

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, AUGUST 14, 2012
AGENDA

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

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the **Tuesday, June 19, 2012**
Board of Adjustment Public Hearing Minutes M1

EXECUTIVE SESSION: M2
Executive session for attorney briefing pursuant to Texas
Tex. Govt. Code §551, regarding *Greg*
Hunsicker, et al. v. City of Dallas, et al., Cause No.
DC 11-06581, BDA 101-039, Property at 2815
Greenville Avenue

BDA 112-077 4205 Briar Creek Lane M3
REQUEST: of Jon Paul Moore to reimburse the filing fee
submitted in conjunction with a request for a special
exception to the fence height regulations

UNCONTESTED CASES

BDA 112-061 2737 N. Harwood Street 1
REQUEST: Application of Tim Cogswell for
a variance to the height regulations

BDA 112-076 8606 Groveland Drive (AKA 2004 Lakeland Drive) 2
REQUEST: Application of Alan Hoffmann for
special exceptions to the fence height and
visual obstruction regulations

BDA 112-077 4205 Briar Creek Lane 3
REQUEST: Application of Jon Paul Moore for
a special exception to the fence height regulations

BDA 112-083	10811 Webb Chapel Road REQUEST: Application of Michael Hampton of Lend Lease for a special exception to the off-street parking regulations	4
--------------------	--	---

REGULAR CASES

BDA 101-068	1809 Rock Island Street REQUEST: - Application of Tommy Mann of Winstead, PC, to appeal the decision of an administrative official	5
--------------------	--	---

BDA 101-069	1809 Rock Island Street REQUEST: Application of Tommy Mann of Winstead, PC, to appeal the decision of an administrative official	6
--------------------	--	---

BDA 101-070	1803 Rock Island Street REQUEST: Application of Tommy Mann of Winstead, PC, to appeal the decision of an administrative official	7
--------------------	--	---

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A, June 19, 2012 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

Executive session for attorney briefing pursuant to Texas Government Code § 551.071, regarding *Greg Hunsicker, et al. v. City of Dallas, et al.*, Cause No. DC 11-06581, BDA 101-039, Property at 2815 Greenville Avenue.

MISCELLANEOUS ITEM NO. 3

FILE NUMBER: BDA 112-077

REQUEST: To reimburse the filing fee submitted in conjunction with a request for a special exception to the fence height regulations – BDA 112-077

LOCATION: 4205 Briar Creek Lane

APPLICANT: Jon Paul Moore

STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:

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

The Dallas Development Code further states:

- The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination.
- In making this determination, the board may require the production of financial documents.

Timeline:

May 14, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" – BDA 112-077, an application for a special exception to the fence height regulations, part of which included a letter requesting "partial reimbursement for the \$600 application fee" (see Attachment A).

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

July 17, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the July 27th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the provision from the Dallas Development Code allowing the board to grant a special exception to the fence height

regulations (51A-4.602(a)(6)) and to reimburse the filing fee (51A- 1.105 (b)(6)) (Please feel free to submit any documentation that shows how payment of the fee results in substantial financial hardship, (i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - all with account numbers redacted); and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 3, 2012:

Staff discovered an error with meeting notification requirements on this application for Panel C's August 13th hearing. Given this error and that this property had no previous history with a board of adjustment panel, the Board of Adjustment Secretary randomly re-assigned this application to Board of Adjustment Panel A to be heard at their public hearing to be held on August 14th. The Board Administrator informed the applicant of this new hearing date.

M3

Attach A

July 5, 2012

Steve Long – Zoning Board Administrator
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Zoning Board of Adjustment Appeal Filing Fee for 4205 Briar Creek Lane, Dallas, TX

Mr. Long,

I would like to request a partial reimbursement for the \$600 application fee that I submitted in accordance with my Zoning Board appeal. While I am not exactly financially destitute, I have substantial legal fees for a recent divorced. I had to borrow against my 401K to fund the purchase of my home in April. The additional costs to furnish the home, make necessary improvements, and provide clothing and sports equipment for my eight year old son have been significant. I recently received hail damage to the roof and my vehicle and will probably need to shell out substantial deductables for both.

I am not requesting a refund of the \$600, but I would like to get about \$400 back. I think assessing a \$600 fee for a simple residential fence height request from the homeowner and long term occupant is a little egregious. If the request involved something more complicated or I intended to flip the house for a profit after renovating and completing the fence, I think \$600 would be more appropriate. Please let me know your thoughts.

Thanks for your time,

JP Moore
4205 Briar Creek Lane
Dallas, TX 75214
214/542-4048

FILE NUMBER: BDA 112-061

BUILDING OFFICIAL'S REPORT:

Application of Tim Cogswell for a variance to the height regulations at 2737 N. Harwood Street. This property is more fully described as Lot 2 in City Block 2/928 and is zoned PD-193 (HC), which limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a single family residential structure with a building height of 42 feet, which will require a variance of 6 feet.

LOCATION: 2737 N. Harwood Street

APPLICANT: Tim Cogswell

REQUEST:

- A variance to the height regulations of 6' is requested in conjunction with constructing and maintaining a three-story single family home, part of which would exceed the 36' maximum height permitted for single family structures on properties zoned PD 193 (HC Subdistrict) on a site that is currently undeveloped.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The subject site is unique and different from most lots zoned PD 193 (HC) given its slope – a slope that necessitates a relatively small variance to the height of a single family home that is proposed on the undeveloped parcel of land.

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 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.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (HC) (Planned Development, Heavy Commercial)
North: PD 193 (PDS 79) (Planned Development, Planned Development)
South: PD 193 (PDS 79) (Planned Development, Planned Development)
East: PD 193 (PDS 79) (Planned Development, Planned Development)
West: PD 193 (PDS 79) (Planned Development, Planned Development)

Land Use:

The subject site is currently undeveloped. The areas to the north, east, south, and west are developed with a mix of office and residential uses.

Zoning/BDA History:

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

Timeline:

- March 30, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- May 17, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

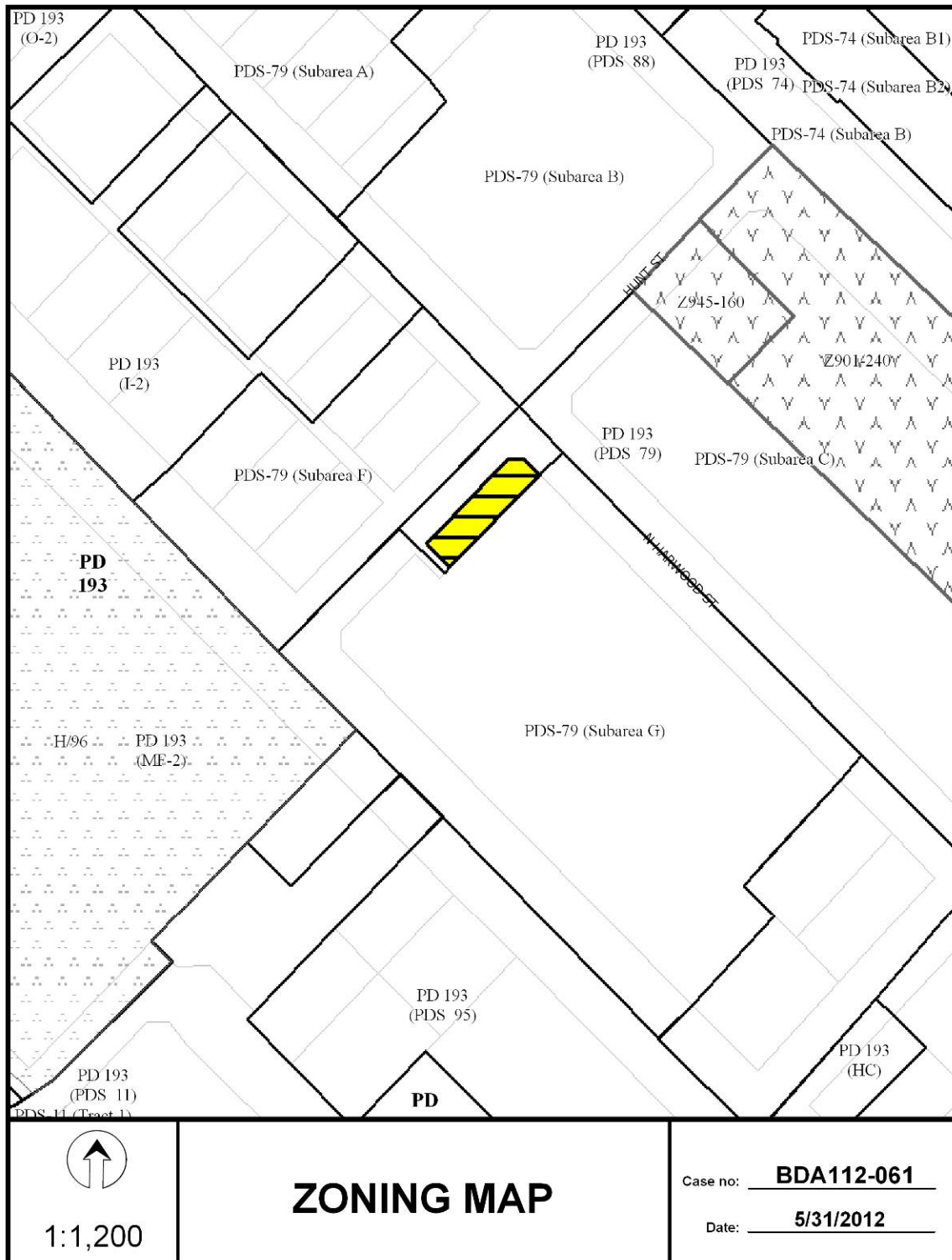
- May 31, 2012: The applicant requested that this application be postponed from Board of Adjustment Panel A's June 19th hearing to Panel A's August 14th hearing.
- July 17, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 25th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd 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.
- July 27, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).
- July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

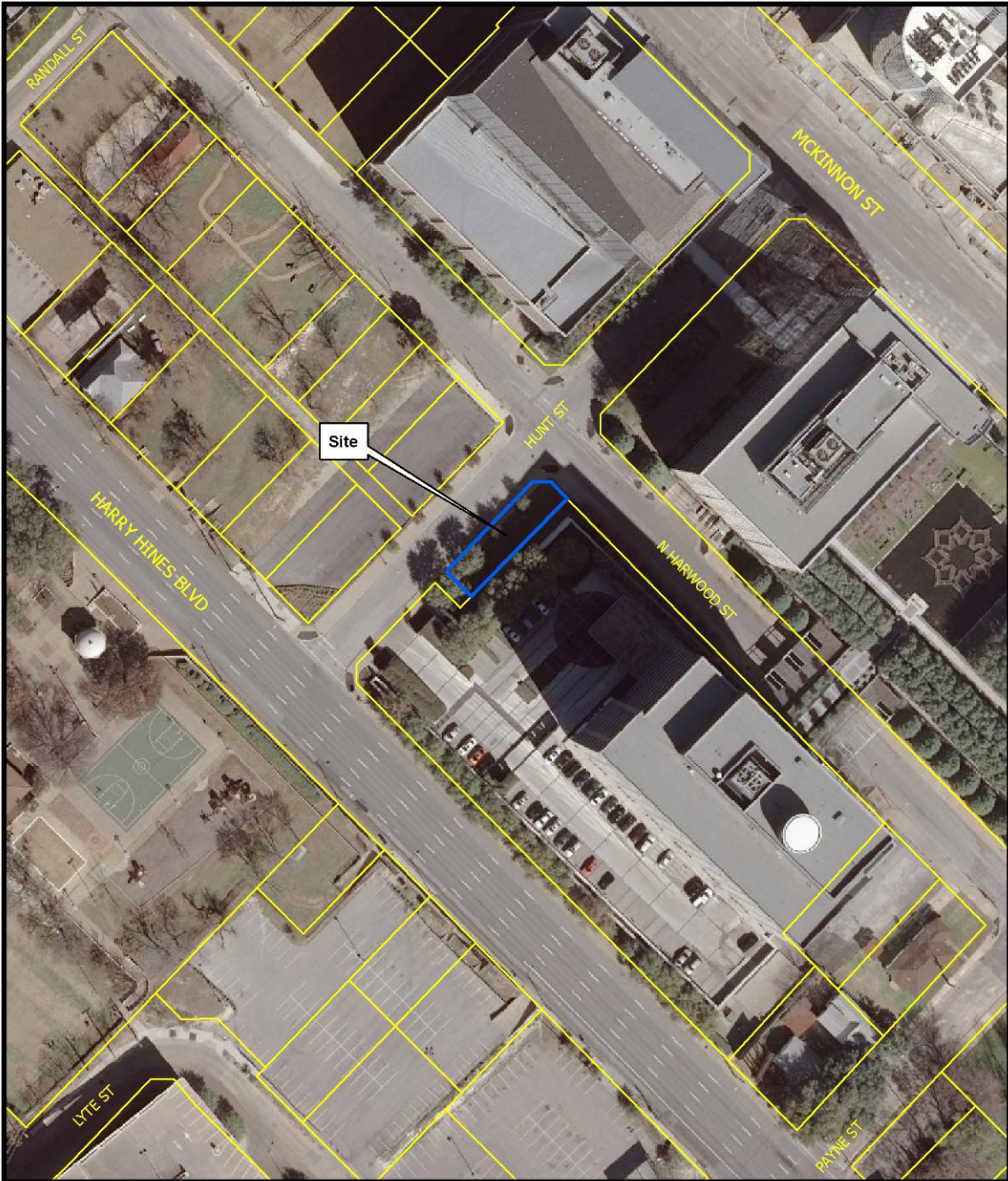
No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a three-story single family home, part of which would exceed the 36' maximum height permitted for single family structures on properties zoned PD 193 (HC Subdistrict) on a site that is currently undeveloped.
- The maximum height of single family on properties zoned PD 193 (HC) is 36 feet. (The maximum height of other structures on properties zoned PD 193 (HC) is 240 feet).
The application and Building Official's report states that a variance is sought for a single family structure that would reach 42' in height.
- The applicant has submitted a series of revised documents including a site plan, floor plans that denote that the total square footage of the home (total AC, autos, and balcony) is 3,552 square feet, elevations, and a contour map (see Attachment A).
- The site is sloped southwestward-northeastward, virtually rectangular in shape (approximately 115' x 27'), and according to the application, 0.07 acres (or approximately 3,000 square feet) in area. The site is zoned PD 193 (HC).

- DCAD records indicate that there are “no improvements” at 2737 N. Harwood Street.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (HC Subdistrict) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (HC Subdistrict) zoning classification.
- If the Board were to grant the height variance request of 6’, and impose the submitted revised site plan and revised elevations as a condition to this request, the proposed structure would be required to be constructed and maintained as shown on these submitted documents.





1:1,200

AERIAL MAP

Case no: BDA112-061

Date: 5/31/2012

BDA112-061 Attach A B1

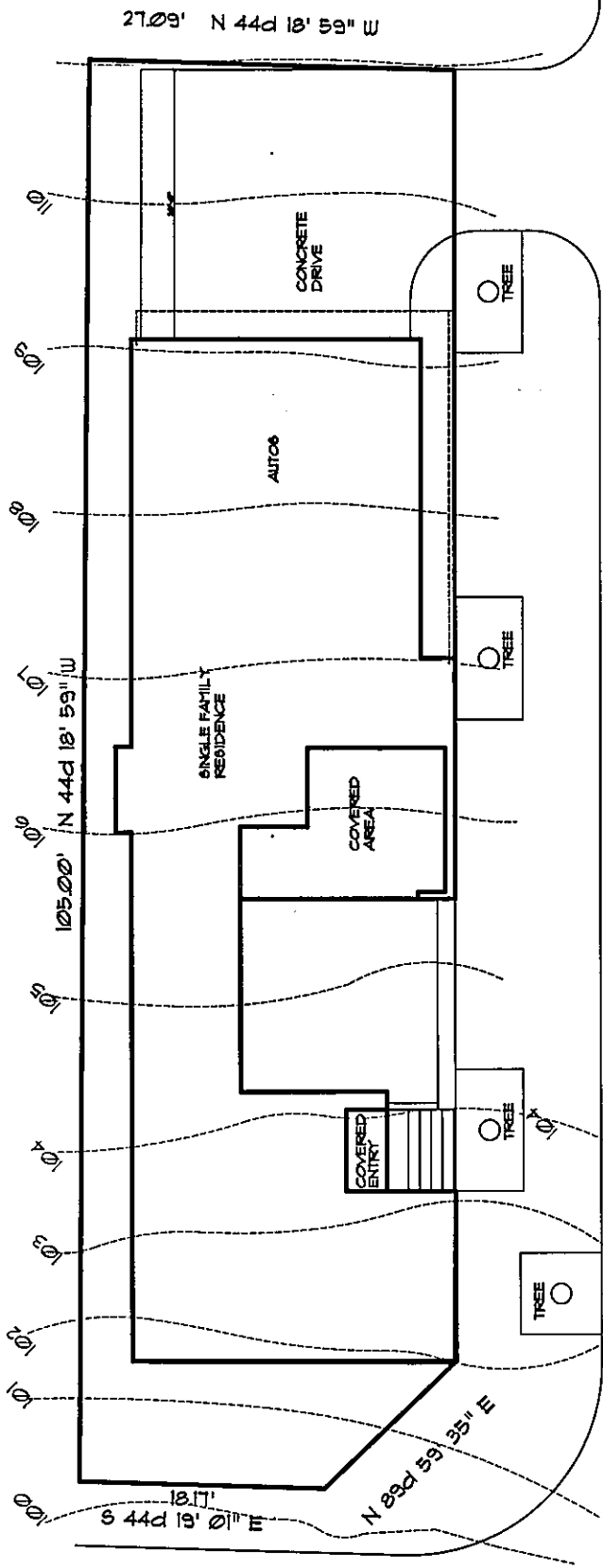
9-9-11

SMITHMORRIS/ANTEREN RESIDENCE, DALLAS TX
ROCKLAND HOMES

GRAPHIC+DESIGN+GROUP
INTERNATIONAL + INCORPORATED



THIS DRAWING IS THE PROPERTY OF GRAPHIC+DESIGN+GROUP INTERNATIONAL + INCORPORATED. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF GRAPHIC+DESIGN+GROUP INTERNATIONAL + INCORPORATED IS STRICTLY PROHIBITED.



LOT 2842 S.F.
60% ALLOWABLE COVERAGE 1705 S.F.
COVERAGE 1593 S.F.

HUNT STREET

SITE PLAN
12.14.11

N. HARWOOD STREET

DATE	1/2/01
SCALE	1/8" = 1'-0"
PLANS	1-9

SMITH ORGANSTERN RESIDENCE, DALLAS TX
 ROCKLAND HOMES

BDA 112-061

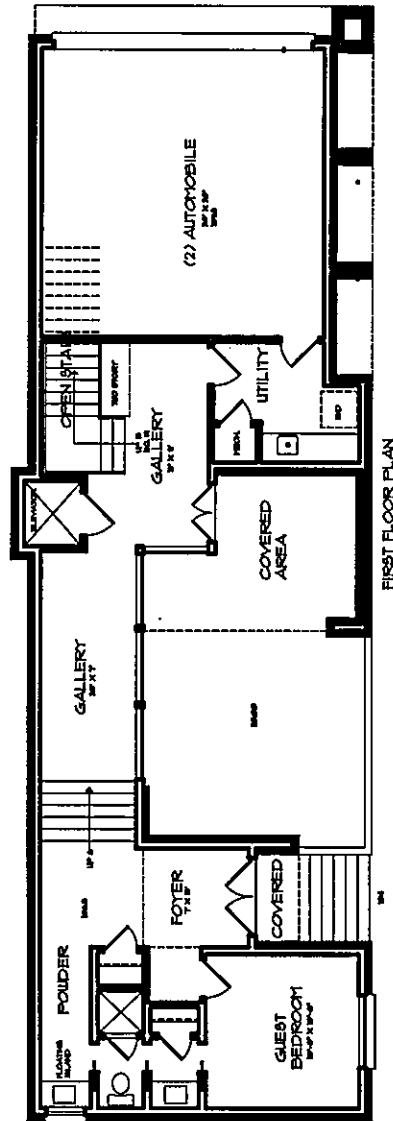
GRAPHIC+DESIGN+GROUP
 INTERNATIONAL + INCORPORATED



THIS DRAWING AND THE TITLE PROPERTY OF GRAPHIC+DESIGN+GROUP INTERNATIONAL AND MAY NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF GRAPHIC+DESIGN+GROUP INTERNATIONAL. EXCEPT AS NOTED.

9' FIRST FLOOR
 12' SECOND FLOOR
 10' THIRD FLOOR

FOOTAGES	
FIRST FLOOR AC	848
SECOND FLOOR AC	1048
THIRD FLOOR AC	811
AUTOS	2438
BALCONY	438

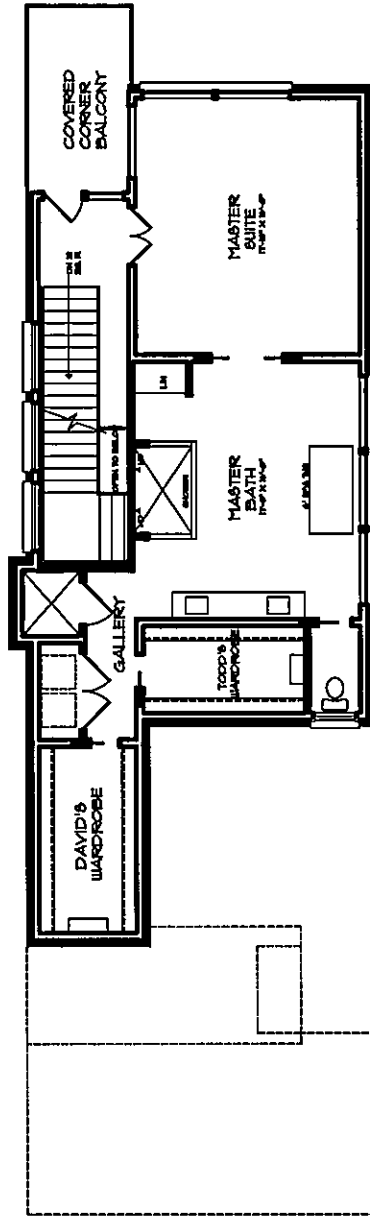


52-2

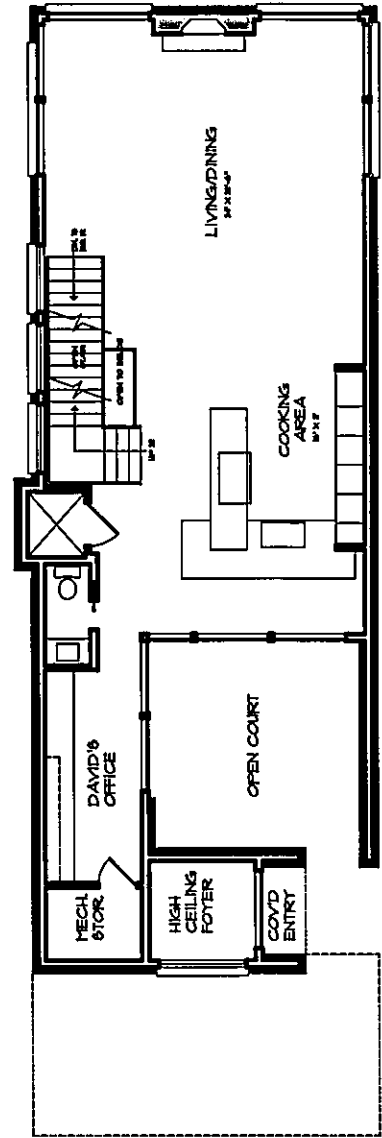


THIS DRAWING AND THE REST OF THE PROJECT OF GRAPHIC+DESIGN+GROUP INTERNATIONAL + INCORPORATED IS THE PROPERTY OF GRAPHIC+DESIGN+GROUP INTERNATIONAL + INCORPORATED. NO PART OF THIS DRAWING OR PROJECT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN CONSENT OF GRAPHIC+DESIGN+GROUP INTERNATIONAL + INCORPORATED.

BDA 112-001 Attach A
Pg 3



THIRD FLOOR PLAN
2020.01.20



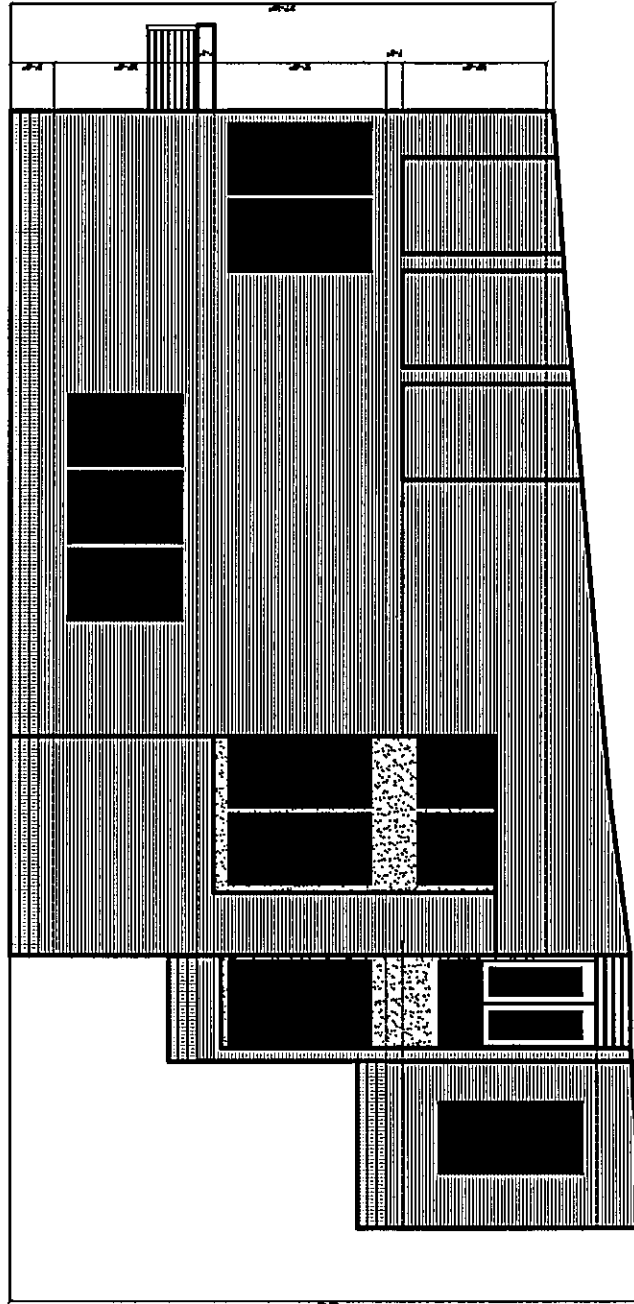
SECOND FLOOR PLAN
2020.01.20

52-6

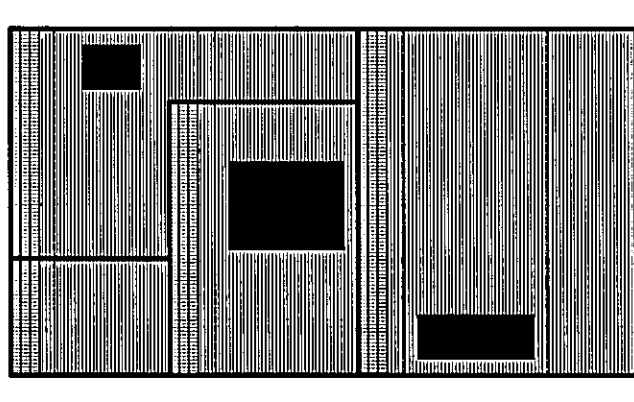


THIS DRAWING AND THE REAL PROPERTY IT REPRESENTS ARE THE SOLE PROPERTY OF GRAPHIC+DESIGN+INTERNATIONAL + INCORPORATED. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF GRAPHIC+DESIGN+INTERNATIONAL + INCORPORATED IS STRICTLY PROHIBITED.

BDA112-061
Attach A
pg 4



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



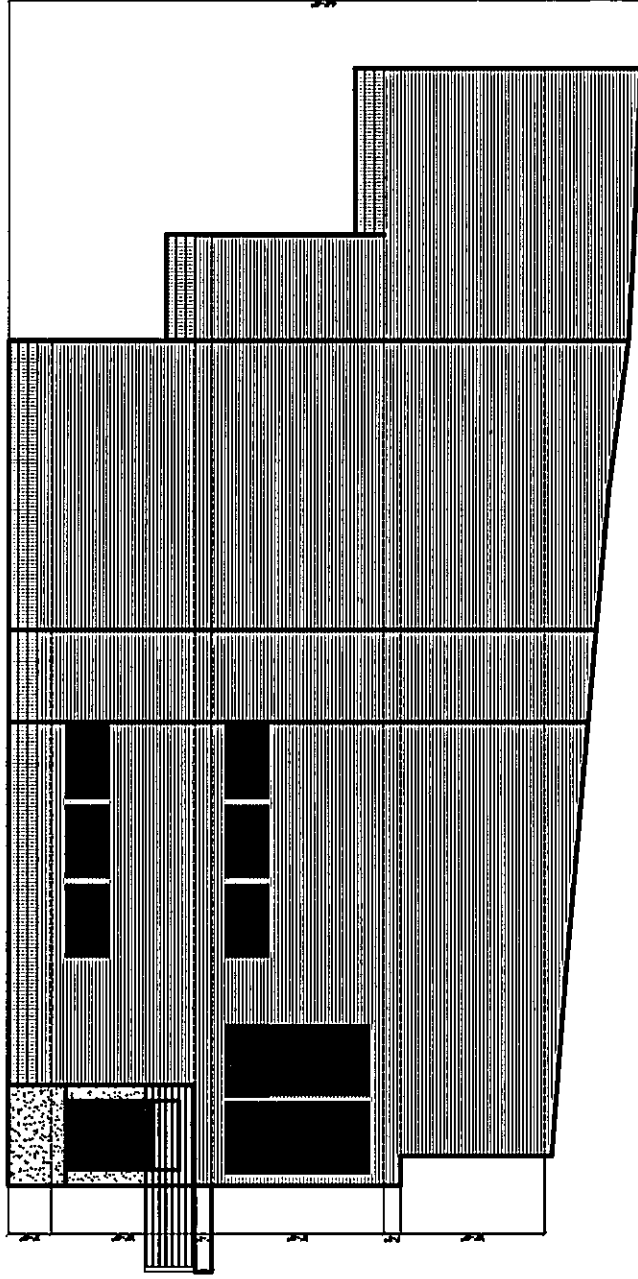
RIGHT SIDE ELEVATION
Scale 1/4" = 1'-0"



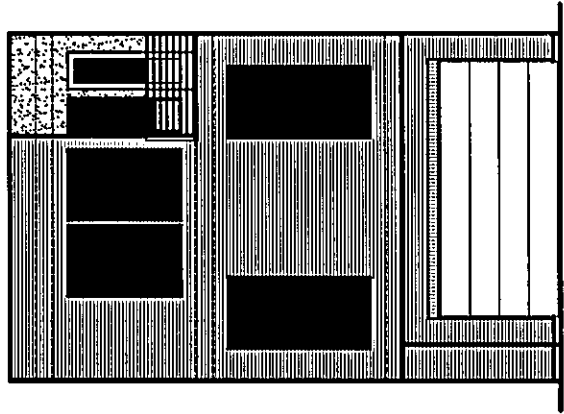
THIS DRAWING AND THE SET HERETOBY IS THE PROPERTY OF GRAPHIC+DESIGN+INTERNATIONAL. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF GRAPHIC+DESIGN+INTERNATIONAL, GRAPHIC+DESIGN+INTERNATIONAL IS STRICTLY PROHIBITED.

BDA 112-061

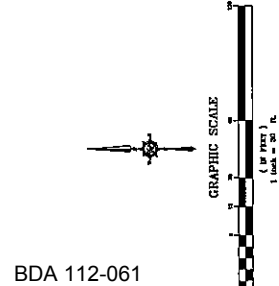
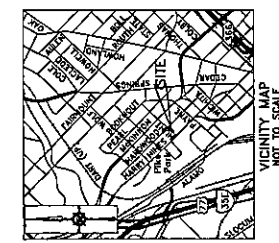
Attach A
pg 5



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



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



BDA 112-061

OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, Charles Villazono and Judy Glazer own the corner of a tract of land situated in the City of Dallas, Texas, and being part of a tract of land conveyed to Charles Xing Villazono, by deed recorded in Volume 87067, Page 118 (said tract) by deed recorded in Volume 87057, Page 1735, Deed Records, Dallas County, Texas, and Judy Glazer (said interest) by deed recorded in Volume 82132, Page 3927, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found for corner of the North corner of a tract of land conveyed to International Center Development I & II, L.P., a Texas limited partnership, by deed recorded in Volume 82132, Page 3927, Deed Records, Dallas County, Texas, and being in the Southwest line of said International Center Development I & II, L.P. tract, a distance of 105.00 feet to a 1/2 inch iron rod found for an interior all corner;

Thence North 44 degrees 25 minutes 42 seconds West, along the most easterly Northwest line of said International Center Development I & II, L.P. tract, a distance of 27.03 feet to a 1/2 inch iron rod found for corner in the Southwest line of Hunt Street (variable width right-of-way);

Thence North 42 degrees 56 minutes 54 seconds East, along said Southeast line of Hunt Street, a distance of 33.28 feet to a 1/2 inch iron rod found for corner;

Thence North 39 degrees 58 minutes 35 seconds East, a distance of 13.61 feet to a 1/2 inch iron rod found for corner, and being the intersection of the Southwest line of said N. Harwood Street and the Southwest line of said Hunt Street;

Thence South 44 degrees 19 minutes 15 seconds East, along said Southwest line of N. Harwood Street, a distance of 18.17 feet to the Point of Beginning and containing 2,642.28 square feet or 60.921 acres of land.

OWNER'S DEDICATION
NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Charles Villazono and Judy Glazer, do hereby adopt this plat, designating the herein above described premises as a public street, to be known as Hunt Street, in the City of Dallas, Texas, and do hereby dedicate, in fee simple, to the public use forever the streets and alleys herein, the easements therein reserved are hereby reserved for the purpose indicated. The utility and easements herein reserved are hereby reserved for each particular use. The maintenance of paving on the utility and fire line easements is the responsibility of the property owner. No buildings, fences, signs, or other improvements or structures shall be erected on the easements herein reserved, nor shall any other improvements or structures be erected on the easements herein reserved for the purpose of maintaining or improving the utility and fire line easements. All public utility lines shall be installed and maintained in accordance with the requirements of the City of Dallas, Texas, and all public utility lines shall be installed and maintained in accordance with the requirements of the City of Dallas, Texas, and all public utility lines shall be installed and maintained in accordance with the requirements of the City of Dallas, Texas.

IN WITNESS WHEREOF, the undersigned, a Notary Public in and for said County and State on this day appears and acknowledged to me that he executed the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2007.

BY: Charles Villazono, Owner 50% Interest
STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Charles Villazono known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2007.

NOTARY PUBLIC IN and for Dallas County, Texas.
WITNESS, my hand at Dallas, Texas, this the _____ day of _____, 2007.

BY: Judy Glazer, Owner 50% Interest
STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Judy Glazer known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2007.

NOTARY PUBLIC IN and for Dallas County, Texas.
WITNESS, my hand at Dallas, Texas, this the _____ day of _____, 2007.

BY: [Signature]
STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears [Signature] known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2007.

NOTARY PUBLIC IN and for Dallas County, Texas.

SURVEYOR'S STATEMENT:
I, Bryan Connelly, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence of title, and other reliable information, and that I am a duly qualified and licensed Professional Land Surveyor, the City of Dallas Development Code (Ordinance no. 19425, as amended), and Texas Land Commission Code, Section 212. I further affirm that the monumentation shown on this plat is in accordance with the requirements of the City of Dallas, Texas, and the State of Texas, and that the digital drawing accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _____ day of _____, 2007.

[Signature]
Bryan Connelly
Professional Land Surveyor No. 5513
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Bryan Connelly known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that his statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2007.

NOTARY PUBLIC IN and for the State of Texas
WITNESS, my hand at Dallas, Texas, this the _____ day of _____, 2007.

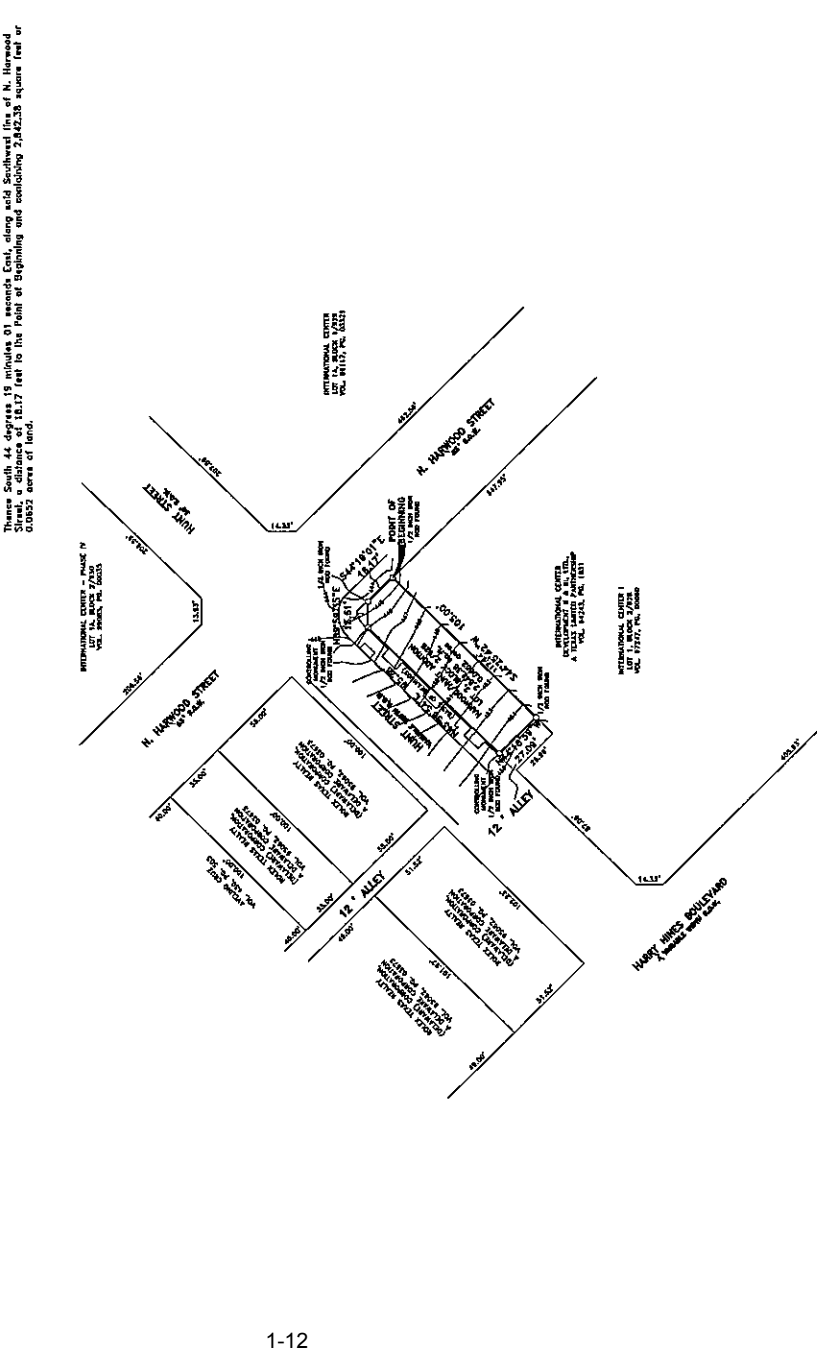
OWNER: CHARLES VILLAZONO
311 E. JOHN CARPENTER Fwy., Ste. 200
Ft. Worth, TX 76102-2000
P 817.332.2000
F 817.332.2000

OWNER: JUDY GLAZER
311 E. JOHN CARPENTER Fwy., Ste. 200
Ft. Worth, TX 76102-2000
P 817.332.2000
F 817.332.2000

FINAL PLAT
HARWOOD/HUNT ADDITION
LOT 1, BLOCK 247B
2.64228 ACRES
JOHN CARPENTER Fwy., SUITE 200
CITY OF DALLAS, PLAN FILE NO. 5501-363

DAVID CONNELLY & ASSOCIATES, INC.
1000 WEST HICKORY STREET, SUITE 200
DALLAS, TEXAS 75205
P 972.343.2222
F 972.343.2222

SCALE: 1"=50' / DATE: JANUARY 08, 2007 / JOB NO. 001250-3 / DRAWN BY: [Signature]



GENERAL NOTES
1) BASIS OF REVISIONS IS THE SOUTHEAST LINE OF HUNT STREET PER DEED RECORDED IN VOLUME 81144, PAGE 0082, DEED RECORDS, DALLAS COUNTY, TEXAS (FOR THE PLAT) IS TO BE CREATED 1 LOT.
2) NO BUILDINGS ON SUBJECT PROPERTY.
3) NO LOT TO LOT EXCHANGE WILL BE ALLOWED.
4) NEW OR EXISTING MAY NOT EXTEND ACROSS NEW PROPERTY LINES.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-061

3.30.2012

Date: _____

Data Relative to Subject Property:

Location address: 2737 N. Harwood

Zoning District: PD193(HC)

Lot No.: 2 Block No.: 2/928 Acreage: .07

Census Tract: 19.00

Street Frontage (in Feet): 1) 27 2) 105 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Sw 22

Owner of Property (per Warranty Deed): H. David Smith

Applicant: Tim Cogswell Telephone: 214.384.3284

Mailing Address: 507 Magnolia Street, Arlington, TX 76012 Zip Code: _____

E-mail Address: tim@rocklanddfw.com

Represented by: n/a Telephone: n/a

Mailing Address: n/a Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance ^X , or Special Exception , of _____

Maximum building height from 36 feet to 42 feet.

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: Property topography.

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.

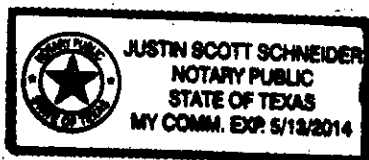
Affidavit

Before me the undersigned on this day personally appeared TIM COGSWELL (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 30 day of MARCH, 2012



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that TIM COGSWELL

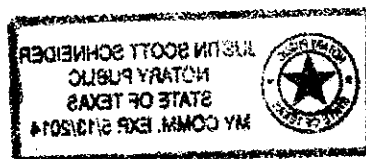
did submit a request for a variance to the building height regulation

at 2737 N. Harwood Street

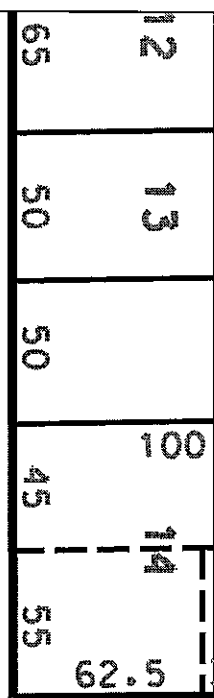
BDA112-061. Application of Tim Cogswell for a variance to the building height regulation at 2735 N. Harwood Street. This property is more fully described as lot 2 in city block 2/92 and is zoned PD-193 (HC), which limits the maximum building height to 36 feet. The applicant proposes to construct a single family residential structure with a building height of 42 feet, which will require a 6 foot variance to the maximum building height regulation.

