

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, MAY 15, 2012
AGENDA

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

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Tuesday, April 17, 2012 Board of Adjustment Public Hearing Minutes	M1
Unassigned	707 N Windomere Avenue REQUEST: By Ashley K. Ness to waive the filing fee in conjunction with a potential Board of Adjustment appeal	M2

UNCONTESTED CASES

BDA 112-048	815 N. Justin Avenue REQUEST: Application of Manuel Calvillo for a special exception to the front yard setback regulations	1
BDA 112-051	2625 Elm Street REQUEST: Application of Ann Stevenson c/o Uplift Education, represented by Rob Baldwin, for a special exception to the off-street parking regulations	2

REGULAR CASES

BDA 112-040	2612 Boll Street REQUEST: Application of Herbert B. Story, Jr., represented by Rob Baldwin, for a variance to the front yard setback regulations and a special exception to the landscape regulations	3
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BDA 112-058

2701 McKinney Avenue

4

REQUEST: Application of Herbert B. Story, represented by Rob Baldwin, for variances to the front yard setback regulations and a special exception to the landscaping 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. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A April 17, 2012 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: Unassigned

REQUEST: To waive the \$600.00 filing fee to be submitted in conjunction with potentially a request for variance to the rear yard setback regulations

LOCATION: 707 N. Windomere Avenue

APPLICANT: Ashley K. Ness

STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:

The Dallas Development Code states that the board may waive the filing fee for a board of adjustment application if the board finds that payment of the fee would result in substantial financial hardship to the applicant.

GENERAL FACTS:

- The Dallas Development Code states the following with regard to requests for Board of Adjustment fee waivers/reimbursements:
 - The board may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant.
 - The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination.
 - If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for a waiver have been determined by the board.
 - In making this determination, the board may require the production of financial documents.

Timeline:

August 16, 2011: The Board of Adjustment Panel A granted the applicant's (Ashley Ness) request for a variance to the rear yard setback regulations (imposing the submitted site plan as a condition) and denied a request for a special exception to the rear yard setback regulations for property located at 707 N. Windomere Avenue. (See Attachment A for a copy of the decision letter and applications made in conjunction with BDA 101-028).

April 27, 2012: The applicant submitted an email requesting a waiver of the \$600.00 filing fee to be submitted in conjunction with a potential request for a variance to the rear yard setback regulations (see Attachment B).

April 27, 2012: The Board Administrator emailed the applicant information related to her fee waiver request (see Attachment B).



CITY OF DALLAS

MZ
Attach A
Pg 1

August 18, 2011

Craig Shields
1701 N Collins Blvd.
Richardson, TX 75080

Re: BDA 101-028, Property at 707 N. Windomere Avenue

Dear Mr. Shields:

The Board of Adjustment Panel A, at its public hearing held on Tuesday, August 16, 2011 took the following actions:

1. Granted your request for a variance to the minimum rear yard setback regulations of 3 feet, subject to the following condition:
 - Compliance with the submitted site plan is required
2. Denied your request for a special exception to the rear yard setback regulations without prejudice.

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

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

SL/tl

c: Ashley Ness, 707 N. Windomere Ave., Dallas, TX 75208
James Martin, Code Enforcement, 3112 Canton, Rm 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105
File

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-028

Data Relative to Subject Property:

Date: 1/26/11

Location address: 707 N Windomere Ave Zoning District: CD1-Sub 1

Lot No.: 2 Block No.: 24/3475 Acreage: .17 Census Tract: _____

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Ashley Ness

Applicant: Ashley Ness Telephone: 469-834-9179

Mailing Address: 707 N Windomere Ave Dallas Tx Zip Code: 75208

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance or Special Exception of 3 feet
to the rear yard setback for tree preservation

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

In order to preserve at least two existing trees which are worthy of preservation. A special exception is compatible with the character of the neighborhood and the value of surrounding properties will be adversely affected.

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

Respectfully submitted: _____

BOARD OF ADJUSTMENT
THE CITY OF DALLAS
Applicant's name printed: _____
Affiant's name printed: _____

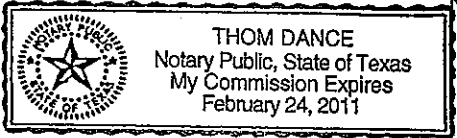
Affiant

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

[Signature]
Affiant (Applicant's signature)

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

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



(Rev. 08-20-09)

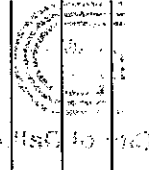
32
A
A

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Aug. 16, 2011

Appeal was--Granted OR Denied

Remarks Granted -
Compliance with the
submitted site plan
is required.



OFFICE OF THE
BUILDING DEPARTMENT
CITY OF CHICAGO

Chairman

Building Official's Report

I hereby certify that Ashley Ness

did submit a request for a variance to the rear yard setback regulations.

at 707 N. Windomere Avenue

BDA101-028. Application of Ashley Ness for a variance to the rear yard setback regulation at 707 N. Windomere Avenue. This property is more fully described as Lot 2 in city block 24/3475 and is zoned CD-1, which requires a rear yard setback of 3 feet. The applicant proposes to construct and maintain a single-family residential accessory structure and provide a 0 foot rear yard setback which will require a 3 foot variance to the rear yard setback regulation.

insure

Heedful

Sincerely, _____

Batsheba Antebi
Batsheba Antebi, Building Official



City of Dallas

M2
Attach A
Pg 4

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-028

Data Relative to Subject Property:

Date: 4/11/11

Location address: 707 N Windomere Ave Zoning District: CD1-Sub1

Lot No.: 2 Block No.: 24/3475 Acreage: .17 Census Tract:

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Ashley Ness

Applicant: Ashley Ness Telephone: (469) 834-9179

Mailing Address: 707 N Windomere Ave Zip Code: 75208

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance or Special Exception of Three feet to the rear yard setback

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

The structure in no way impedes on alley traffic or negatively affects my neighbors or neighborhood. The value of surrounding properties is not adversely affected.

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

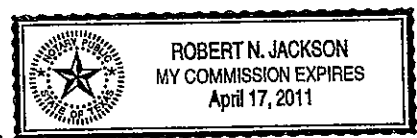
Respectfully submitted: Ashley Ness Applicant's name printed [Signature] Applicant's signature

Affidavit

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

[Signature] Affiant (Applicant's signature)

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



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

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A
A

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Aug 16, 2011

Appeal was--Granted OR Denied

Remarks Granted

~~Conformance with the
submitted site plan~~

Denied -
with prejudice

Chairman

Building Official's Report

I hereby certify that Ashley Ness
did submit a request for a special exception to the rear yard setback regulation
at 707 N. Windomere Avenue

June 14
May 17
Hold to Apr 19, 2011
Aug 16

BDA101-028. Application of Ashley Ness for a special exception to the rear yard setback regulation at 707 N. Windomere Avenue. This property is more fully described as Lot 2 in city block 24/3475 and is zoned CD-1, which requires a rear yard setback of 3 feet. The applicant proposes to construct and maintain a single family residential accessory structure and provide a 0 foot rear yard setback which will require a 3 foot special exception to the rear yard setback regulation for tree preservation.

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 16 DAY OF
August, 20 11.**

S. Hong
ADMINISTRATOR

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

M2
Attach B**Long, Steve**

From: Long, Steve
Sent: Friday, April 27, 2012 6:25 AM
To: 'Ashley K. Ness'
Cc: Cossum, David; Palomino, Tammy; Duerksen, Todd
Subject: RE: Fee waiver request for property located at 707 N Windomere Ave.
Attachments: fee waiver and reimbursement.pdf; documentary evidence.pdf; Panel A hearing date and deadlines.doc

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Dear Ms. Ness,

Here is information regarding your request to the board of adjustment to waive the \$600.00 filing fee for a potential variance application for property located at the address referenced above:

1. The provisions/standard from the Dallas Development Code allowing the board to waive the filing fee (51A -1.105 (b)(6));
2. A document that provides your public hearing date (Tuesday, May 15th) and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance (or someone who can speak on your behalf) at the May 15th public hearing to be held at 1:00 p.m. in the City Council Chambers of Dallas City Hall is strongly encouraged).
3. The board's rule pertaining to documentary evidence.

Please be advised that the Dallas Development Code states that the applicant has the burden of proof to establish the necessary facts to warrant favorable action by the board, which in this case is how payment of the filing fee would result in substantial financial hardship to the applicant. City staff believes it is critical that tangible evidence be provided to the board members to substantiate an applicant's financial hardship claim.

If there is any additional information that you would like to have the board consider prior to the May 15th public hearing beyond what you have conveyed in April 26th email below that you feel documents how payment of the filing fee results in substantial financial hardship, (i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - all with account numbers redacted) please submit this no later than Friday, May 4th, 5:00 pm, to either my mailing address at 1500 Marilla Street, Room 5BN, Dallas, Texas, 75201; my email address at steve.long@dallascityhall.com ; or my FAX at (214) 670-4210. Note that any additional information submitted after May 4th should not exceed five pages in length to prevent a delay of action on the request until the next public hearing of the same panel.

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

Thanks,
Steve

PS: Once again, if there is anything that you want to submit to the board on your filing fee waiver request beyond what you have included in the email below, 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

M2

Attach B
Pg 2

From: Ashley K. Ness [mailto:ashkness@nessgroup.com]
Sent: Friday, April 27, 2012 6:07 AM
To: Long, Steve
Subject: Re: 707 N Windomere Ave. CD-1 zoning

I am requesting the board wave the \$600 filing fee for a variance.

Ashley K Ness
 Principle/PI/PPO/Security Consultant
 Ness Group International
 Utility/ Energy Security Consultants
 TX License# C11213
 Investigative Agency
 TX License# A11212
www.Nessgroup.com
Ashkness@Nessgroup.com
 Office:469-834-9179
 Fax:214-954-9998

On Apr 27, 2012, at 5:01 AM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Ms. Ness,

Before I schedule this request, please provide me with a clarification as to whether you want the board to consider waiving a \$600.00 filing fee for either a variance or special exception on your property, or to consider waiving \$1,200.00 filing fees for BOTH a variance AND a special exception. (A review of your file and attached decision letter shows that you were granted a variance and denied a special exception in August of last year. Please let me know what your intentions would be if you were to file a new application on this property: an application for the one variance request that was granted last year, or an application for both requests, one of which was granted, one of which was denied).

Thanks,

Steve

From: Ashley K. Ness [mailto:ashkness@nessgroup.com]
Sent: Thursday, April 26, 2012 4:38 PM
To: Long, Steve
Subject: Re: 707 N Windomere Ave. CD-1 zoning

My name is Ashley Ness and I live at 707 N Windomere Ave Dallas, Tx. Please accept this email as a request to have fees waived at the May 15th hearing for a variance to the rear yard setback. I have already been before the board twice and paid a \$600 fee each time. My variance was granted, but I was unable to apply for the building permit within 180 days. Building permit has currently been applied for but it was not within 180 days. I would suffer a financial hardship to have to pay this fee again for a third time.

Thank You

Ashley K Ness
 Principle/PI/PPO/Security Consultant
 Ness Group International

Utility/ Energy Security Consultants
TX License# C11213
Investigative Agency
TX License# A11212
www.Nessgroup.com
Ashkness@Nessgroup.com
Office:469-834-9179
Fax:214-954-9998

M2
Attachment B
Pg 3

On Apr 17, 2012, at 12:33 PM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Please give me a call at 214/670-4666.

Thanks,

Steve

From: Ashley K. Ness [<mailto:ashkness@nessgroup.com>]
Sent: Tuesday, April 17, 2012 11:45 AM
To: Long, Steve
Subject: Re: 707 N Windomere Ave. CD-1 zoning

What do I need to do to get on the fee waiver schedule?

Ashley K Ness
Principle/PI/PPO/Security Consultant
Ness Group International
Utility/ Energy Security Consultants
TX License# C11213
Investigative Agency
TX License# A11212
www.Nessgroup.com
Ashkness@Nessgroup.com
Office:469-834-9179
Fax:214-954-9998

On Apr 16, 2012, at 12:20 PM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Ms. Ness,

Ok. Please feel free to call me at 214/670-4666. The next agenda that I could place a fee waiver request on is May 14th, 15th, and/or 16th. And attached is the standard that the board uses in waiving a filing fee.

Thanks,

Steve

From: Ashley K. Ness [<mailto:ashkness@nessgroup.com>]
Sent: Monday, April 16, 2012 10:55 AM
To: Long, Steve
Subject: Fwd: 707 N Windomere Ave. CD-1 zoning

M2
Attach B
PS 4

Good Morning Steve

I'm sure you received the email from Todd Duerksen...I'm emailing you because I'm doing private protection work today & I can't sneak away to call you. What do I need to do to get on the boards next hearing docket for fee waiver? I can call you tomorrow to talk in more detail.

Thank you, Ashley

Ashley K Ness
Principle/PI/PPO/Security Consultant
Ness Group International
Utility/ Energy Security Consultants
TX License# C11213
Investigative Agency
TX License# A11212
www.Nessgroup.com
Ashkness@Nessgroup.com
Office:469-834-9179
Fax:214-954-9998

Begin forwarded message:

From: "Duerksen, Todd"
<todd.duerksen@dallascityhall.com>
Date: April 13, 2012 3:10:55 PM CDT
To: "Ashley K. Ness" <ashkness@nessgroup.com>
Cc: "Long, Steve" <steve.long@dallascityhall.com>
Subject: RE: 707 N Windomere Ave. CD-1 zoning

When you made your recent building permit application the zoning code plan reviewer researched the appeal file and confirmed the 180 day period had expired.

I can do nothing to circumvent the board's rules, and you will need to reapply, but you can ask the board to waive the required filing fee for a new appeal.

**CITY OF DALLAS BOARD OF ADJUSTMENT
RULES OF PROCEDURE**

Section 9. Requests for Board Action.

(c) The board or panel of the board may waive the filing fee if the board or panel of the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's or panel's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket for predetermination, the applicant may not file the application until the merits of the request for waiver have been determined by the board or panel of the board.

You will need to contact the board administrator, Steve Long @ 214-670-4666, to be placed on the board's next hearing docket to request the fee waiver.

M2
 Attach B
 PDS

With your recent building permit application a building code plan reviewer has also now reviewed the plans you submitted and has noted that the proposed structure, even though it had been granted a zoning code variance, does not meet minimum building code requirements. It was found that the structure is within five feet of an adjoining property and as such must be constructed of materials that meet a one hour fire rating and there can not be any openings in that wall. The wood construction and open carport do not meet these minimum requirements.

You should meet with a building code consultant to determine what material and design revisions need to be made to the proposed structure to meet minimum building code before resubmitting plans for a new zoning code appeal.

Todd Duerksen
 Sr. Plans Examiner - Zoning Code Consultant
 City of Dallas
 Building Inspection Division
 Department of Sustainable Development & Construction

From: Ashley K. Ness [mailto:ashkness@nessgroup.com]
Sent: Friday, April 13, 2012 11:01 AM
To: Duerksen, Todd
Subject: Re: 707 N Windomere Ave. CD-1 zoning

I paid for an appeal twice already..I did not know about an extension. I emailed you & told you that I was working with Lakeside architects & that I needed to wait to have the funds for them to apply for the building permit. Nobody responded & told me of an issue till now & now you're saying I have to do this all over again??? I have no more money to deal with this & I find it hard to believe that there is no way grant me an extension based on the fact that I have jumped through many hoops and paid the city a lot of money to fix this.

Could you please help me Todd? The only thing preventing the progress of this is when the application was submitted...I was told by Lakeside Architects to inform you of where I was at in the process & that was all I needed to do..I emailed you and spoke to the code compliance officer that left a note on my door & neither one of you came back until after I paid & submitted for my permit to inform me of a problem. Please see if you can help me at all on this...you know all I've been through up till now. Thank you

Ashley K Ness
 Principle/PI/PPO/Security Consultant
 Ness Group International
 Utility/ Energy Security Consultants
 TX License# C11213

Investigative Agency
TX License# A11212
www.Nessgroup.com
Ashkness@Nessgroup.com
Office:469-834-9179
Fax:214-954-9998

M2
Attach B
pg 6

On Apr 13, 2012, at 9:57 AM, "Duerksen, Todd"
<todd.duerksen@dallascityhall.com> wrote:

Re: 707 N. Windomere Avenue, CD-1 zoning district
Conservation District work review #
12041111
Building Permit application # 1203231061

I was contacted by the Building Inspection plan reviewer conducting the Conservation District work review and Building Permit plan review for the above permits concerning Board of Adjustment appeal BDA101-028 you filed for an accessory structure setback variance.

The Zoning Board of Adjustment, Panel A, granted a rear yard setback variance for an accessory structure on August 16, 2011 (see attached letter).

180 days from August 16, 2011 was February 12, 2012. Unfortunately, due to the fact that more than 180 days has passed since the board's action, and a building permit was not applied for within that 180 day period, and there was not a request for a time extension granted, the appeal has expired and you will need to file a new rear yard setback variance appeal. A new appeal would be heard by the same Panel A as heard the original appeal.

SEC. 51A-4.703. BOARD OF ADJUSTMENT HEARING PROCEDURES.

(d) Board action.

(6) The applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.

CITY OF DALLAS BOARD OF

**ADJUSTMENT
RULES OF PROCEDURE**

Section 9. Requests for Board Action.

(j) A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a specific finding based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property. The person requesting the time extension shall have the burden of establishing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the panel extend the time period beyond 18 months from the date of its favorable action.

m2
Attach B
PS 7

Please contact me if you have any questions or if I can assist you in filing a new appeal.

Todd Duerksen
Sr. Plans Examiner - Zoning Code Consultant
City of Dallas
Building Inspection Division
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd., Rm. 105
214-948-4475

<DOC001.pdf>

<fee waiver and reimbursement.pdf>

<BDA 101-028 decision letter.pdf>

FILE NUMBER: BDA 112-048

BUILDING OFFICIAL'S REPORT:

Application of Manuel Calvillo for a special exception to the front yard setback regulations at 815 N. Justin Avenue. This property is more fully described as Lot 17 in City Block 9/8335 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct/maintain a carport for a single family residential dwelling in a front yard and provide a 12 foot 11 inch setback, which will require a special exception of 12 feet 1 inches.

LOCATION: 815 N. Justin Avenue

APPLICANT: Manuel Calvillo

REQUEST:

- A special exception to the front yard setback regulations of 12' 1" is requested in conjunction with locating and maintaining what is represented on the submitted revised site plan as an approximately 420 square foot carport attached to a single-family home, part of which is located in the site's 25' front yard setback.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the front yard setback regulations since the basis for this type of appeal is *when in the opinion of the board*, there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

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

The Board of Adjustment may grant a special exception to the minimum front yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board:

- (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
- (2) the carport will not have a detrimental impact on surrounding properties.

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

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

(4) The materials to be used in construction of the carport.
(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

GENERAL FACTS:

- A 25' front yard setback is required in the R-7.5(A) zoning district.
The applicant submitted a revised site plan and revised elevation to staff on April 30, 2012 (see Attachment B) indicating that the location of the "existing metal carport" is 12' 11" away from the site's front property line or 12' 1" into the 25' front yard setback.
- The following information was gleaned from the submitted revised site plan:
 - The carport is represented to be approximately 20' in length and approximately 21' in width (approximately 420 square feet in total area) of which approximately 240 square feet (or approximately 1/2) is located in the front yard setback.
- The following information was gleaned from the submitted revised elevation:
 - Corrugated metal roof
 - 9' 4" metal columns
- The subject site is approximately 175' x 50' (or 8,750 square feet) in area.
- According to DCAD, the property at 815 Justin has the following:
 - "main improvement" - a structure built in 1992 with 1,244 square feet of living area,
 - "additional improvements" – "attached carport" with 440 square feet.
- The Dallas Development Code provides for the Board of Adjustment to consider special exceptions for *carports* in the front yard with a specific basis for this type of appeal. (Note that the Dallas Development Code does not provide a definition of "carport" however Building Inspection interprets a "carport" to be a structure that would cover a vehicle and be open on at least one side).
- The Dallas Development Code provides for the Board of Adjustment to consider *variances for structures* in the front yard setback with a different basis for appeal than that of *special exceptions for carports* in the front yard setback.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home. The areas to the north, south, and west are developed with single family uses; and the area to the east is developed with a school (Arcadia Park School).

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:

March 15, 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.

April 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 17, 2012: 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 April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 4th 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 24, 2012: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded support letters to the Board Administrator that had been inadvertently left out of the application materials forwarded with the original application materials (see Attachment A).

