

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JUNE 19, 2013
AGENDA

BRIEFING	ROOM L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	ROOM 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, May 22, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-053	9727 Audubon Place REQUEST: Application of Semyon Narosov, represented by Dustin Tyler Fair, for special exceptions to the fence height regulations	1
BDA 123-055	6401 E. Mockingbird LN (aka: 6465 E. Mockingbird LN) REQUEST: Application of John J. DeShazo, Jr. for a special exception to the off-street parking regulations	2

REGULAR CASES

BDA 123-037	1111 N. Beckley Avenue REQUEST: Application of Jonathon A. Erdelijac represented by Construction Concepts Inc., for a variance to the side yard setback regulations	3
BDA 123-056	2014 Caddo Street REQUEST: Application of Anthony Scalia for special exceptions to the fence height and visual obstruction regulations	4
BDA 123-065	6932 Tayloe Street REQUEST: Application of Ignacio Garcia for a special exception to the front yard setback regulations and special exceptions to the visual obstruction regulations	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 May 22, 2013 public hearing minutes.

FILE NUMBER: BDA 123-053

BUILDING OFFICIAL'S REPORT: Application of Semyon Narosov, represented by Dustin Tyler Fair, for special exceptions to the fence height regulations at 9727 Audubon Place. This property is more fully described as Lot 11A, Block 14/5587, 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 a 10 foot high fence, which will require a special exception to the fence height regulations of 6 feet.

LOCATION: 9727 Audubon Place

APPLICANT: Semyon Narosov
Represented by Dustin Tyler Fair

REQUEST:

- A special exception to the fence height regulations of 6' is made in conjunction with the following on a site developed with a single family home:
 1. replacing an existing approximately 4' high open iron fence that spans approximately half the length of the subject site located in the site's 40' Audubon Place front yard setback with an 8' high open iron fence and columns with 10' high open iron gate/ entry columns that would span across the entire length of the site's Audubon Place front yard setback, and
 2. constructing and maintaining an 8' high open iron fence in the site's Park Lane frontage where there is currently no fence.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district 1 acre)

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

Land Use:

The subject site is developed with a single family home. The areas to the north, south, and west are developed with single family uses; and the area to the east is developed with a combination of single family uses and vacant lots.

Zoning/BDA History:

1. BDA 123-053, Property at 9727 Audubon Place (the subject site)

On October 21, 2009, the Board of Adjustment Panel B denied the requests for an additional dwelling unit on the property and a fence height special exception of 4' without prejudice. The case report stated that a special exception to the fence height regulations of 4' was requested in conjunction with replacing an existing approximately 4' high open iron fence that spans approximately half the length of the subject site and located in the site's 40' Audubon Place front yard setback with a 6' high open iron fence with an 8' high open iron gate/stone entry columns flanked by 4' long, 6' – 7' 6" high stone wing walls that would span across the entire length of the site and be located in the site's two 40' Audubon Place and Park Lane front yard setbacks; and a special exception to the single family regulations was requested in conjunction with constructing and maintaining two-story, additional dwelling unit/"guesthouse/pool house" structure that would have (according to submitted plans) approximately 2,300 square feet "under roof" that would attach to the existing two-story single family home on the site that has (according to DCAD) 13,002 square feet of living area. The minutes of this hearing stated that the Board Administrator circulated an October 21st email from the applicant to the board members at the morning briefing – an email where the

applicant requested that the board deny his requests without prejudice.

2. BDA 012-237, Property at 9727 Audubon Place (the subject site)

On September 9, 2002, the applicant withdrew a request for a fence height special exception of 2' 6" that had been randomly assigned to Board of Adjustment Panel B.

3. BDA 956-163, Property at 9769 Audubon Place (the lot immediately north of the subject site)

On March 26, 1996, the Board of Adjustment Panel A granted a request for special exception to the fence height to maintain a maximum 6.5 foot high open metal fence with 7.5 foot high columns, and a special exception to maintain an additional dwelling unit on the property, subject to deed restricting the property to prevent the additional unit as rental accommodations.

4. BDA 967-313, Property at 9762 Audubon Place (three lots northeast of the subject site)

On October 28, 1997, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations to maintain a 6 foot 6 inch high fence with 6 foot 10 inch high columns, and a 9 foot 6 inch high entry gate/columns, and imposed the following conditions: Compliance with the submitted site/landscape/elevation plan is required. The case report stated that the request was made in conjunction with constructing and maintaining a 6.6' open iron fence and 10 9.5' high solid iron columns (including decorative lights) in the Audubon Place front yard setback.

5. BDA 023-084, Property at 4800 Park Lane (the lot immediately south of the subject site)

On June 16, 2003, the Board of Adjustment Panel C granted a request for special exception to the fence height regulations of 2' 10" and imposed the following conditions: Compliance with the submitted site/landscape plan and fence elevation is required. The case report stated that the request was made in conjunction with constructing and maintaining a maximum 6' 10" high cast iron fence with "brick underpinning;" maximum 6' 10" brick columns; and two maximum 6' 10" high cast iron gates at the two ingress/egress points on the eastern and western ends of the estate.

Timeline:

- March 29, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- May 15, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.”
- June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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 Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

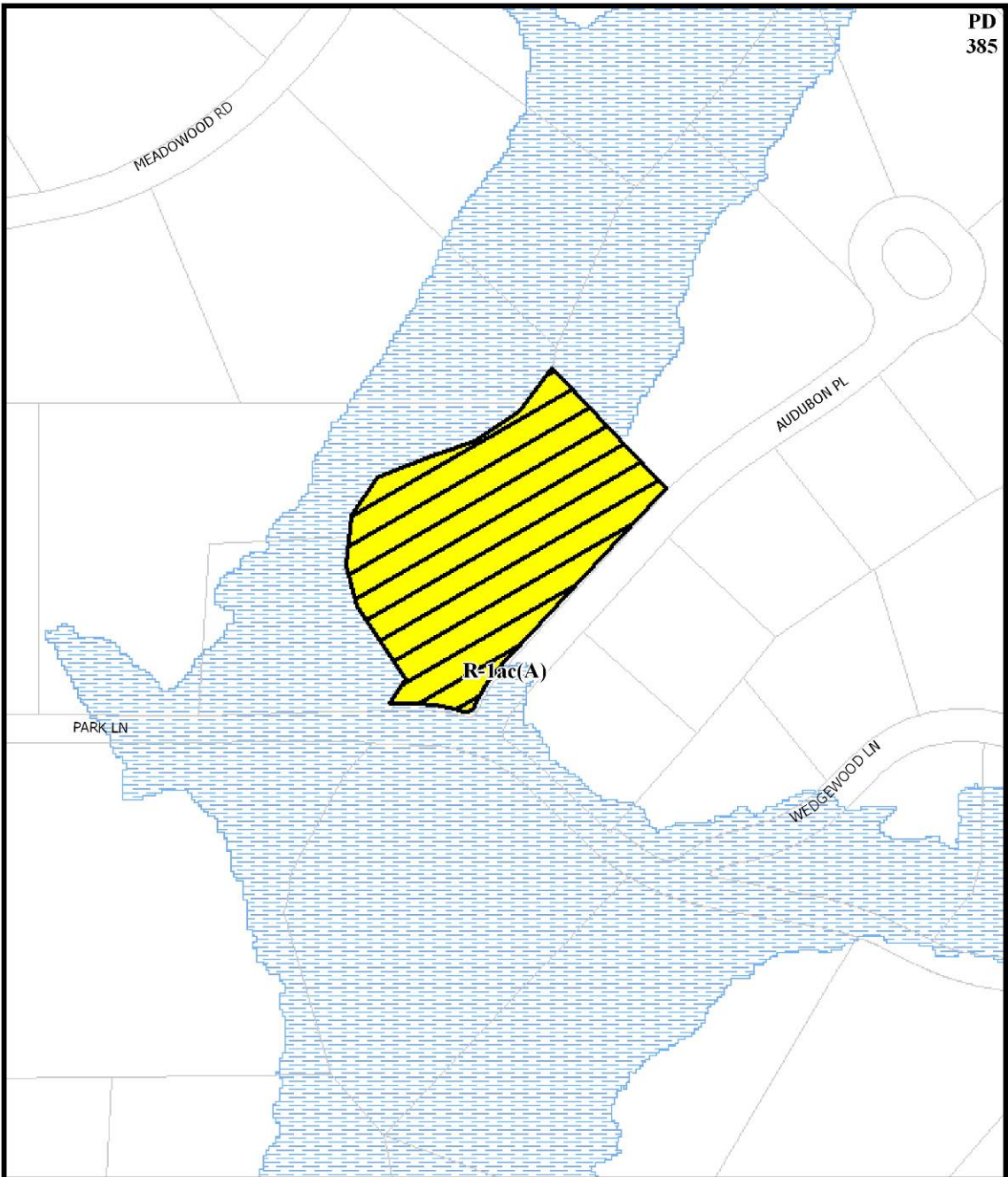
- This request focuses on replacing an existing approximately 4’ high open iron fence that spans approximately half the length of the subject site located in the site’s 40’ Audubon Place front yard setback with an 8’ high open iron fence and columns with 10’ high open iron gate/ entry columns that would span across the entire length of the site’s Audubon Place front yard setback, and constructing and maintaining an 8’

high open iron fence in the site's Park Lane frontage where there is currently no fence.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located at the north corner of Park Lane and Audubon Place. Regardless of how the existing single family structure is oriented to Audubon Place, the subject site has 40' front yard setbacks along both streets. The site has a 40' front yard setback along Park Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 40' front yard setback along Audubon Place, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 9' fence can be constructed and maintained by right. But the site's Audubon Place frontage is deemed a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes northeast of the site that front/are oriented southeastward onto Audubon Place.
- The applicant has submitted a site plan/elevation document and a partial elevation indicating a fence/column/gate proposal that would be located in the site's two 40' front yard setbacks along Audubon Place and Park Lane and would reach a maximum height of 10'.
- The following additional information was gleaned from the submitted site plan/elevation document:
 - The proposal would be approximately 460' in length parallel to Audubon Place with a recessed entryway and approximately 100' in length parallel to Park Lane.
 - The proposed fence is shown to be located at approximate distances of 5' from the front property lines or at approximate distances of about 20' from the "street edge."
 - The proposed gate is shown to be located at approximate distance of 5' – 25' from the front property lines or at approximate distances of about 20' – 40' from the "street edge."
- The proposal is located on a site where one single family home would have direct/indirect frontage to the proposal on Audubon Place (a lot with no fence in the front yard setback higher than four feet), and where one single family home would have direct frontage to the proposal on Park Lane (a lot with a fence, columns, and gate in the front yard setback that appears to be the result of a fence height special exception granted by the Board of Adjustment in 2003 – BDA 023-084).
- The Board Administrator conducted a field visit of the site and surrounding area along Audubon Drive (approximately 500 feet north of the site) and along Park Lane (approximately 200 feet east and west of the site) and noted the following additional fence/walls beyond the one described above which appeared to be located in the front yard setback:
 - an approximately 6.5 foot high open metal fence with 7.5 foot high columns immediately north of the site (which appears to have been "excepted" by the board in 1996- BDA 956-163); and

- an approximately 6.6' open iron fence and 10 9.5' high solid iron columns three lots northeast of the site (which appears to have been "excepted" by the board in 1997- BDA 967-313).
- As of June 10, 2013, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 6' will not adversely affect neighboring property.
- Granting this special exception of 6' with a condition imposed that the applicant complies with the site plan/elevation document and a partial elevation would require the proposal exceeding 4' in height in the front yard setbacks to be constructed and maintained in the locations and of the heights and materials as shown on these documents.

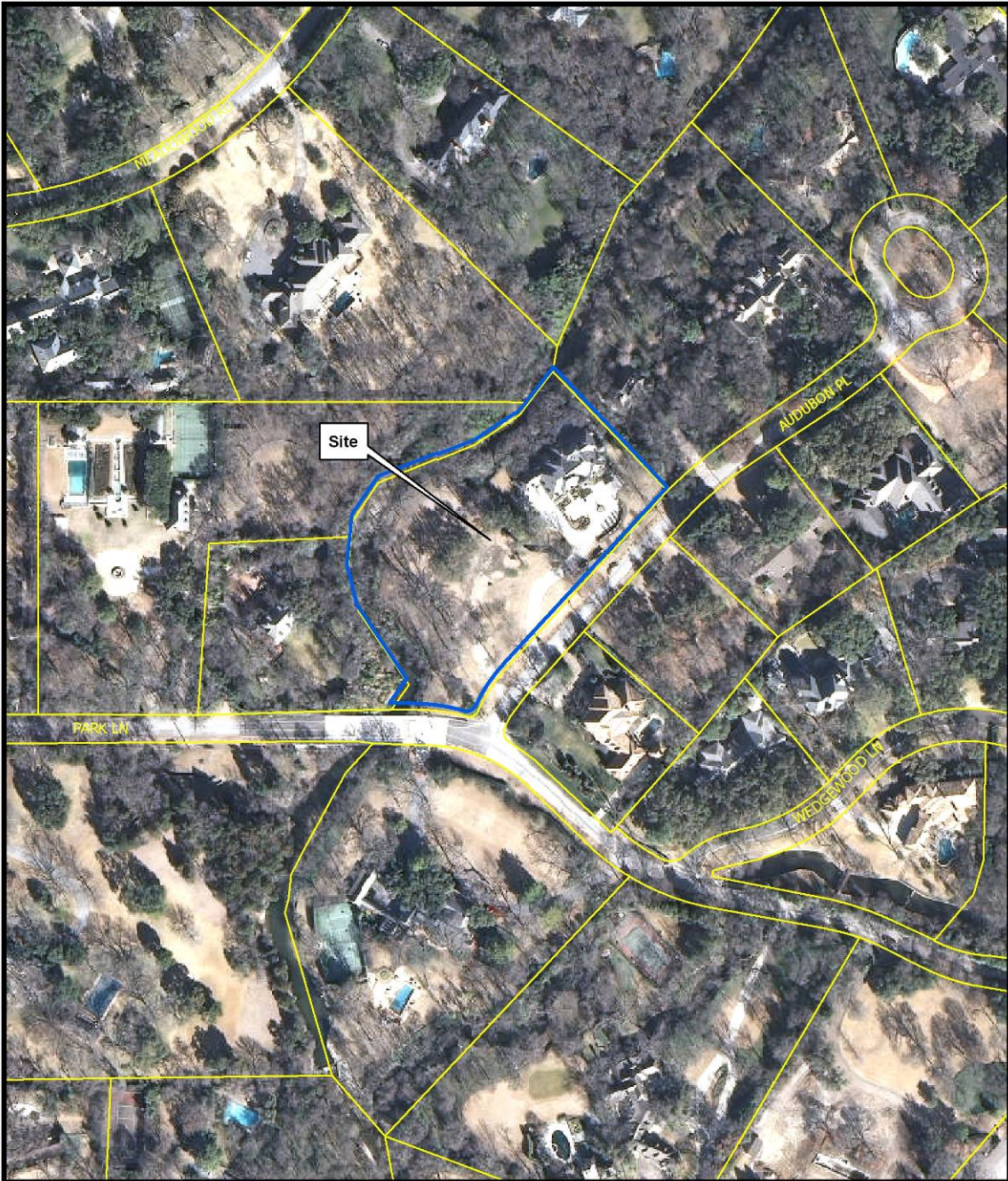
PD
385



1:2,400

ZONING MAP

Case no: BDA123-053
Date: 5/29/2013



1:2,400

AERIAL MAP

Case no: BDA123-053

Date: 5/29/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-053

Data Relative to Subject Property:

Date: 3.29.13

Location address: 9727 AUDUBON PLACE Zoning District: R-1ac(A)

Lot No.: 11A Block No.: 14/5587 Acreage: 3.194 Census Tract: 206.00

Street Frontage (in Feet): 1) 450 2) 97 3) _____ 4) _____ 5) _____

NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SEMYON NAROSOV

Applicant: SEMYON NAROSOV Telephone: 214-636-3685

Mailing Address: 9727 AUDUBON PLACE Zip Code: 75220

E-mail Address: snarosov@gmail.com

Represented by: DUSTIN TYLER FAIR Telephone: 214-205-7649

Mailing Address: 2606 FAIRMOUNT STREET Zip Code: 75201

E-mail Address: tylerfair@smithekblad.com

Affirm that an appeal has been made for a Variance , or Special Exception , of 6' MAXIMUM AT THE GATE, AND 4' MAXIMUM ALONG THE FENCE.

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

THE OWNER WISHES TO CREATE BOTH A PHYSICAL AND A VISUAL BARRIER, SUFFICIENT TO PREVENT PEOPLE AS WELL AS ANIMALS FROM ENTERING THE PROPERTY. IN ADDITION TO THIS, THEY WISH TO ADD A BEAUTIFUL GATED ENTRY, AT APPROPRIATE SCALE TO THE HOME.

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

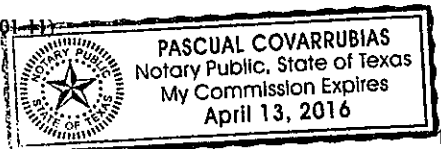
Before me the undersigned on this day personally appeared SEMYON NAROSOV
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 29 day of March 2013

(Rev. 08-01-11)



[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 _____

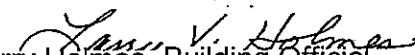
Chairman

Building Official's Report

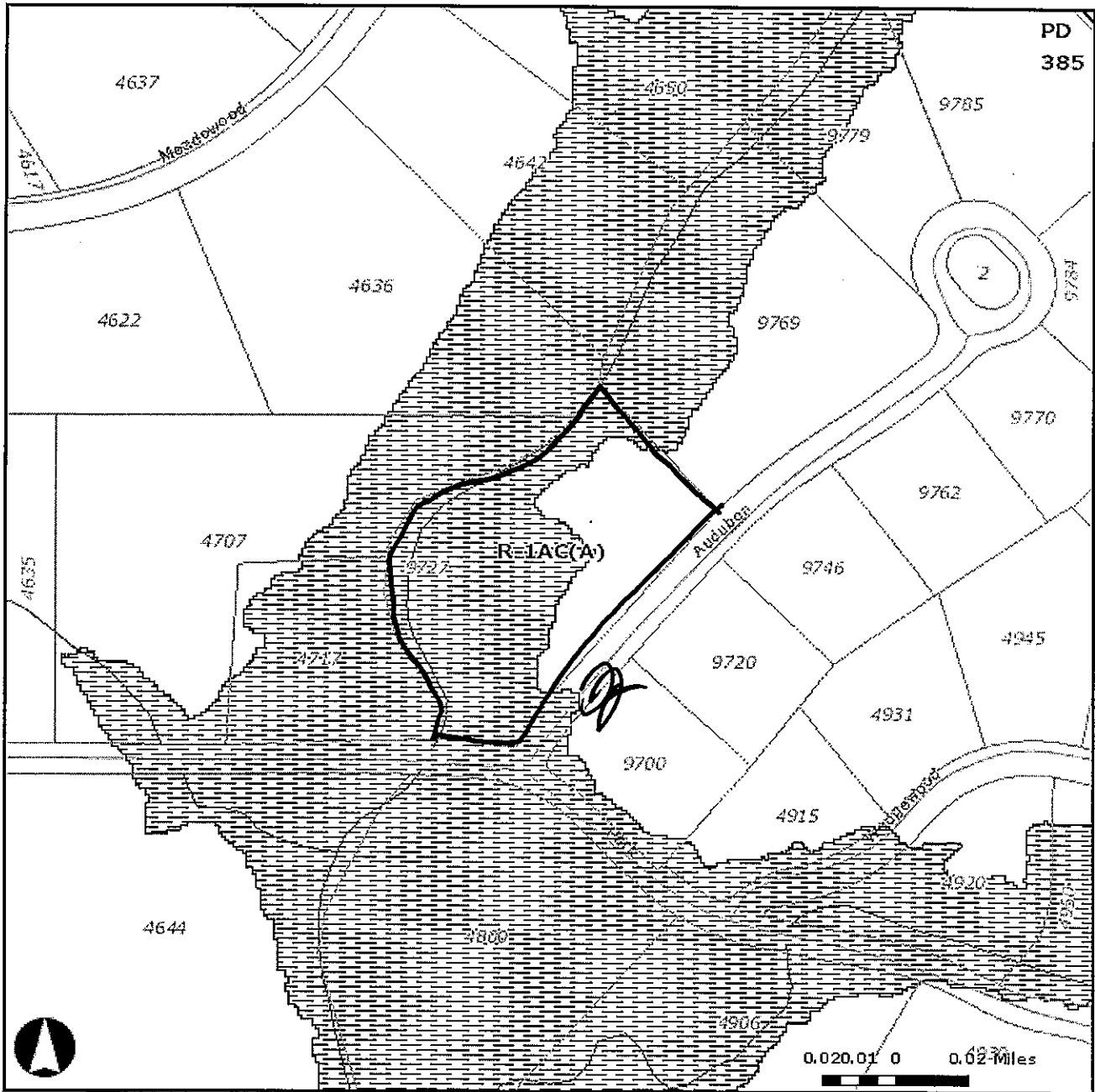
I hereby certify that Semyon Narosov
represented by Dustin Tyler Fair
did submit a request for a special exception to the fence height regulations
at 9727 Audubon Place

BDA123-053. Application of Semyon Narosov represented by Dustin Tyler Fair for a special exception to the fence height regulations at 9727 Audubon Place. This property is more fully described as Lot 11A, Block 14/5587, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



Address Candidates

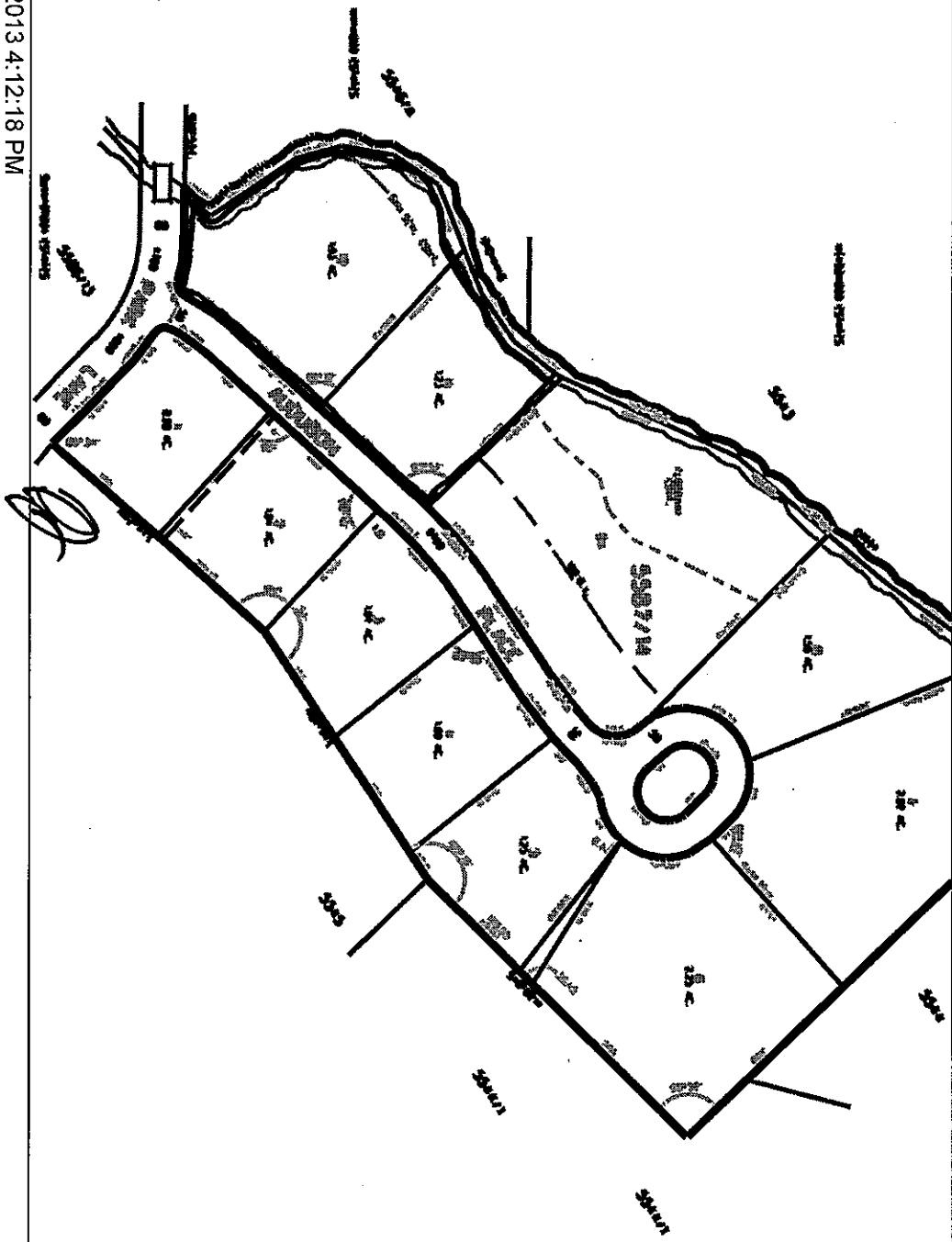
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

