

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, APRIL 18, 2012
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Wednesday, March 21, 2012 Board of Adjustment Public Hearing Minutes	M1
BDA 101-107	3700 McKinney Avenue REQUEST: Application of Jackson Walker, LLP, represented by Jonathan Vinson, to extend the time to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment's favorable action on a request for variance to the height regulations	M2

UNCONTESTED CASES

BDA 112-036	6517 Briarhaven Drive REQUEST: Application of Ronald Morris for a special exception to the fence height regulations	1
BDA 112-038	2400 N. Hall Street REQUEST: Application of Michael T. Weis, represented by Michael Reeder, for special exceptions to the fence height and visual obstruction regulations	2

HOLDOVER CASE

BDA 112-032	10245 Strait Lane REQUEST: Application of Rob Baldwin for a special exception to the fence height regulation	3
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REGULAR CASES

BDA 112-034	9903 Laneyvale Avenue REQUEST: Application of Roberto Torres, represented by Ramon Aranda, for special exceptions to the fence height and visual obstruction regulations	4
BDA 112-047	2807 E. 11th Street REQUEST: Application based on Dallas City Council Resolution 12-0709, represented by Melissa Miles and James McGuire, for a compliance date for a nonconforming use	5

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B March 21, 2012 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 101-107

REQUEST: To extend the time period in which to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days the applicant has to do so from the Board of Adjustment's favorable action on a request for variance to the height regulations of 20' granted by Board of Adjustment Panel B on November 16, 2011, subject to the submitted site plan and elevation.

LOCATION: 3700 McKinney Avenue

APPLICANT: Jackson Walker, LLP
Represented by Jonathan Vinson

STANDARD FOR EXTENDING THE TIME PERIOD IN WHICH TO APPLY FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY:

- The Dallas Development Code states the following with regard to board action:
 - The applicant shall file an application for a building permit or certificate of occupancy within 180 days for the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.
- The Board of Adjustment Working Rules of Procedure state the following with regard to extensions of the time period for making application for a building permit or certificate of occupancy:
 - A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a specific finding based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the board extend the time period beyond 18 months from the date of its favorable action.

Timeline:

November 16, 2011: The Board of Adjustment Panel B granted a request for variance to the height regulations of 20' and imposed the submitted site plan and elevation as a condition to the request. The case report stated

that the request was made in conjunction with constructing and maintaining a mixed-use residential and retail project that would reach 260' in height on a site that is currently undeveloped.

- November 18, 2011: The Board Administrator wrote the applicant a letter documenting the November 16th action of the board, and noting to "Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board."
- March 12, 2012: The applicant submitted a letter to staff requesting that the Board extend the time period in which to file an application for a building permit or certificate of occupancy an additional one year (or 12 months) beyond the 180 days they had to do so from the November 16, 2011 favorable action (see Attachment A).
- March 13, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the April 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- April 5, 2012: The applicant submitted additional information to staff regarding this request (see Attachment B).



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

M2
Attach A
Pg 1
Jonathan G. Vinson
214-953-5941
jvinson@jw.com

March 12, 2012

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

Re: BDA 101-107; 3700 McKinney Avenue

Dear Mr. Long:

As you know, the above-referenced application for a variance to the applicable height regulations for property located at 3700 McKinney Avenue was approved by Panel B of the Zoning Board of Adjustment, under BDA 101-107, at the November 16, 2011 meeting. Pursuant to the applicable provisions of the *Dallas Development Code*, the applicant must file an application for a Permit necessary to effect the variance within 180 days from the date of the favorable action of the Board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. Pursuant to Section 9.j of the Board's Working Rules of Procedure, this extension can be granted for up to 18 months from the date of its original favorable action.

The Applicant in BDA 101-107 now requests that an item be placed on the April 18, 2012, Panel B agenda for the purpose of requesting an extension of 12 months from that date within which the applicant may file an application for a permit necessary to effect the variance granted under BDA 101-107 on November 16, 2011. The reason that this extension of time is necessary is that is a particularly complex project, given its size, its very urban character, the mixed-use component, the parking structure design and separation, and the desire for high quality interaction with the public realm, among other factors, so the design process is very lengthy.

It is very important to the owner/applicant to complete the highest quality design, which in turn must be done before construction drawings can be prepared (also a very lengthy process) and submitted for a Building Permit. Allowing this additional time within which to complete the design and prepare construction drawings will ensure the highest quality of the project, which in turn will benefit the neighboring residents and properties as well as the City as a whole. Please also recall that this request originally received very significant support from the community, including virtually all of our neighbors, and had no opposition whatsoever.

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

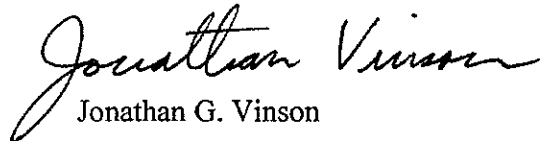
Mr. Steve Long
March 12, 2012
Page 2

M2
Attach A
pg 2

Please also accept this letter as our affirmation, also pursuant to Board Rule 9.j, that there are no substantially changed conditions or circumstances affecting the property. The property itself remains exactly as it was in terms of property conditions, and the proposed development project, as approved by the Board, is exactly the same in terms of the submitted site plan. The only reason for the extension request is to ask for additional time within which to complete the design and construction drawings and submit for a Building Permit. We will also state on the record at the April hearing that there are no substantially changed conditions or circumstances regarding the property.

Therefore, and due to those circumstances, we are requesting that an item for the above-described extension request be placed on the April 18, 2012, Panel B Agenda. Thank you very much for your assistance with this. Please let me know if you have any questions or if you need any additional information.

Very truly yours,



Jonathan G. Vinson

JGV:wp

cc: Jim Truitt
George Burchlaw
Susan Mead



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

April 5, 2012

Via Scan/Email

Hon. Chair and Members, Panel B
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 101-107; Request for Extension of Time

Dear Members of Panel B:

We appeared before you on November 16, 2011, and secured your approval under BDA 101-107 of a variance of 20 feet to the height regulations applicable to this site, which is at 3700 McKinney Avenue in P.D. 305, Subdistrict D-2. We are now respectfully asking you for an extension of 12 months for the approved variance.

Accompanying this letter are the Disposition Letter from Mr. Steve Long dated November 18, 2011, the Memorandum of Action Taken, and the stamped Site Plan and Elevation, showing your approval at that time. The approved Site Plan included a "Height Variance Area" restricting the additional 20 feet in height over the 240 feet originally allowable to the northern portion of the site, adjacent to Blackburn Avenue, as shown on the attached highlighted version of the Site Plan.

We are now asking for an extension of twelve months from the November 16, 2011, approval date within which the Applicant may file the application for a permit necessary to effect the variance, pursuant to Section 9.J of the Board's Working Rules of Procedure. As discussed in my March 12, 2012, letter to Mr. Steve Long, also attached, we have several reasons for asking for this extension.

First, this is a particularly complex project, given its size, its urban character, the vertical mixed use component, the parking structure design and separation, and the desire for high quality interaction with the public realm. Therefore, the design process for this project, as for any such project, is particularly lengthy and complex.

8068122v.1

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

Hon. Chair & Members, Panel B
April 5, 2012
Page 2

Second, it is very important to the owner/applicant, as well as in the best interest of the surrounding community, to complete the highest quality design for this project. This design work must be completed before the construction drawings can be prepared, which in turn must be completed before they can be submitted for a Building Permit.

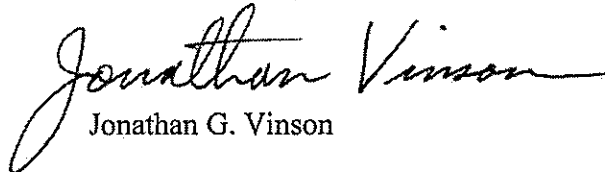
Third, an application is currently in process for funding from the Cityplace Tax Increment Financing District, the outcome of which request the applicant needs to know before it is able to complete its design and thus submit for Permits. This process is near completion and the request has been approved by the Council Economic Development Committee, but will not be considered by the full City Council until April 25. Under the TIF proposal, the developer would be required to begin construction by December 31, 2012, and obtain a final Certificate of Occupancy by December 31, 2014. This is another reason for needing the extension.

Allowing the additional twelve months requested within which to complete the design and prepare construction drawings will insure the highest quality for the project, which in turn will benefit the neighboring residents and properties, as well as the City as a whole. I have also attached a copy of our November 4, 2011, letter to Panel B (without the attachments) to refresh your recollection of the site conditions and the proposed project.

Please also recall that this request received virtually unanimous support from the surrounding community (*see* support map, attached), and there was no opposition at all. Finally, as stated in my letter to Mr. Long, there are no substantially changed conditions or circumstances affecting the property, and the proposed project as approved by Panel B previously is exactly the same in terms of the submitted Site Plan and Elevation.

Therefore, we respectfully request an extension of time of twelve months from the original approval date of November 16, 2011, within which to apply for the Permits necessary to effect the variance already granted. Thank you very much for your consideration of our request, and we look forward to appearing before you at your April 18 hearing.

Very truly yours,


Jonathan G. Vinson

cc: Jim Truitt
George Burchlaw
Susan Mead

8068122v.1



City of Dallas

November 18, 2011

Jonathan Vinson
Jackson Walker
901 Main Street, Ste. 6000
Dallas, TX 75202

Re: BDA 101-107, Property at 3700 McKinney Avenue

Dear Mr. Vinson:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, November 16, 2011 granted your request for a variance to the height regulations of 20 feet, subject to the following condition:

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

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

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


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

SL/ti

c: James Martin, Code Enforcement, 3112 Canton, Rm 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105



BDA-101-10
Attach A
Pg 4

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-107

Date: 9-9-11

Data Relative to Subject Property:

Location address: 3700 McKinney Avenue Zoning District: P.D. 305, Subd. D-2

Lot No.: 1.1 Block No.: A/977 Acreage: 3.083 Census Tract: 7.01

Street Frontage (in Feet): 1) 330.57 2) 317.50 3) 340.34 4) 359.67 5)

To the Honorable Board of Adjustment:

Owner of Property/or Principal: Blackburn-Central Holdings, L.P.

Applicant: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

Represented by: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

*2011
9/9/11*

Affirm that a request has been made for a Variance , or Special Exception , of 5 foot to the front yard setback regulation for certain awning and signage projections only, and 20 feet to the maximum height regulations.

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:
Granting of the requested variances will not be contrary to the public interest, and owing to special conditions, to be described further in supplementary materials to be provided to City Staff, literal enforcement of the referenced regulations would result in unnecessary hardship. The variances are necessary to in a manner commensurate permit development of this specific parcel of land because of restrictive property conditions which would otherwise prevent its development with other parcels. The requested variances are not to relieve a self-created or personal hardship, nor for financial reasons only.

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: Jonathan G. Vinson Applicant's name printed Jonathan G. Vinson Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Jonathan G. Vinson
Affiant (Applicant's signature)

Subscribed and sworn to before me this 8th day of September, 2011



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

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

e of Hearing Nov. 16, 2011

Appeal was--Granted OR Denied

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

Daniel Reynolds
Chairman

Building Official's Report

I hereby certify that Jonathan Vinson
did submit a request for a variance to the building height regulation
at 3700 McKinney Avenue

BDA101-107. Application of Jonathan Vinson for a variance to the building height regulation at 3700 McKinney Avenue. This property is more fully described as lot 1.1 in city block A/977 and is zoned PD 305 (Subdistrict D-2), which limits the maximum building height. The applicant proposes to construct a structure with a building height of 260 feet, which will require a 20 foot variance to the maximum building height regulation.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE _____ DAY OF

November 17, 2011

Steve King
ADMINISTRATOR

Sincerely,

Lloyd Denman
Lloyd Denman, Building Official

BDA 101-107

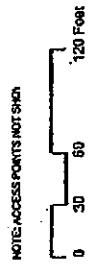
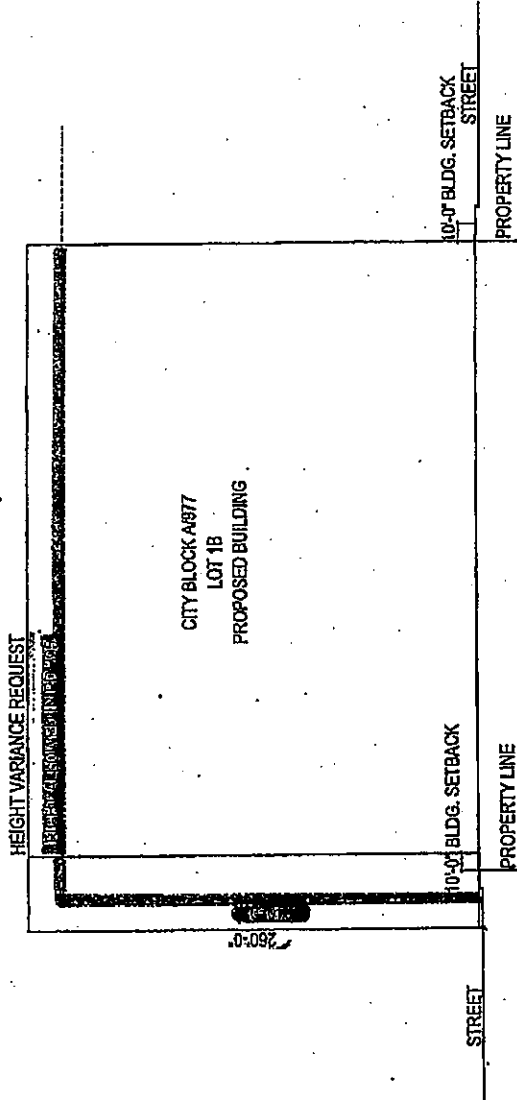
**PLANS APPROVED
SUBJECT TO
BOARD ACTION**

11-17-11

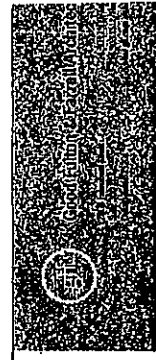
DATE

Stark
ADMINISTRATOR

BDA 101-107
Attachment B, P. 11

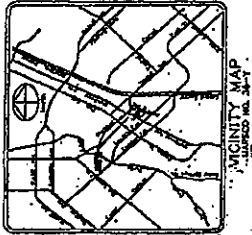
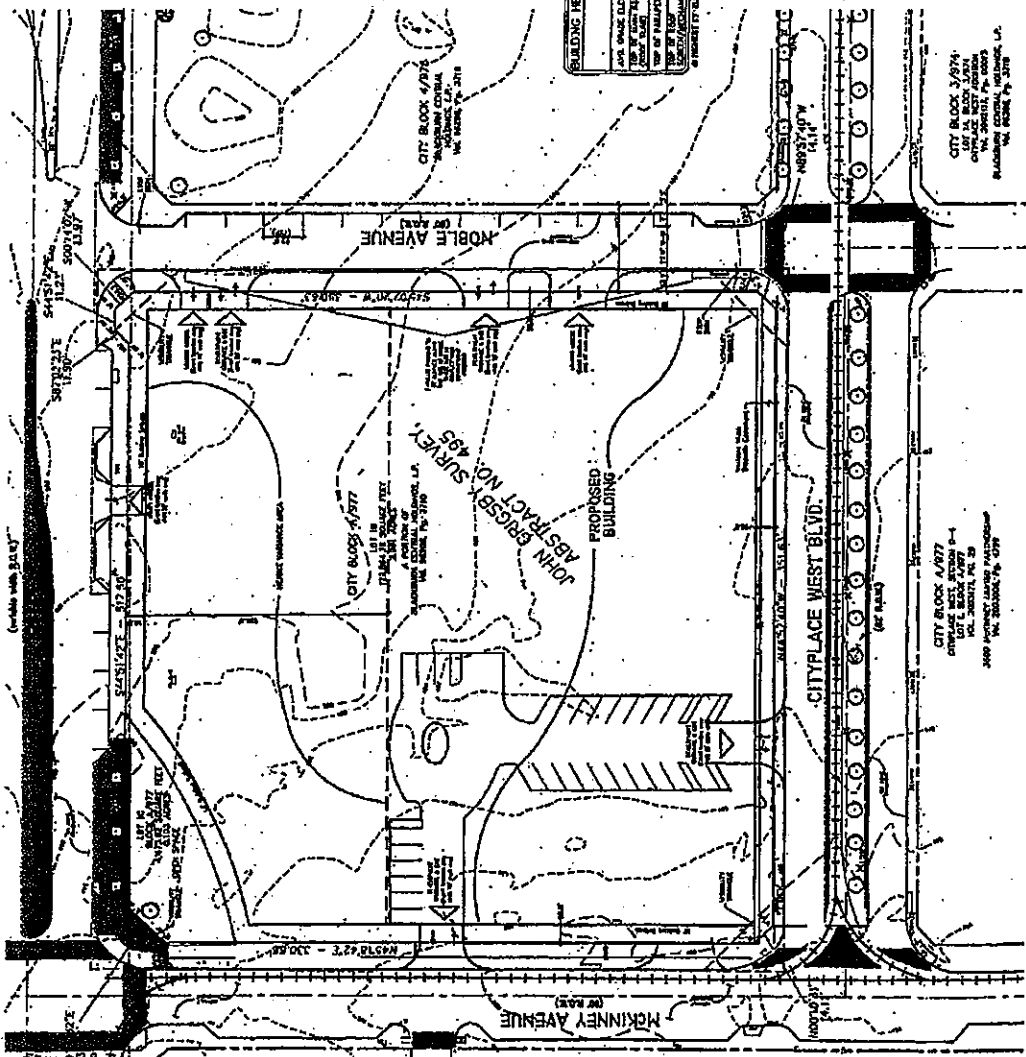


Miscellaneous Item
Attach B
Pg 6



Job #: 11067.01
File Name: zmbag 110611.dwg
Date: 11/01/2011
Drawn by: JKL, LAL

HEIGHT VARIANCE
Cityplace Block 7A
Dallas, Texas



CITYPLACE WEST SECTION D-2 ADDITION
 LOT 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CUMULATIVE DEVELOPMENT WEST ZONE OF PD 305

AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA
1	2	3	4	5	6	7	8	9	10
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000

BUILDING HEIGHT SUMMARY

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

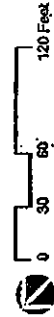
BUILDING AREA

AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA
1	2	3	4	5	6	7	8	9	10
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000

PARKING SPACE CALCULATION

AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA
1	2	3	4	5	6	7	8	9	10
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
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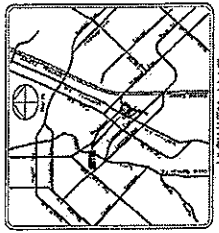
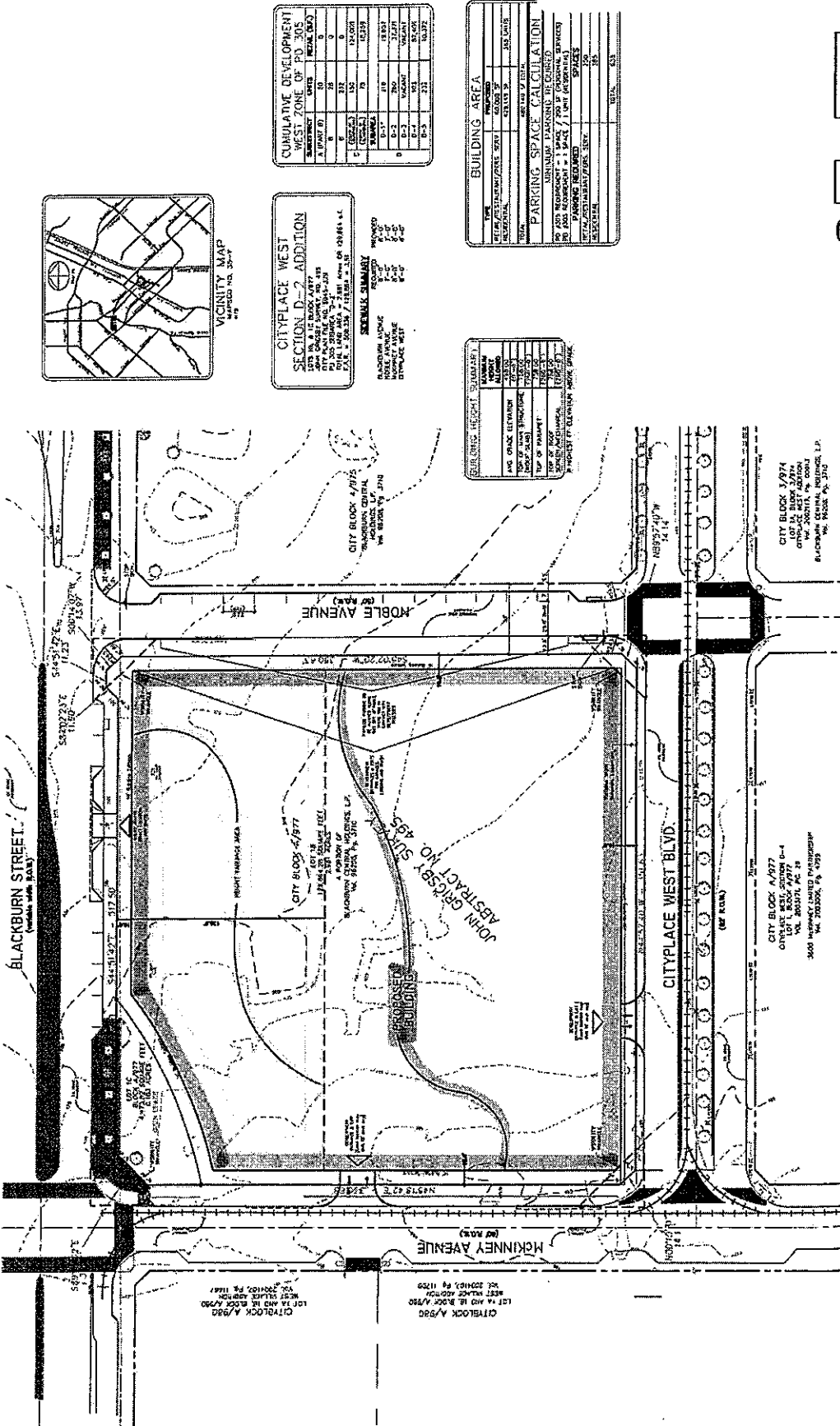
ALL DIMENSIONS FOR VERTICAL STRUCTURES SHALL BE IN FEET (SEE FOOT MARKS) APPROVED BY THE BOARD OF PLANNING ON SEPTEMBER 18, 2007, FILE NO. 2007-008



NO. 101-107
 PLANS APPROVED
 SUBJECT TO
 BOARD ACTION
 DATE 11-18-11
 [Signature]

Job #: 1167/01
 File Name: 20070110011.dwg
 Date: 11/03/2011
 Drawn by: DFL, LNF

DEVELOPMENT PLAN
 Cityplace Block 7A
 Dallas, Texas



CITYPLACE WEST SECTION D-2 ADDITION
APPLICANT: CITY OF DALLAS
PROJECT NO.: 101-107
DATE: 11/08/07

CUMULATIVE DEVELOPMENT WEST ZONE OF PD-MS

DEVELOPMENT TYPE	UNITS	RES. UNITS	OFFICE UNITS	IND. UNITS	RETAIL UNITS
RESIDENTIAL	10	0	0	0	0
OFFICE	0	0	0	0	0
INDUSTRIAL	0	0	0	0	0
RETAIL	0	0	0	0	0
TOTAL	10	0	0	0	0

GENERAL NOTES

1. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

2. ALL CORNERS ARE TO BE SET BY SURVEY.

3. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

4. ALL CORNERS ARE TO BE SET BY SURVEY.

5. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

6. ALL CORNERS ARE TO BE SET BY SURVEY.

PROPOSED BUILDINGS

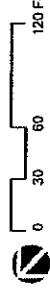
BLK	TYPE	NO. OF UNITS	TOTAL SQ. FT.	AV. H. (FT.)
A/590	RESIDENTIAL	10	10,000	100
A/597	OFFICE	0	0	0
A/974	OFFICE	0	0	0
A/977	OFFICE	0	0	0
TOTAL		10	10,000	100

BUILDING AREA

TYPE	NO. OF UNITS	TOTAL SQ. FT.	AV. H. (FT.)
RESIDENTIAL	10	10,000	100
OFFICE	0	0	0
TOTAL	10	10,000	100

PARKING SPACE CALCULATION

TYPE	NO. OF UNITS	MINIMUM PARKING REQUIRED
RESIDENTIAL	10	10
OFFICE	0	0
TOTAL	10	10



Good Fulton & Farrell Architects
2400 W. BLACKBURN AVENUE, SUITE 200
DALLAS, TEXAS 75201
TEL: 214.596.7500
WWW.GOODFULTONANDFARRELL.COM

Job #: 11097.01
File Name: 2400w 110111.dwg
Date: 11/02/09
Drawn by: DF, LNF

DEVELOPMENT PLAN
Cityplace Block 7A
Dallas, Texas



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

Jonathan G. Vinson
214-953-5941
jvinson@jw.com

March 12, 2012

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

Re: BDA 101-107; 3700 McKinney Avenue

Dear Mr. Long:

As you know, the above-referenced application for a variance to the applicable height regulations for property located at 3700 McKinney Avenue was approved by Panel B of the Zoning Board of Adjustment, under BDA 101-107, at the November 16, 2011 meeting. Pursuant to the applicable provisions of the *Dallas Development Code*, the applicant must file an application for a Permit necessary to effect the variance within 180 days from the date of the favorable action of the Board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. Pursuant to Section 9.j of the Board's Working Rules of Procedure, this extension can be granted for up to 18 months from the date of its original favorable action.

The Applicant in BDA 101-107 now requests that an item be placed on the April 18, 2012, Panel B agenda for the purpose of requesting an extension of 12 months from that date within which the applicant may file an application for a permit necessary to effect the variance granted under BDA 101-107 on November 16, 2011. The reason that this extension of time is necessary is that is a particularly complex project, given its size, its very urban character, the mixed-use component, the parking structure design and separation, and the desire for high quality interaction with the public realm, among other factors, so the design process is very lengthy.

