

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, AUGUST 15, 2012  
AGENDA

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|                |  |            |
|----------------|--|------------|
| BRIEFING       | L1FN CONFERENCE CENTER AUDITORIUM<br>1500 MARILLA STREET | 10:30 A.M. |
| PUBLIC HEARING | L1FN CONFERENCE CENTER AUDITORIUM<br>1500 MARILLA STREET | 1:00 P.M.  |

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**David Cossum, Assistant Director**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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| Approval of the <b>Wednesday, June 20, 2012</b><br>Board of Adjustment Public Hearing Minutes | M1 |
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**UNCONTESTED CASES**

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| <b>BDA 112-075</b> | 3884 Echo Brook Lane<br><b>REQUEST:</b> Application of Ken George for special exceptions to the fence height regulations and visual obstruction regulations  | 1 |
| <b>BDA 112-078</b> | 9807 Meadowbrook Drive<br><b>REQUEST:</b> Application of Jonathan Vinson of Jackson Walker, LLP, for special exceptions to the fence height regulations and visual obstruction regulations                     | 2 |
| <b>BDA 112-079</b> | 10245 Strait Lane<br><b>REQUEST:</b> Application of Rob Baldwin for a variance to the side yard setback regulations  | 3 |
| <b>BDA 112-080</b> | 8605 Preston Road<br><b>REQUEST:</b> Application of Howard Earl Rachofsky for a special exception to the single family use regulations and a variance to the floor area regulations                            | 4 |
| <b>BDA 112-084</b> | 2906 E. Kiest Boulevard<br><b>REQUEST:</b> Application of Troy Broussard, represented by Lisa Lamkin of Brown Reynolds Watford Architects, Inc., for a special exception to the off-street parking regulations | 5 |

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| <b>BDA 112-086</b> | 2655 Royal Lane<br><b>REQUEST:</b> Application of Michael Hampton of Lend Lease for a special exception to the off-street parking regulations | 6 |
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**HOLDOVER CASES**

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| <b>BDA 112-034</b> | 9903 Laneyvale Avenue<br><b>REQUEST:</b> Application of Roberto Torres, represented by Ramon Aranda, for special exceptions to the fence height regulations and visual obstruction regulations and for special exceptions for the handicapped to the fence height and visual obstruction regulations | 7 |
|--------------------|--|---|

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| <b>BDA 112-065</b> | 15635 Coit Road<br><b>REQUEST:</b> Application of George M. Underwood III, represented by Robert Reeves, for a variance to the side yard setback regulations | 8 |
|--------------------|--|---|

## 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 June 20, 2012 public hearing minutes.

**FILE NUMBER:** BDA 112-075

**BUILDING OFFICIAL'S REPORT:**

Application of Ken George for special exceptions to the fence height regulations and visual obstruction regulations at 3884 Echo Brook Lane. This property is more fully described as Lot 1 in City Block J/6412 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a 20-foot visibility triangle at driveway to street intersections and a 45-foot visibility triangle at street intersections. The applicant proposes to construct and maintain a 9-foot high fence which will require a special exception of 5 feet to the fence height regulations, and to locate and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 3884 Echo Brook Lane

**APPLICANT:** Ken George

**REQUESTS:**

- The following appeals had been made in this application on a site that is developed with a single family home:
  1. special exceptions to the fence height regulations of 5' are requested in conjunction with constructing and maintaining a 9' high cedar board on board fence and sliding gate to be located in two of the site's three required front yards (Princess Lane and Rosser Road), and
  2. special exceptions to the visual obstruction regulations are requested in conjunction with: maintaining an existing Crepe Myrtle in the 45' visibility triangle at the intersection of Princess Lane and Rosser Road; and locating and maintaining portions of the proposed board on board fence and sliding gate in the two 20' visibility triangles on either side of the driveway into the site from Rosser Road.

(No part of this application is made to construct/maintain any fence in the site's Echo Brook Lane required front yard).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION (fence height special exceptions):**

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

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections” to the requests.
- The applicant has substantiated how the location the existing crepe myrtle in the 45’ Princess Lane/Rosser Road intersection visibility triangle and the location of portions of a proposed fence/gate in the 20’ visibility triangles on either side of the driveway into the site from Rosser Road do not constitute traffic hazards.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

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

**Timeline:**

- May 25, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 17, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 27, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”
- July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.
- August 3, 2012: Staff discovered an error with meeting notification requirements on this application for Panel C’s August 13<sup>th</sup> hearing. Given this error and the fact that this property had no previous history with a board of adjustment panel, the Board of Adjustment Secretary randomly re-assigned this application to Board of Adjustment Panel B to be heard at their public hearing to be held on August 15<sup>th</sup>. The Board Administrator informed the applicant of this new hearing date.

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

- These requests focus on constructing and maintaining a 9’ high cedar board on board fence and sliding gate to be located in two of the site’s three required front yards (Princess Lane and Rosser Road) with no part of this application being made to construct/maintain any fence in the site’s Echo Brook Lane required front yard.
- The subject site is a corner lot zoned R-16(A) with three front yards. The site is bounded on the west by Echo Brook Lane, on the north by Princess Lane, and on the east by Rosser Road. The subject site has a 20’ required front yard on the north /Princess Lane frontage merely because this frontage is the shortest of the three

street frontages. The subject site has a 30' required front yard on the west/Echo Brook Lane frontage and a 15' required front yard on the east/Rosser Road frontage because the lot runs from one street to another. In terms of *function* the subject site has one front yard (Echo Brook Lane on the west), two sides yards (one on the south, the other along Princess Lane on the north) and a rear yard (Rosser Road on the east). If the site's Princess Lane frontage were about 3' longer, it would be deemed a side yard where the proposed 9' high fence could be constructed and maintained by right; and if the site did not extend from one street to another, Rosser Road would be deemed a rear yard where the proposed 9' high fence could be constructed and maintained by right.

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard. The applicant had submitted a site plan and elevation document indicating that the proposal in the Princess Lane and Rosser Road required front yards reaches a maximum height of approximately 8' 4". (The applicant has made an application for a 9' high fence to account for grade changes on the property where the fence may in certain places reach 9' in height).
- The following additional information was gleaned from the submitted site plan:
  - About 80' in length parallel along Princess Road (and approximately 20' perpendicular on the east and west sides in this required front yard), approximately on the property line or about 12' from the pavement line where one single family home fronts this proposal.
  - Approximately 60' in length along Rosser Road, approximately on the property line or about 20' from the pavement line where no single family home fronts this proposal.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other *front yard* fences higher than 4' were noted in the immediate area, however, a number of fences higher than 4' were noted along Rosser Road – fences that appear to be located in side yards.
- As of August 6, 2012, one petition signed by 23 neighbors/owners along with one letter had been submitted to staff in support of the request or no letters had been submitted opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted site plan and elevation document would require the proposal exceeding 5' in height in the required Princess Lane and Rosser Road front yards to be constructed and maintained in the location and of the heights and materials as shown on these documents.

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

- These request focus on maintaining an existing Crepe Myrtle in the 45' visibility triangle at the intersection of Princess Lane and Rosser Road; and locating and maintaining portions of the proposed board on board fence and sliding gate in the

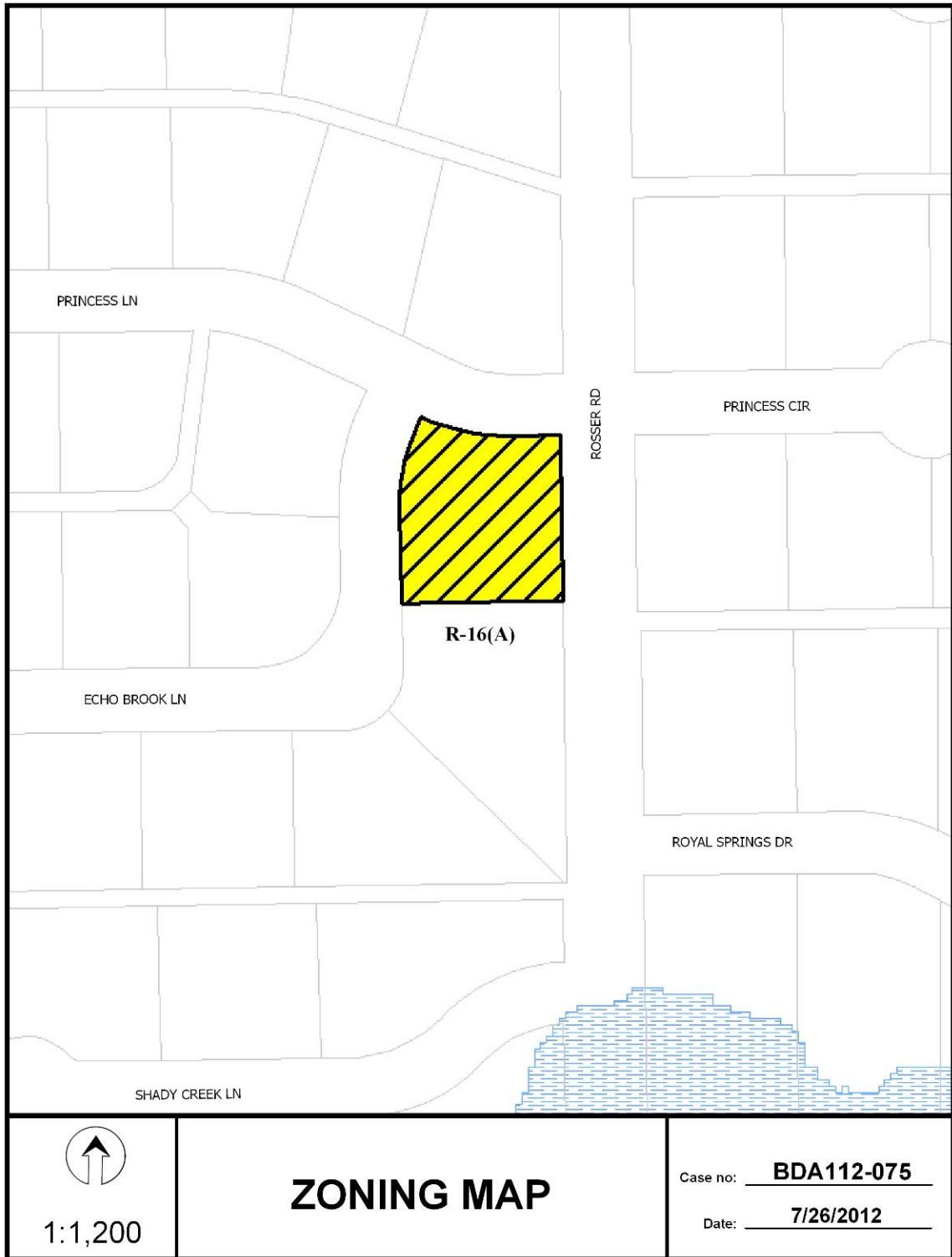


two 20' visibility triangles on either side of the driveway into the site from Rosser Road.

- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections and 20-foot visibility triangles at drive approaches); and
  - between 2.5 – 8 feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

A site plan and elevation document have been submitted indicating an existing Crepe Myrtle in the 45' visibility triangle at the intersection of Princess Lane and Rosser Road; and portions of the proposed board on board fence and sliding gate (about 3' lengths) in the two 20' visibility triangles on either side of the driveway into the site from Rosser Road.

- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain and/or locate/maintain items in the 45' Princess Lane/Rosser Road intersection visibility triangle and in the 20' visibility triangles on either side of the driveway into the site from Rosser Road will not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation document would require that the items in the in 45' Princess Lane/Rosser Road intersection triangle and in the 20' visibility triangles on either side of the driveway into the site from Rosser Road to be limited to the location, height, and materials of those items as shown on these documents.





1:1,200

# AERIAL MAP

Case no: BDA112-075

Date: 7/26/2012



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-075

Data Relative to Subject Property:

Date: 5-25-12

Location address: 3884 Echo Brook Lane Zoning District: R-16(A)

Lot No.: 1 Block No.: J/6412 Acreage: 0.41 acres Census Tract: 009500

Street Frontage (in Feet): 1) 144.75' 2) 114.04 3) 134.09' 4) \_\_\_\_\_ 5) \_\_\_\_\_ NE 2

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Ken George & Erin George

Applicant: Ken George Telephone: (214) 505-7870

Mailing Address: 3884 Echo Brook Lane, Dallas, TX Zip Code: 75229

Represented by: N/A Telephone: \_\_\_\_\_

Mailing Address: KEN @ CAPROCK SECURITY . COM Zip Code: \_\_\_\_\_

Affirm that a request has been made for a Variance \_\_, or Special Exception X of 5 feet to allow a 9-foot tall fence in the required front yard and to allow encroachment within the required visibility triangles by a fence of no more than 3' at the driveway and by vegetation of no more than 12' at the intersection of Princess Lane and Rosser Rd.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The front yard per the city code actually functions as a side yard and there are many tall fences along Rosser Rd. Addition of this fence will not have an adverse effect upon the neighborhood, will increase the neighborhood value and enhance the appearance of the neighborhood. Encroachment within the required visibility triangles will not create a safety problem since Rosser and Princess are not busy streets and tall vegetation has already existed in this area for many years without causing a problem.

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

Respectfully submitted: Ken George [Signature]  
Applicant's name printed Applicant's signature

Affidavit

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

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 25th day of May 2012



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was---Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that KEN GEORGE

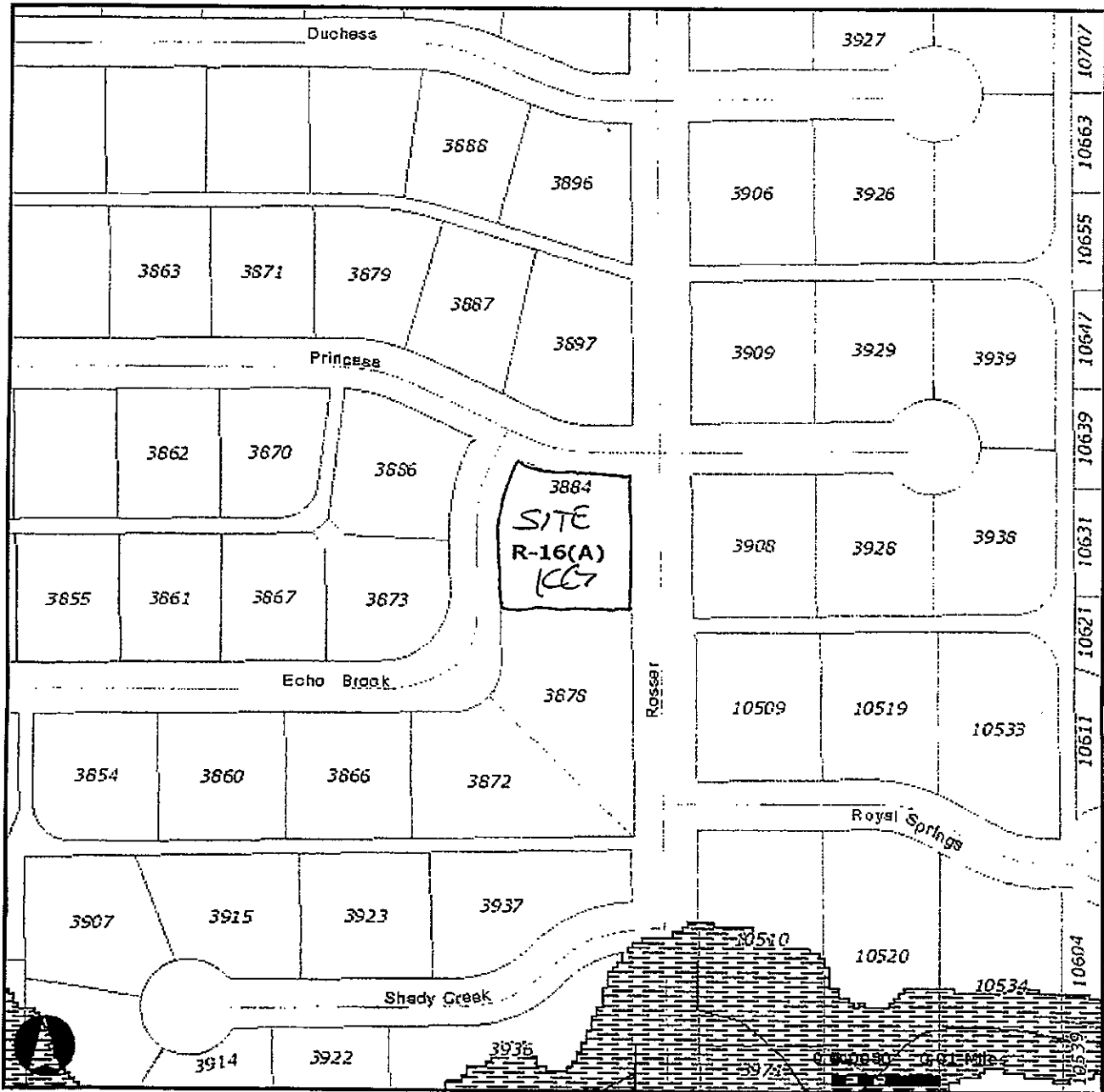
did submit a request for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations  
at 3884 Echo Brook Lane

BDA112-075. Application of Ken George for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 3884 Echobrook Lane. This property is more fully described as lot 1 in city block J/6412 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway to street intersections and a 45 foot visibility triangle a street to street intersections. 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, an to construct and maintain a residential fence structure and vegetation in a required visibilit obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
Lloyd Denman, Building Official

# City of Dallas Zoning



City Boundaries

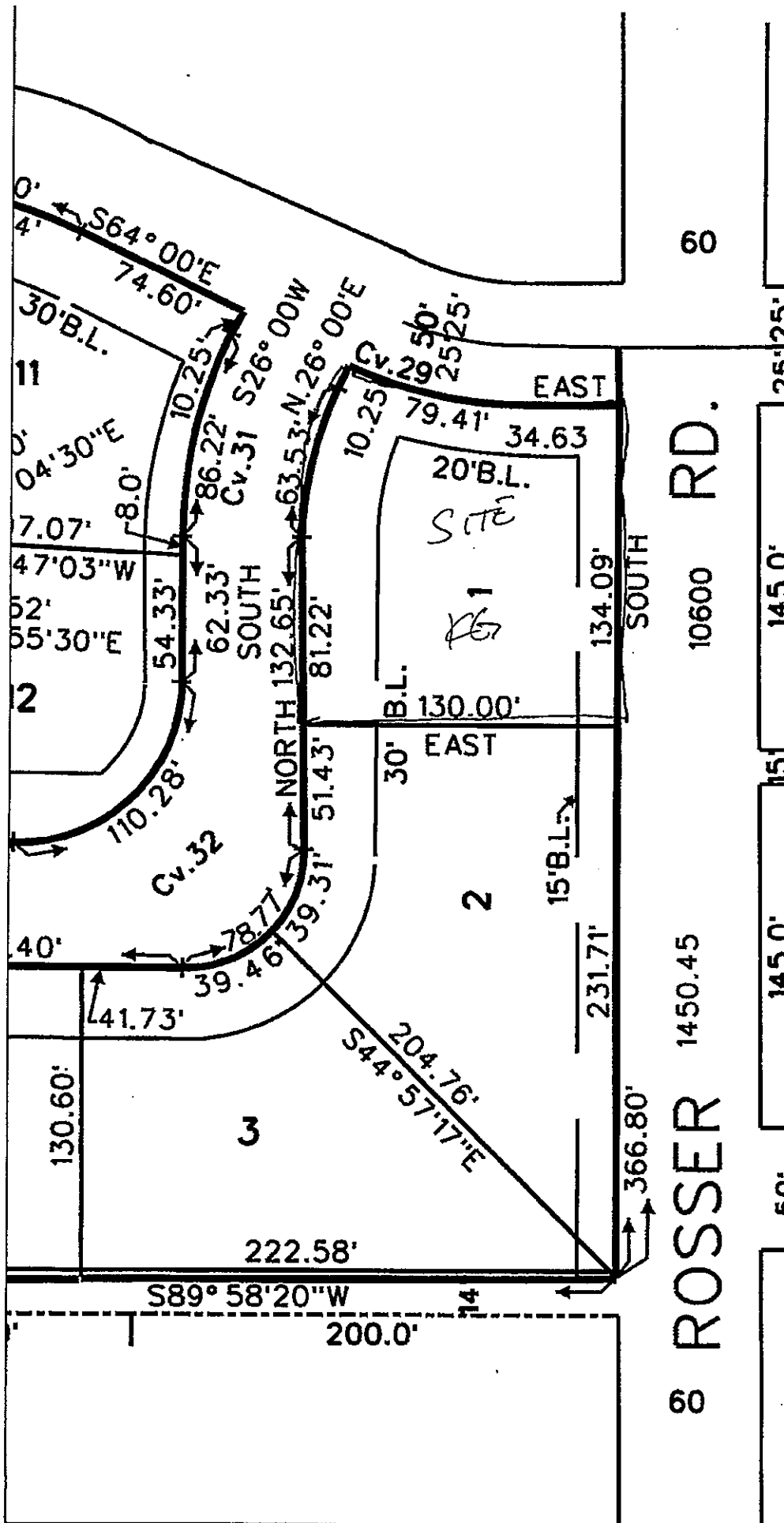
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

Dry Overlay

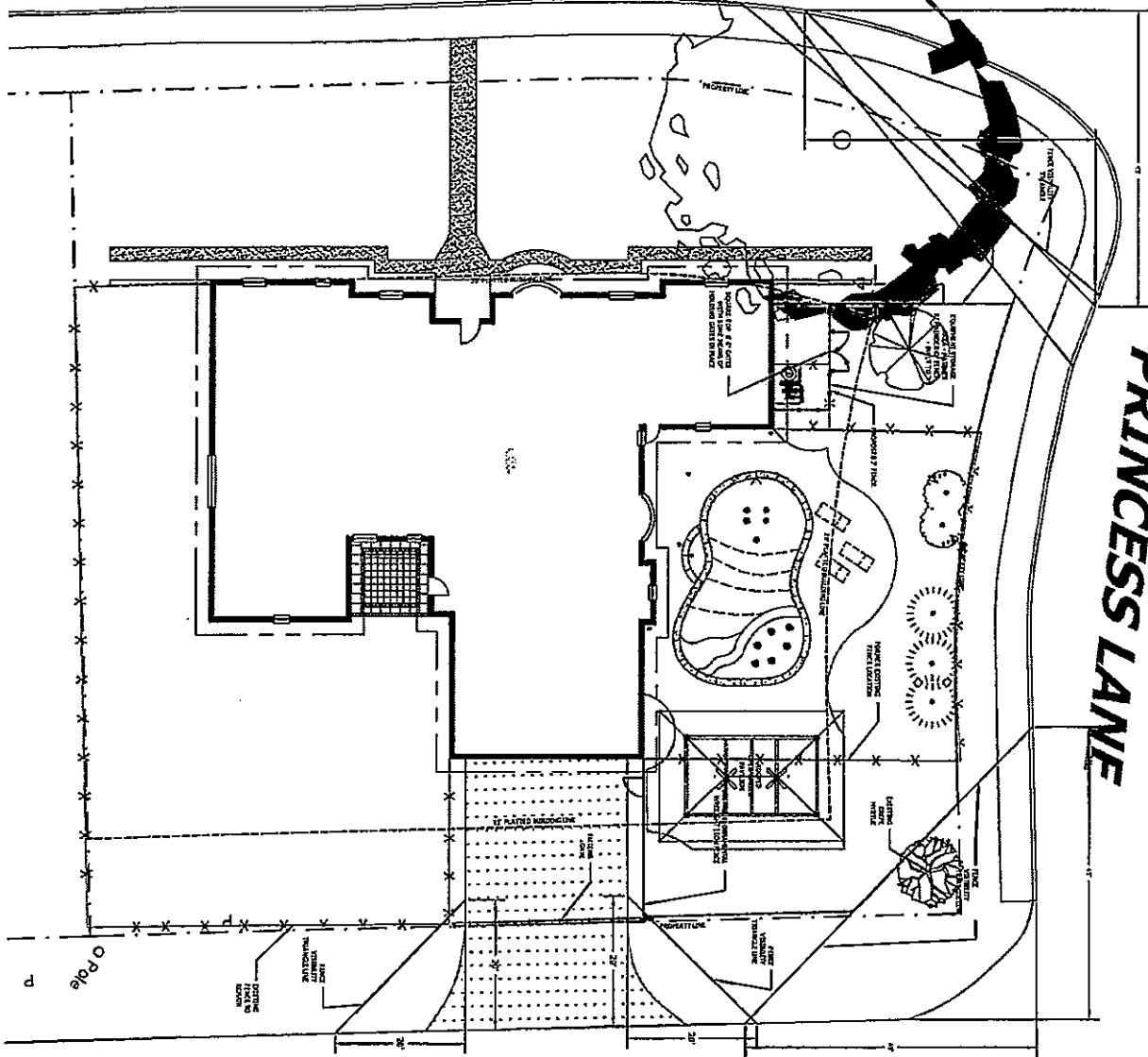
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts

Base Zoning

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



**ECHO BROOK LANE**



**ROSSER ROAD**

**PRINCESS LANE**

- NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS ORDINANCES AND THE TEXAS CONSTRUCTION CODE.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE.
  4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING TREES AND LANDSCAPE.
  6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE.
  7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING TREES AND LANDSCAPE.
  8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE.
  9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING TREES AND LANDSCAPE.
  10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE SITE.



|   |  |  |
|---|--|--|
| <p><b>GEORGE RESIDENCE<br/>POOL RENOVATIONS<br/>DALLAS, TEXAS</b></p>   |  | <p><b>CAMPBELL<br/>CONSULTING GROUP</b><br/>SECURITY CONSULTING AND DESIGN<br/>3001 W. CAMPBELL<br/>DALLAS, TEXAS 75243<br/>WWW.CAMPBELLCONSULTING.COM</p> |
| <p><b>NO. DATE REVISION</b></p> <p>1. 08/11/2011</p>  | <p><b>NO. DATE REVISION</b></p> <p>1. 08/11/2011</p> |  |
| <p><b>PROJECT INFORMATION</b></p> <p>CAD FILE: RENOVATION - NEW/DWG<br/>PROJECT NO: 04/13/2011<br/>DATE: 04/13/2011<br/>DRAINING: NONE<br/>SCALE: 1/8" = 1'-0"<br/>DESIGNED BY: KNOX/CO<br/>APPROVED BY: KNOX/CO<br/>SHEET NO: <b>F1.01</b></p> |  |  |



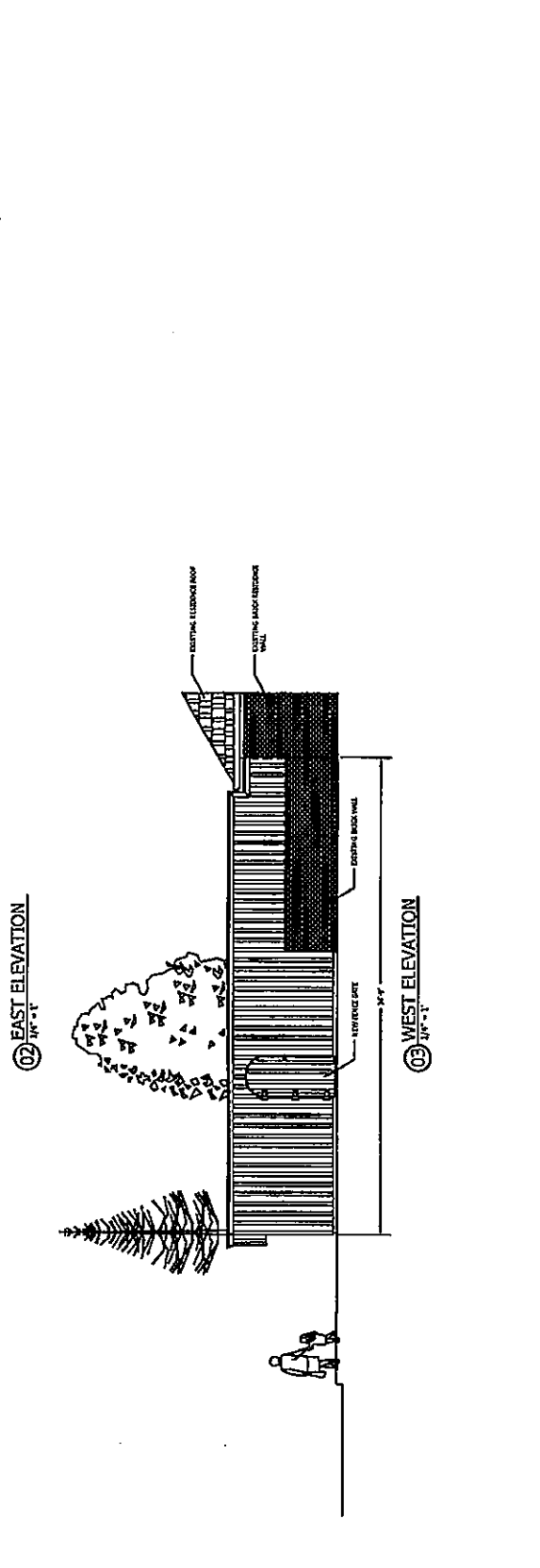
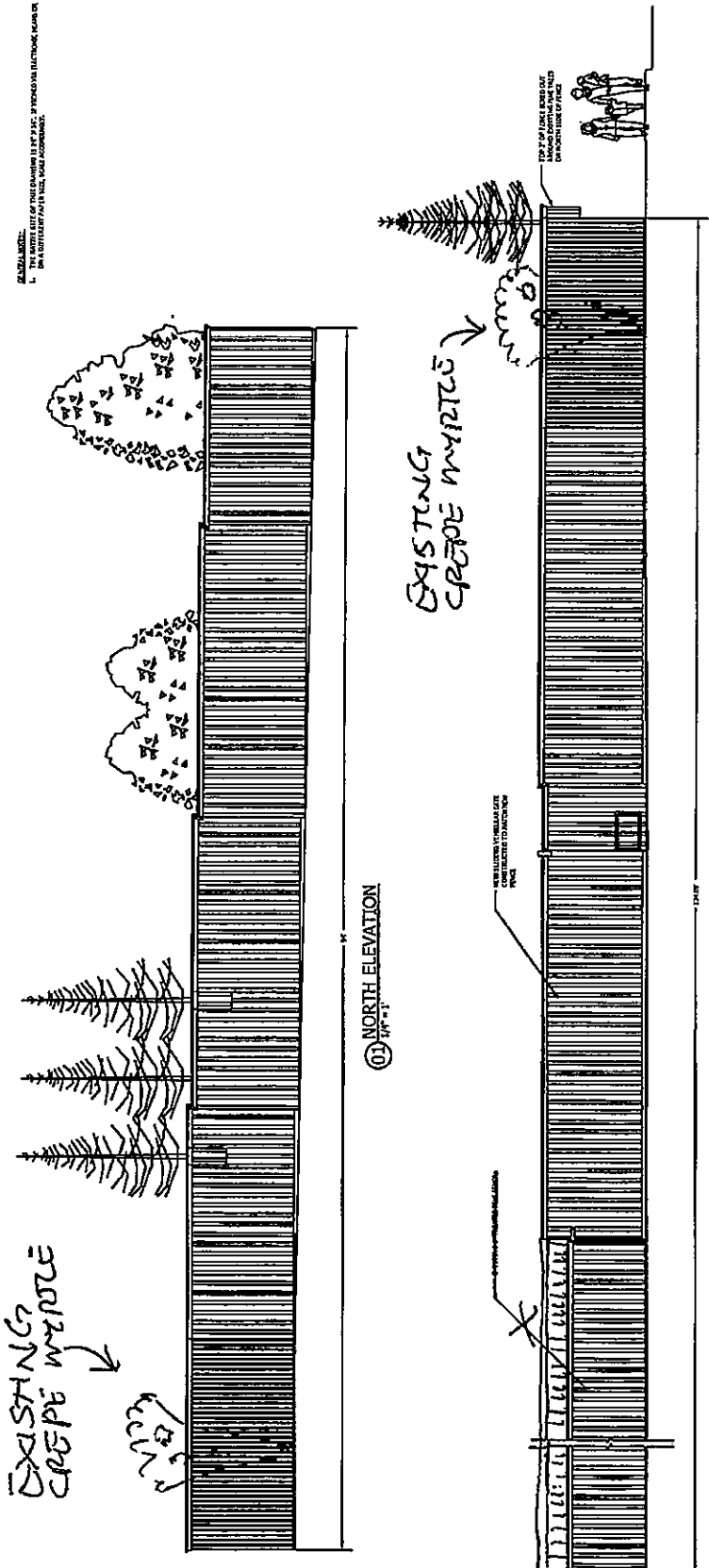
| NO. | DATE | REVISION |
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**GEORGE RESIDENCE  
 POOL RENOVATIONS  
 DALLAS, TEXAS**

**FENCE DETAILS**

|              |              |
|--------------|--------------|
| CAD FILE:    | DETAILS.DWG  |
| PROJECT NO.: |              |
| DATE:        | 03/21/2012   |
| DRAWN BY:    | XPG          |
| DESIGNED BY: | XPG          |
| SCALE:       | AS NOTED     |
| APPROVED BY: | XPG/LEG      |
| SHEET NO.:   | <b>F4.02</b> |

GENERAL NOTES:  
 1. THE MATERIALS OF THIS DRAWING IS NOT TO SCALE. APPROXIMATE DIMENSIONS ARE GIVEN IN A GENERAL MANNER. SEE SPECIFICATIONS FOR MATERIALS AND FINISHES.



RYAN & JACQUE MARVIN  
3897 PRINCESS LANE  
DALLAS, TEXAS 75229

May 24, 2012

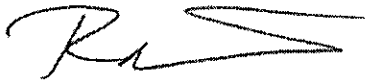
City of Dallas  
Board of Adjustment

RE: Georges' Fence Special Exception

To whom it may concern,

I am writing to you today in regards to the Georges' appeal to the Board of Adjustment for their proposed fence along Princess Lane and Rosser Road. We understand the Georges are applying for special exceptions to the fence height up to 9' and encroachment in the visibility triangles for the intersection of Princess and Rosser Road as well as at their driveway. We fully support the Georges' appeal and are in favor of the fence as designed. Please let us know if we can be of further assistance.



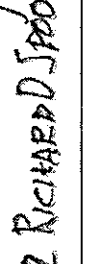





Respectfully,

A handwritten signature in black ink, appearing to read 'Ryan Marvin', with a stylized flourish at the end.

Ryan Marvin

**Petition to Approve George Residence Fence Special Exception**

|   |   |
|---|---|
| <p>Petition summary and background:</p> | <p>The George family would like to construct a new, aesthetically pleasing 8' cedar fence around the North side of their property at 3884 Echo Brook Lane surrounding their swimming pool. Current platted building lines prohibit such a fence along the property line even though a fence previously existed there, and the Georges intend to submit a request for a special exception to the building lines to the City of Dallas' Zoning Board of Adjustment.</p> |
| <p>Action petitioned for:</p>           | <p>Approval of the Georges' request as indicated in the submitted drawings.</p>   |

| Printed Name      | Signature   | Address              | Comment  | Date      |
|-------------------|---|----------------------|----------|-----------|
| Shelby Hickman    |    | 3813 Echo Brook Lane | Approve  | 5-21-12   |
| Michelle Dusing   |    | 3908 Princess Cir    | APPROVE  | 5-21-2012 |
| Richard Spooner   |    | 3872 ECHO BROOK LN   | APPROVED | 5-23-2012 |
| DWAYNE JOHNSON    |    | 3878 ECHO BROOK LN   | APPROVED | 5-23-2012 |
| Ryan Marvin       |  | 3897 Princess Ln     | APPROVED | 5-23-2012 |
| MARTIN PULSIFIT   |  | 3862 Princess Ln     | u        | 5/23/2012 |
| Caroline Mitchell |  | 3803 Princess Ln.    | Approved | 5/23/2012 |
| JENNIFER BAUDO    |  | 3887 PRINCESS LN     | APPROVED | 5/1/2012  |

**Petition to Approve George Residence Fence Special Exception**

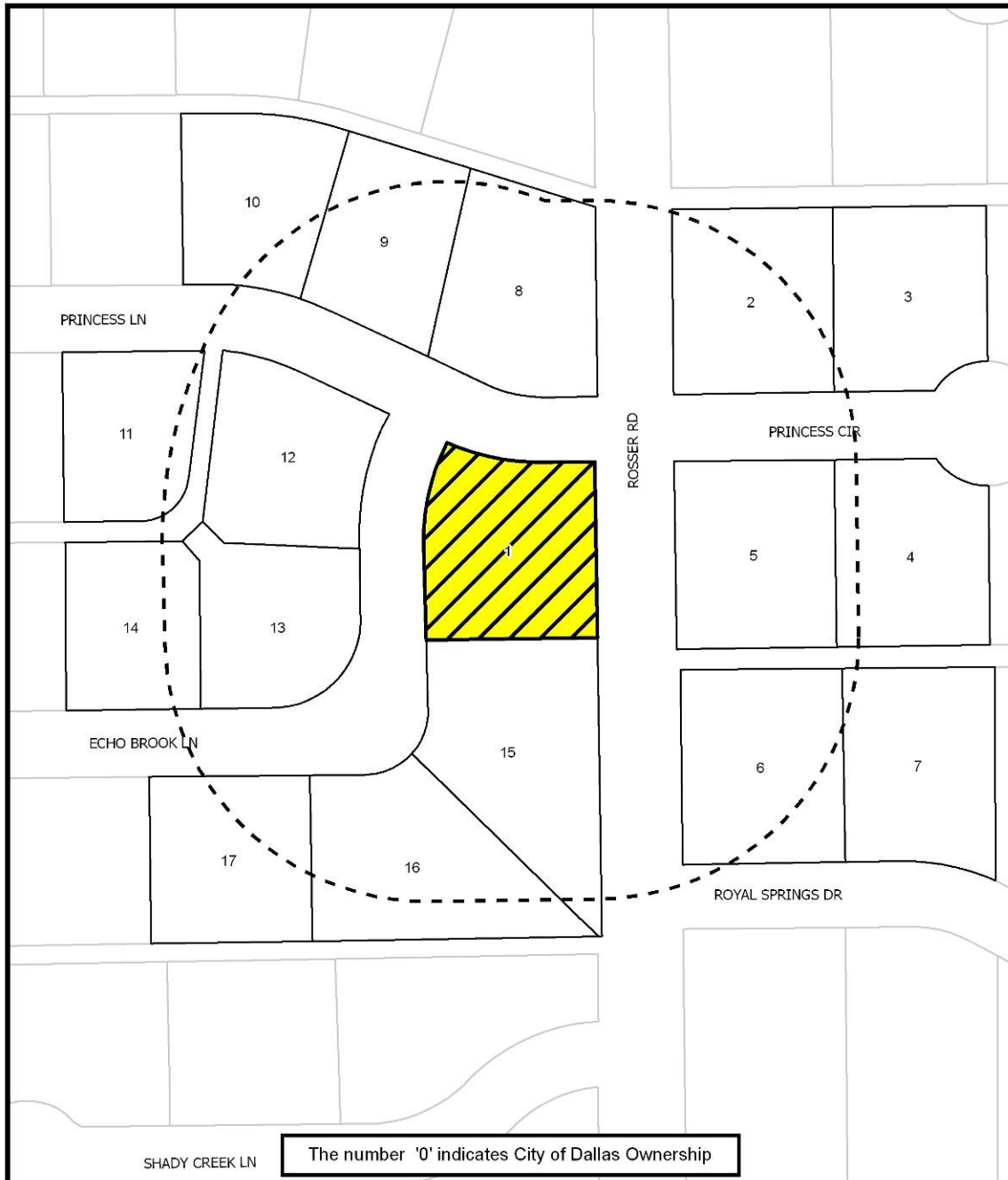
|   |   |
|---|---|
| <p>Petition summary and background:</p> | <p>The George family would like to construct a new, aesthetically pleasing 8' cedar fence around the North side of their property at 3884 Echo Brook Lane surrounding their swimming pool. Current platted building lines prohibit such a fence along the property line even though a fence previously existed there, and the Georges intend to submit a request for a special exception to the building lines to the City of Dallas' Zoning Board of Adjustment.</p> |
| <p>Action petitioned for:</p>           | <p>Approval of the Georges' request as indicated in the submitted drawings.</p>   |

| Printed Name       | Signature | Address             | Comment                             | Date    |
|--------------------|-----------|---------------------|-------------------------------------|---------|
| Johann Deisenhofer |           | 3860 Echo Brook Ln. |                                     | 5-27-12 |
| Elizabeth Vincent  |           | 10942 Remington     |                                     | 5.27.12 |
| Catharine Neare    |           | 3760 meadowdale     | Set the neighbors improve the h/d/s | 5/27/12 |
| Wm. M. Hendryx     |           | 3862 DUCHESS TR.    |                                     | 5.27.12 |
| Serena Hendryx     |           | 3862 DUCHESS TR.    |                                     | 5.27-12 |
| W. M. Conklin      |           | 3854 Parnecrith     |                                     | 5/27/12 |
| Michael Burns      |           | 3854 Echo Brook     | Looks good!                         | 5/27/12 |
| AG Townsend        |           | 3889 Princess       | Like the plans!                     | 5/27/12 |

## Petition to Approve George Residence Fence Special Exception

|   |   |
|---|---|
| <p>Petition summary and background:</p> | <p>The George family would like to construct a new, aesthetically pleasing 8' cedar fence around the North side of their property at 3884 Echo Brook Lane surrounding their swimming pool. Current platted building lines prohibit such a fence along the property line even though a fence previously existed there, and the Georges intend to submit a request for a special exception to the building lines to the City of Dallas' Zoning Board of Adjustment.</p> |
| <p>Action petitioned for:</p>           | <p>Approval of the Georges' request as indicated in the submitted drawings.</p>   |

| Printed Name             | Signature                | Address             | Comment | Date    |
|--------------------------|--------------------------|---------------------|---------|---------|
| Laurie + George Flood    | <i>Laurie Flood</i>      | 3837 ECHO BROOK LN  |         | 5-27-12 |
| Matt + Natalie Victorine | <i>Natalie Victorine</i> | 3835 Regent Dr      |         | 5-27-12 |
| KIRSTEN F. WINDAHL       | <i>K. F. Windaahl</i>    | 3860 ECHO BROOK LN  |         | 5-27-12 |
| FRANK + JUDY AREAS       | <i>Frank Areas</i>       | 3866 Regent Dr      |         | 5/27/12 |
| Chuck Baird              | <i>Chuck Baird</i>       | 3882 Regent Dr      |         | 5/27/12 |
| Juliette Carter          | <i>Juliette Carter</i>   | 5329 Caladium Dr    |         | 5/27/12 |
| MARC JENNINGS            | <i>Marc Jennings</i>     | 10509 Royal Springs |         | 7/17/12 |



|  |   |      |                      |    |                                    |  |
|--|---|------|----------------------|----|------------------------------------|--|
| <br>1:1,200 | <h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 17 | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <u>BDA112-075</u><br>Date: <u>7/26/2012</u> |
| 200'   | AREA OF NOTIFICATION  |      |                      |    |                                    |  |
| 17   | NUMBER OF PROPERTY OWNERS NOTIFIED  |      |                      |    |                                    |  |

# ***Notification List of Property Owners***

***BDA112-075***

## ***17 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b>  | <b><i>Owner</i></b>                    |
|-----------------------|------------------------|--|
| 1                     | 3884 ECHOBROOK LN      | GEORGE KEN & ERIN                      |
| 2                     | 3909 PRINCESS CIR      | WARD TRAVIS & PHYLLIS                  |
| 3                     | 3929 PRINCESS CIR      | HEIL MARK S & LYNETTE L                |
| 4                     | 3928 PRINCESS CIR      | MITCHELL NANCY T                       |
| 5                     | 3908 PRINCESS CIR      | DUSING MICHAEL & LOUISE BRACKETT DUSIN |
| 6                     | 10509 ROYAL SPRINGS DR | CANNON LARRY                           |
| 7                     | 10519 ROYAL SPRINGS DR | EBERHART ROBERT C                      |
| 8                     | 3897 PRINCESS LN       | MARVIN G RYAN & JACQUELINE A           |
| 9                     | 3887 PRINCESS LN       | BALIDO CARLOS A & JENNIFER J BALIDO    |
| 10                    | 3879 PRINCESS LN       | BONE THERESIA M                        |
| 11                    | 3870 PRINCESS LN       | COHN JANE SIEGEL                       |
| 12                    | 3886 PRINCESS LN       | FRITSCH MICHAEL B & LENG B             |
| 13                    | 3873 ECHOBROOK LN      | HICKMAN KATHLEEN F &                   |
| 14                    | 3867 ECHOBROOK LN      | BORCHELT VIRGINIA G                    |
| 15                    | 3878 ECHOBROOK LN      | JOHNSON DWAYNE A & RAQUEL H            |
| 16                    | 3872 ECHOBROOK LN      | SPOONER RICHARD D                      |
| 17                    | 3866 ECHOBROOK LN      | REAST DONNA                            |

**FILE NUMBER:** BDA 112-078

**BUILDING OFFICIAL'S REPORT:**

Application of Jonathan Vinson of Jackson Walker, LLP, for special exceptions to the fence height regulations and visual obstruction regulations at 9807 Meadowbrook Drive. This property is more fully described as being a 4.3 acre parcel of land in City Block 5601 and is zoned R-1ac(A), which limits the height of a fence to 4 feet and requires 20-foot visibility triangles at driveways. The applicant proposes to construct and/or maintain an 8-foot high fence, which will require a special exception to the fence height regulations of 4 feet, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 9807 Meadowbrook Drive

**APPLICANT:** Jonathan Vinson of Jackson Walker, LLP

**REQUESTS:**

- The following appeals had been made in this application on a site that is developed with a single family home
  1. a special exception to the fence height regulations of 4' is requested in conjunction with completing and maintaining an 8' high board-on-board fence and sliding gate located in one of the site's two front yard setbacks (Ravine Drive) on a site developed with a single family home.
  2. a special exception to the visual obstruction regulations is requested in conjunction with completing and maintaining a portion of the aforementioned board fence and gate in the 20' visibility triangle on the west side of the driveway into the site from Ravine Drive.(No part of this application is made to address any fence in the site's Meadowbrook Drive front yard setback).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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



**STAFF RECOMMENDATION (fence height special 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 exception):**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections” to the requests.
- The applicant has substantiated how the location a portion of a fence and gate in the 20’ visibility triangle on west side of the driveway into the site from Ravine Drive does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

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

**Timeline:**

June 18, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 17, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 24,  
August 3 & 6, 2012: The applicant forwarded additional information beyond what was submitted with the original application (see Attachments A, B, and C).
- July 27, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."
- July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

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

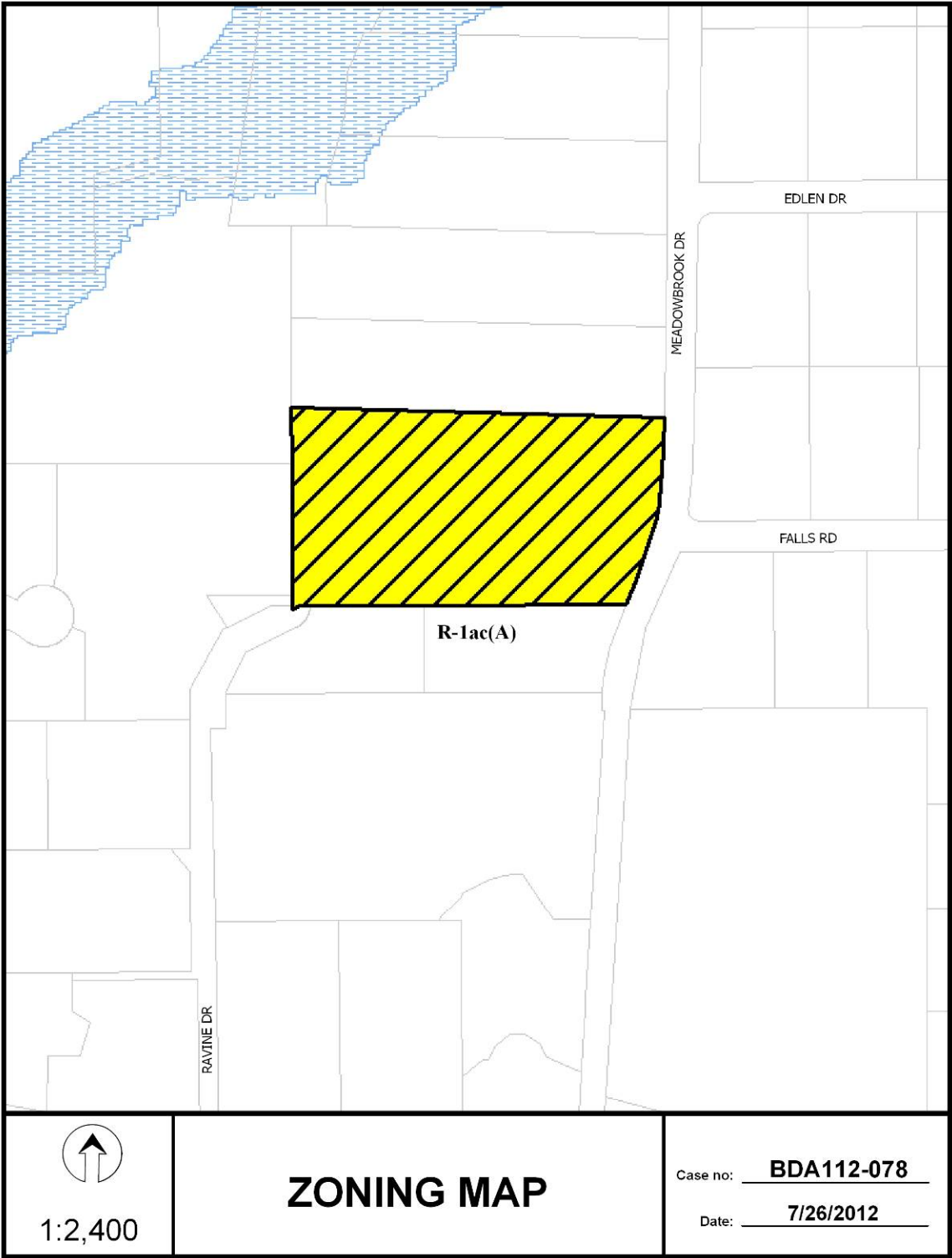
- This request focuses on completing and maintaining an 8' high board-on-board fence located in one of the site's two 40' front yard setbacks (Ravine Drive) on a site developed with a single family home.
- The subject site is a zoned R-1ac(A) and has two front yard setbacks given that the property extends from Ravine Drive on the west to Meadowbrook Drive on the east.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard. The applicant had submitted a site plan circling the focus of this request in the site's Ravine Drive front yard setback and elevation document indicating that the proposal in the Ravine Drive front yard setback reaches a maximum height of approximately 8'.
- The following additional information was gleaned from the submitted revised site plan (see Attachment B):
  - About 25' in length, located approximately on the property line.

