

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, SEPTEMBER 16, 2014
AGENDA

BRIEFING	ROOM 6ES, DALLAS CITY HALL 1500 MARILLA STREET	11:30 A.M.
PUBLIC HEARING	ROOM 6ES, DALLAS CITY HALL 1500 MARILLA STREET	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the August 19, 2014 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 134-078	4700 S. Buckner Boulevard REQUEST: Application of Tim Bonner for a special exception to the landscape regulations	1
BDA 134-086	1919 McKinney Avenue REQUEST: Application of Thomas Persch, represented by Michael Kendall, Kendall Landscape Architecture, for a special exception to the landscape regulations	2
BDA 134-087	7218 La Vista Drive REQUEST: Application of Andy Rivas for a variance to the front yard setback regulations and a special exception to the fence height regulations	3

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 August 19, 2014 public hearing minutes.

FILE NUMBER: BDA 134-078

BUILDING OFFICIAL'S REPORT: Application of Tim Bonner for a special exception to the landscape regulations at 4700 S. Buckner Boulevard. This property is more fully described as Lot 2, Block X/6127, and is zoned MC-1, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4700 S. Buckner Boulevard

APPLICANT: Tim Bonner

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a church structure/use (Ebenezer Memorial Missionary Baptist Church) on an undeveloped site, and not fully meet the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City’s Chief Arborist recommends approval of the applicant’s request in that:
 - 1) strict compliance with the landscape regulations will unreasonably burden the use of the property given the fact number of underground utility easements are located within the front 50 feet of the property which restricts the planting of trees in the location required by Article X: The Landscape Regulations; and
 - 2) the special exception will not adversely affect neighboring property given that the features shown on the alternate landscape plan fully comply with all Article X requirements with the exceptions of street tree location and the provision of only one full design standard where two are required – in this case, only a portion of a design standards is provided at the southern edge of the property.

BACKGROUND INFORMATION:

Zoning:

Site: MC 1 (Multiple commercial)
North: MC 1 (Multiple commercial)
South: MC 1 (Multiple commercial)
East: LI (Light industrial)
West: MC 1 (Multiple commercial)

Land Use:

The site is currently undeveloped. The area to the north is developed with a medical office use; the area to the east is developed with office uses; and the areas to the south and west are undeveloped.

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.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a church structure/use (Ebenezer Memorial Missionary Baptist Church) on an undeveloped site, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site does not comply with the landscape regulations in that: 1) five street trees are not located within 30 feet of the street curb; and 2) the site does not fully provide the required two design standards (a small area of off-street parking screening is not provided).

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by new construction of a church.
- The Chief Arborist's memo lists the following factors for consideration:
 1. The plan will fully comply with all Article X requirements except for street trees and a portion of a design standard at the southern edge of the property. A number of underground utility easements are placed within the front 50 feet of the property which restricts the planting of trees. Five large canopy trees have been placed in close proximity to the easements as near as possible to the front property line. A row of screening shrubs are provided to help screen the majority of the front parking lot.
 2. Foundation planting shrubs and cypress trees also provide front yard buffering. An alternative design standard of street buffer would be available except for not providing large trees along the 10 foot wide street buffer due to utility easements.
- The City of Dallas Chief Arborist recommends approval of this request because strict compliance with the requirements of Article X would unreasonably burden the use of the property, and the plan would not adversely affect neighboring property.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the street tree and design standard requirements of Article X: The Landscape Regulations.

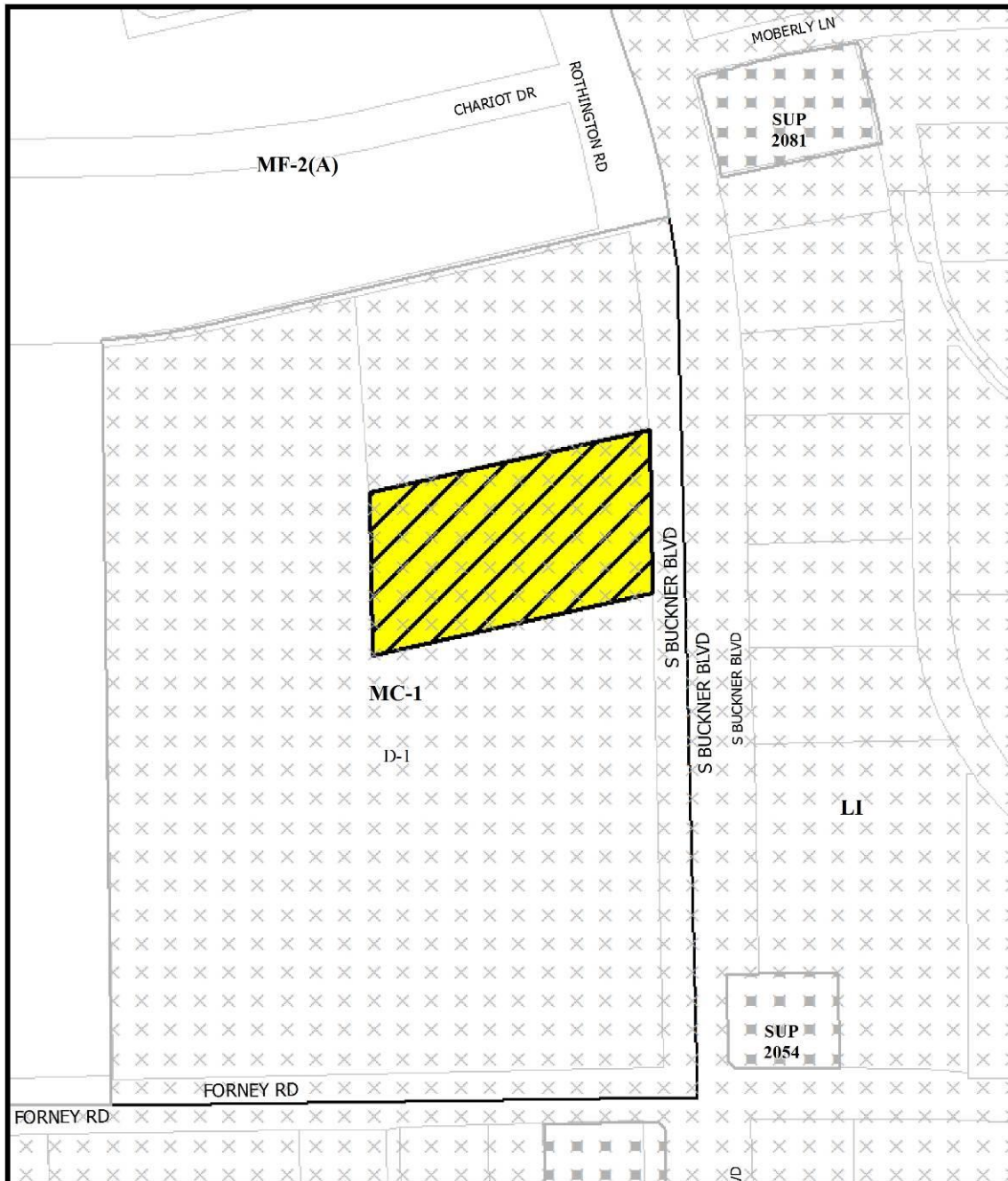
Timeline:

- June 25, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 15, 2014: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 27th deadline to submit additional evidence for staff to factor into their analysis; and the September 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;

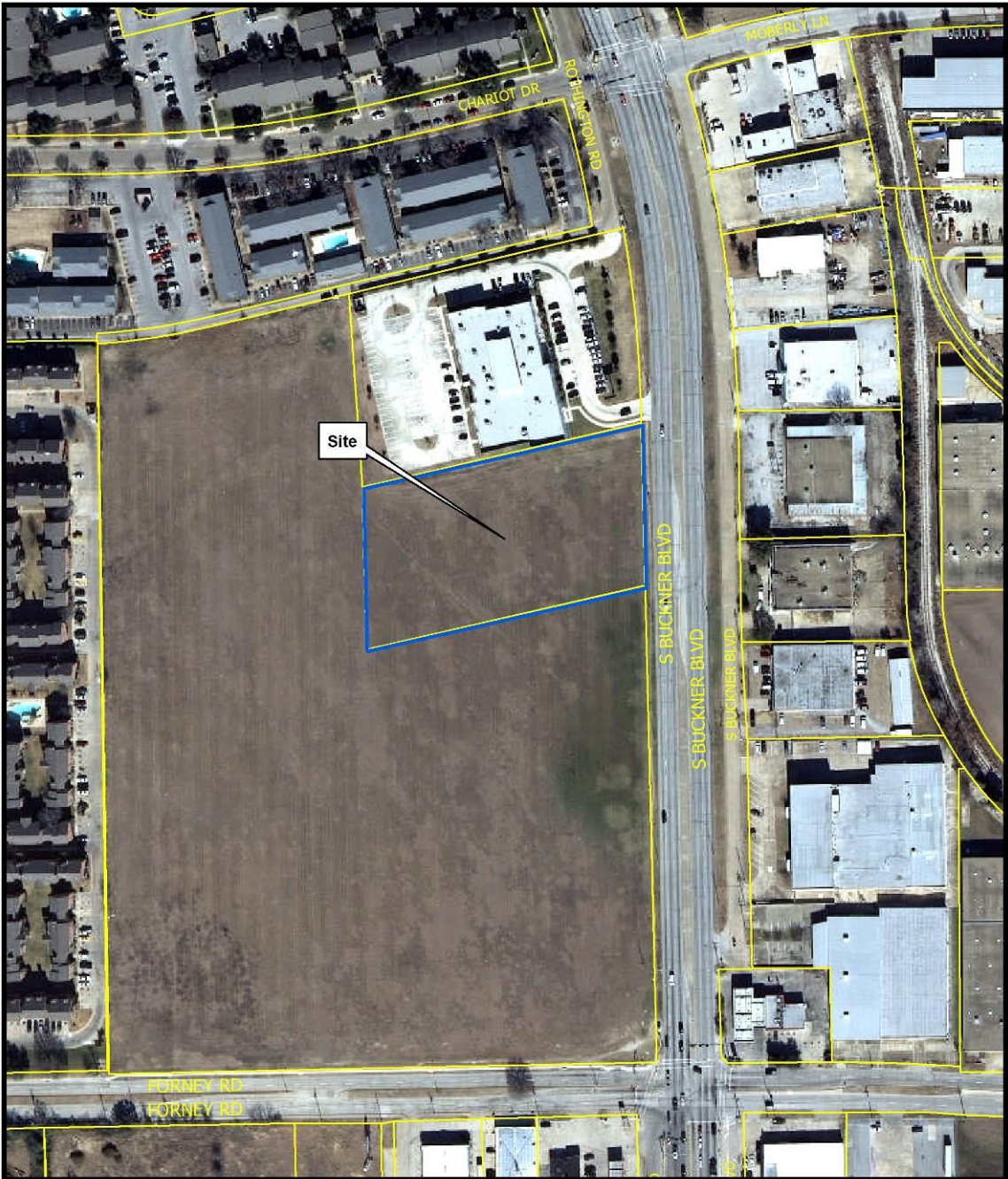
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 2, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

September 3, 2014: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment A).



 1:2,400	<h1>ZONING MAP</h1>	Case no: <u>BDA134-078</u> Date: <u>8/20/2014</u>
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1:2,400

AERIAL MAP

Case no: BDA134-078

Date: 8/20/2014

Memorandum



CITY OF DALLAS

DATE September 3, 2014
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 134 - 078 4700 S Buckner Blvd

The applicant is requesting a special exception to the landscape requirements of Article X.

Trigger

New construction of a church.

Deficiencies

The proposed plan is deficient five street trees within 30 feet of the street curb (51A-10.125(b)(4)) and a small portion of the screening of off-street parking design standard (51A-10.126(c)).

Factors

The plan will fully comply with all requirements of Article X except for street trees and a portion of a design standard at the southern edge of the property. A number of underground utility easements are placed within the front 50 feet of the property which restricts the planting of trees. Five large canopy trees have been placed in close proximity to the easements as near as possible to the front property line. A row of screening shrubs are provided to help screen the majority of the front parking lot.

Foundation planting shrubs and cypress trees also provide front yard buffering. An alternative design standard of street buffer would be available except for not providing large trees along the 10-foot wide street buffer due to the utility restrictions.