It is very important to the owner/applicant to complete the highest quality design, which in turn must be done before construction drawings can be prepared (also a very lengthy process) and submitted for a Building Permit. Allowing this additional time within which to complete the design and prepare construction drawings will ensure the highest quality of the project, which in turn will benefit the neighboring residents and properties as well as the City as a whole. Please also recall that this request originally received very significant support from the community, including virtually all of our neighbors, and had no opposition whatsoever.

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

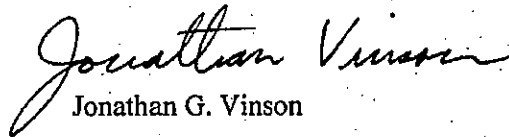
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Mr. Steve Long
March 12, 2012
Page 2

Please also accept this letter as our affirmation, also pursuant to Board Rule 9j, that there are no substantially changed conditions or circumstances affecting the property. The property itself remains exactly as it was in terms of property conditions, and the proposed development project, as approved by the Board, is exactly the same in terms of the submitted site plan. The only reason for the extension request is to ask for additional time within which to complete the design and construction drawings and submit for a Building Permit. We will also state on the record at the April hearing that there are no substantially changed conditions or circumstances regarding the property.

Therefore, and due to those circumstances, we are requesting that an item for the above-described extension request be placed on the April 18, 2012, Panel B Agenda. Thank you very much for your assistance with this. Please let me know if you have any questions or if you need any additional information.

Very truly yours,


Jonathan G. Vinson

JGV:wp

cc: Jim Truitt
George Burchlaw
Susan Mead



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

November 4, 2011

Hon. Chair and Members, Panel B
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 101-107; 3700 McKinney Avenue.

Dear Members of Panel B:

We represent Forest City Enterprises, Inc. ("Forest City"), the prospective purchaser and developer of the area of request in this case. Forest City is in the planning stages for a very high-quality mixed-use residential and retail project fronting McKinney Avenue, between Blackburn Street on the north, Noble Avenue on the east, and Cityplace West Boulevard on the south.

This is a 2.98 acre site within P.D. 305, the Cityplace planned development district, and is surrounded by the West Village development on the west, the Mondrian residential high-rise on the north, Central Expressway on the east after an intervening lot, and additional retail and the Marquis on McKinney residential high-rise to the south. This is an outstanding location for mixed-use, transit-oriented development, being very close to the DART Cityplace Station immediately to the southeast and adjacent to the McKinney Avenue Trolley. P.D. 305 permits a maximum height of 240 feet in Subdistrict D-2, in which the site is located.

Our request is for a variance of twenty feet (20 feet) to the maximum height regulations of P.D. 305, for a total maximum height of 260 feet, limited to only a *portion* of the site, as shown on the attached conceptual site plan. This request has been *reduced* from our original request for a 37 foot variance. The attached conceptual elevation also shows a maximum height of 260 feet, but please bear in mind that the additional 20 feet in height on the site will be governed by and limited to what is shown as the "height variance area" on the conceptual site plan. In fact, it is anticipated that, if this request is granted and the project is developed, a significant portion of the site will actually be built at *less* than 240 feet in height. This request is explained in greater detail below.

This site is subject to certain *property hardship conditions* which are special conditions under which literal enforcement of the P.D. 305 regulations would result in unnecessary hardship. For example, the size of the lot, 2.98 acres, is *relatively small* in comparison with the development rights available and thus results in a property hardship condition which would prevent development commensurate with other projects in the area.

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

Mr. Steve Long
November 4, 2011
Page 2

In addition, the property has a total of *four front yards*, including a front yard newly created by the extension of Noble Avenue on the east. There is also a *slope* on the site, as shown by the topography lines on the plan.

There also is a *wider than normal right-of-way width on McKinney Avenue*, which limits the developable area on that side of the property. McKinney Avenue at this location, as built from curb to curb (to the bulb-outs on the west side of McKinney adjacent to West Village, not counting the parallel parking) is approximately 30 feet wide. However, the right-of-way is 60 feet, 15 feet of which extends from the east curb line to the site's property line, creating a larger setback.

In addition, the current owner of the property has granted to the City a 4,462 square foot open space easement out of the site at the corner of McKinney and Blackburn. This easement is part of a larger plan to provide more welcoming and publicly-accessible open space, with landscaping and public art, in the Cityplace neighborhood, but it also *reduces the site area*, creates a *deeper setback*, and makes the site more *irregularly shaped*, all of which contribute to the property hardship. These hardship conditions are not self-created or personal hardships, and the requested variance is necessary to permit development in a manner commensurate with other parcels which are similarly situated.

Finally, the granting of the requested variances will *support the public interest* by facilitating the development of this signature building containing first-class residential development and ground-floor retail. The additional height is a reasonable response to having to pull back the building footprint from the corner of McKinney and Blackburn, from McKinney Avenue, and from the other three public streets.

Please note that the Board had previously found property hardship and approved a twenty-five foot height variance for this site, five more feet than we are requesting, on October 19, 2005, under BDA 056-013, and also granted front yard setback variances and a landscape special exception in that case, but that project did not proceed due to other factors.

Further, on May 27, 2003, in case BDA 023-075, the Staff recommended, and the Board of Adjustment granted, a five foot front yard setback variance for the Mondrian high-rise multifamily project, directly across Blackburn Street, finding property hardship on the basis of four front yards, slope, and irregular shape (*see minutes, attached*). While no other case sets a precedent, this approval did significantly increase that site's development rights, and directly relates to our ability to develop commensurate with other properties in the area.

Please note also that the portions of Cityplace closer to Central Expressway to the east, in P.D. 375, allow higher heights by right, including 270 feet between Blackburn and Cityplace West, and 546 feet between Cityplace West and Lemmon Avenue. Our request is an excellent transition from that maximum height.

One of the salient features of this location is the urban, pedestrian-oriented environment due both to the close proximity to the DART rail station and the McKinney

Mr. Steve Long
November 4, 2011
Page 3

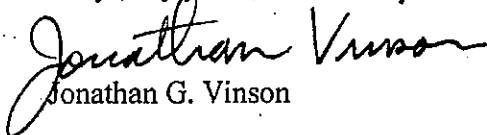
Avenue Trolley, as well as to the West Village development and other nearby developments. This development is intended to greatly enhance this pedestrian-friendly and transit-oriented environment, and we suggest that consideration should be given to the very positive impact development of this now-vacant site will have on the public interest.

Attached to this letter are several illustrations and other items, including:

- (1) several support letters from nearby property owners, with locator map;
- (2) the conceptual elevation and conceptual site plan marked in color to show the variance request area;
- (3) a copy of our Landscape Plan, submitted for approval in conjunction with a Minor Amendment, showing the extensive tree planting programmed for the site;
- (4) a plat-type drawing of the site showing the open space easement at McKinney and Blackburn;
- (5) an aerial photo showing the location in context of the site (Tract 7A);
- (6) the Conceptual Open Space Plan for Cityplace;
- (7) the Cityplace "Urban Parks Key Plan";
- (8) a detailed drawing of the McKinney Junction open space; and
- (9) several site photos, showing each frontage and the McKinney Junction feature nearing completion.

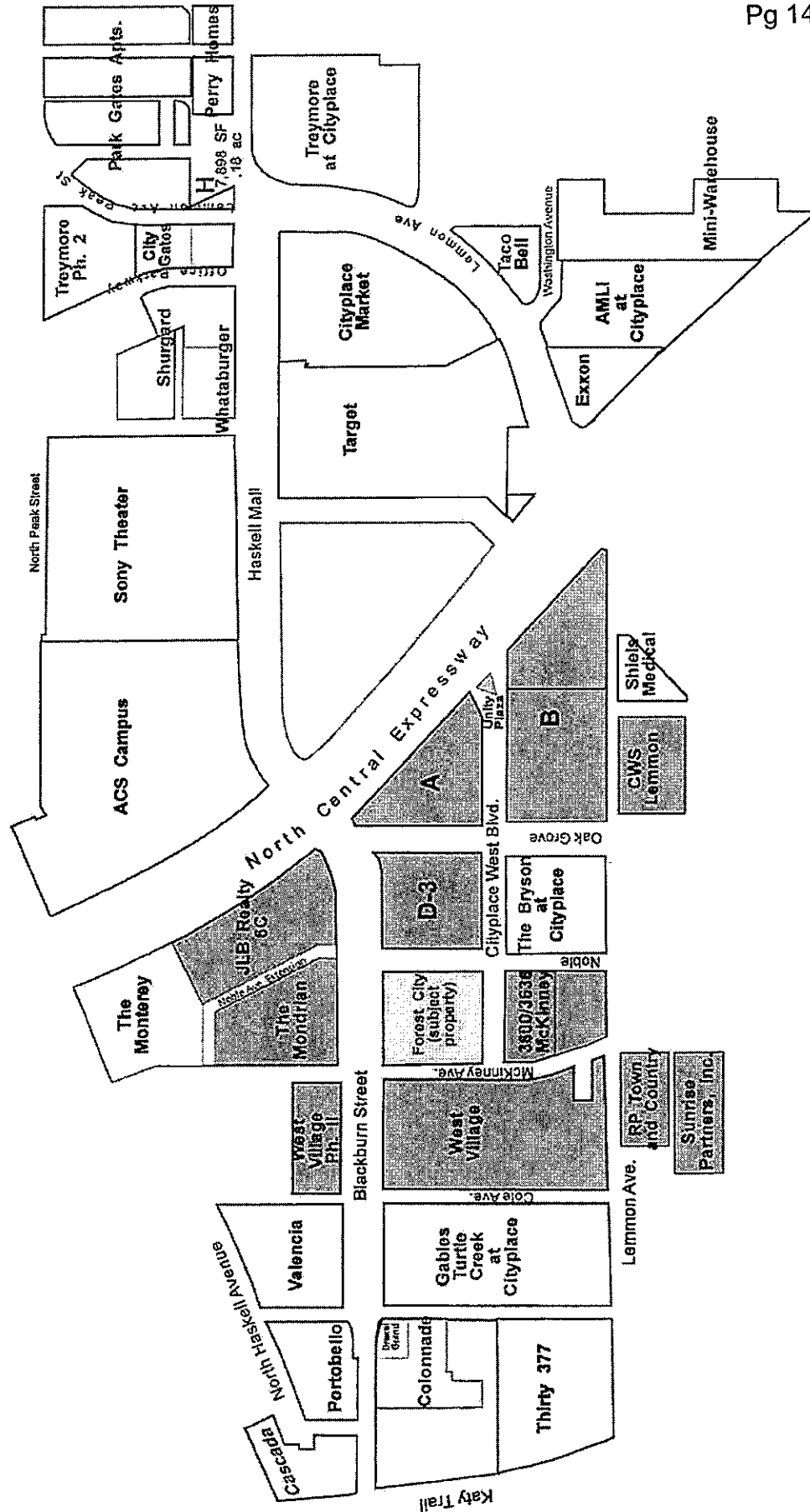
Due to all of the factors described above, we believe that this application clearly meets all of the required standard for the variance request. Therefore, we will respectfully ask at your hearing that you approve our application. Thank you very much for your consideration.



Very truly yours,


Jonathan G. Vinson

cc: Jim Truitt
George Burchlaw
Larry Good
Lawrence Cosby
Laura Foster
Susan Mead

Cityplace



-  Subject Property
-  Property owner support letter received

FILE NUMBER: BDA 112-036

BUILDING OFFICIAL'S REPORT:

Application of Ronald Morris for a special exception to the fence height regulations at 6517 Briarhaven Drive. This property is more fully described as Lot 16 in City Block C/7429 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 6 foot 8 inch high fence in a required front yard, which will require a special exception of 2 feet 8 inches.

LOCATION: 6517 Briarhaven Drive

APPLICANT: Ronald Morris

REQUEST:

- A special exception to the fence height regulations of 2' 8" is requested in conjunction with constructing and maintaining an approximately 22' long, 3' high open wrought iron "fence" railing with 3' 6" high stone columns atop an approximately 40" high stone retaining wall the following in the site's 50' required front yard (created by a platted building line) on a site developed with a single family home.

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.

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.

GENERAL FACTS:

- The Dallas Development Code states that a fence may not exceed 4' above grade when located in the required front yard in all residential districts except multifamily districts.
The applicant has submitted a scaled site plan and elevation indicating a fence proposal that would be located in the site's 50' required front yard (created by a building line) and that reaches a maximum height of 6' 8". A site plan has been

submitted that indicates the location of the proposal in the required front yard setback. The following additional information was gleaned from this site plan:

- The proposal would be approximately 23' in length parallel to the street and approximately 6' in length perpendicular to the street on the east and west sides of the site in the required 50' front yard.
- The proposal is shown to be located approximately 44' from the front property line.
- On April 3, 2012, the applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

February 15, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

March 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 March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and

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

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

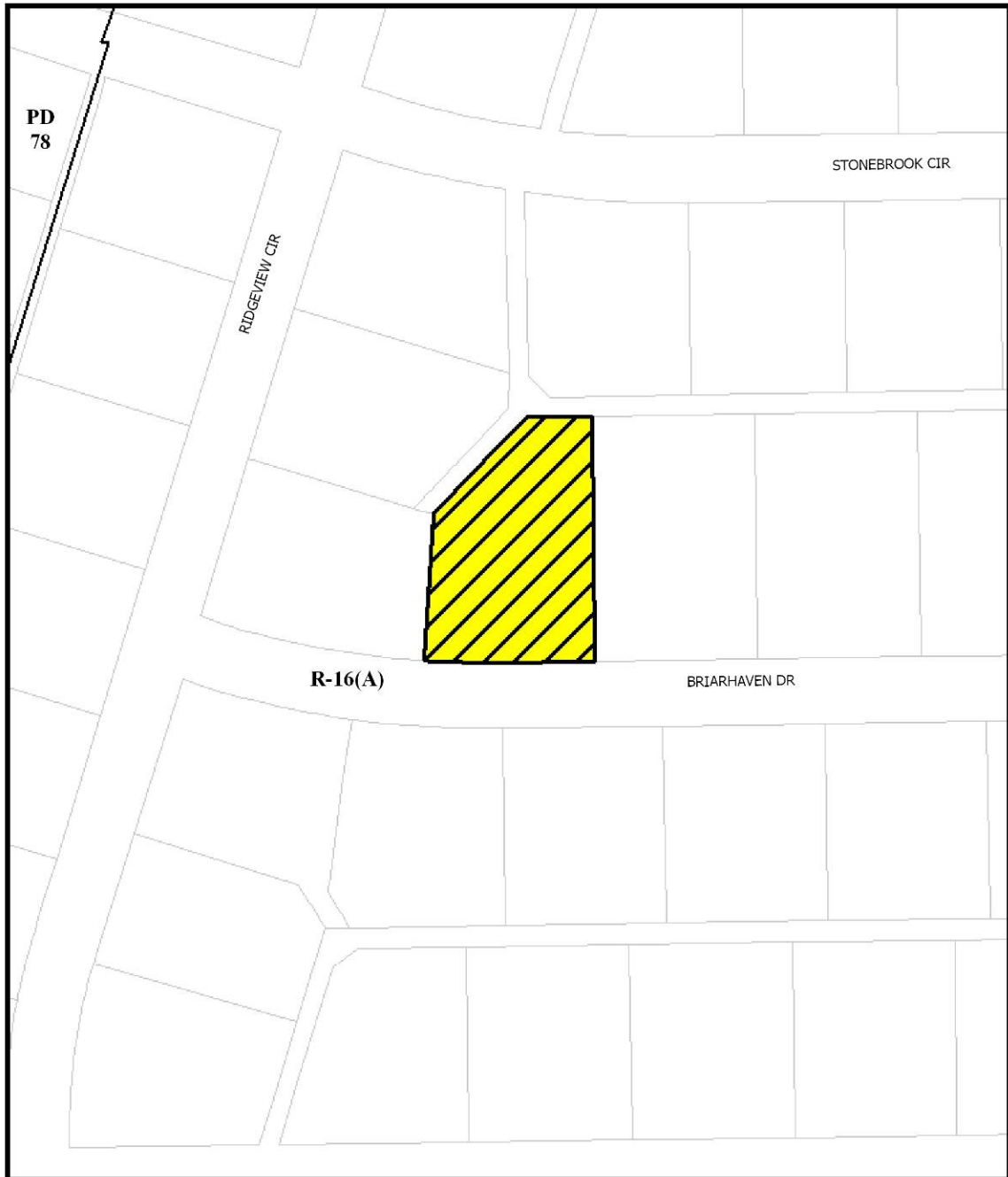
April 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

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

STAFF ANALYSIS:

- The request focuses on constructing and maintaining an approximately 22' long, 3' high open wrought iron "fence" railing with 3' 6" high stone columns atop an approximately 40" high stone retaining wall the following in the site's 50' required front yard (created by a platted building line) on a site developed with a single family home.
- Note that if this property did not have a 50' platted front building line, the fence proposal in this application would be allowed by right since it is located outside of the 35' front yard setback required for properties zoned R-16(A).
- Note that if the proposed fence were located 6' further away from the front property line, the proposed fence would be allowed by right since it would no longer be located in the required front yard.
- A site plan and elevation has been submitted documenting the location of the proposal relative to its proximity to the front property line, the length of the proposal relative to the entire lot, and the proposed building materials. The proposal is shown to be located approximately 44' from the property line and shown to be about 23' long parallel to the street.
- The proposal would be located on a site where two single family homes would have direct/indirect frontage, properties that have no fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- As of April 9, 2012, a petition signed by 15 owners/neighbors in support of the application had been submitted and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 6' 8" in height) will not adversely affect neighboring property.

- Granting this special exception of 2' 8" 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 front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.



1:1,200

ZONING MAP

Case no: BDA112-036

Date: 3/29/2012



1:1,200

AERIAL MAP

Case no: BDA112-036

Date: 3/29/2012

In April of this year we will be before the Dallas Board of Adjustments to request permission to build an almost 7' tall fence in our front yard. We would like your support for this bizarre request because it is not as strange as it sounds. In fact we believe it to be an asset to our neighborhood. Allow me to explain. As you have undoubtedly noticed we are building a front porch addition on our home. All of that addition meets code. However since our lot slopes and our home is built on a pier and beam foundation raised almost 40" above grade at the front door, the porch "floor" will also be 40" above the ground. That means that the porch railing which by code should be at least 36" above the porch floor will then be over 6' above grade at that point. The illustration below shows what that will look like. I hope that you will agree that our new front porch will be an asset to our home and our neighborhood and will sign this petition indicating your support for this variance to the current 48" maximum fence height.



Proposed new fence at 6517 Briarhaven Drive, Dallas

Name	Address	Date
Karl Joffe	6516 BRIARHAVEN DR	2/12/2012
Shickin Nemati	6524 BRIARHAVEN DR.	2/12/2012
Erika Schneider	6532 Briarhaven Dr	2/12/2012
Peter Raad	6540 Briarhaven Dr.	2/12/2012
Rick Sam Sam	6608 BRIARHAVEN DR.	2/12/2012
Walter BB	6618 Briarhaven Dr	2/12/2012
Nora Cardoso	6626 Briarhaven Dr	2/12/2012
MUHAMMAD KHAN	6623 Briarhaven Dr.	2/12/12
SUE BEHNINGER	6538 RIDGEVIEW CIRCLE	2/12/12

In April of this year we will be before the Dallas Board of Adjustments to request permission to build an almost 7' tall fence in our front yard. We would like your support for this bizarre request because it is not as strange as it sounds. In fact we believe it to be an asset to our neighborhood. Allow me to explain. As you have undoubtedly noticed we are building a front porch addition on our home. All of that addition meets code. However since our lot slopes and our home is built on a pier and beam foundation raised almost 40" above grade at the front door, the porch "floor" will also be 40" above the ground. That means that the porch railing which by code should be at least 36" above the porch floor will then be over 6' above grade at that point. The illustration below shows what that will look like. I hope that you will agree that our new front porch will be an asset to our home and our neighborhood and will sign this petition indicating your support for this variance to the current 48" maximum fence height.



Proposed new fence at 6517 Briarhaven Drive, Dallas

Name	Address	Date
Lesly McGinnis	6633 Ridgeway Circle	2-12-12
Traci Muirheid	6539 Ridgeway Circle	2/21/12
Pam Frank	6525 Briarhaven Dr.	2-12-12
Emily Suckew	6755 Ridgeway Cir	4-2-12
Eugene Hill	6533 BRIARHAVEN	4-2-12
McSteddy	6531 Ridgeway Circle	4-2-12



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-036

Date: 2/15/2012

Data Relative to Subject Property:

Location address: 6517 Briarhaven Dr Zoning District: R-16(A)

Lot No.: 16 Block No.: C/429 Acreage: 1/2 acre Census Tract: 136.08

Street Frontage (in Feet): 1) 132' 2) 3) 4) 5) NE3N

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Stephen Pauley & Diane Pauley

Applicant: Stephen Pauley Telephone: 214-455-5034

Mailing Address: 6517 Briarhaven Dr Zip Code: 75240

E-mail Address: flylady07@yahoo.com

Represented by: Ronald Morris Telephone: 469-271-3853

Mailing Address: 1912 Saint John Ct, Plano Zip Code: 75023

E-mail Address: ron@recreatingyourhome.com

Affirm that an appeal has been made for a Variance, or Special Exception, of front yard fence to a max. ht. of 6'-8" requiring a 2'-8" special exception.

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:

a wrought iron fence w/ stone columns as shown would provide a safety & decorative factor at the retaining wall adjoining the front door entry

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.

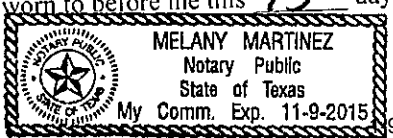
Affidavit

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

Subscribed and sworn to before me this 15th day of February, 2012



Melany Martinez Notary Public in and/or Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman

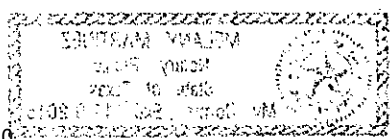
Building Official's Report

I hereby certify that **Ronald Morris**
did submit a request for a special exception to the fence height regulations
at **6517 Briarhaven Drive**

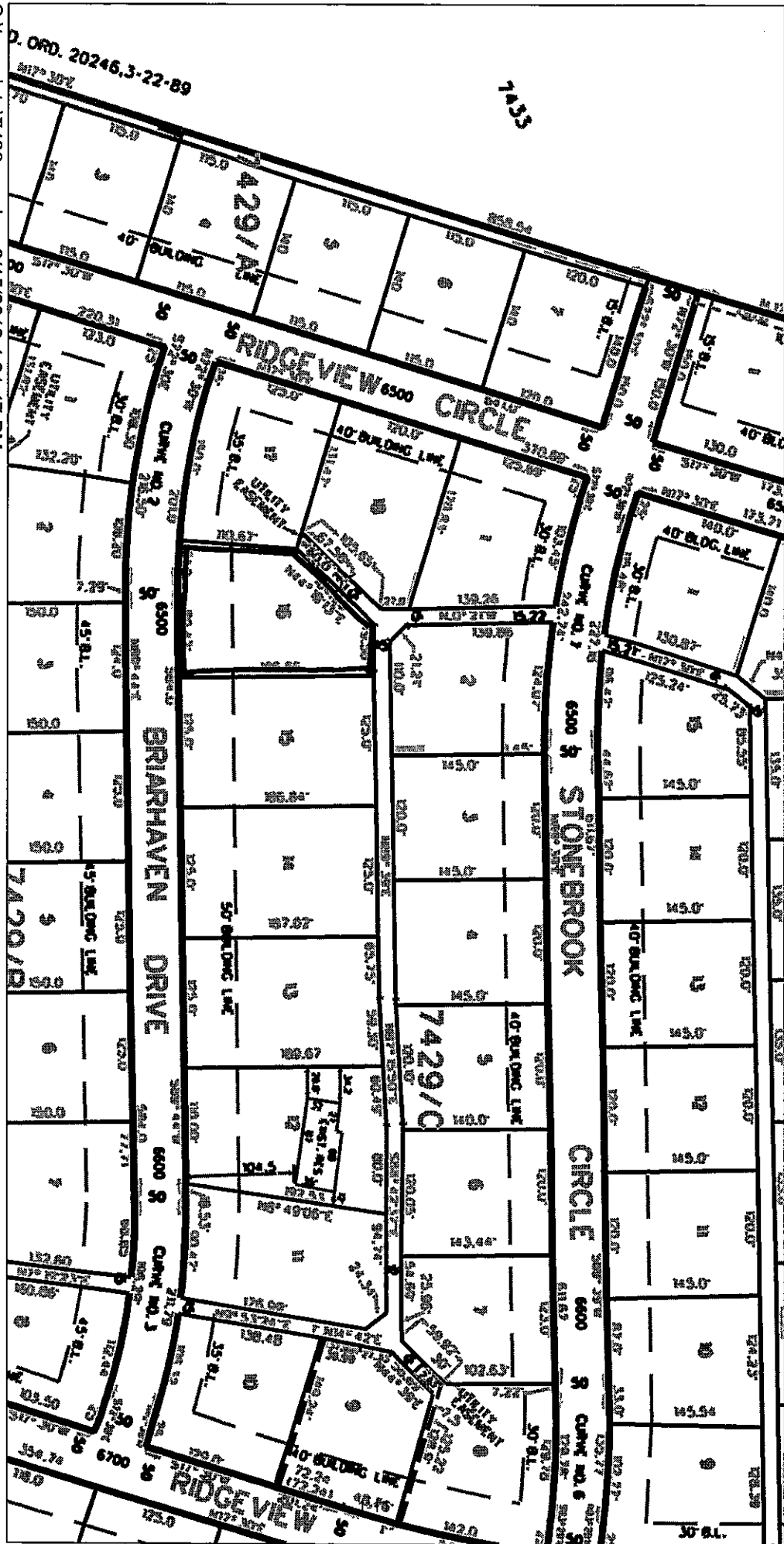
BDA112-036. Application of Ronald Morris for a special exception to the fence height regulations at 6517 Briarhaven Drive. This property is more fully described as lot 16 in city block C/7429 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot 8 inch high fence in a required front yard which will require a 2 foot 8 inch special exception to the fence regulation.