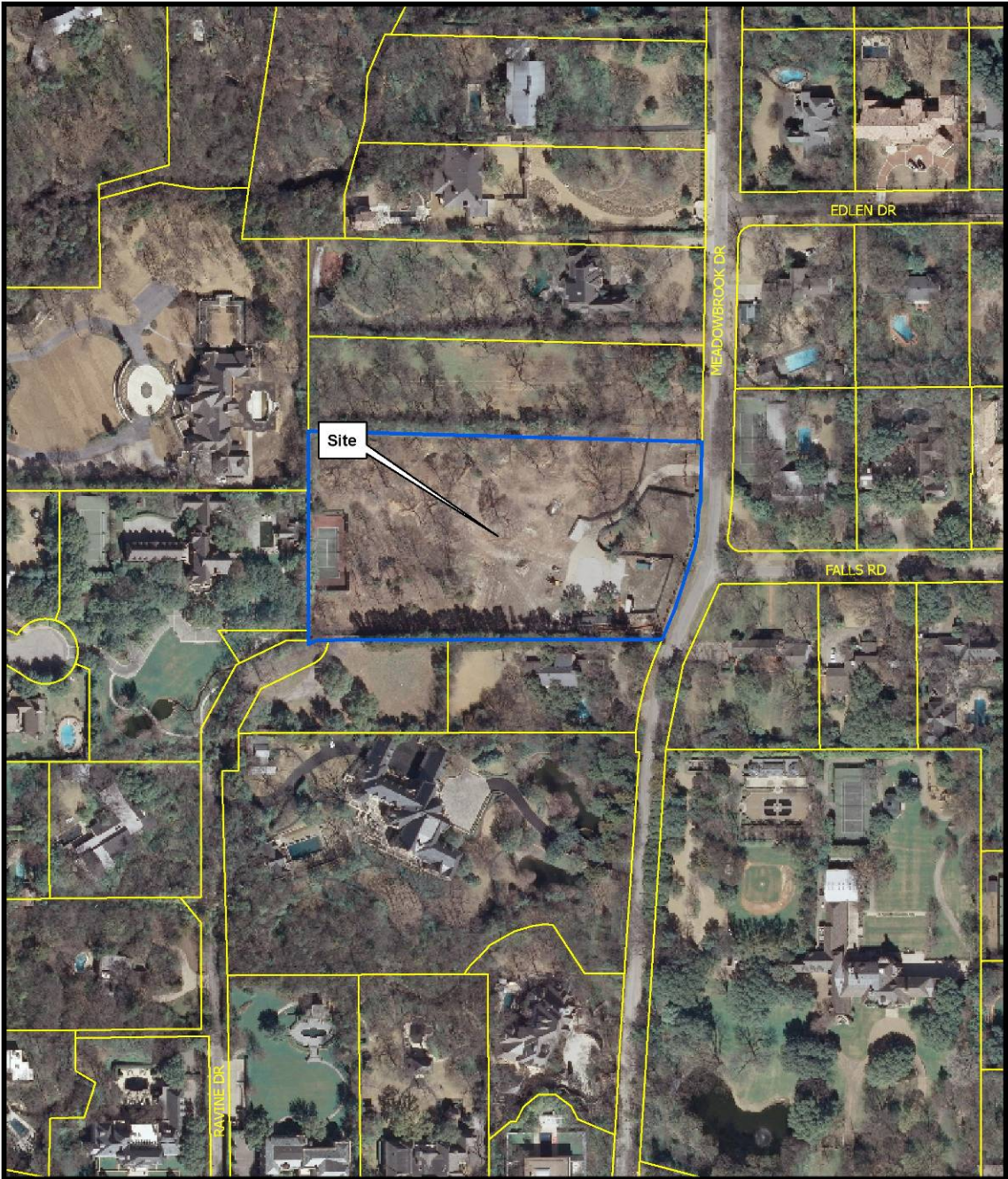
- The fence/gate is located on the western side of the subject site where no single family home fronts this proposal.
- No other fences higher than 4' were noted in the immediate area along Ravine Drive.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A, B and C).
- As of August 6, 2012, no letters had been submitted to staff in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted revised site plan and elevation would require the proposal exceeding 4' in height in the Ravine Drive front yard setback to be completed and maintained in the location and of the heights and materials as shown on these documents.

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception):**

- This request focuses on completing and maintaining portions of the aforementioned board fence and gate in the 20' visibility triangle on the west side of the driveway into the site from Ravine Drive.
- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections and 20-foot visibility triangles at drive approaches); and
  - between 2.5 – 8 feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

A revised site plan and elevation document has been submitted indicating a portion of the proposed fence and sliding gate in the 20' visibility triangle on the west side of the driveway into the site from Ravine Drive.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A, B, and C).
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to locate and maintain a portion of a fence and gate in the 20' visibility triangle on the west side of the driveway into the site from Ravine Drive will not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted revised site plan and elevation would require the items in the 20' visibility triangle on west side of the driveway into the site from Ravine Drive to be limited to the location, height, and materials of these items as shown on these documents.





1:2,400

# AERIAL MAP

Case no: BDA112-078

Date: 7/26/2012



City of Dallas



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-078

Data Relative to Subject Property:

Date: 6-18-12

Location address: 9807 Meadowbrook Drive Zoning District: R-1Ac(A)

Lot No.: N/A Block No.: 5601 Acreage: 4.3195 Census Tract: 206.00

Street Frontage (in Feet): 1) 329.02 2) 31.52 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NE 25

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Richard M. Barrett and Nona N. Barrett

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

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

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

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

Affirm that a request has been made for a Variance   , or Special Exception X, of to the fence height regulations of Sec. 51A-4.602(a)(1) of the Dallas Development Code, to permit construction of an 8 foot gate and fence in the required front yard on Ravine Drive. *(4 foot special exception to same height)*

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: and visibility through *ggg 6/18/12*  
The special exception will not adversely affect neighboring property. This is simply to permit a security gate and fence at one small, secluded location at the end point of Ravine Drive, which happens to create a required front yard. *vmt 7/24/12*

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

Respectfully submitted: By: Jonathan G. Vinson  
Applicant's name printed

Jonathan G. Vinson  
Applicant's signature

Affidavit

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

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

Jonathan G. Vinson  
Affiant (Applicant's signature)

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



Attach A  
PJ2

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 Jonathan Vinson

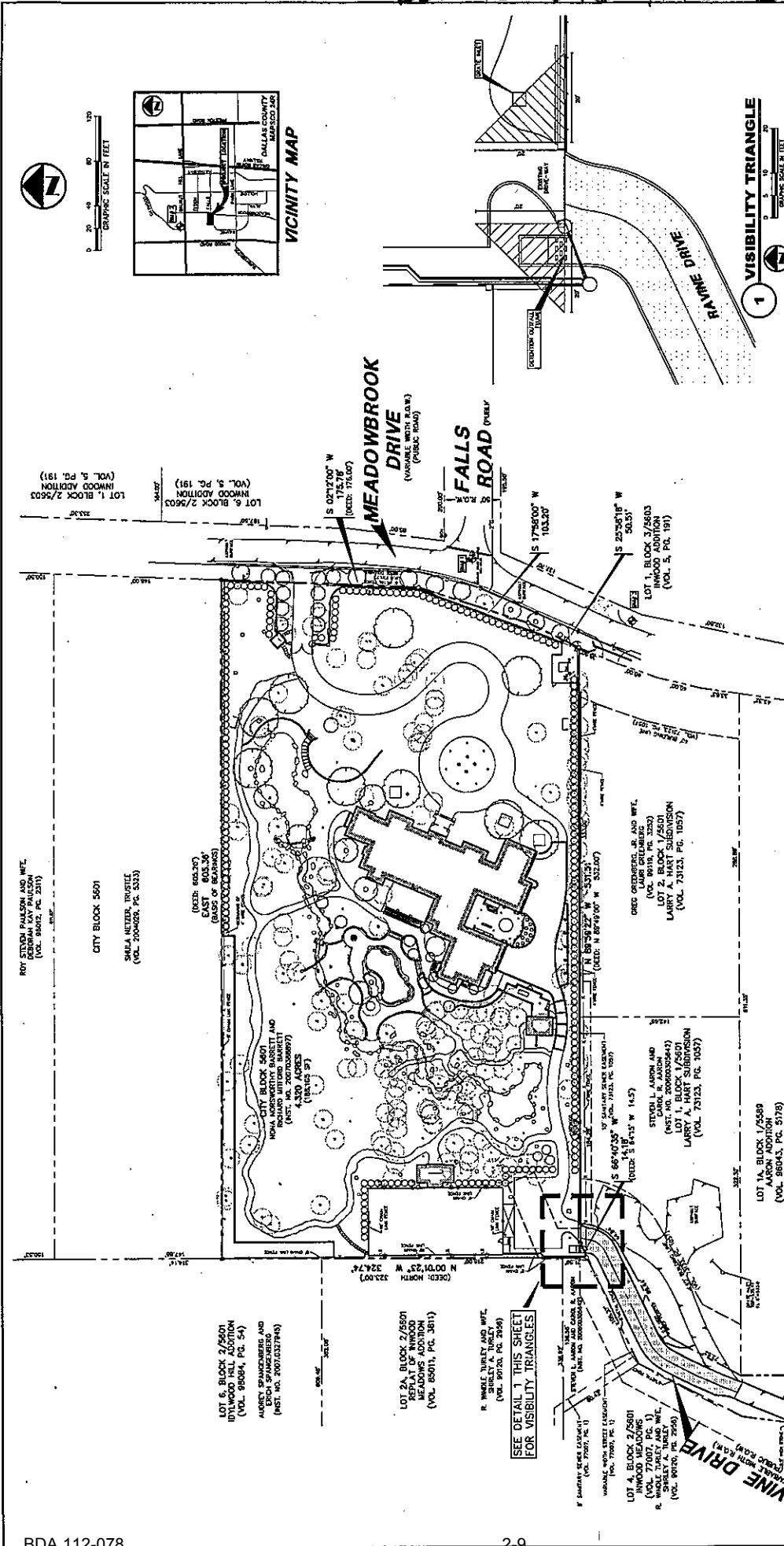
did submit a request for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 9807 Meadowbrook Drive

BDA112-078. Application of Jonathan Vinson for a special exception to the fence height regulations and the visibility triangle obstruction regulations at 9807 Meadowbrook Drive. This property is more fully described as being a 4.3 acre parcel of land in city block 5601 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway to street intersections. The applicant proposes to construct and maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to and to construct and maintain a residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
Lloyd Denmark, Building Official



**PRELIMINARY**  
THIS DOCUMENT IS ISSUED FOR THE PURPOSE OF PROVIDING INFORMATION AND IS NOT A CONTRACT. THE INFORMATION IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS, TEXAS, AND ALL OTHER APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS, TEXAS, AND ALL OTHER APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS, TEXAS, AND ALL OTHER APPLICABLE AGENCIES.

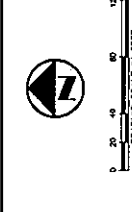
| NO. | DATE | BY | REVISION |
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|     |      |    |          |
|     |      |    |          |
|     |      |    |          |
|     |      |    |          |

**SITE PLAN**  
9807 MEADOWBROOK DRIVE  
JOHN HOWELL SURVEY, ABSTRACT NO. 580  
4.319 ACRES  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

| NO. | DATE | BY | REVISION |
|-----|------|----|----------|
|     |      |    |          |
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9807 MEADOWBROOK DRIVE  
JOHN HOWELL SURVEY, ABSTRACT NO. 580  
4.319 ACRES  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Pacheco Koch Consulting Engineers  
4011 WEST CAMPBELL STREET, SUITE 200  
DALLAS, TEXAS 75243  
(214) 760-3300



- BENCH MARK LIST**
- BM 1 BENCH MARK AT INTERSECTION OF FALLS ROAD AND MEADOWBROOK DRIVE. ELEVATION: 391.07
  - BM 2 STAKE WITH REFERENCE TO BEING ON SOUTH SIDE OF MEADOWBROOK DRIVE AT INTERSECTION WITH FALLS ROAD. ELEVATION: 391.08
  - BM 3 600 MILL CORNER ON THE SOUTH SIDE OF FALLS ROAD. ELEVATION: 391.09

SEE DETAIL 1 THIS SHEET FOR VISIBILITY TRIANGLES

LOT 1A, BLOCK 1/2589  
LARRY A. HART SUBDIVISION  
(VOL. 59, P. 217)

LOT 2, BLOCK 1/2590  
LARRY A. HART SUBDIVISION  
(VOL. 59, P. 217)

LOT 3, BLOCK 1/2591  
LARRY A. HART SUBDIVISION  
(VOL. 59, P. 217)

LOT 4, BLOCK 1/2592  
LARRY A. HART SUBDIVISION  
(VOL. 59, P. 217)

LOT 5, BLOCK 1/2593  
LARRY A. HART SUBDIVISION  
(VOL. 59, P. 217)

LOT 6, BLOCK 2/5601  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 7, BLOCK 2/5602  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 8, BLOCK 2/5603  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 9, BLOCK 2/5604  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 10, BLOCK 2/5605  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 11, BLOCK 2/5606  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 12, BLOCK 2/5607  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 13, BLOCK 2/5608  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 14, BLOCK 2/5609  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 15, BLOCK 2/5610  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 16, BLOCK 2/5611  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 17, BLOCK 2/5612  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 18, BLOCK 2/5613  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 19, BLOCK 2/5614  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 20, BLOCK 2/5615  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 21, BLOCK 2/5616  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 22, BLOCK 2/5617  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 23, BLOCK 2/5618  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 24, BLOCK 2/5619  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 25, BLOCK 2/5620  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 26, BLOCK 2/5621  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 27, BLOCK 2/5622  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 28, BLOCK 2/5623  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 29, BLOCK 2/5624  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 30, BLOCK 2/5625  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 31, BLOCK 2/5626  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 32, BLOCK 2/5627  
ROY STOKER PALMS AND WIFE  
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LOT 33, BLOCK 2/5628  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 34, BLOCK 2/5629  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 35, BLOCK 2/5630  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 36, BLOCK 2/5631  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 37, BLOCK 2/5632  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 38, BLOCK 2/5633  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 39, BLOCK 2/5634  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 40, BLOCK 2/5635  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 41, BLOCK 2/5636  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 42, BLOCK 2/5637  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 43, BLOCK 2/5638  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 44, BLOCK 2/5639  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 45, BLOCK 2/5640  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 46, BLOCK 2/5641  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 47, BLOCK 2/5642  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 48, BLOCK 2/5643  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 49, BLOCK 2/5644  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 50, BLOCK 2/5645  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 51, BLOCK 2/5646  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 52, BLOCK 2/5647  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 53, BLOCK 2/5648  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 54, BLOCK 2/5649  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)

LOT 55, BLOCK 2/5650  
ROY STOKER PALMS AND WIFE  
(VOL. 96, P. 211)





JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

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

August 3, 2012

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

Re: BDA 112-078; 9807 Meadowbrook Drive

Dear Members of the Board of Adjustment:

**I. Introduction.** We represent the property owners, Mr. and Mrs. Richard Barrett, on this application for a fence height special exception and a special exception to the visibility triangle regulations for their property addressed as 9807 Meadowbrook Drive. These special exceptions are requested to allow the construction of an 8 foot tall gate and fence, that is, a 4 foot special exception, in the required front yard and visibility triangles adjacent to the dead end of the newly-extended Ravine Drive. As you will see, this request is generated by the fact that the newly-extended Ravine Drive, as a public street, technically creates a front yard and a visibility triangle at the abutting portion of the applicants' property, even though Ravine dead ends at that point and no one else will use or be affected by that portion of Ravine Drive.

I have attached a highlighted site plan and elevation (*attached*) to show you the exact location and nature of this request. We would like to give you some additional facts on this request, discuss with you how both requests clearly meet the applicable standards for approval, and provide you with a series of aerial and site photographs (*also attached*) to aid in your understanding of our request.

The gate and fence at this location are necessary for the applicants for security reasons, given the isolated and unlit nature of the end of Ravine Drive; and at the same time, gate access is necessary at that point for fire protection (there is a fire hydrant very near the end of Ravine, as you will see in the photographs), and for service and maintenance purposes.

**II. Special Exception for Fence Height.** The special exception to the fence height regulations is to be able to construct an eight foot tall fence and gate within the front yard setback created by the newly-extended Ravine Drive. As seen on the submitted fence elevation drawing (*attached*), the fence and gate will be no more than 8 feet tall. The Code already permits a 4-foot fence in a required front yard.

As you know, the standard for approval of a fence height special exception is whether, in the opinion of the Board, *it will not adversely affect neighboring property*. None of the other neighbors along Ravine will be at all affected by the fence and gate; in fact, no one will even see it unless they drive almost directly up to it. While it is usual in fence height special exception cases to solicit support from

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

Mr. Steve Long  
August 3, 2012  
Page 2

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the immediately adjacent neighbors, in this instance the neighbors had previously agreed with the applicants to not oppose this request, so it is likely that you will not hear from any of the other owners along Ravine Drive at all.

The extension of Ravine Drive has been under construction, and has just recently been completed. The north end of Ravine Drive will provide a secondary access to the applicants' property. As you can see on the color aerial photo included, Ravine Drive is a very secluded and low-traffic street. It is lined on both sides with estate-type homes, which are set well back from the street, and there is landscaping and mature trees up and down Ravine Drive, both on the private properties adjacent to Ravine Drive as well as in portions of the right-of-way itself.


This request clearly meets the standard for the granting of a fence height special exception, that being that there will be no adverse effect at all on any neighboring properties. The reason for this gate and fence is simply to permit enhanced security, including fire protection, and service access for the property owners at this one small and secluded location at the endpoint of the newly-extended Ravine Drive.

**III. Special Exception for Visibility Triangle.** This is an unusual configuration, as you can see on the attached site plan, so we are not completely certain that visibility triangles are even created here, but we have included it out of caution. As to the special exception for the visibility triangle, Sec. 51A-4.602(d) says that the standard for approval is that the Board shall grant the request when, in the opinion of the Board, the item *will not constitute a traffic hazard*. The City Staff is recommending *approval* of our visibility triangle special exception request.

This request very clearly meets the standard that the "item will not constitute a traffic hazard" - since the end of Ravine Drive will actually function essentially more like a driveway and serve **only** 9807 Meadowbrook, where it dead ends, and the next drive access to Ravine is probably at least 250 feet to the south, not only does this not constitute a traffic hazard, it is physically and conceptually impossible for it to constitute a traffic hazard.

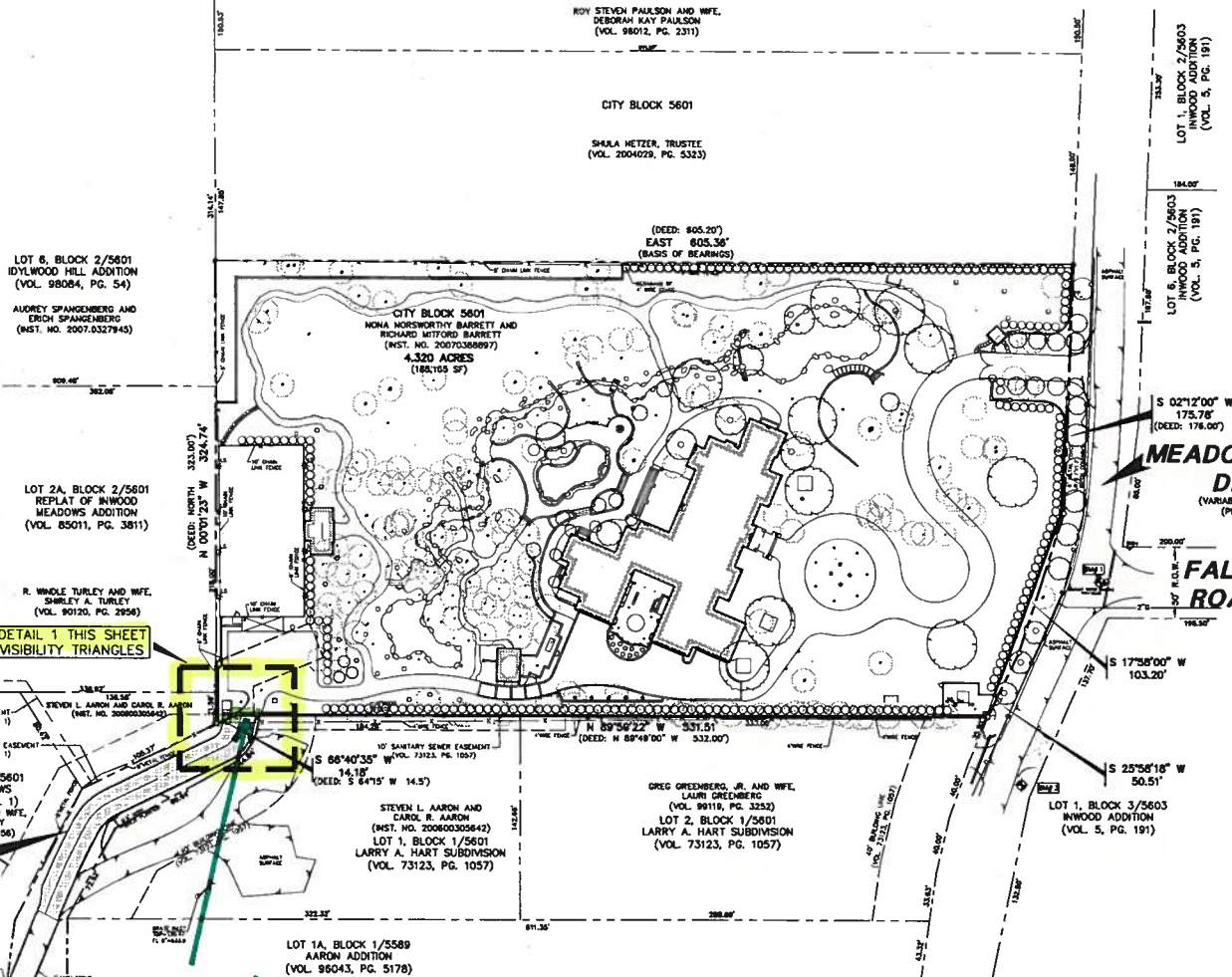
**IV. Conclusion.** To conclude, our request is simply for the two special exceptions, described above, necessary to be able to install the eight foot gate and fence adjacent to the dead end of the newly-constructed Ravine Drive. The gate and fence will not be in any way a detriment to, or have any adverse effect on, any nearby property owners or others; it will not create any kind of traffic hazard; nor is there any other adverse impact in any way. We look forward to appearing at the public hearing to further discuss this case with you and to answer any questions you may have, and to respectfully ask for your approval of both items. Thank you very much.

Very truly yours,

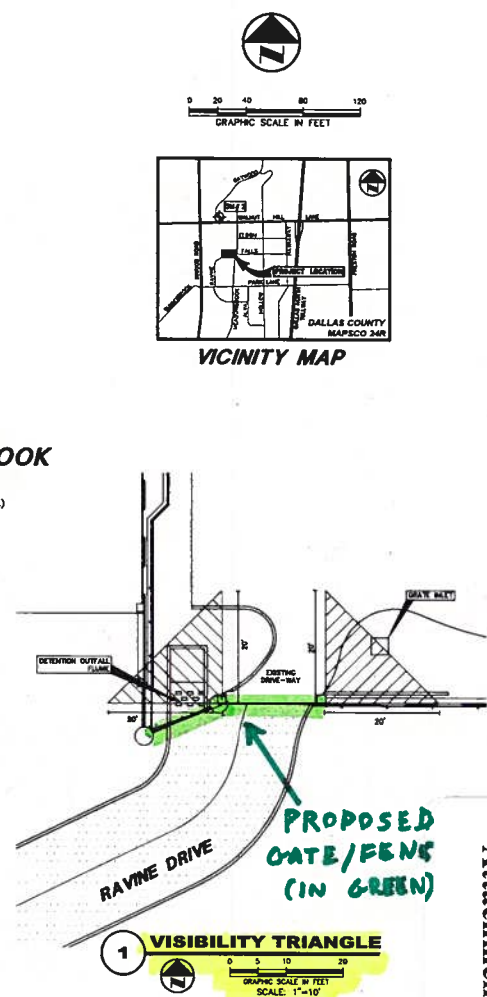
  
Jonathan G. Vinson

cc: Mr. and Mrs. Richard Barrett  
Paul Pastore (*Waterside Properties, Inc.*)  
Greg Peters (*Pacheco Koch Engineers*)  
Susan Mead

Highlighted Site Plan showing location  
 of proposed gate and fence, with inset  
 drawing



E DETAIL 1 THIS SHEET  
 FOR VISIBILITY TRIANGLES



**BENCH MARK LIST**

|      |  |             |
|------|--|-------------|
| BM 1 | BM ELEVATION OF SANITARY SEWER MANHOLE AT THE INTERSECTION OF FALLS ROAD AND MEADOWBROOK DRIVE.  | ELEV=867.87 |
| BM 2 | STANDARD WATER DEPARTMENT BENCHMARK ON STORM SEWER MALEY ON THE NORTHEAST CORNER OF SAVANNAH ROAD AND HUNWAT HILL LAKE.                              | ELEV=846.81 |
| BM 3 | 808 NAIL PEG ON THE NORTH SIDE OF A POWER POLE WITH TRANSFORMER ON THE EAST SIDE OF MEADOWBROOK DRIVE, 180' S SOUTH OF THE CENTERLINE OF FALLS ROAD. | ELEV=866.65 |

**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 THIS DOCUMENT IS ISSUED FOR THE PURPOSE OF SCHEMATIC REVIEW ONLY AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.  
 PLANS PREPARED UNDER THE DIRECT SUPERVISION OF GREGORY A. PETERS, P.E.  
 TEXAS REGISTRATION NO. 00018  
 DATE: 08/01/2012

| NO. | DATE | REVISION |
|-----|------|----------|
|     |      |          |
|     |      |          |

**Pacheco Koch Consulting**  
 6300 N. CENTRAL EXPRESS, SUITE 900 DALLAS, TX 7

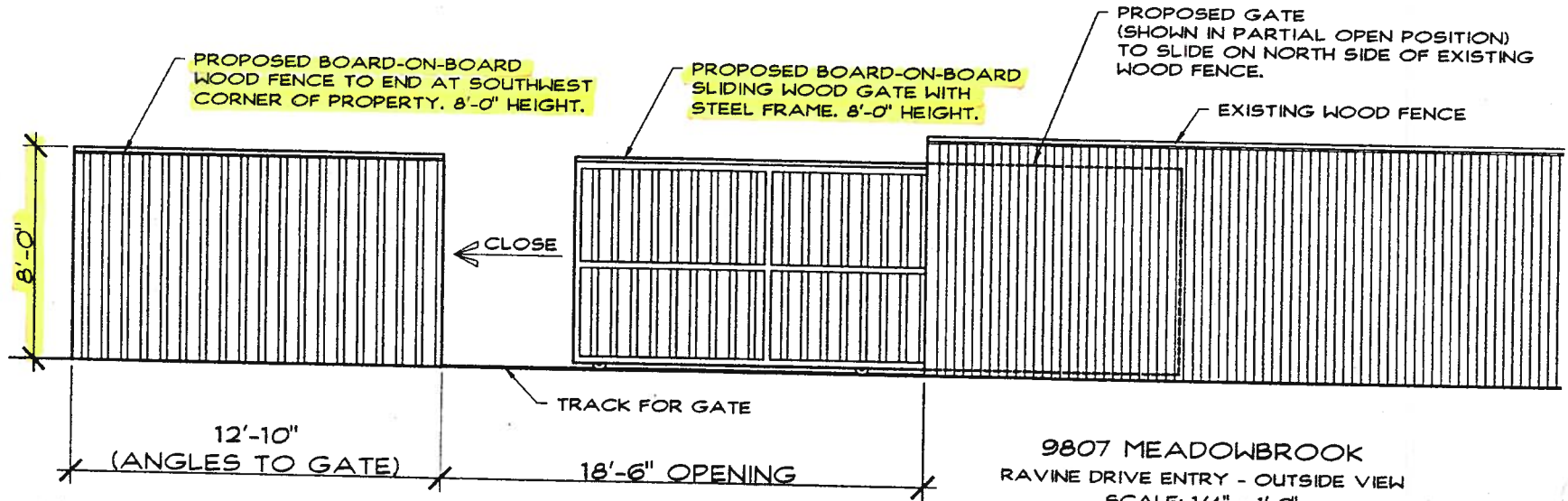
**SITE PLAN**  
 9807 MEADOWBROOK DRI  
 JOHN HOWELL SURVEY, ABSTRA  
 4.319 ACRES  
 CITY OF DALLAS, DALLAS COUNTY

| DESIGN | DRAWN | DATE     | SCALE  | NOTES | FILE |
|--------|-------|----------|--------|-------|------|
| GAP    | KCM   | AUG 2012 | 1"=40' |       |      |

PK FILE: 2943-08-201  
 DWG FILE: 2943-0  
 XREF FILE: 2943-1

BDA 112-078  
 Attachment C Page 3

Highlighted elevation drawing





Overhead aerial showing vicinity



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

PROPERTY LINE (APPROX.)

PROPERTY LINE (APPROX.)

9807 MEADOWBROOK

5105 LAKEHILL COURT

LOCATION OF PROPOSED GAP

RAVINE DRIVE

9707 MEADOWBROOK

5030 RAVINE DR.

RAVINE DR.

Oblique aerial showing vicinity-note no other access points near site



BDA 112-078  
Attachment C Page 6

Imagery ©2012 Google, Map data ©2012 Google



Labeled color photos showing approach to site



**1. Approach to the site from the south; shows newly-paved extension of Ravine Drive**

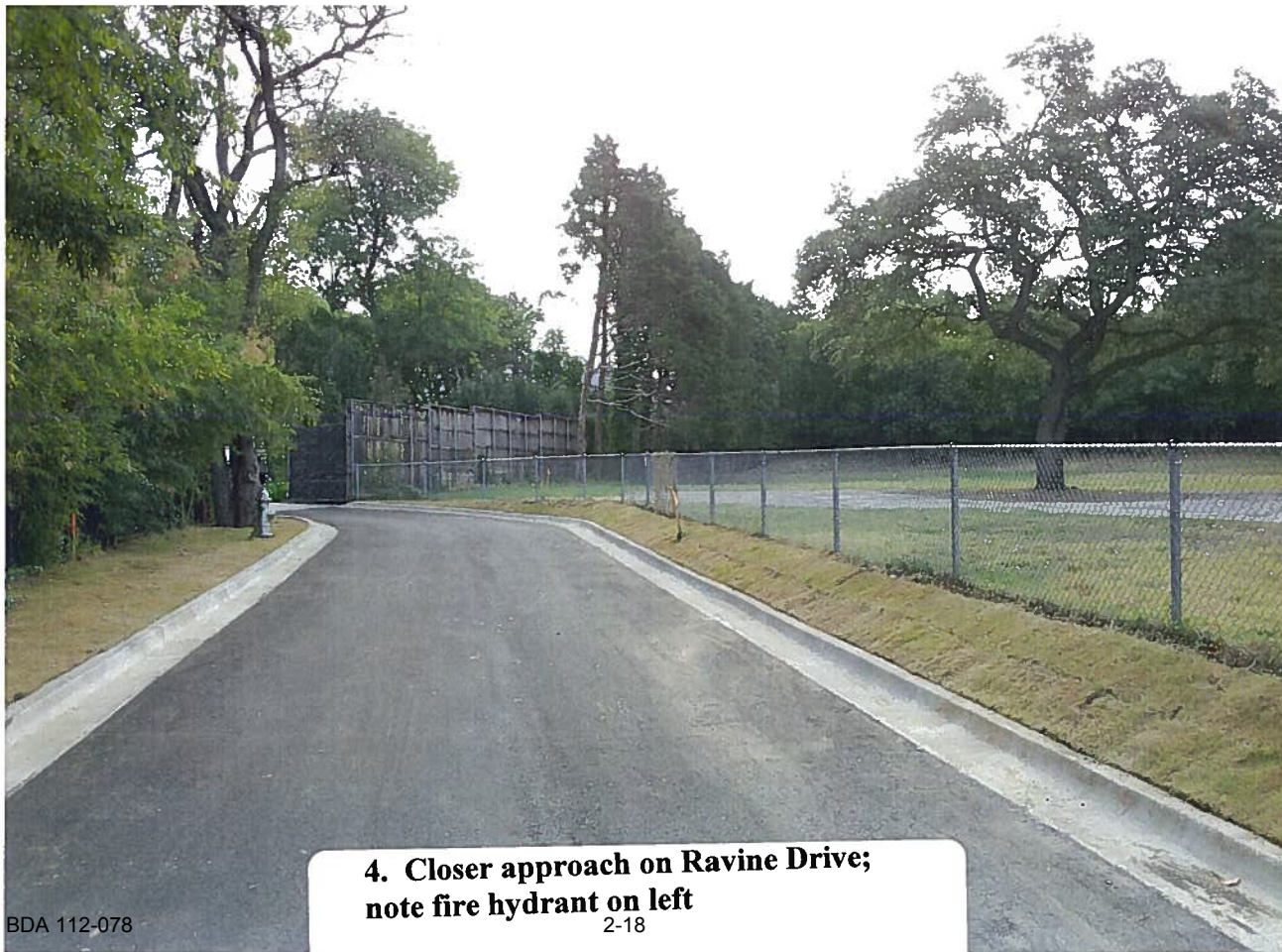


**2. Closer approach on Ravine Drive; proposed gate access in background**

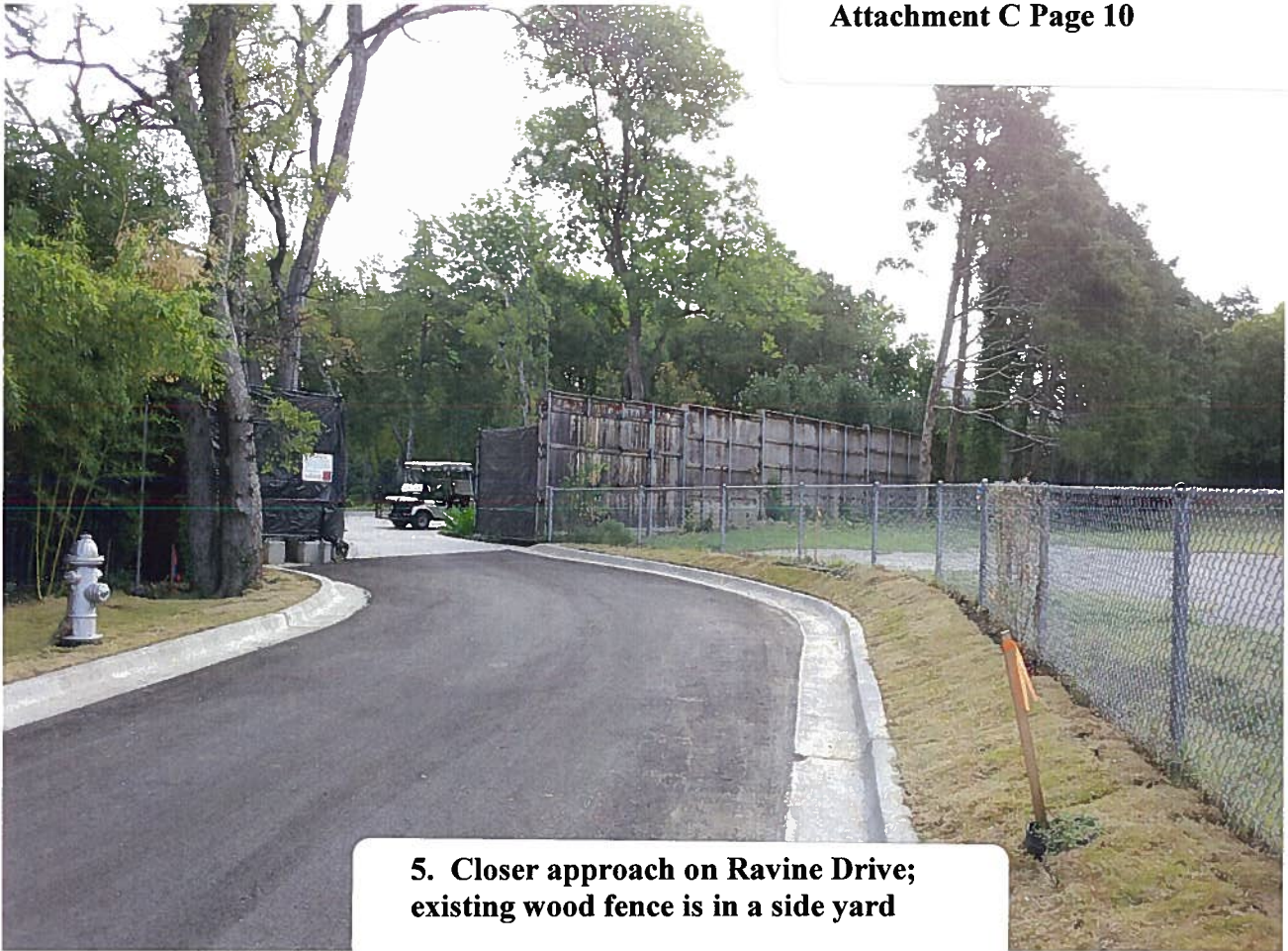




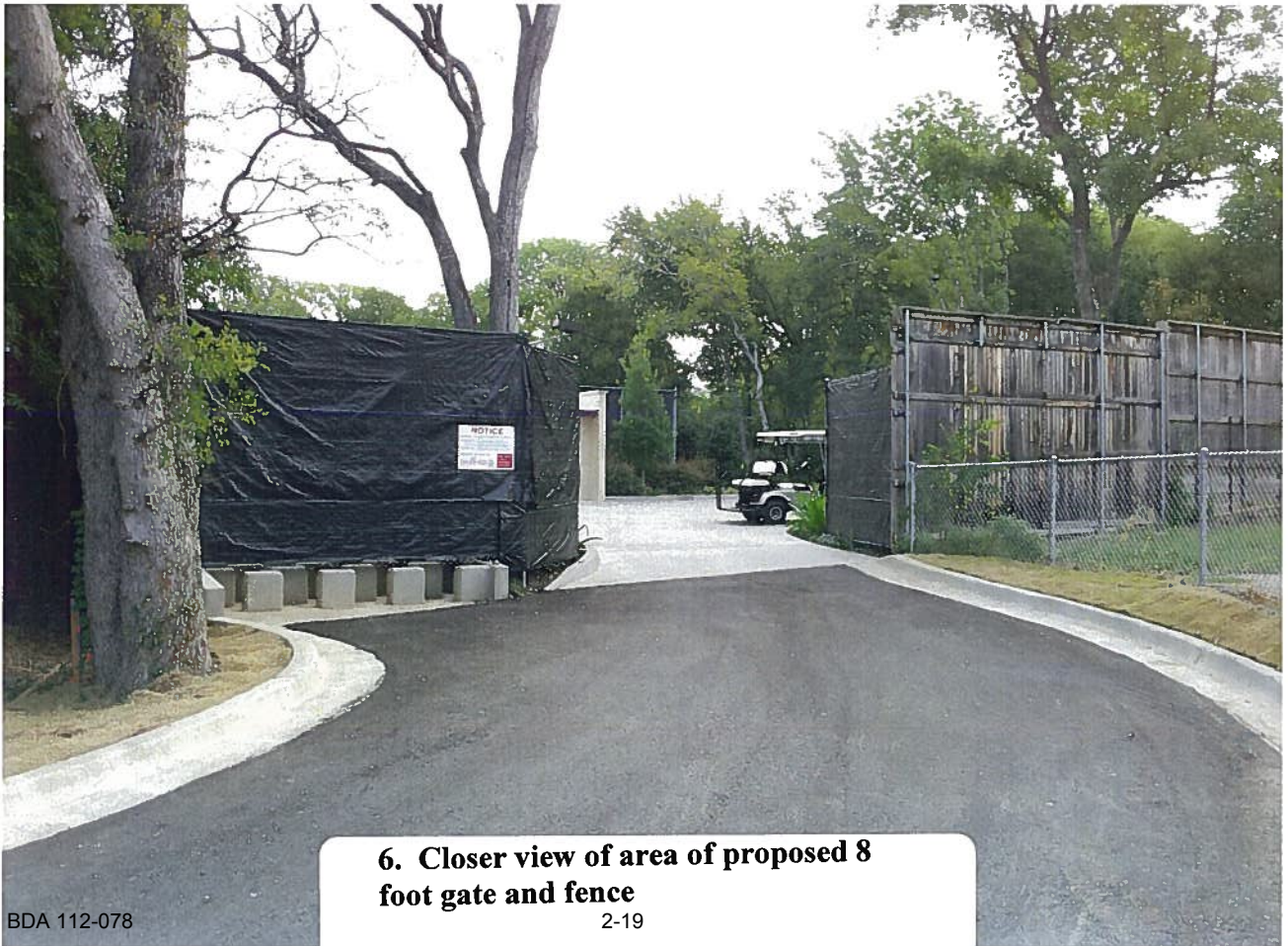
**3. Closer approach on Ravine Drive;  
note no other access points**



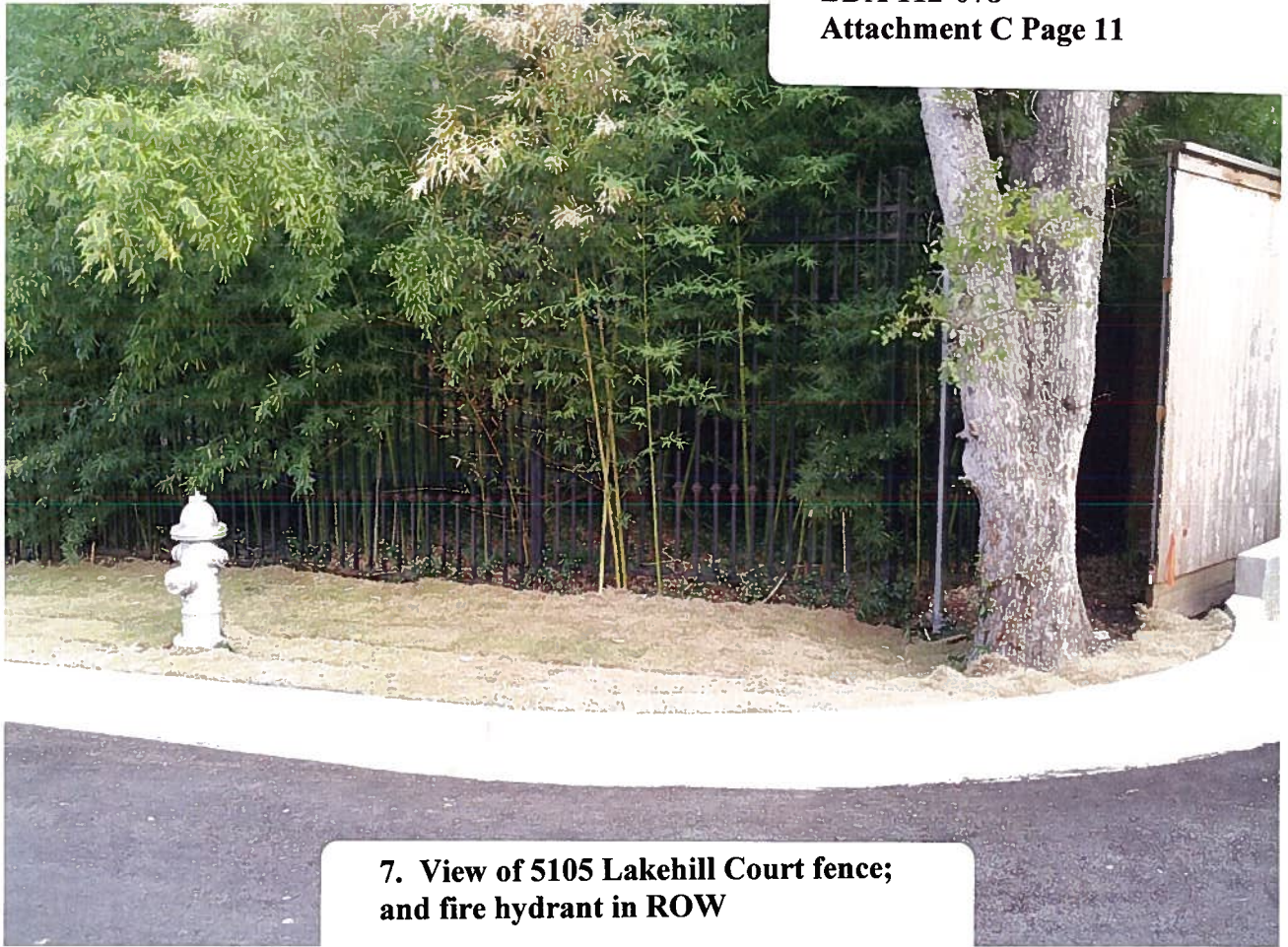
**4. Closer approach on Ravine Drive;  
note fire hydrant on left**



**5. Closer approach on Ravine Drive;  
existing wood fence is in a side yard**



**6. Closer view of area of proposed 8  
foot gate and fence**



**7. View of 5105 Lakehill Court fence; and fire hydrant in ROW**



**8. View south on newly-extended Ravine Drive; note no other access, heavy landscape screen**



**9. View south from proposed gate**



**10. View south from proposed gate**



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-078

Data Relative to Subject Property:

Date: 6-18-12

Location address: 9807 Meadowbrook Drive Zoning District: R-1Ac(A)

Lot No.: N/A Block No.: 5601 Acreage: 4.3195 Census Tract: 206

Street Frontage (in Feet): 1) 329.02 2) 31.52 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) NG 25

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Richard M. Barrett and Nona N. Barrett

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

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

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

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

Affirm that a request has been made for a Variance   , or Special Exception   X  , of to the fence    height regulations of Sec. 51A-4.602(a)(1) of the Dallas Development Code, to permit construction of an 8 foot gate and fence in the required front yard on Ravine Drive. (4 Foot special exception to fence height)  
Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:  
The special exception will not adversely affect neighboring property. This is simply to permit a security gate and fence at one small, secluded location at the end point of Ravine Drive, which happens to create a required front yard.

