

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, MAY 20, 2013  
AGENDA

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BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM	11:00 A.M.
LUNCH		
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM, 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, April 15, 2013 Board of Adjustment Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 123-041</b>	8610 Eustis Avenue <b>REQUEST:</b> Application of James L. Coon, represented Mark C. Webb of Webb Engineering, for a variance to the front yard setback regulation	1
<b>BDA 123-044</b>	3802 Gaston Avenue <b>REQUEST:</b> Application of Julianne McGee of Pink Consulting for a variance to the front yard setback regulations	2
<b>BDA 123-047</b>	10340 Denton Drive <b>REQUEST:</b> Application of Martin Belcher for a special exception to the off-street parking regulations	3
<b>BDA 123-048</b>	4040 Cochran Chapel Road <b>REQUEST:</b> Application of Michael Gurley for a variance to the front yard setback regulations	4

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## HOLDOVER CASES

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<b>BDA 112-103</b>	2800 Prichard Lane <b>REQUEST:</b> Application of Donna Woods, represented by Mark A. Mosley, for a special exception to the tree preservation regulations	5
<b>BDA 123-026</b>	6422 Sondra Drive <b>REQUEST:</b> Application of Grayson Wafford a special exception to the fence height regulations	6

## EXECUTIVE SESSION NOTICE

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

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

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel C April 15, 2013 public hearing minutes.



**FILE NUMBER:** BDA 123-041

**BUILDING OFFICIAL'S REPORT:** Application of James L. Coon, represented Mark C. Webb of Webb Engineering, for a variance to the front yard setback regulation at 8610 Eustis Avenue. This property is more fully described as Lot 44A, Block A/5248 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback, which will require a variance to the front yard setback regulations of 15 feet.

**LOCATION:** 8610 Eustis Avenue

**APPLICANT:** James L. Coon  
Represented Mark C. Webb of Webb Engineering

**REQUEST:**

A variance to the front yard setback regulations of 15' is made in conjunction with constructing and maintaining a two-story single family home structure, part of which would be located in one of the site's two 25' front yard setbacks (Eustis Avenue) on a site that is currently undeveloped.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is a slightly irregularly-shaped corner lot with a restrictive area due to its size and its two front yard setbacks. The atypical two front yard setbacks on the approximately 8,600 square foot slightly irregularly-shaped lot precludes the applicant from developing it in a manner commensurate with development on other similarly zoned properties - in this case, the development on the property being the maintenance of a single family home with an approximately 1,500 square foot building footprint. The site has a 0 – 14’ width for development once a 25’ front yard setback and a 5’ side yard setback is accounted for on the 27’ – 48’ wide subject site.
- NOTE: This request is the same application made to and granted by the Board of Adjustment Panel C on June 18, 2012 (BDA 112-067) where the applicant has re-filed this new application only because he failed to file for a building permit within 180 days of the previously filed application.

**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-10(A) (Single family district 10,000 square feet)
- East: R-7.5(A) (Single family district 7,500 square feet)
- West: R-10(A) (Single family district 10,000 square feet)

**Land Use:**

The subject site is undeveloped. The areas to the north, south, east, and west are either undeveloped parcels of land or developed with single family uses.

**Zoning/BDA History:**

1. BDA 112-067, Property at 8610 Eustis Avenue (the subject site)      On June 18, 2012, the Board of Adjustment Panel C granted a request for a variance to the front yard setback regulations of 15’ and imposed the submitted site plan as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a two-story single family home structure, part of which would be located in one of the site’s two 25’ front yard setbacks (Eustis Avenue) on a site that is currently undeveloped. (It was noted that no request had been made in this

application to construct/maintain any structure in the site's Lakeland Avenue front yard setback).

2. BDA 101-124, Property at 8610 Eustis Avenue (the southwestern half of the subject site)

On December 12, 2011, the Board of Adjustment Panel C granted a request for a variance to the front yard setback regulations of 15' and imposed the submitted site plan as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a two-story single family home structure, part of which would be located in one of the site's two 25' front yard setbacks (Eustis Avenue) on a site that is currently undeveloped. (It was noted that no request was made in this application to construct/maintain any structure in the site's Lakeland Avenue front yard setback).

**Timeline:**

March 11, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

April 16, 2103: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 10<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;
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence; and
- Unless advised differently from the applicant, a representation would be made to the board that a discussion with him, that this application is the same proposal that the board granted in June of 2012 (BDA 112-067) and that the applicant's need to re-file this application was because the applicant did not file for a building permit within 180 days from the June 2012 hearing. (Note that the applicant informed the Board Administrator by phone that this application was the same as the previously filed

application, and that the reason for the new application was simply because the applicant had not filed a building permit within 180 days of the previously filed application granted on June 18, 2012).

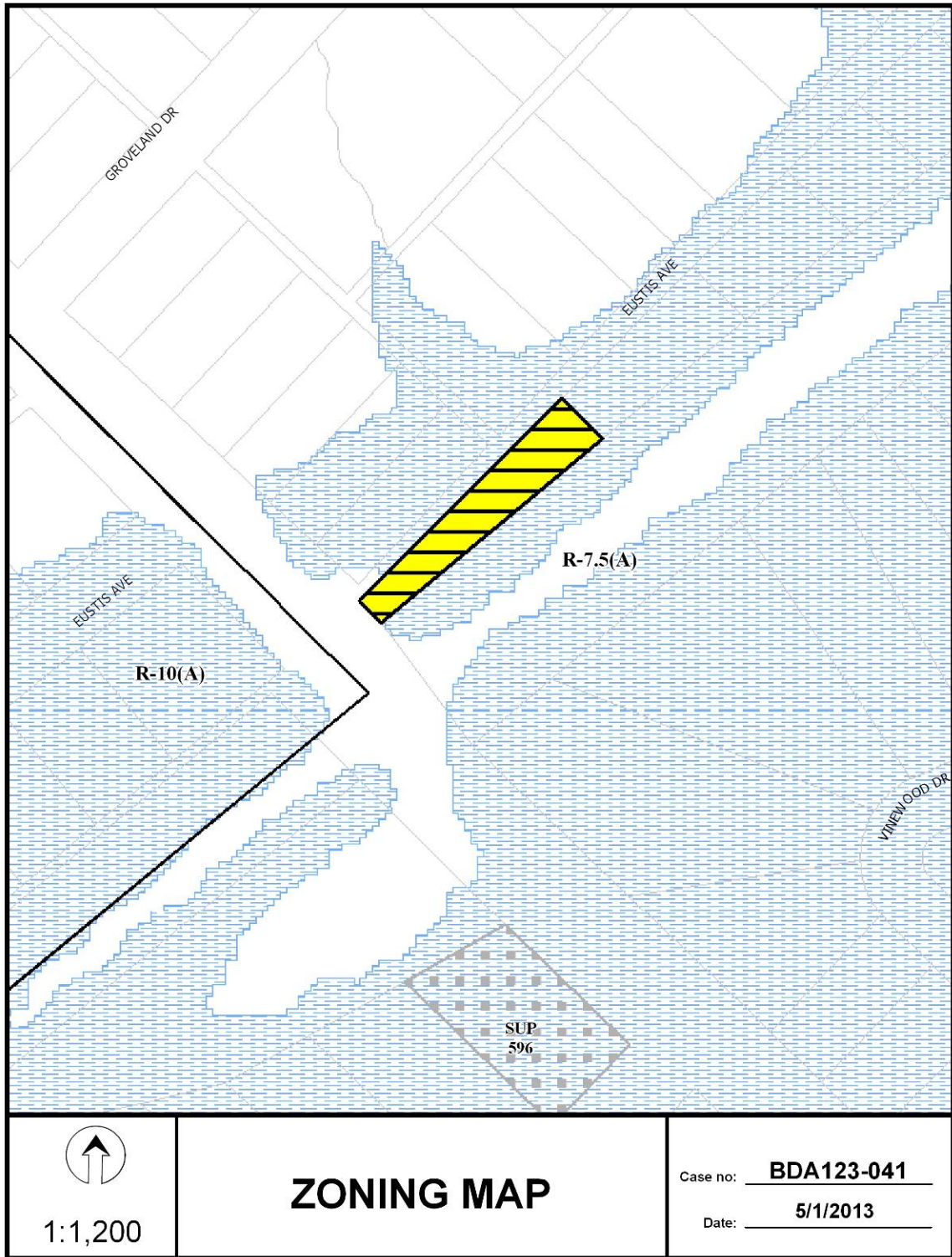
May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

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

- This request focuses on constructing and maintaining a two-story single family structure, part of which would be located in one of the two 25' front yard setbacks (Eustis Avenue).
- The applicant has informed the Board Administrator that this application is the same as the one previously filed on this property granted by the Board of Adjustment Panel C on June 18, 2012 (BDA 112-067), and that the reason for the new application was simply because he had failed to file for a building permit within 180 days of the previously filed application.
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The subject site is located at the east corner of Lakeland Avenue and Eustis Avenue. Regardless of how the proposed single-family structure appears to be oriented to Eustis Avenue, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along Lakeland Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Eustis Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required. But the site's Eustis Avenue frontage is deemed a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes northeast of the site that front/are oriented northwestward onto Eustis Avenue.
- A scaled site plan has been submitted indicating that the proposed single family home would be located 10' from the Eustis Avenue front property line or 15' into the 25' front yard setback. (No encroachment is proposed in the Lakeland Avenue 25' front yard setback).
- According to DCAD records, there are "no main improvements" at 8610 Eustis Avenue.

- The subject site is sloped, somewhat irregular in shape (48' on the northeast, 27' on the southwest, and approximately 231' on the northwest and southeast), and approximately 8,600 square feet in area. The site has two 25' front yard setbacks; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- Although the zoning map shows that the site is located in Flood Plain, the City of Dallas Flood Plain Manager had emailed the Board Administrator on the previously filed application on this property that "this area comes out of the floodplain with the new 2010 maps... and is an area that has been consistently mapped incorrectly."
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed home to be located in the site's Eustis Avenue 25' front yard setback is approximately 1,000 square feet in area or approximately 66 percent of the approximately 1,500 square foot building footprint.
- The site has a 0 – 14' width for development once a 25' front yard and a 5' side yard setback is accounted for on the 27' – 48' wide subject site.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the Eustis Street front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure to be located 10' from the Eustis Street front property line (or 15' into this 25' front yard setback).



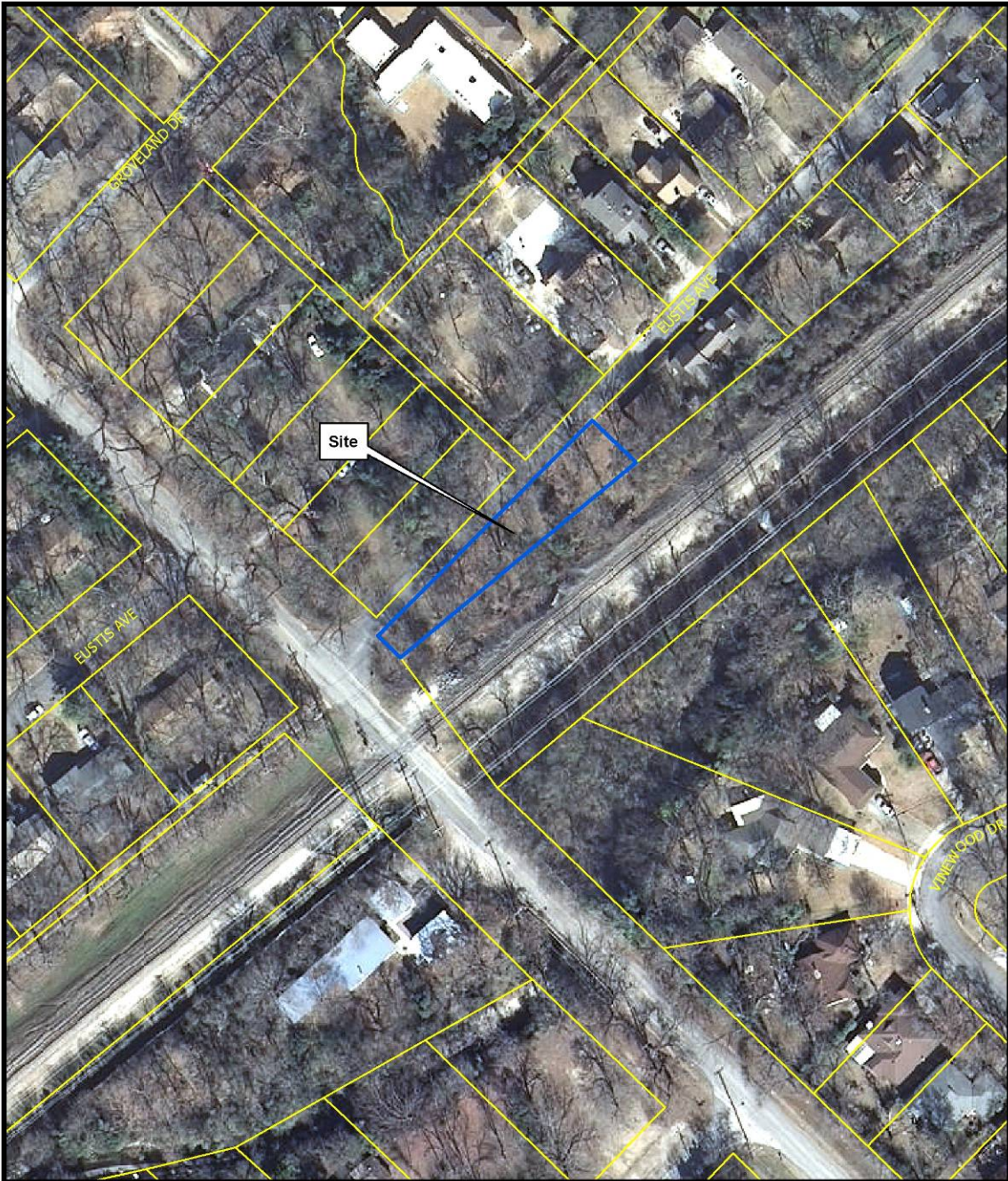
1:1,200

# ZONING MAP

Case no: BDA123-041

Date: 5/1/2013





1:1,200

# AERIAL MAP

Case no: BDA123-041

Date: 5/1/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-041

Data Relative to Subject Property:

Date: 3-11-13

Location address: 8610 CUSTIS AVE Zoning District: R-7.5

Lot No.: 44A Block No.: A162/48 Acreage: .05 Census Tract: 81.00

Street Frontage (in Feet): 1) 50 2) 230' 3) 27' 4) 5) 50'

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): James L. Coon Brad Cleveland

Applicant: James L. Coon Telephone: 214-606-4822

Mailing Address: 12548 Renoir Lane Dallas, TX Zip Code: 75230

E-mail Address:

Represented by: Webb Engineering Telephone: same as above

Mailing Address: same as above Zip Code: 75230

E-mail Address:

Affirm that an appeal has been made for a Variance X, or Special Exception of 15' to the front yard setback from 25' to 10' therefore we are requesting a 15' variance consistent with the previously granted variance on lot 45.

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: Due to the narrow depth of the lot we request a variance of the 25' front yard setback to 10' ft lots on both sides of the subject lot already have 10' front yard setbacks.

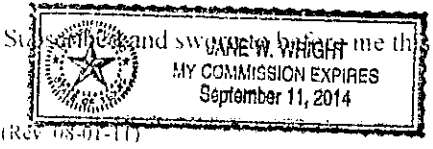
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared James L. Coon (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: James L. Coon (Affiant/Applicant's signature)

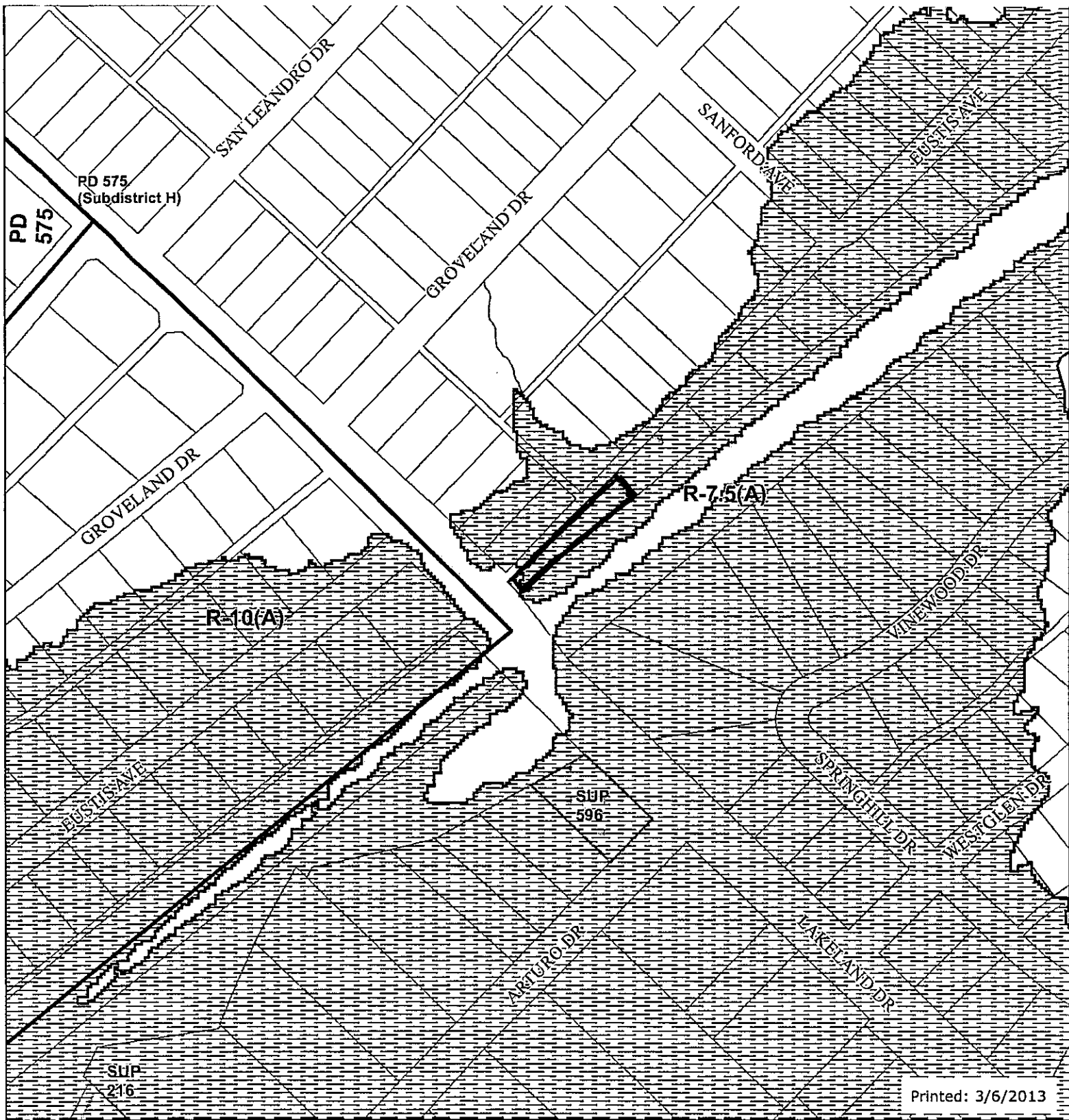


8th day of March 2013

Jane W. Wright Notary Public in and for Dallas County, Texas







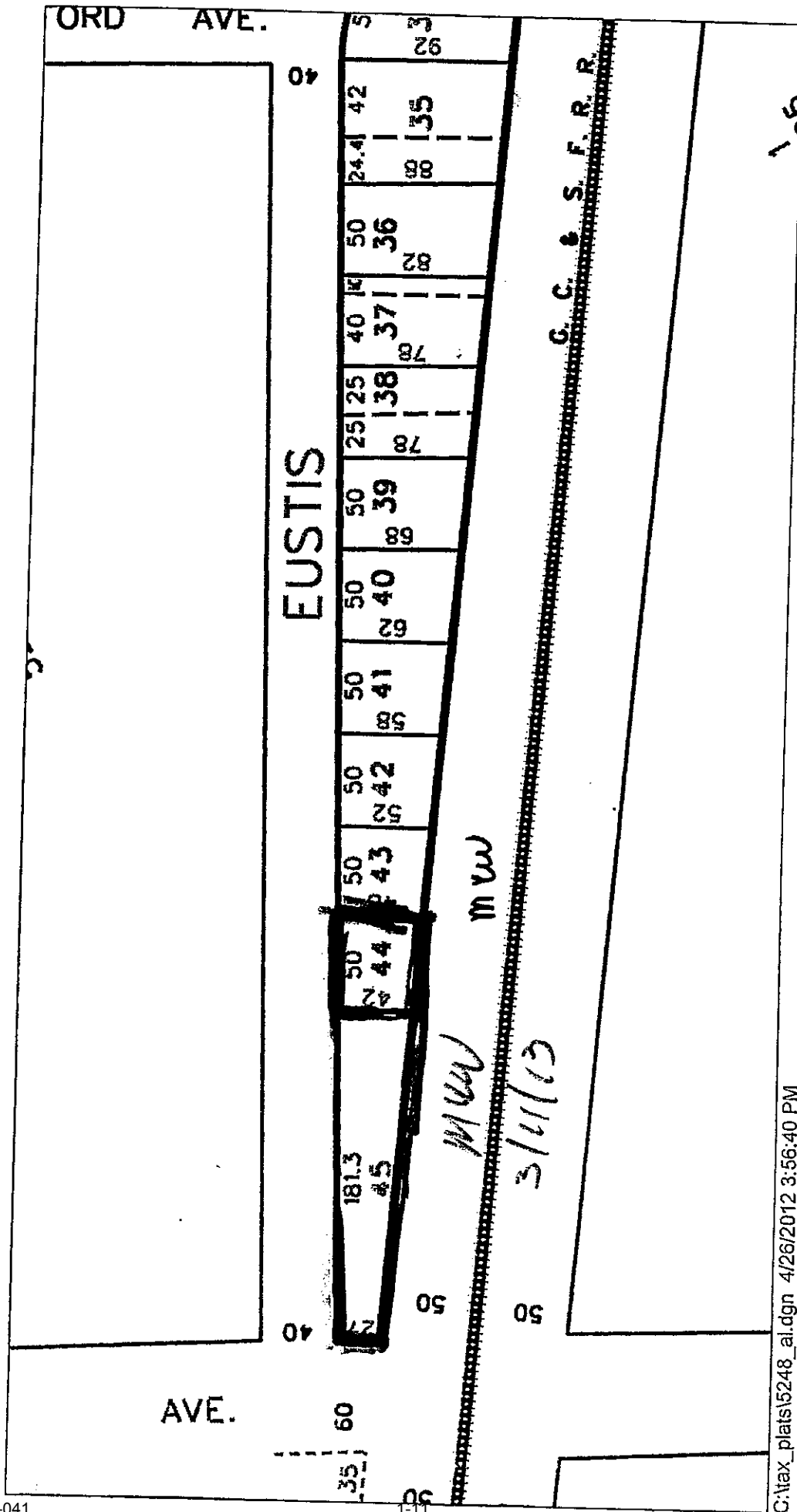
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**Legend**

- |                      |                                |                       |                    |
|----------------------|--------------------------------|-----------------------|--------------------|
| City Limits          | railroad                       | <b>Dry Overlay</b>    | CD Subdistricts    |
| School               | Certified Parcels              | D                     | PD Subdistricts    |
| <b>Floodplain</b>    | Base Zoning                    | D-1                   | PDS Subdistricts   |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts   |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay        |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts |                    |
| Parks                | BDA 123-041                    | Historic Overlay      |                    |
|                      | SUP                            |                       |                    |

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*3/11/13*

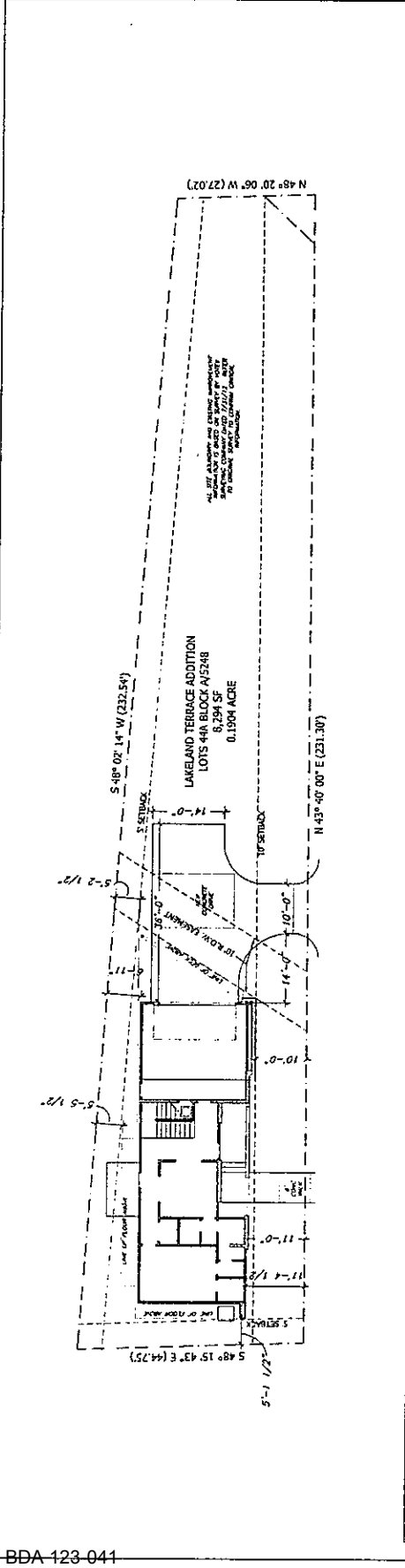






**EUSTIS AVENUE  
 NEW RESIDENCE**

DRAWING NAME: COVER SHEET AND SITE PLAN  
 SCALE: AS NOTED  
 DATE: 10-12-2012



**1 SYMBOL LEGEND**

	EXISTING WALL TO BE REMOVED
	EXISTING WALL TO REMAIN
	NEW WALL WITH SECONDARY FRAMING (PER SECTION FOR EXTERIOR WALL)
	NEW WALL WITH SECONDARY FRAMING (PER SECTION FOR INTERIOR WALL)
	MASONRY/CAST-IN-PLACE CONCRETE
	MASONRY/CAST-IN-PLACE CONCRETE (PER SECTION)
	ELEVATION TAG
	DETAIL TAG
	DIMENSION TO FACE OF MEMBER (FRAMED FACE LINE)
	DIMENSION TO CONCRETE
	EXTERIOR ELEVATION BEYOND LIMITS OF DRAWING

**2 COVER SHEET/SITE PLAN  
 FLOOR AND ROOF PLANS  
 EXTERIOR ELEVATIONS AND WALL SECTION  
 ELECTRICAL FIXTURE AND R.C.P.**

G1	COVER SHEET/SITE PLAN
A1	FLOOR AND ROOF PLANS
A2	EXTERIOR ELEVATIONS AND WALL SECTION
E1	ELECTRICAL FIXTURE AND R.C.P.

**3 STANDARD ABBREVIATIONS**

AC	ACRYLIC
AD	ADHESIVE
AG	AGGREGATE
AI	ALUMINUM
AK	ANKER
AL	ALUMINUM
AM	ALUMINUM
AN	ANODIZED ALUMINUM
AO	ALUMINUM OXIDE
AP	APPLY
AR	ARCHITECTURAL
AS	ASPHALT
AT	ASTM
AV	AIR VENT
AW	ALUMINUM WINDOW
AX	ALUMINUM EXTERIOR
AY	ALUMINUM YARD
AZ	ALUMINUM ZINC
BA	BALANCE
BB	BALANCE
BC	BALANCE
BD	BALANCE
BE	BALANCE
BF	BALANCE
BG	BALANCE
BH	BALANCE
BI	BALANCE
BJ	BALANCE
BK	BALANCE
BL	BALANCE
BM	BALANCE
BN	BALANCE
BO	BALANCE
BP	BALANCE
BQ	BALANCE
BR	BALANCE
BS	BALANCE
BT	BALANCE
BU	BALANCE
BV	BALANCE
BW	BALANCE
BX	BALANCE
BY	BALANCE
BZ	BALANCE
CA	CALIBRATED
CB	CALIBRATED
CC	CALIBRATED
CD	CALIBRATED
CE	CALIBRATED
CF	CALIBRATED
CG	CALIBRATED
CH	CALIBRATED
CI	CALIBRATED
CJ	CALIBRATED
CK	CALIBRATED
CL	CALIBRATED
CM	CALIBRATED
CN	CALIBRATED
CO	CALIBRATED
CP	CALIBRATED
CQ	CALIBRATED
CR	CALIBRATED
CS	CALIBRATED
CT	CALIBRATED
CU	CALIBRATED
CV	CALIBRATED
CW	CALIBRATED
CX	CALIBRATED
CY	CALIBRATED
CZ	CALIBRATED
DA	DAMP
DB	DAMP
DC	DAMP
DD	DAMP
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EZ	EARTH
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FQ	FLOOR
FR	FLOOR
FS	FLOOR
FT	FLOOR
FU	FLOOR
FV	FLOOR
FW	FLOOR
FX	FLOOR
FY	FLOOR
FZ	FLOOR
GA	GALVANNEAL
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IP	INSULATION
IQ	INSULATION
IR	INSULATION
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IU	INSULATION
IV	INSULATION
IW	INSULATION
IX	INSULATION
IY	INSULATION
IZ	INSULATION
JA	JACKET
JB	JACKET
JC	JACKET
JD	JACKET
JE	JACKET
JF	JACKET
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LH	LAMINATE
LI	LAMINATE
LJ	LAMINATE
LK	LAMINATE
LL	LAMINATE
LM	LAMINATE
LN	LAMINATE
LO	LAMINATE
LP	LAMINATE
LQ	LAMINATE
LR	LAMINATE
LS	LAMINATE
LT	LAMINATE
LU	LAMINATE
LV	LAMINATE
LW	LAMINATE
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LY	LAMINATE
LZ	LAMINATE
MA	MASONRY
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MT	MASONRY
MU	MASONRY
MV	MASONRY
MW	MASONRY
MX	MASONRY
MY	MASONRY
MZ	MASONRY
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NB	NOT A PART
NC	NOT A PART
ND	NOT A PART
NE	NOT A PART
NF	NOT A PART
NG	NOT A PART
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NR	NOT A PART
NS	NOT A PART
NT	NOT A PART
NU	NOT A PART
NV	NOT A PART
NW	NOT A PART
NX	NOT A PART
NY	NOT A PART
NZ	NOT A PART
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OB	OPEN AREA
OC	OPEN AREA
OD	OPEN AREA
OE	OPEN AREA
OF	OPEN AREA
OG	OPEN AREA
OH	OPEN AREA
OI	OPEN AREA
OJ	OPEN AREA
OK	OPEN AREA
OL	OPEN AREA
OM	OPEN AREA
ON	OPEN AREA
OO	OPEN AREA
OP	OPEN AREA
OQ	OPEN AREA
OR	OPEN AREA
OS	OPEN AREA
OT	OPEN AREA
OU	OPEN AREA
OV	OPEN AREA
OW	OPEN AREA
OX	OPEN AREA
OY	OPEN AREA
OZ	OPEN AREA
PA	PARTIAL
PB	PARTIAL
PC	PARTIAL
PD	PARTIAL
PE	PARTIAL
PF	PARTIAL
PG	PARTIAL
PH	PARTIAL
PI	PARTIAL
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PY	PARTIAL
PZ	PARTIAL
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QB	QUALITY
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QD	QUALITY
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TR	TANK
TS	TANK



