

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, MARCH 18, 2013  
AGENDA

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BRIEFING	ROOM 6/E/S	11:00 A.M.
LUNCH		
PUBLIC HEARING	ROOM 6/E/S, 1500 MARILLA STREET	1:00 P.M.

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

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**MISCELLANEOUS ITEM**

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Approval of the Monday, February 21, 2013 Board of Adjustment Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 123-018</b>	5127 Stoneleigh Avenue <b>REQUEST:</b> Application of Nancy Kolo, represented by Mike Kaplan, for special exceptions to the visual obstruction regulations	1
<b>BDA 123-022</b>	4005 Villa Grove Drive <b>REQUEST:</b> Application of Carlos Martinez for a special exception to the fence height regulations	2
<b>BDA 123-026</b>	6422 Sondra Drive <b>REQUEST:</b> Application of Grayson Wafford for variances to the front yard setback regulations and a special exception to the fence height regulations	3
<b>BDA 123-027</b>	4925 Greenville Avenue <b>REQUEST:</b> Application of Kim Hlas, represented by Steve Benson, for a special exception to the sign regulations	4

## EXECUTIVE SESSION NOTICE

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

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

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel C February 21, 2013 public hearing minutes.

**FILE NUMBER:** BDA 123-018

**BUILDING OFFICIAL'S REPORT:** Application of Nancy Kolo, represented by Mike Kaplan, for special exceptions to the visual obstruction regulations at 5127 Stoneleigh Avenue. This property is more fully described as Lot 12 in City Block I/2333 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 the required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5127 Stoneleigh Avenue.

**APPLICANT:** Application of Nancy Kolo  
Represented by Mike Kaplan

**REQUESTS:**

Special exceptions to the visual obstruction regulations are made in conjunction with maintaining an 8' high solid board-on-board fence and sliding gate located in the two 20' visibility triangles on either side of the driveway into the site from Crestview 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.
- The applicant has substantiated how the location of portions of a solid board-on-board fence/gate in the two drive approach visibility triangles into the site from Crestview Drive do not constitute traffic hazards.

**BACKGROUND INFORMATION:**

## **Zoning:**

Site: PD 193 (R-7.5) (Planned Development, Single family)  
North: PD 193 (R-7.5) (Planned Development, Single family)  
South: PD 193 (R-7.5) (Planned Development, Single family)  
East: PD 193 (R-7.5) (Planned Development, Single family)  
West: 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, 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:**

January 14, 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.

February 13, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 14, 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 February 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

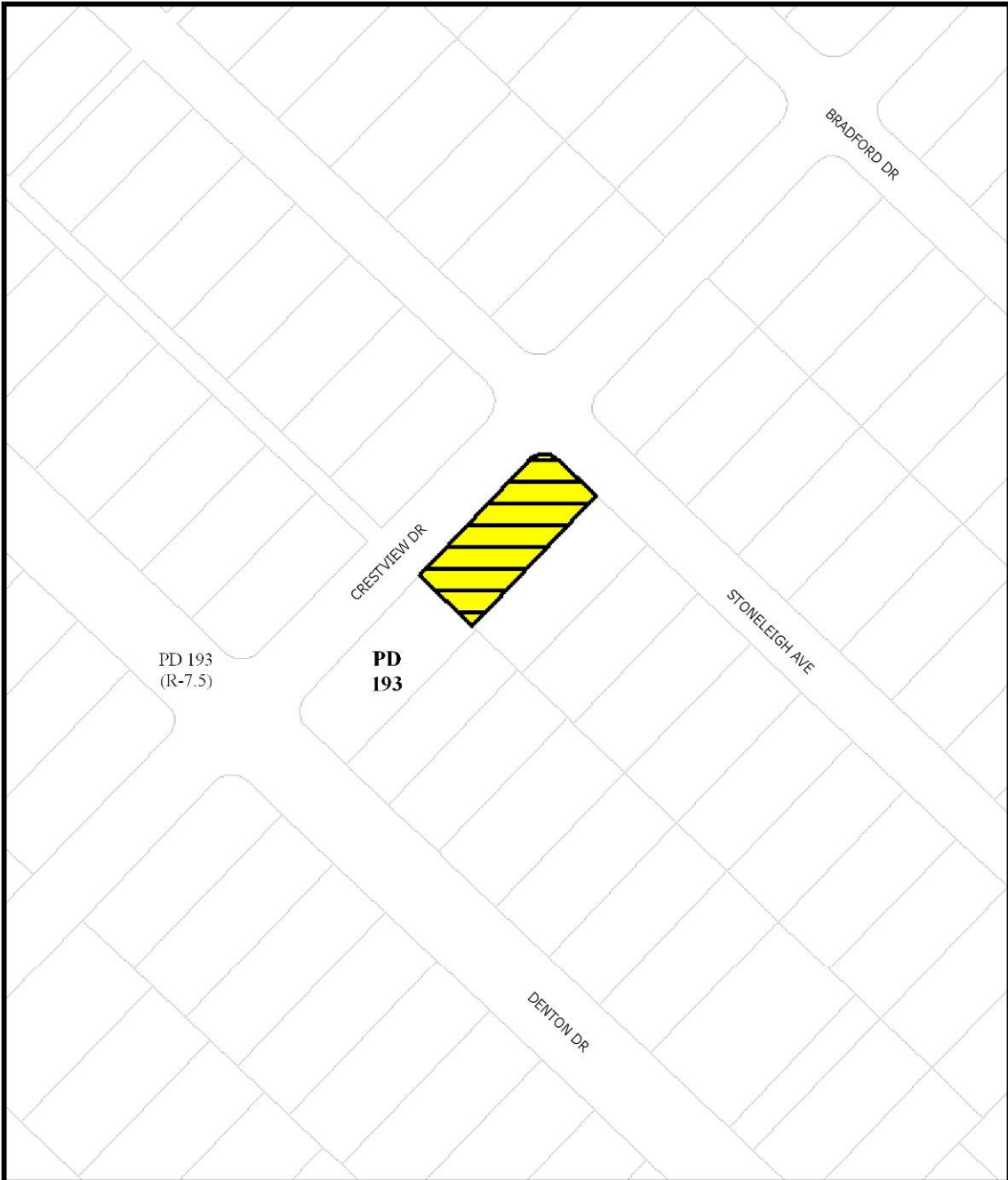
March 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans

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

March 8, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

**GENERAL FACTS /STAFF ANALYSIS:**

- These requests focus on maintaining an 8' high solid board-on-board fence and gate located in the two 20' visibility triangles on either side of the driveway into the site developed with a single family home from Crestview Drive.
- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections and 20-foot visibility triangles at drive approaches); and
  - between 2.5 – 8 feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and an elevation have been submitted showing approximately 8' lengths of solid board-on-board fence in each of the two 20' visibility triangles.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain an 8' high solid board-on-board fence/gate in both drive approach visibility triangles on the site do not constitute traffic hazards.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would require that the items in the aforementioned visibility triangles be limited to the locations, heights, and materials of those items as shown on these documents.

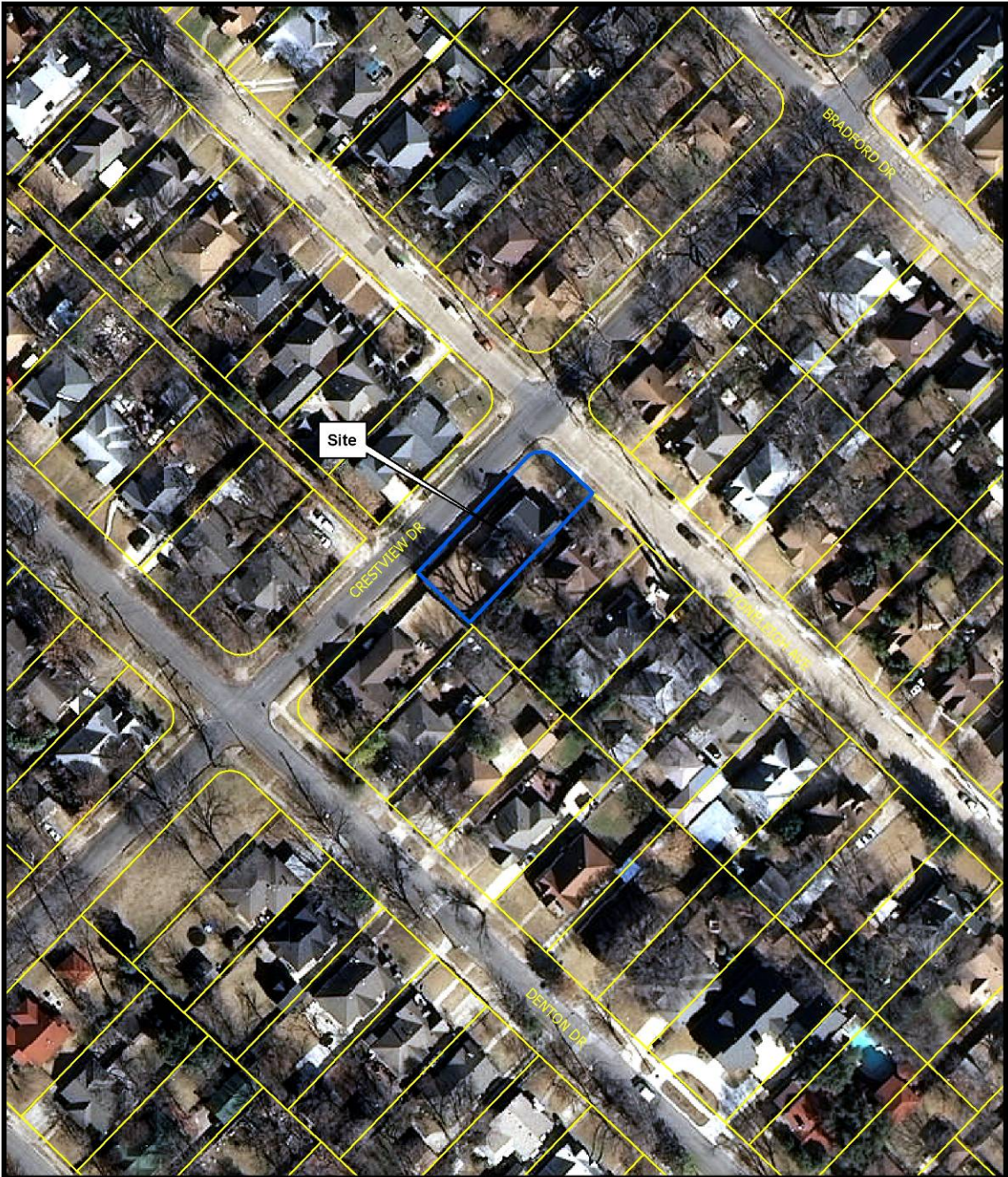


1:1,200

# ZONING MAP

Case no: BDA123-018

Date: 3/1/2013



1:1,200

# AERIAL MAP

Case no: BDA123-018

Date: 3/1/2013





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-018

Data Relative to Subject Property:

Date: 1-14-13

Location address: 5127 Stoneleigh Avenue

Zoning District: PR193(R-7.5)

Lot No.: 12 Block No.: I/2333 Acreage: \_\_\_\_\_ Census Tract: 4.04

Street Frontage (in Feet): 1) 10 ft <sup>NK</sup> 2) 105 ft 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_  
55 ft 143 ft

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Nancy Kolo

Applicant: Nancy Kolo Telephone: 972-948-9155

Mailing Address: 5127 Stoneleigh Ave Dallas TX Zip Code: 75235

E-mail Address: nancyannekolo@gmail.com

Represented by: Nancy Kolo Mike Kaplan Telephone: 972-948-9155

Mailing Address: 5127 Stoneleigh Ave Zip Code: 75235

E-mail Address: nancyannekolo@gmail.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_ or Special Exception X, of visibility triangle obstruction of drive approach

The existing electric gate will not present itself as a hazard  
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:

- Multiple neighboring homes have same fence design
- unnecessary to change design of fence
- low traffic street does not affect traffic flow
- safety issues
- current decision does not affect 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.

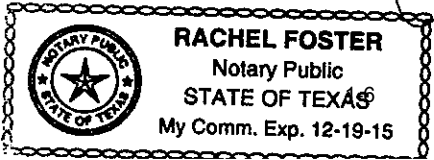
Affidavit

Before me the undersigned on this day personally appeared Nancy Kolo  
(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: Nancy Kolo  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 14<sup>th</sup> day of January, 2013



Rachel Foster  
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**

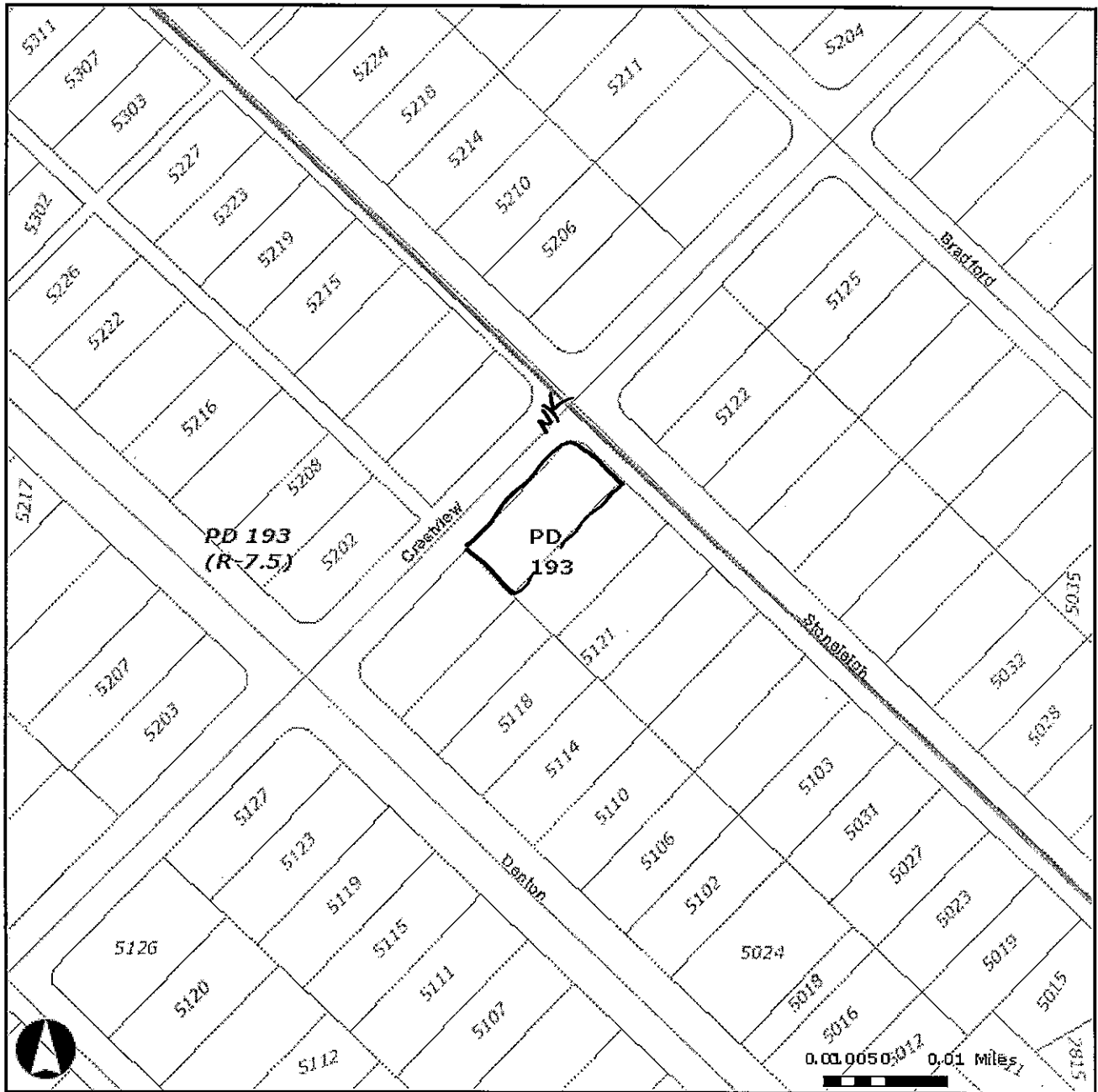
I hereby certify that NANCY KOLO  
represented by Mike Kaplan  
did submit a request for a special exception to the visibility obstruction regulations  
at 5127 Stoneleigh Avenue

BDA123-018. Application of Nancy Kolo represented by Mike Kaplan for a special exception to the visibility obstruction regulations at 5127 Stoneleigh Avenue. This property is more fully described as Lot 12, Block I/2333 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 residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

  
Larry Holmes, Building Official

# City of Dallas Zoning



**Address Candidates**

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

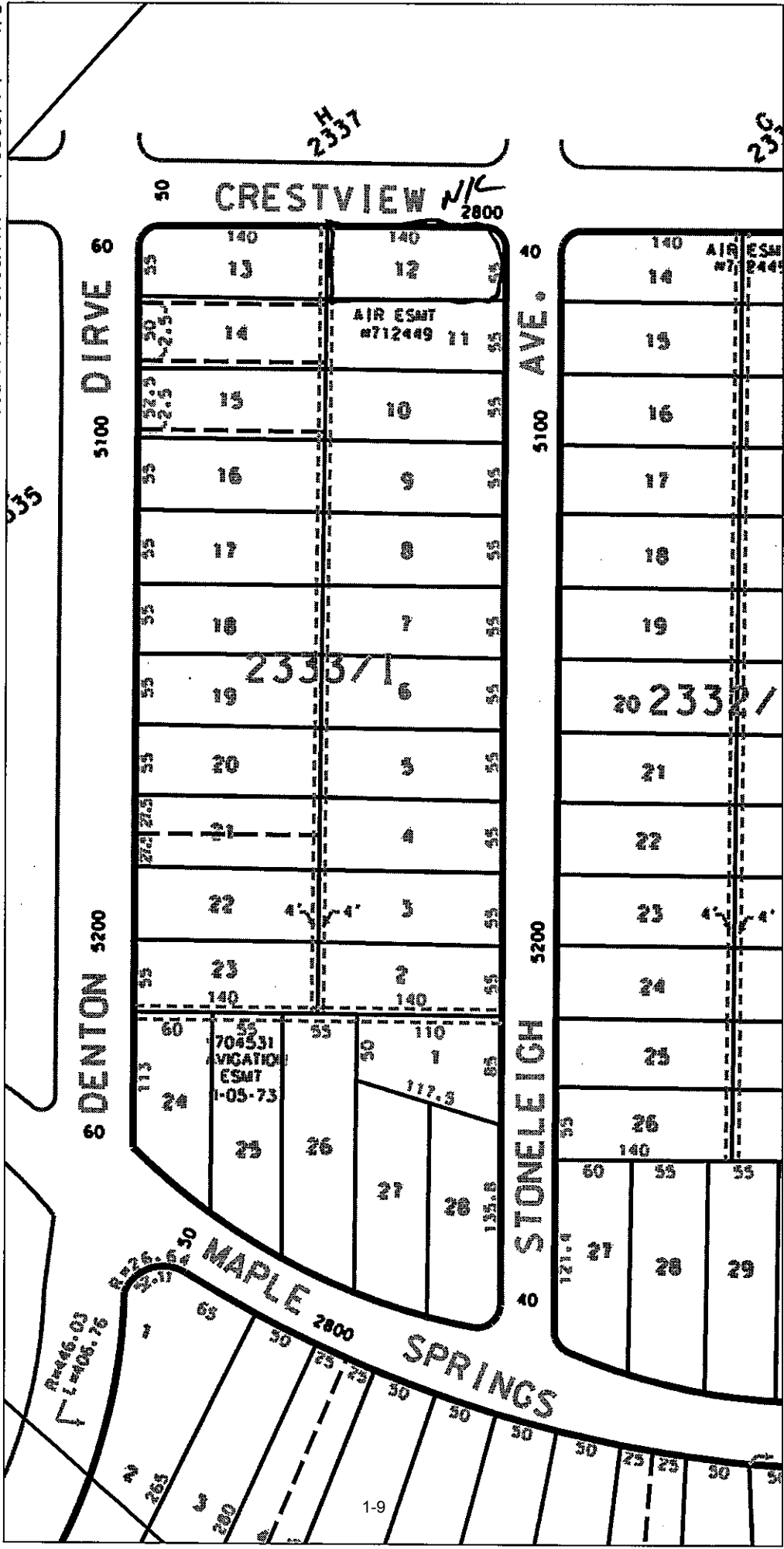
**SUP**

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

**PDS Subdistricts**

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

C:\tax\_plats\2330.dgn 1/14/2013 2:49:12 PM



LOT 14

LOT 13

N 45° 00' 00" W 55.00'

wood fence  
corner

concrete wall wood fence

found 1/2" iron rod

4' UTILITY EASEMENT  
(per plat.)

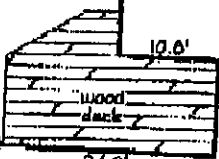
We certify the foregoing instrument is a true and correct copy of the original document that it purports to be.  
STEWART TITLE NORTH TEXAS  
BY: *[Signature]*

LOT 12

BLOCK 1/2333

LOT 11

S 46° 17' 44" W 140.00'



ONE STORY BRICK  
5127 STONELEIGH AVENUE

N 46° 17' 44" E 125.34'

CRESTVIEW DRIVE  
(50' R.O.W.)

found 1/2" iron rod

S 45° 00' 00" E 40.34'

found 1/2" iron rod

STONELEIGH AVENUE  
(40' R.O.W.)

L = 23.22'  
R = 15.00'

NOTES:  
THIS SURVEY IS NOT AFFECTED BY THE FOLLOWING:  
(9c) - EASEMENT, VOL. 1221, PG. 638, D.R.D.C.  
BEARINGS ARE ASSUMED.  
THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.

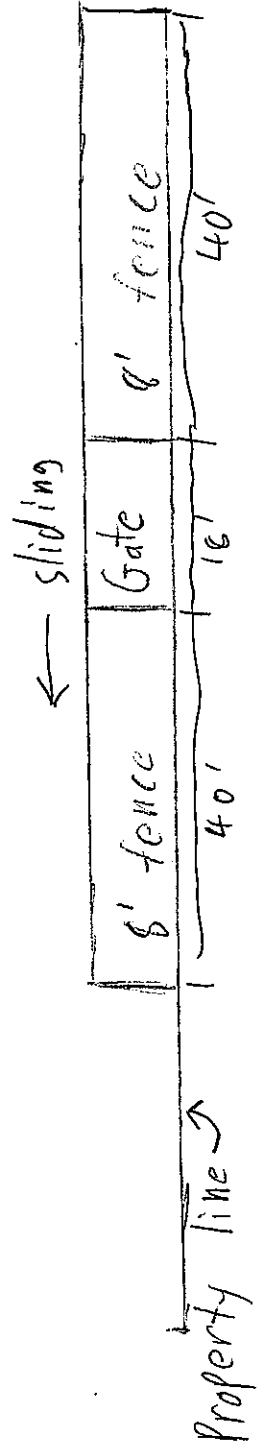
NK



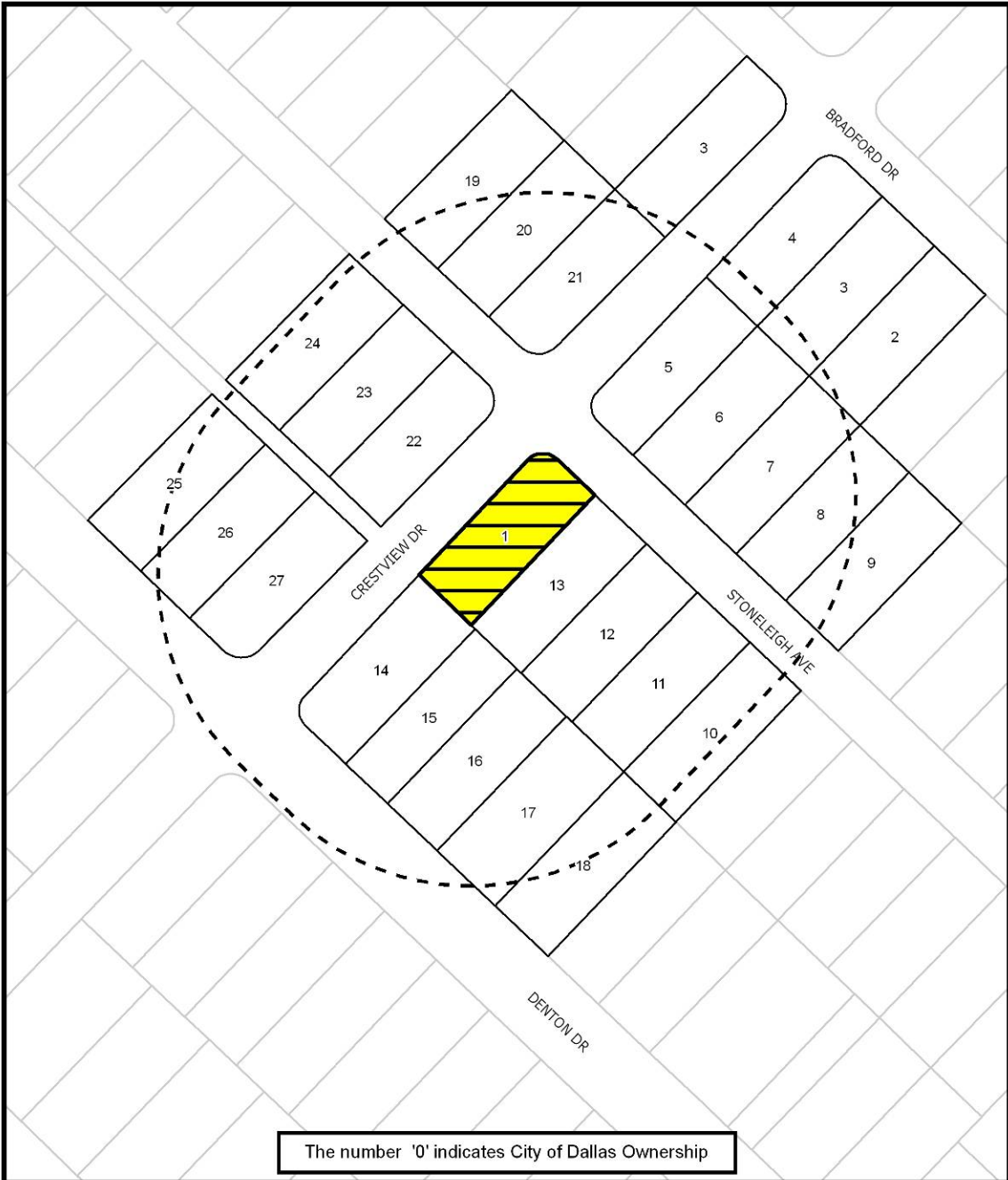
THIS IS TO CERTIFY that on this date a survey was made on the ground, under my direction and supervision of the property located at 5127 STONELEIGH AVENUE, and BEING LOT 12 in BLOCK 1/2333 of OAK LAWN HEIGHTS ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 3, Page 317, Map Records, Dallas County, Texas.

