

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, AUGUST 21, 2013
AGENDA

BRIEFING	ROOM L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	10:30 A.M.
PUBLIC HEARING	ROOM L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, June 19, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-069	6602 Avalon Avenue REQUEST: Application of John Taylor White, Jr. for a variance to the front yard setback regulations	1
BDA 123-070	11123 W. Ricks Circle REQUEST: Application of Miles L. Mitzner for variances to the front and side yard setback regulations, and a variance to the off-street parking regulations	2
BDA 123-074	1505 Acapulco Drive REQUEST: Application of Richard Bonner for a special exception to the visual obstruction regulations	3
BDA 123-078	5431 Lobello Drive REQUEST: Application of Holly Trester, represented by Melissa Saunders, for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter	4

REGULAR CASES

BDA 123-077	627 N. Clinton Avenue REQUEST: Application of Rudy Diaz for a variance to the front yard setback regulations	5
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BDA 123-081

2912 Maple Avenue

REQUEST: Application of Karl A. Crawley for a variance to the off-street parking regulations and a special exception to the landscape regulations

6

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B June 19, 2013 public hearing minutes.

FILE NUMBER: BDA 123-069

BUILDING OFFICIAL'S REPORT: Application of John Taylor White, Jr. for a variance to the front yard setback regulations at 6602 Avalon Avenue. This property is more fully described as part of Lot 2, Block L/2797 and is zoned CD-2 (Tract 3), which requires a front yard setback of 60 feet. The applicant proposes to construct and maintain a structure and provide a 52 foot front yard setback, which will require an 8 foot variance to the front yard setback regulations.

LOCATION: 6602 Avalon Avenue

APPLICANT: John Taylor White, Jr

REQUEST:

A variance to the front yard setback regulations of 8' is made in conjunction with constructing and maintaining a 2nd floor addition to an existing two-story home, part of which would be located in the site's 60' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The lot's restrictive area with a depth ranging from 115' – 125' precludes its development in a manner commensurate with other developments found on similarly-zoned CD 2 (Tract 3) lots. The submitted plat maps shows that the subject site is the shallowest of all lots in the 6600 block of Avalon Avenue. The lot depth increases from the subject site to where the property seven lots eastward is 178' in depth.

BACKGROUND INFORMATION:

Zoning:

Site: CD 2 (Tract III) (Conservation District)
North: CD 2 (Tract III) (Conservation District)
South: CD 2 (Tract III) (Conservation District)
East: CD 2 (Tract III) (Conservation District)
West: CD 2 (Tract III) (Conservation District)

Land Use:

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

Zoning/BDA History:

1. BDA 078-013, 6602 Avalon Avenue, the subject site

On February 13, 2008, the Board of Adjustment Panel B granted requests for variances to the front yard setback regulations of 37' and to the side yard setback regulations of 6'. The board imposed the following condition with these requests: compliance with the submitted site plan is required. The case report stated that the requests were made in conjunction with adding 2nd floor master bathroom/closet/exercise room atop an approximately 560 square foot garage/single family home "varied" by the Board of Adjustment in 2005.

2. BDA 056-021, 6602 Avalon Avenue, the subject site

On November 16, 2005, the Board of Adjustment Panel B granted requests for variances to the front yard setback regulations of 37' and to the side yard setback regulations of 6'. The board imposed the following conditions with these requests: compliance with the submitted site plan is required. The case report stated that the

requests were made to construct and maintain an approximately 560 square foot garage on an existing single family home.

Timeline:

May 19, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 3, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

July 5, 2013: 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 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 6, 2013: 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 Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

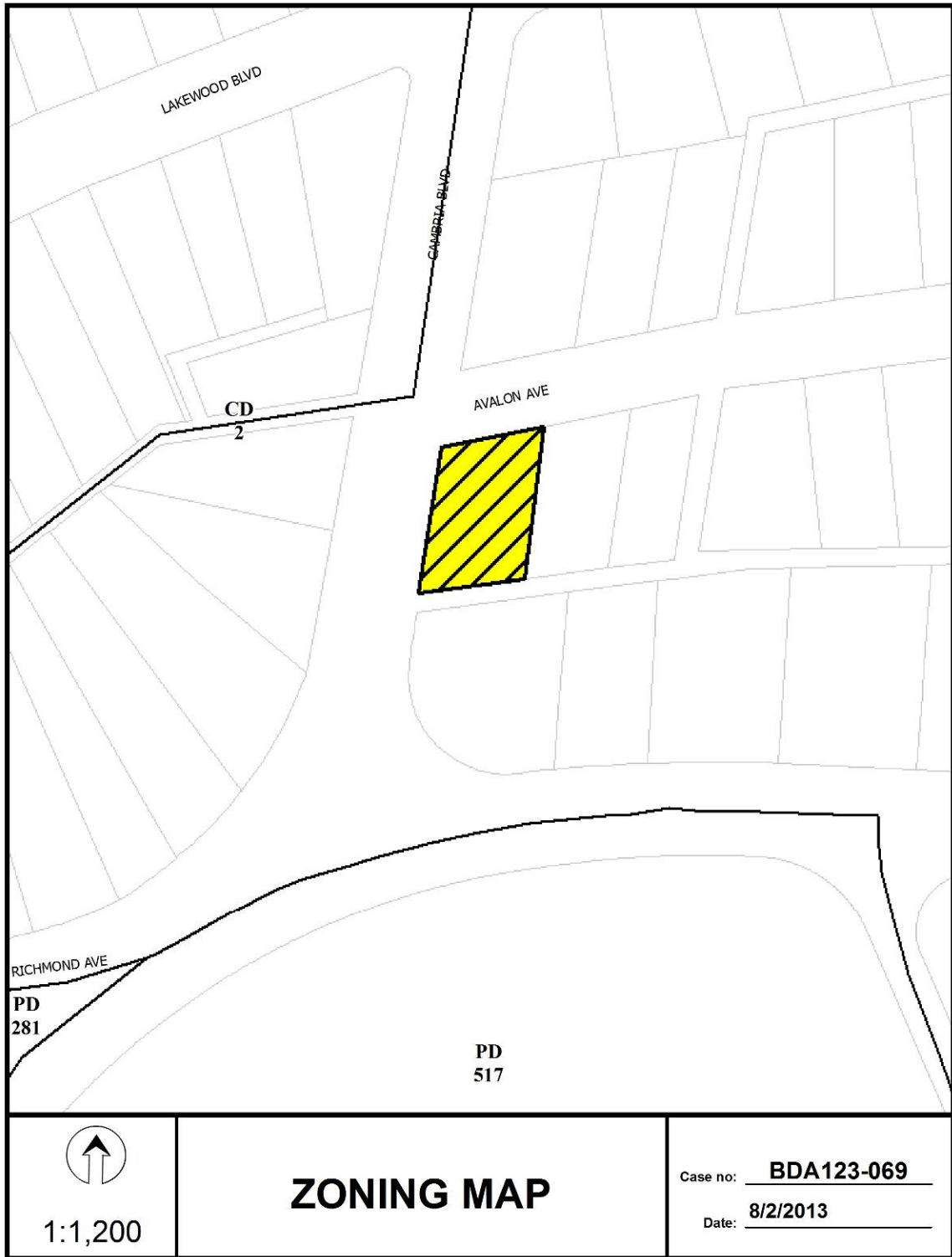
GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 2nd floor addition to an existing single family home that appears to be nonconforming as to the front yard setback regulations because that (according to DCAD) it was built in 1941. The

proposed 2nd floor addition is to be added atop a portion of the existing nonconforming single family home structure that is located in the 60' front yard setback established in 1988.

- The subject site is located at the southeast corner of Avalon Avenue and Cambria Boulevard. Regardless of how the existing single-family structure is oriented, the subject site has only one 60' front yard setback along Avalon Avenue Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The subject site has a 6' side yard setback on the east side of the site; a 6' side yard setback along the west (or Cambria Boulevard) side of the site since there is no continuity of an established front yard setback to be maintained south of the site since the lot immediately to the south fronts southward to Gaston Avenue, and a 6' rear yard setback on the south side of the site.
- Structures on lots zoned CD 2 (Tract III) are required to provide a minimum rear yard setback of 6'.
- A site plan has been submitted denoting a portion of the existing structure and proposed addition located in the 60' front yard setback. The site plan indicates that the proposed addition is located 52' away the front property line or 8' into the 60' front yard setback.
- The applicant has chosen to only seek variance to the front yard setback regulations for the new construction/addition to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site's front yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- According to DCAD records, the "main improvements" at 6602 Avalon Avenue is a structure built in 1941 with 3,280 square feet of living area and 3,840 square feet of total area. According to DCAD records, the "additional improvements" at 6602 Avalon Avenue is a 560 square foot attached garage and a 560 square foot room addition.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- It appears from calculations taken from the submitted site plan by the Board Administrator that approximately 60 square feet (or approximately 18 percent) of the approximately 325 square foot 2nd floor addition building footprint is to be located in the site's 60' front yard setback.
- The subject site is zoned CD No. 2, is flat, irregular in shape (approximately 82' on the north, approximately 76' on the south, approximately 125' on the east, and approximately 115' on the west), and according to the application is 0.205 acres (or approximately 8,900 square feet) in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 2 zoning classification.
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 2 zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a structure to be located 52' from the site's front property line (or 8' into the 60' front yard setback).

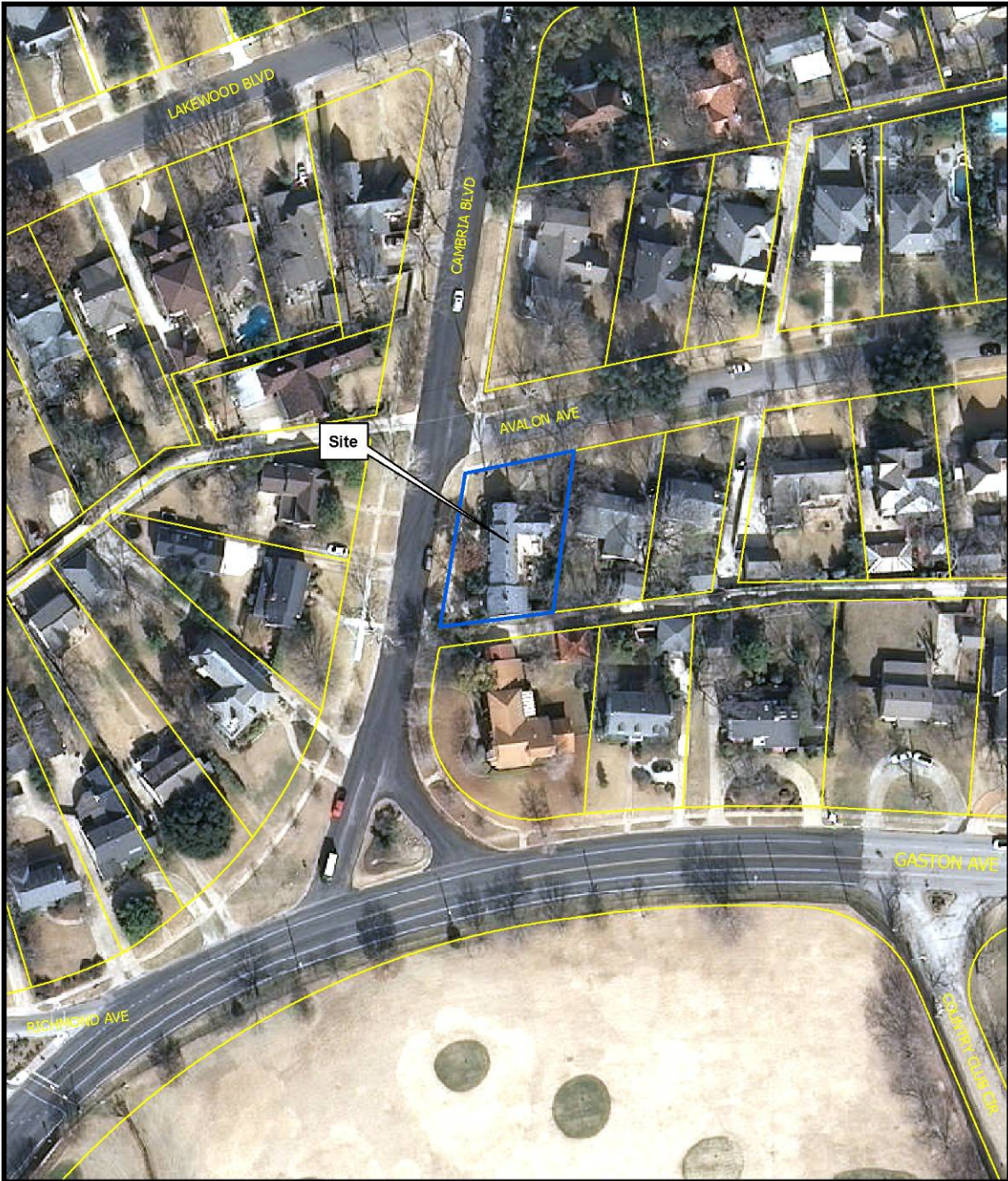


1:1,200

ZONING MAP

Case no: BDA123-069

Date: 8/2/2013



1:1,200

AERIAL MAP

Case no: BDA123-069

Date: 8/2/2013



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-069

Data Relative to Subject Property:

Date: 5-19-13

Location address: 6602 Avalon Ave, Dallas Zoning District: CD-2 (Tr 3)

Lot No.: Part of 2 Block No.: 4/2797 Acreage: 0.205 Census Tract: 1.00

Street Frontage (in Feet): 1) 82' 2) 115' 3) 4) 5) SE 5B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): John Taylor White Jr. + Lindsay H. White

Applicant: John Taylor White, Jr. Telephone: 214-762-8423

Mailing Address: 6602 Avalon Ave., Dallas TX Zip Code: 75214

E-mail Address: lindsayhwhite@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance or Special Exception of front yard setback of 8 feet variance

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

Literal enforcement of the 60 foot Setback results in a hardship due to shape + size of lot in comparison to every other lot in CD-2. Our lot, by far, has the shortest street frontage.

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 Taylor White (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 30 day of May 2013



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

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

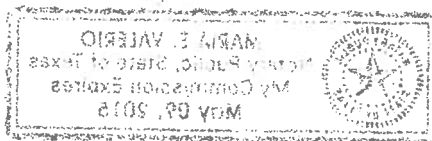
I hereby certify that John Taylor White, Jr.

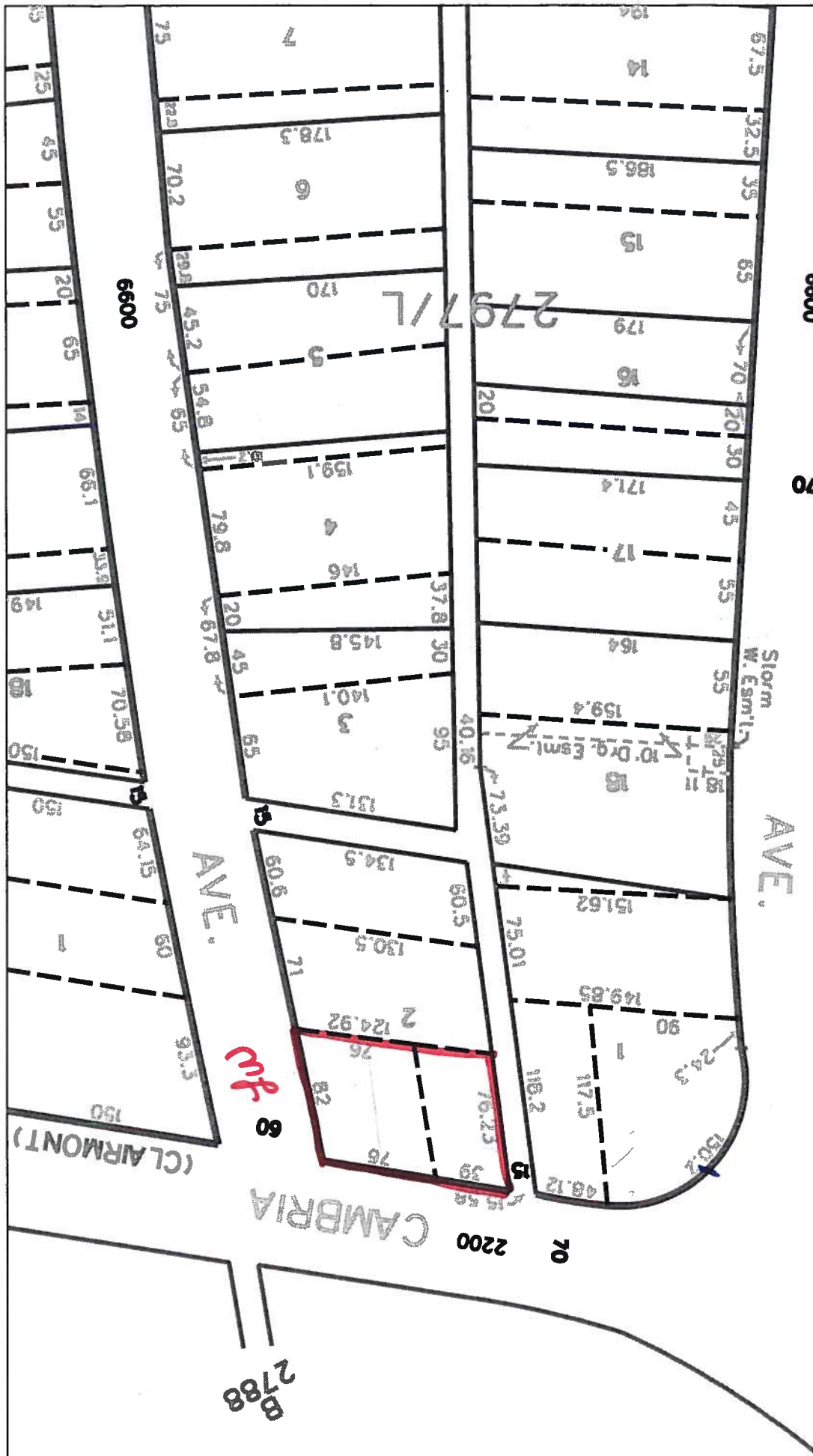
did submit a request for a variance to the front yard setback regulations
at 6602 Avalon Avenue

BDA123-069. Application of John Taylor White, Jr. for a variance to the front yard setback regulations at 6602 Avalon Avenue. This property is more fully described as part of Lot 2, Block L/2797 and is zoned CD-2 (Tract 3), which requires a front yard setback of 60 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 52 foot front yard setback, which will require an 8 foot variance to the front yard setback regulation.

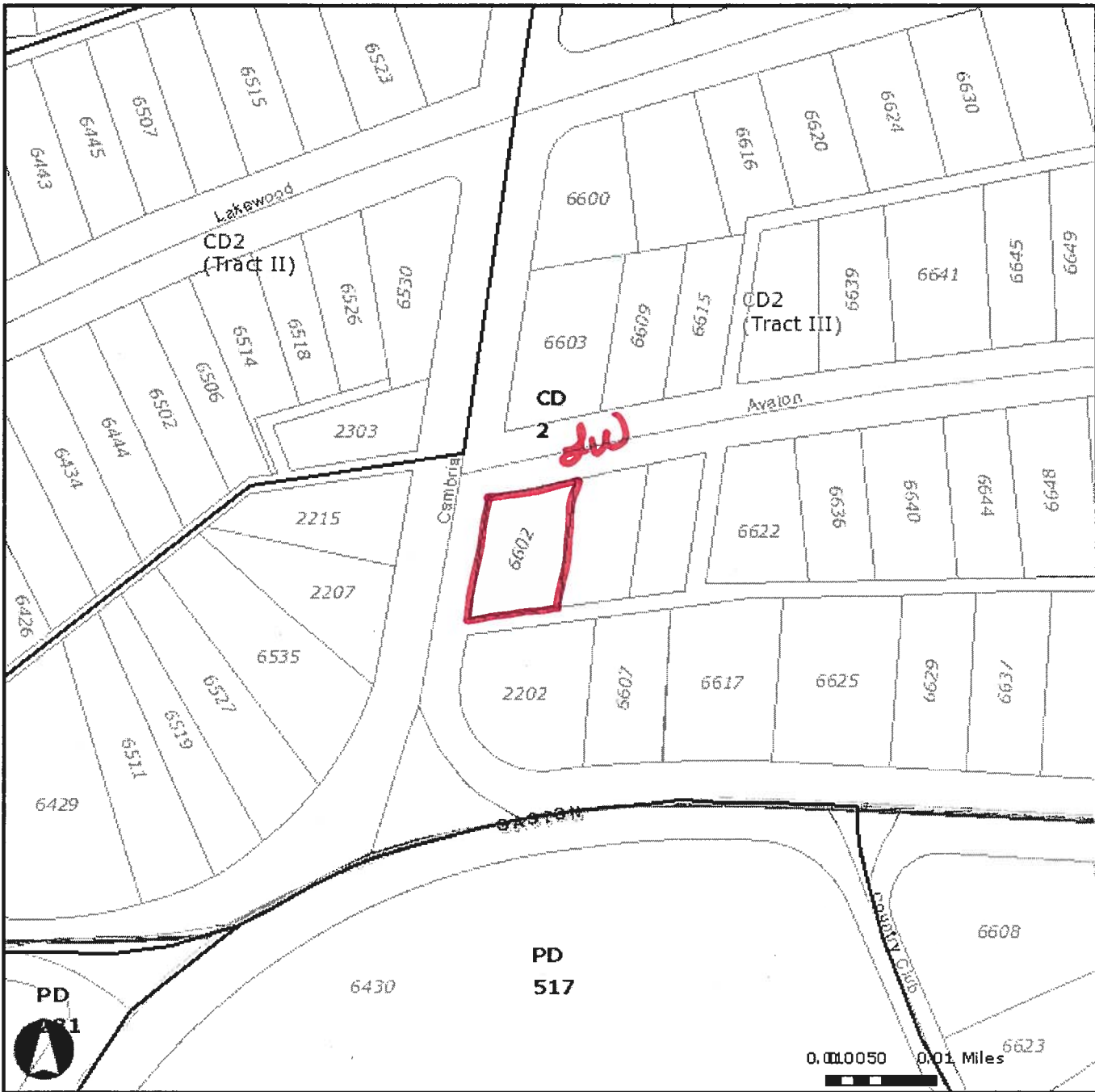
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





City of Dallas Zoning



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

BDA 123-069

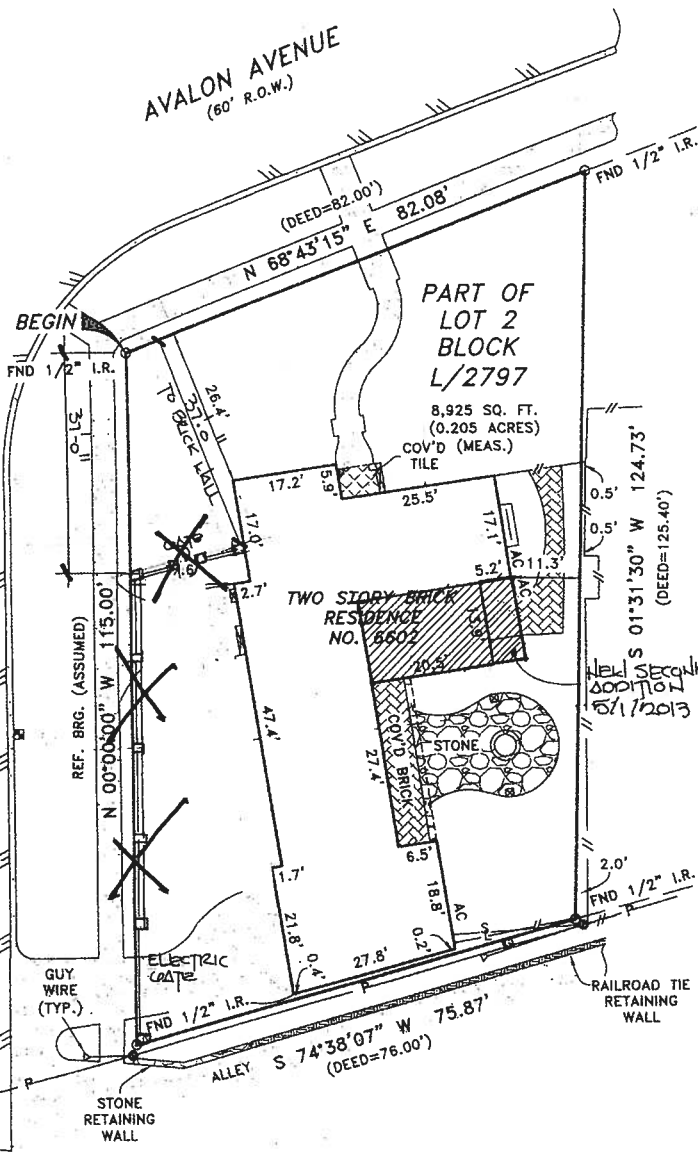
- Dry Overlay
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

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

'SURVEY PLAT'

AVALON AVENUE
(60' R.O.W.)

CAMBRIA BOULEVARD
(70' R.O.W.)



PART OF LOT 2 BLOCK L/2797
8,925 SQ. FT. (0.205 ACRES)
COV'D (MEAS.) TILE

REMAINDER OF LOT 2

KENNETH JAY RUBENSTEIN & LISA J. RUBENSTEIN
VOLUME 98081, PAGE 2198
D.R.D.C.T.

NEW SECOND FLOOR ADDITION 8/1/2013

PROPERTY DESCRIPTION:

BEING A PART OF LOT 2 IN BLOCK L/2797 OF THE FIRST INSTALLMENT OF COUNTRY CLUB ESTATES, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2, PAGE 262, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND BEING A RESURVEY OF A TRACT OF LAND DESCRIBED IN A DEED TO STEPHEN W. JOHNSON AND WIFE, LISA JOHNSON, OF RECORD IN VOLUME 2004002, PAGE 5219, DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR CORNER AT THE INTERSECTION OF THE SOUTHEAST RIGHT-OF-WAY LINE OF AVALON AVENUE (60' RIGHT-OF-WAY) WITH THE EAST RIGHT-OF-WAY LINE OF CAMBRIA BOULEVARD (70' RIGHT-OF-WAY) AT THE NORTHWEST CORNER OF SAID LOT 2;

THENCE NORTH 68°43'15" EAST ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID AVALON AVENUE, A DISTANCE OF 82.08 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE NORTHEAST CORNER OF SAID JOHNSON TRACT, COMMON TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO KENNETH JAY RUBENSTEIN AND WIFE, LISA J. RUBENSTEIN, OF RECORD IN VOLUME 98081, PAGE 2198, DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE SOUTH 01°31'30" WEST ALONG THE COMMON LINE OF SAID JOHNSON AND RUBENSTEIN TRACTS, A DISTANCE OF 124.73 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE COMMON SOUTH CORNER THEREOF AND BEING IN THE NORTHWESTERLY LINE OF A 15 FOOT ALLEY RIGHT-OF-WAY;

THENCE SOUTH 74°38'07" WEST ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID ALLEY AND THE SOUTH LINE OF SAID JOHNSON TRACT, A DISTANCE OF 75.87 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORNER THEREOF AND BEING IN THE EAST RIGHT-OF-WAY LINE OF SAID CAMBRIA BOULEVARD;

THENCE NORTH 00°00'00" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CAMBRIA BOULEVARD, A DISTANCE OF 115.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 8,925 SQUARE FEET OR 0.205 ACRES OF LAND.

NOTES:

- 1) ALL "DEED" BEARINGS AND DISTANCE SHOWN HEREON ARE PER DEED RECORDED IN VOLUME 2004002, PAGE 5219, DEED RECORDS OF DALLAS COUNTY, TEXAS.
- 2) (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.'S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.
- 3) THE PROPERTY SHOWN HEREON IS SUBJECT TO THE CITY OF DALLAS ORDINANCE NO. 200009, RECORDED IN VOLUME 90084, PAGE 2669, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS.
- 4) THE PROPERTY SHOWN HEREON APPEARS TO BE SUBJECT TO THE EASEMENT RECORDED IN VOLUME 989, PAGE 274, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS.



