

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JUNE 25, 2014
AGENDA

BRIEFING	L1EN CONFERENCE ROOM E 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	L1EN CONFERENCE ROOM E 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the May 21, 2014 Board of Adjustment Panel B Public Hearing Minutes	M1
BDA 134-064	1441 Robert D. Cullum Boulevard REQUEST: Of Dick Calvert to reimburse the filing fee submitted in conjunction with a special exception to the off-street parking regulations	M2

UNCONTESTED CASES

BDA 134-055D	5435 McCommas Boulevard REQUEST: Application of Robert Kerr for a variance to the maximum lot width regulations	1
BDA 134-061	5330 Park Lane REQUEST: Application of Robert Baldwin for a special exception to the fence height regulations	2
BDA 134-062	1808 W. Camp Wisdom Road REQUEST: Application of Gregory P. Smith for special exceptions to the fence height, landscape, and visual obstruction regulations, and a variance to the off-street parking regulations	3
BDA 134-064	1441 Robert D. Cullum Boulevard REQUEST: Application of Dick Calvert for a special exception to the off-street parking regulations	4

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B May 21, 2014 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 134-064

REQUEST: To reimburse the filing fee submitted in conjunction with a request for a special exception to the off-street parking regulations

LOCATION: 1441 Robert B. Cullum Boulevard

APPLICANT: Dick Calvert

STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:

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

The Dallas Development Code further states:

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

Timeline:

May 6, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents part of which included a request for a reimbursement of the filing fee (see Attachment A).

May 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

May 20, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th 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 for the parking special exception request;

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence; and
- the provision from the Dallas Development Code allowing the board to reimburse the filing fee (51A- 1.105 (b)(6)) encouraging the applicant to submit any documentation that shows how payment of the filing fee results in substantial financial hardship to the applicant, - i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - all with account numbers redacted.

m2 Attach A
pg 1

COMMERCIAL MORTGAGE BANKING
COMMERCIAL REAL ESTATE SALES
AND DUE DILIGENCE CONTRACTING

MMR

REALTY ADVISORS

May 6, 2014

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

RE: Refund for Parking Special Exception Fees for "Two Podners Retail Eateries, LLC"
(BDA 134-064)

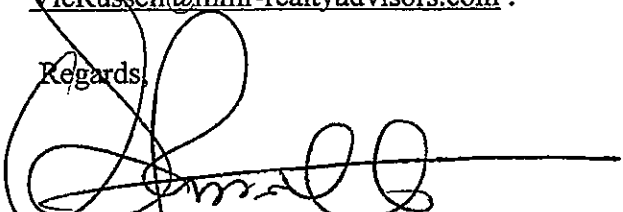
Dear Mr. Long,

We are in need of a Special Exception with the Board of Adjustment for a reduction of 22 Parking Spaces for the redevelopment and construction of the current Two Podners Restaurant and Eatery located 1401 Robert B. Cullum, Dallas, TX 75210.

The cost associated with the Special Exception is \$3,120.00 for processing and filing. The economic impact for this development in South Dallas will be tremendous. However the assistance that we are already receiving from grants through the EDC and a Social Economic Development loan through South Dallas Trust Fund to sustain the cost benefit analysis of redevelopment property, we hope your Department can waive this cost unexpected cost.

The Mayor and Councilmember Carolyn Davis and Jill Jordan, all invested a considerable amount of time and money to make this an exceptional project. Any additional help that your office can provide would greatly appreciated. We are under tremendous pressure to get this completed before City Council leaves on the July 2014 break. Please expedite our request and if there is any additional questions don't hesitate to call Dick Calvert (Architect) at (972) 466-0493 "Dick \"Architect\" Calvert" CALVCO@aol.com or myself at (214) 924-6026 Victor F Russell VicRussell@mmr-realtyadvisors.com .

Regards,



Victor F. Russell
Managing Principal

3701 Maywood Court, Carrollton, Texas 75007
(972) 394-3324-Direct / (972) 492-6753-Fax
Corporate Email: vicrussell@mmr-realtyadvisors.com

M2
Attach A
Pg 2

**** DUPLICATE ****



Building Inspection
320 E. Jefferson, Rm #118
214-946-4480

Date: 5/7/2014 8:30 AM Office: BIOC
Batch: 2609 Trans: 2
Cashier: latoya.birch Mach: DEVO150-FJSV

Receipt Number : 00130523
File Number : BDA134-064
Payment Type : 0700 CASE

0561 BOARD OF ADJUSTMENT	\$20.00
0561 BOARD OF ADJUSTMENT	\$3,100.00
Payment Total:	\$3,120.00

Transaction Total:	\$3,120.00
CHECK Tendered :	\$2,900.00
CHECK Tendered :	\$220.00

Thank you for your payment.
Have a nice day!

**** DUPLICATE ****

M2
Attach A
Pg 3

May 13, 2014

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

RE: Waiver for Parking Variance Fees for "Two Podners Retail Eateries, LLC"

Dear Mr. Long,

We are in need of filing a variance with the Board of Adjustment for a reduction of 22 Parking Spaces for the redevelopment and construction of the current Two Podners Restaurant and Eatery located 1401 Robert B. Cullum, Dallas, TX 75210.

The cost associated with the variance we have calculated at \$3,120.00 (\$900+\$100 per parking space reduction requested+ 2 signs). The economic impact for this development in South Dallas will be tremendous. However the assistance that we are already receiving from grants through the EDC and a Social Economic Development loan through South Dallas Trust Fund to sustain the cost benefit analysis of redevelopment property, we hope your Department can waive this cost unexpected cost.

The Mayor and Councilmember Carolyn Davis and Jill Jordan, all invested a considerable amount of time and money to make this an exceptional project. Any additional help that your office can provide would greatly appreciated. We are under tremendous pressure to get this completed before City Council leaves on the July 2014 break. Please expedite our request and if there is any additional questions don't hesitate to call me , the architect at (972) 466-0493 CALVCO@aol.com or Victor Russell (the developer) at (214) 924-6026 VicRussell@mmr-realtyadvisors.com .

Sincerely,



Richard A. Calvert, AIA

MZ
Attach A
pg 4

***** DUPLICATE *****



CITY OF DALLAS

Building Inspection
320 E. Jefferson, Rm #118
214-948-4480

Date: 5/7/2014 8:30 AM Office: BIOC
Batch: 2609 Trans: 2
Cashier: latoya.birch Mach: DEV0150-FJSV

Receipt Number : 00130523
File Number : BDA134-064
Payment Type : 0700 CASE

0561 BOARD OF ADJUSTMENT \$20.00
0561 BOARD OF ADJUSTMENT \$3,100.00

Payment Total: \$3,120.00

Transaction Total: \$3,120.00
CHECK Tendered : \$2,900.00
CHECK Tendered : \$220.00

Thank you for your payment.
Have a nice day!

***** DUPLICATE *****

FILE NUMBER: BDA 134-055

BUILDING OFFICIAL'S REPORT: Application of Robert Kerr for a variance to the maximum lot width at 5435 McCommas Blvd. This property is more fully described as a portion of Lot 5 and an abandoned portion of Dirk Street, Block C/2915, and is zoned CD 9, which limits the maximum lot width to 60 feet. The applicant proposes to plat a single family residential lot with a lot width of 67.51 feet, which will require a 7.51 foot variance to the maximum lot width regulations.

LOCATION: 5435 McCommas Boulevard

APPLICANT: Robert Kerr

REQUEST:

A variance to the maximum lot width regulations of 7.51 feet is requested to remedy/address a single family residential lot that has existed since the 1930's with a lot width that exceeds the 60' maximum lot width permitted in CD 9 - a zoning district established in 2002 on a site that is developed with a single family home.

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:

Approval

Rationale:

- Staff recommends approval of the request since the applicant has addressed how the variance is necessary to permit development of this parcel of land that differs from other parcels of land by its restrictive shape, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same CD 9 zoning.
- The subject site is irregular in shape, and the applicant has provided documentation to show how this feature precludes him from developing it in a manner commensurate with the development of other parcels of land in the same CD 9 zoning. CD 9 restricts lot width to a minimum of 50’ and a maximum of 60’. As the applicant’s lot width is 67.51’, as measured at the front property line by a surveyor, he will not be able to plat the lot to CD 9 lot width regulations.
- Granting this variance would not appear to be contrary to public interest, as it does not negatively impact the intent of CD 9, nor would it offer relief for a self-created hardship.

BACKGROUND INFORMATION:

Zoning:

Site: CD 9—the M Streets Conservation District
North: CD 9—the M Streets Conservation District
South: CD 9—the M Streets Conservation District
East: CD 9—the M Streets Conservation District
West: CD 9—the M Streets Conservation District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on remedying/addressing the existing lot width, a lot which existed prior to the adoption of the M Streets Conservation District (CD 9) in 2002.

- According to DCAD records, the “main improvement” at 5435 McCommas Boulevard is a structure built in 1937 with 1,366 square feet of living area and total area.
- In 2001, when the neighborhood applied to create a conservation district, they wanted to “protect the look and feel of the neighborhood,” which has a high concentration of Tudor style homes, and lot widths were one of several design standards restricted to prevent adversely changing the overall look of the neighborhood.
- Lot widths in CD 9 must be a minimum of 50’, but cannot exceed 60’.
- A site plan has been submitted denoting the lot width, measured at the front property line, as exceeding the maximum lot width allowed in CD 9 by 7.51 feet.
- According to the Building Inspection Senior Plans Examiner/Development Code Specialist, the applicant will be restricted in obtaining building permits, i.e. a fence permit, because his property, as it currently exists, is more than just the current Lot 5. Furthermore, the lot width of his property is over the 60’ maximum as established by CD 9. In addition, the city will not allow him to plat the lot with a width of 60’ because that leaves behind an unusable tract with a width of 7.51’.
- The subject site is also irregular in shape and restricted in area.
- The applicant states that he intends to plat the lot into what the metes and bounds specify.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the lot width 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 CD 9 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 CD 9 zoning classification.
- If the Board were to grant the variance request, the maximum amount the lot width would be allowed to exceed would be 7.51 feet.

Timeline:

- April 24, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

May 28, 2014:

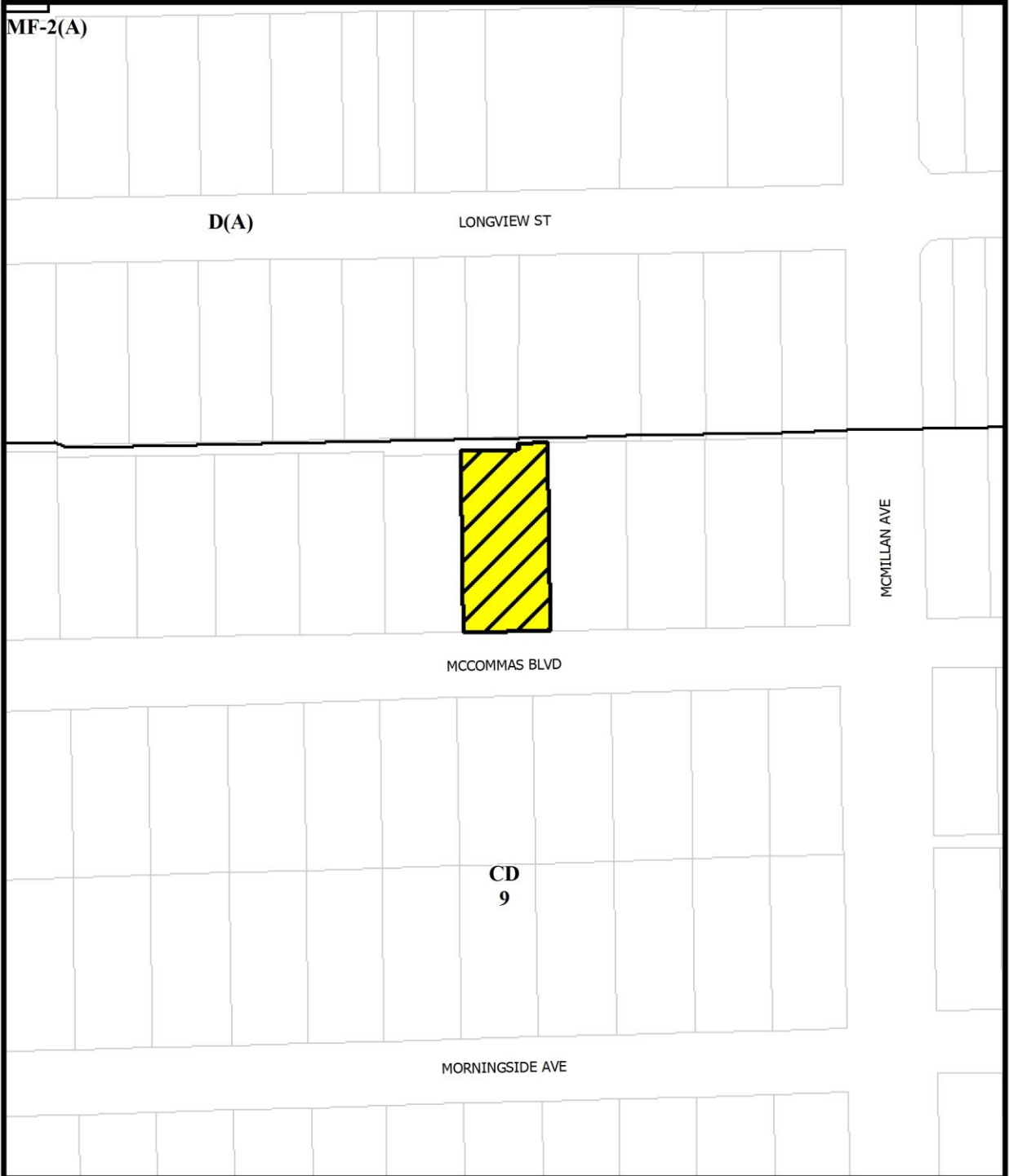
The Board of Adjustment Sustainable Development and Construction Department Current Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the June 2nd deadline to submit additional evidence for staff to factor into their analysis; and the June 13th 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 10, 2014:

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

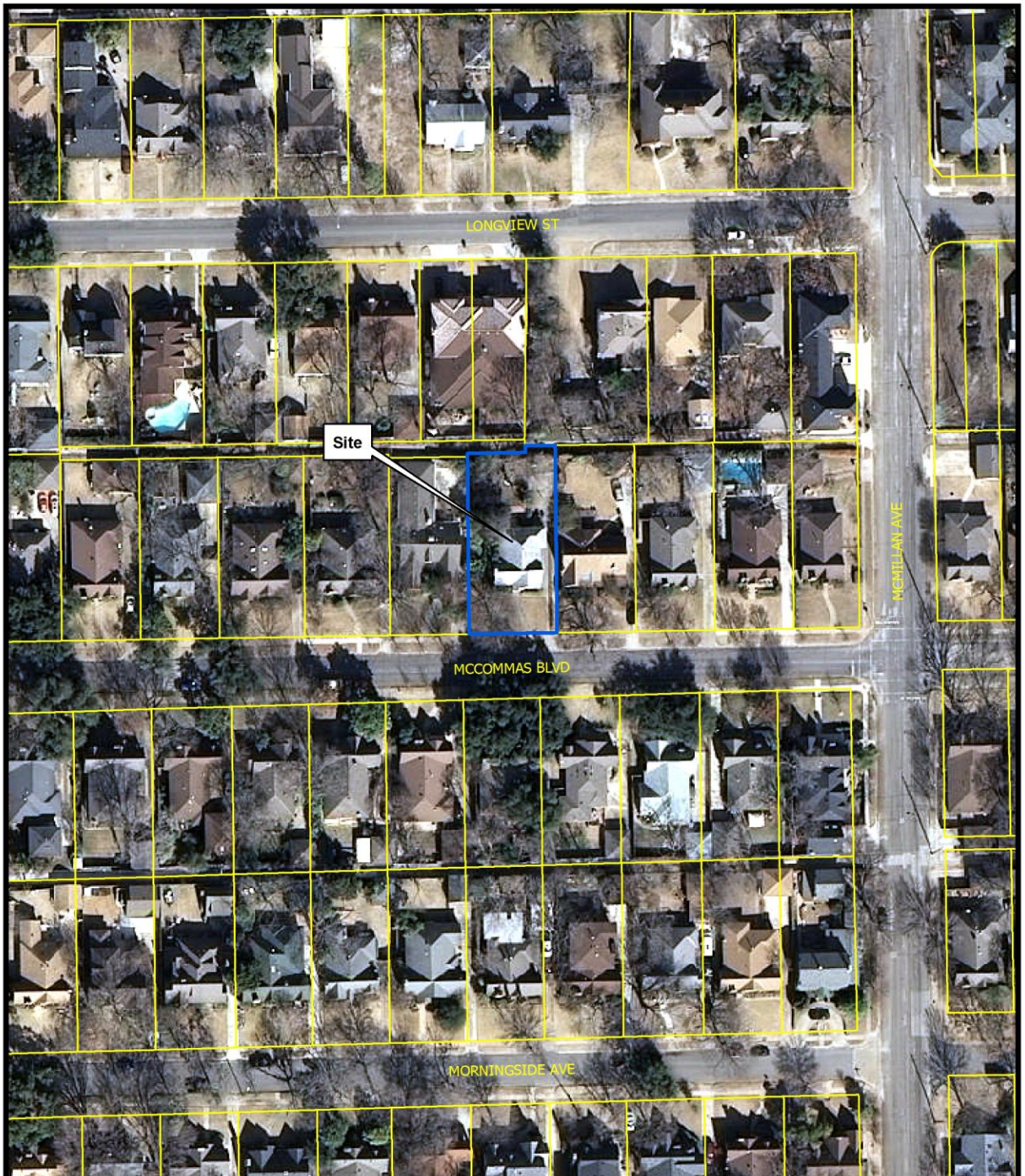
One comment sheet was submitted in conjunction with this application.




 1:1,200

ZONING MAP

Case no: BDA134-055
 Date: 5/20/2014



 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u> BDA134-055 </u> Date: <u> 5/20/2014 </u>
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City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-055

Data Relative to Subject Property:

Date: 4-24-2014

Location address: 5435 MCCOMMAS BLVD Zoning District: CD9

Lot No.: 5 Block No.: C/2915 Acreage: .211 Census Tract: 3,00

Street Frontage (in Feet): 1) 67.51 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): KTR HOLDINGS LLC

Applicant: ROBERT KERR Telephone: 214-478-6787

Mailing Address: 5435 MCCOMMAS BLVD Zip Code: 75206

E-mail Address: BOBKERR08@AOL.COM

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance or Special Exception of SINGLE VARIANCE OF 7.51' ALLOWABLE LOT WIDTH OF 60' TO EXCEED MAXIMUM

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: THIS WAS AN EXISTING LOT PRIOR TO THE ADOPTION OF THE ORDINANCE.

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

Affidavit

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

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

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

Subscribed and sworn to before me this 24 day of April 2014

[Notary Seal: IRMA HAYES, NOTARY PUBLIC STATE OF TEXAS, COMMISSION EXPIRES: 12-29-2014] Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Robert Kerr

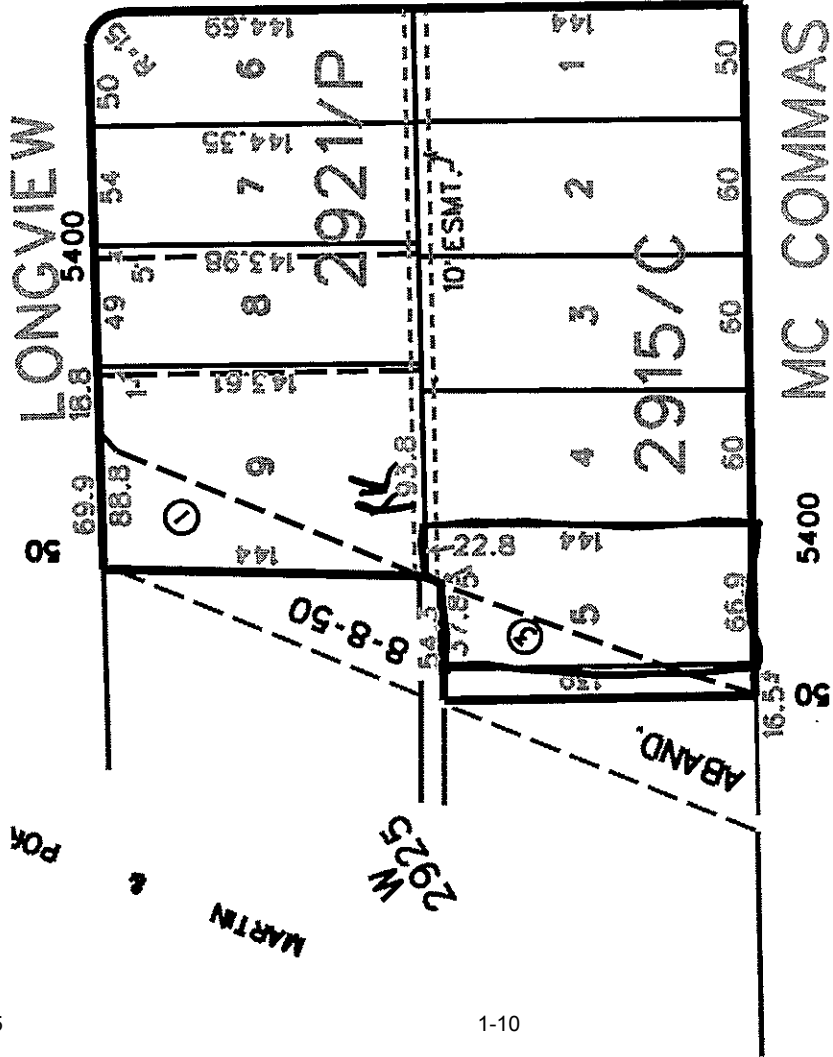
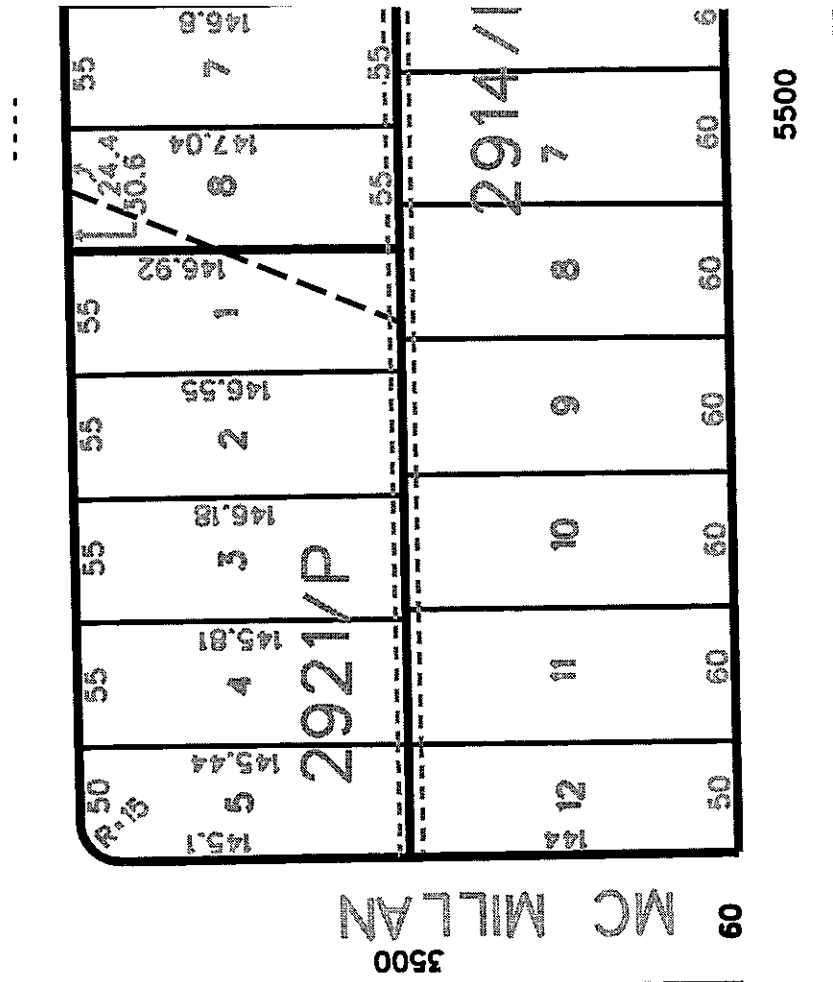
did submit a request for a variance to the maximum lot width
at 5435 McCommas Blvd.

