

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, FEBRUARY 19, 2013
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM	11:00 A.M.
LUNCH		
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the Tuesday, January 15, 2013 Board of Adjustment Public Hearing Minutes	M1
--	----

UNCONTESTED CASES

BDA 123-006	3515 Throckmorton Street REQUEST: Application of William Wright, Jr., represented by Tommy Mann, for a variance to the front yard setback regulations, a variance to the side yard setback regulations, and a variance to the off-street parking regulations	1
BDA 123-013	7107 Brookshire Circle REQUEST: Application of Jonathan Vinson for a special exception to the single family zoning use regulations	2
BDA 123-016	9701 N. Central Expressway REQUEST: Application of Leon Backes, represented by Gladys Bowens of Masterplan Consultants, for a special exception to the tree preservation regulations	3
BDA 123-017	5403 Ross Avenue REQUEST: Application of Julianne McGee of Pink Consultants for a special exception to the off-street parking regulations	4

REGULAR CASE

BDA 123-025

9701 N. Central Expressway

5

REQUEST: Application of Dallas Cothrum to
appeal the decision of an administrative official

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. 6-24-12)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A, January 15, 2013 public hearing minutes.

FILE NUMBER: BDA 123-006

BUILDING OFFICIAL'S REPORT:

Application of William Wright, Jr., represented by Tommy Mann, for a variance to the front yard setback regulations, a variance to the side yard setback regulations, and a variance to the off-street parking regulations at 3515 Throckmorton Street. This property is more fully described as Lot 20, Block D/1056, and is zoned PD-193 (MF-2), which requires a front yard setback of 20 feet, a side yard setback of 5 feet, a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a structure and provide an 8 foot 6 inch front yard setback, which will require a variance to the front yard setback regulations an 11 foot 6 inches; a 0 foot side yard setback, which will require a variance to the side yard setback regulations of 5 feet; and to enclose parking spaces with a setback of 10 feet, which will require a variance to the off-street parking regulations of 10 feet.

LOCATION: 3515 Throckmorton Street

APPLICANT: William Wright, Jr.
Represented by Tommy Mann

REQUESTS:

The following appeals have been made in conjunction with constructing and maintaining a single family home structure on a site that is currently undeveloped:

1. a variance to the front yard setback regulations of 11' 6" is requested to locate the proposed home 8' 6" from the front property line or 11' 6" into the required 20' front yard setback;
2. a variance to the side yard setback regulations of 5' is requested to locate the proposed home (roof eave) on the site's southwestern side property line or 5' into this required 5' side yard setback; and
3. a variance to the off-street parking regulations of 10' is requested as the proposed home would have parking spaces enclosed in the proposed garage that would be located 10' from the Throckmorton Street property/right-of-way line or as much as 10' into the required 20' distance from the street right-of-way line.

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.

STAFF RECOMMENDATION (front and side yard setback variances):

Approval, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The lot is of restrictive area (only approximately 2,500 square feet) that precludes its development in a manner commensurate with other developments found on similarly-zoned PD 193 (MF-2 Subdistrict) lots. In this case, according to the applicant's submittals, the subject site is unique in that it is the only residential use on the blockface that has a required front yard setback (the townhomes to the north are platted as a single lot, and as such, Throckmorton is a side yard for each of them) whereby the proposed home on the site will align with the pattern of residential development on the blockface. In addition, the requested side yard variance is requested for a roof eave/overhang where the proposed encroachment is adjacent to an alley that is adjacent to a commercial use and thus is not contrary to the public interest.

STAFF RECOMMENDATION (off-street parking variance):

Approval, subject to the following conditions:

1. Compliance with the submitted revised site plan is required.
2. An automatic garage door must be installed and maintained in working order at all times.
3. At no time may the areas in front of the garage be used for parking of vehicles.
4. All applicable permits must be obtained.

Rationale:

- The lot is of restrictive area (only approximately 2,500 square feet) that precludes its development in a manner commensurate with other developments found on similarly-zoned PD 193 (MF-2 Subdistrict) lots.
- Granting this request is not be contrary to the public interest in that the Sustainable Development and Construction Department Engineering Division Assistant Director has no objections to this request with the condition imposed that no parking in front of the garage is allowed so that the public sidewalk remains clear and unobstructed.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 193 (MF-2) (Planned Development, Multifamily)
<u>North:</u>	PD 193 (MF-2) (Planned Development, Multifamily)
<u>South:</u>	PD 193 (GR) (Planned Development, General Retail)
<u>East:</u>	PD 193 (MF-2) (Planned Development, Multifamily)
<u>West:</u>	PD 193 (GR) (Planned Development, General Retail)

Land Use:

The subject site is undeveloped. The areas to the north and east are developed with single family uses; and the areas to the south and west are developed with retail uses.

Zoning/BDA History:

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

Timeline:

December 12, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 14, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

January 14, 2013: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 8th 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 22, 2013: The Board Administrator emailed the applicant's representative the following questions:

- To look at the attached side yard setback provision and table from PD 193, and the attached BO report and plot plan in the application materials, and provide understanding why his application and BO report states that he needs a 5' side yard

variance when it appears that his plot plan show 5' and 1' 6" side yard setbacks.

- To look at his application and the attached plot plan in the application materials and provide understanding why he needs an 11' 6' front yard variance when it appears that his plot plan shows a 10' front yard setback.

January 28, 2013: The applicant and applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

February 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

February 8, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "No parking in front of garage so that the public sidewalk remains clear and unobstructed."

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- This request focuses on constructing and maintaining a two-story single family home on an undeveloped site, part of which is proposed to be located in the site's 20' front yard setback.
- Single family structures on lots zoned PD 193 (MF-2 Subdistrict) are required to provide a minimum front yard setback of 20'.
- A revised site plan has been submitted denoting a portion of the proposed single family home to be located 8' 6" from the site's front property line (or 11' 6" into the 20' front yard setback).
- It appears from the submitted revised site plan that approximately 1/4 (or approximately 400 square feet) of the proposed approximately 1,400 square foot building footprint is to be located in the site's 20' front yard setback.
- DCAD records indicate "no main improvements" for the property at 3515 Throckmorton Street.
- The subject site is rectangular in shape (50' x 50') and according to the application, is 0.057 acres (or 2,483 square feet) in area. The site is zoned PD 193 (MF-2 Subdistrict).
- 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 193 (MF-2 Subdistrict) 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 193 (MF-2 Subdistrict) 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 is a structure to be located 8’ 6” from the site’s front property line (or 11’ 6” into this 20’ front yard setback).

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- This request focuses on constructing and maintaining a two-story single family home on an undeveloped site, part of which (a roof eave) is proposed to be located in one of the site’s two 5’ side yard setbacks.
- General side yard setback provisions in PD 193 include a provision stating that “roof eaves may not project more than three feet into the required side yard.
- Single family structures on lots zoned PD 193 (MF-2 Subdistrict) are required to provide a minimum side yard setback of 5’ if certain conditions are not provided.
- A revised site plan has been submitted denoting a portion of the proposed single family home (a roof eave) located on the site’s southwestern side property line or 5’ into this 5’ side yard setback.
- It appears from the submitted revised site plan that approximately 8 percent (or approximately 110 square feet) of the proposed approximately 1,400 square foot building footprint is located in the site’s southwestern 5’ side yard setback.
- DCAD records indicate “no main improvements” for the property at 3515 Throckmorton Street.
- The subject site is rectangular in shape (50’ x 50’) and according to the application, is 0.057 acres (or 2,483 square feet) in area. The site is zoned PD 193 (MF-2 Subdistrict).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side 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 193 (MF-2 Subdistrict) zoning classification.

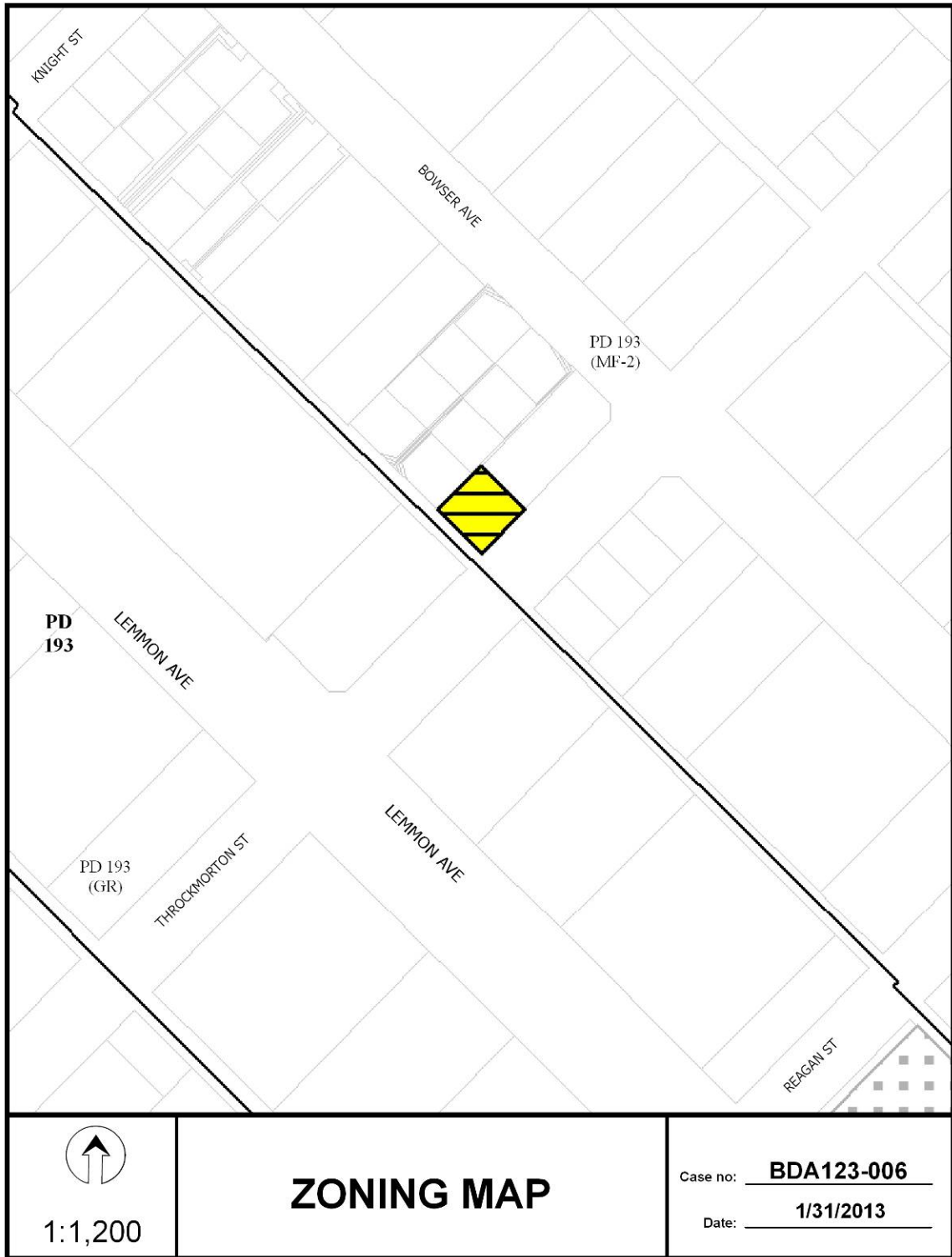
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (MF-2 Subdistrict) 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 side yard setback would be limited to what is shown on this document– which is a structure (roof eave) to be located on the site’s southwestern side property line or 5’ into this required 5’ side yard setback.

GENERAL FACTS/STAFF ANALYSIS (parking variance):

- This request focuses on enclosing parking spaces with a garage door in the proposed garage attached to the proposed single family home, where the parking spaces entered from Throckmorton Street would be located less than the required 20’ distance from the street right-of-way line.
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted revised site plan denotes the location of enclosed parking spaces in the proposed structure 10’ from the street right-of-way line or 20’ from the projected pavement line.
- DCAD records indicate “no main improvements” for the property at 3515 Throckmorton Street.
- The subject site is rectangular in shape (50’ x 50’) and according to the application, is 0.057 acres (or 2,483 square feet) in area. The site is zoned PD 193 (MF-2 Subdistrict).
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting “No parking in front of garage so that the public sidewalk remains clear and unobstructed.”
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the parking 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 193 (MF-2 Subdistrict) 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 193 (MF-2 Subdistrict) zoning classification.

- If the Board were to grant the variance request of 20', staff recommends imposing the following conditions:
 1. Compliance with the submitted revised site plan is required.
 2. An automatic garage door must be installed and maintained in working order at all times.
 3. At no time may the areas in front of the garage be utilized for parking of vehicles.
 4. All applicable permits must be obtained.(These conditions are imposed to help assure that the variance will not be contrary to the public interest).





1:1,200

AERIAL MAP

Case no: BDA123-006

Date: 1/31/2013

BDA 123-006
Attach A pg 1



Austin | Charlotte | Dallas | Fort Worth | Houston | New Orleans | San Antonio | The Woodlands | Washington, D.C.

500 Winstead Building 214.745.5400 OFFICE
2728 N. Harwood Street 214.745.5390 FAX
Dallas, Texas 75201 winstead.com

January 28, 2013

TOMMY MANN
direct dial: 214.745.5724
tmann@winstead.com

Mr. Steve Long
City of Dallas
1500 Marilla, 5BN
Dallas, TX 75201

RE: Variance Requests for 3515 Throckmorton ("Property")

Dear Steve:

This request is for three variances to the requirements of the PD 193 MF-2 zoning district for the development of a single family home on the Property.

Front and Side Yard Variances

These variance requests are necessitated by the restrictive area of the Property. Specifically, the property is roughly 50 feet by 50 feet, for a total of about 2,500 square feet in area.

While the MF-2 zoning district in which the Property is located allows single family uses, it requires a front yard setback of 20 feet, side yards of 5 feet, and a rear yard of 5 feet. If applied literally to the small area of the Property, these setbacks create an unnecessary hardship that prohibits the development of a desirable house.

It should be noted that 1'-6" of the front and side yard setback requests are attributable to the roof overhang. As such, the walls of the home will be 5' and 10' from the front and side property lines. Moreover, the variances are requested on the two yards that do not abut residential uses, as such the separation from other residential uses required by the setbacks is being achieved.

Moreover, the Property is the only residential use on the blockface between Lemmon and Bowser that has a required front yard setback on Throckmorton. The townhomes to the north are platted on a single lot, and as such, Throckmorton is a side yard for each of them. Accordingly, each of them is allowed to be (and appear to be built) 10 feet from the property line on Throckmorton. The proposed home on the Property will align with this established pattern of residential development on the blockface.

Mr. Steve Long
January 28, 2013
Page 2

Driveway Length/Enclosed Parking Space Variance

With respect to the request for a 10' variance from the requirement that enclosed parking spaces (i.e. a garage) be 20' from the property line, several considerations support the rationale for the request:

- (1) On-street parking is allowed on Throckmorton. As such, any visitors to the home need not park in the driveway and impede sidewalk traffic flow.
- (2) Literal enforcement of the regulations would be severely detrimental to the potential usability of the home's first floor.
- (3) The literal wording of the regulation could be satisfied by simply removing the garage door, but development of the house in such a manner would result in a security risk to the homeowners as well a potentially objectionable effect on the curb appeal of the neighborhood as a whole.
- (4) A garage located on the southern side of the home is not possible because the turning radius allowed by the existing alley is insufficient to allow for safe maneuvering.

Conclusion

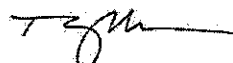
The Property is the lone remaining undeveloped parcel on either side of Throckmorton between Lemmon and Bowser. Its development was clearly not envisioned as the properties around it developed, and as such, it was left as a merely 2,500 square foot remnant. In short, its overly restrictive area makes the Property uniquely situated.

Moreover, a single family home is the only realistic development option for the property. It is simply too small to allow for a multifamily development, and any sort of commercial use on the property would result in a likely unwanted encroachment into the residential neighborhood.

Finally, steps have been taken to concentrate the variances in the portions of the Property that do not have abutting residential uses, effectively negating the impact on surrounding properties.

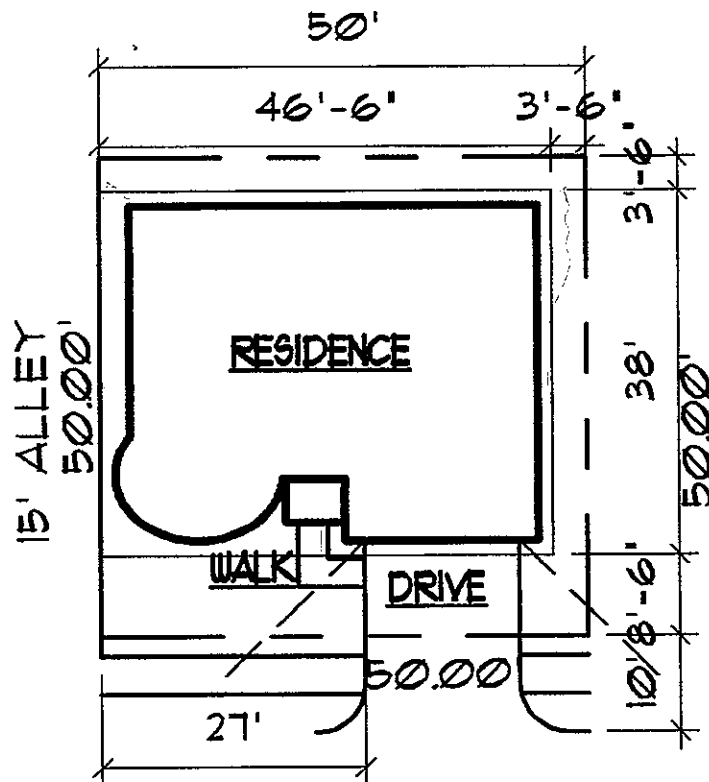
The variances requested as part of this application satisfy the burden necessary for approval and are rightly granted.

Sincerely yours,



Tommy Mann

BDA 123-006
Attach A
PS 3



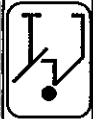
3515 THROCKMORTON ST.
(MEASUREMENTS TO ROOF OVERHANG)

<p>PLOT PLAN SCALE: 1"=20'</p> <p>LOT 20 BLOCK D/1056 3515 THROCKMORTON ST. BOWER & LEMMON'S OAKLAWN & NORTH DALLAS ADD'N DALLAS, TEXAS</p> <p>JOB: 4168-WRIGHT DATE: DEC 7, 2012</p>	 <p>THE PLAN FACTORY</p>
--	------------------------------------

1-29-13

These Plans are the property of
The Plan Factory and are
not to be reproduced, copied
or used without the written
permission of THE PLAN
FACTORY. It shall be the
responsibility of the builder/
contractor to verify all local
ordinances, building codes &
restrictions prior to any
construction.

THE PLAN FACTORY
4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76016
METRO (817) 654-9012



DESCRIPTION

Dra. Vtl. Sc. _____
Job # 444
Date 10/2/2012

PLAN NO. _____

WRIGHT

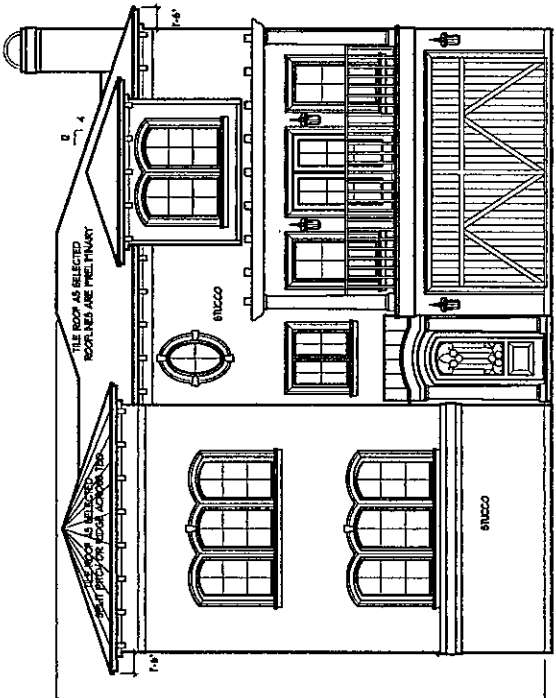
PG. OF _____

WWW.PLANFACTORY.COM

BDA-23-006
Attach A
Pg 4

HIP HOMES
WAYNE WRIGHT
LOT 20 BLOCK D / 10556
3915 THROCKMORTON ST.
PRELIMINARY DESIGN

**NOTE: IT IS THE SOLE RESPONSIBILITY
OF THE CLIENT TO VERIFY ALL
LOCAL ORDINANCES, BUILDING CODES &
RESTRICTIONS PRIOR TO CONSTRUCTION.
THE PLAN FACTORY MAKES NO
GUARANTEE THAT THIS PLAN MEETS ALL
GOVERNING CODES & REQUIREMENTS.**



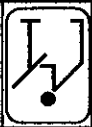
FRONT ELEVATION
1/4"=1'-0"

- BRICK RESIDENCE
- 48"X48" MASONRY COMPOSITE BORTH, MANGA, AND TRIM PRODUCTS
- COMPOSITE ROUND TAPERED COLUMNS TWO
- TILE ROOF AS SELECTED- 4:12 PITCH
- METAL SHED ROOF OVER FRONT PORCH TWO
- ROOFING ARE PNEUMATIC ONLY
- DECORATIVE CEDAR BORTH CORBELLS AND CEDAR TERRAZZA BLOCK
- 3/8"X 1/2" GALV. EEL DOOR LITE SHOWN
- VERIFY ALL ASPECTS OF PLAN AND ELEVATIONS PRIOR TO CONSTRUCTION
- FINAL PLACEMENT ON CLIENTS LOT TWO

1-22A-13

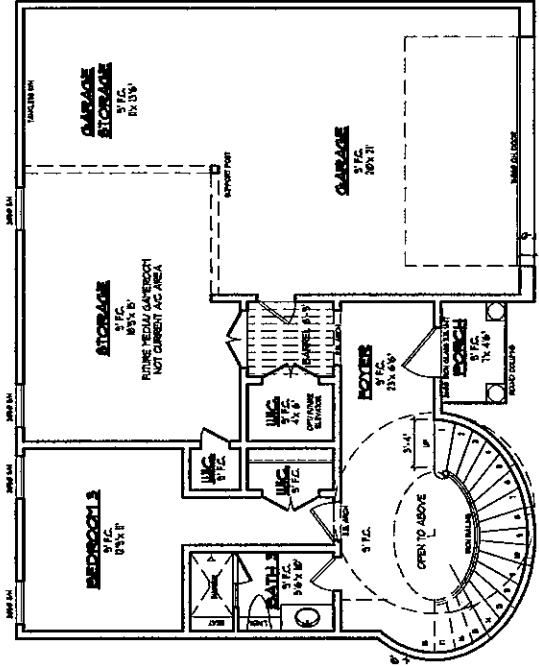
These Plans are the property of THE PLAN FACTORY and are not to be reproduced, traced or copied in any form without the written permission of THE PLAN FACTORY. It shall be the responsibility of the builder/contractor to verify all details shown on these Plans with the Building Department prior to any construction.

THE PLAN FACTORY
 4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76016
 METRO (817) 654-9012



DESCRIPTION	
PLAN NO.	
WEIGHT	
PG. OF	
Date: 10/2/2011	
Drawn by: GS	
Job: 466	

BDA 123-006
 Attach A
 P3 5



FIRST FLOOR PLAN
 FIRST FLOOR OPTION B
 14' x 11'-0"

SMALLER AC SQ FOOTAGE SAME FOOTPRINT

PROPERTY LINE

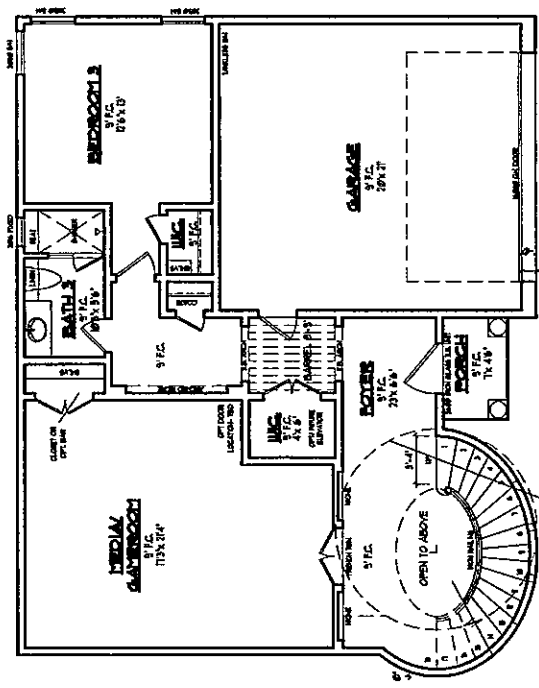
THROCKMORTON STREET
 VERIFY ALL ASPECTS OF LOT AND SETBACKS

PRELIMINARY SQUARE FOOTAGE:	
FIRST:	637
SECOND:	050
THIRD:	062
TOTAL AC:	319
GARAGE:	454
STORAGE:	486
PORCH:	33
TTL A/R:	4063

- NOTES:
- TTL WIDTH: 48'-0"
 - TTL DEPTH: 38'-0"
 - ALL MECHANICAL SYSTEMS AND LOCATIONS TBD
 - VERIFY ALL ASPECTS OF LOT AND ELEVATIONS PRIOR TO CONSTRUCTION
 - FINAL APPROVAL OF SETBACKS AND PLACEMENT ON LOT TBD
 - 50% FOOTAGE OF FOOTPRINT ON LOT EXCEEDED OVERALL 60% FOOTAGE GOAL.
 - ADDITIONS OR REDUCTIONS IN SQ FOOTAGE, FIN, TBD IN DESIGN PHASE OF PLAN
 - ART COORDINATION OF OPTIONS PROVIDED MAY BE REQUIRED FOR RESIDENCE
 - FINAL FOOTINGS AND 60% FOOTAGES WILL BE PROVIDED THOSE REVISIONS
 - OPTIONAL ROUNDED STAIR TURRET NOT SHOWN. THIS WOULD ALTERNATELY REDUCE AC AREA AND WIDTH OF RESIDENCE TO 44'-0". CLIENT TO DETERMINE PREFERENCE

HIP HOMES
 WAYNE WRIGHT
 LOT 20 BLOCK D / 1056
 3915 THROCKMORTON ST.
 PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE CLIENT TO VERIFY ALL DIMENSIONS AND SETBACKS TO ENSURE THAT THIS PLAN MEETS ALL GOVERNING CODES & REQUIREMENTS.



FIRST FLOOR PLAN
 FIRST FLOOR OPTION A
 LARGER SQ FOOTAGE/MEDIA ROOM

ROUNDED STAIR TURRET OPTIONAL BUT NOT SHOWN. CLIENT TO DETERMINE

PROPERTY LINE

THROCKMORTON STREET
 VERIFY ALL ASPECTS OF LOT AND SETBACKS

PRELIMINARY SQUARE FOOTAGE:	
FIRST:	698
SECOND:	050
THIRD:	062
TOTAL AC:	311
GARAGE:	454
STORAGE:	33
TTL A/R:	4063



DESCRIPTION

Drawn: bc
Job: 168
Date: 09/28/2012

PLAN NO.

WEIGHT

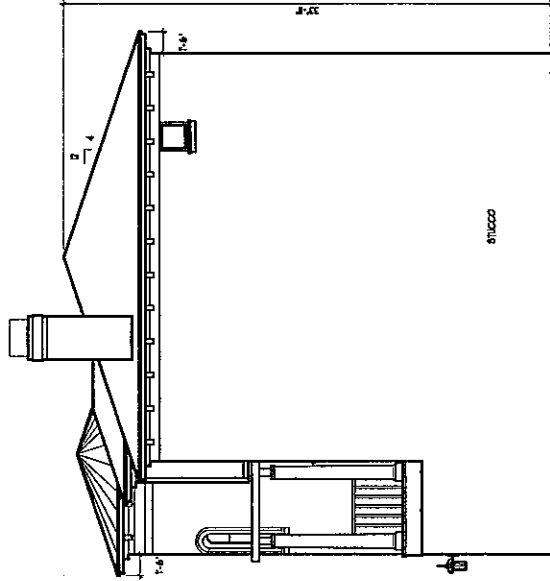
PG. OF

These Plans are the property of
THE PLAN FACTORY and are
not to be reproduced, loaned,
copied, or used in any way
without the written
consent of THE PLAN
FACTORY. It shall be the
responsibility of the holder/
user to verify all local
ordinances, building codes &
specifications prior to any
construction.

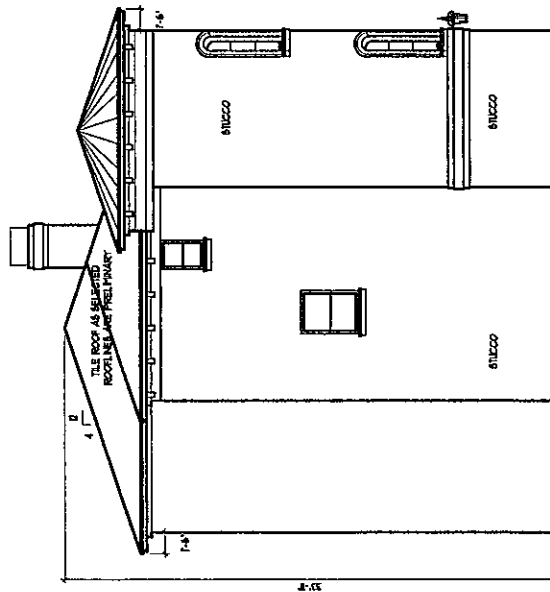
BDA 123-006
Attach A
PS1

HIP HOMES
WAYNE WRIGHT
LOT 20 BLOCK D / 1056
3915 THROCKMORTON ST.
PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY
OF THE BUILDER TO VERIFY ALL
APPLICABLE LOCAL ORDINANCES
ENSURE THAT THIS PLAN MEETS ALL
GOVERNING CODES & REQUIREMENTS.



RIGHT SIDE ELEVATION
1/4"=1'-0"



LEFT SIDE ELEVATION
1/4"=1'-0"

THE PLAN FACTORY

4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76018

METRO (817) 654-9012

These Plans are the property of THE PLAN FACTORY and are not to be reproduced, stored or transmitted in any form or by any means, electronic or mechanical, without prior written permission of THE PLAN FACTORY. It shall be the responsibility of the holder/drawee to verify all final dimensions prior to any construction.



DESCRIPTION

DESCRIPTION

Drawn By
Job #
Date 10/27/2022

PLAN NO.

WEIGHT

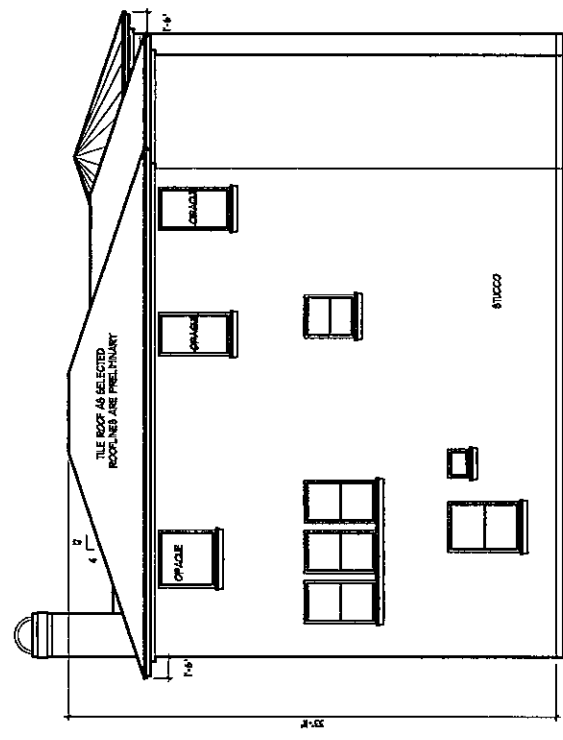
PG. OF

BDA23-006
Attach A
P5 B

HIP HOMES
WAYNE WRIGHT
LOT 20 BLOCK D / 1056
3915 THROCKMORTON ST.

PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL DIMENSIONS AND REQUIREMENTS BEFORE THIS PLAN SETS ALL GOVERNING CODES & REQUIREMENTS.



REAR ELEVATION
1/8"=1'-0"



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-006

Data Relative to Subject Property:

Date:

12-12-12

Location address: 3515 THROCKMORTON ST. Zoning District: PD-193 (MF-2)

Lot No.: 20 Block No.: D/1056 Acreage: .057 Census Tract: ~~0006.04~~ 6.06

Street Frontage (in Feet): 1) 45' 2) _____ 3) _____ 4) _____ 5) _____ *SW 22*

To the Honorable Board of Adjustment :

Owner of Property/or Principal: WILLIAM WRIGHT JR.

Applicant: WILLIAM WRIGHT JR. Telephone: 817-800-8401

Mailing Address: 4107 BRIARHILL CT. ARLINGTON, TX Zip Code: 76016

Represented by: WINSTEAD PC - TOMMY MANN, COLE EVANS Telephone: 214-745-5724

Mailing Address: 500 WINSTEAD BLDG, 2728 N. HARWOOD DALLAS, TX Zip Code: 75201

Affirm that a request has been made for a Variance X, or Special Exception , of 10' to the off street parking requirement for an enclosed space, 11' 6" to the front yard setback, 5' to the left side yard setback

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: THE LOT IS UNIQUELY SMALL IN SIZE AND LITERAL ENFORCEMENT OF THE SETBACK REQUIREMENTS WOULD MAKE REASONABLE DEVELOPMENT OF THE PROPERTY INFEASIBLE

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.

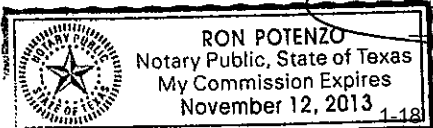
Respectfully submitted: William Wright Jr. William Wright Jr.
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared William Wright Jr. 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.

