

**NOTICE FOR POSTING**  
**MEETING OF**  
**BOARD OF ADJUSTMENT, PANEL C**  
**THURSDAY, FEBRUARY 20, 2014**

<b>Briefing:</b>	<b>11:00 A.M.</b>	<b>L1FN CONFERENCE CENTER AUDITORIUM</b>
<b>Public Hearing:</b>	<b>1:00 P.M.</b>	<b>L1FN CONFERENCE CENTER AUDITORIUM</b>

**Purpose:** To take action on the attached agenda, which contains the following:

- 1) Zoning Board of Adjustment appeals of cases the Building Official has denied.
- 2) And any other business that may come before this body and is listed on the agenda.

**\*All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas 75201**

02-20-2014

ZONING BOARD OF ADJUSTMENT, PANEL C  
THURSDAY, FEBRUARY 20, 2014  
AGENDA

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

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**Neva Dean, Interim Assistant Director**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the Monday, November 18, 2013 Board of Adjustment Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 134-010</b>	4834 S. Lindhurst Avenue <b>REQUEST:</b> Application of Robert Baldwin for a special exception to the fence height regulations	1
<b>BDA 134-015</b>	9849 County Cork Drive <b>REQUEST:</b> Application of Ashley Hanson for a special exception to the fence height regulations	2

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**REGULAR CASE**

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<b>BDA 134-008</b>	5204 Maple Springs Boulevard <b>REQUEST:</b> Application of Daniel D. Dubree for special exceptions to the visual obstruction regulations	3
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**HOLDOVER CASE**

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**BDA 123-127**

7754 LBJ Freeway

4

**REQUEST:** Application of Sandy Stephens of Cole Design Group for a special exception to the off-street parking regulations

## 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]

**(Rev. 6-24-02)**

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel C December 16, 2013 public hearing minutes.

**FILE NUMBER:** BDA 134-010

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin for a special exception to the fence height regulations at 4834 S. Lindhurst Avenue. This property is more fully described as Lot 2, Block 3/5531, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

**LOCATION:** 4834 S. Lindhurst Avenue

**APPLICANT:** Robert Baldwin

**REQUEST:**

A special exception to the fence height regulations of 4' is requested in conjunction with constructing and maintaining a fence in the site's 40' front yard setback on a site that is developed with a single family home – a 6' high open wrought iron picket fence with 6' 6" high stone columns and two 8' high arched open wrought iron entry gates with 7' high stone columns flanked by two, approximately 6' -6' 6" high, approximately 14' long curved solid stone wing walls.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

1. BDA 989-069, Property at 4834 S. Lindhurst Avenue (the subject site) On June 15, 2009, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4' 9" and imposed the submitted site plan and partial elevation as a condition to this request. The case report stated that the request was made "to construct a fence that is 8 feet 9 inches in a required front yard."
2. BDA 078-013, Property at 10395 Strait Lane (the lot immediately east of the subject site) On December 16, 1997, the Board of Adjustment Panel C granted a request for a special exception of 3' 6" and imposed the submitted site plan and elevation plans as a condition to the request. The case report stated that the request was made to construct and maintain an open metal fence and entry gate with masonry columns in the front yards along Strait Lane and S. Lindhurst Avenue.
3. BDA 95-006, Property at 10111 Strait Lane (the lot immediately northeast of the subject site) On January 24, 1995, the Board of Adjustment granted a request for a special exception to the height regulations to allow a 5' 7" – 6' 8" high open metal fence with 6' – 7' 2" high masonry columns. The Board imposed the submitted site plan, elevation, and visibility obstruction regulations.
4. BDA 95-071, Property at 4805 S. Lindhurst Avenue (the lot immediately northwest of the subject site) On May 23, 1995, the Board of Adjustment denied a request for a special exception to the height regulations of 2' 6" without prejudice. The case report stated that the request was made in conjunction with constructing and maintaining a 6' high open metal fence with 6' 6" high masonry columns on S. Lindhurst Avenue.

## **Timeline:**

December 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.

January 15, 2014: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. 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."

January 15, 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 October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 29 & 30,  
2013:

The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

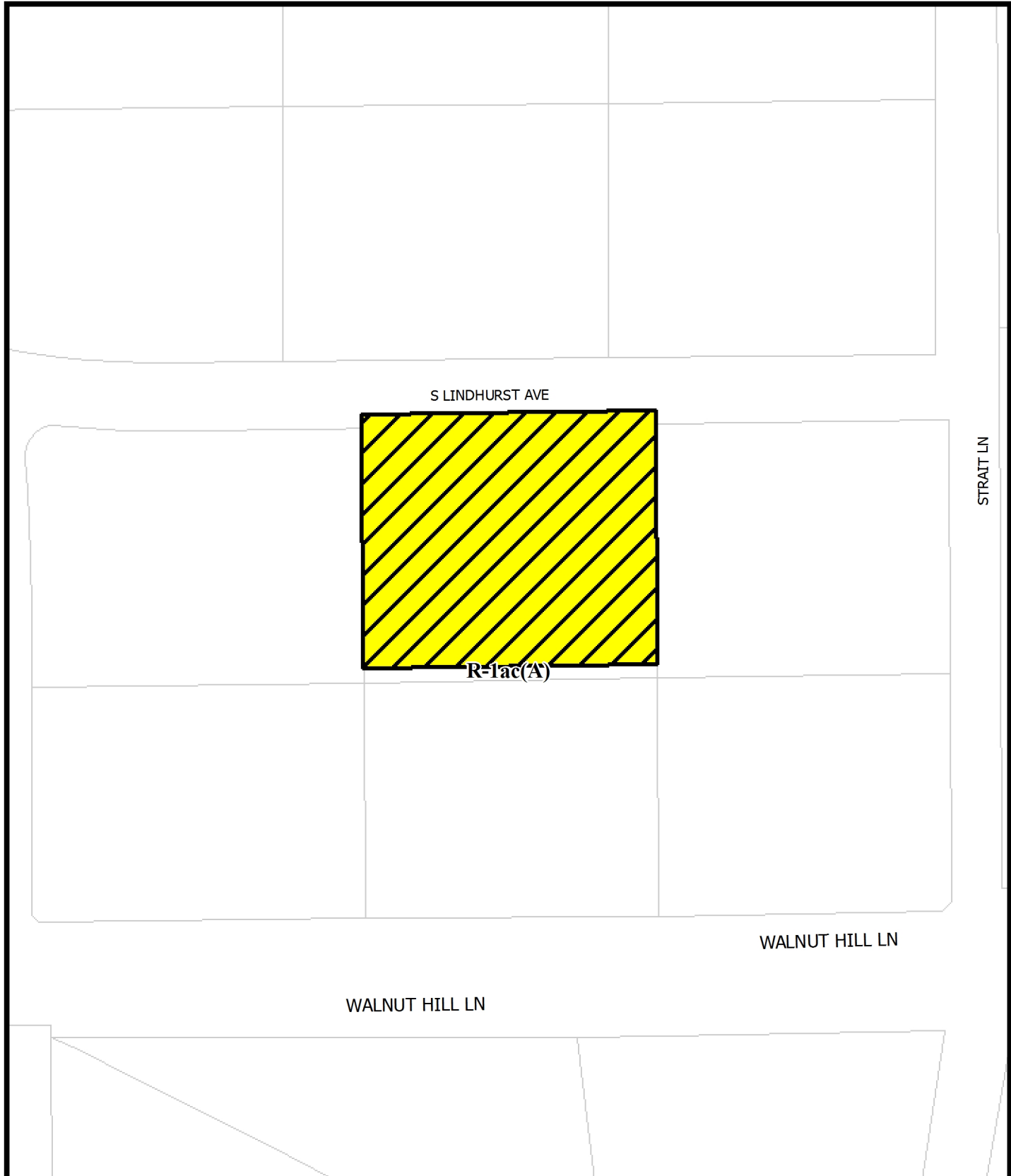
February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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



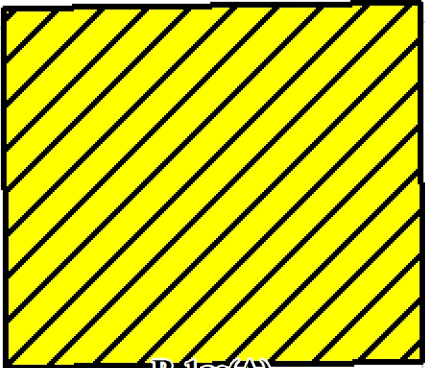
## **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a fence in the site's 40' front yard setback on a site that is developed with a single family home – a 6' high open wrought iron picket fence with 6' 6" high stone columns and two 8' high arched open wrought iron entry gates with 7' high stone columns flanked by two approximately 6' -6' 6" high, approximately 14' long curved solid stone wing walls.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a revised site plan/elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted revised site plan/elevation:
  - The proposal in the front yard setback is represented as being approximately 220' in length parallel to the street with two recessed entryways; and approximately 21' – 39' in length perpendicular to the street on the east and west sides of the site in the front yard setback, respectively.
  - The proposed fence is represented as being located approximately 1' from the property line or about 12' from the pavement line.
- The proposal would be located on the site where one lot would have direct frontage, a lot which has no fence in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above 4' in height and located in a front yard setback. An approximately 6' high open metal fence is located immediately east of the subject site that appears to be the result of a special exception granted by the Board in 1997, and an approximately 6' high open metal fence is located immediately northeast of the subject site that appears to be a result of a special exception granted in 1995.
- The applicant has written that a similar request was granted by the Board in 2009 but the previous applicant never built the approved fence and that is what triggered the need for this request- a fence that while is similar in design, a request seeking to reduce the height of the previously approved fence.
- As of February 10, 2014, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.



S LINDHURST AVE

STRAIT LN



R-1ac(A)

WALNUT HILL LN

WALNUT HILL LN



1:1,200

# ZONING MAP

Case no: BDA134-010

Date: 1/24/2014



1:1,200

# AERIAL MAP

Case no: BDA134-010

Date: 1/24/2014

BDA134-010  
Attach A  
PSI

**Baldwin**  
**Associates**

January 29, 2014

Mr. Steve Long  
Board of Adjustment Administrator  
Development Services Department  
1500 Marilla Street – Room 5BN  
Dallas, Texas 75201

Re: BDA 134-010 - Special Exception for 4834 S. Lindhurst


Dear Steve:

We are representing the owners of the property located at 4834 S. Lindhurst who are requesting a Special Exception to allow them to build a fence in the front yard that exceeds four (4) feet in height. We have designed the fence of wrought iron and stone columns. The stone columns will be six feet and six inches (6' 6") in height and the wrought iron panels will be of six feet (6' 0") in height. The gates will be flanked by wing walls and columns with a maximum height of seven feet (7' 0"). The two gates will be eight feet (8' 0") and will compliment the house and landscaping and the other fences in the area.

The fence will be made from decorative iron panels and will connect stone columns spaced approximately 22 to 29 feet apart. The fence will be set back approximately 10 feet from the edge of the street paving, just like the fences to our east and north. The gates will have stone wing walls flanking the gates and the gates will be set back and additional 10 feet, for a total of 20 feet from the edge of pavement. There will be no encroachments into the sight visibility triangles.

You may recall that a similar request (BDA 089-069) was approved by the Board of Adjustment in 2009. The previous applicant never built the approved fence and that is what has triggered the need for this request. Although similar in design, the current request is seeking to reduce the height of the previously approved fence.

With kind regards,



Robert Baldwin  
Baldwin Associates





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: 134-010

Data Relative to Subject Property:

Date: 12-18-13

Location address: 4834 S. Lindhurst Zoning District: R-1(A)

Lot No.: 2 Block No.: 3/5531 Acreage: 1 acre Census Tract: 76.01

Frontage (in Feet): 1) 225 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

NE2A

Owner of Property/or Principal: Sharif & Munir

Applicant: Robert Baldwin Telephone: 214.824.7949

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

Represented By: Robert Baldwin Telephone: 214.824.7949

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

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

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The applicant is seeking permission to construct a fence in the in the front yard of this lot which will exceed four (4) feet in height. Fences in the area are of similar height.

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

Respectfully submitted: Robert Baldwin  
Applicant's name printed

[Signature]  
Applicant's signature

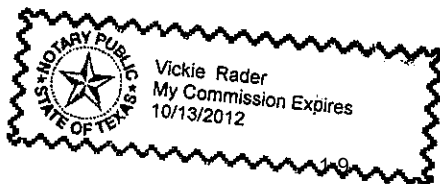
Affidavit

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

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 17<sup>th</sup> day of December, 2013

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



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

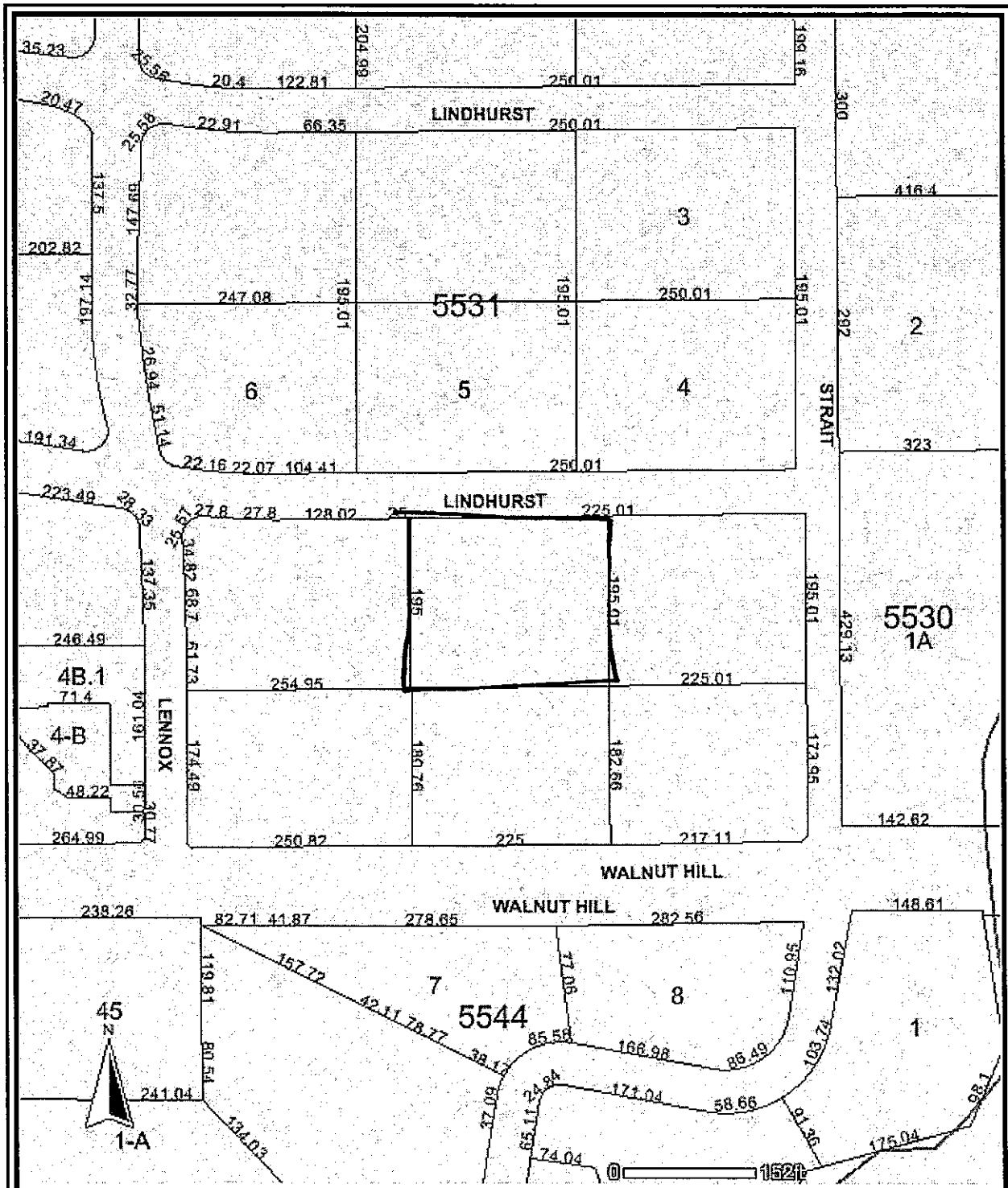
I hereby certify that      ROB BALDWIN

did submit a request      for a special exception to the fence height regulations  
at      4834 S. Lindhurst Avenue

