

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, MAY 20, 2014
AGENDA

BRIEFING	6ES, DALLAS CITY HALL 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	6ES, DALLAS CITY HALL 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the April 22, 2014 Board of Adjustment Panel A Public Hearing Minutes	M1
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REGULAR CASES

BDA 134-026	5931 Boca Raton Drive REQUEST: Application of J. Jared Day for special exceptions to the fence height and visual obstruction regulations	1
BDA 134-042	100 Crescent Court REQUEST: Application of Robert Reeves for a special exception to the landscape regulations	2
BDA 134-043	10349 Strait Lane REQUEST: Application of Robert Baldwin for a special exception to a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter and a variance to the front yard setback regulations	3
BDA 134-045	4989 Shadywood Lane REQUEST: Application of Peter F. Hennessey for a special exception to the fence height regulations	4

EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices.. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A April 22, 2014 public hearing minutes.

FILE NUMBER: BDA 134-026

BUILDING OFFICIAL'S REPORT: Application of J. Jared Day for special exceptions to the fence height and visual obstruction regulations at 5931 Boca Raton Drive. This property is more fully described as Lot 11, Block 13/6383 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct/maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations, and to locate/maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 5931 Boca Raton Drive

APPLICANT: J. Jared Day

REQUESTS:

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

1. A special exception to the fence height regulations of 4' is made to maintain an 8' high solid board-on-board wood fence in site's 35' front yard setback.
2. A special exception to the visual obstruction regulations is made to maintain a portion of the aforementioned 8' high solid wood fence and "vegetation" in the 45' visibility triangle at the intersection of Boca Raton Drive and Preston Road.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence height):

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

STAFF RECOMMENDATION (visual obstruction):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objection to this request.
- The applicant has substantiated how maintaining a portion maintaining a portion of an 8' high solid wood fence and "vegetation" (noted on an elevation to be an average height of 12') in the 45' visibility triangle at the intersection of Boca Raton Drive and Preston Road does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

February 7, 2014: 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 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

- April 14, 2014: 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the May 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 6, 2014: 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- May 8, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant’s request for a special exception to the visual obstruction regulations marked “Has no objections.”

GENERAL FACTS/STAFF ANALYSIS (fence height):

- This request focuses on maintaining an 8’ high solid board-on-board wood fence in the site’s 35 front yard setback on a site developed with a single family home/use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The site is located at the northwest corner of Boca Raton Drive and Preston Road. The site has a 35’ front yard setback along Boca Raton Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a side yard setback along Preston Road, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 10’ setback is required and where a 9’ high fence can be constructed and maintained by right.
- The applicant has submitted a site plan and elevations of the proposal in the front yard setback that reaches a maximum height of 8’.
- The following additional information was gleaned from the submitted site plan:

- The proposal is represented as being approximately 42' in length angled at the intersection of Boca Raton Drive and Preston Road.
- The proposal is represented as being located approximately on the Boca Raton Drive front property line and about 6' from the Preston Road side property line, or about 12' from the pavement lines of both streets.
- The site plan shows the fence location and unmarked circles adjacent to the fence that appears to be a representation of average 12' "vegetation" that is shown on a submitted elevation.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high which appeared to be located in a front yard setback.
- One home fronts the proposal on Boca Raton Drive, a property with no fence in its front yard setback.
- As of May 12, 2014, no letters have been submitted in support of the request and one letter has been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction):

- This request focuses on maintaining a portion of an 8' high solid wood fence and "vegetation" (noted on an elevation to be an average height of 12') in the 45' visibility triangle at the intersection of Boca Raton Drive and Preston Road.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and elevations have been submitted indicating portions of an 8' high solid board-on-board wood fence and "vegetation" in the 45' visibility triangle at the intersection of Boca Raton Drive and Preston Road.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain portions of an 8' high solid wood fence and "vegetation" in the 45' visibility triangle at the intersection of Boca Raton Drive and Preston Road does not constitute a traffic hazard.

- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevations would require the items (an 8' high solid wood fence and "vegetation" in the 45' visibility triangle at the intersection of Boca Raton Drive and Preston Road) to be limited to and maintained in the locations, height and materials as shown on these documents.

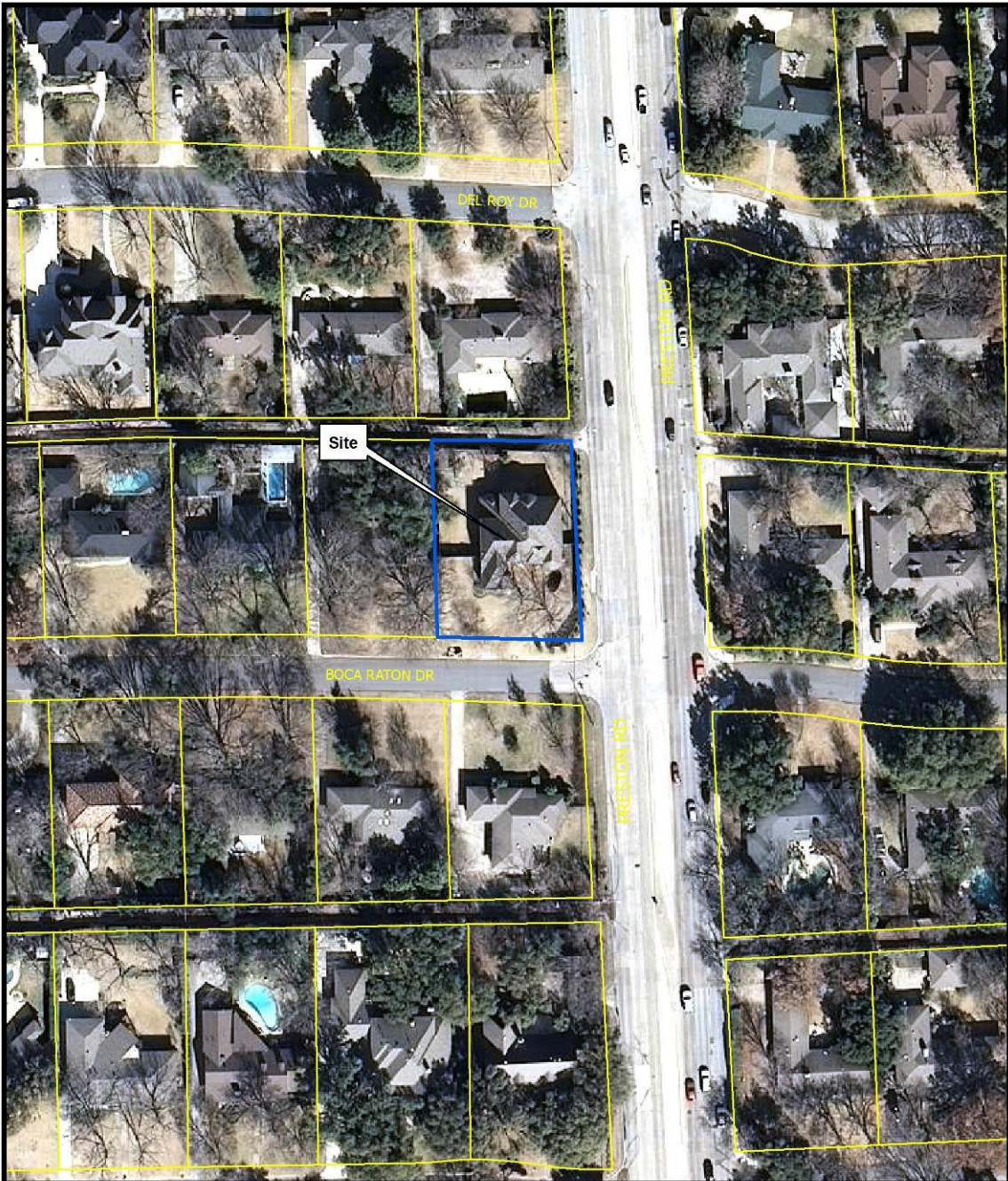


1:1,200

ZONING MAP

Case no: BDA134-026

Date: 4/24/2014



1:1,200

AERIAL MAP

Case no: BDA134-026

Date: 4/24/2014



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 13A-026

Data Relative to Subject Property:

Date: 2-7-14

Location address: 5931 Boca Raton Dr.

Zoning District: R-16(A)

Lot No.: 11 Block No.: 1316383 Acreage: .38

Census Tract: 134.00

Street Frontage (in Feet): 1) 112 2) 151 3) _____ 4) _____ 5) _____ NE2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Joseph Jared and Lynsey Day

Applicant: J. Jared Day

Telephone: 214.558.9950

Mailing Address: 5931 Boca Raton DR.

Zip Code: 75230

E-mail Address: jared.day@firehost.com

Represented by: n/a

Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception of Add four feet to the fence height in front yard. The fence has been in place for years and visibility triangle at the street intersection.

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:

In order to enhance the security within the neighborhood, there is a city bus stop on the corner of our lot and cars traveling at high speeds down preston road. In our neighbor's opinion, this would not constitute a safety hazard.

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 Joseph Jared
(Affiant/Applicant's name printed)

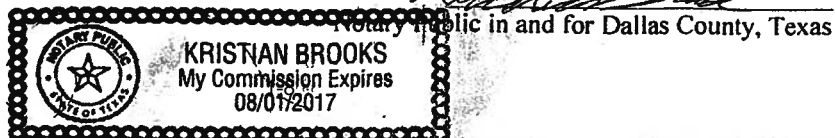
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

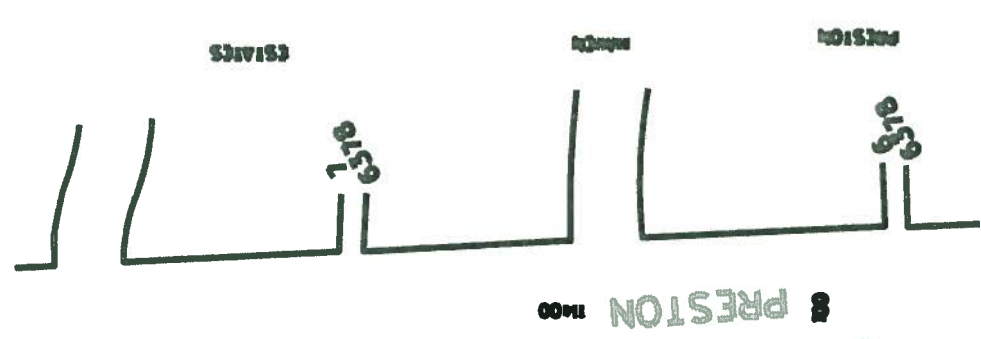
Subscribed and sworn to before me this 7th day of Feb., 2014

(Rev. 08-01-11)

BDA 134-026



TOP



GTD 25B
E-7 NH

City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts

BDA 134-026

Dry Overlay



Historic Overlay



Historic Subdistricts

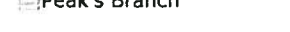


NSO Overlay

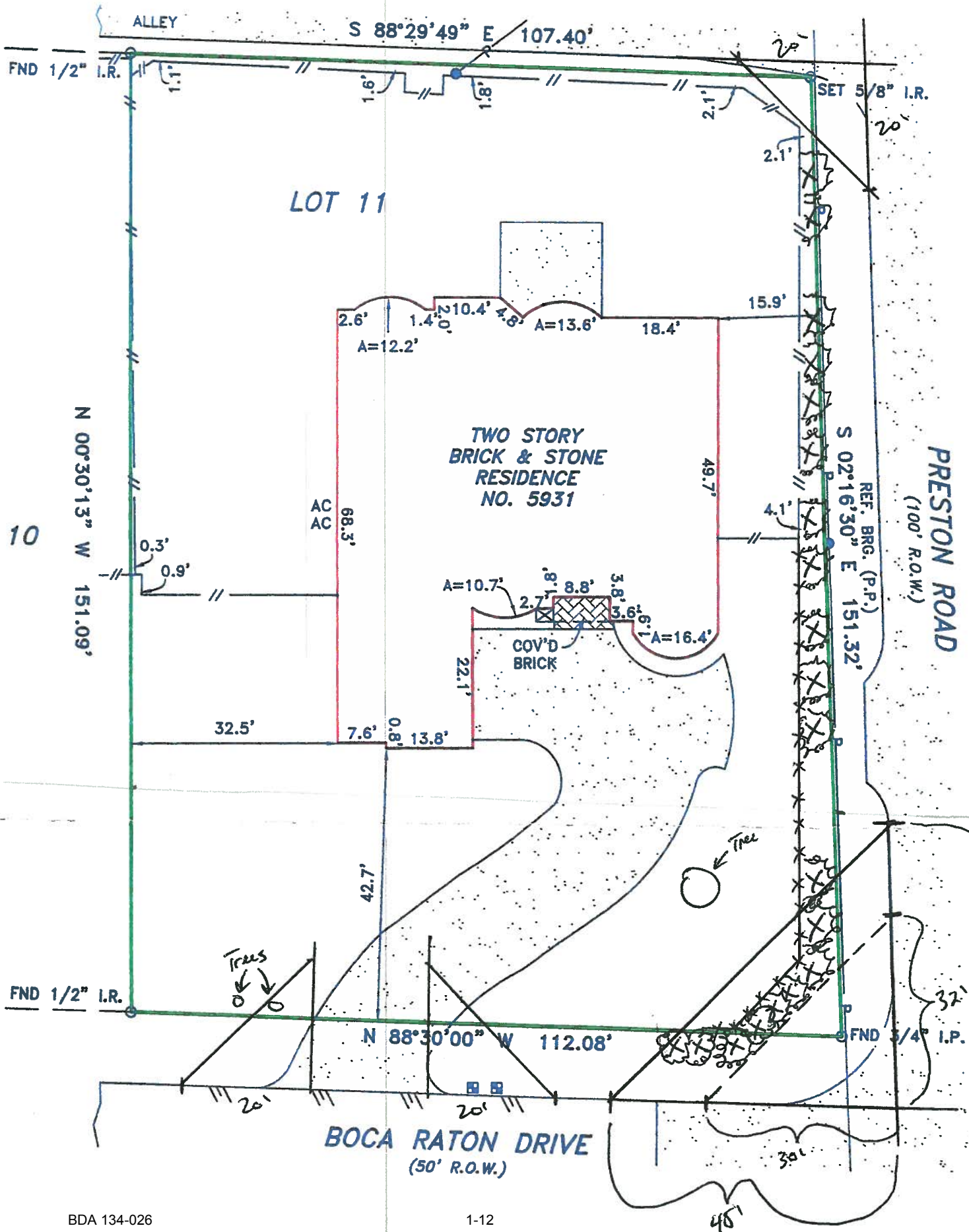
Base Zoning



Floodplain



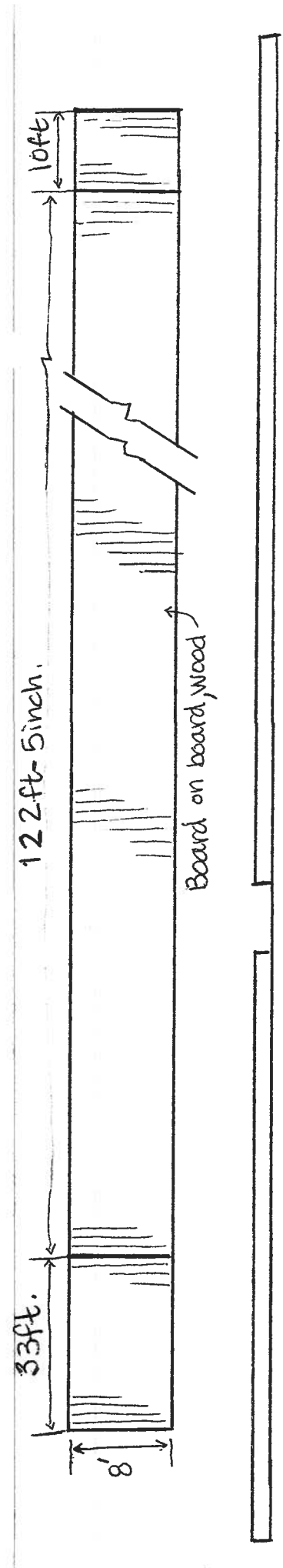
Pedestrian Overlay



WEST VIEW - Fenceline Elevation Drawings
(Facing Preston Road)
Scale: $\frac{3/8"}{1'} = 1'$
5931 Boca Raton

BDA 134-026

1-13

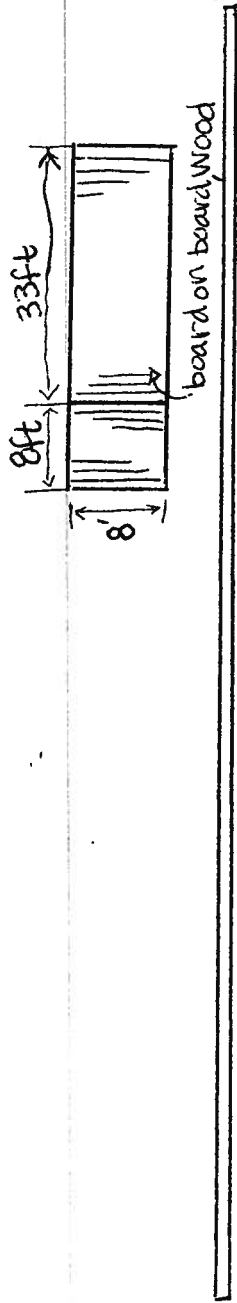


Preston Rd.
Fence Ht. Elevation

NORTH VIEW - Fenceline Elevation Drawings Scale: $\frac{1}{16}'' = 1'$ # 5931 Boca Raton #
(Facing Boca Raton)

BDA 134-026

1-14



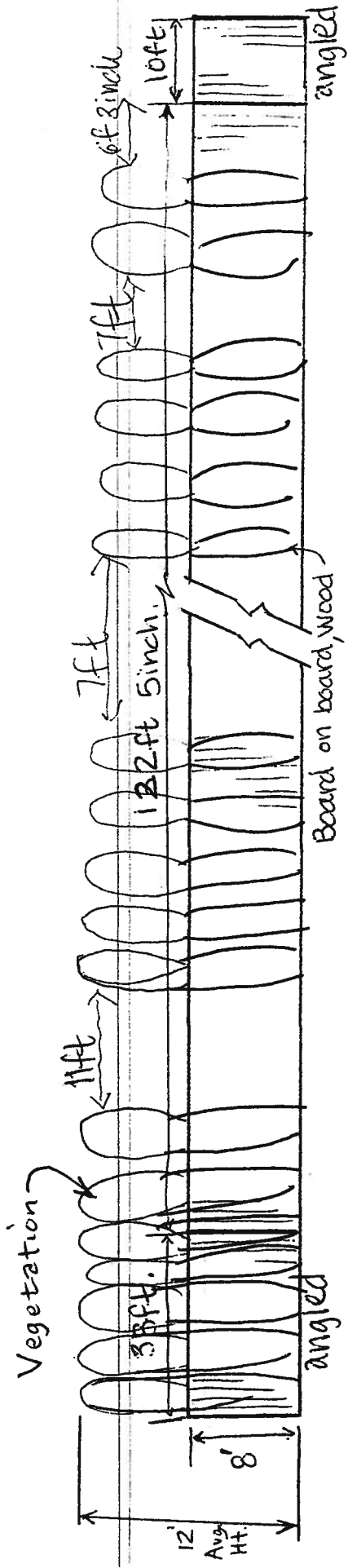
Boca Raton

Fence Ht. Elevation

WEST VIEW - Fenceline Elevation Drawings and TREES (Facing Preston Road)

5931 Boca Raton

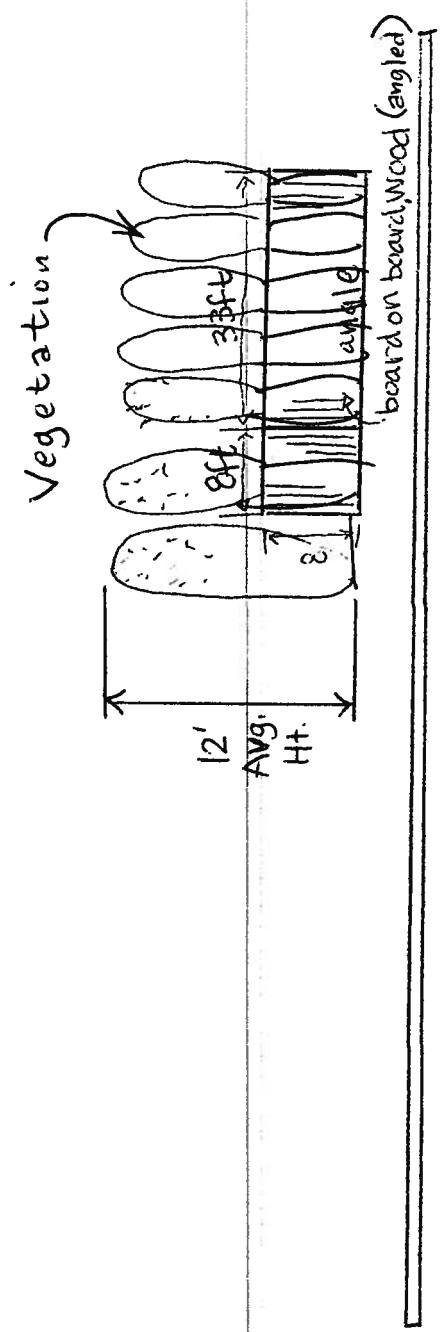
scale: $\frac{3/32"}{1"} = 1'$



Preston Rd.
Visibility Elevation

NORTH VIEW - Fenceline Elevation Drawings and TREES
 (Facing Boca Raton)

Scale: 1/8" = 1' → \$ 5931 Boca Raton \$



Visibility Elevation

February, 2014

Dear Board of Adjustment,

We are writing to elaborate on our applications for a special exception to add four feet to the fence height in our front yard, and a special exception to maintain our existing fence and trees within the visibility triangle on the northwest corner of Preston Road and Boca Raton.

We planted the trees in the visibility triangle soon after we purchased our home in 2008, and then constructed the fence behind the trees soon thereafter. We apologize for not applying for a special exception in advance; however we were not aware of the regulations.

Please accept that this was an honest mistake, and the result of a flawed assumption on our part. We assumed that so long as our trees and fence were further back from Preston, and further away from the corner, than was the case for the majority of the homes in our area along Preston Road we would not be in violation of any city regulations. Shortly after the trees were planted, on June 5, 2008, we received a visit from a representative from the Code Compliance office who informed us there was a visibility triangle, and asked us to move the trees back a few feet. We incurred the cost to comply with this request, and confirmed with the Code Compliance representative, George, and his supervisor Gwendolyn Price that they were happy with the new location of the trees. We were told that the trees as currently placed were outside the visibility triangle and not a safety hazard.

As the trees have matured, we have taken great care in trimming them regularly so they do not stick out any further than they did on the day they were planted. We have provided photographs in Exhibit A of the trees, fence, and the front of our home all of which all well maintained.

There are approximately 99 homes on corner lots along Preston Road (State Highway 289) between 1635 and Northwest Highway. As of January 25, 2014, approximately 56 of these homes had thick vegetation, a tall fence, or a tall wall clearly inside the visibility triangle. We provided Exhibit B to illustrate a few of these homes and provide an example of the sort of barriers and vegetation that are commonly used by homeowners in our area to protect their lawns and homes from the heavy traffic that moves at high speeds along this six lane road.

In addition, we have a City of Dallas bus stop on the corner of our lot, which is visible from the photographs in Exhibit A.

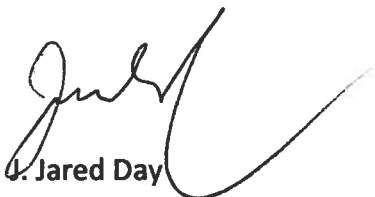
We have resided in the neighborhood for more than 10 years, and when we bought our current house at 5931 Boca Raton we assumed that we would have the same opportunity as our neighbors to protect ourselves and our three young children from the high-speed traffic whizzing by, and from the strangers loitering at the bus stop that is a stone's throw from our front door. We have made every effort to ensure the trees and fence that we have constructed as a safety barrier are aesthetically pleasing.

Finally, we feel strongly that our trees and fence are not a safety hazard. There are numerous facts supporting this conclusion, including:

- The photos in Exhibit A illustrate that a driver at the stop sign on Preston Road can see all the way through the next intersection (North of Boca Raton) because visibility is not at all obstructed by our trees and fence
- We have discussed this matter with our neighbors. They agree that our trees and fence are not a safety hazard, and are supportive of our maintaining both the trees and the fence so that our young children may continue to play in their front yard. Our family drives through this intersection several times a day, and we would not endanger ourselves or our children by obstructing visibility
- There is apparently not a uniform standard **that is enforced** for size of safety triangles at street intersections within the city of Dallas. It is our understanding that other Texas cities, where safety triangles are consistently enforced, require much smaller safety triangles at similar intersections. Based on the facts we've presented, it is clear that a 45x45 safety triangle is not justified at the corner of Boca Raton and Preston Road

Thank you in advance for your consideration of our request for these special exceptions.

