

TUESDAY, APRIL 16, 2013
AGENDA

BRIEFING	ROOM 6/E/S, 1500 MARILLA STREET	11:00 A.M.
LUNCH		
PUBLIC HEARING	ROOM 6/E/S, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Tuesday, March 19, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-032	4728 W. Lovers Lane REQUEST: Application of Jay Smith, represented by Robert Reeves, for a special exception to the off-street parking regulations	1
BDA 123-033	5833 Woodland Drive REQUEST: Application of Nancy Rodriguez for special exceptions to the fence height and visual obstruction regulations	2

HOLDOVER CASES

BDA 123-019	3905 Oak Lawn Avenue REQUEST: Application of Jon Cannon, represented by Henry Quigg, for a special exception to the landscape regulations and for variances to the off-street parking regulations	3
BDA 123-028	2701 McKinney Avenue REQUEST: Application of Herbert B. Story, Jr., represented by Michael R. Coker, for variances to the front yard setback and off-street parking regulations, and a special exception to the landscape regulations	4

REGULAR CASE

BDA 123-029

5859 Lakehurst Avenue

5

REQUEST: Application of Rob Baldwin for special exceptions to the fence height and visual obstruction regulations

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, March 19, 2013 public hearing minutes.

FILE NUMBER: BDA 123-032

BUILDING OFFICIAL'S REPORT: Application of Jay Smith, represented by Robert Reeves, for a special exception to the off-street parking regulations at 4728 W. Lovers Lane. This property is more fully described as Lot 7, Block A/4822 and is zoned PD-326 (Area D), which requires off-street parking. The applicant proposes to construct and maintain a structure for a personal service use and provide 7 of the required 9 parking spaces, which will require a special exception to the off-street parking regulations of 2 spaces.

LOCATION: 4728 W. Lovers Lane

APPLICANT: Jay Smith
Represented by Robert Reeves

REQUEST:

A special exception to the off-street parking regulations of 2 parking spaces (or a 22 percent reduction of the 9 required off-street parking spaces) is requested in conjunction with constructing and maintaining an approximately 1,900 square foot structure/personal service/"handcrafted art work studio" use on a site that is currently undeveloped. The applicant proposes to provide 7 (or 78 percent) of the required 9 off-street parking spaces in conjunction with constructing and maintaining a structure of this size with this "handcrafted art work studio" use.

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 2 spaces shall automatically and immediately terminate if and when the personal service use limited to a handcrafted art work studio use is changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the proposed personal service use limited to a handcrafted art work studio 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 with no objections to this request if certain conditions are met – that being that the personal service use be limited in this case to a “handcrafted art work studio” use.

BACKGROUND INFORMATION:

Zoning:

Site: PD 326 (Subdistrict D) (Planned Development)
North: PD 326 (Subdistrict D) (Planned Development)
South: MF-2(A) (Multifamily)
East: MF-2(A) (Multifamily)
West: PD 326 (Subdistrict D) (Planned Development)

Land Use:

The subject site is currently undeveloped. The areas to the north and west are developed with office and retail uses; and the areas to the east and south are developed with multifamily 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:

February 20, 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.

March 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 19, 2013: The Board Administrator contacted the applicant’s representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th 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.”

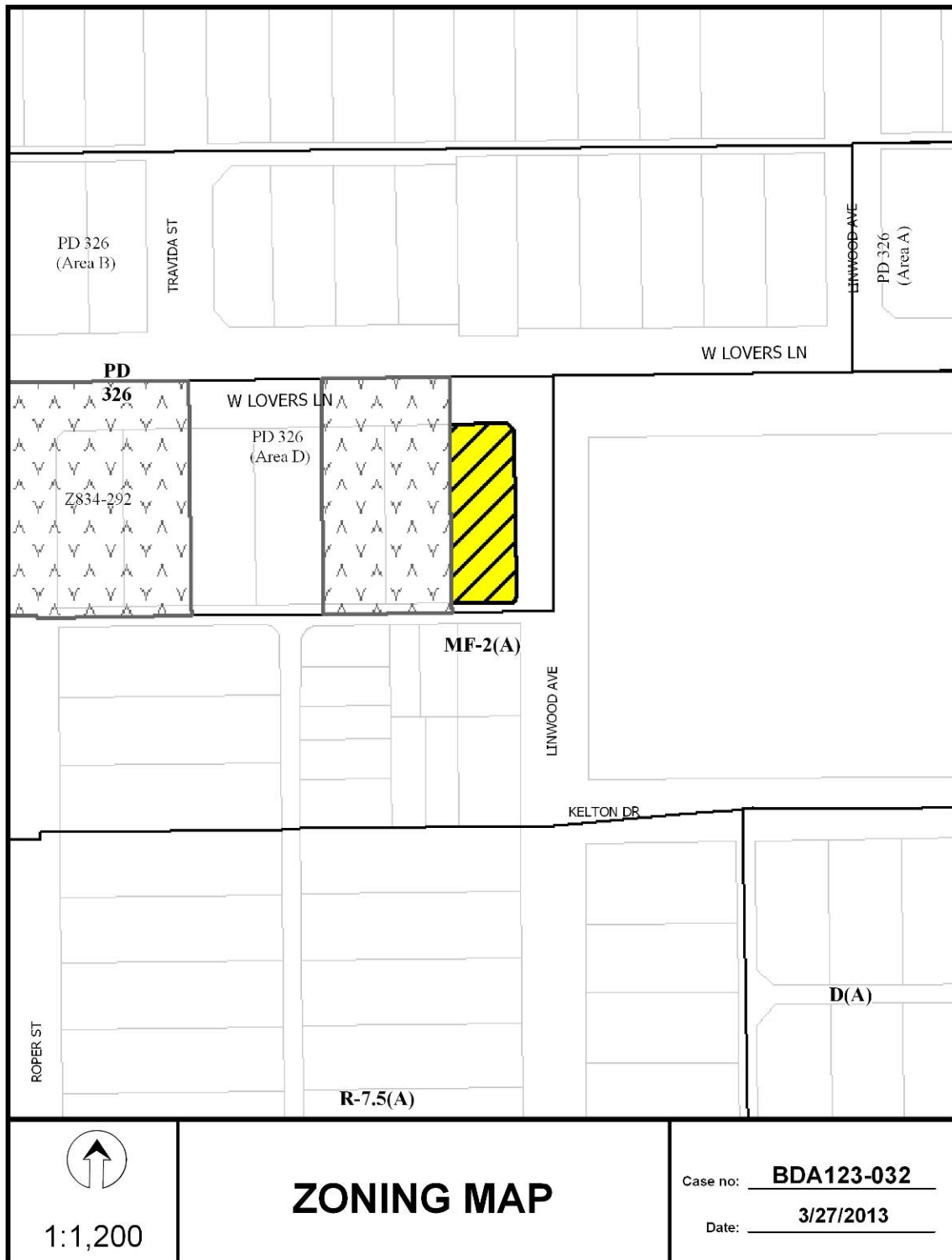
April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

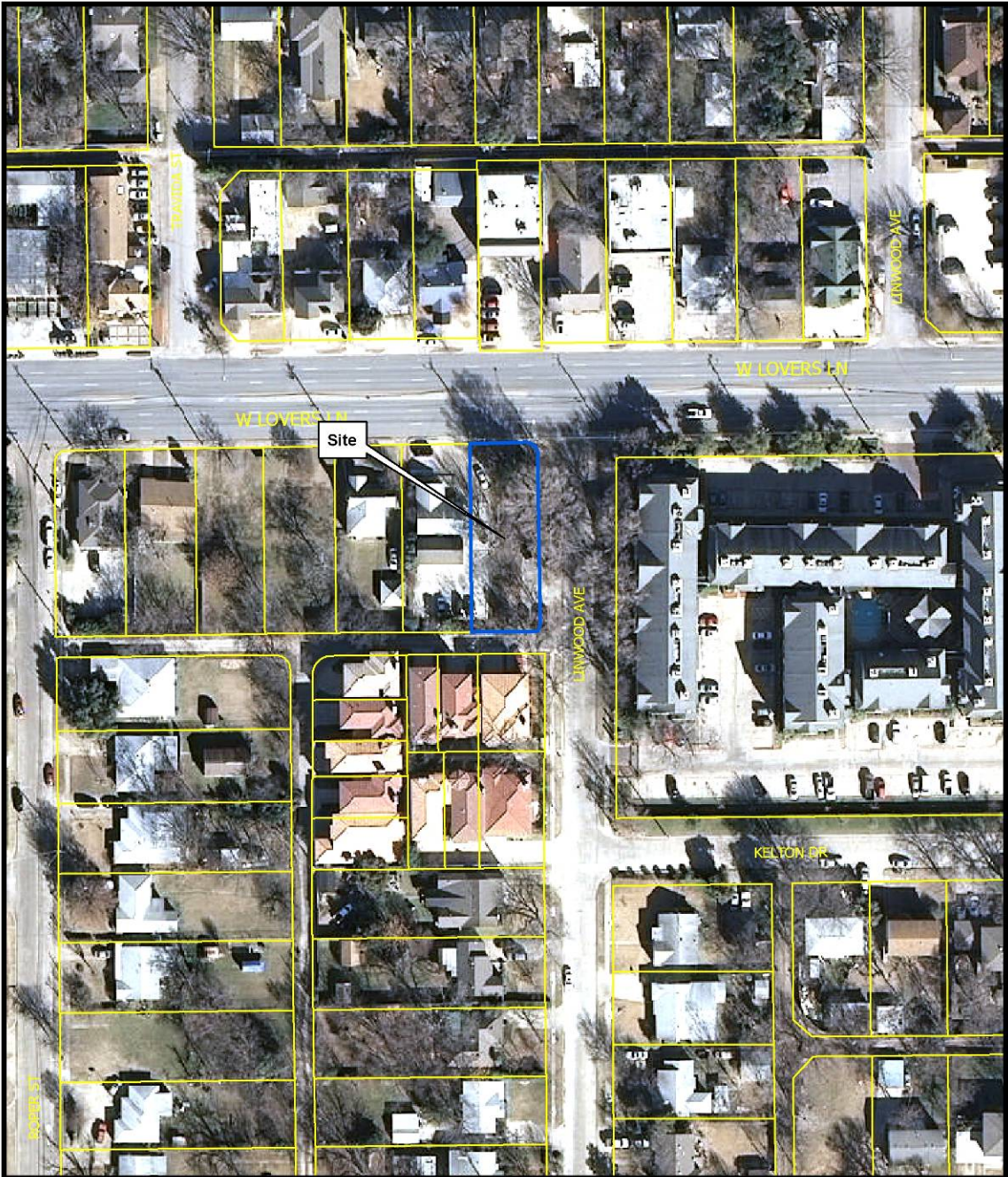
April 5, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "personal service use limited to handcrafted art work studio."

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 1,900 square foot structure/personal service use on a site that is currently undeveloped and providing 7 (or 78 percent) of the required 9 off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
 - Personal service use: 1 space per 200 square feet of floor area. (The applicant's proposed handcrafted art work studio use is one of 56 uses listed in a category of "retail and personal service uses" all of which share the 1 space per 200 square feet of floor area parking requirement).The applicant has submitted a site plan that represents a "proposed new artist studio" that is 1,899 square feet in area where 9 spaces are required and where 7 spaces will be provided.
- The applicant states that the owner of the building will not conduct any retail sales at the building, will not be open to the general public, will be used for the creation of studio artwork, and will only have a limited number of employees working in the building.
- 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 "personal service use limited to handcrafted art work studio."
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the personal service use limited to a handcrafted art work studio use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 2 spaces (or a 22 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 2 spaces shall automatically and immediately terminate if and when the personal service use limited to a handcrafted art work studio use is changed or

discontinued, the applicant would be allowed to construct/maintain the approximately 1,900 square foot personal service use limited to a handcrafted art work studio use/structure on the undeveloped site and provide 7 of the 9 code required off-street parking spaces.





1:1,200

AERIAL MAP

Case no: BDA123-032

Date: 3/27/2013



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-032

Data Relative to Subject Property:

Date: 2/20/2013

Location address: 4728 W. Lovers Lane Zoning District: PD 326 (Area 'D')

Lot No.: 7 Block No.: A/4822 Acreage: .17 Census Tract: 71.02

Street Frontage (in Feet): 1) 53' 2) 142.5' 3) _____ 4) _____ 5) _____

NE 21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CatMac Works, LLC

Applicant: Jay Smith Telephone: 214.298.5098

Mailing Address: 3508 Greenville Ave #15 Zip Code: 75206

E-mail Address: smithjay@hotmail.com

Represented by: ~~Jay Smith~~ Robert Reeves Telephone: ~~214.298.5098~~

Mailing Address: ~~3508 Greenville Ave #15~~ Zip Code: ~~75206~~

E-mail Address: ~~smithjay@hotmail.com~~

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 2 Parking
space reduction from the required 9 spaces
for a personal service use

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

this will not adversely affect neighboring properties
because the building will not be open to the public,
will not conduct any retail sales, and will not
have as many employees as the parking allows.

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

Affidavit

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

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

Respectfully submitted: Jay Smith
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20 day of February, 2013

Margaret Preston
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

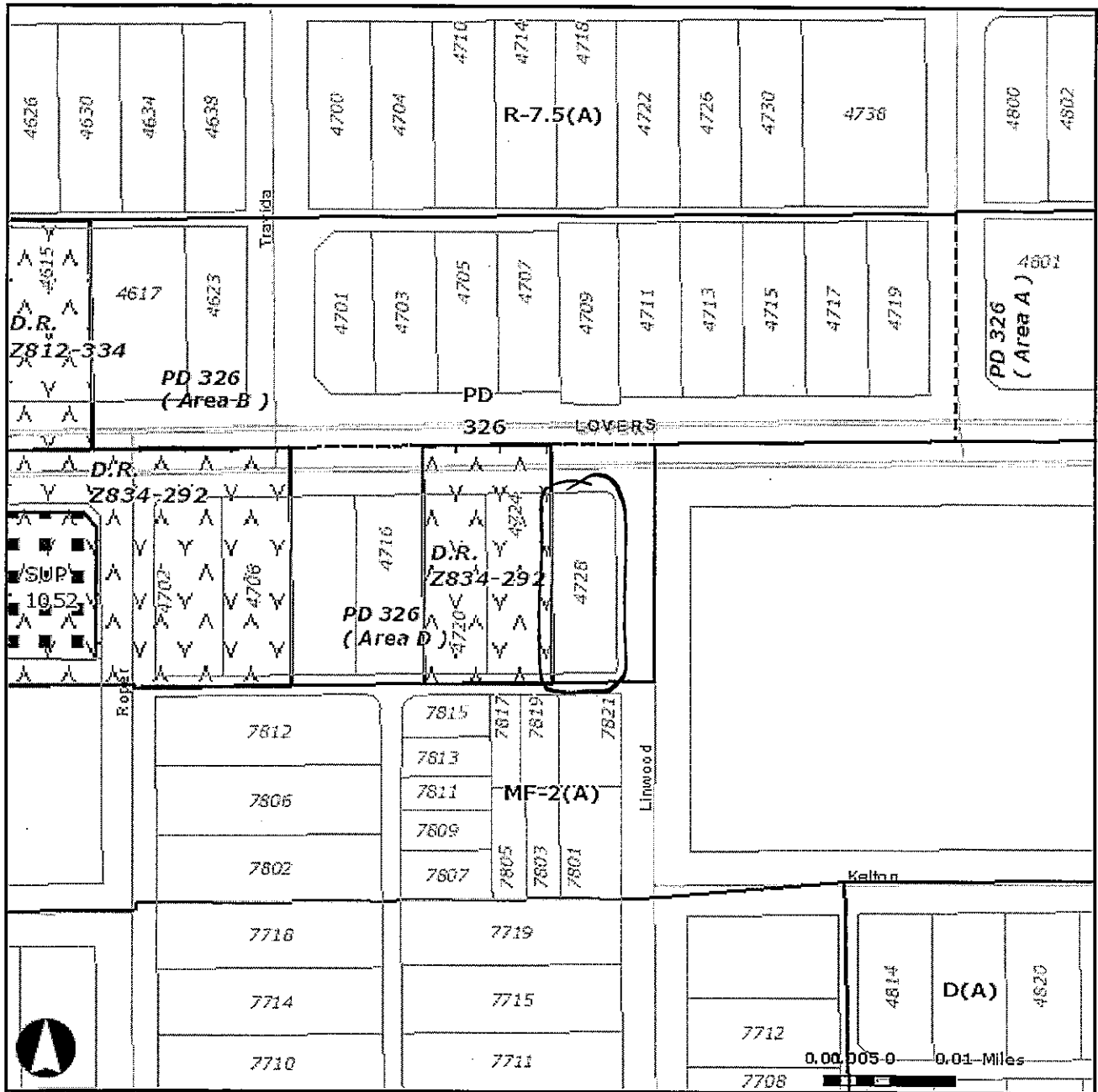
I hereby certify that Jay Smith
represented by ROBERT REEVES
did submit a request for a special exception to the parking regulations
at 4728 W. Lover's Lane

BDA123-032. Application of Jay Smith represented by Robert Reeves for a special exception to the parking regulations at 4728 W. Lovers Lane. This property is more fully described as Lot 7, Block A/4822 and is zoned PD-326 (Area D), which requires parking to be provided. The applicant proposes to occupy a nonresidential structure for a personal service use and provide 7 of the required 9 parking spaces, which will require a 2 space special exception (22% reduction) to the parking regulation.

Sincerely,

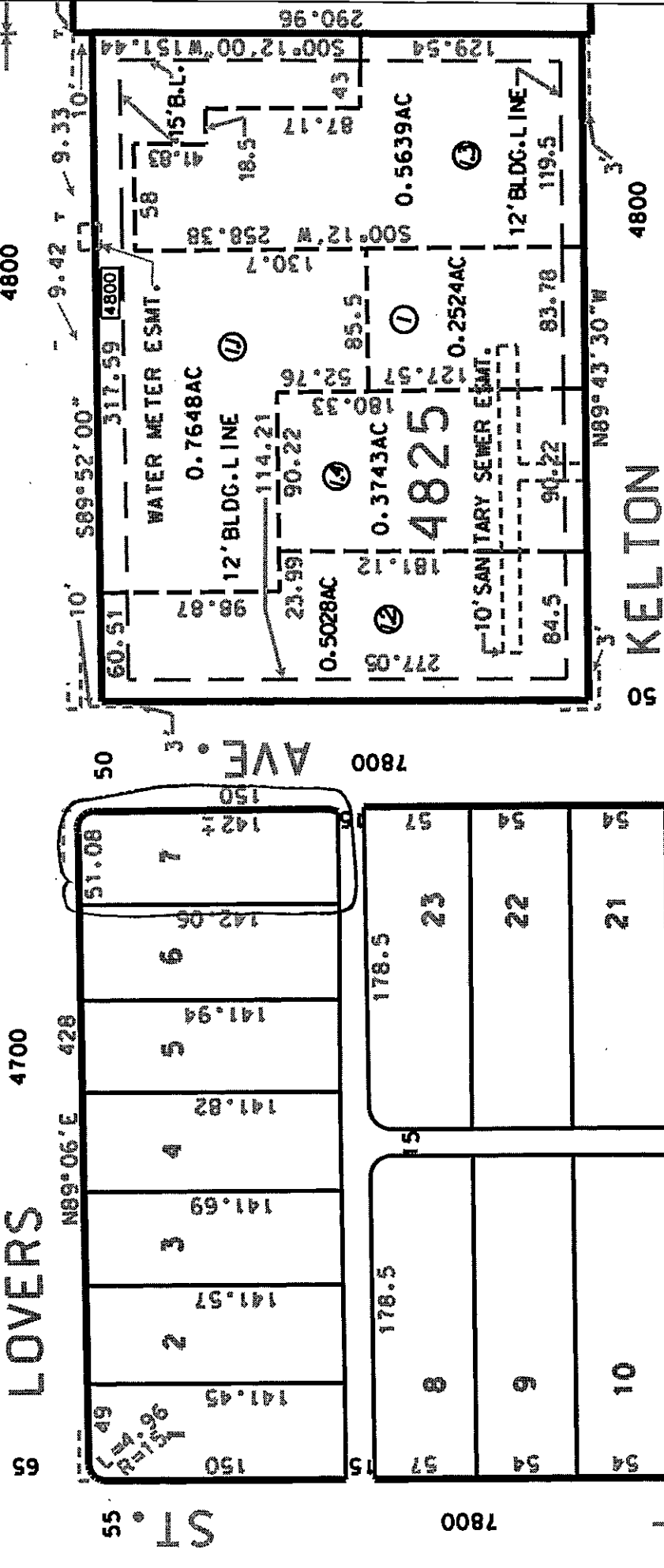

Larry Holmes, Building Official

City of Dallas Zoning



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

74829 LED 7-29-83 5125 LINWOOD PLACE ADDITION WOOD AVENUE 500



CATMAC WORKS, LLC
8214 WESTCHESTER DR, STE 550
DALLAS, TX 75225

February 20, 2013

BOARD OF ADJUSTMENT
CITY OF DALLAS

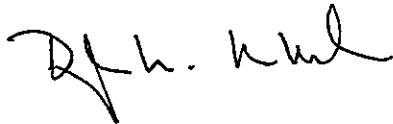
To Whom It May Concern:

CATMAC WORKS, LLC (the "Owner") is planning for construction of a 1,899 square foot building for use as an artist studio at 4728 West Lovers Lane, Dallas, TX. The Owner is seeking a special exception to reduce the parking requirement from nine spaces to seven spaces.

The Owner believes the special exception is warranted because:

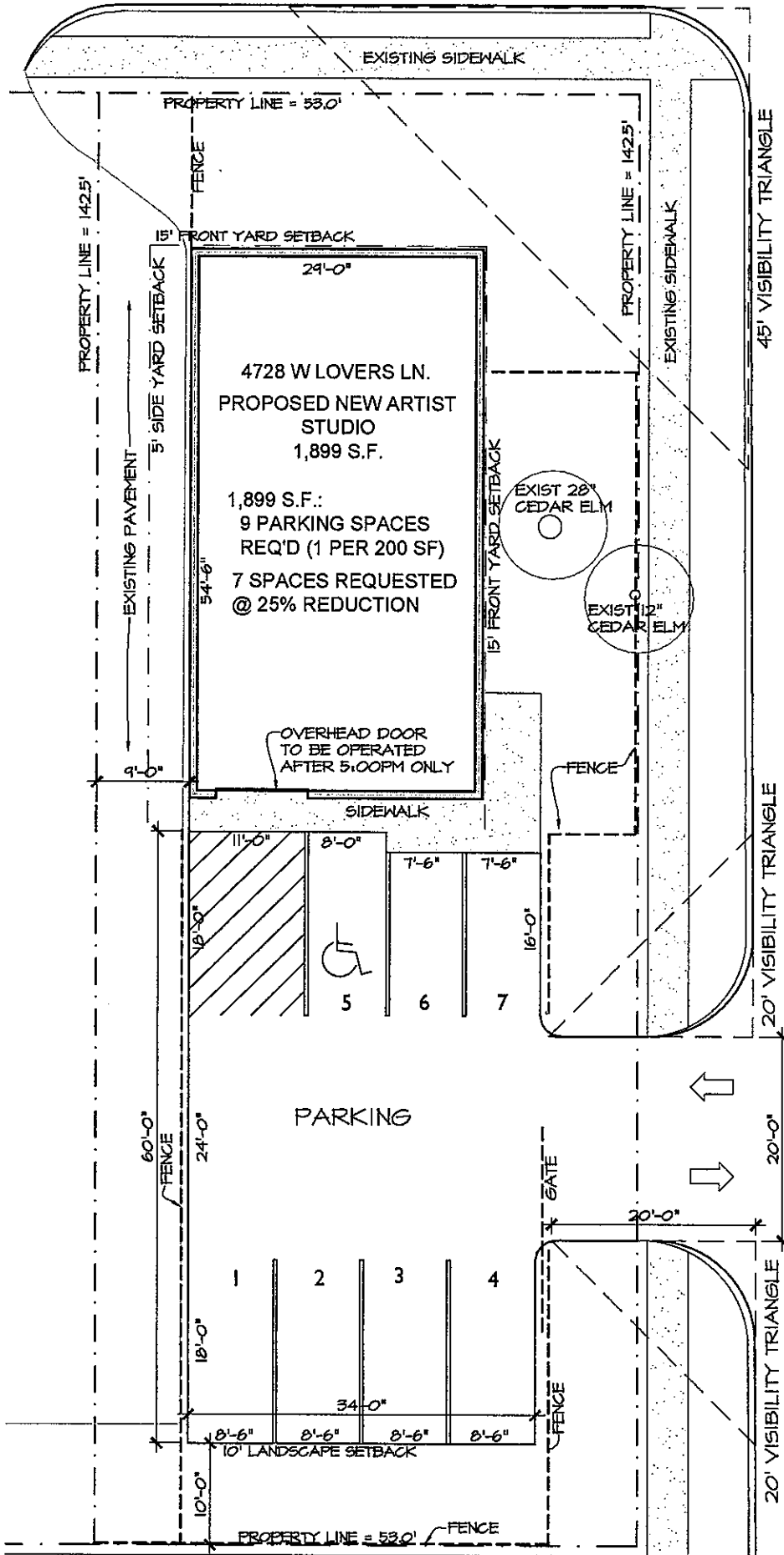
- The Owner will not be conducting any retail sales at the building.
- The building will not be open to the general public.
- The building will be used for the creation of studio artwork.
- The Owner will only have a limited number of employees working in the building.

Yours truly,



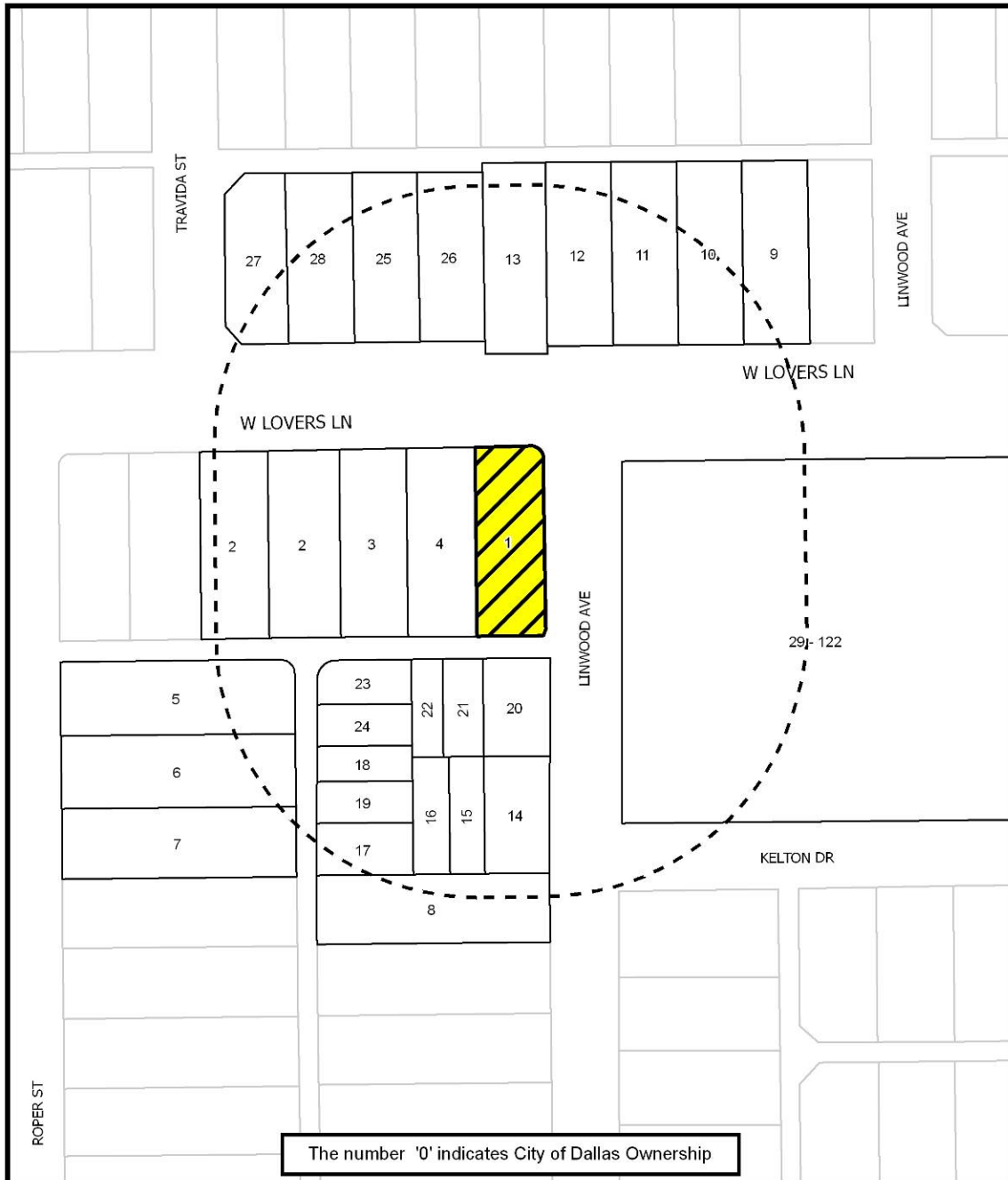
Douglas M. MacMahon
Manager of CATMAC WORKS, LLC

W LOVERS LANE



LINWOOD STREET





 1:1,200	NOTIFICATION		Case no: BDA123-032
	<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;">122</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/27/2013