BDA134-055. Application of Robert Kerr for a variance to the maximum lot width at 5435 McCommas Blvd. This property is more fully described as a portion of Lot 5 and an abandoned portion of Dirk Street, Block C/2915, and is zoned CD 9, which limits the maximum lot width to 60 feet. The applicant proposes to plat a single family residential lot with a lot width of 67.51 feet, which will require a 7.51 foot variance to the maximum lot width regulation.

Sincerely,


Larry Holmes, Building Official

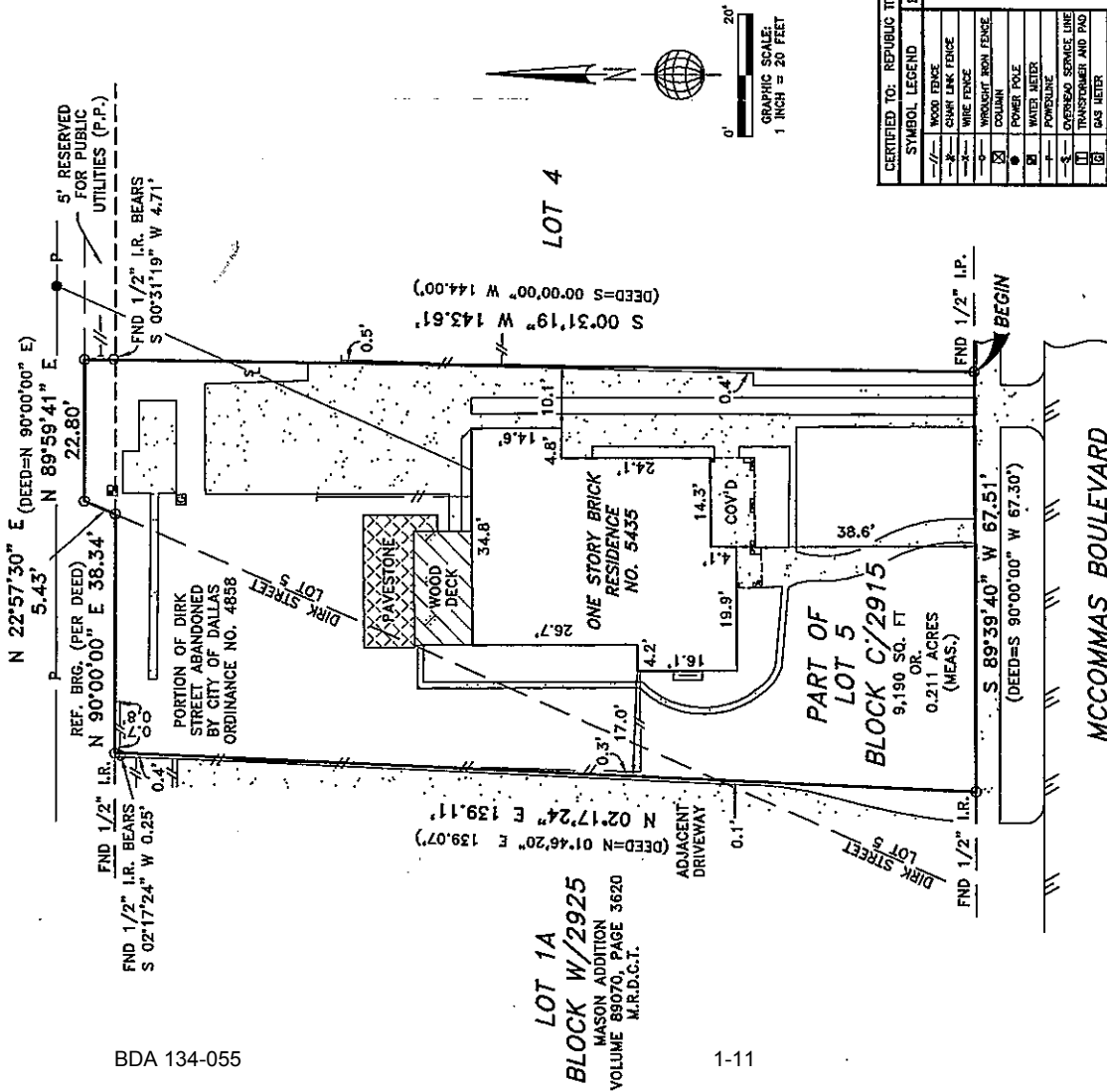




22008

22016
GREENLAND

"SURVEY PLAT"



PROPERTY DESCRIPTION

BEING A PART OF LOT 5, IN BLOCK C/2915, OF GREENLAND HEIGHTS ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4, PAGE 160, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF DIRK STREET AS ABANDONED BY CITY OF DALLAS ORDINANCE NO. 4856, AND BEING A RESURVEY OF A TRACT OF LAND DESCRIBED IN A DEED TO USA M. ALFIERI, OF RECORD IN VOLUME 90026, PAGE 3680, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF MCCOMMAS BOULEVARD (50' R.O.W.), AT THE SOUTHEAST CORNER OF SAID LOT 5;

THENCE SOUTH 89°39'40" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MCCOMMAS BOULEVARD, A DISTANCE OF 67.51 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID ALFIERI TRACT, COMMON TO THE SOUTHEAST CORNER OF LOT 1A, BLOCK W/2925, OF MASON ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 89070, PAGE 3620, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS;

THENCE NORTH 02°17'24" EAST ALONG THE WEST LINE OF SAID ALFIERI TRACT AND THE EAST LINE OF SAID LOT 1A, A DISTANCE OF 139.11 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE COMMON NORTH CORNER THEREOF; SAID POINT BEING IN THE SOUTH RIGHT-OF-WAY LINE AN ALLEY, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 02°17'24" WEST, A DISTANCE OF 0.25 FEET;

THENCE NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID ALFIERI TRACT AND THE SOUTH RIGHT-OF-WAY LINE OF SAID ALLEY, A DISTANCE OF 38.34 FEET TO A POINT FOR CORNER IN A WEST LINE OF SAID LOT 5;

THENCE NORTH 22°57'30" EAST ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 5.43 FEET TO A POINT FOR CORNER AT THE NORTHWEST CORNER THEREOF;

THENCE NORTH 89°59'41" EAST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 22.80 FEET TO A POINT FOR CORNER AT THE NORTHEAST CORNER THEREOF, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 00°31'19" WEST, A DISTANCE OF 4.71 FEET;

THENCE SOUTH 00°31'19" WEST ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 143.61 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9,190 SQUARE FEET OR 0.211 ACRES OF LAND.

NOTES:

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACTOR, THEREFORE NO SEARCH OF RECORD EASEMENTS WAS PERFORMED ON THE SUBJECT PROPERTY, ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL, EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT. THIS SURVEY DOES NOT PROPRISE TO AFFECT ANY RIGHTS OR INTERESTS IN THE SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO, EASEMENTS, RESTRICTIONS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER REGULATIONS, BUILDINGS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.'S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.

FLOOD STATEMENT:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480171, CSXSL, DATED 08/23/2001, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO BE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

DATE: 06/14/2012 06P: N/A

TECH: BM | DRAFTER: HLH | JOB NO.: 12-06-058

BL = BUILDING LINE R.O.W. = RIGHT-OF-WAY

CERTIFIED TO: REPUBLIC TITLE

FND = FOUND I.R. = IRON ROD I.P. = IRON PIPE ESMT. = EASEMENT

MASON L. NORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY AN ORIGINAL AND PERSONAL SURVEY, AND THAT THE LINES AND DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE PLAT.

MASON L. NORGAN
RPLS 5587

OFFICE OF THE STATE COMMISSIONER OF LAND SURVEY
5587
MASON L. NORGAN
1100 W. MAIN ST.
DALLAS, TEXAS 75201

GLOBAL LAND SURVEYING, INC.
2005 W. WILSON AVE., SUITE 104
DALLAS, TEXAS 75204
PHONE (972) 891-1700
FAX (972) 423-1083
WWW.GLS-INC.COM

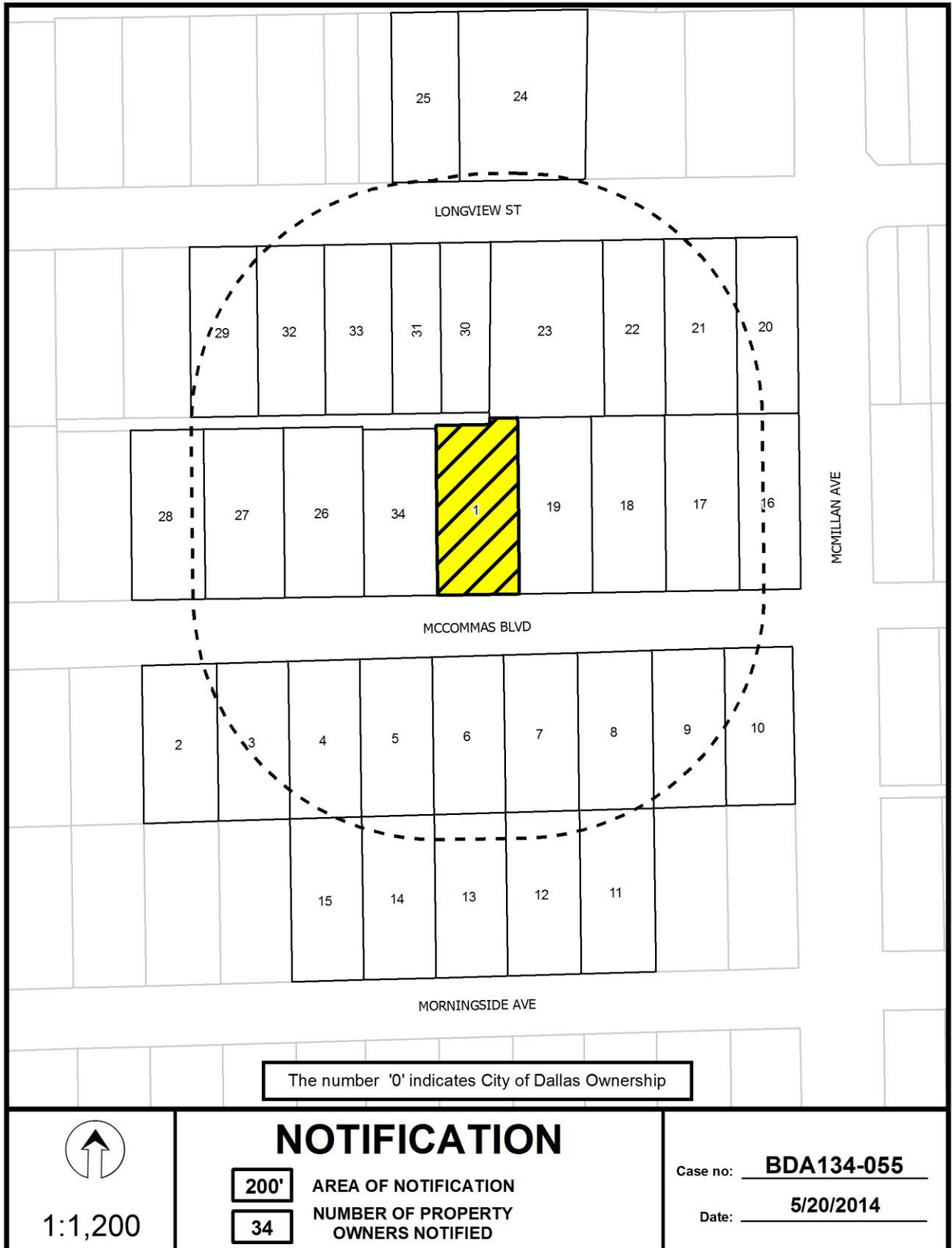
STANDARD LEGEND

- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- WROUGHT IRON FENCE
- COLUMN
- POWER POLE
- WATER METER
- POWERLINE
- COVERED STORAGE LINE
- TRANSFORMER AND PAD
- GAS METER
- ASPHALT SURFACE
- CONCRETE

Global Land Surveying, Inc.

SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

ADDRESS: 5435 MCCOMMAS BOULEVARD



Notification List of Property Owners

BDA134-055

34 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5435 MCCOMMAS BLVD	ALFIERI LISA M
2	5418 MCCOMMAS BLVD	STONE TOM E & KAREN E
3	5422 MCCOMMAS BLVD	SOUTTER CATHEY A
4	5426 MCCOMMAS BLVD	VAN CLEAVE ROBERT C & SHARON L
5	5430 MCCOMMAS BLVD	NICCOLI JOHN J
6	5434 MCCOMMAS BLVD	KATZ JOHN
7	5438 MCCOMMAS BLVD	THOMAS HENRY JAY
8	5440 MCCOMMAS BLVD	THOMAS JON M & JENNY
9	5446 MCCOMMAS BLVD	SAYE RALPH MILTON III
10	5450 MCCOMMAS BLVD	BUNTING LIZA D
11	5443 MORNINGSIDE AVE	CEDILLO SOFIA
12	5439 MORNINGSIDE AVE	CONROY PATRICK J & TANIA HEFNER
13	5435 MORNINGSIDE AVE	MORENO ARTHUR J & ESTHER O MORENO
14	5431 MORNINGSIDE AVE	MILLER DAVID A
15	5427 MORNINGSIDE AVE	SUTTON RYAN
16	5451 MCCOMMAS BLVD	KOLLARS JESSICA
17	5447 MCCOMMAS BLVD	NICHOLS JOSHUA & LELIA L
18	5443 MCCOMMAS BLVD	GREGORY N EILEEN
19	5439 MCCOMMAS BLVD	ERVIN THOMAS J
20	5456 LONGVIEW ST	SOUTH AUSTIN PPTIES LTD
21	5450 LONGVIEW ST	GASPARD JAMES L W
22	5444 LONGVIEW ST	BRADSHAW KEITH
23	5442 LONGVIEW ST	DAWSON ROBERT E
24	5445 LONGVIEW ST	TORRES MIKE & ANITA C
25	5435 LONGVIEW ST	EVERMAN DELIA
26	5431 MCCOMMAS BLVD	PROVENCAL TERRI & MICHAEL DOMKE

5/19/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5423 MCCOMMAS BLVD	MALOUF MICHAEL J
28	5419 MCCOMMAS BLVD	TOUDOUZE TOBY E
29	5424 LONGVIEW ST	HENSLEY MAX C
30	5436 LONGVIEW ST	BRODIE MICHAEL A
31	5434 LONGVIEW ST	MERCHED CHADI
32	5426 LONGVIEW ST	MCMORRIS RYAN
33	5428 LONGVIEW ST	DODSON MICHAEL GARY
34	5433 MCCOMMAS BLVD	RANALLO MEAGAN

FILE NUMBER: BDA 134-061

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to the fence height regulations at 5330 Park Lane. This property is more fully described as Lot 6A, Block 5/5595, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain a 9 foot high fence, which will require a 5 foot special exception to the fence height regulations.

LOCATION: 5330 Park Lane

APPLICANT: Robert Baldwin

REQUESTS:

Requests for special exceptions to the fence height regulations of 5' are made to construct and maintain the following on a site developed with a single family home:

- In the Park Lane front yard setback: a 6' high open wrought iron fence and an entryway that includes a 9' high open arched wrought iron entry gate with 8' high masonry columns, and 6' high open wrought iron wing walls with 6' 6" high masonry columns parallel to this street, and a 6' high wood fence perpendicular to this street on the site's northwest corner.
- In the Alva Court front yard setback: an entryway that includes a 7' 6" high open arched wrought iron entry gate with 6' 6" high masonry columns, and 6' high open wrought iron wing walls.

(This application does not include any request to remedy the existing brick wall on the site that exceeds 4' in height in the Park Lane and Alva Court front yard setbacks – a fence that the applicant has represented that he intends to retain and is "grandfathered.")

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

Land Use:

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

Zoning/BDA History:

1. BDA 078-081, 5330 Park Lane (the subject site) On June, 25, 2008, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 7' and imposed the submitted revised site plan/elevation document as a condition. The case report stated that the request was made in conjunction with constructing and maintaining 3 arched open decorative iron gates (one gate at 8' in height along Alva Court that includes 7' high columns, and two gates at 10' in height along Park Lane) in the site's 40' front yard setbacks along Park Lane and Alva Court on a site being developed with a single family home.
2. BDA 123-001, 5404 Park Lane (the lot east of the subject site) On January 16, 2013, the Board of Adjustment Panel B granted requests for a special exception to the fence regulations of 4'. The board imposed the following conditions: compliance with the submitted revised site plan/elevation is required. The case report stated that the requests were made in conjunction constructing and maintaining an 8' high wrought iron fence and gate in the site's 40' front yard setbacks along Alva Court on the west and Holloway Road on the east on a site developed with a single family home).

3. BDA 990-364, 5404 Park Lane (the lot east subject site)

On November 14, 2000, the Board of Adjustment Panel B granted requests for a special exception to the fence regulations of 7' 3" and a special exception to the single family dwelling unit regulations. The board imposed the following conditions: compliance with the submitted site plan and elevation is required; and the applicant must deed restrict the property to prohibit the additional dwelling unit on the site as rental accommodations.

The case report stated that the requests were made in conjunction with constructing and maintaining a fence consisting of an 11' 3" high wrought iron gate, a 9' 2" high fence and 10' 3' high brick columns within the 40' front yard setback along Park Lane, Holloway Road, and Alva Court; and to construct and maintain an additional dwelling unit to be used as guest quarters on the site. (The applicant has stated that the current application – BDA 123-001- does not amend any part of the fence height special exception granted by the board in 2000).

4. BDA 09-071, 5323 Park Lane (the lot north of the subject site)

On June 16, 2010, the Board of Adjustment Panel B granted requests for a special exception to the fence regulations of 4' 6". The board imposed the following conditions: compliance with the submitted site plan/elevation document is required.

The case report stated that the requests were made in conjunction with constructing and maintaining an 8' high "masonry/wrought iron" fence/wall (5' wrought iron atop a 3' masonry base) with 8' 6" high columns in the site's Park Lane front yard setback.

5. BDA 92-034, Property at 5323 Park Lane (the lot north of subject site)

On May 12, 1992, the Board of Adjustment granted a request for special exception to the fence height regulations to maintain an 8' high fence on the property and imposed the following conditions: "subject to a new landscape plan, to be submitted for approval by the board at its June 9th hearing. The revised landscape plan should have the following things: 1) clustered or singularly planted, at 25' on center, Dwarf Yaupon trees; and 2) replace some of the Savannah Holly with Dwarf Yaupons which can be planted in the beds or in the parkway. All other proposed landscaping shall remain the same." The case report described how the applicant's representative indicated that the fence would be brick with a concrete base. The wall will be 5' in height and will slope to a 6' 6" height near the gate columns. The height of the columns, including the decorative cut stone cap will be 7' 8". The applicant indicates that this will be the highest point on the fence, and the decorative fixtures will not exceed that height. Hence, the special exception of 3' 8" (The applicant's representative's amended the request)."

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on constructing and maintaining the following on a site developed with a single family home: in the Park Lane front yard setback: a 6' high open wrought iron fence and an entryway that includes a 9' high open arched wrought iron entry gate with 8' high masonry columns, and 6' high open wrought iron wing walls with 6' 6" high masonry columns parallel to this street, and a 6' high wood fence perpendicular to this street on the site's northwest corner; and in the Alva Court front yard setback: an entryway that includes a 7' 6" high open arched wrought iron entry gate with 6' 6" high masonry columns, and 6' high open wrought iron wing walls.
- 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 applicant has submitted a site plan/elevation of the proposal in the front yard setbacks that reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted site plan:
 - Along Park Lane: the new 6' high open wrought iron fence is approximately 55' in length, approximately on the property line, and approximately 16' from the pavement line; the entryway is approximately 64' in length, ranging from approximately 0 – 10' from property line, and approximately 16' – 26' from the pavement line.
 - Along Alva Court: the entryway is approximately 24' in length, ranging from approximately 0 – 5' from property line, and approximately 16' – 21' from the pavement line.
- There is no single family home that has direct frontage to the proposal on Alva Court since this home "fronts" Park Lane, and one single family home that would have direct frontage to the proposal on Park Lane – an estate with its own board "special excepted" gate and fence/wall above 4' in height.
- The immediate area around the site (particularly on Park Lane) has a number of fences/walls above 4' in height and in the front yard setbacks, most of which appear to have been previously granted by the Board of Adjustment (see the "Zoning/BDA History" section of the case report for further details).
- As of June 16, 2014, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting these special exceptions of 5' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setbacks to be constructed and maintained in the location and of the heights and materials as shown on this document.