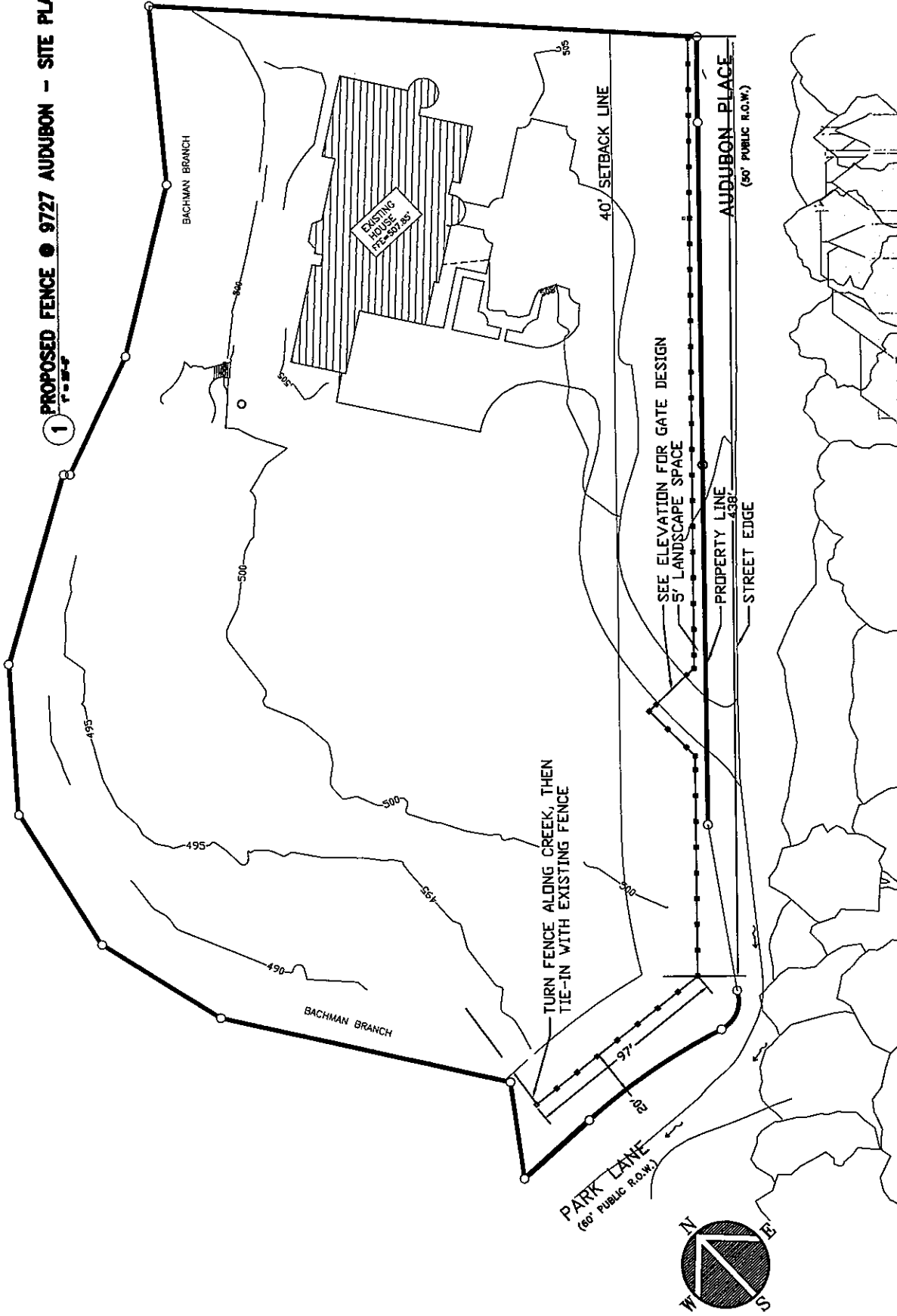
- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts

PDS Subdistricts

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



1 PROPOSED FENCE ● 9727 AUDUBON - SITE PLAN
P-12-20-2



2 PROPOSED FENCE ● 9727 AUDUBON - ELEVATION
P-12-20-2

Entry Gate
Proposal

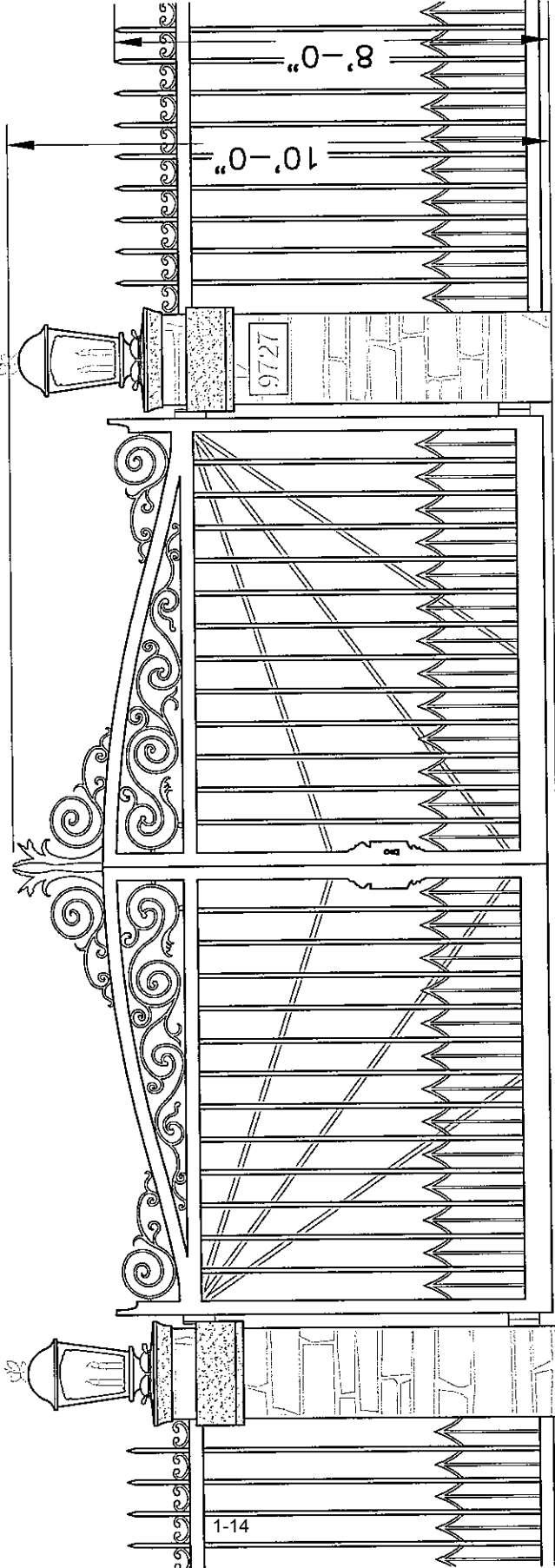
SMITH EKBLAD & ASSOCIATES, INC.
ARCHITECTS
2606 FAIRMOUNT ST. DALLAS, TX 75201
PHONE 214-871-0305 FAX 214-871-0644
EMAIL smithekblad@sbcglobal.net

NARASOV
RESIDENCE
9727 AUDUBON
DALLAS, TX

02.21.2013

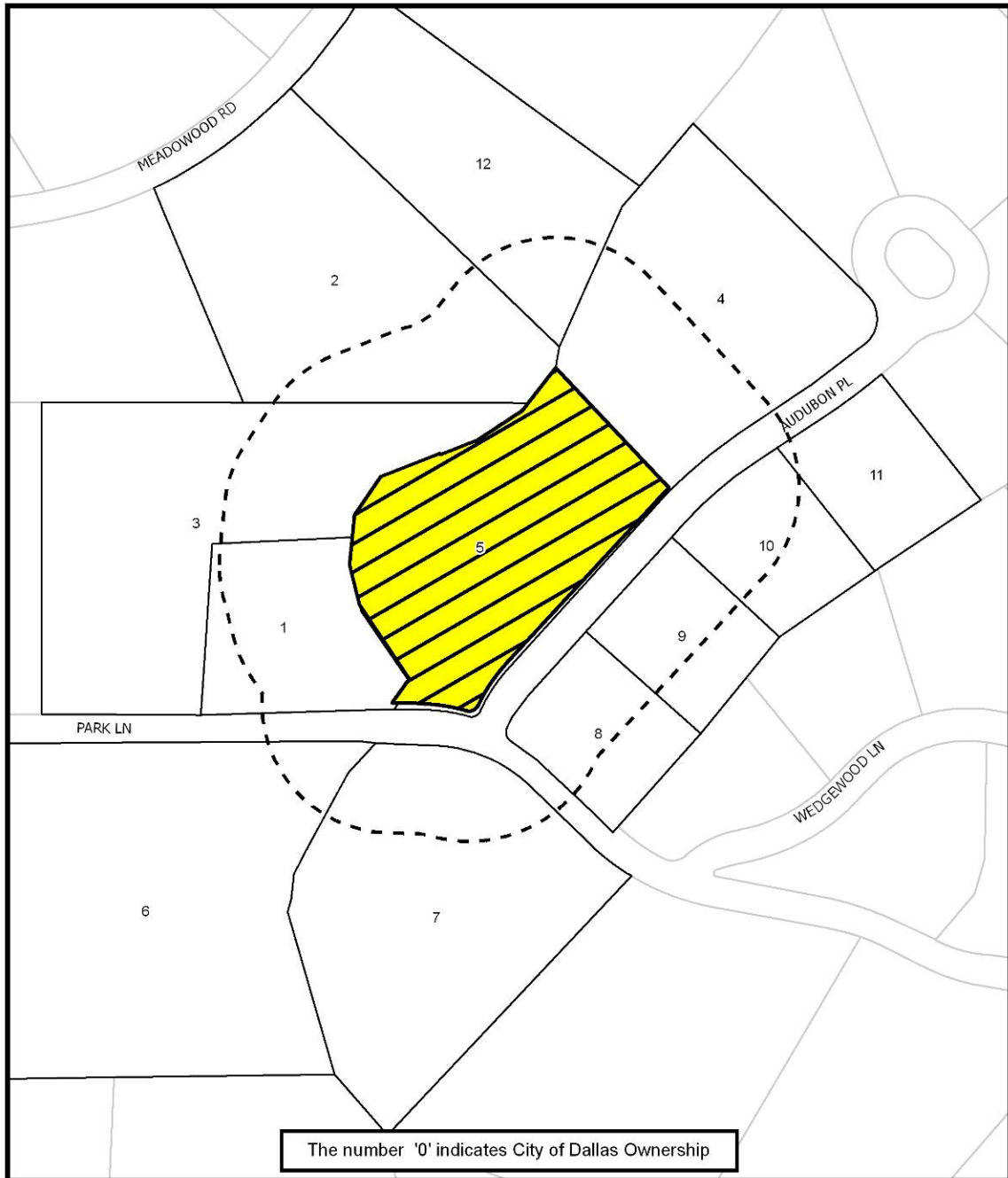
SKA-01

Entry Gate
Proposal



01 Entry Gate
SCALE: 1/2"=1'-0"

© SMITH EKBLAD & ASSOCIATES, INC.



The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-053 Date: 5/29/2013
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-053

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4717 PARK LN	CROW HOWARD D 1999 REVOCABLE TRUST
2	4636 MEADOWOOD RD	MCCUTCHIN RONALD & CAROLYN
3	4707 PARK LN	SARAPE LP
4	9769 AUDUBON PL	MITCHELL LEE ROY & TANDY
5	9727 AUDUBON PL	TANNER TRUST THE ELIZABETH M SCHURIG TRU
6	4644 PARK LN	SCHULTZ HENRIETTA E QUALIFIED PER RES TR
7	4800 PARK LN	CARSON ROYAL W & DEBORAH D500 VICTRY PLZ
8	9700 AUDUBON PL	WOOLEY ROBERT E & KARINA H
9	9720 AUDUBON PL	ROSE MAURICE & LYDIA
10	9746 AUDUBON PL	PEACOCK ROBERT B TR ET AL
11	9762 AUDUBON PL	BEST RANDY & NANCY K
12	4642 MEADOWOOD RD	RAYMOND LEE R & CHARLENE B

FILE NUMBER: BDA 123-055

BUILDING OFFICIAL'S REPORT: Application of John J. DeShazo, Jr. for a special exception to the off-street parking regulations at 6401 E. Mockingbird Lane. This property is more fully described as Lot 1, Block H/2956, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and/or maintain a structure for an office use, medical clinic or ambulatory surgical center use, personal service use, restaurant without drive-in or drive-through service use, general merchandise or food store 3500 square feet or less use, and general merchandise or food store greater than 3500 square feet use, and provide 818 of the required 983 parking spaces, which will require a special exception to the off-street parking regulations of 165 spaces.

LOCATION: 6401 E. Mockingbird Lane

APPLICANT: John J. DeShazo, Jr.

REQUEST:

A special exception to the off-street parking regulations of 165 spaces is made in conjunction with leasing and maintaining square footage/space within an existing community retail center (Hillside Village Shopping Center) with approximately 170,000 square feet of leasable area that according to the applicant that is currently approximately 10 percent vacant with a certain mix of uses (office, medical clinic or ambulatory surgical center, personal service, restaurant without drive-in or drive through service, general merchandise or food store 3,500 square feet or less, personal service, and general merchandise or food store greater than 3,500 square feet), and providing 818 (or 83 percent) of the 983 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta

credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 165 spaces shall automatically and immediately terminate if and when the office, medical clinic or ambulatory surgical center, personal service, restaurant without drive-in or drive through service, general merchandise or food store 3,500 square feet or less, personal service, and general merchandise or food store greater than 3,500 square feet uses are changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the existing/proposed office, medical clinic or ambulatory surgical center, personal service, restaurant without drive-in or drive through service, general merchandise or food store 3,500 square feet or less, personal service, and general merchandise or food store greater than 3,500 square feet does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the applicant’s request.

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community Retail)
- North: R-7.5(A) & D(A) (Single family residential 7,500 square feet and Duplex)
- South: PD 79 (Planned Development)
- East: D(A) (Duplex)
- West: CR (Community Retail)

Land Use:

The subject site is developed with an existing community retail center (Hillside Village Shopping Center) with approximately 170,000 square feet of leasable area. The area to the north is developed with a church and duplex uses; the area to the east is developed with duplex uses; and the areas to the south and west are developed with retail 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:

March 27, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

- May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 15, 2013: 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 May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
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- June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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 Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- June 10, 2013: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

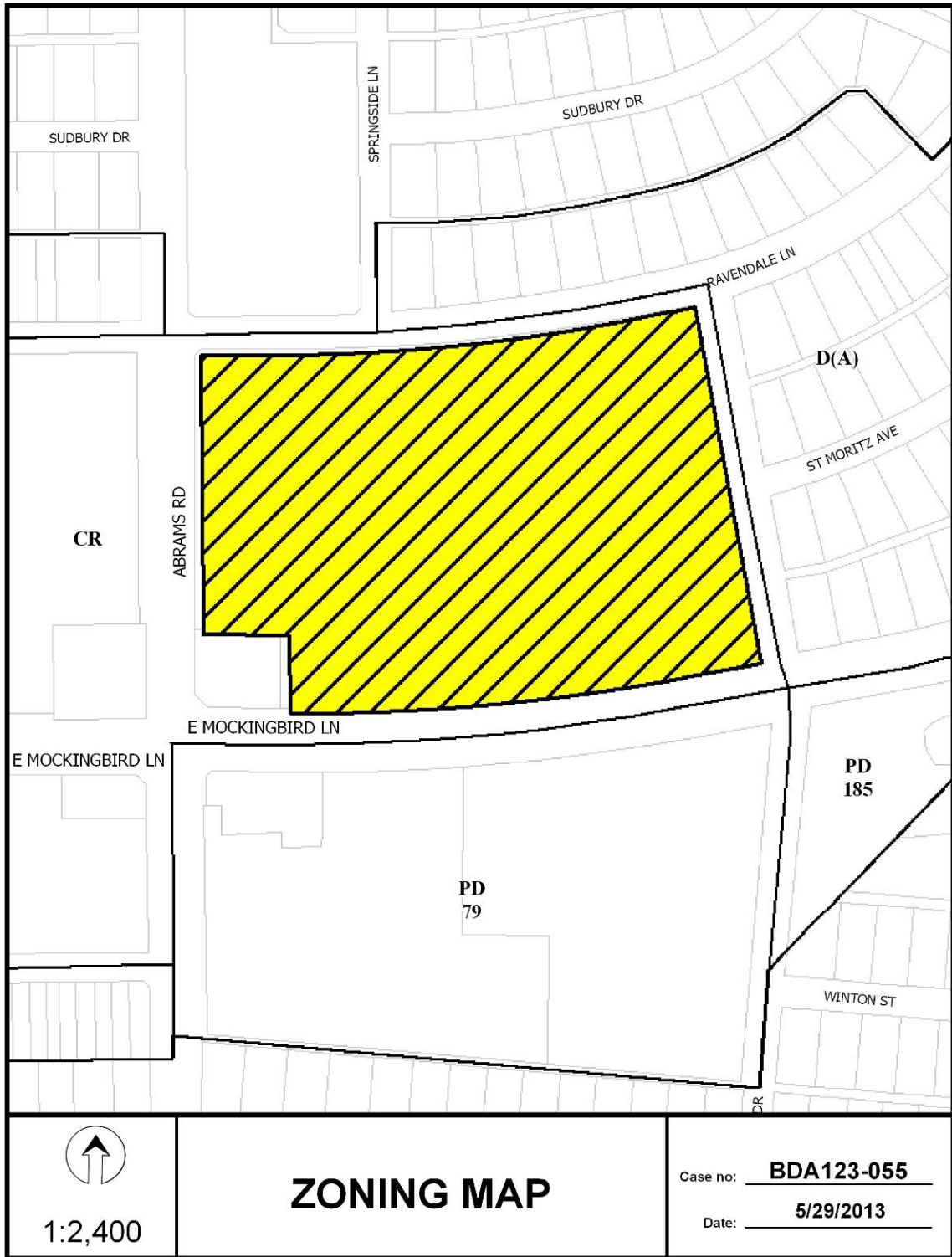
GENERAL FACTS/STAFF ANALYSIS:

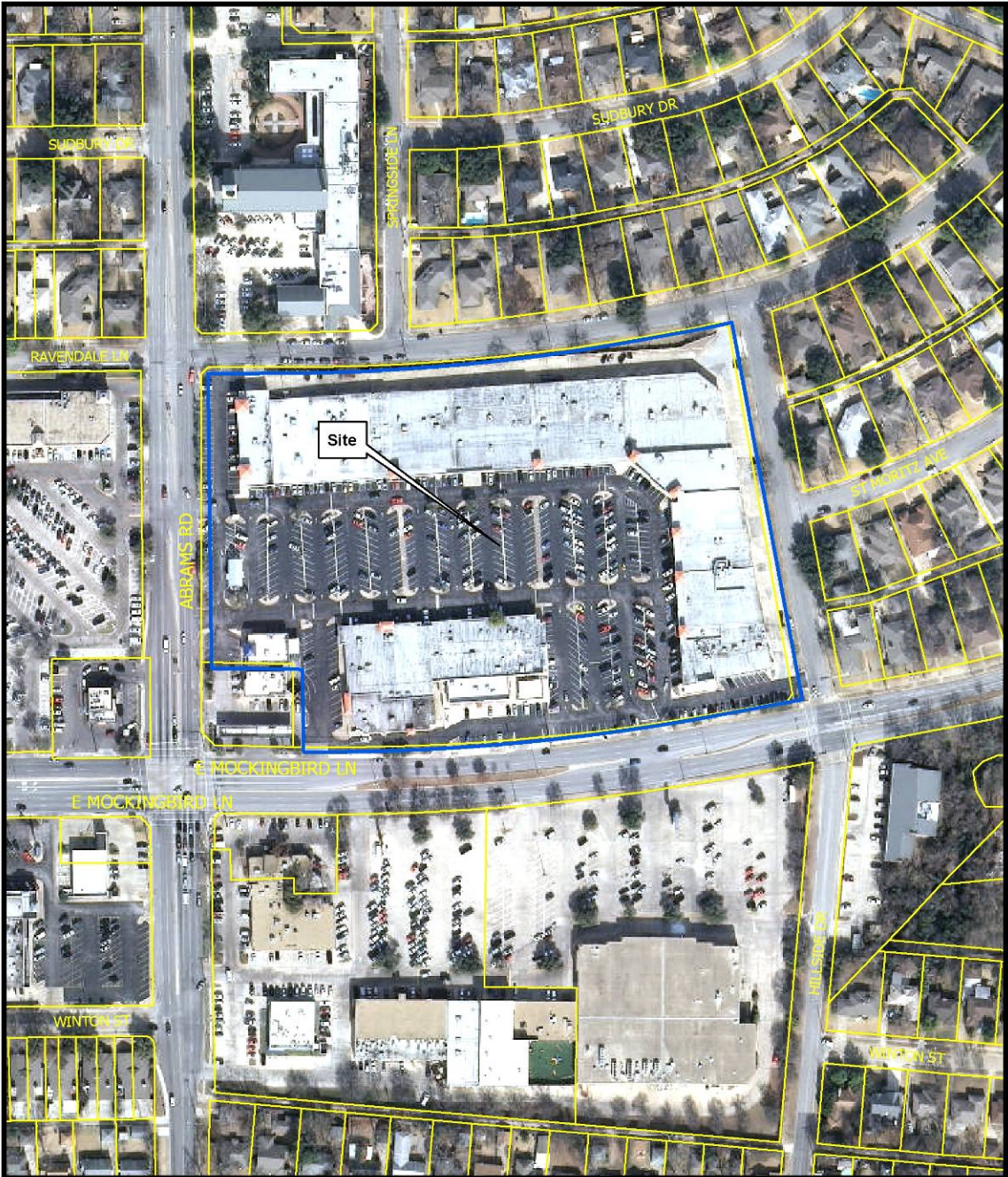
- This request focuses on leasing and maintaining square footage/space within an existing community retail center (Hillside Village Shopping Center) with approximately 170,000 square feet of leasable area that according to the applicant that is currently approximately 10 percent vacant with a certain mix of uses (office, medical clinic or ambulatory surgical center, personal service, restaurant without drive-in or drive through service, general merchandise or food store 3,500 square feet or less, personal service, and general merchandise or food store greater than 3,500 square feet), and providing 818 (or 83 percent) of the 983 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
 - Office use: 1 space per 333 square feet of floor area.
 - Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area
 - Personal service use: 1 space per 200 square feet of floor area.

- Restaurant without drive-in service use: as a main use: 1 space per 100 square feet of floor area; as a limited or accessory use: 1 space per 200 square feet of floor area
- General merchandise or food store 3,500 square feet or less: 1 space for 200 square feet of floor area.
- General merchandise or food store greater than 3,500 square feet: 1 space for 200 square feet of floor area.

The applicant proposes to provide 818 (or 83 percent) of the required 983 off-street parking spaces in conjunction with the site being leased/maintained with a combination of the uses mentioned above, more specifically, according to a study submitted with the application, leasing all current vacant areas as well as converting two existing retail tenants to restaurant.

- The applicant has submitted a study that has concluded that results from parking demand projections indicate that a proposed parking supply of 818 spaces exceeds the peak parking demand projection of 569 spaces on a typical Saturday at 1 p.m. with a surplus of 249 or approximately 30 percent of the total supply.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the applicant's request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the existing/proposed office, medical clinic or ambulatory surgical center, personal service, restaurant without drive-in or drive through service, general merchandise or food store 3,500 square feet or less, personal service, and general merchandise or food store greater than 3,500 square feet uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 165 spaces (or a 17 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 165 spaces shall automatically and immediately terminate if and when the office, medical clinic or ambulatory surgical center, personal service, restaurant without drive-in or drive through service, general merchandise or food store 3,500 square feet or less, personal service, and general merchandise or food store greater than 3,500 square feet uses are changed or discontinued, the applicant would be allowed to lease/maintain the site with these specific uses with the specified square footages, and provide 818 of the 983 code required off-street parking spaces.





1:2,400

AERIAL MAP

Case no: BDA123-055

Date: 5/29/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-055

Data Relative to Subject Property:

Date: March 27, 2013

Location address: 6465 E. Mockingbird Lane Zoning District: CR

Lot No.: 1 Block No.: H/2956 Acreage: 11.243 : CT: 79.02

Street Frontage (in Feet): 1) 450' 2) 780' 3) 550' 4) 830' 5) *SE SB*

To the Honorable Board of Adjustment :

Owner of Property/or Principal: TRP Hillside, LLC

Applicant: John J. DeShazo, Jr. Telephone: (214) 748.6740

Mailing Address: 400 S. Houston St., Suite 330 Zip Code: 75202

Represented by: John J. DeShazo, Jr. Telephone: (214) 748.6740

Mailing Address: 400 S. Houston St., Suite 330 Zip Code: 75202

Affirm that a request has been made for a Variance , or Special Exception X, of 165 spaces (16.8%) out of 983 spaces required by the Dallas Development Code to occupy Hillside Village Shopping Center with a mix of Restaurant, Retail, Personal Service, Office, and Medical Office.

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:

A comprehensive parking analysis for this development indicates that a reduction in the Code-required parking spaces is appropriate based upon parking accumulation studies conducted on site, DeShazo's professional judgment and experience with similar parking analysis and national published data from the Institute of Transportation Engineers (ITE) Parking Generation 4th Edition (2004).