Sincerely,

Lloyd Denman
Lloyd Denman, Building Official

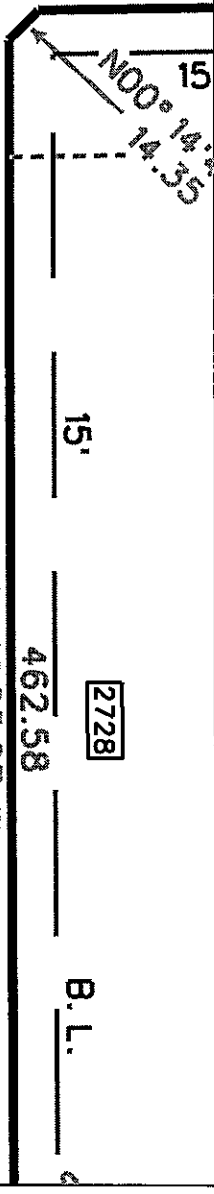
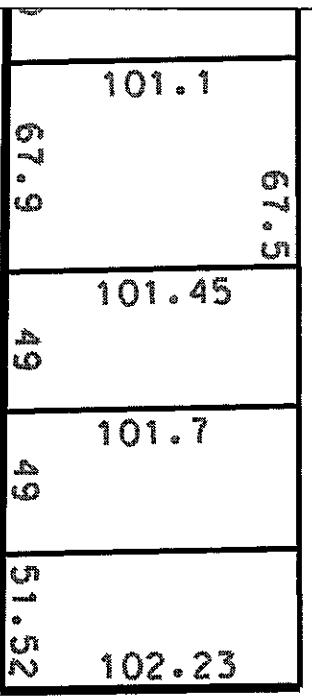
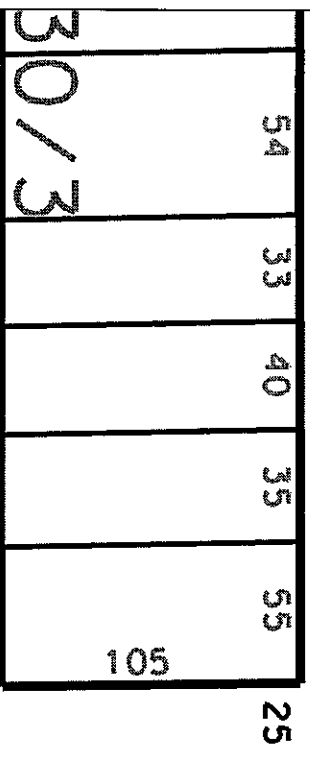


[Handwritten signature]



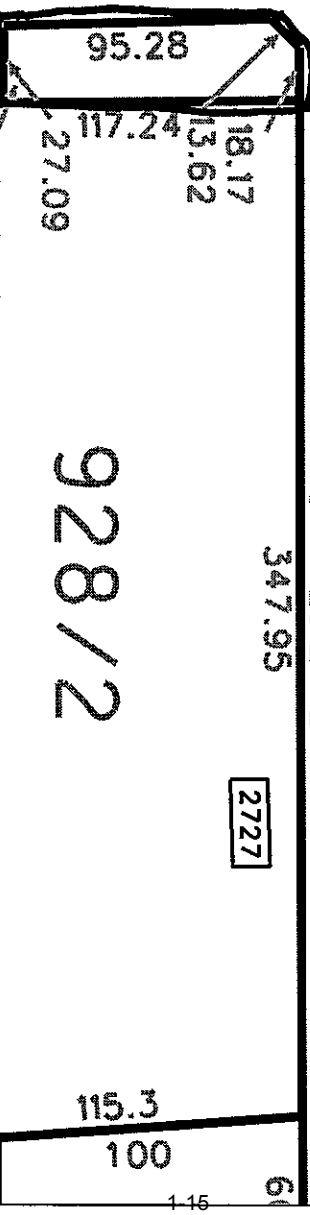
2800

(ROSEWOOD)



S44°23'27"E

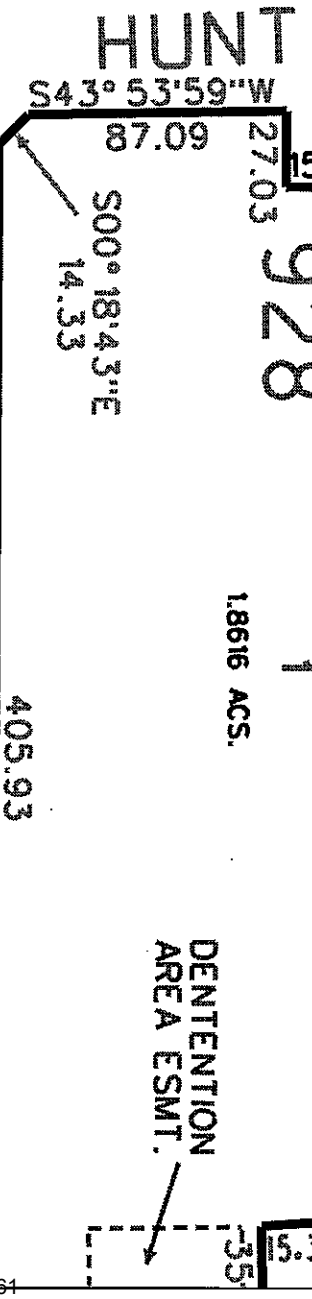
(AVE.)



928

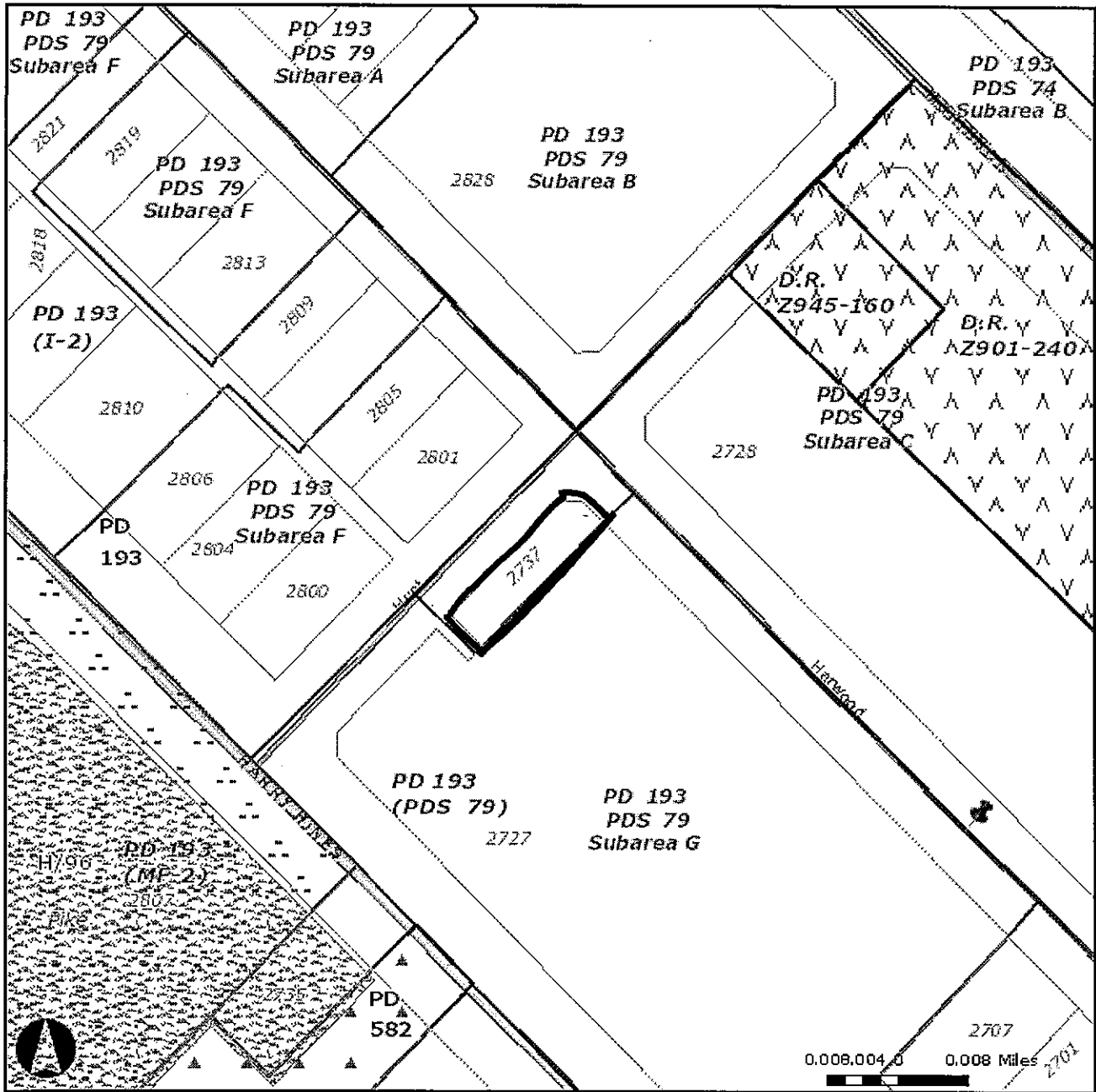
928/2

1.8616 ACS.



DENTENTION AREA ESMT.

City of Dallas Zoning

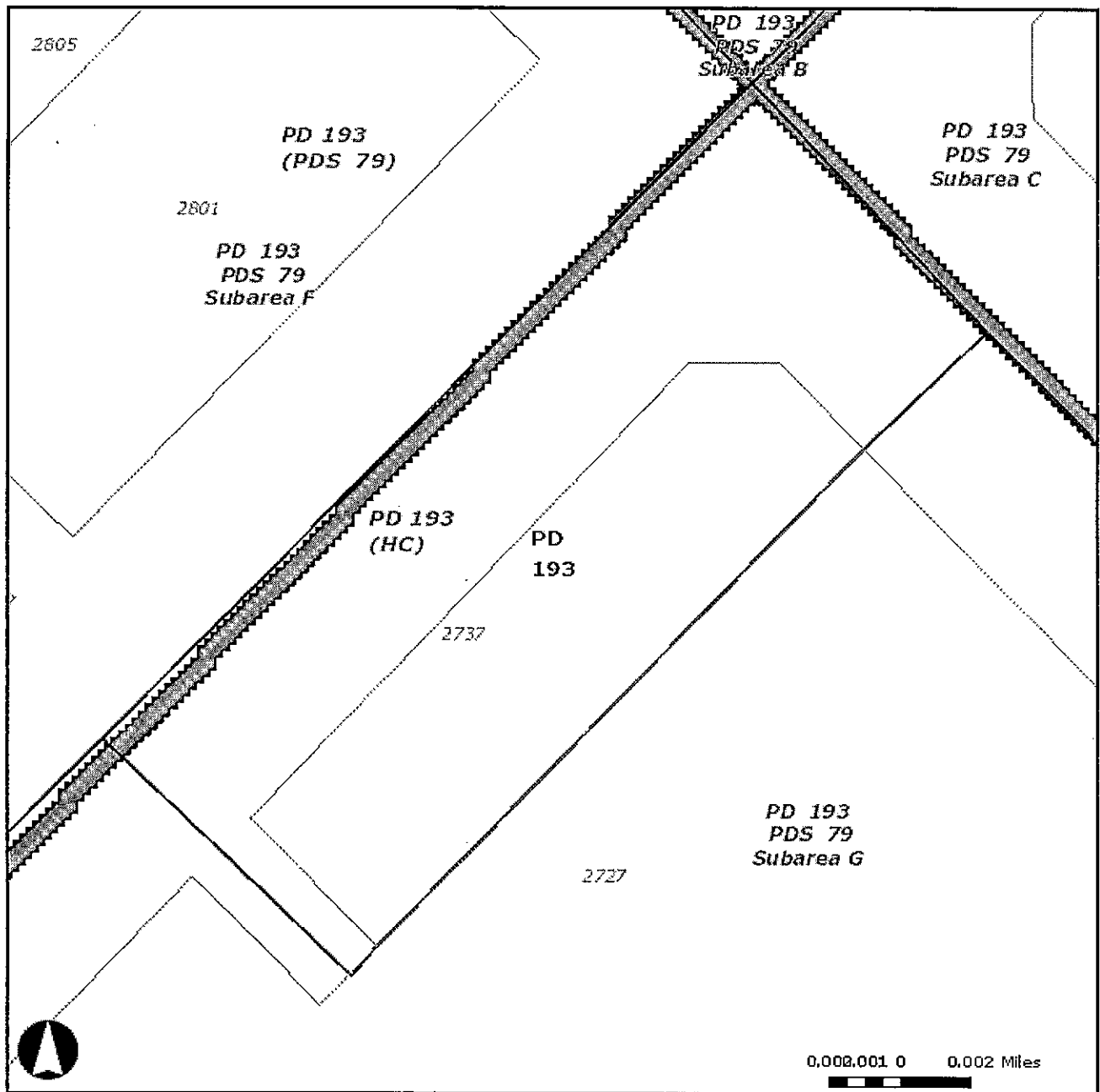


- Address Candidates**
- Address Candidates
 - City Boundaries
 - County
 - Certified Parcels
 - DISD Sites
 - Council Districts
 - Waterways

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

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

City of Dallas Zoning



Address Candidates

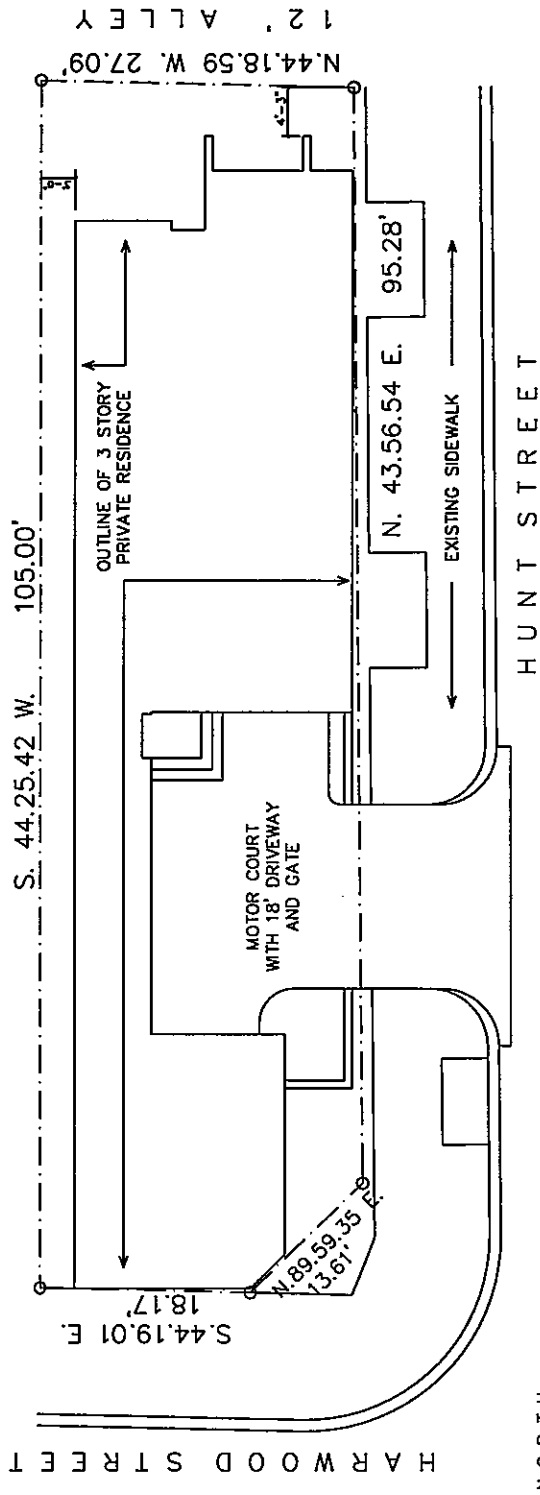
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

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

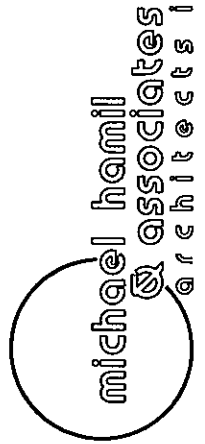
PDS Subdistricts

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

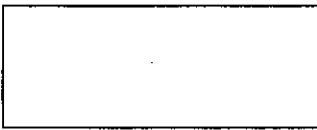


S I T E P L A N

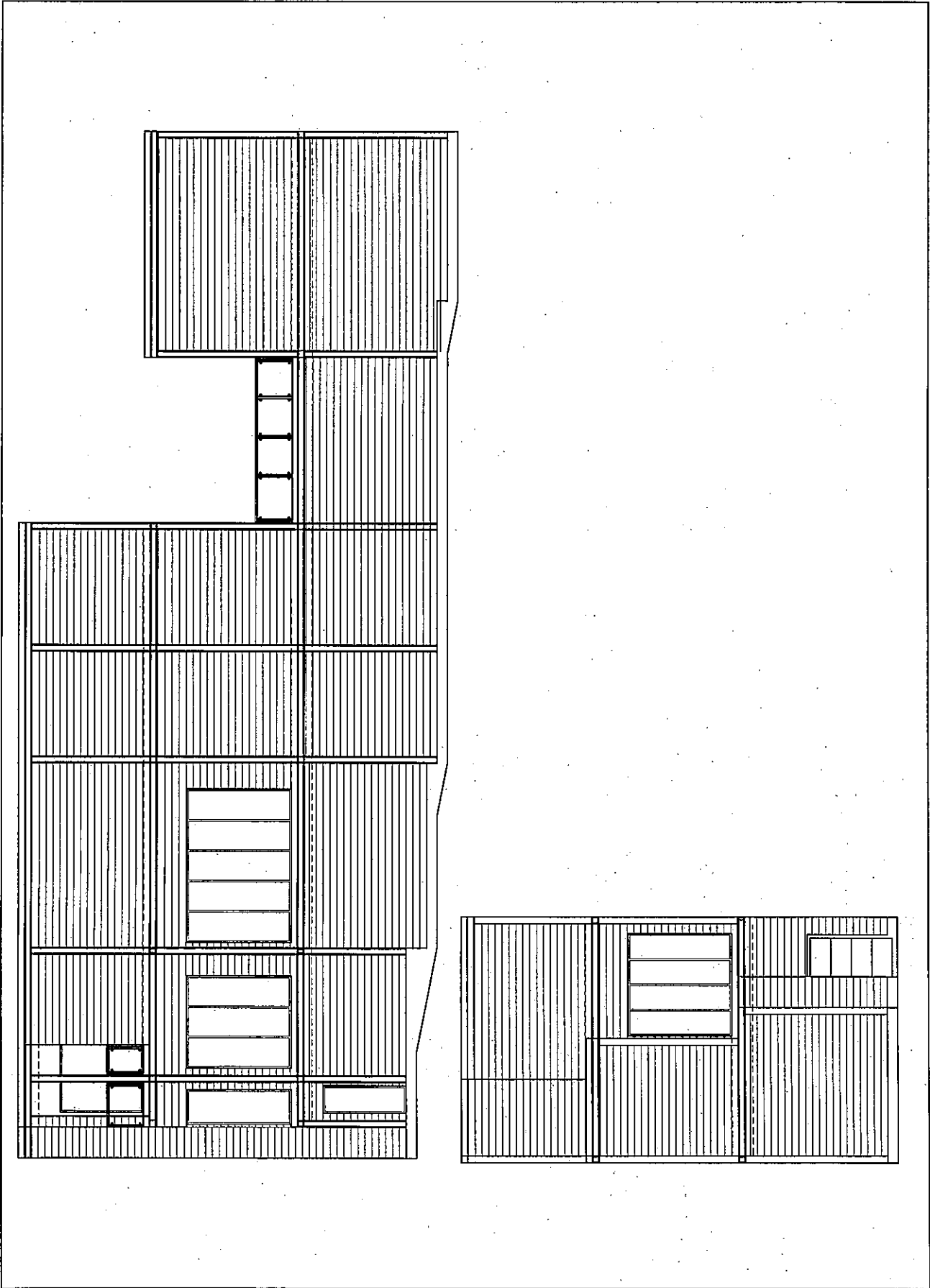
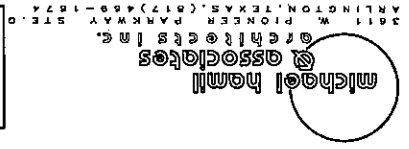
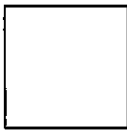
2737 NORTH HARWOOD STREET
 LOT 2 BLOCK 2/928 HARWOOD/HUNT ADDITION
 DALLAS, TEXAS



SHEET NUMBER
 OF
 PROJECT NUMBER
 PLAN NUMBER
 DRAWN BY
 CHECKED BY
 DATE



COPYRIGHT 2007 MICHAEL HALL & ASSOCIATES
 ARCHITECTS, INC.
 3000 WEST 10TH STREET, SUITE 100
 ARLINGTON, TEXAS 76010
 TEL: (817) 499-1874
 FAX: (817) 499-1875
 WWW.MHA-ARCHITECTS.COM



SHEET NUMBER
OF
PROJECT NUMBER
PLAN NUMBER
DRAWN BY
CHECKED BY
DATE

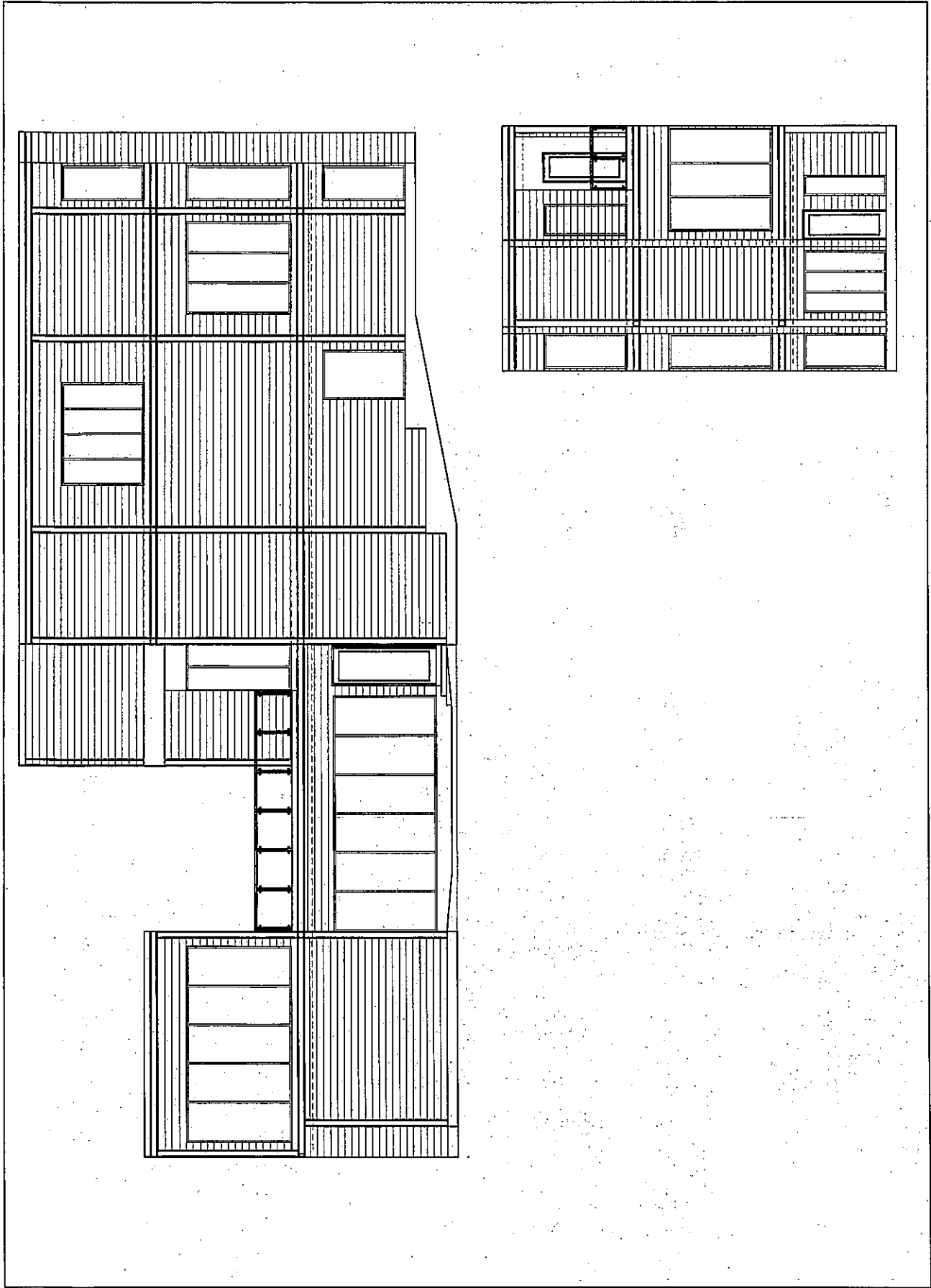
© 1987 MICHAEL BAKER & ASSOCIATES
ARCHITECTS, INC. ALL RIGHTS RESERVED.
THIS DOCUMENT IS THE PROPERTY OF MICHAEL BAKER & ASSOCIATES, ARCHITECTS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF MICHAEL BAKER & ASSOCIATES, ARCHITECTS, INC.

© 1987 MICHAEL BAKER & ASSOCIATES
ARCHITECTS, INC. ALL RIGHTS RESERVED.
THIS DOCUMENT IS THE PROPERTY OF MICHAEL BAKER & ASSOCIATES, ARCHITECTS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF MICHAEL BAKER & ASSOCIATES, ARCHITECTS, INC.

© 1987 MICHAEL BAKER & ASSOCIATES
ARCHITECTS, INC. ALL RIGHTS RESERVED.
THIS DOCUMENT IS THE PROPERTY OF MICHAEL BAKER & ASSOCIATES, ARCHITECTS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF MICHAEL BAKER & ASSOCIATES, ARCHITECTS, INC.

ARLINGTON, TEXAS (817) 488-1874
3011 W. PIONEER PARKWAY, STE. 0

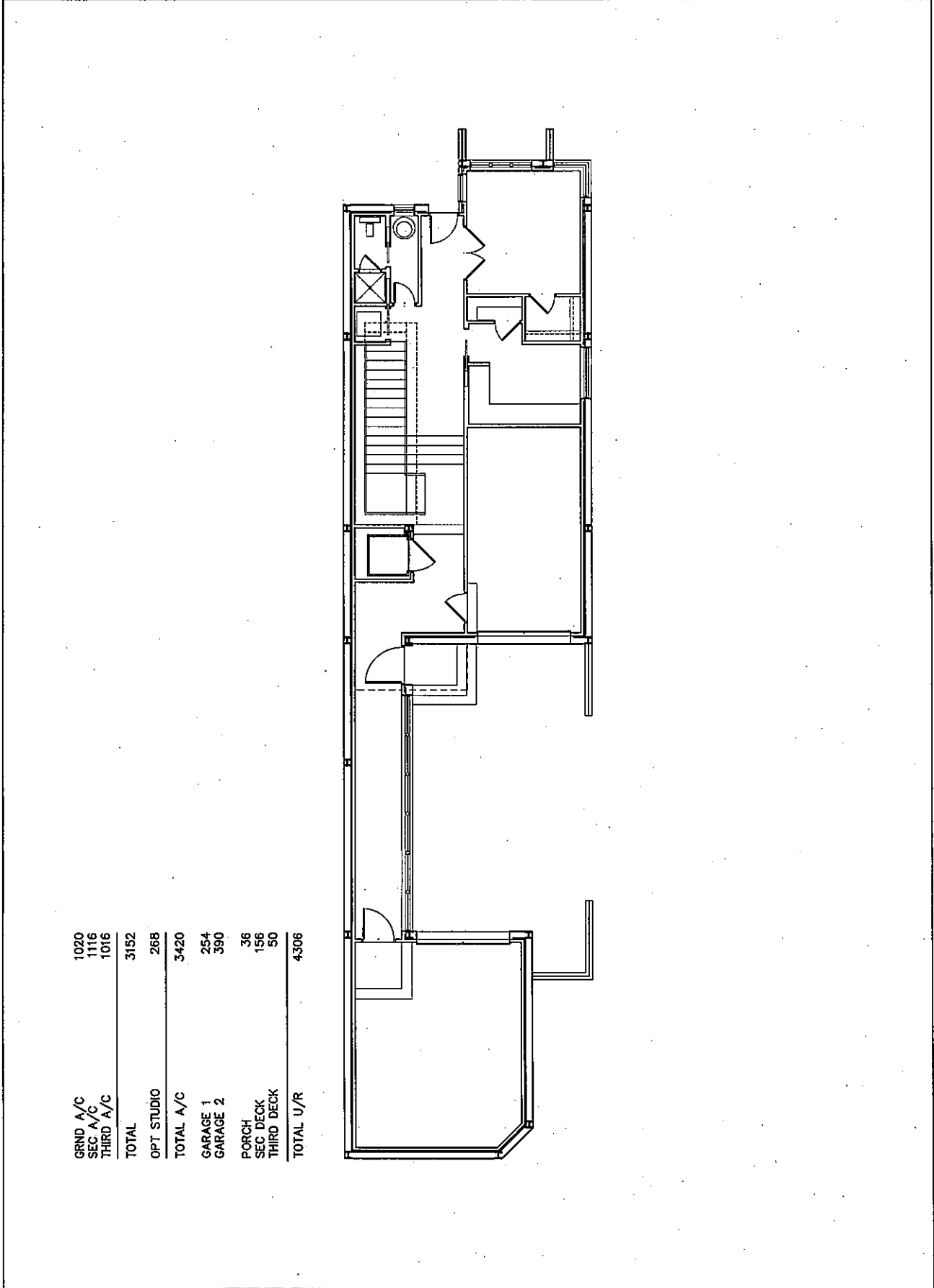
Michael Baker
& Associates
Architects Inc.



SHEET NUMBER
OF
PROJECT NUMBER
PLAN NUMBER
DRAWN BY
CHECKED BY
DATE

© COPYRIGHT 2007 MICHAEL HALL & ASSOCIATES
ARCHITECTS, P.C.
ALL RIGHTS RESERVED. NO PART OF THIS
DRAWING IS TO BE REPRODUCED OR
TRANSMITTED IN ANY FORM OR BY ANY
MEANS, ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE AND
RETRIEVAL SYSTEM, WITHOUT THE
WRITTEN PERMISSION OF MICHAEL HALL &
ASSOCIATES, P.C.

Michael Hall
& Associates
Architects, P.C.
3811 W. PIONEER PARKWAY STE. C
ARLINGTON, TEXAS (817) 402-1074

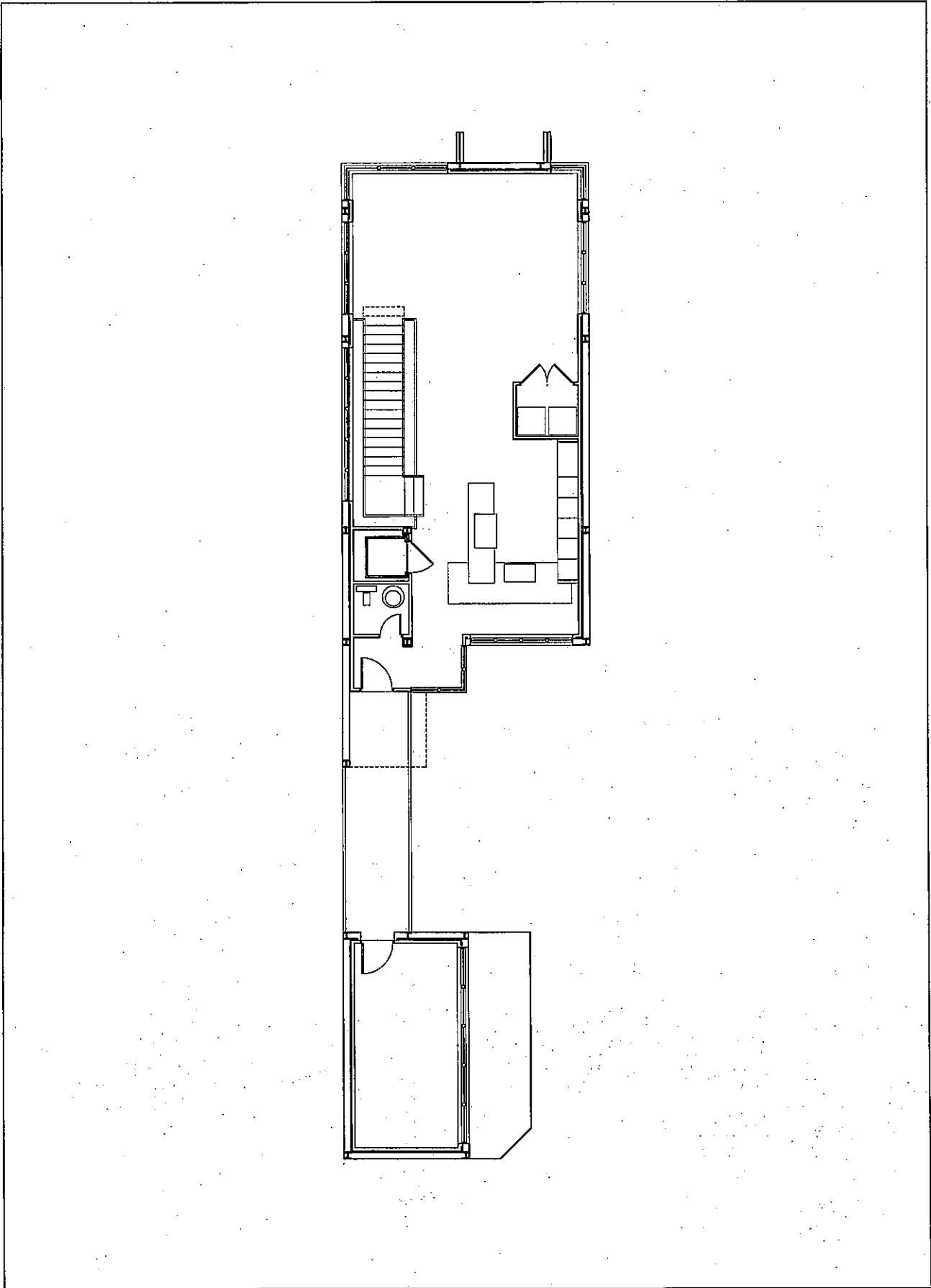


GRND A/C	1020
SEC A/C	1116
THIRD A/C	1016
TOTAL	3152
OPT STUDIO	268
TOTAL A/C	3420
GARAGE 1	254
GARAGE 2	390
PORCH	36
SEC DECK	156
THIRD DECK	50
TOTAL U/R	4306

SHEET NUMBER
OF
PROJECT NUMBER
PLAN NUMBER
DRAWN BY
CHECKED BY
DATE

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

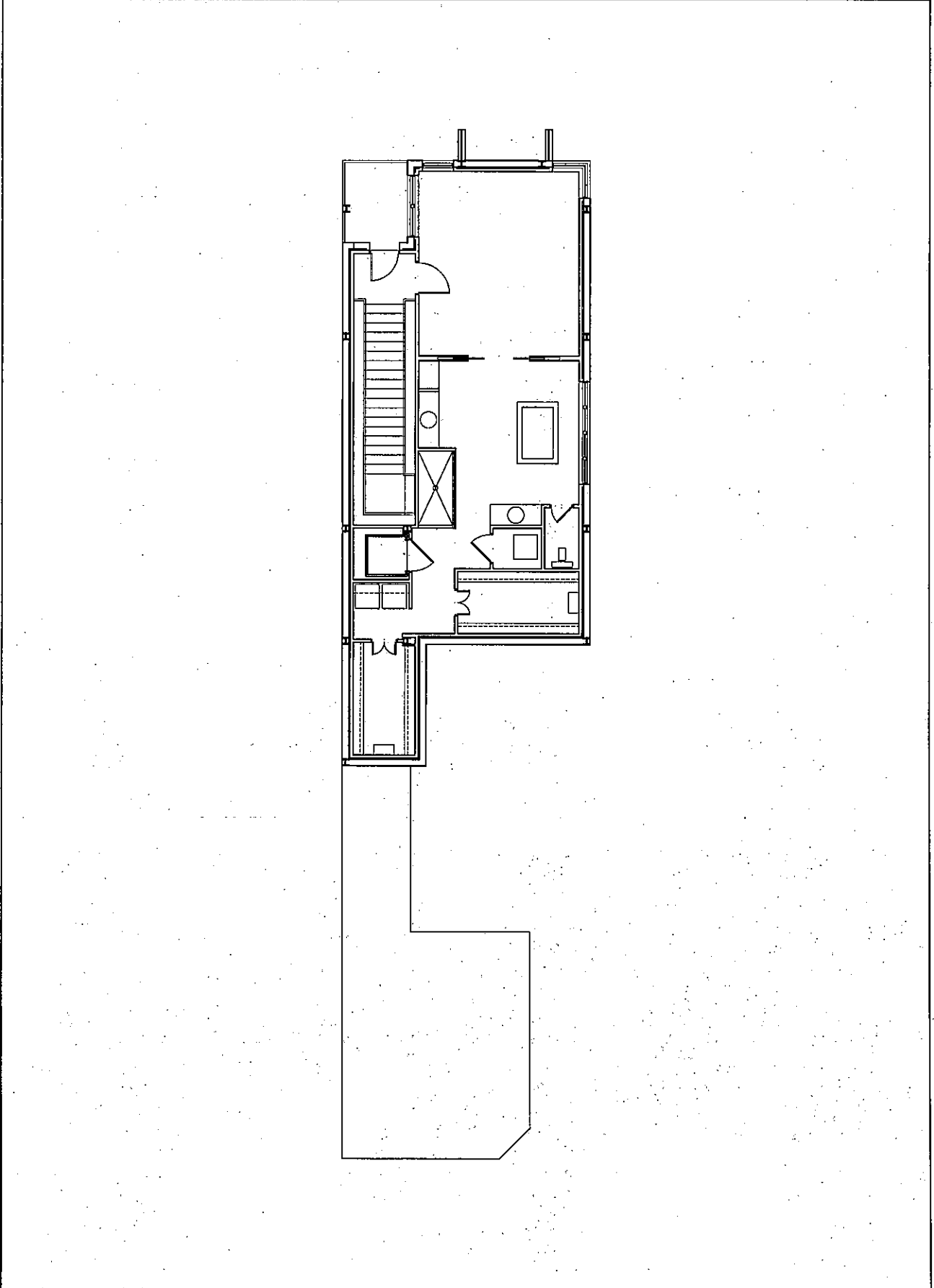
3011 W. PIONEER PARKWAY STE. 1074
ARLINGTON, TEXAS 76010
Architects Inc.
Associates
Michael Hammill

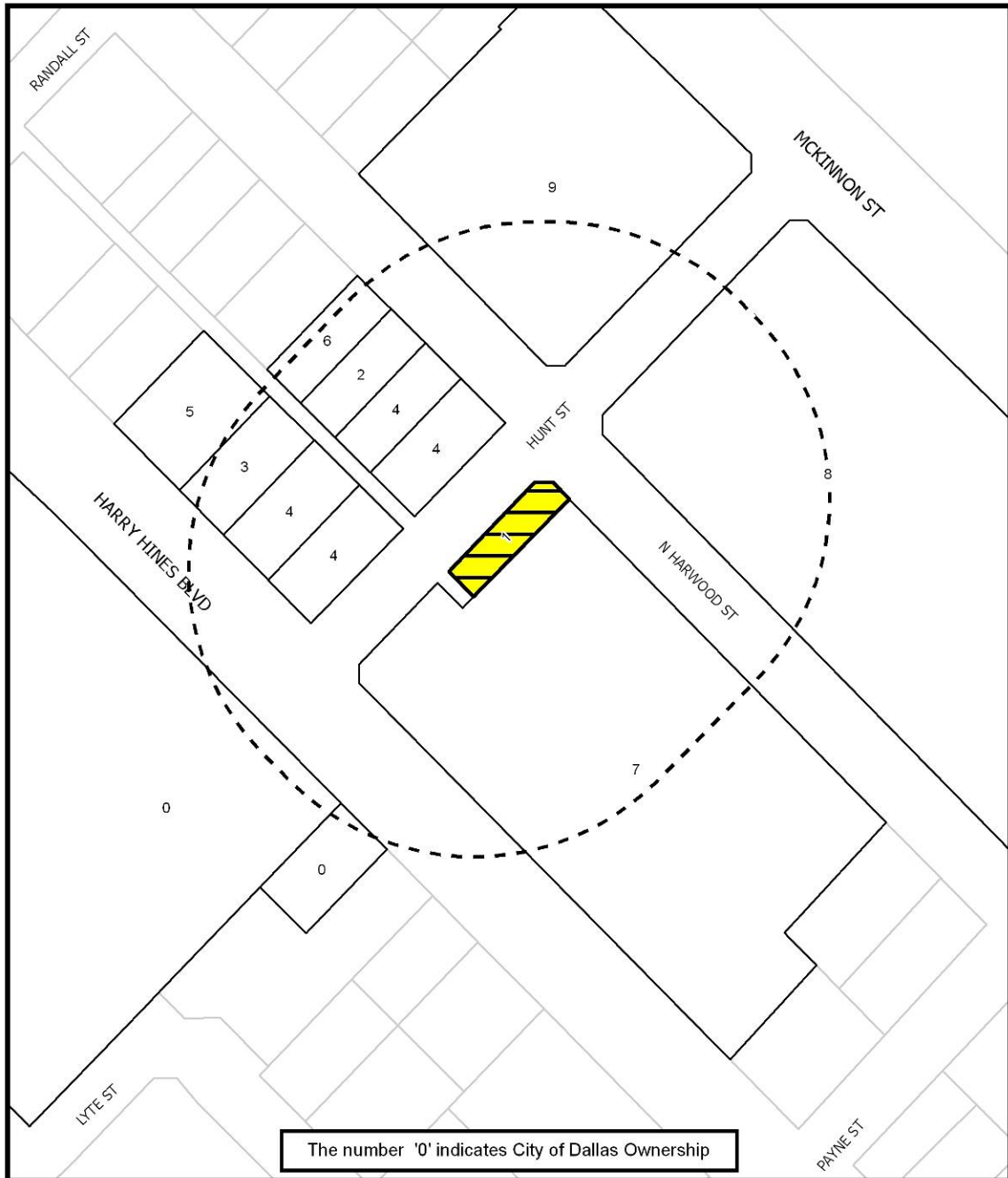


SHEET NUMBER
OF
PROJECT NUMBER
PLAN NUMBER
DRAWN BY
CHECKED BY
DATE

OPPORTUNITY CONSULTING ARCHITECTS
ARCHITECTS
10000 W. PIONEER PARKWAY STE. 200
ARLINGTON, TEXAS 76010-4091
TEL: 817-499-1074
FAX: 817-499-1075
WWW.OPPORTUNITYARCHITECTS.COM

Opportunity Consulting Architects
10000 W. Pioneer Parkway Ste. 200
Arlington, Texas 76010-4091
Tel: 817-499-1074
Fax: 817-499-1075
www.opportunityarchitects.com





 1:1,200	NOTIFICATION		Case no: BDA112-061
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/31/2012	

Notification List of Property Owners

BDA112-061

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2737 HARWOOD ST	SMITH H DAVID
2	2807 HARWOOD ST	S.R.S.R. INC
3	2806 HARRY HINES BLVD	HPO INC 16TH FLOOR
4	2801 HARWOOD ST	ROLEX TEXAS REALTY DELAWARE CORPORATION
5	2810 HARRY HINES BLVD	HPO INC SUITE 1600
6	2809 HARWOOD ST	GLAZER JUDY B
7	2727 HARRY HINES BLVD	INTERNATIONAL CENTER DEVELOPMENT II & II
8	2728 HARWOOD ST	ROLEX INTERNATIONAL CENTER II & III LLC
9	2828 HARWOOD ST	INTERNATIONAL CENTER DEVELOPMENT IV LTLD

FILE NUMBER: BDA 112-076

BUILDING OFFICIAL'S REPORT:

Application of Alan Hoffmann for special exceptions to the fence height and visual obstruction regulations at 8606 Groveland Drive (AKA 2004 Lakeland Drive). This property is more fully described as Lot 1 in City Block 17/5244 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20-foot visibility triangle at driveways and alleys, and a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain an 8-foot high fence, which will require a special exception to the fence height regulations of 4 feet, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 8606 Groveland Drive (AKA 2004 Lakeland Drive)

APPLICANT: Alan Hoffman

REQUESTS:

- The following appeals had been made on a site that is developed with a single family home:
 1. special exceptions to the fence height regulations of up to 4' in conjunction with maintaining a 6' and 8' high wood fence located in one of the site's two front yard setbacks (Groveland Drive), and
 2. special exceptions to the visual obstruction regulations in conjunction with maintaining an existing:
 - 4' high open wrought iron fence in the 45' visibility triangle at the intersection of Lakeland Drive and Groveland Drive;
 - 6' and 8' high solid wood fence in the two 20' visibility triangles on either side of the driveway into the site from Groveland Road, and
 - 8' high solid wood fence in the 20' visibility triangle at the intersection of a dedicated alley (but not in use) at Groveland Road.