Timeline:

April 25, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

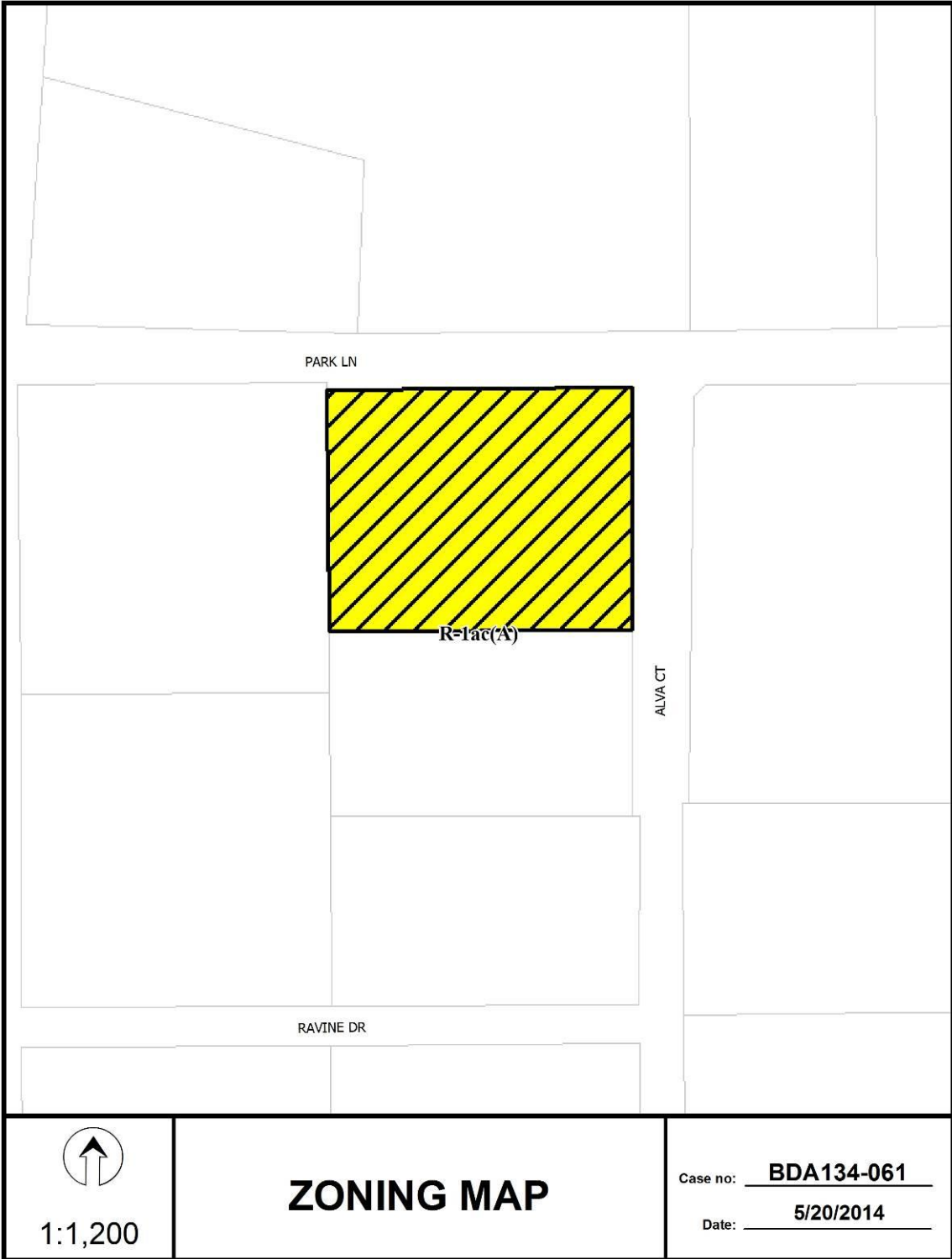
May 19, 2014: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

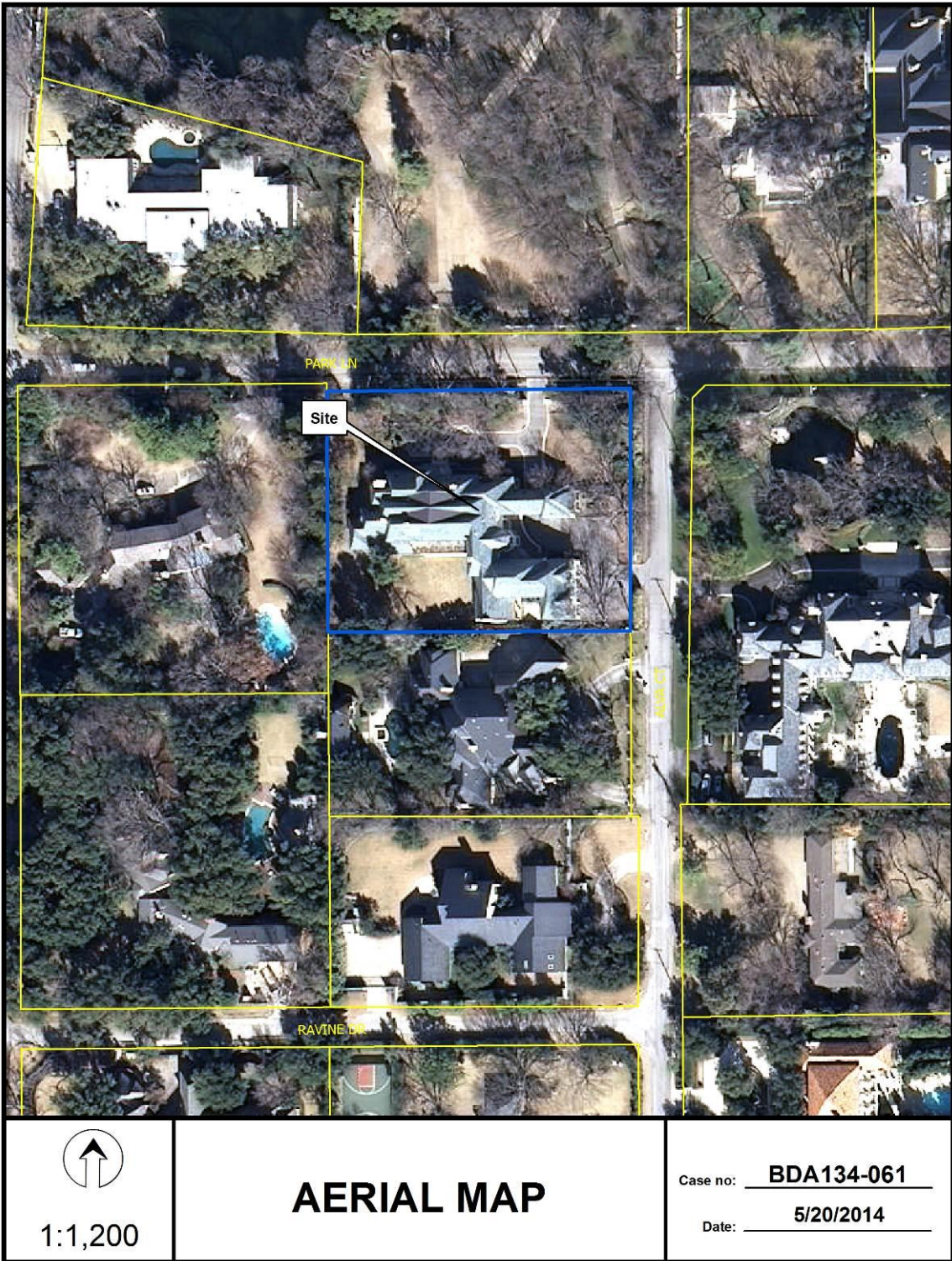
May 20, 2014: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th 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 10, 2014: 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-061

Date: 4-25-14

Data Relative to Subject Property:

Location address: 5330 Park Lane Zoning District: R-1ac(A)

Lot No.: 6A Block No.: 5/5595 Acreage: 1.09 acres Census Tract: 75.00

Street Frontage (in Feet): 1) 244.46 2) 195 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Terence C. Sullivan, Trustee

Applicant: Rob Baldwin Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 5 feet fence height requesting a fence greater than 4 feet tall in a residential zoning district to be located in the Park Lane and Alva Court required front yards

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: This is a request for a fence and vehicular entry gates to be erected up to 9 feet along Park Lane and Alva Court. The request site is encumbered with two front yard setback requirements and all adjacent residential lots have fences in the required front yard that exceed 4 feet in height.

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 Rob Baldwin (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25 day of April, 2014



[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

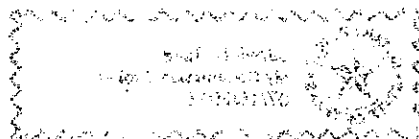
I hereby certify that Robert Baldwin

did submit a request for a special exception to the fence height regulations
at 5330 Park Lane

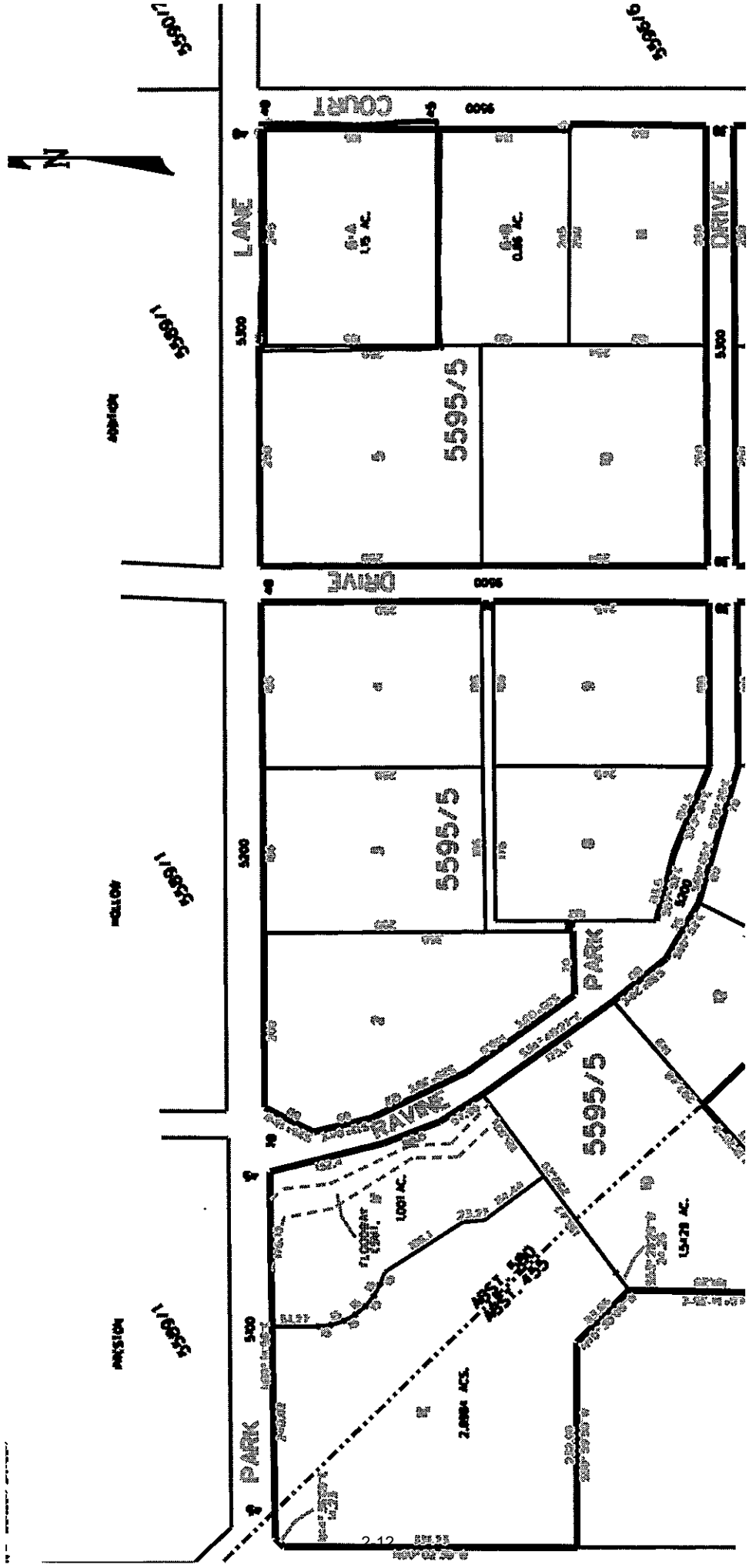
BDA134-061. Application of Robert Baldwin for a special exception to the fence height regulations at 5330 Park Lane. This property is more fully described as Lot 6A, Block 5/5595, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

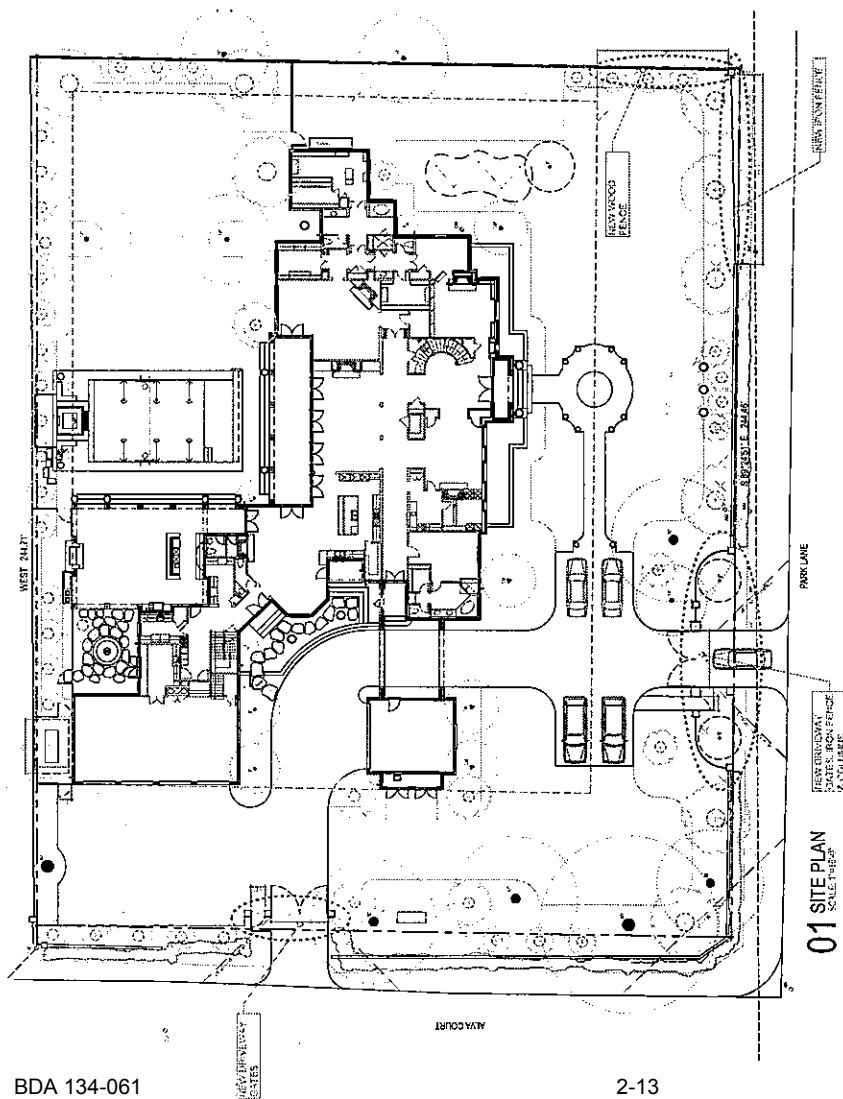
Sincerely,


Larry Holmes, Building Official

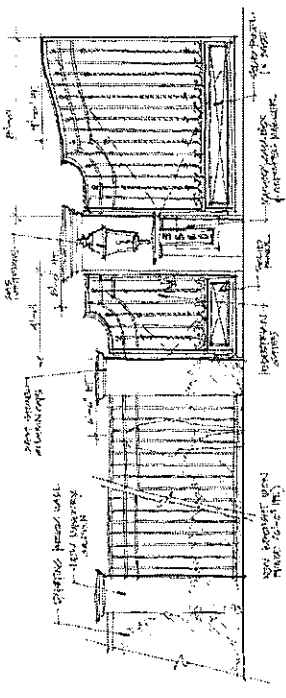




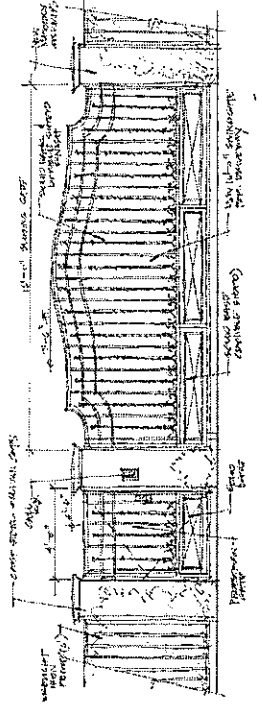




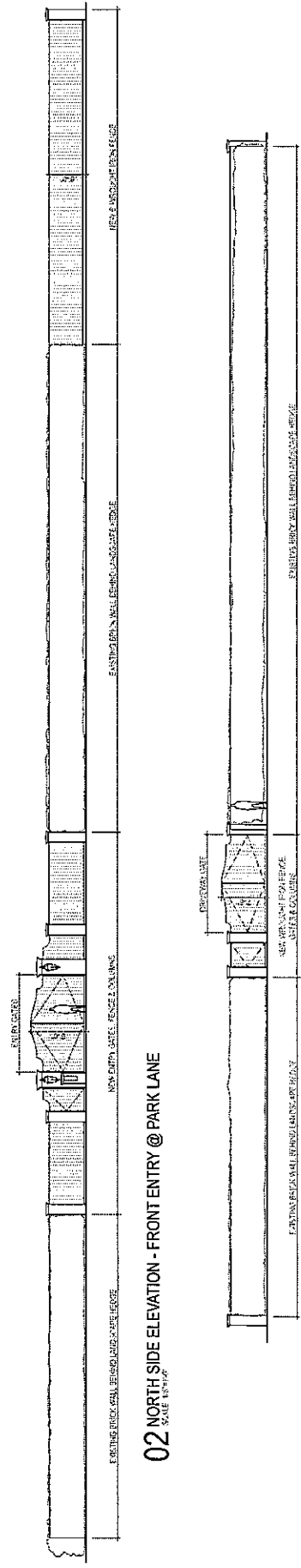
01 SITE PLAN
 SCALE 1/8" = 1'-0"



04 FRONT ENTRY GATE DESIGN @ PARK LANE
 SCALE NOT TO SCALE

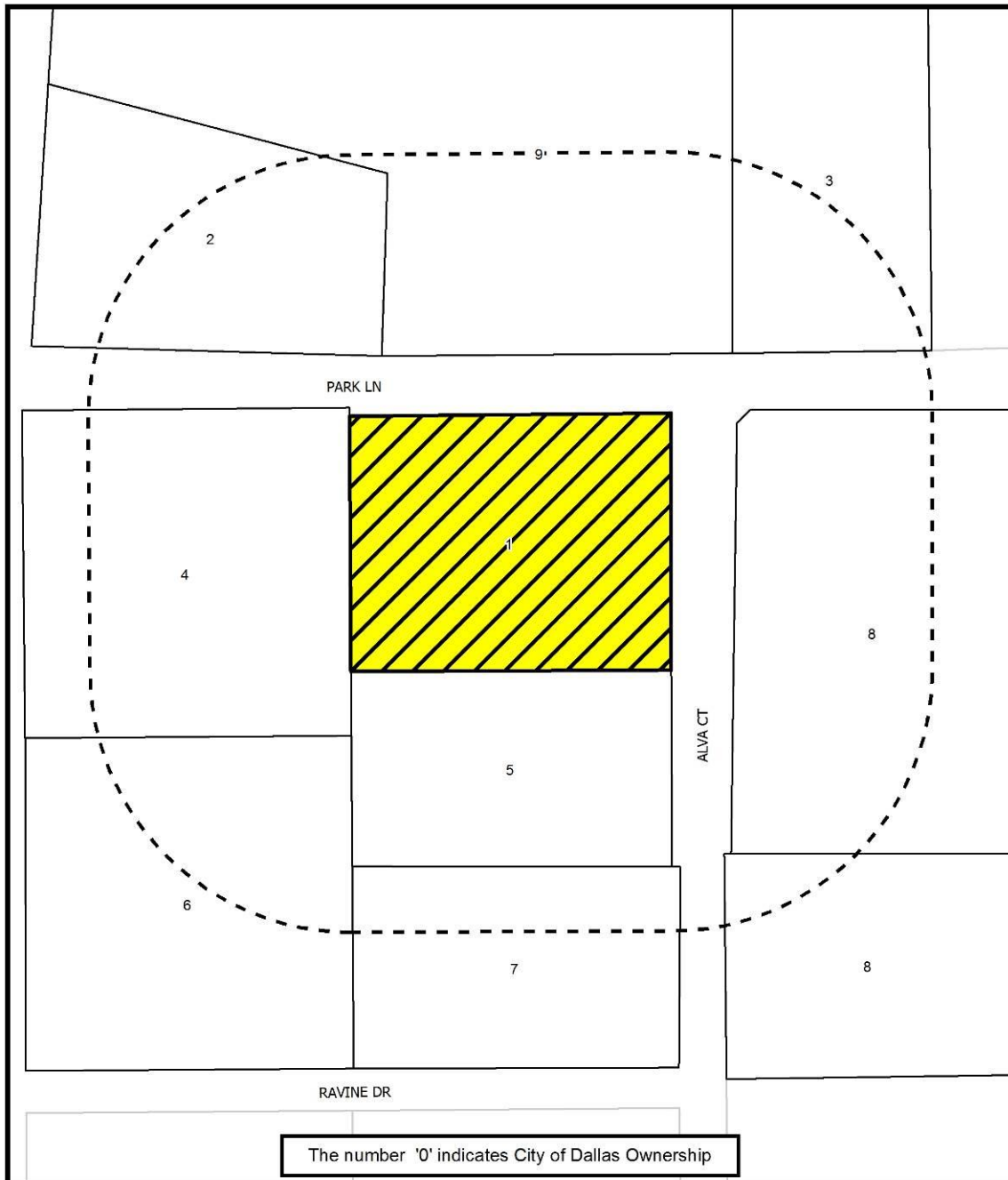


05 SIDE ENTRY GATE DESIGN @ ALVA CT.
 SCALE NOT TO SCALE



02 NORTH SIDE ELEVATION - FRONT ENTRY @ PARK LANE
 SCALE 1/8" = 1'-0"

03 EAST SIDE ELEVATION @ ALVA CT.
 SCALE 1/8" = 1'-0"



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA134-061</u> Date: <u>5/20/2014</u>
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA134-061

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5330 PARK LN	TAYLOR WALTER L
2	5311 PARK LN	BURK LELAND RONALD STE 2100
3	5405 PARK LN	WOODLAWN INVESTMENTS LLC
4	5310 PARK LN	SHUTT GEORGE A
5	9525 ALVA CT	LEPPERT THOMAS C & LAURA A LEPPERT
6	9506 MEADOWBROOK DR	SAHM VICTOR A III & KRISTY E SAHM
7	9507 ALVA CT	HYDE PATRICIA SUITE 1018
8	9510 ALVA CT	PEARLMAN ELAINE
9	5323 PARK LN	WARREN KELCY

FILE NUMBER: BDA 134-062

BUILDING OFFICIAL'S REPORT: Application of Gregory P. Smith for special exceptions to the fence height, landscape, and visual obstruction regulations, and a variance to the off-street parking regulations at 1808 W. Camp Wisdom Road. This property is more fully described as Lot 1B, Block 2/6923, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet, requires mandatory landscaping, requires a 20 foot visibility triangle at driveway approaches and at alleys where they intersect with a street, and requires that the owner of off-street parking provide screening not less than six feet in height to separate the parking area from a contiguous residential use or vacant lot if either is in an R(A) district and the parking area serves a nonresidential use. The applicant proposes to construct/maintain a 6 foot 7 inch high fence, which will require a 2 foot 7 inch special exception to the fence height regulations, to provide an alternate landscape plan, which will require a special exception to the landscape regulations, to locate/maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations, and to construct/maintain off-street parking for a nonresidential use with residential adjacency and not provide required screening, which will require a variance to the off-street parking regulations.

LOCATION: 1808 W. Camp Wisdom Road

APPLICANT: Gregory P. Smith

REQUESTS:

The following requests had been made on a site that is developed with a church use (Oak Cliff Bible Fellowship):

1. A special exception to the fence height regulations of 2' 7" is requested to maintain a 6' high fence (4' high open metal tube fence atop a 2' high solid base) with columns that reach a maximum height of 6' 7", and a 6' high precast concrete fence in the site's 25' front yard setback along Library Lane;
2. Special exceptions are made to maintain the 6' high fence (4' high open metal tube fence atop a 2' high solid base) the in the two, 20' visibility triangles on either side of the driveway into the site from Library Lane, and the 6' high precast concrete fence in the 20' visibility triangle on the east side of the site at where the alley on the meets Library Lane;
3. A special exception to the landscape regulations is requested to maintain a recently constructed surface parking lot, and not fully meeting the landscape regulations related to the perimeter landscape buffer strip along Library Lane; and

4. A variance to the off-street parking regulations is requested in conjunction with maintaining the surface parking lot, and not fully meeting off-street parking regulations related to required screening of off-street parking on the west side of the property adjacent to the undeveloped land zoned R-7.5(A).

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

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

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 (fence height special exception):

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

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval, subject to the following condition:

- Compliance with the submitted revised site plan/elevation is required.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has no objections to these requests.
- The applicant has substantiated how the location of the fence located in the 20' visibility triangles at the driveway into the site from Library Lane and at where the alley meets Library Lane does not constitute a traffic hazard.

STAFF RECOMMENDATION (landscape special exception):

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the request because the altered layout shown on the applicant's submitted alternate landscape plan will not adversely affect neighboring property.

STAFF RECOMMENDATION (off-street parking screening variance):

Approval, subject to the following condition:

- Compliance with the submitted revised site plan/elevation is required.

Rationale:

- The subject site is unlike most lots in the R-7.5(A) zoning district in that it is sloped and very irregular in shape. In addition, granting this variance would not appear to be contrary to public interest given that the distance the applicant seeks variance from (not providing the required 6’ high solid brick, stone, or concrete masonry, stucco, concrete, or wood wall screening along the west side of a recently constructed surface parking lot) is approximately 55’ – 220’ to single family zoned vacant lots to the southwest.

Zoning:

- Site: R-7.5(A) (Single family district 7,500 square feet)
- North: R-7.5(A), PD 181, & CR (Single family district, Planned Development, Community Retail)
- South: R-7.5(A) (Single family district 7,500 square feet)
- East: R-7.5(A) (Single family district 7,500 square feet)
- West: TH-2(A) (Townhouse)

Land Use:

The subject site is developed as a church use (Oak Cliff Bible Fellowship). The area to the north is developed with what appears to be a mix of uses and undeveloped land; the area to the east is developed with single family uses; and the areas to the south and west appear to be mostly undeveloped.