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: John J. DeShazo, P.E. *[Signature]*
Applicant's name printed Applicant's signature

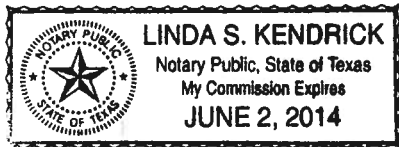
Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 27th day of March, 2013

[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

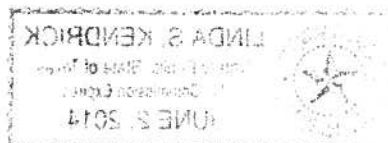
I hereby certify that JOHN J DESHAZO JR

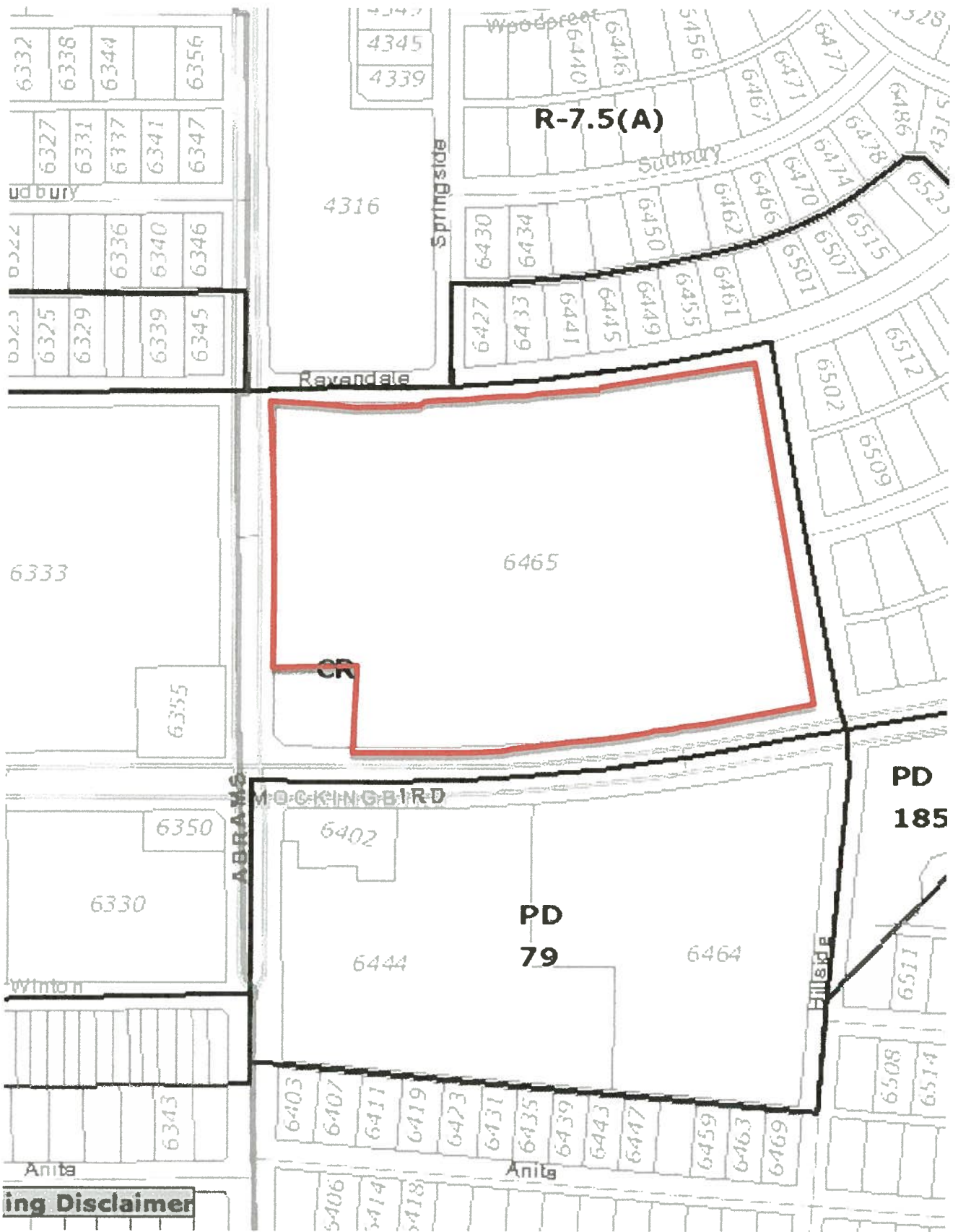
did submit a request for a special exception to the parking regulations
at 6465 E. Mockingbird Lane

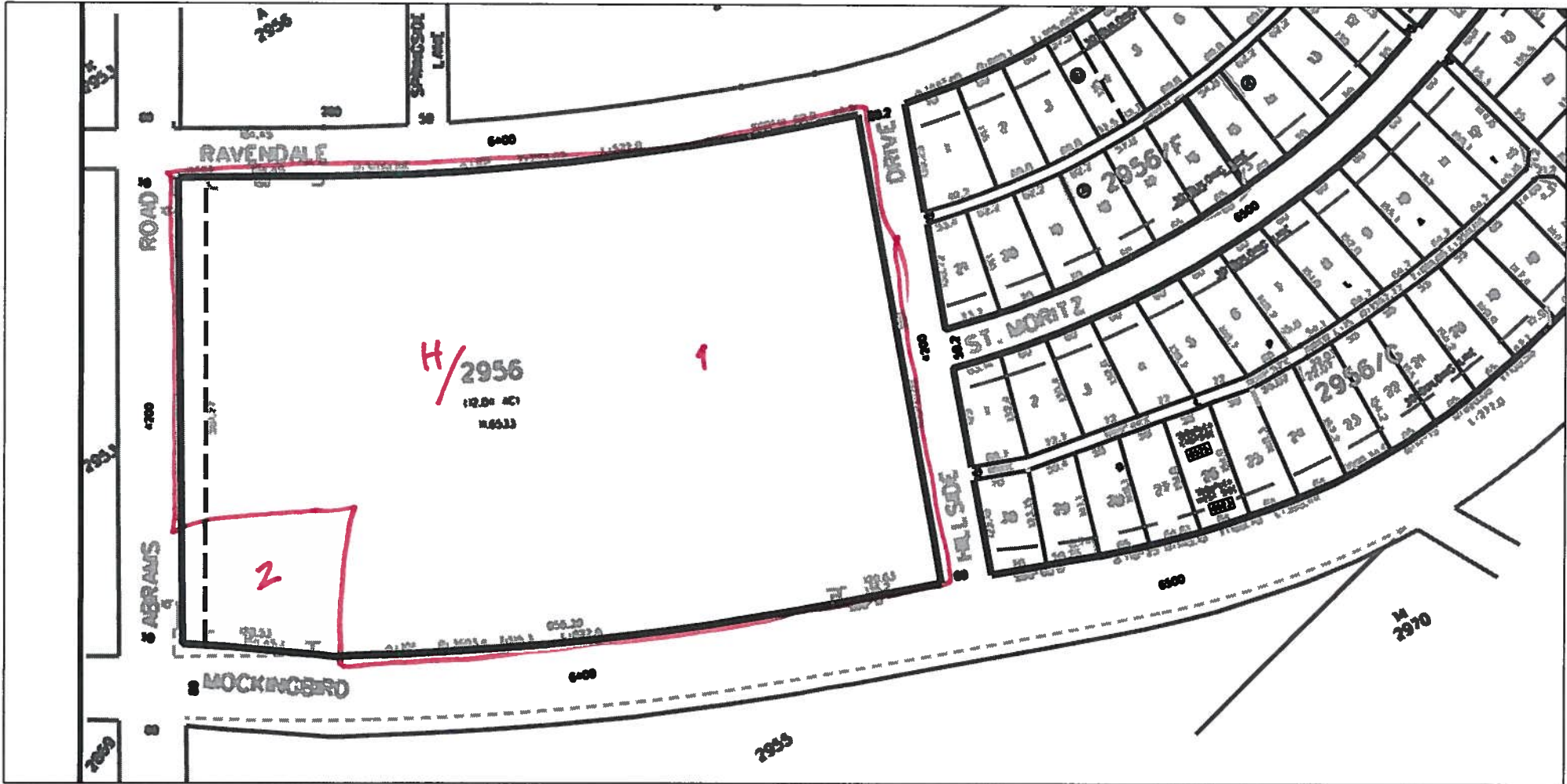
BDA123-055. Application of John J. DeShazo, Jr. for a special exception to the parking regulations at 6401 E. Mockingbird Lane. This property is more fully described as Lot 1, Block H/2956, and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for an office use, medical clinic or ambulatory surgical center use, personal service use, restaurant without drive-in or drive-through service use, general merchandise or food store 3500 square feet or less use, and general merchandise or food store greater than 3500 square feet use, and provide 818 of the required 983 parking spaces, which will require a 165 space special exception (16.8% reduction) to the parking regulation.

Sincerely,

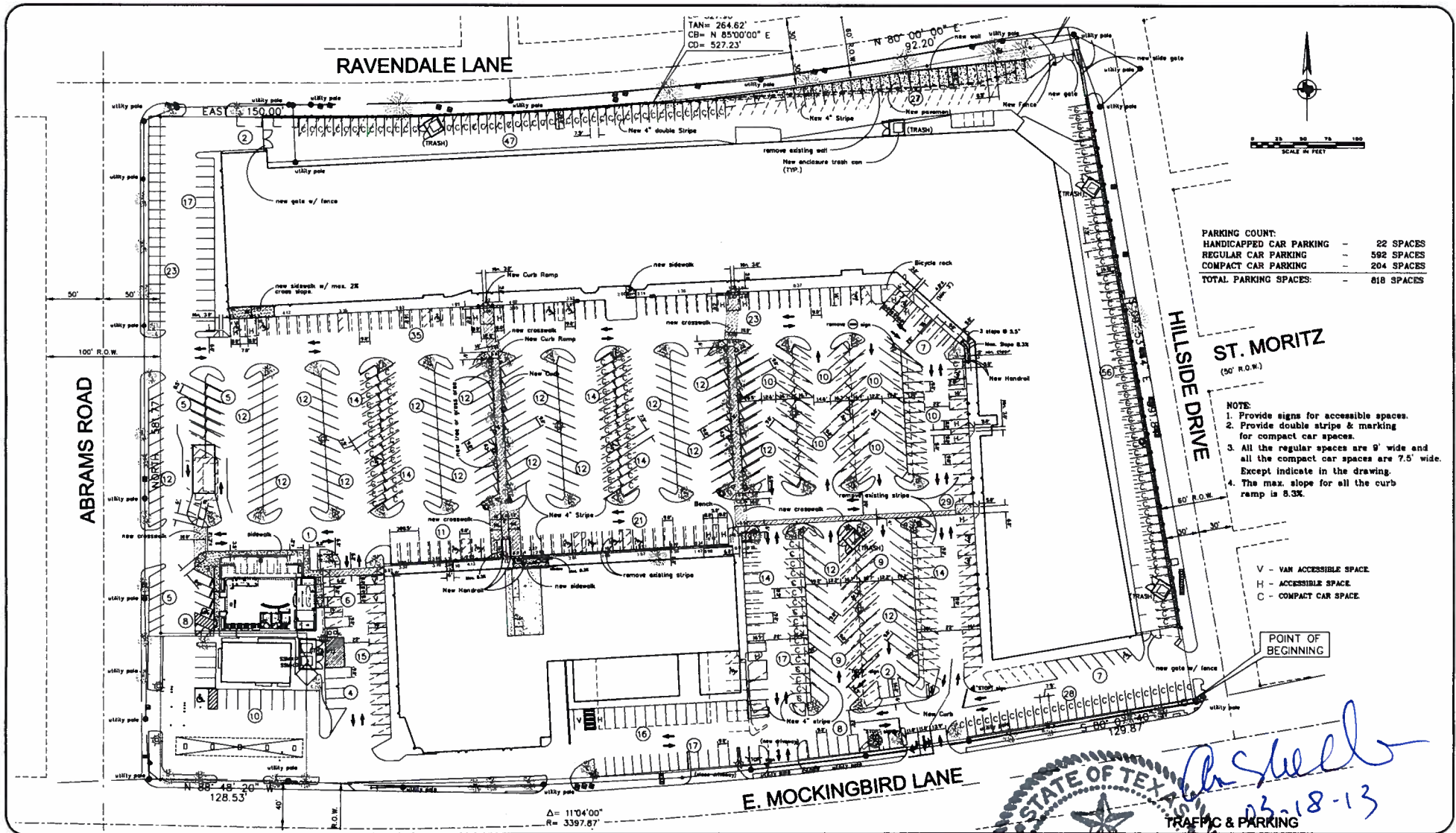
Larry V. Holmes
Larry Holmes, Building Official







C:\tax_plats\2956_f_g.dgn 3/29/2013 12:23:45 PM



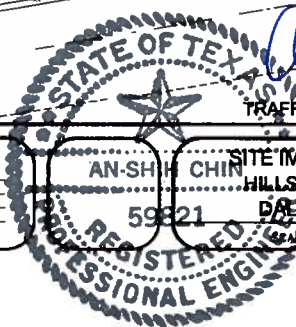
PARKING COUNT:
 HANDICAPPED CAR PARKING - 22 SPACES
 REGULAR CAR PARKING - 592 SPACES
 COMPACT CAR PARKING - 204 SPACES
TOTAL PARKING SPACES: - 818 SPACES

ST. MORITZ
 (50' R.O.W.)

- NOTE:**
1. Provide signs for accessible spaces.
 2. Provide double stripe & marking for compact car spaces.
 3. All the regular spaces are 9' wide and all the compact car spaces are 7.5' wide. Except indicate in the drawing.
 4. The max. slope for all the curb ramp is 8.3%.

V - VAN ACCESSIBLE SPACE
 H - ACCESSIBLE SPACE
 C - COMPACT CAR SPACE

POINT OF BEGINNING



Handwritten signature: An-Shih Chin
 03-18-13
TRAFFIC & PARKING

SITE IMPROVEMENTS
HILLSIDE VILLAGE
DALLAS, TEXAS
 SCALE AS SHOWN

SHEET
 1
 OF
 1
 P&T NO. 12114

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DeShazo Group
 Texas Registered Engineering Firm F-3199
 400 S. Houston Street, Suite 330
 Dallas, Texas 75202-4838
 Tel: (214) 748-6740 Fax: (214) 748-7037

DESIGNED BY: A. C. DATE: 03-14-13
 DRAWN BY: C. A. D. DATE: 03-14-13
 CHECKED BY: A. C. DATE: 03-14-13
 APPROVED BY: DATE:

PARKING ANALYSIS FOR *HILLSIDE VILLAGE SHOPPING CENTER* IN DALLAS, TEXAS

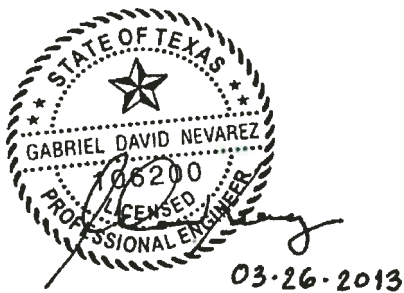
Prepared for:

TRP Hillside LLC
14881 Quorum Drive
Dallas, Texas 75254

Prepared by:

DeShazo Group, Inc.
400 South Houston Street
Suite 330 • Union Station
Dallas, Texas 75202
Phone (214) 748-6740

March 26, 2013



*DeShazo #12114.02
Texas Registered Firm – 3199*

Parking Demand Analysis for
Hillside Village Shopping Center
Job No. 12114.02

Table of Contents

INTRODUCTION	1
CODE PARKING REQUIREMENT	2
PARKING SUPPLY	2
PARKING DEMAND	2
Existing Conditions	2
Proposed Conditions	3
PARKING SPECIAL EXCEPTION REQUEST	4
CONCLUSION	5
APPENDIX A. Existing/Proposed Leasing Program	
APPENDIX B. Proposed Parking Layout	
APPENDIX C. Parking Accumulation Counts	

TECHNICAL MEMORANDUM

To: Ms. Rebecca Tudor — *TRP Hillside, LLC*
From: DeShazo Group, Inc.
Date: March 26, 2013
Re: **Parking Analysis for *Hillside Village Shopping Center* in Dallas, Texas**
DeShazo Project No. 12114.02

INTRODUCTION

The services of DeShazo Group, Inc. (DeShazo) were retained to evaluate the parking needs for Hillside Village Shopping Center, a community retail center located at 6465 East Mockingbird Lane (Block H/2956, Lot 1) on the northeast corner of East Mockingbird Lane and Abrams Road in Dallas, Texas. The property is zoned community retail (CR) and subject to zoning regulations established in the City of Dallas Development Code.

Hillside Village Shopping Center currently includes over 170,000 square feet of leasing areas with a mix of restaurant, retail, personal service, office, and medical clinic uses; approximately 10% of this leasing space is currently vacant. Property ownership is considering an optimization of the internal parking and traffic circulation plan. Proposed improvements would enhance the performance of the shopping center but also impact the existing parking supply.

The purpose of this study is to assess the parking needs for the shopping center under a specific proposed leasing program. The analysis is supported by actual on-site parking observations, industry standards, and DeShazo's professional judgment and experience with similar projects. Results are intended to serve as basis to support consideration of a Parking Special Exception to the off-street parking requirements.

PROPOSED SITE ENHANCEMENTS

In order to provide an efficient and safer pedestrian environment on site, DeShazo recommends strategic modifications to the existing site layout. The proposed internal traffic circulation

eliminates the existing one-way traffic flow patterns along the ring road in front of the buildings. Recommendations also include walkways across parking areas that provide greater connectivity between the line of businesses on the south with those on the north and east sides of the site. Landscape modifications introduce opportunities for pedestrians to stop and rest in shaded areas.

CODE PARKING REQUIREMENT

Hillside Village Shopping Center is subject to direct application of the parking requirements stipulated in Chapter 51A of the Dallas Development Code. As calculated in **Table 1**, the City of Dallas requires the shopping center to provide a minimum of 983 off-street parking spaces to serve the proposed leasing program.

Appendix A includes a detailed list of tenants for both existing and proposed leasing conditions.

Table 1. Parking Requirements for *Hillside Village Shopping Center*

Land Use	Parking Ratio <i>1 space per</i>	Amount <i>(square feet)</i>	Required Parking
Restaurant	100 SF	26,422	264.2
Retail	200 SF	143,742	718.7
TOTALS:		170,164	983 spaces

NOTE: Retail category includes all retail and personal service uses.

PARKING SUPPLY

DeShazo prepared a proposed parking layout for *Hillside Village Shopping Center* on November 2, 2012 that includes a total of 818 off-street spaces. Pending a favorable result of a request for a Parking Special Exception from the City of Dallas, the shopping center is currently coordinating efforts to implement the proposed site enhancements. The proposed parking layout is illustrated in **Exhibit B**.

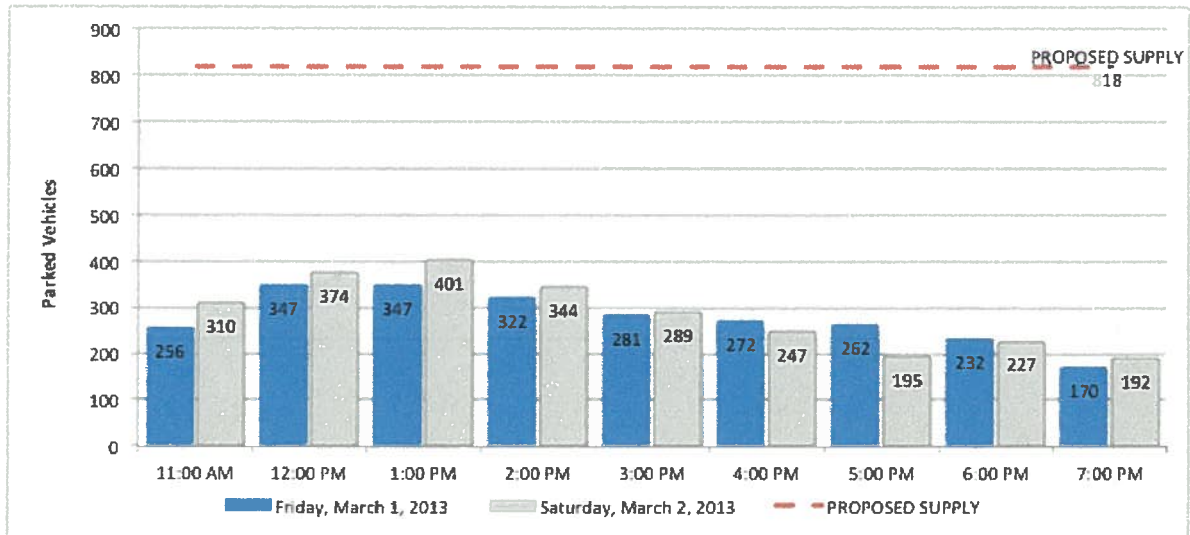
PARKING DEMAND

Existing Conditions

Actual, observed parking demand is ultimately considered the best representation of site-specific characteristics of mixed-use centers. For this purpose, DeShazo collected hourly parking counts at the subject site from 11:00 AM to 8:00 PM on Friday, March 1, and Saturday, March 2, 2013.

These parking accumulation counts reflect the actual fluctuation in parking needs throughout various parking areas and also validate the peak-hour parking demand under existing leasing conditions. As shown on **Figure 1**, the peak parking demand occurred on Saturday at 1:00 PM with 401 parked vehicles. Detailed hourly data accumulation counts are provided in **Appendix C**.

**Figure 1. Parking Demand at Hillside Village Shopping Center
--CURRENT CONDITIONS--**



As depicted in **Figure 1**, the proposed parking supply exceeds the current total parking demand for the shopping center.

Parking projections for the proposed tenants should include a detailed inspection of the current parking availability in the immediate vicinity of the subject suites. Hourly parking counts also indicate that parking areas (located within convenient distance) are currently only utilized up to 61% (or 367 parked vehicles on Saturday at 1:00 PM out of 604 spaces in the parking areas labeled B, C, and D—reference **Appendix C**).

Proposed Conditions

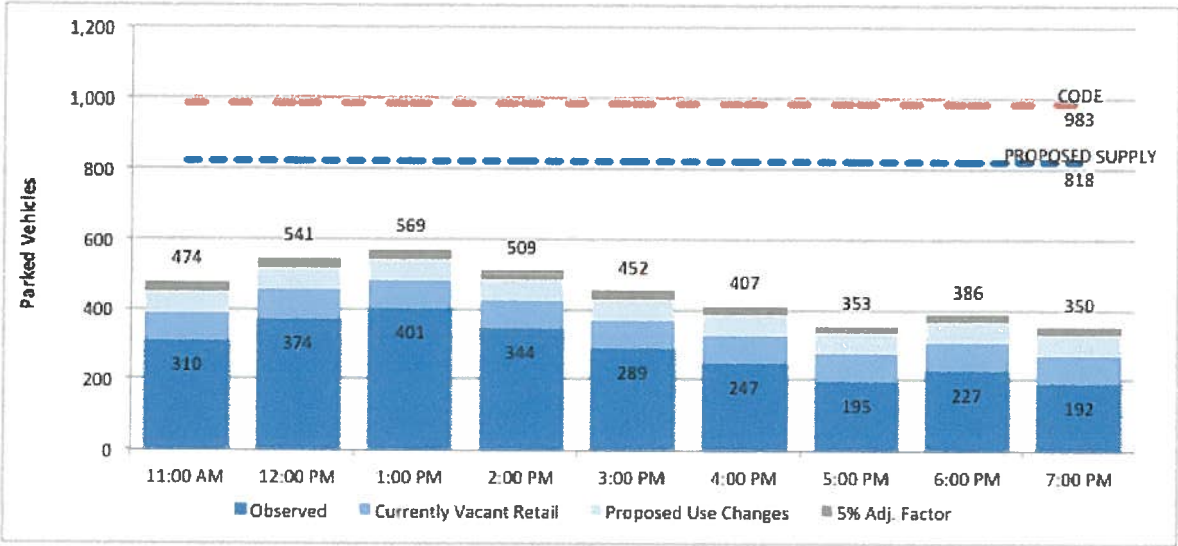
In order to project an appropriate parking demand for the proposed leasing program, this analysis applied the following adjustments to the existing parking accumulation data.

- Additional 78 spaces to account for currently vacant leasing areas (15,572 SF of Retail Use parked at 1 space per 200 SF) exclusive of any time-of-day reductions.
- Additional 33 spaces to account for the conversion of two retail tenants to restaurant use (6,540 SF parked at 1 space per 100 SF, minus the parking requirement for existing retail).
- Additional 30 spaces to account for the conversion of three office tenants to retail space (15,127 SF parked at 1 space per 200 SF, minus the parking requirement for existing office).
- Additional 5% hourly adjustment—an *efficiency/performance factor* to account for an anticipated increase in parking demand under fully leased conditions.

The aforementioned areas are noted in **Appendix A**.

Figure 2 provides a summary of the projected parking demand for the proposed leasing program.

**Figure 2. Parking Demand for Hillside Village Shopping Center
 --PROJECTED SATURDAY CONDITIONS--**



Based upon a detailed analysis of existing on-site parking demand, specifically in the center of the property and within convenient distance from current vacant areas, it is our determination that the proposed parking supply is sufficient to accommodate the anticipated parking needs for the proposed leasing program.

PARKING SPECIAL EXCEPTION REQUEST

Parking standards established by city codes provide a base requirement for new developments to operate efficiently with minimal external effects on neighboring properties. However, a parking supply designed directly from code parking requirements may not consider site-specific characteristics that may affect actual parking needs. Based upon the requirements for the proposed leasing program and a proposed parking layout, a Parking Special Exception is requested as follows.

Table 2. Parking Special Exception Request

Parking Spaces	
Code Requirement:	983
Proposed Supply:	818
Deficit (Request):	165 spaces (16.8%)

CONCLUSION

This study evaluated the number of parking spaces needed to adequately serve *Hillside Village Shopping Center*. An actual on-site parking accumulation study was performed to analyze the parking demand under existing conditions. An alternative scenario was also analyzed to quantify the parking demand for all current vacant areas as well as the conversion of two current retail tenants to restaurant. Results of the parking demand projections indicate that a proposed parking supply of 818 spaces exceeds the peak parking demand projection of 569 spaces on a typical Saturday at 1:00 P.M. and provides a surplus of 249 (approx. 30% of the total supply).

In conclusion, a reduction of 165 off-street parking spaces (approximately 16.8% of the Code requirement for 6465 East Mockingbird Lane) is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.311(a)(2).

(A) The extent to which the parking spaces provided will be remote, shared, or packed parking.

A parking reduction justification for the subject property is a function of actual parking characteristics inherent to community, mixed-use developments and does not rely upon remote or packed parking.

(B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.

The projected parking demand takes into consideration the needs of all uses on site (existing and proposed) as well as the entire existing parking supply. The parking demand is mainly supported by actual parking demand observed on site, DeShazo's professional judgment and experience on mixed-use developments, as well as published national data.

(C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.

The parking reduction is based upon actual parking demands and is not based upon special zoning adjustments.

(D) The current and probably future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.

The surrounding thoroughfare system is built out to its ultimate plans. The site provides ample access to the surrounding roadway network.

(E) The availability of public transit and the likelihood of its use.

The site is served by an existing DART public transit bus (Route 76) with direct access to Mockingbird Station. This presents an alternative mode of transportation to *Hillside Village Shopping Center*.

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

DART public transit is already a parking mitigation measure as it presents a viable transportation alternative for both employees and other patrons.

It is our professional opinion that the requested parking reduction will create neither a traffic hazard nor restrict the parking operations during typical peak hours.