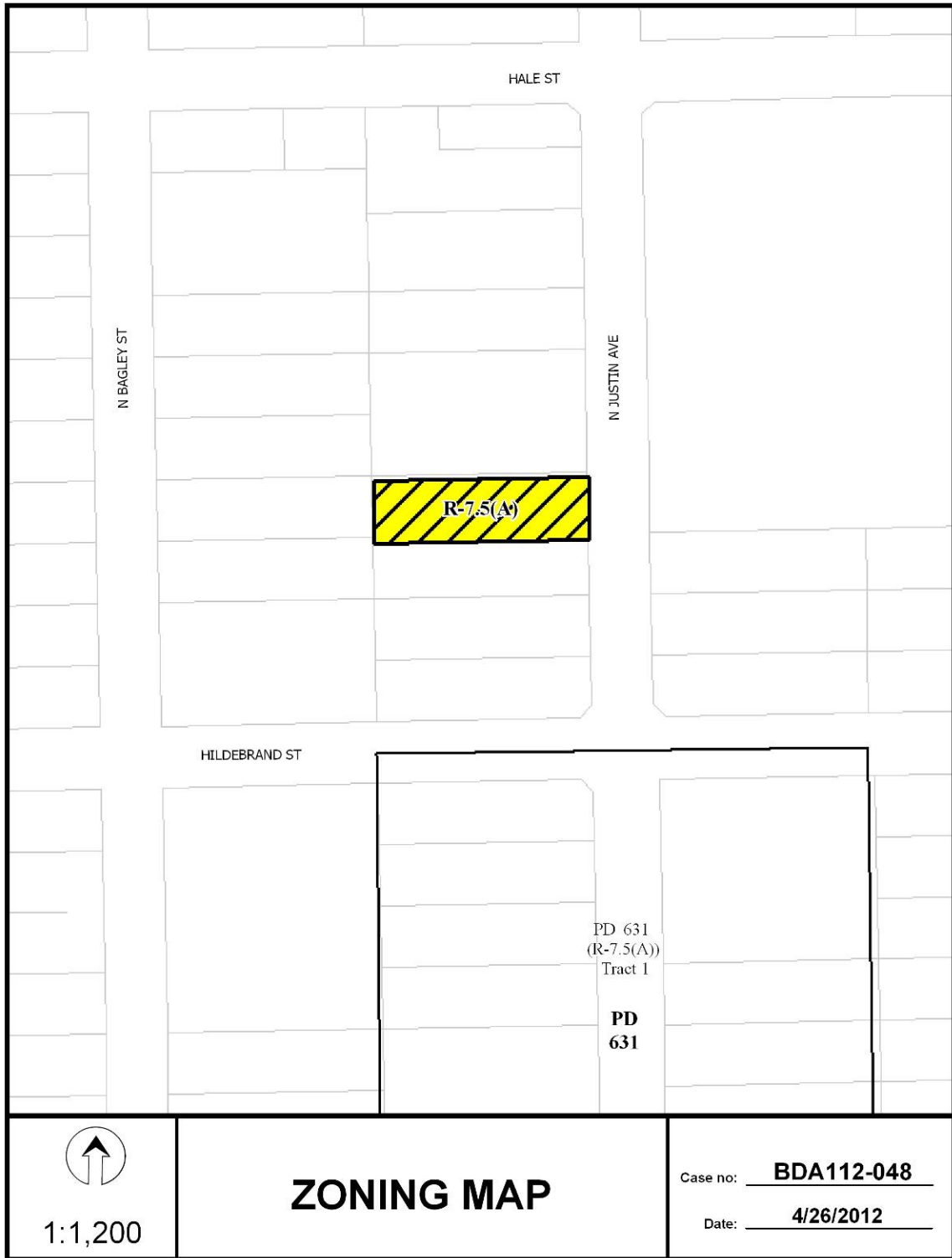
May 1, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

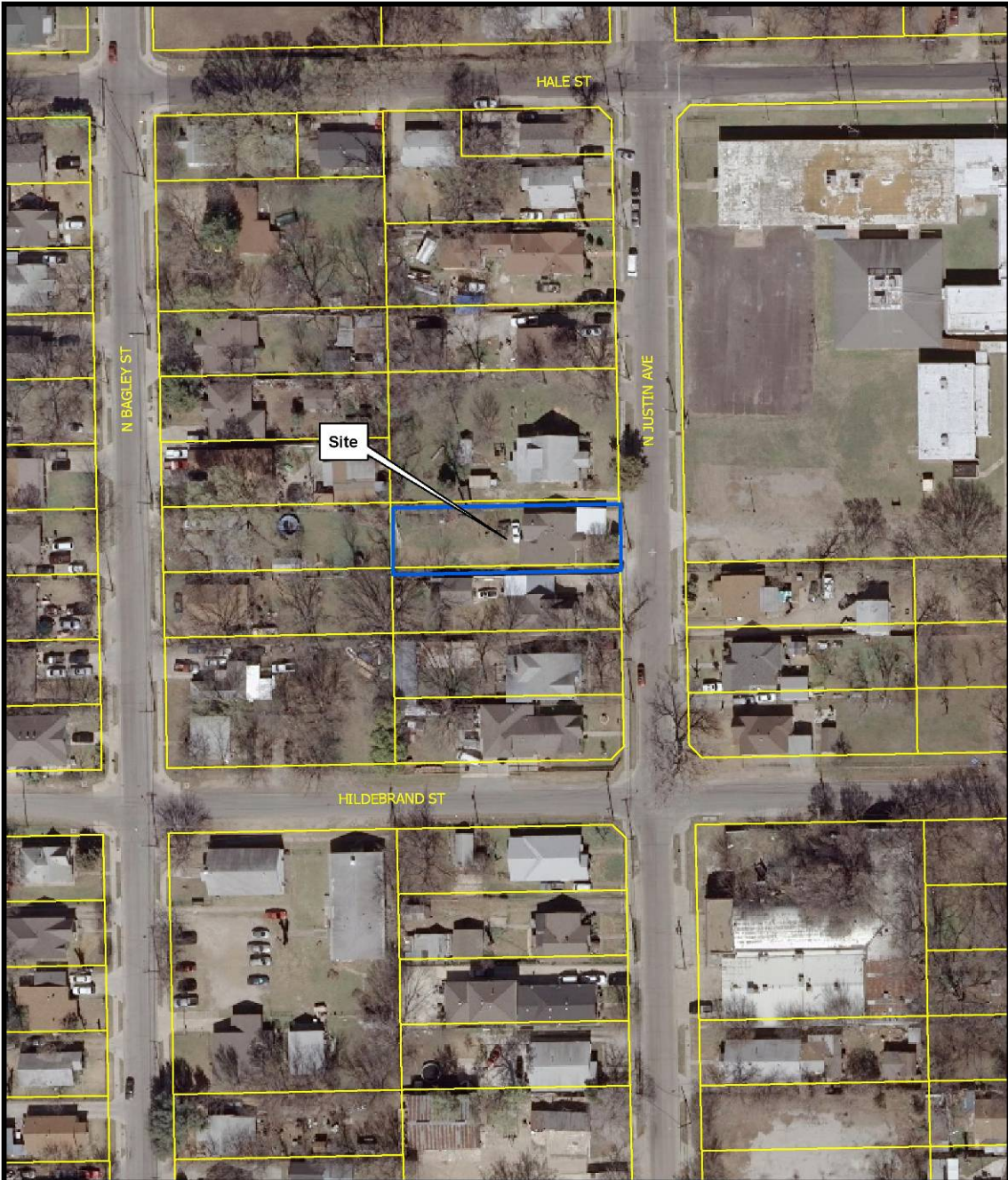
The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded additional documentation to the Board Administrator – a revised site plan and revised elevation that are represented as showing a carport that is in compliance with side yard setbacks (see Attachment B).

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

STAFF ANALYSIS:

- This request focuses on locating/maintaining locating and maintaining what is represented on the submitted revised site plan as an approximately 420 square foot carport attached to a single-family home, part of which is located in the site's 25' front yard setback.
- The submitted revised site plan represents that the 'existing metal carport' is 12' 11" away from the site's front property line or 12' 1" into the 25' front yard setback.
- The revised site plan indicates a 7' distance between the southern side property line and the existing home on the property and a 5' distance between the northern side property line and the existing home on the property – neither distance wide enough to allow a driveway.
- The submitted plat map shows no alley on the west side of the subject site.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 21' ½" in length and 12' 6" in width (approximately 260 square feet in total area) of which approximately 95 square feet (or approximately 1/3) is located in the southwestern side yard setback.
- The applicant has the burden of proof in establishing the following:
 - there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
 - the carport will not have a detrimental impact on surrounding properties.
- As of May 7, 2012, 30 neighbors/owners had written letters and/or signed petitions in support of the request and no letters had been submitted in opposition.
- Typically, staff has suggested that the Board impose conditions with this type of appeal. The following conditions would restrict the location and size of the carport in the front yard setback; would require the carport in the front yard setback to be maintained (in this case) in a specific design with specific materials and in a specific configuration; and would require the applicant to mitigate any water drainage-related issues that the carport may cause on the lot immediately west:
 1. Compliance with the submitted revised site plan and revised elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.





1:1,200

AERIAL MAP

Case no: BDA112-048

Date: 4/26/2012

EDA 113-048
March 11, 2012

To Whom it may concern,

I Rosanna Aloyabal live at
802 N. Justin ave; across the street
from 815 N. Justin ave.

I think Mrs Calveto Carport
looks nice, and is in no way bothering any
one in our household. I feel she should
be able to keep it. It's far enough from the
side walk and does not block the view from either
side of her neighbors.

Thank you
Rosanna Aloyabal
802 N. Justin ave
Dallas, Tx 75211

3-12-2012

To Whom it may concern
I live at 907 N. Justin Ave
my name is Consuelo Guerra
this is about the Carport on 815 N.
Justin Ave. I think that the Carport
looks Great and it has not caused
any problems on my property
or the neighborhood and
it does not bother me in any way.

Sincerely,
Consuelo Guerra

March 8, 2012

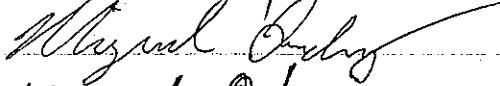
City of Dallas,

To whom it may concern
my neighbor, that lives in 815
N Justin Ave has a car port. It
doesn't bother us in anyway, nor
doesn't it cause any property damage.
So we don't see why she can't
have it. To us it looks like its
in great conditions and well set.
My address is 806 N Justin Ave.

Sincerely,
Quiddermo Valencia

March 11, 2012

To whom it may concern,
I Miguel Ordaz live one house over next
to my neighbor ~~at~~ at 807 N. Justin Ave.
I think Mrs Calvillo's carport looks well
set. It does not bother me as a neighbor
and I have not seen any property damage
as a result of the carport. The carport
offers a decent appearance to the neighbor-
hood.

sincerely,

Miguel Ordaz.

March 12, 2012

To whom it may concern,

I Margaret Hardin is the neighbor that lives next door at 819 N. Justin AVE. I really think that the Calvillo Family carport has a nice appearance, also it looks like it's well set and it's been there for about 9 1/2 yrs, and it has not caused any problems on my property.

Sincerely,

Margaret Hardin

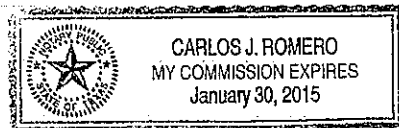
Subscribed and Sworn to on
this 13TH of MAR 200 2012

In Dallas County State of Texas

Carlos J. Romero

Carlos J. Romero / Notary Public

My Commission Expires 1/30/2011



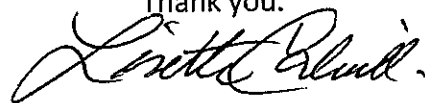
Lisette & Manuel Calvillo
815 N. Justin Ave Dallas, TX 75211
5/1/12

BDA 112-048
ATTACH A
PS 6

Arcadia Park Residents of Dallas, TX 75211
Subject: Appeal to the Board of Adjustment to keep our carport

To Whom It May Concern we, Lisette & Manuel Calvillo are asking for your support and agreement to keep our carport up in front of our house. Our carport has been here for 10 years, and has not caused any problems in the neighborhood. The carport was well constructed and is still in good condition. It gives a nice appearance to our house and to the neighborhood as well. Not only does our carport provide shade and shelter for our vehicles during bad weather, it also protects our front windows of the house. We are asking for your agreement to help us with the collection of your signatures to keep our carport.

Thank you.

A handwritten signature in cursive script, appearing to read "Lisette Calvillo".

Gil Broadway 902 N. Morocco Ave Dallas 75211

Juan Gutierrez 906 N Morocco AV Dallas TX 75211

Medra Gordy 910 N. MOROCCO

Tommy Ferrigon 914 N. Morocco 75211

Marie E Alvarez 918 N. Morocco Dallas 75211

Jose A Alvarez 1107 N Morocco Dallas TX

Antonio Salgado 1022 MOROCCO-75211

Inocencio Luzman 1026 N. Morocco AV.

Mary Kay 1035 N. Morocco 75211

Abel Ray 1035 N. Morocco 75211

Alfred Quispe 1130 n morocco 75211

Trudie Luis Sepulveda 5105 Goodwin St 75211

Brenda Garza
915 N. Justin Ave. Dallas, TX 75201

BDA112-048

Attach A

P 8

919 W Justin Guaniela Paredes

4928 W. Jefferson DALLAS TEXAS Jose Lopez

Joel Saucedo 1007 N. Bagley St.

JOE RODRIGUEZ 1019 N. BAGLEY ST

ARACELY VILLEGAS 1022 N. BAGLEY ST.

Romalda Oseto 1031 N Bagley St

Odelina Torbellin 1139 N Bagley

Maria J. Puerto 1018 N. Bagley St

Valerie Vaughn 719 W. Justin Ave

Cristian P. Cuellar 715 N. Justin Ave DTX.

Olga C. Rosas 711 N. Justin Ave Dallas

Gloria Rosas 707 N Justin AV DALLAS TX

Daniel Strube 803 N Morocco Ave

Jessica Antuna 302 N. Morocco Ave

39
2012

So Whom it may concern April 29,
My name Randy Jenkins, and
I live at 1123 N. Bagley St. have lived
in area since 1953 by Parents Bud
& Hazel Wallace both gone now I
have spoke with and looked at Carpet
that city finds in apartment. I see
no problem with it. Carpet looks very
nice.

Randy Jenkins

I would rather see property look
this way than have cars & trucks
parked all the front making streets
almost impassable.

Property @ 815 N. Justin Ave
Arcadia Park

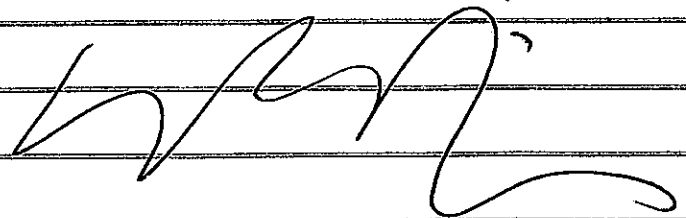
APRIL 29, 2012

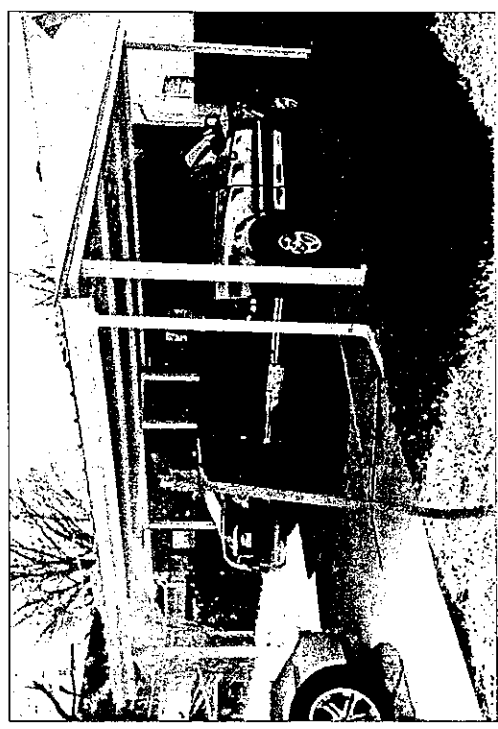
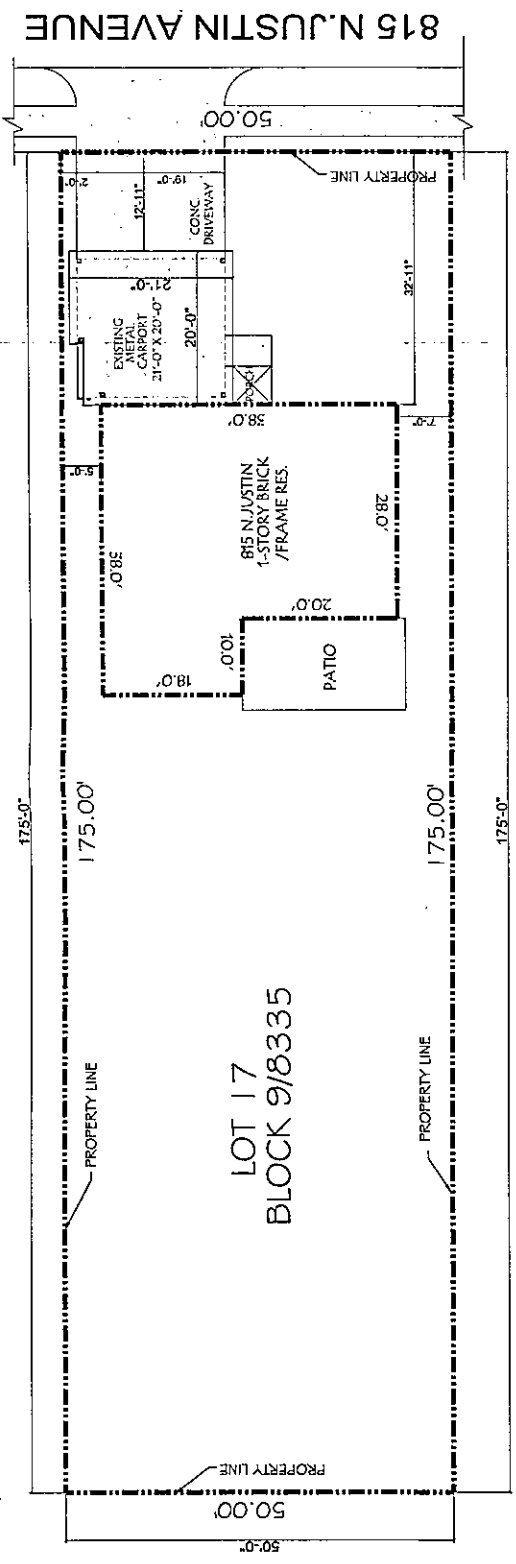
TO WHOM IT MAY CONCERN

I, ERIKA MIRANDA'S the Neighbor
that lives on the next street 1102 BARDLEY
behind the next street of regarding
SUN. JUDITH AVE. - I believe
that the Cavallo Family
CARPORT DOES NOT CAUSE
PROBLEMS TO ANYBODY SO FAR
LIVING BY HIS CARPORT.

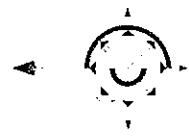
PLEASE LET THEM THE
CARPORT AS IT PROVIDES
SHADE AND IT LOOKS
STURDY ALSO GIVING NICE
APPEARANCE TO HOUSE.

THANK YOU



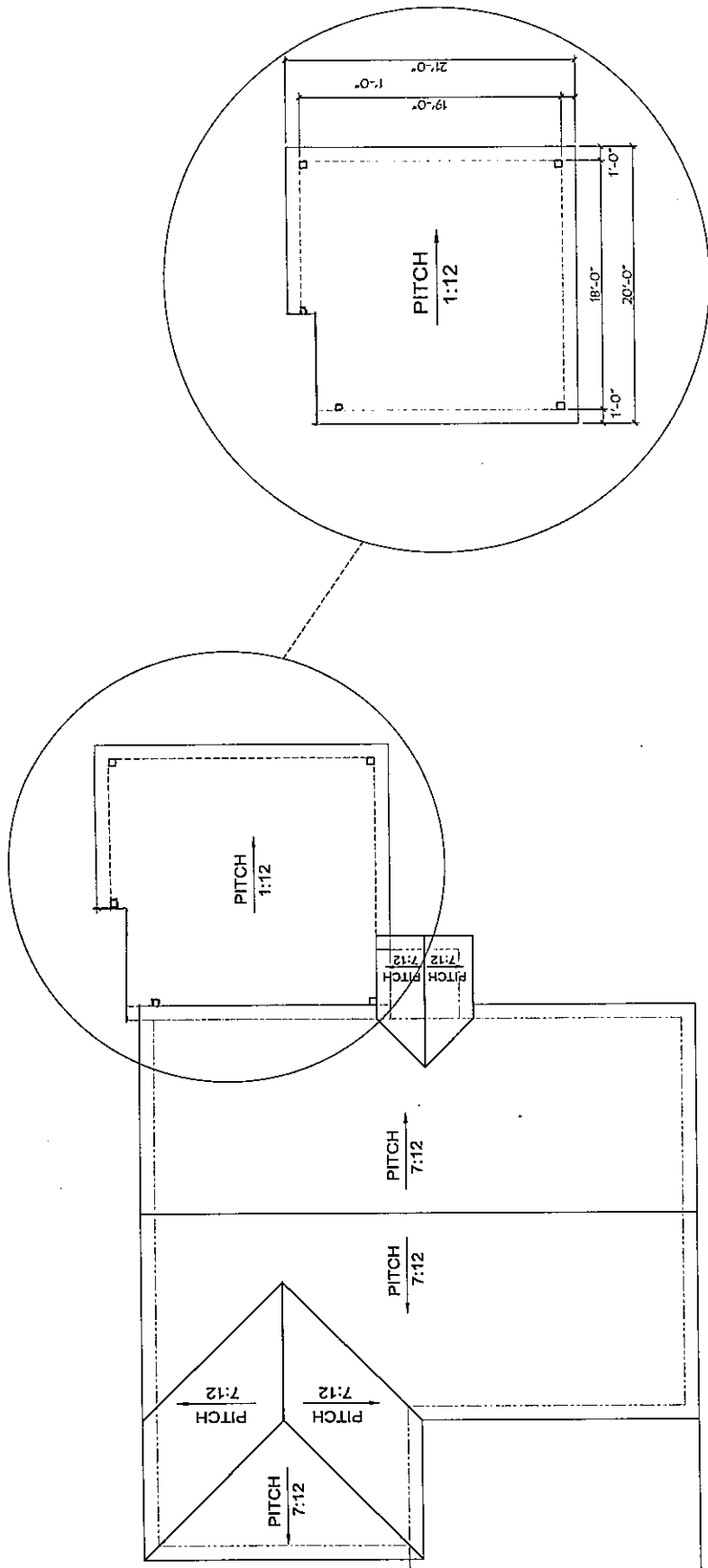


NOTE:
EXISTING CARPORT FLOOR PLAN VERIFICATION
FOR VARIANCE EXCEPTION.