William Wright Jr.
Affiant (Applicant's signature)

Subscribed and sworn to before me this 12 day of December 2012



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

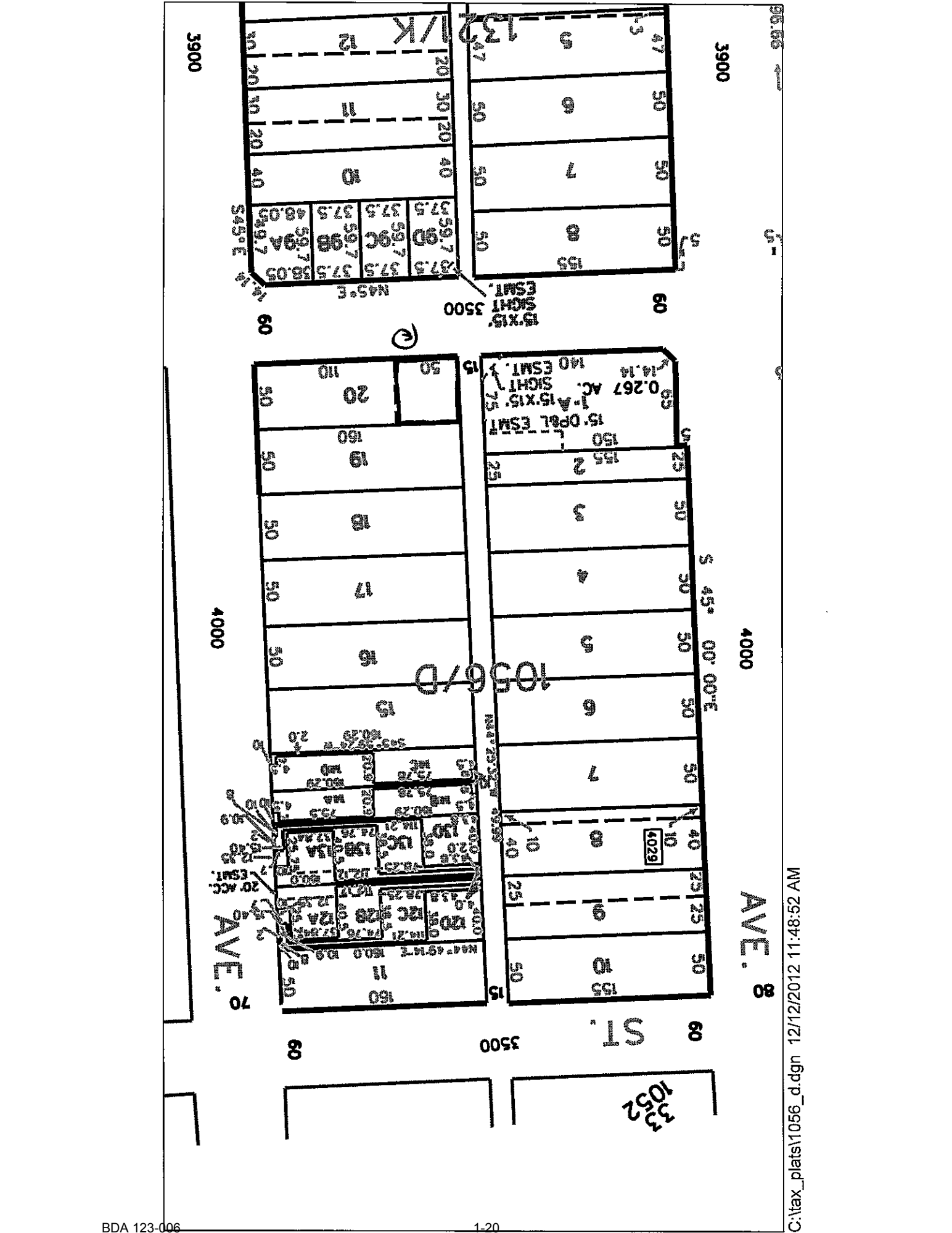
Building Official's Report

I hereby certify that **William Wright, Jr.**
 represented by **Tommy Mann**
 did submit a request for a variance to the front yard setback regulations, and for a special
 exception to the side yard setback regulations, and for a variance to the
 off-street parking regulation
 at **3515 Throckmorton Street**

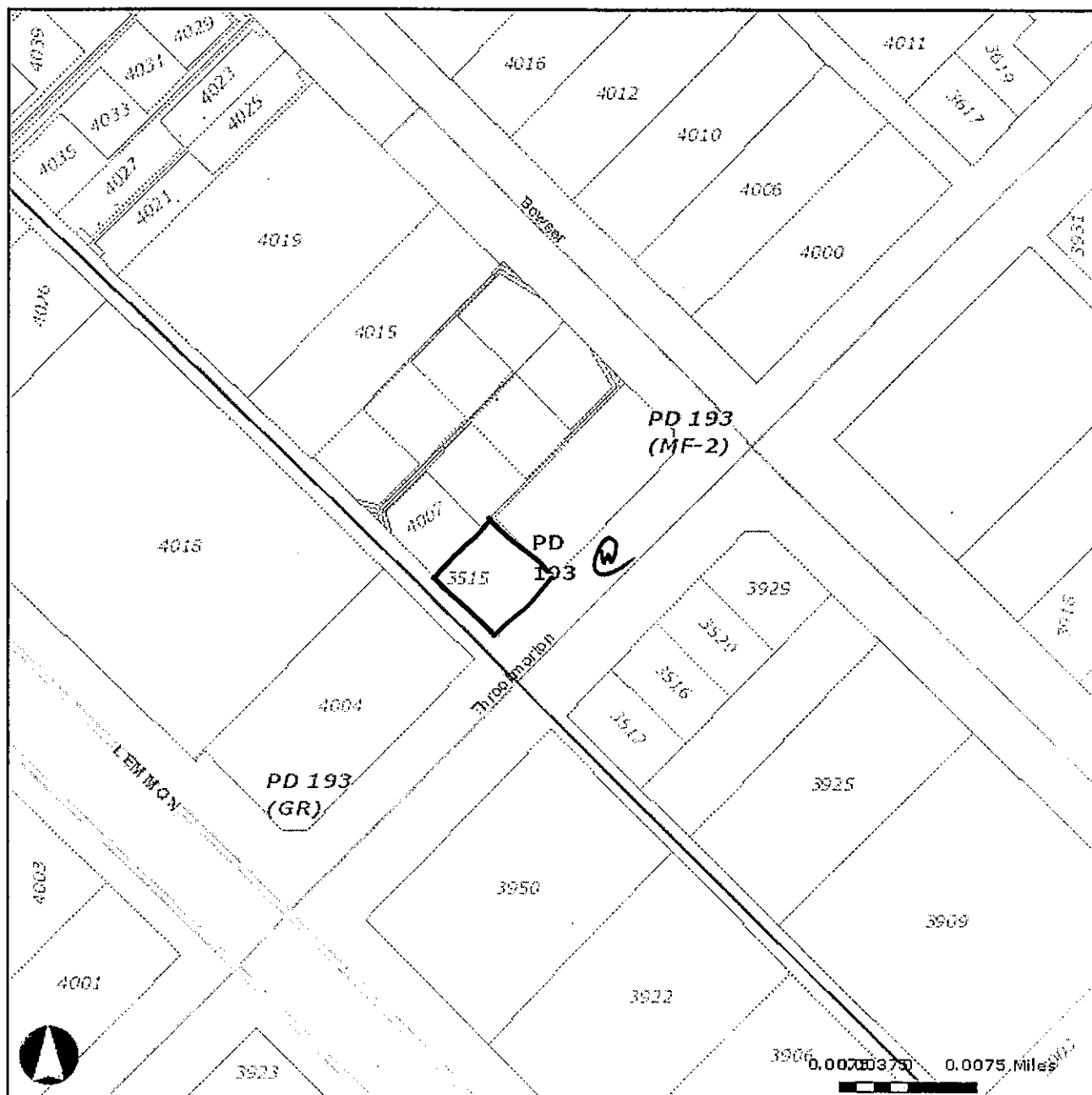
BDA123-006. Application of William Wright, Jr. represented by Tommy Mann for a variance to the front yard setback regulations, a variance to the side yard setback regulations, and a variance to the off-street parking regulations at 3515 Throckmorton Street. This property is more fully described as Lot 20, Block D/1056, and is zoned PD-193 (MF-2), which requires a front yard setback of 20 feet and a side yard setback of 10 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide an 8 foot 6 inch front yard setback, which will require an 11 foot 6 inch variance to the front yard setback regulation, and provide a 0 foot side yard setback, which will require a 5-foot variance to the side yard setback regulation, and to construct a single family residential structure with a front setback of 10 feet, which will require a variance of 10 feet to the off-street parking regulation.

Sincerely,

Larry V. Holmes
 Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries

- City
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Major Lakes

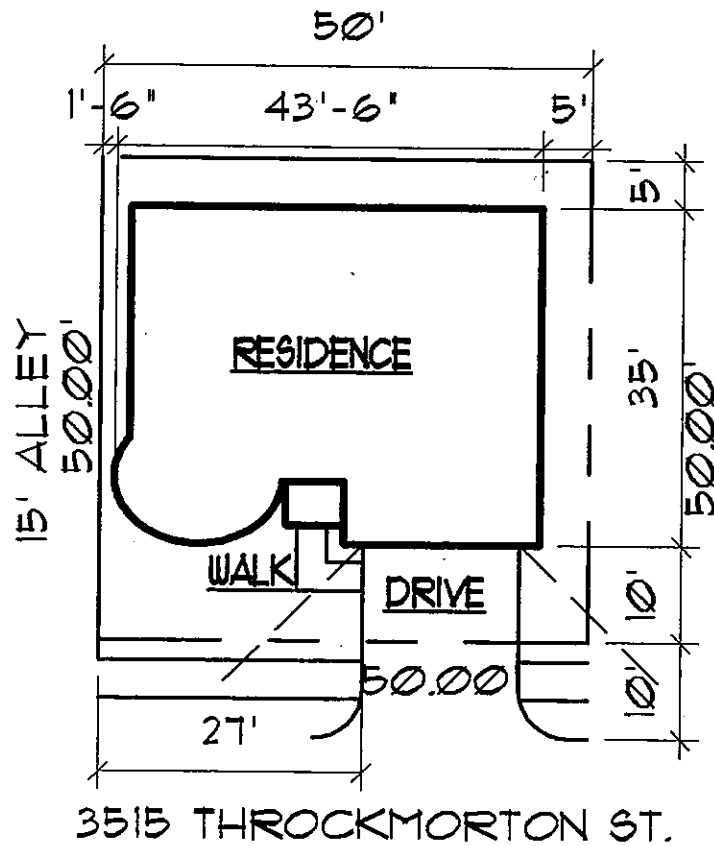
BDA 123-006



Dry Overlay

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

PDS Subdistricts

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



<p>PLOT PLAN</p> <p>SCALE: 1"=20'</p> <p>LOT 20 BLOCK D/1056 3515 THROCKMORTON ST. BOWER & LEMMON'S OAK LAWN & NORTH DALLAS ADD'N DALLAS, TEXAS</p> <p>JOB: 4168-WRIGHT DATE: DEC 7, 2012</p>	  <p>THE PLAN FACTORY</p>
---	--

IT SHALL BE THE FULL RESPONSIBILITY OF THE BUILDER TO VERIFY ALL ASPECTS OF THIS PLAN AND ADJUST IF REQUIRED

These Plans are the property of THE PLAN FACTORY and are not to be reproduced, copied, or revised without the written permission of THE PLAN FACTORY. It shall be the responsibility of the builder/contractor to verify all dimensions prior to any construction.

THE PLAN FACTORY
 4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76018
 METRO (917) 654-9012



DESCRIPTION

Drawn by: _____
 Job No: 148
 Date: 12/28/2012

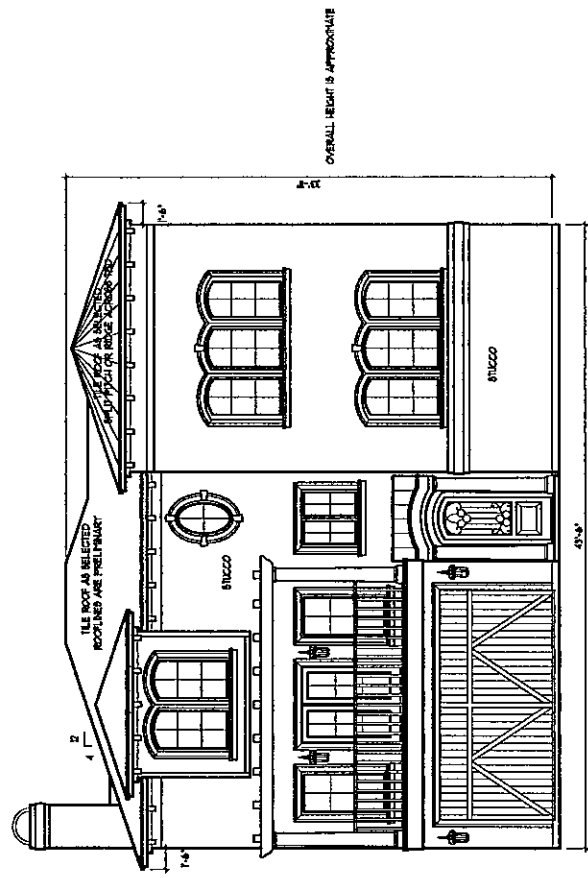
PLAN NO.

URIGHT

PG. OF

HIF HOMES
 WATNE URIGHT
 LOT 20 BLOCK D / 1056
 3915 THROCKMORTON ST.
 PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE CLIENT TO VERIFY ALL ASPECTS OF THIS PLAN AND TO ENSURE THAT THIS PLAN MEETS ALL GOVERNING CODES & REQUIREMENTS.



FRONT ELEVATION

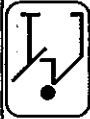
1/4" = 1'-0"

- BUZZO RESIDENCE
- 1800 HAZONY COMPORTE BORTIS, SAGUA AND TRE PRODUCTS
- COMPOSITE ROUND TAPERED COLUMNS TWO
- TILE ROOF AS SELECTED - 4/12 PITCH
- METAL SHED ROOF OVER FRONT PORCH TWO
- ROOF LINES ARE PRELIMINARY ONLY
- DECORATIVE CEDAR BORTI CORBELLS AND CEDAR FRIGOLA BUSH
- 3600 IRON GLASS ED. DOOR UNIT SHOWN
- VERIFY ALL ASPECTS OF PLAN AND ELEVATIONS PRIOR TO CONSTRUCTION
- FINAL PLACEMENT ON CLIENTS LOT TWO

WWW.PLANFACTORY.COM

These Plans are the property of THE PLAN FACTORY and are not to be reproduced, stored, or passed without the written permission of THE PLAN FACTORY. It shall be the responsibility of the user/contractor to verify all details and dimensions prior to any construction.

THE PLAN FACTORY
4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76016
METRO (817) 654-9012



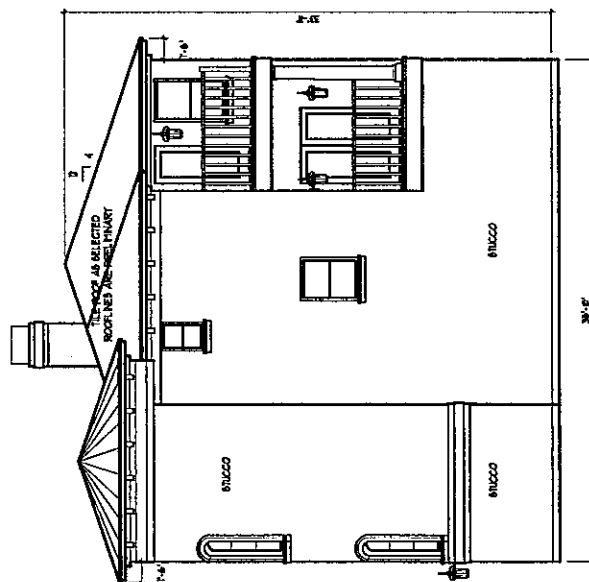
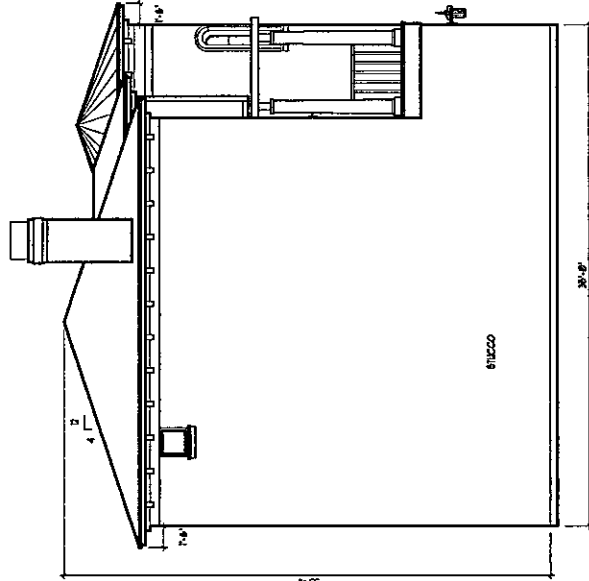
DESCRIPTION

Drawn: BC
Job: 466
Date: 10/2/2021

PLAN NO.

UPRIGHT

PG. 01

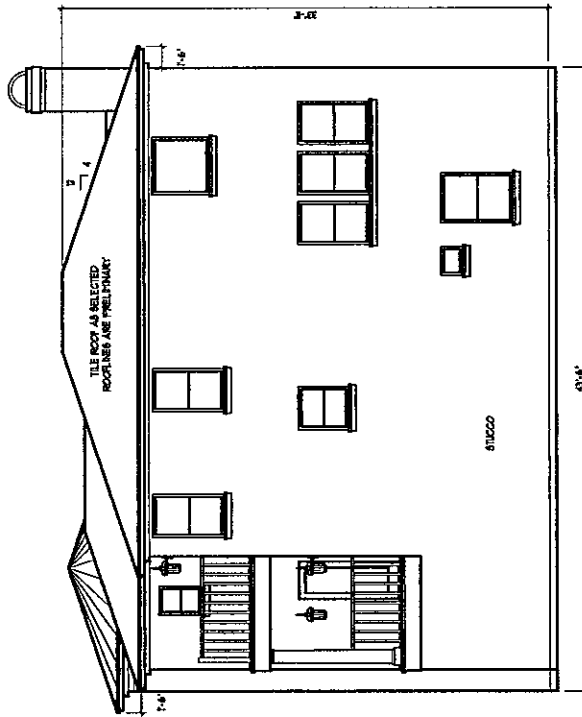


HIP HOMES
WAYNE WRIGHT
LOT 20 BLOCK D/ 1056
3515 THROCKMORTON ST.
PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL DIMENSIONS AND REQUIREMENTS AGAINST THE PLAN WITH ALL GOVERNING CODES & REQUIREMENTS.

WWW.PLANFACTORY.COM

BDA 123-006



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

HIP HOMES
WAYNE WRIGHT
LOT 2D BLOCK D / 1256
351B THROCKMORTON ST,
PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE ARCHITECT TO VERIFY ALL APPLICABLE LOCAL AND STATE REQUIREMENTS THAT THIS PLAN MEETS ALL GOVERNING CODES & REGULATIONS.

These Plans are the property of THE PLAN FACTORY and are not to be reproduced, stored, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of THE PLAN FACTORY. THE PLAN FACTORY does not accept any liability for construction errors or omissions. THE PLAN FACTORY Building does not accept any liability for errors or omissions. THE PLAN FACTORY Building does not accept any liability for errors or omissions.

THE PLAN FACTORY
4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76016
METRO (817) 654-9012



DESCRIPTION

Drawn by _____
Job #466
Date 10/2/2022

PLAN NO. _____

URIGHT

PG. 0P

WWW.PLANFACTORY.COM

These Plans are the property of Plan Factory and are not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Plan Factory. If you have a complaint, contact us at 4303 South Bowen Rd. - Suite 117 - Arlington, TX 76018. Metro (817) 654-9012.

THE PLAN FACTORY
4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76018
METRO (817) 654-9012



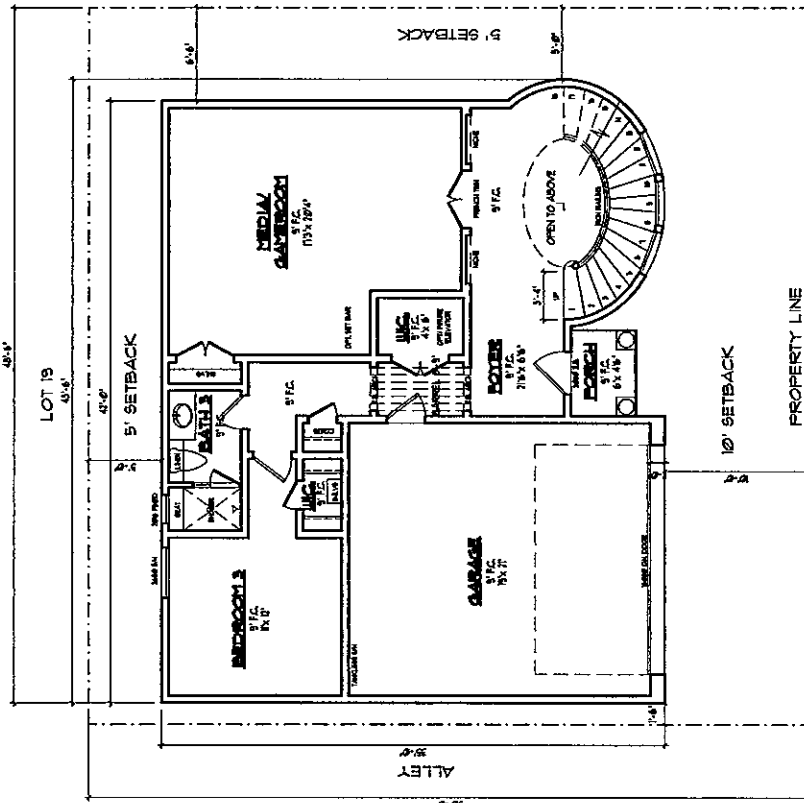
DESCRIPTION

Drawn by	BC
Job #	456
Date	10/27/2011

PLAN NO.

WRIGHT

PG. OF



PROPERTY LINE
THROCKMORTON STREET
VERIFY ALL ASPECTS OF LOT AND SETBACKS

FIRST FLOOR PLAN
1/4" = 1' - 0"

- NOTES
- TIL BDRM: 45' x 6'
 - TIL DEPTH: 39' x 8'
 - ALL MECHANICAL SYSTEM SPECS AND LOCATIONS TBD
 - ALL ENGINEERING TO BE PROVIDED BY OTHERS
 - THE FINISH OF FIRST FLOOR ROOF, FLOORING AND STRUCTURAL WALLS
 - VERIFY ALL ASPECTS OF PLAN AND ELEVATIONS PRIOR TO CONSTRUCTION
 - LOT PARAMETERS PROVIDED BY OWNER. PLAN IS SIZED BASED ON THOSE DIMENSIONS
 - FINAL APPROVAL OF SETBACKS AND PLACEMENT ON LOT TBD
 - ADDITIONS OR REDUCTIONS IN SQ. FOOTAGE, IF ANY, TBD IN DESIGN PHASE OF PLAN
 - ANY CORRECTIONS OR OPTIONS PROVIDED MAY BE CORRECTED FOR REVISIONS
 - FINAL FOOTINGS AND SQ. FOOTAGES WILL BE PROVIDED THOSE REVISIONS

PRELIMINARY SQUARE FOOTAGE:

FIRST:	584
SECOND:	129
THIRD:	111
TOTAL A.C.:	3065
GARAGE:	
PORCH:	31
COV. BALCONY:	0
TOT. ATR:	3138

HIP HOMES
WAYNE WRIGHT
LOT 20 BLOCK D/ 1056
3915 THROCKMORTON ST.

PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE ARCHITECT TO ASSURE THAT THIS PLAN MEETS ALL APPLICABLE REGULATORY AND GOVERNING CODES & REQUIREMENTS.

These Plans are the property of THE PLAN FACTORY and are not to be reproduced, copied, or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of THE PLAN FACTORY. It shall be the responsibility of the buyer to verify all dimensions and specifications prior to any construction.

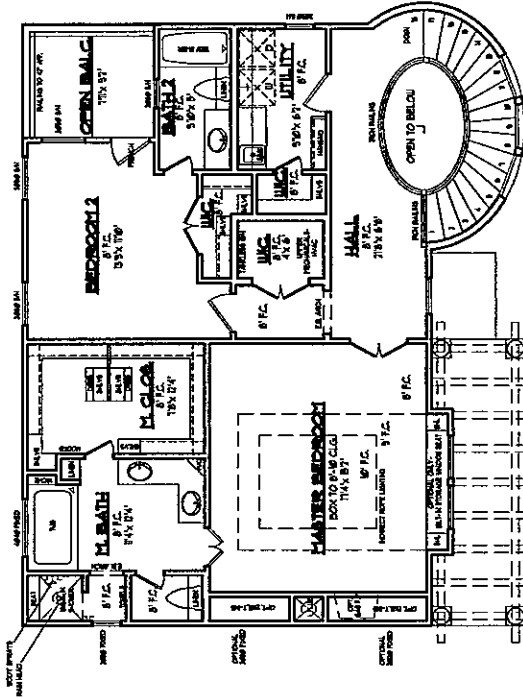
THE PLAN FACTORY
 4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76018
 METRO (817) 654-9012



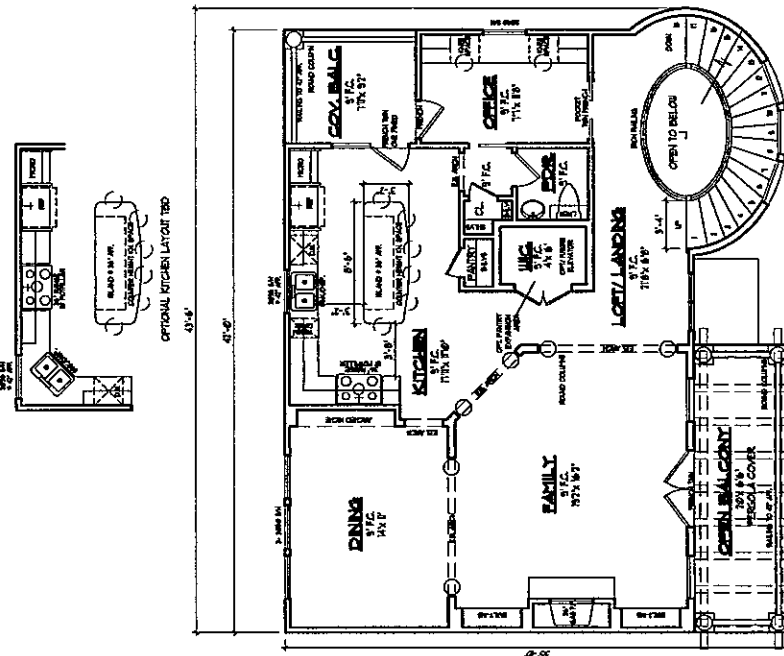
DESCRIPTION	
Drawn By	SC
Job No.	488
Date	10/2/2021
PLAN NO.	
URIGHT	
PG. OF	

HIP HOMES
 WAYNE URIGHT
 LOT 20 BLOCK D / 1056
 3515 THROCKMORTON ST.
 PRELIMINARY DESIGN

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE ARCHITECT TO VERIFY ALL APPLICABLE CODES AND TO ENSURE THAT THIS PLAN MEETS ALL GOVERNING CODES & REQUIREMENTS.



THIRD FLOOR PLAN
 1/4" = 1'-0"



SECOND FLOOR PLAN
 1/4" = 1'-0"



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>42</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	42	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-006 Date: 1/31/2013
200'	AREA OF NOTIFICATION					
42	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-006

42 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3515 THROCKMORTON ST	HERNANDEZ CARLOS
2	4018 LEMMON AVE	ROSSMORE ENTERPRISES
3	4019 BOWSER AVE	TEXAS INTOWNHOMES LLC
4	4015 BOWSER AVE	SUETA EDWARD JR % MACIE PUBLISHING CO
5	3922 LEMMON AVE	RP HH/LEMMON PPTIES LP
6	3950 LEMMON AVE	TABU PROPERTY III LLC % US REALTY ADVISO
7	3925 BOWSER AVE	GENTILE CARL & GINA M
8	4000 BOWSER AVE	KEELEY ROBERT THEODORE
9	4006 BOWSER AVE	KEELEY ROBERT THEODORE
10	4007 BOWSER AVE	BOTALLA GABRIELLA
11	4007 BOWSER AVE	HOFKER BEATRIX
12	4007 BOWSER AVE	GALANTE NANCY C AVE G
13	4007 BOWSER AVE	PLYMALE JOSEPH &
14	4007 BOWSER AVE	ESCH MATTHEW
15	4007 BOWSER AVE	CLENNEY LAURA B
16	4007 BOWSER AVE	STEINMARK MICHAEL R & STEPHANIE A VAUGHN
17	4007 BOWSER AVE	KALEV SAGI
18	4004 LEMMON AVE	DALLAS LUBE VENTURE LLC
19	3929 BOWSER AVE	MORRISON CAROL
20	3520 THROCKMORTON ST	DITTO W PAUL JR & MARVELLE M
21	3516 THROCKMORTON ST	LUBIN DAVID A & MARY C JANOWIAK
22	3512 THROCKMORTON ST	VARGHESE SABU E & LEENA E
23	3930 BOWSER AVE	BEARDSLEY EDWARD L &
24	3930 BOWSER AVE	WILLIAMS DEREK E & STUMPF KATHERINE A
25	3930 BOWSER AVE	FRANKS JUSTIN & WING-HUNG
26	3930 BOWSER AVE	PANNECK CHRISTOPHER A

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3930 BOWSER AVE	SOKATCH DAVID J UNIT 5
28	3930 BOWSER AVE	BROADWAY LANCE
29	3930 BOWSER AVE	BINKLEY LEANNE T & CLINTON M
30	3930 BOWSER AVE	TRUONG JOSEPH
31	3930 BOWSER AVE	GAGLIARDI NICHOL ALICIA
32	3930 BOWSER AVE	KNAPP JAMES S & MEE YUNG
33	3930 BOWSER AVE	AGIS MICHAEL E &
34	3930 BOWSER AVE	HOOPER SANDRA M &
35	3927 BOWSER AVE	WOOLDRIDGE ANN F
36	3927 BOWSER AVE	CORBAN KENNETH EARL
37	3927 BOWSER AVE	BEAVERS KIMBERLEY BROOK
38	3927 BOWSER AVE	DORHERTY EDWARD D & ALISON F TRUSTEES UN
39	3927 BOWSER AVE	ROGERS JOHN NATHAN UNIT 3927E
40	4001 BOWSER AVE	DELACRUZ ROBERTO
41	4001 BOWSER AVE	HINOJOSA ARNOLD UNIT B
42	4001 BOWSER AVE	FRANZEN JASON A & LAURA M

FILE NUMBER: BDA 123-013

BUILDING OFFICIAL'S REPORT:

Application of Jonathan Vinson for a special exception to the single family zoning use regulations at 7107 Brookshire Circle. This property is more fully described as Lot 22 and part of Lot 21, Block 5/6586, and is zoned R-16(A), which limits the number of dwelling units to one. The applicant proposes to maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 7107 Brookshire Circle

APPLICANT: Jonathan Vinson

REQUEST:

A special exception to the single family use development standard regulations is requested according to the application "to permit construction and maintenance of the existing accessory structure which is the subject of this appeal (additional dwelling unit)" on a site currently developed with a dwelling unit/single family home structure.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE DEVELOPMENT STANDARDS REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

The board may grant a special exception to the single family use development standards regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is *when in the opinion of the board*, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting a special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Zoning:

- Site: R-16(A) (Single family district 16,000 square feet)
- North: R-16(A) (Single family district 16,000 square feet)
- South: R-13 (A) (Single family district 13,000 square feet)
- East: R-16(A) (Single family district 16,000 square feet)
- West: R-16(A) (Single family district 16,000 square feet)

Land Use:

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

Zoning/BDA History:

1. BDA 045-194, Property at 7107 Brookshire Circle (the subject site)
On May 17, 2005, the Board of Adjustment Panel A granted a request for a special exception to allow an additional dwelling unit on the property. The board imposed the following conditions: compliance with the submitted site plan and elevation is required; and the applicant must deed restrict the property to prohibit the additional dwelling unit on the site as rental accommodations. The case report stated that the request was made in conjunction with constructing an additional “dwelling unit” on a site developed with a single family home; and that the proposed additional “dwelling unit” was a 1-story studio/home office structure.
2. BDA 056-041, Property at 7107 Brookshire Circle (the subject site)
On December 13, 2005, the Board of Adjustment Panel A denied a request for a special exception to allow an additional dwelling unit on the property without prejudice. The case report stated that the request was made in conjunction with constructing an additional “dwelling unit” on a site developed with a single family home; and that the proposed additional “dwelling unit” was a 2-story studio/home office structure.

Timeline:

December 21, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 13, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

January 14, 2013: 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 January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 8th 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 29, 2013: The applicant forwarded additional information beyond what was submitted with the original application for staff review.

February 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

February 8, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

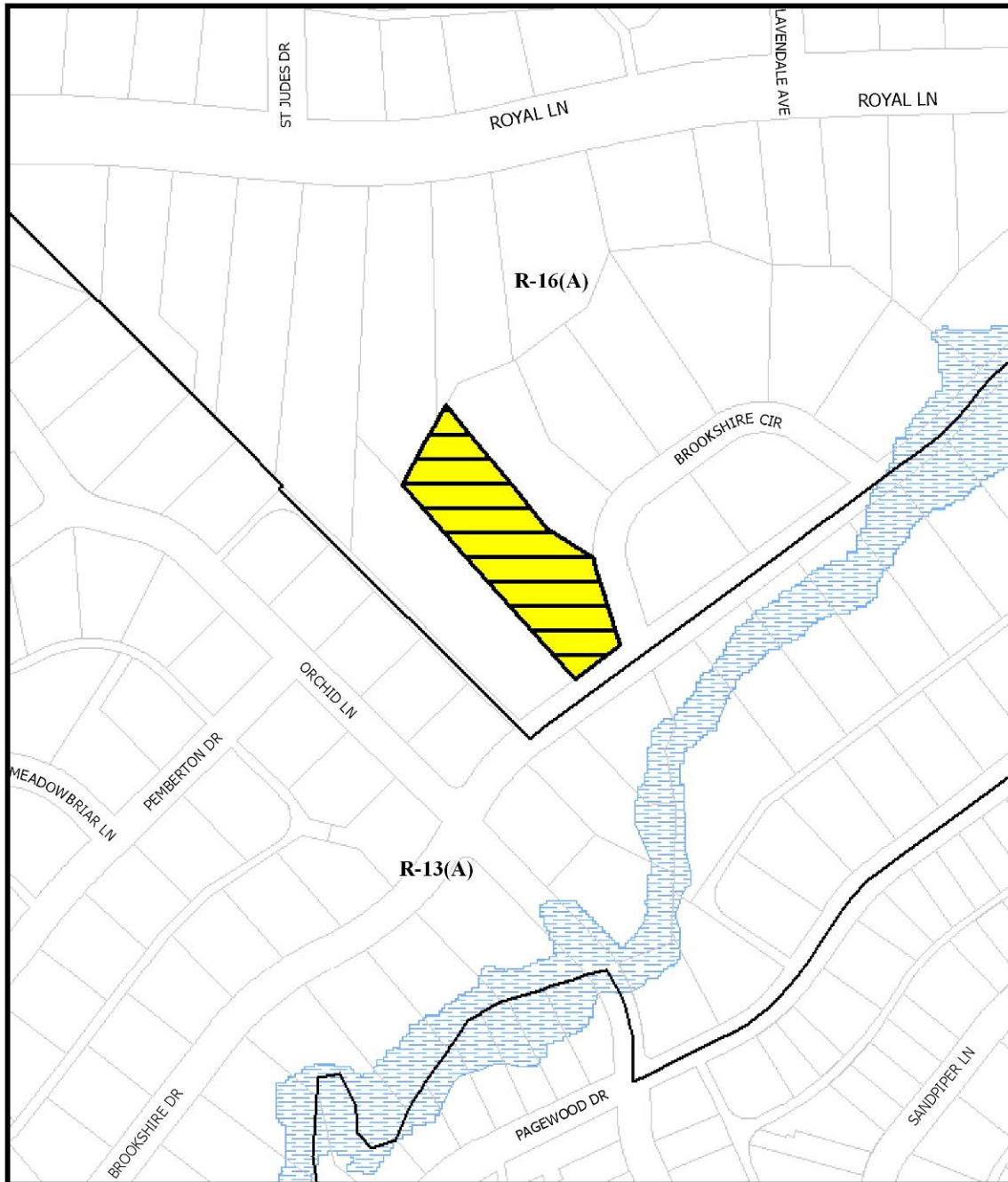
GENERAL FACTS/STAFF ANALYSIS:

- This request is made (according to what is stated on the application) “to permit construction and maintenance of the existing accessory structure which is the

subject of this appeal (additional dwelling unit)" on a site that is currently developed with a dwelling unit/single family home structure.

- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines "single family" use as "one dwelling unit located on a lot;" and a "dwelling unit" as "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."
- The site is zoned R-16(A) where the Dallas Development Code permits one dwelling unit per lot.
- A site plan has been submitted denoting the locations of three building footprints. The largest of the three footprints is labeled "existing one story residence." The second largest of the three footprints is labeled "addition" which has been deemed by Building Inspection as an additional dwelling unit given the floor plan that has been submitted of this structure. The third and smallest of the three footprints is labeled "one-story brick garage." The site plan represents the sizes and locations of the three building footprints relative to the entire lot/property.
- Floor plans have been submitted of structure labeled "addition" on the site plan. The floor plan this structure shows what appears to be storage spaces and a bathroom on the basement floor plan, and a studio, kitchen, and what appears to be bathroom on the first floor.
- DCAD records indicate that the property at 7107 Brookshire Circle has the following improvements:
 - "main improvement:" a structure built in 1957 with 4,417 square feet of living area and 4,417 square feet of total area; and
 - "additional improvements:" a 784 square foot detached garage, a pool, and a 576 square foot detached servants quarters.
- Building Inspection staff has reviewed the submitted floor plan of the "addition" structure to be a dwelling unit, in this case, an additional "dwelling unit" that requires a special exception from the board - that is per Code definition: "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."
- This request centers on the function of what is located inside the existing accessory structure/dwelling unit on the site. If the board were to deny this request, the applicant has stated in a January 29th email to the Board Administrator that this structure could be maintained with merely modifications to the function/use inside it (or to the floor plan) since the existing structure complies with the all other applicable zoning code development standards other than its single family use provisions.
- The applicant has also represented in a January 29th email to the Board Administrator that if the board were to deny this request, that the existing structure could be "cured by removing the enclosure around the bottom portion" therefore complying with the previous elevation that was imposed by the board in conjunction with BDA 045-194 in 2005.