Notification List of Property Owners

BDA123-032

122 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4728 LOVERS LN	WEST LOVERS LANE JV STE 3700
2	4710 LOVERS LN	GMK WILDWOOD INVESTMENTS LLC
3	4720 LOVERS LN	STEFANIAK GLORIA
4	4724 LOVERS LN	BOYKIN JEFFREY N
5	7812 ROPER ST	PERKINS DELILAH
6	7806 ROPER ST	DAVIS CHARLES
7	7802 ROPER ST	4703 W UNIVERSITY SERIES
8	7719 LINWOOD AVE	JEFFERS ROY
9	4717 LOVERS LN	HERRERA LAWRENCE & MARY HERRERA
10	4715 LOVERS LN	MAZZOLA ANTOINETTE
11	4713 LOVERS LN	TRIPLE NET POWERSPORTS LP
12	4711 LOVERS LN	GARCIA JUAN D
13	4709 LOVERS LN	MYERS JACK C & RICHARD H ELLIOTT
14	7801 LINWOOD AVE	MCERLANE PATRICIA J & GARY E
15	7803 LINWOOD AVE	MINIX DOYLETTA
16	7805 LINWOOD AVE	MILLINOR M PEYTON
17	7807 LINWOOD AVE	BAGHERNEJAD LUCIA SILVA
18	7811 LINWOOD AVE	SWEDLUND ANDREW J & DALLAS
19	7809 LINWOOD AVE	DREWRY ROBERT H & DREWRY KAREN S
20	7821 LINWOOD AVE	STROUD RICHARD A
21	7819 LINWOOD AVE	JORDAN BARBARA A & BARBARA A JORDAN
22	7817 LINWOOD AVE	BUI DAVID T UNIT #116-113
23	7815 LINWOOD AVE	REUPKE PATRICIA M
24	7813 LINWOOD AVE	KERSHAW CLAYTON
25	4705 LOVERS LN	TOMAINO PPTIES LP
26	4707 LOVERS LN	ROBERTS RON R

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4701 LOVERS LN	MOORE MICHAEL RANDOLPH & DOUGLAS RICARDO
28	4703 LOVERS LN	COBB ELIZABETH L
29	4800 LOVERS LN	VANDIVER WENDY BLDG A UNIT 101
30	4800 LOVERS LN	MATTIVI LOUIS J
31	4800 LOVERS LN	PANDO DUANE
32	4800 LOVERS LN	RICE RANDY G
33	4800 LOVERS LN	IDICULA LIVING TRUST
34	4800 LOVERS LN	KORAL KORGUN & KADRIYE M KADRIYE KORAL
35	4800 LOVERS LN	JOHNSON ANDREA & CHRISTOPHER JOHNSON
36	4800 LOVERS LN	VO VI AN
37	4800 LOVERS LN	WOMACK JAMES W
38	4800 LOVERS LN	GORE DONALD JR
39	4800 LOVERS LN	KORAL KORGUN & KADRIYE KORAL
40	4800 LOVERS LN	HURT GREGORY P
41	4800 LOVERS LN	WEI JEN-HSUAN
42	4800 LOVERS LN	SHORE LINDA C UNIT 115
43	4800 LOVERS LN	SHEPHERD JACKI UNIT 116
44	4800 LOVERS LN	HAHN ROBERT BURNS BLDG A UNIT 117
45	4800 LOVERS LN	STUBBLEFIELD CAROLYN J UNIT 118A
46	4800 LOVERS LN	BEVERLY 236
47	4800 LOVERS LN	RUIZ JUAN A & PATRICIA L
48	4800 LOVERS LN	VISHWANATH MRIDULA BLDG A UNIT 121
49	4800 LOVERS LN	NGUYEN SUONG BLDG A UNIT 122
50	4800 LOVERS LN	GUEST HOWARD A
51	4800 LOVERS LN	DIEHL ANGELA M
52	4800 LOVERS LN	RAYSON LEE UNIT 501
53	4800 LOVERS LN	COLLARD RICHARD
54	4800 LOVERS LN	KORAL KORGUN & KADRIYE M KORAL
55	4800 LOVERS LN	VILLANUEVA CLAUDIA Y
56	4800 LOVERS LN	JANSON LEE W
57	4800 LOVERS LN	PARIS MARCUS E

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	4800 LOVERS LN	BANK OF AMERICA
59	4800 LOVERS LN	GOODMAN BRANDON K
60	4800 LOVERS LN	ESTRADA EDUARDO J UNIT 509
61	4800 LOVERS LN	SMITH ROBERT G & DOREEN R SMITH
62	4800 LOVERS LN	SMITH KELLY B
63	4800 LOVERS LN	SIDHU SHIVJIT & PRIYANKA PATEL
64	4800 LOVERS LN	DEKANY VICTORIA BLDG B UNIT 513
65	4800 LOVERS LN	HENSON RUTH
66	4800 LOVERS LN	ARSLAN GUNDUZ
67	4800 LOVERS LN	LI JINGQI
68	4800 LOVERS LN	BENJAMIN JAMAAL L
69	4800 LOVERS LN	LANDRY CATHY B BLDG B UNIT 518
70	4800 LOVERS LN	SEATON MARLEE R BLDG B UNIT 519
71	4800 LOVERS LN	KINDER JENNIFER ANNE APT 424
72	4800 LOVERS LN	SUKUMAR SUMITHA UNIT 521
73	4800 LOVERS LN	TYLER ANDREW F
74	4800 LOVERS LN	WYNNE BEDFORD S
75	4800 LOVERS LN	ROY REBECCA L BLDG B UNIT 524
76	4800 LOVERS LN	PACHOLCZUK ORES & ANTONIA
77	4800 LOVERS LN	SANCHEZ MARTIN
78	4800 LOVERS LN	NICHOLS LAUREN IVY
79	4800 LOVERS LN	MEZZOUR MOHAMED
80	4800 LOVERS LN	SANFORD ROBYN BLDG C UNIT 305
81	4800 LOVERS LN	BUI DAVID T #116-113
82	4800 LOVERS LN	THATCHER KARLA D
83	4800 LOVERS LN	SNAPP CHARLES
84	4800 LOVERS LN	NASH ABIGAIL I
85	4800 LOVERS LN	ACTKINSON KEITH R
86	4800 LOVERS LN	CABRERA JOSE A &
87	4800 LOVERS LN	DUONG REYNA
88	4800 LOVERS LN	WOLOSZYN SHERRI T & TOMASZ K

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	4800 LOVERS LN	NOSWORTHY DUDLEY II
90	4800 LOVERS LN	BARRON TIMOTHY V
91	4800 LOVERS LN	SALAHUDEEN AMEEN BLDG D UNIT 401
92	4800 LOVERS LN	ROBERT BRYAN BLDG D UNIT 402
93	4800 LOVERS LN	JOHNSON JANICE
94	4800 LOVERS LN	CAYWOOD DAREN J
95	4800 LOVERS LN	BRANAMAN RACHEL E.
96	4800 LOVERS LN	PACHOLCZUK ANTONIA & ORES J
97	4800 LOVERS LN	SORELLE JEFFREY A &
98	4800 LOVERS LN	HA TUONG UNIT 408
99	4800 LOVERS LN	OMARY JOHN
100	4800 LOVERS LN	DELAROSA TED
101	4800 LOVERS LN	CRABTREE KAREN BLDG E UNIT 203
102	4800 LOVERS LN	SOUTHWEST BANK CUSTODIAN FOR JAMES Q GAR
103	4800 LOVERS LN	DURNEY KRISTIN
104	4800 LOVERS LN	BOND H BENTON & ARABELLA REVOCABLE TRUST
105	4800 LOVERS LN	RODRIGUEZ ARMANDO NO 207
106	4800 LOVERS LN	LYONS ELAINE G BLDG E UNIT 208
107	4800 LOVERS LN	SMITH CHRISTOPHER L
108	4800 LOVERS LN	ORTEGA BLAS F J UNIT 210
109	4800 LOVERS LN	YANG CHINRANG
110	4800 LOVERS LN	KANNADAN SONIA &
111	4800 LOVERS LN	HSU MICHAEL W
112	4800 LOVERS LN	MYERS FAMILY REV TRUST & JOHN W MYERS TR
113	4800 LOVERS LN	KORAL KORGAN & KADRIYE KADRIYE KORAL
114	4800 LOVERS LN	TRAN TU & ANNE B
115	4800 LOVERS LN	HYDE HEATH E #217
116	4800 LOVERS LN	EVANS ALYSSA ANN &
117	4800 LOVERS LN	WISWALL LAURA BLDG E UNIT 219
118	4800 LOVERS LN	EGAL STEPHEN K
119	4800 LOVERS LN	DUNCAN JACK L

3/27/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	4800 LOVERS LN	BARELLO LORELI BLDG E UNIT 222
121	4800 LOVERS LN	NGUYEN HUNG & HOC NGOC QUYNH
122	4800 LOVERS LN	BRANAMAN TIM F & NANCY

FILE NUMBER: BDA 123-033

BUILDING OFFICIAL'S REPORT: Application of Nancy Rodriguez for special exceptions to the fence height and visual obstruction regulations at 5833 Woodland Drive. This property is more fully described as a 1.44 acre tract in Block 5615 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 7 foot 6 inch high fence, which will require a special exception to the fence height regulations of 3 feet, 6 inches, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations

LOCATION: 5833 Woodland Drive

APPLICANT: Nancy Rodriguez

REQUESTS:

The following appeals have been made on a site that is currently being developed with a single family home:

1. A special exception to the fence height regulations of 3' 6" is requested in conjunction with constructing and maintaining a 6' 6" high open metal fence with 7' 6" high masonry columns, two 4' 6" – 6' 6" high gates with flanking approximately 20' long, 6' 6" high solid masonry wing walls in the front yard setback.
2. Special exceptions to the visual obstruction regulations are requested in conjunction with locating and maintaining four 6' 6" high solid limestone columns in the 20' visibility triangles on either side of the two driveways into the site from Woodland Drive.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence height special exception):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval of the requests, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of the items (four 6' 6" high solid limestone columns in the 20' visibility triangles on either side of the two driveways into the site from Woodland Drive) does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 056-024, Property 5833 Woodland Drive (the subject site) On December 13, 2005, the Board of Adjustment Panel A granted a special exception to the fence height regulations to construct a 9 foot high fence on the property. The Board imposed the following condition to the request: Compliance with the submitted site plan/elevation dated 12/09/05 is required. The case report stated how a scaled site plan/elevation had been submitted that documented the height of the proposed fence/wall (8'), columns (8' 4"), entry gates and entry gate columns (11'). The site plan/elevation also documented the building

materials of the fence/wall (stone and wrought iron).

2. BDA 86-197, 9006 Douglas Avenue (the lot immediately west of the subject site)

On September 9, 1986, the Board of Adjustment granted a request to the fence height special regulations of 3' 10". The board imposed the following conditions with the request: compliance with notations on a site plan marked "Exhibit A" is required and "that the landscape submitted the Board be used." The case report discussed in its "Staff Comments" section that the fence along Woodland Drive to be setback 8' from the property line to allow for landscaping which would reduce the impact of the solid fence on the street" with the remainder of the fence along Woodland Drive and Douglas Avenue "should be wrought iron to reduce the "solidness" of the fence."

Timeline:

February 19, 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.

March 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 19, 2013: The Board Administrator contacted the applicant's representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April 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

Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

April 5, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant's request for special exceptions to the visual obstruction regulations marked "Has no objections."

GENERAL FACTS/STAFF ANALYSIS (fence height special exception):

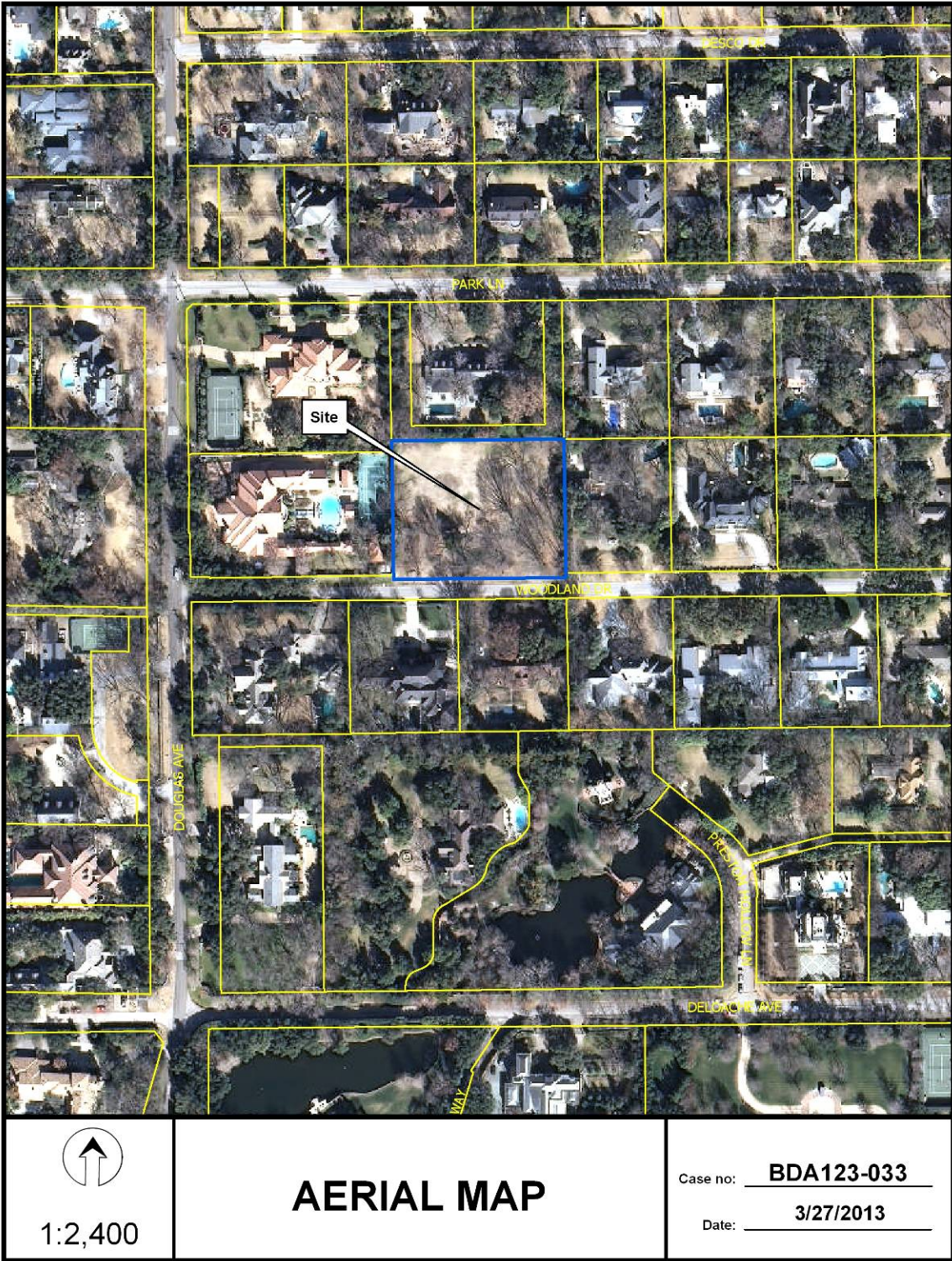
- This request focuses on constructing and maintaining a 6' 6" high open metal fence with 7' 6" high masonry columns, two 4' 6" – 6' 6" high gates with flanking approximately 20' long, 6' 6" high solid masonry wing walls in the front yard setback on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal in the front yard setback that reaches a maximum height of 7' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposal to be located in the required front yard over 4' in height is represented on the site plan as being approximately 280 in length parallel to the street.
 - The proposed fence is shown to be located approximately 1.5' from the site's front property line or 12' from the pavement line.
 - The proposed gates are shown to be located approximately 9' from the site's front property line or 19' from the projected pavement line.
- The proposal would be located immediately across from two single family homes one of which does not have a fence in its front yard, the other which has a 4' high fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a 40' front yard setback in this block of Woodland Drive from Douglas Avenue to Preston Road: an approximately 6.5 high open wrought fence and solid brick wall (located behind significant landscape materials) immediately west of the site (and what appears to be the result of board action made in conjunction with BDA 86-197).
- The site plan denotes "landscaping along both sides of fence, per landscape designer."
- As of April 8, 2013, no letters have been submitted in support or opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 6" will not adversely affect neighboring property.
- Granting this special exception of 3' 6" with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding

4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- These requests focus on locating and maintaining portions of the 6' 6" high solid masonry wing walls in the 20-foot visibility triangles on either side of the two driveways into the site from Woodland Drive.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan/elevation has been submitted indicating four, approximately 16' lengths of the 6' 6" high solid masonry wing walls located in the 20-foot visibility triangles on either side of the two driveways into the site from Woodland Drive.
- 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 how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain four 6' 6" high solid limestone columns in the 20' visibility triangles on either side of the two driveways into the site from Woodland Drive does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan/elevation would require that the items in the 20-foot visibility triangles on either side of the driveways into the site from Woodland Drive to be limited to the locations, heights and materials of those items as shown on this document.







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-033

Data Relative to Subject Property:

Date: 2/19/2013

Location address: 5833 Woodland Drive, Dallas Zoning District: R-1ac(A)

Lot No.: _____ Block No.: 5615 Acreage: 1.44 Census Tract: 206.00

Street Frontage (in Feet): 1) 290' 2) _____ 3) _____ 4) _____ 5) _____ NE 2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeffery Owen Smith Trustee of the 5833 Woodland

Applicant: Nancy Rodriguez Telephone: 214-280-1277 Lonestar Trust

Mailing Address: 8001 Wayne Way Rowlett tx Zip Code: 75088

E-mail Address: nancy@mmchomes.net

Represented by: Nancy Rodriguez Telephone: 214-280-1277

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of 3'6"
to the fence height in a front yard and visibility triangle
obstruction @ drive approaches

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
This additional height will not adversely affect neighboring
properties because it will enhance the neighborhood
and increase property value.

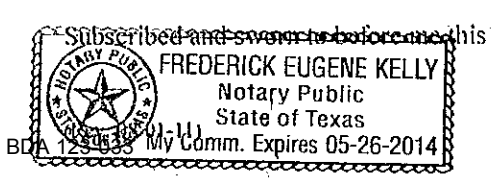
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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

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

Respectfully submitted: Nancy Kelly
(Affiant/Applicant's signature)



Subscribed and sworn to before me this 19 day of Feb 2013
Frederick Eugene Kelly
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 Nancy Rodriguez

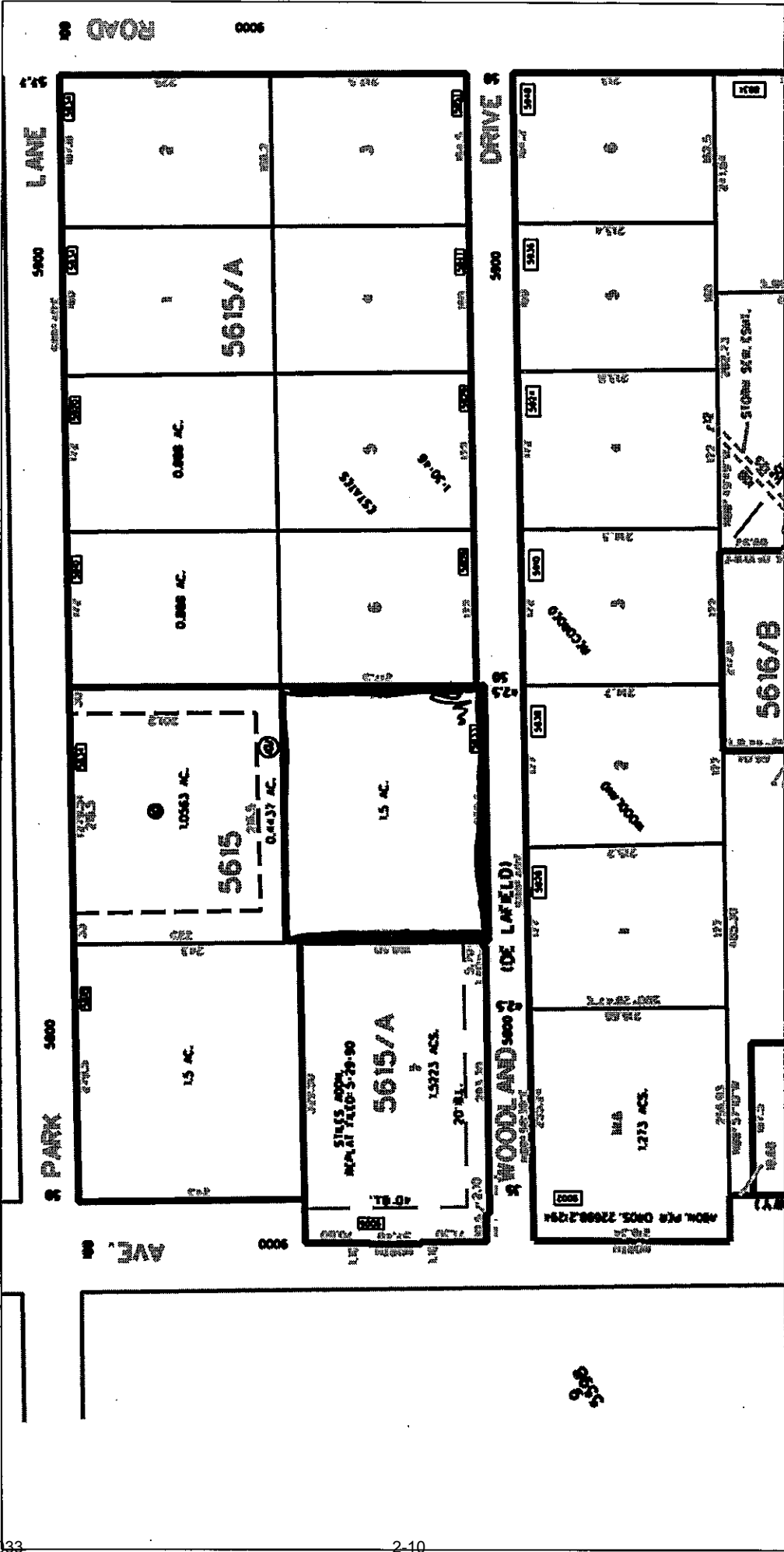
did submit a request for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 5833 Woodland Drive

BDA123-033. Application of Nancy Rodriguez for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 5833 Woodland Drive. This property is more fully described as a 1.44 acre tract in Block 5615 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct an 7 foot 6 inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence regulation, and to construct a residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

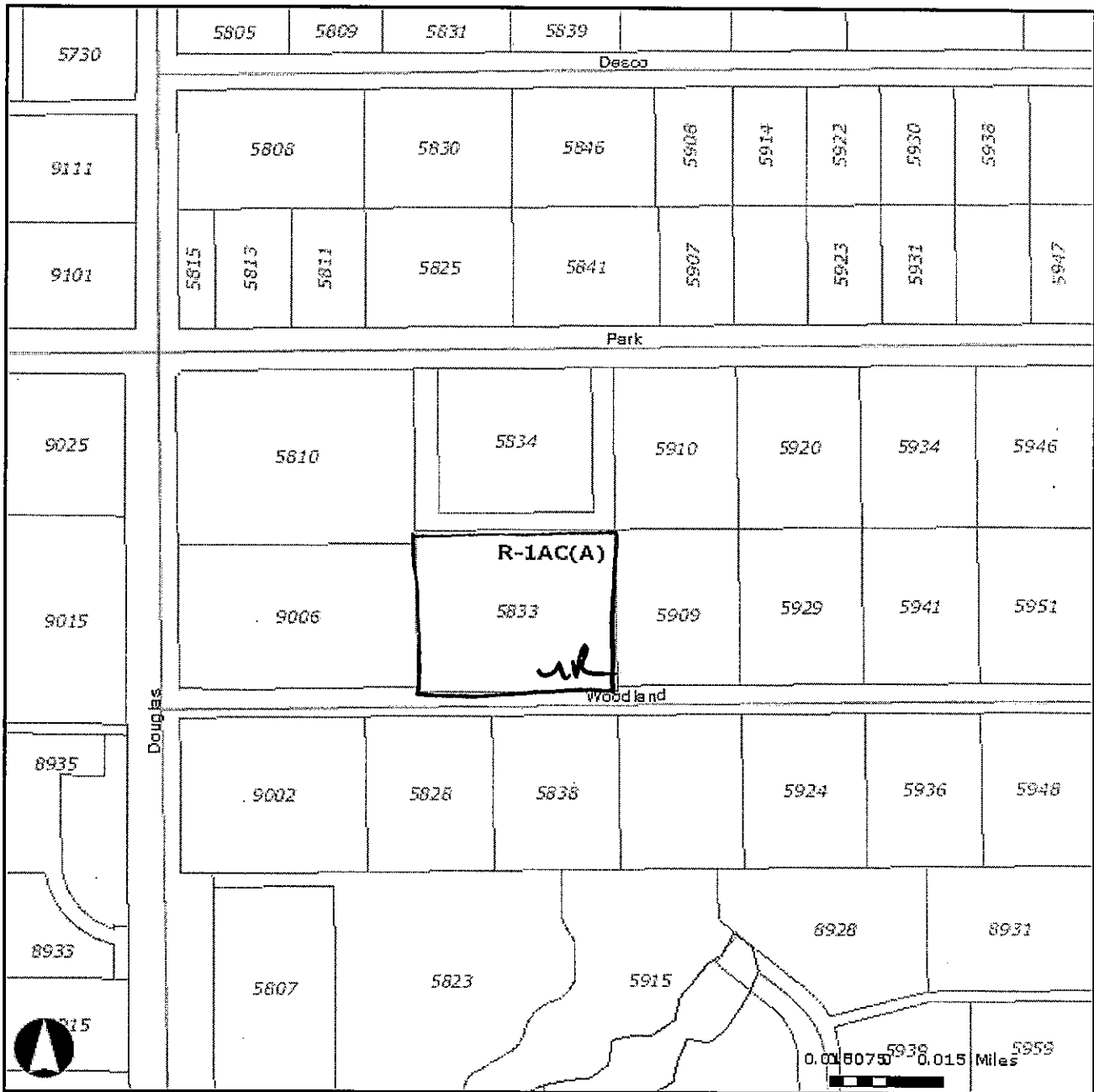
Sincerely,


Larry Holmes, Building Official



C:\tax_plats\5615.dgn 2/22/2013 9:46:36 AM

City of Dallas Zoning



City Boundaries

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

Dry Overlay

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

Base Zoning

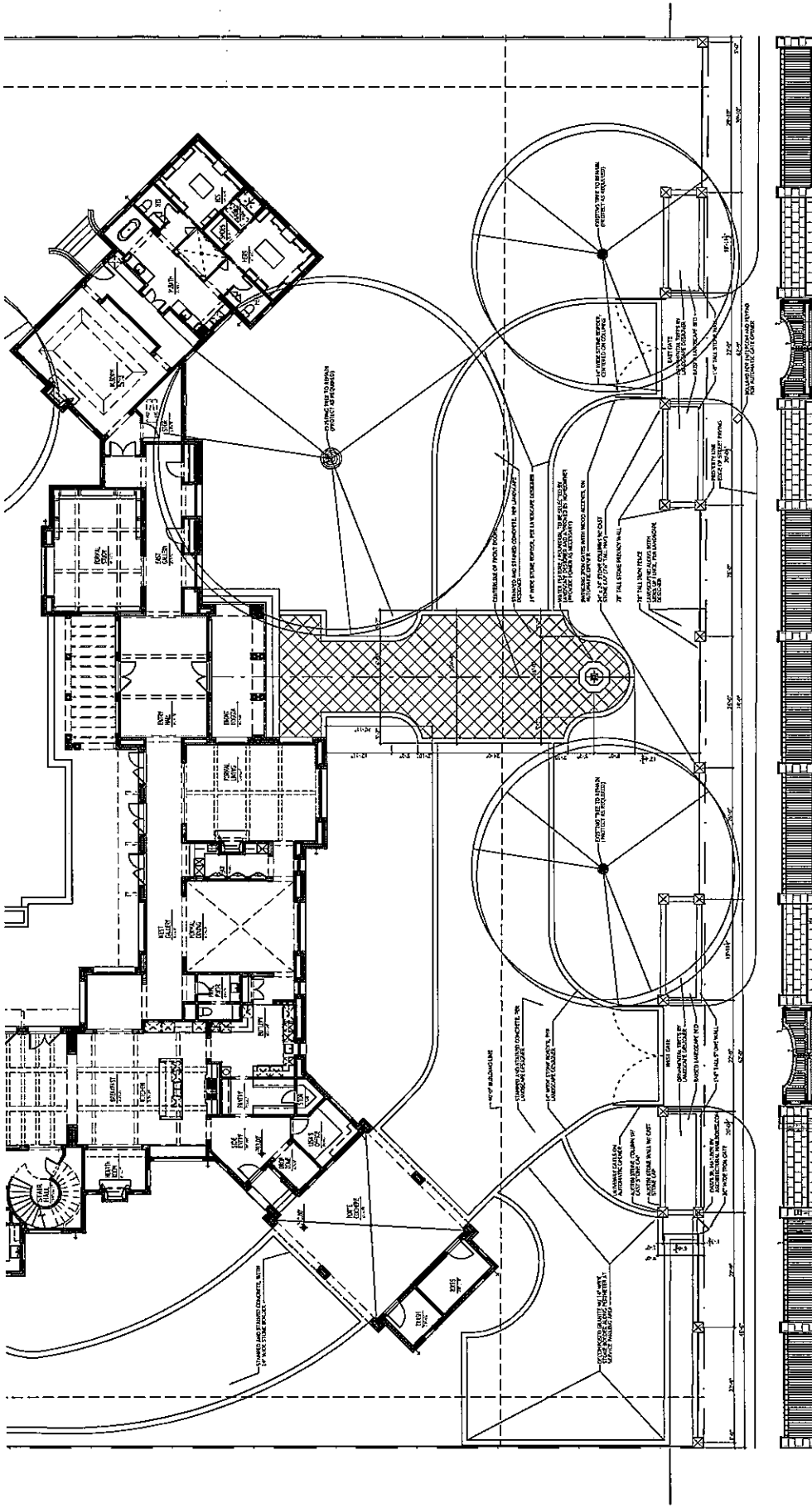
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