—END OF MEMO—

APPENDIX A

APPENDIX A. LEASING SCHEDULE
 --EXISTING & PROPOSED CONDITIONS--

DeShazo Group, Inc.
 March 26, 2013
 No. 12114.02

Parking Analysis for
Hillside Village Shopping Center
 6465 E. Mockingbird Lane, Dallas, Texas
 per Dallas City Code

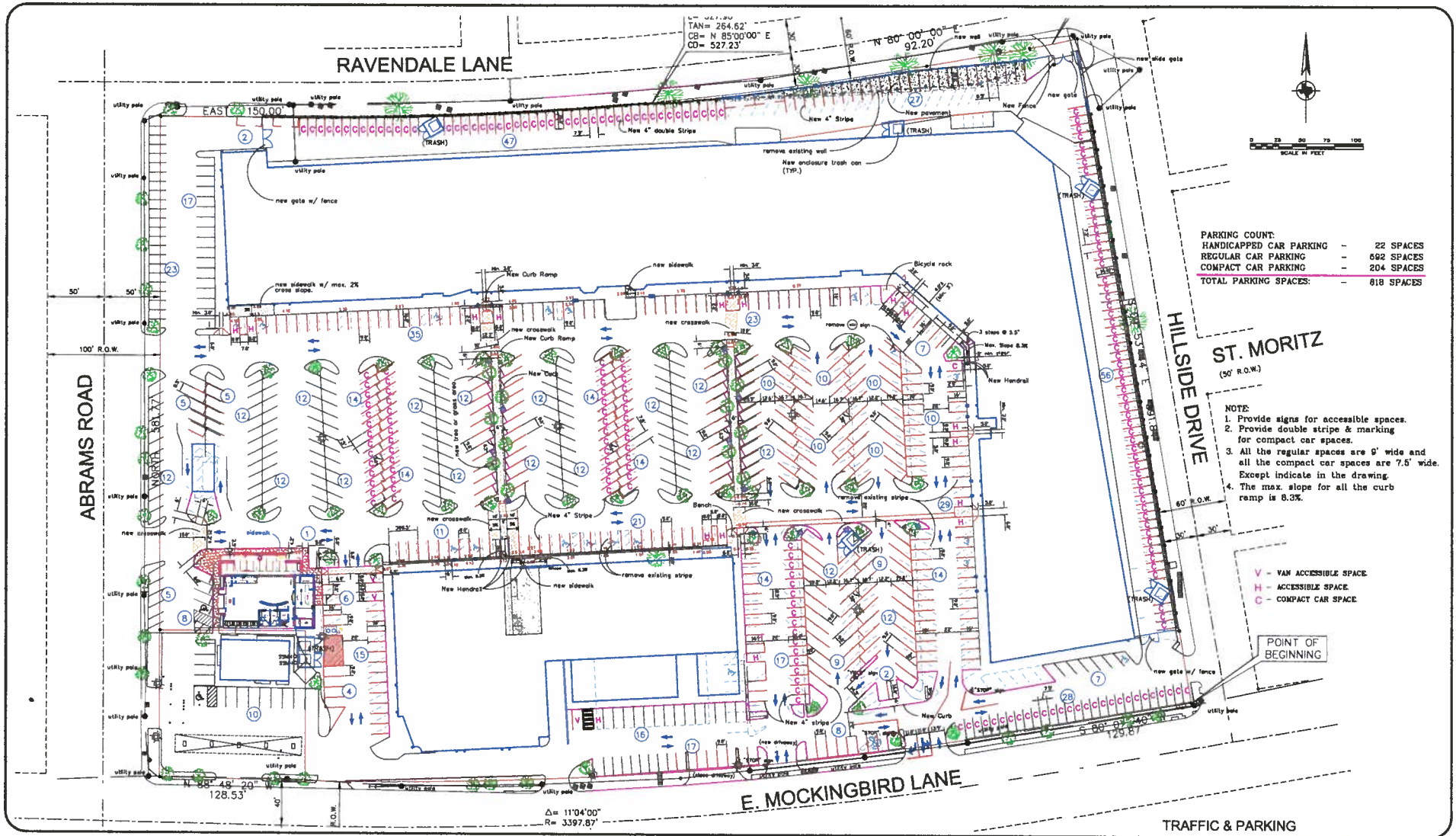
STE.	TENANT AS OF MARCH 1, 2013	LAND USE	LEASED	COVERED PATIO	TOTAL AREA	PROPOSED TENANT ^A
PAD	Genaro's	Restaurant	3,817	1,277	5,094	RESTAURANT
302	Model Nails	Personal Serv.	1,010		1,010	RESTAURANT
306	Eyemasters Optometry	Retail	3,000		3,000	RETAIL
308	Eyemasters - change to retail	Retail	1,152		1,152	RETAIL
310	Lady of America	Retail	7,264		7,264	RETAIL
314	T Hee Greetings	Retail	3,570		3,570	RETAIL
316	Lakewood's 1st & 10	Restaurant	4,956		4,956	RESTAURANT
318	Vacant	Retail	2,028		2,028	RETAIL
320	Romano's Bakery	Restaurant	2,030		2,030	RESTAURANT
322-333	Stein Mart Department Store	Retail	37,177		37,177	RETAIL
341	Canal Clothing	Retail	1,290		1,290	RETAIL
344	Studio Salons	Personal Serv.	3,540		3,540	RETAIL
348	Studio Salons	Personal Serv.	3,600		3,600	RETAIL
350	Playtri- Race Management	Medical Clinic	5,382		5,382	RETAIL
354	Tuesday Morning	Retail	12,803		12,803	RETAIL
355	Vacant	Retail	1,173		1,173	RETAIL
358	Vacant	Retail	4,910		4,910	RETAIL
362	Ditto Boutique	Retail	4,000		4,000	RETAIL
365	Sally Beauty Supply	Retail	2,020		2,020	RETAIL
366	Random	Retail	3,150		3,150	RETAIL
368	Crest Tailor	Retail	690		690	RETAIL
369	Hillside Beauty Salons	Personal Serv.	745		745	RETAIL
370-376	Dollar Tree	Retail	11,240		11,240	RETAIL
375	Hillside Shoe Repair	Personal Serv.	1,037		1,037	RETAIL
380	Fuzzy's Taco Shop	Restaurant	2,522	1,300	3,822	RESTAURANT
382	Vacant	Retail	2,088		2,088	RETAIL
386	PK's Fine Wine & Spirits	Retail	2,700		2,700	RETAIL
400	Custom Cleaners	Personal Serv.	3,267		3,267	RETAIL
401	Mike Discounts	Retail	2,860		2,860	RETAIL
402	Vacant	Retail	3,670		3,670	RETAIL
403	Vacant	Retail	0		0	RETAIL
410	Little Gym Childcare	Personal Serv.	4,323		4,323	RETAIL
420	Pinot's Palette	Personal Serv.	2,015		2,015	RETAIL
430	Vacant	Retail	1,703		1,703	RETAIL
440	Weight Watchers	Personal Serv.	1,600		1,600	RETAIL
500	Lakewood Aquatics/ Mockingbird Swim	Personal Serv.	5,530		5,530	RESTAURANT
501	Texas Title	Office	3,725		3,725	RETAIL
525	Olivella's	Restaurant	2,000	1,500	3,500	RESTAURANT
550	Ebby Holliday	Office	6,020		6,020	RETAIL
Kiosk	White Rock Coffee	Restaurant	480		480	RESTAURANT
Total Area:					170,164	

Source: TRP Hillside, LLP (February 2013)

^AProposed tenant changes are marked in RED.

Code Parking Requirement		PARKING RATE	PARKING RATE	REQUIRED PARKING
OFFICE	(0%)	0	333	0.0
RESTAURANT	(16%)	26,422	100	264.2
RETAIL	(84%)	143,742	200	718.7
TOTALS:		170,164		983
			SUPPLY:	818
			Deficit	(165) 16.8%

APPENDIX B



PARKING COUNT:

HANDICAPPED CAR PARKING	-	22 SPACES
REGULAR CAR PARKING	-	682 SPACES
COMPACT CAR PARKING	-	204 SPACES
TOTAL PARKING SPACES:	-	908 SPACES

- NOTE:**
1. Provide signs for accessible spaces.
 2. Provide double stripe & marking for compact car spaces.
 3. All the regular spaces are 9' wide and all the compact car spaces are 7.5' wide. Except indicate in the drawing.
 4. The max. slope for all the curb ramp is 8.3%.

- V - VAN ACCESSIBLE SPACE
- H - ACCESSIBLE SPACE
- C - COMPACT CAR SPACE

REVISIONS			
NO.	DESCRIPTION	DATE	BY



DeShazo Group
 Texas Registered Engineering Firm F-3199
 400 S. Houston Street, Suite 330
 Dallas, Texas 75202-4889
 Tel: (214) 748-8740 Fax: (214) 748-7037

DESIGNED BY: A. C. DATE: 03-14-13
 DRAWN BY: C. A. D. DATE: 03-14-13
 CHECKED BY: A. C. DATE: 03-14-13
 APPROVED BY: DATE:

TRAFFIC & PARKING

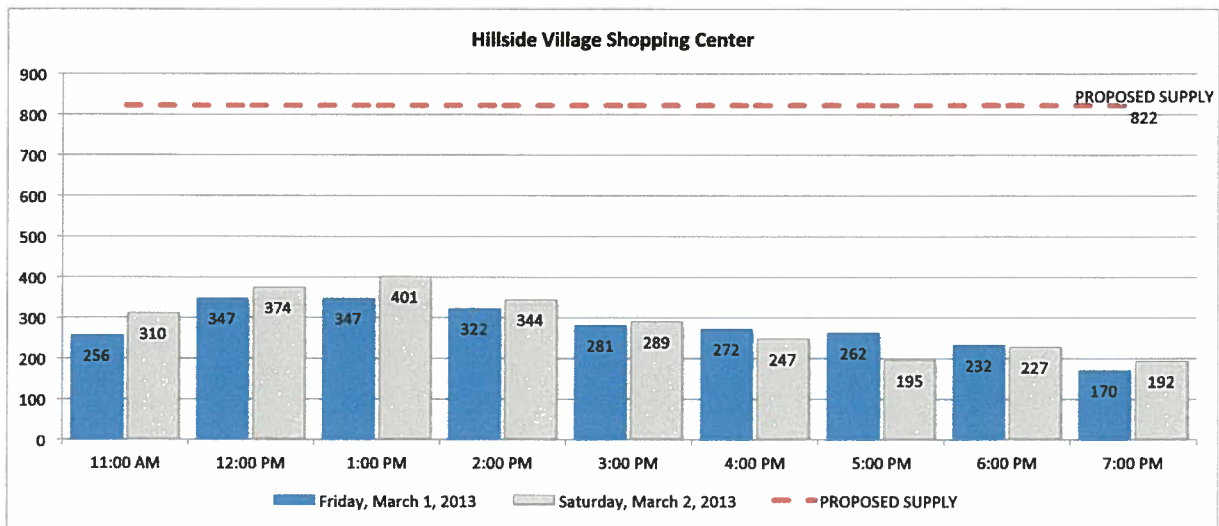
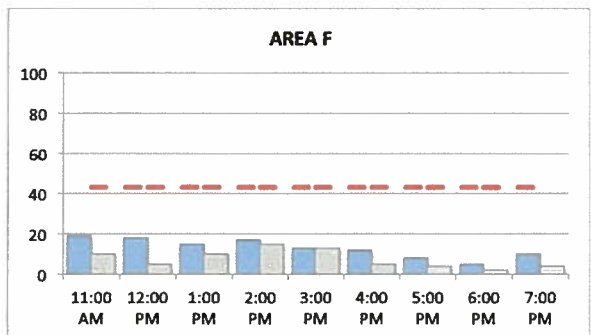
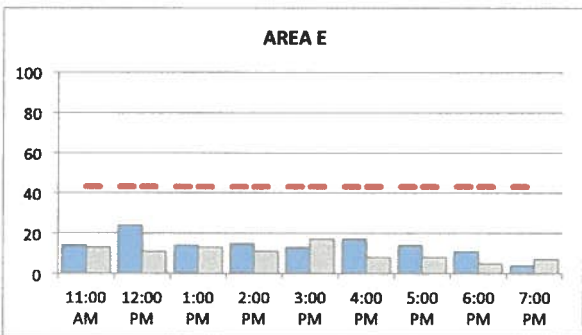
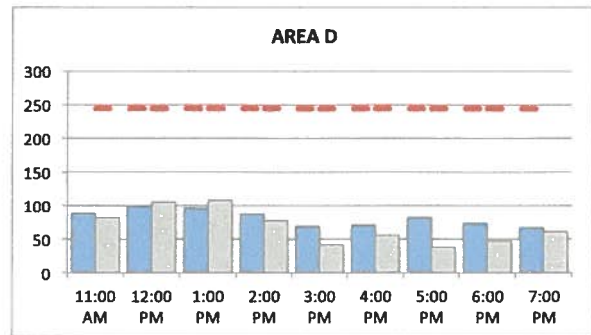
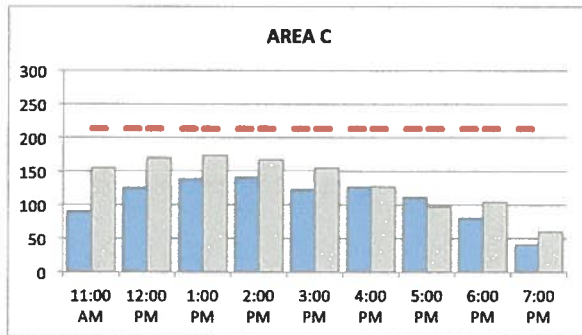
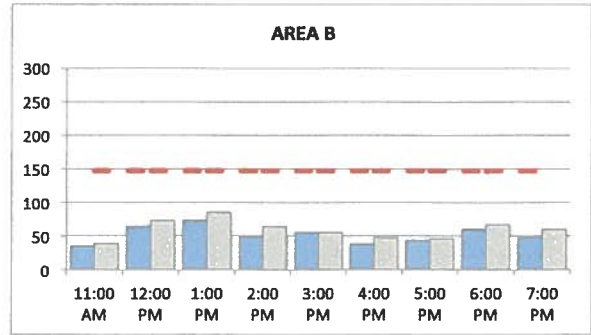
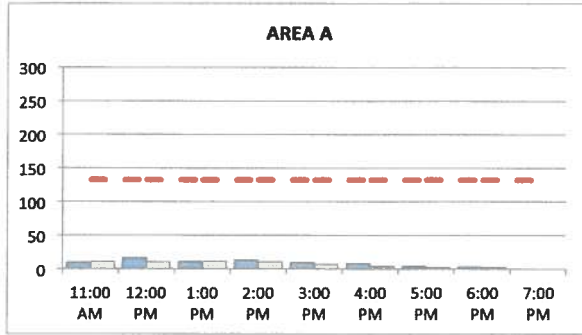
SITE IMPROVEMENTS
HILLSIDE VILLAGE
DALLAS, TEXAS
 SCALE AS SHOWN

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 FILE NO. 12114

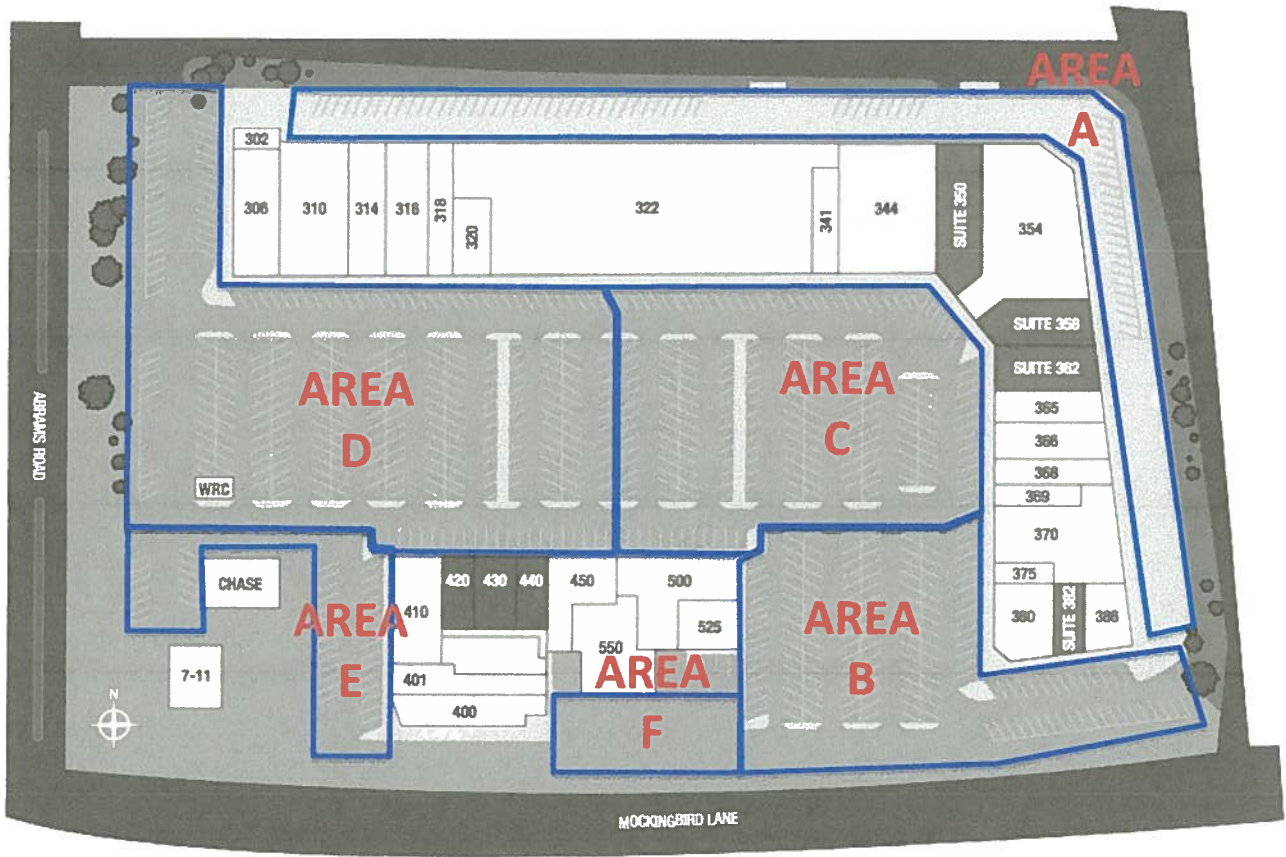
APPENDIX C

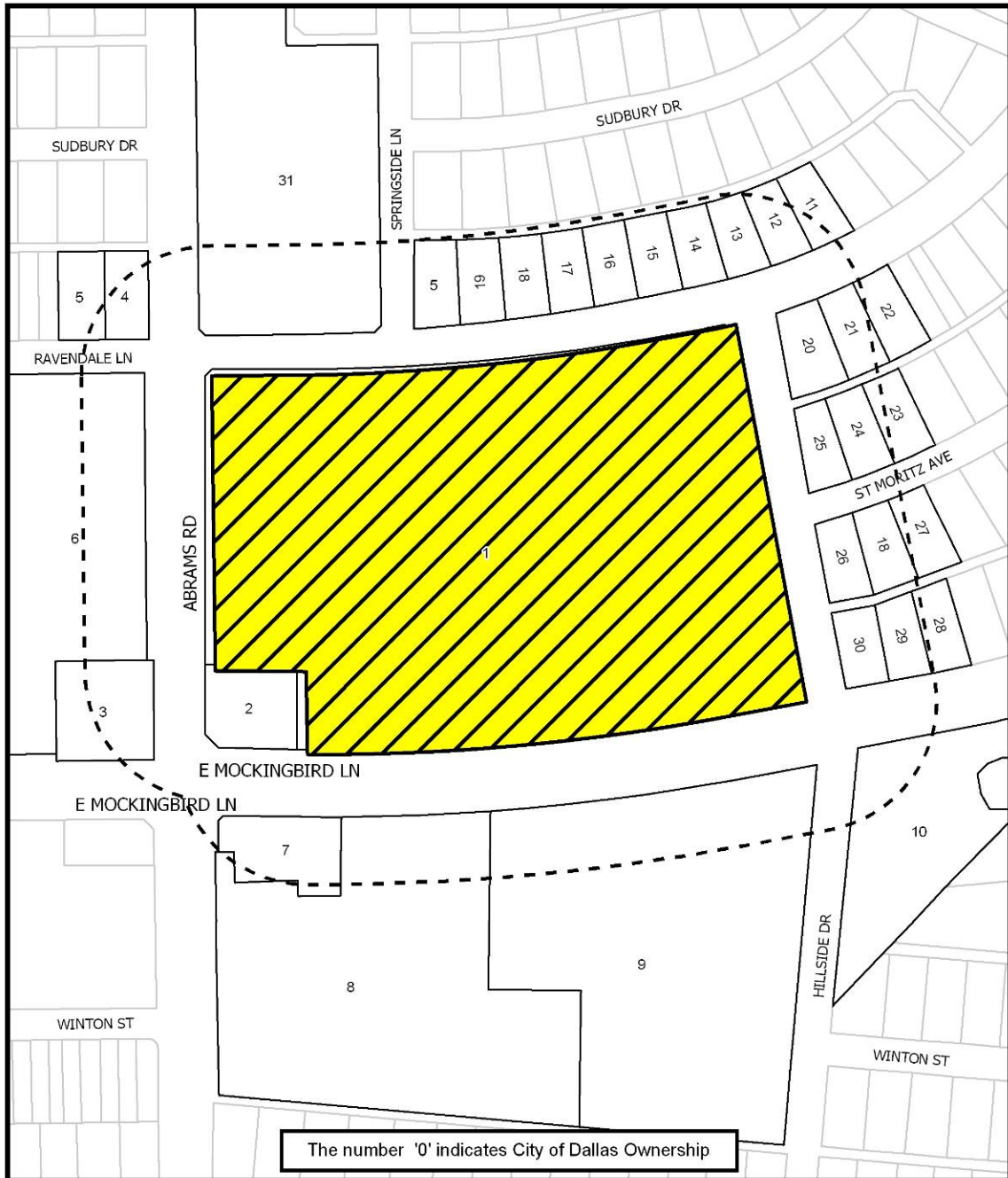
Parking Study								DeShazo Group, Inc.			
Area Location: <u>Hillside Village Shopping Center</u>				Study Date: <u>3/1/2013 & 3/2/2013</u>							
Location: <u>6465 E. Mockingbird Lane</u>				Day of Week: <u>Friday & Saturday</u>							
City/State: <u>Dallas, Texas</u>				Collector(s): <u>DeShazo Group, Inc.</u>							
Project No.: <u>12114.02</u>				Conditions: <u>Normal Conditions</u>							
Pkg Lot >	Accumulation Counts							Pedestrian Activity	Totals		
	Area A	Area B	Area C	Area D	Area E	Area F					
Proposed Supply>	132	147	213	244	43	43			822		
Time - Friday	11:00 AM	9	35	90	89	14	19		256		
	12:00 PM	16	64	125	100	24	18	1 SB	347		
	1:00 PM	11	73	138	96	14	15		347		
	2:00 PM	13	50	140	87	15	17	2 SB	322		
	3:00 PM	9	55	122	69	13	13		281		
	4:00 PM	8	38	126	71	17	12	1 NB	272		
	5:00 PM	4	43	111	82	14	8		262		
	6:00 PM	3	60	80	73	11	5		232		
	7:00 PM	0	80	57	80	6	11		234		
8:00 PM	0	48	41	67	4	10		170			
Peak Percentile	12%	54%	66%	41%	56%	44%					
Peak Hour Percentile	8%	50%	65%	39%	33%	35%			42%		
Time - Saturday	11:00 AM	11	39	155	82	13	10		310		
	12:00 PM	10	73	170	105	11	5	1 SB	374		
	1:00 PM	11	85	174	108	13	10		401		
	2:00 PM	10	64	167	77	11	15		344		
	3:00 PM	7	55	155	42	17	13		289		
	4:00 PM	4	47	127	56	8	5	1 SB	247		
	5:00 PM	2	46	97	38	8	4	1 NB	195		
	6:00 PM	2	67	104	47	5	2	1 SB	227		
7:00 PM	0	60	60	61	7	4		192			
Peak Percentile	8%	58%	82%	44%	40%	35%					
Peak Hour Percentile	8%	58%	82%	44%	30%	23%			49%		

Existing Parking Demand for
Hillside Village Shopping Center
 6465 E. Mockingbird Lane, Dallas, Texas
 per Dallas City Code, Ch. 51A



Existing Parking Demand for
Hillside Village Shopping Center
6465 E. Mockingbird Lane, Dallas, Texas
per Dallas City Code, Ch. 51A





 1:2,400	NOTIFICATION		Case no: BDA123-055
	<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;">31</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/29/2013	

Notification List of Property Owners

BDA123-055

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6465 MOCKINGBIRD LN	TRP HILLSIDE LLC
2	6401 MOCKINGBIRD LN	TRP HILLSIDE LLC C/O SOUTHLAND
3	6355 MOCKINGBIRD LN	YANG KABBOO & KIM OK ATTENTION: MS LISA
4	6345 RAVENDALE LN	JOHNSON ERIC
5	6339 RAVENDALE LN	XUEREB MARY TR
6	6333 MOCKINGBIRD LN	REG8 MOCKINGBIRD COMMONS LLC
7	6402 MOCKINGBIRD LN	AKK INC STE B
8	6444 MOCKINGBIRD LN	MOCKINGBIRD SQUARE LTD U.S. PROPERTIES A
9	6464 MOCKINGBIRD LN	BRISTOL HOLDING LLC % THE LANGFAN COMPAN
10	6500 MOCKINGBIRD LN	CLEMENTS RICHARD L & CHLOIE SUITE 10
11	6507 RAVENDALE LN	GARVEY JOSEPH FRANCIS
12	6501 RAVENDALE LN	MARTIN JACK R
13	6467 RAVENDALE LN	WATKINS CHARLIE
14	6461 RAVENDALE LN	XUEREB MARY TR
15	6455 RAVENDALE LN	BEALMEAR RUTH ANN
16	6449 RAVENDALE LN	BREWER WILLIAM L II & LINDSAY D
17	6445 RAVENDALE LN	YOUNG SARAH J
18	6439 RAVENDALE LN	TEXAS OVERHILL II LIMITED PARTNERSHIP
19	6433 RAVENDALE LN	OWEN VICKIE LYNN & KATIE JANELLE OWEN
20	6502 RAVENDALE LN	WALLACE MARGARET ANN
21	6506 RAVENDALE LN	ESGAR ANNA RUTH
22	6512 RAVENDALE LN	DAVENPORT RICHARD S & NANCY L
23	6513 ST MORITZ AVE	BONDS W A & PATRICIA
24	6509 ST MORITZ AVE	ENTRE KATRINA &
25	6503 ST MORITZ AVE	ONEILL RANDY & MELANIE
26	6502 ST MORITZ AVE	GILMORE ROBERT B TRUSTEE R B & KATHLEEN

5/29/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6510 ST MORITZ AVE	STEINBERG TEDDY C II & BETTY S TRUSTEES
28	6513 MOCKINGBIRD LN	NUMAX PPTIES LLC
29	6507 MOCKINGBIRD LN	ANGOTT DONNA L
30	6503 MOCKINGBIRD LN	BELMORE ERNEST E JR
31	4316 ABRAMS RD	WILSHIRE BAPTIST CHURCH

FILE NUMBER: BDA 123-037

BUILDING OFFICIAL'S REPORT: Application of Jonathon A. Erdelijac represented by Construction Concepts, Inc., for a variance to the side yard setback regulations at 1111 N. Beckley Avenue. This property is more fully described as Lot 16, Block 17/3339, and is zoned PD 468 (Subdistrict D), which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a structure and provide a 0 foot side yard setback, which will require a variance to the side yard setback regulations of 10 feet

LOCATION: 1111 N. Beckley Avenue

APPLICANT: Jonathon A. Erdelijac
Represented by Construction Concepts, Inc.

REQUEST:

A variance to the side yard setback regulations of 10' is made in conjunction with constructing and maintaining a proposed addition and a proposed ramp structures to an existing retail structure/restaurant use (Jonathan's Oak Cliff), part of which would be located in the site's 10' southern side yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff was unable to conclude how the parcel/subject site differs from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 468 (Subdistrict D) zoning classification. The size, shape, and slope of the relatively flat, slightly irregular in shaped, approximately 4,700 square foot subject site have not preclude the applicant/owner from developing it with a structure/use without an addition and ramp structure in the required side yard setback.