<p>SG ARCHITECTURAL SERVICES DALLAS, TEXAS 214-597-1150</p>	<p>815 NORTH JUSTIN AVENUE DALLAS, TEXAS LOT 17 BLOCK 9/8335</p>	<p>SITE PLAN</p>	<p>SCALE: 1/8" = 2'-0" (11 X 17" SHEET)</p>	<p>DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____</p>
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1 of 5



SG
 ARCHITECTURAL SERVICES
 DALLAS, TEXAS
 214-497-1150

815 NORTH JUSTIN AVENUE DALLAS, TEXAS
 LOT 17 BLOCK 9/8335

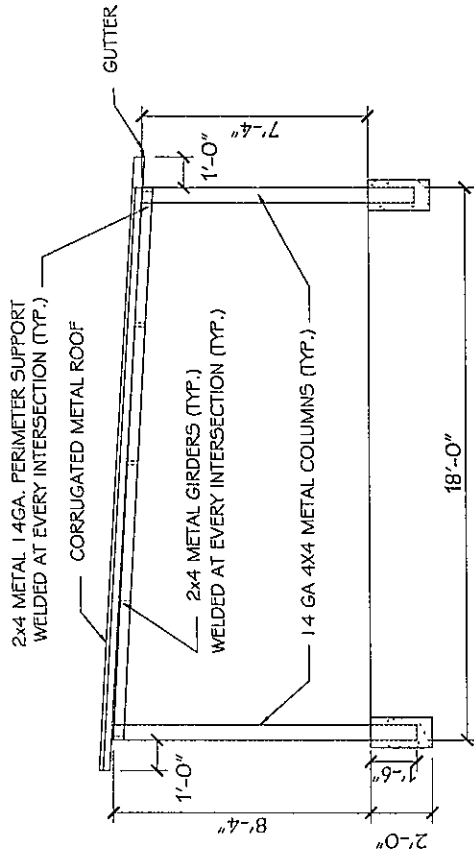
ROOF PLAN

SCALE:
 1/8"=1'-0" (11"X17" SHEET)

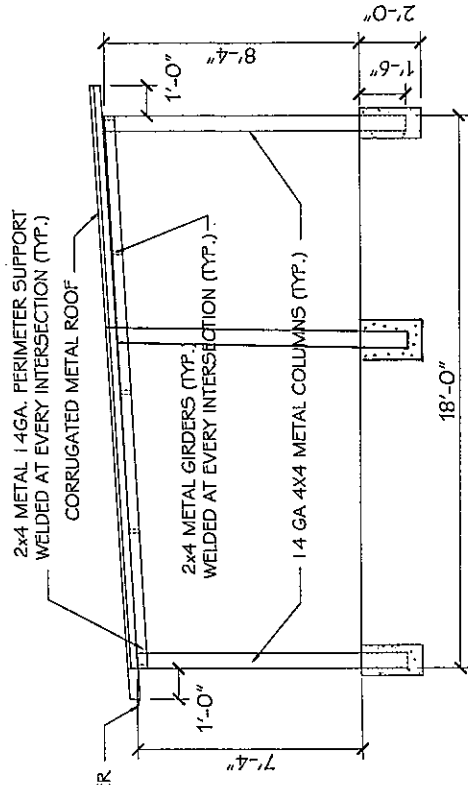
DATE:	11/15/11
DESIGNED BY:	SA
CHECKED BY:	SA
SCALE:	1/8"=1'-0"

sheet:
 3 of 3

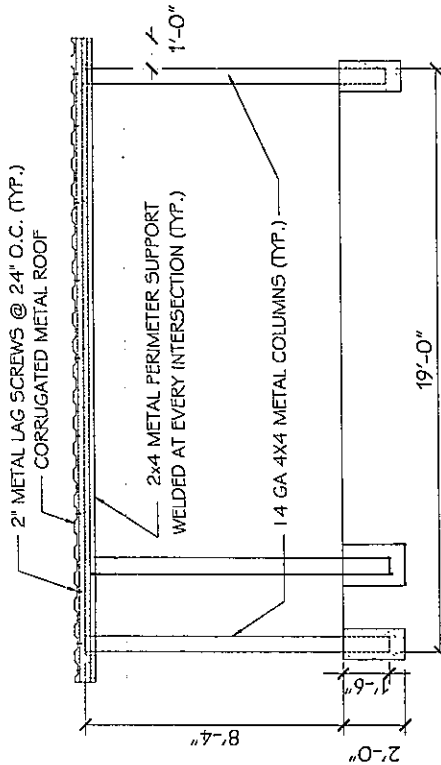
BDA112-048
 Attach B
 Pg 3



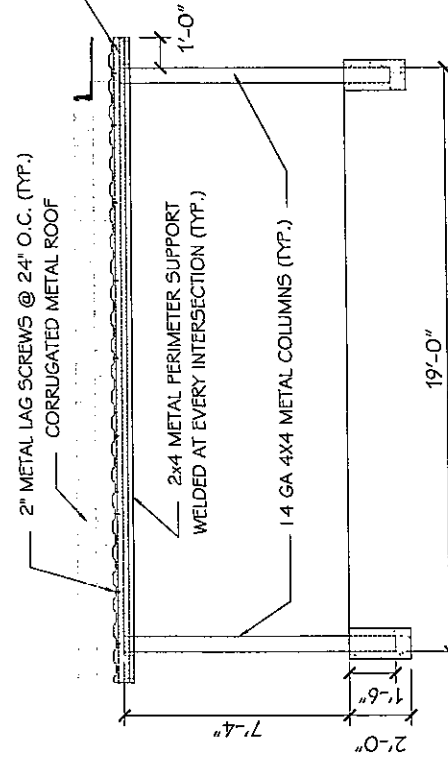
Left Elevation



Right Elevation



Rear Elevation



Front Elevation



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-048

Data Relative to Subject Property:

Date: 3-15-12

Location address: 815 N. JUSTIN AVE. Zoning District: R-7.5(A)

Lot No.: 17 Block No.: 9/8335 Acreage: 8,870 S.F. Census Tract: 107.01

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

5019A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MANUEL & LISETTE CALVILLO

Applicant: MANUEL & LISETTE CALVILLO Telephone: 972-880-5965

Mailing Address: 815 N. JUSTIN AVE. Zip Code: 75211

E-mail Address: ALINACALV36@sbcglobal.net

Represented by: SAME AS ABOVE (OWNERS) Telephone: 972-880-5965

Mailing Address: 815 N. JUSTIN AVE. Zip Code: 75211

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____ or Special Exception of 12ft-1inch to the front yard set back for a carport.

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:

EXISTING METAL CARPORT, HAS BEEN ON PROPERTY FOR MORE THAN 10 YEAR CURRENTLY ON TAX ROLL AS HOME IMPROVEMENT. THE CARPORT IS LOCATED WITHIN MY PROPERTY. IT IS A STURDY METAL CARPORT THAT HAS NEVER DAMAGED NEIGHBOR'S PROPERTY.

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.

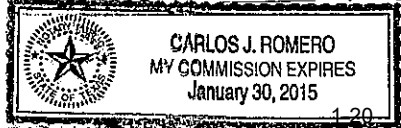
Affidavit

Before me the undersigned on this day personally appeared Manuel Calvillo
(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: Manuel Calvillo
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15TH day of MARCH 2012



Carlos J. Romero
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 Manuel Calvillo

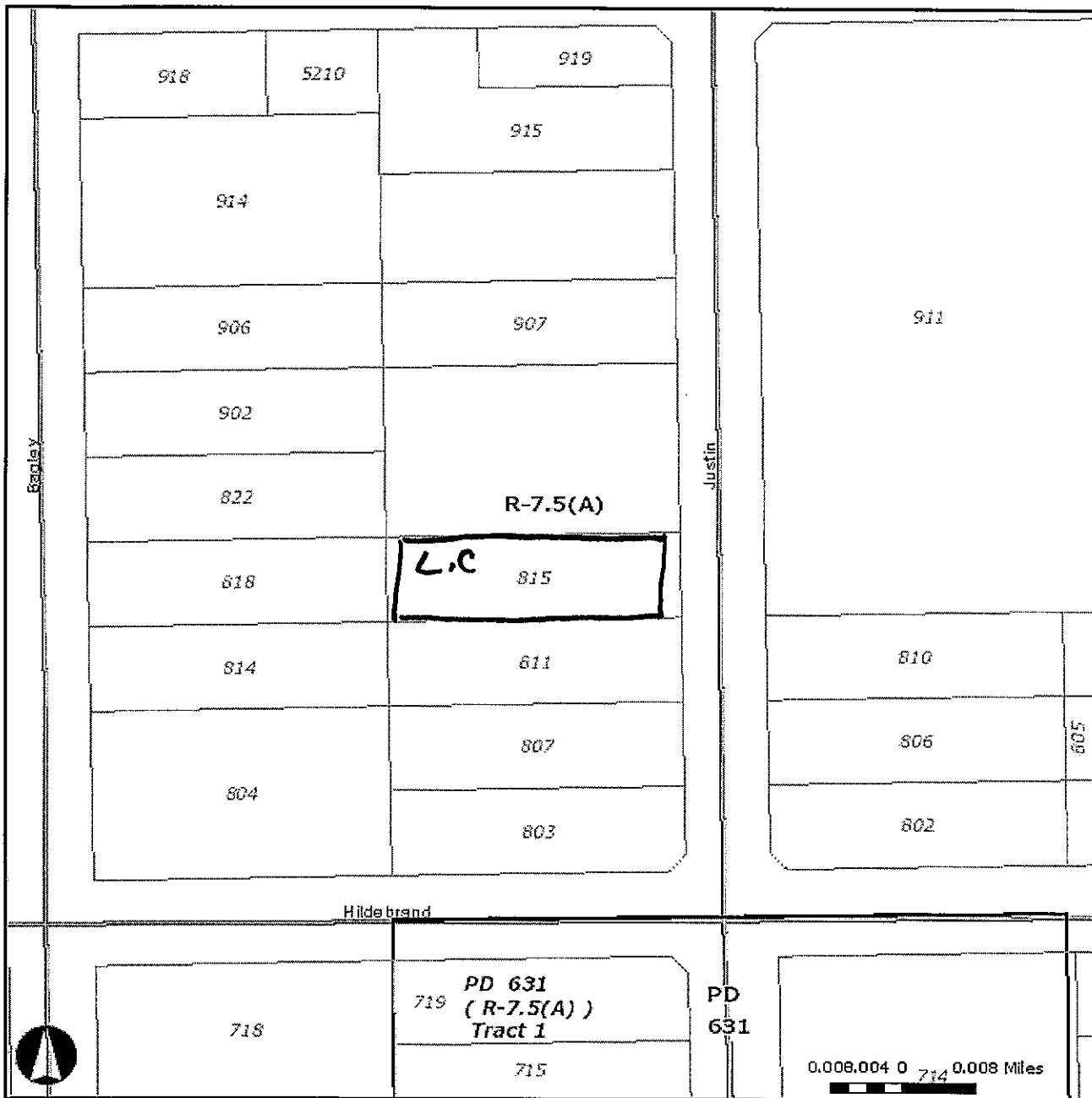
did submit a request for a special exception to the front yard setback regulation
at 815 N. Justin Avenue

BDA112-048. Application of Manuel Calvillo for a special exception to the front yard setback regulation at 815 N. Justin Avenue. This property is more fully described as lot 17 in city block 9/8335 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a front yard and provide a 12 foot 11 inch setback, which will require a 12 foot inch special exception to the front yard setback regulation.

Sincerely,


Lloyd Denman, 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
- 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

8	7	6	5	4	3	2	1
50	50	50	50	50	50	50	50

8335/13

(HUNT) ST

10	9	8	7	6	5	4	3	2	1
50	50	50	50	50	50	50	50	50	50

8335/12

(HORTON) 500

10	9	8	7	6	5	4	3
50	50	50	50	50	50	50	50

8335/11

JUSTIN 1000

(JESTER) 900

800

700 AVE.

13	14	15	16	17	18	19	20
50	50	50	50	50	50	50	50

8335/8

HALF 5200

10	9	8	7	6	5	4	3	2	1
50	50	50	50	50	50	50	50	50	50

8335/9

HILDEBRAND 5200

11	12	13	14	15	16	17	18
50	50	50	50	50	50	50	50

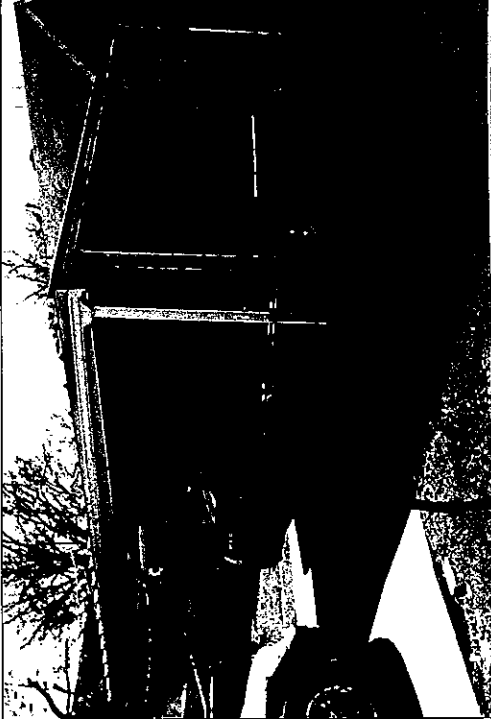
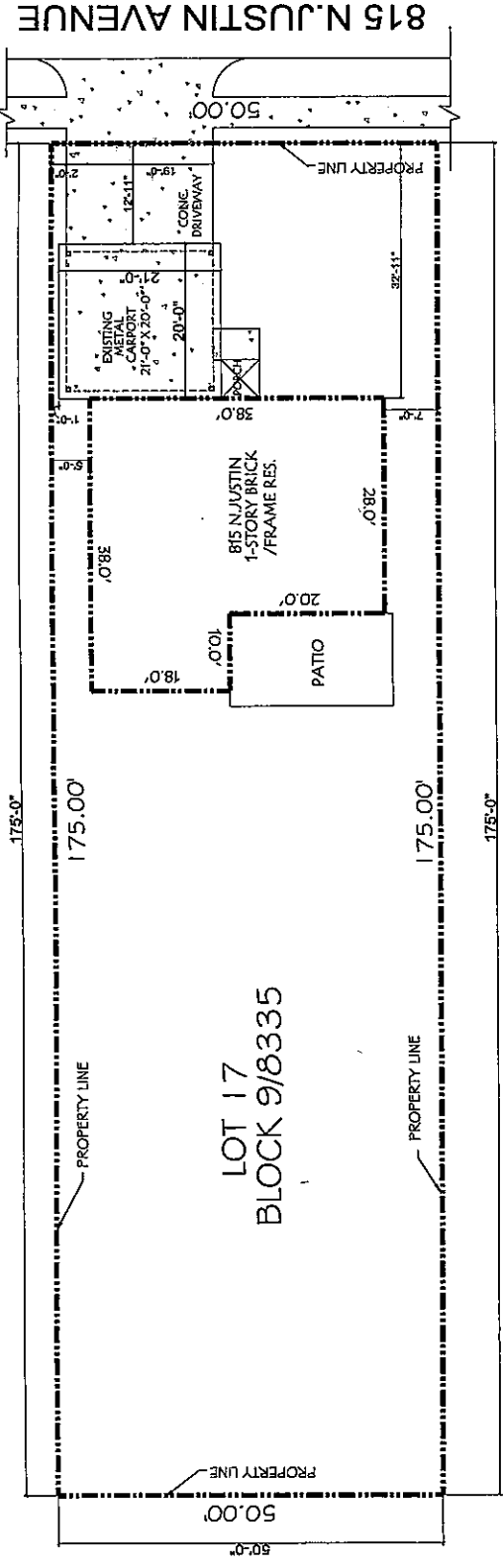
8335/10

BAGLEY 1000

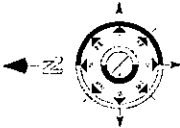
900

(KATHARYN) 800

700 AVE.



NOTE:
 EXISTING CARPOT FLOOR PLAN VERIFICATION
 FOR VARIANCE EXCEPTION.



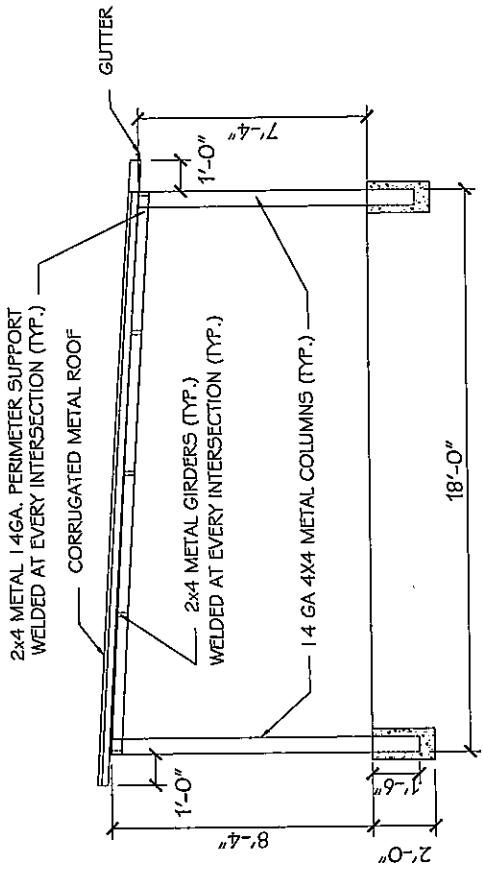
815 NORTH JUSTIN AVENUE DALLAS, TEXAS
 LOT 17 BLOCK 9/8335

SITE PLAN

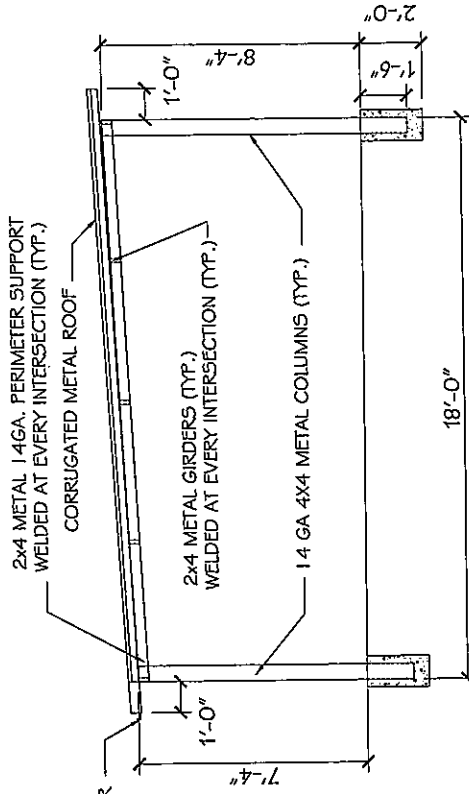
SCALE:
 1/8" = 2'-0" (11" X 17" SHEET)

DATE:	SCALE:
DRAWN BY:	SCALE:
CHECKED BY:	DATE:

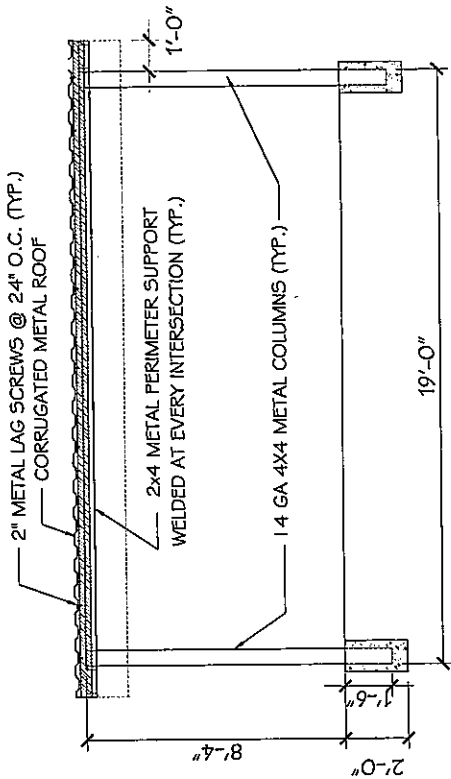
SITE sheet:
1 of 5



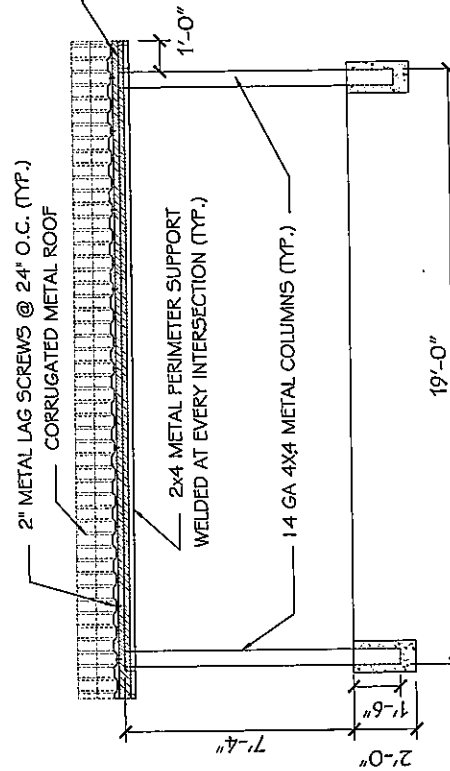
Left Elevation



Right Elevation

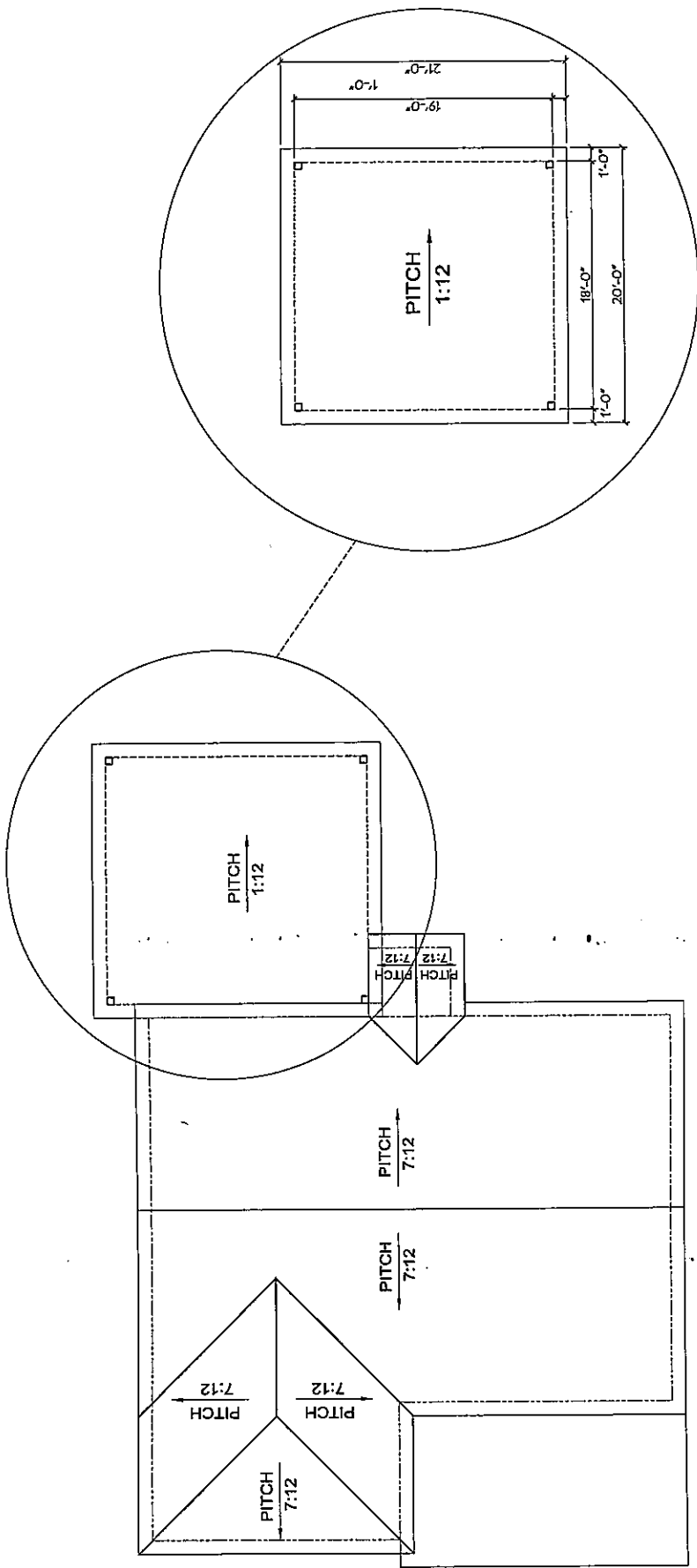


Rear Elevation



Front Elevation

DATE:	2-13-15
DESIGNED BY:	SA
CHECKED BY:	SA
SCALE:	1/4"=1'-0"