Board on Board  
Cedar Stain  
8' high

Elevation drawing



0 30 46



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA123-018</b>
	<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;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>3/1/2013</b>

## *Notification List of Property Owners*

***BDA123-018***

***27 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5127 STONELEIGH AVE	KOLO NANCY
2	5119 BRADFORD DR	DOMINGUEZ ANGELINA LUCIA
3	5125 BRADFORD DR	CHAPPELL JIMMY L
4	5127 BRADFORD DR	CHAPPELL GENIE W
5	5126 STONELEIGH AVE	LOPEZ THOMAS SETH & MARIA
6	5122 STONELEIGH AVE	GARCIA J ANDRES
7	5118 STONELEIGH AVE	VAZQUEZ LETICIA & NICASIO
8	5114 STONELEIGH AVE	PEREZ SAUL R & MARTHA A
9	5110 STONELEIGH AVE	MCKINNEY PATRICK S
10	5111 STONELEIGH AVE	TORRES HENRY G
11	5115 STONELEIGH AVE	MULLINO MARK
12	5121 STONELEIGH AVE	LOPEZ FERMIN & GLORIA LOPEZ
13	5123 STONELEIGH AVE	LEACH KEN W
14	5126 DENTON DR	DEEN TIM W
15	5122 DENTON DR	ALEJANDRO MANUEL & BLANCA ESTELA
16	5118 DENTON DR	JACK JAMI LUCILLE
17	5114 DENTON DR	MYER LINDA KAY
18	5110 DENTON DR	AYALA ANTHONY
19	5210 STONELEIGH AVE	MYRUSKI MARK
20	5206 STONELEIGH AVE	KIESPERT RANDALL LEROY
21	5202 STONELEIGH AVE	RIOS GUADALUPE TR
22	5203 STONELEIGH AVE	OULADCHIKH MUSTAPHA
23	5207 STONELEIGH AVE	DEAN JAMES W
24	5211 STONELEIGH AVE	RADO MARK A
25	5210 DENTON DR	GARCIA NORMA
26	5208 DENTON DR	WATSON MATTHEW M



2/28/2013

***Label #*** ***Address***

27 5202 DENTON DR

***Owner***

DALLAS METRO HOLDINGS

**FILE NUMBER:** BDA 123-022

**BUILDING OFFICIAL'S REPORT:** Application of Carlos Martinez for a special exception to the fence height regulations at 4005 Villa Grove Drive. This property is more fully described as Lot 14 in City Block S/8705 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 maintain an 8-foot 6-inch high fence in the required front yard, which will require a special exception to the fence height regulations of 4 feet 6 inches.

**LOCATION:** 4005 Villa Grove Drive

**APPLICANT:** Carlos Martinez

**REQUEST:**

A special exception to the fence height regulations of up to 4' 6" is requested in conjunction with constructing and maintaining a solid board-on-board fence ranging (given grade changes on the site) from 7' 6" – 8' 6" in height in the site's 15' required front yard along Bretton Bay Lane on a site developed with a single family home. (No part of this application is made to construct and/or maintain a fence in the site's Villa Grove Drive required front yard).

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

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

**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, east, south, and west are developed with single family uses.

## **Timeline:**

January 22, 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.

February 13, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 13, 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 February 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 9<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 28, 2013: The applicant authorized the Board Administrator to amend his submitted elevations by adding "board on board" (see Attachment A).

March 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

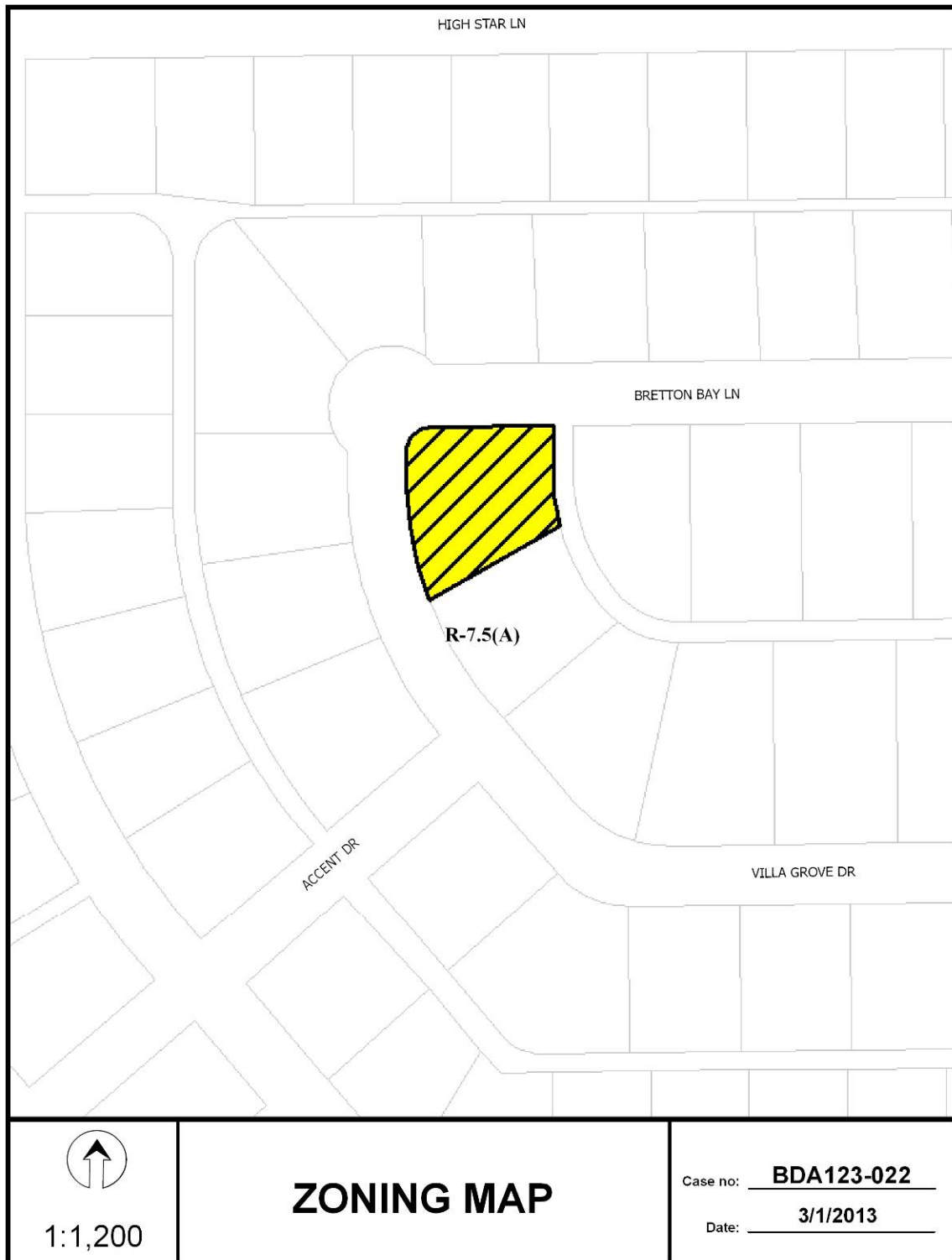
No review comment sheets with comments were submitted in conjunction with this application.

## **GENERAL FACT /STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a solid board-on-board fence ranging (given grade changes on the site) from 7' 6" – 8' 6" in height in the site's 15'

required front yard along Bretton Bay Lane on a site developed with a single family home (No part of this application is made to construct and maintain a fence in the site's 25' Villa Grove Drive required front yard).

- The subject site is located at the southeast corner of Bretton Bay Lane and Villa Grove Drive. Regardless of how the existing single family structure is oriented westward to front Villa Grove Drive, the subject site has required front yards along both streets. The site has a 15' required front yard along Bretton Bay 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' required front yard along Villa Grove Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence could be constructed and maintained by right. But the site's Villa Grove Drive frontage is deemed a front yard nonetheless to maintain the continuity of the established front yard setbacks established by the lots zoned and developed with single family homes to the south along Villa Grove Drive that front westward.
- 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.
- A scaled site plan and revised elevations have been submitted that show the proposal in the Bretton Bay Lane front yard setback reaches a maximum height of 8' 6".
- The following additional information was gleaned from the submitted site plan:
  - Approximately 30' in length parallel to the street (and approximately 15' in length perpendicular on the sides of the site in the required front yard), approximately on the front property line or approximately 13' from the pavement line where one home has direct frontage with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences higher than 4' in the immediate area.
- As of March 11, 2013, two petitions signed by 24 owners/neighbors had been submitted to staff in support of the request and no letters had been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 8' 6" in height) will not adversely affect neighboring property.
- Granting this special exception of 4' 6" with a condition imposed that the applicant complies with the submitted site plan and revised elevations would require the proposal exceeding 4' in height in the Bretton Bay Lane front yard to be constructed/maintained in the location and of the heights and materials as shown on these documents.



1:1,200

# ZONING MAP

Case no: BDA123-022  
Date: 3/1/2013



1:1,200

# AERIAL MAP

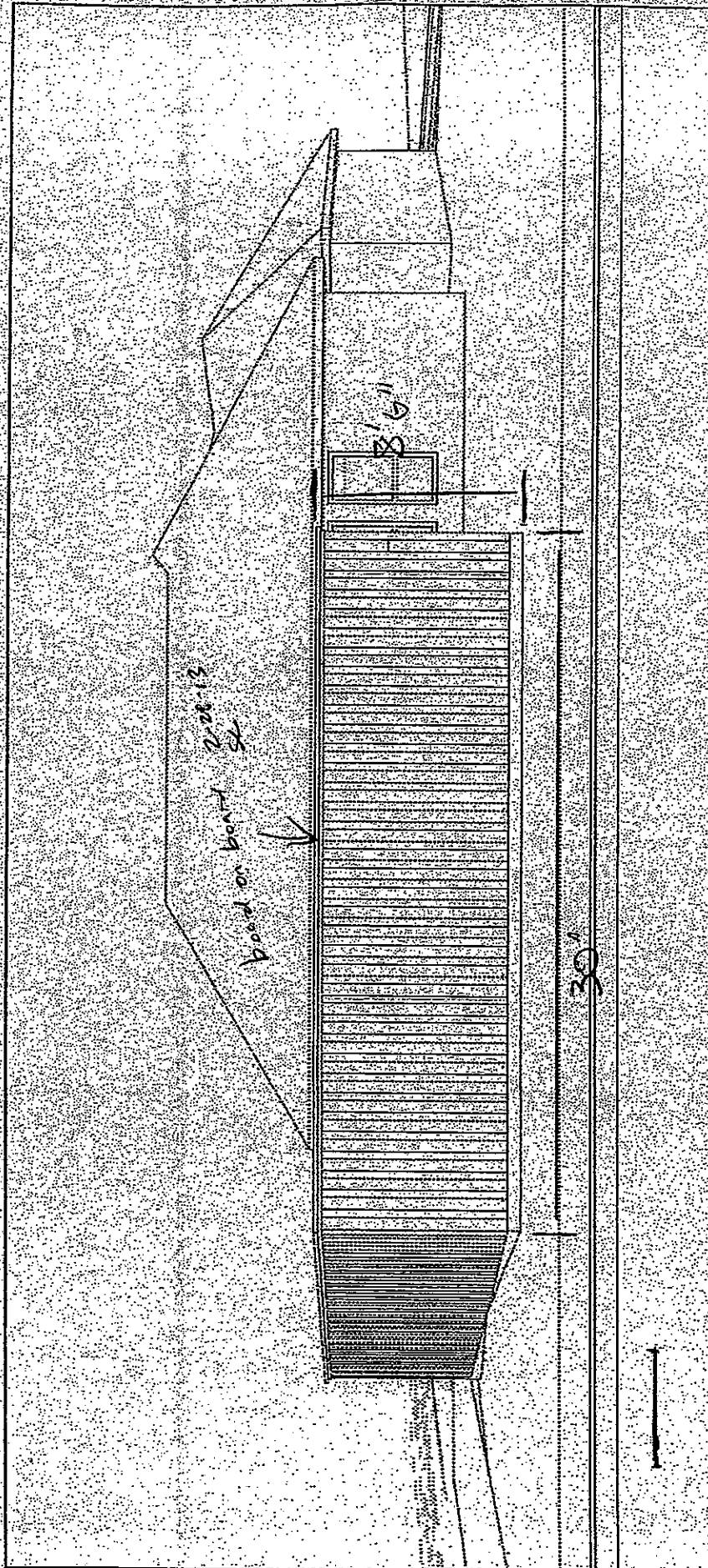
Case no: BDA123-022

Date: 3/1/2013

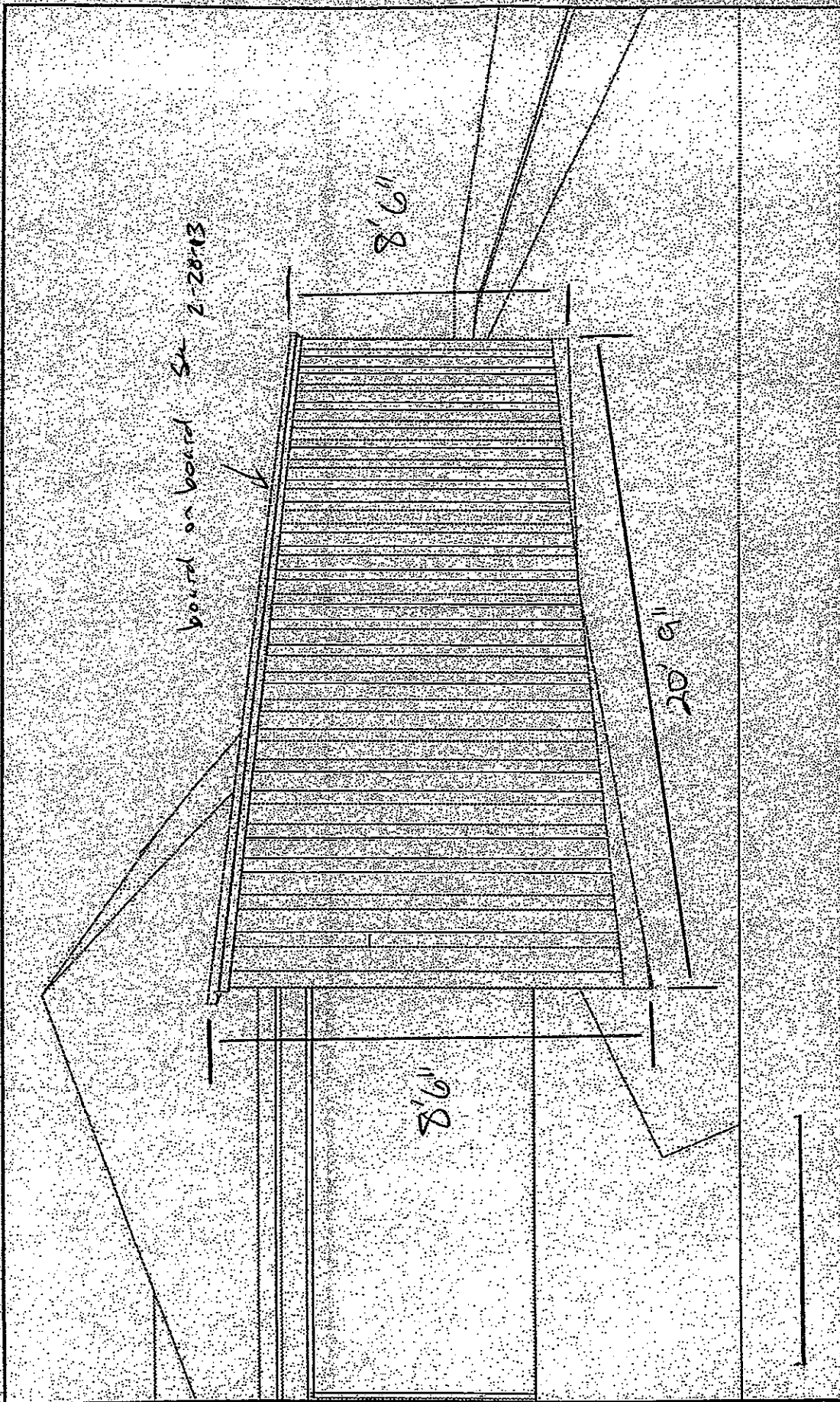
BDA 123-022

Attch A

P21

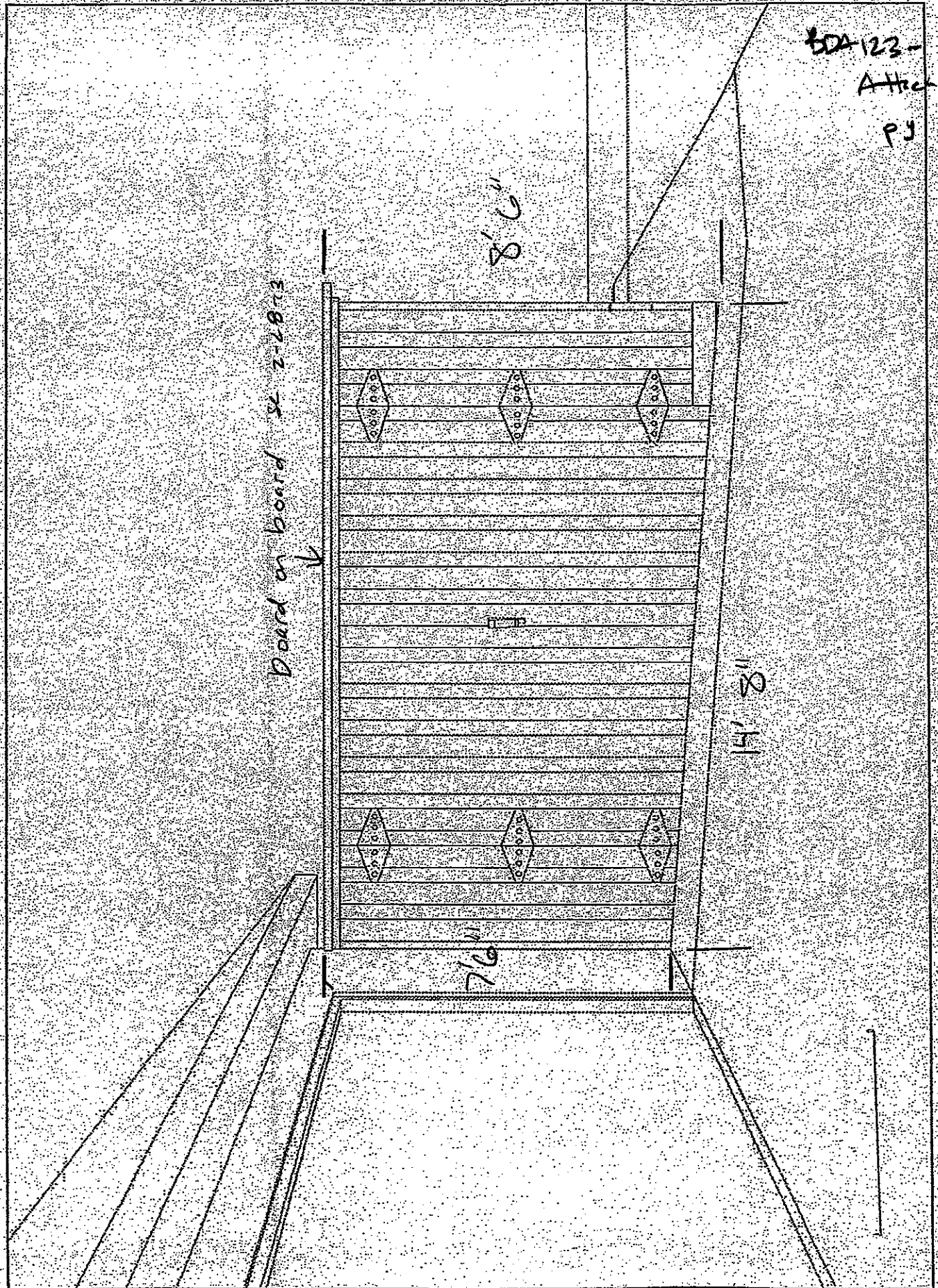


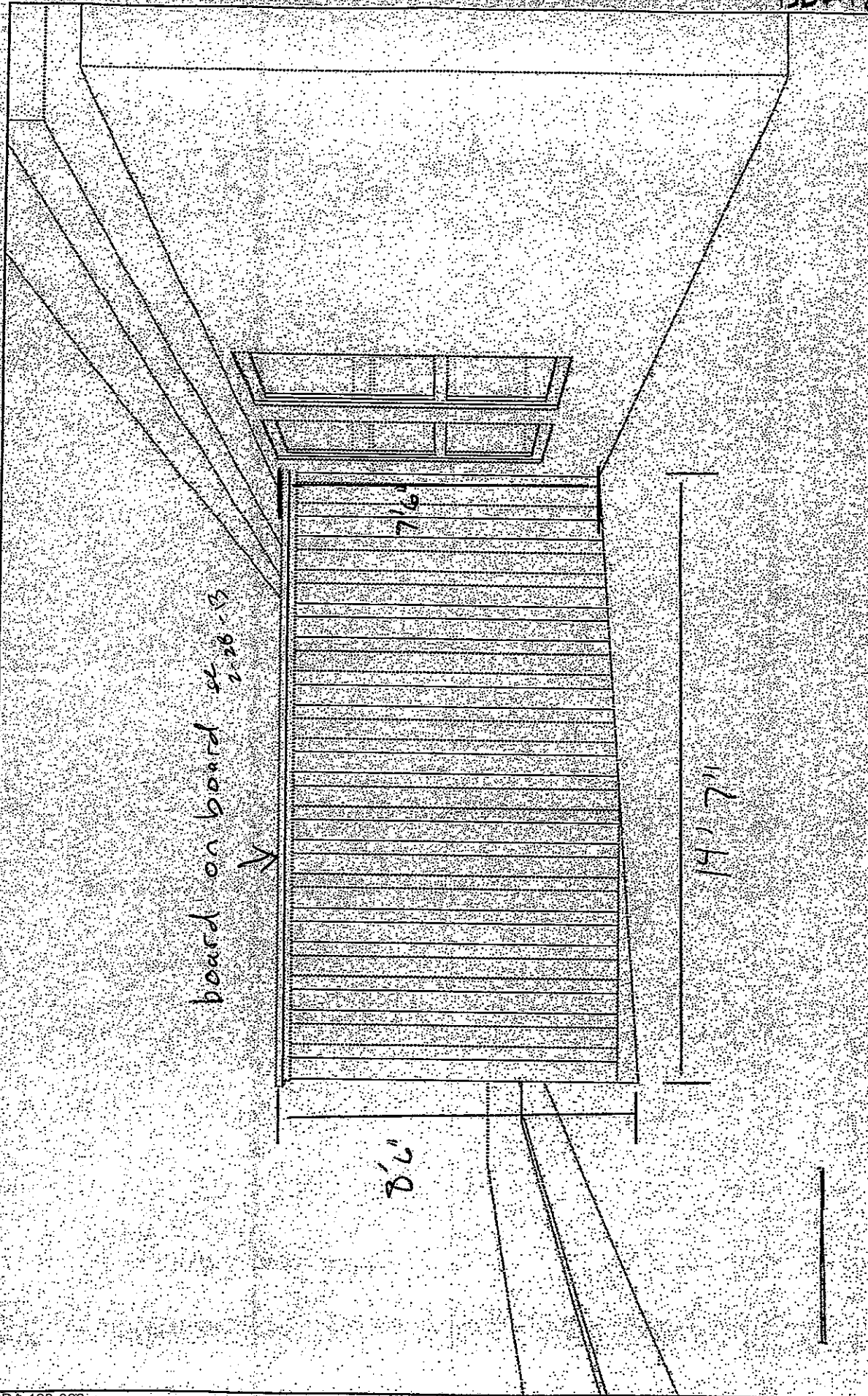
BDA-23-022  
Attachment A  
PS 2





BDA 123-022  
Attach A  
Pg 3







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-022

Data Relative to Subject Property:

Date: 1-22-13

Location address: 4005 Villa Grove Dallas TX 75287 Zoning District: R-7.5(A)

Lot No.: 14 Block No.: S/8705 Acreage: .23 Census Tract: 317.04

Street Frontage (in Feet): 1) 100 2) 103 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NEIR

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Howard W. Parker, Jr. & Sandra W. Parker

Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Represented by: Carlos Martinez Telephone: x 214-796-2025

Mailing Address: 4000 18th St Plano 75074 Zip Code: \_\_\_\_\_

E-mail Address: juan.cplan@aol.com

Affirm that an appeal has been made for a Variance or Special Exception  of 4'6" to build a fence 8'-6" tall 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:

The special exemption will not adversely affect neighboring property. The special exemption will add to the value & useable space for the home owner.