BDA134-010. Application of Rob Baldwin for a special exception to the fence height regulations at 4834 S. Lindhurst Avenue. This property is more fully described as Lot 2, Block 3/5531, and is zoned R-1ac(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

  
Larry Holmes, Building Official



**Dallas Central  
Appraisal District**  
www.dallascad.org

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







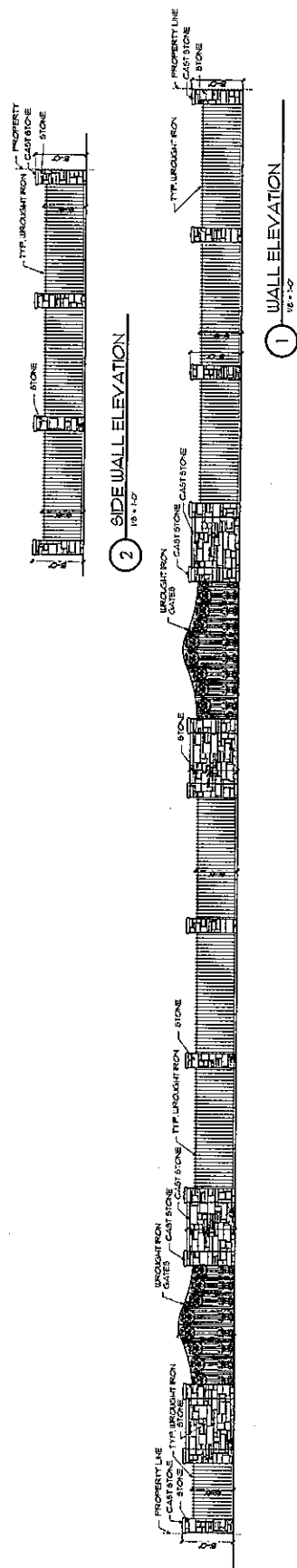
Project No.	200202
Drawn By	200202
Checked By	200202
Date	200202

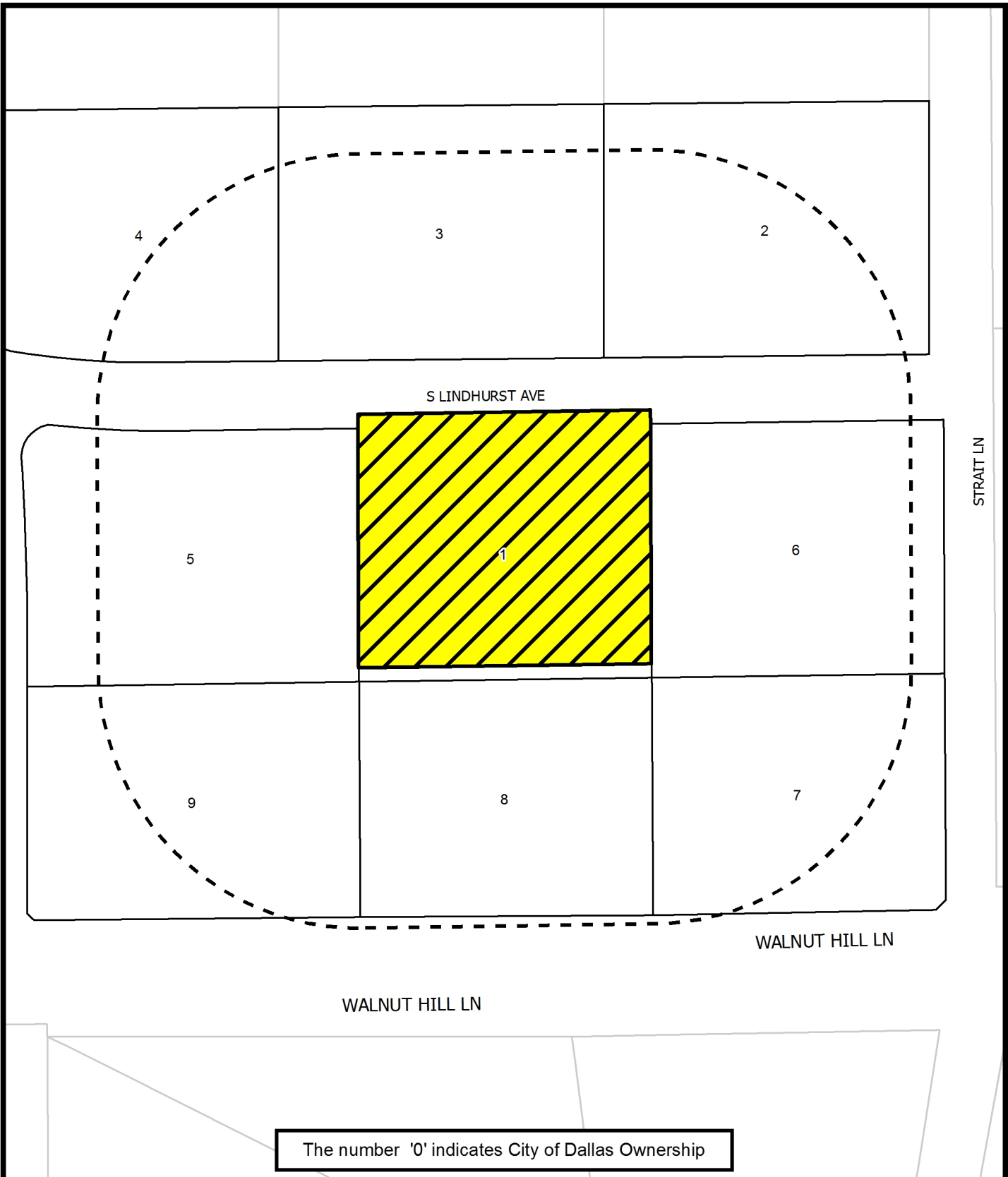
REFERENCE FOR  
 4834 S. LINDHURST AVE  
 LOT 2 BLK 3/5561  
 DALLAS, TEXAS 75229

UNCUSTOMARY CUSTOM HOMES  
**Sharif Munir**


6009 BELLINE ROAD, SUITE 200  
 DALLAS TX 75254  
 OFFICE 972-720-9111  
 FAX 972-701-8553  
<http://www.sharif-munir.com>

DATE: 01/11  
 01/11





The number '0' indicates City of Dallas Ownership

  
 1:1,200

## NOTIFICATION

200' AREA OF NOTIFICATION  
9 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no:     BDA134-010      
 Date:     1/24/2014

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

***BDA134-010***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4834 LINDHURST AVE	SHARIF & MUNIR RESIDENTIAL LTD
2	10111 STRAIT LN	WHITE TOM W & LAURYN G
3	4831 LINDHURST AVE	STENGER JOHN J & MINDY G
4	10104 LENNOX LN	RODRIGUEZ ALFREDO D & JOSELITA D RODRIGU
5	4804 LINDHURST AVE	DEWEY TODD M & KIMBERLY K MEZERA
6	10095 STRAIT LN	MCINTYRE MICHAEL P & STACYE E
7	10011 STRAIT LN	JENNINGS BRIAN J & LISA C
8	4833 WALNUT HILL LN	SHANKLE JIMMY & SHANKLE TERRI
9	10010 LENNOX LN	TAYLOR ESTATES LENNOX TRUST THE

**FILE NUMBER:** BDA 134-015

**BUILDING OFFICIAL'S REPORT:** Application of Ashley Hanson for a special exception to the fence height regulations at 9849 County Cork Drive. This property is more fully described as Lot 4, Block D/5373, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 9 foot high fence, which will require a 5 foot special exception to the fence height regulations.

**LOCATION:** 9849 County Cork Drive

**APPLICANT:** Ashley Hanson

**REQUESTS:**

A special exception to the fence height regulations of 5' is requested in conjunction with maintaining a solid cedar wood fence that ranges in height (given grade changes on the site) from 7' 6" – 8' 10" in the one of the site's two front yard setbacks (Peavy Road) on a site that is developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

December 23, 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.

January 17, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

January 17, 2014: The Board Administrator shared the following information with the applicant via email:

- an attachment that provided the public hearing date and panel that will consider the application; the January 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

February 1, 2014: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

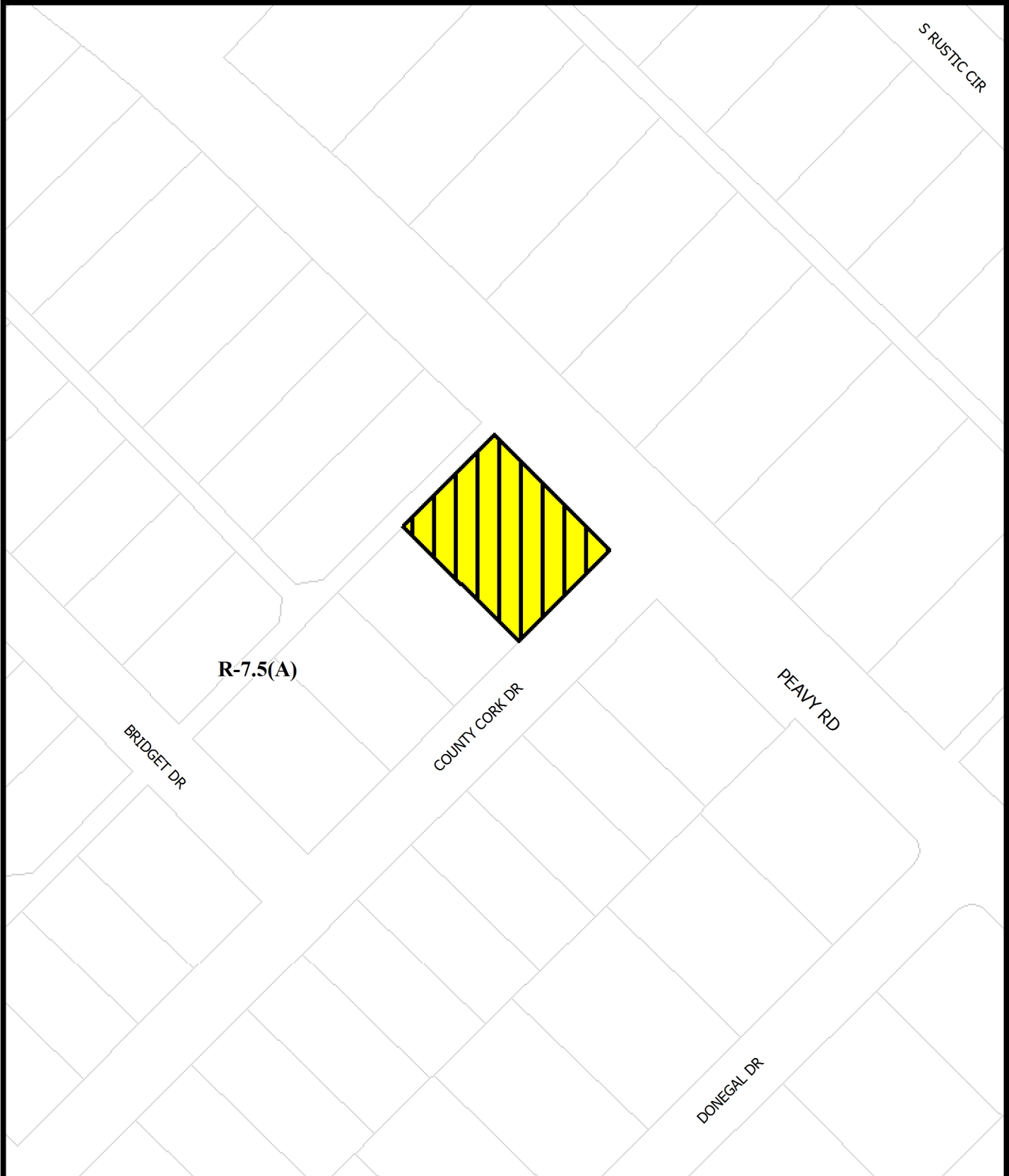
February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

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

- This request focuses on maintaining a solid cedar wood fence that ranges in height (given grade changes on the site) from 7' 6" – 8' 10" in the one of the site's two front yard setbacks (Peavy Road) on a site that is developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the west corner of County Cork Drive and Peavy Road. The site has a 30' required front yard along County Cork Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Peavy Road, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence is allowed by right. But the site's Peavy Road frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes northwest of the site that front/are oriented eastward towards Peavy Road. Regardless of how the home is oriented to front onto County Cork Drive (and "side" to Peavy Road), the site has two front yard setbacks where the focus of the applicant's request in this application is only to maintain fence higher than 4' in the site's front yard setback on Peavy Road. No part of the application is made to address any fence in the site's County Cork Drive front yard setback.
- The applicant has submitted a site plan and an elevation of the proposal in the front yard setback with notations indicating that the fence reaches a maximum height of 8' 10".
- The following additional information was gleaned from the submitted site plan:
  - The fence is represented as being approximately 75' in length parallel to the Peavy Road and approximately 12' perpendicular to Peavy Road on the southeast and northwest sides of the site in this front yard setback.
  - The proposal is represented as being located about 13' from the Peavy Road front property line or about 33' from the Peavy Road pavement line.
- The proposal is located across from three single family homes none of which have fences in their front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of February 10, 2014, one letter/email has been submitted in support of the request and no letters/emails have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the Peavy Road front yard setback to be maintained in the location and of the heights and materials as shown on these documents.



