

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, JUNE 17, 2013
AGENDA

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

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Monday, May 20, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-054	8000 Park Lane REQUEST: Application of Colesen C. Evans for a variance to the front yard setback regulations	1
BDA 123-063	7326 La Vista Drive REQUEST: Application of Robert V. Hunt for a variance to the front yard setback regulations	2

REGULAR CASES

BDA 123-057	3826 Lemmon Avenue REQUEST: Application of Jim Tusing, represented by Bryan M. Burger, for a variance to the off-street parking regulations	3
BDA 123-062	8410 Blue Bonnet Road REQUEST: Application of Juanita Couch for a special exception to the fence height regulations	4

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C May 20, 2013 public hearing minutes.

FILE NUMBER: BDA 123-054

BUILDING OFFICIAL'S REPORT: Application of Colesen C. Evans for a variance to the front yard setback regulations at 8000 Park Lane. This property is more fully described as Lot 1C, Block A/5456, and is zoned MU-3 (SAH), which requires a front yard setback of 35 feet for portions of a structure greater than 45 feet in height. The applicant proposes to construct a structure over 45 feet in height and provide a 15 foot 6 inch front yard setback for a portion of a structure over 45 feet in height, which will require a variance to the front yard setback regulations of 19 foot 6 inches.

LOCATION: 8000 Park Lane

APPLICANT: Colesen C. Evans

REQUEST:

A variance to the urban form front yard setback regulations of 19' 6" is requested in conjunction with constructing and maintaining an approximately 80' high mixed use (retail/restaurant/office) structure that would be located within the required 35' front yard setback for the portion of it above 45' in height along the I-75/North Central Expressway service road. The site is developed as a mixed use development (Park Lane).

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:

- (A) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) the variance is 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) the variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan and site section document is required.

Rationale:

- The subject site is restricted in its developable area given its multiple front yards, and an off-set at the corner of Park Lane and the north bound frontage road.
- The subject site in which the staff and Board of Adjustment found hardship for a similar urban form front yard setback variance in February of 2011 has not changed.
- Granting the variance to the urban form front yard setback regulations (with the suggested condition imposed) would not be contrary to the public interest since the portion of the proposed structure to be “varied” is:
 - A maximum 80’ in height or only 35’ above/beyond the 45’ height in which the additional 20’ urban form front yard setback begins; and
 - Located on a portion of the site that abuts the I-75/North Central Expressway service road where the property to the west is separated by over 300’ of public right-of-way.

BACKGROUND INFORMATION:

Site: MU-3(SAH) (Deed restricted)* (Mixed Use, Standard Affordable Housing)
North: RR (Regional Retail)
South: GO(A) (General Office)
East: MU-3 (Mixed Use)
West: RR (Regional Retail)

* Note that the applicant acknowledged in an email to the Board Administrator on May 16, 2013 of the deed restrictions on the property. The applicant stated that these deed restrictions do not affect this application to the board since they only pertain to overall density.

Land Use:

The subject site is currently developed as a mixed use development (Park Lane). The areas to the north, south, east and west are development with mostly retail and office uses.

Zoning/BDA History:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. BDA 101-019, Property at 8000Park Lane (the subject site) | <p>On February 17, 2011, the Board of Adjustment Panel C granted requests for variances to the urban form front yard setback regulations of up to 10.75’ The board imposed the following condition: compliance with the submitted site plan is required. The case report stated that the requests were made in conjunction with constructing and maintaining an</p> |
|---|---|

approximately 400 square foot 68' high sign "structure" that would not comply with the required 35' front yard setback for the portion of it above 45' in height along Blackwell Street and the I-75/North Central Expressway service road. It was noted that the site was developed as a mixed use development (Park Lane).

2. BDA 089-125, Property at 8070 Park Lane (the subject site)

On December 14, 2009, the Board of Adjustment Panel C granted a request for a special exception to the tree preservation regulations requested in conjunction with not fully mitigating protected trees removed on a site that is currently being developed with a mixed use office/residential/dining/shopping project (Park Lane). The board imposed the following condition: All protected trees, as defined by Article X that remain on the Property following the date of the hearing, are considered to be protected and subject to the Article X tree preservation ordinance. Any protected tree that is determined to be removed, based on conditions as defined in Article X, must be subject to replacement.

3. BDA067-052, Property at 8070 Park Lane (the subject site)

On May 14, 2007, the Board of Adjustment Panel C granted a request for a special exception to the off-street parking regulations of 374 spaces (or 5.67% of the required off-street parking) and imposed the following conditions: The special exception shall automatically and immediately terminate if and when the office uses on the site are changed or discontinued to have less than 125,000 square feet of office use; and the applicant or property owner must submit a parking analysis of the site to the Department of Development Services engineer no later than December 31, 2011. Should the parking analysis show any parking deficiency, the applicant or property owner must immediately mitigate that deficiency as may be agreed between the applicant or property owner and the Department of Development Services. The

case report stated that the request was made in conjunction with developing a 33-acre site with mixed-uses.

Timeline:

March 29, 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.

May 15, 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.”

May 15, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.

June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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.

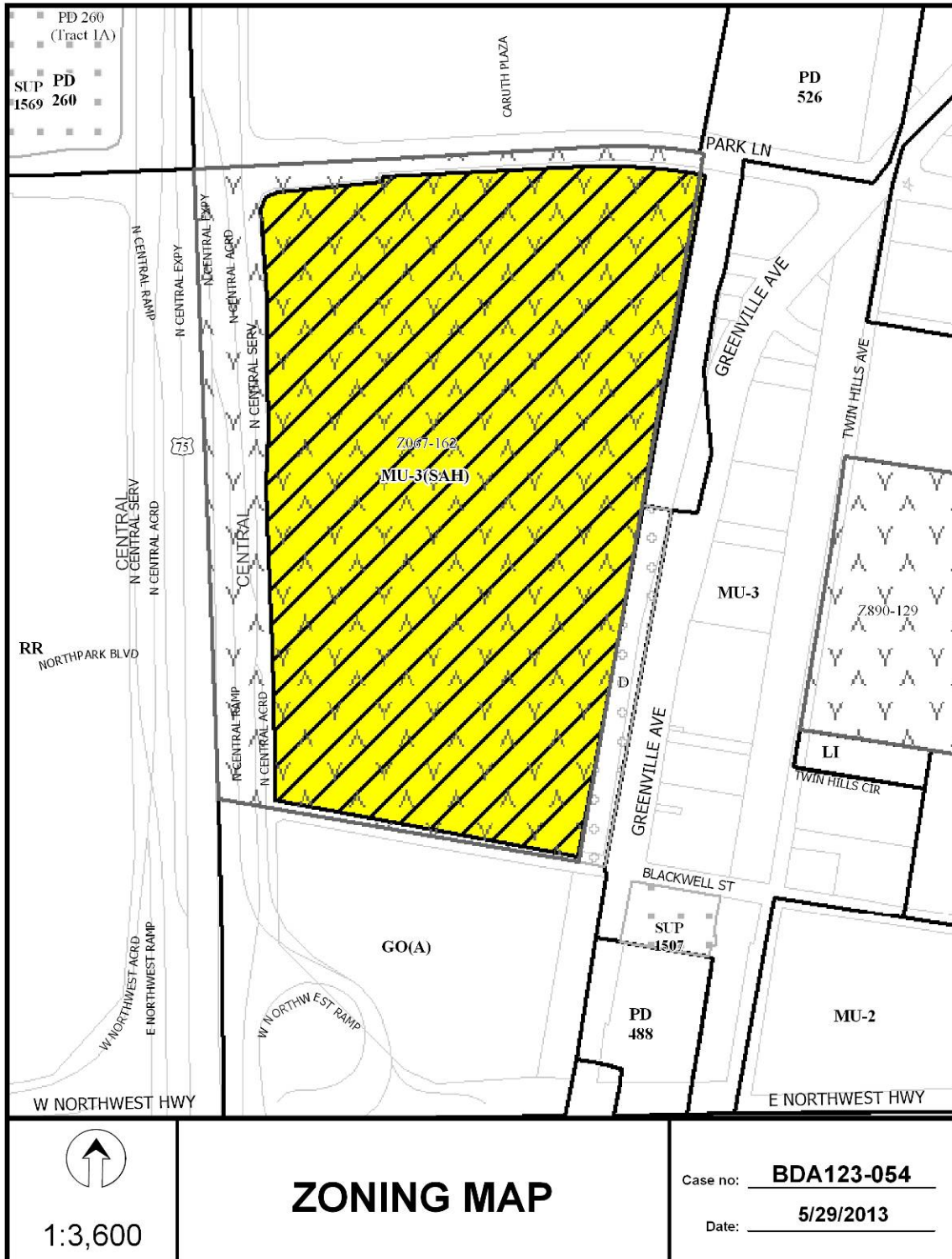
GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 80’ high mixed use (retail/restaurant/office) structure with an approximately 32,000 square

foot building footprint that does not comply with the required 35' front yard setback (or additional 20' setback to the required 15' front yard setback) for that portion of the structure above 45' in height along the I-75/North Central Expressway service road. The site is developed as a mixed use development (Park Lane).

- Development on lots zoned MU-3 are required to provide a 15' front yard setback and an additional 20' setback for any portion of a structure above 45' in height.
- The applicant has submitted an overall site plan (that includes a "detail plan" and "site section" document indicating the portion of the proposed structure above 45' in height that is located as close as 15' 6" from the site's front property line along the I-75/North Central Expressway service road but as much as 19' 6" into the 35' front yard setback *for the portion of a structure over 45' in height.*
- The submitted "detail plan" denotes a hatched area that is the building area within the urban form setback; with average grade being about 579' with a new proposed tower height of approximately 658'.
- The applicant has submitted a "site section" document representing how the upper two stories of the proposed 5 story structure encroaches into the additional 20' front yard setback for the portion of the structure above 45' in height.
- Staff has interpreted that the additional 20' setback provision for structures or portions of structures higher than 45' in height was enacted to discourage a canyon effect that a structure may create once it exceeds a specific height, and that this additional front yard setback was enacted to ensure openness, light, and airflow between tower structures.
- According to the applicant, about 4 percent (or about 6,500 square feet) of the total area of the structure (approximately 160,000 square feet) encroaches into the urban form setback. The applicant states that there are 5 floors at approximately 32,000 each where portions of the 2 upper floors that intrude into the urban form setback.
- The subject site is somewhat sloped, slightly irregular in shape, and, according to the application, 33.32 acres in area. The site is zoned MU-3(SAH). The site encompasses an entire block whereby given this and its zoning, the site has 4 front yard setbacks.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the urban form front yard setback requested to construct and maintain an approximately 80' high structure 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 MU-3 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 MU-3 zoning classification.

- If the Board were to grant the urban form front yard variance request of up to 19' 6", imposing a condition whereby the applicant must comply with the submitted site plan and site section document, the structure would be limited to what is shown on these documents – a structure that complies with setbacks 45' in height and below, but where 35' of the structure proposed to exceed 45' in height would be allowed to be located in the additional 20' setback along the I-75/North Central Expressway service road.





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-054

Data Relative to Subject Property:

Date: 3-29-13

Location address: 8000 Park Lane Zoning District: MU-3 (SAH)

Lot No.: 1C Block No.: A/5456 Acreage: 33.32 Census Tract: 0078.06

Street Frontage (in Feet): 1) 750 2) 1480 3) 1005 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Northwood PL A LP

Applicant: Winstead PC [Barry Knight, Tommy Mann and Cole Evans] Telephone: (214) 745-5274

Mailing Address: 2728 N. Harwood St., #500 Zip Code: 75201

E-mail Address: bknight@winstead.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance X, or Special Exception , of
19.4 feet from the 35 foot setback required for the portion of the building greater than 45 feet in height
 (urban form 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: (1)Property has multiple front yards, (2) Property slopes, (3) There is no adverse effect on surrounding properties, especially along Central Expressway where the variance is being requested

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: Cole Evans
Applicant's name printed

[Signature]
Applicant's signature

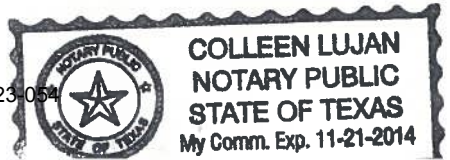
Affidavit

Before me the undersigned on this day personally appeared _____ 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.

Affiant (Applicant's signature)

Subscribed and sworn to before me this 28 day of March 2013

Colleen Lujan
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

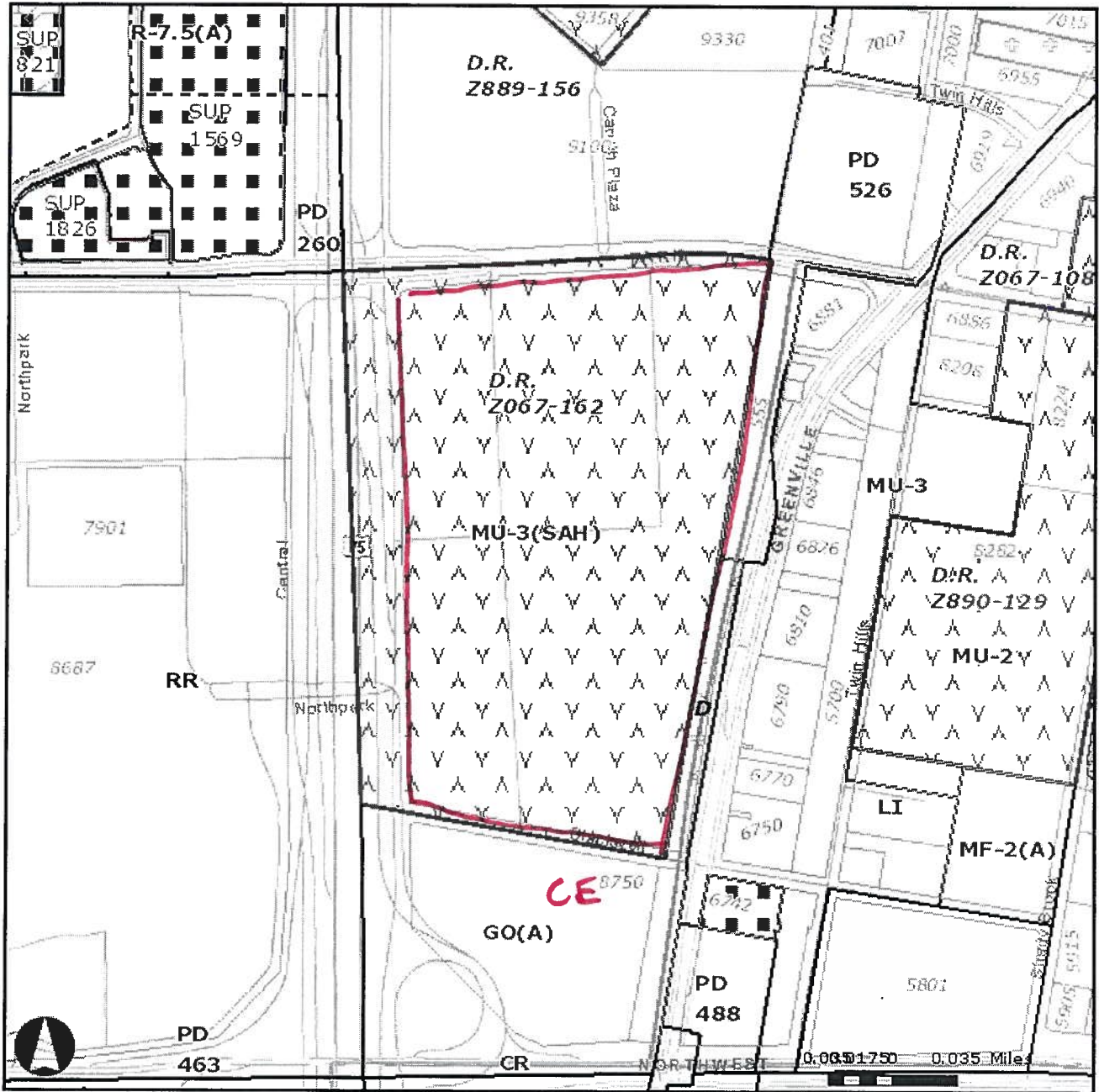
I hereby certify that Colesen C. Evans
did submit a request for a variance to the front yard setback regulations
at 8000 Park Lane

BDA123-054. Application of Colesen C. Evans for a variance to the front yard setback regulations at 8000 Park Lane. This property is more fully described as Lot 1C, Block A/5456, and is zoned MU-3 (SAH), which requires a front yard setback of 35 feet for the portion of a 76 foot 6 inch high building greater than 45 feet in height. The applicant proposes to construct a nonresidential structure and provide a 15 foot 6 inch front yard setback, which will require a 19 foot 6 inch variance to the front yard setback regulation due to the urban form setback requirement.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



Address Candidates

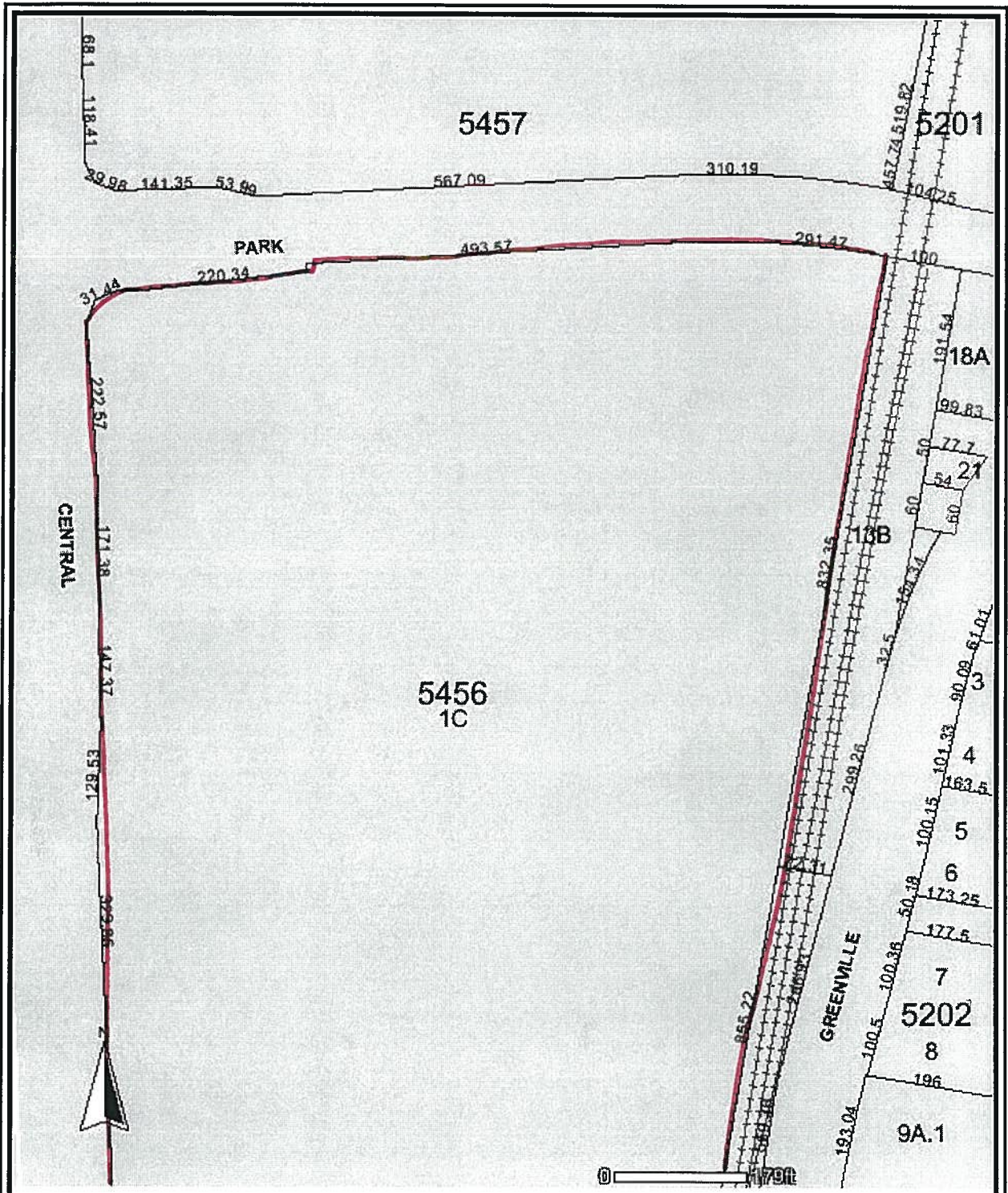
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Major Lakes

