

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, JUNE 23, 2014
AGENDA

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

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

| | | |
|--------------------|---|----|
| | Approval of the May 19, 2014 Board of Adjustment Panel C Public Hearing Minutes | M1 |
| BDA 134-037 | 3000 Turtle Creek Plaza REQUEST: Application of Ken Reese, represented by Robert Reeves of Robert Reeves and Associates, Inc., to waive the two year limitation on a request for a variance to the side yard setback regulations granted by Board of Adjustment Panel C on April 21, 2014 | M2 |

UNCONTESTED CASES

| | | |
|--------------------|--|---|
| BDA 134-053 | 9427 Thornberry Lane REQUEST: Application of Ryan Manns for a special exception to the fence height regulations | 1 |
| BDA 134-056 | 4725 Fairmount Street REQUEST: Application of Laura Hoffmann and Tommy Mann of Winstead for a special exception to the landscape regulations | 2 |
| BDA 134-057 | 4730 Fairmount Street REQUEST: Application of Laura Hoffmann and Tommy Mann of Winstead for a special exception to the landscape regulations | 3 |

BDA 134-059

2114 Clements Street

4

REQUEST: Application of John Moncure Henderson, IV for variances to the front and side yard setback regulations, and a variance to the off-street parking regulations

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C May 19, 2014 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 134-037

REQUEST: To waive the two year limitation on a final decision reached -by Board of Adjustment Panel C on April 21, 2014 - a request granted for a variance to the side yard setback regulations of 33' ½", subject to the applicant's submitted site plan.

LOCATION: 3000 Turtle Creek Plaza

APPLICANT: Ken Reese
Represented by Robert Reeves of Robert Reeves and Associates, Inc.

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

April 21, 2014: The Board of Adjustment Panel C granted a request for variance to the side yard setback regulations of 33 feet, ½ inch and imposed the applicant's submitted site plan as a condition to the request. The case report stated that the request was made to construct/maintain a three-story, approximately 66' high, approximately 169,000 square foot office structure, part of which would be located in the site's required 43' ½" side yard setback on the east side of the property.

June 6, 2014: The applicant's representative submitted a letter to staff requesting that the Board waive the two year limitation on waive the two year limitation on the request for a variance to the side yard setback regulations granted by Board of Adjustment Panel C on April 21, 2014 (see Attach A). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a side yard setback variance on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.
- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

June 6, 2014: The Board Administrator emailed the applicant's representative information regarding his miscellaneous item request (see Attachment B).

June 11, 2014: The applicant's representative submitted additional information regarding this request to be included in the Board's docket (see Attachment C).

M2
Attach A

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

June 6, 2014

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

RE: Waiver of the Two-Year Waiting Period
BDA 134-037, 3000 Turtle Creek Plaza

Dear Mr. Long:

On behalf of my client, 3000 Turtle Creek Plaza, LLC, we are requesting a waiver of the two-year waiting relating to Case BDA 134-037. On April 21, 2014 the board approved a side yard setback variance for a propose office building to be located adjacent to Katy Trail. Since the board action, my client has been negotiating with the City of Dallas Park & Recreation Department in order to construct a pedestrian link from my client's building to the Katy Trail, which includes a small plaza with a water fountain for pedestrians and pets located within Katy Trail. My client will pay for the cost of construction. This pedestrian link and plaza has been approved by the Park and Recreation Department.

Since the pedestrian link between our building and Katy Trail will be elevated and connect to our building at the second floor, the City has determined that a side yard variance is required. This is because the elevated pedestrian link falls with the required ten-foot side yard. We believe this is a change in circumstances regarding the property to warrant a new hearing. Therefore, we are requesting that this waiver request be place on the June 23, 2014 hearing for Panel C.

Thank you for your time and consideration.

Sincerely:



Robert Reeves

Long, Steve

MZ
Attch B

Pg 1

From: Long, Steve
Sent: Friday, June 06, 2014 10:17 AM
To: 'Robert Reeves'
Cc: Dean, Neva; Duerksen, Todd; Way, Jamilah
Subject: RE: Miscellaneous Item Request: Two year time limitation waiver regarding BDA 134-037, Property at 3000 Turtle Creek Plaza
Attachments: Letter of request for 2 yr waiver.pdf; Related info to BDA 134-037.pdf; 2 year waiver.pdf; documentary evidence.pdf; Panel C hearing date and deadlines.doc

Dear Robert,

Please consider this email as official notice that the miscellaneous item request for a waiver of the two year time limitation to refile another application on behalf of the applicant, Ken Reese, on the property referenced above granted by Board of Adjustment Panel C on April 21, 2014 has been scheduled for the Monday, June 23rd Panel C public hearing to be held in the LIFN Conference Center Auditorium of Dallas City Hall at 1:00 p.m. Attached are documents related to this request:

1. Your letter requesting the waiver of the two-year limitation - which will be emailed to you and the board members about a week ahead of your June 23rd public hearing.
2. The provisions/standard from the Dallas Development Code allowing the board to waive the two year time limitation on a final decision reached on an application on the same matter (other than a decision of denial without prejudice) (51A-4.703(e)(3)) - which in your case, is a waiver of the two year time limitation in place with regard to BDA 134-037- requests for a special exception to landscape regulations and a variance to the side yard setback regulations granted (with certain conditions imposed) by Board of Adjustment Panel C in April of 2014.
3. Materials related to BDA 134-037.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance or someone who can speak on your behalf at the June 23rd public hearing is strongly encouraged).
5. The board's rule pertaining to documentary evidence.

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

Thanks,

Steve

From: Robert Reeves [<mailto:rob.reeves@sbcglobal.net>]
Sent: Friday, June 06, 2014 8:46 AM
To: Long, Steve
Subject: Waiver Request, 3000 Turtle Creek Plaza

Steve:

I met with my client and Q Team yesterday and the issue is not related to the vehicular bridge to Turtle Creek. The issue relates to a proposed pedestrian link for the second floor of our building to the Katy Trail. Since the pedestrian link is elevated, the staff is calling this a structure and we need another side yard variance. Attached is waiver request, so we can come back to the board for a new, but related side yard variance request.

It will be very helpful if we can be placed on the June 23, Panel C docket.

Thanks for your help and let me know when this will be schedule before the board.

Robert Reeves

*Robert Reeves & Associates, Inc.
900 Jackson Street, Suite 160
Dallas, Texas 75202
214-749-0530
FAX: 214-749-5605
rob.reeves@sbcglobal.net*

M2
Attach B
pg 2



City of Dallas

M2
Attach B
P23

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-037

Data Relative to Subject Property:

Date: 2/24/14

Location address: 3000 Turtle Creek Plaza Zoning District: PD No.193, Special District No. 61

Lot No.: 1R Block No.: A/993 Acreage: 5.853 acres Census Tract: 5.00

Street Frontage (in Feet): 1) 92.34 (Bowen) 2) 30' 3) _____ 4) _____

SW22

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): 3000 Turtle Creek Plaza, LLC
Applicant: Ken Reese Telephone: (214) 303-5523

Mailing Address: 3090 Olive Street, Suite 300, Dallas, Texas Zip Code: 75219

E-mail Address: ken.reese@hillwood.com

Represented by: Robert Reeves, Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance X, or Special Exception , of 33'-1/2" side yard
Affirm that a request has been made for a Variance of 33'-1/2" side
yard variance, which affects 8,863 sq. ft. of floor area or 5.24% of the
total floor area. See attached letter for more details. and a
Special exception for an alternate landscape plan.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the
Dallas Development Code, to grant the described appeal for the following reason:
The site is very irregular with a 24 foot grade change along the length
of the site parallel to Turtle Creek. The building area is restricted
because 33% of the site is in the flood plain.

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.

