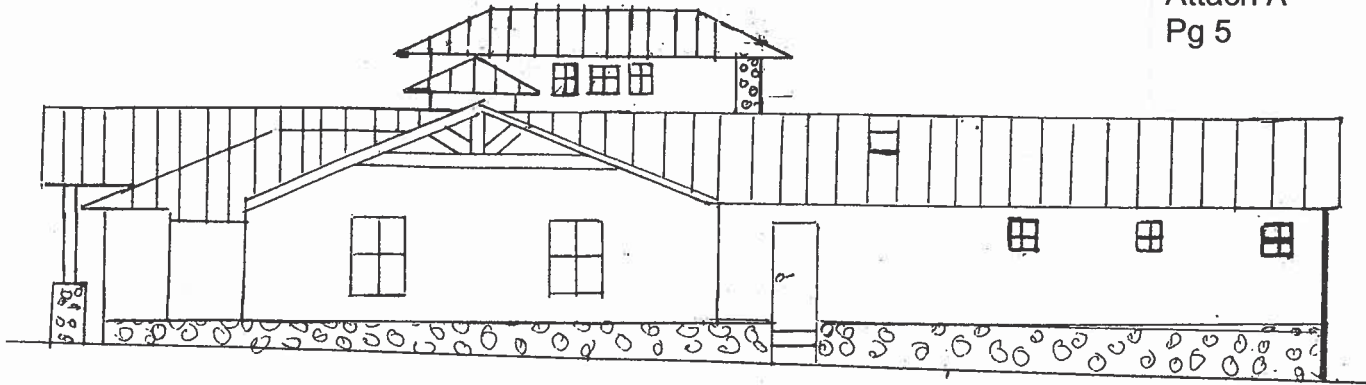
ELEVATION (WEST)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"



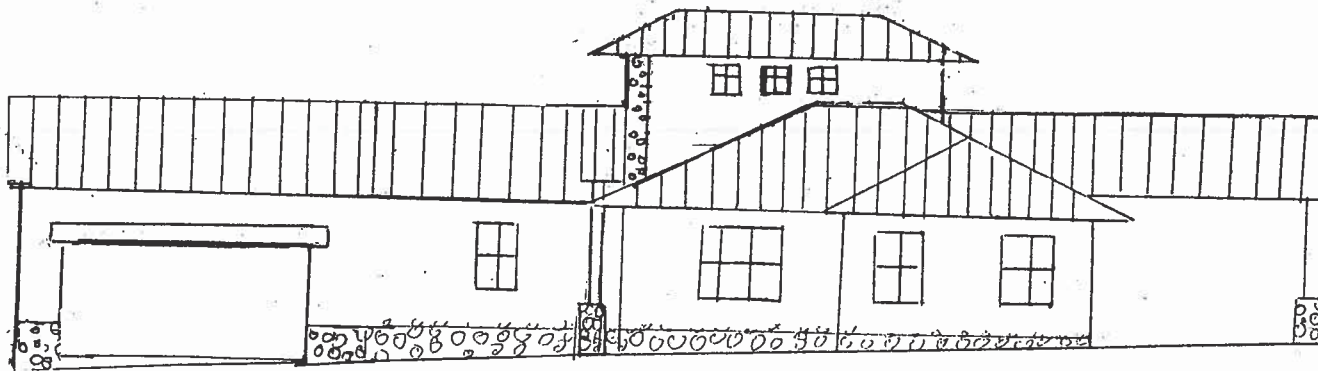
ELEVATION (EAST)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"

ELEVATION
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"

R

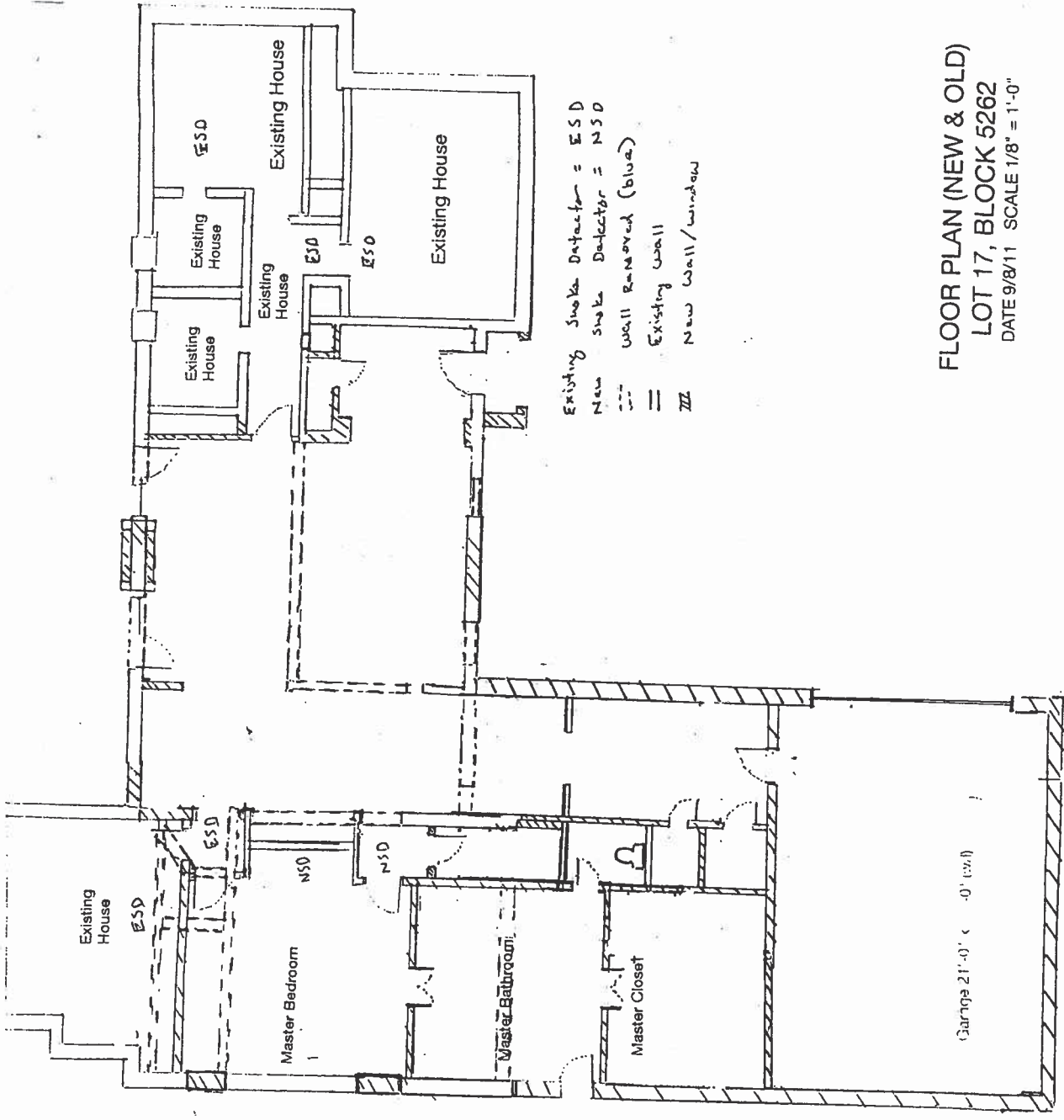


ELEVATION (NORTH)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"