**permadesign**  
1712 WOODLAND AVENUE  
DALLAS, TX 75215  
214 763 0318



DALLAS, TEXAS  
8610 EUSTIS AVENUE

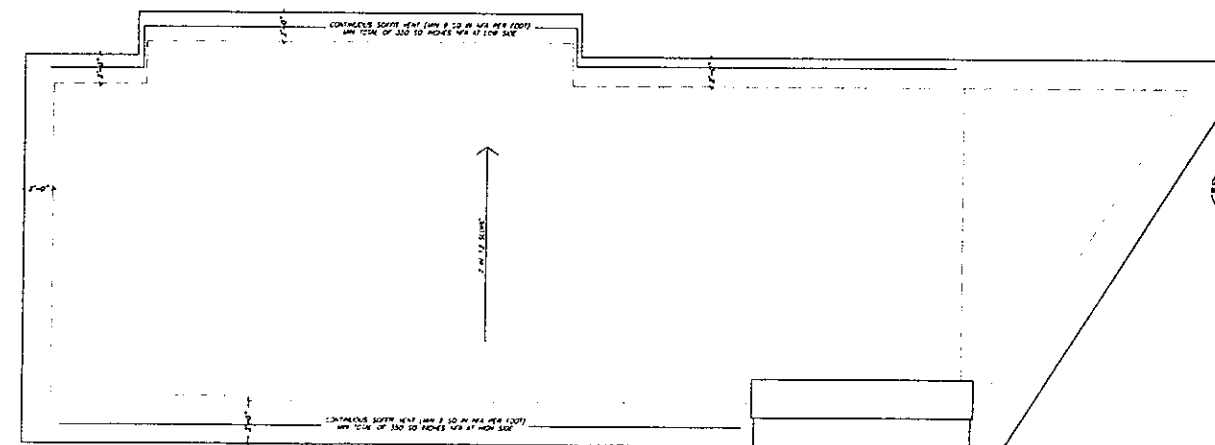
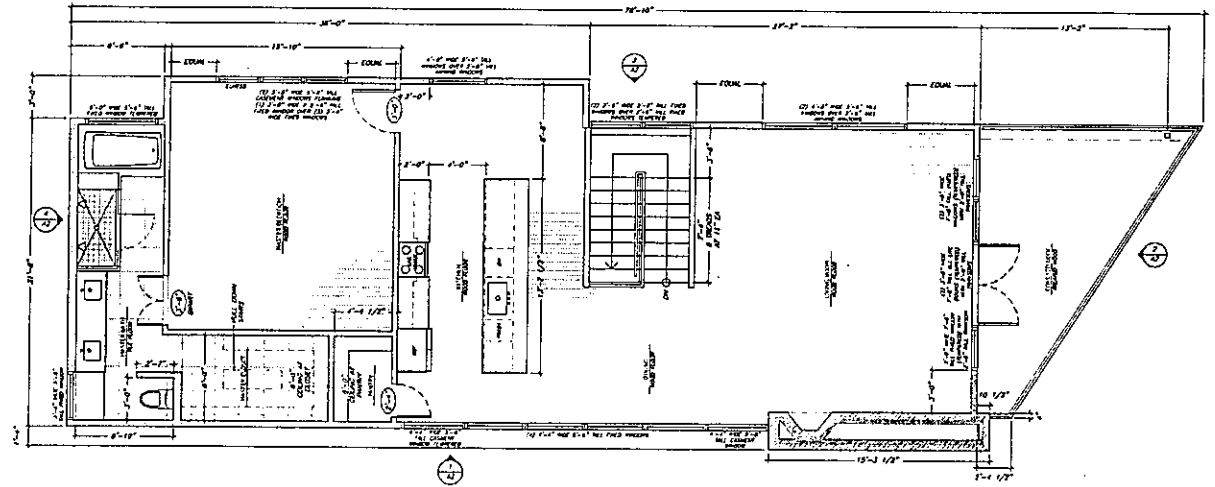
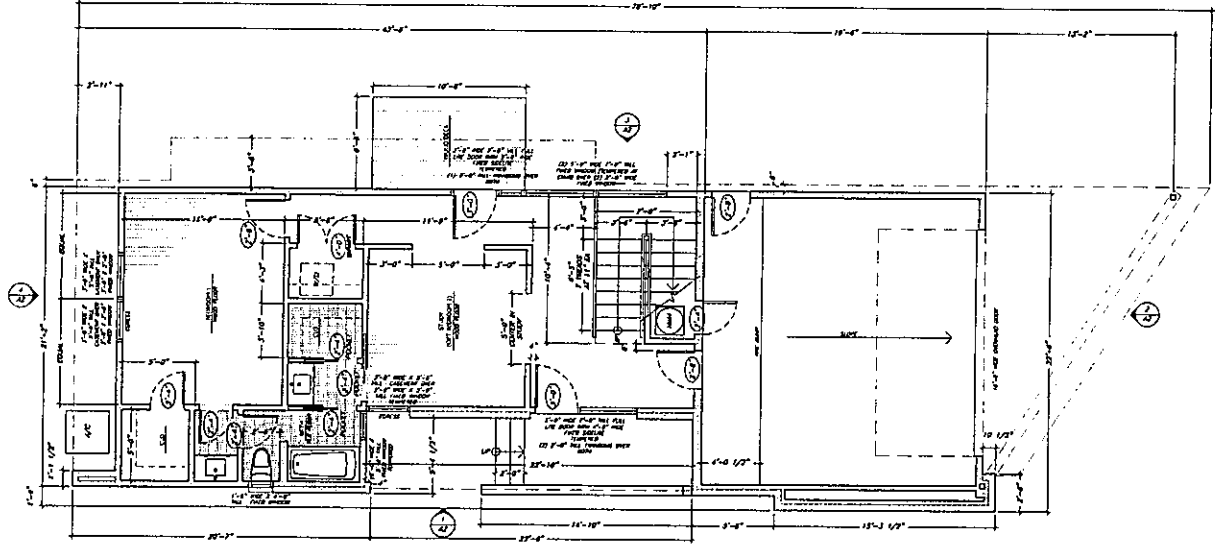
**EUSTIS AVENUE  
NEW RESIDENCE**

DRAWING NAME:  
FLOOR AND ROOF PLANS  
SCALE:  
AS NOTED  
DATE:  
10-10-2012



**ARCHITECTURAL GENERAL NOTES**

1. PLAN DIMENSIONS ARE TO THE FINISHED SURFACE OF THE WALL UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
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10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.





**par madesign**  
 1712 WOOD BRIDGE DRIVE  
 DALLAS, TX 75215  
 214.959.0318

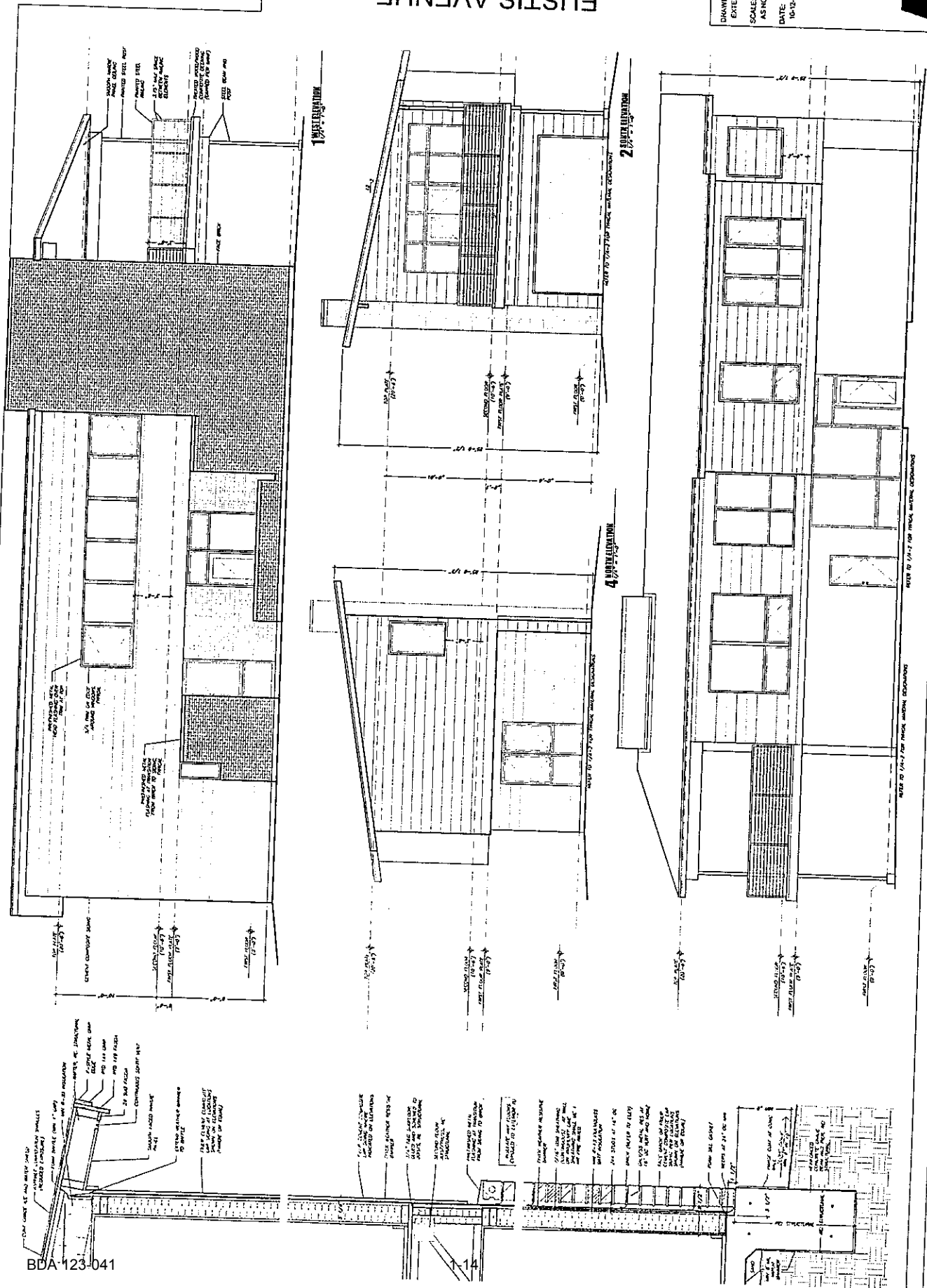


8610 EUSTIS AVENUE  
 DALLAS, TEXAS

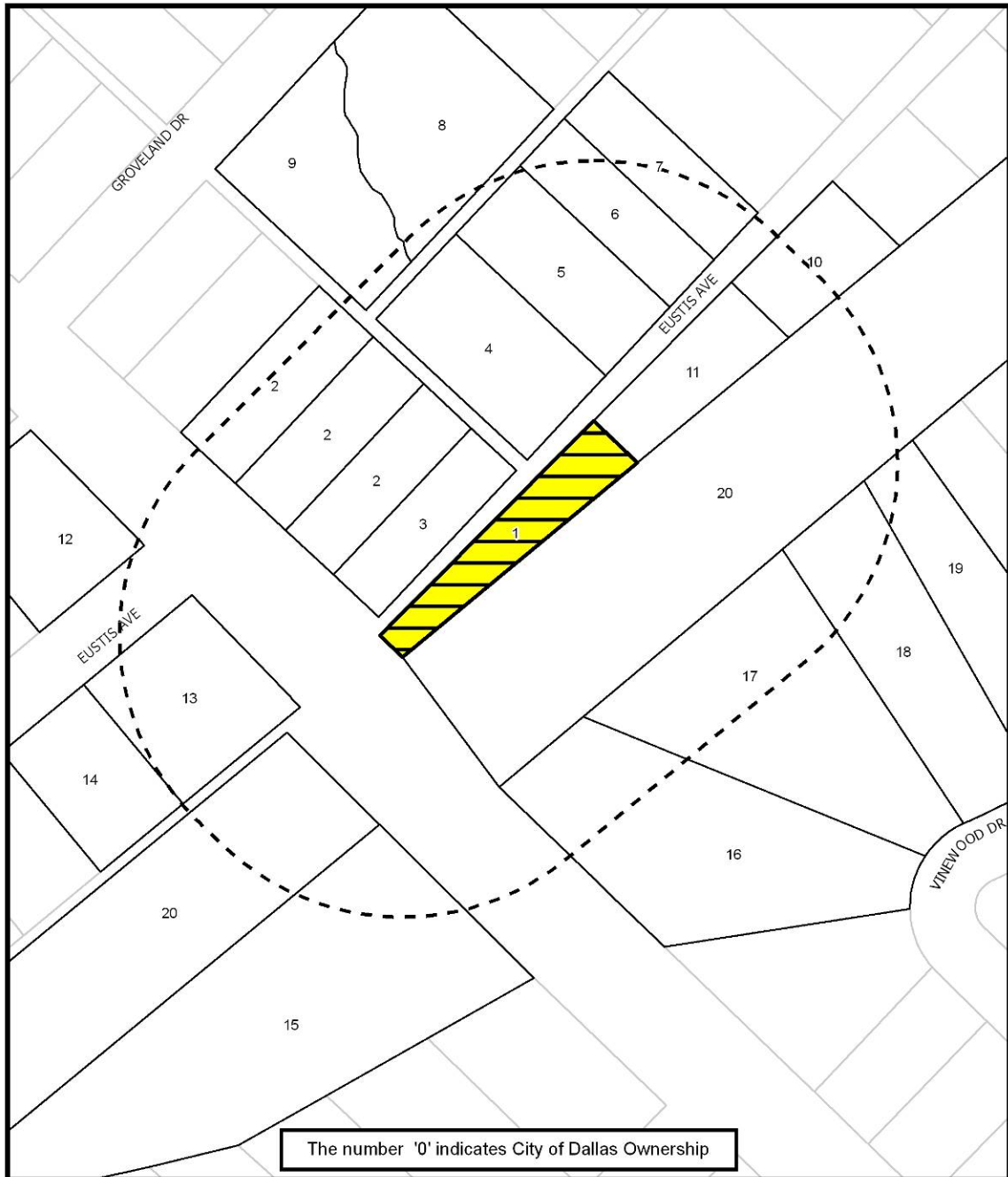
**EUSTIS AVENUE  
 NEW RESIDENCE**

DRAWING NAME:  
 EXTERIOR ELEVATIONS  
 SCALE:  
 AS NOTED  
 DATE:  
 10-12-2012

**A2**



BDA 123-041



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA123-041</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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>5/1/2013</b>

## *Notification List of Property Owners*

### *BDA123-041*

#### *20 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8610 EUSTIS AVE	LAMONT LEE S & VANCLEVE GRANT
2	2010 LAKELAND DR	KUMMER ELIZABETH A
3	2020 LAKELAND DR	CLEMONS DONALD H PMB 444
4	8615 EUSTIS AVE	NADY SCOTT X & RONICCA R
5	8623 EUSTIS AVE	NADY SCOTT X & RONNICA R
6	8627 EUSTIS AVE	CAMPBELL LARRY RUSSELL & AMI NICOLE
7	8631 EUSTIS AVE	NADY SCOTT & RONNICA
8	8626 GROVELAND DR	JANEWAY STEVEN & CLEA VERVEN
9	8618 GROVELAND DR	JACKSON MARY ANN
10	8636 EUSTIS AVE	BREDEN PHILLIP STANLEY
11	8626 EUSTIS AVE	PYATT RANDY C
12	8571 EUSTIS AVE	MCGILVRAY PAIGE
13	8574 EUSTIS AVE	KARL ANN C
14	8566 EUSTIS AVE	LOWERS PAUL J & ALEXANDRA W
15	2100 LAKELAND DR	HOKE BOBBY R & KAILA
16	8607 VINEWOOD DR	INGRAHAM MARK R & JENNIFER KLEIN
17	8611 VINEWOOD DR	DELONG RICHARD & AMANDA
18	8615 VINEWOOD DR	ZABLOSKY MARY HELEN HALL & DON ZABLOSKY
19	8621 VINEWOOD DR	LAPRADE JOHN TIMOTHY
20	99999 NO NAME ST	KANSAS CITY SOUTHERN RR



**FILE NUMBER:** BDA 123-044

**BUILDING OFFICIAL'S REPORT:** Application of Julianne McGee of Pink Consulting for a variance to the front yard setback regulations at 3802 Gaston Avenue. This property is more fully described as Lot 1A, Block A/0777 and is zoned PD-298 (Subarea 12), which requires a maximum front yard setback of 15 feet. The applicant proposes to construct and maintain a structure and provide a 78 foot front yard setback, which will require a variance to the maximum front yard setback regulations of 63 feet.

**LOCATION:** 3802 Gaston Avenue

**APPLICANT:** Julianne McGee of Pink Consulting

**REQUEST:**

A variance to the front yard setback regulations of 63' is made in conjunction with constructing and maintaining an addition to an existing "restaurant with drive-in or drive-through service" use (McDonald's) which is proposed to be located outside or beyond the maximum 15' front yard setback along Washington Avenue.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- In 1994, the Board of Adjustment found hardship on this subject site and granted a variance to the maximum front yard setback regulations of 71.6 feet to construct and maintain the existing “restaurant with drive-in or drive-through service” use (McDonald’s) on the property. The front yard variance granted on this site allowed the construction and maintenance of what is now the existing restaurant on this site 86.6 feet from the Washington Avenue front property line. The current request is merely to expand/add to the existing restaurant, which in this case, according to the applicant, would make the structure with its proposed addition 8’ 6” closer to Washington Avenue than what was granted with the previous request for a variance to the front yard setback regulations of 71.6’.
- Denial of this variance would allow the retention of the existing structure in its current location (given the variance granted on this site in 1994) 8’ 6” less compliant with the required 15’ maximum front yard setback than if the current variance request were granted.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD No. 298 (Planned Development)
- North: PD No. 298 (Planned Development)
- South: PD No. 298 (Planned Development)
- East: PD No. 298 (Planned Development)
- West: PD No. 298 (Planned Development)

**Land Use:**

The subject site is developed with a “restaurant with drive-in or drive-through service” use (McDonald’s). The areas to the north, east, south, and west are developed with a mix of uses including primarily office and retail uses.

**Zoning/BDA History:**

1. BDA 090-004, Property at 3802 Gaston Avenue (the subject site)

On December 14, 2009, the Board of Adjustment Panel C granted a request for a special exception to the off-street parking regulations of 8 parking spaces (or a 23 percent reduction of the required off-street parking), imposing the following condition: special exception shall automatically and immediately terminate if and when the restaurant with drive-through service use on the site is changed or discontinued. The case report stated that the request was made in conjunction adding and maintaining

an approximately 580 square foot addition to an existing approximately 2,900 square foot “restaurant with drive-in or drive-through service” use (McDonald’s) on the subject site. The applicant proposed to provide 27 of the required 35 off-street parking spaces in conjunction with converting the existing outdoor patio dining area to indoor restaurant dining space.

2. BDA 94-032, Property at 3802 Gaston Avenue (the subject site)

On March 8, 1994, the Board of Adjustment granted a request for a variance to the front yard setback of 71.6 feet, a request for a special exception to the off-street parking regulations of 6 spaces, and a request for a special exception to the landscape regulations. The case report stated that the requests were made in conjunction with the construction of a 2,900 square foot restaurant (McDonald’s) on a site that (at the time) was vacant- a structure that would be 86.6 feet from the Washington Avenue front property line (Note that the minutes show that the board imposed no conditions to these requests).

**Timeline:**

- March 4, 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.
- April 16, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- April 16, 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 May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th 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.

May 1 & 2, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

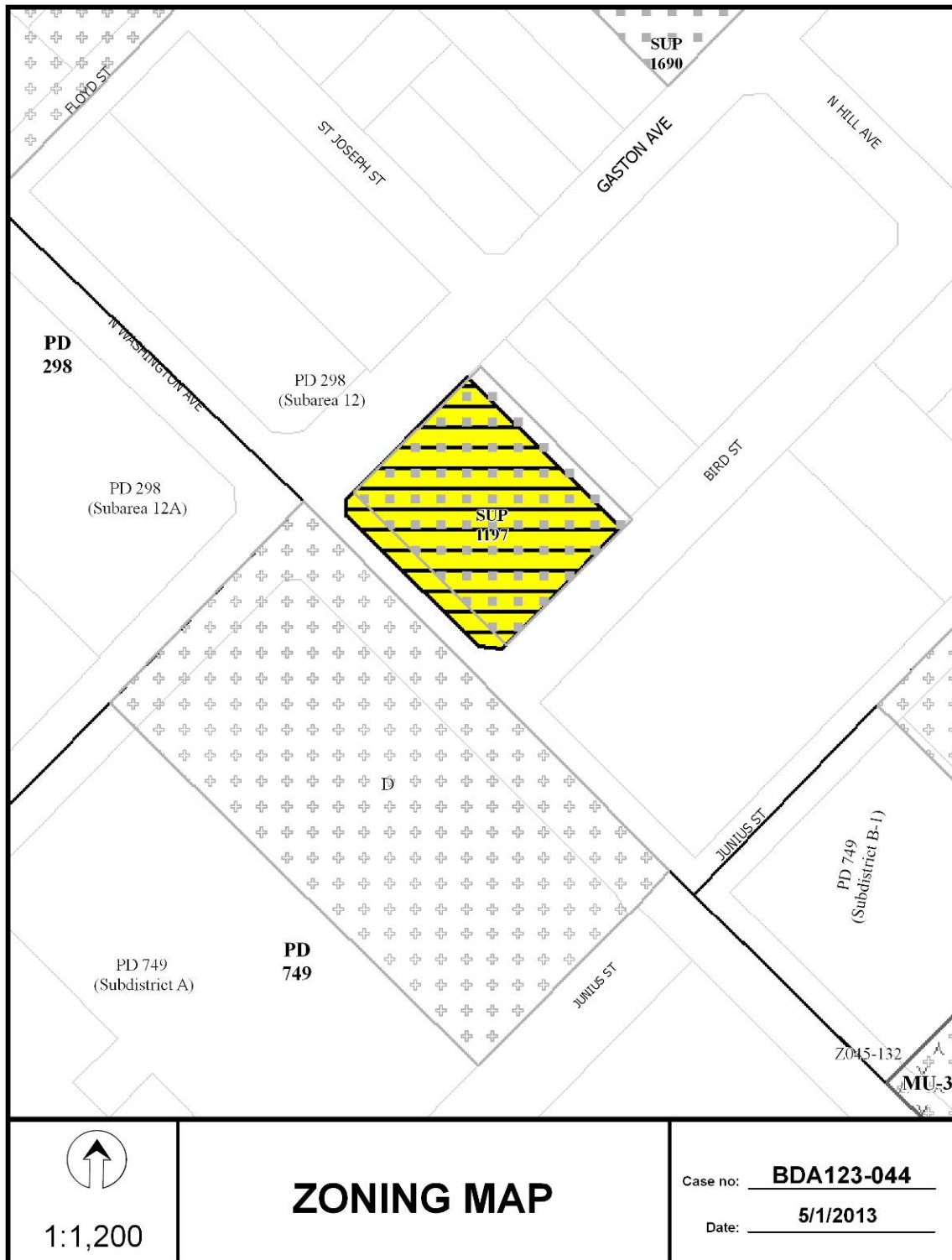
May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

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

- This request focuses on constructing and maintaining an approximately 800 square foot addition to an existing approximately 2,900 square foot restaurant with drive-in structure/use, part of which would be located outside or beyond the maximum 15' front yard setback along Washington Avenue.
- The front yard setback within the Bryan Area SPD is no less than a five-foot front yard setback in all subareas; and no more than a 15-foot front yard setback in Subareas 1, 3, 4, 5, 8, 10, 10A, 12, and 13 in front yards fronting on Pedestrian Linkage Streets. (The site is located in Subarea 12 and fronts Washington Street which is a Pedestrian Linkage Street).
- A scaled site plan has been submitted indicating that part of the addition to the existing structure is to be located as far away from the Washington Avenue front property line as 78' outside or 63' beyond the *maximum* 15' front yard setback.
- According to DCAD records, the "improvements" at 3802 Gaston Avenue is a fast food restaurant built in 1994 with 2,922 square feet.
- The applicant has stated that the proposed addition would be 8' 6" closer to Washington Avenue than the previous request for a variance to the front yard setback regulations of 71.6' granted on this site granted by the Board of Adjustment in 1994: BDA 94-032.
- The subject site is flat, rectangular in shape, and according to the application, is 0.76 acres (or approximately 33,000 square feet) in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the Washington Avenue front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 298 zoning classification.
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 298 zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure located outside the maximum front yard setback along Washington Avenue would be limited to what is shown on this document– which in this case is a structure to be located 78’ from the Washington Avenue front property line (or 63’ outside or beyond the 15’ maximum front yard setback).

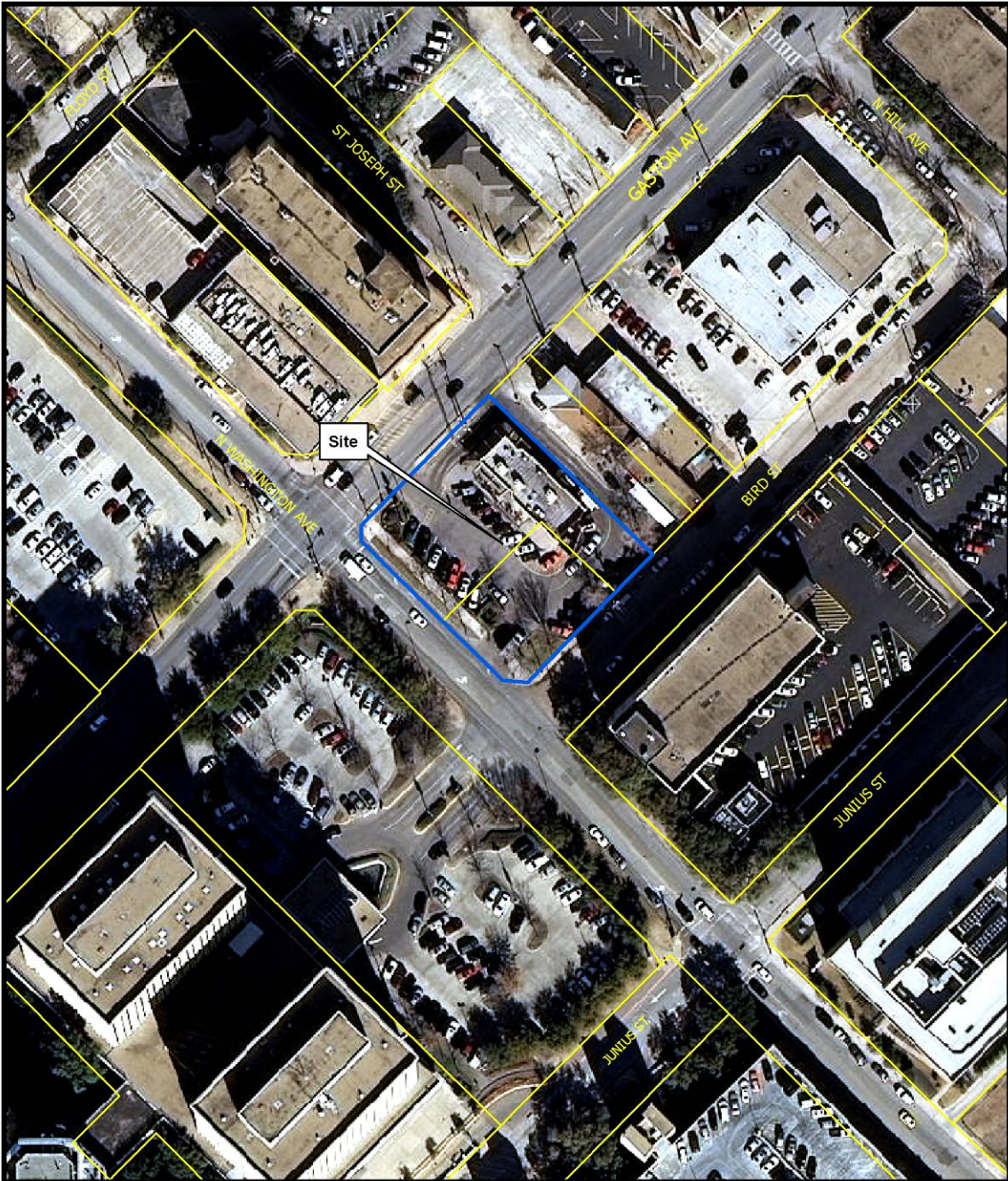


1:1,200

# ZONING MAP

Case no: **BDA123-044**  
 Date: **5/1/2013**





1:1,200

# AERIAL MAP

Case no: BDA123-044

Date: 5/1/2013

BDA123-044  
Attach A  
PS1

# **PINK** Consulting LP.

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5729 Ammons Street • Haltom City TX 76117

Dallas City Hall  
1500 Marilla  
Dallas, TX

Re: BDA123-044 / 3802 Gaston Ave

My request is for a 63' variance to the front yard along the west portion of the property along Washington Ave. where a maximum 15' setback is required.

This property is situated such that three front yards are present. Our building fronts to the north along Gaston Ave. Bird St. to the south and southwest serves as another front yard to the rear. PD298 has established Washington Ave. as pedestrian linkage street and another front yard at this location. It is at this location we are seeking relief from the board.

We are also under review with the planning department to amend the current SUP 1297. This is required due to the proposed site improvements.

Our building is currently located 86' from the property line along Washington Ave. A variance was granted in 1994 allowing for a maximum setback of 71'. We are proposing a small building expansion to the dining area. This expansion will widen the buildings footprint while bringing the building 8'. 6" closer to Washington Ave. and compliance with the intent of the ordinance however, a variance for 63' is still being requested.

Due to the location of the front yards, this lot cannot be developed in keeping with the maximum setbacks as required by ordinance. In order to comply with the maximum setbacks, the building would have to stretch beyond a size that would allow this building to function as it is intended.

I have been in touch with the Bryan Neighborhood Association. I'm thankful to say that we were able to gather their support in writing



**NOTES:**

- 1.) Permit applications for an interior remodel, building expansion and installation of additional drive thru lane have been made. We are also purchasing the adjacent lot 2, NE at Gaston Ave. The purchase of this lot is to accommodate the drive thru expansion and to ensure compliance with the required parking and adequate maneuverability and traffic flow.
- 2.) Compliance with the setback would require a building much too large to function as it's intended as well we would loose significant parking and therefore no longer comply with the parking requirements.
- 3.) CO 9404291031 Approved the building location and setback at 71'  
Master Permit 9404291030 / 1994

Thank you,

Julianne McGee  
**PINK**Consultants  
(682) 429-6254  
Juliannetx@gmail.com





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-044

Data Relative to Subject Property:

Date: 03-25-13

Location address: 3802 Gaston Ave.

Zoning District: PD298(suba 12)

Lot No.: 1A Block No.: A/0777 Acreage: 0.76 Census Tract: 22.00

Street Frontage (in Feet): 1) 145' 2) 175' 3) 145' 4) 5) 582'

To the Honorable Board of Adjustment :

Owner of Property/or Principal: McDonald's Real Estate Company

Applicant: Julianne McJue Telephone: (972) 267-1200

Mailing Address: 511 E John Carpenter Hwy #375 Zip Code: 75062

Represented by: Pink Consulting LP Telephone: (682) 419-6254

Mailing Address: 5729 Annons St., Theoton City Zip Code: 76117

Affirm that a request has been made for a Variance  or Special Exception  of 63' from the requirements for a maximum 15' front yard setback.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: Due to the 3 front yards at this location, the land can not be developed in keeping with the maximum 15' front yard setback as required by ordinance.