Sincerely,


J. Jared Day


Lynsey Day

Exhibit A: Photos of 5931 Boca Raton



***Vehicle pulling from Boca Raton onto Preston Road
Visibility not obstructed by trees in visibility triangle, 8 feet from Preston Road***



***Photograph from driver's window of vehicle at Boca Raton/Preston Road stop sign.
Visibility not obstructed by trees in visibility triangle, 8 feet from Preston Road***



***Photograph from yard across the street from 5931 Boca Raton
View down Preston Road***



***Photograph from street in front of 5931 Boca Raton
View of house and front yard from side opposite Preston Road***

Exhibit B: Photos of nearby homes along Preston Road



***SE corner of Meadowcrest, one block from 5931 Boca Raton
Photo from driver's seat. Vegetation 4 feet from Preston Road***

5931 Boca Raton



***NE corner of Meadowcrest, one block from 5931 Boca Raton
Photo from driver's seat. Vegetation 4 feet from Preston Road***



***NE corner of Meadow, ~1 mile from 5931 Boca Raton
Photo from driver's seat. Vegetation 3 feet from Preston Road***



***NE corner of Waggoner, ~1 mile from 5931 Boca Raton
Photo from driver's seat. Vegetation 2 feet from Preston Road***



***Corner of Aberdeen & Preston, ~1 mile from 5931 Boca Raton
Photo from driver's seat. Vegetation 2 feet from Preston Road***



***Corner of Lakehurst & Preston, ~1 mile from 5931 Boca Raton
Photo from driver's seat. Vegetation 2 feet from Preston Road***



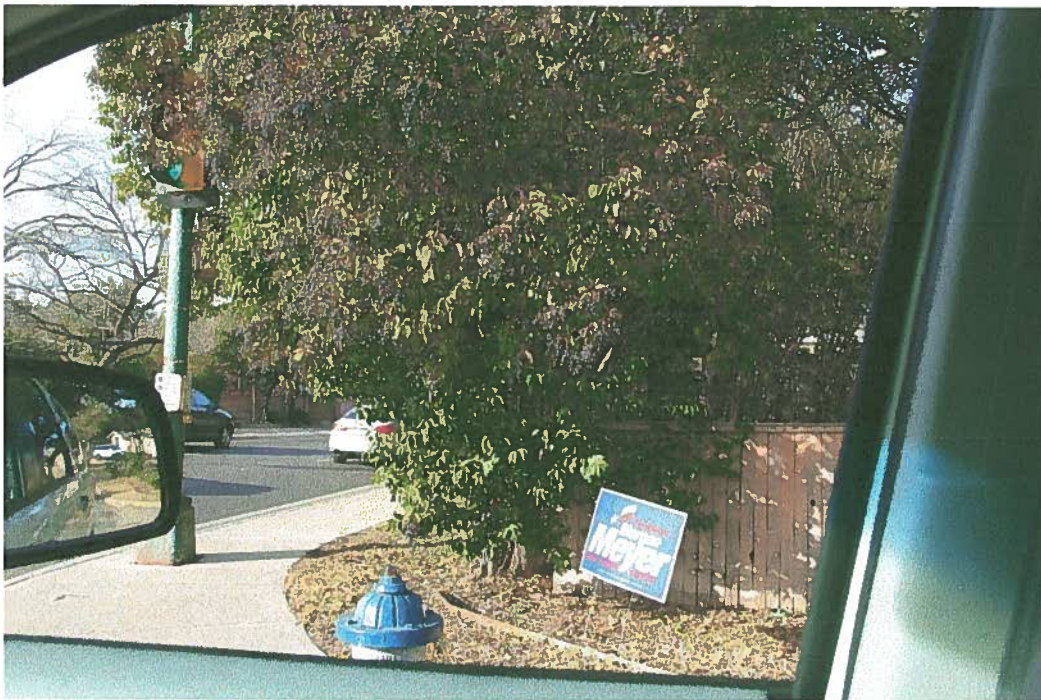
***Corner of Joyce Way & Preston, ~2 miles from 5931 Boca Raton
Photo from driver's seat. Vegetation 6 feet from Preston Road***



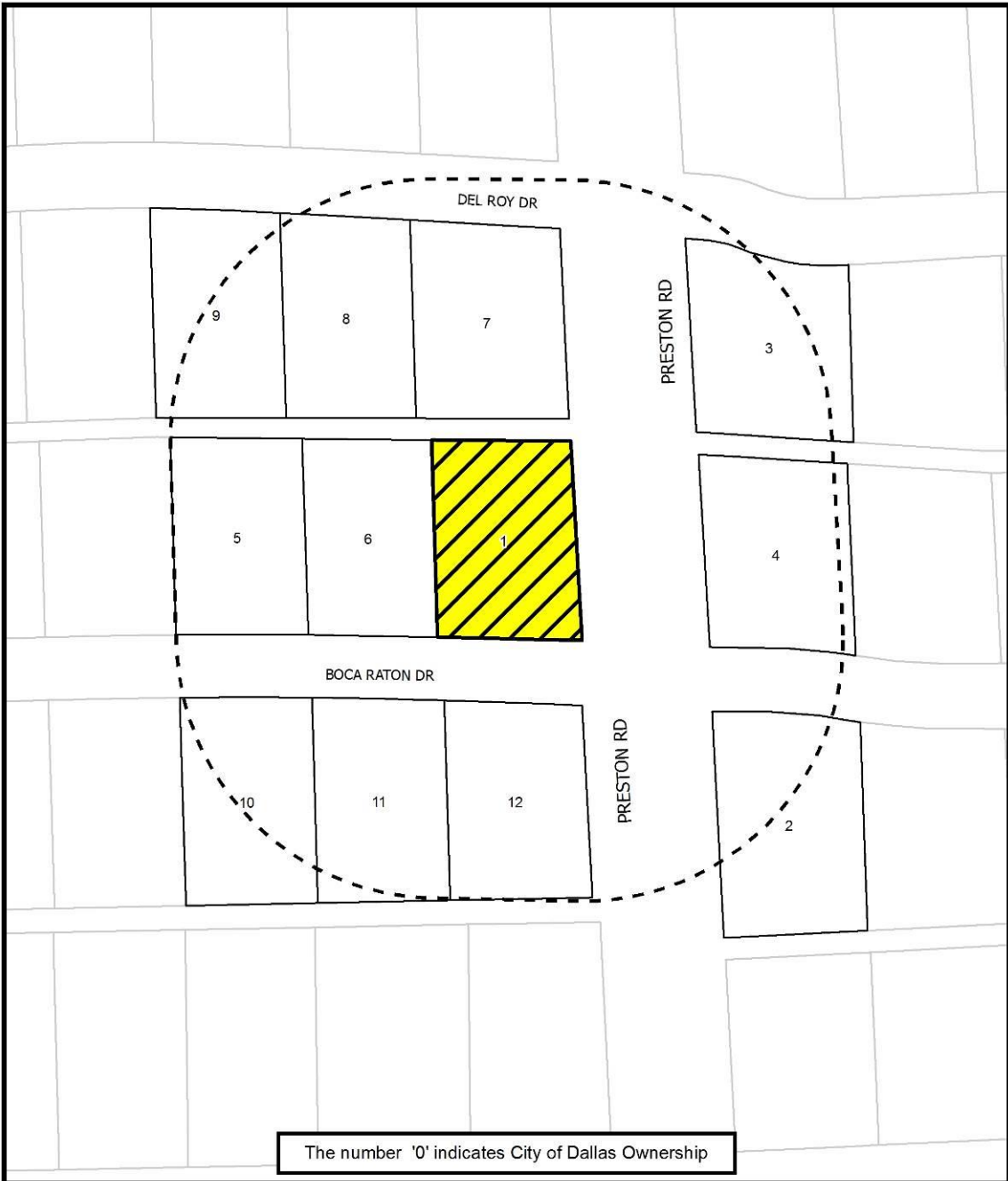
***Corner of Woodland & Preston, ~2 miles from 5931 Boca Raton
Photo from driver's seat. Vegetation 5 feet from Preston Road***



***NE corner of Royal Crest, two blocks from 5931 Boca Raton
Photo from driver's seat. Vegetation 4 feet from Preston Road***



***NE corner of Northaven, three blocks from 5931 Boca Raton
Photo from driver's seat. Vegetation 6 feet from Preston Road***



The number '0' indicates City of Dallas Ownership

 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;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA134-026</u> Date: <u>4/24/2014</u>
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA134-026

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5931 BOCA RATON DR	DAY JOSEPH JARED & LYNSEY
2	6006 BOCA RATON DR	SHAH NINA
3	6006 DEL ROY DR	ALVAREZ MIGUEL A
4	6007 BOCA RATON DR	HAYDEN HOUSTON EARL
5	5915 BOCA RATON DR	LAWRENCE ROBERT D & DAVID W GRAY
6	5923 BOCA RATON DR	SATTAR SOHAIL
7	5930 DEL ROY DR	DHARMA SHASHI
8	5922 DEL ROY DR	JOHNSON WILLIAM R & CHRISTIN W
9	5914 DEL ROY DR	DAS TONY S & LAURA J
10	5914 BOCA RATON DR	WESTBROOK DAVID W JR
11	5922 BOCA RATON DR	4201 INTERWAY LP
12	5930 BOCA RATON DR	NEYLAND JOSHUA A & STACY L

FILE NUMBER: BDA 134-042

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves for a special exception to the landscape regulations at 100 Crescent Court. This property is more fully described as Lot 1A, Block 2/948, and is zoned PD-193(HC), which requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 100 Crescent Court

APPLICANT: Robert Reeves

REQUEST:

A special exception to the landscape regulations is made to construct and maintain an approximately 1,400 square foot addition to an approximately 1,450,000 square foot mixed use development (The Crescent), and not fully providing required landscaping.

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

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Delay action until Panel A's June 24, 2014 public hearing

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request to delay action on this application until Panel A's June 24th public hearing given that the applicant stated he intends revise his alternate landscape plan.

BACKGROUND INFORMATION:

Site: PD 193(HC) (Planned Development, Heavy Commercial)
North: PD 193(HC) (Planned Development, Heavy Commercial)
South: PD 193 (PDS 334) (Planned Development, Planned Development)
East: PD 193(PDS 64) (Planned Development, Planned Development)
West: PD 193(PDS 74) (Planned Development, Planned Development)

Land Use:

The subject site is developed with a mixed use development (The Crescent). The areas to the north, east, south, and west are developed with a mix of land uses.

Zoning/BDA History:

- | | |
|---|--|
| 1. BDA 81-239, 239, Property at 2304 Cedar Springs Road (the subject site) | On October 13, 1981, the Board of Adjustment granted a 599 parking space variance, subject to a parking study to be conducted approximately one year after initial completion of the project |
| 2. BDA 81-239A, Property at 100, 200, 300, 400, and 500 Crescent Court (the subject site) | On February 14, 1988, the Board of Adjustment granted a request for “a 599 parking space variance and eliminate the set-aside land provisions subject to a TMP program as per the memo from Ken Melston, Manager of Transportation Engineering Services. |

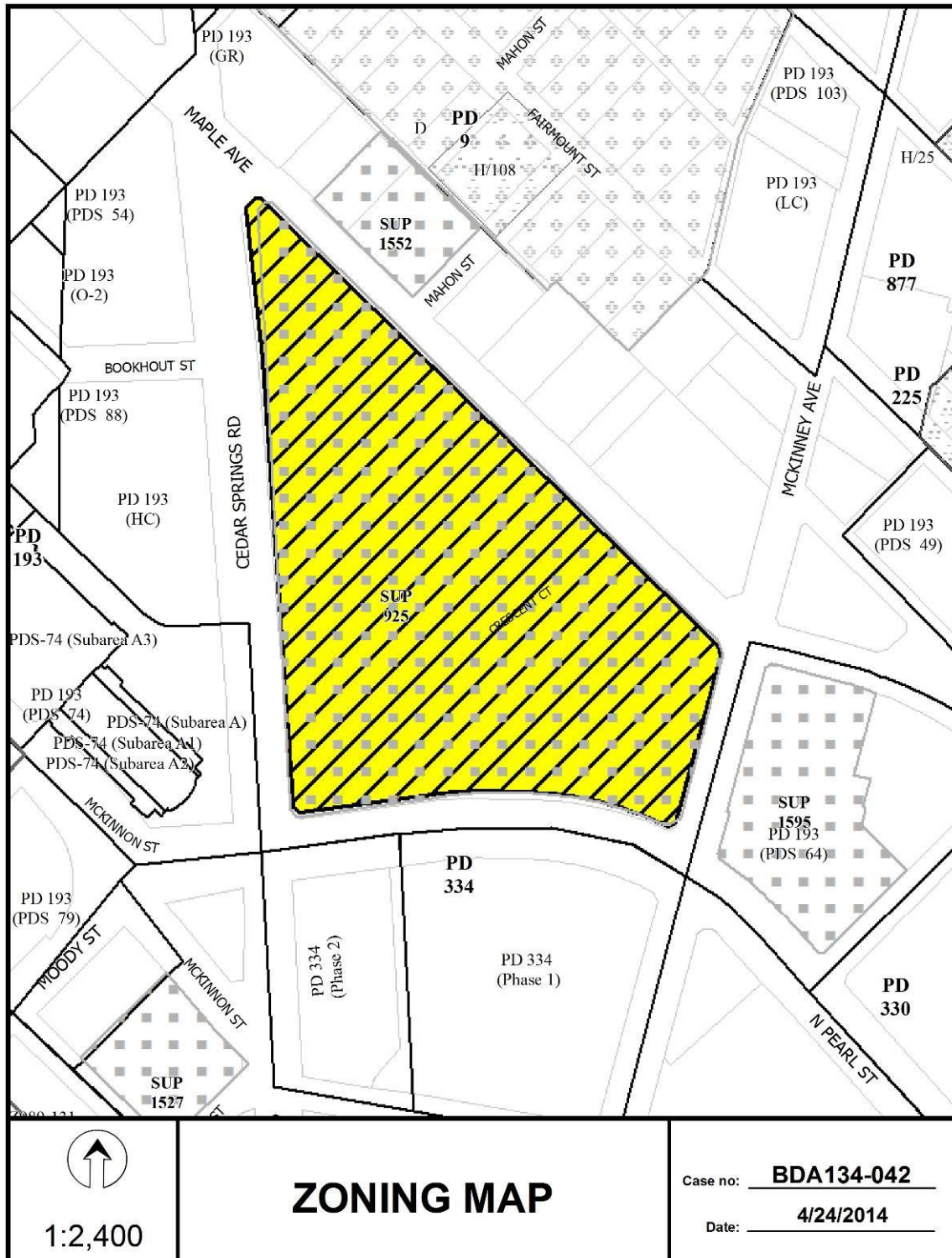
Timeline:

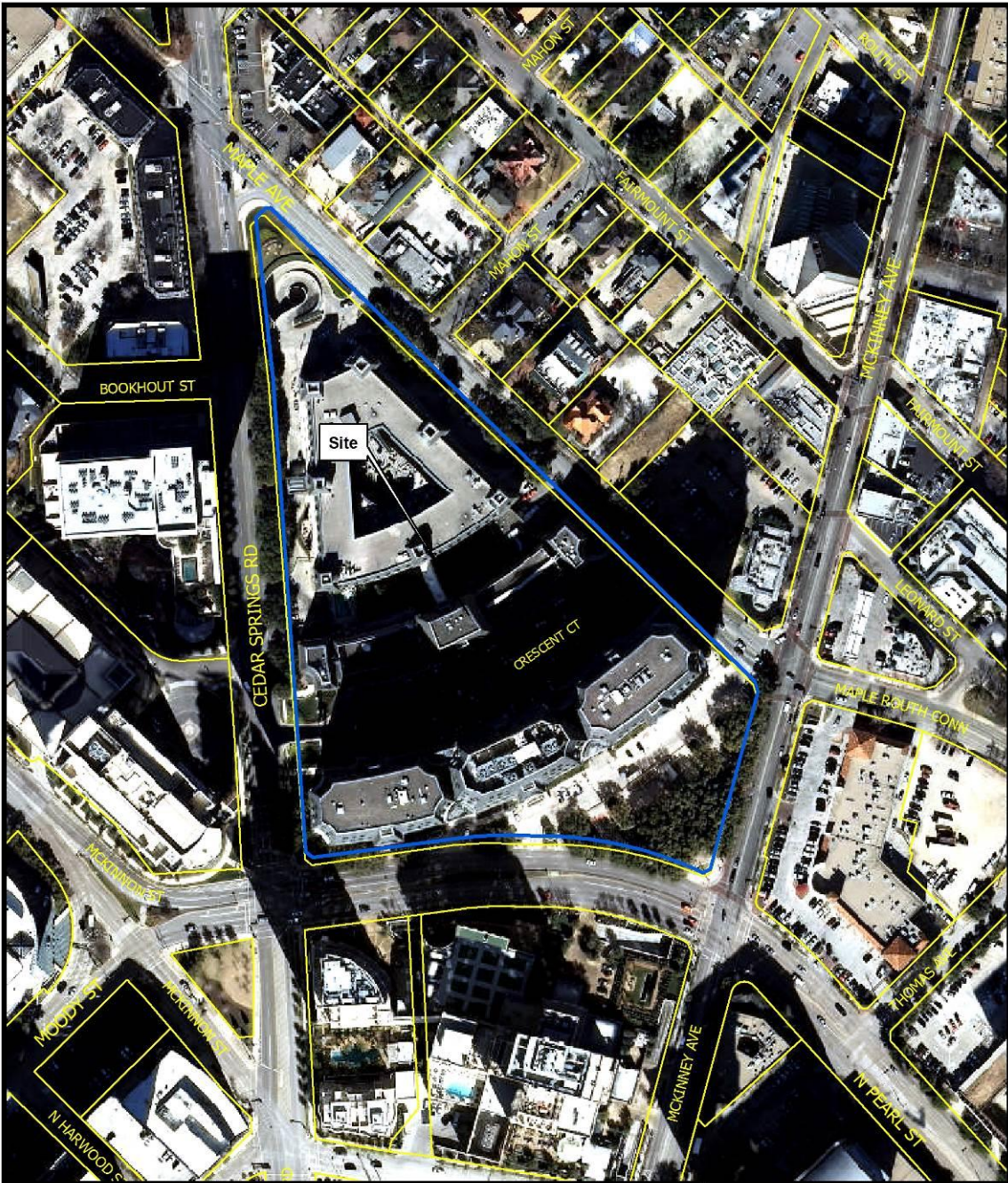
- March 12, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 14, 2014: The Board Administrator emailed the following information to the applicant:
- an attachment that provided the public hearing date and panel that will consider the application; the April 30th deadline to submit additional evidence for staff to factor into their analysis; and the May 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

- April 29, 2014: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- May 6, 2014 : 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- May 9, 2014: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- May 9, 2014: The City of Dallas Chief Arborist emailed the Board Administrator of his support of the applicant's request to delay this matter until June where he would hold formal comments until a final revised alternate landscape plan has been submitted (see Attachment C).

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 1,400 square foot addition to an approximately 1,450,000 square foot mixed use development (The Crescent), and not fully providing required landscaping.
- 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.
- The applicant has requested that this application be delayed until Panel A's June 24th public hearing "to allow his client to go back before the Oak Lawn Committee in June with a revised alternate landscape plan and address their issues."
- The City of Dallas Chief Arborist supports the applicant's request for delay of action on this application until June of 2014.





1:2,400

AERIAL MAP

Case no: BDA134-042

Date: 4/24/2014



ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

BDA 134-042
Attach A
Pg 1

April 29, 2014

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

RE: BDA 134-042

Dear Mr. Long:

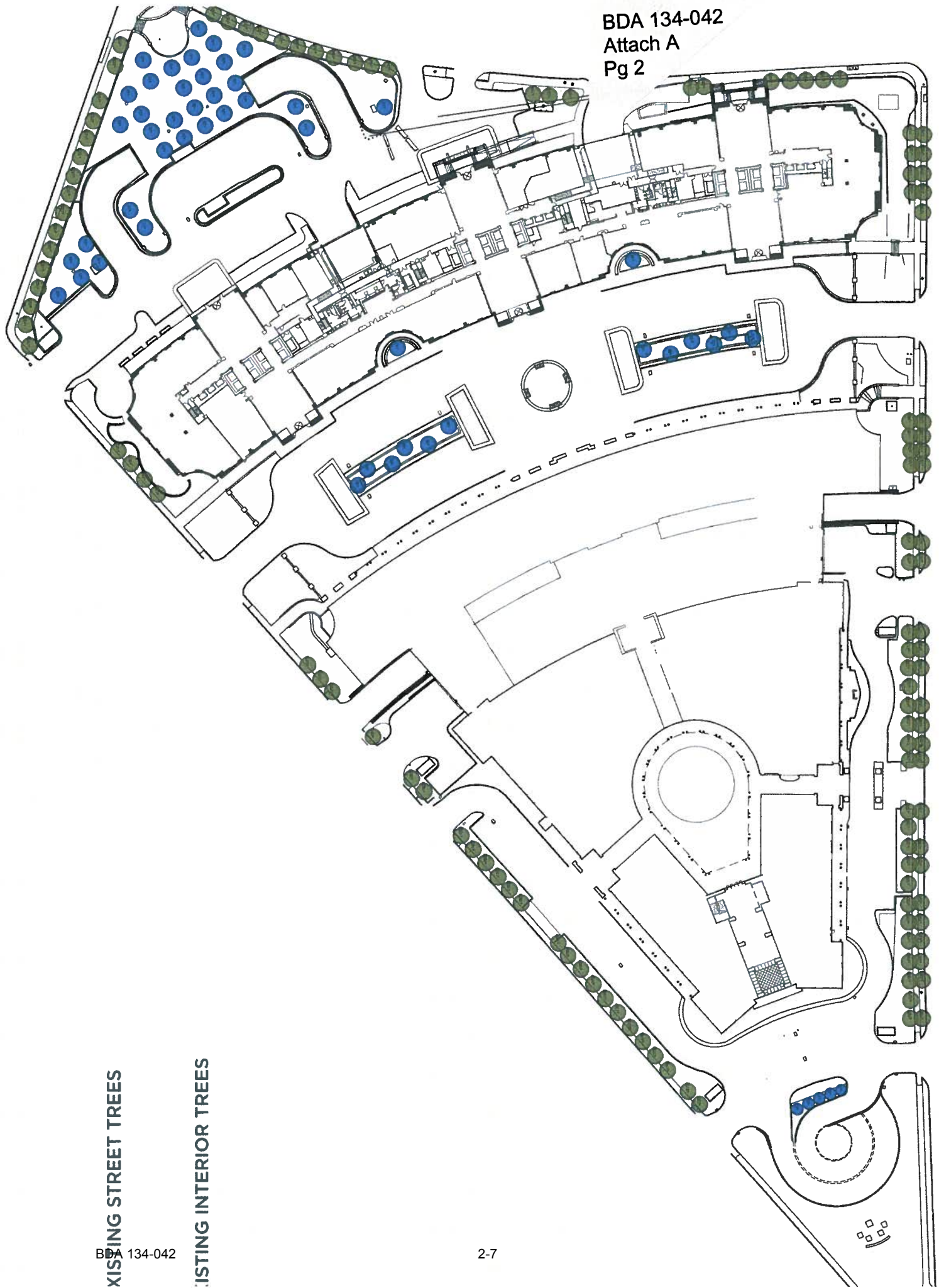
Attached are colored site plans showing the existing tree plan, tree removal plan, and proposed tree plan for The Crescent. These drawings may be easier to read than the detailed drawings submitted with our application. I have also included a chart, which summarizes the tree counts and caliper inch counts.

The last documents are photographs of typical trees adjacent to the Cedar Springs, which will be removed. As you know, there are two rows of street trees along Cedar Springs. The outside row of trees, located adjacent to the curb, have been trimmed excessively and the trees are leaning over Cedar Springs because they have no place to grow due to the interior row of trees restricting their growth.

Let me know if you have any questions.