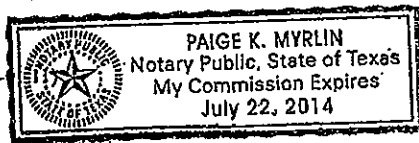
Affidavit

Before me the undersigned on this day personally appeared Ken Reese
(Affiant/Applicant's signature)

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

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

Subscribed and sworn to before me this 24th day of February, 2014



Paige K. Myrlin
Notary Public in and for Dallas County, Texas

M2
Attach B
PS 4

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

MONDAY, APRIL 21, 2014

FILE NUMBER: BDA 134-037

BUILDING OFFICIAL'S REPORT: Application of Ken Reese, represented by Robert Reeves of Robert Reeves and Associates, Inc., for a variance to the side yard setback regulations and a special exception to the landscape regulations at 3000 Turtle Creek Plaza. This property is more fully described as Lot 1R, Block A/993, and is zoned PD-193, PDS 61, which requires a 43 foot 1/2 inch side yard setback and requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide a 10 foot side yard setback, which will require a 33 foot 1/2 inch variance to the side yard setback regulations, and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 3000 Turtle Creek Plaza

APPLICANT: Ken Reese
Represented by Robert Reeves of Robert Reeves and Associates, Inc.

REQUESTS:

The following appeals have been made on a site that is currently under development:

1. A variance to the side yard setback regulations of 33' 1/2" is requested to construct/maintain a three-story, approximately 66' high, approximately 169,000 square foot office structure, part of which would be located in the site's required 43' 1/2" side yard setback on the east side of the property; and
2. A special exception to the landscape regulations is requested to construct/maintain the aforementioned structure, and not fully provide required landscaping on the site.

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, lot 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

32
A #ach
195 B

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing April 21, 2014

Appeal was--Granted OR Denied

Remarks Granted.

Variance to the side yard setback, compliance with the submitted site plan is required.

Special exception to the landscaping regulations,

A landscape plan that complies with 51P-193.126 for O-2 office districts must be submitted for permit with the exception to be provided for:
1) front yard designated landscape areas,
2) sidewalk, and 3) tree planting zones. Trees and landscape areas must be installed according to diagrams in the Landscape Code Enlargement exhibit and the tree specifications required in 51P-193.126(b)(5)(C).

Chairman

Building Official's Report

I hereby certify that Ken Reese represented by ROBERT REEVES did submit a request for a variance to the side yard setback regulations, and for a special exception to the landscaping regulations at 3000 Turtle Creek Plaza

BDA134-037. Application of Ken Reese represented by Robert Reeves for a variance to the side yard setback regulations and a special exception to the landscaping regulations at 3000 Turtle Creek Plaza. This property is more fully described as Lot 1R, Block A/993, and is zoned PD-193, PDS 61, which requires a 43 foot 1/2 inch side yard setback and require mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide a 10 foot side yard setback, which will require a 33 foot 1/2 inch variance to the side yard setback regulation and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 22 DAY OF April, 20 14.**

ADMINISTRATOR

Sincerely,

Larry Holmes, Building Official



M2
Attachment B
P56

April 28, 2014

Robert Reeves
900 Jackson Street
Suite 160
Dallas, TX 75202

Re: BDA 134-037, Property at 3000 Turtle Creek Plaza

Dear Mr. Reeves:

The Board of Adjustment Panel C, at its public hearing held on Monday, April 21, 2014 took the following actions:

1. Granted your request for a variance to the side yard setback regulations of 33 feet, and one-half inch, subject to the following condition:
 - Compliance with the submitted site plan is required.
2. Granted your request for a special exception special exception to the landscape regulations, subject to the following condition:
 - A landscape plan that complies with 51P-193.126 for O-2 office districts must be submitted for permit with the exception to be provided for: 1) front yard designated landscape areas, 2) sidewalks, and 3) tree planting zones. Trees and landscape areas must be installed according to diagrams in the Landscape Code Enlargement exhibit and the tree specifications required in 51P-193.126(b)(5)(C).

Contact Building Inspection at 320 E. Jefferson, Room 118 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in cursive that reads 'Steve Long'.

Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

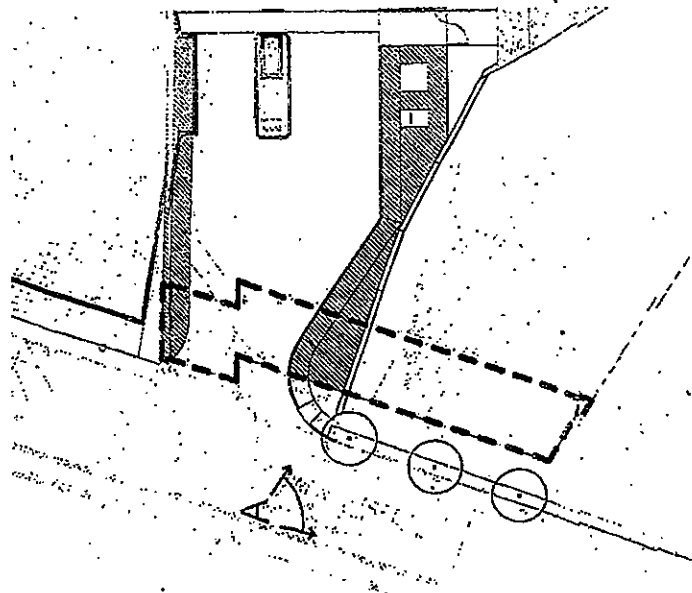
c: James Martin, Code Enforcement, 3112 Canton, RM 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

4411 264 FT.

PROPOSED ALTERNATIVE INCLUDE:

- LANDSCAPE SILL AREA FRONT (VARIABLE FOOTING) 1734 SQ. FT.
- GENERAL PLANNING AREA (VARIABLE FOOTING) 231 SQ. FT.
- SPECIAL PLANNING AREA FRONT (VARIABLE FOOTING) 148 SQ. FT.

REQUIRED TREES PLANTED (PLANTING)



VIEW OF PROPOSED LODGE FROM SOUTHWEST

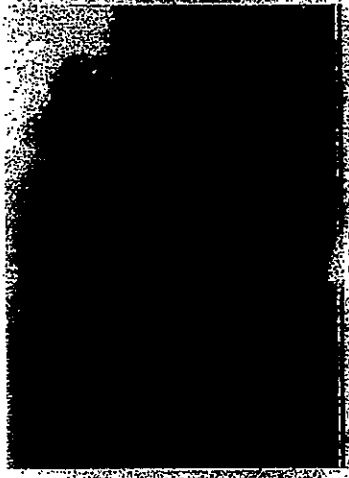


A Proposed lodge building, situated between the site and potential (F) white tree forest of south of site. Creek, embankment and existing vegetation is shown in the background. The photograph was taken from the site on 10/11/11.

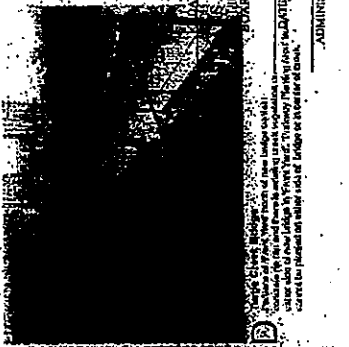
VIEW OF PROPOSED LODGE FROM EAST



B View of the proposed lodge building from the east. Creek, embankment and existing vegetation is shown in the background. The photograph was taken from the site on 10/11/11.



C View of the proposed lodge building from the north. Creek, embankment and existing vegetation is shown in the background. The photograph was taken from the site on 10/11/11.