(No part of this application is made to construct/maintain any fence higher than 4' in the site's Lakeland Drive front yard setback).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence height special exceptions):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections” to the requests.
- The applicant has substantiated how the location an existing 4’ high open wrought iron fence in the 45’ visibility triangle at the intersection of Lakeland Drive and Groveland Drive; and portions of the existing 6’ and 8’ high solid wood fence in the two 20’ visibility triangles on either side of the driveway into the site from Groveland Road, in the 20’ visibility triangle at the intersection of a dedicated alley do not constitute traffic hazards.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-16(A) (Single family district 16,000 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

1. BDA 090-109, Property at 2000 Lakeland Drive (the subject site) On November 16, 2010, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations of 20’ and imposed the submitted site plan

as amended at the public hearing as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a single family home structure on an undeveloped site, part of which would be located in the one of the site's two 25' front yard setbacks (Groveland Drive). The case report stated that the portion of the home to be located in the front yard setback was for a "porch."

Timeline:

- May 25, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- July 17, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 25th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd 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.
- July 27, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."
- July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

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

- This request focuses on maintaining a 6' and 8' high wood fence located in one of the site's two front yard setbacks (Groveland Drive) on a site developed with a single

family home. No part of this application is made to construct/maintain any fence in the site's Lakeland Drive front yard setback.

- The subject site is located at the east corner of Lakeland Drive and Groveland Drive and has two frontages of unequal length, the shorter (Lakeland Drive) is a front yard per code, the longer (Groveland Drive) is a front yard given the continuity of the front yard setbacks to the northeast of the subject site.
- The seven lots to the northeast of the subject site "fronting" onto Groveland Avenue makes the longer frontage of the subject site (typically a side yard where a 9' high fence can be erected/maintained by right) a front yard setback where only a 4' high fence can be erected/maintained by right.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard. The applicant had submitted a site plan and elevation document indicating that the proposal in the Groveland Road front yard setback reaches a maximum height of 8 feet.
- The following additional information was gleaned from the submitted site plan:
 - About 40' in length parallel along Groveland Drive (and approximately 25' in length perpendicular), approximately on the property line or about 12' from the pavement line where no single family home fronts this proposal.
- No single family home "fronts" to the fence since the home directly across Groveland Drive "fronts" southwesterly to Lakeland Drive.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4-feet high located in a front yard setback.
- As of August 6, 2012, no letters had been submitted to staff in support or in opposition to the request.
- 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 elevation document would require the proposal exceeding 4' in height in the Groveland Drive front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

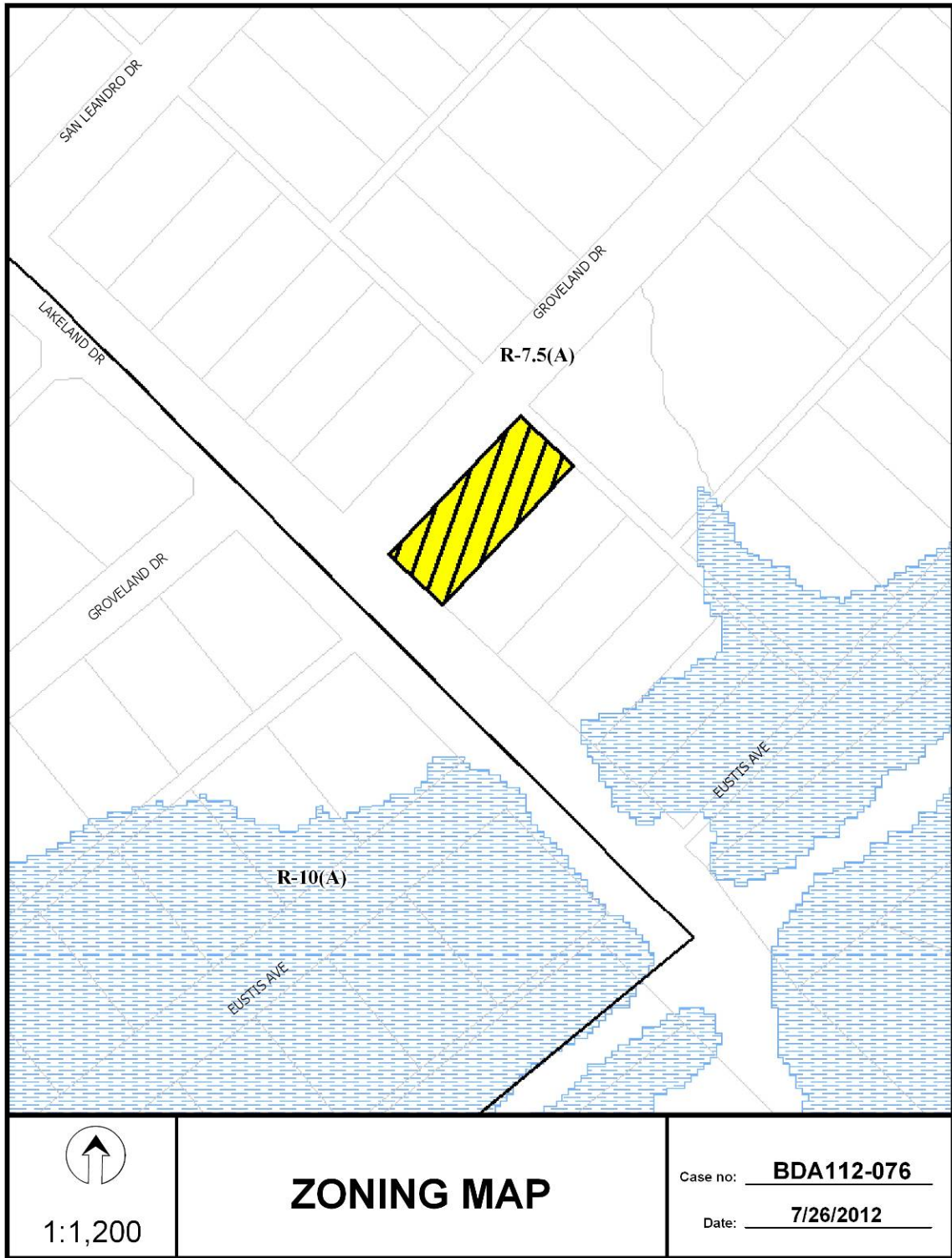
GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

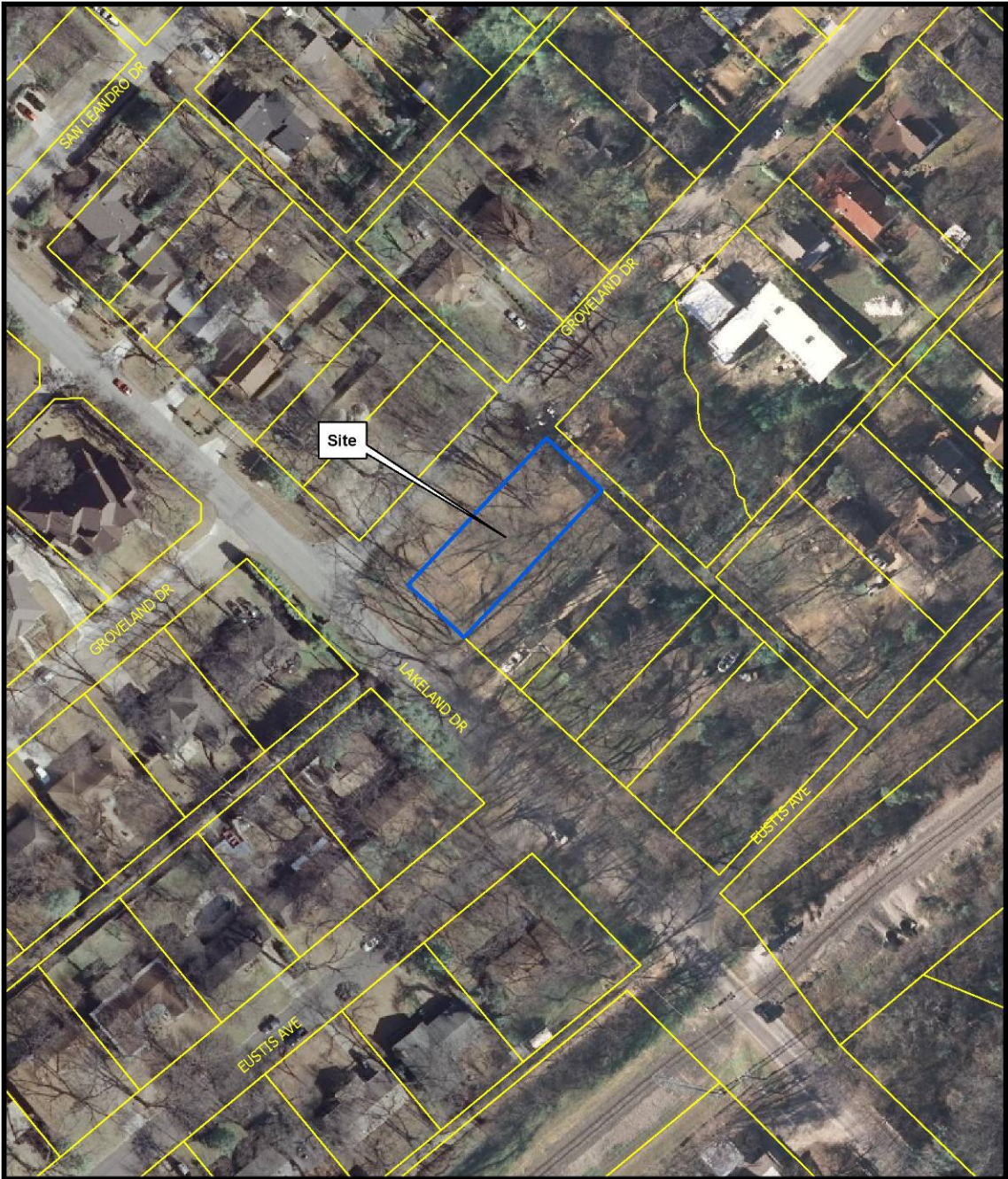
- These requests focus on maintaining an existing 4' high open wrought iron fence in the 45' visibility triangle at the intersection of Lakeland Drive and Groveland Drive; and an existing 6' and 8' high solid wood fence in the two 20' visibility triangles on either side of the driveway into the site from Groveland Road, and an existing 8' high solid wood fence in the 20' visibility triangle at the intersection of a dedicated alley (but not in use) at Groveland Road.
- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections and 20-foot visibility triangles at drive approaches); and

- between 2.5 – 8 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 elevation document have been submitted indicating an existing 4' high open wrought iron fence in the 45' visibility triangle at the intersection of Lakeland Drive and Groveland Drive; and portions of the existing 6' and 8' high solid wood fence in the two 20' visibility triangles on either side of the driveway into the site from Groveland Road, and portions of the existing 8' high solid wood fence in the 20' visibility triangle at the intersection of a dedicated alley (but not in use) at Groveland Road.

- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations will not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would require that the items as described in this case report to be limited to the locations, heights, and materials of those items as shown on these documents.





1:1,200

AERIAL MAP

Case no: BDA112-076

Date: 7/26/2012



A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Data Relative to Subject Property:

Location address: 8606 Groveland Drive

Case No.: BDA 112-076
Date: 5/25/2012
Zoning District: R75 (A)

Lot No.: 1 Block No.: 17/5244 Acreage: .213 Census Tract: 81.00

Street Frontage (in Feet): 1) 60 2) 155 3) 4) 5) get

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mike and Molly Carroll

Applicant: Alan Hoffmann, LLC Telephone: 214-324-0046

Mailing Address: 1920 Abrams Parkway #341 Zip Code: 75214

E-mail Address: alan@alanhoffmanncompany.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception x, of 4 Feet to the fence height in a front yard set back and visibility triangle at Lakeland @ Groveland for wrought fence in Lakeland front yard and visibility triangle at alley with wood fence at alley.

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: No objections have been raised at the time of this application from neighboring residents. The yard fencing between the garage and house which is six feet does not present a negative impact to the neighboring residents. The 4 foot front yard wrought iron fence does not present a visibility risk to traffic as it is a see through fence. The Lakeland road height frontage is an average of 20" higher than the lot grade. Given this grade difference the wrought iron fence adjacent Lakeland is in compliance with the ordinance. The alley fence does not impact visibility is not a safety risk as the alley has not been in use for over 30 years. Trash pickup is at the street in 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.

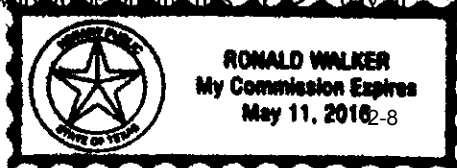
Affidavit

Before me the undersigned on this day personally appeared Alan Hoffmann (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 25 day of May 2012



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

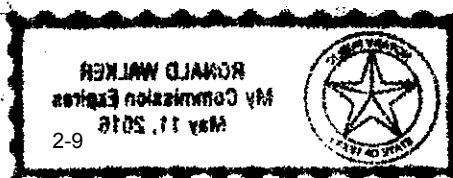
Building Official's Report

I hereby certify that Alan Hoffmann
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 8606 Groveland Drive

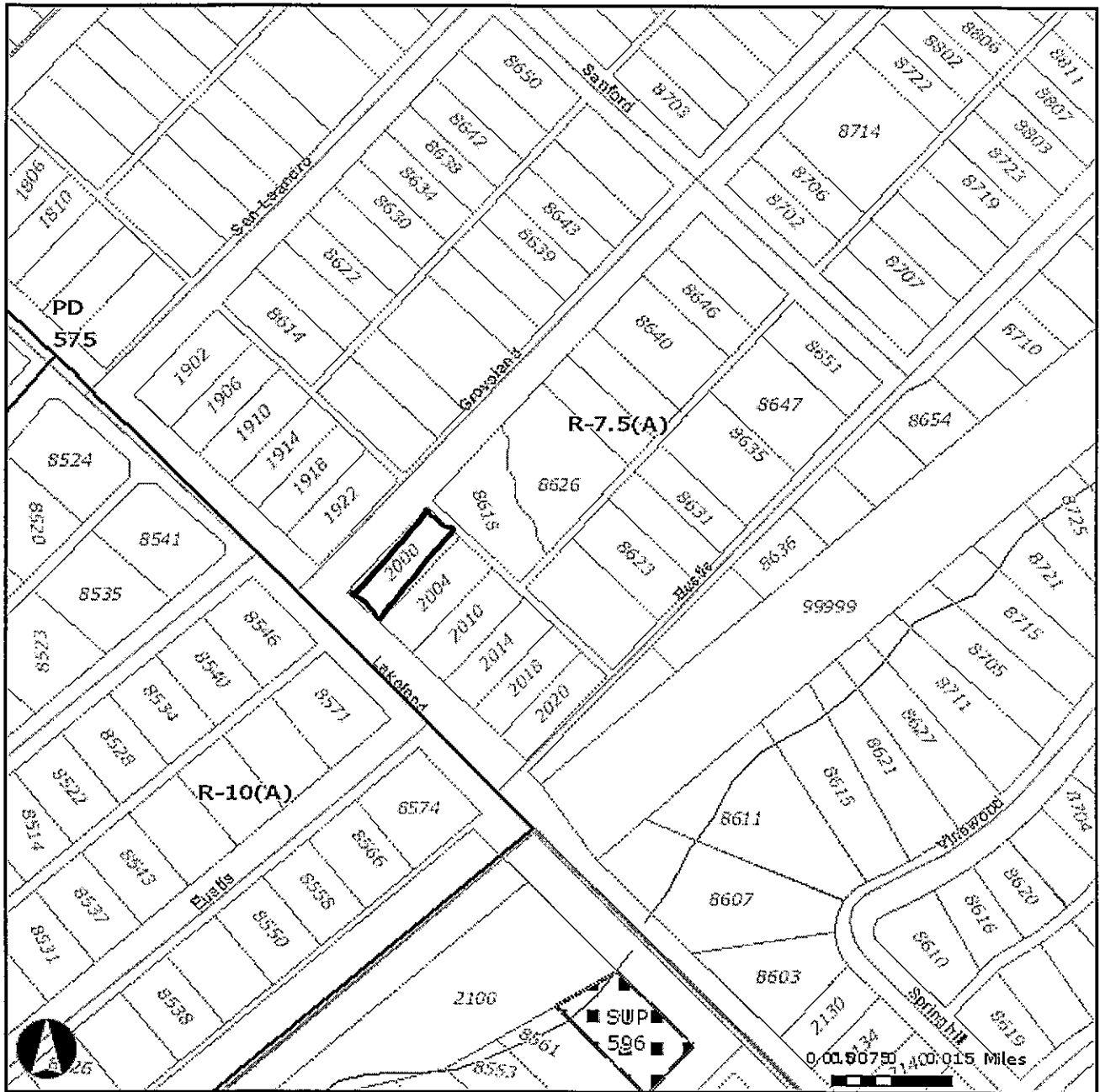
BDA112-076. Application of Alan Hoffmann for a special exception to the fence height regulations and special exceptions to the visibility obstruction regulations at 2004 Lakeland Drive. This property is more fully described as lot 1 in city block 17/5244 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway to street intersections and alley to street intersections, and a 45 foot visibility triangle at street to street intersections. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to construct a fence in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulations.

Sincerely,


Lloyd Denman, Building Official



City of Dallas Zoning



NA

- | | | |
|-------------------|-----------------------|-------------------------|
| City Boundaries | SUP | PD193 Oak Lawn |
| County | Dry Overlay | PDS Subdistricts |
| Certified Parcels | D | Base Zoning |
| DISD Sites | D-1 | Pedestrian Overlay |
| Council Districts | Historic Overlay | CP |
| Waterways | Historic Subdistricts | SP |
| Parks | NSO Overlay | Environmental Corridors |
| | NSO Subdistricts | Escarpment Overlay |

PLAN NO.

2721

DATE

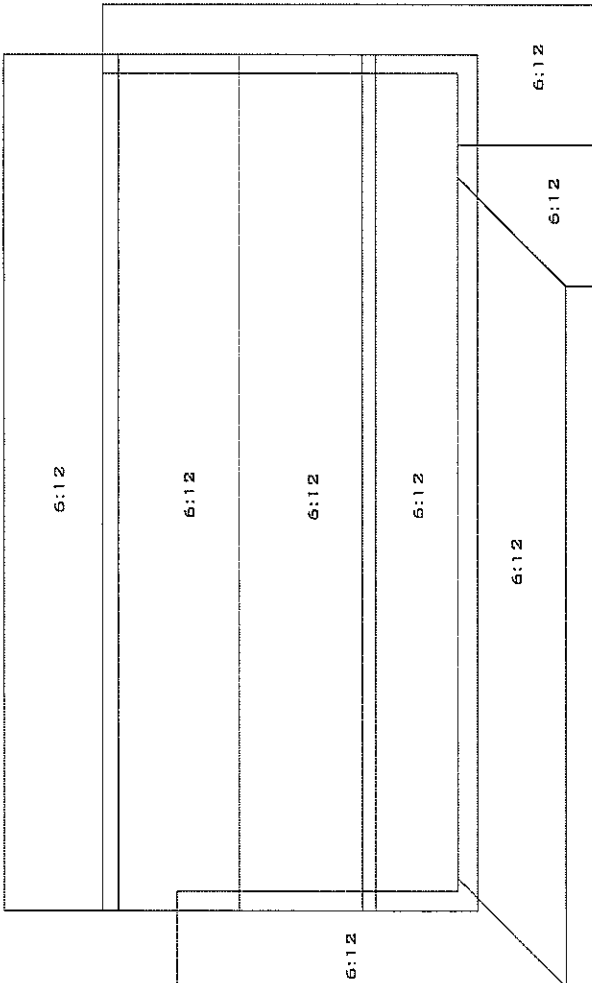
05/24/12

PHD
PESZUSKI HOME DESIGN
DALLAS, TEXAS
PHONE: (972) 622-9966 FAX: (972) 274-0238

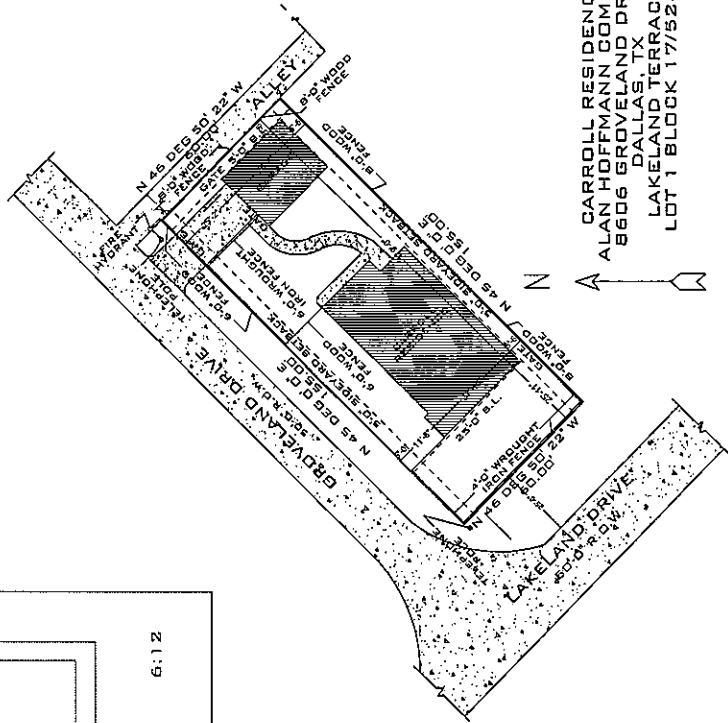
CARROLL RESIDENCE
ALAN HOFFMANN COMPANY

SHEET

A-6



ROOF PLAN
SCALE: 1/4" = 1'



CARROLL RESIDENCE
ALAN HOFFMANN COMPANY
8606 GROVELAND DRIVE
DALLAS, TX
LAKELAND TERRACE
LOT 1 BLOCK 17/5244

PLAT PLAN
SCALE: 1" = 20'

2721

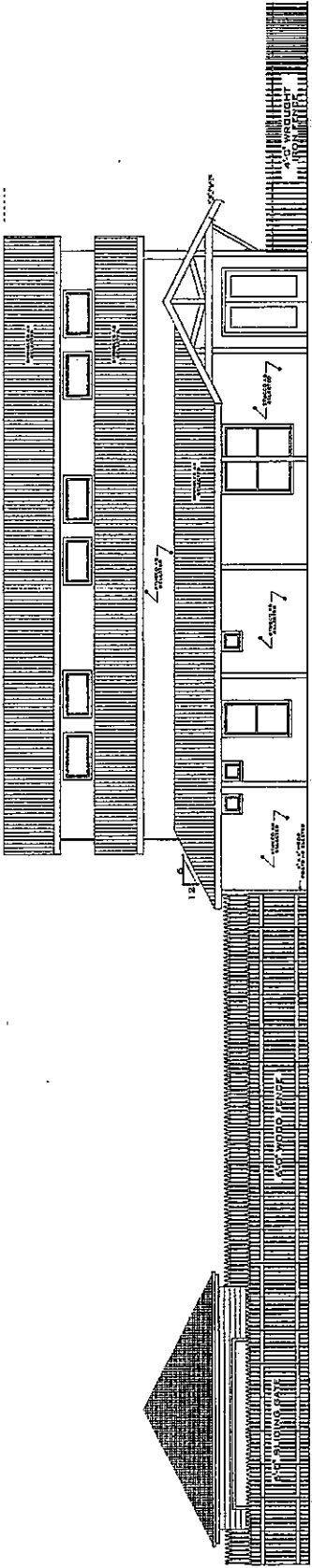
DATE

05/21/12

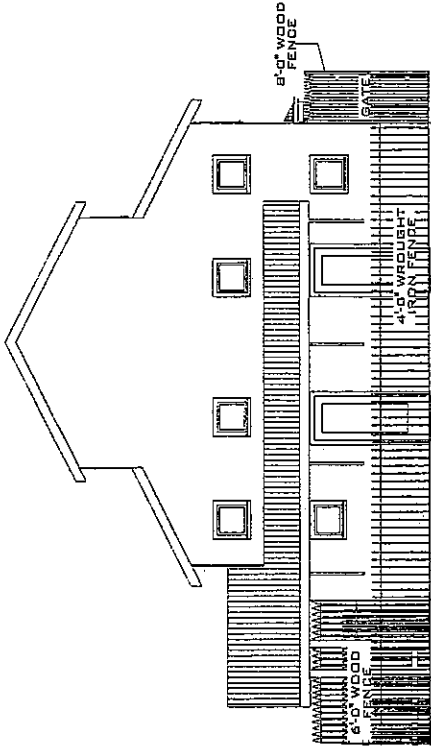
P H D
PESKUSKI HOME DESIGN
DALLAS, TEXAS
PHONE (972) 688-6888 FAX (972) 678-0788

CARROLL RESIDENCE
ALAN HOFFMANN COMPANY

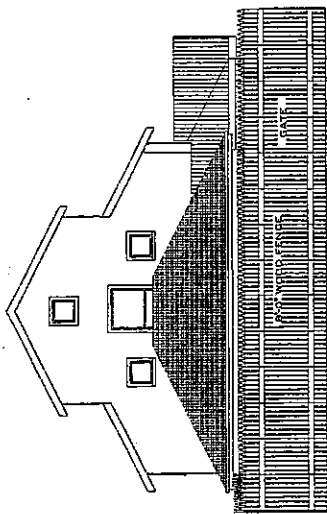
SHEET
A-4



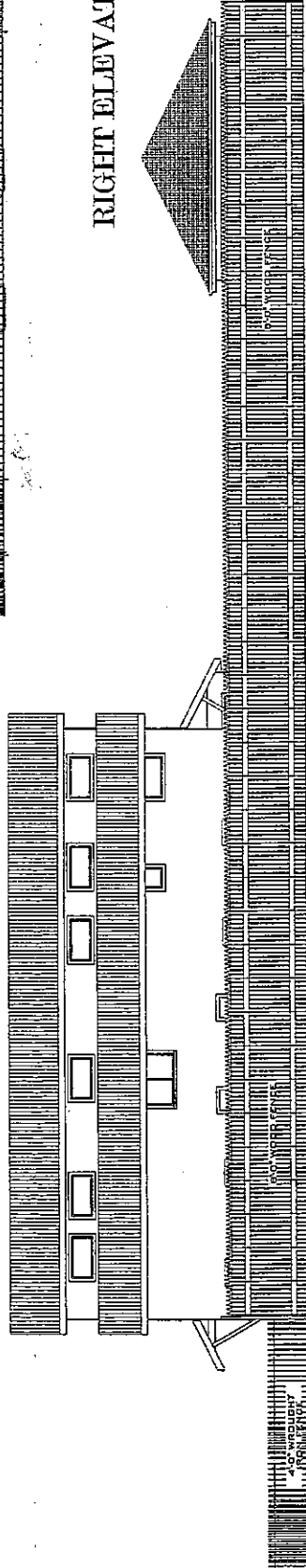
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

ELEVATIONS
SCALE: 3/16" = 1'



 1:1,200	NOTIFICATION		Case no: BDA112-076
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">18</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/26/2012

Notification List of Property Owners

BDA112-076

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2000 LAKELAND DR	CARROLL WILLIAM MCIHAEL & MOLLY MCCALL
2	1914 LAKELAND DR	WHITE FISH TR
3	1918 LAKELAND DR	WOODIE LISA
4	1922 LAKELAND DR	OLESEN JOHN K
5	8615 GROVELAND DR	KISH LETA
6	8627 GROVELAND DR	DONOVAN JILL DENISE
7	2010 LAKELAND DR	KUMMER ELIZABETH A
8	8615 EUSTIS AVE	NADY SCOTT X & RONICCA R
9	8623 EUSTIS AVE	NADY SCOTT X & RONNICA R
10	8626 GROVELAND DR	JANEWAY STEVEN & CLEA VERVEN
11	8618 GROVELAND DR	JACKSON MARY ANN
12	8546 GROVELAND DR	GANTER KEVIN V
13	8540 GROVELAND DR	KNIGHT GEORGE T
14	8563 EUSTIS AVE	WOLFE JOE M & MAUREEN D
15	8571 EUSTIS AVE	MCGILVRAY PAIGE
16	8574 EUSTIS AVE	KARL ANN C
17	2004 LAKELAND DR	STERLING TRUST CO CUSTODIAN S HINDS IRA
18	8541 GROVELAND DR	MARTIN PETER T & COLLEEN M

FILE NUMBER: BDA 112-077

BUILDING OFFICIAL'S REPORT:

Application of Jon Paul Moore for a special exception to the fence height regulations at 4205 Briar Creek Lane. This property is more fully described as lot 16 in City Block G/2956 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8-foot high fence which will require a special exception to the fence height regulations of 4 feet.

LOCATION: 4205 Briar Creek Lane

APPLICANT: Jon Paul Moore

REQUEST:

- A special exception to the fence height regulations of 4' is requested along with constructing and maintaining an approximately 8' high solid redwood board-on-board fence in the site's Mockingbird Lane 20' required front yard. This site is developed with a single family home. (No part of this application is made to construct and/or maintain a fence higher than 4' in the site's Briar Creek Lane required front yard).

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-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: D(A) (Duplex)

Land Use:

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

Zoning/BDA History:

- | | |
|--|---|
| 1. Miscellaneous Item #2, BDA 112-077, Property at 4205 Briar Creek Lane (the subject site) | On August 14, 2012, the Board of Adjustment Panel A will consider reimbursing the filing fee made in conjunction with this application. |
|--|---|

Timeline:

- May 14, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 17, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 27th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd 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.
- July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.
- No review comment sheets with comments were submitted in conjunction with this application.
- August 3, 2012: Staff discovered an error with meeting notification requirements on this application for Panel C’s August 13th hearing. Given this error and that this property had no previous history with a board of adjustment panel, the Board of Adjustment Secretary randomly re-assigned this application to Board of Adjustment Panel A to be

heard at their public hearing to be held on August 14th. The Board Administrator informed the applicant of this new hearing date.

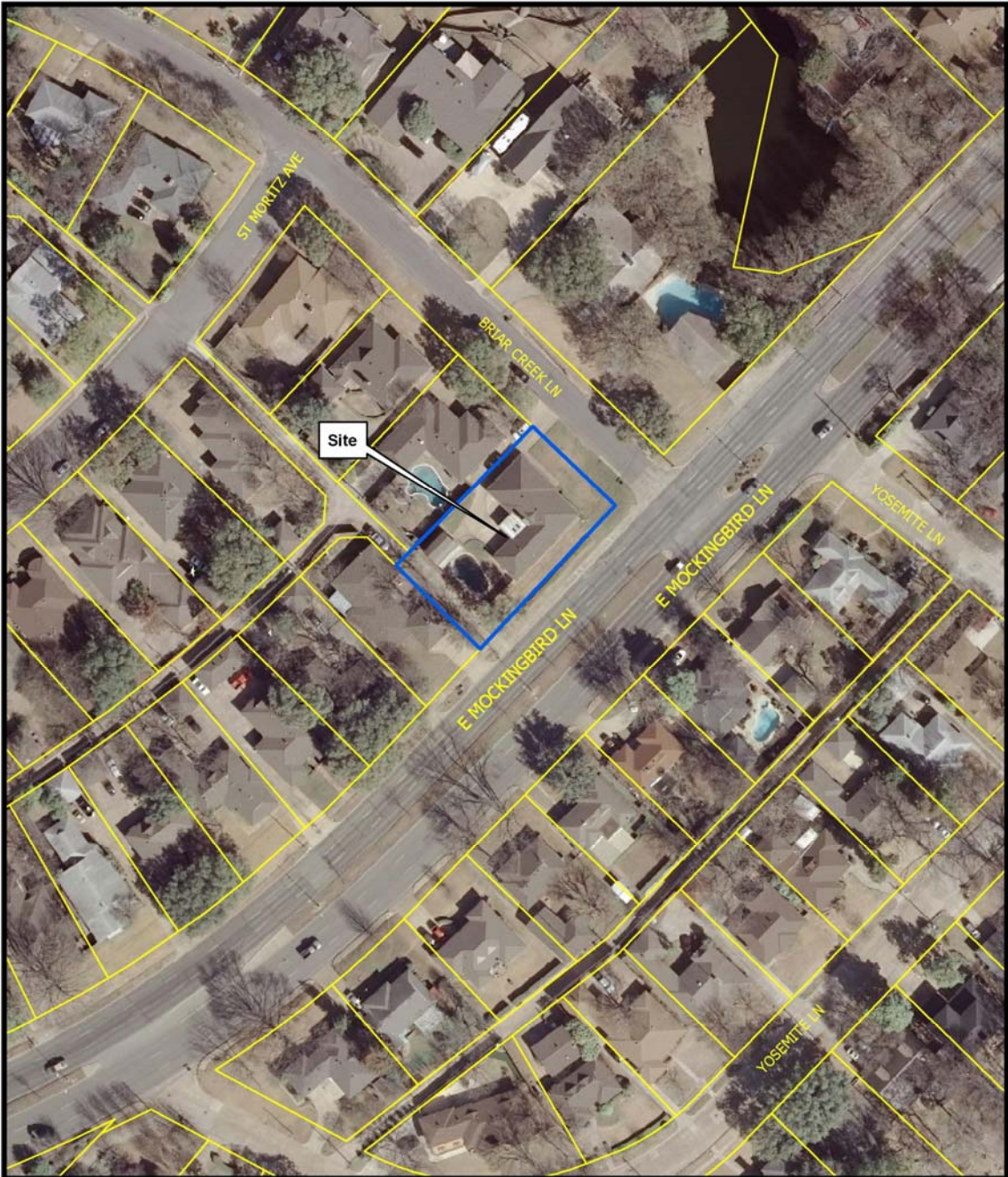
August 3, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

GENERAL FACT /STAFF ANALYSIS:

- This request focuses on constructing and maintaining an 8' high solid board-on-board wood fence in the site's Mockingbird Lane 20' required front yard.
- The subject site is a corner lot zoned R-7.5(A) with two street frontages of unequal distance. The site is located at the west corner of Briar Creek Lane and Mockingbird Lane. Even though the Briar Creek Lane frontage appears to function as its front yard and the Mockingbird Lane frontage appears to function as its side yard, the subject site has two required front yards created by platted building lines: a 30' required front yard along Briar Creek Lane and a 20' required front yard along Mockingbird Lane.
- The site has a required front yard along Briar Creek Lane as the shorter of the two frontages is always deemed the front yard setback on a corner lot of unequal frontage distance in a single family zoning district. The site's Mockingbird Lane frontage is deemed a front yard as well to maintain the continuity of the established front yard setback along this street because the lots immediately south and west front Mockingbird Lane and have front yard setbacks along this street.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant had submitted a scaled site and partial elevation that shows the proposal in the Mockingbird Lane required front yard reaching a maximum height of 8 feet.
- The following additional information was gleaned from the submitted site plan:
 - Approximately 100' in length parallel to Mockingbird Lane (and approximately 20' in length perpendicular on the east and west sides of the site in the required front yard), approximately on the Mockingbird Lane front property line or approximately 18' from the pavement line where three homes would have direct/indirect frontage to the proposal.
- If it were not for the lots immediately south and west of the subject site that actually front onto Mockingbird Lane, the proposed 8' high fence that is the issue in this application could be constructed/maintained by right since this frontage of the corner subject site is the longer of the subject site's two street frontages.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other *front yard* fences higher than 4' were noted in the immediate area. However, a fence higher than 4' was noted immediately northeast – a fence about 9' in height that appears to be located in this property's side yard.

- As of August 6, 2012, one petition signed by 18 neighbors/owners (including the applicant/owner of the subject site) along with 10 letters had been submitted to staff in support of the request or no letters had been submitted opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 8' in height) 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 elevation would require the proposal exceeding 4' in height in the Mockingbird Lane required front yard to be constructed/maintained in the location and of the heights and materials as shown on these documents.





1:1,200

AERIAL MAP

Case no: BDA112-077

Date: 7/26/2012

Long, Steve

BDA 112-077
Attach A

From: JP Moore [jpmoore@BSBCapital.com]
Sent: Friday, August 03, 2012 9:07 AM
To: Long, Steve
Subject: FW:

PS1

Attachments: doc20120803092133.pdf



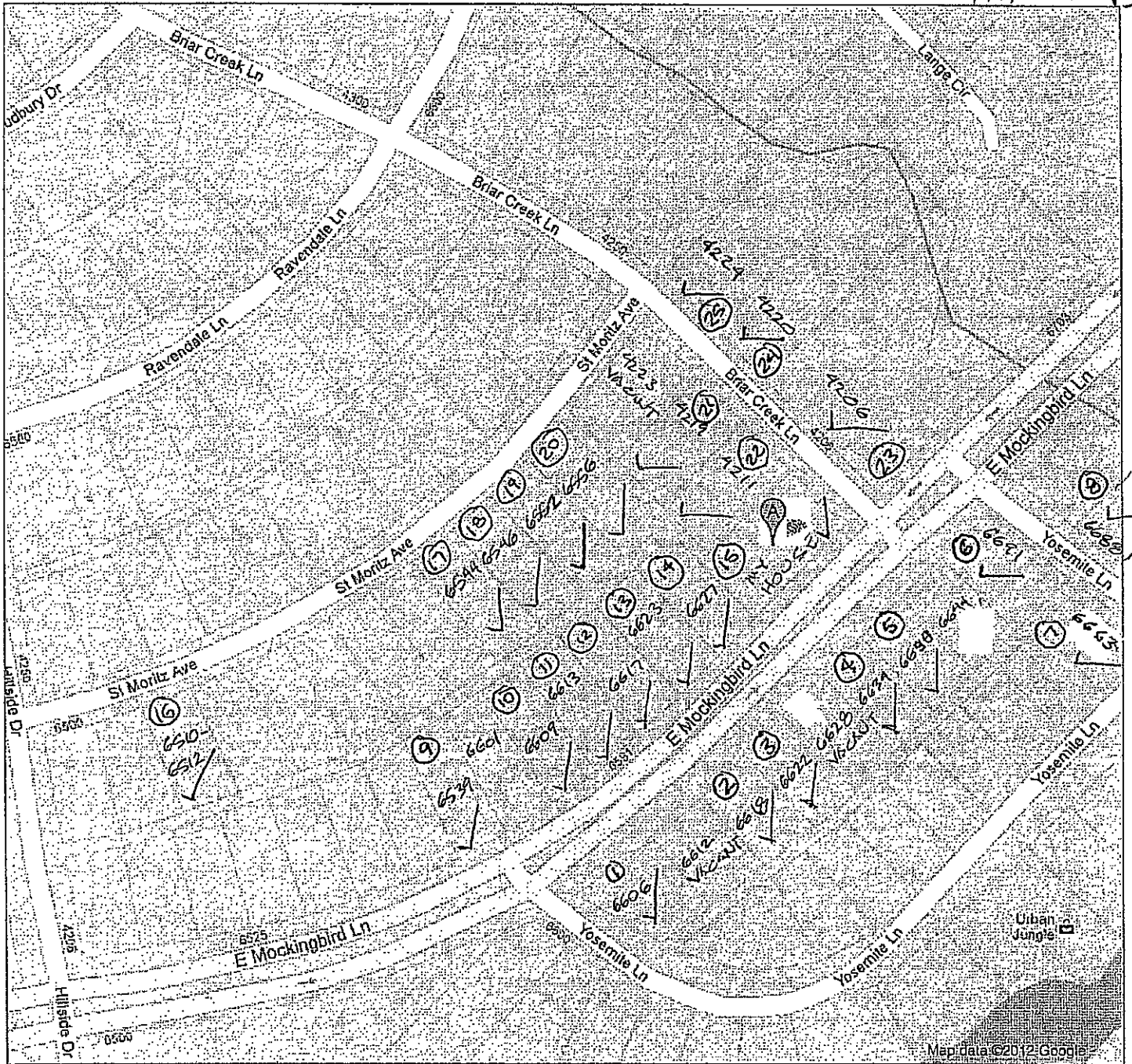
doc2012080309213
3.pdf (700 KB)...

Signatures attached. Thanks, Steve. Have a great weekend.

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



BDA112-077
Attach A pg 2



I hereby approve of the proposed variance allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas, as proposed with no additional landscaping required.

(14) Name John Rogers

Address 6627 E Mockingbird

Signature John Rogers

(13) Name Alan Keen

Address 6623 E Mockingbird

Signature Alan Keen

(9) Name Jeff Turner

Address 6539 E. Mockingbird Ln.

Signature Jeff Turner

(1) Name Daniel Hillmann

Address 6606 E. Mockingbird Ln.

Signature Daniel S. Hillmann

(4) Name E. PAPERON

Address 6634 Mockingbird Hill

Signature E. PAPERON

(5) Name CARLOS BARROSO-LEON

Address 6638 E. Mockingbird Ln

Signature Carlos Barroso

(6) Name TOM CALVERT

Address 4205 BRIAR CREEK LN

Signature Tom Calvert

(24) Name Richard Coleman

Address 4220 Briar Creek

Signature Richard Coleman

(20) Name Kristine Carpenter

Address 6556 Saint Maurice

Signature Kristine Carpenter

(18) Name Kathy Kelly

Address 6546 Saint Maurice Ave

Signature Kathy Kelly

(15) Name JON PAUL MOORE

Address 4205 BRIAR CREEK LN.

Signature Jon Paul Moore

Name

Address

Signature

I hereby approve of the proposed variance allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.

AMIE BUASZCZYK

Name
Genevieve DeRito

Name
Mirya Cortez

Name
Tom Patterson

Name
Andrew Leatherman

Name
[Signature]

Name
[Signature]

Name

Name

Name

Name

Name

4410 BUSK CREEK

Address
6512 St Moritz

Address
6510 St Moritz

Address
4206 Briar Creek Lane

Address
4411 Briar Creek Ln

Address
4203 Yosemite Ln

Address
6688 Yosemite Ln

Address

Address

Address

Address

Address

[Signature]

Signature
Genevieve DeRito

Signature
Mirya Cortez

Signature
Tom Patterson

Signature
Andrew Leatherman

Signature
[Signature]

Signature
[Signature]

Signature

Signature

Signature

Signature

Signature

16

16

23

22

7

8

(2)

BDA 112-077
Attach A
p 5

Neighbor,

My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,

J.F. Moore

4205 Briar Creek Lane

214/542-4048

PLEASE COMPLETE

I Alex C. Kuhlman (printed name), am the (check one)
 owner or tenant of the home located at (address) 6618 E. Mockingbird Ln.
_____ I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.

Alex C. Kuhlman
Signature

7-18-2012
Date

214-335-6583
Phone Number

3

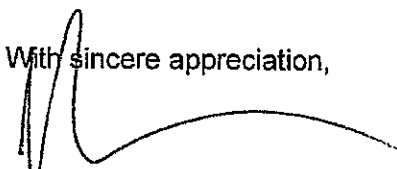
Neighbor,

My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,

J.P. Moore

4205 Briar Creek Lane
214/542-4048

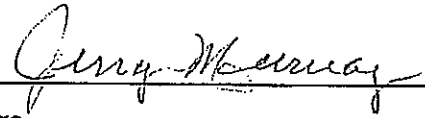
PLEASE COMPLETE

I JERRY MURRAY (printed name), am the (check one)

owner or tenant of the home located at (address) _____

6622 MOCKINGBIRD LANE, I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.


Signature

7-24-12
Date

214-827-2280
Phone Number

BDA 112-077
Attachment A
Pg 7

10

Neighbor,

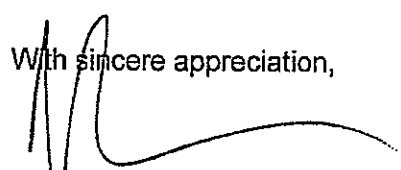
My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,

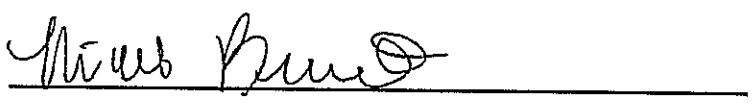


J.P. Moore
4205 Briar Creek Lane
214/542-4048

PLEASE COMPLETE

I Nicole Bradshaw (printed name), am the (check one)
 owner or tenant of the home located at (address) 6609 E. Mockingbird Ln.
_____ I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.