Zoning/BDA History:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. BDA 88-055, 1808 West Camp Wisdom Road (the subject site) | <p>On June 28, 1988, the Board of Adjustment granted “the elimination of the screening fence for off-street parking along the east side of the property line” and “the elimination of the mandatory buffer strip of 10 feet along the property line of the adjacent day care center.” (The Building Inspection Senior Plans Examiner/Development Code Specialist stated that this 1988 request did not provide exception or variance to the portions of the subject site seeking exception and variance in 2014 related to BDA 134-062).</p> |
|--|--|

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

- This request focuses on maintaining a 6’ high fence (4’ high open metal tube fence atop a 2’ high solid base) and columns that reach a maximum height of 6’ 7”, and a

6' high precast concrete fence in the site's 25' front yard setback along Library Lane on a site that is developed with a church use.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a revised site plan/elevation of the proposal in the Library Lane front yard setback, and has submitted an email indicating that the existing fences/proposal reaches a maximum height of 6' 7".
- The following additional information was gleaned from the submitted revised site plan:
 - The existing fence/proposal is represented as being approximately 340' in length parallel to the street and approximately 30' in length perpendicular to the street on the north and south sides of the site in the front yard setback.
 - The existing fence/proposal is represented as being located approximately 4' from the Library Lane front property line or about 15' from the Library Lane pavement line.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high which appeared to be located in a front yard setback.
- No homes front the proposal/existing fence.
- As of June 16th, 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 2' 7" will not adversely affect neighboring property.
- Granting this special exception of 2' 7" with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the existing fences/proposal exceeding 4' in height in the Library Lane front yard setback to be maintained in the location and of the heights and materials as shown on this document.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction regulations):

- These requests focus on maintaining maintain the 6' high fence (4' high open metal tube fence atop a 2' high solid base) the in the two, 20' visibility triangles on either side of the driveway into the site from Library Lane, and the 6' high precast concrete fence in the 20' visibility triangle on the east side of the site at where the alley on the meets Library Lane on a site developed with a church use.
- 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 revised site plan/elevation has been submitted indicating portions of the existing 6' high fence (4' high open metal tube fence atop a 2' high solid base) and the existing 6' high precast concrete fence are located in the two 20' visibility triangles on either side of the driveway into the site from Library Lane and in the 20' visibility triangle on the east side of the site at where the alley meets Library Lane.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of the existing fences in the three visibility triangles on/at Library Lane does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan/elevation would limit the items in these triangles to that what is shown on this document – a 6' high fence (4' high open metal tube fence atop a 2' high solid base) located two, 20' visibility triangles on either side of the driveway into the site from Library Lane, and a 6' high precast concrete fence in the 20' visibility triangle on the east side of the site at where the alley on the meets Library Lane.

GENERAL FACTS/STAFF ANALYSIS (landscape special exception):

- This request focuses on maintaining a recently added surface parking lot, and not fully meeting the landscape regulations related to the perimeter landscape buffer strip along Library Lane.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The Landscape Regulations of the Dallas Development Code state the following with regard to lots containing a use other than single family or duplex:
 - Perimeter landscape buffer strip: A landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where residential adjacency exists, exclusive of driveways and accessways at points of ingress and egress to and from the lot. The buffer strip must be at least 10 feet wide except that: (A) any portion of the buffer strip adjacent to public street frontage need not exceed 10 percent of the lot depth; and (B) any portion of the buffer strip in the front yard and adjacent to the side lot line need not exceed 10 percent of the lot width.
- The applicant has submitted a landscape plan that does not provide the 10 wide mandatory perimeter landscape buffer along Library Lane.
- The City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the applicant's request (see Attachment C). The memo states how this request is triggered by proposed new construction of a parking lot on the site, and

how the applicant is seeking a special exception from the perimeter landscape buffer strip along Library Lane.

- The City of Dallas Chief Arborist notes that the parking lot pavement is complete, and that the design and installation was completed prior to staff review for a permit.
- The City of Dallas Chief Arborist notes that the parking lot design and construction was completed while a re-plat of the property was not yet completed, and the parking lot property was still separated from the church property. (The parking lot is considered one distinct lot for full compliance with landscape regulations until the property is re-platted into the greater church property – an artificial lot does not apply).
- The City of Dallas Chief Arborist notes that the submitted alternate landscape plan meets all other requirements of Article X including site trees, street trees, parking lot trees, and two design standards.
- The City of Dallas Chief Arborist supports the request in that he believes that the altered layout will not adversely affect neighboring property.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition, the site would be granted exception from full compliance to 10 wide mandatory perimeter landscape buffer strip requirements of the Article X: The Landscape Regulations along the Library Lane.

GENERAL FACTS/STAFF ANALYSIS (off-street parking screening variance):

- This request focuses on maintaining a recently added surface parking lot, and not fully meeting off-street parking regulations related to required screening of off-street parking on the west side of the property adjacent to the undeveloped land zoned R-7.5(A).
- The Off-Street Parking Regulations of the Dallas Development Code states the following with regard to “screening provisions for off-street parking”:
 - The owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an agricultural, single family, or multifamily district and the parking area serves a nonresidential use.
 - Screening for off-street parking required must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall that is not less than six feet in height.
- The applicant has a revised site plan/elevation indicating an open wrought iron fence on the recently constructed surface parking lot for the church use – an open wrought iron fence located adjacent to what appears from an aerial photograph to be vacant lots approximately 55’ – 220’ to the southwest of this surface parking lot.
- The subject site is sloped, irregular in shape, and is (according to the application) 38 acres in area. The site is zoned R-7.5(A).
- The applicant has the burden of proof in establishing the following:

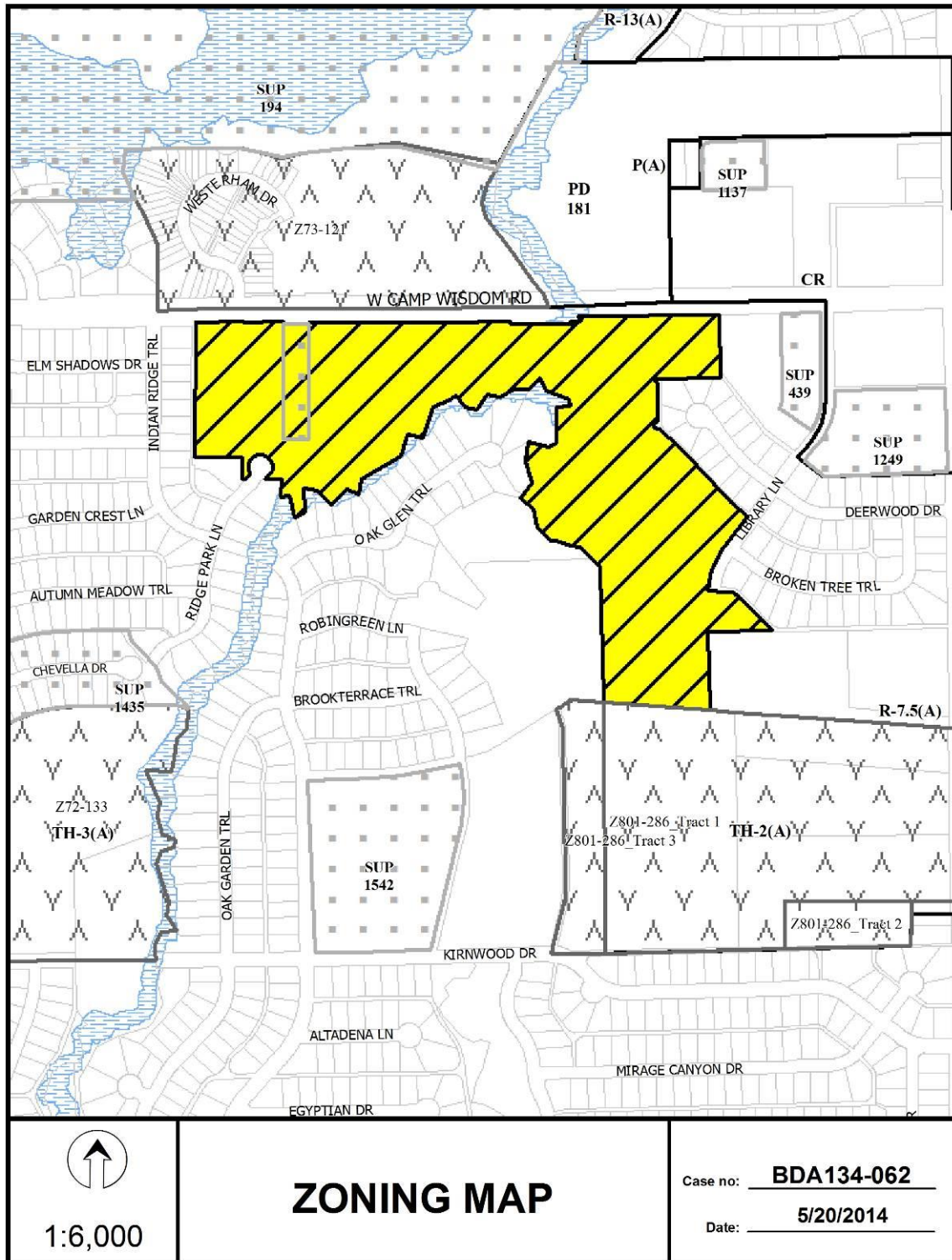
- That granting the variance to the off-street parking screening regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification; and
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant this variance request to the off-street parking regulations and impose the submitted revised site plan/elevation as a condition, the applicant would be only “varied” from providing the required 6’ high solid brick, stone, or concrete masonry, stucco, concrete, or wood wall screening of off-street parking on the west side of the property adjacent to vacant undeveloped land zoned R-7.5(A) as shown on this document.

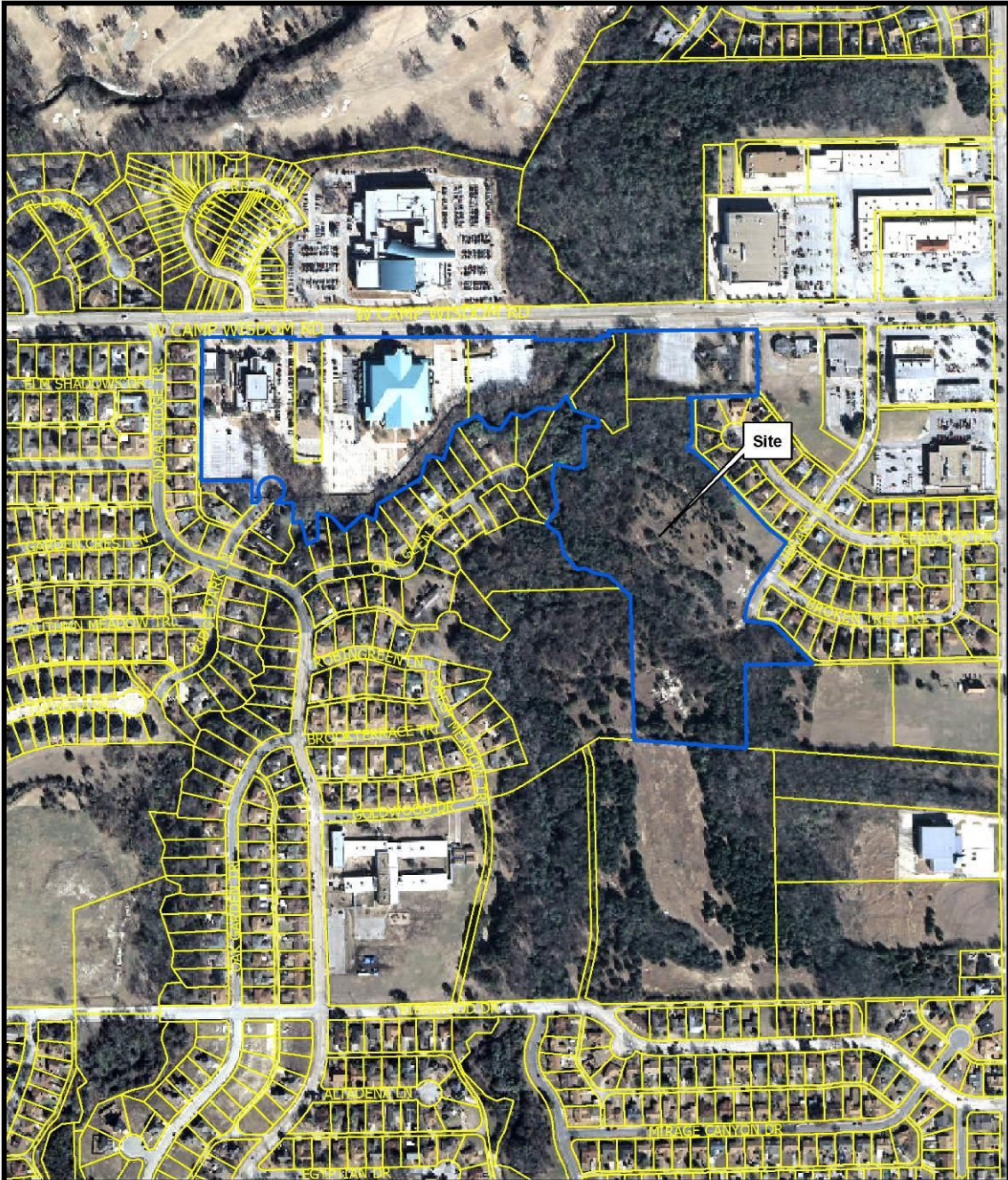
Timeline:

- April 25, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 20, 2014: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th 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 10, 2014: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised site plan/elevation prepared by the applicant to the Board Administrator (see Attachment A).
- June 10, 2014: 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

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

- June 10, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections."
- June 11, 2014: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment B).
- June 16, 2014: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the landscape special exception request (see Attachment C).



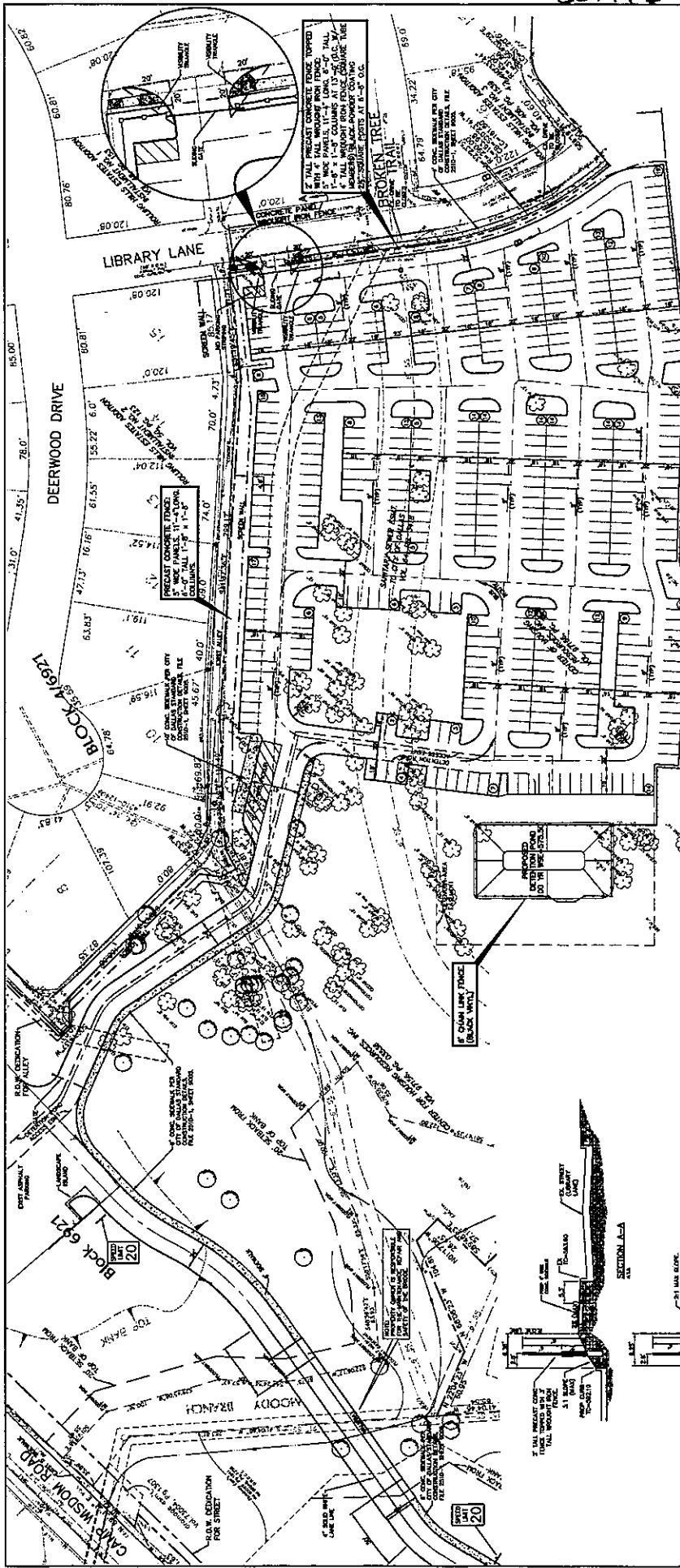


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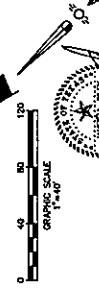
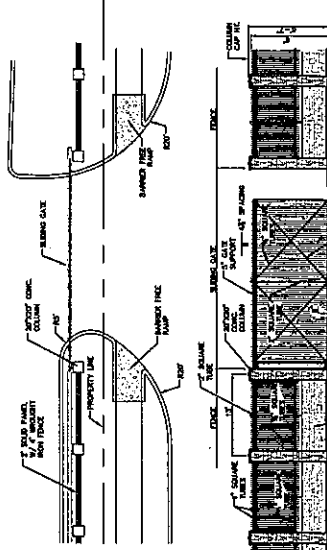
AERIAL MAP

Case no: BDA134-062

Date: 5/20/2014



PROPERTY AND FENCE REQUIREMENTS
 TOTAL GARAGES - 400 SPACES
 (see page 2 for detailed layout)



SITE PLAN			
OAK CLIFF BIBLE FELLOWSHIP		DALLAS, TEXAS	
DALLAS COUNTY, TEXAS			
DRAWN	DATE	SCALE	NOTES
JAR	DA	06/10/14	1"-40'
DRAWN	DATE	SCALE	NOTES
SP2	01/07/15		

REVISIONS:
 1. Show fence light on south side of Kinwood Drive, west of Loop 1204 Drive.
 2. Show fence light on north side of Kinwood Drive, west of Loop 1204 Drive.
 3. Show fence light on east side of Kinwood Drive, west of Loop 1204 Drive.
 4. Show fence light on west side of Kinwood Drive, west of Loop 1204 Drive.
 5. Show fence light on south side of Kinwood Drive, west of Loop 1204 Drive.
 6. Show fence light on north side of Kinwood Drive, west of Loop 1204 Drive.
 7. Show fence light on east side of Kinwood Drive, west of Loop 1204 Drive.
 8. Show fence light on west side of Kinwood Drive, west of Loop 1204 Drive.

6-10-14

© Copyright 2012 by [Company Name]. All rights reserved. This drawing is the property of [Company Name] and is not to be used or reproduced in any way without the written permission of [Company Name].

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 Gregory P. Smith

did submit a request for a special exception to the fence height regulations, and for a special exception to the landscaping regulations, and for a variance to the off-street parking regulations, and for a special exception to the visibility obstruction regulations

at 1808 W. Camp Wisdom Road

BDA134-062. Application of Gregory P. Smith for a special exception to the fence height regulations, a special exception to the landscaping regulations, a variance to the off-street parking regulations, and a special exception to the visibility triangle obstruction regulations at 1808 W. Camp Wisdom Road. This property is more fully described as Lot 1B, Block 2/6923, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires mandatory landscaping and requires that the owner of off-street parking must provide screening not less than six feet in height to separate the parking area from a contiguous residential use or vacant lot if either is in an R(A) district and the parking area serves a nonresidential use, and requires a 20 foot visibility triangle at a driveway approach and at an alley when they intersect with a street. The applicant proposes to construct a 6 foot 7 inch high fence in a required front yard, which will require a 2 foot 7 inch special exception to the fence regulation, and to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulation and to construct and maintain parking for a nonresidential use with residential adjacency and not provide the required screening, which will require a variance to the off-street parking regulations, and construct a fence in the driveway and alley visibility obstruction triangles which will require special exceptions to the a visual obstruction regulation.

Sincerely,

Larry V. Holmes, Building Official

Memorandum



CITY OF DALLAS

DATE June 16, 2014
 TO Steve Long, Board of Adjustment Administrator
 SUBJECT # BDA 134 · 062 1808 W Camp Wisdom

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

Trigger

New construction of a parking lot.

Deficiencies

The proposed landscape plan does not provide the mandatory perimeter landscape buffer along Library Lane. The buffer width does not comply with the required 10 feet wide landscape area.

Factors

The parking lot pavement is completed. The design and installation was completed prior to a staff review for permit.

The parking lot design and construction was completed while a re-plat of the property was not yet completed, and the parking lot property was still separated from the church property. The parking lot property is considered one distinct lot for full compliance with landscape regulations until the property is re-platted into the greater church property. An artificial lot (51A-10.122) does not apply.

The plan meets all other requirements of Article X, including site trees, street trees, parking lot trees and two design standards (screening of off-street parking and understory preservation).

Recommendation

The chief arborist recommends approval of the request because the altered layout will not adversely affect neighboring property.

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



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-062

Data Relative to Subject Property:

Date: 4-25-14

Location address: 1808 W. Camp Wisdom Road Dallas, Texas Zoning District: R-7.5(A)

Lot No.: 1B Block No.: 2/6923 Acreage: 38.317 Census Tract: 011101

Street Frontage (in Feet): 1) 2150' 2) 340' 3) _____ 4) _____ 5) _____ SW13

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Oak Cliff Bible Fellowship

Applicant: Gregory Smith Telephone: 214 672 9100

Mailing Address: 1808 W. Camp Wisdom Road Dallas, Texas Zip Code: 75232

E-mail Address: gsmith@ocbfchurch.org

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 7' the Landscape Plan, and the fence - Special Exception of 2' 1/2 FRONT YARD Off Street Parking; Screening - Variance

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: Landscape Plan - This alternative plan has 'no adverse' affect to the neighboring property. We provide all of the prescribed requirements. Fences- The alternative fencing has 'no adverse' affect to the neighboring property. We believe that our fencing is a level above the prescribed requirement. We believe that this development enhances the neighborhood. Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

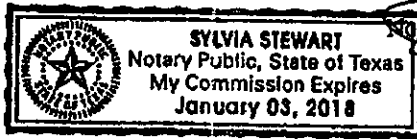
Before me the undersigned on this day personally appeared GREGORY SMITH (Affiant/Applicant's name printed)

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/principal/authorized representative of the subject property.