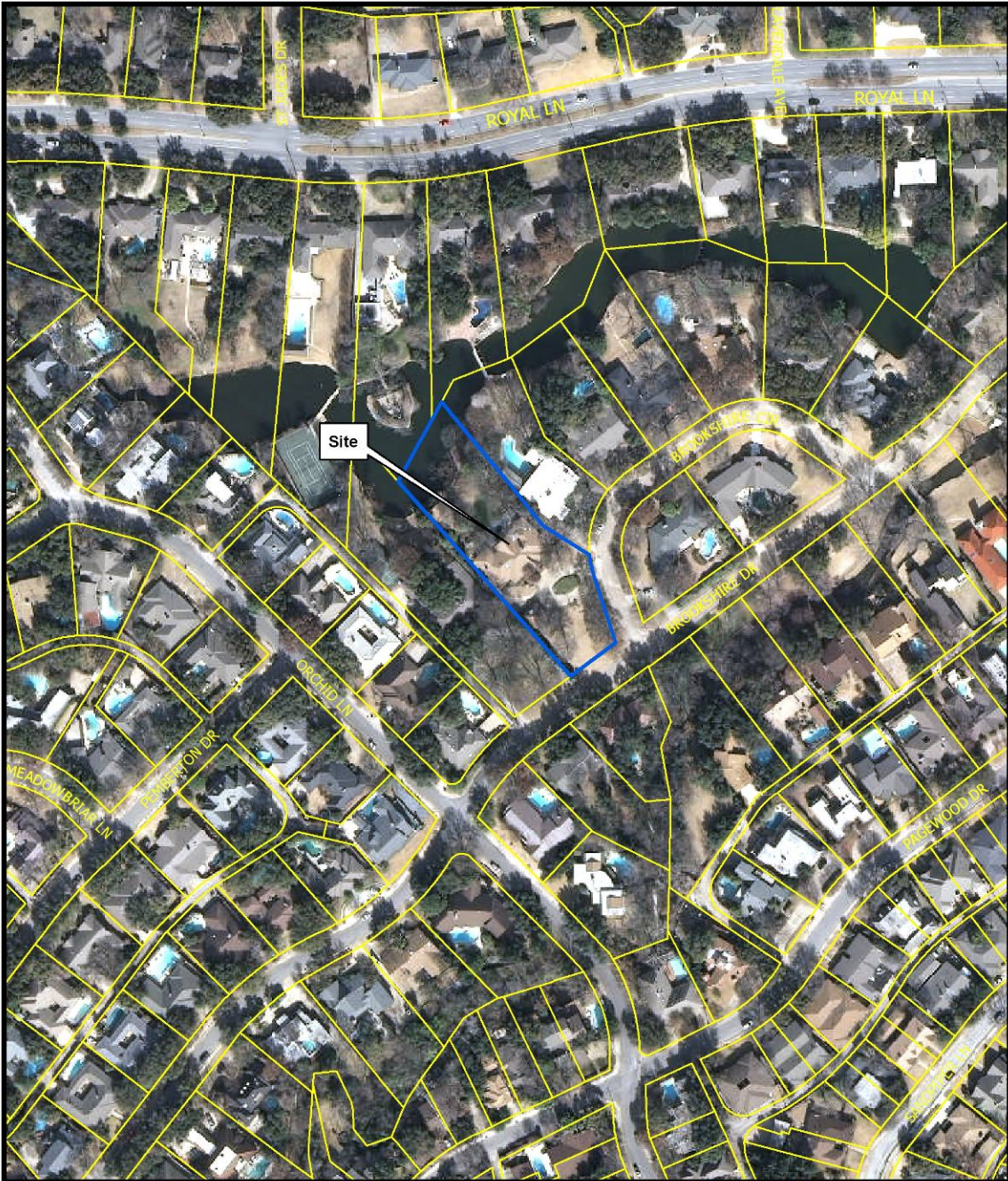
- The applicant has also represented in a January 29th email to the Board Administrator that a building permit was filed for the additional dwelling unit/structure within 180 days from the board's favorable action on the special exception on May 17, 2005.
- As of February 11, 2013, three letters had been submitted to staff in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- Note that granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including but not limited to setback and coverage requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.



1:2,400

ZONING MAP

Case no: BDA123-013
 Date: 1/25/2013



1:2,400

AERIAL MAP

Case no: BDA123-013

Date: 1/25/2013



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

February 8, 2013

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

Re: BDA 123-013; 7107 Brookshire Circle

Dear Members of Panel A:

I. Introduction. We represent the applicants, Mr. and Mrs. Thomas Goodwin, in their application for a special exception to the single family regulations, as explained below. This request actually, in effect, is for an amendment to an approval which was previously granted on May 17, 2005. As you know, an applicant may apply for a special exception to the single family regulations to allow for an “additional dwelling unit” when there is no adverse impact on neighboring property and the additional dwelling unit is deed restricted against use as rental accommodations. This request, as did the request approved in 2005, clearly meets both of those standards.

II. Early Factual Background. Mr. and Mrs. Goodwin originally were granted the special exception in 2005 to build a small structure in the back yard of their home. This was deemed to be an “additional dwelling unit” because of the fact that it had water and electricity, but was built by Mr. Goodwin only to serve as an art studio for Mrs. Goodwin, who is a very accomplished artist. The request was granted and Mr. Goodwin’s contractor took out a properly issued Building Permit on June 6, 2005 (see attached information) and built the structure.

The structure is built on a downward slope down to the pond in the rear of the property and thus was built on pilings to achieve a little elevation above the slope. When the home was originally built in 1957, the then-owners had built a concrete fallout shelter into the slope. Therefore there was a structure already existing in that location with the art studio being partially built on top. Unfortunately, during the process of construction, Mr. Goodwin’s contractor enclosed the bottom portion of the new structure for use as storage space (see proposed amended elevation). This conflicted with the approval granted in 2005, which included an approved elevation showing the lower portion as open rather than being enclosed.

However, enclosing the bottom portion did not change the footprint or building envelope of the structure in any way, nor did it increase habitable square footage, with the bottom portion being used only for storage. The structure also was valued for Building Permit purposes at \$95,000, and, as you will see in the accompanying photographs, was done very nicely from both an architectural and a landscaping standpoint.

III. More Recent Activity. Ever since the structure was completed in 2005, one individual neighbor who lives across the pond (see aerial photo) has been opposed to the structure. We believe that her issue is not so much the enclosure of the bottom portion as it is the presence of the structure itself, which, you will recall, was approved by the Board in 2005. That approval was effected by securing the Building Permit and building the structure. Therefore, the presence of the structure itself is not at issue in this case; instead, the question is whether, in effect, to *amend* the approval to allow for the continuation of the enclosed bottom portion.

We are before the Board on this case because this one individual neighbor apparently contacted her Councilmember's office, and inquiries were subsequently made to Code Compliance and to the City Attorney's Office. Once this occurred, Code Compliance issued a total of three citations over the course of a couple of weeks for the exact same alleged violation, that is, failure to secure a Building Permit for the bottom portion of the structure.

The situation now is that Mrs. Goodwin is in the early stage of Alzheimer's Disease and will, before very long, be moving to a memory unit in an assisted living center. Mr. Goodwin wishes to resolve this issue so that he will be able to put his property on the market. Therefore, we are coming to you in hopes of resolving this issue by securing approval of an amended elevation showing the enclosure of the bottom storage area of the structure.

IV. Standard for Approval. The standard for approval of a special exception to the single family regulations in Section 51A-4.209(6)(e) includes two elements. These are, *first*, that there should be no adverse impact on neighboring properties, and *second*, that the additional "dwelling unit," if approved, must be publicly deed restricted against its use as rental accommodations.

I will discuss further below the first element, as we will show that not only has there been no adverse impact at all, but that the improvements are aesthetically pleasing, are in no way visually intrusive, and that the surrounding properties have greatly increased in value since 2005. The second standard is also clearly met, in that Mr. and Mrs. Goodwin have already entered into the required public Deed Restrictions from the 2005 approval. These would not need to be amended in any way and thus are already in place.

V. There is No "Adverse Impact". We do not know at this time if any opposition will appear to our request. However, based on past history, we anticipate that one individual who has never liked the structure may well appear at the public hearing to oppose it. As said, part of the standard for approval on this issue is that there be no adverse impact on neighboring properties. This raises the question, of course, of how to determine whether there is any "adverse impact." This is a subjective determination in many ways, which is why the Planning Staff does not make a Staff recommendation on these cases.

I would submit to you that there are three factors which you can look at to evaluate this question. These are *visual impact*, which thanks to photographs you can see for yourself; *property values*, which is based on public information obtainable by anyone from the Dallas Central Appraisal District; and *expressions of support or opposition* from neighbors.

First, as to *visual impact*, you can see from the photographs that there is absolutely no negative visual impact whatsoever due to the existing structure. The most recent photographs show heavy and mature landscaping in front of the structure, upon which Mr. and Mrs. Goodwin expended a considerable amount of funds. The large trees are Live Oaks, which stay green and

leafy during the winter and thus provide a year-round visual screen. The structure itself, to the extent one can even see it from nearby properties, is very nicely built with a lot of brick masonry, is very well maintained and painted, and otherwise is not at all detrimental to the surrounding properties.

Another way to evaluate the impact on neighbors is by analyzing *property values*. As you may know, the Dallas Central Appraisal District (“DCAD”) shows on its website not just current appraised valuations but historical valuations going back over 10 years. I have attached for your reference an identifier map and information in table form showing the increases in the appraised value of all of the surrounding properties from 2005 to the present.

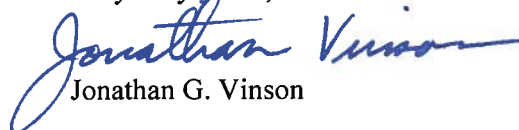
You will see from this objective data, which you can confirm on your own at www.dcad.org if you choose, that the property owner at 7114 Royal Lane who has previously opposed the structure has seen her *land* value increase approximately 145 percent from 2004 through today, or by \$304,250 as a dollar amount. As you may also be aware, the Appraisal District’s appraised values very often run somewhat less than the actual market value of a property upon sale.

DCAD also breaks property valuations down according to land value, that is, the value of the lot itself, and the value of the improvements. You will see that the land value itself is responsible for the greatly increased property value at 7114 Royal Lane. The logical question to ask is, if Mr. and Mrs. Goodwin’s structure completed in 2005 is such a detriment to property values, how could the land value increase so much when it would stand to reason that an allegedly unsightly view would affect the land value, not the improvements? I would also point out that the *improvements* on that property are what have decreased significantly in value, perhaps because DCAD rates their condition as “poor.” That, of course, is no fault of Mr. and Mrs. Goodwin’s.

A third measure of whether there is any “adverse impact” on surrounding properties is the degree to which there is *support or opposition*. Mr. Goodwin has so far secured the support of three of his closest neighbors, whose support letters are included for your review.

VI. Conclusion. Our request very clearly meets the two elements of the required standard for the approval of a special exception to the single family regulations, those being that there is absolutely no negative or adverse impact whatsoever on surrounding properties; and that the property is deed restricted against use as rental accommodations, which Deed Restrictions are already in place. The facts and circumstances of this case make this a very reasonable and innocuous request. Therefore, we will respectfully be asking for your approval of our request at our February 19 hearing. Thank you very much.

Very truly yours,



Jonathan G. Vinson

cc: Mr. and Mrs. Thomas A. Goodwin, III



CITY OF DALLAS

May 24, 2005

Thomas A. Goodwin, III
7107 Brookshire Circle
Dallas, TX 75230

Re: BDA 045-194
7107 Brookshire Circle

Dear Mr. Goodwin:

The Board of Adjustment Panel A, at its public hearing held on Tuesday, May 17, 2005, granted your request for a special exception to allow an additional dwelling unit on the property, subject to the following conditions.

- Compliance with the submitted site plan and elevation is required; and
- The property must be deed-restricted to prohibit the additional dwelling unit on the site from being used as rental accommodations.

Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Note that a completed deed restriction stating that the additional dwelling unit on the site will not be used for rental accommodations must be submitted to me, the Board Administrator, or T.J. Okwubanego, the Assistant City Attorney to the board, approved by the City Attorney's Office as to form, and filed in the deed records of the applicable county (in this case, Dallas County) before the applicable final permits for this additional dwelling unit can be issued by the City.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-3917.

A handwritten signature in black ink, appearing to read 'Jennifer Pitner'.

Jennifer Pitner, Senior Planner
Board of Adjustment
Department of Planning & Development

JP/tl

c: Gary Middleton, Code Enforcement, 320 E. Jefferson #212
Danny Sipes, Bldg. Inspection, 320 E. Jefferson #105
File

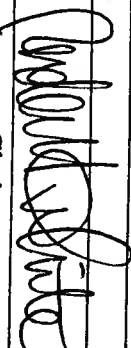
MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing 5-17-05

Appeal was ~~Denied~~ Granted

Remarks

5-17-05 - Granted
subject to 1)
compliance with
the submitted
site plan and
elementary plan
is required 2) The
Property must be
dead stacked
to prevent the
structure from
being used as
rental accommodations.


Chairman

Building Official's Report


I hereby certify that Thomas A. Goodwin III

did submit a request to Construct a second dwelling unit
at 7107 Brookshire Cir.

The request was denied on the following grounds:

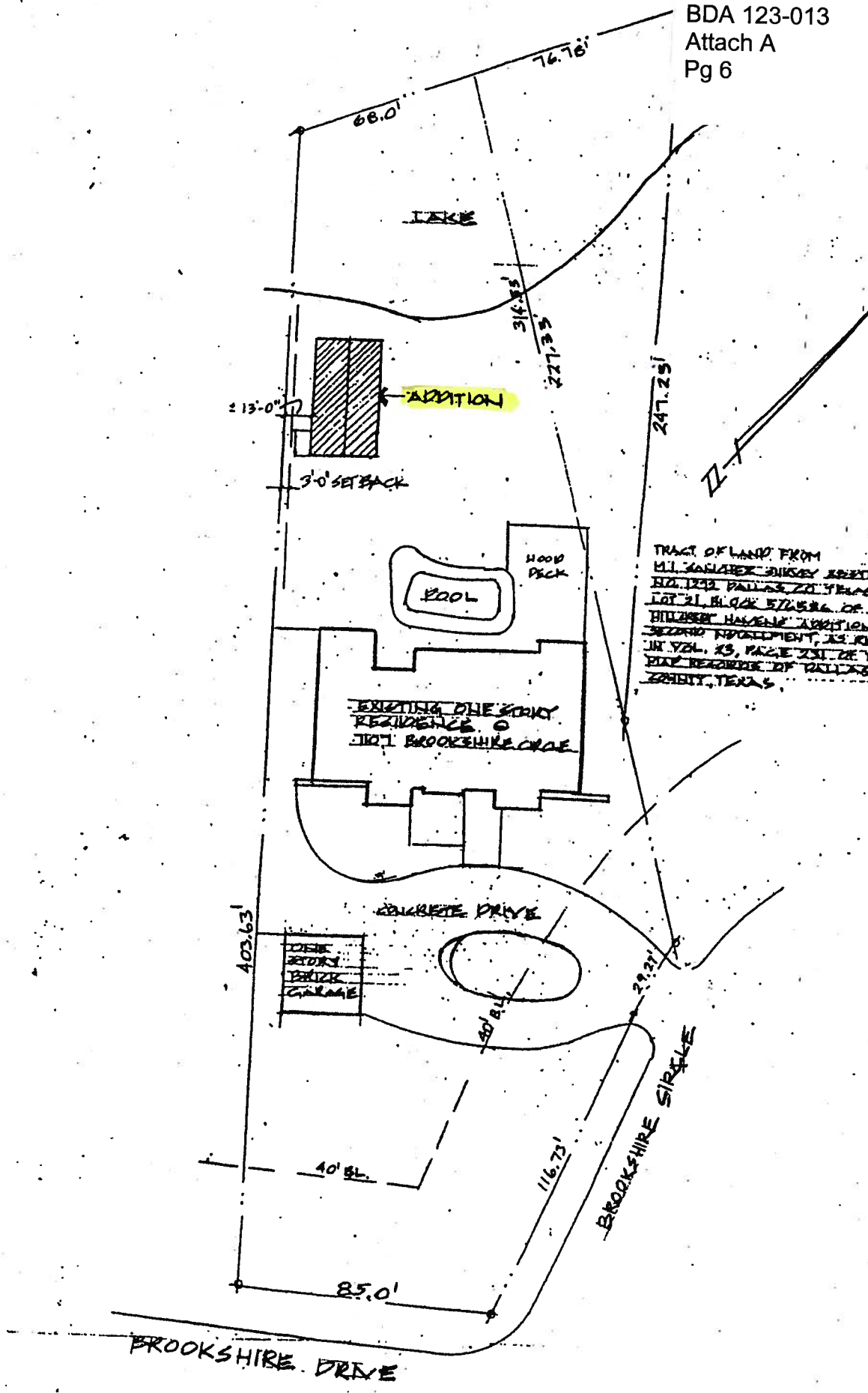
BDA#045-194: Application of Thomas A. Goodwin III For a special exception to allow an additional dwelling unit at 7107 Brookshire Cir. This property is more fully described as part of lot 21 and all of lot 22 in City Block 5/6586 and is zoned R-16 (A), which limits the property to one dwelling unit per lot. The Applicant's proposal to construct an additional dwelling unit would require a special exception by the board of adjustment to allow a second dwelling unit. Referred to the Board of Adjustment in accordance with Section 51A-3.102(d) (3) of the Dallas Development Code, as amended, which states the power of the Board to grant special exceptions.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUST-
MENT THIS THE 24th DAY OF
May 2005 19


ADMINISTRATOR

Referred to the Board of Adjustment according to Section 51A-3.102(d) (3)
of the Dallas Development Code as amended.

Elias Sassoon
Building Official

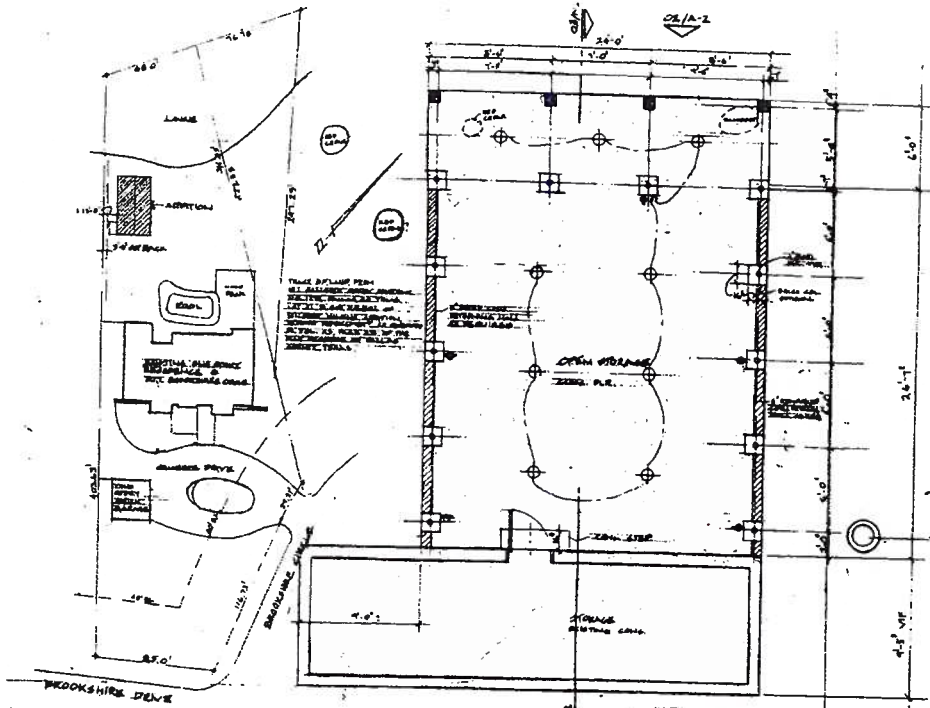


TRACT OF LAND FROM
 M.L. MANAGER SHERIFF SHERIFF
 NO. 1234 BAYLOR, 2015 YEAR
 LOT 21, BLOCK 572536, OF
 HILLCREST HAVEN ADDITION
 SECOND ADDITION, AS SHOWN
 IN VOL. 23, PAGE 231 OF THE
 PUBLIC RECORDS OF DALLAS
 COUNTY, TEXAS.

2-9

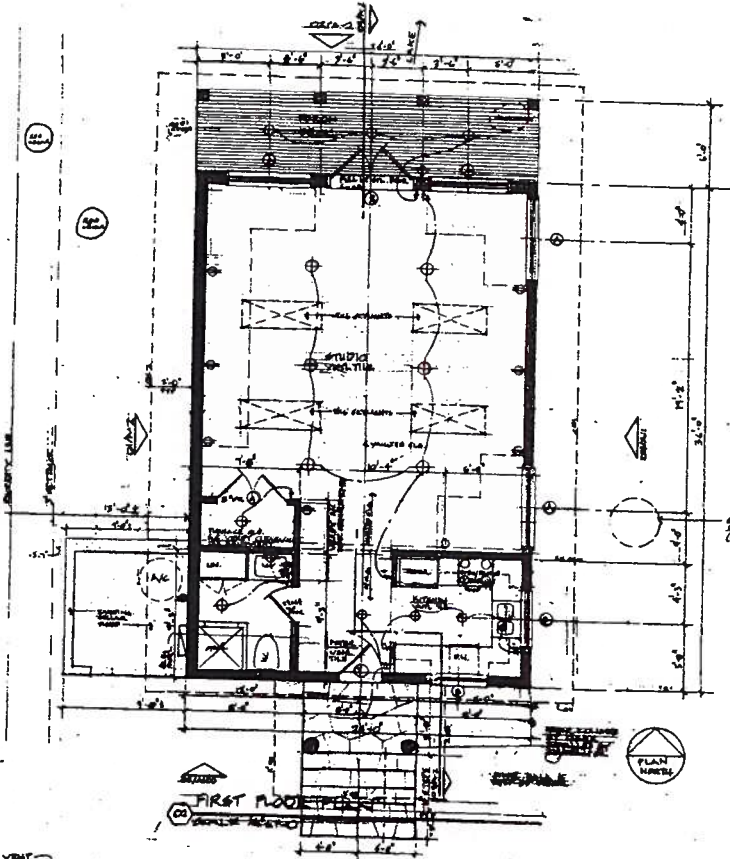
SITE PLAN

SCALE: 1" = 40'-0"

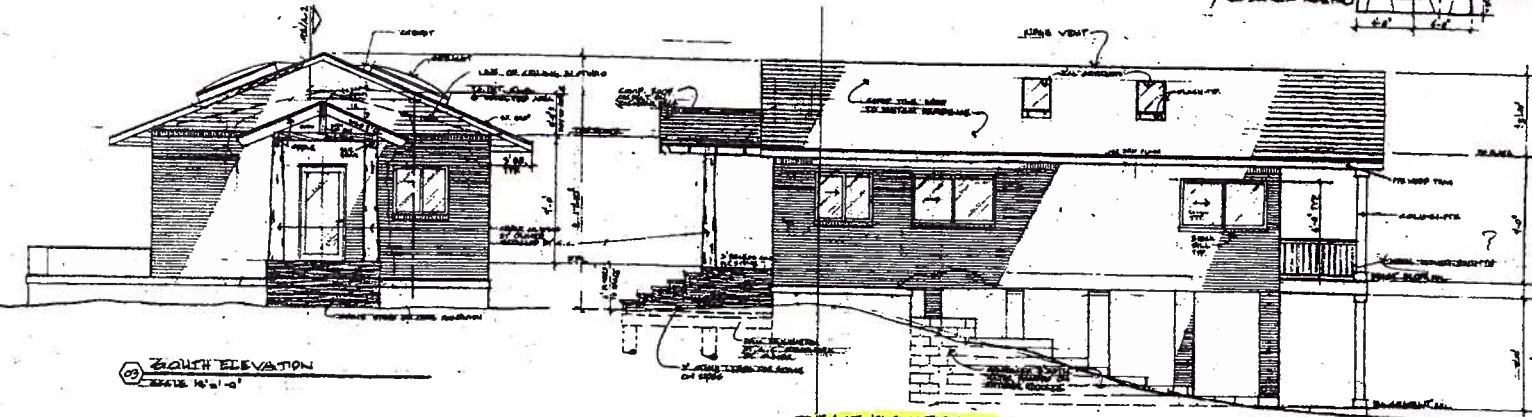


1 SITE PLAN
SCALE: 1/8" = 1'-0"

2 BASEMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"



3 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

5 EAST ELEVATION
SCALE: 1/8" = 1'-0"

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	5-24-05
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

PLANS APPROVED
Subject to
Board Action
S-24-05
Date
[Signature]
Administrator

DESIGNED BY
DRAWN BY
CHECKED BY
DATE
PROJECT NO.
THE STUDIO
1101 BIRCHWOOD DRIVE
DALLAS, TX 75230
PHONE 972-251-1111
FAX 972-251-1112
WWW.THESTUDIOARCHITECTS.COM

REVISED

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL PERSONS BY THESE PRESENTS:



I.

The undersigned, Thomas A. Goodwin III and wife, Nadara T. Goodwin, are the owners of the following described property ("the Property"), being in particular 8693 sq. ft. of Lot 21 and all of Lot 22 in City Block 5/6586 of revised Hillcrest Havens Addition, Second Installment. An addition to the City of Dallas, Texas and also known as 7107 Brookshire Circle, Dallas, Texas, 75230 and being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

II.

As required by the Board of Adjustment of the City of Dallas in Case No. 045-194 approved on May 17, 2005, the Owner does hereby impress all of the Property with the following deed restriction ("restriction") to wit:

- (1) Any additional "dwelling unit", as defined in Section 51A-2.102(34) and permitted in accordance with Section 51A-4.209(6)(E) of the Dallas Development Code, located on or to be located on the Property shall not be used for rental accommodations.

III.

This restriction shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

This restriction may be amended or terminated only after public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

This restriction is not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that this restriction inures to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lien holders subscribed below.

XII.

The invalidation of any provision of this instrument by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this 18 day of MAY, 2005.

OWNERS

THOMAS A. GOODWIN III

By: [Signature]
Name THOMAS A GOODWIN III

NADARA T. GOODWIN

By: [Signature]
Name Nadara T. Goodwin

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR.

Interim City Attorney

By: [Signature]

Name John T. Okwubanege
Title Asst. City Attorney

THE STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

This instrument was acknowledged before me on the 18TH day of MAY, 2005
by THOMAS A GOODWIN III and NADARA T GOODWIN Owners.

[Signature]

Notary Public, State of Texas

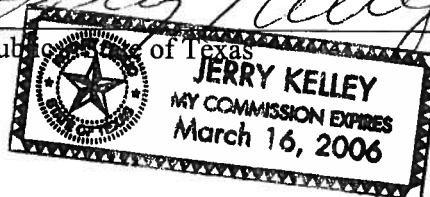
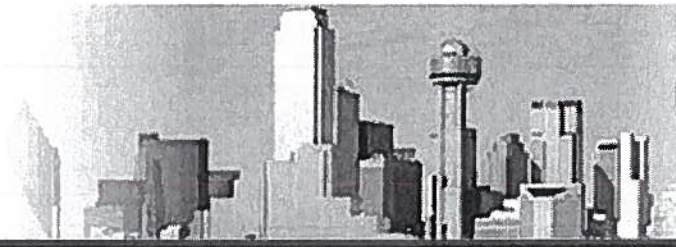


EXHIBIT A

8693 sq. ft. of Lot 21 and all of Lot 22 Block No. 5 City Block 6586 of Hillcrest Havens Addition, Second Installment, and addition to the City of Dallas, Dallas County, Texas according to the Map Thereof recorded in Volume 25 at Page 43 of the Map records of Dallas County, Texas, known as 7107 Brookshire Circle, Dallas, Dallas County, Texas, 75230.



Master Permit - 0506061029

- 0

Property

Street Address

7107 BROOKSHIRE CIR

Status: Permit Expired

Application Date: Jun 6, 2005

Issue Date: Jun 6, 2005

Completed Date: Dec 14, 2007

Applicant

TOM HOLDER

Contractor

HOLDER CONSTRUCTION CO
2743 OAKLAND
GARLAND, TX 75041
972/271-1874

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: CONSTRUCT ACCESSORY STRUCTURE

Land Use Description: SINGLE FAMILY DWELLING

Project

Doing business as:

Activity: (G) Addition

Occupancy: R3

Selling Alcohol:

Dwelling Units: 0

Constr. Type: VB

Dance Floor:

Stories: 2

Bedrooms: 0

Sq Ft

Cost

Bathrooms: 0

New: 1,488

New: \$97,000.00

Sprinkler: (None)

Remodel:

Remodel: \$0.00

Required Parking: 0

Total: 0

Job Value: \$97,000.00

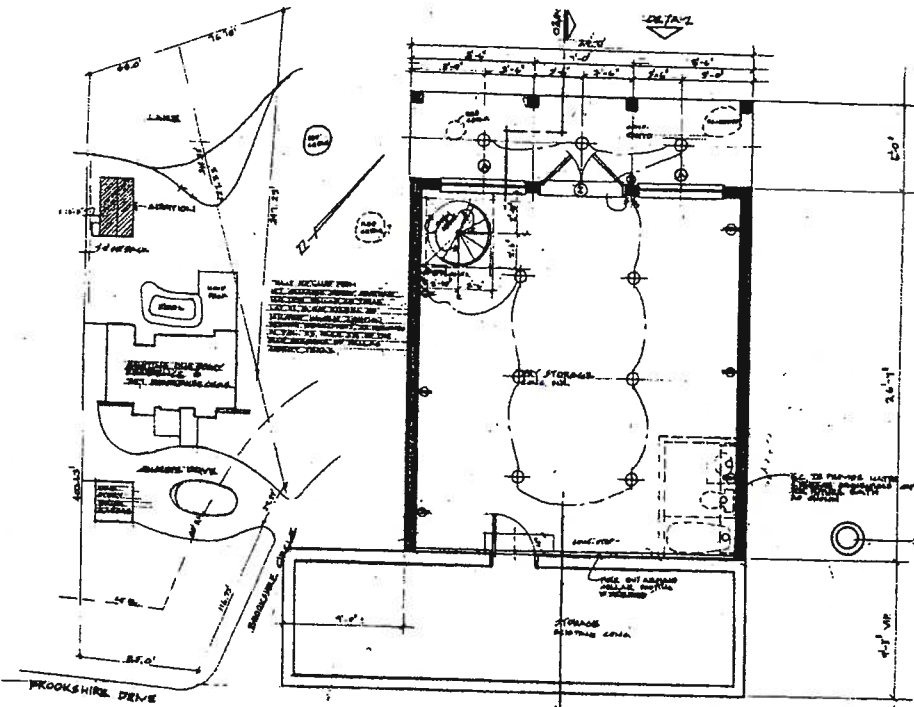
Proposed Parking: 0

CA Not Required:

Subdivision not Required:

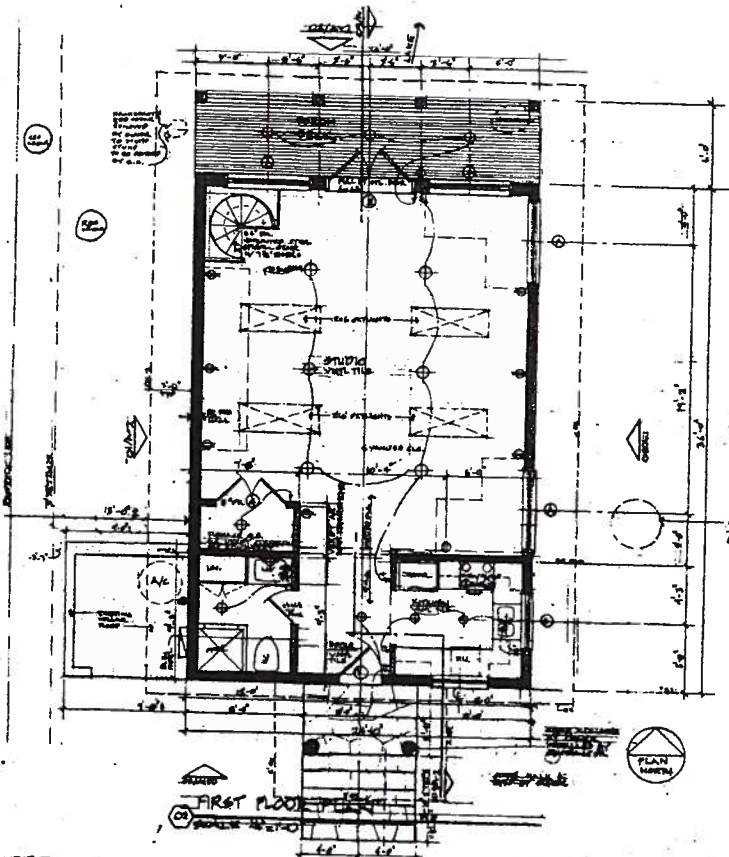
Sustainable Construction and Development | Building Inspection Division | 214/948-4480|www.dallascityhall.com

Validation print

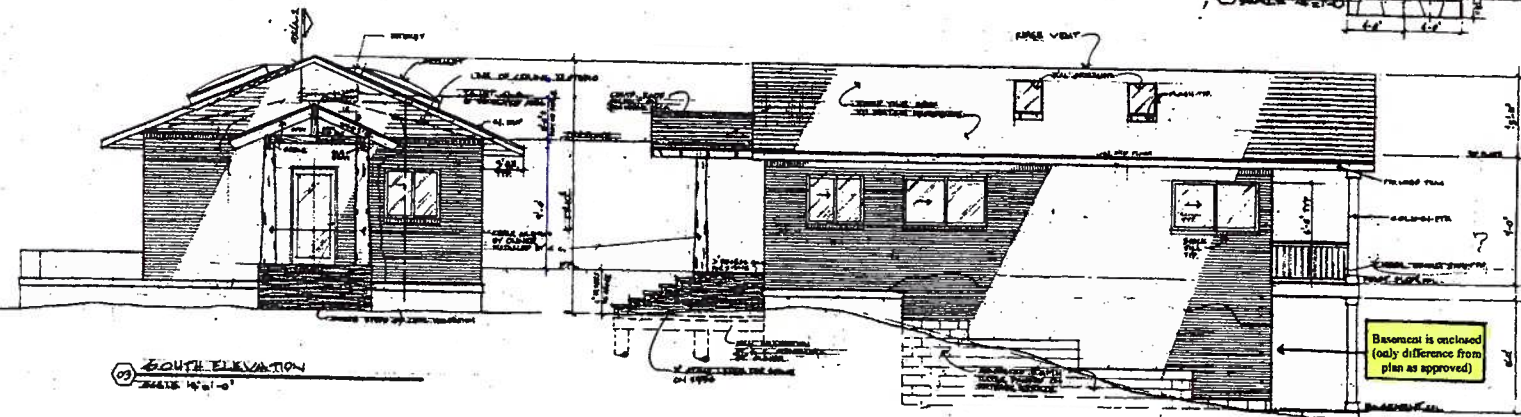


01 SITE PLAN
 SCALE: 1"=20'-0"

02 BASEMENT FLOOR PLAN
 SCALE: 1/8"=1'-0"



03 FIRST FLOOR PLAN
 SCALE: 1/8"=1'-0"



04 SOUTH ELEVATION
 SCALE: 1/8"=1'-0"

05 EAST ELEVATION
 SCALE: 1/8"=1'-0"

NO.	DESCRIPTION	DATE
1	PRELIMINARY	10/1/00
2	REVISED	10/1/00
3	REVISED	10/1/00
4	REVISED	10/1/00
5	REVISED	10/1/00
6	REVISED	10/1/00
7	REVISED	10/1/00
8	REVISED	10/1/00
9	REVISED	10/1/00
10	REVISED	10/1/00

Basement is enclosed
 (only difference from
 plan as approved)

PROPOSED PLAN
 (as-built condition)

WORKING DRAWING
 PRELIMINARY
 10/1/00
 PROJECT: RESIDENTIAL
 THE STUDIO @
 1101 BROOKSHIRE DRIVE
 DALLAS, TX 75241
 PROJECT NO. 001000
 10/1/00



To see all the details that are visible on the screen, use the "Print" link next to the map.



subject structure

BDA 123-013
Attach A
Pg 14



View from the pond, looking south towards Mr. and Mrs. Goodwin's property. This would be the view that the neighbors see from the north side. The subject building is hidden behind the mature trees – the only way you can really locate it is by looking for the white gable towards the top of the trees.



This is another view of Mr. and Mrs. Goodwin's property, from a more oblique angle from the pond. Again note the heavy landscaping and mature trees, creating a very attractive visual screen.



This is a view of a portion of the neighboring property at 7141 Brookshire Drive. As you will see from this and the following photos, Mr. and Mrs. Goodwin are not the only neighbors who have accessory-type structures near the pond. The concrete retaining wall and dam (to the right) are visually unscreened at all.



This is a view of an accessory building, next to the pond, at 7106 Royal Lane. The concrete dam is in the foreground.