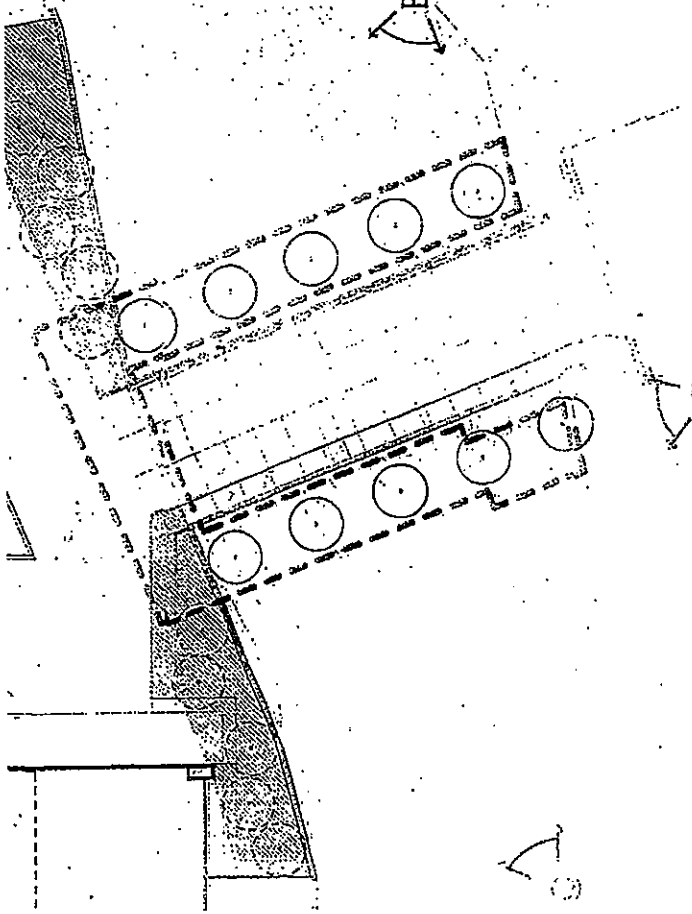
D View of the proposed lodge building from the south. Creek, embankment and existing vegetation is shown in the background. The photograph was taken from the site on 10/11/11.

PROPOSED ALTERNATIVE INCLUDE:

- LANDSCAPE SILL AREA FRONT (VARIABLE FOOTING) 3790 SQ. FT.
- GENERAL PLANNING AREA (VARIABLE FOOTING) 1171 SQ. FT.
- SPECIAL PLANNING AREA FRONT (VARIABLE FOOTING) 381 SQ. FT.

REQUIRED TREES PLANTED (PLANTING)

PROPOSED TREES (IN LIES OF HIGHWAY PLANTING)



APPROVED
ADMINISTRATOR

TURTLE CREEK OFFICES

Landscape Code Enlargements

Project No. 122600

10/11/11, 10/11/11
10/11/11, 10/11/11
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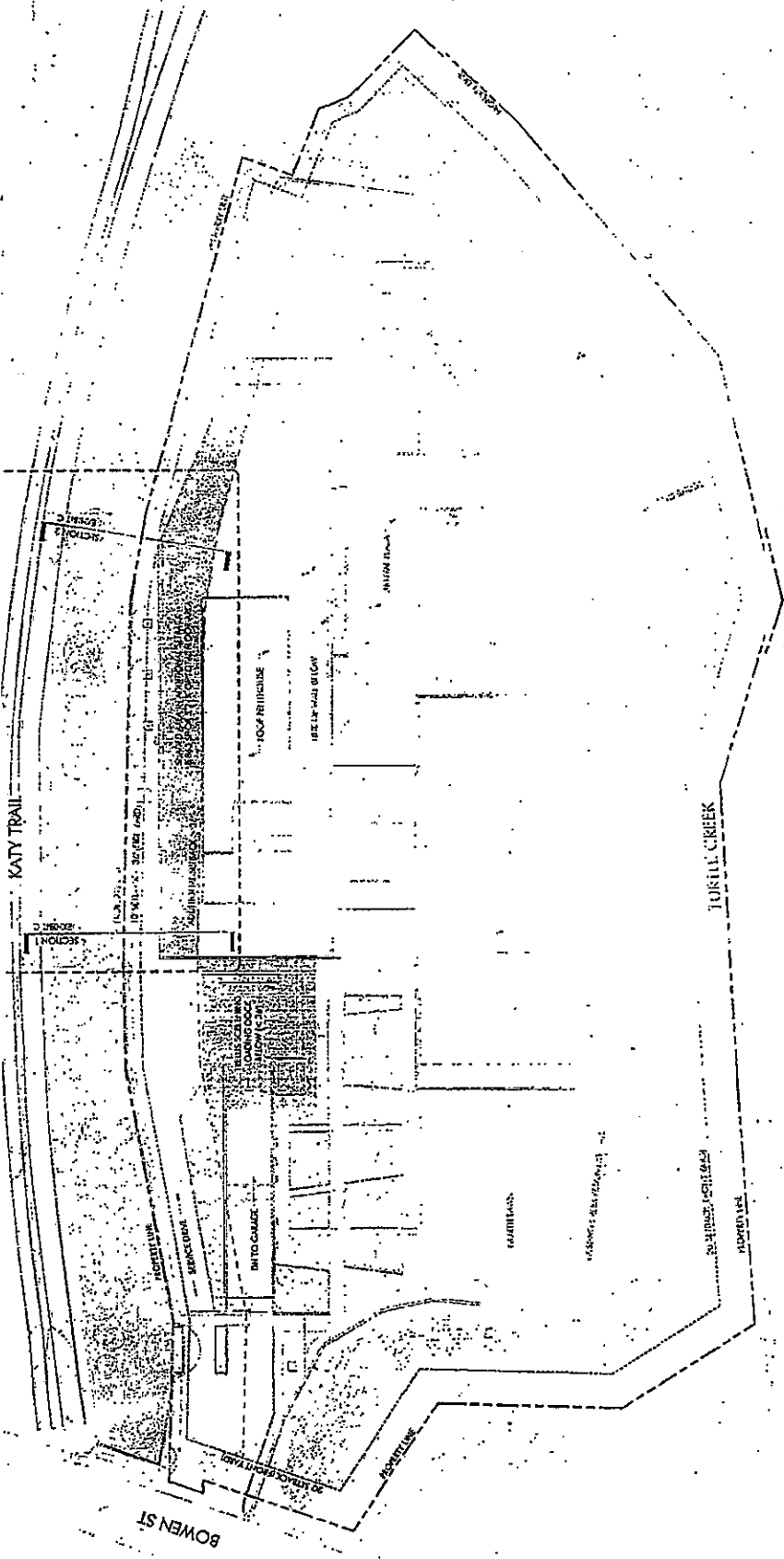
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MITHUN



M2
Attach B
PS 7



PROJECT INFORMATION:
 ZONING DISTRICT: M-10
 LOT: 10
 LOT AREA: 10,000 SQ FT
 LOT COVERAGE: 100%
 FLOOR AREA: 10,000 SQ FT
 FRONT YARD SETBACK: 10 FT
 SIDE YARD SETBACK: 5 FT
 REAR YARD SETBACK: 5 FT
 FLOOR AREA: 10,000 SQ FT
 TOTAL FLOOR AREA: 10,000 SQ FT

PLANS APPROVED
 DATE: 02-28-2014
 BY: [Signature]
 TITLE: [Signature]

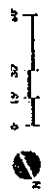
SITE PLAN

TURTLE CREEK OFFICES

EXHIBIT A
02.28.2014



MITHUN



M2
Attach B
Pg 8

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

June 11, 2014

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

RE: Waiver of the Two-Year Waiting Period
BDA 134-037, 3000 Turtle Creek Plaza

Dear Mr. Long:

I wanted to provide the board with additional information regarding my client's request for a waiver of the two-year waiting period in order to allow us to file a new request for a side yard variance for an elevated pedestrian link. As noted in my June 6 letter, we have been working with the Park and Recreation Department in order for my client to construct an elevated pedestrian link from our proposed office building to Katy Trail. This proposal was approved by the Park Board on June 5 and will go to council later this month for approval of an access/maintenance agreement. All construction costs and maintenance costs for improvements located on City property will be the responsibility of my client.

Not only do we intend to construct a new pedestrian link on our property, but will build and maintain a new pedestrian link and plaza within the Katy Trail ROW. The plaza will provide a rest area for pedestrians and include a water fountain for pedestrians and pets. I have included a series of graphics, which illustrate our proposed improvements.