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

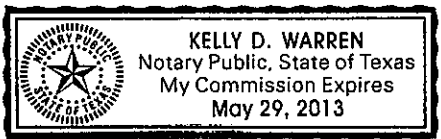
Before me the undersigned on this day personally appeared x Carlos Martinez (Affiant/Applicant's name printed)

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: Carlos Martinez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 23rd day of JANUARY, 2013

(Rev. 08-01-11)



Kelly D. Warren 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

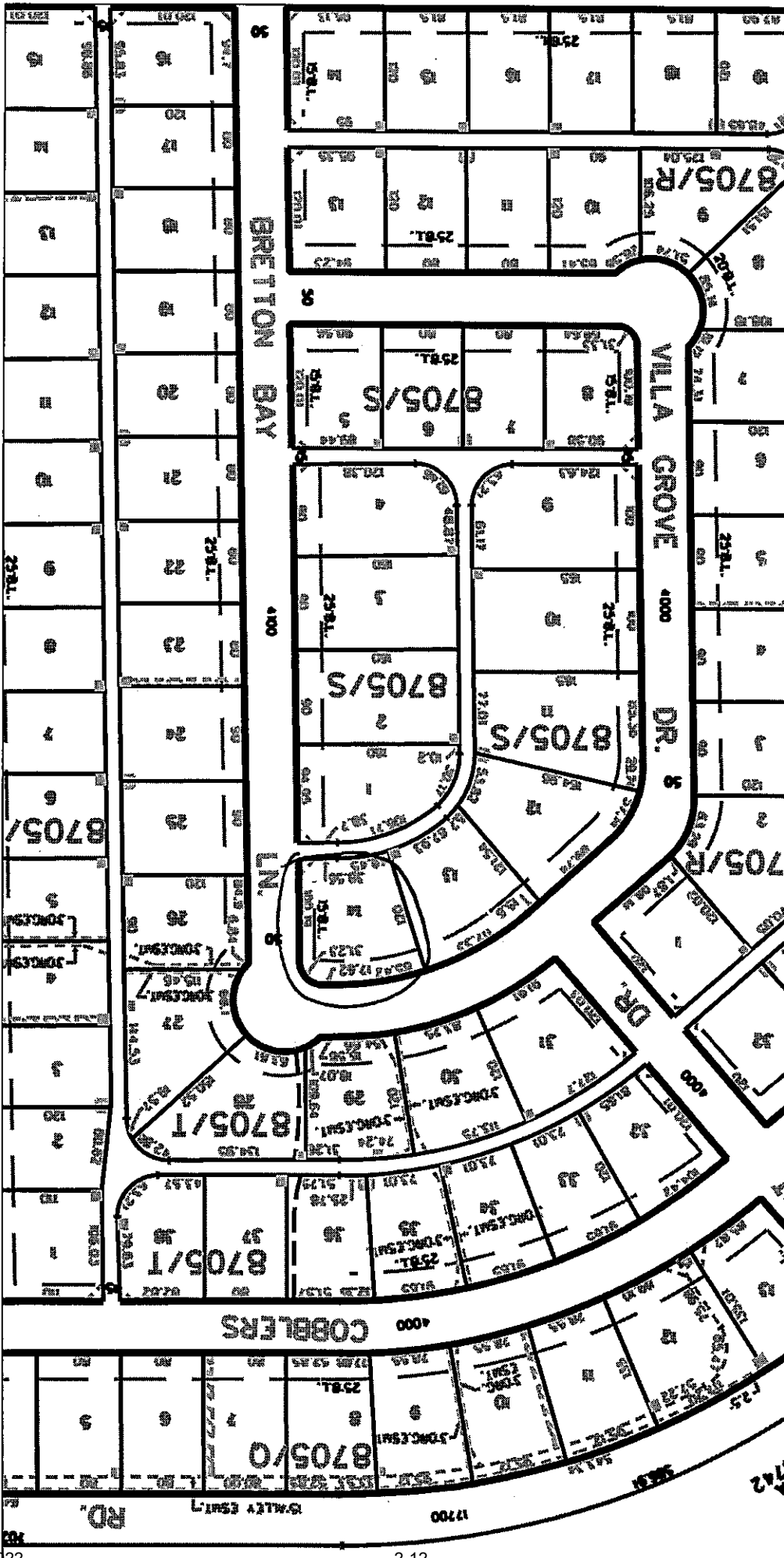
**Building Official's Report**

I hereby certify that Carlos Martinez  
did submit a request for a special exception to the fence height regulations  
at 4005 Villa Grove Drive

BDA123-022. Application of Carlos Martinez for a special exception to the fence height regulations at 4005 Villa Grove Drive. This property is more fully described as Lot 14, Block S/8705 and is zoned R-7.5(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation.

Sincerely,

  
Larry Holmes, Building Official

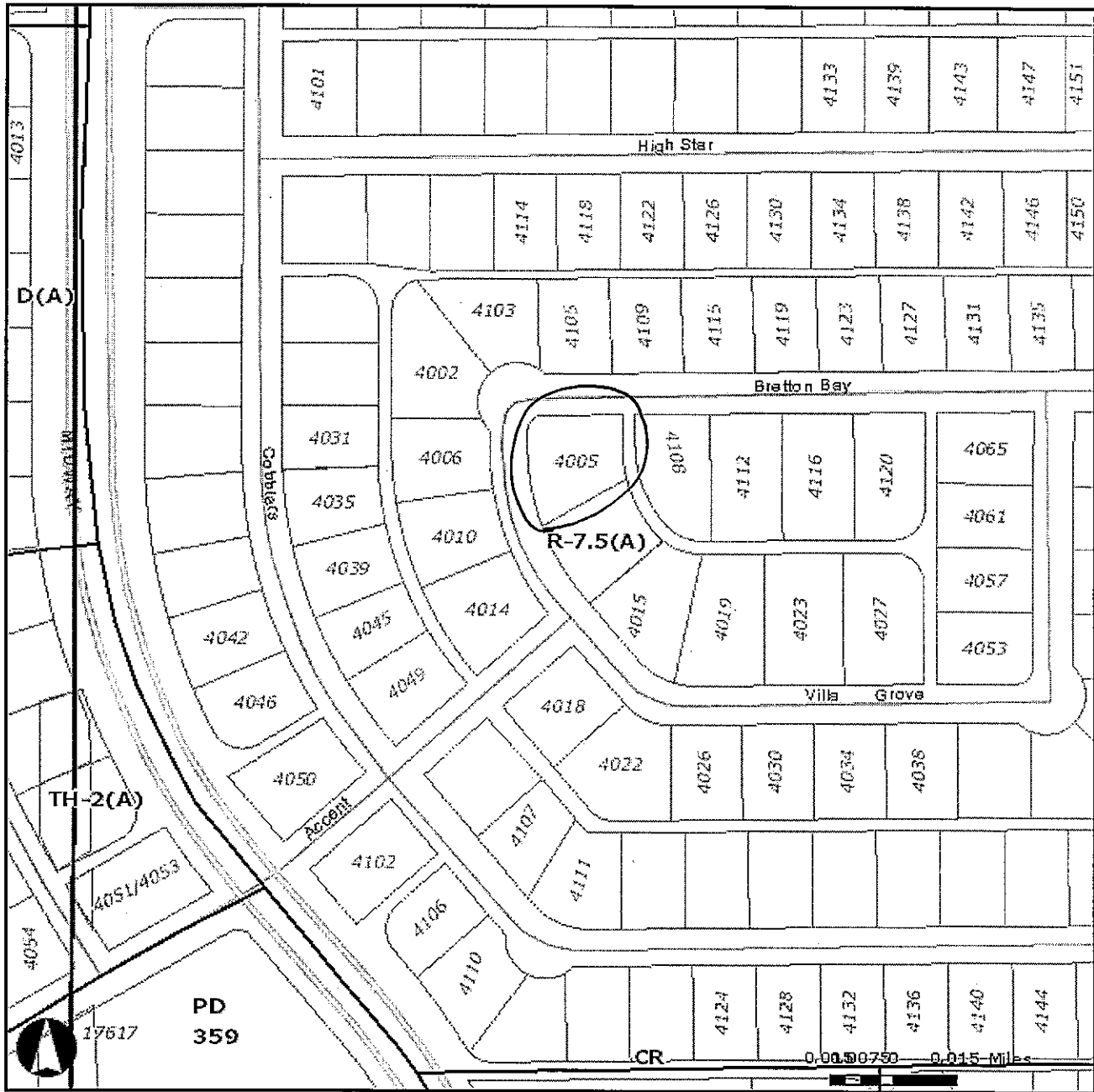


A.M.

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C.M.

# City of Dallas Zoning

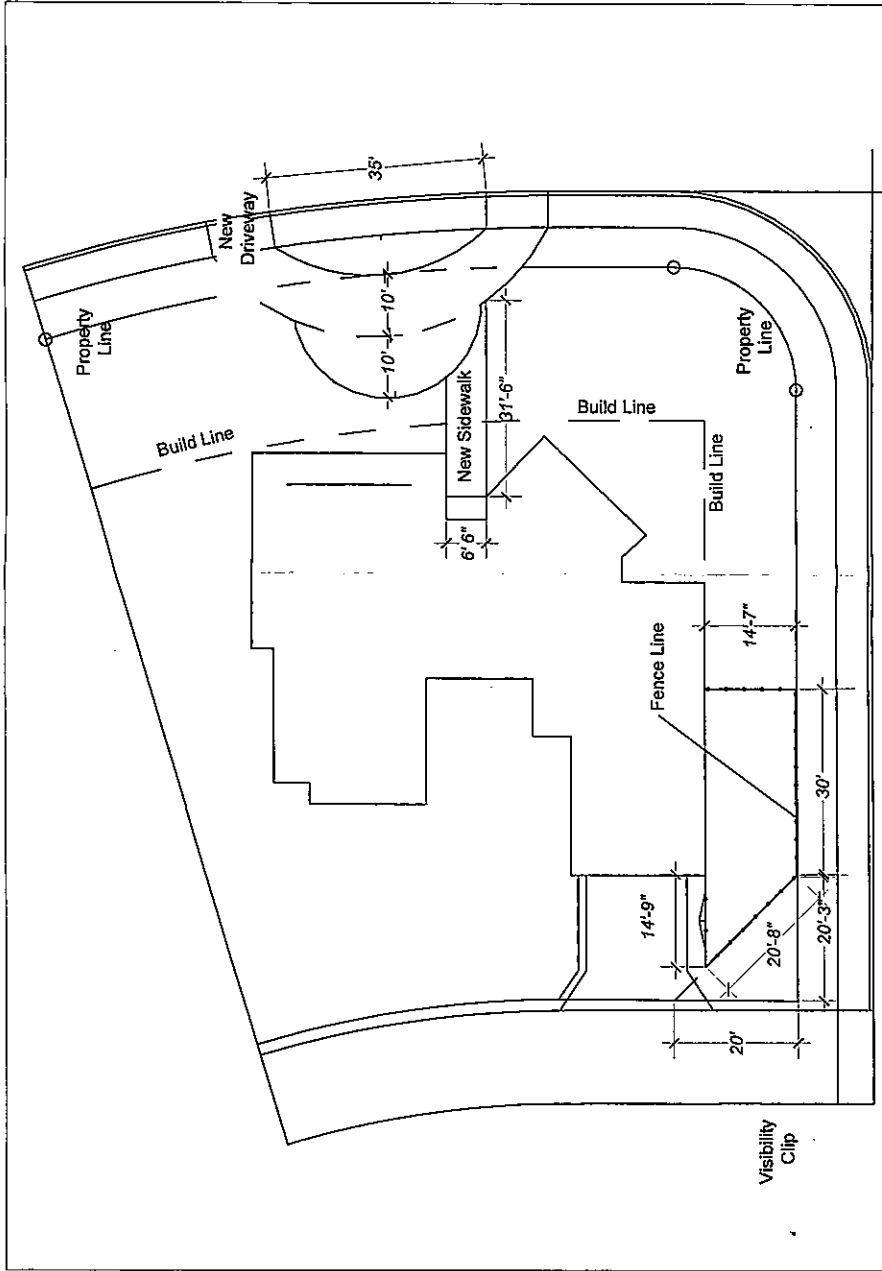


- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

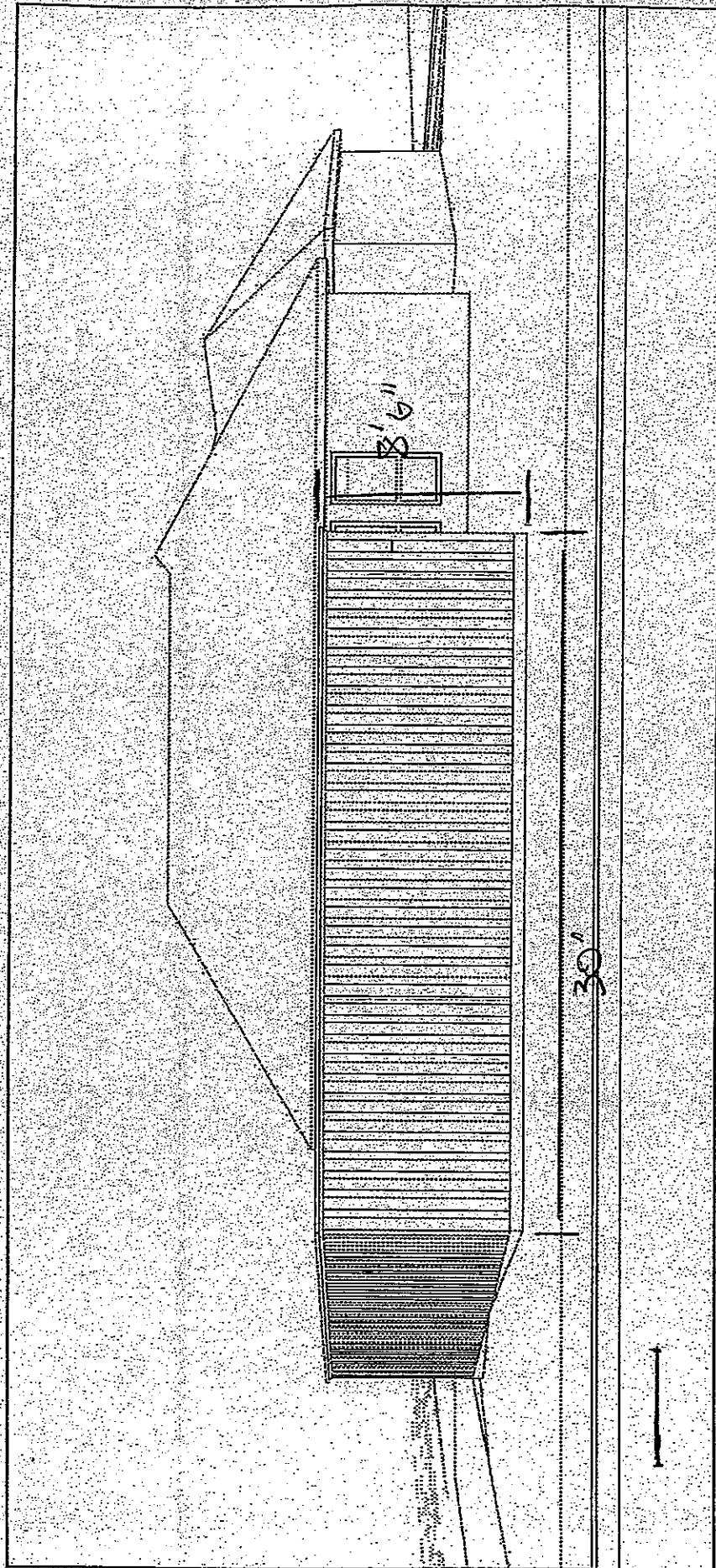
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

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

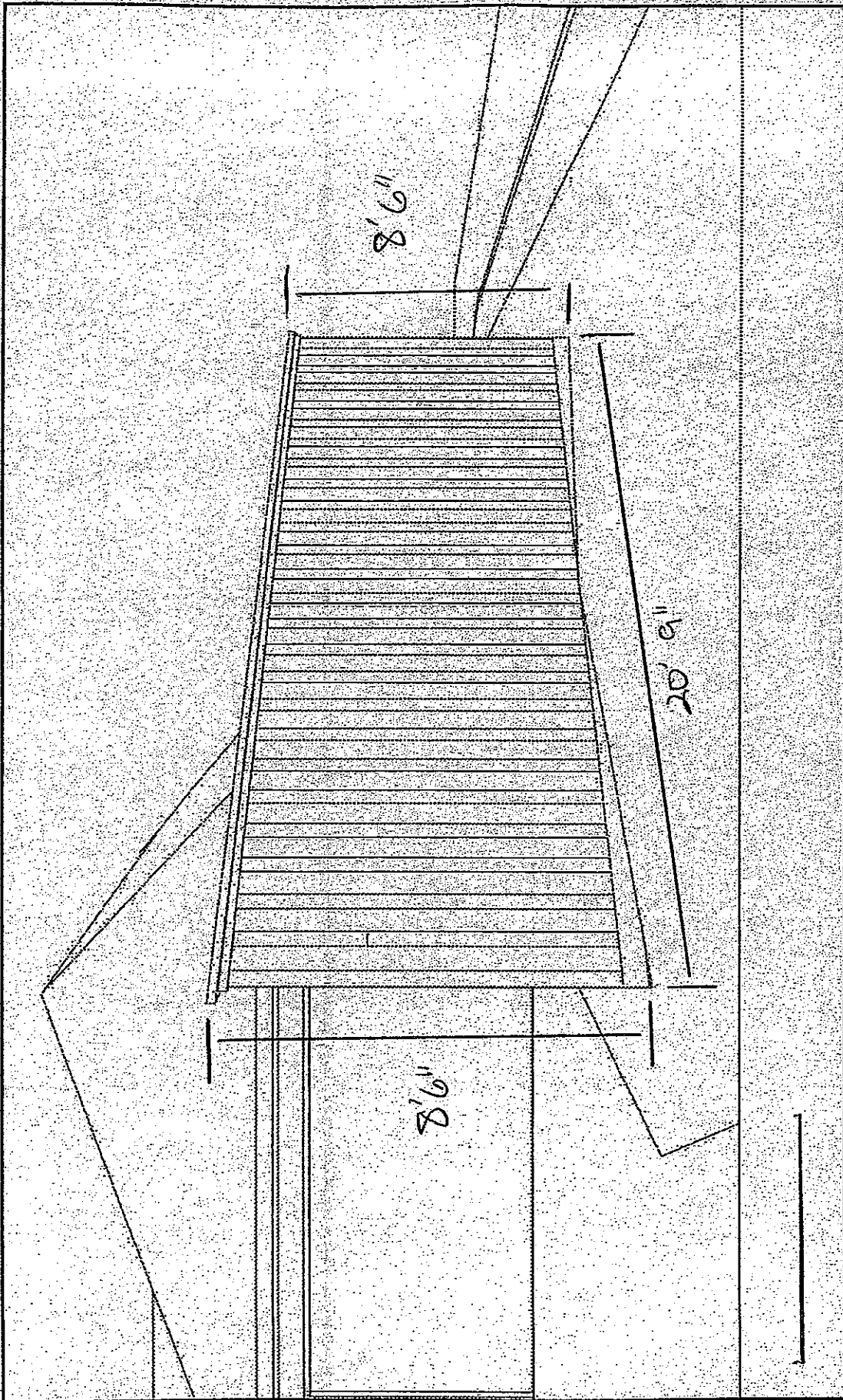
Sheet Title	Permit Submittal
Scale	1" = 20'-0"
Project No.	142023
Client	Howard Parker
Drawn By	
Checked By	
Date	