*9807  
6/18/12*

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

Respectfully submitted: Jackson Walker L.L.P.  
By: Jonathan G. Vinson  
Applicant's name printed

Jonathan G. Vinson  
Applicant's signature

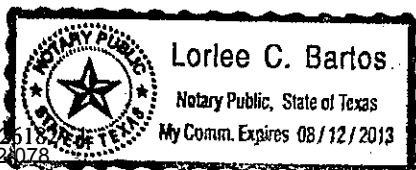
Affidavit

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

Jonathan G. Vinson  
Affiant (Applicant's signature)

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

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



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

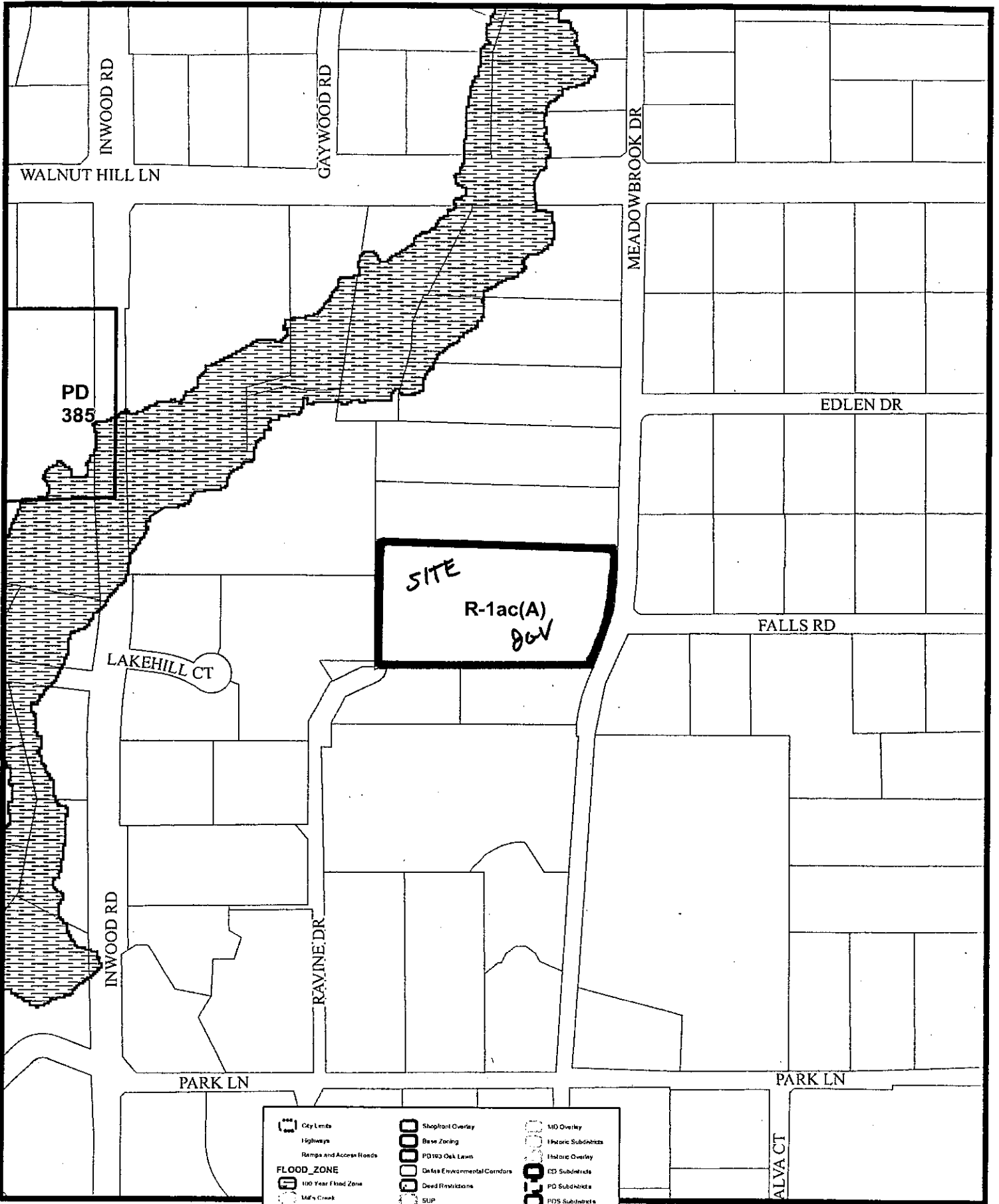
I hereby certify that Jonathan Vinson

did submit a request for a special exception to the fence height regulations  
at 9807 Meadowbrook Drive

BDA112-078. Application of Jonathan Vinson for a special exception to the fence height regulations at 9807 Meadowbrook Drive. This property is more fully described as being a 4.3 acre parcel of land in city block 5601 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulator

Sincerely,

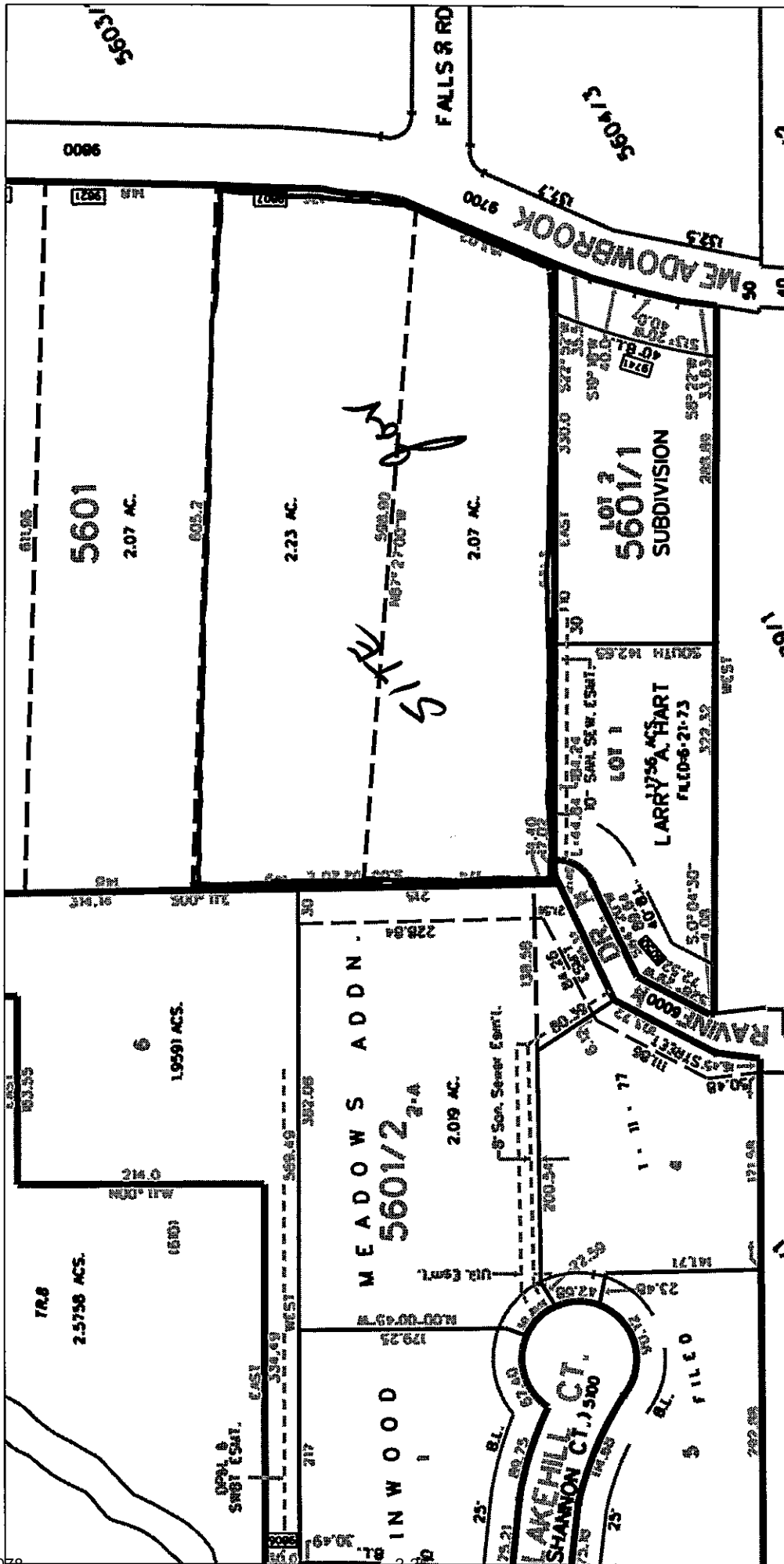
  
Lloyd Denman, Building Official



↑ 1:3,600

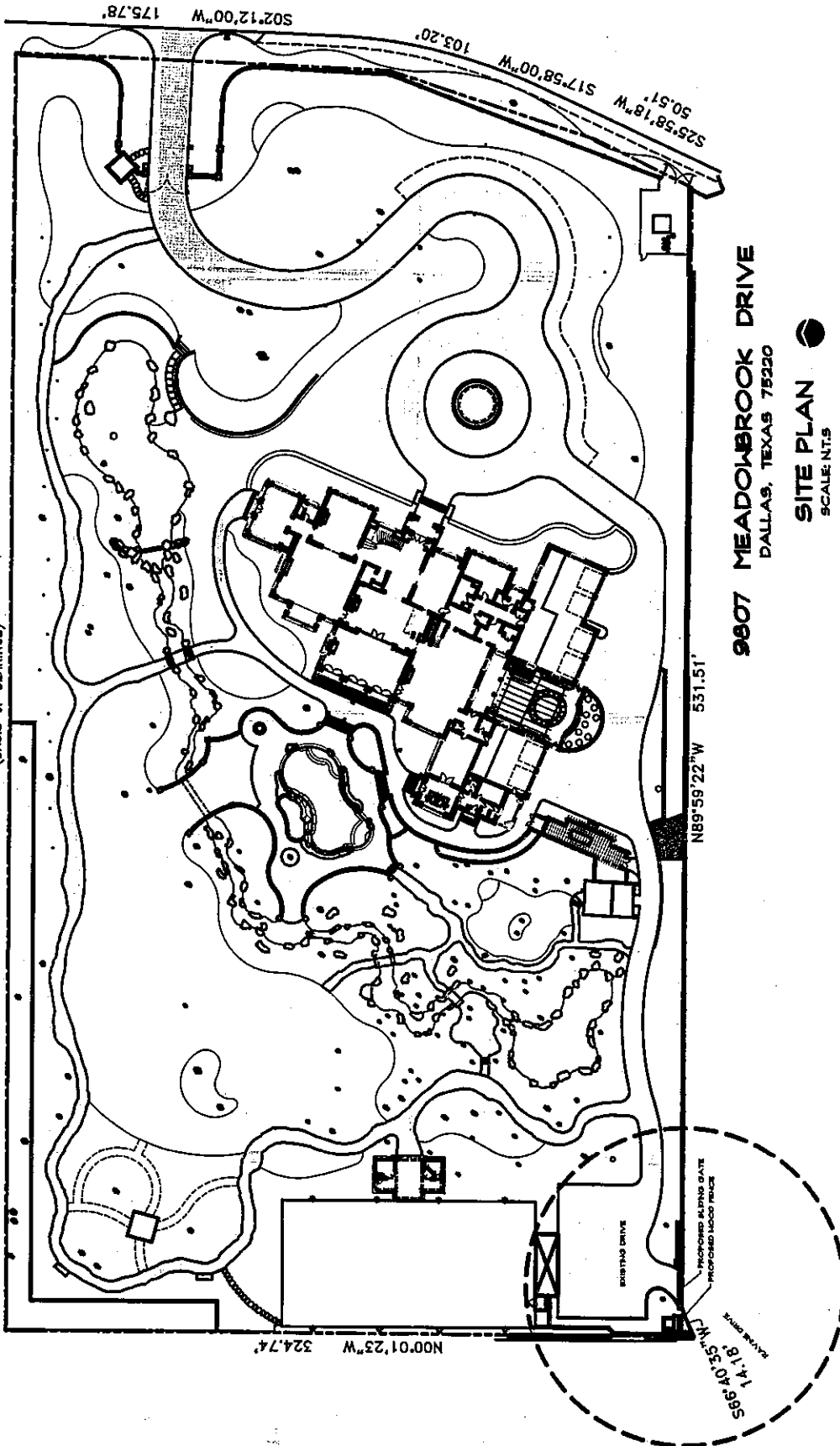
|                            |                              |                      |
|----------------------------|------------------------------|----------------------|
| City Limits                | Shopfront Overlay            | MID Overlay          |
| Highways                   | Base Zoning                  | Historic Subdistrict |
| Ramps and Access Roads     | PD193 Oak Lawn               | Historic Overlay     |
| <b>FLOOD_ZONE</b>          | Dates Environmental Corridor | ED Subdistrict       |
| 100 Year Flood Zone        | Deed Restrictions            | PD Subdistrict       |
| Maf's Creek                | SUP                          | PDS Subdistrict      |
| Peak's Branch              | D                            | NSD Subdistrict      |
| KPHOTECIED BY LEVEL        | D-1                          | NSD Overlay          |
| Parks                      | SP                           | Landscape Overlay    |
| Height Map Overlay         | SR                           |                      |
| Parking Management Overlay |                              |                      |

Case ID:  
Printed: 6/15/2012



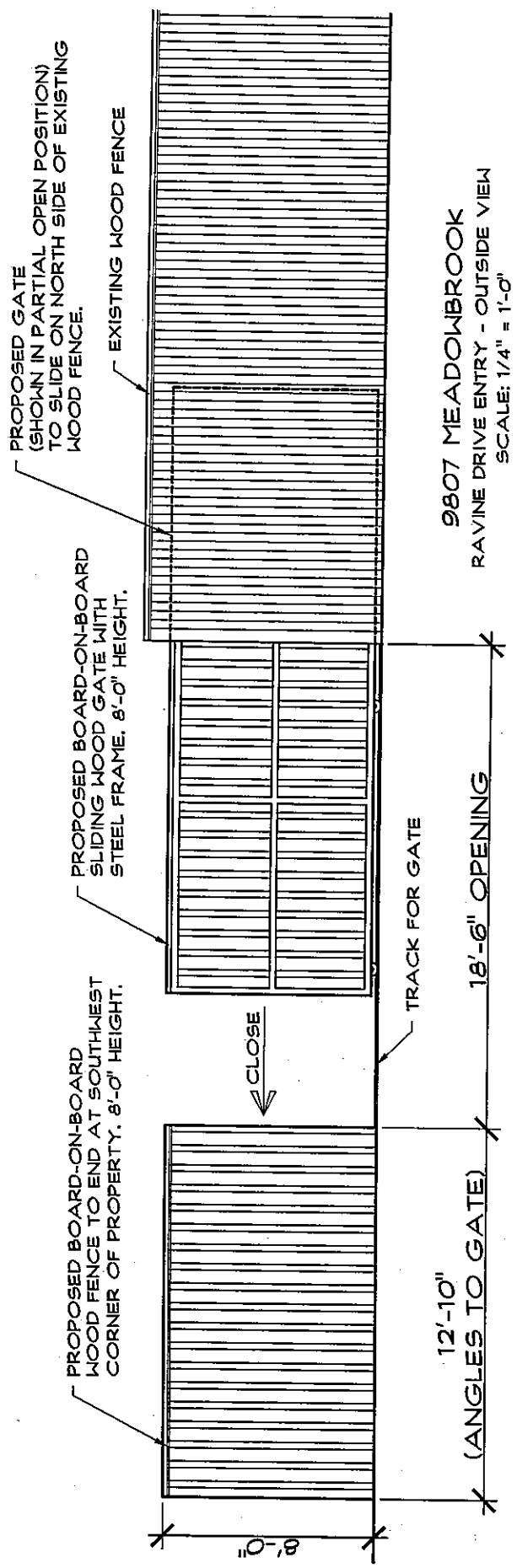


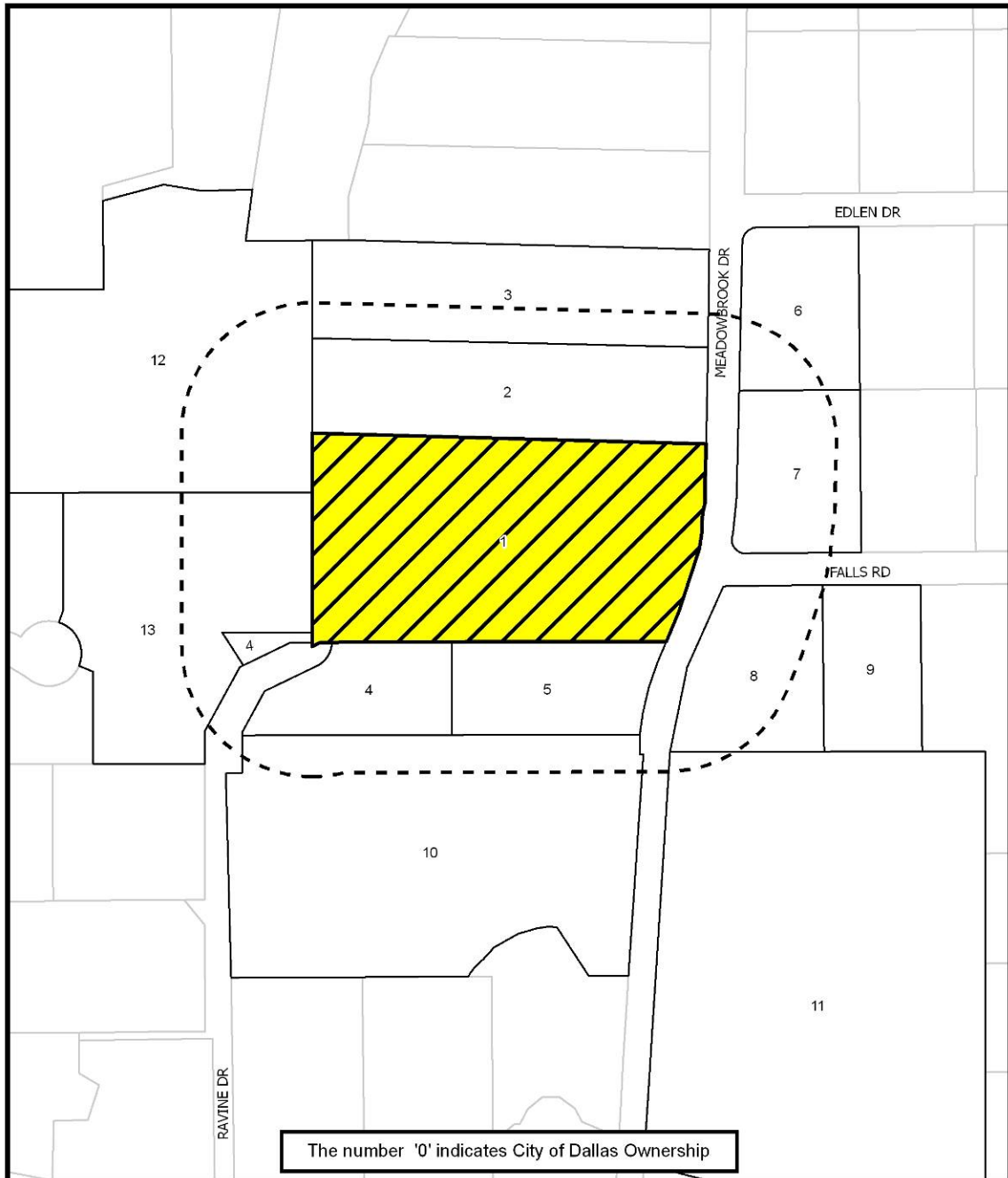
EAST 605.36'  
(BASIS OF BEARINGS)



9907 MEADOWBROOK DRIVE  
DALLAS, TEXAS 75220

SITE PLAN  
SCALE: N.T.S.





|  |  |  |                            |
|--|--|--|----------------------------|
| <br>1:2,400 | <b>NOTIFICATION</b>  |  | Case no: <b>BDA112-078</b> |
|  | <div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION<br><div style="border: 1px solid black; padding: 2px; display: inline-block;">13</div> NUMBER OF PROPERTY OWNERS NOTIFIED |  | Date: <b>7/26/2012</b>     |

# ***Notification List of Property Owners***

***BDA112-078***

## ***13 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>              |
|-----------------------|-----------------------|----------------------------------|
| 1                     | 9807 MEADOWBROOK DR   | BARRETT NONA N &                 |
| 2                     | 9821 MEADOWBROOK DR   | NETZER SHULA & AHARON            |
| 3                     | 9831 MEADOWBROOK DR   | PAULSON ROY STEVEN & DEBORAH KAY |
| 4                     | 5050 RAVINE DR        | AARON STEVEN L & CAROL R         |
| 5                     | 9741 MEADOWBROOK DR   | GREENBERG GREG JR & LAURI        |
| 6                     | 5310 EDLEN DR         | WALKER REID S & STACEY S         |
| 7                     | 5311 FALLS RD         | FRELING RICHARD A                |
| 8                     | 5306 FALLS RD         | WARREN KELCY                     |
| 9                     | 5322 FALLS RD         | JOHNSON WHITAKER M & DEBRA B     |
| 10                    | 9707 MEADOWBROOK DR   | AARON STEVEN L & CAROL R         |
| 11                    | 5323 PARK LN          | WARREN KELCY                     |
| 12                    | 9806 INWOOD RD        | CEALES TRUST                     |
| 13                    | 5105 LAKEHILL CT      | TURLEY R WINDLE & SHIRLEY A      |

**FILE NUMBER:** BDA 112-079

**BUILDING OFFICIAL'S REPORT:**

Application of Rob Baldwin for a variance to the side yard setback regulations at 10245 Strait Lane. This property is more fully described as lot 4B in City Block E/5532 and is zoned R-1ac(A), which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a structure and provide a 3 foot side yard setback, which will require a variance of 7 feet.

**LOCATION:** 10245 Strait Lane.

**APPLICANT:** Rob Baldwin

**REQUEST:**

- A variance to the side yard setback regulations of 7' is requested in conjunction with locating and maintaining an approximately 42 square foot "emergency generator" structure, all of which is to be located in the site's southern 10' side yard setback on a site being developed with a single family home.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with submitted site plan is required.

Rationale:

- The applicant has substantiated how the subject site is unique and different from most lots zoned R-1ac(A) in that it is not of typical size of most lots in its zoning district. The subject site is about 42,000 square feet in area or about 1,300 square feet smaller in area than most parcels of land in the same zoning district – a constraint that necessitates a small variance to the side yard setback regulations for in this case merely an approximately 42 square foot generator structure.
- In addition, granting this request does not appear to be contrary to the public interest in that: 1) the subject site is separated from the property to the south nearest the proposed encroachment by a 15' wide utility easement; and 2) the fact that the location of the proposed generator structure is relatively close to being in the rear 30 percent of the lot where no side yard setback would be required for any structure that does not exceed 15 feet in height.

**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:

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

### **BACKGROUND INFORMATION:**

#### **Zoning:**

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

#### **Land Use:**

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

1. BDA 112-032, Propert at 10245  
Strait Lane ( the subject site)

On April 18, 2012, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 3' 4" and imposed the submitted revised site plan/elevation as a condition to the request. The case report stated that the request was made in conjunction with a 7' 3" high open iron picket fence/wall (with 3' high stone base) with 7' 9" high brick columns, and two, 8' 8" high open iron picket gates with 8' high brick columns on a site being developed with a single family home.

#### **Timeline:**

June 11, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the July 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 27, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

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

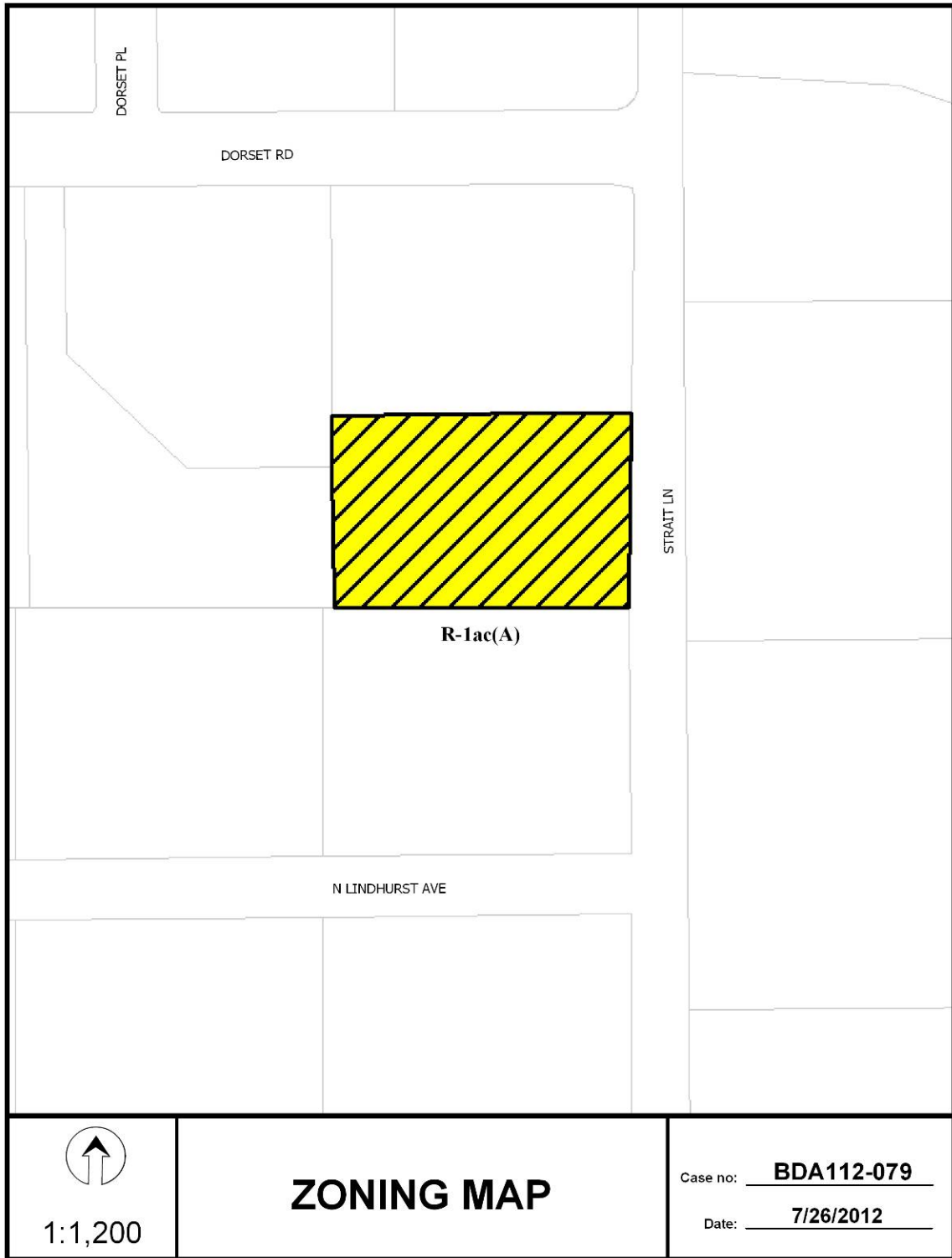
No review comment sheets with comments were submitted in conjunction with this application.

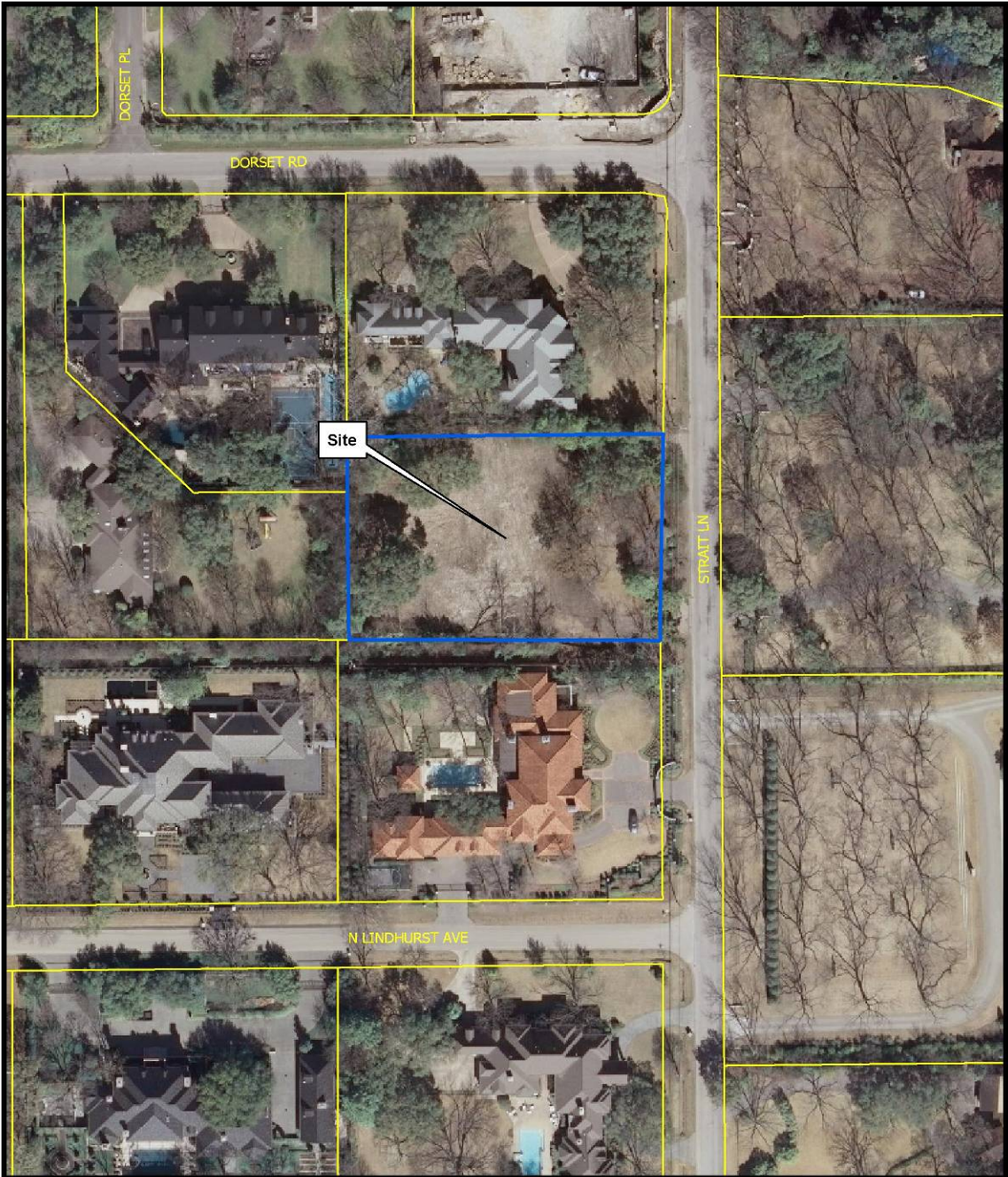
### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on locating and maintaining an approximately 42 square foot "emergency generator" structure, all of which is to be located in the site's southern 10' side yard setback on a site being developed with a single family home.
- The minimum side yard setback on an R-1ac(A) zoned lot is 10 feet. The applicant has submitted a site plan indicating a generator structure that is located 3' from the site's southern side property line (or 7' into the required 10' side yard setback).
- The site is flat, rectangular in shape (169' x 251'), and is (according to the application) 0.9700 acres (or approximately 42,253 square feet) in area. The plat map of the site indicates that the property has a 75' platted building line along Strait Lane. The site is zoned R-1ac(A) where lots are typically 1 acre or 43,560 square feet in area.
- According to DCAD records, the property at 10245 Strait Lane has the following improvements:
  - "main improvement" built in 2010 with 14,922 square feet of living area, and 14,922 square feet of total area;

- “additional improvements” – a pool, a 338 square foot porte cochere, a 575 square foot detached garage, and a 865 square foot attached garage.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1ac(A) (Single family) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) (Single family) zoning classification.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).
- If the Board were to grant the side yard variance of 7’, imposing a condition whereby the applicant must comply with the submitted site plan, the structure encroaching into this setback would be limited to that shown on the site plan which in this case is an approximately 42 square foot emergency generator structure that is located 3’ from the southern side property line or 7’ into this 10’ side yard setback, or 18’ away from the northern side property line of the property immediately to the south (a 3’ distance between the generator and the site’s southern side property line added to a 15’ wide utility easement).







1:1,200

# AERIAL MAP

Case no: BDA112-079

Date: 7/26/2012

Baldwin  
Associates

July 27, 2012

The Honorable Board of Adjustment  
c/o The Board of Adjustment Administrator  
City of Dallas  
1500 Marilla  
Dallas, Texas 75201

Re: BDA112-079

Dear Sir or Madam:

This firm represents Sharif-Munir Custom Homes in their request to seek permission to construct an enclosure for an emergency generator in a required side yard on the property they own located at 10245 Strait Lane. The generator housing is proposed to be located on the south side of the house and immediately adjacent to the air conditioning units. The leading edge of the generator structure will be three (3) feet from the property line. There is a required 10-foot side yard setback required in the R-1(A) zoning district so we are requesting a variance to the required side yard of seven (7) feet.

Emergency backup generators are becoming common for residential construction. They are normally treated as a utility unit, such as an air conditioner and placed in the side yard. That is the proposed location of this unit. The placement of the generator is specific to the design of the house. The generator needs to be located near where the electrical box is located. In this case the electrical panel is located in the garage adjacent to the proposed generator location. For this reason, it is impractical to move the emergency generator to another location on the property.

This property is unique in that it has a 75-foot platted front building line. This front yard setback is almost twice as deep as is normally required in the R-1(A) district. In addition, there are several large trees in the back yard that limit the placement of the generator. Another unique aspect of this property is that there is a 15-foot wide heavily wooded utility easement immediately adjacent to the south property line of the property. This easement is located between where the proposed generator will be placed and our neighboring property. This easement essentially provides an additional 15-foot side yard between the two properties, resulting in the proposed generator being located 18 feet from the neighboring property. This is truly a unique situation in Preston Hollow.

In conclusion, the generator will be located behind an eight-foot tall wooden fence and 18 feet from the property line. The area between the fence and the adjacent

property is a 15-foot wide utility easement that is extensively landscaped and provides both a visual and noise buffer. Air conditioning units are allowed to be placed in a required side yard but the generator cannot because there is a protective structure associated with it. In this case, we actually have an additional side yard that protects our neighbor from the proposed structure.

Thank you very much for your consideration with this matter.

Very truly yours,



Robert B. Baldwin, AICP



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: 112-079

Date: 6-11-12

Data Relative to Subject Property:

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

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

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

NE 2A

To the Honorable Board of Adjustment :

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

Applicant: Robert Baldwin Telephone: 214.824.7949

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

Represented By: Robert Baldwin Telephone: 214.824.7949

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

Affirm that a request has been made for a Variance X, or Special Exception, of Seven (7) feet to the side yard setback requirement to allow a backup generator to be located three (3) feet from the property line.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The applicant is seeking permission to place a backup generator in the required side yard. The applicant feels that since there is an alley and a utility easement adjacent to his side yard, the addition of the generator will not effect the neighbors at all.

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

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

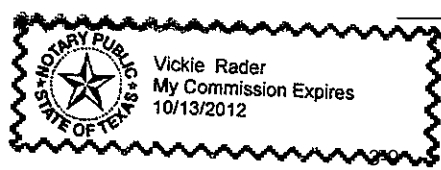
Affidavit

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

[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me this 11th day of June, 2011

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



(Rev. 08-20-09)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that ROB BALDWIN

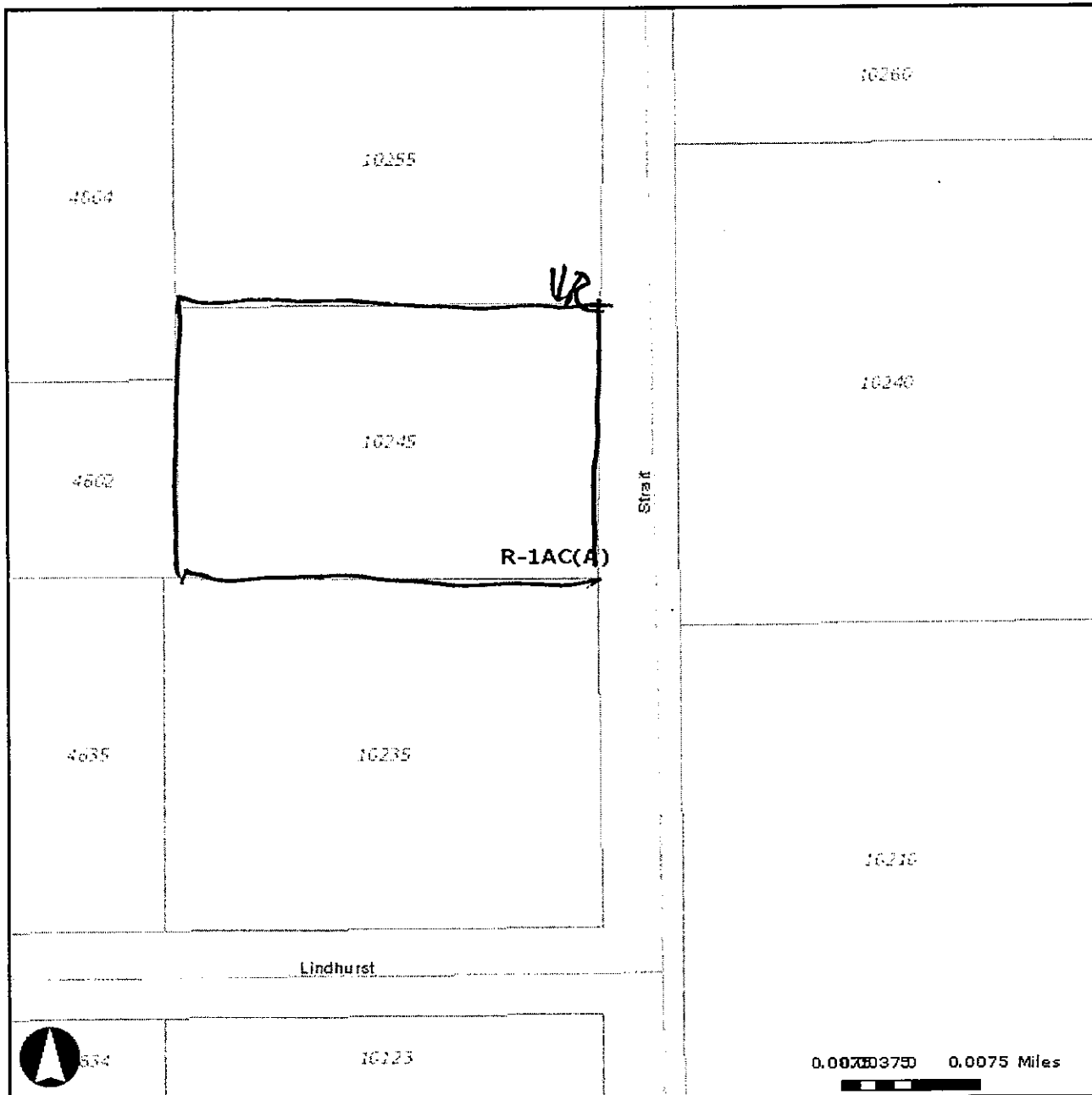
did submit a request for a variance to the side yard setback regulations  
at 10245 Strait Lane

BDA112-079. Application of Rob Baldwin for a variance to the side yard setback regulations at 10245 Strait Lane. This property is more fully described as lot 4B in city block E/5532 and is zoned R-1ac(A), which requires a side yard setback of 10 feet. The applicant proposes to construct single family residential structure and provide a 3 foot side yard setback, which will require a 7 foot variance to the side yard setback regulation.

Sincerely,

  
Lloyd Denman, Building Official

# City of Dallas Zoning



City Boundaries



County



Certified Parcels

DISD Sites



Council Districts



Waterways

Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts

Base Zoning

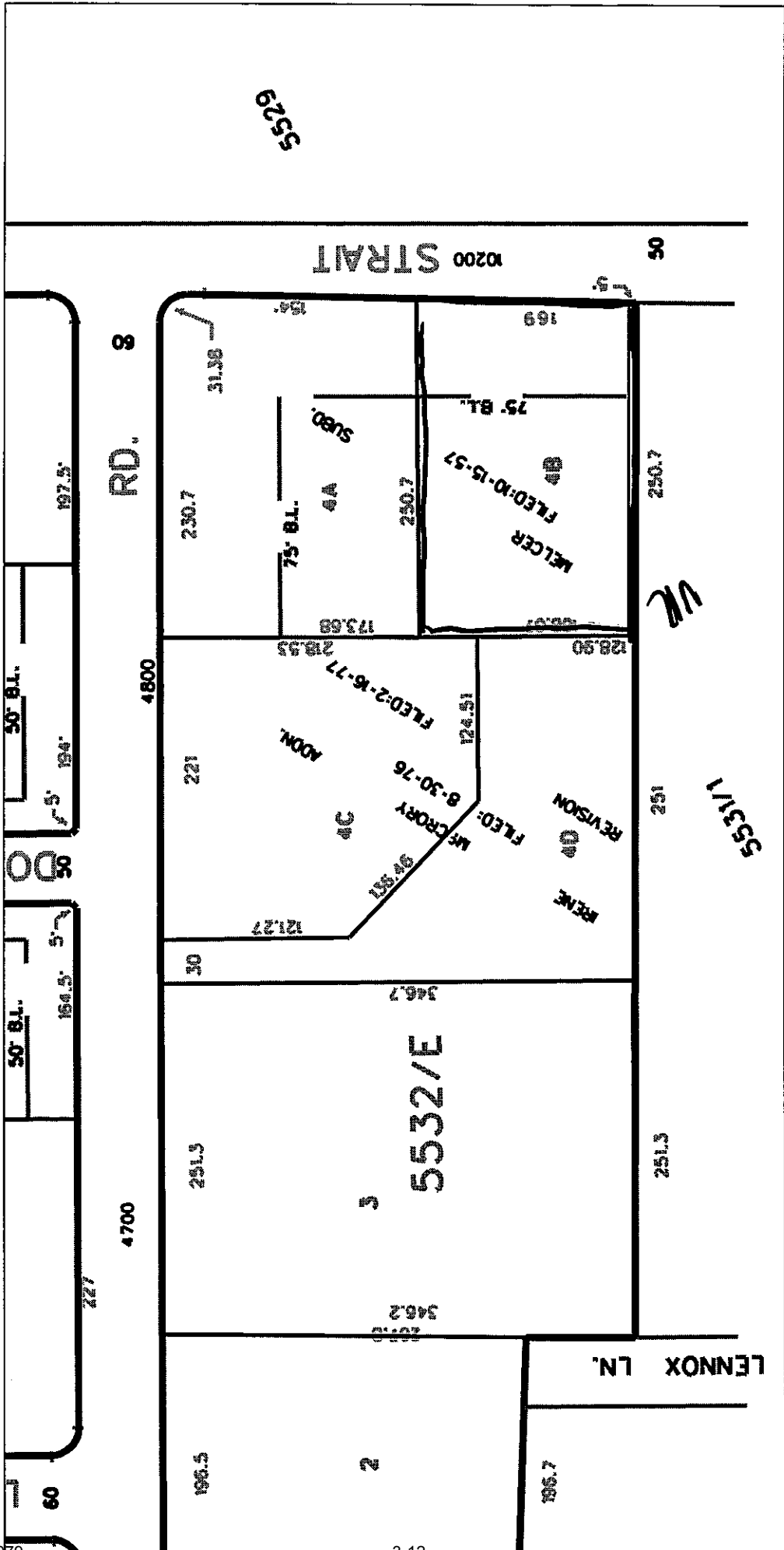


Floodplain



Pedestrian Overlay







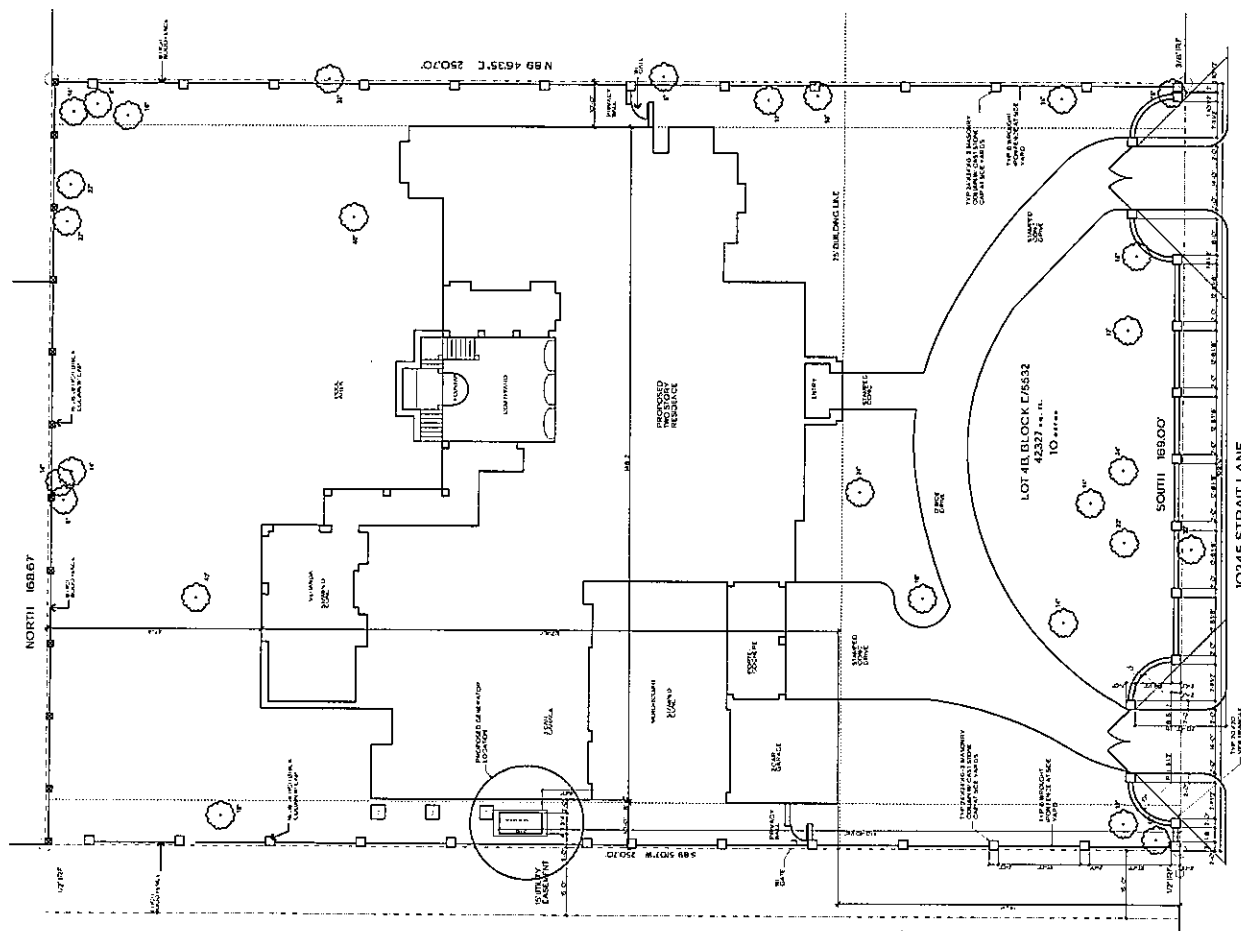
|             |          |
|-------------|----------|
| PROJECT NO. | 1008     |
| DATE        | 10/08    |
| SCALE       | AS SHOWN |
| DRAWN BY    | ...      |
| CHECKED BY  | ...      |
| DATE        | ...      |

REDUCE FOR  
10245 STRAIT LANE  
Dallas, Texas

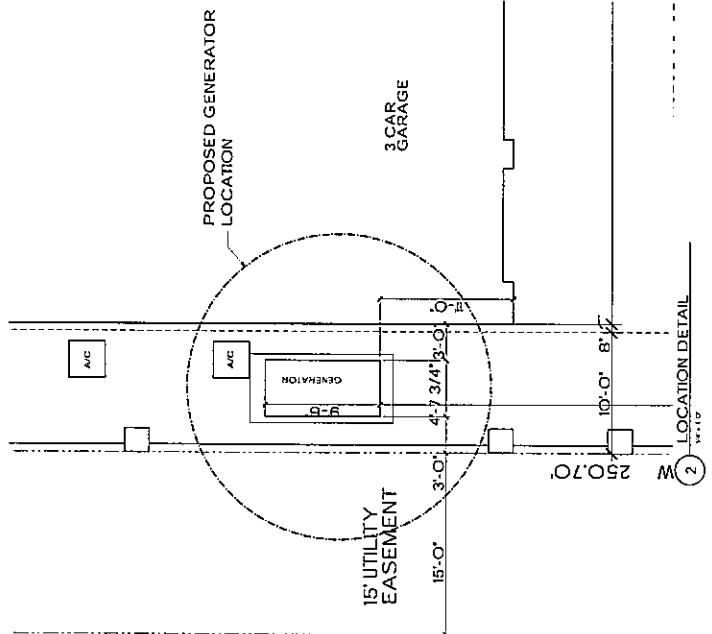
Sharif Munnir  
UNCUSTOMARY CUSTOM HOMES

6009 BELTUNE ROAD, SUITE 200  
DALLAS, TX 75254  
OFFICE: 972-702-4838  
FAX: 972-702-8533  
www.sharifmunnir.com

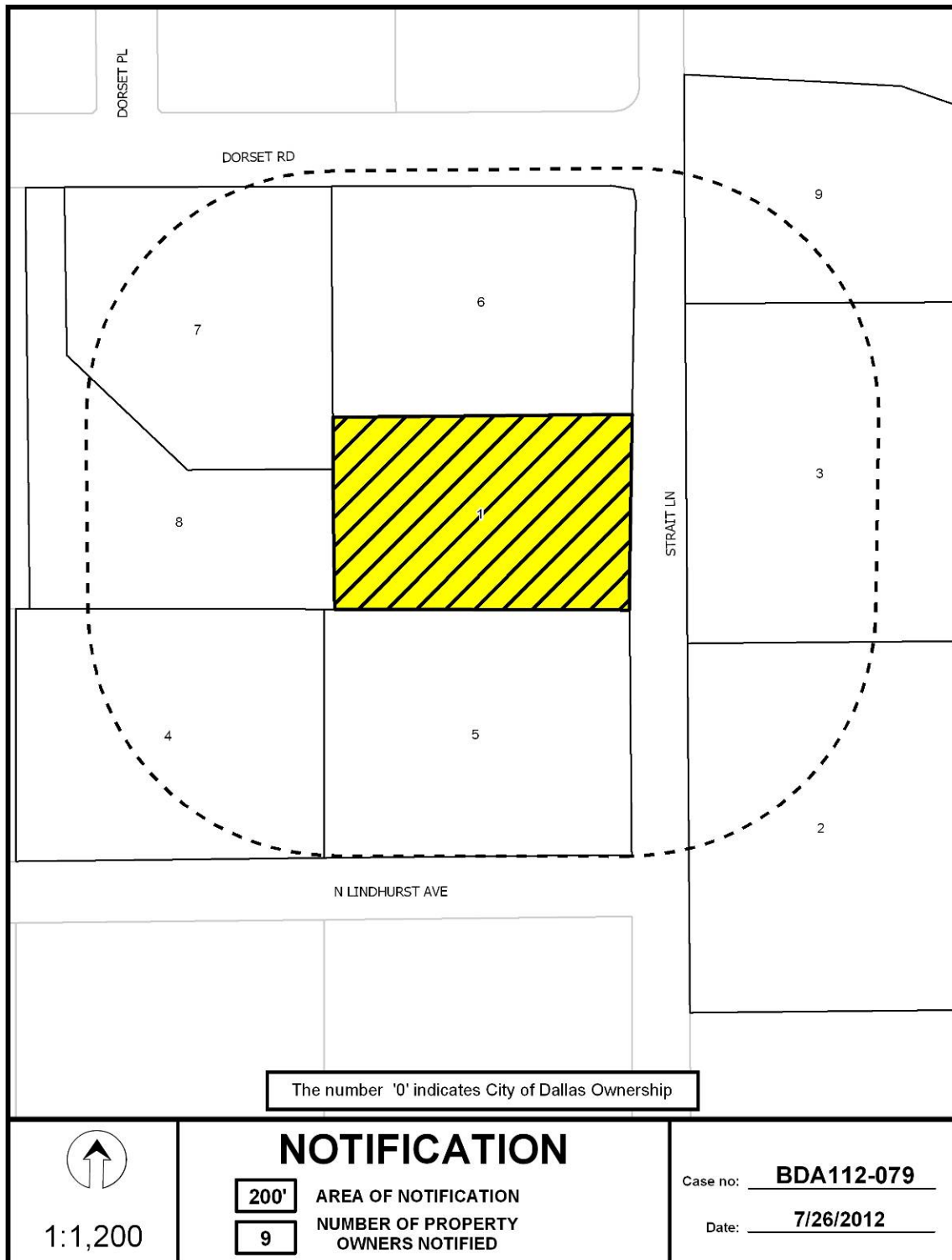
|           |      |
|-----------|------|
| LOC./UNIT | 1008 |
| V.H.D.    | ...  |
| 1008      | ...  |



1 GENERATOR PLAN  
SCALE: 1/8"=1'-0"



2 LOCATION DETAIL  
SCALE: 1/4"=1'-0"



# ***Notification List of Property Owners***

***BDA112-079***

## ***9 Property Owners Notified***

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

**FILE NUMBER:** BDA 112-080

**BUILDING OFFICIAL'S REPORT:**

Application of Howard Earl Rachofsky for a special exception to the single family use regulations and a variance to the floor area regulations at 8605 Preston Road. This property is more fully described as being a 3.213 acre parcel of land in City Block 5619 and is zoned R-1ac(A), which limits the number of dwelling units to one and states that an individual accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and maintain an additional dwelling unit, which will require a special exception to the single family use regulations, and to construct and maintain an accessory structure with 4,473 square feet of floor area (38.9% of the 11,493 square foot floor area of the main structure), which will require a variance to the floor area regulations of 1,600 square feet.