ELEVATION (SOUTH)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"

FLOOR PLAN
LOT 17, BLOCK 5262
 DATE 9/8/11 SCALE 1/8" = 1'-0"



Existing Smoke Detector = ESD
 New Smoke Detector = NSD
 --- Wall Removed (blue)
 = Existing wall
 == New wall/window

FLOOR PLAN (NEW & OLD)
LOT 17, BLOCK 5262
 DATE 9/8/11 SCALE 1/8" = 1'-0"

R

January 17, 2012
Docket # 112-002 1340 Highland Rd.

Background and Request:

1340 Highland Rd. is currently setback 170 feet from Highland Road, 111 feet from front property line with a 59 foot right of way. Variance request is for a 10 foot variance to the PD 575 subsection "I" 80 foot setback. A 10 foot variance would result in a 70 foot set back from the property line and the addition would be set back 129 feet from Highland Road. Along Highland Road, many homes have shorter rights of way with many having 35 feet or less distance between the front property line and Highland road.

Housing Upgrades and New Design:

- House is functionally obsolete with outdated/original facade, an odd sized master suite (11x18 Master Bedroom, 5'x8' Master Bath, 4'x4' Master Closet), below average total square feet living area (2081) and a small 2 car garage 19'x19'.
- Average Home in subsection "I" in Forest Hills, PD 575, has 3081 square feet of conditioned living area (57 homes - *See Attachment 1.1*)
- 1340 Highland upgrades include, an appealing side entry 2 car garage, an architecturally pleasing facade, and 2987 square feet of conditioned living area. These changes will bring the house in line and commensurate with the neighborhood.

Prohibitions with Rear Expansion

- Side yards are both too small for a driveway.
- Rear yard has a restrictive elevation and restrictive forestation (*See Attachment 1.2*)
 - Rear yard peaks for Highland road at our property* and the slope creates a hardship to adding a rear addition to the existing structure - There is 137" (11 feet, 5 inches) of elevation from the rear of house to the rear property line.
 - Restrictive Forestation - would need to cut down 13 trees ranging from 90" in diameter and over 70 years old to well-established 12" diameter young trees.
 - Mature Trees include Red Oak, Shumard Oak, Chinkapin Oak, Live Oak and Black Walnut.

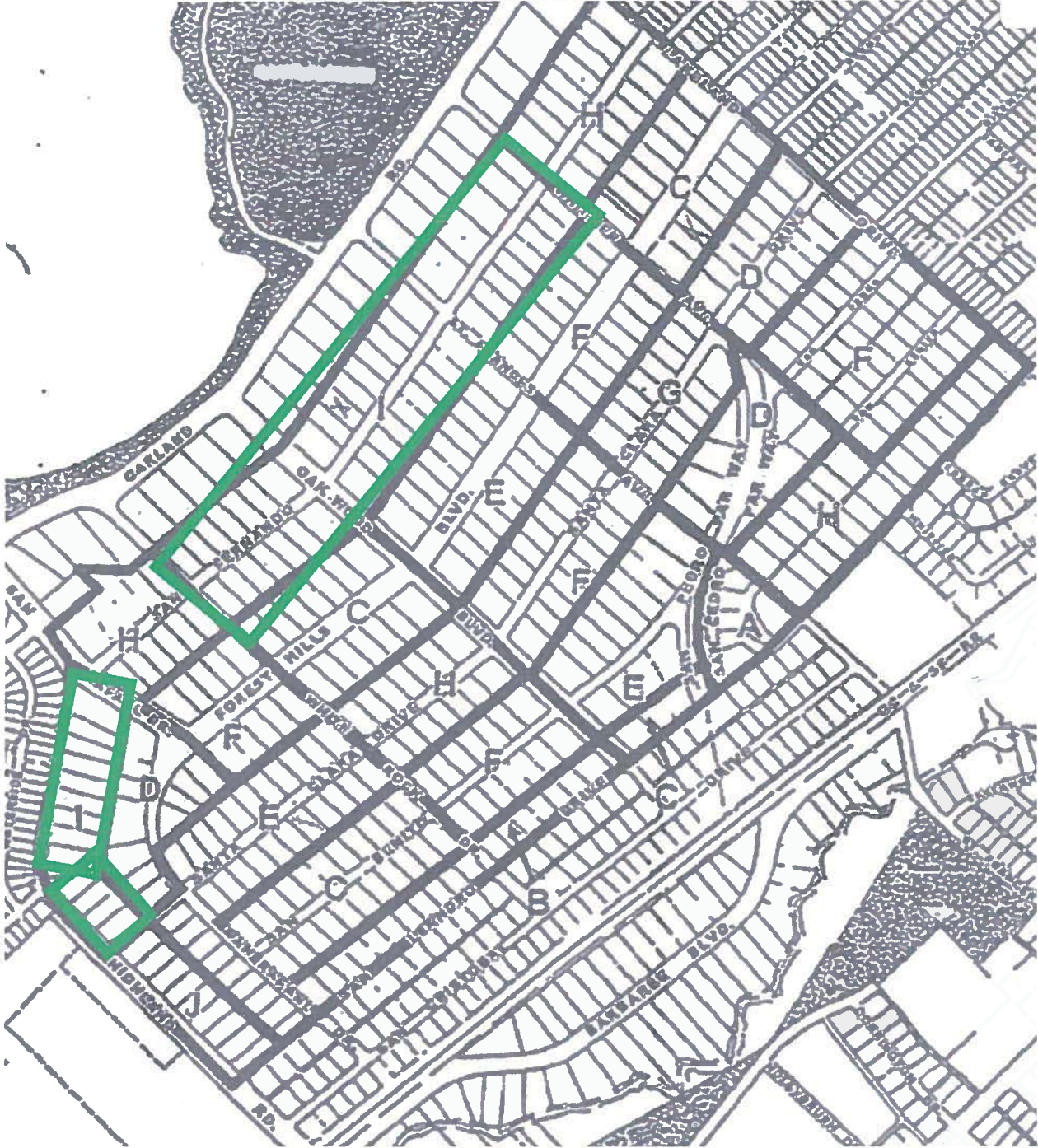
*1332 Highland has a 19" foot retaining wall at our rear property line and we have a downward slope in our fence resulting in a 16" foot drop to our neighbor at 1348 highland.