Signature

7/24/12

Date

214-777-8799

Phone Number

BDA 112-077
Attn A
Pg 8

11

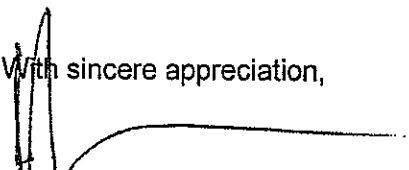
Neighbor,

My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

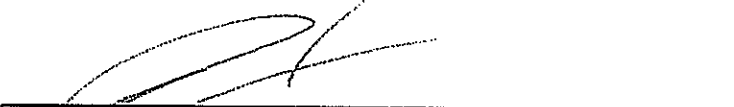
With sincere appreciation,


J.P. Moore
4205 Briar Creek Lane
214/542-4048

PLEASE COMPLETE

I Jessica L Lay (printed name), am the (check one)
 owner or tenant of the home located at (address) 4613 E Mockingbird Cr.
Dallas TX 75214. I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.



Signature

7/18/2012

Date

214-740-8518

Phone Number

BDA 112-077
Attach A
P39

12

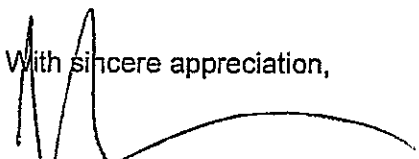
Neighbor,

My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an approval form below, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,


J.P. Moore
4205 Briar Creek Lane
214/542-4048

PLEASE COMPLETE

I Susan Oatsvall (printed name), am the (check one)
 owner or tenant of the home located at (address) 6617 E Mockingbird Lane, Dallas, TX 75214
I hereby approve of the variance
Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.

Susan Oatsvall
Signature

7/21/12
Date

817-689-4834
Phone Number

(12)

BDA 112-077
Attach A
10

Neighbor,

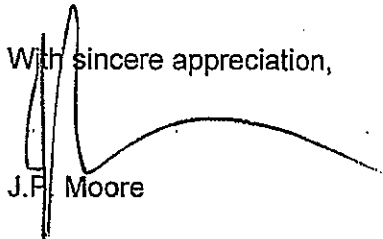
My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,



J.P. Moore

4205 Briar Creek Lane

214/542-4048

PLEASE COMPLETE

I Cindy Langston (printed name), am the (check one)
 owner or tenant of the home located at (address) 6619 E. Mockingbird Ln.
_____ I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.

Cindy Langston
Signature

7/18/12
Date

817-726-0132
Phone Number

(17)

BDA 112-077
Attachment A
p 3 11

Neighbor,

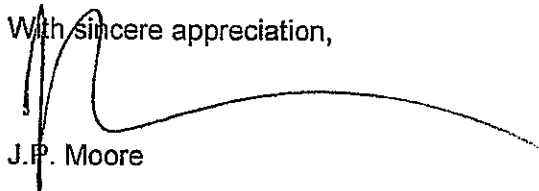
My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,



J.P. Moore

4205 Briar Creek Lane

214/542-4048

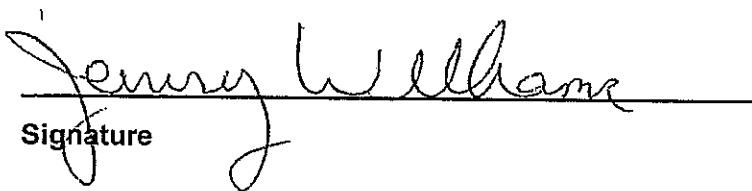
PLEASE COMPLETE

I Jerry Williams (printed name), am the (check one)

owner or tenant of the home located at (address) 6544 St Moritz

Dallas, TX 75214. I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.



Signature

7-29-12

Date

214 821-6759

Phone Number

19

BDA 112-077
Attach A
Pg 12

Neighbor,

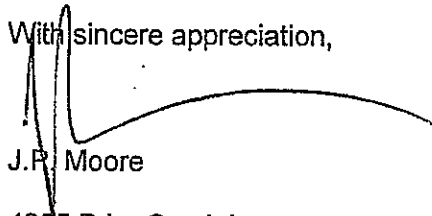
My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,



J.P. Moore

4205 Briar Creek Lane

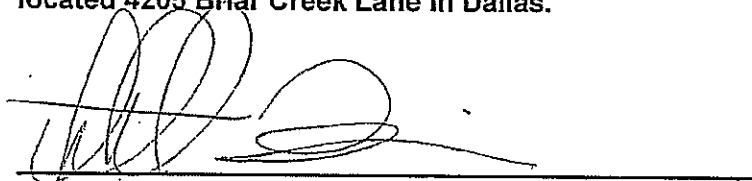
214/542-4048

PLEASE COMPLETE

I ELIZABETH PARISI (printed name), am the (check one)

owner or tenant of the home located at (address) 6552 ST MORITZ AVE
DALLAS TX 75214. I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.



Signature

7/30/12

Date

214-335-4751

Phone Number

21

BDA 112-077
Attach A
PS 13

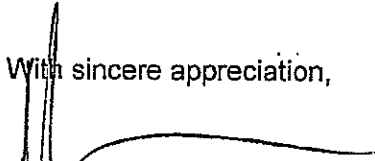
Neighbor,

My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,

J.P. Moore
4205 Briar Creek Lane

214/542-4048

PLEASE COMPLETE

I NOVA CARL (printed name), am the (check one)

owner or tenant of the home located at (address) _____

4219 BRIAR CREEK LANE. I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.


Signature

7/18/12
Date

214-823-4249
Phone Number

BDA 112 077
Attach A
PS 14

26

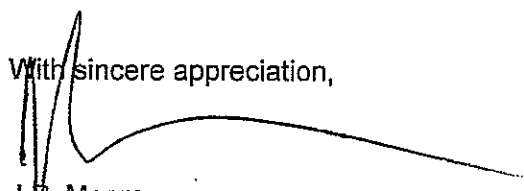
Neighbor,

My name is JP Moore. I recently purchased the home at 4205 Briar Creek Lane, on the corner of Briar Creek and Mockingbird. I am attempting to obtain a variance permit from the city to build an 8 foot fence along the southern boundary of my property. This boundary is approximately ten feet from the north side Mockingbird Lane. Without the variance, the maximum height of the fence would be limited to four feet, which is useless and inconsistent with the extensive landscaping plan that I intend to implement.

With a variance, the proposed 8-foot fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird Lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit A.

I think that replacing the tired existing fence with a new professionally installed and stained wood fence will greatly improve the appearance of the neighborhood. As the new fence will be 10 feet away from Mockingbird Avenue, adequate green space between the fence and the street will be maintained and I intend to add some crepe myrtles in the green space.

I attempted to introduce myself and obtain your approval as evidence by your signature earlier today, but missed you. I have included an **approval form below**, addressed envelope, and stamp. I would greatly appreciate it if you would sign the form and return to me if you approve of the fence. Feel free to call me if you have any questions or comments.

With sincere appreciation,


J.P. Moore
4205 Briar Creek Lane
214/542-4048

PLEASE COMPLETE

I Phyllis Cole (printed name), am the (check one)
 owner or tenant of the home located at (address) 4224 Briar Creek
Dallas, TX 75214, I hereby approve of the variance

Allowing the 8-foot fence to be constructed along the southern border of the property located 4205 Briar Creek Lane in Dallas.

Phyllis Cole
Signature

July 27, 2012
Date

214-680-7191
Phone Number



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-077

Data Relative to Subject Property:

Date: 05/14/2012

Location address: 4205 Briar Creek Lane, Dallas, TX

Zoning District: R-7.5(A)

Lot No.: 16 Block No.: G/2956 Acreage: 0.31 Acres Census Tract: 79.02

Street Frontage (in Feet): 1) 90 feet along southwest side of Briar Creek 2) 150.5 feet along the northwest side of Mockingbird

ge SB

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jon Paul Moore

Applicant: Jon Paul Moore Telephone: 214/542-4048

Mailing Address: 4205 Briar Creek Lane, Dallas, TX Zip Code: 75214

E-mail Address: jpmoore@bsbcapital.com

Represented by: Jon Paul Moore (self) Telephone: 214/542-4048

Mailing Address: 4205 Briar Creek Lane, Dallas, TX Zip Code: 75214

E-mail Address: jpmoore@bsbcapital.com

Affirm that an appeal has been made for a SPECIAL EXCEPTION OF 4 FEET TO THE FENCE HEIGHT IN THE (Mockingbird Lane side) property line for the construction of an 8-foot fence 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: The proposed fence would maintain continuity with the existing fence line on the opposite side of Briar Creek that extends along the north side of Mockingbird lane from Briar Creek Lane to Williamson Road to the northeast. Please see Exhibit 1. Projectile holes from smaller caliber firearms are located in the bay window that faces Mockingbird Lane. Please see Exhibit 2. The proposed fence would provide a barrier for projectiles directed towards the house and additional security for my son and I. The proposed fence would allow us to play catch on the southwest side of the house by preventing balls from flying into the street. As the property line is 10 feet away from Mockingbird Avenue, adequate space between the fence and the street will be maintained, along with continuity of the fence line extending west from Williamson Road. The fence should afford additional security and also improve neighborhood appearance.

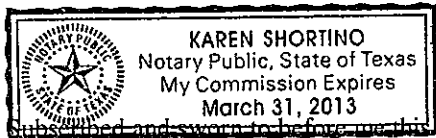
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared JON PAUL MOORE

(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: _____

(Affiant/Applicant's signature)

29th day of May 2012

Karen Shortino

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Vertical lines for notes or additional information.

Chairman

Building Official's Report

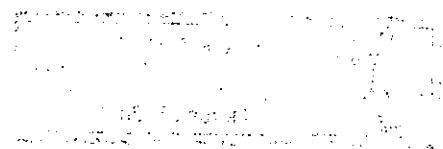
I hereby certify that Jon Paul Moore

did submit a request for a special exception to the fence height regulations
at 4205 Briar Creek Lane

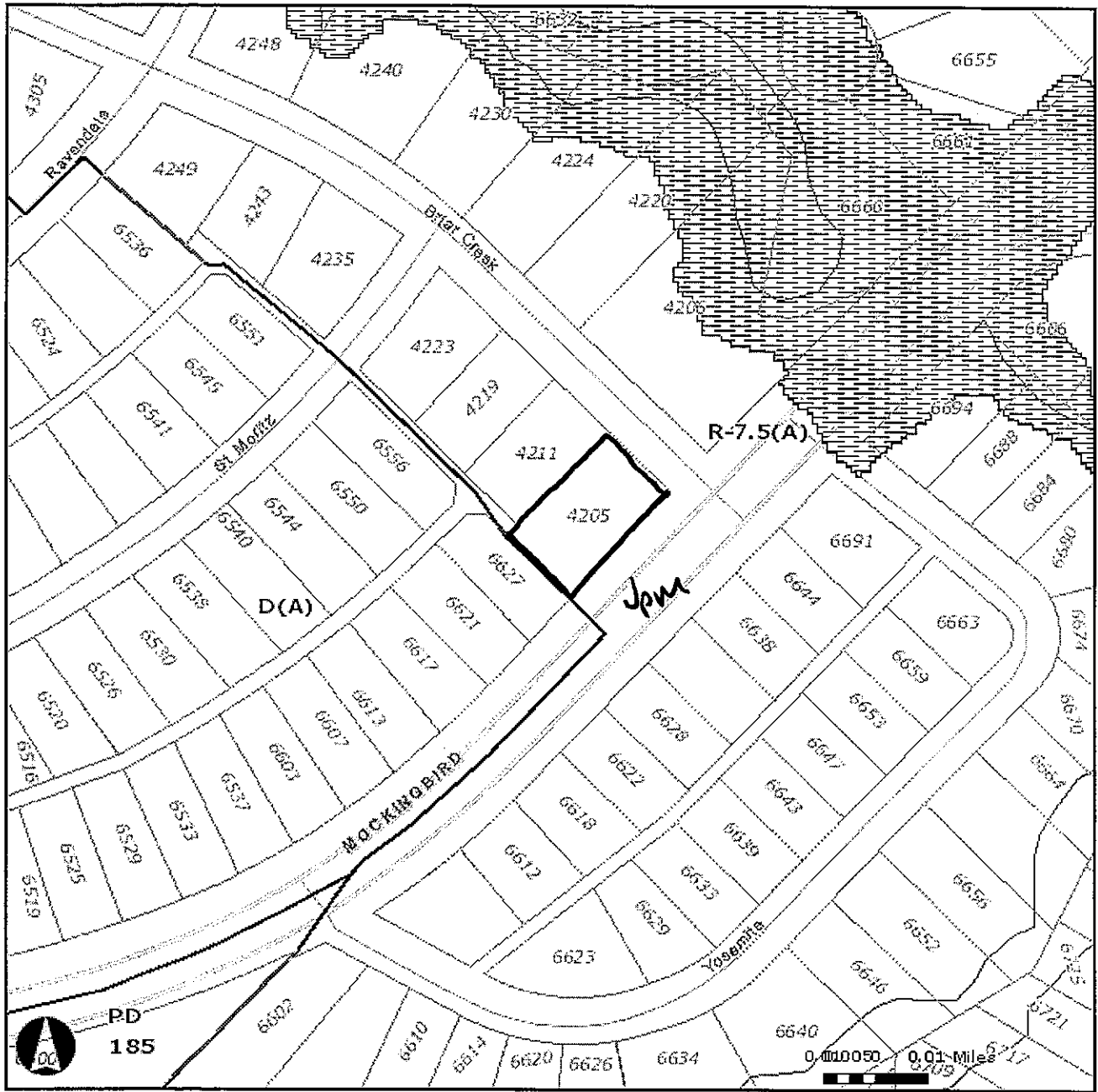
BDA112-077. Application of Jon Paul Moore for a special exception to the fence height regulations at 4205 Briar Creek Lane. This property is more fully described as lot 16 in city block G/2956 and is zoned R-7.5(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

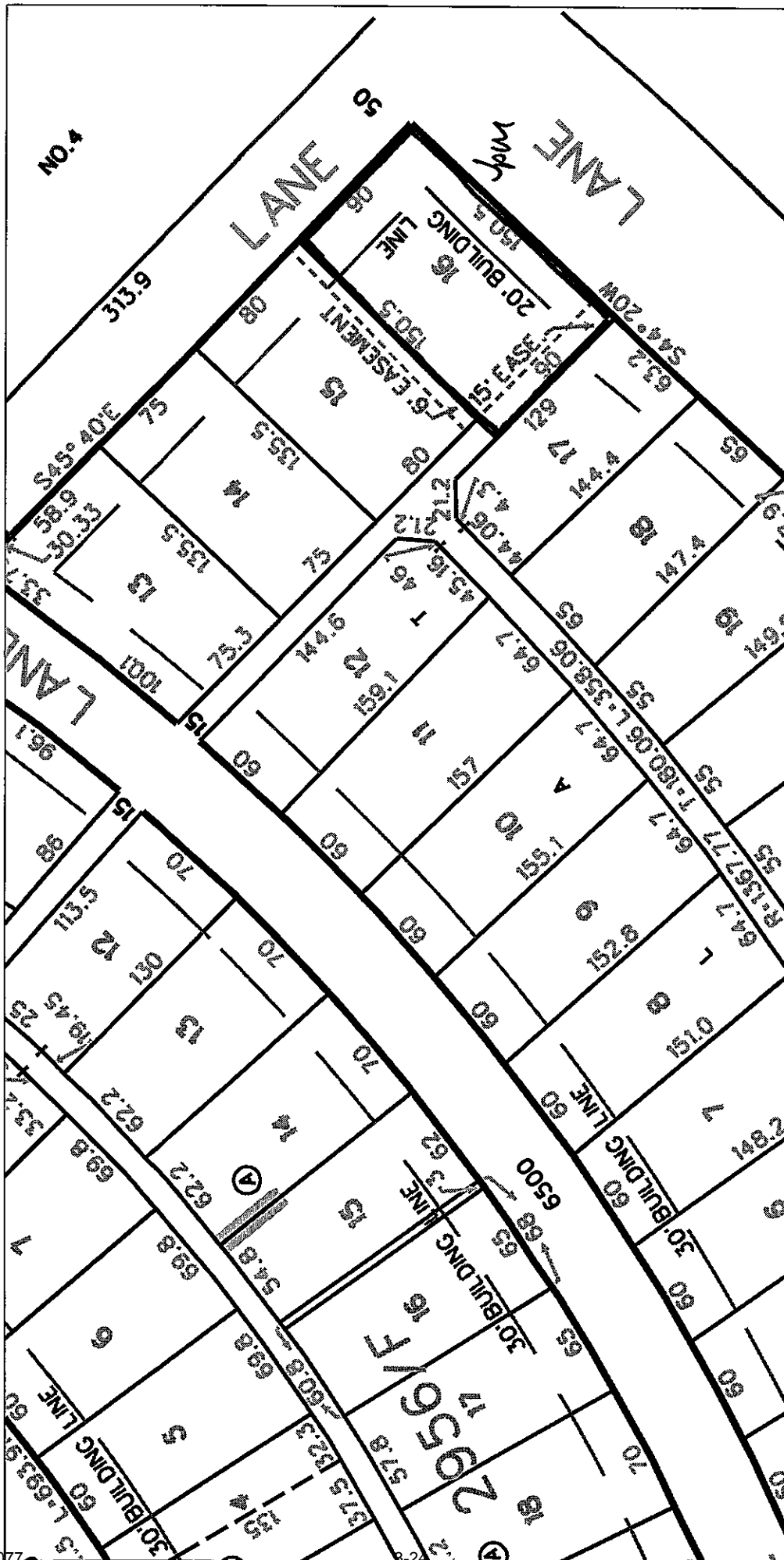
Lloyd Denman
Lloyd Denman, Building Official



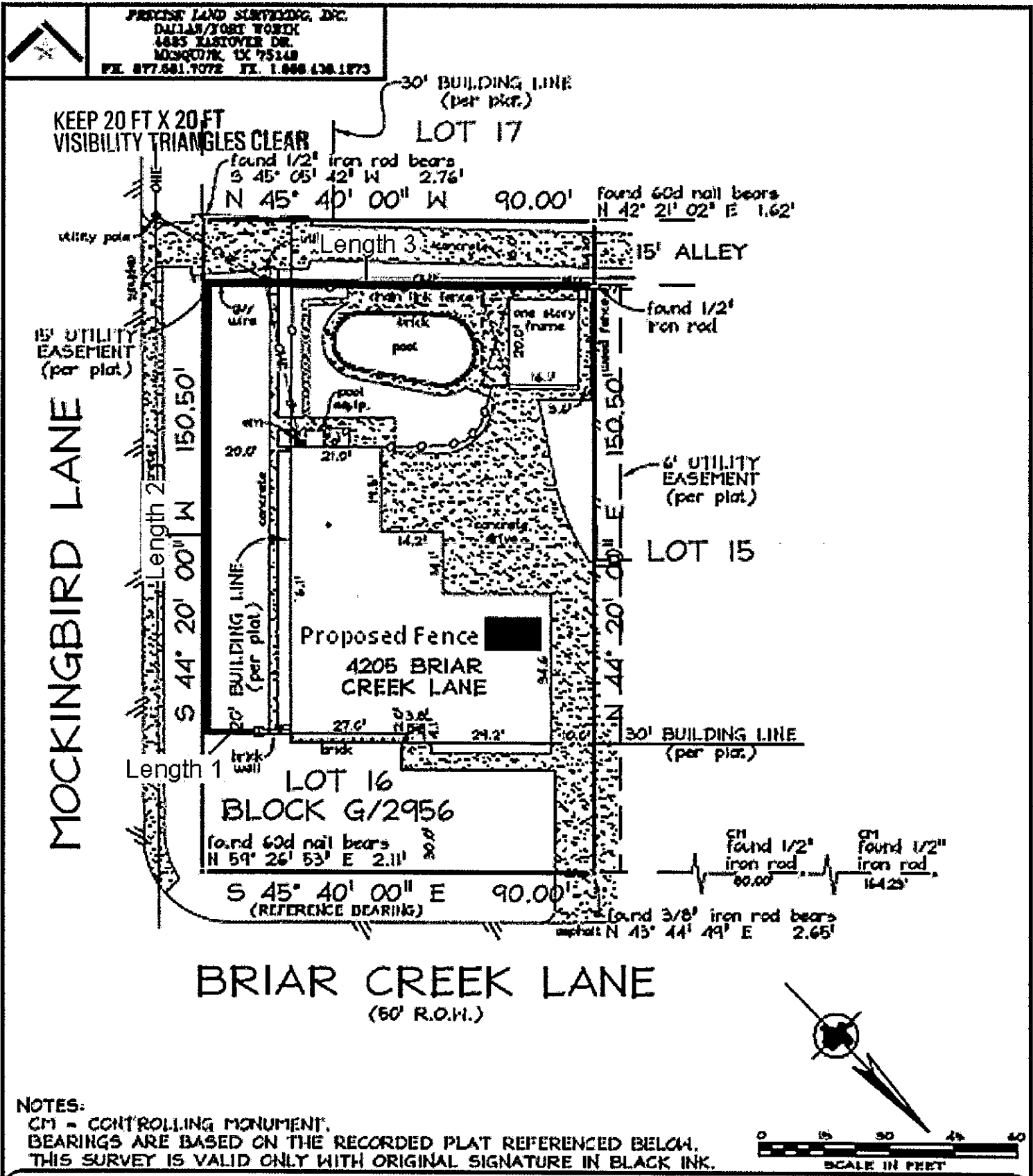
City of Dallas Zoning

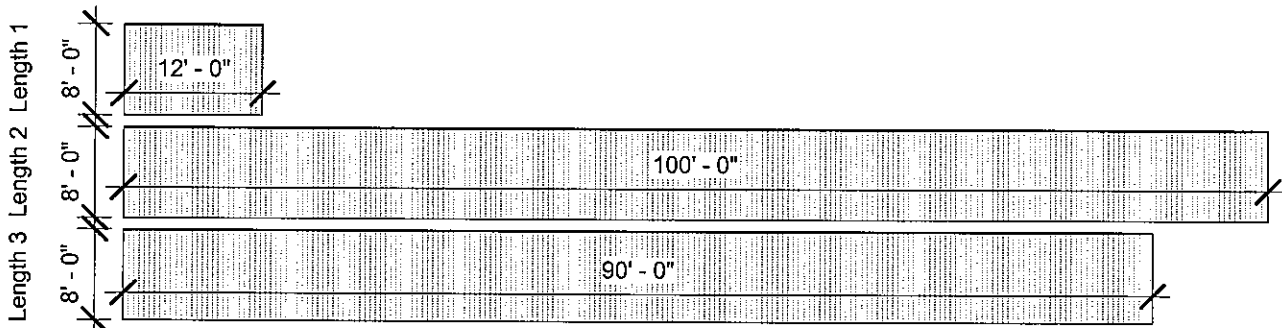


- | | | |
|-------------------|-----------------------|-------------------------|
| City Boundaries | Dry Overlay | Base Zoning |
| County | D | Floodplain |
| Certified Parcels | D-1 | 100 Flood Zone |
| DISD Sites | Historic Overlay | Mill's Creek |
| Council Districts | Historic Subdistricts | Peak's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

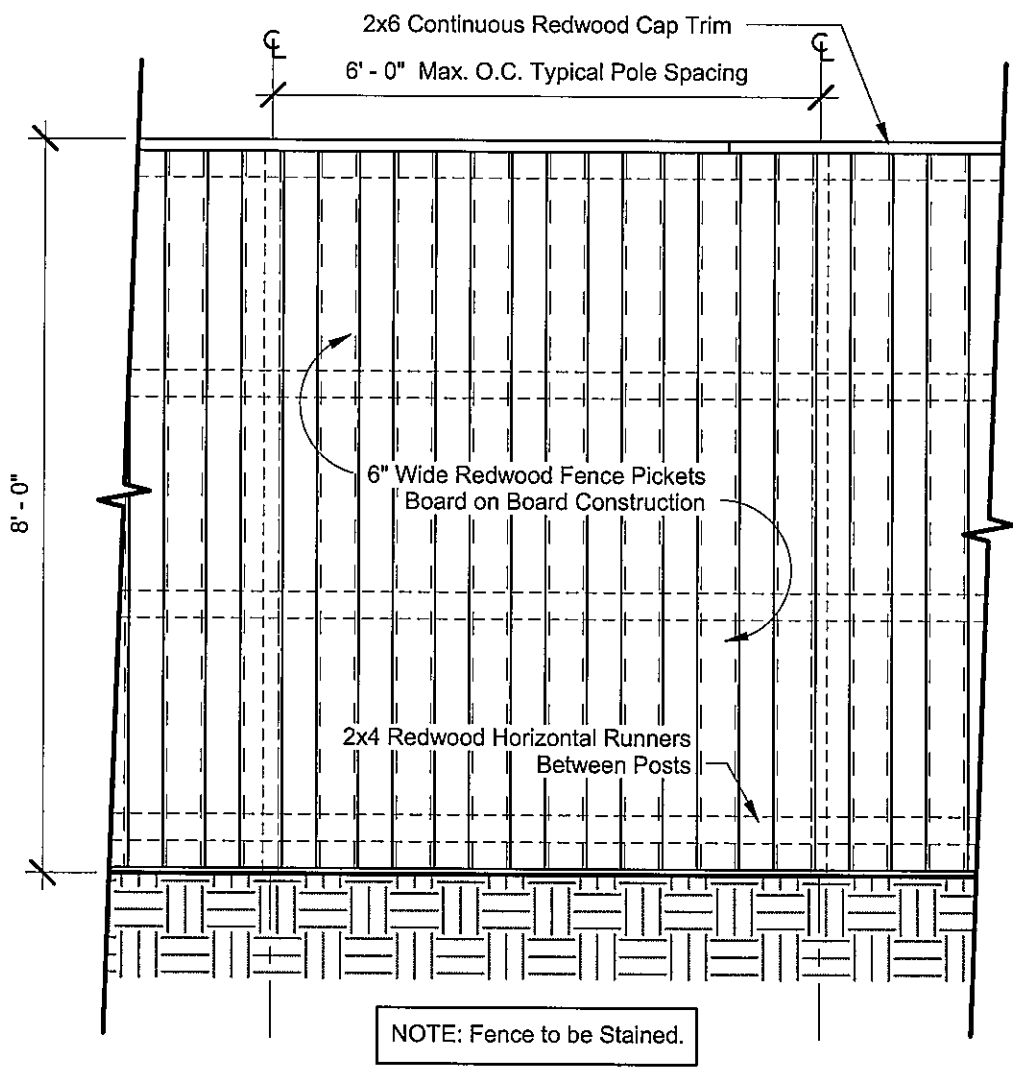


SITE PLAN





② Fence Lengths
1/16" = 1'-0"



① Typical Exterior (Secure) Side of Fence Elevation
1/2" = 1'-0"



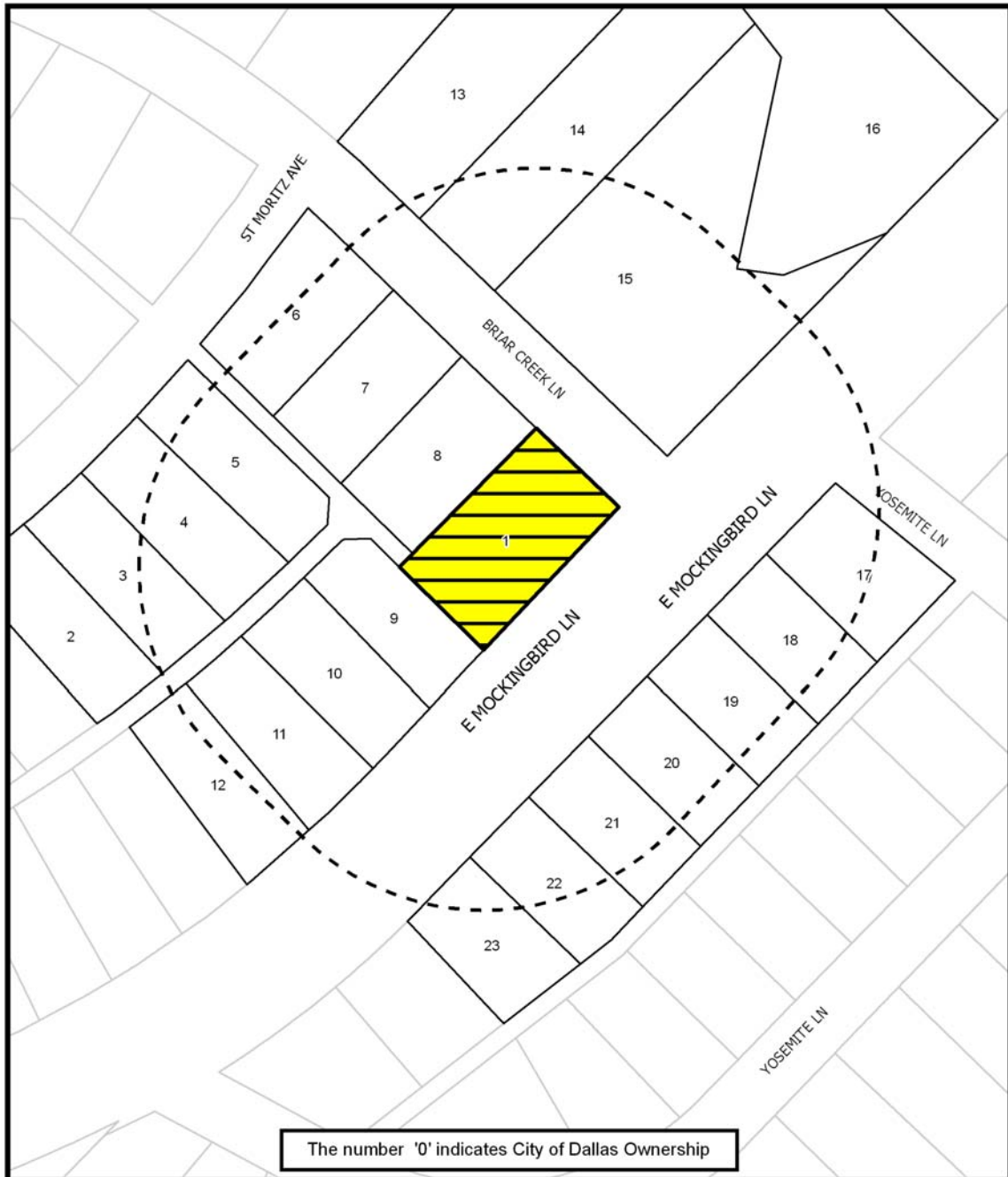
Gordon McKenzie DBA Tartan CAD Services
1606 Glencairn Lane, Lewisville, TX 75067
972.836.6542 O 214.769.6542 M

Jon Moore
4205 Briar Creek Lane
Dallas, TX 75214

Fence Variance

Typical Fence Elevation

Project number		A1.0
Date	2012-05-29	
Drawn by	GVM	
Checked by		Scale As indicated



 1:1,200	NOTIFICATION		Case no: BDA112-077
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/26/2012

Notification List of Property Owners

BDA112-077

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4205 BRIAR CREEK LN	GHALI ELIAS & IRELANDA
2	6540 ST MORITZ AVE	MILLER HOBART H JR & CHARLENE D
3	6544 ST MORITZ AVE	WILLIAMS JERRY DON
4	6550 ST MORITZ AVE	CLEMENTS RICHARD L STE 100
5	6556 ST MORITZ AVE	CAMPAGNA ANTHONY J ET AL
6	4223 BRIAR CREEK LN	SATARINO ANGELA MARIE
7	4219 BRIAR CREEK LN	CARL NONA
8	4211 BRIAR CREEK LN	LEATHERMAN ANDREW P
9	6627 MOCKINGBIRD LN	DRAGNA JOHN J JR TRUST
10	6621 MOCKINGBIRD LN	KENT WILLIAM
11	6617 MOCKINGBIRD LN	HARPER MAX III & ELLEN DEANE
12	6613 MOCKINGBIRD LN	RUSSELL JASON & WILLIAM M KENT
13	4224 BRIAR CREEK LN	COLE PHYLLIS
14	4220 BRIAR CREEK LN	COLEMAN RICHARD R & CAROLYN N
15	4206 BRIAR CREEK LN	PATTERSON THOMAS J & LAURA S
16	6660 LANGE CIR	WALLACE WILLIAM A
17	6691 YOSEMITE LN	GUERIN TOM & ELIZABETH BERNAL
18	6644 MOCKINGBIRD LN	PARKER RON D
19	6638 MOCKINGBIRD LN	BLONS KARI WYNNE
20	6634 MOCKINGBIRD LN	PAPASPIROS GEORGIOS
21	6628 MOCKINGBIRD LN	SZTYBEL ROSA EST OF
22	6622 MOCKINGBIRD LN	MURRAY JERRY
23	6618 MOCKINGBIRD LN	KUHLMAN ALEX C

FILE NUMBER: BDA 112-083

BUILDING OFFICIAL'S REPORT:

Application of Michael Hampton of Lend Lease for a special exception to the off-street parking regulations at 10811 Webb Chapel Road. This property is more fully described as Lot 5A in City Block 1/6434 and is zoned CR, which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for a general merchandise or food store less than 3500 square feet use and a motor vehicle fueling station use and provide 14 of the required 17 parking spaces, which will require a special exception of 3 spaces.

LOCATION: 10811 Webb Chapel Road

APPLICANT: Michael Hampton of Lend Lease

REQUEST:

- A special exception to the off-street parking regulations of 3 parking spaces (or an 18 percent reduction of the 17 off-street parking spaces that are required) is requested in conjunction with replacing an existing convenience store/fuel station use (Shamrock) with a new 3,000 square foot convenience store/fuel station/general merchandise or food store 3,500 square feet or less use (7-Eleven). The applicant proposes to provide 14 (or 82 percent) of the required 17 off-street parking spaces in conjunction with constructing and maintaining the proposed use with its proposed square footage.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 50 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception shall automatically and immediately terminate if and when the fuel station and general merchandise or food store 3,500 square feet or less uses are changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the proposed fuel station and general merchandise or food store 3,500 square feet or less uses does not warrant the number of off-street parking spaces required, and the

special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail)
North: CR (Community Retail)
South: NO(A) (Neighborhood Office)
East: R-10(A) (Single family residential 10,000 square feet)
West: CR (Community Retail)

Land Use:

The subject site is currently developed with a convenience store/fuel station (Shamrock). The areas to the north and west are developed with retail uses; the area to the south is developed with office uses; and the area to the east is 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:

- June 28, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 19, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 25th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd 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.

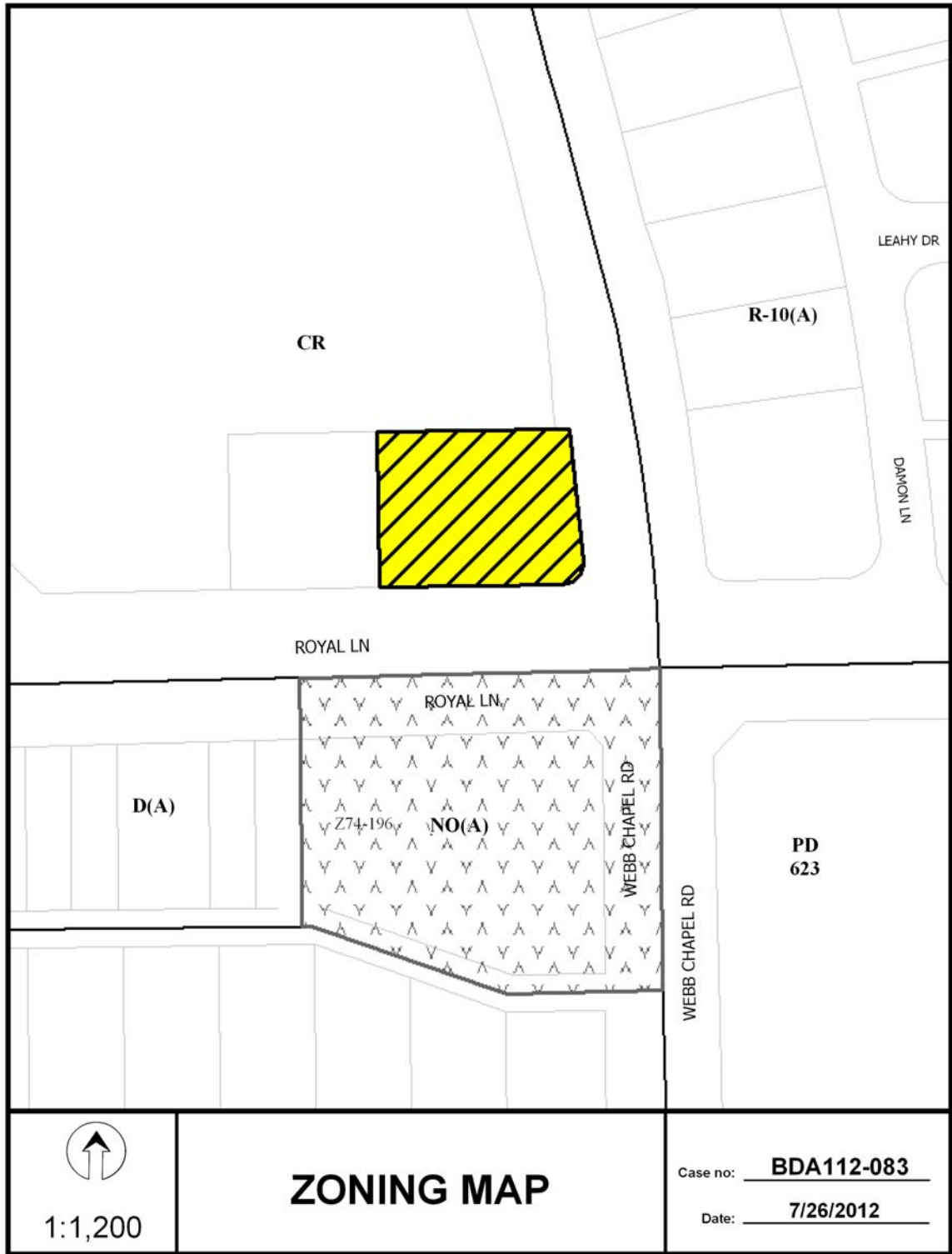
July 23, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

July 27, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”

July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on replacing an existing convenience store/fuel station use (Shamrock) with a new 3,000 square foot convenience store/fuel station/general merchandise or food store 3,500 square feet or less use (7-Eleven) and providing 14 (or 82 percent) of the required 17 off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirements:
 - General merchandise or food store 3,500 square feet or less: 1 space per 200 square feet of floor area.
 - Motor vehicle fueling station: two spaces
- The applicant has prepared a parking study indicating that proposed project is forecasted to generate similar parking demand as experienced at five other 7-Eleven sites in the same local market where the peak parking demand never exceeded the proposed 14 parking spaces proposed to be provided on the subject site.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed fuel station and general merchandise or food store 3,500 square feet or less uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 3 spaces (or an 18 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 3 spaces shall automatically and immediately terminate if and when the fuel station/general merchandise or food store 3,500 square feet or less uses are changed or discontinued, the applicant would be allowed to develop the site with these specific uses and provide only 14 of the 17 code required off-street parking spaces.

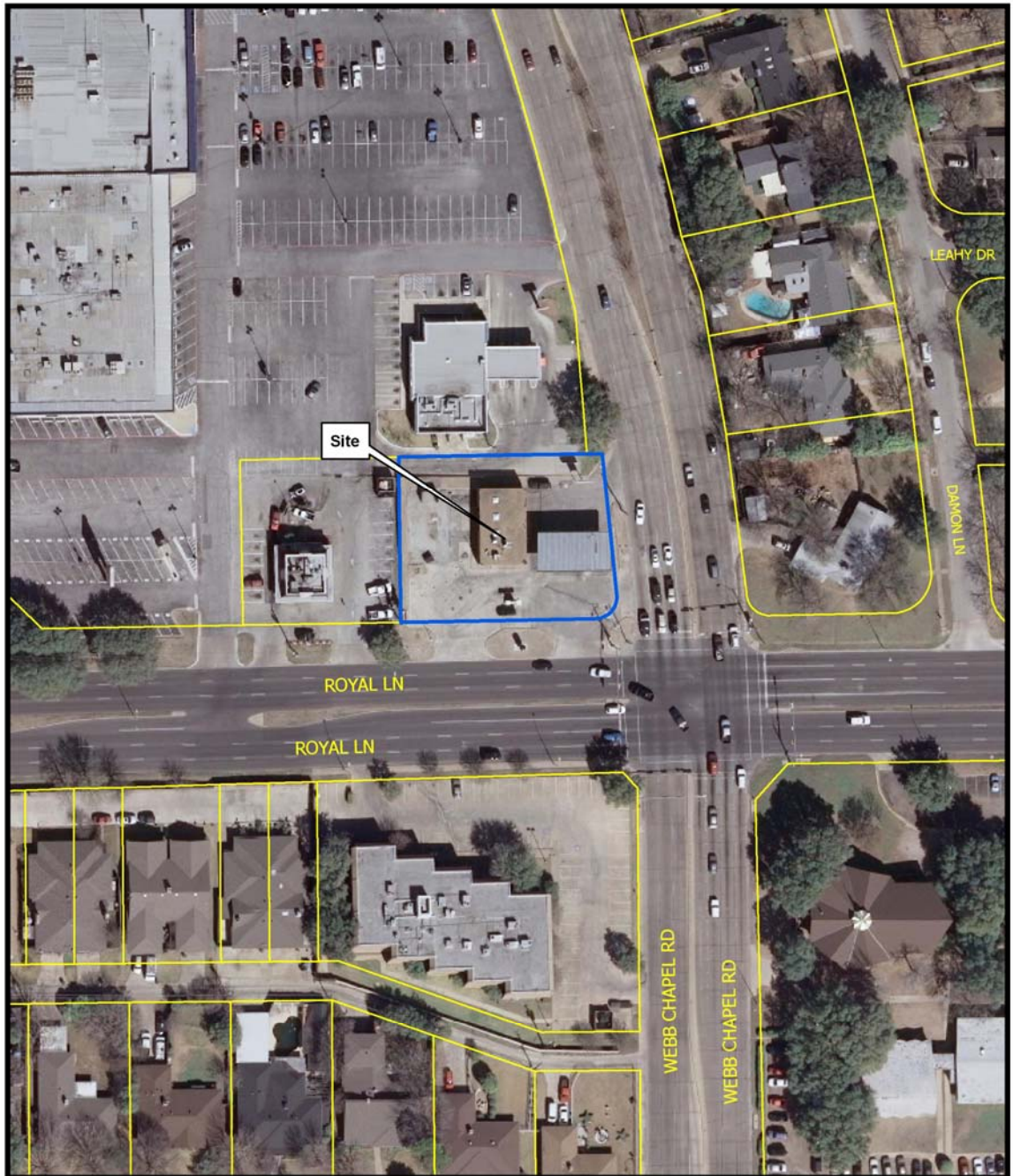


1:1,200

ZONING MAP

Case no: BDA112-083

Date: 7/26/2012




1:1,200

AERIAL MAP

Case no: BDA112-083
Date: 7/26/2012

July 23, 2012

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

**Re: *PARKING DEMAND ANALYSIS for a proposed 7-Eleven Convenience Store and Fueling Station
10811 Webb Chapel Road, Dallas, Texas (BDA 112-083)***

Dear Mr. Long,

On behalf of 7-Eleven, Lend Lease has conducted a parking demand analysis for the proposed redevelopment of the existing Shamrock convenience store and motor vehicle fueling station located at 10811 Webb Chapel Road, with a brand new 7-Eleven convenience store and motor vehicle fueling station. This analysis was performed to accompany a request for a parking reduction that will be considered by the Board of Adjustment on August 14, 2012.