Recommendation

The chief arborist recommends approval of the alternate landscape plan because strict compliance with the requirements of Article X will unreasonably burden the use of the property, and the plan will not adversely affect neighboring property.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-078

Data Relative to Subject Property:

Date: 6-25-13

Location address: 4700 S. BUCKNER BLVD. Zoning District: MC-1

Lot No.: 2 Block No.: X/16127 Acreage: 2.47 Census Tract: 122.07

Street Frontage (in Feet): 1) 250' 2) _____ 3) _____ 4) _____ 5) SEA

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): EBENEZER MEMORIAL MISSIONARY BAPTIST CHURCH

Applicant: TIM BONNER Telephone: 469-576-3982

Mailing Address: 737 S.R. L THORNTON FRWY, DALLAS, TX Zip Code: 75203

E-mail Address: tibonner737@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception v, of AN ALTERNATE LANDSCAPE PLAN

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:
5 STREET TREES ARE REQUIRED @ 30' MAX FROM CURB BUT CANNOT BE PLANTED THERE BECAUSE OF UTILITY EASEMENTS
WE PLANTED THEM BEHIND THE EASEMENTS

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

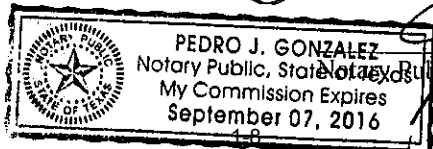
Before me the undersigned on this day personally appeared TIM BONNER
(Affiant/Applicant's name printed)

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 24 day of JUNE 2014

(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

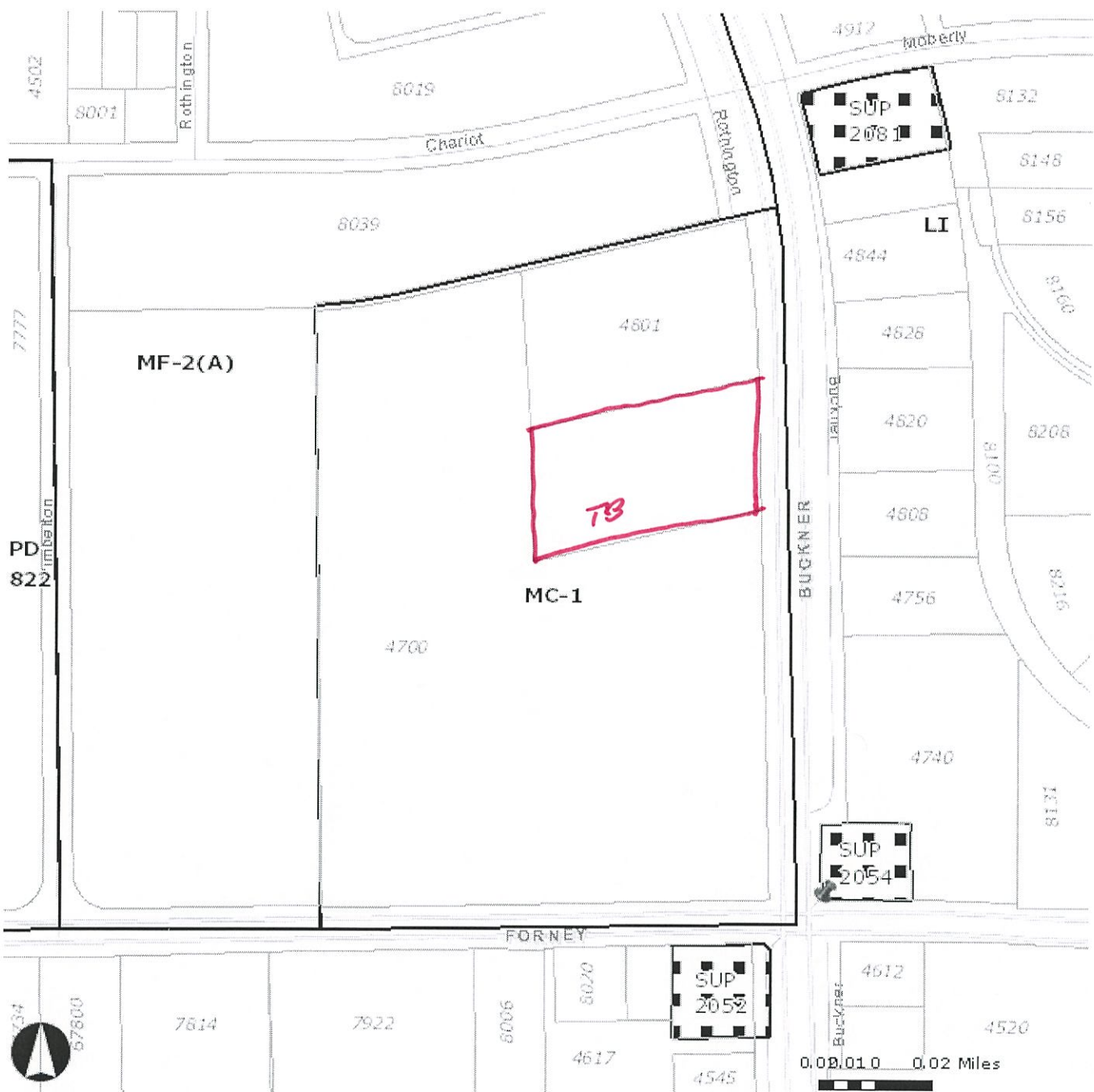
I hereby certify that Tim Bonner

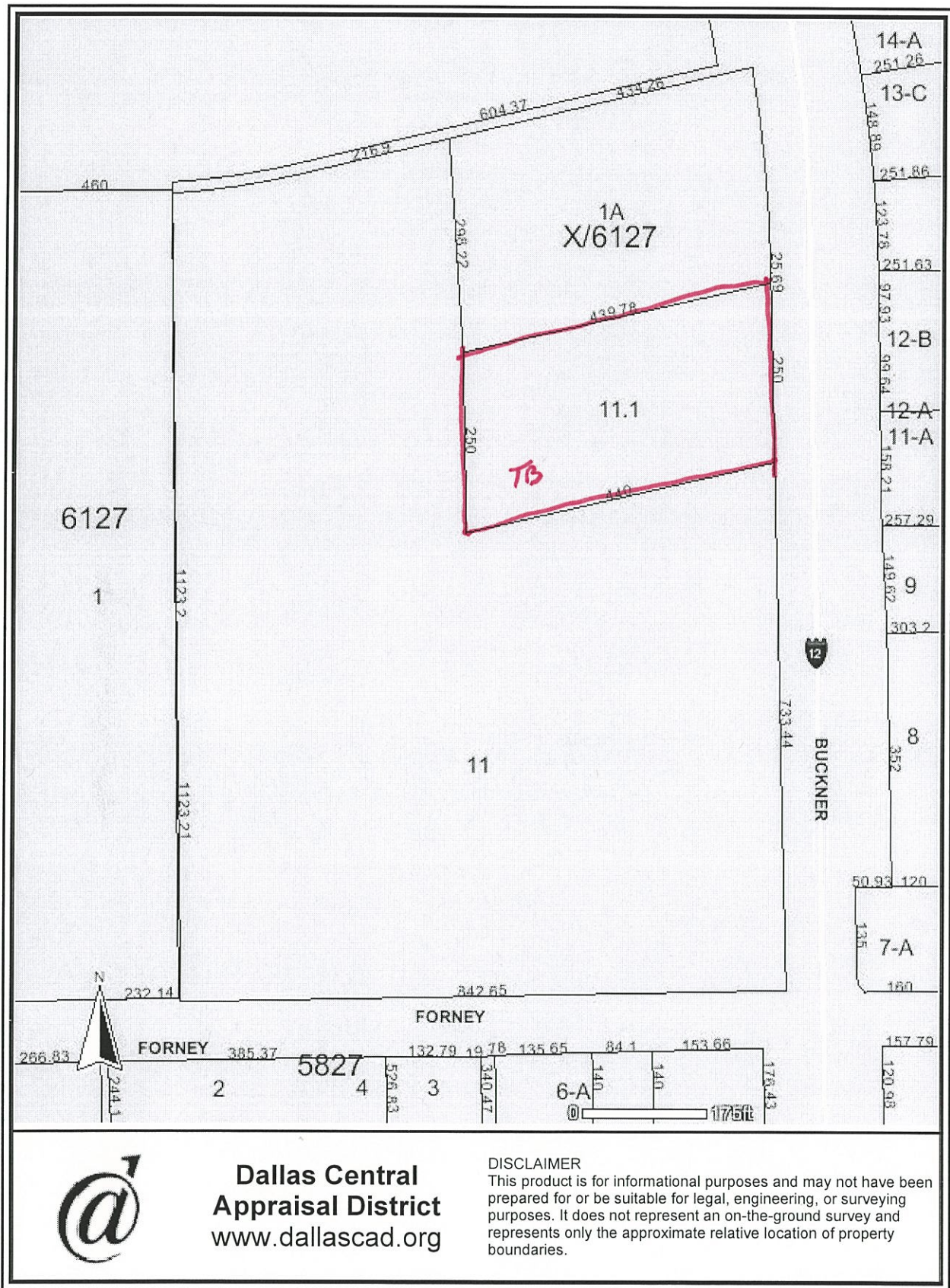
did submit a request for a special exception to the landscaping regulations
at 4700 S. Buckner Blvd.

BDA134-078. Application of Tim Bonner for a special exception to the landscaping regulations at 4700 S. Buckner Blvd. This property is more fully described as Lot 2, Block X/6127, and is zoned MC-1, which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official





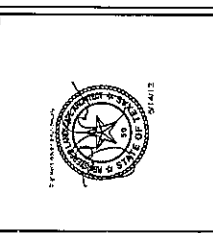
DESIGN & DEVELOPMENT CONSULTANTS
DDC
 Design & Development Consultants
 732 E. Thompson Frey, Dallas, TX 75202
 (972) 443-1100
 www.ddcplan.com

1500 S. Lamar, Suite B, Dallas, TX 75202
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ARCHITECT OF RECORD
 1500 S. Lamar, Suite B, Dallas, TX 75202
 (972) 443-1100
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STRUCTURAL ENGINEER
 1500 S. Lamar, Suite B, Dallas, TX 75202
 (972) 443-1100
 www.ddcplan.com

ELECTRICAL ENGINEER
 1500 S. Lamar, Suite B, Dallas, TX 75202
 (972) 443-1100
 www.ddcplan.com



This drawing is property of Design & Development Consultants (DDC). The use of this drawing without written permission of DDC is prohibited.

Ebenezer Mem. Miss. BAPTIST CHURCH
 1221 Magdonon Road
 Dallas, TX 75229

Landscape Plan

Project Name: Ebenezer Mem. Miss. BAPTIST CHURCH
 Date: 07/11/12
 Drawn By: J/Z
 Checked By: J/Z
 Scale: 1/8" = 1'-0"



Tree Mitigation:
 There are no existing trees on site.

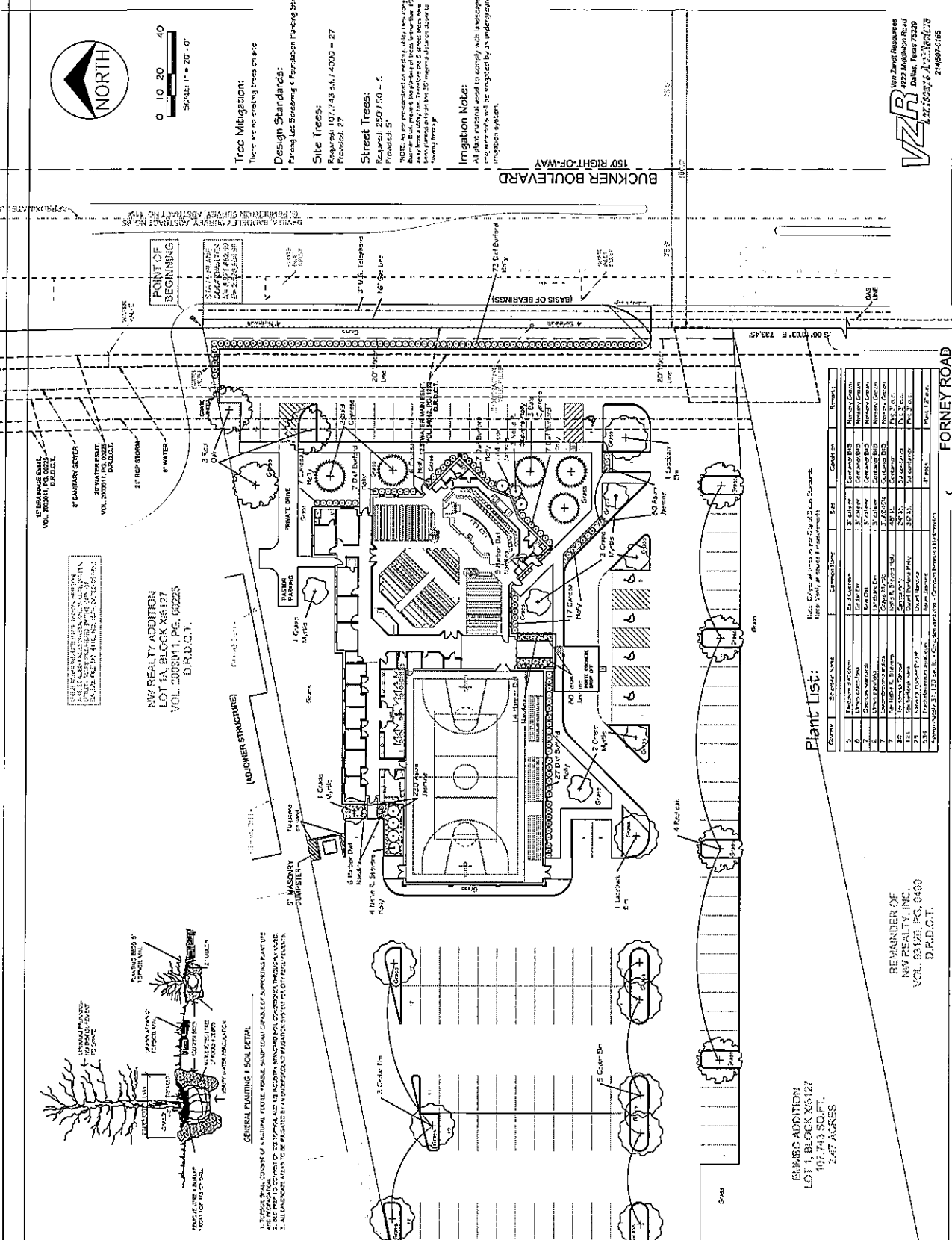
Design Standards:
 Parking Lot: Screening & Foundation Planting Strip

Site Trees:
 Rowways: 107, 743, 461, 4000 = 27
 Proposed: 27

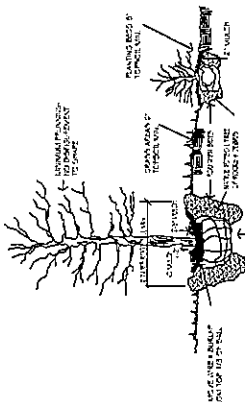
Street Trees:
 Rowways: 2507, 150 = 5
 Proposed: 5

NOTE: Any tree preservation method, while necessary, should not prevent the planting of trees larger than 12" DBH. All trees to be preserved shall be marked with a survey pin and a 2" diameter red spray paint. A survey pin shall be set in the 12" diameter red spray paint.