Request for front Setback Variance of 10 feet

- Supporting Documentation in favor from the Neighborhood (*See Attachment 1.3*):
 - 5 neighbors have signed petition in favor of our building plan and 3 others gave a verbal approval.
- Houses along Highland subsection "I" range from 95 to 200 feet from the street** and appear to be between 60 and 150 feet from property line (*See Attachment 1.4*).
- 1406 Highland was granted a front yard setback variance due to restrictive mature trees and restrictive shape. With a 10 foot variance, the addition at 1340 highland will be 34 feet further back and away from Highland road than the addition at 1406 highland due to a similar property line set back variance and a substantially wider right of way.
- The majority of homes (10 out of 13) along Highland subsection "I" are built such a staggered fashion that one is entirely to substantially (>20 feet) in front of or behind the neighboring property (*See Attachment 1.5*).

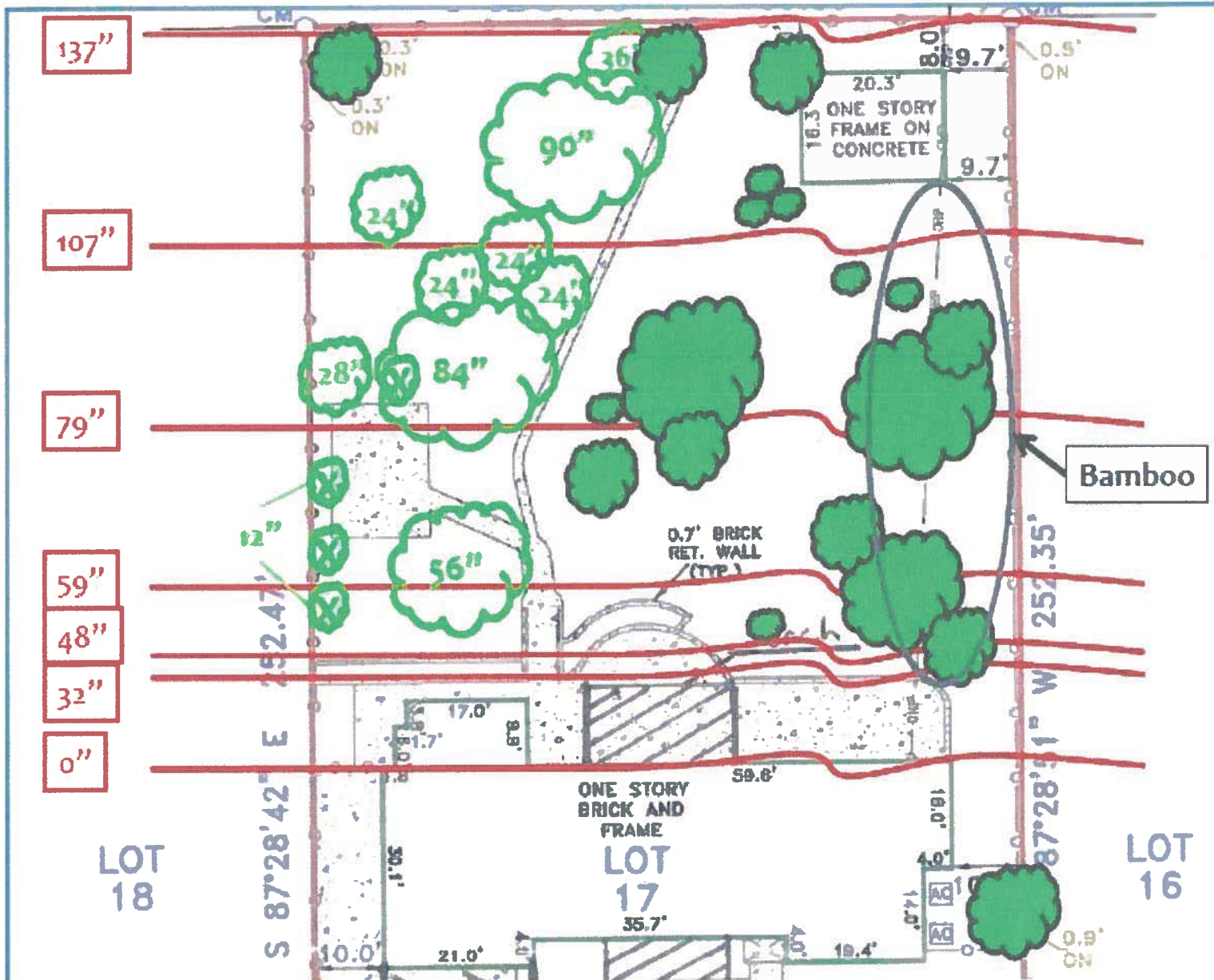
**Dcad.org satellite *and* spot roll measure confirmed.

Attachment 1.1



<i>Sub-Division "I"</i>	
Highland Road	13 homes
San Fernando	44 homes
Average Square Footage of Living Area	3,081

Attachment 1.2



Attachment 1.3

Background (Preamble):