SG
 ARCHITECTURAL SERVICES
 DALLAS, TEXAS
 214-597-1150

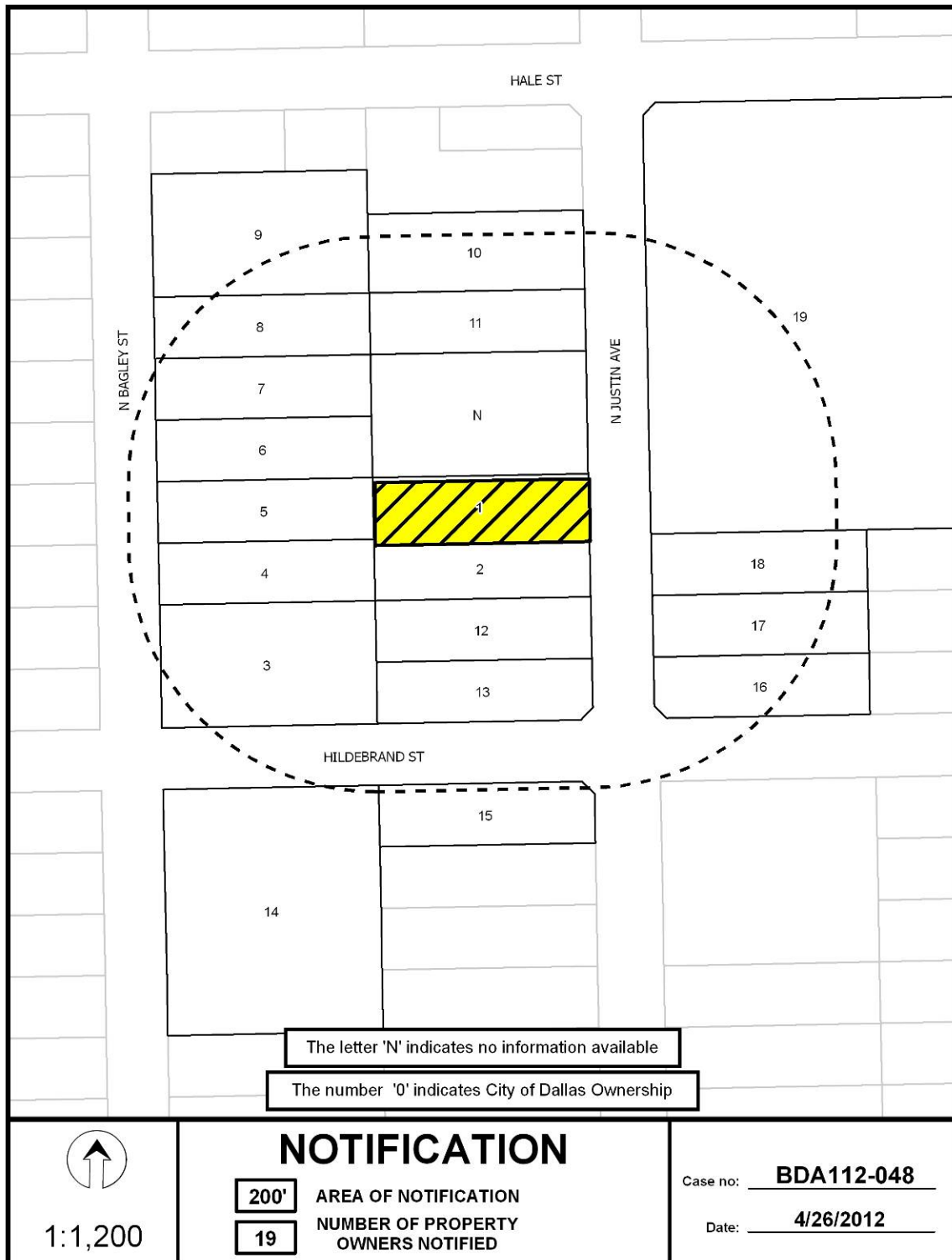
815 NORTH JUSTIN AVENUE DALLAS, TEXAS
 LOT 17 BLOCK 9/8335

ROOF PLAN

SCALE:
 1/8"=1'-0" (11"x17" SHEET)

DATE	BY
DESIGNED BY	SA
CHECKED BY	SA
DATE	3-18-17

ROOF
 sheet:
3 of 3



Notification List of Property Owners

BDA112-048

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	815 JUSTIN AVE	CALVILLO MANUEL E & LISETTE A
2	811 JUSTIN AVE	PINTOR MARCELINO B & MARIA D R
3	804 BAGLEY ST	COUCH KEDRIC %PAT COUCH
4	814 BAGLEY ST	PAREDES JOHN
5	818 BAGLEY ST	AGUILETA FLOR
6	822 BAGLEY ST	NETRO DOMITILA
7	902 BAGLEY ST	SOLIS ANA DOLORES
8	906 BAGLEY ST	VILLEGAS VICTOR & JOSEFA
9	914 BAGLEY ST	MARTINEZ JOSE W & MARIA
10	911 JUSTIN AVE	VALDEZ RAFAEL
11	907 JUSTIN AVE	GUERRA ELIZABETH &
12	807 JUSTIN AVE	ORDAZ JOSE L
13	803 JUSTIN AVE	VEGA PASCUAL R & ROSA
14	718 BAGLEY ST	ARCADIA PARK METHODIST CHURCH
15	719 JUSTIN AVE	VAUGHAN VALICE
16	802 JUSTIN AVE	MAXWELL ROBERT W
17	806 JUSTIN AVE	VALENCIA GUILLERMO & INOCENCIA
18	810 JUSTIN AVE	ACOSTA ROBERTO & YVONNE
19	911 MOROCCO AVE	Dallas ISD

FILE NUMBER: BDA 112-051

BUILDING OFFICIAL'S REPORT:

Application of Ann Stevenson c/o Uplift Education, represented by Rob Baldwin for a special exception to the off-street parking regulations at 2625 Elm Street. This property is more fully described as Lots 1-5 & 13-16 in City Block 286 and Lots 16-23 in City Block C/483 and is zoned PD-269 (Tract A), which requires off-street parking to be provided. The applicant proposes to construct/maintain a public or private school use/structure and provide 174 of the required 228 parking spaces, which will require a special exception of 54 spaces.

LOCATION: 2625 Elm Street

APPLICANT: Ann Stevenson c/o Uplift Education
Represented by Rob Baldwin

REQUEST:

- A special exception to the off-street parking regulations of 54 parking spaces (or a 24 percent reduction of the 228 off-street parking spaces that are required) is requested in conjunction with maintaining an existing approximately 85,000 square foot structure with a public or private school use (Uplift School). The applicant proposes to provide 174 (or 76 percent) of the required 228 off-street parking spaces in conjunction with maintaining the square footage within the existing structure with the proposed mix of middle and high school classrooms (This request is prompted by leasing the existing structure on the subject site with a use with a higher off-street parking requirement than what had originally been on the subject site – a public or private school use as opposed to office use).

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 54 off-street parking spaces shall automatically and immediately terminate if and when the public or private school use is changed or discontinued.

Rationale:

- The applicant substantiated how the parking demand generated by the public or private school 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 Project Engineer has indicated that he has no objections to the applicant's request.

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

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

(B) the regulations governing that specific district expressly authorize the board to grant the special exception.

GENERAL FACTS:

- The Dallas Development Code requires the following off-street parking requirement for “public or private school” use”
 - One and one-half spaces for each kindergarten/elementary school classroom;
 - Three and one-half spaces for each junior high/middle school classroom,
 - Nine and one-half spaces for each senior high school classroom.PD No. 269 provides the following additional parking reduction for proximity to DART Stations: The off-street parking requirement for uses located within one-fourth mile of a DART light-rail station may be reduced by 10 percent. The applicant proposes to provide 174 (or 76 percent) of the required 228 off-street parking spaces in conjunction with the structure on the subject site being leased/maintained with the a public or private school use with what is represented on the submitted site plan to include 18 middle school classrooms and 20 high school classrooms.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 269 (Planned Development)
North: PD No. 269 (Planned Development)
South: PD No. 269 (Planned Development)
East: PD No. 269 (Planned Development)
West: PD No. 269 (Planned Development)

Land Use:

The subject site is currently developed with vacant structure that according to the applicant’s submitted site plan in conjunction with this request has approximately 85,000 square feet of building area. The areas to the north, east, south, and west are developed with a mix of uses.

Zoning/BDA History:

1. BDA 112-019, Property at 2625 Elm Street (the subject site)

On February 14, 2012, the Board of Adjustment Panel A denied a request for a special exception to the off-street parking regulations of 49 parking spaces (or a 21 percent reduction of the 229 off-street parking spaces that are required) without prejudice. The case report stated that the request was made in conjunction with maintaining an existing approximately 85,000 square foot structure with a public or

private school use (Uplift School). The applicant proposed to provide 180 (or 79 percent) of the required 229 off-street parking spaces in conjunction with maintaining the square footage within the existing structure with the proposed mix of middle and high school classrooms (This request was prompted by leasing the existing structure on the subject site with a use with a higher off-street parking requirement than what had originally been on the subject site – a public or private school use as opposed to office use).

Timeline:

March 27, 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.

April 17, 2012: 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.”

April 17, 2012: The Board Administrator emailed the applicant’s representative the following information:

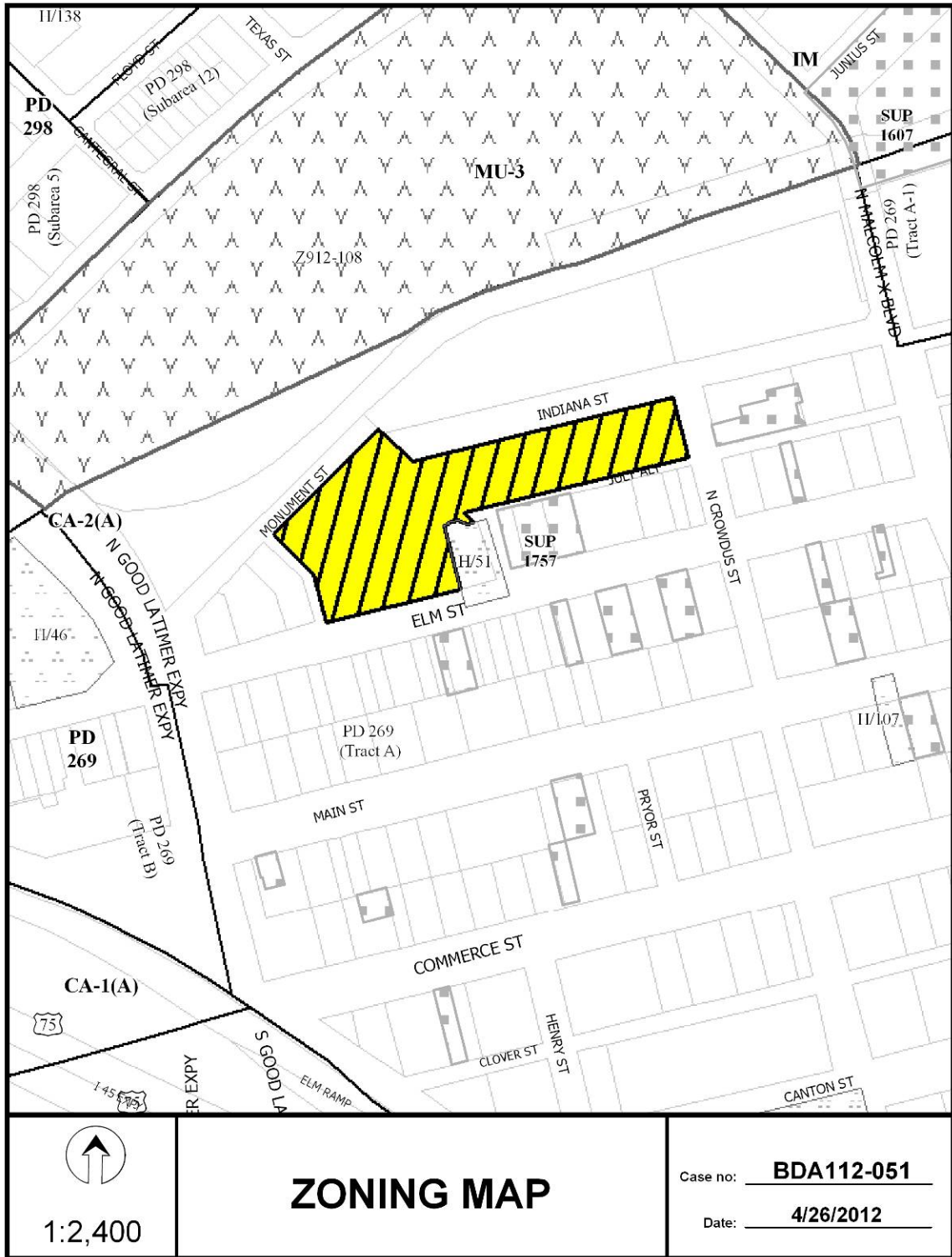
- an attachment that provided the public hearing date and panel that will consider the application; the April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 4th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- 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.

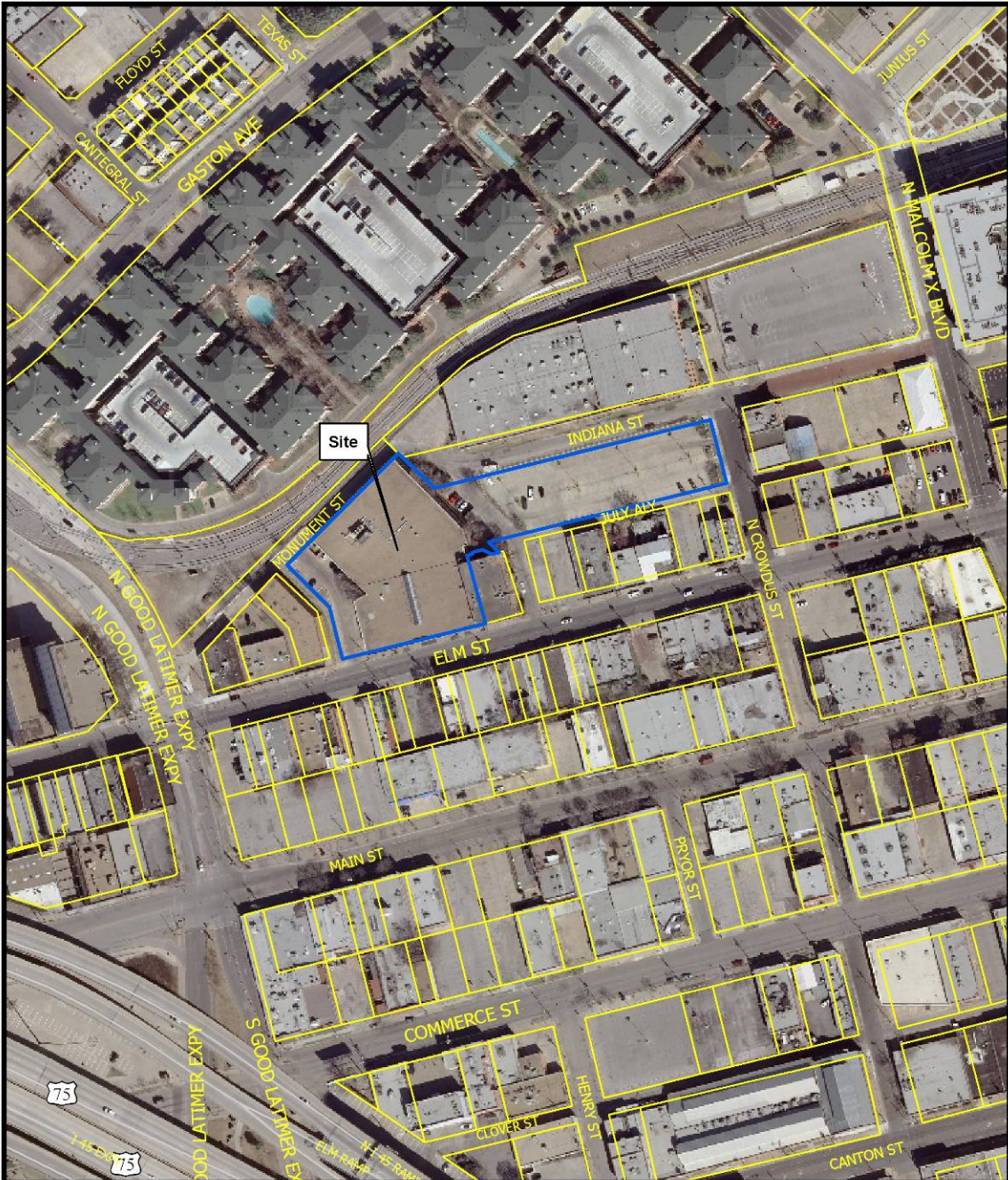
May 1, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

May 4, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”

STAFF ANALYSIS:

- This request focuses on the applicant’s proposal to lease the existing approximately 85,000 square foot structure on the subject site with a use with a higher off-street parking requirement than what had originally been on the subject site – a public or private school use (Uplift School) as opposed to office use, and provide 174 (or 76 percent) of the 228 off-street parking spaces required.
- The Sustainable Development and Construction Department Project Engineer has submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the public or private school use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 54 spaces (or a 24 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 54 spaces shall automatically and immediately terminate if and when the public or private school use is changed or discontinued, the applicant would be allowed to lease/maintain the site with this specific use and provide only 174 of the 228 code required off-street parking spaces.





1:2,400

AERIAL MAP

Case no: **BDA112-051**

Date: **4/26/2012**



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-051

Data Relative to Subject Property:

Date: 3-27-12

Location address: 2625 Elm Street Zoning District: PD-269

Lot No.: 1-5 & 13-16 Block No.: 286 & C/483 Acreage: 2.2456 acres Census Tract: 204

Street Frontage (in Feet): 1) 226' 2) 243' 3) 100' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Uplift Education

Applicant: Ann Stevenson c/o Uplift Education Telephone: (214) 276-0352

Mailing Address: 606 E. Royal Lane, Irving TX Zip Code: 75039

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

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

Affirm that a request has been made for a Variance , or Special Exception X of Section 51-4.207(1)(C) to allow a reduction of 54 parking spaces (24%) of the required off-street parking requirement for a new charter school. There are 228 off-street parking spaces required and we are proposing to provide 174 spaces.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: Given the land use patterns, our location in proximity to a DART Station and the abundance of free on-street parking during school hours, this request will not negatively affect neighboring property.

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

Respectfully submitted: Ann Stevenson
Applicant's name printed

Ann Stevenson
Applicant's signature

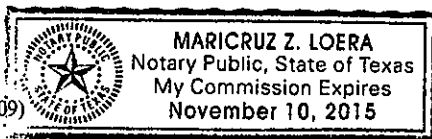
Affidavit

Before me the undersigned on this day personally appeared Ann Stevenson 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.

Ann Stevenson
Affiant (Applicant's signature)

Subscribed and sworn to before me this 23rd day of March 2012

[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

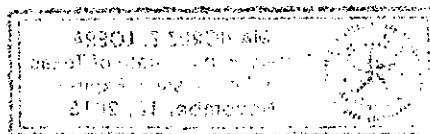
Building Official's Report

I hereby certify that Ann Stevenson
represented by ROB BALDWIN
did submit a request for a special exception to the parking regulations
at 2625 Elm Street

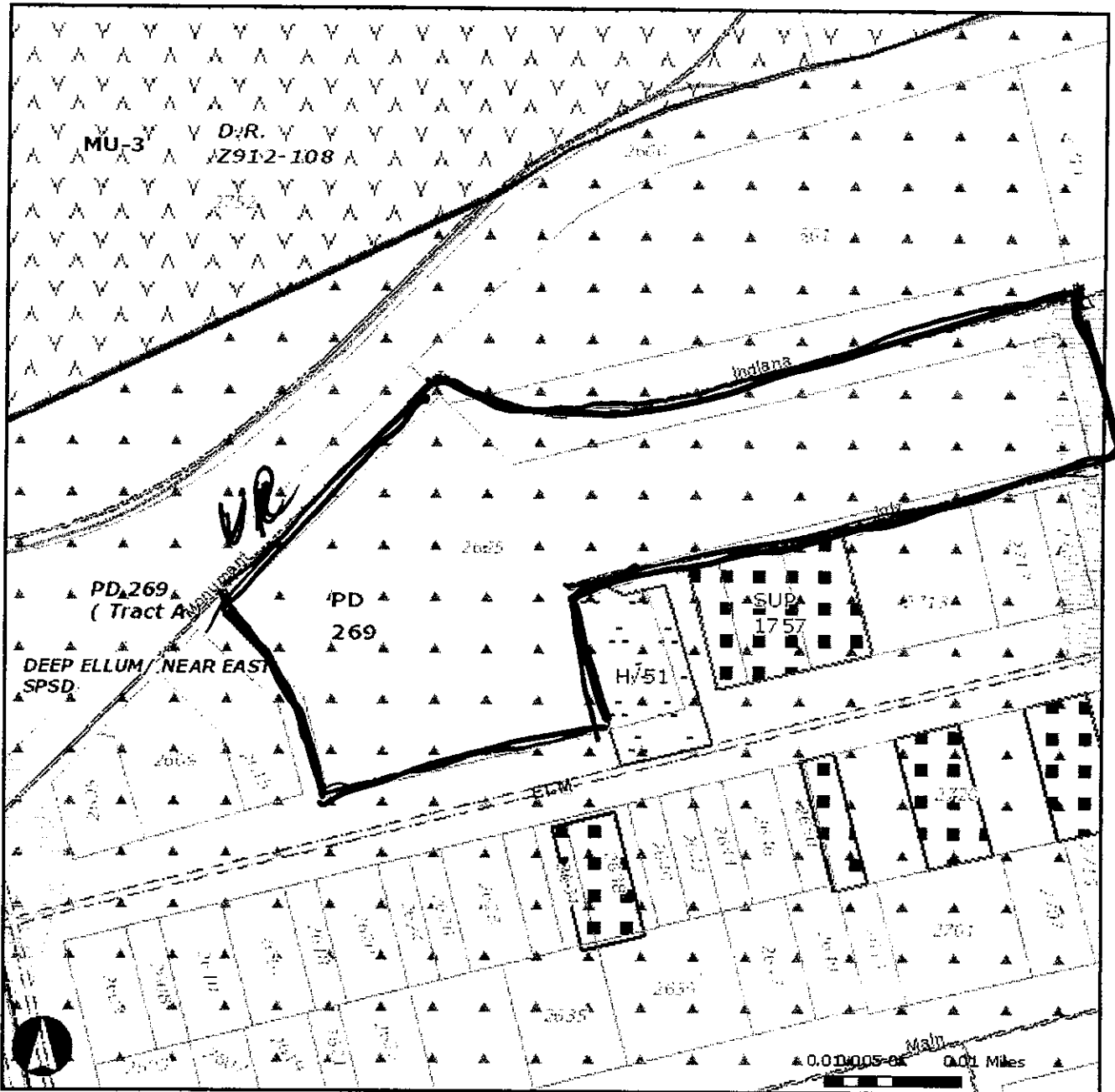
BDA112-051. Application of Ann Stevenson represented by Rob Baldwin for a special exception to the parking regulations at 2625 Elm Street. This property is more fully described as lots 1-5 & 13-16 in city block 286 and lots 16-23 in city block C/483 and is zoned PD-269 (Tract A), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a public or private school use and provide 174 of the required 228 parking spaces, which will require a 54 space special exception (24% reduction) to the parking regulation.