**LOCATION:** 8605 Preston Road

**APPLICANT:** Howard Earl Rachofsky

**REQUESTS:**

- The following appeals had been made in this application on a site that is developed with a single family home:
  1. A request for a special exception to the single family use development standard regulations is requested in conjunction with constructing and maintaining an additional dwelling unit structure (a one-story, detached "dwelling unit" structure) on a site currently developed with a multi-story dwelling unit/single family home structure; and
  2. A variance to the floor area regulations for a structure accessory to single family use of 1,600 square feet is requested in conjunction with constructing and maintaining the aforementioned additional dwelling unit structure which according to the application is more than 25 percent the square footage of the existing 11,493 square foot main structure. The application states that allowable square footage with merely the aforementioned special exception request is 2,873 square feet (25 percent of 11,493 square feet in the main structure) whereby an additional 1,600 square feet is requested to be varied for the second dwelling unit to have a total of 4,473 square feet.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE DEVELOPMENT STANDARDS REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:**

The board may grant a special exception to the single family use development standards regulations of the Dallas Development Code to authorize an additional

dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

**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:

- 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;
- 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
- 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 (special exception):**

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is *when in the opinion of the board*, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting a special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**STAFF RECOMMENDATION (variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The applicant has substantiated how the subject site is unique and different from most lots zoned R-1ac(A) in that it is of an irregular shape and of a restrictive area caused in part the natural formation of a pond/floodway easement along the northern boundary of the subject site.

**Zoning:**

- Site: R-1ac(A) (Single family district 1 acre)
- North: R-1ac(A) (Single family district 1 acre)
- South: R-1ac(A) (Single family district 1 acre)
- East: R-10(A) (Single family district 10,000 square feet)
- West: R-1ac(A) (Single family district 1 acre)

**Land Use:**

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

**Zoning/BDA History:**

1. BDA 056-043, 5950 Deloache Avenue (The property immediately north of the subject site)
 

On December 13, 2005, the Board of Adjustment Panel A granted a request for a special exception to A special exception to the single family use regulations is requested in conjunction with constructing an additional “dwelling unit” on a site developed with a single family home. The case report stated that the request was made for an additional “dwelling unit” in this appeal that was to be a 2-story garage/ guest house structure. The board granted the request and imposed the following conditions: compliance with the submitted site plan and elevation is required; and the property must be deed restricted to prohibit the additional dwelling unit on the site from being used as rental accommodations.

**Timeline:**

- June 26, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 17, 2012: The Board Administrator emailed the applicant the following information:
  - an attachment that provided the public hearing date and panel that will consider the application; the July 25<sup>th</sup> deadline to submit

additional evidence for staff to factor into their analysis; and the August 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

July 25, 2012: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).

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

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

#### **GENERAL FACTS/STAFF ANALYSIS (special exception):**

- This request focuses on constructing and maintaining an additional dwelling unit structure (a one-story, detached "dwelling unit" structure) on a site currently developed with a multi-story dwelling unit/single family home structure.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines "single family" use as "one dwelling unit located on a lot;" and a "dwelling unit" as "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."
- A site plan has been submitted denoting the locations of two building footprints, the larger of the two unlabeled but located near the middle of the site, and the smaller of the two and labeled "proposed second dwelling unit" on the western side of the subject site. The site plan represents the sizes and locations of the two building footprints relative to the entire lot/property.
- The site is zoned R-1ac(A) (Single family district 1 acre) where the Dallas Development Code permits one dwelling unit per lot. The site is currently developed with a dwelling unit structure; the applicant proposes to construct and maintain an additional dwelling unit on the site hence the special exception request.
- A floor plan has been submitted of the second/additional dwelling unit structure denoting the following rooms/spaces: kitchen, dining room, living room, courtyard, study, bedroom, closets, two bathrooms, and laundry/utilities.

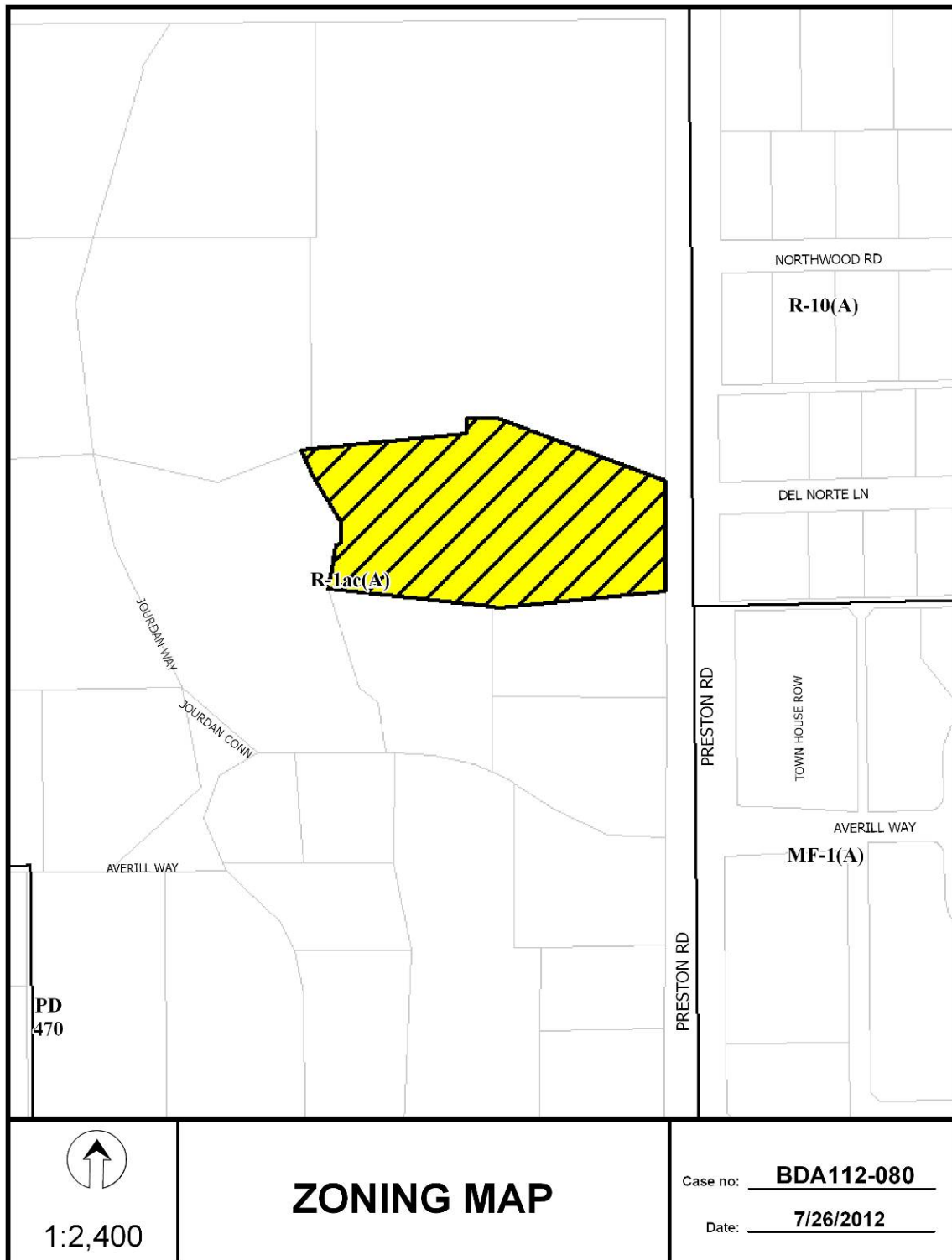
- Building Inspection staff has reviewed the submitted floor plan of the proposal and deemed it a “dwelling unit” - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- DCAD records indicate that the property at 8605 Preston Road has the following improvements:
  - “main improvement:” a structure built in 1993 with 8,891 square feet of living area; and
  - “additional improvements:” 504 square foot attached garage, pool, and 1,716 square foot basement.
- This request appears to center on the function of what is proposed to be located inside the proposed structure. If the board were to deny this request but grant the applicant’s other request in this application (floor area variance), it appears that this structure could be constructed and maintained with modifications to the function/use inside of it or to the floor plan.
- As of August 6, 2012, one letter had been submitted to staff in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- If the Board were to approve the request for a special exception to the single family regulations, the Board may want to determine if they feel that imposing a condition that the applicant comply with the submitted site plan and/or floor plan are necessary in assuring that the special exception will not adversely affect neighboring properties. Note that granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including but not limited to setback and coverage requirements). The Board would have to grant the applicant’s other request in this application (floor area variance) in order for the additional dwelling unit to be constructed/maintained as proposed and as shown on submitted plans.
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**GENERAL FACTS/STAFF ANALYSIS (variance):**

- This request focuses on a variance to the floor area regulations of 1,600 square feet made in conjunction with constructing and maintaining the aforementioned additional dwelling unit structure which is more than 25 percent the square footage of the existing 11,493 square foot main structure.
- The application states that allowable square footage with merely the aforementioned special exception request is 2,873 square feet (25 percent of 11,493 square feet in the main structure) whereby an additional 1,600 square feet is requested to be varied for the second dwelling unit to have a total of 4,473 square feet.

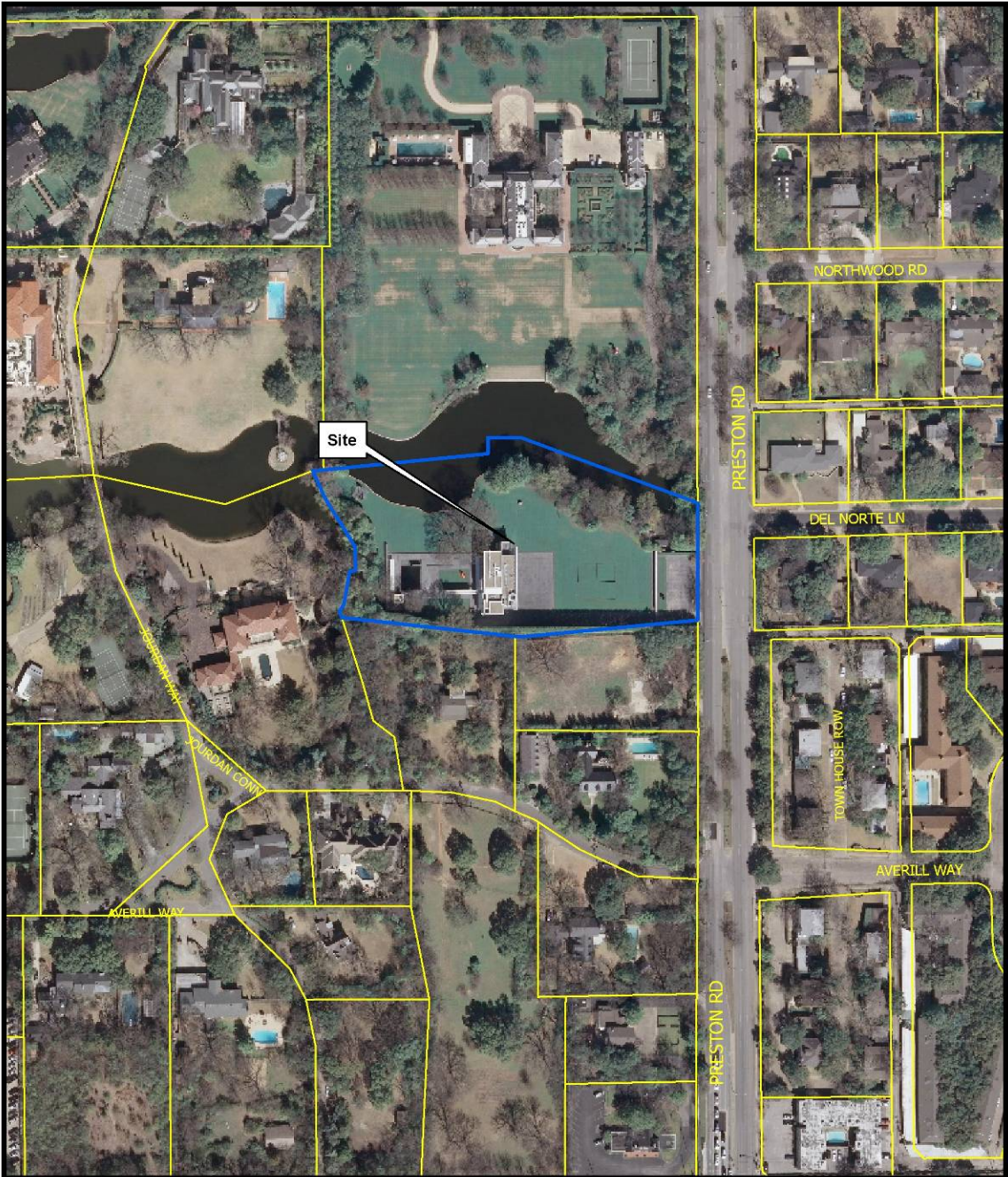


- “Accessory structure” is defined in the Dallas Development Code as “a structure located on the same lot as the main building that is subordinate in floor area, location, and purpose to the main building and use for a permitted accessory use. ‘
- The Dallas Development Code states that “an accessory use must be a use customarily incidental to the main use.”
- The subject site is zoned R-1ac(A), which permits a “single family” use by right.
- The subject site is developed with a single family use.
- For single family uses, the Dallas Development Code states that, except in the agricultural district, “the floor area of any individual accessory structure on a lot, (excluding floor area used for parking), may not exceed 25 percent of the floor area of the main building.”
- The site has some slope, slightly irregular in shape, with some floodway easement along the north side of the site, and is (according to the application) 3.213 acres in area. The site is zoned R-1ac(A).
- DCAD records indicate that the property at 8605 Preston Road has the following improvements:
  - “main improvement:” a structure built in 1993 with 8,891 square feet of living area; and
  - “additional improvements:” 504 square foot attached garage, pool, and 1,716 square foot basement.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the floor area for structures accessory to single family uses 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-1ac(A) (single family) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) (single family) zoning classification.
- The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- Granting the request for the variance to the floor area regulations of 1,600 square feet, with a condition imposed that the applicant complies with the submitted site plan would require the structure to be completed and maintained in the location as shown on this document. Note that granting this variance request will not provide any relief to the Dallas Development Code regulations other than allowing the accessory structure to exceed the maximum floor area allowed relative to the floor area of main structure on the site. The Board would have to grant the applicant’s other request in this application (single family use special exception) in order for the accessory structure to be permitted as an additional dwelling unit on the site.



# ZONING MAP

Case no: **BDA112-080**  
 Date: **7/26/2012**



1:2,400

# AERIAL MAP

Case no: BDA112-080

Date: 7/26/2012

25 July 2012

David Cossum  
Assistant Director, Current Planning  
Department of Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas  
Texas 75201

Dear Mr. Cossum

We would like to add the following supplemental information to our appeal to the Board of Adjustments for case number BDA 112-080. We feel that the shape of the site at 8605 Preston Road is restrictive due to the irregular geometry of the site created in part by the natural formation of the pond to the North and the creek to the West of the site. The natural formation of the pond edge encroaches on the buildable area of the site to the greatest extent behind the main dwelling unit where the proposed second dwelling unit would occur. Our goal has been to plan the second dwelling unit so that it has minimal visual impact on the neighboring properties by positioning the dwelling unit within the mature, natural tree line which currently exists on the Southwestern corner of the site.

We believe that the proposed second dwelling unit is commensurate with the development upon other parcels of land adjacent to 8605 Preston Road. The properties within this neighborhood are generally larger than those found in R-1AC zoning district. The properties adjacent 8605 Preston Road to the Northwest and South have second dwelling units which similarly exceed the allowable area requirements requested in this variance. Additionally, the second dwelling units and accessory structure on the adjacent property to the North is of a comparable size to the proposed second dwelling unit in this variance. A survey of the surrounding, adjacent properties revealed that all properties have second dwelling units and accessory structures.

Sincerely,



Thomas Phifer, FAIA

Architects and Designers LLP

180 Varick Street  
New York, New York 10014  
Telephone 212 337 0334  
Telefax 212 337 0603

August 1, 2012

To: Board of Adjustment Panel

We have reviewed the application request from the Rachofsky's and we are in complete support. We find the location and size for the site appropriate and prefer to see the building on the back of the site rather than in front of the existing building.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gabriel & Ann Barbier-Mueller". The signature is written in a cursive style with a long horizontal line extending to the right.

J. Gabriel & Ann Barbier-Mueller



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-080

Data Relative to Subject Property:

Date: 26 June 2012

Location address: 8605 Preston Road Zoning District: R-1AC(A)

Lot No.: Block No.: 5619 Acreage: 3.213 Census Tract: CT 206

Street Frontage (in Feet): 1) 194.39' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mr. Howard Earl Rachofsky

Applicant: Same Telephone: 214/213-9319

Mailing Address: 5911 Glendora Avenue Zip Code: 75230

E-mail Address: howard@rachofskyhouse.org; cindy@rachofskyhouse.org

Represented by: Mr. Howard Rachofsky Telephone: 214/213-9319

Mailing Address: 5911 Glendora Avenue Zip Code: 75230

E-mail Address: howard@rachofskyhouse.org

Affirm that an appeal has been made for a Variance X, or Special Exception X, of a special exception for a second dwelling unit/guest house on the property, and a variance for the square footage allowance. Allowable square footage with a special exception is 11,493sf(.25)=2,873sf. We request a variance for an additional 1600sf for the second dwelling unit.

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:

Special Exception - Howard and Cindy Rachofsky are moving back to 8605 Preston Road and would like to construct a second dwelling unit on their property that will be used for family members and guests. The second dwelling unit will not be used for rental accommodations, and Howard and Cindy Rachofsky will deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations. The second dwelling unit will be sited so that it does not adversely affect neighboring properties. Existing, mature landscaping will conceal visibility of the second dwelling unit to adjacent property. (Continued)

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

HOWARD EARL RACHOFSKY (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:

Howard Earl Rachofsky (Affiant Applicant's signature)

Subscribed and sworn to before me this 26 day of June

2012

(Rev. 08-01-11)

BDA 112-080



Courtney Berry Westerburg 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 \_\_\_\_\_



OFFICE OF THE CLERK OF THE BOARD OF ADJUSTMENT

**Building Official's Report**

I hereby certify that **Howard Earl Rachofsky**

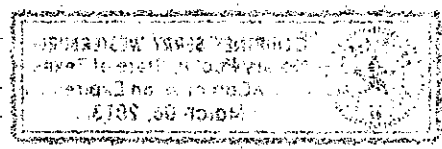
did submit a request for a special exception to the single family regulations, and for a variance to the floor area ratio regulation.

at **8605 Preston Road**

BDA112-080. Application of Howard Earl Rachofsky for a special exception to the single family regulations and a variance to the floor area ratio regulation at 8605 Preston Road. This property is more fully described as being a 3.213 acre parcel of land in city block 5619 and is zoned R-1ac(A), which limits the number of dwelling units to one and states that an individual accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations, and to construct a single family residential accessory structure with 4,473 square feet of floor area (38.9% of the 11,493 square foot floor area of the main structure), which will require a 1600 square foot variance to the floor area ratio regulation.

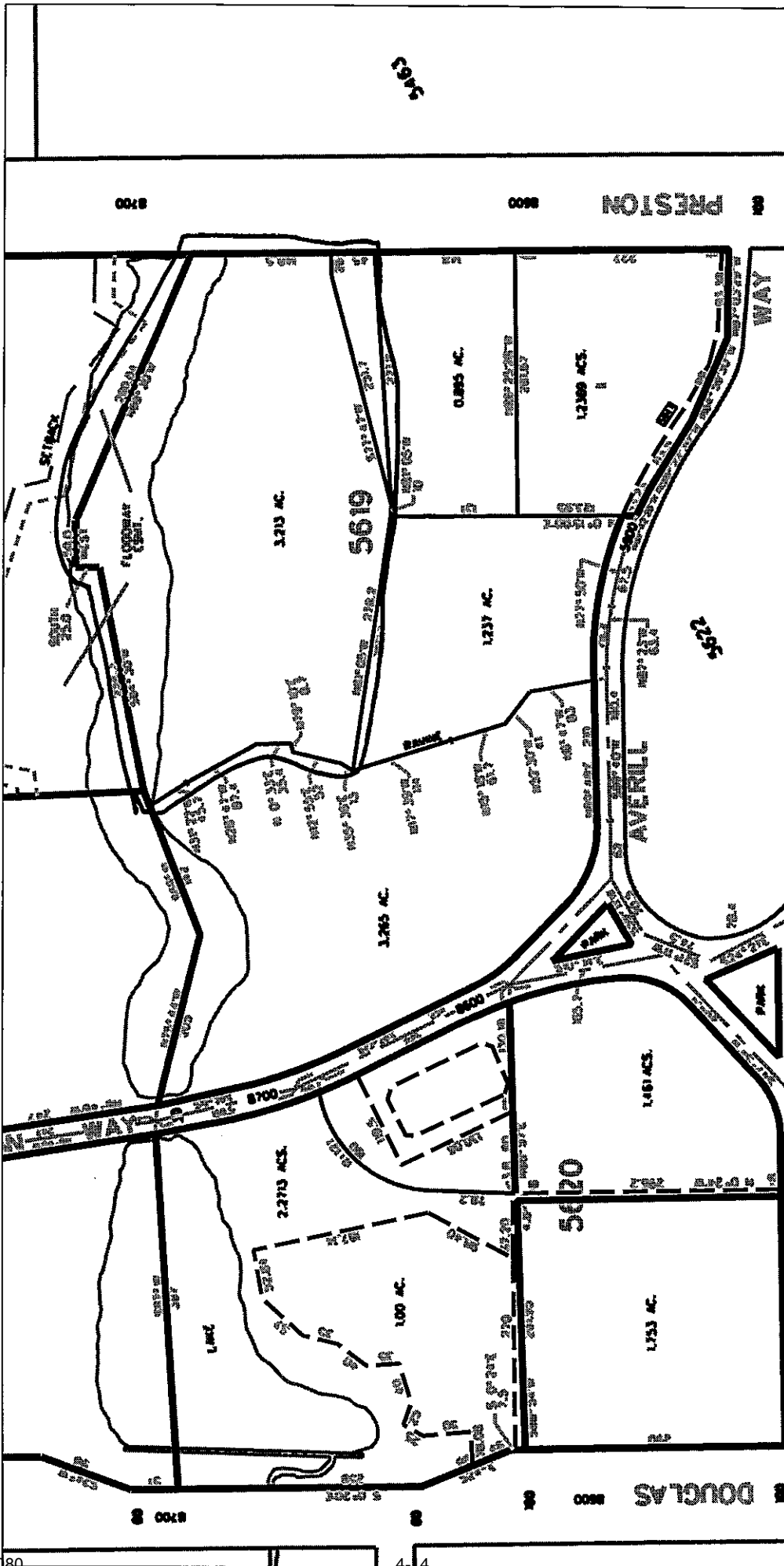
Sincerely,

*Lloyd Denman*  
Lloyd Denman, Building Official

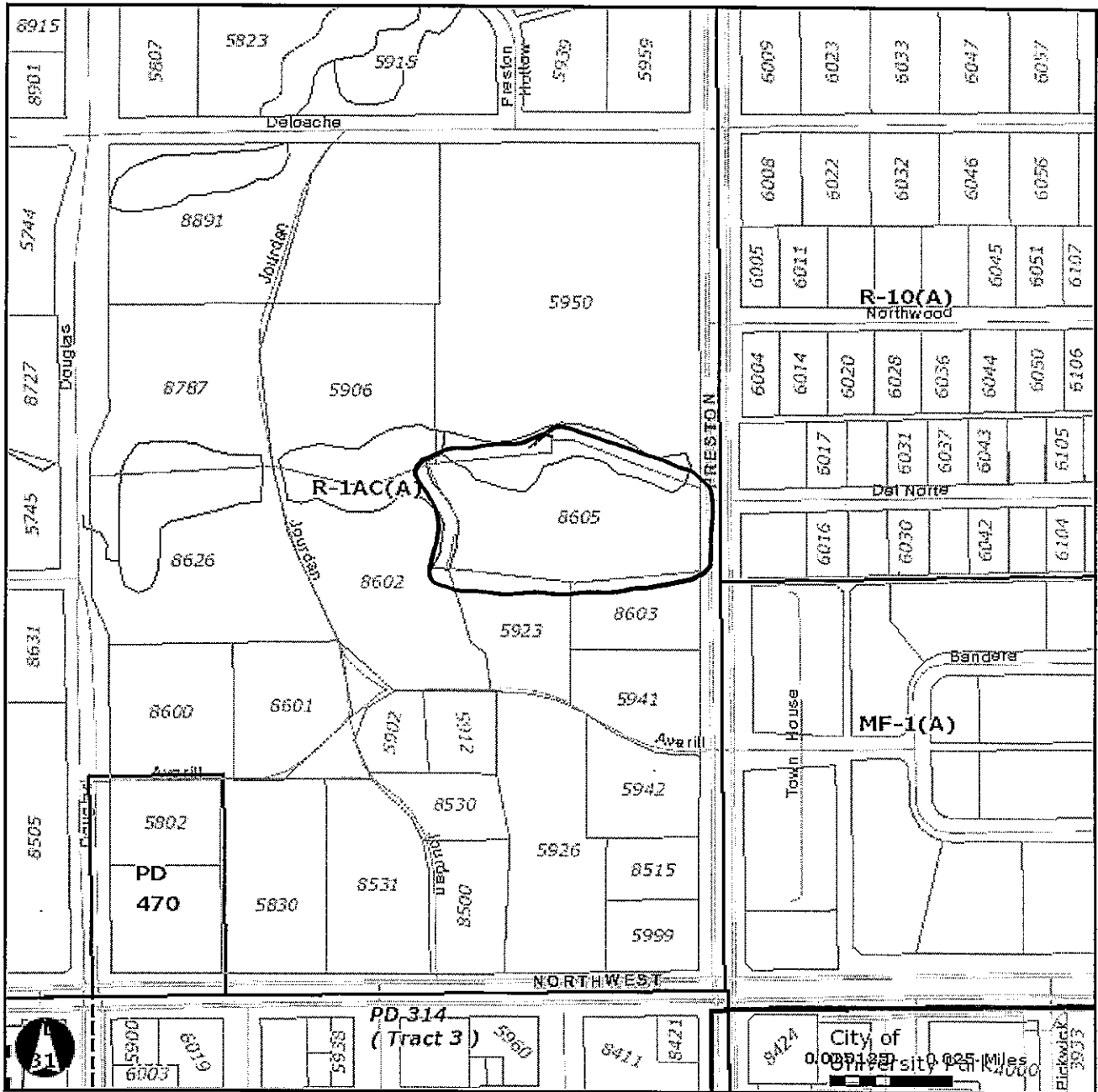


(Continued) Variance - The existing, main dwelling unit is used primarily for art installations and private exhibitions. The existing, main dwelling unit consists of one master suite and a guest room. Because their family has grown, Howard and Cindy Rachofsky request a variance for the second dwelling unit's square footage allowance. Howard and Cindy Rachofsky are essentially expanding the living area. The existing, main dwelling unit is internationally recognized for its architectural merit and significance. In order to maintain the architectural character and integrity of the existing, main dwelling unit, Howard and Cindy Rachofsky would like the expansion to be a stand-alone pavilion rather than attached to the existing, main dwelling unit.

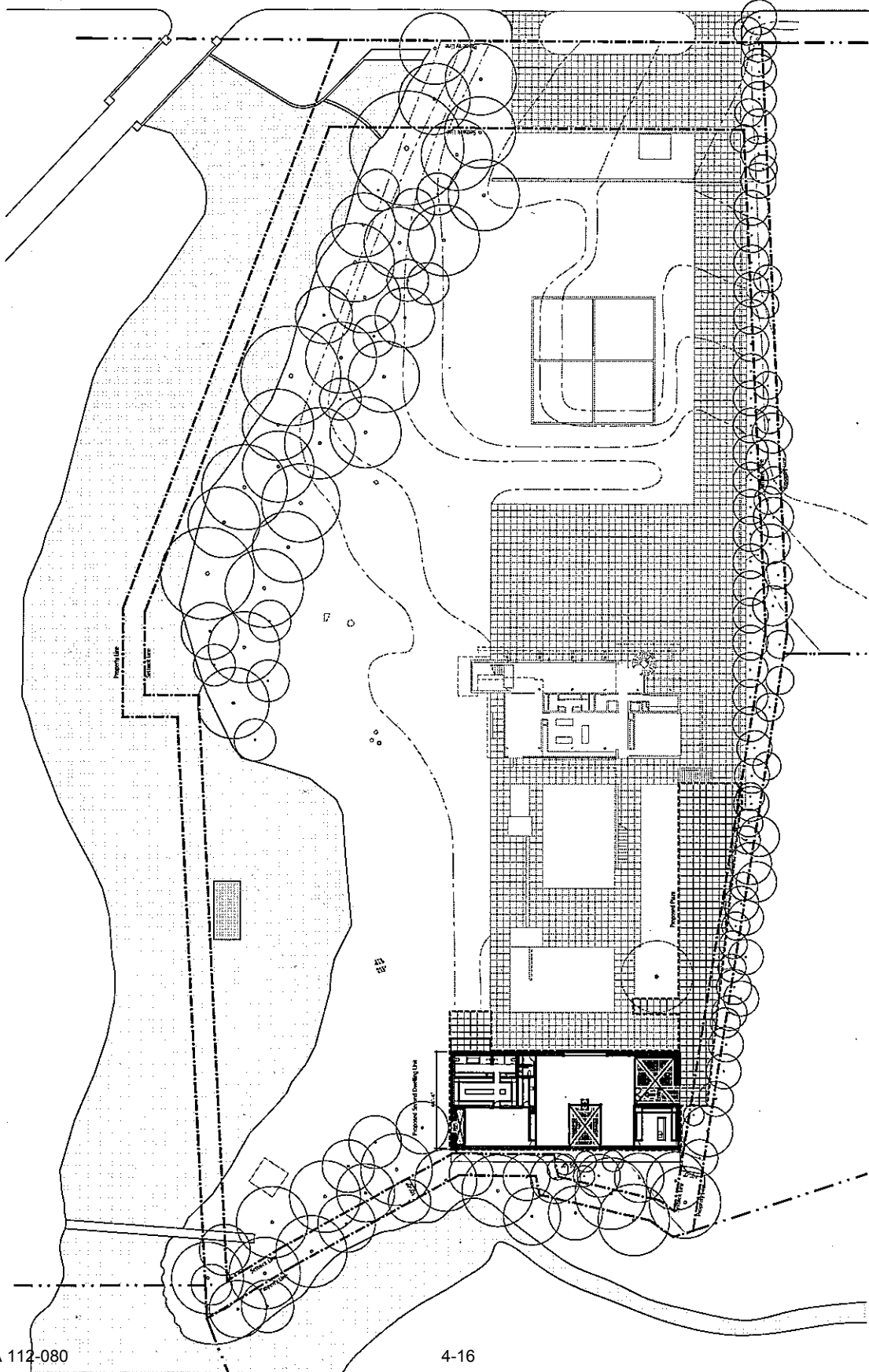


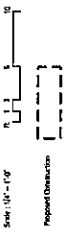
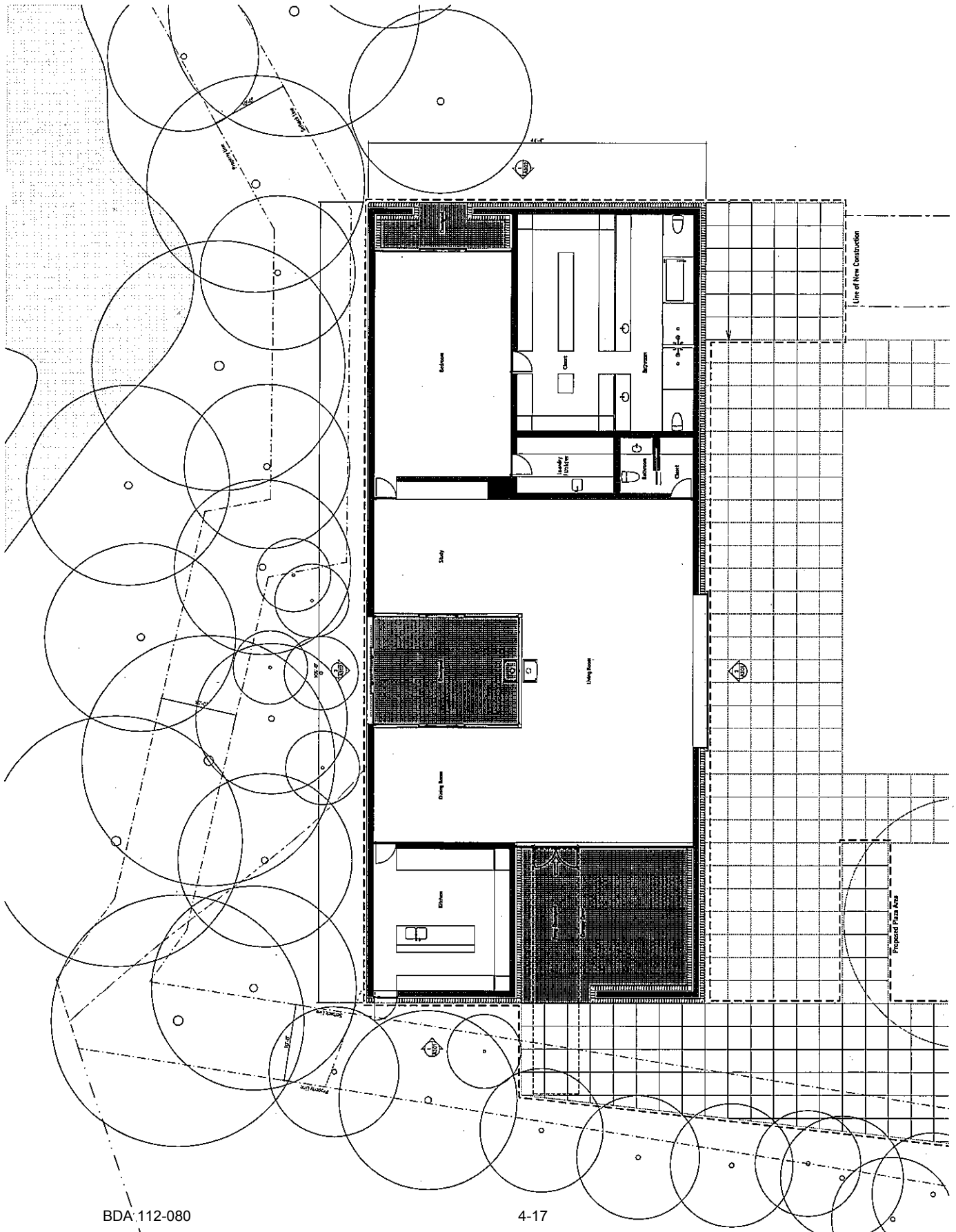


# City of Dallas Zoning



- |  |   |   |
|--|---|---|
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|--|---|---|

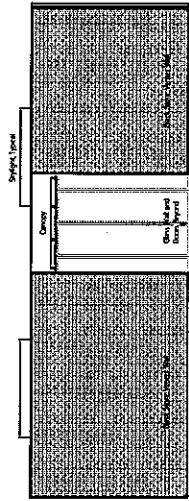




Legend Notes

BDA 112-080

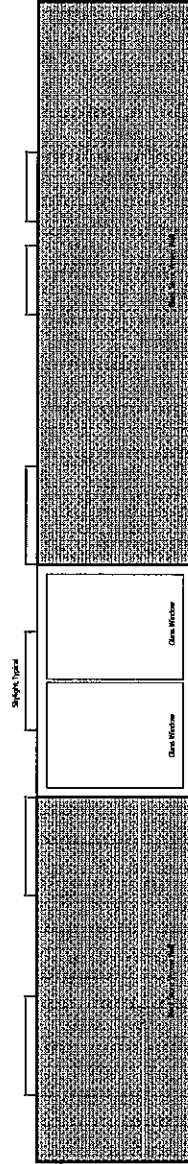
1 Elevation - South  
1/4" = 1'-0"



• ELEVATION  
1/4" = 1'-0"

• ELEVATION  
1/4" = 1'-0"

2 Elevation - East  
1/4" = 1'-0"  
4-18



• ELEVATION  
1/4" = 1'-0"

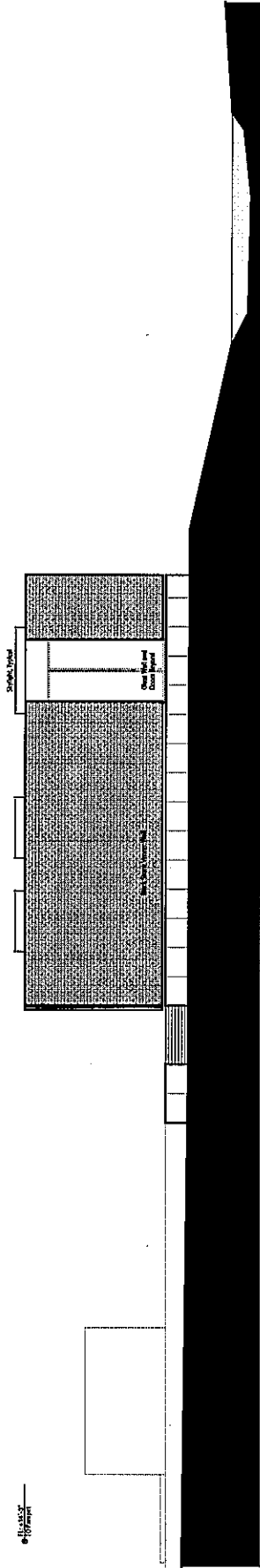
• ELEVATION  
1/4" = 1'-0"

Scale: 1/4" = 1'-0"

Legend Notes

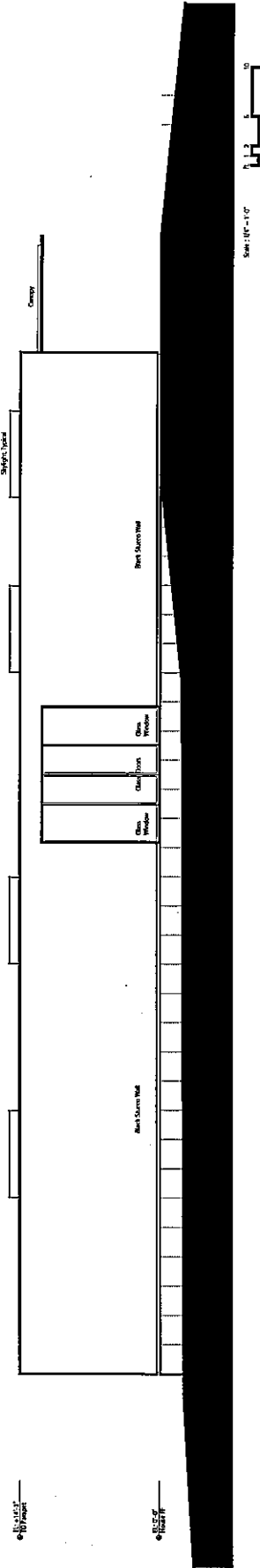
BDA 112-080

1 Elevation - North  
1/4" = 1'-0"



2 Elevation - West  
1/4" = 1'-0"

4-19





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-080

Data Relative to Subject Property:

Date: 26 June 2012

Location address: 8605 Preston Road Zoning District: R-1AC(A)

Lot No.: Block No.: 5619 Acreage: 3.213 Census Tract: CT 206

Street Frontage (in Feet): 1) 194.39' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

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Mailing Address: 5911 Glendora Avenue Zip Code: 75230

E-mail Address: howard@rachofskyhouse.org

Affirm that an appeal has been made for a Variance X, or Special Exception X, of a special exception for a second dwelling unit/guest house on the property, and a variance for the square footage allowance. Allowable square footage with a special exception is 11,493sf(.25)=2,873sf. We request a variance for an additional 1600sf for the second dwelling unit.

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:

Special Exception - Howard and Cindy Rachofsky are moving back to 8605 Preston Road and would like to construct a second dwelling unit on their property that will be used for family members and guests. The second dwelling unit will not be used for rental accommodations, and Howard and Cindy Rachofsky will deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations. The second dwelling unit will be sited so that it does not adversely affect neighboring properties. Existing, mature landscaping will conceal visibility of the second dwelling unit to adjacent property. (Continued)

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

HOWARD EARL RACHOFSKY (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:

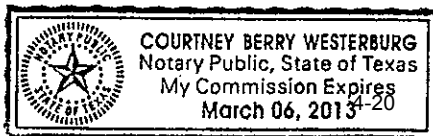
Howard Earl Rachofsky (Affiant Applicant's signature)

Subscribed and sworn to before me this 26 day of June

2012

(Rev. 08-01-11)

BDA 112-080



Courtney Berry Westerburg 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 \_\_\_\_\_



OFFICE OF THE CLERK OF THE BOARD OF ADJUSTMENT

**Building Official's Report**

I hereby certify that **Howard Earl Rachofsky**

Telephone \_\_\_\_\_

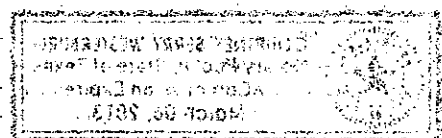
did submit a request for a special exception to the single family regulations, and for a variance to the floor area ratio regulation.

at **8605 Preston Road**

BDA112-080. Application of Howard Earl Rachofsky for a special exception to the single family regulations and a variance to the floor area ratio regulation at 8605 Preston Road. This property is more fully described as being a 3.213 acre parcel of land in city block 5619 and is zoned R-1ac(A), which limits the number of dwelling units to one and states that an individual accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations, and to construct a single family residential accessory structure with 4,473 square feet of floor area (38.9% of the 11,493 square foot floor area of the main structure), which will require a 1600 square foot variance to the floor area ratio regulation.

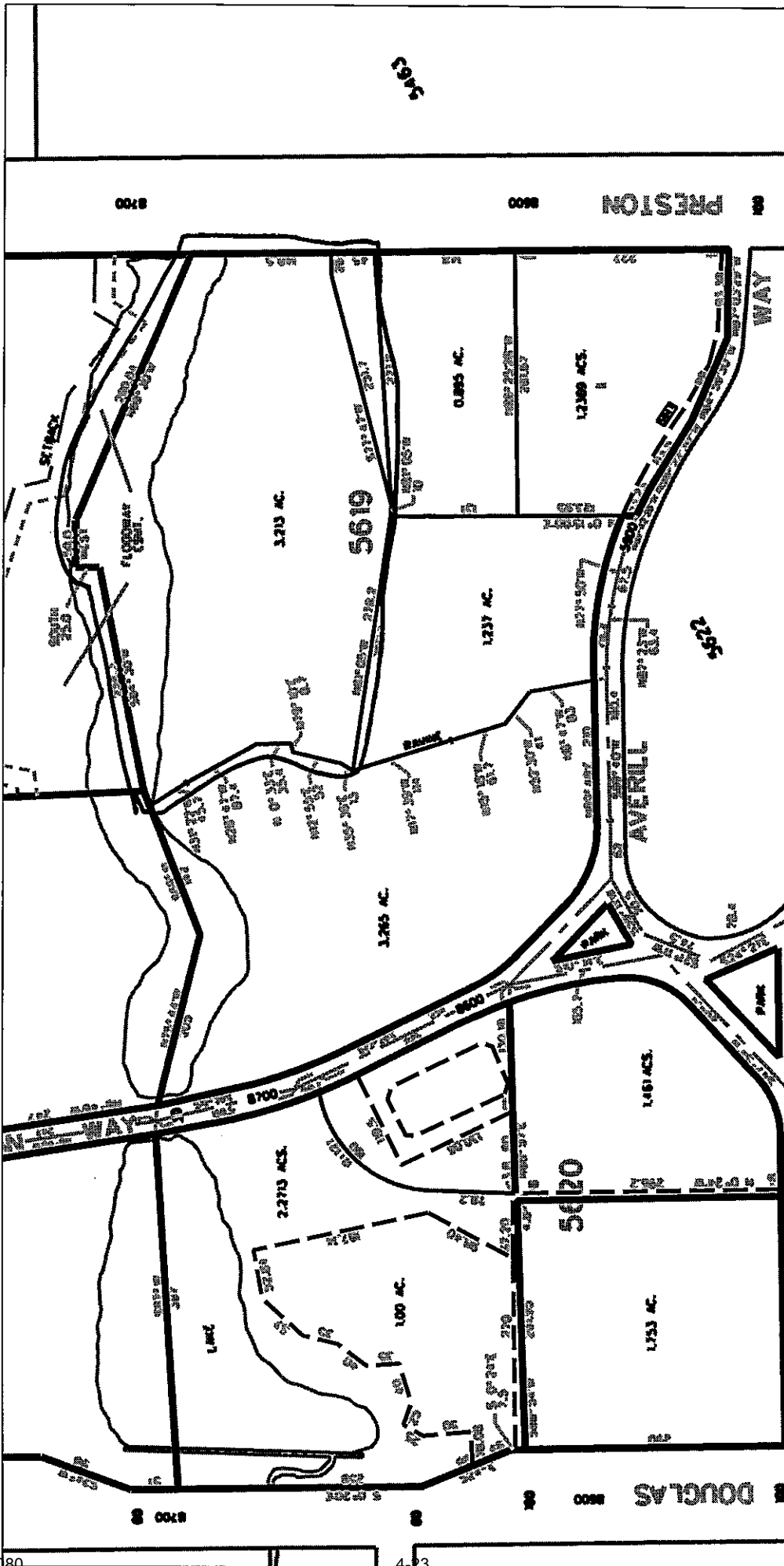
Sincerely,

*Lloyd Denman*  
Lloyd Denman, Building Official

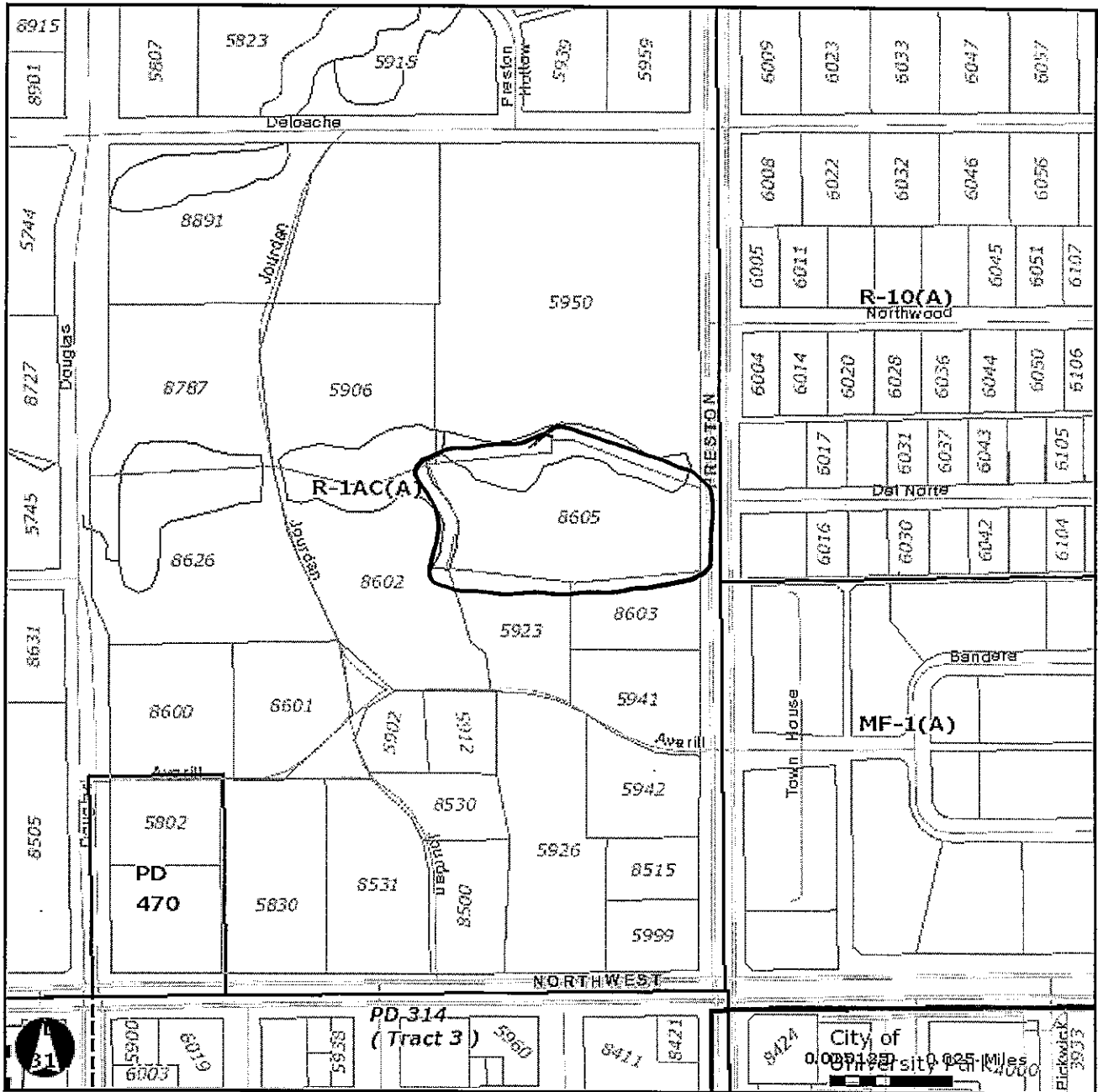




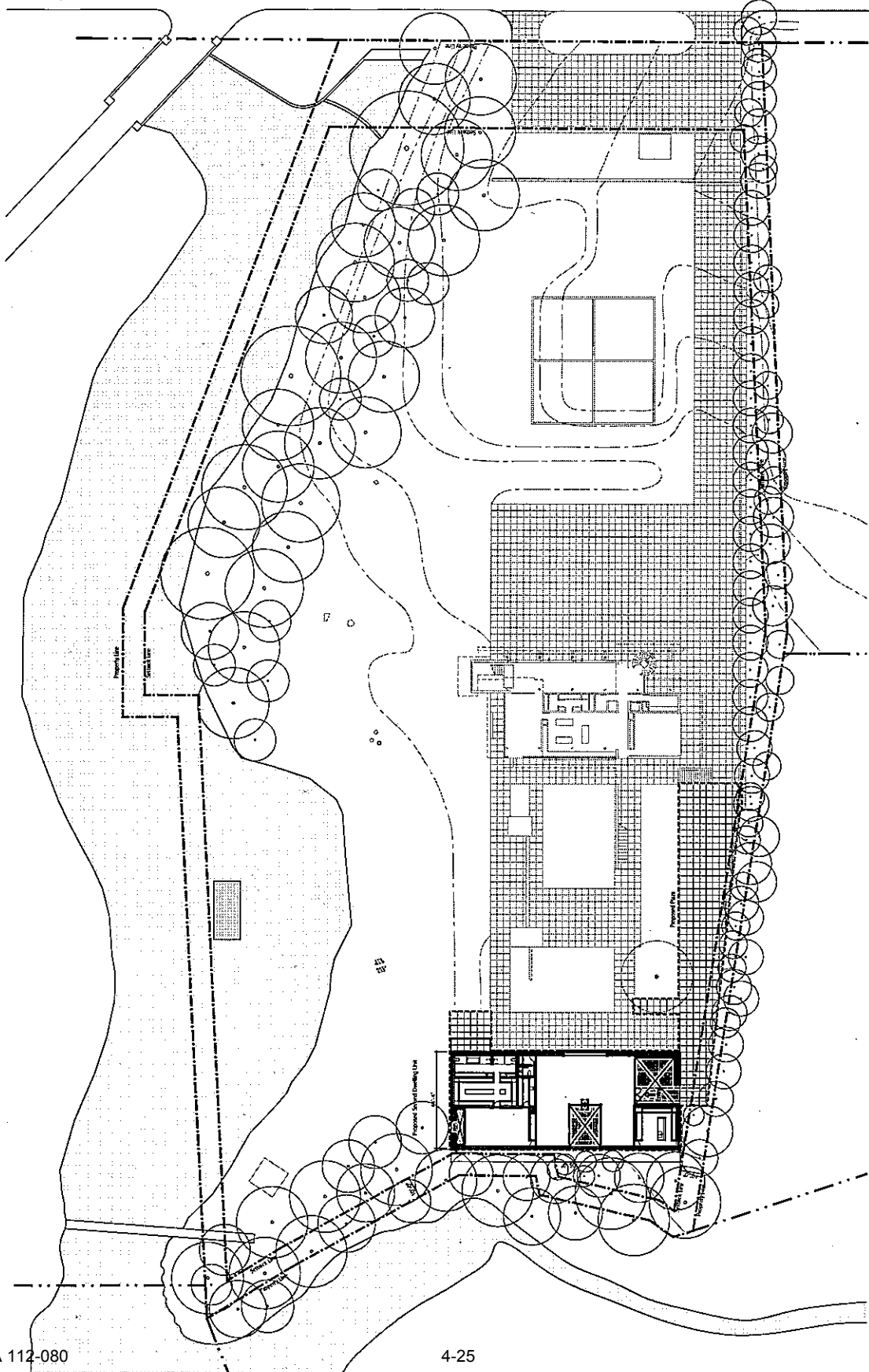
(Continued) Variance - The existing, main dwelling unit is used primarily for art installations and private exhibitions. The existing, main dwelling unit consists of one master suite and a guest room. Because their family has grown, Howard and Cindy Rachofsky request a variance for the second dwelling unit's square footage allowance. Howard and Cindy Rachofsky are essentially expanding the living area. The existing, main dwelling unit is internationally recognized for its architectural merit and significance. In order to maintain the architectural character and integrity of the existing, main dwelling unit, Howard and Cindy Rachofsky would like the expansion to be a stand-alone pavilion rather than attached to the existing, main dwelling unit.