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

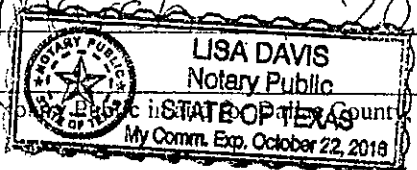
Respectfully submitted: Julianne McJue Applicant's name printed [Signature] Applicant's signature

Affidavit

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

[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me this 25 day of March 2013



(Rev. 08-20-09)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied \_\_\_\_\_

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that JULIANNE MCGEE

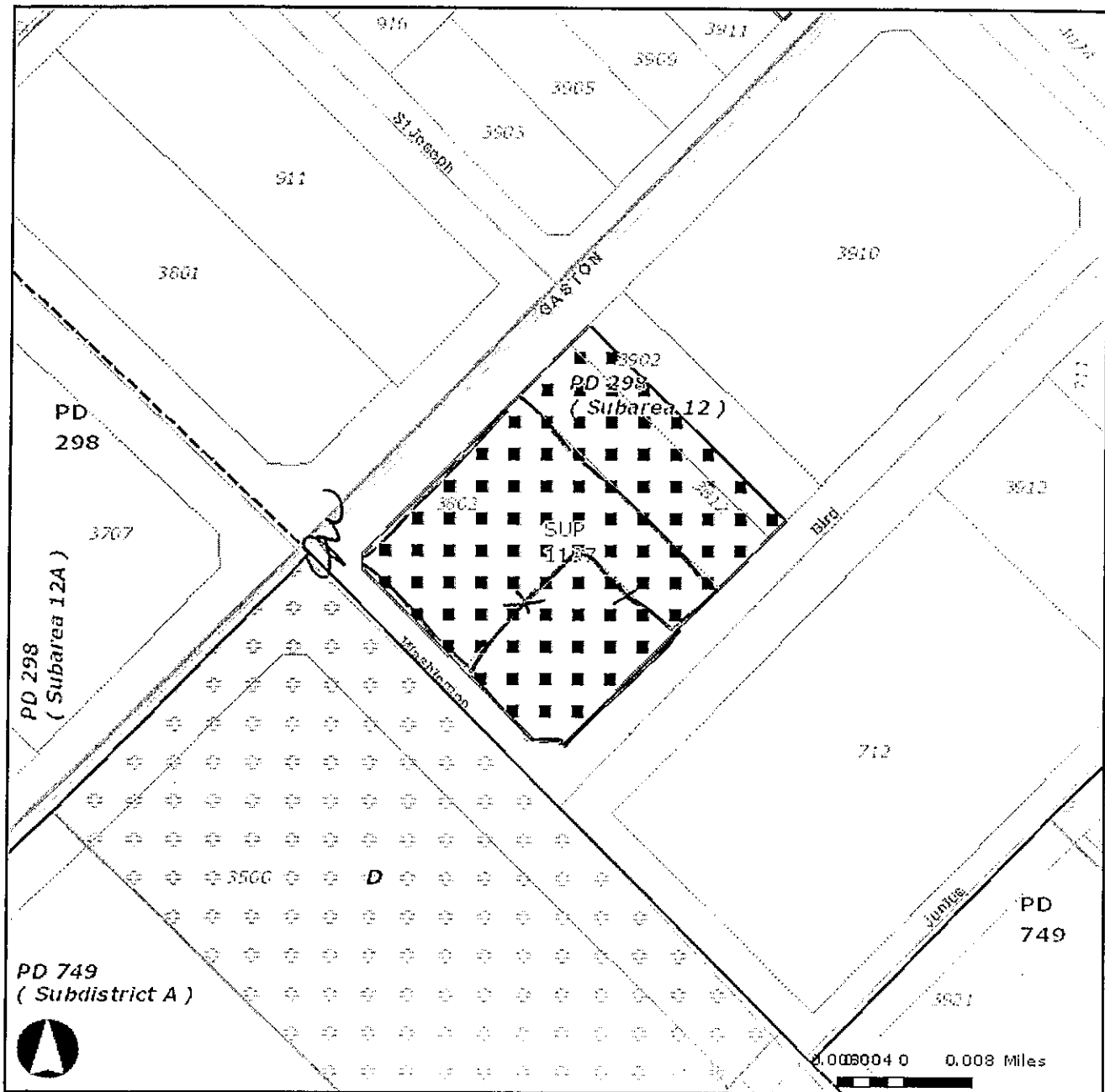
did submit a request for a variance to the front yard setback regulations  
at 3802 Gaston Avenue

BDA123-044. Application of Julianne McGee for a variance to the front yard setback regulations at 3802 Gaston Avenue. This property is more fully described as Lot 1A, Block A/777 and is zoned PD-298 (Subarea 12), which allows a maximum front yard setback of 15 feet. The applicant proposes to construct and maintain a nonresidential structure and provide a 78 foot front yard setback, which will require a 63 foot variance to the front yard setback regulation.

Sincerely,

  
Larry Holmes, Building Official

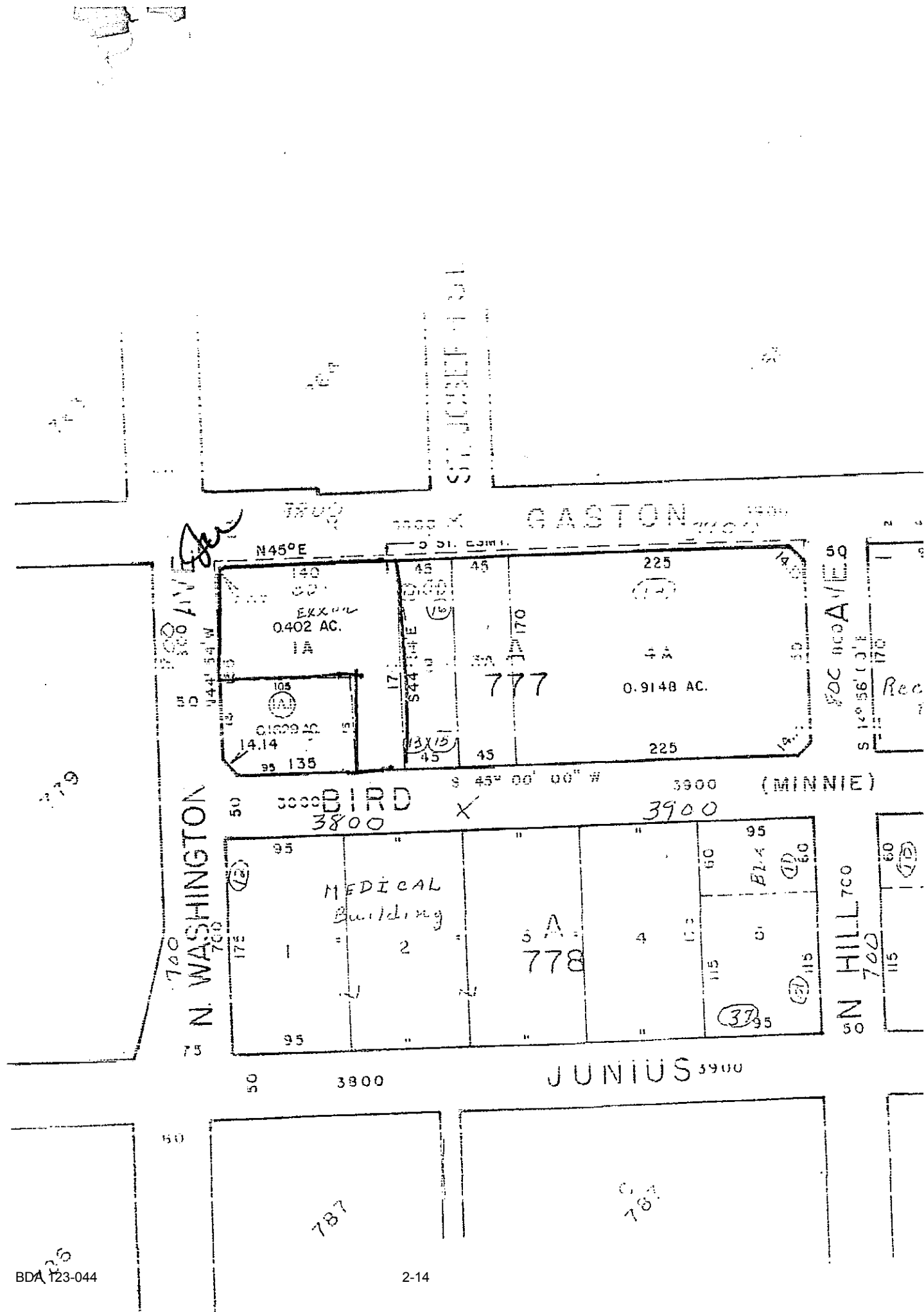
# City of Dallas Zoning




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

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

- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay





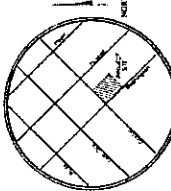
# McDONALD'S

3802 GASTON AVE  
DALLAS, TEXAS

C1.0

DEVELOPMENT PLAN

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VICINITY MAP  
NETS

**GENERAL NOTES**

1. This plan is a development plan for the site shown on the site plan. It is not a site plan.
2. The site plan is a site plan for the site shown on the site plan. It is not a development plan.
3. The site plan is a site plan for the site shown on the site plan. It is not a development plan.
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19. The site plan is a site plan for the site shown on the site plan. It is not a development plan.
20. The site plan is a site plan for the site shown on the site plan. It is not a development plan.

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**OWNER INFORMATION**

McDONALD'S USA, LLC  
1111 CAMP STREET, SUITE 1000  
HOUSTON, TEXAS 77002  
CONTACT: 281.281.2811

**SEE ME FOR MAIN SIGN**

THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND TxDOT PRIOR TO THE START OF CONSTRUCTION.

**CONSTRUCTION SCHEDULE**

NO.	DESCRIPTION	START DATE	END DATE
1	MOBILIZATION	01/15/2018	01/15/2018
2	FOUNDATION	01/15/2018	01/15/2018
3	FRAMEWORK	01/15/2018	01/15/2018
4	MECHANICAL/ELECTRICAL/PLUMBING	01/15/2018	01/15/2018
5	INTERIOR FINISHES	01/15/2018	01/15/2018
6	EXTERIOR FINISHES	01/15/2018	01/15/2018
7	LANDSCAPE	01/15/2018	01/15/2018
8	FINAL INSPECTION	01/15/2018	01/15/2018
9	COMPLETION	01/15/2018	01/15/2018

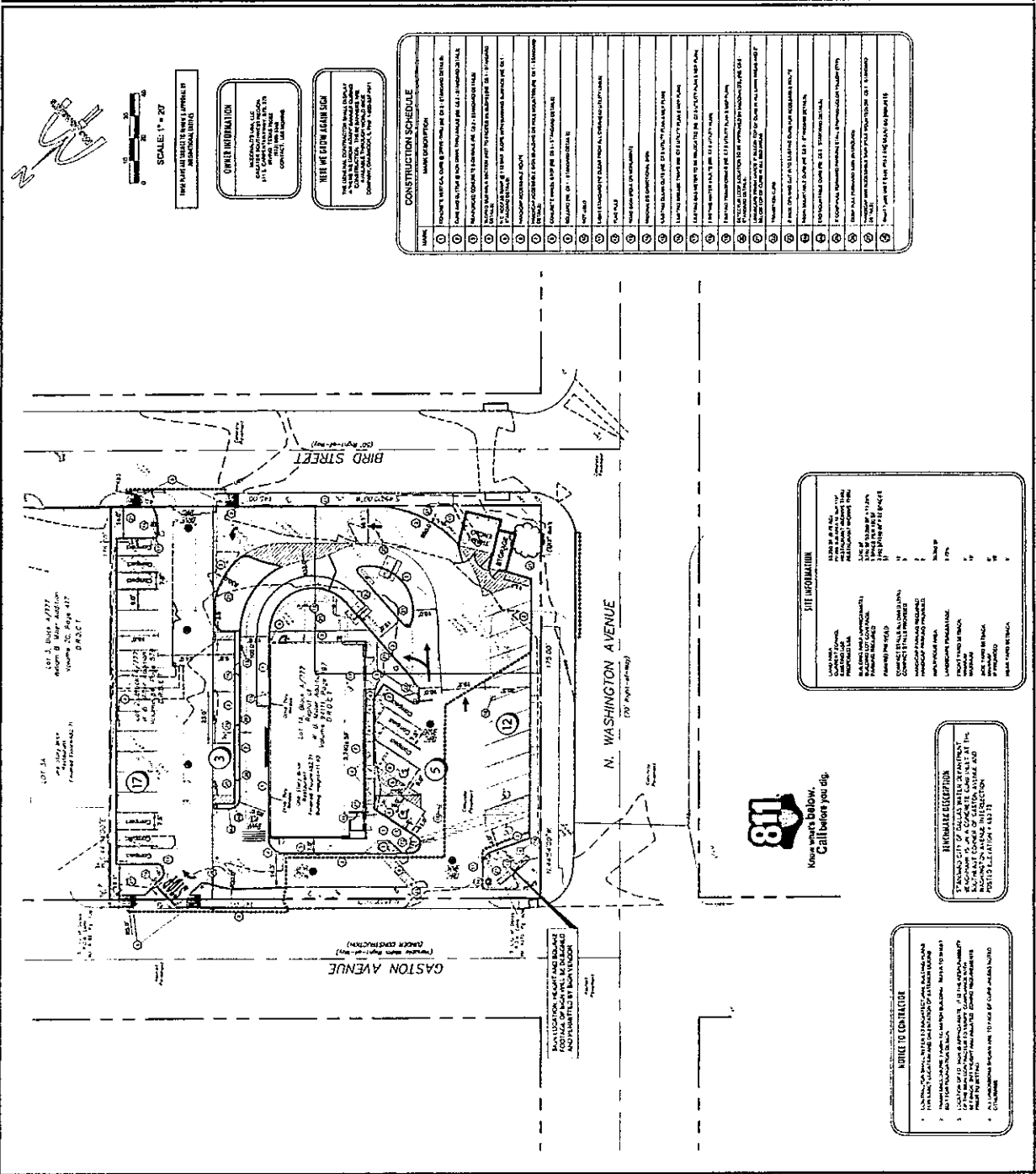
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**PERMITS**

1. CITY OF DALLAS DEVELOPMENT PERMIT  
2. CITY OF DALLAS SIGNAGE PERMIT  
3. TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) PERMIT  
4. TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) SIGNAGE PERMIT

**PLANNING INFORMATION**

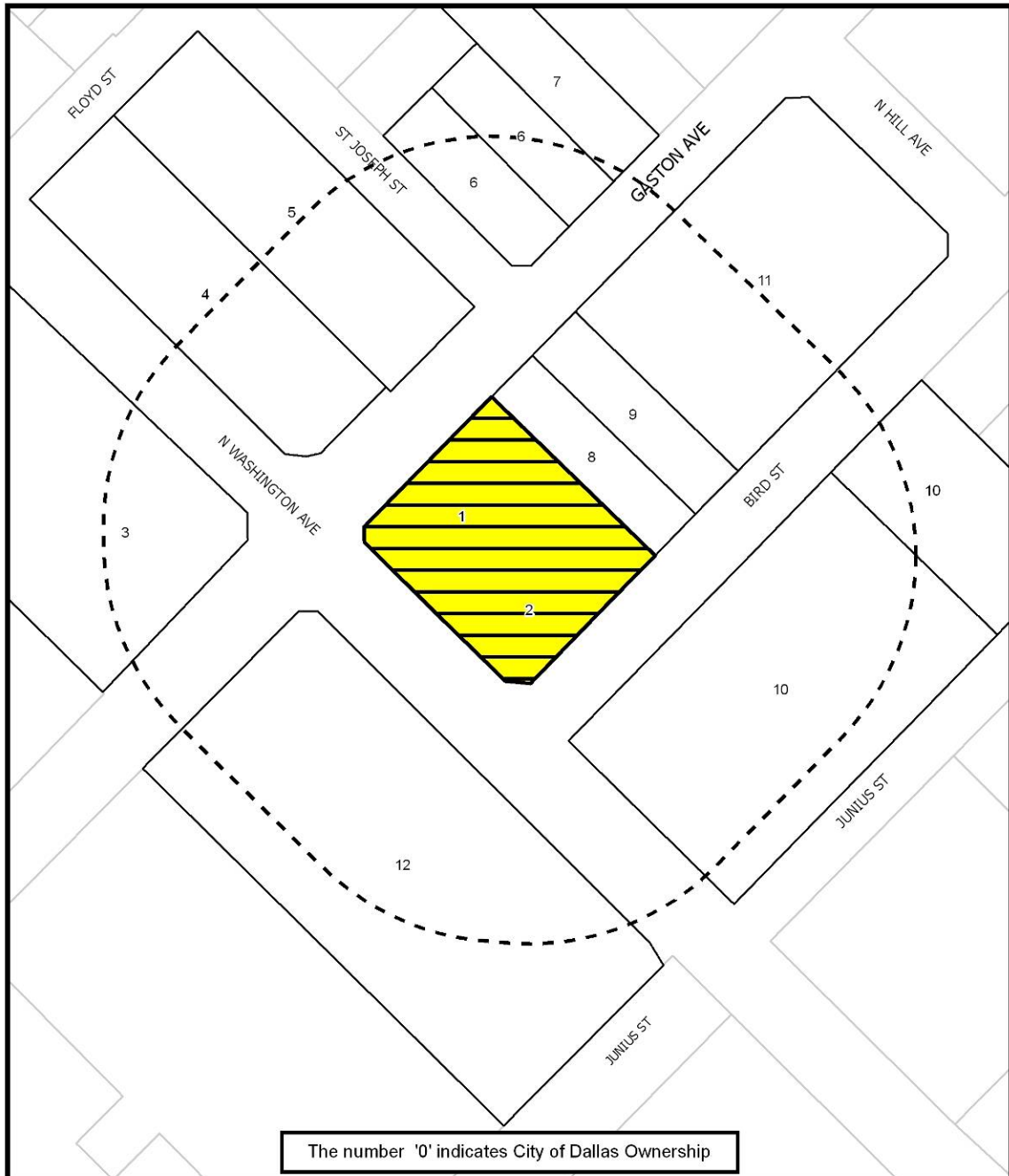
1. THE SITE IS ZONED COMMERCIAL CENTER (CC-1).  
2. THE SITE IS LOCATED IN THE CITY OF DALLAS.  
3. THE SITE IS LOCATED IN THE COUNTY OF DALLAS, TEXAS.  
4. THE SITE IS LOCATED IN THE STATE OF TEXAS.  
5. THE SITE IS LOCATED IN THE UNITED STATES OF AMERICA.











 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA123-044</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;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>5/1/2013</b>	

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

***BDA123-044***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3802 GASTON AVE	MCDONALD CORPORATION SUITE 640 LB 17
2	3801 BIRD ST	MCDONALDS CORPORATION % KAREN INDUSTRIES
3	3707 GASTON AVE	BAYLOR HEALTH CARE SYSTEM
4	3801 GASTON AVE	MONDRIAN MEDICAL LP SUITE 218
5	911 ST JOSEPH ST	DICKINSON PLACE CHARITABLE CORPORATION
6	3905 GASTON AVE	MCMAHAN CURTIS PALMER & CHARLOTTE K
7	3909 GASTON AVE	MCMAHAN CURTIS P & CHARLOTTE K
8	3812 GASTON AVE	DAULAT JANAK ET AL
9	3902 GASTON AVE	NEVIL HOLLY D JR & JANET D
10	712 WASHINGTON AVE	WASHINGTON TOWER JV % W ROBERT DYER JR
11	3910 GASTON AVE	GASTON BIOMEDICAL LP SUITE 218
12	3500 GASTON AVE	BAYLOR HEALTH CARE SYSTEM SUITE 2200

**FILE NUMBER:** BDA 123-047

**BUILDING OFFICIAL'S REPORT:** Application of Martin Belcher for a special exception to the off-street parking regulations at 10340 Denton Drive. This property is more fully described as an approximately 5.4 acre parcel in Block 5777 and is zoned IR, which requires that off-street parking be provided. The applicant proposes to construct and/or maintain a structure for industrial (inside) use and provide 143 of the required 210 parking spaces, which will require a special exception to the off-street parking regulations of 67 spaces.

**LOCATION:** 10340 Denton Drive

**APPLICANT:** Martin Belcher

**REQUEST:**

A special exception to the off-street parking regulations of 67 parking spaces (or a 32 percent reduction of the 210 off-street parking spaces that are required) is made in conjunction with constructing and maintaining awning structures and performing some interior improvements on a site developed with an approximately 126,000 square foot "industrial (inside)" use (Clark Dietrich Building Systems). The applicant proposes to provide 143 (or 68 percent) of the required 210 off-street parking spaces in conjunction with maintaining this use with this square footage on the property.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative

parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

### **STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 67 spaces shall automatically and immediately terminate if and when the "industrial (inside)" use is changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the “industrial (inside)” use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he has no objections to this request.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: IR (Industrial/research)  
North: IR (Industrial/research)  
South: IR (Industrial/research)  
East: IR (Industrial/research)  
West: IR (Industrial/research)

**Land Use:**

The subject site is currently developed with an industrial use (Clark Dietrich Building Systems). The areas to the north, east, south, and west are developed mostly as commercial and industrial 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:**

February 15, 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.

April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

April 16, 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 May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th 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.

May 3, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application, and the Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's Report on this application (see Attachment A).

May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

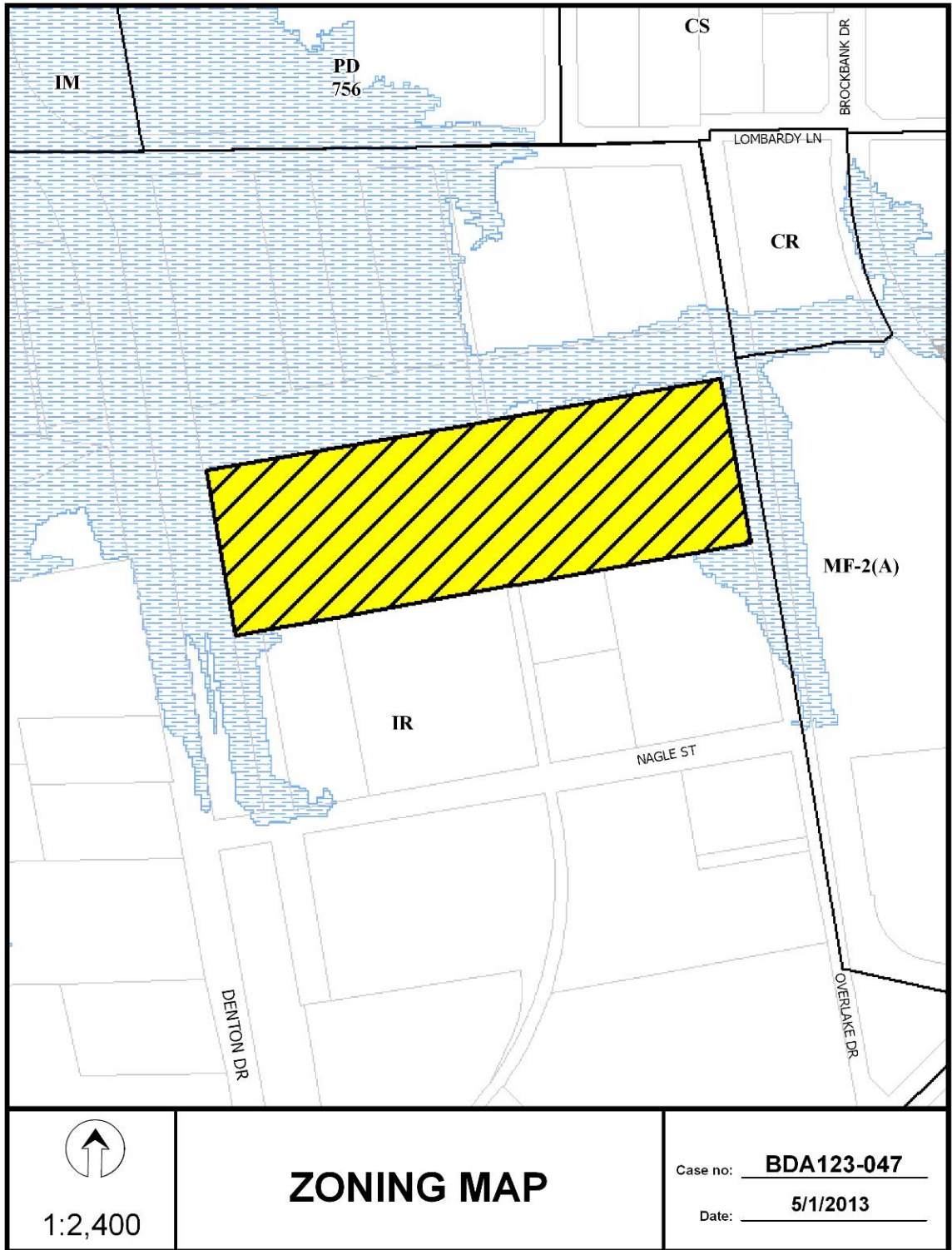
May 10, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

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

- This request focuses on (1) constructing and maintaining awning structures (approximately 3,200 square feet) and (2) performing some interior improvements on a site developed with an approximately 126,000 square foot "industrial (inside)" use (Clark Dietrich Building Systems) and providing 143 (or 69 percent) of the required 210 off-street parking spaces.
- The applicant has stated that this request is mainly prompted by performing some interior improvements on the site and addressing what has been discovered in conjunction with these improvements to be an "under-parked" site.
- The Dallas Development Code requires the following off-street parking requirement:
  - Industrial (inside) use: 1 space per 600 square feet of floor area.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the industrial (inside) use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 67 spaces (or a 32 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 67 spaces shall automatically and immediately terminate if and when the industrial (inside) use is changed or discontinued, the applicant would be allowed

to modify/maintain the site with this specific use and provide only 143 of the 210 code required off-street parking spaces.





1:2,400

# ZONING MAP

Case no: BDA123-047

Date: 5/1/2013





1:2,400

# AERIAL MAP

Case no: BDA123-047

Date: 5/1/2013

5420 LBJ Freeway  
Suite 1100  
Dallas TX 75240  
USA

Tel 214.273.1500  
Fax 214.273.1505

BDA123-047  
Attach A  
Pg 1

**Gensler**

May 3, 2013

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

Re: Special Exception for Parking at 10340 Denton Drive

Mr. Long,

For your consideration we have amended our submission for Special exception to parking pursuant to our previous submission for the purposes of correcting our total parking counts.

The facility zoned as Inside Industrial is required to have 210 total parking spaces. We would like to reduce that count by 67 parking spaces to provide a total of 143 spaces overall. Please see our calculations below.

1. Parking Analysis:  
Zoning IR – Industrial Research  
Required Parking @ 1/600  
125,710 Square Feet at 1/600 = **210 Spaces**

Parking Provided:  
32 Regular (9x18)  
74 Regular (10x18)  
21 Compact (7.5x16)  
1 Accessible Van  
4 Accessible Regular  
Total: 143

2. Parking Variance  
22 Regular (9x18)  
43 Compact (7.5x16)  
1 Accessible Van  
1 Accessible Regular  
Total: 67

Sincerely,  
Gensler



Brion Sargent, AIA, LEED AP

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 Martin Belcher

did submit a request for a special exception to the parking regulations at 10340 Denton Drive

BDA123-047. Application of Martin Belcher for a special exception to the parking regulations at 10340 Denton Drive. This property is more fully described as an approximately 5.4 acre parcel in Block 5777 and is zoned IR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for industrial (inside) use and provide 143 of the required 210 parking spaces, which will require a 67 space special exception (31.9% reduction) to the parking regulation.

Sincerely,

Larry Holmes, Building Official

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-047

Data Relative to Subject Property:

Date: February 15, 2013

Location address: **10340 Denton Drive, Dallas, Texas 75220** Zoning District: **IR – Industrial Research**

Lot No.: \_\_\_\_\_ Block No.: **5777** Acreage: **Accumulated tracks of 5.46** Census Tract: 72.01

Street Frontage (in Feet): 1) **273.53 feet along Denton Drive** 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): **Liberty I & L, Inc.**

Applicant: **Marty Belcher** Telephone: **214-354-4812**

Mailing Address: **10340 Denton Drive, Dallas, Texas** Zip Code: **75220**

E-mail Address: marty.belcher@clarkdietrich.com

Represented by: Martin Belcher Telephone: 214/353/4812

Mailing Address: 10340 Denton Drive, Dallas, TX Zip Code: 75220

E-mail Address: marty.belcher@clarkdietrich.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, for **Off street Parking Requirements (Sec. 51A-4.301), specifically from the required 217 parking spaces for a reduction of 67 parking spaces, a 30% reduction,, leaving a total of 150 parking spaces on the site, Industrial (inside) use.**

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

**The Owner would like to bring site up to current code in preparation for some interior improvements.**

**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 **Martin Belcher**  
(Affiant/Applicant's name printed)

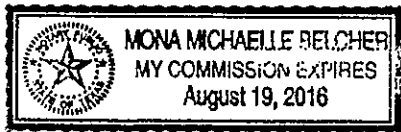
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Martin Belcher  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1 day of March, 2013

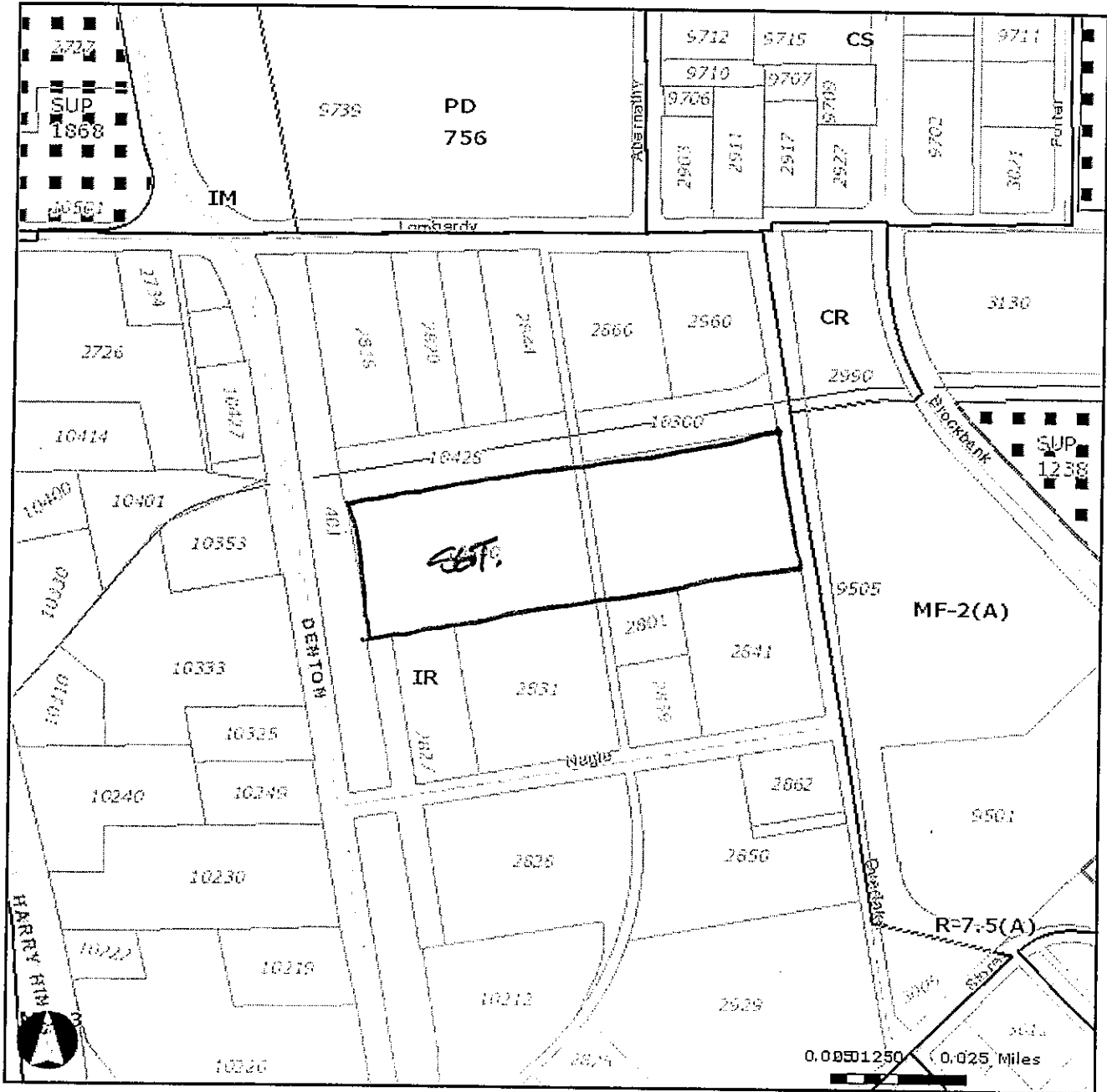
Mona Michaelle Belcher  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)