Dry Overlay

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

PDS Subdistricts

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



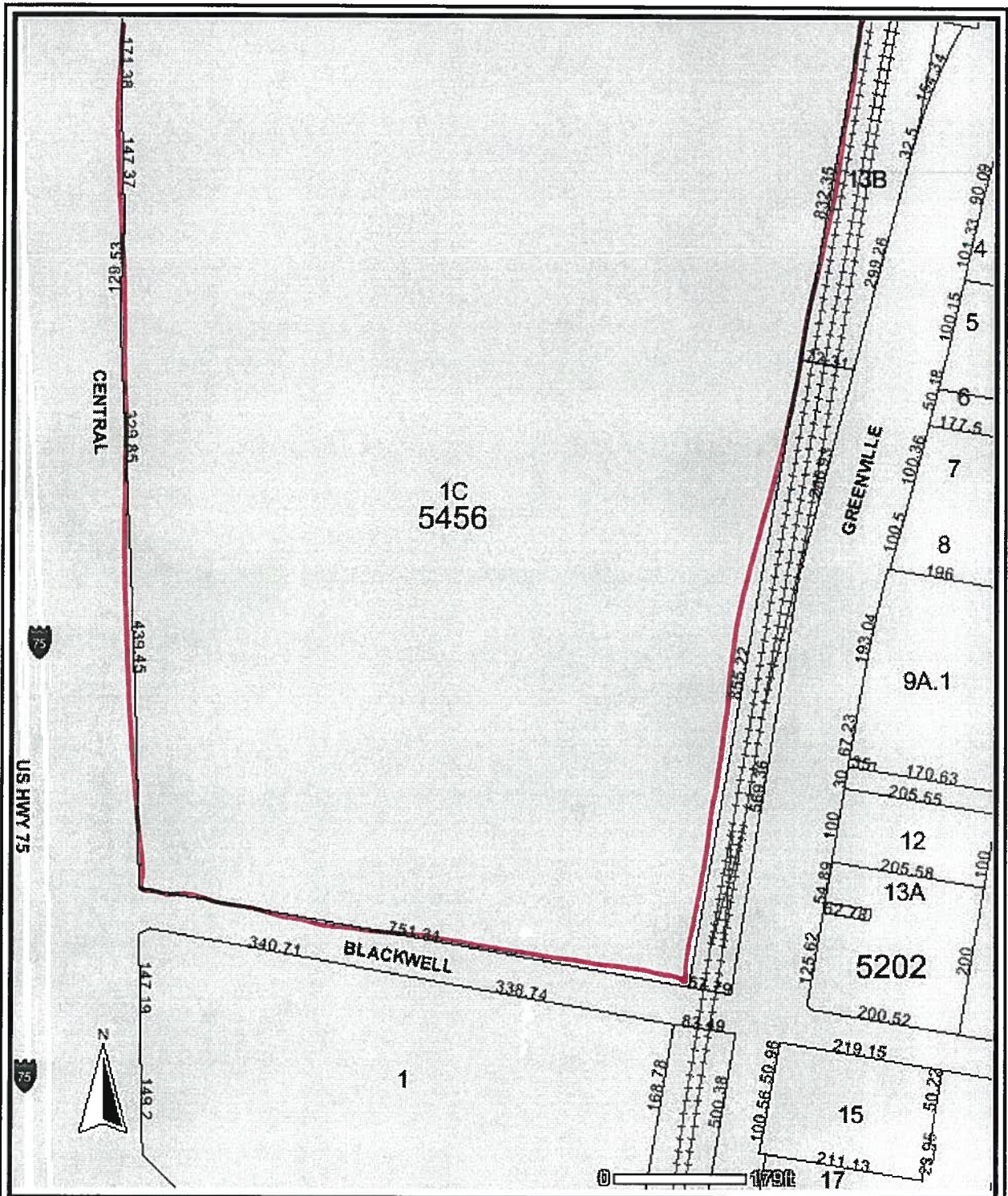
CE



**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.



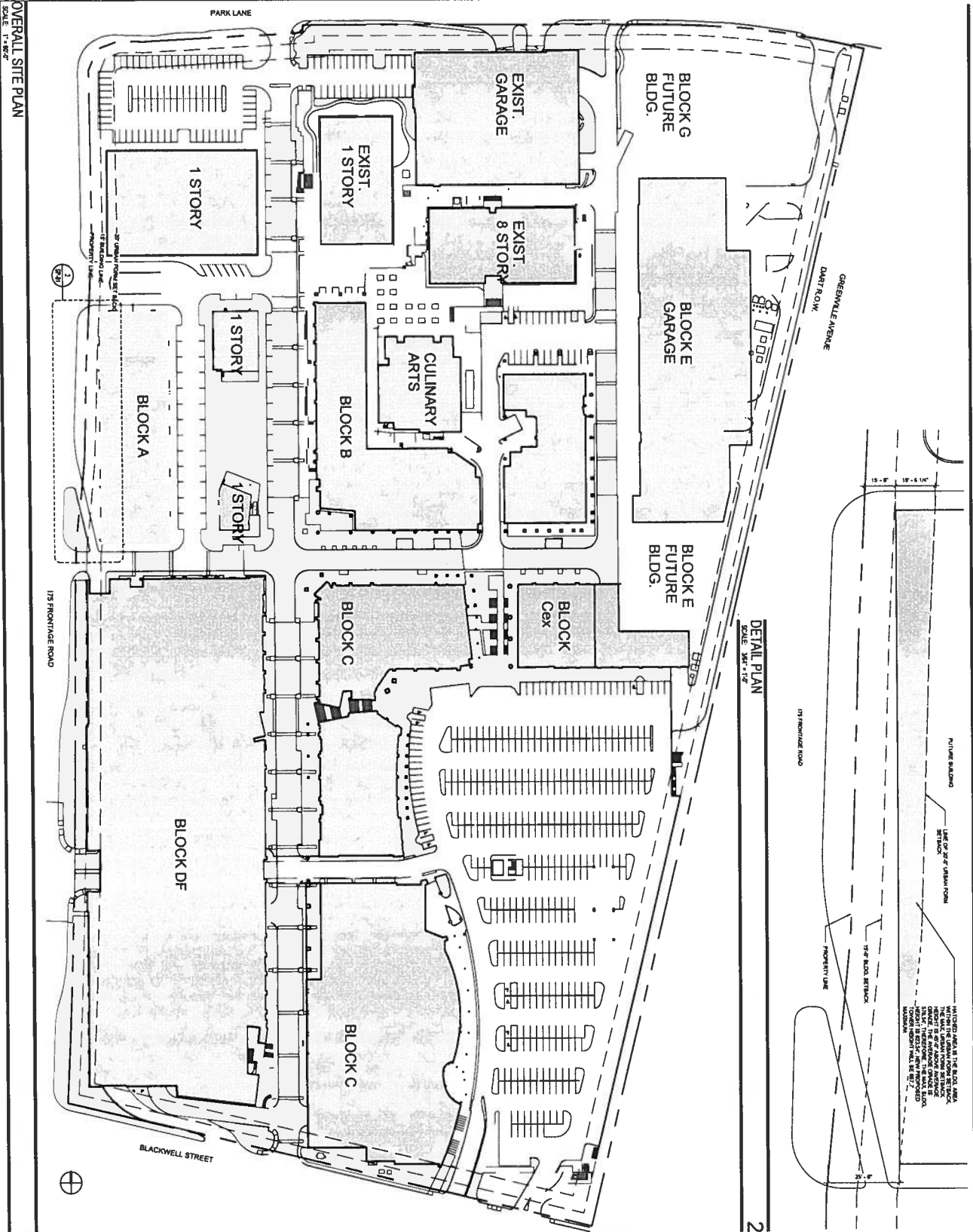
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Appraisal District**
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OVERALL SITE PLAN
SCALE: 1" = 80'-0"

DETAIL PLAN
SCALE: 3/4" = 1'-0"

NOTED: THIS IS THE BLOCK, AREA, AND THE UTILITY LINES SHOWN ON THIS PLAN. THE UTILITY LINES SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY AND DO NOT REPRESENT THE EXISTING UTILITY LINES. THE UTILITY LINES SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY AND DO NOT REPRESENT THE EXISTING UTILITY LINES. THE UTILITY LINES SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY AND DO NOT REPRESENT THE EXISTING UTILITY LINES.

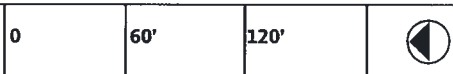
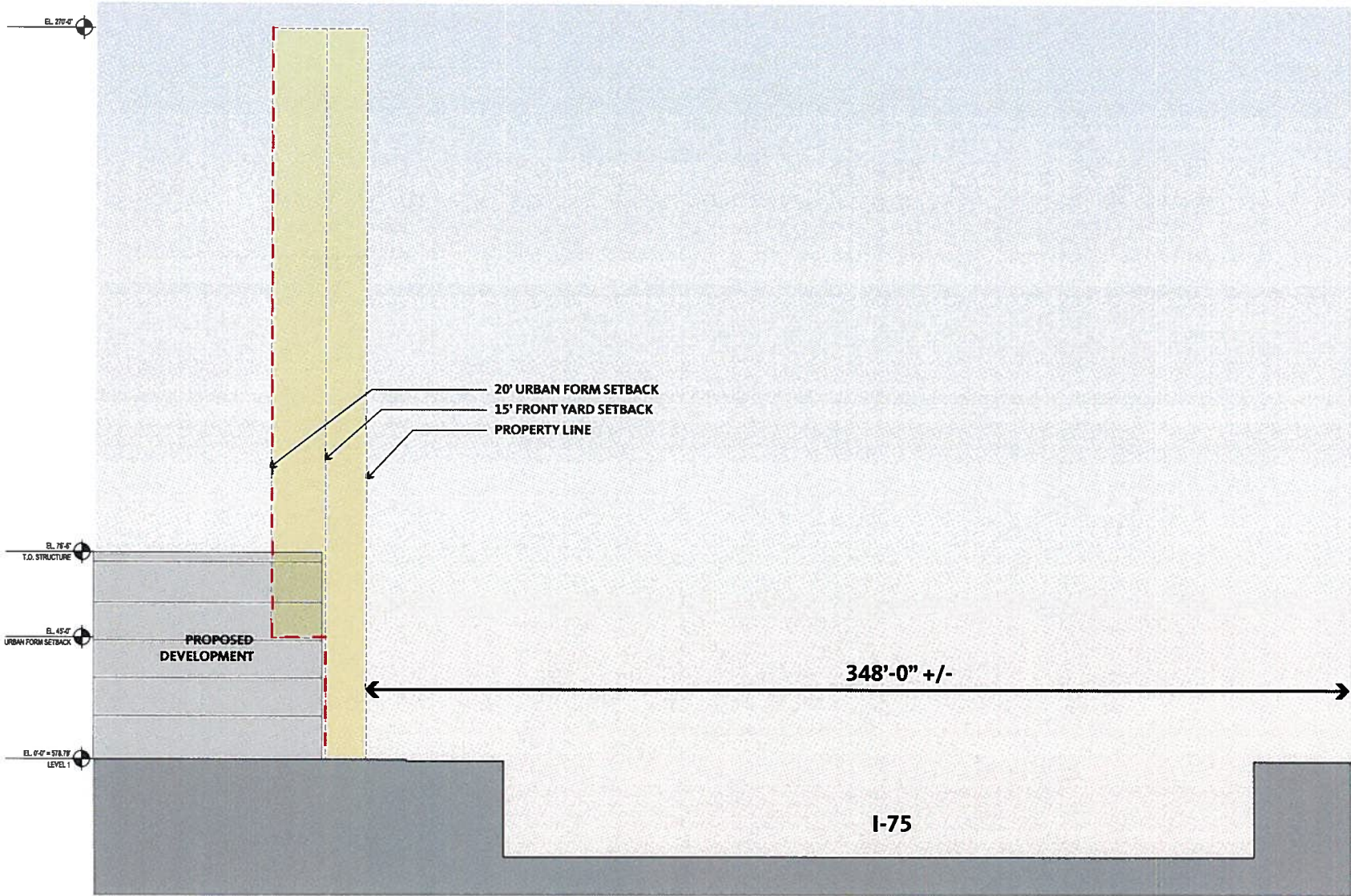
NORTHWOOD RETAIL
8080 PARK LANE, SUITE 770
DALLAS, TX 75225

Gensler
Kenzil Place Street
Suite 300
Houston, TX 77002
Tel: 713.444.0000
Fax: 713.444.1501

Rev #	Date	Description
1	02/27/2013	ISSUE FOR ZONING

NOT FOR CONSTRUCTION

Project Name: THE SHOP @ PARK LANE
Project Number: 02.7249.000
Site Plan
Scale: As Shown
SP-01
BDA 123-054

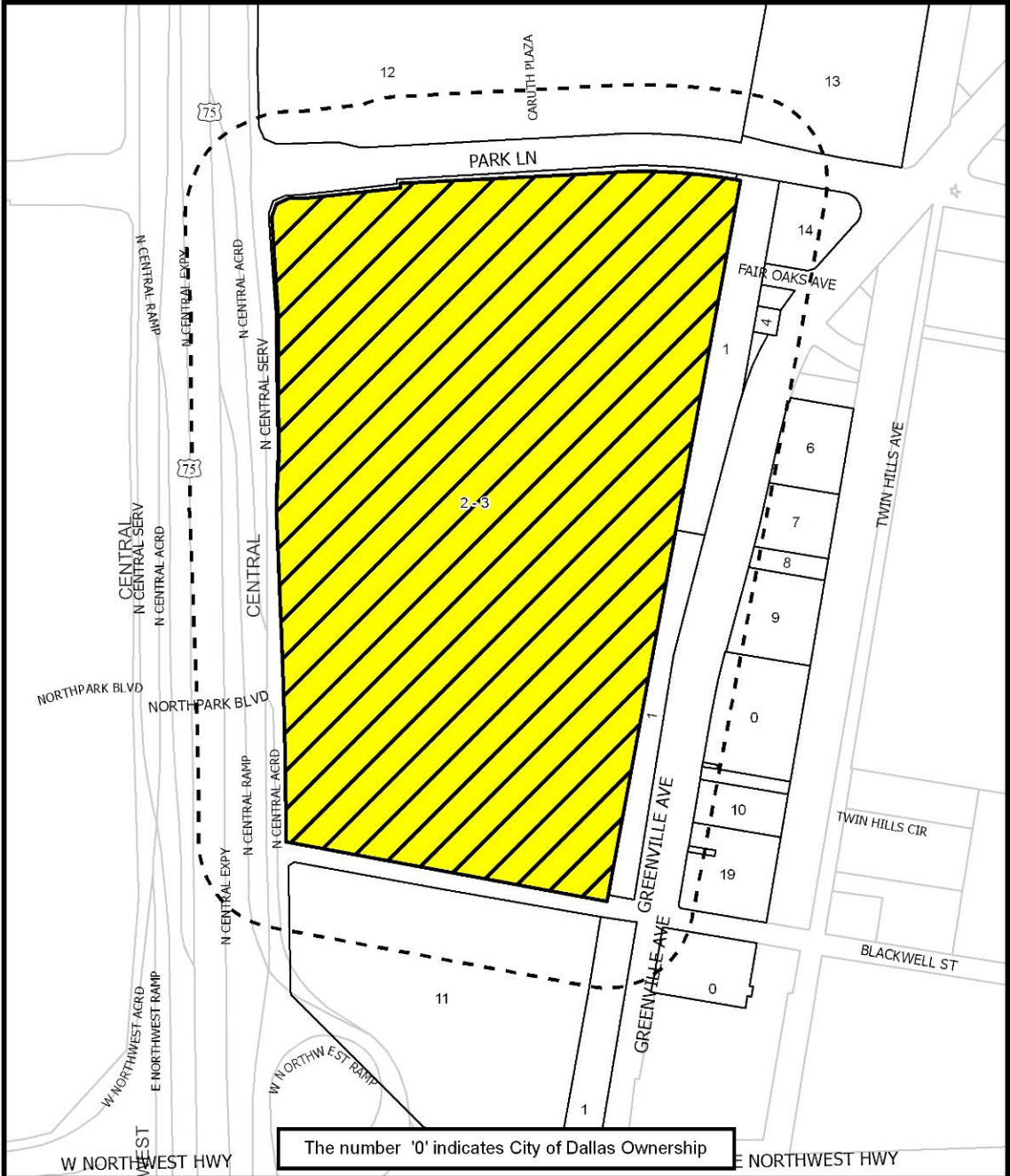


SITE SECTION

NORTHWOOD
INVESTORS



Gensler
05 MAR 2013



 1:3,600	NOTIFICATION		Case no: BDA123-054
	<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;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/29/2013	

Notification List of Property Owners

BDA123-054

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	555 2ND AVE	DART
2	8000 PARK LN	NORTHWOOD PL HOLDINGS LLC
3	8066 PARK LN	DNCX PARK LANE LP OMNIUM MANAGEMENT COMP
4	6855 GREENVILLE AVE	DORFMAN SAM Y LLC
5	6867 GREENVILLE AVE	UECKERT E HOWARD ET AL
6	6846 GREENVILLE AVE	SLJ CORNERSTONE LTD
7	6826 GREENVILLE AVE	FURRH INC
8	6818 GREENVILLE AVE	BOTANIC LTD CO
9	6810 GREENVILLE AVE	BOGART LYNNE ET AL % TOM SCOTT,LESSEE
10	6770 GREENVILLE AVE	MIEGEL INVESTMENTS LLC
11	8750 CENTRAL EXPY	8750 NCE DALLAS LLC INSURANCE CO
12	9100 CENTRAL EXPY	CARUTH ACQUISITION LP
13	8169 PARK LN	DALLAS AREA RAPID TRANSIT
14	6881 GREENVILLE AVE	JOHNSTON ELLEN STRUBE TAX DEPT. # 33116
15	6857 GREENVILLE AVE	RALSTON DOUGLAS
16	6790 GREENVILLE AVE	6778-6790 GREENVILLE AVE LTD
17	6778 GREENVILLE AVE	6778-6790 GREENVILLE AVE LTD
18	6750 GREENVILLE AVE	ELLER MEDIA COMPANY
19	6750 GREENVILLE AVE	ARMSTRONG GUADALUPE LP

FILE NUMBER: BDA 123-063

BUILDING OFFICIAL'S REPORT: Application of Robert V. Hunt for a variance to the front yard setback regulations at 7326 La Vista Drive. This property is more fully described as Lot 29, Block A/2731 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 3 foot front yard setback, which will require a variance to the front yard setback regulations of 22 feet

LOCATION: 7326 La Vista Drive

APPLICANT: Robert V. Hunt

REQUEST:

A variance to the front yard setback regulations of 22' is requested in conjunction with constructing and maintaining a single family home structure and detached accessory structure, part of which would be located in one of the site's two 25' front yard setbacks (Lucerne Street) on a site that is currently developed with a single family home structure that the applicant intends to demolish.

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 corner lot with a restrictive area due to its size and its two front yard setbacks. The atypical two front yard setbacks on the 7,500 square foot 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 construction/maintenance of a single family home with an approximately 1,600 square foot building footprint and an accessory structure with an approximately 400 square foot building footprint. The site has a 20' width for development once a 25' front yard setback and a 5' side yard setback is accounted for on the 50' wide subject site.

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

Zoning/BDA History:

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

Timeline:

- March 29, 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.
- May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 2013: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis;

and the June 7th 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.