Because this link was just approved by the Park Department last week, we believe that this is a change in circumstances regarding the property, which warrants approval of a waiver. If the waiver is approved, we intend to file a request for a 10-foot side yard variance for the elevated pedestrian link from our building to the property line.

Thank you for your time and consideration.

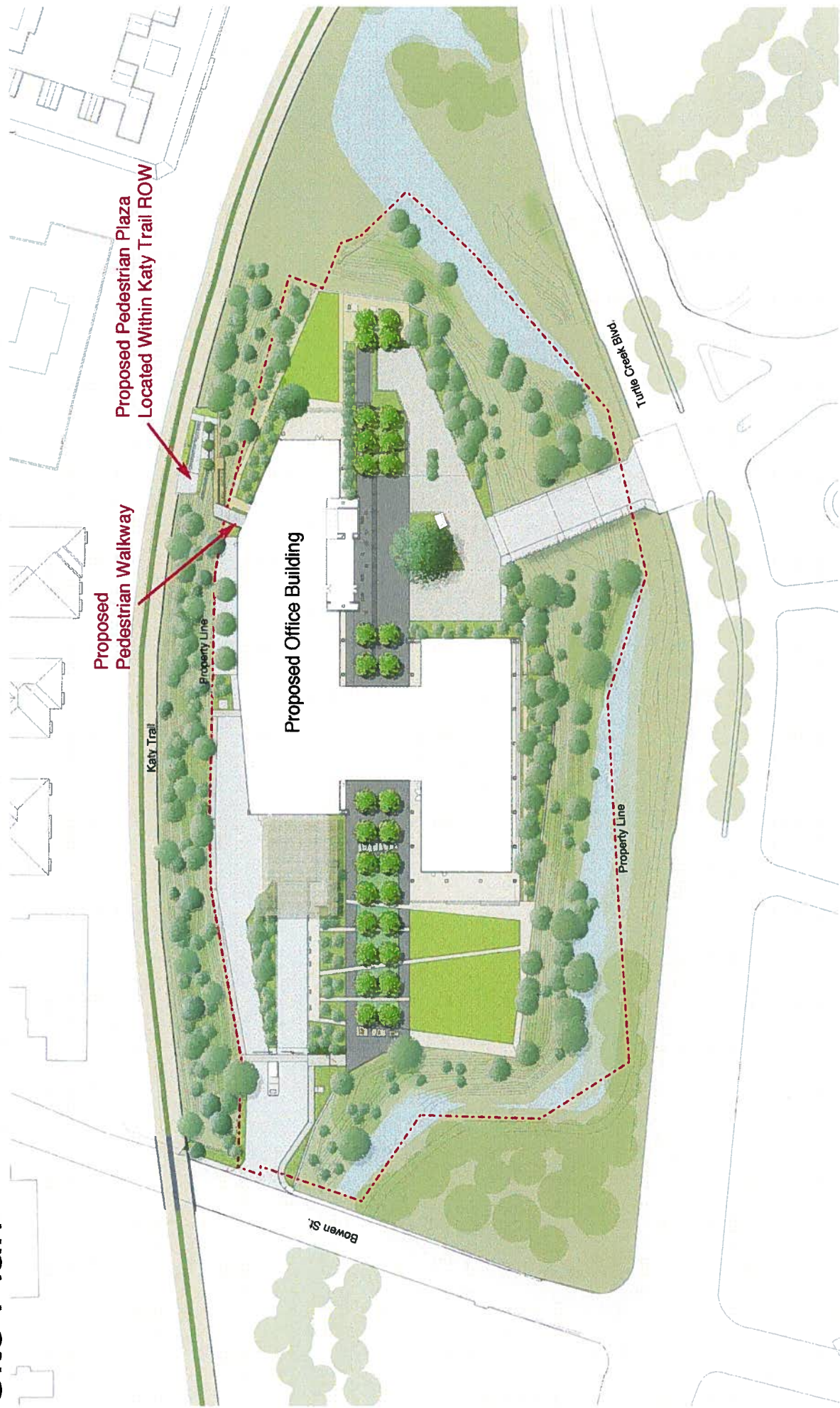
Sincerely:



Robert Reeves

Site Plan

BDA 134-037



M2-13



TURTLE CREEK OFFICES | VARIANCE EXHIBITS

June 10, 2014

Misc 2
Attach C
Pg 2



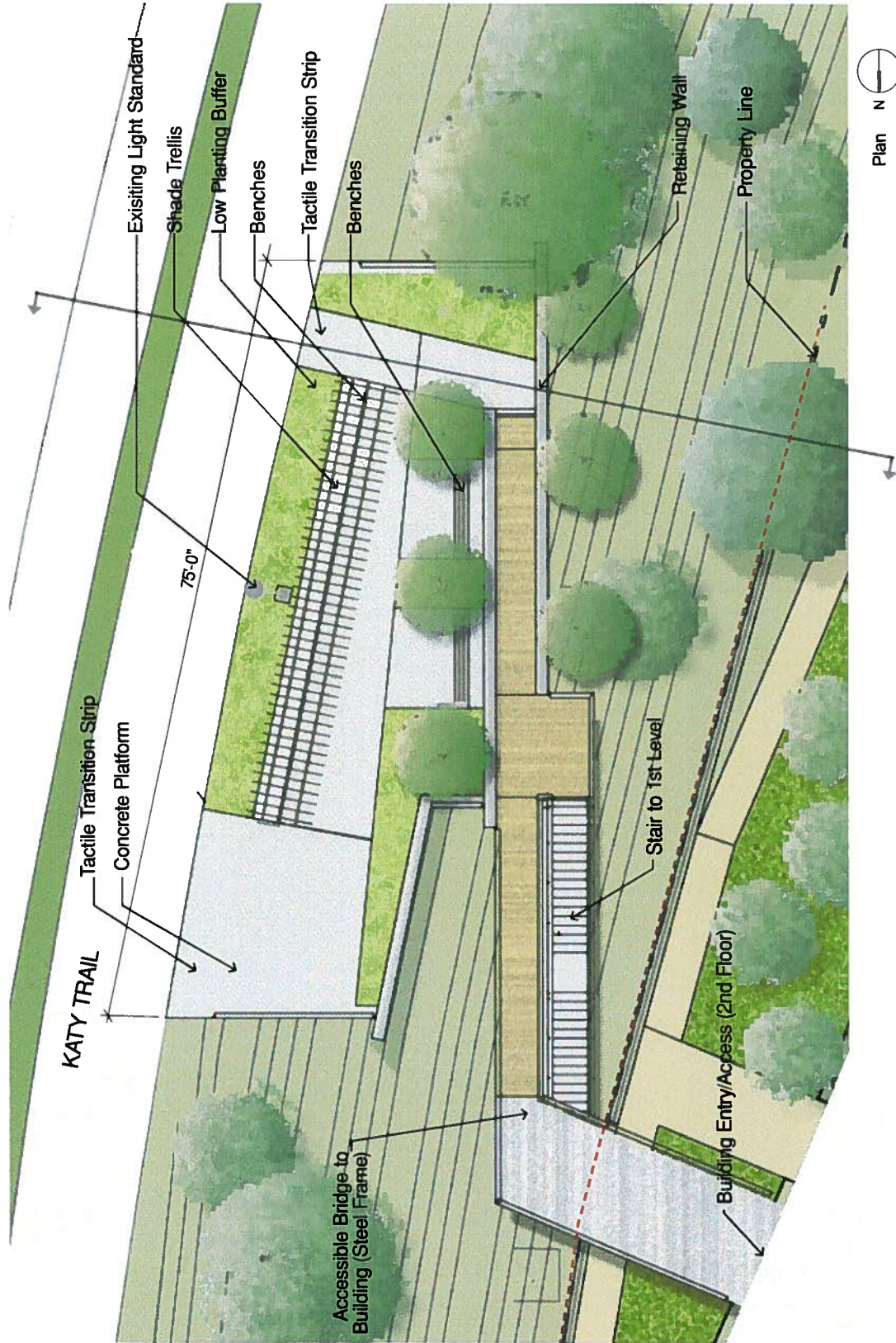
Katy Trail Public Plaza Concept

March 26, 2014



Katy Trail Plaza Concept

Site Plan



Shade Trees



Seating



Seating + Trellis



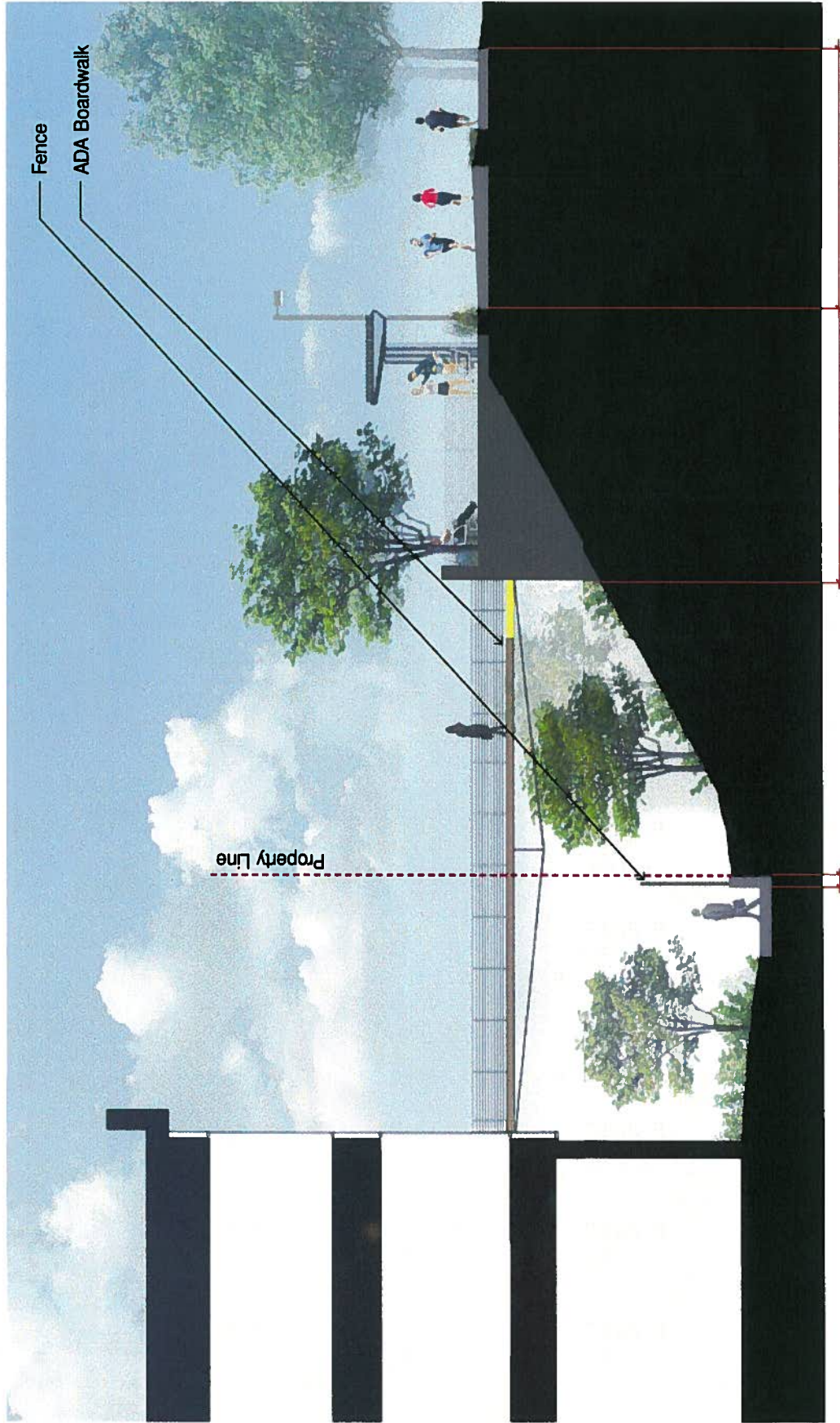
Misc 2
Attach C
Pg 4

Katy Trail Plaza Concept

Section

BDA 134-037

M2-16



Misc 2
Attach C
Pg 5

Looking North on the Katy Trail - After Proposed Katy Trail Public Plaza

BDA 134-037



MZ-17

FILE NUMBER: BDA 134-053

BUILDING OFFICIAL'S REPORT: Application of Ryan Manns for a special exception to the fence height regulations at 9427 Thornberry Lane. This property is more fully described as Lot 7, Block 10/5085, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain a 6 foot 9 inch high fence, which will require a 2 foot 9 inch special exception to the fence height regulations.

LOCATION: 9427 Thornberry Lane

APPLICANT: Ryan Manns

REQUEST:

A request for a special exception to the fence height regulations of 2' 6" is made to maintain a 6' high open iron fence with 6' high metal posts and a 6' 9" high open metal gate in the 30' front yard setback on a site that is developed with a single family home/use.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)
South: R-10(A) (Single family district 10,000 square feet)
East: R-10(A) (Single family district 10,000 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.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a 6' high open iron fence with 6' high metal posts and a 6' 9" high open metal gate in the 30' front yard setback on a site that is developed with a single family home/use.
- 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 site plan and elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 6' 9".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 75' in length parallel to the street and approximately 30' in length perpendicular to the street on the north and south sides of the site in the front yard setback.
 - The proposal is represented as being located on the front property line or about 20' from the pavement line.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above 4 feet high which appeared to be located in a front yard setback – an approximately 6' high open metal fence located immediately south of the subject site with no recorded BDA history.
- One home fronts the proposal with no fence in its front yard.
- As of June 16th, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' 9" will not adversely affect neighboring property.
- Granting this special exception of 2' 9" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

April 3, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

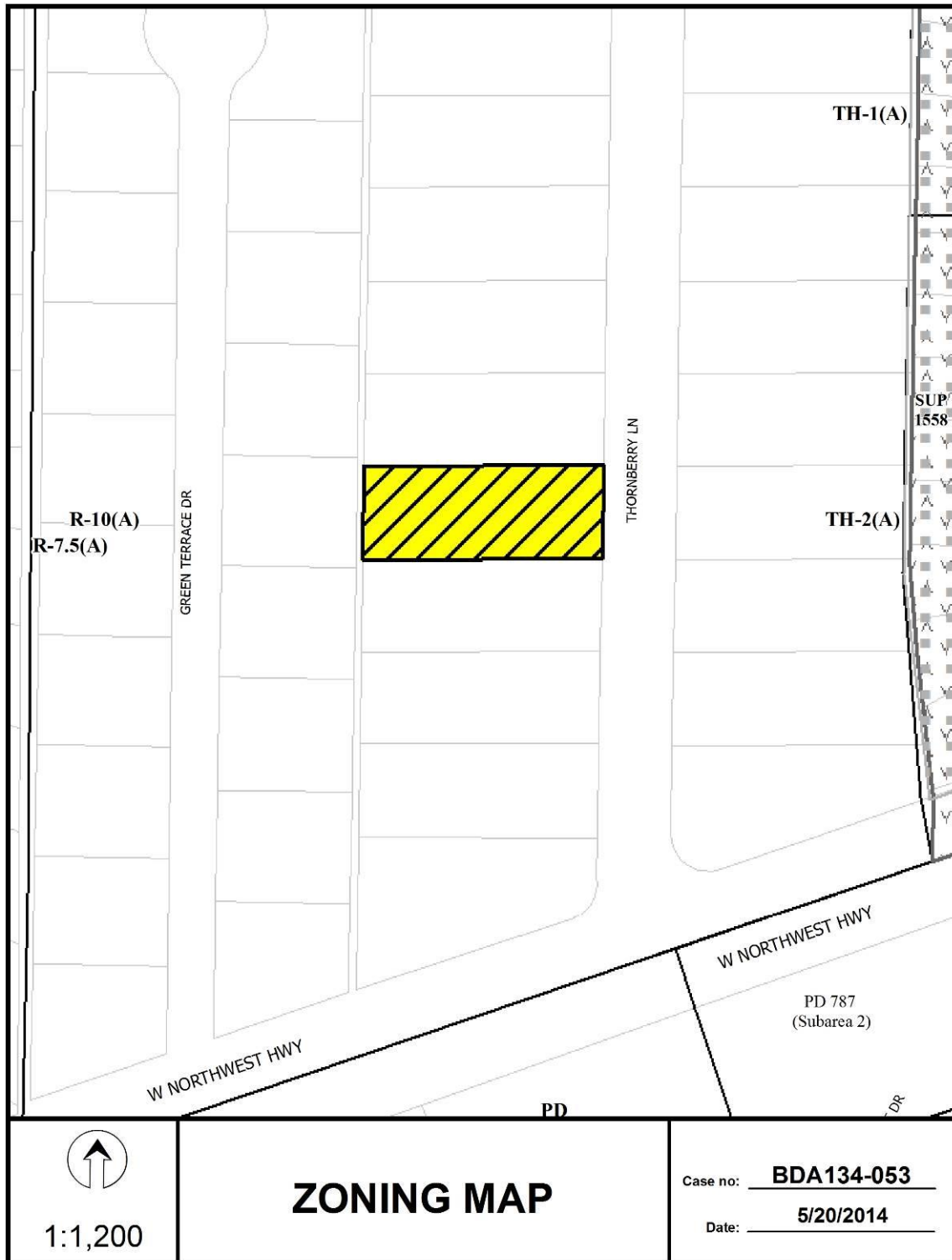
May 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