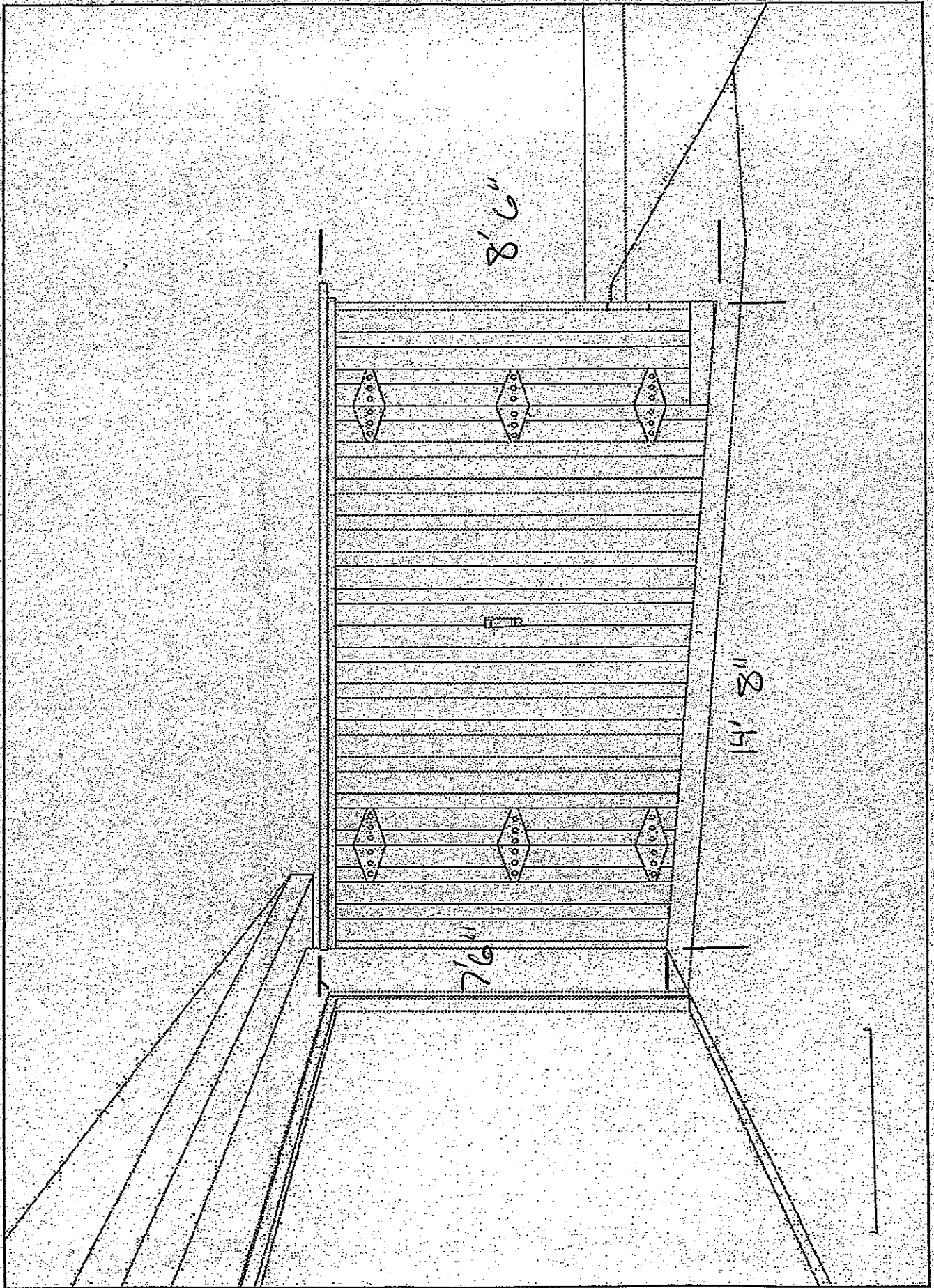


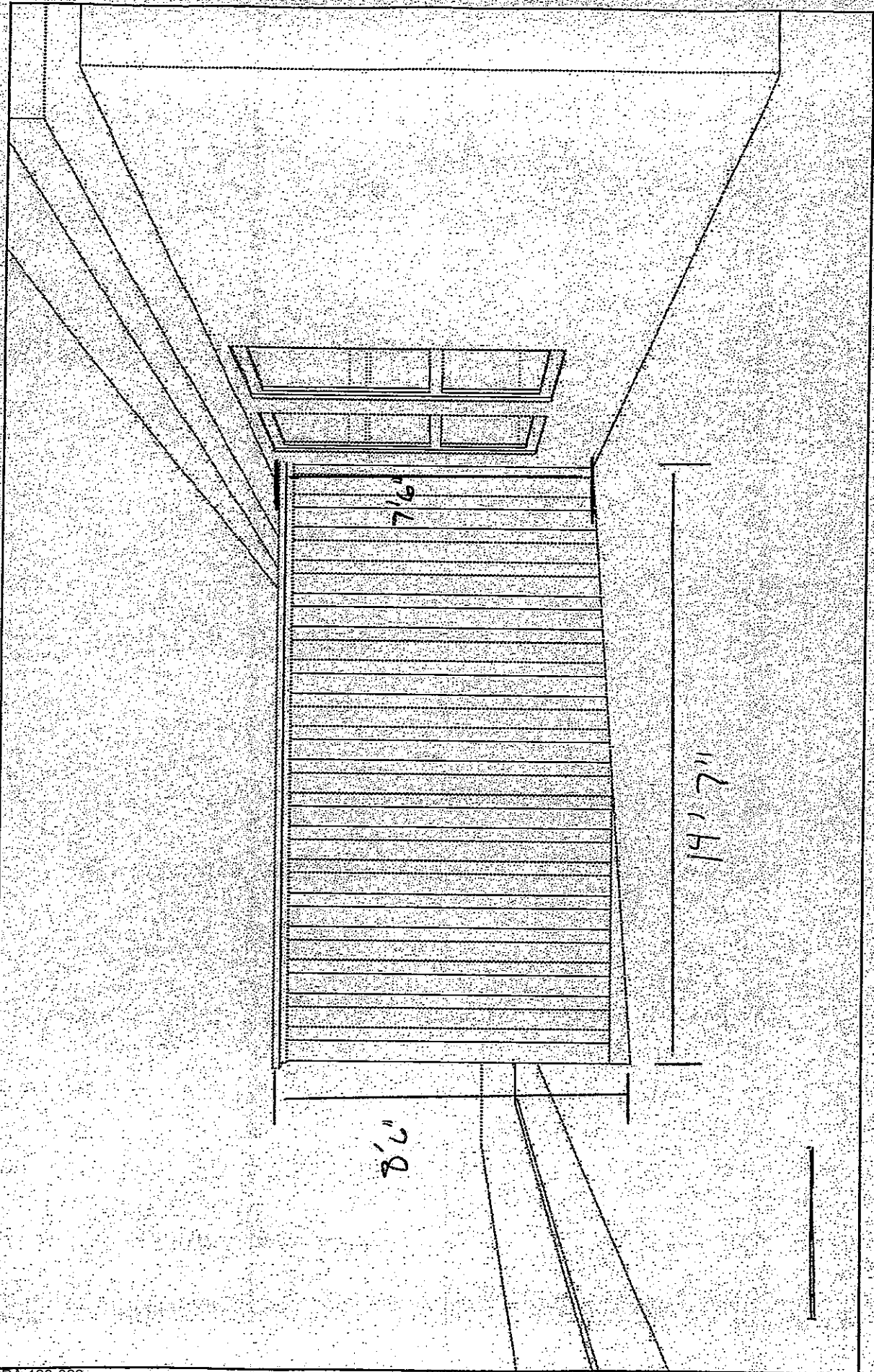
**Survey Plat**  
 Scale: 1" = 20'-0"











## Petition for Special Exemption

To the city of Dallas Texas Board of Adjustment:

We the undersigned residents living within 200 ft of the property of 4005 Villa Grove, agree that granting special exemption will not adversely affect our neighboring property.

Signature	Printed	Name Address
<i>Tony Yansen</i>	Tony Yansen	4114 High Star Ln
<i>Tori Yaus</i>	Tori Yaus	4118 High Star Ln
<i>Jade Stone</i>	Jade Stone	4122 High Star Ln.
<i>Stephanie Martin</i>	Stephanie Martin	4112 Bretton
<i>George Sporn</i>	George Sporn	4108 Bretton Bay Ln
<i>Carol Hayes</i>	Carol Hayes	4002 Villa Grove
<i>Rebecca Turner</i>	Rebecca Turner	4006 Villa Grove
<i>Julie Dearien</i>	Julie Dearien	4103 Bretton Bay
<i>Paula McFarland</i>	Paula McFarland	4106 Bretton Bay Ln.
<i>Dianne Gass</i>	Dianne Gass	4010 Villa Grove
<i>John Alexander</i>	John Alexander	4115 Bretton Bay
<i>Debbie Clifton</i>	Debbie Clifton	4109 Bretton Bay

I, Wiana Parker do hereby verify that I collected the information contained on this document and that the persons whose names are listed heron did sign this document in my presence and that I witnesses their signature for the purpose stated.

*Wiana Parker*  
 Signature of Person Collecting Names  
 4005 VILLA GROVE      210-422-3951      wianpa@yahoo.com  
 Address      Phone number      E-Mail

# Petition for Special Exemption

To the city of Dallas Texas Board of Adjustment:

We the undersigned residents living within 200 ft of the property of 4005 Villa Grove, agree that granting special exemption will not adversely affect our neighboring property.

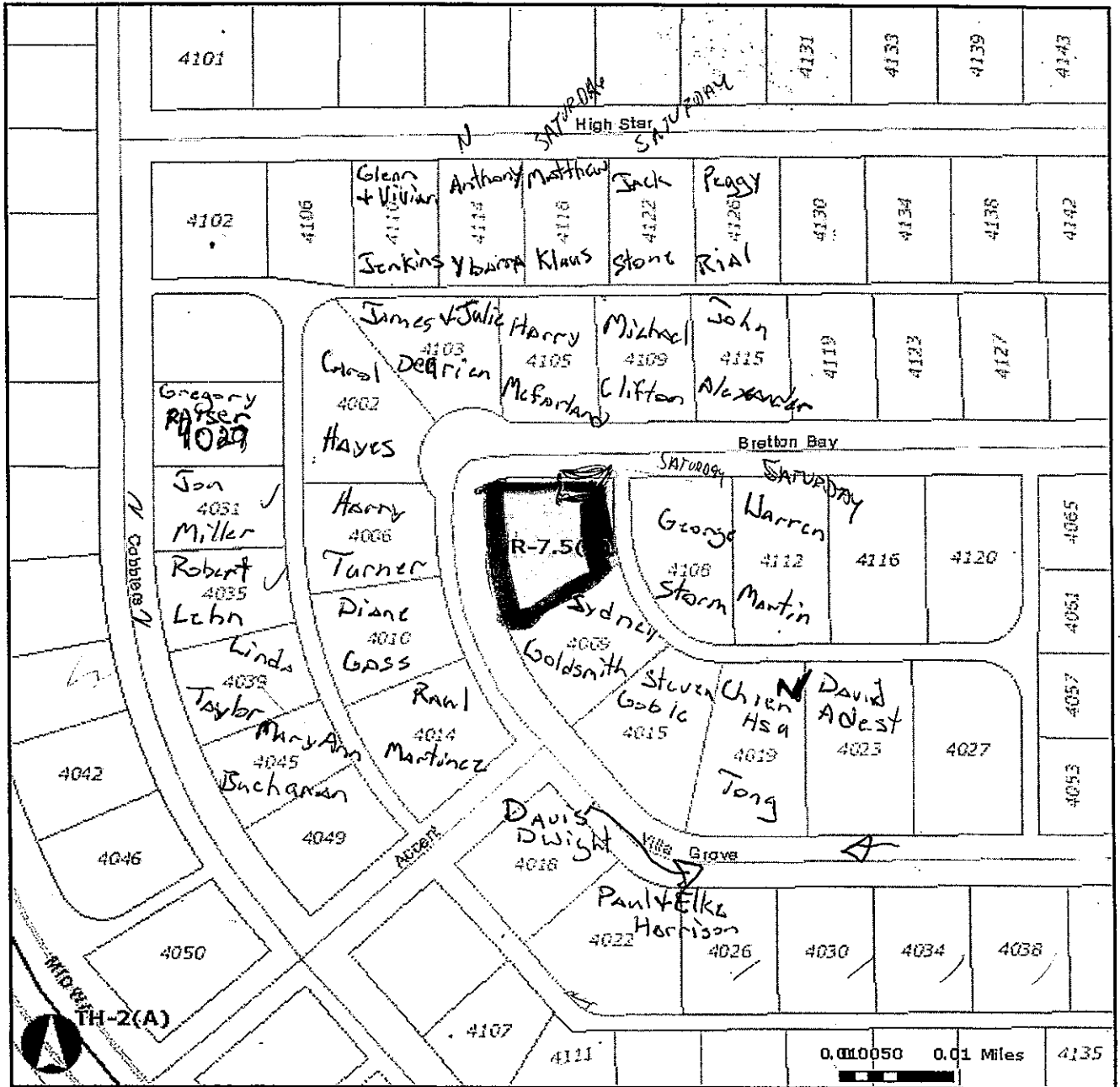
Signature	Printed	Name Address
	ELISE HARRISON	4022 Villa Grove
	Laura Gorecki	4027 Cobblers
	Blake Wilson	4009 Villa Grove
	Steve Goble	4015 Villa Grove
	DWIGHT DAVIS	4018 Villa Grove
	Julia Tang	4019 Villa Grove
	RAUL MARTINEZ	4014 Villa Grove Dr
	MARY ANN BUCHANAN	4045 COBBLER LANE
	WILLIAM DZINCA	4039 COBBLERS
	Robert T. Lehn	4035 Cobblers Ln
	Jon Miller	4031 Cobblers Ln
	Glenn Jenkins	4110 High Star

I, Winn Parker do hereby verify that I collected the information contained on this document and that the persons whose names are listed heron did sign this document in my presence and that I witnesses their signature for the purpose stated.

---

Signature of Person Collecting Names  
 4005 VILLA GROVE DR      210-422-3951      WINNPAKE@YAHOO.COM  
 Address      Phone number      E-Mail

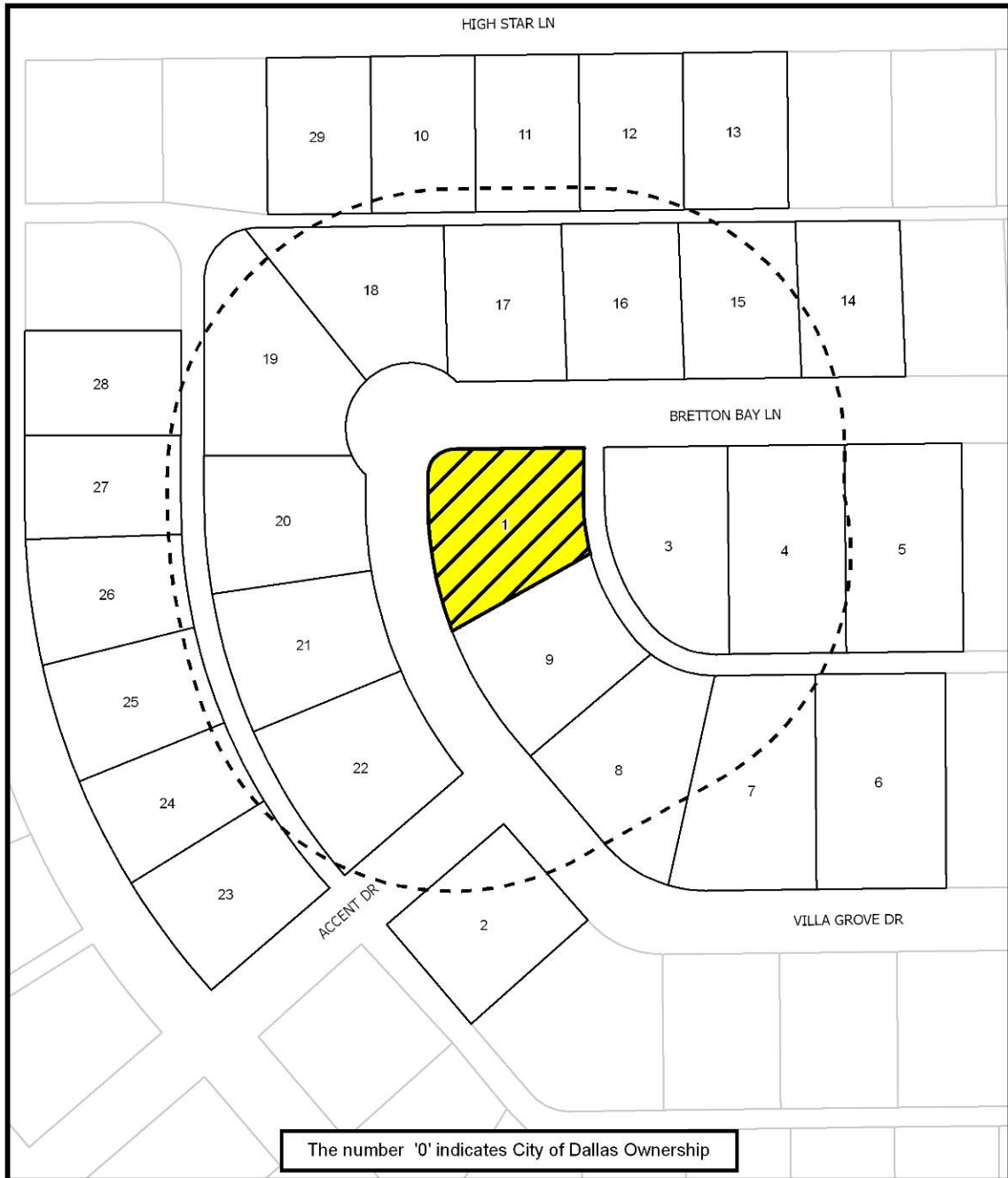
# City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Major Lakes

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

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



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA123-022</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>29</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>29</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>29</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA123-022*

#### *29 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4005 VILLA GROVE	PARKER HOWARD W JR & SANDRA W
2	4018 VILLA GROVE	DAVIS DWIGHT
3	4108 BRETTON BAY	STORM GEORGE & LAURA STORM
4	4112 BRETTON BAY	MARTIN WARREN C & STEPHANIE S
5	4116 BRETTON BAY	LANCIEN ROBIN F WILLADSEN- & PATRICE LAN
6	4023 VILLA GROVE	ADEST DAVID I
7	4019 VILLA GROVE	CHIEN HSU TONG
8	4015 VILLA GROVE	GOBLE STEVEN C
9	4009 VILLA GROVE	GOLDSMITH SYDNEY
10	4114 HIGH STAR	YBARRA ANTHONY M ETUX NAN
11	4118 HIGH STAR	KLAUS MATTHEW D & LORI E
12	4122 HIGH STAR	STONE JACK D JR & STONE KATHLEEN L
13	4126 HIGH STAR	RIAL PEGGY L
14	4119 BRETTON BAY	WHITMIRE KYLE & JENNA
15	4115 BRETTON BAY	ALEXANDER JOHN L
16	4109 BRETTON BAY	CLIFTON MICHAEL D ETUX
17	4105 BRETTON BAY	MCFARLAND HARRY G JR ETUX
18	4103 BRETTON BAY	DEARIEN JAMES N II & JULIE M
19	4002 VILLA GROVE	HAYES CAROL B
20	4006 VILLA GROVE	TURNER HARRY J ETUX
21	4010 VILLA GROVE	GASS DIANNE E
22	4014 VILLA GROVE	MARTINEZ RAUL R ETUX BREN
23	4049 COBBLERS	HAMRICK SEAN & CARA
24	4045 COBBLERS	CATTERTON DONNA
25	4039 COBBLERS	TAYLOR LINDA J
26	4035 COBBLERS	LEHN ROBERT T ETUX



2/28/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4031 COBBLERS	MILLER JON M
28	4027 COBBLERS	RASSIER GREGORY J
29	4110 HIGH STAR	JENKINS GLENN ETUX VIVIAN

**FILE NUMBER:** BDA 123-026

**BUILDING OFFICIAL'S REPORT:** Application of Grayson Wafford for variances to the front yard setback regulations and a special exception to the fence height regulations at 6422 Sondra Drive. This property is more fully described as Lot 4 in City Block 5/4909 and is zoned R-7.5(A), Neighborhood Stabilization Overlay (NSO) No. 4, which requires a front yard setback of 30 feet and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a single family structure and provide minimum front yard setbacks of 20 feet, which will require variances to the front yard setback regulations of up to 10 feet. The applicant also proposes to construct and maintain an 8-foot 6-inch-high fence in a required front yard, which will require a special exception to the fence height regulations of 4 feet 6 inches.

**LOCATION:** 6422 Sondra Drive

**APPLICANT:** Grayson Wafford

**REQUESTS:**

The following appeals have been made on a site that is currently developed with a single family home structure, which the applicant intends to demolish:

1. A variance to the front yard setback regulations of 9' 6" is requested in conjunction with constructing and maintaining single family home structure part of which would be located in the site's 30' Sondra Avenue front yard setback.
2. A variance to the front yard setback regulations of 8' is requested in conjunction with constructing and maintaining a single family home structure, part of which would be located in the site's 30' Marquita Avenue front yard setback.
3. A special exception to the fence height regulations of 4' 6" is requested in conjunction with constructing an 8' 6" high solid wood fence in the site's Marquita Avenue 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.

**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 (front yard setback variances):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) (NSO 4) in that it is a triangular-shaped lot with two 30' front yard setbacks. The atypical two front yard setbacks on this triangular-shaped lot preclude it from being developed in a manner commensurate with development on other similarly zoned properties.
- The applicant has submitted a document establishing that the maximum length of any side of the proposed home in this application/subject site would be approximately 85' in length, and that this size of home could be developed on any other comparable lot with a typical lot depth of about 125', that is of regular shape, and with one front yard setback in the R-7.5(A) (NSO 4) zoning district.

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

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

**Zoning:**

- Site: R-7.5(A) (NSO 4) (Single family district 7,500 square feet, Neighborhood Stabilization Overlay)
- North: R-7.5(A) (NSO 4) (Single family district 7,500 square feet, Neighborhood Stabilization Overlay)
- South: R-7.5(A) (NSO 4) (Single family district 7,500 square feet, Neighborhood Stabilization Overlay)
- East: R-7.5(A) (NSO 4) (Single family district 7,500 square feet, Neighborhood Stabilization Overlay)
- West: R-7.5(A) (NSO 4) (Single family district 7,500 square feet, Neighborhood Stabilization Overlay)

### **Land Use:**

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

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

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

### **Timeline:**

January 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.

February 13, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 13, 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 February 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 21, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

March 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

March 6, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

March 8, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment C).

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

**GENERAL FACTS/STAFF ANALYSIS (front yard variances):**

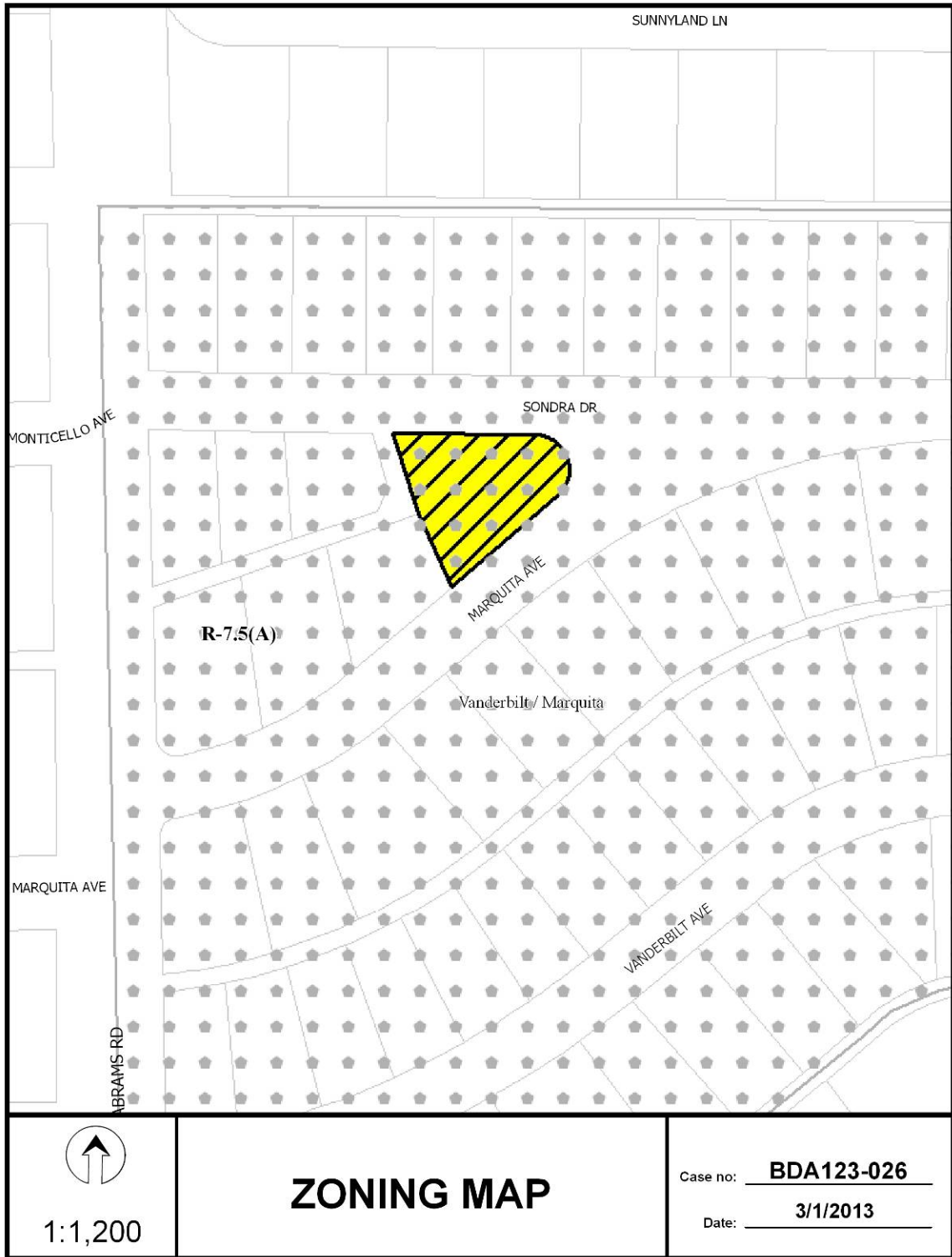
- These requests focus on demolishing an existing single family home on the site and replacing it with a single family home structure, part of which would be located in the site's two 30' front yard setbacks along Sondra Avenue and Marquita Avenue.
- Structures on lots zoned R-7.5(A)(NSO 4) are required to provide a minimum front yard setback of 30'.
- The subject site is located at the intersection of Sondra Avenue and Marquita Avenue. Regardless of how the proposed single family structure is to be oriented, the subject site has two 30' front yard setbacks along both streets.
- A site plan has been submitted denoting a portion of the proposed single family home located as close as 20' 6" from the site's front property line along Sondra Avenue (or 9' 6" into this 30' front yard setback); and located as close as 22' 1" from the site's front property line along Marquita Avenue (or 7' 11" into this 30' front yard setback).
- According to information that the applicant emailed the Board Administrator (see Attachment B), the approximate "living area" of the "main improvement" of the proposed single family home structure will be 3,457 square feet, the approximate "additional improvement" of an attached garage will be 510 square feet, and the total square feet will be 3,967 square feet.
- The applicant has stated that the approximate square footage of the home to be in the Sondra Avenue front yard setback to be 730 square feet and the approximate square footage of the home to be in the Marquita Avenue front yard to be 200 square feet.
- According to DCAD records, that the "main improvements" at 6422 Sondra Drive is a structure built in 1946 with 2,084 square feet of living area, 2,084 square feet of total area; and that the "additional improvements" is a 300 square foot attached carport.
- The subject site is irregular in shape and is according to the application, 0.26 acres (or approximately 11,300 square feet) in area. The site is zoned R-7.5(A)(NSO 4) where lots are typically 7,500 square feet in area. (Note that NSO- Neighborhood Stabilization Overlay- 4 was created in August of 2007).
- The site has two 30' front yard setbacks; and one 5' side yard setback; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.