BACKGROUND INFORMATION:

Zoning:

Site: PD 468 (Subdistrict D) (Planned Development)
North: PD 468 (Subdistrict D) (Planned Development)
South: PD 468 (Subdistrict D) (Planned Development)
East: PD 468 (Subdistrict D) (Planned Development)
West: PD 468 (Subdistrict D) (Planned Development)

Land Use:

The subject site is developed with a restaurant use (Jonathan’s Oak Cliff). The areas to the north, east, and south are developed with retail uses; and the area to the west is developed with 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:

- March 4, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 15, 2013: 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 May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.

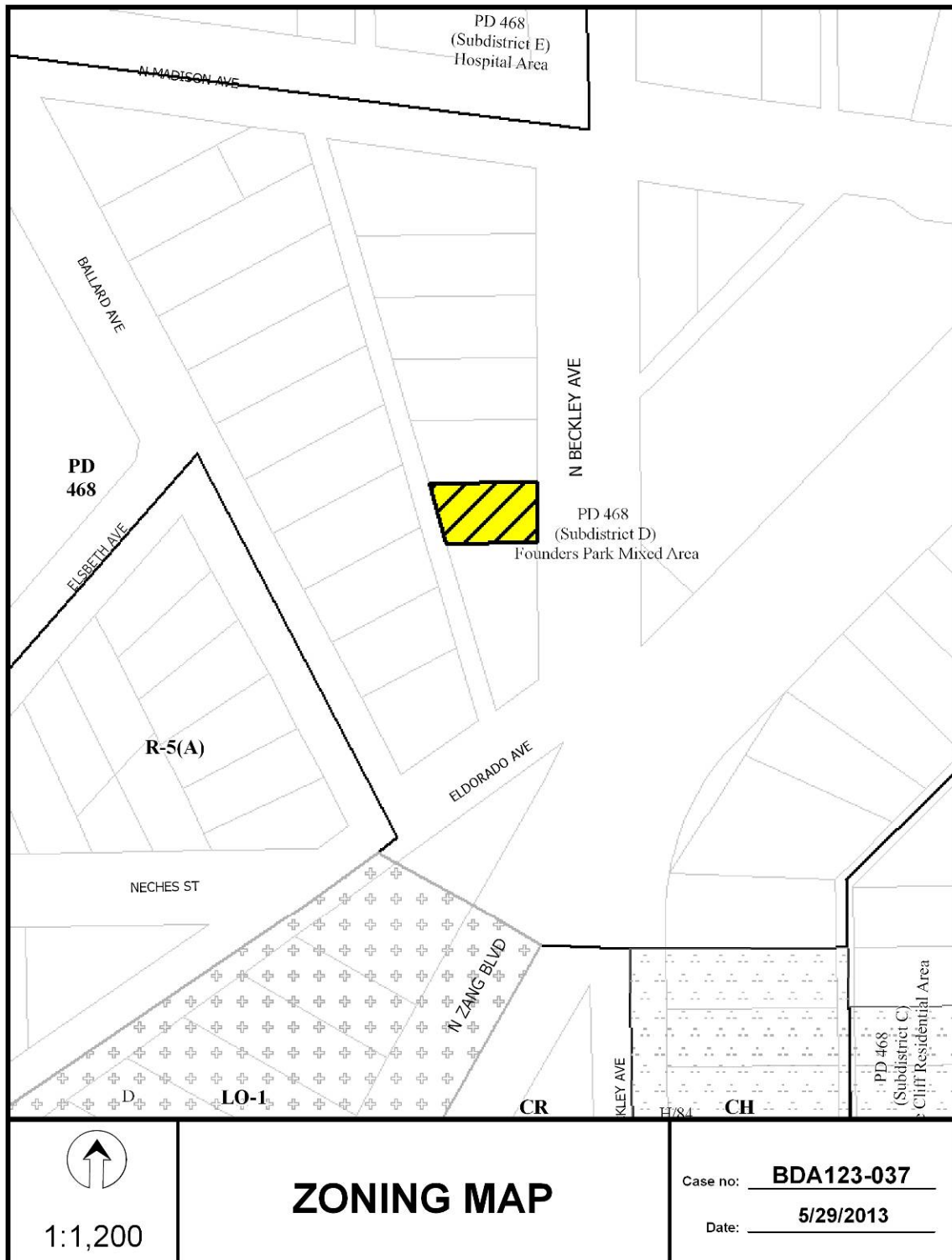
June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an addition with an approximately 260 square foot building footprint and a ramp “structure” with an approximately 320 square foot building footprint to an existing retail structure/restaurant use (Jonathan’s Oak Cliff), part of which would be located in the site’s 10’ southern side yard setback
- Structures on lots zoned PD 468 (Subdistrict D) are required to provide a minimum side yard setback of 10’.
- A scaled site plan has been submitted indicating that part of the addition and ramp structures are as close as on the site’s southern side property line or as much as 10’ into this 10’ side yard setback.
- According to DCAD records, the “improvements” at 1111 N. Beckley Avenue is a restaurant built in 1940 with 1,064 square feet.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed addition to be located in the site’s 10’ southern side yard setback is approximately 160 square feet in area or about 1/2 of the total addition footprint of 260 square feet, or approximately 15 percent of the total existing building footprint of approximately 1,100 square feet.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed ramp to be located in the site’s 10’ southern side yard setback is approximately 270 square feet in area or about 84 percent of the total ramp footprint of 320 square feet, or approximately 25 percent of the total existing building footprint of approximately 1,100 square feet.
- The subject site is relatively flat, slightly irregular in shape (approximately 90’ on the north, approximately 73’ on the south, approximately 50’ on the east, and approximately 57’ on the west), and according to the application, 0.109 acres (or approximately 4,700 square feet) in area. The site is zoned PD 468 (Subdistrict D).

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 468 (Subdistrict D) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 468 (Subdistrict D) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to that what is shown on this document– which in this case is an addition and a ramp “structure” located on the site’s southern side property line or 10’ into this 10’ required side yard setback.



1:1,200

ZONING MAP

Case no: **BDA123-037**

Date: **5/29/2013**



1:1,200

AERIAL MAP

Case no: BDA123-037

Date: 5/29/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-037

Data Relative to Subject Property:

Date: 3-4-13

Location address: 1111 N. Beckley Ave

Zoning District: PD 4608 Sub D

Lot No.: 16

Block No.: 14/3339

Acreage: .109

Census Tract: 42.01

Street Frontage (in Feet): 1) 50.00

2)

3)

4)

5) SW17

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Beckley PPLies LTD

Applicant: Jonathan Erdeljan

Telephone:

Mailing Address: 1111 N. Beckley Ave, Dallas, TX

Zip Code: 75203

Represented by: Construction Concepts, inc

Telephone: 214-946-4300

Mailing Address: 317 W. Jefferson Blvd, Dallas TX

Zip Code: 75203

Affirm that a request has been made for a Variance or Special Exception of Sidyard Setback of 10ft

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:

To grant permission to construction addition in Rear of Building that encroaches on 10' Rear Setback

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 A Erdeljan [Signature]
Applicant's name printed Applicant's signature

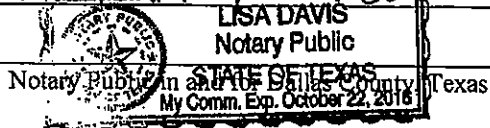
Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 27 day of

FEBRUARY 2013



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

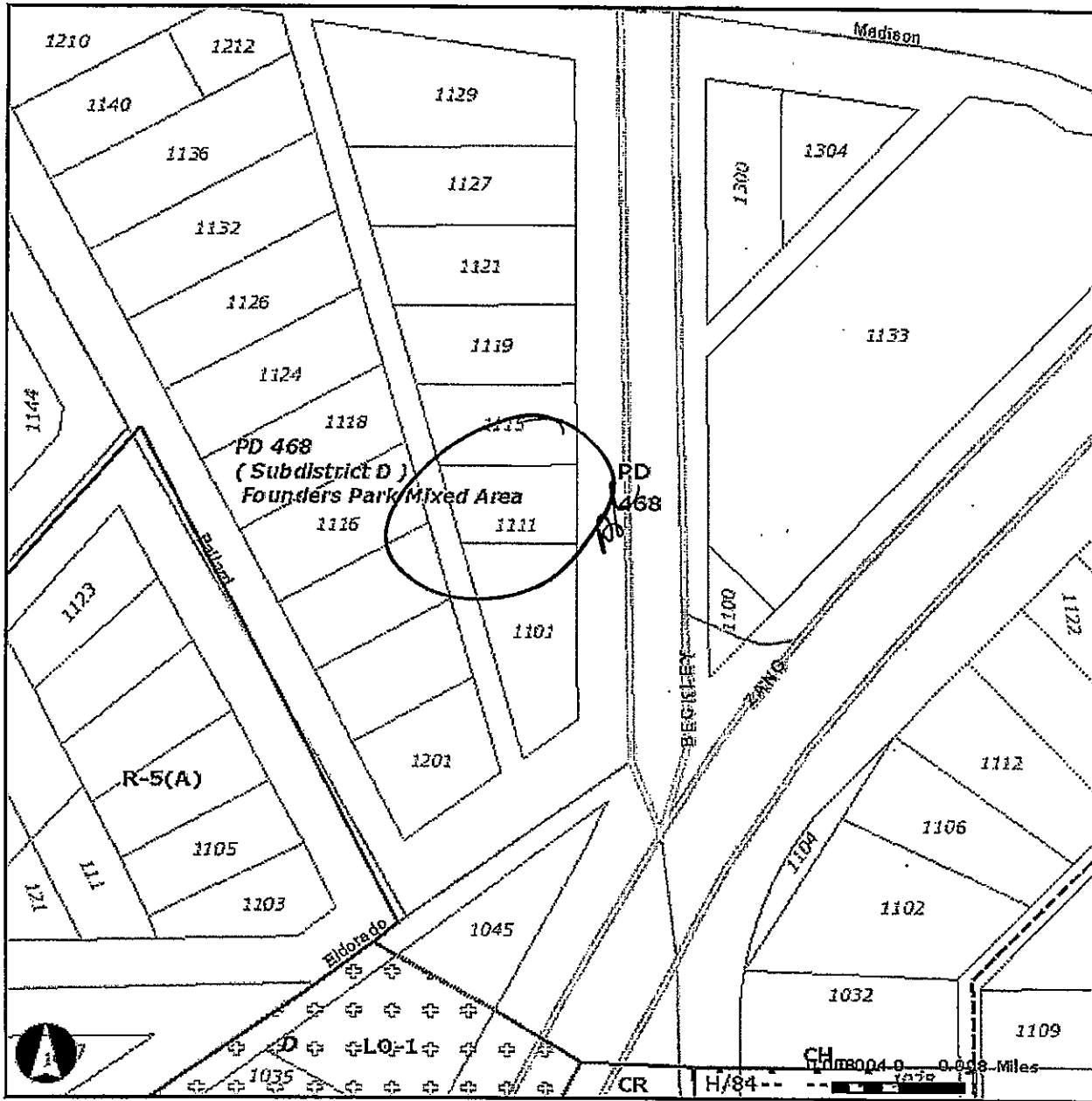
I hereby certify that Jonathon A. Erdelijac
represented by CONSTRUCTION CONCEPTS INC
did submit a request for a special exception to the side yard setback regulations
at 1111 N. Beckley Avenue

BDA123-037. Application of Jonathon A. Erdelijac represented by Construction Concepts Inc. for a variance to the side yard setback regulations at 1111 N. Beckley Avenue. This property is more fully described as Lot 16, Block 17/3339, and is zoned PD-468 (Subdistrict D), which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a nonresidential structure and provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulation.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



Address Candidates

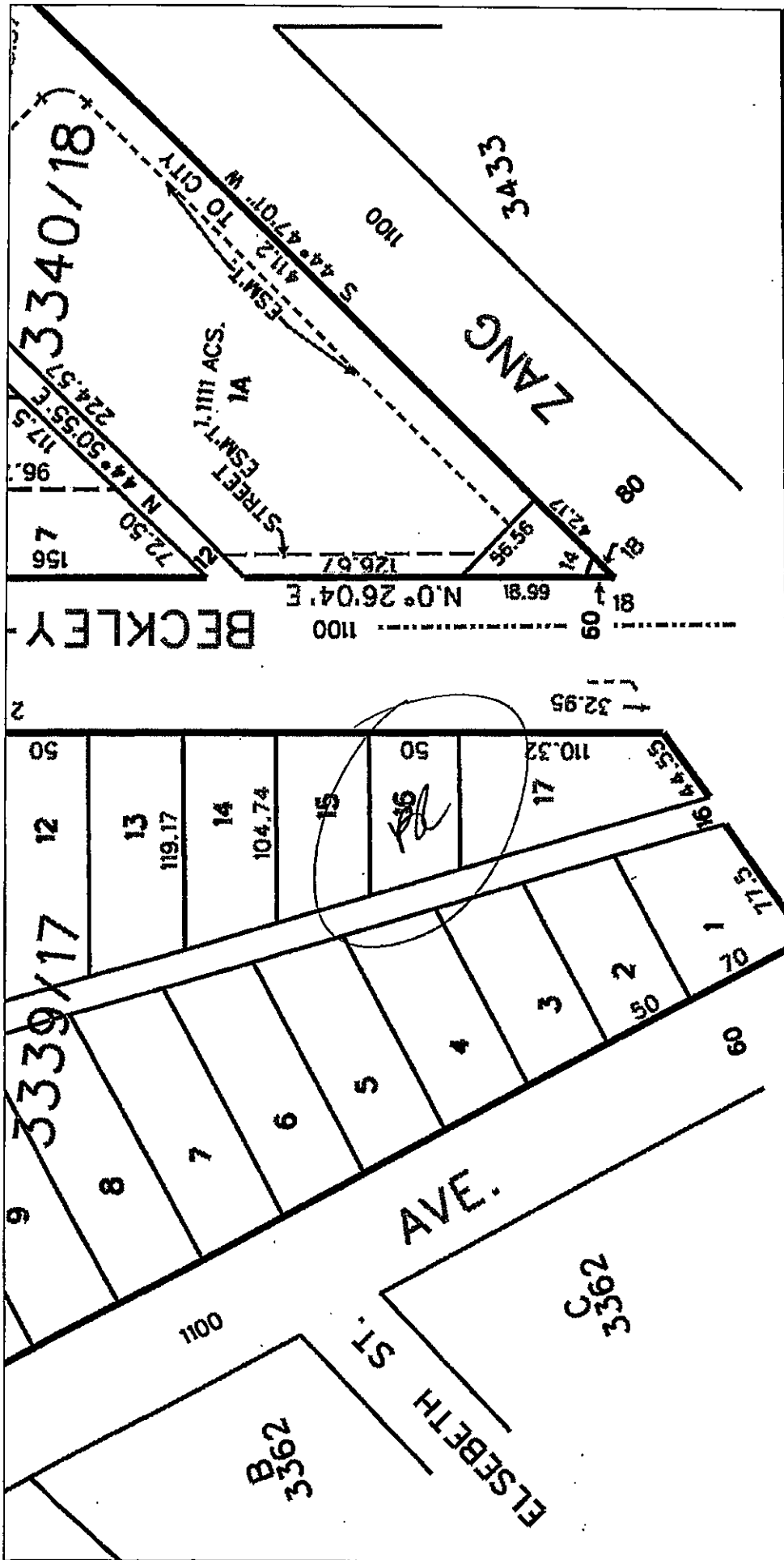
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

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

PDS Subdistricts

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

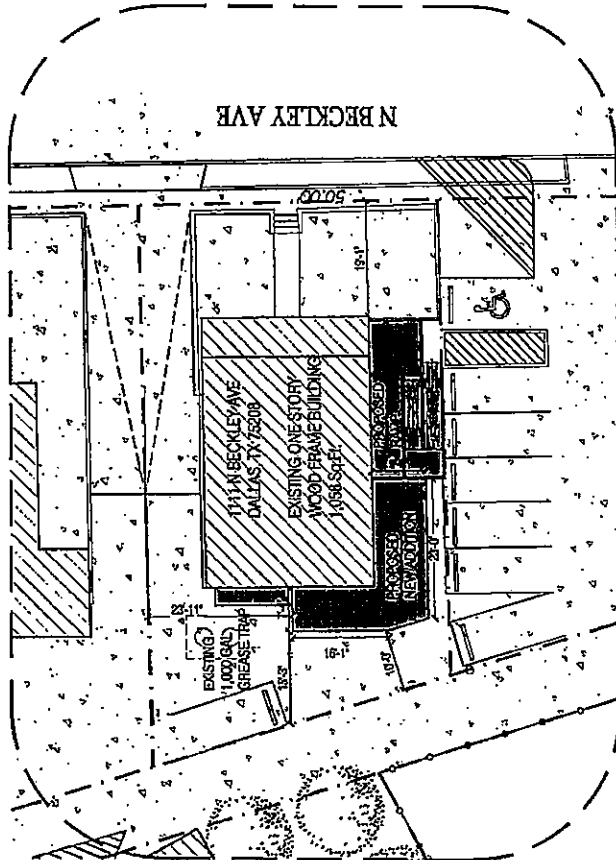


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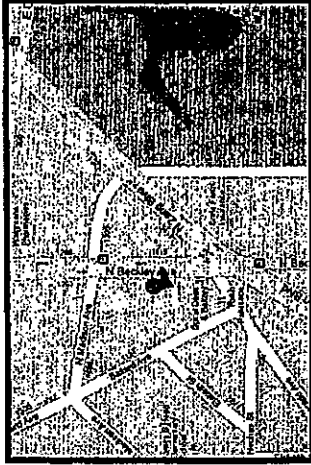
PROJECT DATA

SCOPE OF WORK:
 EXPANSION OF KITCHEN,
 RENOVATION OF EXISTING RESTROOM,
 PLUMBING AND ELECTRICAL,
 & ADDING PRIVATE SECOND FLOOR
 OFFICE.

OCCUPANCY TYPE:
 A-2 (ASSEMBLY GROUP)



SITE PLAN
 1111 N. BECKLEY AVE
 1" = 20'-0"

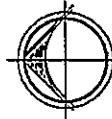


ZONING PD. 48B
 SUBDISTRICT D
 FOUNDERS PARK
 MIXED AREA

VICINITY MAP
 for reference only

SQUARE FOOTAGE	
EXISTING BUILDING	1,098 S.F.
FIRST FLOOR ADDITION	281 S.F.
SECOND FLOOR ADDITION	197 S.F.
TOTAL	1,530 S.F.

LEGEND	
	EXISTING
	PROPOSED



NORTH
 Legal Description:
 MILLER & STEAKMONS,
 BLK 17/2332, LOT 16

CONSTRUCTION CONCEPTS INC.
 "Planning and Designing a Better Tomorrow"

317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 948-4300
 FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BEFORE ANY COMMENCEMENT OF CONSTRUCTION OR ANY PART OF THESE PLANS. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND REGULATIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

CREAT DATE AND GREAT HAVE MADE THE GAYTON & THESE BUILDINGS CONCEPTS BECAUSE OF THE VARIATION IN REMOVED LOCATIONS. CONSTRUCTION DIMENSIONS, OR OTHERWISE ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH THE PURCHASE OF THESE PLANS LIMITED TO CONSTRUCTION THIS HOUSE ONLY. ONCE ANY CORRECTION, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
 1111 N BECKLEY AVE
 DALLAS, TX
 75208

Project SITE	Sheet
Date 04/24/13	1
Scale 1" = 20' = 20'	
Drawn By RR	

CONSTRUCTION CONCEPTS INC.
 "Planning and Designing a Better Tomorrow"

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Project Name & Address
 1111 N. BECKLEY AVE
 DALLAS, TX
 75208

Project Sheet
 OCCUPANCY
 Date 04/24/13
 Scale 1/8" = 1'-0"
 Drawn By RR
1.1

PROJECT DATA

SCOPE OF WORK:
 EXPANSION OF KITCHEN,
 RENOVATION OF EXISTING RESTROOM,
 PLUMBING AND ELECTRICAL
 & ADDING PRIVATE SECOND FLOOR
 OFFICE.

OCCUPANCY TYPE:
 A-2 (ASSEMBLY GROUP)

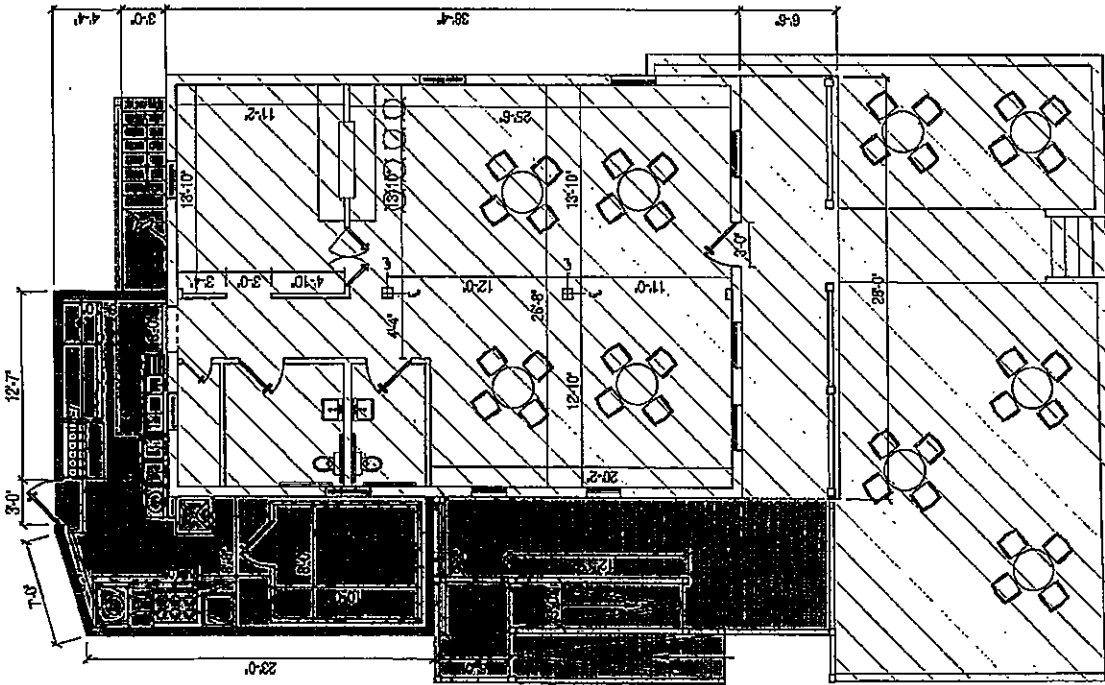
SECOND FLOOR SQUARE FOOTAGE	
PROPOSED BALCONY	64 S.F.
PROPOSED PRIVATE OFFICE	157 S.F.
PROPOSED RESTROOM	40 S.F.

FIRST FLOOR SQUARE FOOTAGE	
PROPOSED KITCHEN	201 S.F.
PROPOSED WALK-IN-COOLER	80 S.F.
EXISTING RESTROOM	104 S.F.
EXISTING KITCHEN	154 S.F.
EXISTING DINING	613 S.F.
EXISTING PORCH	182 S.F.
EXISTING EXTERIOR SEATING	534 S.F.
TOTAL	1,349 S.F.
AIR CONDITIONED SPACE	1,349 S.F.