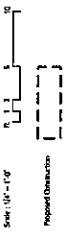
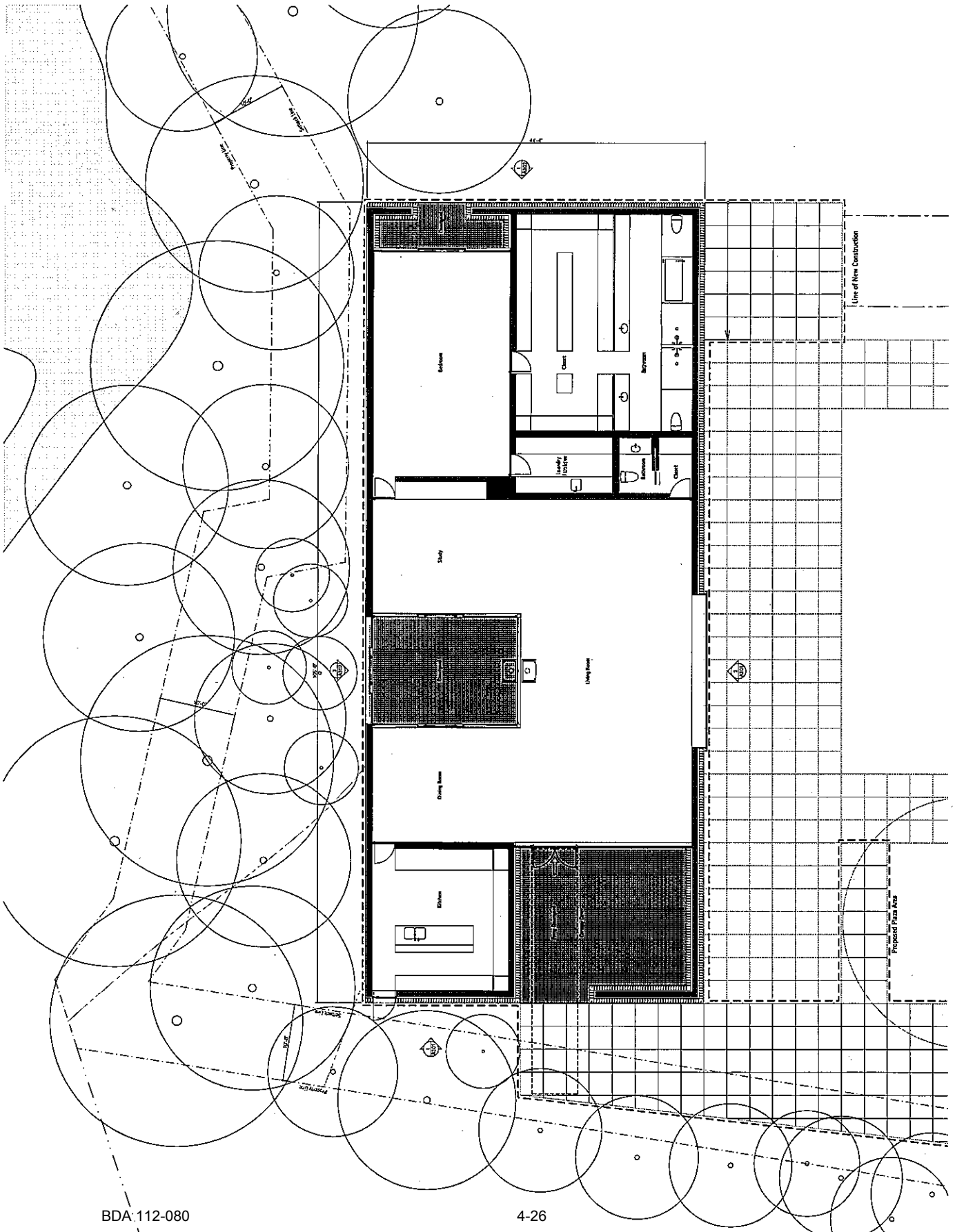


# City of Dallas Zoning



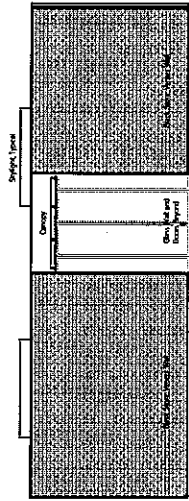
- |                   |                       |                         |
|-------------------|-----------------------|-------------------------|
| City Boundaries   | Dry Overlay           | Base Zoning             |
| County            | D                     | Floodplain              |
| Certified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





Legend Notes

BDA 112-080



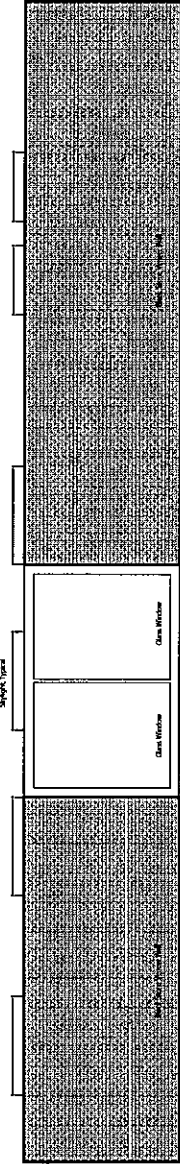
1/4" = 1'-0"

1/4" = 1'-0"

2 Elevation - East

1/4" = 1'-0"

4-27



1/4" = 1'-0"

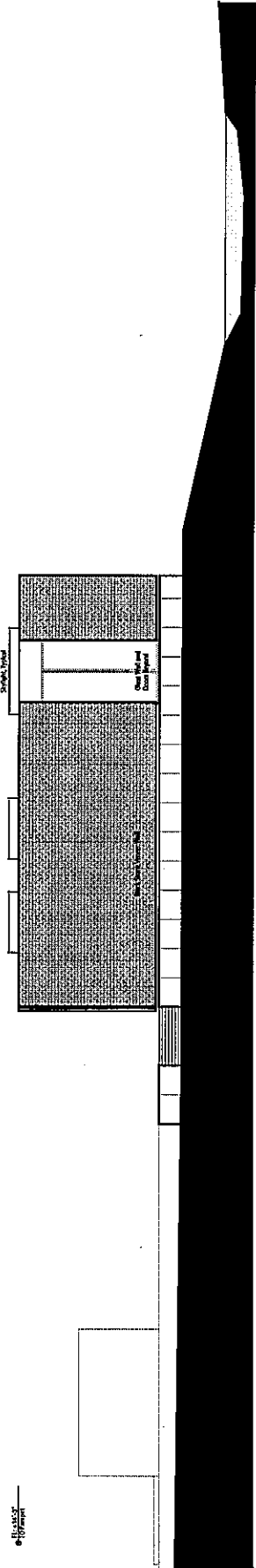
1/4" = 1'-0"

Scale: 1/4" = 1'-0"

Legend Notes

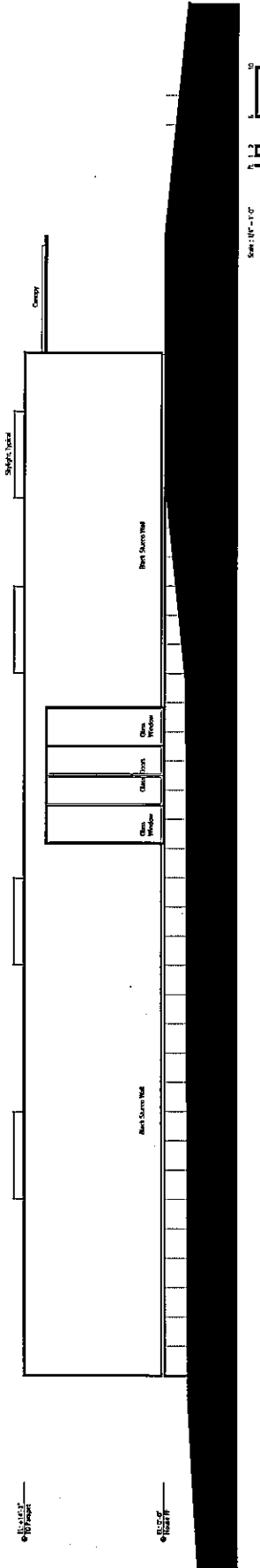
BDA 112-080

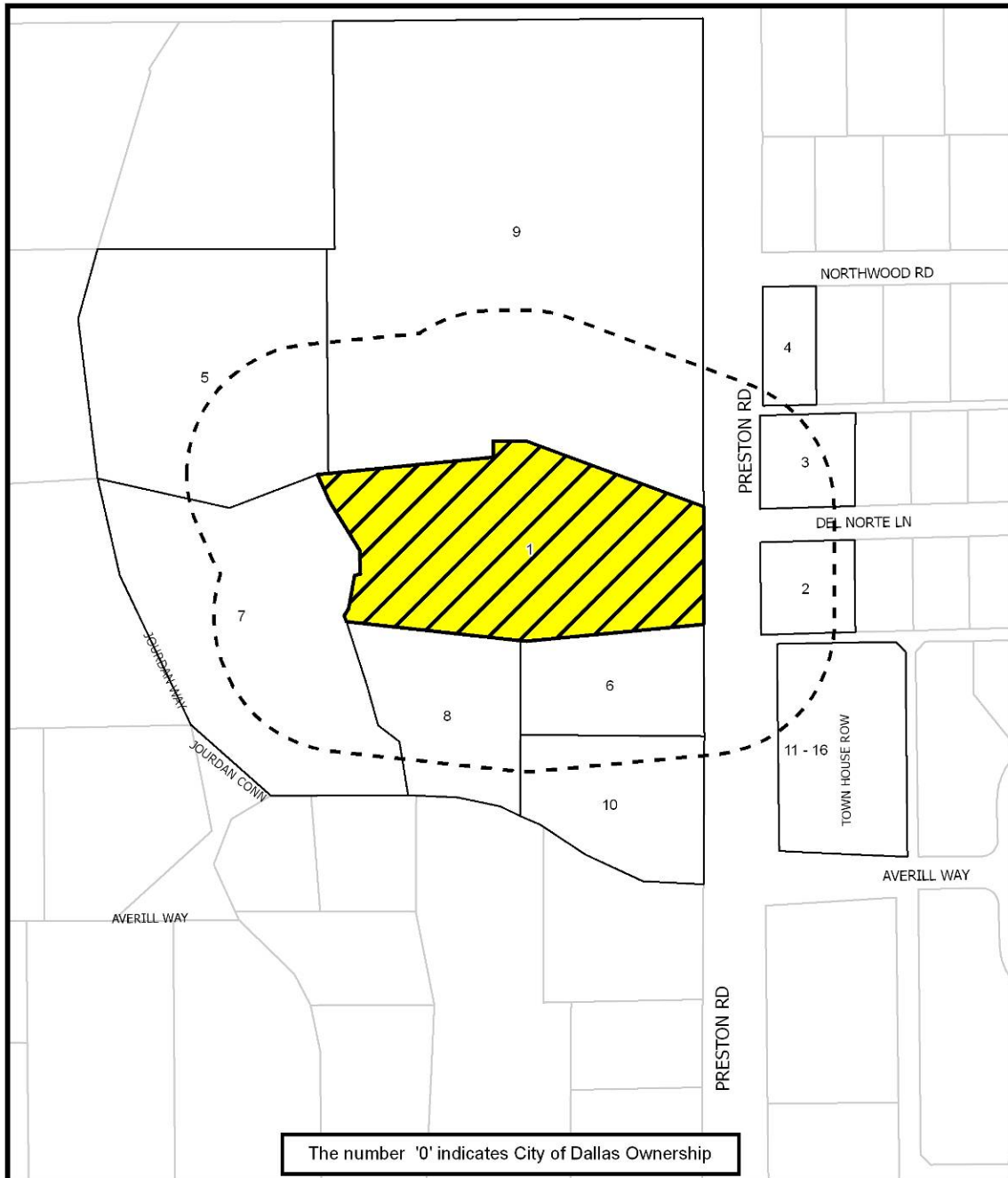
1 Elevation - North  
1/4" = 1'-0"



2 Elevation - West  
1/4" = 1'-0"

4-28





The number '0' indicates City of Dallas Ownership

|  |  |             |                      |           |                                    |  |
|--|--|-------------|----------------------|-----------|------------------------------------|--|
| <br>1:2,400 | <h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>16</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | <b>200'</b> | AREA OF NOTIFICATION | <b>16</b> | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <b>BDA112-080</b><br>Date: <b>7/26/2012</b> |
| <b>200'</b>  | AREA OF NOTIFICATION   |             |                      |           |                                    |  |
| <b>16</b>  | NUMBER OF PROPERTY OWNERS NOTIFIED   |             |                      |           |                                    |  |



# ***Notification List of Property Owners***

***BDA112-080***

## ***16 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>                      |
|-----------------------|-----------------------|--|
| 1                     | 8605 PRESTON RD       | RACHOFSKY HOWARD EARL                    |
| 2                     | 6008 DEL NORTE LN     | PARKS JAMES B III & ASHLEY               |
| 3                     | 6009 DEL NORTE LN     | SCOVELL S KING                           |
| 4                     | 6004 NORTHWOOD RD     | BROTKIN LINDA M                          |
| 5                     | 5906 DELOACHE AVE     | WYLY CHARLES J JR & CAROLINE D           |
| 6                     | 8603 PRESTON RD       | MUELLER MARY ANN SMITH B                 |
| 7                     | 8602 JOURDAN WAY      | BRINKMANN LAKEVIEW HOLDING               |
| 8                     | 5923 AVERILL WAY      | BRINKMANN LAKEVIEW HOLDINGS LP           |
| 9                     | 5950 DELOACHE AVE     | BARON LISA M                             |
| 10                    | 5941 AVERILL WAY      | BARBIERMULLER J GABRIEL & ANN BARBIER-MU |
| 11                    | 8603 TOWN HOUSE ROW   | POOLE BETTE M                            |
| 12                    | 8606 TOWN HOUSE ROW   | BOX WILLIAM G & LESLIE G                 |
| 13                    | 8607 TOWN HOUSE ROW   | PUCKETT LAWRENCE V & MYRA E              |
| 14                    | 8610 TOWN HOUSE ROW   | RIGAS KELLY & ANASTASIOS D RIGAS II      |
| 15                    | 8611 TOWN HOUSE ROW   | SMITH PAMELA                             |
| 16                    | 8614 TOWN HOUSE ROW   | TAYLOR STERLING BURKS TR                 |

**FILE NUMBER:** BDA 112-084

**BUILDING OFFICIAL'S REPORT:**

Application of Troy Broussard, represented by Lisa Lamkin of Brown Reynolds Watford Architects, Inc., for a special exception to the off-street parking regulations at 2906 E. Kiest Boulevard. This property is more fully described as Tract 6 in City Block 7332 and is zoned MF-2(A), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for a multifamily use and an accessory community center (private) use and provide 302 of the required 402 off-street parking spaces, which will require a special exception of 100 spaces.

**LOCATION:** 2906 E. Kiest Boulevard

**APPLICANT:** Troy Broussard  
Represented by Lisa Lamkin of Brown Reynolds Watford Architects, Inc.

**REQUEST:**

- A special exception to the off-street parking regulations of 100 parking spaces (or 25 percent reduction of the 402 off-street parking spaces that are required) is requested in conjunction with replacing an existing 150-unit multifamily development with a new 146-unit multifamily development and accessory community center. More specifically, the applicant intends to redevelop the site with an approximately 173,000 square foot multifamily use with an approximately 5,600 square foot accessory community center, and provide 302 (or 75 percent) of the 402 required off-street parking spaces.

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

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

the number of parking spaces currently not provided due to already existing nonconforming rights.

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

### **STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 100 spaces shall automatically and immediately terminate when the multifamily or the accessory community center uses on the site are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections” to the request.
- The applicant has substantiated how the parking demand generated by the multifamily and accessory community center 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: MF-2(A) (Multifamily)
- North: IR (Industrial Research)
- South: MF-2(A) (Multifamily)
- East: IR (Industrial Research)
- West: R-7.5(A) (Single family residential 7,500 square feet)

**Land Use:**

The subject site is currently developed with a multifamily use. The areas to the north, east, and west appear to be mostly undeveloped; and the area to the south appears to be developed with commercial uses.

**Zoning/BDA History:**

1. BDA 101-093, Property at 2906 E. Kiest Boulevard ( the subject site)
 

On October 19, 2011, the Board of Adjustment Panel B granted a request for a special exception to the off-street parking regulations of 98 and imposed the following condition: the special exception of 100 spaces shall automatically and immediately terminate when the multifamily and the accessory community center uses on the site are changed or discontinued. The case report stated that the request was made in conjunction with replacing an existing 150-unit multifamily development with a new 146-unit multifamily development and accessory community center. More specifically, the applicant had intended to redevelop the site with an approximately 173,000 square foot multifamily use with an approximately 5,000 square foot accessory community center,

and provide 303 (or 76 percent) of the 401 required off-street parking spaces.

**Timeline:**

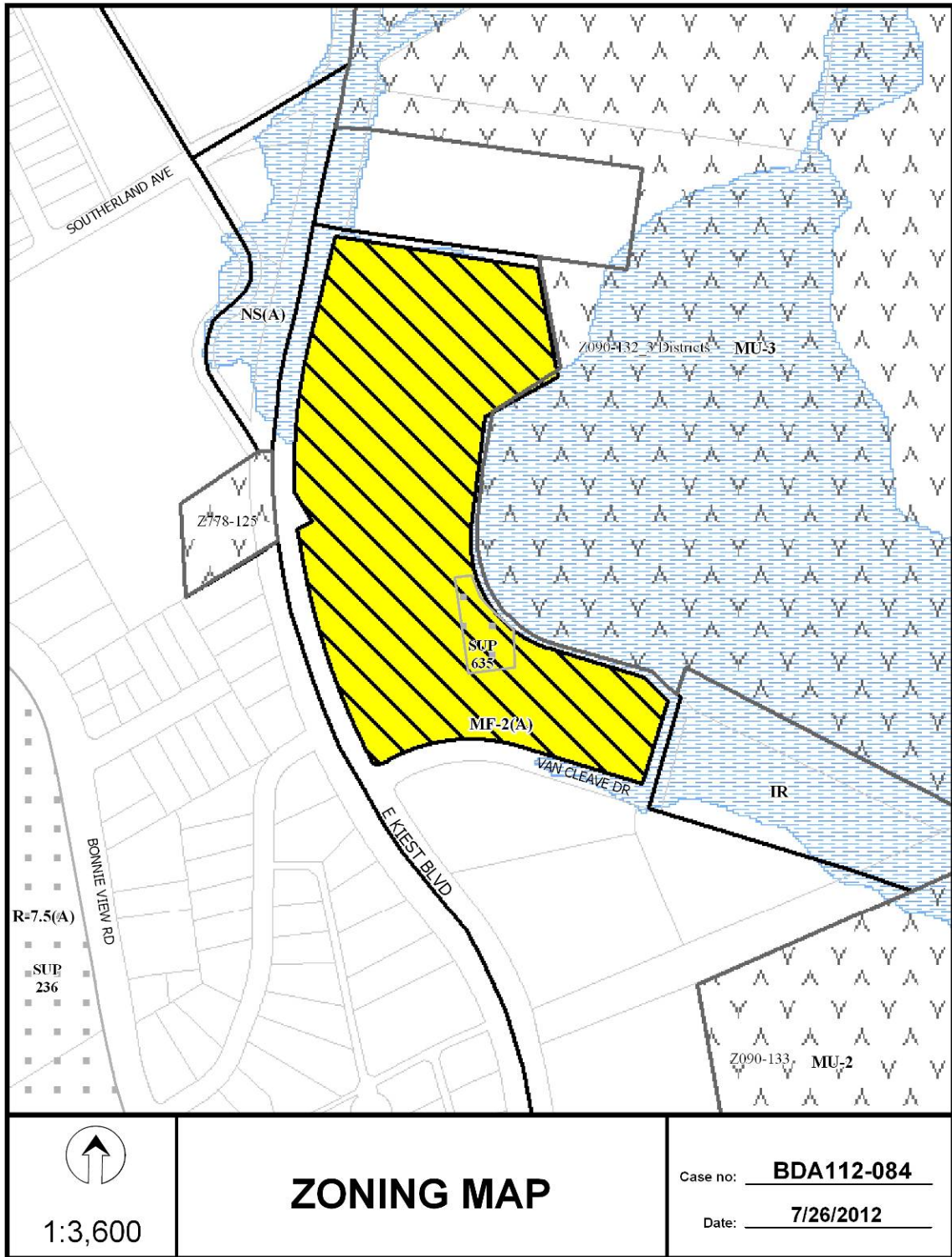
- July 27, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on replacing an existing 150-unit multifamily development with a new 146-unit multifamily development and accessory community center, and providing 302 (or 75 percent) of the required 402 off-street parking spaces.
- This application is a virtual restoration of a parking special exception granted on this property by Board of Adjustment Panel B in October of 2011- BDA 101-093. This previous request was for a special exception to the off-street parking regulations of 98 parking spaces (or 24 percent reduction of the 401 off-street parking spaces that

are required) that was requested in conjunction with replacing an existing 150-unit multifamily development with a new 146-unit multifamily development and accessory community center. More specifically, the applicant had intended to redevelop the site with an approximately 173,000 square foot multifamily use with an approximately 5,000 square foot accessory community center, and provide 303 (or 76 percent) of the 401 required off-street parking spaces.

- The Dallas Development Code requires the following off-street parking requirement:
  - Multifamily use: 1 space for 500 square feet of floor area. Not less than one space or more than two and one half spaces are required for each dwelling unit in a multifamily structure 36 feet or less in height.
  - Accessory community center (private) use: 1 space for 100 square feet of floor area.
- The applicant has stated that the proposed units are larger in size because they are being developed as affordable units for residents who will for the most part rely on public transportation and not have more than one vehicle per unit.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections” to the request.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the proposed multifamily and accessory community center uses does not warrant the number of off-street parking spaces required, and
  - The special exception of 100 spaces would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, subject to the condition that the special exception of 100 spaces shall automatically and immediately terminate if and when the multifamily or accessory community center uses are changed or discontinued, the applicant would be allowed to redevelop the property with a new multifamily development and provide only 75 percent of the required off-street parking.





1:3,600

# AERIAL MAP

Case no: BDA112-084

Date: 7/26/2012





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA-112-084

Data Relative to Subject Property:

Date: June 27, 2012

Location address: 2906 E. Kiest Blvd Zoning District: MF-2(A)

Lot No.: Tr.6 Block No.: 7332 Acreage: 15.096 Census Tract: 86.03

Street Frontage (in Feet): 1) 175 2) 652 3) 1340 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Dallas Housing Corporation

Applicant: Troy Broussard Telephone: 214 951 8316

Mailing Address: 3939 N Hampton Rd Dallas, TX Zip Code: 75212

Represented by: Lisa Lamkin Brown Reynolds Watford Architects, Inc. Telephone: 214 528 8704

Mailing Address: 3535 Travis St Suite 250 Dallas, TX Zip Code: 75204

Affirm that a request has been made for a Variance, or Special Exception X, of 100 spc's the parking regulations to allow a reduction of 25 % of the required parking of 402 req'd. Site zoning is MF-2(A) - Multifamily

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: the proposed units are larger in size because that are being developed as affordable units the residents for the most part rely on public transportation and do not have more than one vehicle per unit

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

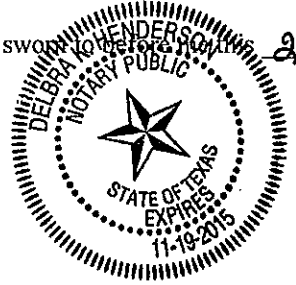
Respectfully submitted: Troy Broussard Applicant's name printed [Signature] Applicant's signature

Affidavit

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

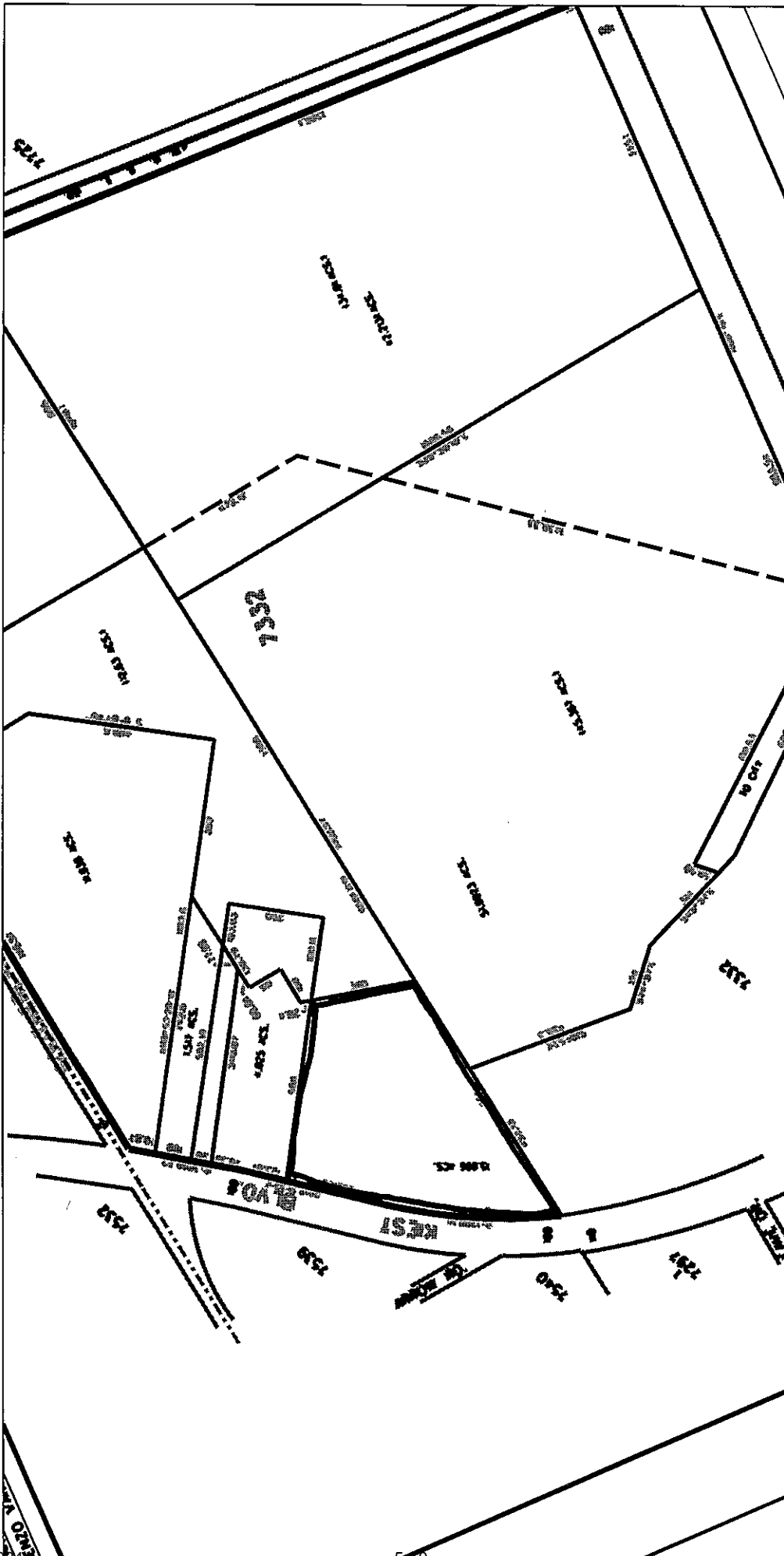
[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me on 27 day of June, 2012

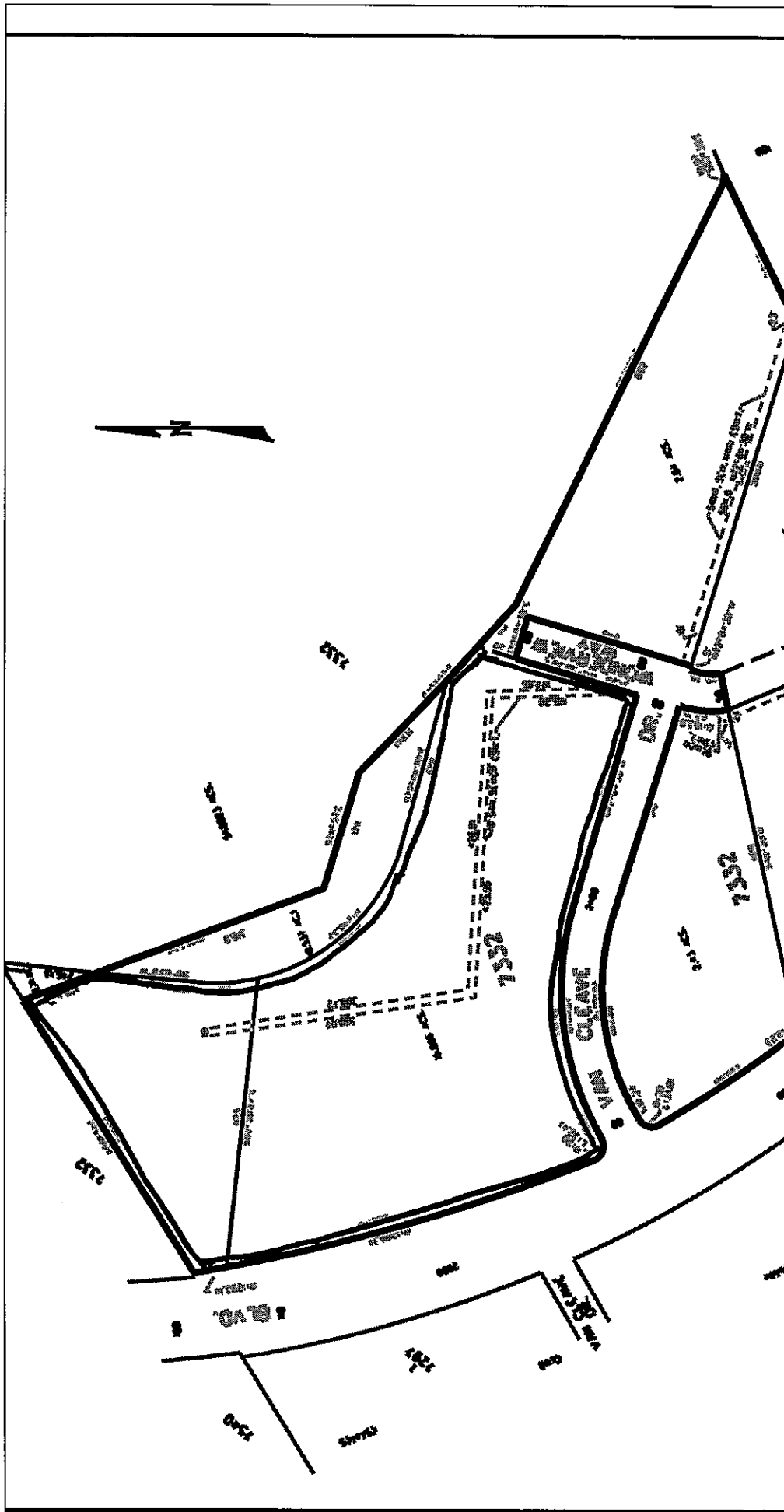


Delbra K. Henderson Notary Public in and for Dallas County, Texas





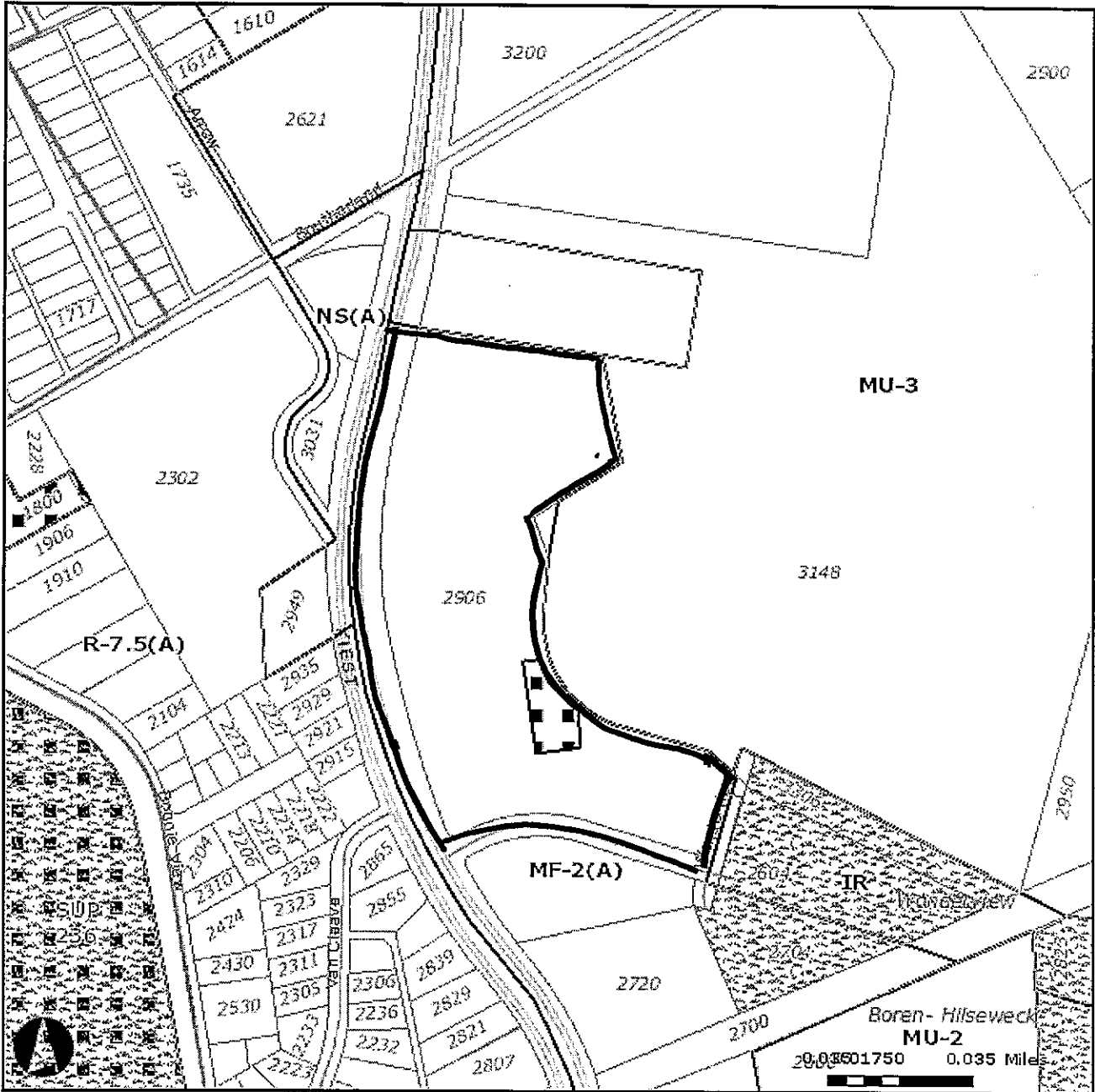
RS



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*BS*

# City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Parks



SUP



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



PD Subdistricts



PD193 Oak Lawn



PDS Subdistricts



Base Zoning



Pedestrian Overlay



Environmental Corridors

September 30, 2011

Mr. Steve Long, Board Administrator  
Board of Adjustment  
Department of Planning and Development  
City of Dallas  
1500 Marilla Street  
Dallas, Texas 75201

RE: Special Exception to the Off-Street Parking Requirements, BDA 101-093,  
2906 E. Kiest Boulevard

Dear Mr. Long:

The above referenced special exception to the minimum number of required parking spaces is requested in order to reduce the required number of parking spaces in conjunction with a 146 unit multifamily development. The site is located on E. Kiest Blvd., at its intersection with Van Cleave Dr. The proposed development will consist of one, two and three bedrooms units and will be developed by the Dallas Housing Authority (DHA). This is to say that the units must be leased to individuals or families that meet certain income requirements. The site is currently developed with an existing 150 unit complex, owned and managed by the DHA, which will be demolished and replaced with the proposed project.

The Dallas Development Code bases parking requirements for multifamily uses on two different measures, either 1 parking space per 500 square feet of floor area or a minimum of 1.5 spaces per unit to a maximum of 2.5 spaces per unit. The nature of affordable housing is oriented to families and their needs, as such individual units are larger than typical market rate apartments. The average unit size for this development is 1,143 square feet. This average would be large for even a three-bedroom unit, yet alone a one or two-bedroom unit. Since the average unit is large the required number of spaces is dictated by the floor area requirement of one space per 500 square feet of floor area. Based on a total floor area of the units of 172,674 square feet, this development is required to have 345 parking spaces or 2.36 spaces per unit.

The proposed parking special exception would reduce the required number of parking spaces from 345 spaces to 260 parking spaces for a reduction of 25%. The Development Code allows a special exception of up to 25% based on certain factors to be reviewed by the Board of Adjustment. The factors which are relevant to this request are the parking demand generated by this use does not warrant the required number of spaces, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

As mentioned earlier the request site is located on E. Kiest Boulevard. The street is on the Thoroughfare Plan with a 100 foot right of way. The site will have an access point on Kiest and one on Van Cleave. As mentioned the development will be affordable housing which by its very nature has a number of residents which will rely on public transit and do not have personal vehicles. DART is a Rail Station route with a stop at the entrance to the development. The route goes to the 8<sup>th</sup> and Corinth Station which affords easy access to the entire DART system. The proposed

**MASTERPLAN**  
Founders Square  
900 Jackson St., Suite 610  
Dallas, Texas 75202

Phone: (214) 761-9197  
Fax: (214) 748-7114  
Web: masterplanconsultants.com

Development and Zoning Consultants

Steve Long  
September 30, 2011  
Page 2

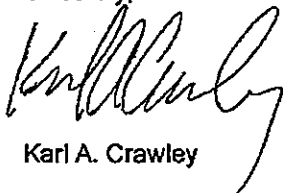
development will have parking spaces for 1.71 spaces per unit. Other affordable housing developments, with large units, have been developed with the same approximate number of spaces per units and have not had parking shortages.

In addition to the parking required for the proposed multifamily units parking is also being required for an accessory community center. The accessory community center use is being developed in conjunction with the project to help provide programs for the residents. The building which houses this use is a two story building with one floor devoted to the community center and the other the leasing and management office. Parking for this use is one space per 100 square feet of floor area or 51 spaces for the 5027 square foot center use. The use of this facility is limited to residents of the complex and limited outside personnel. The project is requesting a 25% reduction from 51 spaces to 38 spaces. Using a maximum of 10 employees for the community center use at any given time, 28 spaces would be available for additional parking for residents. This additional parking would bring the total parking for residents to 278 spaces or 1.9 spaces per unit.

In March 2009 in conjunction with a BDA request for an apartment complex to be constructed by the DHA within a few blocks of this site, parking surveys were conducted to justify a Special Exception for Parking. Three existing DHA owned developments with a similar mix of units were surveyed on three different days at three separate times. That information was provided to the BDA and is attached. In conjunction with this request the same complexes were surveyed again and the existing site/complex was also surveyed. Attached is a spreadsheet showing the surveys from two years ago and this month. The telling number of the spreadsheet is the percentage of occupied parking spaces. The highest average percentage of occupied spaces was in the morning at 46%. Each of these developments has a similar mix of unit types, occupancy and access to public transit. Using the greatest average percentage would yield a need for 177 parking spaces. The proposed development is providing 288 parking spaces or more than 100 spaces over the percentage generated number from the survey of similar developments.

In conclusion, we believe that the special exception for parking will not increase traffic congestion in the area or on area streets and the nature of the proposed development, affordable/work force housing, does not warrant the additional spaces for these large units. Taking all of these factors into play, we are requesting a recommendation of approval for this parking special exception.

Sincerely,



Karl A. Crawley

BDA 101-093  
 Attach A  
 Pg 3

| Site Information | Little Mexico<br>3027 Harry Hines | Brackins Village<br>1544 E. Eighth St. | Barbara Jordan Square<br>4700 Country Creek | Cedar Glen II (Exist.)<br>2905 E. Kleist | Cedar Glen II (Prop.) | Avg. %<br>Parking Occupied |
|------------------|-----------------------------------|--|---|--|-----------------------|----------------------------|
|------------------|-----------------------------------|--|---|--|-----------------------|----------------------------|

|                           |     |     |     |     |     |  |
|---------------------------|-----|-----|-----|-----|-----|--|
| Number of Units           | 102 | 102 | 100 | 150 | 146 |  |
| Number of 1 bedroom units | 24  | 16  | 0   | 30  | 53  |  |
| Number of 2 bedroom units | 33  | 48  | 0   | 44  | 74  |  |
| Number of 3 bedroom units | 32  | 26  | 100 | 60  | 19  |  |
| Number of 4 bedroom units | 13  | 12  | 0   | 16  | 0   |  |

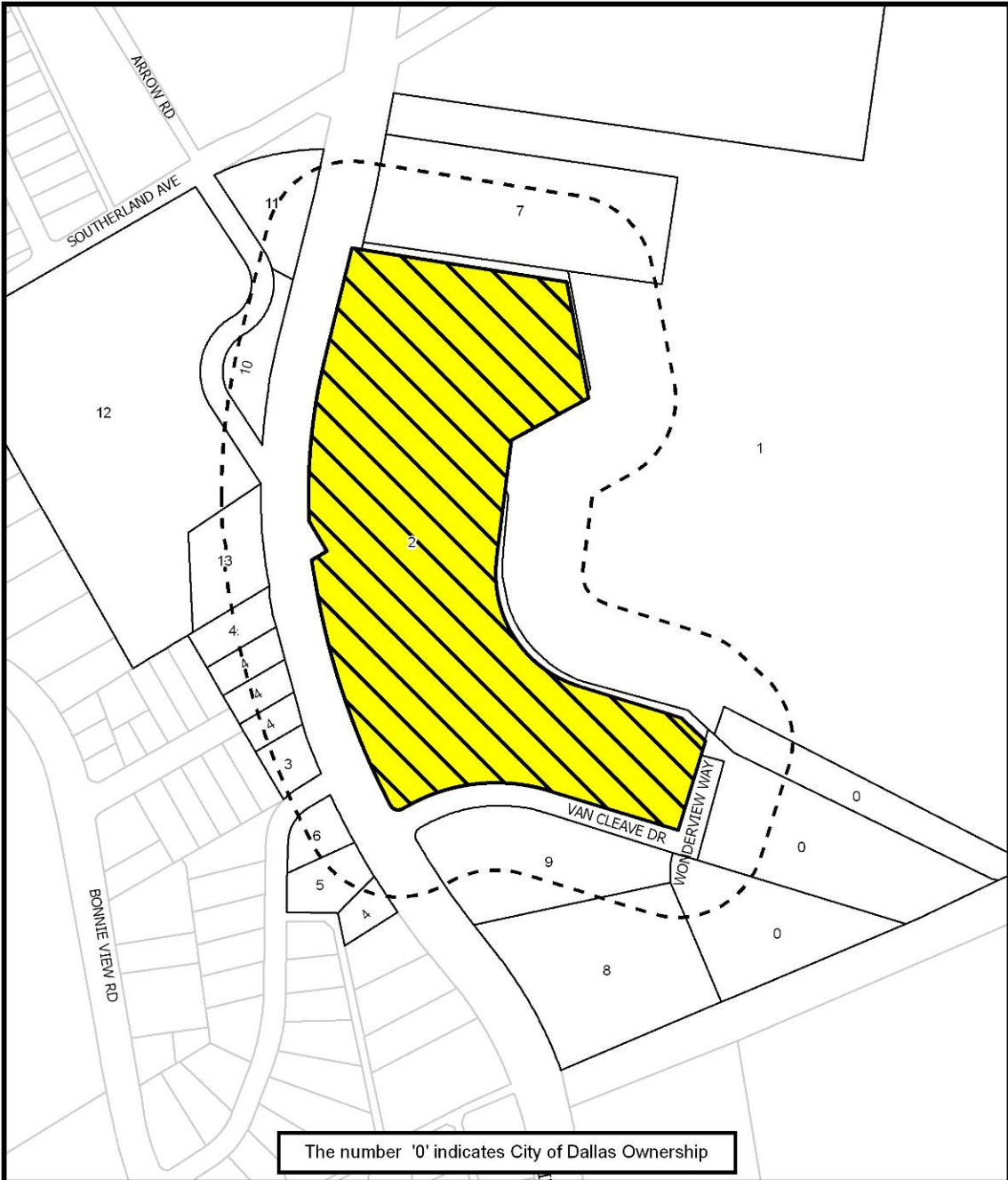
|                               |      |     |      |     |     |  |
|-------------------------------|------|-----|------|-----|-----|--|
| Percent Occupancy (Mar, 2009) | 100% | 97% | 100% |     |     |  |
| (Sept, 2011)                  | 99%  | 98% | 100% | 98% |     |  |
| Parking Spaces Provided       | 178  | 110 | 212  | 280 | 288 |  |

|   |     |     |     |  |  |     |
|---|-----|-----|-----|--|--|-----|
| Parking Spaces Occupied                 | 64  | 85  | 84  |  |  |     |
| March 24, 2009 6:00 a.m. to 6:30 a.m.   | 36% | 77% | 40% |  |  | 47% |
| Percentage Occupied                     | 57  | 65  | 54  |  |  |     |
| March 25, 2009 11:15 a.m. to 11:45 a.m. | 32% | 59% | 29% |  |  | 35% |
| Percentage Occupied                     | 51  | 81  | 61  |  |  |     |
| March 26, 2009 6:00 p.m. to 6:30 p.m.   | 29% | 74% | 29% |  |  | 22% |
| Percentage Occupied                     |     |     |     |  |  |     |

|   |     |     |     |     |  |     |
|---|-----|-----|-----|-----|--|-----|
| Parking Spaces Occupied                 | 71  | 78  | 81  | 127 |  |     |
| Sept. 30, 2011 6:00 a.m. to 6:30 a.m.   | 40% | 71% | 36% | 45% |  | 46% |
| Percentage Occupied                     | 28  | 46  | 51  | 58  |  |     |
| Sept. 27, 2011 11:15 a.m. to 11:45 a.m. | 16% | 42% | 24% | 21% |  | 23% |
| Percentage Occupied                     | 69  | 74  | 77  | 121 |  |     |
| Sept. 28, 2011 6:00 p.m. to 6:30 p.m.   | 39% | 67% | 36% | 43% |  | 44% |
| Percentage Occupied                     |     |     |     |     |  |     |







|  |   |                            |                      |           |                                    |
|--|---|----------------------------|----------------------|-----------|------------------------------------|
| <br>1:3,600 | <b>NOTIFICATION</b>   | Case no: <b>BDA112-084</b> |                      |           |                                    |
|  | <table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>13</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | <b>200'</b>                | AREA OF NOTIFICATION | <b>13</b> | NUMBER OF PROPERTY OWNERS NOTIFIED |
| <b>200'</b>  | AREA OF NOTIFICATION  |                            |                      |           |                                    |
| <b>13</b>  | NUMBER OF PROPERTY OWNERS NOTIFIED  |                            |                      |           |                                    |

# ***Notification List of Property Owners***

***BDA112-084***

## ***13 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>     |
|-----------------------|-----------------------|-------------------------|
| 1                     | 3148 Kiest Blvd       | WONDERVIEW PPTIES LLC   |
| 2                     | 2906 Kiest Blvd       | DALLAS HOUSING CORP     |
| 3                     | 2909 Kiest Blvd       | HICKLEN PATRICIA        |
| 4                     | 2915 Kiest Blvd       | THOMAS ROY D            |
| 5                     | 2855 Kiest Blvd       | NATIONSTAR MORTGAGE LLC |
| 6                     | 2865 Kiest Blvd       | JONES DEXTER C          |
| 7                     | 3148 Kiest Blvd       | BABCORP 200 LTD         |
| 8                     | 2720 Kiest Blvd       | KUBIAK FRANK & BARBARA  |
| 9                     | 2828 Kiest Blvd       | HANSON WELDON           |
| 10                    | 3031 Kiest Blvd       | RIVERS WILLIE           |
| 11                    | 3131 Kiest Blvd       | BONNIE Y LLC            |
| 12                    | 2302 SOUTHERLAND AVE  | BALLAS VICTOR E         |
| 13                    | 2949 Kiest Blvd       | BALLAS VICTOR           |

**FILE NUMBER:** BDA 112-086

**BUILDING OFFICIAL'S REPORT:**

Application of Michael Hampton of Lend Lease for a special exception to the off-street parking regulations at 2655 Royal Lane. This property is more fully described as Lot 7A in City Block 6609 and is zoned PD-498, which requires parking to be provided. The applicant proposes to construct and maintain structure for general merchandise or food store less than 3500 square feet use and a motor vehicle fueling station use and provide 14 of the required 17 off-street parking spaces, which will require a special exception of 3 spaces.