This is another view of the dam, the accessory structure at 7106 Royal, and on the right, a portion of the 7114 Royal Lane property. The area with the concrete block retaining wall and the boat pulled up on the bank is the island, as seen on the aerial photo and parcel map, belonging to 7114 Royal Lane and which sits out in about the middle of the pond.



This is another view of the island belonging to 7114 Royal Lane in about the middle of the pond. Besides the boat, the retaining wall, and the metal pipes and chain sitting on the concrete footing, it appears that there are several patio umbrellas, leading one to conclude that the island is used for parties or other events. This is the view from Mr. and Mrs. Goodwin's back yard.



This is a view, taken during construction in 2005, of the pre-existing (1957) bomb shelter built into the slope in Mr. and Mrs. Goodwin's back yard. The structure was built partially on top of this structure.



This is a view taken during construction in 2005, showing the general configuration of the building. The upper portion is the art studio and is indisputably permitted under the 2005 Board approval, as is the general footprint and envelope of the building. The issue is the enclosure of the lower portion of the structure. Recall also that since this photo was taken, heavy landscaping has been installed and the trees in front have reached maturity.



This is a view taken inside the upper portion of the building, showing its use as Mrs. Goodwin's art studio. The porch faces the pond, and you can see the mature trees immediately beyond. In fact, Mr. and Mrs. Goodwin have sacrificed what otherwise would be a clear view of the pond from their porch in allowing the trees to grow to this size, in the interest of providing their neighbors with a visual screen.



This is a view taken inside the lower portion of the building, showing its use as storage. It is obviously unfinished and is not used as studio space, living area, or anything else other than storage.

Dallas Central Appraisal District

****DISCLAIMER: This product is for informational purposes and may not have been prepared for surveying purposes. It does not represent an on-the-ground survey and represents only boundaries.****

Zoom In Zoom Out Pan Identify Parcel Identify Current Year Measure Clear Selection

Layers Legend Print Find

Visible	Active	Layer Name
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Parcel Current Year
<input type="checkbox"/>	<input type="checkbox"/>	Parcel 2012
<input type="checkbox"/>	<input type="checkbox"/>	Parcel 2011
<input type="checkbox"/>	<input type="checkbox"/>	Parcel 2010
<input type="checkbox"/>	<input type="checkbox"/>	Parcel 2009
<input type="checkbox"/>	<input type="checkbox"/>	Parcel 2008
<input type="checkbox"/>	<input type="checkbox"/>	Parcel 2007
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Parcel Dimensions
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Lot Number
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Block Number
<input type="checkbox"/>	<input type="checkbox"/>	Flood Plain (DFIRM 2010)
<input type="checkbox"/>	<input type="checkbox"/>	Flood Plain (DFIRM 2007)
<input type="checkbox"/>	<input type="checkbox"/>	Contours (2 Foot)
<input type="checkbox"/>	<input type="checkbox"/>	Aerial Photo (Feb. 2011)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Freeways
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Road Name
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Railroad
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Streams
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lakes
<input type="checkbox"/>	<input type="checkbox"/>	Neighborhood
<input type="checkbox"/>	<input type="checkbox"/>	Dallas Block
<input type="checkbox"/>	<input type="checkbox"/>	Abstract Boundary
<input type="checkbox"/>	<input type="checkbox"/>	Subdivision Boundary

Click map to Pan ****Not a legal document. For tax purposes only. See complete**

Zoom Bar

© 2003 Dallas Central Appraisal District

BDA 123-013
Attach A
Pg 25

TABLE SHOWING LAND VALUATION INCREASES PER DCAD
 (From 2004, just prior to construction of additional structure, to 2012, most recent year)

<u>Property Address</u>	<u>Owner Name</u>	<u>Appraisal Year</u>	<u>DCAD Market Value</u>			<u>2004 to 2012 Land Increase</u>
			<u>Land</u>	<u>Improvements</u>	<u>Total</u>	
7141 Brookshire	Schultz	2004 2012	\$315,000 \$934,590	\$377,190 \$321,390	\$692,190 \$1,102,985	\$619,590
7052 Royal Lane	Burns	2004 2012	\$210,000 \$459,880	\$128,740 \$ 86,800	\$338,740 \$546,680	\$249,880
7106 Royal Lane	Jaggi	2004 2012	\$210,000 \$618,680	\$185,990 \$145,880	\$395,990 \$764,560	\$408,680
7114 Royal Lane	Mazziotta	2004 2012	\$210,000 \$514,250	\$295,000 \$109,720	\$505,000 \$623,970	\$304,250
7122 Royal Lane	Watson	2004 2012	\$210,000 \$370,880	\$217,570 \$147,400	\$427,570 \$518,280	\$160,880
7130 Royal Lane	Mayhew	2004 2012	\$210,000 \$444,210	\$211,250 \$163,270	\$421,250 \$607,480	\$234,210
7127 Brookshire	Labar	2004 2012	\$297,500 \$546,090	\$134,600 \$ 82,910	\$432,100 \$629,000	\$248,590
7121 Brookshire	LaBarba	2004 2012	\$297,500 \$487,470	\$292,880 \$195,790	\$590,380 \$683,260	\$189,970
7115 Brookshire	Lloyd	2004 2012	\$297,500 \$553,630	\$247,500 \$468,370	\$545,000 \$1,022,000	\$256,130
7107 Brookshire	Goodwin	2004 2012	\$315,000 \$962,030	\$292,160 \$291,580	\$607,160 \$1,253,610	\$647,030

Leslie & Howard Schultz

7141 Brookshire Dr
Dallas TX 75230

January 3, 2013

Nadara & Tom Goodwin
7107 Brookshire Circle
Dallas, TX 75230

Dear Nadara & Tom,

We understand you have petitioned the City of Dallas to allow a second dwelling (i.e. Nadara's Studio) to become a permanent structure on its present location.

We understand there will be deed restrictions to prevent anyone from living in the studio.

We also do not feel the studio in anyway affects the value of our property.

We support your request and ask the City of Dallas to grant you the variance.

Sincerely,

A handwritten signature in cursive script that reads "Howard & Leslie Schultz". The signature is written in black ink and is positioned below the typed name "Leslie & Howard Schultz".

Julie & Stefan Lloyd

7115 Brookshire Circle
Dallas TX 75230

January 3, 2013

Nadara & Tom Goodwin
7107 Brookshire Circle
Dallas, TX 75230

Dear Nadara & Tom,

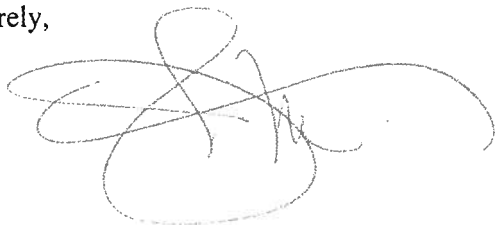
We understand you have petitioned the City of Dallas to allow a second dwelling (i.e. Nadara's Studio) to become a permanent structure on its present location.

We understand there will be deed restrictions to prevent anyone from living in the studio.

We also do not feel the studio in anyway affects the value of our property.

We support your request and ask the City of Dallas to grant you the variance.

Sincerely,

A handwritten signature in black ink, appearing to be 'Julie & Stefan Lloyd', written over a large, faint circular stamp or watermark.

Stanton & Audrey Unell

7148 Brookshire Dr
Dallas TX 75230

January 3, 2013

Nadara & Tom Goodwin
7107 Brookshire Circle
Dallas, TX 75230

Dear Nadara & Tom,

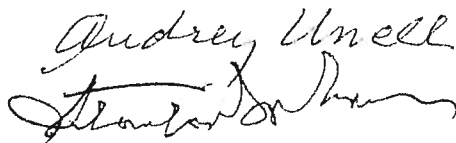
We understand you have petitioned the City of Dallas to allow a second dwelling (i.e. Nadara's Studio) to become a permanent structure on its present location.

We understand there will be deed restrictions to prevent anyone from living in the studio.

We also do not feel the studio in anyway affects the value of our property.

We support your request and ask the City of Dallas to grant you the variance.

Sincerely,

Handwritten signatures of Audrey Unell and Stanton Goodwin.

A



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-013

Data Relative to Subject Property:

Date: 12-21-12

Location address: 7107 Brookshire Circle Zoning District: R-16(A)

Lot No.: 22 and part of 21 Block No.: 5/6586 Acreage: 1.21 Census Tract: 0.131.02

Street Frontage (in Feet): 1) 86.23 2) 140.67 3) _____ 4) _____ 5) _____

NEAS

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Thomas A. Goodwin III and Nadara T. Goodwin

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

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

Represented by: Jackson Walker L.L.P. / Jonathan G. 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 X, of to the single-family regulations of Sec. 51A-4.209(6)(E) of the Dallas Development Code, to permit construction and maintenance of the existing accessory structure which is the subject of this appeal. (additional dwelling unit). JGV

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

The special exception will not allow the additional "dwelling unit" to be used as rental accommodations, nor will it adversely affect neighboring property. This is simply to permit continued enclosure of the bottom portion of the structure, which has been present in this condition since 2005 and adversely affects no one.

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.

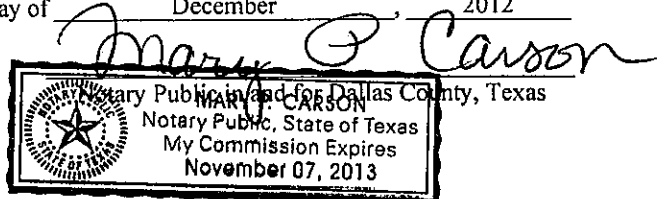
Respectfully submitted: Jackson Walker L.L.P. By: Jonathan G. Vinson Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Johnathan 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 21st day of December, 2012



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

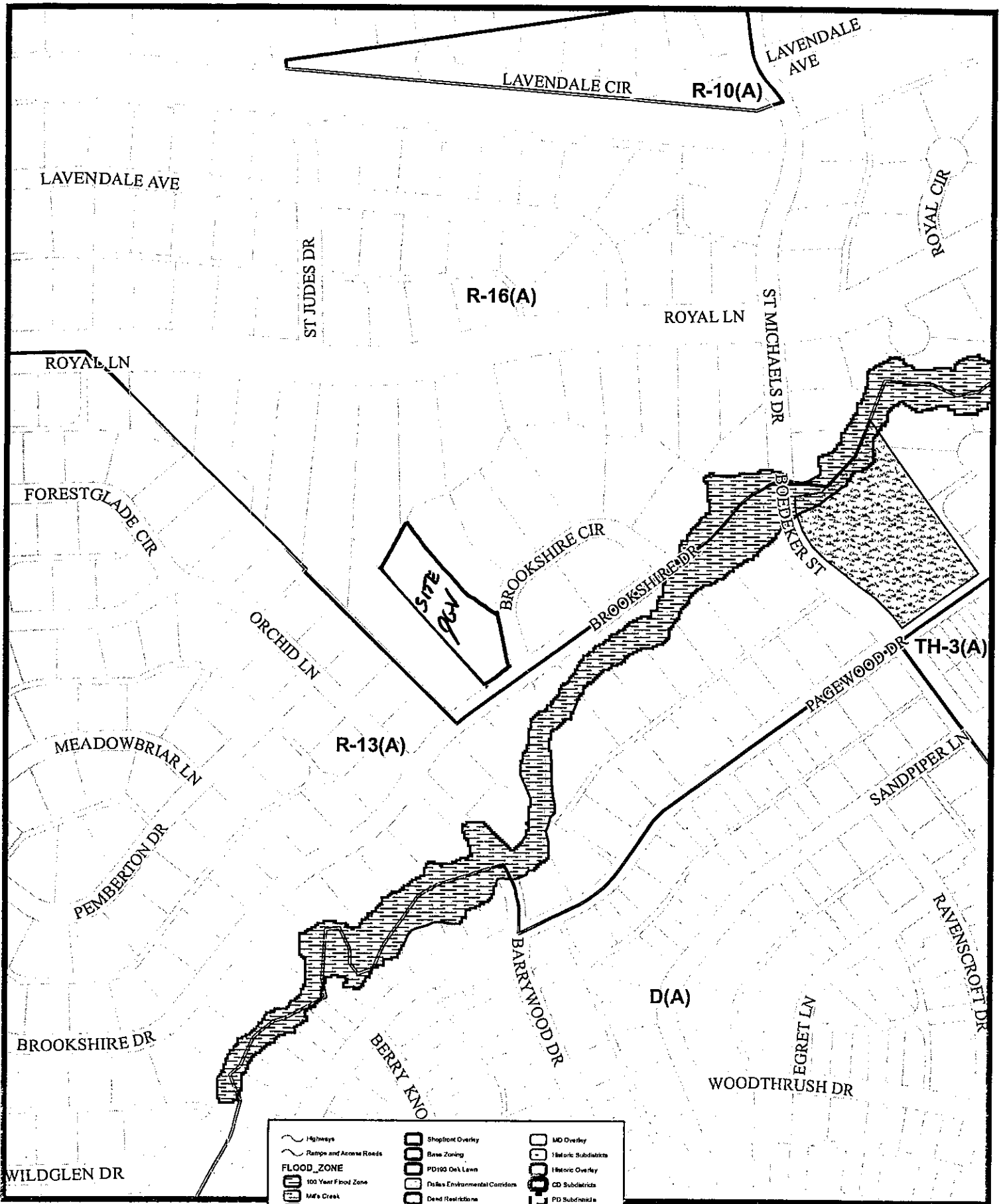
I hereby certify that Jonathan Vinson

did submit a request for a special exception to the single family regulations
at 7107 Brookshire Circle

BDA123-013. Application of Jonathan Vinson for a special exception to the single family use regulations at 7107 Brookshire Circle. This property is more fully described as Lot 22 and part of Lot 21, Block 5/6586, and is zoned R-16(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,


Larry Holmes, Building Official

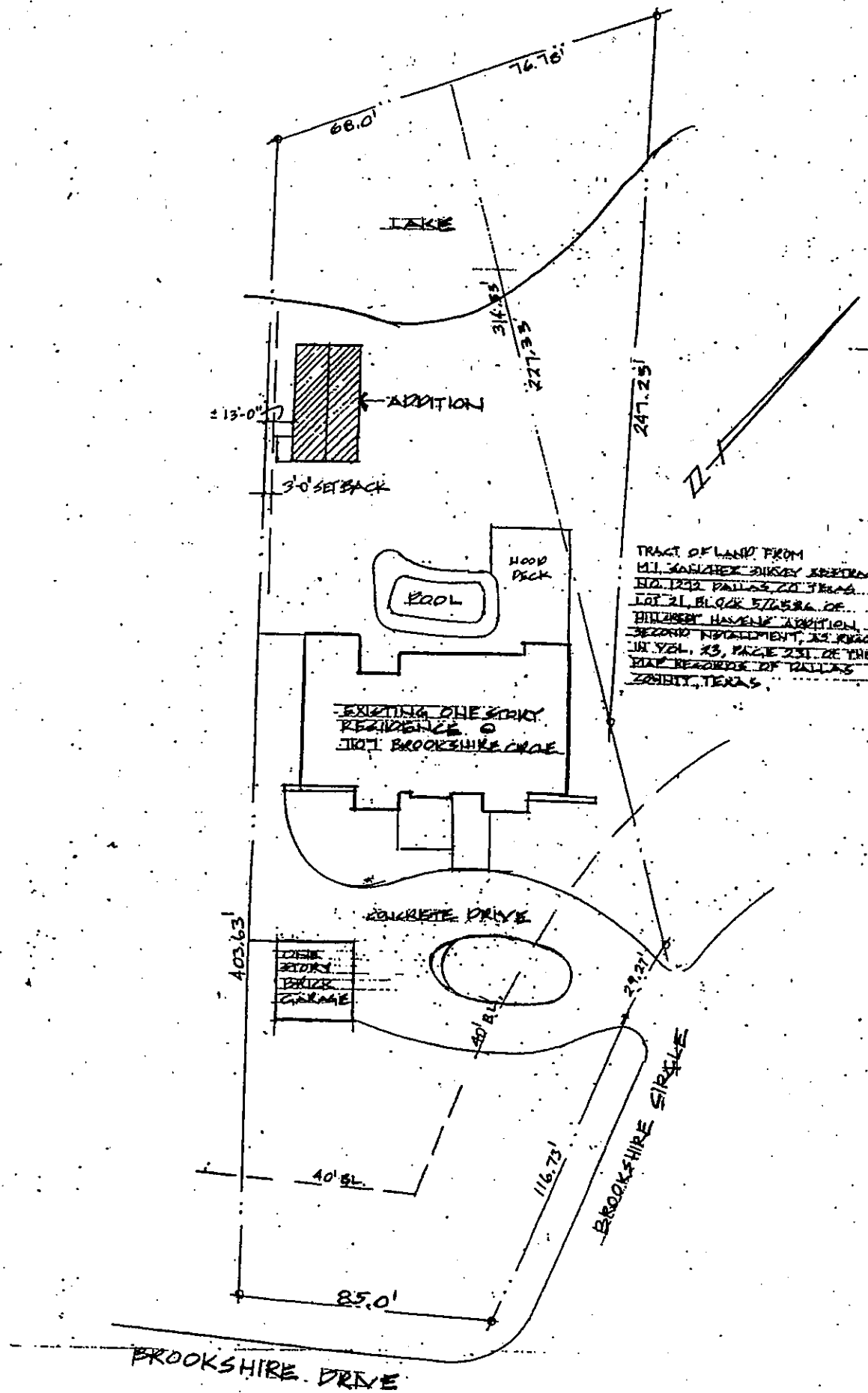


FLOOD_ZONE		



1:3,600

Case ID:
Printed: 12/18/2012



TRACT OF LAND FROM
 M.L. GANLICK SURVEY SHOWING
 NO. 1232 PALLAS ZONING
 LOT 21, BLOCK 572526 OF
 BRIDGES HAS BEEN ADDED
 SECOND REZONING, AS SHOWN
 IN VOL. 23, PAGE 231 OF THE
 CITY RECORDS OF DALLAS
 COUNTY, TEXAS.

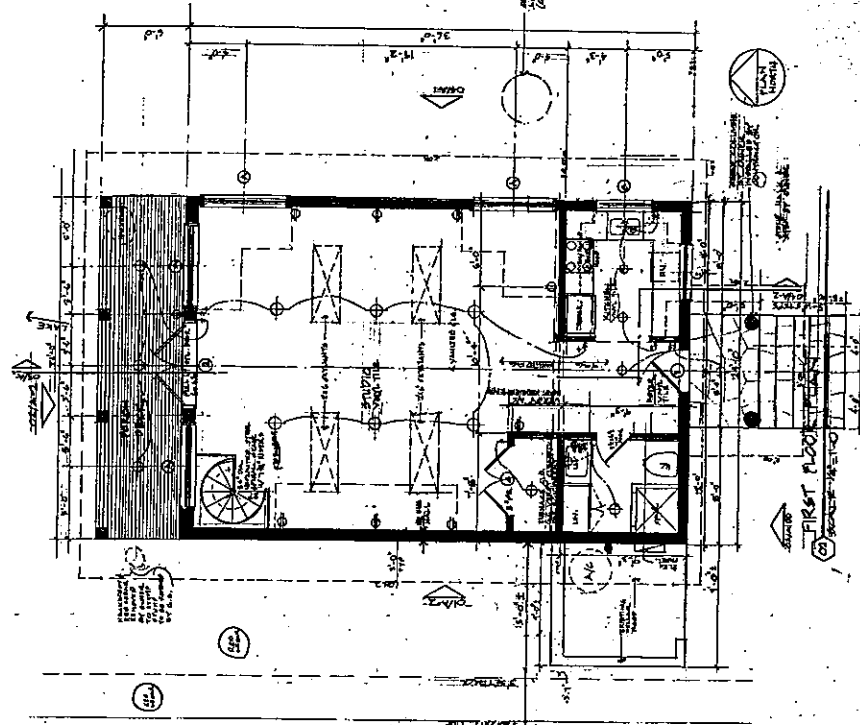
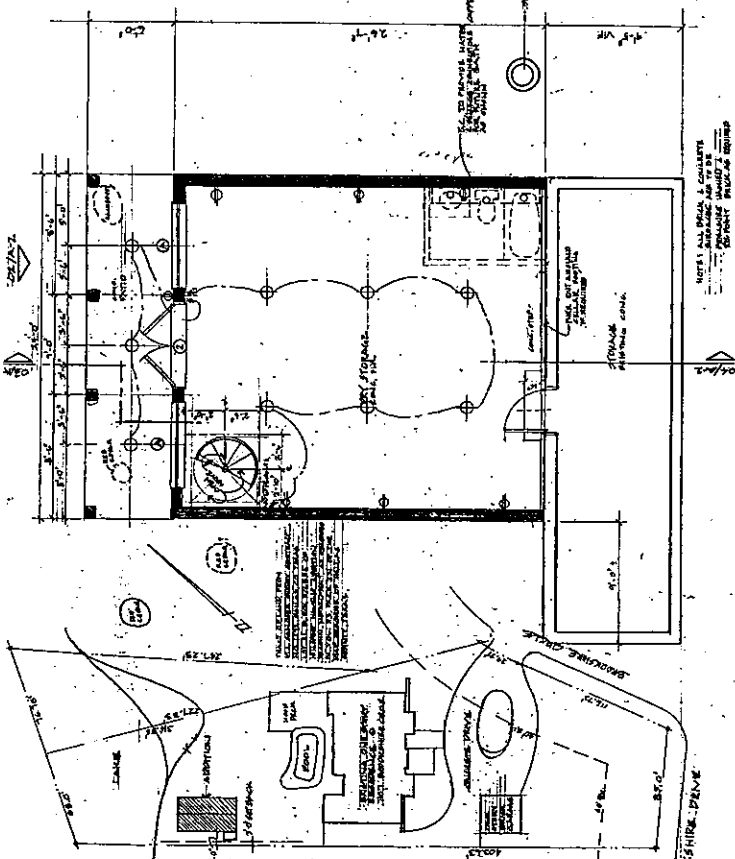
EXISTING ONE STORY
 RESIDENCE @
 1011 BROOKSHIRE DRIVE

DISK
 ROOM
 BATH
 GARAGE

2-9

SITE PLAN

SCALE: 1" = 40'-0"



PLAN NORTH

FIRST FLOOR

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BRIDGE STREET

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

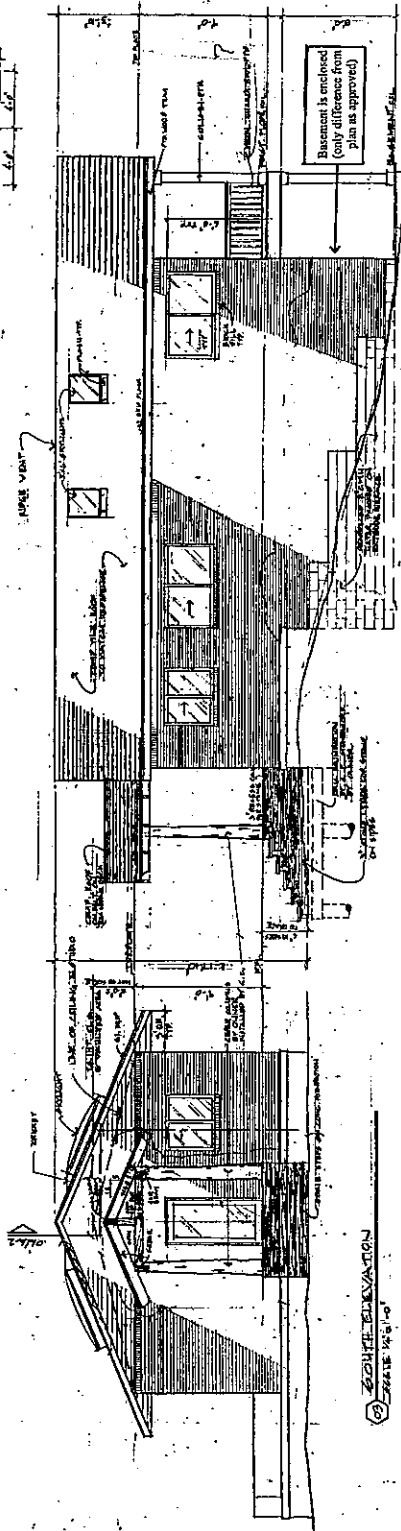
BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN



WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

WEST ELEVATION

NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE	100	CU YD	120.00	12000.00
2	STEEL	50	TON	200.00	10000.00
3	BRICK	1000	SQ YD	10.00	10000.00
4	ROOFING	100	SQ YD	10.00	1000.00
5	PAINT	100	GA	10.00	1000.00
6	LABOR	1000	HOUR	10.00	10000.00
7	PERMITS	1	SET	1000.00	1000.00
8	INSURANCE	1	MONTH	100.00	100.00
9	UTILITIES	1	MONTH	100.00	100.00
10	CONTINGENCY	1	PERCENT	1000.00	1000.00
TOTAL					44000.00

PROPOSED PLAN (as-built condition)

THE STUDIO
1000 BRIDGE STREET
DALLAS, TEXAS 75201
ARCHITECTS



 1:2,400	<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;">23</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	23	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-013 Date: 1/25/2013
200'	AREA OF NOTIFICATION					
23	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-013

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7107 BROOKSHIRE CIR	GOODWIN THOMAS A III
2	7110 BROOKSHIRE DR	JENKINS JOHN W & INGRID M
3	7140 BROOKSHIRE DR	KORNGUT IRWIN S & DEBRA A KORNGUT
4	7148 BROOKSHIRE DR	UNELL STANTON M
5	7204 BROOKSHIRE DR	SANDERS CHESTER & BETTY
6	7214 BROOKSHIRE DR	LOROCCO PAUL & LOUISE
7	7059 ORCHID LN	LARAKI FAYCAL
8	7051 ORCHID LN	KITTLESON TERRY G & KATHLEEN M KITTLESON
9	7043 ORCHID LN	CHARALAMBOPOULOS GEORGE
10	7035 ORCHID LN	CLARK NATHAN V
11	7027 ORCHID LN	FULTON STEVE & SHEILAGH
12	7017 ORCHID LN	WONG RAUL JR & REBECCA P
13	7052 ROYAL LN	BURNS DIANA S
14	7106 ROYAL LN	JAGGI LEWIS R & SUSANA
15	7114 ROYAL LN	MAZZIOTTA JON
16	7122 ROYAL LN	WATSON TERRY R
17	7130 ROYAL LN	MAYHEW HERMAN W III ET AL
18	7127 BROOKSHIRE CIR	LABAR JAMES A & DARLINE
19	7121 BROOKSHIRE CIR	LABARBA JASON & LIANE H
20	7115 BROOKSHIRE CIR	LLOYD STEFAN & JULIE
21	7141 BROOKSHIRE DR	SCHULTZ HOWARD H
22	7122 BROOKSHIRE CIR	SMITH MELISSA L & GREGORY D
23	7134 BROOKSHIRE CIR	WENGIERSKI SALLY L

FILE NUMBER: BDA 123-016

BUILDING OFFICIAL'S REPORT:

Application of Leon Backes, represented by Gladys Bowens of Masterplan Consultants, for a special exception to the tree preservation regulations at 9701 N. Central Expressway. This property is more fully described as part of Lot 1, Block S/5455 and is zoned PD-750, which requires mandatory landscaping and tree mitigation. The applicant proposes to provide an alternate plan for tree mitigation, which will require a special exception to the tree preservation regulations.

LOCATION: 9701 N. Central Expressway

APPLICANT: Leon Backes,
Represented by Gladys Bowens of Masterplan Consultants

REQUEST:

A special exception to the tree preservation regulations is requested in conjunction with the removal of trees on an undeveloped site, and not fully complying with the Chapter X: Tree Preservation Regulations of the Dallas Development Code.

STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. The time period in which the applicant has to fully mitigate protected trees removed on the site is 60 months from the February 19, 2013.
2. A letter of credit or performance bond must be provided to the building official within 90 days from February 19, 2013. The letter of credit must be for the total cost of purchasing and planting replacement trees for mitigation remaining on the date the letter of credit or performance bond is provided. The letter of credit or performance bond may not expire until 60 days after the end of the 60 month time period in which to complete mitigation. The expiration date may be amended if mitigation is completed earlier in the 60 month time period to complete mitigation.

Rationale:

- The applicant has substantiated:
 - How strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code (specifically related to the additional time to complete tree mitigation of protected trees removed on the site) will unreasonably burden the use of the property; and
 - That the special exception will not adversely affect neighboring property.
- The City's Chief Arborist recommends approval of the request with the conditions imposed noted in this case report.

BACKGROUND INFORMATION:

Zoning:

Site: PD 750 (Planned Development)
North: MF-2(A), MU-3, & GO(A) (Multifamily residential, mixed use, and general office)
South: PD 121 (Planned Development)
East: MU-1 (Mixed Use)
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

The subject site is undeveloped. The areas to the north and south are developed with a mix of residential and nonresidential uses; the area to the east is the North Central Expressway; and the area to the west is developed with single family uses.

Zoning/BDA History:

1. BDA 123-025, Property at 9701N. Central Expressway (the subject site) On February 19, 2013, the Board of Adjustment Panel A will consider an appeal has been made requesting that the Board of Adjustment reverse/overturn the Administrative Official's (David Cossum, Assistant Director of Sustainable Development and Construction Current Planning Division) January 25, 2013 decision to refuse to submit a development plan to the City Plan Commission submitted by the applicant for Tract E-1 of Planned Development No. 750

Timeline:

November 30, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 14, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

January 14, 2013: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 8th 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.

February 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

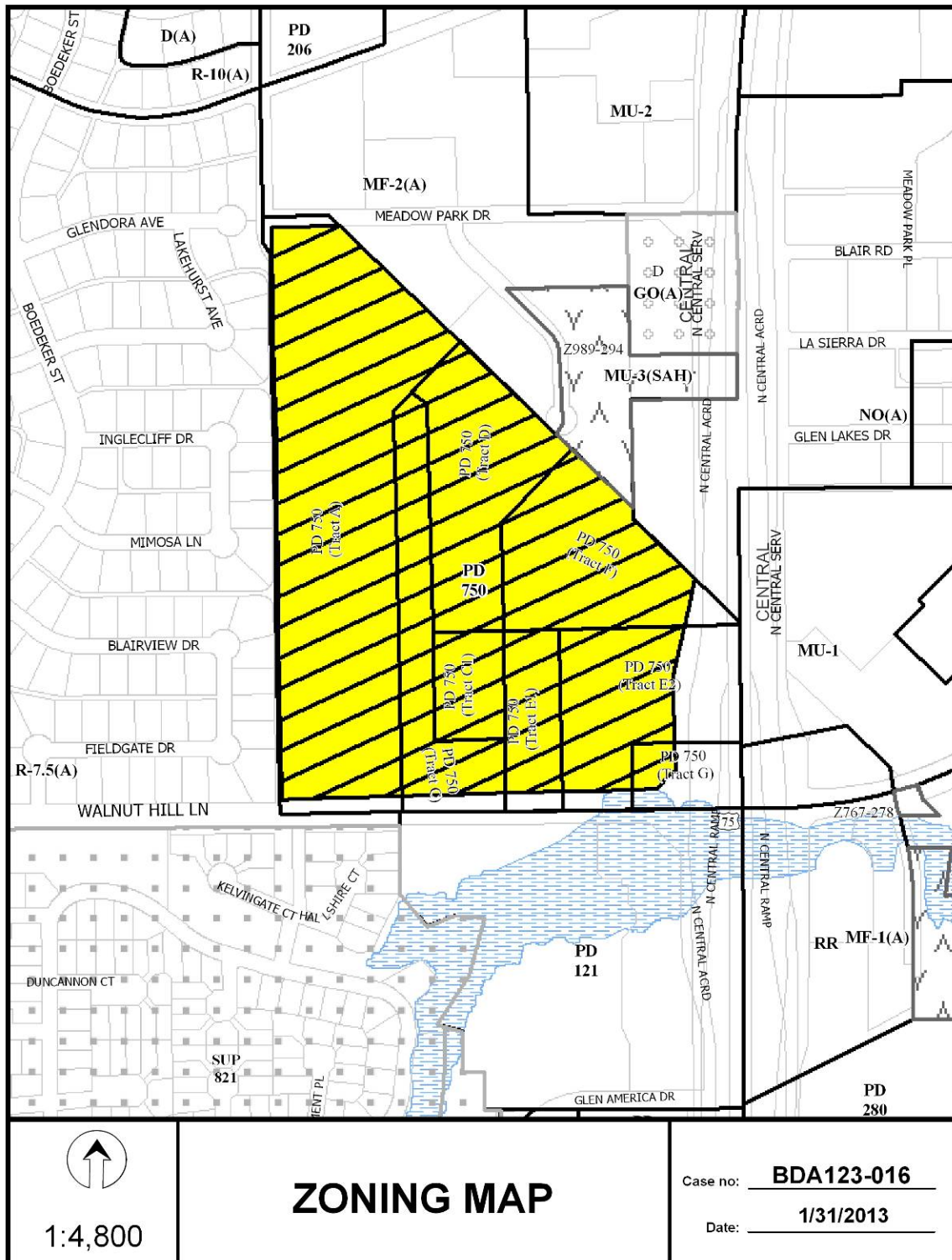
No review comment sheets with comments were submitted in conjunction with this application.

February 8, 2013: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- The request focuses on obtaining additional time to mitigate protected trees removed on this site beyond the 6 - 18 month Article X timeframe from when a tree removal permit was issued on this site in September of 2007.
- An application has been made “for extension of time to complete mitigation pertaining to 10.134.5 – a 60-month extension beginning after board approval” on a property that is undeveloped.
- The Dallas Development Code requires full compliance with the Tree Preservation Regulations with new construction or with increasing non-permeable coverage by more than 2,000 square feet.
- The property owner can comply with tree preservation regulations by mitigating the removed trees in any of the alternative methods provided for in Article X: planting within one mile of the Property, donating trees to the Park Department, forming a conservation easement on property within city limits, and/or paying into the Reforestation Fund.
- The City of Dallas Chief Arborist submitted a memo regarding this request to the Board Administrator (see Attachment A). The memo stated among other things that the site has changed ownership since the time of tree removal, that a portion of the site is in review for development, and how the tree removal permit issued on the property in 2007 was for the removal of over 400 protected trees.
- The City of Dallas Chief Arborist recommends approval of the applicant’s request in which to fully mitigate the protected trees removed on the site within 60 months from the board’s February 19th hearing date with the following additional condition being imposed:
 - A letter of credit or performance bond must be provided to the building official within 90 days after board of adjustment approval of the requested extension of time in which to mitigate. The letter of credit must be for the total cost of purchasing and planting replacement trees for mitigation remaining on the date the letter of credit or performance bond is provided. The letter of credit or performance bond may not expire until 60 days after the end of the 60 month time period in which to complete mitigation. The expiration date may be amended if mitigation is completed earlier in the 60 month time period to complete mitigation.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code (i.e. mitigating all protected trees removed on the site within 30 days – 18 months from removal) will unreasonably burden the use of the property.
 - The special exception (allowing for an extension of the time period in which to fully mitigate protected trees removed on the site in 2007) will not adversely affect neighboring property.

- If the Board chooses to grant this request with the suggested conditions imposed, the applicant's only exception to the Tree Preservation Regulations would be that of timing in which to fully mitigate protected trees removed on the site.





1:4,800

AERIAL MAP

Case no: **BDA123-016**

Date: **1/31/2013**

Memorandum



CITY OF DALLAS

DATE February 8, 2013

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 123 · 016 9701 North Central Expressway

The applicant is requesting a special exception to the tree preservation regulations of Article X of the Dallas Development Code. Specifically, the applicant is requesting a special exception of Section 51A-10.134, for "Timing." The applicant requests a time extension of 60 months from the date of board approval to complete all tree mitigation requirements.

Trigger

Tree removal per permit in conjunction with demolition, grading, and clearing of the property in preparation for construction. A tree removal permit was issued September 14, 2007.

Deficiencies

The site is currently in violation of the timing requirements of Article X, Section 51A-10.134(5).

Factors

The site has changed ownership since the time of tree removal and a portion of the property is in review for new development.

The tree removal permit identified the removal of over 400 protected trees composing 7,742 caliper inches.

According to our data, 8,125 caliper inches of protected and healthy trees were on the property prior to 2008. This amount accounts for trees that were left on the property after demolition, and trees that were transplanted on site for future planting that has since died. The maximum potential mitigation requirement is now listed as 8,125 inches from 423 protected and healthy trees, with a current replacement value (RV) of \$631,746.00. This mitigation would be reduced for any protected tree preserved on site, under the conditions of PD 750, and for inches replaced on the property.