FLOOD STATEMENT:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480171 0355J, DATED 08/23/2001, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SURVEY EXAMINED AND ACCEPTED BY PURCHASERS:

CERTIFIED TO: REPUBLIC TITLE BUYER: WHITE DATE: 12/06/2012 GF#: 1011-35879-RTT TECH: BM DRAFTER: HLH JOB NO.: 12-12-015

SYMBOL LEGEND	FND = FOUND I.R. = IRON ROD I.P. = IRON PIPE ESMT. = EASEMENT B.L. = BUILDING LINE R.O.W. = RIGHT-OF-WAY
WOOD FENCE	I, JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY ME ON THE GROUND SURVEY UNDER MY SUPERVISION. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PERFORMED IN CONNECTION WITH TITLE COMMITMENT OF NO. 1011-35879-RTT PROVIDED BY REPUBLIC TITLE REFLECTING ONLY THE EASEMENT(S) LISTED IN SCHEDULE "B" OF SAID COMMITMENT. USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. THIS SURVEY IS NOT VALID WITHOUT A RED SEAL AND SIGNATURE.
CHAIN LINK FENCE	
WIRE FENCE	
WEIGHTED IRON FENCE COLUMN	
POWER POLE	
WATER METER	
POWERLINE	
OVERHEAD SERVICE LINE TRANSFORMER AND PAD	
GIS METER	
ASPHALT SURFACE	
CONCRETE	

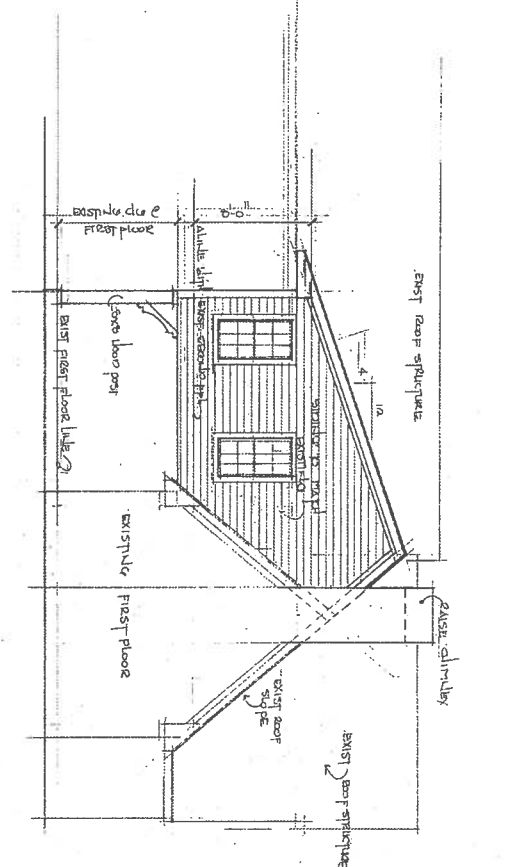


Global Land Surveying, Inc.
SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

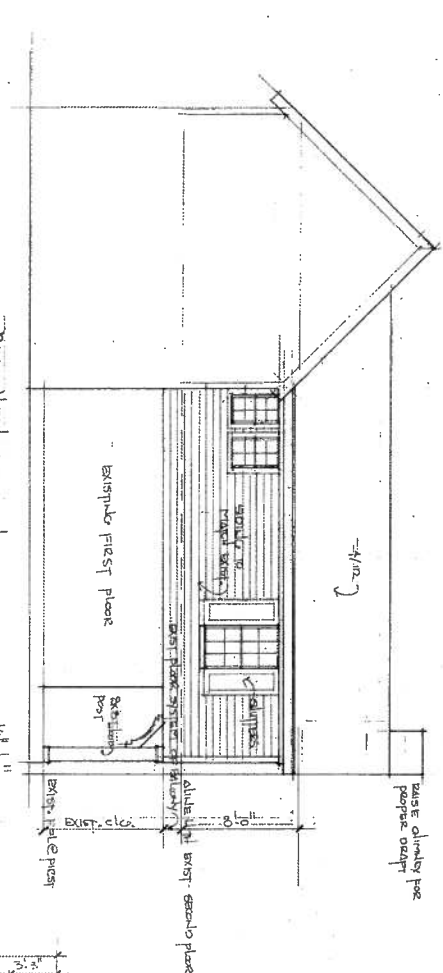
GLOBAL LAND SURVEYING, INC.
2030 AVENUE G, SUITE 1104
PLANO, TEXAS 75074
PHONE (972) 851-1700
FAX (972) 423-1083
WWW.GLS-INC.COM

ADDRESS: 6602 AVALON AVENUE

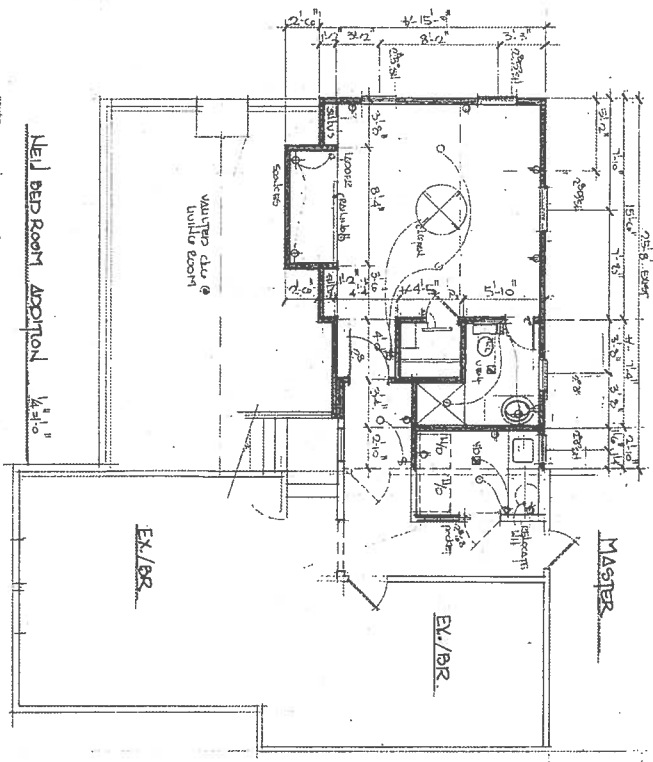
LEFT SIDE VIEW



REAR VIEW ADAPTATION

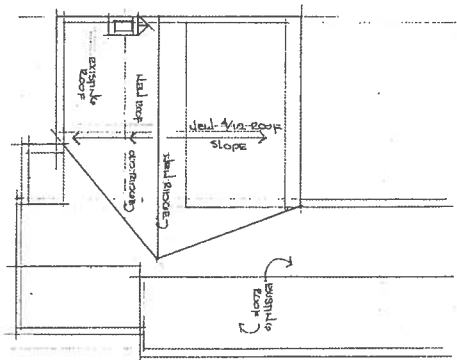


NEW BED ROOM ADAPTATION



GENERAL NOTES:

- CONTRACTOR TO VERIFY ALL DIMENSIONS FROM TO BEGINNING CONSTRUCTION.
- ALL ELECTRICAL WORK TO BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE AND APPROVED.
- ALL ELECTRICAL MATERIALS TO BE NEW AND LISTED FOR THE APPLICATION.
- ALL EXISTING ELECTRICAL OUTLETS TO BE REWIRED FROM THE MAIN SERVICE PANEL.
- ALL EXISTING ELECTRICAL WIRING TO BE REWIRED FROM THE MAIN SERVICE PANEL.
- ALL EXISTING ELECTRICAL WORK TO BE REWIRED FROM THE MAIN SERVICE PANEL.
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ROOF PLAN SCALE 1/8"=1'-0"

NOTES:

- ROOF PLAN TO BE REVISED TO SHOW THE NEW ROOF SECTION.
- ALL ROOF WORK TO BE IN ACCORDANCE WITH THE NATIONAL ROOFING CODE.
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- ALL ROOF WORK TO BE IN ACCORDANCE WITH THE NATIONAL ROOFING CODE.

1-13

Architect: *[Signature]* L/2144

Date: 11/21/11

Project: **TAYLOR LINDSEY WHITE**

Address: **1232 AVONON AVENUE**

Design: **AVONON**

Drawn: **AVONON**

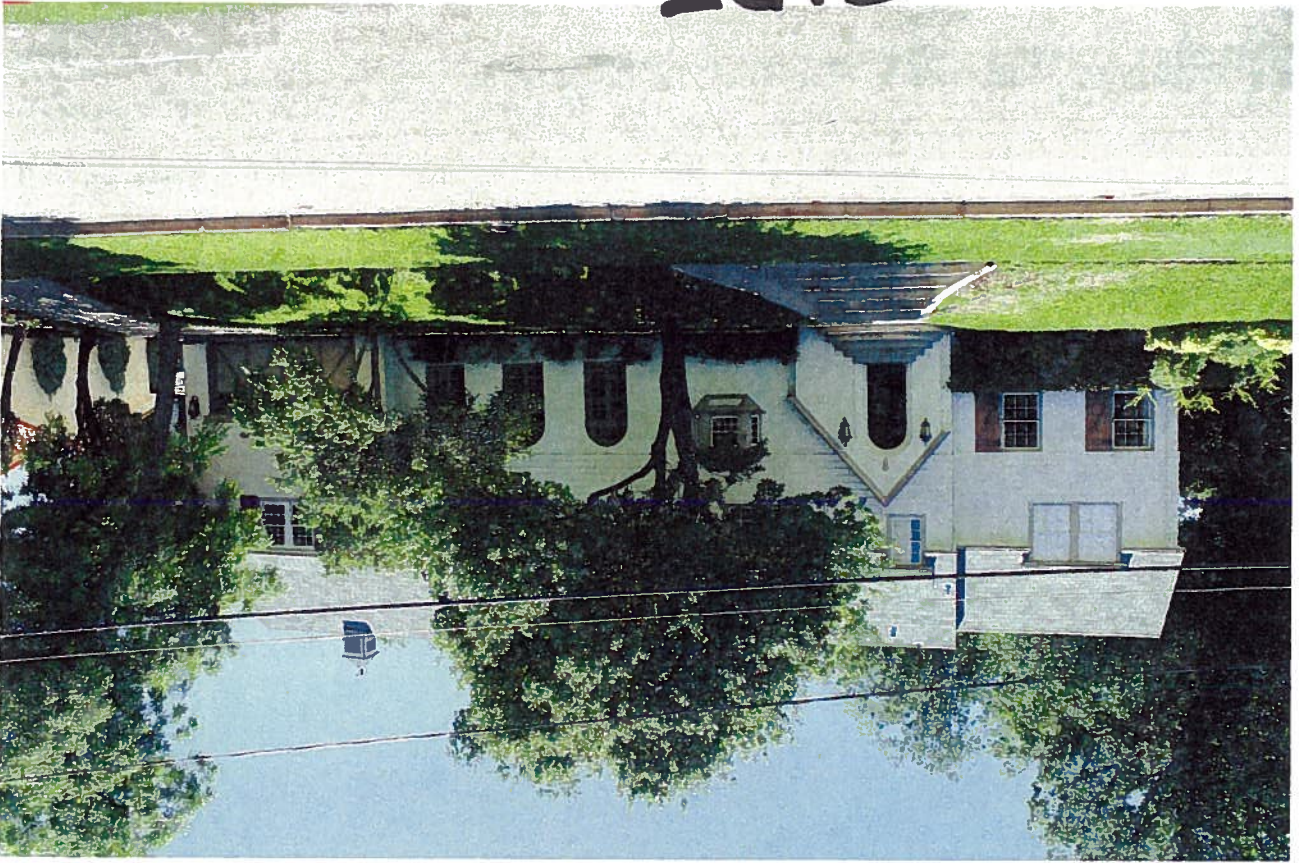
Checked: **AVONON**

Date: **07/17/2010**

Scale: **1/8"=1'-0"**

Title: **123 69**

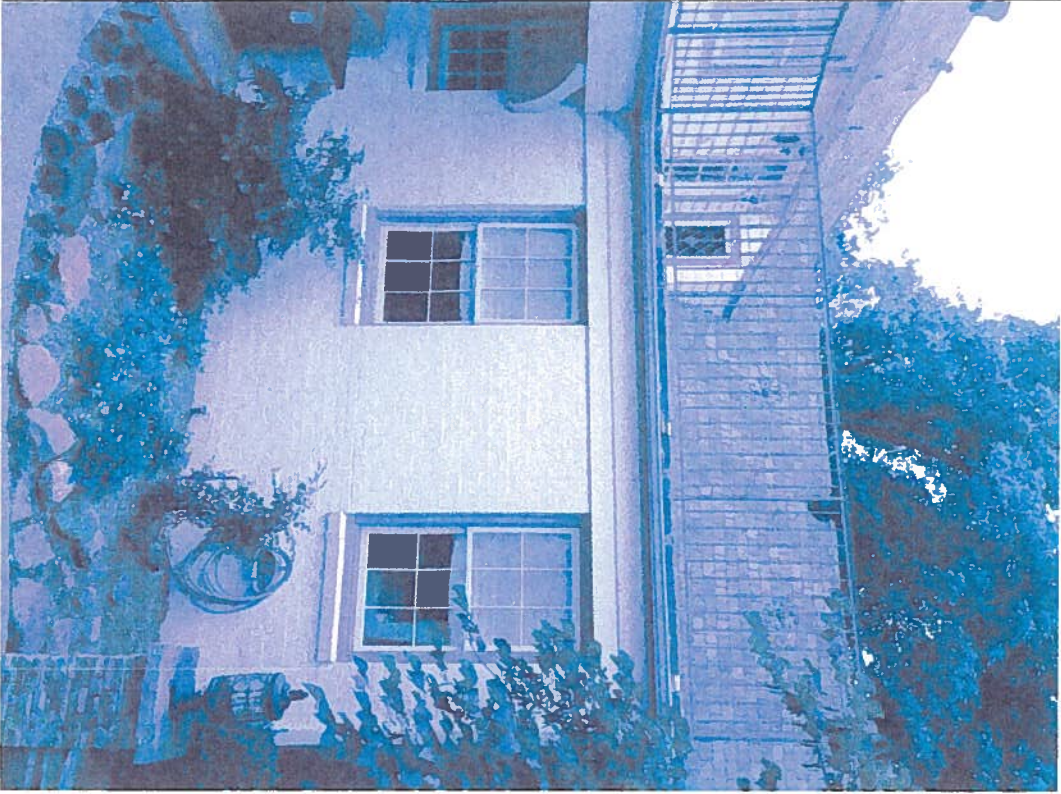
SIDE



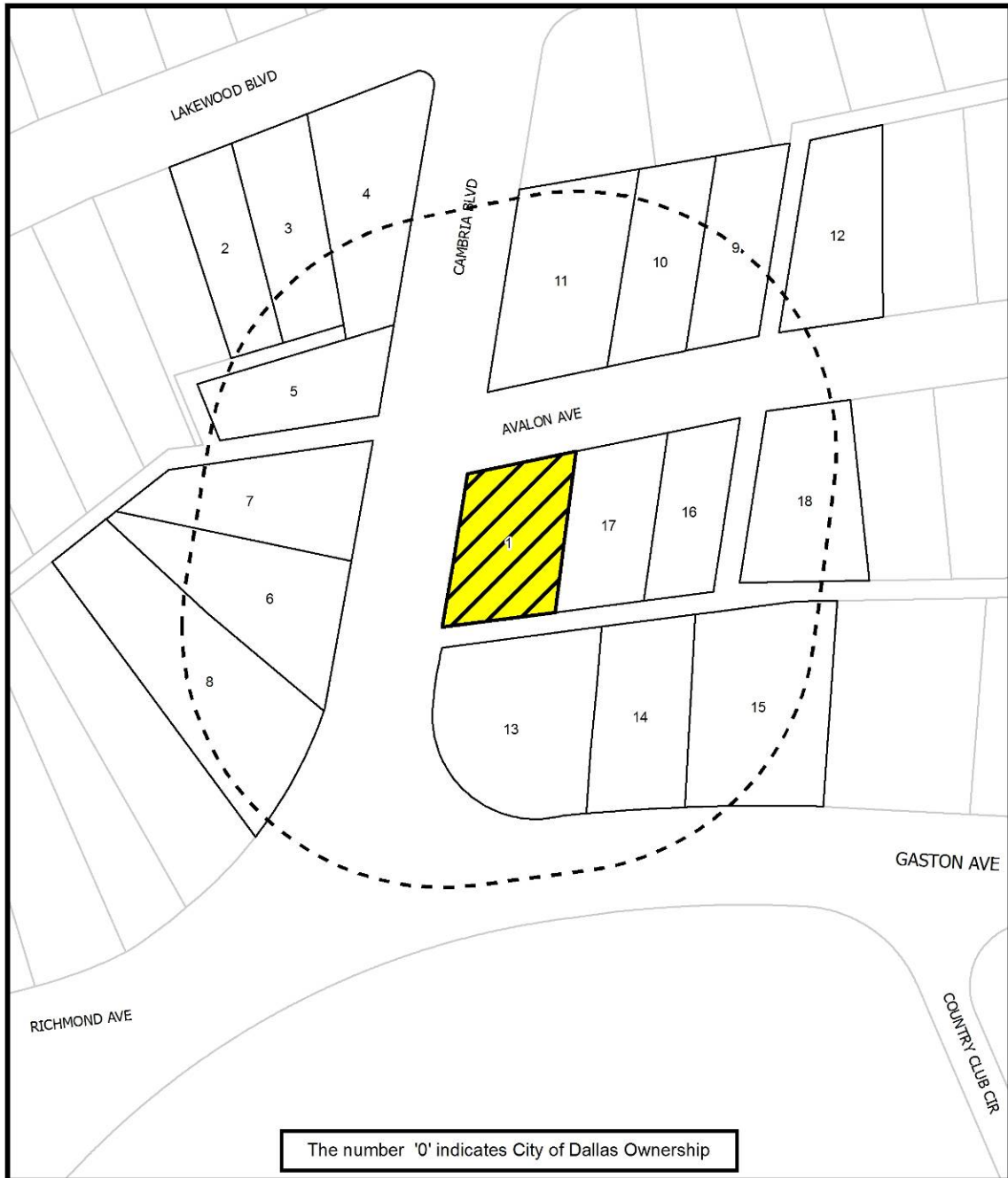
FRONT



6602 Avalon



6602 Avalon upper porch



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-069</u> Date: <u>8/2/2013</u>
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-069

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6602 AVALON AVE	JOHNSON STEPHEN W & LISA
2	6518 LAKEWOOD BLVD	BRANDT DEBRA BRANOM
3	6526 LAKEWOOD BLVD	ELLIS DANIEL F & ASHLEY
4	6530 LAKEWOOD BLVD	THERIOT GEORGE P III
5	2303 CAMBRIA BLVD	GALVIN PATRICIA A
6	2207 CAMBRIA BLVD	ALEXANDER H CLAY & HEIDI
7	2215 CAMBRIA BLVD	CALDWELL NANCY
8	6535 GASTON AVE	VANCE KENNETH R & MYRNA B
9	6615 AVALON AVE	JONES ROBERT & JONES CATHERINE G
10	6609 AVALON AVE	HAYES BARRY M & PATRICIA M
11	6603 AVALON AVE	MANCHESTER STEVEN T & CYNTHIA W
12	6625 AVALON AVE	SAID ROGER A & ANN R
13	2202 CAMBRIA BLVD	PARKER ROBERT V EST OF
14	6607 GASTON AVE	KENNY JOHN M & ANDREA
15	6617 GASTON AVE	ODOM LAWRENCE A
16	6616 AVALON AVE	HOWELLS ADAM T
17	6608 AVALON AVE	RUBENSTEIN KENNETH JAY & LISA J
18	6622 AVALON AVE	BONDS DAVID A

FILE NUMBER: BDA 123-070

BUILDING OFFICIAL'S REPORT: Application of Miles L. Mitzner for variances to the front and side yard setback regulations, and a variance to the off-street parking regulations at 11123 W. Ricks Circle. This property is more fully described as an unplatted .24 acre parcel of land in Block 5500 and is zoned R-16(A), which requires a front yard setback of 35 feet, a side yard setback of 10 feet, and a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a structure and provide a 22 foot front yard setback, which will require a 13 foot variance to the front yard setback regulations, a 2 foot 6 inch side yard setback, which will require a 7 foot 6 inch variance to the side yard setback regulations, and a 5 foot 6 inch enclosed parking space setback, which will require a variance of 14 feet 6 inches to the off-street parking regulations.

LOCATION: 11123 W. Ricks Circle

APPLICANT: Miles L. Mitzner

REQUESTS:

The following appeals have been made in conjunction with constructing and maintaining a single family home structure on a site that is currently undeveloped:

1. a variance to the front yard setback regulations of 13' is requested to locate and maintain the proposed home structure 22' from the front property line or 13' into the required 35' front yard setback;
2. variances to the side yard setback regulations of up to 7' 6" are requested to locate and maintain the proposed home as close as 2' 6" from the site's side property lines or as 7' 6" into this required 10' side yard setbacks; and
3. a variance to the off-street parking regulations of 14' 6" is requested as the proposed home would have parking spaces enclosed in the proposed garage that would be located 5' 6" from, according to the Building Official, the ROW easement that will function as an alley line the right-of-way line or as much as 14' 6" into the required 20' distance from the ROW easement that will function as an alley line.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION (front and side yard setback variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The lot's restrictive area, which is about 5,500 square feet less in size than most lots in the R-16(A) zoning district, and its irregular shape preclude the applicant from developing it in a manner commensurate with other developments found on similarly-zoned R-16(A) lots.

STAFF RECOMMENDATION (off-street parking variance):

Approval, subject to the following conditions:

1. Compliance with the submitted site plan is required.
2. Automatic garage doors must be installed and maintained in working order at all times.
3. At no time may the areas in front of the garage be used for parking of vehicles.
4. No parking is allowed in the alley right-of-way/utility corridor.

Rationale:

- The lot's restrictive area, which is about 5,500 square feet less in size than most lots in the R-16(A) zoning district, and its irregular shape preclude the applicant from developing it in a manner commensurate with other developments found on similarly-zoned R-16(A) lots.
- Granting this request is not contrary to the public interest in that the Sustainable Development and Construction Department Engineering Division Assistant Director has no objections with the condition imposed that no parking is allowed in the alley right-of-way/utility corridor.

BACKGROUND INFORMATION:

Zoning:

Site: R-16 (A) (Single family district 16,000 square feet)
North: R-1ac(A) (Single family district 1 acre)
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 undeveloped. The areas to the north and east are developed with single family uses; and the areas to the south and west are developed with a park use (Northaven Trail).

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 3, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 5, 2013: 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 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 6, 2013: 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 Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

August 7, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting “No parking in the alley right-of-way/utility corridor.”

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- This request focuses on constructing and maintaining a two-story single family home on an undeveloped site, part of which is proposed to be located in the site’s 35’ front yard setback.
- Structures on lots zoned R-16(A) are required to provide a minimum front yard setback of 35’.
- A site plan has been submitted denoting a portion of the proposed single family home to be located 22’ from the site’s front property line (or 13’ into the 35’ front yard setback).
- The site plan shows that approximately 8 percent (or approximately 300 square feet) of the proposed approximately 3,500 square foot building footprint is to be located in the site’s 35’ front yard setback.
- DCAD records indicate “no main improvements” for the property at 1123 W. Rick’s Circle.
- The subject site is triangular in shape and according to the application, is 0.24 acres (or approximately 10,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant these side yard variance requests and impose the submitted site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document– which is a structure to be located as close as 2’ 6” from the site’s side property lines or as much as 7’ 6” into the required 10’ side yard setbacks.

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

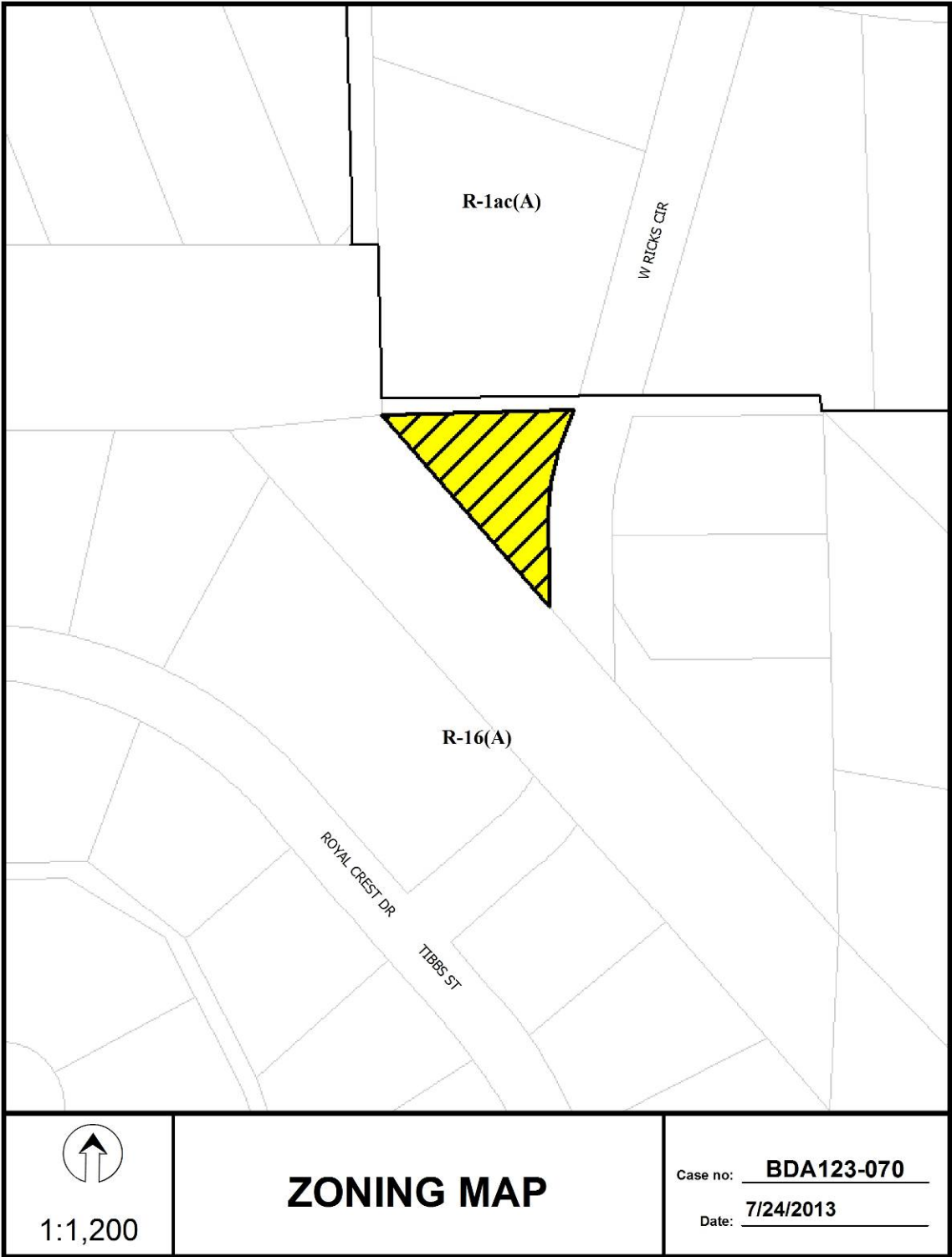
- These requests focus on constructing and maintaining a two-story single family home on an undeveloped site, part of which is proposed to be located in the site's two 10' side yard setbacks.
- Structures on lots zoned R-16(A) are required to provide a minimum side yard setback of 10'.
- A site plan has been submitted denoting a portion of the proposed single family home located approximately 2' 6" from the site's southwestern side property line or 7' 6" into this 10' side yard setback, and approximately 5' from the site's northern side property line or 5' into this 10' side yard setback.
- It appears from the submitted site plan that approximately 2 percent (or approximately 60 square feet) of the proposed approximately 3,500 square foot building footprint is located in the site's southwestern 10' side yard setback.
- It appears from the submitted site plan that approximately 13 percent (or approximately 450 square feet) of the proposed approximately 3,500 square foot building footprint is located in the site's northern 10' side yard setback.
- DCAD records indicate "no main improvements" for the property at 1123 W. Rick's Circle.
- The subject site is triangular in shape and according to the application, is 0.24 acres (or approximately 10,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area).
- The applicant has the burden of proof in establishing the following:
 - That granting the variances 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 variances are 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-16(A) zoning classification.
 - The variances 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-16(A) zoning classification.
- If the Board were to grant these variance requests and impose the submitted site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document– which is a structure to be located as close as 2' 6" from the site's side property lines or as much as 7' 6" into the required 10' side yard setbacks.

GENERAL FACTS/STAFF ANALYSIS (parking variance):

- This request focuses on enclosing parking spaces with a garage doors in the proposed garage attached to the proposed single family home, where the parking spaces entered from the right-of-way easement that will function as an alley line the

right-of-way line would be located less than the required 20' distance from this right-of-way line.

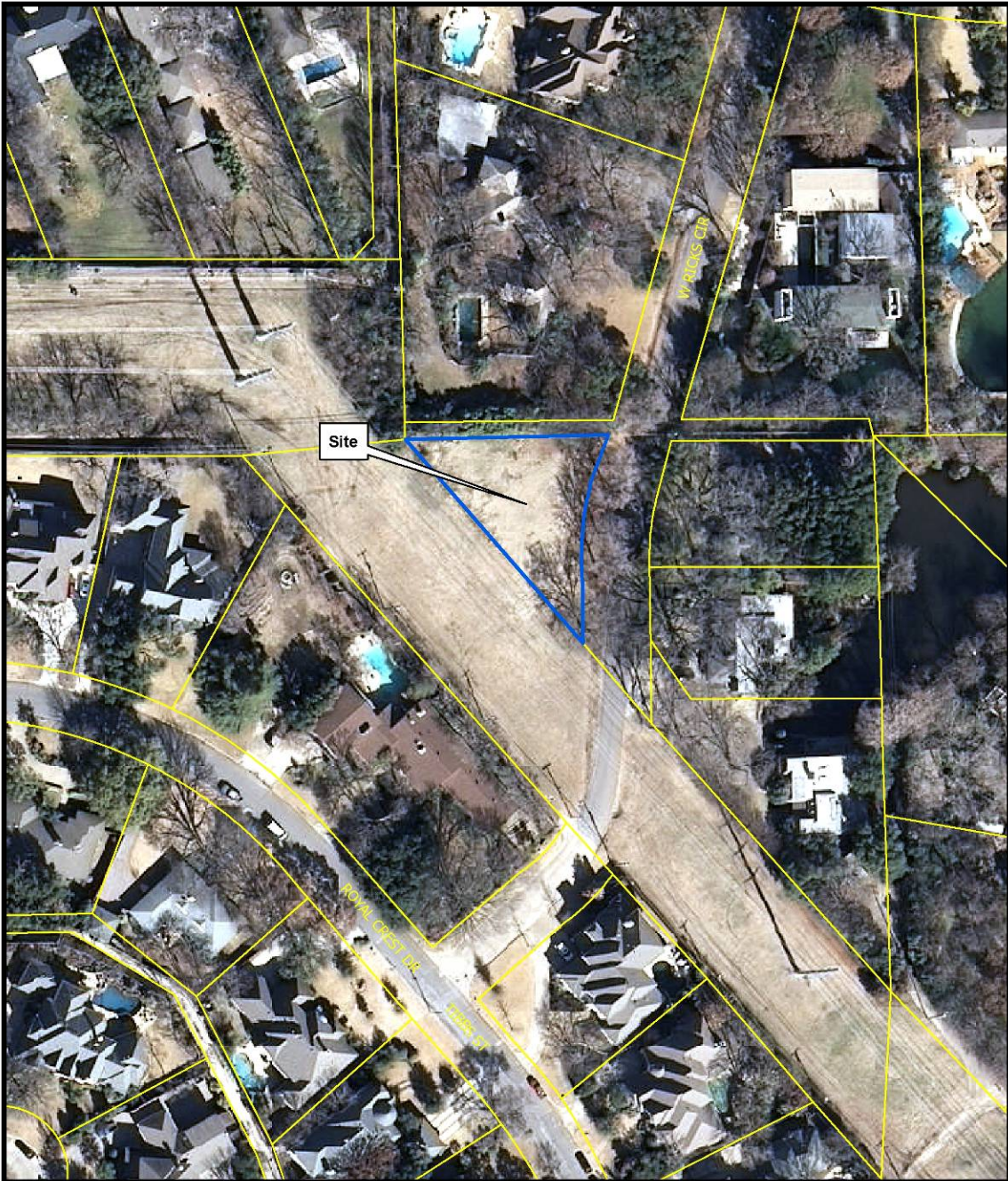
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes the location of enclosed parking spaces in the proposed structure 5' 6" from the ROW easement that will function as an alley line or 14' 6" into the 20' setback line that an enclosed parking space must be from this easement/alley line.
- DCAD records indicate "no main improvements" for the property at 1123 W. Rick's Circle.
- The subject site is triangular in shape and according to the application, is 0.24 acres (or approximately 10,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area) where most lots are 16,000 square feet in area.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "No parking in the alley right-of-way/utility corridor."
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking 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-16(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the variance request of 14' 6", staff recommends imposing the following conditions:
 1. Compliance with the submitted site plan is required.
 2. Automatic garage doors must be installed and maintained in working order at all times.
 3. At no time may the areas in front of the garage be used for parking of vehicles.
 4. No parking is allowed in the alley right-of-way/utility corridor.
(These conditions are imposed to help assure that the variance will not be contrary to the public interest).