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

Subscribed and sworn to before me this 21st day of APRIL 2014

(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 Gregory P. Smith

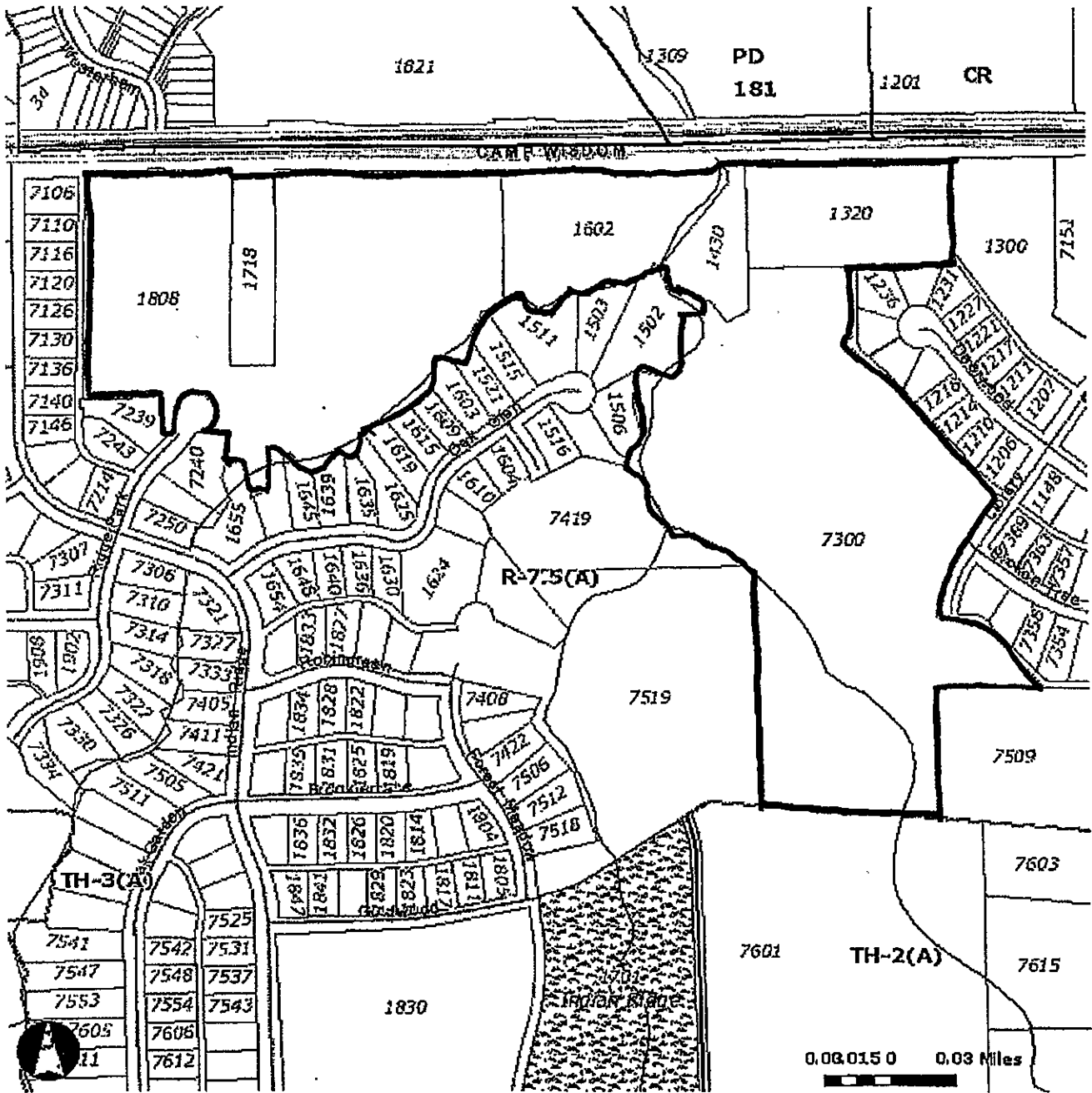
did submit a request for a special exception to the fence height regulations, and for a special exception to the landscaping regulations, and for a variance to the off-street parking regulations

at 1808 W. Camp Wisdom Road

BDA134-062. Application of Gregory P. Smith for a special exception to the fence height regulations, a special exception to the landscaping regulations, and a variance to the off-street parking regulations at 1808 W. Camp Wisdom Road. This property is more fully described as Lot 1B, Block 2/6923, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires mandatory landscaping and requires that the owner off-street parking must provide screening not less than six feet in height to separate the parking area from a contiguous residential use or vacant lot if either is in an R(A) district or the parking area serves a nonresidential use. The applicant proposes to construct a 6 foot inch high fence in a required front yard, which will require a 2 foot 7 inch special exception the fence regulation, and to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct and maintain parking for a nonresidential use with residential adjacency and not provide the required screening, which will require a variance to the off-street parking regulations.

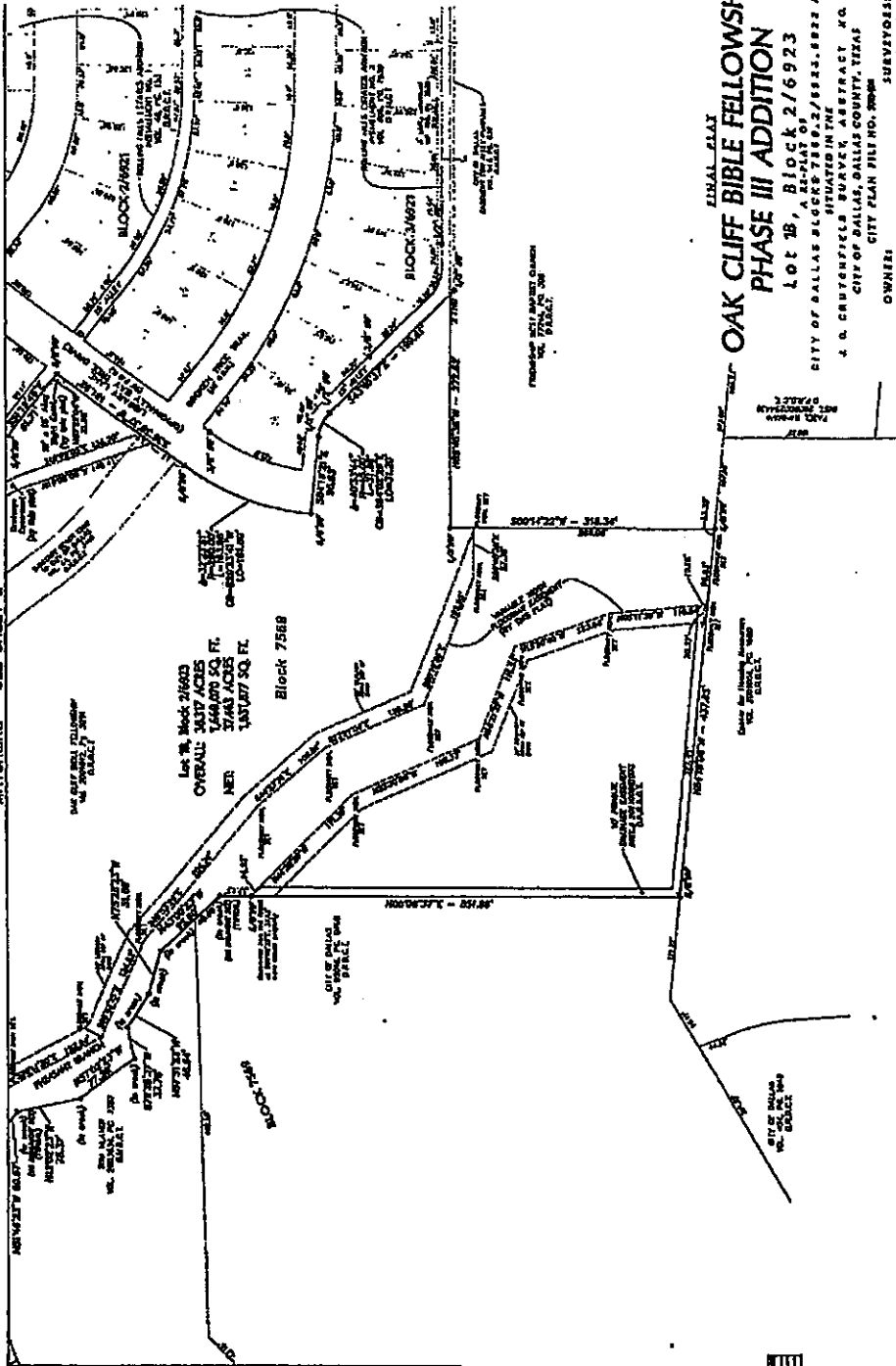
Sincerely,


Larry Holmes, Building Official



MATCHLINE - SEE SHEET 2

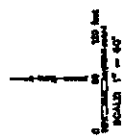
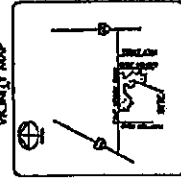
MATCHLINE - SEE SHEET 1



FUSAL PLAT
OAK CLIFF BIBLE FELLOWSHIP
PHASE III ADDITION
 Lot 18, Block 2/6923
 CITY OF DALLAS BLOCK 7588, 2/6923, 6922 & 6921
 SITUATED IN THE
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 CITY PLAN FILE NO. 9998

OWNER:
 OAK CLIFF FELLOWSHIP
 1208 W. Camp Meadow Road
 Dallas, Texas 75227
 877-338-1383

SURVEYOR:
 SPROCKET/SURVING, INC.
 4100 North Central Expressway
 Suite 1100, Dallas, Texas 75204
 (214) 821-3417, Fax (214) 821-7069



- 1. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 2. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 3. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 4. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 5. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 6. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 7. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 8. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 9. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
- 10. All lots shown on this plat are subject to the easements and restrictions shown on the plat.

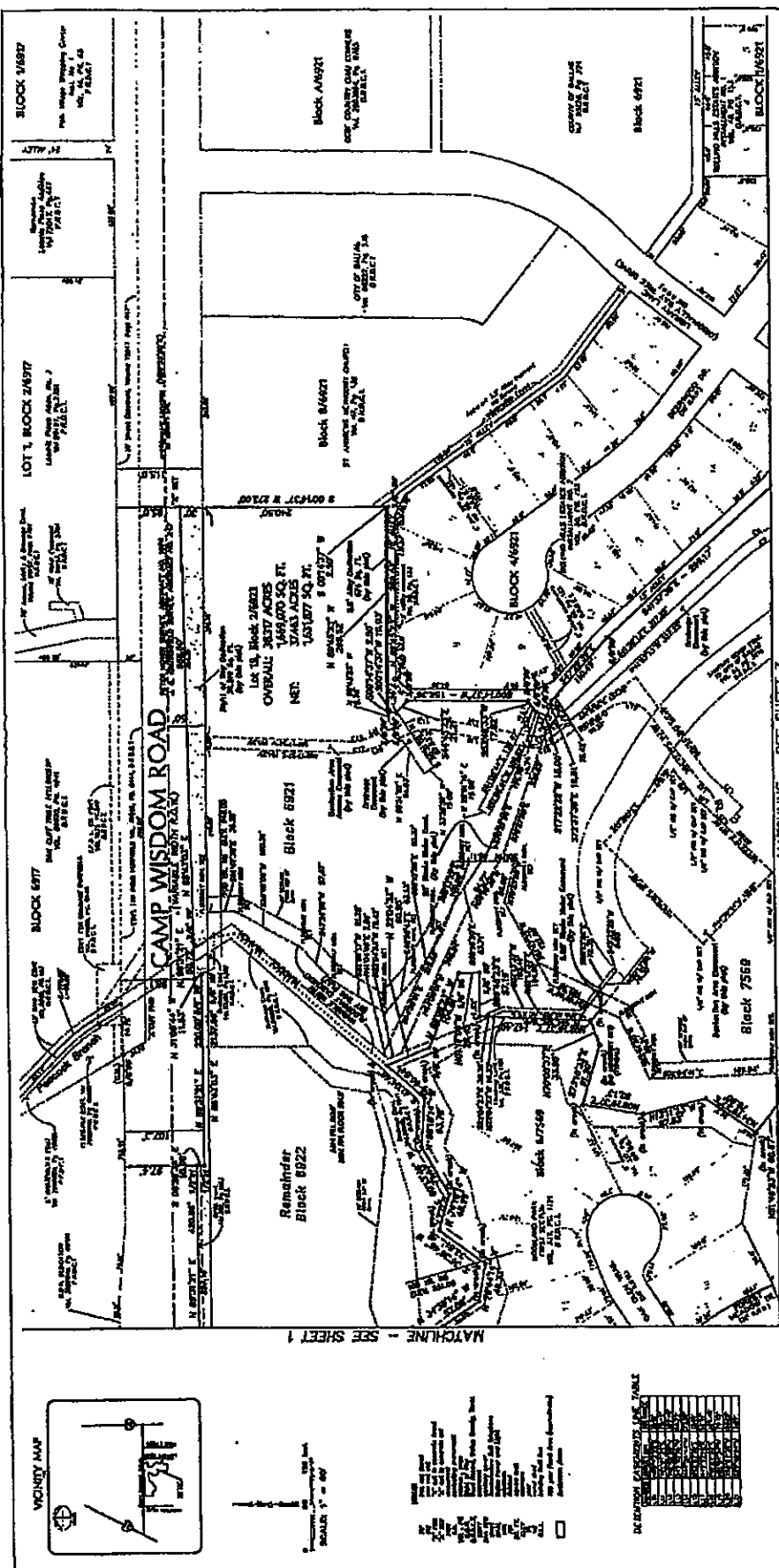
LOT	AREA	OWNER
1	0.12	...
2	0.12	...
3	0.12	...
4	0.12	...
5	0.12	...
6	0.12	...
7	0.12	...
8	0.12	...
9	0.12	...
10	0.12	...

GENERAL NOTES:
 1. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
 2. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
 3. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
 4. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
 5. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
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 7. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
 8. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
 9. All lots shown on this plat are subject to the easements and restrictions shown on the plat.
 10. All lots shown on this plat are subject to the easements and restrictions shown on the plat.

PLAT FILED UNDER INSTR. NO. _____

DATE FILED _____

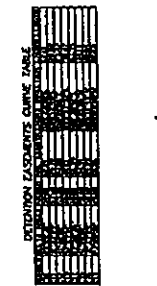
BY _____



FINAL PLAT
**OAK CLIFF BIBLE FELLOWSHIP
 PHASE III ADDITION**
 LOT 10, BLOCK 2/6923
 CITY OF DALLAS BLOCKS 7569, 7692, 8023 & 8081
 SITUATED IN THE
 J. G. CRUTCHFIELD SURVEY ABSTRACT NO. 247
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 CITY PLAN FILE NO. 20000

OWNER:
 OAK CLIFF Bible Fellowship,
 1940 W. Cherry Avenue, Suite 100,
 Dallas, Texas 75233
 214-733-7373
 214-733-7374

SUBMITTER:
 BROOKS/DAVIS/BLANCH, INC.
 Civil & Structural Engineering Surveying
 1400 Ross Street, Suite 200
 Dallas, Texas 75203
 (214) 881-2870, Fax (214) 881-7088



PLAT FILED UNDER INST. NO. _____

45
 SPECIAL NOTES:
 1. MEASUREMENTS MADE UPON THE ORIGINAL PLAT OF THIS
 PLAT FILED UNDER INST. NO. 20000, DALLAS COUNTY, TEXAS.
 2. NO LOT TO LOT MEASUREMENTS SHALL BE ALLOWED WITHOUT CONSENT OF
 THE SURVEYOR.

SPECIAL NOTES

1. OWNER AND SURVEYOR TO VERIFY THE ACCURACY OF ALL DATA FROM THIS SURVEY. THIS SURVEY IS FOR INFORMATION ONLY. NO WARRANTY IS MADE BY THE SURVEYOR.
2. NO USE TO BE MADE OF THIS SURVEY FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS MADE.

PROPERTY LINE TABLE

PROPERTY LINE	DATE	FILE
1. 1/1/1978	1/1/1978	1/1/1978
2. 1/1/1978	1/1/1978	1/1/1978
3. 1/1/1978	1/1/1978	1/1/1978
4. 1/1/1978	1/1/1978	1/1/1978
5. 1/1/1978	1/1/1978	1/1/1978
6. 1/1/1978	1/1/1978	1/1/1978
7. 1/1/1978	1/1/1978	1/1/1978
8. 1/1/1978	1/1/1978	1/1/1978
9. 1/1/1978	1/1/1978	1/1/1978
10. 1/1/1978	1/1/1978	1/1/1978

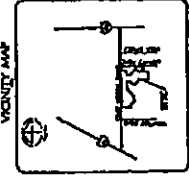
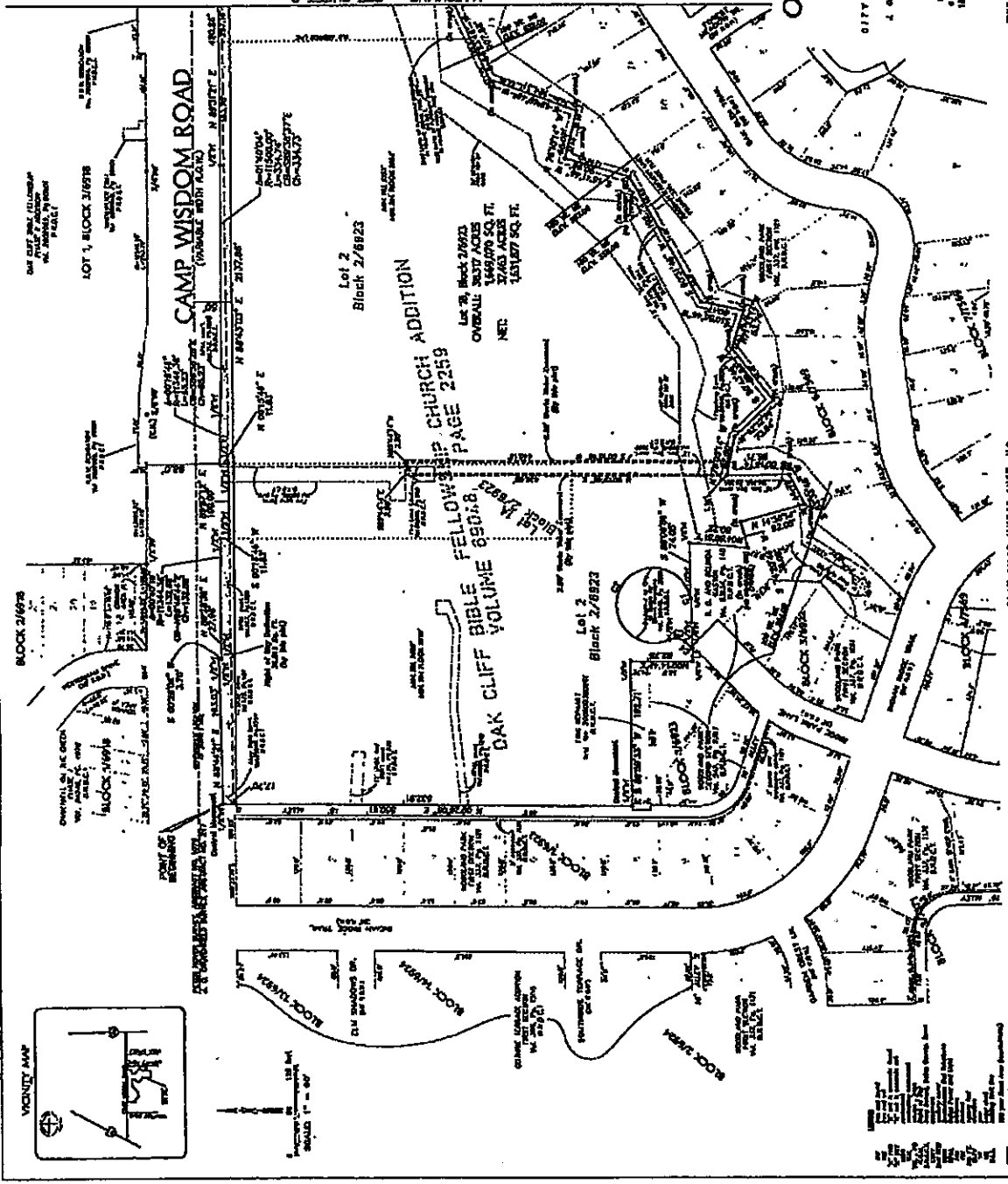
**OAK CLIFF BIBLE FELLOWSHIP
PHASE III ADDITION
Lot 2, Block 2/8923**

SITUATION IN THE
CITY OF DALLAS, TEXAS, BLOCK 2/8923, PAGE 2259
A. G. CRYSTALFIELD SURVEY, ABSTRACT NO. 337
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. 88008

OWNER:
OAK CLIFF BIBLE FELLOWSHIP
1308 W. Camp Street
Dallas, Texas 75202
972-358-1187

SURVEYOR:
BROOKS/CRAWFORD INC.
One A. B. Hancock Building
One A. B. Hancock Building
1308 W. Camp Street
Dallas, Texas 75202
972-358-1187

MATCHLINE - SEE SHEET 2

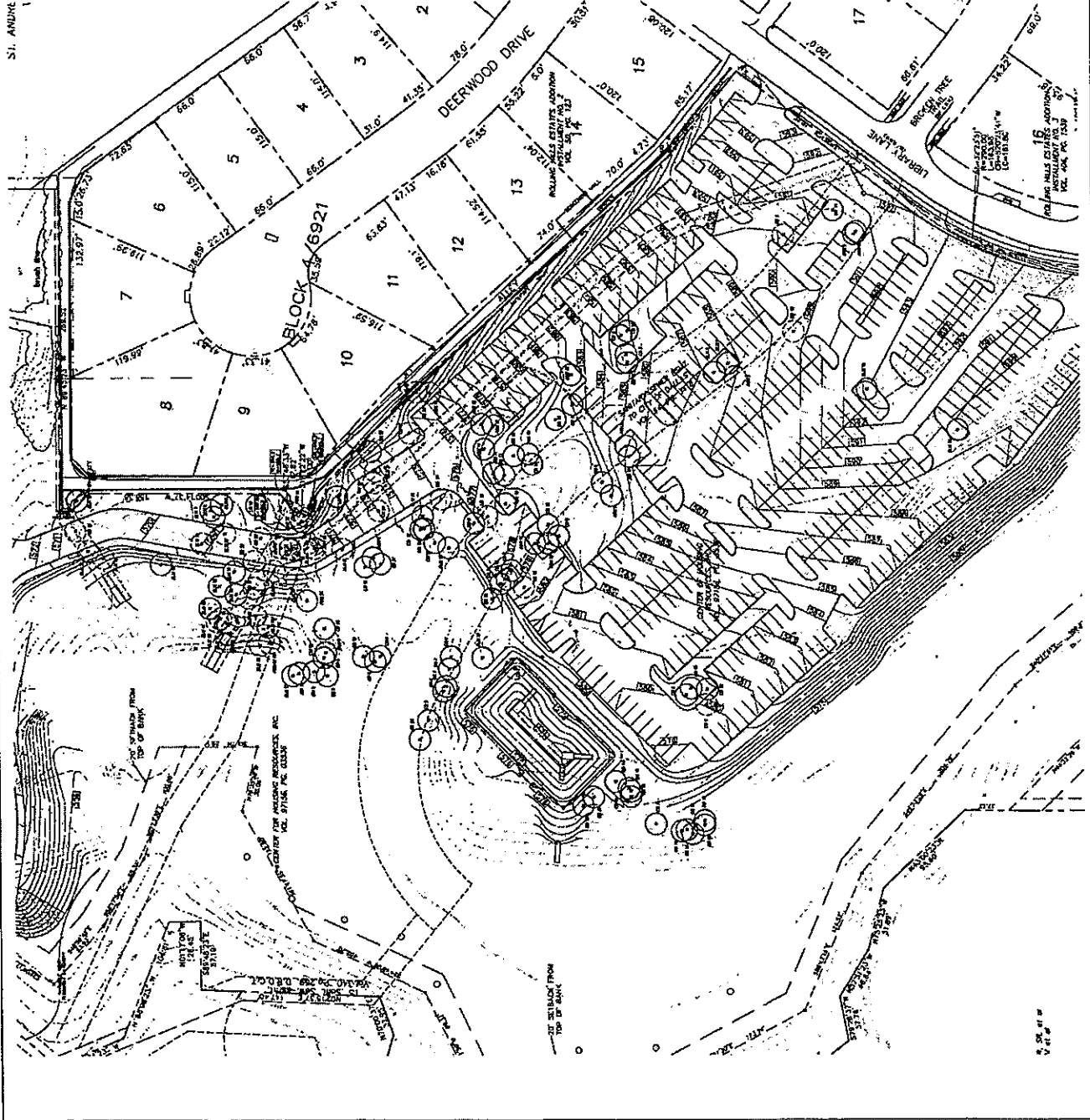


NOTES:

1. THIS SURVEY IS FOR INFORMATION ONLY.
2. NO USE TO BE MADE OF THIS SURVEY FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS MADE.
3. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE PROPERTY.
4. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SURROUNDING AREAS.
5. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE RECORDS.
6. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE FIELD.
7. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE INSTRUMENTS.
8. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE DATA.
9. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE RESULTS.
10. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE CONCLUSIONS.

PLAT FILED UNDER INST. NO. 88008

ST. ANDRE

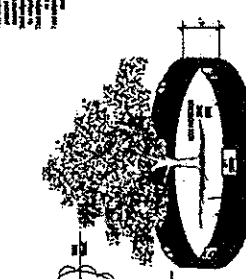


VICINITY MAP



- EXISTING TREE NOTES**
1. Existing trees shown on this plan are to remain.
 2. Existing trees shown on this plan are to be removed.
 3. Existing trees shown on this plan are to be preserved.
 4. Existing trees shown on this plan are to be planted.
 5. Existing trees shown on this plan are to be maintained.
 6. Existing trees shown on this plan are to be protected.
 7. Existing trees shown on this plan are to be relocated.
 8. Existing trees shown on this plan are to be replaced.
 9. Existing trees shown on this plan are to be pruned.
 10. Existing trees shown on this plan are to be inspected.
 11. Existing trees shown on this plan are to be watered.
 12. Existing trees shown on this plan are to be fertilized.
 13. Existing trees shown on this plan are to be mulched.
 14. Existing trees shown on this plan are to be staked.
 15. Existing trees shown on this plan are to be supported.
 16. Existing trees shown on this plan are to be protected from vehicles.
 17. Existing trees shown on this plan are to be protected from construction equipment.
 18. Existing trees shown on this plan are to be protected from power lines.
 19. Existing trees shown on this plan are to be protected from wind damage.
 20. Existing trees shown on this plan are to be protected from drought.