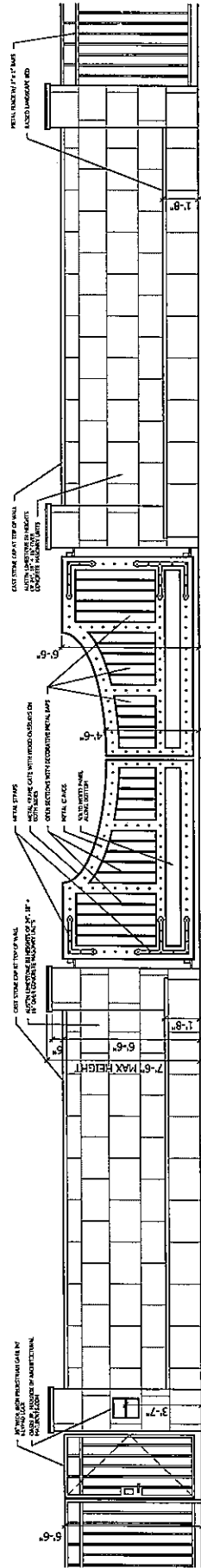
DATE: 11/17/2023	ISSUE: 01	DESCRIPTION: ISSUE FOR PERMITS
DATE: 11/17/2023	ISSUE: 01	DESCRIPTION: ISSUE FOR PERMITS

SYMMETRY architects
 5833 WOODLAND DRIVE, DALLAS, TX 75225
 for Lisa + Gabriel Conceives

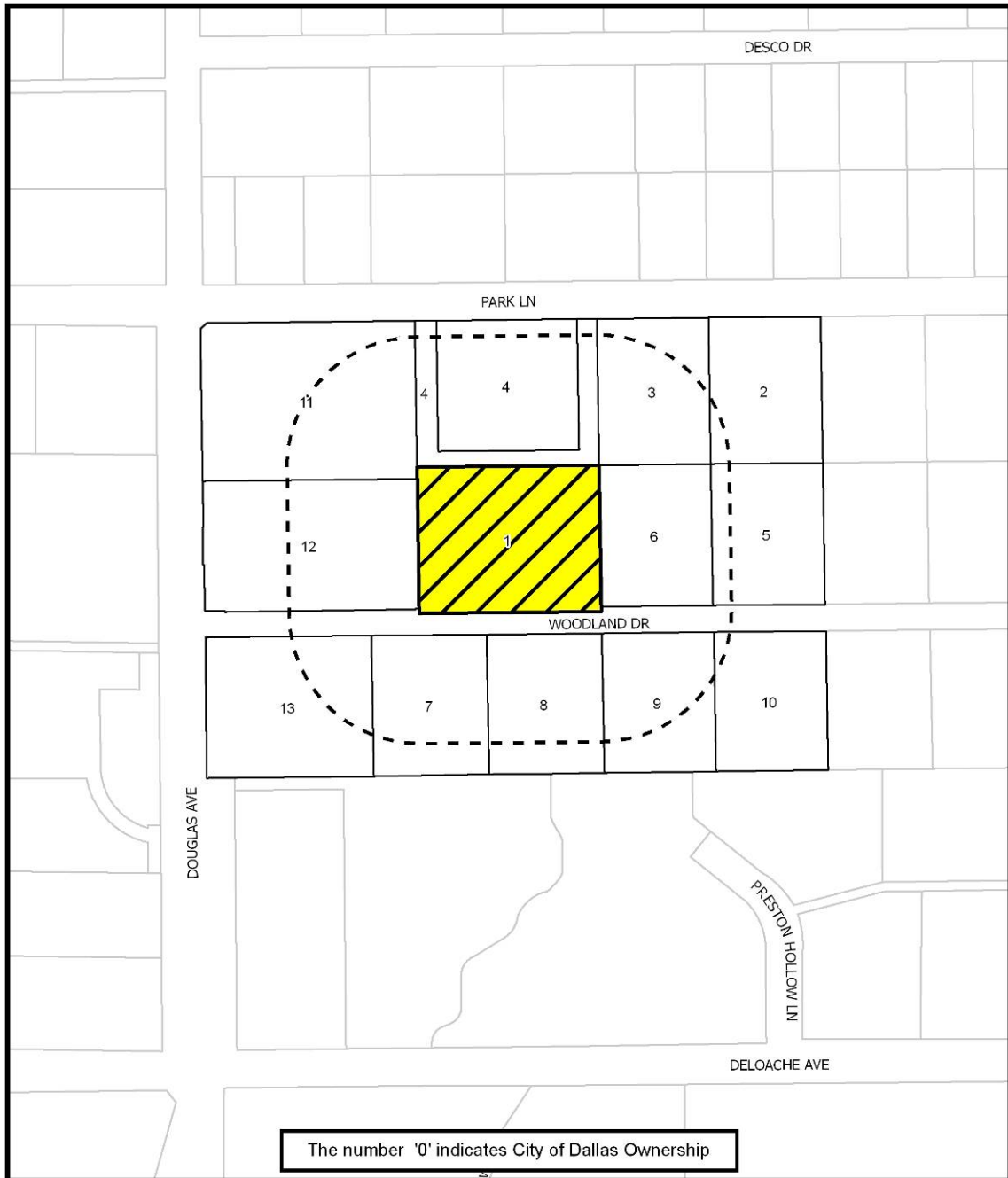
SHEET
1.05
 JOB # 1116



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



01 ELEVATION DETAIL AT WEST GATE
 SCALE: 1/8" = 1'-0"



 1:2,400	NOTIFICATION		Case no: BDA123-033
	<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;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/27/2013

Notification List of Property Owners

BDA123-033

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5833 WOODLAND DR	5833 WOODLAND LONESTAR TRUST JEFFERY OWE
2	5920 PARK LN	SAUSTAD NANCY W & DAVID C
3	5910 PARK LN	MCGOLDRICK JAMES
4	5834 PARK LN	BELL CARL W & LINDA M
5	5929 WOODLAND DR	HORTON THOMAS W & JANET P
6	5909 WOODLAND DR	WEISBROD CARL & JAMIE
7	5828 WOODLAND DR	RAYZOR SELWYN A & RICHARD N MOSES
8	5838 WOODLAND DR	REDUS MARC D & ALLYSON L REDUS
9	5910 WOODLAND DR	ADAMS WALTER E
10	5924 WOODLAND DR	GREENE GREGORY C & JANE K
11	5810 PARK LN	WEINER CLIFFORD M
12	9006 DOUGLAS AVE	SANGANI BHARAT H SANGANI SMITHA
13	9002 DOUGLAS AVE	HALEY DAVID C & LORI K HALEY

FILE NUMBER: BDA 123-019

ORIGINAL BUILDING OFFICIAL'S REPORT: Application of Jon Cannon, represented by Henry Quigg, for a special exception to the landscape regulations at 3905 Oak Lawn Avenue. This property is more fully described as part of Lot 1 & 2 in City Block 4/1509 and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

UPDATED BUILDING OFFICIAL'S REPORT Application of Jon Cannon, represented by Henry Quigg, for a special exception to the landscape regulations and for variances to the off-street parking regulations at 3905 Oak Lawn Avenue. This property is more fully described as part of Lot 1 & 2, Block 4/1509 and is zoned PD-193 (GR), which requires mandatory landscaping, off-street parking, and parallel parking space access aisles to be a minimum 20 feet in width for two-way traffic. The applicant proposes to construct and/or maintain a structure and provide (1) an alternate landscape plan, which will require a special exception to the landscape regulations; (2) to maintain a structure for office and retail stores other than listed uses and provide 33 of the required 35 parking spaces, which will require a variance to the off-street parking regulations of 2 spaces; and to construct and/or maintain a structure with a parallel parking space access aisle of 19 feet in width, which will require a variance of to the off-street parking regulations of 1 foot.

LOCATION: 3905 Oak Lawn Avenue

APPLICANT: Application of Jon Cannon
Represented by Henry Quigg

ORIGINAL MARCH 19, 2013 REQUEST:

A special exception to the landscape regulations had requested in conjunction with constructing and maintaining an approximately 60 square foot elevator structure on a site developed with a two-story approximately 9,400 square foot office/retail use/structure (FedEx), and not fully providing required landscaping.

UPDATED APRIL 16, 2013 REQUESTS:

The following appeals have been made in conjunction with constructing and maintaining an approximately 60 square foot elevator structure on a site developed with a two story approximately 9,400 square foot office/retail use/structure (FedEx):

1. A special exception to the landscape regulations is requested in conjunction with increasing the square footage on the site and not fully providing required landscaping.
2. A variance to the off-street parking regulations of 2 spaces (or a 6 percent reduction of the 35 off-street parking spaces that are required) is requested in conjunction with modifying and maintaining the existing development with a total of 4,500 square feet

of “office” use and 4,750 square feet of “retail stores other than listed” use where the applicant proposes to provide 33 (or 94 percent) of the required 35 required off-street parking.

3. A variance to the off-street parking regulations (two-way access lane width) of 1’ is requested in conjunction with maintaining a 19’ wide two-way access lane (as opposed to the required 20’ wide two-way access lane) along the western side of the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 26(a)(4) of Ordinance No. 21859, which establishes PD 193, specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

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 (landscape special exception):

Approval, subject to the following condition:

- Compliance with the submitted revised landscape plan is required.

Rationale:

- The City’s Chief Arborist recommends approval of this amended request whereby, if the submitted revised landscape plan is imposed as a condition, the special exception would not compromise the spirit and intent of the landscaping requirements of PD 193.

STAFF RECOMMENDATION (off-street parking variances - reduction and lane width):

Approval of both requests

Rationale:

- The lot's restrictive area and irregular shape precludes its development in a manner commensurate with other developments found on similarly-zoned PD 193 (GR) lots. In this case, the off-street parking variance requests related to a small reduction to the number of parking spaces required and small reduction to the parking lot lane-width are requested in conjunction with: 1) maintaining the site the way in which it was developed in the early 80's with the exception of adding a relatively small structure (a 60 square foot exterior elevator structure); 2) modifying existing landscape materials (that in the opinion of staff do not compromise the spirit and intent of the landscape requirements); and 3) adhering to visual obstruction regulations.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated with no objections to these requests.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (GR) (Planned Development District, General Retail)
North: PD 193 (GR) (Planned Development District, General Retail)
South: PD 193 (GR) (Planned Development District, General Retail)
East: PD 193 (GR) (Planned Development District, General Retail)
West: PD 193 (O-2) (Planned Development District, Office)

Land Use:

The subject site is developed with an approximately 9,400 square foot office/retail use/structure (FedEx) that according to DCAD was constructed in 1983. The areas to the north, south, east, and west are developed with a mix of office and 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 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.

February 13, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

February 13, 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the March 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March 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 Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

March 11, 2013: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment A).

March 19, 2013: The Board of Adjustment Panel A conducted a public hearing on this application where the applicant submitted a revised site plan (see Attachment B). The Board held this application under advisement until April 16, 2013.

March 26, 2013: Additional information was forwarded to the Board Administrator and the Building Inspection Senior Plans Examiner/Development Code Specialist (see Attachment C).

March 27, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

- April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April 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 Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- April 5, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant's request for variances to the off-street parking regulations marked "Has no objections."
- April 5, 2013: The City of Dallas Chief Arborist submitted an updated memo that provided his comments regarding the request for a special exception to the landscape regulations (see Attachment D).

GENERAL FACTS/ STAFF ANALYSIS (landscape special exception):

- This request focuses on constructing and maintaining an approximately 60 square foot elevator structure on a site developed with an early 80's, two-story approximately 9,400 square foot office/retail use/structure (FedEx), and not fully complying with the landscaping requirements of PD 193.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- On March 11, 2013, the City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the submitted landscape plan/special exception request (see Attachment A).
- The Chief Arborist's memo stated among other things how the request is triggered by new construction of a new external elevator to the rear of the structure that will increase the floor area on the property, and how the applicant seeks exception from the from the general requirements for landscaping area for: 1) the tree planning zone (2.5' – 5' from back of curb); 2) sidewalks (location and width); 3) screening of off-street parking requirements; 4) garbage storage area landscaping; and 5) landscape site area/general planting area requirements.
- The Chief Arborists listed several factors for consideration on this request: the fact the property was developed prior to the initiation of PD 193 regulations; how some existing landscape areas along Irving Avenue are in the parkway and/or not identified; how the landscape area at the corner of Oak Lawn Avenue and Irving

Avenue is being increased; how a large live oak tree at the street corner is proposed for removal; how a stand of three large live oaks along Irving Avenue provide substantial landscape site area; how overhead utility lines exist over the Oak Lawn Avenue sidewalk and tree planting zone; and how locating trees in the tree planting zone along Irving Avenue would put conflict with the canopies of mature live oak trees, and be near overhead power lines.

- The Chief Arborist had recommend denial of request. The arborist stated that while he recognized certain practical factors with limited construction and utility conflicts may restrict certain landscape improvements, a direct assessment could not be made between the culmination of minor improvements identified on the submitted plan and the purpose of the ordinance “to promote landscape/streetscape quality and appearance.” The arborist stated that he could not make a favorable recommendation on this request given the multiple deficiencies with limited mitigating landscape additions.
- The Chief Arborist had recommended that if the Board supports the applicant’s request, that they impose not only the submitted alternate landscape plan as a condition, but also that “the garbage storage enclosure must be provided doors and landscaping in accordance with Section 51P-193.126(b)(11).”
- On April 5, 2013, the City of Dallas Chief Arborist submitted an updated memo to the Board Administrator regarding the submitted landscape plan/special exception request (see Attachment D).
- The Chief Arborist’s updated memo stated the following conclusions:
 - The applicant has provided doors to the established masonry dumpster enclosure.
 - Screening shrubs and additional landscape materials has been placed along the Irving Avenue frontage.
 - Two landscape islands have been located in current parking spaces along Oak Lawn Avenue which will provide tow additional large canopy trees.
 - The large live oak tree at the corner of Oak Lawn Avenue and Irving Avenue is shown to be removed, and a Texas ash (large canopy) tree will be placed in the vicinity. Other landscaping materials will be applied in the new landscape area converted from pavement beneath the pole sign.
- The Chief Arborist supports this amended request.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the tree planning zone, sidewalks, screening of off-street parking requirements, garbage storage area landscaping, and landscape site area/general planting area requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
- If the Board were to grant this request and impose the submitted revised landscape plan as a condition, the site would be granted exception from full compliance to the requirements of the Oak Lawn PD 193 landscape ordinance.

GENERAL FACTS/ STAFF ANALYSIS (off-street parking reduction variance):

- This request focuses on modifying and maintaining the existing development with a total of 4,500 square feet of “office” use and 4,750 square feet of “retail stores other than listed” use where the applicant proposes to provide 33 (or 94 percent) of the required 35 required off-street parking spaces in conjunction with these uses with these square footages on the site.
- The subject site is zoned PD 193 (LC). PD 193 states that the parking requirement for “office” use to be one space per 366 square feet of floor area; and for “retail stores other than listed” use to be one space per 220 square feet.
- Although the applicant is not proposing to increase the square footage of office and retail to the existing structure, the 2 space parking reduction request is made in conjunction with updating the originally submitted alternate landscape plan and adhering to visual obstruction regulations.
- Dallas Development Code Section 51A-4.311(a)(1) states that 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; and that 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.
- However, Dallas Development Code Section 51A-311(a)(6) states that the Board of Adjustment *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.
- Therefore, because PD 193 does not make references to the existing off-street parking regulations in Chapter 51 or Chapter 51(A), the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations for restaurant use in PD 193 even though the reduction request is 6 percent of the required off-street parking.
- DCAD records indicate that the “improvements” at 3905 Oak Lawn Avenue is a “free standing retail store” with 10,830 square feet built in 1983.
- The site is flat, irregular in shape, and according to the application, is 21,600 square feet in area. The site is zoned PD 193 (GR). The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of 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 (GR) zoning classification.
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (GR) zoning classification.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has submitted a review comment sheet marked “Has no objections.”

GENERAL FACTS/ STAFF ANALYSIS (off-street parking lane width variance):

- This request focuses on maintaining a 19’ wide two-way access lane (as opposed to the required 20’ wide two-way access lane) along the western side of the subject site.
- The Dallas Development Code states that that “a parking space parallel with the access lane must be 22 feet long and 8 feet wide. A one-way access lane must be at least 10 feet wide; a two-way access lane must be at least 20 feet wide.” The applicant has submitted a revised site/landscape plan (see Attachment C) that shows a 19’ wide access lane along the western side of the subject site- an access lane that is 1’ less in width than the required 20’ width.
- The applicant has stated the site appears to have had an access lane 1’ less in width than the code requirement since it was developed in the early 80’s.
- DCAD records indicate that the “improvements” at 3905 Oak Lawn Avenue is a “free standing retail store” with 10,830 square feet built in 1983.
- The site is flat, irregular in shape, and according to the application, is 21,600 square feet in area. The site is zoned PD 193 (GR). The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of 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 (GR) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing

this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (GR) zoning classification.

- The Sustainable Development and Construction Department Engineering Division Assistant Director has submitted a review comment sheet marked “Has no objections.”

BOARD OF ADJUSTMENT ACTION: MARCH 19, 2013

APPEARING IN FAVOR: Henry Quigg, 12200 Stemmons, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Hounsel**

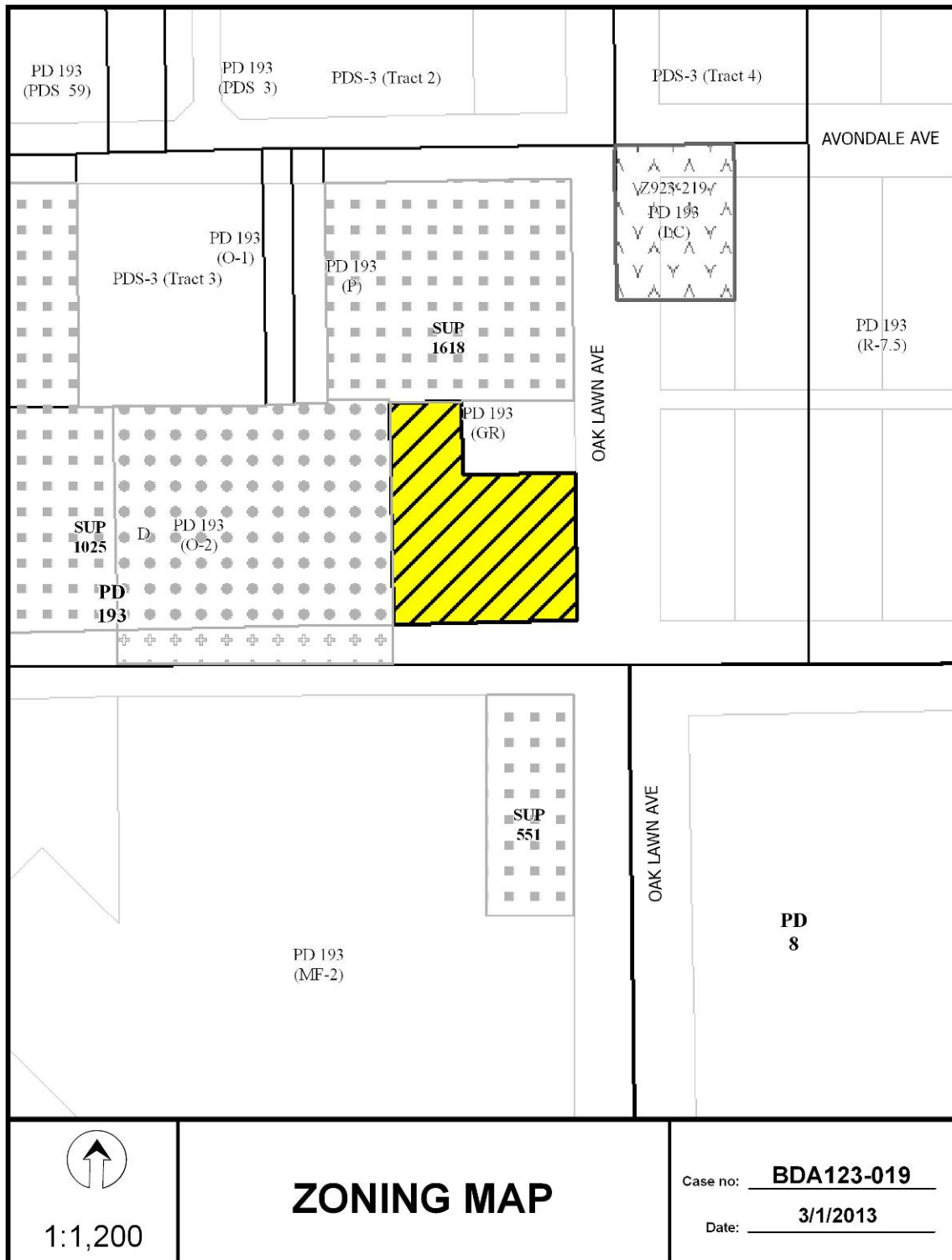
I move that the Board of Adjustment in Appeal No. **BDA 123-019**, hold this matter under advisement until **April 16, 2013**.

SECONDED: **Gaspard**

AYES: 4 – Moore, Schweitzer, Hounsel, Gaspard

NAYS: 0 -

MOTION PASSED: 4– 0 (unanimously)





1:1,200

AERIAL MAP

Case no: BDA123-019

Date: 3/1/2013

Memorandum



CITY OF DALLAS

DATE March 11, 2013

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 123 - 019

3905 Oak Lawn Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (GR), the Oak Lawn Special Purpose District. Specifically, the applicant seeks a special exception to the general requirements of Section 51P-193.126 landscape regulations for 1) tree planting zone, 2) sidewalks, 3) screening of off-street parking, 4) the garbage storage area landscaping, and for 5) the conditions for landscape site area and general planting area.

Trigger

New construction of a new external elevator to the rear of the structure that will increase the floor area ratio on the property.

Deficiencies

Based on the timing (pre-1986) of the initial construction on the property, the site is not currently under PD 193 landscape requirements. The new addition will initiate the current landscape code requirements on the property. The proposed plan addresses landscaping only at the Irving Avenue frontage and at the corner with Oak Lawn Avenue. The deficiencies include 1) tree planting zone, 2) sidewalks, 3) screening of off-street parking, 4) the garbage storage area landscaping, and 5) the general landscape site area requirements for GR districts.

The tree planting zone (193.126(b)(5)) for PD 193 requires one tree per 25 feet of frontage and planted between 2.5' and 5' from the back of curb. The plan identifies one existing small ornamental tree on Irving Avenue.

The sidewalk (193.126(b)(4)) is required to be a minimum of 6 feet wide, and placed between 5 and 12 feet from back of curb. The proposed sidewalk plan indicates the current sidewalk along Irving Avenue has 4 feet of width and is approximately 7' to 11' from curb. The Oak Lawn Avenue sidewalk is contiguous from the curb and extends into the property where it abuts a curb for vehicles that can overhang to the property line.

Screening of off-street parking (193.126(b)(3)) regulations require surface parking screening to be installed and maintained at 3.5 feet in height. Corner landscaping will provide some buffering but it will be inhibited by a visibility height limitation due to the visibility triangle, and the existing dumpster enclosure would act to screen parallel parking on the property's western boundary.

The proposed plan does not account for screening along the 120 feet frontage along Oak Lawn Avenue, but limitations of parking and maneuvering space may inhibit the installation of a three feet wide planting bed for screening. The ordinance does allow for solid wood or masonry screening elements, but these may also have limitations due to damage from vehicles that currently overhang the curb. Screening is not provided for the parking locations along Irving Avenue, though space would allow for a portion of the planting bed to be on the property.

Garbage storage area landscaping (193.126(b)(11)) is required when the storage area is within the required front yard. We have calculated a portion of the constructed masonry dumpster enclosure is within the 10' setback. The proposed plan indicates the storage area will be retained in its existing location. The area between the storage area and the property line is currently paved with no landscape improvements.

The GR districts require a landscape site area (193.126(h)) of 10% of the lot area, and 60% of the front yard. The front yard setback is 10' in the GR district. The proposed plan is deficient of these counts.

Required		Provided				
5 STREET TREES, BETWEEN 2.5' - 5' OF CURB		1 STREET TREES, 2.5.-5' FROM CURB				
6' SIDEWALK BETWEEN 5'-12' FROM BACK OF CURB		VAR. WIDTH SIDEWALK/4' WIDE SW, 7' BACK OF CURB				
AREA %'S IN SQFT	LANDSCAPE SITE AREA	GENERAL PLANTING AREA		SPECIAL PLANTING AREA		
LOT AREA	10%	na		na		
REQ'D FR YARD	60%	20% (of LSA)		6% (of GPA)		
	Required	Provided	Required	Provided	Required	Provided
LOT AREA	2160	572	NA	NA	NA	NA
REQ'D FR YARD	1194	572	238	224	14	24

Factors

The property was developed prior to initiation of PD 193 regulations.

Existing landscape areas are in the parkway on Irving Avenue adjacent to the property. Some existing plants west of the driveway are not identified on the landscape plan.

The proposed plan increases the landscape area at the corner of Irving Avenue and Oak Lawn (beneath the existing sign) without reducing parking spaces. The landscape appearance will be modified to fill the landscape site area with appropriate plant materials.

The large live oak tree at the street corner is proposed for removal for the purpose of preventing the continual maintenance and topping of the tree due to overhead utilities. A new 2" caliper Texas ash tree is proposed a few feet further away from the property boundary. I am reluctant to address the removal of existing street trees, but the current location for the large tree is not appropriate for the long-term health of the tree in proximity to the utilities. I must acknowledge that the tree still does provide a visual

buffering element and shade on that street corner, but the tree is also deficient a substantial amount of canopy due to an ongoing aerial space conflict with the utilities. There is an existing on-premise sign in that location, but the applicant did not indicate any intent by the owner of removing the tree for the purpose of sign clearance when we addressed the aerial utility conflict in my office. Introducing a new landscape design to this corner for the duration of this development may be a more practicable solution to repeated disfiguring of the tree by pruning or topping. However, the retention of the tree may be a factor the Board chooses to consider.

A stand of three large live oaks is currently along the Irving Avenue frontage near the structure and the location provides the substantial landscape site area currently on the property. These trees, and the surrounding landscape area, will be maintained in their current condition.

Overhead utility lines exist over the Oak Lawn Avenue sidewalk and tree planting zone. An underground storm water line also extends under the sidewalk. Planting trees within the required tree planting zone along Oak Lawn Avenue would be prohibited by the underground utility. Trees may be planted on the property, but existing parking would need to be sacrificed to provide adequate space for the tree, or trees.

Placing trees in the tree planting zone along Irving Avenue would put them in opposition to the canopies of the maturing live oak trees on the property, and place them near to overhead power lines.

Recommendation

I recommend denial of the proposed landscape plan.

The ordinance states the special exception is graded on how it 'will not compromise the spirit and intent' of Section 51P-193.126. Although I recognize certain practical factors with limited construction and utility conflicts that may restrict certain landscape improvements on the property and the adjacent parkway, I could not directly assess that the culmination of minor improvements identified on this plan have fully met a purpose of the ordinance 'to promote landscape / streetscape quality and appearance.' I have identified multiple deficiencies with limited mitigating landscape additions that weighed against a favorable recommendation from this office.

If the Board supports the applicant's request, I recommend the following condition be applied:

The garbage storage enclosure must be provided doors and landscaping in accordance with Section 51P-193.126(b)(11).