1:1,200

ZONING MAP

Case no: BDA123-070
Date: 7/24/2013



1:1,200

AERIAL MAP

Case no: BDA123-070

Date: 7/24/2013



B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-070

Data Relative to Subject Property:

Date: 6-3-13

Location address: W. 1123 Rick's Circle

Zoning District: R-16(A)

Lot No.: _____ Block No.: 5500 Acreage: .24

Census Tract: 133.00

Street Frontage (in Feet): 1) 140.08 2) _____ 3) _____ 4) _____ 5) _____ NESS

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MILES L. & RONDA R. MITZNER

Applicant: MILES L. MITZNER Telephone: 405) 348 3400

Mailing Address: PO Box 5700 Edmond OK Zip Code: 73083

E-mail Address: MILES@MITZNER.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception _____ of 7'6" to the SIDE YARD SETBACK AND 13'0" TO THE FRONT YARD SETBACK, 14'6" TO THE 20' SETBACK FOR AN ENCLOSED PARKING SPACE.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
TO OVERCOME THE RESTRICTIVE SIZE AND SHAPE OF THE LOT IN ORDER TO BUILD A COMMENSURATE STRUCTURE OF A SIMILAR SINGLE FAMILY DWELLING IN THE NEIGHBORHOOD.

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

Affidavit

Before me the undersigned on this day personally appeared MILES L. MITZNER
(Affiant/Applicant's name printed)

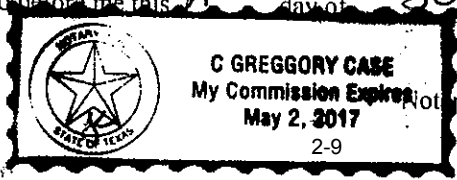
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 2nd day of June, 2013

(Rev. 08-01-11)

BDA 123-070



[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 Miles L. Mitzner

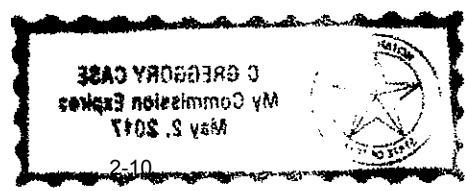
did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the off-street parking regulation

at 11123 W. Rick's Circle

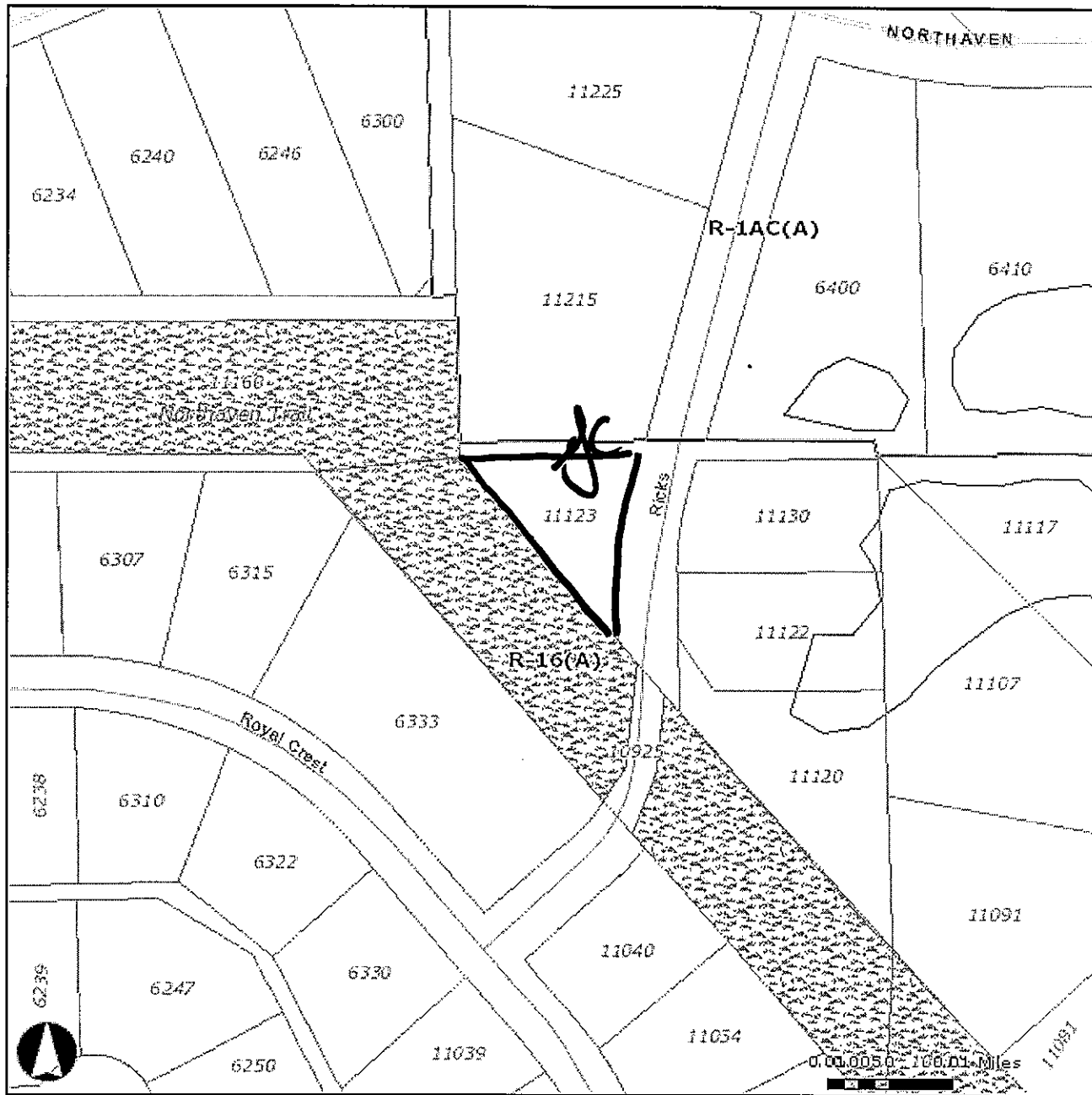
BDA123-070. Application of Miles L. Mitzner for a variance to the front yard setback regulations, and a variance to the side yard setback regulations, and a variance to the off-street parking regulations at 11123 W. Ricks Circle. This property is more fully described as an unplatted .24 acre parcel of land in Block 5500 and is zoned R-16(A), which requires a front yard setback of 35 feet and requires a side yard setback of 10 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 22-foot front yard setback, which will require a 13 foot variance to the front yard setback regulation, and to construct a single family residential structure and provide a 2 foot 6 inch side yard setback, which will require a 7 foot 6 inch variance to the side yard setback regulation, and to construct a single family residential structure with a side yard setback of 5 feet 6 inches, which will require a variance of 14 feet 6 inches to the off-street parking regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



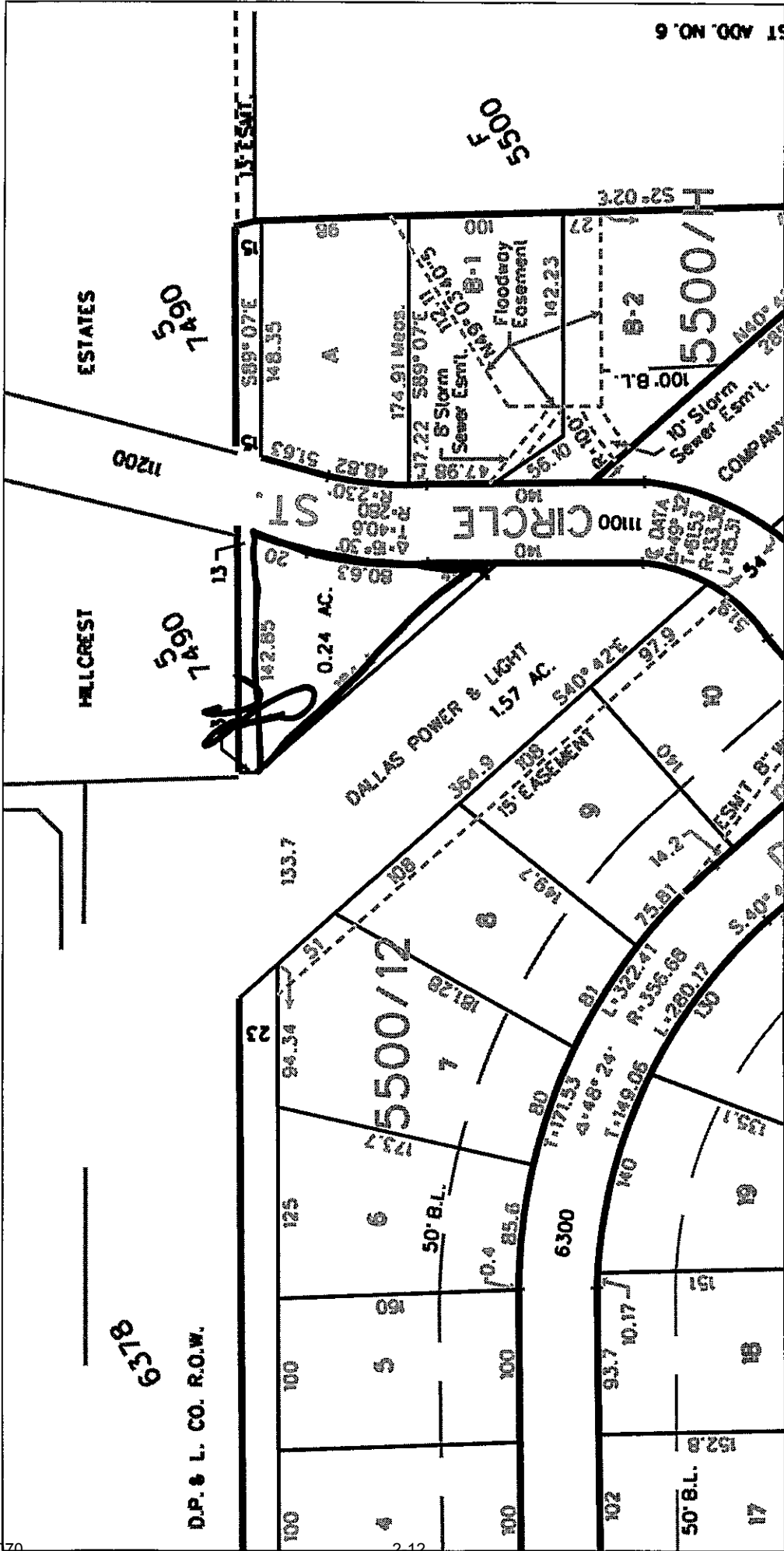
City of Dallas Zoning



- | | | |
|--|--|--|
| <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> |
|--|--|--|

6378

D.P. & L. CO. R.O.W.



MYER
STUDIOS
TEL: 972-786-1396
FAX: 972-850-9143
info@myerstudios.com

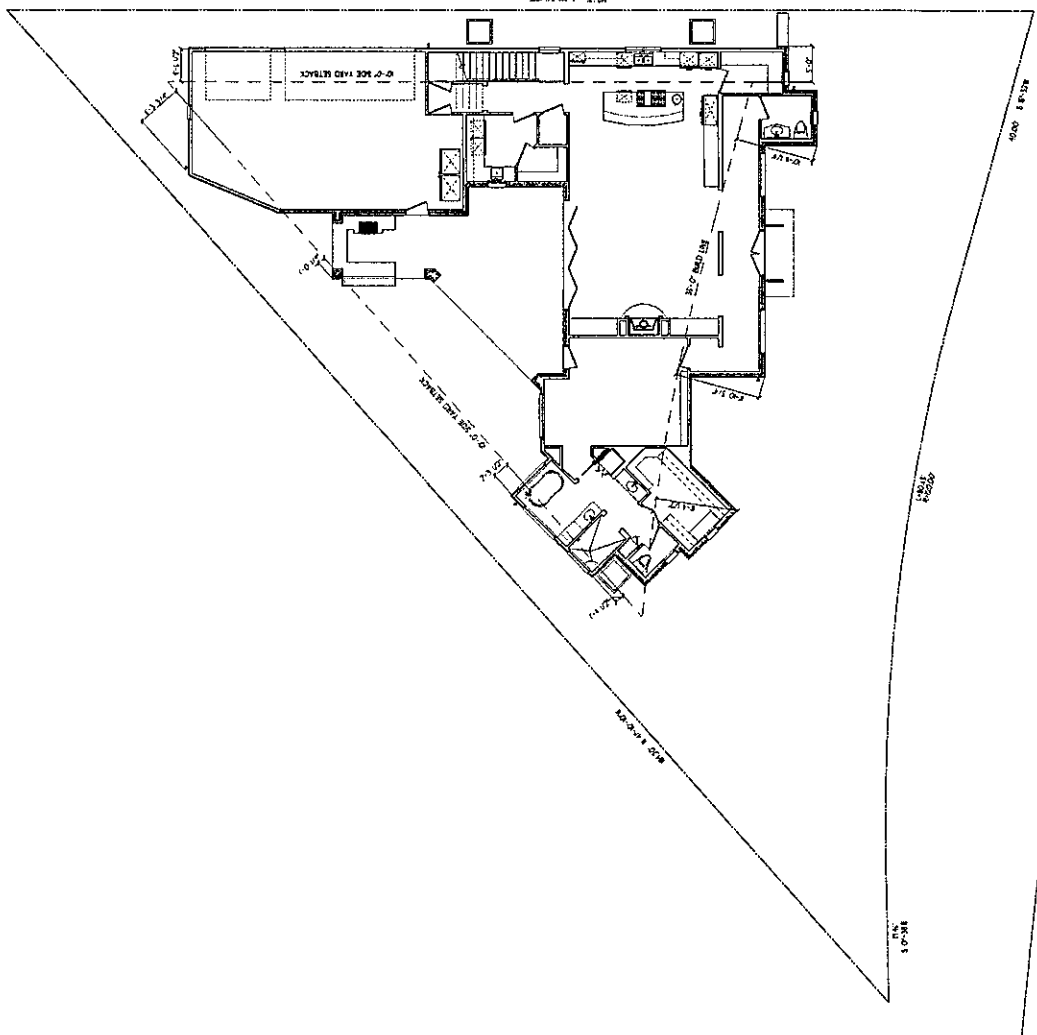


MITZNER RESIDENCE
A PARCEL OF LAND IN THE
JOHN THOMAS SURVEY,
A-1463 AND THE CITY BLOCK 3300
DALLAS, TEXAS
A REGISTRY FINE HOMES PROJECT

NOT FOR CONSTRUCTION

DATE: 11-11-11
DRAWN BY: J. MYER
CHECKED BY: J. MYER

SHEET NUMBER
PROJECT NUMBER
13-0304



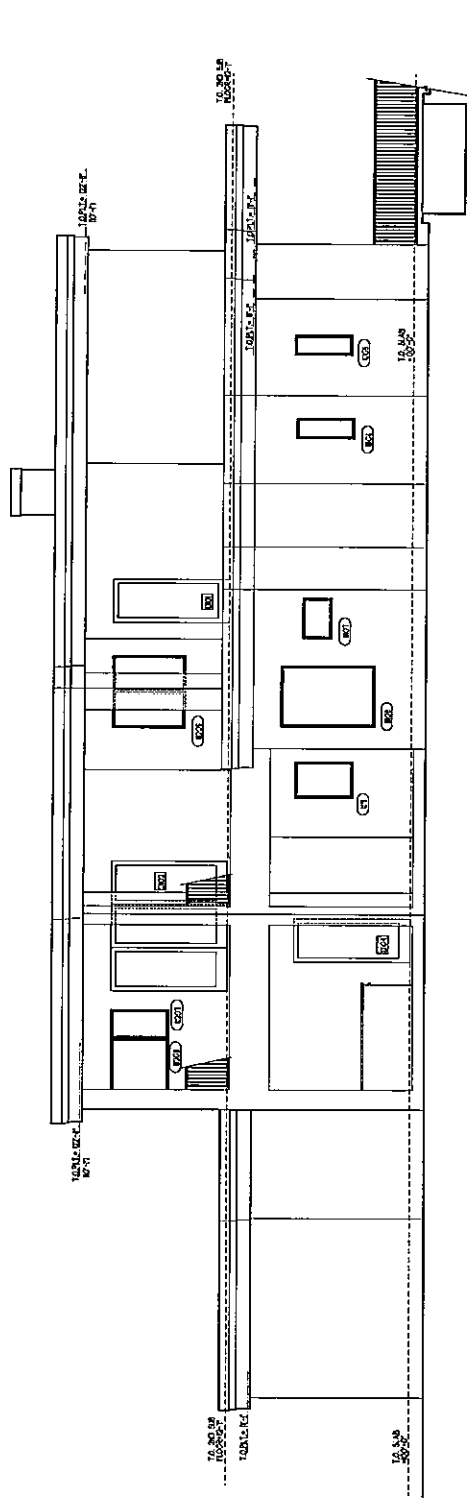
NOT FOR CONSTRUCTION
THIS DRAWING IS FOR INFORMATION ONLY
AND IS NOT TO BE USED FOR CONSTRUCTION
WITHOUT THE WRITTEN PERMISSION OF MYER STUDIOS
TOTAL CONTRACT VALUE: \$2,350,000
DATE: 11-11-11
DRAWN BY: J. MYER
CHECKED BY: J. MYER



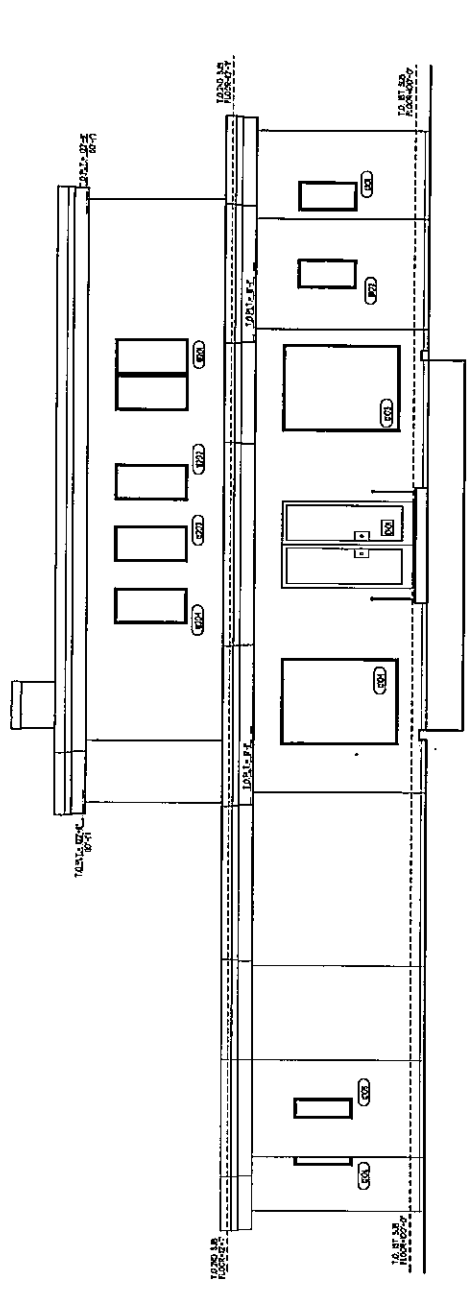
NOT FOR CONSTRUCTION

REVISIONS
06-07-05
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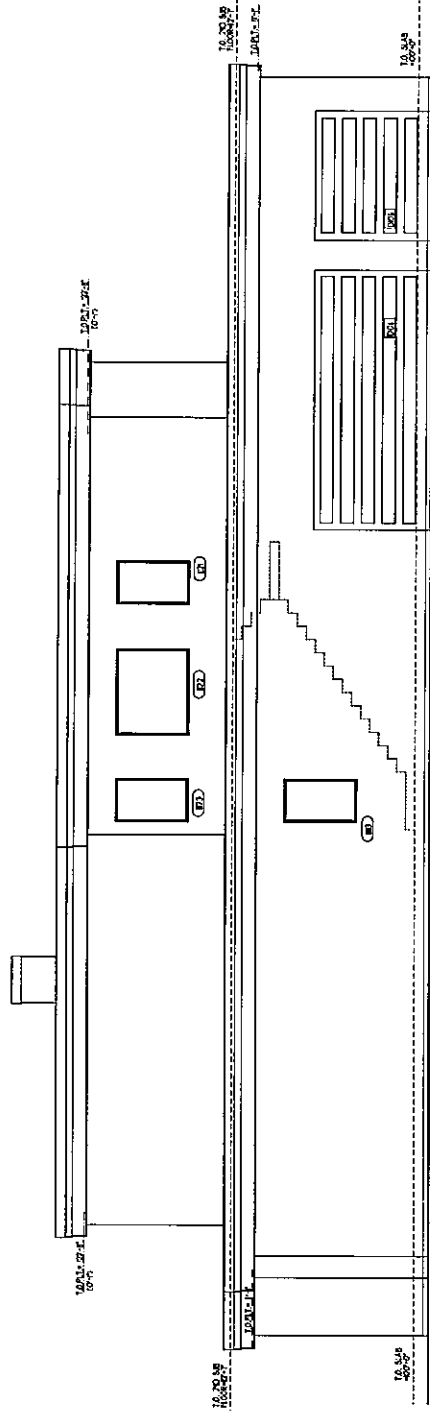
SHEET NUMBER
A4.1
PROJECT NUMBER
13-0304



02 SIDE ELEVATION

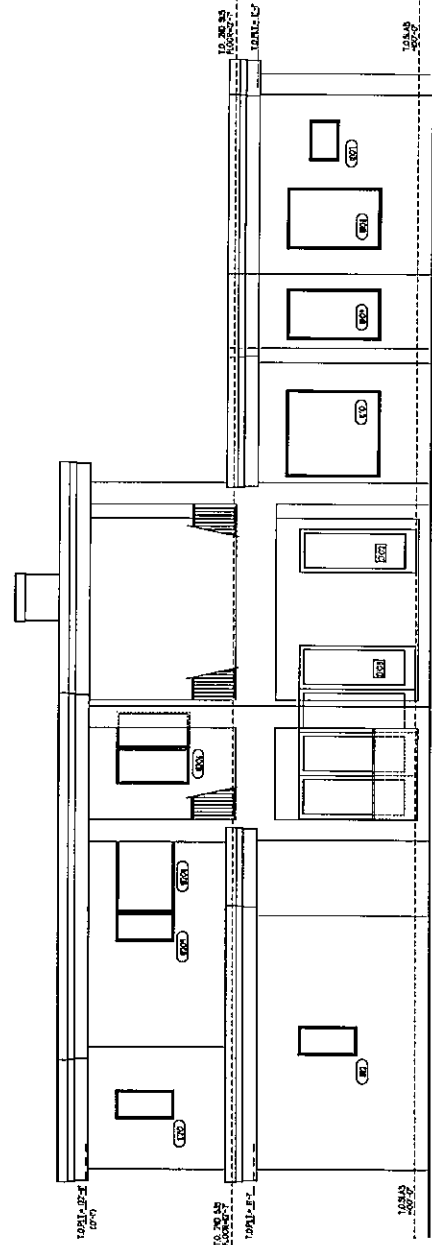


01 FRONT ELEVATION



02 SIDE ELEVATION

VF = 1'-0"



01 REAR ELEVATION

VF = 1'-0"



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-070</u> Date: <u>7/24/2013</u>
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-070

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11123 RICKS CIR	HOLLEY JERRY
2	10925 EDGEMERE RD	TEXAS UTILITIES ELEC CO % STATE & LOCAL
3	11130 RICKS CIR	OCONNOR TERENCE & DEBORAH R
4	11122 RICKS CIR	MULDOON KATHLEEN ANNE M
5	11120 RICKS CIR	BESSERER DAVID V JR & LISA C
6	11040 TIBBS ST	HOLLAND DEREK
7	6315 ROYAL CREST DR	LEONARD JOHN E & JONI W
8	6333 ROYAL CREST DR	ACKELS JOSEPH & LINDA
9	6246 NORTHAVEN RD	BISHOP JOLETA
10	6300 NORTHAVEN RD	NAZ ROOBILA & JAVED AZAM
11	11215 RICKS CIR	WATKINS RICHARD M
12	6400 NORTHAVEN RD	TINDELL WILLIAM A III & SHARON P

FILE NUMBER: BDA 123-074

BUILDING OFFICIAL'S REPORT: Application of Richard Bonner for a special exception to the visual obstruction regulations at 1505 Acapulco Drive. This property is more fully described as Lot 14, Block 5/6915 and is zoned R-13(A), which requires a 20 foot visibility triangle at alley approaches. The applicant proposes to maintain items in a required visibility obstruction triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 1505 Acapulco Drive

APPLICANT: Richard Bonner

REQUEST:

A special exception to the visual obstruction regulations is made in conjunction with maintaining an 8' high solid wood fence located in the 20' visibility triangle at the intersection of the alley at Caracas Drive on property developed with a single family home.

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:

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, meaning that the Engineering Division has determined that no traffic hazard exist.
- The applicant has substantiated how the location of portions of a solid wood fence located in the 20' visibility triangle at the intersection of the alley at Caracas Drive do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-13(A) (Single family district 13,000 square feet)
North: R-13(A) (Single family district 13,000 square feet)
South: R-13(A) (Single family district 13,000 square feet)
East: R-13(A) (Single family district 13,000 square feet)
West: R-13(A) (Single family district 13,000 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

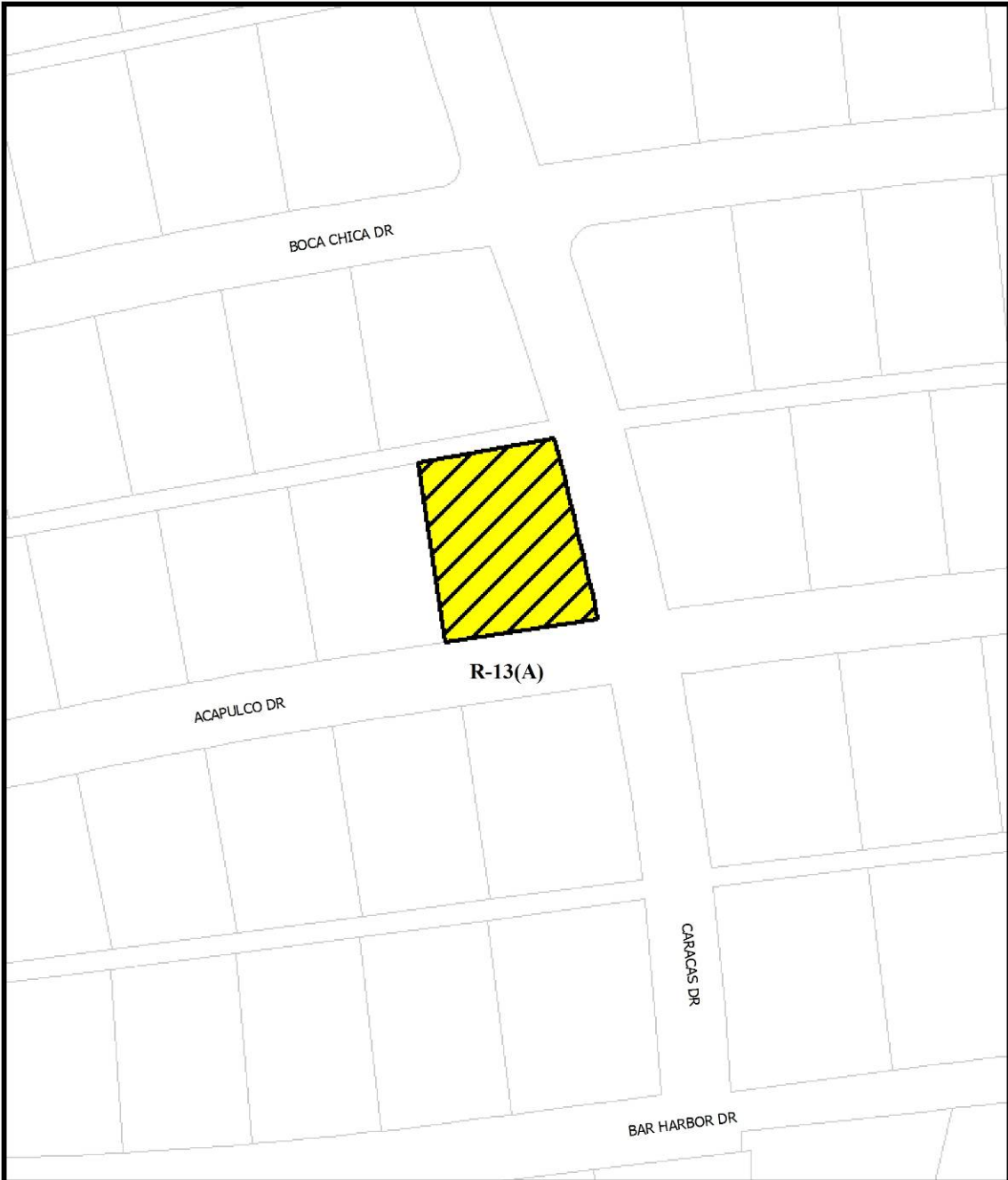
- June 18, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 5, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 31, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- August 6, 2013: 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 Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division

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

August 7, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

GENERAL FACTS /STAFF ANALYSIS:

- This request focuses on maintaining an 8' high solid wood fence located in the 20' visibility triangle at the intersection of the alley at Caracas Drive on property developed with a single family home.
- The Dallas Development Code states that 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' 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 an elevation have been submitted showing an 8' solid wood fence located at the intersection of the alley at Caracas Drive.
- 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 maintain an 8' high wood fence in the 20' visibility triangle at the intersection of the alley at Caracas Drive does not constitute traffic hazards.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would require that the item in the visibility triangle be limited to the location, height, and material of that item as shown on these documents.