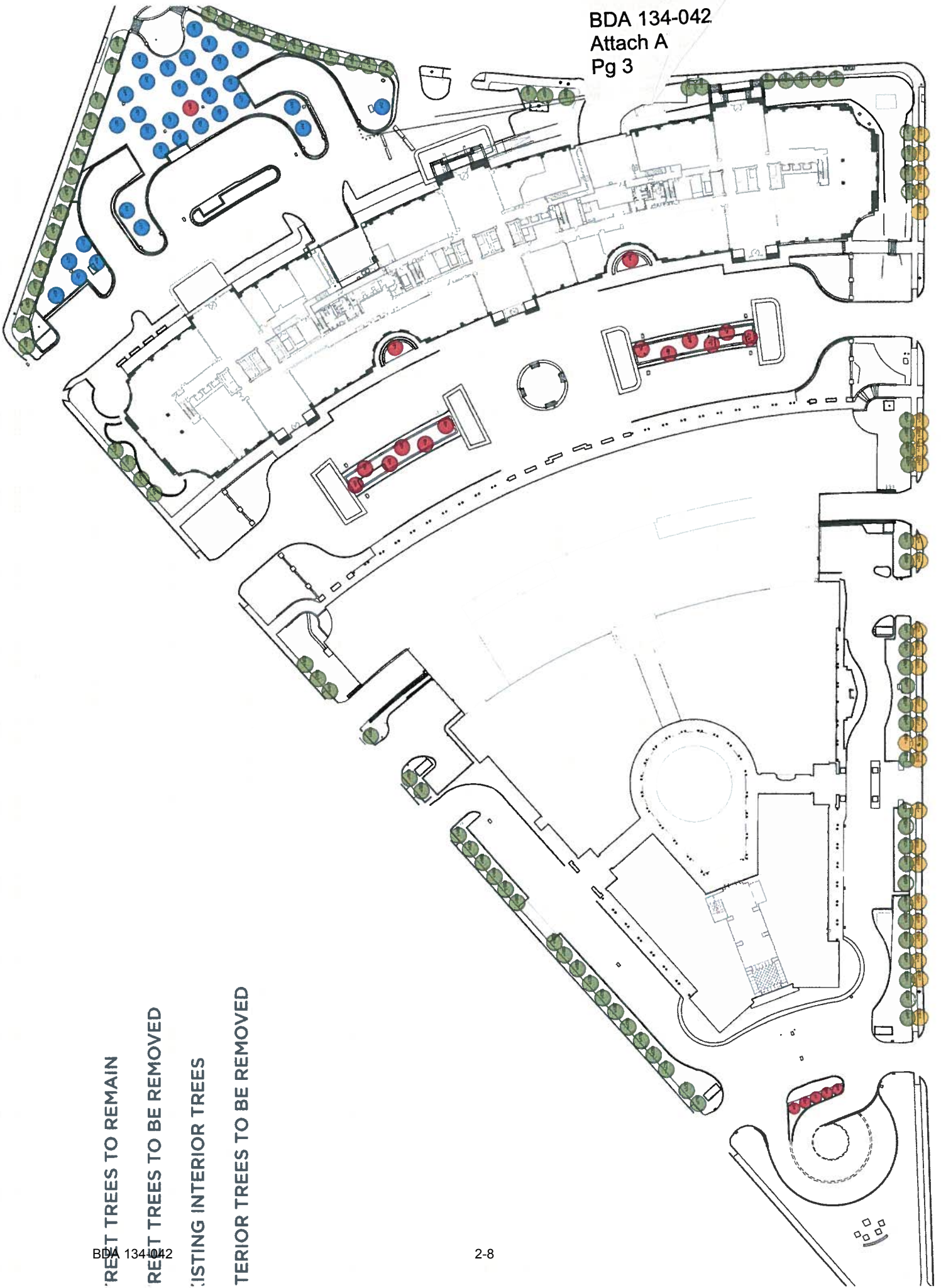
Sincerely:

Robert Reeves

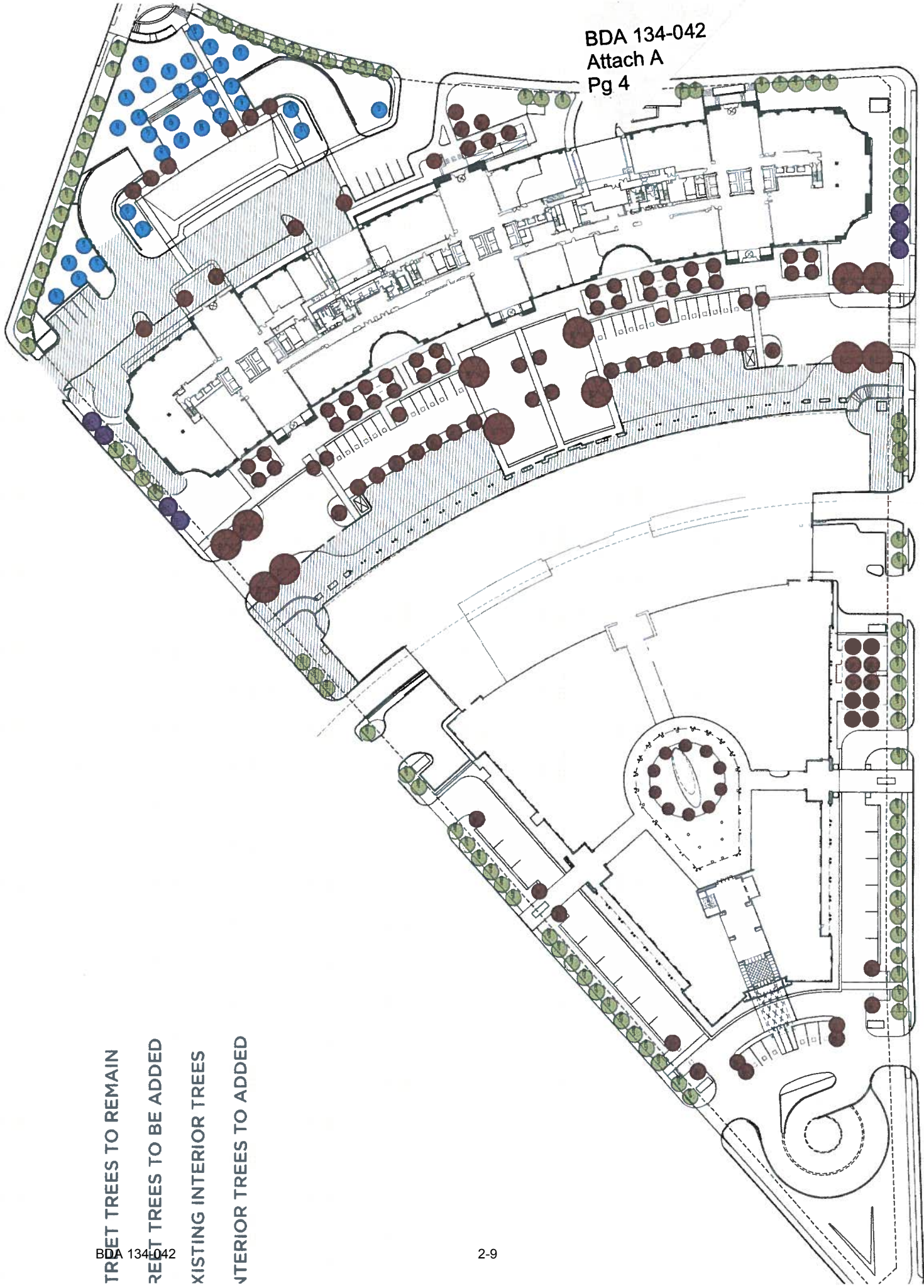


EXISTING STREET TREES

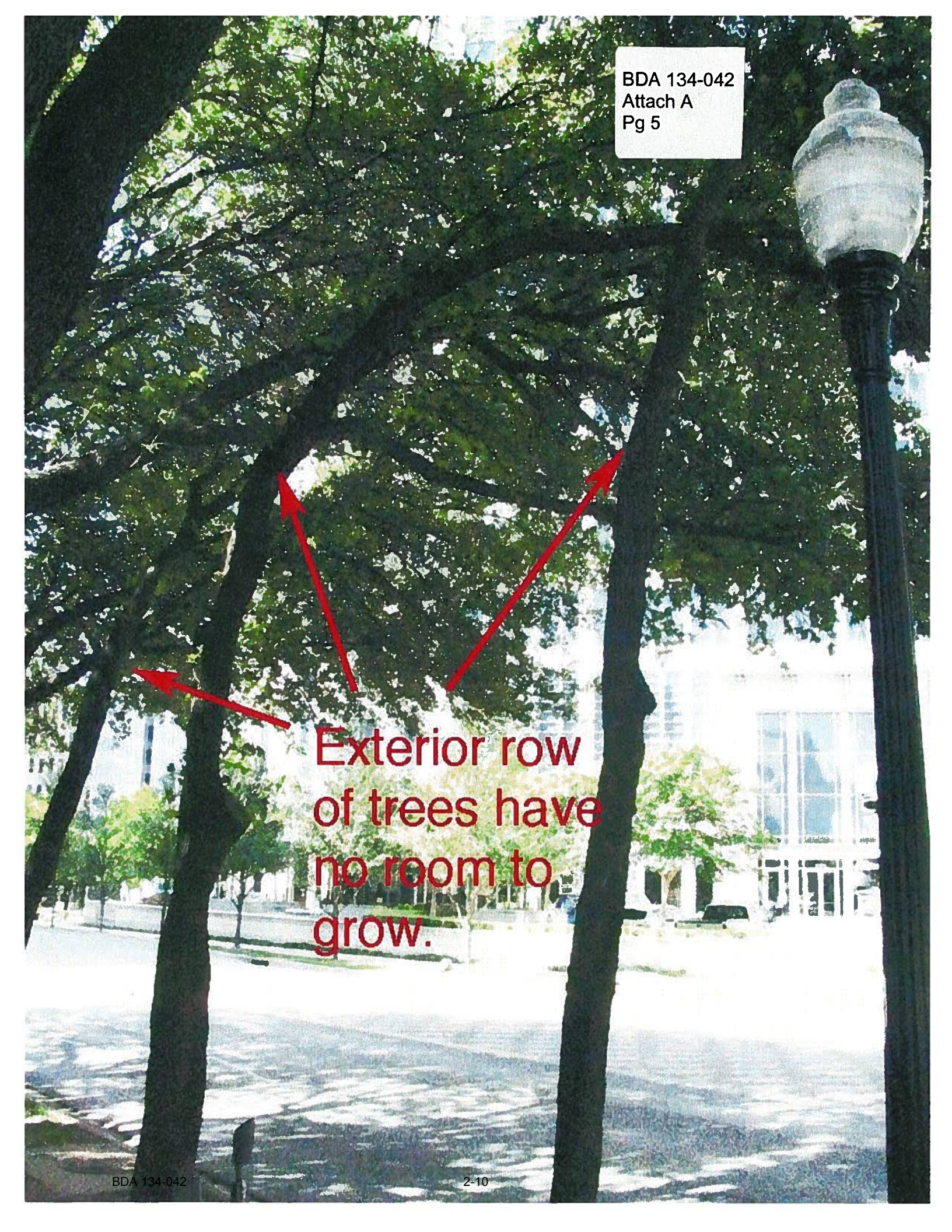
EXISTING INTERIOR TREES



- RETAIN TREES TO REMAIN
- REMOVING TREES TO BE REMOVED
- EXISTING INTERIOR TREES
- INTERIOR TREES TO BE REMOVED



- TREES TO REMAIN
- TREES TO BE ADDED
- EXISTING INTERIOR TREES
- INTERIOR TREES TO ADDED



Exterior row
of trees have
no room to
grow.

BDA 134-042
Attach A
Pg 6

Trees are
disfigured by
excessive
trimming.

Crescent Alternate Landscape Plan		Tree Calculations	4/28/2014
BDA 134-042			
Street Trees			
Existing Street Trees	122	Existing Caliper Inches	1670
Existing Street Trees Removed	28	Caliper Inches Removed	327
New Street Trees Added	7	Caliper Inches Added	42
Total Street Trees	101	Total Caliper Inches	1385
Interior Trees			
Existing Interior Trees	52	Existing Caliper Inches	628
Existing Interior Trees Removed	20	Caliper Inches Removed	155
New Interior Trees Added	112	Caliper Inches Added	612
Total Interior Trees	144	Total Caliper Inches	1085
Total Trees Prior to Improvements	174	Total Caliper Inches Prior to Imp.	2298
Total Trees After Improvements	245	Total Caliper Inches After Imp.	2470
Increase in Trees	71	Increase in Caliper Inches	172

May 9, 2014

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

RE: Case BDA 134-042, The Crescent
Request to Delay Board Hearing

Dear Mr. Long:

On behalf my client, Crescent TC Investors, LP, we are requesting that the Board of Adjustment take Case BDA 134-042 under advisement from the May 20, 2014 public hearing to a new nearing on June 24, 2014. This will allow my client to go back before The Oak Lawn Committee in June with a revised alternate landscape plan and address their issues.

Please let me know if you keep additional information at this time.

Sincerely:



Robert Reeves
Robert Reeves & Associates
900 Jackson Street, Suite 160
Dallas, Texas 75202
214-749-0530

BDA 134-042
Attach C pg 1

Long, Steve

From: Long, Steve
Sent: Friday, May 09, 2014 8:01 AM
To: Erwin, Philip
Cc: Dean, Neva; Duerksen, Todd; Way, Jamilah; 'Robert Reeves'
Subject: RE: BDA 134-042, Property at 100 Crescent Court

Thanks, Phil.

I intend to print these email out as an "attachment" and include it in the docket materials.

Steve

From: Erwin, Philip
Sent: Friday, May 09, 2014 7:59 AM
To: Long, Steve
Subject: RE: BDA 134-042, Property at 100 Crescent Court

Steve,

Based on the circumstances, I have no objections to the delay and I will hold formal comment on the alternative landscape plan until it is confirmed no further adjustments are forthcoming.

I will be glad to answer any questions from the Board members related to the original plans during the briefing.

Philip Erwin

From: Long, Steve
Sent: Friday, May 09, 2014 7:52 AM
To: Duerksen, Todd; Dean, Neva; Erwin, Philip; Way, Jamilah; Jimenez, Danielle
Cc: Robert Reeves
Subject: FW: BDA 134-042, Property at 100 Crescent Court

Attached is additional information on the application referenced above that I have labeled as Attach B- additional information that the applicant (Robert Reeves) emailed to me this morning. This information will be added to the case file, and incorporated into the docket that is emailed to you, other city staff, the applicant, and the board members next week.

Please write or call me if you have questions or concerns.

Thanks,

Steve

From: Long, Steve
Sent: Tuesday, April 29, 2014 10:47 AM
To: Duerksen, Todd; Dean, Neva; Jimenez, Danielle; Way, Jamilah; Erwin, Philip
Cc: 'Robert Reeves'
Subject: FW: BDA 134-042, Property at 100 Crescent Court

Attached is a REVISED Attach A– additional information that includes all of the information that the applicant (Robert Reeves) emailed to me this morning. This information will be added to the case file, part of what is discussed at the May 6th staff review team meeting, and incorporated into the docket that is emailed to you, other city staff, the applicant, and the board members the week of May 12th.

Please write or call me if you have questions or concerns.

Thanks,

Steve

From: Long, Steve
Sent: Tuesday, April 29, 2014 10:24 AM
To: Duerksen, Todd; Dean, Neva; Way, Jamilah; Erwin, Philip; Jimenez, Danielle
Cc: 'Robert Reeves'
Subject: FW: BDA 134-042, Property at 100 Crescent Court

Attached is additional information on the application referenced above that I have labeled as Attach A– additional information that the applicant (Robert Reeves) emailed to me this morning. This information will be added to the case file, part of what is discussed at the May 6th staff review team meeting, and incorporated into the docket that is emailed to you, other city staff, the applicant, and the board members the week of May 12th.

Please write or call me if you have questions or concerns.

Thanks,

Steve

From: Long, Steve
Sent: Monday, April 14, 2014 2:05 PM
To: 'Robert G. Reeves Jr.'
Subject: FW: BDA 134-042, Property at 100 Crescent Court

From: Long, Steve
Sent: Monday, April 14, 2014 1:41 PM
To: 'rob.reeves@sbcglobal.net'
Cc: Duerksen, Todd; Erwin, Philip; Jimenez, Danielle
Subject: BDA 134-042, Property at 100 Crescent Court

Dear Robert,

Here is information regarding your board of adjustment application referenced above, most of which I believe you are aware of given your experience with the board:

1. Your submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled May 20th Board of Adjustment Panel A public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the landscape requirements of PD No. 193 (Section 193.126(a)(4)).
3. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board beyond what is included in the attached application materials.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application (page 2 of 16 in the application materials that are attached) and contact Todd at 214/948-4475 no later than noon, Wednesday, April 30th with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed/discovered other than the landscape special exception request beyond April 30th will result in postponement of the appeals until the panel's next regularly scheduled public hearing).

Lastly, you may want to contact:

1. Phil Erwin, City of Dallas Chief Arborist, at 214/948-4117 to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your request.
2. The Oak Lawn Committee given that these properties are located in PD 193: The Oak Lawn Special Purpose District.

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

Thanks,

Steve

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

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-042

Data Relative to Subject Property:

Date: 3/13/14

Location address: 100 Crescent Court Zoning District: PD193, SUP 925, HC Heavy Commercial Subdistrict

Lot No.: 1A Block No.: 2/948 Acreage: 9.9414 acres Census Tract: 18.00

Street Frontage (in Feet): (1) Cedar Spr. 958' (2) Maple 1,082' (3) Pearl 559' 4) McKinney 300'

GW 22

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Crescent TC Investors LP

Applicant: Robert Reeves Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160 Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance , or Special Exception X of An alternate landscape plan for 100 Crescent Ct.

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

To enhance the streetscape and pedestrian experience throughout the site with less emphasis on the automobile.

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

Affidavit

Before me the undersigned on this day personally appeared Robert G. Reeves Jr
(Affiant/Applicant's signature)

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

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

Subscribed and sworn to before me this 13 day of March 2014
JULIA O'CONNELL
Notary Public, State of Texas
My Commission Expires
January 28, 2017
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

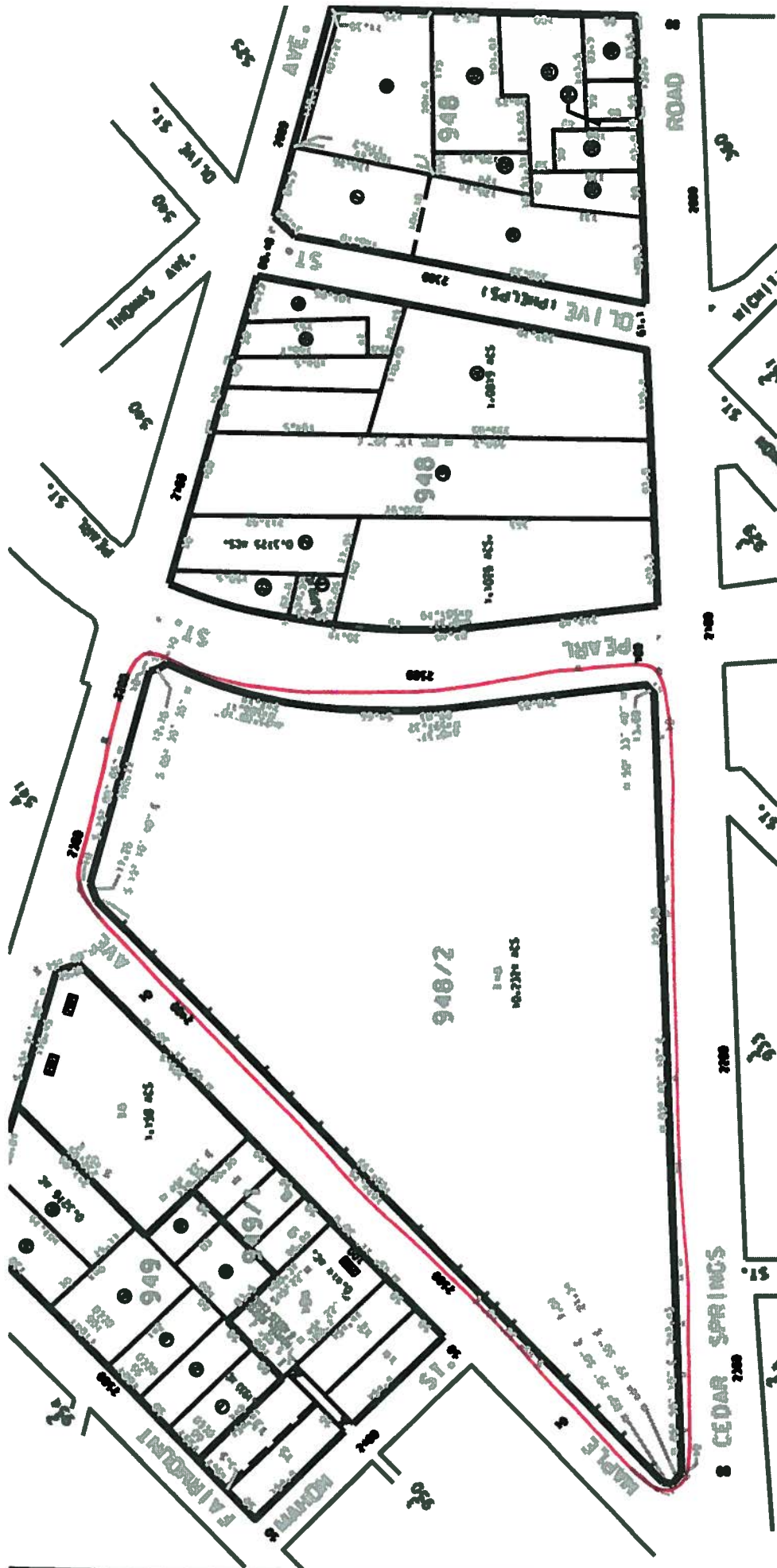
did submit a request for a special exception to the landscaping regulations
at 100 Crescent Court

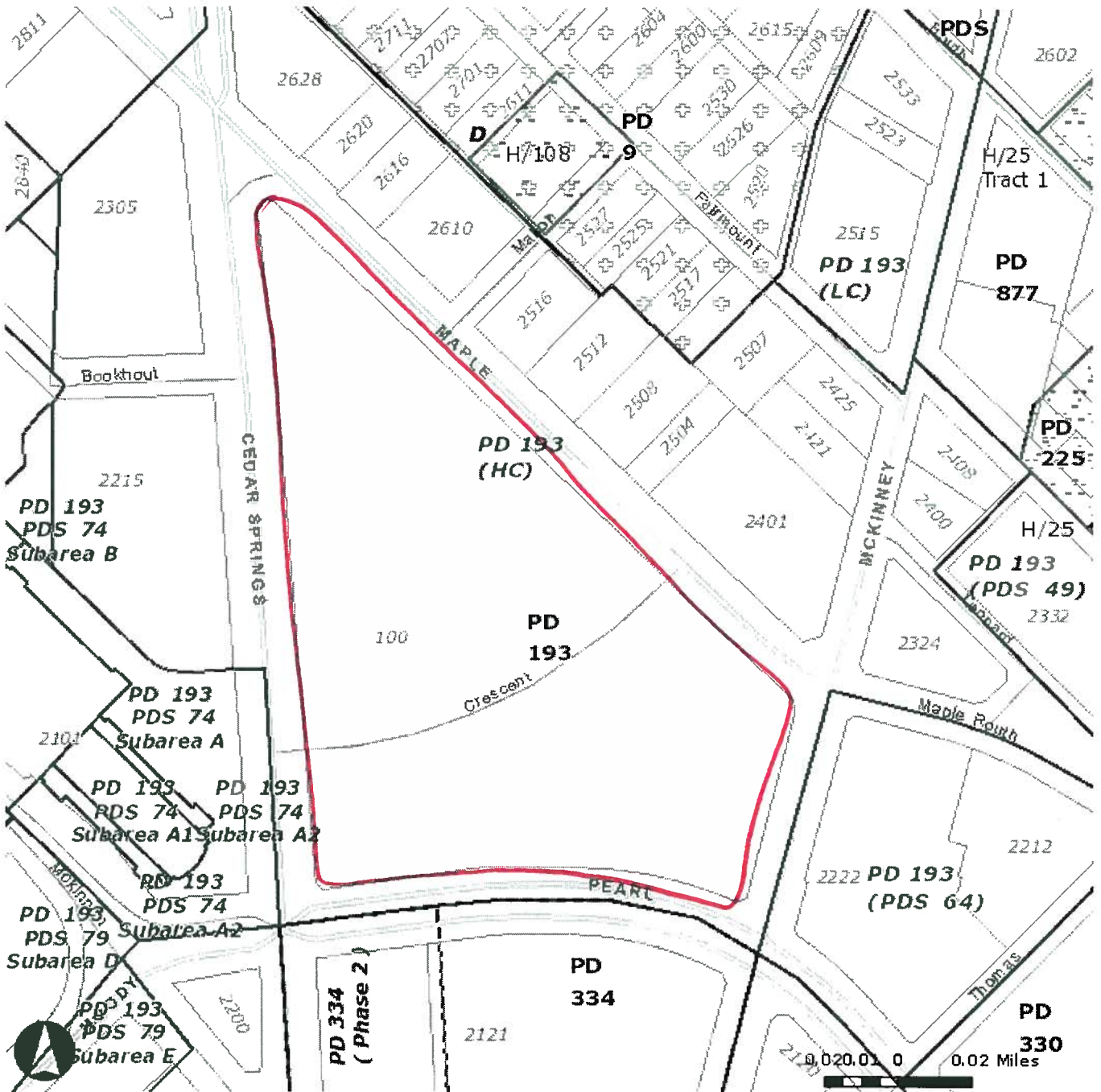
BDA134-042. Application of Robert Reeves for a special exception to the landscaping regulations at 100 Crescent Court. This property is more fully described as Lot 1A, Block 2/948, and is zoned PD-193(HC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official