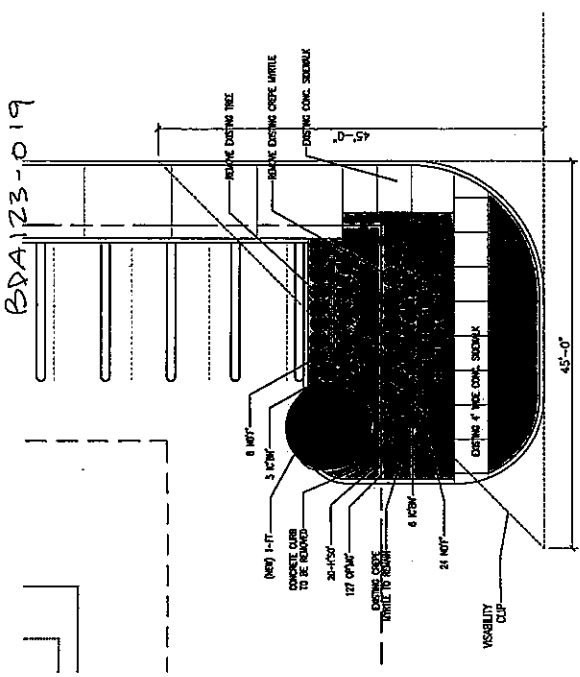
Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist

Submitted by applicant at the 3-19 hearing

FedEx Office Building
3905 OAK LAWN
DALLAS, TEXAS

RICHMOND GROUP
ARCHITECTURE & PLANNING
11200 SANDHILL DRIVE, SUITE 317, DALLAS, TEXAS 75244
PHONE: 972.964.5277 FAX: 972.964.4411 WWW: RICHMONDGROUP.COM

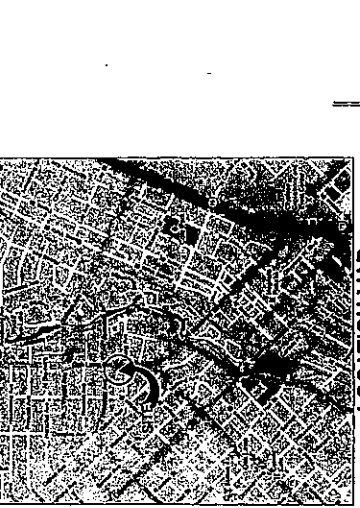
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DATE	12-19-2012
SHEET	LP-100
DATE	12-19-2012
PROJECT NUMBER	21-01



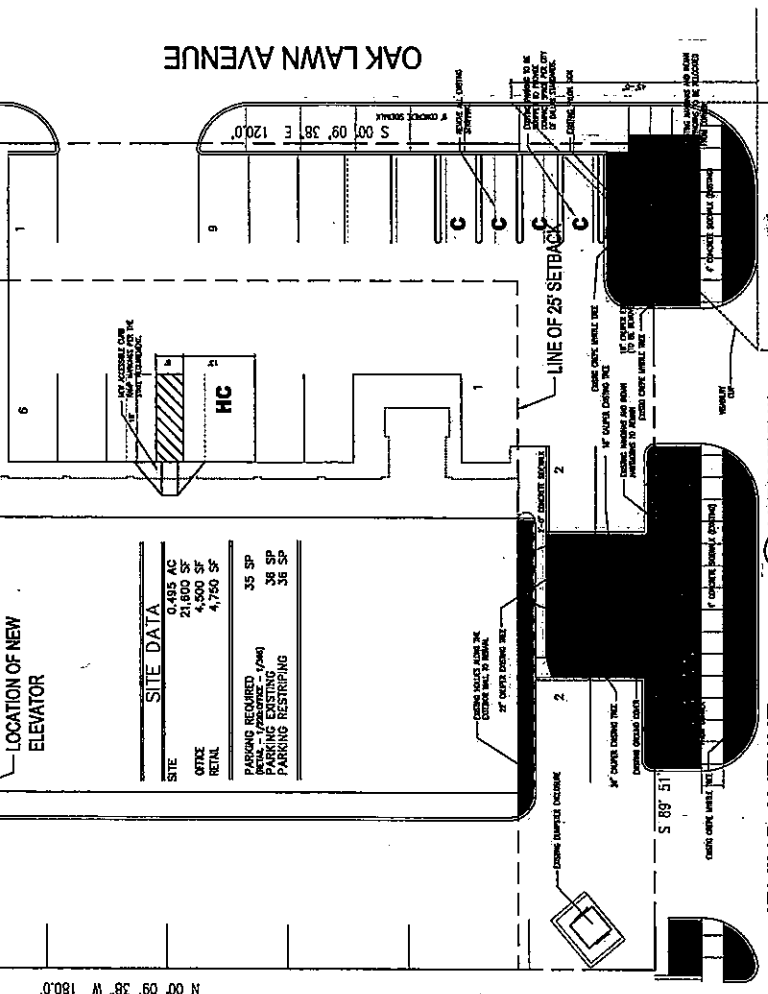
1 CORNER LANDSCAPING
SCALE 1" = 10'

PLANT LIST

NO.	QUANTITY	SYMBOL	PLANT NAME	COMMON NAME	SIZE	COL.	HT.	SPACING
1	1	1	SPREADS	SPREADS	2" DIA. @ 8" HT.	104	104	104
2	1	2	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
3	1	3	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
4	1	4	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
5	1	5	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
6	1	6	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
7	1	7	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
8	1	8	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
9	1	9	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
10	1	10	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
11	1	11	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
12	1	12	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
13	1	13	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104	104
14	1	14	SPREADS	SPREADS	12" DIA. @ 12" HT.	104	104 </tr	



1 LOCATION MAP
SCALE 1" = 100'



1 LANDSCAPE PLAN
SCALE 1" = 10'

SITE DATA

SITE	0.485 AC
OFFICE	21,600 SF
RETAIL	4,500 SF
	4,750 SF
PARKING REQUIRED (1/100)	35 SP
PARKING PROVIDED	36 SP
PARKING RESTRICTION	36 SP

DALLAS, TEXAS

FedEx OFFICE BUILDING

RICHMOND GROUP ARCHITECTURE & PLANNING



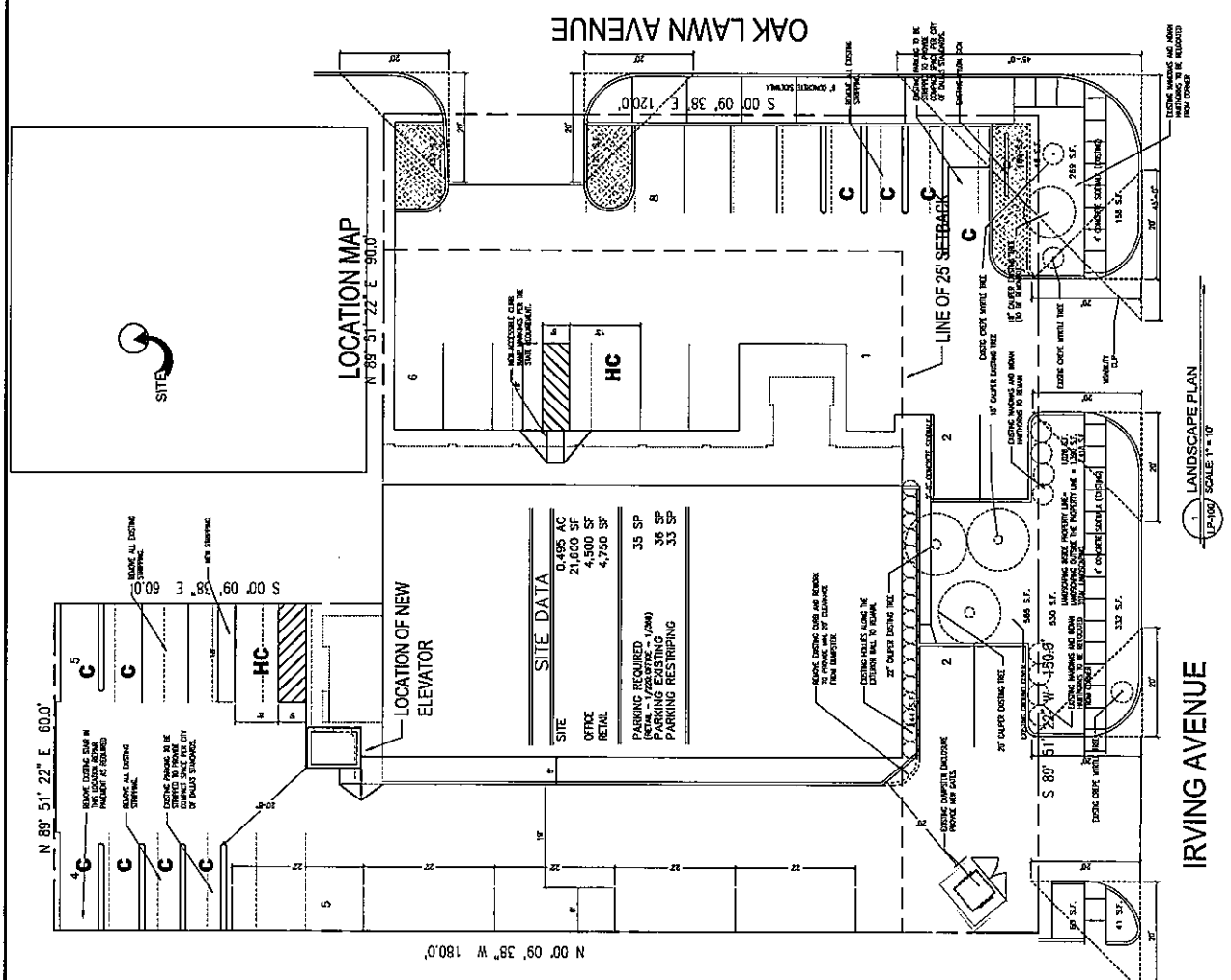
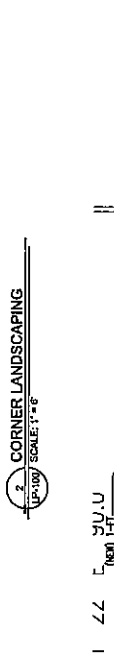
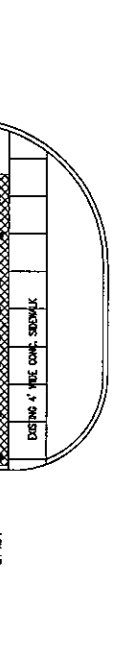
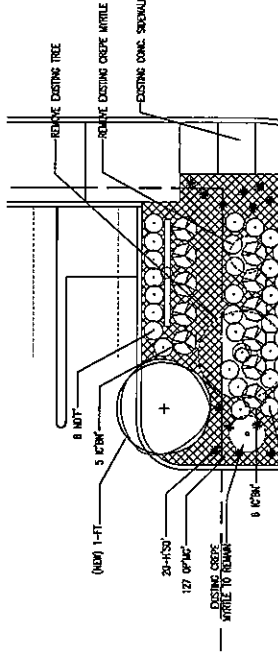
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DATE: 12-19-2012
SHEET: LP-100

REVISION: REV 1 12-19-13 REV 2 02-22-13

DATE: 12-19-2012
SHEET: LP-100

PLANT LIST

REV.	QUANTITY	SYMBOL	COMMON NAME	SIZE	CONT.	SPACING/REMARKS
1	3	FRAMING TREES	TRUCK ASH	2" GALV. HD. SBI	10' x 10'	10' x 10'
2	11	FRAMING TREES	DAWSON BURNING HOLLY	5" O.C.	5 GAL.	5' O.C.
3	40	FRAMING TREES	FRUITED BURNING HOLLY	10" HD.	5 GAL.	7' O.C.
4	20	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
5	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
6	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
7	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
8	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
9	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
10	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
11	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
12	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
13	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
14	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
15	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
16	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
17	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
18	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
19	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
20	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
21	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
22	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
23	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
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27	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
28	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
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48	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
49	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	
50	500	FRAMING TREES	STELLA DE ORO DANIELS	1 GAL.	AS SHOWN	



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 Jon Cannon
represented by Henry Quigg
did submit a request for a special exception to the landscaping regulations, and for a variance to the off-street parking regulations, and for a variance to the parking regulations
at 3905 Oak Lawn Avenue

BDA123-019. Application of Jon Cannon represented by Henry Quigg for a special exception to the landscaping regulations and for variances to the off-street parking regulations at 3905 Oak Lawn Avenue. This property is more fully described as part of Lot 1 & 2, Block 4/1509 and is zoned PD-193 (GR), which requires mandatory landscaping, and requires parking to be provided, and requires a parallel parking space access aisle must be a minimum 20 feet in width for two-way traffic. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct and maintain a nonresidential structure for office use and general merchandise or food store less than 3500 square feet use and provide 33 of the required 35 parking spaces, which will require a 2 space variance to the parking regulation, and to construct and maintain a nonresidential structure with a parallel parking space access aisle of 19 feet in width, which will require a variance of 1 foot to the off-street parking regulation.

Sincerely,


Larry Holmes, Building Official

Memorandum



CITY OF DALLAS

DATE April 5, 2013

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 123 · 019

3905 Oak Lawn Avenue amended arborist comments

The applicant has submitted an amendment to the landscape plan provided to the Board for the March hearing. After review of these changes, I concluded the following:

1. The applicant has provided doors to the established masonry dumpster enclosure.
2. Screening shrubs and additional landscape material has been placed along the Irving Avenue frontage.
3. Two landscape islands have been located in current parking spaces along Oak Lawn Avenue which will provide two additional large canopy trees.
4. The large live oak tree at the corner of Oak Lawn Avenue and Irving Avenue is shown to be removed, and a Texas ash (large canopy) tree will be placed in the vicinity. Other landscaping materials will be applied in the new landscape area converted from pavement beneath the pole sign.

Based on the significant adjustments to the site, I amend my recommendation to approval of the submitted alternative landscape plan with amendments.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-019

Data Relative to Subject Property:

Date: 12/21/12

Location address: 3905 Oaklawn Avenue

Zoning District: PD193(GR)

Lot No.: 1&2 Block No.: 4/1509 Acreage: 21,600

Census Tract: _____

Street Frontage (in Feet): 1) 100' 2) 150' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Oaklawn P&J LLC

Applicant: Jon Cannon

Telephone: 214-223-8144

Mailing Address: 1421 Basil Dr, Flower Mound, TX

Zip Code: 75028

E-mail Address: jongcannon@verizon.net

Represented by: Henry Quigg

Telephone: 972-484-5977

Mailing Address: 12200 Stemmons Fwy #317

Zip Code: 75234

E-mail Address: hq@rg-arch.com

Affirm that an appeal has been made for a Variance or Special Exception X of Landscaping requirement due to building addition required under PD-193

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The existing property is being improved by adding an external elevator for access to the second floor, under PD-193 any addition to the building area requires compliance with current landscaping the sites current development and constraints prohibit meeting these requirement without the lose of parking and/or building area.

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

Affidavit

Before me the undersigned on this day personally appeared

Jon Cannon
(Affiant Applicant's name printed)

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

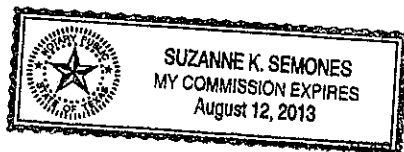
Respectfully submitted:

[Signature]
(Affiant Applicant's signature)

Subscribed and sworn to before me this 11 day of JANUARY (JON CANNON)

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

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

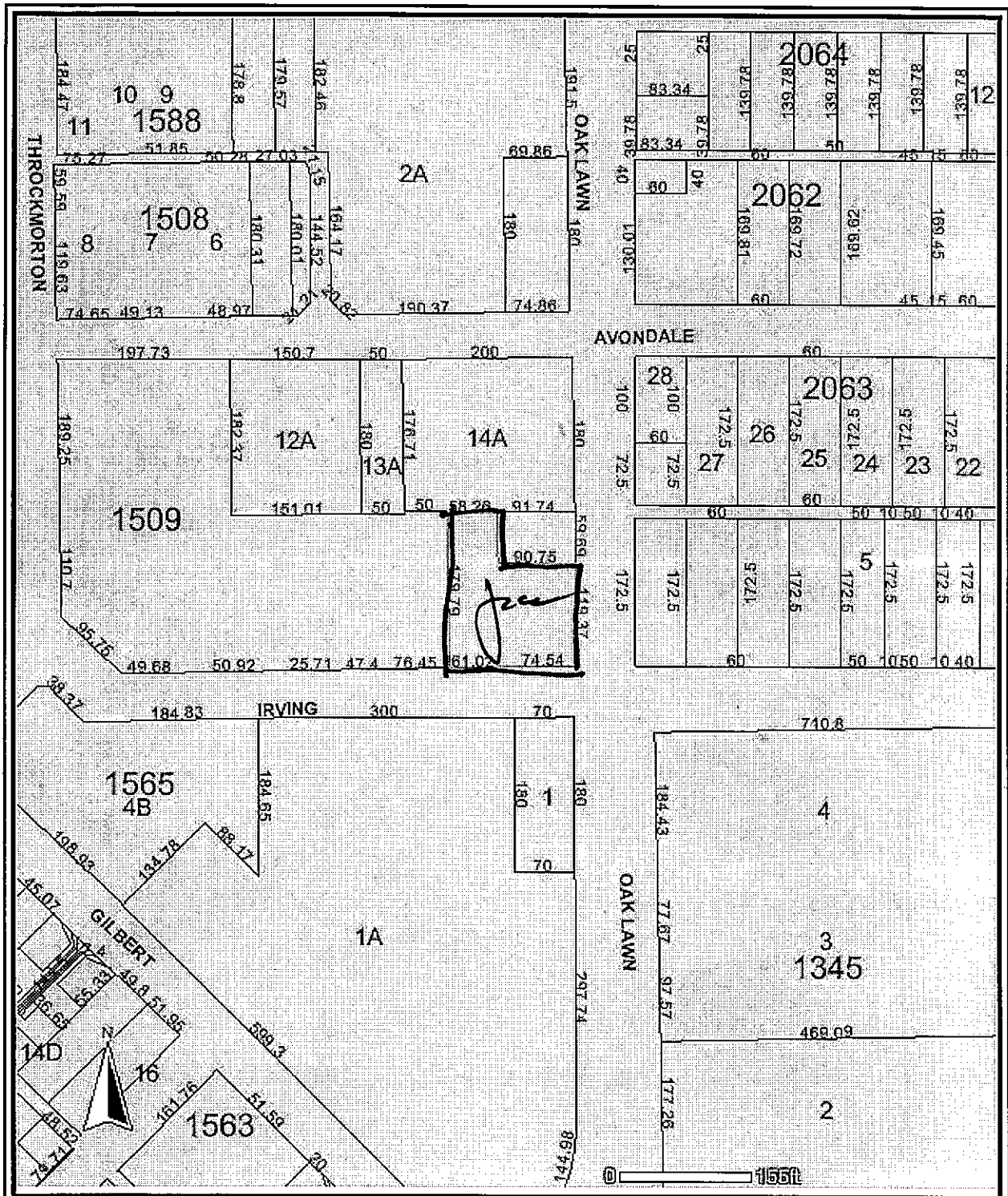
Building Official's Report

I hereby certify that Jon Cannon
represented by Henry Quigg
did submit a request for a special exception to the landscaping regulations
at 3905 Oak Lawn Avenue

BDA123-019. Application of Jon Cannon represented by Henry Quigg for a special exception to the landscaping regulations at 3905 Oak Lawn Avenue. This property is more fully described as part of Lot 1 & 2, Block 4/1509 and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

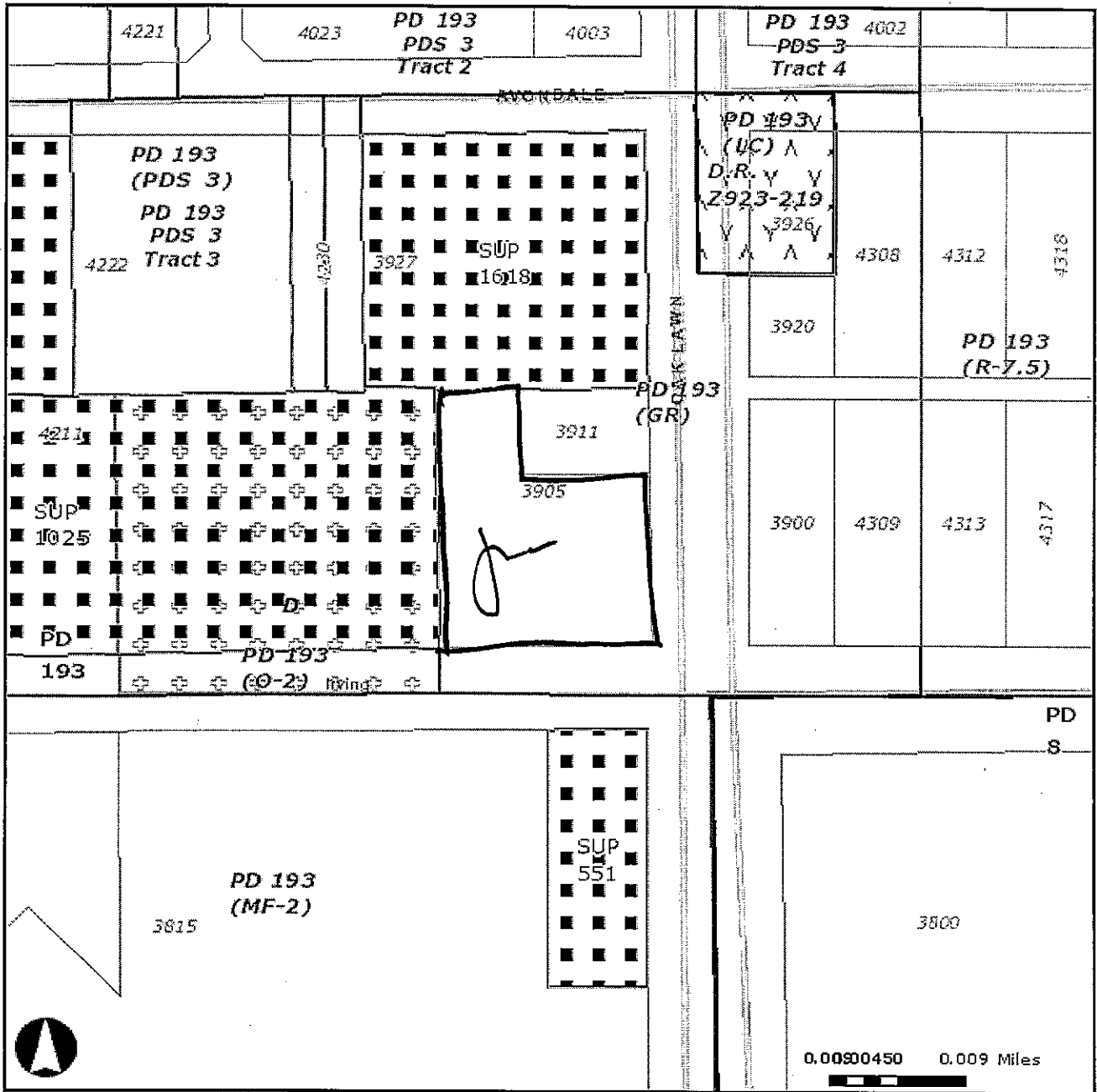

Larry Holmes, Building Official



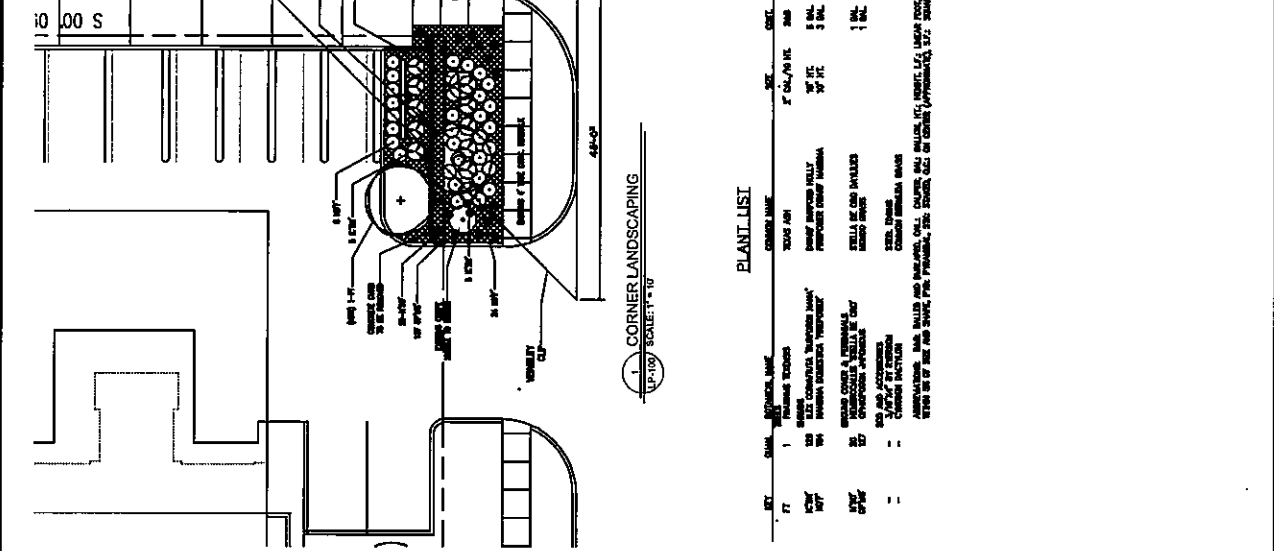
Dallas Central Appraisal District
www.dallascad.org

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

City of Dallas Zoning

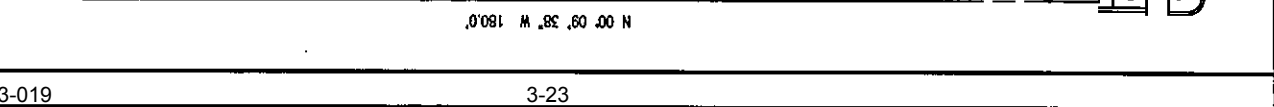
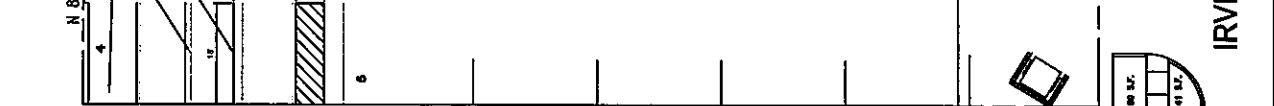
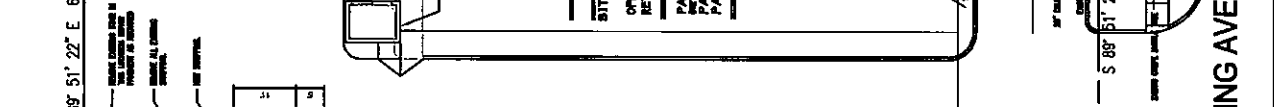
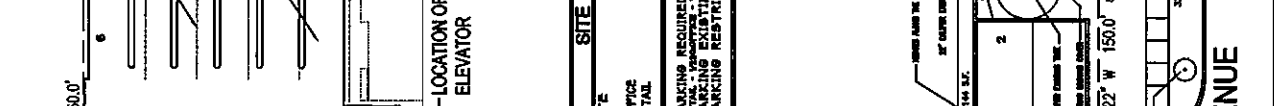
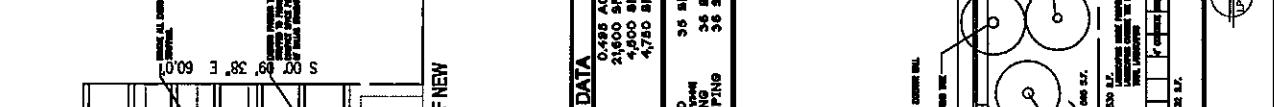
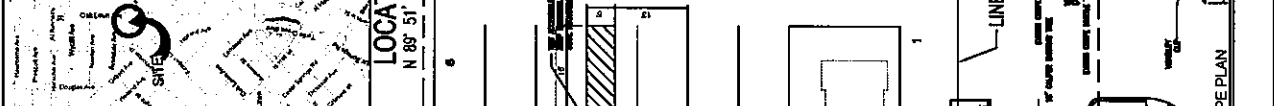
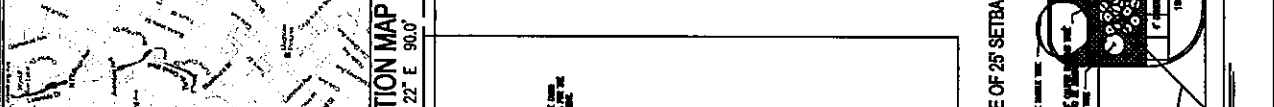


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| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>Major Lakes</p> | <p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</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> <p>CP</p> |
|--|--|---|



PLANT LIST

QTY	SYMBOL	COMMON NAME	SIZE	CONT.	SPACING
1	[Symbol]	Small Tree	8\"	1 GAL	10' x 10'
2	[Symbol]	Medium Tree	12\"	2 GAL	15' x 15'
3	[Symbol]	Large Tree	18\"	5 GAL	20' x 20'
4	[Symbol]	Shrub	6\"	1 GAL	5' x 5'
5	[Symbol]	Flowering Shrub	8\"	1 GAL	5' x 5'
6	[Symbol]	Groundcover	1\"	1 GAL	1' x 1'





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 123-019

I, Oaklawn P&J LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

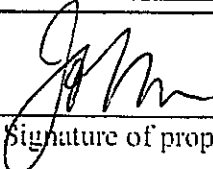
at: 3905 Oaklawn Avenue
(Address of property as stated on application)

Authorize: Jon Cannon
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)


For landscaping requirements due to an increase of building area. The increase of area is due to the addition of an external elevator being added for access to the second floor. Area of addition is 70 square feet.