- EXISTING TREE LEGEND**
- Existing Tree (to remain)
 - Existing Tree (to be removed)
 - Existing Tree (to be preserved)
 - Existing Tree (to be planted)
 - Existing Tree (to be maintained)
 - Existing Tree (to be relocated)
 - Existing Tree (to be replaced)
 - Existing Tree (to be pruned)
 - Existing Tree (to be inspected)
 - Existing Tree (to be watered)
 - Existing Tree (to be fertilized)
 - Existing Tree (to be mulched)
 - Existing Tree (to be staked)
 - Existing Tree (to be supported)
 - Existing Tree (to be protected from vehicles)
 - Existing Tree (to be protected from construction equipment)
 - Existing Tree (to be protected from power lines)
 - Existing Tree (to be protected from wind damage)
 - Existing Tree (to be protected from drought)
- EXISTING TREE TABLE**
- | Tree ID | Species | Size | Condition | Action |
|---------|---------|------|-----------|--------|
| T-001 | ... | ... | ... | ... |
| T-002 | ... | ... | ... | ... |
| T-003 | ... | ... | ... | ... |
| T-004 | ... | ... | ... | ... |
| T-005 | ... | ... | ... | ... |
| T-006 | ... | ... | ... | ... |
| T-007 | ... | ... | ... | ... |
| T-008 | ... | ... | ... | ... |
| T-009 | ... | ... | ... | ... |
| T-010 | ... | ... | ... | ... |
| T-011 | ... | ... | ... | ... |
| T-012 | ... | ... | ... | ... |
| T-013 | ... | ... | ... | ... |
| T-014 | ... | ... | ... | ... |
| T-015 | ... | ... | ... | ... |
| T-016 | ... | ... | ... | ... |
| T-017 | ... | ... | ... | ... |
| T-018 | ... | ... | ... | ... |
| T-019 | ... | ... | ... | ... |
| T-020 | ... | ... | ... | ... |



EXISTING TREE TABLE

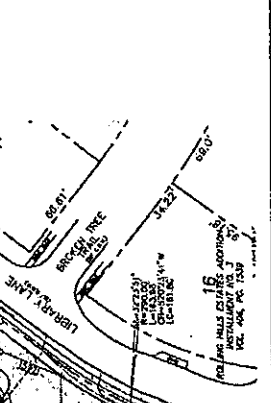
Tree ID	Species	Size	Condition	Action
T-021
T-022
T-023
T-024
T-025
T-026
T-027
T-028
T-029
T-030
T-031
T-032
T-033
T-034
T-035
T-036
T-037
T-038
T-039
T-040

01 EXISTING TREE PLAN

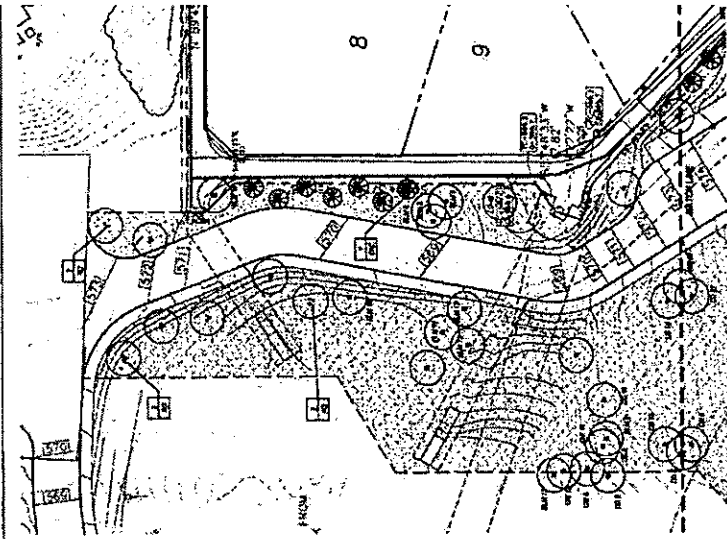
SITIF

DATE	BY	REVISED	BY
02/04/11	1	01	3111 LO

EXISTING TREE PLAN
 OAK CLIFF BIBLE FELLOWSHIP
 DALLAS, TEXAS
 DALLAS COUNTY, TEXAS
 BROCKETT/DAVIS/ORAHE, INC.
 CONSULTING ENGINEERS
 11111 Preston Road, Suite 1100
 Dallas, Texas 75242
 (214) 343-2200



Approved by the Board of Directors of the Association of Professional Engineers and Surveyors of the State of Texas, Inc. on 02/04/11 at 11:00 AM. The Board of Directors of the Association of Professional Engineers and Surveyors of the State of Texas, Inc. is hereby authorized to issue this license to the undersigned.

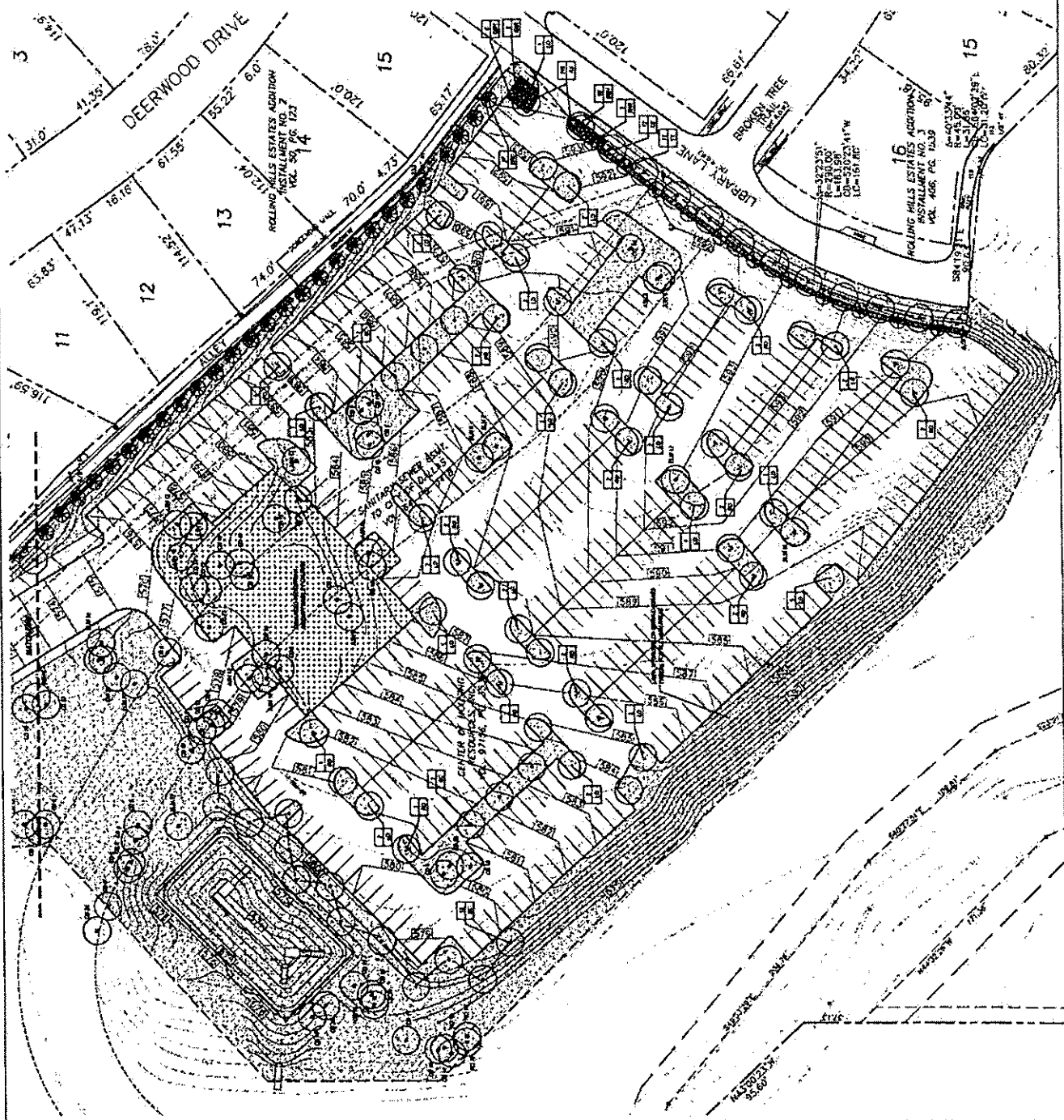


01 LANDSCAPE PLAN
SCALE: 1"=20'

SITE
 1. OAK CLIFF BIRLE FELLOWSHIP
 2. DALLAS COUNTY, TEXAS
 3. BROOKHURST/DARTMOUTH, INC.
 4. CONSULTING ENGINEER
 5. DATE: 10/20/04
 6. DRAWN BY: [Signature]
 7. CHECKED BY: [Signature]
 8. DATE: 10/20/04

LANDSCAPE PLAN
 OAK CLIFF BIRLE FELLOWSHIP
 DALLAS COUNTY, TEXAS
 BROOKHURST/DARTMOUTH, INC.
 CONSULTING ENGINEER
 DATE: 10/20/04
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 10/20/04

NO.	DATE	BY	REVISION
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Prepared in accordance with the provisions of the Texas Land Surveying Act, Chapter 131, Texas Government Code, and the Texas Professional Land Surveying Act, Chapter 132, Texas Government Code. The survey was conducted in accordance with the provisions of the Texas Land Surveying Act, Chapter 131, Texas Government Code, and the Texas Professional Land Surveying Act, Chapter 132, Texas Government Code.

ART. 1. PURPOSE AND SCOPE

1.1 The purpose of this contract is to provide for the design and construction of the landscape for the project described in the attached drawings and specifications.

1.2 The project is located at the intersection of [Address] and [Address], [City], [State].

1.3 The project consists of [Description of Project].

1.4 The contractor shall be responsible for all costs of design and construction, including but not limited to, labor, materials, equipment, and overhead.

1.5 The contractor shall be responsible for obtaining all necessary permits and licenses.

1.6 The contractor shall be responsible for maintaining the site during construction and for restoring the site to its original condition.

1.7 The contractor shall be responsible for the safety of all workers and the public.

1.8 The contractor shall be responsible for the protection of all existing trees and structures.

1.9 The contractor shall be responsible for the disposal of all waste materials.

1.10 The contractor shall be responsible for the cleanup of the site.

1.11 The contractor shall be responsible for the maintenance of the landscape for a period of [Duration].

ART. 2. DEFINITIONS

2.1 The following definitions shall apply to the contract:

2.1.1 "Contract" shall mean the entire agreement between the parties, including the drawings, specifications, and conditions of contract.

2.1.2 "Contractor" shall mean the party who is to perform the work under the contract.

2.1.3 "Owner" shall mean the party who is to receive the work under the contract.

2.1.4 "Site" shall mean the location of the project.

2.1.5 "Drawings" shall mean the architectural and landscape drawings prepared by the architect or landscape architect.

2.1.6 "Specifications" shall mean the written description of the work to be performed.

2.1.7 "Conditions of Contract" shall mean the terms and conditions governing the contract.

2.1.8 "Permits" shall mean all necessary permits and licenses required for the work.

2.1.9 "Waste" shall mean any material that is not part of the work and is to be disposed of.

2.1.10 "Cleanup" shall mean the removal of all waste materials from the site.

2.1.11 "Maintenance" shall mean the care and protection of the landscape.

ART. 3. OBLIGATIONS

3.1 The contractor shall be responsible for the following:

3.1.1 Obtaining all necessary permits and licenses.

3.1.2 Maintaining the site during construction.

3.1.3 Restoring the site to its original condition.

3.1.4 Protecting all existing trees and structures.

3.1.5 Disposing of all waste materials.

3.1.6 Cleaning up the site.

3.1.7 Maintaining the landscape for a period of [Duration].

3.1.8 Providing a warranty for the work.

3.1.9 Providing a bond for the work.

3.1.10 Providing a schedule for the work.

3.1.11 Providing a list of subcontractors.

3.1.12 Providing a list of suppliers.

3.1.13 Providing a list of equipment.

3.1.14 Providing a list of materials.

3.1.15 Providing a list of laborers.

ART. 4. PAYMENT

4.1 The contractor shall be paid for the work as follows:

4.1.1 A lump sum of [Amount] upon completion of the work.

4.1.2 A lump sum of [Amount] upon completion of [Percentage].

4.1.3 A lump sum of [Amount] upon completion of [Percentage].

4.1.4 A lump sum of [Amount] upon completion of [Percentage].

4.1.5 A lump sum of [Amount] upon completion of [Percentage].

4.1.6 A lump sum of [Amount] upon completion of [Percentage].

4.1.7 A lump sum of [Amount] upon completion of [Percentage].

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4.1.12 A lump sum of [Amount] upon completion of [Percentage].

4.1.13 A lump sum of [Amount] upon completion of [Percentage].

4.1.14 A lump sum of [Amount] upon completion of [Percentage].

4.1.15 A lump sum of [Amount] upon completion of [Percentage].

ART. 5. TERMINATION

5.1 The contract may be terminated if:

5.1.1 The contractor fails to perform the work in accordance with the contract.

5.1.2 The contractor fails to maintain the site during construction.

5.1.3 The contractor fails to restore the site to its original condition.

5.1.4 The contractor fails to protect all existing trees and structures.

5.1.5 The contractor fails to dispose of all waste materials.

5.1.6 The contractor fails to clean up the site.

5.1.7 The contractor fails to maintain the landscape for a period of [Duration].

5.1.8 The contractor fails to provide a warranty for the work.

5.1.9 The contractor fails to provide a bond for the work.

5.1.10 The contractor fails to provide a schedule for the work.

5.1.11 The contractor fails to provide a list of subcontractors.

5.1.12 The contractor fails to provide a list of suppliers.

5.1.13 The contractor fails to provide a list of equipment.

5.1.14 The contractor fails to provide a list of materials.

5.1.15 The contractor fails to provide a list of laborers.

ART. 6. MISCELLANEOUS

6.1 This contract shall be governed by the laws of the State of [State].

6.2 This contract shall be subject to the arbitration rules of the American Arbitration Association.

6.3 This contract shall be subject to the Uniform Commercial Code.

6.4 This contract shall be subject to the Uniform Residential Real Property Contract Act.

6.5 This contract shall be subject to the Uniform Consumer Credit Code.

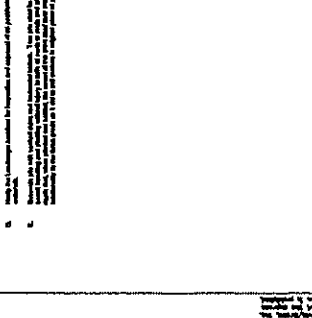
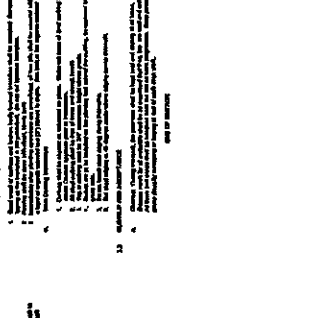
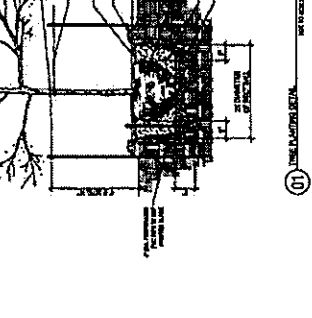
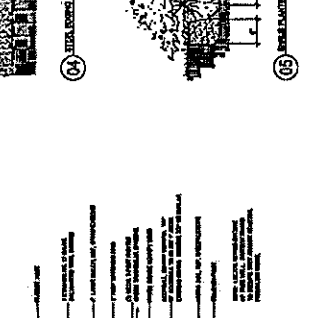
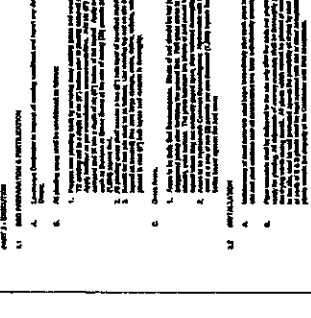
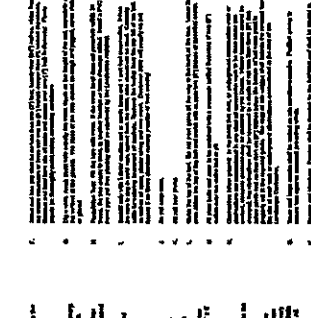
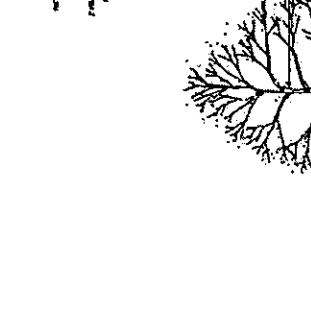
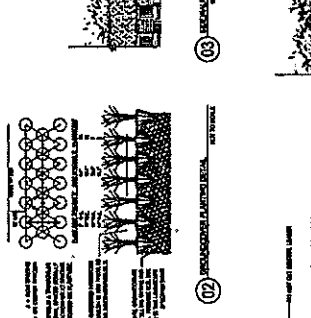
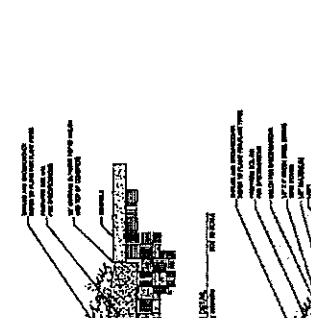
6.6 This contract shall be subject to the Uniform Gifts to Minors Act.

6.7 This contract shall be subject to the Uniform Gifts to Minors Act.

6.8 This contract shall be subject to the Uniform Gifts to Minors Act.

6.9 This contract shall be subject to the Uniform Gifts to Minors Act.

6.10 This contract shall be subject to the Uniform Gifts to Minors Act.

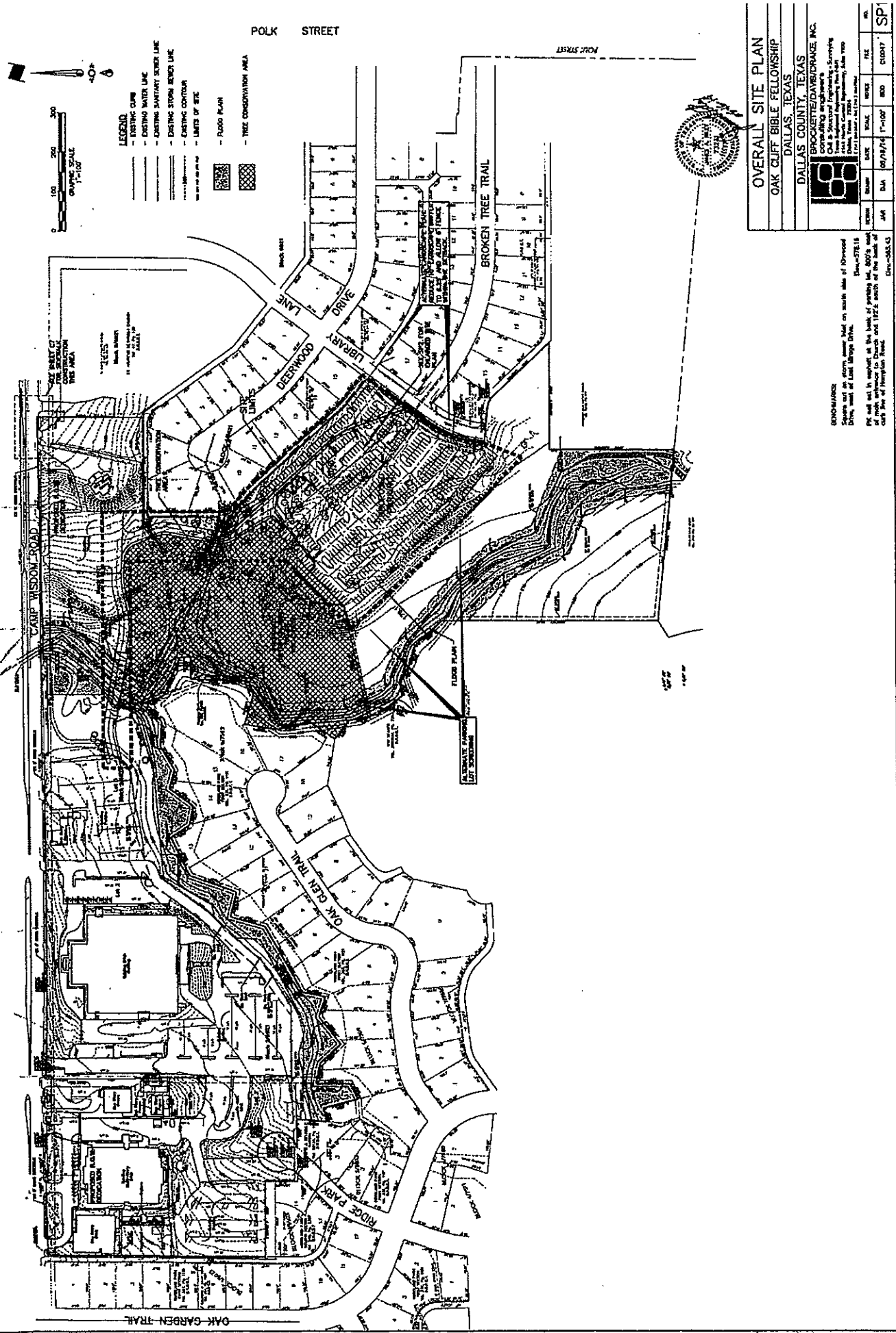


LANDSCAPE SPECIFICATIONS
OAK CLIFF BIBLE FELLOWSHIP
 DALLAS, TEXAS
 BROOKHEDGE/DAVIDRAME, INC.
 Consulting Architects
 1400 West Loop South, Suite 1100
 Dallas, Texas 75243
 Phone: (214) 341-1100
 Fax: (214) 341-1101