THE CRESCENT
DALLAS, TX

OJB THE OFFICE OF JAMES BURNETT
LANDSCAPE ARCHITECTURE
1000 WEST END AVENUE
SUITE 1000 DALLAS, TEXAS 75201
PH: 214.760.0000

SYMBOL LEGEND

SYM	TYPE	QTY.
(1)	EXISTING STREET TREES 10' DBH	84 TREES / 1,340 CALIPER INCHES
(2)	PROPOSED STREET TREES 10' DBH	7 TREES / 105 CALIPER INCHES
(3)	EXISTING INTERIOR TREES 10' DBH	117 TREES / 1,812 CALIPER INCHES
(4)	PROPOSED INTERIOR TREES 10' DBH	117 TREES / 1,812 CALIPER INCHES
(5)	PROPOSED HEDGES	1,800 SQUARE FEET
(6)	PROPOSED PLANTING	70,000 SQUARE FEET
(7)	PROPOSED GRASS	2,500 SQUARE FEET

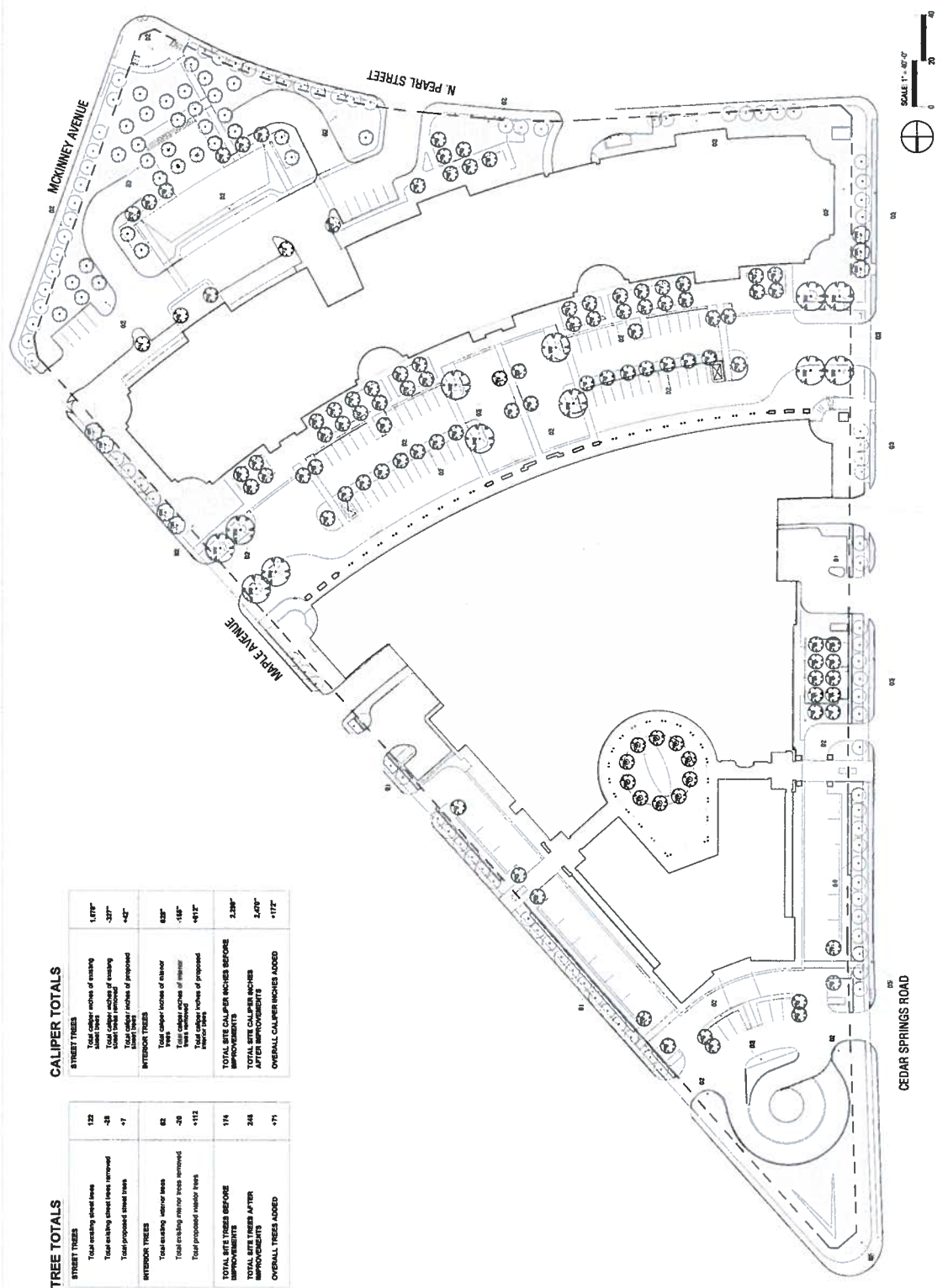
*Theoretical maximum possible tree canopy included in place of removed street trees.



REV	DATE	DESCRIPTION

PROPOSED TREE PLAN
Drawing Title
Drawing Number

L1.02



TREE TOTALS	
STREET TREES	1,678"
Total existing street trees	-327"
Total existing street trees removed	-442"
Total proposed street trees	+177"
INTERIOR TREES	628"
Total existing interior trees	-168"
Total existing interior trees removed	-412"
Total proposed interior trees	+112"
TOTAL SITE CALIPER INCHES BEFORE IMPROVEMENTS	2,306"
TOTAL SITE CALIPER INCHES AFTER IMPROVEMENTS	3,470"
OVERALL TREES ADDED	+1172"

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

March 24, 2014

Dallas Board of Adjustment
Building Inspection
Department of Sustainable Development & Construction
320 E. Jefferson Avenue, Room 105
Dallas, Texas 75203

RE: The Crescent Alternate Landscape Plan
Board of Adjustment Special Exception Request

Dear Board Members:

On behalf of my client, Crescent TC Investors LP, we are requesting a special exception to PD 193 landscape requirements by submitting an alternate landscape for The Crescent mixed-use development located at Cedar Springs and Pearl Street. The Crescent intends to initiate a significant upgrade to the street level experience. This upgrade will include enhanced landscaping, improved ground level retail visibility along Cedar Springs Road and Maple Avenue, overall site signage upgrades, pedestrian-oriented motor courts, and enlarged park at the corner of McKinney and Pearl.

The Crescent was permitted in 1982, prior to the adoption of PD 193 in February 1985, which means The Crescent has non-conforming rights as to landscaping. However, because our upgrade includes adding an additional 1,365 square feet of retail space along the Cedar Springs Road and Maple Avenue frontages, we must now comply with PD 193 landscape provisions.

PD 193 landscape provisions require one street tree for every 25 feet of street frontage to be planted in a tree planting zone located between 2.5 feet and 5 feet from the back of the curb. Currently, there is a double row of street trees along Cedar Springs. The exterior row of trees is located within the tree planting zoning and the interior row is located on the inside of the sidewalk. The interior row of trees are dominant and are forcing the exterior row of trees, which are located next to the curb to grow to one side leaning over the street. Over the years, these trees have been damaged and significantly trimmed resulting in a row of unattractive misshapen trees.

One of the primary goals of this enhancement program is to enrich the pedestrian experience, which will include the following elements:

Cedar Springs Enhancements:

- a) Enlarging the walkway and providing an arcade adjacent to the retail and restaurant uses along Cedar Springs;
- b) Providing enhanced paving for the interior driveway adjacent to the retail and restaurant uses;
- c) Providing outside dining and sitting areas adjacent to Cedar Springs; and
- d) Removing the exterior row of trees along Cedar Springs, which will enable the larger interior row of trees to flourish. This will also improve visibility of the site along Cedar Springs.

Interior Open Space Enhancements:

- a) Upgrading the landscaping located within the interior plaza area next to the retail uses;
- b) Reducing the number of parking spaces currently located in the motor court located between the hotel and office tower so it becomes a pedestrian-friendly courtyard;
- c) Increasing landscaping in the courtyard; and
- d) Creating small plazas and seating areas within the courtyard between the hotel and office tower.

Corner Park Upgrades:

- a) Demolishing the existing drive-in bank facility located at the intersection of McKinney and Pearl; and
- b) Expanding the current park located at the corner of McKinney and Pearl and making it more accessible, inviting, and pedestrian-friendly.

Public Sidewalks:

The existing sidewalks widths vary around the site; although, PD 193 requires 6-foot wide sidewalks. We are proposing to increase the width of the existing four-foot sidewalk along Cedar Springs to six feet by using an alternate permeable paving material instead of concrete.

Tree Mitigation:

There are 122 existing street trees on the site totaling 1,670 caliper inches. We are proposing to remove 28 existing trees located next to the curb along Cedar Springs or 327 caliper inches. In addition, there are 52 interior trees totaling 628 caliper inches. 20 of these trees will be removed totaling 155 caliper inches.

All removed trees will be mitigated by adding new trees on the site. We will add 7 street trees along Cedar Springs in the tree-planting zone totaling 42 caliper inches and

112 new trees in the interior for 612 caliper inches. There are 2,298 caliper inches of existing trees on the site. After all improvements, there will be 2,470 caliper inches of trees on the site, or an increase of 172 caliper inches.

We feel these improvements will significantly enrich the pedestrian experience at The Crescent and contribute to the viability of Uptown. We are requesting the board's approval of our alternate landscape plan.

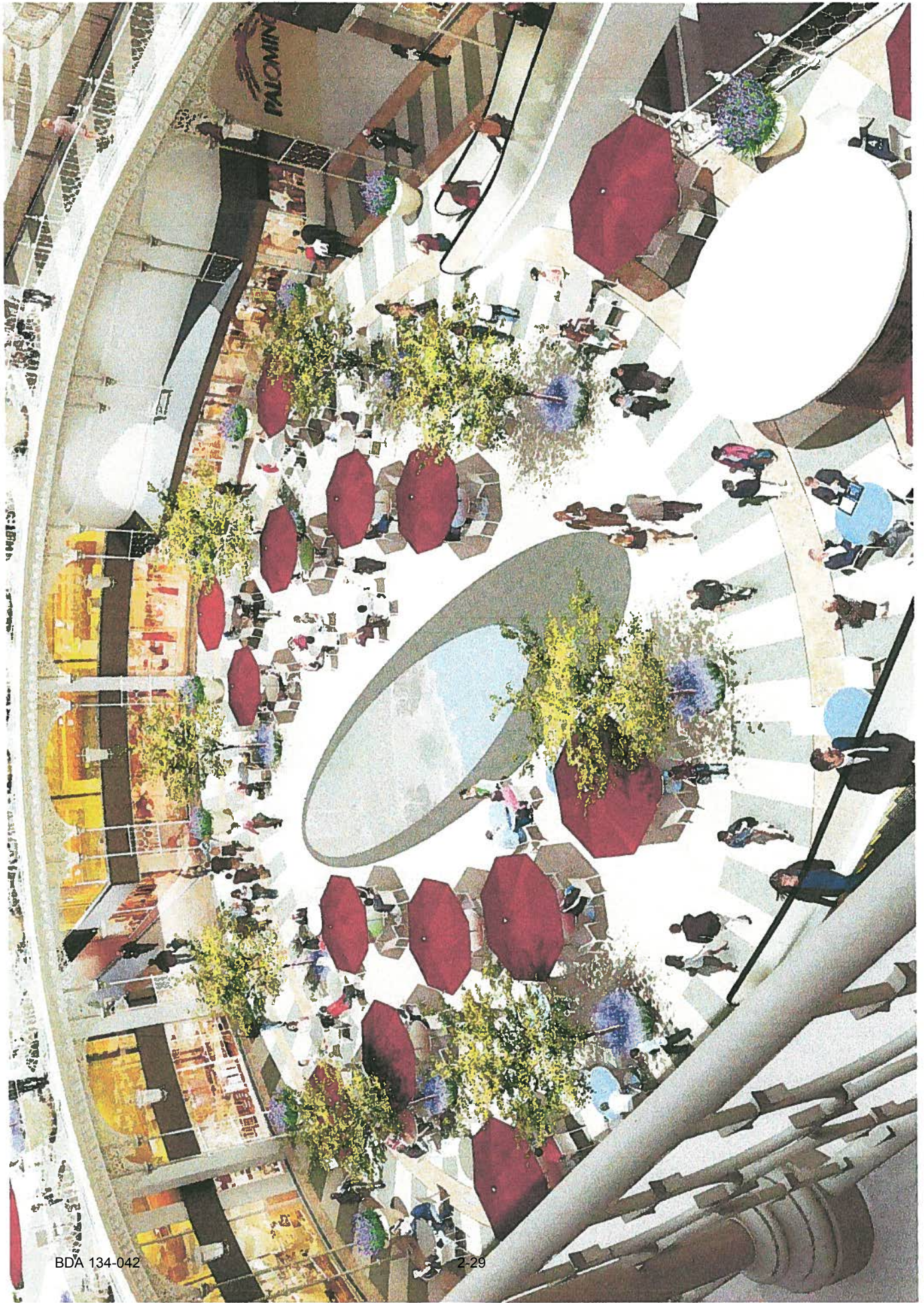
Sincerely:

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

Robert Reeves





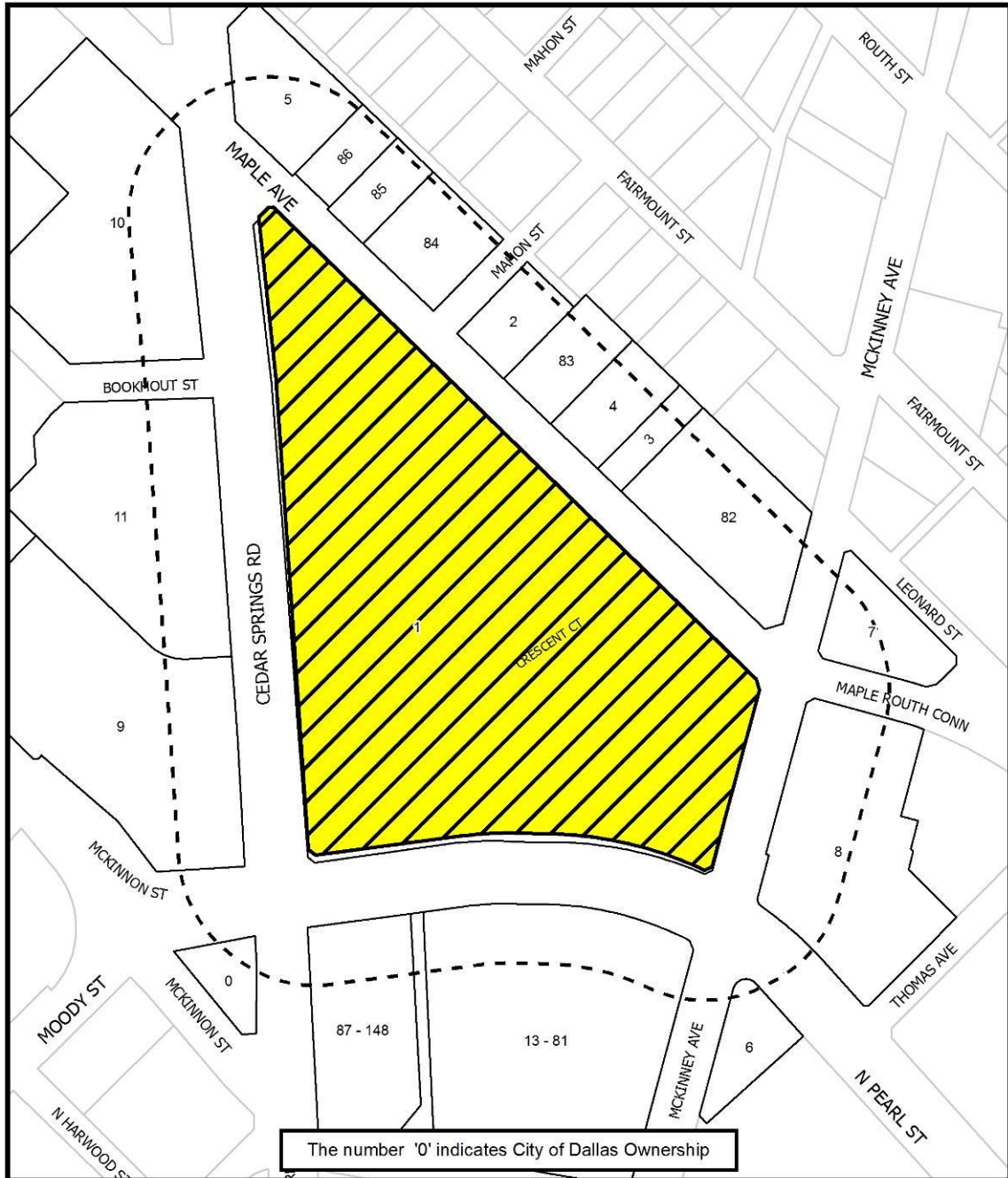








LANDSCAPE IMPROVEMENT PERSPECTIVES



The number '0' indicates City of Dallas Ownership

 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">148</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	148	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA134-042</u> Date: <u>4/24/2014</u>
200'	AREA OF NOTIFICATION					
148	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA134-042

148 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	100 CRESCENT CT	CRESCENT TC INVESTORS LP ATTN: PROPERTY
2	2516 MAPLE AVE	HEYMANN CLAIRE L
3	2504 MAPLE AVE	PASHA & SINA INC % MOHSEN HEIDARI
4	2508 MAPLE AVE	PASHA & SINA INC
5	2628 MAPLE AVE	GREENWAY MAPLE LP
6	2120 MCKINNEY AVE	METROPOLITAN LIFE INS CO TWO LINCOLN CEN
7	2324 MCKINNEY AVE	MAPLE AND MCKINNEY L P % ONE STOP FOOD S
8	2222 MCKINNEY AVE	AMREIT UPTOWN DALLAS LP
9	2101 CEDAR SPRINGS RD	ROSEWOOD COURT LLC
10	2305 CEDAR SPRINGS RD	GPI CEDAR MAPLE LP STE 800
11	2215 CEDAR SPRINGS RD	2215 CEDAR SPRIN APTS LTD % SENTINEL REA
12	2510 CEDAR SPRINGS RD	CRESCENT REAL ESTATE EQUITIES LIMITED PS
13	2121 MCKINNEY AVE	CRESCENT PLZ HOTEL OWNER SUITE 2100
14	2525 PEARL ST	HOWE KEVIN & CONSTANCE HOWE
15	2525 PEARL ST	ADELGLASS JEFFREY & BARBARA
16	2525 PEARL ST	MCKENZIE ARETA B UNIT 209
17	2525 PEARL ST	HIXSON ROBERT L JR &
18	2525 PEARL ST	BADINTER SIMON M
19	2525 PEARL ST	STONE EVAN
20	2525 PEARL ST	FRICKE MICHAEL T & ARLENE S
21	2525 PEARL ST	COTTEL WILLIS I TRUSTEE THE WILLIS I COT
22	2525 PEARL ST	SHINN LLOYD & SHINN BARBARA
23	2525 PEARL ST	BOSSE JEFFREY F & DONNA S
24	2525 PEARL ST	QUIST SHARON S
25	2525 PEARL ST	MILLER PAUL C & C KELLEY KLINE
26	2525 PEARL ST	PIP HOLDINGS LLC

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2525 PEARL ST	STERN MATT D
28	2525 PEARL ST	ZWEDEN JAAP VAN &
29	2525 PEARL ST	OHRE DAVID E
30	2525 PEARL ST	ZISMAN AVI
31	2525 PEARL ST	SAVAGE LIVING TRUST THE
32	2525 PEARL ST	TOELLER GARY RICHARD & ANNE S TRUSTEES T
33	2525 PEARL ST	SONNENSCHNEID INVESTMENTS LTD
34	2525 PEARL ST	MORENO ROBERTO JAVIER GONZALEZ
35	2525 PEARL ST	CARTER LINDA JO
36	2525 PEARL ST	CARLOW CORP
37	2525 PEARL ST	GINSBURG SCOTT K
38	2525 PEARL ST	ABOU QAMAR MAAMOUN Y
39	2525 PEARL ST	MITCHELL F LANE
40	2525 PEARL ST	GALLETTA NANCY J #1301
41	2525 PEARL ST	BAILEY CHARLES R & VIRGINIA H
42	2525 PEARL ST	EAGLE ROBERT M
43	2525 PEARL ST	WESTDALE PPTIES AMERICA I
44	2525 PEARL ST	WITRY MARY CAROL
45	2525 PEARL ST	WOOD DAVID M STE 1306
46	2525 PEARL ST	CUMMINGS KEVIN & GUINEVERE
47	2525 PEARL ST	SANDLIN MARK R
48	2525 PEARL ST	RICHARDSON ANDREW C & ERIN
49	2525 PEARL ST	ZISMAN AVI
50	2525 PEARL ST	BROWER SHANNON
51	2525 PEARL ST	KIM TAESEUNG BEN & CHUNG TAMMY K
52	2525 PEARL ST	RAPHAEL AUDREY LIVING TR THE PHOENICIAN
53	2525 PEARL ST	PLAMONDON MARK & PEGGY
54	2525 PEARL ST	1013 NW LOOP 410 VENTURE 1 FORUM 16TH FL
55	2525 PEARL ST	MCKNIGHT JAMES ROSS & BILLIE
56	2525 PEARL ST	MITCHELL KEITH & LOIS TRUST THE
57	2525 PEARL ST	ALVARADO JOSEPH UNIT #1504

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2525 PEARL ST	HAUSLEIN FERDINAND A JR SUITE 1505
59	2525 PEARL ST	WALKER ROBERT M & GUDRUN S
60	2525 PEARL ST	CASTO DAVID & LUANN UNIT 1507
61	2525 PEARL ST	TAYLOR BERNARD &
62	2525 PEARL ST	ALBERTS DENNY & CYNTHIA COMPARIN STE 160
63	2525 PEARL ST	DOUGLASS GREGORY
64	2525 PEARL ST	NURENBERG PAMELA & DAVID EWALT
65	2525 PEARL ST	PARKS JAMES LEE
66	2525 PEARL ST	ROMAN FRANK
67	2525 PEARL ST	CROWDER KEVIN & KAREN
68	2525 PEARL ST	HEADINGTON REALTY & CAPITAL LLC
69	2525 PEARL ST	ROSS STEPHANIE REVOCABLE TRUST
70	2525 PEARL ST	BORICUA ENTERPRISES LP
71	2525 PEARL ST	TEL REAL ESTATE LLC JML REAL ESTATE LLC
72	2525 PEARL ST	J3 DEVELOPMENT LLC C/O SADDOCK & COMPANY
73	2525 PEARL ST	MAYER TOM & SUSAN
74	2525 PEARL ST	KARKOUTLY AMAN & KARKOUTLY SUSAN
75	2525 PEARL ST	HAMMOND GABRIEL
76	2525 PEARL ST	TWOMEY KEVIN M & TWOMEY DANNEHL M
77	2525 PEARL ST	WAGNER DUER III
78	2525 PEARL ST	HADDOCK RON W & HADDOCK SANDI
79	2525 PEARL ST	SOLOMON WILLIAM T & GAY F
80	2525 PEARL ST	DISNEY RONALD W & KATHLEEN
81	2525 PEARL ST	ANDERSON CHARLES C JR & MOLLY R
82	2401 MCKINNEY AVE	ELK FINANCIAL INC STE 450 LB 314
83	2512 MAPLE AVE	HEIDARI ALI
84	2610 MAPLE AVE	WARSAW RESTAURANT INC
85	2616 MAPLE AVE	HEIDARI ALI A
86	2620 MAPLE AVE	MAPLE MARKETING CORPORATION
87	2400 OLIVE ST	CRESCENT TOWER RESIDENCES LP STE 2100
88	2555 PEARL ST	LARRAC INV LLC

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2555 PEARL ST	CREWS KYLE W & ANNE C
90	2555 PEARL ST	FEDERAL HOME LOAN MORTGAGE CORP
91	2555 PEARL ST	HENDRICKS JAMES P & BRIGHT LORIE LYNN
92	2555 PEARL ST	ALEXANDER GREG
93	2555 PEARL ST	AMENDED AND RESTATED DAGNON REV TRUST
94	2555 PEARL ST	DIXON GENE JR & VICTORIA
95	2555 PEARL ST	STEPHANIAN EDIC
96	2555 PEARL ST	MOROS HORACIO JAVIER
97	2555 PEARL ST	THELIN THOMAS
98	2555 PEARL ST	ZOYS GEORGE N
99	2555 PEARL ST	VEERARAGHAVAN UMA & KRISHNA
100	2555 PEARL ST	CHI WEIWEI &
101	2555 PEARL ST	RITZ TOWER 405 LLC
102	2555 PEARL ST	CLARKE DIEN S & FRED E III
103	2555 PEARL ST	HENRY JAMES J & PATRICIA M
104	2555 PEARL ST	ATTICUS PEARL STREET LLC UNIT 503
105	2555 PEARL ST	HASHEM OMAR & MIASSAR
106	2555 PEARL ST	FABER CAREY E #0505
107	2555 PEARL ST	WILKINS LINDA A TR THE PINK DIAMOND TRUS
108	2555 PEARL ST	WORTLEY MICHAEL D & PATRICIA
109	2555 PEARL ST	LEVY MARLON & LEVY JENNIFER
110	2555 PEARL ST	WILKINS LINDA A TR
111	2555 PEARL ST	MUSSULMAN DANIEL G #701
112	2555 PEARL ST	CLAUSE CARL & ROSALIE
113	2555 PEARL ST	CLAUSE CARL & ROSALIE
114	2555 PEARL ST	PESES IAN &
115	2555 PEARL ST	WILLIAMS KEVIN
116	2555 PEARL ST	HOLMES CHARLTON C
117	2555 PEARL ST	CHALMERS DONALD L & DIANNE M
118	2555 PEARL ST	CLARK PHILIP L & PATRICIA G
119	2555 PEARL ST	PORTER ZACHARY & EMILY RAY

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	2555 PEARL ST	HEEBE ADREA D
121	2555 PEARL ST	KLAASSEN LIVING TRUST UNIT 1002
122	2555 PEARL ST	RODER RICHARD
123	2555 PEARL ST	BEREZINA VICTORIA
124	2555 PEARL ST	ULLMAN MYRON EDWARD & CATHY EMMONS TRUST
125	2555 PEARL ST	FAURIA THOMAS J & RENEE
126	2555 PEARL ST	KEN CARLILE 2004 TRUST THE
127	2555 PEARL ST	RIPPETO J DOUGLAS
128	2555 PEARL ST	GREAT CENTRAL MORTGAGE ACCEPTANCE COMPAN
129	2555 PEARL ST	MUHL BRADLEY GILBERT & HOLLY BOWEN
130	2555 PEARL ST	FRAZIER DEBBIE
131	2555 PEARL ST	FOX PATRICK K & FOX CYNTHIA E
132	2555 PEARL ST	FORD SCOTT T & JOAN D
133	2555 PEARL ST	SNEAD RICHARD & MARILYN UNIT 1402
134	2555 PEARL ST	DORF ROGER & SANDRA DORF
135	2555 PEARL ST	PARSELL SUSAN P
136	2555 PEARL ST	LAM SAMUEL M MD STE 101
137	2555 PEARL ST	LAZOF FAMILY TRUST
138	2555 PEARL ST	SIKKEL MARK
139	2555 PEARL ST	RC TRUST THE & ATTN: FRED W FULTON
140	2555 PEARL ST	PLASTININA KIRA
141	2555 PEARL ST	DARVISHSEFAT FARID YU
142	2555 PEARL ST	DARVISHSEFAT FARID YU STE 306
143	2555 PEARL ST	SHINN LLOYD & BARBARA SHINN
144	2555 PEARL ST	HEDGEHOG REAL ESTATE LLC WEST SIDE LEVEL
145	2555 PEARL ST	CHILANGO LLC
146	2555 PEARL ST	KAPLAN GABRIEL TR GABRIEL KAPLAN REV TR
147	2555 PEARL ST	REESJONES TREVOR
148	2555 PEARL ST	VAN WOLFSWINKEL RANDALL

FILE NUMBER: BDA 134-043

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter and a variance to the front yard setback regulations at 10349 Strait Lane. This property is more fully described as Lot 11, Block D/5532, and is zoned R-1ac(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter and requires a front yard setback of 40 feet. The applicant proposes to have an additional electrical utility service or electrical meter on a lot with a single family use, which will require a special exception to the single family use regulations; and to construct/maintain a structure and provide a 29 foot front yard setback, which will require an 11 foot variance to the front yard setback regulations.