Imagination Note:
 All suggestions to comply with landscape recommendations will be accepted by an underground irrigation system.



NEW REALTY ADDITION
 LOT 1A, BLOCK X6127
 VOL. 038341, PG. 66225
 D.R.D.C.T.



- GENERAL PLANTING & SOIL DETAIL**
1. PLANTING SHALL BE DONE BY A QUALIFIED PERSONNEL WHO SHALL KEEP RECORDS OF PLANTING AND MAINTENANCE.
 2. ALL PLANTING SHALL BE DONE BY A QUALIFIED PERSONNEL WHO SHALL KEEP RECORDS OF PLANTING AND MAINTENANCE.
 3. ALL LANDSCAPE WORK TO BE DONE BY A QUALIFIED PERSONNEL WHO SHALL KEEP RECORDS OF PLANTING AND MAINTENANCE.

Plant List:

QTY	SYMBOL	COMMON NAME	SIZE	COMMENTS
1	1	10' Red Oak	10'	10' Red Oak
2	2	6' Red Oak	6'	6' Red Oak
3	3	4' Red Oak	4'	4' Red Oak
4	4	3' Red Oak	3'	3' Red Oak
5	5	2' Red Oak	2'	2' Red Oak
6	6	1' Red Oak	1'	1' Red Oak
7	7	10' Cedar Elm	10'	10' Cedar Elm
8	8	6' Cedar Elm	6'	6' Cedar Elm
9	9	4' Cedar Elm	4'	4' Cedar Elm
10	10	3' Cedar Elm	3'	3' Cedar Elm
11	11	2' Cedar Elm	2'	2' Cedar Elm
12	12	1' Cedar Elm	1'	1' Cedar Elm
13	13	10' Live Oak	10'	10' Live Oak
14	14	6' Live Oak	6'	6' Live Oak
15	15	4' Live Oak	4'	4' Live Oak
16	16	3' Live Oak	3'	3' Live Oak
17	17	2' Live Oak	2'	2' Live Oak
18	18	1' Live Oak	1'	1' Live Oak
19	19	10' Pecan	10'	10' Pecan
20	20	6' Pecan	6'	6' Pecan
21	21	4' Pecan	4'	4' Pecan
22	22	3' Pecan	3'	3' Pecan
23	23	2' Pecan	2'	2' Pecan
24	24	1' Pecan	1'	1' Pecan
25	25	10' Magnolia	10'	10' Magnolia
26	26	6' Magnolia	6'	6' Magnolia
27	27	4' Magnolia	4'	4' Magnolia
28	28	3' Magnolia	3'	3' Magnolia
29	29	2' Magnolia	2'	2' Magnolia
30	30	1' Magnolia	1'	1' Magnolia
31	31	10' Dogwood	10'	10' Dogwood
32	32	6' Dogwood	6'	6' Dogwood
33	33	4' Dogwood	4'	4' Dogwood
34	34	3' Dogwood	3'	3' Dogwood
35	35	2' Dogwood	2'	2' Dogwood
36	36	1' Dogwood	1'	1' Dogwood
37	37	10' Sycamore	10'	10' Sycamore
38	38	6' Sycamore	6'	6' Sycamore
39	39	4' Sycamore	4'	4' Sycamore
40	40	3' Sycamore	3'	3' Sycamore
41	41	2' Sycamore	2'	2' Sycamore
42	42	1' Sycamore	1'	1' Sycamore
43	43	10' White Oak	10'	10' White Oak
44	44	6' White Oak	6'	6' White Oak
45	45	4' White Oak	4'	4' White Oak
46	46	3' White Oak	3'	3' White Oak
47	47	2' White Oak	2'	2' White Oak
48	48	1' White Oak	1'	1' White Oak
49	49	10' Sweetgum	10'	10' Sweetgum
50	50	6' Sweetgum	6'	6' Sweetgum
51	51	4' Sweetgum	4'	4' Sweetgum
52	52	3' Sweetgum	3'	3' Sweetgum
53	53	2' Sweetgum	2'	2' Sweetgum
54	54	1' Sweetgum	1'	1' Sweetgum
55	55	10' Baldcypress	10'	10' Baldcypress
56	56	6' Baldcypress	6'	6' Baldcypress
57	57	4' Baldcypress	4'	4' Baldcypress
58	58	3' Baldcypress	3'	3' Baldcypress
59	59	2' Baldcypress	2'	2' Baldcypress
60	60	1' Baldcypress	1'	1' Baldcypress
61	61	10' Juniper	10'	10' Juniper
62	62	6' Juniper	6'	6' Juniper
63	63	4' Juniper	4'	4' Juniper
64	64	3' Juniper	3'	3' Juniper
65	65	2' Juniper	2'	2' Juniper
66	66	1' Juniper	1'	1' Juniper
67	67	10' Yew	10'	10' Yew
68	68	6' Yew	6'	6' Yew
69	69	4' Yew	4'	4' Yew
70	70	3' Yew	3'	3' Yew
71	71	2' Yew	2'	2' Yew
72	72	1' Yew	1'	1' Yew
73	73	10' Holly	10'	10' Holly
74	74	6' Holly	6'	6' Holly
75	75	4' Holly	4'	4' Holly
76	76	3' Holly	3'	3' Holly
77	77	2' Holly	2'	2' Holly
78	78	1' Holly	1'	1' Holly
79	79	10' Boxwood	10'	10' Boxwood
80	80	6' Boxwood	6'	6' Boxwood
81	81	4' Boxwood	4'	4' Boxwood
82	82	3' Boxwood	3'	3' Boxwood
83	83	2' Boxwood	2'	2' Boxwood
84	84	1' Boxwood	1'	1' Boxwood
85	85	10' Ligustrum	10'	10' Ligustrum
86	86	6' Ligustrum	6'	6' Ligustrum
87	87	4' Ligustrum	4'	4' Ligustrum
88	88	3' Ligustrum	3'	3' Ligustrum
89	89	2' Ligustrum	2'	2' Ligustrum
90	90	1' Ligustrum	1'	1' Ligustrum
91	91	10' Nandina	10'	10' Nandina
92	92	6' Nandina	6'	6' Nandina
93	93	4' Nandina	4'	4' Nandina
94	94	3' Nandina	3'	3' Nandina
95	95	2' Nandina	2'	2' Nandina
96	96	1' Nandina	1'	1' Nandina
97	97	10' Lonicera	10'	10' Lonicera
98	98	6' Lonicera	6'	6' Lonicera
99	99	4' Lonicera	4'	4' Lonicera
100	100	3' Lonicera	3'	3' Lonicera
101	101	2' Lonicera	2'	2' Lonicera
102	102	1' Lonicera	1'	1' Lonicera

REMANDER OF
 NEW REALTY, INC.
 VOL. 034723, PG. 0490
 D.R.D.C.T.



 1:2,400	NOTIFICATION		Case no: BDA134-078
	<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;">5</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 8/20/2014

08/19/2014

Notification List of Property Owners

BDA134-078

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4700 BUCKNER BLVD	NW REALTY INC
2	4756 BUCKNER BLVD	TOMCO LEASING INC
3	4808 BUCKNER BLVD	MSRS PROPERTIES LTD
4	4828 BUCKNER BLVD	SHARROCK LEASING LP
5	4801 BUCKNER BLVD	MEDICAL BROTHERS LP

FILE NUMBER: BDA 134-086

BUILDING OFFICIAL'S REPORT: Application of Thomas Persch, represented by Michael Kendall, Kendall Landscape Architecture, for a special exception to the landscape regulations at 1919 McKinney Avenue. This property is more fully described as Lot 1A, Block A/358, and is zoned PD193 (HC), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and/or increase paving and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 1919 McKinney Avenue

APPLICANT: Thomas Persch
Represented by Michael Kendall, Kendall Landscape Architecture

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a surface parking lot on site developed with an office structure/use (HKS) - a structure that according to the application was developed prior to the landscape ordinance adopted in the mid 80's.

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request in that the submitted revised alternate landscape proposal meets the spirit and intent of the PD 193 landscape requirements. In this case, the parking lot that is a portion of a larger developed site that triggers full compliance with the landscape requirements for the entire property is proposed to comply with the PD 193 regulations for trees,

sidewalks, and screening, and that noncompliant features on the remaining portion of the property were approved with the prior development on the subject site.

BACKGROUND INFORMATION:

Site: PD 193 (HC) (Planned Development, Heavy Commercial)
North: PD 193 (PDS 50) (Planned Development, Planned Development)
South: PD 193 (PDS 24) (Planned Development, Planned Development)
East: PD 193 (PDS 66) (Planned Development, Planned Development)
West: PD 193 (HC) (Planned Development, Heavy Commercial)

Land Use:

The subject site is developed with an office structure/use (HKS). The areas to the north, east, south, and west are developed with a mix of land uses.

Zoning/BDA History:

- | | |
|---|---|
| <p>1. BDA 967-300, Property at 1907 McKinney Avenue (a portion of the subject site)</p> | <p>On October 28, 1997, the Board of Adjustment Panel A was informed that the originally submitted request for a special exception to the landscape regulations was removed from the docket since it had been determined by staff that the request originally heard on September 23, 1997 was not required.</p> |
|---|---|

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 1,400 square foot surface parking lot on an approximately 1.6 acre site that is developed with an office structure/use (HKS), and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the mostly developed site does not conform to PD 193 landscape regulation standards for trees and sidewalk location and width.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

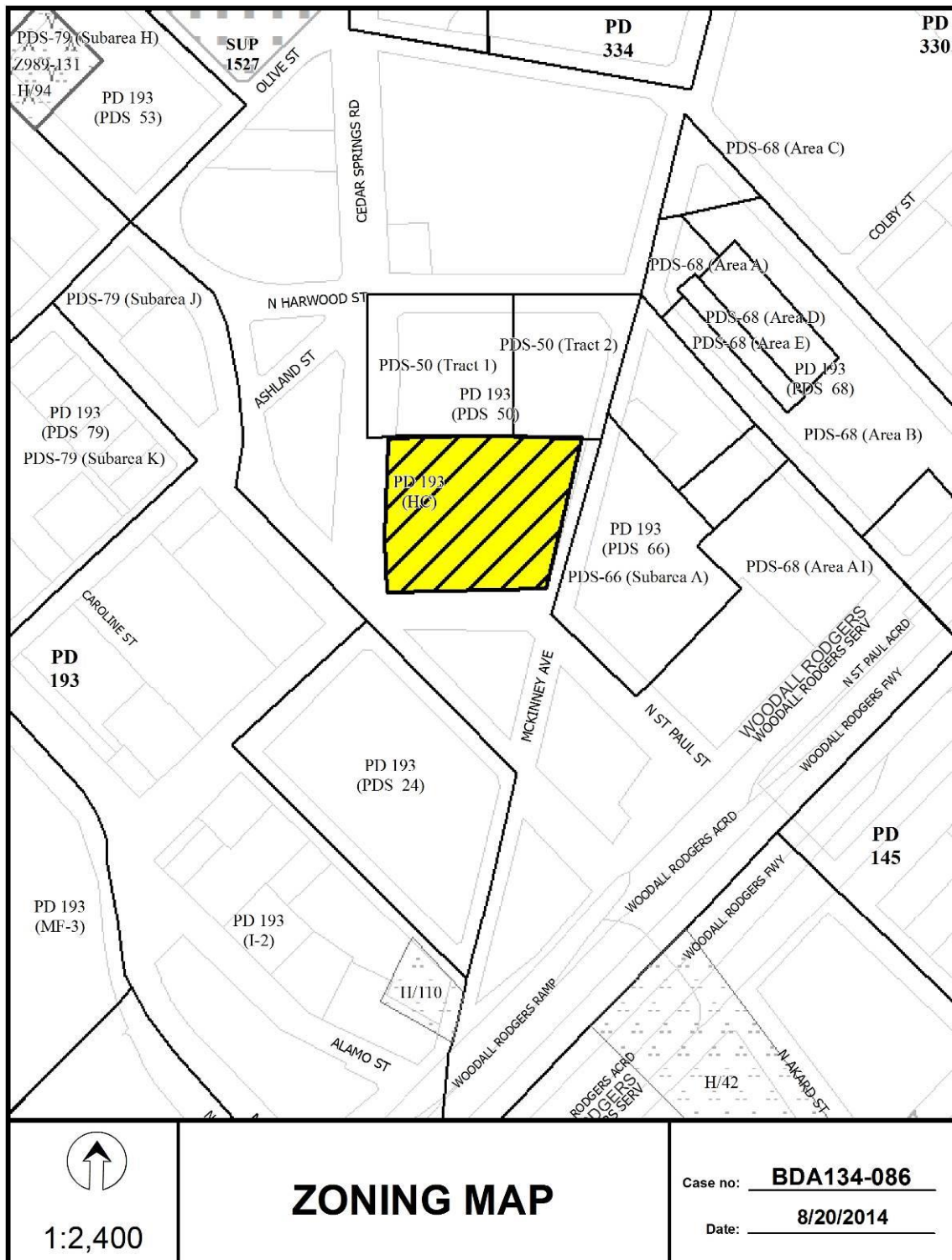
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by new construction of a parking lot on a portion of the property.
- The Chief Arborist's memo lists the following factors for consideration:
 1. PD 193 (CH) standards are primarily for parkway trees, sidewalks, and screening of off-street parking. (There is no garage to buffer).
 2. The parking lot corner landscape plan is designed to comply with the PD 193 regulations for trees, sidewalks, and screening. The new parking lot is the only exterior site improvement on the property. Other existing trees and a parking lot screening wall are provided along McKinney Avenue approved with prior development.
- The City of Dallas Chief Arborist recommends approval of this request because it does not compromise the spirit and intent of the PD 193 landscape regulations.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the tree and sidewalk location and width requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards".
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to tree and sidewalk location and width requirements of the Oak Lawn PD 193 landscape ordinance.