June 4, 2013:

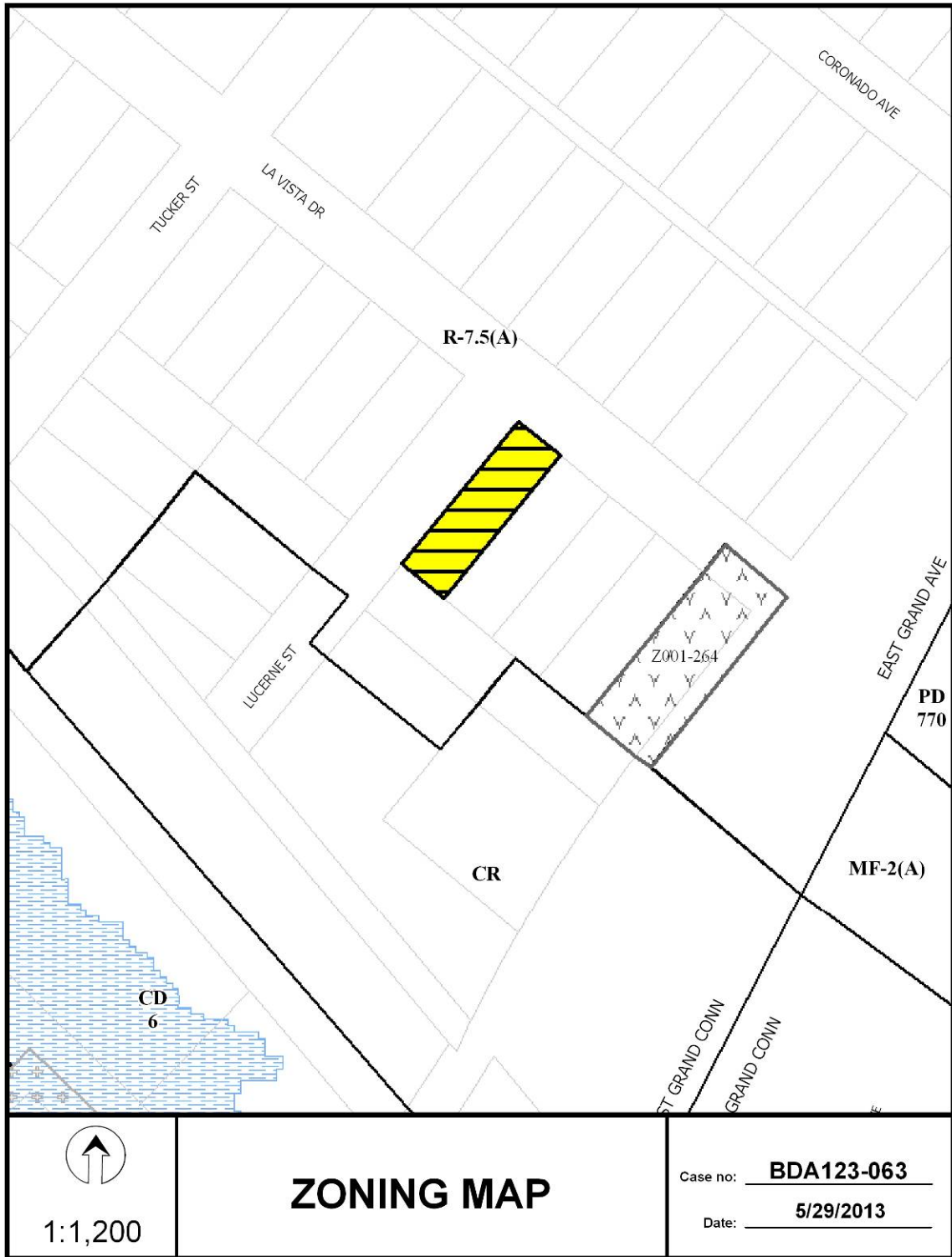
The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development 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.

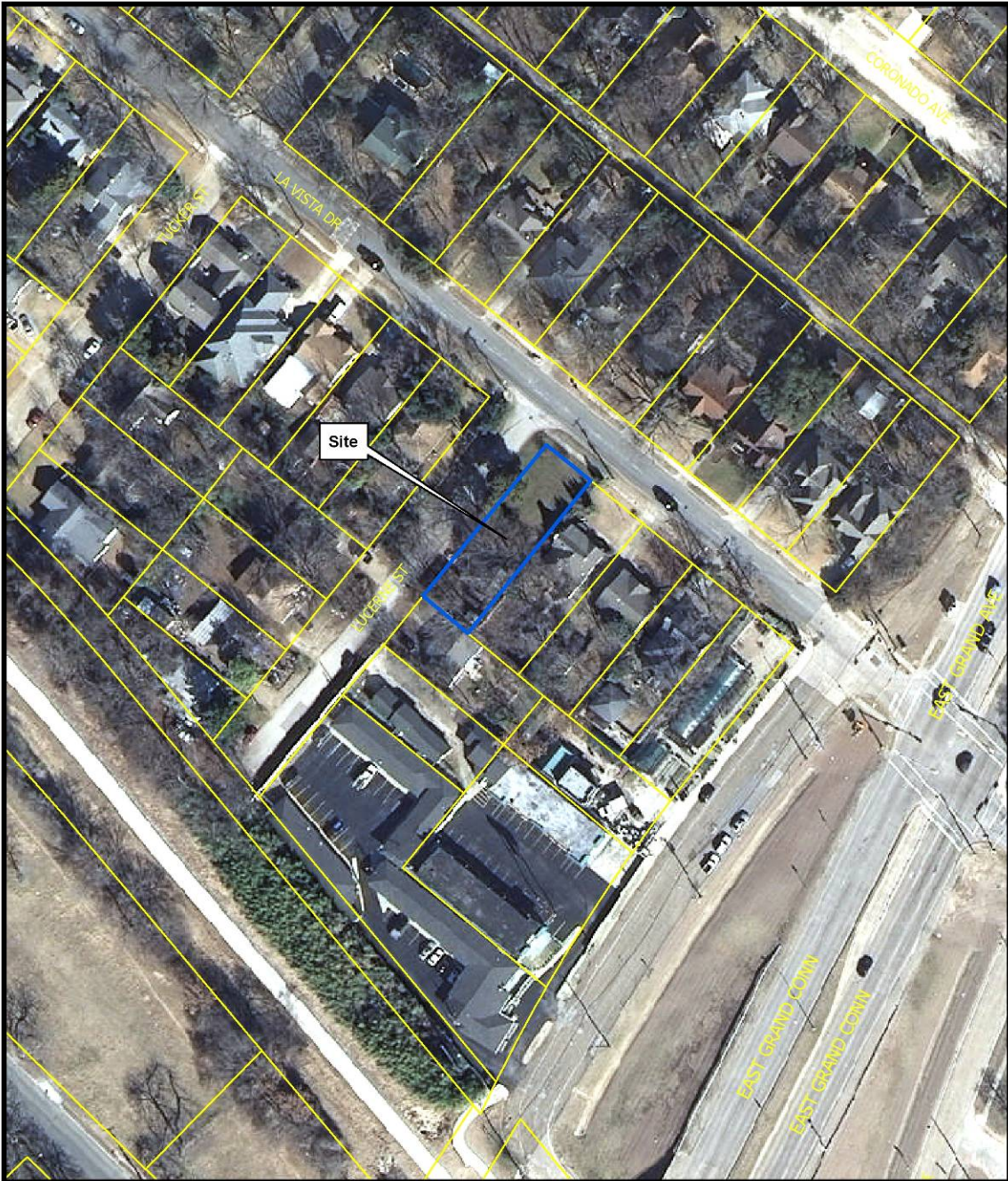
No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a single family structure, part of which would be located in one of the two 25' front yard setbacks (Lucerne Street) on a site that is currently developed with a single family home structure that the applicant intends to demolish.
- 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 south corner of La Vista Drive and Lucerne Street. Regardless of how the proposed single-family structure is to be oriented, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along La Vista Drive, 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 Lucerne Street, 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 Lucerne Street 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 southwest of the site that front/are oriented northwestward onto Lucerne Street.
- The applicant has submitted a site plan that denotes a building footprint with a roof eave that is located 3 feet from the Lucerne Street front property line or 22' into this 25' front yard setback. No encroachment is proposed in the La Vista Drive 25' front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed main structure/ single family home to be located in the site's Lucerne Street 25' front yard setback is approximately 1,600 square feet in area or approximately 1/2 of the approximately 2,800 square foot building footprint.

- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed accessory structure to be located in the site's Lucerne Street 25' front yard setback is approximately 400 square feet in area or approximately 90 percent of the approximately 460 square foot building footprint.
- According to DCAD records, the property at 7326 La Vista Drive has a "main improvement" of a structure with 548 square feet of living area and 548 square feet of total area and no "additional improvements".
- The subject site is flat, rectangular in shape (150' x 50'), and is 7,500 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.
- The site has a 20' width for development once a 25' front yard and a 5' side yard setback is accounted for on the 50' wide subject site.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Lucerne 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 3' (a roof eave) from the Lucerne Street front property line (or 22' into this 25' front yard setback).





1:1,200

AERIAL MAP

Case no: BDA123-063

Date: 5/29/2013



City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-063

Data Relative to Subject Property:

Date: 4-30-13

Location address: 7326 La Vista Dr. 75206 Zoning District: R-7.5(A)

Lot No.: 29 Block No.: A/2731 Acreage: 7,500 SQ' Census Tract: 1.00

Street Frontage (in Feet): 1) 50' 2) 150' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SC 5B

Owner of Property (per Warranty Deed): Robert V. Hunt

Applicant: Robert V. Hunt Telephone: 214.824.5750

Mailing Address: 5011 Gaston Avenue Dallas, TX 75214 Zip Code: _____

E-mail Address: Robert.v.hunt@sbcglobal.net

Represented by: Robert Hunt (self) Telephone: same

Mailing Address: same Zip Code: same

E-mail Address: same

22' Affirm that an appeal has been made for a Variance X, or Special Exception, of a variance of
to the FRONT yard setback on the Lucerne side only

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:

Owing to two front yard setbacks where a single family property in a R-7.5(A) zoning district would normally have only one front yard setback. The two front yard setbacks would severely limit the buildable area, size & shape, leaving only a 20' wide buildable area.

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 ROBERT V. HUNT

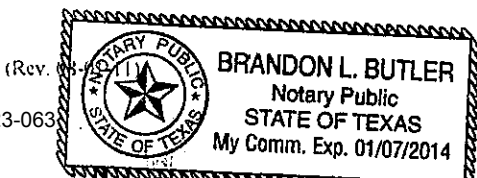
(Affiant/Applicant's name printed)

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:

Robert V. Hunt
(Affiant/Applicant's signature)

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



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 Robert V. Hunt

did submit a request for a variance to the front yard setback regulations
at 7326 La Vista Drive

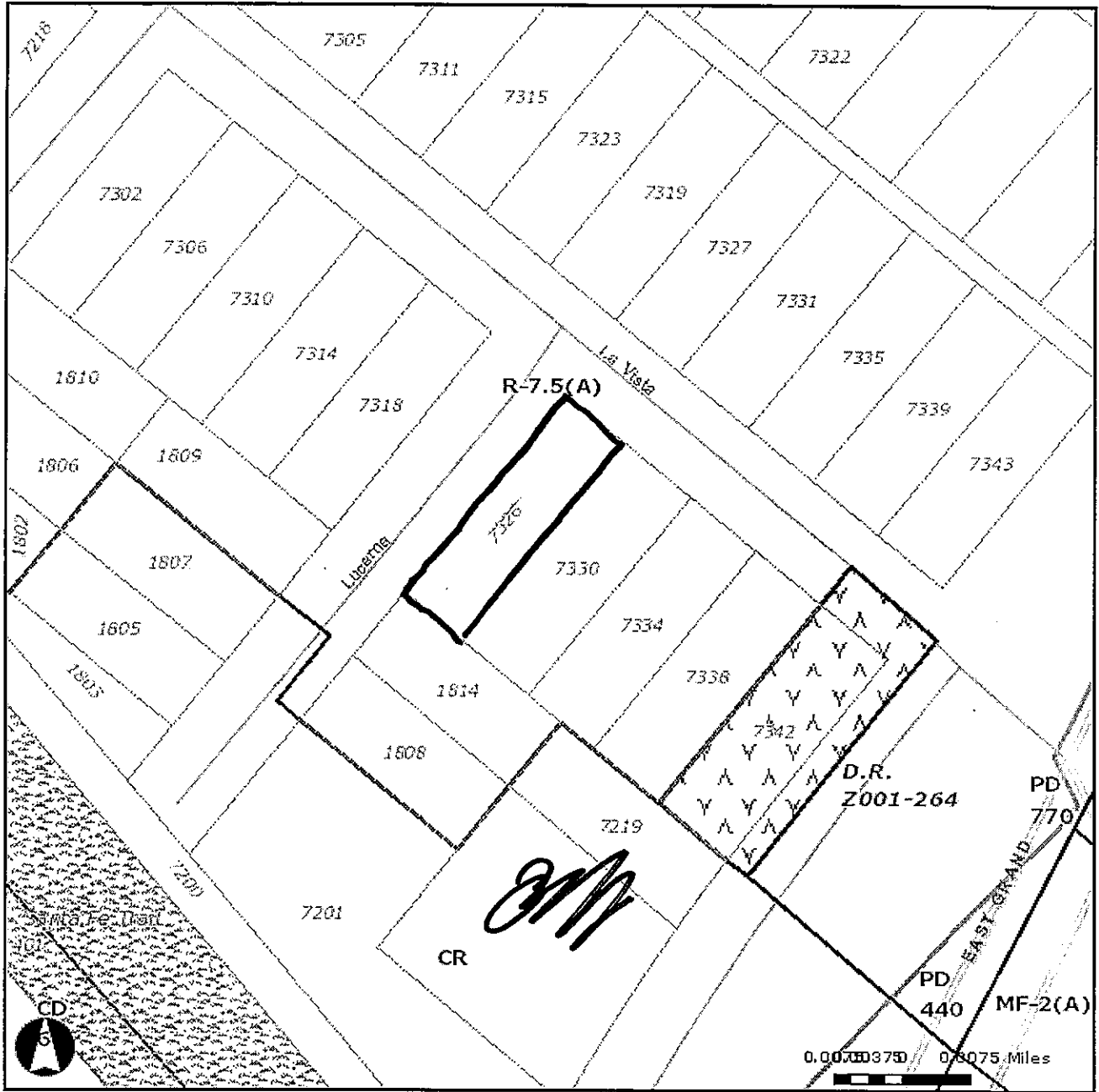
BDA123-063. Application of Robert V. Hunt for a variance to the front yard setback regulations at 7326 La Vista Drive. This property is more fully described as Lot 29, Block A/2731 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 3 foot front yard setback, which will require a 22 foot variance to the front yard setback regulation.

Sincerely,

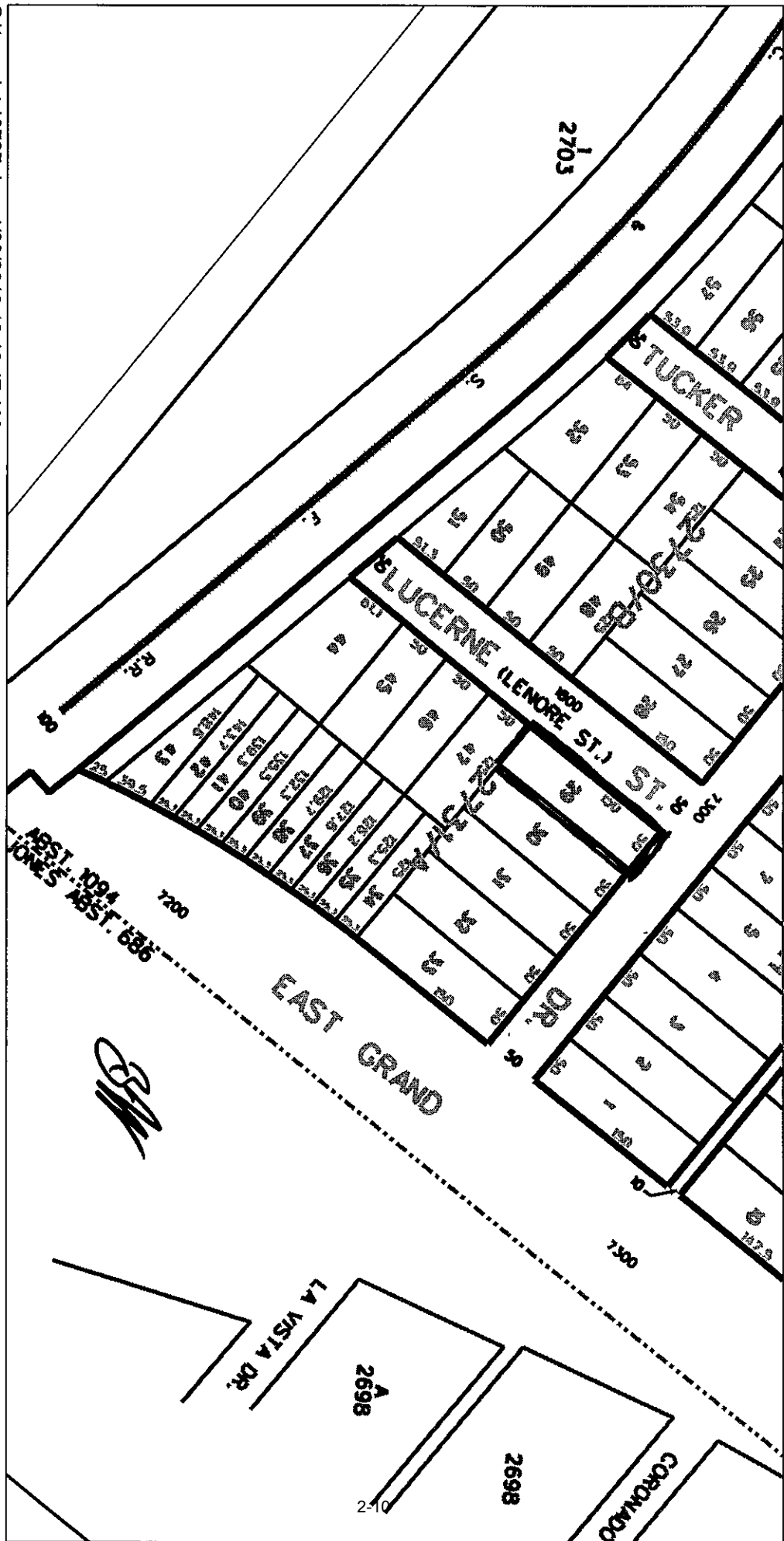

Larry Holmes, Building Official

K-10

City of Dallas Zoning

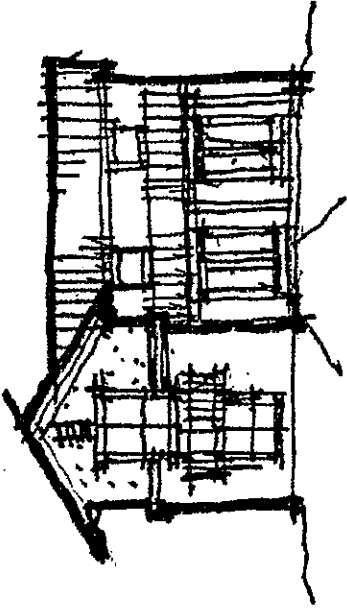


- | | | |
|---|---|---|
| <ul style="list-style-type: none"> City Boundaries County Certified Parcels DISD Sites Council Districts Waterways Parks | <ul style="list-style-type: none"> Dry Overlay Historic Overlay Historic Subdistricts NSO Overlay NSO Subdistricts MD Overlay | <ul style="list-style-type: none"> Base Zoning Floodplain 100 Flood Zone Mill's Creek Peak's Branch X PROTECTED BY LEVEE Pedestrian Overlay Environmental Corridors |
|---|---|---|



no h/5t

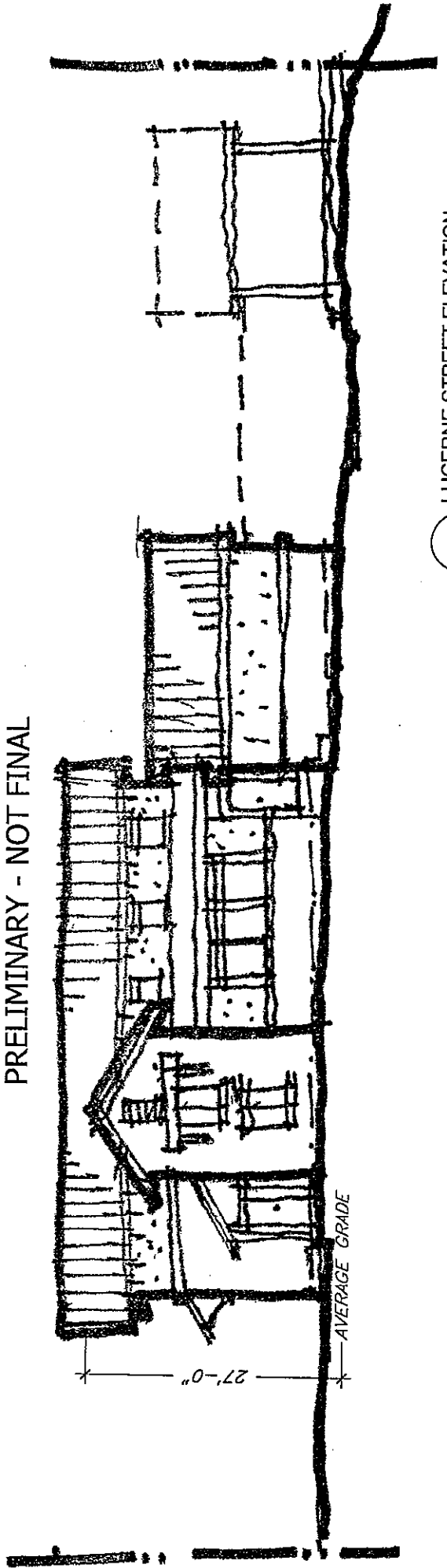
PRELIMINARY - NOT FINAL



1 LA VISTA DRIVE ELEVATION

scale: 1/16" = 1'-0"