<u>Jon Cannon</u>		<u>12/21/12</u>
Print name of property owner/agent	Signature of property owner/agent	Date

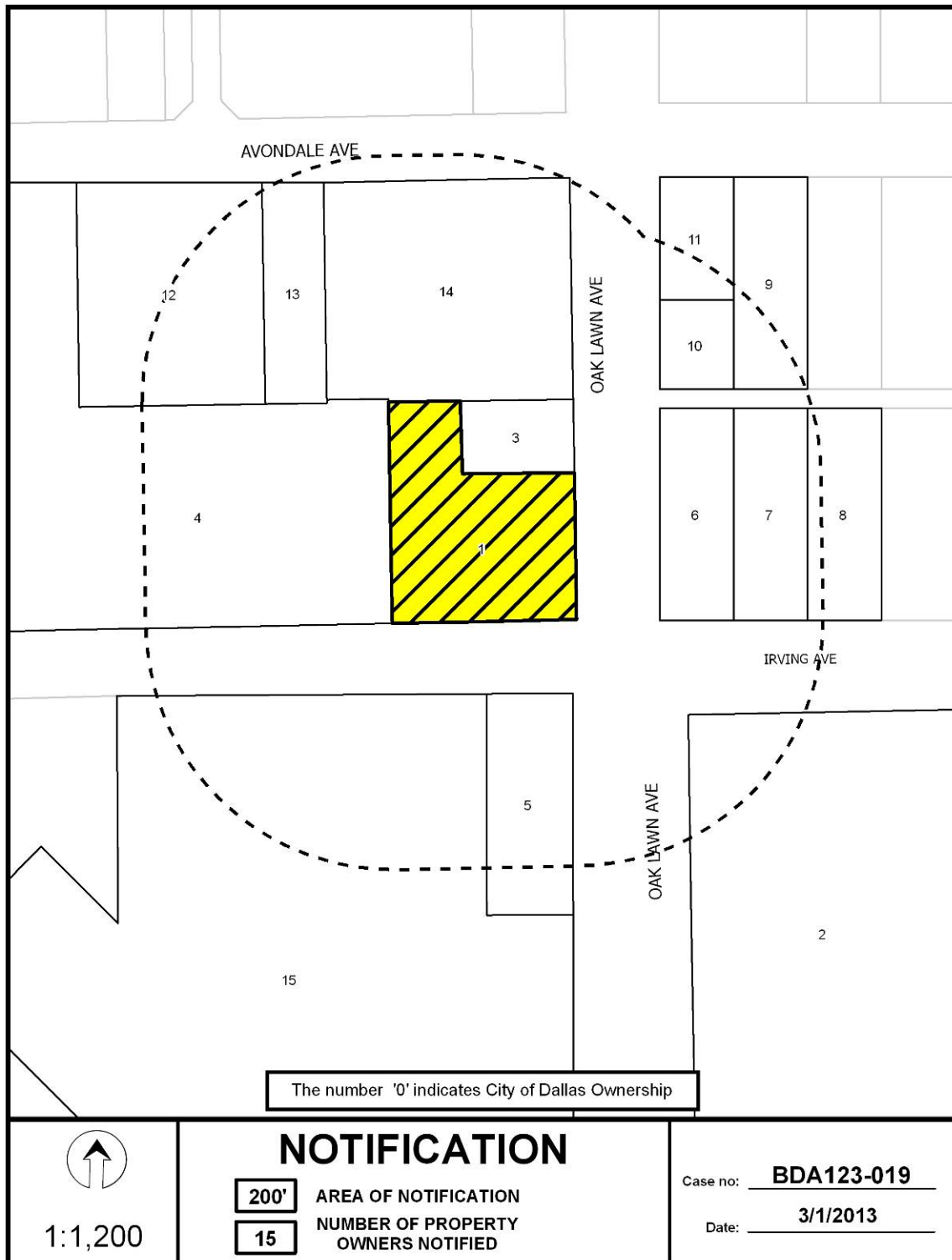
Before me, the undersigned, on this day personally appeared Jon Cannon

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

Subscribed and sworn to before me this 11 day of JANUARY, 2013


 Notary Public for Dallas County, Texas
 Commission expires on 8-12-2013





Notification List of Property Owners

BDA123-019

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3905 OAK LAWN AVE	OAKLAWN P & J LLC
2	3800 IRVING AVE	TC PROPCO I LP
3	3911 OAK LAWN AVE	ESMAILI M REZA & ALI ESMAELI
4	4211 IRVING AVE	SOUTHWESTERN BELL SBC COMM INC PPTY TAX
5	3845 OAK LAWN AVE	LEE JOHN RIDINGS
6	3900 OAK LAWN AVE	HUFF ROSALYN C MESSINA
7	4309 IRVING AVE	IA IRVING AVENUE INVESTORS LLC
8	4313 IRVING AVE	IA IRVING AVENUE INVESTORS LLC
9	4308 AVONDALE AVE	GIBRALTAR CT LLC 4308 AVONDALE AVE STE 1
10	3920 OAK LAWN AVE	EUDARICAMIRI PAM
11	3926 OAK LAWN AVE	GREY CORNELIA O EST ET AL % JAMES GREY
12	4222 AVONDALE AVE	4023 OAK LAWN ASSOC LP % BANK OF AMERICA
13	4230 AVONDALE AVE	ROBERTS CRAIG REVOCABLE TRUST
14	3927 OAK LAWN AVE	CDC OAKLAWN LP
15	3815 OAK LAWN AVE	HOLY TRINITY PARISH SCHOOL

FILE NUMBER: BDA 123-028

BUILDING OFFICIAL'S REPORT: Application of Herbert B. Story, Jr., represented by Michael R. Coker, for variances to the front yard setback and off-street parking regulations, and a special exception to the landscape regulations at 2701 McKinney Avenue. This property is more fully described as Lot 3A, Block 2/955 and is zoned PD-193 (LC), which requires (1) a front yard setback of 10 feet, (2) off-street parking, and (3) mandatory landscaping. The applicant proposes to construct and maintain a restaurant without drive-in or drive-through service use and provide (1) a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations; (2) 41 of the required 54 parking spaces, which will require a variance to the off-street parking regulations of 13 spaces; and (3) an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2701 McKinney Avenue

APPLICANT: Application of Herbert B. Story, Jr.
Represented by Michael R. Coker

REQUESTS:

The following appeals have been made on a site that is currently developed with a restaurant use (S & D Oyster House):

1. A variance to the front yard setback regulations of 10' is made in conjunction with constructing and maintaining an addition structure (freezer/cooler room and stairwell) with an approximately 1,900 square foot building footprint, part of which is to be located in on the Boll Street front property line, or as much as 10' into this 10' front yard setback along Boll Street.
2. Variances to the front yard setback regulations of 10' are made in conjunction with remedying/addressing the nonconforming aspect of the existing nonconforming structure that is located in the site's two 10' front yard setbacks along McKinney Avenue and Boll Street
3. A variance to the off-street parking regulations of 13 spaces (or a 24 percent reduction of the 54 off-street parking spaces that are required) is requested in conjunction with constructing and maintaining existing/proposed development with a total of approximately 5,400 square feet of restaurant use where the applicant proposes to provide 41 (or 76 percent) of the required 54 required off-street parking.
4. A special exception to the PD 193 landscape regulations in conjunction with the proposed new construction, and not fully complying with the landscaping requirements of PD 193.

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 26(a)(4) of Ordinance No. 21859, which establishes PD 193, specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATIONS (variances - front yard setbacks and off-street parking):

Approval of the requests, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The lot's restrictive area and irregular shape precludes its development in a manner commensurate with other developments found on similarly-zoned PD 193 (LC) lots.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated with no objections to the request for variance to the off-street parking regulations.

STAFF RECOMMENDATION (landscape special exception):

Denial

Rationale:

- The Chief Arborist recommends denial of the proposed landscape plan because it compromises the spirit and intent of the PD 193 landscaping requirements in that the extended sidewalk spacing, combined with the lack of landscape site area in the front yard, are significant deviations from the requirements.

- The applicant has not substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (Planned Development District, Light commercial)
North: PD 193 (LC) (Planned Development District, Light commercial)
South: PD 193 (LC) (Planned Development District, Light commercial)
East: PD 193 (LC) (Planned Development District, Light commercial)
West: PD 193 (LC) (Planned Development District, Light commercial)

Land Use:

The subject site is developed with a restaurant use (S & D Oyster House). The areas to the north, east, south, and west are a mix of office and retail uses.

Zoning/BDA History:

1. BDA 112-040, Property at 2612 Boll Street (the western portion of the subject site)

On May 15, 2012, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations of 10 feet and a special exception to the landscape requirements. The Board imposed the following condition: Compliance with the submitted revised site plan dated 5-15-12 is required.

The case report stated that the requests were made in conjunction with constructing and maintaining what appeared to be from the submitted site plan a “raised planting bed” structure, a staircase structure, and the westernmost wall of a “proposed two story brick addition” structure (with an approximately with an approximately 600 square foot building footprint that is proposed to be located on the lot immediately to the east/adjacent to the subject site – a separate parcel of land developed with an existing one story structure/restaurant use immediately east (S & D Oyster House) and the subject site of an application made by the same applicant for variance to the front yard setback regulations and special exception

to the landscape regulations that was heard by Panel A on May 15, 2012: BDA 112-058).

On January 18, 2013 the Board of Adjustment Panel A waived the two year limitation on requests for (1) a variance to the front yard setback regulations; and (2) a special exception to the landscape regulations granted by Board of Adjustment Panel A on 5-15-12, subject to a revised site plan dated 5-15-12 and submitted landscape plan dated 5-15-12.

2. BDA 112-058, Property at 2701 McKinney Avenue (the eastern portion of the subject site)

On May 15, 2012, the Board of Adjustment Panel A granted a request for a special exception to the landscape requirements and a request for variance to the front yard setback regulations along Boll Street. The Board imposed the following condition to these granted requests: compliance with the submitted landscape plan dated 5-15-12 is required. The Board denied the request for a variance to the front yard setback along McKinney Avenue with prejudice.

The case report stated that these requests for variances to the front yard setback regulations of 10' and a special exception to the landscape regulations were made in conjunction with constructing and maintaining a "proposed two story brick addition" structure with an approximately with an approximately 600 square foot building footprint (with the exception of its westernmost wall that is proposed to be located on the lot immediately to the adjacent property to the west of the subject site – a separate parcel of land developed with an office structure use that the applicant intended to demolish and the subject site of an application made by the same applicant for variance to the front yard setback regulations and special exception to the landscape regulations that was heard by Panel A on May 15, 2012: BDA 112-040) that were to be located in the site's 10' front yard setback along Boll Street; and addressing and remedying the nonconforming aspect of the existing nonconforming structure on this site that is located in the site's two front yard setbacks along McKinney Avenue and Boll Street.

On January 18, 2013 the Board of Adjustment Panel A waived the two year limitation on requests for (1) variances to the front yard setback regulations and a special exception to the landscape regulations granted by Board of Adjustment Panel A on 5- 15-12, subject to a revised site plan dated 5-15-12 and submitted landscape plan dated 5-15-12.

Timeline:

January 25, 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 13, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. 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.”

February 13, 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 February 29th deadline to submit additional evidence for staff to factor into their analysis; and the March 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 27, 2013: The Sustainable Development and Construction Department Historic Senior Planner emailed the Board Administrator the following comments: “proposed work is located next to H116 (Ahab Bowen House” with “no other concerns.”

February 27, 2013: The applicant’s representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

March 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March 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 Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

- March 7, 2013: The Board Administrator emailed the applicant's representative the following information:
- Staff would be recommending that the board hold his requests under advisement until their April 16th public hearing in order for CPC to consider his plat on April 4th.
 - Staff was concerned of the potential problem that may occur for his client's development if the board of adjustment were to grant his requested variances/special exception on March 19th with his submitted plans imposed as conditions, and where these board-imposed conditional plans would not be in agreement with a re-plat that the City Plan Commission may approve at some time after the March 19th board of adjustment hearing.
- March 8, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant's request for a variance to the off-street parking regulations marked "Has no objections."
- March 11, 2013: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request for a special exception to the landscape regulations (see Attachment B).
- March 19, 2013: The Board of Adjustment Panel A conducted a public hearing on this application, and held the request under advisement until April 16, 2013.
- April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April 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 Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- April 4, 2013: The applicant's representative informed the Board Administrator that the City Plan Commission (CPC) approved his plat at their hearing on April 4, 2013.

April 5, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director and the Chief City of Dallas Chief Arborist conveyed to the Board Administrator that the comments that they registered in March have not changed since the application has not.

GENERAL FACTS/ANALYSIS (front yard variances):

- Part of the variance request focuses on constructing/maintaining an addition structure (freezer/cooler room and stairwell) with an approximately 1,900 square foot building footprint, part of which is to be located in on the Boll Street front property line, or as much as 10' into this 10' front yard setback along Boll Street.
- Part of the variance request focuses on remedying/addressing the nonconforming aspect of the existing nonconforming structure that is located in the site's two front yard setbacks along McKinney Avenue and Boll Street.
- The Dallas Development Code defines a nonconforming structure as a structure that does not conform to the regulations (other than the use regulations) of this chapter, but which was lawfully constructed under the regulations in force at the time of construction.
- The Dallas Development Code states that a person may renovate, remodel, repair, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations; and that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The existing nonconforming structure is located on the Boll Street front property line or 10' into this 10' front yard setback, and 3' from the McKinney Avenue front property line or 7' into this 10' front yard setback.
- The minimum front yard setback on a PD 193 (LC) zoned lot is 10 feet.
- A revised site plan (see Attachment A) has been submitted showing a proposed/existing structure as close as on the Boll Street front property line and an existing structure as close as 3' from the McKinney Avenue front property line.
- According to information submitted by the applicant, approximately 500 square feet of the approximately 1,900 square foot proposed addition building footprint is located in the Boll Street front yard setback.
- According to calculations taken from the submitted revised site plan by the Board Administrator, approximately 500 square feet of the approximately 2,500 square foot existing building footprint is located in the Boll Street front yard setback and approximately 350 square feet of the approximately 2,500 square foot existing building footprint is located in the McKinney Avenue front yard setback.
- DCAD records indicate that the improvements at 2701 McKinney are a "restaurant" with 2,450 square feet built in 1927.
- The site is flat, irregular in shape, and according to the application, is 0.185 acres (or approximately 8,000 square feet) in area. The site is zoned PD 193 (LC). The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.

- The applicant has the burden of proof in establishing the following:
 - That granting the variances 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 variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (LC) zoning classification.
 - The variances would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (LC) zoning classification.
- If the Board were to grant these front yard variance requests, imposing a condition whereby the applicant must comply with the submitted revised site plan, the proposed and/or existing structures in one or both front yard setbacks would be limited to what is shown on this plan.

GENERAL FACTS/ STAFF ANALYSIS (off-street parking variance):

- This request focuses on constructing and maintaining existing/proposed development with a total of approximately 5,400 square feet of restaurant use where the applicant proposes to provide 41 (or 76 percent) of the required 54 required off-street parking spaces in conjunction with constructing and maintaining this use with this square footage on a site developed with a restaurant use.
- The subject site is zoned PD 193 (LC). PD 193 states that the parking requirement for “restaurant” use to be one space per 100 square feet of floor area.
- Dallas Development Code Section 51A-4.311(a)(1) states that 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; and that 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.
- However, Dallas Development Code Section 51A-311(a)(6) states that the Board of Adjustment *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.

- Therefore, because PD 193 does not make references to the existing off-street parking regulations in Chapter 51 or Chapter 51(A), the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations for restaurant use in PD 193 even though the reduction request is 24 percent of the required off-street parking.
- DCAD records indicate that the improvements at 2701 McKinney are a “restaurant” with 2,450 square feet built in 1927.
- The site is flat, irregular in shape, and according to the application, is 0.185 acres (or approximately 8,000 square feet) in area. The site is zoned PD 193 (LC). The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of 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 (LC) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (LC) zoning classification.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has submitted a review comment sheet marked “Has no objections.”

GENERAL FACTS/STAFF ANALYSIS (landscape special exception):

- This request focuses on proposed new construction on the site, and not fully complying with the landscaping requirements of PD 193.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- On March 11, 2013, the City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the submitted revised landscape plan/landscape special exception request (see Attachment B).

- The Chief Arborist's memo stated among other things how the request is triggered by new floor area on a new platted lot, and how the applicant seeks exception from the tree planting zone, sidewalk, and landscape site area/general planting area/special planting area of PD 193 landscaping requirements. More specifically, the site maintains an existing structure about 7' off of Boll Street that restricts the property from compliance with sidewalk standards, and the applicant proposes an addition along Boll Street whereby there are deficiencies to the sidewalk location and width for the rest of the site along Boll Street, and on the general code requirements for landscape site area, general planting areas, and special planting areas within the front yard.
- The Chief Arborists listed several factors for consideration: the location of the existing structure and how it affects compliance with required sidewalk location; the continuance of a future 70' length of wall in alignment with the existing structure and how this proposed location affects compliance with the required sidewalk location; how the proposed sidewalk provides continuity with the sidewalk currently in place along the existing structure; and the property's compliance with the screening requirements for the one parking spaces and with required street trees.
- The Chief Arborist recommends denial of the proposed landscape plan because it compromises the spirit and intent of the PD 193 landscaping requirements in that the extended sidewalk spacing, combined with the lack of landscape site area in the front yard, are significant deviations from the requirements.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting tree planting zone, sidewalk, and landscape site area/general planting area/special planting area of PD 193 landscaping requirements) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
- If the Board were to grant this request, imposing the revised alternate landscape plan as a condition, the site would be provided exception to the tree planting zone, sidewalk, and landscape site area/general planting area/special planting area requirements of the Oak Lawn PD 193 landscape ordinance.

BOARD OF ADJUSTMENT ACTION: MARCH 19, 2013

APPEARING IN FAVOR: Mike Coker, 2700 Swiss Ave., Dallas, TX

APPEARING IN OPPOSITION: No one

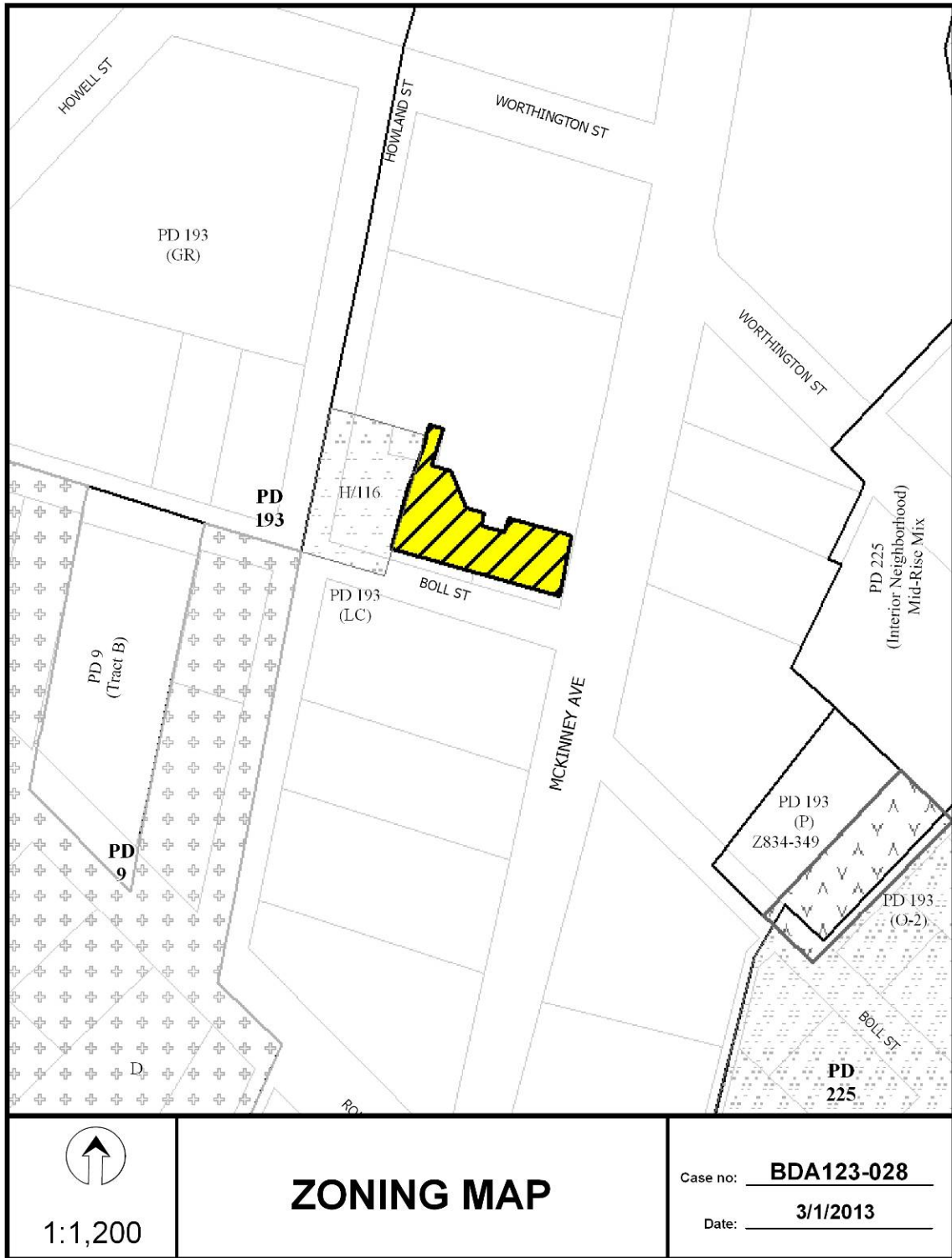
MOTION: Moore

I move that the Board of Adjustment in Appeal No. **BDA 123-028**, hold this matter under advisement until **April 16, 2013**.

SECONDED: Schweitzer

AYES: 4 – Moore, Schweitzer, Hounsel, Gaspard

NAYS: 0 -
MOTION PASSED: 4- 0 (unanimously)

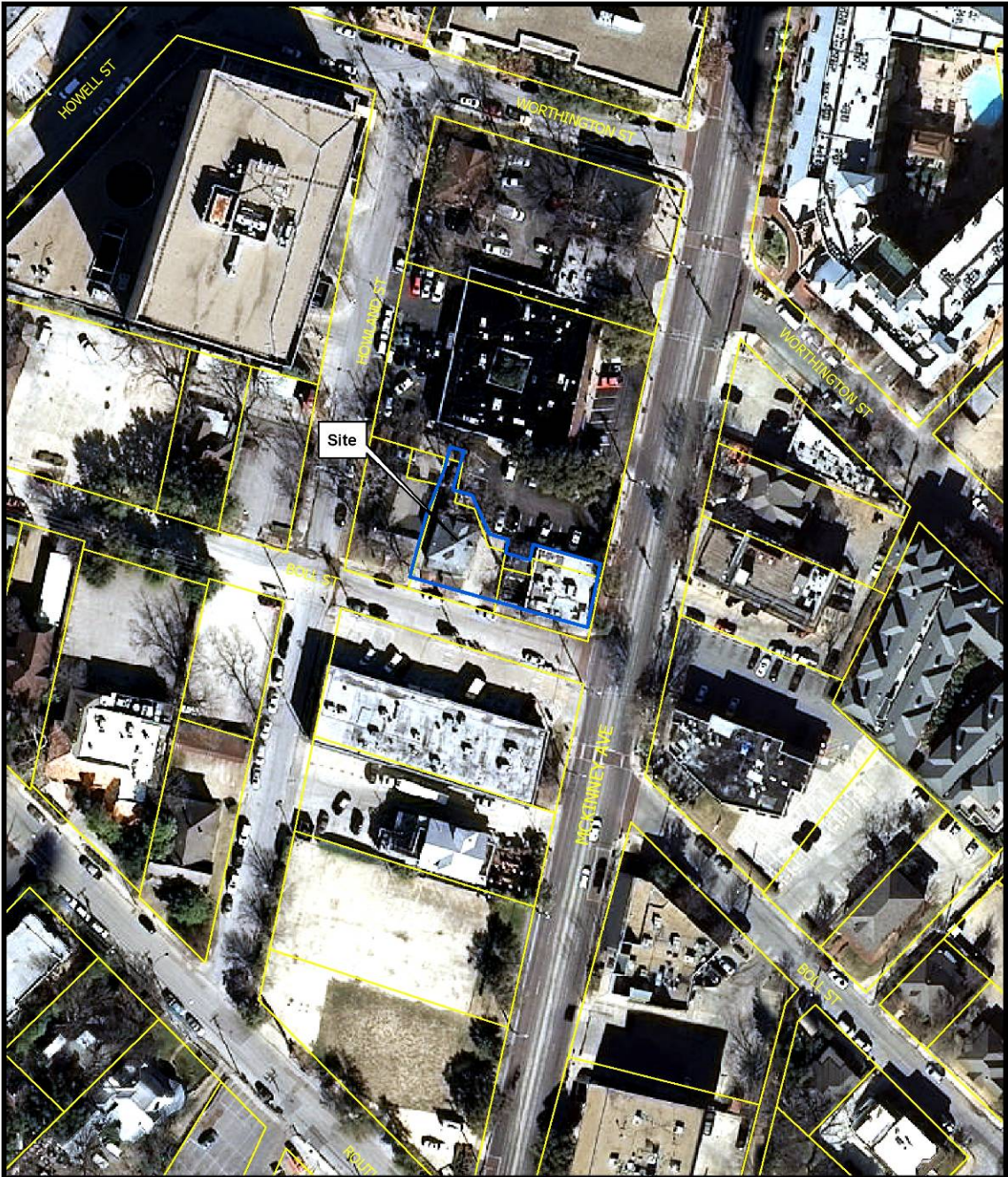


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ZONING MAP

Case no: BDA123-028

Date: 3/1/2013



1:1,200

AERIAL MAP

Case no: BDA123-028

Date: 3/1/2013

Long, Steve

From: Erin Scherer [ecscherer@cokercompany.com]
Sent: Wednesday, February 27, 2013 11:29 AM
To: Long, Steve; Michael Coker
Cc: Duerksen, Todd; Erwin, Philip; Cossum, David; Palomino, Tammy; Denman, Lloyd; Svec, Jerry
Subject: BDA 123-028, 2701 McKinney Avenue
Attachments: BDA123-028, 2701 McKinney_RevisedLandscapeNotes_022713.pdf; BDA123-028, 2701 McKinney_RevisedSitePlan_022713.pdf; BDA123-028, 2701McKinney_RevisedLandscapePlan_022713.pdf

Good morning Steve:

This morning, Mike and I delivered to you, Todd, and Phil our revised site and landscape plans and revised landscape planting notes for our Board case. The delivery included full size copies of each plan and a reduction of each. I believe that Mike included some color renderings showing the proposed work to you too.

The revisions that we made are minor and are as follows:

Site Plan: we closed the Boll Street curb cut that was shown going in to the service corridor. We will did this because there will be no vehicular access at this location. We also showed the location of our existing awning and seating areas that are located within the front yard setback on McKinney Avenue.

Landscape Plan: we also closed the Boll Street curb cut on this plan. Additionally, per Phil's request, we included the existing structure and landscaping on the McKinney frontage so that the Board can see the project in its entirety. Because we increased the drawing, we moved the landscape planting notes to a second sheet.

I've attached the three revised drawings for your reference. Please let me know if you have questions or require additional information.

Thank you,

*Erin C. Scherer, Vice President
Michael R. Coker Company
2700 Swiss Avenue, Suite 100
Dallas, Texas 75204
214.821.6105 ext. 202
www.cokercompany.com*

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, February 26, 2013 12:54 PM
To: Michael Coker
Cc: Duerksen, Todd; Erwin, Philip; Cossum, David; Palomino, Tammy; Denman, Lloyd; Svec, Jerry; Erin Scherer
Subject: RE: BDA 123-028, Property at 2701 McKinney Avenue

Ok. Thanks, Mike.

Here is some feedback to some of your answers:

To number 1 below: Please be advised that I need paper copies of anything you submit electronically.

To number 8 below: Please make sure to submit any revised landscape plan to: 1) Todd, 2) Phil, and 3) me – I need three full scales and one reduction.

To number 9 below: The attached PDF showing an approved plan that I stamped in conjunction with BDA 034-118 was for a landscape special exception request granted in 2004 for property in the vicinity of your subject site today (Howland and Boll), not ON your subject site today (McKinney and Boll). What is the relevance of this plan

to your current application, particularly since there is no mention in the hearing minutes on this 2004 application to a surface parking lot for either S & D or any specific use?

To your general comment about an amended site plan: Please make sure to submit any revised site plan to: 1) Todd, and 2) me – I need three full scales and one reduction.

Thanks,

Steve

BDA 123-028
Attach A
Pg 2

From: Michael Coker [<mailto:mrcoker@cokercompany.com>]
Sent: Tuesday, February 26, 2013 12:10 PM
To: Long, Steve; herb@sdoyster.com
Cc: Cossum, David; Erwin, Philip; Duerksen, Todd; Denman, Lloyd; Svec, Jerry; Erin Scherer
Subject: RE: BDA 123-028, Property at 2701 McKinney Avenue

Steve, I have attempted to answer each of your inquiries in the message below.

Michael R. Coker, AICP/CBO
Michael R. Coker Company, Inc.
2700 Swiss Avenue
Suite 100
Dallas, Texas 75240
214.821.6105 x 201 [p]
214.821.6125 [f]
mrcoker@cokercompany.com
www.cokercompany.com

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Monday, February 25, 2013 10:18 AM
To: Michael Coker
Cc: Cossum, David; Erwin, Philip; Duerksen, Todd; Denman, Lloyd; Svec, Jerry
Subject: FW: BDA 123-028, Property at 2701 McKinney Avenue

Dear Mike,

I have dug a little deeper into this application and have the following concerns/questions:

- 1) Did you intentionally not submit an elevation of your proposal in conjunction with your front yard variance request on Boll Street?
Not intentionally. However, I will forward a digital image of the front elevation today and some additional imagery that we would like the Board to review..
- 2) Given the fact that when the board chooses to grant a setback variance request they typically impose the applicant's submitted site plan (as opposed to what is referenced to elsewhere in an application) as a condition to the request, are you able to represent that your submitted site plan comprehensively shows every structure that you wish for them to consider in the site's McKinney Avenue and Boll Street front yard setbacks? (If not, you may want to consider submitting a revised site plan to Todd and myself prior to noon, February 27th).
I confirmed with the Client that the submitted site plan is inclusive of all the anticipated structures on the site.
- 3) Could you list the "structures" as shown on your submitted site plan requiring variance to the front yard setback on Boll Street?
Yes. The existing structure at 2701 McKinney is built to the property line, so it needs a variance. Then moving west along Boll the new southern wall for the expansion and all of the internal construction planned for the interior there. Then moving further west the new courtyard wall, gate and terminus for the gate. Lastly, the new cooler freezer building. I think the site plan that shows the planned improvements is

representative of our plans.

- 4) Could you list the "structures" as shown on your submitted site plan requiring variance to the front setback on McKinney Avenue?

Yes. The only structure needing the front yard setback variance is the existing building. There is approximately a seven foot encroachment into the required 10 foot front yard setback on McKinney. The width of the building as it front on McKinney is 23 feet. So, approximately 161 square feet is located in the required front yard setback. Remember this building was constructed long before there were front yard setback required. This subdivision was platted in the 1894 and this building was built about that same time. One more thing, we would like to the ability to use the remaining portion of front yard between the front of the existing building and the property line for some fixed seating, lighting, etc.

- 5) Would you be able to provide an approximation of how much of your proposed building footprints is in the Boll Street front yard setback?

The existing building is 50.5 feet long and 10 feet encroaches into the front yard setback along Boll. That is 505 Square Feet. Then the new building addition is 31 feet long at the front property line and it encroaches 10 feet into the front yard setback. That is 310 square feet. Then there is the courtyard wall, the stairs, raised planter and the new building for the walk-in freezer/cooler that encroach into the front yard setback around 4.5 feet.

- 6) Would you be able to provide an approximation of how much of your existing building footprint is in the Boll Street front yard setback? See 4) above.
- 7) Would you be able to provide an approximation of how much of your existing building footprint is in the McKinney Avenue front yard setback? See 4) above.
- 8) Given the fact that when the board chooses to grant a landscape special exception request they typically impose the applicant's submitted alternate landscape plan as a condition to the request, is it your intention to only submit a partial landscape plan of the site – in this case a landscape plan showing only the Boll Street side of the site in conjunction with your landscape special exception request? (If not, you may want to consider submitting a full alternate landscape plan to Todd, Phil Erwin, and myself prior to noon, February 27th).

We are preparing a revised landscape plan that shows the full alternate landscape plan and it will be delivered prior to noon tomorrow.

- 9) Even though your attachment refers to certain things related to a "special exception to reduce the required parking," would you confirm the fact that you ARE aware that the parking reduction request on this site being located in PD 193 is for VARIANCE (as opposed to a special exception) to the off-street parking regulations? We are aware that the parking variance request is for a variance rather than for a special exception since we are located in the Oak Lawn Special Purpose District [PDD 193]. Also, I have attached a pdf of the BDA approved parking plan for the proposed parking to this message. It was also included in the submittal for the BDA hearing.

Steve, we are preparing an amended site plan that removes the driveway approach that is shown at the rolling gate, but other than that, I think the site plan shows everything that we intend to do.