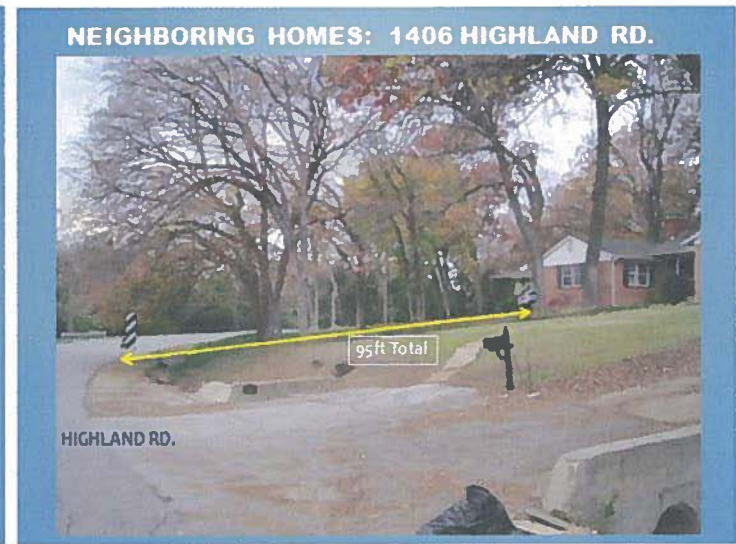
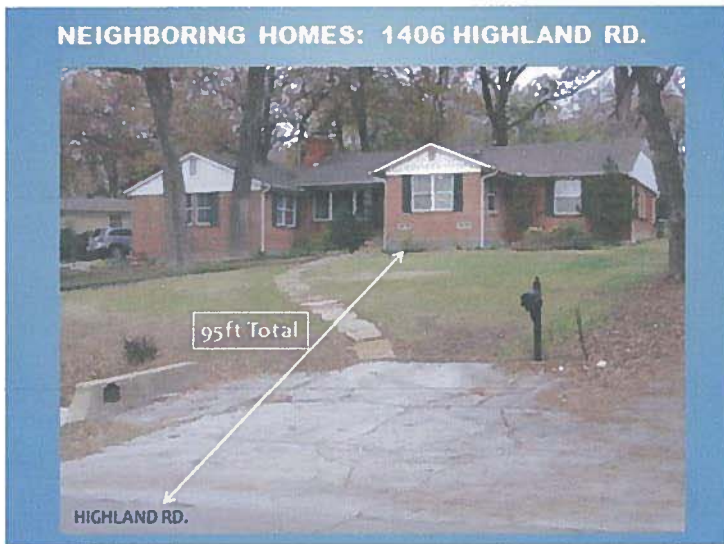
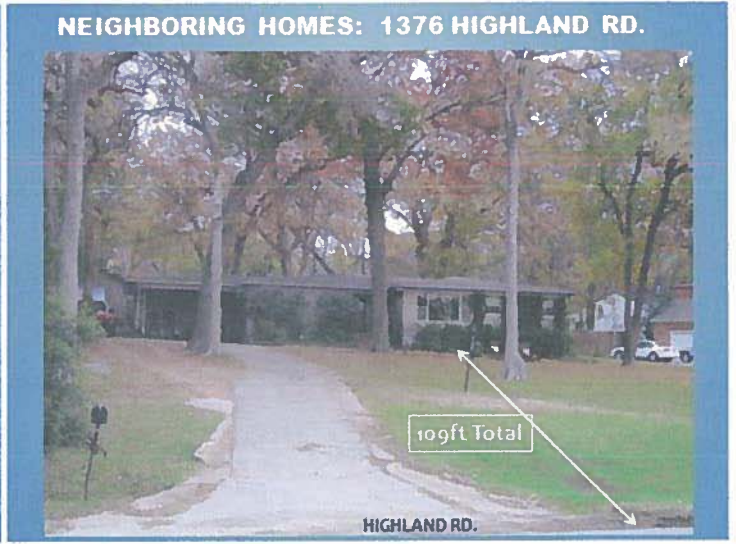
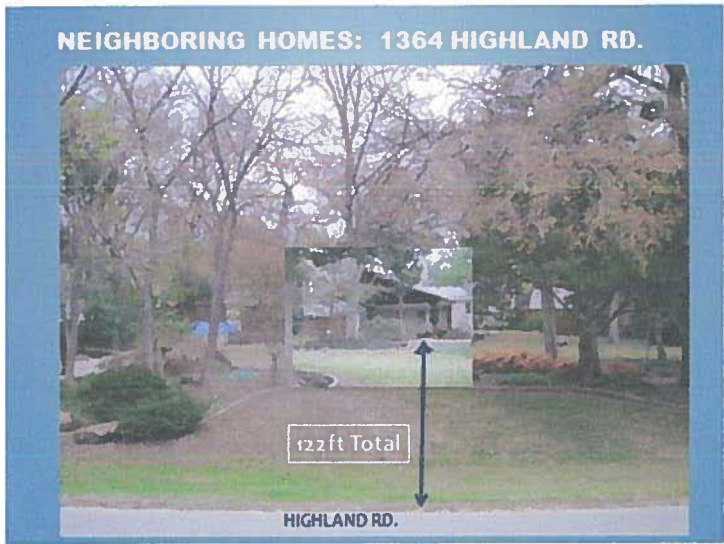
As part of a beautification project to upgrade the overall home and improve the street appeal to 1340 Highland, we have applied for a setback variance. The improvement project includes a re-orientation of the garage for a side entry from a circular driveway embracing a landscaped courtyard. This design also allows us to keep all the trees on the property and the new construction will still be 125 feet from the street.

Petition:

We, the undersigned, ask the residents of Forest Hills to support our efforts in requesting a setback variance from the City of Dallas Board of Adjustment.

House No.	Name	Town/City	S/C/P	Region	Comment	Date
1410 HIGHLAND	Sharon Shero	Dallas TX			approve	12/18/ 2011
1412 HIGHLAND	ROBERT QUAGLIA	Dallas TX			Approve	12/18/ 11
1412 HIGHLAND	Pencilic	Dallas TX			Approval	12/18/11
1406 HIGHLAND	Cheryl	Dallas			Approval	12/18/11
1316 Highland Po	Martha Meredith	Walla			approve	12/18/11

Attachment 1.4



Attachment 1.5





City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-002

Data Relative to Subject Property:

Date: 10-27-11

Location address: 1340 Highland Road Zoning District: PD575 (Subd. I)

Lot No.: 17 Block No.: 11/5262 Acreage: .58 Census Tract: 81.00

Street Frontage (in Feet): 1) 100 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

get

Owner of Property (per Warranty Deed): K. Michael King Craig Weitz

Applicant: K. Michael King Telephone: (214) 208-6733

Mailing Address: 8631 Richardson Branch Tr Zip Code: 75243

E-mail Address: King.Kmichael@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 15 ft reduction
in front yard setback, 80 to 65 ft setback

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

Extreme slope and dense forestation in rear yard make a rear addition untenable. Property is already against both side yard setbacks.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a 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.

Affidavit

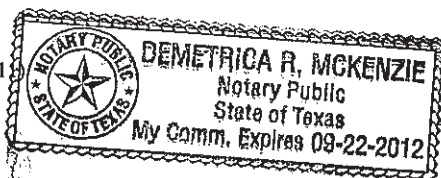
Before me the undersigned on this day personally appeared Michael K King
(Affiant/Applicant's name printed)

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.

Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 27th day of October, 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 K MICHAEL KING

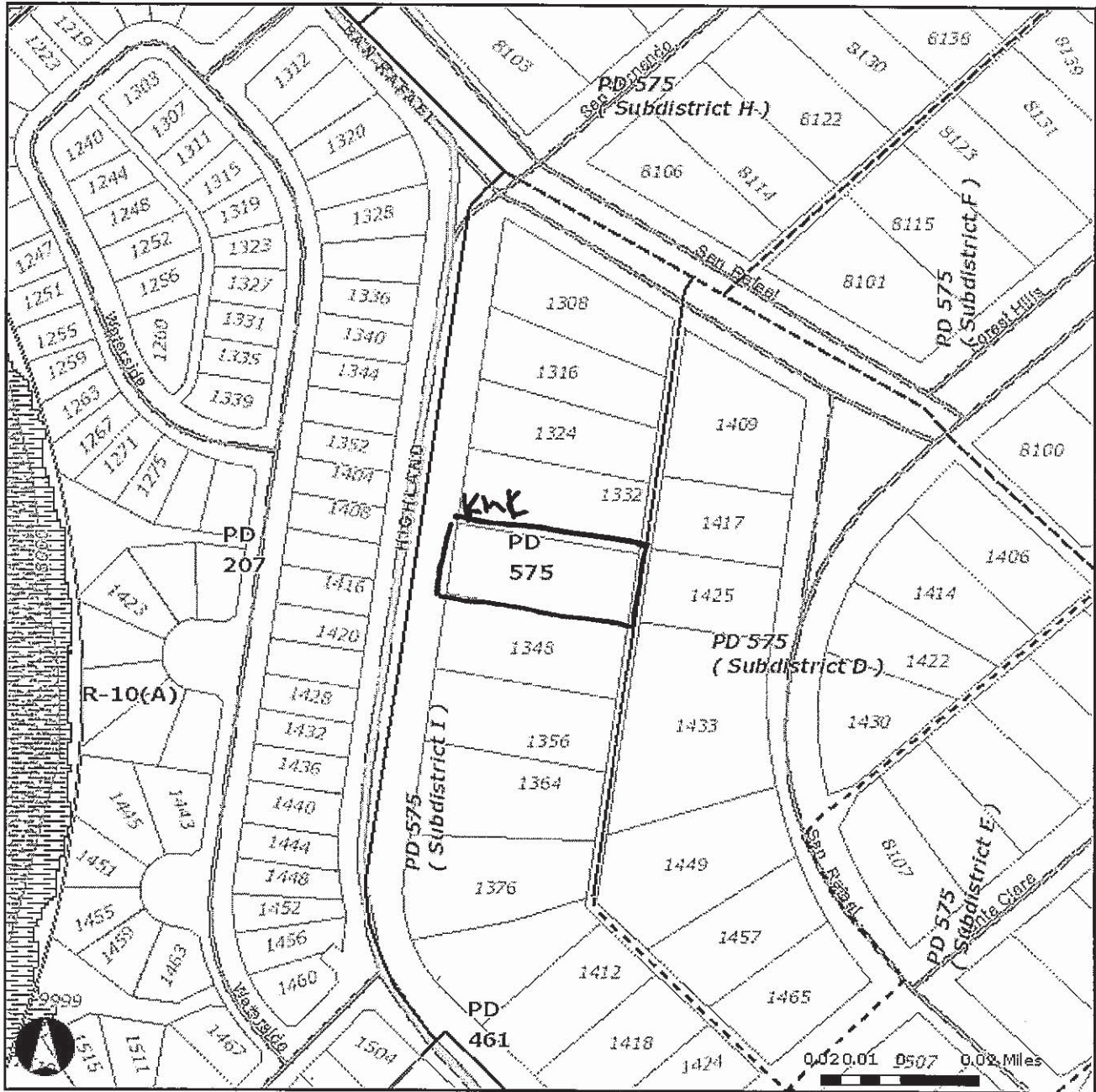
did submit a request for a variance to the front yard setback regulations
at 1340 Highland Road

BDA112-002. Application of K. Michael King for a variance to the front yard setback regulations at 1340 Highland Road. This property is more fully described as lot 17 in city block 11/5262 and is zoned PD-575 (subdistrict I), which requires a front yard setback of 80 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 65 foot front yard setback, which will require a 15 foot variance to the front yard setback regulation.

Sincerely,


Lloyd Denman, Building Official

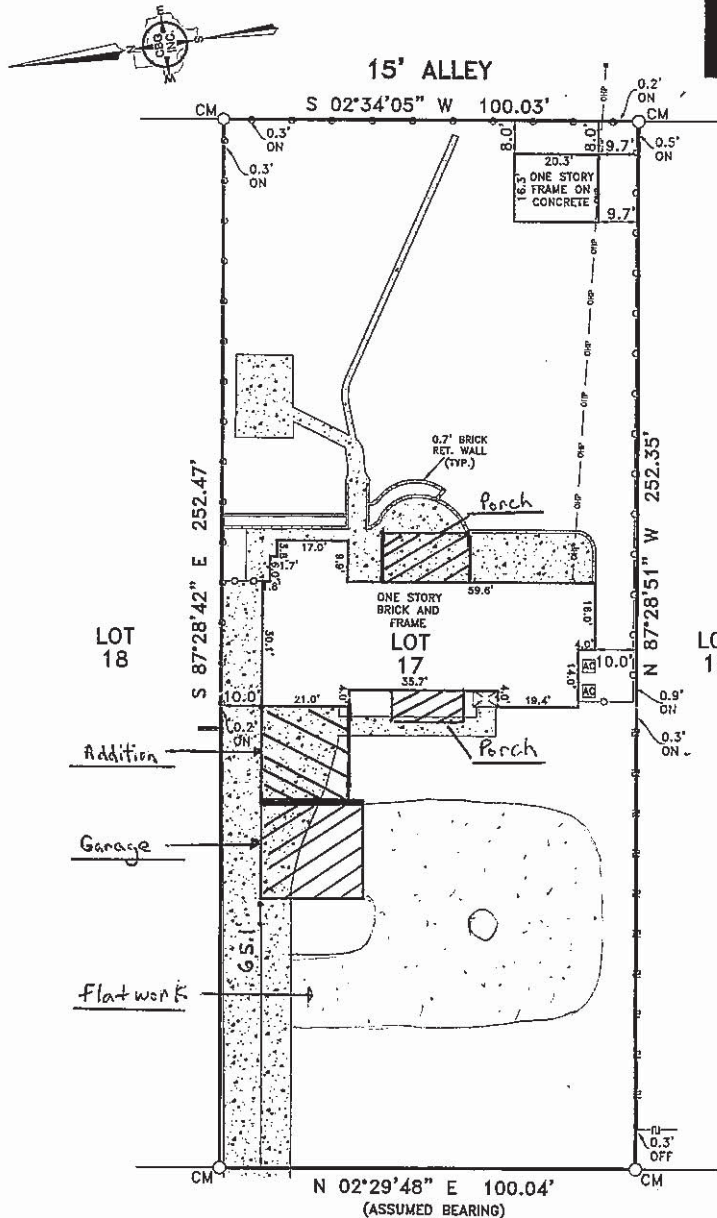
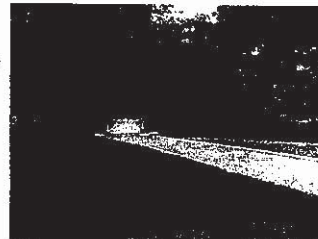
City of Dallas Zoning



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

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1340 HIGHLAND ROAD, in the city of DALLAS, Texas, Lot No. 17 Block No. 11/5262 of FOREST HILLS an addition to the City of DALLAS, DALLAS COUNTY, Texas, according to the MAP OR PLAT THEREOF recorded in VOLUME 3 at PAGE 117 of the MAP Records of DALLAS County, Texas.