The property is in the planned development district 750. All landscaping and tree mitigation is governed by Section 51P-750.114, 'Landscaping and Screening', which refers to Article X for tree mitigation, with amendments for tree preservation. The timing provision is not amended in the ordinance.

All methods of tree mitigation under Article X, Section 51A-10.134 and 10.135 are available to the property owner.

Article X requires 'all replacement trees must be planted' within 30 days after removal, or within 6 months with an affidavit, or within 18 months with a letter of credit or performance bond (Section 51A-10.134). The performance bond or letter of credit is an amount of the total cost of purchasing and planting replacement trees.

Recommendation

I recommend approval of the request to extend the required mitigation date to 60 months from the date of approval by the board because strict compliance with the provisions of Article X will unreasonably burden the use of the property in that mitigation cannot be reasonably placed on the property until development occurs.

I further recommend the following conditions:

A letter of credit or performance bond must be provided to the building official within 90 days after board of adjustment approval of the requested extension of time. The letter of credit or performance bond must be for the total cost of purchasing and planting replacement trees for the mitigation remaining on the date the letter of credit or performance bond is provided. The letter of credit or performance bond may not expire until 60 days after the end of the 60 month time period to complete mitigation. The expiration date may be amended if mitigation is completed earlier than the 60 month time period to complete mitigation.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-016

Data Relative to Subject Property:

Date: 11-30-12

Location address: 9701 and 9707 North Central Expressway Zoning District: PD-750

Lot No.: Pt. Lot 1 Block No.: S/5455 Acreage: 42.1484 Census Tract: 131.034

Street Frontage (in Feet): 1) 539.82' 2) 640' 3) _____ 4) _____ 5) _____

NEAS

To the Honorable Board of Adjustment :

Owner of Property/or Principal: 75 and Walnut Hill, LLC

Applicant: Leon Backes Telephone: 972-239-8500

Mailing Address: 5400 L.B.J. Freeway, Suite 975, Dallas, TX Zip Code: 75240

Represented by: Masterplan Consultants/Gladys Bouens Telephone: 214-761-9197

Mailing Address: 900 Jackson Street, Suite 640, Dallas, TX Zip Code: 75202

Affirm that a request has been made for a Variance , or Special Exception , of Tree Preservation Ordinance for extension of time to complete mitigation pertaining to 10.134.5 - a 60-month extension beginning after board approval is requested.

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 Tree Preservation Ordinance does not provide for phasing of mitigation on larger projects which are built in phases

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: Leon Backes Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Leon Backes, Manager of 75 and Walnut Hill, LLC who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Affiant (Applicant's signature)

Subscribed and sworn to before me this 11th day of December



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

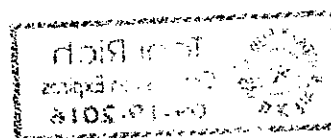
Building Official's Report

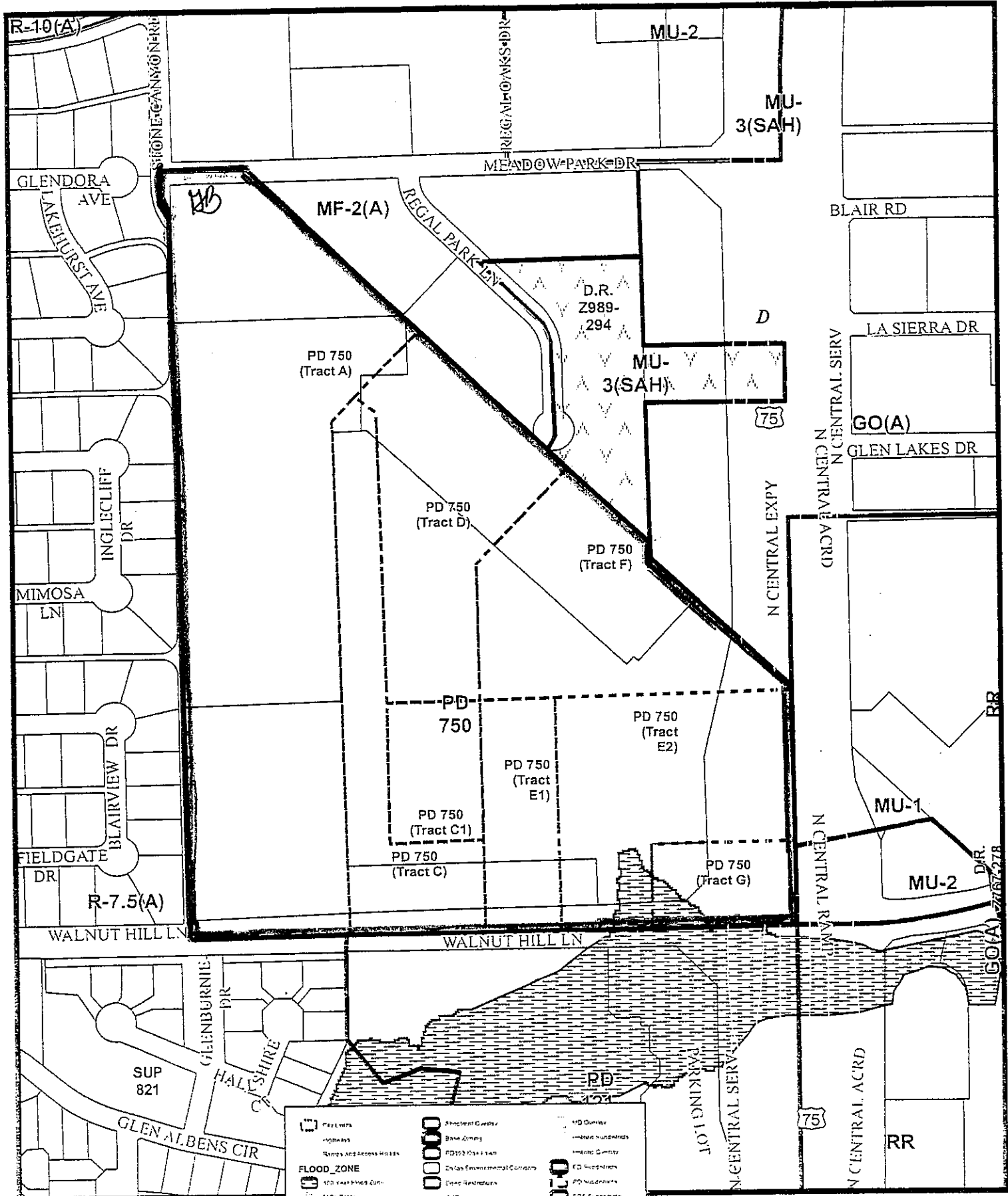
I hereby certify that Leon Backes
represented by Gladys Bowens
did submit a request for a special exception to the landscaping regulations
at 9701 N. Central Expy.

BDA123-016. Application of Leon Backes represented by Gladys Bowens for a special exception to the landscaping regulations at 9701 N. Central Expressway. This property is more fully described as part of Lot 1, Block S/5455 and is zoned PD-750, which requires mandatory landscaping. The applicant proposes to provide an alternate landscape plan for tree mitigation, which will require a special exception to the landscape and tree preservation regulations.

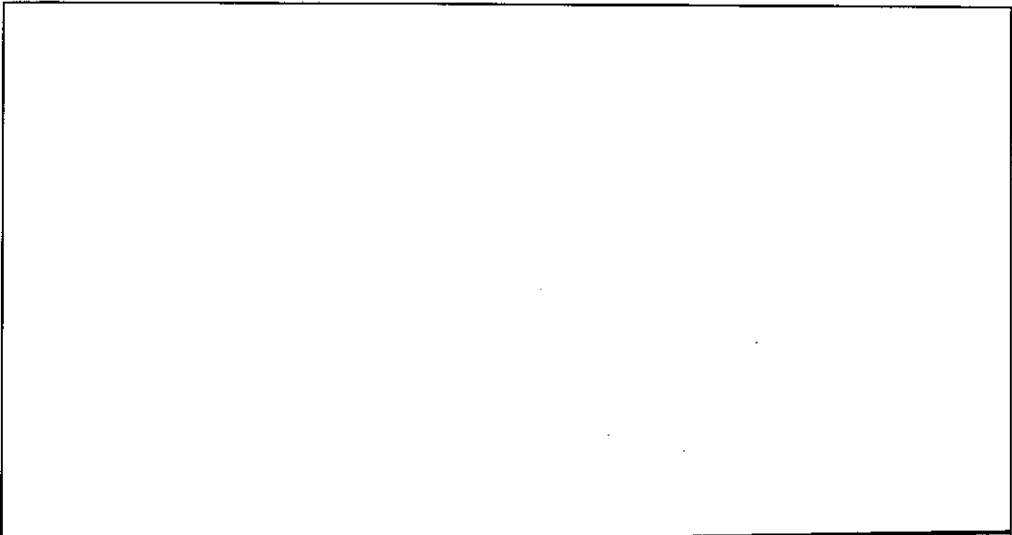
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official

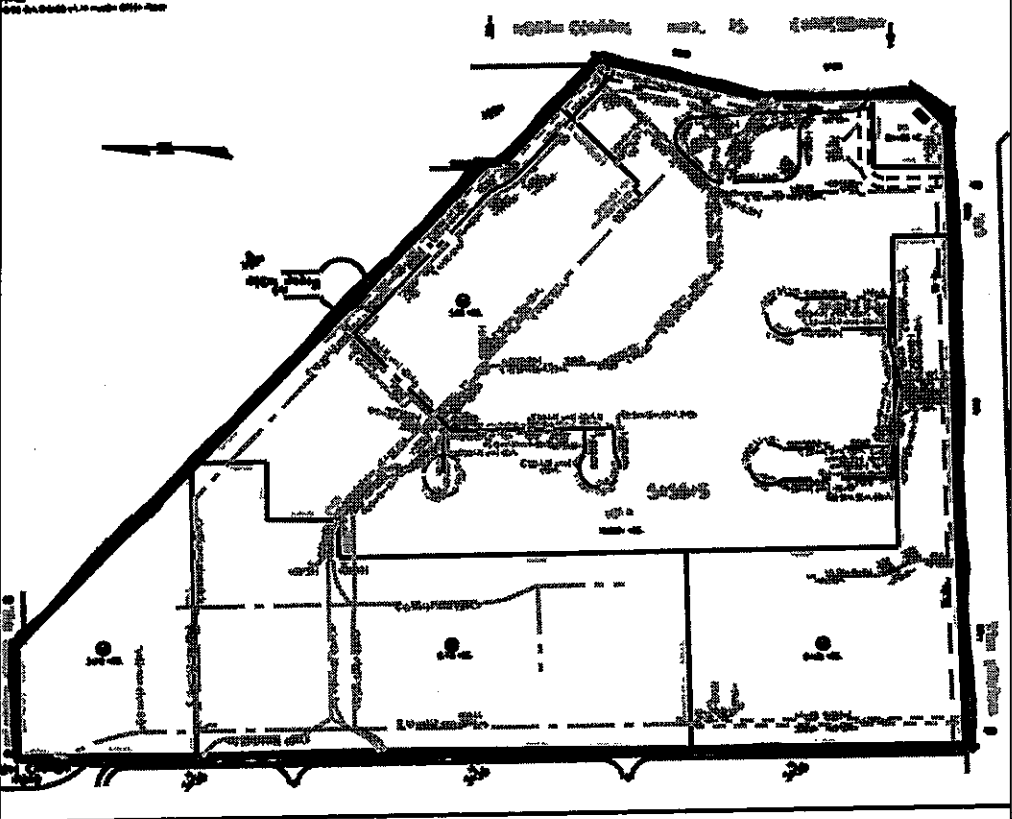




Printed Date: 8/10/2012
Case ID:



CITY OF DALLAS PLAT BOOKS
INDEXED: 100-1-100 ORD. NO. 5100 ADDITION: 2011-01-01 BLOCKS: 3
TRACED BY: C.S. GIBSON ASST. MR SCALE: 1/8" = 1'-0" SCHOOL DISTRICT: 10



SB

STATEMENT OF INTENT

The request is for a 60-month extension of time to complete tree mitigation for a phased development. The Tree Preservation Ordinance does not address mitigation relative to larger phased developments but requires all mitigation to be completed within 6 months. To comply with this provision will require the unnecessary planting and removal of trees as development occurs.

The development is proposed to be phased over a period of time and will not occur at once. In order to obtain certificates of occupancy for the restaurants and Trader Joe's, which are part of the Phase 1 development, mitigation must be resolved. This extension of time will allow mitigation to occur throughout the development onsite and as development occurs on the various tracts of land.

Potential Plant Material List:
 Trees: October Glory Maple, Chinquapin Oak, Cape Myrtle, Chinese Pistachio, Live Oak;
 Shrubs: Green Cloud Texas Sage;
 Accent Shrubs / Annuals / Ornamental Grasses: Red Yucca, Mexican Feather Grass, Red Drift Rose;
 Groundcover / Low-lying Dwarf Rueellia, Asian Jasmine.

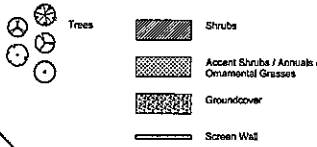
LANDSCAPE DEVELOPMENT PLAN
 MITIGATION CHART

1. Total Mitigation Required	8096	Caliper Inches
2. 80% Mitigation via off Site Conservation Easement	6477	Caliper Inches
20% Mitigation Comprising through the rest of the Site	1619	Caliper Inches
3. Total Trees Provided in Phase 1A	55	Trees
Total Trees Provided along West Property Line	63	Trees
Total Caliper Inches Provided	463	Caliper Inches
4. Remaining amount of Caliper Inches to be Provided throughout the Development of the Rest of the Site	1156	Caliper Inches

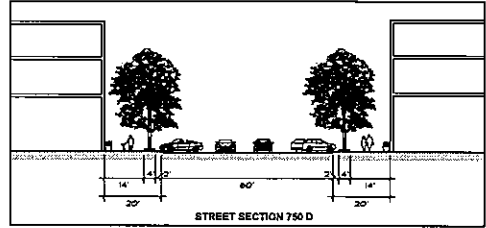
LANDSCAPE DEVELOPMENT PLAN
 CHART FOR PHASE 1A

Total Land Area Considered in this Phase	97,280	S.F.
20% Landscape Requirement for Phase 1A	19,456	S.F.
Landscape Total	59,737	S.F.
A. Public Right of Way Landscape Area	2274	S.F.
B. Landscape within the Phase 1A Limit of Work	22,417	S.F.
C. Landscape Area along West Property Line of the District	37,320	S.F.
D. Street Trees Required along Walnut Hill Lane 743 LF @ 30' O.C.	24.5	Trees Required - 4" Cal. Min
E. Street Trees Required in Tracts C, E1, E2, G 1213 LF @ 30' O.C.	25	Trees Provided - 4" Cal.
F. Street Trees Required along West Property Line of the District 1856 LF @ 30' O.C.	40.4	Trees Required - 4" Cal. Min
	48	Trees Provided - 4" Cal.
	62.2	Trees Required - 4" Cal. Min
	63	Trees Provided - 4" Cal.
Hardscape		
A. Public Right of Way Hardscape Area	4,129	S.F.
B. Hardscape within the Phase 1A Limit of Work	13,588	S.F.

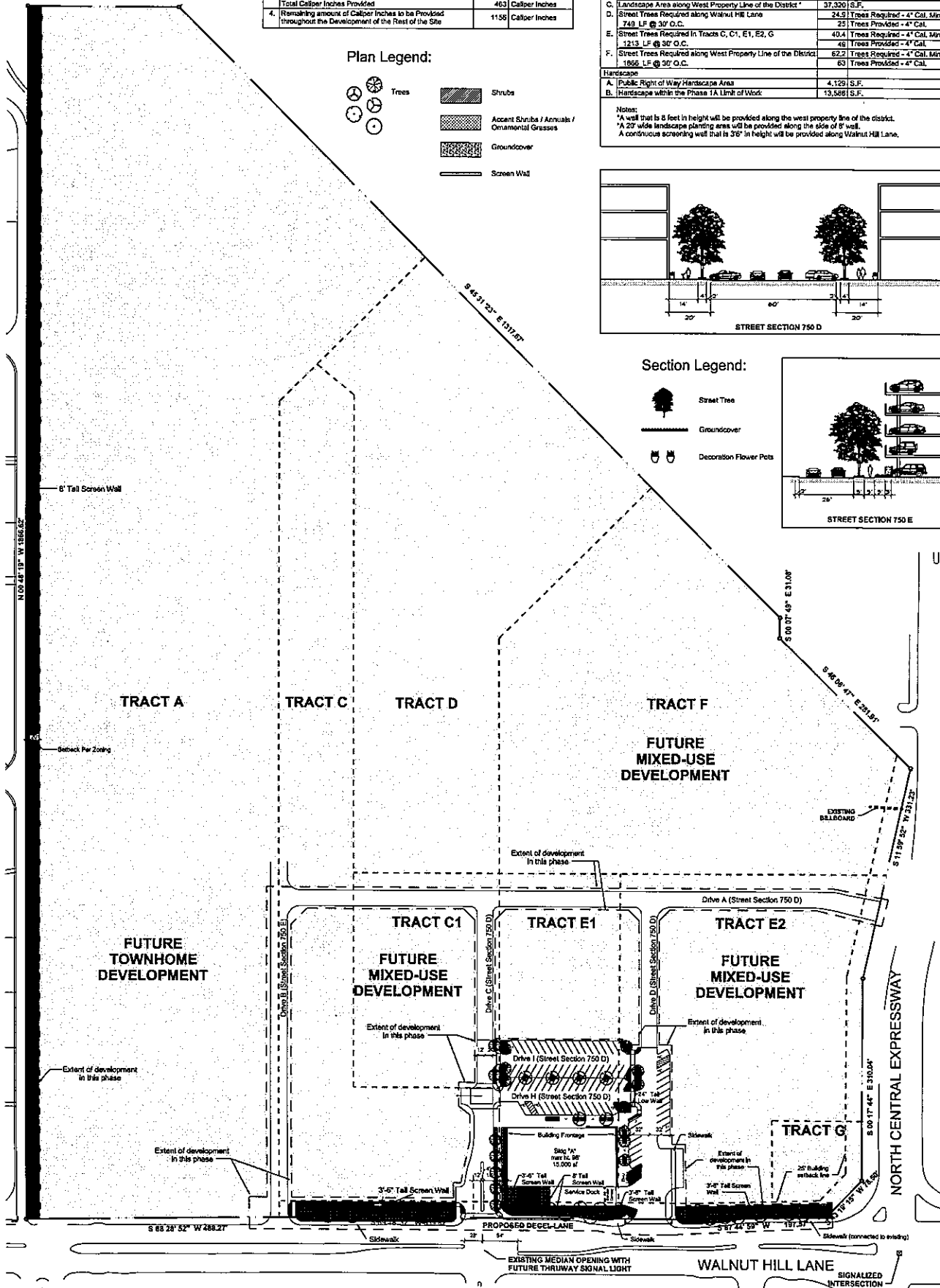
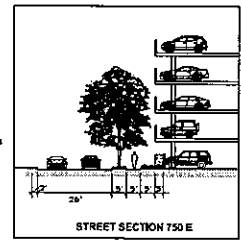
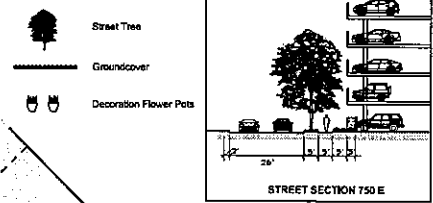
Plan Legend:

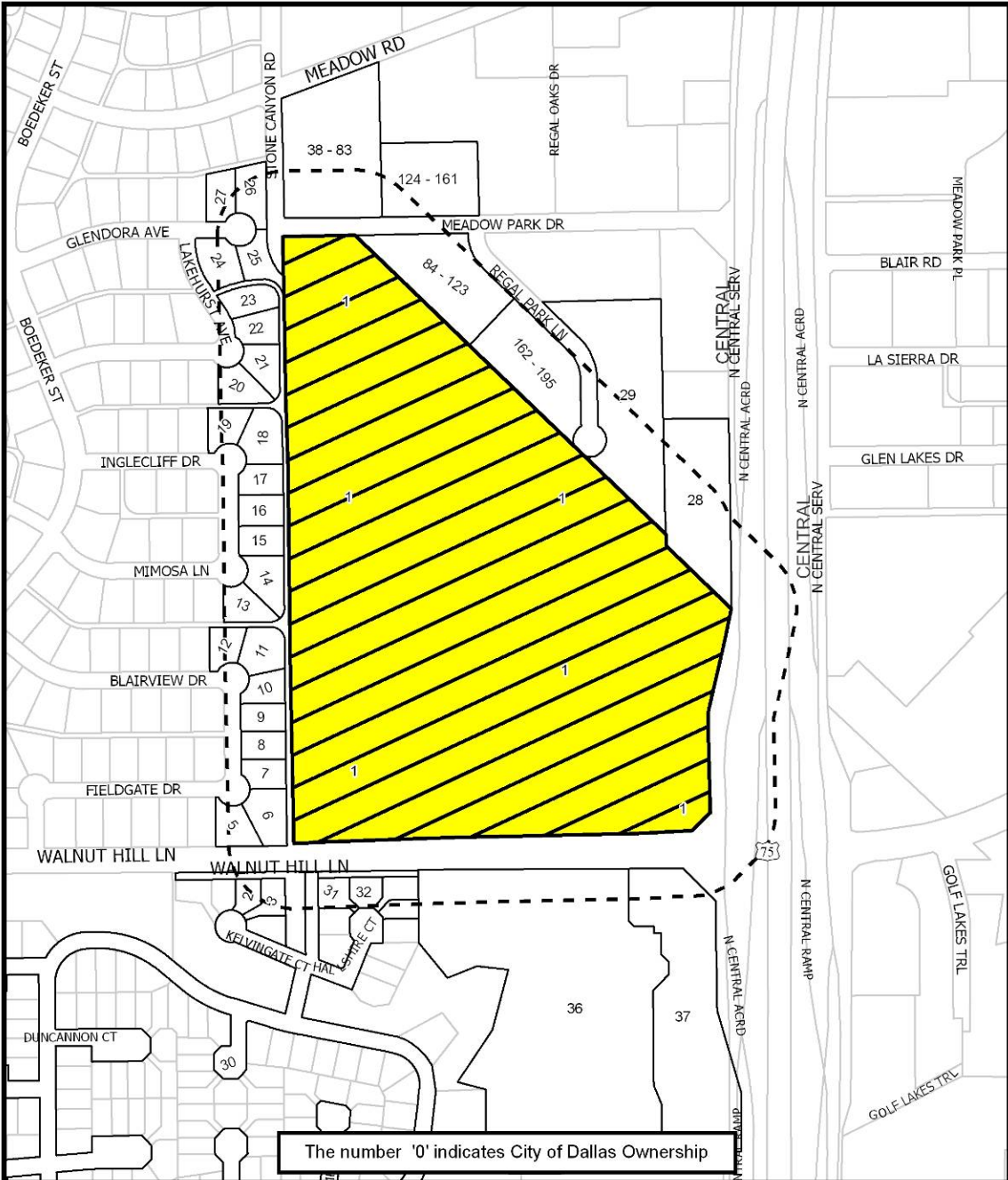


Notes:
 * A wall that is 8 feet in height will be provided along the west property line of the district.
 * A 20' wide landscape planting area will be provided along the side of 8' wall.
 A continuous screening wall that is 36" in height will be provided along Walnut Hill Lane.



Section Legend:





 1:4,800	NOTIFICATION		Case no: BDA123-016
	200' AREA OF NOTIFICATION 195 NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 1/31/2013

Notification List of Property Owners

BDA123-016

195 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7700 MEADOW PARK DR	75 AND WALNUT HILL LLC
2	3 KELVINGATE CT	PENDLETON PAM
3	4 KELVINGATE CT	ODENEAL WILLIAM CLYDE JR
4	7700 KELVINGATE CT	LANDMARK PROPERTIES TEXAS
5	7370 FIELDGATE DR	CLARK ANDREW FIELD & TONYA LANDERS
6	7374 FIELDGATE DR	MITCHELL VICTORIA &
7	7393 BLAIRVIEW DR	WILLIAMS STEVEN W & LAUREN L WILLIAMS
8	7387 BLAIRVIEW DR	PANGMAN JAMES ANSEN
9	7381 BLAIRVIEW DR	ELMS DANIEL P & SAMANTHA D
10	7373 BLAIRVIEW DR	BILLINGS BRUCE E & ANNE D
11	7367 BLAIRVIEW DR	GREENBERG MARVIN H
12	7363 BLAIRVIEW DR	ELVERUM PATRICK J & JENNIE L
13	7350 MIMOSA LN	WESTERMAN LOUIS JASON
14	7360 MIMOSA LN	WRIGHT JOHN A
15	7367 INGLECLIFF DR	SHIPPEY TIMOTHY G & BRIDGET
16	7361 INGLECLIFF DR	ADAMS GEORGE M
17	7353 INGLECLIFF DR	HAYNES CYNTHIA H
18	7343 INGLECLIFF DR	HULL MORGAN
19	7337 INGLECLIFF DR	HUTCHISON JOSEPH A ETAL
20	7336 LAKEHURST AVE	STATMAN IRVING
21	7342 LAKEHURST AVE	MCDONALD JIM H & MARINA ANN
22	7348 LAKEHURST AVE	HILTON HAZEL
23	7354 LAKEHURST AVE	SMITH LEON A ETAL
24	7348 GLENDORA AVE	TONTZ DANIEL D
25	7352 GLENDORA AVE	ROBINSON ROBERT K
26	7351 GLENDORA AVE	BARRAGAN BEVERLY SUSAN SCOTT

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7347 GLENDORA AVE	ISAACS MELVIN P
28	10001 CENTRAL EXPY	BRE LQ TX PPTIES LP ATTN: PPTY TAX DEPT
29	10006 REGAL PARK LN	REGAL PARK FOUNTAINS
30	7200 GLENSHANNON CIR	GLEN LAKES HOMEOWNERS ASSOCIATION
31	3 HALLSHIRE CT	SPIES DONALD K & CAROLYN
32	4 HALLSHIRE CT	MOORE J T
33	5 HALLSHIRE CT	CRAYCROFT JACK & GOLDIE M
34	6 HALLSHIRE CT	SIEGEL DIANE M
35	9011 NO NAME ST	LANDMARK PROP TX INC SUITE 1225
36	7750 WALNUT HILL LN	CREEKWOOD LAKESIDE LTD PS STE 100
37	9669 CENTRAL EXPY	RPI LAKESIDE S.C LTD
38	7709 MEADOW PARK DR	SHWIFF HOWARD C
39	7709 MEADOW PARK DR	SCOTT WILLIAM J
40	7709 MEADOW PARK DR	GHAHRI SOHEILA & FARROKH SHARAFPOUR
41	7709 MEADOW PARK DR	MANDELSTAM MARCY APT 201
42	7709 MEADOW PARK DR	RMF LIVING TRUST SUSAN L BICKELMANN TRUS
43	7709 MEADOW PARK DR	BAKER BRITTANY RYAN BLDG A UNIT 203
44	7707 MEADOW PARK DR	RUGGLES BRUCE M #A204
45	7705 MEADOW PARK DR	GENSON BILLIE L & LADONNA R
46	7705 MEADOW PARK DR	APPLE ANNE ELIZABETH BLDG B UNIT 106
47	7705 MEADOW PARK DR	AURBACH FRED E
48	7705 MEADOW PARK DR	HARDY ROBERT HOLBROOK BLDG B UNIT 108
49	7705 MEADOW PARK DR	BELLE MEADOW HOMEOWNERS ASSOCIATION %EXC
50	7705 MEADOW PARK DR	DURAINI BAHA
51	7705 MEADOW PARK DR	ROBINOWITZ CHRISTINA J BLDG B UNIT 207
52	7705 MEADOW PARK DR	NADELMAN JOHN E &
53	7705 MEADOW PARK DR	COLLIER LARRY B
54	7705 MEADOW PARK DR	MARQUETTE PAMELA #210
55	7706 MEADOW PARK DR	HERRINGTON STEPHEN F APT 111
56	7707 MEADOW PARK DR	LOWREY JEFFREY P UNIT 112
57	7700 MEADOW RD	HARBISON LYNNA THELMA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	7700 MEADOW RD	WALSH MICHAEL J & POLLY T
59	7700 MEADOW PARK DR	TROSPER PHYLLIS LIV TRUST UNIT 116
60	7700 MEADOW RD	MITCHELL ROBERT
61	7700 MEADOW RD	BLACK SARAH ANNE UNIT 214
62	7700 MEADOW RD	KEY JASON JACK
63	7700 MEADOW RD	APEX FINANCIAL CORP
64	7702 MEADOW RD	YOUKERS JACKIE BLDG E UNIT 118
65	7702 MEADOW RD	GWIN STEPHANIE MICHELLE
66	7702 MEADOW RD	WALLACE DEBORAH SCOTT
67	7706 MEADOW RD	SODEN ELIZABETH ROSS
68	7706 MEADOW RD	CROFT J W & ORA M
69	7706 MEADOW RD	SANCHEZ IVY L CARRIGER
70	7706 MEADOW RD	RISNER CLINTON L APT 221
71	7706 MEADOW PARK DR	VANGELI MICHAEL F # 8
72	7706 MEADOW RD	SMITH WILLIAM
73	7706 MEADOW RD	TANEZER CHARLOTTE
74	7706 MEADOW RD	LAMPERT JESSICA S
75	7704 MEADOW RD	DEXTER MARIAN BLDG H UNIT 126
76	7704 MEADOW RD	ASEL ROGER S & JERRY S UNIT 226
77	7704 MEADOW RD	TALLANT J L EST OF % DEENIE TALLANT
78	7704 MEADOW RD	MARTINEZ CARLOS &
79	7711 MEADOW PARK DR	LUCAS JENNIFER D UNIT 229
80	7711 MEADOW RD	OWEN INGRID H LIVING TRUST #230
81	7711 MEADOW RD	ZUEGEL JANE ELLEN BLDG J APT 231
82	7705 MEADOW PARK DR	WILLINGHAM ROBERT L APT 133
83	7704 MEADOW RD	NICHOLSON AARON T APT 232
84	7730 MEADOW PARK	KIRACOFE JOHN T & SHARON K
85	7730 MEADOW PARK	MEADOW CONDO PARTNERS LP
86	7730 MEADOW PARK	GAST JOSEPH R &
87	7730 MEADOW PARK	RAMSEY MEREDITH L BLDG P UNIT 201
88	7730 MEADOW PARK	CHUNG YEOJIN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	7730 MEADOW PARK	FORMBY MARK ALAN
90	7730 MEADOW PARK	BLAIR ROBERT WESLEY
91	7730 MEADOW PARK	AZAD SHAHRIAR
92	7730 MEADOW PARK	HARRISON JAMIE S
93	7730 MEADOW PARK	MALLOY RAYMOND J LIV TR BLDG Q UNIT 1
94	7730 MEADOW PARK	CLOUTIER JILLIAN ERIN UNIT 123
95	7730 MEADOW PARK	COOKE STEVEN R
96	7730 MEADOW PARK	COBURN GREGORY UNIT 2200
97	7730 MEADOW PARK	SHAPERO KYLE UNIT 221
98	7730 MEADOW PARK	BUNN NOAH
99	7730 MEADOW PARK	WRIGHT COURTNEY ELIZABETH
100	10119 REGAL PARK LN	FINCHER AURORA
101	10119 REGAL PARK LN	MARTELL DERRECK
102	10119 REGAL PARK LN	AMEND MICHAEL L
103	10119 REGAL PARK LN	BECK STUART
104	10109 REGAL PARK LN	MEER JAHAN Z
105	10109 REGAL PARK LN	PERRY SYLVIA M UNIT 114
106	10109 REGAL PARK LN	CLEMENTS KAREN D #115
107	10109 REGAL PARK LN	FRANCIS ZACHARY
108	10109 REGAL PARK LN	TUERS KIPP
109	10109 REGAL PARK LN	THREACES NGW MANAGEMENT LLC
110	10109 REGAL PARK LN	LIPES MICHELLE
111	10109 REGAL PARK LN	LAU MARK A
112	10109 REGAL PARK LN	SKARIA FEMILA
113	10109 REGAL PARK LN	DONNELL JAMES M & LAURIE SUE
114	10115 REGAL PARK LN	SULAK TERESA
115	10115 REGAL PARK LN	LOFFLAD MARISSA &
116	10111 REGAL PARK LN	MATHEWS MEREDITH L & STEPHEN P
117	10111 REGAL PARK LN	DEVLIN MICHAEL T & JUDITH L
118	10115 REGAL PARK LN	RAY DIONISIA APT 206
119	10115 REGAL PARK LN	DODASOVICH DOUGLAS A &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	10111 REGAL PARK LN	VANCE JAMIE A UNIT 208
121	10111 REGAL PARK LN	STADLER MARK UNIT 209
122	10109 REGAL PARK LN	MALHERBE JULIA V
123	10109 REGAL PARK LN	PARK ERIK & BLDG V UNIT 111
124	7721 MEADOW PARK DR	PRICE MARTIN
125	7721 MEADOW PARK DR	BOMAR BETTY
126	7721 MEADOW PARK DR	CAYCE JOHN STEPHEN #103
127	7721 MEADOW PARK DR	ENGLAND SHEILA M
128	7721 MEADOW PARK DR	SHERA B DALE BLDG A UNIT 201
129	7721 MEADOW PARK RD	SHERRY RUBIA E ETAL BLDG A APT 202
130	7721 MEADOW PARK DR	DEATON LAURA A
131	7721 MEADOW PARK DR	VANZANELLA VERA THERESA
132	7721 MEADOW PARK DR	WERRY BETTYE JO
133	7723 MEADOW PARK DR	WEBSTER RAY
134	7723 MEADOW PARK DR	COLEMAN JULIUS H
135	7725 MEADOW PARK DR	RAYBLATT MORRIS APT 107
136	7727 MEADOW PARK DR	PETERSON ERIK BLDG C UNIT 109
137	7727 MEADOW PARK DR	CHEN MIKE
138	7727 MEADOW PARK DR	BOYSEN VICTORIA
139	7727 MEADOW PARK DR	HAYS HUGH B & KIMBERLY J SPEED
140	7727 MEADOW PARK DR	JOHNS DAVID & ANNE
141	7727 MEADOW PARK DR	AUCTION PROPERTIES FUND I LLC
142	7725 MEADOW PARK DR	STORM LOUIS O II & BARBARA L
143	7725 MEADOW PARK DR	DEAN N C
144	7725 MEADOW PARK DR	PHELPS JANICE BLDG C UNIT 209
145	7727 MEADOW PARK DR	VERNON DAVID W
146	7727 MEADOW PARK DR	VILLEGAS SERGIO
147	7727 MEADOW PARK DR	HURT SHARA LYNN
148	7727 MEADOW PARK DR	SMITH CAROL E & JAMES K
149	7727 MEADOW PARK DR	JAY DEVON BLDG C UNIT 215
150	7729 MEADOW PARK DR	MARTIN HOWARD L

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	7729 MEADOW PARK DR	RODRIGUEZ STEVEN
152	7729 MEADOW PARK DR	MCLEOD MARGARET ANN # 216-D
153	7729 MEADOW PARK DR	BOND DOROTHY E
154	7731 MEADOW PARK DR	SCOTT PHILLIP P TR & SARAH R SCOTT TR BL
155	7731 MEADOW PARK DR	HOPPMAN PATRICK M
156	7731 MEADOW PARK DR	RODERS E ARLENE
157	7731 MEADOW PARK DR	TEDDLIE MERRITT B
158	7731 MEADOW PARK DR	NEPOMNICK DIANE 218E
159	7731 MEADOW PARK DR	WELLS LAURA UNIT 219-E
160	7731 MEADOW PARK DR	HOLLAR LINDA L
161	7731 MEADOW PARK DR	SWINDLE LEA ANN
162	10011 REGAL PARK LN	SIMS KATHRYN R
163	10015 REGAL PARK LN	PULLEN LINDA #102
164	10033 REGAL PARK LN	ROSE MARY L BLDG A UNIT 103
165	10017 REGAL PARK LN	ESSEX ELIZABETH & PAUL UNIT 104
166	10017 REGAL PARK LN	CORN MARILYN APT 105
167	10019 REGAL PARK LN	GARDNER PENNY UNIT 106
168	10019 REGAL PARK LN	CUNNINGHAM REBEKAH JONES
169	10021 REGAL PARK LN	THURSTON BETTY SUE APT 108
170	10021 REGAL PARK LN	ESSEX PAUL & ELIZABETH C
171	10023 REGAL PARK LN	GROVE JERRY D
172	10023 REGAL PARK LN	ALLEN BERNIECE E
173	10029 REGAL PARK LN	WILTON CATHY J BLDG C UNIT 112
174	10029 REGAL PARK LN	NOYA SUSANA TRUSTEE & UNIT 113
175	10031 REGAL PARK LN	CRADDOCK JACLYN P
176	10031 REGAL PARK LN	LEVITAN NORMA JACOBS APT 115
177	10011 REGAL PARK LN	DESALOMS LETICIA # 116
178	10033 REGAL PARK LN	TARLO DAVID A UNIT 117-C
179	10009 REGAL PARK LN	BROTHERS RONALD A STE 109-166
180	10015 REGAL PARK LN	MCDONALD MARY BLDG A UNIT 202
181	10015 REGAL PARK LN	HERNANDEZ CARLOS UNIT 203

1/31/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	10017 REGAL PARK LN	RUBIN CAMILLA D
183	10017 REGAL PARK LN	STJOHN ANNEMARIE APT 205
184	10019 REGAL PARK LN	DINKINS JANE POLING APT 206
185	10019 REGAL PARK LN	FIGUEORA MARTHA
186	10021 REGAL PARK LN	FAGERSTROM RUTH E # 208
187	10021 REGAL PARK LN	CIPOLLONE ANTHONY M
188	10023 REGAL PARK LN	SEIBEL THELMA S APT B 210
189	10023 REGAL PARK LN	PFAUTSCH PETER & PAMELA
190	10029 REGAL PARK LN	SCHLEGAL ROGER % YOUTH WRESTLING
191	10029 REGAL PARK LN	DOANE DAVID R & MICHELLE RHODES
192	10031 REGAL PARK LN	SWAIN JULIANE N BLDG C UNIT 214
193	10031 REGAL PARK LN	CHILDRESS SERENA N UNIT 215
194	10033 REGAL PARK LN	FLYNN AMY D APT 216
195	10033 REGAL PARK LN	MOORE VIRGINIA W # 217

FILE NUMBER: BDA 123-017

BUILDING OFFICIAL'S REPORT:

Application of Julianne McGee of Pink Consultants for a special exception to the off-street parking regulations at 5403 Ross Avenue. This property is more fully described as Tract 26, Block 1472, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and/or maintain a structure for a restaurant with drive-in or drive-through service use and provide 47 of the required 61 parking spaces, which will require a special exception to the off-street parking regulations of 14 spaces.