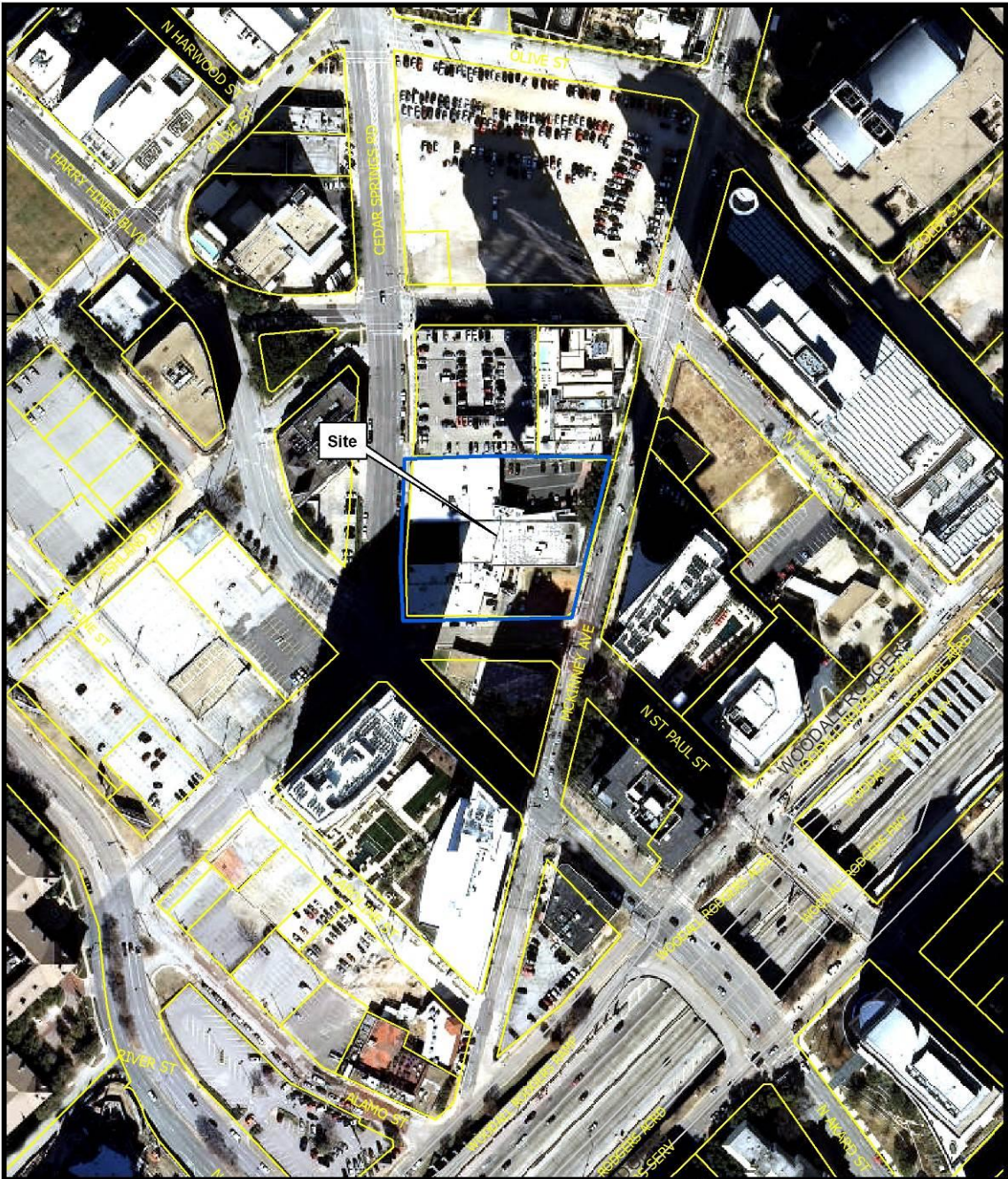
Timeline:

- July 7, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 14, 2014: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- August 15, 2014: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the August 27th deadline to submit additional evidence for staff to factor into their analysis; and the September 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 2, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September

public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

September 4, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).





1:2,400

AERIAL MAP

Case no: BDA134-086

Date: 8/20/2014

BDA 134-086
Attach A

Memorandum



CITY OF DALLAS

DATE September 4, 2014
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 134 · 086 1919 McKinney Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193(HC).

Trigger

New construction of parking lot on a portion of the property.

Deficiencies

The property is mostly developed and does not conform to PD 193 landscape regulation standards for trees and sidewalk location and width.

Factors

PD 193(HC) standards are primarily for parkway trees, sidewalks and screening of off-street parking. There is no garage structure to buffer.

The parking lot corner landscape plan is designed to comply with the PD 193(HC) regulations for trees, sidewalks and screening. The new parking lot is the only exterior site improvement on the property. Other existing trees and a parking lot screening wall are provided along McKinney Avenue approved with prior development.

Recommendation

The chief arborist recommends approval of the alternative landscape plan because it does not compromise the spirit and intent of the PD 193 landscape regulations.

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



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-086

Data Relative to Subject Property:

Date: July 7, 2014

Location address: 1919 McKinney Avenue Dallas, Texas Zoning District: PD 193 (HC)

Lot No.: 1A Block No.: A/358 Acreage: 1.6042 Census Tract: 98020, Pg. 64 19.00

Street Frontage (in Feet): 1) 249 2) 282 3) 245 4) _____ 5) _____ gn 22

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): HKS Building, L.P.

Applicant: Thomas Persch Telephone: 214-748-4801 ext.309

Mailing Address: 1701 N. Market St., Suite 220 LB 10 Dallas, Texas Zip Code: 75202

E-mail Address: tpersch@ecomtrading.com

Represented by: Michael Kendall, Kendall Landscape Architecture Telephone: 214-739-3226

Mailing Address: 8150 North Central Expressway, Suite M2025 Dallas, Texas Zip Code: 75206

E-mail Address: mike@kendall7.com

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

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: Lot 2 is a sub-lot of Lot 1A. Lot 2 will be developed as a parking lot. All landscape requirements for Lot 2 can be met on Lot 2. The balance of Lot 1A is existing. We are requesting a landscape exception to requirements along the existing portions of St. Paul and Cedar Spring Road. These edges were developed prior to the landscape ordinance and the sidewalk area is too narrow to physically accommodate the required landscaping.

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 Thomas Persch

(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: Thomas Persch

(Affiant/Applicant's signature)

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



Angela Herrington
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

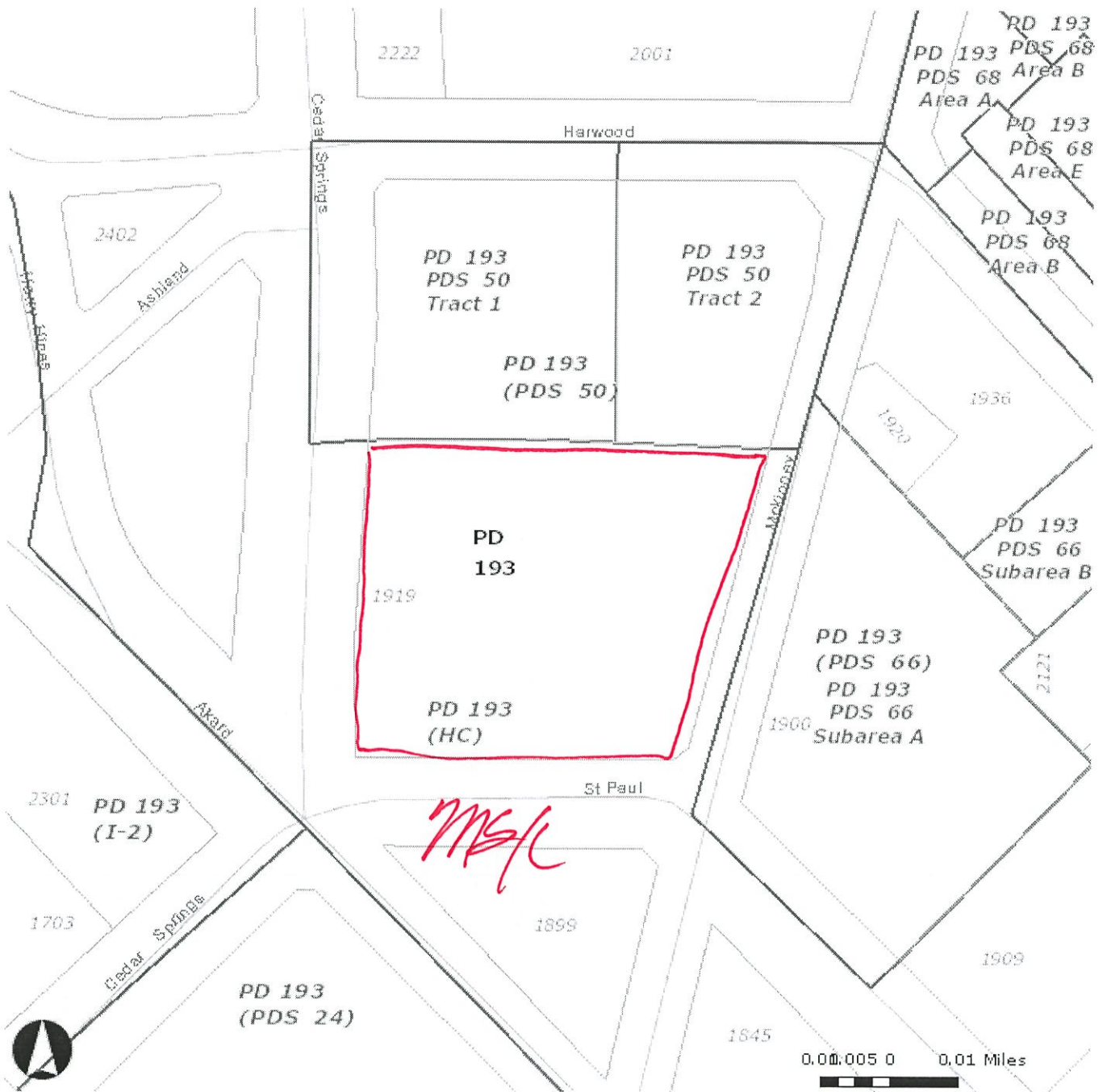
Building Official's Report

I hereby certify that Thomas Persch
represented by Michael Kendall
did submit a request for a special exception to the landscaping regulations
at 1919 McKinney Avenue

BDA134-086. Application of Thomas Persch represented by Michael Kendall for a special exception to the landscaping regulations at 1919 McKinney Avenue. This property is more fully described as Lot 1A, Block A/358, and is zoned PD193 (HC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscaping regulations.

Sincerely,


Larry Holmes, Building Official



E OVERALL SITE PLAN - ORDINANCE REQUIREMENTS - DALLAS PD 193 (HC) - LOT 1A

1. SITE AREA IN SQUARE FEET	64,879	± 10	± 5,097 SQUARE FEET REQUIRED
2. RIGHT OF WAY TREES	11	± 10	± 1,336 SQUARE FEET PROVIDED
3. RIGHT OF WAY TREES	241	± 65	± 64 / 25 ± 4
4. RIGHT OF WAY TREES	244	± 35 ± 204 / 25 ± 5	3 1/2" CALIPER TREES REQUIRED
5. RIGHT OF WAY TREES	248	± 16 ± 224 / 25 ± 9	3 1/2" CALIPER TREES PROVIDED
6. RIGHT OF WAY TREES			3 1/2" CALIPER TREES PROVIDED
7. RIGHT OF WAY TREES			3 1/2" CALIPER TREES PROVIDED
8. RIGHT OF WAY TREES			3 1/2" CALIPER TREES PROVIDED

C PREPARATION GENERAL NOTES

- PLAN PREPARED BY:
MICHAEL S. KENDALL
KENDALL + LANDSCAPE ARCHITECTURE
5011 CENTRAL EXPRESSWAY
SUITE 1000S
DALLAS, TEXAS 75206
PHONE: (214) 794-3326
FAX: (214) 794-3326
E-MAIL: MK@KENDALL7.COM
TEXAS LANDSCAPE ARCHITECT LICENSE NO. 1177
- ALL AREAS SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM PROVIDING 100% COVERAGE.
- ALL REQUIRED TREES FROM THE CITY APPROVED LISTING.