LEGEND	
	EXISTING
	PROPOSED



OCCUPANCY PLAN
 1/8" = 1'-0"
 1111 N. BECKLEY AVE
 2



CONSTRUCTION CONCEPTS, INC.
 "Planning and Designing a Better Tomorrow"

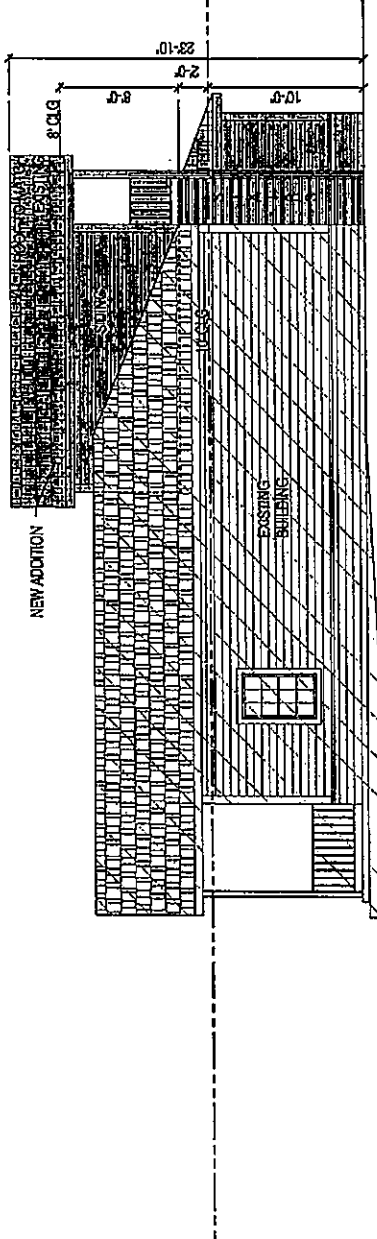
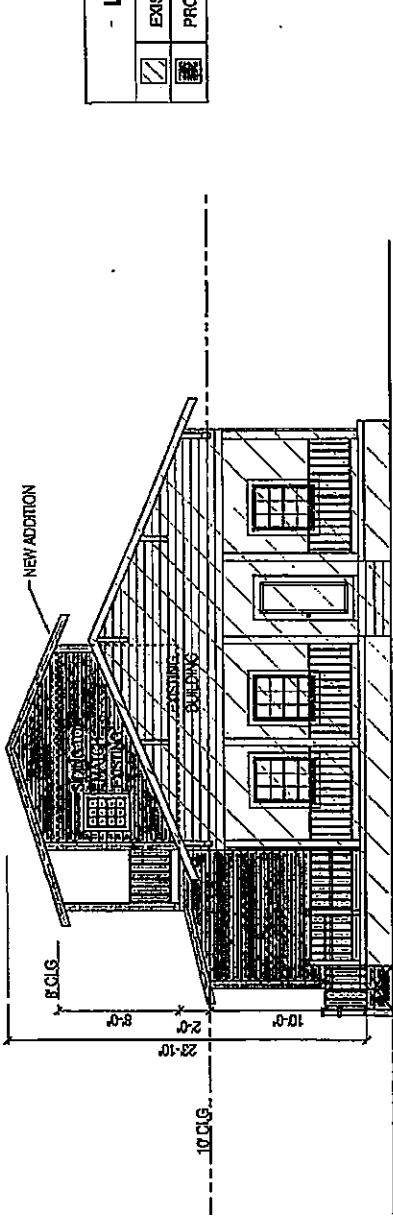
317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
 TEL. (214) 948-4300
 FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION REGULATION NECESSARY TO SUBMITTAL TO THE CITY OF DALLAS. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEER'S CHECK, SEAL, AND SIGNATURE BEFORE BEGINNING CONSTRUCTION OR ANY WORK. NOTED: ALL FEDERAL, STATE, AND LOCAL CODES AND REGULATIONS THAT PRECEDE LOCAL BUILDING CODES SHALL BE SUBJECT TO PROTECTION UNDER COPYRIGHT LAWS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE NATURE OF ARCHITECTURAL CONSTRUCTION CONCEPTS, INC. WILL NOT ASSURE LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH ALL APPLICABLE CODES PRIOR TO CONSTRUCTION. LOCAL BUILDING CODES SHALL BE SUBJECT TO PROTECTION UNDER COPYRIGHT LAWS. PRINTED, REPRODUCED, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address
 1111 N. BECKLEY AVE
 DALLAS, TX
 75208

Project Elevation	Sheet
Date	04/24/13
Scale	1/8"=1'-0"
Drawn By	RR
	6

- LEGEND	
	EXISTING
	PROPOSED



CONSTRUCTION CONCEPTS INC.
 "Planning and Designing a Better Tomorrow"
 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
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 FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF SERVICE PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING, MECHANICAL, AND ELECTRICAL SERVICES BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

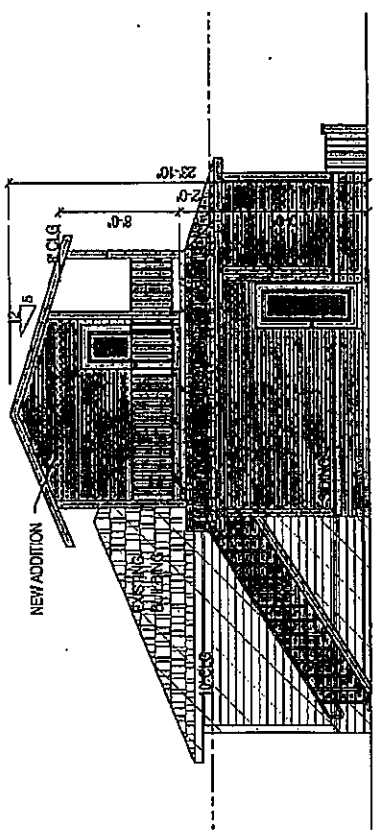
CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNERS/CLIENTS MUST COMPLY WITH ALL APPLICABLE CODES PRIOR TO CONSTRUCTION. THE BUILDER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNERS/CLIENTS MUST COMPLY WITH ALL APPLICABLE CODES PRIOR TO CONSTRUCTION. THE BUILDER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

ONLY ONCE, ANY CORRECTION, REVISION, OR ALTERATION OF THESE PLANS IS NOT PERMITTED. WORKMANS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

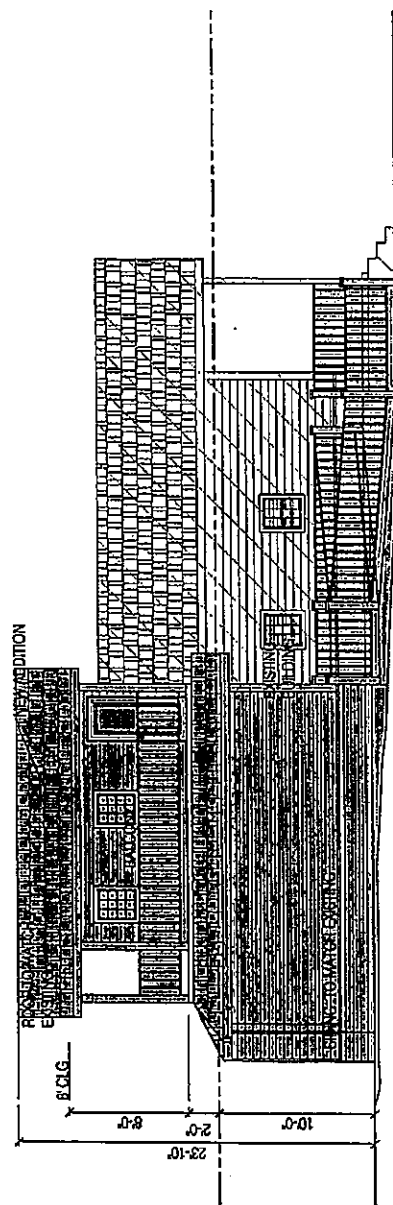
Project Name & Address
 1111 N BECKLEY AVE
 DALLAS, TX
 75208

Project ELEVATION	Sheet	
Date 04/24/13	6.1	
Scale 1/8"=1'-0"	Drawn By RR	

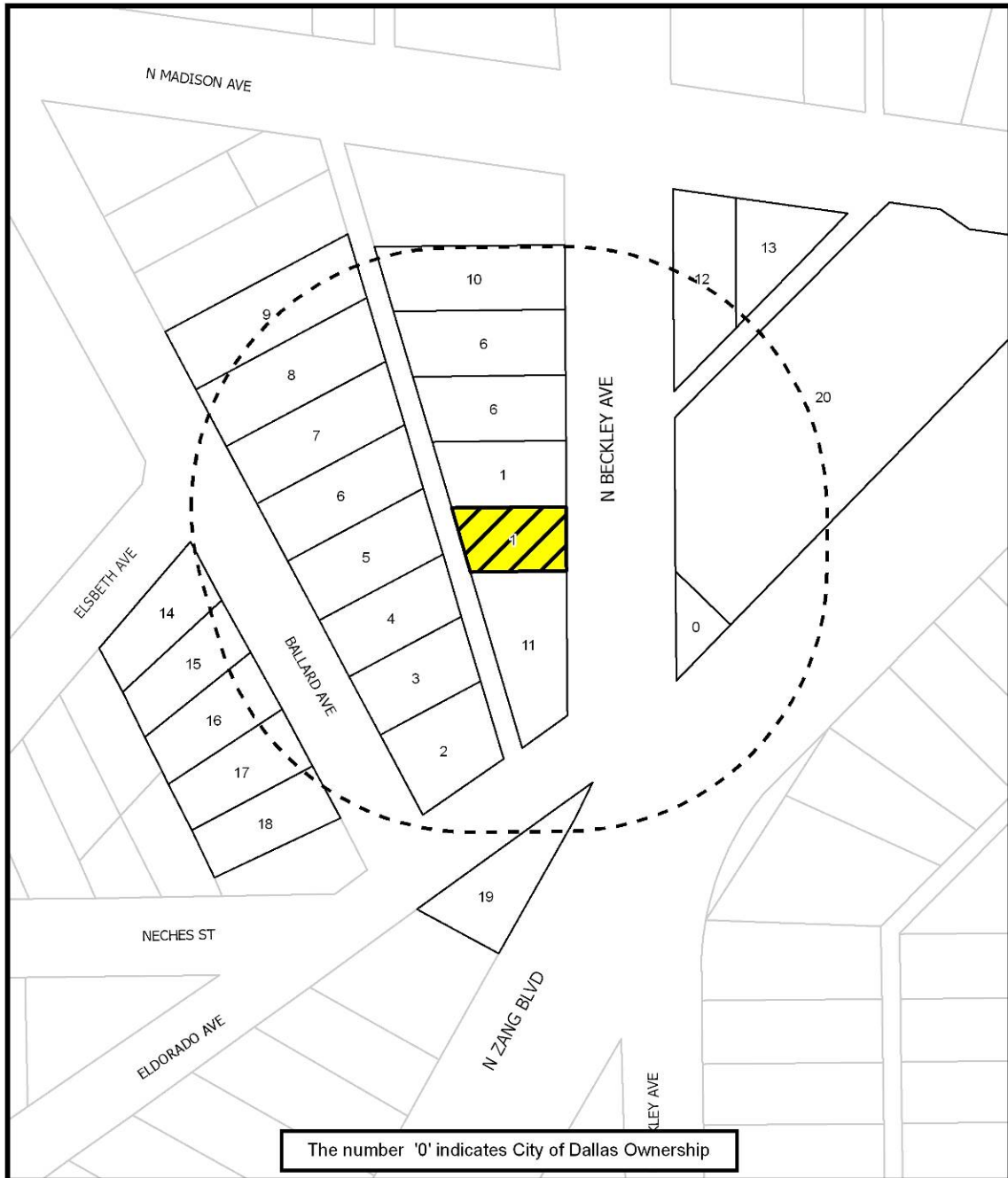
LEGEND	
	EXISTING
	PROPOSED



WEST ELEVATION
 1/8"=1'-0"
 1111 N. BECKLEY AVE
 6-1



SOUTH ELEVATION
 1/8"=1'-0"
 1111 N. BECKLEY AVE
 6-1



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">20</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	20	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-037</u> Date: <u>5/29/2013</u>
200'	AREA OF NOTIFICATION					
20	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-037

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1115 BECKLEY AVE	BECKLEY PPTIES LTD
2	1201 ELDORADO AVE	MCELROY JOSEPH III
3	1106 BALLARD AVE	MONTGOMERY AUDREY LEE ANN
4	1112 BALLARD AVE	STRICKLAND BRENDA LF EST REM BETTY J SHO
5	1116 BALLARD AVE	GRIFFIN CLINT
6	1118 BALLARD AVE	BECKLEY PROPERTIES LTD
7	1124 BALLARD AVE	WALDEN PAUL & SHARON A MCFADDEN
8	1126 BALLARD AVE	COLECIO JUAN ANTONIO & ERLINDA COLECIO
9	1132 BALLARD AVE	MCFADDEN SHARON A & LAWRENCE PAUL WALDEN
10	1127 BECKLEY AVE	FLOYD JEFFREY W & AMY G
11	1101 BECKLEY AVE	BECKLEY PPTIES LTD
12	1300 MADISON AVE	MAY DIAN
13	1304 MADISON AVE	CASTILLO SIMON III
14	1123 BALLARD AVE	WALDEN LAWRENCE PAUL & SHARON ANN MCFADD
15	1119 BALLARD AVE	CASTILLO GONZALO
16	1115 BALLARD AVE	WORSHAM JAMES B &
17	1111 BALLARD AVE	MCELROY JOSEPH III
18	1105 BALLARD AVE	FOLEY MARRION R
19	1045 ZANG BLVD	MALLEY JOSEPH H & MARY LORETTA
20	1133 ZANG BLVD	ZANG/MADISON PARTNERS LP

FILE NUMBER: BDA 123-056

BUILDING OFFICIAL'S REPORT: Application of Anthony Scalia for special exceptions to the fence height and visual obstruction regulations at 2014 Caddo Street. This property is more fully described as Lot 1 and part of Lot 2, Block 1/607, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4 feet, and requires a 45 foot visibility triangle at a street intersection, and 20 foot visibility triangles at drive approaches and at alley and street intersections. The applicant proposes to construct and/or maintain a 6 foot high fence, which will require a special exception to the fence height regulations of 2 feet, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 2014 Caddo Street

APPLICANT: Anthony Scalia

REQUESTS:

The following appeals have been made on a site that is developed as a multifamily development and what is labeled on the submitted site plan as three single family houses:

1. Special exceptions to the fence height regulations of 2' are requested in conjunction with maintaining a 6' high open steel picket fence in the two 15' front yard setbacks along Caddo Street and Lafayette Street.
2. Special exceptions to the visual obstruction regulations are requested in conjunction with maintaining the aforementioned 6' high open steel picket fence in the 45' visibility triangle at the intersection of Caddo Street, in the two 20' visibility triangles on either side of the driveway into the site from Lafayette Street, and in the 20' visibility triangle at the intersection of the alley at Lafayette Street.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence height special 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):

Denial of the requests for visual obstruction special exceptions at the street intersection and at the alley/Lafayette Street intersection

Rationale:

- The Sustainable Development and Construction Department Project Engineer has recommended denial of these requests commenting that the street corner fence blocks view of pedestrians near a park and school, and the alley corner fence blocks view of a sidewalk.
- The applicant has not substantiated how the location of the items (an existing 6' high open steel picket fence) located in the street intersection and in the alley/Lafayette Street intersection triangles does not constitute a traffic hazard.

Approval of the requests for visual obstruction special exceptions at the drive approach into the site from Lafayette Street, 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 this request.
- The applicant has substantiated how the location of the 6' high open steel picket fence in the 20' visibility triangles at the drive approach into the site from Lafayette Street does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multifamily)
North: PD 305 (Planned Development)
South: PD 305 (Planned Development)
East: MF-2(A) (Multifamily)
West: MF-2(A) (Multifamily)

Land Use:

The subject site is being developed is developed as a multifamily development and with what is labeled on the submitted site plan as three single family houses. The areas to the north, east, and west are developed with residential uses; and the area to the south is developed as a park (J.W. Ray).

Zoning/BDA History:

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

Timeline:

- March 29, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 15, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.”
- June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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 Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- June 10, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant’s request for special exceptions to the visual obstruction regulations marked “Recommends that this be denied” Commenting “street corner fence blocks view of pedestrians near a park and school; alley

corner fence also blocks view of sidewalk, and driveway gate is OK.”

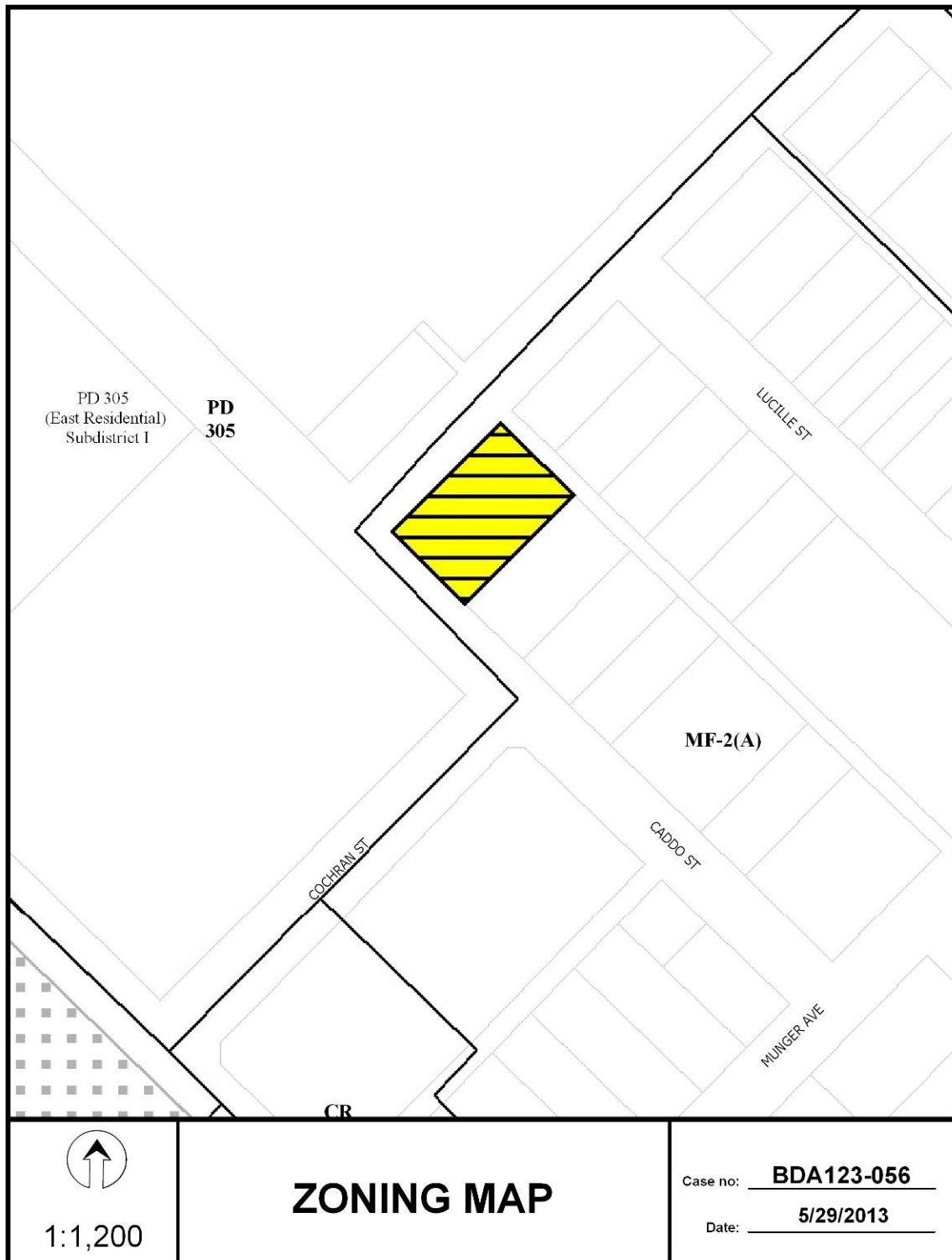
GENERAL FACTS/STAFF ANALYSIS (fence height special exceptions):

- These requests focus on maintaining a 6’ high open steel picket fence in the two 15’ front yard setbacks along Caddo Street and Lafayette Street on a site developed as a multifamily development or what the site plan labels as a property as three single family houses.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard. 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:
 1. No lot in the blockface may be zoned as a single family or duplex district.
 2. No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.
 3. No fence panel having less than 50 percent open surface area 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 has submitted a site plan of the proposal in the site’s two 15’ front yard setbacks that reaches a maximum height of 6’. (Note that this fence would be allowed by right given that the property is zoned MF-2(A) if it were not for the fact that a gate for vehicular traffic is located less than 20 feet from the back of the street curb on Lafayette Street. The 6’ high open steel picket gate is located about 12’ from the back of the Lafayette Street curb).
- The following additional information was gleaned from the submitted site plan:
 - The existing 6’ high open steel fence along Caddo Street is represented as being approximately 80 in length parallel to the street and about 15’ on both sides of the site in the front yard setback.
 - The existing 6’ high open steel fence along Lafayette Street is represented as being approximately 125’ in length parallel to the street and about 15’ on both sides of the site in the front yard setback.
 - The existing 6’ high open steel fence is shown to be located approximately on the site’s front property lines or 12’ from the pavement lines.
- The existing 6’ high open steel fence on Caddo Street is located across from a park with no single family home that fronts it.
- The existing 6’ high open steel fence on Lafayette Street is located across from multifamily uses that have fences over 4’ in height.
- The Board Administrator conducted a field visit of the site and surrounding area and noted a number of other fences that appeared to be above 4’ in height, none with recorded BDA history. The code does allow fences in multifamily districts to reach 6’ in height if all three conditions previously mentioned in this case report are met.
- As of June 10, 2013, no letters have been submitted in support of or in opposition to the request.

- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of 2' will not adversely affect neighboring property.
- Granting these special exceptions of 2' 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 setbacks to be maintained in the locations and of the heights and materials as shown on these documents.

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

- These requests focus on maintaining portions of an existing 6' high open steel picket fence in the 45' visibility triangle at the intersection of Caddo Street, in the two 20' visibility triangles on either side of the driveway into the site from Lafayette Street, and in the 20' visibility triangle at the intersection of the alley at Lafayette Street.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and an elevation has been submitted indicating an existing 6' high open steel picket fence located in the four visibility triangles previously mentioned in this case report.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request for special exceptions to the visual obstruction regulations marked "Recommends that this be denied" Commenting "street corner fence blocks view of pedestrians near a park and school; alley corner fence also blocks view of sidewalk, and driveway gate is OK."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain the 6' high open steel picket fence in the four visibility triangles 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 visibility triangles to be limited to the locations, heights and materials of those items as shown on these documents.





1:1,200

AERIAL MAP

Case no: BDA123-056

Date: 5/29/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-056

Data Relative to Subject Property:

Date: 3/29/13

Location address: 2014 Caddo St. Dallas, TX

Zoning District: MF-2(A)

Lot No.: 1, NW 357 Block No.: 1/607 Acreage: .235 Census Tract: 16.00

Street Frontage (in Feet): 1) 82'6" 2) 124'6" 3) 4) 5) 90'27"

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Anthony Scabia, Kimberley Woodard

Applicant: Anthony Scabia Telephone: 972-679-4015

Mailing Address: 3419 Westminister, #346, Dallas, TX Zip Code: 75205

E-mail Address: ajs3@ix.netcom.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance X or Special Exception of 2 foot fence height yard and visibility triangle obstructions at street intersection and alley

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

The fence was installed prior to my purchasing the property in 2005. The fence provides security for my feed and 3-4 cows at four homes surround the property. There are six foot fences the park across the street limits residential traffic, while the street is not entirely a through street

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.

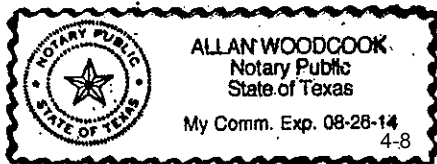
Affidavit

Before me the undersigned on this day personally appeared Anthony Scabia Kimberley Woodard (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 29th day of March 2013



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

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that anthony scalia

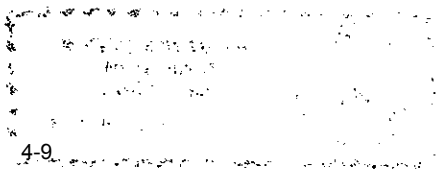
did submit a request for a special exception to the fence height regulations, and for special exceptions to the visibility obstruction regulations

at 2014 Caddo Street

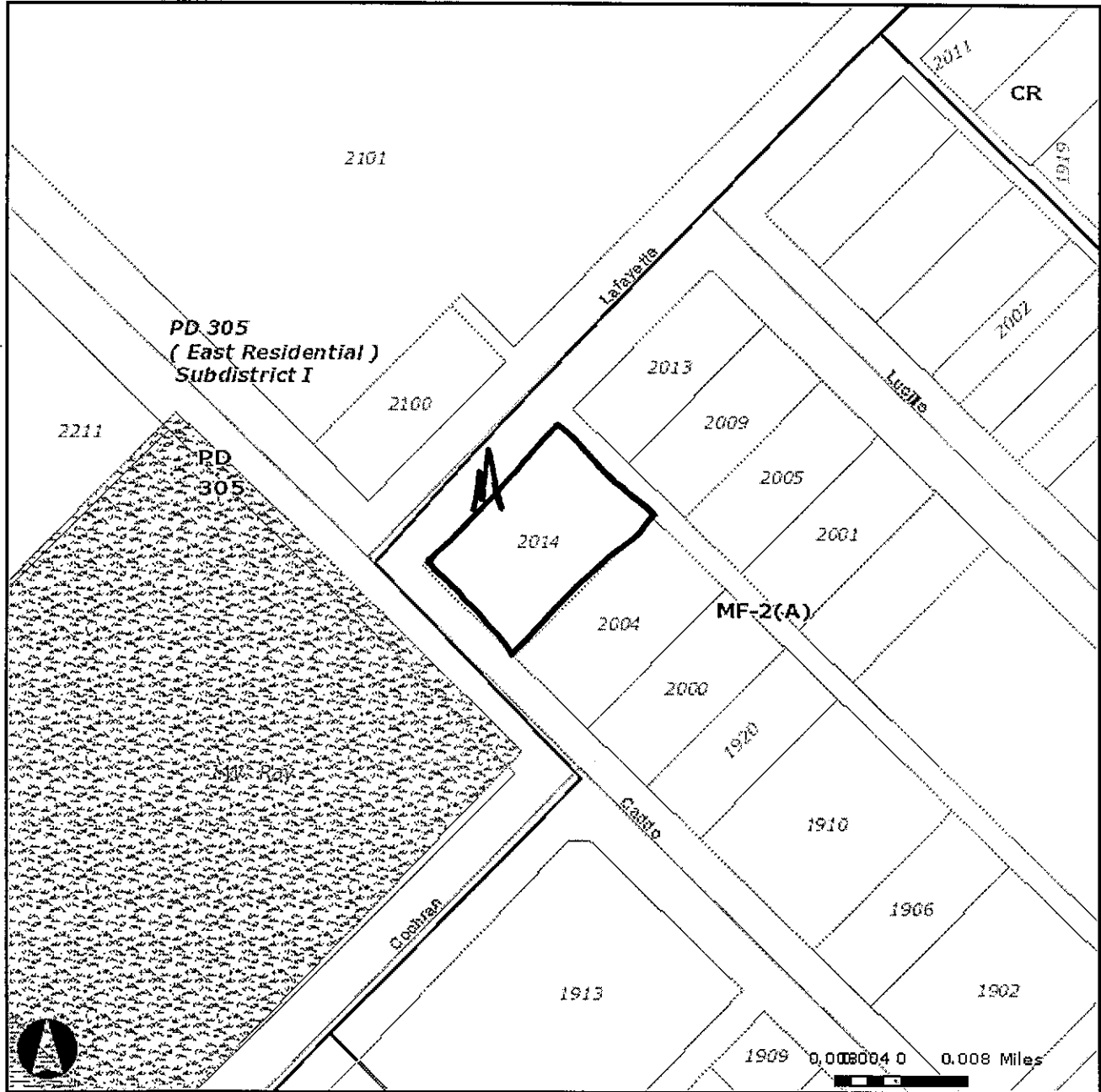
BDA123-056. Application of Anthony Scalia for a special exception to the fence height regulations and special exceptions to the visibility obstruction regulations at 2014 Caddo Street. This property is more fully described as Lot 1 and part of Lot 2, Block 1/607, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at a street intersection and 20 foot visibility triangles at driveway and alley approaches. The applicant proposes to construct an 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation, an to construct and maintain a fence structure in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

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

SUP

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

PDS Subdistricts

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

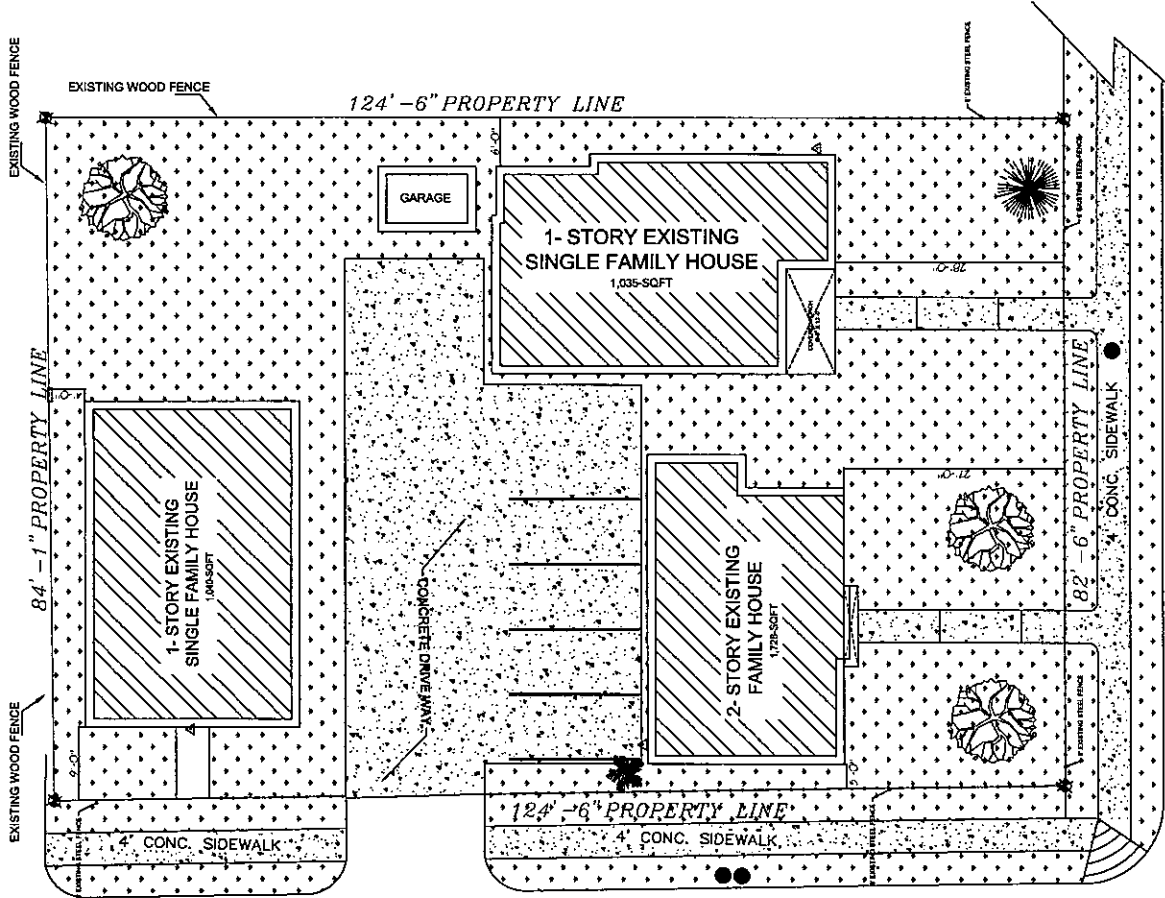
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2014 CADDO ST
DALLAS, TEXAS 75204

150
SPT
DATE

*** UTILITY LINES ARE SHOWN IN APPROXIMATE LOCATION ***
ENTERING THE BUILDING.

ALLEY ROW



CADDO ST.