LOCATION: 10349 Strait Lane

APPLICANT: Robert Baldwin

REQUESTS:

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

1. A special exception to the single family use regulations is requested in conjunction with maintaining an additional electrical meter on the site.
2. A variance to the front yard setback regulations of 11' is requested to construct and maintain an approximately 160 square foot (approximately 20' x 8') generator structure, all of which is proposed to be located in site's 40' front yard setback.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL ELECTRICAL UTILITY SERVICE AND ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service and/or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION (special exception):

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service and/or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION (variance):

Denial

Rationale:

- While the lot is “L” shaped, the applicant has not substantiated how this feature or its slope (the site is flat) or its restrictive size (almost 1.5 acres in area in a zoning district where lots are typically 1 acre in area) preclude him from developing it in a manner commensurate with other developments in the same R-1ac(A) zoning. Even with the assumption that lots are developed with generator structures, the applicant has not documented why the proposed generator structure could not be located somewhere else on the flat, relatively large lot while simultaneously being in compliance with its one front yard, one rear yard, and two side yard setback requirements.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 123-109, Property at 10349 Strait Lane (the subject site)
On November 19, 2013, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 5' and imposed the submitted revised site plan/elevation as a condition to the request. The case report states that the request was made to construct/maintain a fence in the site's 40' front yard setback on a site that is currently undeveloped – a 6' high open iron picket fence with 6.6' high masonry columns with a 6' – 8.5' high open metal picket gate flanked by 9' high, approximately 12' long solid masonry wing walls with 9' high masonry entry columns.
2. BDA 067-111, Property at 10349 Strait Lane (the northern portion of the subject site)
On August 14, 2007, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations of 15 feet and imposed the submitted revised scaled site plan as a condition. The case report stated that the request was made to construct and maintain a carport structure in the site's Kelsey Road 40' front yard setback on as site developed with a single family home.

3. BDA 093-063, Property at 10349 Strait Lane (the northern subject site)

On April 27, 1993, the Board of Adjustment granted a request for a special exception to the fence height regulations of 4' 3" to maintain "a 6' wrought iron fence with an 8' high gate and columns of 6.5' as amended." The case report stated that the request was made to construct a 6' high open wrought iron fence with 6' 5" high brick columns along Strait Lane and Kelsey Road.

Timeline:

- March 24, 2014: 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 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 14, 2014: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application as originally submitted as a special exception to the single family use regulations; the April 30th deadline to submit additional evidence for staff to factor into their analysis; and the May 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 30, 2014: The applicant submitted amended his application by adding a variance to the front yard setback regulations, and submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- April 30, 2014: The Board Administrator emailed the applicant the following additional information on his amended application:
- the criteria/standard that the board will use in their decision to approve or deny the variance request.
- May 1, 2014: The Board Administrator emailed the applicant the following information:
- The fact that before applications area assigned at City Hall to one of the three board panels, in order to adhere to the code provisions (51. 3.102(b)) and board's rules (Section 9(k))

(attached), a determination is made as to whether there is history on the site, and if so, what type of board application was applied for on the subject site.

- When the May applications were forwarded here to City Hall, history was checked at 10349 Strait Lane and assessed from the map that there was no history related to what had originally been applied for in conjunction with BDA 134-043 – a special exception to the single family regulations for an additional electric meter; and that as a result, the application as originally submitted for just a special exception was randomly assigned for Panel A's May 20th docket on April 14th.
- However, on April 30th, when the applicant added a front yard variance to this application, that the Board Administrator re-checked to see if there was any VARIANCE history on the property and discovered that there was.
- The front yard variance request from 2007 (BDA 067-111) was heard by Panel A so the subsequent case on this property re-filed concerning the same request (front yard variance) coincidentally/luckily could stay as scheduled with Panel A.
- The Board Administrator asked the applicant to look at the information regarding the 2007 case (and the imposed condition) that he had attached and establish for the record *no later than May 2nd* that the action on this property in 2007 in no way implicated the variance request that he made on this property. (The site plan imposed as a condition in 2007 shows a "proposed open-sided porte cochere" in the Kelsey Road front yard setback; the site plan submitted on April 30th did not).

May 5, 2014:

The Board Administrator emailed the applicant the following information:

- As he knew, the staff review team meeting was May 6th at 1:30 pm and though technically the deadline for additional submittals that he was given on April 14th for staff review purposes was noon, April 30th, that an amended plan that the applicant referenced would be forthcoming that accurately depicted the location and size of the previously granted porte cochere/caport in the site's Kelsey Road front yard setback in 2007 would be accepted and taken to the staff review team meeting if one were submitted by the end of the day May 5th.
- And discussed the morning of May 5th with regard to the point in the applicant's April 30th letter, the Board Administrator's understanding from discussions he had with other staffers is that this property has ONE front yard setback on Kelsey Road, and that the statement in the applicant's letter that the "property is encumbered by two (2) front yard setbacks" is incorrect.

- May 6, 2014:
- The Board Administrator emailed the applicant the following information about assumptions being made with regard to the site plan the applicant submitted on April 30th:
- This plan does not accurately represent the location of the porte cochere/carport that was granted variance and conditioned to a site plan in 2007.
 - Regardless of the representations on the site plan, there is no part of THIS application that would require variance to any structure on the property other than what is labeled "proposed generator location" in this site's front yard setback.
 - Given that the board typically imposes a site plan as a condition to variance request, as the applicant wrote on May 2nd, he plans on submitting a revised site plan to the board by the end of this week (if he wants it to be included in the docket) or at their May 20th public hearing that will accurately convey the location of the porte cochere/carport that was granted variance in 2007 – a location and size on a to-be-submitted site plan that matches what was shown on the 2007 site plan.
 - This plan does not show the location of either of the two electric meters on the replatted site.

May 6, 2014 :

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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

May 9, 2014:

The applicant submitted additional documentation on this application beyond what was submitted with the original application and beyond what was discussed at the May 6th staff review team meeting (see Attachment B). This information included a revised site plan and an email stating that "According to the architect this plan does accurately show the location of the porte cochere and this application is not asking for anything related to this structure."

GENERAL FACTS/STAFF ANALYSIS (special exception):

- This request focuses on maintaining a second electrical meter on a site developed with a single family home/use.

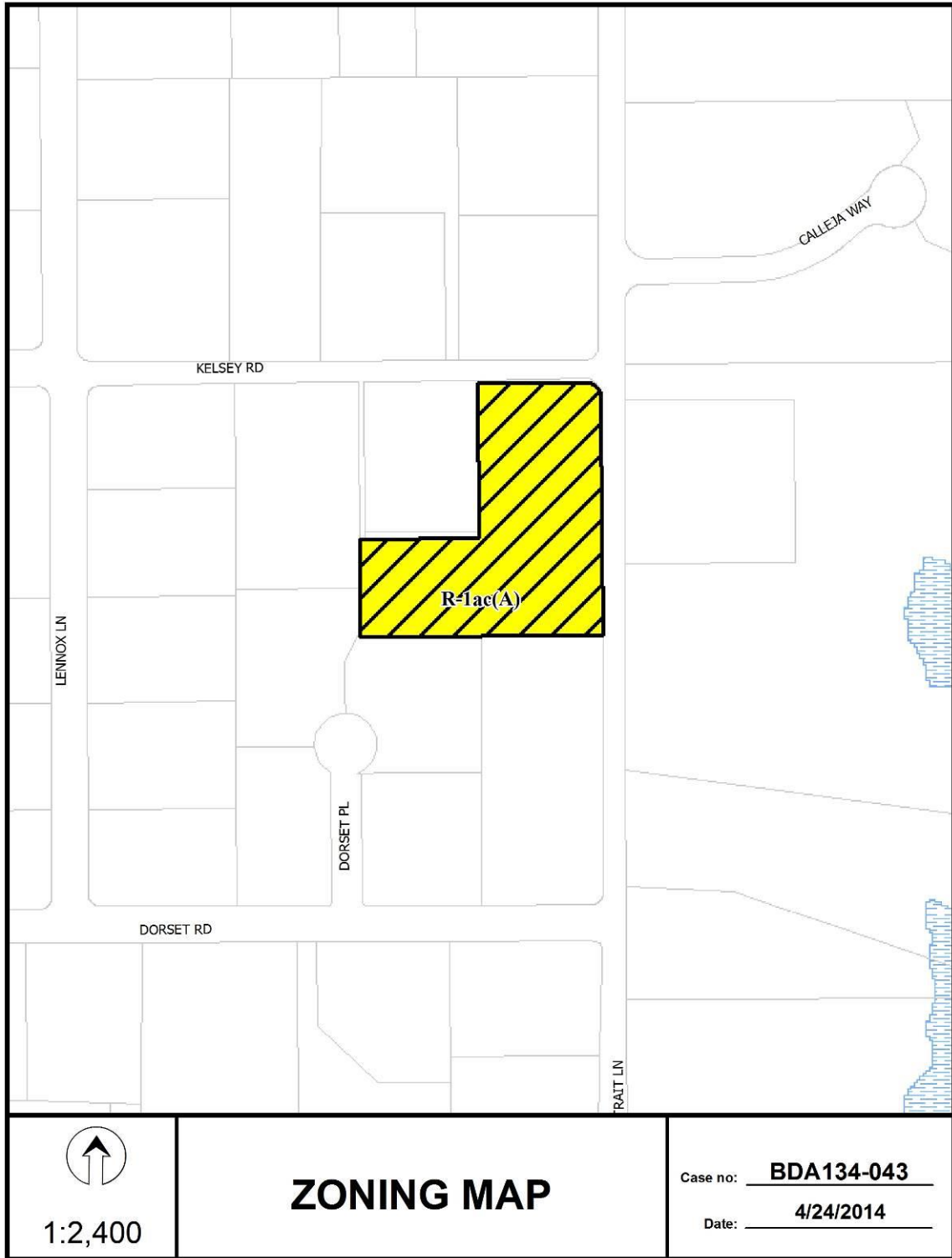
- The Dallas Development Code states that in R-1ac(A) zoning, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter.
- The applicant has submitted a revised site plan that indicates the location of the two electrical meters on the subject site.
- The application states that the property was two lots where were recently replatted into a single lot, and that the pool house and green house that were originally located on the lot originally known as 10341 Strait Lane has an electric meter as does the original house on 10349 Strait Lane. The applicant states that the owner would like to keep both meters on the lot so he does not have to rewire the property.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

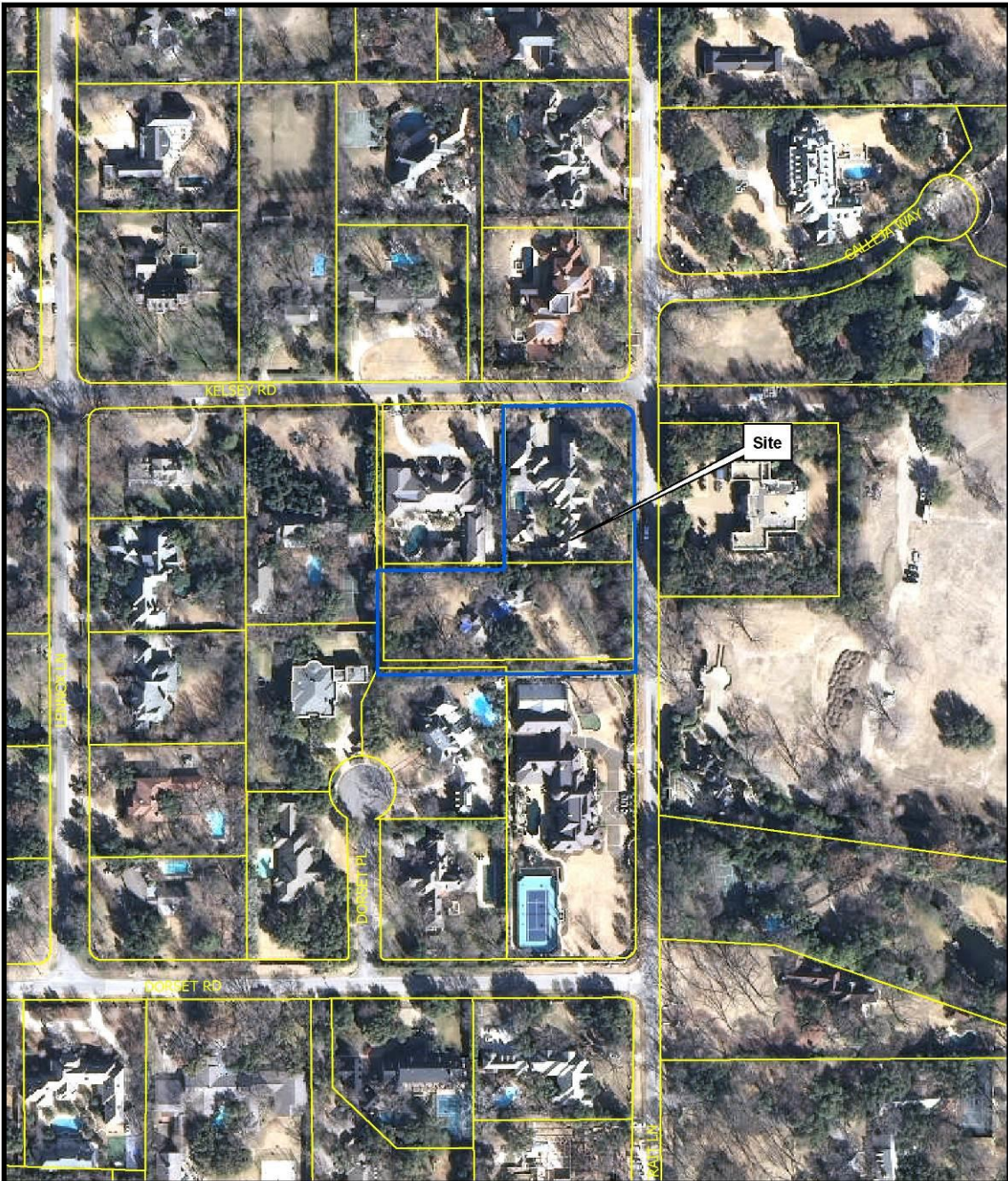
GENERAL FACTS/STAFF ANALYSIS (variance):

- This request focuses on constructing and maintaining an approximately 160 square foot (approximately 20' x 8'), approximately 4' high generator structure, all of which is proposed to be located in the site's 40' front yard setback on Kelsey Road on a site developed with a single family home/use.
- Structures on lots zoned R-1ac(A) are required to provide a minimum front yard setback of 40'.
- The site is located on the southwest corner of Strait Lane and Kelsey Road. The site has one 40' front yard setback. The site has a 40' front yard setback along Kelsey Road because it is the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single-family zoning district. Regardless of the orientation of the house on the property which fronts Strait Lane, and was which constructed prior to a recent replat of the property when Strait Lane on this corner property was front yard, the site now has after replat of the subject site, a 10' side yard setback along Strait Lane, the longer of the two frontages of this corner where there is no longer (given the recent replat of the subject site) continuity of the established front yard setback to maintain along Strait Lane between Dorset Lane and Kelsey Road.
- The submitted revised site plan denotes that the "proposed generator location" approximately 39' from the site's front property line or 11' into this 40' front yard setback.
- According to calculations taken from the site plan, the entire approximately 160 square foot generator structure is located in the site's 40' front yard setback.
- The subject site is flat, "L" shaped, and according to the application is 1.45 acres in area. The site is zoned R-1ac(A) where lots typically are 1 acre in area.
- According to DCAD records, the "main improvements" at 10349 Strait Lane is a structure built in 1993 with 10,121 square feet of living area and 10,121 square feet of total area. The "additional improvements" at this address include: a tennis court, an 800 square foot cabana, a 160 square foot cabana, a 513 square foot

greenhouse, a 24 square foot outbuilding, an 807 square foot detached garage, a pool, a 606 square foot cabana, and a 280 square foot detached carport.

- 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 R-1ac(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is an approximately 160 square foot generator structure located 29’ from the site’s front property line (or 11’ into the site’s 40’ front yard setback).





1:2,400

AERIAL MAP

Case no: BDA134-043

Date: 4/24/2014



City of Dallas

BDA 134-043 A
Attach A
Pg 1

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: 134-043

Date: 03-24-14

Data Relative to Subject Property:

Location address: 10349 Strait Lane Zoning District: R-1(A)

Lot No.: 11 Block No.: D/5532 Acreage: 1.45 acres Census Tract: 76.01

Frontage (in Feet): 1) 374 ft 2) 180 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE 2A

Owner of Property/or Principal: Donald and Carmen Godwin

Applicant: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street - Suite B, Dallas, TX Zip Code: 75226

Represented By: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street - Suite B Zip Code: 75226

Affirm that a request has been made for a Variance , or Special Exception X, of a special exception to allow for a second electric meter on property. A Variance to the Front yard setback requirements of 11 feet along Elessy. P13

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 property was two lots which were recently replatted into a single lot. The pool house and green house that are located on the lot originally known as 10341 Strait Lane has an electric meter as does the original house on 10349 Strait Lane. The owner would like to keep both meters so they will not have to rewire the property. Also a request for a 11-foot front yard setback variance along Elessy Road. P13

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.

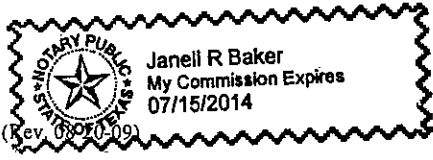
Respectfully submitted: Robert Baldwin Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin 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 17 day of March, 2014



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

BDA134-043
Attach A
B2
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 Robert Baldwin

did submit a request provide an additional electrical meter, and for a variance to the front yard setback regulations
at 10349 Strait Lane

BDA134-043. Application of Robert Baldwin for a special exception to provide an addition electrical meter and a variance to the front yard setback regulations at 10349 Strait Lane. This property is more fully described as Lot 11, Block D/5532, and is zoned R-1ac(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter and requires a front yard setback of 40 feet. The applicant proposes to construct and maintain a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations and to construct and maintain a single family residential structure and provide : 29 foot front yard setback, which will require an 11 foot variance to the front yard setback regulations.

Sincerely,


Larry Holmes, Building Official

BDA-134-043
Attach A
Pg 4

And a variance of 11 ft to the front yard setback for the placement of a generator.

The property is encumbered by two front yards and the variance is needed to allow the installation of the generator

10349 Strait Ln

BDA-134-043

Baldwin
Associates

April 30, 2014

Steve Long
Board of Adjustment Administrator
City Hall
1500 Marilla Street, Room 5BN
Dallas, TX 75201-6390

Re: Board of Adjustment Case 134-043: 10349 Strait Lane

Dear Steve,

This firm represents Donald and Carmen Godwin, the owners of 10349 Strait Lane, in their request for a Special Exception to Section 51A-4.112(a)(8)(A) of the Dallas Development Code, which limits the number of electrical meters in an R-1AC(A) Single Family District. They are constructing a cabana and pool on the southern portion of their property and they want to retain a second electrical meter to serve this portion of their property. In addition, we amended our original application to include a request for a front yard variance of 11 feet to allow for the placement of a backup generator on the property.

The Godwins acquired a lot to the south of their residence and platted the properties together. The additional land provides the Godwins area for a cabana, pool, and a lawn with extensive landscaping. While constructing the cabana and pool, plans were designed to use the existing electrical meter on the former separate lot that served the previous development. Construction is near completion on the cabana and pool.

The second electric meter will not be contrary to public interest or adversely impact surrounding properties because the second electric meter will not be visible from surrounding properties and will only serve the cabana and pool, which are accessory to the Godwin's single family use. The request to keep the second electric meter will not serve a use not permitted in the R-1AC(A) Single Family District.

The second aspect of this request is a variance to the required front yard setback to allow for the placement of a backup generator. The proposed location for the generator is shown on the attached site plan and is proposed to be located on the north side of the property, approximately 29 feet from Kelsey Road. The proposed generator will be screened from view behind a fence and shrubs. It will not be visible from either Kelsey Road or Strait Lane or neighboring properties. This property is encumbered by two (2) front yard setbacks and given the location of the existing structure and main electrical connections for the main structure; the generator needs to be located in this location. The generator needs to be located away from the structure itself, but close to

BDA 134-043

Attach A pg 6

the electric services. The house fronts on to Strait Lane and the Kelsey Road frontage actually acts as a side yard rather than a front yard.

Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Very truly yours,

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

Robert B. Baldwin, AICP

BDA 134-043
Attach B PSI

Long, Steve

From: Robert Baldwin <rob@baldwinplanning.com>
Sent: Friday, May 09, 2014 8:00 AM
To: Long, Steve
Subject: Re: BDA 134-043, Property at 10349 Strait Lane

Steve,

According to the architect this plan does accurately show the location of the porte cochere and this application is not asking for anything related to this structure.

Thanks

Rob

Rob Baldwin
Baldwin Associates LLC
214.729-7949 (cell)
Rob@baldwinplanning.com

From: Steve Long <steve.long@dallascityhall.com>
Date: Friday, May 9, 2014 at 7:28 AM
To: Robert Baldwin <rob@baldwinplanning.com>
Subject: RE: BDA 134-043, Property at 10349 Strait Lane

Hi Rob,

You *did* write that you would bring it to Todd before you brought it to me, however, I have the following questions:

Does the plan that you have just emailed me:

- 1) Accurately represent the location of the porte cochere/carport that was granted variance and conditioned to a site plan in 2007?
- 2) Establish that no part of THIS application requires variance to any structure on the property other than what is labeled "proposed generator location" in this site's front yard setback.