# City of Dallas Zoning



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

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

- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay



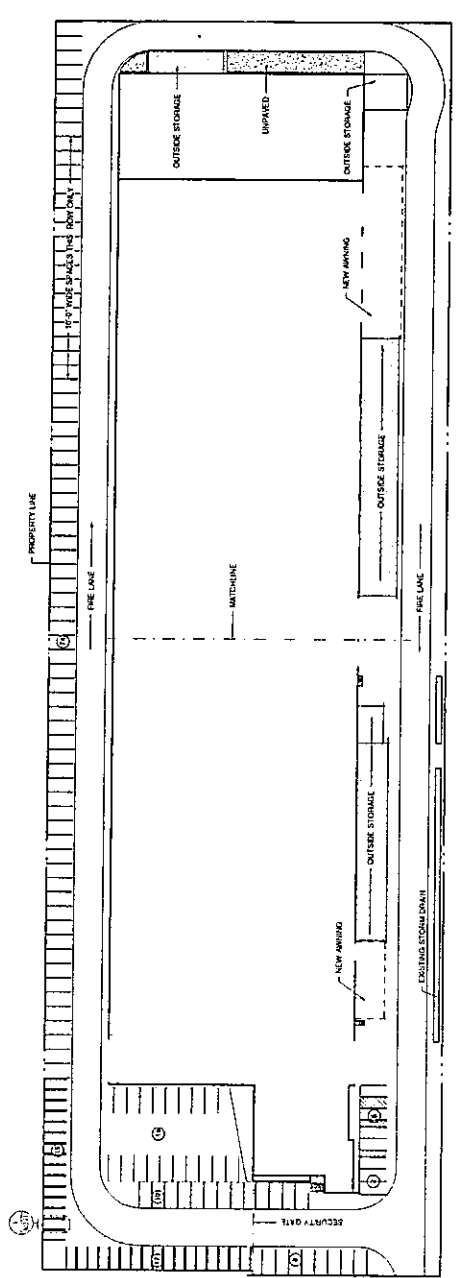


Issue No.	Issue Description
1	ISSUE NO. 1
2	ISSUE NO. 2

**PRELIMINARY**  
THE INFORMATION IS FOR PRELIMINARY USE ONLY. IT IS NOT TO BE USED FOR PERMITS OR CONSTRUCTION.  
DATE: 01/20/2010  
BY: [Signature]

Project Name: [Blank]  
Project Number: [Blank]  
Revision: [Blank]  
Scale: [Blank]

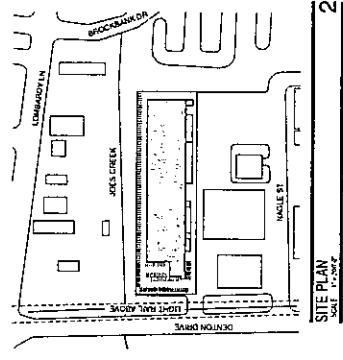
**A02.01**



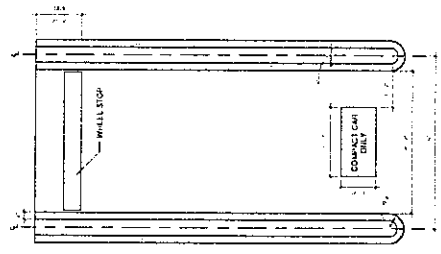
**LEVEL 01**  
SCALE: 1/8" = 1'-0"

<b>PARKING PROVIDED:</b>	<b>PARKING VARIANCE:</b>	<b>OUTSIDE STORAGE:</b>
39 REGULAR (9 X 18)	22 REGULAR (9 X 18)	9584 SF - EXISTING
74 REGULAR (10 X 18)	43 COMPACT (7.5 X 16)	4353 SF - NEW
32 COMPACT (7.5 X 16)	1 ACCESSIBLE VAN	
1 ACCESSIBLE VAN	1 ACCESSIBLE REGULAR	
4 ACCESSIBLE REGULAR		
<b>TOTAL: 217</b>	<b>TOTAL: 67</b>	<b>TOTAL: 13,937 SF</b>

**PARKING ANALYSIS:**  
ZONING IR - INDUSTRIAL RESEARCH  
REQUIRED PARKING @ 1/600  
125,710 SQUARE FEET @ 1/600 = 210 SPACES  
ZONING OUTSIDE STORAGE 11,898 SQUARE FEET  
REQUIRED PARKING @ 1/2000  
13,155 SQUARE FEET @ 1/2000 = 7 SPACES  
TOTAL PARKING REQUIRED = 217



**LEVEL 02**  
SCALE: 1/8" = 1'-0"



**COMPACT PARKING DETAIL**  
SCALE: 1/4" = 1'-0"

5420 LBJ Freeway  
Suite 1100  
Dallas TX 75240  
USA

Tel 214.273.1500  
Fax 214.273.1505



March 1, 2013

Mr. Marty Belcher  
ClarkDietrich Building Systems  
10340 Denton Drive  
Dallas, Texas 75220

**RE: ClarkDietrich - Parking Analysis**

In September of 1983, the building on this site was expanded by 12,500 square feet. At that time the site was laid out to include 137 parking spaces total; 17 spaces for an office area of 5,710 square feet; and 120 cars for 120,000 square feet of "plant" as it was called on the permit set. In 1994, some interior construction was performed on the building (no square footages changed) and the parking was rationalized in the same manner. The building Owner would like to perform some interior improvements. In the process of this analysis, we found that under current ordinances the site was under-parked by 80 parking spaces with a total for 217 parking spaces required now.

The Owner is using a portion of the site for outside storage and would like to bring the site up to current code in preparation for some interior improvements. The Owner would restripe the site as shown in the attached exhibit including handicapped accessible parking as required. The business located here has approximately 85 employees; about 12 of them park near the office portion. The remainder of employees park on an adjacent site that is leased by the Owner.

1. Parking Analysis:  
Zoning IR – Industrial Research  
Required Parking @ 1/600  
125,710 Square Feet at 1/600 = 210 Spaces  
  
Zoning Outside Storage 11, 898 Square Feet  
Required Parking @ 1/2000  
13,155 Square Feet @ 1/2000 = 7 Spaces  
Total Parking Required = 217  
  
Parking Provided:  
39 Regular (9x18)  
74 Regular (10x18)  
21 Compact (7.5x16)  
1 Accessible Van  
4 Accessible Regular  
Total: 150

Mr. Marty Belcher  
ClarkDietrich Building Systems  
Parking Analysis  
March 1, 2013  
Page 2 of 2

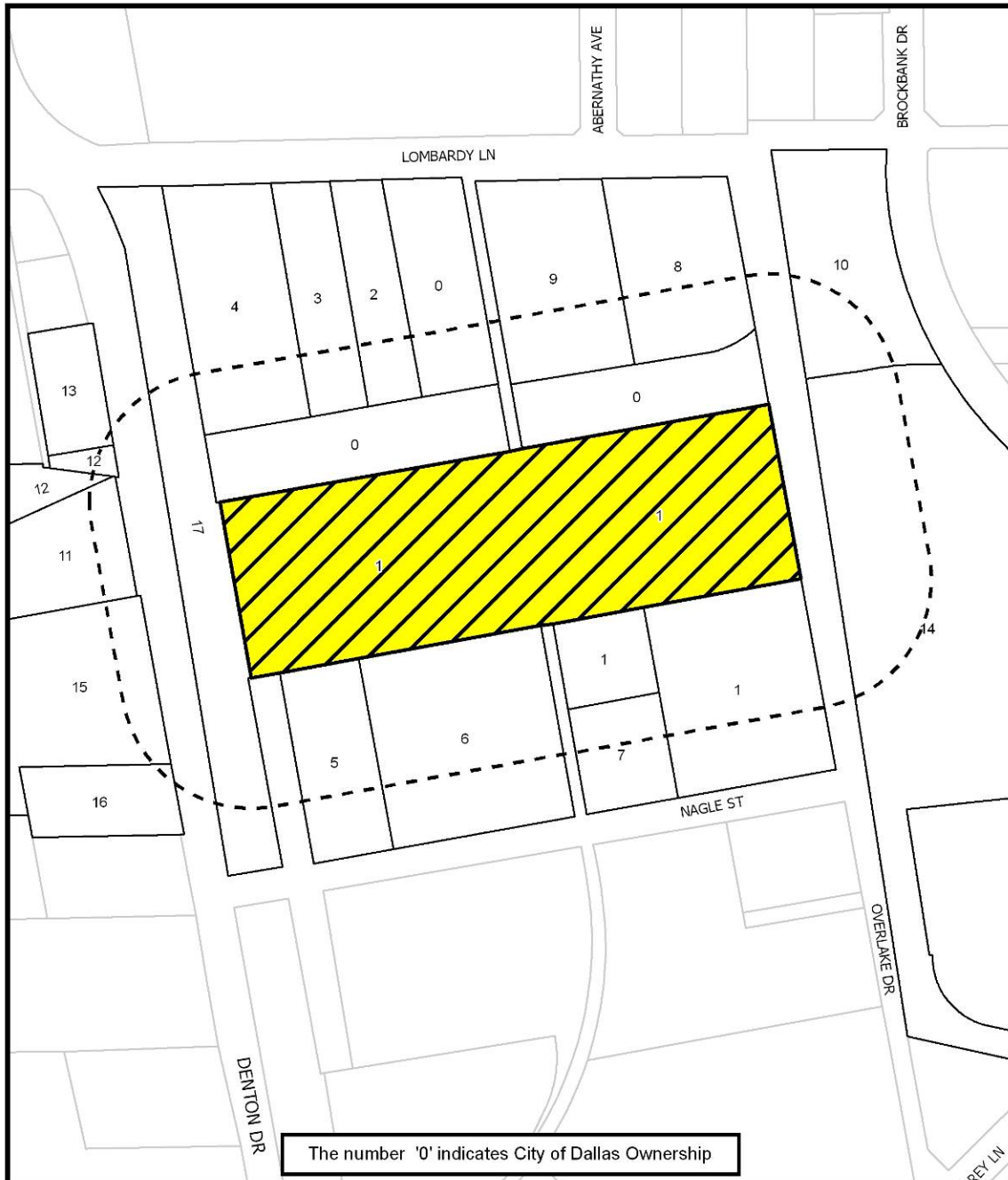
**Gensler**

- 2. Parking Variance
  - 22 Regular (9x18)
  - 43 Compact (7.5x16)
  - 1 Accessible Van
  - 1 Accessible Regular
  - Total: 67

Sincerely,

A handwritten signature in black ink, appearing to read "Brion Sargent". The signature is fluid and cursive, with the first name "Brion" and last name "Sargent" clearly distinguishable.

Brion Sargent, AIA, LEED AP  
Gensler



1:2,400

# NOTIFICATION

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

Case no: **BDA123-047**

Date: **5/1/2013**

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

***BDA123-047***

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

<i><b>Label #</b></i>	<i><b>Address</b></i>	<i><b>Owner</b></i>
1	10340 DENTON DR	LIBERTY I & L INC ET AL
2	2828 LOMBARDY LN	E & E INVESTMENT CO LTD
3	2820 LOMBARDY LN	MARTINEZ MANUEL
4	2818 LOMBARDY LN	2818 LOMBARDY LLC
5	2827 NAGLE ST	JUAREZ EDWARD JR & MARIA M
6	2831 NAGLE ST	GOLDSTEIN MARK & NAOMI SUITE 301
7	2839 NAGLE ST	REISER PROPERTIES INC
8	2960 LOMBARDY LN	SOUTHWESTERN BELL SBC COMM INC PPTY TAX
9	2860 LOMBARDY LN	GRAM P LTD
10	2990 LOMBARDY LN	TRUSTEES OF WANDA PARKS TESTAMENTARY TRU
11	10353 DENTON DR	JPW TRUST
12	10401 DENTON DR	LEVINE STEVE
13	10427 DENTON DR	JAVIER JOSE G & ZENAIDA Q ARRIAGA
14	9505 BROCKBANK DR	BLUE VALLEY APARTMENTS INC ATTN: CORPOR
15	10333 DENTON DR	HWL PROPERTIES STE 200
16	10325 DENTON DR	RALSTON DOUG
17	401 BUCKNER BLVD	DART

**FILE NUMBER:** BDA 123-048

**BUILDING OFFICIAL'S REPORT:** Application of Michael Gurley for a variance to the front yard setback regulations at 4040 Cochran Chapel Road. This property is more fully described as Lot 13, Block 5078, and is zoned R-1(A), which requires a front yard setback of 40 feet. The applicant proposes to construct and maintain a structure and provide a 25 foot front yard setback, which will require a variance to the front yard setback regulations of 15 feet.

**LOCATION:** 4040 Cochran Chapel Road

**APPLICANT:** Michael Gurley

**REQUEST:**

A variance to the front yard setback regulations of 15' is made in conjunction with replacing an existing one-story home with a two-story home in virtually the same location, part of which would be located in the 40' front yard setback.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted revised "Topo Survey"/site plan is required.

Rationale:

- The lot's irregular shape and restrictive area (caused by most of the lot being located in floodplain) preclude its development in a manner commensurate with other developments found on similarly-zoned R-1ac(A) lots. According to the applicant, a single family home with a building footprint of about 4,000 square feet is proposed on the subject site – a new home that would replace an existing home in virtually the same location.
- The applicant has provided information showing that the proposed home with about living area not to exceed 6,000 square feet is comparable to five other homes he found in the same R-1ac(A) zoning district that average at about 6,400 square feet of living area.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**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:**

- March 28, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- April 16, 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 May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the



May 10th 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.

April 30, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

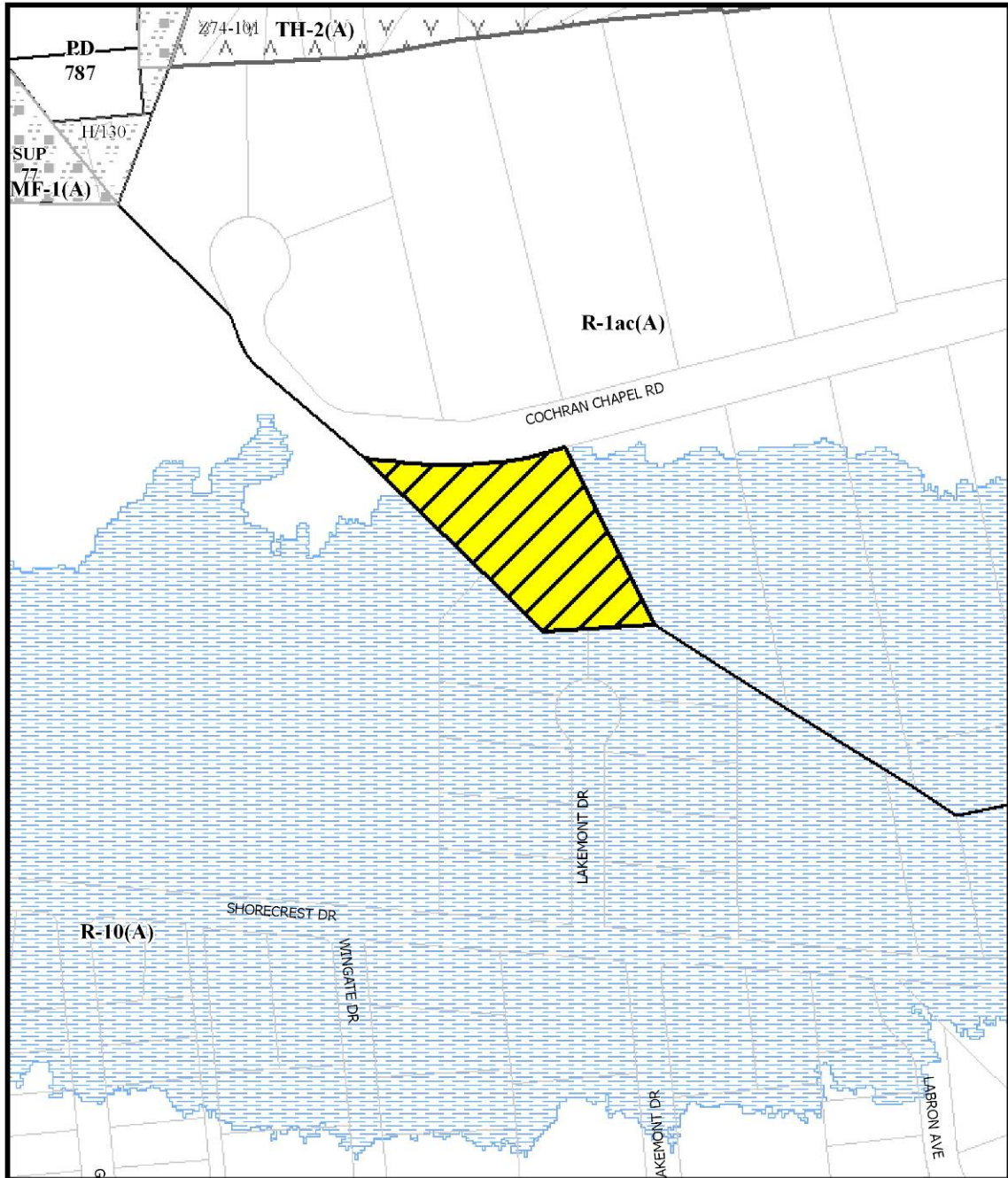
May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

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

- This request focuses on demolishing an existing one-story single family home that according to DCAD was built in 1960, and constructing and maintaining a two-story single family home with according to the applicant about 6,000 square feet of living area with a garage in virtually the same location, part of which is proposed to be located in the site's 40' front yard setback.
- Structures on lots zoned R-1ac(A) are required to provide a minimum front yard setback of 40'.
- A revised "Topo Survey"/site plan has been submitted denoting a portion of the existing and proposed single family home located 25' from the site's front property line (or 15' into the 40' front yard setback). (The site plan shows two lines: one line labeled as "original 25 foot construction line for house" and the other line labeled as "approximate 100 – yr flood plain line.")
- It appears from calculations taken from the submitted site plan by the Board Administrator that approximately 1/3 (or approximately 1,500 square feet) of the proposed approximately 4,000 square foot building footprint is to be located in the site's 40' front yard setback.
- According to DCAD records, the "main improvements" at 4040 Cochran Chapel is a structure built in 1960 with 3,753 square feet of living area and 3,753 square feet of total area. According to DCAD records, the "additional improvements" at 4040 Cochran Chapel Road is a 532 square foot detached garage.

- The subject site is irregular in shape, sloped, and according to the application, is 1.465 acres in area. The site is zoned R-1ac(A) where lots are typically one acre in area. The site plan indicates that the site is bisected by Bachman's Creek.
- The applicant has stated that about 13,500 square feet (or about 1/5) of the approximately 69,000 square foot lot is outside the flood plain.
- The applicant has provided information showing that the proposed home with about living area not to exceed 6,000 square feet is comparable to five other homes he found in the same R-1ac(A) zoning district that average at about 6,400 square feet of living area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R1ac(A) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised "Topo Survey"/site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a structure to be located 25' from the site's front property line (or 15' into the 40' front yard setback).



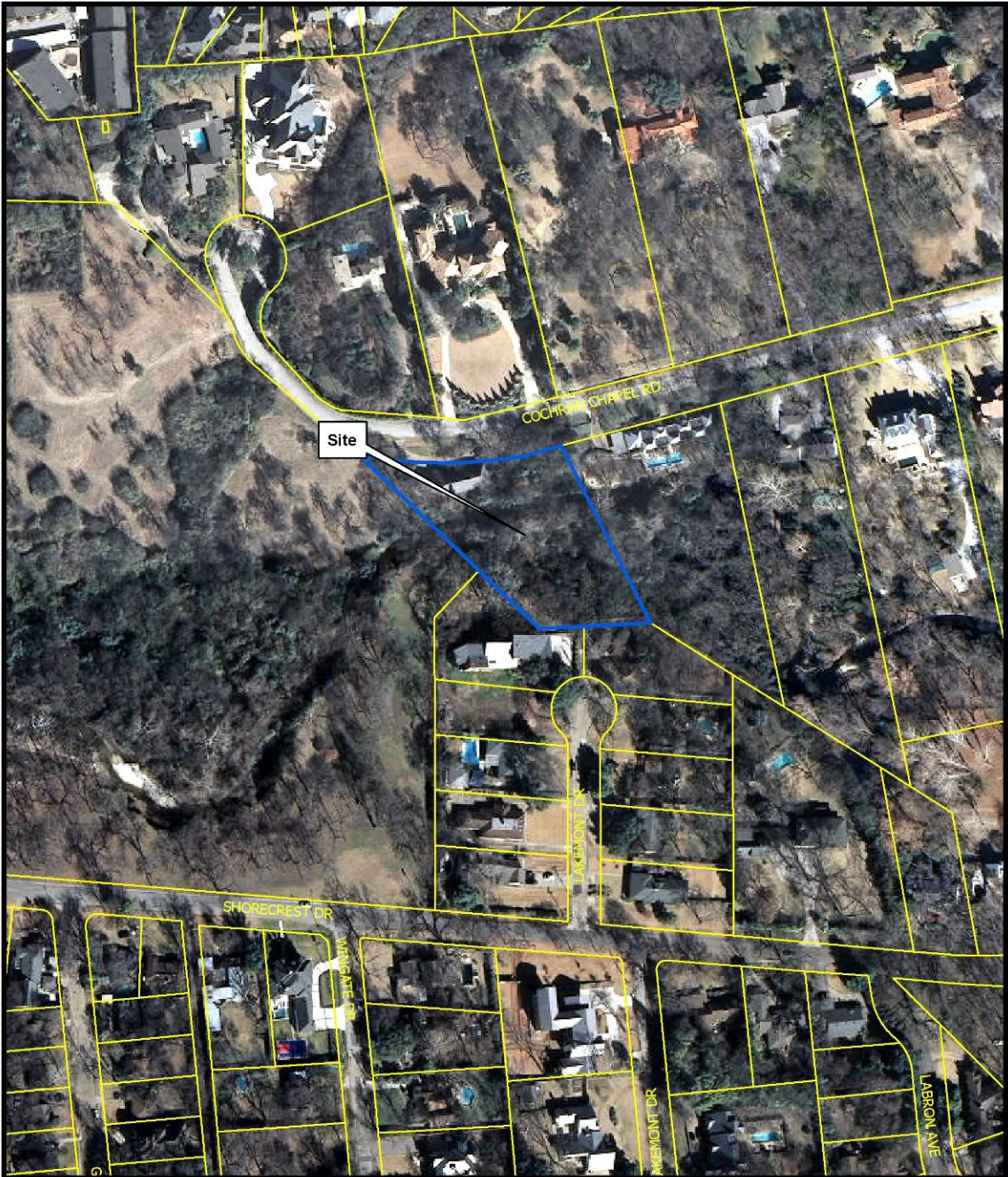
1:2,400

# ZONING MAP

Case no: BDA123-048

Date: 5/1/2013





1:2,400

# AERIAL MAP

Case no: BDA123-048

Date: 5/1/2013

BDA 123-048

Attach A

pg 1

**Long, Steve**

**From:** mike@rwagc.com  
**Sent:** Tuesday, April 30, 2013 9:28 AM  
**To:** Long, Steve  
**Subject:** RE: FW: BDA 123-048, Property at 4040 Cochran Chapel Road  
**Attachments:** 4040 COCHRAN CHAPEL (04-25-13).pdf

Steve,

Please see the attached revised site plan. It will print in 8 1/2 by 11 but also in 24x36

Thank you,  
 Mike Gurley  
 Richard Williams and Associates  
 1120 Commerce Drive  
 Richardson, Texas 75081  
 (O) 972-907-2303 (C) 214-437-1803  
[www.rwagc.com](http://www.rwagc.com)

----- Original Message -----

**Subject:** RE: FW: BDA 123-048, Property at 4040 Cochran Chapel Road  
**From:** "Long, Steve" <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Date:** Tue, April 30, 2013 7:15 am  
**To:** <[mike@rwagc.com](mailto:mike@rwagc.com)>

Hi Mr. Gurley,

Would you please email me a copy of that revised site plan that you will be bringing full scales of later today?

Thanks,

Steve

---

**From:** [mike@rwagc.com](mailto:mike@rwagc.com) [mailto:[mike@rwagc.com](mailto:mike@rwagc.com)]  
**Sent:** Tuesday, April 30, 2013 9:00 AM  
**To:** Long, Steve  
**Subject:** RE: FW: BDA 123-048, Property at 4040 Cochran Chapel Road

Steve,

Thank you for the assistance. Please see the attached two documents I would like submit to the board in addition to my application. These are some clarifications regarding the amount of the lot that is in the flood plain with elevation restrictions along with a sampling of the the average size home on the street and other R-1a lots.

I am also bring you a full size scaled drawing of the revised site plan that I am submitting to Todd this morning.

BDA 123-048

Attach A  
Pg 2

If you have any questions please give me a call.

Thank you,  
Mike Gurley  
Richard Williams and Associates  
1120 Commerce Drive  
Richardson, Texas 75081  
(O) 972-907-2303 (C) 214-437-1803  
[www.rwagc.com](http://www.rwagc.com)

----- Original Message -----

Subject: FW: BDA 123-048, Property at 4040 Cochran Chapel Road  
From: "Long, Steve" <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
Date: Wed, April 24, 2013 6:03 am  
To: <[mike@rwagc.com](mailto:mike@rwagc.com)>  
Cc: "Duerksen, Todd" <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>

Dear Mr. Gurley,

You may recall in our discussion a couple of weeks ago how you told me that you were aware of the fact that part of your site was located in flood plain, and that you knew that to construct a house on this site you would need to get the board of adjustment to grant a variance to the front yard setback and to get approval from the City on flood plain matters.

It may be of interest to the board in the addendum document that I believe you are preparing to submit to me prior to May 1<sup>st</sup>, to include how much of your property is in flood plain now, and how much would be in flood plain later. (Am I correct in thinking that part of the site will be lifted out of the flood plain in order to build the house?)

Steve

---

**From:** Long, Steve  
**Sent:** Tuesday, April 16, 2013 9:40 AM  
**To:** '[mike@rwagc.com](mailto:mike@rwagc.com)'  
**Cc:** Duerksen, Todd  
**Subject:** BDA 123-048, Property at 4040 Cochran Chapel Road

Dear Mr. Gurley,

Here is information regarding your application to the board of adjustment at the address referenced, 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 tentatively scheduled May 20<sup>th</sup> Panel C public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front yard setback regulations (51A-3.102(d)(10)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. 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, May 1<sup>st</sup> with regard to any amendment that

BDA123-048

Attch A

pg 3

you feel is necessary to address the issue at hand which would include as we discussed your submission of a revised site plan that would possibly represent a conceptual building footprint. (Note that the discovery of any additional appeal needed beyond the requested front yard setback variance 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 123-048

Attach A

Pg 5



and ASSOC. INC.  
GENERAL CONTRACTORS

Case # 123-048

Review Board Additional Information

- This property is requiring two-step process prior to construction permitting. Since the property is R-1 A 1.33 Acres with Bachman's Creek along with the 100 year flood plain running in the middle of the lot requiring a fill permit. We first need approval for the variance to continue with the engineering modeling of the flood plain. The 15-foot variance makes the modeling work to have minimal impact the flood plane and foundation support of the house.
- The variance will allow us to lift the new proposed house out of the flood plain.
- With an elevation change is excess of 14 feet from the standard 40 foot set back the 15 foot variance will allow us to reduce the elevation change by as much as 6 feet in some areas since the sharp elevation change increases to the rear portion of the property and in front of Bachman Creek.
- Total area of the lot is 69,229 square feet.
- Total area in flood plain 55,741 square feet
- Total not in flood plain 13,488 square feet
- Proposed conceptual footprint is a house not to exceed 6000 square feet of living space with a garage.



**GENERAL CONTRACTORS**

Case # 123-048

**Review Board Additional – Average home size for R-1A**

- **The average house size on a R-1A lot size range from as low as 3,771 square feet of living area to as high 8,000 plus square feet of living area. I took the average of house in the neighbor hood and on Cochran Chapel to verify the proposed house size of a not to exceed 6000 square feet of living space would be comparable to the area. Below are samples pulled from the Dallas Central Appraisal District web site.**
  
- **4005 Cochran Chapel Living Area 7,149 SF**
- **4163 Cochran Chapel Living Area 6,033 SF**
- **4215 Cochran Chapel Living Area 6,435**
- **5036 Seneca Drive Living Area 7,336 SF**
- **5122 Seneca Drive Living Area 4,970 SF**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-048

Data Relative to Subject Property:

Date: 3-28-13

Location address: 4040 COCHRAN CHAPEL RD. Zoning District: R-12c(A)

Lot No.: 13 Block No.: 5078 Acreage: 1.465 Census Tract: 73.02

Street Frontage (in Feet): 1) 258.45 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

NE21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RICHARD G LYON.

Applicant: Michael Gurley Telephone: 214-437-1803

Mailing Address: ~~4794 ASPEN LANE~~ Zip Code: ~~59715~~

E-mail Address: ~~montanaranger@gmail.com~~

Represented by: Michael Gurley Telephone: 214-437-1803

Mailing Address: 1120 Commerce Drive, Richardson TX Zip Code: 75081

E-mail Address: MIKE@RWAGC.COM

Affirm that an appeal has been made for a Variance X, or Special Exception     of 15 Feet  
Set back to the 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:

NON Regular Lot SHADE.  
Elevation change on lot  
Flood Plane  
creek runs through property

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.

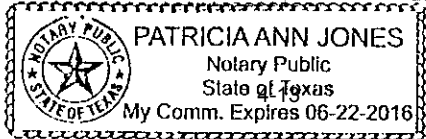
Affidavit

Before me the undersigned on this day personally appeared Mike Gurley  
(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 29 day of March, 2013



Patricia A Jones  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that MICHAEL GURLEY

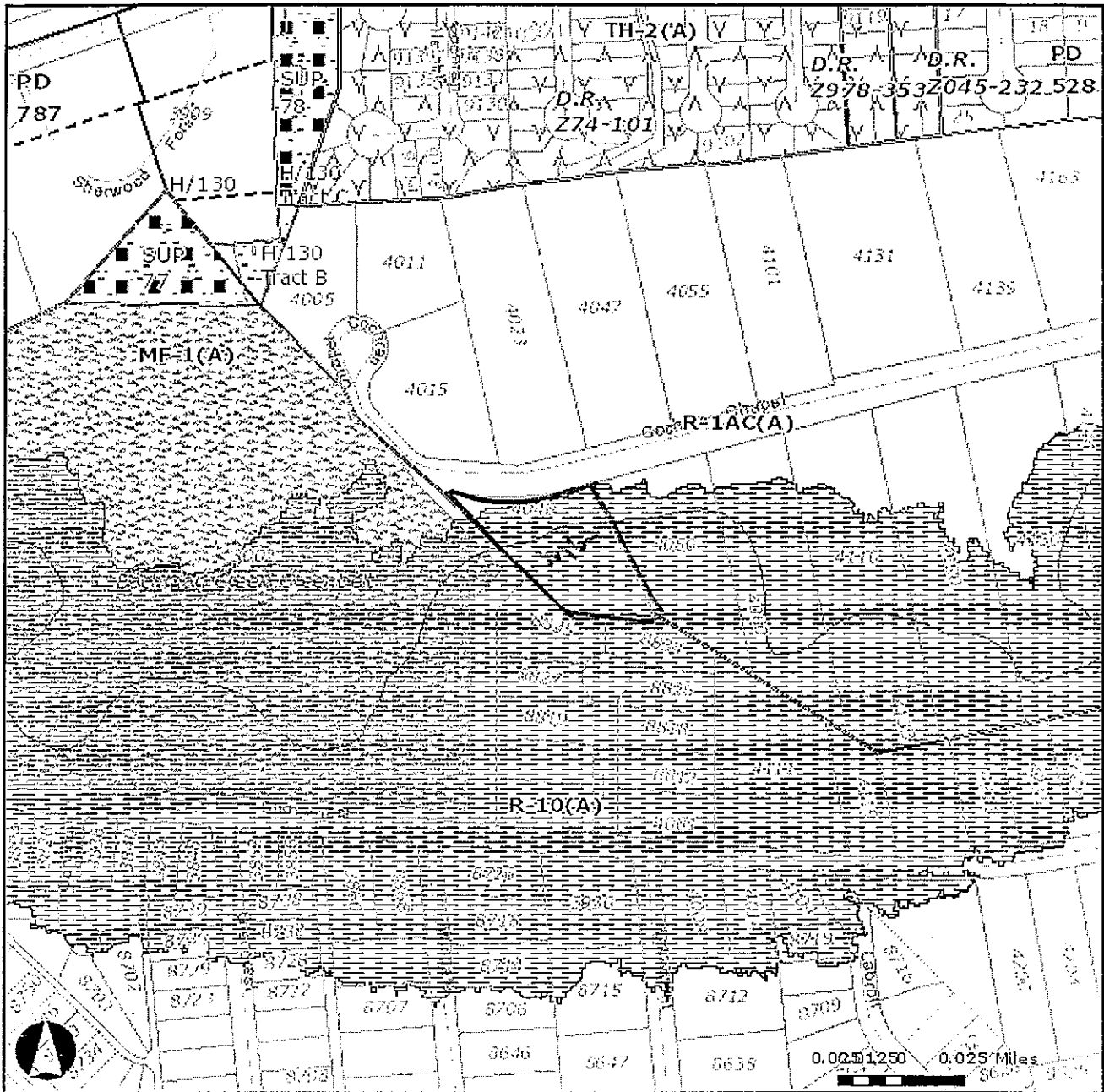
did submit a request for a variance to the front yard setback regulations  
at 4040 Cochran Chapel Road

BDA123-048. Application of Michael Gurley for a variance to the front yard setback regulations at 4040 Cochran Chapel Road. This property is more fully described as Lot 13, Block 5078, and is zoned R-1(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential structure and provide a 25 foot front yard setback, which will require a 15 foot variance to the front yard setback regulation.