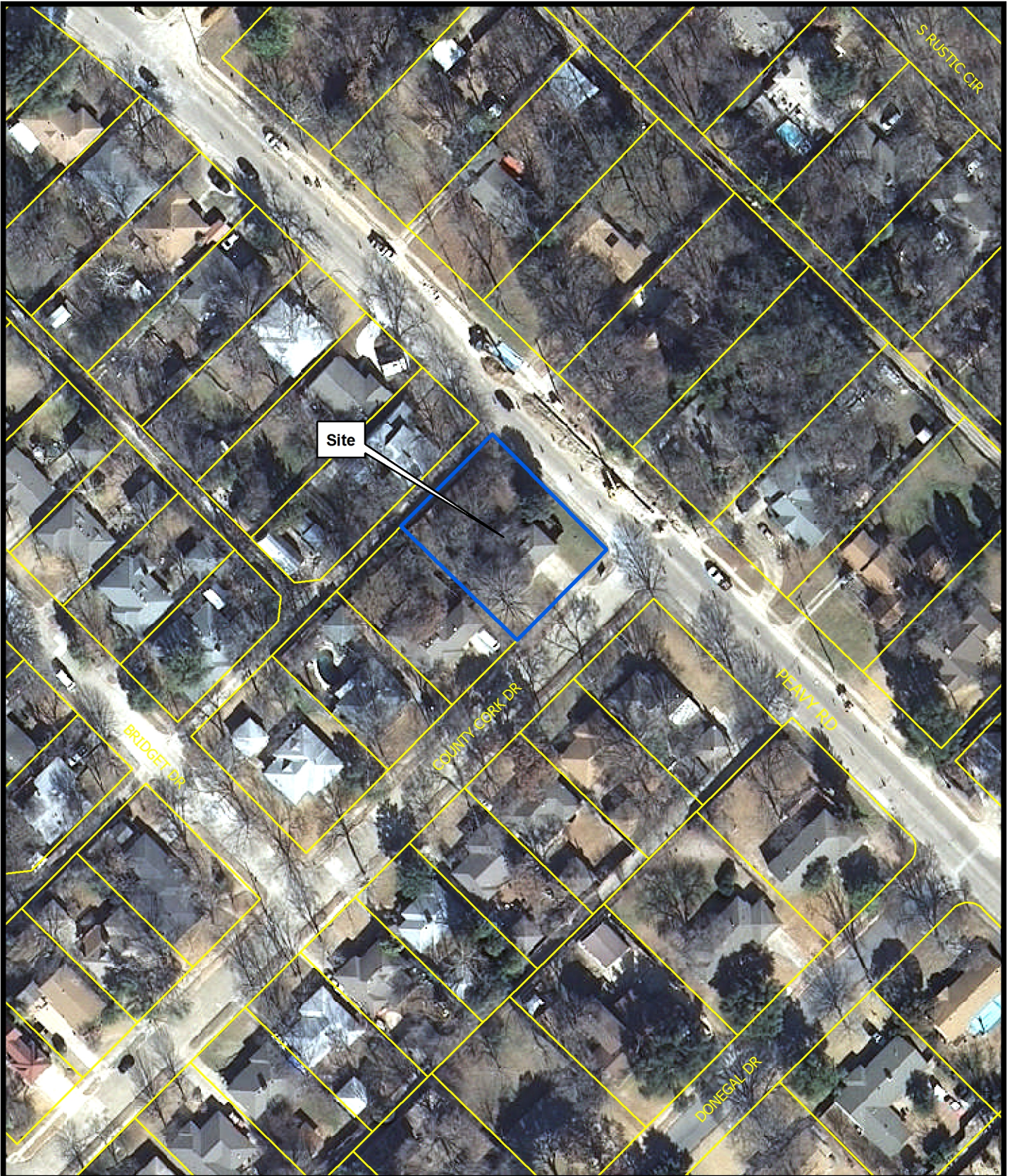


1:1,200

# ZONING MAP

Case no: BDA134-015

Date: 1/24/2014



1:1,200

# AERIAL MAP

Case no: BDA134-015

Date: 1/24/2014

Board of Adjustment Members,

I would like to thank you for the opportunity to hear our appeal for a special exception to the City of Dallas fence height regulations. We purchased our home at 9849 County Cork Drive in 2005, knowing that the fence was likely going to need to be replaced at some point. In November of 2013, we secured multiple bids on replacing the fence and finally settled on a contractor and a bid we felt comfortable with. The plan was to replace the fence in its existing location, but to increase its height to provide security and a noise buffer from busy Peavy Road. We paid our contractor to secure a permit from the City of Dallas.

We received a call from our contractor just as our new fence was nearing completion. He informed us that a code inspector had stopped by our home asking for a work permit. He explained that he had not obtained one, even though we had paid him for this and discussed its importance. He went to the city to obtain a permit that very day. It was only then that we were informed that our new fence required a special exception due to its location and height due to our frontage on Peavy Road.

We are now asking for our current fence to be approved for this special exception. We have discussed with all our neighbors the need for this appeal and will present to you a petition stating their approval.

Thank you for your time and consideration in this matter.

Sincerely,

Tyler and Ashley Hanson  
9849 County Cork Drive  
Dallas, TX 75218



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-015

Data Relative to Subject Property:

Date: 12-23-13

Location address: 9849 County Cork Dr.

Zoning District: R-7.5(A)

Lot No.: 4 Block No.: D/5373 Acreage: .28

Census Tract: 82.00

Street Frontage (in Feet): 1) 100 2) 125 3) 4) 5) 366

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Tyler Hanson and Ashley E Robinson (Hanson)

Applicant: Ashley Hanson Telephone: 469-223-5686

Mailing Address: 9849 County Cork Dr Zip Code: 75218

E-mail Address: ashtwu@yahoo.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 5 feet to the fence height in a front yard.

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

Replace the existing fence in the same location on the property to blend in and maintain the aesthetic of the neighborhood while increasing the height to add security and provide noise reduction from busy Peavy Road and will not have an adverse effect on neighboring properties.

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

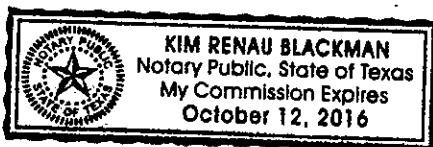
Before me the undersigned on this day personally appeared Ashley Hanson (Affiant/Applicant's name printed)

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: Ashley Hanson (Affiant/Applicant's signature)

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

(Rev. 08-01-11)



Kim R Blackman 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**

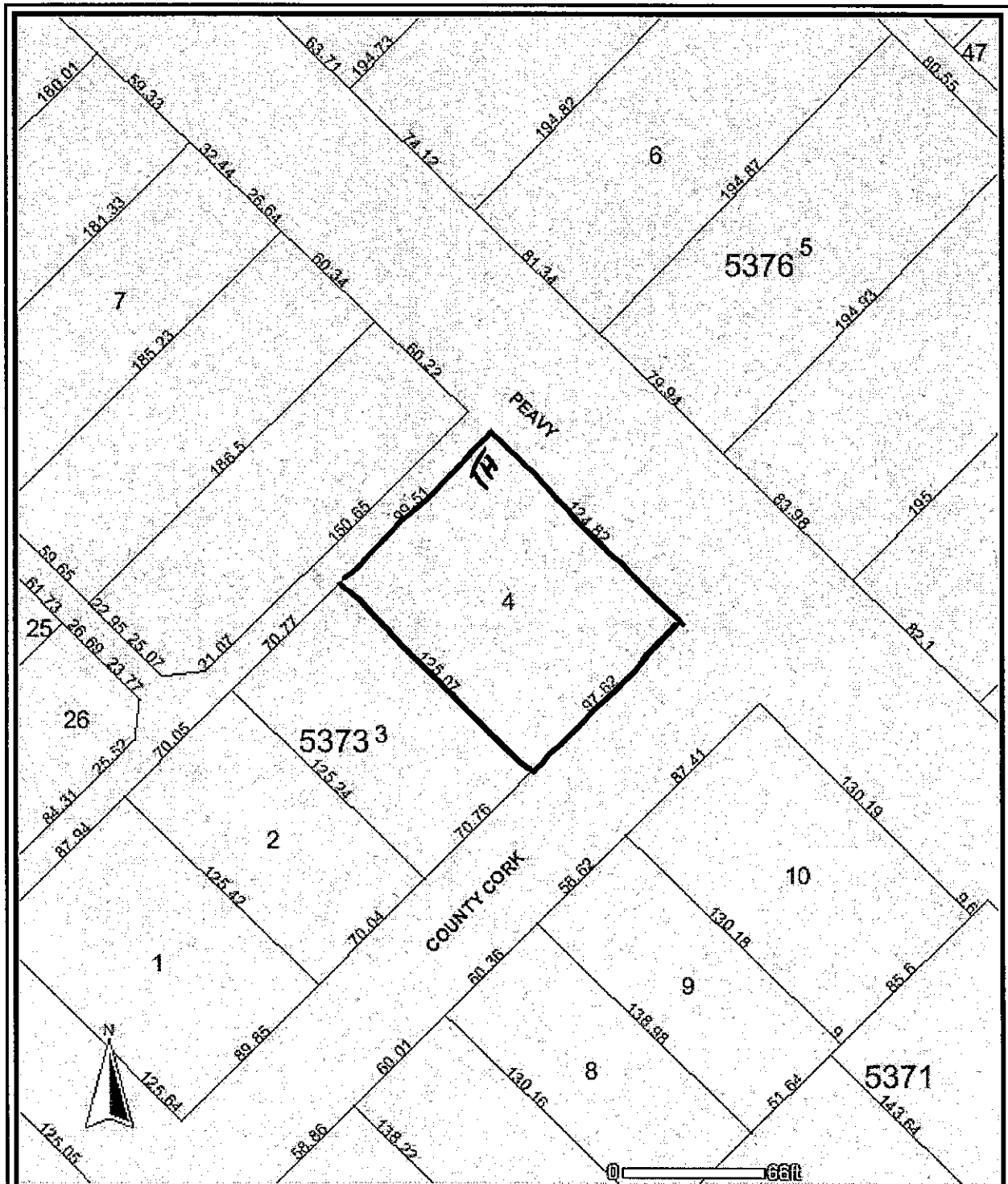
I hereby certify that ASHLEY HANSON  
did submit a request for a special exception to the fence height regulations  
at 9849 County Cork Drive

BDA134-015. Application of Ashley Hanson for a special exception to the fence height regulations at 9849 County Cork Drive. This property is more fully described as Lot 4, Bloc D/5373, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,

  
Larry Holmes, Building Official





**Dallas Central  
Appraisal District**  
www.dallascad.org

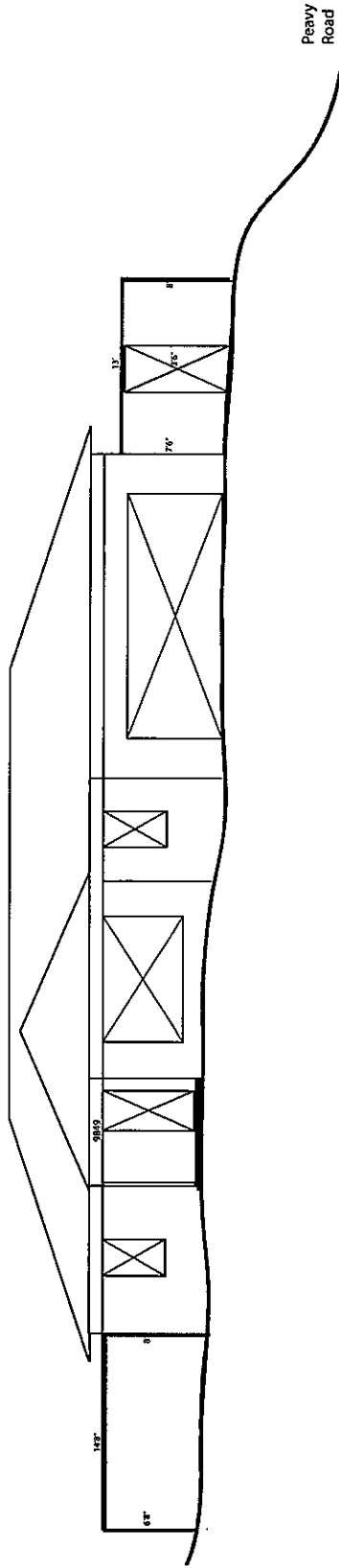
**DISCLAIMER**

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





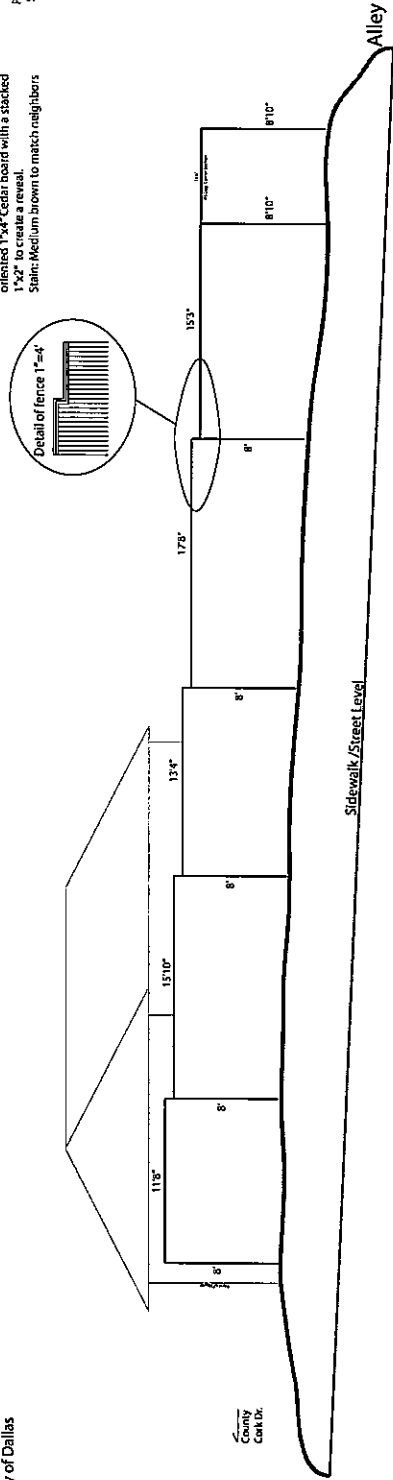
**Front Elevation**  
of 9849 County Cork Dr, Dallas, Tx. 75218  
Lot 4 Block D/5373 Lake Park Estates  
NO.4 Addition to the City of Dallas



As viewed from County Cork Drive

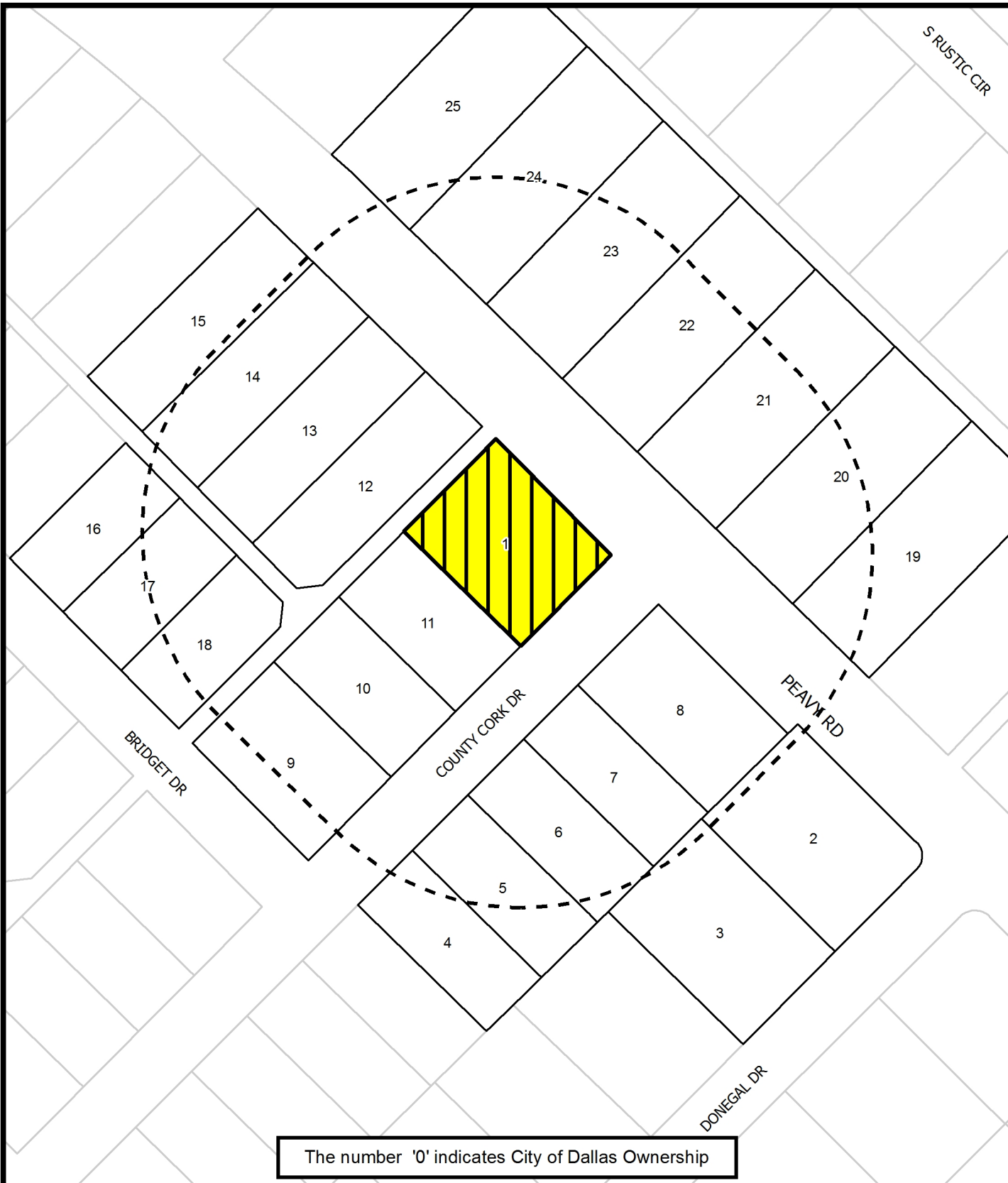
1"=4'  
Scale: 1 Inch = 4 Feet

**Side Elevation**  
of 9849 County Cork Dr, Dallas, Tx. 75218  
Lot 4 Block D/5373 Lake Park Estates  
NO.4 Addition to the City of Dallas