PROJECT BACKGROUND

The project site - as shown in the Site Plan submitted with our application on June 28, 2012 - is located on the northwest corner of the signalized intersection of Webb Chapel Road and Royal Lane. Currently, there are four (4) fueling MPDs and a convenience store on-site. The proposed project is to replace the existing convenience store with a new 3,000-square foot convenience store, and replacement of the existing fueling pumps/canopy with a new canopy and three (3) fueling MPDs. The site has two driveways on both Webb Chapel Rd and Royal Ln, and our proposal is to remove one driveway from each street frontage. The result is anticipated to be safer traffic conditions at the intersection, while also adding much needed green space to the site (which currently has no open space). The site is zoned "CR" Community Retail, which allows for our proposed uses.

PARKING ANALYSIS

The Proposed Project is required to have fifteen parking spaces for the convenience store and two parking spaces for the gas station per the Dallas Development Code. The Proposed Project site plan includes fourteen (14) parking spaces, a deficit of three parking spaces (or 17%) compared to code requirements.

DATA COLLECTION AND SITE OBSERVATIONS

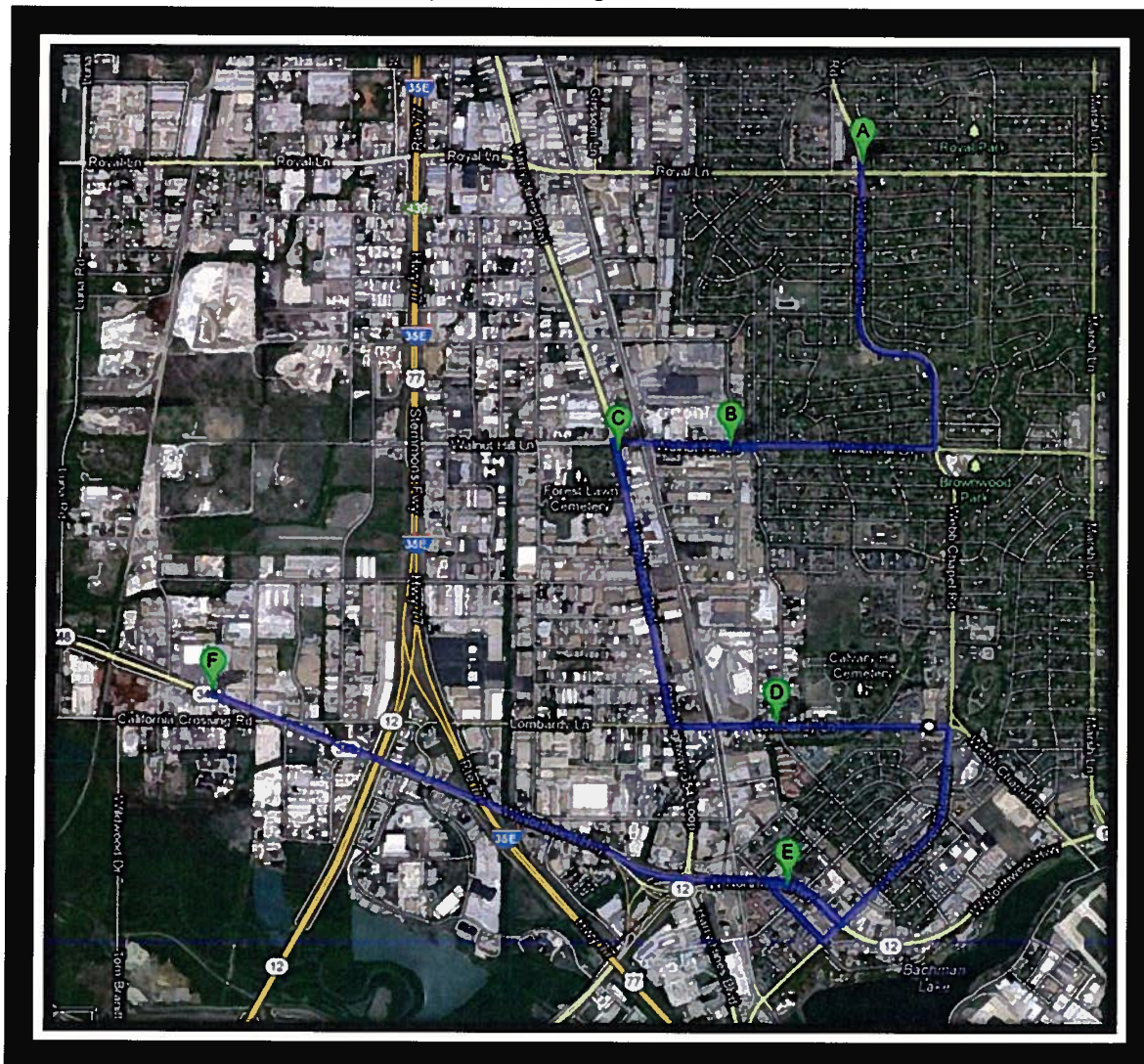
Existing sites in Market Area with fuel pumps and convenience store

Lend Lease collected actual parking counts for a period of six (6) consecutive days at five comparative 7-Eleven sites within the same local market area as the proposed store. These counts were obtained at the same times each day, including peak times for a convenience/gas use such as 8:00 am and 12:00 pm. In addition, store personnel and 7-Eleven field consultants were interviewed to obtain general customer traffic tendencies at these stores. Finally, we obtained from 7-Eleven headquarters actual year-to-date "average per store day" (APSD) transaction data for both "merchandise" (in-store) and "fuel" (at MPDs) sales volumes.

Exhibit 1 of this report shows the locations of the subject site and comparable stores. In general, each of the stores is similar in size and number of fueling MPDs as the subject property. One exception is location "F," which is a considerably larger store and is the only location with more than 2 MPDs (it has 6 MPDs). More importantly, using stores within the same market area allows us to reasonably predict the true parking demand at the proposed location, given the duplication of such factors as proximity to residential neighborhoods, proximity to public transit and demographic profiles of the local market area.

Exhibit 1

Proposed 7-Eleven Site compared to Existing 7-Eleven sites within Same Market Area



- A. Subject Site – 10811 Webb Chapel Road
- B. Comparison Site #1 - 2986 Walnut Hill Lane
- C. Comparison Site #2 - 10998 Harry Hines Boulevard
- D. Comparison Site #3 - 2990 Lombardy Lane
- E. Comparison Site #4 - 2750 W Northwest Hwy #100
- F. Comparison Site #5 - 1985 W Northwest Highway



SITE OBSERVATIONS

With the assistance of store franchisees and personnel, Lend Lease obtained parking counts for the five other 7-Eleven stores in close proximity of the site at 10811 Webb Chapel Road. Counts were obtained each day between Monday, July 16, 2012 and Saturday, July 21, 2012, at the following times: 8:00 am, 12:00 pm, 4:00 pm and 8:00 pm. These times are generally when parking demand is highest for this type of use. The counts were separated into two categories:

- 1) "Fuel parking" (parking under the fuel canopy); and
- 2) "Store parking" (parking anywhere else on site, but primarily within designated parking spaces).

Exhibit 2 below is a concise summary highlighting the "peak" demand at each site (and how many occurrences) as well as the average parking demand over the entire length of the study. With 24 observations per store, or 120 total observations overall for the five stores, it is worth noting the highest point of customer parking demand for any convenience store was 10. This occurred only 3 times out of the 120 observations, and all at the same location (10998 Harry Hines Blvd).

Location	Store Size	# of onsite parking spaces	Peak Store Parking (# Occurrences)	Avg Store Parking Demand	# of Fueling MPDs	Peak Fuel Parking (# Occurrences)	Avg Fuel Parking Demand
2986 Walnut Hill	3,100	14	6 (1 time)	3.54 spaces	2	3 (5 times)	1.54 spaces
YTD Avg Daily Merchandise Sales Rank				#2	YTD Avg Daily Fuel Sales		#4
10998 Harry Hines	2,628	16	10 (3 times)	6.46 spaces	2	4 (1 time)	1.83 spaces
YTD Avg Daily Merchandise Sales Rank				#1	YTD Avg Daily Fuel Sales		#2
2990 Lombardy	2,585	9	6 (1 time)	3.88 spaces	2	4 (1 time)	1.54 spaces
YTD Avg Daily Merchandise Sales Rank				#4	YTD Avg Daily Fuel Sales		#3
2750 W NW Hwy	3,000	16	7 (1 time)	3.83 spaces	2	3 (2 times)	1.17 spaces
YTD Avg Daily Merchandise Sales Rank				#3	YTD Avg Daily Fuel Sales		#5
1985 W NW Hwy	4,676	24	9 (1 time)	4.50 spaces	6	5 (4 times)	2.83 spaces
YTD Avg Daily Merchandise Sales Rank				#5	YTD Avg Daily Fuel Sales		#1

***Notes:**

1. 7-Eleven employee cars were not counted during the study; however, at all locations the maximum parking needs of employees during a shift change were 3 parking spaces. Even after adjusting all numbers above by adding 3 spaces to Peak Store parking counts, the highest peak parking demand would be 13, which remains under the proposed 14 spaces 7-Eleven is proposing at the subject site.
2. For confidentially and competitive purposes, sales numbers are not disclosed but rather store ranks for the 5 sites.

PARKING DEMAND FOR CONVENIENCE STORE:

It was evident in our study that the size of the convenience store does not directly relate to the actual "store parking demand." This is illustrated by the fact that the store with highest parking demand (10998 Harry Hines Blvd) is one of the smaller stores selected. This is reinforced by the fact that the



largest store in our study (1985 W Northwest Hwy) ranks lowest in “in-store” merchandise sales volume and customer transactions so far in 2012.

One likely scenario that is driving higher sales volumes (but not significant parking demands) are the other four sites’ close proximity to DART transit stops and residential neighborhoods. **In fact, it was noted by store personnel and 7-11’s field consultants that a significant number of customers in this market area derive from “pedestrian and walk-up” traffic from nearby neighborhoods and/or nearby bus stops.** This dynamic is precisely the setting of the subject property, which is surrounded by medium density residential uses beyond all four corners of the Webb Chapel/Royal intersection and a bus stop at its front door.

PARKING DEMAND AT FUELING MPDS:

During our observations, use of the fuel pumps fluctuated. In only 2 out of 120 instances were all the fueling positions in use at one time. Unlike the parking demand for the convenience store itself, there does appear to be a direct relationship between number of fuel pumps provided on site and the parking demand at the pumps, along with overall sales volumes of gasoline at the stores. That is, the sites with the largest fueling parking demand in our study proved to have the highest gasoline sales volumes, beginning with the only site in our study that had 6 MPDs on site (1985 W Northwest Hwy).

But again, the key finding is that while it appears that providing more gasoline fueling pumps increases the demand for parking “under the canopy,” the parking demand “in the parking lot” is quite similar at each store and peak times for all sites were less than what is proposed (i.e. 14 spaces) at the proposed project site.

CONCLUSION

The proposed project is forecasted to generate similar parking demand and sales volumes as experienced at the five (5) other 7-Eleven sites in the same local market area highlighted in this report. In each of those cases during our observation period, the maximum “peak” parking demand never exceeded the proposed 14 parking spaces that will be provided with the new 7-Eleven development. Furthermore, it is our expectation that this site’s proximity to residential neighborhoods and several DART transit stops will supply the store with a high amount of pedestrian traffic, similar to what is experienced at these locations. This dynamic results in successful retail development without the need for underutilized parking areas. And finally, as pointed out in our original submittal package, the redevelopment of the site will result in overall improvements in the traffic circulation, safety and aesthetics of the property.

Although the Proposed Project’s parking supply is three (3) spaces fewer than required by the City’s code, our analysis indicates that the proposed parking supply will be adequate.

I hope you find this information helpful. Please feel free to contact me at (214) 507-6388 if there are any questions on this study or our request.

Sincerely,

Michael Hampton, AICP
Zoning Manager
Lend Lease

7-Eleven Parking Demand Analysis
 Five (5) sites in Northwest Dallas market area
 7/16/12 - 7/21/12

Store:	22889								
Address:	10998 Harry Hines @ Walnut Hill								
Store Size:	2,628								
# Parking Spaces onsite:	16	1 HC							
# MPDs:	TWO								
Date	Actual Parking Counts								
	8:00 AM Store	8:00 AM Fuel	12:00 PM Store	12:00 PM Fuel	4:00 PM Store	4:00 PM Fuel	8:00 PM Store	8:00 PM Fuel	
Monday, July 16, 2012	4	3	7	3	5	2	2		0
Tuesday, July 17, 2012	6	2	10	2	6	1	6		0
Wednesday, July 18, 2012	6	3	9	1	7	3	5		1
Thursday, July 19, 2012	7	2	10	2	8	2	3		1
Friday, July 20, 2012	5	2	7	4	8	1	5		0
Saturday, July 21, 2012	4	1	9	3	10	3	6		2
Daily Averages	5.33	2.17	8.67	2.50	7.33	2.00	4.50		0.67
Avg Store Parking	6.46								
Avg Fuel Parking	1.83								

7-Eleven Parking Demand Analysis
 Five (5) sites in Northwest Dallas market area
 7/16/12 - 7/21/12

Store:	22890								
Address:	2986 Walnut Hill @ Monroe								
Store Size:	3,100								
# Parking Spaces onsite:	14	1 HC							
# MPDs:	TWO								
Date	Actual Parking Counts								
	8:00 AM Store	8:00 AM Fuel	12:00 PM Store	12:00 PM Fuel	4:00 PM Store	4:00 PM Fuel	8:00 PM Store	8:00 PM Fuel	
Monday, July 16, 2012	4	0	5	2	3	0	2	1	
Tuesday, July 17, 2012	6	2	3	1	4	2	0	0	
Wednesday, July 18, 2012	5	3	5	2	5	3	2	1	
Thursday, July 19, 2012	5	1	4	2	2	3	3	0	
Friday, July 20, 2012	4	2	4	3	4	2	1	2	
Saturday, July 21, 2012	3	1	5	3	4	0	2	1	
Daily Averages	4.50	1.50	4.33	2.17	3.67	1.67	1.67	0.83	
Avg Store Parking	3.54								
Avg Fuel Parking	1.54								

7-Eleven Parking Demand Analysis
 Five (5) sites in Northwest Dallas market area
 7/16/12 - 7/21/12

Store:	26721								
Address:	2750 W. Northwest Hwy @ Community								
Store Size:	3,000								
# Parking Spaces onsite:	16	1 HC							
# MPDs:	TWO								
Date	Actual Parking Counts								
	8:00 AM Store	8:00 AM Fuel	12:00 PM Store	12:00 PM Fuel	4:00 PM Store	4:00 PM Fuel	8:00 PM Store	8:00 PM Fuel	
Monday, July 16, 2012	3	0	3	2	4	0	2	0	
Tuesday, July 17, 2012	5	1	4	2	5	2	4	0	
Wednesday, July 18, 2012	6	2	6	1	3	1	2	1	
Thursday, July 19, 2012	5	3	4	0	3	0	2	0	
Friday, July 20, 2012	7	2	2	1	4	3	4	2	
Saturday, July 21, 2012	3	1	4	2	2	0	5	2	
Daily Averages	4.83	1.50	3.83	1.33	3.50	1.00	3.17	0.83	
Avg Store Parking	3.83								
Avg Fuel Parking	1.17								

7-Eleven Parking Demand Analysis
 Five (5) sites in Northwest Dallas market area
 7/16/12 - 7/21/12

Store:	21764							
Address:	0 Lombardy @ Brookbank							
Store Size:	2,585							
# Parking Spaces onsite:	9	1 HC						
# MPDs:	TWO							
Date	Actual Parking Counts							
	8:00 AM Store	8:00 AM Fuel	12:00 PM Store	12:00 PM Fuel	4:00 PM Store	4:00 PM Fuel	8:00 PM Store	8:00 PM Fuel
Monday, July 16, 2012	4	4	5	2	3	1	3	1
Tuesday, July 17, 2012	4	1	4	3	4	2	2	0
Wednesday, July 18, 2012	4	3	5	2	5	0	4	2
Thursday, July 19, 2012	5	1	6	1	2	3	3	0
Friday, July 20, 2012	4	3	4	0	4	1	3	0
Saturday, July 21, 2012	3	1	5	2	3	2	4	2
Daily Averages	4.00	2.17	4.83	1.67	3.50	1.50	3.17	0.83
Avg Store Parking	3.88							
Avg Fuel Parking	1.54							

7-Eleven Parking Demand Analysis
 Five (5) sites in Northwest Dallas market area
 7/16/12 - 7/21/12

Store:	35027							
Address:	1985 W. Northwest Hwy							
Store Size:	4,676							
# Parking Spaces onsite:	24		1 HC					
# MPDs:	SIX							
Date	Actual Parking Counts							
	8:00 AM Store	8:00 AM Fuel	12:00 PM Store	12:00 PM Fuel	4:00 PM Store	4:00 PM Fuel	8:00 PM Store	8:00 PM Fuel
Monday, July 16, 2012	4	4	5	3	3	3	0	1
Tuesday, July 17, 2012	3	2	8	4	4	5	4	2
Wednesday, July 18, 2012	7	1	5	3	5	3	5	2
Thursday, July 19, 2012	5	2	6	5	2	5	3	1
Friday, July 20, 2012	4	3	9	1	4	5	3	2
Saturday, July 21, 2012	5	4	5	2	5	3	4	2
Daily Averages	4.67	2.67	6.33	3.00	3.83	4.00	3.17	1.67
Avg Store Parking	4.50							
Avg Fuel Parking	2.83							



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-083

Data Relative to Subject Property:

Date: June 28, 2012

Location address: 10811 Webb Chapel Rd. Dallas TX Zoning District: Community Retail (CR)

Lot No.: 5A Block No.: 6434 Acreage: 0.50-acre Census Tract: 009611

Street Frontage (in Feet): 1) 170.98 (Royal) 2) 123.65 (Webb Chapel) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Royal Food & Service, Inc

Applicant: Michael Hampton, Lend Lease Telephone: (214) 507-6388

Mailing Address: 1828 Tumbleweed Circle, Rockwall TX Zip Code: 75087

E-mail Address: michael.hampton@lendlease.com

Represented by: Michael Hampton, Lend Lease (on behalf of 7-Eleven, Inc) Telephone: (214) 507-6388

Mailing Address: 1828 Tumbleweed Circle, Rockwall TX Zip Code: 75087

E-mail Address: michael.hampton@lendlease.com

Affirm that an appeal has been made for a Variance , or Special Exception X, to the parking requirements for a proposed 3,000-sf 7-Eleven convenience store and fuel station (17 spaces required, 14 spaces proposed), in accordance with the Dallas Development Code (i.e. Division 51A-4.310, Off-Street Parking Reductions). - A 3-space special exception (Can Merch. & Fuel Station Use)

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

SEE ATTACHED LETTER / BACKUP MATERIAL

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

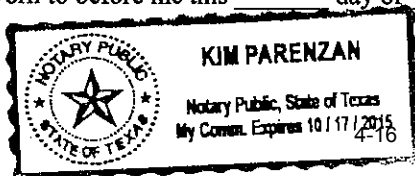
Affidavit

Before me the undersigned on this day personally appeared Michael Hampton
(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 28 day of June, 2012



Kim Parenzan
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that MICHAEL HAMPTON

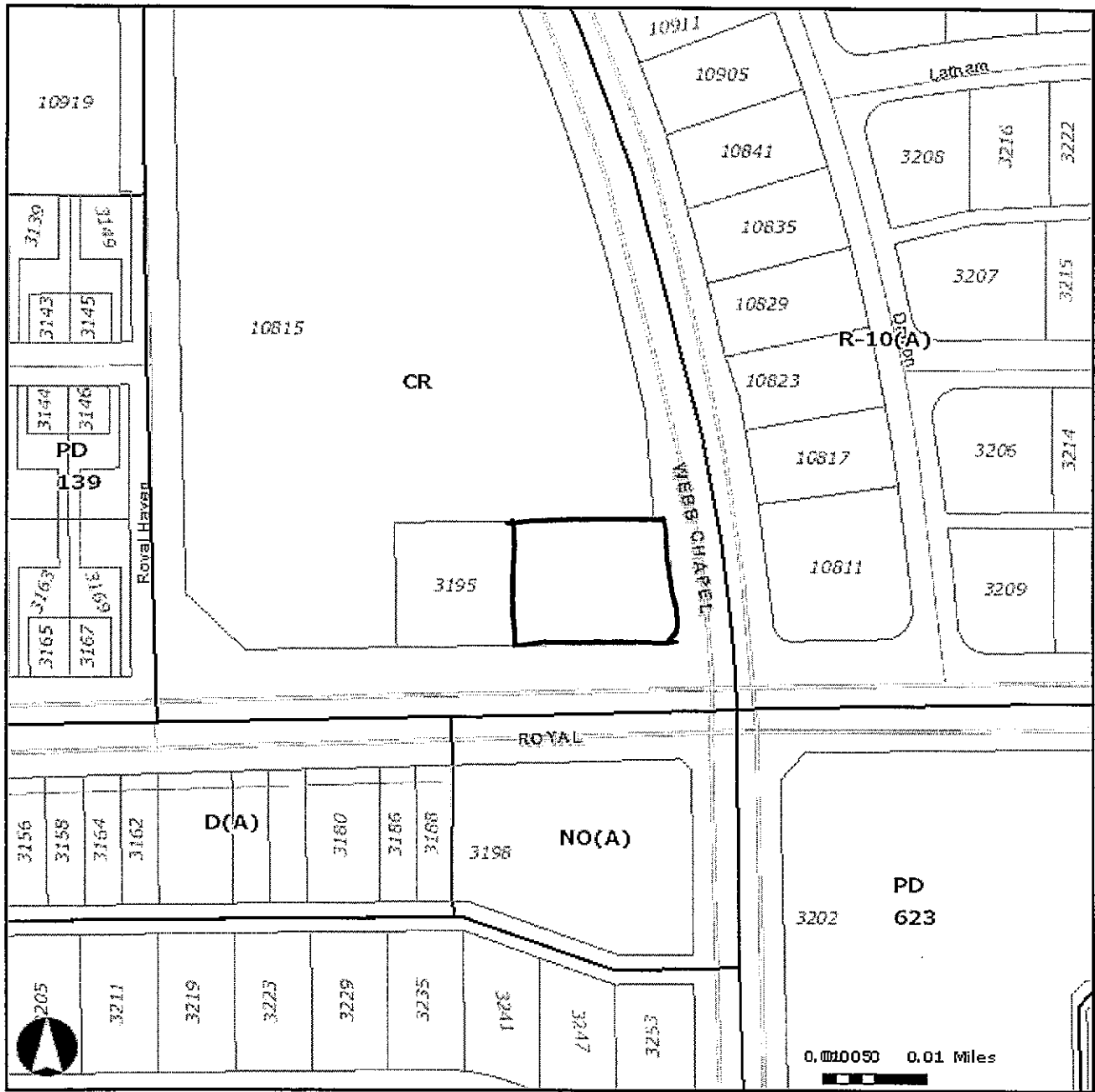
did submit a request for a special exception to the parking regulations
at 10811 Webb Chapel Road

BDA112-083. Application of Michael Hampton for a special exception to the parking regulations at 10811 Webb Chapel Road. This property is more fully described as lot 5A in city block 1/6434 and is zoned CR, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a general merchandise or food store less than 3500 square feet use and a motor vehicle fueling station use and provide 14 of the required 17 parking spaces, which will require a 3 space special exception (17.6% reduction) to the parking regulation.

Sincerely,


Lloyd Denman, Building Official

City of Dallas Zoning



Address Candidates

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

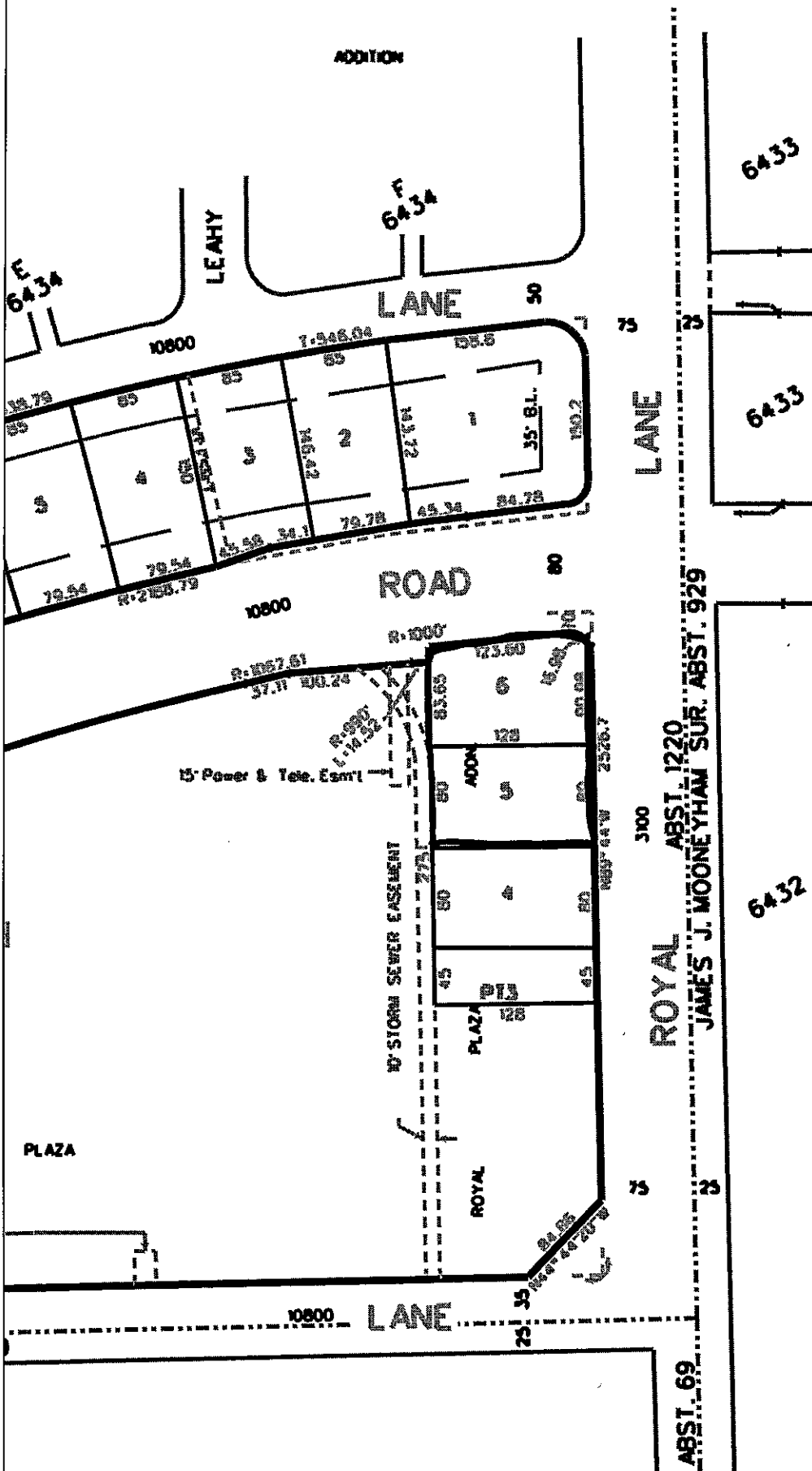
Dry Overlay

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

Base Zoning

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

DCR. 6434 ON ROYAL LANE.



Handwritten mark or signature

HFA
 HAMILTON FRANCHISE
 2857 ROUTE 1
 SUITE 100
 HARTFORD, CT 06112
 (860) 234-1200
 (860) 234-1201

STATION FOR NAME
 7-ELEVEN
 DATED: 12-11-02

7-ELEVEN
 DATED: 12-11-02
 SCALE: 1/8" = 1'-0"

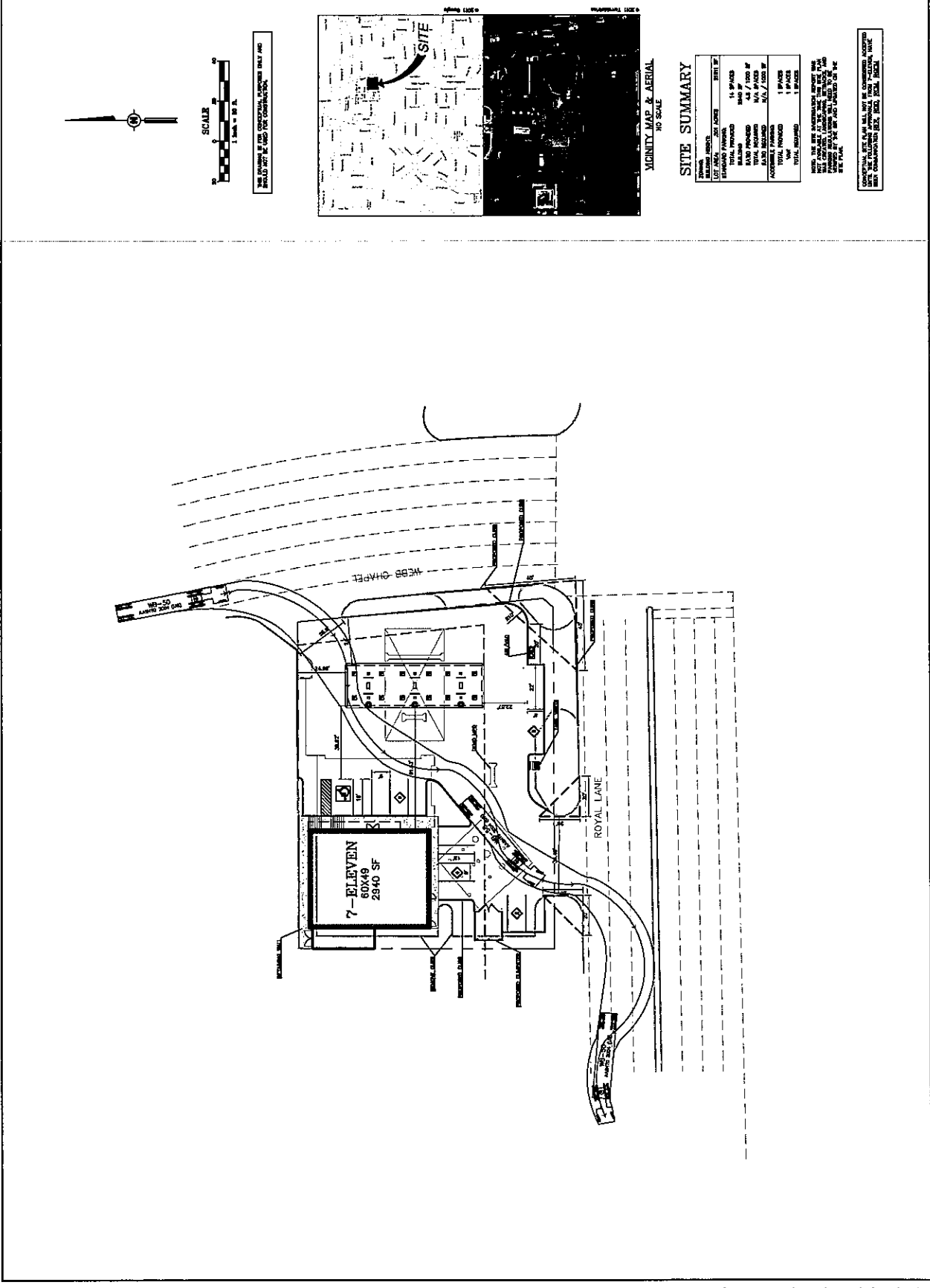
NO.	DESCRIPTION	DATE

PROJECT NO.	
DATE	
DESIGNED BY	
DATE	

SITE PLAN
CONCEPT-7

SHEET: **C1.0**

FOR REVIEW ONLY



SITE SUMMARY

LOT AREA	2,000 SQ. FT.	SITE #	
TOTAL PROPOSED	14 SPACES	TOTAL AVAILABLE	
TOTAL AVAILABLE		TOTAL AVAILABLE	
TOTAL AVAILABLE		TOTAL AVAILABLE	
TOTAL AVAILABLE		TOTAL AVAILABLE	
TOTAL AVAILABLE		TOTAL AVAILABLE	
TOTAL AVAILABLE		TOTAL AVAILABLE	
TOTAL AVAILABLE		TOTAL AVAILABLE	

CONCEPTUAL SITE PLAN SHALL NOT BE CONSIDERED ACCEPTED WITHOUT THE REVIEW AND APPROVAL OF THE LOCAL PLANNING COMMISSION. THIS CONCEPTUAL SITE PLAN SHALL NOT BE CONSIDERED ACCEPTED WITHOUT THE REVIEW AND APPROVAL OF THE LOCAL PLANNING COMMISSION.



MICHAEL HAMPTON, AICP
1828 Tumbleweed Circle, Rockwall Texas 75087 | 214.507.6388 | michael.hampton@lendlease.com

Thursday, June 28, 2012

Honorable Board of Adjustment

c/o Todd Duerksen
City of Dallas
320 E Jefferson Blvd, Room 105
Dallas, Texas

Dear Honorable Board of Adjustment:

I respectfully submit this application for your consideration of a "special exception" to the parking standards in accordance with the Dallas Development Code. The proposed request is for a 17% parking reduction that is necessary to accommodate the proposed redevelopment of the existing convenience store and fuel station at 10811 Webb Chapel Rd, into a modern 3,000-sf 7-Eleven convenience store and fuel station. The required parking for the new 3,000-sf store is 15 parking spaces, plus two (2) spaces for the fueling use, for a total of 17 required spaces. Because of physical constraints on the site, the number of parking spaces 7-Eleven is able to propose is 14 spaces.

As stated in the Code, a central determination for the Board in evaluating our request is that "...the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets." We believe unequivocally that our proposed redevelopment will actually help decrease traffic congestion and hazards on the property.

Important factors that must be considered for our request is the substantial number of improvements that will result with the proposed redevelopment, including:

- 1) Increase in parking compared to existing store: **There are currently no existing striped parking stalls on the property**, and due to the irregular shape of the building and disconnected fueling areas the actual room for proper parking is far less than the proposed 14 spaces for 7-Eleven.
- 2) Fewer fueling positions: The current development has four (4) fueling dispensers, and only three (3) dispensers are proposed for the 7-Eleven. Moreover, **the canopy and stacking is designed to be more efficient, improving circulation on the site.**
- 3) Fewer driveway cuts - As part of our proposal, **2 of the 4 existing driveways will be closed.** This element alone will greatly improve the traffic congestion and safety of both customers that visit the property and drivers passing by the site at this intersection.
- 4) Increased Landscaping - With closure of 2 driveways, 7-Eleven will be adding much needed green space to the site and will be required to plant street buffer trees in accordance with City requirements.
- 5) Replat - The current property is comprised of two lots, and the existing improvements straddle the lot lines. Concurrently with this request, application for a replat will be made to the City of Dallas to clean up this issue.

- 6) **Correction of Existing Building Line Encroachments** - The existing fuel canopy encroaches up to 8-ft into the building setback along Webb Chapel Rd, and the other freestanding fuel dispenser encroaches into the setback along Royal Ln. **The proposed 7- Eleven will comply with all required building setbacks.** (*note: our proposed replat will include adjusted building setback lines to 15-ft per CR zoning standards).

To help support our proposal, please find enclosed the following:

Copies of proposed site plan of property

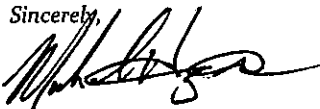
Copy of June 2012 ALTA Survey of subject site

Copies of proposed floor plan of new convenience store

Aerial imagery and photos of subject site and adjacent properties, showing surrounding parking that is available. Clearly, there is an abundance of "underutilized" parking and the reduction of 3 spaces for our proposed development will not adversely impact our neighbors.

"The availability of public transit" - Attached is a map showing multiple public transit stops (primarily DART bus route 51), including 4 stops within 200-300 feet of the subject site. We argue that a measurable number of our customers will not be using a car at all, thus reducing the actual parking demand for this location.

If you have questions, please call me at 214.507.6388. I look forward to presenting our case to the Board at the public hearing in August.

Sincerely,


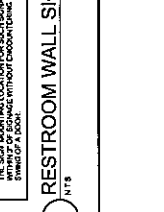
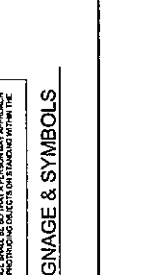
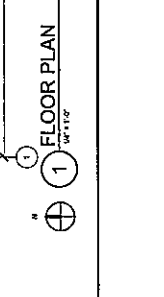
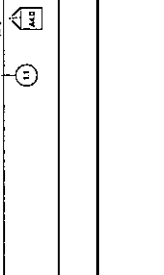
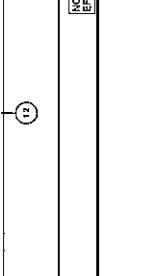
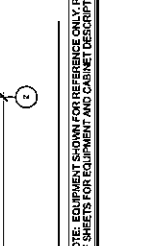
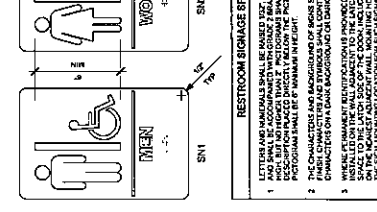
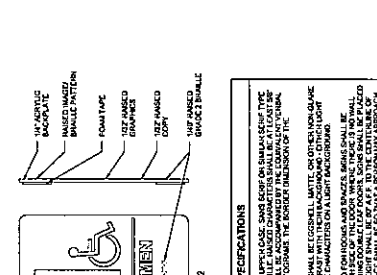
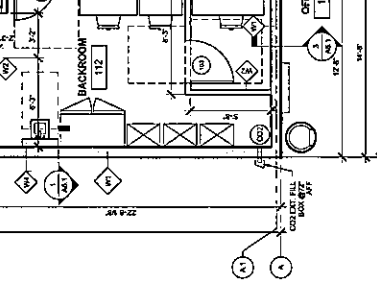
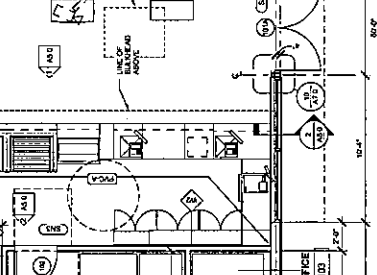
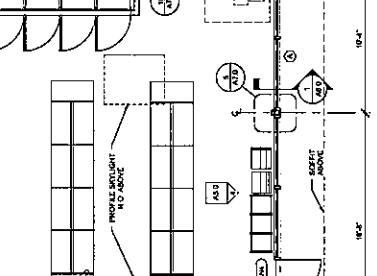
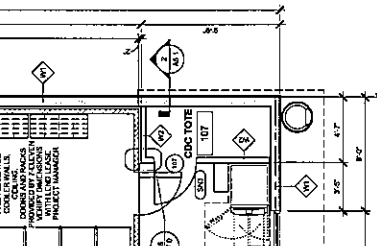
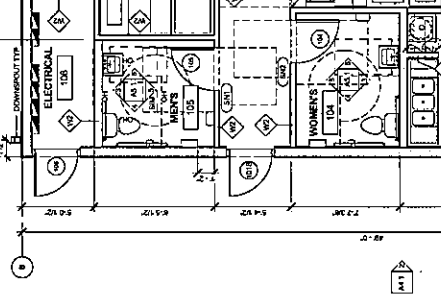
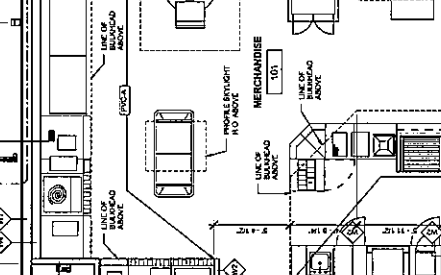
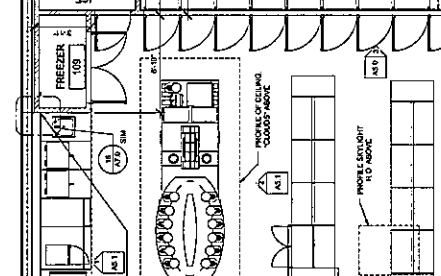
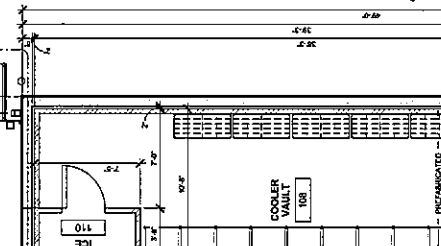
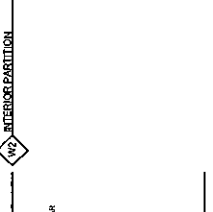
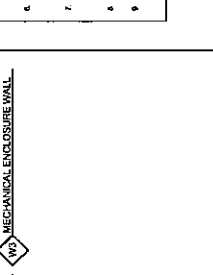
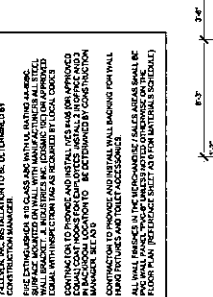
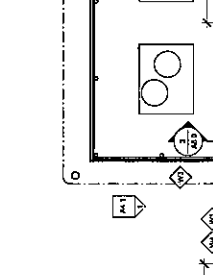
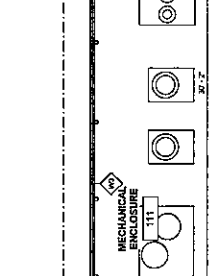
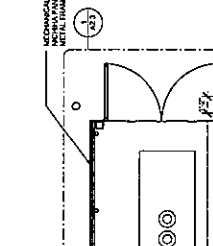
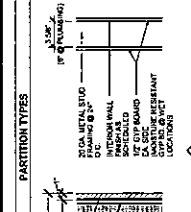
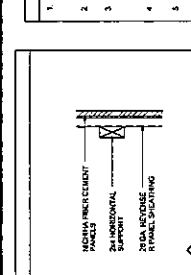
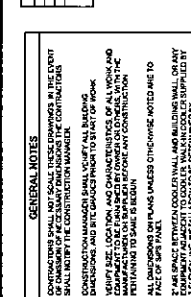
MICHAEL HAMPTON, AICP
ZONING MANAGER, MULTI-SITE GROUP
LEND LEASE (US) CONSTRUCTION, INC.

ENCLOSURES

MITO / MAR DISCLAIMER:
 THE MITO / MAR (MTO) HAS BEEN FORMALLY USED FOR PROJECTS ACROSS THE NATION AND AS APPROVED BY ZALEVNA INC FROM APPROVED VENDORS. ALL CONTRACTORS AND SUBCONTRACTORS ARE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH THE MATERIALS ASSEMBLY REPORT (MAR) TO DETERMINE THE USE OF PROVIDED MATERIALS AND TO VERIFY THAT THEY CONFORM TO LOCAL CODES. APPROVAL FROM THE CONSTRUCTION MANAGER (LEAD LEASE), ARCHITECT (HFA) AND ZALEVNA PRIOR TO ORDERING MATERIALS. THE MITO REQUIRES THE GENERAL CONTRACTOR TO SUBMIT A REQUEST FOR INFORMATION (RFI) TO THE CONSTRUCTION MANAGER (LEAD LEASE). THE RFI WILL BE FORWARDED TO HFA AND ZALEVNA FOR APPROVAL. UPON APPROVAL, HFA WILL REVISE THE MTO AND RESUBMIT THE MTO TO LEAD LEASE WHO WILL THEN FORWARD IT TO TURNKEY.

SIGNATURE	DATE	ROLE
[Signature]	1/2/23	PROJECT MANAGER
[Signature]	1/2/23	ARCHITECT
[Signature]	1/2/23	CONSTRUCTION MANAGER
[Signature]	1/2/23	GENERAL CONTRACTOR

- GENERAL NOTES:**
- CONTRACTORS SHALL NOT SCALE THESE DRAWINGS. IN THE EVENT CONTRACTORS DO SCALE THESE DRAWINGS, CONTRACTORS SHALL NOTIFY THE CONSTRUCTION MANAGER.
 - CONSTRUCTION AND SITE WORKS SHALL BE IN ACCORDANCE WITH THE MITO / MAR.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.
 - CONTRACTORS SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO START OF WORK.