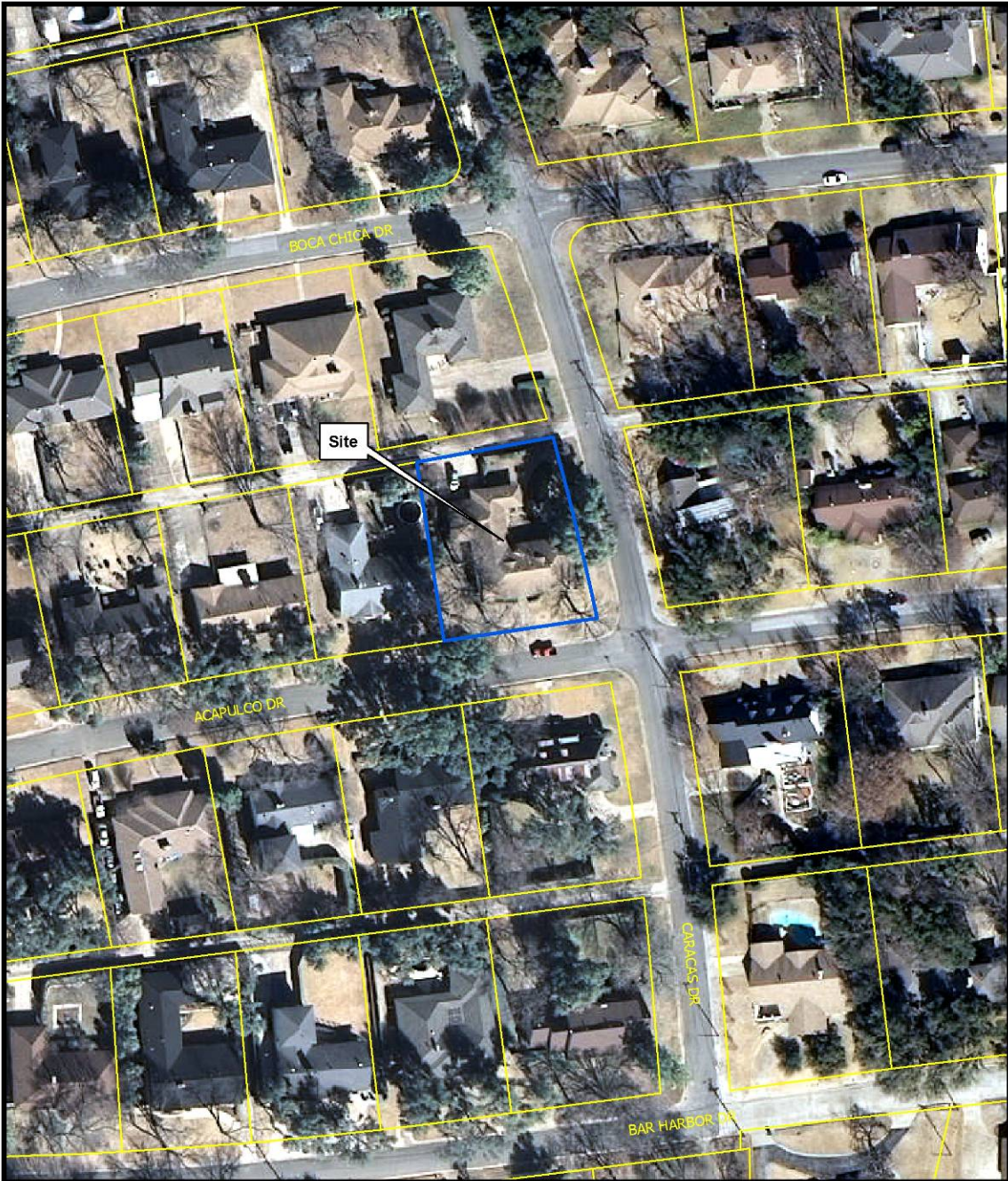


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ZONING MAP

Case no: BDA123-074

Date: 7/24/2013



1:1,200

AERIAL MAP

Case no: BDA123-074

Date: 7/24/2013

To get my requested special Exception to keep my fence as is at 1505 Acapulco Dr. Dallas, Tex. 75232.

1. I work for the City of Dallas as a recycling Driver the fence is no problem in me seeing cars coming or go.

2. I WORK FOR THE CITY OF DALLAS SANITATION DEPT.
I SEE NO DANGER AT ALL COMING IN AND GOING OUT

3. Tamarra Taylor, 1515 Acapulco Dr. Dallas, TX

I live next door to the fence and I do not see any safety issues. I drive in and out of this alley everyday, morning and night and do not see any problems with the fence. 75232

4 1525 Has no car

5. Jean F. Milligan / 1535 Acapulco
I travel up and down the alley passing 1505 Acapulco daily.
I have not been encumbered in any manner by the fence that was installed @ 1505 Acapulco.
The fence does not create any vision problems related to seeing approaching vehicles.

6. Mrs. Edward Kyle Jr.

7. Mr. Dexter Kyle
1545 Acapulco Dr.
Dallas, TX 75232

we live on the same street as the persons
with this petition. We use the same alley,
and have no problem with the fence
drive way or anything else on our
neighbors property.

8. Will & Debra Williams

1607 Acapulco Dr. 214-404-6647
Dallas, TX 75232


I have been a resident @ this address for over
6 years. I love the fence and I have no
safety issues or concerns with this fence.
I am generally passing by one way or the
other several times a week. For questions
please call me.

9. Vacant House 1617 Acapulco Dr.

10. Chad Hill 1627 Acapulco Dr.

11. Ricky Fenter 469-245-3414
1637 Acapulco Dr.

DALLAS, TX 75232

No Visual Obstruction FOR ME. 

1. Benjamin Samples, 1504 Boca Chica, Dallas TX 75232
Fence poses no ~~threat~~ threat to our enjoyment of our residence
Fence does not affect our living situation ~~negatively~~ Negatively.

¹⁵¹⁴
2 Kimberley Toynes - I travel through the alley between Acapulco & Boca Chica. The new fence at the corner of Acapulco has brought beautification to that corner of the neighborhood. I do not have a problem with the fence and would prefer that it remain.

3. Pat Wright - 1524 Boca Chica Dr, Dallas, TX 75232
I live three doors from Mr. Richard Boxner.
We are very proud to have the Boxners as neighbors.
~~We~~ have invested a great amount resources to make our neighborhood a more beautiful neighborhood. They have transformed the exterior into a very beautiful part of our neighborhood. The fence is not a safety hazard but is a very beautiful addition ~~addition~~ to our neighborhood. We want ~~more~~ more neighbors like Mr & Mrs Richard Boxner.

4. Rev W & Florence Johnson

1606 Boca Chica Dr

Dallas, Texas 75232

It poses no safety for us

5. Rev. Billy A. Mathews

1616 Boca Chica

Dallas Texas 75232

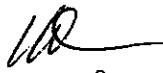
The fence on this property
poses no safety problem for
us

6. ~~1534~~ 1646 Boca Chica / Dr.

Joel & Tara Larson

Dallas TX 75232

The fence on this property
poses no safety problem for us.

7. Kevin called HappySwimmer.com 

There is no safety issues

Business person who used
Alley

8 Wanda Bell

9. Patricia Jones 1626 Boca Chica

10. 1708 Boca Chica Vacant



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-074

Data Relative to Subject Property:

Date: 6-18-13

Location address: 1505 Acapulco Dr. Zoning District: R-13(A)

Lot No.: 14 Block No.: 5/6915 Acreage: .57 Census Tract: 111.01

Street Frontage (in Feet): 1) 168' 2) 150' 3) side Caracas front Acapulco 4) 5)

To the Honorable Board of Adjustment :

5013

Owner of Property (per Warranty Deed): Richard Bonner

Applicant: Telephone:

Mailing Address: 1505 Acapulco Dr. Dallas Zip Code: 75232

E-mail Address: Richard.bonner@yahoo.com

Represented by: self Telephone: 2 636-9495

Mailing Address: Same Zip Code:

E-mail Address: Same

Affirm that an appeal has been made for a Variance , or Special Exception , of the visibility obstruction triangle of the alleyway at the corner of Acapulco Dr and Caracas Dr.

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

My fence does not obstruct drivers entering or exiting alleyway. There has been no safety issues mentioned with previous fence - more than five ft tall or w/mine, which is over six feet. This fence does not create any unsightly views to neighbors or the neighborhood. Quite the contrary, it enhances the property & neighborhood.

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

Affidavit

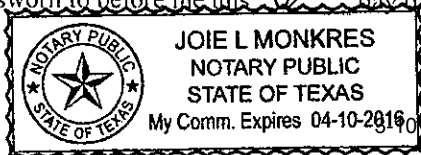
Before me the undersigned on this day personally appeared Richard Bonner (Affiant/Applicant's name printed)

Sign & Notarize

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: Richard Bonner (Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of June 2013



Joie Monkres
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

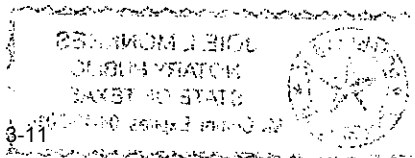
I hereby certify that Richard Bonner

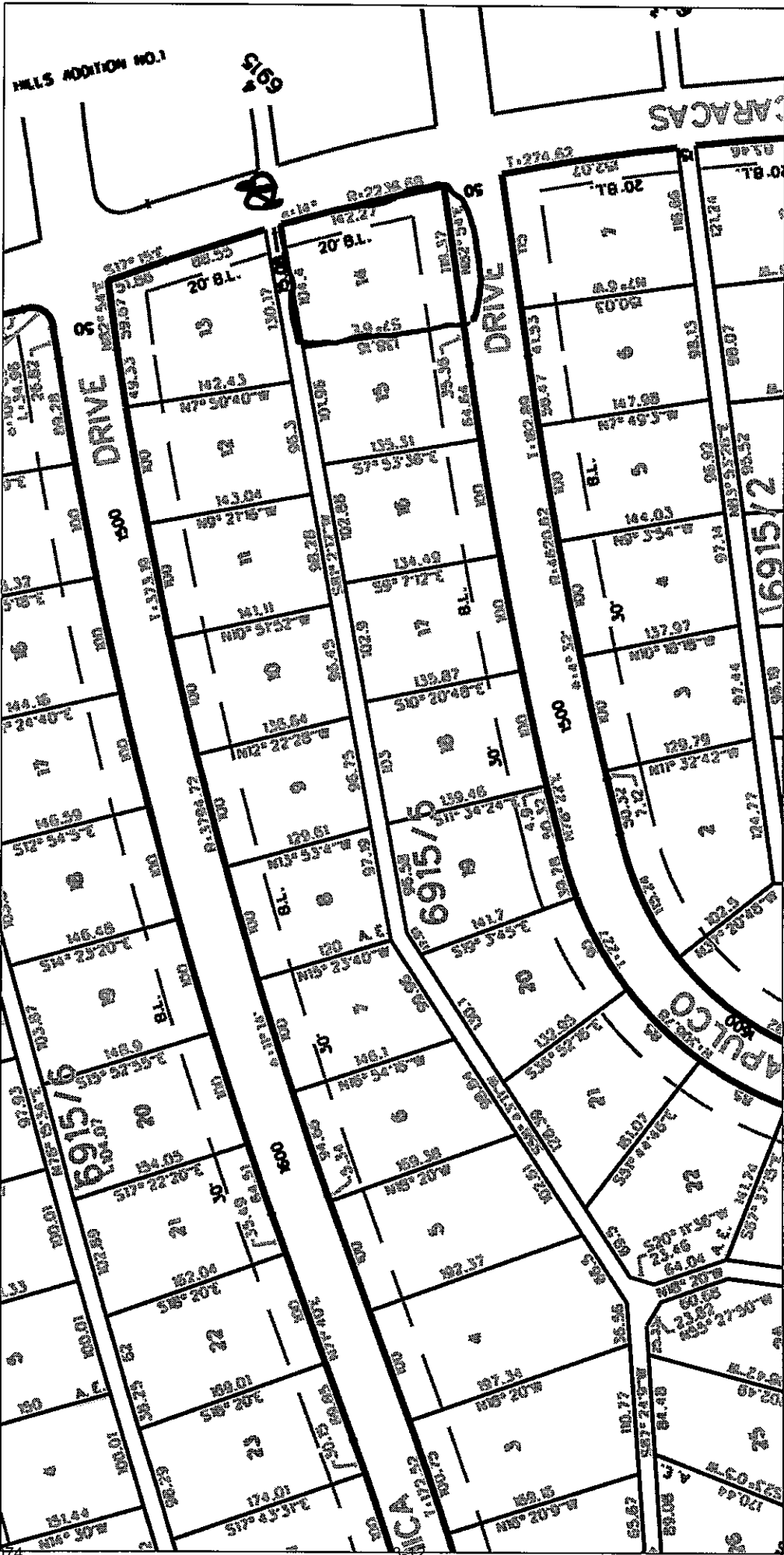
did submit a request for a special exception to the visibility triangle obstruction regulations
at 1505 Acapulco Drive

BDA123-074. Application of Richard Bonner for a special exception to the visibility triangle obstruction regulations at 1505 Acapulco Drive. This property is more fully described as Lot 14, Block 5/6915 and is zoned R-13(A), which requires a 20 foot visibility triangle at alley approaches. The applicant proposes to construct and maintain a residential accessory structure and fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

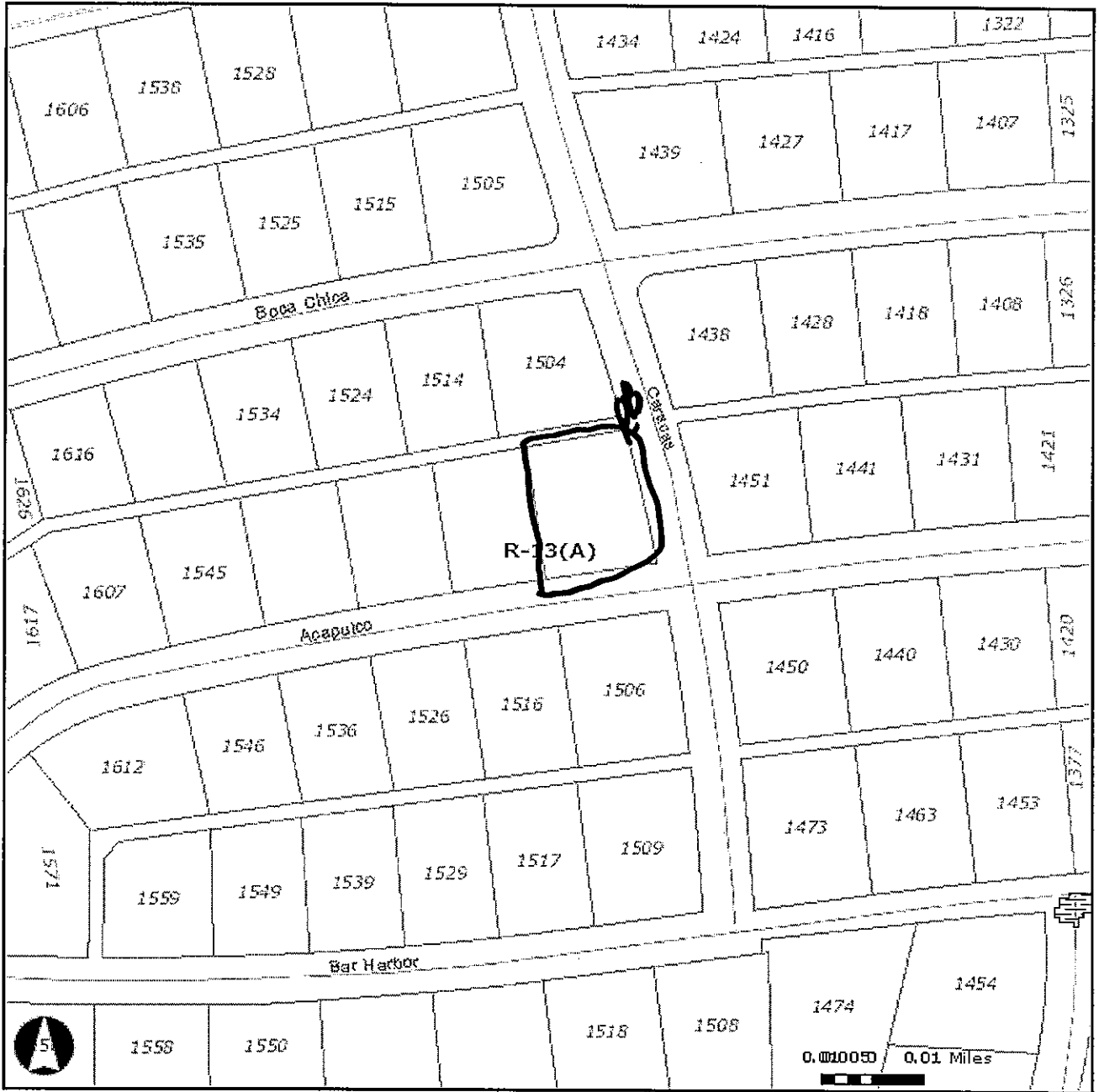
Larry V. Holmes
Larry Holmes, Building Official





674

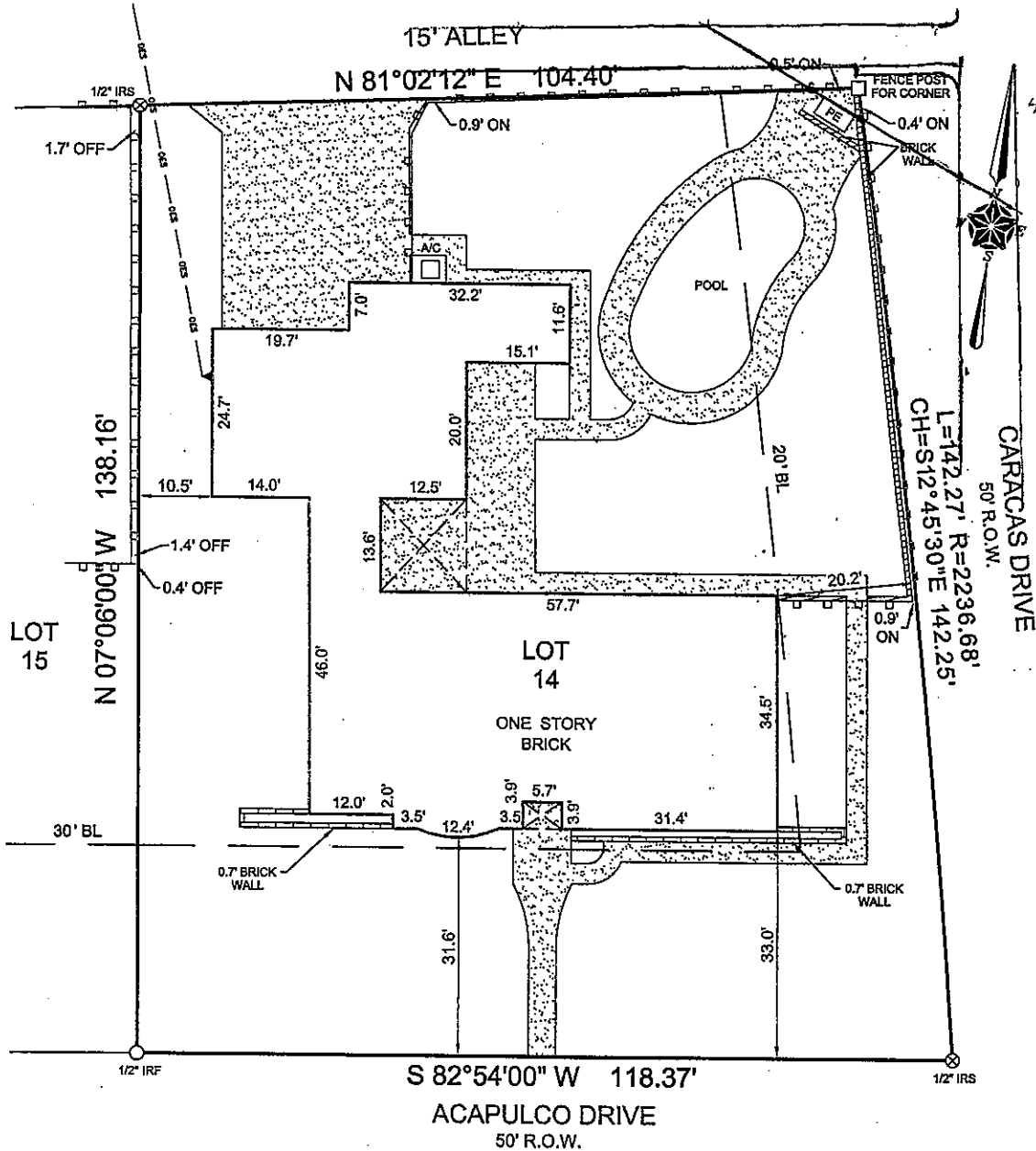
City of Dallas Zoning



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

FINAL SURVEY

This is to certify that persons under my direction have, this date, made an on-the-ground survey of property located at
 1505 ACAPULCO DRIVE, in the City of DALLAS, Texas,
 Lot No. 14 Block No. 5/6915
 of WYNNEWOOD HILLS, FIRST INSTALLMENT, an addition
 to the City of DALLAS, DALLAS COUNTY, Texas, according to the MAP OR PLAT THEREOF
 recorded in VOLUME 31, PAGE 151 of the MAP Records of DALLAS County, Texas.



NOTE: THIS SURVEY PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE. TEXAS HERITAGE SURVEYING HAS NOT RESEARCHED THE LAND TITLE RECORDS FOR THE EXISTENCE OF EASEMENTS, RESTRICTIVE COVENANTS OR OTHER ENCUMBRANCES. ADDITIONAL MATTERS MAY BE DISCLOSED IN THE COURSE OF A THOROUGH EXAMINATION OF THE RECORD TITLE. ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48113C0490 J. I, Gary E. Johnson, Texas Registered Professional Land Surveyor No. 5299, do hereby certify that the survey plat hereon is a true and correct representation of the above described property, and do further state that this survey accurately depicts the substantial improvements to said property as located on the ground and that there are no protrusions from or encroachments onto said property by any such improvements except as shown hereon.

ACCEPTED BY: _____

ACCEPTED BY: _____

DATE: _____

TITLE CO.: _____
 GF NO.: _____
 BORROWER: _____
 DRAWN BY: CHRIS
 CHECKED BY: *DPS*
 DATE: 5-20-13
 SCALE: 1" = 20'
 TASK NO.: 1301840-1
 BDA 125-074

LEGEND	
	ASPHALT PAVING
	CHAIN LINK FENCE
	WOOD FENCE
	IRON FENCE
	OVERHEAD ELECTRIC SERVICE
	OVERHEAD POWER LINE
	COVERED AREA
	CONCRETE PAVING
	IRON ROD FOUND
	IRON ROD SET
	IRON PIPE FOUND
	"X" FOUND / SET
	ELECTRIC METER
	POWER POLE

TEXAS HERITAGE
 SURVEYING, LLC

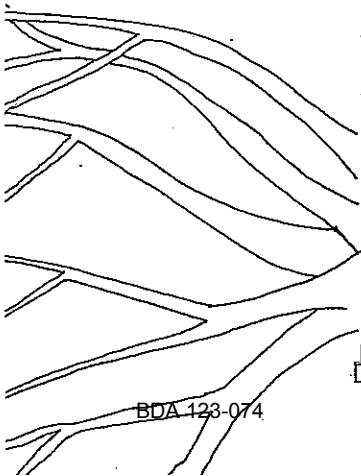
10610 Metric Drive, Suite 124, Dallas, TX 75243
 Office 214-340-9700 Fax 214-340-9710
 txheritage.com

3-14

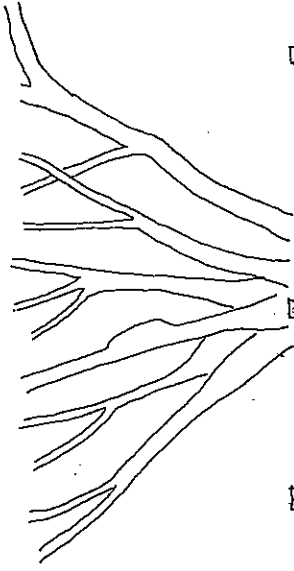
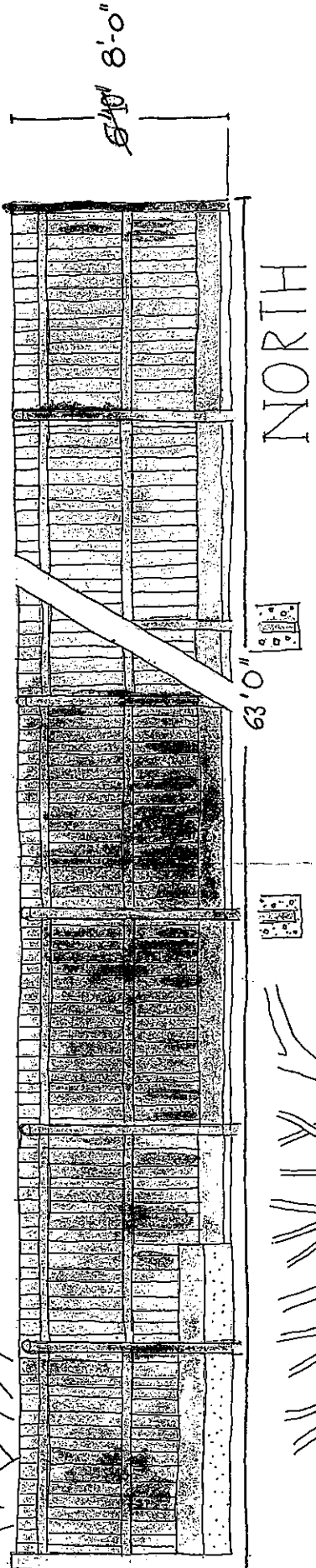
STATE OF TEXAS
 REGISTERED
GARY E. JOHNSON
 5299
 PROFESSIONAL
 LAND SURVEYOR