Sincerely,

Lloyd Denman
Lloyd Denman, Building Official



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D. ORD. 20246.3-22-89

7433

7429/A

RIDGE VIEW CIRCLE

BRARHAVEN DRIVE

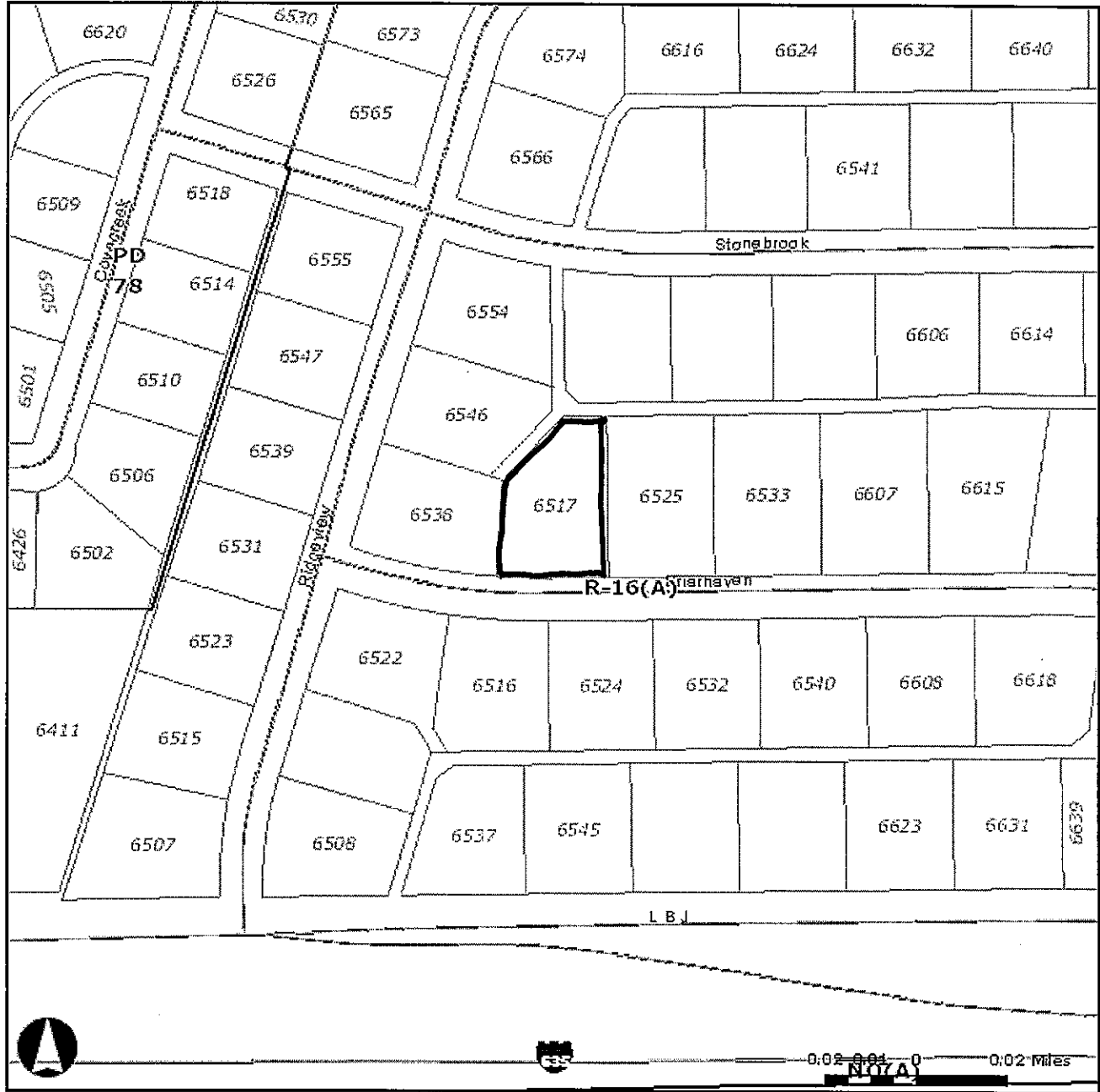
STONEBROOK CIRCLE

7429/C

RIDGE VIEW

[Handwritten Signature]

City of Dallas Zoning



City Boundaries

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

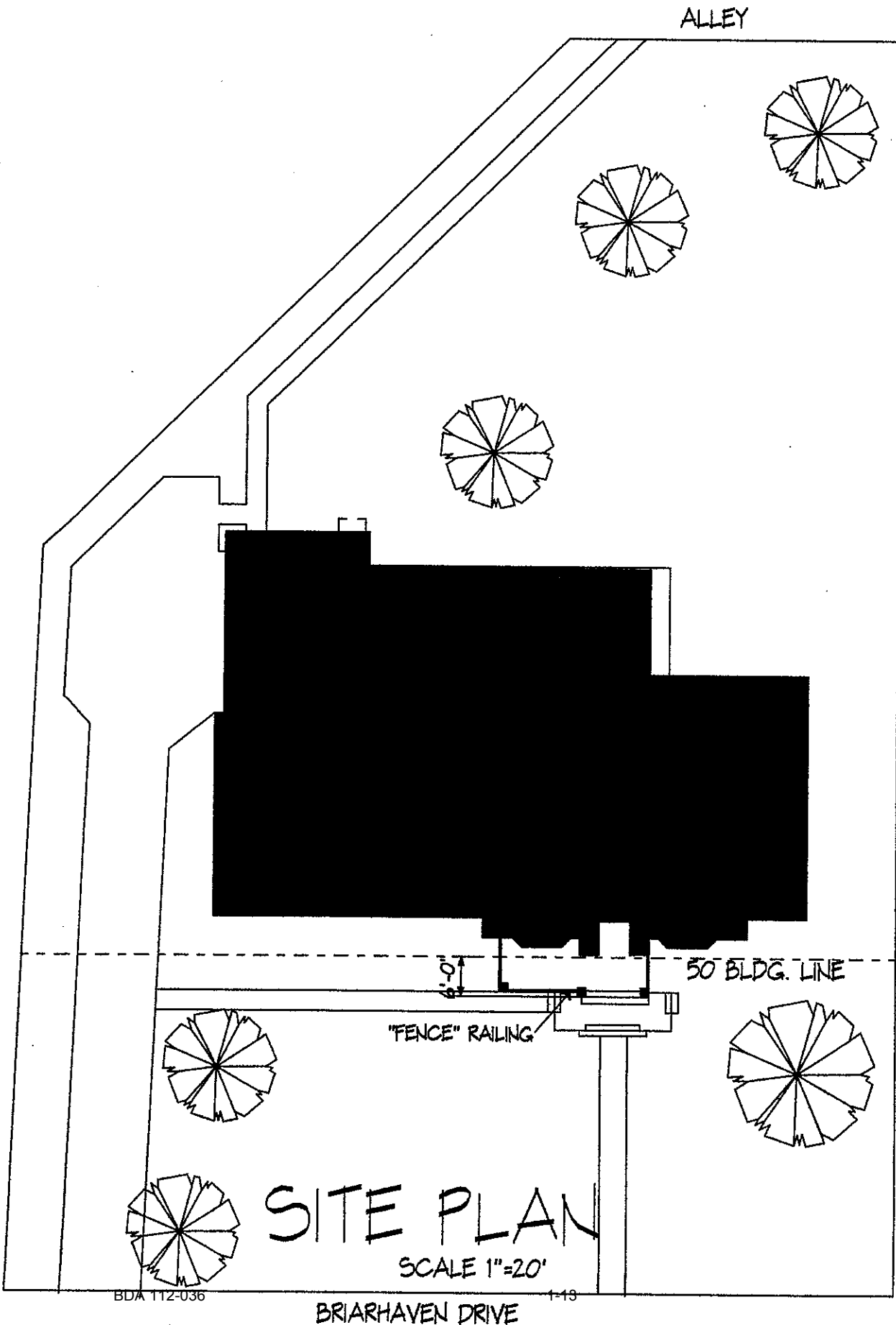
Dry Overlay

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

Base Zoning

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

PLM



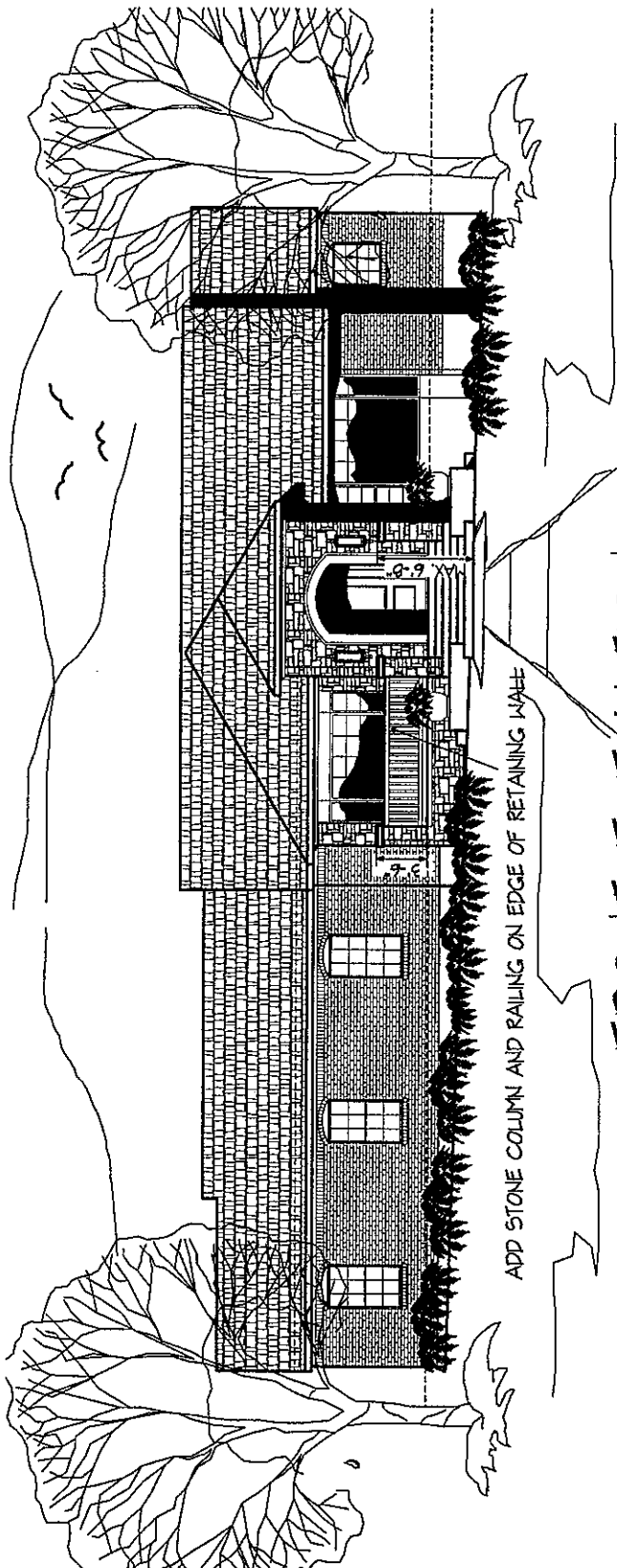
BDA 112-036

1-19

MODEL	PAULEY RESIDENCE. 6517 BRIARHAVEN DRIVE
SCALE	
DATE	2/14/2012
SHEET	

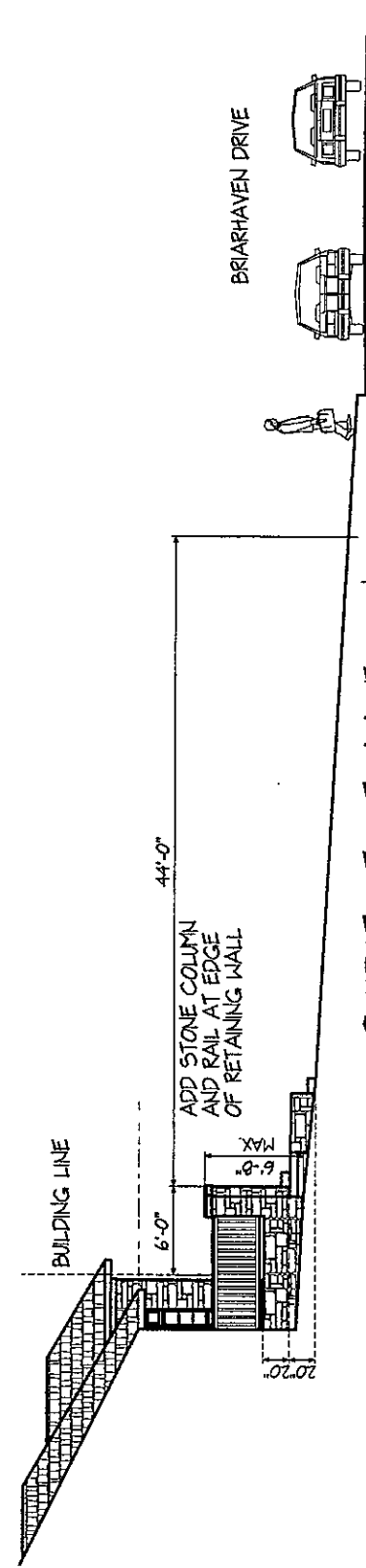
PAULEY RESIDENCE
 6517 BRIARHAVEN DRIVE

MODEL
 SCALE 1/8"=1'-0"
 DATE 2/17/2012
 SHEET



FRONT ELEVATION

ADD STONE COLUMN AND RAILING ON EDGE OF RETAINING WALL



SIDE ELEVATION

ADD STONE COLUMN AND RAIL AT EDGE OF RETAINING WALL



 1:1,200	NOTIFICATION		Case no: BDA112-036
	<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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/29/2012

Notification List of Property Owners

BDA112-036

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6517 BRIARHAVEN DR	PAULEY STEPHEN & DIANE
2	6539 RIDGEVIEW CIR	MUIRHEID TRACI & DARREN
3	6547 RIDGEVIEW CIR	WOODWARD JOHN E
4	6522 RIDGEVIEW CIR	DIRKS LEONARD F JR
5	6516 BRIARHAVEN DR	OFFER PAUL J JR
6	6524 BRIARHAVEN DR	GHAFAR MERDAD N & SHERRY A
7	6532 BRIARHAVEN DR	SCHNEIDER THOMAS F & ERIKA W
8	6540 BRIARHAVEN DR	RAAD PETER E & JOCELYNE
9	6516 RIDGEVIEW CIR	TRAN THU
10	6554 RIDGEVIEW CIR	HUBBARD ELIZABETH H
11	6524 STONEBROOK CIR	STRUEBER THOMAS GEORGE & CAROLYN DENISE
12	6532 STONEBROOK CIR	MCKENZIE RYAN ALAN
13	6540 STONEBROOK CIR	ISOLA ALLISON NOLAN
14	6533 BRIARHAVEN DR	HIATT EUGENE V
15	6525 BRIARHAVEN DR	SKAGGSFRANK PAMELA & DAVID J FRANK
16	6538 RIDGEVIEW CIR	BEDDINGFIELD ROBERT W & SUE BRISTOL
17	6546 RIDGEVIEW CIR	BROWN W DOUGLAS JR TR& JANIE M TR

FILE NUMBER: BDA 112-038

BUILDING OFFICIAL'S REPORT:

Application of Michael T. Weis, represented by Michael Reeder, for special exceptions to the fence height and visual obstruction regulations at 2400 N. Hall Street. This property is more fully described as a 4.0 acre tract of land in City Block 634 1/2 and is zoned MF-2(A) (SUP 113), which limits the height of a fence in the front yard to 4 feet, and requires a 20 foot visibility triangle at driveway approaches and a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain an 8 foot high fence in a required front yard, which will require a special exception of 4 feet to the fence height regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 2400 N. Hall Street

APPLICANT: Michael T. Weis
Represented by Michael Reeder

REQUESTS:

- The following appeals have been made in this application on a site that is developed with a cemetery use (Calvary Hill Cemetery):
 1. a special exception to the fence height regulations of up to 4' is requested in conjunction with replacing an existing open wrought iron fence/gate and masonry columns with a new approximately 5' high open wrought iron fence/gate with approximately 5' 6" high masonry columns (with approximately 2' 6" high decorative lamps atop) which are to be located in one of the site's three 15' front yard setbacks (Duff Street), and
 2. special exceptions to the visual obstruction regulations are requested in conjunction with replacing portions of the aforementioned existing open wrought iron fence and masonry columns with approximately 5' high open wrought iron fence with masonry columns located in the 20' visibility triangles on either side of the driveway into the site from Duff Street (about 7' of length on either side of the driveway) and in the 45' visibility triangle at Duff Street and Campbell Street (with a total length of about 50 linear feet in the intersection triangle).

(Note that the applicant has stated that no part of this application is made to: 1) address any existing/proposed fence that may exceed 4' in height in the site's front yard setbacks along Hall Street or Campbell Street; or 2) address any other existing item that is not intended to be replaced and may be located in any other required visibility triangle on the site).

STAFF RECOMMENDATION (fence height special exception):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of essentially a replacement open wrought iron fence/masonry columns in the 20' visibility triangles on either side of the driveway into the site from Duff Street and in the 45' visibility triangle at Duff Street and Campbell Street does not constitute a traffic hazard.

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.

GENERAL FACTS (fence height special exceptions):

- The subject site is a property with three street frontages (Hall Street, Duff Street, and Campbell Street) zoned MF-2(A).
- The Dallas Development Code states that in multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:
 - No lot in the blockface may be zoned as a single family or duplex district.
 - No gates for vehicular traffic may be located less than 20 feet from the back of street curb.
 - No fence panel having less than 50 percent open surface may be located less than five feet from the front lot line. For purposes of this subsection, fence panels are the portions of the fence located between the posts or columns.

The applicant had submitted a scaled site plan and an elevation indicating that the proposal in the required Duff Street 15' front yard setback reaches a maximum height of 8'- in this case the 8' maximum height being a number of masonry columns with decorative lamps atop.

- The following additional information was gleaned from the submitted site plan:

- Approximately 220' in length parallel to the Duff Street.
- Fence and gate approximately on the front property line or approximately 6' from the pavement line.

GENERAL FACTS (visual obstruction special exceptions):

- 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 have been submitted that shows a new approximately 5' high open wrought iron fence/gate with approximately 5' 6" high masonry columns (with approximately 2' 6" high decorative lamps atop) located in the 20' visibility triangles on either side of the driveway into the site from Duff Street (about 7' of length on either side of the driveway) and in the 45' visibility triangle at Duff Street and Campbell Street (with a total length of about 25 linear feet in the intersection triangle).

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (SUP113) (Multifamily) (Specific Use Permit)
North: MF-2(A) (SUP113) (Multifamily) (Specific Use Permit)
South: PD 225 (Planned Development District)
East: PD 225 (Planned Development District)
West: MF-2(A) (SUP113) (Multifamily) (Specific Use Permit)

Land Use:

The subject site is developed with a cemetery use (Calvary Hill Cemetery). The areas to the north and west are developed with cemetery uses (Freedman's Memorial and Greenwood Cemetery), and the areas to the east and south are developed with retail and residential uses.

Zoning/BDA History:

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

Timeline:

February 21, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

- March 20, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 21, 2012: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.
- April 5, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

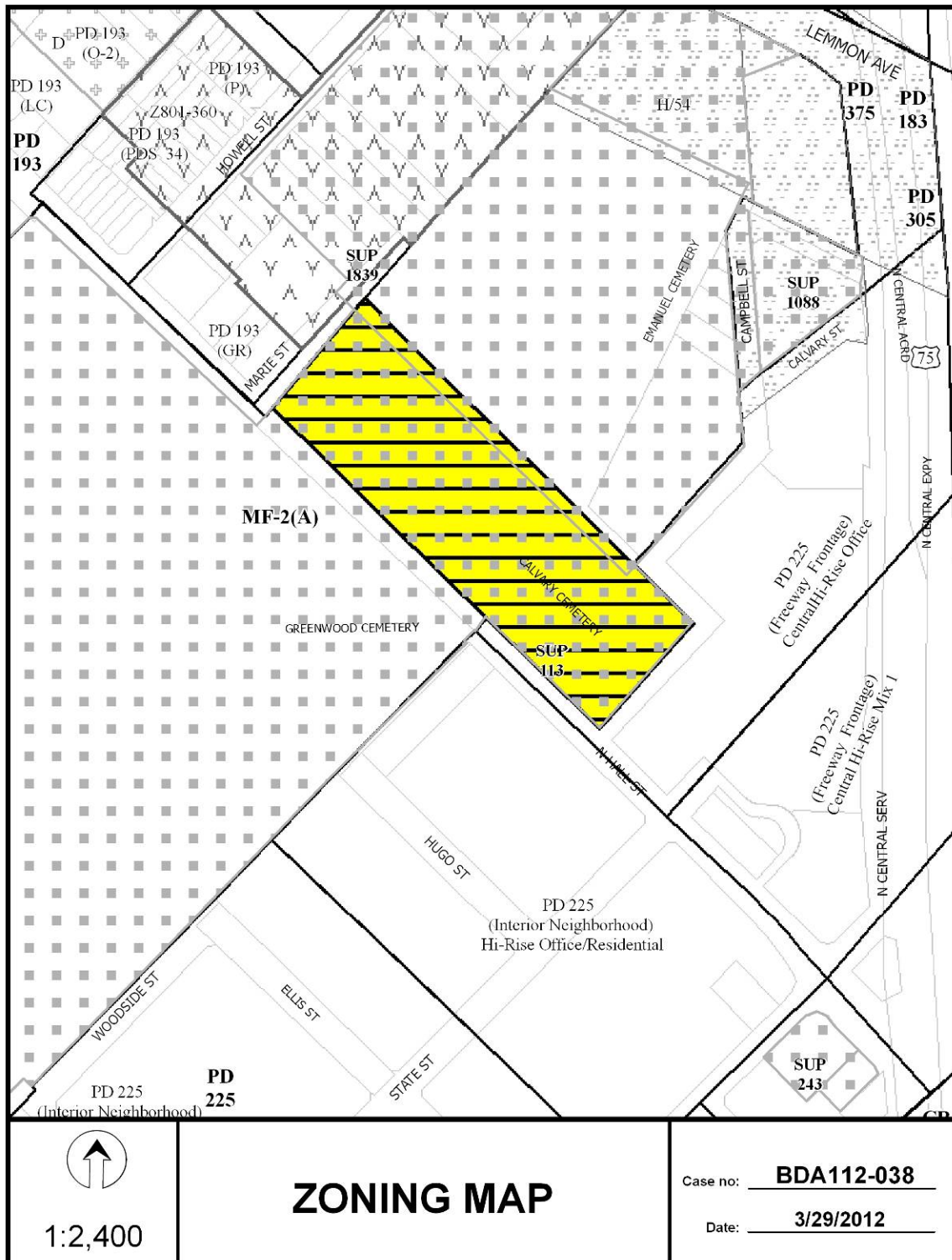
STAFF ANALYSIS (fence height special exception):

- The request focuses on replacing an existing open wrought iron fence/gate and masonry columns with a new approximately 5' high open wrought iron fence/gate with approximately 5' 6" high masonry columns (with approximately 2' 6" high decorative lamps atop) which are to be located in one of the site's three 15' front yard setbacks (Duff Street) on a site developed with a cemetery use (Calvary Hill Cemetery).
- A site plan and elevation has been submitted documenting the location of the replacement fence/gate/columns relative to its proximity to the front property line and pavement line, the length of the replacement fence/gate/columns relative to the entire lot, and its building materials. The replacement fence/gate/columns is shown to be located approximately on the Duff Street front property line or about 6' from the pavement line. The proposal is shown to be about 220' long parallel to the Duff Street.
- No single family home "fronts" to the replacement fence/gate/columns.
- As of April 9, 2012, no letters had been submitted to staff in opposition or in support to the proposal.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the replacement proposal reaching 8' in height) does 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 Duff Street front yard setback to be replaced/maintained in the location and of the heights and materials as shown on these documents.

STAFF ANALYSIS (visual obstruction special exceptions):

- These requests focus on replacing portions of the existing open wrought iron fence and masonry columns in the 20' visibility triangles on either side of the driveway into the site from Duff Street and in the 45' visibility triangle at Duff Street and Campbell Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to replace and maintain an wrought iron fence and masonry columns located in the 20' visibility triangles on either side of the driveway into the site from Duff Street and in the 45' visibility triangle at Duff Street and Campbell Street does 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 in the 20' visibility triangles on either side of the driveway into the site from Duff Street and in the 45' visibility triangle at Duff Street and Campbell Street to be limited to the locations, heights, and materials of those items as shown on these documents.





1:2,400

AERIAL MAP

Case no: **BDA112-038**

Date: **3/29/2012**



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-038

Data Relative to Subject Property:

Date: 2-21-12

Location address: 2400 N. Hall Street DALLAS Zoning District: MF-2(A) (SUP113)

Lot No.: _____ Block No.: 634 1/2 Acreage: 4.0 Census Tract: 17.02

Street Frontage (in Feet): 1) 792 2) 234 3) 150 4) _____ 5) _____

To the Honorable Board of Adjustment :

see 27

Owner of Property (per Warranty Deed): CALUMBY Hill Cemetery

Applicant: Michael T. Weis, TREASURER Telephone: 214-379-2807

Mailing Address: P.O. Box 190507 DALLAS, TX Zip Code: 75219

E-mail Address: mweis@cathal.org

Represented by: Michael Reeder Telephone: 214-384-6108

Mailing Address: 2808 McKinney DALLAS, TX Zip Code: 75204

E-mail Address: michael@uptowndallas.net

Affirm that an appeal has been made for a Variance _____, or Special Exception of Visibility Triangle Guide Line AND 4' special exception to the fence height in a required front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
To refurbish existing metal fence pickets and rebuild leaning columns with new lighted columns. The fence is in declining state which could cause damage to person and/or property in the community. The new lighted columns will add additional night time security to the area.