As viewed from Peavy Road

1"=4'  
Scale: 1 Inch = 4 Feet



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**25**

NUMBER OF PROPERTY OWNERS NOTIFIED

2-13

Case no: **BDA134-015**

Date: **1/24/2014**

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

### ***BDA134-015***

#### ***25 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9849 COUNTY CORK DR	HANSON TYLER JAMES & ASHLEY E
2	9939 DONEGAL DR	WALDMAN ARIEL
3	9931 DONEGAL DR	MILLER PATRICIA R O & SHARON KATHLEEN O
4	9828 COUNTY CORK DR	YOST BRENT
5	9834 COUNTY CORK DR	BREWER CAROL L
6	9838 COUNTY CORK DR	WALKER IAN MCCONNELL
7	9844 COUNTY CORK DR	FINNERAN JOHN
8	9850 COUNTY CORK DR	POAGE DARRELL A
9	9829 COUNTY CORK DR	CARMICHAEL CHARLES R
10	9835 COUNTY CORK DR	SAGE MELISSA
11	9841 COUNTY CORK DR	VIVION JASON W
12	983 PEAVY RD	DOUGLAS SARAH ELAINE
13	979 PEAVY RD	GREENWOOD LORNA E
14	975 PEAVY RD	TURK LINDA S
15	971 PEAVY RD	CORTEZ VICTOR & FRANCISCA
16	934 BRIDGET DR	BUCKNER HOLDINGS LLC
17	938 BRIDGET DR	HENRY JOSH H & EMILY S
18	942 BRIDGET DR	MATHIA JOSEPH A & CATHERINE R
19	988 PEAVY RD	PARKER JOHN S
20	984 PEAVY RD	DALLIN WILLIAM M II
21	982 PEAVY RD	ROBLES JULIANA
22	978 PEAVY RD	978 PEAVY ROAD LLC
23	974 PEAVY RD	RASBRIDGE LANCE A
24	972 PEAVY RD	BOSLER TOMMY
25	968 PEAVY RD	MEDINA JUAN C & FRANCES

**FILE NUMBER:** BDA 134-008

**BUILDING OFFICIAL'S REPORT:** Application of Daniel D. Dubree for special exceptions to the visual obstruction regulations at 5204 Maple Springs Boulevard. This property is more fully described as Lot 24, Block C/2334, and is zoned PD-193 (R-7.5) which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5204 Maple Springs Boulevard

**APPLICANT:** Daniel D. Dubree

**REQUESTS:**

Special exceptions to the visual obstruction regulations are made in conjunction with maintaining an existing 8' high solid wood fence in the two, 20' visibility triangles on either side of the driveway into the site from Crestview Drive on a site 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:**

Denial

Rationale:

- The Sustainable Development and Construction Department Senior Engineer recommends that this request be denied because the fence in the visibility triangles at the driveway into the site from Crestview Drive is a safety hazard to pedestrians.
- The applicant has not substantiated how the location of the fence located in the two 20' visibility triangles at the driveway into the site from Crestview Drive does not constitute a traffic hazard.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	PD 193 (R-7.5) (Planned Development, Single family)
<u>North:</u>	PD 193 (R-7.5) (Planned Development, Single family)
<u>South:</u>	PD 193 (R-7.5) (Planned Development, Single family)
<u>East:</u>	PD 193 (R-7.5) (Planned Development, Single family)
<u>West:</u>	PD 193 (R-7.5) (Planned Development, Single family)

### **Land Use:**

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

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

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

### **Timeline:**

- December 17, 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.
- January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- January 15, 2014: The Board Administrator shared the following information with the applicant via email:
- an attachment that provided the public hearing date and panel that will consider the application; the January 29th deadline to submit additional evidence for staff to factor into their analysis; and the February 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- January 28, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

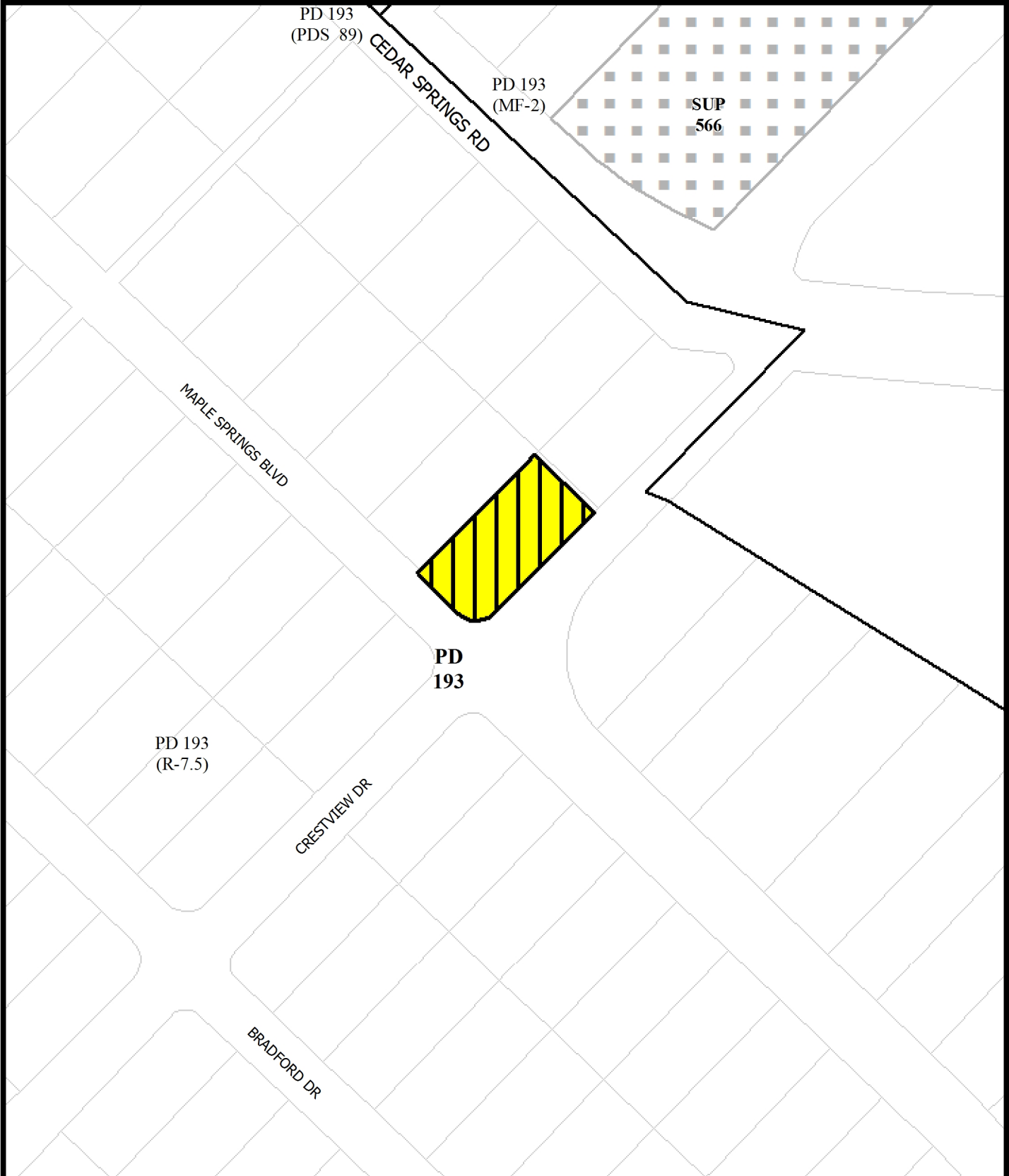
February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

February 6, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "the fence appears to be a safety hazard to pedestrians (i.e. joggers, scooter riders,...)."

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

- These requests focus on maintaining an existing 8' high solid wood fence in the two 20' visibility triangles on either side of the driveway into the site from Crestview Drive on a site developed with a single family home.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- PD 193 defines "visibility triangle" as
  1. where a street designated on the city's thoroughfare plan intersects another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;
  2. where two streets not designated on the city's thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection;
  3. where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there are no street curbs, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

- A site plan and elevation have been submitted indicating portions of a fence and sliding gate located in the two 20' visibility triangles on either side of the driveway into the site from Crestview Drive.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "the fence appears to be a safety hazard to pedestrians (i.e. joggers, scooter riders,...)."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of an existing 8' high solid wood fence located in the two 20' visibility triangles at the driveway into the site from Crestview Drive does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items located in the 20' drive approach visibility triangles into the site from Crestview Drive to that what is shown on these documents – an 8' high solid wood fence.



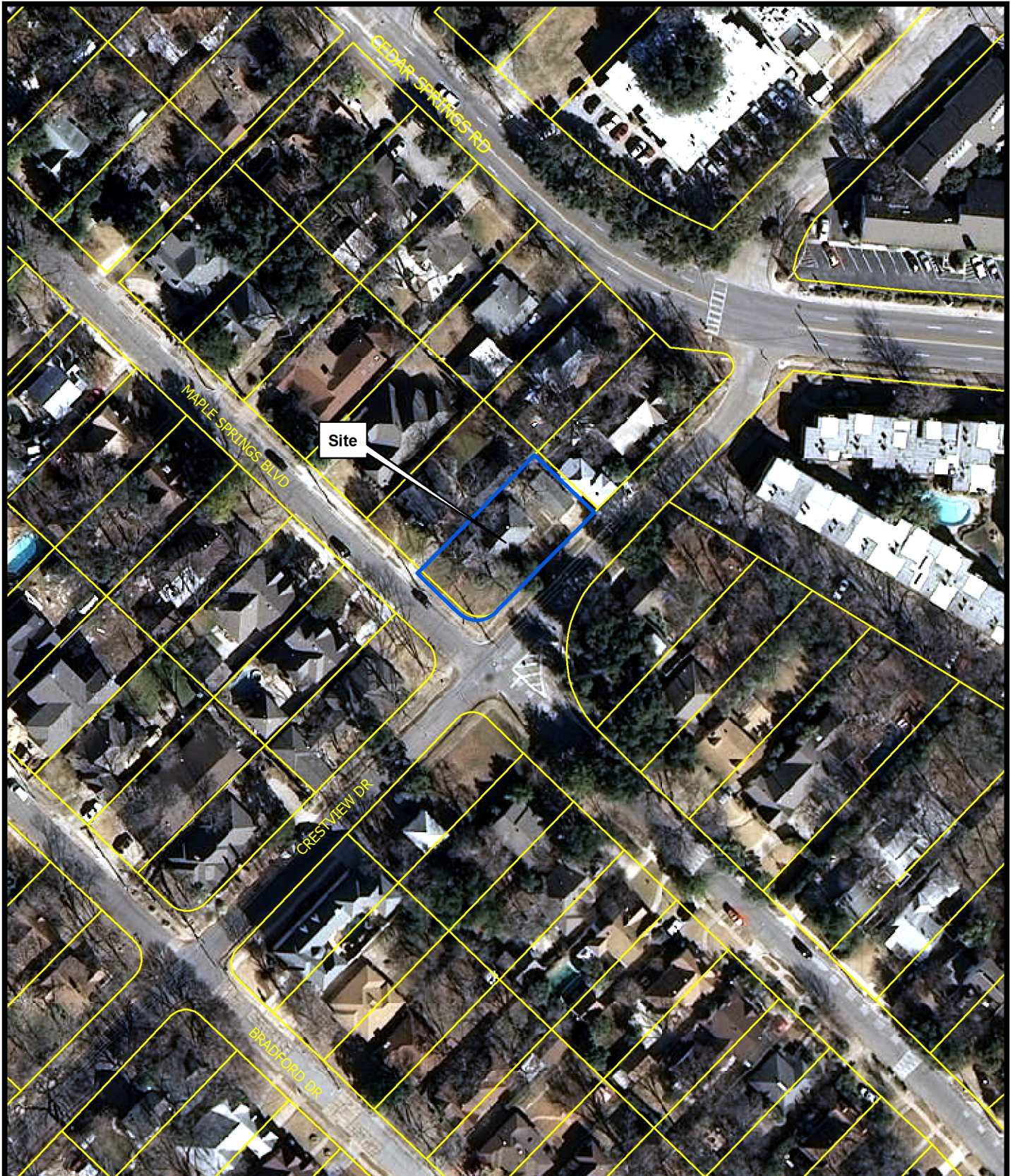
1:1,200

# ZONING MAP

Case no: BDA134-008

Date: 1/24/2014





1:1,200

# AERIAL MAP

Case no: BDA134-008

Date: 1/24/2014

BDA-134-008

Attach A  
PS!

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and location.

Printed Name: Lisa Oldham

Address: 5115 Maple Springs Blvd  
Dallas, Texas

[Signature]  
(Signature) 1-3-2014  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: Jane M Orrock  
5119 Maple Springs Blvd  
Dallas, Texas

[Signature]  
(Signature) 12/31/13  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and location.

Printed Name: Edwin Dissosway

Address: 5120 Maple Springs Blvd  
Dallas, Texas

[Signature]  
(Signature) 1/1/2014  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and location.

Printed Name: Robert O. Putman

Address: 5128 Maple Springs Blvd  
Dallas, Texas

[Signature]  
(Signature) 12-29-2013  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: GAEY A KEARNS  
Address: 5211 Maple Springs Blvd  
Dallas, Texas  
[Signature]  
(Signature) 12/30/13  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and location.

Printed Name: RICHARD RET  
CHARIS HALL  
Address: 5212 Maple Springs Blvd  
Dallas, Texas  
[Signature]  
(Signature) 12/30/13  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: Layvonne May  
Address: 5203 Maple Springs Blvd  
Dallas, Texas  
[Signature]  
(Signature) 12/30/13  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: LYON BOWEN  
Address: 5206 Maple Springs Blvd  
Dallas, Texas  
[Signature]  
(Signature) 12/30/13  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and location.

Printed Name: John Crane  
Address: 5114 Bradford Dr  
Dallas, Texas  
[Signature] 1-2-30-13  
(Signature) (Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: Michael Boyce  
Address: 5126 Bradford Dr  
Dallas, Texas  
[Signature] 1-2-14  
(Signature) (Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and location.