- There is a 12' – 68' width of developable space once two 30' front yard setbacks and a 5' side yard setback would be accounted for on the virtually triangular-shaped lot.
- The applicant submitted a document (see Attachment C) stating that the maximum length of any side of the proposed home in this application would be approximately 85' in length, and that this size of home could be developed on any other comparable lot with a typical lot depth of about 121 feet, that is of regular shape, and with one front yard setback in the R-7.5(A) (NSO 4) zoning district.
- The applicant has the burden of proof in establishing the following:
  - That granting the variances 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 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-7.5(A) (NSO 4) 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-7.5(A)(NSO 4) zoning classification.
- If the Board were to grant the variance requests and impose the submitted site plan as a condition, the structure in the front yard setbacks would be limited to what is shown on this document– which is a structure to be located as close as 20' 6" from one of the two site's front property lines (or as much 9' 6" into one of the site's two 30' front yard setbacks).

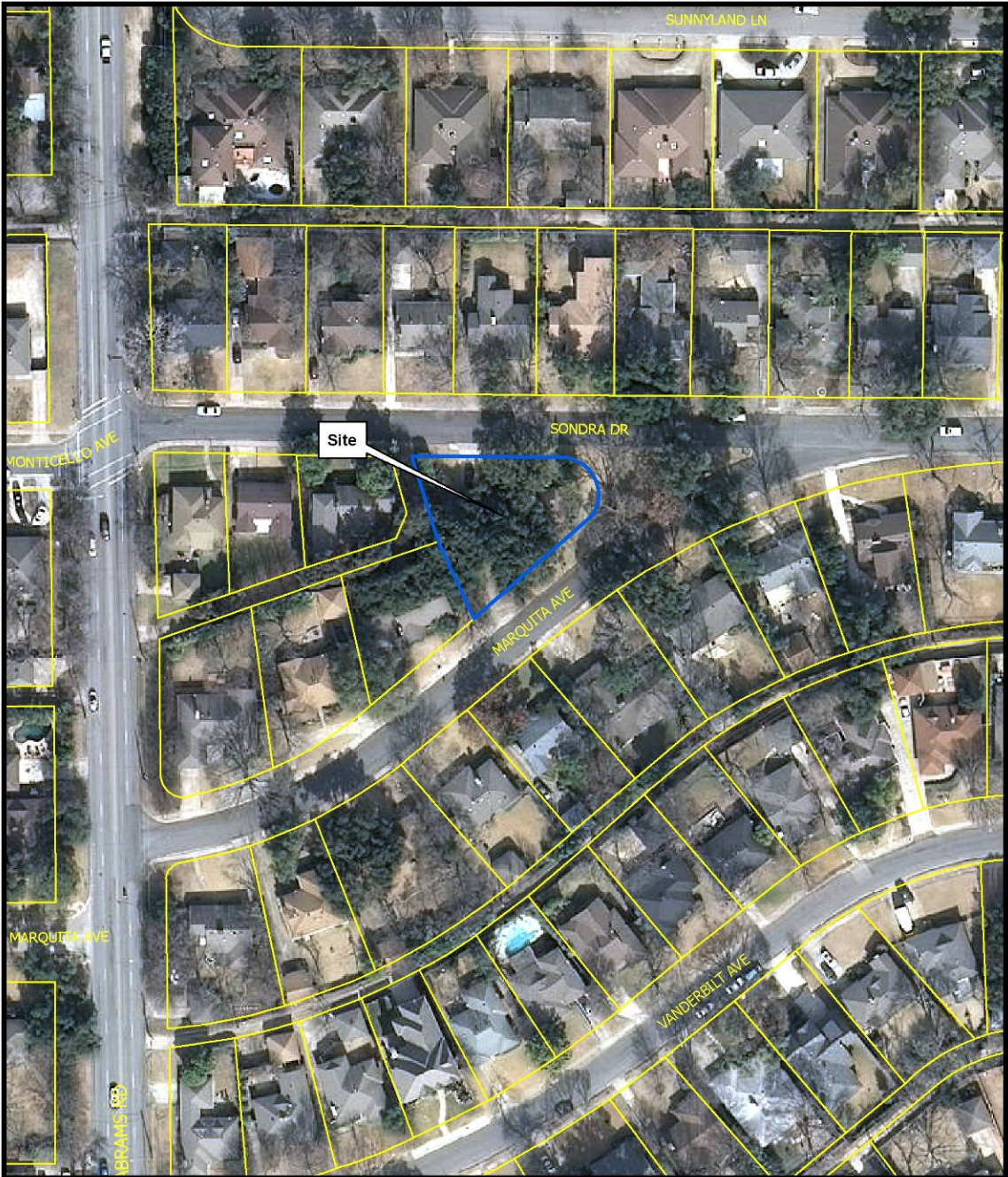
**GENERAL FACT /STAFF ANALYSIS (fence height special exception):**

- This request focuses constructing and maintaining an 8' 6" high solid wood fence in the site's 30' front yard setback along Marquita Avenue. (No fence is proposed in the site's 30' front yard setback along Sondra Avenue).
- 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 had submitted a scaled site plan and an elevation that shows the proposal in the Marquita Avenue front yard setback reaches a maximum height of 8' 6".
- The following additional information was gleaned from the submitted site plan:
  - Approximately 68' in length parallel to Marquita Avenue (and approximately 23 in length perpendicular on the sided of the site in this required front yard setback), approximately on this front property line or approximately 12' from the pavement line where two homes would have direct frontage to the proposal - homes with no fences in their front yards.

- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences higher than 4' in the immediate area.
- As of March 11, 2013, no letters had been submitted in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 8' 6" in height) will not adversely affect neighboring property.
- Granting this special exception of 4' 6" 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 Marquita Avenue front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.







1:1,200

# AERIAL MAP

Case no: BDA123-026

Date: 3/1/2013

BDA 123-026

Attach A

**Long, Steve**

**From:** Grayson Wafford [grayson\_wafford@yahoo.com]  
**Sent:** Thursday, February 21, 2013 2:59 PM  
**To:** Long, Steve  
**Subject:** Re: BDA 123-026, Property at 6422 Sondra Avenue  
**Attachments:** 6422 Sondra - Lot Coverage Comps.xlsx

Pg 1

Hello Steve,

The approximate proposed footprint will be 2,341 sq/ft of Living Area (downstairs), 1,200 sq/ft in garage and storage, and 250 of patio area. The planned total Living Area square footage is 3,457 (up and downstairs).

The approximate square ft. of the home that will be located within the Sondra front yard set-back is 730 sq/ft.

The approximate square ft. of the home that will be located within the Marquita front yard set-back is 200 sq/ft.

If we take the absolute maximum 'foot print' square footage of approximately 3,800 and divide it by the lot size of 10,997, we arrive at 34.5% lot coverage.

Attached is a spreadsheet I put together using the information available on the DCAD.org website. As you can see, my proposed building is actually well below the average lot coverage in the surrounding area.

I hope this helps. If you have any further questions, please let me know.

Thanks,  
 Grayson Wafford  
 214-404-8272

---

**From:** "Long, Steve" <steve.long@dallascityhall.com>  
**To:** grayson\_wafford@yahoo.com  
**Sent:** Thursday, February 21, 2013 7:55 AM  
**Subject:** FW: BDA 123-026, Property at 6422 Sondra Avenue

Dear Mr. Wafford,

I'm wondering if you would be able to provide the square footage of your proposed building footprint along with the amount of it that is proposed to be located in the Sondra Avenue front yard setback, and the amount of it that is proposed to be located in the Marquita Avenue front yard setback. (I am able to provide these facts when the building footprint is a rectangle on a rectangular-shaped lot but as you know, that is not the case here).

Steve

BDA 123-026

**From:** Long, Steve  
**Sent:** Tuesday, February 19, 2013 3:36 PM  
**To:** 'grayson\_wafford@yahoo.com'  
**Subject:** FW: BDA 123-026, Property at 6422 Sondra Avenue

Attach A  
 pg 2

Dear Mr. Wafford,

Please let the record show that I am aware of the fact that your application is located at 6422 Sondra Avenue .

Thanks,

Steve

**From:** Long, Steve  
**Sent:** Wednesday, February 13, 2013 12:55 PM  
**To:** 'grayson\_wafford@yahoo.com'  
**Cc:** Duerksen, Todd  
**Subject:** BDA 123-026, Property at 6422 Wafford Avenue

Dear Mr. Wafford,

Here is information regarding your application to the board of adjustment at the address referenced above, most of which we just discussed on the phone:

1. Your application materials- all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of the scheduled March 18<sup>th</sup> public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front setback regulations (51A-3.102(d)(10)).
3. The provision from the Dallas Development Code allowing the board to grant a special exception to the fence height regulations (51A-4.602(a)(6)).
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
5. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application and contact Todd Duerksen, at 214/948-4475 no later than noon, February 27<sup>th</sup> with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed beyond the requested front yard setback variance and fence height special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Thanks,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or mail it to me at the following address:

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

BDA-123-026  
 Attach A  
 Pg 3

Address #	Street	Living Area	Additional		Lot coverage		Year built
			Improvements	Total Sq/Ft	Lot Sq/ft	ratio %	
6419	Vanderbilt	3,981	450	4,431	6,479	68.39%	2006
6442	Vanderbilt	4,135	468	4,603	7,954	57.87%	2007
6466	Vanderbilt	2,285	380	2,665	7,163	37.21%	1995
6467	Vanderbilt	2,376	400	2,776	7,505	36.99%	1995
6470	Sondra	3,041	575	3,616	8,494	42.57%	1990
6412	Sondra	2,422	400	2,822	5,692	49.58%	1941
6427	Sondra	2,380	288	2,668	7,719	34.56%	1978

Average	46.74%
High	68.39%
Low	34.56%

BDA 123-026  
Attach B**Long, Steve**

**From:** Grayson Wafford [grayson\_wafford@yahoo.com]  
**Sent:** Wednesday, March 06, 2013 11:09 AM  
**To:** Long, Steve  
**Subject:** Re: BDA 123-026, Property at 6422 Sondra Avenue  
**Attachments:** 6422 Sondra - Lot Coverage Comps v2.xlsx

P51

Steve,

In order to provide consistency for analysis, I would like to adjust the figures I provided in my email dated February 21, 2013. My original estimation of 'Additional Improvements' was incorrect according to Dallas Central Appraisal District ("DCAD") definitions and standards of practice.

Per the plans submitted in BDA 123-026, and according to the definitions provided by the "DCAD", it is our expectation that the 'Living Area' of the 'Main Improvement' will be approximately 3,457 sq/ft and the 'Additional Improvement' of an 'Attached Garage' will measure approximately 510 sq/ft. This will bring the total sq/ft to 3,967.

For your review, I've attached an updated version of the table I included on February 21st, to include the proposed property.

If you need any further assistance, require any explanation or have questions regarding the correction, please do not hesitate to ask.

Regards,  
Grayson Wafford

---

**From:** "Long, Steve" <steve.long@dallascityhall.com>  
**To:** Grayson Wafford <grayson\_wafford@yahoo.com>  
**Sent:** Wednesday, March 6, 2013 9:14 AM  
**Subject:** FW: BDA 123-026, Property at 6422 Sondra Avenue

Dear Mr. Wafford,

A question was posed yesterday at the staff review team meeting about the total size of your proposed home. Would you please give me a call today at 214/670-4666?

Thanks,

Steve

---

**From:** Long, Steve  
**Sent:** Monday, February 25, 2013 9:03 AM  
**To:** Cossum, David ; Duerksen, Todd; Palomino, Tammy  
**Cc:** 'grayson\_wafford@yahoo.com'  
**Subject:** FW: BDA 123-026, Property at 6422 Sondra Avenue

Attached is information that I have entitled as "Attach A" that the applicant (Grayson Wafford) emailed to me last week. This information will be added to the case file and become part of: 1) what is discussed at the March 5<sup>th</sup> staff review team meeting and 2) the case report/docket that is emailed to you, the applicant near or on March 11th.

Please let me know if you have any questions or concerns with this information.

BDA123-026

Attach B

Pg 2

Thanks,

Steve

---

**From:** Grayson Wafford [mailto:grayson\_wafford@yahoo.com]  
**Sent:** Thursday, February 21, 2013 2:59 PM  
**To:** Long, Steve  
**Subject:** Re: BDA 123-026, Property at 6422 Sondra Avenue

Hello Steve,

The approximate proposed footprint will be 2,341 sq/ft of Living Area (downstairs), 1,200 sq/ft in garage and storage, and 250 of patio area. The planned total Living Area square footage is 3,457 (up and downstairs).

The approximate square ft. of the home that will be located within the Sondra front yard set-back is 730 sq/ft.

The approximate square ft. of the home that will be located within the Marquita front yard set-back is 200 sq/ft.

If we take the absolute maximum 'foot print' square footage of approximately 3,800 and divide it by the lot size of 10,997, we arrive at 34.5% lot coverage.

Attached is a spreadsheet I put together using the information available on the [DCAD.org](http://DCAD.org) website. As you can see, my proposed building is actually well below the average lot coverage in the surrounding area.

I hope this helps. If you have any further questions, please let me know.

Thanks,  
Grayson Wafford  
214-404-8272

**From:** " Long, Steve " <steve.long@dallascityhall.com>  
**To:** grayson\_wafford@yahoo.com  
**Sent:** Thursday, February 21, 2013 7:55 AM  
**Subject:** FW: BDA 123-026, Property at 6422 Sondra Avenue

Dear Mr. Wafford,

I'm wondering if you would be able to provide the square footage of your proposed building footprint along with the amount of it that is proposed to be located in the Sondra Avenue front yard setback, and the amount of it that is proposed to be located in the Marquita Avenue front yard setback. (I am able to provide these facts when the building footprint is a rectangle on a rectangular-shaped lot but as you know, that is not the case here).

Steve

BDA 123-026

Attach B  
p3

**From:** Long, Steve  
**Sent:** Tuesday, February 19, 2013 3:36 PM  
**To:** 'grayson\_wafford@yahoo.com'  
**Subject:** FW: BDA 123-026, Property at 6422 Sondra Avenue

Dear Mr. Wafford,

Please let the record show that I am aware of the fact that your application is located at 6422 Sondra Avenue .

Thanks,

Steve

**From:** Long, Steve  
**Sent:** Wednesday, February 13, 2013 12:55 PM  
**To:** 'grayson\_wafford@yahoo.com'  
**Cc:** Duerksen, Todd  
**Subject:** BDA 123-026, Property at 6422 Wafford Avenue

Dear Mr. Wafford,

Here is information regarding your application to the board of adjustment at the address referenced above, most of which we just discussed on the phone:

1. Your application materials- all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of the scheduled March 18<sup>th</sup> public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front setback regulations (51A-3.102(d)(10)).
3. The provision from the Dallas Development Code allowing the board to grant a special exception to the fence height regulations (51A-4.602(a)(6)).
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
5. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application and contact Todd Duerksen, at 214/948-4475 no later than noon, February 27<sup>th</sup> with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed beyond the requested front yard setback variance and fence height special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Thanks,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or mail it to me at the following address:

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

Address #	Street	Living Area	Additional		Lot coverage		Year built
			Improvements	Total Sq/Ft	Lot Sq/ft	ratio %	
6419	Vanderbilt	3,981	450	4,431	6,479	68.39%	2006
6442	Vanderbilt	4,135	468	4,603	7,954	57.87%	2007
6466	Vanderbilt	2,285	380	2,665	7,163	37.21%	1995
6467	Vanderbilt	2,376	400	2,776	7,505	36.99%	1995
6470	Sondra	3,041	575	3,616	8,494	42.57%	1990
6412	Sondra	2,422	400	2,822	5,692	49.58%	1941
6427	Sondra	2,380	288	2,668	7,719	34.56%	1978
<b>Average</b>		<b>2,946</b>	<b>423</b>	<b>3,369</b>	<b>7,287</b>	<b>46.74%</b>	
						<b>High</b>	<b>68.39%</b>
						<b>Low</b>	<b>34.56%</b>
<b>Proposed Home</b>							
6422	Sondra	3,457	510	3,967	10,997	36.07%	2013



BDA 123-026

Attach C

Long, Steve

P 31

**From:** Grayson Wafford [grayson\_wafford@yahoo.com]  
**Sent:** Thursday, March 07, 2013 3:06 PM  
**To:** Long, Steve  
**Cc:** Cossum, David  
**Subject:** BDA 123-026 Set-back Comparison  
**Attachments:** 6422 Sondra - Front Yard Set Back Comparison.xlsx; Comparable Lots.pdf; Sondra Site Plan (city).pdf

Dear Steve and David,

Please include the attached spreadsheet and information provided below in my application for a variance of the front yard set-back in NSO-4.

I would like to please ask you to consider this information when you make your staff recommendation to the Board of Adjustments. I believe I have shown a clear unnecessary hardship due to the restrictive area and shape of the lot. Furthermore, the information below should make a very clear and strong case that the property cannot be developed in a manner commensurate with the development upon other parcels of land within the same zoning area.

#### Front Yard Set-Back Comparison

Attached you will find a table showing the depth for every regularly shaped lot on the 6400 block on Sondra Ave and Marquita Ave. ("Comparable Lots"). According to the Dallas Central Appraisal District ("DCAD"), every property has a depth of approximately 125 ft.

Also, I have attached a map of the Comparable Lots, highlighted for your review. This map was obtained from the DCAD website and corroborates the findings on the website. Per the map, the most shallow property of all of the Comparable Lots has a depth of 121.62 ft. (6411 Marquita).

If one were to apply a 30 ft. front yard set-back; as well as, a 5 ft back yard set-back, the **absolute minimum** build-able depth for any of the Comparable Lots would be 86.62 ft.

According to the plans submitted for BDA 123-026, the maximum length of any side of the home will be approximately 85 ft. Therefore, a home of this size could be developed on any of the other Comparable Lots, without the need of variance for a front yard set-back, all of which fall within the same zoning, NSO-4.

#### Home Size Comparison

Included in the attached table, is the lot size of the each of the Comparable Lots. The average lot size of all of the Comparable Lots is approximately 8,853 sq/ft. After applying the maximum lot coverage for residential structures of 45%, the average build-able area for the Comparable Lots would be 3,984 sq/ft. This is higher than the 3,967 sq/ft of total square footage in the plans submitted in BDA 123-026. Please keep in mind the 3,967 sq/ft includes a 2nd story.

Also, if the average size of the lots within R7.5(A) is approximately 7,500 sq/ft, and the maximum lot coverage is 45%, that would imply an average build-able area of 3,375 sq/ft in zone R7.5(A). According to DCAD, the lot at 6422 Sondra is approximately 10,977 sq/ft. However, due to the lot's irregular shape and the imposition of two (2) front yard set backs, the build-able area is only approximately 3,382 sq/ft. So, even though the lot at 6422 Sondra is almost 3,500 sq/ft larger than the average lot in R7.5(a), the build-able area is only increased by 7 sq/ft. This may not seem substantial at first, but when you consider that the average lot within R7.5(A) is shaped as a rectangle, and the 3,382 sq/ft of lot 6422 is shaped as a triangle, it becomes extremely difficult to develop.

Furthermore, DCAD applies a 10% market adjustment increase to the taxable value for the above average size of the 6422 lot relative to lots in the area. However, there is no benefit to the increased size. I realize variance may not be granted to relieve personal hardship, nor for financial reason **only**, but it is my understanding they may be taken into consideration.

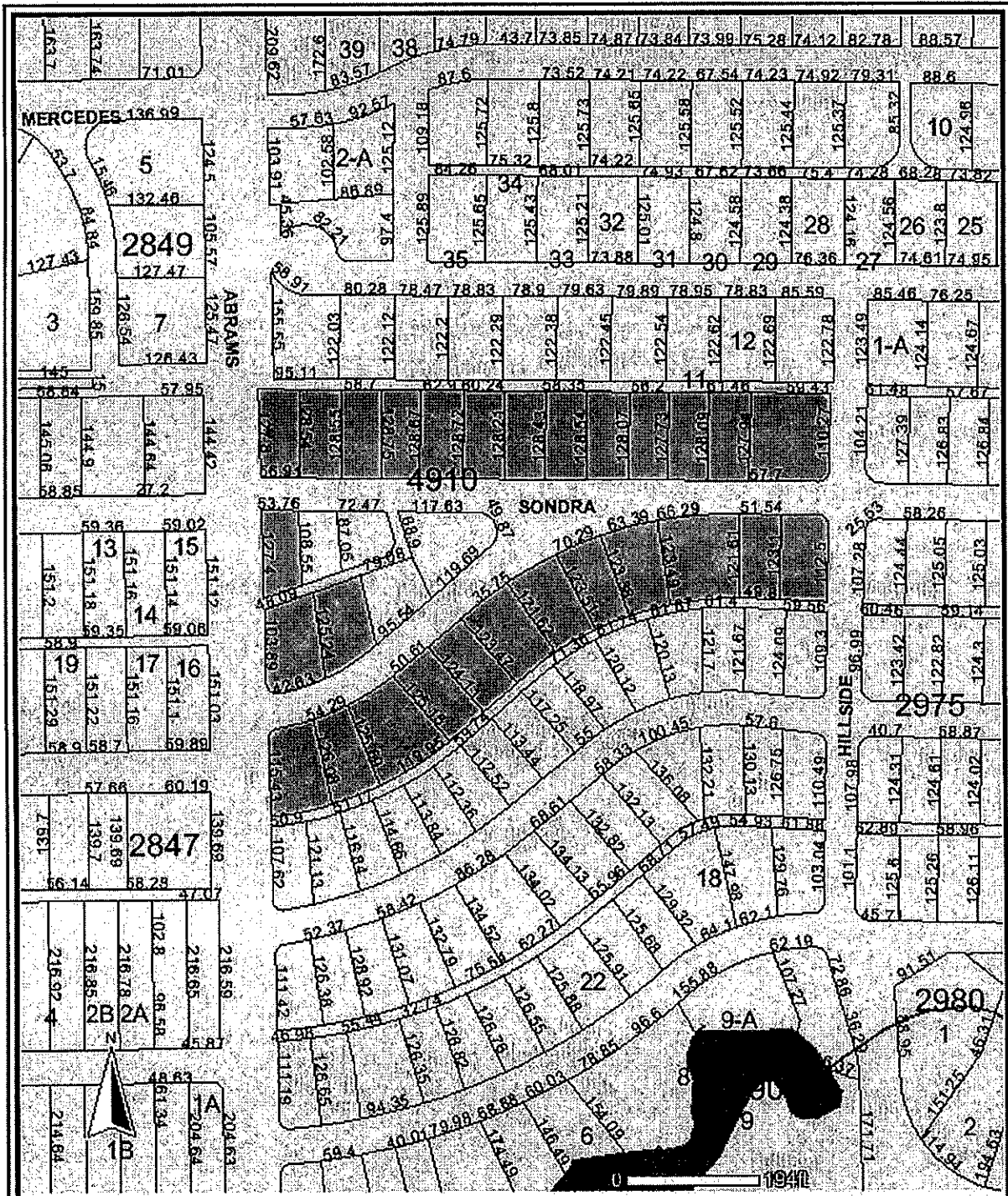
#### Further Consideration

BDA 123-026  
Attach C pg 2

According to DCAD, the home currently sitting on the lot at 6422 Sondra is approximately 2,084 sq/ft, and was built in 1946. The existing structure is outlined by a dotted line on the 'Sondra Site Plan' submitted with the BDA 123-026 application. I've attached the site plan for your convenience. As you can see, the home is non-conforming, it does not sit within the 30 ft front yard set-backs. In fact, there is no way to move or rotate the home to fit it within the 30 ft set-backs. I make this point to illustrate just how difficult this lot would be to develop with two 30 ft set-backs. Not even a 2,100 sq/ft home could be built without variance being granted! I find this very compelling evidence and illustrative of the property cannot be developed in a manner commensurate with the development upon other parcels of land within the same zoning area.

Thank you for your consideration in this manner and please let me know if you have any requests or would like any further explanation of the included information.