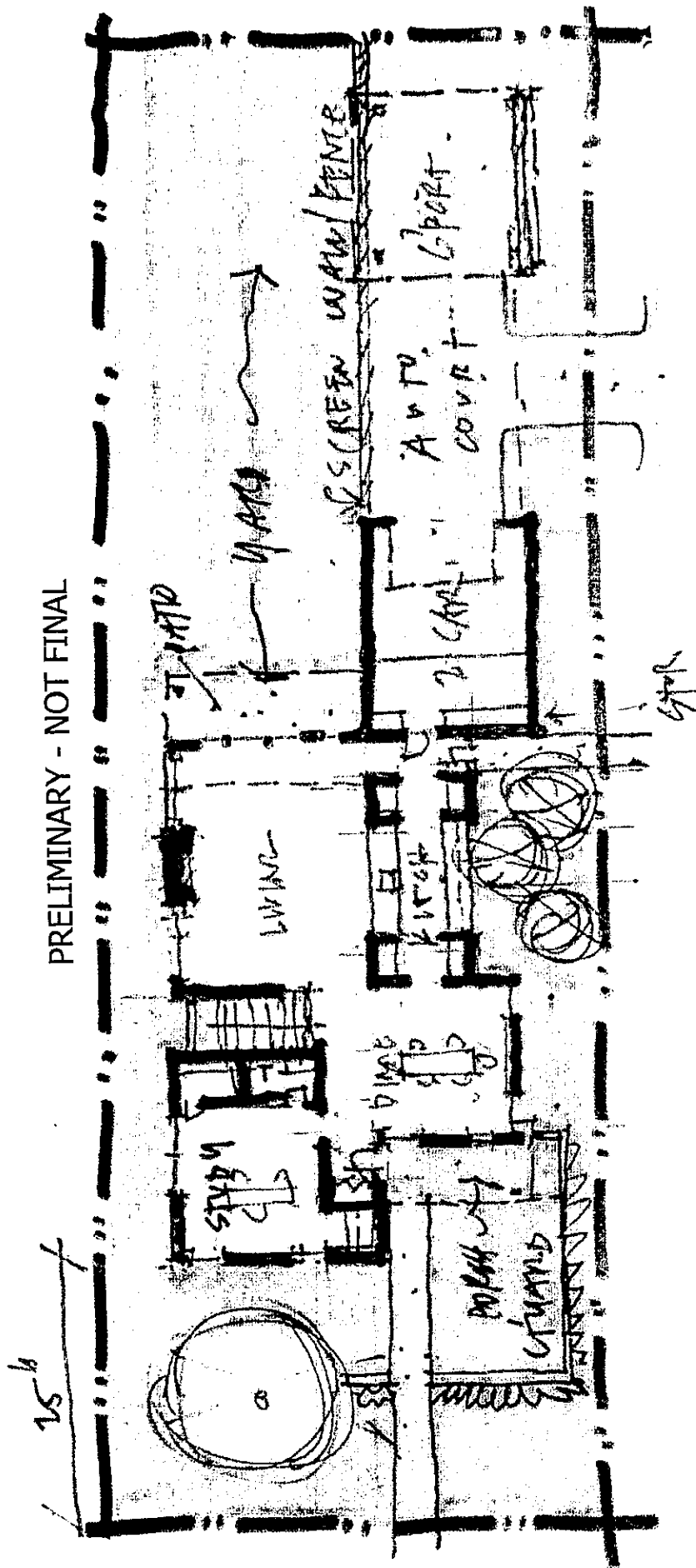
PRELIMINARY - NOT FINAL



2 LUCERNE STREET ELEVATION

scale: 1/16" = 1'-0"

LA VISTA



PRELIMINARY - NOT FINAL

1 FLOOR PLAN
scale: 1/16" = 1'-0"

ROBERT V. HUNT

&

ASSOCIATES

**APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT
FOR FRONT YARD SETBACKS VARIANCE REQUEST
7326 LA VISTA AVENUE, DALLAS, TEXAS, 75206**

May 28, 2013

My request is as follows:

To ask for a 22 foot variance on the Lucerne Street Side to the roof overhang. This would result in a 3 foot setback for the 2 foot maximum roof eave and a 5 foot setback for the foundation which would be normal for a standard 50 foot wide by 150 foot deep lot in a R-75 (A) zoning district.

I plan to build an attractive, energy efficient new construction two story single family home. The home will have approximately 3500 square feet of AC space,

The home will be less tall than the 30 feet allowed in this zoning district.

The lot coverage will be less than the 45% allowed by the zoning code and the lot coverage depicted in the site plan provided is smaller than that allowed in the zoning district.

I would also ask that a variance be granted such that if there were a total loss of the newly constructed building, it could be re-constructed within the boundaries depicted in the site plan.

Hardship

Due to the two front yard setbacks, the building envelope is greatly reduced. Whereas a normal corner lot with one front yard setback and two 5' side yard setbacks would have a 40' by 120' footprint with which to plan and build a home honoring the setbacks, this lot only allows for a 20 foot wide home maximum, which is more the size of a mobile home or a townhome. Further, this 2,400' (20 X 120) building envelope (without the variance) is significantly less than the 45% lot coverage allowed in this zoning district of 3,375 square feet.



Robert Villareal Hunt

File saved as La Vista variance request may 27

DEVELOPMENT • INVESTMENT

PHONE: 214-824-5750

E-MAIL: robertvhunt@sbcglobal.net
5811 Gaston Avenue, Dallas, Texas, 75214

FAX: 214-821-3971



 1:1,200	NOTIFICATION		Case no: BDA123-063
	<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;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/29/2013

Notification List of Property Owners

BDA123-063

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7326 LA VISTA DR	HUNT ROBERT V
2	7335 LA VISTA DR	SELF RICKEY LYNN & AMANDA CAUSEY
3	7327 LA VISTA DR	ALLEGIANT CUSTOM HOMES LLC
4	7323 LA VISTA DR	BOZARTH PAUL G JR
5	7331 LA VISTA DR	MADER GREGG A & CHARLYNN
6	7319 LA VISTA DR	DAM HARI PULLAK HAN
7	7315 LA VISTA DR	MCELROY VENTURES LLC
8	7311 LA VISTA DR	MCELROY VENTURES LLC
9	7310 LA VISTA DR	BRYANT MAVIS G SILLMAN LIFE ESTATE
10	7318 LA VISTA DR	CHRETIEN STEPHANIE C
11	1809 LUCERNE ST	MEYERS KAREN
12	1807 LUCERNE ST	GONZALES PAULA
13	1805 LUCERNE ST	DIMAS MIGUEL ET AL
14	1803 LUCERNE ST	MILLER IRMA E ESTATE OF
15	1806 TUCKER ST	CAMP ALAN BRET
16	1810 TUCKER ST	HILDINGER DOUGLAS C
17	7200 EAST GRAND AVE	JOPLIN MARY C
18	7330 LA VISTA DR	DRAPER MICHELLE
19	7334 LA VISTA DR	RAMSEY TERRI L
20	7338 LA VISTA DR	FINLAN PAMELA & RICHARD E
21	7342 LA VISTA DR	RUIBAL FARMS
22	7219 EAST GRAND AVE	RUIBAL MICHAEL A & LINDA W
23	7201 EAST GRAND AVE	JAY SITARAM HOSPITALITY LLC
24	1814 LUCERNE ST	ARMSTRONG CHARLES & LYNN
25	7343 LA VISTA DR	WENGIERSKI DAVID
26	7339 LA VISTA DR	MACK JOHN O & ROSE MARY

FILE NUMBER: BDA 123-057

BUILDING OFFICIAL'S REPORT: Application of Jim Tusing, represented by Bryan M. Burger, for a variance to the off-street parking regulations at 3826 Lemmon Avenue. This property is more fully described as Lot 6A, Block Q/1318 and is zoned PD-193 (GR), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for a restaurant with drive-in or drive-through service use and provide 39 of the required 46 parking spaces, which will require a variance to the off-street parking regulations of 7 spaces.

LOCATION: 3826 Lemmon Avenue

APPLICANT: Jim Tusing
Represented by Bryan M. Burger

REQUEST:

A variance to the off-street parking regulations of 7 spaces is requested in conjunction with constructing and maintaining a 300 square foot building expansion and adding a drive-through lane to an existing approximately 4,300 square foot restaurant use (Panera Bread) where the applicant proposes to provide 39 (or 85 percent) of the required 46 required off-street parking spaces.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While staff concluded that granting this variance may not be contrary to public interest given that the Sustainable Development and Construction Department Engineering Division Assistant Director has indicated with no objections, staff recommends denial of the request given that staff was unable to conclude how the parcel/subject site differs from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (GR) zoning classification. The size, shape, and slope of the flat, rectangular, approximately ½ acre subject site have not precluded the applicant/owner from developing it with a restaurant use without drive-in service use.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 193 (GR) (Planned Development District, General retail)
<u>North:</u>	PD 193 (MF-2) (Planned Development District, Multifamily)
<u>South:</u>	PD 193 (GR) (Planned Development District, General retail)
<u>East:</u>	PD 193 (GR) (Planned Development District, General retail)
<u>West:</u>	PD 193 (GR) (Planned Development District, General retail)

Land Use:

The subject site is developed with a “restaurant without drive-in or drive- through service” use (Panera Bread). The area to the north is developed with residential uses; and the areas to east, south, and west are developed mostly as retail uses.

Zoning/BDA History:

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

Timeline:

March 29, 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.

May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 15, 2013: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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.

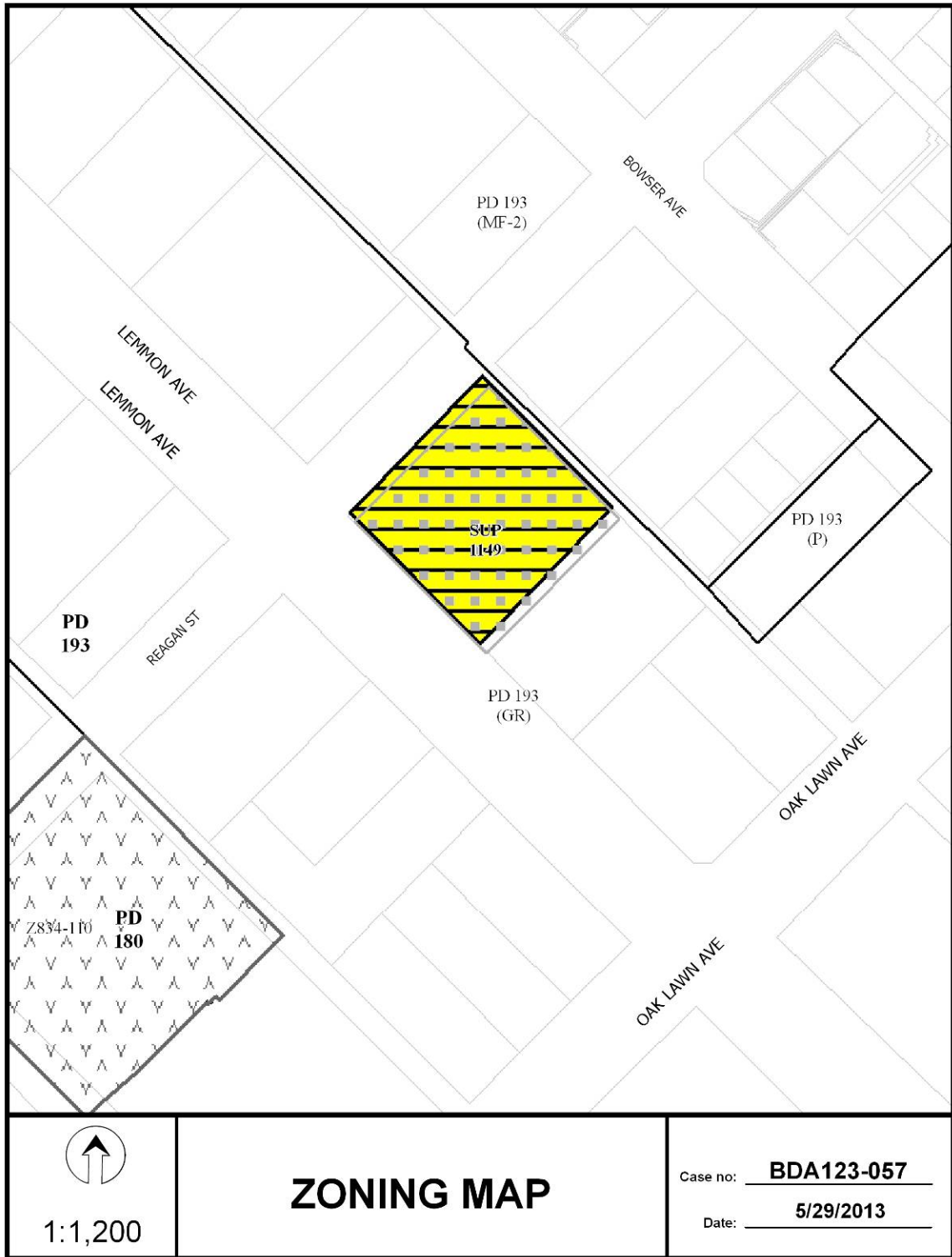
June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable 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.

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

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 300 square foot building expansion and adding a drive-through lane to an existing approximately 4,300 square foot restaurant use (Panera Bread) where the applicant proposes to provide 39 (or 85 percent) of the required 46 required off-street parking spaces.
- The subject site is zoned PD 193 (GR). PD 193 states that the parking requirement for “restaurant” use to be one space per 100 square feet of floor area.
- Dallas Development Code Section 51A-4.311(a)(1) states that 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; and that the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- However, Dallas Development Code Section 51A-311(a)(6) states that the Board of Adjustment *shall not* grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.
- Therefore, because PD 193 does not make references to the existing off-street parking regulations in Chapter 51 or Chapter 51(A), the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations for restaurant use in PD 193 even though the reduction request is 15 percent of the required off-street parking.
 - A site plan has been submitted that indicates a building area of 4,613 square feet and a provision of 39 off-street parking spaces.
 - The site is flat, rectangular in shape, and according to the application, is 0.55 acres (or approximately 24,000 square feet) in area. The site is zoned PD 193 (GR). The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
 - DCAD records indicate that the improvements at 3826 Lemmon are a “restaurant” with 3,919 square feet built in 2004.
 - The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site (that differs from other parcels of land by being of such a restrictive area, shape, or slope) that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (GR) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (GR) zoning classification.
 - The Sustainable Development and Construction Department Engineering Division Assistant Director has submitted a review comment sheet marked “Has no objections.”





1:1,200

AERIAL MAP

Case no: BDA123-057

Date: 5/29/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-057

Data Relative to Subject Property:

Date: 3-29-13

Location address: 3826 Lemon Avenue Zoning District: PD-193 (GR)

Lot No.: GA Block No.: Q/1318 Acreage: 0.55 Census Tract: 6.06

Street Frontage (in Feet): 1) 150' 2) 160' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Kline Investments, Ltd
Trust
Jim Tusing

Applicant: e/o Panera Bread Telephone: 314-541-6526
3630 S. Geyer Rd., Suite 100

Mailing Address: St. Louis, Missouri 63127 Zip Code: 63127
Bryan M. Burger, P.E

Represented by: e/o Burger Engineering, LLC Telephone: 972-630-3360
17103 Preston Road, Suite 180N

Mailing Address: Dallas, Texas 75248 Zip Code: 75248

Affirm that a request has been made for a Variance X, or Special Exception , of 7 parking spots
from the req'd. 4/6 spots for a restaurant use.

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:

Panera Bread has discussed options to expand the existing parking lot to better serve their customers, but due to the current property size additional parking cannot be constructed. Since additional parking cannot be provided and approximately 50% of the available parking is being utilized by customers who are not dining-in, a drive through window is being proposed as a solution to reduce congestion in the existing parking lot.

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.

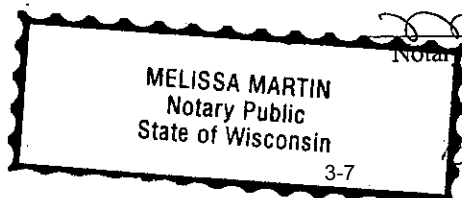
Respectfully submitted: Jim Tusing Applicant's name printed Jim Tusing Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jim Tusing 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.

Jim Tusing
Affiant (Applicant's signature)

Subscribed and sworn to before me this 28th day of March, 2013



Melissa Martin
Notary Public in and for Dallas County, Texas
W. Keane att

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

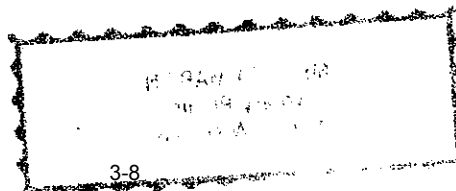
Building Official's Report

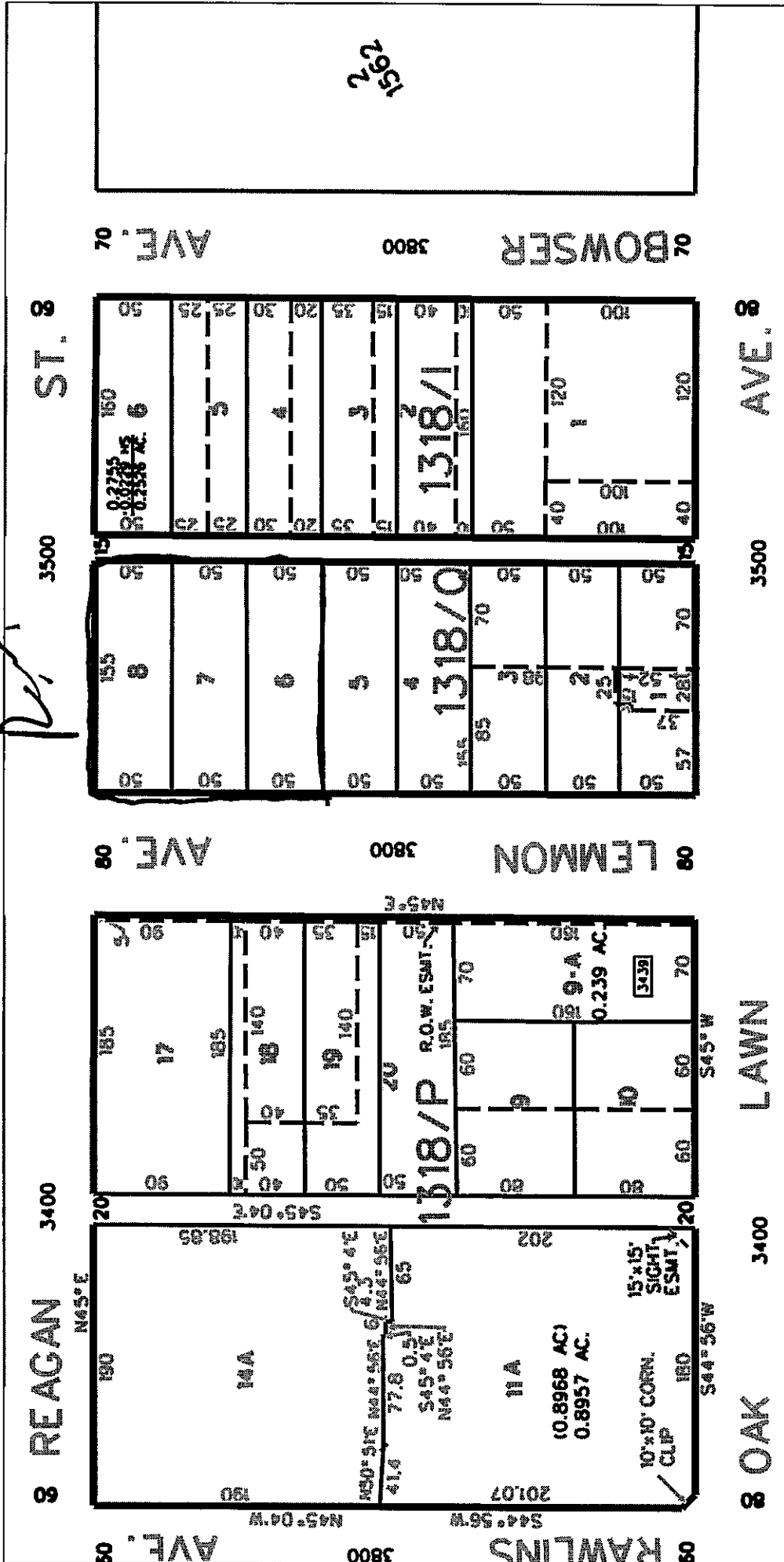
I hereby certify that Jim Tusing
represented by Bryan M. Burger
did submit a request for a variance to the parking regulations
at 3826 Lemmon Avenue

BDA123-057. Application of Jim Tusing represented by Bryan M. Burger for a variance to the parking regulations at 3826 Lemmon Avenue. This property is more fully described as Lot 6A, Block Q/1318 and is zoned PD-193 (GR), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant with drive-in or drive-through service use and provide 39 of the required 46 parking spaces, which will require a 7 space variance to the parking regulation.