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

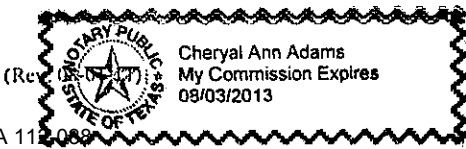
Affidavit

Before me the undersigned on this day personally appeared MICHAEL T. WEIS
(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: Michael T. Weis
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15th day of February 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

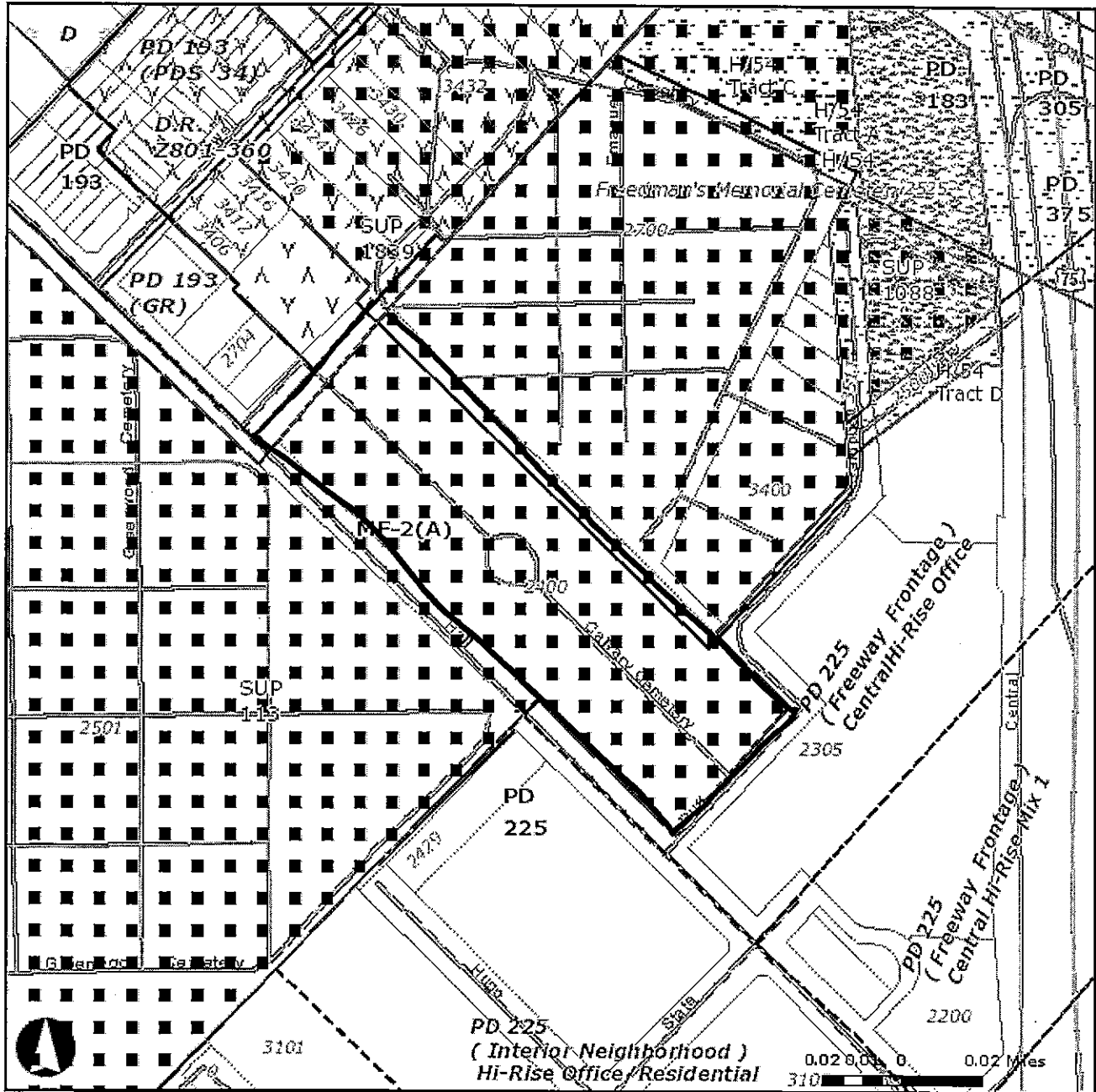
I hereby certify that Michael T. Weis
represented by MICHAEL REEDER
did submit a request for a special exception to the visibility obstruction regulations, and for a
special exception to the fence height regulations
at 2400 N. Hall Street

BDA112-038. Application of Michael T. Weis represented by Michael Reeder for a special exception to the visibility obstruction regulations and a special exception to the fence height regulations at 2400 N. Hall Street. This property is more fully described as a 4.0 acre tract in city block 634 1/2 and is zoned MF-2(A) (SUP 113), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a nonresidential fence in required visibility obstruction triangles, which will require a special exception to the visibility obstruction regulations, and 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, Building Official

City of Dallas Zoning



City Boundaries

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

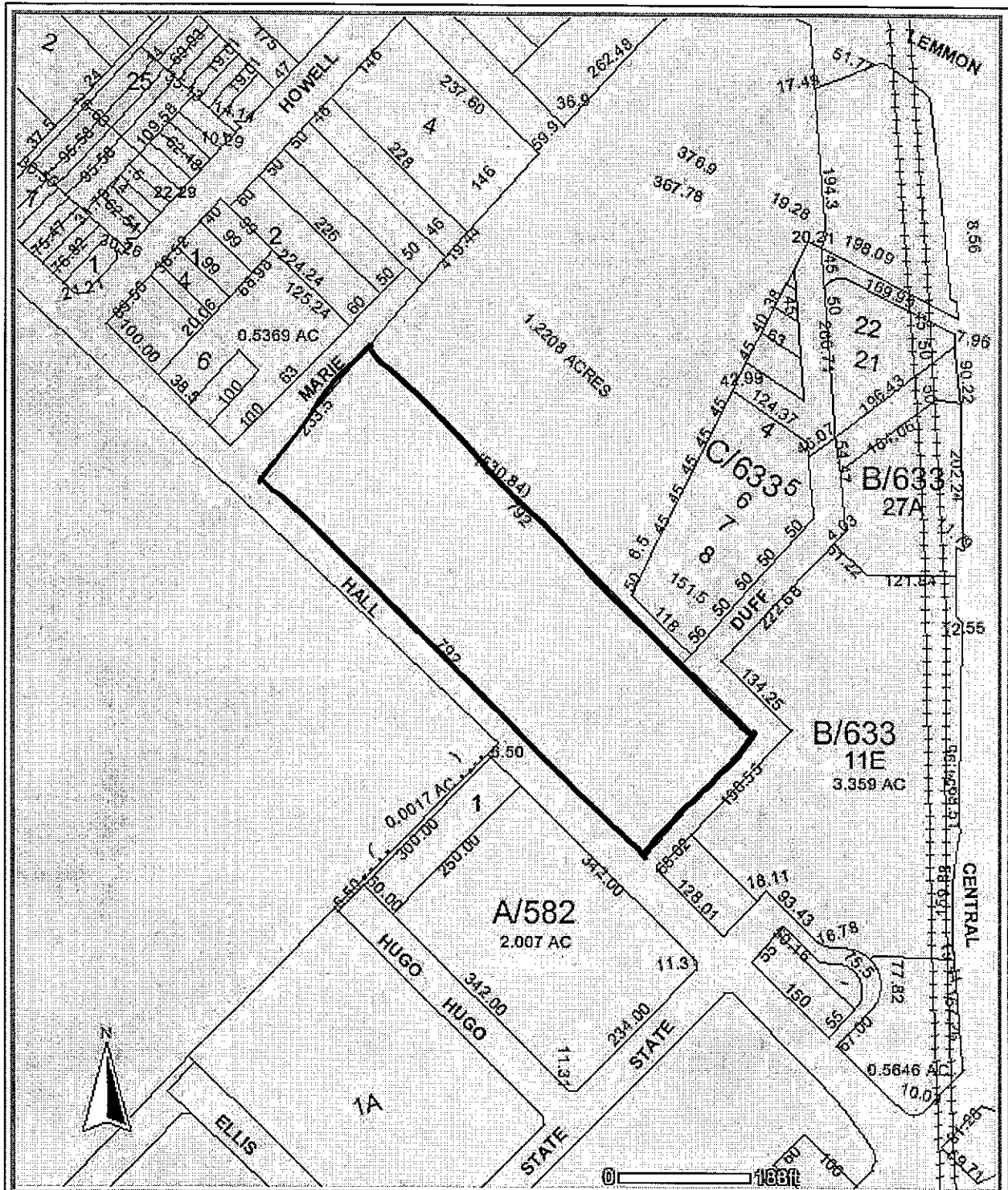
Deed Restrictions

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

CD Subdistricts

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

M&T
ADK 112-038

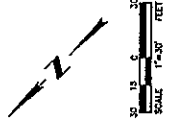


Dallas Central Appraisal District
 www.dallascad.org

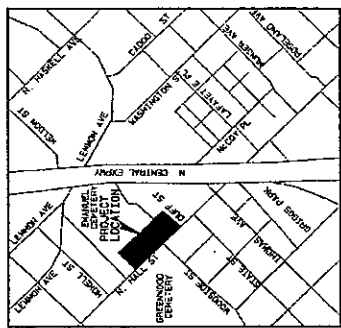
DISCLAIMER

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

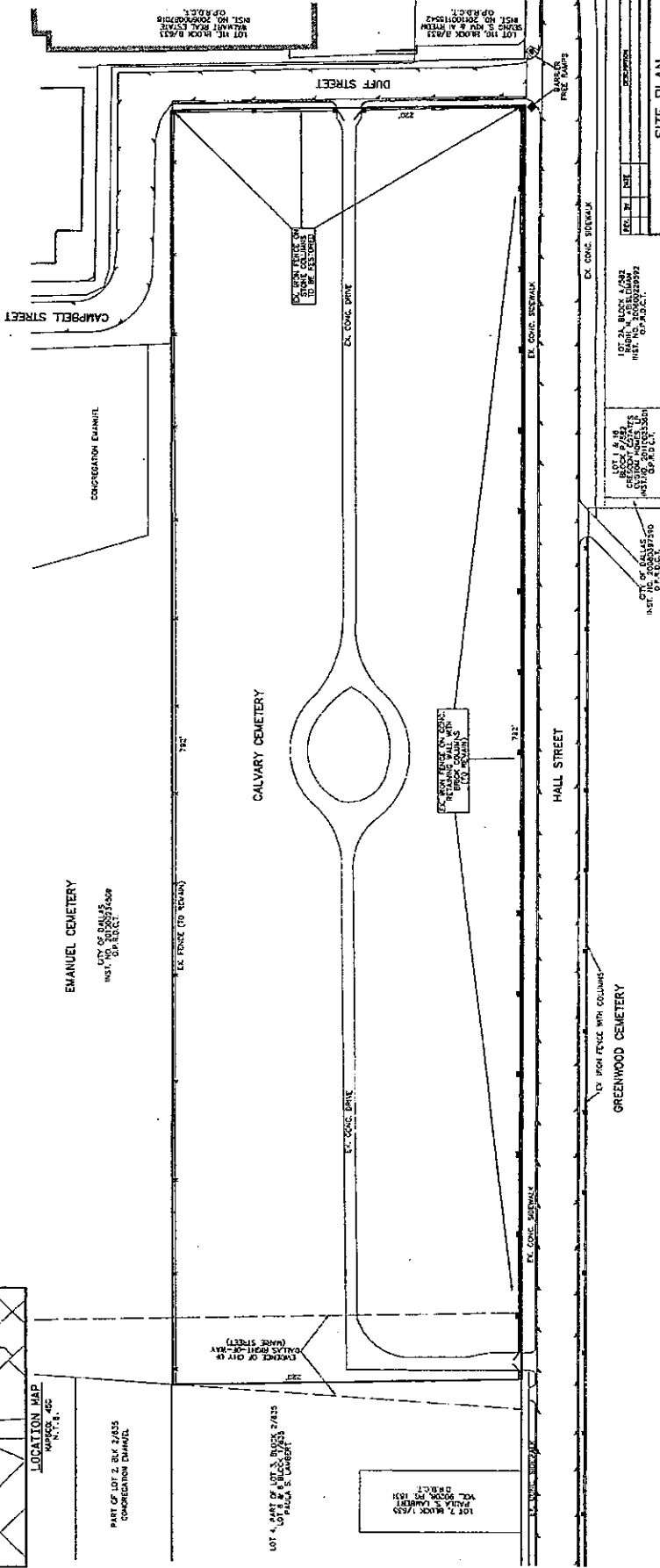
MAP



- NOTES:
 1. BERS-CARROLL, A COMPLETE SUEW, LOCATED AT THE INTERSECTION
 ZONES OF WILSON AVE AND TUCKER ST. IN FRONT OF A FIRE MICHANT.
 ELEV = 433.72
 2. FIELD WORK PERFORMED ON JUNE 25, 2011.



EMANUEL CEMETERY
 CITY OF DALLAS
 INST. NO. 2020254009
 EXP. DATE 12/31/11



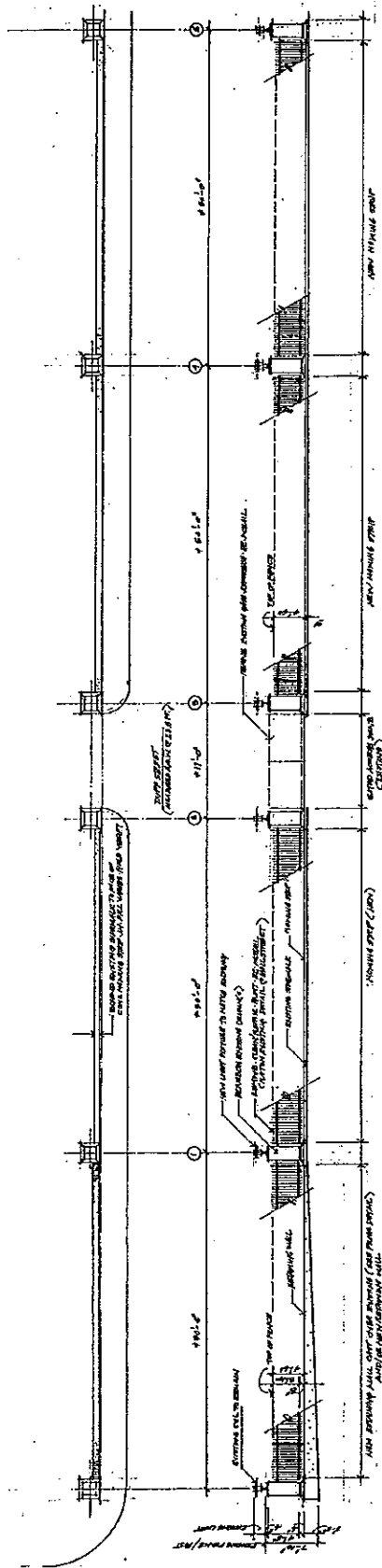
REV.	DATE	DESCRIPTION
1	05/21/11	PROPOSED

SITE PLAN

CALVARY CEMETERY
 NORTHEAST CORNER OF HALL ST. & DUFF ST.
 CITY OF DALLAS, TEXAS



MACATREE ENGINEERING
 2001 W. MCKAY AVE.
 SUITE 100
 DALLAS, TEXAS 75245
 TEL: 972.381.1111
 FAX: 972.381.1112
 E-MAIL: INFO@MACATREE.COM
 PROJECT NO. BDA 112-038
 SHEET NO. 1 OF 2



Plan and Elevation of Calvary Cemetery Fence along Duff Street

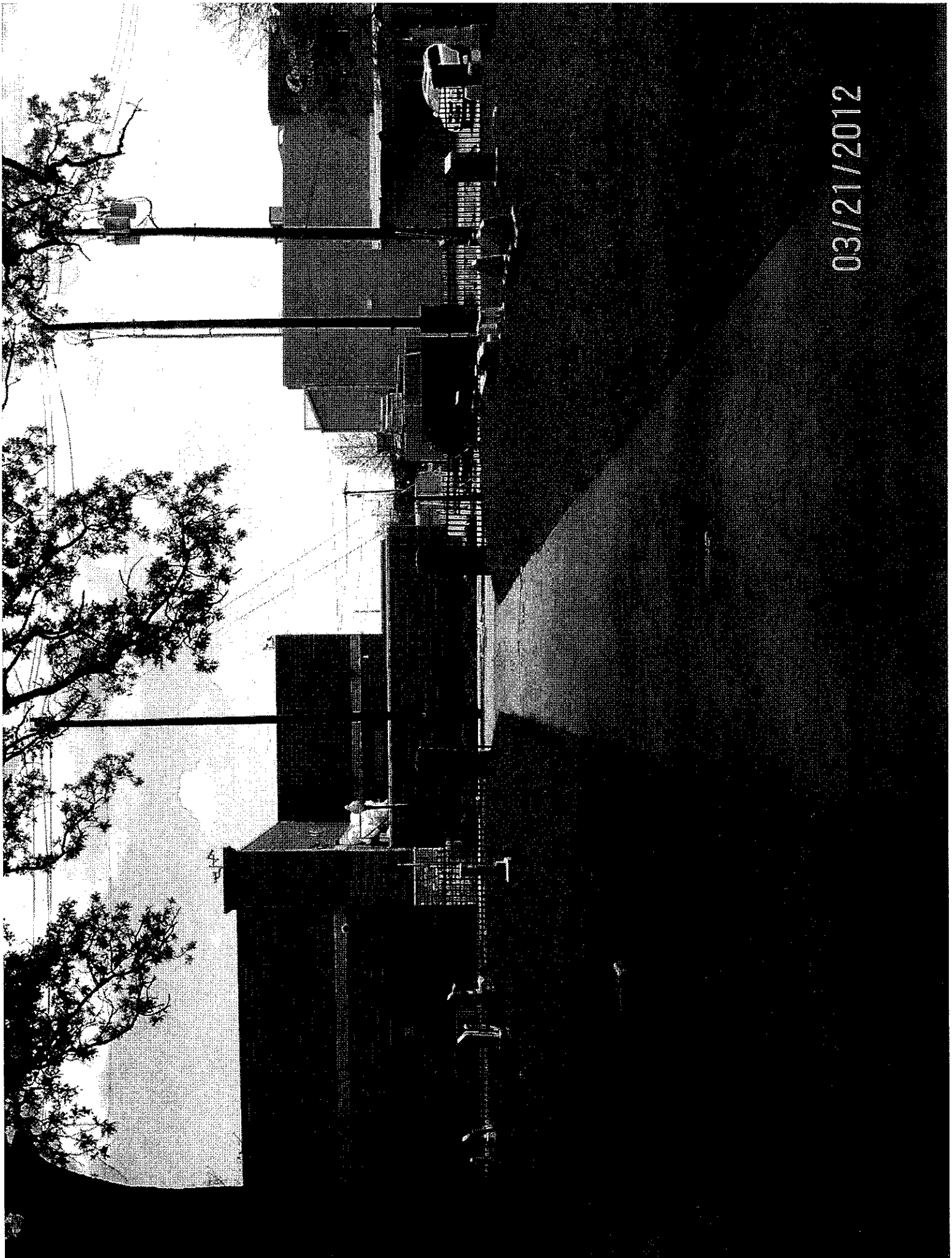
DATE: JUNE 20, 2017

CLEANERS

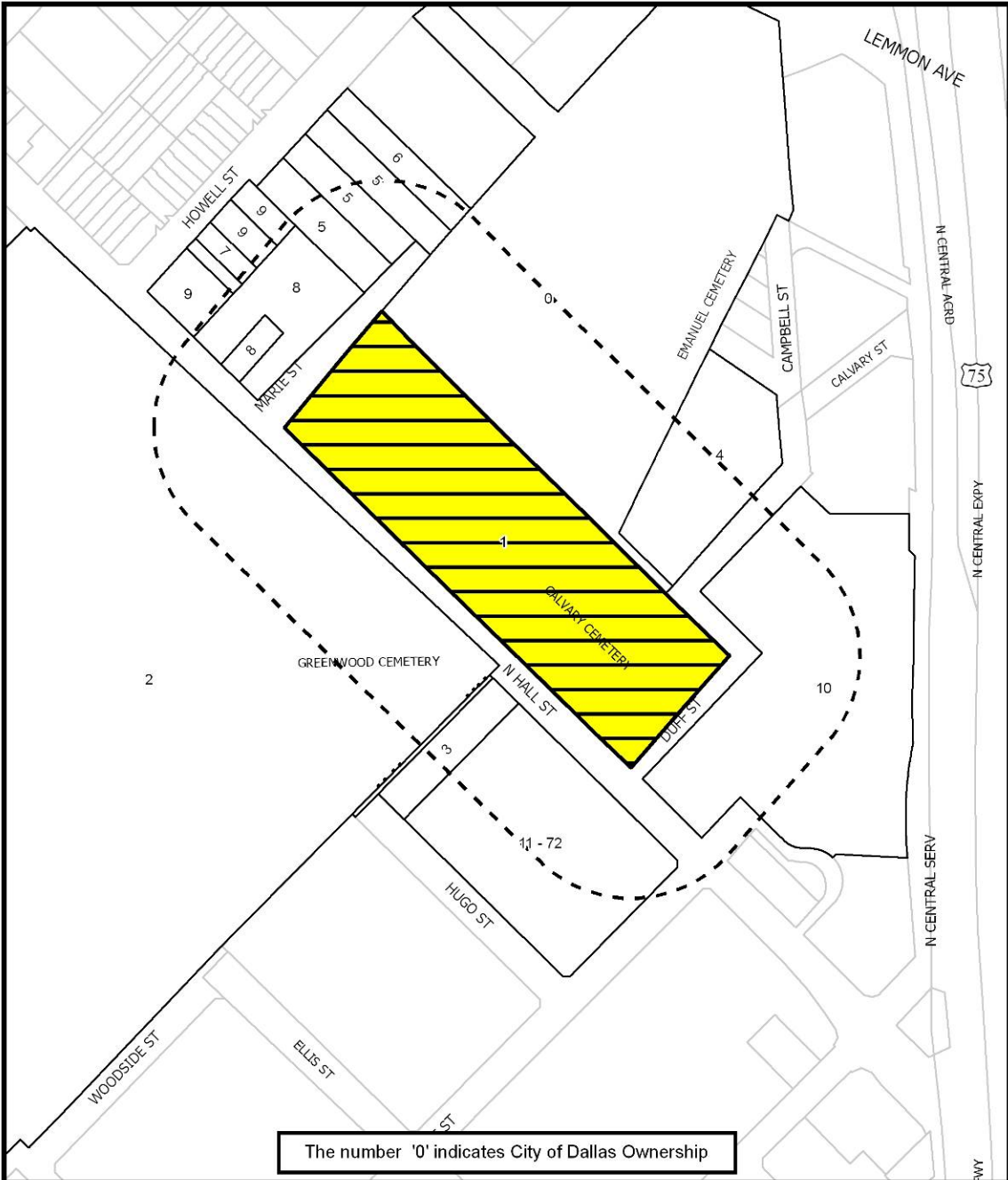
03/21/2012



03/21/2012



03/21/2012



 1:2,400	NOTIFICATION	Case no: BDA112-038			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">72</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	72	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
72	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA112-038

72 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2400 HALL ST	CALVARY HILL CEMETERY
2	2501 HALL ST	GREENWOOD CEMETERY ASSN
3	2429 HALL ST	PBH INV LLC
4	3400 CAMPBELL ST	CONGREGATION EMANUEL
5	3420 HOWELL ST	CONGREGATION EMANU EL
6	3430 HOWELL ST	CONGREGATION EMANUEL
7	3406 HOWELL ST	TKNPA PPTIES LP
8	2704 HALL ST	LAMBERT JAMES E & PAULA S
9	3412 HOWELL ST	LAMBERT PAULA S
10	2305 CENTRAL EXPY	WALMART REAL ESTATE % WAL-MART PPTY TAX
11	3205 STATE ST	ABISLEIMAN RABIH N
12	3205 STATE ST	CUADROS ALEJANDRO
13	3205 STATE ST	KARNS STEPHEN
14	3205 STATE ST	WALDER BENJAMIN R
15	3205 STATE ST	LEVINE BRIAN P
16	3205 STATE ST	LEGORE HOLLY M UNIT 6
17	3205 STATE ST	DESAI ANIL #7
18	3205 STATE ST	YOON SUKOOK
19	3205 STATE ST	EATON SAMUEL D
20	3205 STATE ST	HULSEY BRIAN & KERI
21	3205 STATE ST	MITCHELI JOHN ANTHONY
22	2411 HALL ST	FORE KATHERINE ANNE APT 14E
23	2411 HALL ST	PATERSON RICHARD M
24	2411 HALL ST	MORIGI MICHAEL D
25	2411 HALL ST	LEUNG DAN & OLGA
26	2411 HALL ST	MACKENZIE KEVIN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2411 HALL ST	HARDESTY BRADLEY & STUTEE AMIN
28	2411 HALL ST	PHILLIPS CHAD D
29	2411 HALL ST	DUNKLIN WILLIAM H UNIT 8
30	2411 HALL ST	JEPSEN KYLE D UNIT 9
31	2411 HALL ST	BRAMHALL DYLAN
32	2411 HALL ST	HENDERSON ROBERT T & POWERS LORI
33	2411 HALL ST	SATHIANATHAN BAVAN
34	2411 HALL ST	CARRILLO MIGUEL APT 13
35	2411 HALL ST	CHANG JEREMY BLDG 3 UNIT 14
36	2411 HALL ST	HYLTON WILLIAM
37	2411 HALL ST	COHEN GARY R
38	2411 HALL ST	BURDUROGLU ISMAIL
39	2411 HALL ST	CONRAD DEVON & DAVID B BLDG 4 UNIT 18
40	2411 HALL ST	CLARK JEREMY APT 19
41	2411 HALL ST	IP AARON UNIT 20
42	2411 HALL ST	TAUSSIG ANDREW S & ANNEMARIE REVOCABLE
43	2411 HALL ST	MCVEY JOHN
44	2411 HALL ST	BARTLEY WILLIAM G JR & KATIE M
45	2411 HALL ST	MCNEIL CRAIG UNIT 24
46	2411 HALL ST	SWAYDEN CHRISTOPHER G
47	2411 HALL ST	COTTRELL JARID T & CHRISTY L
48	2411 HALL ST	BAZAN MONICA E
49	2411 HALL ST	REBHOLZ ANDREW B
50	2411 HALL ST	LOWE MATTHEW
51	2411 HALL ST	GILMORE TIMOTHY M
52	2411 HALL ST	BLACK REGINALD S
53	2411 HALL ST	GEISSLER JACOB UNIT 32
54	2411 HALL ST	MORRIS THOMAS J
55	2411 HALL ST	WARD THOMAS C & MELISSA B BLDG 6 UNIT 34
56	2411 HALL ST	BARSOTTI MARGARET I
57	2411 HALL ST	HOLT LAURA E

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2411 HALL ST	CARTER JOHN A JR & CARTER MARY L
59	2411 HALL ST	CALDWELL COLIN
60	2411 HALL ST	MYERS MARY E BLDG 6 UNIT 39
61	2411 HALL ST	LOUVIERE JARED M
62	2420 HUGO ST	CAMILLO CHRISTOPHER & AMY S
63	2420 HUGO ST	ASCENZO DANIEL R BLDG 7 UNIT 2
64	2420 HUGO ST	TANAKA JASON TRUSTEE JASON TANAKA TRUST
65	2420 HUGO ST	CORBETT KEVIN W
66	2420 HUGO ST	RIVERA ANTONIO R
67	2420 HUGO ST	BURKE KEVIN T UNIT 6
68	2420 HUGO ST	REDMAN GARY LON II UNIT 7
69	2420 HUGO ST	MCCRADY RICK
70	2420 HUGO ST	CAPARAS MICHAEL S & STEPHANIE L
71	2420 HUGO ST	ROWATT GAVIN C UNIT 10
72	2420 HUGO ST	MANDERS TRACY M

FILE NUMBER: BDA 112-032

BUILDING OFFICIAL'S REPORT:

Application of Rob Baldwin for a special exception to the fence height regulation at 10245 Strait Lane. This property is more fully described as Lot 4B City Block E/5532 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot 8 inch high fence in a required front yard, which will require a special exception of 4 feet 8 inches.