Sincerely,  
Grayson Wafford



BDA  
 123-  
 026  
 Attach C  
 P53



**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.

Address #	Street	Depth	Area (sq/ft)	Year built
6402	Marquita	125	9,922	1950
6403	Sondra	125	7,486	1947
6405	Marquita	125	10,081	1948
6406	Marquita	125	8,105	1949
6407	Sondra	125	7,845	1947
6411	Marquita	120	8,996	1998
6411	Sondra	125	7,633	1947
6412	Marquita	125	12,434	1953
6417	Sondra	125	7,030	1947
6420	Marquita	125	8,174	1970
6421	Sondra	125	8,137	1941
6424	Marquita	125	10,997	1948
6427	Sondra	125	7,862	1978
6428	Marquita	125	7,719	1954
6431	Sondra	125	9,622	1941
6435	Sondra	125	7,601	1974
6438	Marquita	125	7,636	1995
6441	Sondra	125	9,174	1960
6442	Sondra	125	8,012	1948
6445	Sondra	125	7,588	1949
6450	Sondra	125	7,209	1942
6451	Sondra	125	9,057	1948
6454	Sondra	125	7,423	1948
6455	Sondra	125	13,572	1947
6466	Sondra	125	7,755	1990
6469	Sondra	125	7,195	1946
6470	Sondra	125	14,774	1990

Average Depth	125	8,853
Minus Front Yard Setback	-30	
Minus Back Yard Setback	-5	
Average Depth less Setbacks	<u>90</u>	

BDA 123-026 Max Length  
 (according to plans submitted) 86

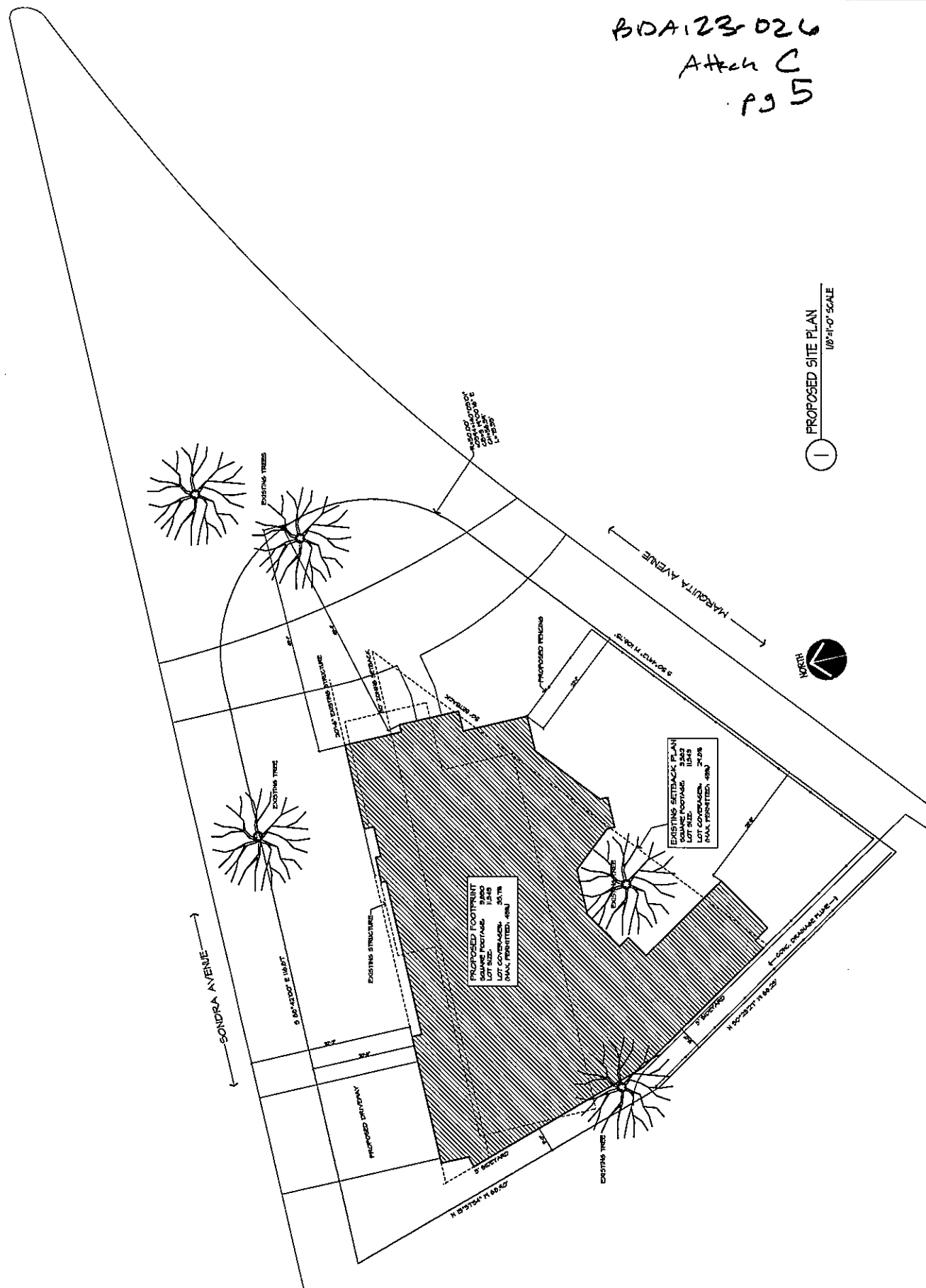
Max Lot Coverage of 45%  
 (8,853 x 45%) 3,984

BDA 123-026 Max sq/ft  
 (including a 1116 ft 2nd story & 500 sq/ft garage) 3,967

**Note:**  
 Both the length and the square footage of the plans submitted fall below the average of what is commensurate with development upon other parcels of land within the same zoning area.

BDA 123-026  
 Attach C  
 P 5

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





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-026

Data Relative to Subject Property:

Date: 1/25/2013

Location address: 6422 SONORA AVE 75206 Zoning District: NS04

Lot No.: 4 Block No.: 5/4909 Acreage: .26 Census Tract: 80.00

Street Frontage (in Feet): 1) 125, 2) 132, 3) 2, 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): GRAYSON WAFFORD

Applicant: GRAYSON WAFFORD Telephone: 2144048272

Mailing Address: 5530 RIDGEDALE DALLAS, TX Zip Code: 75206

E-mail Address: grayson-wafford@yahoo.com

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

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Affirm that an appeal has been made for a Variance X, or Special Exception X, of 10 FEET TO THE FRONT YARD SETBACK, AND A SPECIAL EXCEPTION OF 4'6" 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:

THE IRREGULAR SHAPE OF THE LOT RELATIVE TO THOSE IN THE SURROUNDING ZONE REDUCES THE BUILDABLE FOOTPRINT TO JUST 29.8% OF THE PROPERTY. IN ORDER TO FENCE A FRONT YARD I MUST REQUEST A SPECIAL EXCEPTION OF FOUR FEET SIX INCHES TO BUILD AN EIGHT FT SIX INCH FENCE ALONG THE MARQUETA FRONTAGE, WHICH WILL NOT ADVERSELY AFFECT 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 GRAYSON J WAFFORD  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25 day of January, 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

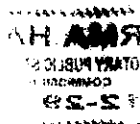
Building Official's Report

I hereby certify that GRAYSON WAFFORD  
did submit a request for a variance to the front yard setback regulations, and for a special  
exception to the fence height regulations  
at 6422 Sondra Ave

BDA123-026. Application of Grayson Wafford for a variance to the front yard setback regulations and a special exception to the fence height regulations at 6422 Sondra Drive. This property is more fully described as Lot 4, Block 5/4909 and is zoned R-7.5(A), NSO 4, which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 30 feet. The applicant proposes to construct a single family residential structure and provide a 20 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation, and to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official

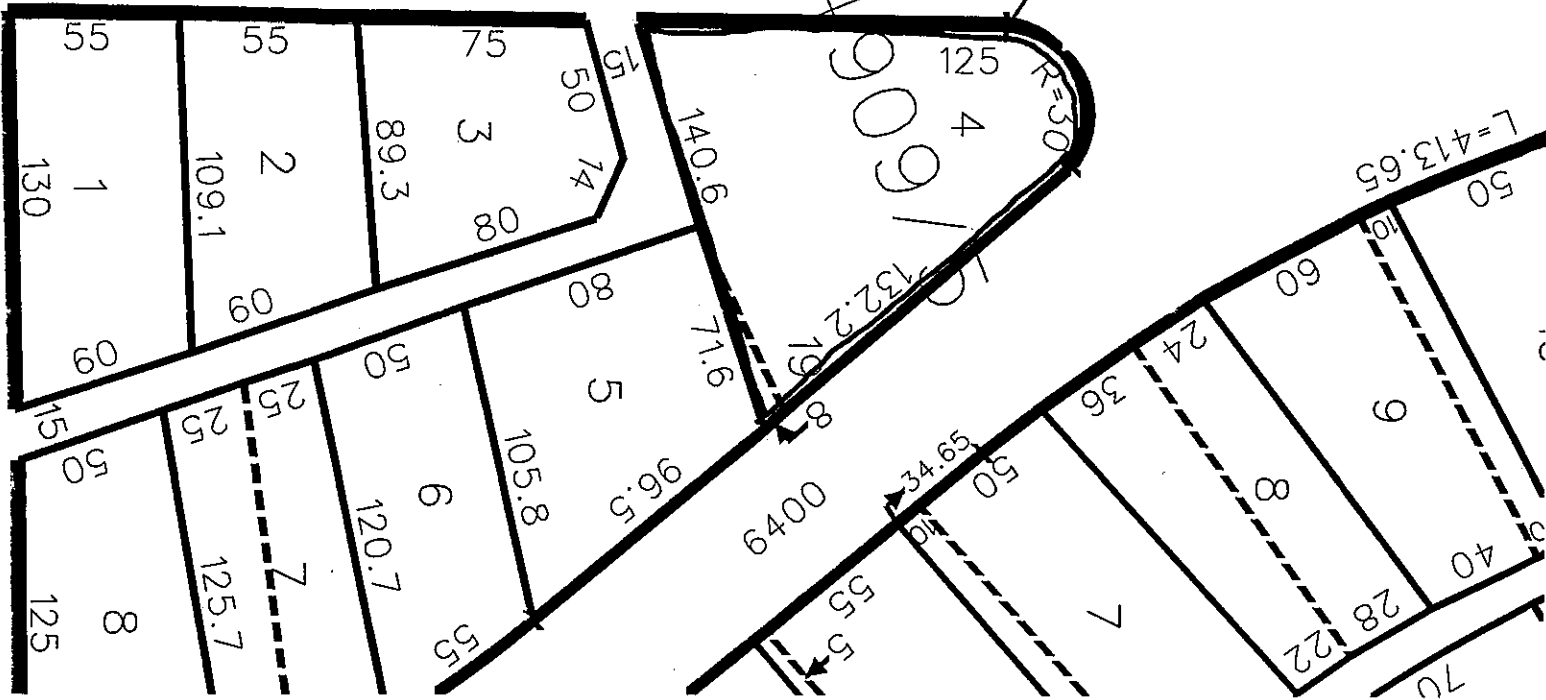




50 SONDRA

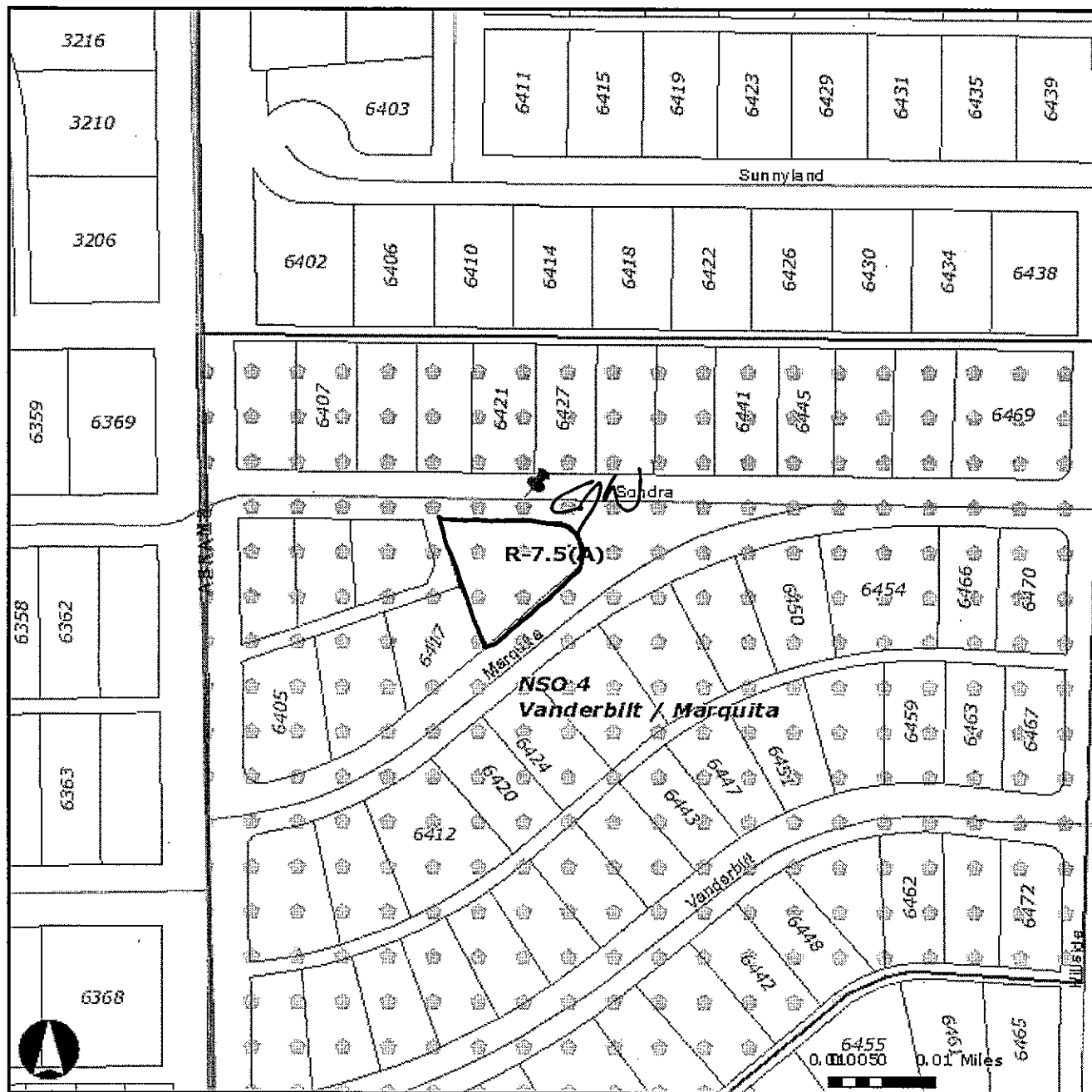
(SOMBRA)

6400





# City of Dallas Zoning



Address Candidates



Address Candidates



City Boundaries



County



Deed Restrictions



SUP



Dry Overlay



Historic Overlay

PD193 Oak Lawn



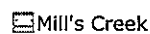
PDS Subdistricts

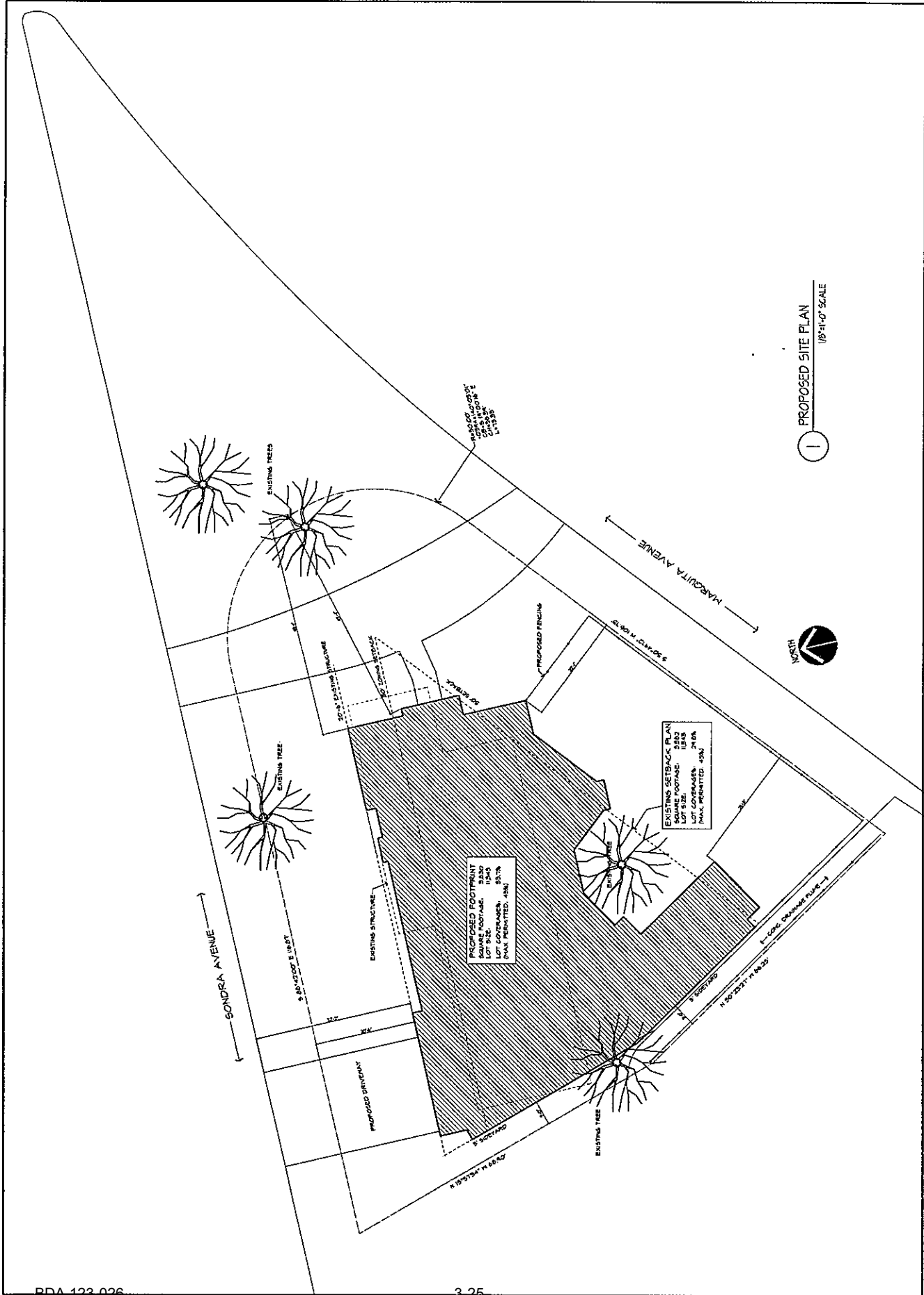


Base Zoning



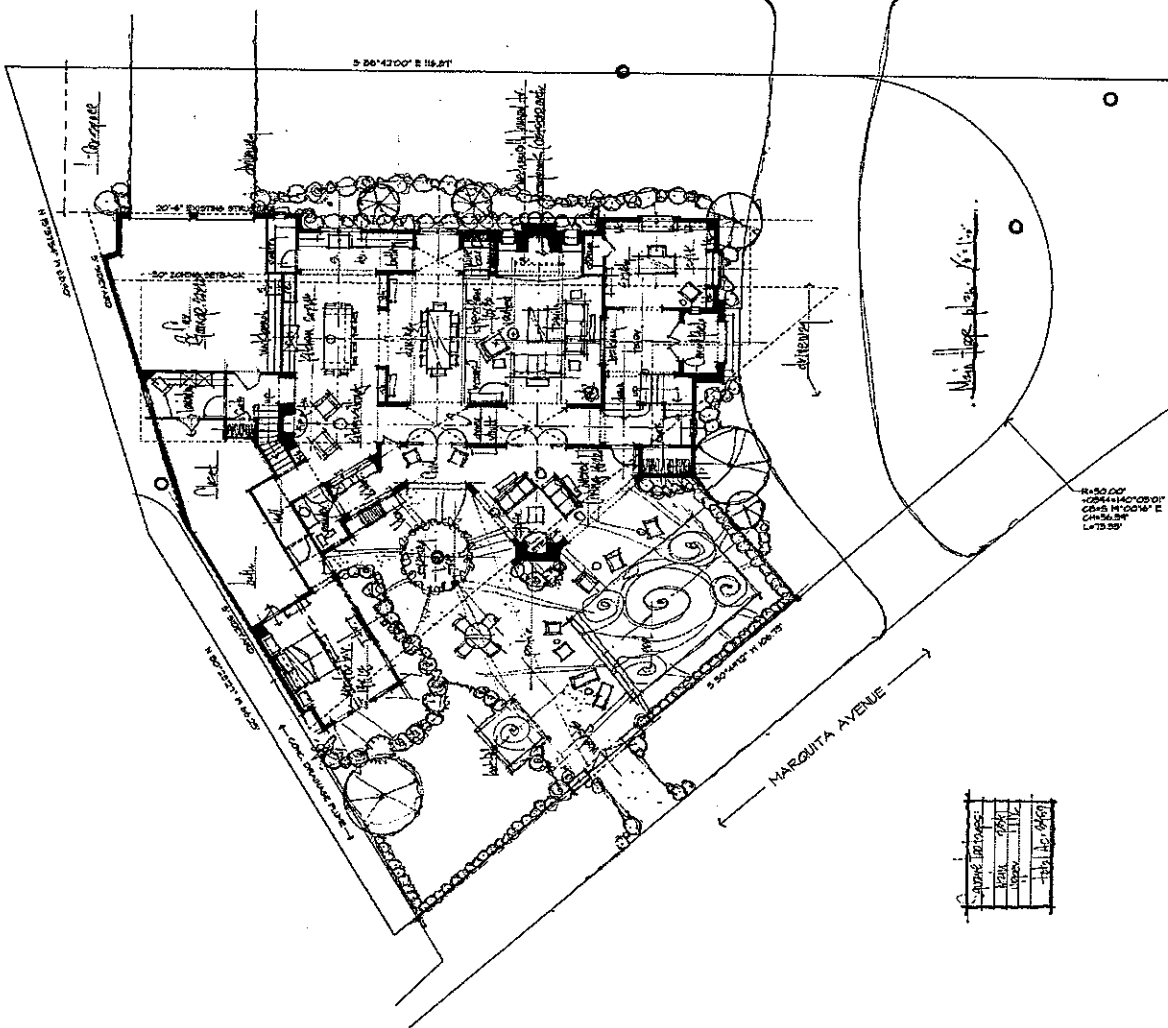
Floodplain



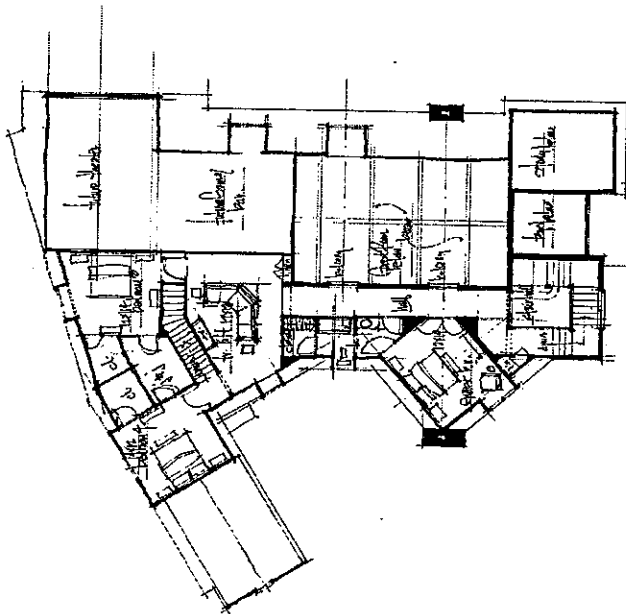


1 PROPOSED SITE PLAN  
 1/8" = 1'-0" SCALE

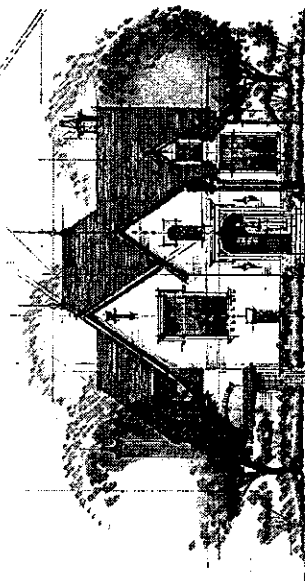
← SONDRA AVENUE →



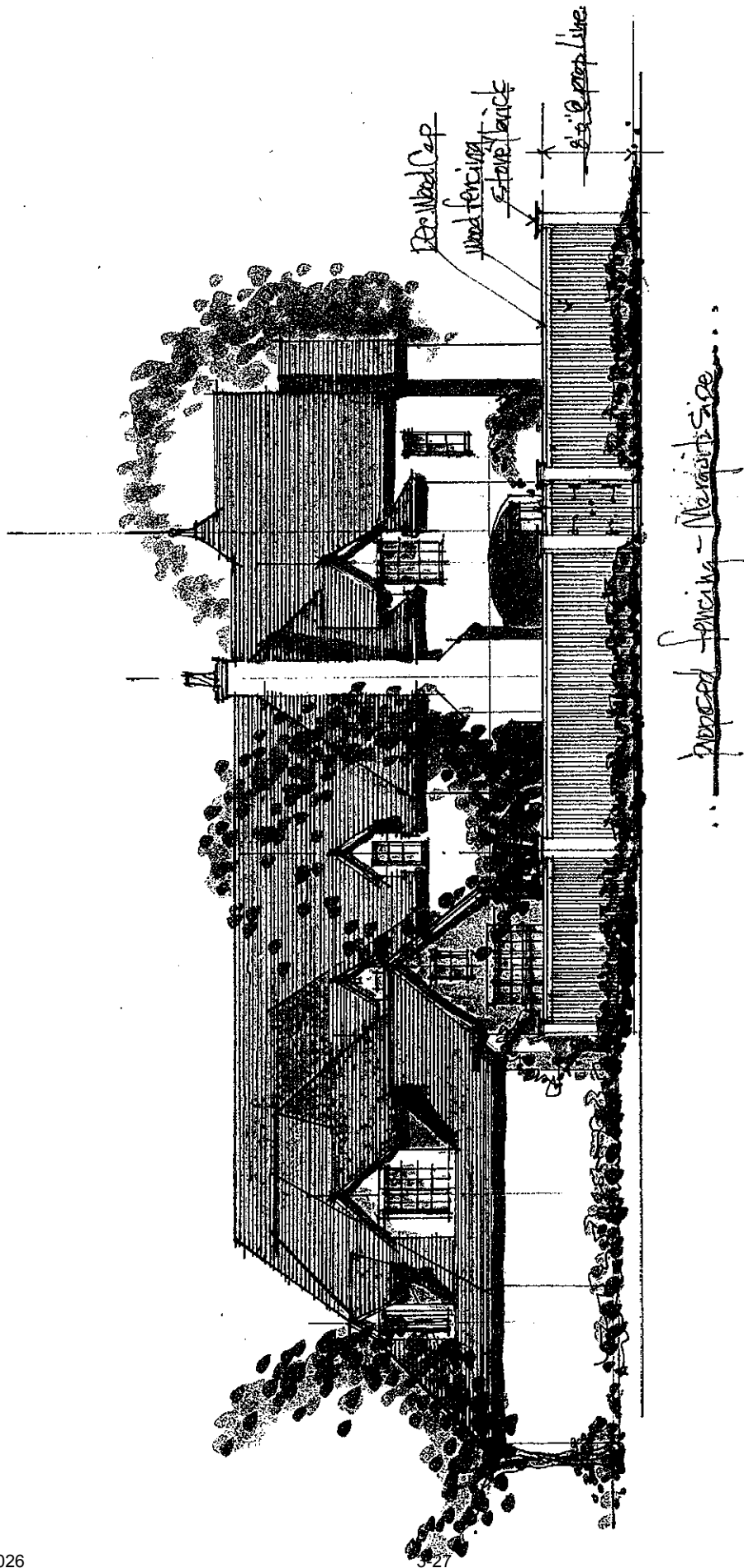
Symbol	Description
(Symbol)	Survey Boundary
(Symbol)	Proposed
(Symbol)	Existing
(Symbol)	Utility
(Symbol)	Top of Slope