Sincerely,

  
Larry Holmes, Building Official

# City of Dallas Zoning



**Address Candidates**



**City Boundaries**



**County**



**Certified Parcels**



**DISD Sites**



**Council Districts**



**Waterways**



**SUP**



**Dry Overlay**



**Historic Overlay**



**Historic Subdistricts**



**NSO Overlay**



**NSO Subdistricts**

**PDS Subdistricts**



**Base Zoning**



**Floodplain**



**100 Flood Zone**



**Mill's Creek**



**Peak's Branch**



**X PROTECTED BY LEVEE**

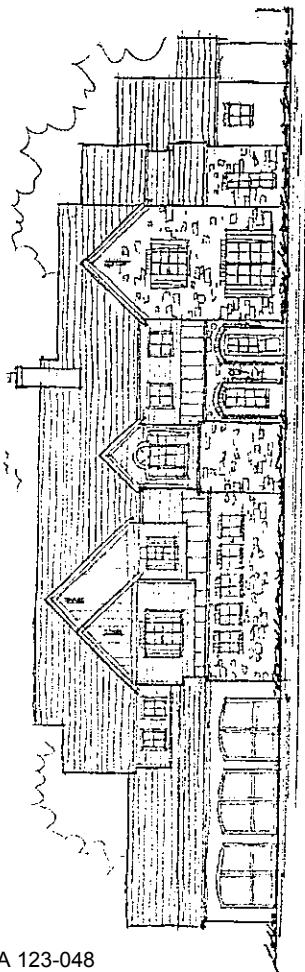


**Pedestrian Overlay**

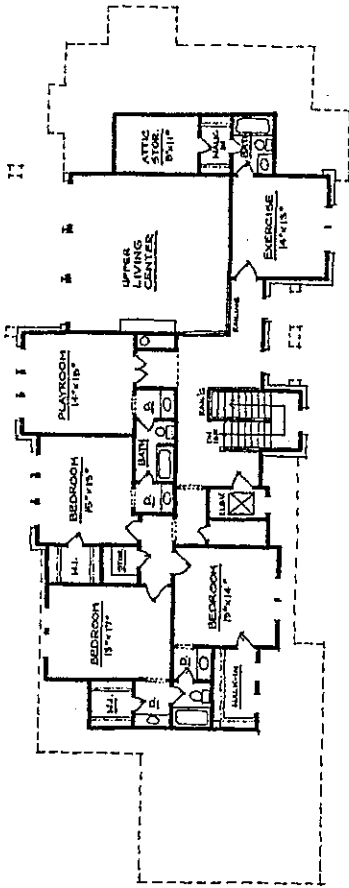




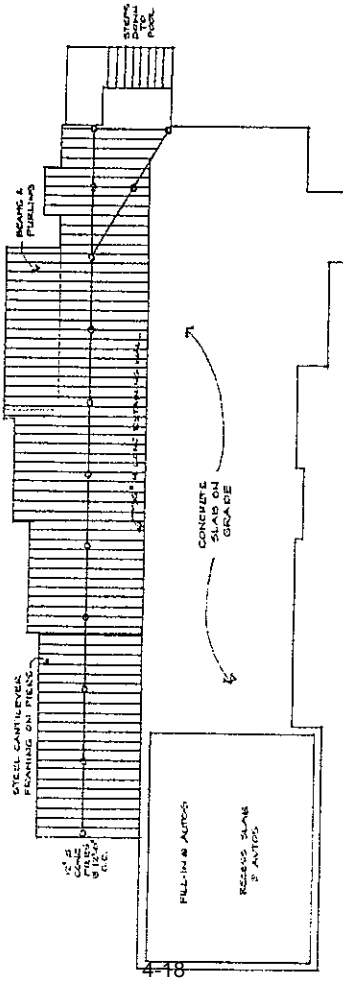




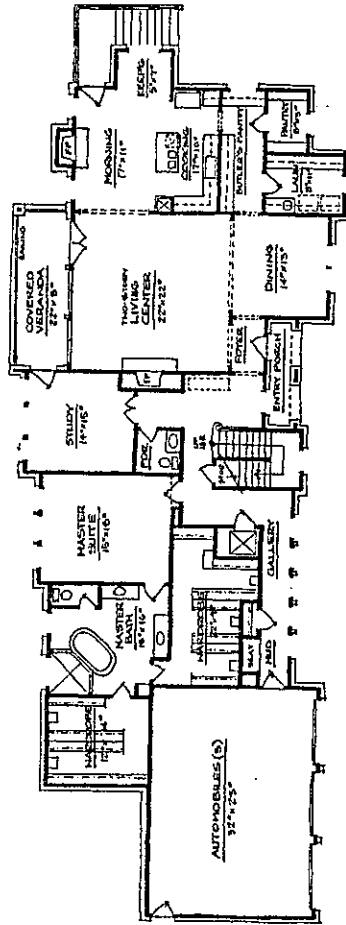
FRONT ELEVATION



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



PROPOSED FOUNDATION CONCEPT PLAN  
SCALE: 1/8" = 1'-0"



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

AREAS	
LOWER A/C	3320 SF
UPPER A/C	2056 SF
TOTAL A/C	5376 SF
AUTOMOBILES COVERED	746 SF
ATTIC STORAGE	228 SF
	102 SF

A CUSTOM RESIDENCE FOR  
STEVE & LOLLY SMITH  
DALLAS, TEXAS

COVERT + ASSOCIATES  
4747 WEST LOOP, SUITE 1700 DALLAS, TEXAS 75244  
TEL: (214) 343-8870 FAX: (214) 343-8871

03-27-15





 1:2,400	<b>NOTIFICATION</b>	Case no: <b>BDA123-048</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>13</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>13</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>13</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

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

***BDA123-048***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4040 COCHRAN CHAPEL RD	LYON RICHARD
2	8819 LAKEMONT DR	GILLIAM LOUISE M
3	8827 LAKEMONT DR	GILLIAM CHRISTOPHER T
4	8835 LAKEMONT DR	GILLIAM CHRISTOPHER T & LISA M
5	8834 LAKEMONT DR	JARRED DON
6	8826 LAKEMONT DR	PHILLIPS JOANN
7	8818 LAKEMONT DR	CROCKER MICHAELA C & LEE A BAESLER
8	4111 SHORECREST DR	ROSSOTTO INC
9	4015 COCHRAN CHAPEL RD	STONE ROBERT G
10	4047 COCHRAN CHAPEL RD	TRIVE LLC
11	4023 COCHRAN CHAPEL RD	O NEIL LYNN G
12	4060 COCHRAN CHAPEL RD	SHAMPAIN RICHARD H
13	4050 COCHRAN CHAPEL RD	SHIRLEY WILLIAM A JR & COLLEEN M

**FILE NUMBER:** BDA 112-103

**BUILDING OFFICIAL'S REPORT:**

Application of Donna Woods, represented by Mark A. Mosley, for a special exception to the tree preservation regulations at 2800 Prichard Lane. This property is more fully described as Tract 4 in City Block 6118 and is zoned R-7.5(A), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a structure and provide an alternate plan for tree mitigation which will require a special exception to the tree preservation regulations.

**LOCATION:** 2800 Prichard Lane

**APPLICANT:** Donna Woods  
Represented by Mark A. Mosley

**REQUEST:**

A special exception to the tree preservation regulations is requested in conjunction with the removal of trees on a site developed as a private school (Nova Academy), and not fully complying with the Chapter X: Tree Preservation Regulations of the Dallas Development Code.

**STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Approval of the request, subject to the following conditions:

1. The property owner must pay a minimum of \$50,000.00 into the Dallas Reforestation Fund by the end of the day on Friday, June 21, 2013. The property owner may provide to the Building Official a volunteer performance plan outlining its schedule of tree mitigation performance when submitting the minimum \$50,000.00 payment into the Dallas Reforestation Fund.
2. If the property owner's tree mitigation performance plan includes scheduled partial payments into the Dallas Reforestation Fund, no more than four partial payments may be received before the end of the day on Monday, June 22, 2015.
3. Unless the property owner provides tree mitigation using other alternative methods of compliance with tree mitigation listed in Article X of the Dallas Development Code or has made additional partial payments beyond June 21, 2013, the property owner must pay to the Dallas Reforestation Fund the remaining minimum required tree mitigation due of \$151,246.00 by the end of the day of Monday, June 22, 2015.
4. If the property owner has provided alternative methods of tree replacement or has made additional partial payments into the Dallas Reforestation Fund within the two year extension time, the property owner must pay any remaining tree mitigation balance due, if any, to the Dallas Reforestation Fund by the end of the day on Monday, June 22, 2015.
5. The property owner must track and report all methods of tree mitigation, including planting trees within one mile of the property, donating trees to the Park Department, or the creation of a conservation easement, when such tree mitigation occurs.

If the required tree mitigation is not completed by the end of the day on Monday, June 22, 2015, the Building Official may take enforcement action against the property owner until compliance with Article X landscape and tree replacement regulations is completed, including revocation of its certificate of occupancy.

Rationale:

- The City's Chief Arborist recommends approval of the request, subject to the conditions listed above.

### **BACKGROUND INFORMATION:**

#### **Zoning:**

Site: R-7.5(A)(SUP 1805) (Single family residential 7,500 square feet, Specific Use Permit)  
North: R-7.5(A) (Single family residential 7,500 square feet)  
South: R-7.5(A) (Single family residential 7,500 square feet)  
East: CR (Community Retail)  
West: R-7.5(A) (Single family residential 7,500 square feet)

#### **Land Use:**

The subject site is developed with a private school (Nova Academy). The areas to the north and west appear to be undeveloped; the area to the east is partially developed with multifamily use and partially undeveloped; and the area to the south is 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:**

September 5, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 12, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

September 19, 2012: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 5<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.

October 2, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October 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 Building Inspection Senior Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

Staff concluded at this meeting that the application must be postponed until November given that no alternate tree preservation plan had been submitted to date.

November 27, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November 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 Building Inspection Senior Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

Staff concluded at this meeting that the application must be postponed until February given that no alternate tree preservation plan had been submitted to date.

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

Staff concluded at this meeting that the application should be scheduled for February given the amount of time that had passed since the application was submitted in September of 2012.

February 6, 2013: The Board Administrator emailed the applicant's representative the following information:

- notice that his application would be scheduled for February 21<sup>st</sup>, and
- the February 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

February 8, 2013: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).

February 21, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The applicant's representative provided testimony stating that his request to the Board was for a special exception to the tree preservation regulations was one where the applicant would fully comply with the tree preservation regulations with one exception: the timing in which the applicant would be required to fully mitigate. The Board held the request under advisement until April 15<sup>th</sup>.

March 1, 2013: The Board Administrator sent a letter to the applicant's representative noting the February 21<sup>st</sup> action of the Board, the

March 27<sup>th</sup> deadline to submit any new information for staff review, and the April 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

- April 2, 2013: At this time, no additional information had been submitted to the Board Administrator by the applicant's representative. The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- April 4, 2013: The City of Dallas Chief Arborist submitted an updated memo regarding this request (see Attachment B).
- April 15, 2013: The Board of Adjustment Panel C conducted a public hearing on this application and held it under advisement until their next hearing to be held on May 20, 2013.
- April 19, 2013: The Board Administrator sent a letter to the applicant noting the April 15<sup>th</sup> action of the Board, the May 1<sup>st</sup> deadline to submit any new information for staff review, and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.
- May 2, 2013: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and beyond what was submitted to the Board at the previous public hearings (see Attachment C).
- May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- May 2, 2013: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and beyond what was

submitted to the Board at the previous public hearings (see Attachment D).

May 10, 2013: The City of Dallas Chief Arborist submitted an updated memo regarding this request (see Attachment E).

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

- An application has for a “special exception of the Dallas Development Code Article X, Landscape and Tree Preservation Regulations through a Conservation Easement Grant” on property that is developed as a private school.
- The Dallas Development Code requires full compliance with the Tree Preservation Regulations with new construction or with increasing non-permeable coverage by more than 2,000 square feet.
- On February 8, 2013, the City of Dallas Chief Arborist had submitted a memo regarding this request to the Board Administrator prior to the February 21<sup>st</sup> hearing (see Attachment A). The memo stated among other things how the request is triggered by new construction of an educational facility and removal of 2,005 caliper inches of trees to be mitigated.
- The Chief Arborist had stated that the property is currently under an active building permit with pending inspection for tree mitigation. The tree mitigation has not yet been resolved beyond a number of trees planted for compliance with the landscape requirements.
- The Chief Arborist had noted that a conservation easement did not exist; that the applicant had proposed but not produced a final document for approval that was acceptable by the City of Dallas; that in addition, the arborist noted that the property was heavily wooded in the western and southern portions which would have had limited impact from development, and that the land area found to be suitable for a conservation easement could provide for up to a 65 percent mitigation reduction if a recorded easement was completed. But lastly the arborist noted that an easement by ordinance would not resolve all tree mitigation requirements for the property.
- The Chief Arborist had recommended denial of the request.
- On April 4, 2013, the City of Dallas Chief Arborist submitted an updated memo regarding this request to the Board Administrator (see Attachment B). The memo stated among other things how the request is made to the timing requirements for completing tree mitigation and is triggered by new construction of an educational facility and removal of 2,005 caliper inches of trees to be mitigated.
- The Chief Arborist stated in his April 4<sup>th</sup> memo that the property was currently under an active building permit with pending inspection for tree mitigation. The tree mitigation has not yet been resolved beyond a number of trees planted for compliance with the minimum landscape requirements.
- The Chief Arborist noted in his April 4<sup>th</sup> memo the following factors for consideration: 1) based on comments before the Board, and to him on March 28<sup>th</sup>, the applicant is requesting “the time to exercise the option(s)” to mitigate the tree removal per Article X methods of replacement. All methods of mitigation in Sections 51A-10.134 and 10.135 are currently available to the owners of the property; and 2) the mitigation



requirements for protected trees removed or other disturbances have been codified in ordinance since 1994; the property was permitted for construction and tree removal in August of 2010.

- The Chief Arborist had recommended denial of the request.
- On May 10, 2013, the City of Dallas Chief Arborist submitted an updated memo regarding this request to the Board Administrator (see Attachment E). The memo stated among other things how the applicant has submitted a request before the Board of Adjustment for an extension of time in which to complete the tree mitigation requirements for 2800 Prichard Lane and wishes to document its remedy plan via a performance affidavit.
- The Chief Arborist recommends approval of the request for an extension of time of two years to complete the tree mitigation requirements for the property, with the following conditions:
  1. The property owner must pay a minimum of \$50,000.00 into the Dallas Reforestation Fund by the end of the day on Friday, June 21, 2013. The property owner may provide to the Building Official a volunteer performance plan outlining its schedule of tree mitigation performance when submitting the minimum \$50,000.00 payment into the Dallas Reforestation Fund.
  2. If the property owner's tree mitigation performance plan includes scheduled partial payments into the Dallas Reforestation Fund, no more than four partial payments may be received before the end of the day on Monday, June 22, 2015.
  3. Unless the property owner provides tree mitigation using other alternative methods of compliance with tree mitigation listed in Article X of the Dallas Development Code or has made additional partial payments beyond June 21, 2013, the property owner must pay to the Dallas Reforestation Fund the remaining minimum required tree mitigation due of \$151,246.00 by the end of the day of Monday, June 22, 2015.
  4. If the property owner has provided alternative methods of tree replacement or has made additional partial payments into the Dallas Reforestation Fund within the two year extension time, the property owner must pay any remaining tree mitigation balance due, if any, to the Dallas Reforestation Fund by the end of the day on Monday, June 22, 2015.
  5. The property owner must track and report all methods of tree mitigation, including planting trees within one mile of the property, donating trees to the Park Department, or the creation of a conservation easement, when such tree mitigation occurs.

If the required tree mitigation is not completed by the end of the day on Monday, June 22, 2015, the Building Official may take enforcement action against the property owner until compliance with Article X landscape and tree replacement regulations is completed, including revocation of its certificate of occupancy.

- The property owner can comply with tree preservation regulations by mitigating the removed trees in any of the alternative methods provided for in Article X: planting within one mile of the Property, donating trees to the Park Department, forming a conservation easement on property within city limits, and/or paying into the Reforestation Fund.
- The applicant has the burden of proof in establishing the following:

- Strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code will unreasonably burden the use of the property.
- The special exception will not adversely affect neighboring property.

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 21, 2013**

APPEARING IN FAVOR: Mark Mosley, 1410 Avenue G, Plano, TX

APPEARING IN OPPOSITION: No one

MOTION: **Maten**

I move that the Board of Adjustment, in Appeal No. **BDA 123-103**, hold this matter under advisement until **April 15, 2013**.

SECONDED: **Coulter**

AYES: 5– Richardson, Maten, Coulter, Richard, Agnich

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: APRIL 15, 2013**

APPEARING IN FAVOR: Mark Mosley, 1410 Avenue G, Plano, TX

APPEARING IN OPPOSITION: No one

MOTION: **Coulter**

I move that the Board of Adjustment, in Appeal No. **BDA 123-103**, hold this matter under advisement until **May 20, 2013**.

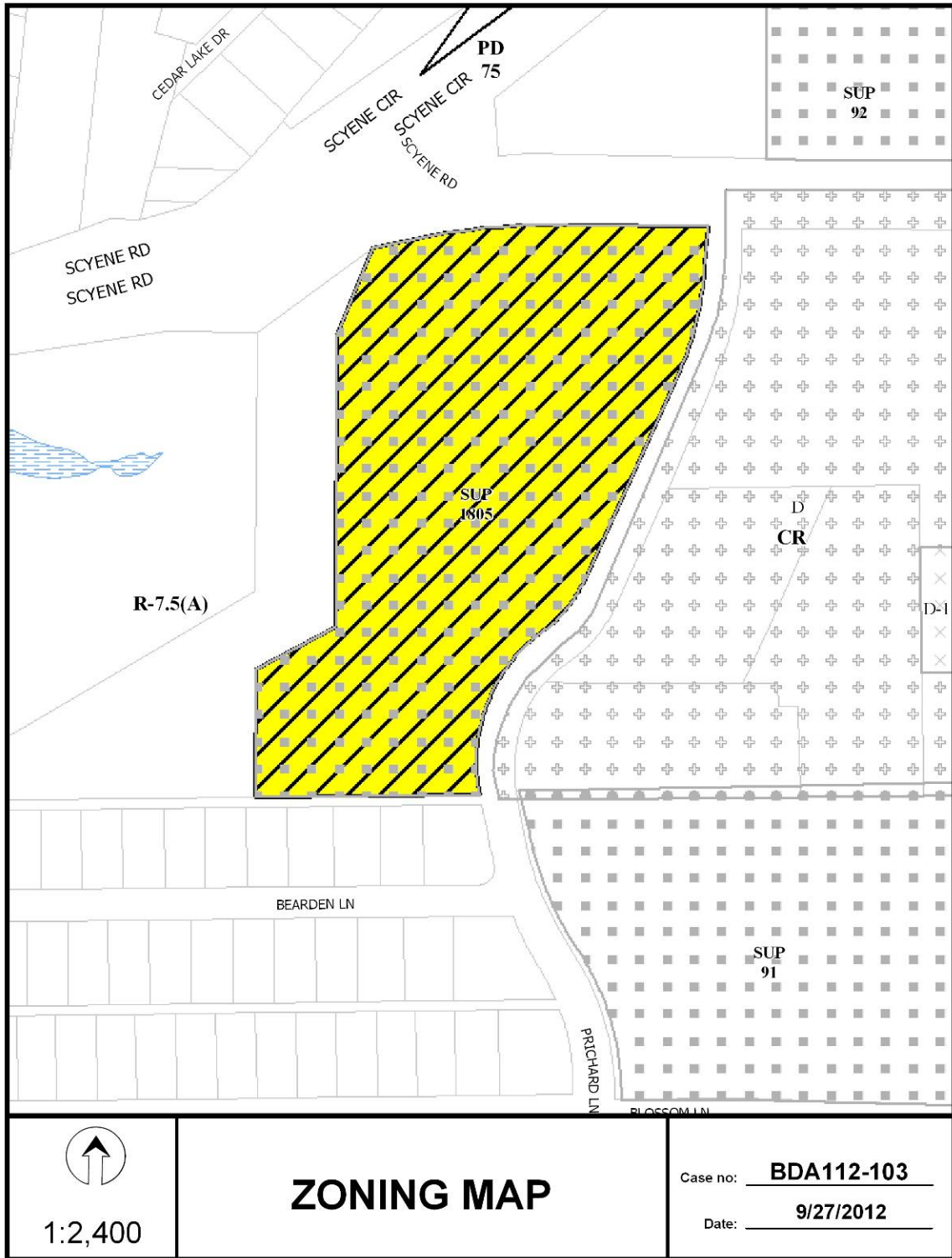
SECONDED: **Maten**

AYES: 5– Richardson, Maten, Coulter, Richard, Lewis

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)

\*\*\*\*\*







1:2,400

# AERIAL MAP

Case no: BDA112-103

Date: 9/27/2012

BDA 112-103  
Attach A

# Memorandum



CITY OF DALLAS

DATE February 8, 2013  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 112 · 103                      2800 Prichard Lane

The applicant is requesting a special exception to the tree mitigation regulations of Article X of the Dallas Development Code. Specifically, the applicant is requesting a special exception "through a conservation easement grant."

Trigger

New construction of a education facility and compliance with the resulting 2,005 caliper inches of tree mitigation.

Deficiencies

The property is currently under an active building permit with pending inspection for tree mitigation. The tree mitigation has not yet been resolved beyond a limited number of trees planted for compliance with the landscape requirements.

Factors

A conservation easement does not exist. The applicant has proposed an easement but has not produced a final document for approval that is acceptable by the City of Dallas.

The property is heavily wooded in the western and southern portions, which have had limited to no impact from development. The land area has been found to be suitable for a conservation easement which could provide up to 65% mitigation reduction, per Article X, Section 51A-10.135, if a recorded easement was completed. An easement by ordinance would not resolve all tree mitigation requirements for the property.

Recommendation

Denial.

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

# Memorandum



CITY OF DALLAS

DATE April 4, 2013  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 112 · 103                      2800 Prichard Lane

The applicant is requesting a special exception to the tree mitigation regulations of Article X of the Dallas Development Code. Specifically, the applicant is requesting a special exception to the timing requirements for completing tree mitigation stated in Section 51A-10.134 of the Dallas Development Code.

### Trigger

New construction of a education facility and compliance with the resulting 2,005 caliper inches of tree mitigation.

### Deficiencies

The property is currently under an active building permit with pending inspection for tree mitigation. The tree mitigation has not yet been resolved beyond a limited number of trees planted for compliance with the minimum landscape requirements.

### Factors

Based on comments before the Board, and to me on March 28, the applicant is requesting 'the time to exercise the option(s)' to mitigate the tree removal per Article X methods of replacement. All methods of mitigation in Sections 51A-10.134 and 10.135 are currently available to the owners of the property.

The mitigation requirements for protected trees removed for development or other disturbances have been codified in ordinance since 1994. The property was permitted for construction and tree removal in August, 2010.

### Recommendation

Denial.

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

**Long, Steve**

---

**From:** Mark Mosley [mark@mosleylawfirm.com]  
**Sent:** Thursday, May 02, 2013 4:12 PM  
**To:** Erwin, Philip; Long, Steve; Donna Woods; Don Miles  
**Cc:** Palomino, Tammy  
**Subject:** BDA 112-103, Property at 2800 Prichard Lane

**Attachments:** PerformanceAffidavit.pdf



PerformanceAffidavit.pdf (54 K...

Mr. Erwin,

I have attached a proposed document for a resolution to our issue of how to provide for compliance with Article X. Please review and provide suggestions, comments, corrections, additions or deletions where needed or requested.

Regards,

Mark A. Mosley  
Attorney & Counselor at Law  
1410 "G" Avenue, Suite 400  
Plano, TX 75074  
972.437.4119 Phone  
972.671.0456 Fax  
mark@mosleylawfirm.com <mailto:mark@mosleylawfirm.com> email

This email message and its content, together with any attachment(s), are intended only for the use of the entity or person(s) to which they are addressed and may contain confidential and/or privileged information. If you have received this message in error, please notify us immediately by reply electronic mail and then remove all traces of the electronic mail message from your system. Any unauthorized use, reliance, distribution, or copying of this message, or any attachment, is prohibited.

Mr. Philip Erwin  
Chief Arborist  
Certified Arborist (TX-1284A)  
City of Dallas Building Inspection  
Sustainable Development and Construction  
320 E Jefferson Blvd, Room 105  
Dallas, TX 75203

Re: City of Dallas, Board of Adjustment # BDA-102, 2800 Prichard Lane

On September 9, 2012, Nova Charter School, d/b/a Nova Academy, ("Nova") applied to the board of adjustment for a special exception to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations through a Conservation Easement Grant. Nova worked with its lien holder and bond trustee, Mellon Bank and its mortgagee, Wells Fargo Bank as well as the City of Dallas' development services and city attorney's office to implement the conservation easement. The conservation easement had essentially been approved by the City until the attorney for the mortgagee requested that its lien remain superior to the easement and that the city subrogate its rights to the mortgage lien. The City refused.

The replacement cost of the trees required to replace the trees lost to development is estimated at \$204,501.00 for 165 trees with an inch calculation of 2005 inches at a cost of \$102.00 per inch. Nova is proposing to pay into the reforestation fund the money necessary to meet the mitigation requirements under the code over a period of two years with an initial payment of \$50,000.00 within thirty days of approval by the board of the extension of time for compliance.

Nova's President, CEO and the applicant, Ms. Donna Woods, proposes as "documented assurance" a Performance Affidavit with covenants regarding the property located at 2800 Prichard. A Performance Affidavit with the following covenants and conditions shall be delivered to the City upon approval by the Board.

COUNTY OF DALLAS       §  
  §  
STATE OF TEXAS         §

PERFORMANCE AFFIDAVIT

1. Nova Charter School will pay into the reforestation fund the sum of \$50,000.00 within thirty (30) days of the approval of the special exception request to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations;

2. Nova Charter School shall pay into the reforestation fund the sum of \$ \_\_\_\_\_, within two years of the approval of the special exception request to the Dallas Development



Code Article X, Landscape and Tree Preservation Regulations unless the sum of money required is altered by a subsequent approval of an application for an exception or variance to the Tree Preservation Regulations is granted by the Board of Adjustment.

3. Nova Charter School's Prohibited Uses. During the period of payment, approved by the Board of Adjustment, Nova will not allow activity or use of the Property inconsistent with the following activities and uses:

(a) The legal or de facto subdivision of the Property for any commercial purpose;

(b) Any commercial, residential or industrial use of or activity on the remainder of the Property;

(c) The placement or construction of any mobile homes, buildings, structures, or other improvements of any kind, including roads and parking lots, but excluding fences, bird blinds, and an access road to the Property;

(d) Any alteration of the surface of the land, including the excavation or removal of soil, sand, gravel, rock, peat, or sod, except as may be required in the course of any activity permitted herein or except as necessary to install and maintain a nature walking trail, provided, however, such permitted uses shall be conducted in a manner that is designed to protect the conservation values of the Property, including scenic and wildlife habitat values;

(e) Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters;

(f) Without prior notice to the City, the draining, filling, dredging, diking or damming, or the cultivation or other disturbance of the soil within fifty (50) feet of the nearest edge of any creek which traverses the Property;

(g) The alteration or manipulation of the ponds and water courses located on the Property at the date of execution of this Easement, or the creation of new water impoundments or water courses for any purpose;

(h) The pruning, cutting down, or other destruction or removal of live trees or plants (other than damaged or diseased trees or plants) located on the Property, except as necessary to install and maintain a nature walking trail, or to control or prevent hazard, disease, injurious insect infestation, or fire, provided, however, such permitted uses shall be conducted in a manner that is designed to protect the conservation values of the Property, including scenic and wildlife habitat values;

(i) The dumping or other disposal of wastes, refuse, and debris on the Property except as necessary to install and maintain a nature walking trail, or to control or prevent hazard,

disease, injurious insect infestation, or fire, provided, however, such permitted uses shall be conducted in a manner that is designed to protect the conservation values of the Property, including scenic and wildlife habitat values;

(j) Without the prior written approval of the City, the above ground installation of new utility systems or extensions of existing above ground utility systems, including water, sewer, power, fuel, and communication lines and related facilities;

(k) The placement of any signs or billboards on the Property, except those signs, whose placement, number, and design do not significantly diminish the scenic character of the remaining undeveloped Property, may be displayed to state the name and address of the Property, to advertise the Property for sale or rent, nature trail maps and directions and to post the Property to control unauthorized entry or use;

(l) The exploration for, or development and extraction for minerals and hydrocarbons by any surface mining method of any other method that significantly impairs or interferes with the remaining conservation values of the Property;

(m) Any recreational or commercial hunting, killing, trapping or otherwise destroying of any game or other native animals, except for the control of overpopulation of such animals on the Property as approved by the City; and,

(n) Any manipulation or use of the Property in any way by third parties which would alter the authorized uses of the remaining Property or which would diminish its value as a plant and wildlife habitat.

4. The prohibitions and conditions, as expressed in this Performance Affidavit, are expressly provided for enforcement by the City by fine of \$200.00 per day for any violation upon notice and reasonable opportunity to cure such violation. A minimum of ten (10) days written notice for an emergency condition shall be required and a minimum of thirty (30) days written notice for all other violations shall be required.

5. Any fines assessed by the City after the appropriate notice period and Nova's failure to cure shall constitute a lien against the property and the City is expressly authorized to file a Lien Affidavit against the Property in the amount of the fine and any costs incurred to remedy any violation.

6. Permitted Activities, Structures, and Uses: The following is permitted on the Property and shall not constitute a violation of the Performance Affidavit:

(a) Hiking trails (ADA accessibility is not required);

(b) Flood control structures that are approved by the Director of the Department of Public Works and Transportation;

- (c) Utility rights-of-way;
- (d) Recreational uses limited to pedestrian-type activities;
- (e) Emergency and city maintenance vehicles, vehicles related to construction, installation, or maintenance of utilities within the utility rights-of-way;
- (f) General Property maintenance;
- (g) Planting of native vegetation or trees, approved by the building official, to restore the Easement;
- (h) Fire suppression and other emergency access and emergency management;
- (i) Water quality monitoring and stream gauging;
- (j) Catch and release of animals native to the area;
- (k) Use of water and streams for mitigation credits elsewhere;
- (l) Minimally invasive educational purposes related to geologic formations, botany and wildlife observation; and,
- (m) Self-guided media or markers identifying flora and fauna.

7. Subsequent Transfers. Nova agrees to incorporate the terms of this Performance Affidavit by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including a leasehold interest. The failure of Nova to perform any act required by this Paragraph shall not impair the validity of this instrument or limit its enforceability in any way.

8. Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and whether served personally or sent by first class mail, postage prepaid, addressed as follows:

Nova Charter School  
2800 Prichard  
Dallas, TX 75227

City of Dallas

Department of Development Services  
Assistant Director Current Planning  
1500 Manila Street, 5BN  
Dallas, Texas 75201

9. No Recordation. Nova shall not be required to record this instrument in the Deed Records of the county or counties where the Property is located to preserve its rights in the Property.