NO.	DATE	BY	CHK.	REV.	DATE
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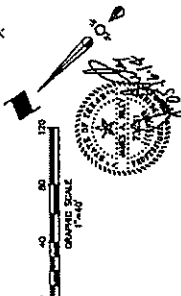
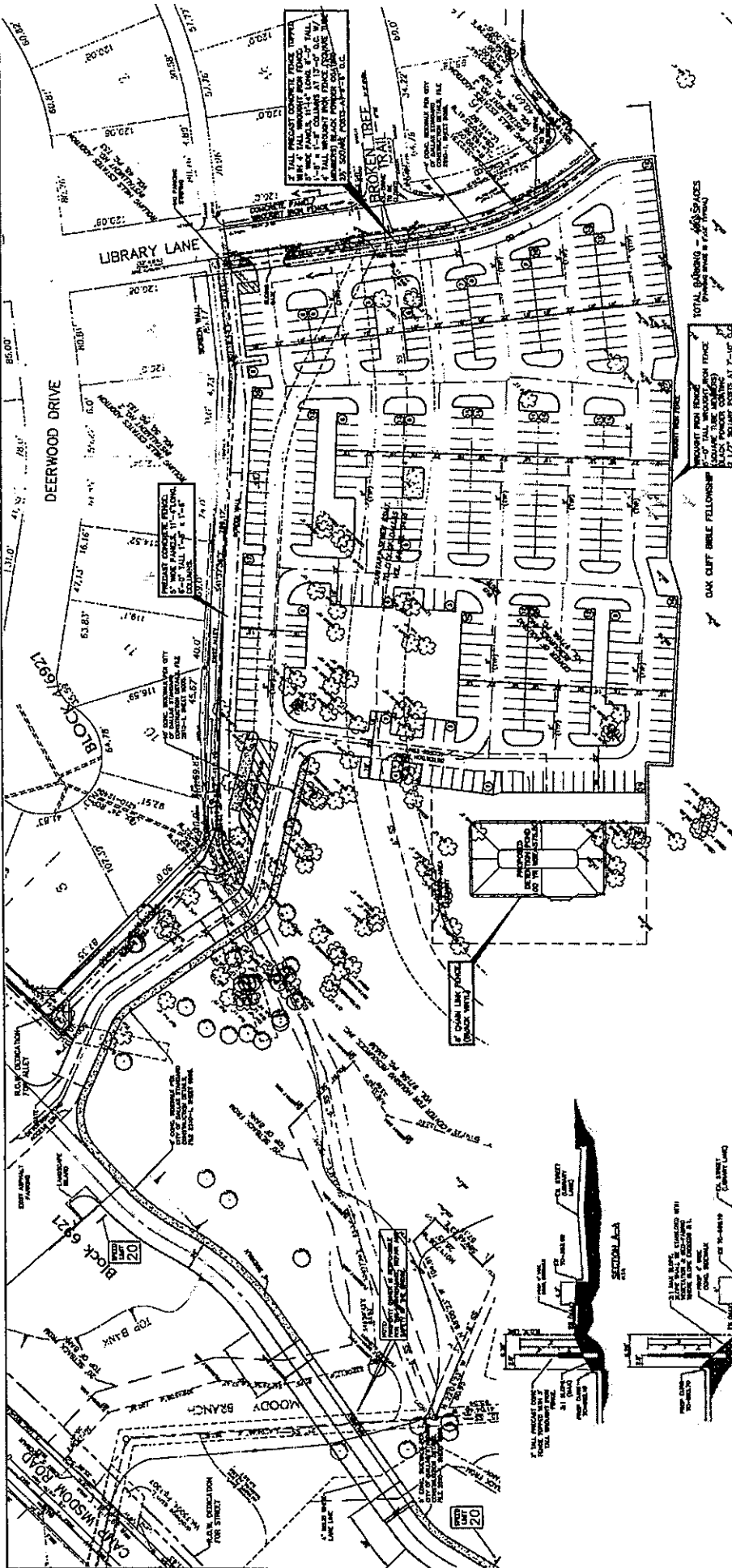
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OVERALL SITE PLAN
OAK CLIFF BIBLE FELLOWSHIP
DALLAS, TEXAS
DALLAS COUNTY, TEXAS

PROGETTE/DAVID/BRACE, INC.
 10000 North Central Expressway, Suite 1000
 Dallas, Texas 75243
 (214) 342-1212

DATE	DESCRIPTION
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09/10/16	REVISED
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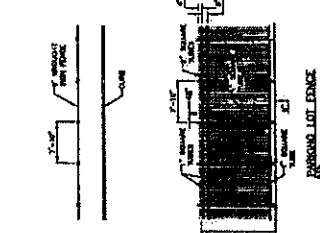
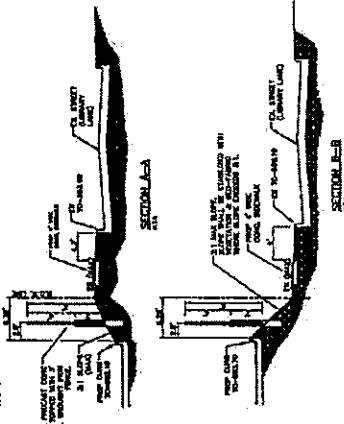
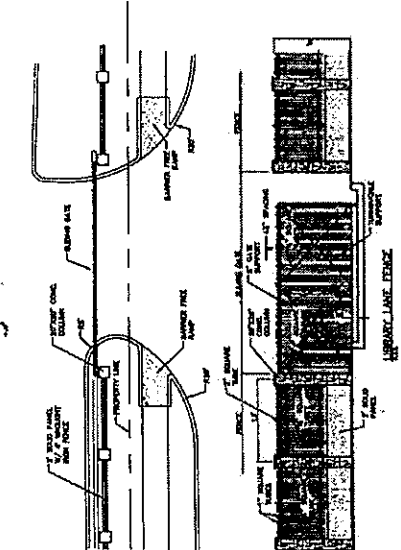
SITE PLAN

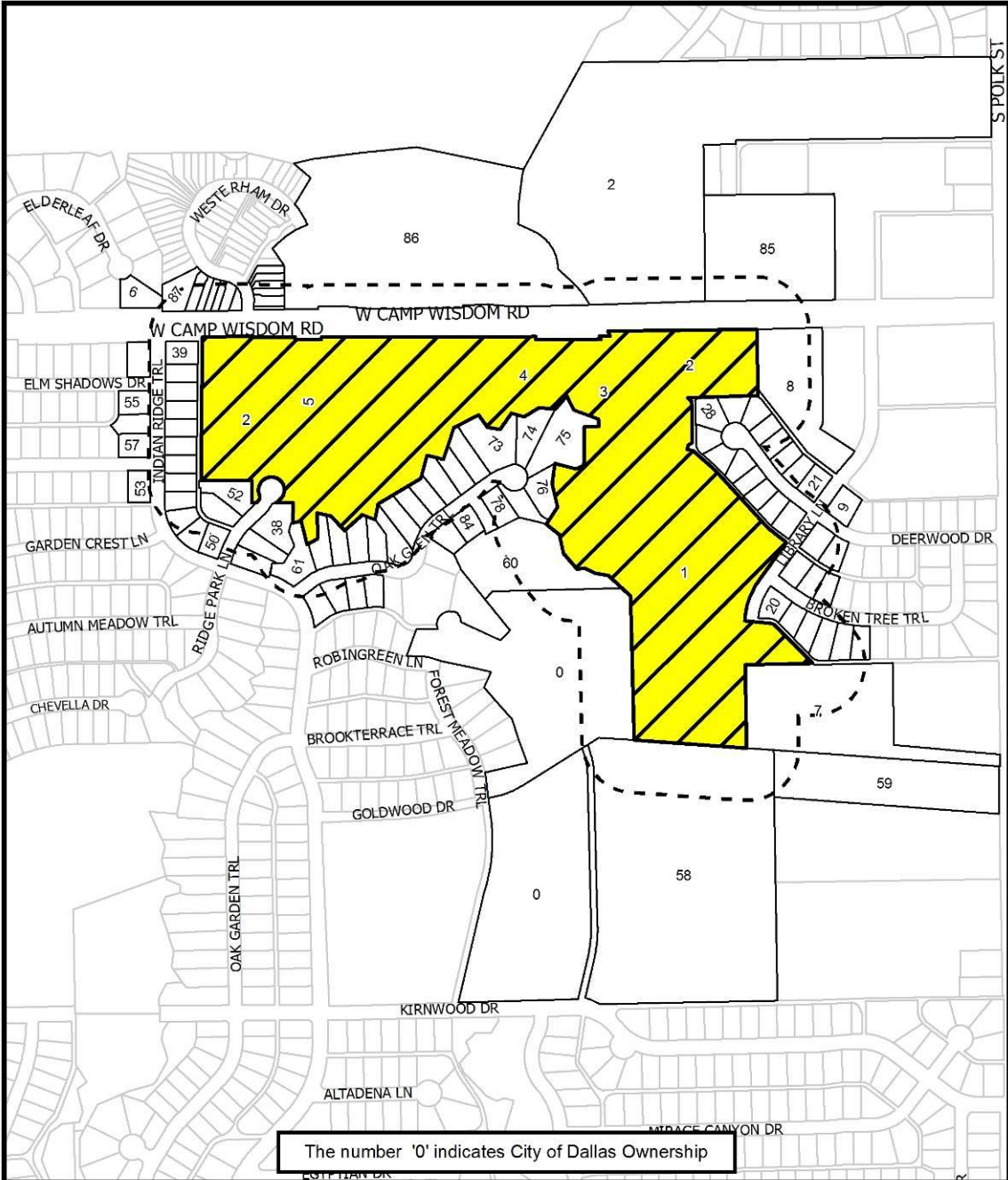
OAK CLIFF BIBLE FELLOWSHIP
 DALLAS, TEXAS
 DALLAS COUNTY, TEXAS

BROCKETT/DANBROCK INC.
 Civil & Structural Engineering - Surveying
 400 East North Street, Suite 100
 Dallas, Texas 75202
 Phone: (214) 742-1111

DATE	BY	SCALE	FILE
12/11/03	JWR	1"=40'	SP2

REMARKS:
 Survey set on above corner lot on south side of Deerwood Drive, west of East Maple Drive.
 Plotted lot is bounded by the back of building at the back of lot, front of building at the back of lot, and back of building at the back of lot.
 Dimensions shown are to center of building.





 1:6,000	NOTIFICATION		Case no: BDA134-062
	<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;">90</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/20/2014	

Notification List of Property Owners

BDA134-062

90 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7300 LIBRARY LN	OAK CLIFF BIBLE FELLOWSH
2	1309 CAMP WISDOM RD	OAK CLIFF BIBLE FELLOWSHP
3	1430 CAMP WISDOM RD	OAK CLIFF BIBLE FELLOWSHI
4	1602 CAMP WISDOM RD	OAK CLIFF BIBLE FELLOWSHIP INC
5	1718 CAMP WISDOM RD	OAK CLIFF BIBLE FELLOWSHIP
6	1901 ELDERLEAF DR	LINDSEY PERCY
7	7509 POLK ST	FRIENDSHIP WEST BAPT CH
8	1300 CAMP WISDOM RD	CAMP WISDOM UNITED METHODIST CHURCH
9	1147 DEERWOOD DR	SHAW PEARLIE M APT 2614
10	1148 DEERWOOD DR	CROSS TIMBERS CAPITAL INC
11	1142 DEERWOOD DR	BEASLEY ROSIE L
12	7357 BROKEN TREE TRL	KING OLIVER ONEAL JR
13	7363 BROKEN TREE TRL	BYRD JOHNNIE LEE
14	7369 BROKEN TREE TRL	CLAYTON OLIVER C & TAMMY L
15	7346 BROKEN TREE TRL	CARTER JANICE M
16	7350 BROKEN TREE TRL	WALKER MAY B & GEORGE E WALKER
17	7354 BROKEN TREE TRL	WOODSON JIMMY
18	7358 BROKEN TREE TRL	CROSS LINDA
19	7362 BROKEN TREE TRL	BLAKE MARTHA A
20	7368 BROKEN TREE TRL	HEAD LOIS
21	1207 DEERWOOD DR	HURD BELINDA J
22	1211 DEERWOOD DR	MORGAN CHARLEY C JR
23	1217 DEERWOOD DR	ROBINSON JACKIE
24	1221 DEERWOOD DR	SCRUGGS FLORIDA
25	1227 DEERWOOD DR	ALARDIN ELIZABETH
26	1231 DEERWOOD DR	POLIUS CEPHA & REBECCA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1235 DEERWOOD DR	WALKER DWAYNE E & JANICE
28	1236 DEERWOOD DR	JACKSON ALMA
29	1232 DEERWOOD DR	LINCOLN TRUST CO
30	1228 DEERWOOD DR	FREENEY TIMOTHY E ETAL
31	1222 DEERWOOD DR	PONCE LILIANA
32	1218 DEERWOOD DR	LUCAS CLARENCE
33	1214 DEERWOOD DR	HILL PRINCE A JR & JOHNNIE F HILL
34	1210 DEERWOOD DR	NORMAN EARL L & JOHNETTA SMITH
35	1206 DEERWOOD DR	SMTH DENETTA & VIRGIL
36	7250 RIDGE PARK LN	PROCTOR JOE
37	7244 RIDGE PARK LN	JONES VAN ESTER
38	7240 RIDGE PARK LN	GASTON R G & BELINDA
39	7106 INDIAN RIDGE TRL	BURKLEY L B JR & GENETHA
40	7110 INDIAN RIDGE TRL	HOLMES BARBARA
41	7116 INDIAN RIDGE TRL	TURNER HELEN POWE
42	7120 INDIAN RIDGE TRL	STOVALL L CHARLES & DENISE J STOVALL
43	7126 INDIAN RIDGE TRL	HUNTER LYNND A GAIL
44	7130 INDIAN RIDGE TRL	CALHOUN SARAH
45	7136 INDIAN RIDGE TRL	WILLIAMS CHARLES
46	7140 INDIAN RIDGE TRL	LAMBERT PRISCILLA
47	7146 INDIAN RIDGE TRL	JONES LASHEKA
48	7152 INDIAN RIDGE TRL	HAWKINS CECIL
49	7208 INDIAN RIDGE TRL	LAW MAXINE
50	7214 INDIAN RIDGE TRL	CAMPBELL IRIS
51	7243 RIDGE PARK LN	MANUEL TAMMY R
52	7239 RIDGE PARK LN	KEPHART ERIC
53	1906 SOUTHSIDE TERRACE DR	LOVING JOSEPH R
54	1905 ELM SHADOWS DR	ANDERSON UZZIAN
55	7117 INDIAN RIDGE TRL	WALKER JOHN D ET AL EST
56	7127 INDIAN RIDGE TRL	GILLUM ROSE M
57	7133 INDIAN RIDGE TRL	RHEA LAWRENCE & JOAN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	7601 POLK ST	CENTER FOR HOUSING RESOURCES INC
59	7603 POLK ST	RAHMANI FAZEL
60	7419 FOREST MEADOW TRL	ADIA PARTNERSHIP LLC
61	1655 OAK GLEN TRL	DAVIS ELLA
62	1649 OAK GLEN TRL	MORRISBROWN MARTHA A
63	1645 OAK GLEN TRL	JONES DARRELL W & SANDRA
64	1639 OAK GLEN TRL	LIVINGSTON THEODORE ET AL
65	1635 OAK GLEN TRL	MARK DOUGLAS J
66	1625 OAK GLEN TRL	EDMONDSON BRANDI D
67	1619 OAK GLEN TRL	VARELA JOSE A
68	1615 OAK GLEN TRL	GREEN WILLIE J
69	1609 OAK GLEN TRL	SANDERS GEORGE A & ALLIE
70	1603 OAK GLEN TRL	RANDLE DAVID C
71	1521 OAK GLEN TRL	TATUM LOUIS & GLADYS J
72	1515 OAK GLEN TRL	SWIFT BARBARA P
73	1511 OAK GLEN TRL	ROBINSON DENISE & WILBERT
74	1503 OAK GLEN TRL	WILKES JAMES F JR
75	1502 OAK GLEN TRL	PRINCE ALLEN L
76	1506 OAK GLEN TRL	COLEMAN TAMMY &
77	1510 OAK GLEN TRL	LADAPO JACKIE SUE
78	1516 OAK GLEN TRL	ROYAL MONICA L
79	1654 OAK GLEN TRL	MATTHIS GARLAND W
80	1648 OAK GLEN TRL	VERNON DIANNE P
81	1640 OAK GLEN TRL	ENGLISH MARTHA C
82	1636 OAK GLEN TRL	KEIMISH HOLDINGS LLC
83	1610 OAK GLEN TRL	EVANS ARTELL
84	1604 OAK GLEN TRL	MILLER LUVERTA
85	1201 CAMP WISDOM RD	GROCERS SUPPLY CO INC
86	1 WESTERHAM DR	OAK CLIFF BIBLE FELLOWSHIP CHURCH
87	33 WESTERHAM DR	CHRTWLL ON GREEN HM ASSN % CHAROLETTE CO
88	1777 WESTERHAM DR	INVESTALL INC

5/20/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	1781 WESTERHAM DR	CARTER C M
90	1785 WESTERHAM DR	HATCHER MARTHA

FILE NUMBER: BDA 134-064

BUILDING OFFICIAL'S REPORT: Application of Dick Calvert for a special exception to the off-street parking regulations at 1441 Robert B. Cullum Boulevard. This property is more fully described as Lot 17A, Block 1376, and is zoned PD-595 (CC), which requires off-street parking to be provided. The applicant proposes to construct/maintain a structure for restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, general merchandise or food store 3500 square feet or less use, and office uses, and provide 68 of the required 90 off-street parking spaces, which will require a 22 space special exception to the off-street parking regulations.

LOCATION: 1441 Robert B. Cullum Boulevard

APPLICANT: Dick Calvert

REQUEST:

A special exception to the off-street parking regulations of 22 spaces is requested to replace an existing restaurant with drive-in or drive-through service use (Two Podners) and develop it and an adjacent vacant lot with a new approximately 5,500 square foot retail/office complex with restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, general merchandise or food store 3,500 square feet or less, and office uses (Two Podners, Subway, Pizza Patron, Del Taco, and H&R Block) and provide 68 (or 76 percent) of the 90 off-street parking spaces required by code.

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).
- 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.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 22 spaces shall automatically and immediately terminate if and when the mix of restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, general merchandise or food store 3,500 square feet or less, and office uses that would normally need no more than 90 required parking spaces is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objections to the applicant's request.
- The applicant has substantiate how the parking demand generated by the mix of restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, general merchandise or food store 3,500 square feet or less, and office uses does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

BACKGROUND INFORMATION:

Zoning:

Site: PD 595 (CC) (Planned Development, Community Commercial)
North: CS (Commercial Service)

South: PD 595 (MF-2(A)) (Planned Development, Multifamily)
East: PD 595 (CC) (Planned Development, Community Commercial)
West: PD 595 (CC) (Planned Development, Community Commercial)

Land Use:

The subject site is developed with an existing restaurant with drive-in use (Two Podners) and a vacant lot. The area to the north is Fair Park; the areas to the east and west are developed with retail uses; and the area to the south is developed with a mix of uses (one of which is the MLK DART Rail Transit Station) and vacant land.

Zoning/BDA History:

1. Miscellaneous Item #2, BDA 134-064, Property at 1441 Robert B. Cullum Boulevard (the subject site) On June 25, 2014, the Board of Adjustment Panel B will consider reimbursing the filing fee made in conjunction with this application.

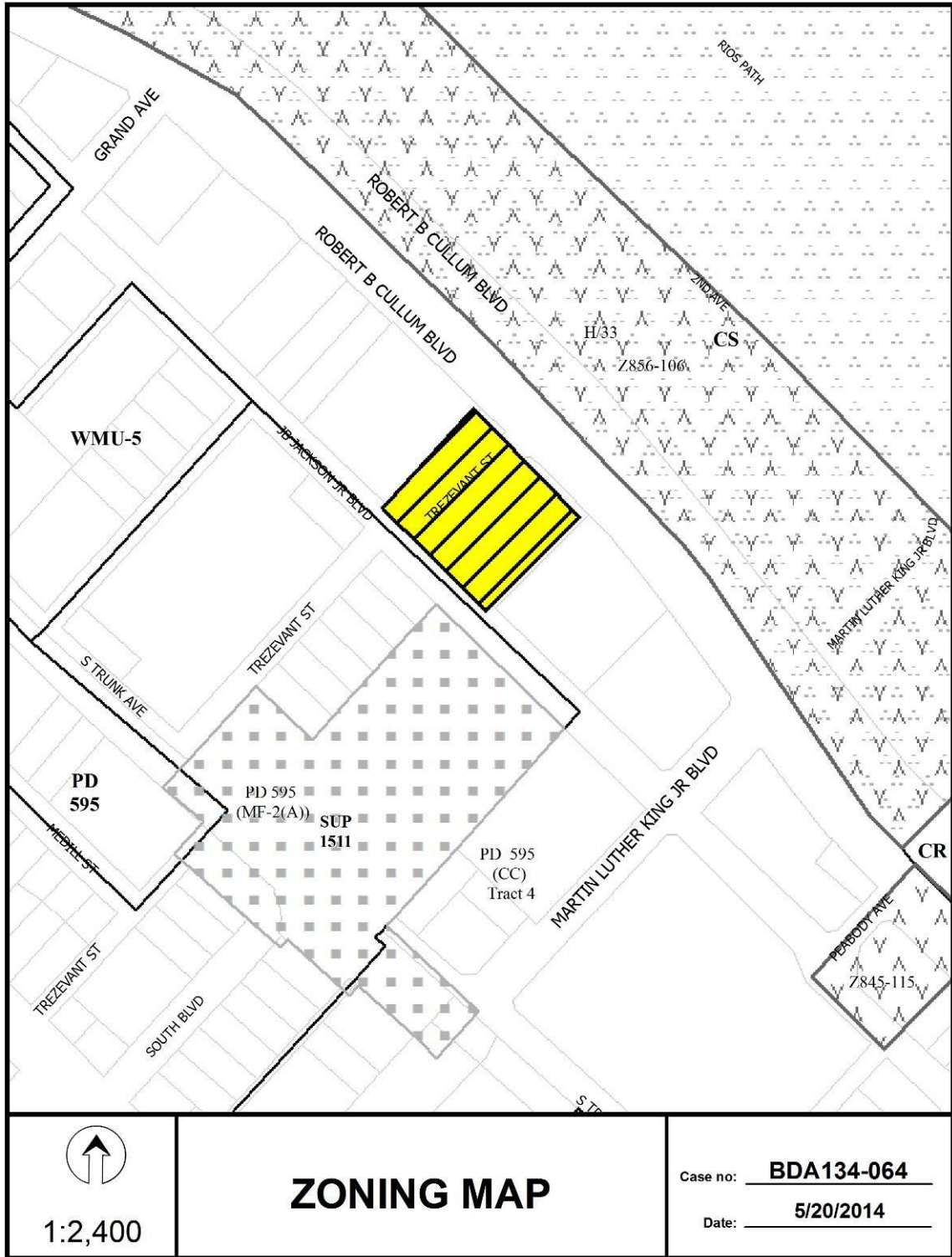
GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on replacing an existing restaurant with drive-in or drive-through service use (Two Podners) and develop it and an adjacent vacant lot with a new approximately 5,500 square foot retail/office complex with restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, general merchandise or food store 3,500 square feet or less, and office uses (Two Podners, Subway, Pizza Patron, Del Taco, and H&R Block) and provide 68 (or 76 percent) of the 90 off-street parking spaces required by code.
- The Dallas Development Code requires the following off-street parking requirement:
 - Office: one space per 333 spaces of floor area.
 - Restaurant with drive in or drive through service: One space per 100 square feet of floor area.
 - Restaurant without drive in or drive through service: One space per 100 square feet of floor area
 - General merchandise or food store 3500 square feet or less: One space per 200 square feet of floor area.
- The applicant is proposing to provide 68 of the required 90 required off-street parking spaces.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, general merchandise or food store 3,500 square feet or less, and office uses does not warrant the number of off-street parking spaces required, and
 - The special exception of 22 spaces (or a 24 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 22 spaces shall automatically and immediately terminate if and when the restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, general merchandise or food store 3,500 square feet or less, and office uses is changed or discontinued, the applicant would be allowed to construct and maintain the proposed structure/center with these uses and provide 68 of the 90 code required off-street parking spaces.

Timeline:

- May 6, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 20, 2014: The Board Administrator shared the following information with the applicant via email:
- an attachment that provided the public hearing date and panel that will consider the application; the May 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th 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 10, 2014: 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- June 10, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections.”





1:2,400

AERIAL MAP

Case no: BDA134-064

Date: 5/20/2014



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-064

Data Relative to Subject Property:

Date: May 6, 2014

Location address: 1441 Robert B. Cullum Blvd. Zoning District: PD595(cc)

Lot No.: 17A Block No.: 1376 Acreage: 1.2 Census Tract: 203.00

Street Frontage (in Feet): 1) 235' 2) ~~215'~~ 3) 235' 4) ~~215'~~ 5) SE 26

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Two Podners Retail Eateries, LLC

Applicant: Dick Calvert Telephone: 972 446-0493

Mailing Address: P.O. Box 110955, Carrollton, TX Zip Code: 75011

E-mail Address: calvco@aol.com or twopod@flash.net

Represented by: Dick Calvert, Calvert & Co/Architects 972 446-0493

Mailing Address: P.O. Box 110955, Carrollton, TX Zip Code: 75011

E-mail Address: calvco@aol.com

Affirm that an appeal has been made for a Special Exception of 22 parking spaces. The anticipated uses are:

5,325 SF Drive Thru Restaurant	53 Parking Spaces Required @ 1/100 SF
1,101 SF Restaurant	11 Parking Spaces Required @ 1/100 SF
1,208 SF Retail	6 Parking Spaces Required @ 1/200 SF
1,012 SF Office	3 Parking Spaces Required @ 1/333 SF
1,803 SF Drive Thru Restaurant	18 Parking Spaces Required @ 1/100 SF
From the	91 Parking Spaces Required

See attached Memo for additional information

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:

Because 2 of the restaurants have drive-thru windows, the site is within 600 feet of a DART Rail Station and the large amount of walk-up traffic, we are requesting a Special Exception to reduce the required parking by 25% (22 parking spaces).