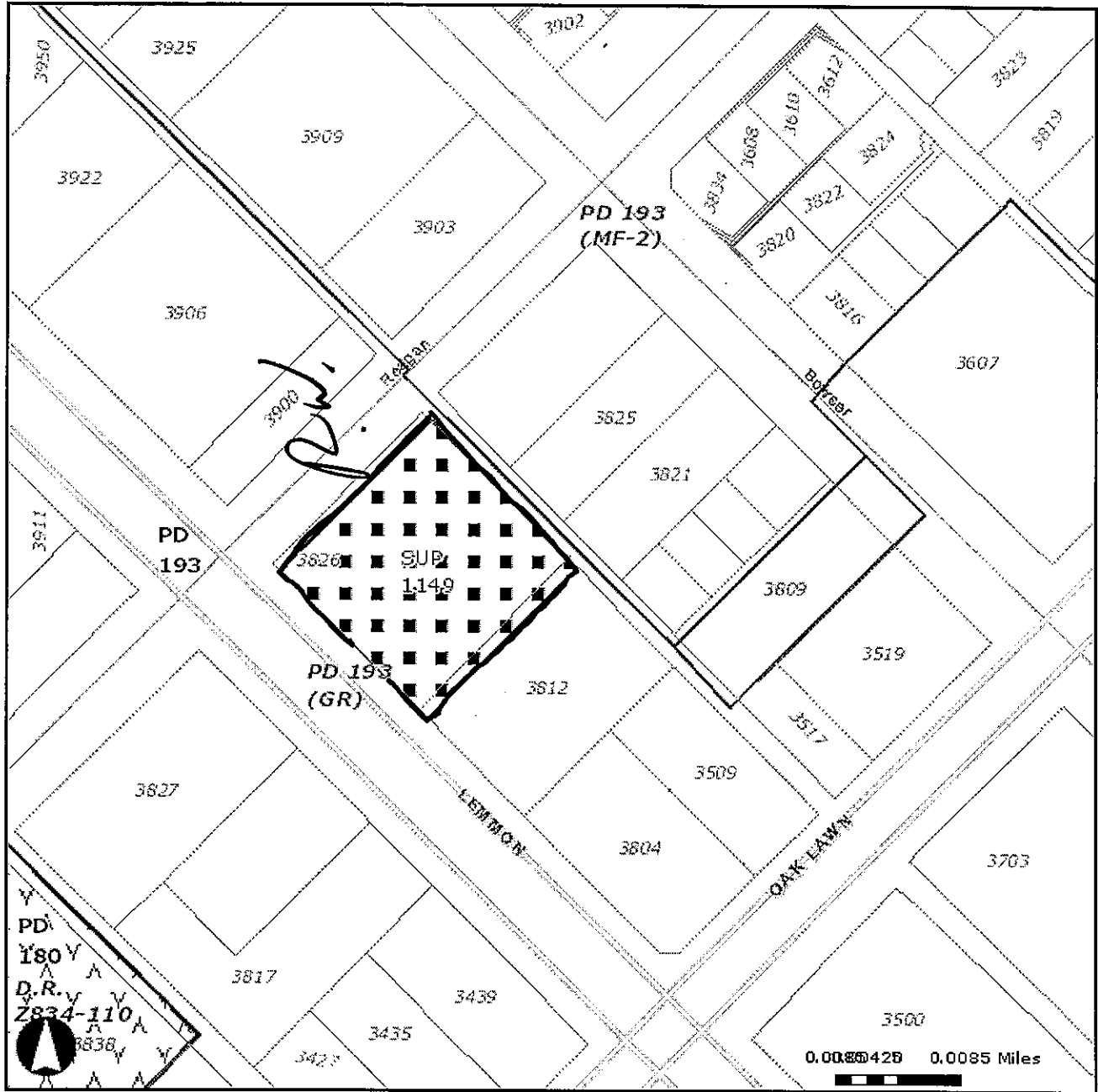
Sincerely,


Larry Holmes, Building Official





City of Dallas Zoning



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

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

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

B | BURGER ENGINEERING

Civil Consultants

March 27, 2013

Mr. Todd Duerksen
City of Dallas
Sustainable Development and Construction
320 East Jefferson Blvd., Room 105
Dallas, Texas 75203

Re: Panera Bread
3826 Lemmon Avenue
Dallas, Texas
B.E. No. 051-001

Dear Mr. Duerksen,

Panera Bread is proposing to construct a 300 square foot building expansion to add a drive-through window to their existing 4,313 square foot dine-in restaurant at the above referenced location. The City of Dallas Zoning Ordinance Section 51A-4.210(b)(25)(c)(i) requires any restaurant to provide off-street parking at a ratio of 1 parking space per 100 square feet of floor area. Based upon this ratio the expanded Panera Bread restaurant would be required to provide 46 parking spaces. The existing parking lot currently provides 41 parking spaces to service the existing restaurant. The addition of the drive-through window would remove two existing parking spaces. Due to the reduced parking, Panera Bread is requesting a variance to reduce the required number of parking spaces provided to 25 regular parking spaces and 14 compact parking spaces for a total of 39 parking spaces provided.

The existing Panera Bread parking lot is currently congested during peak hours with increasing customer traffic. Panera Bread has discussed options to expand the existing parking lot to better serve their customers, but due to the current property size additional parking cannot be constructed. Current sales at this location have reached a level where nearly 50% of all transactions are for take-out or catering customers. Since additional parking cannot be provided and approximately 50% of the available parking is being utilized by customers who are not dining-in, a drive through window is being proposed as a solution to reduce congestion in the existing parking lot.

BRYAN M. BURGER, P.E.

17103 Preston Road, Suite 180N | Dallas, Texas 75248 | Office: 972.630.3360 | Fax: 972.630.3380

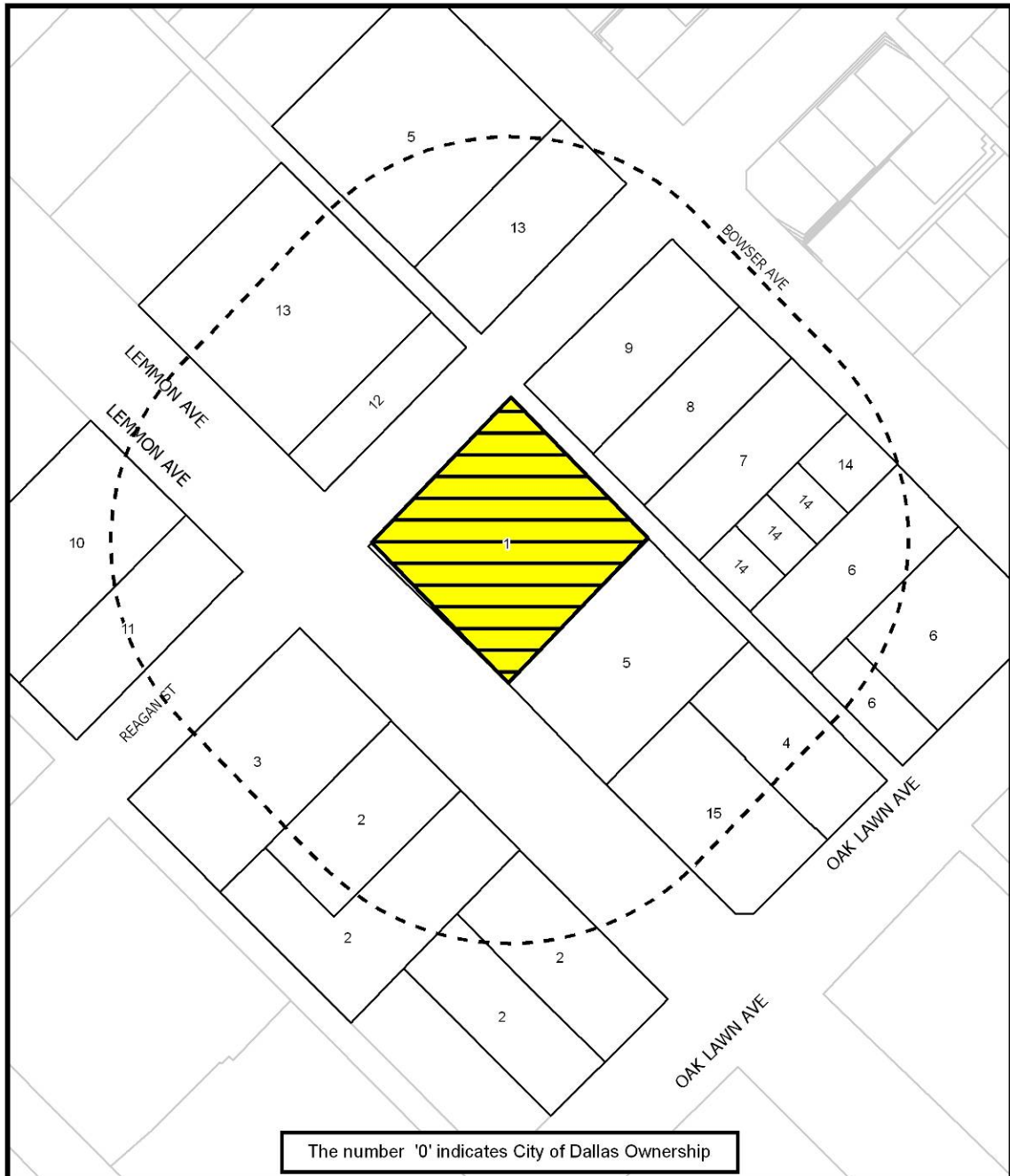
Page 2
Panera Bread
Dallas, Texas
B.E. No. 051-001

Please contact our office if you have any questions or comments.

Sincerely,



Bryan M. Burger, P.E.




 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
15	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA123-057**
 Date: **5/29/2013**

Notification List of Property Owners

BDA123-057

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3826 LEMMON AVE	KLINE TRUST INV LTD ATTN: TRUST REAL EST
2	3435 OAK LAWN AVE	RP LEMMON PPTIES LP
3	3827 LEMMON AVE	HASKELL LEMMON PTR LTD % MITCHELL RASANS
4	3509 OAK LAWN AVE	OAK LAWN RETAIL ASSO LTD STE 2100
5	3812 LEMMON AVE	DBS REAL ESTATE LP C/O S & S APARTMENTS
6	3519 OAK LAWN AVE	3519 OAKLAWN PARTNERS LTD
7	3821 BOWSER AVE	NERSESOVA EKATERINA
8	3825 BOWSER AVE	AISHMAN J RICHARD & PHIPPS TOM M
9	3827 BOWSER AVE	PHOL INVESTMENT INC
10	3911 LEMMON AVE	3911 LEMMON AVE ASSOCIATE % CONNIE COLEM
11	3903 LEMMON AVE	3903 LEMMON AVE LTD
12	3900 LEMMON AVE	PANOUSOPOULUS NICKOS
13	3906 LEMMON AVE	BERLIN RONALD P & GAIL M
14	3817 BOWSER AVE	STERLING BOWSER DEV I LP
15	3804 LEMMON AVE	GSSW LEMMON OAKLAWN LLC % THOMAS W SABIN

FILE NUMBER: BDA 123-062

BUILDING OFFICIAL'S REPORT: Application of Juanita Couch for a special exception to the fence height regulations at. This property is more fully described as Lot 1, Block H/4978 and is zoned PD-455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 9 foot high fence in a required front yard, which will require a special exception to the fence height regulations of 5 feet.

LOCATION: 8410 Blue Bonnet Road

APPLICANT: Juanita Couch

REQUEST:

A special exception to the fence height regulations of 5' is requested in conjunction with maintaining a masonry wall in the site's 30' front yard setback on a site that is currently developed with a single family home – a wall that according to the applicant's submittals averages 8' 6" in height but ranges from 7' 6" – 9' given grade changes on the property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 455 (Planned Development)
North: PD 455 (Planned Development)
South: R-10(A) (Single family district 10,000 square feet)
East: PD 455 (Planned Development)
West: PD 455 (Planned Development)

Land Use:

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

Zoning/BDA History:

1. BDA 86-172, Property at 8410 Bluebonnet Road (the subject site) On July 22, 1986, the Board of Adjustment granted a request to maintain an 8 foot fence on the property as a special exception to the height regulations for fences. The board imposed the following condition: The landscape plan be adhered to as submitted to the Board also including the existing sprinkler system not shown the plans.” The case report stated that the applicant was asking that he be permitted to erect a solid fence in the front yard along Bluebonnet Road, and that landscape plans submitted by the applicant reflect the existing vegetation, and the placement of the fence will be behind this vegetation, thereby, reducing the solidness of the fence.

Timeline:

- April 29, 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.
- May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 2013: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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 29, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June 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.

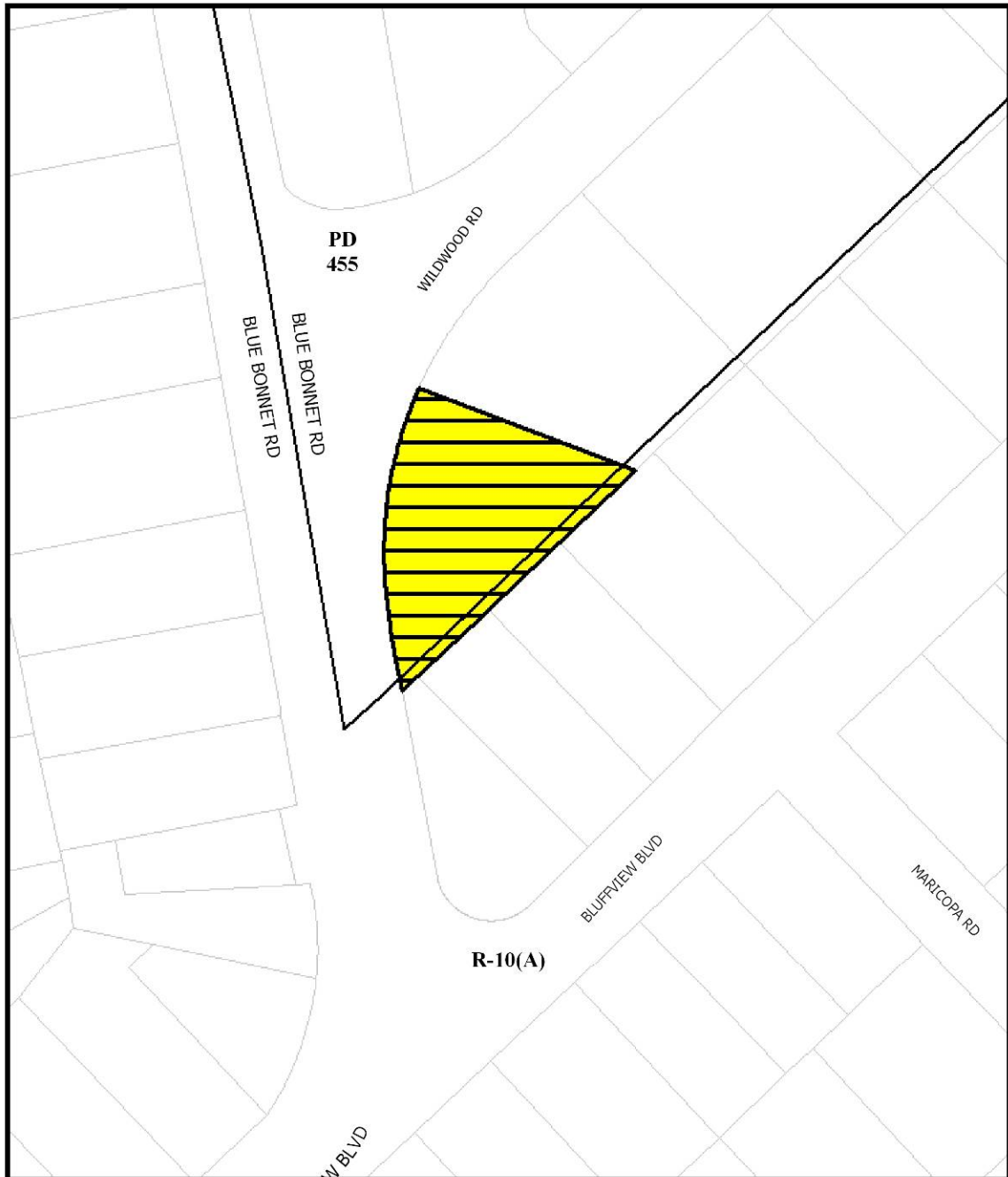
No review comment sheets with comments were submitted in conjunction with this application.

June 7, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a masonry wall in the front yard setback on a property developed with a single family home – a wall that according to the applicant’s submittals averages 8’ 6” in height and ranges from 7’ 6” – 9’ in height given grade changes on the property.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The applicant has submitted a revised plot plan/site plan and a revised elevation document of the proposal in the front yard setback indicating that it reaches a maximum height of 9’.
- The following additional information was gleaned from the submitted revised plot plan/site plan:
 - The proposal in the front yard setback is represented as being approximately 120’ in length parallel to the street and approximately 30’ in length perpendicular to the street on the north side of the site in the front yard setback.
 - The proposal is represented as being located on the property line or about 13’ from the pavement line.
- The following additional information was gleaned from the submitted revised elevation document:
 - Notation of “the front wall detail will include cable nail trellis with evergreen jasmine vines, the vines will be planted every 3’-0” along the wall. They will be planted as a 5 gallon plant.”