Gary E. Johnson

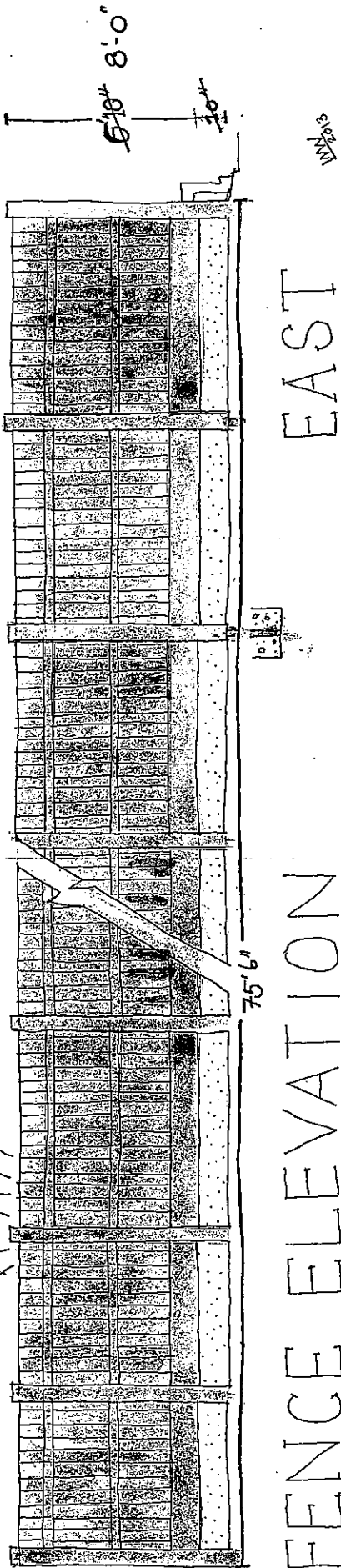
Gary E. Johnson P.L.S. No. 5299



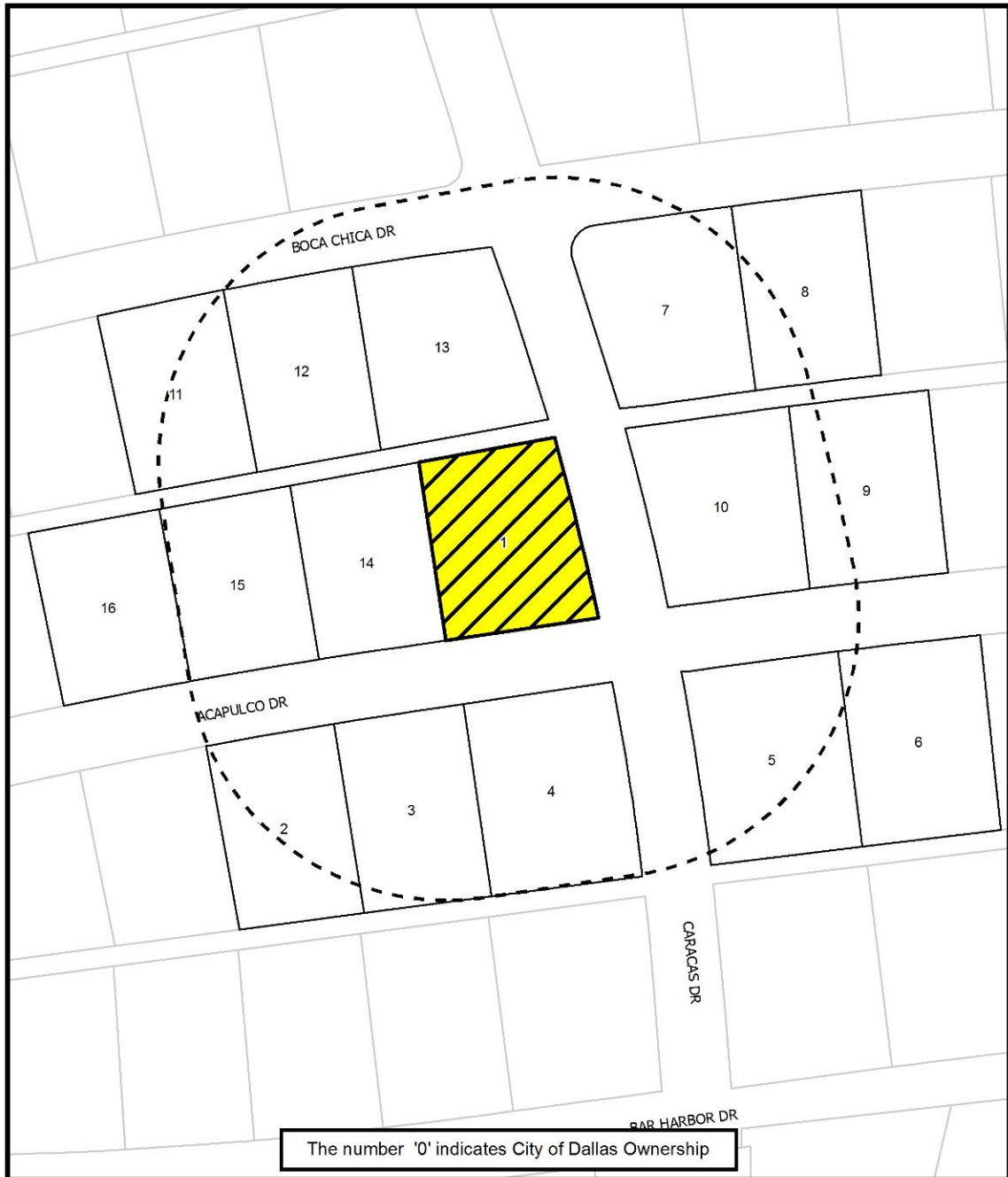
BDA 123-074



3-15



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



 1:1,200	NOTIFICATION		Case no: BDA123-074
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/24/2013	

Notification List of Property Owners

BDA123-074

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1505 ACAPULCO DR	BABINO ROSALIND D %KARON RICE
2	1526 ACAPULCO DR	ROGERS WILLIE B & BRENDA
3	1516 ACAPULCO DR	STINEBAUGH CHRISTY ANN &
4	1506 ACAPULCO DR	WILLIAMS WILBER A
5	1450 ACAPULCO DR	WALKER NATHAN
6	1440 ACAPULCO DR	BOUCHER DOROTHY L
7	1438 BOCA CHICA DR	HOLLIE LARUE C & VERNON L BUSBY
8	1428 BOCA CHICA DR	BRODIE FABIAN & KATHRYN
9	1441 ACAPULCO DR	LANE BILLY G & LESSIE
10	1451 ACAPULCO DR	WOODWARD THADDEUS I
11	1524 BOCA CHICA DR	WRIGHT ROY D
12	1514 BOCA CHICA DR	TOYNES KIMBERLEY LYNN & TONY TOYNES
13	1504 BOCA CHICA DR	HOUSTON MATTHEW L
14	1515 ACAPULCO DR	TAYLOR LEO G & TAMARA TAYLOR
15	1525 ACAPULCO DR	MOSLEY SHIRLEY JEAN
16	1535 ACAPULCO DR	MILLIGAN JEAN ELLISON

FILE NUMBER: BDA 123-078

BUILDING OFFICIAL'S REPORT: Application of Holly Trester, represented by Melissa Saunders, for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter at 5431 Lobello Drive. This property is more fully described as Lot 10, Block A/5518 and is zoned R-1ac(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to have an additional electrical utility service or electrical meter on a lot with a single family use, which will require a special exception to the single family use regulations.

LOCATION: 5431 Lobello Drive

APPLICANT: Holly Trester
Represented by Melissa Saunders

REQUEST:

A special exception to the single family use regulations is requested in conjunction with installing and maintaining an additional electric utility service on a site developed with a single family home/use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL ELECTRICAL UTILITY SERVICE AND ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service and/or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service and/or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

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/use. 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:

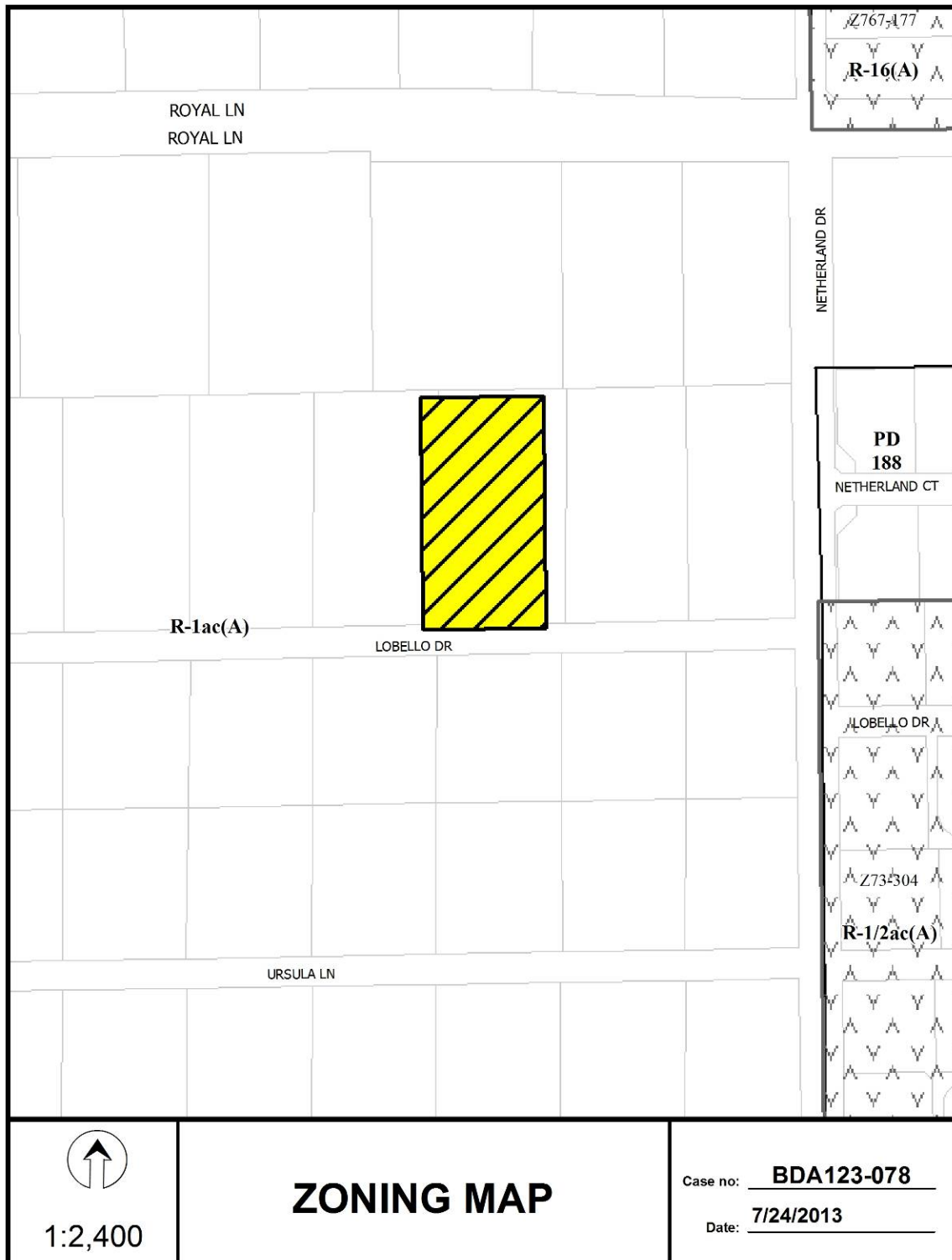
- June 25, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 5, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 6, 2013: 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 Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building

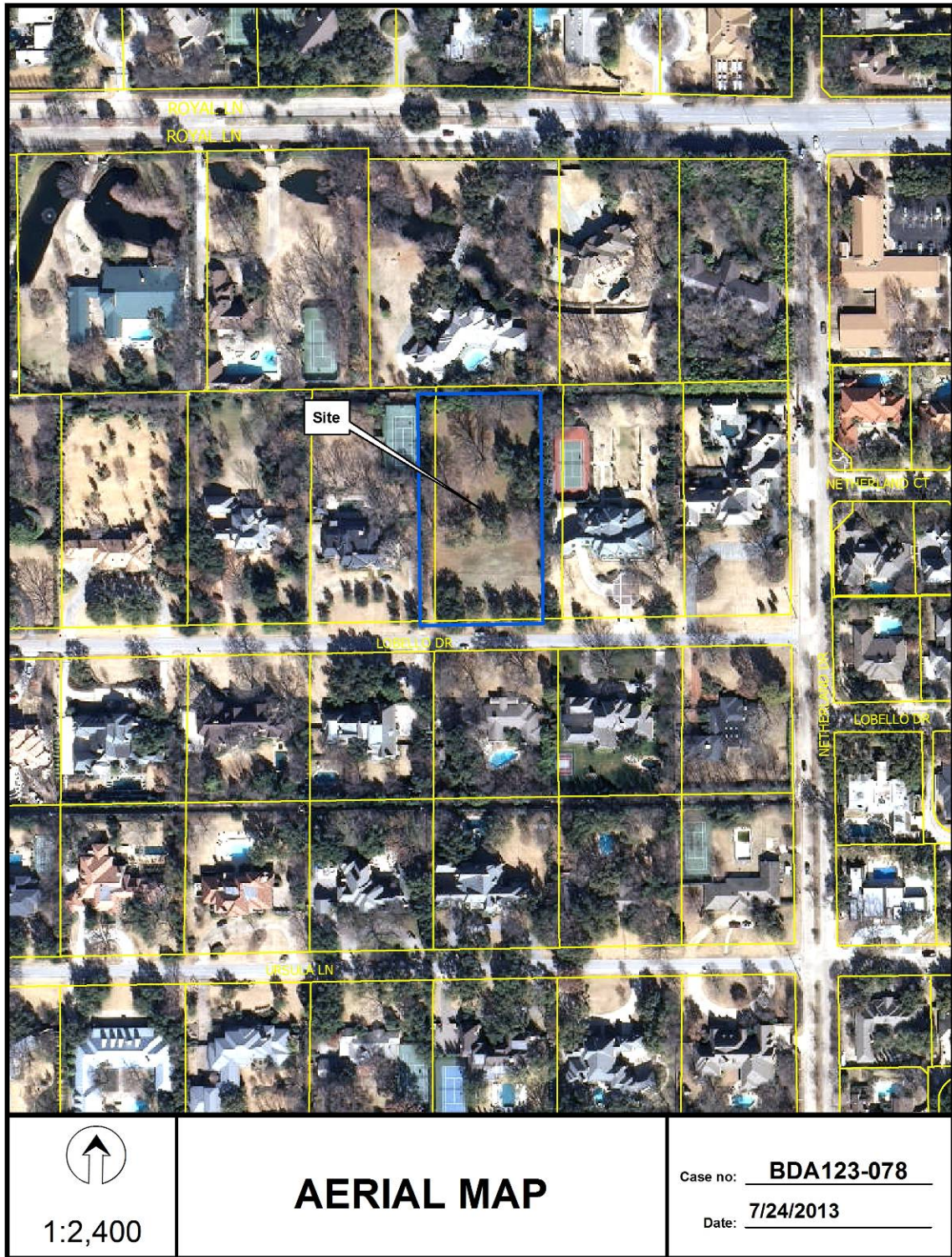
Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on installing and maintaining a second electrical utility service on a site developed with a single family home/use.
- The Dallas Development Code states that in R-1ac(A) zoning, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter.
The applicant has submitted a site plan/survey plat of the 1.7 acre subject site that denotes the location of the new meter on the site.
- The application states that the request “will not have an adverse affect on neighboring properties because it will assist in drainage by powering pump to remove standing water.”
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.







B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-078

Data Relative to Subject Property:

Date: 6-25-13

Location address: 5431 Lobello Dr. Zoning District: R-1ac(A)

Lot No.: 10 Block No.: A/5518 Acreage: 1.72 Census Tract: 76.05

Street Frontage (in Feet): 1) 200 2) _____ 3) _____ 4) _____ 5) _____

NE2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James & Holly Trestler

Applicant: Holly Trestler Telephone: 214.478.0394

Mailing Address: 5431 Lobello Dr. Dallas, TX Zip Code: 75229

E-mail Address: holly.trestler@me.com

Represented by: Melisse Saunders Telephone: 972.931.0200

Mailing Address: 2701 Dallas Pkwy #590 Plano TX Zip Code: 75093

E-mail Address: melissa@peckhamcustombuilders.com

Affirm that an appeal has been made for a Variance __, or Special Exception , of additional moral electric service

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:

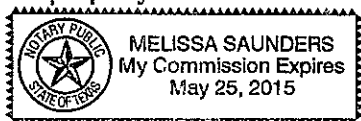
Will not have an adverse effect on neighboring properties because it will assist in drainage by powering pump to remove standing water

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 Holly M. Trestler
(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: Holly M. Trestler
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 17 day of June, 2013

Melissa Saunders
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

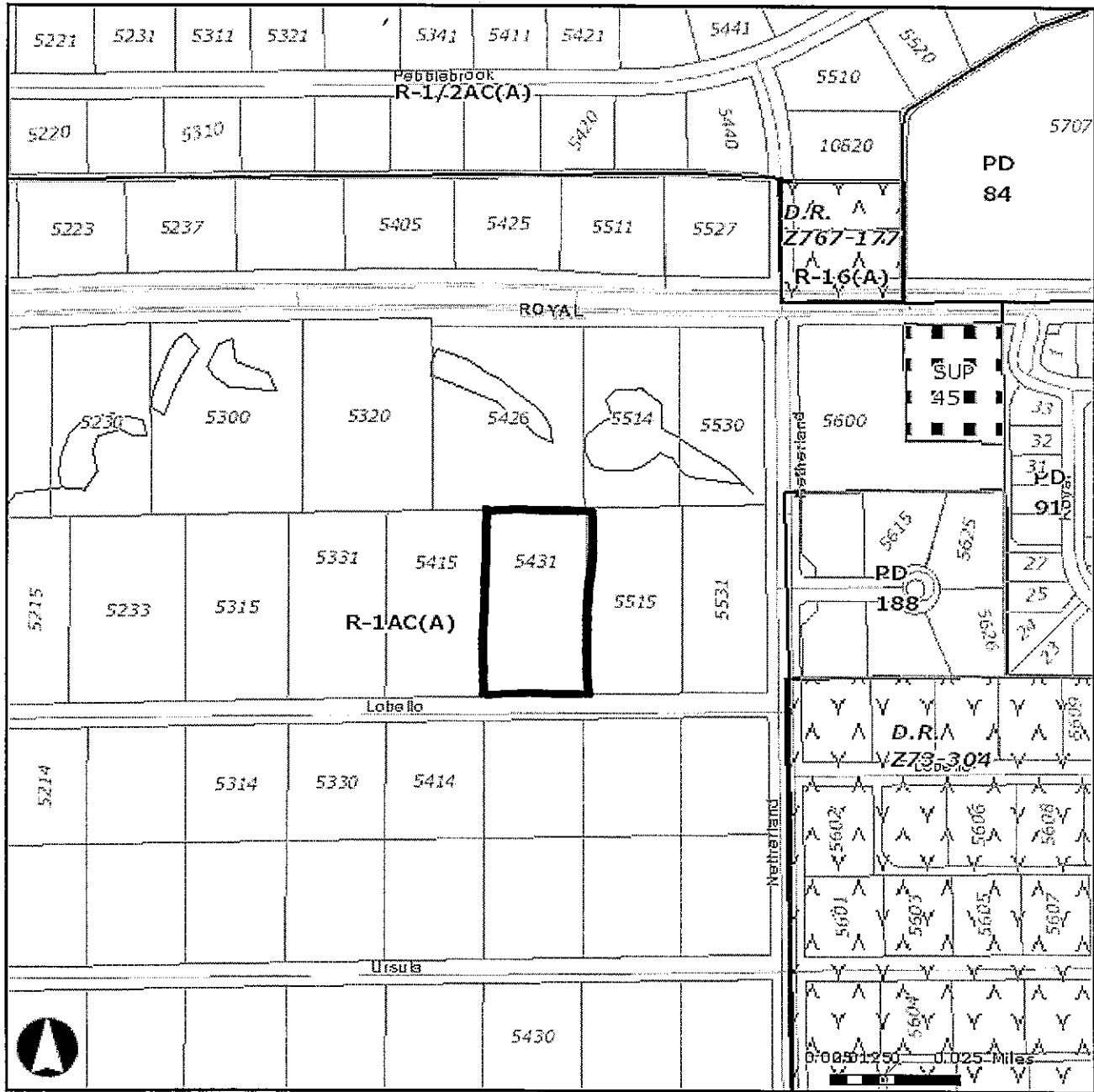
I hereby certify that Holly Trester
represented by MELISSA SAUNDERS
did submit a request provide an additional electrical meter
at 5431 Lobello Drive

BDA123-078. Application of Holly Trester represented by Melissa Saunders to provide an additional electrical meter at 5431 Lobello Drive. This property is more fully described as Lot 10, Block A/5518 and is zoned R-1ac(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and maintain a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



City Boundaries

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

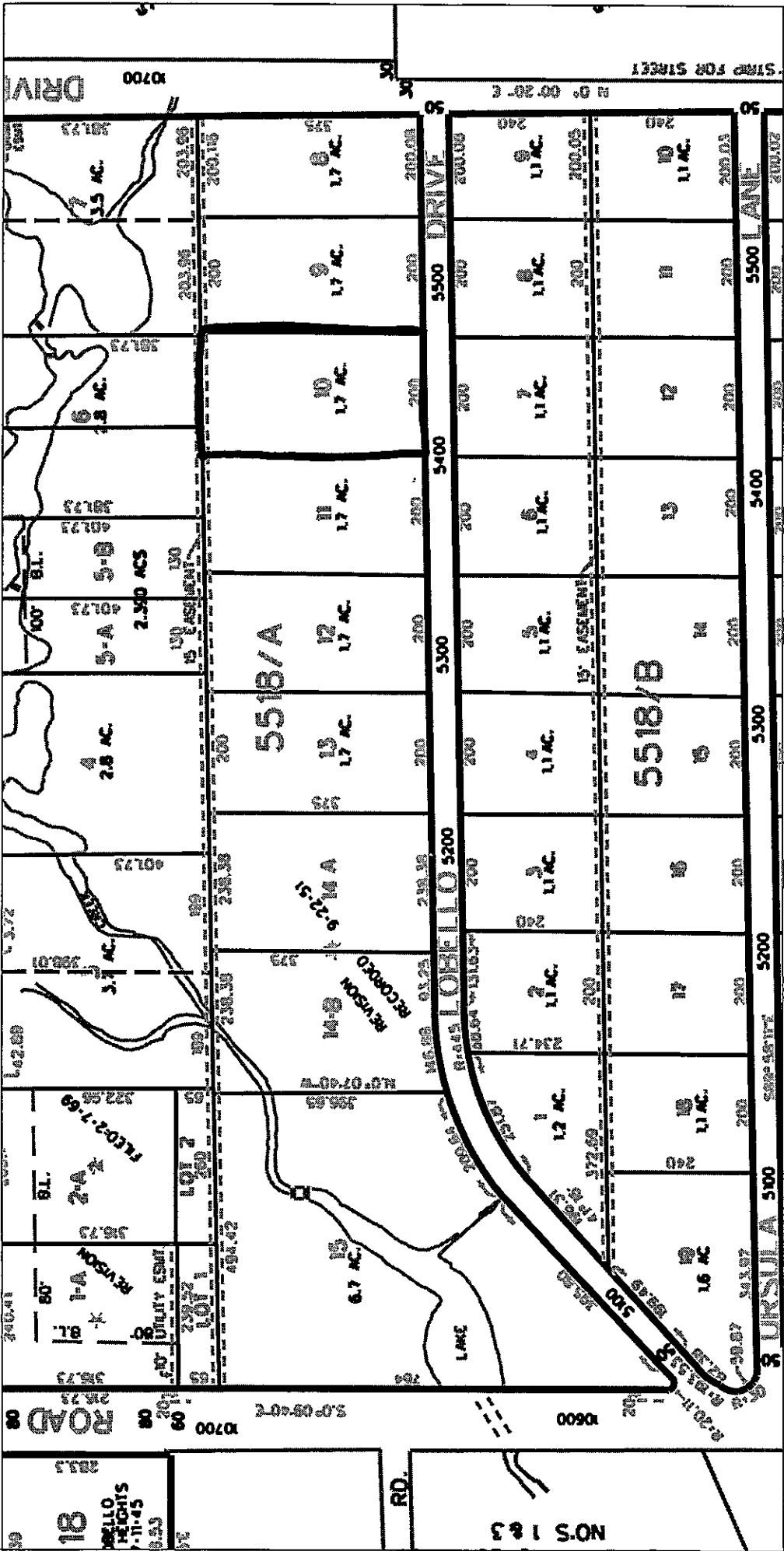
Dry Overlay

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

Base Zoning

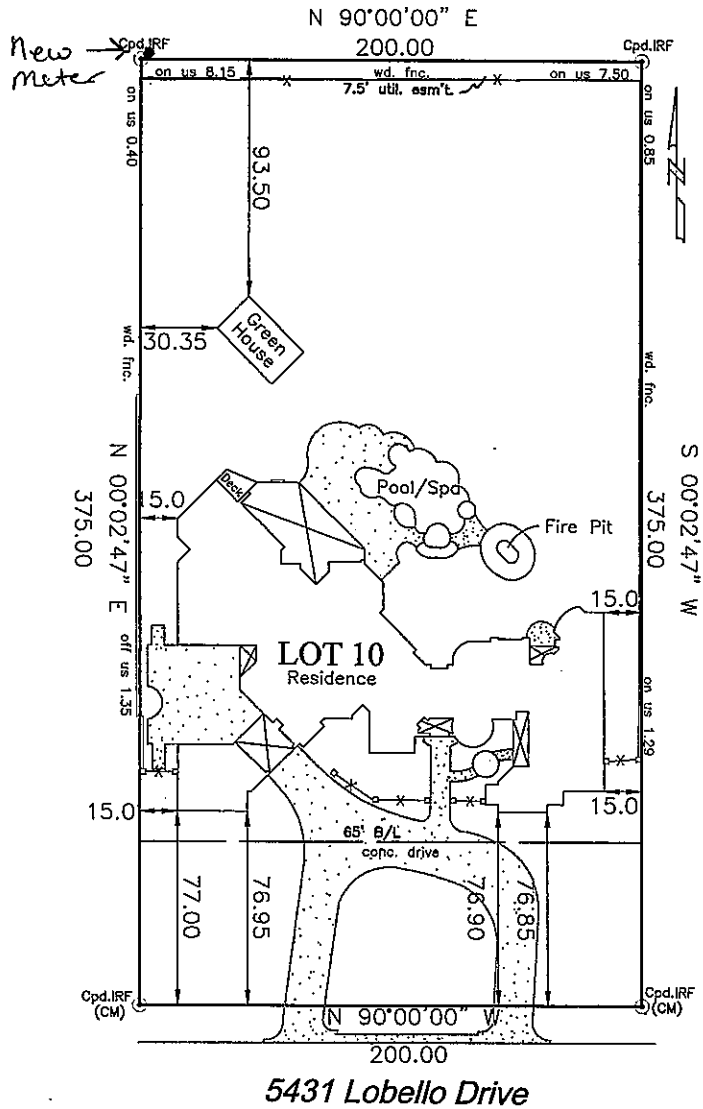
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

Handwritten mark resembling a stylized 'd' or 'p'.



SURVEY PLAT

Address: 5431 Lobello Drive being Lot 10, Block A/5518 of Lobello Estates, an Addition to City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Document No. 201000289593, Map Records, Dallas County, Texas.



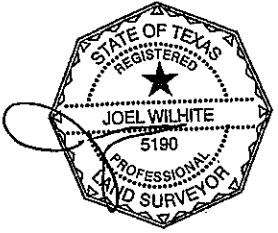
Scale: 1"=60' Date: 04/25/13 Revised: **W.L.S.** Job No. 110081 in 2009 misc

Title commitment/Survey Request File No. N/A, Dated: N/A

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) Drainage arrows, if shown, were determined by elevations shown hereon. (3) (CM) = Controlling monument. (4) Surveyor's seal will appear with red ink on originals. (5) Subject property is affected by any and all notes, details, and easements, and other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request. (6) This survey was performed without the benefit of a title commitment.

CERTIFICATION

On the basis of my knowledge, information and belief, I certify to Peckham Custom Homes that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct, and accurate as to the boundaries of the subject property, and if shown, location and type of buildings and visible improvements hereon.

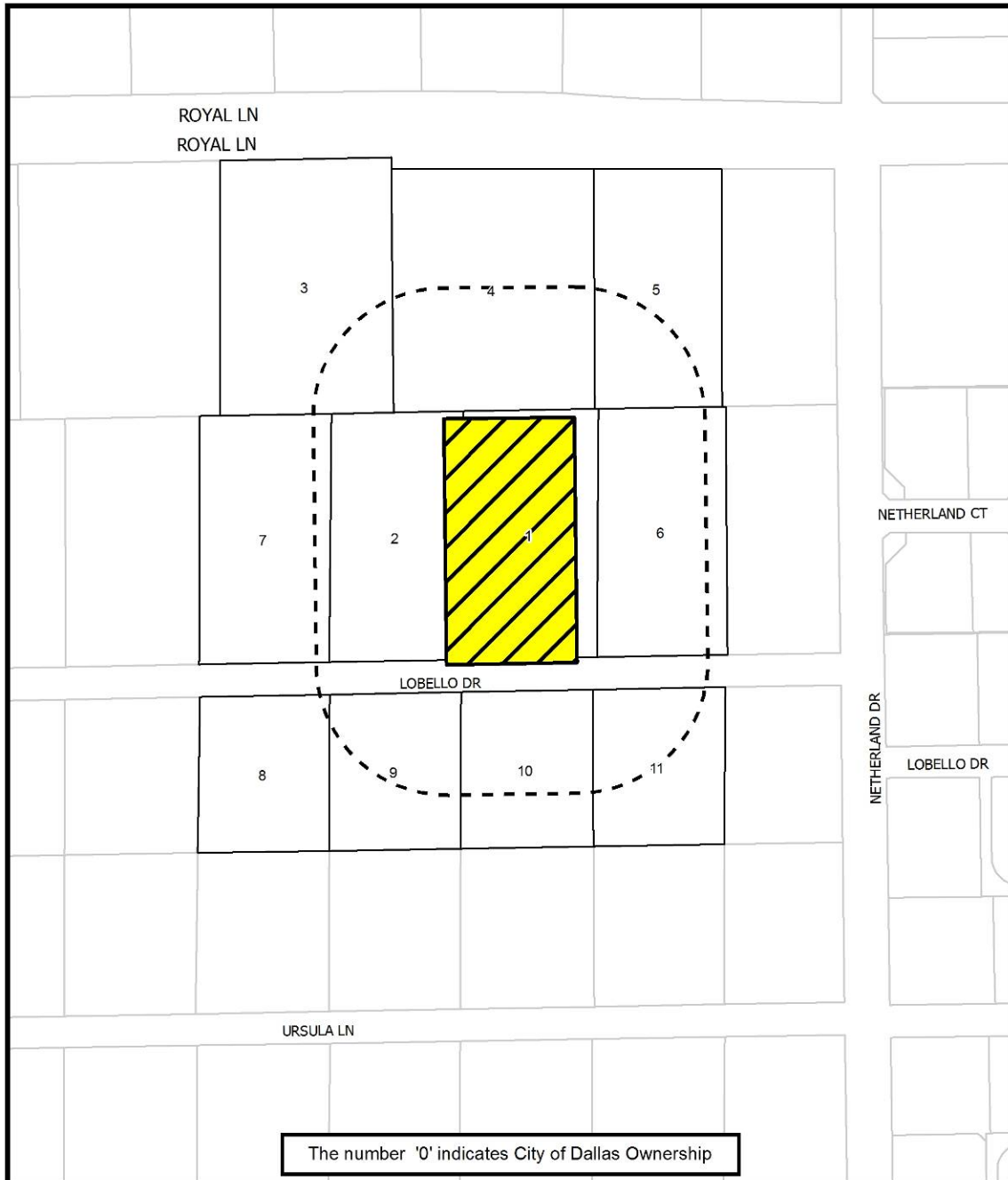


W.L.S.