LOCATION: 5403 Ross Avenue

APPLICANT: Julianne McGee of Pink Consultants

REQUEST:

- A special exception to the off-street parking regulations of 14 parking spaces (or a 23 percent reduction of the 61 off-street parking spaces that are required) is requested in conjunction with maintaining an approximately 6,100 square foot structure/restaurant with drive-in for drive-through use (McDonald's). The applicant proposes to provide 47 (or 77 percent) of the required 61 off-street parking spaces in conjunction with maintaining this use with this square footage within the existing structure. (The applicant has stated that this request is prompted by adding second drive-through lane along with some "minor building modifications", which reduces the amount of existing off-street parking on the site).

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.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 14 spaces shall automatically and immediately terminate if and when the restaurant with 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 with 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 and Construction Department Engineering Division Assistant Director has indicated that he has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail)
North: CR (Community Retail)
South: CR (Community Retail)
East: CR (Community Retail)
West: PD 462 (Planned Development)

Land Use:

The subject site is currently developed with restaurant with drive-in or drive-through service use (McDonald's). The areas to the north, east, and south are developed with retail uses; and the area to the west is developed with a mix of residential and nonresidential 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:

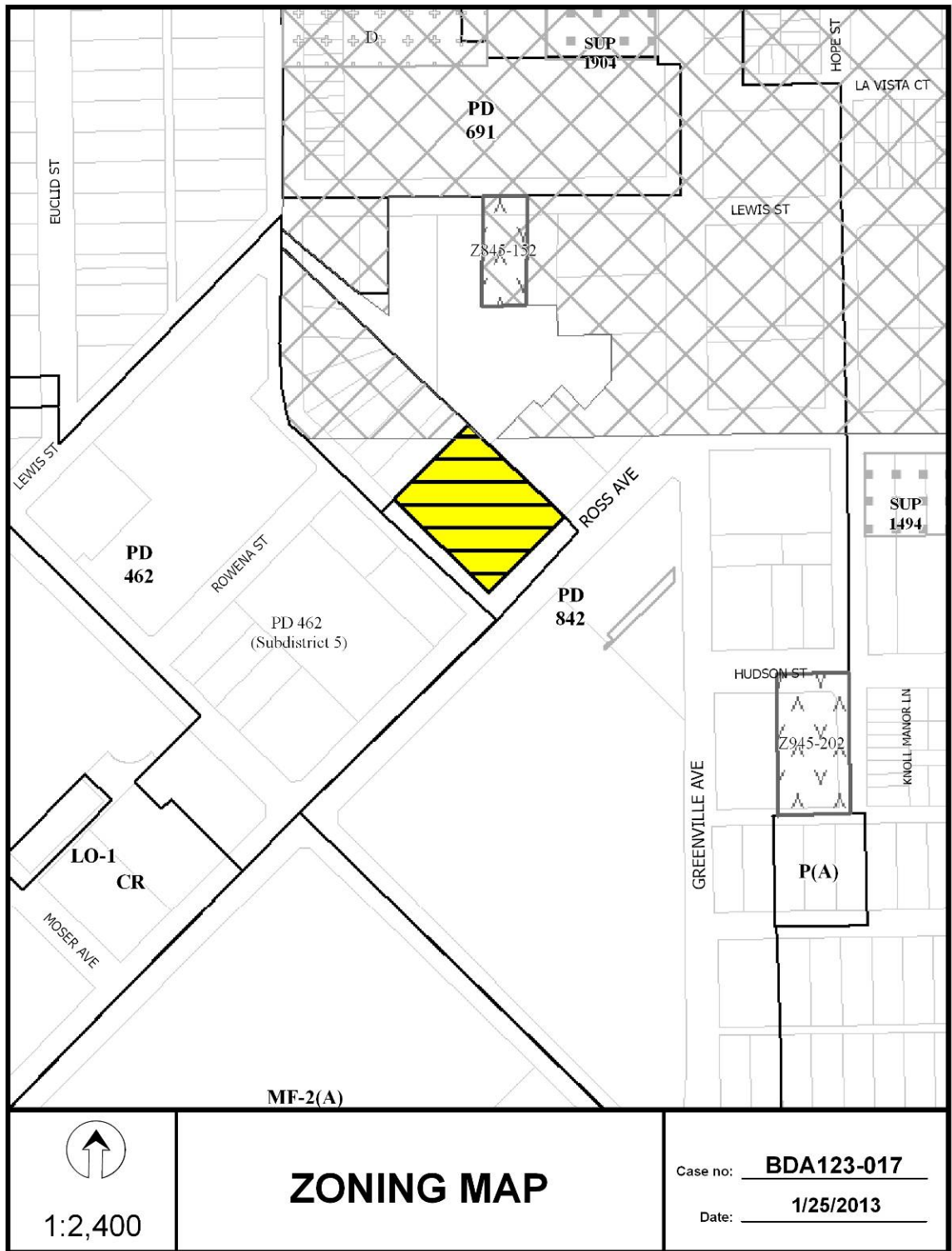
- January 4, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 14, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- January 14, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 8th 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.

February 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

February 8, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on the applicant's plan for a small expansion and the addition of another drive-through lane on a site developed with an approximately 6,100 square foot structure/restaurant with drive-in for drive-through use (McDonald's) where 47 (or 77 percent) of the required 61 off-street parking spaces are proposed to be provided. (The minor building modifications and addition of the drive-through lane would eliminate some of the existing off-street parking spaces on the site).
- The Dallas Development Code requires the following off-street parking requirement:
 - Restaurant with drive-in or drive-through service use: 1 space per 100 square feet of floor area.The applicant proposes to provide 47 (or 77 percent) of the required 61 off-street parking spaces in conjunction with the site being leased/maintained with the use mentioned above.
- The applicant submitted a parking study prepared in August of 2012 indicating that the maximum number of parked vehicles during peak hours of operation on the site was found to be 25 spaces. (The applicant is requesting to provide 47 spaces on the site after building modifications are made and the new drive-through lane is added).
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the restaurant with 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 14 spaces (or a 23 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 14 spaces shall automatically and immediately terminate if and when the restaurant with 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 47 of the 61 code required off-street parking spaces.





1:2,400

AERIAL MAP

Case no: BDA123-017

Date: 1/25/2013



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-017

Data Relative to Subject Property:

Date: 1-4-13

Location address: 5403 Ross Ave Zoning District: CR

Lot No.: ^{Tn} 26 Block No.: 1472 Acreage: 39,900 Census Tract: 10.02

Street Frontage (in Feet): 1) 173' 2) 220.5' 3) _____ 4) _____ 5) _____ *5E 24*

To the Honorable Board of Adjustment :

Owner of Property/or Principal: McDonalds Corp.

Applicant: Julianne McGee / Pink Consultants Telephone: 682-429-6254

Mailing Address: 5729 Ammons St., Haltom City Zip Code: 76117

Represented by: same as above Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance , or Special Exception X, of The Reduction of 14 parking spaces where 61 are required leaving a total of 47 spaces.

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

The proposed request will not adversely affect the maneuverability or traffic flow of this property. The Double drive thru lane is intended to expedite traffic. Please see attached parking analysis and Traffic plan.

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

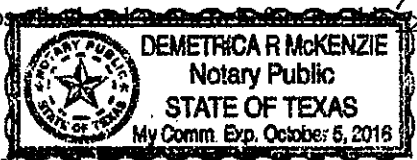
Respectfully submitted: Julianne McGee *Julianne McGee*
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Julianne Dawn McGee who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Julianne McGee
Affiant (Applicant's signature)

Subscribed and sworn to before me this 2nd day of January, 2013



Demetrica R. McKenzie
Notary Public in and for Dallas County, Texas

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--**Granted OR Denied**

Remarks

Chairman

Building Official's Report

I hereby certify that JULIANNE MCGEE

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

at 5403 Ross Avenue

BDA123-017. Application of Julianne McGee for a special exception to the parking regulations at 5403 Ross Avenue. This property is more fully described as Tract 26, Block 1472, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant with drive-in or drive-through service/use and provide 47 of the required 61 parking spaces, which will require a 14 space special exception (23% reduction) to the parking regulation.

The proposed request will not adversely affect the maneuverability or traffic flow of this property. The Double drive thru lane is intended to expedite traffic. Please see attached parking analysis and traffic plan.

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

Respectfully submitted, Julianne McGee
Applicant's name printed
Applicant's signature

Affidavit

I, the undersigned on this day personally appeared _____ who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner or principal or authorized representative of the subject property.

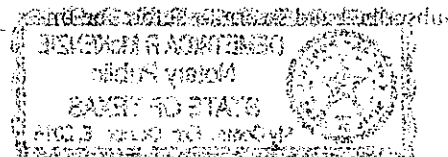
Sincerely,

Applicant's signature

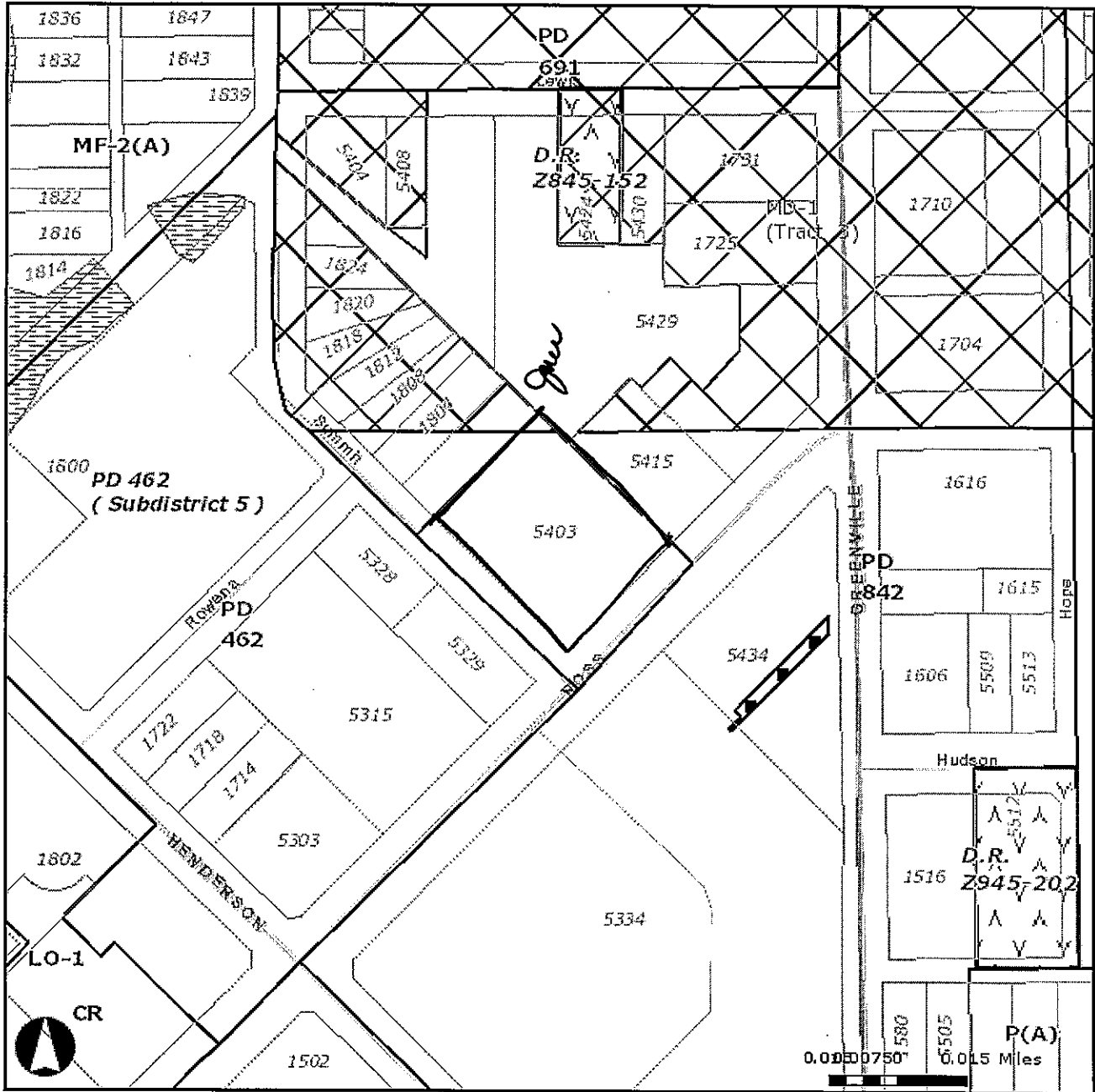
Larry V. Holmes
Larry Holmes, Building Official

(to be)

Not a Public in and for Dallas County, Texas

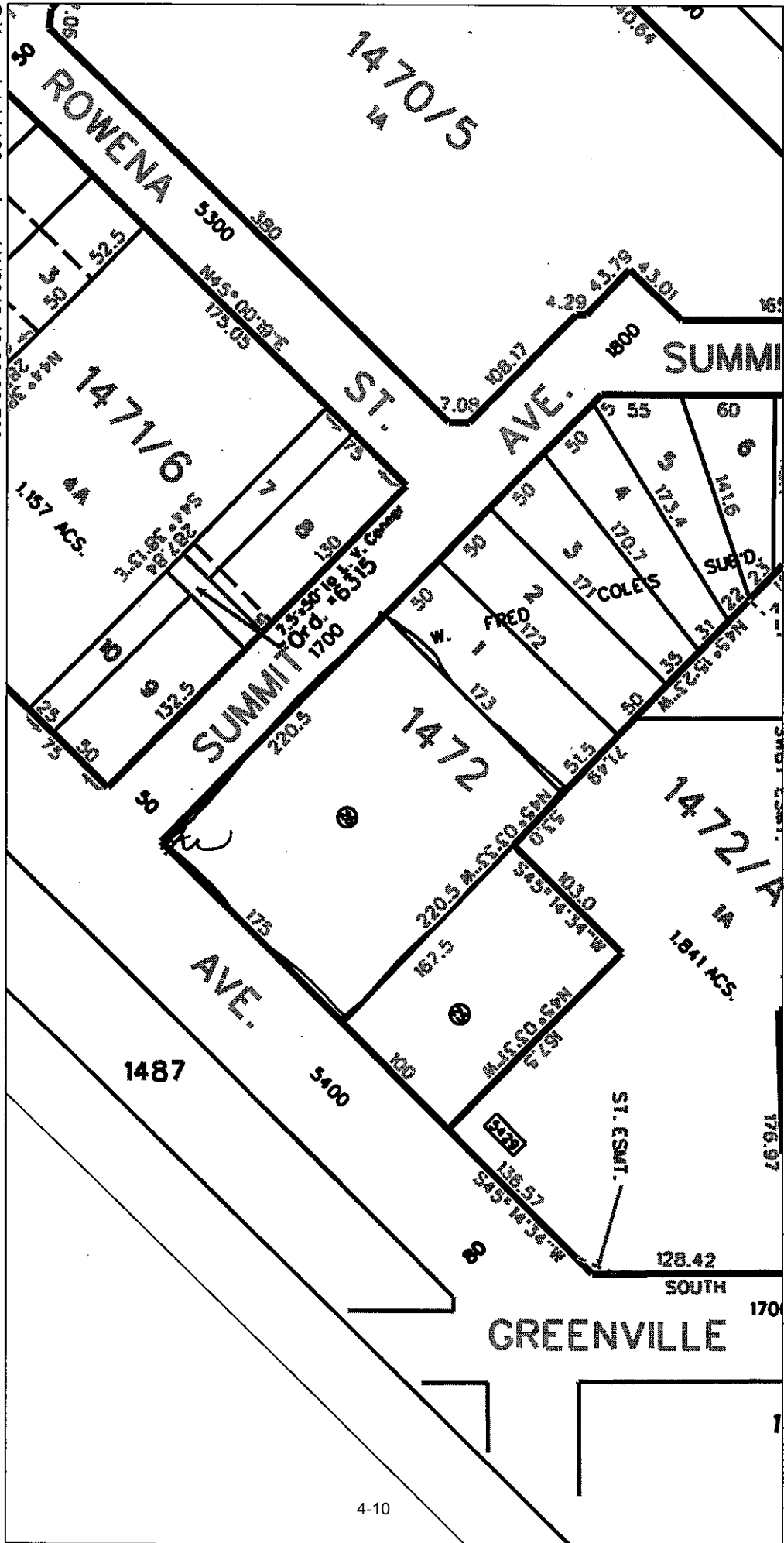


City of Dallas Zoning



- | | | |
|--|--|---|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>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> |
|--|--|---|

C:\tax_plats\1468_adgn 1/4/2013 12:39:00 PM





PARKING DEMAND STUDY

**McDonald's
Ross Avenue & Summit Avenue
Dallas, Texas**

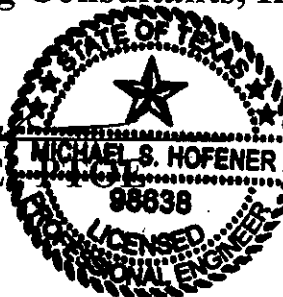
**Prepared for:
Claymoore Engineering, Inc.**

August 2012

**Prepared by:
Traffic Engineering Consultants, Inc.**

Michael S. Hofener

**Michael Hofener, P.E.
Texas P.E. #98638
CA # F-002934**



08-01-12

Date

TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION.....	1
2.0 BACKGROUND.....	1
3.0 PARKING DATA.....	1
4.0 CONCLUSION.....	3

LIST OF FIGURES

	Following Page
Figure 1: Proposed Site Plan.....	1

LIST OF TABLES

	On Page
Table 1: Peak Hours of Sales.....	1
Table 2: Number of Parked Vehicles.....	2



1.0 INTRODUCTION

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

2.0 BACKGROUND

The existing McDonald’s restaurant site includes a total of 52 parking spaces. The proposed remodel for the site, as shown in Figure 1, includes a total of 42 parking spaces. The reduced number of parking spaces was required to accommodate a second drive-thru order lane and some minor building modifications.

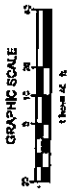
3.0 PARKING DATA

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

**TABLE 1.
Peak Hours of Sales**

	Friday	Saturday
Period		
AM	7:00 to 9:00	7:00 to 9:00
NOON	11:00 to 2:00	11:00 to 2:00

TEC also collected the entering and exiting vehicular traffic at both driveways to the site. These volumes have been summarized in Figure 2 and the raw data has been included in the appendix.



DEVELOPMENT SUMMARY
DATE: 10/15/03
PROJECT: [REDACTED] 9/27/03

NOTE:
ALL DIMENSIONS SHOWN ARE APPROXIMATE

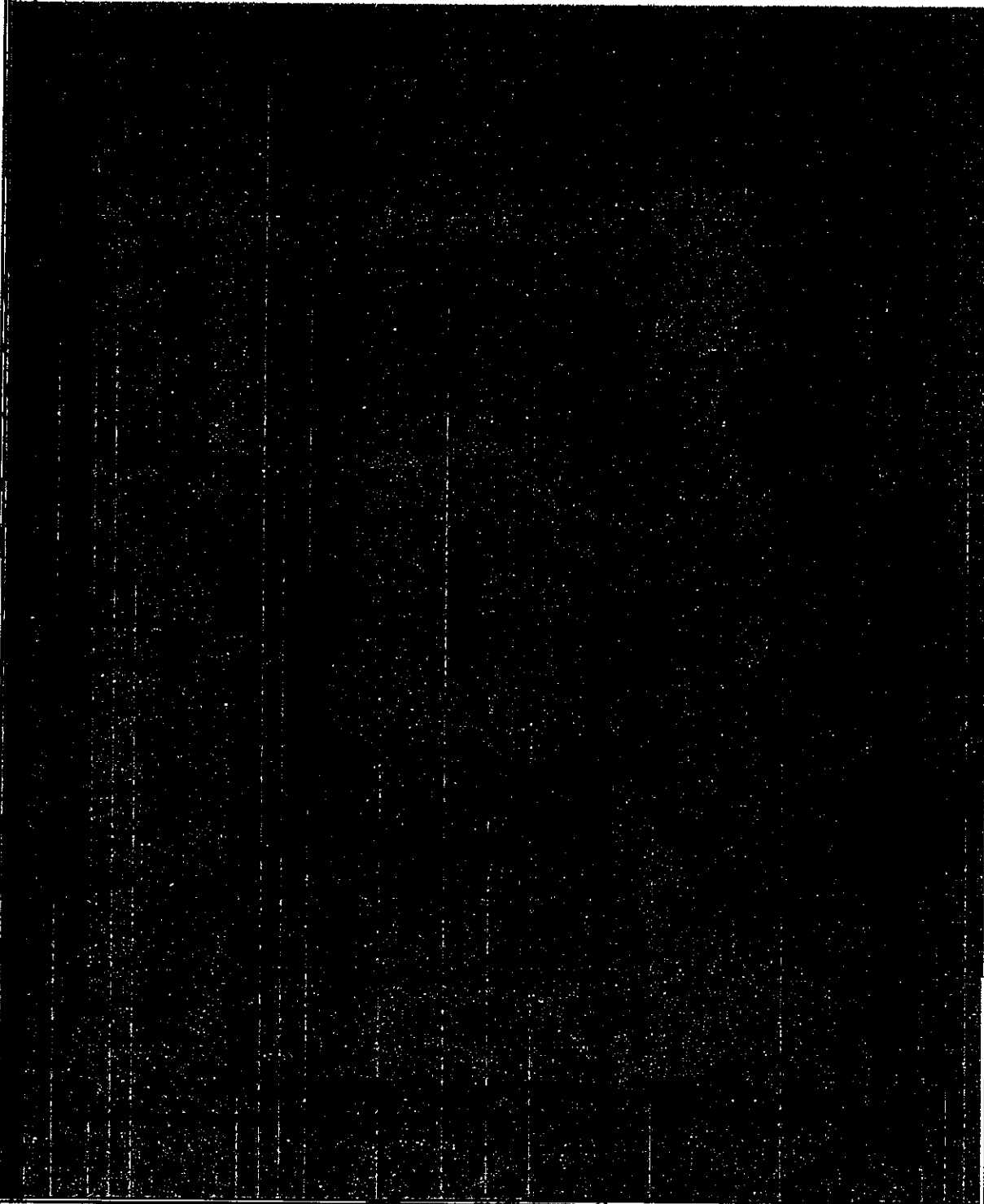
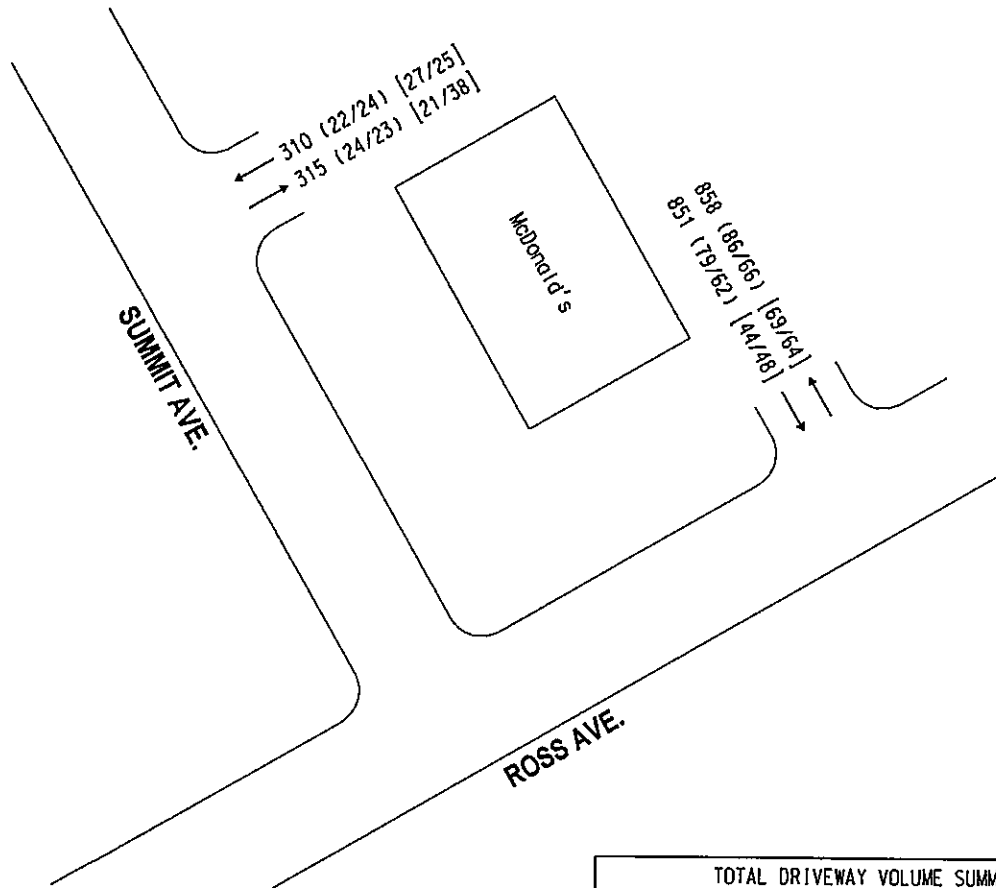


FIGURE 1. CONCEPTUAL SITE PLAN





TOTAL DRIVEWAY VOLUME SUMMARY				
	A.M.		NOON	
	ENTERING	EXITING	ENTERING	EXITING
WEEKDAY	110	101	89	86
SATURDAY	90	71	102	73

LEGEND	
	24 HOUR VOLUME
	WEEKDAY AM PEAK HOUR
	WEEKDAY NOON PEAK HOUR
	← XXXX (XXX/XXX) [XXX/XXX]
	SATURDAY AM PEAK HOUR
	SATURDAY NOON PEAK HOUR

FIGURE 2. McDonald's Driveway Traffic Volumes
 (Data Collected on Friday 07/27/12 and Saturday 07/28/12)



Parked vehicle and drive-thru queue counts were collected in 15 minute increments during the peak hours of the sales. The data was manually collected on a Friday and Saturday. The numbers of parked and queued vehicles observed during these periods are summarized in Table 2 below, and a copy of the raw field data collected has been included in the appendix.

TABLE 2.
Number of Parked and Queued Vehicles

FRIDAY 7/27/2012			SATURDAY 7/28/2012		
TIME	Parked Veh	Queued Veh	TIME	Parked Veh	Queued Veh
AM Peak			AM Peak		
7:00 - 7:15	9	3	7:00 - 7:15	10	2
7:15 - 7:30	10	3	7:15 - 7:30	11	1
7:30 - 7:45	12	3	7:30 - 7:45	13	4
7:45 - 8:00	12	1	7:45 - 8:00	12	2
8:00 - 8:15	12	1	8:00 - 8:15	10	3
8:15 - 8:30	18	7	8:15 - 8:30	10	4
8:30 - 8:45	15	6	8:30 - 8:45	13	2
8:45 - 9:00	13	5	8:45 - 9:00	12	0
Noon Peak			Noon Peak		
11:00 - 11:15	17	0	11:00 - 11:15	16	1
11:15 - 11:30	15	0	11:15 - 11:30	17	0
11:30 - 11:45	18	4	11:30 - 11:45	13	3
11:45 - 12:00	20	2	11:45 - 12:00	16	4
12:00 - 12:15	21	2	12:00 - 12:15	23	2
12:15 - 12:30	24	3	12:15 - 12:30	21	4
12:30 - 12:45	25	3	12:30 - 12:45	19	4
12:45 - 1:00	22	4	12:45 - 1:00	17	0
1:00 - 1:15	24	2	1:00 - 1:15	18	3
1:15 - 1:30	21	3	1:15 - 1:30	18	0
1:30 - 1:45	21	2	1:30 - 1:45	19	5
1:45 - 2:00	22	2	1:45 - 2:00	17	3



4.0 CONCLUSION

Traffic Engineering Consultants, Inc. (TEC) was requested to conduct a peak period parking demand study for an existing McDonald's restaurant located at intersection of Ross Avenue and Summit Avenue in Dallas, Texas. The peak hours of sales information was obtained from McDonalds USA, LLC to determine the periods in which the parking data was to be collected. The numbers of parked and queued vehicles were observed in 15 minute increments during the peak hours of sales on a Friday and a Saturday. Based on the data collected on the site during the peak hours of operation, the maximum number of parked vehicles during this period was found to be 25 with 3 vehicles queued in the drive-thru on a Friday, during the noon peak hour. The average number of parked vehicles was determined to be 16.4 and the average drive-thru queue length was 2.6 vehicles during these periods. Once the proposed remodel of the site is completed there will be a total of 42 parking spaces at the site. Therefore, the results of these reviews indicate the restaurant, with proposed modifications, is expected to have an adequate number of parking spaces.

APPENDIX

TRAFFIC DATA

Traffic Engineering Consultants, Inc.
6000 S. Western Ave., Suite 300
Oklahoma City, Ok. 73139

Site Code: 1
 Station ID:
 North Drive
 to Summit Ave.
 Date Start: 27-Jul-12
 Date End: 28-Jul-12

Start Time	23-Jul-12		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
12:00 AM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	8	8
01:00	*	*	*	*	*	*	*	*	3	2	0	3	*	*	2	3
02:00	*	*	*	*	*	*	*	*	1	2	0	2	*	*	2	2
03:00	*	*	*	*	*	*	*	*	0	4	4	6	*	*	2	4
04:00	*	*	*	*	*	*	*	*	0	4	1	1	*	*	0	2
05:00	*	*	*	*	*	*	*	*	4	1	3	2	*	*	4	2
06:00	*	*	*	*	*	*	*	*	4	2	6	0	*	*	5	1
07:00	*	*	*	*	*	*	*	*	4	4	10	7	*	*	7	6
08:00	*	*	*	*	*	*	*	*	25	20	20	16	*	*	22	18
09:00	*	*	*	*	*	*	*	*	24	19	19	15	*	*	22	18
10:00	*	*	*	*	*	*	*	*	21	22	21	27	*	*	21	24
11:00	*	*	*	*	*	*	*	*	19	22	30	30	*	*	24	26
12:00 PM	*	*	*	*	*	*	*	*	10	10	15	22	*	*	12	16
01:00	*	*	*	*	*	*	*	*	19	28	38	25	*	*	28	26
02:00	*	*	*	*	*	*	*	*	23	24	28	24	*	*	26	24
03:00	*	*	*	*	*	*	*	*	22	24	*	*	*	*	22	24
04:00	*	*	*	*	*	*	*	*	16	8	*	*	*	*	16	8
05:00	*	*	*	*	*	*	*	*	17	26	*	*	*	*	17	26
06:00	*	*	*	*	*	*	*	*	14	17	*	*	*	*	14	17
07:00	*	*	*	*	*	*	*	*	15	19	*	*	*	*	15	19
08:00	*	*	*	*	*	*	*	*	27	10	*	*	*	*	27	10
09:00	*	*	*	*	*	*	*	*	14	16	*	*	*	*	14	16
10:00	*	*	*	*	*	*	*	*	15	12	*	*	*	*	15	12
11:00	*	*	*	*	*	*	*	*	10	7	*	*	*	*	10	7
Lane	0	0	0	0	0	0	0	0	315	310	203	180	0	0	341	319
Day	0	0	0	0	0	0	0	0	625	625	383	383	0	0	660	660
AM Peak Vol.									07:00	08:00	10:00	10:00			10:00	10:00
PM Peak Vol.									19:00	12:00	12:00	12:00			12:00	12:00
									25	22	30	30			24	26
									27	28	38	25			28	26

Comb. Total 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 660

ADT ADT 662 ADT 662 AADT 662

Traffic Engineering Consultants, Inc.
6000 S. Western Ave., Suite 300
Oklahoma City, Ok. 73139

Site Code: 2
 Station ID:
 South Drive
 to Ross Ave.
 Date Start: 27-Jul-12
 Date End: 28-Jul-12

Start Time	23-Jul-12		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
12:00 AM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	21	23
01:00	*	*	*	*	*	*	*	*	6	6	12	14	*	*	9	10
02:00	*	*	*	*	*	*	*	*	7	11	11	9	*	*	9	10
03:00	*	*	*	*	*	*	*	*	4	3	5	9	*	*	4	6
04:00	*	*	*	*	*	*	*	*	2	3	6	7	*	*	4	5
05:00	*	*	*	*	*	*	*	*	6	5	3	4	*	*	4	4
06:00	*	*	*	*	*	*	*	*	28	25	17	17	*	*	22	21
07:00	*	*	*	*	*	*	*	*	71	68	46	43	*	*	58	56
08:00	*	*	*	*	*	*	*	*	86	79	54	56	*	*	70	68
09:00	*	*	*	*	*	*	*	*	61	60	69	64	*	*	65	62
10:00	*	*	*	*	*	*	*	*	40	40	60	52	*	*	50	46
11:00	*	*	*	*	*	*	*	*	49	38	57	43	*	*	53	40
12:00 PM	*	*	*	*	*	*	*	*	66	62	44	48	*	*	55	55
01:00	*	*	*	*	*	*	*	*	57	55	36	43	*	*	46	49
02:00	*	*	*	*	*	*	*	*	48	54	*	*	*	*	48	54
03:00	*	*	*	*	*	*	*	*	38	42	*	*	*	*	38	42
04:00	*	*	*	*	*	*	*	*	44	41	*	*	*	*	44	41
05:00	*	*	*	*	*	*	*	*	39	44	*	*	*	*	39	44
06:00	*	*	*	*	*	*	*	*	44	45	*	*	*	*	44	45
07:00	*	*	*	*	*	*	*	*	33	41	*	*	*	*	33	41
08:00	*	*	*	*	*	*	*	*	34	36	*	*	*	*	34	36
09:00	*	*	*	*	*	*	*	*	38	35	*	*	*	*	38	35
10:00	*	*	*	*	*	*	*	*	31	31	*	*	*	*	31	31
11:00	*	*	*	*	*	*	*	*	26	27	*	*	*	*	26	27
Lane	0	0	0	0	0	0	0	0	858	851	441	432	0	0	845	851
Day	0	0	0	0	0	0	0	0	1709	1709	873	873	0	0	1696	1696
AM Peak									08:00	08:00	09:00	09:00			08:00	08:00
Vol.									86	79	69	64			70	68
PM Peak									12:00	12:00	12:00	12:00			12:00	12:00
Vol.									66	62	44	48			55	55