Sincerely,

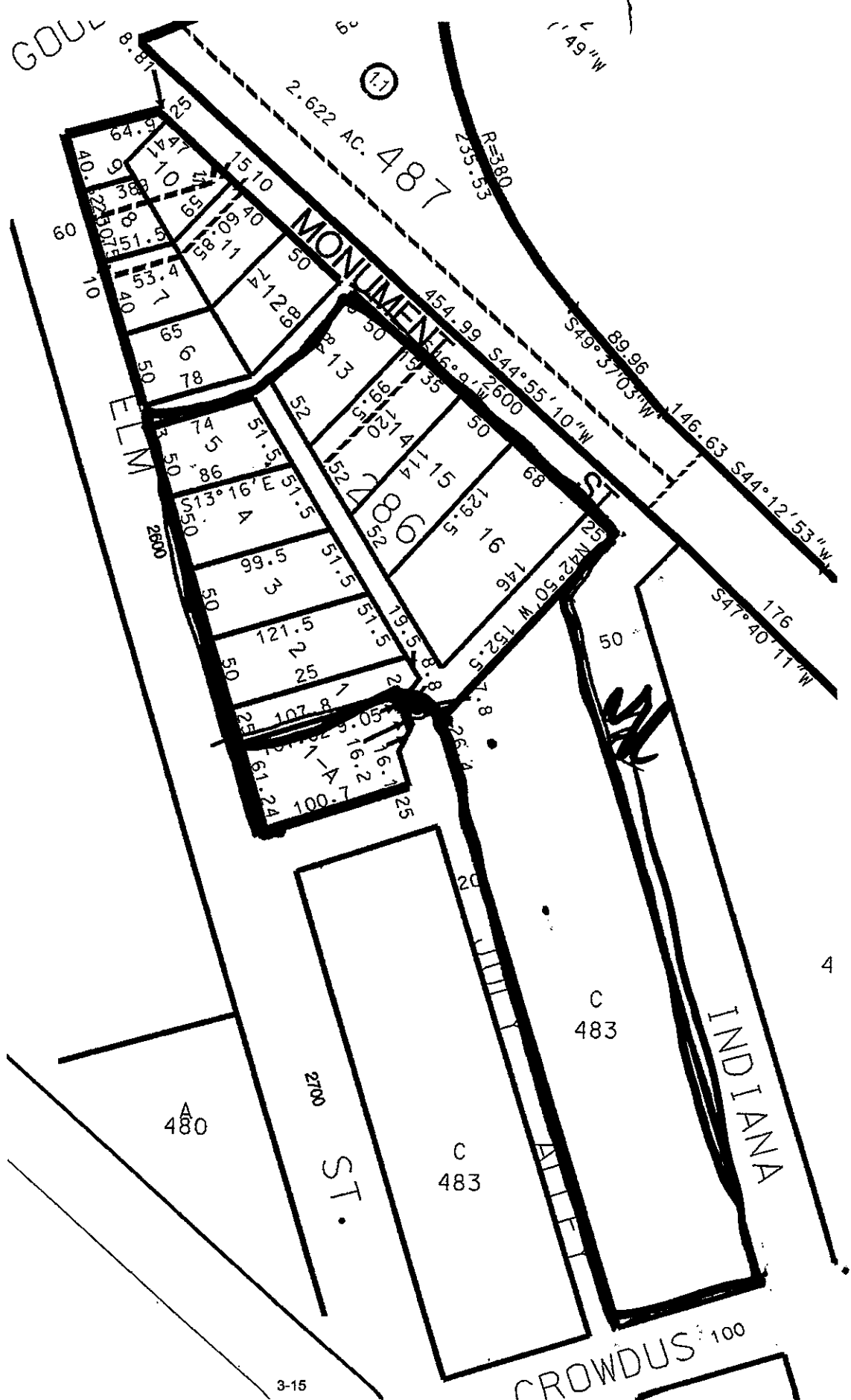

Lloyd Denman, Building Official



City of Dallas Zoning



City Boundaries	Dry Overlay	Base Zoning
County		Floodplain
		100 Flood Zone
Certified Parcels	Historic Overlay	Mill's Creek
		Peak's Branch
DISD Sites	Historic Subdistricts	X PROTECTED BY LEVEE
		Pedestrian Overlay
Council Districts	NSO Overlay	



BDA 112-019

3-15

BDA 112-051

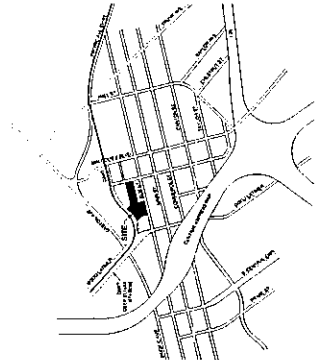
2-11

CASE NUMBER
PROJECT NUMBER
02/14/12

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
OFFICE: 214.824.7949
MOBILE: 214.824.7949
rob@baldwinplanning.com

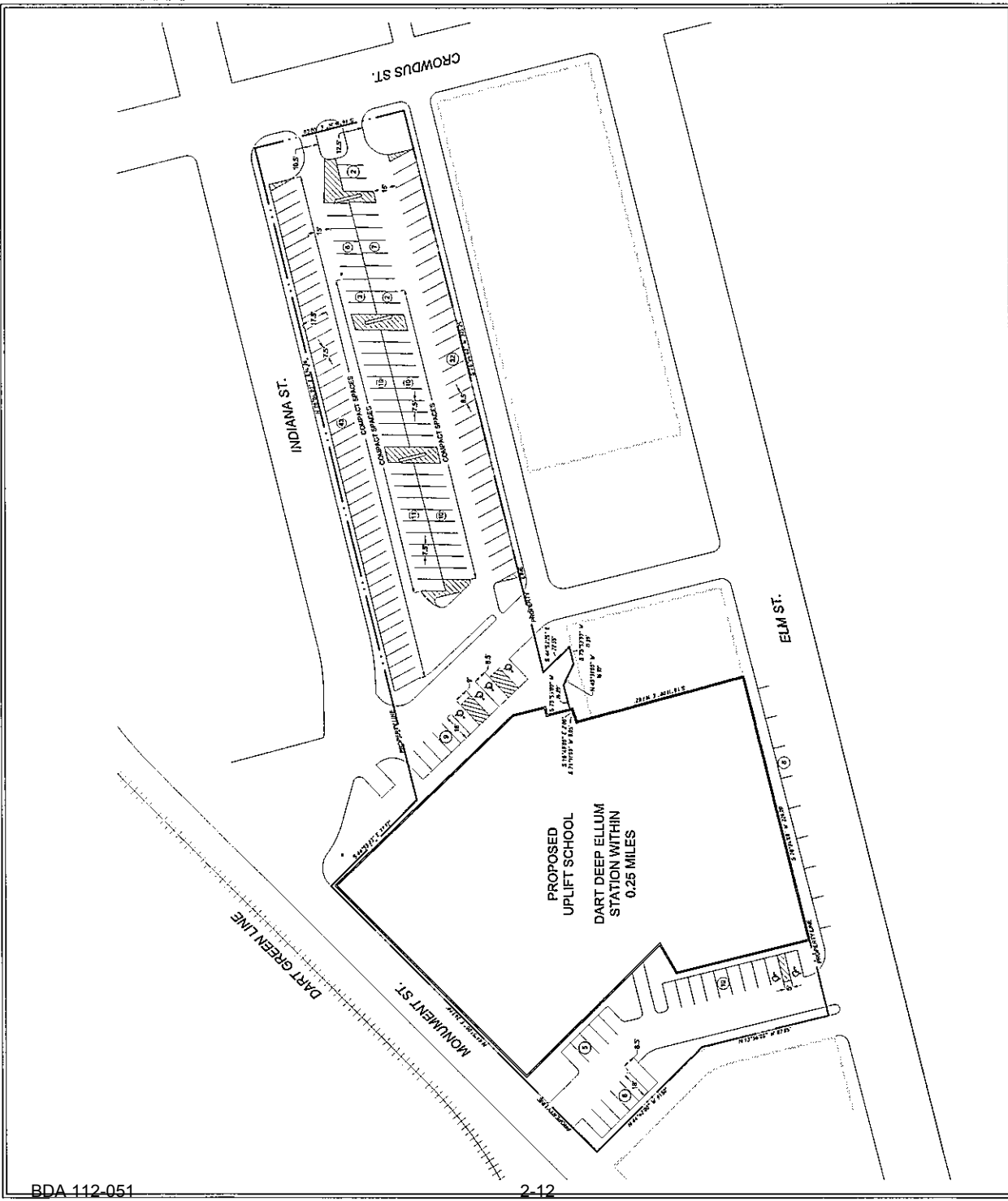
Baldwin Associates

CITY OF DALLAS, TEXAS
UPLIFT SCHOOL

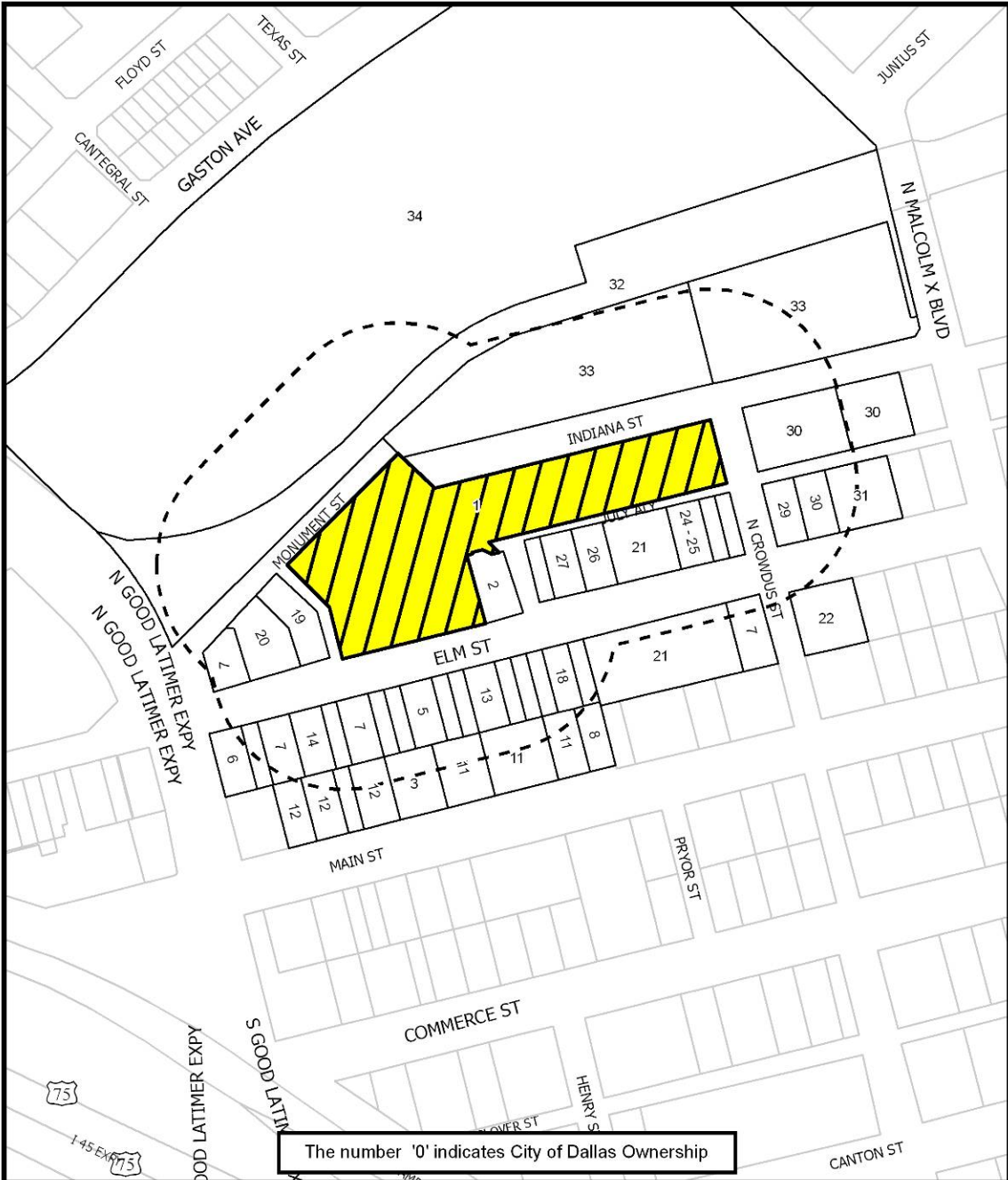


VICINITY MAP
NTS

SITE INFORMATION	
LAND AREA	2.2156 AC
BUILDING AREA	65,366 SF
HEIGHT	2 STORIES
LOT COVERAGE	43.6 %
PARKING ANALYSIS	
MIDDLE SCHOOL 18 ROOMS @ 3.5 SPACES/ROOM	63 SPACES
HIGH SCHOOL 20 ROOMS @ 4.5 SPACES/ROOM	90 SPACES
PRELIMINARY TOTAL	153
DART 10% REDUCTION	25 SPACES
PRELIMINARY TOTAL	228
24% BDA SPECIAL EXCEPTION	54 SPACES
TOTAL REQUESTED SPACES (AFTER SPECIAL EXCEPTION)	174 SPACES
PROVIDED SPACES	174 SPACES



1 SITE PLAN
SCALE: 1" = 30'-0"



 1:2,400	NOTIFICATION		Case no: BDA112-051
	<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;">34</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/26/2012	

Notification List of Property Owners

BDA112-051

34 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2625 ELM ST	HRT PROPERTIES OF TX LTD
2	2626 ELM ST	ELM STREET LOFTS LTD
3	2625 MAIN ST	EVANS HENRY J
4	2634 ELM ST	ROSE BARSHOP RESIDUARY TR % STEVEN
SCHWA		
5	2628 ELM ST	ROSE BARSHOP RESIDUARY TR % STEVE SCHWAR
6	2604 ELM ST	PARK A LOT LTD % FRED BAKER
7	2610 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
8	2649 MAIN ST	PETERS WILSON G APT A
9	2608 ELM ST	PARK A LOT LTD PARKING CO OF AMERICA
10	2644 ELM ST	CAMERON PAUL DARREN
11	2635 MAIN ST	MERRILL ROBERT
12	2621 MAIN ST	PARK A LOT LP
13	2638 ELM ST	MGP HOLDINGS LLC
14	2640 ELM ST	AMERITRUST TEXAS NA AGENT FOR CAROLYN F
15	2634 ELM ST	BAZZLE S WAYNE & CHERYL C BAZZLE
16	2642 ELM ST	LALCO INC
17	2650 ELM ST	ELM ELM LLC
18	2646 ELM ST	TEXAS AUTO RADIATOR CO
19	2615 ELM ST	GRAVES ALBERT JR ET AL
20	2609 ELM ST	OWEN MRS ANN AHLUM #C-102
21	2720 ELM ST	ELM STREET REALTY LTD
22	2806 ELM ST	DEEP ELM I LTD % DON E CASS
23	2723 ELM ST	2723 ELM STREET JV ATTN JOHN BROUDE
24	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
25	2717 ELM ST	DANIELL JAMES PARKER
26	2707 ELM ST	BELMOR CORP % CARL SKIBELL

FILE NUMBER: BDA 112-040

BUILDING OFFICIAL'S REPORT:

Application of Herbert B. Story, Jr., represented by Rob Baldwin, for a variance to the front yard setback regulations and a special exception to the landscape regulations at 2612 Boll Street. This property is more fully described as being a .106 acre parcel out of Lot 3 in City Block 2/955 and is zoned PD-193(LC), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide a 0 foot front yard setback, which will require a variance to the front yard setback regulations of 10 feet, and to provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2612 Boll Street

APPLICANT: Herbert B. Story, Jr.
Represented by Rob Baldwin

REQUESTS:

- The following appeals have been made on a site that is currently developed with an office structure use that the applicant intends to demolish:
 1. A variance to the front yard setback regulations of 10' in conjunction with constructing and maintaining a "raised planting bed" structure, a staircase structure, and the westernmost wall of a "proposed two story brick addition" structure (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); and
 2. A special exception to the PD 193 landscape regulations in conjunction with the proposed new construction.

STAFF RECOMMENDATION (variance):

Denial

Rationale:

- The applicant had not substantiated how either the restrictive area, shape, or slope of the site/lot preclude it from being developed in a manner commensurate with development found on other PD 193 (LC Subdistrict) zoned lots.

STAFF RECOMMENDATION (landscape special exception):

Denial

Rationale:

- The City of Dallas Chief Arborist recommends denial of this request because the applicant had not submitted an alternate landscape plan for review.
- The applicant had not substantiated how the special exception would not compromise the spirit and intent of 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.

GENERAL FACTS (variances):

- The minimum front yard setback on a PD 193 (LC) zoned lot is 10 feet.
- The applicant submitted a site plan indicating what appears to be a “raised planting bed” structure, a staircase structure, and the westernmost wall of a “proposed two story brick addition” structure (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). The “raised planting bed” structure, the staircase structure, and the westernmost wall are all shown to be located on the site’s front property line or 10’ into the required 10’ front yard setback.
- The site is flat, irregular in shape, and according to the application, 0.106 acres in area.

- The site is zoned PD 193 (LC).
- DCAD records indicate that the improvements at 2612 Boll Street are a “converted residence” with 2,100 square feet built in 1940.
- On May 2, 2012, the applicant’s representative submitted additional information beyond what was submitted with the original application (see Attachment A). This documentation included a document entitled “Site Plan, General Notes, 1.01.” (Note that this plan, where an understanding was reached by staff as a plan that would substitute for all other previously submitted plans, does not appear to show a clear representation of the side property line that separates this site from the neighboring site).

GENERAL FACTS (landscape special exception):

- 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 May 2, 2012, the applicant’s representative submitted additional information beyond what was submitted with the original application (see Attachment A). This documentation included a document entitled “Site Plan, General Notes, 1.01.”
- On May 4, 2012, the City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the landscape special exception and the related adjoining property to which this applicant is seeking similar requests (see Attachment B).
- The memo stated among other things how the requests in both cases are triggered by new construction on both properties, and that the landscaping on both properties involve requirements related to trees in planting zones, sidewalks, screening of off-street parking, landscape site area, general planting area, and special planting area.
- The Chief Arborist stated that when the memo was prepared there was no confirmation available that this site is in compliance with the requirements of PD 193.
- The property will be completely renovated after demolition of the existing structure and re-grading. Two large protected trees will be removed as shown the submitted site plan. One of two of these trees (large cottonwood) has an existing defect that makes the tree a high risk to several properties. An additional planting bed and new street trees in grates will be added to the Boll Street frontage. The sidewalk is intended to be in continuity with the 2701 McKinney Avenue sidewalk. The Chief Arborist has not seen a revised alternate landscape plan that conforms with the revised site plan that the applicant provided on May 2, 2012.

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 an office use. The areas to the north, east, south, and west are a mix of office and retail uses.

Zoning/BDA History:

1. BDA 112-058, Property at 2701 McKinney Avenue (the lot immediately east of the subject site)

On May 15, 2012, the Board of Adjustment Panel A will consider requests for variances to the front yard setback regulations of 10' and a special exception to the landscape regulations requested 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 intends to demolish and the subject site of an application made by this applicant for variance to the front yard setback regulations and special exception to the landscape regulations to be heard by Panel A on May 15, 2012: BDA 112-040) 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.

Timeline:

February 24, 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.

March 20, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

- March 21, 2012: 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 March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 3, 2012: 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 Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.
- April 4, 2012: The applicant requested that this application be postponed from Panel A's April hearing to Panel A's May hearing.
- April 18, 2012: 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 April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 4th 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.
- May 1, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

- May 2, 2012: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- May 4, 2012: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment B).

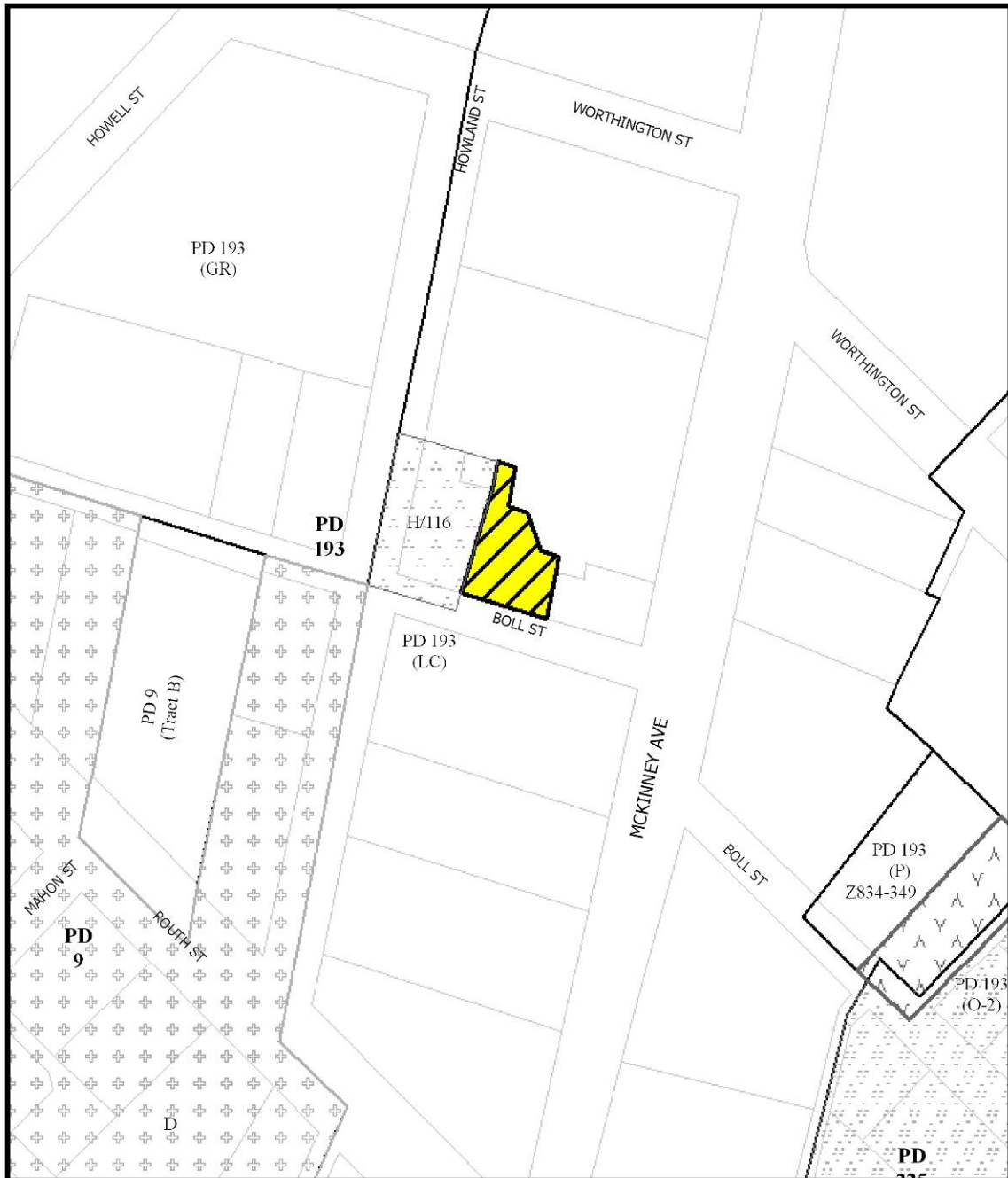
STAFF ANALYSIS (variance):

- This request focuses on demolishing an existing office structure/use and constructing/maintaining 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 this applicant for variance to the front yard setback regulations and special exception to the landscape regulations to be heard by Panel A on May 15, 2012 (BDA 112-058), all to be located in the site's 10' front yard setback along Boll Street.
- According to calculations taken by the Board Administrator from the originally submitted site plan, the entire approximately 120 square foot “raised planting bed” structure, approximately $\frac{3}{4}$ (or approximately 64 square feet) of the staircase structure, and 10 linear feet of the westernmost wall of the structure is proposed to be located in the 10' front yard setback.
- DCAD records indicate that the improvements at 2612 Boll Street are a “converted residence” with 2,100 square feet built in 1940.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (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.
- If the Board were to grant this front yard variance request, imposing a condition whereby the applicant must comply with the submitted revised site plan, the structures in the front yard setback would be limited to what is shown on this plan.