F ENLARGED PARKING LOT SITE PLAN - ORDINANCE REQUIREMENTS - DALLAS PD 193 (HC)

1. SITE AREA IN SQUARE FEET	9,344	± 10	± 984 SQUARE FEET REQUIRED
2. RIGHT OF WAY TREES	11	± 10	± 1,336 SQUARE FEET PROVIDED
3. RIGHT OF WAY TREES	241	± 35 ± 204 / 25 ± 5	3 1/2" CALIPER TREES REQUIRED
4. RIGHT OF WAY TREES	244	± 16 ± 224 / 25 ± 9	3 1/2" CALIPER TREES PROVIDED
5. RIGHT OF WAY TREES			3 1/2" CALIPER TREES PROVIDED
6. RIGHT OF WAY TREES			3 1/2" CALIPER TREES PROVIDED
7. RIGHT OF WAY TREES			3 1/2" CALIPER TREES PROVIDED
8. RIGHT OF WAY TREES			3 1/2" CALIPER TREES PROVIDED

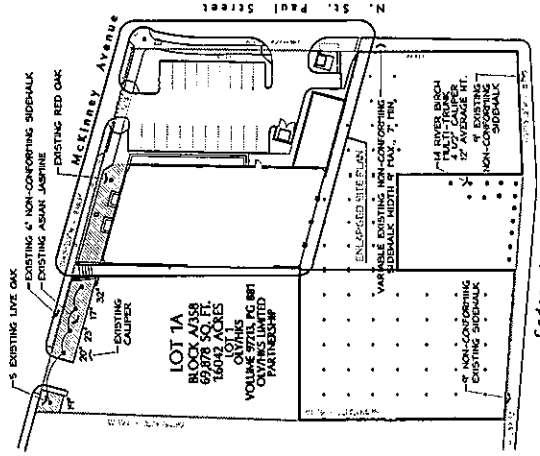
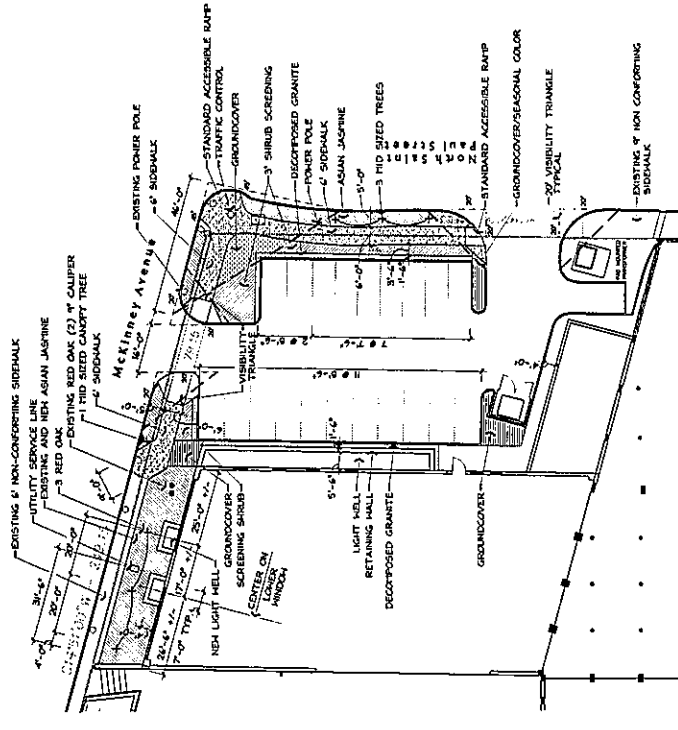
1919 MCKINNEY
ECOM REAL ESTATE
DALLAS, TEXAS



Scale: As Shown
Date: 07/16/14
Sheet Name: SITE PLAN
Sheet Number: L1.1

D OWNERS INFORMATION

THOMAS PRISCH
ECOM REAL ESTATE
1001 WEST MARKET STREET
SUITE 200 LD
DALLAS, TEXAS 75202
PHONE: (214) 746-4600
E-MAIL: TPRISCH@ECOMTRADING.COM

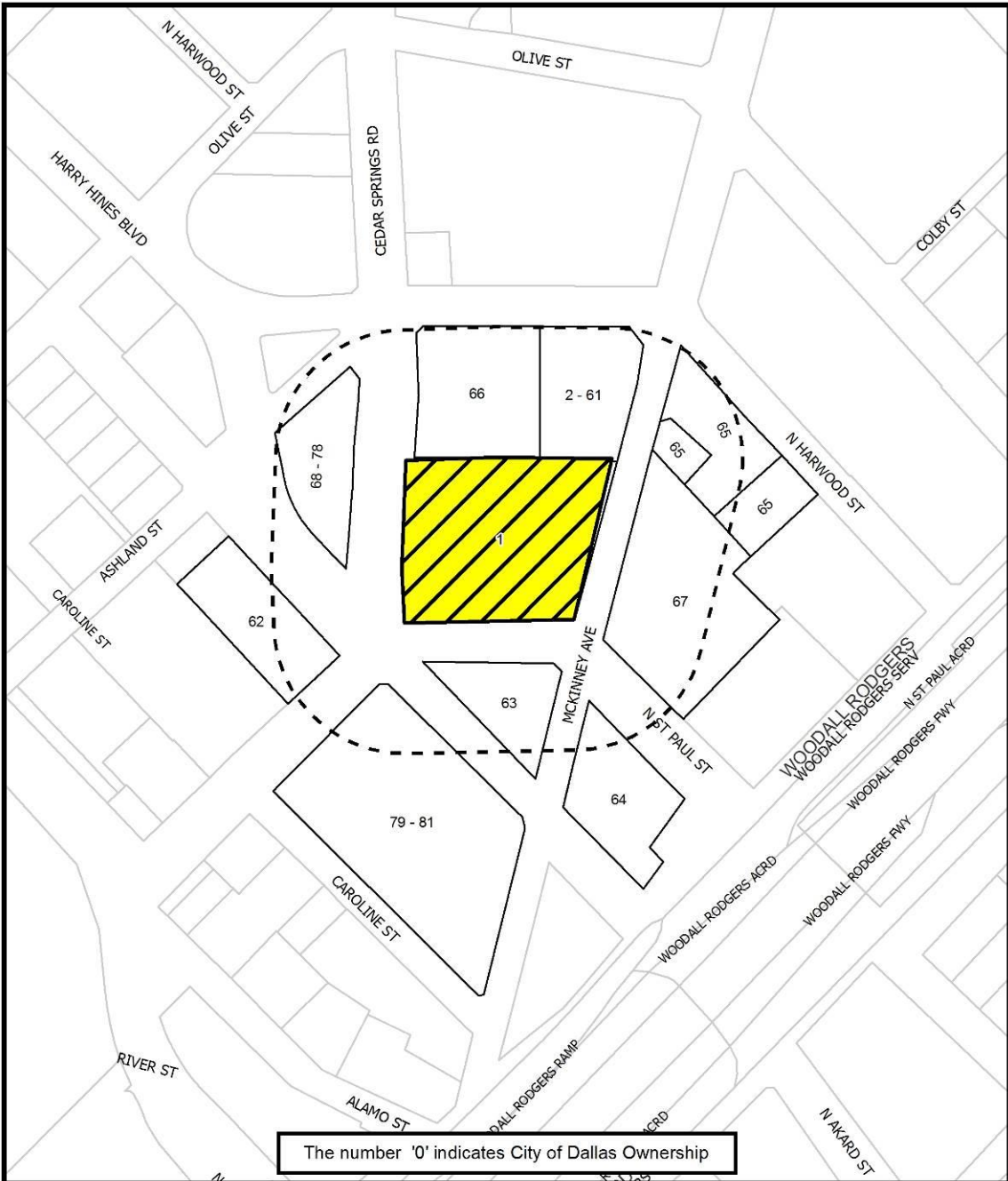


A OVERALL SITE PLAN



B ENLARGED PARKING LOT SITE PLAN





 1:2,400	NOTIFICATION		Case no: BDA134-086
	<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;">81</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/20/2014	

Notification List of Property Owners

BDA134-086

81 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1919 MCKINNEY AVE	HKS BUILDINGS LP
2	1999 MCKINNEY AVE	WAGNER JONATHAN
3	1999 MCKINNEY AVE	MOORE F DAVID
4	1999 MCKINNEY AVE	ARROYO DEANNE ALYSSA
5	1999 MCKINNEY AVE	CHEN PHILIP
6	1999 MCKINNEY AVE	SMITH WALTER G &
7	1999 MCKINNEY AVE	KALIL STEPHEN A &
8	1999 MCKINNEY AVE	GARRETT MICHAEL L &
9	1999 MCKINNEY AVE	GANTI RISHI
10	1999 MCKINNEY AVE	JAIN ANISH K &
11	1999 MCKINNEY AVE	HENDRICKSON DWIGHT ETAL
12	1999 MCKINNEY AVE	ANDERSON MELISA ANN D
13	1999 MCKINNEY AVE	CURTIS AUDREY A
14	1999 MCKINNEY AVE	STALEY MARY
15	1999 MCKINNEY AVE	REID ROBERT & DAHLIA REID
16	1999 MCKINNEY AVE	HUTCHINSON WILLIAM L & SUZANNE S
17	1999 MCKINNEY AVE	SHARP THOMAS L
18	1999 MCKINNEY AVE	DEANE BELINDA
19	1999 MCKINNEY AVE	BUGG ROBERT C
20	1999 MCKINNEY AVE	SALES SUSAN CAROLINE
21	1999 MCKINNEY AVE	MEDINA MICHAEL A
22	1999 MCKINNEY AVE	KAYE JONATHAN D
23	1999 MCKINNEY AVE	1999 MCKINNEY AVE#807 LAND TRUST
24	1999 MCKINNEY AVE	STUVE OLAF &
25	1999 MCKINNEY AVE	WERBNER MARK
26	1999 MCKINNEY AVE	DUFOUR FRANK & KRISTIN LEE

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1999 MCKINNEY AVE	ARNOLD VANCE M ETAL
28	1999 MCKINNEY AVE	MYERSCOUGH PATRICK J
29	1999 MCKINNEY AVE	CAIRE JACQUELINE
30	1999 MCKINNEY AVE	STRONG BRENDA L
31	1999 MCKINNEY AVE	MOORE LARRY H & DORRINE B
32	1999 MCKINNEY AVE	SCHUBERT FRANK B &
33	1999 MCKINNEY AVE	DOWLING MAUREEN F
34	1999 MCKINNEY AVE	SEBRA GEORGE J
35	1999 MCKINNEY AVE	DAWSON G STEVEN & KAY M
36	1999 MCKINNEY AVE	HAINES CAPITAL GROUP LLC
37	1999 MCKINNEY AVE	OREILLY MATTHEW
38	1999 MCKINNEY AVE	DALE BRUCE
39	1999 MCKINNEY AVE	BRINK RICHARD R &
40	1999 MCKINNEY AVE	OBERING MIHOKO K
41	1999 MCKINNEY AVE	BRADFORD TED R
42	1999 MCKINNEY AVE	BRUNT WILLIAM B
43	1999 MCKINNEY AVE	WOMACK STEVEN W
44	1999 MCKINNEY AVE	CAIRE MARY
45	1999 MCKINNEY AVE	HOWREY DANIEL L
46	1999 MCKINNEY AVE	EDMISTON ANGIE L
47	1999 MCKINNEY AVE	CLB PARTNERS, LTD.
48	1999 MCKINNEY AVE	ABINGTON TOM E & GLYNDA C
49	1999 MCKINNEY AVE	WHITE JIM
50	1999 MCKINNEY AVE	MYERSCOUGH DAVID TRUSTEE
51	1999 MCKINNEY AVE	WINTER F DAVID JR & RENEE
52	1999 MCKINNEY AVE	ETTER THEODORE F JR
53	1999 MCKINNEY AVE	LOMAT INVESTMENTS INC
54	1999 MCKINNEY AVE	FRENCH ROBERT P & MARSHA B
55	1999 MCKINNEY AVE	TABBAL GEORGES
56	1999 MCKINNEY AVE	HORTON EMILY
57	1999 MCKINNEY AVE	PRITCHARD JOHNNY G &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1999 MCKINNEY AVE	ASHMORE GLEN A
59	1999 MCKINNEY AVE	EISENSTEIN ABRAM &
60	1999 MCKINNEY AVE	MEIS NED
61	1999 MCKINNEY AVE	LEDBETTER FINLEY & JONI
62	2301 AKARD ST	RED AKARD PLACE LLC
63	1899 MCKINNEY AVE	PEARL REALTY HOLDINGS LLC
64	1845 WOODALL RODGERS FWY	1845 WF FREEWAY LLC
65	1936 MCKINNEY AVE	MCKINNEY HARWOOD LLC
66	1900 CEDAR SPRINGS RD	SE 1900 CEDAR SPRINGS LP
67	1900 MCKINNEY AVE	1900 MCKINNEY PROPERTIES
68	1925 CEDAR SPRINGS RD	KIRK JAMES R
69	1925 CEDAR SPRINGS RD	MARTIN CHRISTOPHER H &
70	1925 CEDAR SPRINGS RD	WARPAINT HQ LLC
71	1925 CEDAR SPRINGS RD	ROMANO PHILIP J
72	1925 CEDAR SPRINGS RD	THREE BRIDS PROPERTY LP
73	1925 CEDAR SPRINGS RD	ROLLINS PROPERTIES LP
74	1925 CEDAR SPRINGS RD	ROLLIN PROPERTIES LP
75	1925 CEDAR SPRINGS RD	DAWSON WILLIAM B &
76	1925 CEDAR SPRINGS RD	SMITH THOMAS L
77	1925 CEDAR SPRINGS RD	REEDER JAMES B
78	1925 CEDAR SPRINGS RD	BALDRIDGE JERALD TR ETAL
79	1717 MCKINNEY AVE	GPI-M UPTOWN LP
80	1700 CEDAR SPRINGS RD	LG CEDAR SPRINGS LP
81	1717 MCKINNEY AVE	GIP-M UPTOWN LP

FILE NUMBER: BDA 134-087

BUILDING OFFICIAL'S REPORT: Application of Andy Rivas for a variance to the front yard setback regulations and a special exception to the fence height regulations at 7218 La Vista Drive. This property is more fully described as Lot 23, Block C/2729, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a structure and provide a 4 foot 6 inch front yard setback, which will require a 20 foot 6 inch variance to the front yard setback regulations, and to construct and maintain a 7 foot 6 inch high fence, which will require a 3 foot 6 inch special exception to the fence height regulations.

LOCATION: 7218 La Vista Drive

APPLICANT: Andy Rivas

REQUESTS:

The following requests have been made on a site that is currently under development:

1. A request for a variance to the front yard setback regulations of 20' 6" is made to construct and maintain a single family home structure with a building footprint of approximately 3,100 square feet, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Tucker Street).
2. A request for a special exception to the fence height regulations of 3' 6" is made to construct and maintain generally a 6' high solid wood fence (that reaches 7' 6" in height given grade changes) in one of the site two 25' front yard setbacks (Tucker Street).