LOCATION: 10245 Strait Lane

APPLICANT: Rob Baldwin

REQUEST:

- A special exception to the fence height regulations of 4' 8" is requested in conjunction with constructing and maintaining the following in the site's 40' front yard setback on a site being developed with a single family home:
 - *parallel* to Strait Lane:
 - a 7' 3" high open iron picket fence/wall (with 3' high stone base) with 7' 9" high brick columns, and two, 8' 8" high open iron picket gates with 8' high brick columns; and
 - *perpendicular* to Strait Lane on the north and south "sides" of the site in the front yard setback:
 - a 7' 3" high open iron picket fence with 7' 9" high brick columns.

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.

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.

GENERAL FACTS:

- The Board of Adjustment conducted a public hearing on March 21, 2012. The applicant requested at the public hearing that the Board delay action until their April hearing to allow him an opportunity to address concerns raised by an opposing property owner.

- The Dallas Development Code states that a fence may not exceed 4' above grade when located in the required front yard in all residential districts except multifamily districts.
- The applicant has submitted a site plan/elevation indicating a fence/wall/column/gate proposal that would be located in the site's front yard setback and that appears to reach a maximum height of 8' 8".
- A site plan has been submitted that indicates the location of the proposal in the front yard setback. The following additional information was gleaned from this site plan:
 - The proposal would be approximately 170' in length parallel to the street with recessed entryways, approximately 40' in length perpendicular to the street on the north and south sides of the site in the front yard setback.
 - The proposed fence/wall is shown to be located approximately on the front property line (or approximately 11' from the pavement line).
 - The proposed gates are to be located about 11' from the front property line (or approximately 20' from the pavement line).
- As of April 9, 2012, the applicant had not submitted any additional information to staff.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 967-213, Property at 10250 Strait Lane (the lot immediately south of the subject site)

On April 21, 1997, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations (subject to compliance with the submitted site plan, elevation plans, and landscape plan except for the portion of the proposed fence and columns to be located in the North Lindhurst drive visibility triangle), granted requests for special exceptions to visual obstruction regulations to maintain fence/columns/gates at the Strait Lane/N. Lindhurst intersection visibility triangle and at

the Strait Lane drive approach (subject to compliance with the submitted site plan, elevation plans, and landscape plan except for the portion of the proposed fence and columns to be located in the North Lindhurst drive visibility triangle), and denied a request for a special exception to the visual obstruction regulations without prejudice at the North Lindhurst Drive approach visibility triangle.

The case report stated that the requests were made to construct and maintain an a fence at a maximum height of 6' for an open metal fence; 6' 4" for stucco columns; 7' 4" for open metal gates in the front yards and in intersection and drive approach visibility triangles on the property.

Timeline:

January 19, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 8, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 8, 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 February 29th deadline to submit additional evidence for staff to factor into their analysis; and the March 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 6, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Building Inspection Division Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable

Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorneys to the Board.

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

March 29, 2012: The Board Administrator wrote the applicant a letter that conveyed the following information:

- that the Board delayed action on the application until April 18, 2012, and the April 6th deadline to submit additional evidence to be incorporated into the Board's docket materials.

April 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

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

STAFF ANALYSIS:

- Since the March 21, 2012 public hearing and as of April 9, 2012, no new additional information has been submitted to staff.
- As of April 9, 2012, the request remains focused on constructing/maintaining a 7' 3" high open iron picket fence/wall (with 3' high stone base) with 7' 9" high brick columns, and two, 8' 8" high open iron picket gates with 8' high brick columns parallel to the street, and a 7.5' high open iron fence and a 7' 3" high open iron picket fence with 7' 9" high brick column perpendicular to the street on the north and south sides in the front yard setback on a property being developed with a single family home.
- A scaled site plan/elevation has been submitted documenting the location of the proposed fence/wall/columns/gates relative to their proximity to the front property line and pavement line, the length of the proposal relative to the entire lot, and the proposed building materials. The proposal is shown to be located approximately on the property line or about 11' from the pavement line. (The gates are shown to be located about 11' from the front property line or about 20' from the pavement line). The proposal is shown to be about 170' long parallel to the street and about 40' long perpendicular on the north and south sides of the site in the front yard setback.
- A "Landscape Planting Plan" document has been submitted that provides details of landscape materials to be provided adjacent to the proposal.
- The proposal would be located on a site where one single family home would have direct/indirect frontage, a property that has no fence in its front yard.

- The Board Administrator conducted a field visit of the site and surrounding area along Strait Lane from North Lindhurst Avenue to Dorset Lane and noted the following fence/wall which appeared to be located in the front yard setback (Note that these dimensions are approximations):
 - an approximately 6' high open metal fence with approximately 6' 4' high columns and approximately 7' 6" high gates located immediately south of the site (which appears to be a result of BDA 967-213).
- As of April 9, 2012, one letter had been submitted to staff in opposition to the proposal and no letters had been submitted in support.
- 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' 8" in height) will not adversely affect neighboring property.
- Granting this special exception of 4' 8" with a condition imposed that the applicant complies with the submitted site plan/elevation document would require the proposal exceeding 4' in height in the front yard setback to be constructed/maintained in the location and of the heights and materials as shown on this document.

BOARD OF ADJUSTMENT ACTION: MARCH 21, 2012

APPEARING IN FAVOR: Robert Baldwin, 3904 Elm #B, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Wilson**

I move that the Board of Adjustment in Appeal No. **BDA 112-032**, hold this matter under advisement until **April 18, 2012**.

SECONDED: **Chernock**

AYES: 5– Reynolds, Chernock, Wilson, Gaspard, Agnich

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)

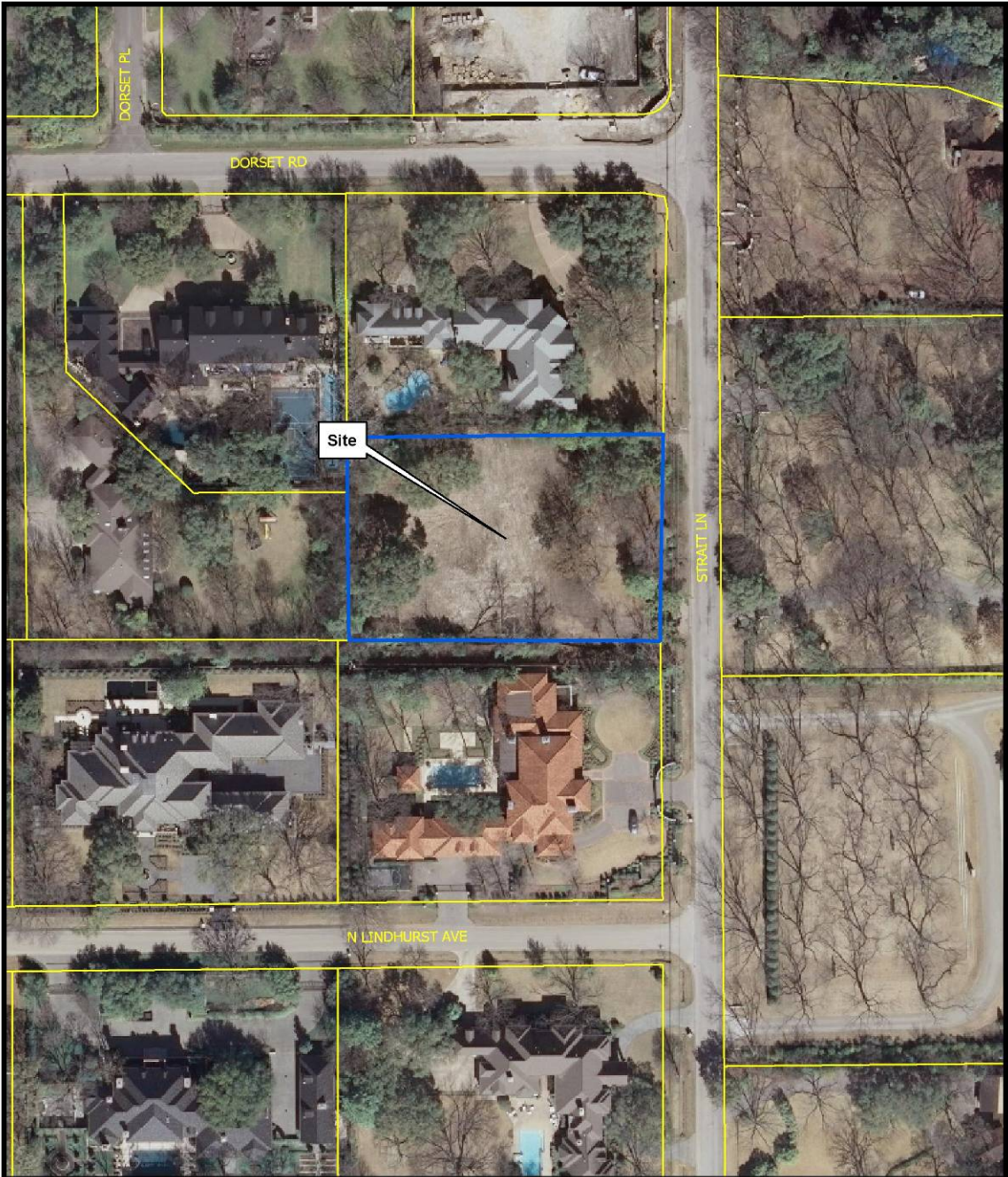


1:1,200

ZONING MAP

Case no: BDA112-032

Date: 2/16/2012



1:1,200

AERIAL MAP

Case no: BDA112-032

Date: 2/16/2012



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: 112-032

Data Relative to Subject Property:

Date: 1-19-12

Location address: 10245 Strait Lane Zoning District: R-1(A)

Lot No.: 4B Block No.: E/5532 Acreage: 0.9700 acres Census Tract: 76.01

Frontage (in Feet): 1) 160 ft 2) _____ 3) _____ 4) _____ 5) _____ NE 2A

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Sharif & Munir Custom Homes

Applicant: Robert Baldwin Telephone: 214.824.7949

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

Represented By: Robert Baldwin Telephone: 214.824.7949

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

Affirm that a request has been made for a Variance , or Special Exception X, of a special exception of four (4) feet eight (8) inches and for a fence located in a required front yard.

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 applicant is seeking permission to construct a fence in the in the front yard of this lot which will exceed four (4) feet in height. The fence that we are requesting will not exceed 8'8" in height.

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

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

Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 18th day of January, 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 ROB BALDWIN

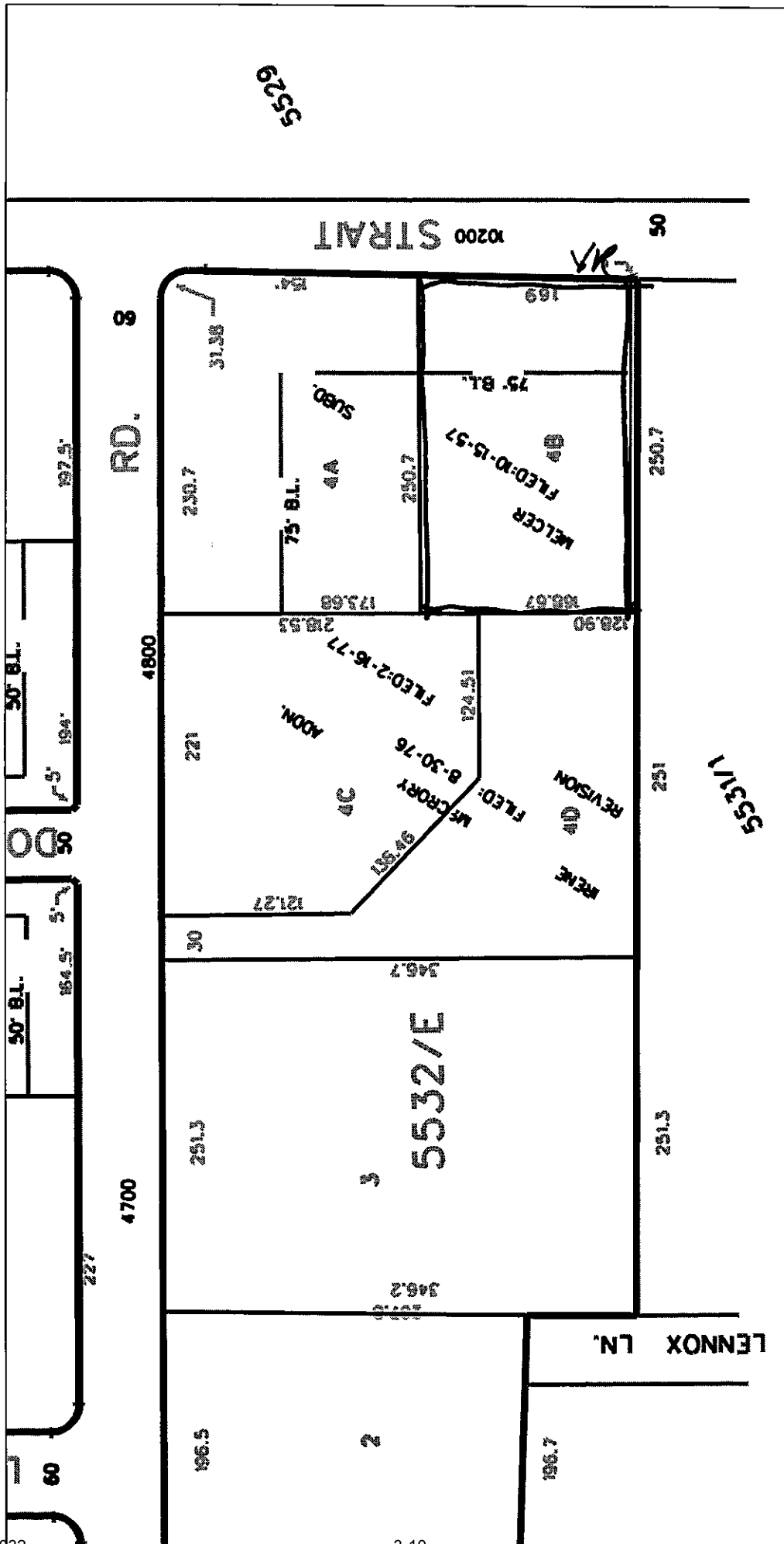
did submit a request for a special exception to the fence height regulation

at 10245 Strait Lane

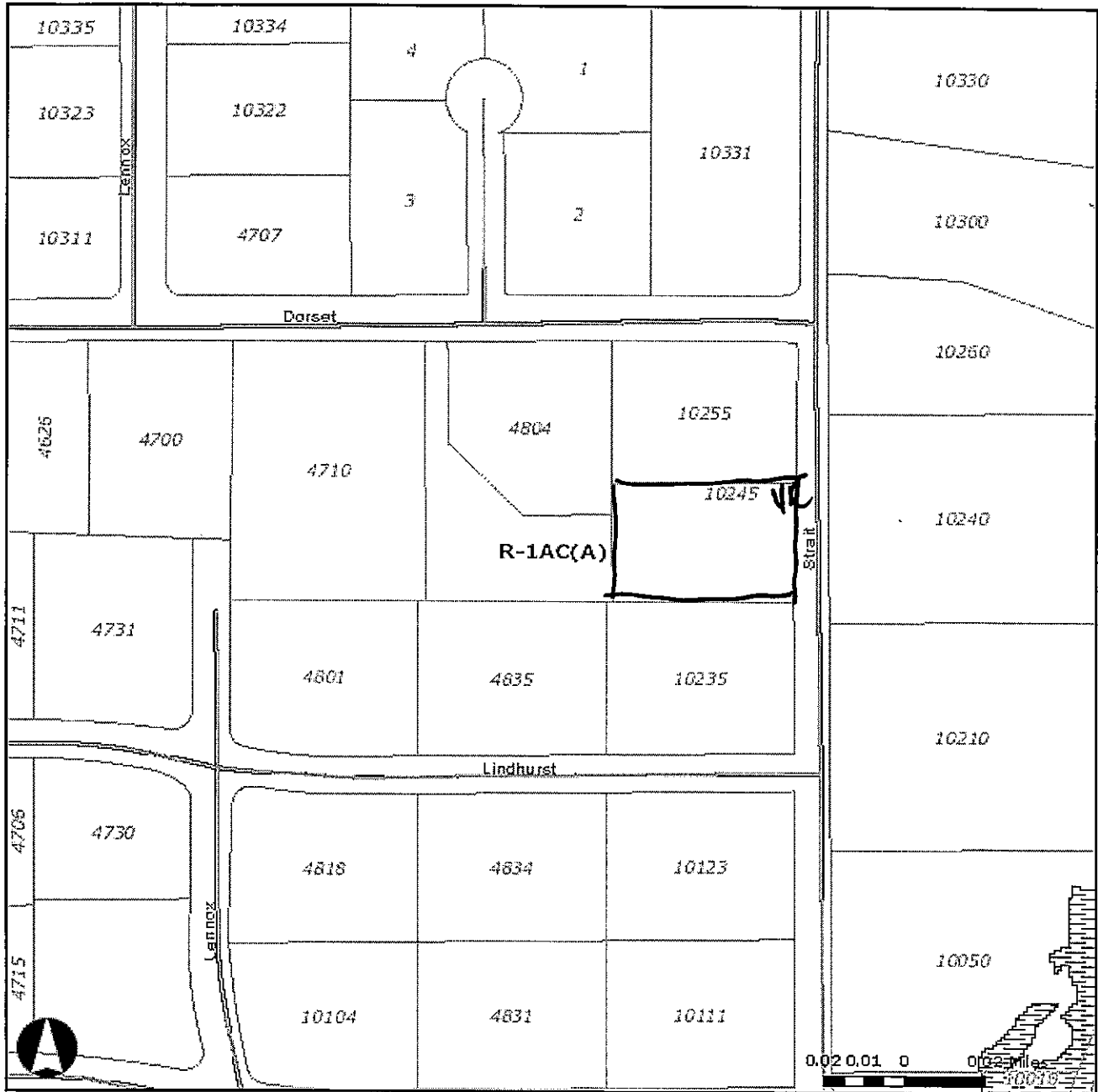
BDA112-032. Application of Rob Baldwin for a special exception to the fence height regulation at 10245 Strait Lane. This property is more fully described as lot 4B city block E/5532 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 8 inch high fence in a required front yard, which will require a 4 foot 8 inch special exception to the fence regulation.

Sincerely,


Lloyd Denman, Building Official



City of Dallas Zoning



City Boundaries

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

Dry Overlay

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

Base Zoning

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

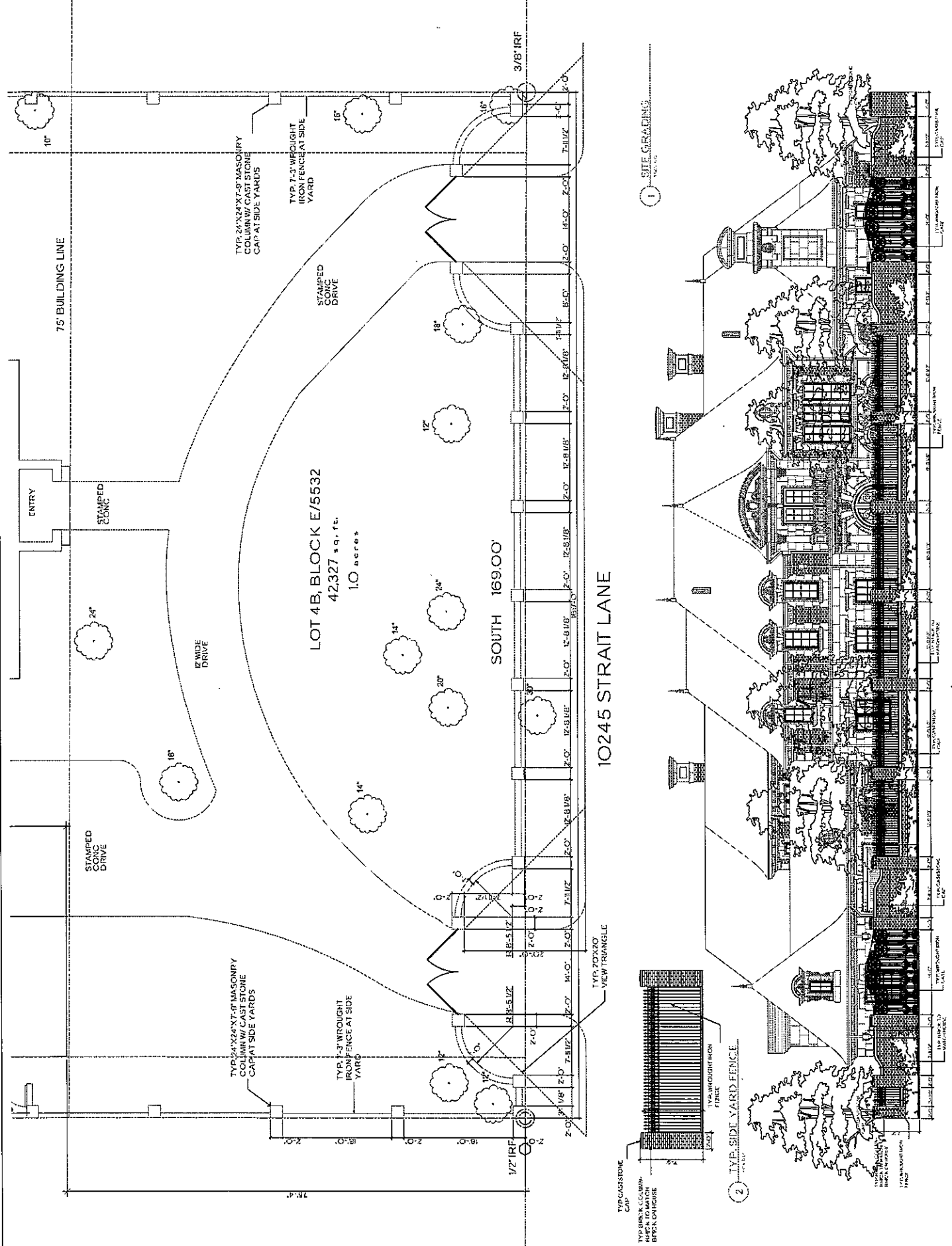
REVISIONS	DATE	BY	CHKD

10245 STRAIT LANE
Dallas, Texas

SHARIT MUMFRIE
CUSTOMARY CUSTOM HOMES

BOGGS BELTLINE ROAD, SITE 207
OFFICE: 972-726-9444
FAX: 972-726-9522

SCALE	DATE	BY	CHKD





CITY OF DALLAS

AFFIDAVIT

BDA Case # 112-032

I, MICHAEL MUNIR, Owner of the subject property

at: 10245 STRAIT LANE

Authorize (applicant) Robert Baldwin

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

Variance (please specify)

Special Exception (please specify) Fence Height

Other {please specify}

MICHAEL MUNIR, PRESIDENT

[Signature]

1/17/12

Print name of property owner

Signature of property owner

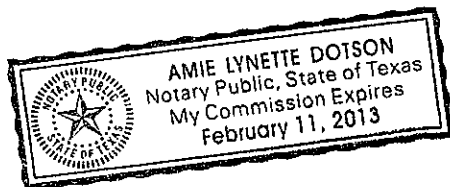
Date

Before me the undersigned on the day of personally appeared Michael Munir

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 17 day of Jan., 2012

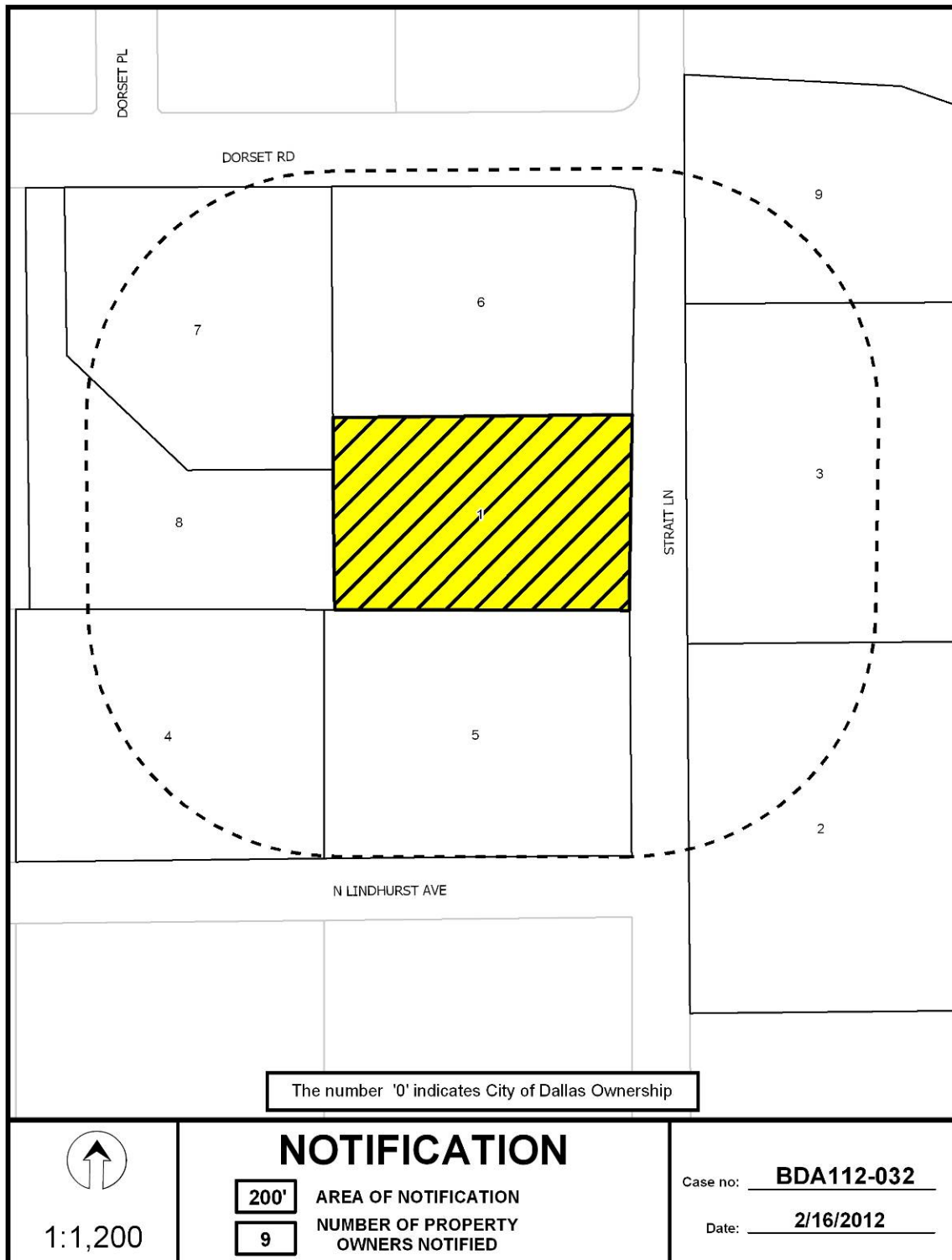
Amie Lynette Dotson



Notary Public on and for

Dallas County, Texas

Commission expires on 2-11-13



Notification List of Property Owners

BDA112-032

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10245 STRAIT LN	SHARIF & MUNIR CUSTOM HOMES INC
2	10210 STRAIT LN	STRAIT MANAGEMENT TRUST SUITE 3700
3	10240 STRAIT LN	PARKER RUFUS LF EST % JANET PARKER
4	4835 LINDHURST AVE	SAXTON VICKY & KELLY UNIT 205 LB 35
5	10235 STRAIT LN	BRINKER TONI C
6	10255 STRAIT LN	SHAMOUN C GREGORY
7	4804 DORSET RD	WATTERS JOHN P & DONNA T WATTERS
8	4802 DORSET RD	GARG ABHIMANYU & SANDEEP
9	10260 STRAIT LN	GLOSSER GREGORY CHARLES & MARY ELLEN GLO

FILE NUMBER: BDA 112-034

BUILDING OFFICIAL'S REPORT:

Application of Roberto Torres, represented by Ramon Aranda, for special exceptions to the fence height and visual obstruction regulations at 9903 Laneyvale Avenue. This property is more fully described as Lot 51 in City Block C/6682 and is zoned R-5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at alley and driveway approaches and a 45 foot visibility triangle at street intersections. The applicant proposes to maintain a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence height regulations, and to locate and maintain items in required visibility triangles which will require special exceptions to the visual obstruction regulations.