Printed Name: John Quinn  
Address: 5215 Maple Springs Blvd  
Dallas, Texas  
[Signature] 1-8-2014  
(Signature) (Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: BRADLEY WELK  
Address: 5216 Maple Springs Blvd  
Dallas, Texas  
[Signature] 1/1/14  
(Signature) (Date)  
DD-MM-YY

Re: BDA-134-008; Signed Petitions, Page 4 of 4

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and location.

Printed Name: Nancy Blair  
Address: 5204 Bradford Dr  
Dallas, Texas  
Nancy Blair  
(Signature) 1-10-14  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.

I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: Ross Murphy  
Address: 5206 Bradford Dr  
Dallas, Texas  
Ross Murphy  
(Signature) 12/20/13  
(Date)

YES! I support the Zoning Special Variance request regarding the Visibility Triangle Obstruction for the fence located at 5204 Maple Springs Blvd, Dallas.  
I am a property owner in the neighborhood surrounding 5204 Maple Springs Blvd, Dallas. I have observed the fence and, in my opinion, the sliding gate and surrounding fence does not create a safety hazard. I have no objection to the fence, sliding gate and their location.

Printed Name: Eddy Hill & Crystal Landry  
Address: 5215 Cedar Springs Rd  
Dallas, Texas  
Eddy Hill & Crystal Landry  
(Signature) 1/16/14  
(Date)



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-008

Data Relative to Subject Property:

Date: 12-17-13  
PD 193

Location address: 5204 Maple Springs Boulevard, Dallas 75235 Zoning District: (R-7.5)

Lot No.: 24 Block No.: C/2334 Acreage: 0.19 Census Tract: 4,04

Street Frontage (in Feet): 1) 65.00 2) 127.50 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

*SW22*

Owner of Property (per Warranty Deed): Daniel D. Dubree

Applicant: Daniel D. Dubree Telephone: 214-432-0519

Mailing Address: 5204 Maple Springs Boulevard, Dallas TX Zip Code: 75235

E-mail Address: ddubree@aol.com

Represented by: Self Telephone: 214-432-0519

Mailing Address: 5204 Maple Springs Boulevard, Dallas TX Zip Code: 75235

E-mail Address: ddubree@aol.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception X, of \_\_\_\_\_  
Visual Obstruction Regulations  
(Visibility Obstruction Triangle at a private driveway)

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

Applicant is a Retired FBI Agent who recently purchased a home in Dallas with a sliding gate. Granting of the Special Exception would not have an adverse effect because: Not a safety hazard; entrance is to a private driveway; there is no adjoining alley way; the driveway does not enter onto a main street; there is no school in the immediate area (i.e. not a primary walking route for school children; and previous owner constructed fence yielding no accidents/complaints.

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 Daniel D. Dubree  
(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 17<sup>th</sup> day of December, 2013

(Rev. 08-01-11)



Irma Hayes  
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 DANIEL DUBREE

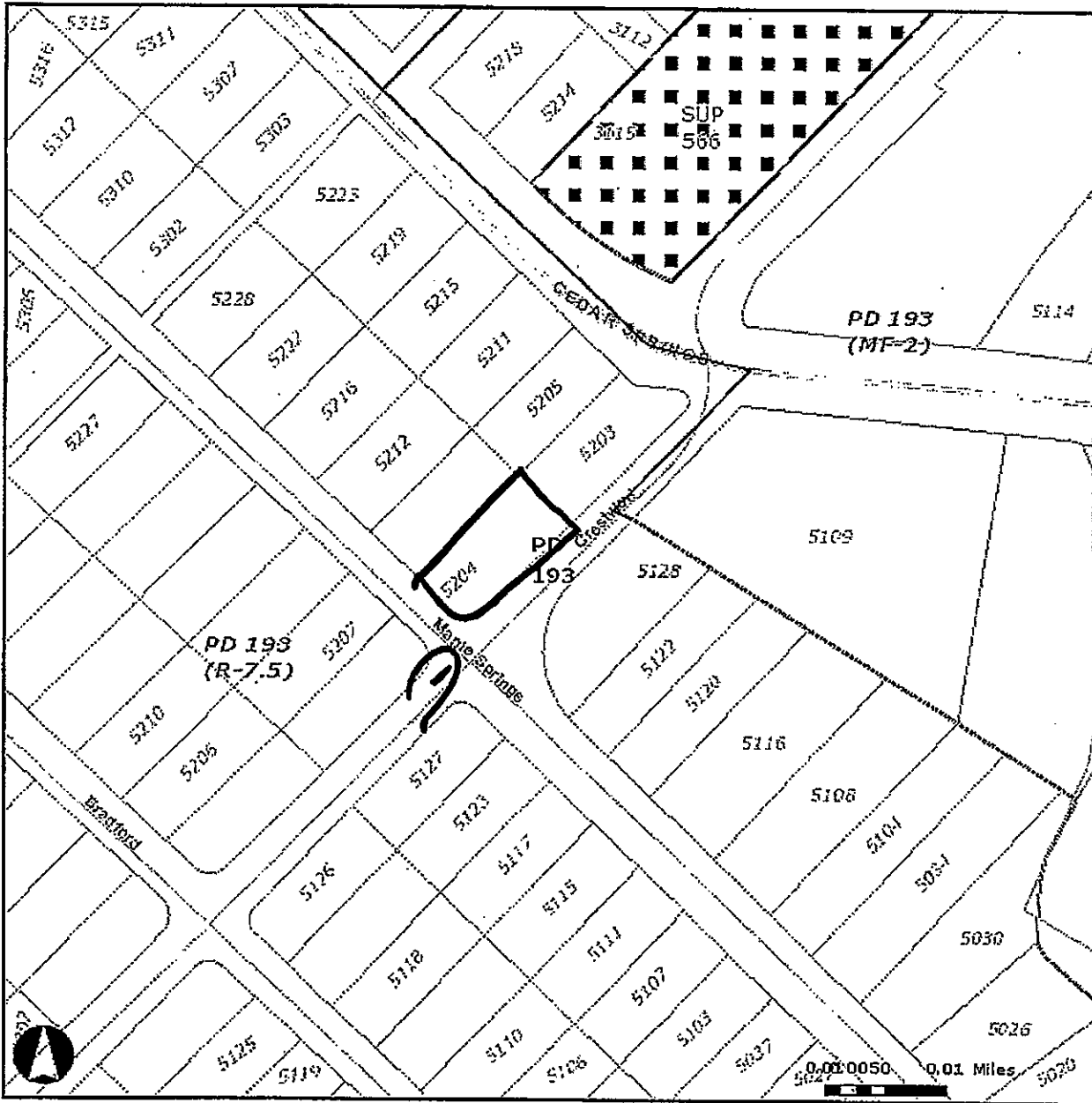
did submit a request for a special exception to the visibility obstruction regulations  
at 5204 Maple Springs Blvd.

BDA134-008. Application of Daniel Dubree for a special exception to the visibility obstruction regulations at 5204 Maple Springs Blvd. This property is more fully described as Lot 24, Block C/2334, and is zoned PD-193 (R-7.5) which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
Larry Holmes, Building Official