Thank you,

Steve

From: Robert Baldwin [mailto:rob@baldwinplanning.com]
Sent: Friday, May 09, 2014 7:21 AM
To: Long, Steve
Subject: Re: BDA 134-043, Property at 10349 Strait Lane

I thought Vickie brought it to Todd yesterday. I was in CPC all day so I am not sure. I printed the copies and left it for her. Let me check and I will get back with you. I have attached what we were to bring to him.

Rob

Rob Baldwin

Baldwin Associates LLC
214.729-7949 (cell)
Rob@baldwinplanning.com

BDA134-043
Attach B pg 2

From: Steve Long <steve.long@dallascityhall.com>
Date: Friday, May 9, 2014 at 5:34 AM
To: Robert Baldwin <rob@baldwinplanning.com>
Subject: RE: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

What is the status of this?

Steve

From: Robert Baldwin [<mailto:rob@baldwinplanning.com>]
Sent: Wednesday, May 07, 2014 8:59 AM
To: Long, Steve
Cc: Duerksen, Todd; Dean, Neva
Subject: Re: BDA 134-043, Property at 10349 Strait Lane

Thanks Steve. My client is preparing the plan and I expect it this morning. I will bring it to Todd before I bring to you. The spec sheet for the generator shows it to be 3.9 feet tall.

Thanks for your help.

Rob

Rob Baldwin
Baldwin Associates LLC
214.729-7949 (cell)
Rob@baldwinplanning.com

From: Steve Long <steve.long@dallascityhall.com>
Date: Wednesday, May 7, 2014 at 6:23 AM
To: Robert Baldwin <rob@baldwinplanning.com>
Cc: Todd Duerksen <todd.duerksen@dallascityhall.com>, Neva Dean <neva.dean@dallascityhall.com>
Subject: RE: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

Please take any revised plan that you mentioned yesterday morning to Todd first, get his Ok, then bring me three full scales and one reduction. Remember, you have until the end of this week for any new info to make the docket then after that, you bring it to the board.

Secondly, what is the approximate height of the proposed generator structure?

Thanks,

Steve

From: Robert Baldwin [<mailto:rob@baldwinplanning.com>]
Sent: Tuesday, May 06, 2014 8:02 AM

To: Long, Steve
Cc: Duerksen, Todd
Subject: Re: BDA 134-043, Property at 10349 Strait Lane

BDA 134-043
Attach B pg 3

Steve,

I will get the plan revised today to address your issues listed below and bring you the revised plan ASAP.

Rob

Rob Baldwin

Baldwin Associates LLC
214.729-7949 (cell)
Rob@baldwinplanning.com

From: Steve Long <steve.long@dallascityhall.com>
Date: Tuesday, May 6, 2014 at 7:48 AM
To: Robert Baldwin <rob@baldwinplanning.com>
Cc: Todd Durekson <todd.duerksen@dallascityhall.com>
Subject: FW: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

Unless I hear differently from you today, I am making the following assumptions with regard to your submitted site plan that is part of Attach A attached (page 3 of 6):

- 1) This plan does not accurately represent the location of the porte cochere/carport that was granted variance and conditioned to a site plan in 2007 (page 5 of 5 attached).
- 2) Regardless of number 1 above being correct, there is no part of THIS application that would require variance to any structure on the property other than what is labeled "proposed generator location" in this site's front yard setback.
- 3) Given that the board typically imposes a site plan as a condition to variance request, as you wrote on May 2nd below, you plan on submitting a revised site plan to the board by the end of this week (if you want it to be included in the docket) or at their May 20th public hearing that will accurately convey the location of the porte cochere/carport that was granted variance in 2007 – a location and size on a to-be-submitted site plan that matches what was shown on the 2007 site plan.
- 4) This plan does not show the location of either of the two electric meters on the replatted site.

Thank you,

Steve

From: Long, Steve
Sent: Monday, May 05, 2014 12:44 PM
To: 'Robert Baldwin'
Cc: Dean, Neva; Duerksen, Todd; Way, Jamilah; Sikes, Phil; Cossum, David; 'Vicki'
Subject: RE: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

As you know, the staff review team meeting is tomorrow at 1:30 pm and though technically the deadline for additional submittals that I gave you on April 14th for staff review purposes was noon, April 30th, I would take in an amended plan that you reference below to the meeting tomorrow afternoon if you were to give me one today. And as you and I

BDA 134-043 Attach B ps 4

discussed this morning with regard to the point in your April 30th letter in Attach A (attached), my understanding from discussions I have had this morning with other staffers is that this property has ONE front yard setback on Kelsey Road, and that the statement in your letter that the "property is encumbered by two (2) front yard setbacks" is incorrect.

Please write or call me at 214/670-4666 if I can assist you in any other way on this application.

Thank you,

Steve

From: Robert Baldwin [<mailto:rob@baldwinplanning.com>]
Sent: Friday, May 02, 2014 3:57 PM
To: Long, Steve
Cc: Duerksen, Todd; Dean, Neva
Subject: Re: BDA 134-043, Property at 10349 Strait Lane

Steve,

It looks like the structure was built, but it is not accurately shown on the plan. I will get the site plan modified to show the proper structure.

Thanks for following up.

Rob

Rob Baldwin
Baldwin Associates LLC
214.729-7949 (cell)
Rob@baldwinplanning.com

From: Steve Long <steve.long@dallascityhall.com>
Date: Friday, May 2, 2014 at 3:27 PM
To: Robert Baldwin <rob@baldwinplanning.com>
Cc: Todd Durekson <todd.duerksen@dallascityhall.com>, Neva Dean <neva.dean@dallascityhall.com>
Subject: FW: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

Please look at the observations that Todd and I have made since my email to you yesterday afternoon, and please respond by the end of the day today. Please establish for the record whether the structure varied by the board on this site in 2007 was built, and if so, that it is in compliance with the site plan imposed as a condition to that request. Please establish for the record today that the only variance to the front yard setback regulations needed in your application this month is for the back-up generator structure.

Thank you,

Steve

From: Long, Steve
Sent: Thursday, May 01, 2014 1:35 PM
To: 'Robert Baldwin'

Cc: Duerksen, Todd; Dean, Neva
Subject: FW: BDA 134-043, Property at 10349 Strait Lane

BDA 134-043
Attach B pg 5

Dear Rob,

Look at the observations that Todd and I have made since my email to you earlier this afternoon, and please respond by the end of the day tomorrow.

Thank you,

Steve

From: Long, Steve
Sent: Thursday, May 01, 2014 1:34 PM
To: Duerksen, Todd
Subject: RE: BDA 134-043, Property at 10349 Strait Lane

Good point! I see two squares on the new plan in the general area of the porte cochere location from 2007 but let's see what Rob says, Todd.

Thank you,

Steve

From: Duerksen, Todd
Sent: Thursday, May 01, 2014 1:29 PM
To: Long, Steve
Subject: RE: BDA 134-043, Property at 10349 Strait Lane

The new site plan does appear to maybe indicate the carport but indicates it incorrectly, it shows only the support columns and omits the roof.

From: Long, Steve
Sent: Thursday, May 01, 2014 12:56 PM
To: Robert Baldwin
Cc: Duerksen, Todd; Dean, Neva; Jimenez, Danielle; Way, Jamilah
Subject: FW: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

It is a fact that before we assign applications here at City Hall to one of the three board panels, in order to adhere to the code provisions (51. 3.102(b)) and board's rules (Section 9(k)) (attached), a determination is made as to whether there is history on the site, and if so, what type of board application was applied for on the subject site. When the May applications were forwarded here to City Hall, I checked history at 10349 Strait Lane and assessed from the map that there was no history related to what you had originally applied for in conjunction with BDA 134-043 – a special exception to the single family regulations for an additional electric meter. As a result, your application as originally submitted for just a special exception was randomly assigned for Panel A's May 20th docket on April 14th.

However, yesterday on April 30th, when you added a front yard variance to this application, you may recall that I seemed to recollect that this property HAD a variance on it, and sure enough, when I went back to the map to see if there was any VARIANCE history, there was. The good news is that the front yard variance request from 2007 (BDA 067-111) was heard by Panel A so the subsequent case on this property re-filed concerning the same request (front yard variance) coincidentally/luckily returns back to Panel A!

Would you please take a look at the attached information regarding the 2007 case (and the imposed condition) and establish for the record *no later than the end of the day tomorrow (May 2nd)* that the action on this property in 2007 in no way implicates the variance request that you made on this property yesterday scheduled for Panel A's May 20th docket? (The site plan imposed as a condition in 2007 shows a "proposed open-sided porte cochere" in the Kelsey Road front yard setback; your site plan from yesterday does not).

Thank you,

Steve

From: Long, Steve
Sent: Wednesday, April 30, 2014 2:08 PM
To: 'Robert Baldwin'
Cc: Way, Jamilah; Dean, Neva; Duerksen, Todd; Jimenez, Danielle
Subject: FW: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

Attached is additional information on your application referenced above that I have labeled as Attach A— additional information part of which you hand-delivered to me earlier this afternoon, and part of which Todd called to my attention (his amended BO report). This information will be added to the case file, part of what is discussed at the May 6th staff review team meeting, and incorporated into the docket that is emailed to you, other city staff, the applicant's representative, and the board members the week of May 12th.

I have attached for you the standard as to how the board is able to consider/grant a variance to the front yard setback regulations (51A-3.102(d)(10)).

Please write or call me if you have questions or concerns.

Thanks,

Steve

From: Long, Steve
Sent: Monday, April 14, 2014 2:14 PM
To: 'Robert Baldwin'
Cc: Duerksen, Todd; Jimenez, Danielle
Subject: BDA 134-043, Property at 10349 Strait Lane

Dear Rob,

Here is information regarding your application to the board of adjustment referenced above, most of which I believe you are aware of given your experience with the board:

1. Your submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled May 20th Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a special exception for an additional electrical service or electrical meter on a lot zoned for a single family use (51A-4.209(b)(6)(E)(v)).

3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application (page 2 of 4 in the attached application materials) and contact Todd at 214/948-4475 no later than noon, Wednesday, April 30th with regard to any amendment that you feel is necessary to address the issue at hand. (Note (Note that the discovery of any additional appeal needed/discovered other than the single family use special exception request beyond April 30th will result in postponement of the appeals until the panel's next regularly scheduled public hearing).

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

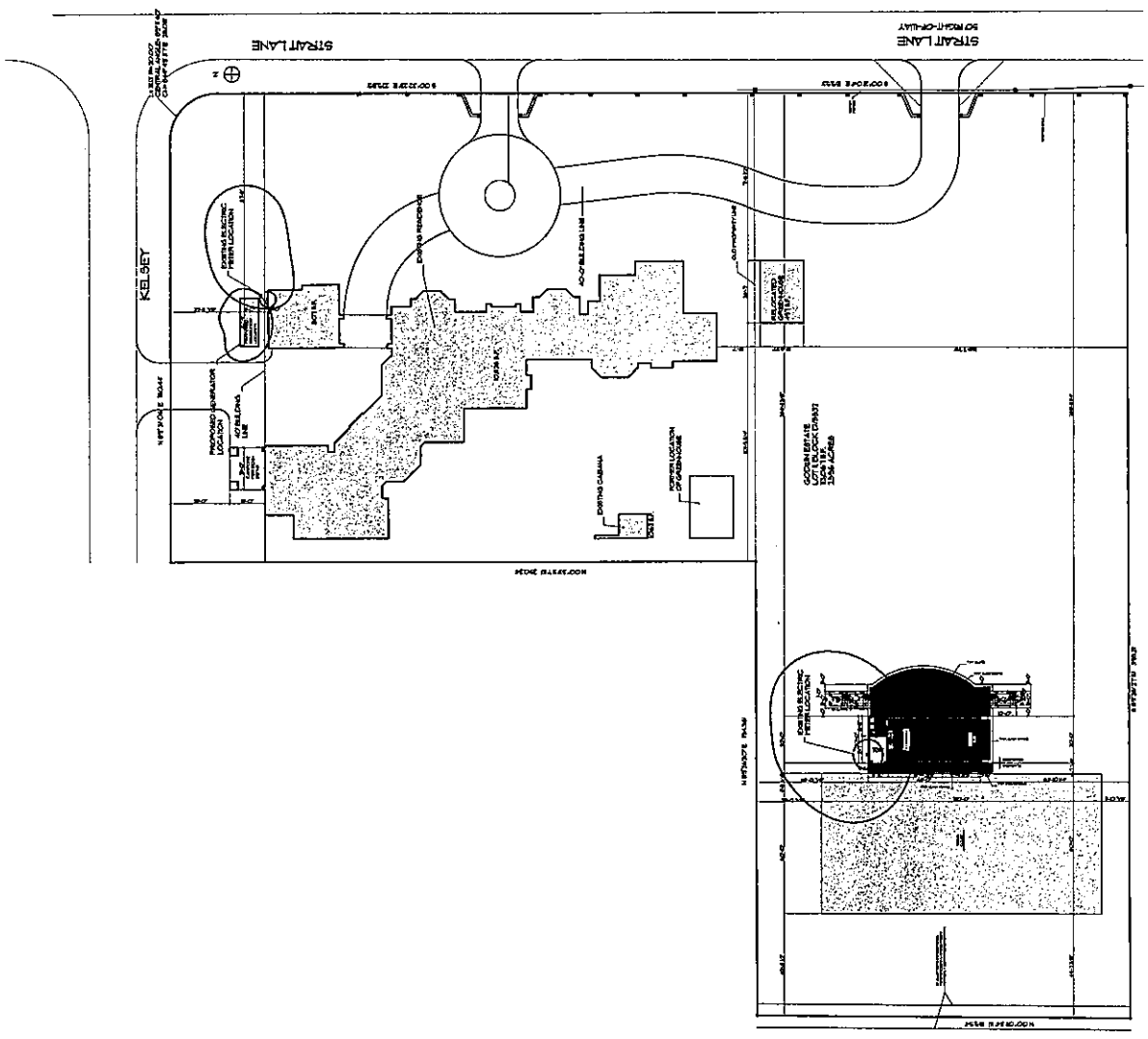
Thank you,

Steve

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

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

① GENERATOR LOCATION
1-2007



A-08	
NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE
NO. 6	DATE
NO. 7	DATE
NO. 8	DATE
NO. 9	DATE
NO. 10	DATE

RESIDENCE FOR
0349 STRAIT LANE
Dallas, Texas 75229
Lot 13 Block D/5532

Shart/Munir
UNUSUAL CUSTOM HOMES
6009 BELTLINE ROAD SUITE 200
DALLAS, TX 75254
OFFICE: 972-702-9111
FAX: 972-553-5533
<http://www.shart-munir.com>

DATE: 11/15/07
BY: [Signature]

DATE: 11/15/07
BY: [Signature]



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: 134-043

Date: 03-24-14

Data Relative to Subject Property:

Location address: 10349 Strait Lane Zoning District: R-1(A)

Lot No.: 11 Block No.: D/5532 Acreage: 1.45 acres Census Tract: 76.01

Frontage (in Feet): 1) 374 ft 2) 180 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE 2A

Owner of Property/or Principal: Donald and Carmen Godwin

Applicant: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street – Suite B, Dallas, TX Zip Code: 75226

Represented By: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street – Suite B Zip Code: 75226

Affirm that a request has been made for a Variance __, or Special Exception X, of a special exception to allow for a second electric meter on property.

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 property was two lots which were recently replatted into a single lot. The pool house and green house that are located on the lot originally known as 10341 Strait Lane has an electric meter as does the original house on 10349 Strait Lane. The owner would like to keep both meters so they will not have to rewire the 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: Robert Baldwin
Applicant's name printed

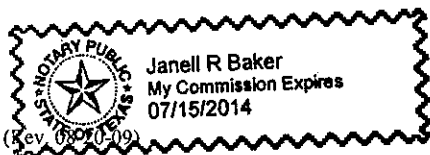
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin 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 17 day of March, 2014



Janell R Baker
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

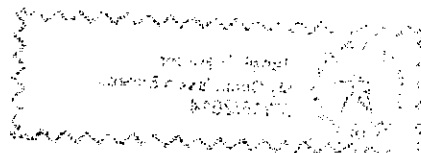
I hereby certify that Robert Baldwin

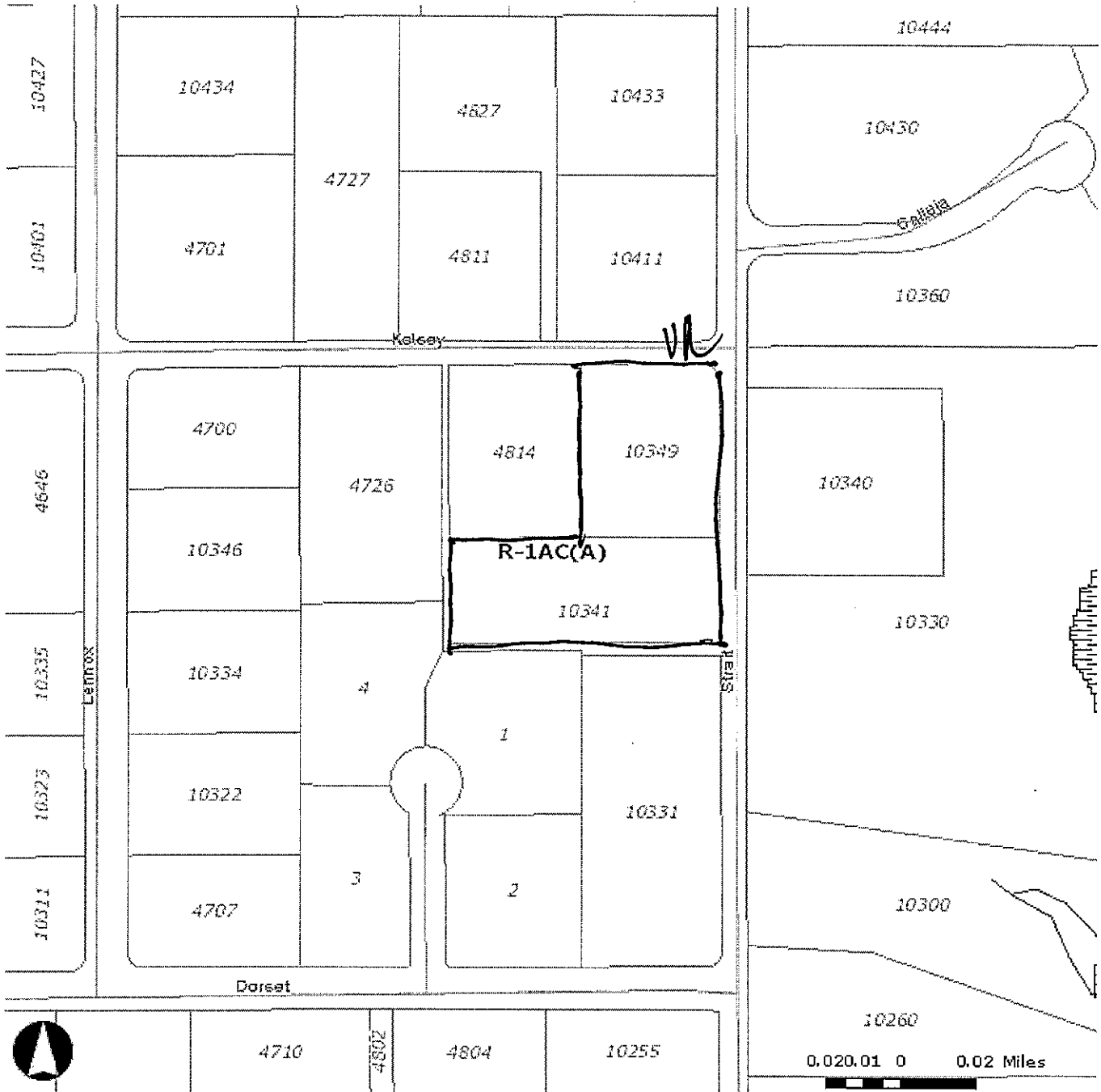
did submit a request provide an additional electrical meter
at 10349 Strait Lane

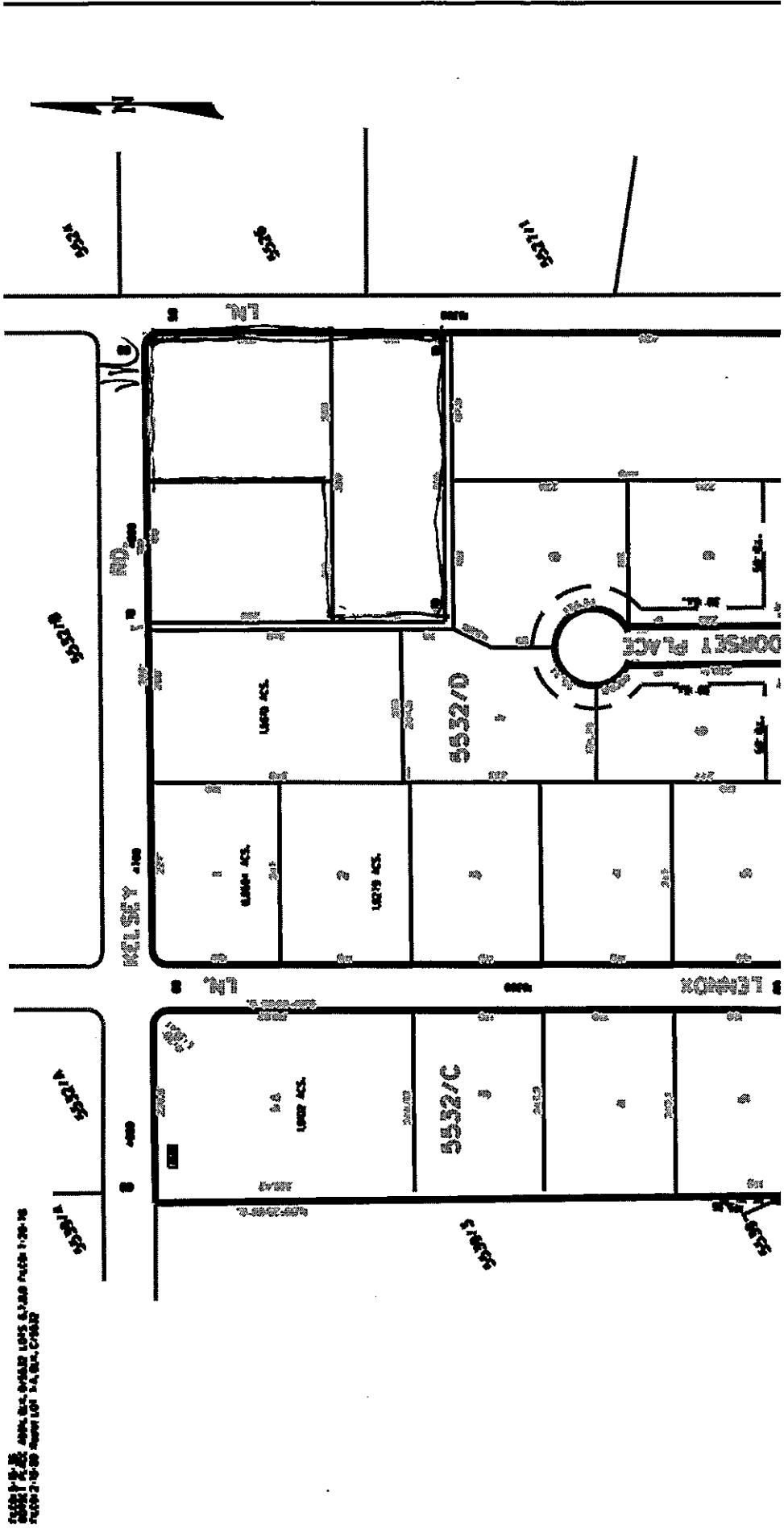
BDA134-043. Application of Robert Baldwin to provide an additional electrical meter at 10349 Strait Lane. This property is more fully described as Lot 11, Block D/5532, and is zoned R-1ac(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and maintain a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,