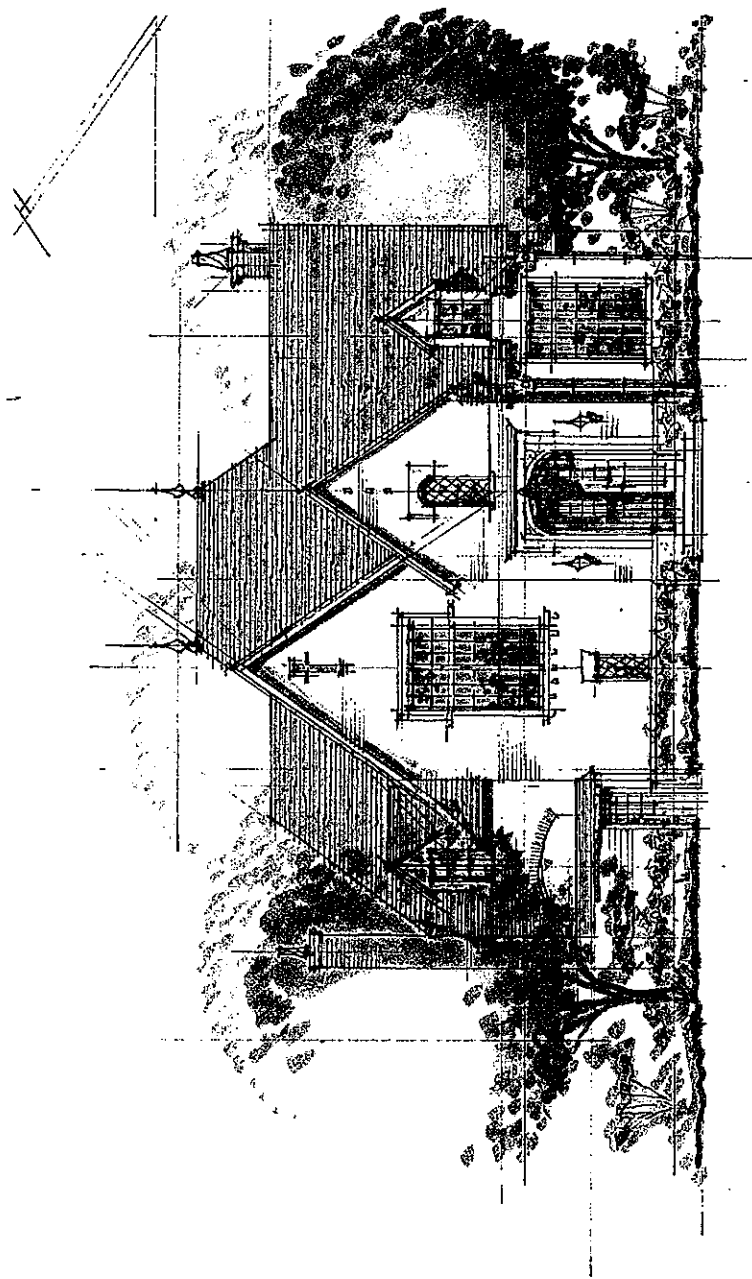


*Handwritten note:* Home for the future

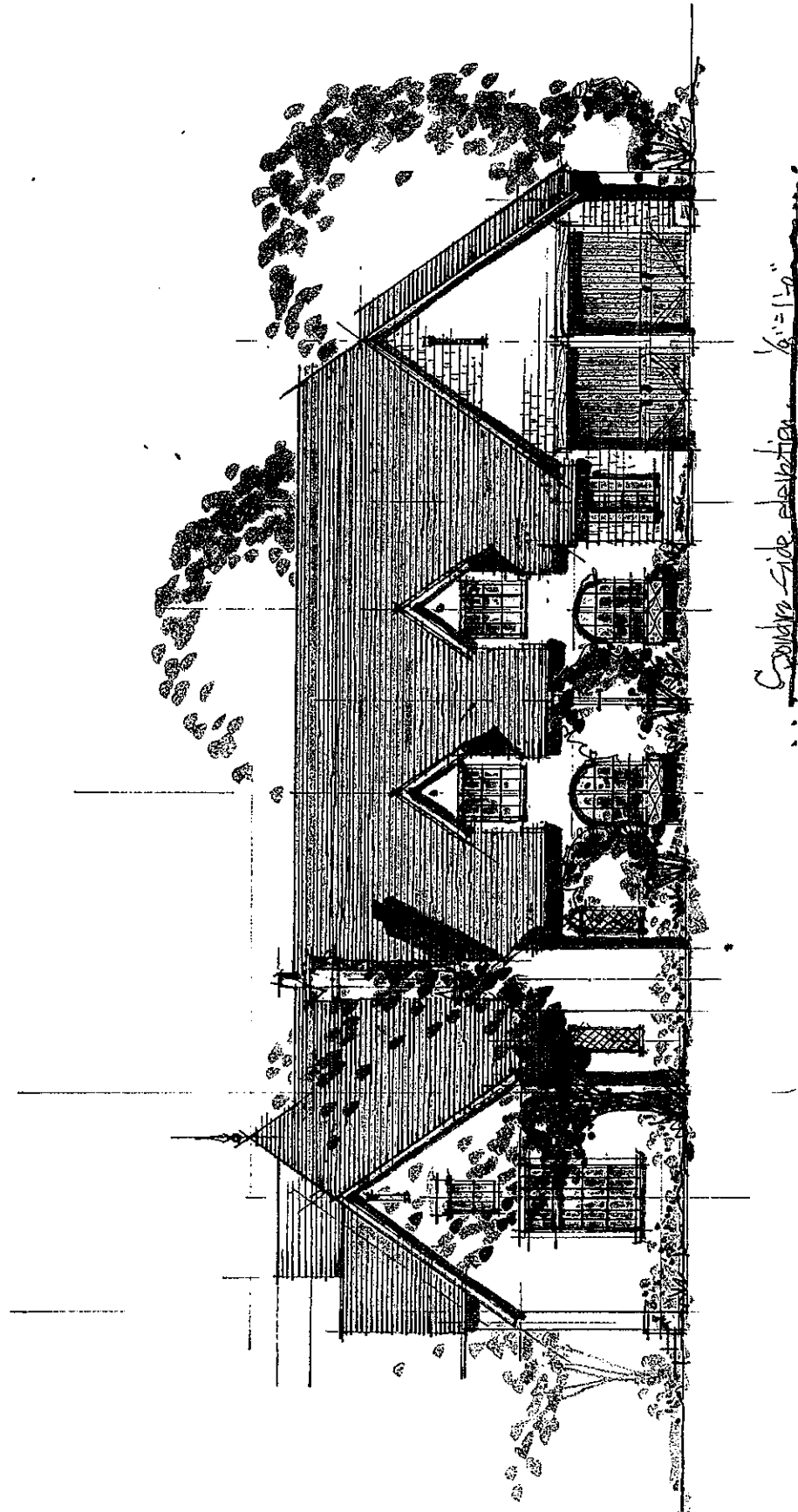


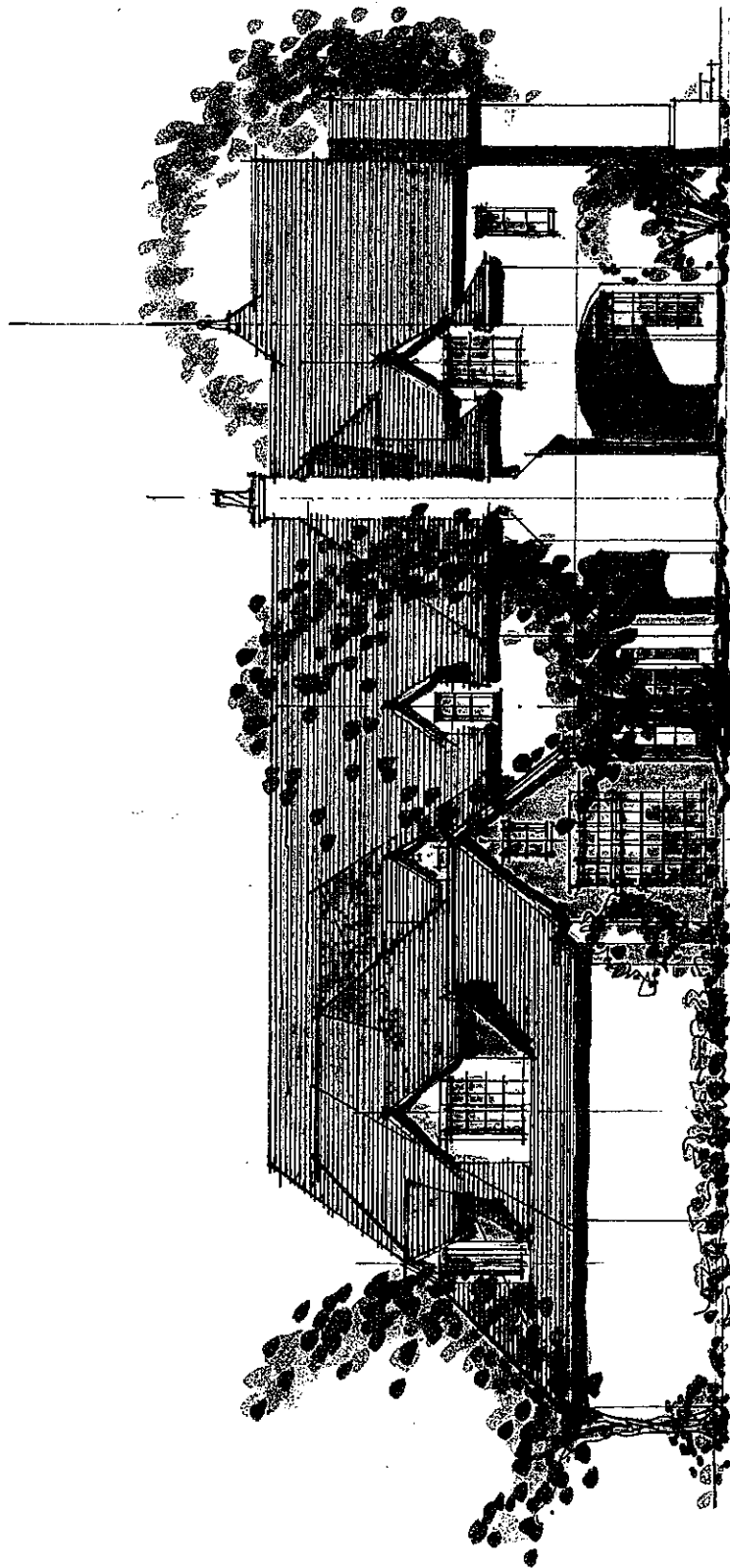
*Handwritten note:* Visit





...  
Tant...  
1/2" = 1'-0"





Marquise Side Elevation 1/2" = 1'-0"



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA123-026</b>
	<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;">32</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/1/2013</b>	



## *Notification List of Property Owners*

**BDA123-026**

### *32 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6422 SONDR A DR	NASH JUDY & CLARICE A TIMMERMAN
2	6406 SUNNYLAND LN	MITCHELL THOMAS H & KATHLEEN A
3	6410 SUNNYLAND LN	FRITTS DOROTHY J
4	6414 SUNNYLAND LN	GOODRUM ELLIS R & OPAL
5	6418 SUNNYLAND LN	BULLOCK MATTHEW C & WEI LI
6	6406 MARQUITA AVE	BUX ELIZABETH
7	6412 MARQUITA AVE	JOHNSON GARRY G
8	6420 MARQUITA AVE	HICKEY MARY SUSAN
9	6424 MARQUITA AVE	ESTES CAROLYN REES
10	6428 MARQUITA AVE	PHILLIPS JONATHAN M
11	6438 MARQUITA AVE	CHILDS DAVID N & LESLEY F
12	6442 SONDR A DR	SINGLETON SALLY K
13	6450 SONDR A DR	WIRTH PHYLLIS GREENE
14	6447 VANDERBILT AVE	HELFFRICH DAVID THOMPSON III HELFFRICH K
15	6443 VANDERBILT AVE	BRUNS FRANCES E
16	6439 VANDERBILT AVE	MASSO JADD F & CHRISTINA W
17	6435 VANDERBILT AVE	STROCK ANNE E
18	6402 SONDR A DR	JOHNSON ERIC W
19	6406 SONDR A DR	ARYAN DOST
20	6412 SONDR A DR	CUNNINGHAM JAMES W & MELINDA CUNNINGHAM
21	6417 MARQUITA AVE	FEDERAL NATIONAL MORTGAGE ASSN
22	6411 MARQUITA AVE	ROBERTSON JOHN D & AUDREY E
23	6405 MARQUITA AVE	MACKENZIE KEVIN
24	6403 SONDR A DR	TOLER JAMES O
25	6407 SONDR A DR	JORDAN GEORGE J & SHANNON
26	6411 SONDR A DR	JENKINS ALEXANDRA

2/28/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6417 SONDR A DR	MOOREHEAD JERRY W
28	6421 SONDR A DR	MARSH FAMILY LIVING TRUST
29	6427 SONDR A DR	FONTANE MATTHEW
30	6431 SONDR A DR	ROBICHAUX ELAINE
31	6435 SONDR A DR	KIMOSH KYLEE O &
32	6441 SONDR A DR	PANTEL EARLENE M

**FILE NUMBER:** BDA 123-027

**BUILDING OFFICIAL'S REPORT:** Application of Kim Hlas, represented by Steve Benson, for a special exception to the sign regulations at 4925 Greenville Avenue. This property is more fully described as Lot 1B in City Block C/5188 and is zoned MU-3, which allows only one detached sign per street frontage. The applicant proposes to construct and maintain one additional detached premise sign, which will require a special exception to the sign regulations.

**LOCATION:** 4925 Greenville Avenue

**APPLICANT:** Kim Hlas  
Represented by Steve Benson

**REQUEST:**

A special exception to the sign regulations is requested in conjunction with erecting and maintaining a detached "property ID, double sided pylon" sign along the site's Greenville Avenue street frontage on a site limited to one sign per street frontage on a site developed with an office park (Energy Square).

**STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:**

The Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

**STAFF RECOMMENDATION:**

Approval

Rationale:

- Staff has concluded that strict compliance with the requirement of the sign regulations in this case (one sign for the site's approximately 600 linear feet of frontage along Greenville Avenue) will result in inequity to the applicant. The applicant's representative has stated how the same 600 linear feet directly east of the site on Greenville Avenue is afforded 8 individual signs given that there are 8 individually plated lots. The applicant's representative has also stated how an

inequity would occur without a second property identification sign on the site's Greenville Avenue frontage since the single platted lot/subject site is approximately 600 feet in length, and the fact that an existing building on the site is located very close to the Greenville Avenue front property line - conditions/features creating a situation where without a second sign, building visitors travelling southbound on Greenville Avenue miss entry into the site.

- Approval of this special exception would merely allow an additional sign on the property's approximately 600 linear feet of Greenville Avenue street frontage, and not provide any other exception to the sign regulations pertaining to the additional sign's setback, height, or effective area.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: MU-3 (Mixed use)  
North: MU-3 (Mixed use)  
South: MU-3 (Mixed use)  
East: MU-3 (Mixed use)  
West: MU-3 (Mixed use)

### **Land Use:**

The site is currently developed as an office park (Energy Square). The areas to the north, south, east, and west are developed with 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:**

January 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.

February 13, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

February 13, 2013: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 9<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 25, 2013: The applicant's representative submitted additional information to the Board Administrator beyond what was submitted in the original application (see Attachment A).

March 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for March public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

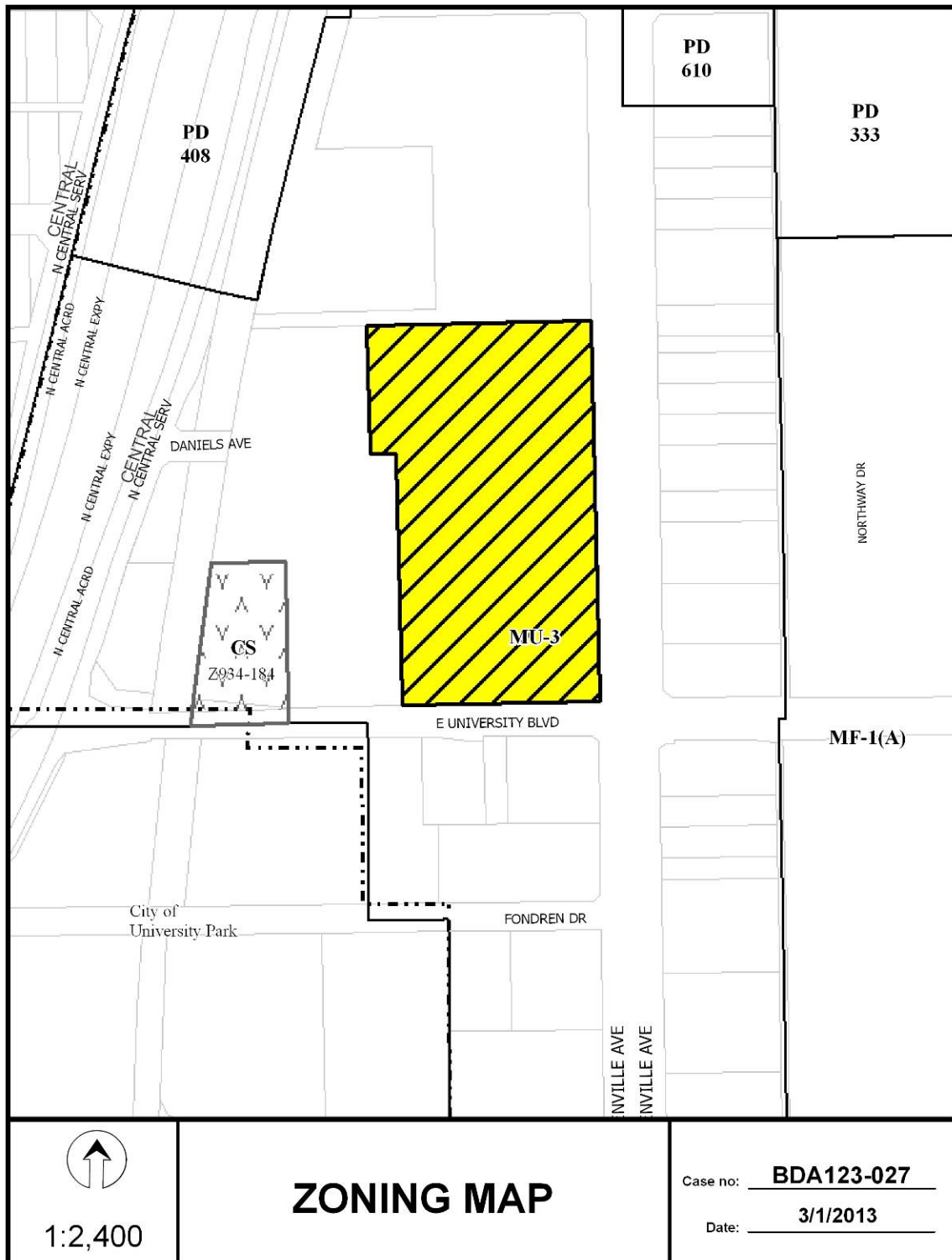
No review comment sheets with comments were submitted in conjunction with this application.

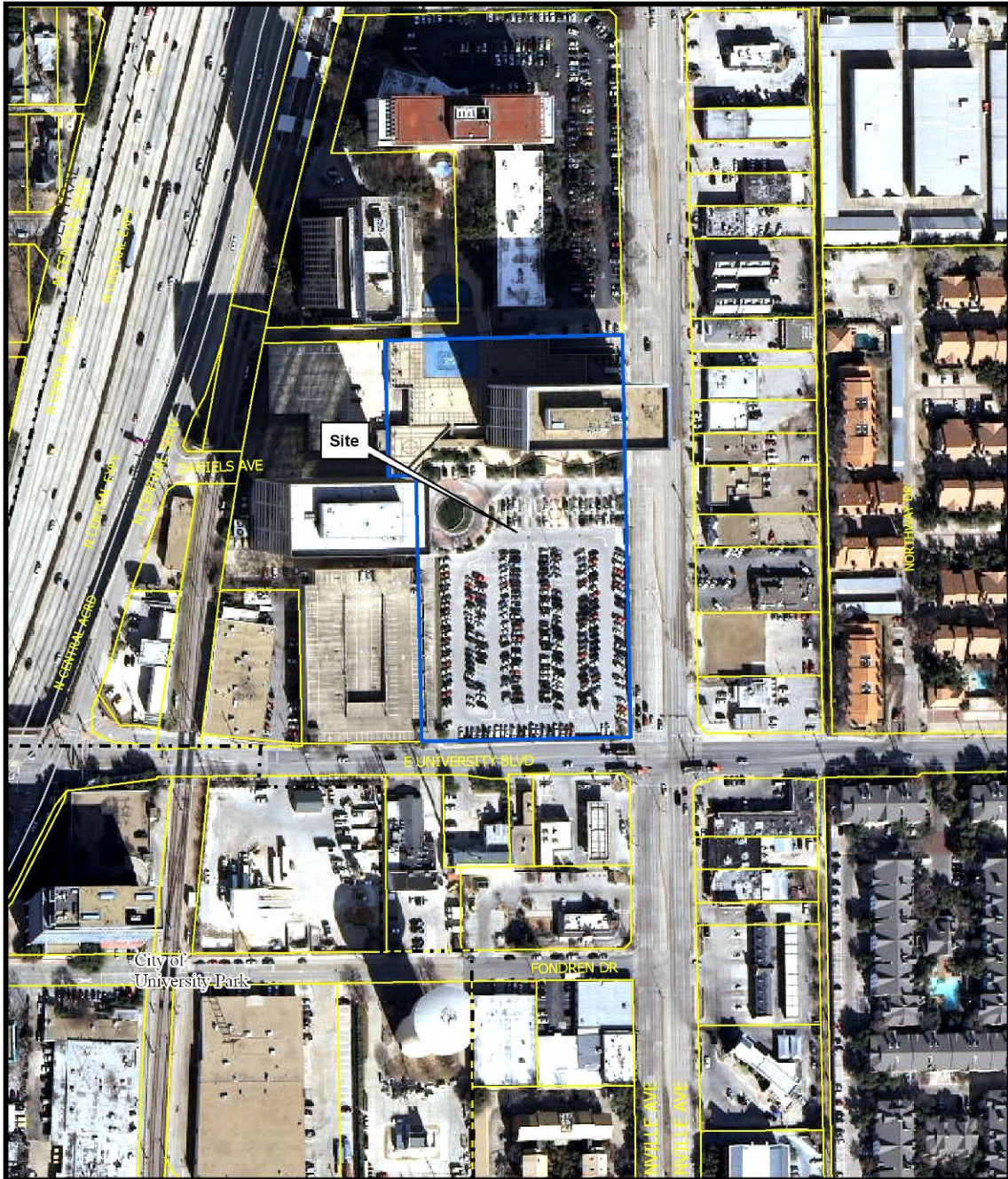
**GENERAL FACTS/STAFF ANALYSIS:**

- The request focuses on erecting and maintaining an additional sign on the subject site, more specifically a detached "property ID, double sided pylon" sign to be located at the intersection of Greenville Avenue and University Boulevard on a site developed with an office park (Energy Square).
- The Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. (The subject site's frontage is an expressway).
- The subject site at the northwest corner of Greenville Avenue and University Boulevard is limited to one sign per street frontage.
- The applicant's representative submitted a site plan indicating three signs on the property. The site plan notes an "entry monument" sign on University Boulevard, an "entry monument" sign on Greenville Avenue, and a "major identity pylon" sign at the intersection of Greenville Avenue and University Boulevard.
- The applicant's representative has also submitted a sign elevation of the "property ID double sided pylon" sign showing that is 6' 6" high and about 6' 6" wide.
- Building Inspection staff has stated that the additional sign in this application near the intersection of Greenville Avenue and University Boulevard is to erect and maintain a second sign on the site's Greenville Avenue frontage.
- The applicant's representative has stated how the same 600 linear feet directly east of the site on Greenville Avenue is afforded 8 individual signs given that there are 8 individually plated lots. The applicant's representative has also stated how an inequity would occur without a second property identification sign on the site's

Greenville Avenue frontage since the single platted lot/subject site is approximately 600 feet in length, and the fact that an existing building on the site is located very close to the Greenville Avenue front property line. These features/conditions of the subject site create a situation where without a second sign, building visitors travelling southbound on Greenville Avenue miss entry into the site.