LOCATION: 9903 Laneyvale Avenue

APPLICANT: Roberto Torres
Represented by Ramon Aranda

REQUESTS:

- The following appeals had been made in this application on a site that is developed with a single family home:
 1. special exception to the fence height regulations of up to 3' are requested in conjunction with maintaining according to the submitted elevation an existing "5' brick, stone & wrought iron fence" with a 7' high archway over a pedestrian gate along Laneyvale Avenue and along a portion of Algonquin Drive, and a 6' high wood fence along another portion of Algonquin Drive, both of which are located in the site's two 20' front yard setbacks, and
 2. special exceptions to the visual obstruction regulations are requested in conjunction with maintaining according to the submitted site plan and elevations portions of the aforementioned existing 5' high open wrought iron fence with stone base located in the 20' visibility triangles on either side of the driveway into the site from Laneyvale Avenue (about 10' of length on either side of the driveway) and in the 45' visibility triangle at Laneyvale Drive/Algonquin Drive intersection (about 27' lengths on both streets).
(Note that existing shrubs that the Board Administrator noted on his field trip of the site that are located on either side of the driveway into the site from Laneyvale Avenue are not part of this request).

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):

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommends denial of these requests.
- The applicant had not substantiated how the location of the existing 5' high open wrought iron fence with stone base located in the 20' visibility triangles on either side of the driveway into the site from Laneyvale Avenue and in the 45' visibility triangle at Laneyvale Drive/Algonquin Drive intersection does not constitute a traffic hazard.

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.

GENERAL FACTS (fence height special exceptions):

- The subject site is a corner lot zoned R-5(A) with two street frontages of unequal distance. The site is located at the northeast corner of Laneyvale Avenue and Algonquin Drive. Even though the Laneyvale Avenue frontage of the subject site appears to function as its front yard and the Algonquin Drive frontage appears to function as its side yard, the subject site has two 20' front yard setbacks along both streets. The site has a 20' front yard setback along Laneyvale Avenue (the shorter of the two frontages which is always deemed the front yard setback on a corner lot of unequal frontage distance in a single family zoning district), and a 20' front yard setback along Algonquin Drive (the longer of the two frontages of this corner lot of unequal frontage distance) which would typically be regarded as a side yard where a 9' high fence could be maintained by right). The site's Algonquin Drive frontage is deemed a front yard in order to maintain the continuity of the established front yard setback along this street created by a number of properties immediately north of the subject site that front west and have front yard setbacks along Algonquin 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 plan and two "NTS" or (Not To Scale) elevations indicating that the proposal in the required front yard setbacks reaches a

maximum height of 7'- in this case the 7' maximum height being an archway over a pedestrian gate along Laneyvale Avenue.

- The following additional information was gleaned from the submitted site plan:
 - Along Laneyvale Avenue:
 - Approximately 72' in length parallel to the street and approximately 20' in length perpendicular on the east side of the site in the front yard setback.
 - Approximately on the front property line or approximately 10' from the pavement line.
 - Along Algonquin Drive:
 - Approximately 105' in length parallel to the street and approximately 20' in length perpendicular on the north side of the site in the front yard setback.
 - Approximately on the front property line or approximately 10' from the pavement line.

GENERAL FACTS (visual obstruction special exceptions):

- 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 scaled site plan and two “NTS” or (Not To Scale) elevations have been submitted that show a 5' high open wrought iron fence with stone base located in the 20' visibility triangles on either side of the driveway into the site from Laneyvale Avenue (about 10' of length on either side of the driveway) and in the 45' visibility triangle at Laneyvale Drive and Algonquin Drive (about 27' lengths on both streets). (Note that existing shrubs that the Board Administrator noted on his field trip of the site that are located on either side of the driveway into the site from Laneyvale Avenue are not part of this request in that among other things the applicant has not denoted them on his submitted plans nor requested them as part of his application).

BACKGROUND INFORMATION:

Zoning:

Site: R-5(A) (Single family district 5,000 square feet)
North: R-5(A) (Single family district 5,000 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-5(A) (Single family district 5,000 square feet)
West: R-5(A) (Single family district 5,000 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

January 20, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

March 21, 2012: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 22, 2012: The Board Administrator emailed the applicant's representative the following information:

- A picture of shrubs that he photographed on the property, and a request that if these shrubs were something his client intended to request that the board consider in the triangles, to add them to his site plan and elevation no later than March 30th – otherwise it would be noted in the staff report that these existing shrubs are not part of the applicant's request.

(Note that no such request/amendment was made to the application and/or submittals).

April 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

April 5, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked

“Recommends that this be denied” commenting “No objection to fence height or alley visibility triangle – however, both the lack of a 45 x 45 at the street/street and the 20 x 20 at the drive are traffic hazards.

STAFF ANALYSIS (fence height special exceptions):

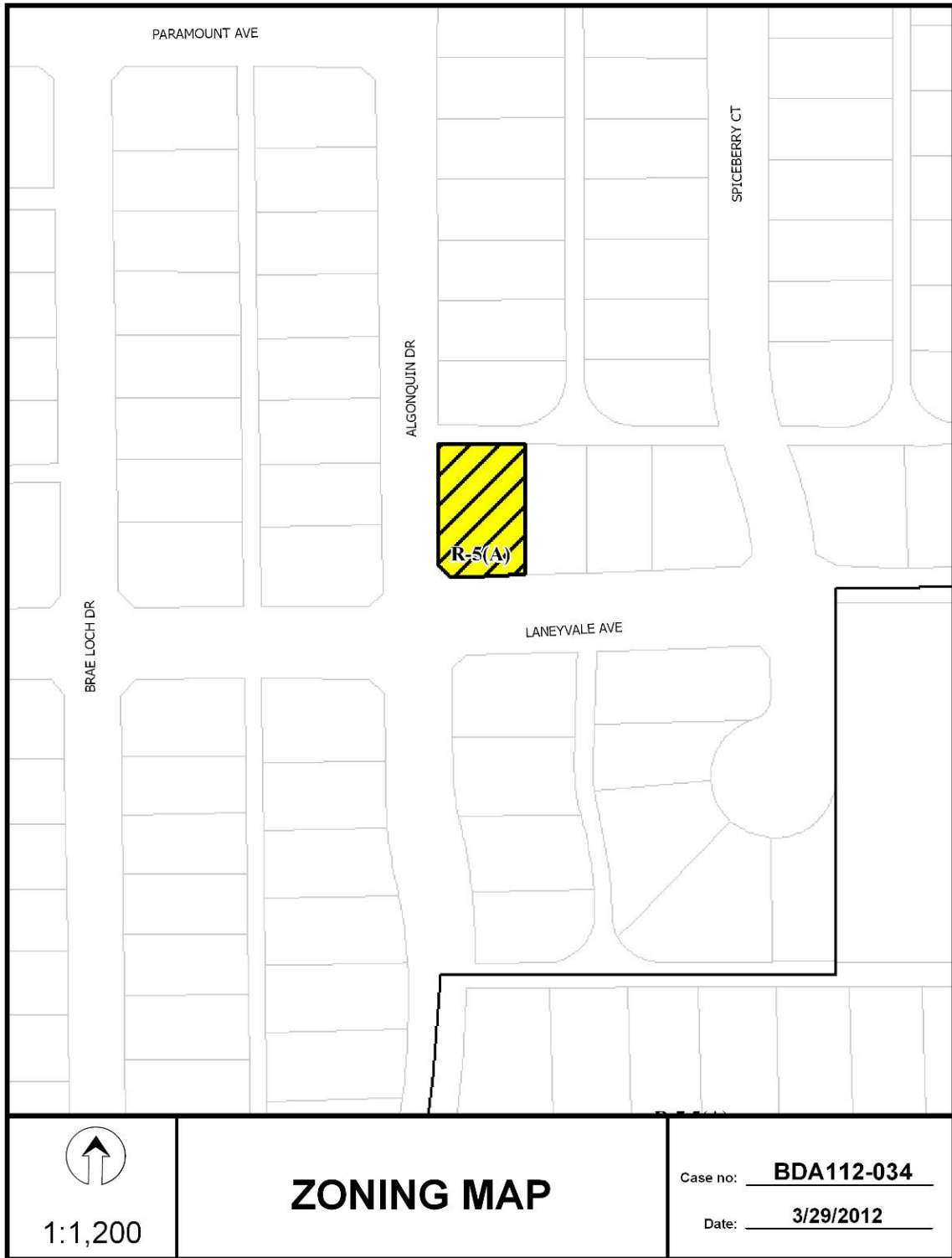
- These requests focus on maintaining according to the submitted elevation an existing “5’ brick, stone & wrought iron fence” with a 7’ high archway over a pedestrian gate along Laneyvale Avenue and along a portion of Algonquin Drive, and a 6’ high wood fence along another portion of Algonquin Drive, both of which are located in the site’s two 20’ front yard setbacks on a property developed with a single family home.
- The submitted site plan and “not to scale” elevations document the location, height, and materials of the fence over 4’ in height in the site’s two front yard setbacks. The site plan shows the fence along Laneyvale Avenue to be approximately 72’ in length parallel to the street and approximately 20’ in length *perpendicular* to Laneyvale Avenue on the east side of the site in the front yard setback; and to be located approximately on the front property line or about 10 from the pavement line; and shows the fence along Algonquin Drive to be approximately 105’ in length parallel to the street and approximately 20’ in length *perpendicular* to Algonquin Drive on the north side of the site in the front yard setback; and to be located approximately on the front property line or about 10 from the pavement line.
- No single family home “fronts” to the existing fence on the Laneyvale Avenue side of the subject site (the property immediately south of the site fronts westward to Algonquin Drive and has a side yard along Laneyvale Avenue and what appears to be an 8’ high solid fence in its side yard across from the subject site); and three single family homes “front” to the existing fence on Algonquin Drive, none with fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback. (One approximately 8’ high solid fence was noted immediately south of the subject site – a fence that appears to be in compliance with the Development Code since this property’s Laneyvale Avenue frontage is a *side yard*).
- As of April 9, 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 exceptions to the fence height regulations of up to 3’ will not adversely affect neighboring property.
- Granting these special exceptions of up to 3’ with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4’ in height in the front yard setbacks to be maintained in the location and of the heights and materials as shown on these documents.

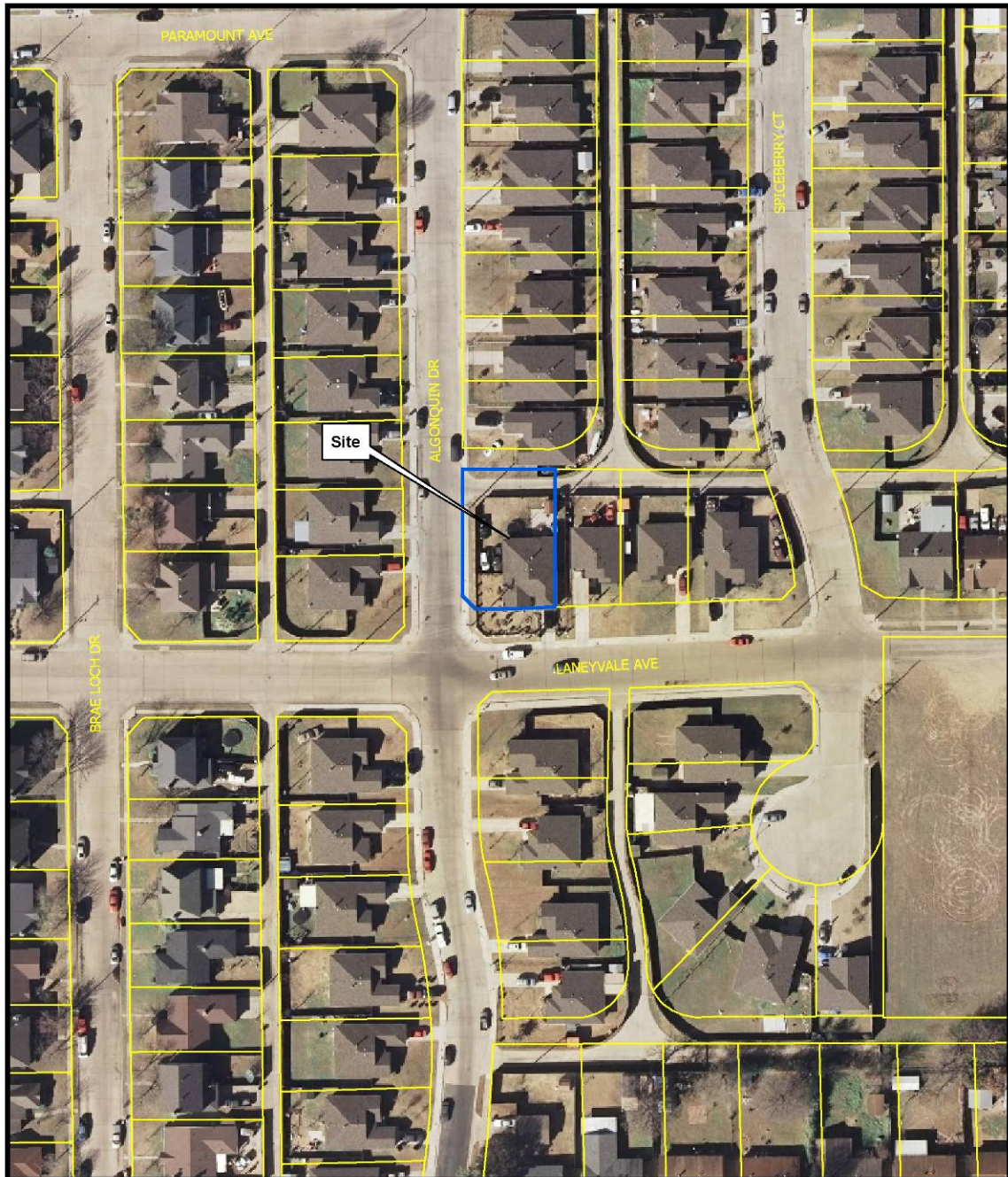
STAFF ANALYSIS (visual obstruction special exceptions):

- These requests focus on maintaining according to the submitted site plan and elevations portions of the aforementioned existing 5’ high open wrought iron fence with stone base located in the 20’ visibility triangles on either side of the driveway

into the site from Laneyvale Avenue (about 10' of length on either side of the driveway) and in the 45' visibility triangle at Laneyvale Drive and Algonquin Drive (about 27' lengths on both streets).

- The Sustainable Development and Construction Department Project Engineer recommends denial of these requests in that the items located in the drive approach and intersection visibility triangles constitute a traffic hazard.
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain aforementioned items in the drive approach and intersection visibility triangles do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevations would require that the items in the 20' visibility triangles on either side of the driveway into the site from Laneyvale Avenue and in the 45' Laneyvale Avenue/Algonquin Drive intersection triangle to be limited to the location, height, and materials of those items as shown on these documents.





1:1,200

AERIAL MAP

Case no: BDA112-034

Date: 3/29/2012



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-034

Data Relative to Subject Property:

Date: JAN. 20 / 2012

Location address: 9903 LANEYVALE AVE. Zoning District: R-5(A)

Lot No.: 51 Block No.: C/6682 Acreage: 6466¹⁵ # Census Tract: 118.00

Street Frontage (in Feet): 1) 61' 2) 106' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

2810

Owner of Property (per Warranty Deed): ROBERTO TORRES

Applicant: ROBERTO TORRES Telephone: (972) 557-7582

Mailing Address: 9903 LANEYVALE AVE. Zip Code: 75217

E-mail Address: _____

Represented by: RAMON ARANDA Telephone: (972) 754-1745

Mailing Address: 2946 S. SUNBECK CIR. Zip Code: 75234

E-mail Address: ramonaranda@hotmail.com

Affirm that an appeal has been made for a Variance or Special Exception of 3' TO THE FENCE HEIGHT IN THE FRONT YARD, & VISIBILITY TRIANGULAR OBSTRUCTIONS AT DRIVEWAY & STREET INTERSECTIONS.

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:
BUILDER DID NOT abide TO HEIGHT REGULATIONS.

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 Roberto Torres
(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: Roberto Torres
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of January, 2012

Notary Public and for ROSA VALLES County, Texas
MY COMMISSION EXPIRES July 14, 2013

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

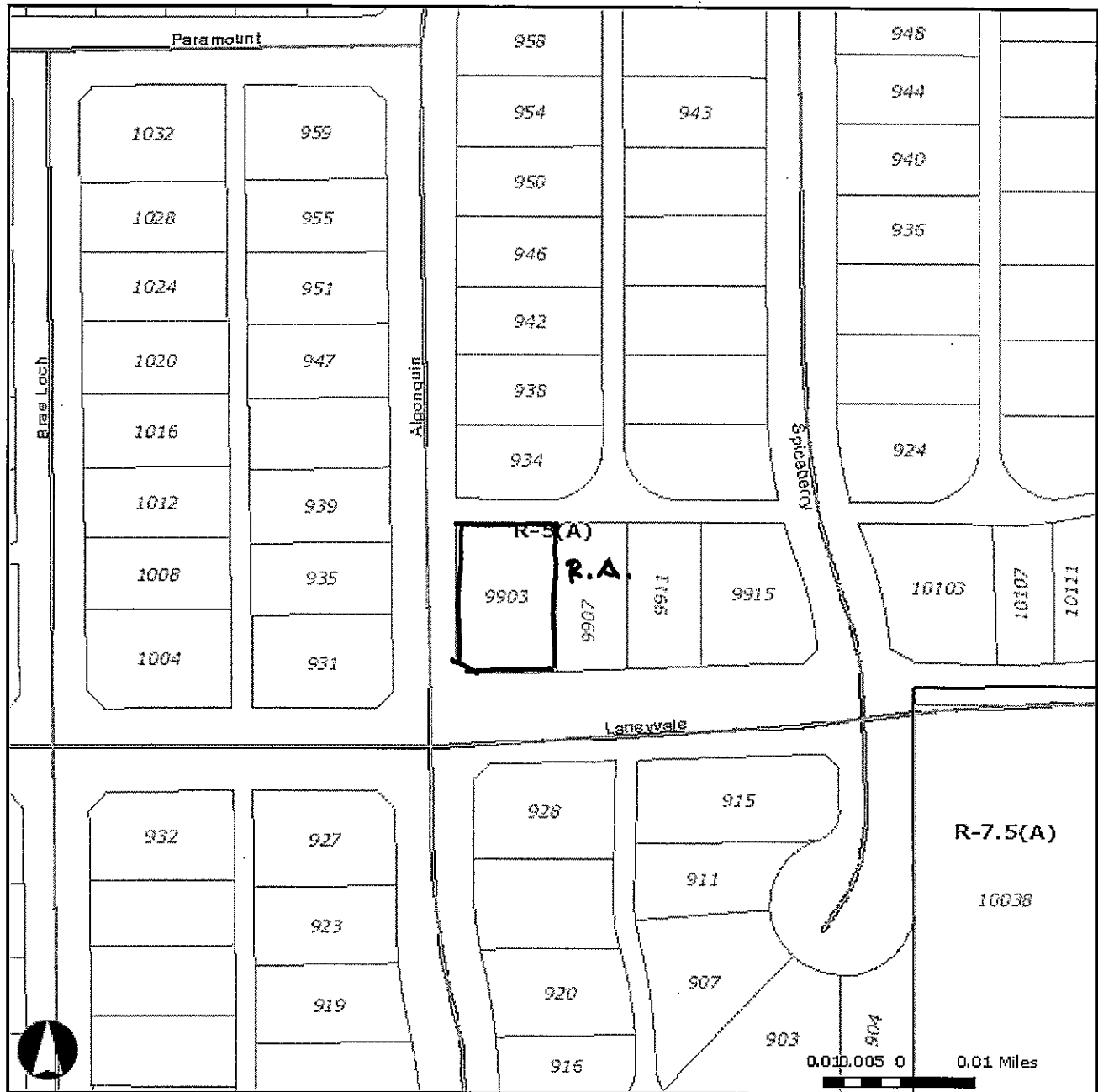
I hereby certify that ROBERTO TORRES
represented by RAMON ARANDA
did submit a request for a special exception to the fence height regulation, and for a special
exception to the visibility obstruction regulations
at 9903 Laneyvale Avenue

BDA112-034. Application of Roberto Torres represented by Ramon Aranda for a special exception to the fence height regulation and a special exception to the visibility obstruction regulations at 9903 Laneyvale Avenue. This property is more fully described as lot 51 in city block C/6682 and is zoned R-5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at alley and driveway approaches and a 45 foot visibility triangle at street intersections. The applicant proposes to construct an 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence height regulation, and to construct a residential 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



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Parks



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



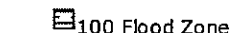
MD Overlay



Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



Peak's Branch



X PROTECTED BY LEVEE



Pedestrian Overlay



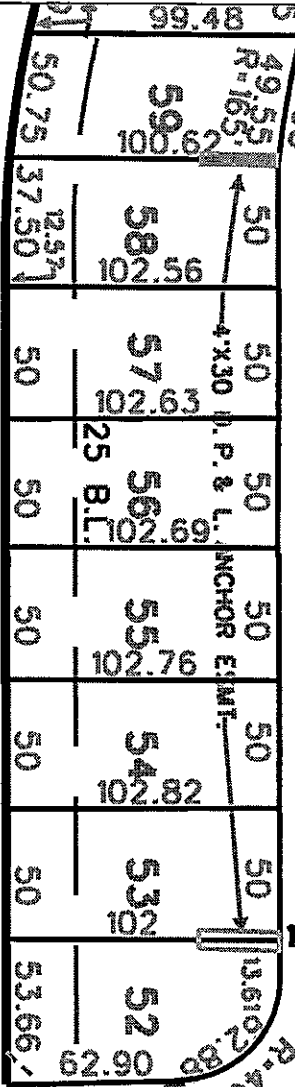
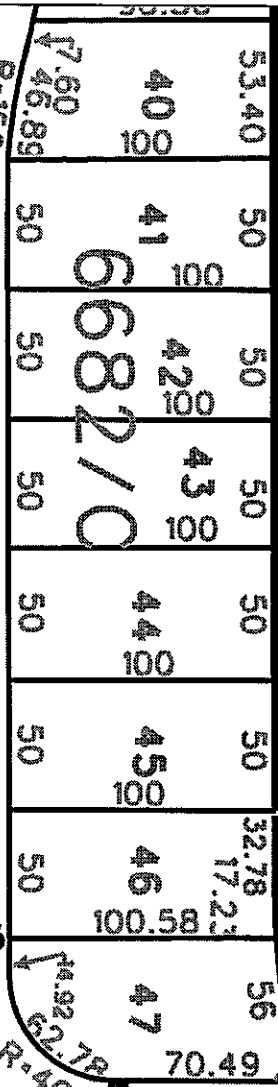
Environmental Corridors