Comb. Total 0 0 0 0 0 0 0 0 1709 1709 873 873 0 0 1696 1696

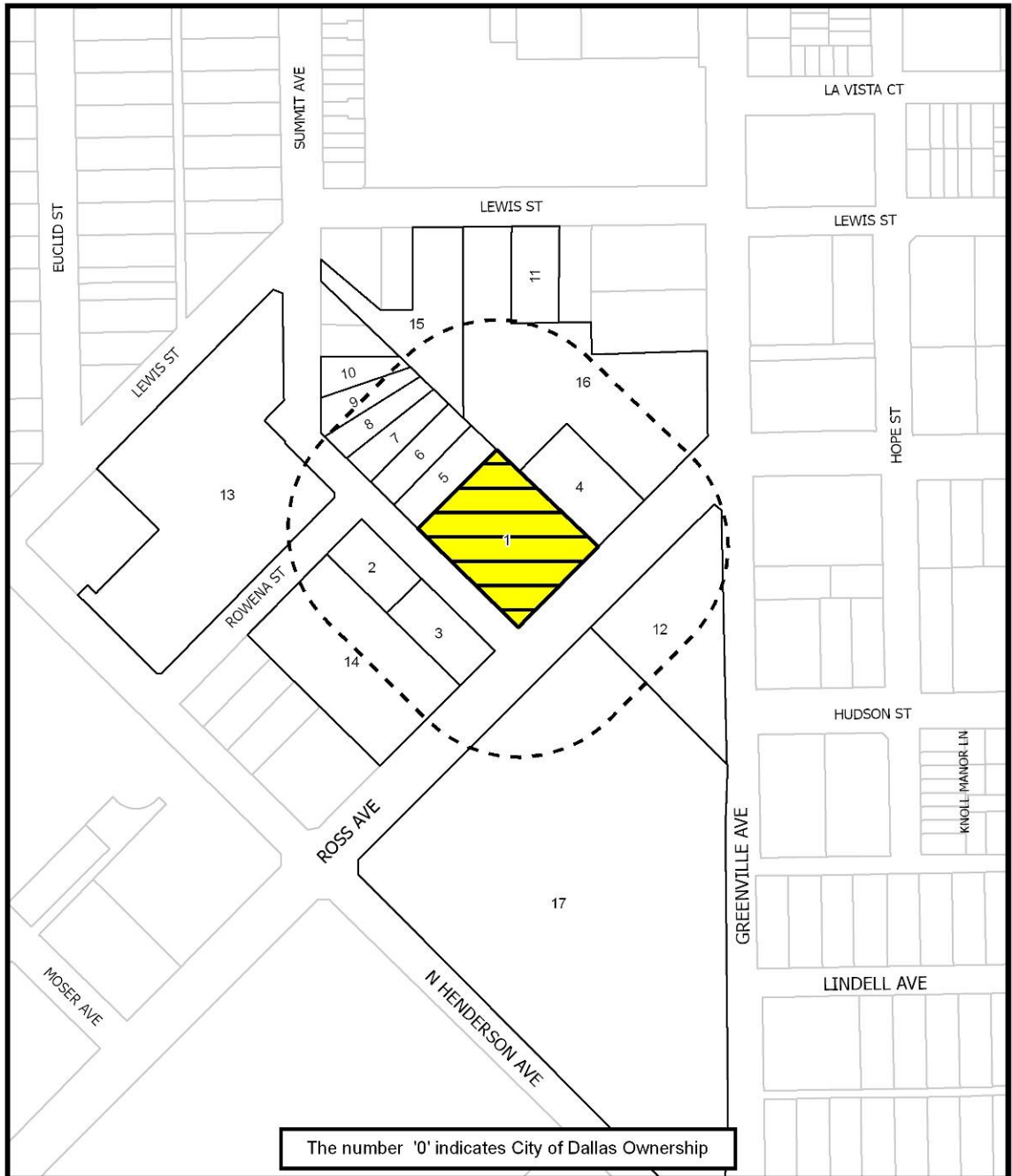
ADT ADT 1,679 ADT 1,679 AADT 1,679

PARKED AND QUEUED VEHICLE COUNTS

Number of Parked and Queued Vehicles

FRIDAY 7/27/2012		
TIME	Parked Veh	Queued Veh
AM Peak		
7:00 - 7:15	9	3
7:15 - 7:30	10	3
7:30 - 7:45	12	3
7:45 - 8:00	12	1
8:00 - 8:15	12	1
8:15 - 8:30	18	7
8:30 - 8:45	15	6
8:45 - 9:00	13	5
Noon Peak		
11:00 - 11:15	17	0
11:15 - 11:30	15	0
11:30 - 11:45	18	4
11:45 - 12:00	20	2
12:00 - 12:15	21	2
12:15 - 12:30	24	3
12:30 - 12:45	25	3
12:45 - 1:00	22	4
1:00 - 1:15	24	2
1:15 - 1:30	21	3
1:30 - 1:45	21	2
1:45 - 2:00	22	2

SATURDAY 7/28/2012		
TIME	Parked Veh	Queued Veh
AM Peak		
7:00 - 7:15	10	2
7:15 - 7:30	11	1
7:30 - 7:45	13	4
7:45 - 8:00	12	2
8:00 - 8:15	10	3
8:15 - 8:30	10	4
8:30 - 8:45	13	2
8:45 - 9:00	12	0
Noon Peak		
11:00 - 11:15	16	1
11:15 - 11:30	17	0
11:30 - 11:45	13	3
11:45 - 12:00	16	4
12:00 - 12:15	23	2
12:15 - 12:30	21	4
12:30 - 12:45	19	4
12:45 - 1:00	17	0
1:00 - 1:15	18	3
1:15 - 1:30	18	0
1:30 - 1:45	19	5
1:45 - 2:00	17	3



 1:2,400	NOTIFICATION		Case no: BDA123-017
	<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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 1/25/2013	

Notification List of Property Owners

BDA123-017

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5403 ROSS AVE	MCDONALDS CORP STE 640
2	5328 ROWENA ST	WILLIAMS DON
3	5329 ROSS AVE	RASANSKY MITCHELL
4	5415 ROSS AVE	GABERINO JAMES D ETAL LTD DBA SPARKLE CA
5	1800 SUMMIT AVE	BAXAVANIS NICHOLAS &
6	1804 SUMMIT AVE	CADE CHARLES
7	1808 SUMMIT AVE	DOBBS RODNEY L
8	1812 SUMMIT AVE	BAILLARD CATHERINE ANNE & MEHRAN RAFIIAN
9	1818 SUMMIT AVE	PERKINS WENDY
10	1820 SUMMIT AVE	BYROM SHANNAON KYLE
11	5424 LEWIS ST	MACATEE FAMILY LIMITED %GEORGE P MACATEE
12	5434 ROSS AVE	CLARK LESLIE A LIPPITT % LIPPITT PROPERT
13	1800 SUMMIT AVE	1800 HENDERSON LP
14	5315 ROSS AVE	WILLOW LAKE INVESTMENTS
15	5429 ROSS AVE	REESE GRANDCHILDRENS TR
16	5429 ROSS AVE	CHAN ALVIN B INC
17	5334 ROSS AVE	ROSS HENDERSON DEV GROUP LLC

FILE NUMBER: BDA 123-025

BUILDING OFFICIAL'S REPORT:

Application of Dallas Cothrum to appeal the decision of the administrative official at 9701 N. Central Expressway. This property is more fully described as part of Lot 1, Block S/5455, and is zoned PD-750. The applicant is appealing the decision of an administrative official refusing to submit a development plan to the City Plan Commission.

LOCATION: 9701 N. Central Expressway

APPLICANT: Dallas Cothrum

REQUEST:

An appeal has been made requesting that the Board of Adjustment reverse/overtake the Administrative Official's (David Cossum, Assistant Director of Sustainable Development and Construction Current Planning Division) January 25, 2013 decision to refuse to submit a development plan to the City Plan Commission submitted by the applicant for Tract E-1 of Planned Development No. 750.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

Zoning:

Site: PD 750 (Planned Development)
North: MF-2(A), MU-3, & GO(A) (Multifamily residential, mixed use, and general office)
South: PD 121 (Planned Development)
East: MU-1 (Mixed Use)
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

The subject site is undeveloped. The areas to the north and south are developed with a mix of residential and nonresidential uses; the area to the east is the North Central Expressway; and the area to the west is developed with single family uses.

Zoning/BDA History:

1. BDA 123-016, Property at 9701N. Central Expressway (the subject site) On February 19, 2013, the Board of Adjustment Panel A will consider a request for a special exception to the tree preservation regulations.

Timeline:

January 22, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 7, 2013: This case was assigned to Board of Adjustment Panel A.

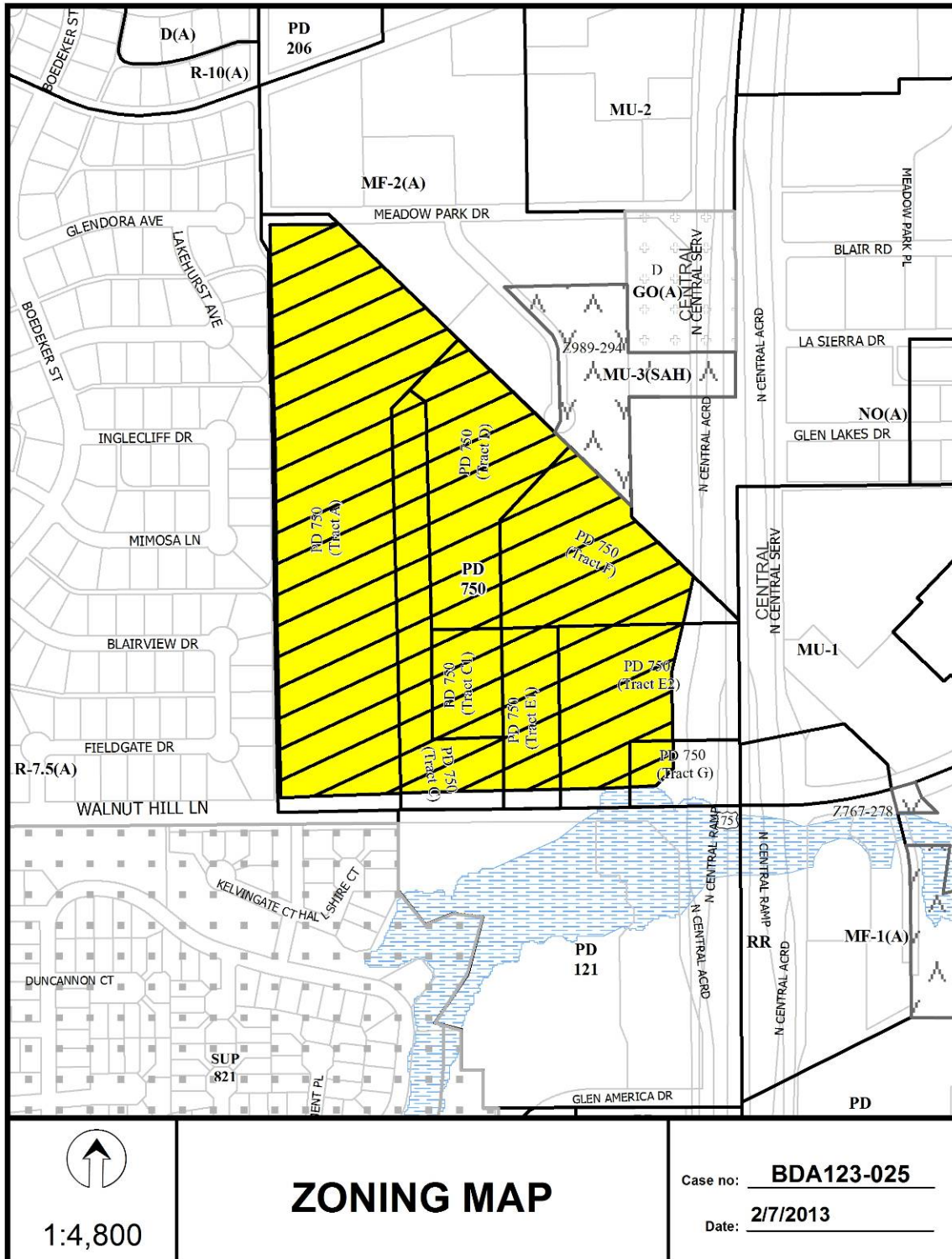
February 7, 2013: The Board Administrator emailed the applicant the following information:

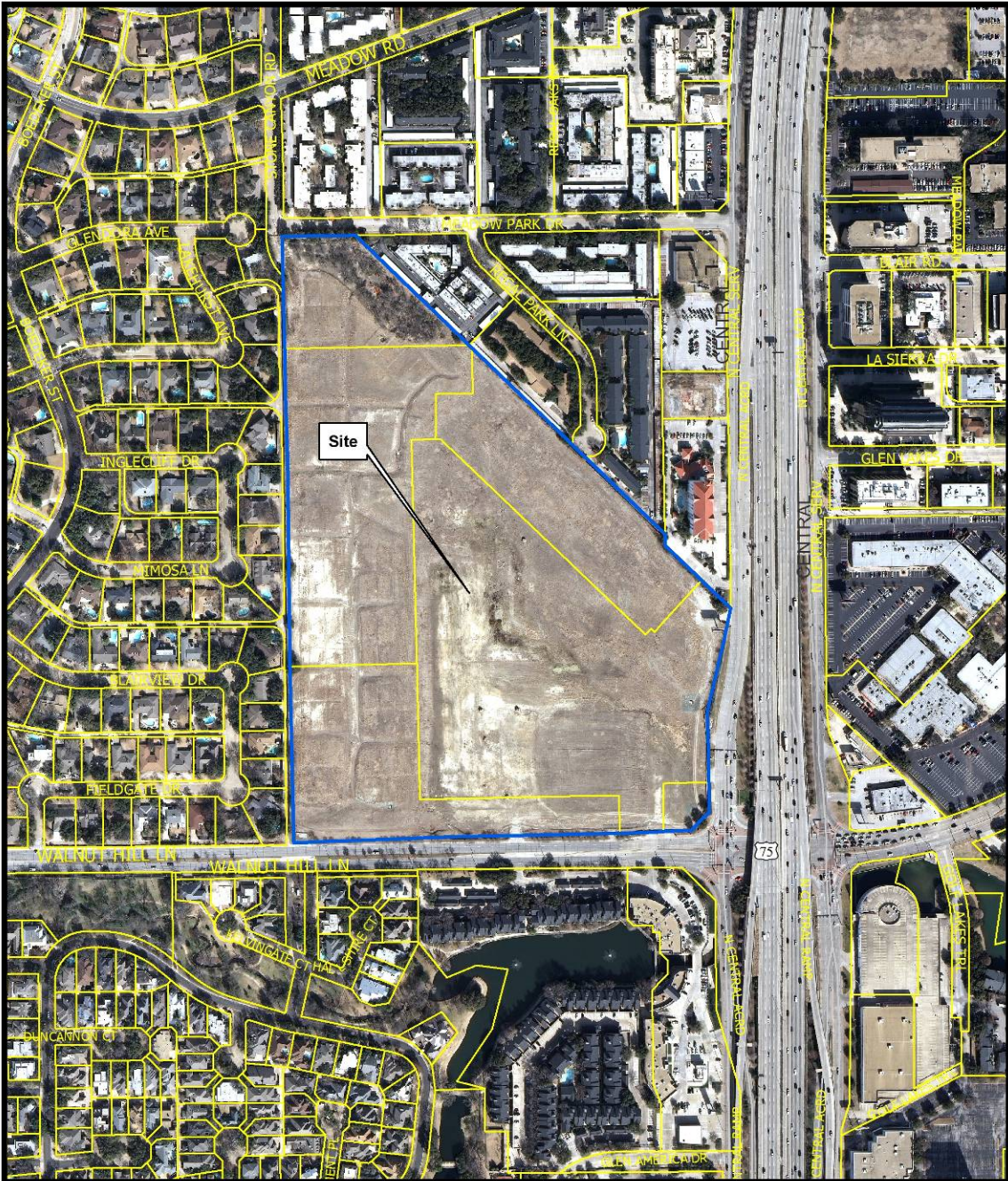
- an attachment that provided the public hearing date and panel that will consider the application; the February 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 8, 2013: The applicant forwarded information on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- A copy of the Administrative Official’s (David Cossum, Assistant Director of Sustainable Development and Construction Current Planning Division) January 25, 2013 decision letter to the applicant is included in this case report.
- The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.





 1:4,800	<h1>AERIAL MAP</h1>	Case no: <u>BDA123-025</u> Date: <u>2/7/2013</u>
--	---------------------	---



Masterplan

Land Use Consultants

BDA 123-025
Attach A
Pg 1

February 8, 2013

Mr. Steve Long, Board Administrator
1500 Marilla SBN
Dallas, TX 75201

Dear Mr. Long,

The applicant in Case No: BDA 123-025 originally appealed two items.

The setback along Walnut Hill Lane, and
The timing of building the required 20% residential.
We no longer are appealing the 20% requirement.

Masterplan
Representative for the Owner
75 and Walnut Hill LLC

Steve - To
replace
original
Exhibit Two

Eze-chiel \i-ze-kyol, -ke-s\ n [LL]: EZEKIEL
Eze-kiel \i-ze-kyol, -ke-s\ n [LL Ezechiel, fr. Heb Yēchezqel] 1: a Hebrew priest and prophet of the 6th century B.C. 2: a prophetic book of canonical Jewish and Christian Scripture written by Ezekiel — see **IMMUTABLE**

EXHIBIT TWO

F

f \f\ n, pl f's or fs \f's\ often cap, often attrib 1 a: the 6th letter of the English alphabet b: a graphic representation of this letter c: a speech counterpart of orthographic f 2: the 4th tone of a C-major scale 3: a graphic device for reproducing the letter f 4: one designated f esp. as the 6th in order or class 5 a: a grade rating a student's work as failing b: one graded or rated with an F 6: something shaped like the letter F
fa \fā\ n [ME, fr. ML, fr. the syllable sung to this note in a medieval hymn to St. John the Baptist] (14c): the 4th tone of the diatonic scale in solmi-

zation
fa-ba-ceous \fā-'bā-shə-s\ *adj* [NL *Fabaceae*, family of legumes, fr. *Faba*, type genus, fr. L. bean] (ca. 1727) 1: of or relating to the legume family: LEGUMINOUS 2: relating to, resembling, or being a bean
Fa-bi-an \fā-'be-ən\ *adj* (1777) 1 a: of, relating to, or in the manner of the Roman general Quintus Fabius Maximus known for his defeat of Hannibal in the Second Punic War by the avoidance of decisive contests b: CAUTIOUS, DILATORY 2 [the *Fabian* Society; fr. the members' belief in slow rather than revolutionary change in government]: of, relating to, or being a society of socialists organized in England in 1884 to spread socialist principles gradually — **Fabian** n — **Fa-bi-an-ism** \-ə-, -niz-əm\ n
fa-ble \fā-'bəl\ n [ME, fr. MF, fr. L *fabula* conversation, story, play, fr. *fari* to speak — more at **BAN**] (14c): a fictitious narrative or statement; as a: a legendary story of supernatural happenings b: a narration intended to enforce a useful truth; esp.: one in which animals speak and act like human beings c: FALSEHOOD, LIE
fa-ble vb fa-ble-d; fa-ble-ing \-b(ə-'lɪŋ)\ *vi*, *archaic* (14c): to tell fables ~ *vt*: to talk or write about as if true — **fa-ble-r** \-b(ə-'lɪr)\ n
fa-ble-d \fā-'bɔld\ *adj* (1606) 1: FICTITIOUS 2: told or celebrated in fables 3: RENOWNED, FAMOUS
fa-bli-au \fā-'blē-ə\ n, pl -aux \-ə(z)\ [F, fr. OF, dim. of *fabule*] (1804): a short, usu. comic, frankly coarse, and often cynical tale in verse popular in the 12th and 13th centuries
fa-bric \fā-'brɪk\ n [MF *fabrique*, fr. L *fabrica* workshop, structure — more at **FORGE**] (15c) 1 a: STRUCTURE, BUILDING b: underlying structure: FRAMEWORK (the ~ of society) 2: an act of constructing; ERECTION; specif.: the construction and maintenance of a church building 3 a: structural plan or style of construction b: TEXTURE, QUALITY — used chiefly of textiles c: the arrangement of physical components (as of soil) in relation to each other 4 a: CLOTH la b: a material that resembles cloth 5: the appearance or pattern produced by the shapes and arrangement of the crystal grains in a rock
fa-bri-cant \fā-'brɪ-kənt\ n (1757): MANUFACTURER
fa-bri-cate \fā-'brɪ-'kāt\ *vi*, *cat-ed*; *cat-ing* [ME *fabricatus*, fr. L *fabricatus*, pp. of *fabricari*, fr. *fabrica*] (15c) 1: CONSTRUCT, MANUFACTURE; specif.: to construct from diverse and usu. standardized parts 2 a: to INVENT, CREATE b: to make up for the purpose of deception **syn** see **MAKE** — **fa-bri-ca-tor** \fā-'brɪ-'kāt-ər\ n
fa-bri-ca-tion \fā-'brɪ-'kə-shən\ n (1670) 1: the act or process of fabricating 2: a product of fabrication; esp.: THE FALSEHOOD
fa-bu-lar \fā-'yū-'lər\ *adj* (1684): of, relating to, or having the form of a fable
fa-bu-list \fā-'yū-'ləst\ n (1593) 1: a creator or writer of fables 2: LIAR — **fa-bu-list or fa-bu-listic** \fā-'yū-'lɪs-'tɪk\ *adj*
fa-bu-ulous \fā-'yū-'ləs\ *adj* [ME, fr. L *fabulosus*, fr. *fabula*] (15c) 1 a: resembling a fable esp. in incredible, astonishing, or exaggerated quality b: WONDERFUL, MARVELOUS (had a ~ time) 2: told in or based on fable **syn** see **FICTITIOUS** — **fa-bu-ulous-ly** *adv* — **fa-bu-ulous-ness** n
fa-cade also **fa-çade** \fā-'sɪd\ n [F *façade*, fr. It *facciata*, fr. *faccia* face, fr. (assumed) VL *facia*] (ca. 1656) 1: the front of a building; also: any other face (as on a street or court) of a building given special architectural treatment 2: a false, superficial, or artificial appearance or effect: FACE
face \fās\ n, often attrib [ME, fr. OF, fr. (assumed) VL *facia*, fr. L *facies* make, form, face, fr. *facere* to make, do — more at **DO**] (13c) 1 a: the front part of the human head including the chin, mouth, nose, cheeks, eyes, and usu. the forehead b: the face as a means of identification: COUNTENANCE (would know that ~ anywhere) 2 *archaic*: PRESENCE, SIGHT 3 a: facial expression b: GRIMACE c: MAKEUP Ja(1) 4 a: outward appearance (suspicious on the ~ of it) b: DISGUISE, PRETENSE c (1): ASSURANCE, CONFIDENCE (maintaining a firm



facade 1

~ in spite of adversity) (2): EFFRONTERY (how anyone could have the ~ to ask that question) d: DIGNITY, PRESTIGE (afraid to lose ~) 5: SURFACE a (1): a front, upper, or outer surface (2): the front of something having two or four sides (3): FACADE (4): an exposed surface of rock (5): any of the plane surfaces that bound a geometric solid b: a surface specially prepared; as (1): the principal dressed surface (as of a disk) (2): the right side (as of cloth or leather) (3): an inscribed, printed, or marked side c (1): the surface (as of type) that receives the ink and transfers it to the paper (2): a style of type 6: the end or wall of a mine tunnel, drift, or excavation at which work is progressing 7: FACE VALUE 8: PERSON (lots of new ~s around here) — **face-less** \-ləs\ *adj* — **face-less-ness** n — in the face of also in face of: face-to-face with: DESPITE (succeed in the face of great difficulties) — to one's face: in one's presence or so that one is fully aware of what is going on: FRANKLY
face vb faced; fac-ing \v\ (15c) 1: to confront impudently 2 a: to line near the edge esp. with a different material b: to cover the front or surface of (faced the building with marble) 3: to meet face-to-face or in competition 4 a: to stand or sit with the face toward b: to front on (a house facing the park) 5 a: to recognize and deal with straightforwardly (~ the facts) b: to master by confronting with determination — used with *down* (faced down his critics) 6 a: to have as a prospect: be confronted by (~ a grim future) b: to be a prospect or a source of concern for (the problems that ~ us) c: to bring face-to-face (he was faced with ruin) 7: to make the surface of (as a stone) flat or smooth 8: to cause (troops) to face in a particular direction on command ~ *vi* 1: to have the face or front (turned in a specified direction) 2: to turn the face in a specified direction — **face the music**: to meet an unpleasant situation, a danger, or the consequences of one's actions
face angle n (1913): an angle formed by two edges of a polyhedral angle
face card n (1826): a king, queen, or jack in a deck of cards
face-cloth \fās-'klɔth\ n (1602): WASHCLOTH
face cord n (ca. 1926): a unit of wood cut for fuel equal to a stack 4 x 8 feet with lengths of pieces from about 12 to 16 inches
-faced \fās\ *adj comb form*: having (such) a face or (so many) faces (*rosy-faced*) (*two-faced*)
face-down \fās-'daʊn\ *adv* (1926): with the face down (sliding ~)
face fly n (1961): a European fly (*Musca autumnalis*) that is similar to the house fly, is widely established in No. America, and causes great distress in livestock by clustering about the face
face-hard-en \fās-'hɑrd-'n\ *vt* (1874): to harden the surface of (as steel)
face-lift \fās-'slɪft\ n (1952): FACE-LIFTING — **face-lift** \-slɪft\ *vi*
face-lift-ing \fās-'slɪft-ɪŋ\ n (1922) 1: a plastic operation for removal of facial defects (as wrinkles) typical of aging 2: an alteration or restyling intended esp. to modernize
face-off \fās-'sɔf\ n (1896) 1: a method of putting a puck in play in ice hockey by dropping it between two opposing players each of whom attempts to gain control of the puck or hit it to a teammate 2: CONFRONTATION
face-plate \fās-'splæt\ n (1841) 1: a disk fixed with its face at right angles to the live spindle of a lathe for the attachment of the work 2: a protective cover for the human face (as of a diver) 3: the glass front of a kinescope on which the image is seen
face-er \fās-'ər\ n (ca. 1864) 1: one that faces; specif.: a cutter for facing a surface 2: a stumming check or defeat
face-saver \fās-'sə-vər\ n (1923): something (as a compromise) that saves face — **face-saving** \fās-'sə-vɪŋ\ *adj* or n
face-ct \fās-'t\ n [F *facette*, dim. of *face*] (1625) 1: a small plane surface (as on a cut gem) — see **BRIGHT** illustration 2: any of the definable aspects that make up a subject (as of contemplation) or an object (as of consideration) 3: the external corneal surface of an ommatidium 4: a smooth flat circumscribed anatomical surface (as of a bone) 5: a fillet between the flutes of a column — **face-ct-ed** or **face-ct-ed** \fās-'t-əd\ *adj*
face-ct-e \fās-'t\ *adj* [L *facetus*] *archaic* (1603): FACETIOUS, WITTY
face-ct-ae \fās-'t-ē-, -ē-, -ē-, -ē-\ n pl [L, fr. pl. of *facetta* jest, fr. *facetus* elegant, witty] (1529): witty or humorous writings or sayings
face-tious \fās-'t-ē-shəs\ *adj* [MF *facetieux*, fr. *facette* jest, fr. L *facetta*] (1599) 1: joocular in an often clumsy or inappropriate manner 2: characterized by pleasantry or levity: JOCOSE (a ~ remark) **syn** see **WITTY** — **face-tious-ly** *adv* — **face-tious-ness** n
\\ə\ abut \\k\ kitten, F table \\ər\ further \\ə\ ash \\ə\ ace \\i\ cot, cart \\u\ out \\ch\ chin \\e\ bet \\e\ easy \\g\ go \\h\ hit \\i\ ice \\j\ job \\j\ sing \\ə\ go \\ə\ law \\oi\ boy \\th\ thin \\th\ the \\u\ loot \\u\ foot \\y\ yet \\z\ vision \\ā, k, ʰ, ce, ce, ue, ue, \\ see Guide to Pronunciation

d) c: LOOP; esp.: a ped bud (as on a popical cyclone marked precipitation f: the marked; specif: the of beef cut from beef muscle of a chop added in fat in a rib cell) that functions ething central: GEN-: the direction from — eye-like \\,lɪk\ *adj* sometimes surprise
ix the eyes on: look ve ~ *vi*, obs: SEEM.
bular capsule of the together with their
neas from the newly through corneal de-
id (genus *Euphrasia*) of ves
r hair growing on it he eyebrows
ing strongly attract-
istance for purposes objects of decreasing
erson's eyes
h a rim curved to fit ed]] (1924): prefer- n using a monocular
y satisfying view 2 aultiful woman
a lens worn to aid 2: EYECUP I
dging the eyelid —
iece
lim. of oil eye, fr. L e a cord or used for a metal ring to rein-
of skin and muscle
phasize the contour
tended to wake one eming — eye-open-
of lenses at the eye
the eye is placed in
xcites or astonishes
rs to have identical d love)
the eyes from strong
r in one of various
aw
OBSERVATION I
nsive to view
rgan of pigment or
CELLUS b: a small
spot of color 3
erized by yellowish
of various grasses
n *sacchari*)
duncles bearing an
d state of the eye
e attachments for-
per jaw
on 2: misleading
n occurrence or an
een
p, fr. *error* to travel
itinerant justice in
N, money (in pl.),
na at MONEY table

Supplemental Applicant's Statement

The following narrative expresses the concerns of the Applicant regarding the denial by an Administrative Official of the City of Dallas. The Planned Development for Planned Development No. 750 is long and complicated, but the Applicant's representative was one of the authors of the ordinance. As such, the Applicant believes that it has a unique perspective regarding the intent of the application.

Issue One: Land Use Designation

750.111 (C)(1)(i)(aa) – For structures containing retail or personal service uses facing Walnut Hill Lane, minimum setback is 84 feet and maximum setback is 106 feet.

750.111 (C)(1)(i)(bb) – **Otherwise**, minimum setback for structures is 49 feet, and the maximum setback is 106 feet.

Commentary – If the intent was to have ALL retail and personal services uses be set back a minimum of 84 feet, (aa) would have read “for structures containing retail or personal service uses, the minimum setback is 84 feet and the maximum setback is 106 feet.” Period. The phrase “facing Walnut Hill” is included and is therefore relevant. Further, if the intent were to have all retail or personal service uses be set back 84 feet, then (bb) would have read “For all other uses not containing retail or personal service use, the minimum setback is 49 feet and the maximum setback is 106 feet.” The fact that (bb) uses the word “structures” rather than “uses” implies it is NOT referring to uses only, and that the issue of “facing” for retail and personal service uses is particularly relevant.

The inclusion of the word “otherwise,” which means something or anything else, indicates that anything other than facing Walnut Hill qualifies for the 49 feet setback. The use of the word “otherwise” presupposes that there might be something other than facing Walnut Hill and this section was written accordingly.

Issue Two: the issue of “facing”

The ordinance only references the word “facing” as it relates to retail and personal service uses. It never mentions the word “facing” for any other uses. The city is interpreting the word “facing” to mean any blockface. But by that interpretation, all structures would face a certain direction. But the ordinance only references retail and personal service uses facing a certain direction. Looking at the ordinance as a whole, it is clear that the word “facing” is referring to retail storefront “facing” a certain direction. The Development Plan clearly shows that the retail entrance is turned to the north; the applicant strongly contends that facing means (as defined by the Webster Collegiate Dictionary): “To have the face or front turned in a specified direction.” The entrance to the grocery anchor is clearly turned to the north to be a part of the mixed-use district. The intent of the project was to have an internalized mixed-use environment—not a big box retail location with the front towards Walnut Hill.

The streets and associated street sections are a very important part of this ordinance. There are several required streets that are included on the conceptual plan, and the ordinance goes so far as to define exactly where they can and cannot go. The Conceptual Plan, however, does not specific this. It specifies the width of the roads, where there can be parking, the type of parking, the width of the sidewalks, and

the maximum distance between two building faces. The street sections are very specific, and are largely dictated by whether or not retail **faces** a certain direction.

750.107(c)(7) Exhibit 750G: street section:

(A) A street with retail and personal service uses **facing** Walnut Hill Lane or North Central Expressway containing two rows of on-street parking (an exhibit 750 G retail street) must comply with exhibit 750G.

750.107(c)(8) Exhibit 750G-1: street section:

(A) A street with retail and personal service uses **facing** Walnut Hill Lane or North Central Expressway containing one row of on-street parking (an exhibit 750 G-1 retail street) must comply with exhibit 750G-1.

750.107(c)(9) Exhibit 750H: street section: A street within Tract C that is parallel and adjacent to, but does not have any retail or personal service uses **facing**, Walnut Hill Lane, must comply with Exhibit 750H

750.107(e) Method of determining applicable street:

(2) If any use on a blockface **facing** Walnut Hill Lane or North Central Expressway is a retail or personal service use, then the adjacent street along the length of that blockface is considered to be a street with a retail and personal service use.

Commentary: By the Administrative Official's definition of facing – if there is a blockface, then it is facing – the phrase “blockface facing” is redundant. The ordinance clearly is referring to retail storefront.

(3) If no use on a blockface facing Walnut Hill Lane or North Central Expressway is a retail and personal service use, then the adjacent street along that blockface is considered to be a street that does not have retail and personal service uses.

Commentary: We are required to have mixed use in tracts C, C1, E1, E2, and G. If blockface also means facing, then there would be no reason to include clause 750.107(e)(3) at all because it would be impossible to not have a blockface that didn't include retail or personal service uses. Facing is intended to mean retail storefront.

(5) If a street along a blockface is designated on a development plan as a street that does not have retail and personal service uses, no certificate of occupancy may be issued for a retail or personal service use on that blockface.

Commentary: The issue of “facing” dictates the street section, and if the street section is not properly designated, it can potentially hold up a certificate of occupancy.

750.111.(c)(1)(B)(i)(cc) – Maximum setback from Walnut Hill Lane does not apply to any structure north of the east-west street, or to a structure located behind another structure that is closer to Walnut Hill Lane if the length of the further structure's **façade facing** Walnut Hill Lane extends no more than 30

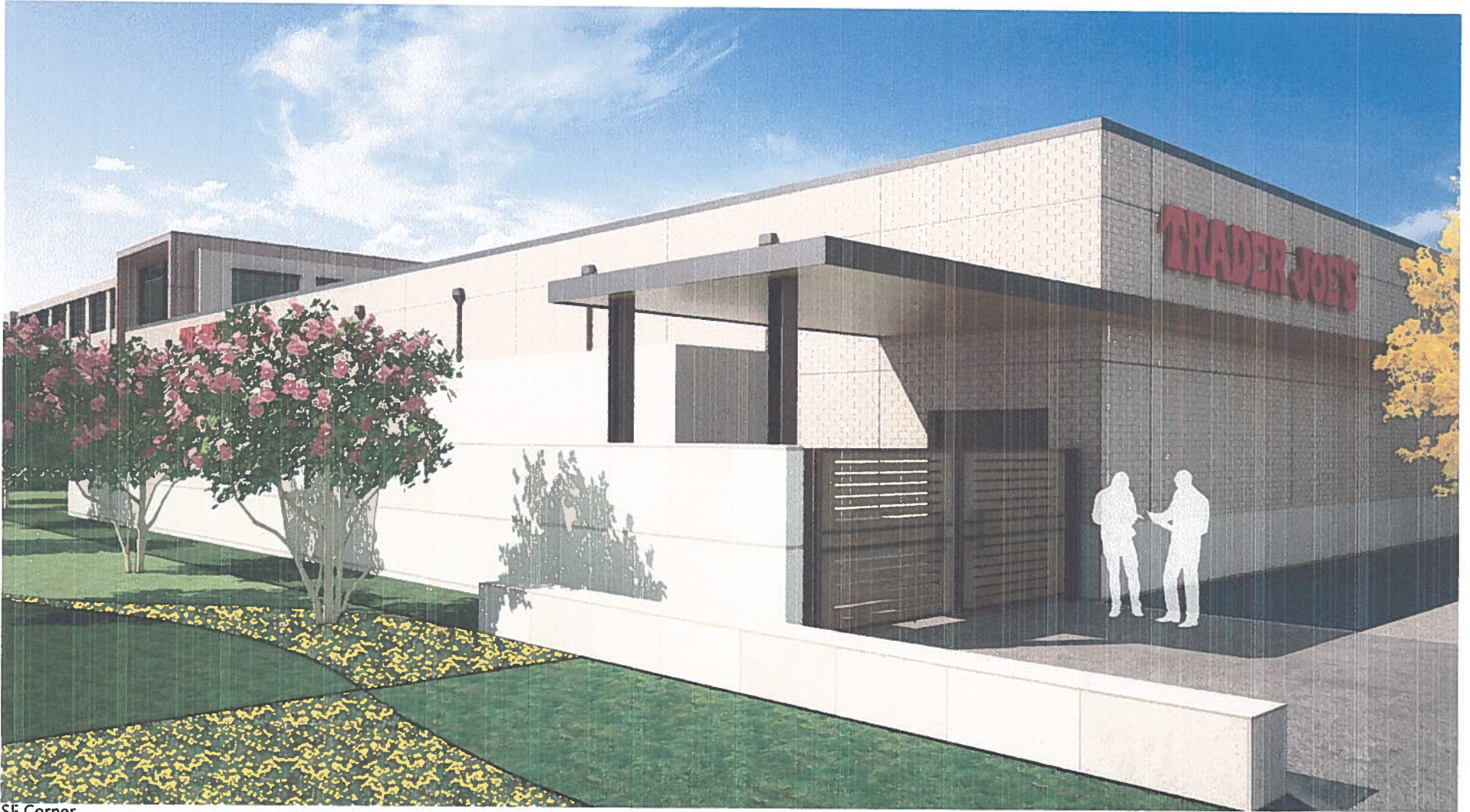
percent beyond the closer structure's façade facing Walnut Hill Lane, as measured by perpendicular lines extending from the ends of the two facades to Walnut Hill Lane.