LAFAYETTE ST.

LEGEND;

- ▲ OVERHANG ELECTRICAL SERVICE
- WATER LINE SERVICES
- SANITARY SEWER SERVICES

Legal Desc (Current 2013)

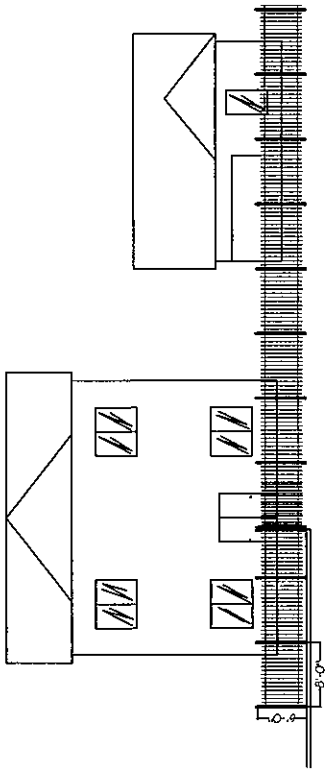
- 1: MAYO'S
- 2: BLK 1/607 LOT 1 & NW 35FT LOT 2
- 3: CADDO ST & LAFAYETTE

2014 CADDO ST
DALLAS, TEXAS 75204

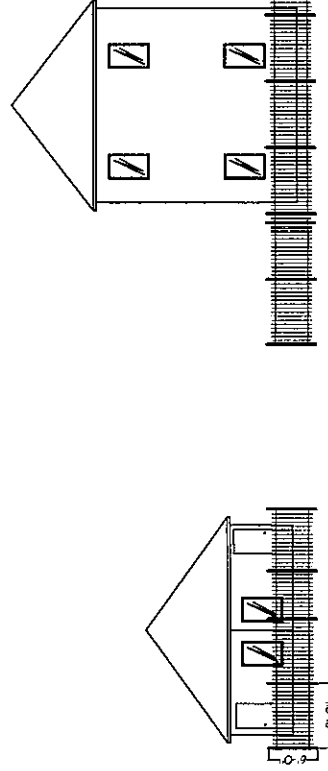
SITE PLAN

SCALE 3/32" = 1'-0"

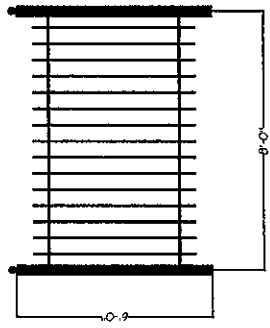
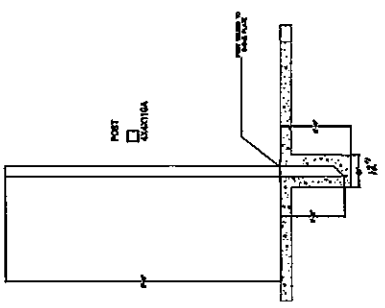
		2014 CADDO ST DALLAS, TEXAS 75204	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION							<table border="1"> <tr> <td>SP1</td> <td>SP1</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	SP1	SP1		
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SP1	SP1																



VIEW FROM CADDO ST.



VIEW FROM LAFAYETTE ST.

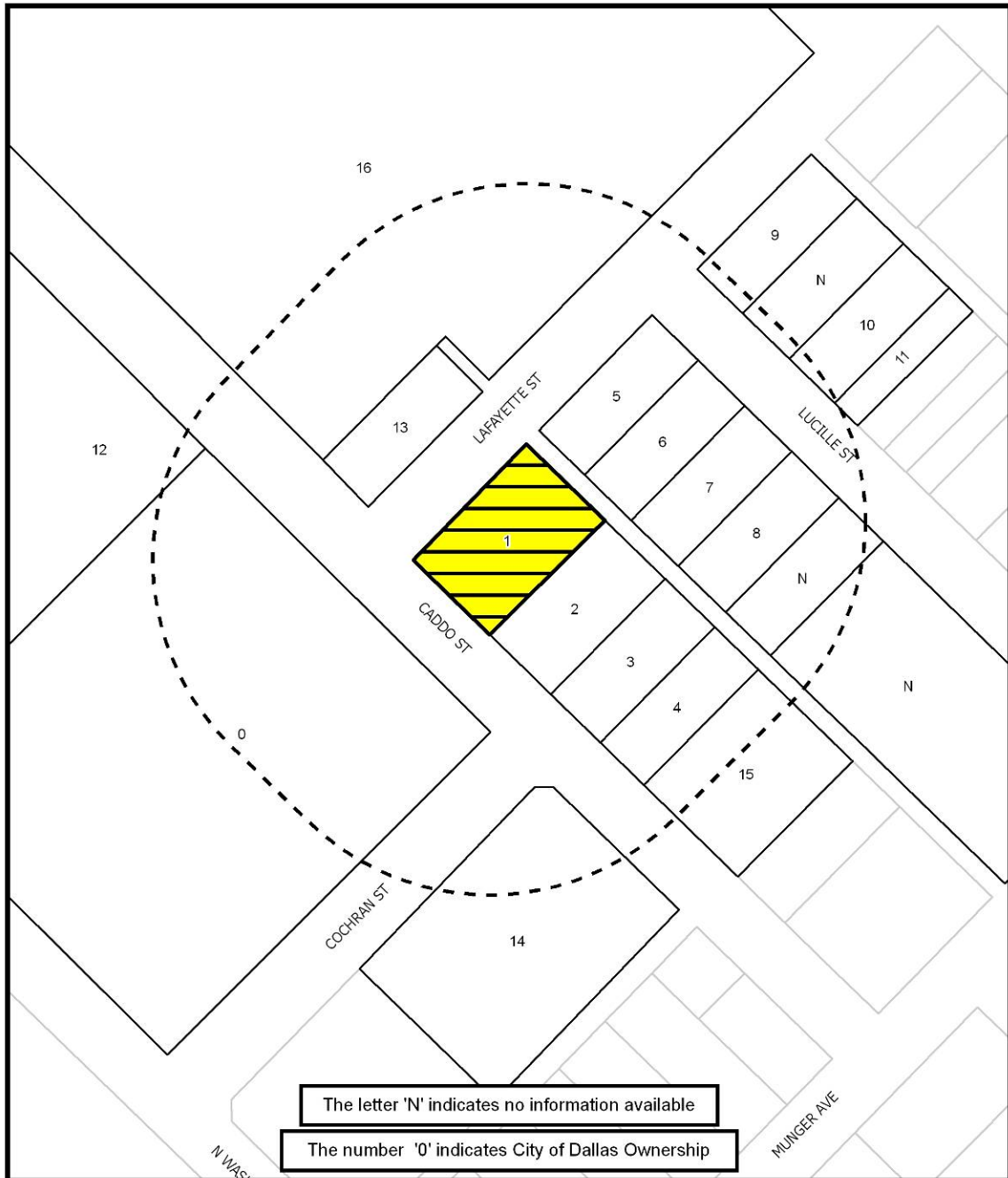


FENCES DETAILS

SCALE: N/T/S

ELEVATION PLAN

SCALE 3/32" = 1'-0"



The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

16

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA123-056**

Date: **5/29/2013**

Notification List of Property Owners

BDA123-056

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2014 CADDO ST	SCALIA ANTHONY & KIMBERLEY WOODARD
2	2004 CADDO ST	MILLER DEBORAH W & MARK D
3	2000 CADDO ST	RANSOM RENEE
4	1920 CADDO ST	HERNANDEZ SALVADOR & TERESA
5	2013 LUCILLE ST	BARNES JOYCE
6	2009 LUCILLE ST	DOMINGUEZ MARIA
7	2005 LUCILLE ST	MABERRY MISTY DAWN & SCOTT ALAN WILCOX
8	2001 LUCILLE ST	WATSON LILLIAN &
9	2014 LUCILLE ST	MORRIS BRENDA LIFE ESTATE REM TAYLOR LOR
10	2004 LUCILLE ST	MARISCAL BLAS & ROSA
11	2002 LUCILLE ST	CLARK TRAVIS
12	2211 CADDO ST	Dallas ISD ATTN OFFICE OF LEGAL SERVICES
13	2100 CADDO ST	ALCALA LUIS
14	1913 CADDO ST	HOUSING AUTHORITY OF THE CITY OF DALLAS
15	1910 CADDO ST	JACKSON ROBERT D
16	2101 HASKELL AVE	CARLETON CITYPLACE RESIDENTIAL 1 LTD

FILE NUMBER: BDA 123-065

BUILDING OFFICIAL'S REPORT: Application of Ignacio Garcia for a special exception to the front yard setback regulation and special exceptions to the visual obstruction regulations at 6932 Tayloe Street. This property is more fully described as Lot 19, Block 19/5818, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires 20 foot visibility triangles at drive approaches. The applicant proposes to construct and/or maintain a carport and provide an 8 foot setback, which will require a special exception to the front yard setback regulations of 17 feet, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations

LOCATION: 6932 Tayloe Street

APPLICANT: Ignacio Garcia

REQUESTS:

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

1. A special exception to the front yard setback regulations of 17' is requested in conjunction with maintaining what is represented on the submitted site plan as an approximately 570 square foot carport attached to a single-family home, part of which is located in the site's 25' front yard setback.
2. Special exceptions to the visual obstruction regulations are requested in conjunction with maintaining two metal posts of the aforementioned carport; and portions of a 4' high open metal picket fence in the two 20' visibility triangles on either side of the driveway into the site from Tayloe Street.

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

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

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

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

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.

- (C) The suitability of the size and location of the carport.
 - (D) The materials to be used in construction of the carport.
- (Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (front yard special exception):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommends that these requests be denied commenting that backing vehicles are not able to see children using the sidewalk.
- The applicant has not substantiated how the location of the items (carport posts and a 4' high open metal picket fence in the 20' visibility triangles on either side of the driveway into the site from Tayloe Street) does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single family residential 7,500 square feet)
- North: R-7.5(A) (Single family residential 7,500 square feet)
- South: CR (SUP 1863)(Community retail, specific use permit)
- East: R-7.5(A) (Single family residential 7,500 square feet)
- West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

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

Zoning/BDA History:

1. BDA 023-037, Property at 6933 Tayloe Street (the lot immediately northwest of the subject site)

On December 10, 2002, the Board of Adjustment Panel A granted a request for a variance of 20' to the front yard setback regulations. The Board imposed the following conditions to this request: The carport must remain open at all times; all applicable building permits must be obtained; compliance with the submitted and amended site plan and elevation is required; storage of items other than motor vehicles is prohibited; and the applicant must submit to the Board Administrator within 180 days from this hearing, documentation from a doctor verifying that a "handicapped person" resides at this address, and that this "handicapped person" meets terminology of "handicap" as that term is defined in the Federal Fair Housing Amendment Act of 1988. The case report stated how the request was made in conjunction with maintaining an approximately 520 square foot (20' x 26'), two-vehicle, flat-roofed steel/metal carport on a site developed with a single family home where approximately 400 square feet of the existing carport is located in the front yard setback. The case report noted that the Dallas Development Code provides two methods in which the Board of Adjustment can consider allowing carports located in the front yard setback. One method is requesting a *variance* to the setback regulations; the other method is a *special exception* to the setback regulations. Each method has a separate standard or basis in which the board shall consider. In this particular case, the applicant had requested a *variance* to the setback regulations.

Timeline:

- April 30, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 15, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.”
- June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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 Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- June 11, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant’s requests for special exceptions to the visual obstruction regulations marked “Recommends that this be denied” commenting “backing vehicles are not able to see children using the sidewalk.”

GENERAL FACTS/STAFF ANALYSIS (front yard special exception):

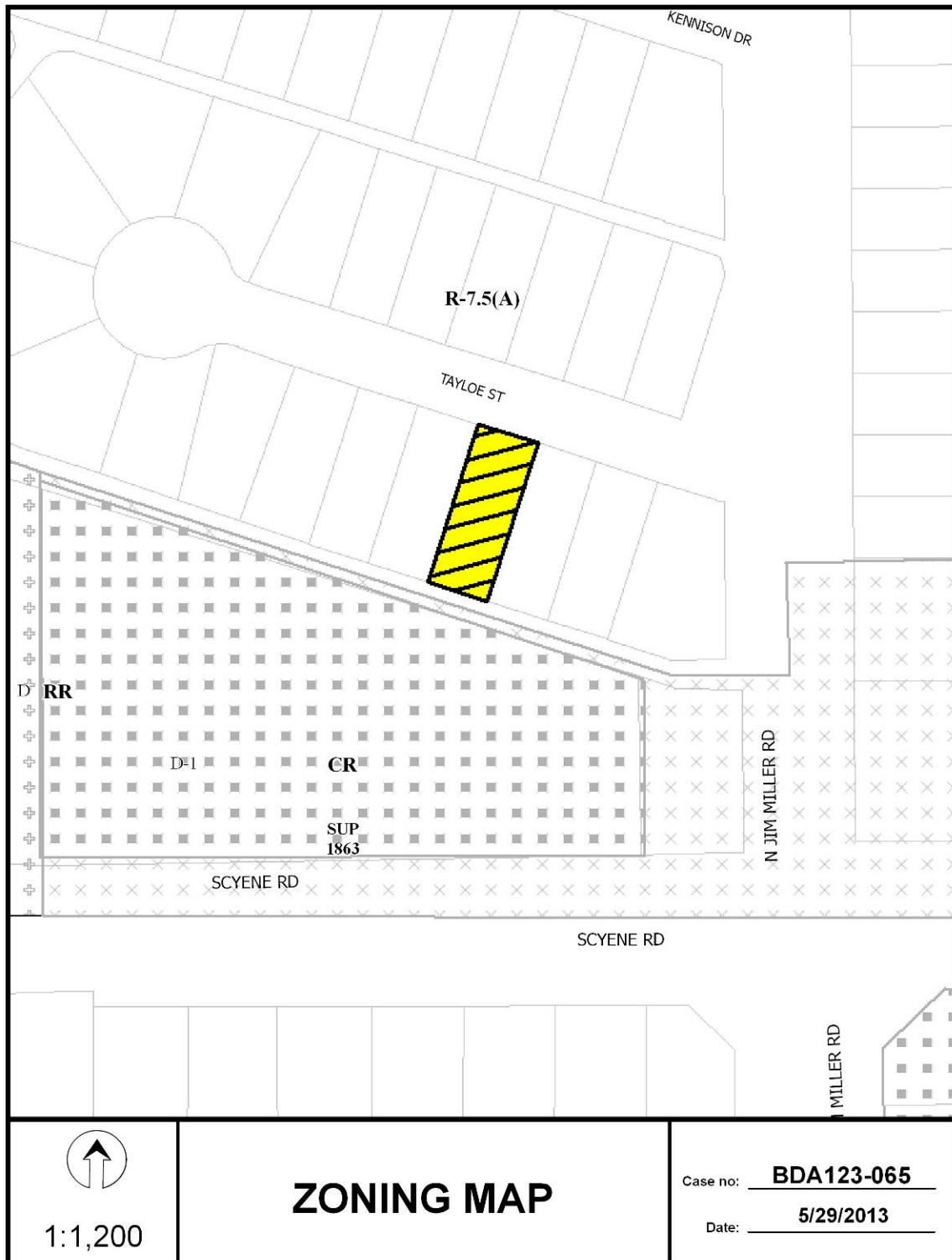
- This request focuses maintaining what is represented on the submitted site plan as an approximately 570 square foot carport attached to a single-family home, part of which is located in the site’s 25’ front yard setback.
- A 25’ front yard setback is required in the R-7.5(A) zoning district. The applicant submitted a site plan and elevation indicating that the location of the existing carport is 8’ from the site’s front property line or 17’ into the 25’ front yard setback.
- The Dallas Development Code provides for the Board of Adjustment to consider special exceptions for *carports* in the front yard setback with a specific standard for

this type of appeal. (Note that the Dallas Development Code does not provide a definition of “carport” however Building Inspection interprets a “carport” to be a structure that would cover a vehicle and be open on at least one side).

- The Dallas Development Code provides for the Board of Adjustment to consider *variances for structures* in the front yard setback with a different basis for appeal than that of *special exceptions for carports* in the front yard setback.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be approximately 24’ in length and approximately 24’ in width (approximately 570 square feet in total area) of which approximately 400 square feet (or approximately 3/4) is located in the front yard setback.
 - There is a 5’ wide area between the existing house and the two side property lines of the subject site property – neither distance wide enough to allow a driveway.
- The following information was gleaned from the submitted elevation:
 - Corrugated metal roof
 - 4’ x 4’ metal posts
- The submitted plat map shows an alley on the south side of the subject site.
- The subject site is approximately 137’ x 55’ (or 7,500 square feet) in area.
- According to DCAD, the property at 6932 Tayloe has the following “main improvement” of a structure with 1, 052 square feet built in 1949, and “additional improvements” of a 660 square foot detached garage.
- The applicant has the burden of proof in establishing the following:
 - there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
 - the carport will not have a detrimental impact on surrounding properties.
- As of June 10, 2013, 6 letters had been submitted in support of the request and no letters had been submitted in opposition.
- Typically, staff has suggested that if the Board concludes at their hearing that the applicant has established the necessary facts to warrant favorable action, that they impose certain conditions with this type of appeal. The following conditions would restrict the location and size of the carport in the front yard setback; would require the carport in the front yard setback to be maintained (in this case) in a specific design with specific materials and in a specific configuration; and would require the applicant to mitigate any water drainage-related issues that the carport may cause on the lot immediately west:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

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

- These requests focus on maintaining two metal posts of an existing carport and portions of a 4' high open metal picket fence in the two 20' visibility triangles on either side of the driveway into the site from Tayloe Street.
- The applicant has emailed photos to the Board Administrator which show that existing shrubs noted in his field trip of the subject site in one of the two drive approach visibility triangles have been removed and are not part of his requests for visual obstruction special exceptions to the Board.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and an elevation has been submitted indicating posts of an existing carport and portions of a 4' high open metal picket fence located in the two visibility triangles on either side of the driveway into the site from Tayloe Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's requests for special exceptions to the visual obstruction regulations marked "Recommends that this be denied" commenting "backing vehicles are not able to see children using the sidewalk."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to two metal posts of an existing carport and portions of a 4' high open metal picket fence in the two 20' visibility triangles on either side of the driveway into the site from Tayloe 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-foot visibility triangles on either side of the driveway into the site from Tayloe Street to be limited to the locations, heights and materials of those items as shown on these documents.

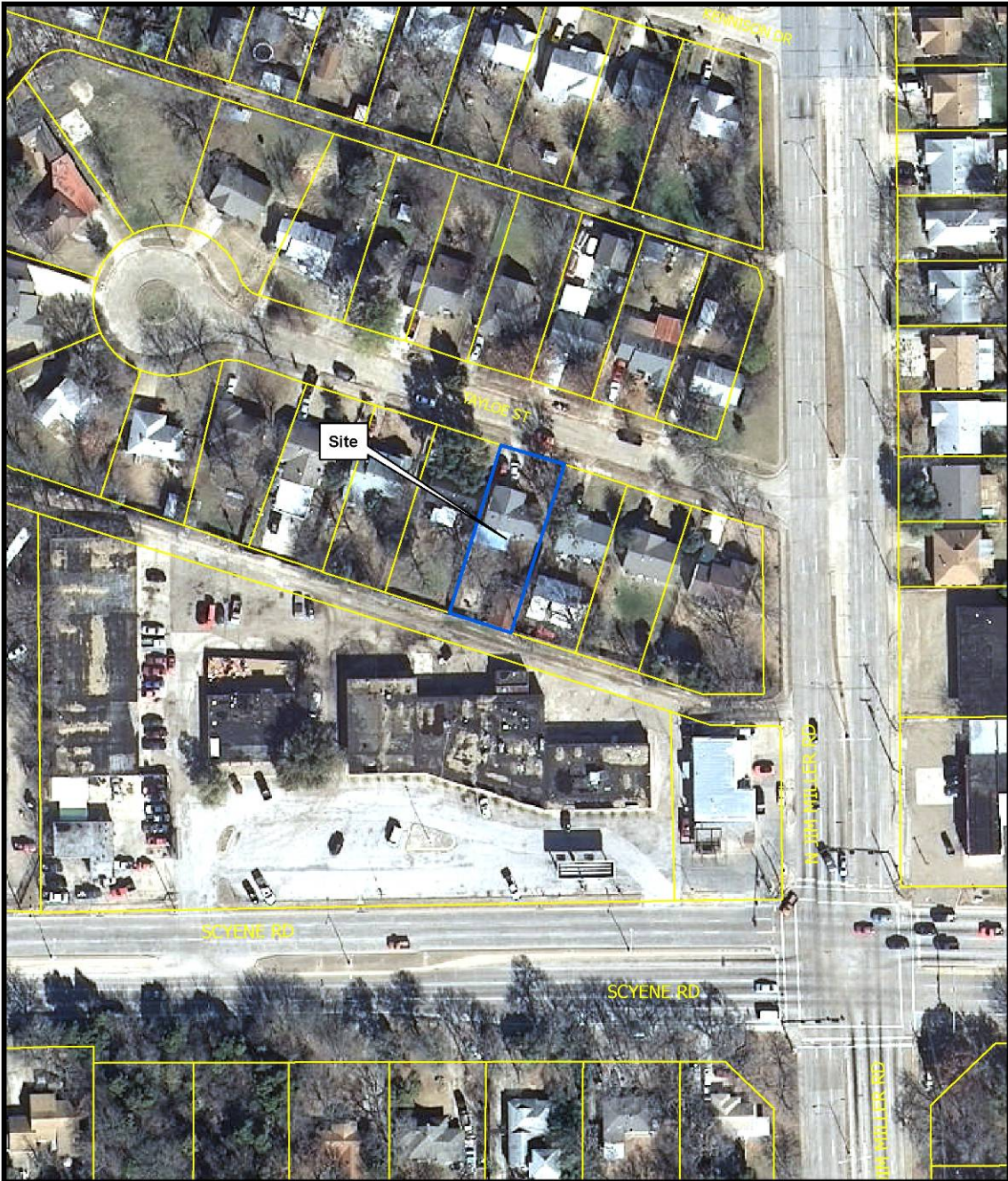


1:1,200

ZONING MAP

Case no: BDA123-065

Date: 5/29/2013



1:1,200

AERIAL MAP

Case no: BDA123-065

Date: 5/29/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-065

Data Relative to Subject Property:

Date: 4-30-13

Location address: 6932 TAYLOR ST. Zoning District: R-7.5(A)

Lot No.: 19 Block No.: 19/5818 Acreage: _____ Census Tract: 84.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): IGNACIO P. GARCIA

Applicant: IGNACIO P. GARCIA Telephone: 469 556-7213

Mailing Address: 6932 TAYLOR ST. Zip Code: 75227

E-mail Address: celeste1955@att.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception X of 17' set back
in front yard for new carport and visibility
for angle obstructions at driveway

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:

carport build- with no permit. we have paid alot
money and donot want to get rid of it

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

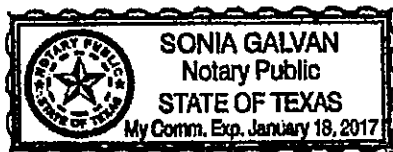
Before me the undersigned on this day personally appeared Ignacio Garcia
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 30 day of April, 2013

(Rev. 08-01-11)



Sonia Galvan
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 IGNACIO GARCIA