- The applicant has the burden of proof in establishing the following:
  - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the Greenville Avenue street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.
- If the Board were to approve the request for a special exception to the sign regulations, the Board may consider imposing a condition that the applicant complies with the submitted site plan and elevation.
- Granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code other than allowing an additional sign on the subject site.





1:2,400

# AERIAL MAP

Case no: BDA123-027

Date: 3/1/2013



**ArtOGRAF<sup>TM</sup>**  
SIGNS • GRAPHICS • ARCHITECTURAL

February 25, 2013

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

Re: BDA 123-027 – Supplemental Information for Variance Hearing

For the above mentioned case, ARTOGRAF<sup>TM</sup> is asking for an additional monument sign along the street frontage of Greenville Avenue. We currently have standard permit applications in for a main building identification at the corner of Greenville and University and one property ID monument on University Dr. The additional sign on Greenville Ave is being requested for the following reasons:

- 1) **Compliance:** We are in compliance with height, square footage and setback regulations as dictated by city code. We are not asking for a larger sign nor are we asking for a sign closer to street frontage
- 2) **Visibility and Traffic Flow:** Because the positioning of the building being so close to Greenville Ave, when Southbound on Greenville Ave, there have been many issues of building visitors missing the entries to the building and parking. Ownership has made many improvements for safety and traffic flow including marking the entry with this building identifying monument
- 3) Because of the expansive frontage on Greenville Ave of approximately 600 plus feet, we feel inequity is established in the enforcement of 'one sign per frontage' rule. The distance rules are met with the approximate 340 linear feet between this additional sign and the other proposed compliant monument on Greenville Ave. In no way do we feel the approval of this additional sign will cause an 'over-signing' issue on the property. In terms of inequity, this one lot is allowed one sign. In contrast, across the street, the same 600 feet of frontage, by code, would allow for 8 individual signs for the 8 individual establishments in that approximate same amount of space. We realize the current code allows for that, but we feel that the need for this additional sign in relation to the amount of space available on the property warrants approval without stepping too far outside current code restrictions.
- 4) **Upgrades and Improvements:** There are only (2) entrances to this property. By marking the entries with these monuments, better traffic flow and fewer occasions of abrupt slow downs on Greenville may be greatly reduced with better property identification.
- 5) There is no intent by ownership to profit from advertising on this additional sign. Its sole intent is for better property identification and traffic flow
- 6) **Aesthetics:** The parking area and entries at and leading up to the intersection of Greenville and University form a sort of triangle. There are 3 points on that corner. This additional sign will aesthetically balance the signage on the property by hitting the 3 focal points of the property while improving traffic flow and visibility for visitors.

I appreciate your time and hope this supplemental information helps our case in the request for an additional sign at Energy Square

Sincerely,



Steve Benson  
ARTOGRAF<sup>TM</sup>



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-027

Data Relative to Subject Property:

Date: 1-25-13

Location address: 4925 Greenville Ave Zoning District: MU-3

Lot No.: 1B Block No.: 45188 Acreage: 4.757 Census Tract: 79.13

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

5024A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LOCH Energy Square LP

Applicant: Kim Hlas Telephone: (214)349-1075 x.201

Mailing Address: 2611 Andjon Drive, Dallas, Tx Zip Code: 75220

E-mail Address: khlas@artografx.com

Represented by: Steve Benson Telephone: (214)349-1075 x.206

Mailing Address: 2611 Andjon Drive, Dallas, Tx Zip Code: 75220

E-mail Address: sbenson@artografx.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception  of additional sign

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:

variance of code to allow for a 2nd detached identification sign on the same frontage street.

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

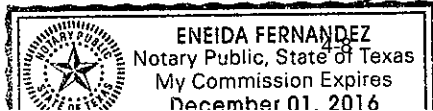
Affidavit

Before me the undersigned on this day personally appeared Kim Hlas (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: Kim Hlas (Affiant/Applicant's signature)

Subscribed and sworn to before me this 25th day of January, 2013



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

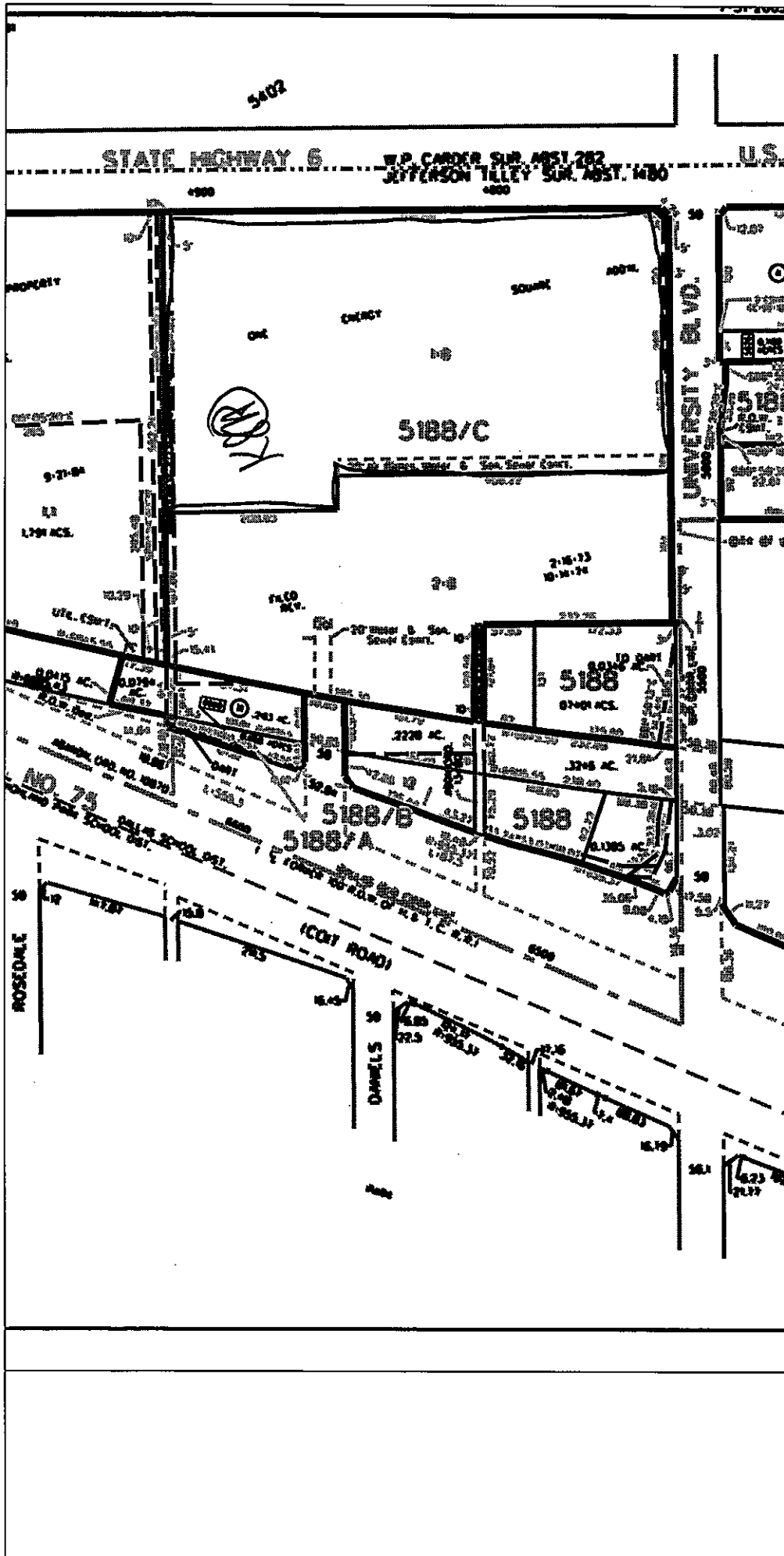
**Building Official's Report**

I hereby certify that KIM HLAS  
represented by STEVE R BENSON  
did submit a request for a special exception to the sign regulations  
at 4925 Greenville Avenue

BDA123-027. Application of Kim Hlas represented by Steve R. Benson for a special exception to the sign regulations at 4925 Greenville Avenue. This property is more fully described as Lot 1B, Block C/5188 and is zoned MU-3, which allows only one detached sign per frontage on a public street. The applicant proposes to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulation.

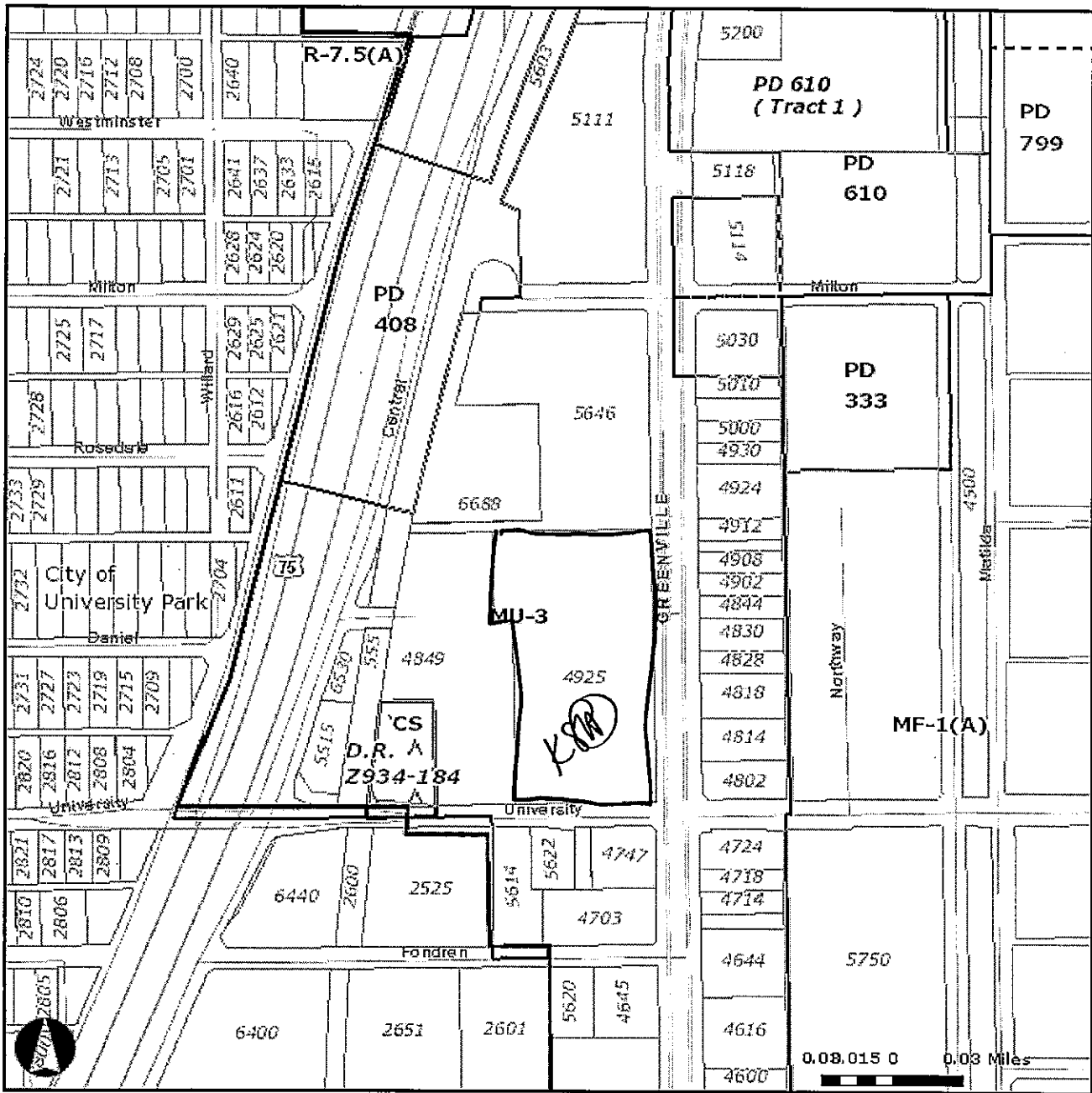
Sincerely,

  
Larry Holmes, Building Official



C:\fax\_plats\5188.dgn 1/25/2013 12:43:15 PM

# City of Dallas Zoning



**Address Candidates**

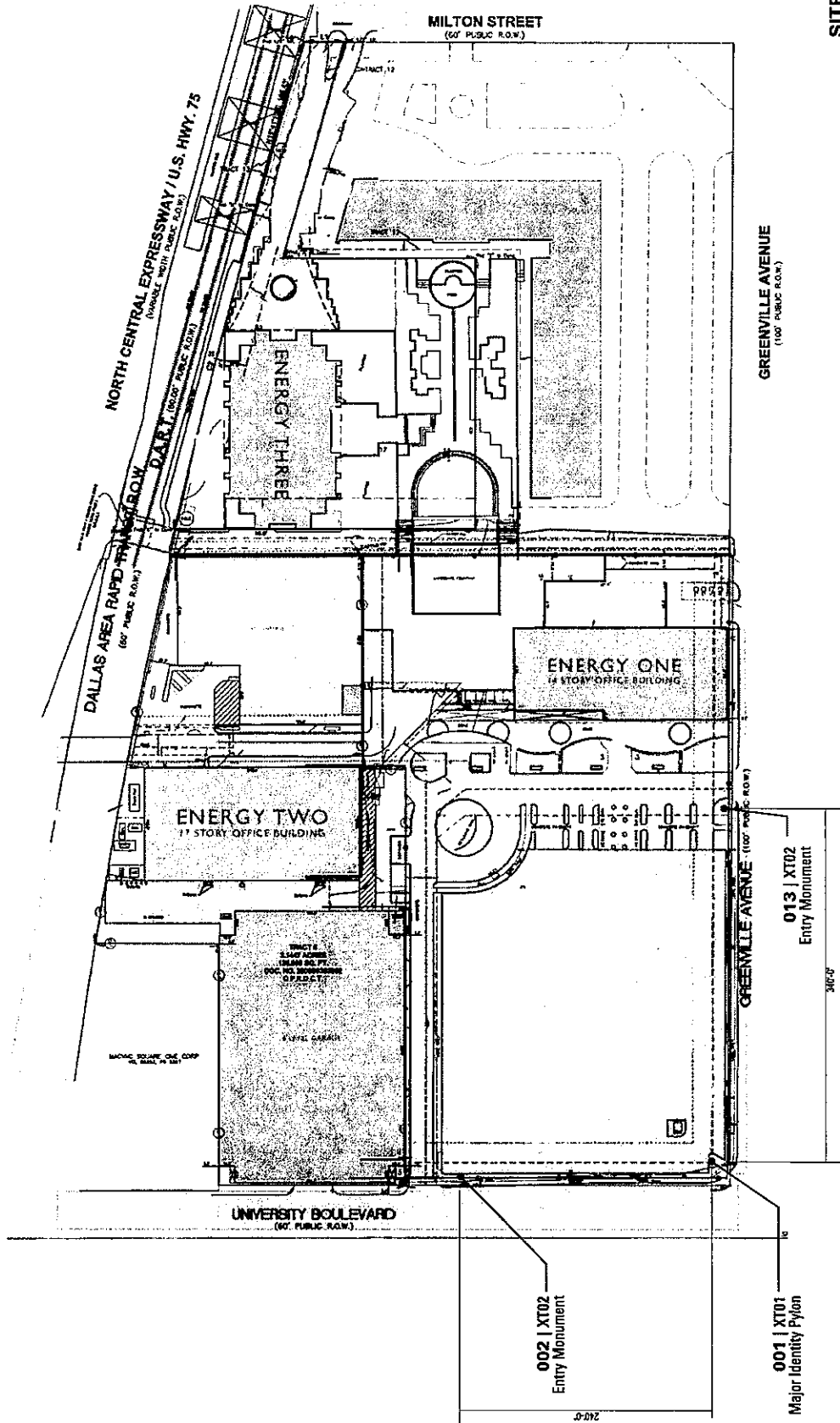
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

**SUP**

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

**PDS Subdistricts**

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



**SITE PLAN 1"=100'**

<b>FILE NAME:</b> LINCOLN PROPERTY/ENERGY SQUARE RI
<b>DATE:</b> 12.5.12
<b>PAGE</b> 5 of 5

<b>SIGN TYPE:</b>	<b>DESCRIPTION:</b> SITE PLAN
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<b>JOB NUMBER:</b>	#
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<b>REVISIONS:</b>	DATE
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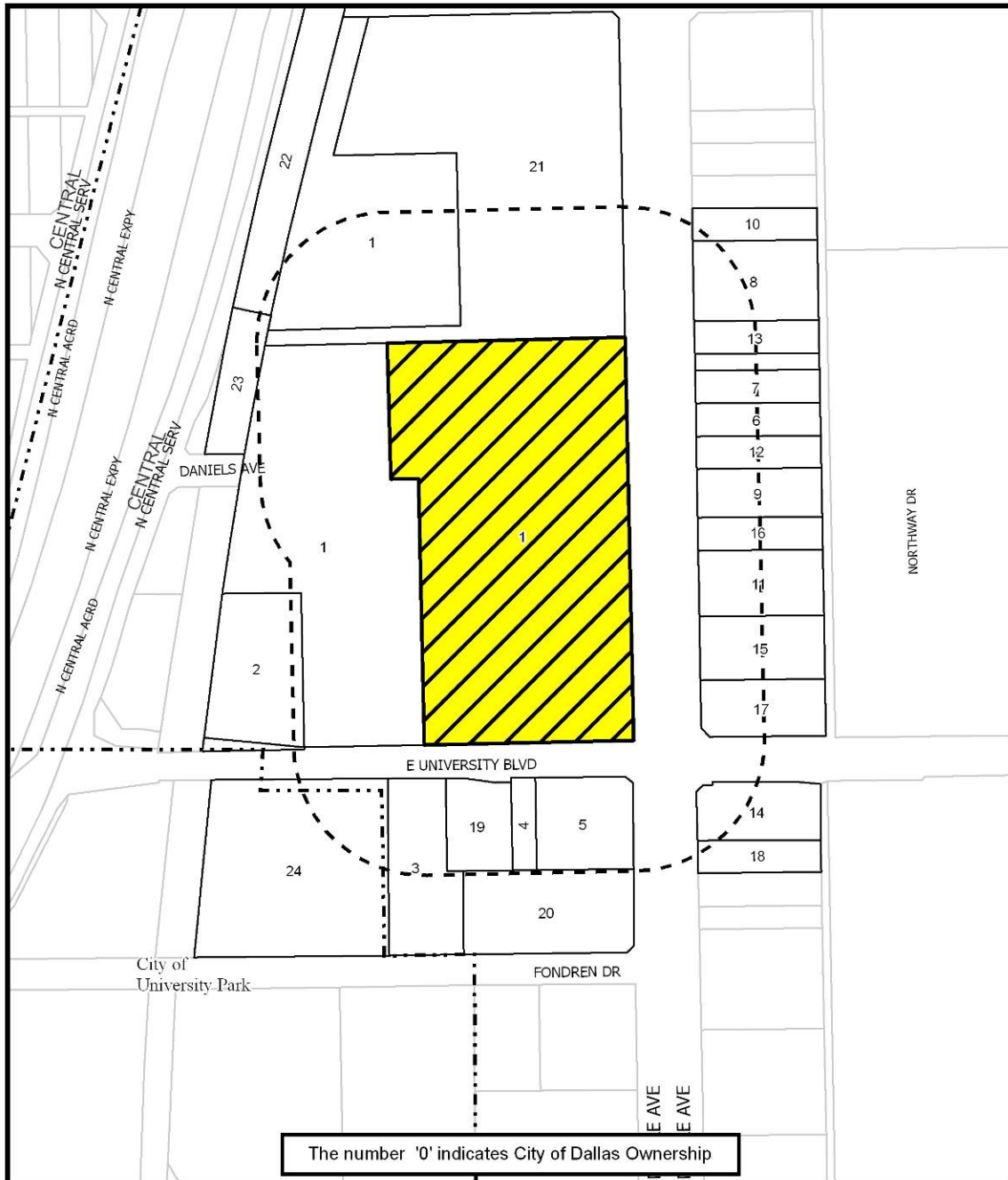
<b>DESIGNER:</b> GREG BRACKE	<b>SALESMAN/PM:</b> STEVE BERSON
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<b>PROJECT:</b> ENERGY SQUARE - PHASE I	<b>CLIENT:</b> LINCOLN PROPERTY 4825 GREENVILLE AVE. DALLAS, TX. 75206
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<b>APPROVED BY:</b>	<b>DATE:</b>
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**ATTOGRAFX**  
 2611 Arjona  
 Dallas, Texas 75220  
 214.951.9408 Phone  
 214.951.7914 Fax  
 www.attogfx.com





 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA123-027</b>
	<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;">24</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>3/1/2013</b>



## *Notification List of Property Owners*

**BDA123-027**

### *24 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4925 GREENVILLE AVE	LOCH ENERGY SQUARE LP % GREGORY COURTWRI
2	5531 UNIVERSITY BLVD	MACVAC SQUARE ONE CORP STE 800
3	5614 UNIVERSITY BLVD	FIFTY SIX FOURTEEN PROPERTIES LP
4	5626 UNIVERSITY BLVD	CAMPBELL RANDY & VICKIE
5	4747 GREENVILLE AVE	QUIK WAY RETAIL AS II LTD
6	4902 GREENVILLE AVE	RASANSKY MITCHELL & FONBERG REAL ESTATE
7	4910 GREENVILLE AVE	GALANIS SOFIA
8	4924 GREENVILLE AVE	HERRMAN DAVID PPTIES LLC
9	4830 GREENVILLE AVE	GREENVILLE STORE I LP
10	4930 GREENVILLE AVE	BARRACO JOE
11	4818 GREENVILLE AVE	LEVY JORGE FAMILY LTD PS
12	4844 GREENVILLE AVE	ROPPOLO THOMAS J TRUSTEE
13	4912 GREENVILLE AVE	COON DAVID P %PRIDE RR SVC & SALES
14	4724 GREENVILLE AVE	PARKIT MARKET CENTER LTD
15	4814 GREENVILLE AVE	START PROPERTIES LLC SUITE 1500
16	4828 GREENVILLE AVE	GREENVILLE AVENUE J V
17	4802 GREENVILLE AVE	GREENVILLE CORNER LTD PS
18	4718 GREENVILLE AVE	4718 GREENVILLE LLC
19	5622 UNIVERSITY BLVD	HOPPER JAMES T & KATHLEEN
20	4703 GREENVILLE AVE	EDWARD T FARRIS CO LTD ATTN: JACK IN THE
21	5646 MILTON ST	MEADOWS ALPHA PPTIES LP STE 201
22	5603 MILTON ST	DALLAS AREA RAPID TRANSIT
23	555 2ND AVE	DART
24	2525 UNIVERSITY BLVD	UNIVERSITY PARK CITY OF