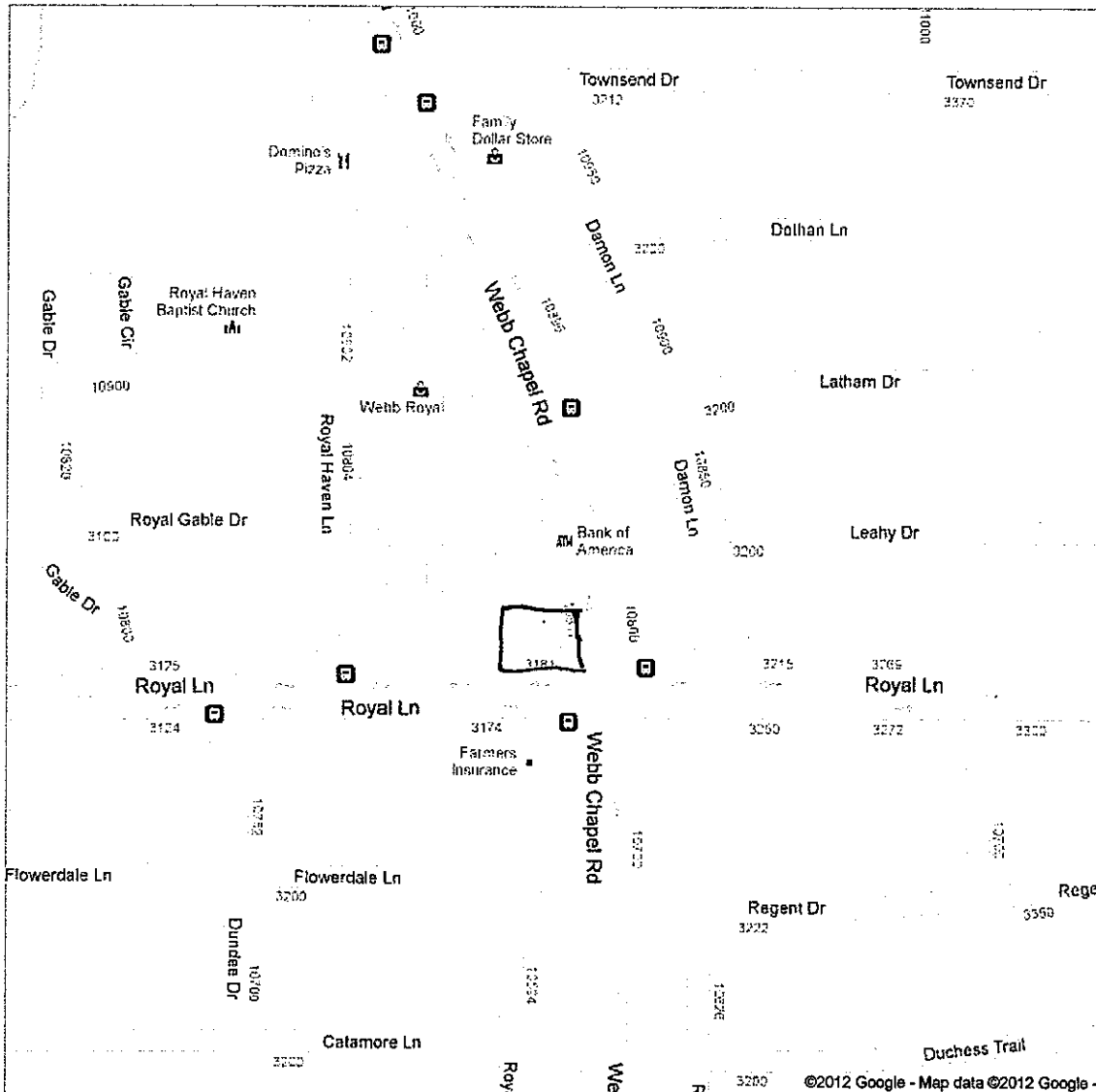
**Underutilized Parking in Adjacent Shopping Center
(i.e. Approval of Special Exception will not adversely impact adjacent properties)**





Address **10811 Webb Chapel Ct**
Dallas, TX 75229

Proximity to Public Transit
Four (4) Bus Stops w/in 300-ft of Property



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

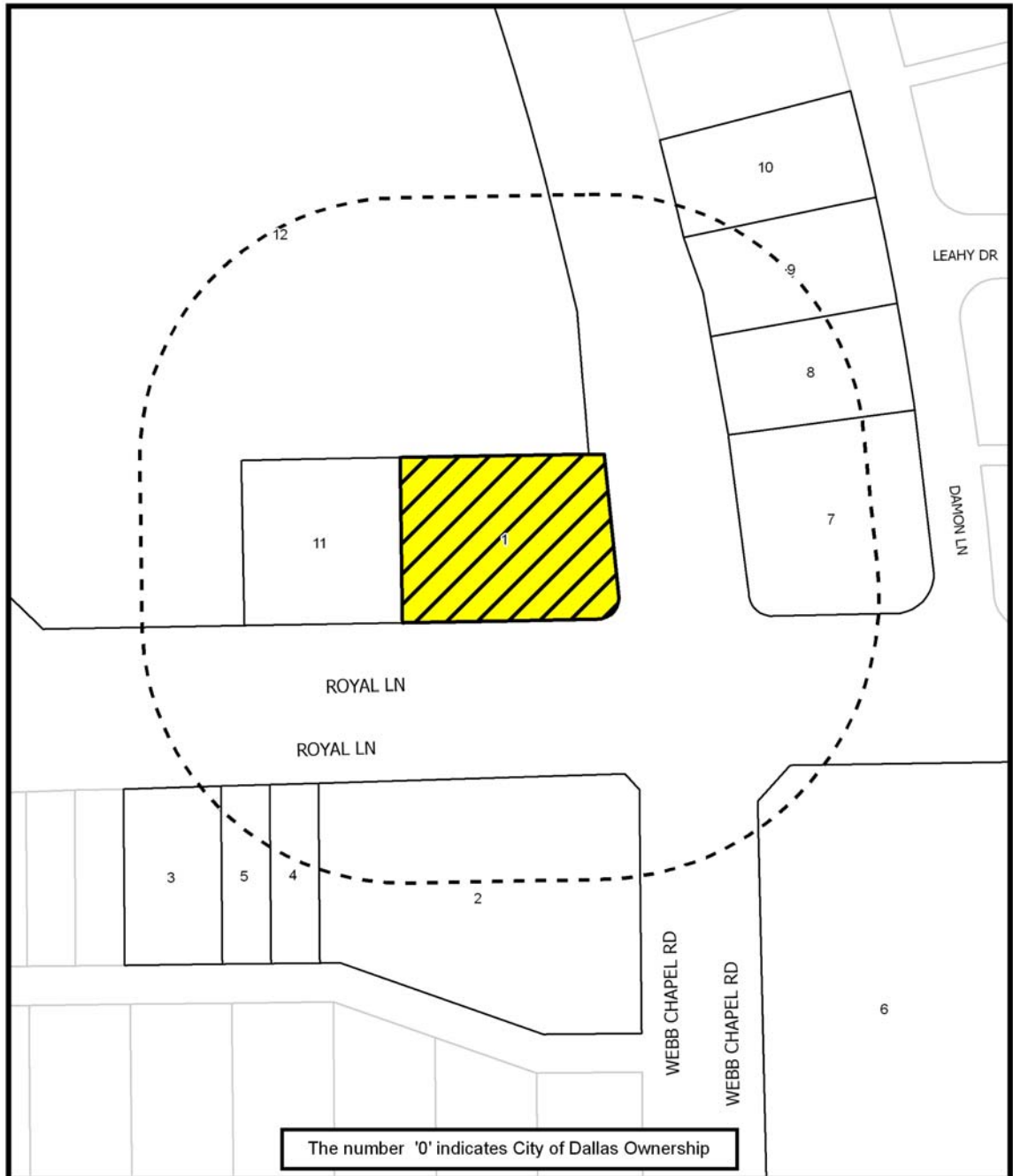
I hereby certify that MICHAEL HAMPTON

did submit a request for a special exception to the parking regulations
at 10811 Webb Chapel Road

BDA112-083. Application of Michael Hampton for a special exception to the parking regulations at 10811 Webb Chapel Road. This property is more fully described as lot 5A in city block 1/6434 and is zoned CR, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a general merchandise or food store less than 3500 square feet use and a motor vehicle fueling station use and provide 14 of the required 17 parking spaces, which will require a 3 space special exception (17.6% reduction) to the parking regulation.

Sincerely,


Lloyd Denman, Building Official



 1:1,200	NOTIFICATION		Case no: BDA112-083
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/26/2012

Notification List of Property Owners

BDA112-083

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10811 WEBB CHAPEL RD	ROYAL FOOD & SERVICE INC
2	3198 ROYAL LN	PRIDE CHARLEY ENT
3	3180 ROYAL LN	OGLE EDITH W
4	3188 ROYAL LN	BRENNER KENNETH J
5	3186 ROYAL LN	BRENNER KENNETH J & MARIE
6	3202 ROYAL LN	WALNUT HILL EVANGELICAL LUTHERAN CHURCH
7	10811 DAMON LN	WOLOSHEN BRIAN J
8	10817 DAMON LN	CORDOVA CATARINO & MARIA V CORDOVA
9	10823 DAMON LN	LOPEZ JOSE ALBERTO &
10	10829 DAMON LN	NOVINSKI STEFAN PAUL & MARQUET DONNA MAR
11	3195 ROYAL LN	ROYAL LANE LLC
12	10815 WEBB CHAPEL RD	CENTRO NP HOLDINGS 12 SPE LLC 7TH ST

FILE NUMBER: BDA 101-068

BUILDING OFFICIAL'S REPORT:

Application of Tommy Mann of Winstead, PC, to appeal the decision of the administrative official at 1809 Rock Island Street. This property is more fully described as Lot 15 and part of Lot 16 in City Block 73/7342 and is zoned PD-784, which requires that the building official revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

LOCATION: 1809 Rock Island Street.

APPLICANT: Tommy Mann of Winstead, PC

REQUEST:

- An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18, 2011 decision (received by the applicant according to the board of adjustment application on May 20, 2011) to revoke the existing certificate of occupancy for the property.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 784 (Planned Development)

North: PD 784 (Planned Development)

South: PD 784 (Planned Development)
East: PD 784 (Planned Development)
West: PD 784 (Planned Development)

Land Use:

The subject site is developed with a petroleum product and wholesale use (Buckley Oil). The areas to the north and east appear to be developed with industrial/warehouse use; and the areas to the south and west appear to be undeveloped.

Zoning/BDA History:

1. BDA 101-069, Property at 1809 Rock Island Street (the subject site) On August 14, 2012, the Board of Adjustment Panel A will consider an appeal made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18, 2011 decision (received by the applicant according to the board of adjustment application on May 20, 2011) to deny an application for a certificate of occupancy.

2. BDA 101-070, Property at 1803 Rock Island Street (the property immediately north of the subject site) On August 14, 2012, the Board of Adjustment Panel A will consider an appeal made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18, 2011 decision (received by the applicant according to the board of adjustment application on May 20, 2011) to deny an application for a new certificate of occupancy.

Timeline:

- June 3, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- June 23, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to

- submit additional evidence for staff to factor into their analysis; and the August 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

- July 28, 2011: The applicant requested postponement of the application from Panel A's August 16th hearing to Panel A's September 20th hearing.

- August 11, 2011: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

- August 25, 2011: The applicant requested postponement of the application from Panel A's September 20th hearing to Panel A's October 18th hearing.

- September 26, 2011: The applicant requested postponement of the application from Panel A's October 18th hearing to Panel A's November 15th hearing.

- October 28, 2011: The applicant requested postponement of the application from Panel A's November 15th hearing to Panel A's January 17, 2012 hearing.

- December 17, 2011: The applicant requested postponement of the application from Panel A's January 17, 2012 hearing to Panel A's February 14, 2012 hearing.

- December 20, 2011: Application was postponed indefinitely.

- June 22, 2012: The applicant indicated that he was ready to proceed with this request.

- June 22, 2012: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the August 3rd deadline to

- submit additional evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

August 3, 2012: The Assistant City Attorney assisting the Building Official on this application forwarded additional information to staff.

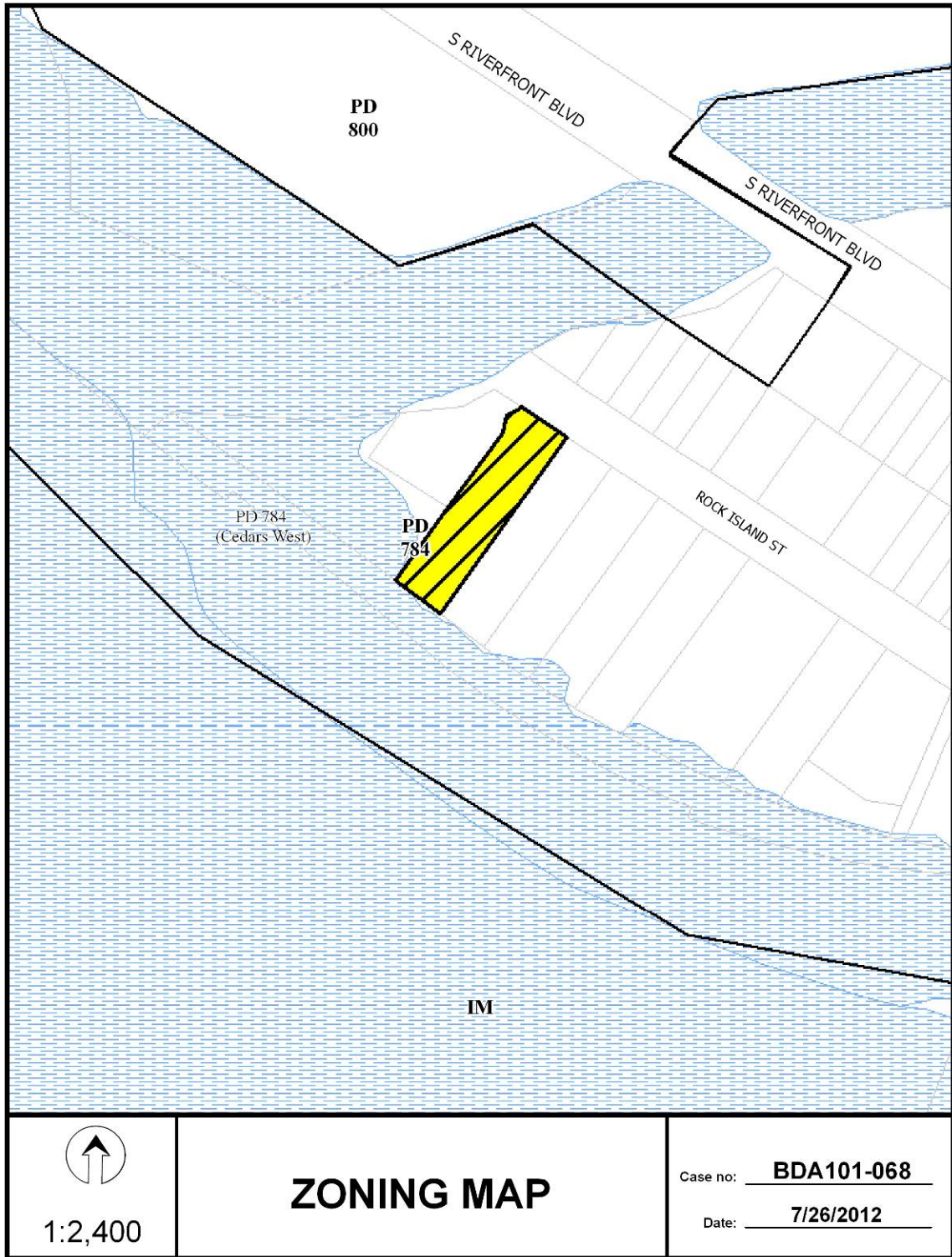
August 3, 2012: The applicant forwarded additional information on this application to staff.

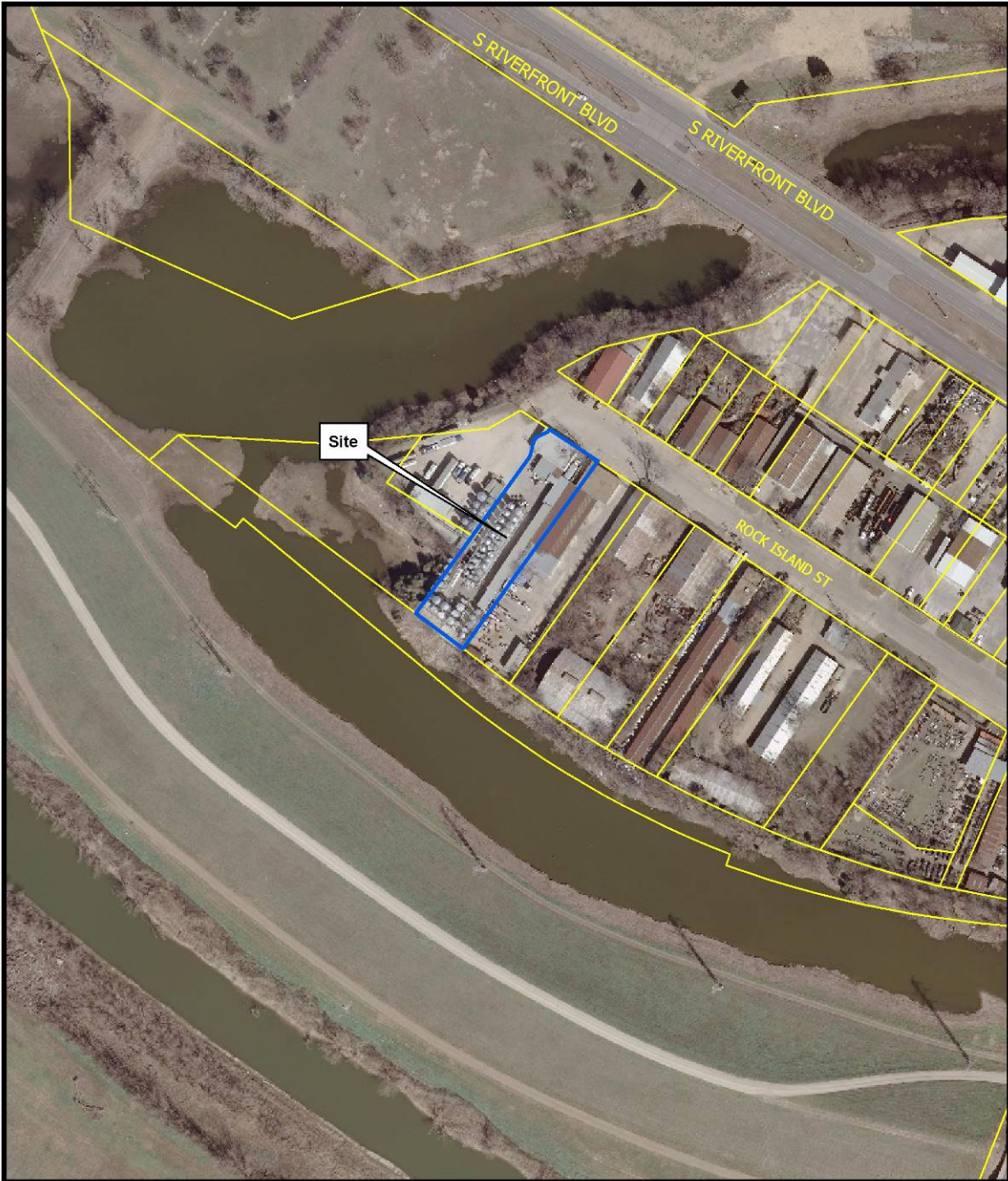
GENERAL FACTS/STAFF ANALYSIS:

- The Building Official's May 18, 2011 letter to Arthur Anderson of Winstead, P.C. regarding "Revocation of certificate of occupancy no. 0110101005 ("the CO") for a petroleum product storage and wholesale use at 1809 Rock Island Street ("the Property") owned by Buckley Oil Company ("Buckley Oil") is included in this case report. The letter states among other things that:
 - 1) The CO for a petroleum product storage and wholesale use on the Property is hereby revoked and any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.
 - 2) The building official shall revoke a certificate of occupancy if the building official determines that a use or occupancy is being operated in a manner that is a substantial danger of injury or an adverse health impact to any person or property and is in violation of the codes.
 - 3) The Fire Department has determined that because of the many Dallas Fire and Construction Code violations on the Property (described in this letter), the use or occupancy is being operated in a manner that is of substantial danger of injury or adverse health impact to persons and property.
- On August 3, 2012, Assistant City Attorney Andrew M. Gilbert who is assisting the Building Official submitted a notebook of information (and disc) entitled "Appeal to Board of Adjustment RE: BDA 101-068, 101-069, & 101-070, Properties Located at 1803, 1809, and 1811 Rock Island St. City of Dallas' Exhibits 1 through 43." (A cover memo attached stated that "by copy of this letter, a copy of same is being delivered to counsel of record." In addition, discs of this information were mailed to the board members and a copy of the notebook was hand-delivered to the Assistant City Attorney to the Board of Adjustment).
- On August 3, 2012, Arthur J. Anderson of Winstead (the applicant) submitted information related to BDA 101—068, 069, and 070. (Discs of this information were mailed to the board members and mailed and/or hand-delivered to the Assistant City

Attorney assisting the Building Official and the Assistant City Attorney to the Board of Adjustment).

- If the Board of Adjustment upholds the Building Official's May 18, 2011 decision, certificate of occupancy # 0110101005 on the property located at 1809 Rock Island Street will remain revoked.
- If the Board of Adjustment overturns/reverses the Building Official's May 18, 2011 decision, certificate of occupancy # 01101005 on the property located at 1809 Rock Island Street will be reinstated.





1:2,400

AERIAL MAP

Case no: BDA101-068

Date: 7/26/2012



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-068

Data Relative to Subject Property:

Date: 6-3-11

Location address: 1809 Rock Island St Zoning District: PD 784

Lot No.: 15 + Block No.: 73/7342 Acreage: 0.71 Census Tract: 0033.00

Street Frontage (in Feet): 1) 90' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Buckley Oil Company

Applicant: Tommy Mann, Winstead PC Telephone: (214) 745-5724

Mailing Address: 1201 Elm St., suite 5400 Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance __, or Special Exception __, of Appeal of building official decision to revoke the existing certificate of occupancy for the property. The decision was received on May 20, 2011.

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 business has been legally operating for many years in compliance with numerous regulations of various government and regulatory agencies including the City of Dallas. Owner does not waive any legal rights by filing this appeal.

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.

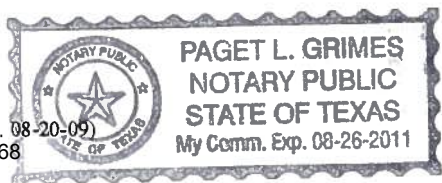
Respectfully submitted: TOMMY MANN _____
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Tommy Mann 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.

Tommy Mann
Affiant (Applicant's signature)

Subscribed and sworn to before me this 2nd day of June, 2011



David G. Grimes
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

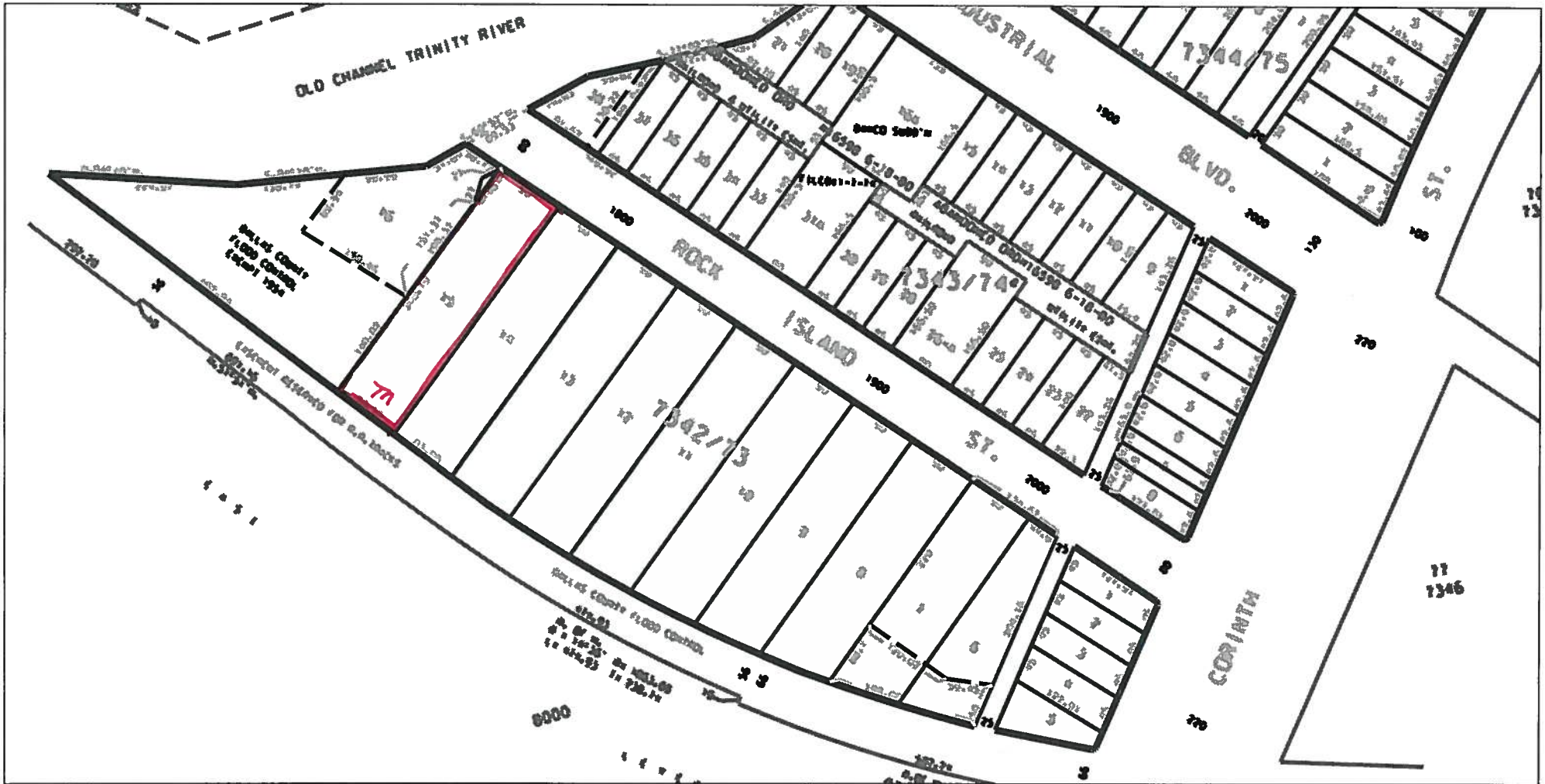
I hereby certify that TOMMY MANN

did submit a request to appeal the decision of the administrative official
at 1809 Rock Island Street

BDA101-068. Application of Tommy Mann to appeal the decision of the administrative official at 1809 Rock Island Street. This property is more fully described as Lot 15 and part of Lot 16 in city block 73/7342 and is zoned PD-784, which requires that the building official revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

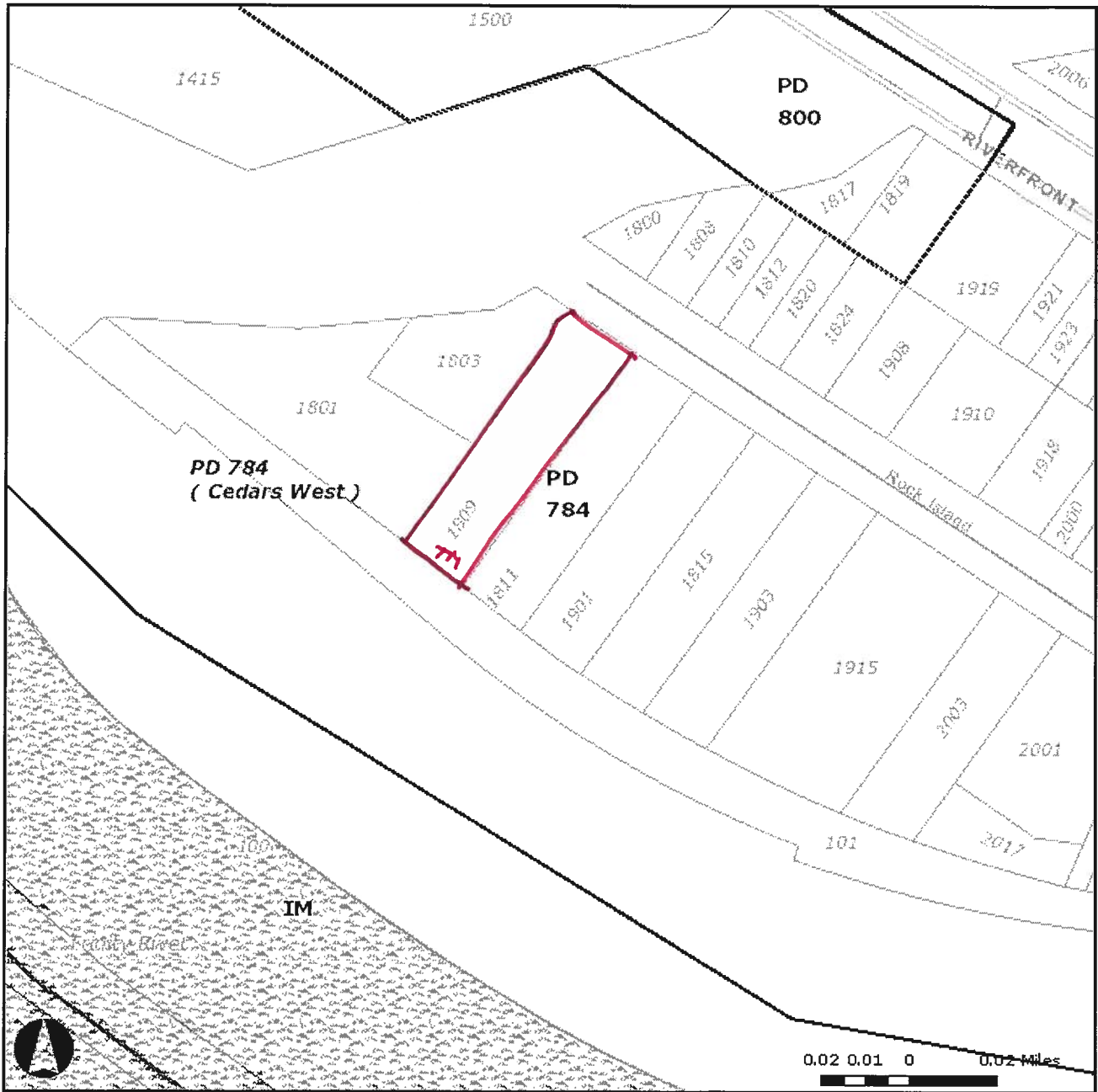
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



C:\tax_plats\7342_73.dgn 6/3/2011 9:05:59 AM

City of Dallas Zoning



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

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

- PD Subdistricts
- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



CITY OF DALLAS

May 18, 2011

Arthur Anderson
Winstead, P.C.
5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270

CERTIFIED MAIL # 7000 0520 0022 2596 9375
RETURN RECEIPT REQUESTED

RE: Revocation of certificate of occupancy no. 0110101005 ("the CO") for a petroleum product storage and wholesale use at 1809 Rock Island Street ("the Property") owned by Buckley Oil Company ("Buckley Oil")

Dear Mr. Anderson:

This letter is to inform you that the CO for a petroleum product storage and wholesale use on the Property is hereby revoked and any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.¹

The building official shall revoke a certificate of occupancy if the building official determines that a use or occupancy is being operated in a manner that is a substantial danger of injury or an adverse health impact to any person or property and is in violation of the codes, the Dallas Development Code, or other city ordinances, rules, or regulations.²

The Fire Department has determined that because of the many Dallas Fire and Construction Code violations on the Property and described in this letter, the use or occupancy is being operated in a manner that is a substantial danger of injury or adverse health impact to persons and property. These violations include:

- (1) Failure to provide and maintain required spatial separation between tanks containing flammable or combustible liquids in violation of Section 3404.2.9.5.1.1 of the Dallas Fire Code;
- (2) Failure to obtain a permit for storage, handling, or use of Class I, II, or IIIA liquids in violation of Section 105.6.16 of the Dallas Fire Code;
- (3) Failure to obtain acceptance tests for tanks being placed into service in violation of Section 3404.2.12.1 of the Dallas Fire Code; and

¹ Subsection 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; Section 1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; and Subsection 306.2, "Change in Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

² Paragraph 3 of Subsection 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

(4) Failure to obtain a permit for storage tanks in violation of Section 301.1.1 of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.³

Additionally, the building official shall revoke a certificate of occupancy if the building official determines that a required city license, permit, or registration to operate the use or occupancy has not been issued.⁴ Past inspections of the Properties by the Fire Department have revealed that Buckley Oil has not obtained required city permits, including:

(1) Permits for storage, handling, or use of Class I, II, or IIIA liquids in accordance with Section 105.6.16 of the Dallas Fire Code; and

(2) Permits for storage tanks in accordance with Section 301.1.1 of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.⁵

Thus, the building official must revoke the CO.⁶

Any determination made by the building official shall be final unless appealed within 15 days after you receive this letter.⁷ Questions about the appeal process should be directed to the building official at 214-948-4320.

Sincerely,



Betty Antebi, PE
Building Official
Sustainable Development & Construction

Enclosures (2)

- c: Theresa O'Donnell, Director, Sustainable Development and Construction
Chris Bowers, First Assistant City Attorney
Andrew M. Gilbert, Assistant City Attorney
Cynthia Michaels, Section Chief, Inspection & Life Safety Education, Fire Department
Kevin Sipes, Deputy Chief, Inspection & Life Safety Education, Fire Department

³ See attached letter dated February 19, 2009 to Arthur Anderson regarding Fire Code and zoning violations at 1803, 1809, and 1811 Rock Island Street. The list of Fire Code violations in this letter is not an exhaustive list of all of the violations on the Properties.

⁴ Paragraph 5 of Subsection 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

⁵ See attached letter dated February 19, 2009 to Arthur Anderson regarding Fire Code and zoning violations at 1803, 1809, and 1811 Rock Island Street. The list of violations in this letter is not an exhaustive list of all of the violations on the Properties.

⁶ See attached memorandum dated May 13, 2011 to the building official from Assistant Chief and Fire Marshal Carlin regarding the substantial danger at the Property.

⁷ Paragraph 2 of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code and Paragraph (2) of Subsection (a), "Initiation," of Section 51A-4.703, "Board of Adjustment Hearing Procedures," of the Dallas Development Code.

Memorandum



DATE May 13, 2011

TO Batsheba Antebi
Building Official

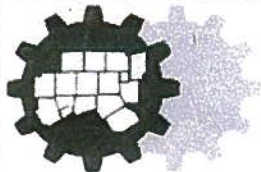
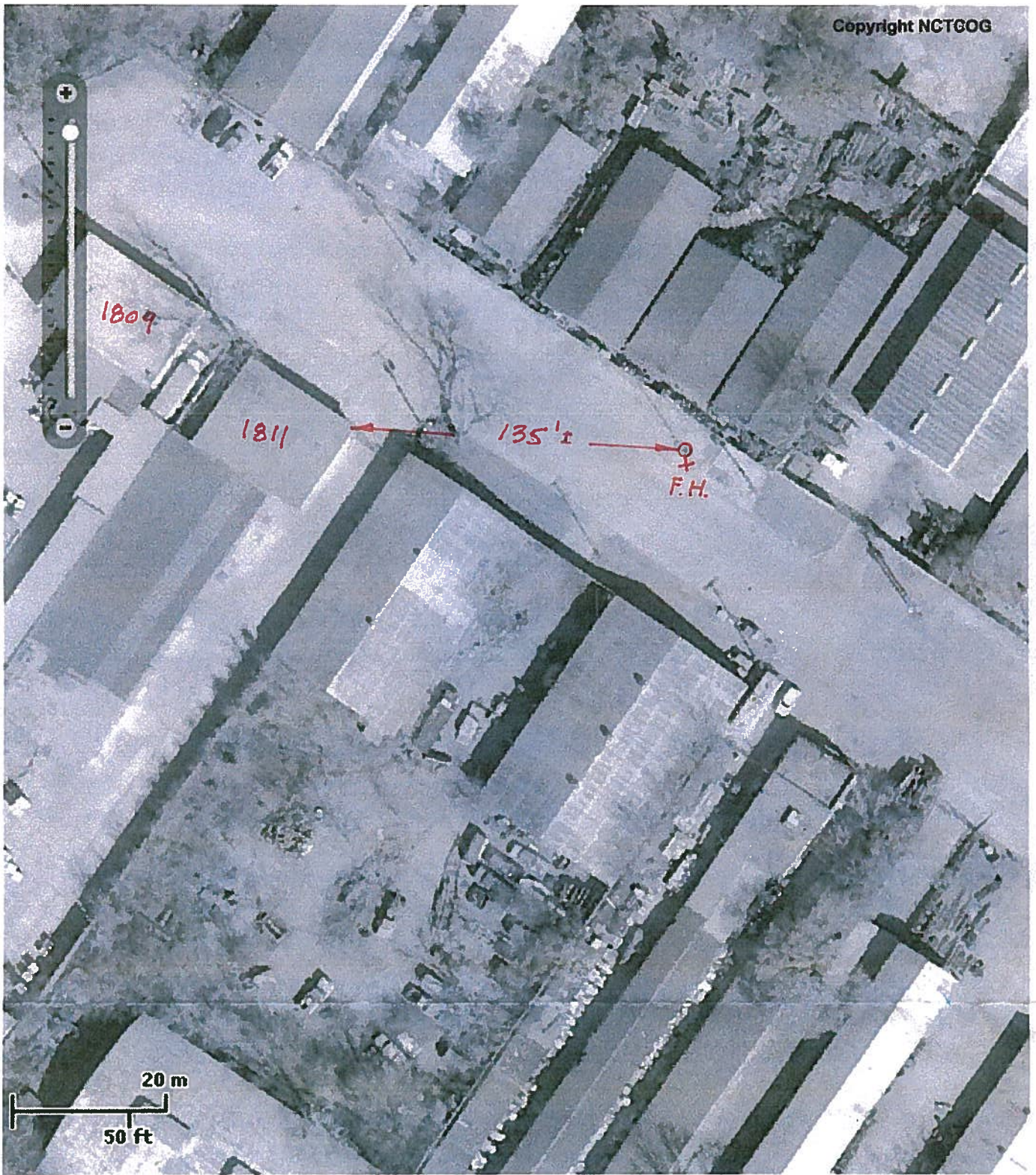
SUBJECT Buckley Oil's Certificate of Occupancy Requests for 1803 and 1809 Rock Island Street, Dallas, TX

I have determined that the use or occupancy at the subject locations is being operated in a manner that is a substantial danger of injury or adverse health impact to any person or property and is in violation of the Dallas Fire Code. Of major concern at 1809 Rock Island St. are the many unpermitted aboveground tanks in which flammable and combustible liquids are stored. The tanks are located too close to each other in diking that is inadequate for the number of tanks and volume of liquid being stored. Incompatible liquids are stored together in the same diked area. An unpermitted fuel dispensing facility is operating at 1803 Rock Island St. The fuel for this system is piped from the storage at 1809 Rock Island St. No foam fire extinguishing system or equipment has been provided for fighting the large flammable or combustible liquid fires that could occur on these properties. In the event of a fire the majority of the tanks would explode and thereafter burn for many days. Such an event would result in significant damage to the properties and possibly nearby properties, could result in the loss of life, would pollute the air and ground, and would likely contaminate the Trinity River. It is my recommendation that the certificate of occupancy request for 1803 Rock Island St. be denied and that the existing certificate of occupancy for 1809 Rock Island St. be revoked.



Debra Carlin, Assistant Chief/Fire Marshal
Life Safety and Professional Standards Bureau
Dallas Fire-Rescue Department

sdm



North Central Texas
Council of Governments

My Map

DFWMaps.com

<http://www.dfwmaps.com/#>

DISCLAIMER

This data has been compiled for NCTCOG. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



Fire Hydrant approx. 135' from 1811 Rock Island St.