HIGHLAND ROAD
70' R.O.W.



NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 NOTE: According to the F.I.R.M. No. 48113C0365 J this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.
 This survey is made in conjunction with the information provided by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY in connection with the transaction described in G.F. 5133000410A. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as are indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.
 This survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown. DATE: _____

Drawn By: AW
 Scale: 1"=30'
 Date: 4/26/2011
 Borrower: KING/WEITZ
 Job No. 1101291-1

LEGEND	
CM CONTROLLING MONUMENT	● POWER POLE
○ 1/2" IRON ROD FOUND	■ BRICK COLUMN
⊗ 1/2" IRON ROD SET	A/C AIR CONDITIONING
○ 1" IRON PIPE FOUND	—x—x— CHAIN LINK FENCE
□ FENCE POST CORNER	—□— WOOD FENCE
⊗ "X" FOUND/SET	—x—x— BARBED WIRE
▲ UNDERGROUND ELECTRIC	—□— IRON FENCE
△ OVERHEAD ELECTRIC	— — PIPE FENCE
/// ASPHALT PAVING 4-24	— — COVERED PORCH, DECK OR CARPORT
▲▲▲ GRAVEL/ROCK ROAD OR DRIVE	—OES— OVERHEAD ELECTRIC SERVICE
	—OIP— OVERHEAD POWER LINE
	■ CONCRETE PAVING

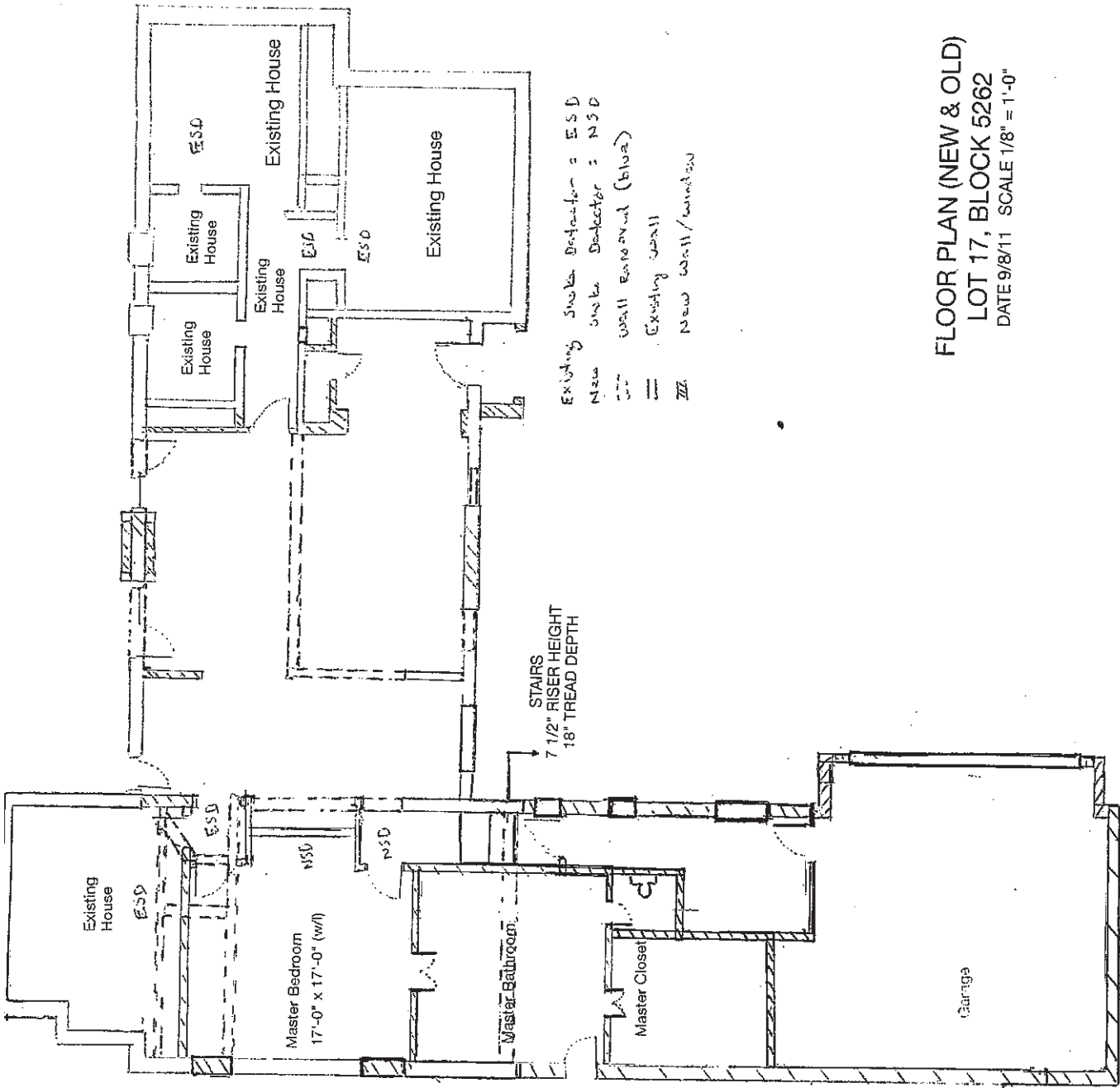
C.B.G. Surveying, Inc.
 12025 Shiloh Rd. Suite 230
 Dallas, Texas 75228
 P 214-349-9485 F 214-349-2216
 www.cbgsfw.com