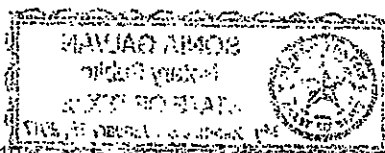
did submit a request for a special exception to the front yard setback regulation, and for special exceptions to the visibility obstruction regulations

at 6932 Tayloe Street

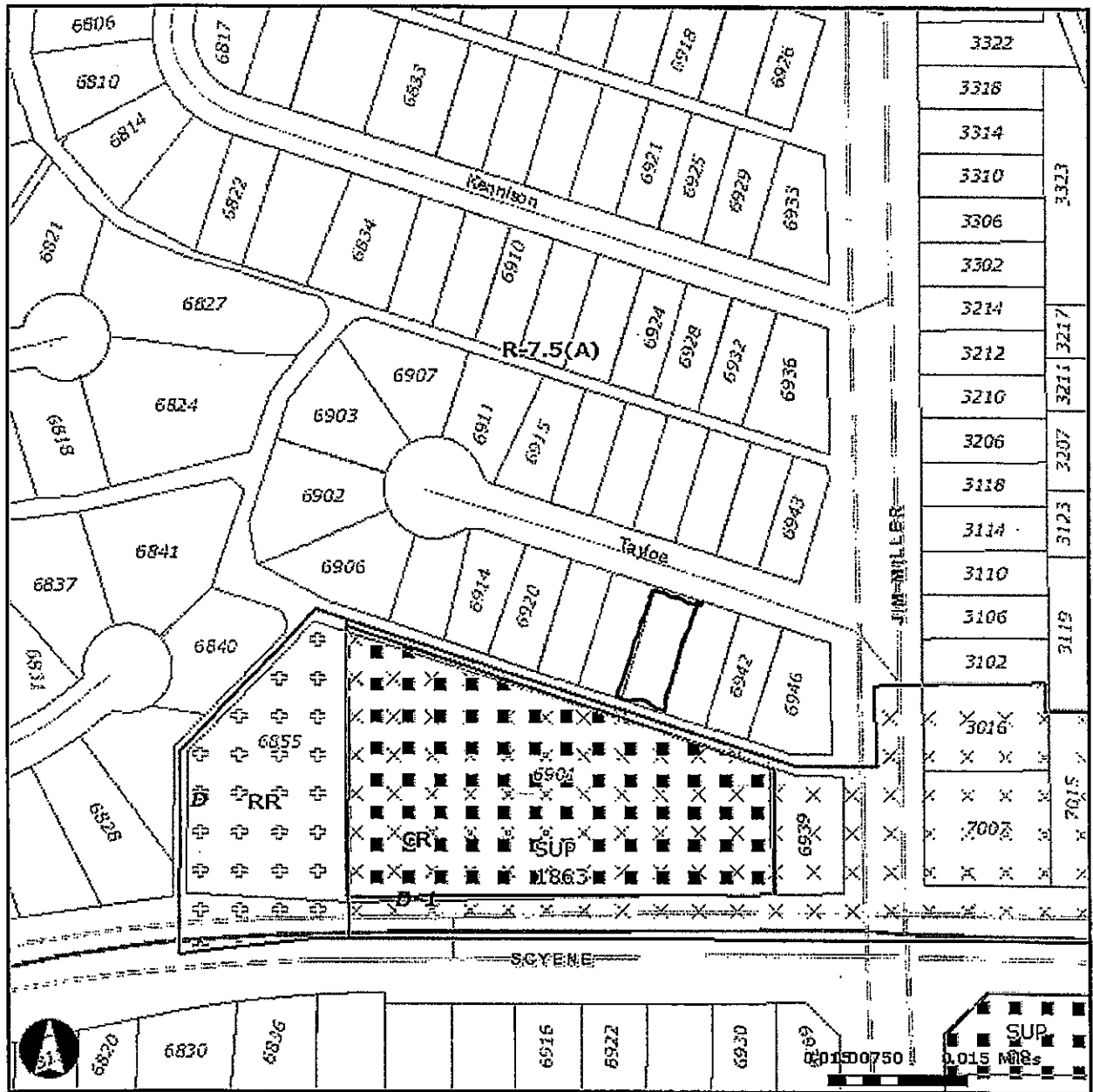
BDA123-065. Application of Ignacio Garcia for a special exception to the front yard setback regulation and special exceptions to the visibility obstruction regulations at 6932 Tayloe Street. This property is more fully described as Lot 19, Block 19/5818, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires 20 foot visibility triangles at driveway approaches. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a front yard and provide an 8 foot setback which will require a 17 foot special exception to the front yard setback regulation, and to construct and maintain a single family residential fence and carport structure in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning

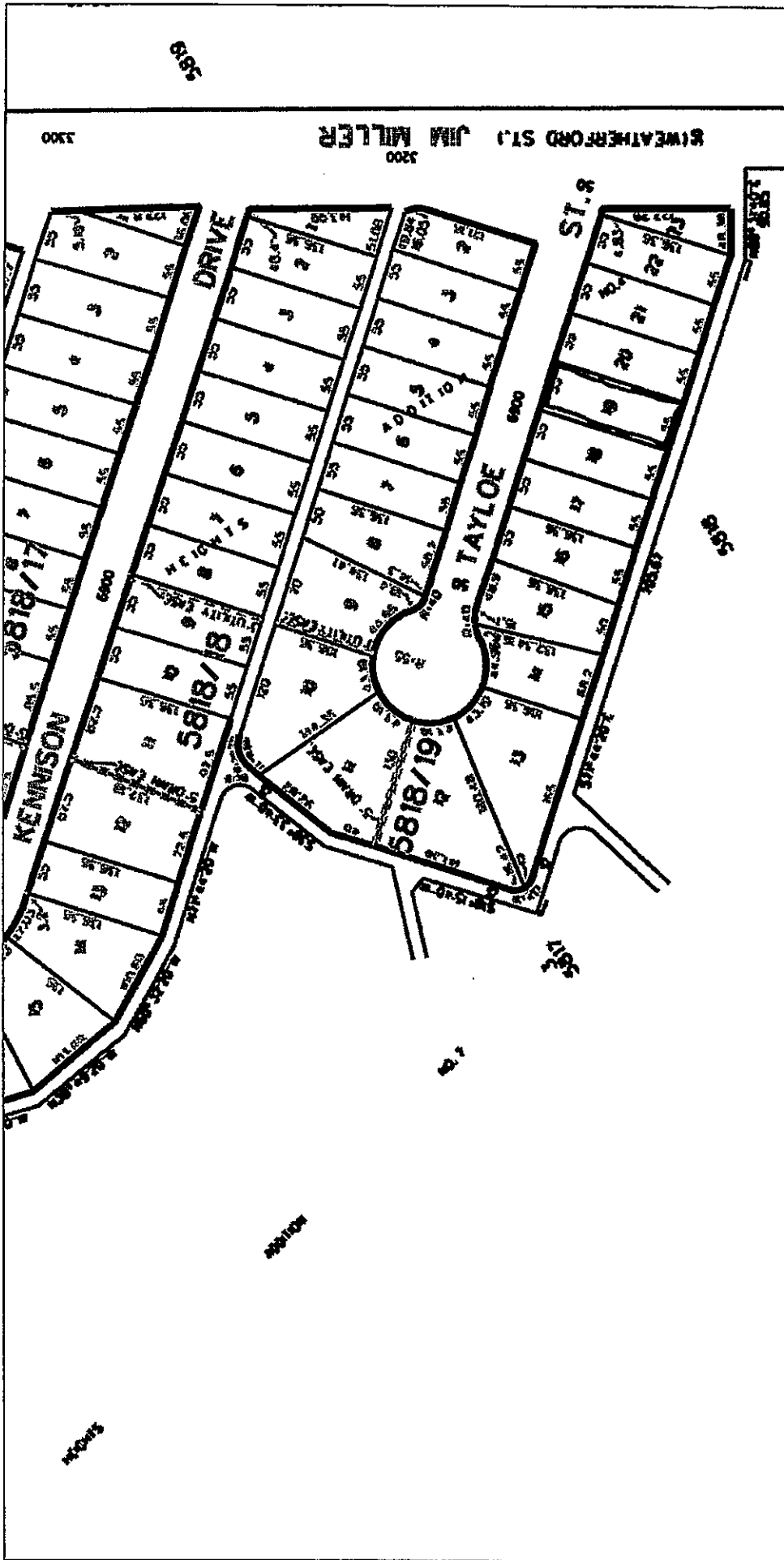


- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

I.G.P.

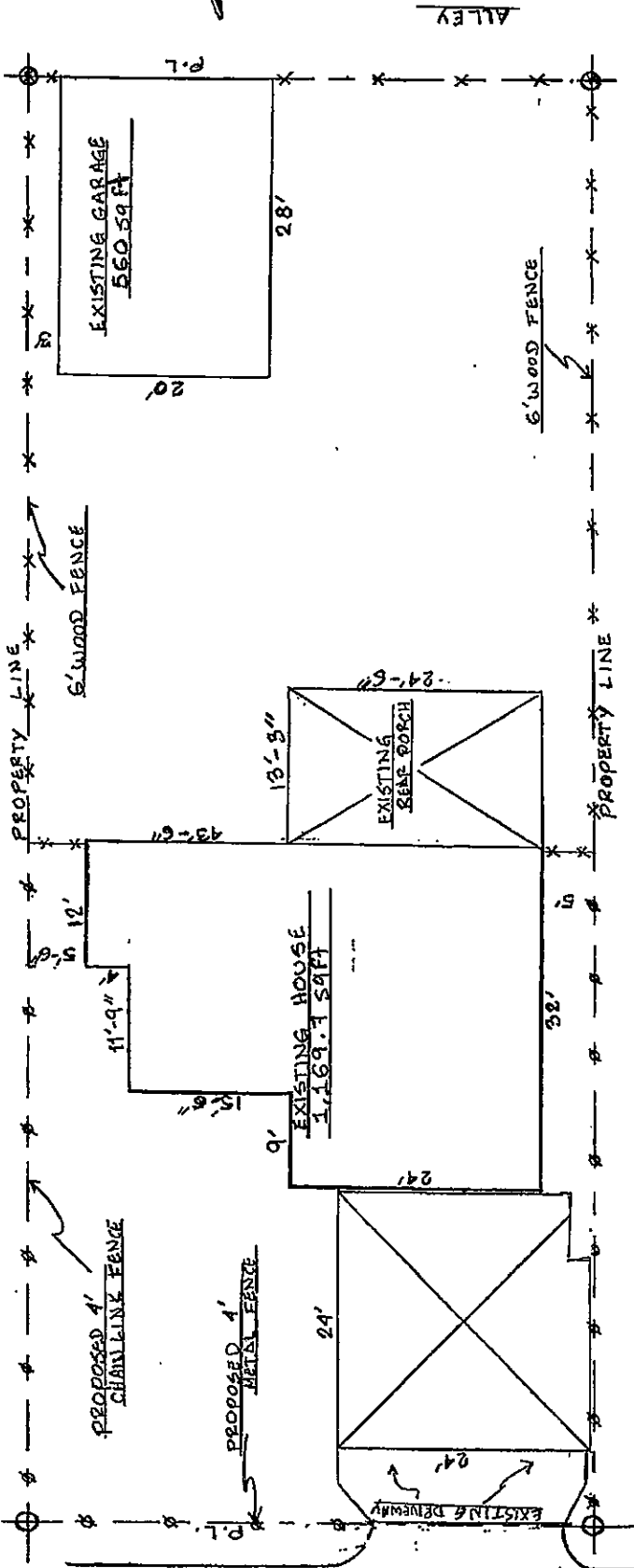
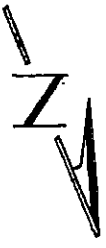
- Dry Overlay
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

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



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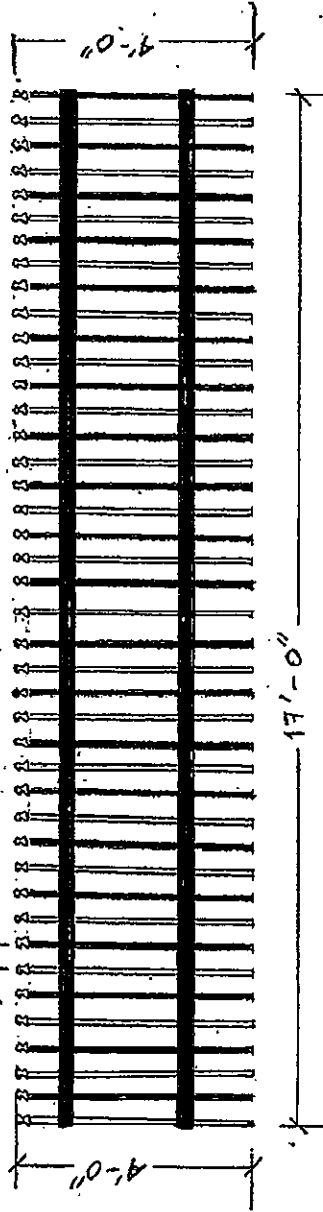
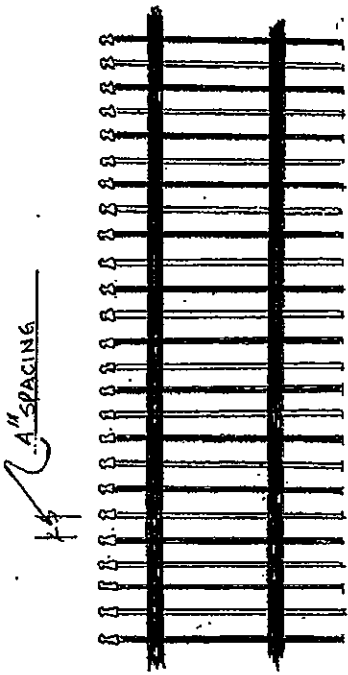
I. G. P.



SCALE 3/32" = 1'-0"

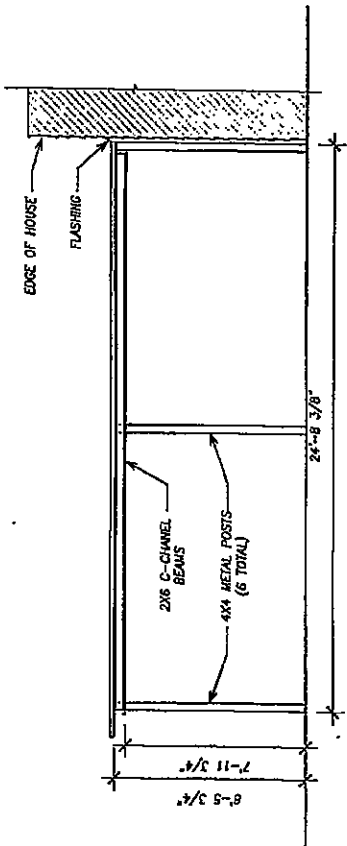
SITE PLAN

FENCE ELEVATION N.T.S.

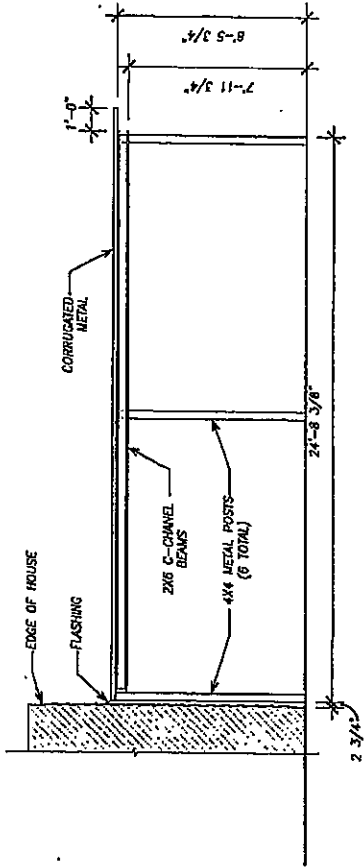


GATE FRONT ELEVATION

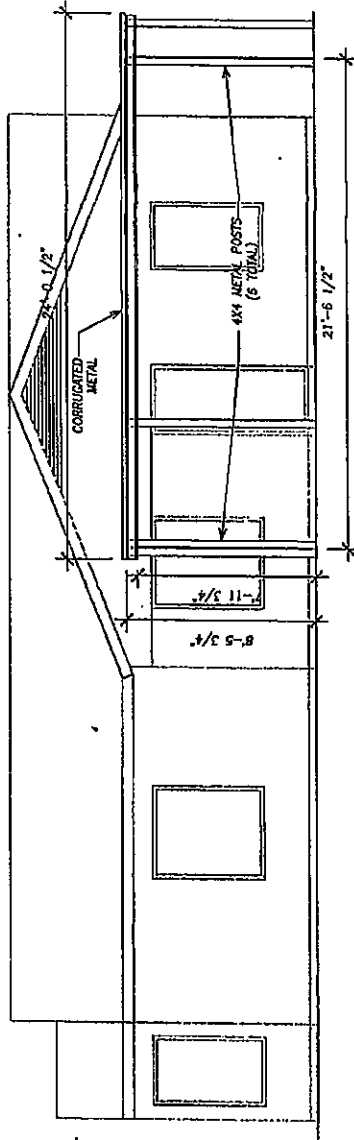
N.T.S.



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

SCALE 3/16" = 1'-0"

Omar and Carmen Rodriguez

6928 Tayloe st.

Dallas TX. 75227

I think they should keep their
carport because it doesn't bother
us and because we don't want
to see his hard working money
go to waste

Thank You.

Rodriguez Family

Edward & Merna Wallace

6906 Taylor St.

Dallas TX 75227

We need you all help for
a safer neighbor and
better sidewalks for the
handicap.

Please Help Us.

214-916-0284

Fatima Facundo

6920 Taylor St Dallas TX 75227

el techo esta muy bien

a mi no me molesta nada

me gustaria que no se los quitaran

no estorba en nada

Indirizzo a Bernal

Ueli Bernal

Nag Nag Prolema que este

el Postal 6929 Taylor St

75227

Lucinda Moya

6943 Tayloe St.

Dallas, Tx 75227

They paid for it, they should
keep it, I don't bother me!

~~Lucinda Moya~~

May 27, 2013

We are Grace and Pedro Alvarez. We live at 6925 Tayloe. We would like to say that the carport does not bother us in any way. We have no problem in their keeping the carport that they had built.

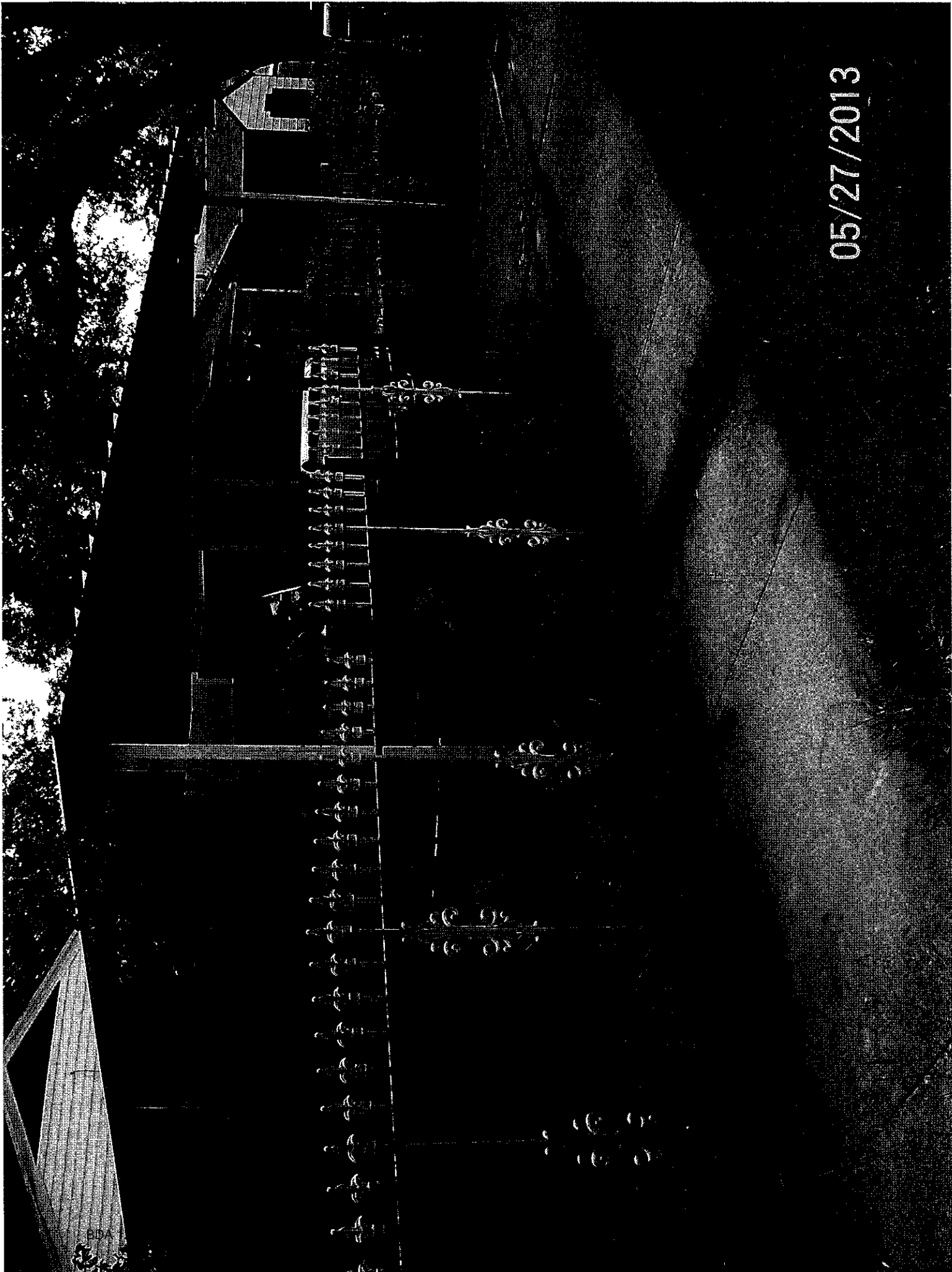
Sincerely,
Grace and Pedro Alvarez

Grace Alvarez
Pedro Alvarez

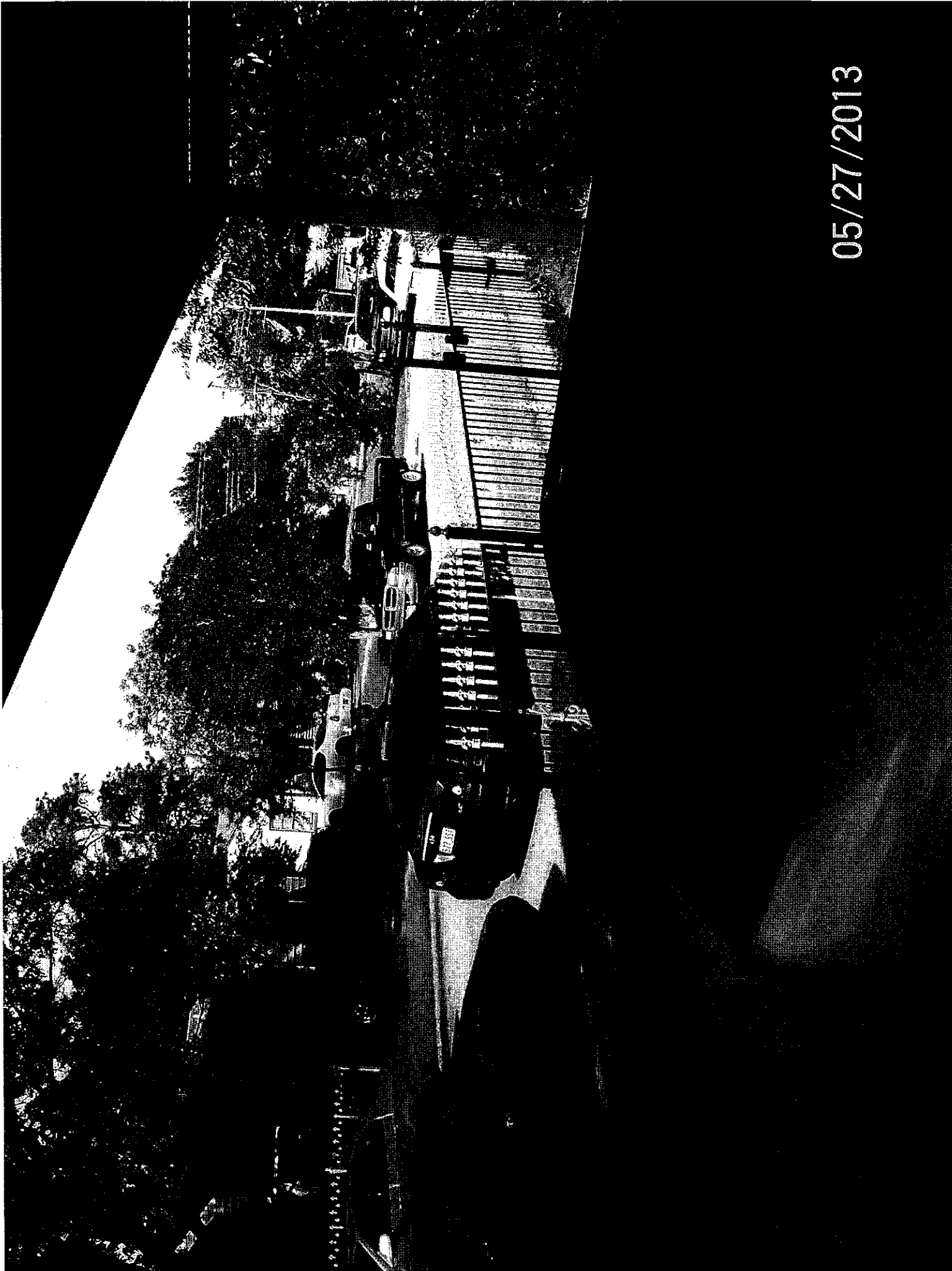
Mania Hernandez
6910 Taylor St
Dallas TX 75227

I'm be agree about
car port.

M Hernandez



05/27/2013



05/27/2013



 1:1,200	NOTIFICATION		Case no: BDA123-065
	<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: 5/29/2013	

Notification List of Property Owners

BDA123-065

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6932 TAYLOE ST	GARCIA IGNACIO P &
2	6939 SCYENE RD	TREVINO EMILIA
3	6901 SCYENE RD	REEVES GEORGE M III LTD
4	6943 TAYLOE ST	GONZALEZ RITA EDITH
5	6939 TAYLOE ST	MEZA MARIA LUISA
6	6933 TAYLOE ST	MERAZ ALBERTICO & ANA DELIA ROMERO
7	6929 TAYLOE ST	BROOKS BAINIFF
8	6925 TAYLOE ST	ALVAREZ GRACE E & PEDRO
9	6921 TAYLOE ST	SANDERS GLORIA
10	6915 TAYLOE ST	AGUILAR PAULINO
11	6914 TAYLOE ST	HATCHER KEVIN EST OF
12	6920 TAYLOE ST	ZAMORA JOSE A V & FATIMA D FACUNDO
13	6924 TAYLOE ST	BERNAL FIDENCIO A
14	6928 TAYLOE ST	MERAZ ALBERTICO
15	6936 TAYLOE ST	SALAZAR GILDA
16	6942 TAYLOE ST	DALLAS HOUSING AUTHORITY
17	6946 TAYLOE ST	PEREZ LUZ & FILBERTO