**LOCATION:** 2655 Royal Lane

**APPLICANT:** Michael Hampton of Lend Lease

**REQUEST:**

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

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

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

Rationale:

- The applicant has substantiated how the parking demand generated by the proposed fuel station and general merchandise or food store 3,500 square feet or

less uses does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD 498 (Planned Development)  
North: PD 498 (Planned Development)  
South: PD 498 (Planned Development)  
East: IR (Industrial Research)  
West: PD 498 (Planned Development)

### **Land Use:**

The subject site is currently developed with a vacant fuel station use. The areas to the north and west are developed with commercial uses; the area to the south is developed with office uses; and the area to the east is developed with an elevated DART rail line.

### **Zoning/BDA History:**

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

### **Timeline:**

- June 28, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 19, 2012: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and

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

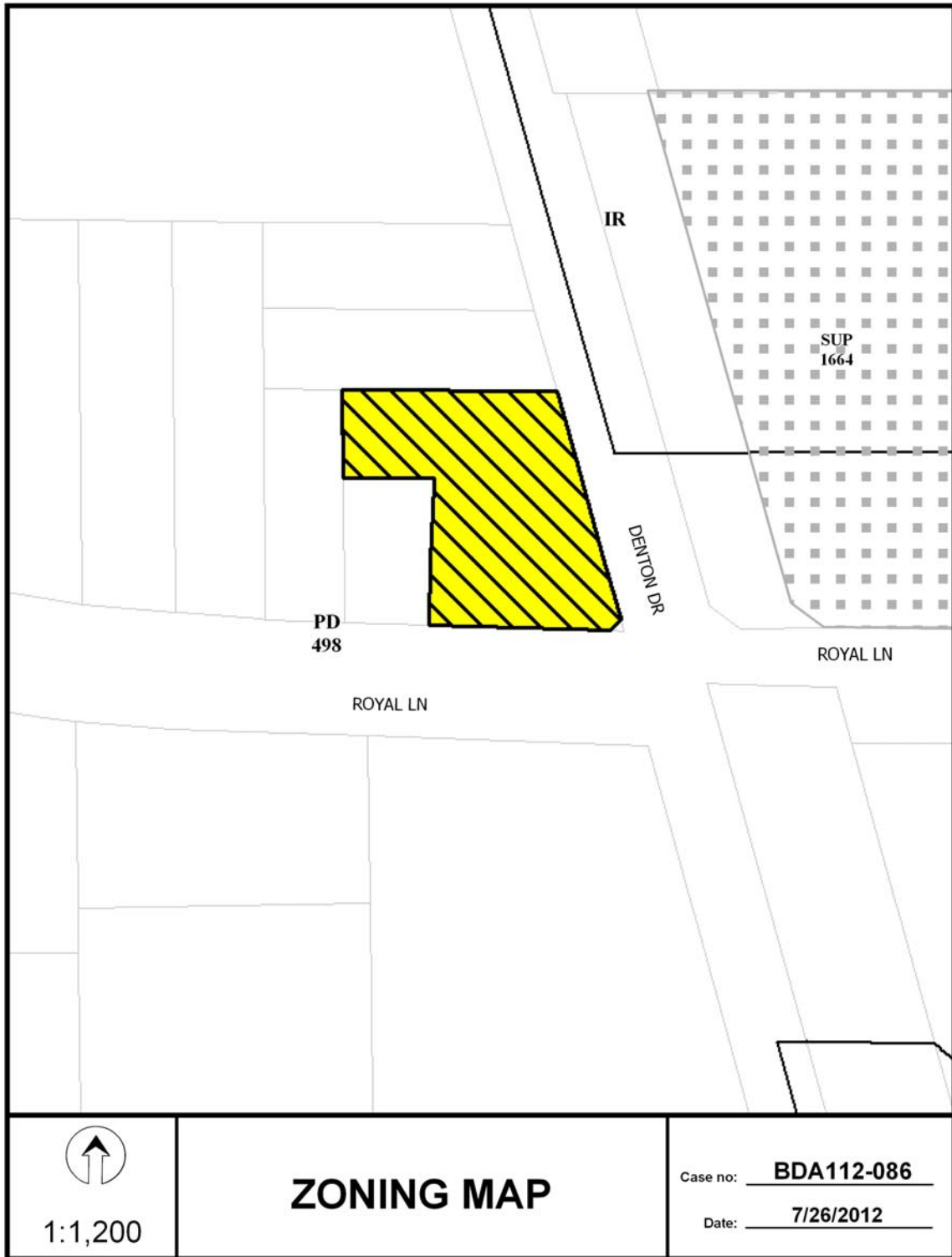
July 23, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

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

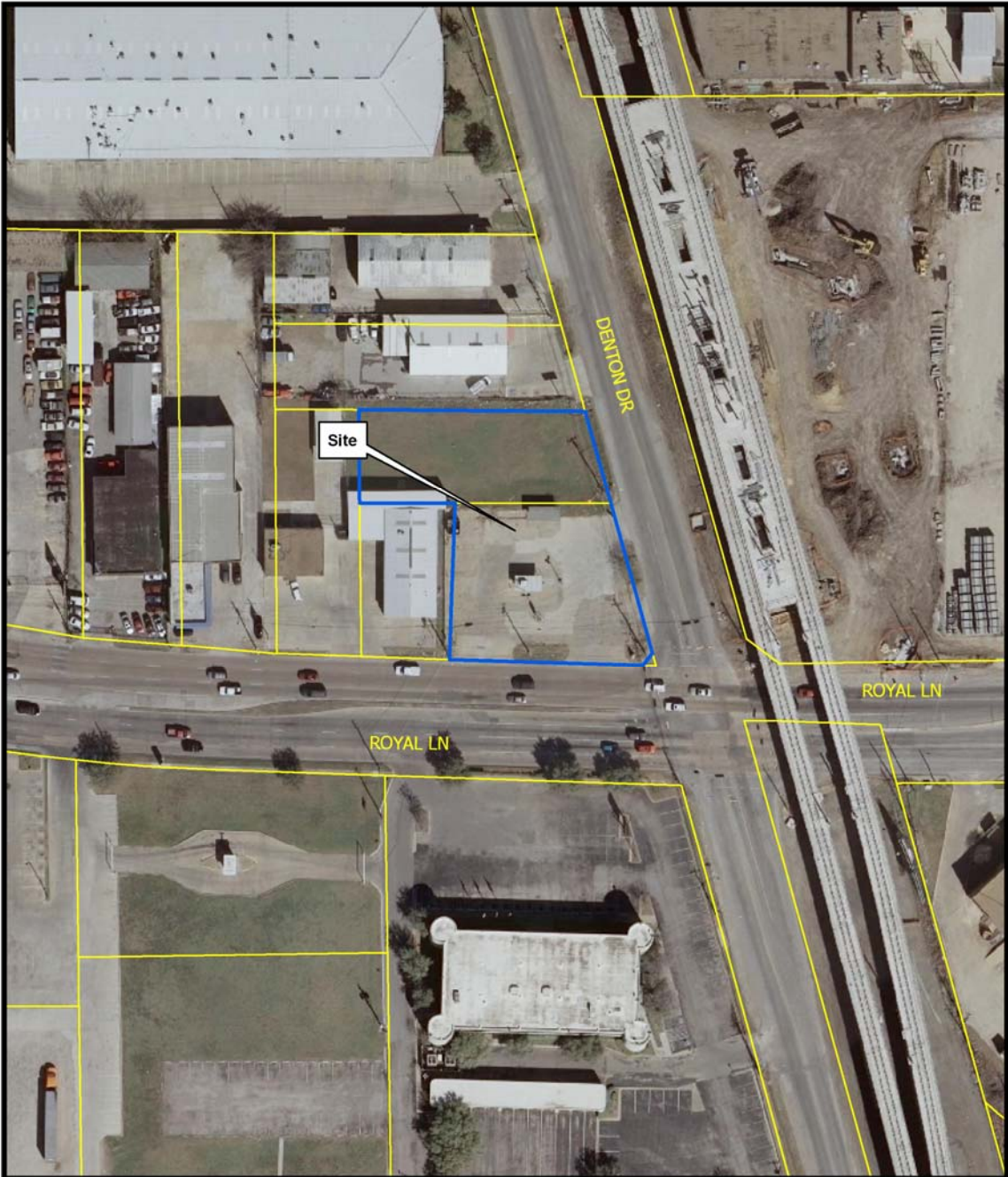
July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board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

**GENERAL FACTS/STAFF ANALYSIS:**

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







1:1,200

## AERIAL MAP

Case no: BDA112-086

Date: 7/26/2012

**July 23, 2012**

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

**Re: *PARKING DEMAND ANALYSIS for a proposed 7-Eleven Convenience Store and Fueling Station  
2655 Royal Lane, Dallas, Texas (BDA 112-086)***

Dear Mr. Long,

On behalf of 7-Eleven, Lend Lease has conducted a parking demand analysis for the proposed development of a 3,000-sf 7-Eleven convenience store and motor vehicle fueling station located at 2655 Royal Lane. This analysis was performed to accompany our request for a parking reduction that will be considered by the Board of Adjustment on August 15, 2012.

#### **PROJECT BACKGROUND**

The project site - as shown in the Site Plan submitted with our application on June 28, 2012 - is located on the northwest corner of the signalized intersection of Royal Lane and Denton Drive. The south part of the site is nearly 100% paved, with a small kiosk structure and a small bathroom structure, both of which are vacant. The north part of the lot is undeveloped. The Project proposes to develop a new 3,000-square foot convenience store, as well as leave room for a future fueling canopy with six (6) MPDs. The fueling canopy must be developed after the convenience store due to existing deed restrictions on the property relative to fuel sales that will expire in approximately two years. The site has two driveways on both Royal Ln and Denton Dr, and our proposal is to remove one driveway from each street frontage. The result is anticipated to be safer traffic conditions at the intersection, while at the same adding the required landscape buffer along both frontages. The site is zoned "PD-498" Planned Development district, which allows for our proposed uses.

#### **PARKING ANALYSIS**

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

#### **DATA COLLECTION AND SITE OBSERVATIONS**

##### ***Existing sites in Market Area with fuel pumps and convenience store***

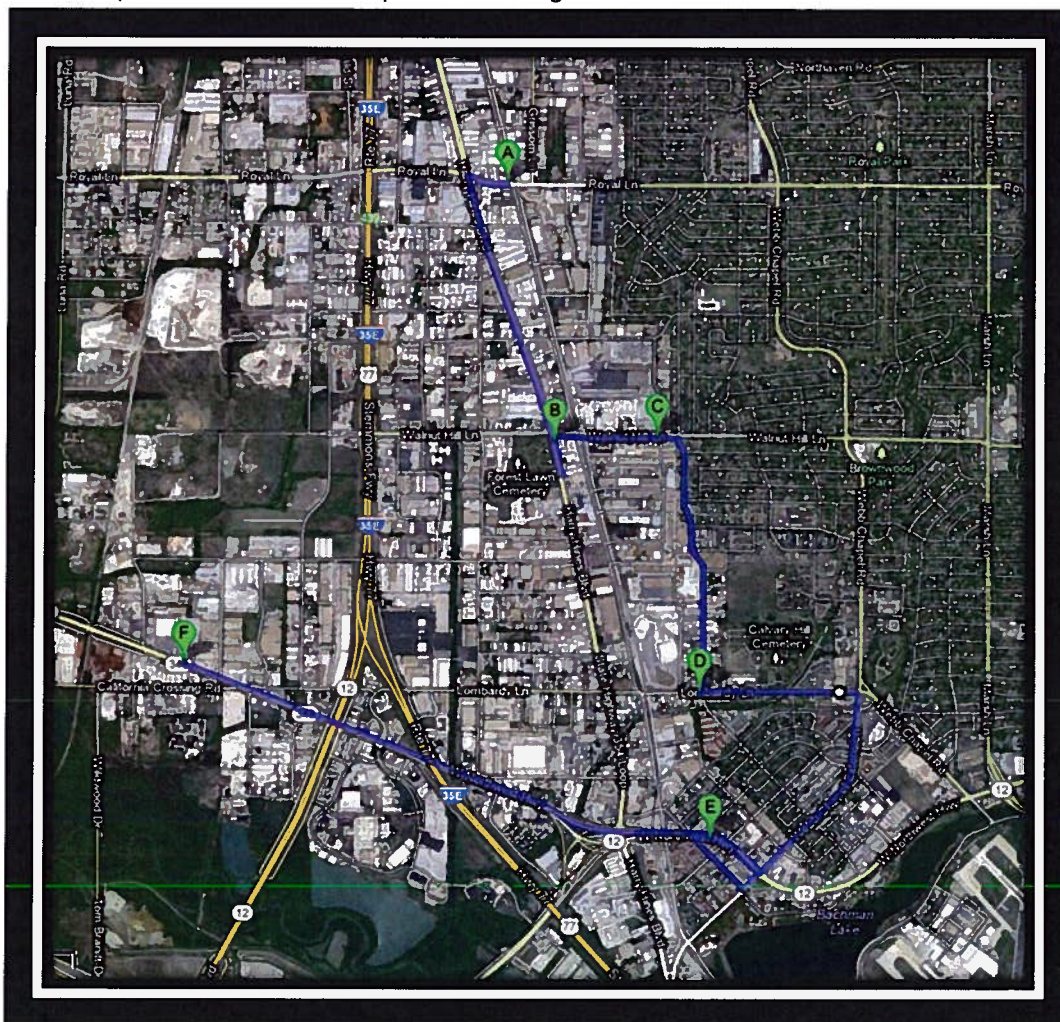
Lend Lease collected actual parking counts for a period of six (6) consecutive days at five comparative 7-Eleven sites within the same local market area as the proposed store. These counts were obtained at the same times each day, including peak times for a convenience/gas use such as 8:00 am and 12:00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

“average per store day” (APSD) transaction data for both “merchandise” (in-store) and “fuel” (at M...), sales volumes.

Exhibit 1 of this report shows the locations of the subject site and comparable stores. In general, the stores in this market area are approximately the same size, but have fewer fueling MPDs (generally 2 at each location). One exception is location “F,” which is a considerably larger store and is the only location with 6 MPDs as proposed here. Using stores within the same market area allows us to reasonably predict the true parking demand at the proposed location, given the duplication of such factors as proximity to residential neighborhoods and public transit, and demographic profiles of the market area.

### **Exhibit 1**

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



- A. Subject Site – 2655 Royal Lane
- B. Comparison Site #1 - 10998 Harry Hines Boulevard
- C. Comparison Site #2 - 2986 Walnut Hill Lane
- D. Comparison Site #3 - 2990 Lombardy Lane
- E. Comparison Site #4 - 2750 W Northwest Hwy #100
- F. Comparison Site #5 - 1985 West Northwest Highway

**SITE OBSERVATIONS**

With the assistance of store franchisees and personnel, Lend Lease obtained parking counts for the five other 7-Eleven stores in close proximity of the site at 2655 Royal Lane. Counts were obtained each day between Monday, July 16, 2012 and Saturday, July 21, 2012, at the following times: 8:00 am, 12:00 pm, 4:00 pm and 8:00 pm. These times are generally when parking demand is highest for this type of use. The counts were separated into two categories:

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

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

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

**\*Notes:**

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

**PARKING DEMAND FOR CONVENIENCE STORE:**

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

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

One likely scenario that is driving higher sales volumes (but not significant parking demands) are the other four sites’ close proximity to DART transit stops and residential neighborhoods. **In fact, it was noted by store personnel and 7-11’s field consultants that a significant number of customers in this market area derive from “pedestrian and walk-up” traffic from nearby neighborhoods and/or nearby bus stops.** This dynamic is expected to continue at the proposed site at 2655 Royal Lane, not so much from adjacency to residential but rather its location directly across Denton Drive from the DART Light Rail Royal Lane Station as well as multiple other bus transit stops in the vicinity.

**PARKING DEMAND AT FUELING MPDS:**

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

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

**CONCLUSION**

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

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

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

Sincerely,

Michael Hampton, AICP  
Zoning Manager  
Lend Lease

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

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

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

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

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

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



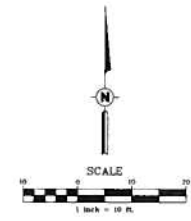
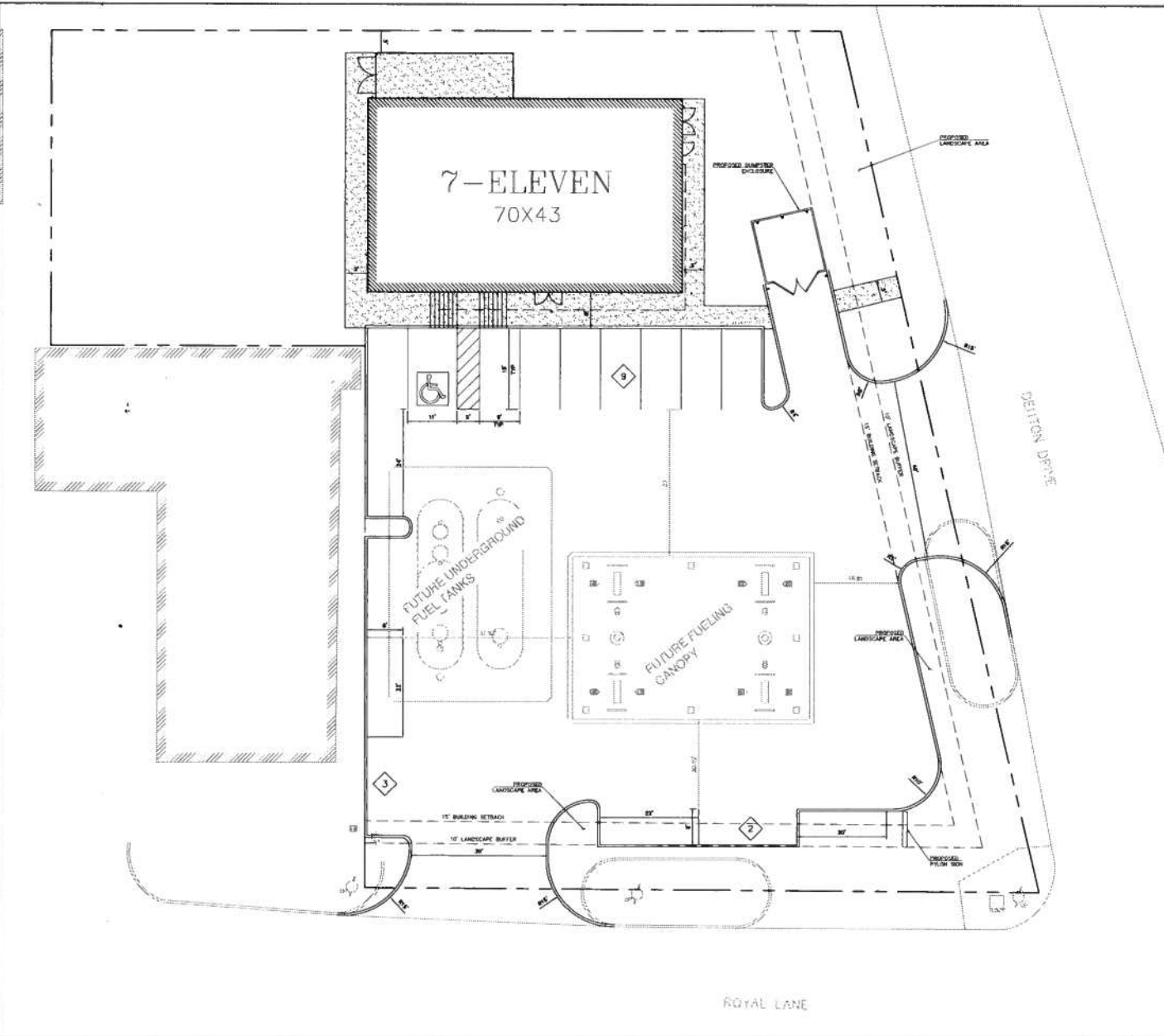
7-Eleven Parking Demand Analysis  
 Five (5) sites in Northwest Dallas market area  
 7/16/12 - 7/21/12

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

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

|                          |                              |                     |                       |                      |                      |                     |                      |                     |  |
|--------------------------|------------------------------|---------------------|-----------------------|----------------------|----------------------|---------------------|----------------------|---------------------|--|
| Store:                   | 35027                        |                     |                       |                      |                      |                     |                      |                     |  |
| Address:                 | 1985 W. Northwest Hwy        |                     |                       |                      |                      |                     |                      |                     |  |
| Store Size:              | 4,676                        |                     |                       |                      |                      |                     |                      |                     |  |
| # Parking Spaces onsite: | 24                           |                     | 1 HC                  |                      |                      |                     |                      |                     |  |
| # MPDs:                  | SIX                          |                     |                       |                      |                      |                     |                      |                     |  |
| <b>Date</b>              | <b>Actual Parking Counts</b> |                     |                       |                      |                      |                     |                      |                     |  |
|                          | <b>8:00 AM Store</b>         | <b>8:00 AM Fuel</b> | <b>12:00 PM Store</b> | <b>12:00 PM Fuel</b> | <b>4:00 PM Store</b> | <b>4:00 PM Fuel</b> | <b>8:00 PM Store</b> | <b>8:00 PM Fuel</b> |  |
| Monday, July 16, 2012    | 4                            | 4                   | 5                     | 3                    | 3                    | 3                   | 0                    | 1                   |  |
| Tuesday, July 17, 2012   | 3                            | 2                   | 8                     | 4                    | 4                    | 5                   | 4                    | 2                   |  |
| Wednesday, July 18, 2012 | 7                            | 1                   | 5                     | 3                    | 5                    | 3                   | 5                    | 2                   |  |
| Thursday, July 19, 2012  | 5                            | 2                   | 6                     | 5                    | 2                    | 5                   | 3                    | 1                   |  |
| Friday, July 20, 2012    | 4                            | 3                   | 9                     | 1                    | 4                    | 5                   | 3                    | 2                   |  |
| Saturday, July 21, 2012  | 5                            | 4                   | 5                     | 2                    | 5                    | 3                   | 4                    | 2                   |  |
| Daily Averages           | 4.67                         | 2.67                | 6.33                  | 3.00                 | 3.33                 | 4.00                | 3.17                 | 1.67                |  |
| Avg Store Parking        | 4.50                         |                     |                       |                      |                      |                     |                      |                     |  |
| Avg Fuel Parking         | 2.83                         |                     |                       |                      |                      |                     |                      |                     |  |

DATE: 1/13/2012 10:58 AM... PROJECT: 112-086... DRAWN BY: TAD



**SITE SUMMARY**

COMING: PD (PLANNED DEVELOPMENT)  
BUILDING HEIGHT:

|                     |                |            |
|---------------------|----------------|------------|
| LOT AREA            | 13.68 ACRES    | 128,454 SF |
| STANDARD PARKING:   |                |            |
| TOTAL PROVIDED      | 14 SPACES      |            |
| BUILDING            | 3,010 SF       |            |
| RATIO PROVIDED      | 4.69 / 1000 SF |            |
| ACCESSIBLE PARKING: |                |            |
| TOTAL PROVIDED      | 1 SPACES       |            |
| VIN                 | 1 SPACES       |            |
| TOTAL REQUIRED      | 1 SPACES       |            |

THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.

- GENERAL NOTES:**
1. SUBJECT PROPERTY: ROYAL LN & DENTON DR., DALLAS, TX
  2. PURPOSE OF THIS PLAN: THIS PLAN HAS BEEN COMPILED FROM AVAILABLE EXISTING INFORMATION AND IS FOR CONCEPTUAL PLANNING ONLY. THIS PLAN SHALL NOT BE USED AS A CONSTRUCTION DOCUMENT.
  3. BASE MAP INFORMATION COMPARED HEREON IS BASED ON GOOGLE EARTH. FINAL MAPS ARE TO BE DRAWN AND SCALED. MEASURE DIMENSIONS MAY BE CHECKED IN THE FIELD COMPARED TO THAT SHOWN ON THIS PLAN.

**HFA**  
HARRISON FARRECH ARCHITECTS PLLC  
200 W. A Street, Suite 201  
Rowlett, TX 75087  
714.271.7744  
www.hfa.com

INSTALLATION OF THE...  
DATE: 1/13/2012 10:58 AM...  
DRAWN BY: TAD



**7-ELEVEN**  
ROYAL LANE & DENTON DRIVE  
DALLAS, TX  
PROJECT NUMBER: 112-086

**ISSUE BLOCK**

|     |             |      |
|-----|-------------|------|
| NO. | DESCRIPTION | DATE |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

STORE NO: 102728  
DOCUMENT DATE: 1/13/2012  
CHECKED BY: MTP  
DRAWN BY: TAD

FOR REVIEW ONLY

**SITE PLAN**  
CONCEPT-5

SHEET:  
**C1.0**

BDA 112-086 Attachment A P5 10



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-086

Data Relative to Subject Property:

Date: June 28, 2012

Location address: 2655 Royal Ln Zoning District: PD-498

Lot No.: 7A Block No.: 6609 Acreage: 0.699-acre Census Tract: 009900

Street Frontage (in Feet): 1) 145.86 (Royal Ln) 2) 197.21 (Denton Dr) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

NC1

Owner of Property (per Warranty Deed): KNW LLC

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

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

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

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

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

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

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

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

SEE ATTACHED LETTER / BACKUP MATERIAL

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

Affidavit

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

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

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

Subscribed and sworn to before me this 28 day of June, 2012



Kim Parezan  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that MICHAEL HAMPTON

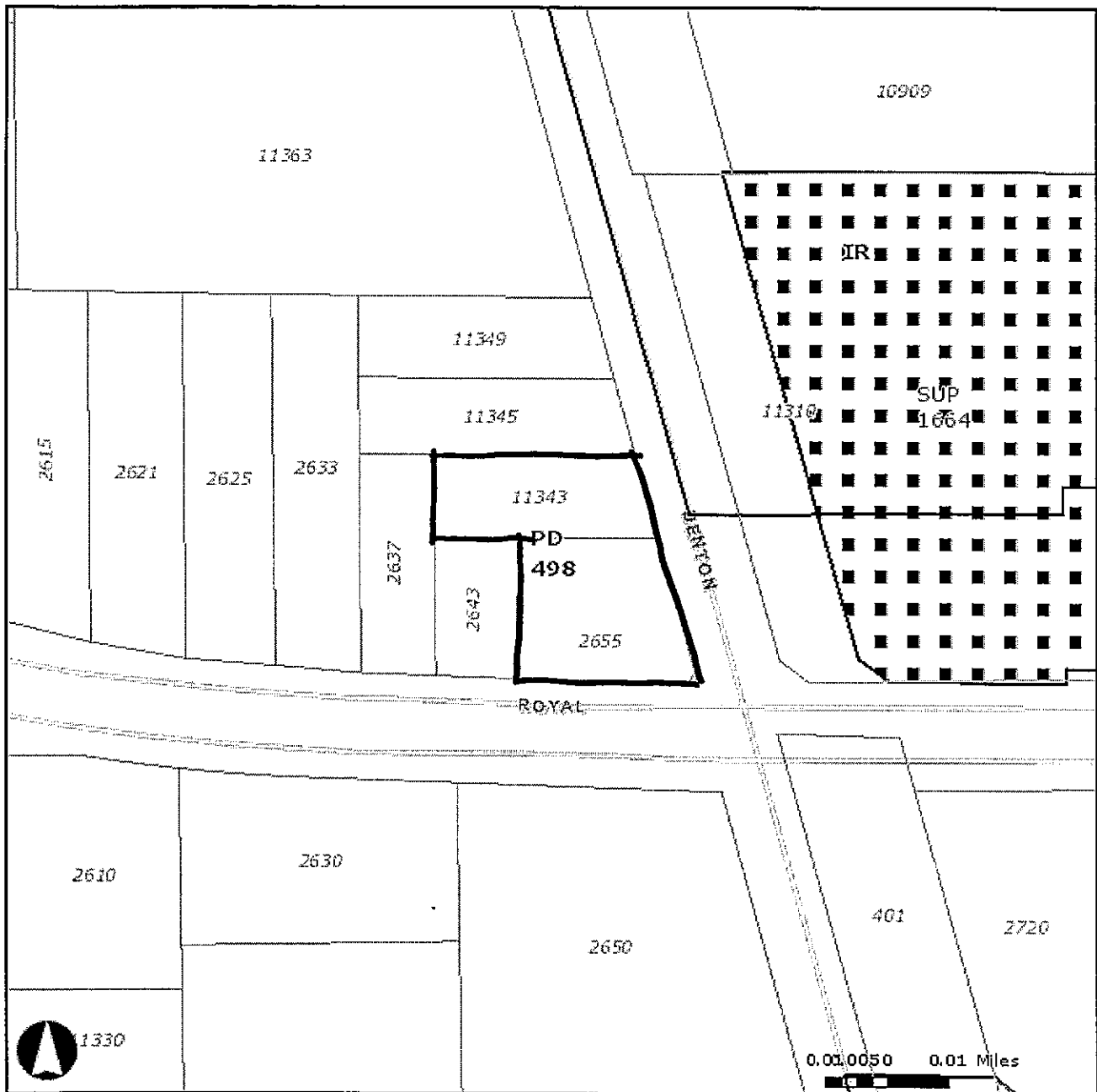
did submit a request for a special exception to the parking regulations  
at 2655 Royal Lane

BDA112-086. Application of Michael Hampton for a special exception to the parking regulations at 2655 Royal Lane. This property is more fully described as lot 7A in city block 6609 and is zoned PD-498, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for general merchandise or food store less than 3500 square feet use and a motor vehicle fueling station use and provide 14 of the required 17 parking spaces, which will require a 3 space special exception (17.6% reduction) to the parking regulation.

Sincerely,

  
Lloyd Denman, Building Official

# City of Dallas Zoning



**Address Candidates**

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

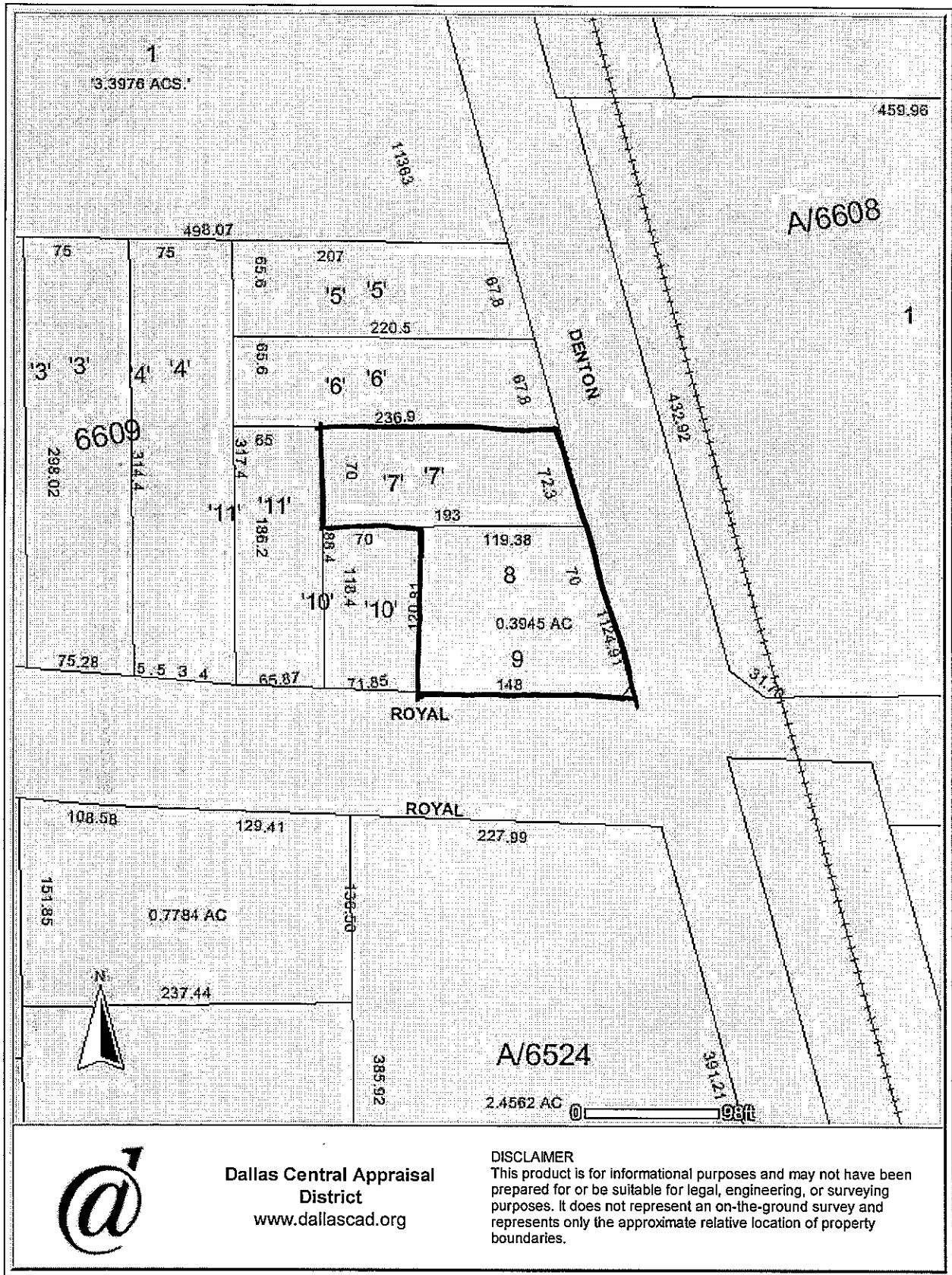
**Dry Overlay**

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

**Base Zoning**

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

*MAK*



Dallas Central Appraisal District  
 www.dallascad.org

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

*MAK*







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

Thursday, June 28, 2012

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

Dear Honorable Board of Adjustment:

I respectfully submit this application for your consideration of a "special exception" to the parking standards in accordance with the Dallas Development Code. The proposed request is for a 17% parking reduction that is necessary to accommodate the proposed development of a 3,000-sf convenience store (Phase 1) and fuel station (future Phase 2) at 2655 Royal Lane. (and including a second parcel known as 11343 Denton Dr to the north). The required parking for the new 3,000-sf store is 15 parking spaces, plus two (2) spaces for the future fueling use, **for a total of 17 required spaces**. Because of an irregular lot shape and existing physical constraints on the site, the number of parking spaces **7-Eleven is able to propose is 14 spaces**.

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

Important factors that must be considered for our request is the substantial number of improvements that will result with the proposed redevelopment, as well as other site-specific conditions, including:

- 1) Redevelopment of vacated, underutilized commercial lot. The existing development on the southern part of our subject 0.699-acre parcel is a vacant paved lot, with two small, deteriorating buildings. The proposed development is a state of the art convenience store.
- 2) Fewer driveway cuts – As part of our proposal, **2 of the 4 existing driveways will be closed**. This alone will greatly improve the traffic congestion and safety of both customers that visit the property and drivers passing by the site at this intersection.
- 3) Increased Landscaping – With closure of 2 driveways, 7-Eleven will be adding much needed green space to the site, including the required 10-ft landscape buffer along both street frontages and landscaping in accordance with PD-498.
- 4) **"The availability of public transit"** - Attached is a map showing the site's proximity to public transit, most notably the DART Light Rail station immediately east of the subject property. We argue that a significant number of our customers will not be using a car at all, thus reducing the actual vehicular parking demand for this location.
- 5) Irregular lot shape – The lot configuration is an odd upside-down "L" shape, resulting in a sizable piece of land at the northwest corner that is difficult to access and utilize. The proposed plan represents the most logical and efficient way to develop the site for the allowed retail/fueling use.

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

- Copies of proposed site plan of property
- Copies of proposed floor plan of new convenience store
- Aerial image and photos of subject site and adjacent properties. The proposed 7-Eleven will be a freestanding use with no connectivity to the adjacent industrial/heavy commercial uses. The reduction of 3 spaces for our proposed development will not adversely impact our neighbors.

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

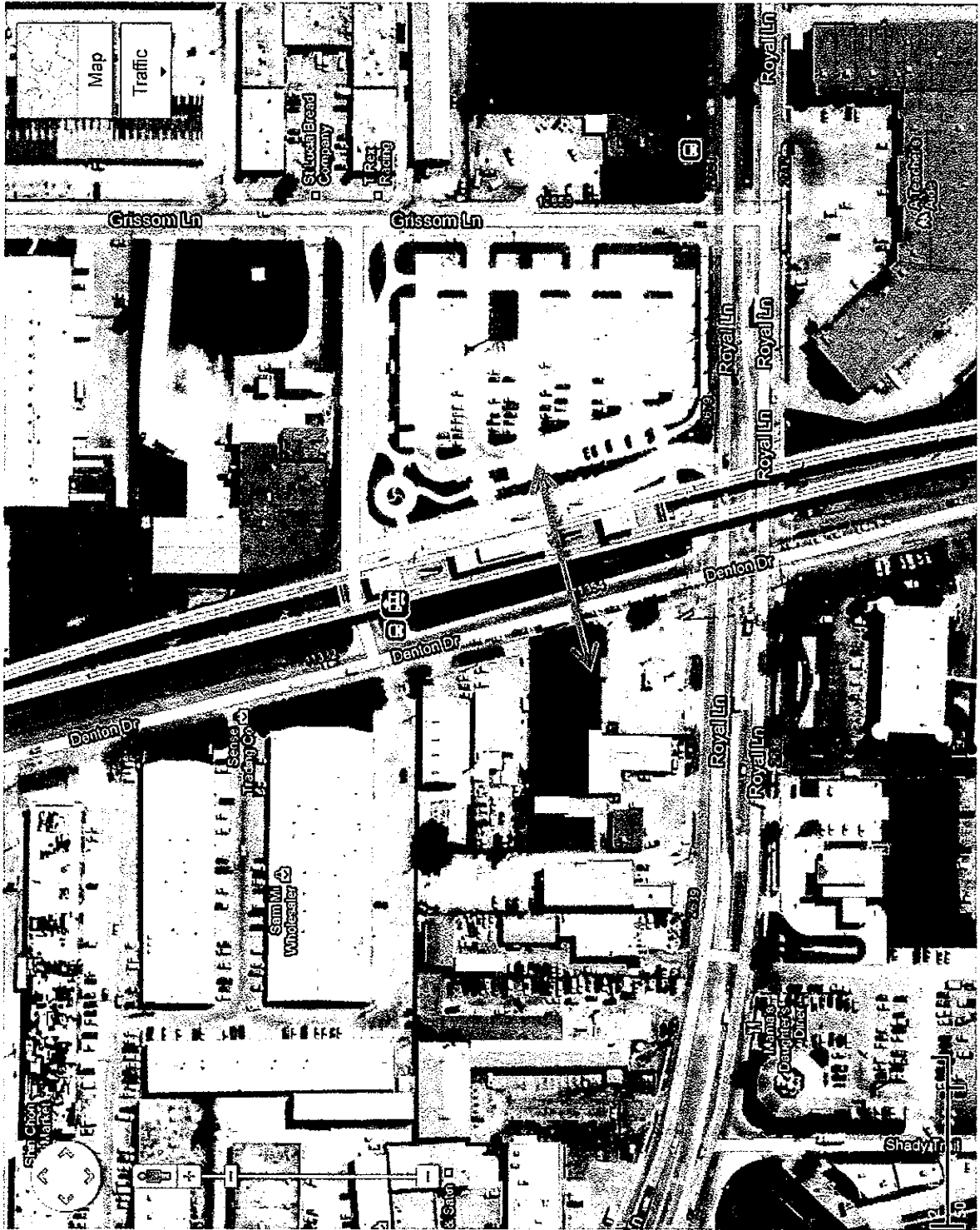
*Sincerely*

A handwritten signature in black ink, appearing to read "M. Hampton", with a long horizontal flourish extending to the right.

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

ENCLOSURES

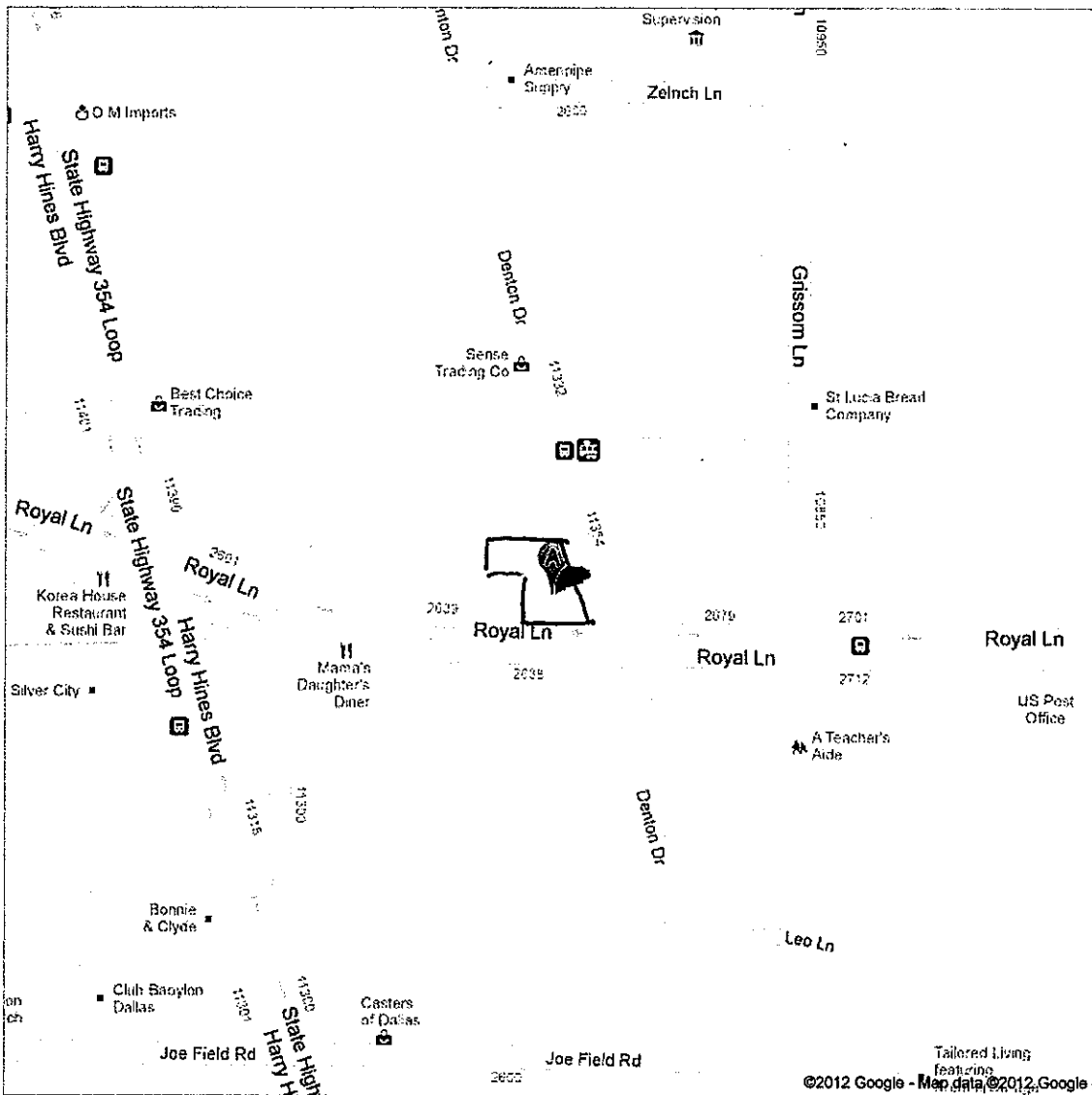
Note adjacency to DART's "Royal Station" directly across Denton Drive.





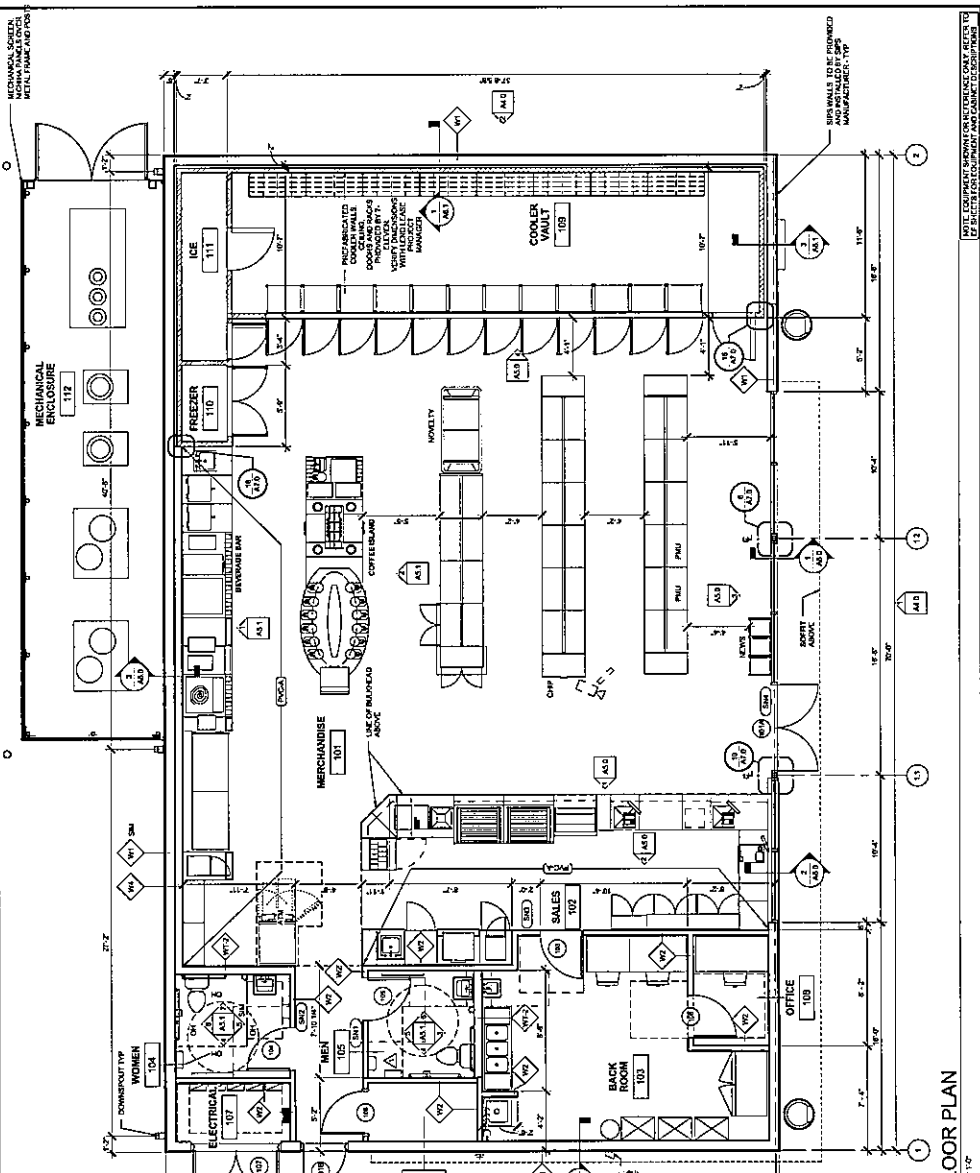
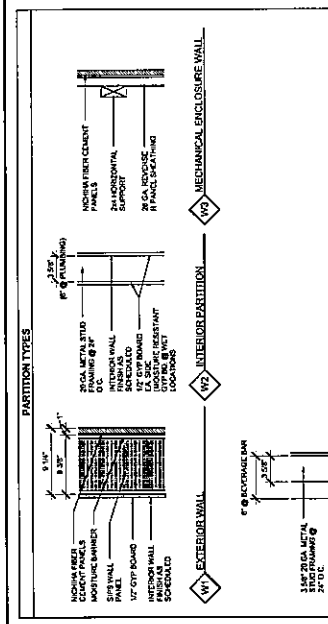
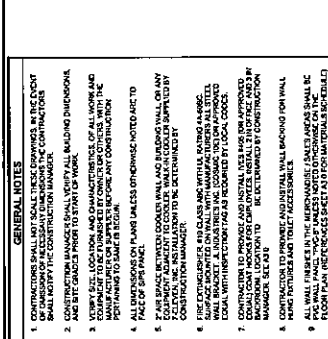
Address **2655 Royal Ln**  
Dallas, TX 75229

Proximity to DART Royal Station, and DART  
Bus Stops.



**MTO / MAR DISCLAIMER:**  
MATERIALS SPECIFIED IN THE MATERIALS TAKE OFF AND PART FROM COMMERCIAL FIELD PRACTICES ABOVE THE UNION AND LOCAL LABOR UNIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL LABOR UNIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL LABOR UNIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL LABOR UNIONS.

- GENERAL NOTES:**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL LABOR UNIONS.
  3. VERIFY SIZE, LOCATION AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT TO BE PROVIDED BY OWNER OR OTHERS WITH THE CONTRACT DOCUMENTS. VERIFY ALL DIMENSIONS AND LOCATIONS WITH THE CONTRACT DOCUMENTS AND WITH THE FIELD SURVEYOR.
  4. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
  5. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
  6. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
  7. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
  8. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
  9. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
  10. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.