# City of Dallas Zoning

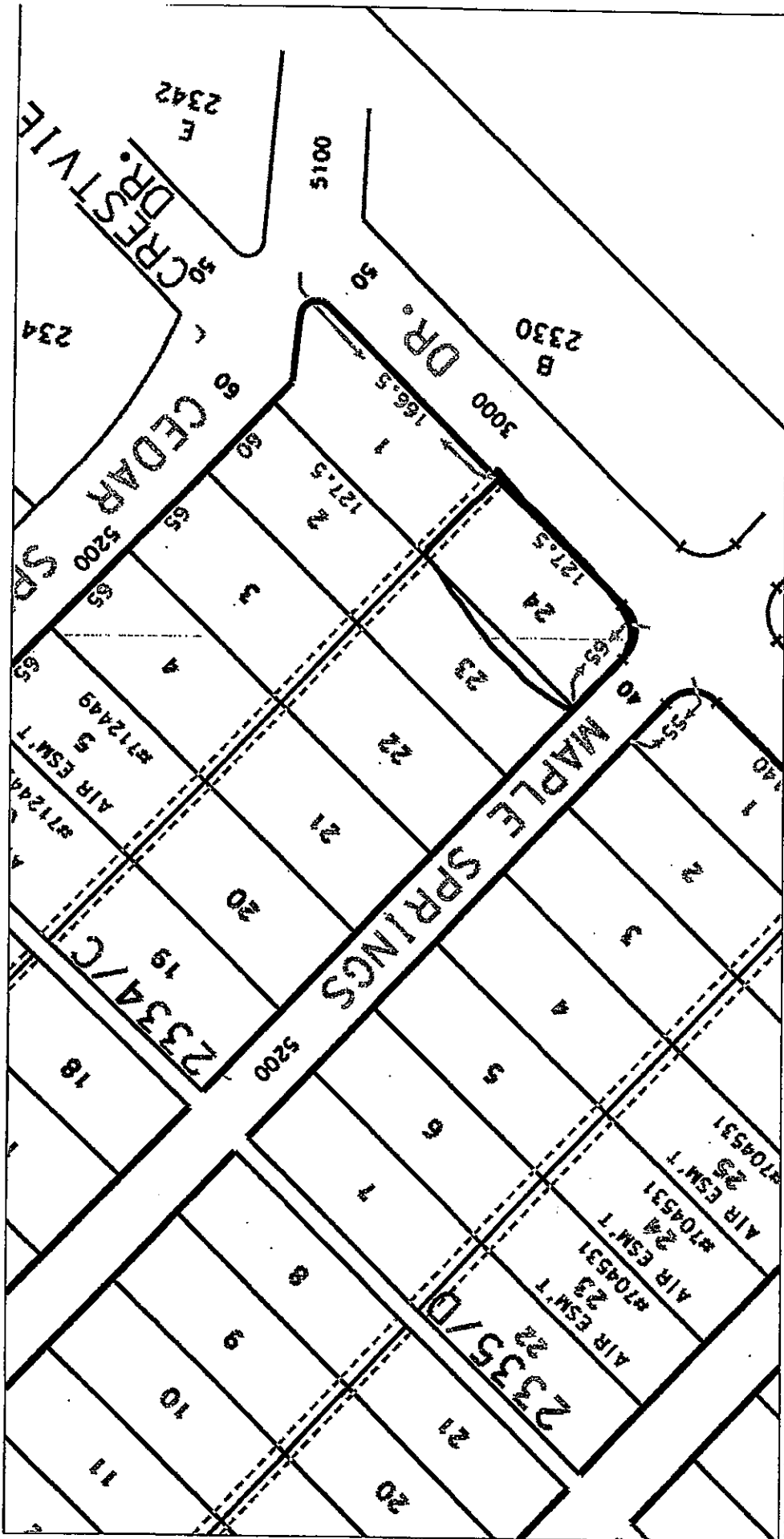


- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

- 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





C:\fax\_plats\2334\_c.dgn 11/21/2013 4:03:04 PM

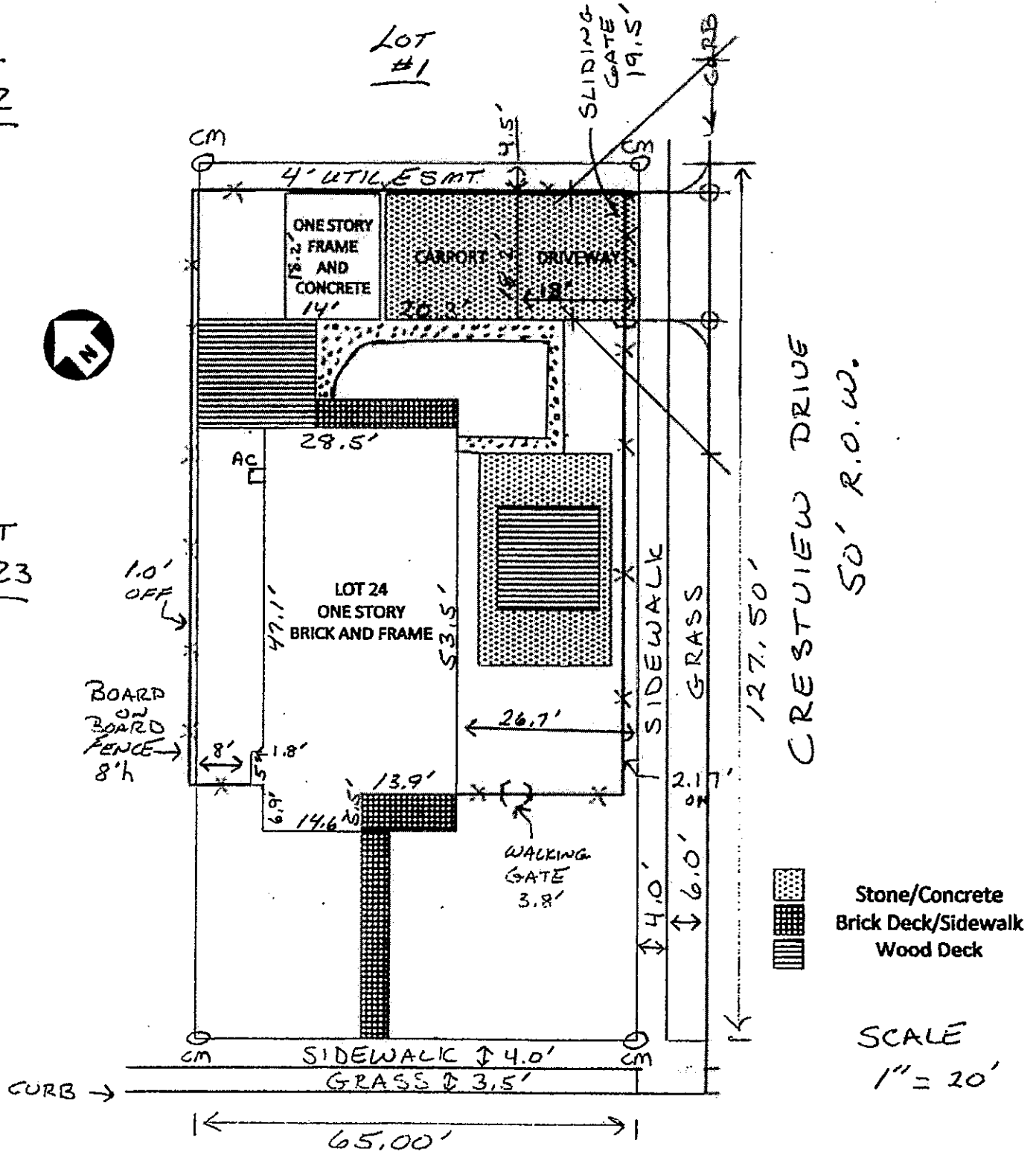
# 5204 MAPLE SPRINGS BLVD

LOT #2

LOT #1



LOT #23

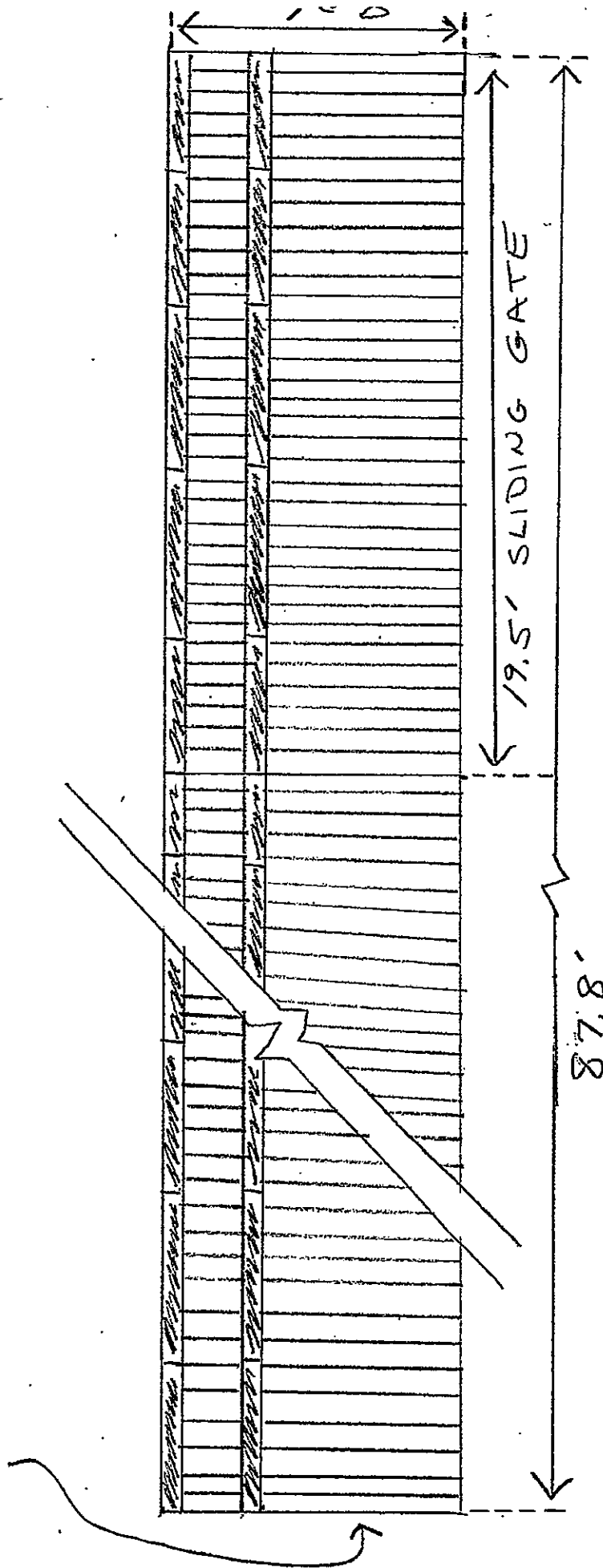


MAPLE SPRINGS BLVD

5204 MAPLE SPRINGS BLVD

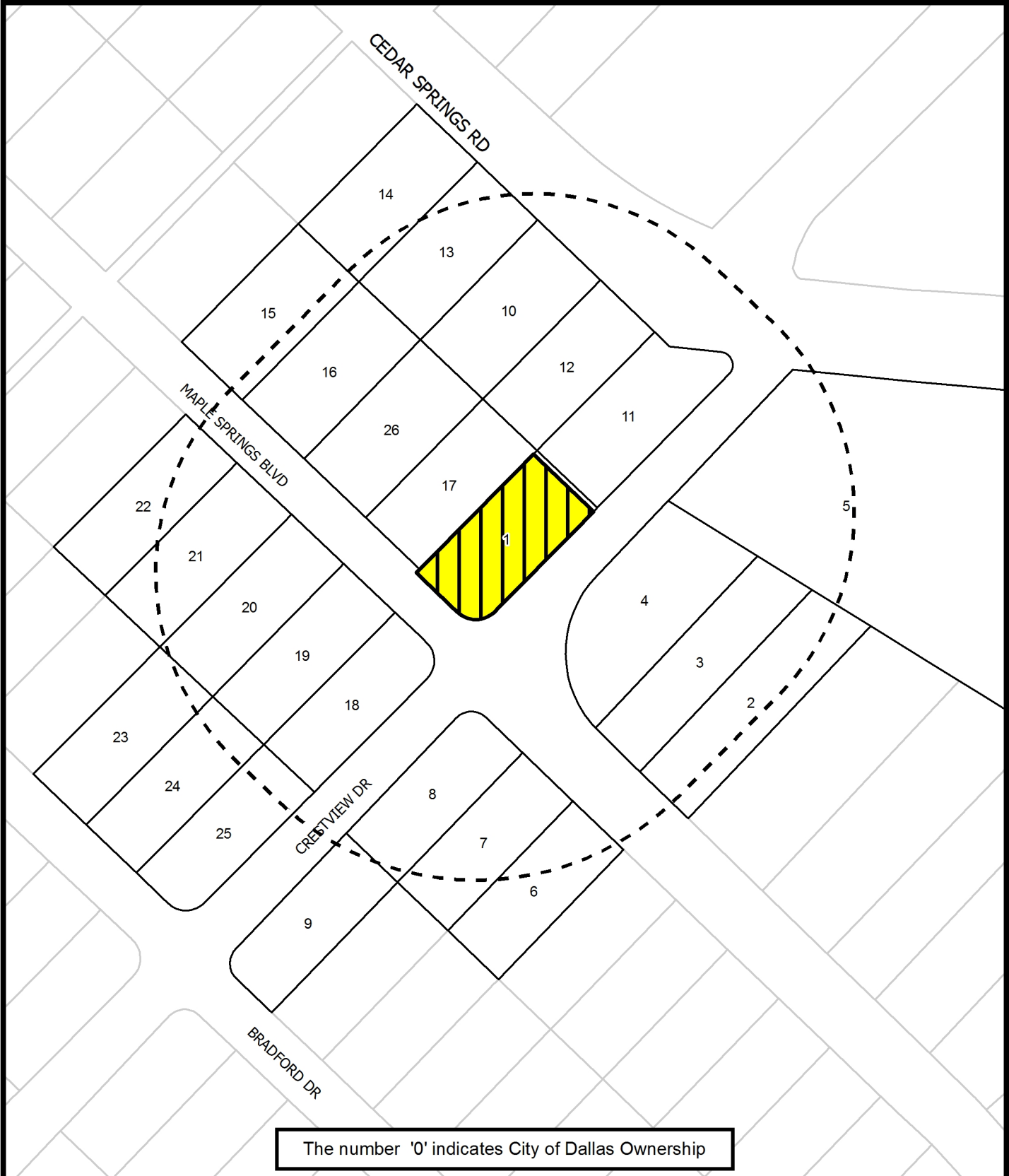


WOOD-CEDAR  
BOARD ON BOARD



FENCE ELEVATION

SCALE: 1/4" = 1.0'



The number '0' indicates City of Dallas Ownership



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**26**

NUMBER OF PROPERTY OWNERS NOTIFIED

3-17

Case no: **BDA134-008**

Date: **1/24/2014**

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

***BDA134-008***

***26 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5204	MAPLE SPRINGS BLVD FRAZIER MARK
2	5120	MAPLE SPRINGS BLVD PUZZIFERRI NANCY
3	5122	MAPLE SPRINGS BLVD MILLER MICHAEL F
4	5128	MAPLE SPRINGS BLVD PUTNAM ROBERT O
5	5109	CEDAR SPRINGS RD 5115 CEDAR SPRINGS LLC
6	5117	MAPLE SPRINGS BLVD ORROCK JANET & ORROCK RICHARD D & JANE M
7	5123	MAPLE SPRINGS BLVD MARTINEZ KELLY
8	5127	MAPLE SPRINGS BLVD SARAGUSA PHILIP
9	5126	BRADFORD DR BOYCE MICHAEL
10	5211	CEDAR SPRINGS RD FRANKO VERNON
11	5203	CEDAR SPRINGS RD WAGNER WINFIELD J III
12	5205	CEDAR SPRINGS RD SOTO ROSENDO M & MARCO MARTINEZ
13	5215	CEDAR SPRINGS RD LANDRY CHANTEL C &
14	5219	CEDAR SPRINGS RD THLANG TIMOTHY J
15	5222	MAPLE SPRINGS BLVD SMITH STEVEN WAYNE &
16	5216	MAPLE SPRINGS BLVD WEIR BRADLEY J
17	5206	MAPLE SPRINGS BLVD BOWER DAVID A
18	5203	MAPLE SPRINGS BLVD MAY LAYVONNE
19	5207	MAPLE SPRINGS BLVD LOCKE GORDON PRICE
20	5211	MAPLE SPRINGS BLVD KEARNS GARY A
21	5215	MAPLE SPRINGS BLVD QUINN JOHN III
22	5219	MAPLE SPRINGS BLVD CHAPPELL JIMMY L
23	5210	BRADFORD DR GARCIA ESPERANZA &
24	5206	BRADFORD DR MURPH BENJAMIN ROSS
25	5204	BRADFORD DR BLAIR NANCY
26	5212	MAPLE SPRINGS BLVD HALL CHRISTIANA E

**FILE NUMBER:** BDA 123-127

**BUILDING OFFICIAL'S REPORT:** Application of Sandy Stephens of Cole Design Group for a special exception to the off-street parking regulations at 7754 Lyndon B. Johnson Freeway. This property is more fully described as Lot 4, Block C/7729, and is zoned MU-3, which requires off-street parking to be provided. The applicant proposes to construct and maintain a multifamily use and provide 168 of the required 185 parking spaces, which will require a 17 space special exception to the off-street parking regulations.

**LOCATION:** 7754 Lyndon B. Johnson Freeway

**APPLICANT:** Sandy Stephens of Cole Design Group

**REQUEST:**

A special exception to the off-street parking regulations of 17 spaces is requested in conjunction with constructing and maintaining a 98 unit multifamily development and providing 168 (or 91 percent) of the 185 off-street parking spaces required by code.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A).
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
  - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
  - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
  - (E) The availability of public transit and the likelihood of its use.

- (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
  - 4) In granting a special exception, the board may:
    - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
    - (B) Impose restrictions on access to or from the subject property; or
    - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
  - 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.

**STAFF RECOMMENDATION (off-street parking special exception):**

Approval, subject to the following condition:

- The special exception of 17 spaces shall automatically and immediately terminate if and when the multifamily use that would normally need no more than 185 required parking spaces is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director and the Sustainable Development and Construction Department Senior Engineer have indicated that they have no objections to the applicant's request.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MU-3 (Mixed Use)  
North: R-7.5(A) (Single family residential)  
South: MU-3 (Mixed Use)  
East: MU-3 (Mixed Use)  
West: MU-3 (Mixed Use)

**Land Use:**

The subject site is undeveloped. The area immediately north is the LBJ Freeway; the area to the east is developed with office use; the area to the west is developed with multifamily residential use; and the area to the south is developed with a vacant financial institution with drive-through window use.

### **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:**

- October 17, 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.
- November 12, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- November 13, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the November 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- December 3, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. 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 Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.
- December 6, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”
- December 15, 2013: The Board of Adjustment Panel B conducted a public hearing on this application. The Board held the request under advisement until their next public hearing to be held on February 2014, in order for the applicant to submit additional materials to substantiate his parking reduction request.



- December 19, 2013: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the January 22<sup>nd</sup> deadline to submit any additional evidence for staff to factor into their analysis; and the February 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.
- January 22, 2014: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- February 6, 2013: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections."

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

- This request focuses on constructing and maintaining a 98 unit multifamily development and providing 168 (or 91 percent) of the 185 off-street parking spaces required by code.
- The Dallas Development Code requires the following off-street parking requirement:
  - Multifamily: one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.
- The applicant has submitted a document stating that 168 of the 185 required off-street parking spaces are proposed to be provided.
- The applicant has provided a document showing among other things that the average utilized parking ratio per bedroom is less than 0.7:1 based on a parking analysis of multifamily affordable housing developments in the Dallas area; thus a parking requirement of one space per bedroom (per City Code) would likely result in under-use of parking.
- The Sustainable Development and Construction Department Engineering Division Assistant Director and the Sustainable Development and Construction Department Senior Engineer have indicated that they have no objections to the applicant's request.

- The applicant has the burden of proof in establishing the following:  
 The parking demand generated by the proposed multifamily use does not warrant the number of off-street parking spaces required, and  
 The special exception of 17 spaces (or a 9 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 17 spaces shall automatically and immediately terminate if and when the multifamily use is changed or discontinued, the applicant would be allowed to construct and maintain the multifamily development, providing 168 of the 185 code required off-street parking spaces.

**BOARD OF ADJUSTMENT ACTION: DECEMBER 16, 2013**

APPEARING IN FAVOR: Sandy Stephen, 6175 Main St., Dallas, TX  
 Paul Merrill, 4777 Cedar Springs, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move that the Board of Adjustment in Appeal No. **BDA 123-127**, hold this matter under advisement until **February 20, 2014**.

SECONDED: **Beikman**

AYES: 5– Richardson, Coulter, Carreon, Schulte, Beikman

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)

---

L B J HOV

**R-7.5(A)**

N CENTRAL HOV

**MU-1**

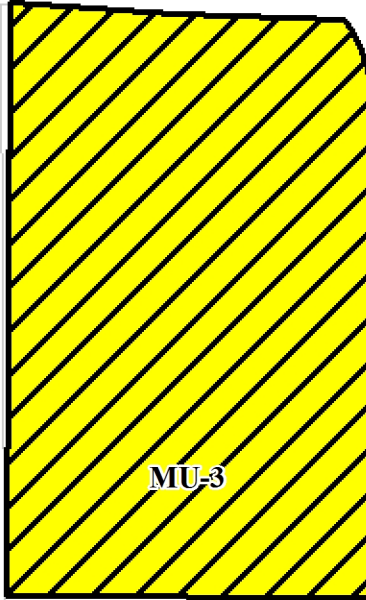
L B J  
L B J HOV

L B J FWY

L B J RAMP

L B J ACRD

L B J  
L B J SERV



**MU-3**

MERIT DR

MERIT DR

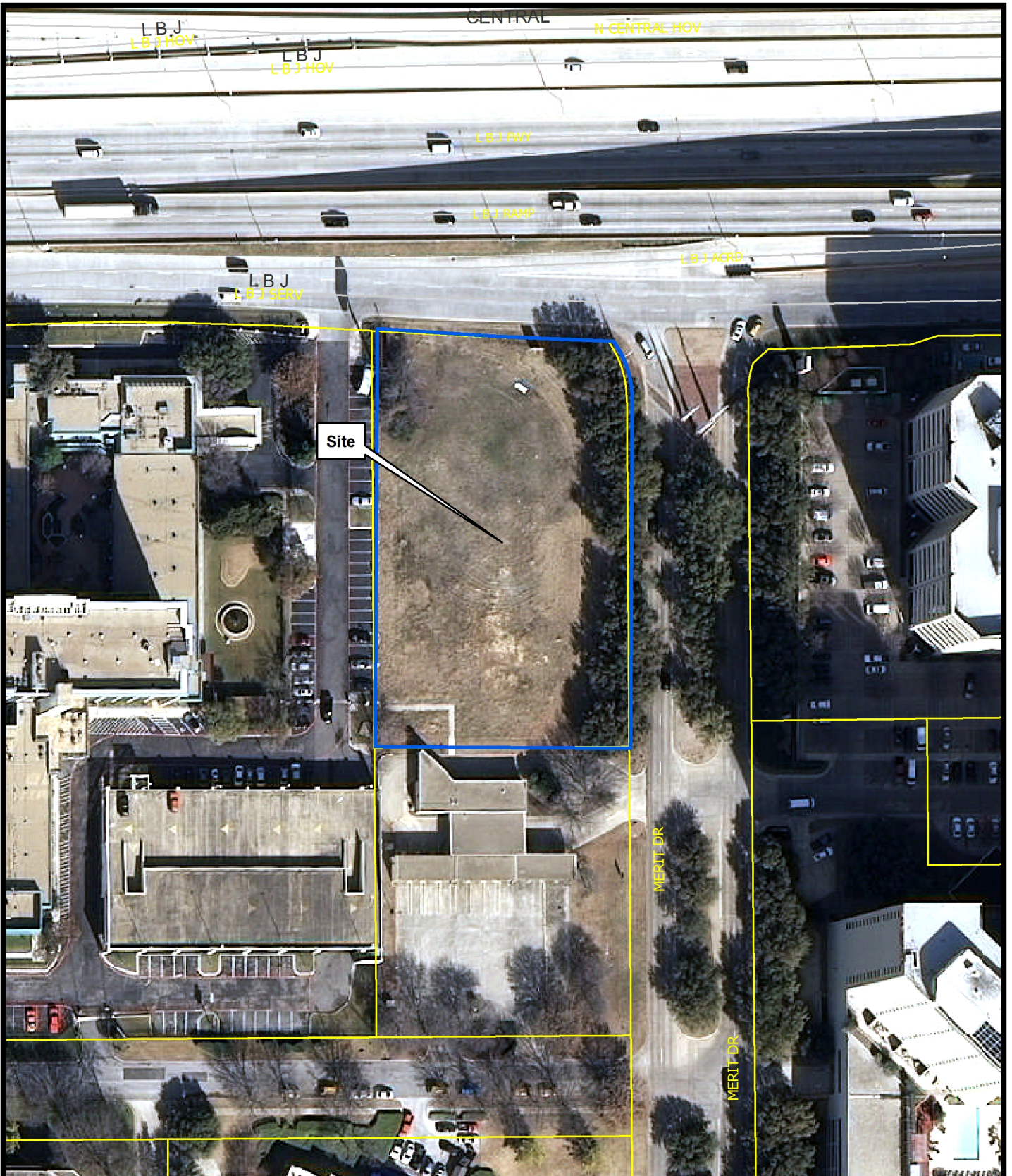


1:1,200

# ZONING MAP

Case no:     **BDA123-127**    

Date:     **11/21/2013**



1:1,200

# AERIAL MAP

Case no: BDA123-127

Date: 11/21/2013



**ST. LOUIS**  
 Power House at Union Station  
 401 S. 18th Street, Suite 200  
 St. Louis, MO 63103  
 314.984.9887 tel