- The proposal is located across from three single family homes none that appear to have fences in their front yards over 4' in height.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback- an approximately 8' high wood fence/7' high brick fence located immediately south of the site with no recorded BDA history.
- As of June 10, 2013, nine letters/emails have been submitted in support of the request, and five letters/emails have been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

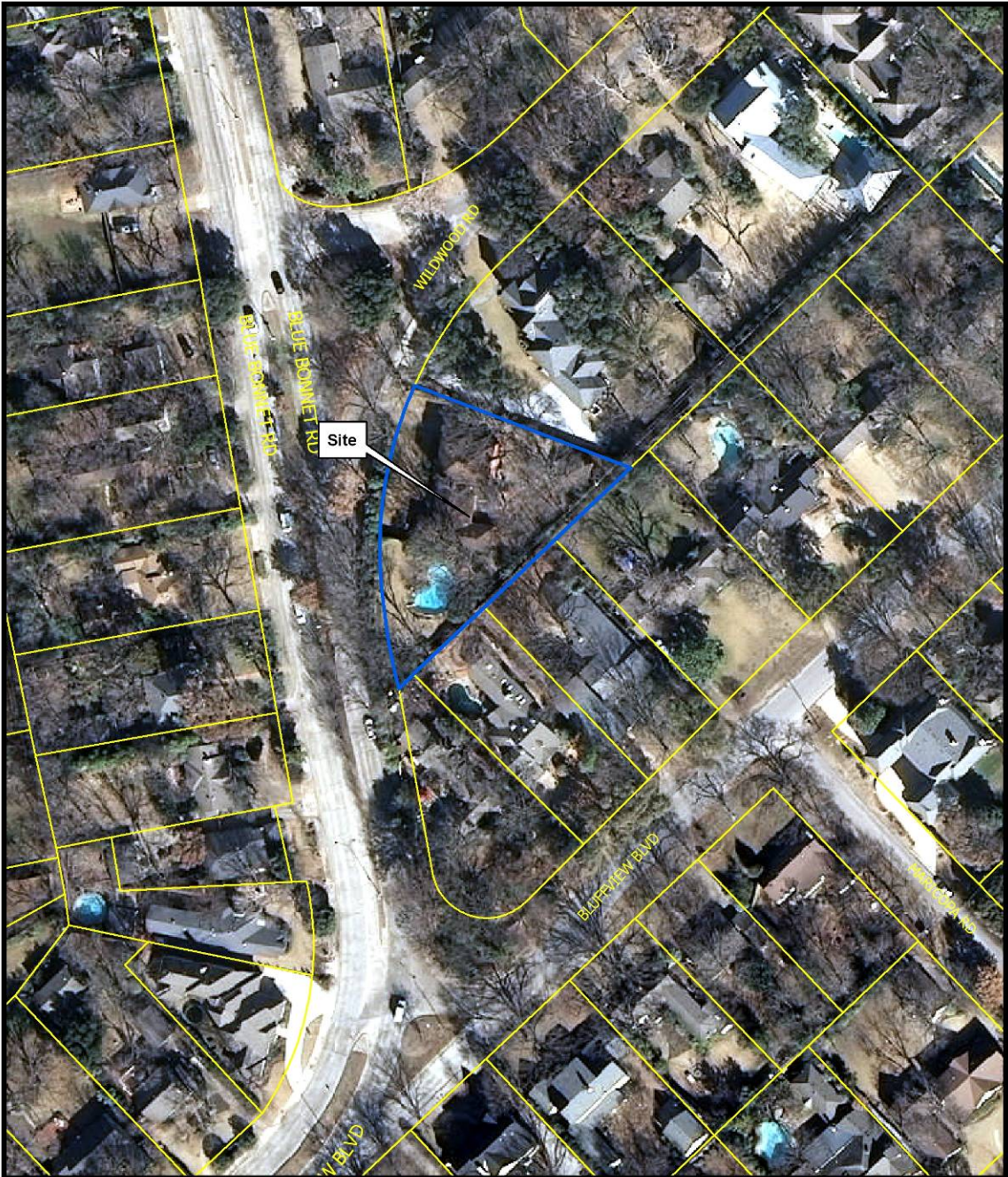


1:1,200

ZONING MAP

Case no: BDA123-062

Date: 5/29/2013



1:1,200

AERIAL MAP

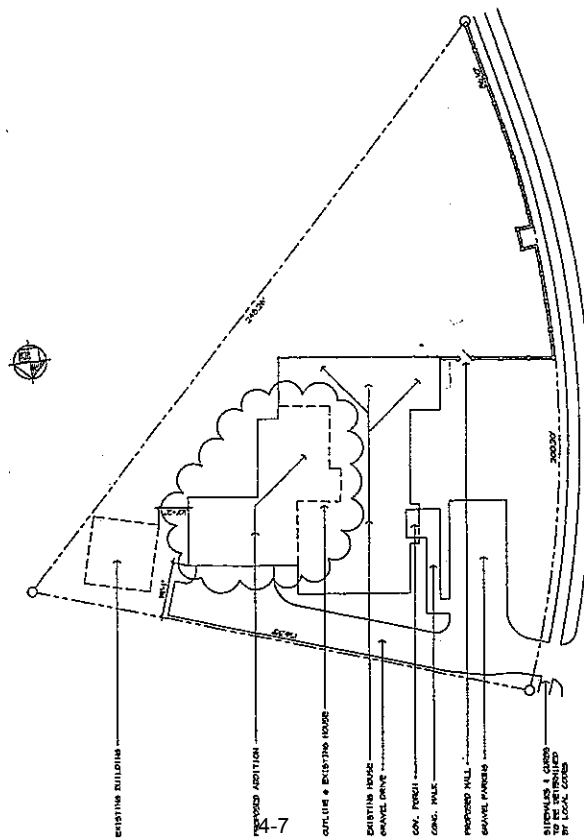
Case no: BDA123-062

Date: 5/29/2013

BDA123-062

ATTACH A

Pg 1



8410 BLUEBONNET ROAD

SCALE: 1" = 20'-0"

○ PLOT PLAN

BUILDER
DANNY ABDO
BUILDER CLIENT

LOT 1 BLOCK W44716
BLUFF VIEW ESTATES
8410 BLUEBONNET ROAD
DALLAS TEXAS

SWINTECH

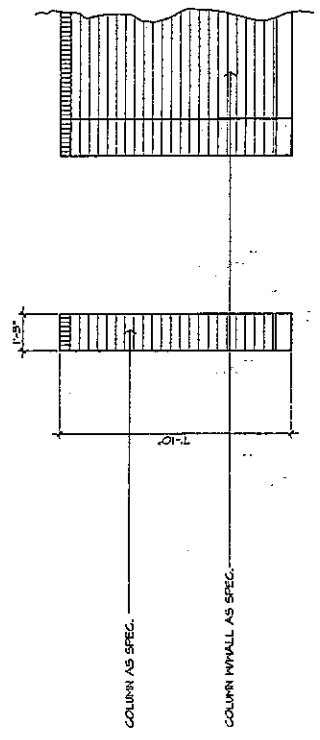
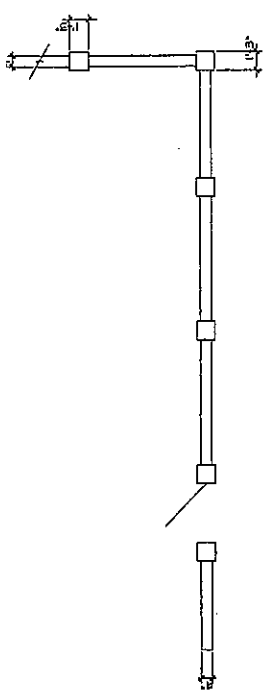
DATE MAY 21, 2018
REVISION DATE MAY 22, 2018
JOB NO. 18108

SWINTECH
 CUSTOM DESIGNS
 DESIGNERS
 214 MARSHFIELD DRIVE, FORTNEY BRIDGE ROAD, 473-34-3224

THESE PLANS ARE INTENDED TO PROVIDE INFORMATION TO ASSIST THE CONTRACTOR IN THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB. ANY DISCREPANCY BETWEEN THESE PLANS AND THE ACTUAL CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, COUNTY, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, COUNTY, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, COUNTY, STATE AND FEDERAL AUTHORITIES.

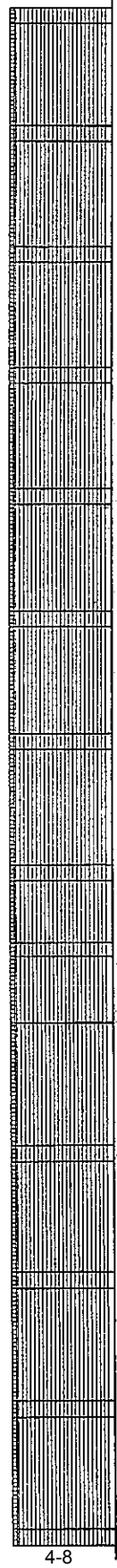
NOTES:
 1. ALL RIGHTS RESERVED
 2. THE APPROXIMATE QUANTITIES AND COSTS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR BIDDING OR CONTRACTING PURPOSES.
 3. LOGS NO. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

5'-0" = 1'-0"

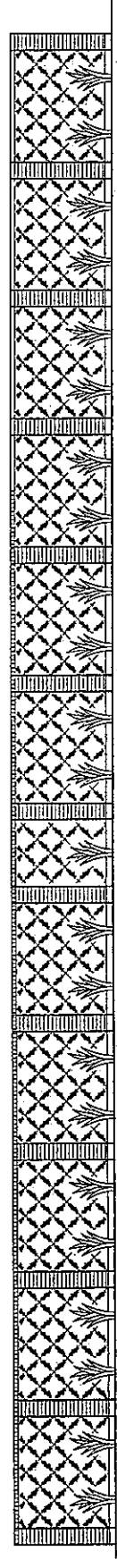


○ COLUMN DETAIL SCALE: 1/2" = 1'-0"

○ GATE/SIDE WALL DETAIL SCALE: 1/4" = 1'-0"



○ REAR WALL DETAIL SCALE: 1/4" = 1'-0"



○ FRONT WALL DETAIL SCALE: 1/4" = 1'-0"

NOTE: 1. MASONRY FENCE WITH AVERAGE HEIGHT OF 8'-6" HIGH HEIGHT MAY VARY FROM 7'-6" TO 9'-0" DEPENDING ON GRADE CHANGES.
 2. THE FRONT WALL DETAIL WILL INCLUDE CABLE NAIL TRELLIS WITH EVERGREEN JASMINE VINES. THE VINES WILL BE PLANTED EVERY 3'-0" ALONG THE WALL. THEY WILL BE PLANTED AS A 5 GALLON PLANT.

To the Appeal Board Members,

Request for a Special Exception for 8410 Bluebonnet

Introduction:

My name is Juanita Couch. I am here to ask for a special exception for an additional five feet for the existing masonry fence that already exists on the property I bought at 8410 Bluebonnet on October 29, 2012. The additional five feet will not adversely affect the area or surrounding properties. The home is located in the historic Bluffview area. I am very proud to be a homeowner in this beautiful centrally located area of Dallas. The property features towering trees and lush greenery. The property is approximately .5 acres. The existing home is being totally renovated and additional square footage has been added.

History:

Eight Foot Masonry Fence Permit Issued February 9, 2013
and Previous Seven Foot Fence Variance Issued 1987.

When the property was purchased, there was an existing seven foot wood fence along the back and side of the yard fronting Bluebonnet. On February 9, 2013 I was issued a building permit for an eight foot masonry fence. Before this permit was issued, extensive drawings were submitted including but not limited to footing detail as per the required engineer's plan and form surveys insuring the footing and fence were well within the boundary of my property etc... The permit took over five weeks to be obtained. Every requirement was met. The footing forms were inspected by the building inspector and approved. We were told to proceed in pouring the forms and building the masonry fence. We were told to only call to get the final inspection once the fence was built .

The footings are extra wide with numerous piers. The fence is constructed of white residential "king size" brick . This is the same exact brick used on the home I have built on the property. The fence makes the home a cohesive unit. The color white was chosen for the home and fence as a clean, unobtrusive background in which the plants and trees could 'shine' and be at center stage.

In April 2013, the fence was 99% finished when a senior building inspector came to the building site and asked if there was a variance given to build the brick fence and to inform me via his measurements that the fence was actually eight foot, two inches in certain areas. In front of four people, the building inspector

measured the fence from the top of the footing to the top of the fence. I was told, despite having a building permit and a preexisting wood fence that the new brick fence was in danger of having to be removed. The fence, which was already built, had cost in excess of \$70,000 including labor and material.

I had done everything to comply with the rules to this point and per the inspectors visit I had the entire stretch of fence shortened by 6 inches and recapped. This resulted in a finished fence at 7 feet , 8 inches. The total cost to bring the fence below the eight feet as per the building measurements was an additional \$6,400. Now, the entire stretch of wall is seven feet, eight inches measured from the top of the footing.

After the inspectors visit, I was told there was a "problem" with the masonry fence. I found there was a variance given to the previous owner for a seven foot fence along the back and side yard (to some the front side yard) siding onto Bluebonnet. This variance was granted in 1987. At this time, the previous owner built the wood fence and built a large diving pool which still exists on the property and is being refurbished.

Even after, having obtained a building permit, building the fence in compliance with the permit, and obtaining a copy of the original variance allowing a seven foot wood fence on the property, I have been told an amended variance is needed to allow the fence to remain.

The special exception requests a nine foot fence because I was informed via email that the fence height is measured from the sidewalk, not from the footing as done by the inspector visiting the property while we were there. There are places on the property where the sidewalk is several inches below the footing, making the existing fence higher than eight feet in those areas. A special expection for a nine foot fence would eliminate the need for further modifications in the areas where the sidewalk is lower than the bottom of the fence. I have no intention of adding to the existing fence.

To repeat, as the fence exists it is seven feet eight inches tall from the top of the footing. At certain places the sidewalk is approximately 5 to 6 inches below the footing. The fence will not be touched or added onto. It is only to allow for differing ways of measuring.

The definition of the front yard was forever changed when the previous owners received the variance in 1986. There is a diving pool in the back yard. The site plan shows this area and it is the backyard to this home, which is perceived to be the front yard. I strongly feel that the fence does not adversely affect the neighborhood.

Beauty and Unity of the Fence

As mentioned above, the brick fence is masonry built of double sided "king size" residential white brick. This is the same brick that is on the home being built. The brick was purposely chosen to give a clean, fresh feel of simple elegance. The fence is purposely built as a cohesive backdrop for the towering trees and greenery that exist on the property and for what Bluffview is known for.

Bluffview, as you know, is an older part of Dallas which has seen a great revival of new construction in recent years representing many diverse architectural styles. The predominant style of new architecture is modern/contemporary, which is the style of my home. Within two blocks of my home there are seven modern homes either currently being built or have been completed within the last few years. While some of these homes chose a cindered block industrial look as their finished siding and walls, I purposely chose the white brick as being more elegant and to match the home.

While the wall is completed, the landscaping of the property and wall has not begun. The wall is to be landscaped with "star" jasmine evergreen vine.. The vines come in five gallon containers and will be planted every three feet along the fence. The wall will have a diamond shaped trellis made of cable nailed to the wall to allow the training and pattern of the vine to follow. The jasmine has white flowers that bloom in the spring and early summer. The jasmine is a fast grower. The landscape architect has five gallon containers ready to be planted now which are over four feet in height. The trellis cable will be installed when the jasmine is planted. By the end of September it is felt the jasmine will be at the top of the fence. The diamond shape trellis work will soften the wall and at the same time allow a crisp clean look for the exterior of the property. The maintenance of the vine will keep it trimmed in the diamond shapes as originally planted.

The fence as it stands is a vast improvement over the wood fence that we replaced. As stated before the wood fence was seven feet high. The existing fence that we are asking for an amended variance is only eight inches taller than what is being replaced. The wood fence was the original wood fence that was granted a variance in 1987. Hence, it was twenty six years old. The fence was rotten, and had ants throughout. The fence line was covered with bamboo that was sixteen to eighteen feet high.

When building the footing for the masonry fence four dead rotted out limbs were removed from existing trees. Before the masonry fence was built the sidewalk running along the fence was not usable. The bamboo collected years and years of trash and debris.

The clean lines of the fresh white brick are a vast improvement over the trashy, overgrown, unsafe structure that existed prior. The new fence clearly blends in with the beauty of Bluffview and will do more so once that landscaping with "star" jasmine is completed. The previous owner installed an irrigation system along the sidewalk area. This will be used to water the new plantings. Pebbles or bark mulch will be placed over the ground in front of the fence leaving a clean line for the sidewalk.

Safety:

I have two small children below the ages of four. I also have two dogs. One of the major issues for me in building the masonry fence and asking for the special exception is the safety issue.

As you know, the area around Bluffview has grown rapidly in the last few years. Bluebonnet is now a four lane road that is used as a major thoroughfare. It appears to be a cut through for Lemmon and Lovers Lane to Northwest Highway. Additionally at the edge of my property there is a sharp curve whereby cars are speeding around especially at rush hour.

While a wood fence may have sufficed for the amount of traffic in 1987, it is not sufficient to insure the safety of my family, guests and pets that will be in the back yard around the pool.

This point is made even clearer by the fact that in the fall of 2012 a car broke through the wood fence of the home directly behind me and landed into the pool. Also a car ran into the tree line next door on May 31, 2013. It would be unconscionable for me to subject my family, guests, or anyone else to this type of danger. Common sense would insure that a double sided brick fence filled with mortar would act as a better barricade for a runaway auto than a wood fence.

Additionally, this point of needed safety protection is outlined by the fact in the past two months an automobile ran into the Cochran Chapel Townhome stucco wall where Bluebonnet turns into Midway near Northwest Highway. This is approximately two blocks from my property, as Bluebonnet turns into Midway.


Summary

In summation, despite the point I was issued a permit to build an eight foot masonry fence by the City of Dallas which I subsequently did follow every letter of the law at an expense well over \$75,000.;

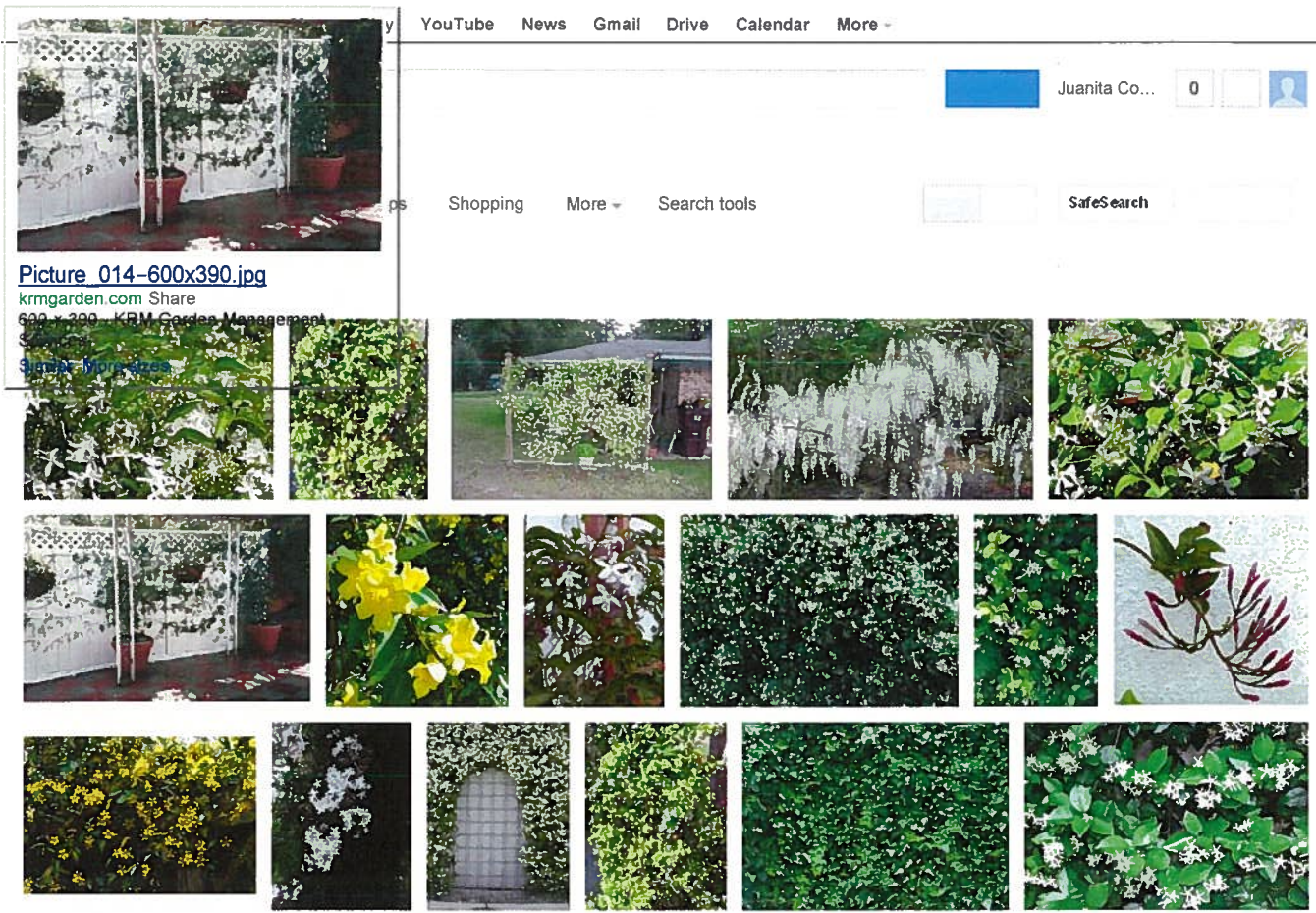
I respectfully ask for the special exception per the reasons stated above. Obviously, this does not adversely affect the area or surrounding homes. Numerous neighbors have thanked me for building the fence and cleaning up the area that had previously been an eyesore. The same neighbors have thanked me for allowing the to be useable.