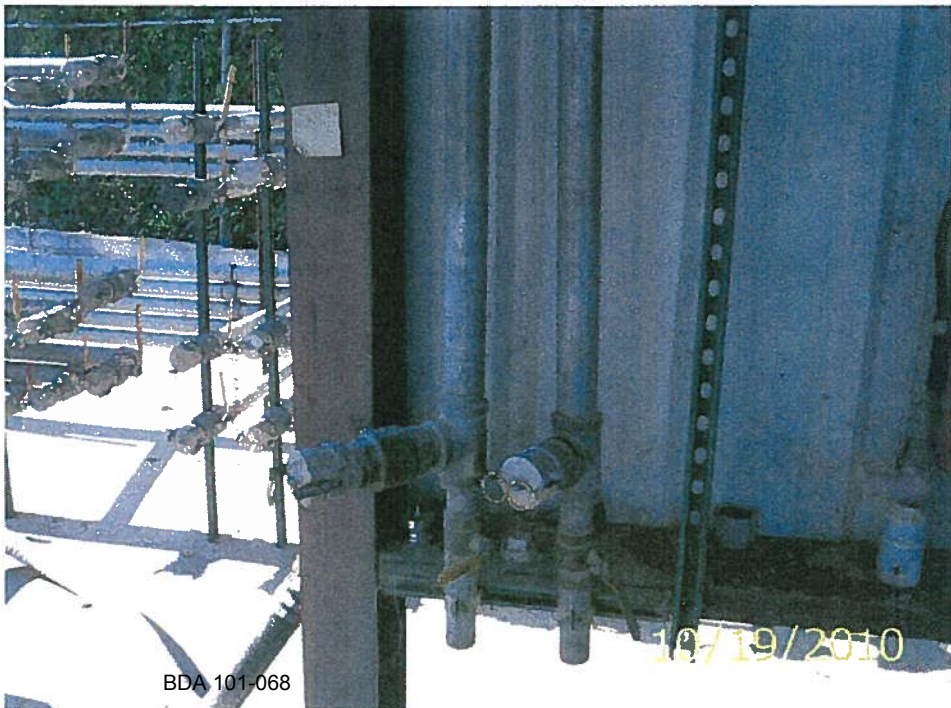


1

ATTACHMENT 3



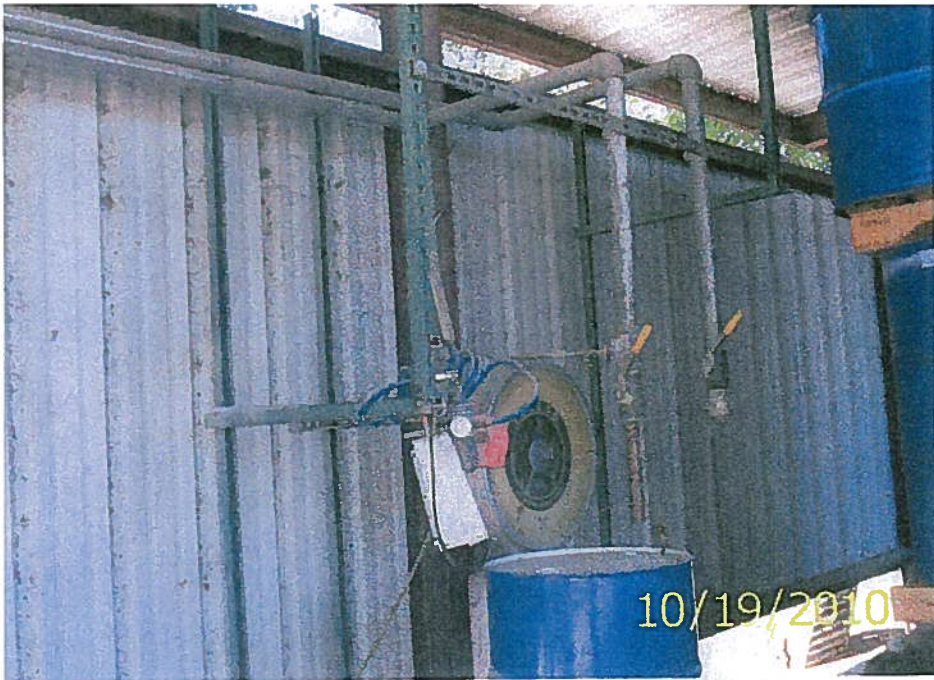
2



BDA 101-068



5-16



5/

Attachment 4

Attachments 3 & 4

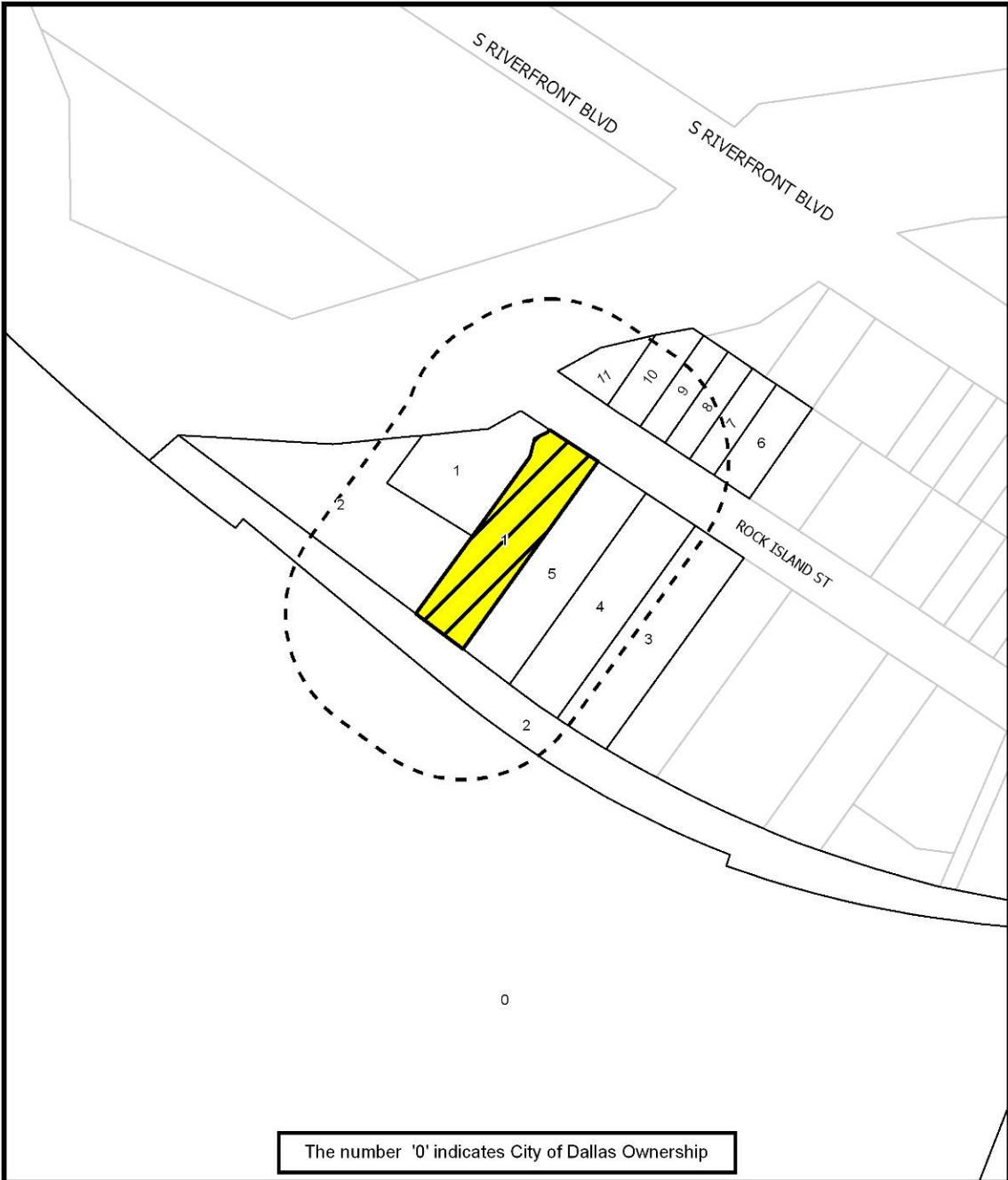
No continuous piping goes into or thru Covered area "F". The pipeline ends as shown in Pictures 2, 4, 6 & 7. There are 2 x 2" pipelines under roof of Covered area "F" (see pics 1,3 & 5) and can only be used (1 line at a time) when connected to the pump by hose connecting at the end of pipeline to the pump & a hose connection from the pump to the pipeline (pic. 1 & 3)



6/



5-17/



 1:2,400	NOTIFICATION	Case no: BDA101-068			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
11	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA101-068

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1809 ROCK ISLAND ST	BUCKLEY OIL CO
2	101 CORINTH ST	DALLAS COUNTY FLOOD CONTROL DISTRICT
3	1815 ROCK ISLAND ST	JOHNSON DELMO LEON
4	1901 ROCK ISLAND ST	JOHNSON REALTY CO
5	1811 ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
6	1824 ROCK ISLAND ST	SHERARD MARTHA M
7	1820 ROCK ISLAND ST	SHERARD SCOTT T
8	1812 ROCK ISLAND ST	SHERARD MILLIGAN F & MARCELLE MOUNT
9	1810 ROCK ISLAND ST	SHERARD MILLIGAN
10	1808 ROCK ISLAND ST	HML HOLDINGS LLC TEXAS LIMITED LIABILITY
11	1800 ROCK ISLAND ST	ROCKALONG LLC

FILE NUMBER: BDA 101-069

BUILDING OFFICIAL'S REPORT:

Application of Tommy Mann of Winstead, PC, to appeal the decision of the administrative official at 1809 Rock Island Street. This property is more fully described as Lot 15 and part of Lot 16 in City Block 73/ 7342 and is zoned PD-784, which requires that the building official deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy would be issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official to deny an application for a certificate of occupancy.

LOCATION: 1809 Rock Island Street.

APPLICANT: Tommy Mann of Winstead, PC

REQUEST:

- An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18th decision (received by the applicant according to the board of adjustment application on May 20, 2011) to deny an application for a certificate of occupancy.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 784 (Planned Development)

North: PD 784 (Planned Development)

South: PD 784 (Planned Development)
East: PD 784 (Planned Development)
West: PD 784 (Planned Development)

Land Use:

The subject site is developed with a petroleum product and wholesale use (Buckley Oil). The areas to the north and east appear to be developed with industrial/warehouse use; and the areas to the south and west appear to be undeveloped.

Zoning/BDA History:

1. BDA 101-068, Property at 1809 Rock Island Street (the subject site) On August 14, 2012, the Board of Adjustment Panel A will consider an appeal made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18, 2011 decision (received by the applicant according to the board of adjustment application on May 20, 2011) to) to revoke the existing certificate of occupancy for the property.
2. BDA 101-070, Property at 1803 Rock Island Street (the property immediately north of the subject site) On August 14, 2012, the Board of Adjustment Panel A will consider an appeal made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18, 2011 decision (received by the applicant according to the board of adjustment application on May 20, 2011) to deny an application for a new certificate of occupancy.

Timeline:

- June 3, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- June 23, 2011: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

July 28, 2011: The applicant requested postponement of the application from Panel A's August 16th hearing to Panel A's September 20th hearing.

August 11, 2011: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 25, 2011: The applicant requested postponement of the application from Panel A's September 20th hearing to Panel A's October 18th hearing.

September 26, 2011: The applicant requested postponement of the application from Panel A's October 18th hearing to Panel A's November 15th hearing.

October 28, 2011: The applicant requested postponement of the application from Panel A's November 15th hearing to Panel A's January 17, 2012 hearing.

December 17, 2011: The applicant requested postponement of the application from Panel A's January 17, 2012 hearing to Panel A's February 14, 2012 hearing.

December 20, 2011: Application was postponed indefinitely.

June 22, 2012: The applicant indicated that he was ready to proceed with this request.

June 22, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

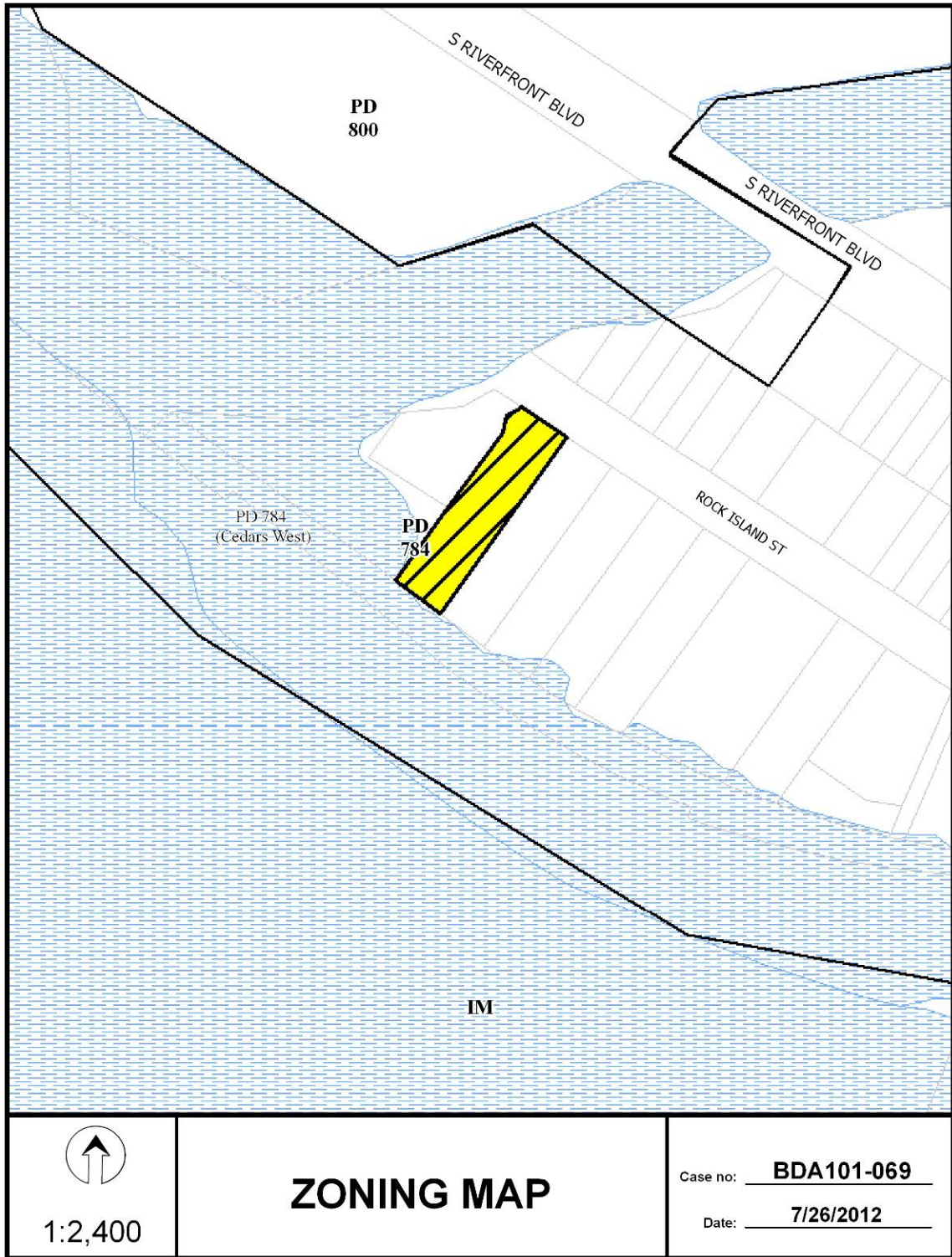
August 3, 2012: The Assistant City Attorney assisting the Building Official on this application forwarded additional information to staff.

August 3, 2012: The applicant forwarded additional information on this application to staff.

GENERAL FACTS/STAFF ANALYSIS:

- The Building Official's May 18, 2011 letter to Arthur Anderson of Winstead, P.C. regarding "Denial of certificate of occupancy application nos. 100802063 and 1008021064 ("the applications") for a petroleum product storage and wholesale use at 1803 and 1809 Rock Island Street ("the Properties") owned by Buckley Oil Company ("Buckley Oil")" is included in this case report. The letter states among other things that:
 - 1) The applications for the Properties are denied and any use operating on the Properties without a certificate of occupancy is an illegal land use that must immediately cease operating.
 - 2) The building official is required to deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with code, and that past inspections of the Properties by the Fire Department have revealed many different Fire and Construction Code violations which have not been corrected.
 - 3) The building official is required to deny an application for a certificate of occupancy if the building official determines that the application contains false, incomplete, or incorrect information and that the applicant has failed to correct or supplement the false, incomplete, or incorrect information within a reasonable time after the building official requests that the information be corrected or supplemented.
 - 4) The building official shall deny an application for a certificate of occupancy if the building official determines that the applicant does not possess a required city license, permit, or registration to operate the use or occupancy. Past inspections of the Properties by the Fire Department have revealed that Buckley Oil does not possess required city permits.

- On August 3, 2012, Assistant City Attorney Andrew M. Gilbert who is assisting the Building Official submitted a notebook of information (and disc) entitled “Appeal to Board of Adjustment RE: BDA 101-068, 101-069, & 101-070, Properties Located at 1803, 1809, and 1811 Rock Island St. City of Dallas’ Exhibits 1 through 43.” (A cover memo attached stated that “by copy of this letter, a copy of same is being delivered to counsel of record.” In addition, discs of this information were mailed to the board members and a copy of the notebook was hand-delivered to the Assistant City Attorney to the Board of Adjustment).
- On August 3, 2012, Arthur J. Anderson of Winstead (the applicant) submitted information related to BDA 101—068, 069, and 070. (Discs of this information were mailed to the board members and mailed and/or hand-delivered to the Assistant City Attorney assisting the Building Official and the Assistant City Attorney to the Board of Adjustment).
- If the Board of Adjustment upholds the Building Official’s May 18, 2011 decision, the application for a certificate of occupancy on the property located at 1809 Rock Island Street will remain denied.
- If the Board of Adjustment overturns/reverses the Building Official’s May 18, 2011 decision, the application for a certificate of occupancy on the property located at 1809 Rock Island Street will be approved.

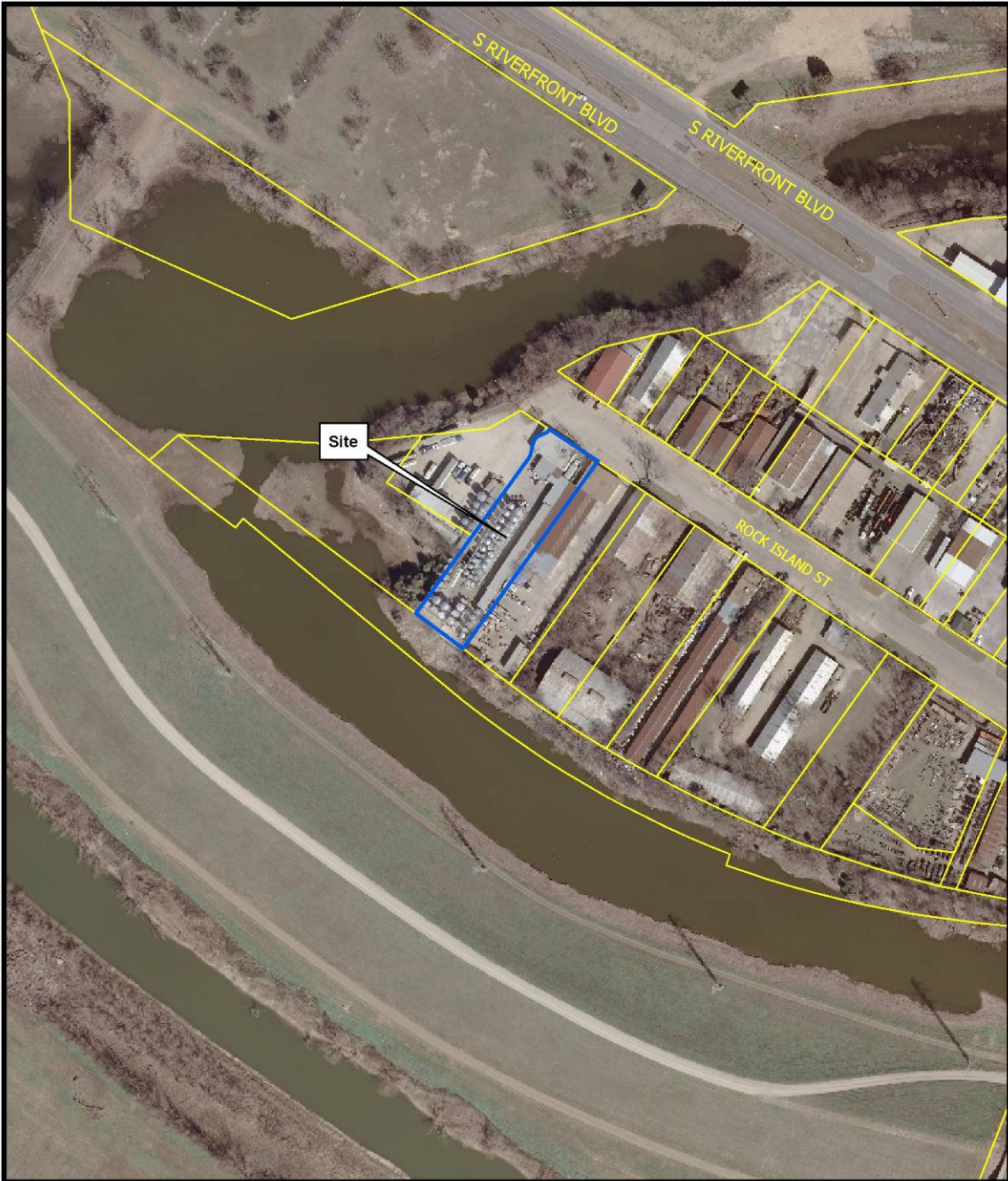


1:2,400

ZONING MAP

Case no: BDA101-069

Date: 7/26/2012



1:2,400

AERIAL MAP

Case no: BDA101-069

Date: 7/26/2012



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-069

Data Relative to Subject Property:

Date: 6-3-11

Location address: 1809 Rock Island St. Zoning District: PD 784

Lot No.: 5d Block No.: 73/7342 Acreage: 0.71 Census Tract: 0033.00

77 Lot 16
Street Frontage (in Feet): 1) 90' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Buckley Oil Company

Applicant: Tommy Mann, Winstead PC Telephone: (214) 745-5724

Mailing Address: 1201 Elm St., suite 5400 Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance __, or Special Exception __, of Appeal of building official decision to deny an application for a certificate of occupancy. The decision was received on May 20, 2011.

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 business has been legally operating for several years under applicable state and local laws and federal regulations. Owner does not waive any legal rights by filing this appeal.

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.

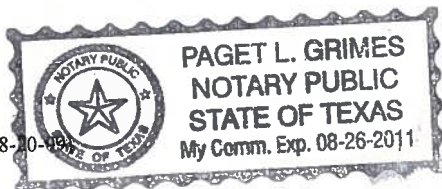
Respectfully submitted: Tommy Mann Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Tommy Mann 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.

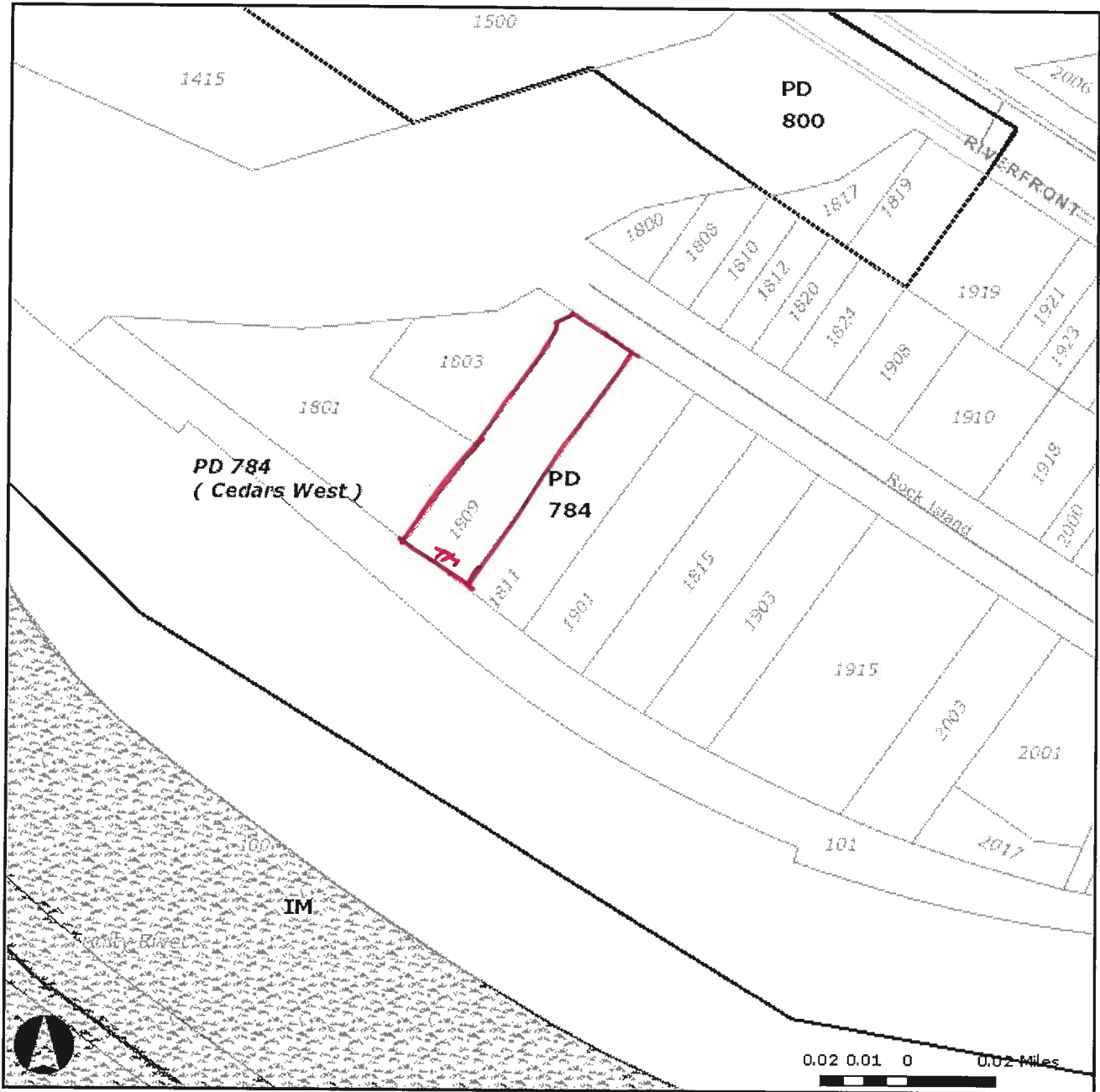
[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 2nd day of June, 2011



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

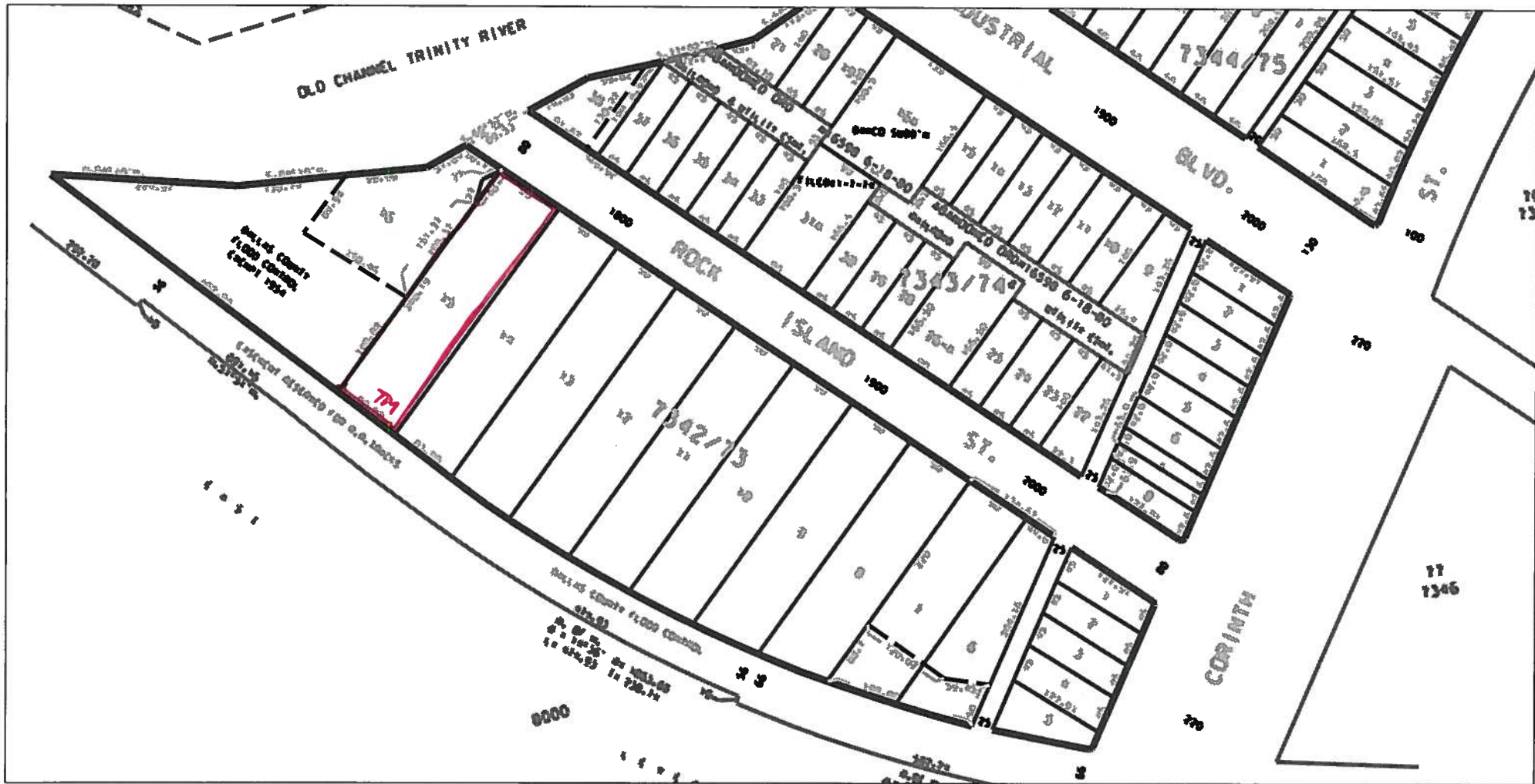
City of Dallas Zoning



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

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

- PD Subdistricts
- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



C:\tax_plats\7342_73.dgn 6/3/2011 9:05:59 AM



CITY OF DALLAS

May 18, 2011

Arthur J. Anderson
Winstead, P.C.
5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270

CERTIFIED MAIL # 7000 0520 0022 2596 9368
RETURN RECEIPT REQUESTED

RE: Denial of certificate of occupancy application nos. 1008021063 and 1008021064 (the "applications") for a petroleum product storage and wholesale use at 1803 and 1809 Rock Island Street ("the Properties") owned by Buckley Oil Company ("Buckley Oil")

Dear Mr. Anderson:

This letter is to inform you that the applications for the Properties are hereby denied and any use operating on the Properties without a certificate of occupancy is an illegal land use that must immediately cease operating.¹

The building official is required to deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, or other city ordinances, rules, or regulations.² Past inspections of the Properties by the Fire Department have revealed many different Fire and Construction Code violations, which have not been corrected, including:

- (1) Failure to provide and maintain required spatial separation between tanks containing flammable or combustible liquids in violation of Section 3404.2.9.5.1.1 of the Dallas Fire Code;
- (2) Failure to obtain a permit for storage, handling, or use of Class I, II, or IIIA liquids in violation of Section 105.6.16 of the Dallas Fire Code;
- (3) Failure to obtain acceptance tests for tanks being placed into service in violation of Section 3404.2.12.1 of the Dallas Fire Code; and

¹ Subsection 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; Section 1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; and Subsection 306.2, "Change in Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

² Paragraph 1 of Subsection 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

(4) Failure to obtain a permit for storage tanks in violation of Section 301.1.1 of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.³

Additionally, the building official is required to deny an application for a certificate of occupancy if the building official determines that the application contains false, incomplete, or incorrect information and the applicant has failed to correct or supplement the false, incomplete, or incorrect information within a reasonable time after the building official requests that the information be corrected or supplemented.⁴

Once our office completed its initial review of the applications, the building official sent you a letter dated September 23, 2010 notifying you that we required additional information to process the applications.⁵ On October 8, 2010, the building official sent you another letter responding to your letters dated September 29, and October 7, 2010 and again notified you that we require all of the additional information requested in our September 23, 2010 letter to process the applications.⁶ To date, we have still not received all of the additional information required, including:

- (1) The outline of the fire lanes shown on each site plan;
- (2) The height of "Building One (1)";
- (3) Sufficient information to categorize the use of Buildings 2A, 3C, B, D, E, and F;
- (4) Sufficient information to determine whether mixing and/or dispensing operations are occurring in Buildings 3C and F and sufficient information about which products, including their building and fire code classifications, are involved in the mixing and/or dispensing operations and how much area within each building is dedicated to the mixing and/or dispensing operations; and
- (5) The length of the piping that enters and terminates in Building F as shown on your Attachments 3 and 4.

³ See attached letter dated February 19, 2009 to Arthur Anderson regarding Fire Code and zoning violations at 1803, 1809, and 1811 Rock Island Street. The list of Fire Code violations in this letter is not an exhaustive list of all of the violations on the Properties.

⁴ Paragraph 3 of Subsection 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

⁵ See attached letter dated September 23, 2010 to Art Anderson regarding Buckley Oil Company Certificates of Occupancy Application Nos. 1008021063 and 1008021064.

⁶ See attached letter dated October 8, 2010 to Arthur Anderson regarding Buckley Oil Company Certificates of Occupancy Application Nos. 1008021063 and 1008021064.

May 18, 2011
CO 1008021063 and 1008021064 Denial
Page Three (3)

You have failed to supplement the required information requested within a reasonable time. Thus, the applications are denied.

Further, the building official shall deny an application for a certificate of occupancy if the building official determines that the applicant does not possess a required city license, permit, or registration to operate the use or occupancy.⁷ Past inspections of the Properties by the Fire Department have revealed that Buckley Oil does not possess required city permits, including:

(1) Permits for storage, handling, or use of Class I, II, or IIIA liquids in accordance with Section 105.6.16 of the Dallas Fire Code; and

(2) Permits for storage tanks in accordance with Section 301.1.1 of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.⁸

Any determination made by the building official shall be final unless appealed within 15 days after you receive this letter.⁹ Questions about the appeal process should be directed to the building official at 214-948-4320.

Sincerely,



Batsheba Antebi, PE
Building Official
Sustainable Development and Construction Department

Enclosures (3)

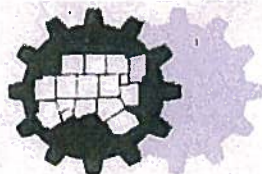
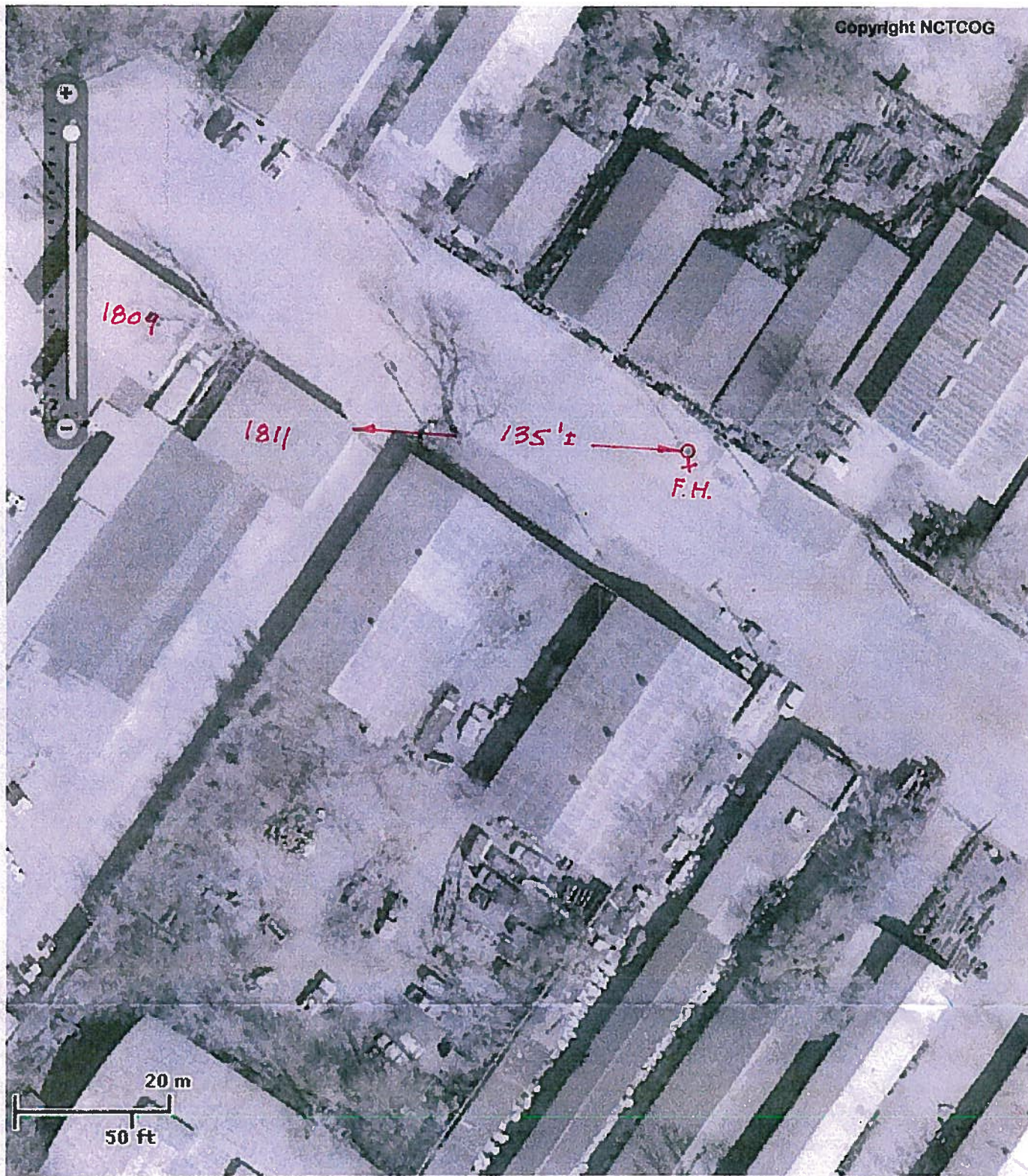
c: Theresa O'Donnell, Director, Sustainable Development and Construction
Chris Bowers, First Assistant City Attorney
Andrew M. Gilbert, Assistant City Attorney
Cynthia Michaels, Section Chief, Inspection & Life Safety Education, Fire Department
Kevin Sipes, Deputy Chief, Inspection. & Life Safety Education, Fire Department

⁷ Paragraph 4 of Subsection 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

⁸ See attached letter dated February 19, 2009 to Arthur Anderson regarding Fire Code and zoning violations at 1803, 1809, and 1811 Rock Island Street. The list of violations in this letter is not an exhaustive list of all of the violations on the Properties.

⁹ Paragraph 2 of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code and Paragraph (2) of Subsection (a), "Initiation," of Section 51A-4.703, "Board of Adjustment Hearing Procedures," of the Dallas Development Code.

Sustainable Development and Construction Department - Building Inspection - 320 E. Jefferson Blvd., Rm. 204 - (214) 948-4320



North Central Texas
Council of Governments

My Map

DFWMaps.com

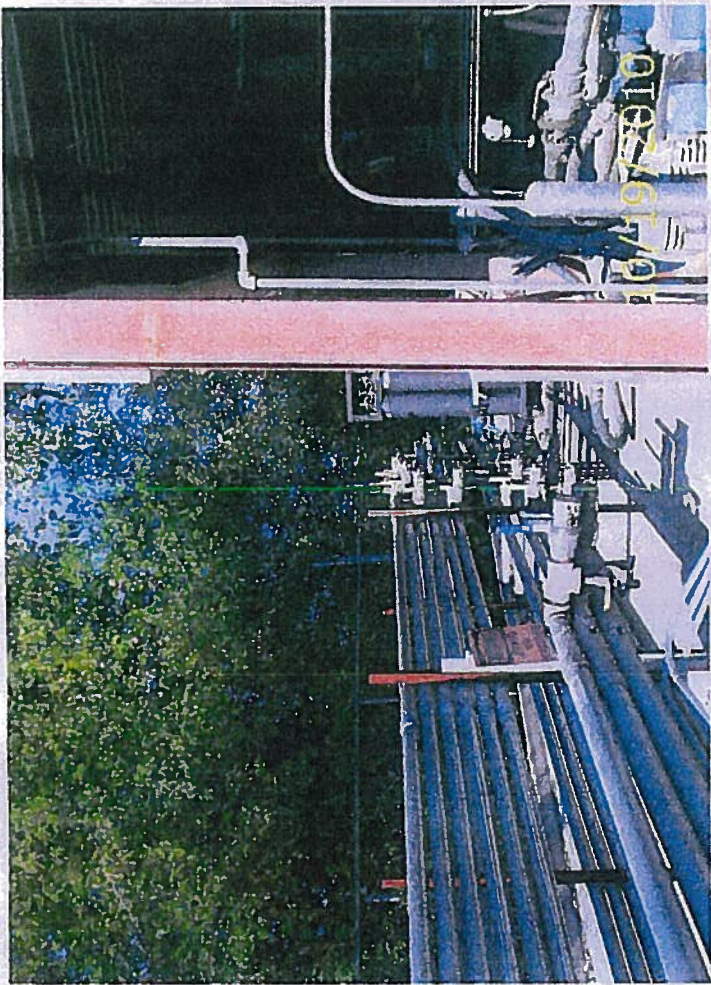
<http://www.dfwmaps.com/#>

DISCLAIMER

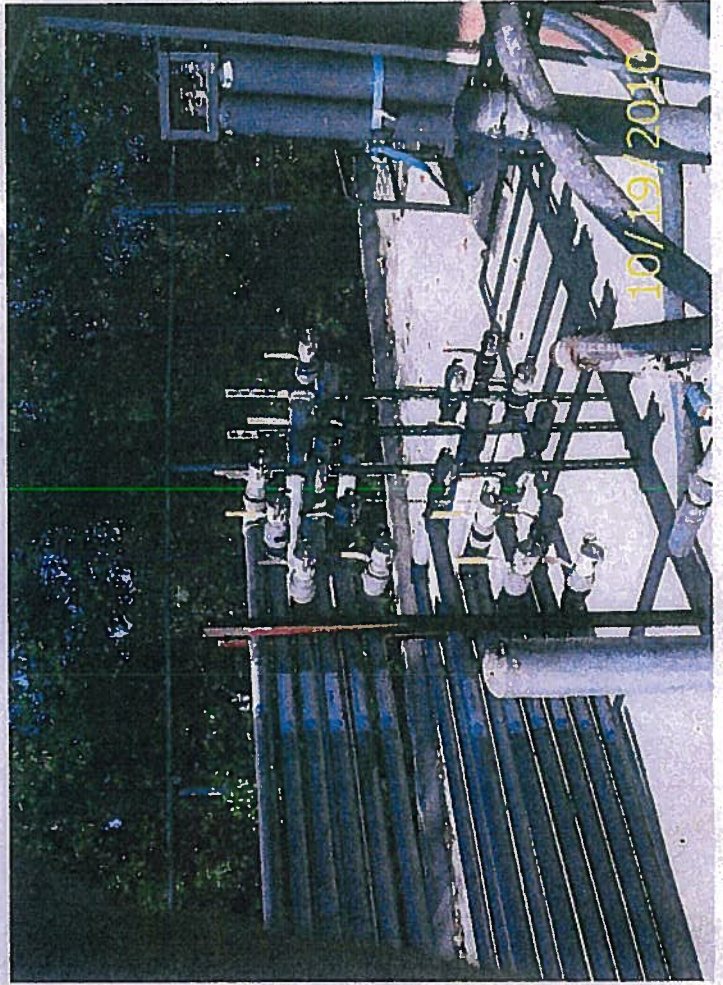
This data has been compiled for NCTCOG. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



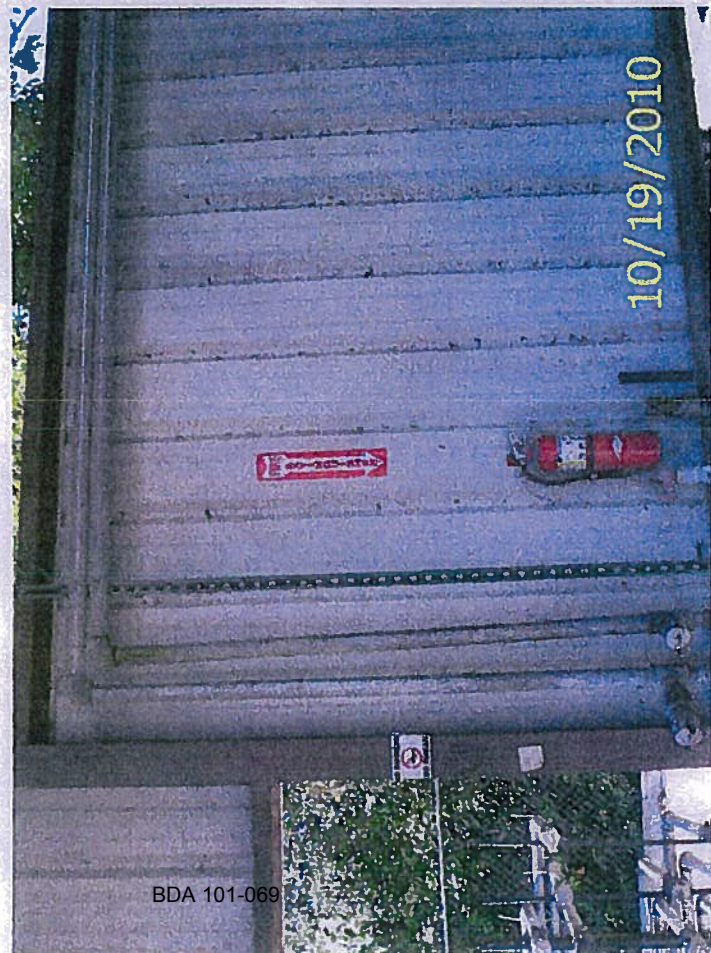
Fire Hydrant approx. 135' from 1811 Rock Island St.