**ST. CHARLES**  
 1520 S. Fifth Street  
 Suite 307  
 St. Charles, MO 63303  
 636.978.7508 tel

**DALLAS**  
 6175 Main Street  
 Suite 367  
 Frisco, TX 75034  
 972.624.6000 tel

**BDA 123-127**  
**Attach A**  
**Pg 1**

City of Dallas  
 Board of Adjustments

RE: Affordable Housing Parking Analysis  
 Summit Parque Apartments  
 Case No. 123-127

As requested, we performed a parking analysis of multi-family affordable housing developments in the Dallas area. We also researched parking demand for recent Texas projects by the developer of the proposed Summit Parque site. The table attached indicates the results of our findings.

It should be noted that there are numerous variables and reasons for the wide discrepancies in utilized parking ratios, including but not limited to; occupancy rate, proximity to public transportation, shopping and services, rate of carpooling, disparities of average income of residents in the different complexes, proximity to employment centers, etc.

Despite these numerous variables, a broad conclusion can be drawn from the analysis. The average utilized parking ratio per bedroom is less than 0.7:1. Thus a parking requirement of one parking space per bedroom (per City Code) would likely result in under-use of parking.

Additionally, the requested reduction of 17 spaces, or 9.2%, is, in most cases, significantly less than the percentage of empty spaces recognized in the late evening at the sites that were analyzed.

It should also be noted that the traffic rate on south bound Merit Drive (where overflow parking would occur) is estimated at less than one car per minute based on analysis at 9:00 pm on a Tuesday. Thus, overflow parking will likely have little impact on a non-congested street.

Finally, it should be recognized that the developer will construct sidewalk and crosswalk improvements to ensure accessibility to the Dart bus stop near the corner of Banner Dr. and Merit.

For these reasons, we request approval of a variance for a reduction from 185 to 168 parking spaces. Please advise if additional information is needed.

Sincerely,

Sandy H. Stephens, P.E.  
 Texas Operations Manager

**Affordable Housing Parking Study for Summit Parque Apartments  
 7754 LBJ Freeway  
 BD 123-127**

Complex	Year Constructed	Total Units	Total Parking Spaces		Percent Empty Spaces <sup>2</sup>	Utilized Parking Spaces	Utilized Parking Ratio Per Unit	Total Bedrooms	Parking Utilization Ratio Per Bedroom
			Parking Spaces <sup>1</sup>	Empty Spaces <sup>2</sup>					
<b>Dallas Apartment Projects</b>									
Taylor's Farm - 1150 Pinnacle Point Blvd	2011	160	275	75	27%	200	1.3	290	0.7
St. Augustine - 2222 N. St. Augustine	2006	150	109	33	30%	76	0.5	225	0.3
Dallas North Apartments - 5557 Alpha Rd	1996	206	334	163	49%	171	0.8	310	0.6
Indian Ridge	1993	161	155	67	43%	88	0.5	285	0.3
Woodside Terrace - 14018 Brookgreen Dr	1991	230	366	131	36%	235	1.0	225	1.0
						<b>Average</b>	<b>0.8</b>	<b>Average</b>	<b>0.6</b>
<b>Texas Apartment Projects by Summit Parque Developer</b>									
Singing Oaks - Denton, TX 100% Occupied	2013	124	237	38	16%	199	1.6	258	0.8
Pinnacle at North Chase - Tyler, TX 89% Occupied	2012	120	241	110	46%	131	1.1	207	0.6
Taylor Grand - Abilene, TX 100% Occupied	2013	120	264	72	27%	192	1.6	240	0.8
						<b>Average</b>	<b>1.4</b>	<b>Average</b>	<b>0.7</b>

Notes: 1. Total parking spaces based on actual counts, as-built survey, or final site plan  
 2. Data collection time for empty parking space counts ranged from 6:45 pm to 10:00 pm. Average data collection time was 8:30 pm.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-127

Date: 10/17/13

Data Relative to Subject Property:

Location address: 7754 LBJ FREEWAY DALLAS, TX 75251 Zoning District: MU-3

Lot No.: 4 Block No.: C7729 Acreage: ~~1.42~~ 1.42 Census Tract: 132.00

Street Frontage (in Feet): 1) 182' 2) 269' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NEAS

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Parmenter PC Land , LLC

Applicant: Summit Parque, LLC, Telephone: N/A

Mailing Address: 9400 South Dadeland Blvd #100 Miami, FL Zip Code: 33156

E-mail Address: N/A

Represented by: Sandy Stephens (Cole Design Group Inc) Telephone: 972-624-6000

Mailing Address: 6175 Main St Suite 367 Frisco, TX Zip Code: 75034

E-mail Address: sstephens@coletx.com

Affirm that an appeal has been made for a Variance    , or Special Exception   x   , of    a reduction of 17 parking spaces from the total required of 185 spaces for multi-family affordable housing use.

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

The demand for parking spaces will be lower than the number of parking spaces required by code. This will be an affordable housing project. Historically, residents of affordable living units on average have fewer vehicles and utilize mass transit more frequently than residents of market rate apartments.

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.

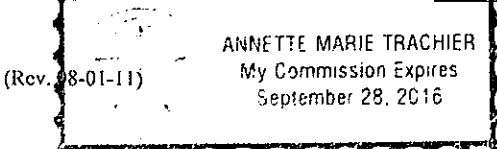
Affidavit

Before me the undersigned on this day personally appeared Sandy Stephens (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 27 day of October, 2013



Annette Trachier  
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 Sandy Stephens

did submit a request for a special exception to the parking regulations  
at 7754 Lyndon Baines Johnson Freeway

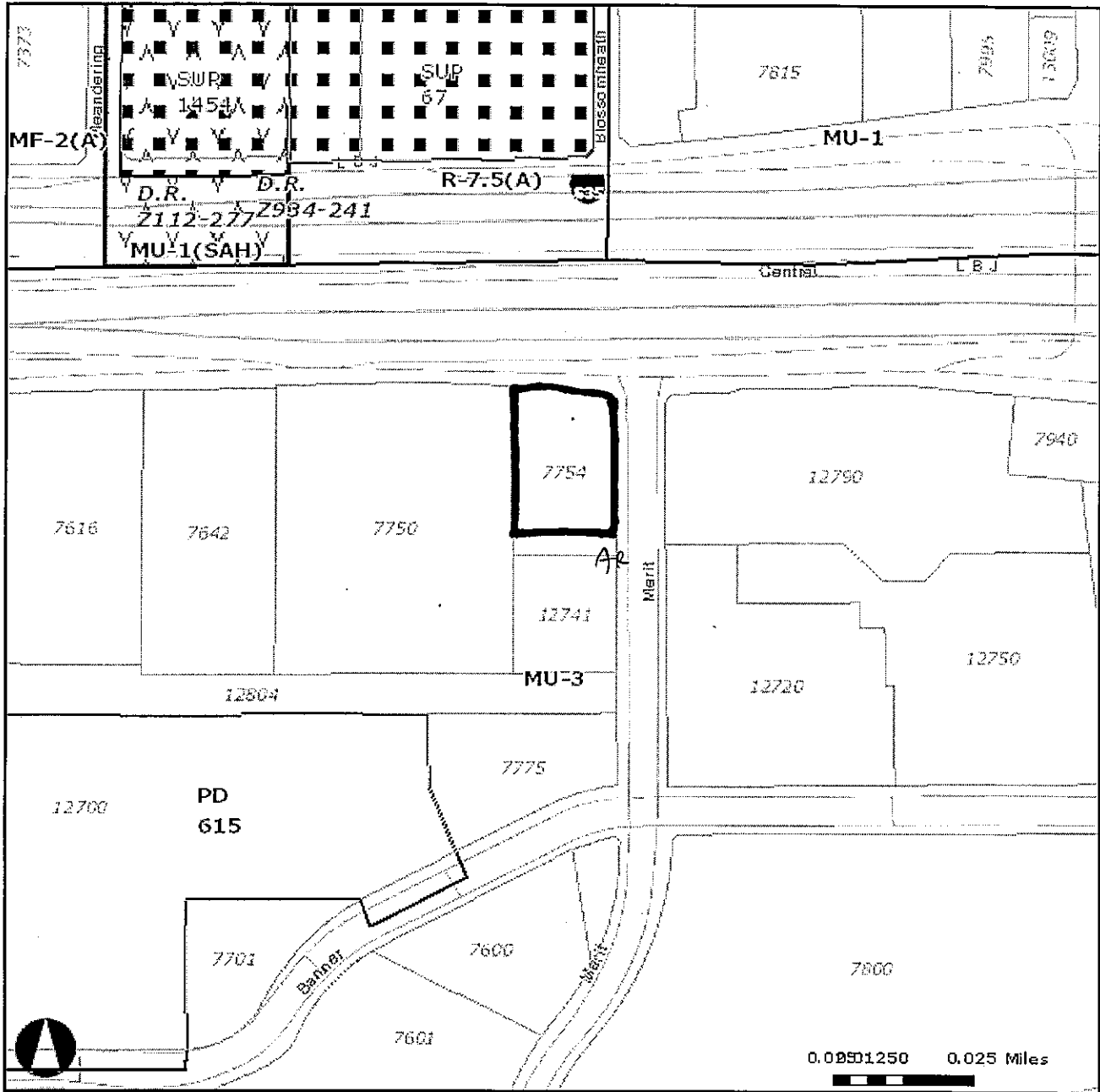
BDA123-127. Application of Sandy Stephens for a special exception to the parking regulations at 7754 Lyndon Baines Johnson Freeway. This property is more fully described as Lot 4, Block C/7729, and is zoned MU-3, which requires parking to be provided. The applicant proposes to construct a multifamily residential structure and provide 168 of the required 185 parking spaces, which will require a 17 space special exception (9.18% reduction) to the parking regulation.

Sincerely,

  
Larry Holmes, Building Official



# City of Dallas Zoning

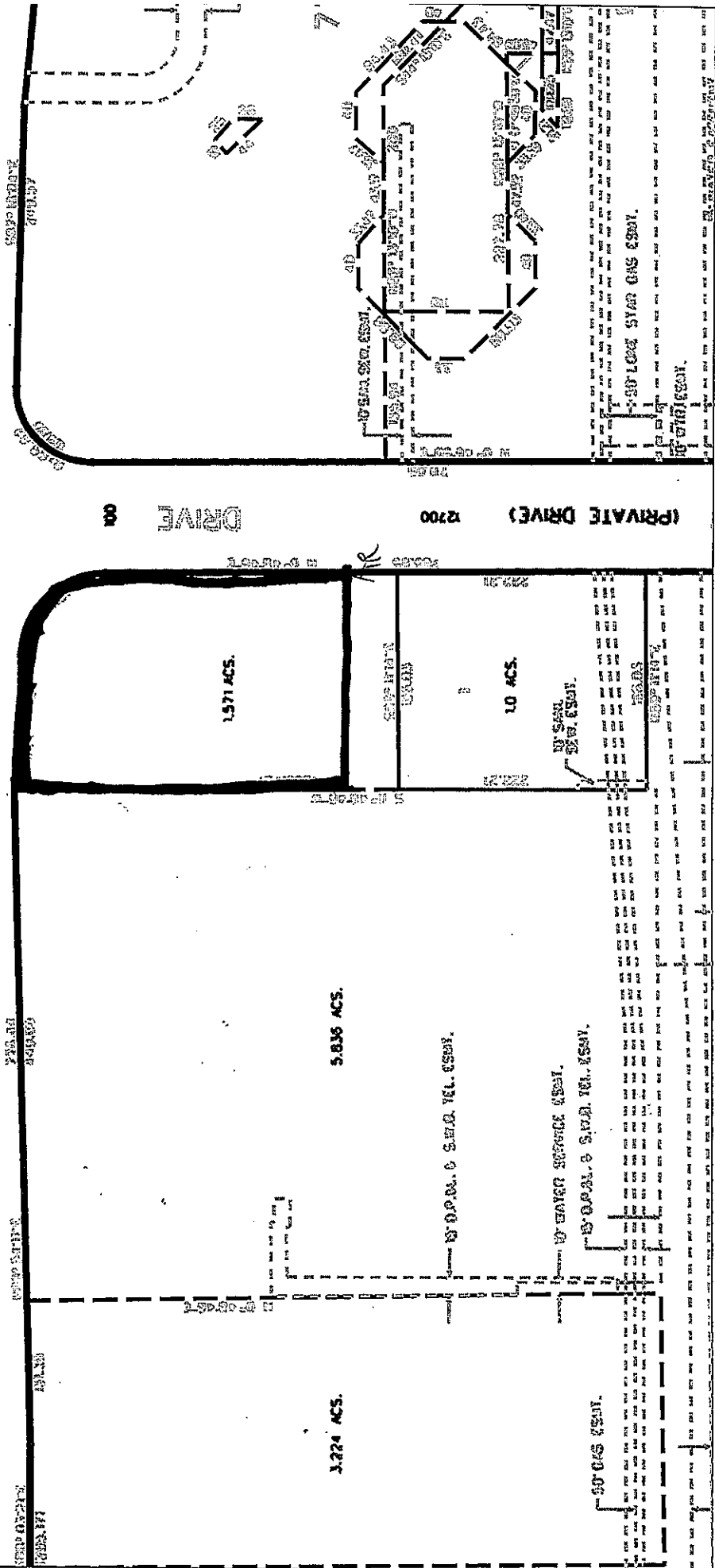


- |   |   |   |
|---|---|---|
| <p>City Boundaries <input type="checkbox"/></p> <p>Certified Parcels <input type="checkbox"/></p> <p>Waterways <input type="checkbox"/></p> <p>Parks <input type="checkbox"/></p> <p>Deed Restrictions <input type="checkbox"/></p> <p>SUP <input type="checkbox"/></p> <p>Dry Overlay <input type="checkbox"/></p> | <p>Historic Overlay <input type="checkbox"/></p> <p>Historic Subdistricts <input type="checkbox"/></p> <p>NSO Overlay <input type="checkbox"/></p> <p>NSO Subdistricts <input type="checkbox"/></p> <p>MD Overlay <input checked="" type="checkbox"/></p> <p>CD Subdistricts <input type="checkbox"/></p> <p>PD Subdistricts <input type="checkbox"/></p> | <p>PDS Subdistricts <input type="checkbox"/></p> <p>Base Zoning <input type="checkbox"/></p> <p>Pedestrian Overlay <input type="checkbox"/></p> <p>CP <input type="checkbox"/></p> <p>SP <input type="checkbox"/></p> <p>Environmental Corridors <input type="checkbox"/></p> <p>Escarpment Overlay <input type="checkbox"/></p> <p>SPSD Overlay <input type="checkbox"/></p> |
|---|---|---|