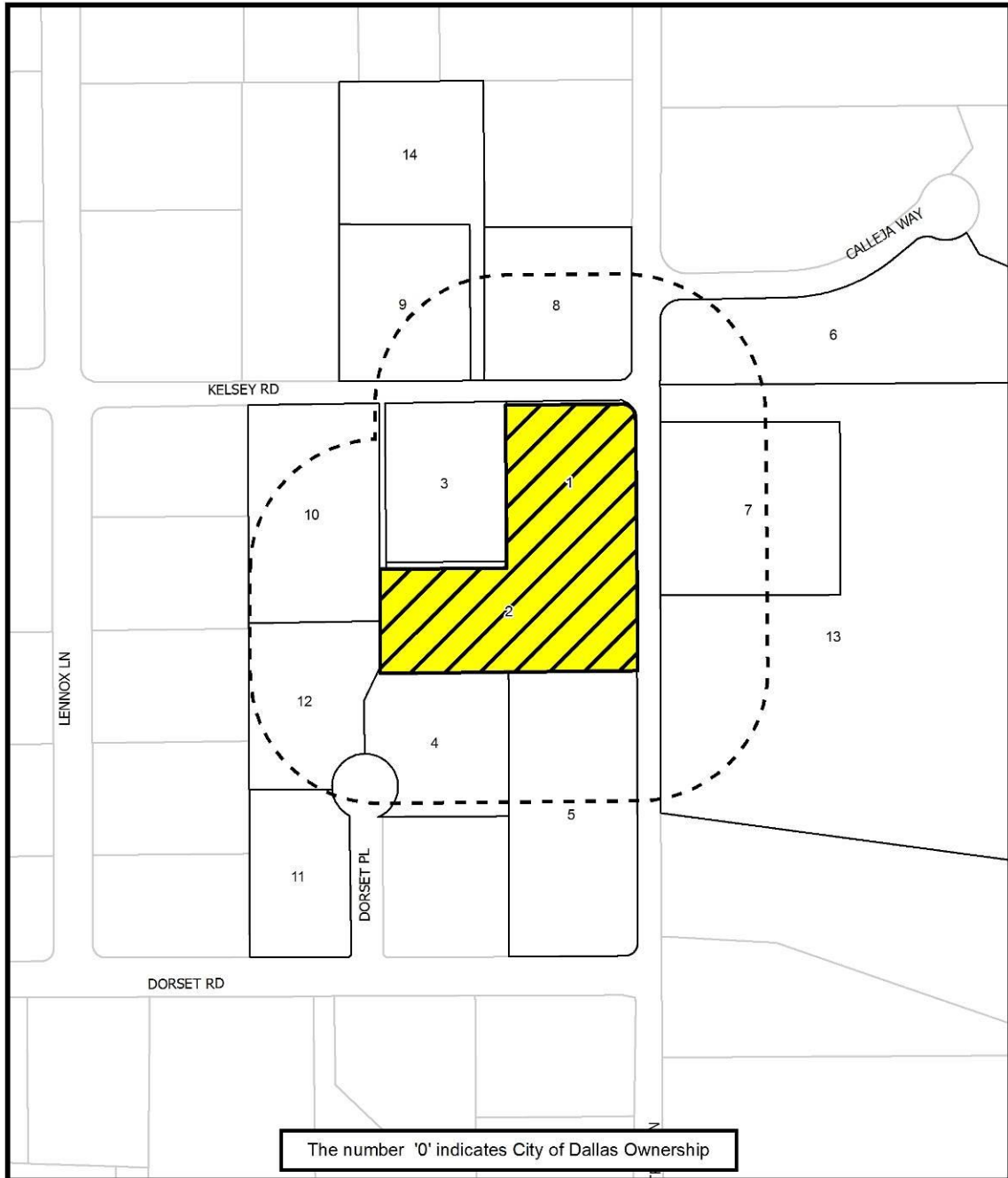

Larry Holmes, Building Official







5532/D 1.2 ACRES
 5532/C 3.4 ACRES
 5532/D 1.2 ACRES
 5532/C 3.4 ACRES
 5532/D 1.2 ACRES
 5532/C 3.4 ACRES
 5532/D 1.2 ACRES
 5532/C 3.4 ACRES



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA134-043</u> Date: <u>4/24/2014</u>
200'	AREA OF NOTIFICATION					
14	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA134-043

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10349 STRAIT LN	GODWIN DONALD E & CARMEN Q
2	10341 STRAIT LN	GODWIN DONALD & CARMEN
3	4814 KELSEY RD	WITTMANN THOMAS PETER
4	1 DORSET PL	FENNEL REBECCA ANN LANG TRUSTEE REBECCA
5	10331 STRAIT LN	RANDAL A & RACHEL TR THE REVOCABLE TRUST
6	10360 STRAIT LN	TAYLOR CAMILLE
7	10340 STRAIT LN	GREEN NORMAN & KELLY
8	10411 STRAIT LN	WEINSTEIN MIKE & ALISON
9	4811 KELSEY RD	RYAN DEBORAH J
10	4726 KELSEY RD	HOLCOMBE MILTON W & BETTY
11	3 DORSET PL	NAIFEH JEROME G & DONNA
12	4 DORSET PL	KARNS MICHAEL D &
13	10330 STRAIT LN	PLAN II PARTNERS LLC
14	4827 KELSEY RD	DOUGLAS DAVID

FILE NUMBER: BDA 134-045

BUILDING OFFICIAL'S REPORT: Application of Peter F. Hennessey for a special exception to the fence height regulations at 4989 Shadywood Lane. This property is more fully described as Lot 6, Block 2/5575, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain a 7 foot high fence, which will require a 3 foot special exception to the fence height regulations.

LOCATION: 4989 Shadywood Lane

APPLICANT: Peter F. Hennessey

REQUEST:

A request for a special exception to the fence height regulations of 3' is made to construct and maintain a 6' high solid masonry fence with 7' high masonry columns, and a 6' maximum high vehicular and pedestrian gates in the site's 40' front yard setback along Briarwood Lane on a site developed with a single family home/use.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

February 20, 2014: 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 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 14, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 30th deadline to submit additional evidence for staff to factor into their analysis; and the May 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

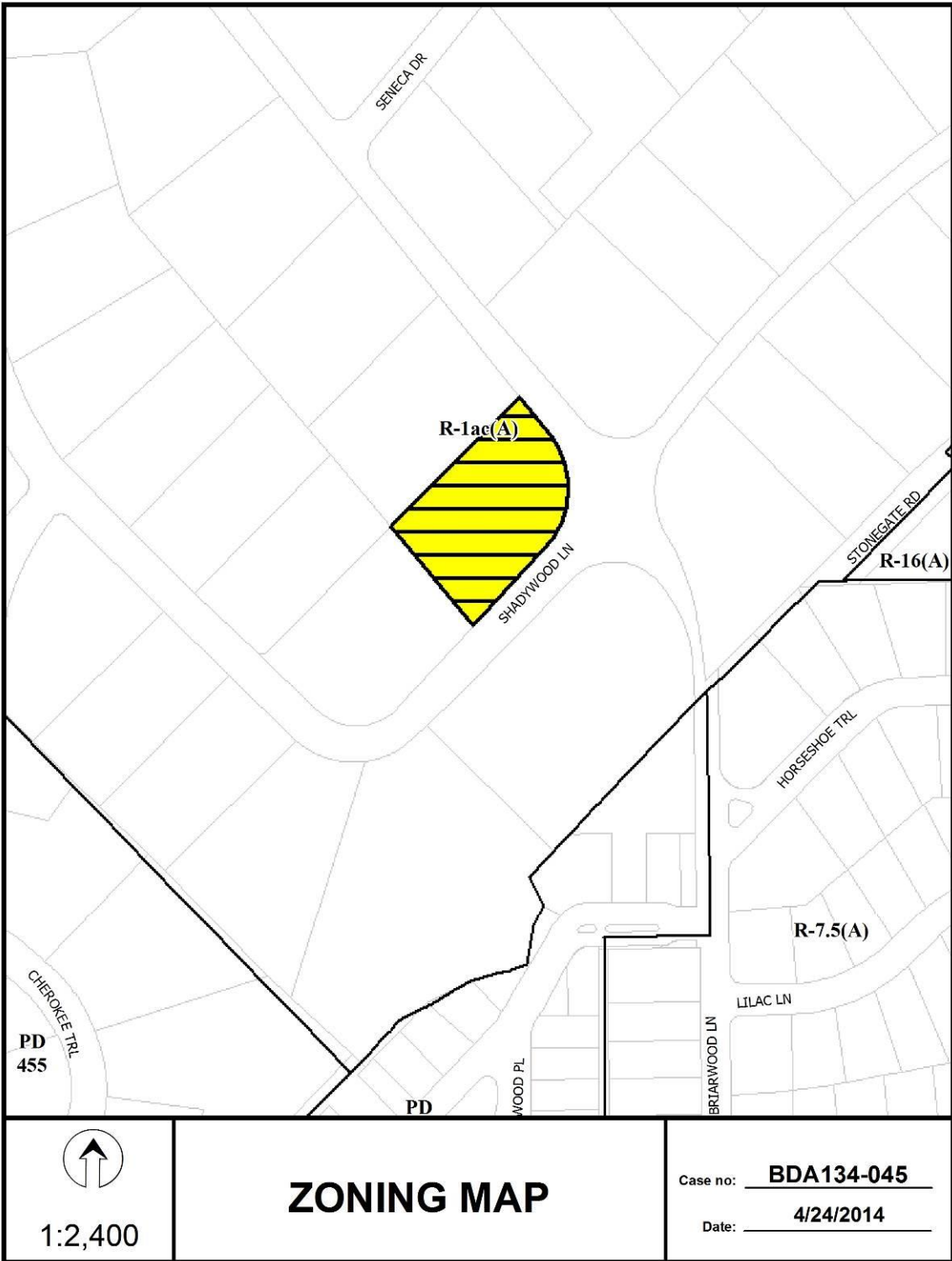
April 29, 2014: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

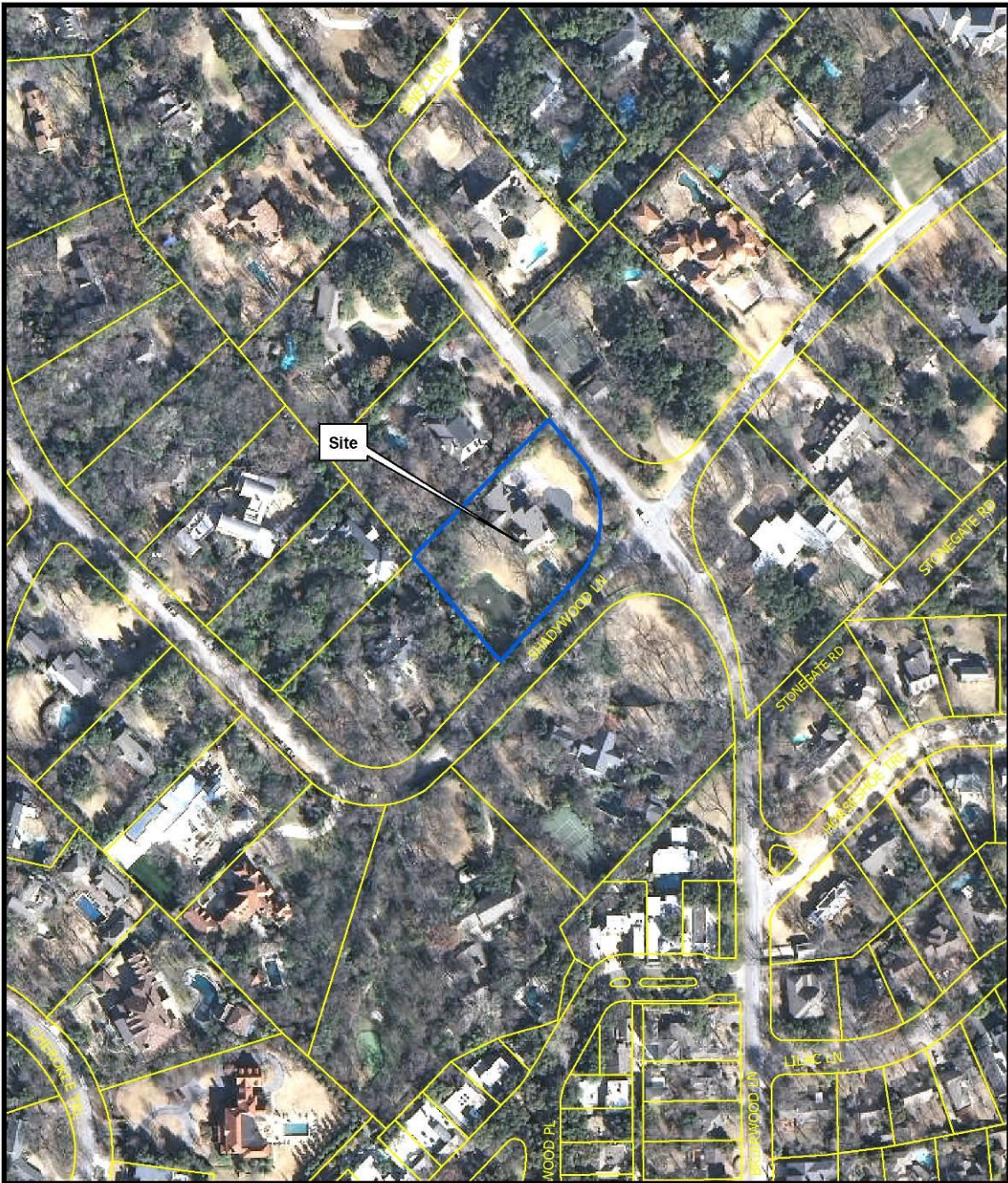
May 6, 2014 : The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining 6' high solid masonry fence with 7' high masonry columns, and a 6' maximum high vehicular and pedestrian gates in the site's 40' front yard setback along Briarwood Lane on a site developed with a single family home/use.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- Structures on lots zoned R-1ac(A) are required to provide a minimum front yard setback of 40'.
- The site is located on the west corner of Briarwood Lane and Shadywood Lane. The site has one front yard setback. The site has a 40' front yard setback along Briarwood Lane because it is the shorter of the two frontages. The site has a 10' side yard setback along Shadywood Lane, the longer of the two frontages where a 9' high fence can be erected by right. The site's Shadywood Lane frontage is a side yard since it is the longer of the two frontages of the property and there is no continuity of an established front yard setback to maintain along Shadywood Lane.
- The applicant has submitted a site plan and partial elevation of the proposal in the front yard setback that reaches a maximum height of 7'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 190' in length parallel to the curved Briarwood Lane.
 - The proposal is represented as being located approximately 4' from the front property line or about 16' from the pavement line.
- The applicant has submitted a revised site plan with notations of certain landscape materials adjacent to the proposal of which includes a row of "30 gal. chindo viburnum 6' tall" between the proposed fence and the front property line.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high which appeared to be located in a front yard setback. (Note that several tall fences were noted on the eastern side of Briarwood Lane adjacent to the site, however, it appears that many if not all of these lots' Briarwood Lane frontages are side yards where 9' high fences can be constructed and maintained by right.
- No home fronts the proposal.
- As of May 12, 2014, no letters have been submitted in support of the application and two letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' will not adversely affect neighboring property.
- Granting this special exception of 3' with a condition imposed that the applicant complies with the submitted site plan and partial elevation would require the proposal exceeding 4' in height to be constructed/maintained in the location and of the heights and materials as shown on these documents.





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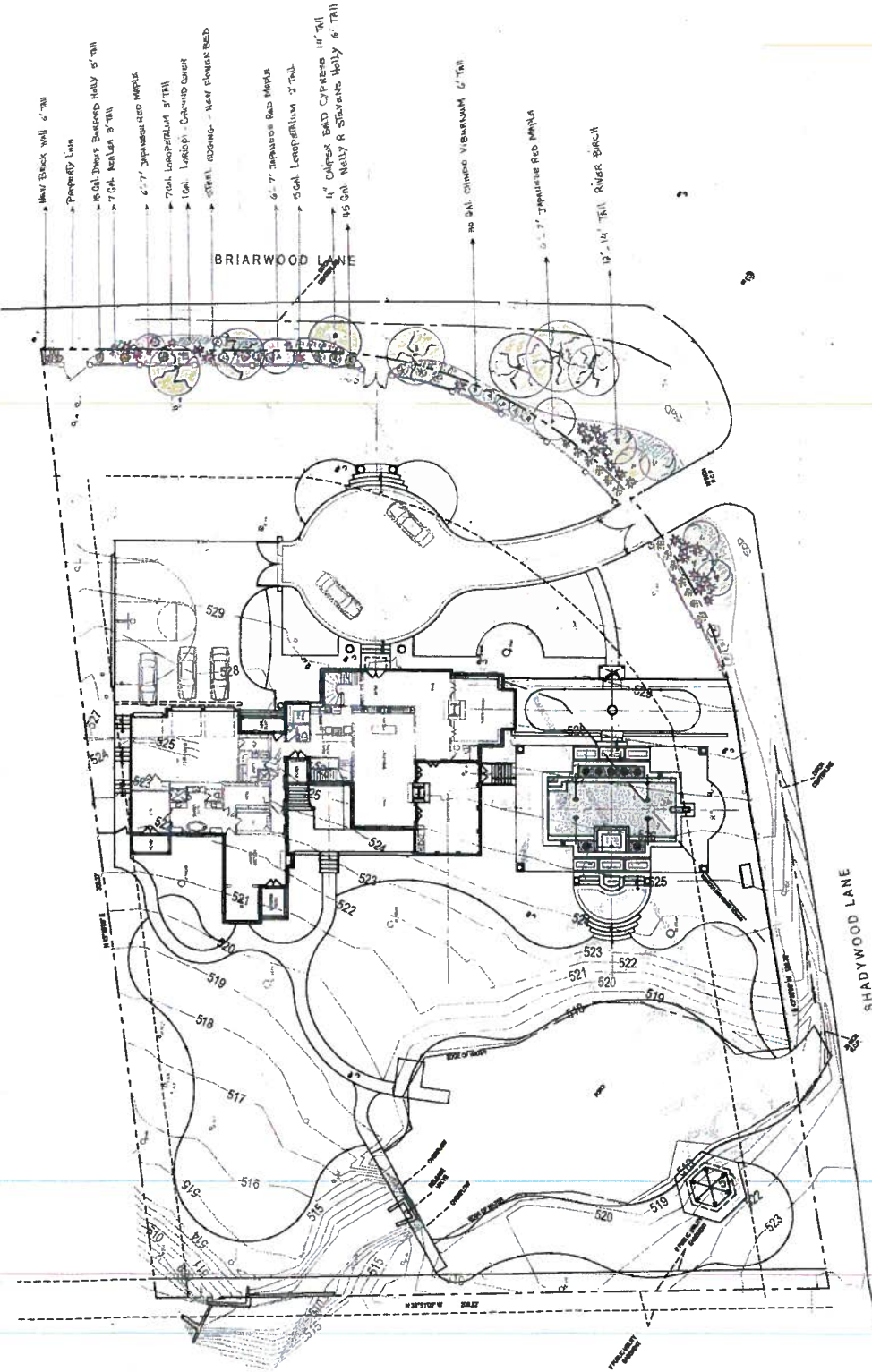
AERIAL MAP

Case no: BDA134-045

Date: 4/24/2014

4-30

WALEs RESIDENCE
 4989 SHADYWOOD
 DALLAS TX
 SCALE 1/8" = 1'-0"



FOR REVIEW ONLY

SITE PLAN

The intellectual property of this drawing is copyrighted to protect the uniqueness of your design.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-045
Date: 02.20.2014

Data Relative to Subject Property:

Location address: 4989 Shadywood Lane Zoning District: R-1AC (A)
Lot No.: 6 Block No.: 2/5575 Acreage: 1.239 AC Census Tract: 0073.02
Street Frontage (in Feet): 1) 179.79 2) 276.38 3) 4) 5) NE 21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James R. Wales and Lori M. Wales
Applicant: Peter F. Hennessey, P.E. Telephone: 972.245.9478
Mailing Address: 1417 W. Main Street, Carrollton, TX Zip Code: 75006
E-mail Address: heneng2@aol.com
Represented by: Hennessey Engineering, Inc. Telephone: 972.245.9478
Mailing Address: Same as Above Zip Code:
E-mail Address: Same As Above

Affirm that an appeal has been made for a Variance, or Special Exception X, of
3 foot fence height
for fence in the required front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas
Development Code, to grant the described appeal for the following reason:
As many of the adjoining and surrounding properties have utilized
similar fences to provide a visual structure to their landscaping,
this proposed fencing will compliment the neighborhood.

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 PETER F. HENNESSEY
(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



Respectfully submitted: Peter Hennessey
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 21 day of MARCH, 2014

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 Peter F. Hennessey

did submit a request for a special exception to the fence height regulations
at 4989 Shadywood Lane

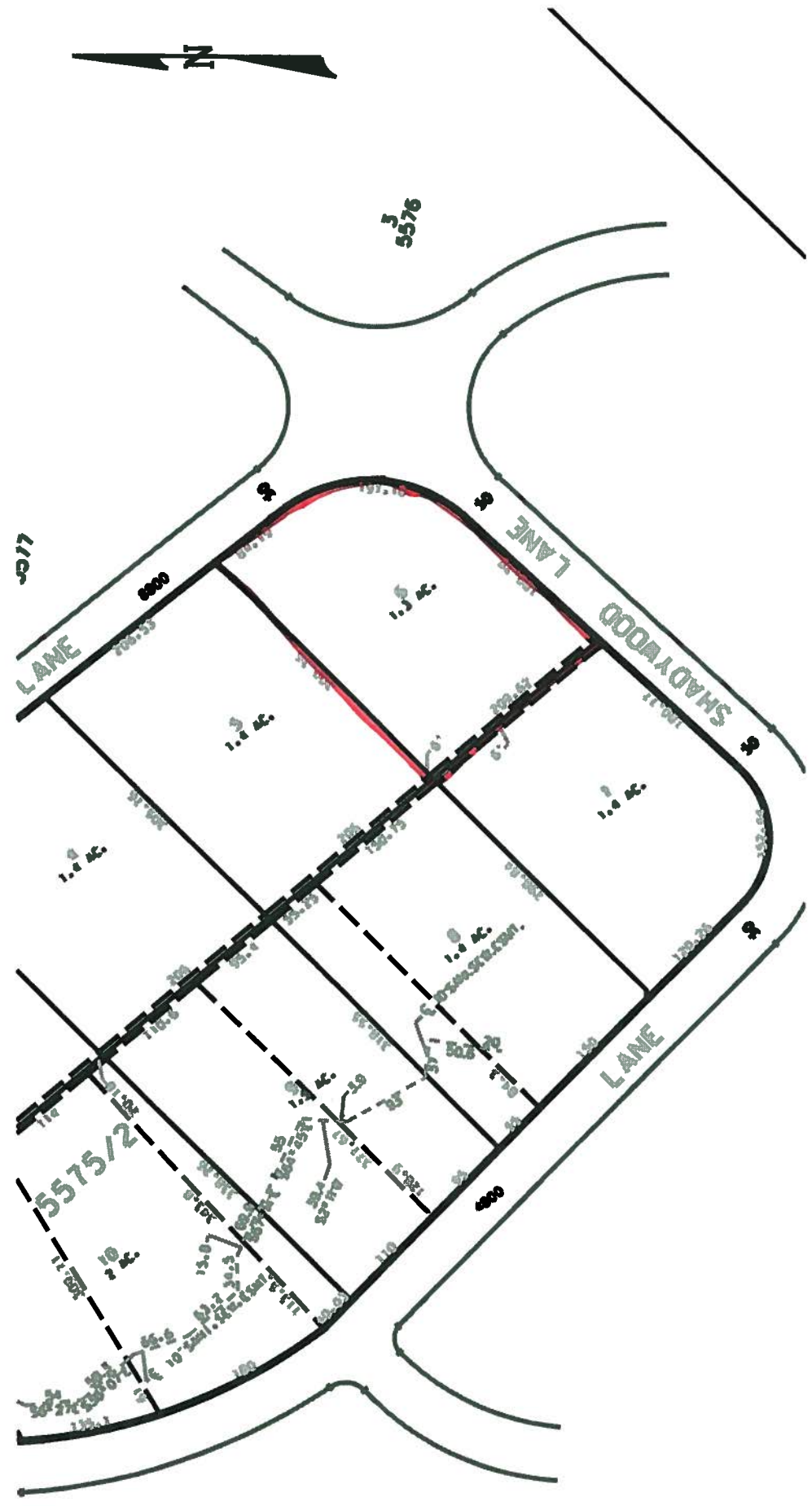
BDA134-045. Application of Peter F. Hennessey for a special exception to the fence height regulations at 4989 Shadywood Lane. This property is more fully described as Lot 6, Block 2/5575, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence regulation.