(No request has been made in this application to construct/maintain any structure or fence higher than 4' in the site's La Vista Drive front yard setback).

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STANDARD FOR A SPECIAL EXCEPTION TO 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 (variance):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required

Rationale:

- The subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is a corner lot with a restrictive area due to its two front yard setbacks. The atypical two front yard setbacks on the lot preclude the applicant from developing it in a manner commensurate with development on other similarly zoned properties with one front yard setback. Documentation submitted by the applicant shows that his proposal with 4,171 square feet is near the 4,175 square foot average of 7 other properties he identified zoned R-7.5(A).
- The corner lot subject site has an approximately 25’ width for development once a 25’ front yard and a 5’ side yard setback is accounted for on the approximately 55’ wide subject site. Other lots of this width in this zoning district with one front yard, two side yards, and one rear yard of the same width would have a 45’ width for development.
- Other than for the fact a decorative brick atop a chimney is proposed to be located 4’ 6” from the site’s Tucker Street front property line, the construction/maintenance of the proposed single family home would require no variance if the lot’s Tucker Street frontage were a side yard where only a 5’ side yard setback is required in the R-7.5(A) zoning district.

STAFF RECOMMENDATION (fence special exception):

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

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: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (variance):

- This request focuses on constructing and maintaining a single family home structure with a building footprint of approximately 3,100 square feet, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Tucker Street).
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The site is located on the west corner of La Vista Drive and Tucker Street. The site has two 25' front yard setbacks. The site has a 25' front yard setback along La Vista Drive because it is the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Tucker Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required but is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes southwest of the site zoned R-7.5(A) that front/are oriented southeastward towards Tucker Street.
- Regardless of how the proposed home is to be oriented to front onto La Vista Drive (and "side" to Tucker Street), the site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain the single family home structure in the site's front yard setback on Tucker Street. (No part of the application is made to construct/maintain a structure in the site's La Vista Road front yard setback).
- The submitted site plan denotes that the single family home structure located as close as 5' from the site's Tucker Street front property line or 20' into this 25' front yard setback. However the Building Official's report states that a 4' 6" front yard setback is provided (measured at the decorative brick atop a chimney) where the structure is 20' 6" into the Tucker Street front yard setback.
- According to the applicant, about 700 square feet (or approximately 22 percent) of the approximately 3,200 square foot building footprint) is proposed to be located in the site's Tucker Street 25' front yard setback.

- The applicant has submitted a document showing that the his proposal with 4,171 square feet is near the 4,175 square foot average of 7 other properties he found zoned R-7.5(A).
- According to DCAD records, the “main improvement” at 7218 La Vista Drive is a structure with 4,227 square feet of living/total area built in 2104. (No additional improvements are noted at this address).
- The subject site is somewhat sloped, rectangular in shape (150’ x 55’), and according to the applicant’s representative, is 0.189 acres (or approximately 8,250 square feet) in area. The site is zoned R-7.5(A) where lots typically are 7,500 square feet in area.
- The site has two, 25’ front yard setbacks; and two 5’ side yard setbacks; most R-7.5(A) residentially-zoned lots have one 25’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback.
- The site has an approximately 25’ width for development once a 25’ front yard and a 5’ side yard setback is accounted for on the approximately 55’ wide subject site. Other lots of this width in this zoning district with one front yard, two side yards, and one rear yard of the same width would have a 45’ width for development.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Tucker Street front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be required to be constructed and maintained to what is shown on this document– which in this case is a structure located as close as 4’ 6” from the site’s Tucker Street front property line (or 20’ 6” into this 25’ front yard setback).

GENERAL FACTS/STAFF ANALYSIS (fence special exception):

- This request focuses on constructing and maintaining generally a 6’ high solid wood fence (that reaches 7’ 6” in height given grade changes) in the one of the site two 25’ front yard setbacks (Tucker Street) on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.

- The site is located on the west corner of La Vista Drive and Tucker Street. The site has two 25' front yard setbacks. The site has a 25' front yard setback along La Vista Drive because it is the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Tucker Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required but is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes southwest of the site zoned R-7.5(A) that front/are oriented southeastward towards Tucker Street.
- Regardless of how the proposed home is to be oriented to front onto La Vista Drive (and "side" to Tucker Street), the site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain a fence higher than 4' in the site's front yard setback on Tucker Street. (No part of the application is made to construct/maintain a fence higher than 4' in height in the site's La Vista Road front yard setback).
- The applicant has submitted a partial site plan/elevation of the proposal in the Tucker Street front yard setback with notations indicating that the fence reaches a maximum height of 7' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposed fence in Tucker Street front yard setback is represented as being approximately 80' in length parallel to the street; and approximately 7' and 25' in length perpendicular to the street on the lot's northeast and southwest sides of the site in the Tucker Street front yard setback.
 - The proposal is represented as being located approximately on the front property line. (No representation is made on the partial site plan of the Tucker Street pavement line).
- The proposal is located across from one single family home with an approximately 5' high open metal fence.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences other than the one mentioned above directly southeast of the site that appeared to be above 4' in height and located in a front yard setback.
- As of September 8, 2014, no letters have been submitted in support of 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 3' 6" will not adversely affect neighboring property.
- Granting this special exception of 3' 6" with a condition imposed that the applicant complies with the submitted partial site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

Timeline:

July 18, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

August 15, 2014: The Board Administrator emailed the applicant the following information:

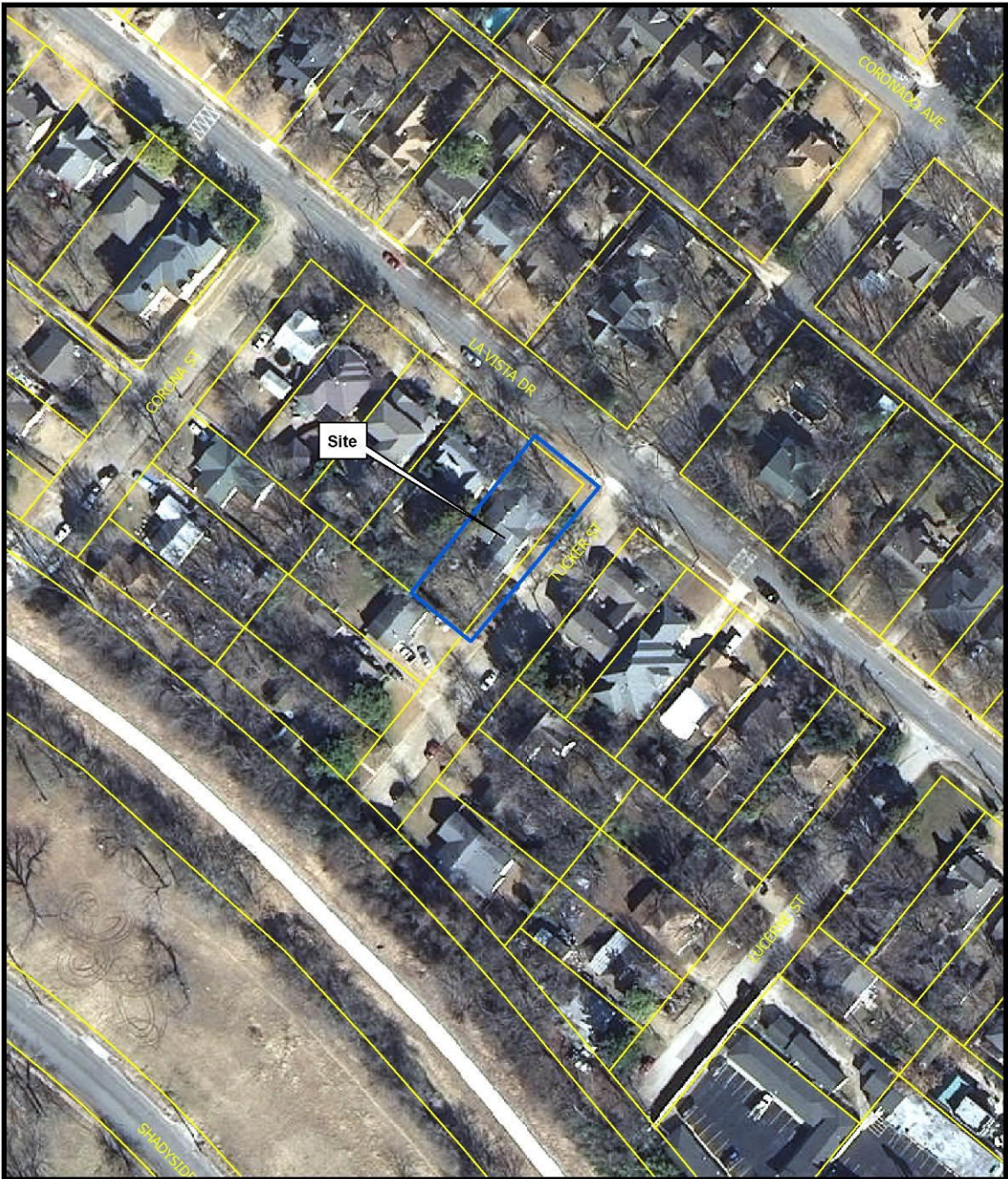
- an attachment that provided the public hearing date and panel that will consider the application; the August 27th deadline to submit additional evidence for staff to factor into their analysis; and the September 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 2, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

September 2, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA134-087

Date: 8/20/2014

BDA 134-087
Attach. A

SQUARE FOOTAGE COMPARABLES - BDA 134-087, 7218 LA VISTA DR

ADDRESS	SQ FT	LAND AREA	ZONE	COMMUNITY	STATUS
7218 LA VISTA DRIVE	4,171	8,250	R-7.5A	LAKESIDE HILLS	CONSTRUCTION
6854 LAVISTA DRIVE	4,322	7,863	R-7.5A	GASTONWOOD 5	COMPLETE
1807 TUCKER STREET	3765	7,061	R-7.5A	LAKESIDE HILLS	COMPLETE
6106 LLANO AVENUE	4,124	7,500	R-7.5A	LAKESIDE HILLS	COMPLETE
6119 RICHMOND AVE	4,504	8,500	R-7.5A	LAKESIDE HILLS	COMPLETE
6032 RICHMOND AVE	4,410	8,556	R-7.5A	BELMONT SUBURBAN	COMPLETE
6858 LA VISTA DR	4182	8,560	R-7.5A	GASTONWOOD 5	COMPLETE
6108 LAKESHORE	3920	7,500	R-7.5A	LAKESIDE HILLS	CONSTRUCTION

The above R-7.5A zoned properties have an average
square footage of 4,175 feet



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-087

Data Relative to Subject Property:

Date: 7-18-14

Location address: 7218 La Vista Drive

Zoning District: R-7.5(A)

Lot No.: 23 Block No.: C/2729 Acreage: 8250 SQ FT. .189 Acres

Census Tract: 1.00

Street Frontage (in Feet): 1) 55' 2) 150' 3) _____ 4) _____ 5) _____ 385B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): M. Christopher Custom homes LLC

Applicant: Andy Rivas Telephone: 469.999.6994

Mailing Address: 550 south Hwy 5 Fairview Tx Zip Code: 75069

E-mail Address: andy@mchristopher.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 20'-6" to the front yard set back, and a 3'-6" special exception to the fence ht. in a frontyard.

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:
my property is encumbered by 2 front yard set back where other properties only have one. - even corner properties and adding 3'-6" to the allowed 4' fence is 7'-6" overall ht. & is typical of other fences 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 Andy Rivas
(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 15th day of July, 2014

(Rev. 08-01-11) [Notary Seal] 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 Andy Rivas