STAFF ANALYSIS (related to the landscape special exception) :

- This request focuses on demolishing an existing office structure/use, constructing and maintaining the aforementioned structures on the site, and not fully meeting the landscape requirements of PD 193.
- The City of Dallas Chief Arborist has stated that the landscaping on this property (and the other adjoining one where the applicant has made similar requests) involves requirements related to trees in planting zones, sidewalks, screening of off-street parking, landscape site area, general planting area, special planting area, and that when his memo was prepared there was no confirmation available that either site was in compliance with any requirements of PD 193.
- The applicant has the burden of proof in establishing the following:
 - The special exception 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 an alternate landscape plan as a condition would assure that the landscape special exception does not compromise the spirit and intent of the requirements of PD 193.

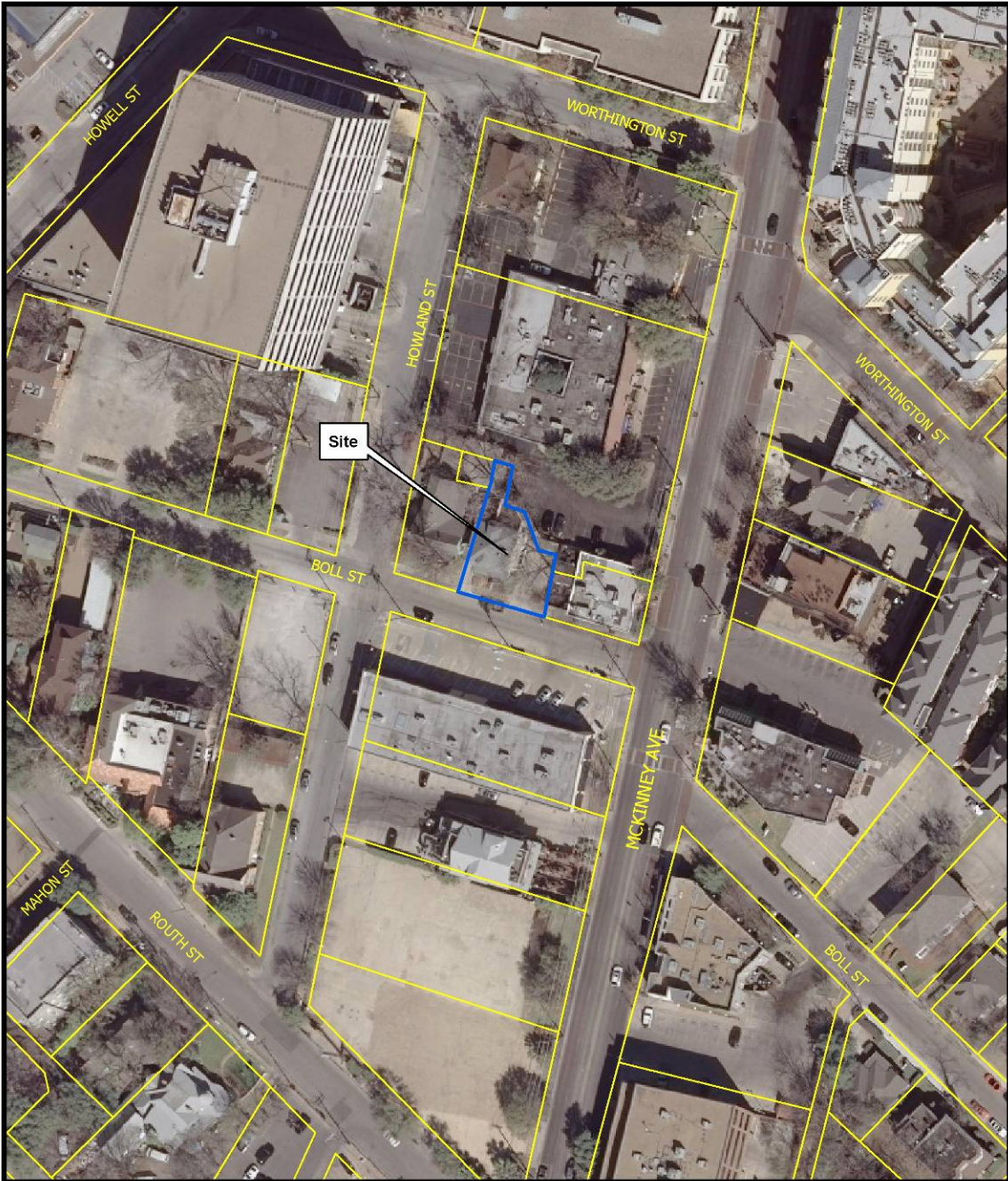


1:1,200

ZONING MAP

Case no: **BDA112-040**

Date: **3/29/2012**



1:1,200

AERIAL MAP

Case no: BDA112-040

Date: 3/29/2012

Memorandum



CITY OF DALLAS

DATE May 4, 2012
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 112 · 040 2612 Boll Street
BDA 112 · 058 2701 McKinney Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC) for lots at 2612 Boll Street and 2701 McKinney Avenue. The properties are identified on the same site plans for the two distinct cases.

Trigger

New construction on both properties.

Deficiencies

Landscaping on PD 193 (LC) lots requires trees in the planting zone, sidewalks, and screening of off-street parking. In addition, the LC district requires:

- Landscape Area – 10% of the lot, and 60% of the required front yard.
- General Planting Area – minimum 12% of the required front yard.
- Special Planting Area – minimum 6% of the required front yard.

At the time of this report, there is no confirmation available that either site is in compliance with any of the requirements of PD 193 (LC).

Factors

2612 Boll Street – The property will be completely renovated after demolition of the existing structure and re-grading of the property. As identified on the site plan, two large protected trees will be removed. One of the two protected trees (large cottonwood) has an existing defect that makes the tree a high risk to several properties. An additional planting bed and new street trees in grates will be added to the Boll Street frontage. The sidewalk is intended to be in continuity with the 2701 McKinney Avenue sidewalk.

2701 McKinney Avenue – The property has a pre-existing structure that will have an addition to the rear. The following landscaping will remain: four street trees, enhanced sidewalk pavement along McKinney Avenue, and benches. The existing structure prevents compliance with the ordinance regarding placement of the sidewalk.

I have not seen a revised alternate landscape plan that conforms with the revised site plan that the applicant provided on May 2, 2012.

BDA 112-040
058
Attach B
pg 2

Recommendation

Denial for case 112-040 (**2612 Boll Street**).

An alternative landscape plan was not presented for review and recommendation.

Denial for case 112-058 (**2701 McKinney Avenue**).

The site is subject to pre-existing restrictions that prohibit full compliance with the PD 193 landscaping requirements. A revised alternate landscape plan was not presented for review and recommendation.

If the Board is inclined to approve the request at 2701 McKinney Avenue based on existing landscaping conditions identified on the site plan, I recommend an alternative landscape plan be presented identifying all existing landscape conditions on the site, including identifying all tree grates and metal works near trees that will be repaired or replaced to protect the tree from physical damages.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-040

Data Relative to Subject Property:

Date: 2-24-12

Location address: 2612 Boll Street Zoning District: PD-193(LC)

Lot No.: 3 Block No.: 2/955 Acreage: 0.106 acres Census Tract: 18.00

Street Frontage (in Feet): 1) 68.65' 2) _____ 3) _____ 4) _____ 5) _____

SW22

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Frank H. Jackson and Edgar A. Mason

Applicant: Herbert B. Story, Jr., S&D Oyster Company Telephone: (214) 720-0400

Mailing Address: 2701 McKinney Ave, Dallas, TX Zip Code: 75204

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

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

Affirm that a request has been made for a Variance , or Special Exception of 10 ft
To the required front yard setback and the approval of an alternate landscaping plan

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The proposed expansion of the S&D Oyster House s intended to look seamless with the existing building and these approvals are necessary to allow the expansion.

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

Respectfully submitted: Herbert B. Story, Jr.
Applicant's name printed

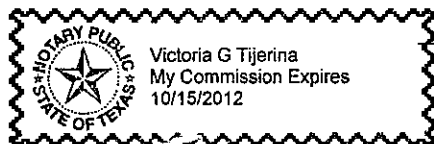
Applicant's signature

Affidavit

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

Affiant (Applicant's signature)

Subscribed and sworn to before me this 21st day of FEBRUARY, 2012


Notary Public in and for Dallas County, Texas

(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

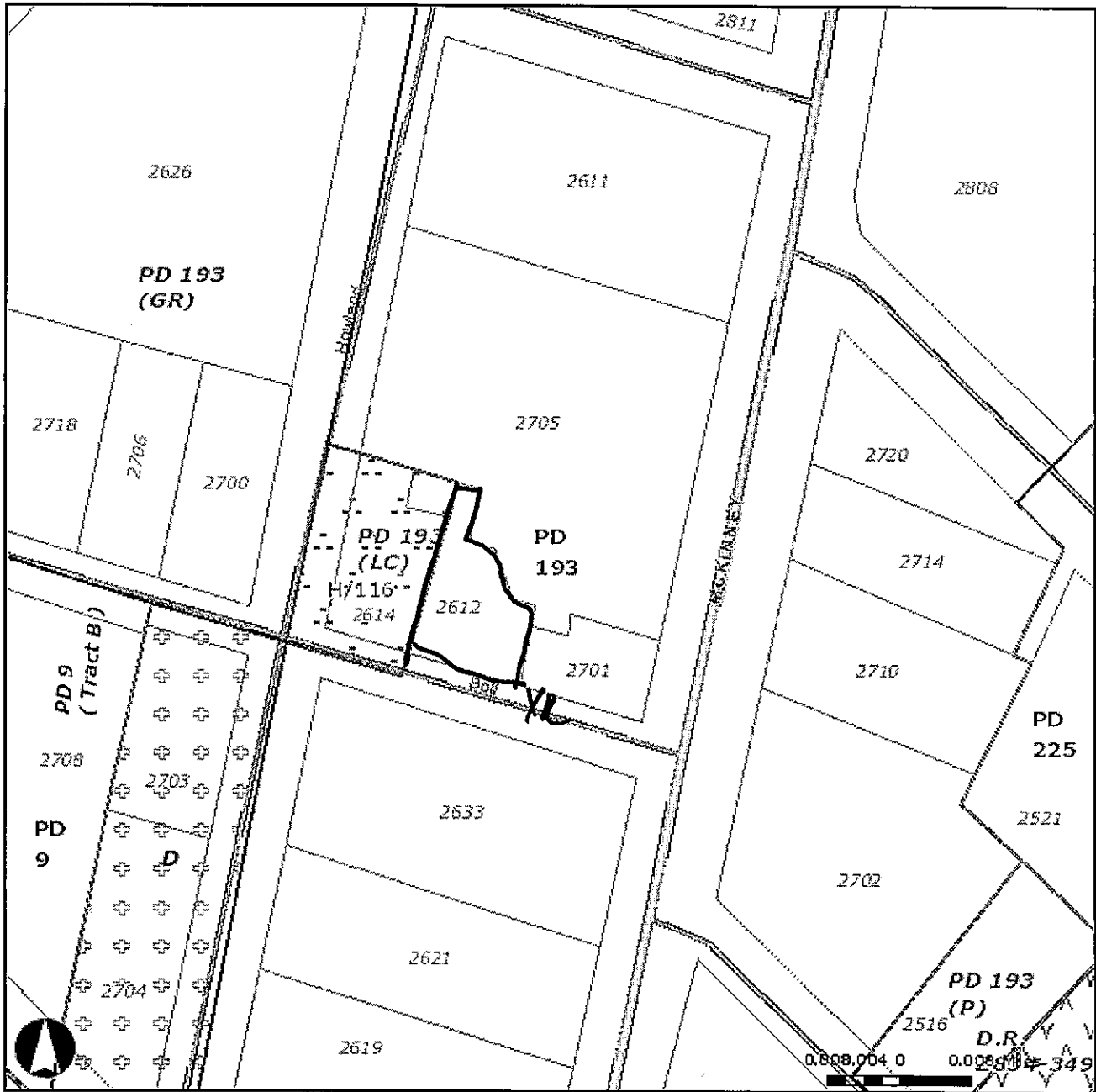
I hereby certify that Herbert B. Story
represented by ROBERT BALDWIN
did submit a request for a variance to the front yard setback regulations, and for a special
exception to the landscaping regulations
at 2612 Boll Street

BDA112-040. Application of Herbert B. Story, Jr. represented by Robert Baldwin for a variance to the front yard setback regulations and a special exception to the landscaping regulations at 2612 Boll Street. This property is more fully described as being a .106 acre parcel out of lot 3 in city block 2/955 and is zoned PD-193(LC), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Lloyd Denman, Building Official

City of Dallas Zoning



Address Candidates

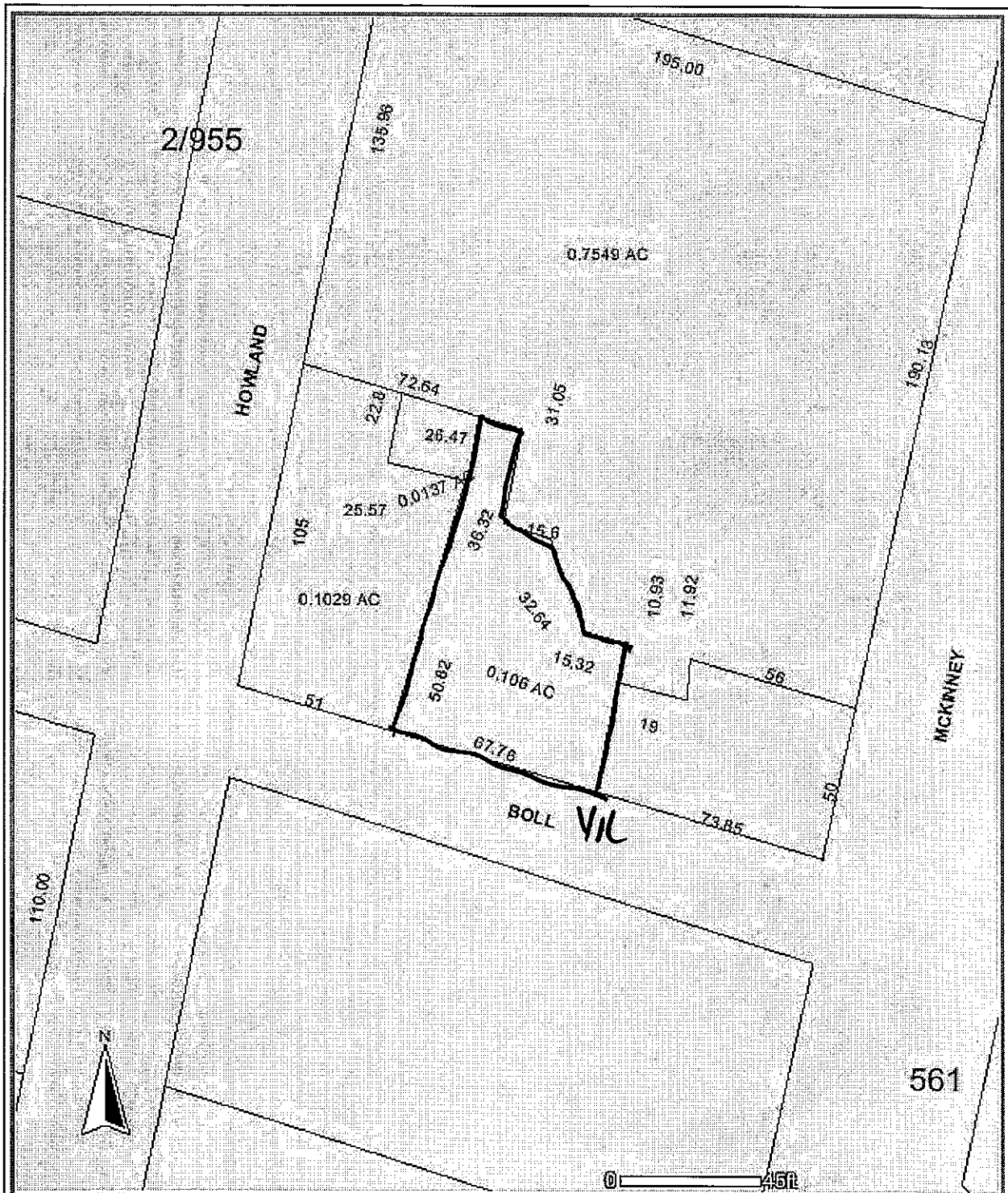
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

- SUP
- Dry Overlay
- D
- 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



Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER

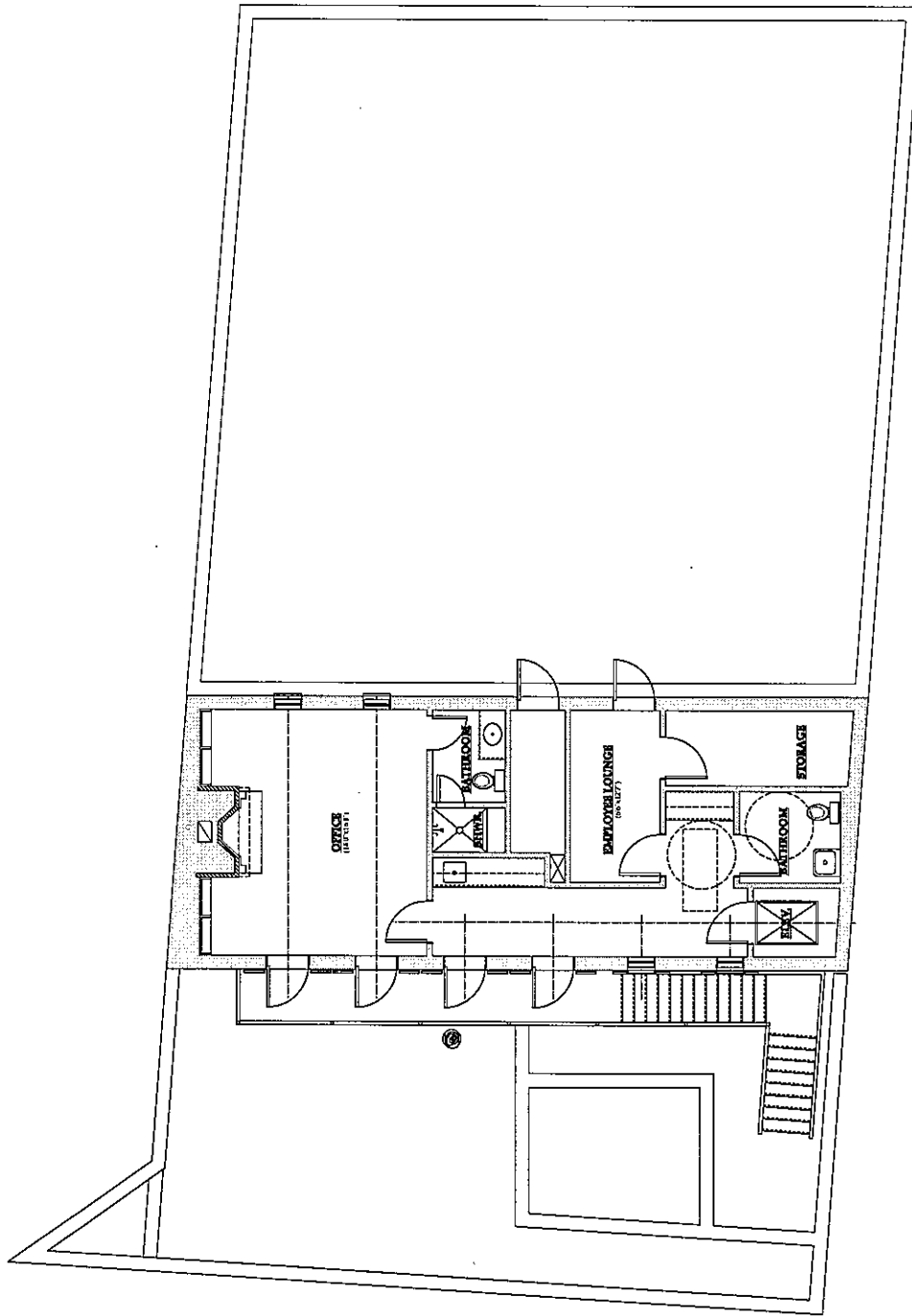
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Being architectural drawings for a project located at:

2701 McKinney
Dallas, Texas 75204

William S. Briggs Architects, PLLC
5616 Midway Street, #721
Dallas, Texas 75206
william@wbsa.com
214.696.1988

SECOND FLOOR PLAN
202
DATE: 11/16/10
DRAWN BY: [Signature]