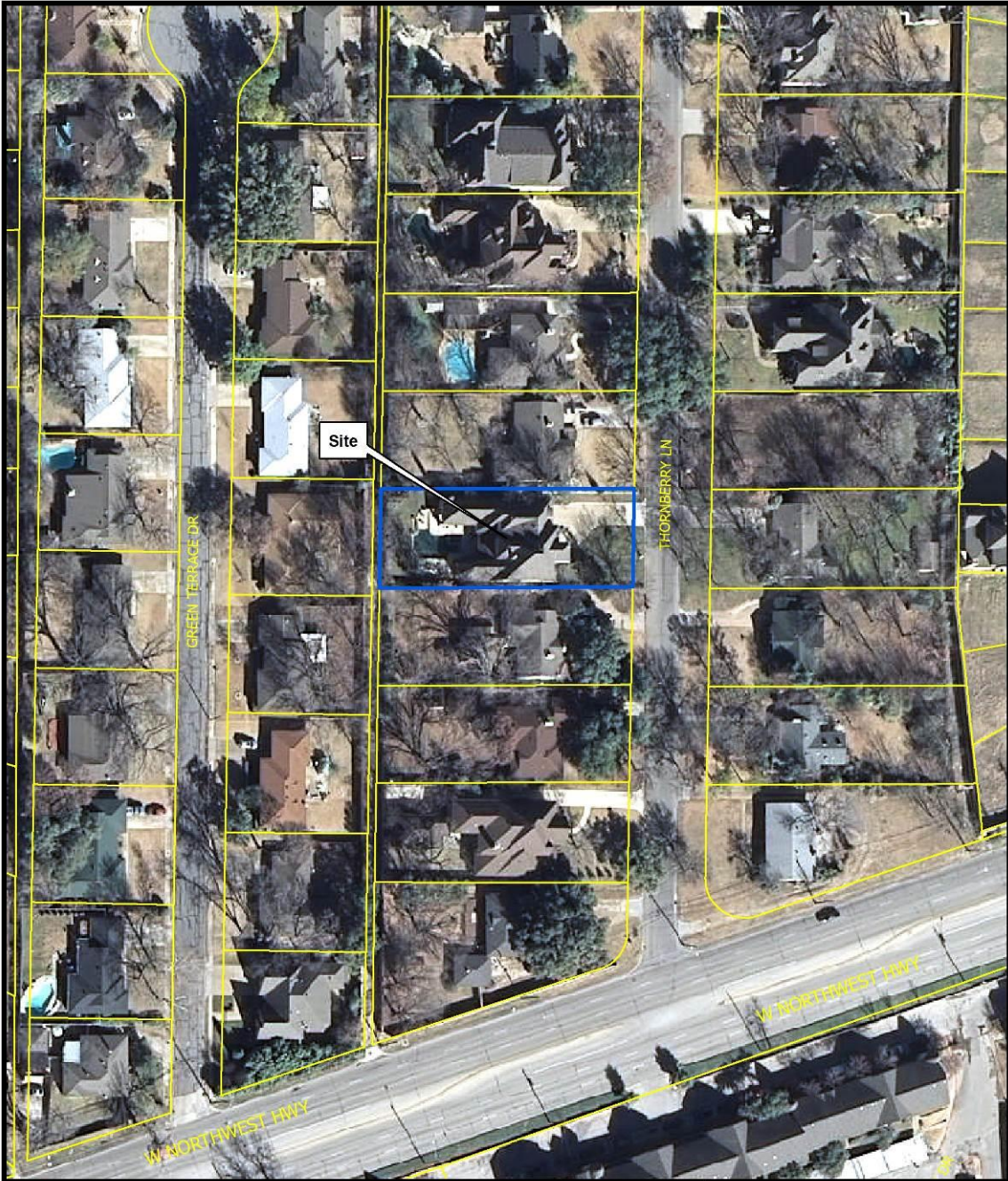
May 19, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th 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 10, 2014: 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA134-053

Date: 5/20/2014



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-053

Data Relative to Subject Property:

Date: 4-3-14

Location address: 9427 Thornberry Lane Dallas, TX Zoning District: R-10(A)

Lot No.: 7 Block No.: 10/5085 Acreage: .34 Census Tract: 94.02

Street Frontage (in Feet): 1) 75' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NEZ

Owner of Property (per Warranty Deed): Ryan Manns

Applicant: Ryan Manns Telephone: 214-727-9760

Mailing Address: 9427 Thornberry Lane Dallas, TX Zip Code: 75220

E-mail Address: rmanns21@gmail.com

Represented by: Ryan Manns Telephone: _____

Mailing Address: (same as above) Zip Code: _____

E-mail Address: (same as above)

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 2'-9" for a 6' Iron Fence / gate 6'-9" 1/4 Center Frontage / side to 6' chainlink covered by photinia E-tow / 6' iron E-to west 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:

A grant of the appeal is warranted because the gate does not diminish the property value - to the property value, it enhances the property value.

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.

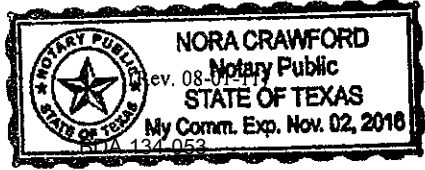
Affidavit

Before me the undersigned on this day personally appeared Ryan E. Manns (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: REManns (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of March, 2014