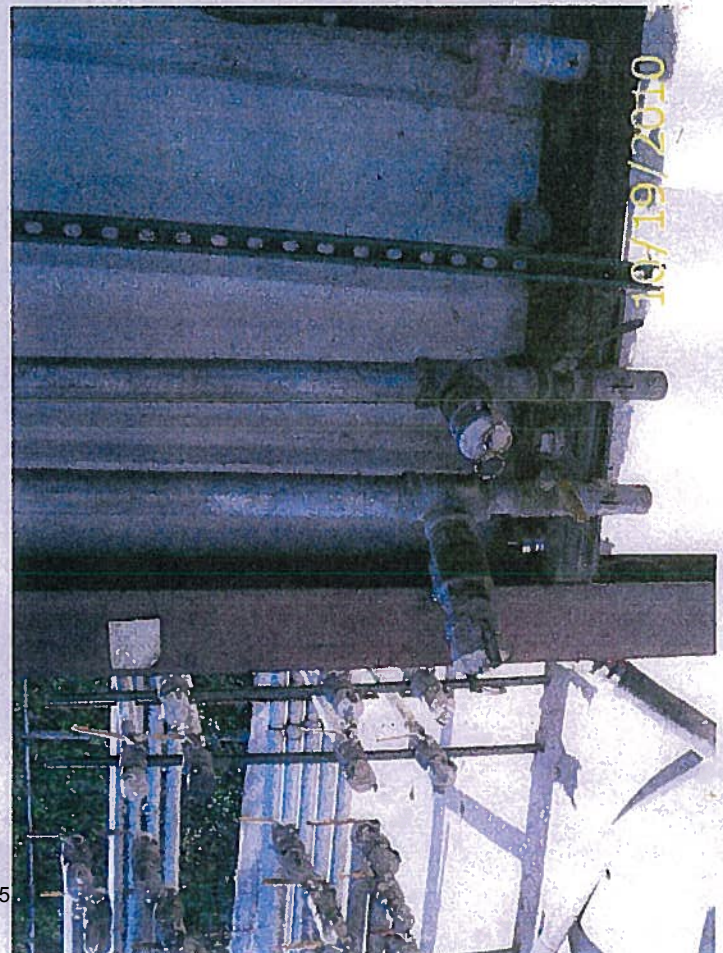
2



11



Attachment 3





5/

Attachment 4

Attachments 3 & 4

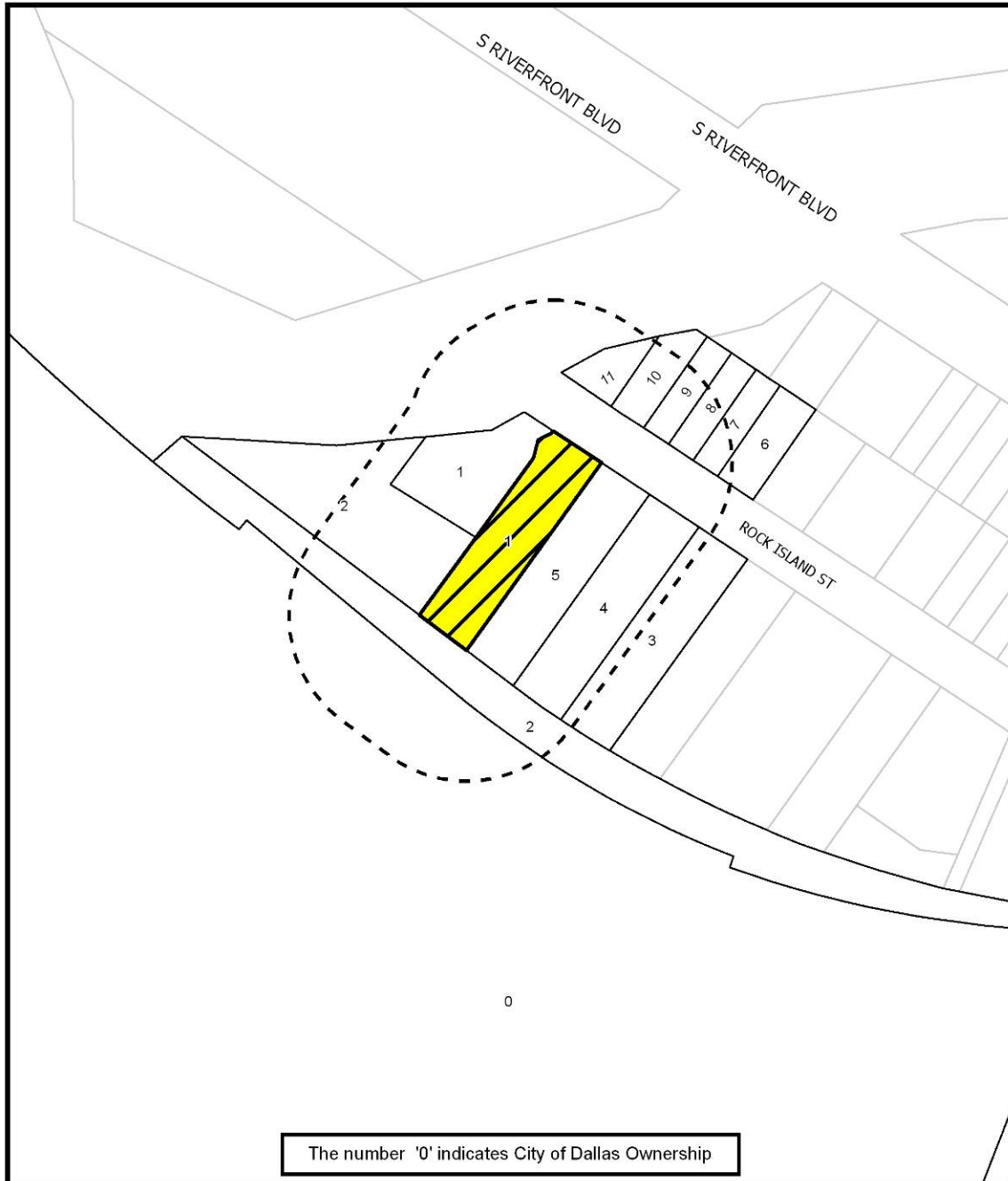
No continuous piping goes into or thru Covered area "F". The pipeline ends as shown in Pictures 2, 4, 6 & 7. There are 2 x 2" pipelines under roof of Covered area "F" (see pics 1,3 & 5) and can only be used (1 line at a time) when connected to the pump by hose connecting at the end of pipeline to the pump & a hose connection from the pump to the pipeline (pic. 1 & 3)



6/



7/
6-16



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
11 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA101-069**

Date: **7/26/2012**

Notification List of Property Owners

BDA101-069

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1809 ROCK ISLAND ST	BUCKLEY OIL CO
2	101 CORINTH ST	DALLAS COUNTY FLOOD CONTROL DISTRICT
3	1815 ROCK ISLAND ST	JOHNSON DELMO LEON
4	1901 ROCK ISLAND ST	JOHNSON REALTY CO
5	1811 ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
6	1824 ROCK ISLAND ST	SHERARD MARTHA M
7	1820 ROCK ISLAND ST	SHERARD SCOTT T
8	1812 ROCK ISLAND ST	SHERARD MILLIGAN F & MARCELLE MOUNT
9	1810 ROCK ISLAND ST	SHERARD MILLIGAN
10	1808 ROCK ISLAND ST	HML HOLDINGS LLC TEXAS LIMITED LIABILITY
11	1800 ROCK ISLAND ST	ROCKALONG LLC

FILE NUMBER: BDA 101-070

BUILDING OFFICIAL'S REPORT:

Application of Tommy Mann of Winstead, PC, to appeal the decision of the administrative official at 1803 Rock Island Street. This property is more fully described as part of Lot 16 in City Block 73/7342 and is zoned PD-784, which requires that the building official deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy would be issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official to deny an application for a certificate of occupancy.

LOCATION: 1803 Rock Island Street.

APPLICANT: Tommy Mann of Winstead, PC

REQUEST:

- An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18th decision (received by the applicant according to the board of adjustment application on May 20, 2011) to deny an application for a new certificate of occupancy.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 784 (Planned Development)

North: PD 784 (Planned Development)

South: PD 784 (Planned Development)
East: PD 784 (Planned Development)
West: PD 784 (Planned Development)

Land Use:

The subject site is developed with a petroleum product and wholesale use (Buckley Oil). The areas to the north and east appear to be developed with industrial/warehouse use; and the areas to the south and west appear to be undeveloped.

Zoning/BDA History:

- | | |
|---|---|
| 1. BDA 101-068, Property at 1809 Rock Island Street (the property immediately south of the subject site) | On August 14, 2012, the Board of Adjustment Panel A will consider an appeal made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18, 2011 decision (received by the applicant according to the board of adjustment application on May 20, 2011) to to revoke the existing certificate of occupancy for the property. |
| 2. BDA 101-069, Property at 1809 Rock Island Street (the property immediately south of the subject site) | On August 14, 2012, the Board of Adjustment Panel A will consider an appeal made requesting that the Board of Adjustment reverse/overturn the Building Official's May 18, 2011 decision (received by the applicant according to the board of adjustment application on May 20, 2011) to deny an application for a certificate of occupancy. |

Timeline:

- | | |
|----------------|--|
| June 3, 2011: | The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report. |
| June 22, 2011: | The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A. |
| June 23, 2011: | The Board Administrator emailed the applicant the following information: <ul style="list-style-type: none">• an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to |

submit additional evidence for staff to factor into their analysis; and the August 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

July 28, 2011: The applicant requested postponement of the application from Panel A's August 16th hearing to Panel A's September 20th hearing.

August 11, 2011: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 25, 2011: The applicant requested postponement of the application from Panel A's September 20th hearing to Panel A's October 18th hearing.

September 26, 2011: The applicant requested postponement of the application from Panel A's October 18th hearing to Panel A's November 15th hearing.

October 28, 2011: The applicant requested postponement of the application from Panel A's November 15th hearing to Panel A's January 17, 2012 hearing.

December 17, 2011: The applicant requested postponement of the application from Panel A's January 17, 2012 hearing to Panel A's February 14, 2012 hearing.

December 20, 2011: Application was postponed indefinitely.

June 22, 2012: The applicant indicated that he was ready to proceed with this request.

June 22, 2012: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 3rd deadline to

- submit additional evidence to be incorporated into the Board's docket materials; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

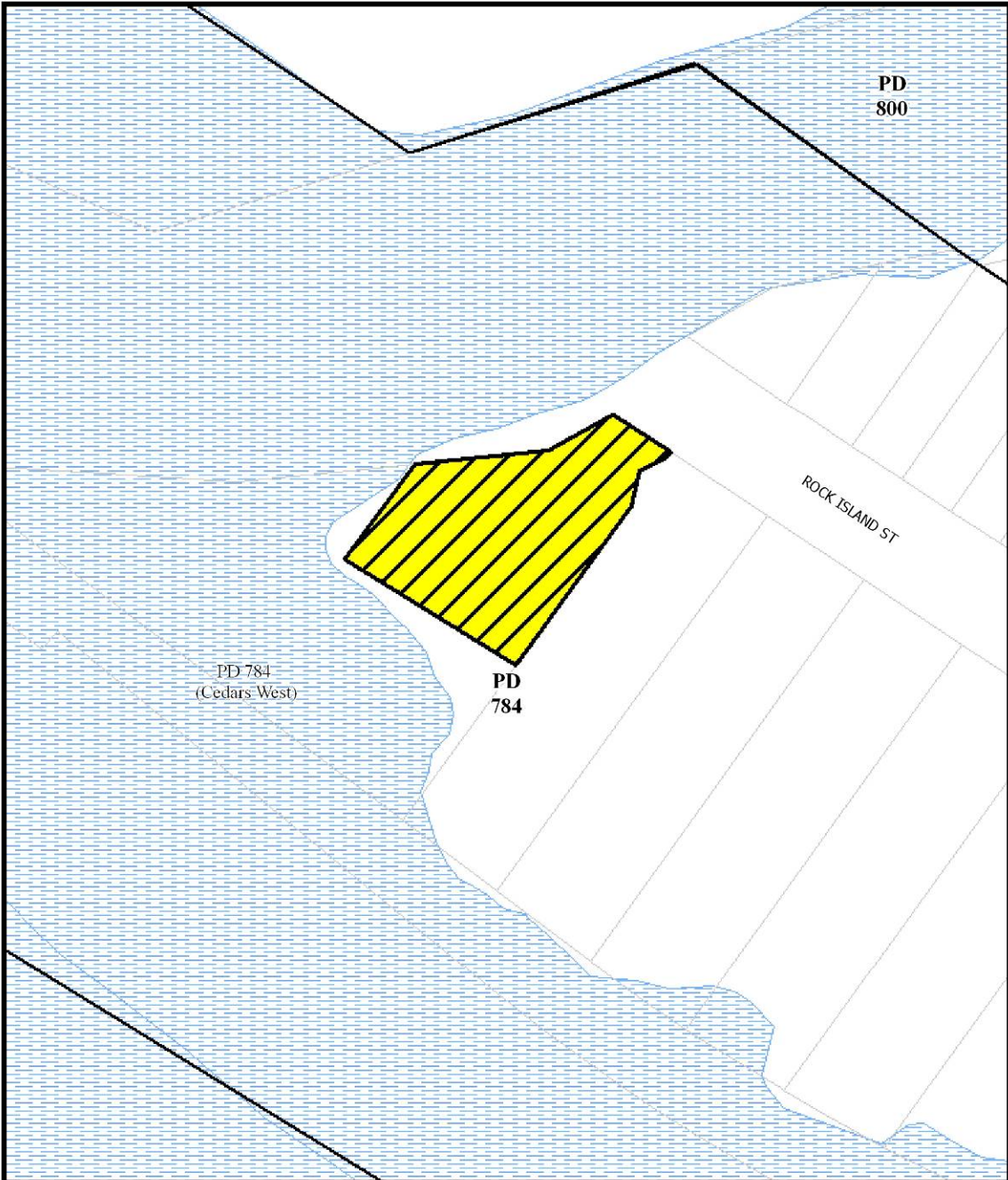
August 3, 2012: The Assistant City Attorney assisting the Building Official on this application forwarded additional information to staff.

August 3, 2012: The applicant forwarded additional information on this application to staff.

GENERAL FACTS/STAFF ANALYSIS:

- The Building Official's May 18, 2011 letter to Arthur Anderson of Winstead, P.C. regarding "Denial of certificate of occupancy application nos. 100802063 and 1008021064 ("the applications") for a petroleum product storage and wholesale use at 1803 and 1809 Rock Island Street ("the Properties") owned by Buckley Oil Company ("Buckley Oil")" is included in this case report. The letter states among other things that:
 - 1) The applications for the Properties are denied and any use operating on the Properties without a certificate of occupancy is an illegal land use that must immediately cease operating.
 - 2) The building official is required to deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with code, and that past inspections of the Properties by the Fire Department have revealed many different Fire and Construction Code violations which have not been corrected.
 - 3) The building official is required to deny an application for a certificate of occupancy if the building official determines that the application contains false, incomplete, or incorrect information and that the applicant has failed to correct or supplement the false, incomplete, or incorrect information within a reasonable time after the building official requests that the information be corrected or supplemented.
 - 4) The building official shall deny an application for a certificate of occupancy if the building official determines that the applicant does not possess a required city license, permit, or registration to operate the use or occupancy. Past inspections of the Properties by the Fire Department have revealed that Buckley Oil does not possess required city permits.

- On August 3, 2012, Assistant City Attorney Andrew M. Gilbert who is assisting the Building Official submitted a notebook of information (and disc) entitled “Appeal to Board of Adjustment RE: BDA 101-068, 101-069, & 101-070, Properties Located at 1803, 1809, and 1811 Rock Island St. City of Dallas’ Exhibits 1 through 43.” (A cover memo attached stated that “by copy of this letter, a copy of same is being delivered to counsel of record.” In addition, discs of this information were mailed to the board members and a copy of the notebook was hand-delivered to the Assistant City Attorney to the Board of Adjustment).
- On August 3, 2012, Arthur J. Anderson of Winstead (the applicant) submitted information related to BDA 101—068, 069, and 070. (Discs of this information were mailed to the board members and mailed and/or hand-delivered to the Assistant City Attorney assisting the Building Official and the Assistant City Attorney to the Board of Adjustment).
- If the Board of Adjustment upholds the Building Official's May 18, 2011 decision, the application for a certificate of occupancy on the property located at 1803 Rock Island Street will remain denied.
- If the Board of Adjustment overturns/reverses the Building Official's May 18, 2011 decision, the application for a certificate of occupancy on the property located at 1803 Rock Island Street will be approved.



1:1,200

ZONING MAP

Case no: BDA101-070

Date: 7/26/2012



1:1,200

AERIAL MAP

Case no: BDA101-070

Date: 7/26/2012



A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-070

Data Relative to Subject Property:

Date: 6-3-11

Location address: 1803 Rock Island St. Zoning District: PD 784

Lot No.: Part 16 Block No.: 73/7342 Acreage: 0.52 Census Tract: 0033.20

Street Frontage (in Feet): 1) 90' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Buckley Oil Company

Applicant: Tommy Mann, Winstead PC Telephone: (214) 745-5724

Mailing Address: 1201 Elm St., suite 5400 Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance __, or Special Exception __, of Appeal of a building official decision to deny an application for a new certificate occupancy. The decision was received on May 20, 2011.

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 owner has been operating on the property for several years in accordance with all federal, state and local government and regulatory agencies. Owner does not waive any legal rights by the filing of this appeal.

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.

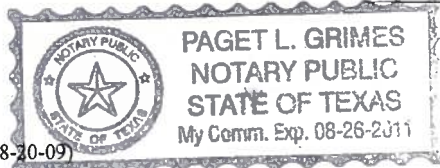
Respectfully submitted: TOMMY MANN _____
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Tommy Mann 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 2nd day of June, 2011



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 TOMMY MANN

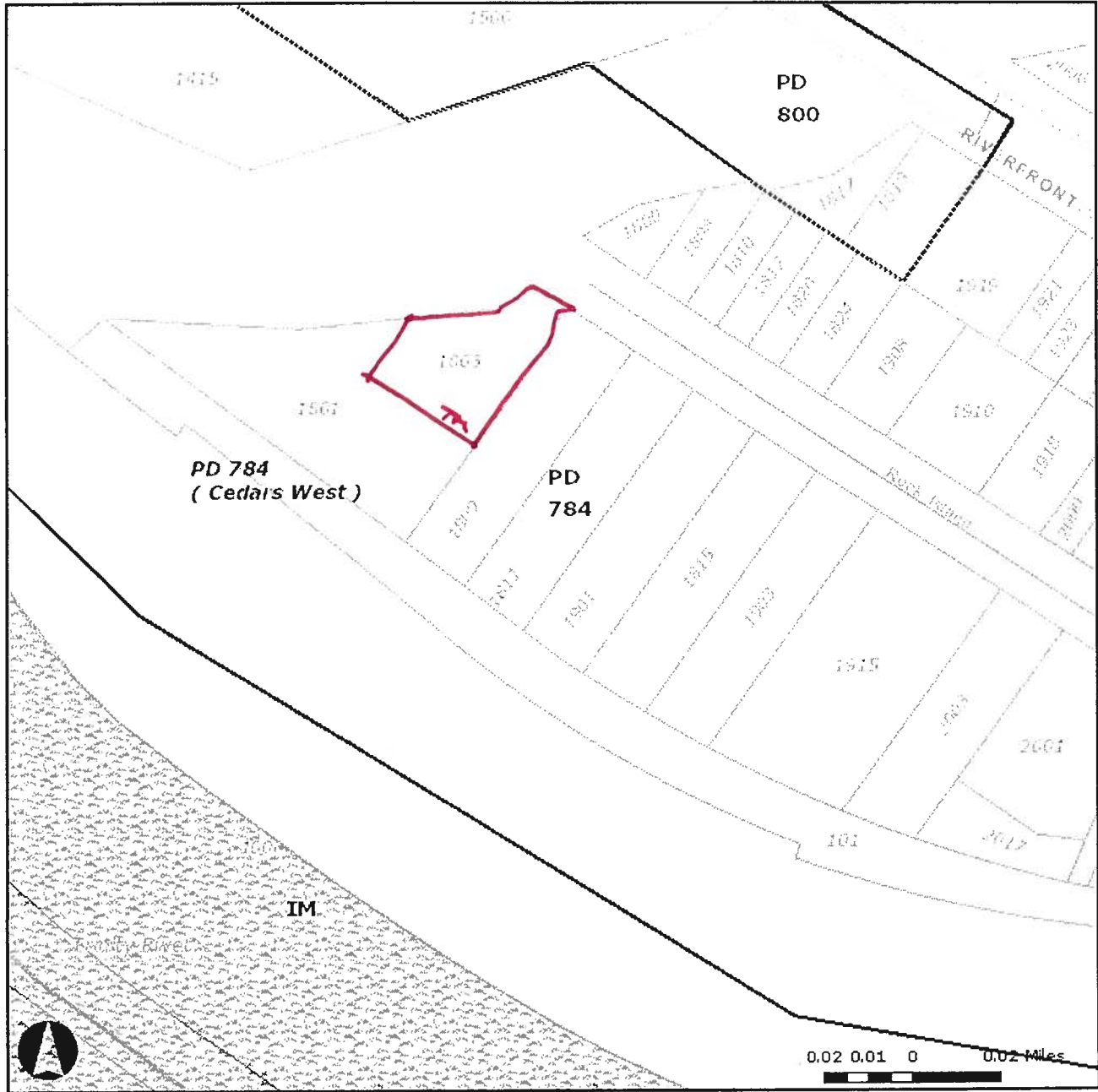
did submit a request to appeal the decision of the administrative official
at 1803 Rock Island Street

BDA101-070. Application of Tommy Mann to appeal the decision of the administrative official at 1803 Rock Island Street. This property is more fully described as part of Lot 16 in city block 73/7342 and is zoned PD-784, which requires that the building official deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy would be issued on the basis of false, incomplete, or incorrect information; the use is being operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official to deny an application for a certificate of occupancy.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

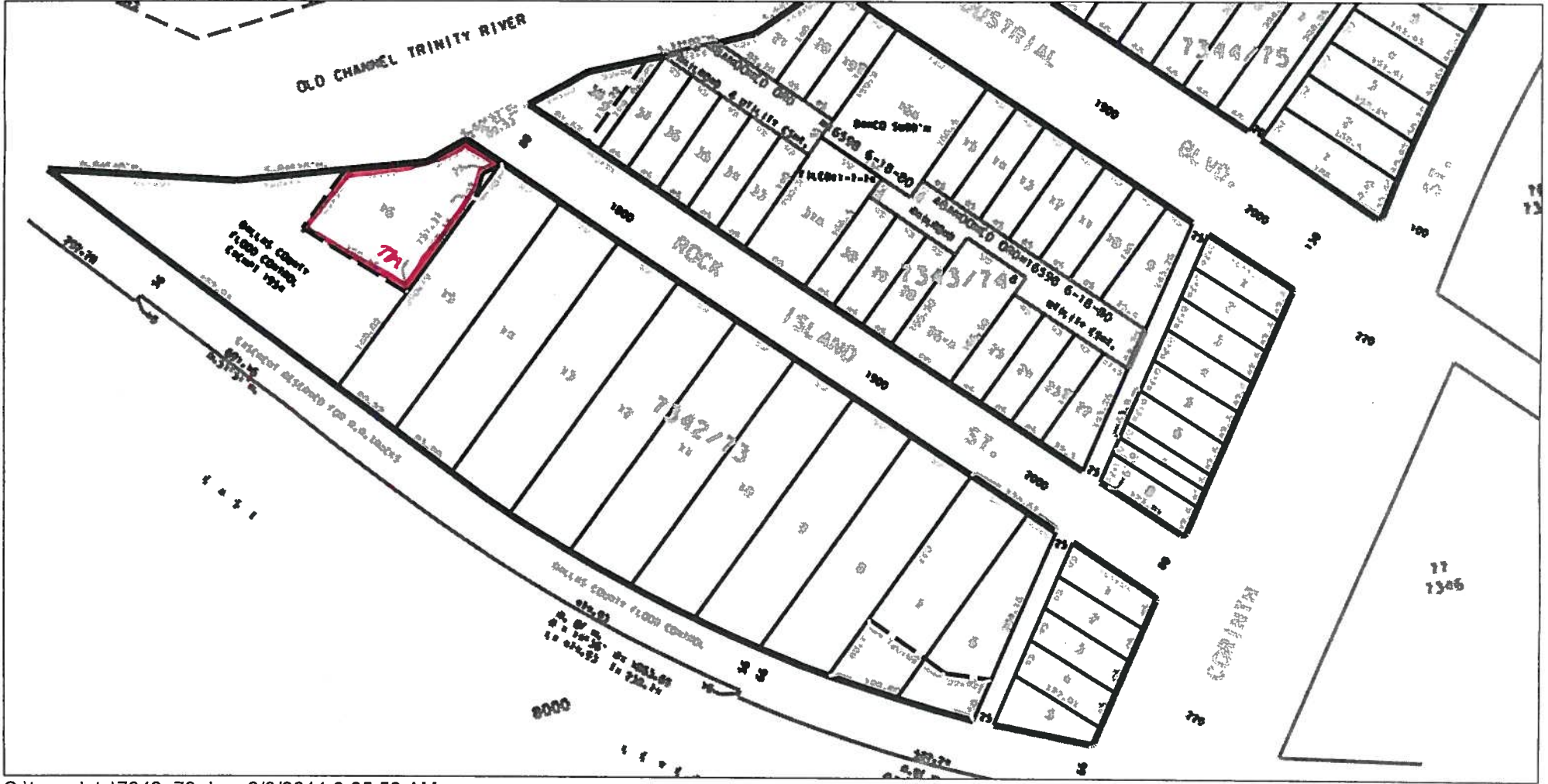
City of Dallas Zoning



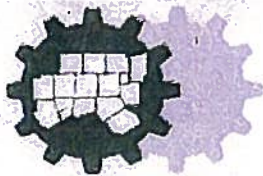
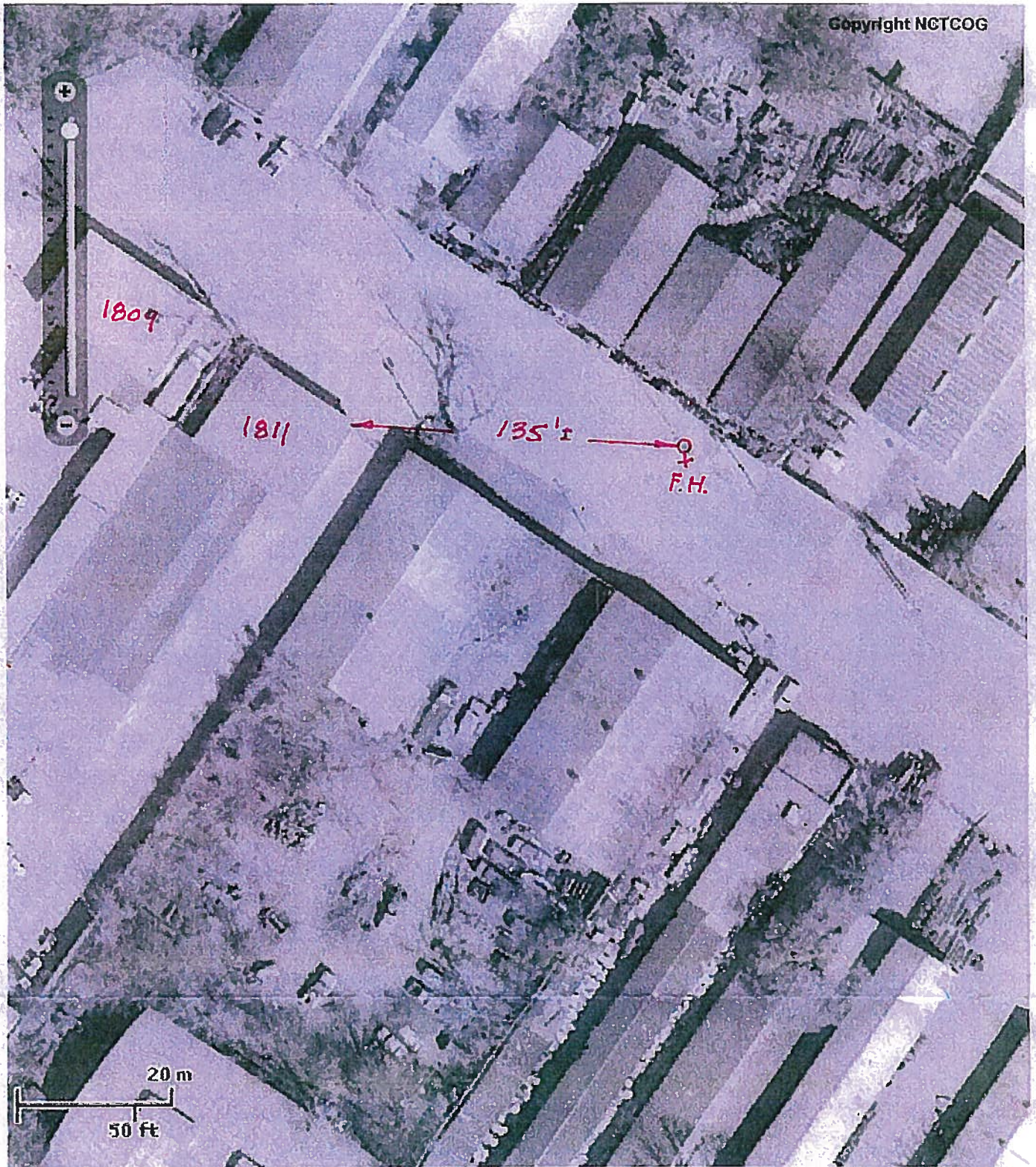
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

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

- PD Subdistricts
- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



C:\tax_plats\7342_73.dgn 6/3/2011 9:05:59 AM



North Central Texas
Council of Governments

My Map

DFWMaps.com

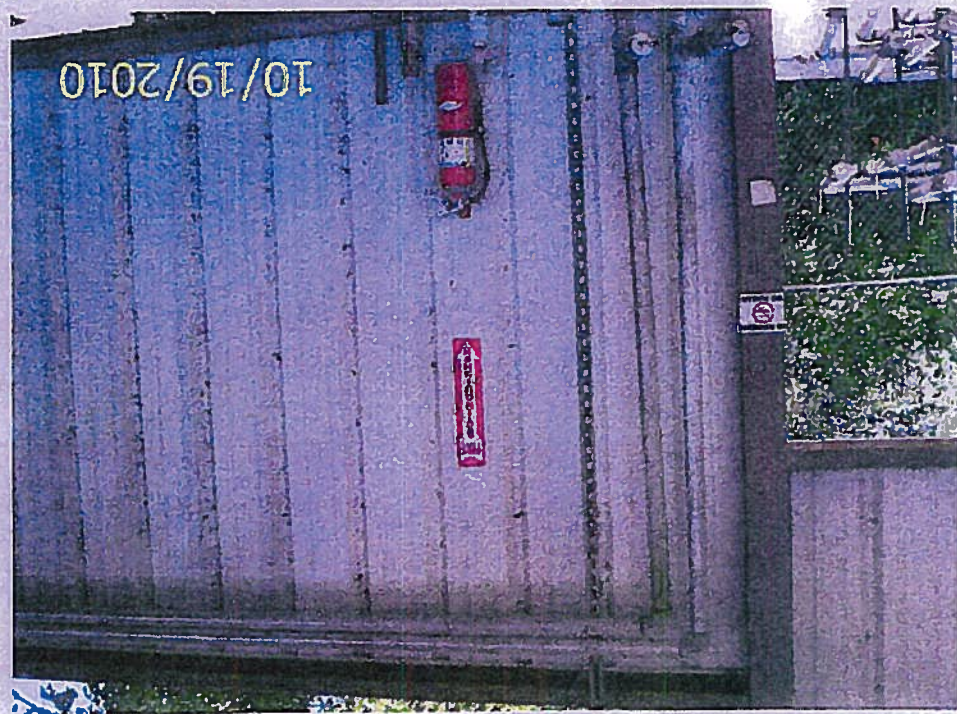
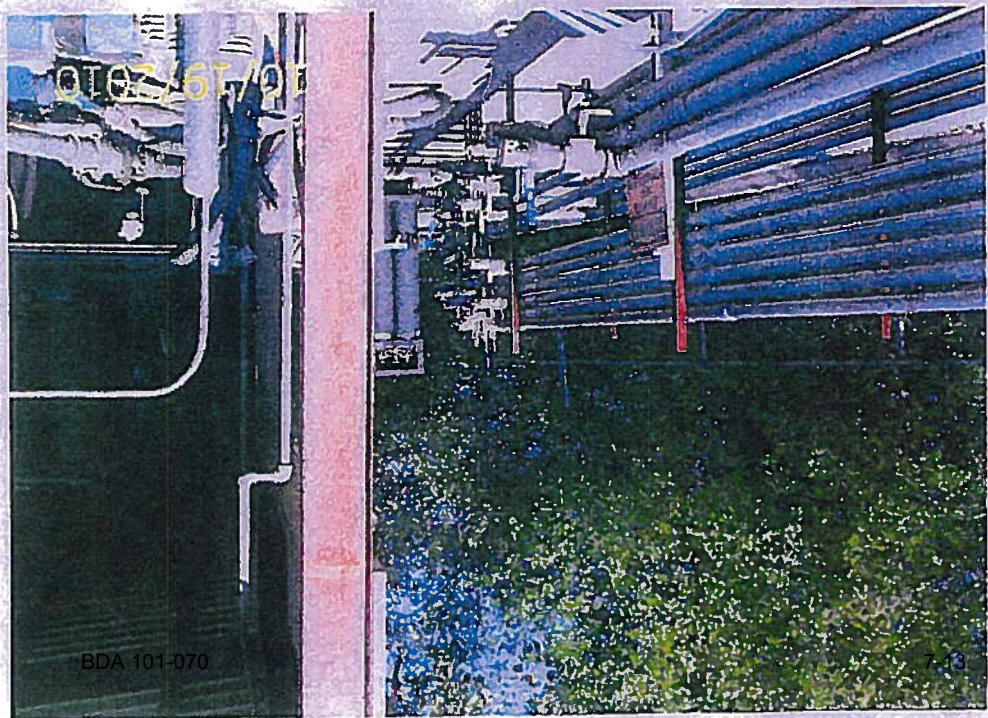
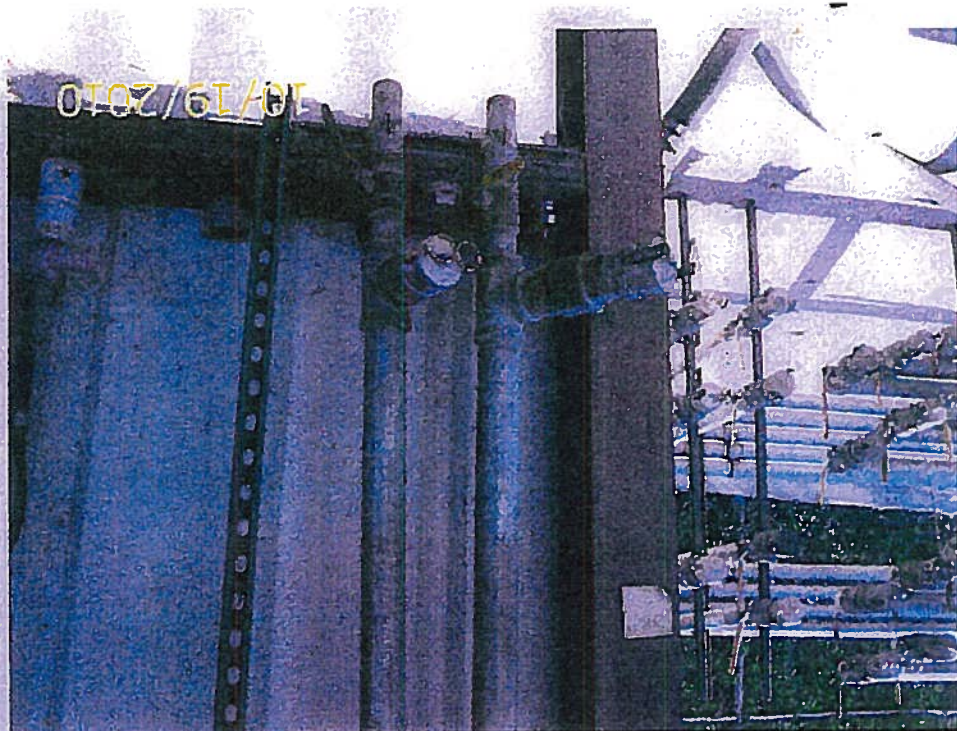
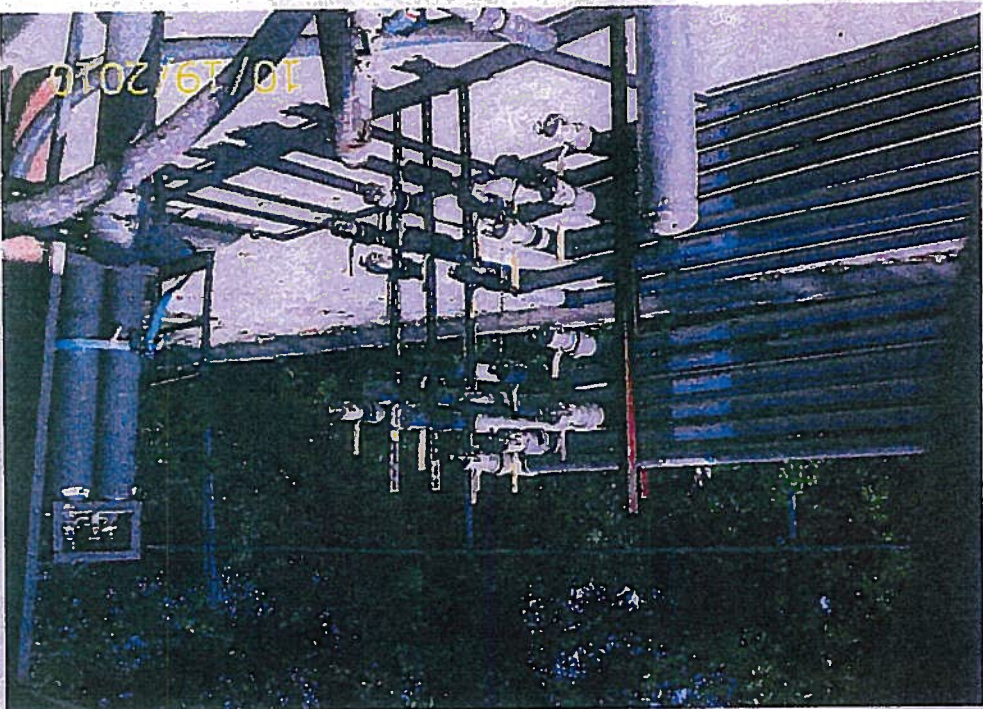
<http://www.dfwmaps.com/#>

DISCLAIMER

This data has been compiled for NCTCOG. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



Fire Hydrant approx. 135' from 1811 Rock Island St.



2

Attachment 3

1



5/



6/

Attachment 4

Attachments 3 & 4

No continuous piping goes into or thru Covered area "F". The pipeline ends as shown in Pictures 2, 4, 6 & 7. There are 2 x 2" pipelines under roof of Covered area "F" (see pics 1,3 & 5) and can only be used (1 line at a time) when connected to the pump by hose connecting at the end of pipeline to the pump & a hose connection from the pump to the pipeline (pic. 1 & 3)



7/
7-14



AFFIDAVIT

Appeal # BDA 101-070

I, Buckley Oil Company, Owner of the subject property
at (address): 1809 Rock Island Street

Authorize (Applicant's name) Tommy Mann, Winstead PC

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

 Variance (specify below)

 Special Exception (specify below)

X Other Appeal (specify below)

Appeal of building official's decision to revoke the
existing certificate of occupancy

BUCKLEY OIL Co R.E. Dodson 5/31/11

Print name of property owner

Signature of property owner

Date

Before me the undersigned on the day of personally appeared R.E. Dodson

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

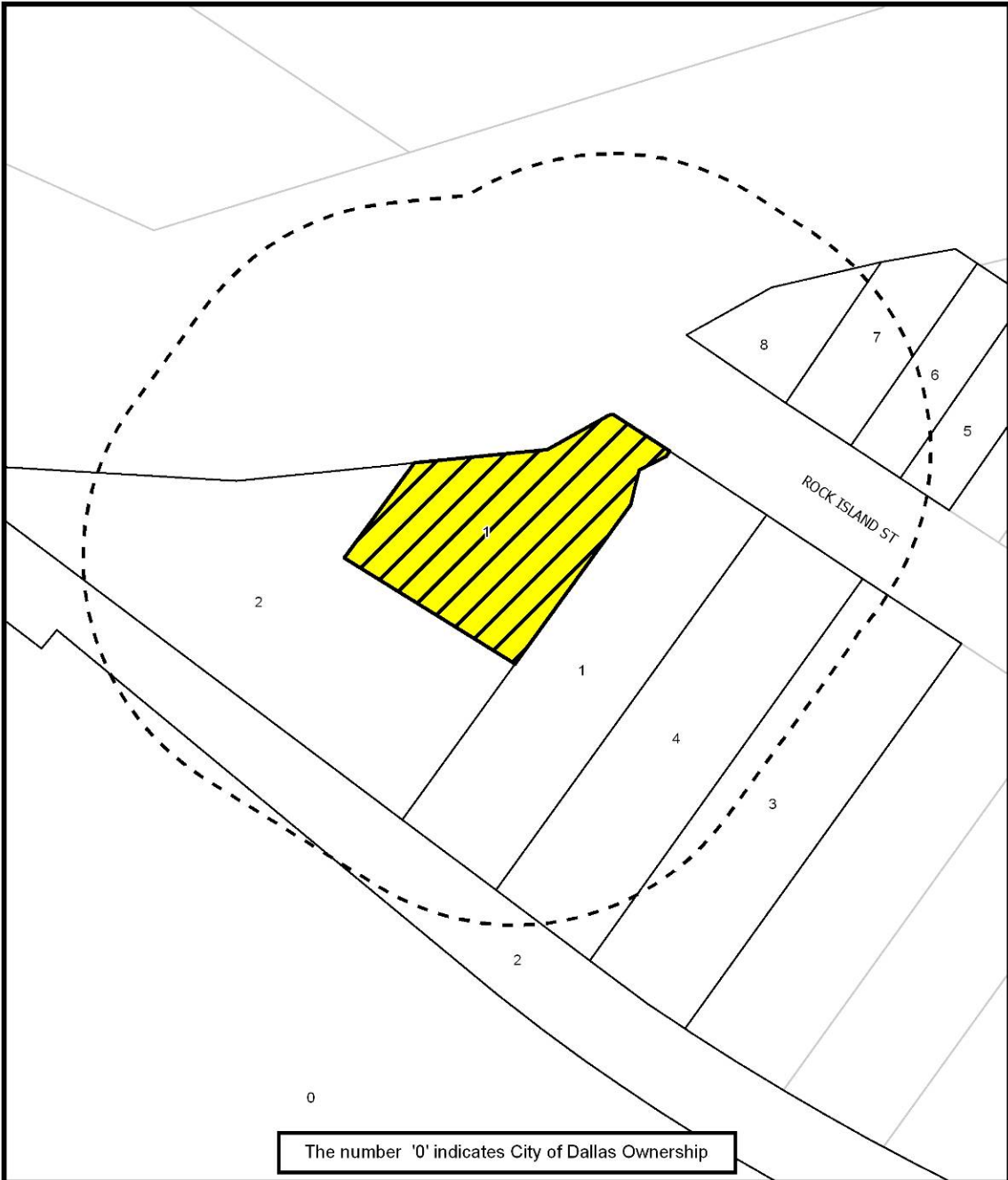
Subscribed and sworn to before me this 31st day of May, 2011

Cindy L. Hults-Massey

Notary Public for Dallas County, Texas

Commission expires on 4-01-15





 1:1,200	NOTIFICATION		Case no: BDA101-070
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">8</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/26/2012

Notification List of Property Owners

BDA101-070

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1809 ROCK ISLAND ST	BUCKLEY OIL CO
2	101 CORINTH ST	DALLAS COUNTY FLOOD CONTROL DISTRICT
3	1901 ROCK ISLAND ST	JOHNSON REALTY CO
4	1811 ROCK ISLAND ST	ROSEBUD HOLDINGS LLC
5	1812 ROCK ISLAND ST	SHERARD MILLIGAN F & MARCELLE MOUNT
6	1810 ROCK ISLAND ST	SHERARD MILLIGAN
7	1808 ROCK ISLAND ST	HML HOLDINGS LLC TEXAS LIMITED LIABILITY
8	1800 ROCK ISLAND ST	ROCKALONG LLC