Wilhite Land Surveying, INC.

P O Box 407
Valley View, TX 76272
Ph: 940-726-6150
Fax: 940-726-6151





 1:2,400	NOTIFICATION		Case no: BDA123-078
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/24/2013

Notification List of Property Owners

BDA123-078

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5431 LOBELLO DR	TRESTER JAMES M & HOLLY M
2	5415 LOBELLO DR	MARQUEZ THOMAS J & KATE ROSE
3	5320 ROYAL LN	LAKHANPAL SHARAD & RASHMI
4	5426 ROYAL LN	NGUYEN KIEN LUONG & BICH-HUONG
5	5514 ROYAL LN	LYNCH GEORGE & JULIE
6	5515 LOBELLO DR	PHILLIPS BRADFORD A
7	5331 LOBELLO DR	TRIMBLE JAMES C & LORA G
8	5330 LOBELLO DR	THE GENE AND BARBARA MASSAD REVOC LIVING
9	5414 LOBELLO DR	RYAN GEORGE BRINT & AMANDA SUTTON
10	5426 LOBELLO DR	HODGES CHARLES M & JERI E
11	5514 LOBELLO DR	ALEXANDER JENNA TURNER

FILE NUMBER: BDA 123-077

BUILDING OFFICIAL'S REPORT: Application of Rudy Diaz for a variance to the front yard setback regulations at 627 N. Clinton Avenue. This property is more fully described as Lot 7, Block 17/3472 and is zoned CD-1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 17 foot 6 inch front yard setback, which will require a 7 foot 6 inch variance to the front yard setback regulations.

LOCATION: 627 N. Clinton Avenue

APPLICANT: Rudy Diaz

REQUEST:

A variance to the front yard setback regulations of 7' 6" is made in conjunction with enlarging an existing porch structure attached to a multifamily use/structure on the subject site/lot, part of which is proposed to be enlarged/located in the 25' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff was unable to conclude how the parcel/subject site differs from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 1 zoning classification. The subject site is relatively flat, rectangular in shape, and is 0.17 acres (or approximately 7,500 square feet) in area—a size that appears to be equivalent to others in the zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: CD 1 (Subarea 1) (Conservation District)
North: CD 1 (Subarea 1) (Conservation District)
South: CD 1 (Subarea 1) (Conservation District)
East: CD 1 (Subarea 1) (Conservation District)
West: CD 1 (Subarea 1) (Conservation District)

Land Use:

The subject site is developed with a nonconforming multifamily use/structure. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

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

Timeline:

- June 25, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 5, 2013: 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 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 6, 2013: 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 Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

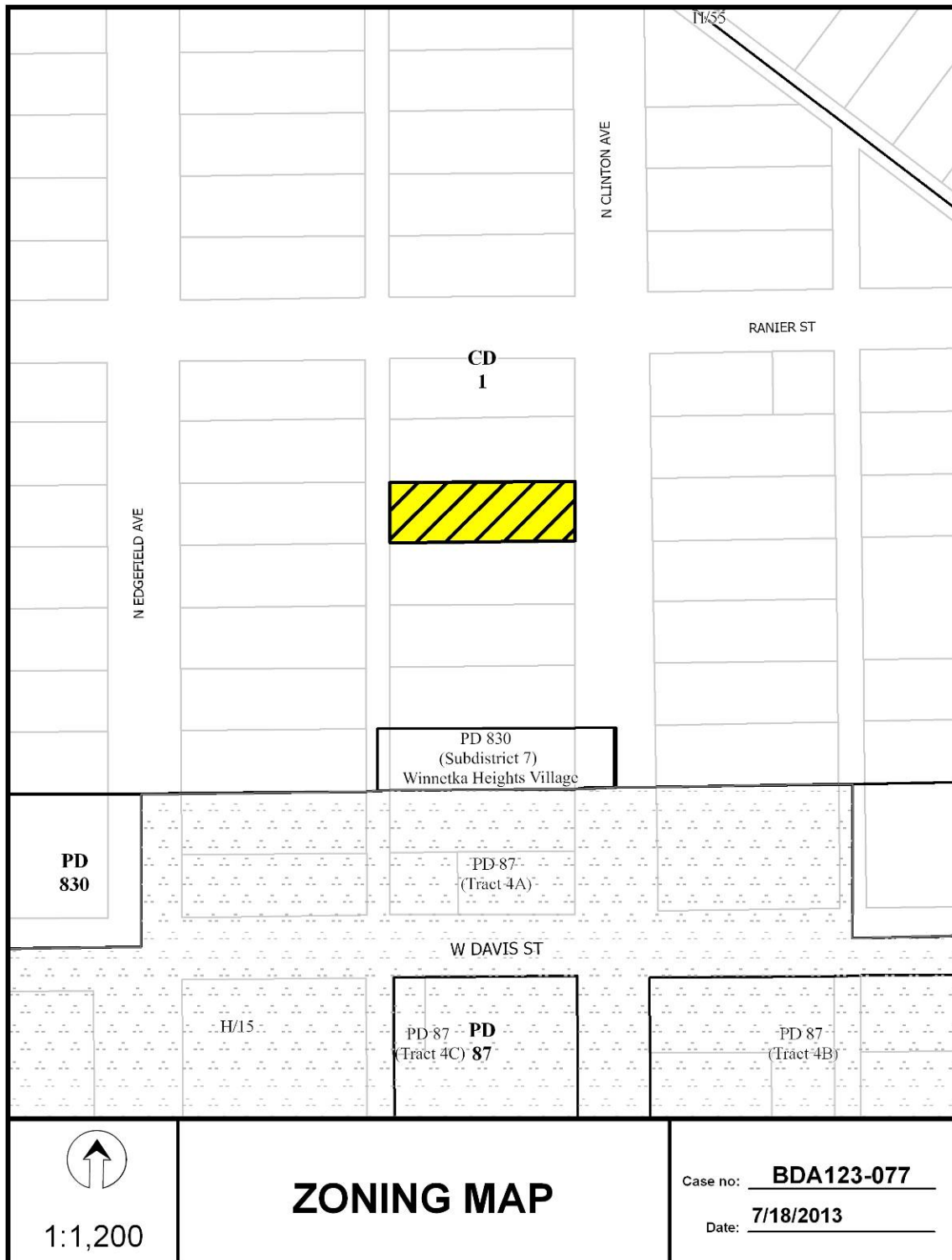
No additional review comment sheets with comments were submitted in conjunction with this application.

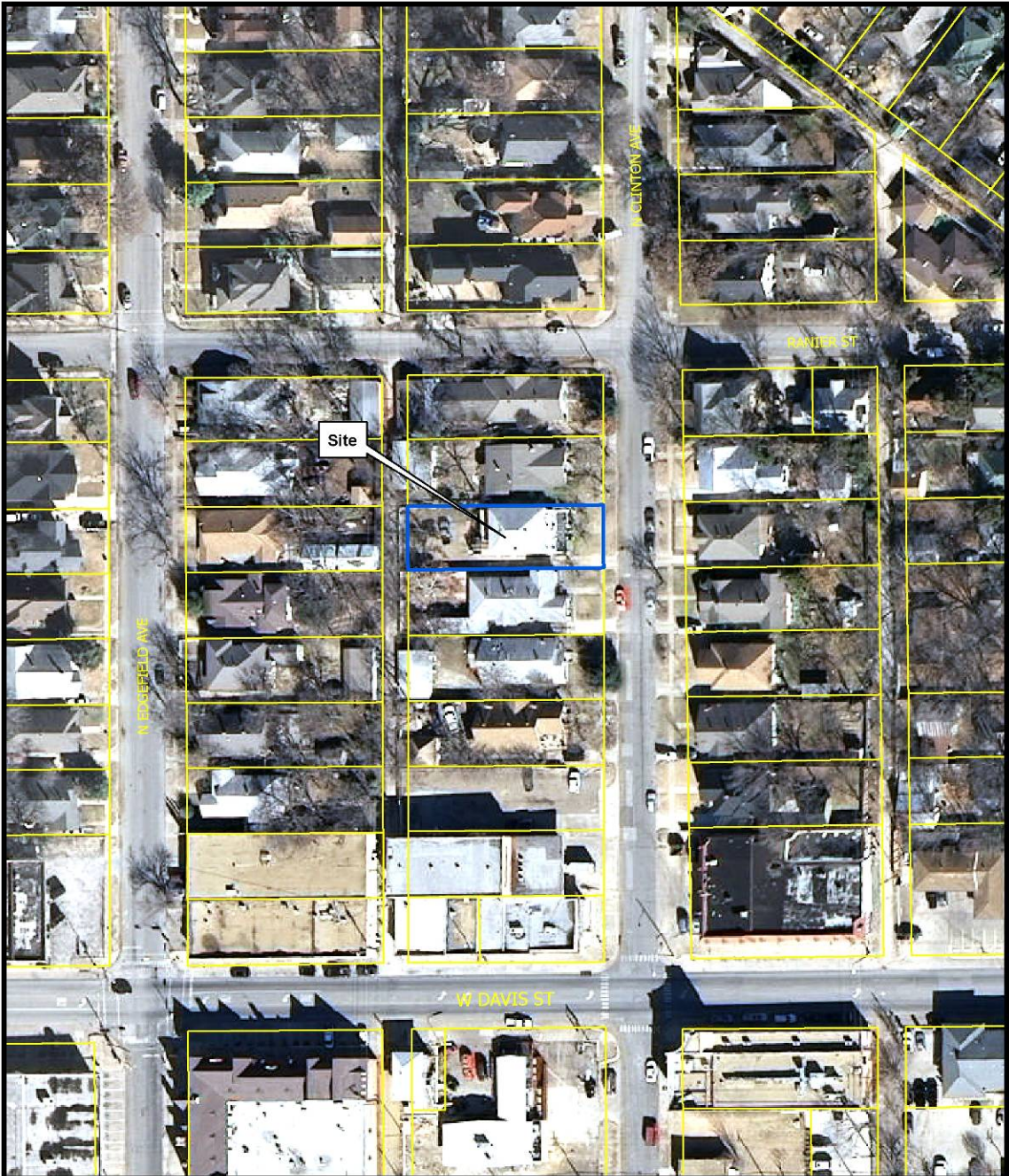
GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on enlarging an existing porch structure attached to a multifamily structure on the subject site/lot, part of which is proposed to be located in the 25' front yard setback.
- Structures on lots zoned CD 1 (Subarea 1) are required to provide a minimum front yard setback of 25'. The front yard setback must be within 5 feet of the three nearest main uses in the blockface.
- A site plan and an elevation have been submitted denoting a structure (in this case a structure including a stair "structure") located as close as 17' 6" from the front property line or 7' 6" into the 25' front yard setback. (The remaining part of the structure that is to be enlarged vertically is located 21' from the front property line or 4' into the 25' front yard setback).
- According to DCAD records, the "main improvement" at 627 N. Clinton Avenue is a structure built in 1914 with 2,856 square feet of living area and 2,856 square feet of total area. According to DCAD records, the "additional improvements" at 627 N. Clinton Avenue is a 612 square foot room addition and a 144 square foot storage building.
- The existing structure that the applicant intends to enlarge appears to be a nonconforming structure given that according to DCAD the structure was built in 1914 and that the City of Dallas zoning ordinance was created in 1965.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that other than when the owner acts to intentionally destroy the nonconforming structure, a person may renovate, remodel, repair, or enlarge a nonconforming use if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- In this case, the applicant is required to seek variance since he proposes to enlarge the existing nonconforming porch structure building footprint vertically. The work that the applicant proposes is causing the nonconforming structure to become more nonconforming is related to enlarging the existing footprint of the porch by adding a

roof over the entire existing porch footprint – presently the roof over the porch is not in the required setback and only covers a small area of the footprint.

- The proposed roof is to cover the entire approximately 330 square foot nonconforming porch structure of which from calculations taken from the submitted site plan by the Board Administrator it appears that approximately 130 square feet (or approximately 1/3) is to be located in the site's 25' front yard setback.
- The subject site is relatively flat, rectangular in shape, and according to the application, is 0.17 acres (or approximately 7,500 square feet) in area. The site is zoned CD 1 (Subarea 1).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 1 zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 1 zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a structure to be located as close as 17' 6" from the site's front property line or as much as 7' 6" into the 25' front yard setback.





1:1,200

AERIAL MAP

Case no: BDA123-077

Date: 7/18/2013



City of Dallas

TR

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-077

Data Relative to Subject Property:

Date: 6-25-13

Location address: 627 N. Clinton Avenue Zoning District: CD1 (Sub 1)

Lot No.: 7 Block No.: 1713472 Acreage: 0.17 Census Tract: 42.02

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

To the Honorable Board of Adjustment :

sw16

Owner of Property (per Warranty Deed): Felix Sandoval

Applicant: Rudy Diaz Telephone: 214-478-1142

Mailing Address: 627 N. Clinton Ave., Apt D Zip Code: 75208

E-mail Address: RVDiaz56@aol.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 7'-6"
reduction of front yard setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
A variance of 7'-6" inches to the front yard setback will allow for property to maintain its original setback.

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 Rudy Diaz
(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: Rudy Diaz
(Affiant/Applicant's signature)

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

Louise M. Bartosik
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

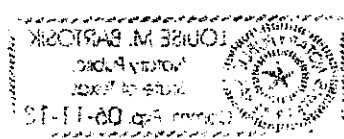
I hereby certify that RUDY DIAZ

did submit a request for a variance to the front yard setback regulations
at 627 N. Clinton Avenue

BDA123-077. Application of Rudy Diaz for a variance to the front yard setback regulation at 627 N. Clinton Avenue. This property is more fully described as Lot 7, Block 17/3472, and is zoned CD-1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a multifamily residential structure and provide a 17 foot 6 inch front yard setback, which will require a 7 foot 6 inch variance to the front yard setback regulation.

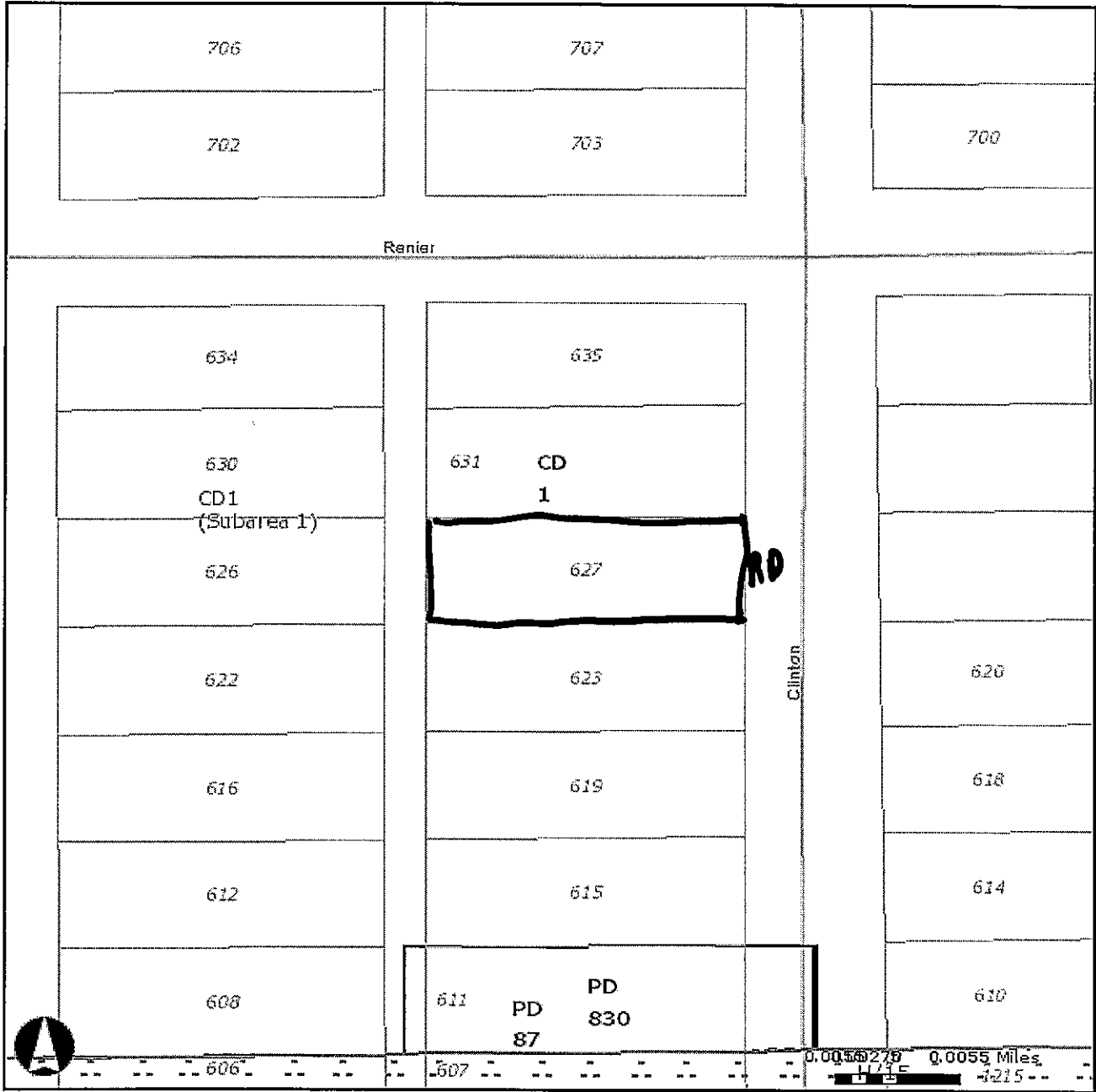
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





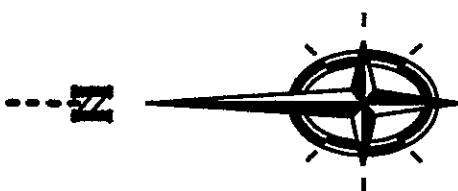
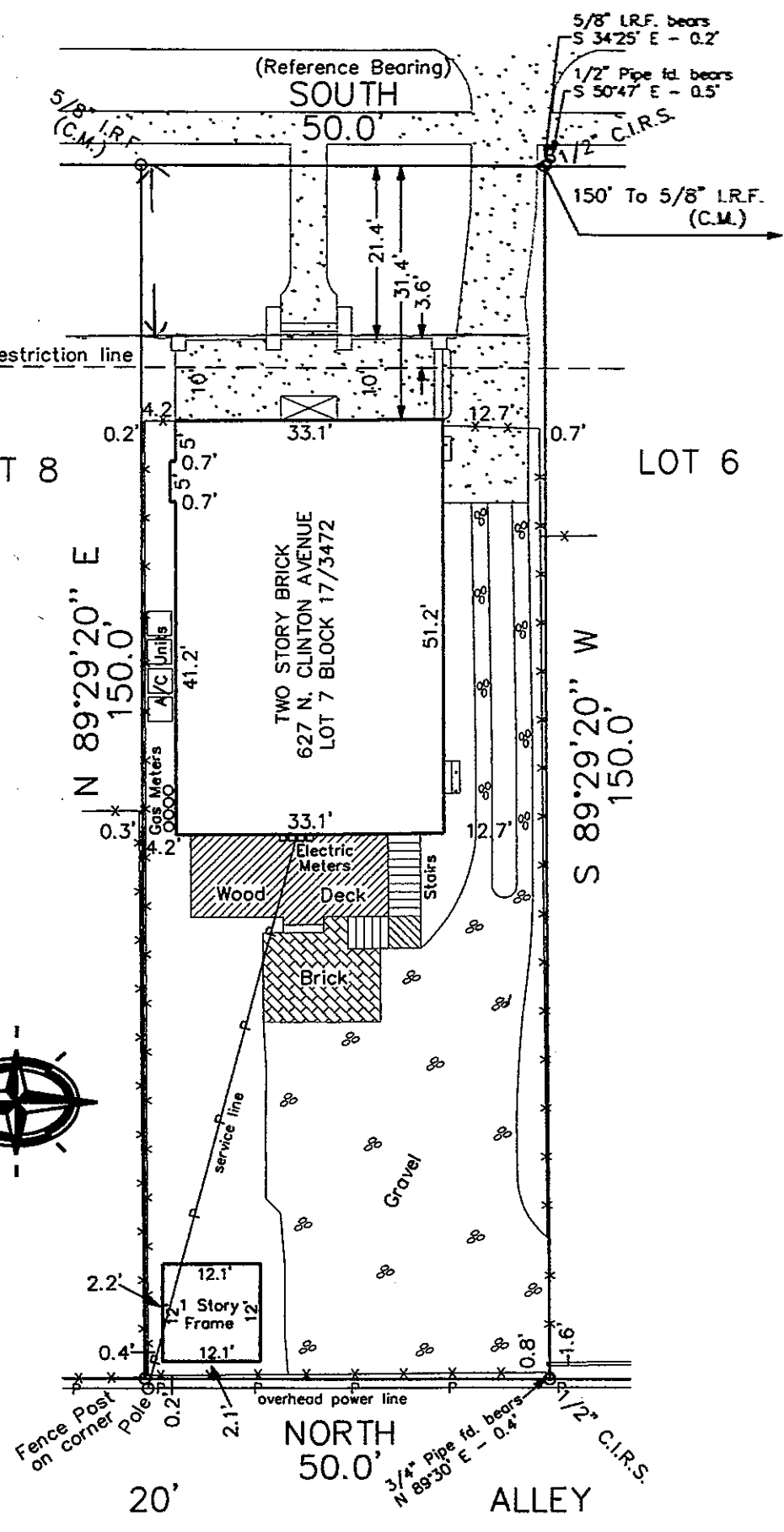
City of Dallas Zoning



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

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

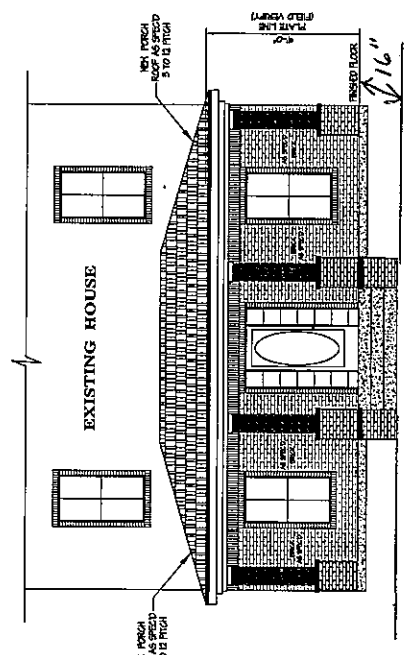
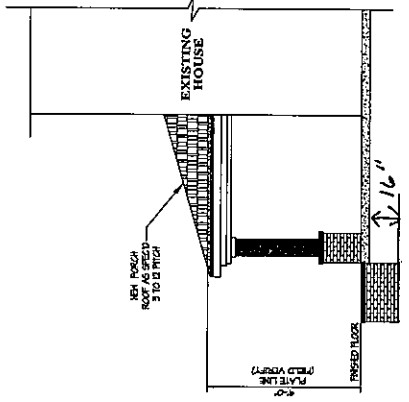
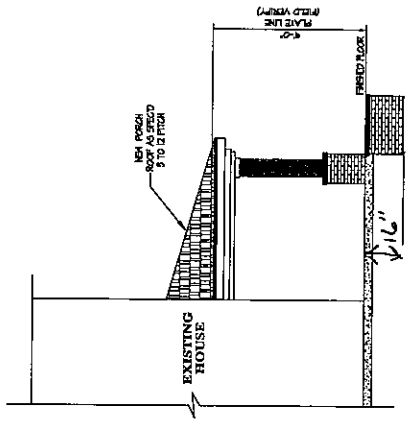
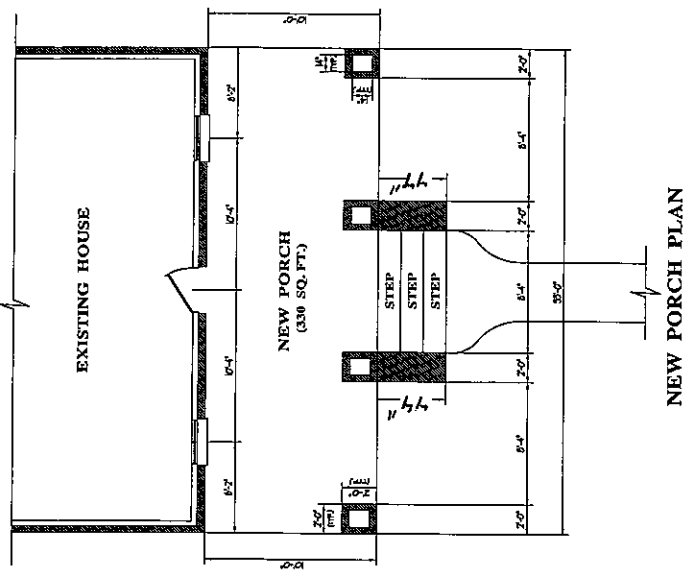
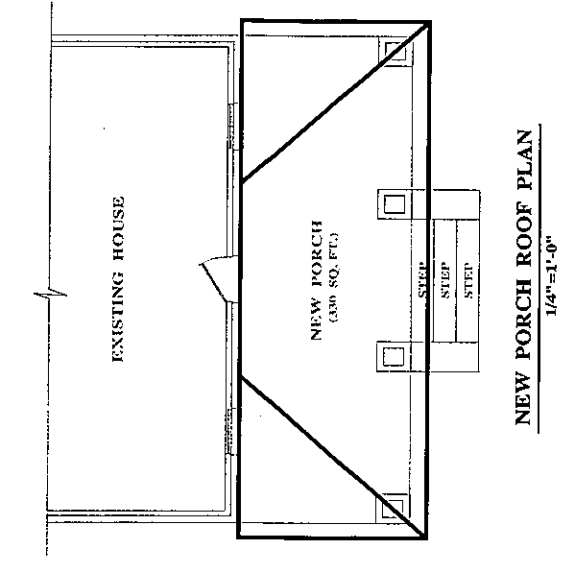
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

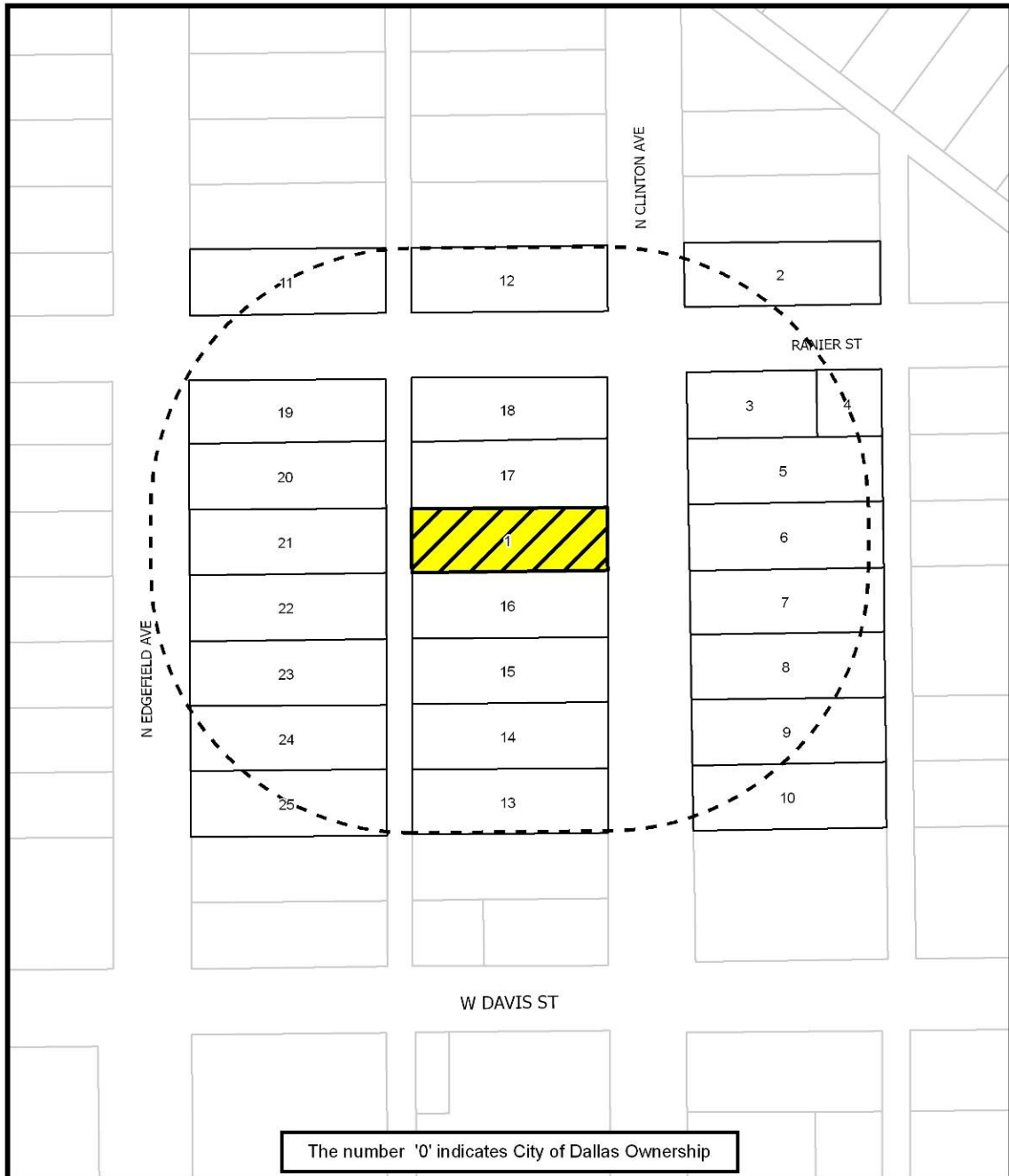


NOTICE OF NON-RESPONSIBILITY
 THE UNDERSIGNED HAS BEEN PREPARED FROM INFORMATION AND RESEARCH PROVIDED BY THE ARCHITECT/ENGINEER AND I HAVE NOT CONDUCTED A FIELD SURVEY OF THE PROJECT. I AM NOT TO BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS OR FOR ANY CONSEQUENCES THAT MAY RESULT THEREFROM.