LBJ FRWY L.H. 635

7800

7700



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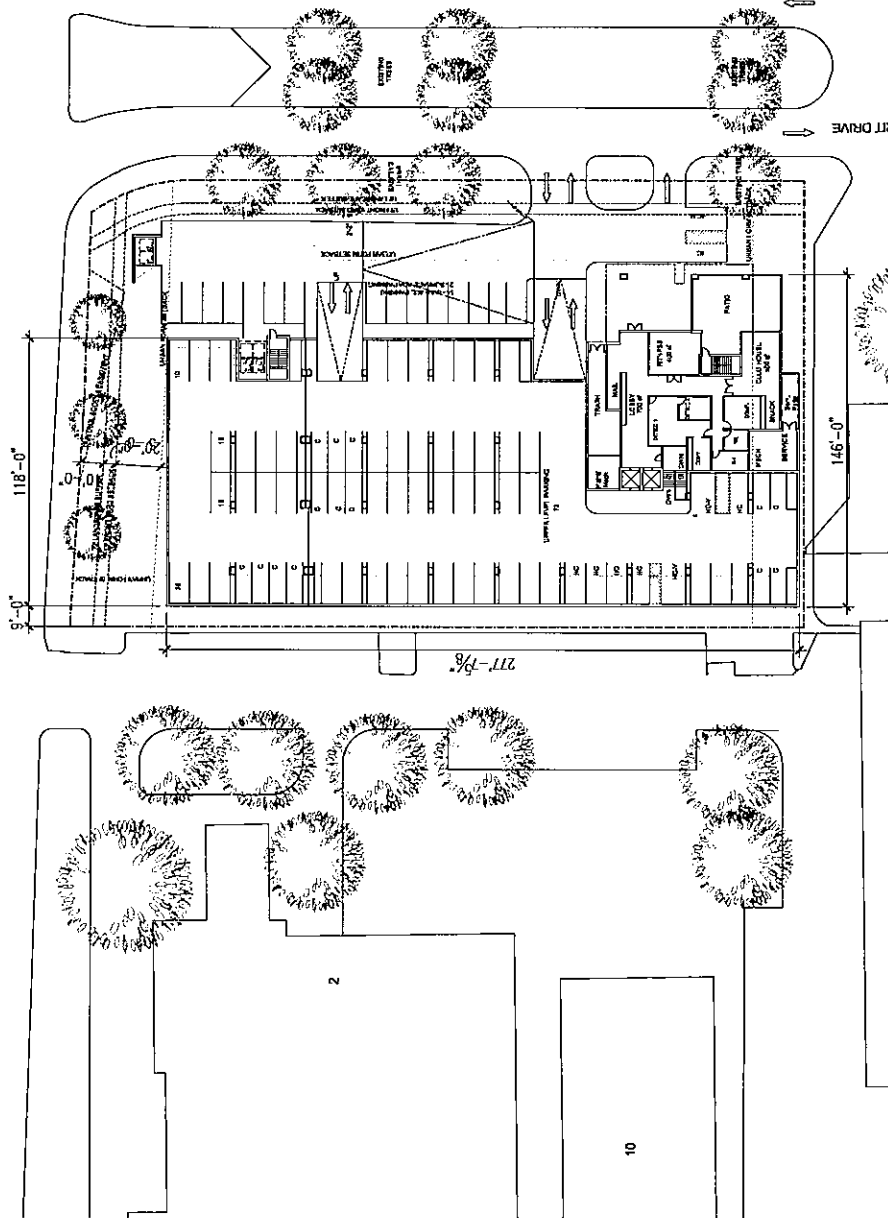
Parking Analysis

<b>Parking Data</b>			
<b>Parking Required</b>			
<b>Units</b>	<b>Bedrooms/Unit</b>	<b>Spaces Required per Bedroom</b>	<b>Total Spaces Required</b>
30	1	1	30
49	2	2	98
19	3	3	57
		TOTAL	185
<b>Parking Provided</b>			
	<b>Garage</b>	<b>Surface</b>	<b>Total Spaces Required</b>
	152	16	168
		TOTAL	168

The demand for parking spaces will be lower than the number of parking spaces required by code. This will be an affordable housing project. Historically, residents of affordable living units on average have fewer vehicles and utilize mass transit more frequently than residents of market rate apartments



ELEVATED HIGHWAY



PARKING SUMMARY:	
SURFACE	14
SURFACE	2
HC	2
UPPER LEVEL GARAGE STRUCTURE	
STANDARD	51
COMPACT	14
HC	7
LOWER LEVEL GARAGE STRUCTURE	
STANDARD	83
COMPACT	14
TOTAL	185

SITE NOTES	
1.	SITE IS 1.42 ACRES
2.	SITE CONTAINS NO PART OF A FLOOD PLAIN
3.	ALL ON-SITE CONSTRUCTION SHOWN IS NEW CONSTRUCTION
4.	REFER TO BUILDING SUMMARY ON FOLLOWING PAGE FOR UNIT MIX AND SIZE TABULATION.
5.	BUILDING CONTAINS BOTH RESIDENTIAL AND COMMON AREA SPACE.

LEVEL NOTES	
MIN.	9'-0" CEILING HEIGHT
TOTAL	0 N/A
PORCH/PATIO AREA	1,150 SF
COMMON AREA	3,565 SF
ENCLOSED CORRIDOR AREA	1,437 SF

Scale: 1" = 25'-0"



# Proposed Parking Reduction Plan Summit Place - Level 01 & Upper Parking

Summit Parque \_ LBJ Freeway and Merit Dr. | Dallas, TX





**ARCHITECT**  
 SGT ARCHITECTS  
 1000 W. 10TH AVENUE  
 SUITE 1000  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101

**ENGINEER**  
 SGT ENGINEERS  
 1000 W. 10TH AVENUE  
 SUITE 1000  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101

**STRUCTURAL ENGINEER**  
 SGT STRUCTURAL ENGINEERS  
 1000 W. 10TH AVENUE  
 SUITE 1000  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101

**MECHANICAL ENGINEER**  
 SGT MECHANICAL ENGINEERS  
 1000 W. 10TH AVENUE  
 SUITE 1000  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101

**ELECTRICAL ENGINEER**  
 SGT ELECTRICAL ENGINEERS  
 1000 W. 10TH AVENUE  
 SUITE 1000  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	10/15/00
2	REVISIONS	
3		
4		
5		
6		
7		
8		
9		
10		

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	10/15/00
2	REVISIONS	
3		
4		
5		
6		
7		
8		
9		
10		

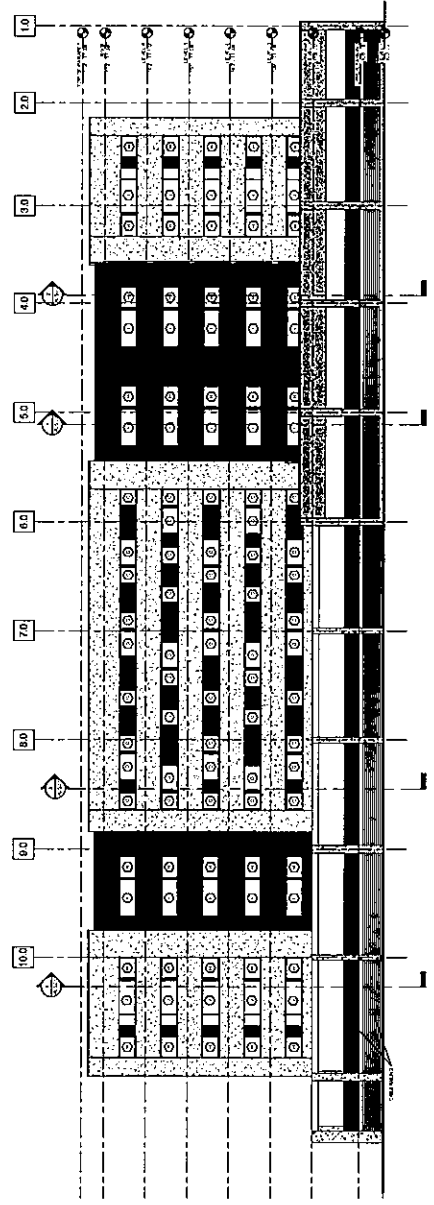
**PROJECT**  
 1000 W. 10TH AVENUE  
 DENVER, CO 80202

**DATE**  
 10/15/00

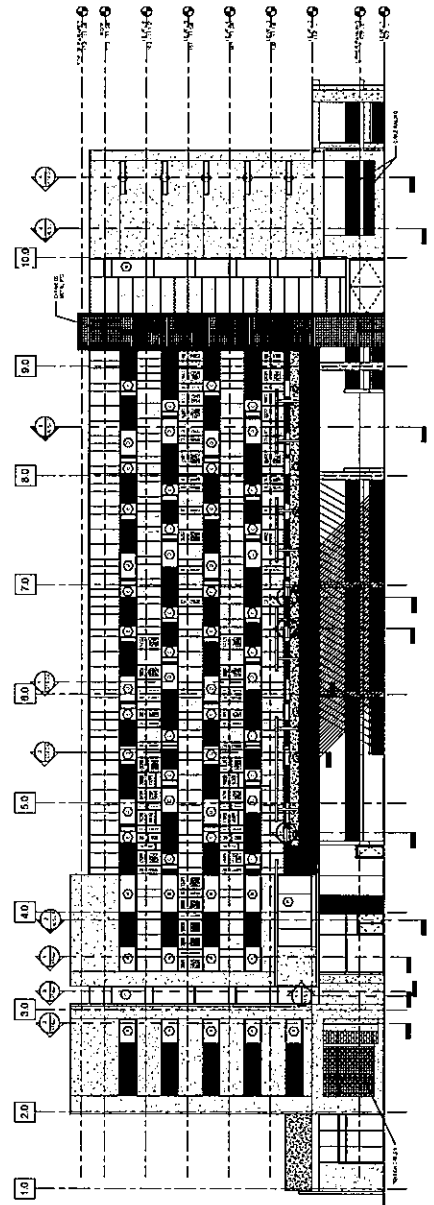
**SCALE**  
 1/4" = 1'-0"

**PROJECT NO.**  
 A04.00

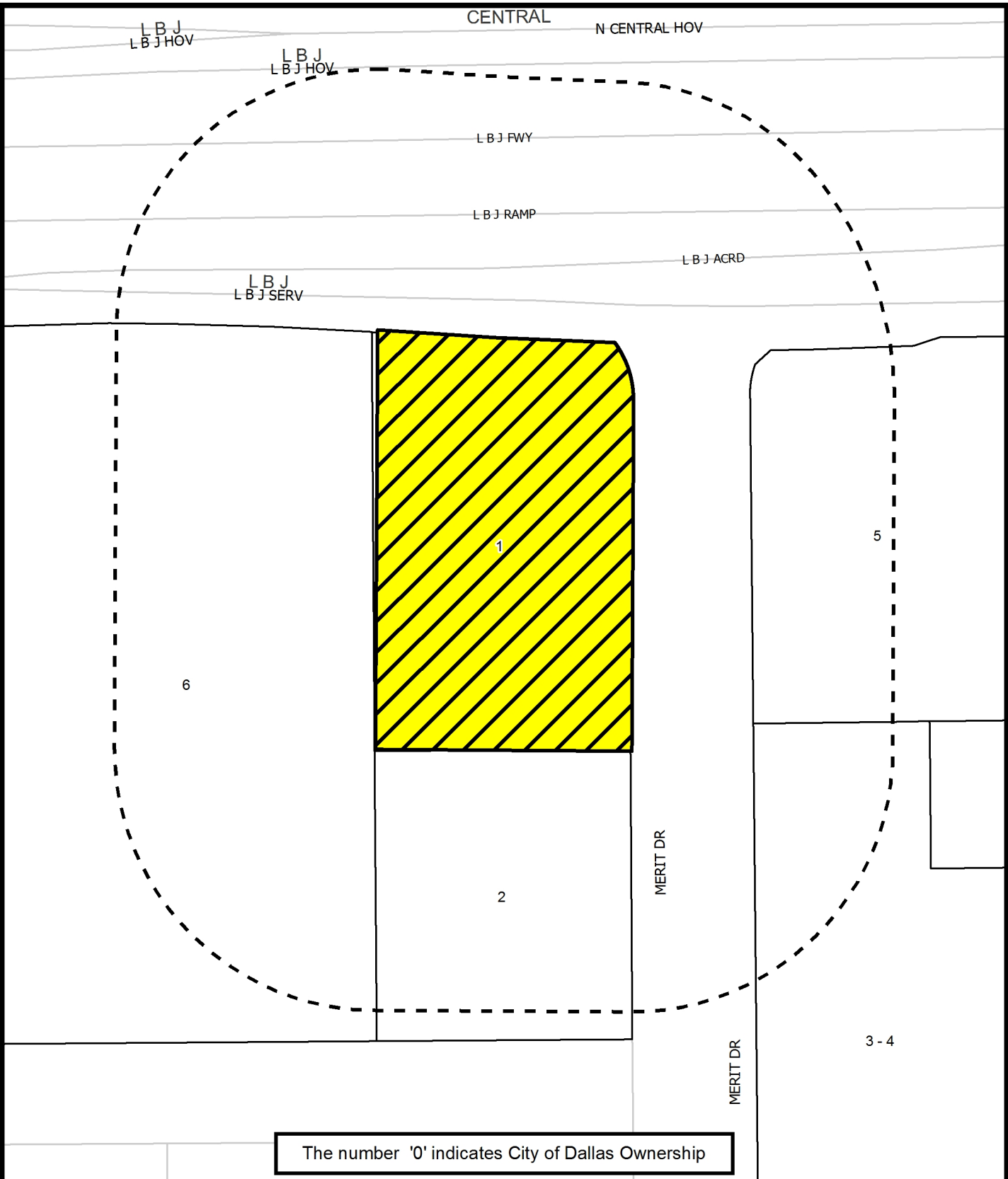
**DATE PLOTTED**  
 10/15/00



2 WEST



1 EAST



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**6**

NUMBER OF PROPERTY OWNERS NOTIFIED

4-18

Case no: **BDA123-127**

Date: **11/21/2013**

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

### ***BDA123-127***

#### ***6 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7754 LBJ FWY	PARMENTER PC LAND LLC
2	12741 MERIT DR	CHASE BANK OF TX NA
3	12720 MERIT DR	PARK CENTRAL JV STE 1300
4	12740 MERIT DR	LMF CLUB, LLC
5	12790 MERIT DR	PARMENTER PARK CENTRAL L P
6	7750 LBJ FWY	PALACE AT PARK CENTRAL LLC