Commentary: The phrase "façade facing" has to mean storefront. If not, and if facing really just means a blockface, then just which façade is used to measure the 30 percent?

"Facing" conclusion

The issue of facing is relevant, and only pertains to retail storefront. **As is clearly depicted in Exhibit 750 D, which is the Retail Street Section, the pedestrians are standing by the storefront.** There are no illustrations, references, or requirements for the back of retail or personal service uses. According to the vision statement "Streets, sidewalks, and landscape architecture should be scaled to the end user to encourage pedestrian traffic and ultimate enjoyment of the environment." To that end, the street sections specifically define how that environment takes shape, and the street sections are dictated by whether or not there is a retail or personal service use facing that street. Facing is an extremely relevant term in this ordinance, and to conclude that the term "facing" means anything other than retail storefront destroys the fabric of the entire ordinance.

Any other interpretation would urge the Developer to move towards a deeper setback with a storefront facing the street and would not create the strong sense of place articulated in the vision statement of the PD. The PD's vision statement calls for an "integrated mixed use core where human scale plazas, together with tree lined streetscapes, foster a pedestrian-friendly urban character." The Developer intends to have a retail entrance that coordinates with the other active areas within the development. A decision by the city would lead the anchor to have an orientation separate and apart from all the other retail in the development.



SE Corner

Provident Realty | Kroenke Holdings

Preston Hollow Village
Dallas, Texas | November 14, 2012 | ©2012 Gensler. All rights reserved.

BDA 123-025
Attach A
Pg 6

Gensler



SW Corner



NW Corner

Provident Realty | Kroenke Holdings

Preston Hollow Village
Dallas, Texas | November 14, 2012 | ©2012 Gensler. All rights reserved.

BDA 123-025
Attach A
Pg 8

Gensler



NE Corner



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-025

Data Relative to Subject Property:

Date: 1-22-13

Location address: 9701 and 9707 North Central Expressway

Zoning District: PD 750

Lot No.: pt. Lot 1 Block No.: S/5455 Acreage: 42.1484 Census Tract: 131.03 Street Frontage (in Feet): 1 539.82 2 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property/or Principal 75 and Walnut Hill LLC

Applicant: Dallas Cothrum ~~Provident Realty Advisors~~ Telephone: 971-239-8500

Mailing Address 5400 LBJ Freeway, Suite 975, Dallas Texas Zip Code: 75240

Represented by: Masterplan, Dallas Cothrum Telephone: 2147619197

Mailing Address: 900 Jackson Street, Suite 640, Dallas-75202 Zip Code:

Affirm that a request has been made for a Variance, or Special Exception, of appeal of an administrative official's decision

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: Appeal and reverse the decision of an administrative official regarding the required setback along Walnut Hill Lane in Tract E-1, E-2, and appeal the decision or interpretation regarding the requirement of showing 20% residential on the development plan, and at commencement of construction of

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.

retail general merchandise use

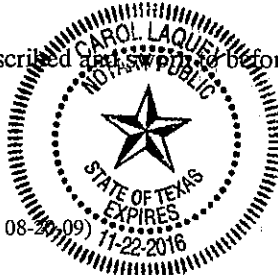
Respectfully submitted: DALLAS COTHRUM [Signature]
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Dallas Cothrum who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 21 day of January, 2013



Carol Laquey
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

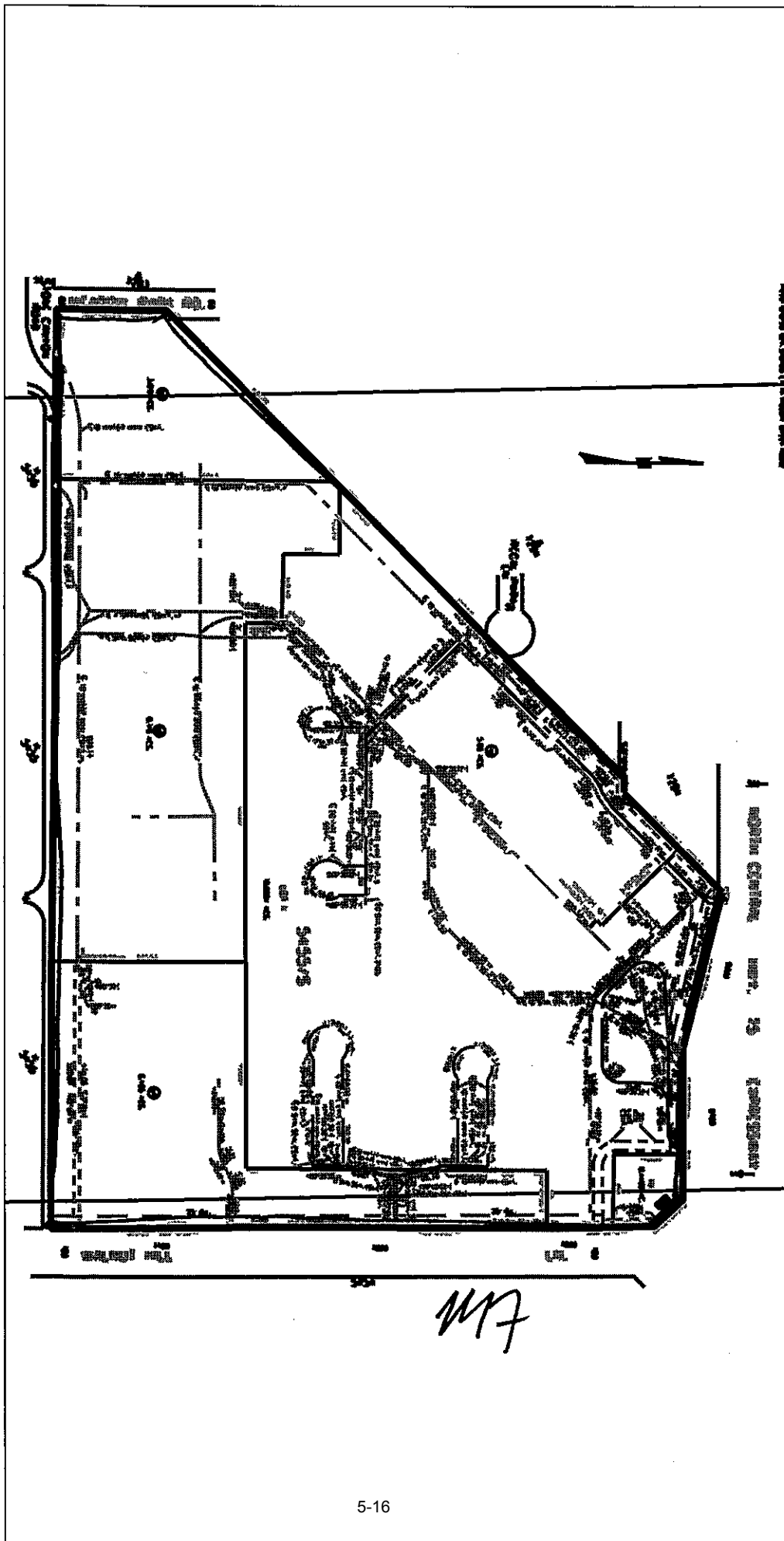
I hereby certify that Dallas Cothrum

did submit a request to appeal the decision of the administrative official
at 9701 N. Central Expy.

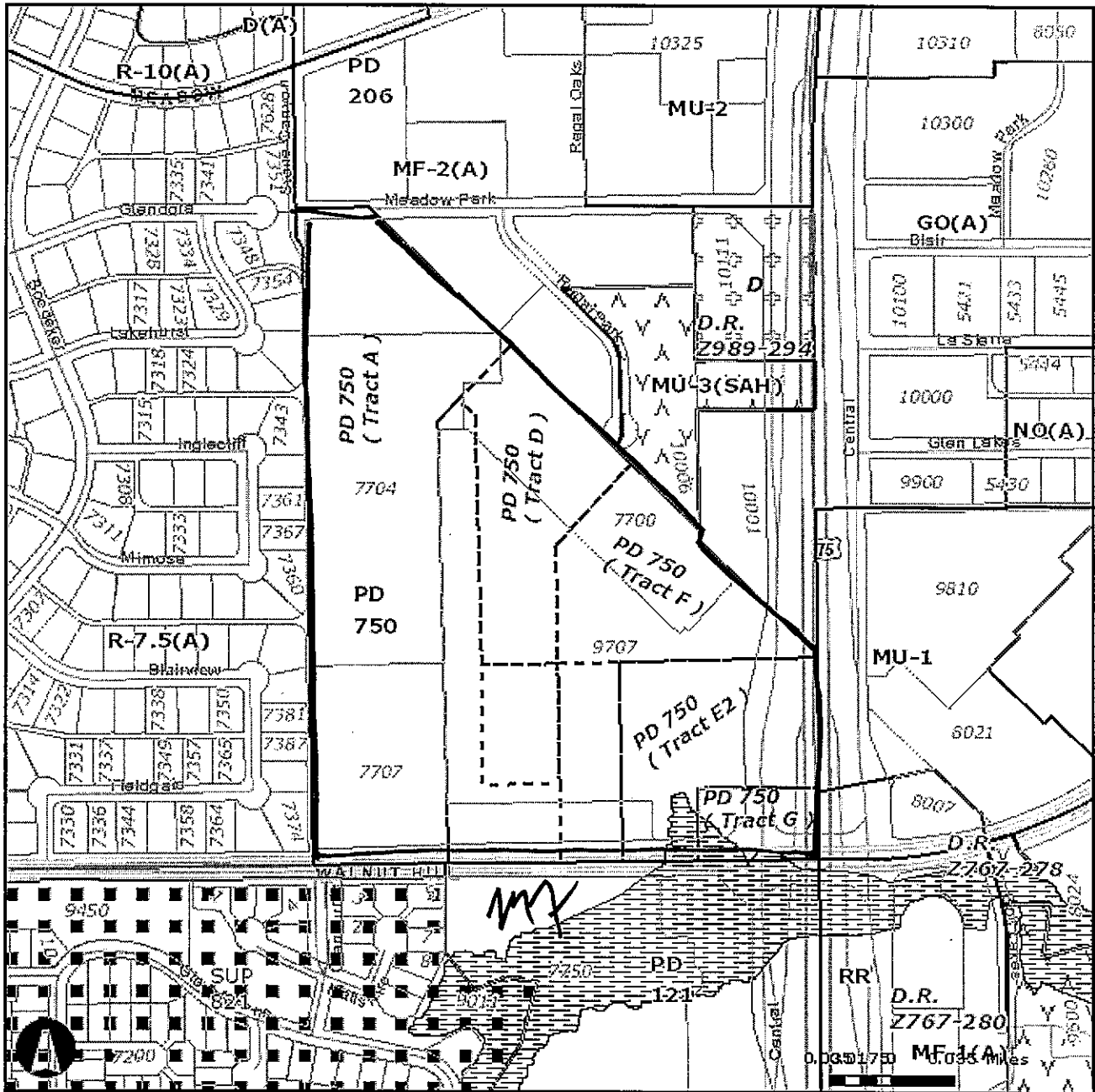
BDA123-025. Application of Dallas Cothrum to appeal the decision of the administrative official at 9701 N. Central Expressway. This property is more fully described as part of Lot 1, Block S/5455, and is zoned PD-750. The applicant is appealing the decision of an administrative official refusing to submit a development plan to the City Plan Commission.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Major Lakes

Dry Overlay

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

PDS Subdistricts

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



CITY OF DALLAS

January 25, 2013

Mr. Dallas Cothrum
Masterplan
900 Jackson Street, Suite 640
Dallas, Texas 75202

RE: Planned Development No. 750 – Development Plan for Tract E-1

Dear Mr. Cothrum:

Please be advised that the development plan you submitted for Tract E-1 of Planned Development No. 750 cannot be approved and is being returned for the following reasons.

1. The PD ordinance states that development must conform with the Conceptual Plan which shows a building line of 84 feet on Tract E-1 and also states on the table included on the Conceptual Plan that the minimum setback is 84 feet for all development on Tract E-1.
2. The PD ordinance states that structures containing retail or personal service uses facing Walnut Hill Lane in tracts C, C-1, E-1, E-2, and G have a minimum setback of 84 feet.
3. The PD ordinance states that a development plan for any area in which new construction is requested must be approved by the city plan commission prior to the application for any building permit for that new construction. The development plan may cover only the building site and adjacent streets; the plan is not required to cover the entire tract, except as necessary to comply with the mixed use project requirements in Subsection (d). Subsection (d) requires that at least 20 percent of the uses within Tracts E-1, E-2, and G combined must be residential (excluding lodging) and that the development plan must show these uses.

If you need any additional information, please do not hesitate to contact me at 214-670-4216.

Sincerely,

David Cossum
Assistant Director, Sustainable Development and Construction

C: Theresa O'Donnell, Director, Sustainable Development and Construction
Larry Holmes, Chief Building Official



Masterplan

Land Use Consultants

TO: CITY OF DALLAS BOARD OF ADJUSTMENT

FROM: Dallas Cothrum, Ph.D.

Re: PDD 750, Ordinance No. 26510

To appeal to the BDA to “reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance.”

An administrative official (Director, Department of Sustainable Development and Construction, interprets the following in a manner that is, in the applicant’s opinion, incorrect and is not consistent with the intent of the Planned Development District (PDD).

1. The setback along Walnut Hill Lane in Tracts E-1 and E-2 is 49 feet in this circumstance. The applicant has submitted a Development Plan for the first phase of the PDD. The plan has a setback of 49 feet which is consistent with the attached EXHIBIT ONE. The ordinance states that for Tracts E-1 and E-2 the setback for structures containing retail or personal service uses facing Walnut Hill is a minimum of 84 feet otherwise if it is not facing Walnut Hill, then it is 49 feet.

The store faces an internal area to the north. See attached definition of facing (EXHIBIT TWO). The loading area is on the south side of the building and screened by a screening wall of 8 feet (see EXHIBIT THREE). This demonstrates that the intent is that buildings could have facades other than the front facade along Walnut Hill.

2. There is a requirement that at least 20% of the uses in Tracts E-1, E-2 and G combined must be residential. The ordinance states that the development plan is not required to cover the entire tract. The ordinance contemplates a multi-tract (see EXHIBIT FOUR) phased development. It also requires a cumulative table showing the various regulations for the tract. This permits development of different uses as the development progresses. The percentages set forth are required at “build-out” for a tract, not at each phase. This is consistent with the methods used for other phased mixed use development in Dallas.

The ordinance further states that if there are conflicts between the ordinance and the exhibits that the text of the article controls (see EXHIBIT FIVE).

EXHIBIT ONE

SEC. 51P-750.111. YARD, LOT, AND SPACE REGULATIONS.

(B) Walnut Hill Lane setback.

(i) Minimum and maximum setbacks from Walnut Hill Lane. Except as provided in Subparagraph (B)(ii), in Tracts C, C-1, E-1, E-2, and G:

(aa) For structures containing retail or personal service uses facing Walnut Hill Lane, minimum setback is 84 feet and maximum setback is 106 feet.

(bb) Otherwise, minimum setback for structures is 49 feet,

EXHIBIT THREE

SEC. 51P-750.116. ADDITIONAL PROVISIONS

(c) Loading docks. All loading dock areas must be screened from Walnut Hill Lane and North Central Expressway by solid masonry screening with a minimum height of eight feet extending the entire length of the loading dock area.

EXHIBIT FOUR

SEC. 51P-750.105. CREATION OF TRACTS.

- (a) This district is divided into eight tracts, Tracts A, C, C-1, D, E-1, E-2, F, and G, as shown on the conceptual plan (Exhibit 750B). *[Note: There is no Exhibit 750A, and there is no Tract B.]*
- (b) The subdivision of each tract by platting is permissible. (Ord. 26510)

EXHIBIT FIVE

SEC. 51P-750.104.

DEFINITIONS AND INTERPRETATIONS.

(d) Conflicts.

(1) In the event of a conflict between the text of this article and the exhibits, the text of this article controls.

(2) In the event of a conflict between the standards for streets and sidewalks in this article and Article VIII, the standards in this article control. (Ord. 26510)

LIST OF OFFICERS

75 and Walnut Hill, LLC

Leon Backes, President



CITY OF DALLAS

AFFIDAVIT

BDA Case # 123-025

I, Leon Backes, Owner of the subject property

at: 9701 & 9707 N. Central Expressway

Authorize (applicant) Dallas Cothrum

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

Variance (please specify)

Special Exception (please specify)

Other (please specify) Appeal of administrative official regarding the setback along Walnut Hill.

Leon BACKES

Jan 21, 2013

Print name of property owner Signature of property owner Date

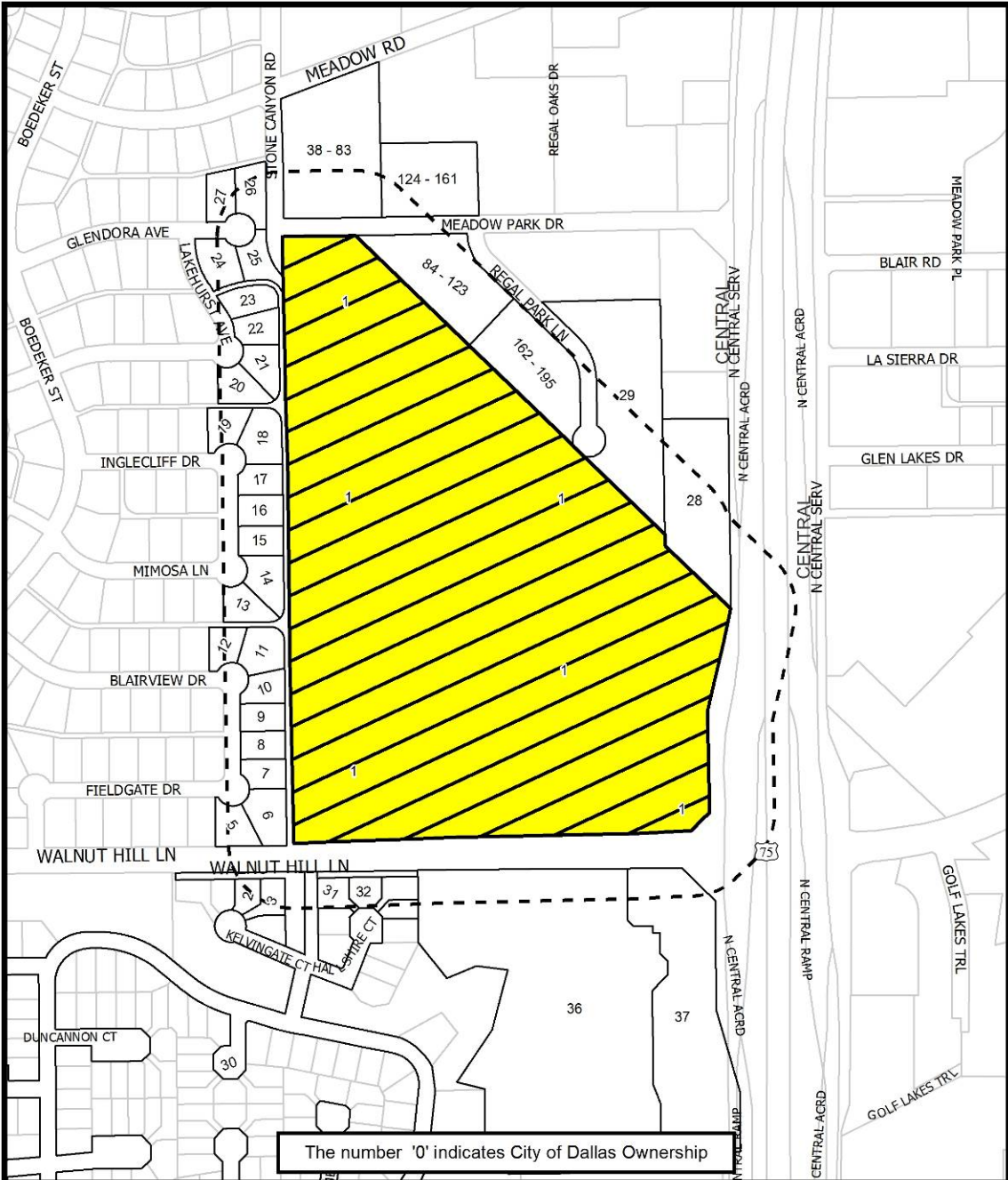
Before me the undersigned on the day of personally appeared Leon BACKES

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 21st day of January, 2013

Notary Public on and for
Dallas County, Texas
Commission expires on Apr. 24, 2015





 1:4,800	NOTIFICATION		Case no: BDA123-025
	<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;">195</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 2/7/2013

Notification List of Property Owners

BDA123-025

195 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7700 MEADOW PARK DR	75 AND WALNUT HILL LLC
2	3 KELVINGATE CT	PENDLETON PAM
3	4 KELVINGATE CT	ODENEAL WILLIAM CLYDE JR
4	7700 KELVINGATE CT	LANDMARK PROPERTIES TEXAS
5	7370 FIELDGATE DR	CLARK ANDREW FIELD & TONYA LANDERS
6	7374 FIELDGATE DR	MITCHELL VICTORIA &
7	7393 BLAIRVIEW DR	WILLIAMS STEVEN W & LAUREN L WILLIAMS
8	7387 BLAIRVIEW DR	PANGMAN JAMES ANSEN
9	7381 BLAIRVIEW DR	ELMS DANIEL P & SAMANTHA D
10	7373 BLAIRVIEW DR	BILLINGS BRUCE E & ANNE D
11	7367 BLAIRVIEW DR	GREENBERG MARVIN H
12	7363 BLAIRVIEW DR	ELVERUM PATRICK J & JENNIE L
13	7350 MIMOSA LN	WESTERMAN LOUIS JASON
14	7360 MIMOSA LN	WRIGHT JOHN A
15	7367 INGLECLIFF DR	SHIPPEY TIMOTHY G & BRIDGET
16	7361 INGLECLIFF DR	ADAMS GEORGE M
17	7353 INGLECLIFF DR	HAYNES CYNTHIA H
18	7343 INGLECLIFF DR	HULL MORGAN
19	7337 INGLECLIFF DR	HUTCHISON JOSEPH A ETAL
20	7336 LAKEHURST AVE	STATMAN IRVING
21	7342 LAKEHURST AVE	MCDONALD JIM H & MARINA ANN
22	7348 LAKEHURST AVE	HILTON HAZEL
23	7354 LAKEHURST AVE	SMITH LEON A ETAL
24	7348 GLENDORA AVE	TONTZ DANIEL D
25	7352 GLENDORA AVE	ROBINSON ROBERT K
26	7351 GLENDORA AVE	BARRAGAN BEVERLY SUSAN SCOTT

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7347 GLENDORA AVE	ISAACS MELVIN P
28	10001 CENTRAL EXPY	BRE LQ TX PPTIES LP ATTN: PPTY TAX DEPT
29	10006 REGAL PARK LN	REGAL PARK FOUNTAINS
30	7200 GLENSHANNON CIR	GLEN LAKES HOMEOWNERS ASSOCIATION
31	3 HALLSHIRE CT	SPIES DONALD K & CAROLYN
32	4 HALLSHIRE CT	MOORE J T
33	5 HALLSHIRE CT	CRAYCROFT JACK & GOLDIE M
34	6 HALLSHIRE CT	SIEGEL DIANE M
35	9011 NO NAME ST	LANDMARK PROP TX INC SUITE 1225
36	7750 WALNUT HILL LN	CREEKWOOD LAKESIDE LTD PS STE 100
37	9669 CENTRAL EXPY	RPI LAKESIDE S.C LTD
38	7709 MEADOW PARK DR	SHWIFF HOWARD C
39	7709 MEADOW PARK DR	SCOTT WILLIAM J
40	7709 MEADOW PARK DR	GHAHRI SOHEILA & FARROKH SHARAFPOUR
41	7709 MEADOW PARK DR	MANDELSTAM MARCY APT 201
42	7709 MEADOW PARK DR	RMF LIVING TRUST SUSAN L BICKELMANN TRUS
43	7709 MEADOW PARK DR	BAKER BRITTANY RYAN BLDG A UNIT 203
44	7707 MEADOW PARK DR	RUGGLES BRUCE M #A204
45	7705 MEADOW PARK DR	GENSON BILLIE L & LADONNA R
46	7705 MEADOW PARK DR	APPLE ANNE ELIZABETH BLDG B UNIT 106
47	7705 MEADOW PARK DR	AURBACH FRED E
48	7705 MEADOW PARK DR	HARDY ROBERT HOLBROOK BLDG B UNIT 108
49	7705 MEADOW PARK DR	BELLE MEADOW HOMEOWNERS ASSOCIATION %EXC
50	7705 MEADOW PARK DR	DURAINI BAHA
51	7705 MEADOW PARK DR	ROBINOWITZ CHRISTINA J BLDG B UNIT 207
52	7705 MEADOW PARK DR	NADELMAN JOHN E &
53	7705 MEADOW PARK DR	COLLIER LARRY B
54	7705 MEADOW PARK DR	MARQUETTE PAMELA #210
55	7706 MEADOW PARK DR	HERRINGTON STEPHEN F APT 111
56	7707 MEADOW PARK DR	LOWREY JEFFREY P UNIT 112
57	7700 MEADOW RD	HARBISON LYNNA THELMA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	7700 MEADOW RD	WALSH MICHAEL J & POLLY T
59	7700 MEADOW PARK DR	TROSPER PHYLLIS LIV TRUST UNIT 116
60	7700 MEADOW RD	MITCHELL ROBERT
61	7700 MEADOW RD	BLACK SARAH ANNE UNIT 214
62	7700 MEADOW RD	KEY JASON JACK
63	7700 MEADOW RD	APEX FINANCIAL CORP
64	7702 MEADOW RD	YOUKERS JACKIE BLDG E UNIT 118
65	7702 MEADOW RD	GWIN STEPHANIE MICHELLE
66	7702 MEADOW RD	WALLACE DEBORAH SCOTT
67	7706 MEADOW RD	SODEN ELIZABETH ROSS
68	7706 MEADOW RD	CROFT J W & ORA M
69	7706 MEADOW RD	SANCHEZ IVY L CARRIGER
70	7706 MEADOW RD	RISNER CLINTON L APT 221
71	7706 MEADOW PARK DR	VANGELI MICHAEL F # 8
72	7706 MEADOW RD	SMITH WILLIAM
73	7706 MEADOW RD	TANEZER CHARLOTTE
74	7706 MEADOW RD	LAMPERT JESSICA S
75	7704 MEADOW RD	DEXTER MARIAN BLDG H UNIT 126
76	7704 MEADOW RD	ASEL ROGER S & JERRY S UNIT 226
77	7704 MEADOW RD	TALLANT J L EST OF % DEENIE TALLANT
78	7704 MEADOW RD	MARTINEZ CARLOS &
79	7711 MEADOW PARK DR	LUCAS JENNIFER D UNIT 229
80	7711 MEADOW RD	OWEN INGRID H LIVING TRUST #230
81	7711 MEADOW RD	ZUEGEL JANE ELLEN BLDG J APT 231
82	7705 MEADOW PARK DR	WILLINGHAM ROBERT L APT 133
83	7704 MEADOW RD	NICHOLSON AARON T APT 232
84	7730 MEADOW PARK	KIRACOFE JOHN T & SHARON K
85	7730 MEADOW PARK	MEADOW CONDO PARTNERS LP
86	7730 MEADOW PARK	GAST JOSEPH R &
87	7730 MEADOW PARK	RAMSEY MEREDITH L BLDG P UNIT 201
88	7730 MEADOW PARK	CHUNG YEOJIN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	7730 MEADOW PARK	FORMBY MARK ALAN
90	7730 MEADOW PARK	BLAIR ROBERT WESLEY
91	7730 MEADOW PARK	AZAD SHAHRIAR
92	7730 MEADOW PARK	HARRISON JAMIE S
93	7730 MEADOW PARK	MALLOY RAYMOND J LIV TR BLDG Q UNIT 1
94	7730 MEADOW PARK	CLOUTIER JILLIAN ERIN UNIT 123
95	7730 MEADOW PARK	COOKE STEVEN R
96	7730 MEADOW PARK	COBURN GREGORY UNIT 2200
97	7730 MEADOW PARK	SHAPERO KYLE UNIT 221
98	7730 MEADOW PARK	BUNN NOAH
99	7730 MEADOW PARK	WRIGHT COURTNEY ELIZABETH
100	10119 REGAL PARK LN	FINCHER AURORA
101	10119 REGAL PARK LN	MARTELL DERRECK
102	10119 REGAL PARK LN	AMEND MICHAEL L
103	10119 REGAL PARK LN	BECK STUART
104	10109 REGAL PARK LN	MEER JAHAN Z
105	10109 REGAL PARK LN	PERRY SYLVIA M UNIT 114
106	10109 REGAL PARK LN	CLEMENTS KAREN D #115
107	10109 REGAL PARK LN	FRANCIS ZACHARY
108	10109 REGAL PARK LN	TUERS KIPP
109	10109 REGAL PARK LN	THREACES NGW MANAGEMENT LLC
110	10109 REGAL PARK LN	LIPES MICHELLE
111	10109 REGAL PARK LN	LAU MARK A
112	10109 REGAL PARK LN	SKARIA FEMILA
113	10109 REGAL PARK LN	DONNELL JAMES M & LAURIE SUE
114	10115 REGAL PARK LN	SULAK TERESA
115	10115 REGAL PARK LN	LOFFLAD MARISSA &
116	10111 REGAL PARK LN	MATHEWS MEREDITH L & STEPHEN P
117	10111 REGAL PARK LN	DEVLIN MICHAEL T & JUDITH L
118	10115 REGAL PARK LN	RAY DIONISIA APT 206
119	10115 REGAL PARK LN	DODASOVICH DOUGLAS A &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	10111 REGAL PARK LN	VANCE JAMIE A UNIT 208
121	10111 REGAL PARK LN	STADLER MARK UNIT 209
122	10109 REGAL PARK LN	MALHERBE JULIA V
123	10109 REGAL PARK LN	PARK ERIK & BLDG V UNIT 111
124	7721 MEADOW PARK DR	PRICE MARTIN
125	7721 MEADOW PARK DR	BOMAR BETTY
126	7721 MEADOW PARK DR	CAYCE JOHN STEPHEN #103
127	7721 MEADOW PARK DR	ENGLAND SHEILA M
128	7721 MEADOW PARK DR	SHERA B DALE BLDG A UNIT 201
129	7721 MEADOW PARK RD	SHERRY RUBIA E ETAL BLDG A APT 202
130	7721 MEADOW PARK DR	DEATON LAURA A
131	7721 MEADOW PARK DR	VANZANELLA VERA THERESA
132	7721 MEADOW PARK DR	WERRY BETTYE JO
133	7723 MEADOW PARK DR	WEBSTER RAY
134	7723 MEADOW PARK DR	COLEMAN JULIUS H
135	7725 MEADOW PARK DR	RAYBLATT MORRIS APT 107
136	7727 MEADOW PARK DR	PETERSON ERIK BLDG C UNIT 109
137	7727 MEADOW PARK DR	CHEN MIKE
138	7727 MEADOW PARK DR	BOYSEN VICTORIA
139	7727 MEADOW PARK DR	HAYS HUGH B & KIMBERLY J SPEED
140	7727 MEADOW PARK DR	JOHNS DAVID & ANNE
141	7727 MEADOW PARK DR	AUCTION PROPERTIES FUND I LLC
142	7725 MEADOW PARK DR	STORM LOUIS O II & BARBARA L
143	7725 MEADOW PARK DR	DEAN N C
144	7725 MEADOW PARK DR	PHELPS JANICE BLDG C UNIT 209
145	7727 MEADOW PARK DR	VERNON DAVID W
146	7727 MEADOW PARK DR	VILLEGAS SERGIO
147	7727 MEADOW PARK DR	HURT SHARA LYNN
148	7727 MEADOW PARK DR	SMITH CAROL E & JAMES K
149	7727 MEADOW PARK DR	JAY DEVON BLDG C UNIT 215
150	7729 MEADOW PARK DR	MARTIN HOWARD L

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	7729 MEADOW PARK DR	RODRIGUEZ STEVEN
152	7729 MEADOW PARK DR	MCLEOD MARGARET ANN # 216-D
153	7729 MEADOW PARK DR	BOND DOROTHY E
154	7731 MEADOW PARK DR	SCOTT PHILLIP P TR & SARAH R SCOTT TR BL
155	7731 MEADOW PARK DR	HOPPMAN PATRICK M
156	7731 MEADOW PARK DR	RODERS E ARLENE
157	7731 MEADOW PARK DR	TEDDLIE MERRITT B
158	7731 MEADOW PARK DR	NEPOMNICK DIANE 218E
159	7731 MEADOW PARK DR	WELLS LAURA UNIT 219-E
160	7731 MEADOW PARK DR	HOLLAR LINDA L
161	7731 MEADOW PARK DR	SWINDLE LEA ANN
162	10011 REGAL PARK LN	SIMS KATHRYN R
163	10015 REGAL PARK LN	PULLEN LINDA #102
164	10033 REGAL PARK LN	ROSE MARY L BLDG A UNIT 103
165	10017 REGAL PARK LN	ESSEX ELIZABETH & PAUL UNIT 104
166	10017 REGAL PARK LN	CORN MARILYN APT 105
167	10019 REGAL PARK LN	GARDNER PENNY UNIT 106
168	10019 REGAL PARK LN	CUNNINGHAM REBEKAH JONES
169	10021 REGAL PARK LN	THURSTON BETTY SUE APT 108
170	10021 REGAL PARK LN	ESSEX PAUL & ELIZABETH C
171	10023 REGAL PARK LN	GROVE JERRY D
172	10023 REGAL PARK LN	ALLEN BERNIECE E
173	10029 REGAL PARK LN	WILTON CATHY J BLDG C UNIT 112
174	10029 REGAL PARK LN	NOYA SUSANA TRUSTEE & UNIT 113
175	10031 REGAL PARK LN	CRADDOCK JACLYN P
176	10031 REGAL PARK LN	LEVITAN NORMA JACOBS APT 115
177	10011 REGAL PARK LN	DESALOMS LETICIA # 116
178	10033 REGAL PARK LN	TARLO DAVID A UNIT 117-C
179	10009 REGAL PARK LN	BROTHERS RONALD A STE 109-166
180	10015 REGAL PARK LN	MCDONALD MARY BLDG A UNIT 202
181	10015 REGAL PARK LN	HERNANDEZ CARLOS UNIT 203

2/7/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	10017 REGAL PARK LN	RUBIN CAMILLA D
183	10017 REGAL PARK LN	STJOHN ANNEMARIE APT 205
184	10019 REGAL PARK LN	DINKINS JANE POLING APT 206
185	10019 REGAL PARK LN	FIGUEORA MARTHA
186	10021 REGAL PARK LN	FAGERSTROM RUTH E # 208
187	10021 REGAL PARK LN	CIPOLLONE ANTHONY M
188	10023 REGAL PARK LN	SEIBEL THELMA S APT B 210
189	10023 REGAL PARK LN	PFAUTSCH PETER & PAMELA
190	10029 REGAL PARK LN	SCHLEGAL ROGER % YOUTH WRESTLING
191	10029 REGAL PARK LN	DOANE DAVID R & MICHELLE RHODES
192	10031 REGAL PARK LN	SWAIN JULIANE N BLDG C UNIT 214
193	10031 REGAL PARK LN	CHILDRESS SERENA N UNIT 215
194	10033 REGAL PARK LN	FLYNN AMY D APT 216
195	10033 REGAL PARK LN	MOORE VIRGINIA W # 217