- NOTES:**
- ALL PLATE LINES TO BE FIELD ADJUSTED AS NEEDED TO MAKE ROOF ALIGN PROPERLY.
 - ALL CEILING HEIGHTS TO BE FIELD VERIFIED AND APPROVED BY OWNER & BUILDER BEFORE ANY CEILING OR ROOF RAFTERS ARE FRAMED.
 - THESE ELEVATIONS ARE RECOMMENDATIONS ONLY AND CAN BE FIELD MODIFIED AND ADJUSTED AS NEEDED PER BUILDERS INSTRUCTIONS AND OWNER APPROVAL.
 - IT IS THE RESPONSIBILITY OF THE FRAMER TO FOLLOW THE ABOVE NOTES AND VERIFY AND INFORM THE OWNER AND BUILDER OF ANY AND ALL DISCREPANCIES.

NOTE:
 Ellis County Reptographics Inc. is a Drafting & Design firm only. In no way does E.C.R. represent itself as Architects or Engineers. All drawings are based on dimensions/specifications furnished to E.C.R. Inc. by the the builder and/or home owner.





 1:1,200	NOTIFICATION	Case no: BDA123-077			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">25</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	25	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
25	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA123-077

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	627 CLINTON AVE	SANDOVAL FELIX
2	700 CLINTON AVE	ZARRELLA JOHN & NANCY
3	634 CLINTON AVE	ECHEGARAY ERIK H
4	1218 RANIER ST	HOUSTON BETTY S
5	630 CLINTON AVE	VERDEJO ABRAHAM M & MARIA M
6	626 CLINTON AVE	TORRES JOSE C
7	620 CLINTON AVE	CHERNOCK CHRISTIAN
8	618 CLINTON AVE	OBRIEN DEBRA
9	614 CLINTON AVE	BAILEY STEVEN & CHRISTINE
10	610 CLINTON AVE	RANGE CHRISTOPHER T
11	702 EDGEFIELD AVE	CASTILLO JAVIER
12	703 CLINTON AVE	REAGAN MICHAEL
13	611 CLINTON AVE	HARGROVE MAC
14	615 CLINTON AVE	RAMIREZ ROBERT
15	619 CLINTON AVE	RUBY CHRISTOPHER ALAN
16	623 CLINTON AVE	GOMEZ LUIS MANUEL & MARIA GUADALUPE
17	631 CLINTON AVE	LIVERMAN ERIK J & AMY D BRONSON
18	635 CLINTON AVE	VASQUEZ RAMON
19	634 EDGEFIELD AVE	HERNANDEZ JESUS ET AL
20	630 EDGEFIELD AVE	HERNANDEZ JESSE R
21	626 EDGEFIELD AVE	CALDERON JOSE A
22	622 EDGEFIELD AVE	COUCH PATRICIA A
23	616 EDGEFIELD AVE	MARLINGS INC
24	612 EDGEFIELD AVE	MCCAULEY COREY D
25	608 EDGEFIELD AVE	POWELL JUDITH LIFE ESTATE

FILE NUMBER: BDA 123-081

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley for a variance to the off-street parking regulations and a special exception to the landscape regulations at 2912 Maple Avenue. This property is more fully described as Lot 7 and part of Lots 5 and 9, Block 7/944 and is zoned PD-193 (LC), which requires off-street parking to be provided and mandatory landscaping. The applicant proposes to maintain a structure for office use and provide 8 of the required 13 parking spaces, which will require a 5 space variance to the off-street parking regulations, and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2912 Maple Avenue

APPLICANT: Karl A. Crawley

REQUESTS:

The following appeals have been made on a site that is currently developed with a vacant structure:

1. A variance to the off-street parking regulations according to the application submitted in June of 5 spaces (or a 38 percent reduction of the 13 required off-street parking spaces that are required) or according to a letter and revised site/landscape plan submitted in July of 3 spaces (or a 23 percent reduction of the 13 required off-street parking spaces) is requested in conjunction with leasing and maintaining the existing approximately 4,600 square foot structure with office use where the applicant proposes to provide 8 (or 62 percent) or 10 (or 77 percent) of the 13 required off-street parking spaces.
2. A special exception to the PD 193 landscape regulations is requested in conjunction with increasing nonpermeable coverage of the lot, and not fully complying with the landscaping requirements of PD 193.

STANDARD FOR A VARIANCE:

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

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

developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

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

PD 193 specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATIONS (variance):

Denial

Rationale:

- While the Sustainable Development and Construction Department Engineering Division Assistant Director has indicated no objections to the request, meaning it may not be contrary to the public interest, staff is unable to conclude that there is an unnecessary hardship as the parcel/subject site does not differ from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (LC) zoning classification. The subject site is flat, rectangular in shape and according to the application, is 10,144 square feet in area. The features of this site do not preclude the applicant from leasing the existing structure with a number of uses permitted in the zoning district where an off-street parking variance reduction request would not be necessary.
- The applicant has not substantiated how this variance for a specific use (office) is not needed to relieve a self created hardship.

STAFF RECOMMENDATION (landscape special exception):

Denial

Rationale:

- The Chief Arborist recommends denial of the proposed landscape plan because the applicant has not substantiated that this request will not compromise the spirit and intent of the landscaping requirements of PD 193.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (Planned Development District, Light commercial)
North: PD 193 (GR) (Planned Development District, General retail)
South: PD 193 (LC) (Planned Development District, Light commercial)
East: PD 193 (LC) (Planned Development District, Light commercial)
West: PD 193 (LC) (Planned Development District, Light commercial)

Land Use:

The subject site is developed with a vacant structure. The areas to the north, east, south, and west are a mix of office and retail uses.

Zoning/BDA History:

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

Timeline:

- June 28, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 5, 2013: 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 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 30, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- August 6, 2013: 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 Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division

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

- August 8, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application and discussed at the August 6th staff review team meeting (see Attachment B).
- August 7, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet regarding the applicant's request for a variance to the off-street parking regulations marked "Has no objections."
- August 9, 2013: The City of Dallas Chief Arborist submitted a memo (with attached photos) that provided his comments regarding the request for a special exception to the landscape regulations (see Attachment C).

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

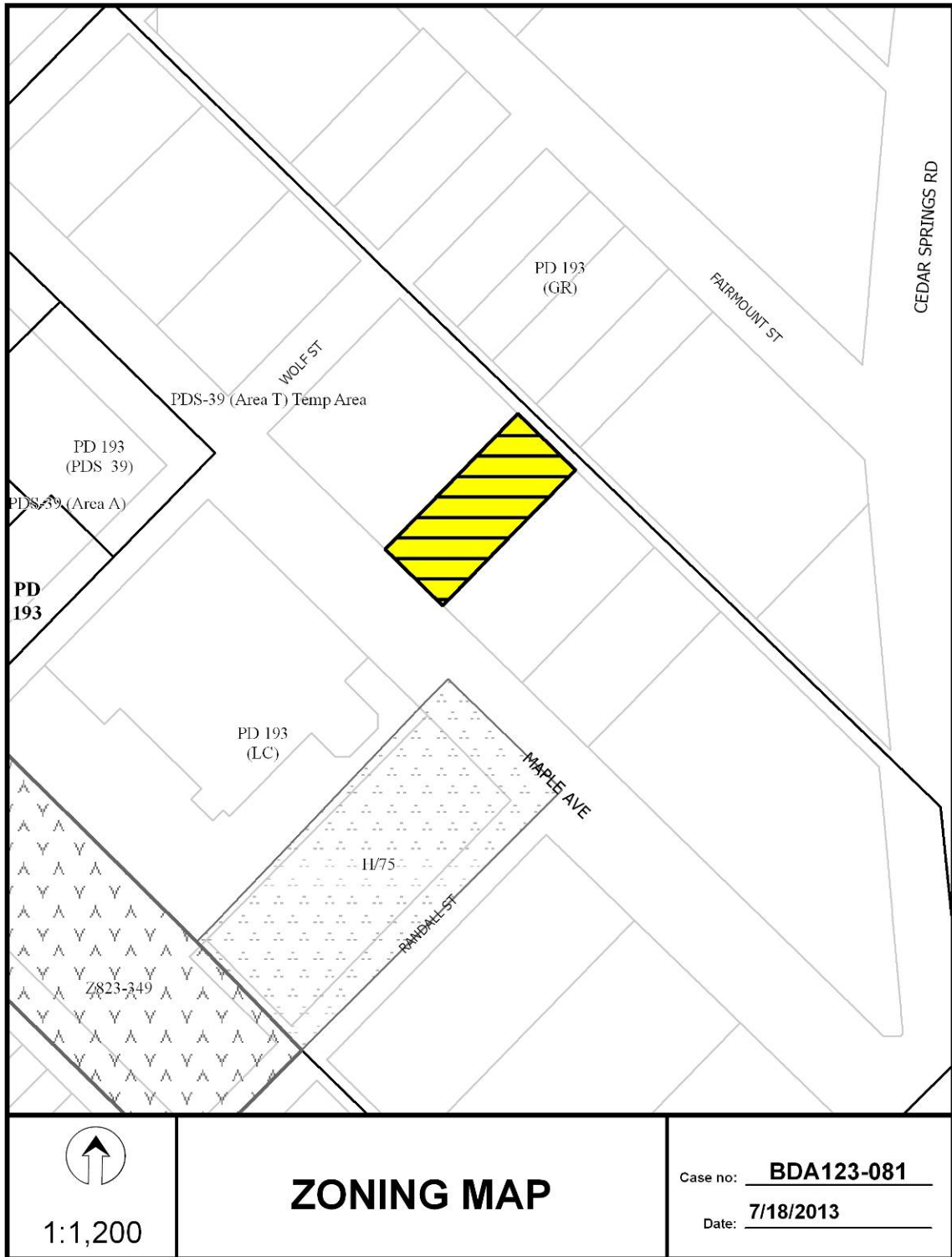
- This request focuses on leasing and maintaining the existing approximately 4,600 square foot structure with office use where the applicant proposes to provide 8 (or 62 percent) of the required 13 required off-street parking spaces.
- The subject site is zoned PD 193 (LC). PD 193 states that the parking requirement for "office" use to be one space per 366 square feet of floor area.
- Dallas Development Code Section 51A-311(a)(6) states that the Board of Adjustment *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.
- Therefore, because the applicant seeks a parking reduction request for office use beyond 35 percent and since PD 193 does not make references to the existing off-street parking regulations in Chapter 51 or Chapter 51(A), the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations.
- Therefore, because the applicant seeks a parking reduction request for office use beyond 35 percent and since PD 193 does not make references to the existing off-street parking regulations in Chapter 51 or Chapter 51(A), the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations.

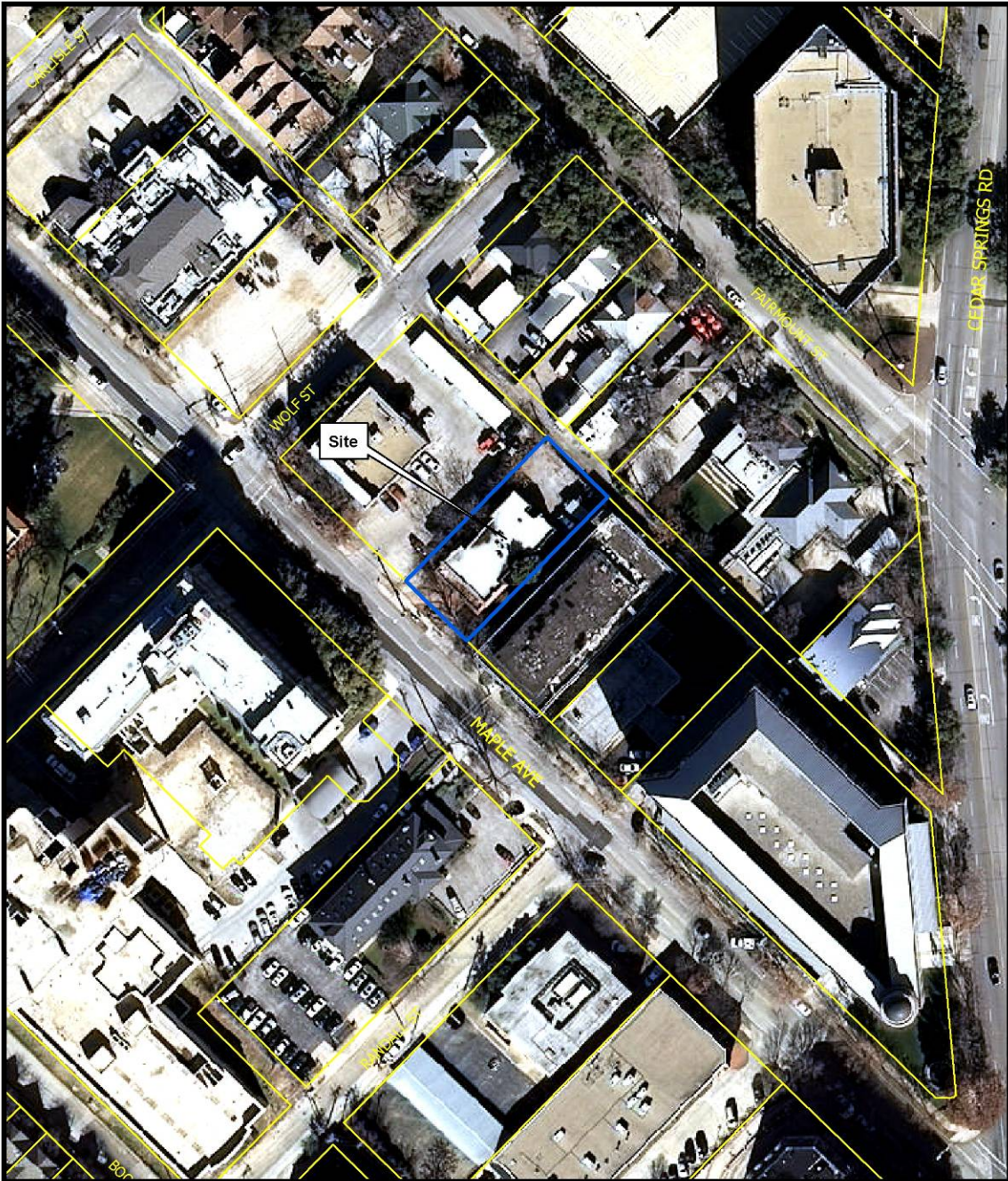
- DCAD records indicate that the improvements at 2912 Maple Avenue is a “converted residence” with 6,440 square feet built in 1923.
- The site is flat, rectangular in shape, and according to the application, is 10,144 square feet in area. The site is zoned PD 193 (LC).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site (that differs from other parcels of land by being of such a restrictive area, shape, or slope) that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (LC) 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 PD 193 (LC) zoning classification.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has submitted a review comment sheet marked “Has no objections.”

GENERAL FACTS/STAFF ANALYSIS (landscape special exception):

- This request focuses on increasing nonpermeable coverage of the lot, and not fully complying with the landscaping requirements of PD 193.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist submitted a memo to the Board Administrator regarding the submitted revised landscape plan/landscape special exception request (see Attachment C) stating, among other things, how the request is triggered by the new addition of nonpermeable coverage on the property without a landscape permit.
- The arborist’s memo lists the following ways in which the applicant’s alternate revised landscape plan is deficient to the PD 193 Landscaping Requirements:
 1. Designated landscape areas: The plan provides less than 10 percent of lot and less than 60 percent front yard with insufficient front yard general planting and special planting.
 2. Off-street parking and screening: The plan provides less than 42” tall screening material-the maximum the provided “dwarf harbor nandina” is 3 feet.
 3. Sidewalks: Sidewalks are currently provided at 4’ wide - the district requires sidewalk to be a minimum 6’ and between 5’ -12’ from back of curb.

4. Trees: The plan provides two, 3.5" large canopy trees outside of the tree planting zoned but in the parkway – the district requires a tree planting zone between 2.5' – 5' from back of curb.
- The arborist's memo lists the following factors for consideration:
 1. There is adequate space within the front yard to prepare protected allowable space for planting one or more trees in the property front yard and spaced further away from overhead utility lines.
 2. The plan indicates automatic irrigation will be provided for all new landscaping.
 3. Raised planting beds were constructed along the front and sides of the structure.
 4. Three new crepe myrtles are to be placed in tree wells in the side yard.
 5. Two existing large pecan trees are to be retained on the site with no long term prognosis determined, however, where both trees have been impacted to some degree by pavement work.
 6. According to recent publicly available images (which are part of Attachment C), trees were removed during, or prior to, the work to increase the nonpermeable coverage.
 - The City of Dallas Chief Arborist recommends denial of this request because the owner has not demonstrated "the special exception will not compromise the spirit and intent of this section." The arborist suggests that if the board determines in favor of the request, that they impose the following condition:
 - "If an existing pecan tree is removed, it must be replaced with another tree of similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code."
 - The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting designated landscape area, off-street parking and screening, sidewalk, and tree provisions of PD 193 landscaping requirements) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
 - If the Board were to grant this request, imposing the applicant's submitted revised alternate landscape plan as a condition, the site would be provided exception to the designated landscape area, off-street parking and screening, sidewalk, and tree provision requirements of the Oak Lawn PD 193 landscape ordinance.





1:1,200

AERIAL MAP

Case no: BDA123-081

Date: 7/18/2013



Masterplan

Land Use Consultants

BDA123-081

Attach A

Pg 1

Steve Long, Administrator
Board of Adjustment
Sustainable Development and Construction Services
Dallas City Hall
Room 5BN
Dallas, TX 75201

BDA 123-081, 2912 Maple Avenue

The above site is the subject of a BDA request for a variance to the parking regulations and an alternative landscape plan. The site is currently developed with a two-story building with approximately 4,600 square feet of floor area. The building was built in the 1920's and has been a number of uses over the last 90 years. Some of the most recent uses were personal service and multiple family. Currently the owner would like to renovate and lease the space for office uses. When the site was developed parking was not required in the City of Dallas, we have been unable to find a site plan with the initial permit but one assumes that very little if any parking was provided. Over the years parking has been provided in varying amount and the site has a parking area located off of the rear alley and a smaller paved area in the front of the building with two existing driveways off of Maple Avenue.

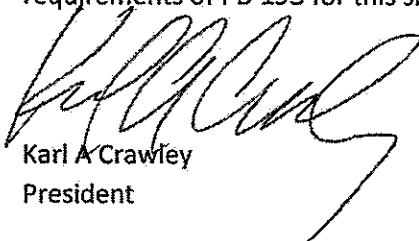
The Site Plan provided with the application showed eight (8) parking spaces including a Handicapped parking space. This included four parking spaces along the rear property line and one each in the side yard adjacent to the building to be accessed from the rear. The front parking area included two parking spaces including the van accessible handicapped space. Each of these two spaces would be 'pull-thru' spaces with no separate drive aisle in the front. The total of eight parking spaces is five spaces short of the required 13 spaces for the building to be used for an office use. Since the site is within an LC Subdistrict within PD 193, the Oak Lawn Special Purpose District, the only parking related request before the BDA for a reduced number of parking spaces is a variance. This requires that a property hardship be shown. The site is approximately 10,150 square feet and the two story building occupies a footprint of approximately 3800 square feet. Many of the surrounding sites are either historic or at least very old, including the Bradford House ("the Mayor's house) and the Stoneleigh Hotel across Maple and the Stoneleigh P, bar/restaurant, two lots down from this site. All of those uses have adjacent or extra parking not on the original lot as that use. The lot to the north of the request and between our site and the Stoneleigh P is a parking lot used by the Stoneleigh P. The parking lot was originally developed with a structure which was removed a number of years ago for parking for the Stoneleigh. This lot does not have that luxury, we are surrounded by parking, the Stoneleigh lot to the north and an office building with parking underneath at ground level to the south. Short of removing a 90 year structure in order to redevelop the site because the parking is deficient there is no room to comply with the parking requirement for an office, which is much less of a parking requirement for either a recent personal

service use or the adjacent bar/restaurant use. If the building were build today or even in the last 50 years, parking would have been required but since the building was constructed prior to parking being required we are short on parking.

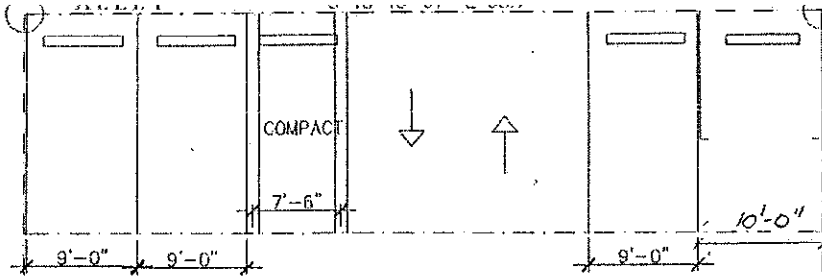
That said after consulting with the Oak Lawn Committee and other area residents we have developed a new Site/Landscape Plan that I have attached. The new plan shows a total of 10 parking spaces (still 3 short) and additional landscaping. The additional two parking spaces were 'found' by removing one of the spaces in front of the building (the non-handicapped space) and using that area for a one-way drive and adding one space on each side of the building to be accessed from the front driveway. The second space was found by removing the dumpster enclosure in the rear parking area and using roll-off carts in place of the dumpster. The carts can be stored in the side yard adjacent to parking lot next door. On trash pick-up days the cart can be rolled to the alley for pick up. Even though a Special Exception for Parking is not allowed in PD 193, the new total of 10 spaces out of the required 13 spaces would be a reduction of 24% and would qualify as a Special Exception in most of the City.

The second part of our request, a Special Exception for an Alternate Landscape Plan, was brought about because of pavement that was previously poured on the site. A previous owner paved the side yards of the building which should have triggered landscaping per PD 193. Upon researching the site for this request it was determined by looking at older aerial photos that the paving was done. Our request would actually reduce the amount of pavement on the site and will greatly increase the landscaping. Upon modifying the Site Plan to increase the parking we are also proposing the removal of pavement in the side yard adjacent to the surface parking lot (north) in order to plant two large trees.. The front of the site will include two large trees and a new row of shrubs which will help screen the parking in the front. The proposed landscaping is deficient in the amount of Landscape Site Area and the trees in the front are not located directly back of curb, between the curb and sidewalk. The area in front of the building contains overhead power lines, a power pole and two utility boxes in the tree planting zone per PD 193. This area also contains a row of shrubs which will remain in place. Planting trees in the proper location underneath existing power lines and amongst the power pole and utility boxes would not be in the best interest of either the trees or public. If the utilities could be moved the space between the existing driveways is limited and because of visibility triangles only one tree could be planted versus the proposed two trees.

Overall we feel that the requested parking variance is warranted because of the age of the existing structure and that the proposed use is better (less parking) than the previous situation of a personal service use; furthermore the requested alternate landscape plan with four trees to be planted along with shrubs and the removal of some existing pavement meets or exceeds the spirit of the landscape requirements of PD 193 for this site.



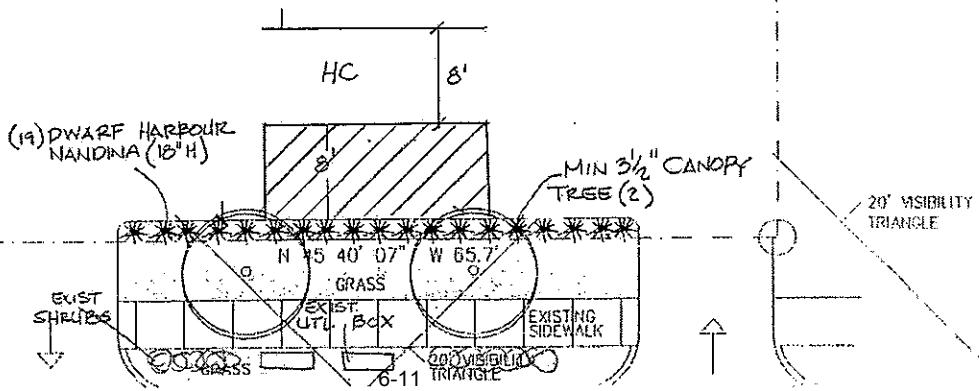
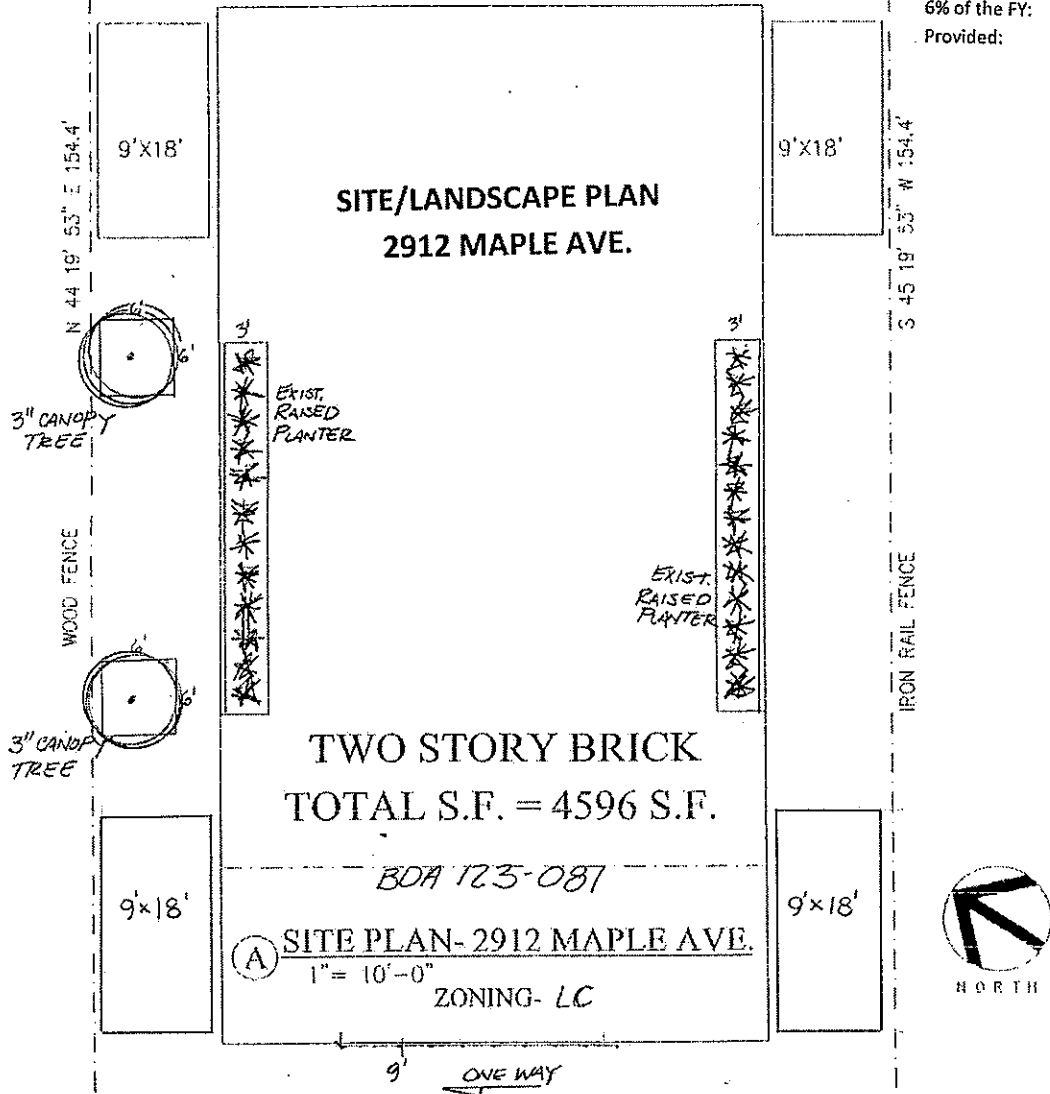
Karl A. Crawley
President



OFFICE USE PARKING REQUIRED (1/366 S.F.) = 12.5 SPACES
 TOTAL PARKING PROVIDED = 10

LANDSCAPE

Landscape Site Area	
10% of Lot Area:	1014 sf
Provided:	336 sf
General Planting	
12% of the FY:	78 sf
Provided:	84 sf
Special Planting	
6% of the FY:	39 sf
Provided:	84 sf



BDA 123-081
Attach B**Long, Steve**

B1

From: Karl Crawley [karl@masterplanconsultants.com]
Sent: Thursday, August 08, 2013 4:35 PM
To: Erwin, Philip
Cc: Long, Steve
Subject: Revise Site-Landscape Plan BDA 123-081
Attachments: Site-Landscape Plan 08-08-13.pdf

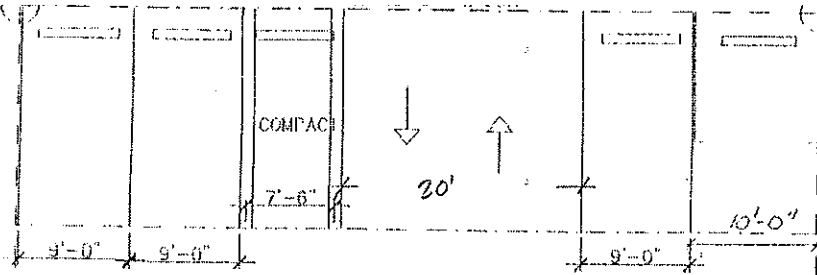
Phil Here is the revised landscape Plan showing the exiting planter in the front, the existing trees and the new crepe myrtle. Please check new notes about planting and irrigation and let me know if you need any changes.