Thanks,

Steve

From: Long, Steve
Sent: Wednesday, February 20, 2013 10:35 AM
To: 'Michael Coker'
Cc: Duerksen, Todd
Subject: RE: BDA 123-028, Property at 2701 McKinney Avenue

Ok. Got it. And as you know and can see from the attached history on this site from May of 2012, the board granted the applicant's request for front yard variance to Boll Street but denied the applicant's request for front yard variance along McKinney Avenue (made to remedy a nonconforming structure).

Steve

From: Michael Coker [<mailto:mrcoker@cokercompany.com>]
Sent: Wednesday, February 20, 2013 10:06 AM

To: Long, Steve
Cc: Duerksen, Todd; Erin Scherer
Subject: RE: BDA 123-028, Property at 2701 McKinney Avenue

The request is designed to address the nonconforming issues pertaining to the existing building and the proposed new building. So, front yard on McKinney and on Boll for the existing building, then front yard on the Boll side for the proposed new construction, the special exception for the alternate landscaping and parking variance for the addition.

Mike

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Wednesday, February 20, 2013 8:59 AM
To: Michael Coker
Cc: Duerksen, Todd
Subject: FW: BDA 123-028, Property at 2701 McKinney Avenue

Dear Mike,

I have not fully reviewed your submittal but I am wondering if any part of this application is made to address any structure that may be nonconforming. Is it? Last year, the applicant made an application to address the nonconforming aspect of the existing structure in front yard setbacks. Is that part of your request this time OR is your request for variance limited only to the proposed new construction?

I have attached the nonconforming use section of the code for your review.

Please let me know what part (if any) of your application is made related to any aspect of a nonconforming structure on the site.

Thanks,

Steve

From: Long, Steve
Sent: Wednesday, February 13, 2013 1:34 PM
To: 'Michael Coker'
Cc: Duerksen, Todd; Erwin, Philip; Denman, Lloyd; Svec, Jerry
Subject: FW: BDA 123-028, Property at 2701 McKinney Avenue

Dear Mike,

Here is information regarding the application to the board of adjustment at the address referenced above that you are representing for Herbert B. Story, Jr., most of which I believe you are aware of given your experience with the board of adjustment:

1. Your application materials- all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of the scheduled March 19th public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front setback and off-street parking regulations (51A-3.102(d)(10)).
3. The standard as to how the board is able to grant a special exception to the landscape requirements of PD No. 193 (126 (a)(4)).
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
5. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application and contact Todd Duerksen, at

214/948-4475 no later than noon, February 27th with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed beyond the requested front yard setback and off-street parking variances and landscape special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

You may want to contact Phil Erwin, City of Dallas Chief Arborist, at 214/948-4117 to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your landscape special exception request.

Lastly, you may want to contact Jerry Svec, City of Dallas Project Engineer, at 214/948-4444 or Lloyd Denman, City of Dallas Engineering Assistant Director at 214/948-4354 to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on your off-street parking variance request.

Please write or call me at 214/670-4666 if you have any questions/concerns, if I can be of any additional assistance to you on this application.

Thanks,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address:

Steve Long, Board of Adjustment Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

BDA 123-028
Attach A
Pg 5

From: Long, Steve
Sent: Monday, January 28, 2013 2:54 PM
To: Michael Coker
Cc: Duerksen, Todd
Subject: RE: S&D oyster house

Hi Mike,

Let's see what Todd says about the points you have raised below.

But regardless of more fee or not, most see the bar being higher to win variance than special exception particularly when part of the variance standard includes a clause about how granting the variance is not needed to relieve a self-created hardship. I know parts of these applications were granted last spring but I do have a concern about how the board may feel with your new application and the fact that now something else has been added to the equation. Of course, no one knows what the board panel will do.

Good luck on this application.

Steve

PS: I assume you have considered a PDS application but thought this BDA route was better.

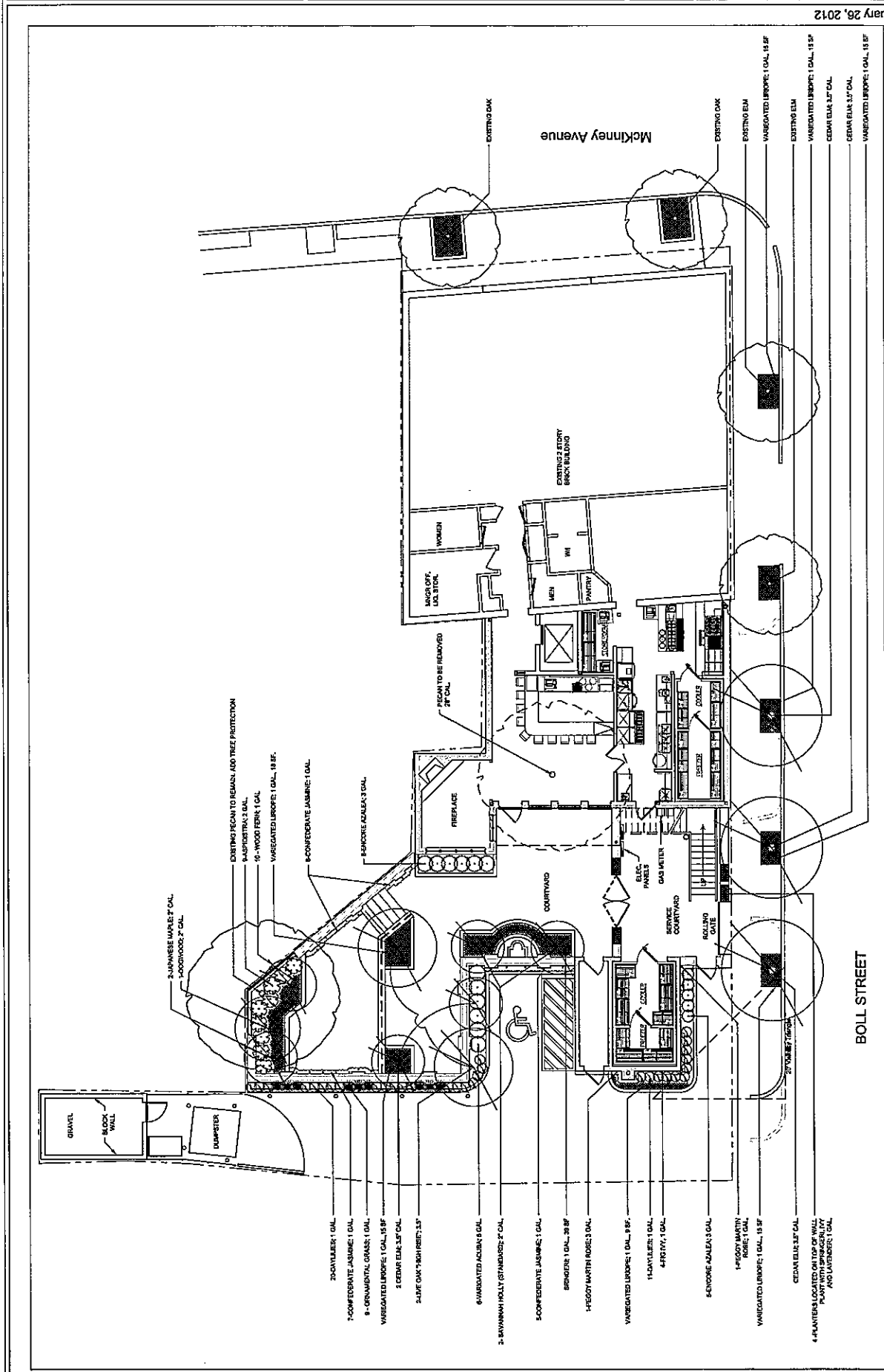
From: Michael Coker [<mailto:mrcoker@cokercompany.com>]
Sent: Mon 1/28/2013 2:25 PM
To: Duerksen, Todd
Cc: Long, Steve; Erin Scherer
Subject: S&D oyster house

Todd, Steve Long advises me that the special exception for up to 25 % is not available in PDD 193. Only a variance for parking is available. So, do I need to pay any more on the application? Also, do we need to amend

the application to reflect that the parking reduction is a request for a variance?

Michael R. Coker, AICP/CBO
Michael R. Coker Company, Inc.
2700 Swiss Avenue
Suite 100
Dallas, Texas 75240
214.821.6105 x 201 [p]
214.821.6125 [f]
mrcoker@cokercompany.com
www.cokercompany.com

BDA 123-028
Attach A
Pg 6



A Site Plan
 © Copyright 2013 DLDS A1

February 26, 2012

PROJECT SUMMARY

PROPERTY ADDRESS:
 2701 McKinney Avenue
 City of Dallas, Dallas County, Texas

ZONING SUMMARY:
 LC (Limited Commercial)
 Commercial/Residential

ZONING REFERENCE:
 8070 SF Total (Edin. 3443 SF + Expansion 4627 SF)

LOT SIZE:
 8070 SF Total (Edin. 3443 SF + Expansion 4627 SF)

GENERAL SPECIAL PURPOSE ZONING DISTRICT:
 (PD #193, Ordinance #21859)
 Landscape Regulation Requirements

CITY OF DALLAS PROTECTED TREE MITIGATION:
 NO MITIGATION WILL BE REQUIRED ON THIS PROJECT

IRRIGATION REQUIREMENTS:
 ALL LANDSCAPE SITE AREA WILL BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM.

VISUAL OBSTRUCTIONS:
 THIS PLAN COMPLIES WITH ALL VISIBILITY TRIANGLE SPECIFICATIONS AT ALL STREET INTERSECTIONS AND SITE INGRESSES AND EGRESS POINTS.

OFF-STREET PARKING SCREENING:
 THIS PLAN SCREENS ALL OFF-STREET SURFACE PARKING FROM PUBLIC STREET VIEW AS REQUIRED.

GARBAGE AND OFF-STREET LOADING:
 THIS PLAN SCREENS ALL OFF-STREET LOADING AND GARBAGE STORAGE AREAS FROM PUBLIC STREET VIEW AS REQUIRED.

SIDEWALK REQUIREMENTS:
 PROVIDED: SITE EXISTING SIDEWALK IS BETWEEN 7'-0" WIDE (BOLL STREET) AND 11'-0" WIDE (MCKINNEY AVE) AND EXTENDS FROM BACK OF CURB TO THE BUILDING.
 *DOES NOT MEET THE PD #193 REQUIREMENT.

STREET TREE REQUIREMENTS (TREE PLANTING ZONE):
 THE REQUIREMENT IS FOR 1 TREE PER 25 L.F. OF STREET FRONTAGE AT A MIN. 3.0' CAL. REQUIRED: 173 L.F. OF FRONTAGE AND (9) REQUIRED TREES @ MIN. 3.0' CAL.
 PROPOSED: (5) EXISTING (3) NEW OR (7) TOTAL TREES @ MIN. 3.0' CAL.
 *DOES NOT MEET THE PD #193 REQUIREMENT.

SITE DESIGNATED LANDSCAPE AREAS:
 LANDSCAPE SITE AREA LOT (MIN. SIDEWALK GRASS)
 PROVIDED: 187 SF OR 15% OF TOTAL LOT SITE AREA.
 REQUIRED: 484 SF REQUIRED FRONT YARD (MIN. SIDEWALK GRASS)
 PROVIDED: 140 SF (SIDEWALK) DOES NOT MEET PD #193 REQUIREMENT
 GENERAL PLANNING REQUIRED FRONT YARD (MIN. GROUND COVER)
 REQUIRE FRONT YARD (RFY) 48 SF REQUIRED OR 10% OF LANDSCAPE SITE AREA
 PROVIDED: NONE. *DOES NOT MEET PD #193 REQUIREMENT
 SPECIAL PLANTING REQUIRED FRONT YARD (MIN. SHRUBS)
 REQUIRED FRONT YARD (RFY) 28 SF REQUIRED OR 1% OF LANDSCAPE SITE AREA
 PROVIDED: NONE. *DOES NOT MEET PD #193 REQUIREMENT

GENERAL PLANTING NOTES

1. Contractor shall install all plants in accordance with best horticultural practices so that roots and root balls are adequately protected from mechanical injury, frost damage, and other damage. Plants shall be protected from wind damage by burlap or other material. Plants shall be protected from wind damage by burlap or other material. Plants shall be protected from wind damage by burlap or other material.

2. Contractor shall install all plants in accordance with best horticultural practices so that roots and root balls are adequately protected from mechanical injury, frost damage, and other damage. Plants shall be protected from wind damage by burlap or other material. Plants shall be protected from wind damage by burlap or other material.

3. Contractor shall install all plants in accordance with best horticultural practices so that roots and root balls are adequately protected from mechanical injury, frost damage, and other damage. Plants shall be protected from wind damage by burlap or other material. Plants shall be protected from wind damage by burlap or other material.

4. Upon completion of planting, contractor shall remove all stumps, plants and nylon rope from front yard and out and remove burlap from top of root ball. Also, remove all tags and tags from all newly installed materials.

5. Contractor shall guarantee all planting for one (1) year after final acceptance. Warranty requirements are to be made only once. Owner shall be responsible for proper maintenance of plants after final acceptance. Dead material shall be removed, having condition shall be replaced within 15 days after final acceptance. Plants shall be replaced within 15 days after final acceptance. Plants shall be replaced within 15 days after final acceptance.

6. All bedding preparation shall be Vial Earth Bedding Soil Complex Mix, No substitutions. For Bed Preparation Mix, add a 4" Layer of Vial Earth Bedding Soil around all existing trees in new planting beds. For Bed Preparation Mix, add a 4" Layer of Vial Earth Bedding Soil around all existing trees in new planting beds. For Bed Preparation Mix, add a 4" Layer of Vial Earth Bedding Soil around all existing trees in new planting beds.

7. Provide a 1" layer of finely shredded composted hardwood mulch over all completed plantings and a 2" layer over all trees.

8. All steel edging shall be 18" x 4", Green in color with 12" Spikes. Contractor shall insure that proper drainage exists in all fire pits. Fire pit shall be set prior to planting. If water is to be used, fire pit shall be set prior to planting. If water is to be used, fire pit shall be set prior to planting.

9. Contractor shall install all plants in accordance with best horticultural practices so that roots and root balls are adequately protected from mechanical injury, frost damage, and other damage. Plants shall be protected from wind damage by burlap or other material. Plants shall be protected from wind damage by burlap or other material.

10. Contractor shall install all plants in accordance with best horticultural practices so that roots and root balls are adequately protected from mechanical injury, frost damage, and other damage. Plants shall be protected from wind damage by burlap or other material. Plants shall be protected from wind damage by burlap or other material.

11. All areas of landscape shall be covered with an automatic sprinkler system. Contractor shall confirm operation and coverage of new irrigation system in all planting areas.

12. Landscape Architect shall select and approve all trees and specimen shrubs for this project.

13. Contractor shall provide all details, including but not limited to, location, size, and quantity of plants in a related condition in time of bids and all areas of site adjoining the planting areas in a related condition ready for final acceptance.

PLANT LIST

QTY.	Common Name	Conditions - Notes
2	High Rise Live Oak	3 1/2" caliper, 12'-14' Height, Branching at 7'-8' Height
5	Cedar Elm	3 1/2" caliper, 14'-16' Height, Branching at 7' height.
1	Dogwood (white)	2" caliper
2	Japanese Maple (Bloodgood/Crimson Queen)	2" caliper
2	Savannah Holly	2" caliper
SF	Springer Fern	3 gallon, Full & Bushy
10	Wood Fern	1 gallon, Full & Bushy (Alternate Holly Fern)
11	Encore Azalea (Red)	3 gallon, Full & Bushy
9	Aspidistra (or Hosta)	2 gallon, Full & Bushy
9	Acuba (variegated)	5 gallon
9	Native Grass (TBS)	Day Lily - 1 gallon
SF	Dwarf Mondo Grass	4" pots, Full (6" o.c.)
SF	Big Blue® Liriope (or variegated)	4" pots, Full (8" o.c.)
20	Stella D'oro Daylilies,	4" pots, Full (12" o.c.)
2	Peggy Martin Rose,	
20	Confederate Jasmine	1 gallon
10	Fig Ivy	1 gallon, Full, Remove Stake, 9in runners

NOTES:

- ALL NEW LANDSCAPED AREAS WILL BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM.
- THIS PLAN TO COMPLY WITH PD-193 LANDSCAPE REQUIREMENTS.
- DURING CONSTRUCTION PERMANENT PROTECTIVE FENCING TO BE PLACED AROUND THE DRIP LINE OF EACH PROTECTED TREE TO REMAIN.
- ALL EXISTING TREE GRATES TO BE LEVELED AND RESET, CUT OPENING AS NECESSARY TO LAY FLAT AT BASE OF TREE.
- ALL EXISTING ORNAMENTAL METAL TREE GUARDS TO BE EXPANDED TO PROVIDE ADEQUATE CLEARANCE AROUND TRUNKS, STRAIGHTENED AND RESET

TREE REMOVAL LEGEND

NUM.	TYPE	SIZE	MITIGATION VALUE
1	Pecan	28"	Must Be Milligated
1	Tree Removed	28"	Protected

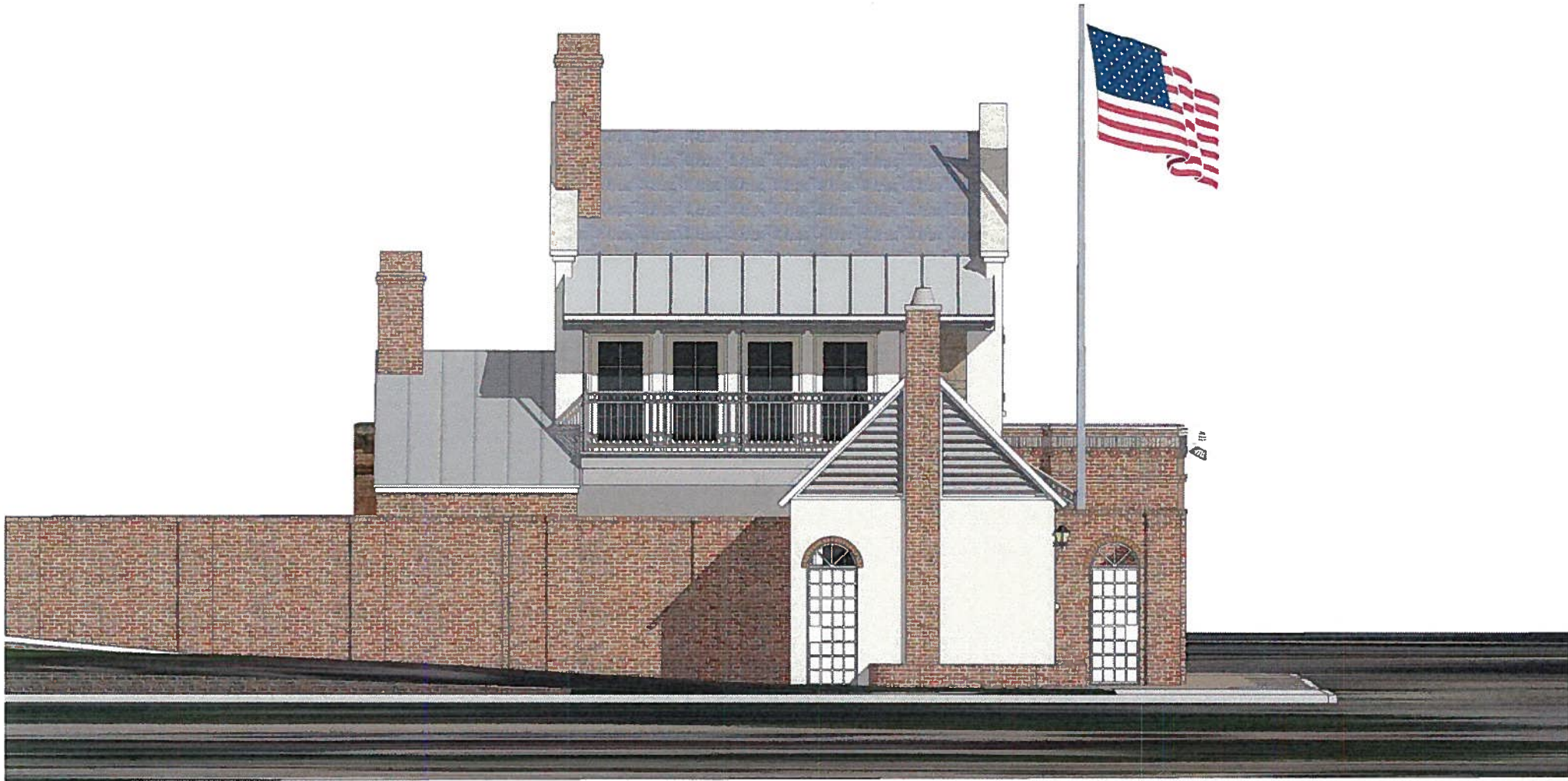
NOTES:
 TOTAL TREE INCHES TO BE REPLACED: 28"
 TOTAL TREE INCHES PROPOSED: 33.5"

Site Plan Notes

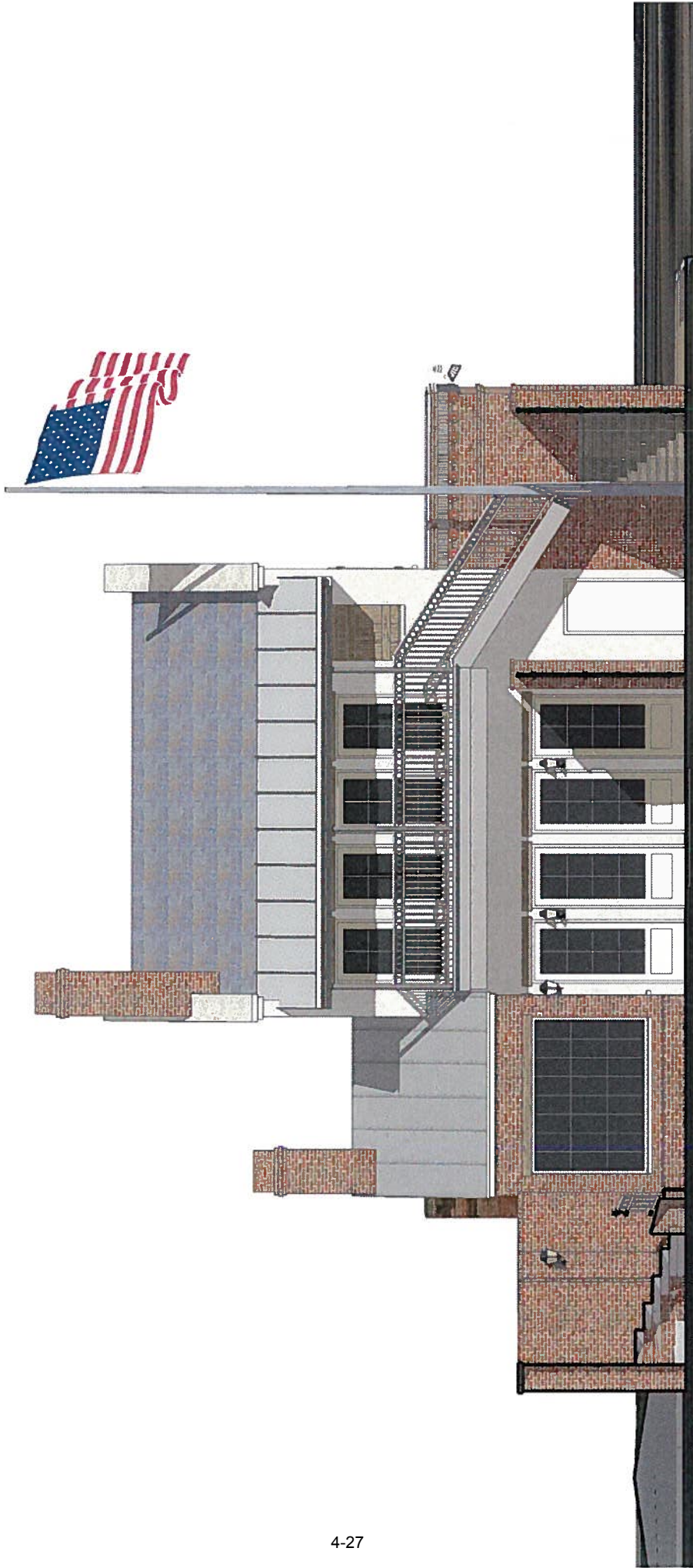
BDA 123-028
 Attach A
 Pg 9



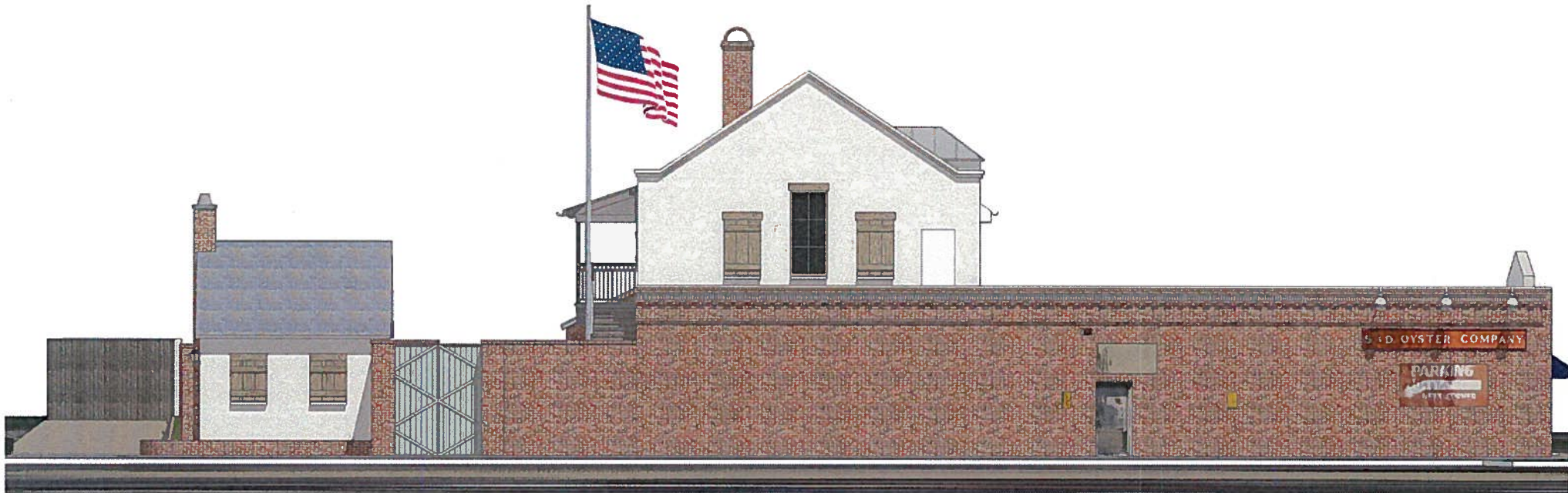




















Memorandum



CITY OF DALLAS

DATE March 11, 2013

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 123 · 028

2701 McKinney Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193, the Oak Lawn Special Purpose District. Specifically, the applicant seeks a special exception to the general requirements of Section 51P-193.126 for 1) the tree planting zone, 2) sidewalks, and 3) for the landscape site area, general planting area, and special planting area requirements for an LC district.

Trigger

New construction of floor area on a new platted lot.

Deficiencies

The site maintains an existing structure that is approximately 7 feet off the Boll Street curb line, which restricts the property from compliance with the sidewalk standards.

In addition, the plan is deficient on the sidewalk location and width for the extent of the property along Boll Street, and on the general code requirements for landscape site areas, general planting areas, and special planting areas within the front yard.

Required		Provided				
6 STREET TREES, BETWEEN 2.5' - 5' OF CURB		7 STREET TREES, 2.5.-5' FROM CURB				
6' SIDEWALK BETWEEN 5'-12' FROM BACK OF CURB		VAR. SIDEWALK LOCATED AT THE CURB TO BUILDING				
AREA %'S IN SQFT	LANDSCAPE SITE AREA	GENERAL PLANTING AREA		SPECIAL PLANTING AREA		
LOT AREA	10%	na		na		
REQ'D FR YARD	60%	20% (of LSA)		6% (of GPA)		
	Required	Provided	Required	Provided	Required	Provided
LOT AREA	807	1247	NA	NA	NA	NA
REQ'D FR YARD	484	180*	48	0	29	0

* - including sidewalk.

Factors

The location of the existing structure restricts the placement of the sidewalk from the location required by code between 5 and 12 feet from back of curb. However, according to the proposed site plan, the proposed structure encroaches on this space with a future 70 feet length of wall immediately adjacent to the sidewalk within 9 feet

of the curb. Beyond the wall, the paved surface expands to approximately 16 feet from back of curb, adjacent to a 2' wide landscape bed. This merges with the driveway.

The proposed sidewalk does provide continuity with the sidewalk currently in place along the existing structure.

The property complies with the screening requirements of PD 193 for the one parking space and complies for required street trees. Two existing trees are in the visibility triangle.

Recommendation

I recommend denial of the proposed landscape plan because I believe the proposal compromises the spirit and intent of the PD 193 landscape regulations. In my opinion, the extended sidewalk spacing, combined with the lack of landscape site area in the front yard, are considered significant deviations from the requirement.

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

BDA 123-028

Attach C

Long, Steve

From: Long, Steve
Sent: Wednesday, March 13, 2013 12:10 PM
To: 'Michael Coker'
Cc: Cossum, David; Palomino, Tammy; Duerksen, Todd; Erwin, Philip; Denman, Lloyd
Subject: RE: S&D Oyster Company postponement

Dear Mike,

Please be advised that I intend to print this email and circulate it to the board members next Tuesday. Also be advised that the board can choose to grant, deny, or delay action on your application until April (per the staff recommendation and your request below) after all evidence and testimony has been presented to them at this public hearing next Tuesday.

Thanks,

Steve

From: Michael Coker [mailto:mrcoker@cokercompany.com]
Sent: Wednesday, March 13, 2013 11:52 AM
To: Long, Steve
Cc: Cossum, David; Erin Scherer
Subject: S&D Oyster Company postponement

Steve and David, I just had a lengthy telephone conversation with Mr. Story regarding the postponement of the BOA hearing that is scheduled for next Tuesday March 19. He agrees with the staff that the Board should not take up the special exception and variance issues until the CPC has taken action on the requested replat that is scheduled for consideration on April 4.