Nora Crawford 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

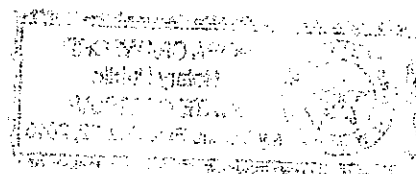
Building Official's Report

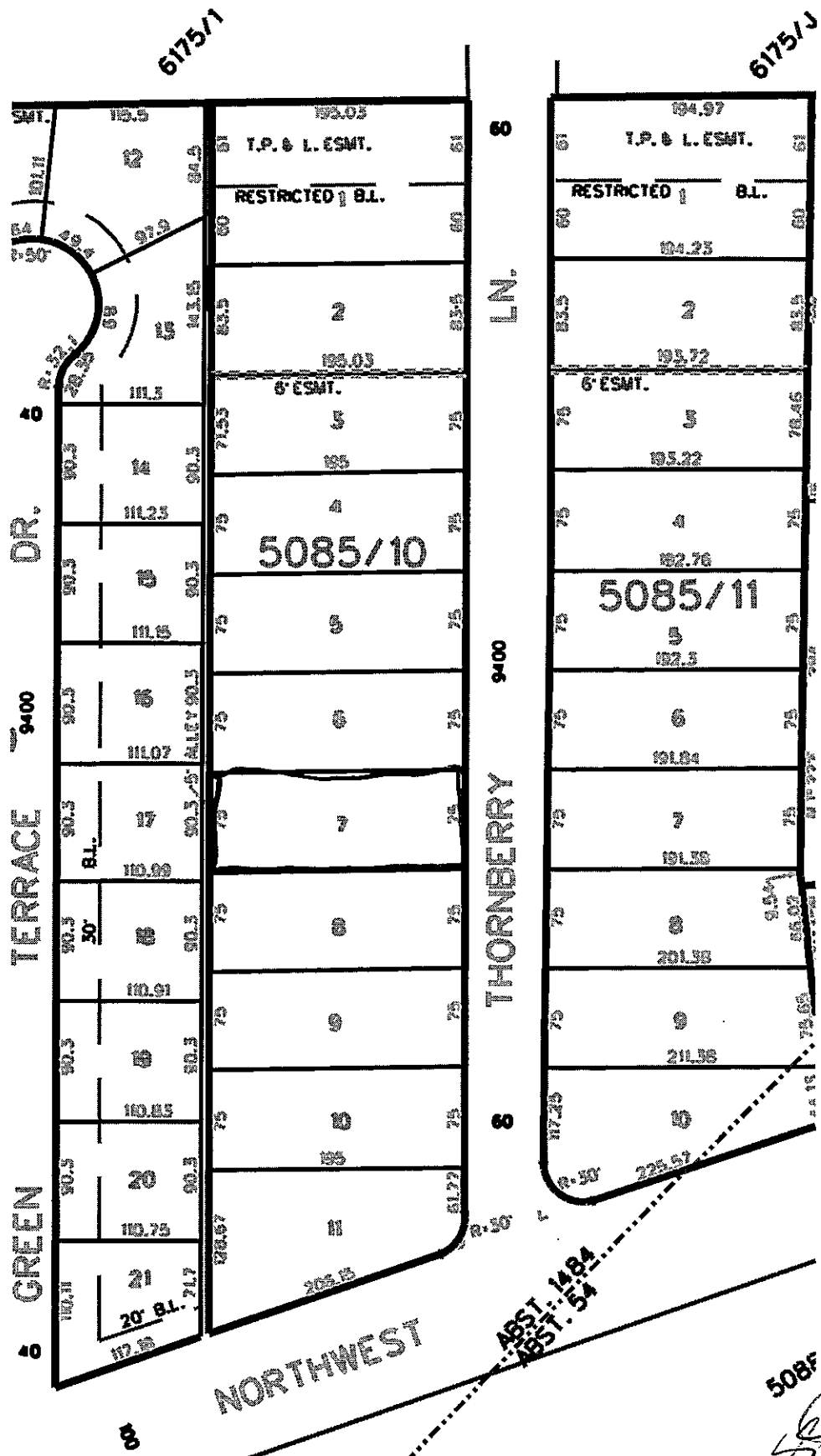
I hereby certify that Ryan Manns
did submit a request for a special exception to the fence height regulations
at 9427 Thornberry Lane

BDA134-053. Application of Ryan Manns for a special exception to the fence height regulations at 9427 Thornberry Lane. This property is more fully described as Lot 7, Block 10/5085, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot 9 inch high fence in a required front yard, which will require a 2 foot 9 inch special exception to the fence regulation.

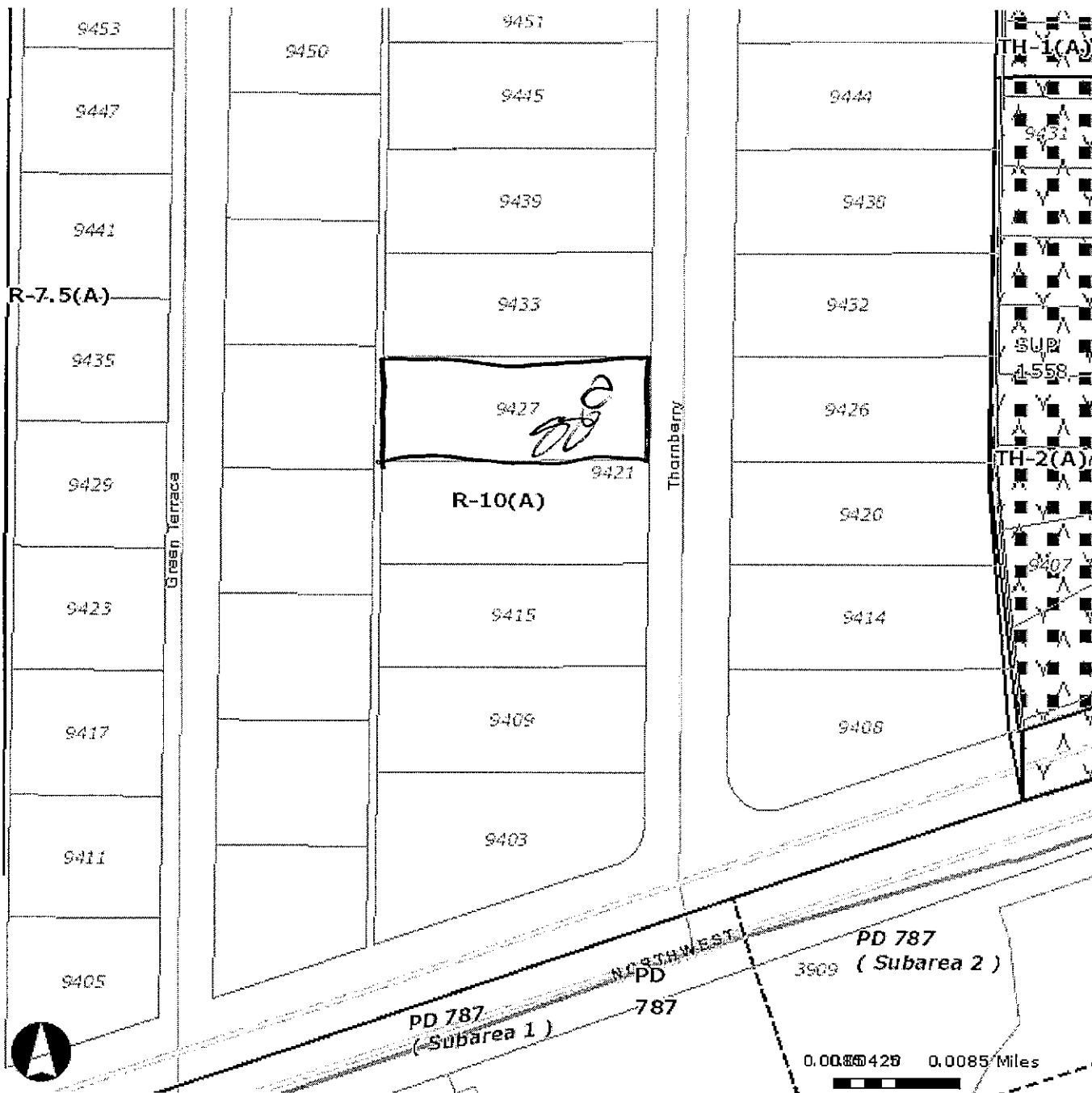
Sincerely,

Larry V. Holmes
 Larry Holmes, Building Official





508F



Precise Land Surveying, Inc.
 4625 Eastover Dr.
 Mesquite, Tx 75149
 Ph. 972.681.7072 Fx. 1.888.438.1273
 Firm Registration Number: 10145100

fence corner bears
 N 87° 18' E 10.7'

10' ALLEY
 N 00° 48' 00" E
 75.00'

WILLIAM C. TRIMBLE 1/4 ACRE SURVEY APR 1907 NO. 11864

LOT 8

LOT 6

TWO STORY BRICK,
 STONE & FRAME
 9427 THORNBERRY
 LANE

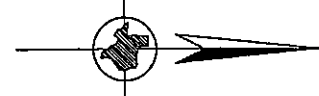
LOT 7
 BLOCK
 10/5085

287± TO
 NORTHWEST
 HIGHWAY

THORNBERRY LANE
 (CALLED 60' R.O.W.)