10. General Provisions:

(a) Controlling Law. The interpretation and performance of this Instrument shall be governed by the laws of the State of Texas;

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Instrument shall be liberally construed in favor of the grant to affect the purpose of the Dallas City Code. If any provision in this Instrument is found to be ambiguous; and interpretation consistent with the purpose of this Instrument that would render the provision valid shall be favored over any interpretation that would render it invalid;

(c) Severability. If any provision of this Instrument, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Instrument, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the ease may be, shall not be affected thereby;

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with Paragraph 2, above;

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect;

(f) Successors. The covenants, terms, condition, and restrictions of this Instrument shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property and the Developed Property until such covenants, terms and conditions have been fully performed at which time this Instrument shall be void and of no effect.

(g) Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the Party's interest in the Easement, Developable

Property, or Property, except that liability for acts or omissions occurring before transfer shall survive transfer.

(h) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

Long, Steve

BDA112-103

**From:** Mark Mosley [mark@mosleylawfirm.com]  
**Sent:** Thursday, May 09, 2013 3:35 PM  
**To:** Erwin, Philip; Long, Steve; Donna Woods; Don Miles  
**Cc:** Palomino, Tammy  
**Subject:** RE: BDA 112-103, Property at 2800 Prichard Lane

Attach P  
PS1

**Attachments:** AmendedPerformanceAffidavit.pdf



AmendedPerforman  
ceAffidavit.pd...

Mr. Erwin,

I have incorporated the change in mitigation inches required into the proposed performance affidavit.

Regards,

Mark A. Mosley  
Attorney & Counselor at Law  
1410 "G" Avenue, Suite 400  
Plano, TX 75074  
972.437.4119 Phone  
972.671.0456 Fax  
mark@mosleylawfirm.com <mailto:mark@mosleylawfirm.com> email

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-----Original Message-----

**From:** Erwin, Philip [mailto:philip.erwin@dallascityhall.com]  
**Sent:** Monday, May 06, 2013 1:08 PM  
**To:** Mark Mosley; Long, Steve; Donna Woods; Don Miles  
**Cc:** Palomino, Tammy  
**Subject:** RE: BDA 112-103, Property at 2800 Prichard Lane

Mr. Mosley,

I have a further follow up on the tree mitigation calculations based on our last inspection of the site on April 15:

Mitigation is 2005 inches (\$204,510).

32 inches are planted on property and surviving to date (1.6% completed by planting on site).

1973 inches due (\$201,246).

Philip Erwin  
Chief Arborist  
Certified Arborist (TX-1284A)  
City of Dallas Building Inspection  
Sustainable Development and Construction 320 E Jefferson Blvd, Room 105 Dallas, TX 75203

214-948-4117

214-948-4374 fax

philip.erwin@dallascityhall.com

Tree Watering Tips (Texas Forest Service video) Tree Watering Tips: Caring for trees during extreme drought (pdf)

BDA 112-103

Attch D pg 2

For more information and a list of FAQ's, try the Arborist Web Link.

-----Original Message-----

From: Mark Mosley [mailto:mark@mosleylawfirm.com]

Sent: Thursday, May 02, 2013 4:12 PM

To: Erwin, Philip; Long, Steve; Donna Woods; Don Miles

Cc: Palomino, Tammy

Subject: BDA 112-103, Property at 2800 Prichard Lane

Mr. Erwin,

I have attached a proposed document for a resolution to our issue of how to provide for compliance with Article X. Please review and provide suggestions, comments, corrections, additions or deletions where needed or requested.

Regards,

Mark A. Mosley  
Attorney & Counselor at Law  
1410 "G" Avenue, Suite 400  
Plano, TX 75074  
972.437.4119 Phone  
972.671.0456 Fax  
mark@mosleylawfirm.com <mailto:mark@mosleylawfirm.com> email

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Mr. Philip Erwin  
Chief Arborist  
Certified Arborist (TX-1284A)  
City of Dallas Building Inspection  
Sustainable Development and Construction  
320 E Jefferson Blvd, Room 105  
Dallas, TX 75203

Re: City of Dallas, Board of Adjustment # BDA-102, 2800 Prichard Lane

On September 9, 2012, Nova Charter School, d/b/a Nova Academy, ("Nova") applied to the board of adjustment for a special exception to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations through a Conservation Easement Grant. Nova worked with its lien holder and bond trustee, Mellon Bank and its mortgagee, Wells Fargo Bank as well as the City of Dallas' development services and city attorney's office to implement the conservation easement. The conservation easement had essentially been approved by the City until the attorney for the mortgagee requested that its lien remain superior to the easement and that the city subrogate its rights to the mortgage lien. The City refused.

The replacement cost of the trees required to replace the trees lost to development is estimated at \$204,501.00 for 165 trees with an inch calculation of 2005 inches at a cost of \$102.00 per inch. Nova is proposing to pay into the reforestation fund the money necessary to meet the mitigation requirements under the code over a period of two years with an initial payment of \$50,000.00 within thirty days of approval by the board of the extension of time for compliance.

Nova's President, CEO and the applicant, Ms. Donna Woods, proposes as "documented assurance" a Performance Affidavit with covenants regarding the property located at 2800 Prichard. A Performance Affidavit with the following covenants and conditions shall be delivered to the City upon approval by the Board.

COUNTY OF DALLAS       §  
  §  
STATE OF TEXAS         §

PERFORMANCE AFFIDAVIT

1. Nova Charter School will pay into the reforestation fund the sum of \$50,000.00 within thirty (30) days of the approval of the special exception request to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations;

2. Nova Charter School shall pay into the reforestation fund the sum of \$151,246.00, within two years of the approval of the special exception request to the Dallas Development



Code Article X, Landscape and Tree Preservation Regulations unless the sum of money required is altered by a subsequent approval of an application for an exception or variance to the Tree Preservation Regulations is granted by the Board of Adjustment.

3. Nova Charter School's Prohibited Uses. During the period of payment, approved by the Board of Adjustment, Nova will not allow activity or use of the Property inconsistent with the following activities and uses:

(a) The legal or de facto subdivision of the Property for any commercial purpose;

(b) Any commercial, residential or industrial use of or activity on the remainder of the Property;

(c) The placement or construction of any mobile homes, buildings, structures, or other improvements of any kind, including roads and parking lots, but excluding fences, bird blinds, and an access road to the Property;

(d) Any alteration of the surface of the land, including the excavation or removal of soil, sand, gravel, rock, peat, or sod, except as may be required in the course of any activity permitted herein or except as necessary to install and maintain a nature walking trail, provided, however, such permitted uses shall be conducted in a manner that is designed to protect the conservation values of the Property, including scenic and wildlife habitat values;

(e) Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters;

(f) Without prior notice to the City, the draining, filling, dredging, diking or damming, or the cultivation or other disturbance of the soil within fifty (50) feet of the nearest edge of any creek which traverses the Property;

(g) The alteration or manipulation of the ponds and water courses located on the Property at the date of execution of this Easement, or the creation of new water impoundments or water courses for any purpose;

(h) The pruning, cutting down, or other destruction or removal of live trees or plants (other than damaged or diseased trees or plants) located on the Property, except as necessary to install and maintain a nature walking trail, or to control or prevent hazard, disease, injurious insect infestation, or fire, provided, however, such permitted uses shall be conducted in a manner that is designed to protect the conservation values of the Property, including scenic and wildlife habitat values;

(i) The dumping or other disposal of wastes, refuse, and debris on the Property except as necessary to install and maintain a nature walking trail, or to control or prevent hazard,

disease, injurious insect infestation, or fire, provided, however, such permitted uses shall be conducted in a manner that is designed to protect the conservation values of the Property, including scenic and wildlife habitat values;

(j) Without the prior written approval of the City, the above ground installation of new utility systems or extensions of existing above ground utility systems, including water, sewer, power, fuel, and communication lines and related facilities;

(k) The placement of any signs or billboards on the Property, except those signs, whose placement, number, and design do not significantly diminish the scenic character of the remaining undeveloped Property, may be displayed to state the name and address of the Property, to advertise the Property for sale or rent, nature trail maps and directions and to post the Property to control unauthorized entry or use;

(l) The exploration for, or development and extraction for minerals and hydrocarbons by any surface mining method of any other method that significantly impairs or interferes with the remaining conservation values of the Property;

(m) Any recreational or commercial hunting, killing, trapping or otherwise destroying of any game or other native animals, except for the control of overpopulation of such animals on the Property as approved by the City; and,

(n) Any manipulation or use of the Property in any way by third parties which would alter the authorized uses of the remaining Property or which would diminish its value as a plant and wildlife habitat.

4. The prohibitions and conditions, as expressed in this Performance Affidavit, are expressly provided for enforcement by the City by fine of \$200.00 per day for any violation upon notice and reasonable opportunity to cure such violation. A minimum of ten (10) days written notice for an emergency condition shall be required and a minimum of thirty (30) days written notice for all other violations shall be required.

5. Any fines assessed by the City after the appropriate notice period and Nova's failure to cure shall constitute a lien against the property and the City is expressly authorized to file a Lien Affidavit against the Property in the amount of the fine and any costs incurred to remedy any violation.

6. Permitted Activities, Structures, and Uses: The following is permitted on the Property and shall not constitute a violation of the Performance Affidavit:

(a) Hiking trails (ADA accessibility is not required);

(b) Flood control structures that are approved by the Director of the Department of Public Works and Transportation;

- (c) Utility rights-of-way;
- (d) Recreational uses limited to pedestrian-type activities;
- (e) Emergency and city maintenance vehicles, vehicles related to construction, installation, or maintenance of utilities within the utility rights-of-way;
- (f) General Property maintenance;
- (g) Planting of native vegetation or trees, approved by the building official, to restore the Easement;
- (h) Fire suppression and other emergency access and emergency management;
- (i) Water quality monitoring and stream gauging;
- (j) Catch and release of animals native to the area;
- (k) Use of water and streams for mitigation credits elsewhere;
- (l) Minimally invasive educational purposes related to geologic formations, botany and wildlife observation; and,
- (m) Self-guided media or markers identifying flora and fauna.

7. Subsequent Transfers. Nova agrees to incorporate the terms of this Performance Affidavit by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including a leasehold interest. The failure of Nova to perform any act required by this Paragraph shall not impair the validity of this instrument or limit its enforceability in any way.

8. Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and whether served personally or sent by first class mail, postage prepaid, addressed as follows:

Nova Charter School  
2800 Prichard  
Dallas, TX 75227

City of Dallas

Department of Development Services  
Assistant Director Current Planning  
1500 Manila Street, 5BN  
Dallas, Texas 75201

9. No Recordation. Nova shall not be required to record this instrument in the Deed Records of the county or counties where the Property is located to preserve its rights in the Property.

10. General Provisions:

(a) Controlling Law. The interpretation and performance of this Instrument shall be governed by the laws of the State of Texas;

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Instrument shall be liberally construed in favor of the grant to affect the purpose of the Dallas City Code. If any provision in this Instrument is found to be ambiguous; and interpretation consistent with the purpose of this Instrument that would render the provision valid shall be favored over any interpretation that would render it invalid;

(c) Severability. If any provision of this Instrument, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Instrument, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby;

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Dallas Development Code Article X, Landscape and Tree Preservation Regulations, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with Paragraph 2, above;

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect;

(f) Successors. The covenants, terms, condition, and restrictions of this Instrument shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property and the Developed Property until such covenants, terms and conditions have been fully performed at which time this Instrument shall be void and of no effect.

(g) Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the Party's interest in the Easement, Developable

Property, or Property, except that liability for acts or omissions occurring before transfer shall survive transfer.

(h) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-103

Data Relative to Subject Property:

Date: 9-5-12

Location address: 2800 Prichard Ln., Dallas, TX \_\_\_\_\_ Zoning District: R7.5(A)

Lot No.: Tr. 4 Block No.: 6118 \_\_\_\_\_ Acreage: 9.724 Census Tract: 0091.01 \_\_\_\_\_

Street Frontage (in Feet): 1) 1003' 2) 548' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Nova Charter School d/b/a Nova Academy \_\_\_\_\_

Applicant: Donna Woods \_\_\_\_\_ Telephone: (972) 808-7470 \_\_\_\_\_

Mailing Address: P.O. Box 170127, Dallas, TX \_\_\_\_\_ Zip Code: 75227 \_\_\_\_\_

Represented by: Mark A. Mosley \_\_\_\_\_ Telephone: (972) 437-4119 \_\_\_\_\_

Mailing Address: 1410 G Avenue, Suite 400, Plano, TX mark@mosleylawfirm.com Zip Code: 75074 \_\_\_\_\_

Affirm that a request has been made for a Variance \_\_, or Special Exception X, of the Dallas Development Code Article X, Landscape and Tree Preservation Regulations through a Conservation Easement Grant.

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

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

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

Respectfully submitted: Donna Woods
Applicant's name printed

[Handwritten signature of Donna Woods]
Applicant's signature

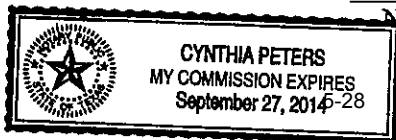
Affidavit

Before me the undersigned on this day personally appeared Donna Woods 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.

[Handwritten signature of affiant]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 5th day of September, 2012

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

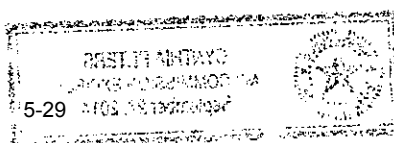
**Building Official's Report**

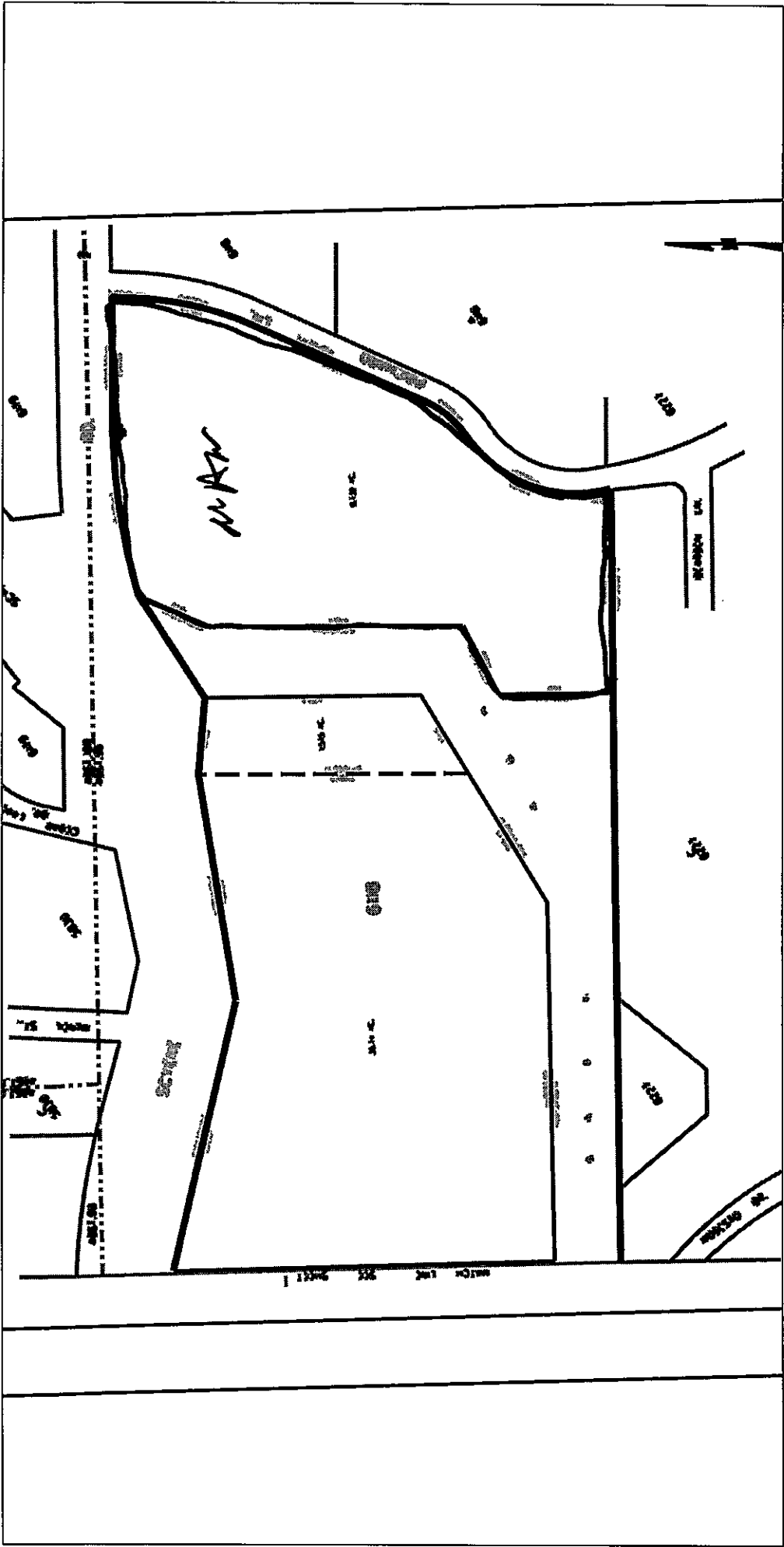
I hereby certify that Donna Woods  
represented by Mark A. Mosley  
did submit a request for a special exception to the landscaping regulations  
at 2800 Prichard Lane

BDA112-103. Application of Donna Woods represented by Mark A. Mosley for a special exception to the landscaping and tree preservation regulations at 2800 Prichard Lane. This property is more fully described as tract 4 in city block 6118, a 9.724 acre tract of land and is zoned R-7.5(A), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require a special exception to the landscape and tree preservation regulations.

Sincerely,

  
Lloyd Denman, Building Official

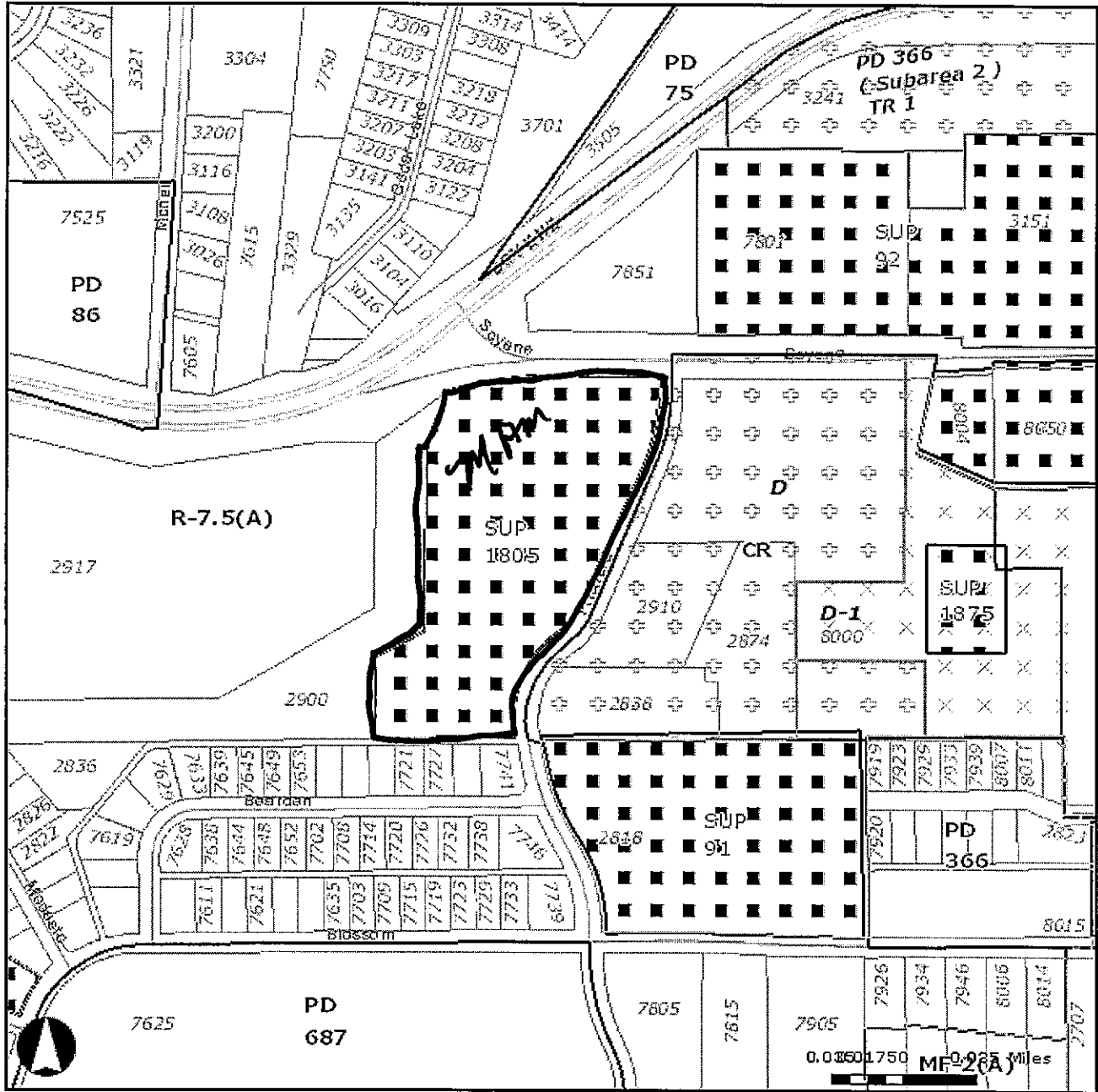




C:\tax\_plats\6118\_p2.dgn 9/5/2012 1:53:44 PM



# City of Dallas Zoning



**Address Candidates**

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- Deed Restrictions
- SUP
- Dry Overlay

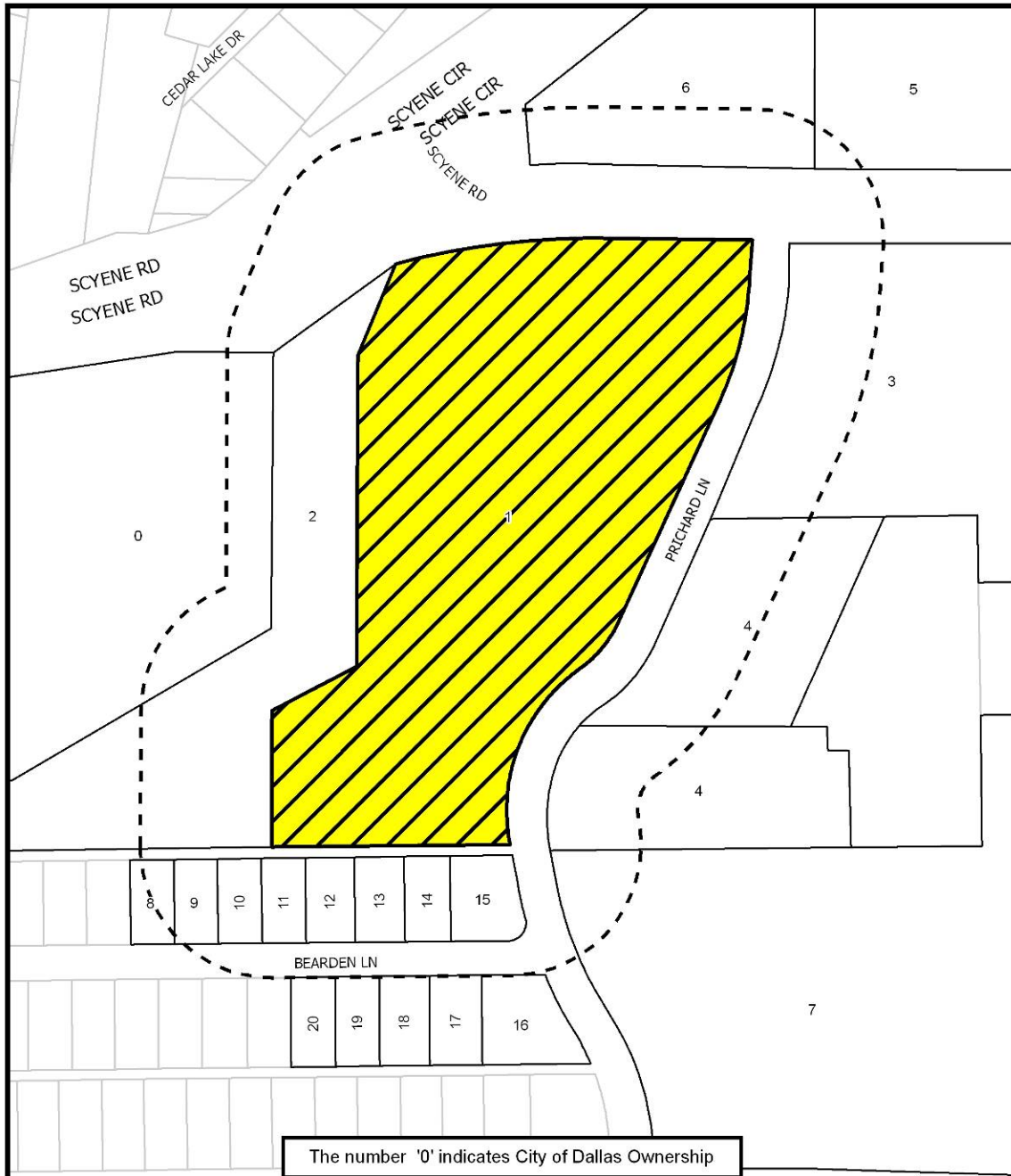
**Historic Subdistricts**

- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts
- PD193 Oak Lawn

**Floodplain**

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





 1:2,400	<h2>NOTIFICATION</h2>	Case no: <b>BDA112-103</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>20</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>20</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>20</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA112-103*

#### *20 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2800 PRICHARD LN	NOVA CHARTER SCHOOL D/B/A NOVA ACADEMY
2	2900 BUCKNER BLVD	TEXAS UTILITIES ELEC CO % STATE & LOCAL
3	8000 SCYENE RD	NOVASTAR SCYENE LAND INV LLC
4	2838 PRICHARD LN	NOTTINGHILL GATE HILLSIDE STE 203A
5	7801 SCYENE RD	CONGREGATION TIFERET
6	7851 SCYENE RD	TEMPLO DE DIOS
7	2818 PRICHARD LN	MINISTERIOS TIEMPO DE DIOS INC
8	7653 BEARDEN LN	RACKLEY DAVID SCOTT
9	7703 BEARDEN LN	ELMO CHEYENNE
10	7709 BEARDEN LN	RIOS CARLOS J & LETICIA H
11	7715 BEARDEN LN	CHIO JOSE A
12	7721 BEARDEN LN	JENKINS BOBBY R JR
13	7727 BEARDEN LN	PARRA JORGE L & LILIA
14	7733 BEARDEN LN	RODRIGUEZ FIDENCIO & ROBERT RODRIGUEZ
15	7741 BEARDEN LN	HOGG JAMES & GLORIA
16	7746 BEARDEN LN	CONINE JAMES WALTER
17	7738 BEARDEN LN	CARDOSO MARIA OJEDA
18	7732 BEARDEN LN	SMITH BARBARA ANN
19	7726 BEARDEN LN	VALDEZ JOSE & MARIA
20	7720 BEARDEN LN	ANDRADE MIGUEL & ROSA

**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

**ORIGINAL MARCH 18, 2013 REQUESTS:**

The following appeals had 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" was 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' was 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" was requested in conjunction with constructing an 8' 6" high solid wood fence in the site's Marquita Avenue front yard setback.

On March 18, 2013, the Board of Adjustment Panel C conducted a public hearing on this application, and took the following actions: (1) granted a 9 foot 6 inch variance along Sondra Avenue to the minimum front yard setback regulations and an 8 foot variance along Marquita Avenue to the minimum front yard setback regulations, with the site plan imposed as a condition; and (2) held the request for a special exception to the fence height regulations of 4' 6" until April 15<sup>th</sup>.

**APRIL 15, 2013 REQUEST:**

A special exception to the fence height regulations of 4' 6" was made in conjunction with constructing and maintaining an 8' 6" high combination solid masonry/open metal picket

fence in the site's Marquita Avenue front yard setback on a site currently developed with a single family home that the applicant intends to replace with a new single family home.

On April 15, 2013, the Board of Adjustment Panel C conducted a public hearing on this application, and held the request for a special exception to the fence height regulations of 4' 6" until May 20<sup>th</sup>.

**UPDATED MAY 20, 2013 REQUEST:**

A special exception to the fence height regulations of 4' (reduced from 4' 6") is made in conjunction with constructing and maintaining a maximum 8' high proposal that includes an open metal picket fence atop an 18" high masonry base with 8' high masonry columns in the site's Marquita Avenue front yard setback on a site currently developed with a single family home that the applicant intends to replace with a new single family home.

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

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

**STAFF RECOMMENDATION:**

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

**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).

- March 18, 2013: The Board of Adjustment Panel C conducted a public hearing on this application, and took the following actions: granted a 9 foot 6 inch variance along Sondra Avenue to the minimum front yard setback regulations and an 8 foot variance along Marquita Avenue to the minimum front yard setback regulations, and imposed the submitted site plan as a condition; and held the request for a special exception to the fence height regulations of 4' 6" until April 15<sup>th</sup>.
- March 21, 2013: The Board Administrator sent a letter to the applicant noting the March 21<sup>st</sup> action of the Board, and the April 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.
- April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior 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.
- April 5, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and beyond what was submitted at the March 18<sup>th</sup> public hearing (see Attachment D).
- April 15, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The applicant submitted a full scale revised site plan/elevation to the Board at the public hearing (see Attachment E). The Board held the application under advisement until their next hearing to be held on May 20, 2013.
- April 19, 2013: The Board Administrator sent a letter to the applicant noting the April 15<sup>th</sup> action of the Board, the May 1<sup>st</sup> deadline to submit any new information for staff review, and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.
- May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the



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

May 8, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and beyond what was submitted at the March 18<sup>th</sup> public hearing (see Attachment F).

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

- This request that remains in this application focuses constructing and maintaining an 8' 6" high combination solid masonry/open metal picket 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 originally submitted a scaled site plan and an elevation that showed the proposal in the Marquita Avenue front yard setback reaches a maximum height of 8' 6".
- The following additional information was gleaned from the originally 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.
- On April 5, 2013, the applicant emailed reduction copies of a revised site plan and a revised partial elevation (see Attachment D). The applicant stated the following in the email that accompanied this revised plans:
  - The site plan attached includes NO changes to the size, shape or foot print of the home to be built on the lot. The only changes that have been made are to the fence.
  - The maximum height of the fence will be 8'6" at the top of the capstones at each pillar and the maximum height of the walls of the fence between pillars will be 8'.
  - The fence will be built 1' from the property line along Marquita Avenue.
  - The fence will be approximately 12' from the curb/pavement along Marquita Avenue.
  - Measuring from the edge of the home to the end of the pillar, the length of the wall located on the western property line is 22'.
  - Measuring from the edge of the home to the end of the pillar, the length of the wall located on the eastern side of the lot, including the gate, is 21'.

- Measuring from pillar's edge to pillar's edge, the wall located along the Marquita Avenue property line is 63'.
- A 50 square foot circular planter has been added on the southwest corner of the fence.
- The board on board wooden fence has been changed to either masonry or metal material
- The metal portions of the fence will serve as lattice for creeping vines and climbing rose plants.
- The gate on the Marquita Avenue wall has been removed to eliminate any increased foot traffic and improve safety and aesthetic appeal.
- The applicant submitted full scale copies of a revised site plan/partial elevations at the April 15, 2013 public hearing (see Attachment E).
- On May 8, 2013, the applicant emailed reduction copies of a revised site plan and a revised partial elevation (see Attachment F). The applicant stated the following in the email that accompanied this revised plans:
  - The site plan attached includes NO changes to the size, shape or foot print of the home to be built on the lot. The only changes that have been made are to the fence.
  - The maximum height of the fence has been reduced to 8' at the top of the capstones at each pillar.
  - The fence will be built just inside the property line along Marquita.
  - The fence will be approximately 11' from the curb/pavement along Marquita.
  - Measuring from the edge of the home to the end of the pillar, the length of the wall located on the western property line is 31'6".
  - Measuring from the edge of the home to the end of the pillar, the length of the wall located on the eastern side of the lot, including the gate, is 23'.
  - Measuring from pillar's edge to pillar's edge, the wall located along the Marquita property line is 70' 3".
  - Six pillars have been removed from previous plans and replaced with metal posts to increase the transparency of the fence and reduce the 'weight' of the wall.
- 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 May 13, 2013, no letters had been submitted in support or in opposition to the revised requests that the applicant submitted on April 5, 2013, April 15, 2013, and May 8, 2013.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' (whereby the revised proposal that would reach 8' in height) will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted revised site plan and revised 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.