We respectfully request that the hearing scheduled for March 19 be continued to the April 16 hearing.

Let me know if you need any additional information.

Michael R. Coker, AICP/CBO
Michael R. Coker Company, Inc.
2700 Swiss Avenue
Suite 100
Dallas, Texas 75240
214.821.6105 x 201 [p]
214.821.6125 [f]
mrcoker@cokercompany.com
www.cokercompany.com



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-028

Data Relative to Subject Property:

Date: January 25, 2013

Location address: 2701 McKinney Avenue Zoning District: PDD 193 (LC)

Lot No.: 3A Block No.: 2/955 Acreage: 0.185 Census Tract: 0018.00

Street Frontage (in Feet): 1) 50.0' 2) 141.87' 3) _____ 4) _____ 5) _____

50 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Herbert B. Story, Jr.

Applicant: Herbert B. Story, Jr. Telephone: 214-720-0400

Mailing Address: 2701 McKinney Avenue Zip Code: 75204

E-mail Address: herb@sdoyster.com

Represented by: Michael R. Coker Telephone: 214-821-6105

Mailing Address: 2700 Swiss Avenue, Suite 100 Zip Code: 75204

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of 10' FYSB Variance to front yard setbacks, special exception to parking requirements, and a special exception to landscape requirements (alternate landscape plan) as illustrated on attached site and landscape plans, 13 parking spaces for restaurant w/d drive thru.

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

Variance to front yard setbacks to allow for structures to be located within the required 10 foot front yard on McKinney Avenue and on Boll Street; special exception to parking requirements to reduce amount of required parking; and an alternate landscape plan in order to develop the property in a manner commensurate with similar properties within Planned Development District 193 (LC) and the requests do not adversely affect neighboring properties. (SEE ATTACHMENT)

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

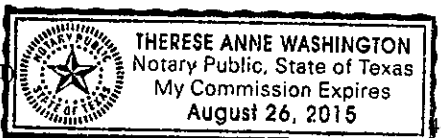
Affidavit

Before me the undersigned on this day personally appeared HERBERT B. STORY JR (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25th day of January, 2013



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

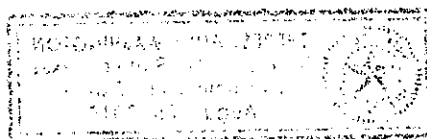
Building Official's Report

I hereby certify that Herbert B. Story
represented by MICHAEL COKER
did submit a request for a variance to the front yard setback regulations, and for a special
exception to the landscaping regulations, and for a variance to the parking
regulations
at 2701 McKinney Avenue

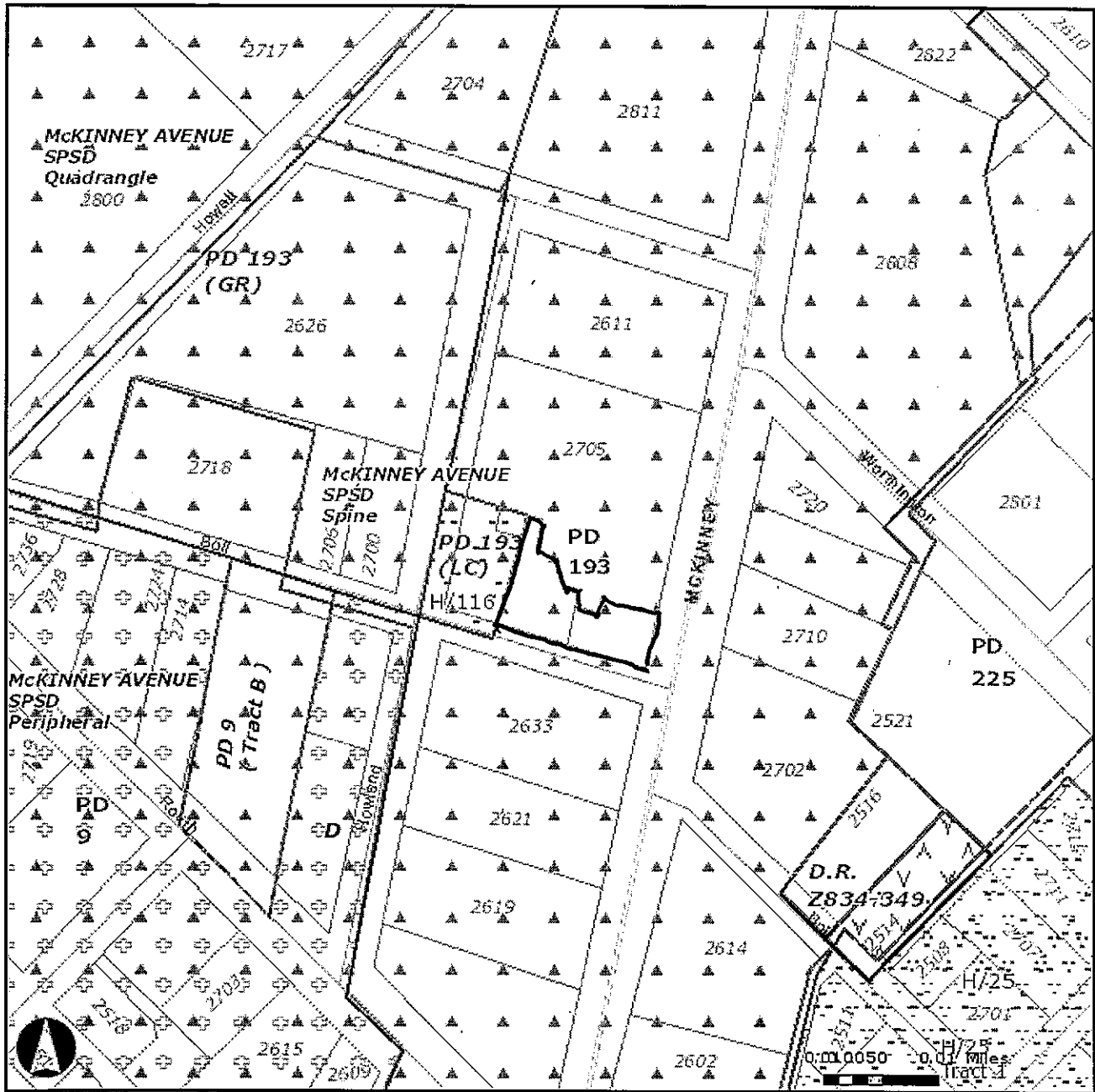
BDA123-028. Application of Herbert B. Story represented by Michael Coker for a variance to the front yard setback regulations, a special exception to the landscaping regulations, and a variance to the parking regulations at 2701 McKinney Avenue. This property is more fully described as Lot 3A, Block 2/955 and is zoned PD-193 (LC), which requires a front yard setback of 10 feet and requires mandatory landscaping and requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation, and to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct and maintain a nonresidential structure for restaurant without drive-in or drive-through service use and provide 41 of the required 54 parking spaces, which will require a 13 space variance to the parking regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

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

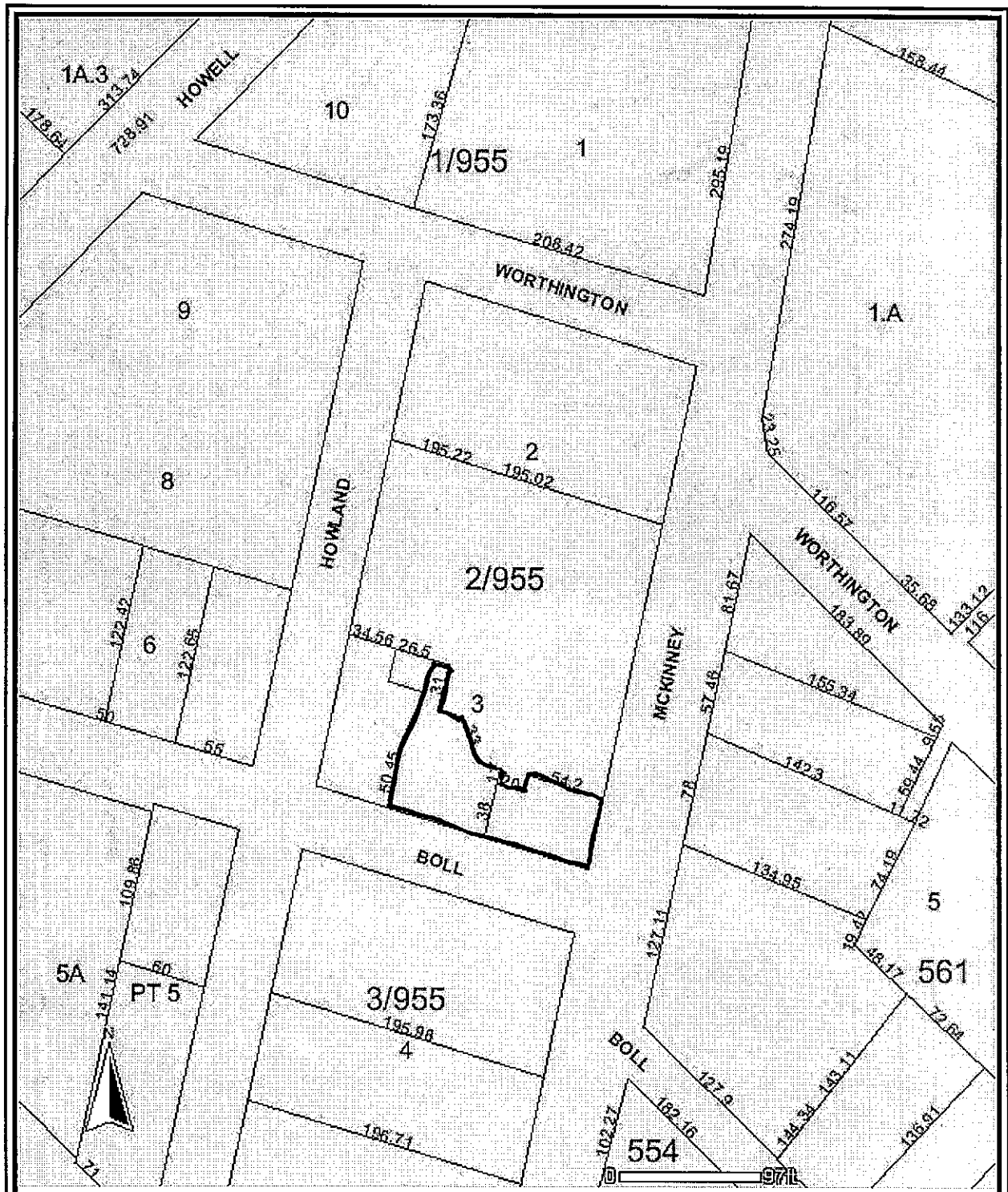
SUP

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

PDS Subdistricts

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

C

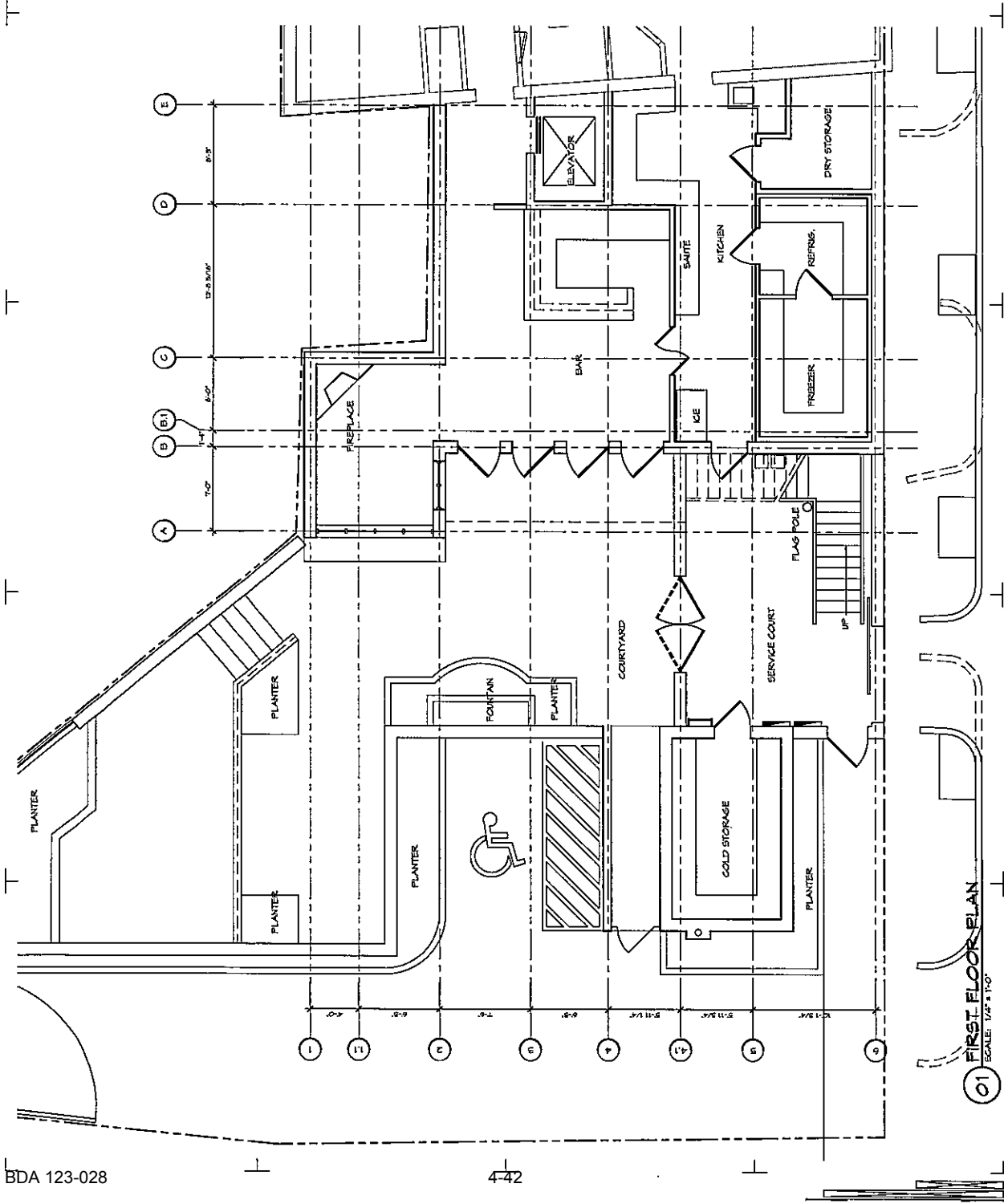


**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

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

C

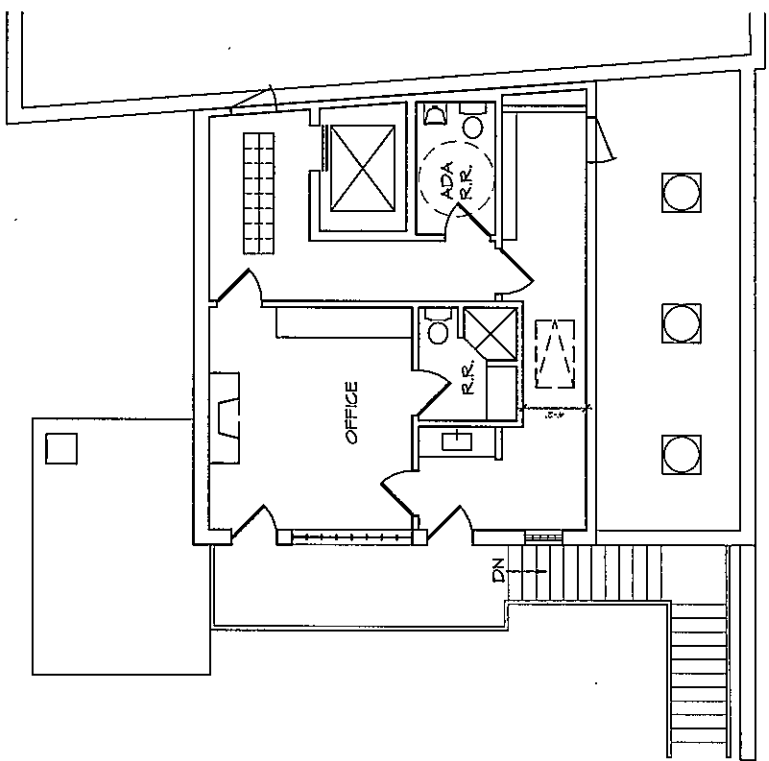


Partial Floor Plan

S & D OYSTER COMPANY REMODEL AND EXPANSION 2701 MCKINNEY DALLAS, TEXAS		CARRELL PARTNERS 6601 WEST 2500 1004 Wilshire Street Dallas, Texas 75204 214 883 8311 FAX	DRAWN BY: JH/CAMR CHECKED BY: RGC DATE: 04.12.2012 REVISIONS: 05 JAN 2011 R.0220	SHEET NO.: PROJECT NO.: 12056 A401
---	--	--	--	--



01 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



2nd Floor Plan

S & D OYSTER COMPANY REMODEL AND EXPANSION 2701 MCKINNEY DALLAS, TEXAS		● CARRELL ■ PARTNERS ▲ & YOST ARCHITECTS 5505 Olive Street Suite 208 Dallas, Texas 75244 214.451.7400 214.451.7400 FAX	DRAWING: H/C/M/R CONTRACT: RSC DATE: 05.12.2012 PROJECT NO.: 12056 SHEET NO.: A402
--	--	---	--

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OAK LAWN PLANNING DISTRICT
 LANDSCAPE ARCHITECTURE
 COMPLIANCE WITH PD 191, ORD. 1118
 ADDRESS: BOLL STREET
 TRACT: A
 ZONING DISTRICT: OR

1. PROPOSED TREES: 36" - 1 CATALPA TREE
 TOTAL INCHES REPLACED: 0" - NOT REQUIRED TO REPLACE PER
 CITY APPROVAL (CHECK ARBORIST)

2. IRRIGATION
 THIS SITE WILL BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM.

3. VISUAL OBSTRUCTION
 THIS PLAN COMPLIES WITH ALL VISIBILITY TRIANGLE SPECIFICATIONS.

4. SCREENING OF OFF-STREET PARKING
 THIS PLAN SCREENS ALL OFF-STREET SURFACE PARKING FROM
 THE STREET AND RESIDENTIAL ADJACENCY USING A SHRUB SCREEN.

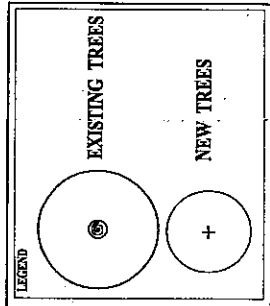
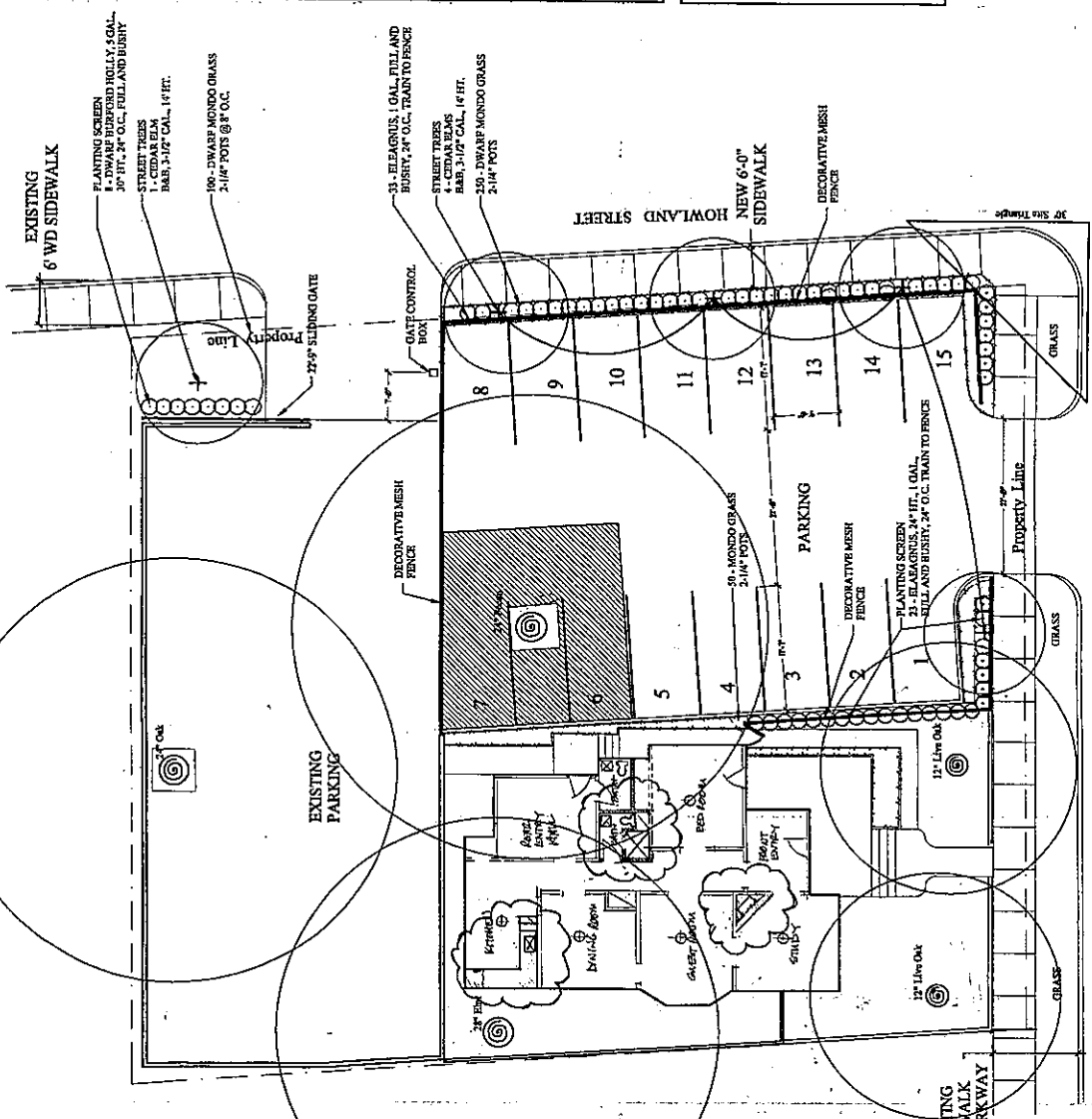
5. SCREENING OF OFF-STREET LOADING
 AND UNLOADING STORAGE AREA SCREENING
 THIS PLAN SCREENS ALL OFF-STREET LOADING AND UNLOADING
 STORAGE AREAS FROM ADJACENT STREETS ADJACENT TO OR
 OPPOSITE FROM THE SITE.

6. SIDEWALKS
 THIS PLAN PROVIDES SIDEWALKS IN THE FOLLOWING MANNER:
 1. SIDEWALKS SHALL BE 5 FT. WIDE AND 18" HIGH.
 2. SIDEWALKS SHALL BE 5 FT. WIDE AND 18" HIGH.
 3. SIDEWALKS SHALL BE 5 FT. WIDE AND 18" HIGH.
 4. SIDEWALKS SHALL BE 5 FT. WIDE AND 18" HIGH.
 5. SIDEWALKS SHALL BE 5 FT. WIDE AND 18" HIGH.

7. FRONT YARD SETBACKS
 FRONT YARD SETBACKS SHALL BE 10 FT. AND DOES NOT MEET THE
 REQUIREMENTS OF PD 191, SUBMITTING FOR SPECIAL EXCEPTION.

8. STREET TREES
 THIS PLAN COMPLIES WITH ALL STREET TREE REQUIREMENTS:
 1. STREET TREES SHALL BE 3" DBH @ 4.5 FT. OF HEIGHT.
 2. STREET TREES SHALL BE 3" DBH @ 4.5 FT. OF HEIGHT.
 3. STREET TREES SHALL BE 3" DBH @ 4.5 FT. OF HEIGHT.

9. PARKWAY LANDSCAPE/PERMEABLE AREA
 PERCENTAGE OF PARKWAY LANDSCAPE/PERMEABLE AREA SHALL BE 25% (OF FRONTAGE).
 1. PERCENTAGE OF PARKWAY LANDSCAPE/PERMEABLE AREA SHALL BE 25% (OF FRONTAGE).
 2. PERCENTAGE OF PARKWAY LANDSCAPE/PERMEABLE AREA SHALL BE 25% (OF FRONTAGE).
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 5. PERCENTAGE OF PARKWAY LANDSCAPE/PERMEABLE AREA SHALL BE 25% (OF FRONTAGE).



DESIGN REVIEW
 ISSUE NUMBER 01

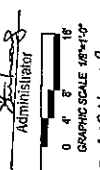
REVISIONS
 A REVISED: 12-24-03
 B REVISED: 1-28-04

ARSTRONG-BERGER, INC.
 LANDSCAPE ARCHITECTS / PLANNERS
 10000 BOLL STREET
 DALLAS, TEXAS 75243
 (214) 341-0000 FAX
 (214) 341-0000
 www.arstrong-berger.com

BOLL STREET
 PARKING LOT
 LAYOUT PLAN

DATE: 29 JANUARY 2004
 SCALE: 1/8" = 1'-0"
 PROJ. NO.:
 DRAWN: DJM
 APPR.:
 DRAWING NO.:
 L1.01
 REVISED

PLANS APPROVED
 Subject to
 Board Action
 Date: 2-18-04
 Administrator: [Signature]



BDA034-118
 REVISED SITE PLAN

SUPPLEMENTAL INFORMATION FOR BOARD OF ADJUSTMENT REQUEST FOR 2701 MCKINNEY AVENUE

We are requesting three affirmative actions from the Board: 1. Approval of a variance to the required front yards on McKinney Avenue and Boll Streets. 2. Approval of a special exception that reduces the parking requirements related to the expansion of the S&D Oyster House. 3. Approval of a special exception to the landscaping requirements [Alternate landscape plan].

In May 2012 the Board approved a variance to the front yard setbacks on Boll Street for two properties: 2701 McKinney Avenue and 2612 Boll Street. The Board at that time also approved an alternate landscape plan. Both approvals were subject to compliance with the [then] attached site and landscape plans. Since May of 2012, Mr. Story has acquired 2612 Boll Street and engaged a design and construction team who has redesigned the project to more effectively accomplish the expansion objectives. The redesign includes the re-platting of the two properties into one property. The replat application has been submitted [S-123-065] and is scheduled for consideration by the Dallas City Plan Commission on February 7, 2013. The structure previously located at 2612 Boll Street has been demolished and tree removal as authorized by the previous Board approval has been accomplished [a tree removal permit was acquired and the removal was inspected by the area arborist].

Requested variance to the required front yards on McKinney Avenue and Boll Street.

The existing building at 2701 McKinney was constructed in 1927 and was constructed to the property line on Boll Street side and within three and one-half feet of the property line on McKinney. Since the property is located on a corner lot, the code requires a 10 foot front yard setback on both frontages. The addition of the lot located at 2612 Boll Street to the property located at 2701 McKinney continues the requirement for the setback along Boll Street. By allowing the front yard setback along McKinney would allow for a canopy, fixed waiting area seating and fixed planters to be located in the area between the building and the property line.

The site plan that was approved by the Board in May 2012 approved the variance to the front yard setback on Boll Street and we are requesting that variance be approved again. The continuation of the building façade along the Boll Street frontage provides for continuity of design and allows more space for operations on the interior of the wall.

Requested special exception to reduce the required parking.

The existing building has 2,533 square feet. The required parking of 25 spaces for the existing building is and has been provided [since 1976] on a separate lot located at the

southwest corner of Boll Street and Howland Street [2703 Boll Street]. The expansion of the restaurant adds 2863 square feet the bulk of which is support area with a limited amount of new covered customer area. If required to be parked at the required restaurant parking of one space for each 100 square feet of covered floor area, would require an additional 29 parking spaces for a total of 54 parking spaces. However, we believe that parking the current building and the expansion at the required one space per 100 square feet of building is redundant and not consistent with the intent of requiring parking.

Our request is to have the Board authorize required parking for the whole facility of 41 spaces.

First, we are requesting the maximum available reduction in required parking because we have a Dallas Area Rapid Transit stop at the front of the restaurant and a McKinney Avenue Trolley stop at the front of the restaurant. Many of our customers come to restaurant by means of the public transportation system.