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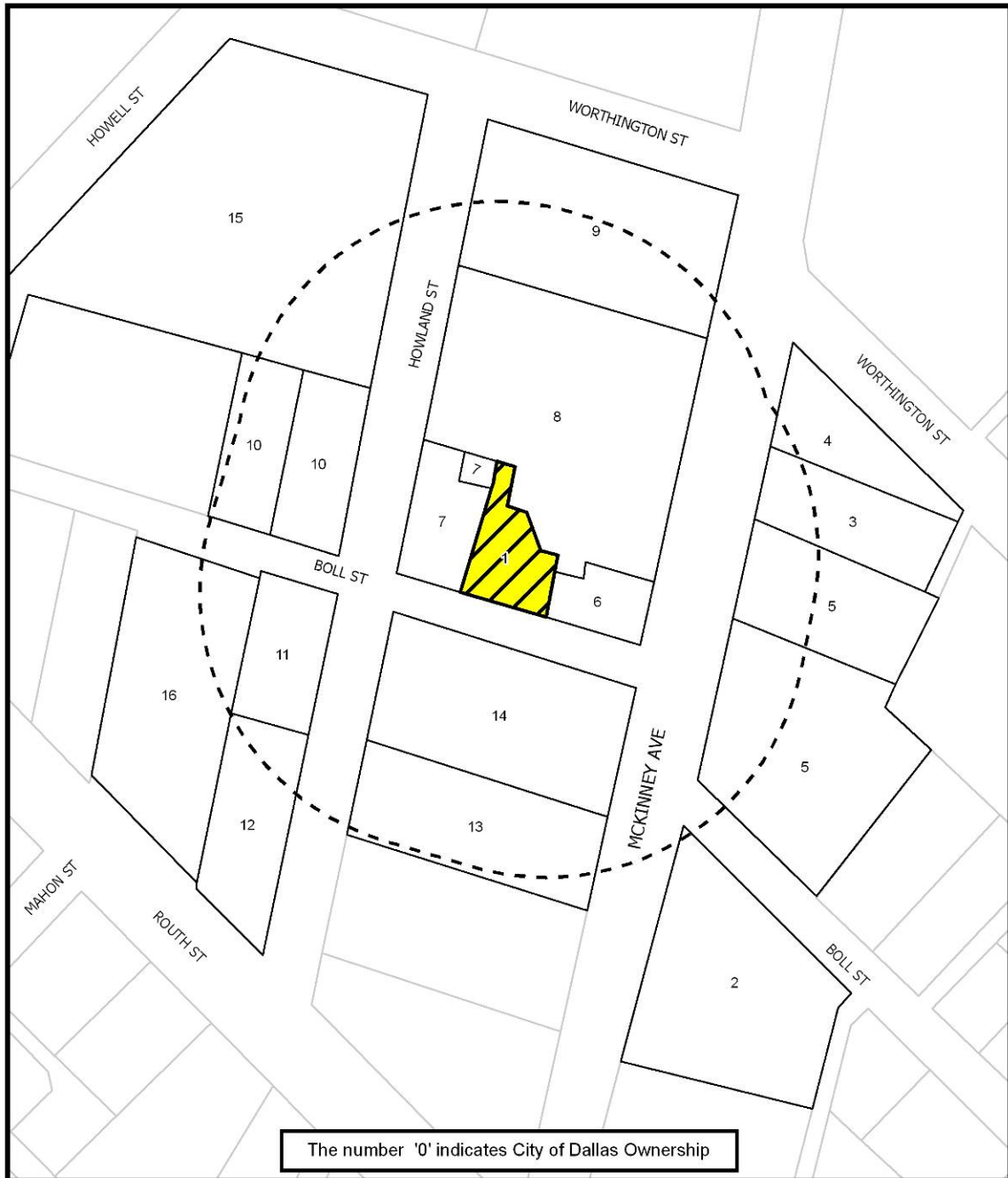
138 1/4" = 1'-0"

138 1/2" = 1'-0"

138 3/4" = 1'-0"

139" = 1'-0"

139 1/4" = 1'-0"



 1:1,200	NOTIFICATION	Case no: BDA112-040			
	<table border="1"> <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
200'	AREA OF NOTIFICATION				
16	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA112-040

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2612 BOLL ST	JACKSON FRANK & EDGAR MASON
2	2614 MCKINNEY AVE	J&K REAL ESTATE INV LTD
3	2714 MCKINNEY AVE	PASHA & SINA INC
4	2720 MCKINNEY AVE	HEIDARI MOHSEN C/O SAN FRANCISCO ROSE
5	2702 MCKINNEY AVE	AJP PROPERTIES
6	2701 MCKINNEY AVE	STORY HERBERT B JR
7	2614 BOLL ST	LONGCRIER MICHAEL C
8	2705 MCKINNEY AVE	PARK CITIES BANK
9	2611 WORTHINGTON ST	PARK CITIES BANK
10	2706 BOLL ST	STORY HERBERT B JR & MARY KAY STORY
11	2703 BOLL ST	OGLE LINDA K ET AL
12	2704 ROUTH ST	MARTIN INV LP % JAMES B MARTIN
13	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC
14	2633 MCKINNEY AVE	UPTOWN/MCKINNEY RETAIL LL ATTN: DAVID E
15	2626 HOWELL ST	KODIAK UPTOWN CENTER H LP STE 100
16	2708 ROUTH ST	POMODORO CORP

FILE NUMBER: BDA 112-058

BUILDING OFFICIAL'S REPORT:

Application of Herbert B. Story, represented by Rob Baldwin, for variances to the front yard setback regulations and a special exception to the landscaping regulations at 2701 McKinney Avenue. This property is more fully described as being an approximately .08 acre parcel out of Lot 3 in City Block 2/955 and is zoned PD-193(LC), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide up to a 0 foot front yard setback, which will require variances to the front yard setback regulations of up to 10 feet, and to provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2701 McKinney Avenue

APPLICANT: Herbert B. Story, Jr.
Represented by Rob Baldwin

REQUESTS:

- The following appeals have been made on a site that is currently developed with a restaurant use (S & D Oyster House):
 1. Variances to the front yard setback regulations of up to 10' in conjunction with:
 - a) constructing and maintaining a "proposed two story brick addition" structure 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 adjacent to this property. See BDA112-040); and
 - b) remedying 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;
 2. A special exception to the landscape regulations in conjunction with the proposed new addition/construction and not fully meeting the landscape requirements of PD 193.

STAFF RECOMMENDATION (variances):

Denial

Rationale:

- The applicant had not substantiated how either the restrictive area, shape, or slope of the site/lot preclude it from being developed in a manner commensurate with development found on other PD 193 (LC Subdistrict) zoned lots.

STAFF RECOMMENDATION (landscape special exception):

Denial

Rationale:

- The City of Dallas Chief Arborist recommends denial of this request because the applicant has not submitted an alternate landscape plan for review.
- The applicant had not substantiated how the special exception would not compromise the spirit and intent of 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.

GENERAL FACTS (variances):

- The subject site is located at the northwest corner of McKinney Avenue and Boll Street. Because the property with two street frontages is zoned PD 193 (LC), it has two 10' front yard setbacks.
- The minimum front yard setback on a PD 193 (LC) zoned lot is 10 feet.
- The applicant had submitted a site plan with the original application indicating (with the exception of the westernmost wall) 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 Boll Street front property line or 10'

into the required 10' front yard setback. The site plan also indicates an "existing one story brick building" that is located on the Boll Street front property line or 10' into the required 10' front yard setback along this street, and approximately 3' from the McKinney Avenue front property line or 7' into the required 10' front yard setback along this street.

- The site is flat, irregular in shape, and according to the amended application, 0.08 acres 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.
- DCAD records indicate that the improvements at 2701 McKinney are a "restaurant" with 2,450 square feet built in 1927.
- On May 2, 2012, the applicant's representative submitted additional information beyond what was submitted with the original application (see Attachment A). This documentation included a document entitled "Site Plan, General Notes, 1.01." (Note that this plan where an understanding was reached by staff as a plan that would substitute for all other previously submitted plans does not appear to show a clear representation of the side property line that separates this site from the neighboring site).

GENERAL FACTS (landscape special exception):

- 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 May 2, 2012, the applicant's representative submitted additional information beyond what was submitted with the original application (see Attachment A). This documentation included a document entitled "Site Plan, General Notes, 1.01."
- On May 4, 2012, the City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the landscape special exception (see Attachment B). The memo states that the requests in both cases are triggered by new construction and that the landscaping on both properties involve requirements related to trees in planting zones, sidewalks, screening of off-street parking, landscape site area, general planting area, and special planting area.
- The Chief Arborist stated that when the memo was prepared there was no confirmation available that either site is in compliance with any requirements of PD 193.
- The property has a pre-existing structure that will have a rear addition. The following landscaping will remain: four street trees, enhanced sidewalk pavement along McKinney Avenue, and benches. The existing structure prevents compliance with the ordinance regarding the placement of the sidewalk. The Chief Arborist has not seen a revised alternate landscape plan that conforms with the revised site plan submitted on May 2, 2012.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 193 (LC) (Planned Development District, Light commercial)
<u>North:</u>	PD 193 (LC) (Planned Development District, Light commercial)
<u>South:</u>	PD 193 (LC) (Planned Development District, Light commercial)
<u>East:</u>	PD 193 (LC) (Planned Development District, Light commercial)
<u>West:</u>	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 lot immediately west of the subject site)

On May 15, 2012, the Board of Adjustment Panel A will consider a request for a variance to the front yard setback regulations of 10' and a special exception to the landscape regulations requested in conjunction with constructing and maintaining what appears 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 this applicant for variance to the front yard setback regulations and special exception to the landscape regulations to be heard by Panel A on May 15, 2012: BDA 112-058), all to be located in the site's 10' front yard setback along Boll Street.

Timeline:

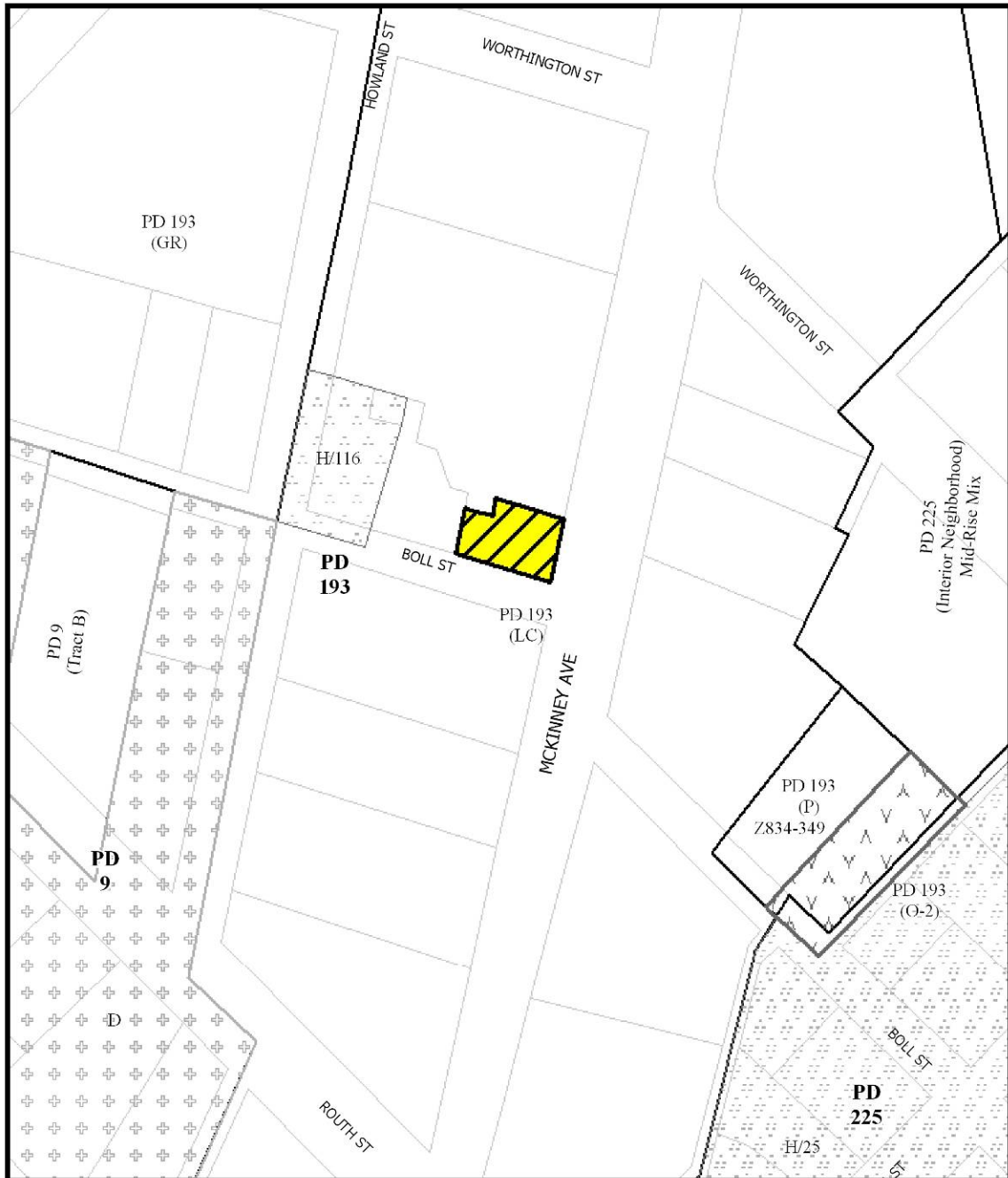
- April 4, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 17, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- April 19, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 4th 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 3, 2012: 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 Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.
- April 4, 2012: The applicant requested that this application be postponed from Panel A’s April hearing to Panel A’s May hearing.
- May 1, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.
- May 2, 2012: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- May 4, 2012: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment B).

STAFF ANALYSIS (variances):

- The site is flat, irregular in shape, and according to the amended application, 0.08 acres in area. The site is zoned PD 193 (LC). The site is a corner property with two front yard setbacks.
- DCAD records indicate that the improvements at 2701 McKinney are a “restaurant” with 2,450 square feet built in 1927.
- 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 the front yard variance requests, imposing a condition whereby the applicant must comply with the submitted revised site plan, the structures in the front yard setbacks would be limited to what is shown on this plan – which in this case portions of proposed and existing structures in the 10’ required front yard setbacks along Boll Street and McKinney Avenue.

STAFF ANALYSIS (related to the landscape special exception):

- This request focuses on constructing/maintaining the aforementioned new addition on the site and not fully meeting the landscape requirements of PD 193.
- The applicant has the burden of proof in establishing the following:
 - The special exception 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 an alternate landscape plan as a condition assures that the landscape special exception does not compromise the spirit and intent of the requirements of the PD 193 ordinance.

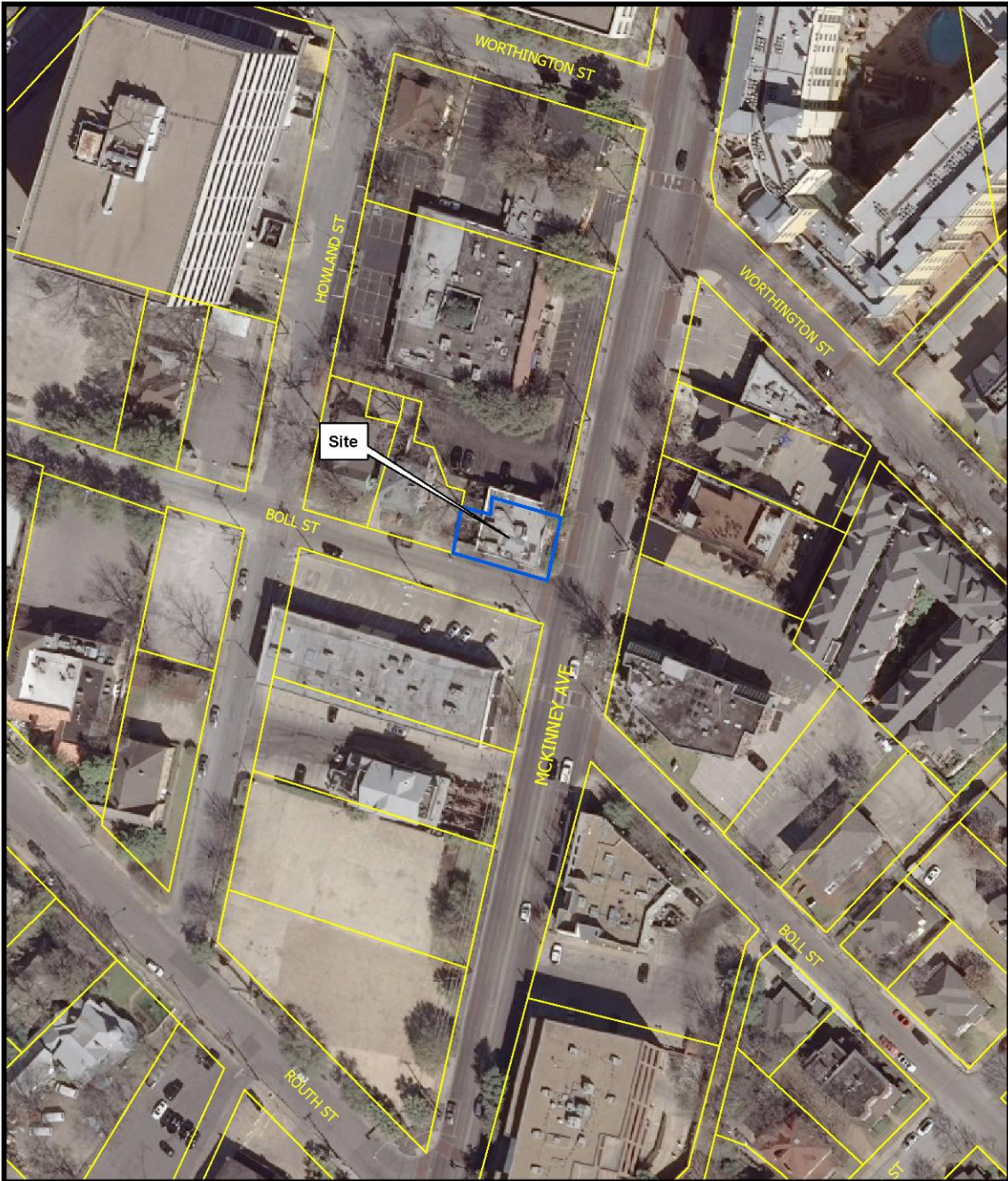


1:1,200

ZONING MAP

Case no: **BDA112-058**

Date: **4/26/2012**



1:1,200

AERIAL MAP

Case no: BDA112-058

Date: 4/26/2012

Memorandum



CITY OF DALLAS

DATE May 4, 2012
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 112 · 040 2612 Boll Street
BDA 112 · 058 2701 McKinney Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC) for lots at 2612 Boll Street and 2701 McKinney Avenue. The properties are identified on the same site plans for the two distinct cases.

Trigger

New construction on both properties.

Deficiencies

Landscaping on PD 193 (LC) lots requires trees in the planting zone, sidewalks, and screening of off-street parking. In addition, the LC district requires:

- Landscape Area – 10% of the lot, and 60% of the required front yard.
- General Planting Area – minimum 12% of the required front yard.
- Special Planting Area – minimum 6% of the required front yard.

At the time of this report, there is no confirmation available that either site is in compliance with any of the requirements of PD 193 (LC).

Factors

2612 Boll Street – The property will be completely renovated after demolition of the existing structure and re-grading of the property. As identified on the site plan, two large protected trees will be removed. One of the two protected trees (large cottonwood) has an existing defect that makes the tree a high risk to several properties. An additional planting bed and new street trees in grates will be added to the Boll Street frontage. The sidewalk is intended to be in continuity with the 2701 McKinney Avenue sidewalk.

2701 McKinney Avenue – The property has a pre-existing structure that will have an addition to the rear. The following landscaping will remain: four street trees, enhanced sidewalk pavement along McKinney Avenue, and benches. The existing structure prevents compliance with the ordinance regarding placement of the sidewalk.

I have not seen a revised alternate landscape plan that conforms with the revised site plan that the applicant provided on May 2, 2012.

BDA 112-040
058
Attach B
pg 2

Recommendation

Denial for case 112-040 (**2612 Boll Street**).

An alternative landscape plan was not presented for review and recommendation.

Denial for case 112-058 (**2701 McKinney Avenue**).

The site is subject to pre-existing restrictions that prohibit full compliance with the PD 193 landscaping requirements. A revised alternate landscape plan was not presented for review and recommendation.

If the Board is inclined to approve the request at 2701 McKinney Avenue based on existing landscaping conditions identified on the site plan, I recommend an alternative landscape plan be presented identifying all existing landscape conditions on the site, including identifying all tree grates and metal works near trees that will be repaired or replaced to protect the tree from physical damages.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-058

Data Relative to Subject Property:

Date: 4-4-12

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

Lot No.: pt. 3 Block No.: 2/955 Acreage: 0.106 acres Census Tract: 18.00

Street Frontage (in Feet): 1) 73.85' 2) 50' 3) _____ 4) _____ 5) _____

SW 22

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Herbert Story, Jr.

Applicant: Herb Story, S&D Oyster House Telephone: (214) 880-0111

Mailing Address: 2701 McKinney Ave, Dallas, TX Zip Code: 75204

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

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

Affirm that a request has been made for a Variance X, or Special Exception X of _____
To the required front yard setback and the approval of an alternate landscaping plan _____

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The proposed expansion of the S&D Oyster House s intended to look seamless with the existing building and these approvals are necessary to allow the expansion.

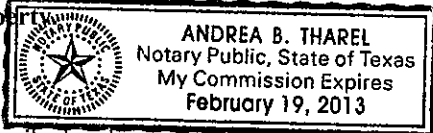
Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Respectfully submitted: Herbert Story, Jr.
Applicant's name printed

[Handwritten Signature]
Applicant's signature

Affidavit

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



[Handwritten Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 4 day of April, 2012

Andrea Tharel
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

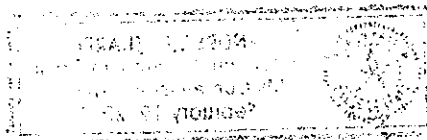
Remarks _____

Chairman

Building Official's Report

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

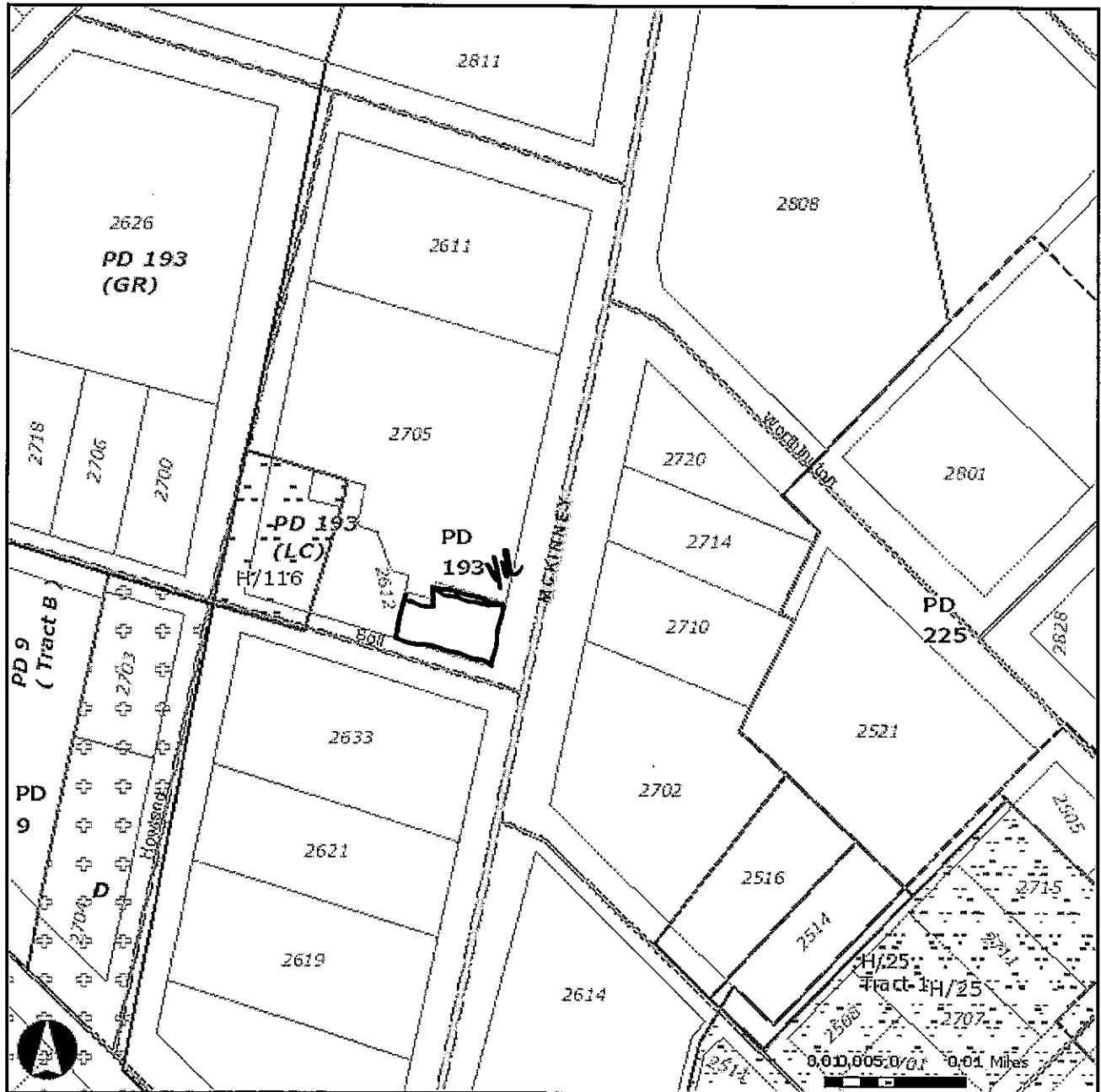
BDA112-058. Application of Herbert B. Story represented by Rob Baldwin for a variance to the front yard setback regulations and a special exception to the landscaping regulation at 2701 McKinney Avenue. This property is more fully described as being a .106 acre parcel out of lot 3 in city block 2/955 and is zoned PD-193(LC), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.