DICEBERRY

900

COURT

S.00°01'08"W

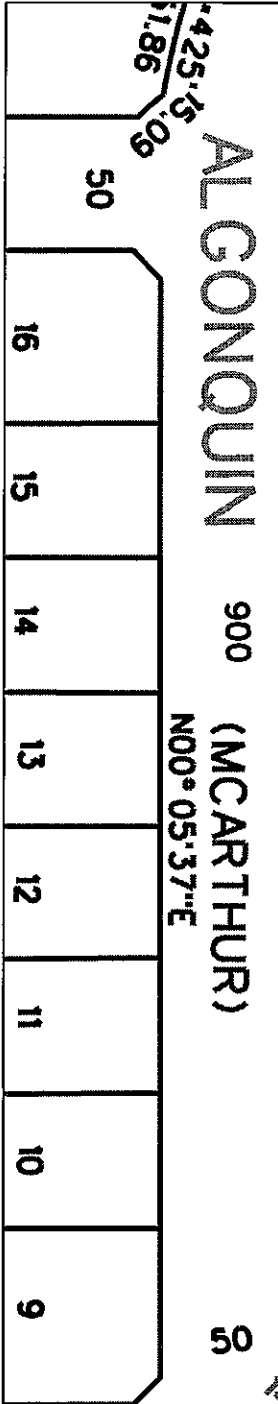


ALGONQUIN

900

(MCARTHUR)

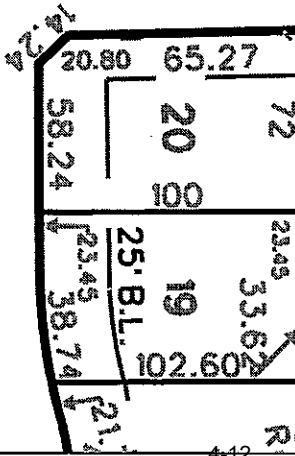
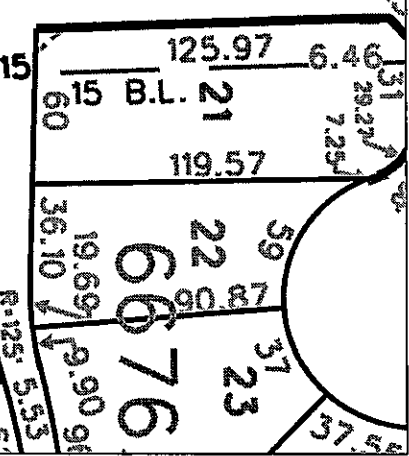
N00°05'37"E



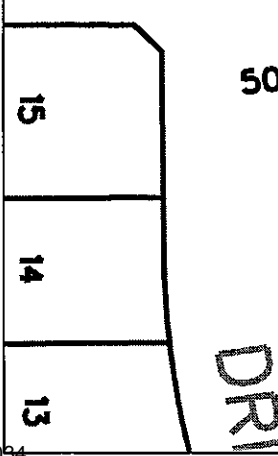
LANEYVALE

60

N87°36'10"E

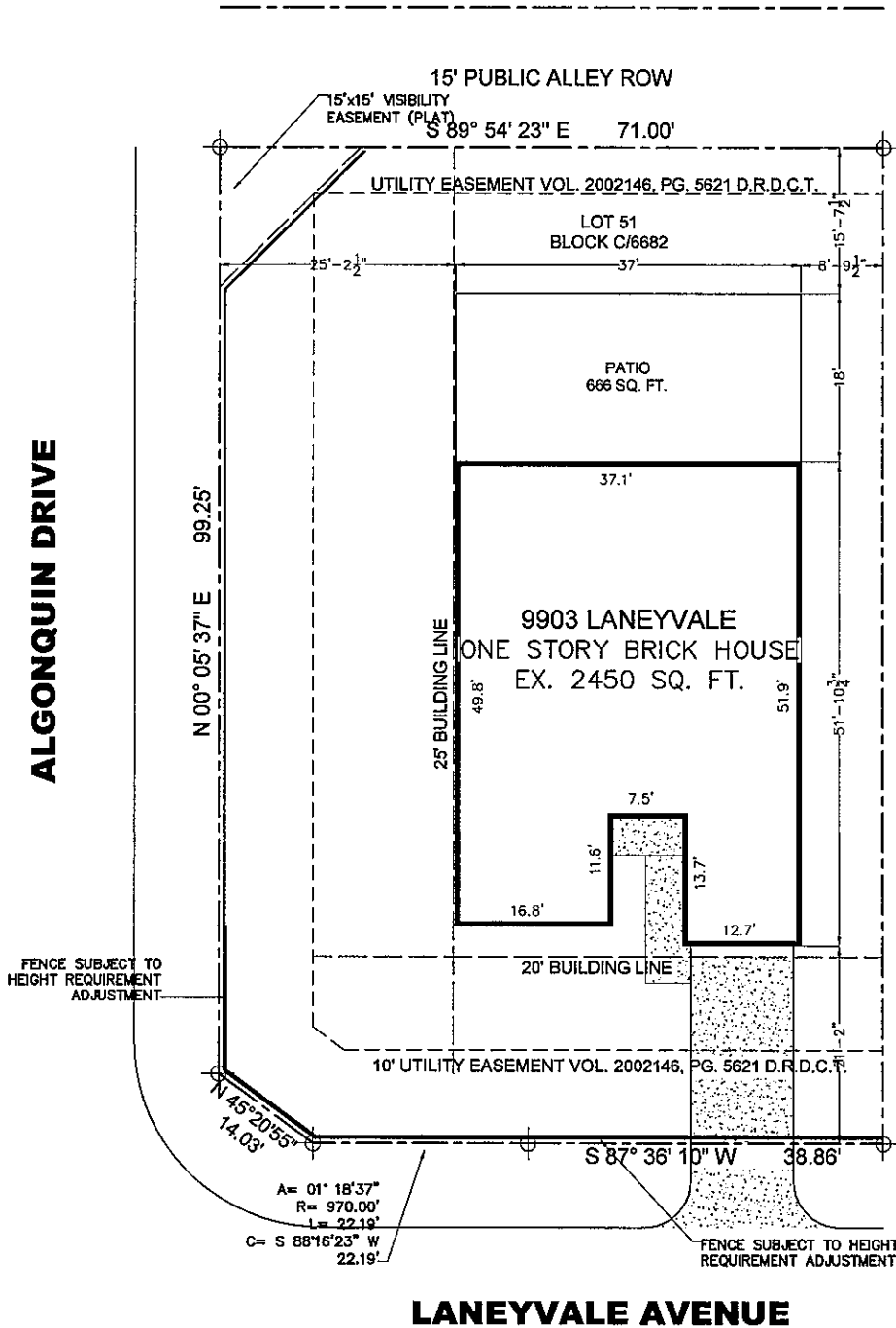


DRI



C:\fax_plats\6676_4.dgn 1/27/2012 3:15:07 PM

ALGONQUIN DRIVE



NORTH



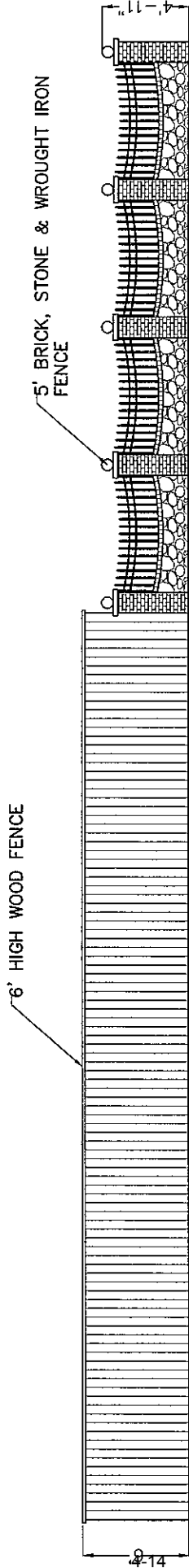
SCALE: 1" = 20'

SITE PLAN

GENERAL DATA:

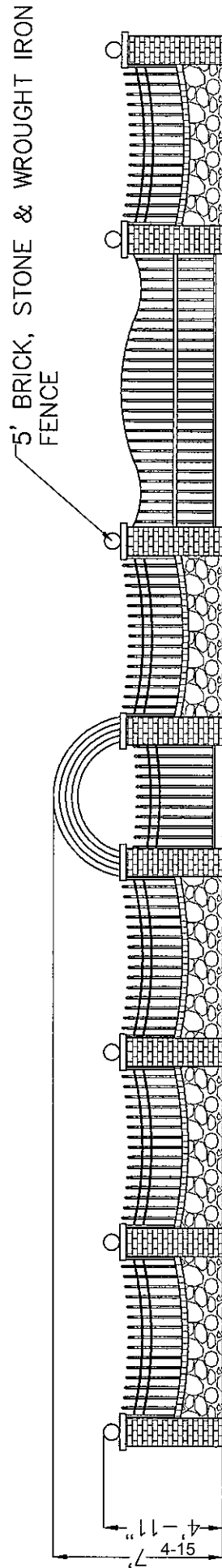
LAND AREA: 7538 SQ. FT.

LANEYVALE AVENUE



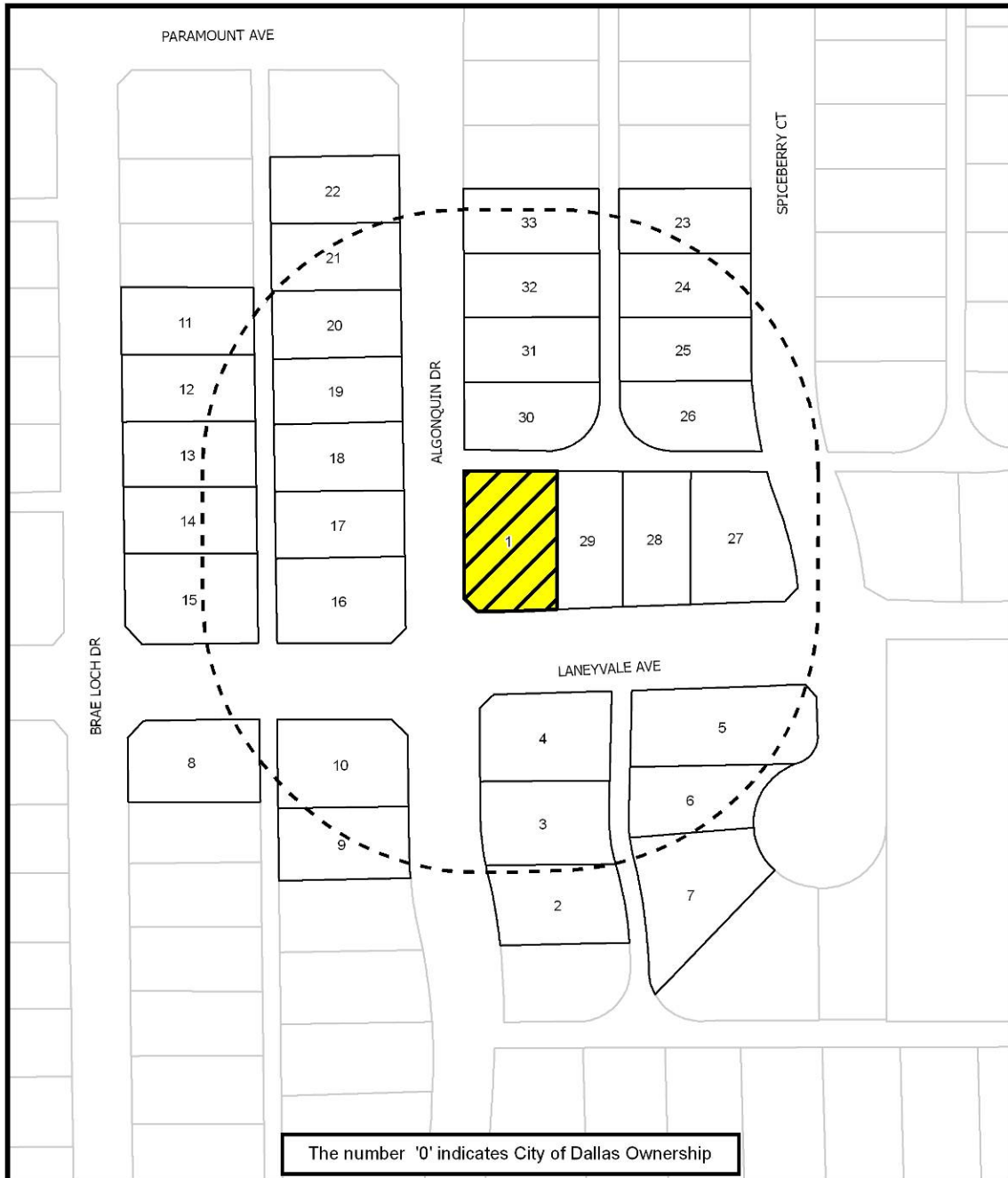
FENCE SIDE ELEVATION

NTS



FENCE FRONT ELEVATION

NTS



 1:1,200	NOTIFICATION		Case no: BDA112-034
	<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;">33</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 3/29/2012	

Notification List of Property Owners

BDA112-034

33 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9903 LANEYVALE AVE	TORRES ROBERTO
2	920 ALGONQUIN DR	TUTT TIFFANY M
3	924 ALGONQUIN DR	MARTINEZ FRANCISCO J
4	928 ALGONQUIN DR	MEDFORD NADINE G
5	915 SPICEBERRY CT	GUTIERREZ DANIEL
6	911 SPICEBERRY CT	ORTIZ AGUSTIN & LEONARDA ORTIZ
7	907 SPICEBERRY CT	SOTO SAMUEL S & CANDISS A ZUNIGA
8	932 BRAE LOCH DR	ESTRADA HECTOR
9	923 ALGONQUIN DR	GANT PATTIE W
10	927 ALGONQUIN DR	DURAN EUSTAQUIO
11	1020 BRAE LOCH DR	HALL BRENDA
12	1016 BRAE LOCH DR	WASHINGTON NAPOLEON & VALLERIE J
13	1012 BRAE LOCH DR	BROWN EISLEY
14	1008 BRAE LOCH DR	STILWELL SHARON & DONALD R
15	1004 BRAE LOCH DR	BASSETT LARRY L & DELORES A
16	931 ALGONQUIN DR	DIAZ ALBERTO
17	935 ALGONQUIN DR	MARQUEZ ANTONIO R
18	939 ALGONQUIN DR	DURAN ANTONIO
19	943 ALGONQUIN DR	TUTSON LONZO T JR
20	947 ALGONQUIN DR	TORRES MOISES JR & AMANDA
21	951 ALGONQUIN DR	ENRIQUEZ SILVIA S
22	955 ALGONQUIN DR	HERNANDEZ ANA
23	935 SPICEBERRY CT	PENATE MIGUEL D & NORA E RAUDA
24	931 SPICEBERRY CT	ARAMBURO IGNACIO
25	927 SPICEBERRY CT	MEJORADA SAUL JR
26	923 SPICEBERRY CT	VENEGAS RAUL

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9915 LANEYVALE AVE	RICO GUADALUPE
28	9911 LANEYVALE AVE	CASTRO MAIRA Y
29	9907 LANEYVALE AVE	QUNONEZ GUADALUPE
30	934 ALGONQUIN DR	GONZALEZ VICTOR HUGO
31	938 ALGONQUIN DR	VALDIVIA FELIPE
32	942 ALGONQUIN DR	WELLINGTON ALBERT C & ERICA E
33	946 ALGONQUIN DR	FELIPE PEDRO & FLORENTINO MARTIN

FILE NUMBER: BDA 112-047

BUILDING OFFICIAL'S REPORT:

Application based on Dallas City Council Resolution 12-0709, represented by Melissa Miles and James McGuire, for a compliance date for a nonconforming use at 2807 E. 11th Street. This property is Tract 2, a 12.15 acre tract of land, in City Block 4651 and is zoned IR. The applicant requests that the Board establish a compliance date for a nonconforming industrial (inside) potentially incompatible (slaughtering of animals, fish, or poultry) use.

LOCATION: 2807 E. 11th Street.

APPLICANT: Dallas City Council Resolution 12-0709
Represented by Melissa Miles and James McGuire

REQUEST:

- A request is made for the Board of Adjustment to establish a compliance date for a nonconforming "industrial (inside) potentially incompatible (slaughtering of animals, fish, or poultry)" use (Columbia Packing Company, Inc.) on the subject site.

COMPLIANCE REGULATIONS FOR NONCONFORMING USES: SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES of the Dallas Development Code provides the following provisions:

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (i) The character of the surrounding neighborhood.
 - (ii) The degree of incompatibility of the use with the zoning district in which it is located.
 - (iii) The manner in which the use is being conducted.
 - (iv) The hours of operation of the use.
 - (v) The extent to which continued operation of the use may threaten public health or safety.
 - (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
 - (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
 - (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
 - (ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.
- (C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.
- (D) Determination of amortization period.
- (i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
 - (ii) The following factors must be considered by the board in determining a reasonable amortization period:
 - (aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
 - (bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
 - (cc) Any return on investment since inception of the use, including net income and depreciation.
 - (dd) The anticipated annual recovery of investment, including net income and depreciation.
- (E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.
- (F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

GENERAL FACTS:

- City records indicate the following:
 - The nonconforming use at 2807 E. 11th Street is an industrial (inside) potentially incompatible slaughterhouse.
 - Reason the use is classified as nonconforming: change in zoning
 - Date that the use became nonconforming: 3/29/1965
 - Date the nonconforming use was discontinued: N/A
 - Current zoning of the property on which the use is located: IR
 - Previous zoning of the property: M2 (until 1965), I-2 (from 1965 to 1989 when the city adopted Chapter 51A changing I-2 to IR)
 - A Certificate of Occupancy was issued on 08-17-1993 for property at 2807 E 11th St to owner Columbia Packing Co for land use (3981) industrial (inside) potentially incompatible with remarks: “CO based on project permit 1983. Slaughter house nonconforming use in IR. Updated sq ft includes manufacturing bldg, maintance [sic] bldg, stock pens 2-16-12 BW.”
- The Dallas Development Code defines a “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.”
- The subject site is zoned Industrial/Research (IR) district, which does not permit an industrial (inside) potentially incompatible (slaughtering of animals, fish, or poultry) use.

BACKGROUND INFORMATION:

Zoning:

Site: IR (Industrial/Research)
North: IR (Industrial/Research)
South: CS (Commercial Service) & R-5(A) (Single family residential 5,000 square feet)
East: IR (Industrial/Research)
West: CS (Commercial Service) & IR (Industrial/Research)

Land Use:

The site is currently developed with an industrial (inside) potentially incompatible (slaughtering of animals, fish, or poultry) use. The areas to the north and east are undeveloped; the area to the south is developed with office, commercial, and residential uses; and the area to the west is developed in part with commercial uses and in part has undeveloped land.

Zoning/BDA History:

There have been no recent Board of Adjustment or zoning cases on or in the immediate vicinity of the subject site.

Timeline:

- March 19, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents, which are included as part of this case report.
- March 20, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 23, 2012: The Board Administrator wrote/sent the record owner of the property and use (Columbia Packing Company, Inc.; Joe Ondrusek, President) a letter (with a copy to Melissa Miles) informing him that a Board of Adjustment case had been filed against the nonconforming industrial (inside) potentially incompatible use. The letter included following enclosures:
1. A copy of the Board of Adjustment application and related materials.
 2. Dallas Development Code Section 51A-3.102 describing the Board of Adjustment.
 3. Dallas Development Code Section 51A-2.102 (90), which defines a nonconforming use.
 4. Dallas Development Code Section 51A-4.123(c), purpose and main uses permitted in Industrial/Research zoning district.
 5. Dallas Development Code Section 51A-4.203(a), definition and provisions for “Potentially incompatible industrial” uses.
 6. Dallas Development Code Section 51A-4.704, provisions for nonconforming uses and structures.
 7. Dallas Development Code Section 51A-4.703, Board of Adjustment hearing procedures.
 8. City of Dallas Board of Adjustment Working Rules of Procedures.
 9. The hearing procedures for board of adjustment amortization of a nonconforming use.
- The letter also informed Mr. Ondrusek of the date, time, and location of the public hearing, and provided a deadline of April 6th to submit any information that would be incorporated into the board’s docket.
- March 26, 2012: The Board Administrator emailed a copy of the March 23rd letter and related materials to Joe Ondrusek.
- March 26, 2012: The Board Administrator met with Joe Ondrusek on the subject site and conducted a photographic field trip.
- March 27, 2012: The Board Administrator wrote/sent the record owner of the property and use (Columbia Packing of Texas, Ltd.; Joe Ondrusek, Manager) a letter (with a copy to Melissa Miles) informing him that a Board of Adjustment case had been filed against the

nonconforming industrial (inside) potentially incompatible use on the property. The letter included following enclosures:

1. A copy of the Board of Adjustment application and related materials.
2. Dallas Development Code Section 51A-3.102 describing the Board of Adjustment.
3. Dallas Development Code Section 51A-2.102 (90), which defines a nonconforming use.
4. Dallas Development Code Section 51A-4.123(c), purpose and main uses permitted in Industrial/Research zoning district.
5. Dallas Development Code Section 51A-4.203(a), definition and provisions for "Potentially incompatible industrial" uses.
6. Dallas Development Code Section 51A-4.704, provisions for nonconforming uses and structures.
7. Dallas Development Code Section 51A-4.703, Board of Adjustment hearing procedures.
8. City of Dallas Board of Adjustment Working Rules of Procedures.
9. The hearing procedures for board of adjustment amortization of a nonconforming use.

The letter also informed Mr. Ondrusek of the date, time, and location of the public hearing, and provided a deadline of April 6th to submit any information that would be incorporated into the board's docket.

April 2, 2012: The Board Administrator received an email from Roger Albright stating that he had been retained to represent Columbia.

April 3, 2012: The Board Administrator emailed Roger Albright the two letters/materials sent to Columbia on March 23rd and March 27th.

April 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

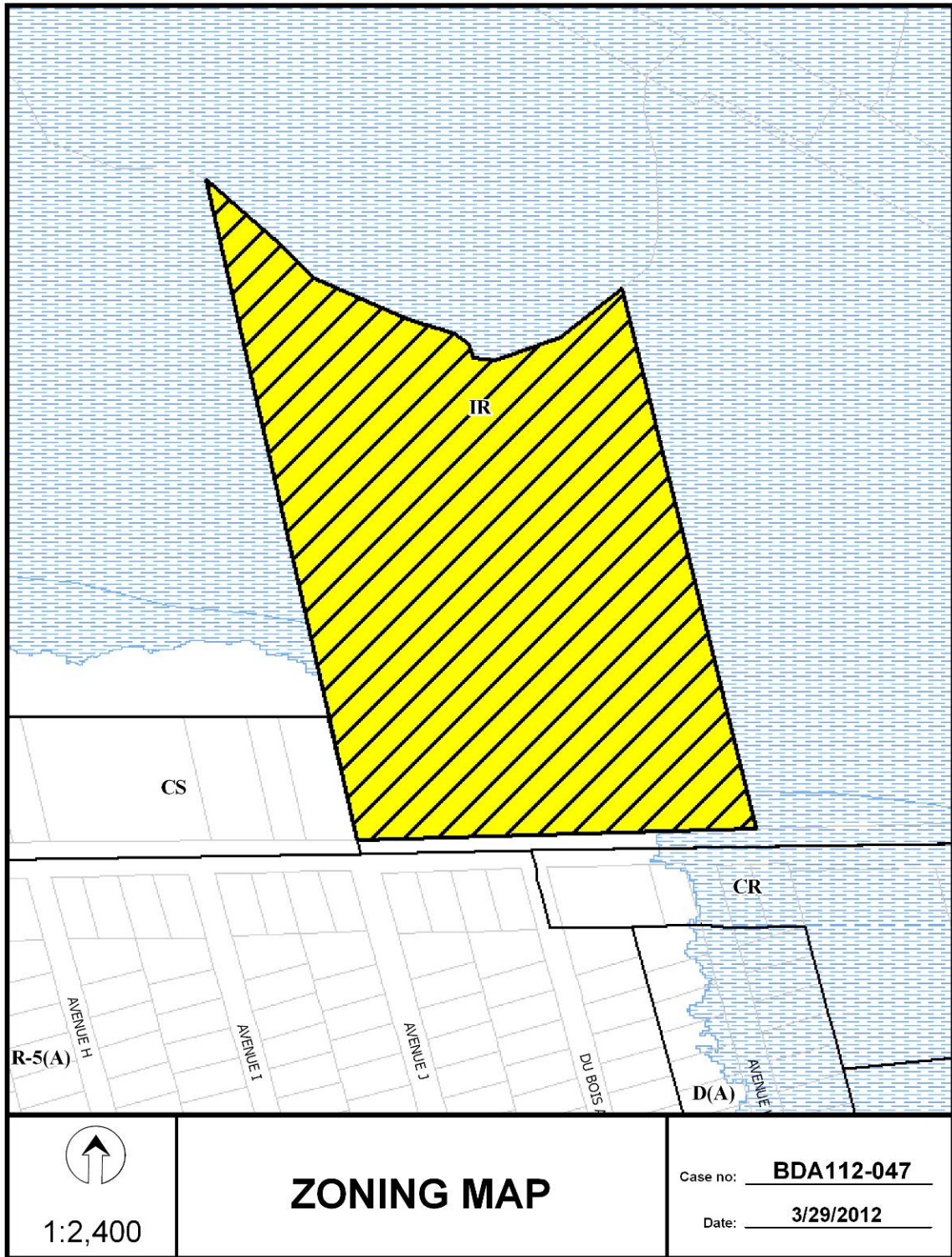
No review comment sheets with comments were submitted in conjunction with this application.

April 4, 2012: The Board Administrator emailed Roger Albright, Joe Ondrusek, and Melissa Miles stating that in accordance with the board of adjustment rules of procedure, the deadline for the submittal of any documents that they want included in the board's docket would be 5:00 p.m., Monday, April 9th.