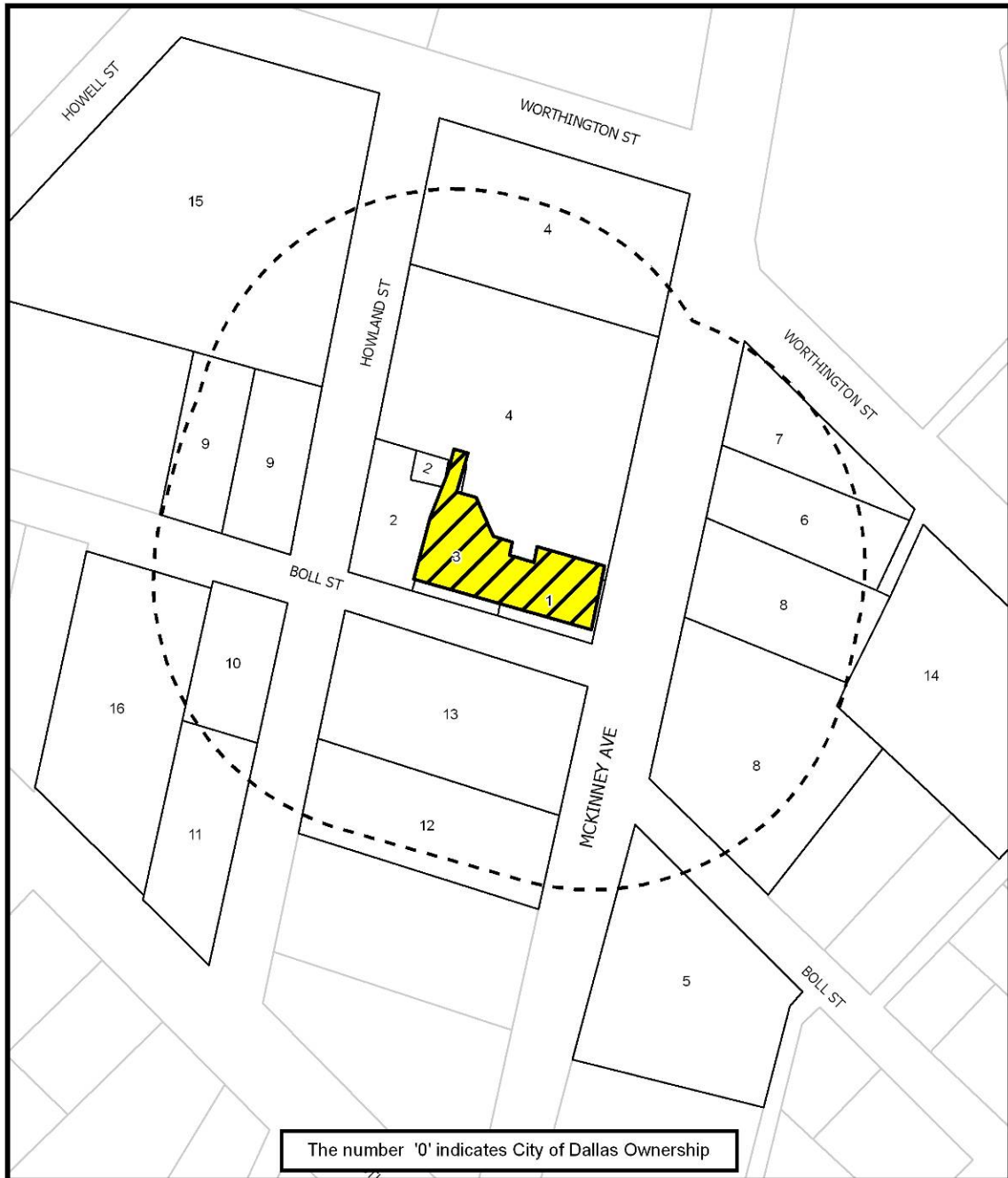
Next, the parking requirement for those areas like storage areas, freezers and coolers could be eliminated. Those areas are only accessed by employees of the restaurant and need not have parking provided. There is not an anticipated increase in restaurant staff as a result of the increased building area. The areas where there seems to be a redundant parking requirement adds up to 714 square feet on the ground floor, so seven spaces can be eliminated. Then we are saving one significant pecan tree and are requesting a reduction of one parking space for the tree preservation credit.

Part of the addition is a second floor. It contains a private office with attached restroom that we request be parked with one parking space. Additionally, there is an employee dressing room, an accessible restroom, an elevator shaft and a balcony, none of which are available to the public, so we are requesting that that the area of the second floor that is not the private office not be required to provide parking. The area that is not the office with private bath is 659 square feet. This approach can eliminate seven spaces since this area is only used by employees that are already included in the original parking requirement.

The additional parking required by the expansion will be provided on the parking lot previously approved by the Board in 2004 which contains 15 parking spaces. The new site plan provides for one additional parking space and the original parking lot has 25 spaces for a total of 41 parking spaces.

Special Exception for alternate landscape plan.

We are requesting an alternate landscape that is consistent with the alternate landscape plan submitted with this request and that was prepared by Walter Dahlberg.



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-028 Date: 3/1/2013
200'	AREA OF NOTIFICATION					
16	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-028

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2701 MCKINNEY AVE	STORY HERBERT B JR
2	2614 BOLL ST	LONGCRIER MICHAEL C
3	2612 BOLL ST	JACKSON FRANK & EDGAR MASON
4	2705 MCKINNEY AVE	MCKINNEY AVENUE PARTNERS LTD
5	2614 MCKINNEY AVE	J&K REAL ESTATE INV LTD
6	2714 MCKINNEY AVE	PASHA & SINA INC
7	2720 MCKINNEY AVE	HEIDARI MOHSEN C/O SAN FRANCISCO ROSE
8	2702 MCKINNEY AVE	AJP PROPERTIES
9	2706 BOLL ST	STORY HERBERT B JR & MARY KAY STORY
10	2703 BOLL ST	OGLE LINDA K ET AL
11	2704 ROUTH ST	MARTIN INV LP % JAMES B MARTIN
12	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC
13	2633 MCKINNEY AVE	2633 MCKINNEY AVE LLC
14	2521 WORTHINGTON ST	POST APARTMENT HOMES LP POST PPTYS INC
15	2626 HOWELL ST	KODIAK UPTOWN CENTER H LP STE 100
16	2708 ROUTH ST	JTS ROUTH ST PARTNERS LLC ATTN: JOHN T S

FILE NUMBER: BDA 123-029

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for special exceptions to the fence height and visual obstruction regulations at 5859 Lakehurst Avenue. This property is more fully described as Lot 11C, Block B/5513 and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 9 foot high fence, which will require a special exception to the fence height regulations of 5 feet; and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 5859 Lakehurst Avenue

APPLICANT: Rob Baldwin

REQUESTS:

The following appeals have been made on a site that is currently developed with a single family home:

1. A special exception to the fence height regulations of 5' is requested in conjunction with constructing and maintaining 8' high open metal fence and gates with 9' high stone columns in the front yard setback.
2. Special exceptions to the visual obstruction regulations are requested in conjunction with locating and maintaining four 9' high stone columns in the 20' visibility triangles on either side of the two driveways into the site from Lakehurst Avenue.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence height special exception):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval of the requests, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of the items (four 9' high stone columns in the 20' visibility triangles on either side of the two driveways into the site from Lakehurst Avenue) does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: R-10(A) (Single family district 10,000 square feet)
West: R-10(A) (Single family district 10,000 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

January 30, 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.

March 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 19, 2013: The Board Administrator contacted the applicant's representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis;

and the April 5th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April 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 Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

April 5, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant's request for special exceptions to the visual obstruction regulations marked "Has no objections."

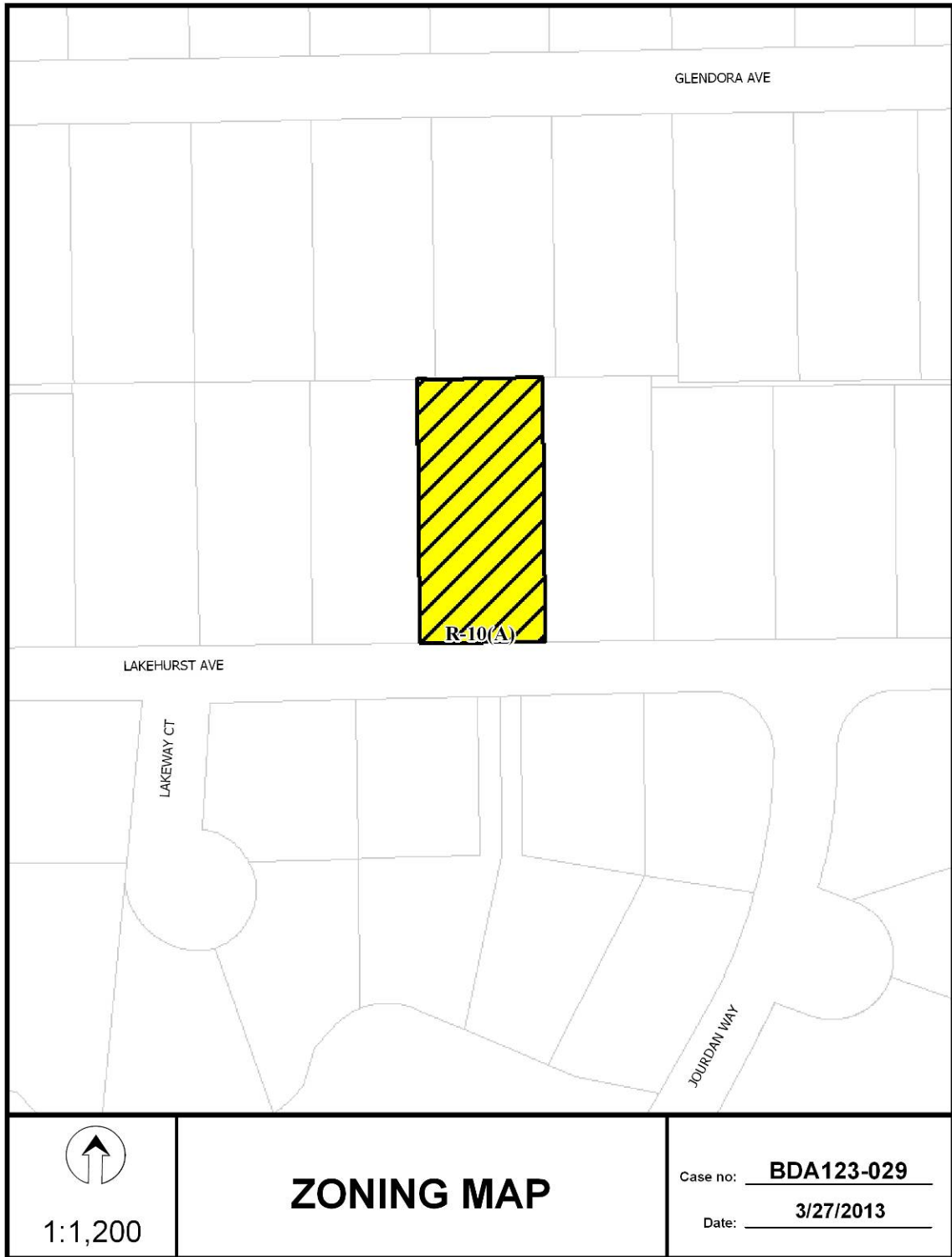
GENERAL FACTS/STAFF ANALYSIS (fence height special exception):

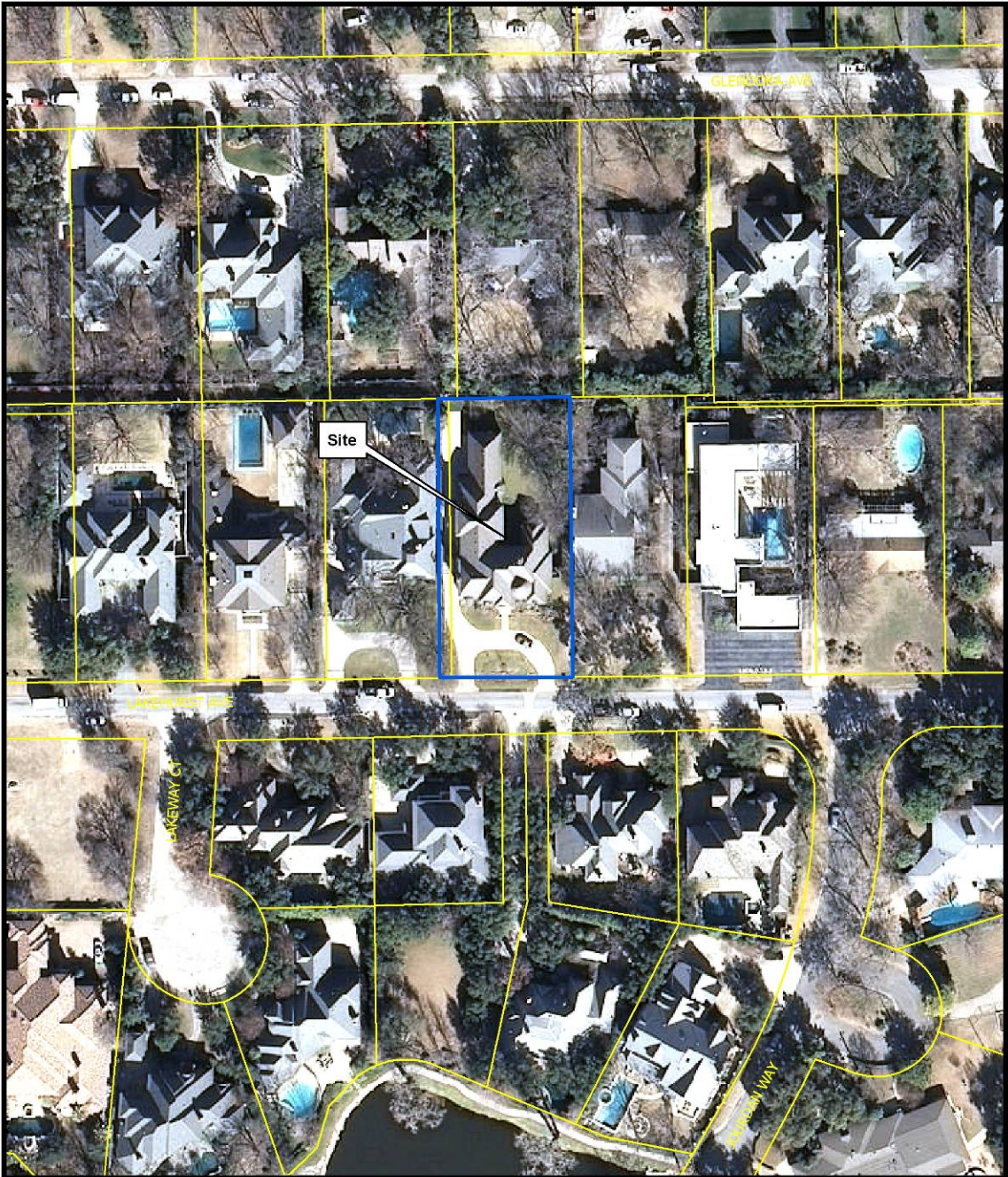
- This request focuses on constructing and maintaining 8' high open metal fence and gates with 9' high stone columns in the front yard setback on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal in the front yard setback that reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal to be located in the required front yard over 4' in height is represented on the site plan as being approximately 110' in length parallel to the street and approximately 30' in length perpendicular to the street on the east and west sides of the site in the front yard setback.
 - The proposed fence and gates are shown to be located approximately on the site's front property line or 20' from the pavement line.
- The proposal would be located across from two single family homes neither of have fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of April 8, 2013, no letters have been submitted in support of the request, and two letters have been submitted in opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- These requests focus on locating and maintaining 9' high stone columns in the 20' visibility triangles on either side of the two driveways into the site from Lakehurst Avenue.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan/elevation has been submitted indicating four, 9' high stone columns located in the 20-foot visibility triangles on either side of the two driveways into the site from Lakehurst Avenue.
- 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 how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain four, 9' high stone columns in the visibility triangles at the two drive approaches into the site from Lakehurst Avenue does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan/elevation would require that the items in the 20-foot visibility triangles on either side of the driveways into the site from Lakehurst Avenue to be limited to the locations, heights and materials of those items as shown on this document.





1:1,200

AERIAL MAP

Case no: BDA123-029

Date: 3/27/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-029

Data Relative to Subject Property:

Date: 1-30-13

Location address: 5859 Lakehurst Ave. Zoning District: R-10 (A)

Lot No.: 11C Block No.: B/5513 Acreage: .4612 Census Tract: 76.05

Street Frontage (in Feet): 1) 93 2) _____ 3) _____ 4) _____ 5) _____

NE 25

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Andrew and Erin Hillman

Applicant: Robert Baldwin Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Represented by: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm Dallas, TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception x, of 5 Ft to the fence height in the required front yard. Additionally we are requesting relief from the visibility triangle at the driveways.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The owners are requesting the fence height to provide additional security to the owners. The fence will be designed to blend in with the current architecture of the house.

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

Affidavit

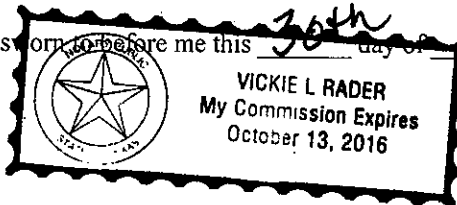
Before me the undersigned on this day personally appeared Robert Baldwin
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 30th day of January, 2013

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ROB BALDWIN

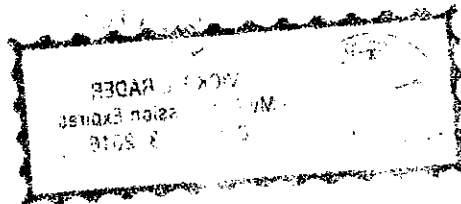
did submit a request for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 5859 Lakehurst Avenue

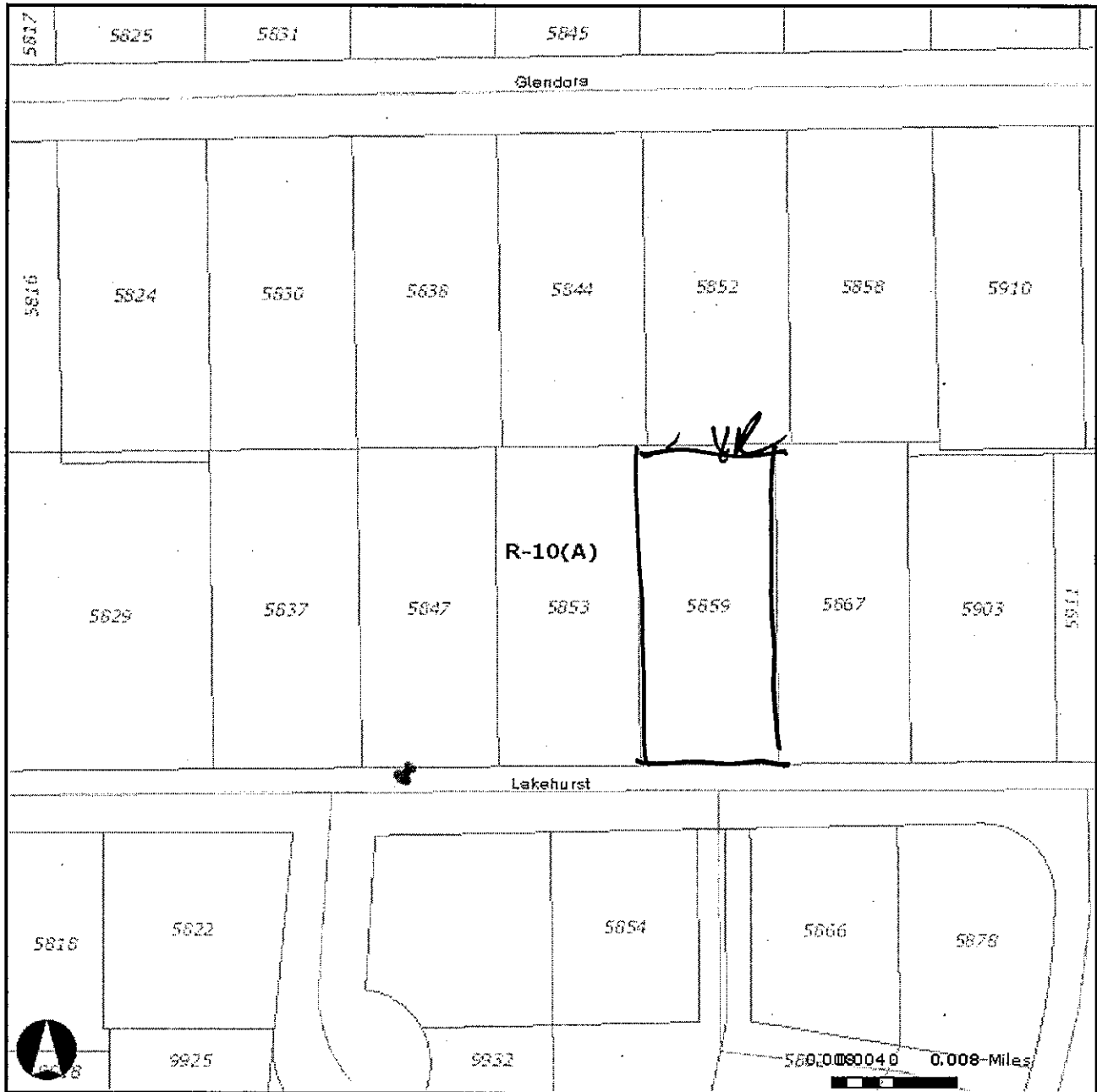
BDA123-029. Application of Rob Baldwin for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 5859 Lakehurst Avenue. This property is more fully described as Lot 11C, Block B/5513 and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation, and to construct a residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

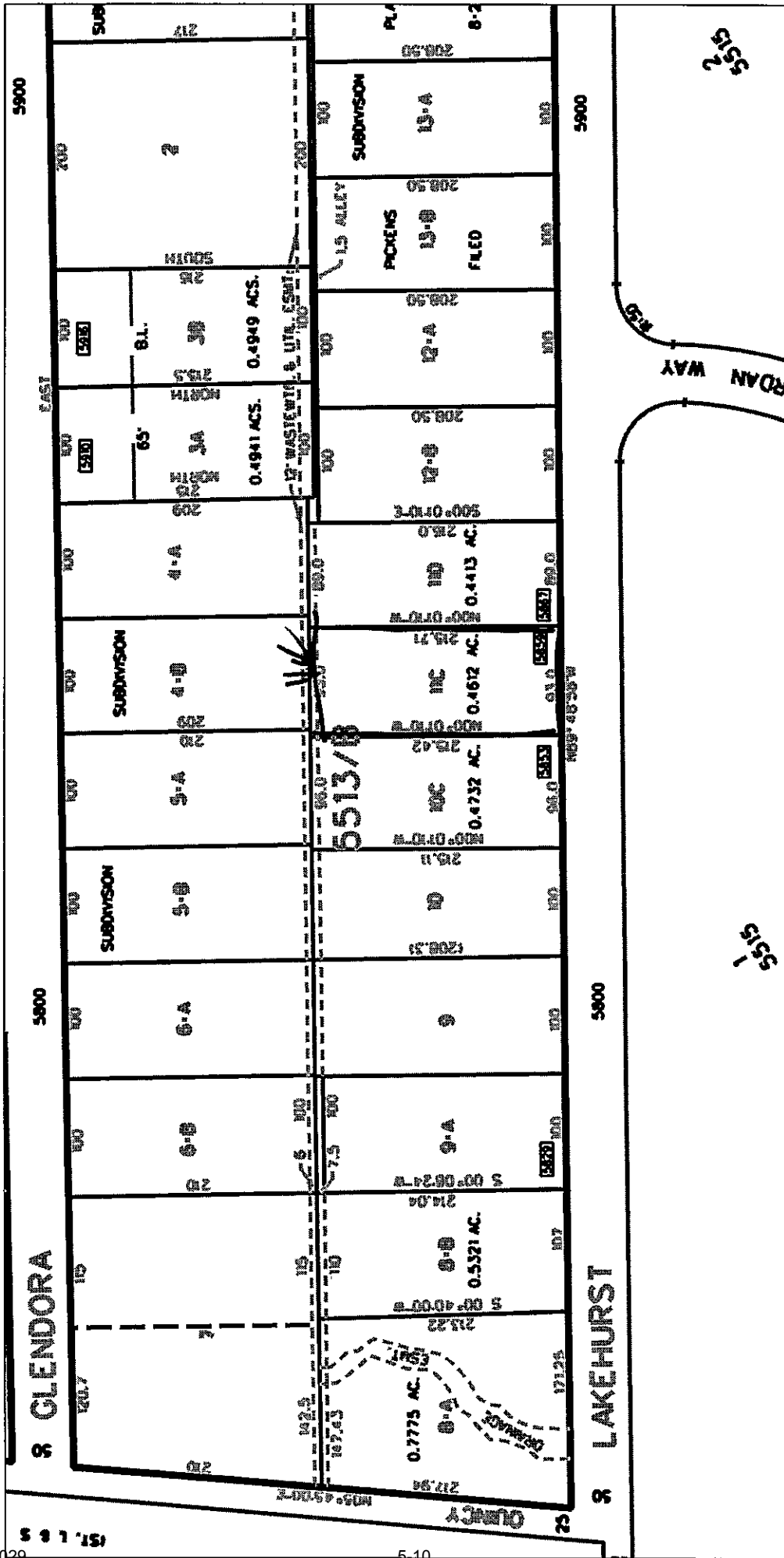
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts

Dry Overlay

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- D-1
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- NSO Subdistricts

Base Zoning

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



5513 2

5513 1



UNIQUE CREATIONS
Landscape Architects

248 NORTH WEAVER STREET
DALLAS, TX 75202
214.462.2727
UNLIMITED PLEASURE

PREPARED FOR:
**ANDREW HILLMAN
RESIDENCE**

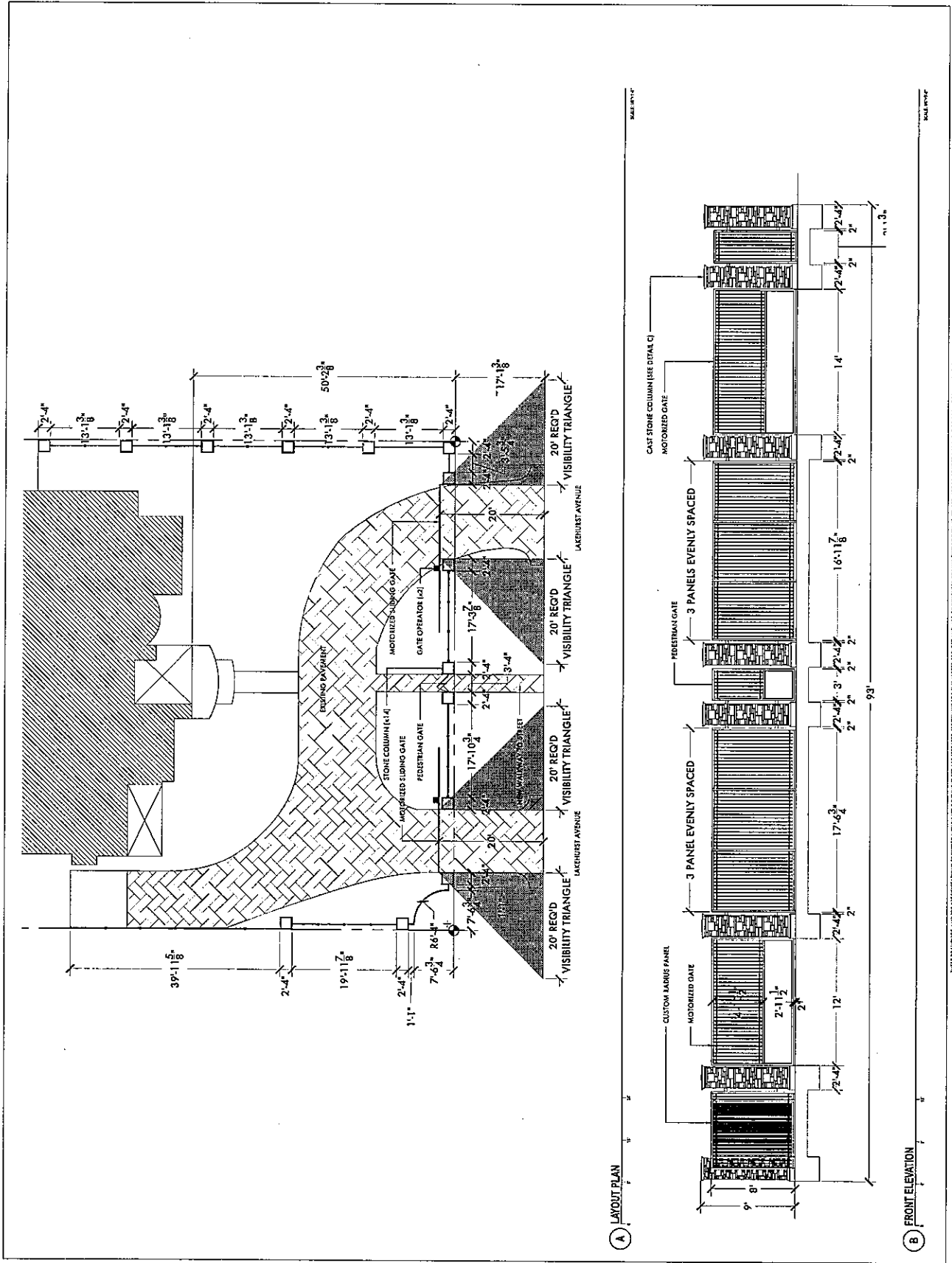
5889 Lakelhurst Avenue
Dallas, TX

DRAWING TITLE

**PRIVACY FENCE
DETAILS**

ISSUE DATE: 1/27/13
DRAWN BY: Reginald Santiago
APPROVED BY: Matthew Murray
SHEET NUMBER

1 OF 2





Notification List of Property Owners

BDA123-029

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5853 LAKEHURST AVE	VOBACH STEPHEN F & MICHELE F
2	5859 LAKEHURST AVE	HILLMAN ANDREW & ERIN
3	5858 GLENDORA AVE	SCHUMAN MICHAEL H
4	5852 GLENDORA AVE	PAGE STEPHEN J L
5	5844 GLENDORA AVE	FLYNN WILLIAM JOHN
6	5838 GLENDORA AVE	WEITZUL SARAH B & CHADWICK E
7	5830 GLENDORA AVE	MCLEOD NORMAN E
8	5837 LAKEHURST AVE	BROWN STEPHEN L & ANN B
9	5847 LAKEHURST AVE	ELLIS PAUL R III & PATRICIA A
10	5911 LAKEHURST AVE	GAZDAR ADI F & CELIA
11	5903 LAKEHURST AVE	CANTONI HOUSE LLC
12	5910 GLENDORA AVE	KISTLER PHILIP C W & MARION S
13	5867 LAKEHURST AVE	MONTGOMERY WILL
14	5844 LAKEHURST AVE	HALVERSON PETER D
15	5854 LAKEHURST AVE	REYNOLDS JANET & RON D WILLIS
16	5866 LAKEHURST AVE	SAENZ HERNAN & SYLVIA CESPEDES
17	5878 LAKEHURST AVE	QUINN HAL DOUGLAS & QUINN ELIZABETH
18	5862 LAKEHURST AVE	LANGDON ROBERT W & JOSEPHINE B PHELAN
19	5858 LAKEHURST AVE	LANGDON ROBERT W
20	9932 LAKEWAY CT	LIEBERMAN RANDALL