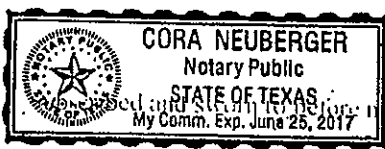
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Richard A. (Dick) Calvert (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)



this 6th day of May, 2014
Cora Neuberger
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 Dick Calvert

did submit a request for a special exception to the parking regulations
at 1441 Robert B. Cullum Blvd.

BDA134-064. Application of Dick Calvert for a special exception to the parking regulation at 1441 Robert B. Cullum Blvd. This property is more fully described as Lot 17A, Block 1376, and is zoned PD-595 (CC), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant with drive-in or drive-through service uses, a restaurant without drive-in or drive-through service use, a general merchandise or food store 3500 square feet or less use, and an office use, and provide 68 of the required 90 parking spaces, which will require a 22 space special exception (24% reduction) to the parking regulation.

Sincerely,


Larry Holmes, Building Official

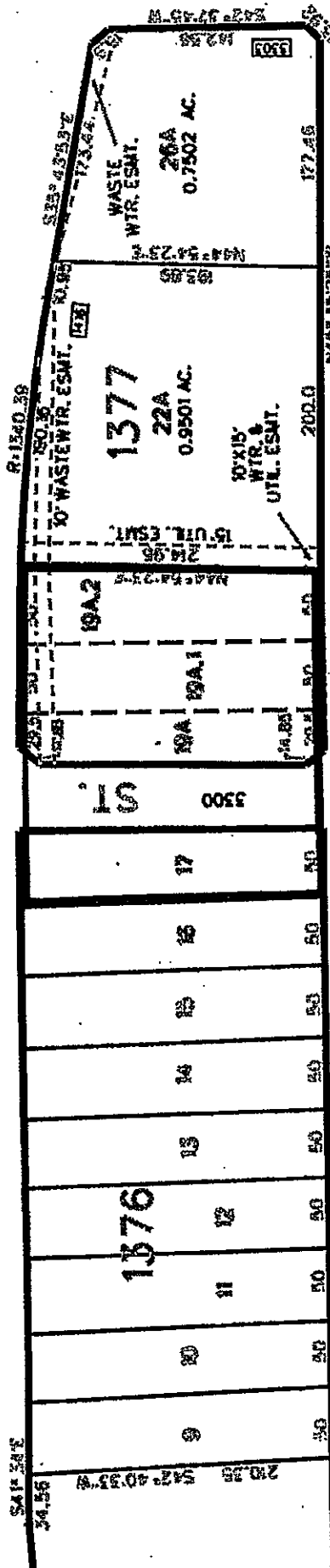
ROBERT

B.

1300

CULLUM

1400



OURTH

1300

1400

2572	35	12	35
125	10	11	35
35	10	11	35

ROW

44	42	43	45	40	30	30	30
9	9	9	9	1	1	1	1
30	30	30	30	2	2	2	2
30	30	30	30	3	3	3	3

425	125	425	425	425	425
30	30	30	30	30	30
17	17	17	17	17	17
13	13	13	13	13	13

BLVD.

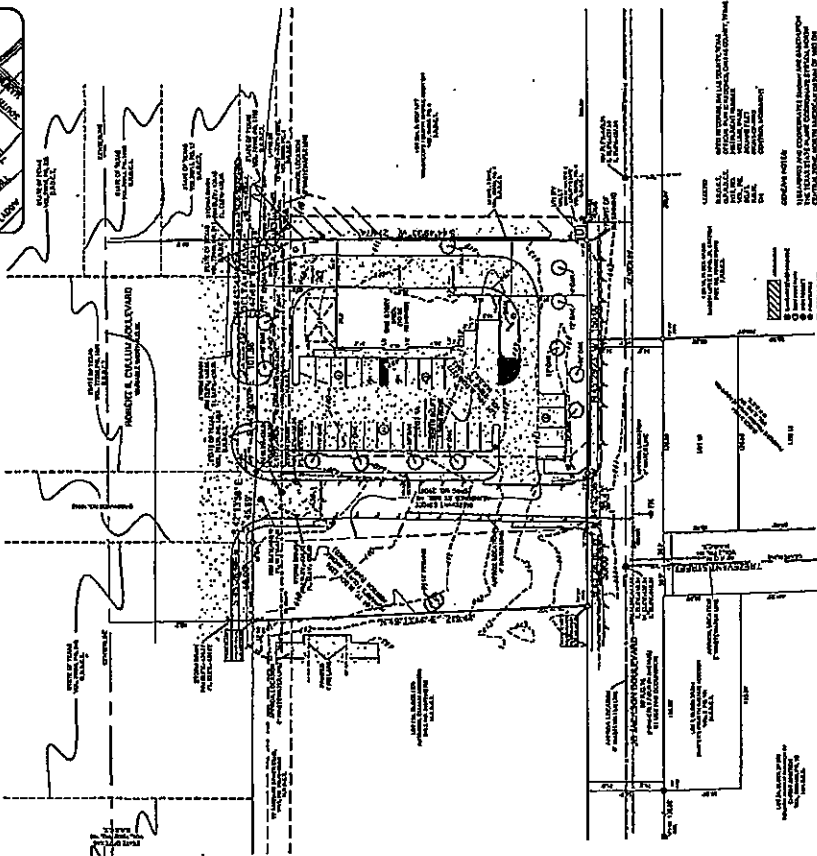
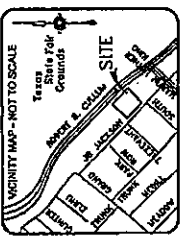
475	475	475	475
35	35	35	35
125	125	125	125

1354/5	177.5	177.5	177.5
35	35	35	35

KING

BLVD.

JAC



GENERAL NOTES:
 1. THE PLANNING BOARD HAS REVIEWED THE PLANS AND APPROVED THEM FOR THE CITY OF DALLAS.
 2. THE PLANNING BOARD HAS REVIEWED THE PLANS AND APPROVED THEM FOR THE CITY OF DALLAS.
 3. THE PLANNING BOARD HAS REVIEWED THE PLANS AND APPROVED THEM FOR THE CITY OF DALLAS.

OWNER'S CERTIFICATE:
 I, the undersigned, being duly qualified, do hereby certify that the above described premises are the property of the undersigned, and that the same are being offered for sale in accordance with the provisions of the laws of the State of Texas, and that the same are being offered for sale in accordance with the provisions of the laws of the State of Texas, and that the same are being offered for sale in accordance with the provisions of the laws of the State of Texas.

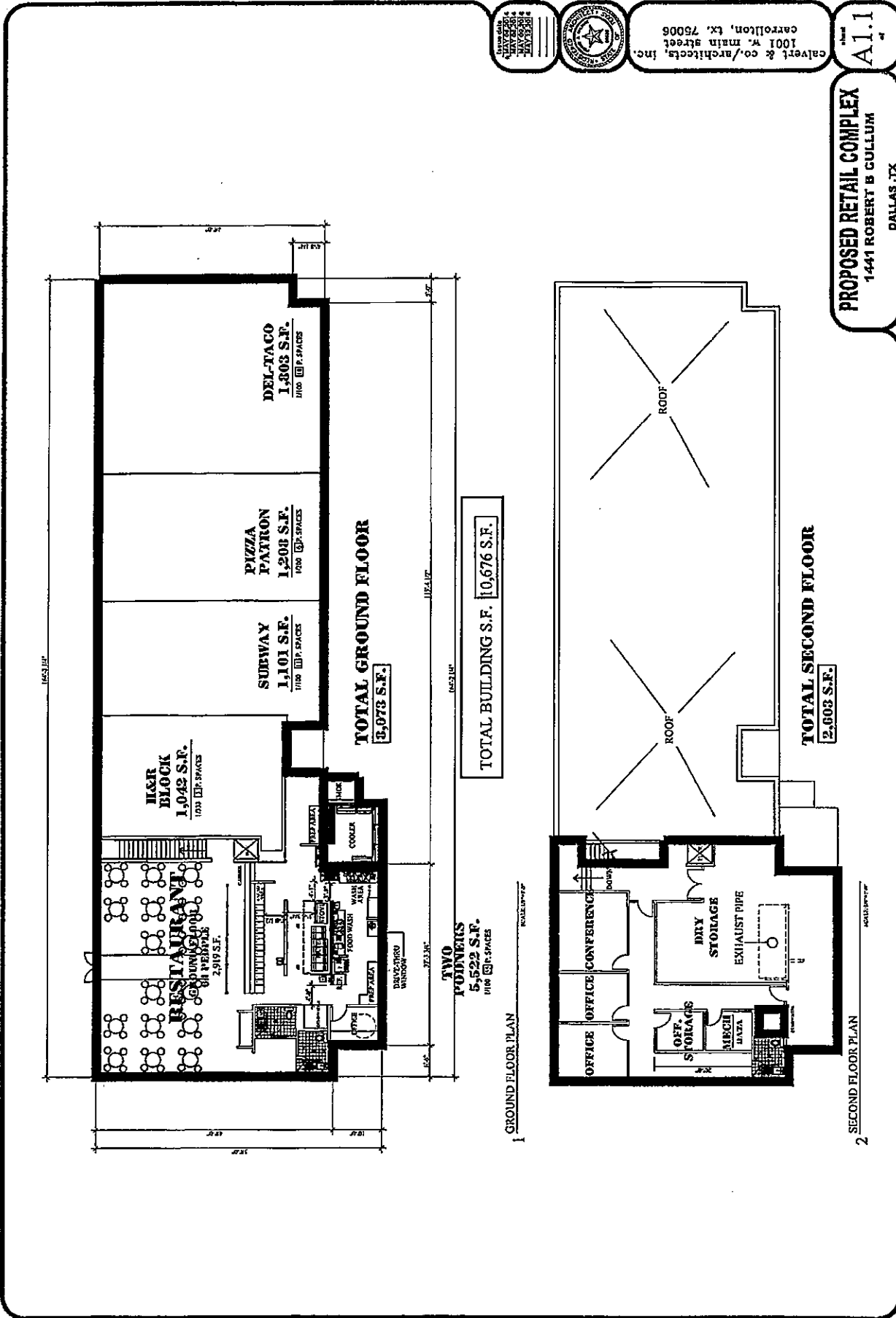
PREPARED BY:
 TEXAS HERITAGE SURVEYING, L.L.C.
 1411 ROBERT E. COLLIER BLVD.
 DALLAS, TEXAS 75246

PREPARED FOR:
 TWO PODDERS ADDITION
 LOT 1A, BLOCKS 1318 & 1317
 MEMORANDUM FOR THE CITY OF DALLAS
 THOMAS LACONIA LEAGUE SUBDIVISION
 CITY OF DALLAS, TEXAS
 CITY PLAN FILE NO. 8124123

APPROVED BY:
 [Signature]
 [Title]

DATE: _____
 [Additional notes and signatures]

Handwritten: 17A Block 1317/6



calvert & co./architects, inc.
1001 w. main street
carrollton, tx, 75006

AL.1.1

PROPOSED RETAIL COMPLEX
1441 ROBERT B CULLUM
DALLAS, TX

MEMO

TO: Dallas Board of Adjustment
FROM: Dick Calvert
SUBJECT: Two Podners Retail Development
DATE: May 12, 2014

Two Podners has been a staple in the South Dallas community for over 30 years and wishes to expand. Their current site is located at the SE corner of Robert B. Cullum Blvd. and Trevzant St, across the street from Fair Park.

Their property will not allow for expansion. Thus, they have purchased a vacant lot across Trevzant St.. The City of Dallas is in the process of abandoning Trevzant St, allowing them to plat their existing property, the Trevzant right-of-way and the vacant lot into a single 1.2 acre lot.

The project meets the goals of the City of Dallas Grow South Initiative by providing new development, new jobs, and new restaurant choices to the nearby residents.

The proposed new building would be built in two phases:

- I Construct a new Two Podners restaurant with 2,893 sq.ft. on the ground floor + 2,632 sq.ft. upstairs for a total floor area of 5,522 sq.ft. Two Podners would then move into the new building.
- II The current Two Podners will be demolished, making way for the construction of the 5,153 sq.ft. single story Phase II building, housing the following tenants:
 - H&R Block 1,042 sq.ft.
 - Subway 1,101 sq.ft.
 - Pizza Patron 1,208 sq.ft..
 - Del Taco 1,803 sq.ft.

Unfortunately, we cannot meet the City of Dallas parking requirements:

Two Podners	5,522 sq.ft.	1/100 sq.ft.	55 parking spaces required.
H&R Block	1,142 sq.ft.	1/333 sq.ft.	3 parking spaces required
Subway	1,101 sq.ft.	1/100 sq.ft.	11 parking spaces required.
Pizza Patron	take out		
	1,208 sq.ft..	1/200 sq.ft.	6 parking spaces required
Del Taco	1,803 sq.ft.	1/100 sq.ft	18 parking spaces required
Total parking spaces required =			93 spaces required

The following factors restrict the amount of parking that can be developed on the site:

- a. Both Two Podners and Del Taco require drive-thru windows.
- b. At the request of David Whitley (Dallas Design Studio) we are providing a 5' pedestrian passage along the south side of the property to provide a public walkway to Fair Park from the MLK DART Rail Station.
- c. The site has a number of mature trees. We have designed the site to save as many of the existing trees as possible. We are able to save a 15" oak, an 18" oak, and an 8" oak.

We are able to provide 67 parking spaces on the site.

Our site is across JB Jackson from the MLK DART Rail Transit Station. According to the attached Google Aerial Photo, we are less than 600' from the rail platform. Because a significant number of the patrons frequenting these businesses will be using the drive-thru lanes at Two Podners or Del Taco, and others will be using the DART rail, we believe that the parking may be reduced significantly.

Thus, we hereby request a Special Exception of a 25% reduction in the required number of parking spaces:

Parking Spaces Required:	93 spaces
Protected Tree Reduction:	-3 spaces
Bicycle Reduction	-1 space
25% Reduction	- 22 spaces
Reduced Requirement:	68 spaces

In addition, we have incorporated the following:

§51A-4.301(ii) Compact Car Spaces: 35% x 93 spaces = up to 32 compact parking spaces
We are showing 21 compact spaces.:

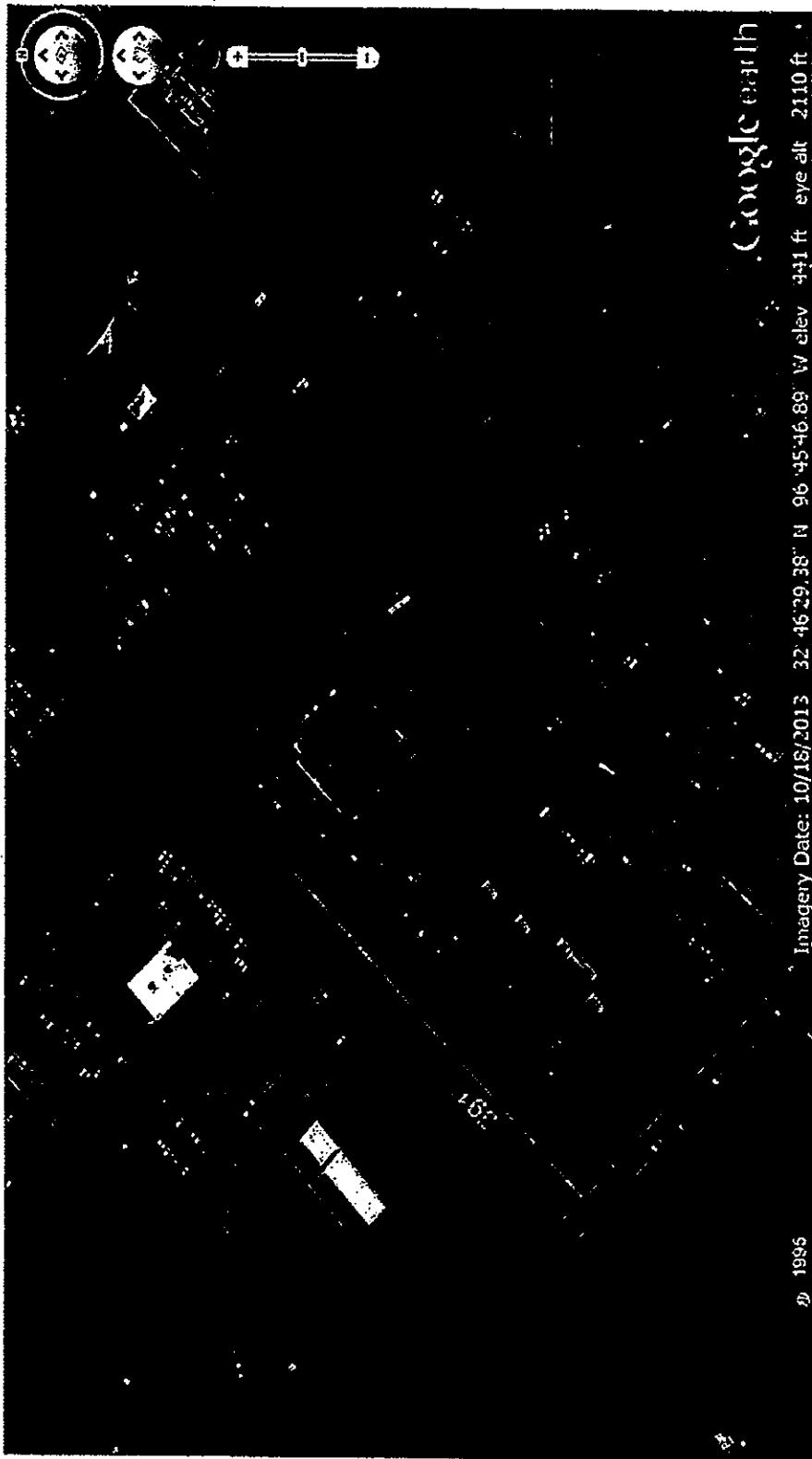
Parking Reduction Credits: We are allowed the following parking credits:

§51A-4.4.312 Tree Preservation Parking Reduction
By saving the 3 trees listed above,
we obtain credit for: 3 parking spaces.

Thus: total number of parking spaces required =	93
Less 25% Special Exception	-22
Less the above listed parking credits:	- 3 spaces:
Balance:	68 parking spaces required

We will be providing 65 parking spaces on-site. In addition, we have an agreement in place to provide 26 off-site employee parking spaces which provides a total of 92 parking spaces.

This allows for a "cushion" should the H&R Block (office) or the Pizza Patron (retail) lease spaces later be converted to restaurant uses.



MEMO

TO: Steve Long
FROM: Dick Calvert
SUBJECT: BDA 134-064 1441 Robert B. Cullum Blvd.
DATE: May 31, 2014
COPY: Vic Russell

To clarify our request, the development shown will require 94 parking spaces.
Less 3 tree credits
Less 1 bike credit
For a total of 90 parking spaces required.

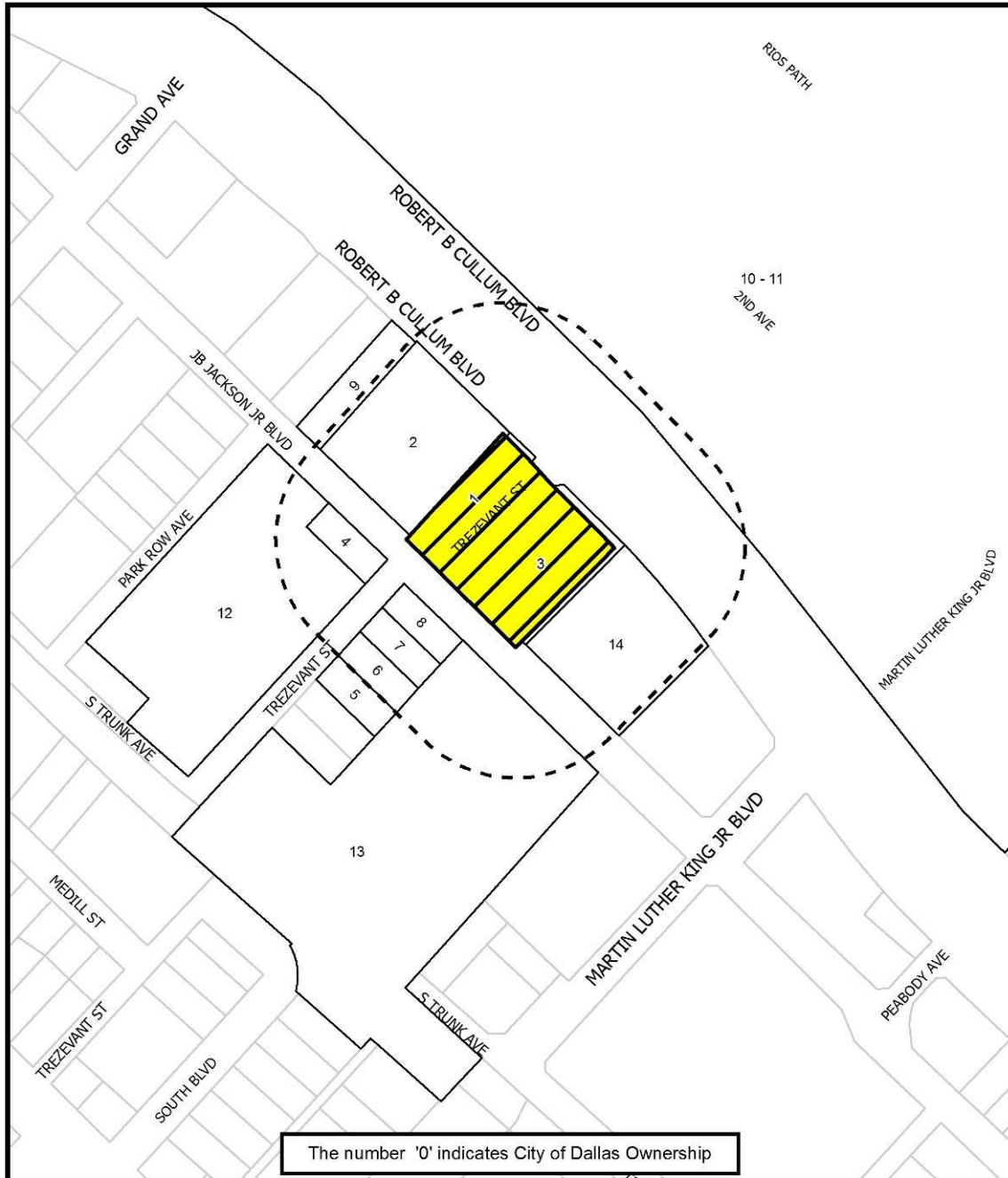
A 24% parking reduction would get us to credit for 22 spaces.

Leaving a requirement for us to provide 68 spaces.

We can only provide 65 spaces onsite.

We will obtain a remote parking agreement for the 3 missing required onsite spaces.

Additionally, we have an offsite parking agreement with Fourth Avenue Church of Christ to utilize 26 of their existing parking spaces (across J B Jackson) to be used for employee parking.



 1:2,400	NOTIFICATION		Case no: BDA134-064
	<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;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/20/2014

Notification List of Property Owners

BDA134-064

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1326 ROBERT B CULLUM BLVD	PUGH PROPERTIES LLC
2	1300 ROBERT B CULLUM BLVD	GREGSON ENTERPRISES LLC
3	1401 ROBERT B CULLUM BLVD	CONRONPU LTD
4	3233 TREZEVANT ST	PRENGLER HERSHEL FAMILY TRUST THE
5	3222 TREZEVANT ST	WILLIAMS THOMAS
6	3226 TREZEVANT ST	BYNUM ONITA & ODICE BYNUM
7	3230 TREZEVANT ST	WATSON CLARA M EST OF
8	3234 TREZEVANT ST	DARBY MAYE E
9	1300 ROBERT B CULLUM BLVD	ASLAM REAL ESTATE LLC
10	3500 FITZHUGH AVE	DALLAS CITY OF
11	3839 FITZHUGH AVE	MCA PACE AMPHITHEATERS LP
12	3220 PARK ROW AVE	FOURTH AVE CHURCH OF CHRIST
13	1423 MARTIN LUTHER KING JR BLVD	DALLAS AREA RAPID TRANSIT
14	1461 ROBERT B CULLUM BLVD	WG DALLAS TX LP