- April 9, 2012: James B. McGuire submitted to the Board Administrator a notebook of information entitled "Columbia Packing Slaughterhouse Evidentiary Notebook in Support of Terminating Prior Nonconforming Use Board of Adjustment Case No. 112-047."
- April 9, 2012: Roger Albright submitted to the Board Administrator an envelope of information entitled "Statement of Termination and Relinquishment of Nonconforming Rights."
- April 10, 2012: James B. McGuire submitted 10 discs of the information conveyed in his April 9th submittal. These discs were mailed to the board members and Roger Albright.
- April 10, 2012: Roger Albright submitted 10 flash drives of the information conveyed in his April 9th submittal. These flash drives were mailed to the board members, James B. McGuire, and Melissa Miles.

STAFF ANALYSIS:

- The industrial (inside) potentially incompatible use became nonconforming on 3/29/1965.
- The applicant has the burden of proof to establish that continued operation of the nonconforming use will have an adverse effect on nearby properties.
- The purpose of the Board of Adjustment's April 18th public hearing shall be to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If the board determines that continued operation of this nonconforming use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use (at a subsequent public hearing); otherwise, it shall not.
- The owner could eliminate the nonconforming status by obtaining a change in zoning.
- The owner could transition the use to any use that is permitted in Industrial/Research (IR) zoning.





1:2,400

AERIAL MAP

Case no: BDA112-047

Date: 3/29/2012



City of Dallas

APPLICATION TO THE BOARD OF ADJUSTMENT
TO SET A COMPLIANCE DATE FOR A NONCONFORMING USE

CASE NO.: BDA 112-047

DATE: 3-19-12

Data Relevant to Subject Property:

Location address: 2807 E. 11th Street Zoning District: IR

Name of Property Owner: Columbia Packing of Texas, Ltd.

Lot No.: 4-2 Block No.: 4651 Acreage: 12.15 Census Tract: 89.00

Street Frontage (in Feet): (1) 663' (2) _____ (3) _____ (4) _____ (5) _____

To the Honorable Board of Adjustment:

Applicant: Dallas City Council Telephone: (2) 671-9544

Mailing Address: 1500 Marilla, 7DN Zip Code: 75201

Represented By: Asst. City Attys, Melissa Miles & James M^c Guire Telephone: 214-671-9544

Mailing Address: Same Zip Code: _____

Affirm that a request has been made to establish a compliance date for the property described above for the following reason(s): See attached, explaining adverse effect on surrounding properties.

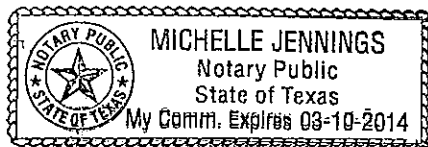
Respectfully submitted: Melissa Miles _____
Print Applicant's name Applicant's Signature

Before me the undersigned on this day personally appeared _____ who on his or her oath certifies that the above statements are true and correct to his or her best knowledge and belief and that he or she resides or owns property in the City of Dallas.

_____ Affiant (Applicant's Signature)

Subscribed and sworn before me this 15 day of March, 2012

_____ 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

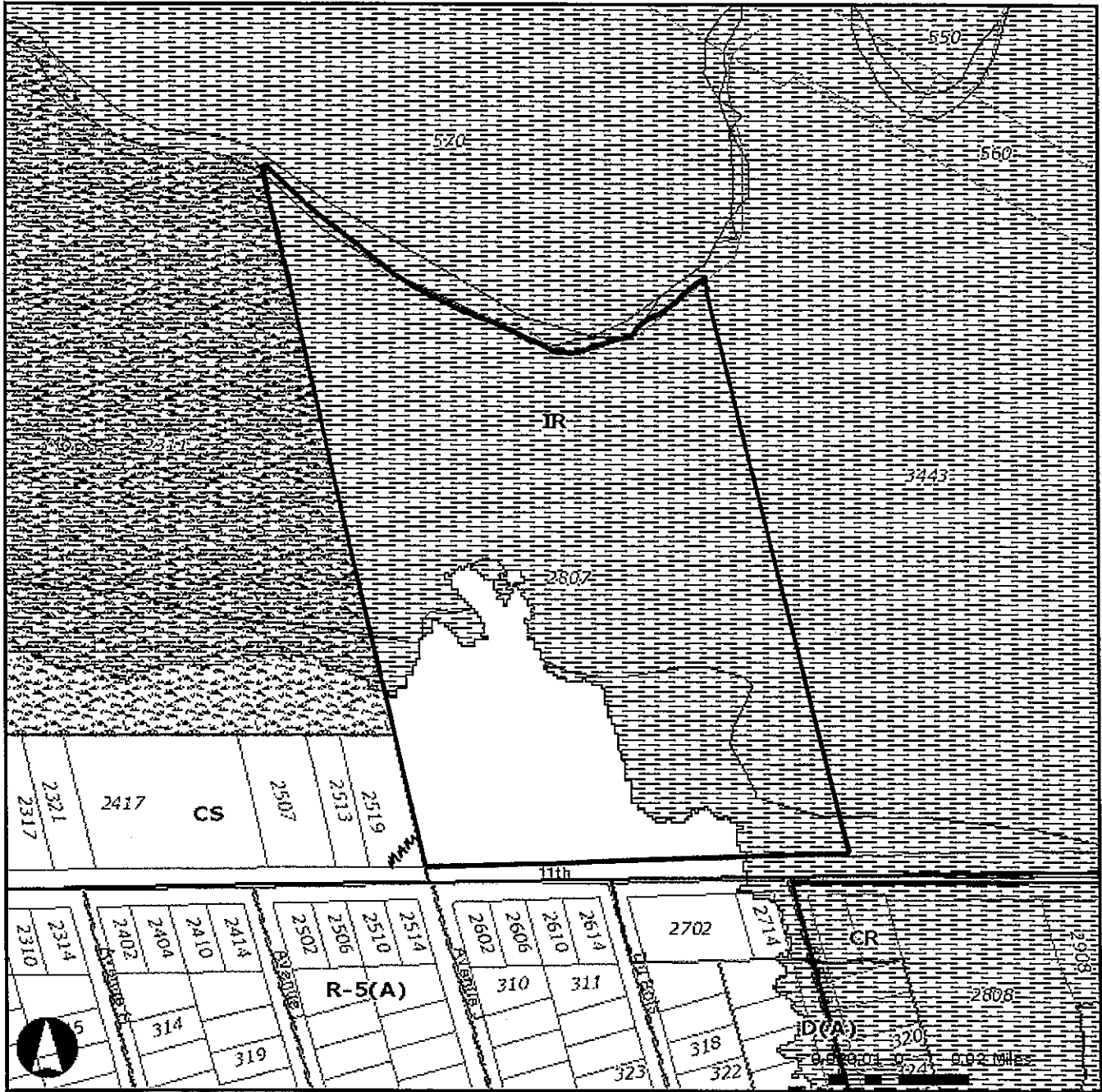
I hereby certify that Dallas City Council Resolution 12-0709
represented by Melissa Miles
did submit a request to require compliance of a nonconforming use
at 2807 E. 11th Street

BDA112-047. Application of Dallas City Council Resolution 12-0709 represented by Melissa Miles to require compliance of a nonconforming use at 2807 E. 11th Street. This property is more fully described as being tract 2, a 12.15 acre tract of land in city block 4651 and is zoned IR, which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming industrial (inside) potentially incompatible (slaughtering of animals, fish, or poultry) use.

Sincerely,


Lloyd Denman, Building Official

City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



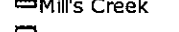
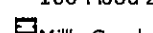
NSO Subdistricts



Base Zoning

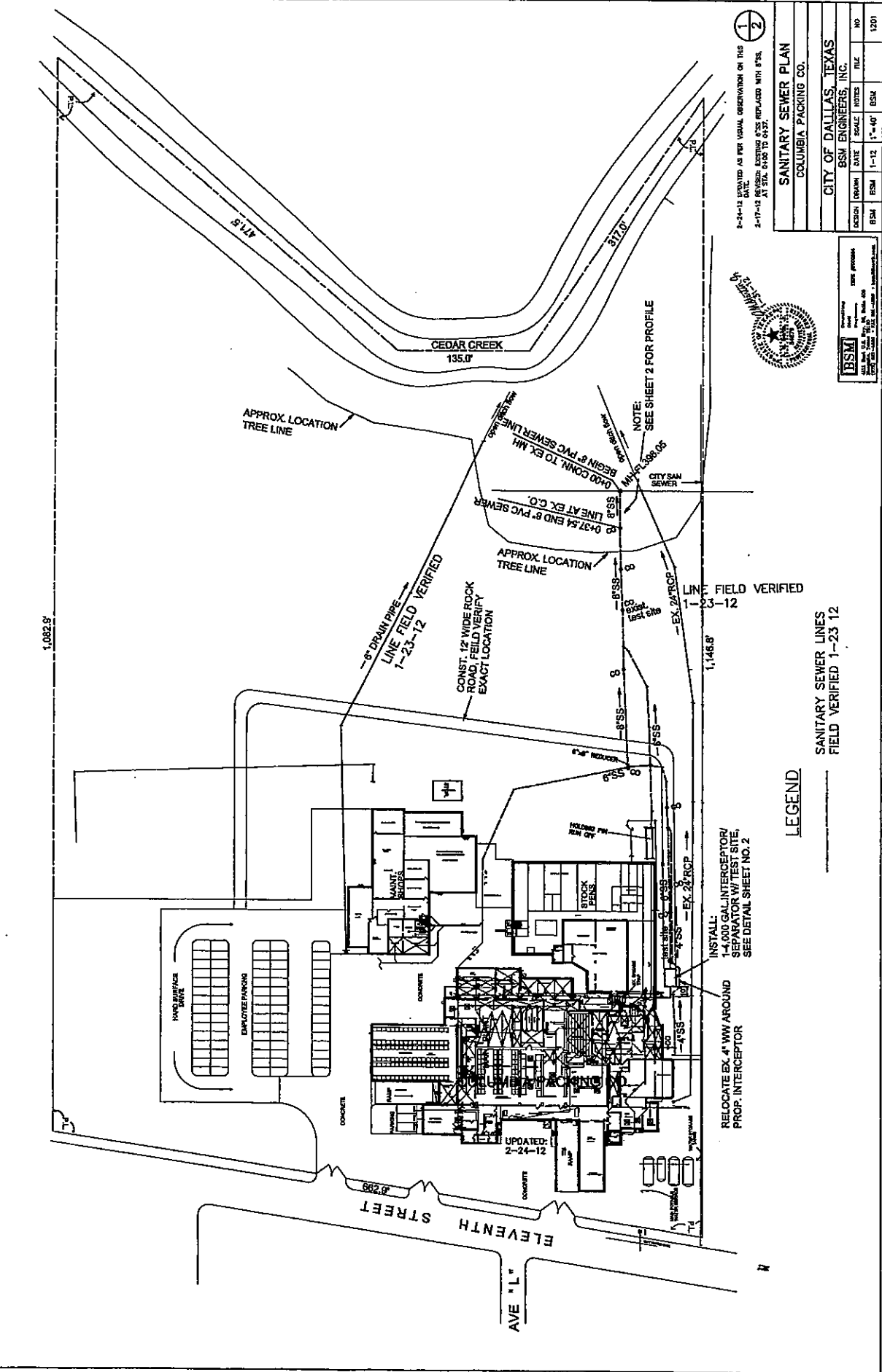


Floodplain



Pedestrian Overlay

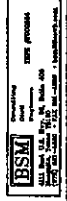




2-24-12 REVISED AS PER VISUAL OBSERVATION ON THE DATE
 2-17-12 REVISED EXISTING 6"SS REPLACED WITH 8"SS AT STA. 6+20 TO 6+27.



SANTARY SEWER PLAN		COLUMBIA PACKING CO.	
CITY OF DALLAS, TEXAS		BSM ENGINEERS, INC.	
DESIGNER	DATE	SCALE	NOTES
BSM	1-12	1"=40'	BSM
NO			1201



LEGEND

RELOCATE EX. 41" WW AROUND PROP. INTERCEPTOR

INSTALL:
 14,000 GAL. INTERCEPTOR/
 SEPARATOR W/ TEST SITE.
 SEE DETAIL SHEET NO. 2

SANITARY SEWER LINES
 FIELD VERIFIED 1-23-12

Memorandum

DATE March 15, 2012

TO Board of Adjustment

SUBJECT Attachment to application to Board of Adjustment to establish a compliance date for the non-conforming use of the property at 2807 E. 11th Street (the "Property")



Continued operation of the nonconforming use at the Property will adversely affect nearby properties.

Specifically, the owner of the Property, Columbia Packing of Texas, Inc. ("Columbia"), while operating the nonconforming use at the Property, has repeatedly and egregiously violated environmental rules meant to protect human health and the environment, resulting in documented pollution of the Trinity River and its tributary, Cedar Creek, and has failed to take any responsibility for the same, thus presenting a continued threat to public health and safety.

Further, Columbia's operations generate foul odors and sounds, such as animal screams and truck noises, at all hours, and such use is incompatible with the character of the surrounding residential neighborhood.



City of Dallas

Zoning Board of Adjustment

Appeal to establish a compliance date for a nonconforming use.
Sec. 51A-4.704(a)(1)(A)

or

Appeal to reinstate a nonconforming use. Sec. 51A-4.704(a)(2)

SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

Property address: 2807 E. 11th Street, Dallas, TX 75203

Industrial (inside) potentially incompatible

1. The nonconforming use being appealed/reinstated: Slaughter house
(The use as stated on the current valid Certificate of Occupancy. Copy of C.O. attached)

2. Reason the use is classified as nonconforming: Change in zoning.
(Was there a change in zoning of the property or in the use requirements. Be specific.)

3. Date that the nonconforming use became nonconforming: circa 3/24/1965
(Date the property zoning or use requirements changed.)

4. Date the nonconforming use was discontinued: N/A

5. Current zoning of the property on which the use is located: IR

6. Previous zoning of the property on which the use is located: M2 (until 1965)
(Applies if a zoning district change caused the use to become nonconforming.) F2 (65 - circa 1993)

(Rev. 10/04/11)

WHEREAS, Columbia Packing Company is a slaughterhouse, meat packing, and distribution company operating at 2807 East 11th Street, Dallas, Texas; and,

WHEREAS, Columbia Packing Company operates under a certificate of occupancy for an industrial (inside) potentially incompatible use; and,

WHEREAS, the property at 2807 East 11th Street, Dallas, Texas is zoned as the IR Industrial Research district; and,

WHEREAS, an industrial (inside) potentially incompatible use is not a permitted use in the IR Industrial Research district; and,

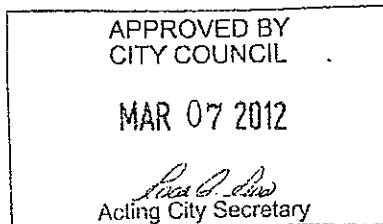
WHEREAS, Columbia Packing Company is a nonconforming use as defined in the Dallas Development Code; and,

WHEREAS, the Dallas Development Code authorizes the City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use; **Now, Therefore,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the Board of Adjustment is requested to authorize compliance proceedings for Columbia Packing Company at 2807 East 11th Street, Dallas, Texas.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.





Certificate of Occupancy

City of Dallas

Address: [REDACTED] 2807 E 11TH ST 75203 Issued Date: 08/17/1993

Owner: [REDACTED] COLUMBIA PACKING CO
000000

DBA: [REDACTED] COLUMBIA PACKING CO

Land Use: [REDACTED] (3981) INDUSTRIAL (INSIDE) POTENTIALLY INCOMPATIBLE

C.O.#: [REDACTED] 9308171055

Lot:	Block:	Zoning:	IR	PDD:	0	SUP:
Historic Dist:	Consrv Dist:	Pro Park:	2	Req Park:	2	Park Agrmt:
Dwlg Units:	Stories:	Occ Code:	B2	Lot Area:	0	Total Area:
Type Const:	Sprinkler:	Occ Load:		Alcohol:	N	Dance Floor:

Remarks: CO BASED ON PROJECT PERMIT 1983 SLAUGHTER HOUSE
NONCONFORMING USE IN IR. UPDATED SQ FT, INCLUDES
MANUFACTURING BLDG, MAINTAINCE BLDG, STOCK PENS 2-16-12 BW.

Lloyd Denman, Building Official

This certificate shall be displayed on the above premise at all times.
Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com



Business Personal Property Account #99000000215307600

Location Owner Value Exemptions Estimated Taxes History

Address: 2807 11TH
Mapsc0: 55-C (DALLAS)

DCAD Property Map

View Photo

2011 Appraisal Notice

Electronic Documents

YAHOO! Maps

FILE YOUR BPP RENDITION ON-LINE

Owner (Current 2012)

COLUMBIA PACKING CO INC
JOE ONDRUSEK PRES
2807 E 11TH ST
DALLAS, TEXAS 752032010

DBA: COLUMBIA PACKING CO

Value

2011 Certified Values

Total: \$1,127,510

Exemptions (Certified 2011)

No Exemptions

Estimated Taxes (Certified 2011)

	City	School	County and School Equalization	College	Hospital	Special District
				DALLAS CO		

Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	COMMUNITY COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
Tax Rate per \$100	\$0.797	\$1.290347	\$0.2531	\$0.09967	\$0.271	N/A
Taxable Value	\$1,127,510	\$1,127,510	\$1,127,510	\$1,127,510	\$1,127,510	\$0
Estimated Taxes	\$8,986.25	\$14,548.79	\$2,853.73	\$1,123.79	\$3,055.55	N/A
Tax Ceiling					N/A	N/A
Total Estimated Taxes:						\$30,568.12

DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES. You will receive an **official tax bill** from the appropriate agency when they are prepared. Taxes are collected by the agency sending you the **official tax bill**. To see a listing of agencies that collect taxes for your property. [Click Here](#)

The estimated taxes are provided as a courtesy and should not be relied upon in making financial or other decisions. The Dallas Central Appraisal District (DCAD) does not control the tax rate nor the amount of the taxes, as that is the responsibility of each Taxing Jurisdiction. Questions about your taxes should be directed to the appropriate taxing jurisdiction. We cannot assist you in these matters. These tax estimates are calculated by using the most current certified taxable value multiplied by the most current tax rate. **It does not take into account other special or unique tax scenarios.** If you wish to calculate taxes yourself, you may use the TaxEstimator to assist you.

History

History

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City of Dallas

March 23, 2012

Via certified mail 7011 1150 0000 0380 6605

Columbia Packing Company, Inc.
Joe Ondrusek, President
2807 East 11th Street
Dallas, Texas 75203-2010

Re: BDA 112-047, Pending Board of Adjustment Case Located at 2807 East 11th Street

Dear Mr. Ondrusek:

You are the record owner of the property and the nonconforming industrial (inside) potentially incompatible (slaughtering of animals, fish, or poultry) use at 2807 East 11th Street. This letter informs you that a request has been made to set a compliance date for the nonconforming use operating on this property. The case will be heard by the Board of Adjustment.

Enclosed you will find the following information:

1. A copy of the Board of Adjustment application and related materials that has been submitted in conjunction with the application by the applicant.
2. A copy of the section of the Dallas Development Code that describes the Board of Adjustment (Section 51A-3.102).
3. A copy of the section of the Dallas Development Code that provides the definition of "nonconforming use" (Section 51A-2.102 (90)).
4. A copy of the section of the Dallas Development Code that provides the purpose and main uses permitted set forth for "Industrial/research (IR)" districts (Section 51A-4.123(c)).
5. A copy of the section of the Dallas Development Code that provides the definition and provisions set forth for "Potentially incompatible industrial uses" (Section 51A-4.203 (a)).
6. A copy of the section of the Dallas Development Code that provides provisions for "nonconforming uses and structures" (Section 51A-4.704).
7. A copy of the section of the Dallas Development Code that describes the Board of Adjustment hearing procedures (Section 51A-4.703).
8. A copy of the City of Dallas Board of Adjustment Working Rules of Procedures.
9. A copy of the hearing procedures for board of adjustment amortization of a nonconforming use.

This request is scheduled to be heard by Board of Adjustment Panel B at a **public hearing on Wednesday, April 18, 2012, Dallas City Hall, L1 Conference Center Auditorium, 1500 Marilla Street, 1:00 p.m.** Staff will brief the board on this matter prior to the public hearing on the morning of the same day, in the same room of Dallas City Hall. This briefing is an open meeting which you are welcome to attend. Your attendance at this briefing/public hearing is strongly encouraged.

Lastly note that if there is any information that you would like to have incorporated into the board's docket that is emailed to the board members, city staff and the applicant about a week ahead of this hearing, please submit this information to me at steve.long@dallascityhall.com no later than noon, Friday, April 6th.

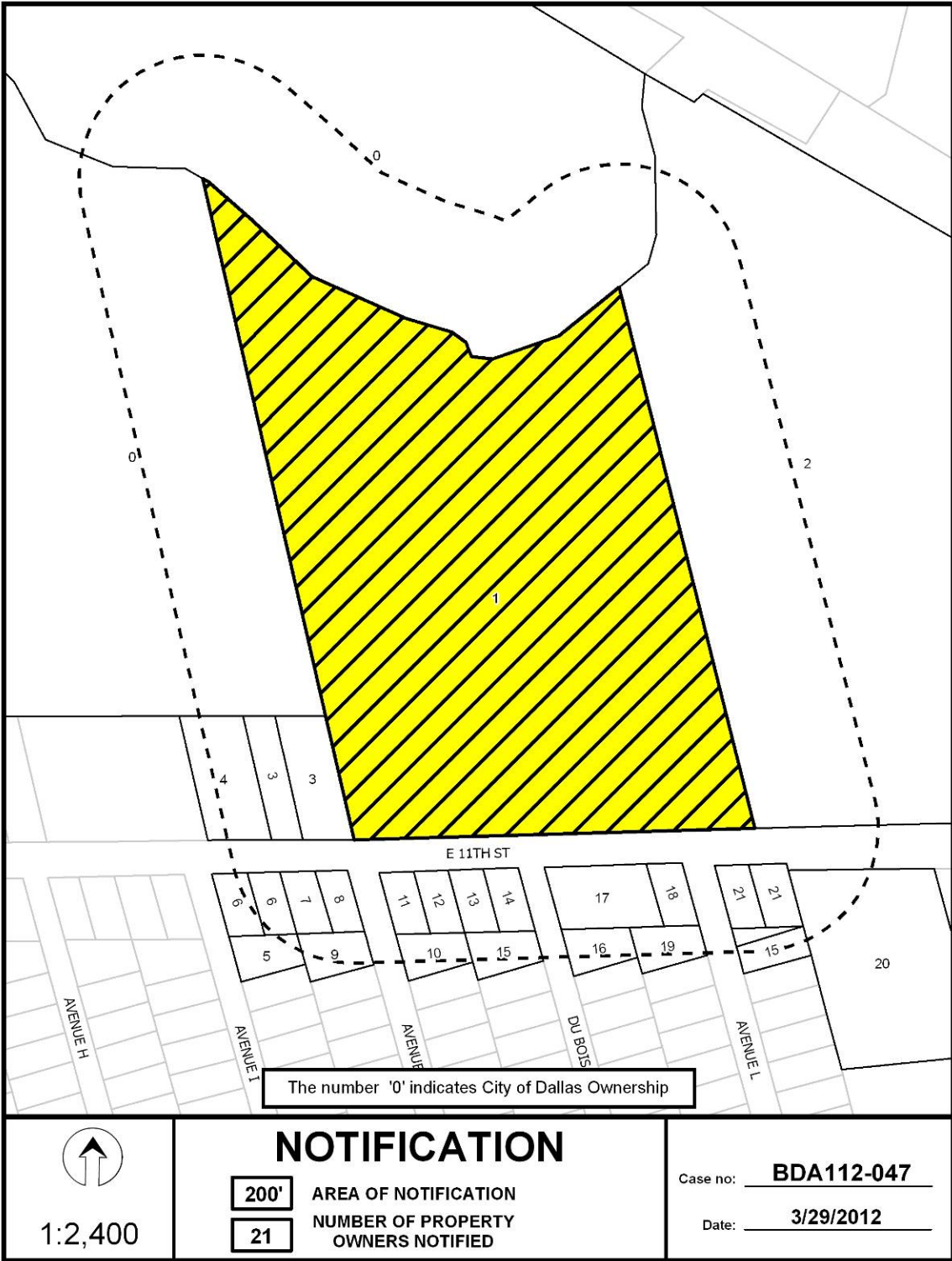
Should you have any further questions, please feel free to contact me at (214) 670-4666.

Sincerely,

Steve Long
Board of Adjustment Administrator

Enclosures

- c: Melissa Miles, Assistant City Attorney, Rm 7DN, Dallas City Hall
David Cossum, Sustainable Development Assistant Director, Rm 5BN, Dallas City Hall
Tammy Palomino, Assistant City Attorney, Rm 7DN, Dallas City Hall
Chris Bowers, Assistant City Attorney, Rm 7DN, Dallas City Hall
✓ Todd Duerksen, Senior Plans Examiner, Rm 105, OCMC
file



Notification List of Property Owners

BDA112-047

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2807 11TH ST	COLUMBIA PACKING OF TEXAS INC
2	3443 CEDAR CREST BLVD	ONDRUSEK W J
3	2519 11TH ST	CORIA DANIEL &
4	2507 11TH ST	CHECKERED ENTERPRISES LP
5	310 AVE I	TERRY RUBY J TR & ORAESTRESS TR
6	2502 11TH ST	ZUBIRI GERARDO
7	2510 11TH ST	HAYDEN SARAH
8	2514 11TH ST	MARTINEZ JOEL
9	311 AVE J	GREEN EMERSON & WARNIE SUE GREEN
10	310 AVE J	CLARK SANDRAL
11	2602 11TH ST	JONES GERALDINE
12	2606 11TH ST	MONTGOMERY ANNIE EST OF
13	2610 11TH ST	WILLIAMS DIANA
14	2614 11TH ST	COVERALL MANAGEMENT ASSOC
15	311 DU BOIS AVE	GILLIAN ORA
16	310 DU BOIS AVE	DEPAZ FELIPE
17	2702 11TH ST	PERSLEY BILLY RAY
18	2714 11TH ST	CARTER DOZIER
19	311 AVE L	LOCHE MICHAEL A #133
20	2808 11TH ST	PUGH PROPERTIES LLC
21	310 AVE L	REEVES GROUP LTD