**BOARD OF ADJUSTMENT ACTION: MARCH 18, 2013**

APPEARING IN FAVOR: Grayson Wafford, 6422 Sondra, Dallas, TX

APPEARING IN OPPOSITION: James Scott, 6427 Vanderbilt Ave., Dallas, TX  
Kerry Robichaux, 6431 Sondra Dr., Dallas, TX  
John Hamilton, 6441 Sondra, Dallas, TX  
Jonathan Phillips, 6428 Marquita Ave., Dallas, TX

MOTION #1: **Maten**

I move that the Board of Adjustment, in Appeal No. **BDA 123-026**, on application of Grayson Wafford, grant a 9 foot 6 inch variance along Sondra Avenue to the minimum front yard setback regulations and an 8 foot variance along Marquita Avenue to the minimum front yard setback regulations because our evaluation of the property and the testimony shows that physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

SECONDED: **Lewis**

AYES: 4–Maten, Coulter, Richard, Lewis

NAYS: 1 – Richardson,

MOTION PASSED: 4– 1

MOTION #2: **Maten**

I move that the Board of Adjustment, in Appeal No. **BDA 123-026**, on application of Grayson Wafford, hold the fence height special exception under advisement until **April 15, 2013**.

SECONDED: **Coulter**

AYES: 5– Richardson, Maten, Coulter, Richard, Lewis

NAYS: 0 –

MOTION PASSED: 5– 0(unanimously)

**BOARD OF ADJUSTMENT ACTION: APRIL 15, 2013**

APPEARING IN FAVOR: Grayson Wafford, 6422 Sondra, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Maten**

I move that the Board of Adjustment, in Appeal No. **BDA 123-026**, hold this matter under advisement until **May 20, 2013**.

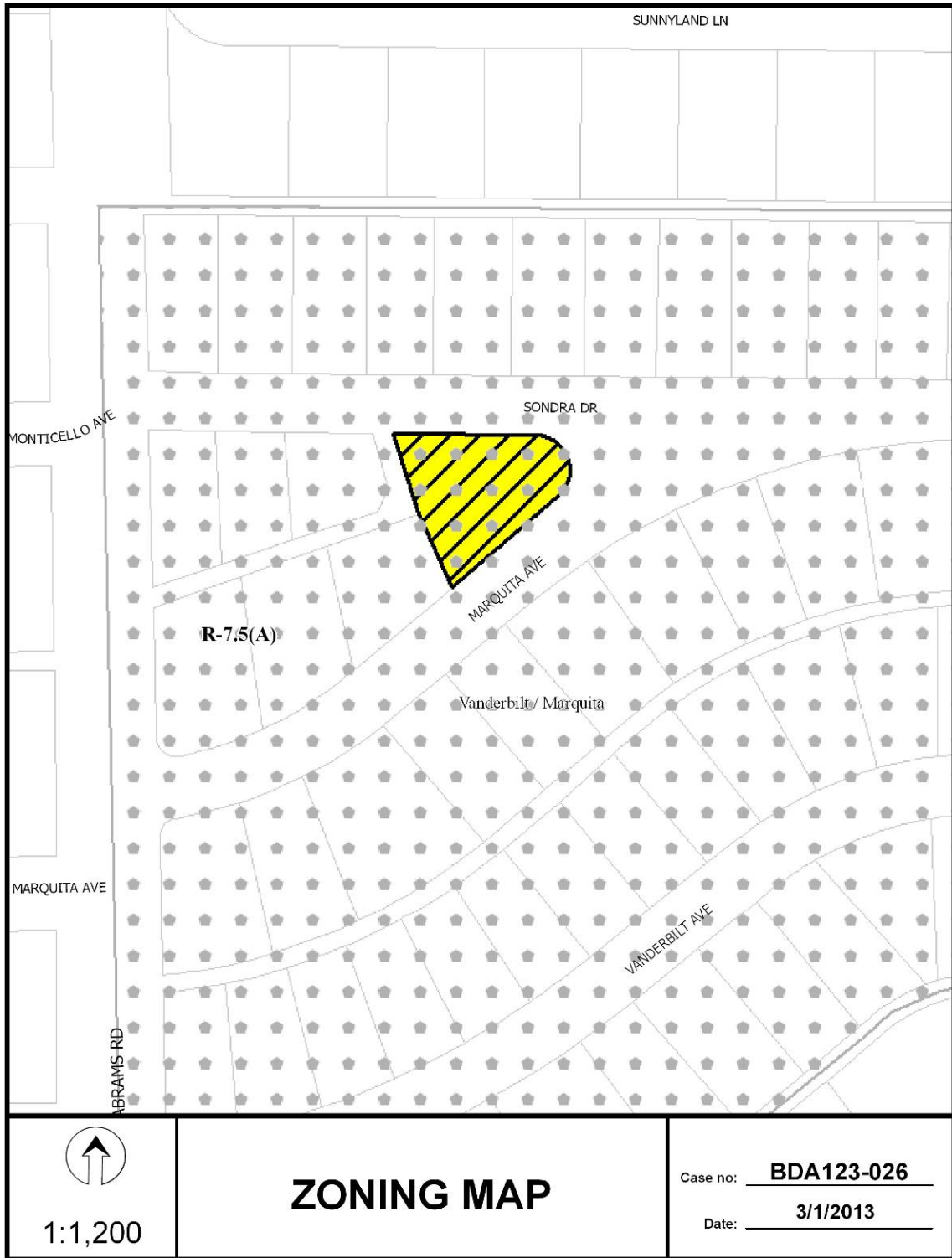
SECONDED: **Coulter**

AYES: 5– Richardson, Maten, Coulter, Richard, Lewis

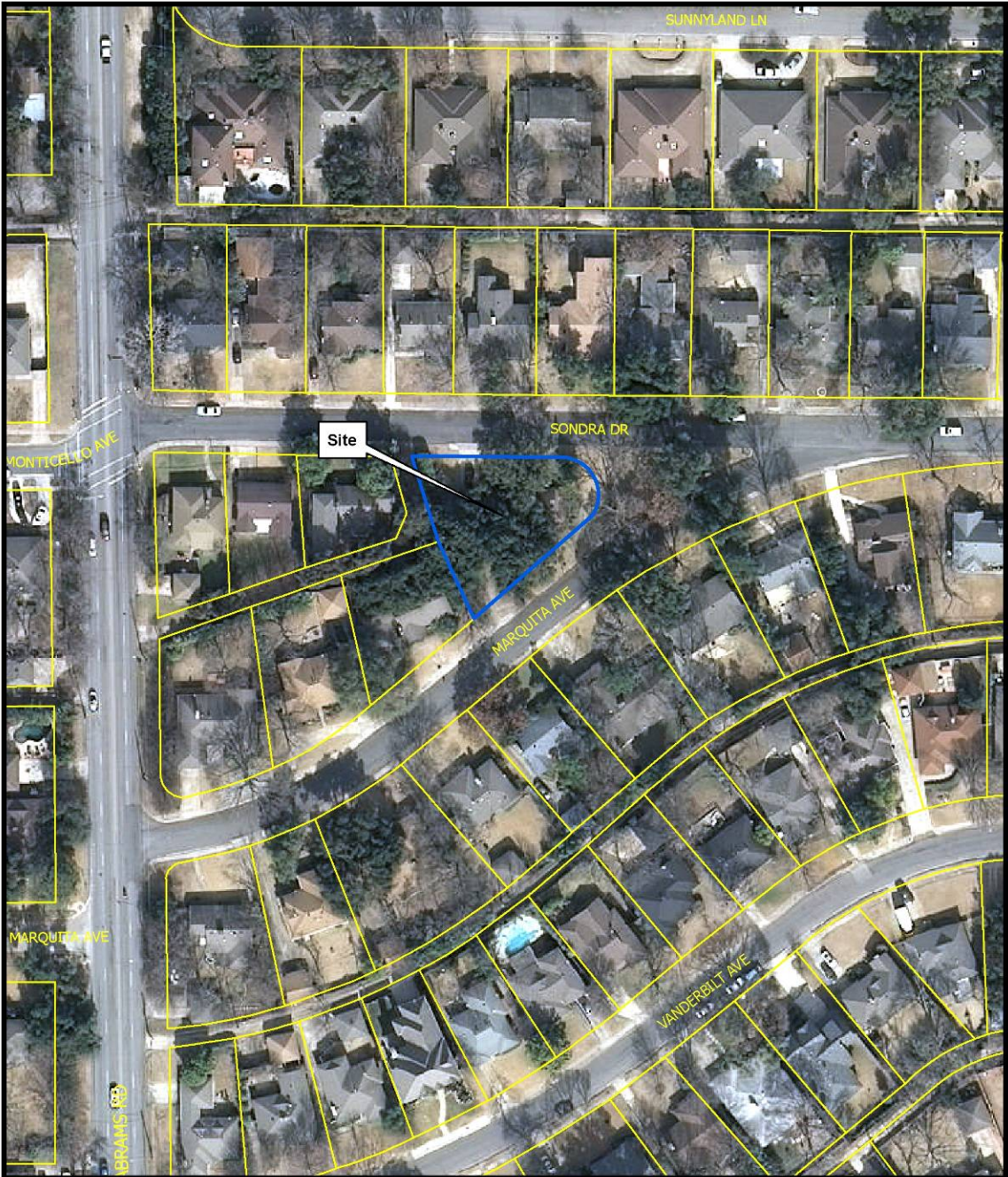
NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)

\*\*\*\*\*







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

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**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



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.

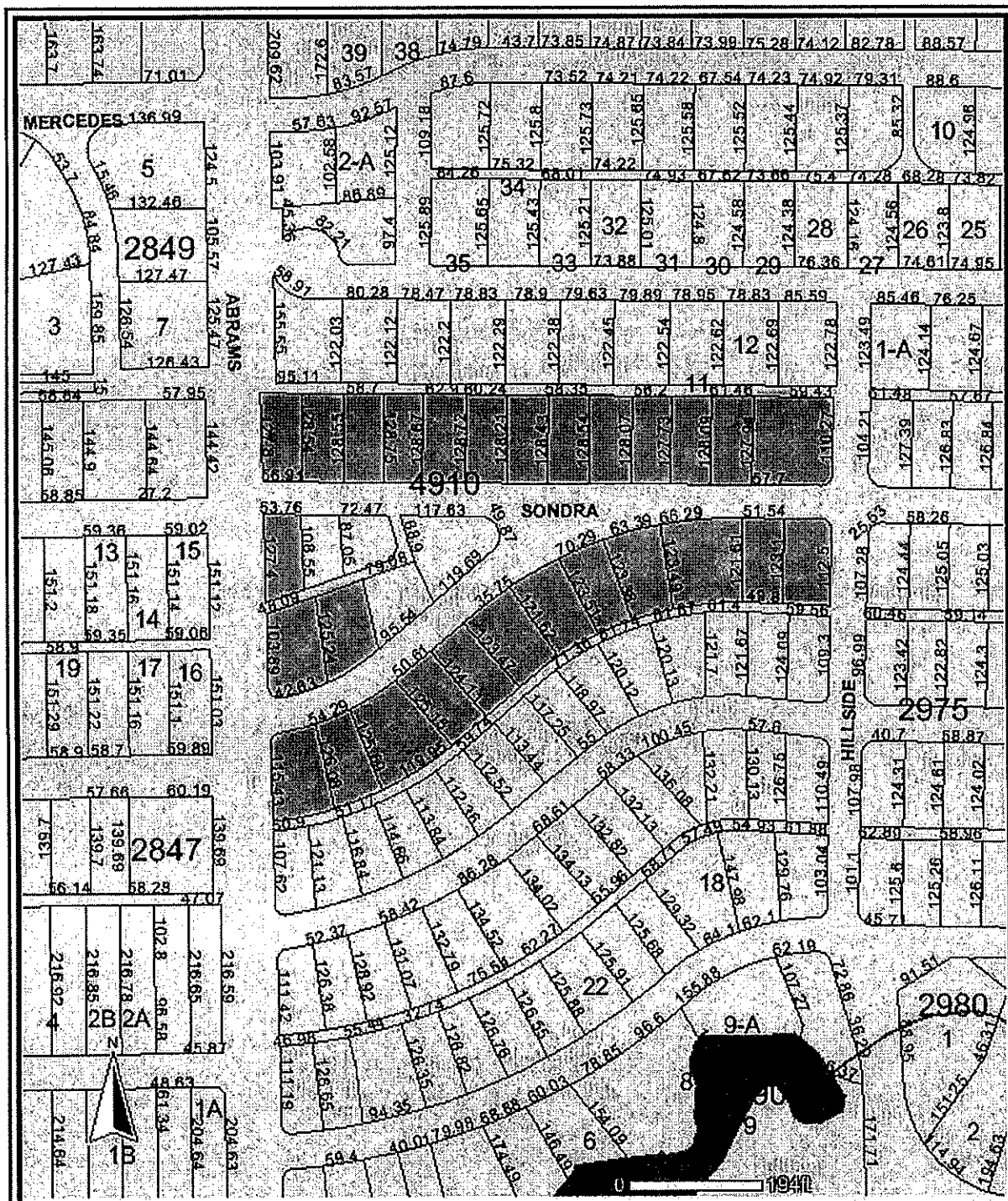
#### Further Consideration

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.



BDA 123-026  
 Attach C PS 4

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

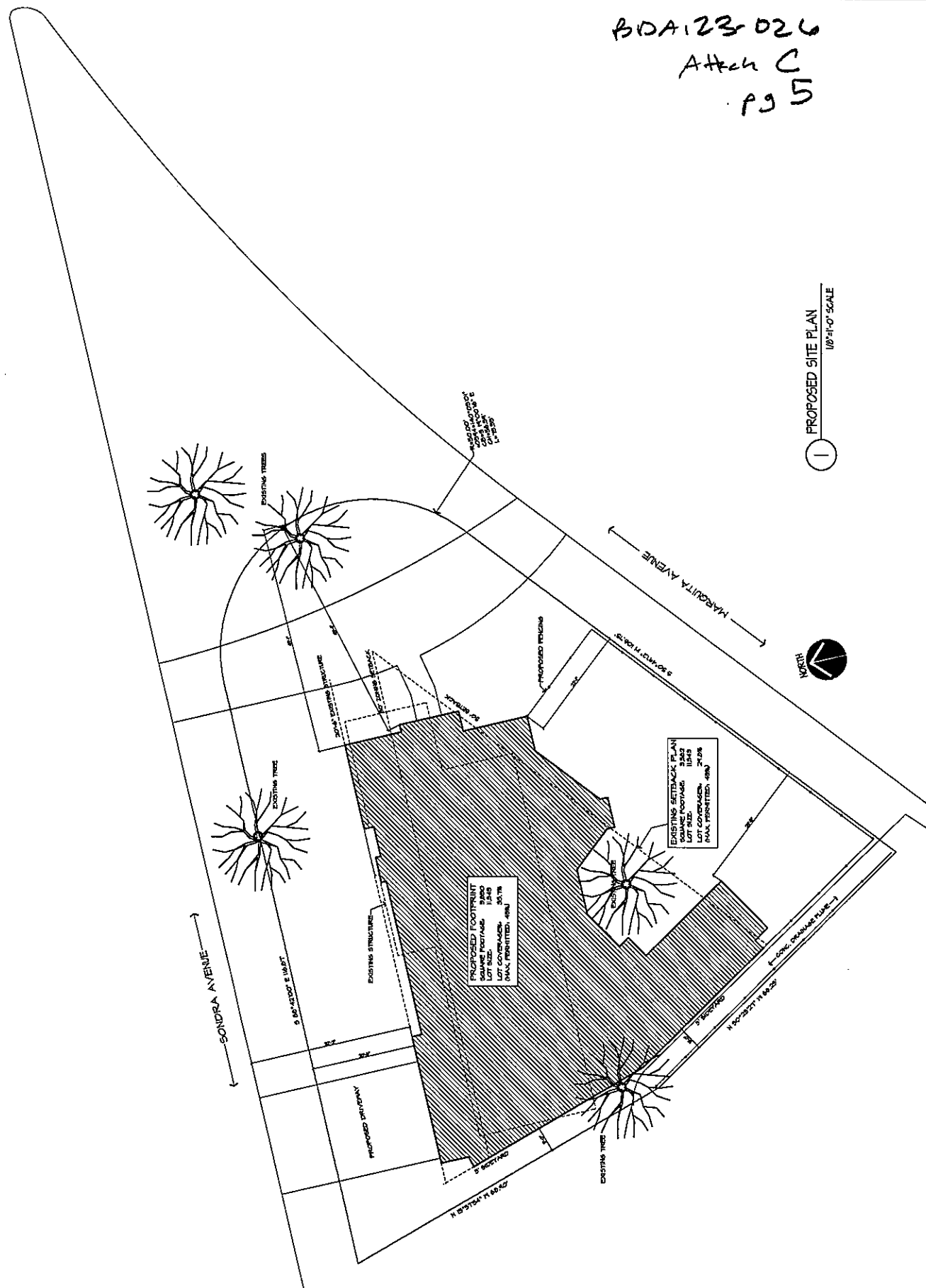
Max Lot Coverage of 45%  
 (8,853 x 45%) 3,984

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



PROPOSED FOOTPRINT  
 SQUARE FOOTAGE: 3,800  
 LOT SIZE: 11,840  
 LOT COVERAGE: 32.1%  
 MAX. PERMITTED: 40%

EXISTING SETBACK PLAN  
 EXISTING FOOTPRINT: 1,840  
 LOT SIZE: 11,840  
 LOT COVERAGE: 15.5%  
 MAX. PERMITTED: 40%

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

**From:** Grayson Wafford [grayson\_wafford@yahoo.com]  
**Sent:** Friday, April 05, 2013 2:18 PM  
**To:** Long, Steve  
**Cc:** Duerksen, Todd  
**Subject:** Re: BDA 123-026 - Fence Plan  
**Attachments:** Fence Site Plan Final.pdf; Wall Elevations.pdf

Pg 1

Mr. Long,

I've attached the site plan and elevation for the revised fence for the special exception request.

I'd like to make the following representations:

- 1) The site plan attached includes NO changes to the size, shape or foot print of the home to be built on the lot. The only changes that have been made are to the fence.
- 2) The maximum height of the fence will be 8'6" at the top of the capstones at each pillar and the maximum height of the walls of the fence between pillars will be 8'.
- 3) The fence will be built 1' from the property line along Marquita.
- 4) The fence will be approximately 12' from the curb/pavement along Marquita.
- 5) Measuring from the edge of the home to the end of the pillar, the length of the wall located on the western property line is 22'.
- 6) Measuring from the edge of the home to the end of the pillar, the length of the wall located on the eastern side of the lot, including the gate, is 21'.
- 7) Measuring from pillar's edge to pillar's edge, the wall located along the Marquita property line is 63'.

A couple of things to note:

- 1) I've added a 50 sq/ft circular planter on the Southwest corner of the fence. This will be a very pretty flower garden that will improve the aesthetic appeal of the street when drivers are heading east on Marquita.
- 2) I changed all of the board on board wooden fence to either masonry or metal material.
- 3) The metal portions of the fence will serve as lattice for creeping vines and climbing rose plants. This will transform the wall into a living flower garden and be quite appealing for anyone living on Marquita or driving down the 6400 block of Marquita.
- 4) We removed the gate on the Marquita wall to eliminate any increased foot traffic and improve safety and aesthetic appeal.

Please let me know if you need anything further prior to the April 15th meeting.

Thanks,  
Grayson Wafford

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**From:** "Long, Steve" <steve.long@dallascityhall.com>  
**To:** Grayson Wafford <grayson\_wafford@yahoo.com>  
**Cc:** "Duerksen, Todd" <todd.duerksen@dallascityhall.com>

BDA 123-026

Attach D

P 32

**Sent:** Friday, April 5, 2013 11:11 AM  
**Subject:** FW: BDA 123-026 - Fence Plan

Dear Mr. Wafford,

One more thing: Can you minimally represent that your proposal as shown on your attached wall elevations does not exceed 8' 6" in height? If you cannot make that representation, please create an elevation that does seeing that your request is for a 4' 6" special exception.

Thanks,

Steve

---

**From:** Long, Steve  
**Sent:** Friday, April 05, 2013 10:58 AM  
**To:** 'Grayson Wafford'  
**Cc:** Duerksen, Todd  
**Subject:** RE: BDA 123-026 - Fence Plan

Dear Mr. Wafford,

- 1) Can you represent to me that the dimensions of the home on the attached site plan and its relationship to the property lines is the same as what was shown on your site plan that was imposed as a condition to the variances granted on this property last month? (If you cannot make that representation about this attached site plan, please create a site plan that does).
- 2) Todd and I need a copy of a full scale site plan and elevation no later than the end of the day today if you want staff to be able to provide certain facts about your revised fence proposal in the docket that is emailed to you, staff and the board members next week. (My office is in Room 5BN, Dallas City Hall , and Todd is in Room 105, Oak Cliff Municipal Center ).

Please write or call me at 214/670-4666 if you have questions or concerns.

Thanks,

Steve

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**From:** Grayson Wafford [mailto:grayson\_wafford@yahoo.com]  
**Sent:** Friday, April 05, 2013 10:40 AM  
**To:** Long, Steve  
**Subject:** BDA 123-026 - Fence Plan

Mr. Long,

I've attached the site plan and elevation for the revised fence for the special exception request. I've spent a great deal of time with designers and architects trying to develop a plan that will undoubtedly enhance the aesthetic value of the neighborhood.

A couple of things to note:

- 1) I've added a 50 sq/ft planter on the Southwest corner of the fence. This will be a very pretty flower garden that will improve the aesthetic appeal of the street when drivers are heading east on Marquita.
- 2) I changed all of the board on board wooden fence to either masonry or metal.
- 3) The metal portions of the fence will serve as lattice for creeping vines and climbing rose plants. This will transform the wall into a living flower garden and be quite appealing for anyone living or driving down the 6400 block of Marquita.

4) We removed the gate on the Marquita wall to eliminate any increased foot traffic and improve safety and aesthetic appeal.

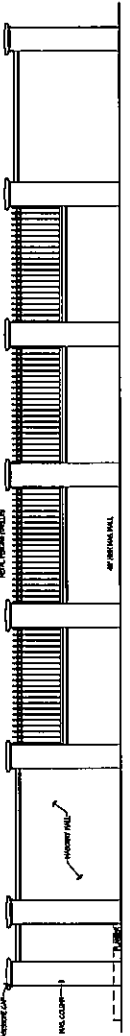
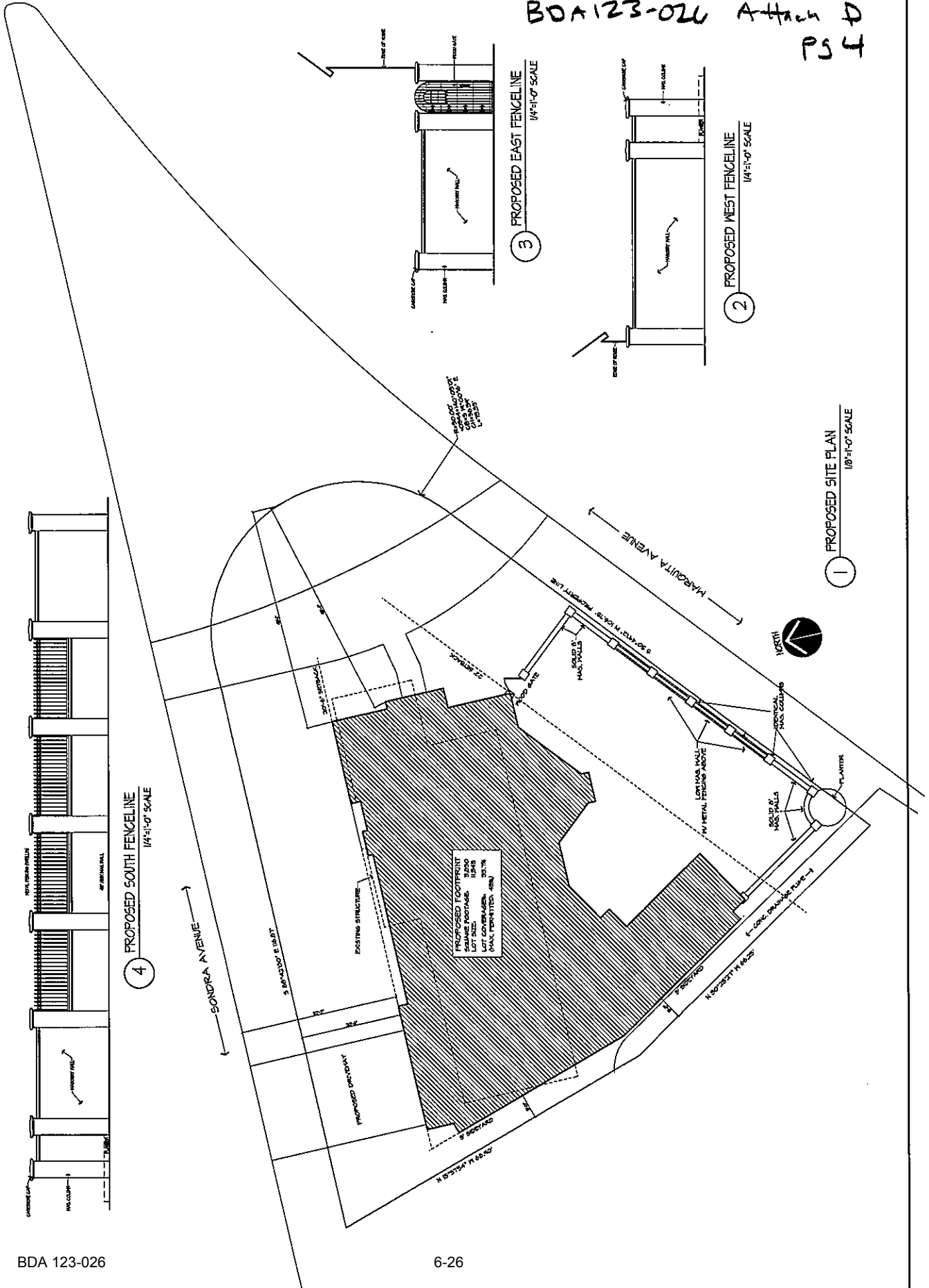
I've shared the plans with several neighbors and the plans have received only positive feedback with no objections or concerns.

Although this fence will cost over 200% more than the board on board version first submitted, it is worth the increased expense to provide a wall that will provide safety, privacy and greatly increase the neighborhood's beauty.

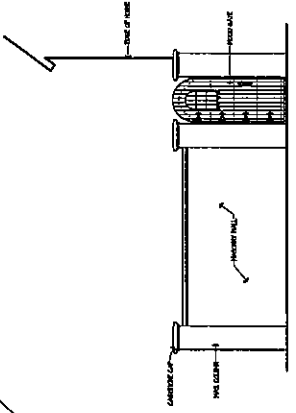
Please let me know if you need anything further prior to the April 15th meeting.

Thanks,  
Grayson Wafford

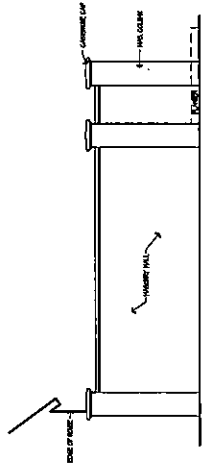
BDA123-026 Attach D  
PS 4



4 PROPOSED SOUTH FENCELINE  
1/4"=1'-0" SCALE



3 PROPOSED EAST FENCELINE  
1/4"=1'-0" SCALE



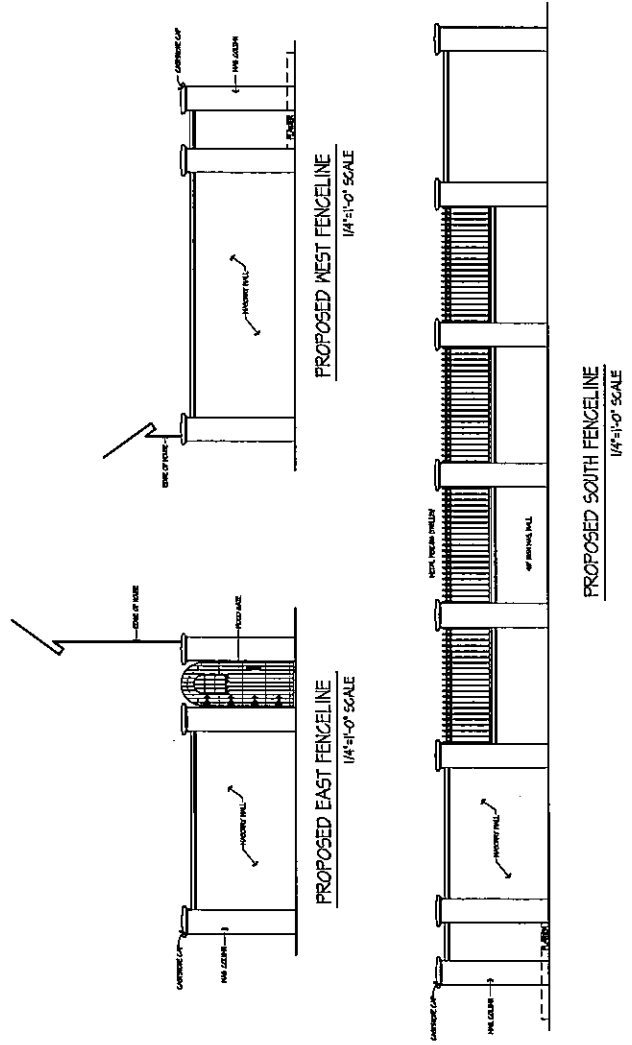
2 PROPOSED WEST FENCELINE  
1/4"=1'-0" SCALE

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

PROPOSED LOT/COURT  
 SQUARE FOOTAGE: 3,200  
 LOT SIZE: 11,848  
 LOT AREA: 20.7%  
 MAX. PERMITTED: 40%  
 MAX. PERMITTED: 40%

BDA 123-026

Attach D  
P35







BDA 123-026

Attach F

**Long, Steve**

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**From:** Grayson Wafford [grayson\_wafford@yahoo.com]  
**Sent:** Wednesday, May 08, 2013 10:30 AM  
**To:** Long, Steve; Duerksen, Todd  
**Subject:** BDA 123-026 Fence Site Plan for 5/20/13  
**Attachments:** 6422 Sondra Site Plan 052013.pdf

PS1

Mr. Long and Mr. Duerksen,

I've attached the site plan and elevation for the revised fence for the special exception request.

I'd like to make the following representations:

- 1) The site plan attached includes NO changes to the size, shape or foot print of the home to be built on the lot. The only changes that have been made are to the fence.
- 2) The maximum height of the fence has been reduced to 8' at the top of the capstones at each pillar.
- 3) The fence will be built just inside the property line along Marquita.
- 4) The fence will be approximately 11' from the curb/pavement along Marquita.
- 5) Measuring from the edge of the home to the end of the pillar, the length of the wall located on the western property line is 31'6".
- 6) Measuring from the edge of the home to the end of the pillar, the length of the wall located on the eastern side of the lot, including the gate, is 23'.
- 7) Measuring from pillar's edge to pillar's edge, the wall located along the Marquita property line is 70'3".
- 8) Six pillars have been removed from previous plans and replaced with metal posts to increase the transparency of the fence and reduce the 'weight' of the wall.