The brick fence is a beautiful clean addition to an elegant area of Dallas. Bluffview continues to be "upgraded" and this is only another example. The twenty seven year wood fence is being replaced by a masonry fence that will not deteriorate, does not need upkeep, etc. The clean white lines of the wall are only meant as a backdrop for the planting of a diamond shaped lattice work of blooming white jasmine. The wall blends in perfectly with all other masonry walls lining the Midway / Bluebonnet corridor. I feel it is safe to say 90 to 95% of these properties have such fences along Midway. This masonry blends in beautifully with such walls lining the Midway/Bluebonnet corridor. Additionally, the brick fence is needed for safety. My property is literally between two houses that just blocks from me on the Bluebonnet / Midway corridor that have had arrant cars crash through their fences. The wood fence did not stop the car from going into the pool and yard. The stucco/masonry fence stopped the car from colliding into the townhomes. Again, this fence does not adversely affect the neighborhood.

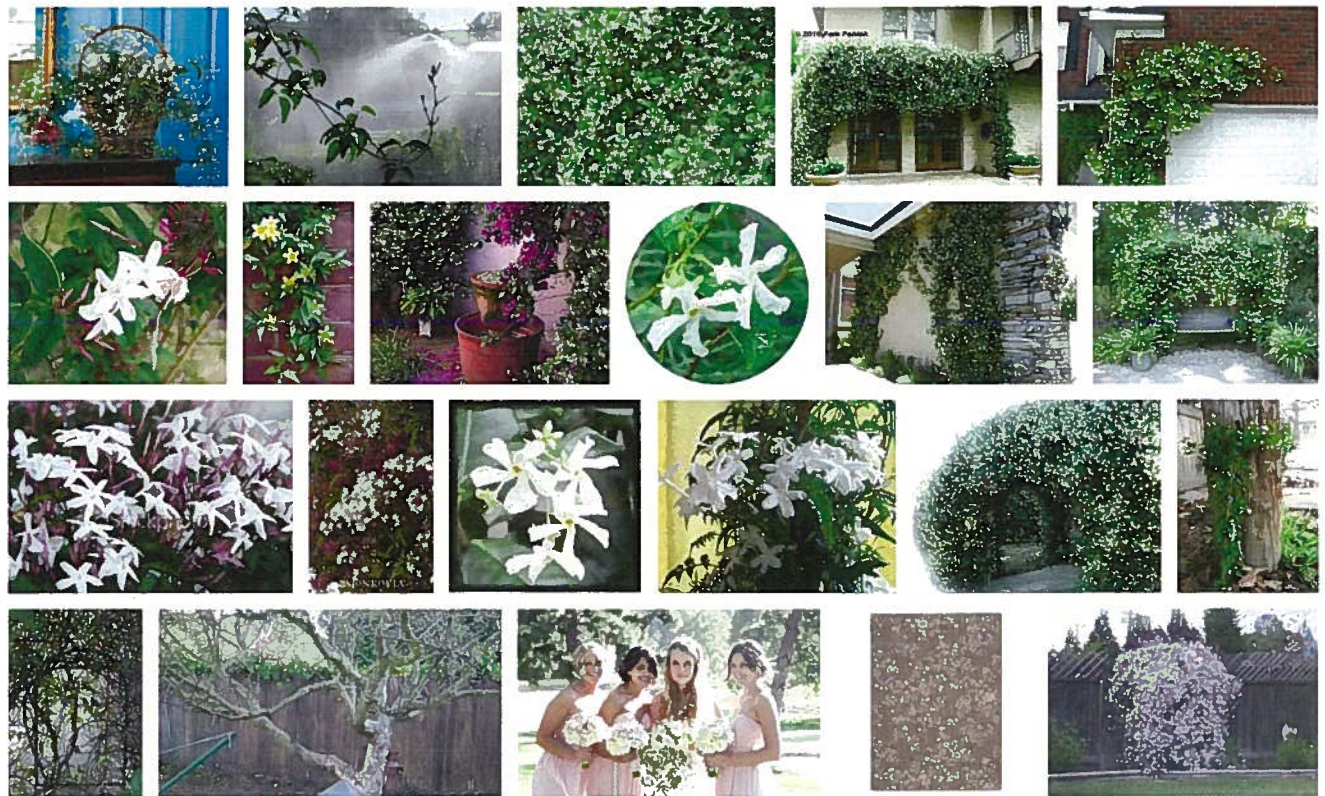
Thank you for your time and consideration


Juanita Couch





Page 2





8410
Bluebonnet
Address is approximate



Previous Wood fence



8410 Bluebonnet
Address is approximate



Previous Wood fence

DATE: _____

APPLICATION TYPE

PERMIT CO

OTHER EXPRESS



City of Dallas

JOB NO. (OFFICE USE ONLY)

PERMIT NO. (OFFICE USE ONLY)
1302081088

HEALTH REVIEW (Restaurants/Food Service)

BUILDING INSPECTION APPLICATION

STREET ADDRESS OF PROPOSED PROJECT: 8410 Bluebonnet

SUITE/BLDG./FLOOR NO: _____

USE OF PROPERTY: Residential

OWNER/TENANT: Wife Jackie & Jeanne

ADDRESS: 8410 Bluebonnet

CITY: Dallas

STATE: TX

ZIP CODE: 75209

APPLICANT: Elias Rodriguez

CONTR NO: ~~11201~~

COMPANY NAME: Construction Concepts

ADDRESS: 3711 Jefferson

CITY: Dallas

STATE: TX

ZIP CODE: _____

PHONE NO: 214-446-4300

FAX NO: _____

DESCRIPTION OF PROPOSED PROJECT: Replacing existing fence

NEW CONST	VALUATION (\$)	NEW CONST
REMODEL		REMODEL
LEASE		
TOTAL AREA		TOTAL VALUATION
		10,000

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

BUILDING PLUMBING FENCE DRIVE APPROACH BACKFLOW BARRICADE

ELECTRICAL FIRE SPRKLR SIGN SWIMMING POOL CUSTOMER SVC GREEN BUILDING/LEED

MECHANICAL FIRE ALARM LANDSCAPE LAWN SPRINKLER FLAMMABLE LIQUID OTHER

WILL ALCOHOL BE SOLD/SERVED? YES NO

WILL THERE BE A DANCE FLOOR? YES NO

PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? YES NO

ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? YES NO

I HAVE CAREFULLY READ THE COMPLETE APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DIRECT AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES A MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: *E. Rodriguez*

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
ACTIVITY	TYPE OF WORK	BASE ZONING	RE	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	DATE
1111	# 4473	FD-433		SPRINKLER	CHURCH/LOAD	BA	
				WALLS	FLOORING/LITE	FLOOD PLAN	AIRPORT
				NUMBER BEDROOMS	NUMBER BATHROOMS	PEACE INSPECTIONS	HYDROGRAPH
						DRY	

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRELIMINARY			11/21/11 11706368	PERMIT FEE
PLANNING			EX # march 1, 2013	RECHARGE
INSPECTION				INSPECTION FEE
FINAL REVIEW				APPROVAL FEE
ISSUANCE				EXPRESS PLANNING VIEW
				HOURLY FEE TOTAL
				PERMIT FEE TOTAL
				OTHER FEES
				None
				OTHER FEES
				None
				OTHER FEES
				None
				TOTAL FEES
				\$ 18.50



APPEAL TO THE BOARD OF ADJUSTMENT

CITY OF DALLAS, TEXAS

APPEAL No 86-172

Data Relative to Premises:

Date 5-14-86

Location 8410 Bluebonnet Road Dallas, Tx. 75209 Zoning District R-10

Lot No 1 Block No H 497B Lot Size 235.5' x 176.2' x 247.55'
(Triangular)

To the Honorable Board of Adjustment:

Applicant JACK D. and JOANNA C. Wolf

Mailing Address 8410 Bluebonnet Road Dallas, Tx. Zip Code 75209 Telephone 902-0835

Represented By self

Mailing Address SAME AS ABOVE Zip Code _____ Telephone _____

affirm that application has been made for a permit to Erect A 7' fence inside the 30'
building line that fronts the property.

The permit was denied by the Building Official and appeal is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the heretofore requested permit for the following reasons:

Jack & Joanna Wolf request a variance be granted to allow for the safe and proper enclosure of a swimming pool to be built in the side yard of their property (SEE ATTACHMENTS). The side yard/location fronts Bluebonnet Road, a busy street providing access to Midway Road and Northwest Highway. The fence is needed to insure security and to protect against access by young children who frequently walk along the sidewalk coming from and going to a school in the area. The fence will be located behind a line of trees and shrubs and will be difficult to see from the road. Pictures of the tree line have been included also.

Note to applicant: If the permit requested in this appeal is granted by the Board of Adjustment, said permit must be applied for within 90 days of the date of the final action of the Board; unless the Board specifically grants a longer period.

Respectfully submitted
Jack D. Wolf
Jeanna C. Wolf

(Name Typed Here)

By Jack D. Wolf

(Applicant's Signature)

STATE OF TEXAS

COUNTY OF DALLAS

Affidavit

Before me the undersigned on this day personally appeared _____
who on his (or her) oath certifies that the above statements are true and correct. (Name Typed Here)

Joanna C. Wolf

(Affiant - Applicant's Signature)

Subscribed and sworn to before me this 14th day of May, 1986

W. J. Miller

Notary Public in and for Dallas County, Texas

MEMORANDUM OF
 ACTION TAKEN BY THE
 BOARD OF ADJUSTMENT

Date of Hearing 1-22-86

Appeal Granted ~~Denied~~

Remarks

*Granted per
 attached bill
 plans + landscaping
 & sprinkler
 system*

Thomas J. Voth
 Chairman

BUILDING OFFICIAL'S REPORT

I hereby certify that Jack D. and Joanna C. Wolf

did apply for a ~~permit to~~ Permission to erect a 7 feet high fence at a single family dwelling.

at number 8410 Bluebonnet Street Road

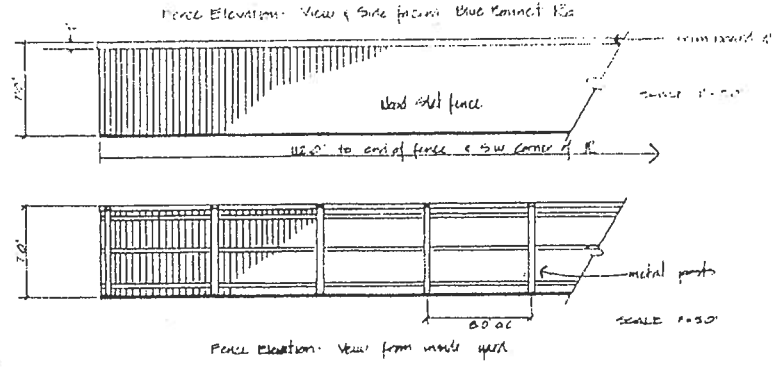
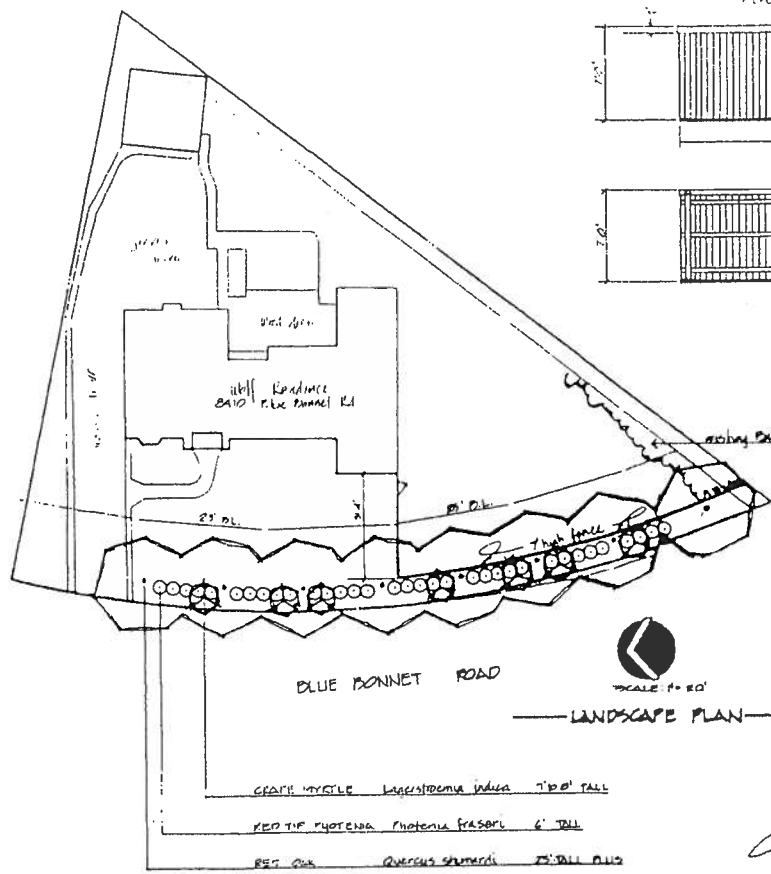
The permit was denied on the following grounds

BDA #86-172 Application of Jack D. and Joanna C. Wolf. Property is located at 8410 Bluebonnet Rd. and being more fully described as Lot 1 in City Block #/4978. This premise is in R-10 Zoning District which limits fence height to 4 feet in front yard. Applicant request approval to erect a 7 feet high fence in front yard requiring a 3 feet high variance. This appeal is being referred to the Board of Adjustment according to Section 51-3.102(c)(3) of the Dallas Development Code as amended.

Fence Height see Sect. 51-4.602 Page 1863

REFERRED TO THE BOARD OF ADJUSTMENT ACCORDING TO SECTION 51-3.102(c)(3)
 OF THE DALLAS DEVELOPMENT CODE AS AMENDED

Alan P. [Signature]
 Alan P. [Name]
 BUILDING OFFICIAL



VARIANCE REQUEST FOR FENCE

PROPERTY LOCATION: 8410 BLUE BONNET RD, DALLAS, TX 75247
 LOT 10, BLOCK 10, CITY BLOCK NO. 4170
 DUFFY VIEW ESTATES, DALLAS, TX
 CLIENT: JACK & JEANNA WOLF

Handwritten: Sprinkler system to be provided Exhibit A

- GRAND OXYCLE Ligustrum indica 7'00" TALL
- RED TIP HYDRANGEA Hydrangea paniculata 6' TALL
- RED OAK Quercus shumardii 25' TALL PLUS

*NOTE: ALL PLANTS ON PLAN ARE EXISTING

Handwritten: Jack & Jeanna Wolf 11.17.08

REVISIONS: DATE: 5-16-08

1986

PG. 6

MINUTES

JULY 22, 1986

PG. 7

from the property line
be 15x15 feet,
the main entry driveway
inches in height,
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The existing structure
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Relocation of the
driveway to serve the
south entrance. The
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and

BDA 86-172

8410 BLUEBONNET ROAD

Application of Jack and Joanna Wolf. Property is located at 8410 Bluebonnet Road and being more fully described as Lot 1 in City Block H/4978. This premise is in R-10 Zoning District which limits fence height to 4 feet in the front yard. Applicant request approval to erect a 7 foot fence in the front yard requiring a 3 foot height variance. This appeal is being referred to the Board of Adjustment according to Section 51-3.102(c)(3) of the Dallas Development Code as amended.

STAFF

RECOMMENDATION: Approval, Conditional
Landscape plan.

STAFF

COMMENTS:

This tract of land fits the classic definition for property hardship because of its irregular shape. Due to its shape and placement of structures, the only place to locate a swimming pole is within the yard that faces Bluebonnet Road.

The applicant is asking that he be permitted to erect a solid fence in the front yard along Bluebonnet Road. Placement of the fence will be inside of a tree line that exists along Bluebonnet Road which should minimize the fence visibility and impact.

The landscape plans submitted by the applicant reflect the existing vegetation. Placement of the fence will be behind this vegetation, thereby, reducing the solidness of the fence.

In summing, Staff has no objection to this request because the proposed fence has no apparent adverse impact on the surrounding properties or traffic flow.

APPEARING IN

FAVOR: Jack Wolf

APPEARING IN

OPPOSITION: None

MOTION: Williams

"I move that the Board of Adjustment in Appeal Number 86-169 on application of Dodd Landscaping Company GRANT the request of this applicant to maintain an 8 ft fence on the property as a special exception to the height requirement for fences contained in the Dallas Development Code, because our inspection of the property, the testimony presented to us, and the facts that we have determined show that this special exception will not adversely affect neighboring property. I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

1. The landscape plan be adhered to as submitted to the Board also including the existing sprinkler system not shown on the plans."

SECONDED: Degnan

AYES: All

*MOTION CARRIED: To grant the appeal as requested with condition.

NOTE: For detailed information on testimony, refer to the tape retained on file in the Department of Planning and Development.

MINSIII/7

ELNORA

Peter W. Mani
8407 Bluebonnet RD.
Dallas, TX 75209
214-350-7878

June 6, 2013

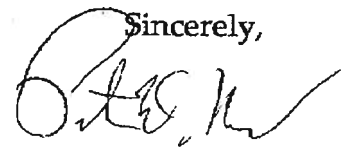
Steve Long, Board of Adjustment Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla St. Room 5BN
Dallas, TX 75201

Re: BDA 123-062, for property at 8410 Bluebonnet RD. Dallas, TX
Fence Approvable

Dear Board of Adjustment Panel C,

I enjoy living in this neighborhood and have been here for at least 10 years now. I own the property at 8407 Bluebonnet that is across the street from 8410 Bluebonnet. I will like to show my acceptance towards the masonry fence that is in the property. I do not think that in any way the fence adversely affects the neighborhood. I think it gives the house and the block a great appeal to people that either drive or walk by it. The fence fits the house very well and shows its uniqueness that we look forward to in this neighborhood. May the right decision be made to keep the fence.

Sincerely,



Peter W. Mani

Marcia Cuellar
8510 Bluebonnet Road
Dallas, TX 75209

June 7, 2013

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

Re: BDA 123+062 (8410 Bluebonnet RD.) Fence Acceptance

Dear Board of Adjustment Panel C,

I would like to show my support for the fence on 8410 Bluebonnet. I live a few blocks away and take many trips towards Bluebonnet Rd. since my relatives live on that block. I do not think in any way that the fence adversely affects the neighborhood. The fence is really beautiful and looks to be very well built and strong. I have noticed that traffic and high speeds on this street are a safety issue for the people that walk and live on that street. I think the high fence is a must due to the location of the busy street. The fence not only looks great but also shows great curb appeal for the entrance of the block and the subdivision over all. Public safety is a must and I think this fence should remain to keep car accidents away from homeowner's property.

Regards,



Marcia Cuellar

Alycen Cuellar-Mani
8405 Bluebonnet RD.
Dallas, TX 75209

June 7, 2013

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

RE: 8410 Bluebonnet RD. Fence Acceptance.
BDA 123-062

Dear Steve Long (Board Administrator),

I have lived in this house for at least 15 years now and really enjoy the comfort that this neighbor brings to my family and me. I would like to show my support for the masonry fence that is located on the property at 8410 Bluebonnet. I happen to live across the street and see it many times a day. I don't think that in any way does the wall affect the neighborhood; on the bright side of it, I personally think that it is a beautiful addition to our neighborhood. I strongly support the masonry fence and hope that the right decision is made to keep this neighborhood looking beautiful.

Regards,


Alycen Cuellar-Mani

Arthur Glen Wilson
1859 Greendale Dr.
Dallas, TX. 75217

June 7, 2013

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

RE: BDA 123+062 (8410 Bluebonnet Rd Fence Variance)

Dear Board of Adjustment:

I am writing to voice my support for the fence variance proposal for the property located at 8410 Bluebonnet. The new masonry fence is a vast improvement over the previous wooden fence. It blends well with the current renovations being done on the property and is very aesthetically appealing.

The masonry fence also adds much needed protection for the property from the constant flow of high speed traffic that travels through the area. Cars crashing into properties have been a problem in this neighborhood and a strong masonry fence will give the homeowner peace of mind.

Sincerely,



Arthur Glen Wilson



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-062

Data Relative to Subject Property:

Date: 4-29-13

Location address: 8410 Bluebonnet Rd.

Zoning District: PD455

Lot No.: 1 Block No.: H/4978 Acreage: .5

Census Tract: 13.02

Street Frontage (in Feet): 1) 235' 2) _____ 3) _____ 4) _____ 5) _____

NE 21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Couch Enterprises LP

Applicant: Juanita Couch (President) Telephone: 2149081164

Mailing Address: 323 Centre Dallas, Texas Zip Code: 75208

E-mail Address: juanita.couch1@yahoo.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 5 feet to fence height in 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:

Granting a 9 ft brick fence will improve the neighborhood. It will not adversely affect other properties. It is an improvement from the old rotten wood fence that was there.