Steve Pending any changes from Phil this is the plan that OLC approved per crepe myrtles and parking and should go to the BDA

Karl A. Crawley
President
Masterplan Consultants
900 Jackson Street, Suite 640
Dallas TX 75202

214 761 9197 Office
972 342 3707 Mobile

www.masterplanconsultants.com



OFFICE USE PARKING REQUIRED (1/366 S.F.) = 12.5 SPACES
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LANDSCAPE

Landscape Site Area

10% of Lot Area: 1014 sf

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Special Planting

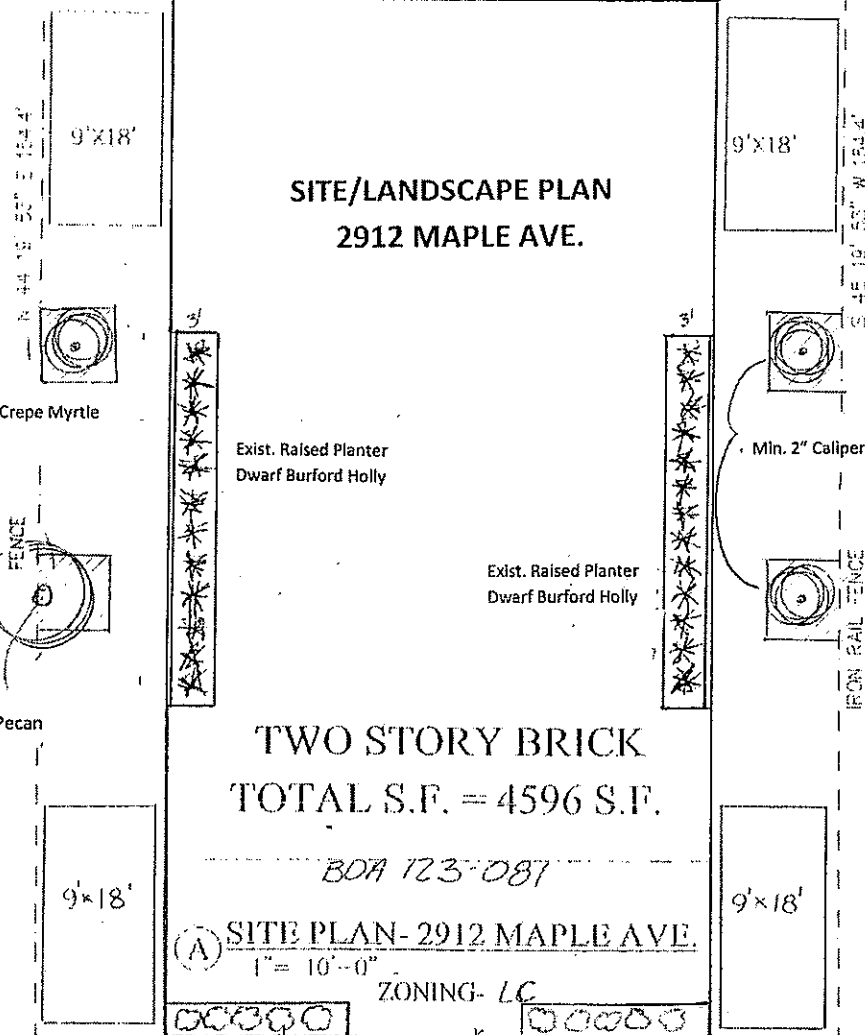
6% of the FY: 39 sf

Provided: 84 sf

New Tree Plantings:

Remove 6'x6' Planting Area
With a Min. of 40" of soil depth

All new Landscaping must be
Irrigated by an automatic
System



BDA123-081
Attachment C pg 1

Memorandum



CITY OF DALLAS

DATE August 9, 2013
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 123 · 081 2912 Maple Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC), Part 1, 51P-193.126.

Trigger

New addition of nonpermeable coverage on the property.

Deficiencies

The proposed plan (Attachment B) is deficient of multiple standards of the PD 193 (LC) landscape requirements. The requirements and deficiencies are as follows:

51P-193.126(b)(6), Landscape permit required. Work was completed to increase the nonpermeable coverage on the lot without a landscape permit.

193.126(b)(1)(A), Designated landscape areas. The plan provides less than 10% of lot and less than 60% FY. There is insufficient FY general planting and special planting.

The district requires a minimum of 10% of the lot, and 60% of the required front yard, to be landscape site area, with applicable general planting area and special planting area. According to the plan, the front yard planting (front 10 feet within the property) contains a row of "dwarf harbor nandinas" on the property line. A substantial amount of nonpermeable surface (grass and other groundcover) was removed for the installation of new pavement throughout the area in the front of the building.

193.126(b)(3), Off-street parking and screening requirements. The plan provides less than 42" tall screening material. The maximum potential growing height for the proposed "dwarf harbor nandina" is 3 feet.

193.126(b)(4), Sidewalks. The site currently provides a four-foot wide sidewalk with expanded area to the curb around underground utilities. The district requires a six feet sidewalk between 5 and 12 feet from back of curb.

193.126(b)(5), Trees. The plan provides two 3.5" large canopy trees outside of the tree planting zone but within the parkway. The district requires one tree per 25' of street frontage to be planted within the space 2.5 - 5' from back of curb. In this case, the parkway tree planting zone is congested with utility infrastructure above and below ground. The trees are identified on the plan to be within the parkway but not

within the tree planting zone. The ordinance specifies "if a property owner cannot obtain a landscape permit to locate a required tree in the parkway, the owner shall locate the tree in the required front yard as near as practicable to the front lot line."

Factors

There is adequate space within the front yard of the property, on either side of the handicapped loading zone, to prepare protected allowable space for planting one or more trees in the property front yard and spaced further away from overhead utility lines.

The plan indicates automatic irrigation will be provided for all new landscaping.

Raised planting beds were constructed along the front and sides of the structure. These are to be filled with dwarf burford holly (sides) and an unspecified plant in the front planter.

Three new crepe myrtles are to be placed in 6x6' cut tree wells in the side yards.

Two existing large pecan trees are to be retained on the property in tree wells. The long-term prognosis for the health of the trees has not been determined. The root feeder area for the pecan in the front of the property was substantially compacted and covered by the construction of new nonpermeable materials in proximity to the tree. The risk for tree failure from root cutting has likely been increased. Both pecan trees were impacted to some degree by the pavement work.

According to recent publicly available images, trees were removed during, or prior to, the work to increase the nonpermeable coverage.

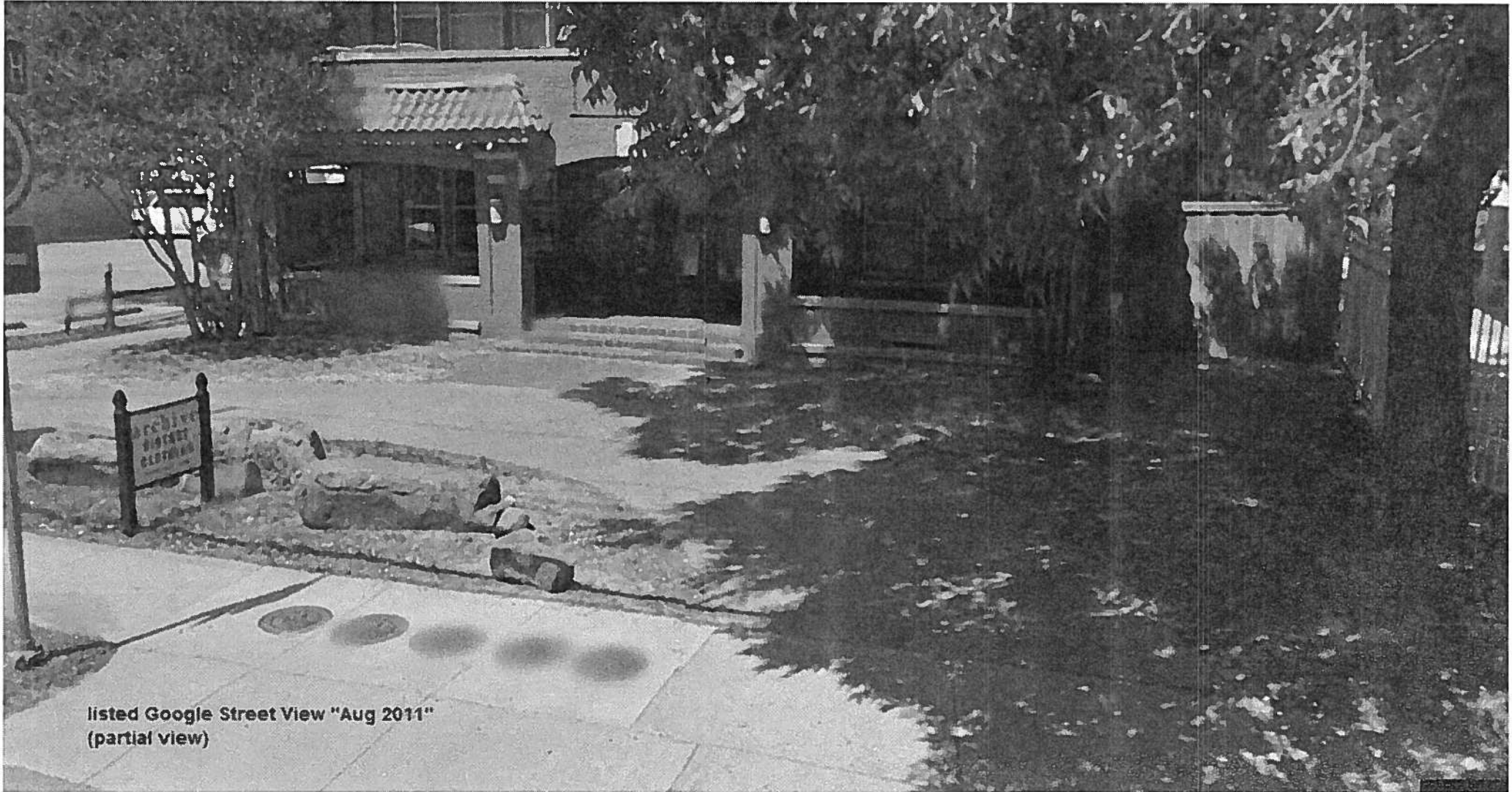
Recommendation

I recommend denial of the request for the special exception because, in my opinion, the owner has not demonstrated "the special exception will not compromise the spirit and intent of this section."

If the Board determines in favor of the request, I recommend the following conditions be applied:

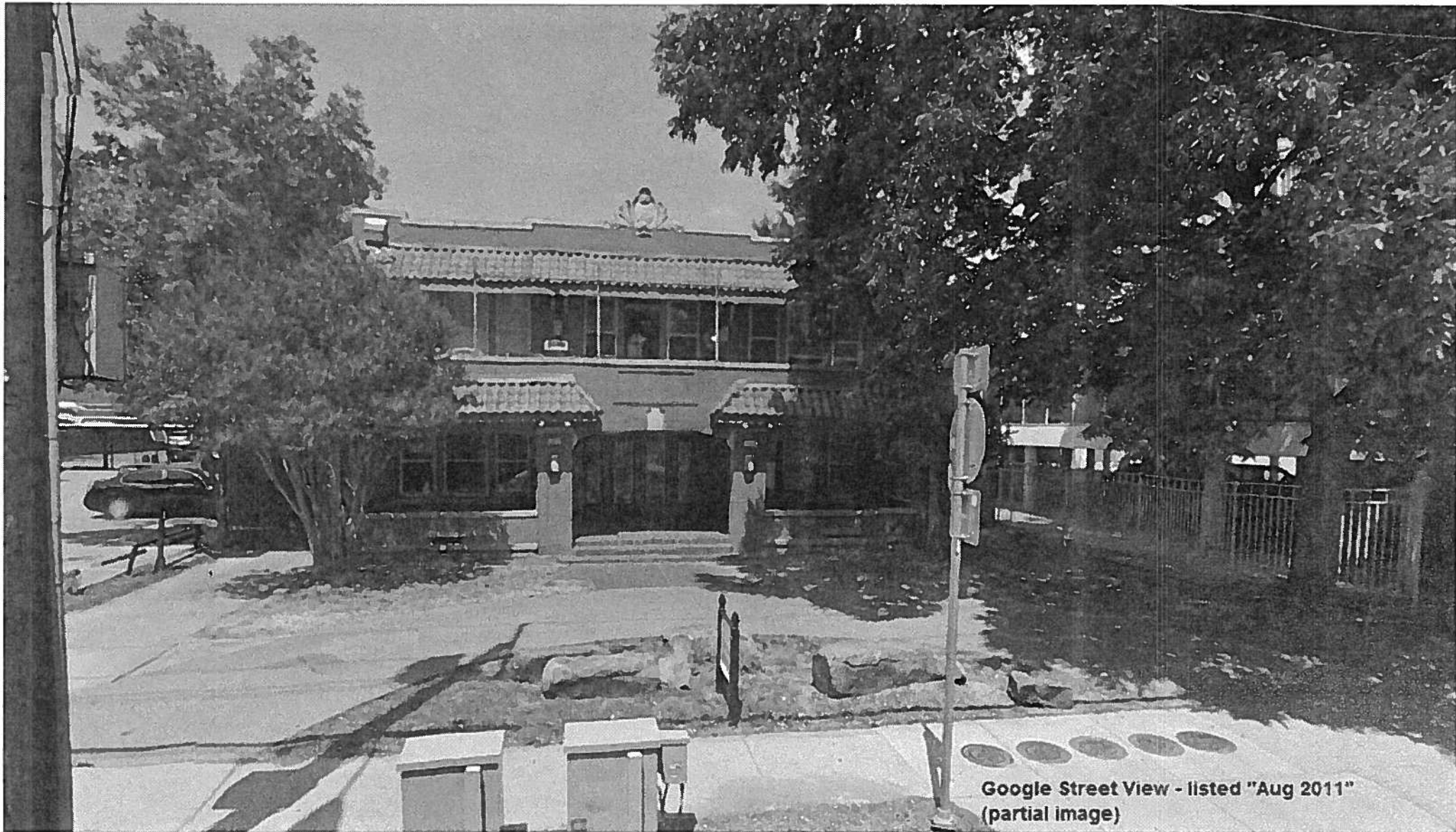
If an existing pecan tree is removed, it must be replaced with another tree of a similar species under the size specifications in 51P-193.126(b)(9), General Maintenance. In addition, the tree removal must be fully mitigated per Article X of the Dallas Development Code.

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



listed Google Street View "Aug 2011"
(partial view)

BDA
123-
081
PS 3
Attch C



Google Street View - listed "Aug 2011"
(partial image)

P04
123 -
081
Attic C
P54



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-081

Data Relative to Subject Property:

Date: 6-28-13

Location address: 2912 Maple Avenue Zoning District: PD 193(LC)

Lot No.: 7, pt of 5 and 9 Block No.: 7/944 Acreage: 10,144.08 sf Census Tract: 18.00

Street Frontage (in Feet): 1 65.7 ft 2 _____ 3) _____ 4) _____ 5) _____ *SW 22*

To the Honorable Board of Adjustment:

Owner of Property/or Principal C.B. Rollins, First Dallas Holdings, Inc.

Applicant: KARL A CRAWLEY Telephone: ~~214 665 9128~~

Mailing Address ~~2905 Maple Avenue, Dallas, TX~~ Zip Code: ~~75201~~

Represented by: Karl A Crawley, Masterplan Telephone: 214 761 9197

Mailing Address: 900 Jackson St, Ste 640 Dallas TX Zip Code: 75202

Affirm that a request has been made for a Variance X, or Special Exception X, of _____
Variance to the parking regulations for five (5) spaces;
Special exception to the Landscape regulations to provide an alternate landscape plan

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 previously developed building was constructed prior to the present parking regulations and to bring the building up to regulation for an office use is not possible because of the restrictive size of the lot. In order to get the maximum number of parking spaces on the lot an alternative landscape plan must be provided.

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: KARL A CRAWLEY [Signature]
Applicant's name printed Applicant's signature

Affidavit

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

[Signature]
Affiant (Applicant's signature)

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

[Signature]
Notary Public in and for Dallas County, Texas
MAXWELL Notarial
MY COMMISSION EXPIRES
May 16, 2015

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

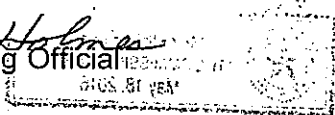
I hereby certify that Karl A. Crawley

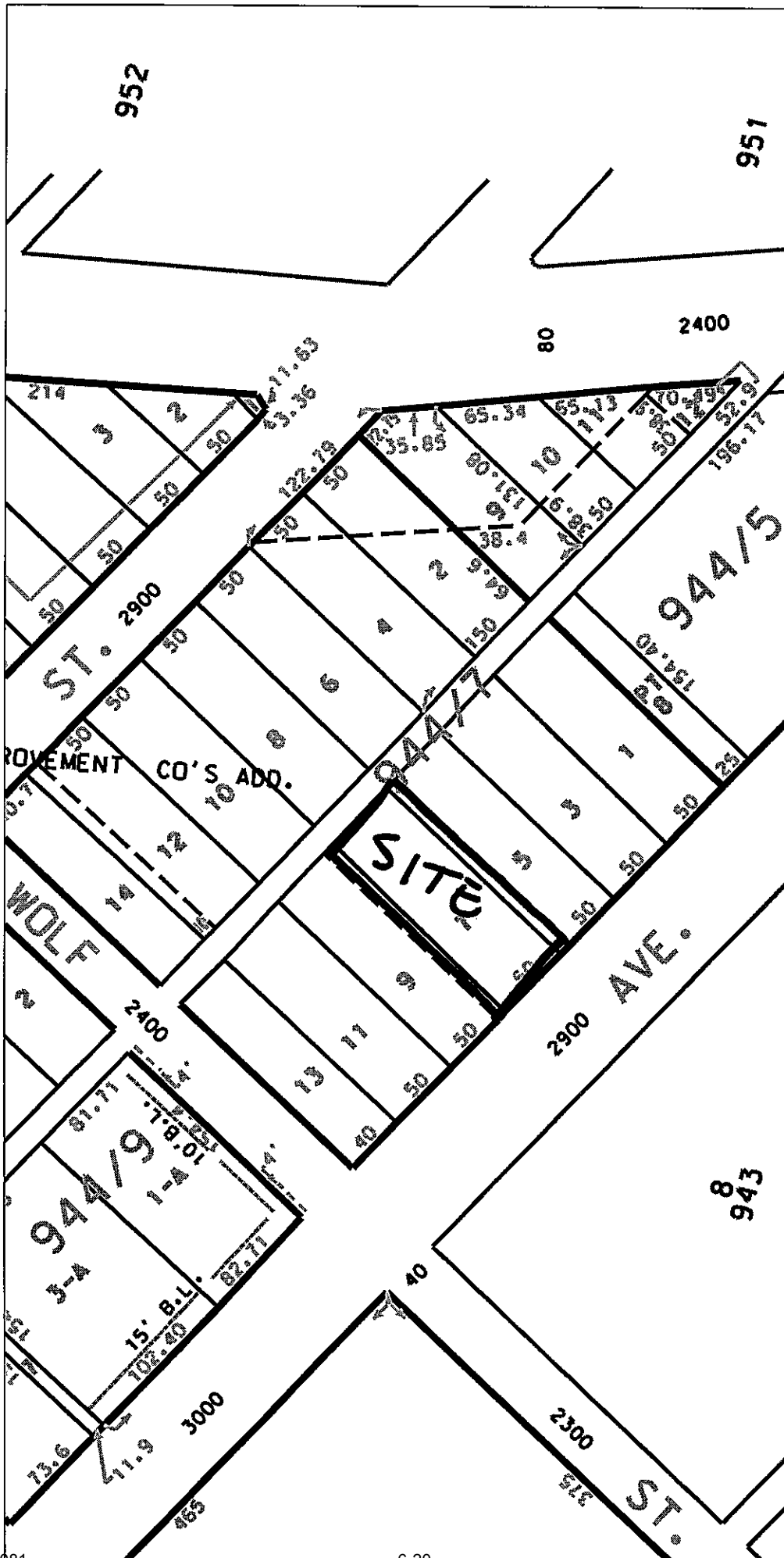
did submit a request for a variance to the parking regulations, and for a special exception to the landscaping regulations

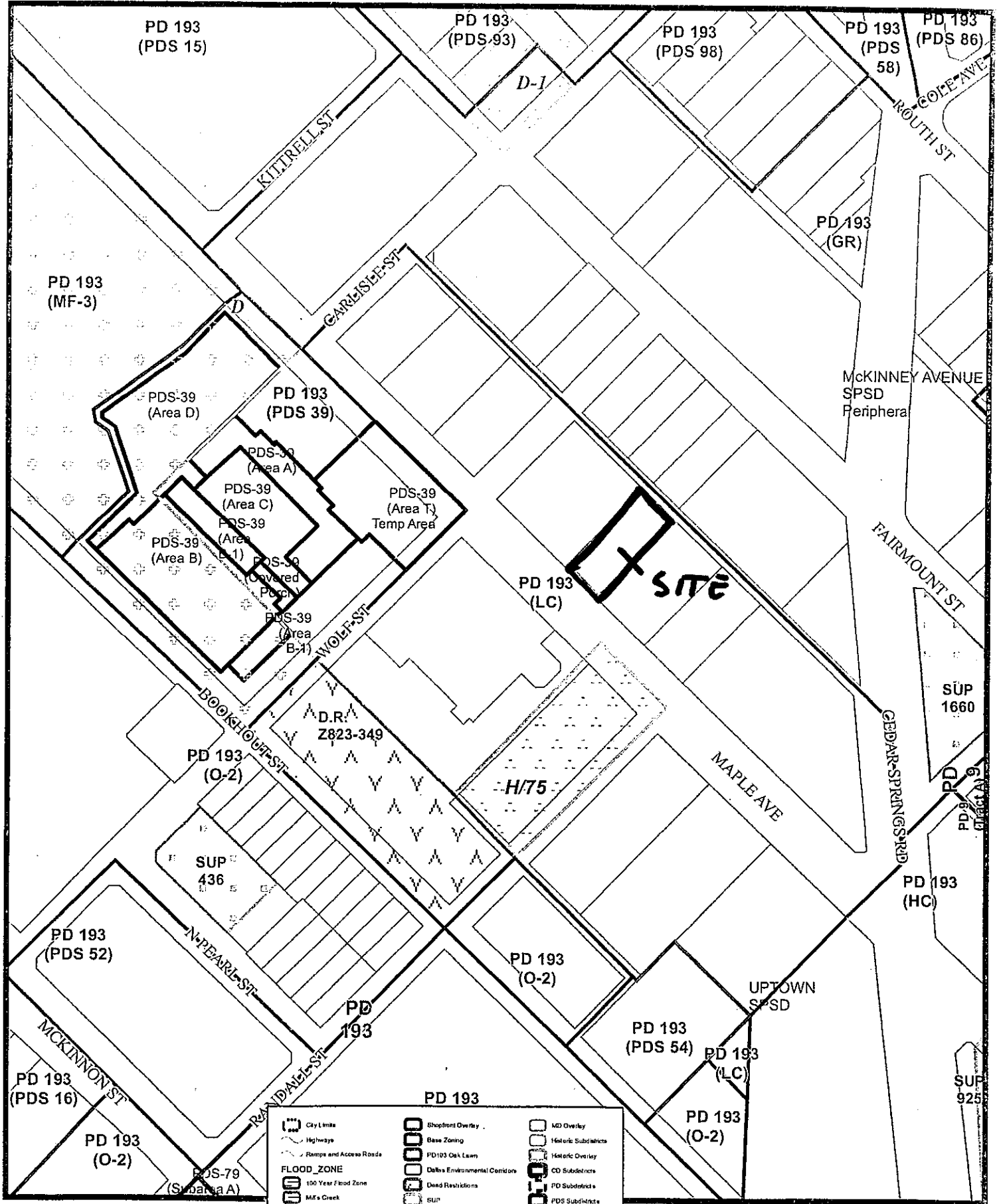
at 2912 Maple Avenue

BDA123-081. Application of Karl A. Crawley for a variance to the parking regulations and a special exception to the landscaping regulations at 2902 Maple Avenue. This property is more fully described as Lot 7 and part of Lots 5 and 9, Block 7/944 and is zoned PD-193 (LC), which requires mandatory landscaping and requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for office use and provide 8 of the required 13 parking spaces, which will require a 5 space variance to the parking regulation, and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official


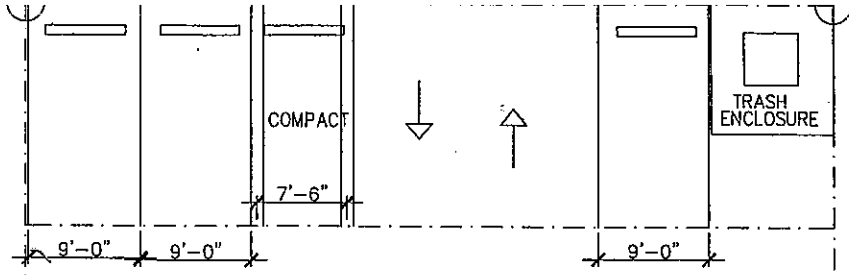




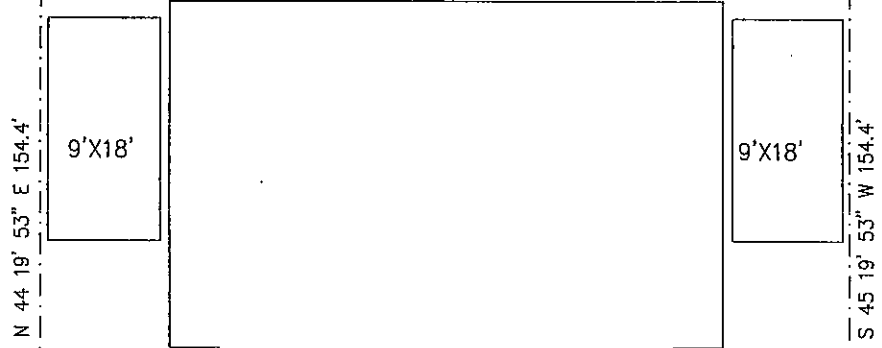
	City Limits		Shopfront Overlay		MO Overlay
	Highways		Base Zoning		Historic Subdistrict
	Ramps and Access Roads		PD 103 Oak Lawn		Historic Overlay
	FLOOD_ZONE		Deltas Environmental Corridor		CD Subdistrict
	100 Year Flood Zone		Dead Restrictions		PD Subdistrict
	M&E's Creek		SUP		PDS Subdistrict
	Park's Branch		D-1		NSO Subdistrict
	X PROTECTED BY LEVEE		CP		NSO Overlay
	Parks		SP		Equipment Overlay
	Height Map Overlay				
	Parking Management Overlay				

1:2,000

Case ID:
Printed: 6/26/2013

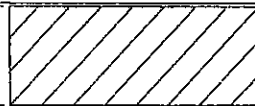


OFFICE USE PARKING REQUIRED (1/366 S.F.) = 12.5 SPACES
 TOTAL PARKING PROVIDED = 8

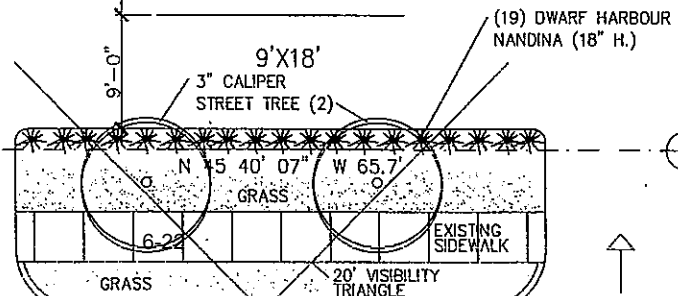


TWO STORY BRICK
 TOTAL S.F. = 4596 S.F.

(A) SITE PLAN- 2912 MAPLE AVE.
 1" = 10'-0"
 ZONING- LC



VAN ACCESSIBLE SPACE



NORTH



DESIGN COLLABORATIVE DALLAS

ARCHITECTURE INTERIOR DESIGN

6722 NORTHFORT DRIVE DALLAS, TEXAS 75230

214-549-4747
 jdddekker56@gmail.com

20' VISIBILITY TRIANGLE



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-081</u> Date: <u>7/18/2013</u>
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-081

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2912 MAPLE AVE	FIRST DALLAS HOLDINGS INC
2	2905 MAPLE AVE	FIRST DALLAS HOLDINGS INC % DON HODGES
3	2425 CEDAR SPRINGS RD	P & C BLACK FAMILY LIMITED PARTNERSHIP
4	2917 FAIRMOUNT ST	CALABAZA HOLDINGS LLC
5	2921 FAIRMOUNT ST	CALABAZA HOLDINGS LLC
6	2926 MAPLE AVE	SHIELDS LTD PS
7	2923 FAIRMOUNT ST	PERKINS JAMES M JR & MARY RUTH
8	2925 FAIRMOUNT ST	REILLY PARKWAY LTD PTNS % REILLY BROTHER
9	3000 MAPLE AVE	GREENWAY 3000 MAPLE LTD
10	3001 FAIRMOUNT ST	FRENCH JAMES F & LAURA B FRENCH
11	2902 MAPLE AVE	2902 MAPLE LP % COMERICA BANK 5TH FL
12	3001 MAPLE AVE	KENSINGTON MAPLE LLC
13	2927 MAPLE AVE	AP PRESCOTT STONELEIGH HOTEL LP C/O APOL
14	2401 CEDAR SPRINGS RD	GUIDESTONE FINANCIAL RES OF THE SOUTHERN
15	2913 FAIRMOUNT ST	GATEGREEN PARTNERS
16	2906 MAPLE AVE	2906 MAPLE AVE LLC
17	2919 MAPLE AVE	MAPLE WOLF STONELEIGH LLC
18	2919 MAPLE AVE	MAPLE WOLF STONELEIGH LLC