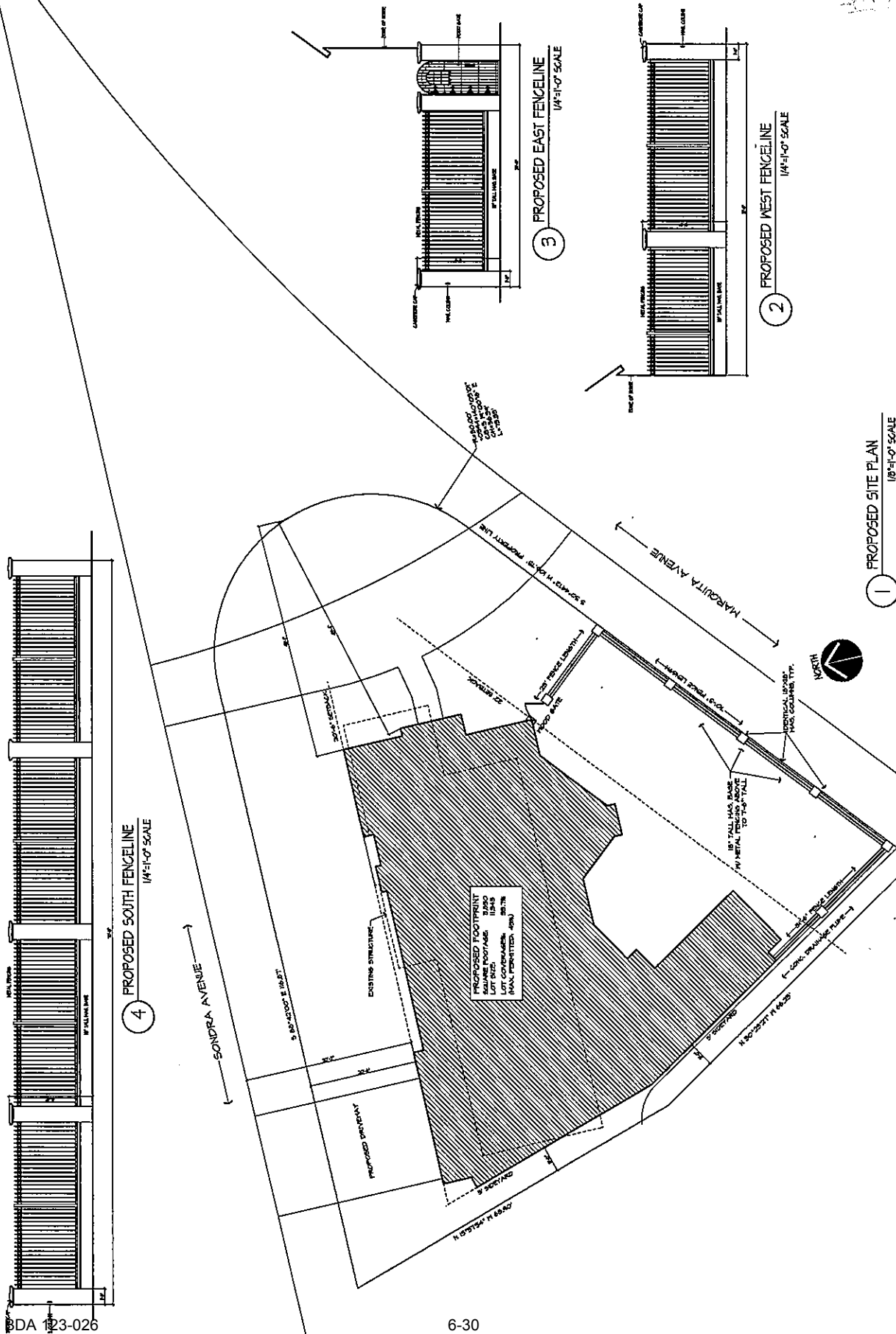
A couple of things to note:

- 1) I would like to show a brief presentation on May 20th to the board. I am open to format, but would prefer Power Point. Please let me know what you need from me prior to the meeting.
- 2) I have hired a landscape design firm and will present their plan at the meeting on May 20th. I understand that special exceptions do not apply to landscape but believe the board would appreciate seeing my ideas and plans for landscaping.
- 3) I will provide large scale format plans of the attached at the meeting on May 20th.

Please let me know if you need anything further prior to the meeting on May 20th.

Thanks,  
Grayson Wafford

BDA  
 123  
 026  
 Attach  
 F  
 pg 2



BDA 123-026

6-30



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

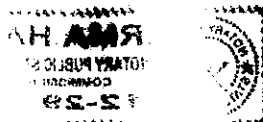
**Building Official's Report**

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.

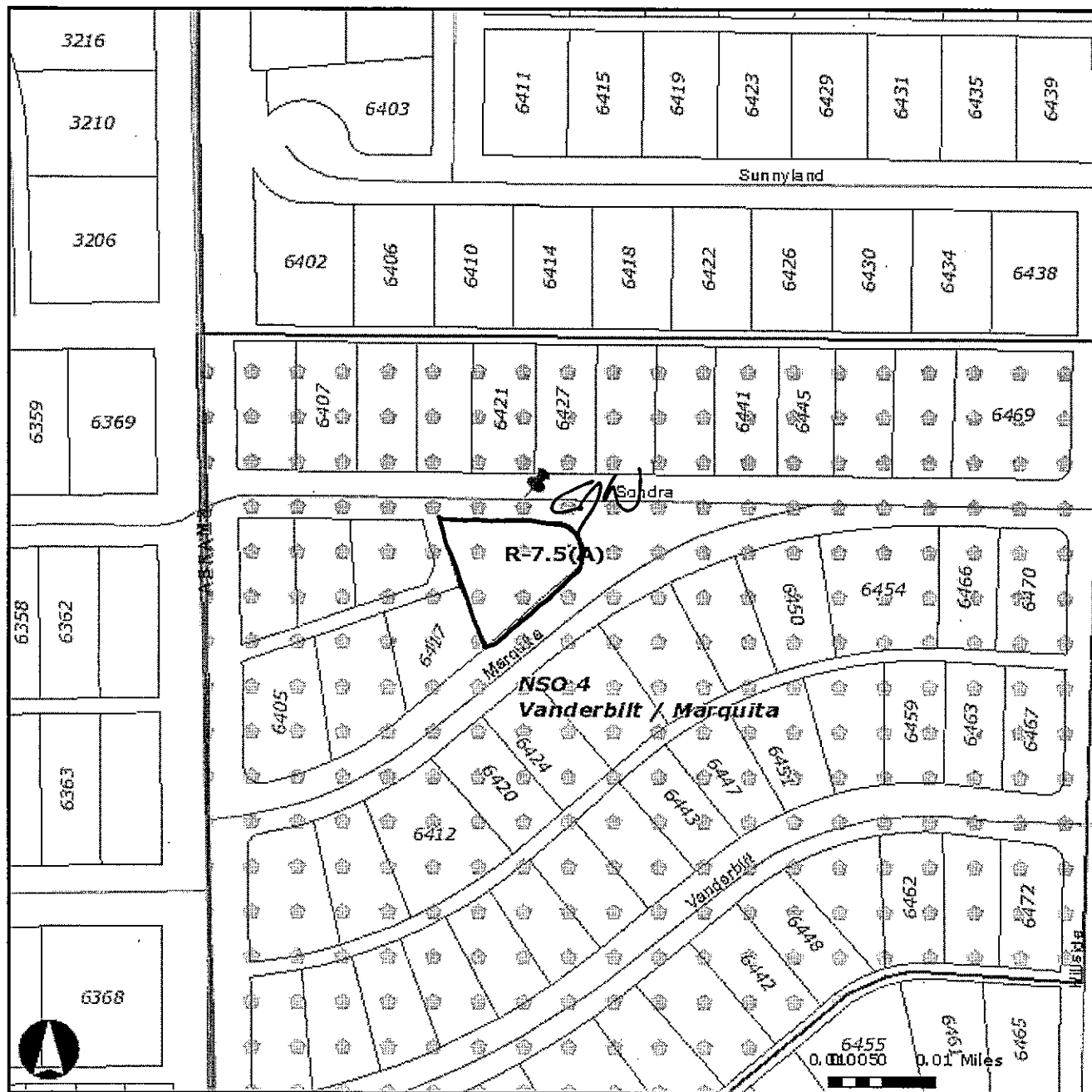
Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official





# City of Dallas Zoning



Address Candidates



Address Candidates



City Boundaries



County



Deed Restrictions



SUP



Dry Overlay



Historic Overlay

PD193 Oak Lawn



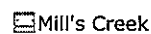
PDS Subdistricts



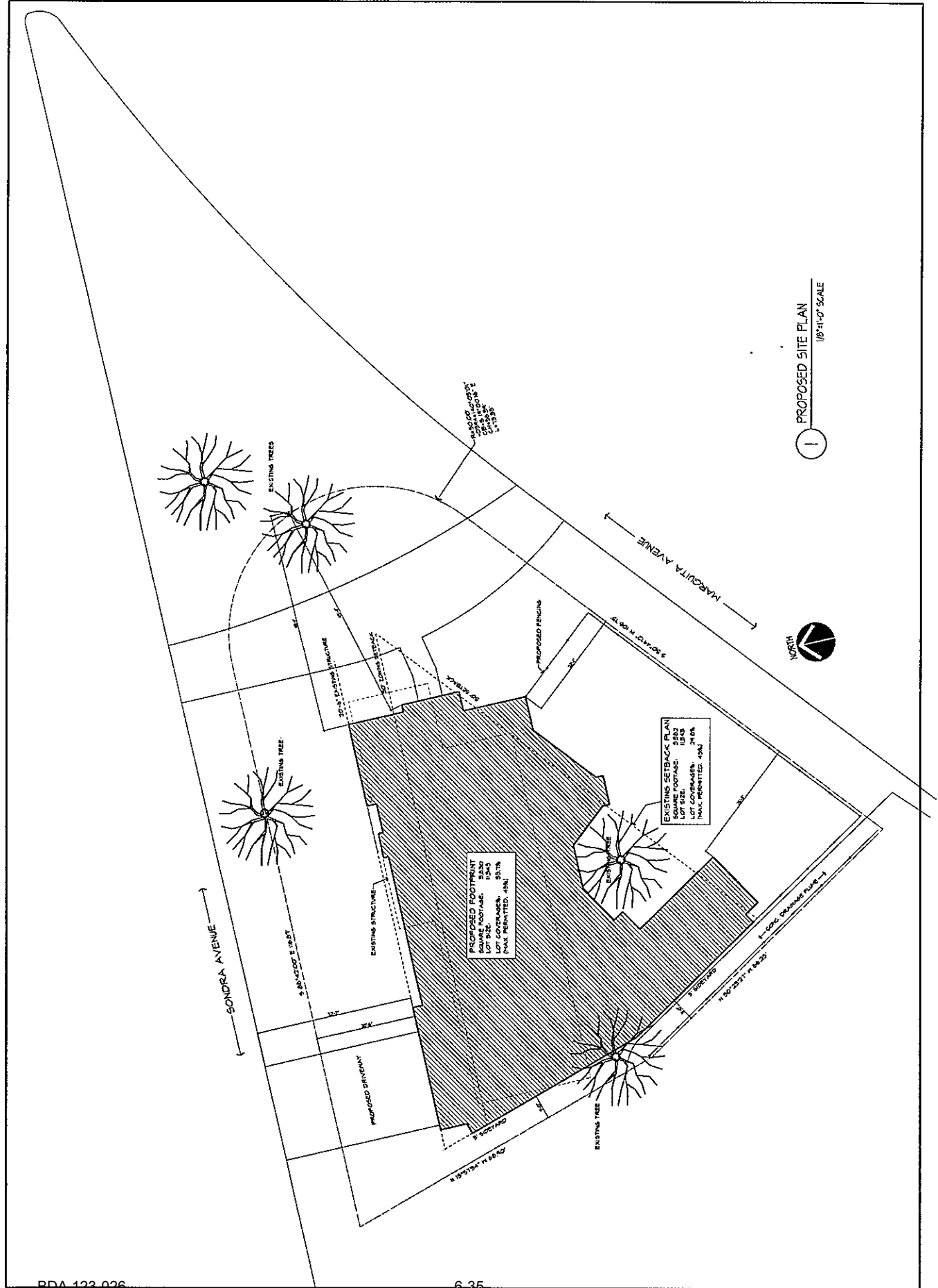
Base Zoning



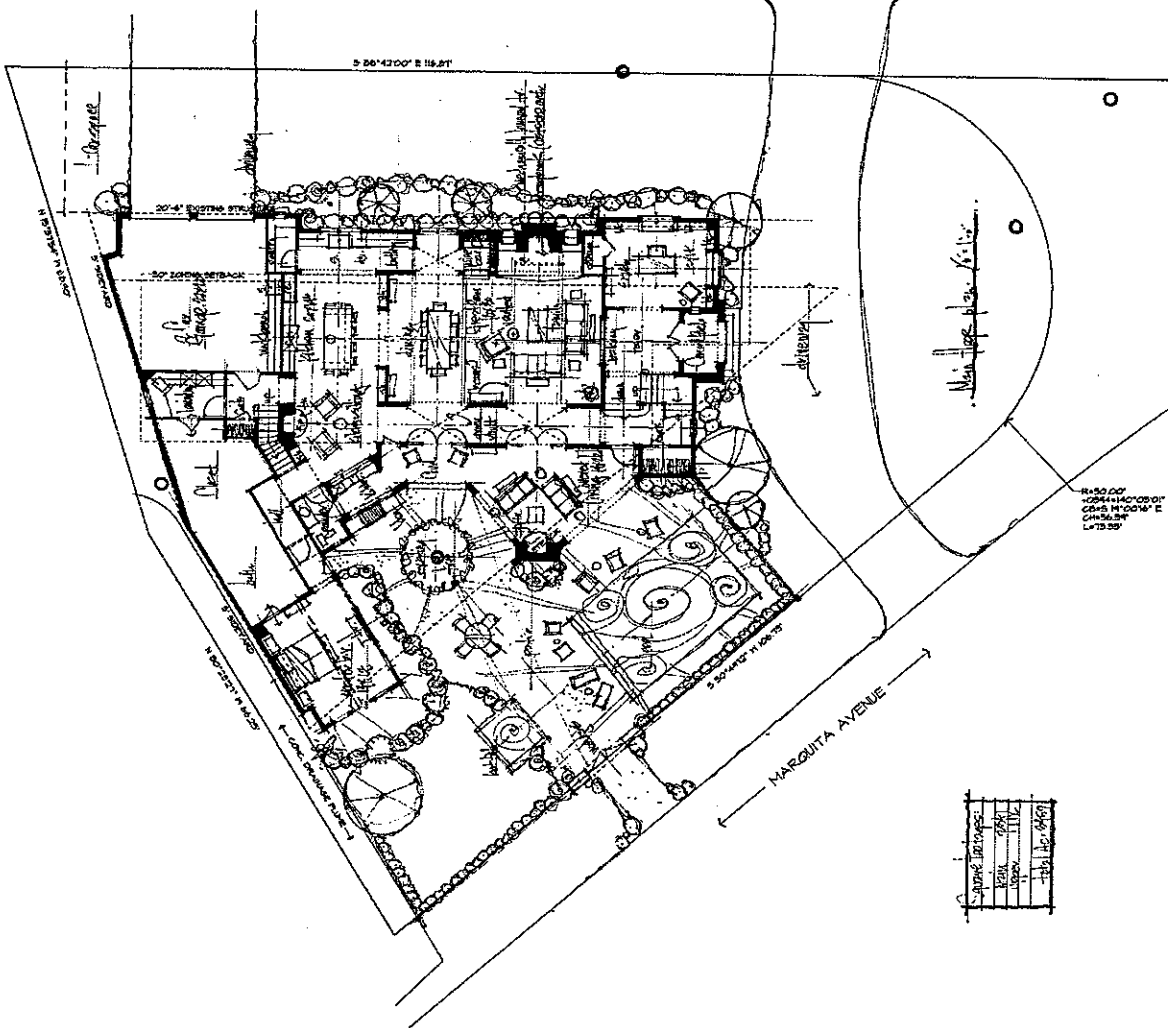
Floodplain



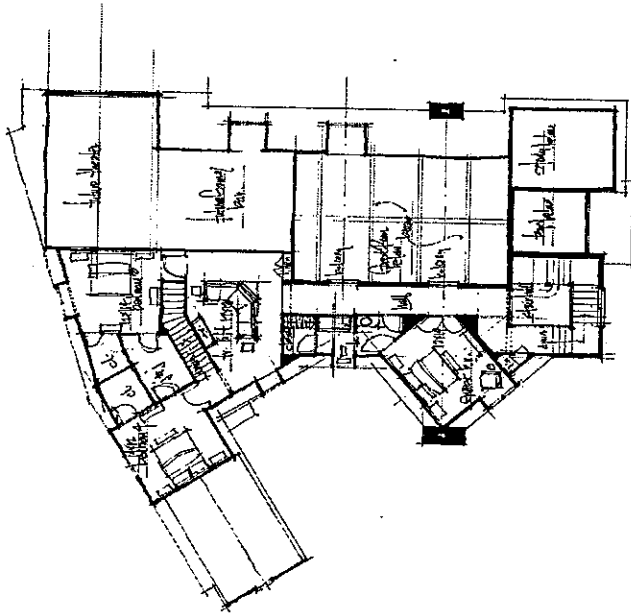
1 PROPOSED SITE PLAN  
 1/8"=1'-0" SCALE



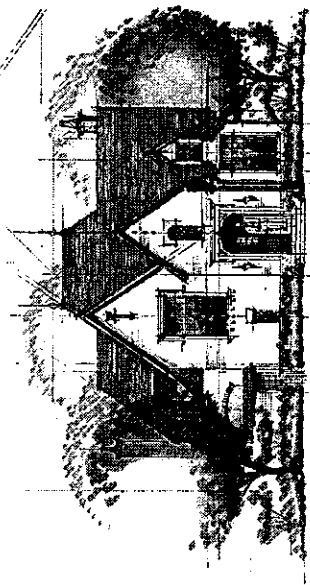
← SONDRA AVENUE →



Symbol	Description
(Symbol)	Survey Boundary
(Symbol)	Pool
(Symbol)	Driveway
(Symbol)	Planting

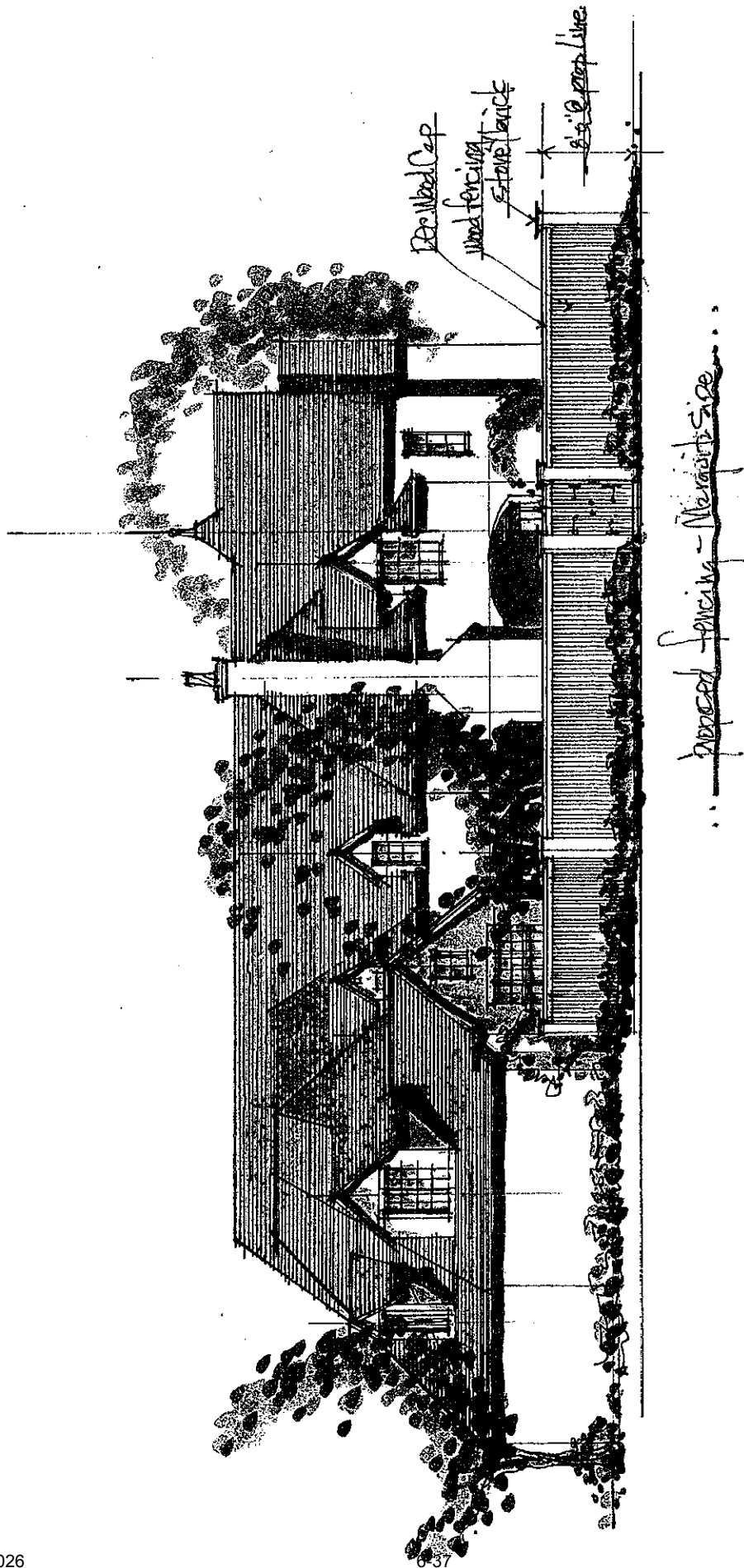


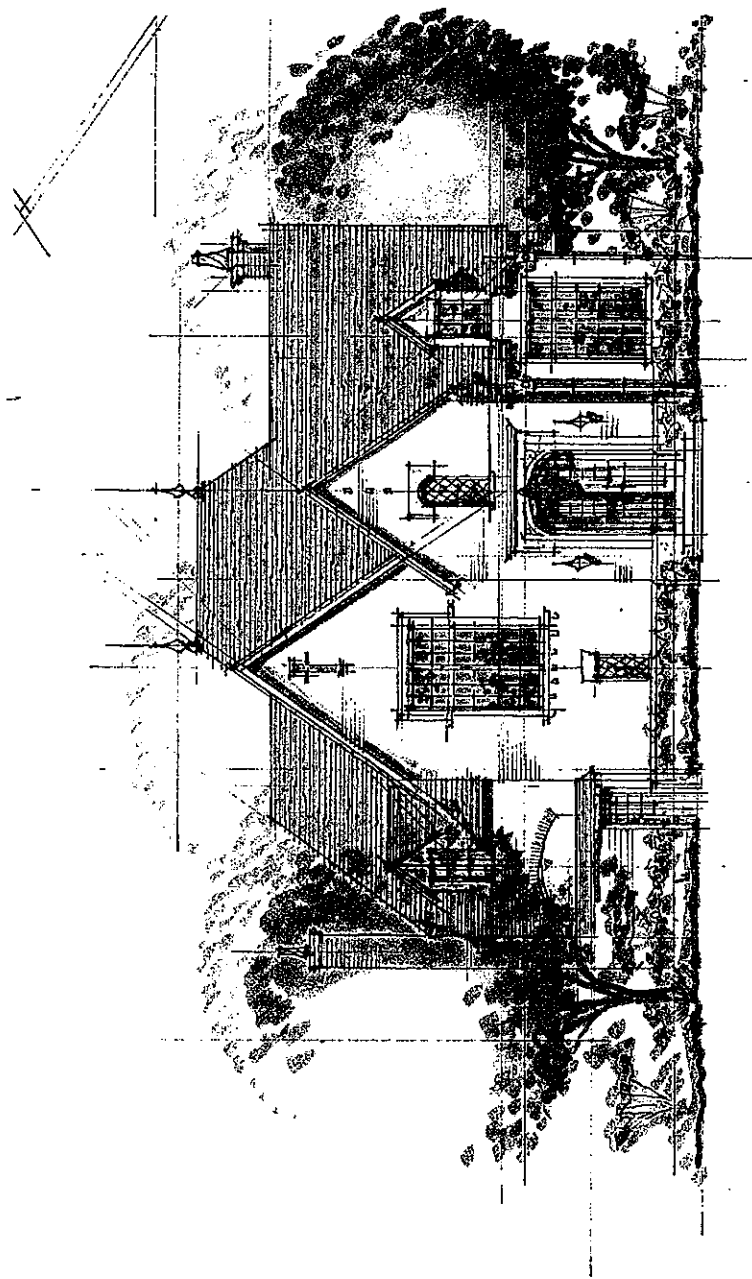
Home for the future



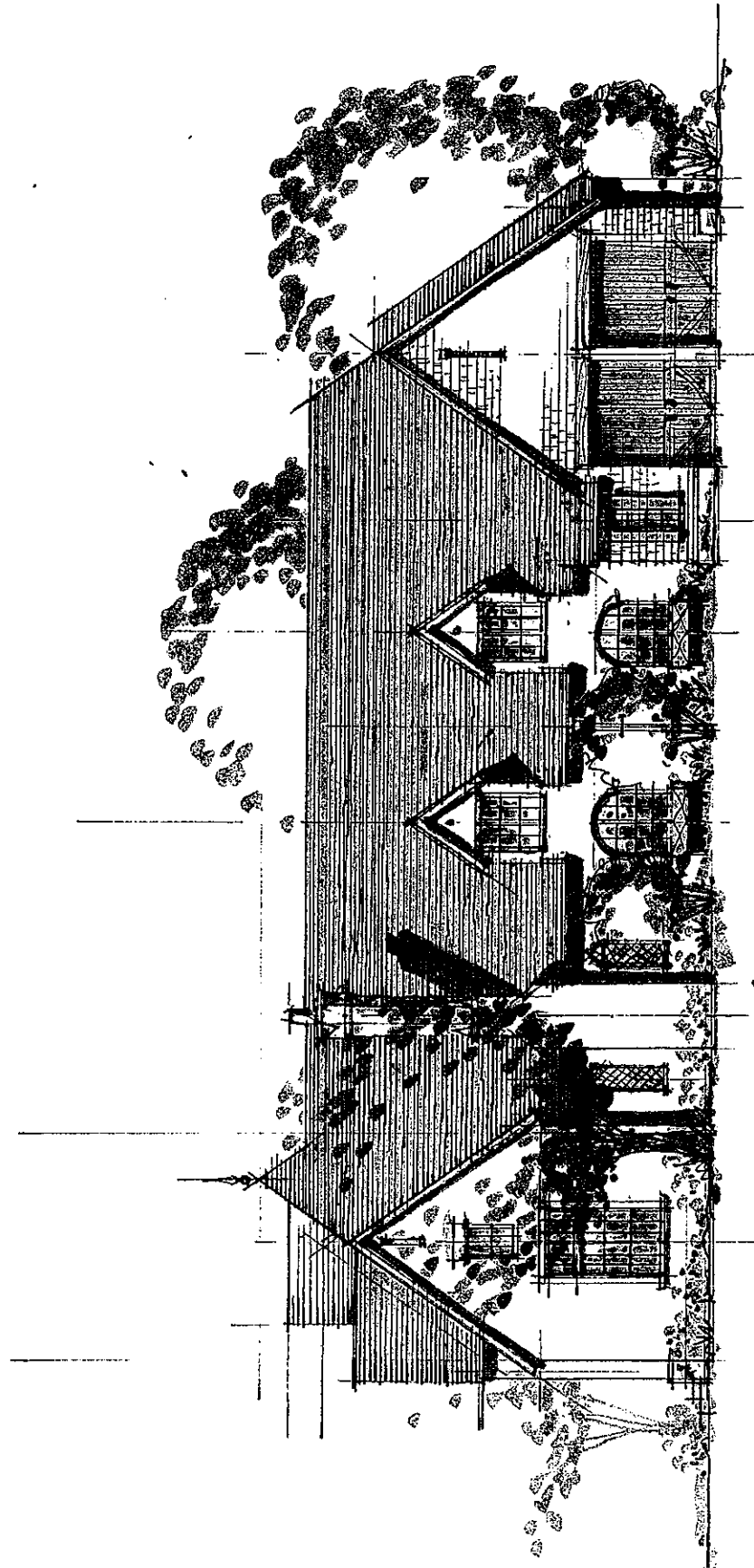
Home for the future



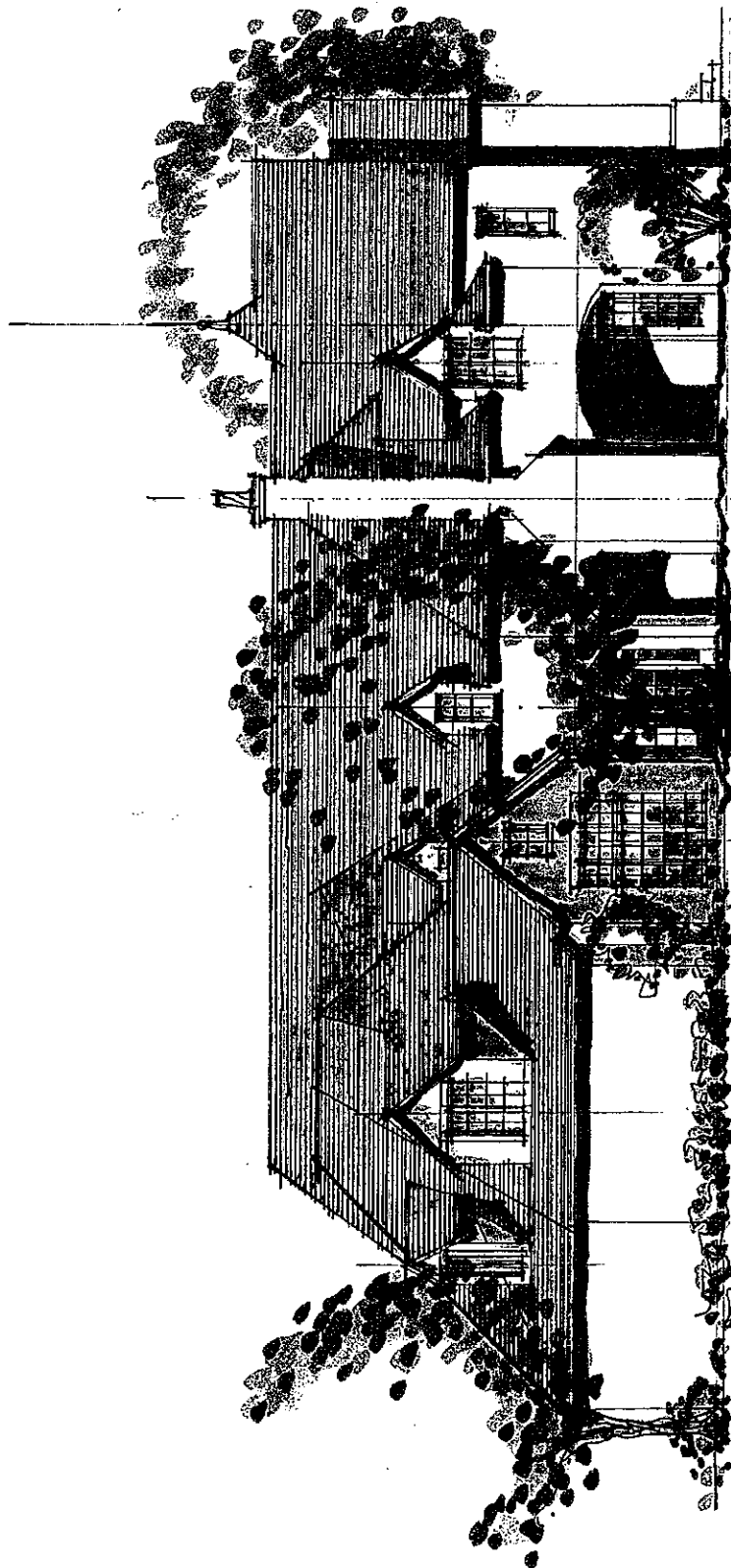




...  
Tant...  
1/2" = 1'-0"



... Ground Side elevation 1/4" = 1'-0"



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



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA123-026</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>32</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>32</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
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<b>32</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *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