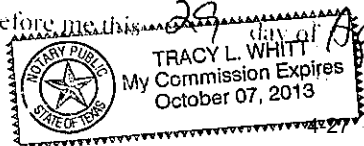
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Juanita Couch (president) (Affiant/Applicant's name printed) Couch Enterprises Co. 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: Juanita Couch (Affiant/Applicant's signature)

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



Tracy L. Whit 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 Juanita Couch

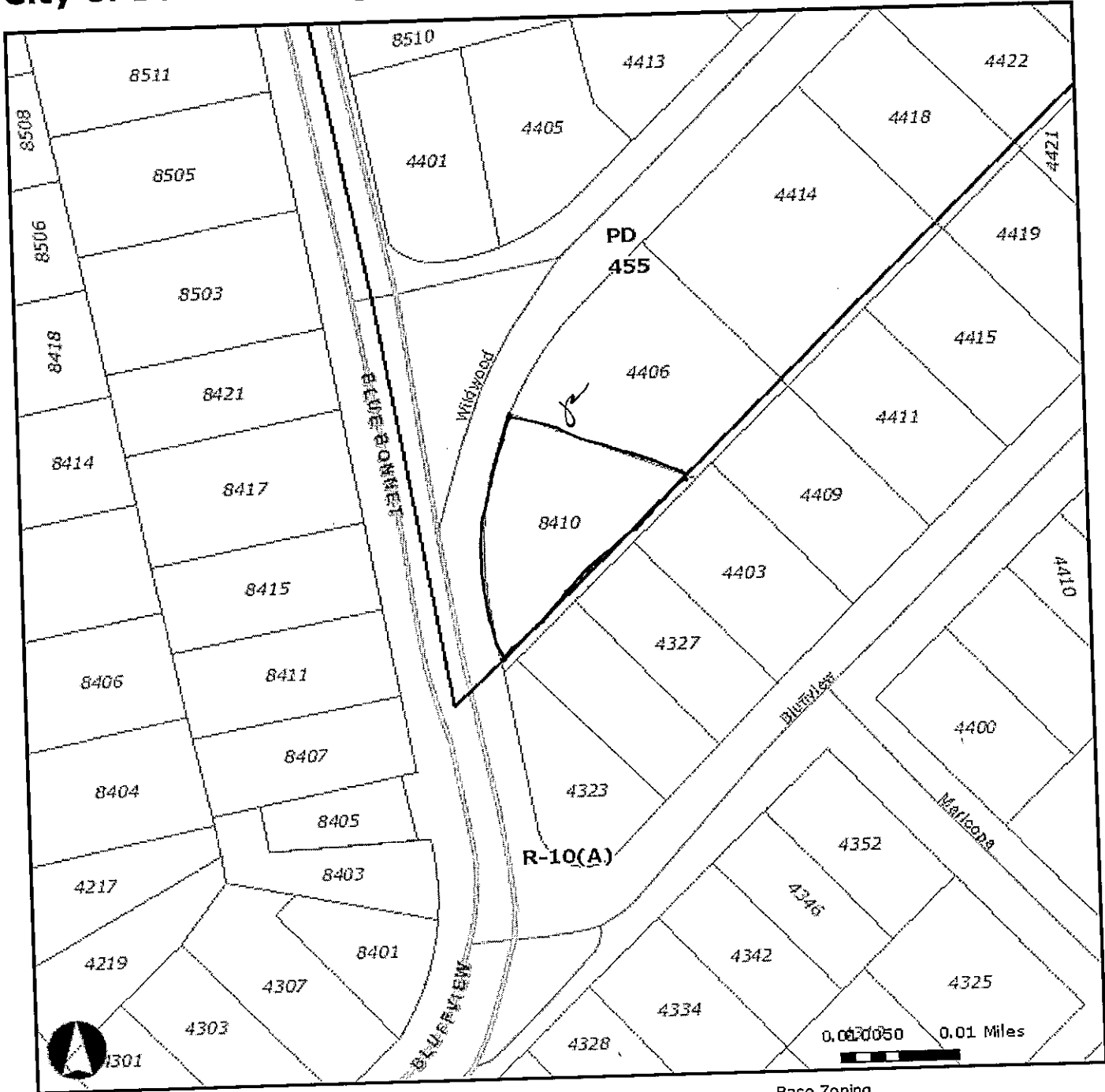
did submit a request for a special exception to the fence height regulations
at 8410 Blue Bonnet Road

BDA123-062. Application of Juanita Couch for a special exception to the fence height regulations at 8410 Blue Bonnet Road. This property is more fully described as Lot 1, Block H/4978 and is zoned PD-455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



City Boundaries

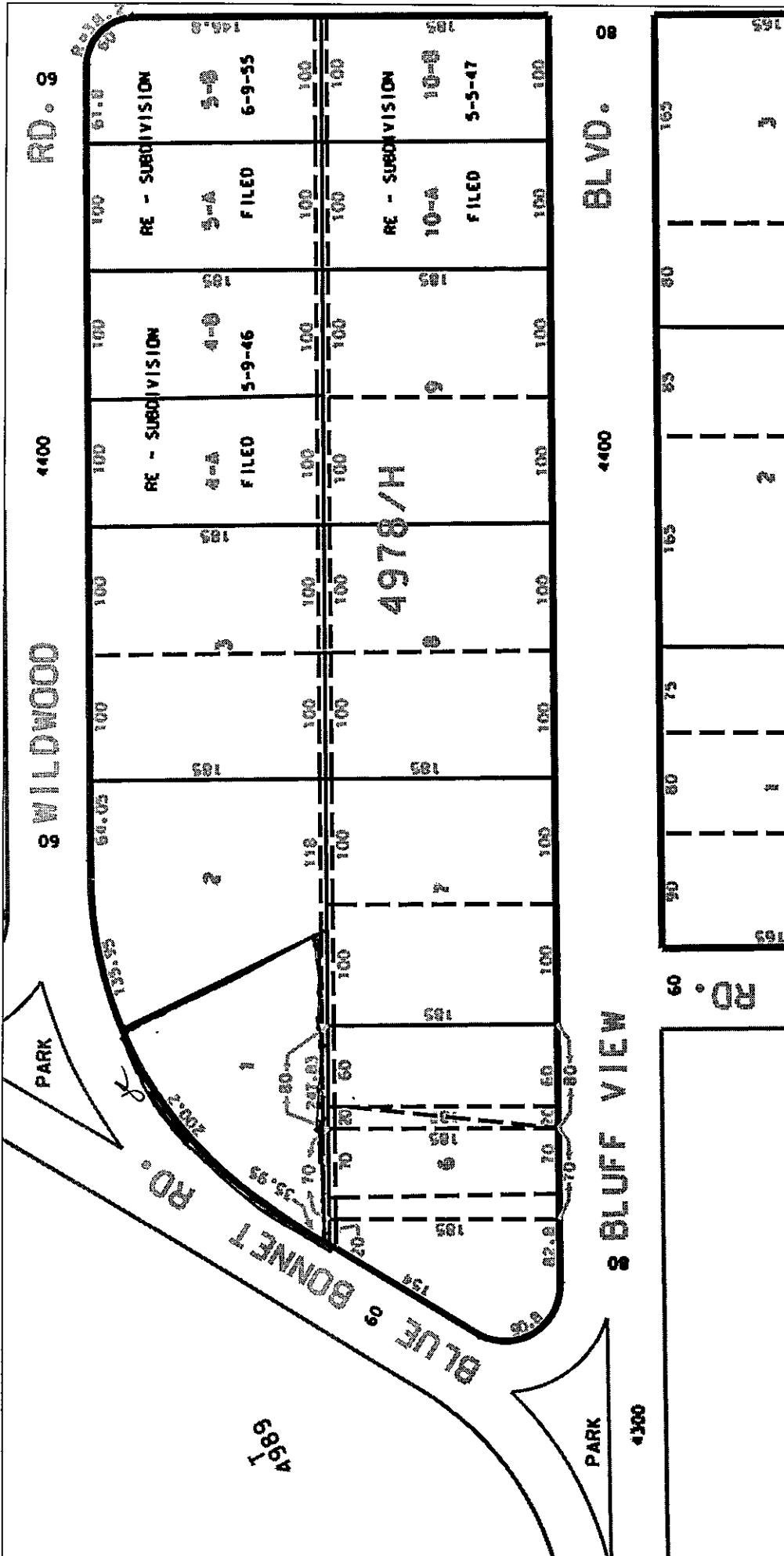
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks BDA 123-062

Dry Overlay

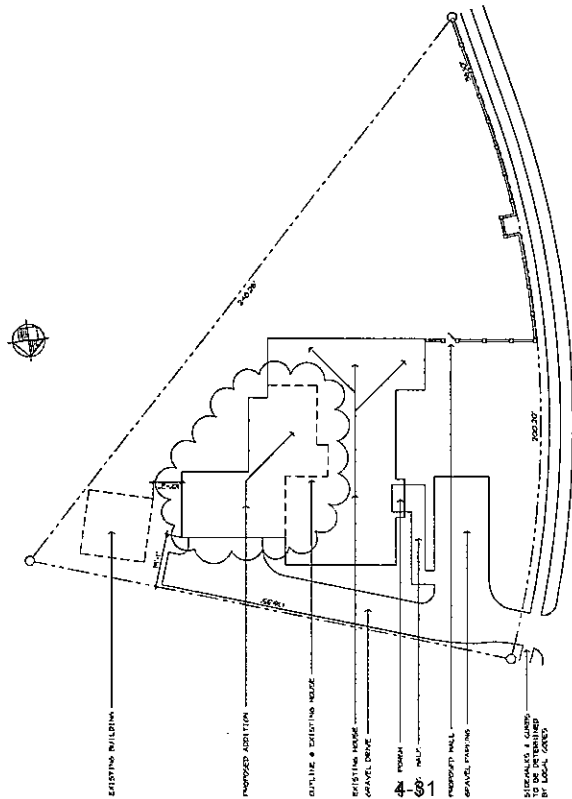
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

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



C:\tax_plats\4975_e.dgn 5/1/2013 3:07:08 PM



ANANDA LANE

PLOT PLAN SCALE: 1" = 20'-0"

BUILDER DANNY ABDO BUILDER CLIENT		LOT & BLOCK MALDRUM ADDITION PH. LL ANANDA LANE COMBINE TEXAS	
SWINTECH CUSTOM DESIGNS		DATE OCT. 2, 2012	
DESIGNER 204 FAIRFIELD DRIVE FORT WORTH, TEXAS		REVISION DATE 12/12/11	
PLANNER 912-564-1009		COMP. JOB NO. 12107	
SHEET NO. 1		SHEET NO. 1	

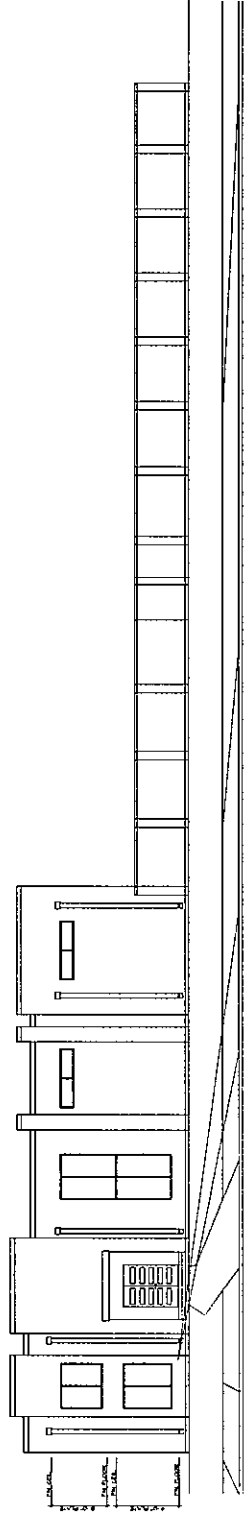
NOTE: THESE PLANS ARE INTENDED TO PROVIDE THE BASIC INFORMATION AND TO ALLOW THE ARCHITECT TO OBTAIN PERMITS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ARCHITECT.

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REVISIONS

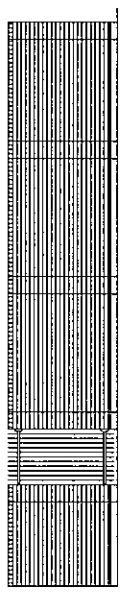
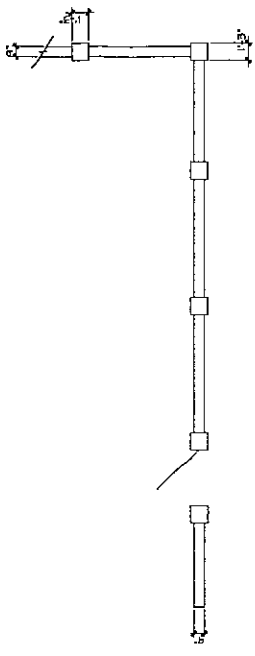
© 2015 SWINTTECH
 ALL RIGHTS RESERVED
 THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ARCHITECT.

JOB NO.
 DRAWING NO.
 SHEET NO.

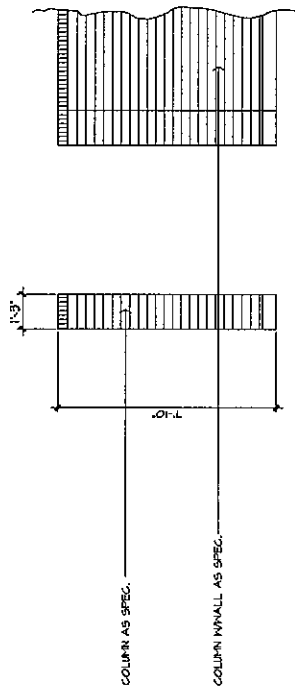


FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

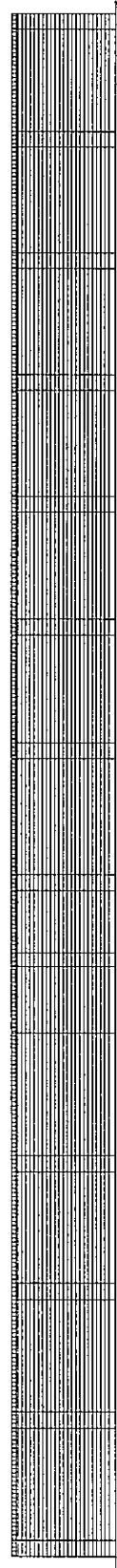
REVISIONS ARE INDICATED TO PROVIDE THE BROAD
 CONCEPTS AND SPECIFICATIONS. THE CONTRACTOR
 SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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○ GATE/SIDE WALL DETAIL SCALE: 1/4" = 1'-0"



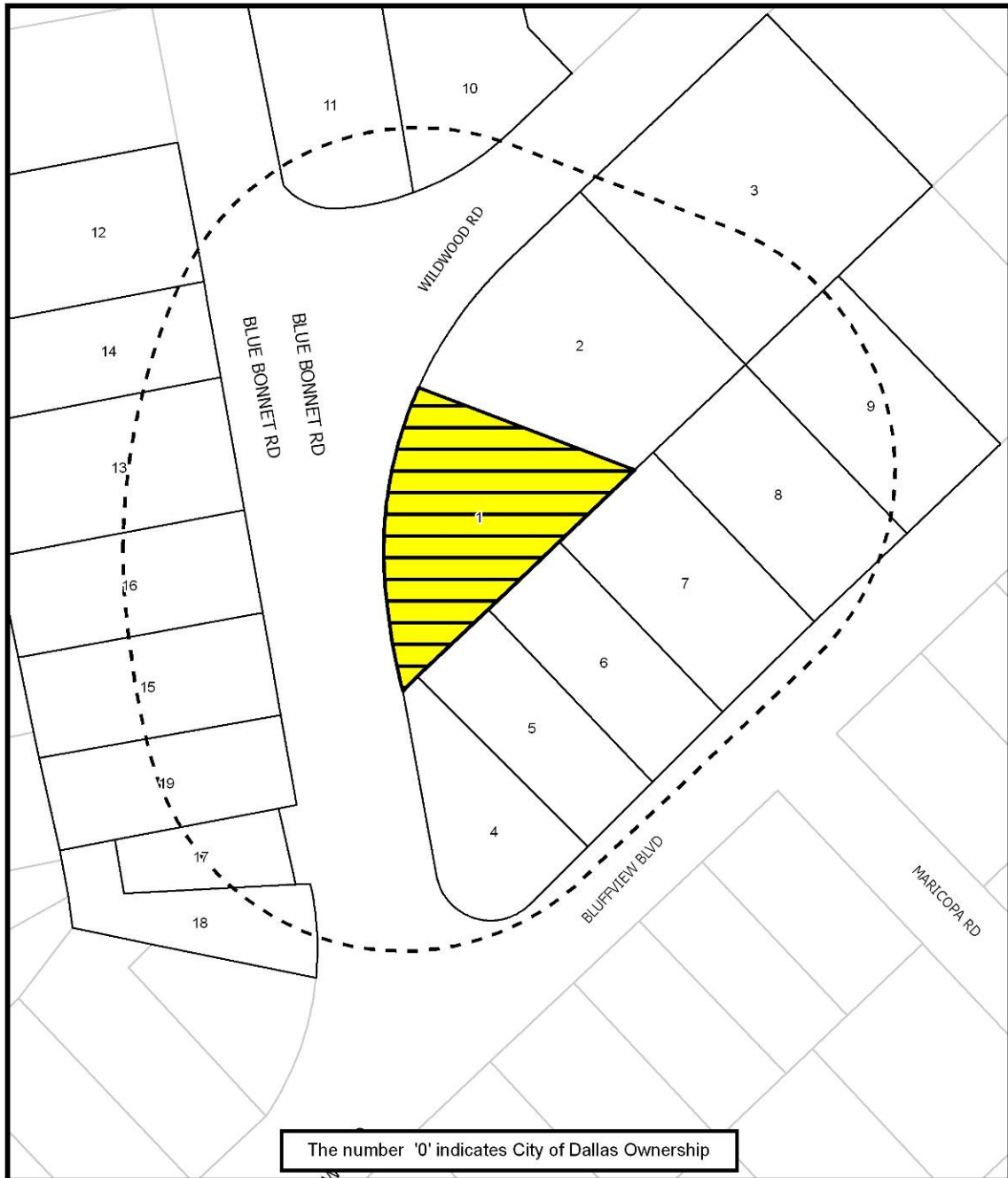
○ COLUMN DETAIL SCALE: 1/2" = 1'-0"



○ REAR WALL DETAIL SCALE: 1/4" = 1'-0"



○ FRONT WALL DETAIL SCALE: 1/4" = 1'-0"



 1:1,200	NOTIFICATION		Case no: BDA123-062
	<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;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/29/2013

Notification List of Property Owners

BDA123-062

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8410 BLUEBONNET RD	WOLF JACKIE D & JEANNA C
2	4406 WILDWOOD RD	GARZA JESUS M JR & ELIZABETH B GARZA
3	4414 WILDWOOD RD	YORK PETER D & CAROL A
4	4323 BLUFFVIEW BLVD	LUECKEMEYER DOUGLAS E & ELIZABETH
5	4325 BLUFFVIEW BLVD	WARDNER JULIE A
6	4327 BLUFFVIEW BLVD	CROSBIE DARREN B
7	4403 BLUFFVIEW BLVD	CRANFILL JOHN E & ELMIRA P
8	4409 BLUFFVIEW BLVD	ANSEL SUSAN M
9	4411 BLUFFVIEW BLVD	ADAMS IMOGENE R
10	4405 WILDWOOD RD	MATUREY ROBERT L & LINDA S REYNOLDS
11	4401 WILDWOOD RD	ELLIOTT SHAWN P & PAULA J
12	8503 BLUEBONNET RD	GARRETT WILLIS LEE JR
13	8417 BLUEBONNET RD	PATRICK FAMILY LIVING TRUST
14	8421 BLUEBONNET RD	KELLY PATRICK J & JUDITH A
15	8411 BLUEBONNET RD	SHAW PAUL N
16	8415 BLUEBONNET RD	CRUM GREGORY N & MICHELLE
17	8405 BLUEBONNET RD	CUELLAR MANI ALYCEN
18	8403 BLUEBONNET RD	MILES JASON
19	8407 BLUEBONNET RD	MANI PETER W