Bryan Connolly
 BRYAN CONNOLLY
 R.P.L.S. NO. 5513

FLOOR PLAN

LOT 17, BLOCK 5262

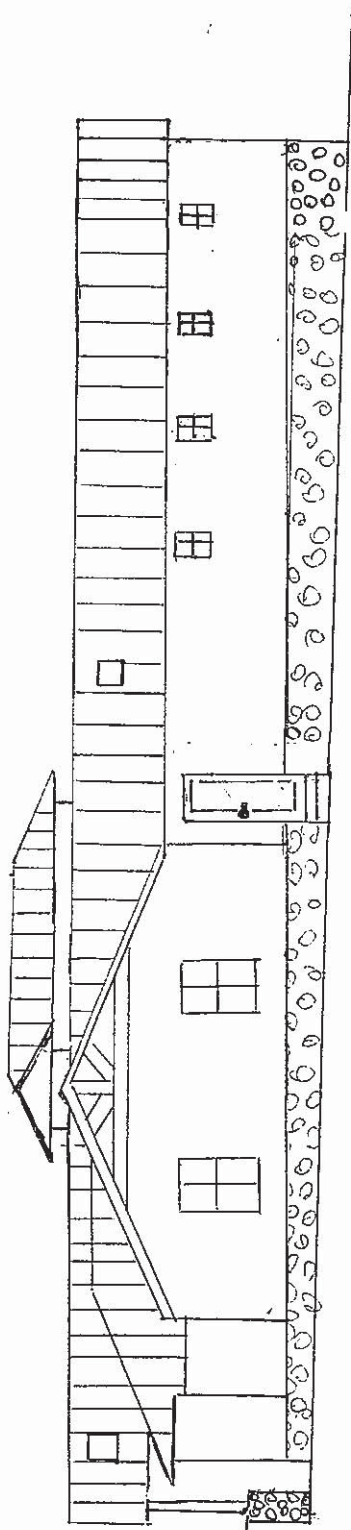
DATE 9/8/11 SCALE 1/8" = 1'-0"



Existing Smoke Detector = ESD
New Smoke Detector = NSD
Wall Removal (blue)
Existing Wall
New Wall/Window

STAIRS
7 1/2" RISER HEIGHT
18" TREAD DEPTH

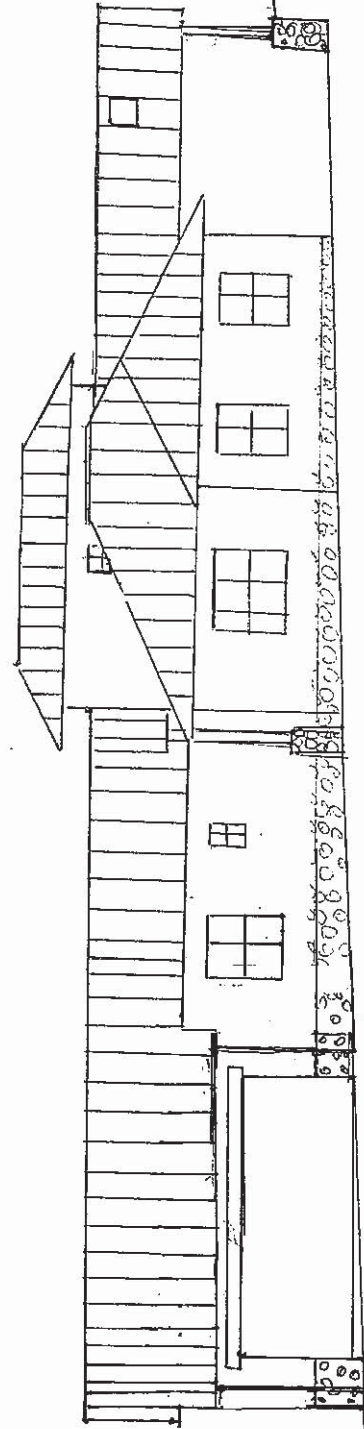
FLOOR PLAN (NEW & OLD)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"



ELEVATION (NORTH)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"

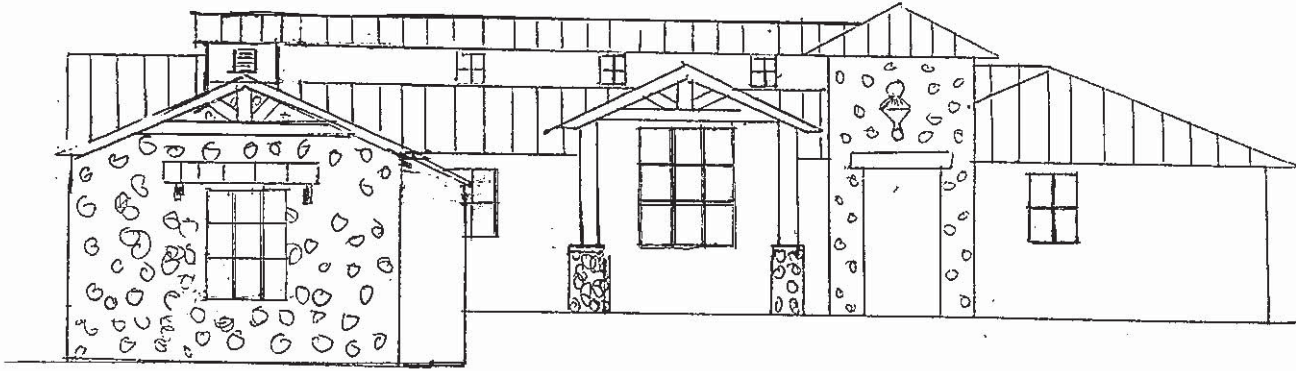
BDA 112-002

4-26

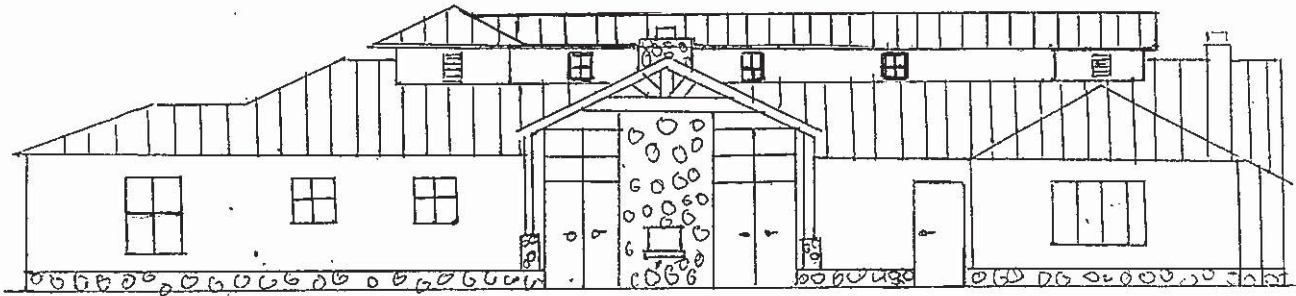


ELEVATION (SOUTH)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"