Sincerely,

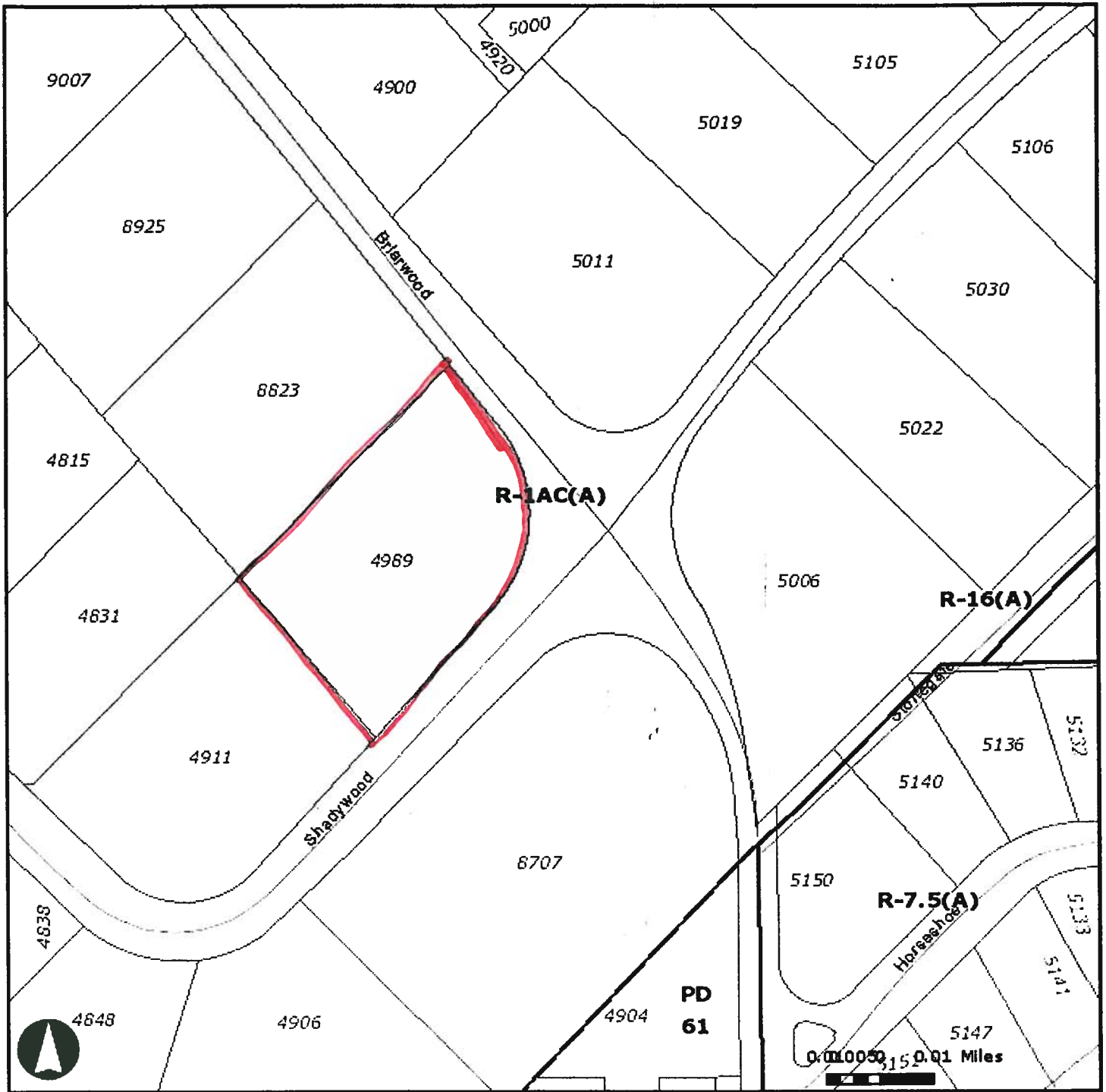

Larry Holmes, Building Official



28



City of Dallas Zoning



Address Candidates

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
BDA 134-045

SUP

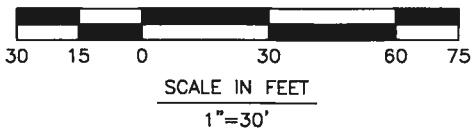
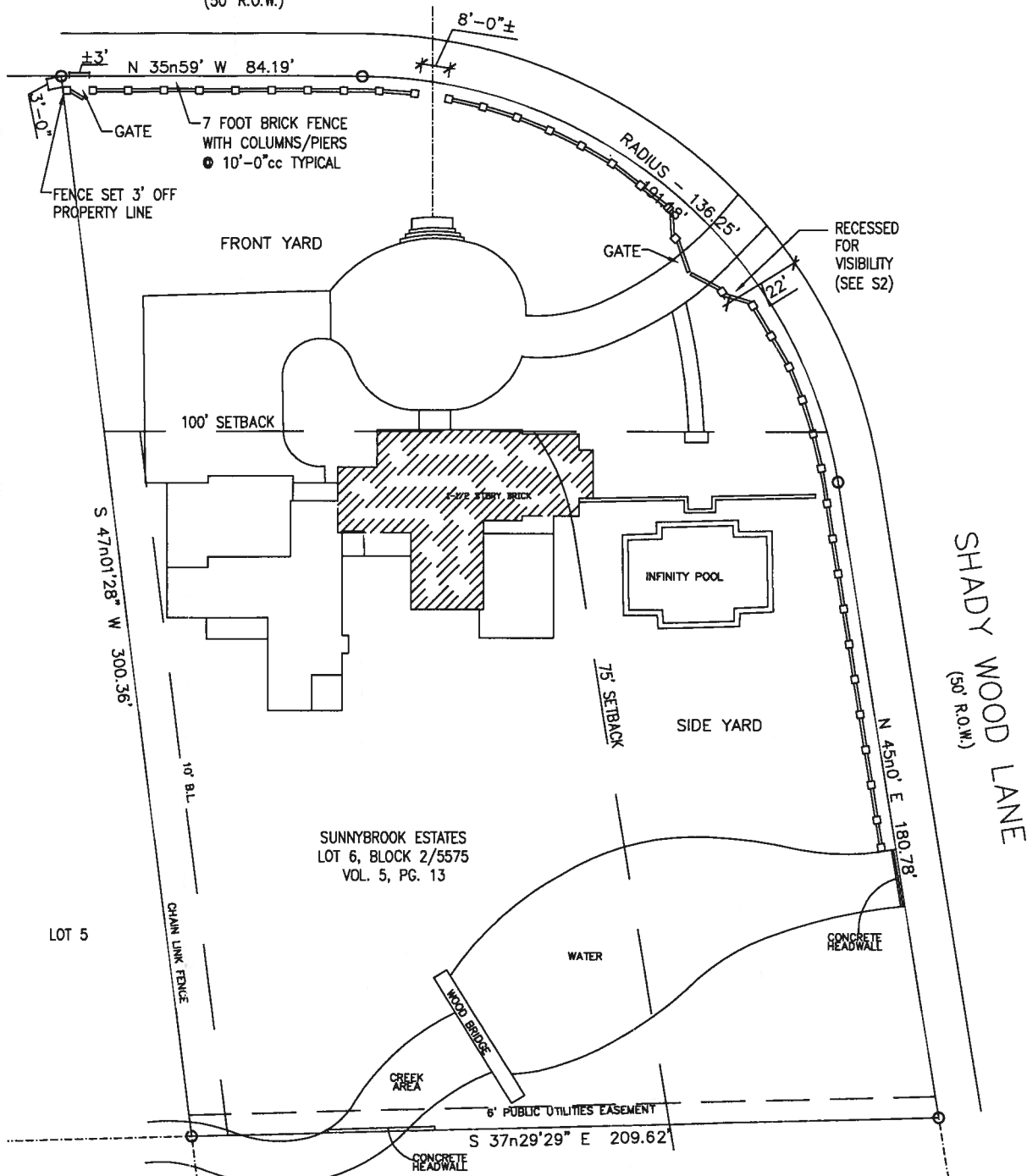
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
4-10
- NSO Overlay

PDS Subdistricts

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

JTB

BRIARWOOD LANE
(50' R.O.W.)



Peter Hennessey



CONTRACTOR:
NIXON CUSTOM HOMES
ALLEN NIXON
214-373-8800
OWNERS:
JAMES & LORI WALES

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY:
PETER HENNESSEY, P.E. 33295 ON MARCH 10, 2014.
ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER
NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE
UNDER THE TEXAS ENGINEERING PRACTICE ACT.

REVISION: 2.18.2014 FENCE HEIGHT ALONG FRONT YARD

HENNESSEY ENGINEERING, INC.
1817 W. I-30, SUITE 100, CARROLLTON, TX 75006
PH: (972)245-9478 / FAX: (972)245-7087

BRICK FENCE LAYOUT
4989 SHADYWOOD
DALLAS, TEXAS

SHEET NO.:
S1
OF

FILE NO.: J0833

- GENERAL**
1. SHOP: SHOP DRAWING 1/4" PER FT. TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 2. SHOP: SHOP DRAWING 1/4" PER FT. TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 3. SHOP: SHOP DRAWING 1/4" PER FT. TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 4. SHOP: SHOP DRAWING 1/4" PER FT. TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 5. SHOP: SHOP DRAWING 1/4" PER FT. TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 6. SHOP: SHOP DRAWING 1/4" PER FT. TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 7. SHOP: SHOP DRAWING 1/4" PER FT. TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
- CONSTRUCTION NOTES**
1. FOUNDATION SHALL BE CONCRETE ON GRADE. ALL FOUNDATION SHALL BE CONCRETE ON GRADE. ALL FOUNDATION SHALL BE CONCRETE ON GRADE.
 2. FOUNDATION SHALL BE CONCRETE ON GRADE. ALL FOUNDATION SHALL BE CONCRETE ON GRADE. ALL FOUNDATION SHALL BE CONCRETE ON GRADE.
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 7. FOUNDATION SHALL BE CONCRETE ON GRADE. ALL FOUNDATION SHALL BE CONCRETE ON GRADE. ALL FOUNDATION SHALL BE CONCRETE ON GRADE.

- CONCRETE NOTES**
1. ALL CONCRETE SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS FOR CONCRETE.
 2. ALL CONCRETE SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS FOR CONCRETE.
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- STEEL NOTES**
1. ALL STEEL SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS FOR STEEL.
 2. ALL STEEL SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS FOR STEEL.
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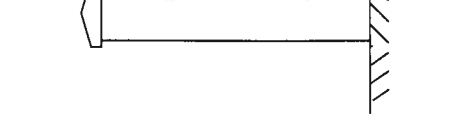
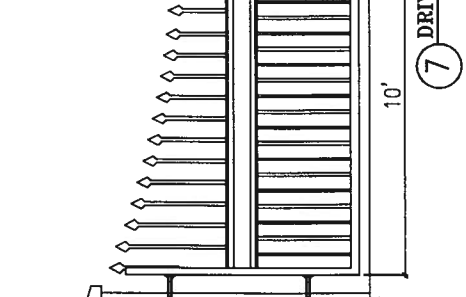
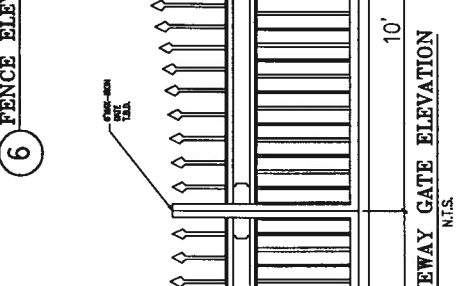
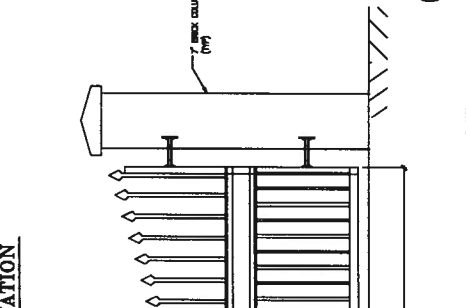
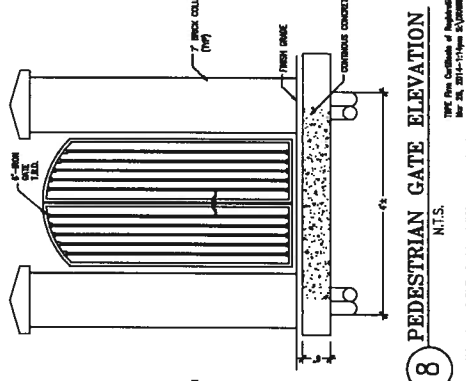
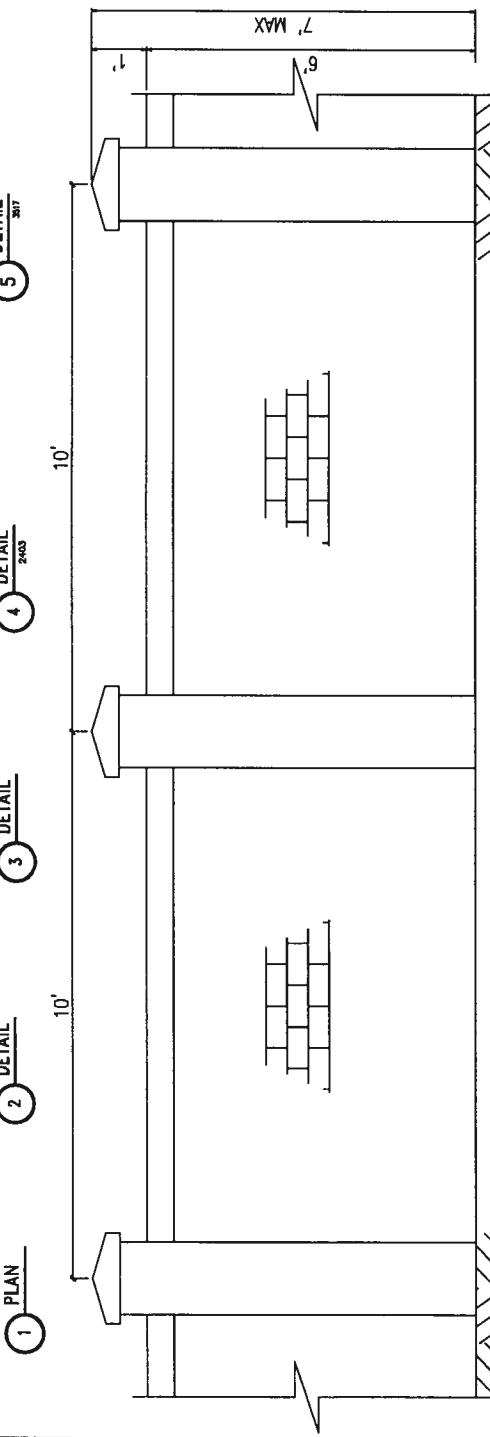
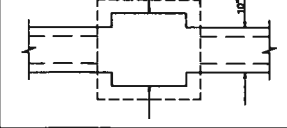
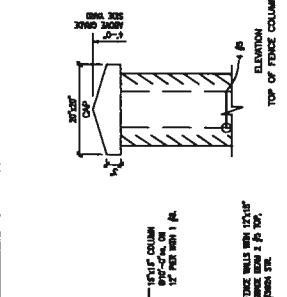
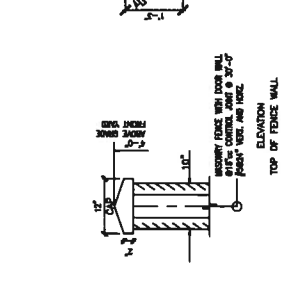
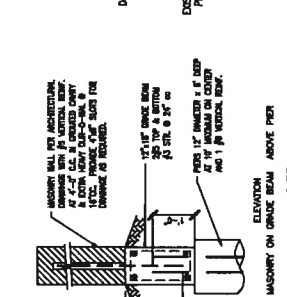
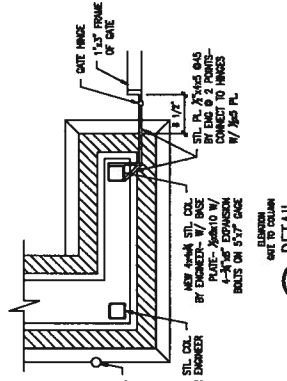
FENCE DETAILS, AND NOTES

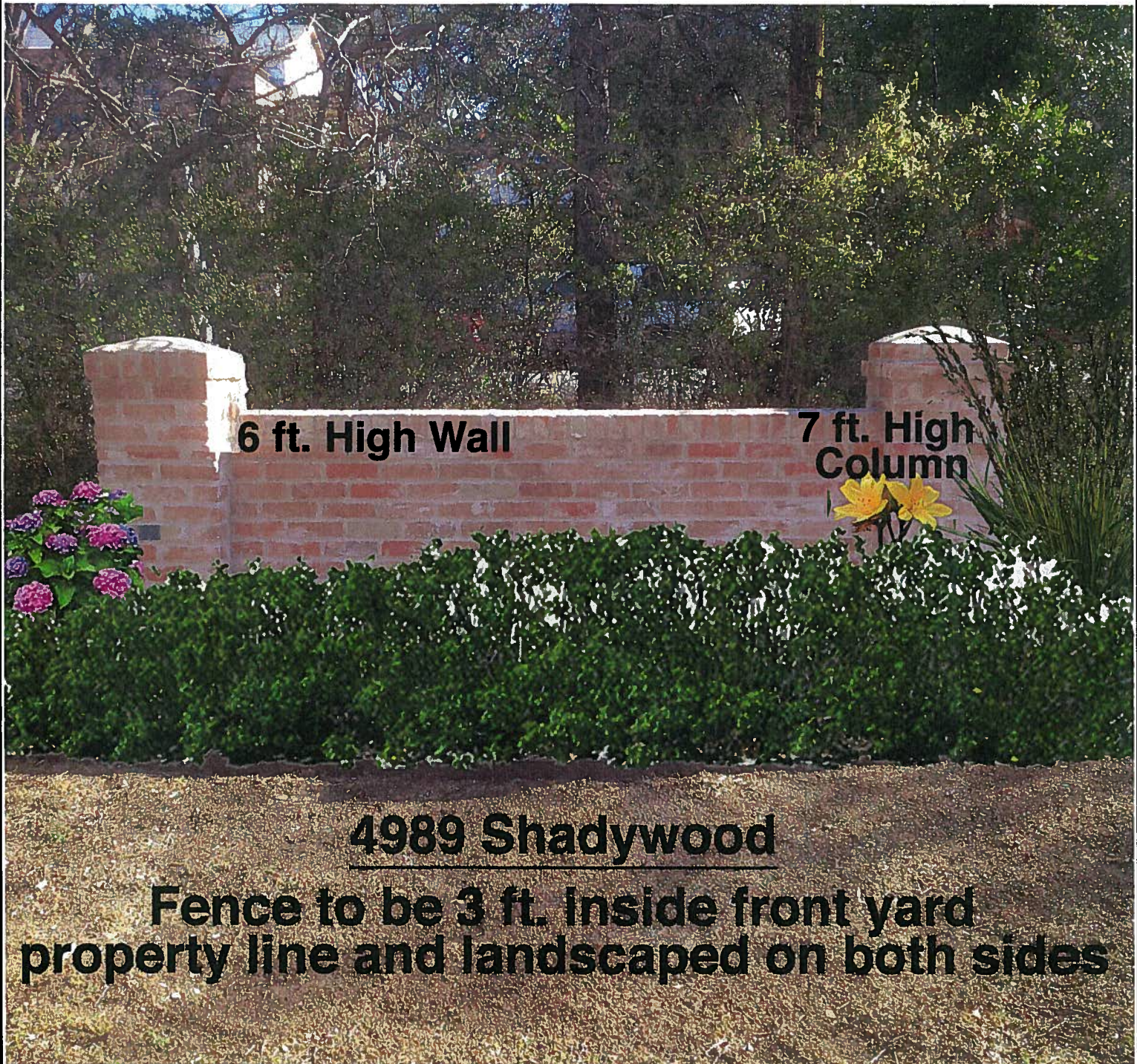
THE SEAL APPLICABLE TO THIS PROJECT HAS BEEN APPROVED BY THE ARCHITECT. THE SEAL APPLICABLE TO THIS PROJECT HAS BEEN APPROVED BY THE ARCHITECT.

1917 W. 10th St., Suite 100, Dallas, TX 75203
 PHONE: 972-342-4478 FAX: 972-342-4479
 WWW: WWW.HUNTERDONALDSON.COM

HUNTER DONALDSON
 ARCHITECTS, P.C.
 1917 W. 10th St., Suite 100, Dallas, TX 75203
 PHONE: 972-342-4478 FAX: 972-342-4479
 WWW: WWW.HUNTERDONALDSON.COM

REVISION	DATE	BY	DESCRIPTION
1	08/14/13	JL	ISSUED FOR PERMIT
2	08/14/13	JL	ISSUED FOR PERMIT
3	08/14/13	JL	ISSUED FOR PERMIT
4	08/14/13	JL	ISSUED FOR PERMIT
5	08/14/13	JL	ISSUED FOR PERMIT
6	08/14/13	JL	ISSUED FOR PERMIT
7	08/14/13	JL	ISSUED FOR PERMIT
8	08/14/13	JL	ISSUED FOR PERMIT



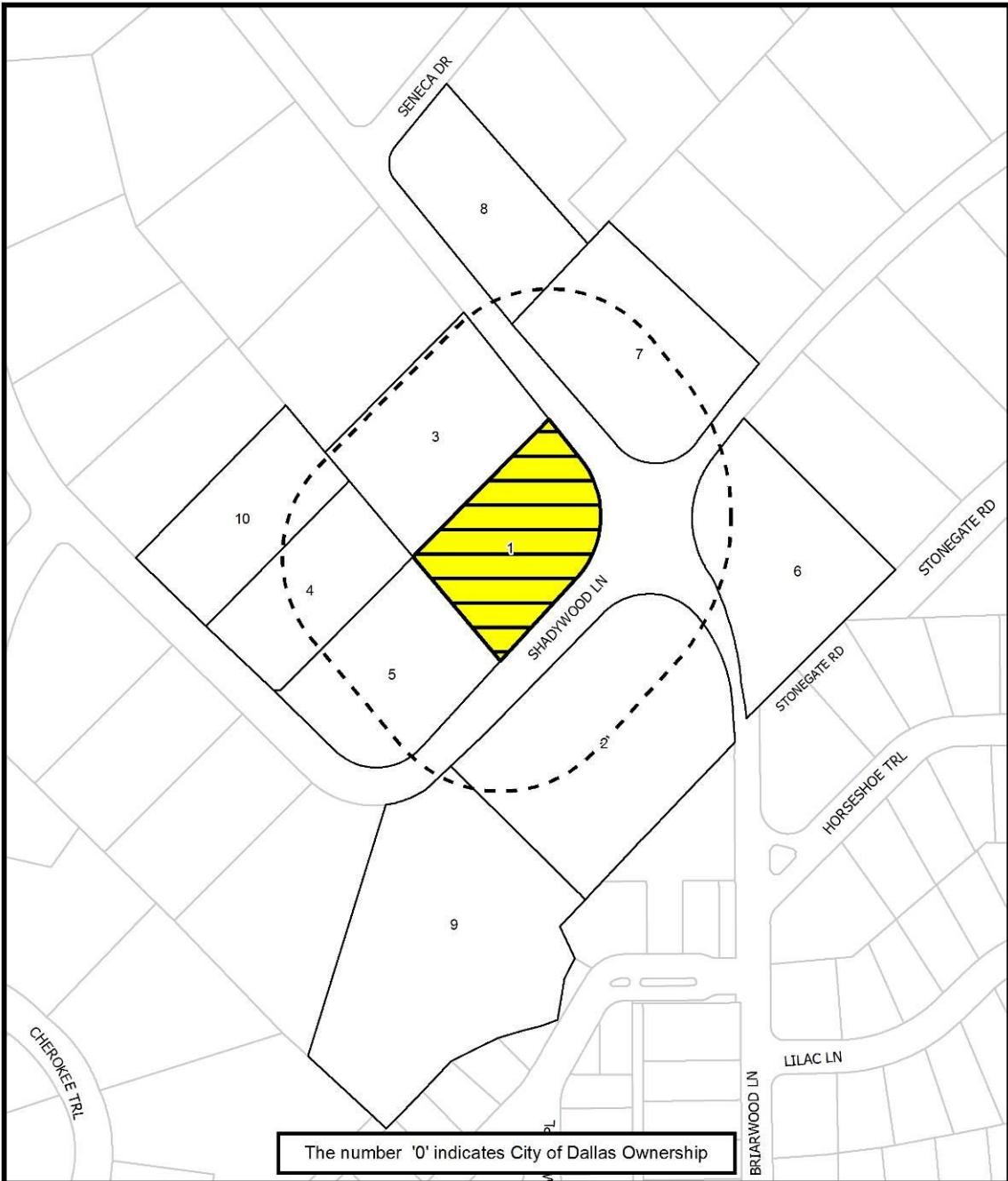


HENNESSEY
ENGINEERING, INC.
1417 W. MAIN STREET, CARROLLTON, TX 75006
PH: (972)245-9478 / 5 FAX: (972)245-7087

FENCE DETAIL
4989 SHADYWOOD
DALLAS, TEXAS
4-13

FILE NO.: J833

SHEET NO.:
S3
OF 3



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA134-045 Date: 4/24/2014
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA134-045

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4989 SHADYWOOD LN	LANCASHIRE DAVID A
2	8707 BRIARWOOD LN	CASS A BARON III
3	8823 BRIARWOOD LN	CRISMON SARA FRASER TRUSTEE
4	4831 SHADYWOOD LN	HUNT STEPHANIE L & HUNTER L HUNT
5	4911 SHADYWOOD LN	CALLEWART CRAIG C
6	5006 SHADYWOOD LN	HAWKINS HUBERT R & SUSAN K
7	5011 SHADYWOOD LN	JUDSON JOSEPH B & TRISHA S
8	4900 SENECA DR	LOFTUS JOHN R & KIMBERLY A LOFTUS
9	4906 SHADYWOOD LN	KRAUS PETER A & LISA V
10	4815 SHADYWOOD LN	MCINTYRE WILLIAM S & SHIRLEY C MCINTYRE