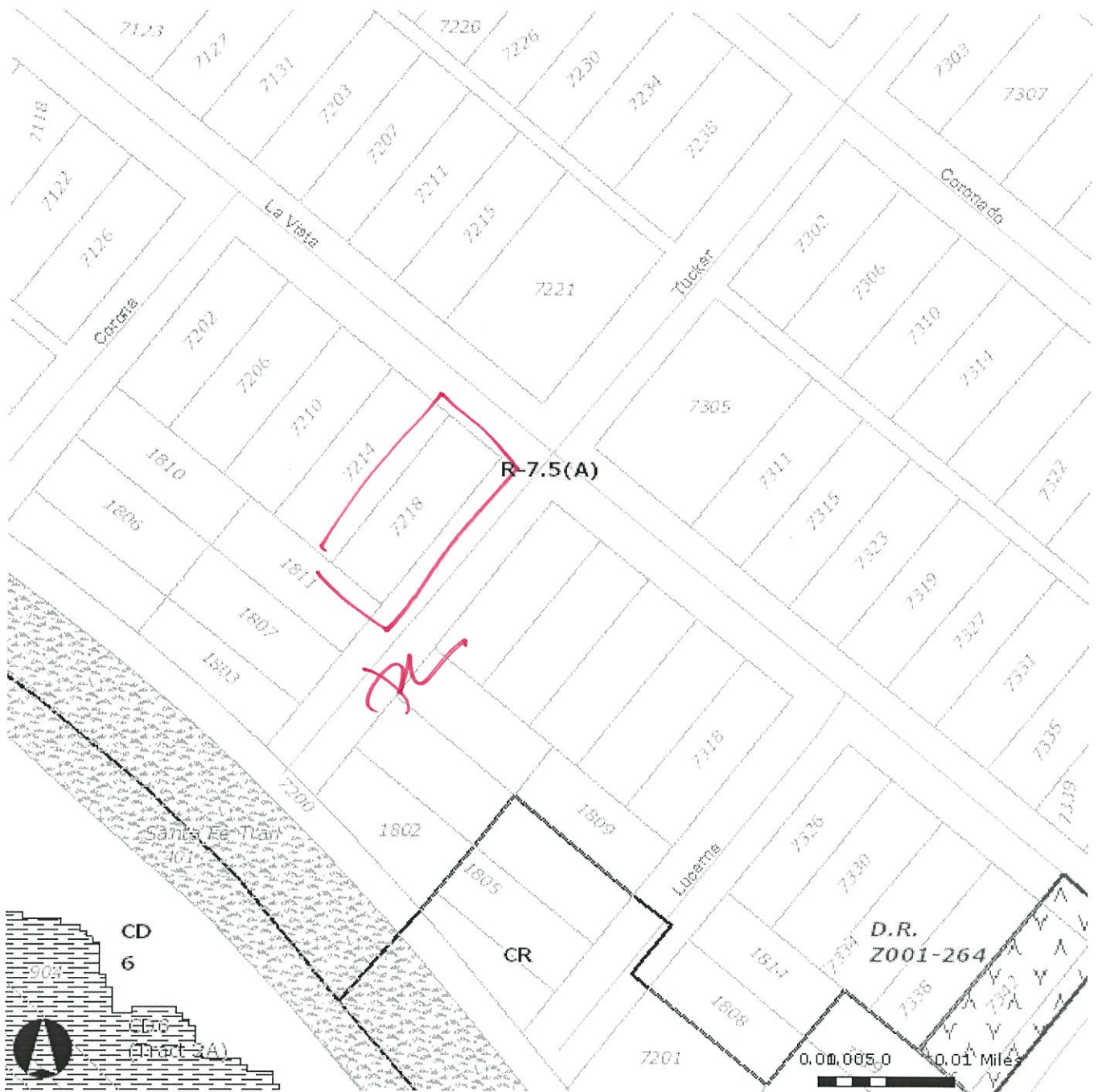
did submit a request for a variance to the front yard setback regulations, and for a special exception to the fence height regulations

at 7218 La Vista Drive

BDA134-087. Application of Andy Rivas for a variance to the front yard setback regulations and a special exception to the fence height regulations at 7218 La Vista Drive. This property is more fully described as Lot 23, Block C/2729, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 2 feet. The applicant proposes to construct a single family residential structure and provide a 4 foot 6 inch front yard setback, which will require a 20 foot 6 inch variance to the front yard setback regulation, and to construct a 7 foot 6 inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

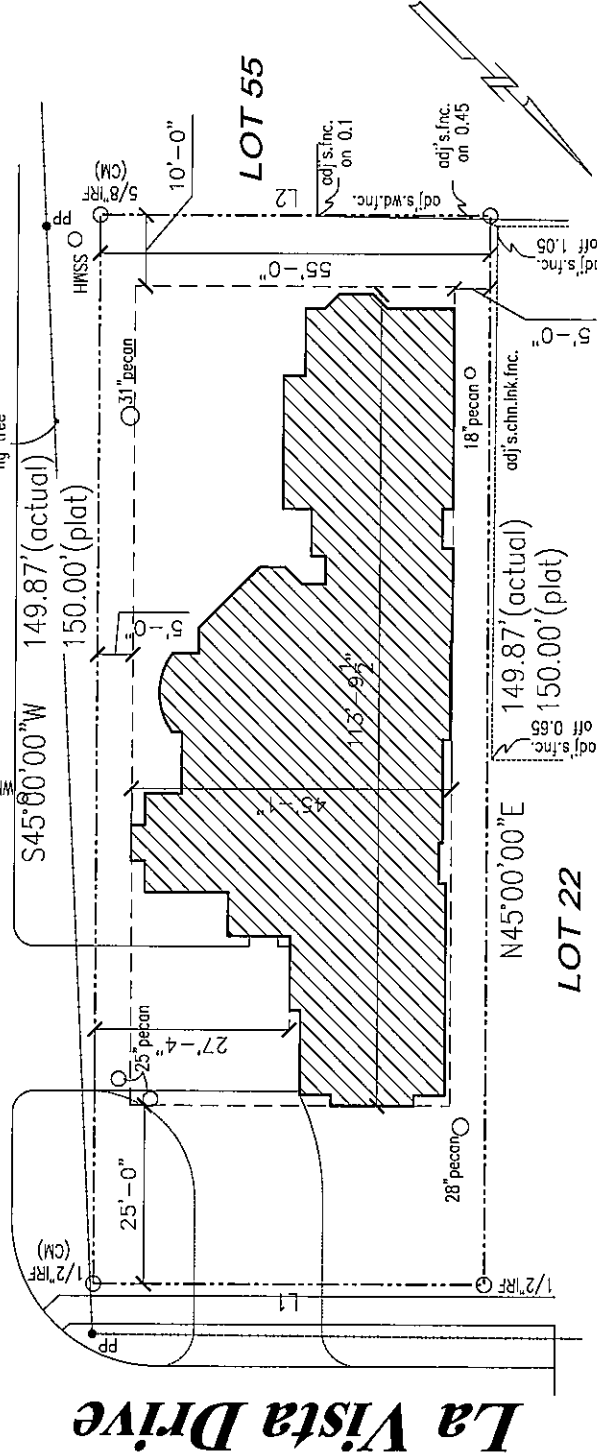




A New Residence For: Mr. & Mrs. Stanton

7218 La Vista Drive
Dallas, Texas

Tucker Street



SOURCE FOOTAGE CALCULATION	
FIRST FLOOR A/C	2,598 SF.
COVERED PATIO / PORCH	1,373 SF.
GARAGE / STORAGE	573 SF.
TOTAL A/C	4,544 SF.
TOTAL UNDER ROOF	4,798 SF.

AREA COVERAGE CALCULATION	
LOT SIZE PER CITY EMBODIMENT	8,250 SF.
STRUCTURAL FOOTPRINT (HOUSE)	3,224 SF.
SITE COVERAGE	39%

ARCHITECTURAL SHEET INDEX	
A11	ARCHITECTURAL SITE PLAN
A12	FOUNDATION PLAN
A13	FIRST FLOOR PLAN
A14	SECOND FLOOR PLAN (MAIN LEVEL)
A15	LOFTING PLAN (UPPER LEVEL)
A16	ELEVATIONS (FRONT, REAR)
A17	ELEVATIONS (ROOF, LEFT)
A18	ROOF PLAN

CITY OF DALLAS BUILDING CODES	
2008 INTERNATIONAL RES. CODE, W/ DALLAS AMENDMENTS	
2012 INTERNATIONAL BUILDING CODE, W/ DALLAS AMENDMENTS	
2012 INTERNATIONAL MECHANICAL CODE, W/ DALLAS AMENDMENTS	
2012 INTERNATIONAL ELECTRICAL CODE, W/ DALLAS AMENDMENTS	
2012 INTERNATIONAL ENERGY CONSERVATION CODE, W/ DALLAS AMENDMENTS	
2012 INTERNATIONAL FUEL GAS CODE, W/ DALLAS AMENDMENTS	

- GENERAL NOTES**
- Construction: Comply with applicable building codes and related amendments.
 - Foundation: Construct in front of geotextiles in construction set.
 - Mechanical and landscape drawings by others.
 - Foundation drawings by others.
 - Final grading for drainage of water away from the building and off of the site shall be the responsibility of the contractor and owner's landscape architect.
 - Windows: Windows, safety glass shall be the responsibility of the contractor and owner's landscape architect. Special hardware may be required on narrow egress windows.
 - Doors: Doors, windows, and egress windows, shall be determined by Contractor and egress windows.
 - Vent: Vent pipes to outside.
 - Roof: Roof shall be constructed in accordance with the manufacturer's instructions and placement of electrical fixtures and plumbing penetrations prior to placing floor and ceiling joists. Notify manufacturer for details.
 - Provide sound ball insulation around mechanical rooms and bathrooms.
 - Provide energy efficient and egress windows to be specified per governing City/State specifications.

DAVE & SHELLY STANTON
A CUSTOM RESIDENCE FOR:
LOT 22 BLOCK C/2428
7218 LA VISTA DR.
DALLAS, TX 75248
DALLAS COUNTY

M. CHRISTOPHER RESIDENTIAL, LLC
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DATE: 12-14-09
BY: 12-14-09
REV: 12-14-09

SHEET NO. A1.1

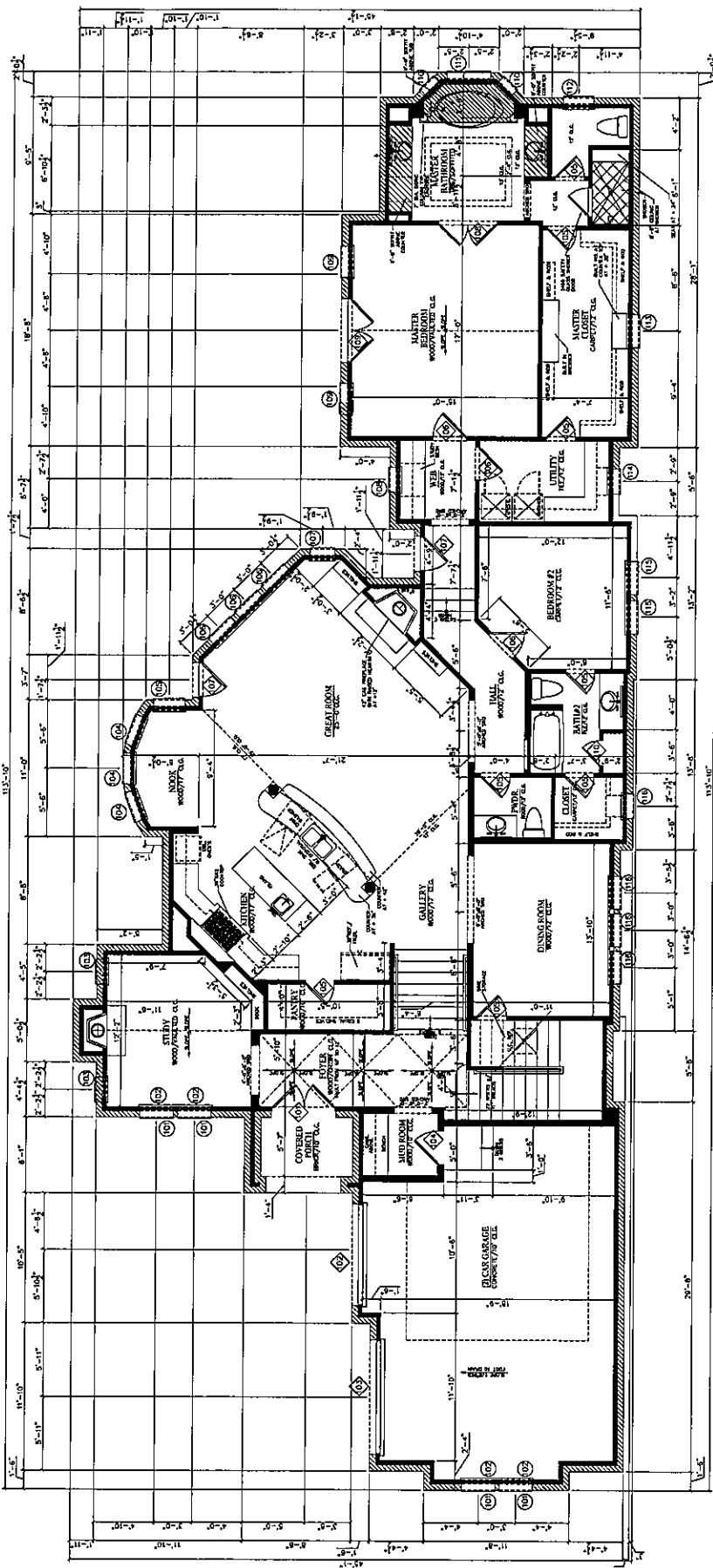
DATE: 11-11-11
 DRAWN BY: M. CHRISTOPHER
 CHECKED BY: M. CHRISTOPHER
 PROJECT: 11-11-11

M. CHRISTOPHER ARCHITECTURAL, LLC
 1111 W. WINDYBROOK DRIVE
 SUITE 100
 FORT WORTH, TEXAS 76104
 TEL: 817-335-1111
 FAX: 817-335-1112

M. CHRISTOPHER
 RESIDENTIAL, LLC
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A CUSTOM RESIDENCE FOR:
DAVE & SHELLY STANTON
 LOT#38 BLOCK#0/2929
 DALLAS, TEXAS 75249
 DALLAS COUNTY

SHEET NO.
 A3.1



SQUARE FOOTAGES

FIRST FLOOR	2598 S.F.
SECOND FLOOR	1973 S.F.
TOTAL AREA	4571 S.F.
CARAGE AND/OR STORAGE	573 S.F.
COVERED PORCH AND/OR PORCH	477 S.F.
TOTAL UNDER ROOF	4777 S.F.
OVERALL WIDTH	113'-10"
OVERALL DEPTH	45'-1"

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

DOOR SCHEDULE

NUMBER	QUANT.	WIDTH	HEIGHT	REMARKS
101	1	2'-8"	8'-0"	PR. EXT. S.C. ENTRY DOOR
102	1	9'-0"	8'-0"	OVERHEAD GARAGE DOOR
103	1	9'-0"	8'-0"	OVERHEAD GARAGE DOOR
104	1	3'-0"	8'-0"	EXT. S.C.
105	8	2'-4"	8'-0"	INT. S.C.
106	2	2'-8"	8'-0"	INT. S.C.
107	2	2'-8"	8'-0"	EXT. S.C.
108	1	2'-4"	8'-0"	PR. INT. S.C.
109	1	2'-0"	8'-2"	INT. S.C.
110	1	2'-0"	8'-2"	INT. S.C.