ELEVATION
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"



ELEVATION (WEST)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"



ELEVATION (EAST)
LOT 17, BLOCK 5262
DATE 9/8/11 SCALE 1/8" = 1'-0"



CITY OF DALLAS

AFFIDAVIT

Appeal # BDA 112-002

I, CRAIG WEITZ, Owner of the subject property

at (address): 1340 HIGHLAND RD., DALLAS, TX

Authorize (Applicant's name) K. MICHAEL KING

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

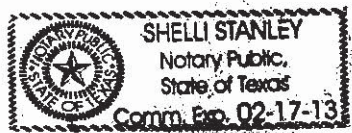
Reduce front yard setback due to extreme forestation and slope of rear yard

<u>CRAIG WEITZ</u>		<u>9/21/11</u>
Print name of property owner	Signature of property owner	Date

Before me the undersigned on the day of personally appeared CRAIG WEITZ

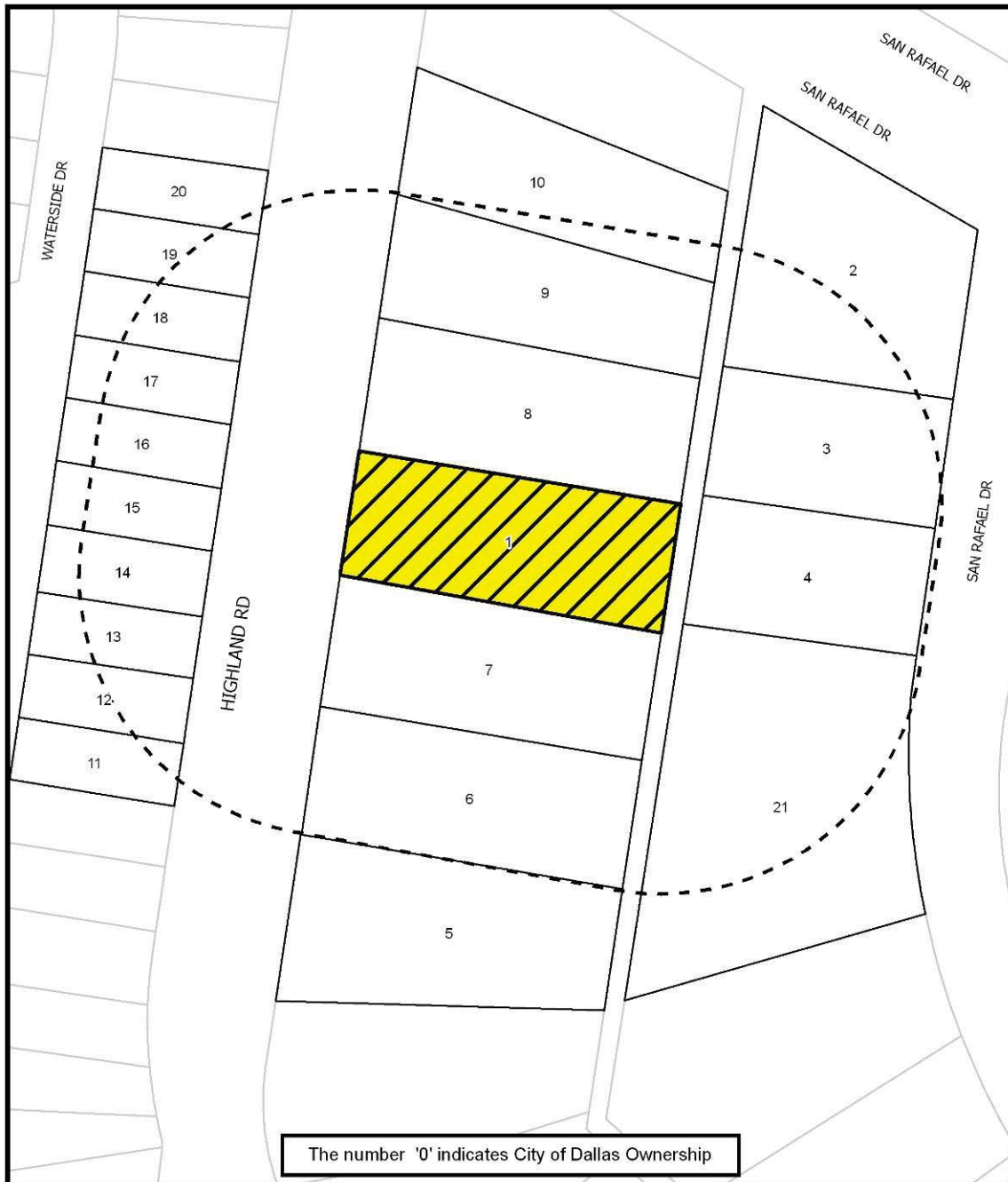
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 21 day of September 2011



Notary Public for Dallas County, Texas

Commission expires on 2/17/2013



 1:1,200	NOTIFICATION		Case no: BDA112-002
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 12/19/2011

Notification List of Property Owners

BDA112-002

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1340 HIGHLAND RD	KING K MICHAEL &
2	1409 SAN RAFAEL DR	HILL VAN & ANNE
3	1417 SAN RAFAEL DR	OSHMAN HARVEY P & TRINA H OSHMAN
4	1425 SAN RAFAEL DR	WHELAN GERARD & CATHY WHELAN
5	1364 HIGHLAND RD	PICCOLO GERALD
6	1356 HIGHLAND RD	SCOTT JUSTIN B
7	1348 HIGHLAND RD	MAYNEZ LOUIS P
8	1332 HIGHLAND RD	AMACKER SHARON HOPKINS
9	1324 HIGHLAND RD	PROCTER STERLING D
10	1316 HIGHLAND RD	MINNICK MARTHA J
11	1428 WATERSIDE DR	JENSEN RUSSELL & OLIVIA
12	1424 WATERSIDE DR	TENORIO ELEZABETH A
13	1420 WATERSIDE DR	FRENCH MARY MEL
14	1416 WATERSIDE DR	GREINER THEODORE H & BARBARA W
15	1412 WATERSIDE DR	MESSITT JENNIFER ANN
16	1408 WATERSIDE DR	HOLBERG JOHN
17	1404 WATERSIDE DR	NILASENA DAVID S & SHAMIRA NILASENA
18	1352 WATERSIDE DR	SEAGLE H DOUGLAS JR &
19	1348 WATERSIDE DR	APODACA ROSA
20	1344 WATERSIDE DR	RUNDELL THOMAS G & CHARLOTTE RUNDELL
21	1433 SAN RAFAEL DR	DIGNAN RICKY D SUITE 1209