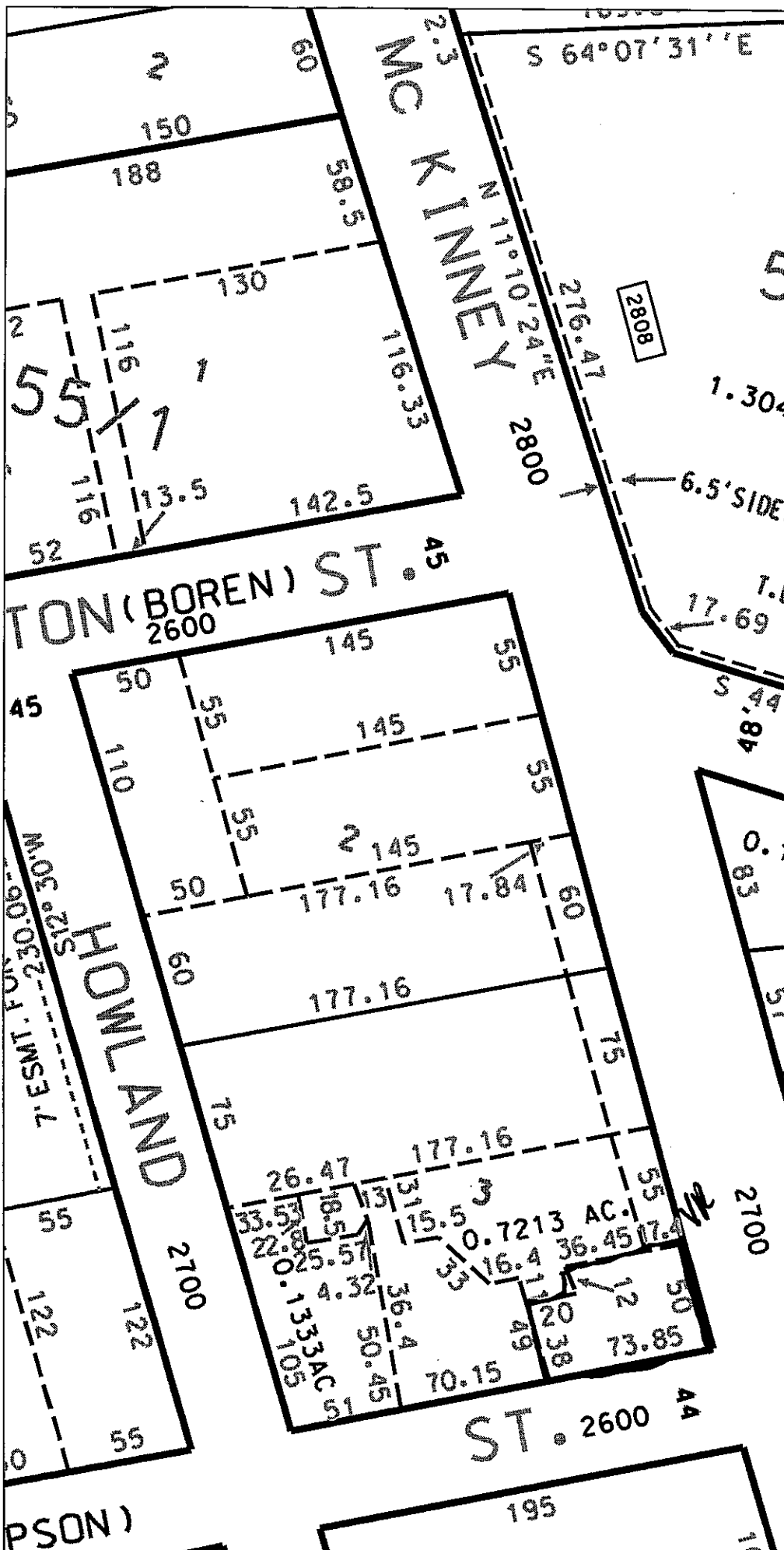
Sincerely,

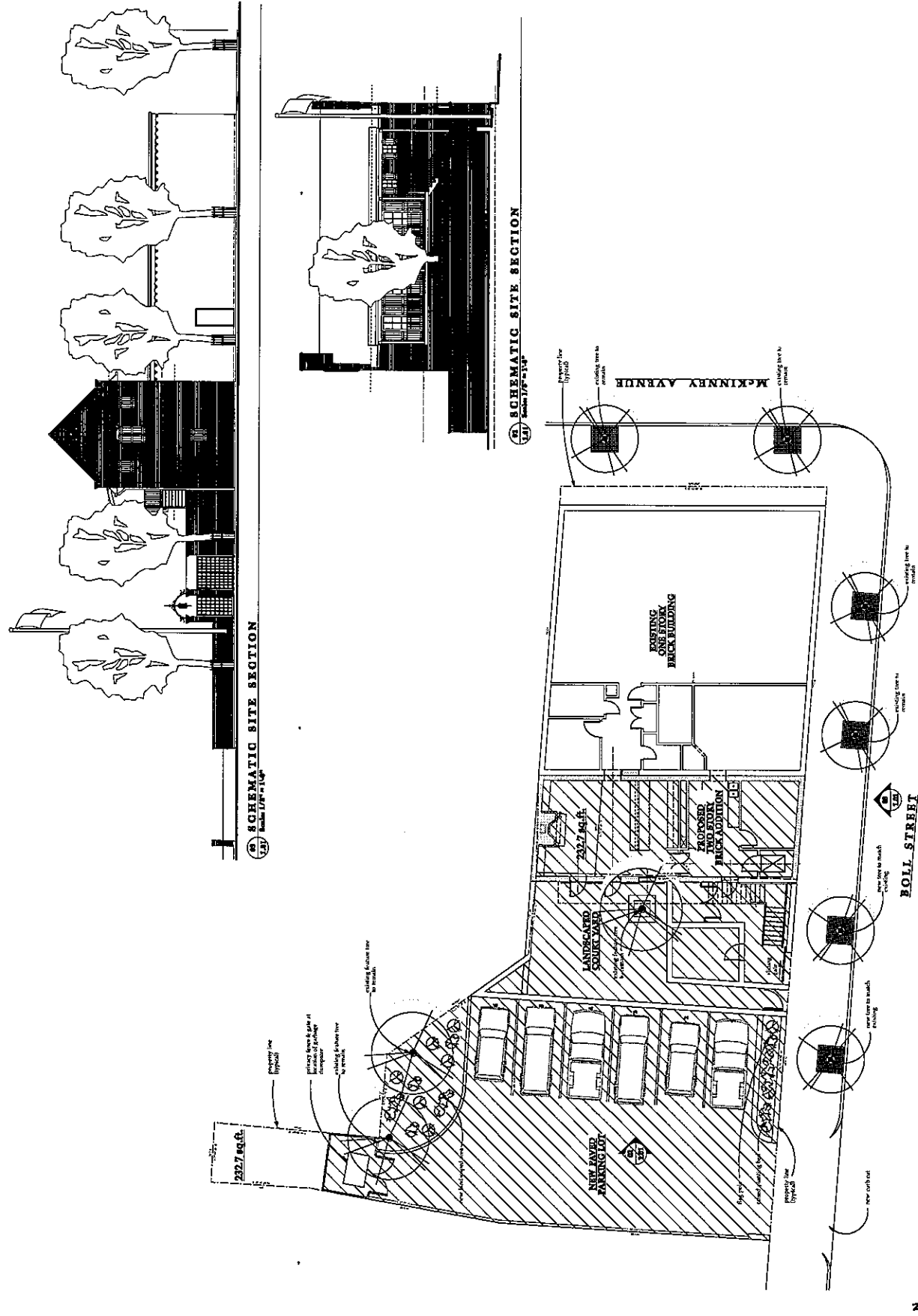
Lloyd Denman
Lloyd Denman, Building Official

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>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> |
|--|--|---|





6 SITE PLAN
Scale: 1/8" = 1'-0"

7 SCHEMATIC SITE SECTION
Scale: 1/8" = 1'-0"

8 SCHEMATIC SITE SECTION
Scale: 1/8" = 1'-0"

GENERAL NOTES

1:01

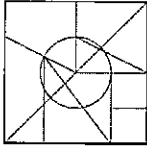
Job # 116-13

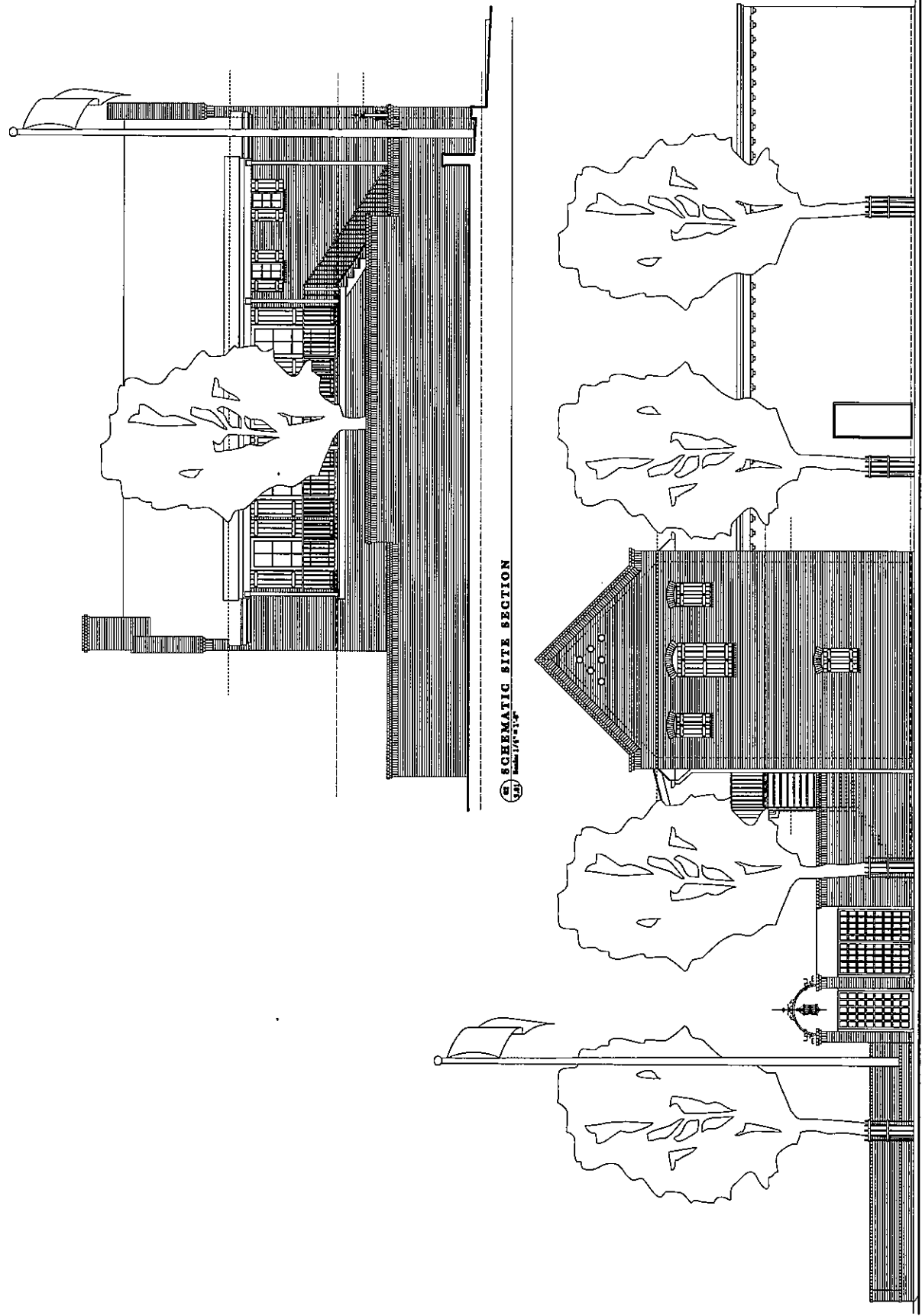
DATE: 04/11/13

2701 McKinney
Dallas, Texas 75204

Being architectural drawings for a project located at:

William S. Briggs, Architect, PLLC
5616 Mission Street, #723
Dallas, Texas 75206
William@wbsbriggs.com
214.696.1986





SCHEMATIC SITE SECTION

EXTERIOR ELEVATION (SOUTH)

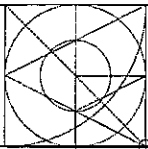
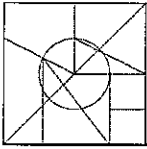
3.01
EXTERIOR ELEVATIONS

2701 McKinney Blvd.
Dallas, Texas 75204

2701 McKinney
Dallas, Texas 75204

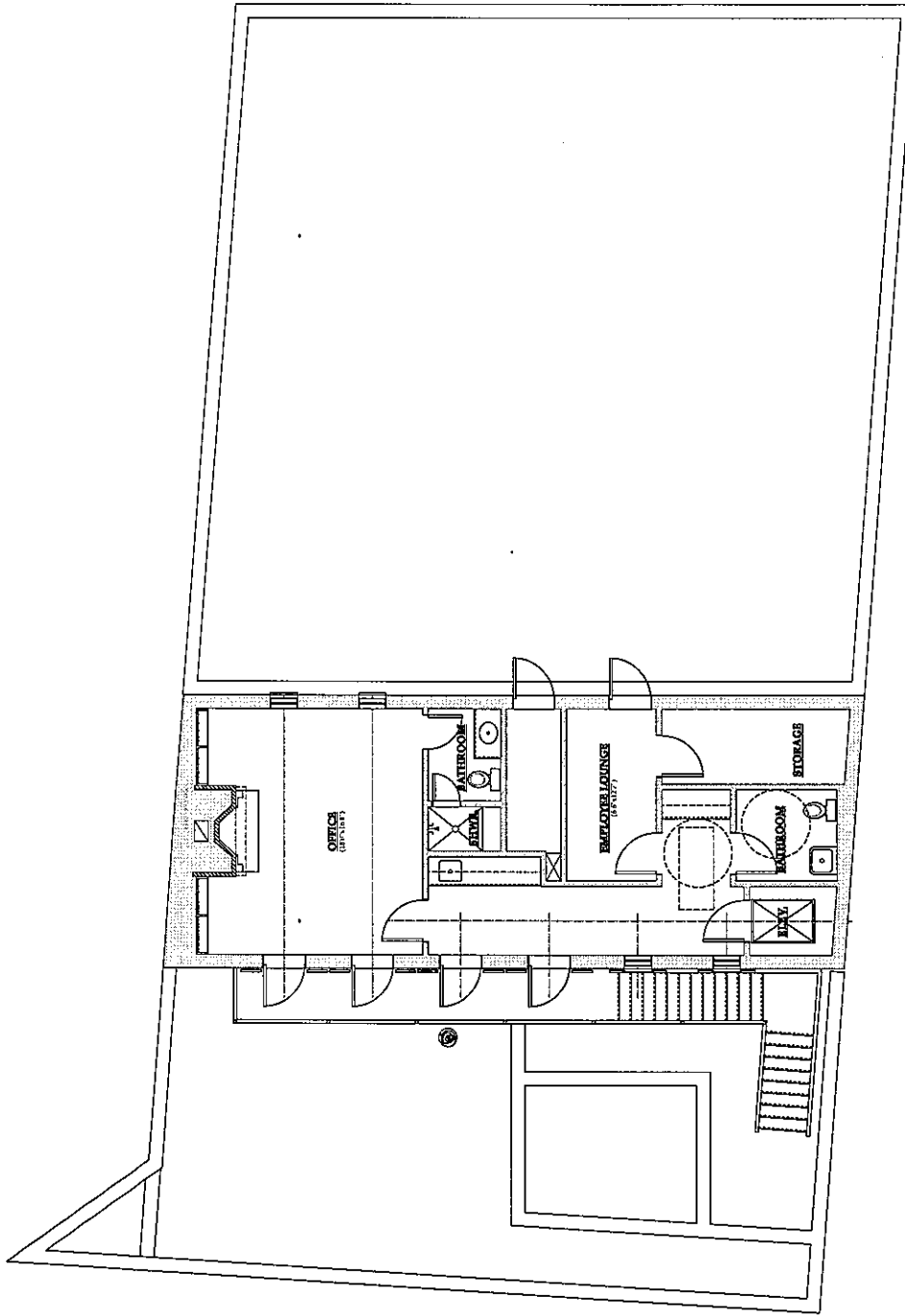
being architectural drawings for a project located at:

William S. Briggs, Architect, P.L.L.C.
5815 Alston Street, #727
Dallas, Texas 75206
214.696.1986
williams@briggs.com



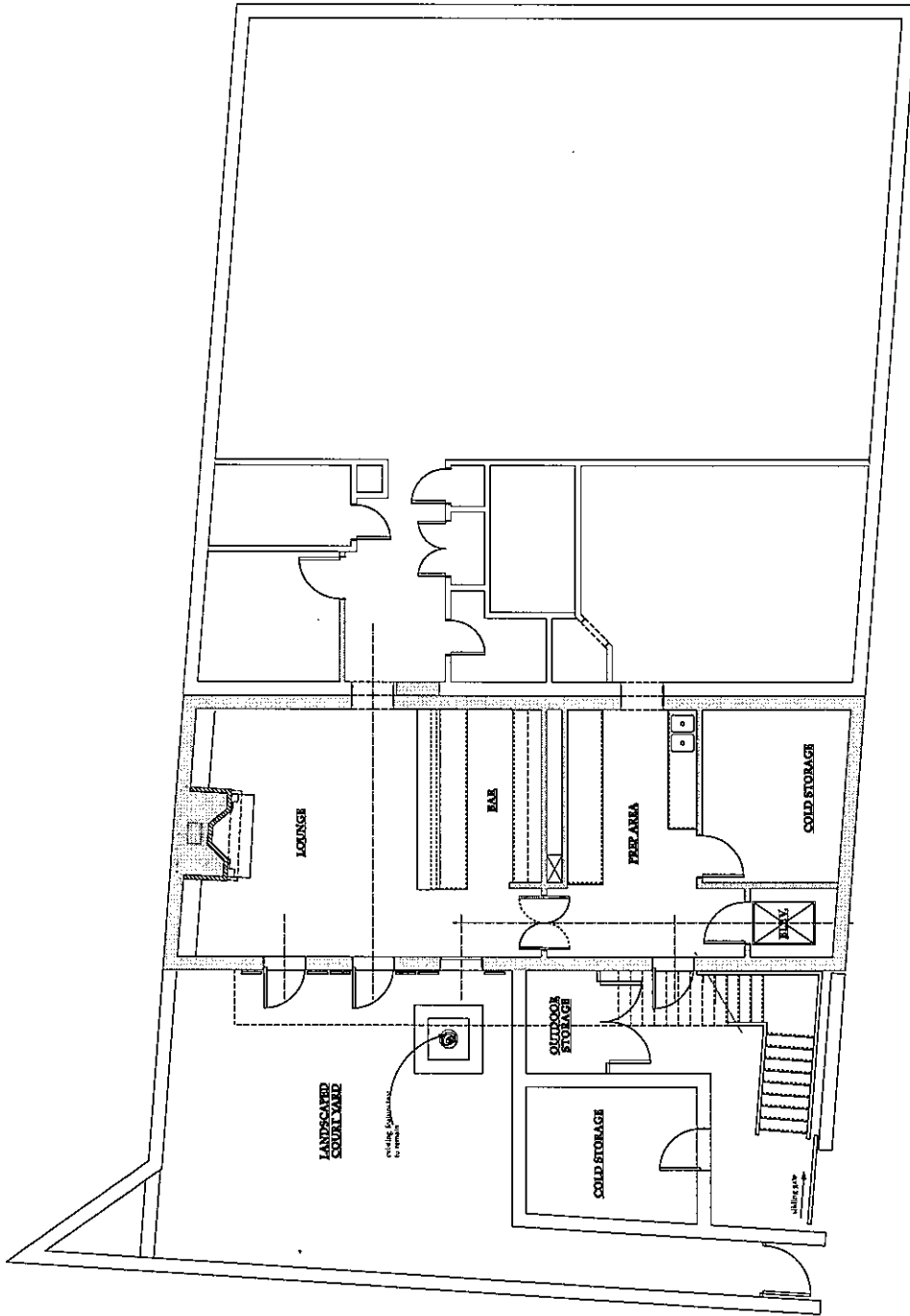
DATE: 11/16/10

SECOND FLOOR PLAN
202
 2701 McKinney
 Dallas, Texas 75204
 Being architectural drawings for a project located at:
 2701 McKinney, Dallas, Texas 75204
 William S. Briggs, Architect, PLLC
 5616 Miramonte, #127
 Dallas, Texas 75238
 214.696.1088
 williams@wbsa.com



GRAPHIC SCALE
 0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10'

N
 SECOND FLOOR PLAN
 Scale: 1/8" = 1'-0"



PROPOSED AREA CALCULATIONS:

1st floor A/C	1,000 sq. ft.
2nd floor A/C	1,000 sq. ft.
Total A/C	2,000 sq. ft.



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



 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;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA112-058 Date: 4/26/2012
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA112-058

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2701 MCKINNEY AVE	STORY HERBERT B JR
2	2614 MCKINNEY AVE	J&K REAL ESTATE INV LTD
3	2714 MCKINNEY AVE	PASHA & SINA INC
4	2720 MCKINNEY AVE	HEIDARI MOHSEN C/O SAN FRANCISCO ROSE
5	2702 MCKINNEY AVE	AJP PROPERTIES
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12	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC
13	2633 MCKINNEY AVE	UPTOWN/MCKINNEY RETAIL LL ATTN: DAVID E
14	2521 WORTHINGTON ST	POST APARTMENT HOMES LP POST PPTYS INC
15	2626 HOWELL ST	KODIAK UPTOWN CENTER H LP STE 100