WINDOW SCHEDULE

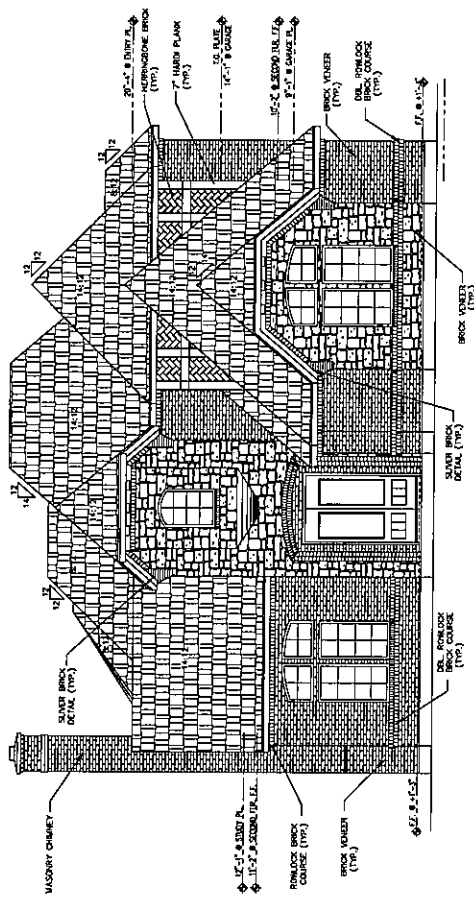
NUMBER	QUANT.	WIDTH	HEIGHT	HEAD	REMARKS
101	4	2'-8"	3'-6"	10'-0"	PAN. D.L.
102	2	2'-0"	5'-0"	8'-0"	CASSETT D.L.
103	2	2'-0"	5'-0"	8'-0"	PAN.
104	3	2'-8"	5'-0"	8'-0"	PAN.
105	1	2'-8"	5'-0"	8'-0"	PAN.
106	3	2'-8"	8'-0"	8'-0"	PAN.
107	1	2'-0"	8'-0"	8'-0"	PAN.
108	2	2'-8"	5'-0"	8'-0"	PAN.
109	2	3'-6"	3'-6"	7'-6"	PAN. TEMPERED
110	1	3'-0"	5'-0"	7'-6"	PAN. TEMPERED
111	1	2'-8"	5'-0"	8'-0"	PAN. D.L.
112	1	2'-0"	3'-6"	7'-6"	PAN. D.L.
113	2	2'-8"	6'-0"	8'-0"	CASSETT D.L.
114	1	2'-0"	4'-0"	7'-6"	PAN. D.L.
115	3	2'-8"	1'-8'-0"	8'-0"	PAN. D.L.
116	1	2'-8"	1'-8'-0"	8'-0"	PAN. D.L.
117	3	2'-8"	1'-8'-0"	8'-0"	PAN. D.L.

REVISIONS:	
NO. 1	2017-04-08
NO. 2	2018-11-08
NO. 3	2019-01-08

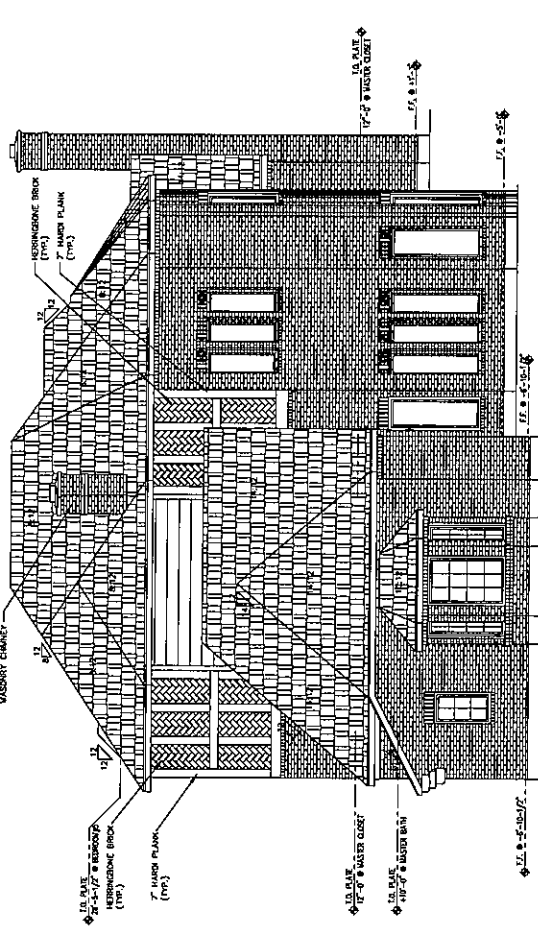
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 M. CHRISTOPHER
 RESIDENTIAL, LLC
 11111 W. LAKOTA DR., SUITE 100
 DALLAS, TX 75248
 214-343-1111
 www.mchristopherresidential.com

A CUSTOM RESIDENCE FOR:
 DAVE & SHELLY STANTON
 10123 BLOOMING/2729
 75218 W. LAKOTA DR.,
 DALLAS COUNTY,
 TX 75248

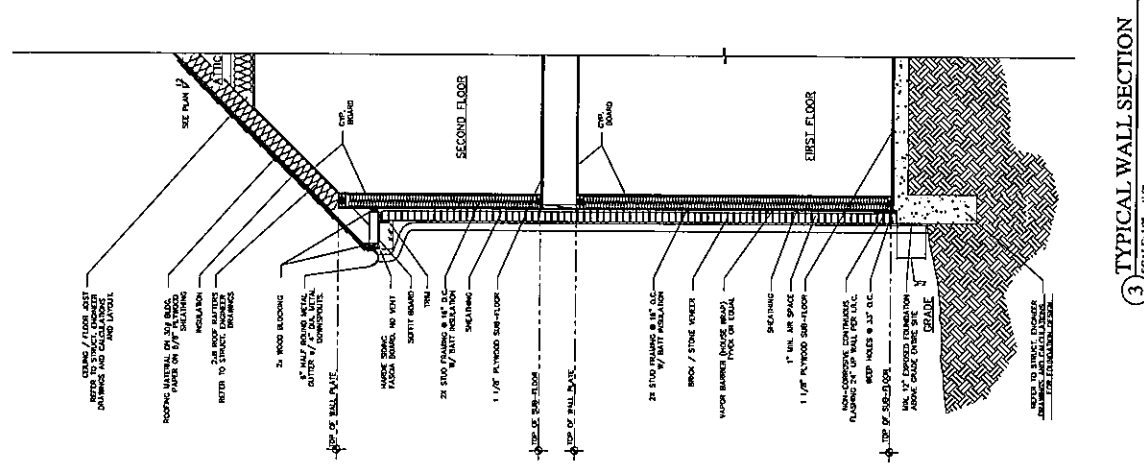
SHEET NO.
 AS.1



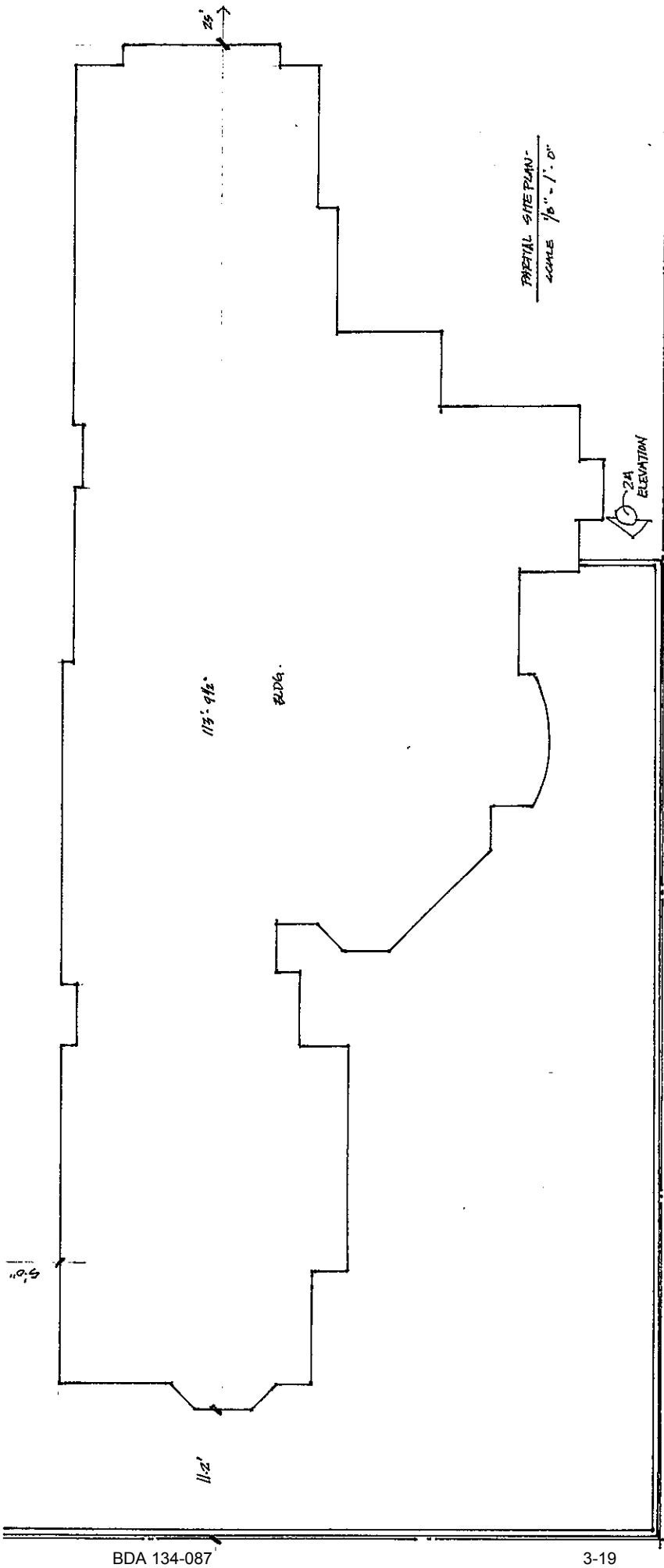
1 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



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

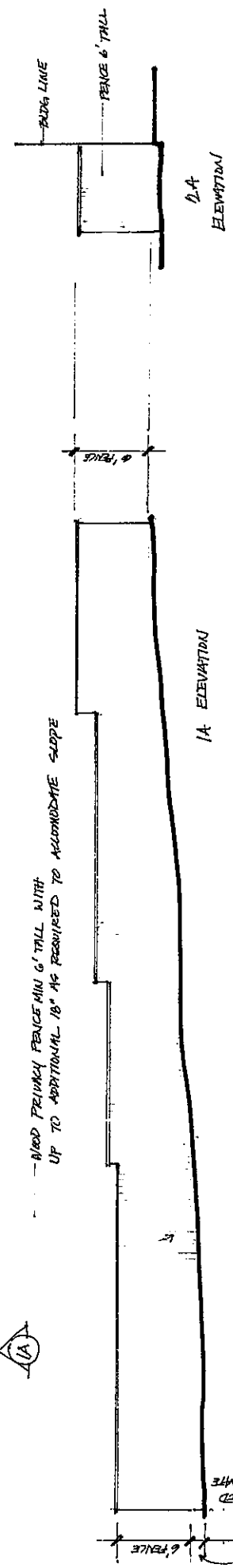


3 TYPICAL WALL SECTION
 SCALE: 1/2" = 1'-0"



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

2A
ELEVATION



MAKE UP TO 18" AS REQUIRED TO ACCOMMODATE SLOPE

Fence Elevation & Site Plan



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">30</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	30	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA134-087 Date: 8/20/2014
200'	AREA OF NOTIFICATION					
30	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA134-087

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7218 LA VISTA DR	CODY ANDREW E &
2	7315 LA VISTA DR	WELCH JUSTIN & ANNA
3	7311 LA VISTA DR	LENNOX JULIE A &
4	7305 LA VISTA DR	ROBERTSON WILLIAM J & LYNN P
5	7221 LA VISTA DR	SCURRIA LARRY & JAMIE M
6	7215 LA VISTA DR	MILLS MARK
7	7211 LA VISTA DR	WALD DAVID T
8	7207 LA VISTA DR	BENNETT DOUGLAS L
9	7202 LA VISTA DR	ASHMORE KATHY L
10	7210 LA VISTA DR	MCCORMICK BRAD BENNETT & ANJA LUDEWIG
11	7214 LA VISTA DR	SHEEHAN CONNOR
12	1811 TUCKER ST	JLD CUSTOM HOMES LP
13	1807 TUCKER ST	HILDINGER DOUGLAS C
14	1803 TUCKER ST	HILDINGER DOUGLAS C
15	1810 CORONA ST	COZBY BILLIE
16	1806 CORONA ST	HENDERSON ROBERT LEE
17	1802 CORONA ST	MENDEZ ELIGIO & LUCIA
18	7302 LA VISTA DR	OCONNELL ANDREW C & ALEXIS W
19	7306 LA VISTA DR	ABSHER JODY & ROBERT
20	7310 LA VISTA DR	BRYANT MAVIS G SILLMAN
21	7314 LA VISTA DR	BOZARTH PAUL G JR
22	1809 LUCERNE ST	MEYERS KAREN
23	1807 LUCERNE ST	GONZALES PAULA
24	1805 LUCERNE ST	DIMAS MIGUEL ET AL
25	1802 TUCKER ST	HILDINGER L GENE &
26	1806 TUCKER ST	CAMP ALAN BRET

08/19/2014

Label #	Address	Owner
27	1810 TUCKER ST	HILDINGER DOUGLAS C
28	7200 EAST GRAND AVE	JOPLIN MARY C
29	7206 LA VISTA DR	MALPHURS AUBREY M &
30	401 BUCKNER BLVD	DART