**RESTROOM SIGNAGE SPECIFICATIONS**

1. ALL RESTROOM SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CHARACTERS AND BACKGROUND OF SIGNS SHALL BE CONGRUENT WITH THE CHARACTER AND BACKGROUND OF THE RESTROOMS.
3. ALL RESTROOM SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL RESTROOM SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL RESTROOM SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

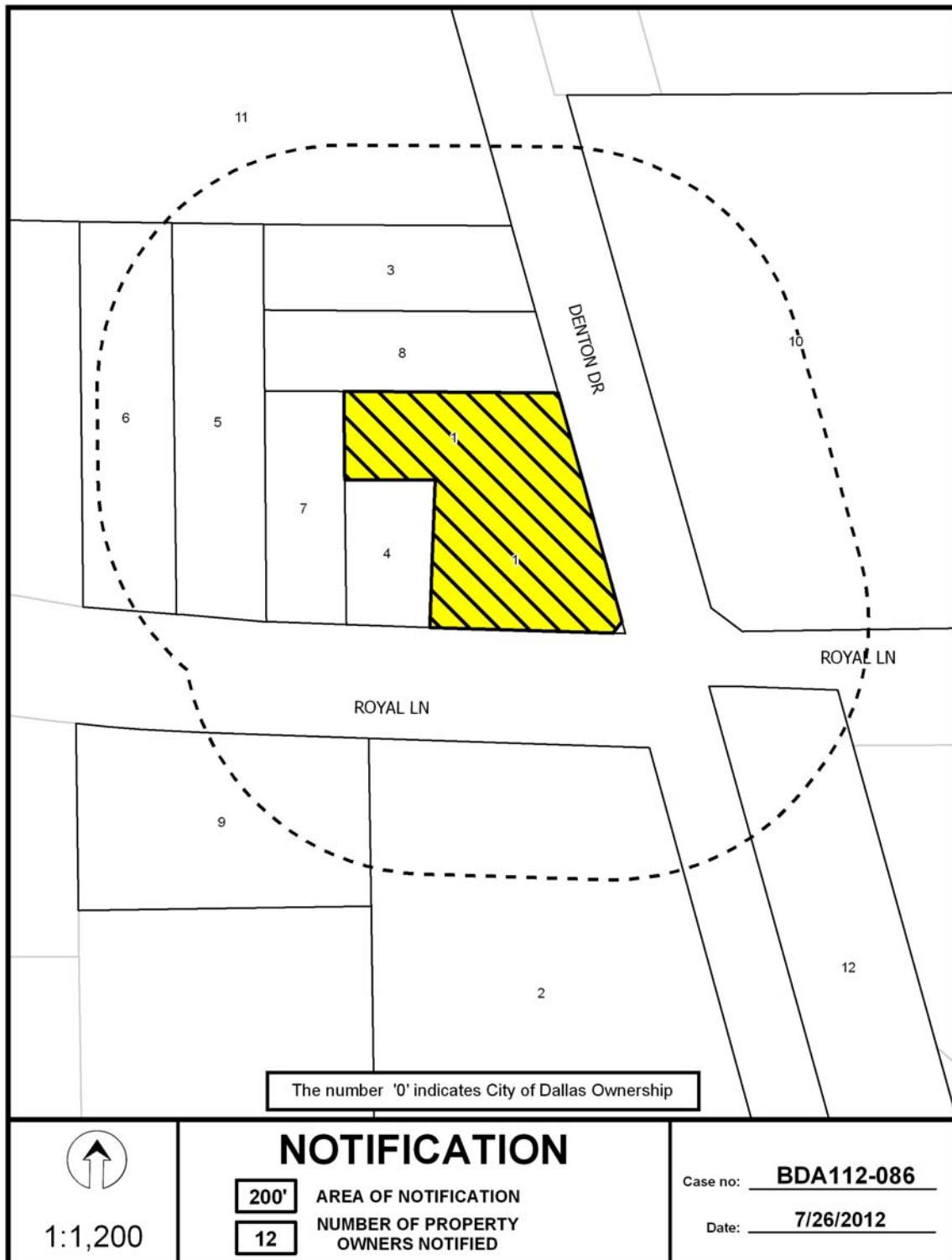
I hereby certify that MICHAEL HAMPTON

did submit a request for a special exception to the parking regulations  
at 2655 Royal Lane

BDA112-086. Application of Michael Hampton for a special exception to the parking regulations at 2655 Royal Lane. This property is more fully described as lot 7A in city block 6609 and is zoned PD-498, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for general merchandise or food store less than 3500 square feet use and a motor vehicle fueling station use and provide 14 of the required 17 parking spaces, which will require a 3 space special exception (17.6% reduction) to the parking regulation.

Sincerely,

  
Lloyd Denman, Building Official



1:1,200

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**12** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA112-086**

Date: **7/26/2012**

# ***Notification List of Property Owners***

***BDA112-086***

## ***12 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b>    | <b><i>Owner</i></b>                      |
|-----------------------|--------------------------|--|
| 1                     | 11343 DENTON DR          | KNW LLC                                  |
| 2                     | 2650 ROYAL LN            | FIRST TEXAS BANK                         |
| 3                     | 11349 DENTON DR          | PILLSBURY REBECCA RYAN & PILLSBURY JAMES |
| 4                     | 2643 ROYAL LN<br>JOHNSON | JOHNSON FAMILY TRUST ALMA JANICE         |
| 5                     | 2633 ROYAL LN            | IMMANUEL LEE INC                         |
| 6                     | 2625 ROYAL LN            | SHIM PETER                               |
| 7                     | 2637 ROYAL LN            | MCELROY RAYMOND L                        |
| 8                     | 11345 DENTON DR          | TARIGHI PROPERTIES LLC                   |
| 9                     | 2630 ROYAL LN            | AMERICAN FIRST NATIONAL BANK STE 104     |
| 10                    | 11310 DENTON DR          | DALLAS AREA RAPID TRANSIT                |
| 11                    | 11363 DENTON DR          | IP INVESTMENTS LTD SUITE 307             |
| 12                    | 401 BUCKNER BLVD         | DART                                     |



**FILE NUMBER:** BDA 112-034

**ORIGINAL BUILDING OFFICIAL'S REPORT:**

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

**REVISED BUILDING OFFICIAL'S REPORT:**

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

**LOCATION:** 9903 Laneyvale Avenue

**APPLICANT:** Roberto Torres  
Represented by Ramon Aranda

**REQUESTS:**

- The applicant's representative has revised the application since the May 16<sup>th</sup> public hearing, and submitted a doctor's letter and a revised site plan and elevation to staff (see Attachments B, C and D). The applicant requests that the board grant special exceptions to modify/maintain the existing fence on the property that is higher than 4' in height in front yard setbacks, and to modify and maintain items located in visibility triangles by either granting special exceptions to these regulations as previously requested per: A) the provisions set forth in the Code's fence, screening and visual obstruction regulations (51A-4.602) or B) the provision set forth in the Code's "special exceptions for the handicapped" (51A- 1.107).

The following appeals had been made in this application on a site that is developed with a single family home:

1. special exceptions to the fence height regulations of up to 3' and/or for the handicapped are requested in conjunction with modifying and maintaining according to the submitted site plan (see Attachment C) an existing "5' brick, stone & wrought iron fence" with a 7' high archway over a pedestrian gate along Laneyvale Avenue and along a portion of Algonquin Drive, and a 6' high wood fence along another portion of Algonquin Drive, both of which are located in the site's two 20' front yard setbacks, and
2. special exceptions to the visual obstruction regulations and/or for the handicapped are requested in conjunction with modifying and maintaining according to the submitted revised site plan (see Attachment C) portions of the aforementioned existing 5' high open wrought iron fence with stone base located in the 20' visibility triangles on either side of the driveway into the site from Laneyvale Avenue (about 10' of length on either side of the driveway), and portions of this fence in the 45' Laneyvale Avenue/Algonquin Drive intersection visibility triangle. (The revised site plan shows the provision of a 30' visibility triangle at this intersection).

**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 FOR THE HANDICAPPED:** Section 51A-1.107.(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

**STAFF RECOMMENDATION (fence height special exceptions):**

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

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Denial

Rationale:

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

**STAFF RECOMMENDATION (handicapped special exceptions):**

No staff recommendation is made on this or any request for a special exception for the handicapped since the basis for this type of appeal is when the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

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

**Timeline:**

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

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

- March 21, 2012: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 21, 2012: The Board Administrator emailed the applicant's representative the following information:
- A picture of shrubs that he photographed on the property, and a request that if these shrubs were something his client intended to request that the board consider in the triangles, to add them to his site plan and elevation no later than March 30<sup>th</sup> – otherwise it would be noted in the staff report that these existing shrubs are not part of the applicant's request.
- (Note that no such request/amendment was made to the application and/or submittals).
- April 3, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.
- April 5, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "No objection to fence height or alley visibility triangle – however, both the lack of a 45 x 45 at the street/street and the 20 x 20 at the drive are traffic hazards."
- April 18, 2012: The Board delayed action on this application until May 16<sup>th</sup> to allow the applicant an opportunity to meet with an opposing property owner and possibly submit a revised proposal to the Board.
- May 1, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant

Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the Chief Arborist, and Assistant City Attorney to the Board.

May 4, 2012: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "No objection to fence height or alley visibility triangle – however, both the lack of a 45 x 45 at the street/street and the 20 x 20 at the drive are traffic hazards."

May 4, 2012: The applicant's representative submitted revised materials to the Board Administrator *after* the Sustainable Development and Construction Department Project Engineer submitted his updated review comment sheet marked "Recommends that this be denied." (see Attachment A).

May 16, 2012: The Board delayed action on this application until August 15<sup>th</sup> to allow the applicant an opportunity to possibly submit a revised application, and/or to possibly submit a revised proposal (i.e. a revised site plan and /or elevation, or any other related documents to this application) beyond the requests for special exceptions to the fence height and visual obstruction regulations to address any fence over 4' in height in required front yard setbacks and any item located in required visibility triangles on the subject site

May 17, 2012: The Board Administrator emailed the applicant's representative the following information:

- Information regarding this application, some of which had already been forwarded to him, and some of which was new information for his review including his original application materials and his added attachment - all of which will be included in the docket report and emailed to him, city staff, and the board of adjustment members about a week ahead of the scheduled August 15<sup>th</sup> public hearing; the provision from the Dallas Development Code allowing the board to grant a special exception to the fence height regulations (51A-4.602(a)(6)) and a special exception to the visual obstruction regulations (51A-4.602(d)(3)); the provision from the Dallas Development Code allowing the board to grant special exceptions for the handicapped (51A-1.107), and the definition of his testimony at the May 16<sup>th</sup> hearing regarding this provision in the Code); the board's rule pertaining to documentary evidence;
- As conveyed to him at the May 16<sup>th</sup>, the 5:00 p.m., July 27<sup>th</sup> deadline to amend/add to this application, and/or to submit any revised site plans/elevations that you intend to make beyond what he had already submitted to date should be addressed with/submitted to Todd Duerksen; and

- per his request below a copy of the current board of adjustment roster (including the names of each board member and the council member who appointed them), and a copy of Chapter V: Code of Conduct. (The email noted that in response to his request on the phone, that while city staff did not prepare transcripts of board hearings, that a copy of a CD recording was available for purchase from Trena Law, Board of Adjustment Secretary. Trena can be reached at 214/670-4206).

July 2012: The applicant's representative has revised the application, and submitted a doctor's letter and a revised site plan and elevation to staff (see Attachments B, C and D).

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

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

- These revised requests focus on modifying/maintaining (according to the submitted revised elevation) an existing "5' brick, stone & wrought iron fence" with a 7' high archway over a pedestrian gate along Laneyvale Avenue and along a portion of Algonquin Drive, and a 6' high wood fence along another portion of Algonquin Drive, both of which are located in the site's two 20' front yard setbacks on a property developed with a single family home.
- On May 16, 2012, the board of adjustment delayed action on the application until August 15<sup>th</sup> to allow the applicant an opportunity to possibly submit a revised application, and/or to possibly submit a revised proposal (i.e. a revised site plan and /or elevation, or any other related documents to this application) beyond his requests for special exceptions to the fence height and visual obstruction regulations to address any fence over 4' in height in required front yard setbacks and any item located in required visibility triangles on the subject site.
- The applicant was advised at the May 16<sup>th</sup> public hearing that any amendment/addition that he intended to make to his application, and/or any revised site plans/elevations that he intended to make beyond what he had submitted to date should be addressed with/submitted to city staff no later than 5:00 p.m., Friday, July 27<sup>th</sup>.
- Since the May 16<sup>th</sup> public hearing, the applicant's representative has revised the application, and submitted a doctor's letter and a revised site plan and elevation to staff (see Attachments B, C and D). The applicant has amended his original application requesting that the Board to consider special exceptions to modify/maintain the existing fence on the property that is higher than 4' in height in front yard setbacks, and to modify and maintain items located in visibility triangles by either granting special exceptions to these regulations as previously requested per:

1) the provisions set forth in the Code's fence, screening and visual obstruction regulations (51A-4.602) OR 2) the provision set forth in the Code's "special exceptions for the handicapped" (51A- 1.107).

- The subject site is a corner lot zoned R-5(A) with two street frontages of unequal distance. The site is located at the northeast corner of Laneyvale Avenue and Algonquin Drive. Even though the Laneyvale Avenue frontage of the subject site appears to function as its front yard and the Algonquin Drive frontage appears to function as its side yard, the subject site has two 20' front yard setbacks along both streets. The site has a 20' front yard setback along Laneyvale Avenue (the shorter of the two frontages which is always deemed the front yard setback on a corner lot of unequal frontage distance in a single family zoning district), and a 20' front yard setback along Algonquin Drive (the longer of the two frontages of this corner lot of unequal frontage distance), which would typically be regarded as a side yard where a 9' high fence could be maintained by right). The site's Algonquin Drive frontage is deemed a front yard to maintain the continuity of the established front yard setback along this street created by a number of properties immediately north of the subject site that front west and have front yard setbacks along Algonquin Street.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant had submitted with the original application a scaled site plan and two "NTS" or (Not To Scale) elevations indicating that the proposal in the required front yard setbacks reaches a maximum height of 7'- in this case the 7' maximum height being an archway over a pedestrian gate along Laneyvale Avenue.
- The following additional information was gleaned from the originally submitted site plan:
  - Along Laneyvale Avenue:
    - Approximately 72' in length parallel to the street and approximately 20' in length perpendicular on the east side of the site in the front yard setback.
    - Approximately on the front property line or approximately 10' from the pavement line.
  - Along Algonquin Drive:
    - Approximately 105' in length parallel to the street and approximately 20' in length perpendicular on the north side of the site in the front yard setback.
    - Approximately on the front property line or approximately 10' from the pavement line.
- On May 4, 2012, the applicant's representative emailed a revised site plan and revised elevations to the Board Administrator (see Attachment A). Note that staff could not glean certain dimensions from these emailed reduced plans.
- No single family home "fronts" on the Laneyvale Avenue side of the subject site (the property immediately south of the site fronts westward to Algonquin Drive and has a side yard along Laneyvale Avenue and what appears to be an 8' high solid fence in its side yard across from the subject site); and three single family homes "front" on Algonquin Drive, none with fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high, which appeared to be located in a front yard setback. (One approximately 8' high solid fence was noted immediately south

of the subject site – a fence that appears to be in compliance with the Development Code since this property’s Laneyvale Avenue frontage is a *side yard*).

- As of August 6, 2012, two letters had been submitted to staff in support of the request and one letter had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of up to 3’ will not adversely affect neighboring property OR are needed to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- Granting these special exceptions of up to 3’ with a condition imposed that the applicant complies with the submitted revised site plan and revised elevations would require the proposal exceeding 4’ in height in the front yard setbacks to be modified/maintained in the location and of the heights and materials as shown on these revised documents.

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

- These revised requests focus on modifying and maintaining according to the submitted revised site plan (see Attachment C) portions of the aforementioned existing 5’ high open wrought iron fence with stone base located in the 20’ visibility triangles on either side of the driveway into the site from Laneyvale Avenue (about 10’ of length on either side of the driveway), and portions of this fence in the 45’ Laneyvale Avenue/Algonquin Drive intersection visibility triangle. (The revised site plan shows the provision of a 30’ visibility triangle at this intersection).
- On May 16, 2012, the board of adjustment delayed action on the application until August 15<sup>th</sup> to allow the applicant an opportunity to possibly submit a revised application, and/or to possibly submit a revised proposal (i.e. a revised site plan and /or elevation, or any other related documents to this application) beyond his requests for special exceptions to the fence height and visual obstruction regulations to address any fence over 4’ in height in required front yard setbacks and any item located in required visibility triangles on the subject site.
- The applicant was advised at the May 16<sup>th</sup> public hearing that any amendment/addition that he intended to make to his application, and/or any revised site plans/elevations that he intended to make beyond what he had submitted to date should be addressed with/submitted to city staff no later than 5:00 p.m., Friday, July 27<sup>th</sup>.
- Since the May 16<sup>th</sup> public hearing, the applicant’s representative has revised the application, and submitted a doctor’s letter and a revised site plan and elevation to staff (see Attachments B, C and D). The applicant has amended his original application requesting that the Board to consider special exceptions to modify/maintain the existing fence on the property that is higher than 4’ in height in front yard setbacks, and to modify and maintain items located in visibility triangles by either granting special exceptions to these regulations as previously requested per: 1) the provisions set forth in the Code’s fence, screening and visual obstruction regulations (51A-4.602) OR 2) the provision set forth in the Code’s “special exceptions for the handicapped” (51A- 1.107).
- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:



- in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections and 20-foot visibility triangles at drive approaches); and
- between 2.5 – 8 feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A scaled site plan and two “NTS” or (Not To Scale) elevations had been submitted with the original application that showed a 5’ high open wrought iron fence with stone base located in the 20’ visibility triangles on either side of the driveway into the site from Laneyvale Avenue (about 10’ of length on either side of the driveway) and in the 45’ visibility triangle at Laneyvale Avenue and Algonquin Drive (about 27’ lengths on both streets).
- The submitted revised site plan (see Attachment C) shows portions of the aforementioned existing 5’ high open wrought iron fence with stone base located in the 20’ visibility triangles on either side of the driveway into the site from Laneyvale Avenue (about 10’ of length on either side of the driveway), and portions of this fence in the 45’ Laneyvale Avenue/Algonquin Drive intersection visibility triangle. (The revised site plan shows the provision of a 30’ visibility triangle at this intersection).
- The applicant’s representative had submitted a revised site plan and elevations prior to the May 16<sup>th</sup> hearing that he stated removed existing shrubs that the Board Administrator noted on his field trip that are located on either side of the driveway into the site from Laneyvale Avenue, and removed any item out of the required 45’ visibility triangle at Laneyvale Avenue and Algonquin Drive. But these revised plans (Attachment A) were replaced by the applicant’s revised plans of July 27<sup>th</sup> (Attachment C).
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain aforementioned items in the 20’ drive approach visibility triangles and in the Laneyvale Avenue/Algonquin Drive 45’ intersection triangle do not constitute a traffic hazard OR are needed to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan and elevations (Attachment C) would require that the items in the 20’ visibility triangles on either side of the driveway into the site from Laneyvale Avenue and in the 45’ visibility triangle at the intersection of Laneyvale Avenue and Algonquin Drive to be limited to the location, height, and materials of those items as shown on these revised documents.

**BOARD OF ADJUSTMENT ACTION:    APRIL 18, 2012**

APPEARING IN FAVOR:    Ramon Aranda, 2946 So. Sunbeck Circle, Farmers Branch

APPEARING IN OPPOSITION:    No one

MOTION:    Leone

I move that the Board of Adjustment in Appeal No. **BDA 112-034**, hold this matter under advisement until **May 16, 2012**.

SECONDED:    Gillespie

AYES: 5– Reynolds, Gillespie, Chernock, Wilson, Leone  
NAYS: 0 –  
MOTION PASSED 5 – 0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: MAY 16, 2012**

APPEARING IN FAVOR: Ramon Aranda, 2946 So. Sunbeck Circle, Farmers Branch

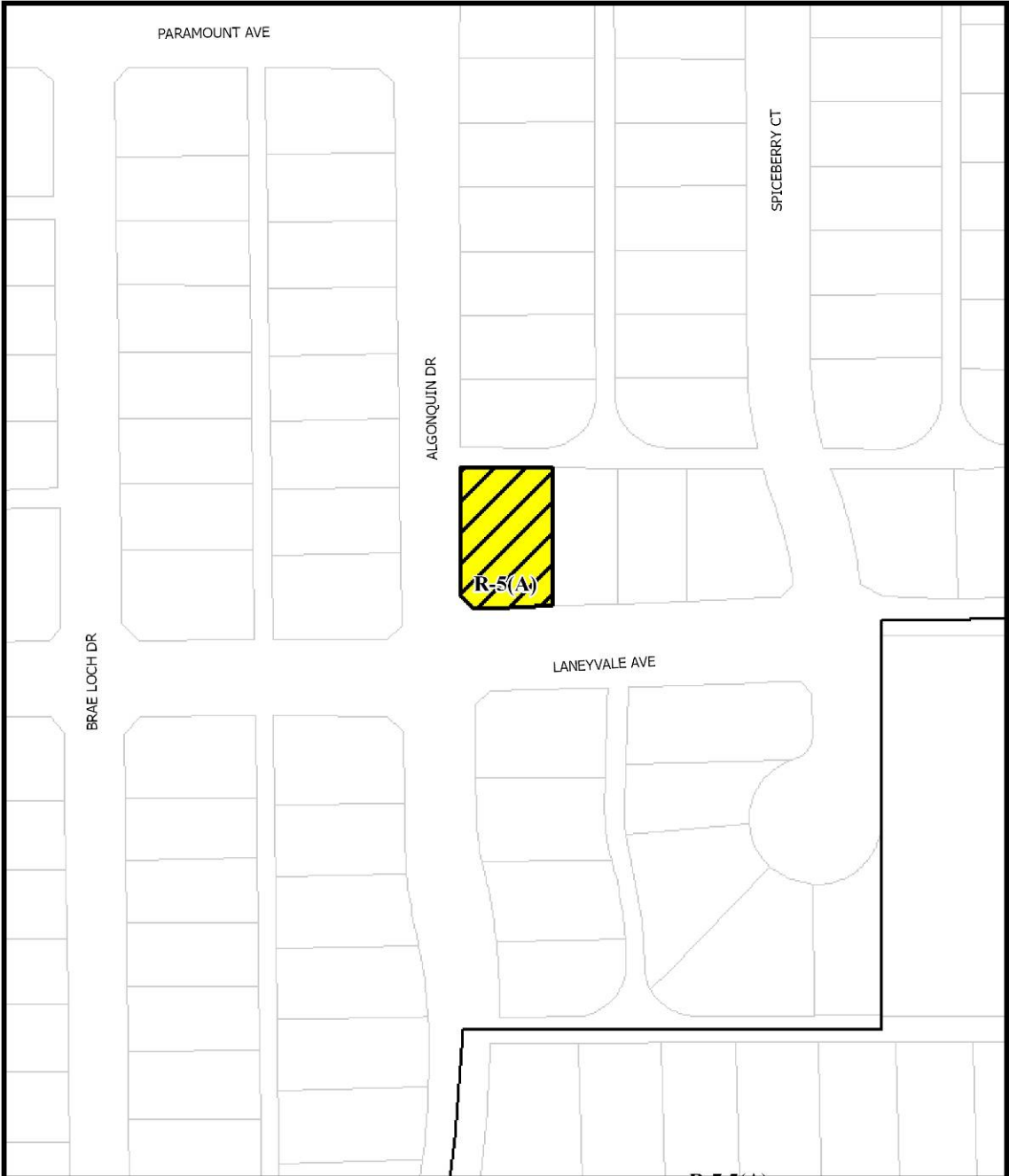
APPEARING IN OPPOSITON: No one

MOTION: **Wilson**

I move that the Board of Adjustment in Appeal No. **BDA 112-034**, hold this matter under advisement until **August 15, 2012**.

SECONDED: **Leone**

AYES: 5– Reynolds, Gillespie, Chernock, Wilson, Leone  
NAYS: 0 –  
MOTION PASSED 5 – 0 (unanimously)

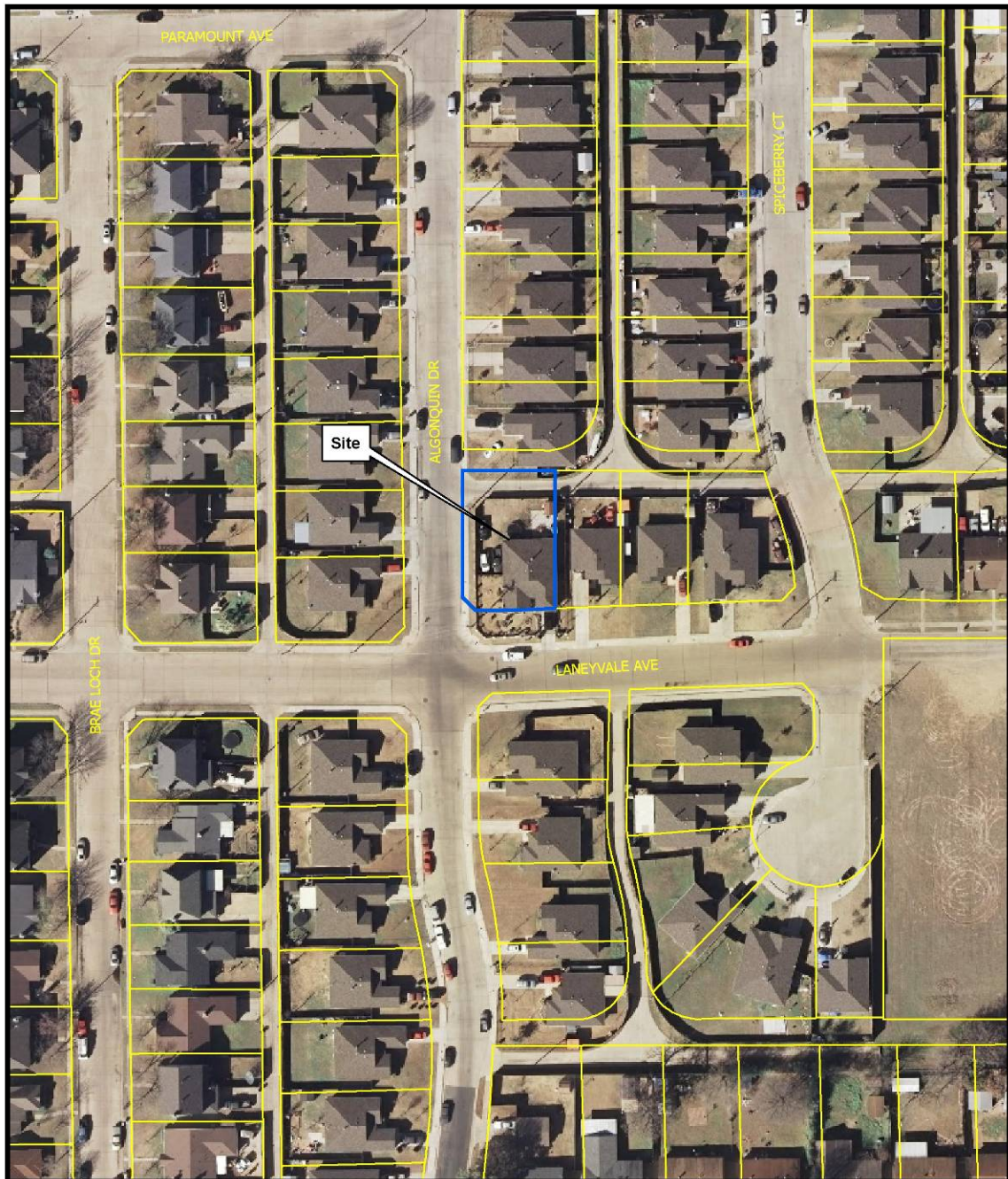


1:1,200

# ZONING MAP

Case no: BDA112-034

Date: 3/29/2012

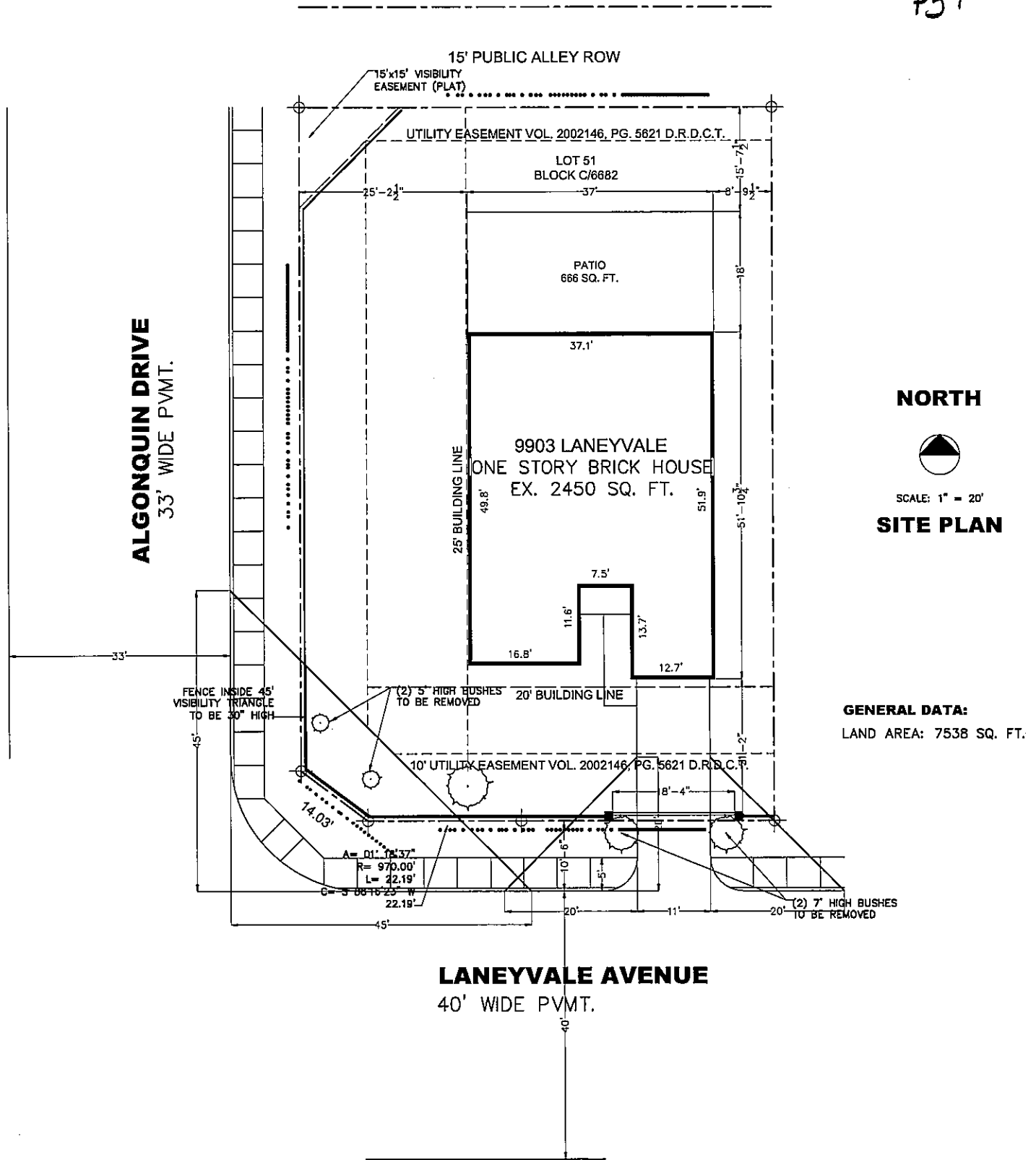


1:1,200

## AERIAL MAP

Case no: BDA112-034

Date: 3/29/2012



**NORTH**



SCALE: 1" = 20'

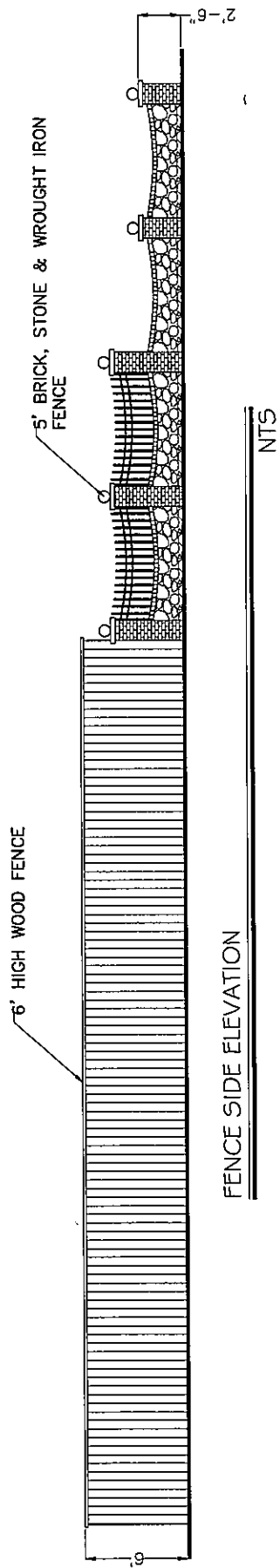
**SITE PLAN**

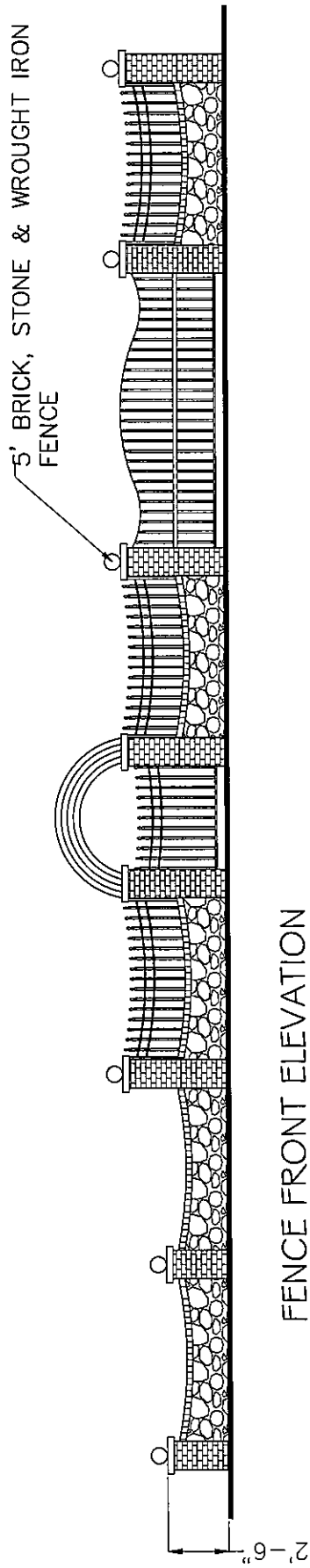
**GENERAL DATA:**  
LAND AREA: 7538 SQ. FT.

BDA112-034

Attach A

pg 2





FENCE FRONT ELEVATION

NTS

**PARKLAND HEALTH & HOSPITAL SYSTEM**  
SOUTHEAST PEDIATRICS  
9202 Elam Road Suite 140  
Dallas TX 75217-4151

Patient Name: Brandon Torres  
MRN: 2165344  
6/20/2012

To the City of Dallas Code Enforcement:

I am the primary care physician for Brandon Torres whose date of birth is 5/5/2000. Brandon has learning disorder, developmental delay, and behavioral problems since infancy. He is at risk to wander away from the home or be easily led away due to his developmental and behavioral problems. The parents have erected a 6 foot fence in the around the home to help ensure his safety and to prevent him having easy access to leave the property by climbing the fence without supervision.

I am requesting that parents be allowed to maintain the fence at this height for Brandon's safety.

The residence is owned by Brandon's father **Roberto Torres** and the home address is:

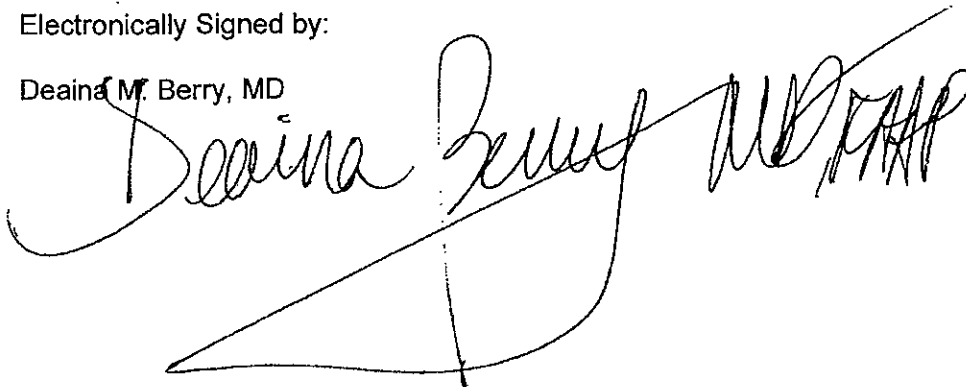
**9903 LANEYVALE AVE**  
**Dallas TX 75217-3898**  
**United States**  
**DALLAS**

If you have any questions, please do not hesitate to call:  
Dept: 214-266-1678

Sincerely,

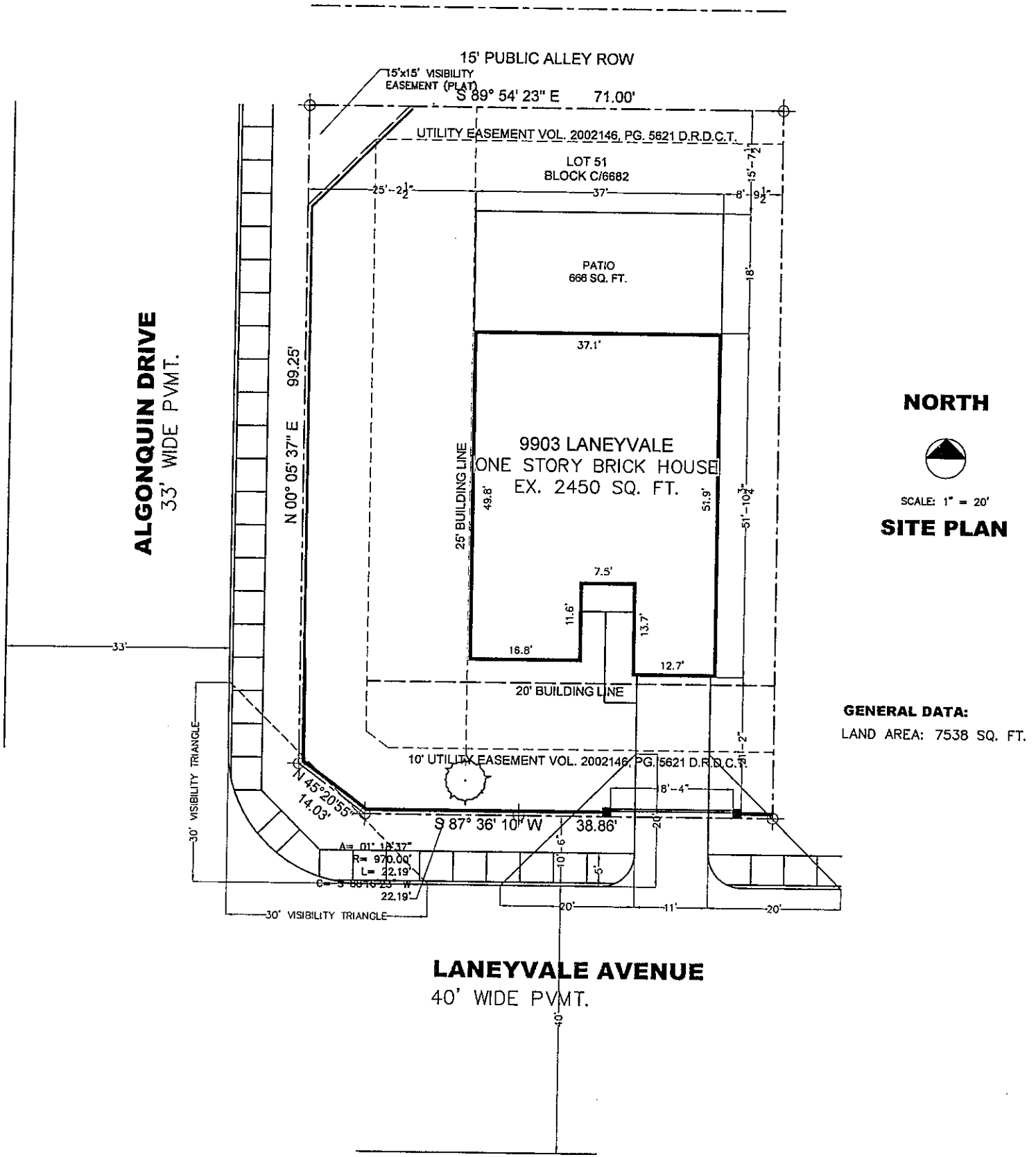
Electronically Signed by:

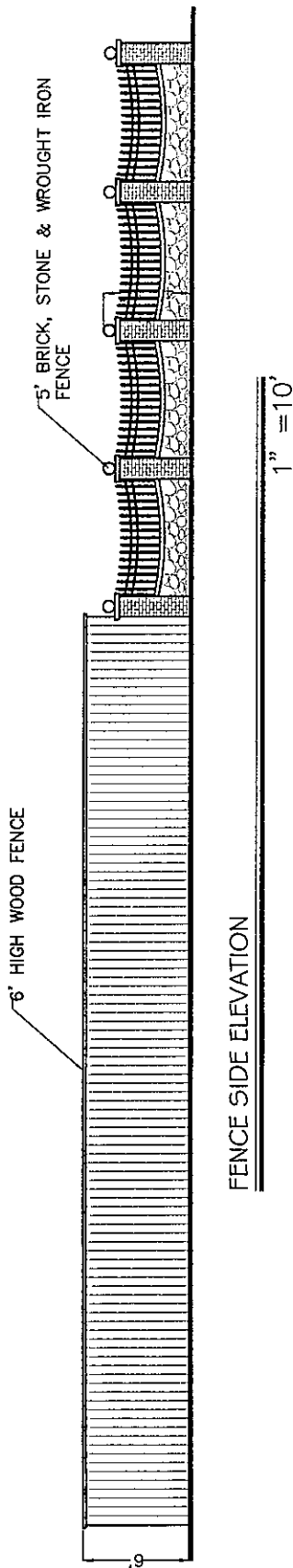
Deaina M. Berry, MD

A large, stylized handwritten signature in black ink, appearing to read 'Deaina Berry MD', is written over a horizontal line. The signature is written in a cursive, flowing style.

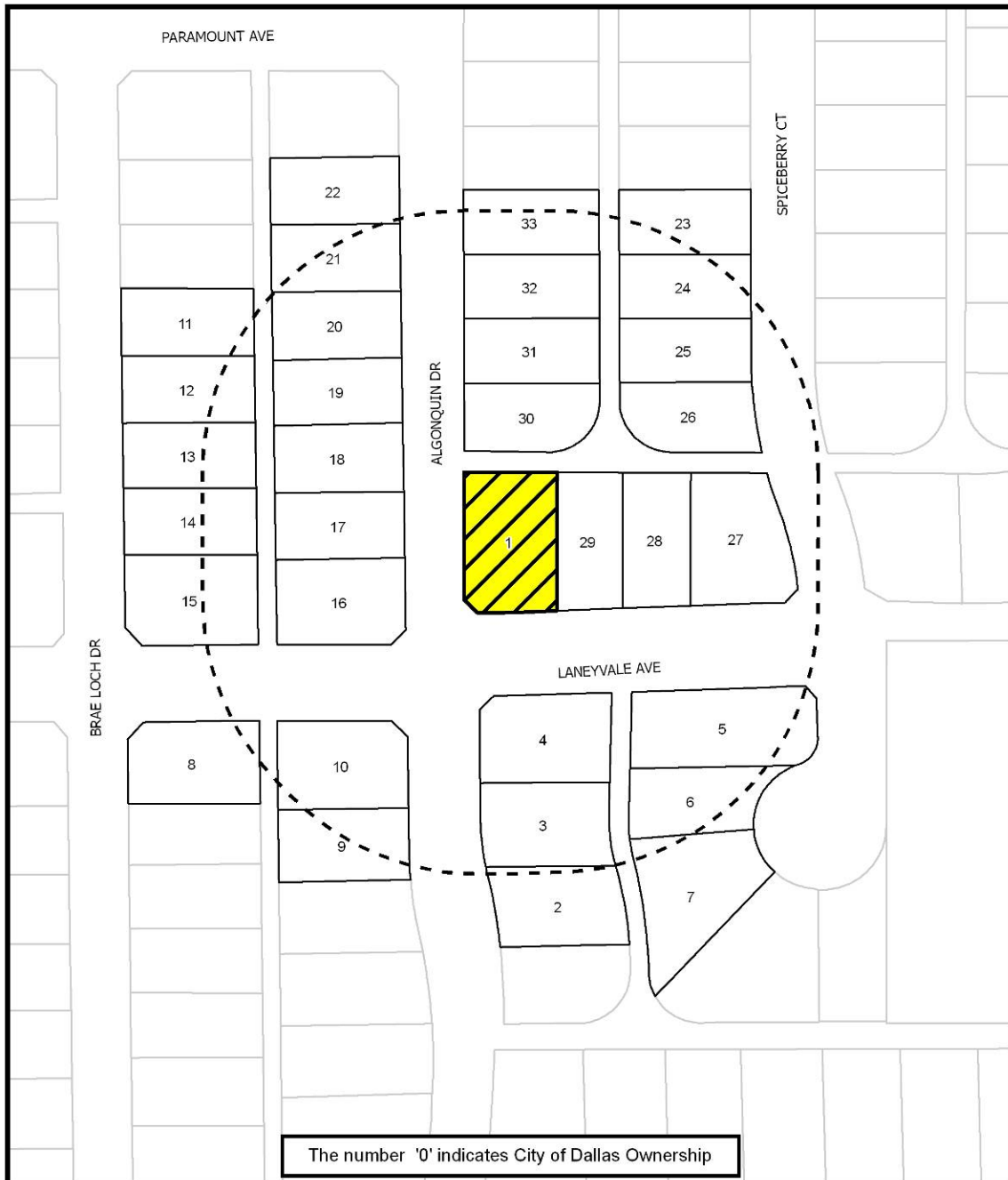


BDA 112-034  
 Attach C  
 P21









|  |   |                            |                      |    |                                    |
|--|---|----------------------------|----------------------|----|------------------------------------|
| <br>1:1,200 | <h2>NOTIFICATION</h2>   | Case no: <u>BDA112-034</u> |                      |    |                                    |
|  | <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">33</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200'                       | AREA OF NOTIFICATION | 33 | NUMBER OF PROPERTY OWNERS NOTIFIED |
| 200'   | AREA OF NOTIFICATION  |                            |                      |    |                                    |
| 33   | NUMBER OF PROPERTY OWNERS NOTIFIED  |                            |                      |    |                                    |

# ***Notification List of Property Owners***

***BDA112-034***

## ***33 Property Owners Notified***

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

|    |      |               |                                  |
|----|------|---------------|----------------------------------|
| 27 | 9915 | LANEYVALE AVE | RICO GUADALUPE                   |
| 28 | 9911 | LANEYVALE AVE | CASTRO MAIRA Y                   |
| 29 | 9907 | LANEYVALE AVE | QUNONEZ GUADALUPE                |
| 30 | 934  | ALGONQUIN DR  | GONZALEZ VICTOR HUGO             |
| 31 | 938  | ALGONQUIN DR  | VALDIVIA FELIPE                  |
| 32 | 942  | ALGONQUIN DR  | WELLINGTON ALBERT C & ERICA E    |
| 33 | 946  | ALGONQUIN DR  | FELIPE PEDRO & FLORENTINO MARTIN |

**FILE NUMBER:** BDA 112-065

**BUILDING OFFICIAL'S REPORT:**

Application of George M. Underwood III, represented by Robert Reeves, for a variance to the side yard setback regulations at 15635 Coit Road. This property is more fully described as a part of Tract C, a 4.236 acre tract in City Block 35/8196 and is zoned CR, which requires a side yard setback of 20 feet where there is residential adjacency. The applicant proposes to construct and maintain a structure and provide a 5 foot side yard setback, which will require a variance of 15 feet.

**LOCATION:** 15635 Coit Road

**APPLICANT:** George M. Underwood III  
Represented by Robert Reeves

**REQUEST:**

- A variance to the side yard setback regulations of 15' is requested in conjunction with constructing and maintaining an approximately 2,600 square foot retail structure, a portion of which would be located in the site's southern 20' side yard setback on a property developed with a retail strip center (Spanish Village Shopping Center).

**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:

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

**STAFF RECOMMENDATION:**

## Denial

### Rationale:

- Although granting this variance request would allow another structure in the site's 20' southern side yard setback (an existing structure on the site was varied by the Board of Adjustment in 1968 just 2' away from the southern property line), the applicant had not substantiated in this case how the subject site differs from other lots zoned CR where its restrictive size, shape, or slope precludes it from being developed in a manner commensurate with the development upon other parcels of land with the same CR zoning. The site is flat, somewhat irregular in shape, and is (according to the application) 4.236 acres (or approximately 184,000 square feet) in area. The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.

## **BACKGROUND INFORMATION:**

### **Zoning:**

|               |                       |
|---------------|-----------------------|
| <u>Site:</u>  | CR (Community Retail) |
| <u>North:</u> | CR (Community Retail) |
| <u>South:</u> | MF-1(A) (Multifamily) |
| <u>East:</u>  | City of Richardson    |
| <u>West:</u>  | MF-1(A) (Multifamily) |

### **Land Use:**

The subject site is developed with a retail strip center (Spanish Village Shopping Center). The areas to the north and east are developed with retail uses; and the areas to the south, and west are developed with multifamily uses.

### **Zoning/BDA History:**

1. BDA 68-163, Property at 15635 Coit Road (a portion of the subject site)

On November 22, 1968, the Board of Adjustment granted an application for "a permit to construct a one-story masonry office building requesting setback from the property line adjacent to the MF-1 zoned district 2 feet instead of the required 20 feet which would require a variance of 18 feet." The minutes state among other things how "at the time of platting, they did not realize by dedicating an alley on this site that they would be creating a property line there and naturally would not have done that; they would have probably uses an alley easement." (Note that this granted



application on this property is most likely why the applicant with the current application has not requested variance for the “Existing 3,150 SF” structure on his submitted site plan that is located in the site yard setback between Coit Road and the proposed structure that is the focus of the current application).

**Timeline:**

- April 9, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 17, 2012: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 30, 2012: The applicant’s representative forwarded additional information beyond what was submitted with the original application (see Attachment A).
- June 5, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. No review comment sheets with comments were submitted in conjunction with this application.
- June 20, 2012: The Board of Adjustment Panel B conducted a public hearing on this application where the applicant submitted additional documentation to the board (see Attachment B). The board delayed action until their next public hearing to be held on August 15, 2012.
- July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current

Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

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

### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses constructing and maintaining an approximately 2,600 square foot retail structure, a portion of which would be located in the site's southern 20' side yard setback on a property developed with a retail strip center (Spanish Village Shopping Center).
- On June 20, 2012, the Board of Adjustment Panel B conducted a public hearing on this matter. The applicant submitted additional written documentation to the Board at the public hearing (see Attachment B). The board delayed action on this request until August 15, 2012.
- The subject site is located at the southwest corner of Arapaho Road and Coit Road. The subject site is zoned CR (Community Retail).
- The minimum side yard setback on a lot zoned CR is 20 feet where adjacent to or directly across an alley from a single family, duplex, townhouse, or multifamily zoning district; or no minimum in all other cases. The subject site directly abuts an MF-1(A) (multifamily) zoning district to the south – an area that is developed with a multifamily development.
- The applicant has submitted a site plan indicating a “proposed 2,640 SF” structure that is located 5' on from the site's southern side property line (or 15' into the required 20' side yard setback).
- The site is flat, somewhat irregular in shape, and is (according to the application) 4.236 acres (or approximately 184,000 square feet) in area. The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- According to calculations made by the Board Administrator from the submitted site plan, approximately 1,100 square feet (or about 40 percent) of the approximately 2,600 square foot proposed structure would be located in the site's southern 20' side yard setback.
- According to DCAD records, the “main improvements” for property at “15635 Coit Road” is a “free standing retail store” with 3,150 square feet built in 1969.
- The structure proposed to be located in the site's southern side yard setback would be located 3' further away from this side property line than that of an existing structure on the property varied into this setback by the Board of Adjustment in 1968 (BDA 68-163) – a request made to construct an office building in this setback that (according to minutes of this hearing) was prompted by the creation of a property line that the owner did not realize would occur when he dedicated an alley on the south side of the subject site.
- The site is flat, somewhat irregular in shape, and is 4.236 acres in area. The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.

- On May 30, 2012, the applicant's representative submitted additional information for the board's consideration beyond what was submitted with the original application (see Attachment A).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CR (Community Retail) 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 CR (Community Retail) zoning classification.
- If the Board grants the side yard variance of 15', imposing the submitted site plan as a condition, the structure encroachment into the setback would be limited to what is shown on this plan, which in this case is a portion of proposed retail structure located 5' from the site's southern side property line or 15' into this 20' side yard setback.

**BOARD OF ADJUSTMENT ACTION:    JUNE 20, 2012**

APPEARING IN FAVOR:            Robert Reeves, 900 Jackson Street, Dallas, TX

APPEARING IN OPPOSITION: No one

**MOTION #1: Leone**

I move that the Board of Adjustment, in Appeal No. **BDA 112-065**, on application of George M. Underwood, III, represented by Robert Reeves, **grant** a 15-foot variance to the side yard setback regulations because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

**SECONDED: Wilson**

**AYES: 3 – Wilson, Leone, Agnich**

**NAYS: 1 – Reynolds**

**MOTION FAILED 3 -1**

**MOTION #2: Leone**

I move that the Board of Adjustment, in Appeal No. **BDA 112-065**, on application of George M. Underwood, III, represented by Robert Reeves, **deny** the side yard setback variance **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would not result in unnecessary hardship to this applicant.

SECONDED: **Agnich**

AYES: 0 –

NAYS: 4 – Reynolds, Wilson, Leone, Agnich

MOTION FAILED 4 -0

MOTION #3: **Leone**

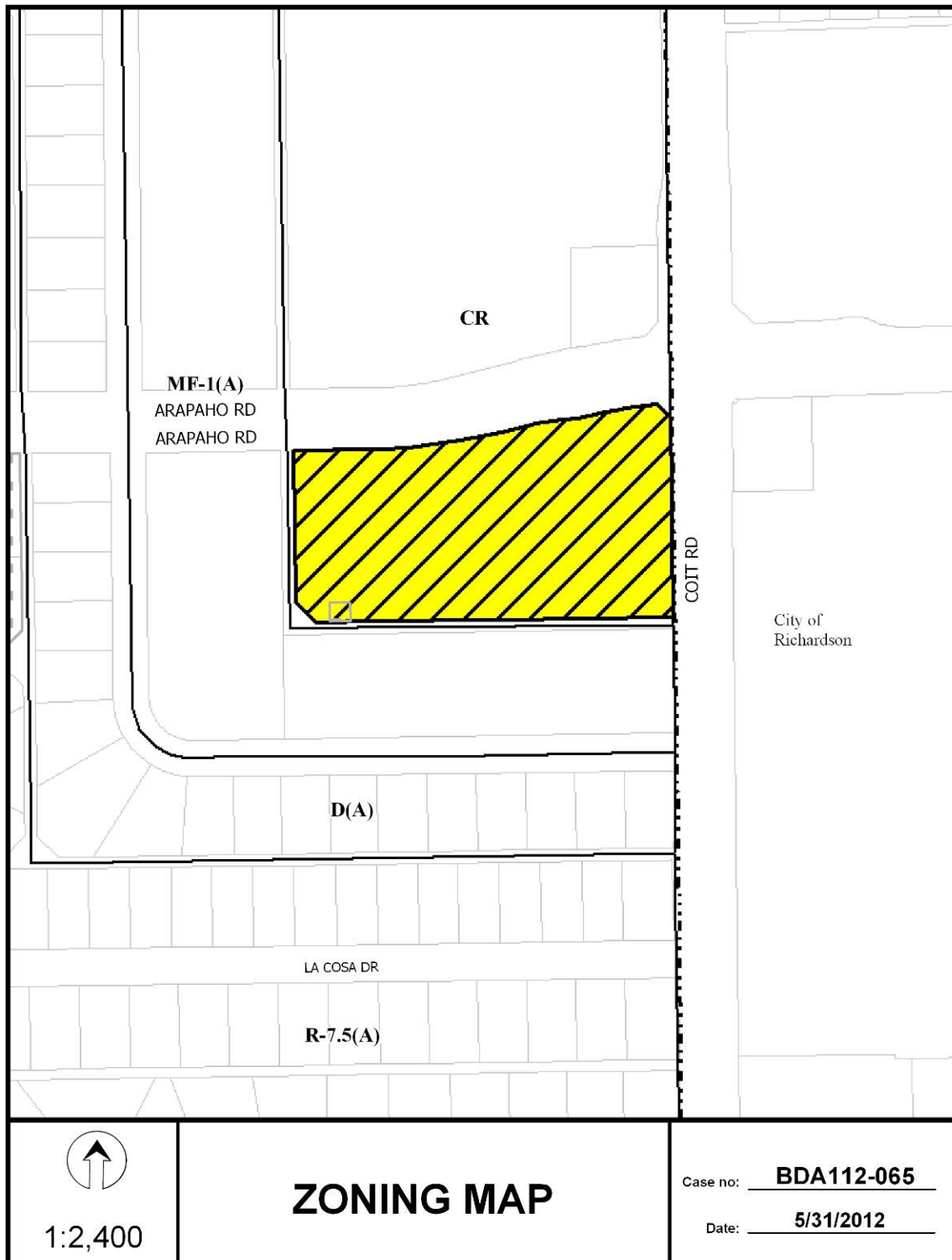
I move that the Board of Adjustment, in Appeal No. **BDA 112-065**, hold this matter under advisement until **August 15, 2012**.

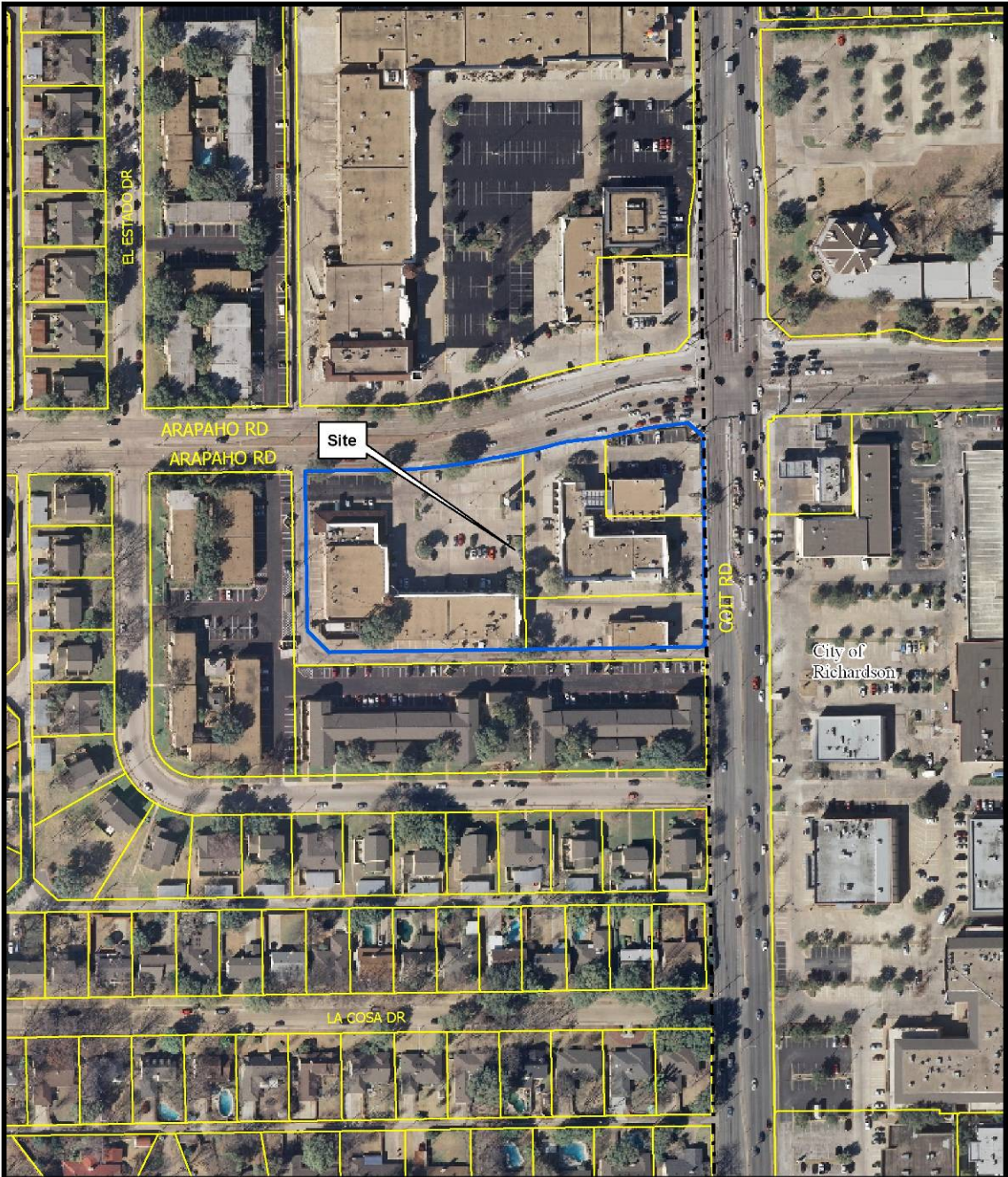
SECONDED: **Wilson**

AYES: 3 – Reynolds, Wilson, Leone, Agnich

NAYS: 0 –

MOTION PASSED 4 -0 (unanimously)





1:2,400

# AERIAL MAP

Case no: BDA112-065

Date: 5/31/2012

ROBERT REEVES  
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

May 30, 2012

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

RE: Information Package  
BDA 112-065

Dear Mr. Long:

As you know this is a request by George M. Underwood III for a 15-foot side yard variance on a portion of his existing retail center site. My client wants to build a small 2,640 square foot structure to use for retail or office uses. The owner would like to construct the structure along the southern side of the side across the alley from an apartment tract. The law requires a 20-foot side yard setback for commercial uses when it is adjacent to an apartment tract, even if the development is across the alley from the apartment use.

Background:

When the center was developed by another owner, the City of Dallas determined that only one median opening serving the site would be allowed along Coit Road. The median opening was restricted to left turn only for northbound traffic on Coit Road. The median location was set by the City in order to provide enough stacking space for two left turn lanes for traffic traveling on northbound Coit and making a left turn onto westbound Arapaho Road.

Once the median opening on Coit was established by the City, the driveway into the site was established along with the fire lane serving this portion of the site. This circulation design, which was forced by the location of the median opening, created a narrow development strip between the fire lane and the southern property line. With a 20-foot side yard setback, 18-foot head-in parking spaces off the fire lane, and four-foot sidewalks in front of the new building, only a 23-foot deep development site remained.

Therefore, the previous owner was granted a 20-foot side yard variance in 1968 in order to construct a 3,150 square foot structure located adjacent to the area of request.

The applicant is only asking for a 15-foot variance in order to save the existing three trees next to the alley and have enough space to plant additional shrubs. In addition, the applicant will plant three additional trees and landscape areas in front of the structure. None of this landscaping is required by code.

Conclusions:

The proposed one-story structure will have no impact on the adjacent apartments because the units are set back 95 feet from our new building and there is a parking lot for the apartments next to the alley.

This variance is not contrary to the public interest because of the special conditions caused by the location of the median and driveway/fire lane location, which would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

The 15-foot side yard variance is necessary to permit development of this parcel of land because it differs from other parcels of land by being of such a restrictive area, shape, or slop that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

The variance is 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.

If you have any questions please let me know and I have provide you enough colored exhibits to use at the staff meeting and place in the board docket.

Sincerely:



Robert Reeves, President  
Robert Reeves & Associates, Inc.



AREA OF REQUEST

APARTMENTS

EXISTING TREES TO REMAIN (3)

APARTMENTS

20' side yard variance approved BDA 68-163

APARTMENTS

EXISTING DEDICATED

METRO CLEANERS SUITE 204  
AVAILABLE SUITE 200

9 STANDARD

HC

PROPOSED 2,640 SF

5' setback

8 STANDARD

2 STANDARD

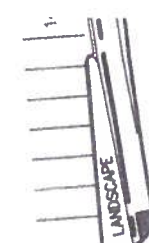
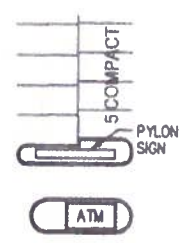
70' EXISTING 3,150 SF

3 STD

HC

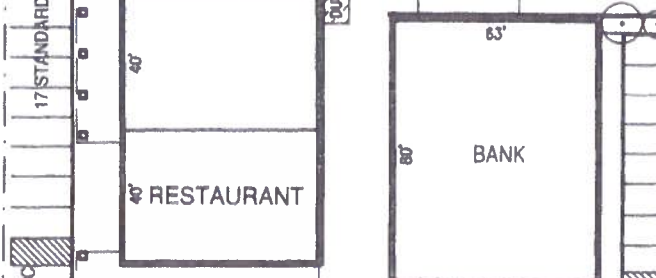
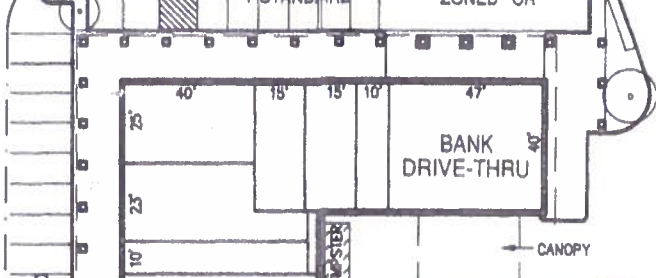
6 STANDARD

COVERED



FIRE LANE

7 STANDARD ZONED CR



10 STANDARD 7 COMPACT

FIRE LANE

ZONED CR

ARAPAHO ROAD

RIGHT TURN LANE  
EAST BOUND LANE  
EAST BOUND LANE  
EAST BOUND LANE  
LEFT TURN LANE  
LEFT TURN LANE

SOUTH BOUND LANE  
SOUTH BOUND LANE  
SOUTH BOUND LANE

LEFT TURN LANE  
LEFT TURN LANE  
NORTH BOUND LANE  
NORTH BOUND LANE  
NORTH BOUND LANE  
RIGHT TURN LANE

BDA 112-065  
Attach A  
Pg 3

EXISTING TRAFFIC



Driveway established by location of median opening

Median Opening Approved by City

COIT ROAD

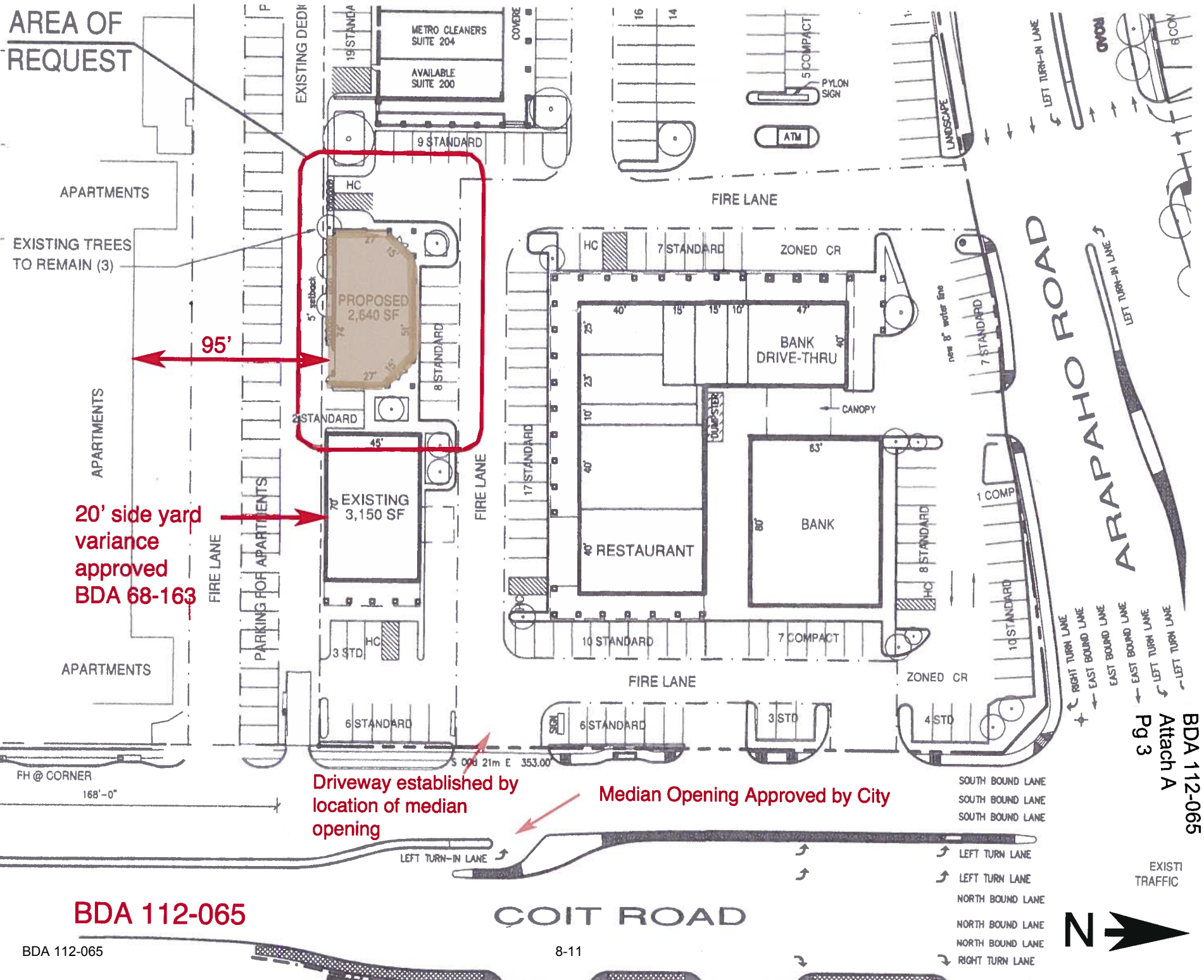
BDA 112-065

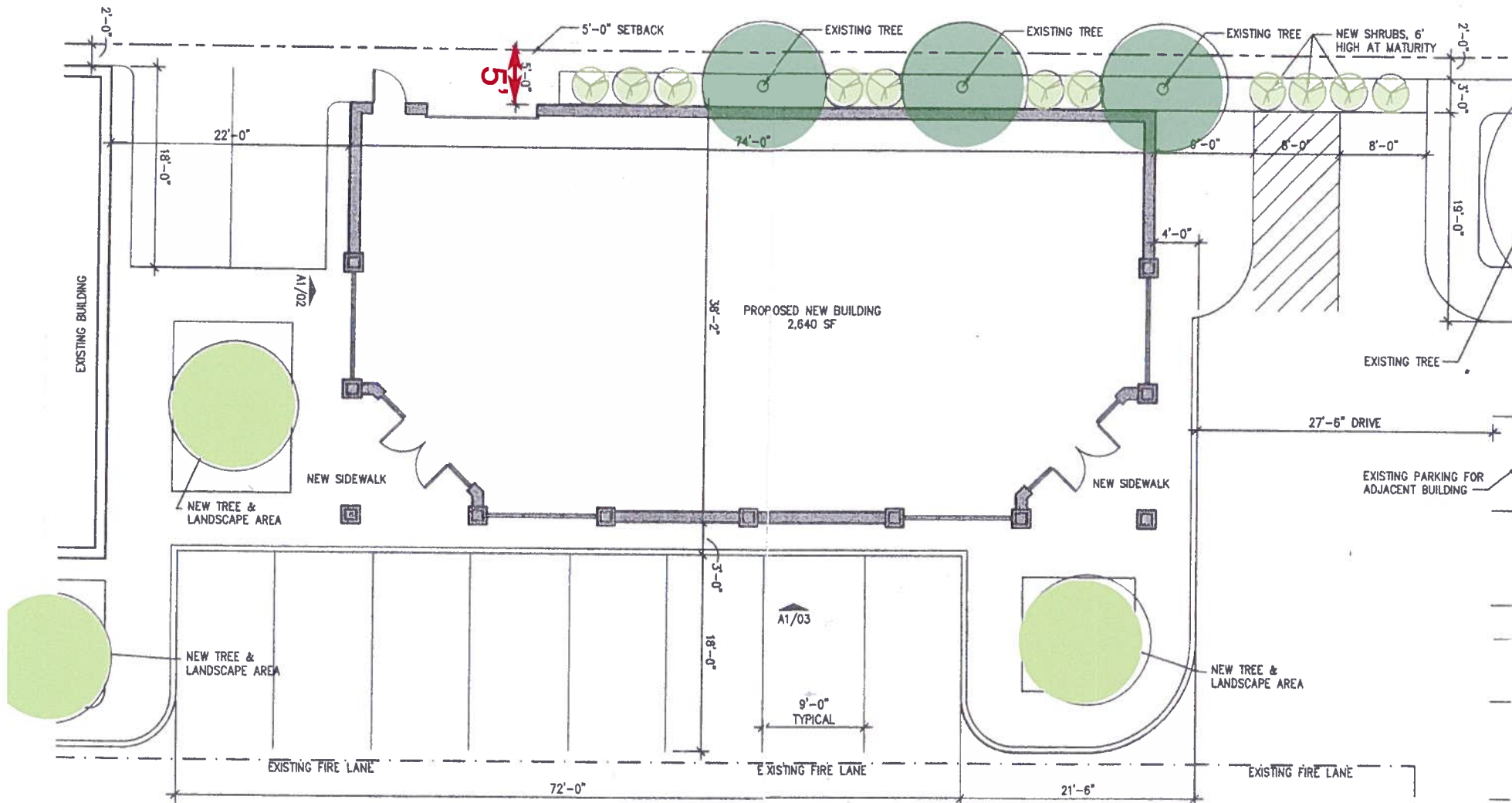
BDA 112-065

8-11

FH @ CORNER  
168'-0"

S 00d 21m E 353.00'





- Existing Trees to Remain
- New Trees and Shrubs

04 FLOOR PLAN  
SCALE: 1/8" = 1'-0"



**BDA 112-065**

**Proposed New Building**

BDA 112-065  
Attach A  
Pg 4



BDA 112-065

New building to be located in this area



BDA 112-065





<http://maps.dallascityhall.com>

**BDA 112-065**



**City of Dallas**  
1500 Marilla Street  
Dallas, Texas 75201

**DISCLAIMER** - The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

8-16



BDA 112-065

*Submitted by the applicant at the 6-20-12 hearing*

*PS1*

*ATTORNEY B*

*BDA112-065*

AREA OF REQUEST

APARTMENTS

EXISTING TREES TO REMAIN (3)

APARTMENTS

20' side yard variance approved BDA 68-163

APARTMENTS

FH @ CORNER

168'-0"

BDA 112-065

BDA 112-065

EXISTING DECI

19 STAIR

METRO CLEANERS SUITE 204

AVAILABLE SUITE 200

COVE

9 STANDARD

5 COMPACT

PYLON SIGN

ATM

LANDSCAPE

LEFT TURN-IN LANE

RIGHT TURN-IN LANE

6 CC

APARTMENTS

EXISTING TREES TO REMAIN (3)

95'

5' setback

PROPOSED 2,640 SF

8 STANDARD

FIRE LANE

HC

7 STANDARD

ZONED CR

BANK DRIVE-THRU

new 8" water line

7 STANDARD

Property Line

2 STANDARD

45'

FIRE LANE

EXISTING 3,150 SF

17 STANDARD

40'

10'

40'

63'

BANK

80'

RESTAURANT

HC

8 STANDARD

1 COMP

ARAPAHO ROAD

LEFT TURN-IN LANE

Property Line

Alley

61'

FIRE LANE

6 STANDARD

6 STANDARD

3 STD

4 STD

FIRE LANE

ZONED CR

Driveway established by location of median opening

Median Opening Approved by City

LEFT TURN-IN LANE

SOUTH BOUND LANE  
SOUTH BOUND LANE  
SOUTH BOUND LANE

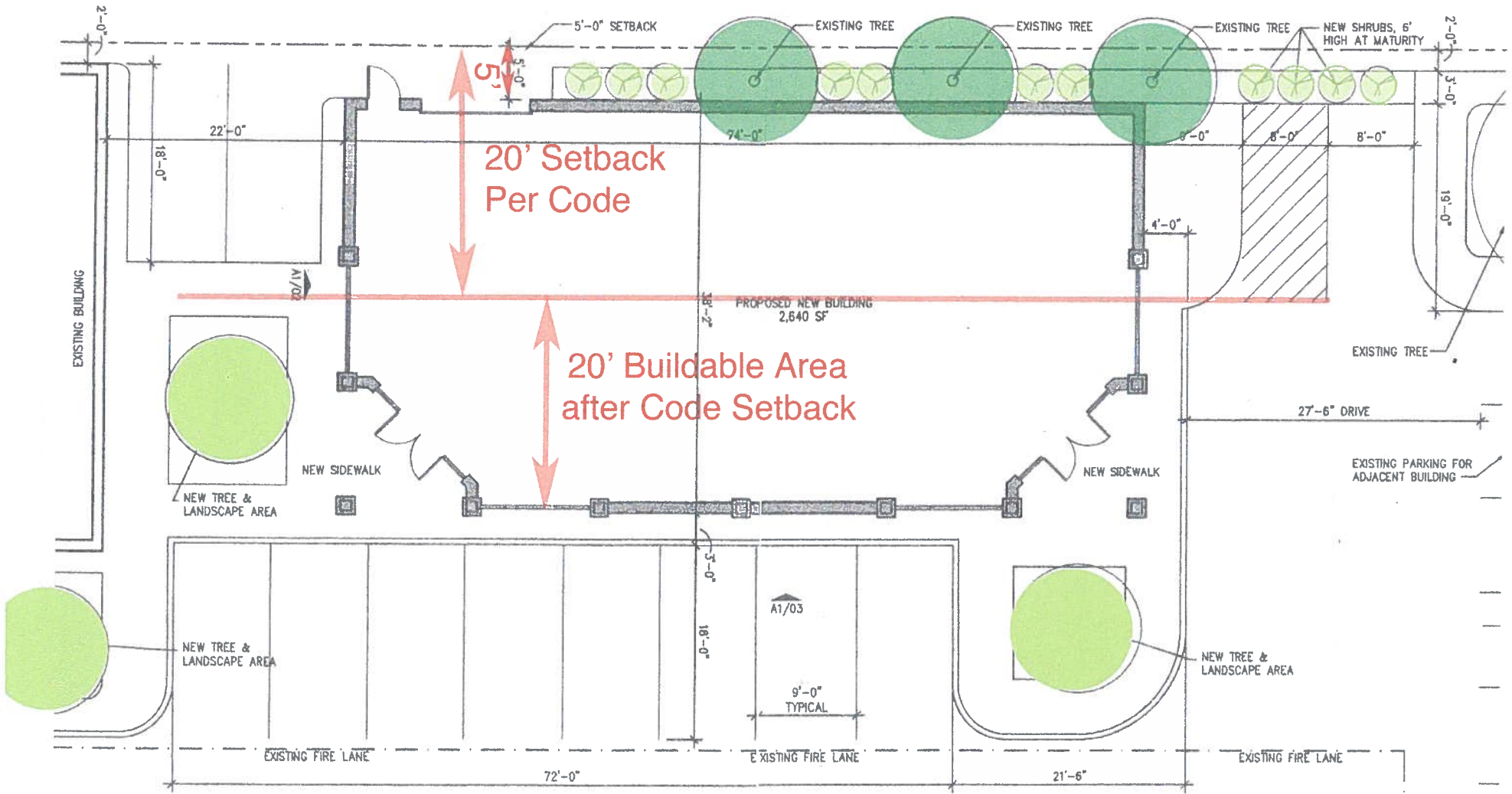
LEFT TURN LANE  
LEFT TURN LANE  
NORTH BOUND LANE  
NORTH BOUND LANE  
NORTH BOUND LANE  
RIGHT TURN LANE

COIT ROAD

8-17



BDA 112-065  
Arlin B  
Pg 2  
EXIST TRAFFIC



- Existing Trees to Remain
- New Trees and Shrubs

04 FLOOR PLAN  
SCALE: 1/8" = 1'-0"



**BDA 112-065**  
BDA 112-065

**Proposed New Building**  
8-18

BDA 112-065  
 Attach B  
 Pgs 3





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-065

Data Relative to Subject Property:

Date: April 9, 2012

Location address: 15635 Coit Road, Dallas, Tx 75248 Zoning District: CR  
Pt. Tract C

Lot No.: \_\_\_\_\_ Block No.: 35/8196 Acreage: 4.236 Census Tract: 136.07

Street Frontage (in Feet): 1) 75' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ **NE 4R**

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): George M. Underwood, III

Applicant: George M. Underwood, III Telephone: 972 661-5280

Mailing Address: 15615 Coit Road, Suite 109, Dallas, Tx Zip Code: 75248

E-mail Address: \_\_\_\_\_

Represented by: Robert Reeves, Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, TX Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance X, or Special Exception   , of 15 feet to side yard setback of 20 feet

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The site can not be developed with retail/office uses with parking in front because of the location of the driveway/fire lane, which was established by the location of the median opening on Coit Road

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 \_\_\_\_\_  
(Affiant/Applicant's signature)

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

Respectfully submitted: \_\_\_\_\_  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23<sup>RD</sup> day of APRIL 2012



M. Stephanie Stevenson Grund  
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

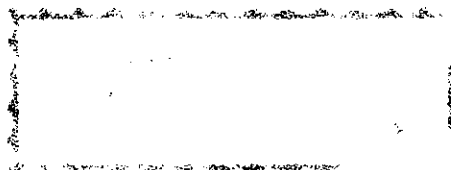
**Building Official's Report**

I hereby certify that George M. Underwood III  
represented by ROBERT REEVES  
did submit a request for a variance to the side yard setback regulation  
at 15635 Coit Road

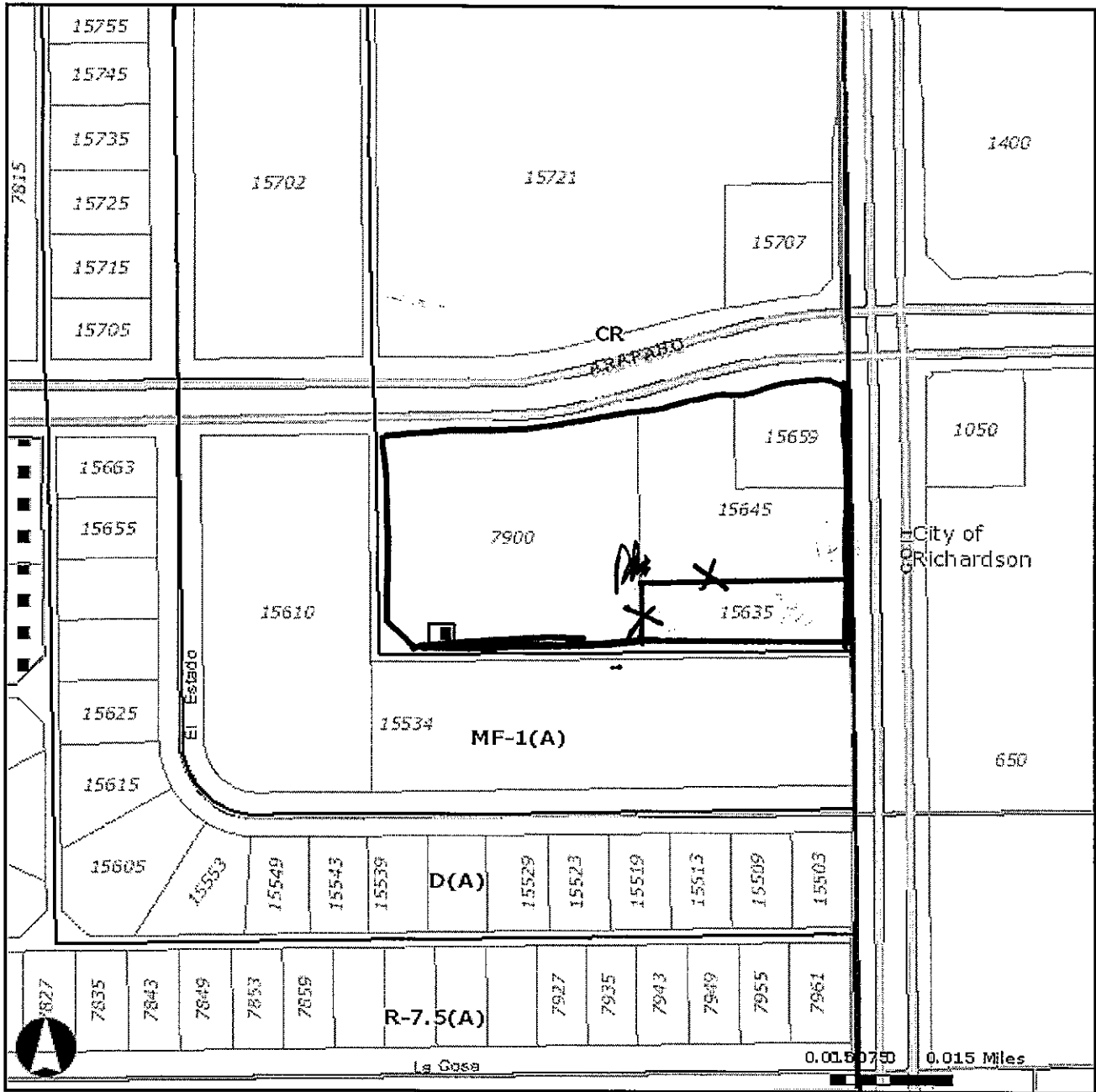
BDA112-065. Application of George M. Underwood III represented by Robert Reeves for variance to the side yard setback regulation at 15635 Coit Road. This property is more full described as a part of tract C, a 4.236 acre tract in city block 35/8196 and is zoned CR, which requires a side yard setback of 20 feet where there is residential adjacency for new construction. The applicant proposes to construct and maintain a nonresidential structure and provide a 5 foot side yard setback, which will require a 15 foot variance to the side yard setback regulation.

Sincerely,

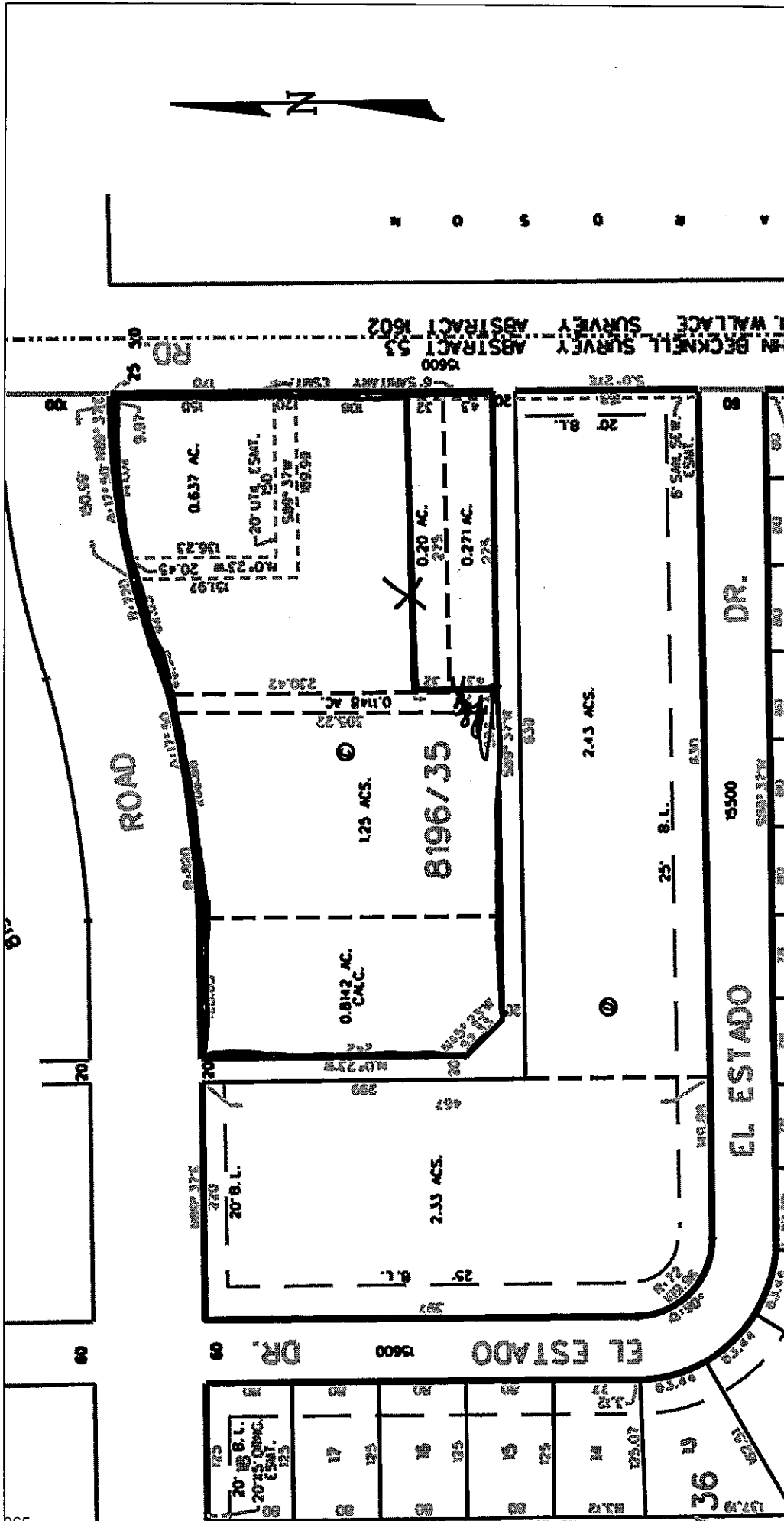
  
Lloyd Denman, Building Official



# City of Dallas Zoning



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



WALLACE SURVEY ABSTRACT 53  
 BECKELL SURVEY ABSTRACT 53  
 WALLACE SURVEY ABSTRACT 1602



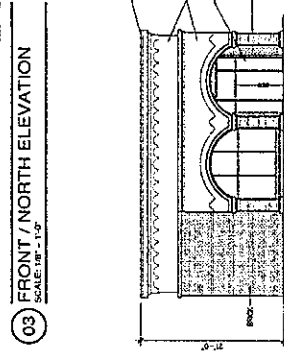
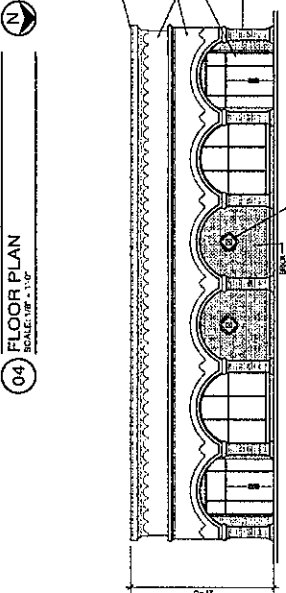
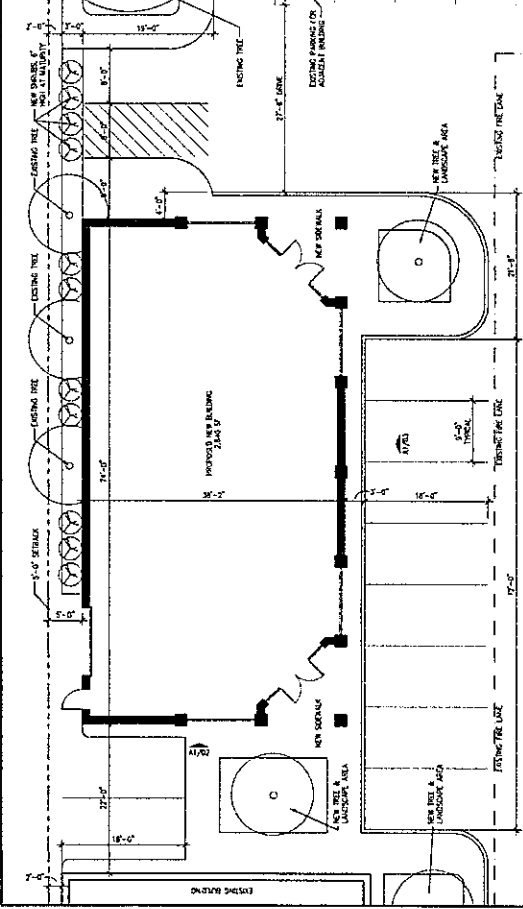
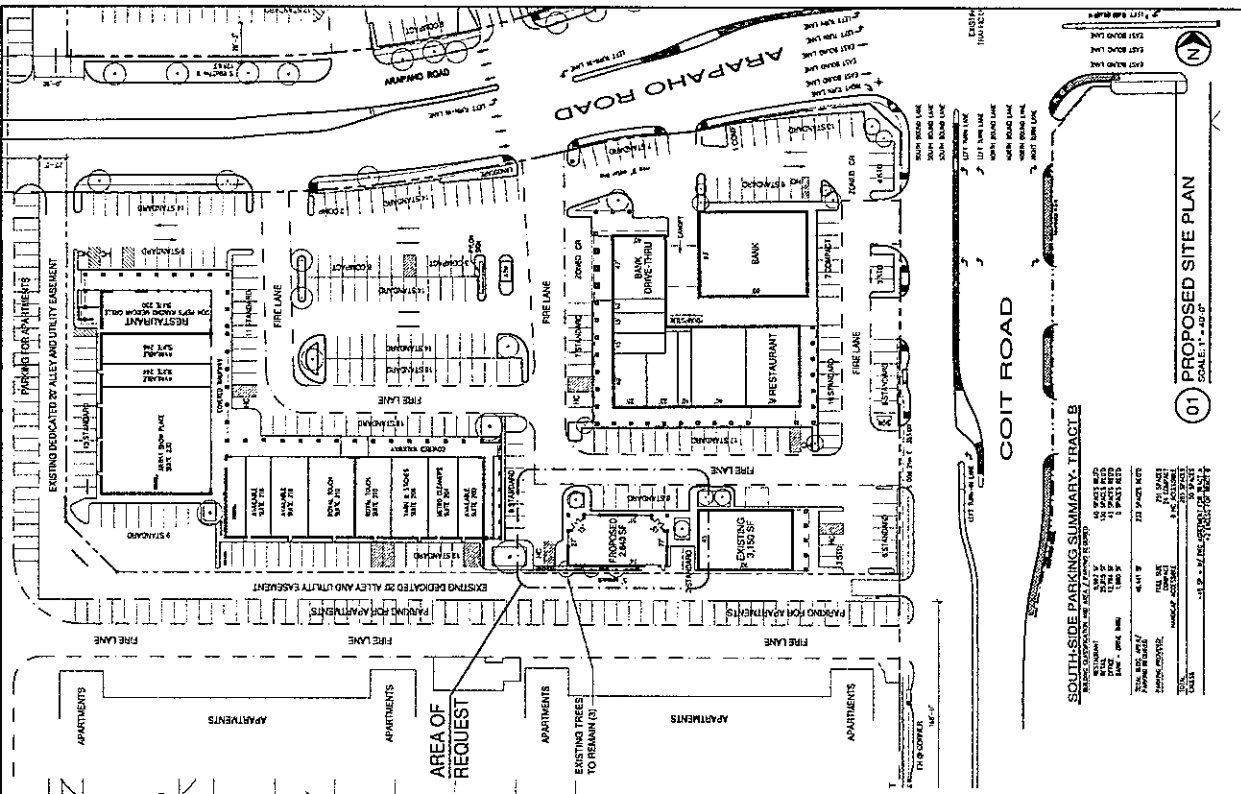
PROJECT: 15615 COIT ROAD  
 15615 COIT ROAD, SUITE 200  
 DALLAS, TEXAS 75244

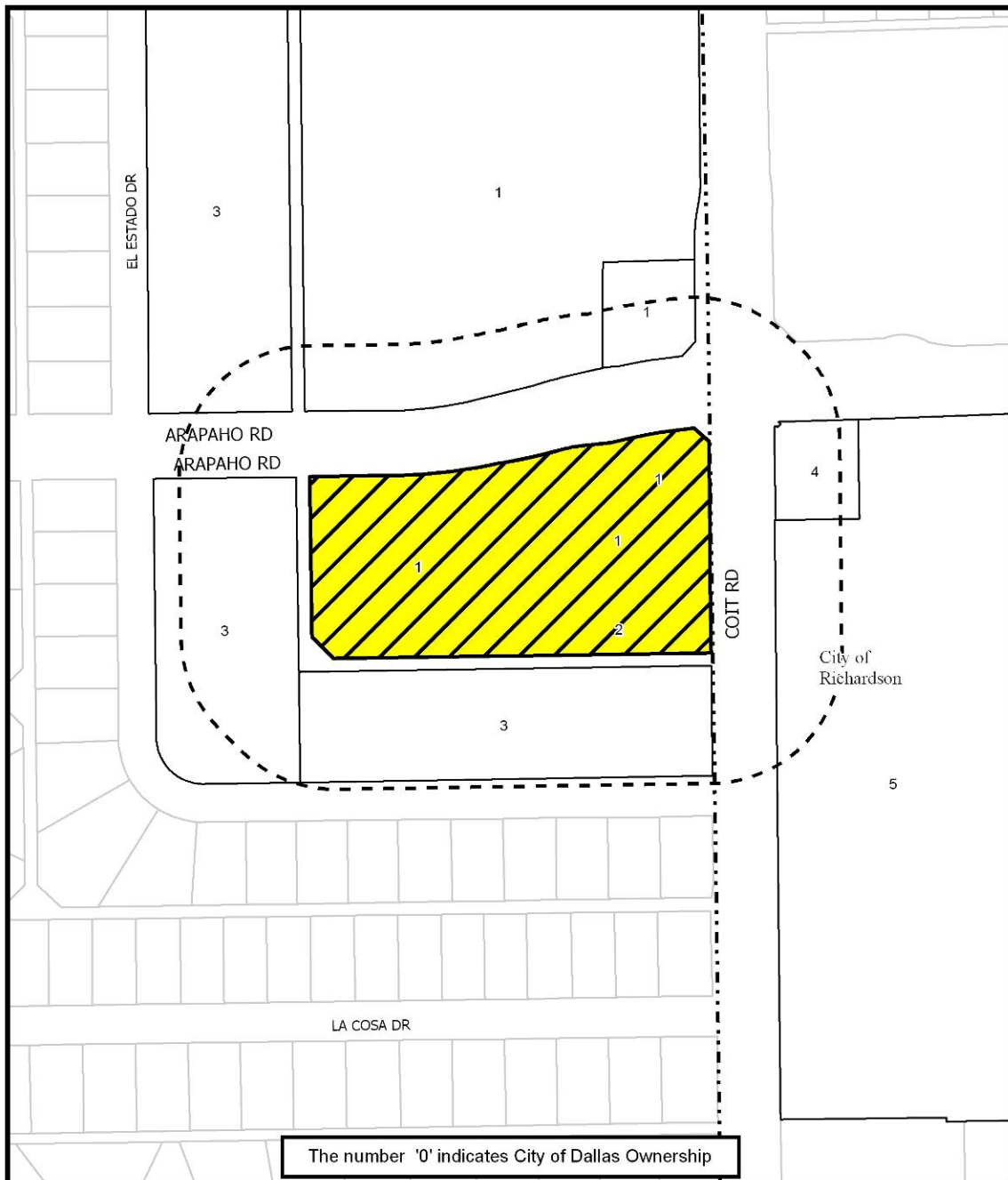
DATE: 11/20/14  
 ARCHITECT: RASWELL ARCHITECTS, INC.  
 203-618-6186  
 1400 W. CAMPBELL AVENUE, SUITE 200  
 DALLAS, TEXAS 75201

PROPOSED SITE

PROJECT NO. 1123-E  
 SHEET NO. 01

AI





|  |  |      |                      |   |                                    |  |
|--|--|------|----------------------|---|------------------------------------|--|
| <br>1:2,400 | <h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">5</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 5 | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <u>BDA112-065</u><br>Date: <u>5/31/2012</u> |
| 200'   | AREA OF NOTIFICATION   |      |                      |   |                                    |  |
| 5  | NUMBER OF PROPERTY OWNERS NOTIFIED   |      |                      |   |                                    |  |

# *Notification List of Property Owners*

*BDA112-065*

## *5 Property Owners Notified*

| <i>Label #</i> | <i>Address</i>     | <i>Owner</i>                    |
|----------------|--------------------|---------------------------------|
| 1              | 15721 COIT RD      | UNDERWOOD GEORGE M III          |
| 2              | 15635 COIT RD      | UNDERWOOD GEORGE III            |
| 3              | 15702 EL ESTADO DR | BGWP SPANISH VILLAGE LP STE 200 |
| 4              | 1050 COIT RD       | PRO MOBIL INC                   |
| 5              | 650 COIT RD        | HARTMAN PROMENADE LLC           |