NOTES:

CM = CONTROLLING MONUMENT.
 BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED BELOW.
 THIS PROPERTY IS SUBJECT TO ANY AND ALL PARENT PLATS, EASEMENTS,
 RESTRICTIONS AND COVENANTS IN SCHEDULE B OF THE TITLE COMMITMENT LISTED
 HEREON AND IN EFFECT PRIOR TO SAID PLATS, IF NOT EXTINGUISHED BY SAID PLATS OR
 OTHER INSTRUMENT, AND CITY/COUNTY ORDINANCES IN EFFECT AT THE TIME OF CONSTRUCTION.
 THIS IS A SURVEY OF THE PROPERTY AS DESCRIBED IN SCHEDULE A OF THE TITLE COMMITMENT LISTED
 HEREON AND WAS PREPARED PURSUANT TO THE INFORMATION CONTAINED THEREIN, OTHER INTERESTS MAY EXIST.



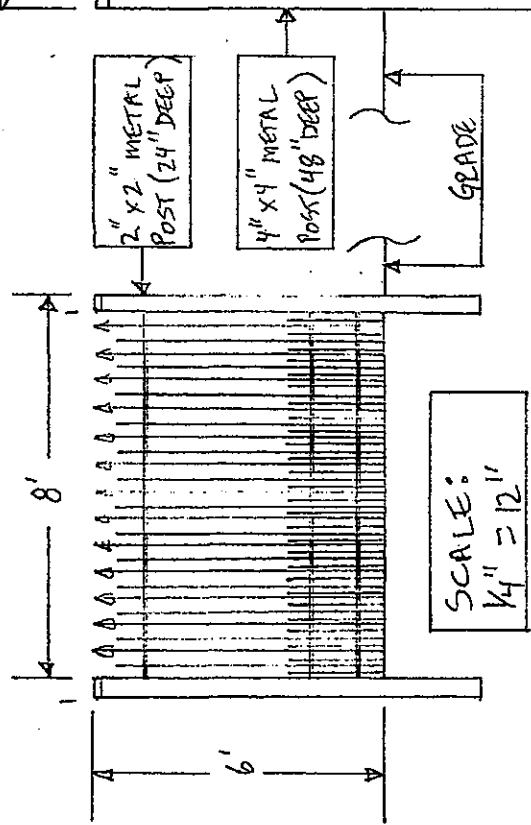
THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 9427 THORNBERRY LANE, and BEING LOT 7, BLOCK 10/5085, NORTHWEST HEIGHTS ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 10, PAGE 387, MAP AND/OR PLAT RECORDS, DALLAS COUNTY, TEXAS.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48113C0330 J, dated AUGUST 23, 2001. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under

| | | | |
|----------|-------------------------------|------------|---------------------------|
| CUSTOMER | HOMEOWNER | CONTRACTOR | TEXAS BEST FENCE |
| ADDRESS | 9427 THORNBERRY LANE | ADDRESS | 500 E. STATE HWY 121 #B |
| | DALLAS, TX 75220 | | LEWISVILLE, TX 75057 |
| CONTACT | 214-460-1803 (SUSAN AUGUSTIN) | CONTACT | COLBY COWARD 214-586-5508 |

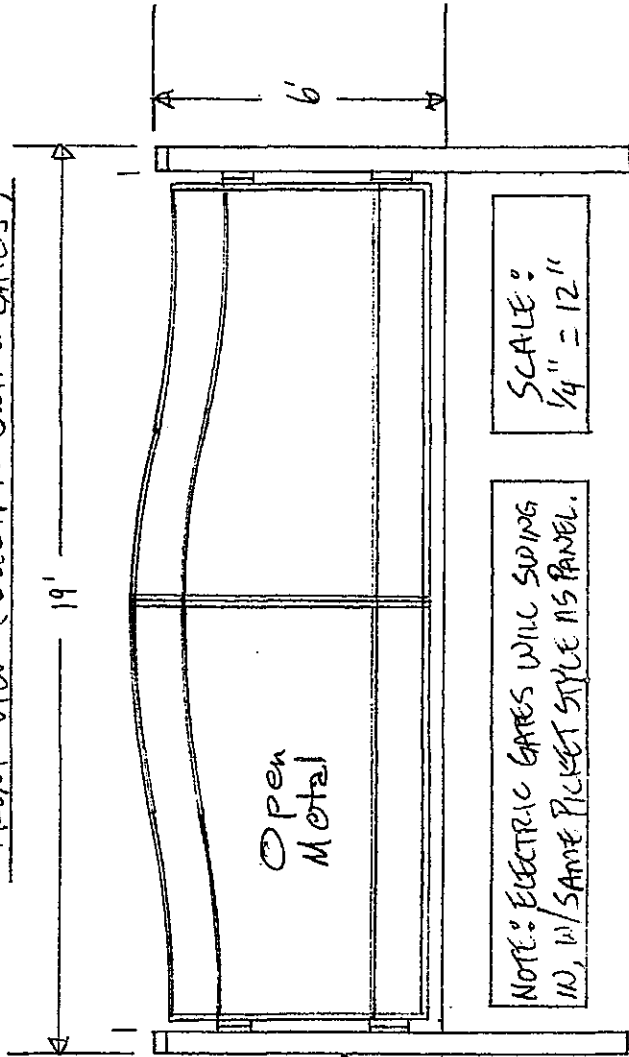
BDA 134-053

FRONT VIEW (SECTION PANEL)
Typ.



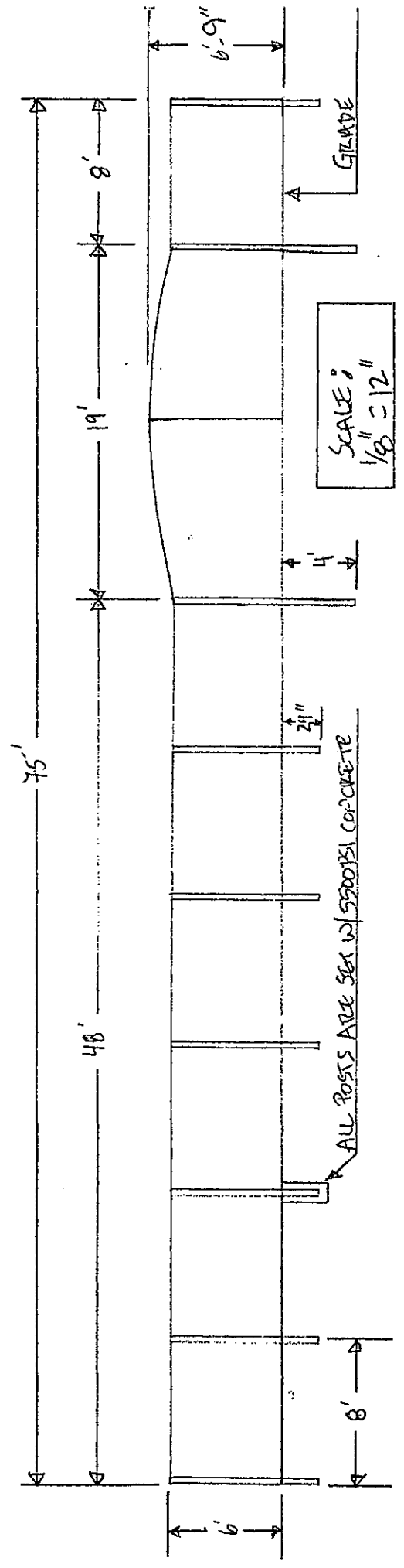
SCALE: 1/4" = 12"

FRONT VIEW (ELECTRIC SWING GATES)

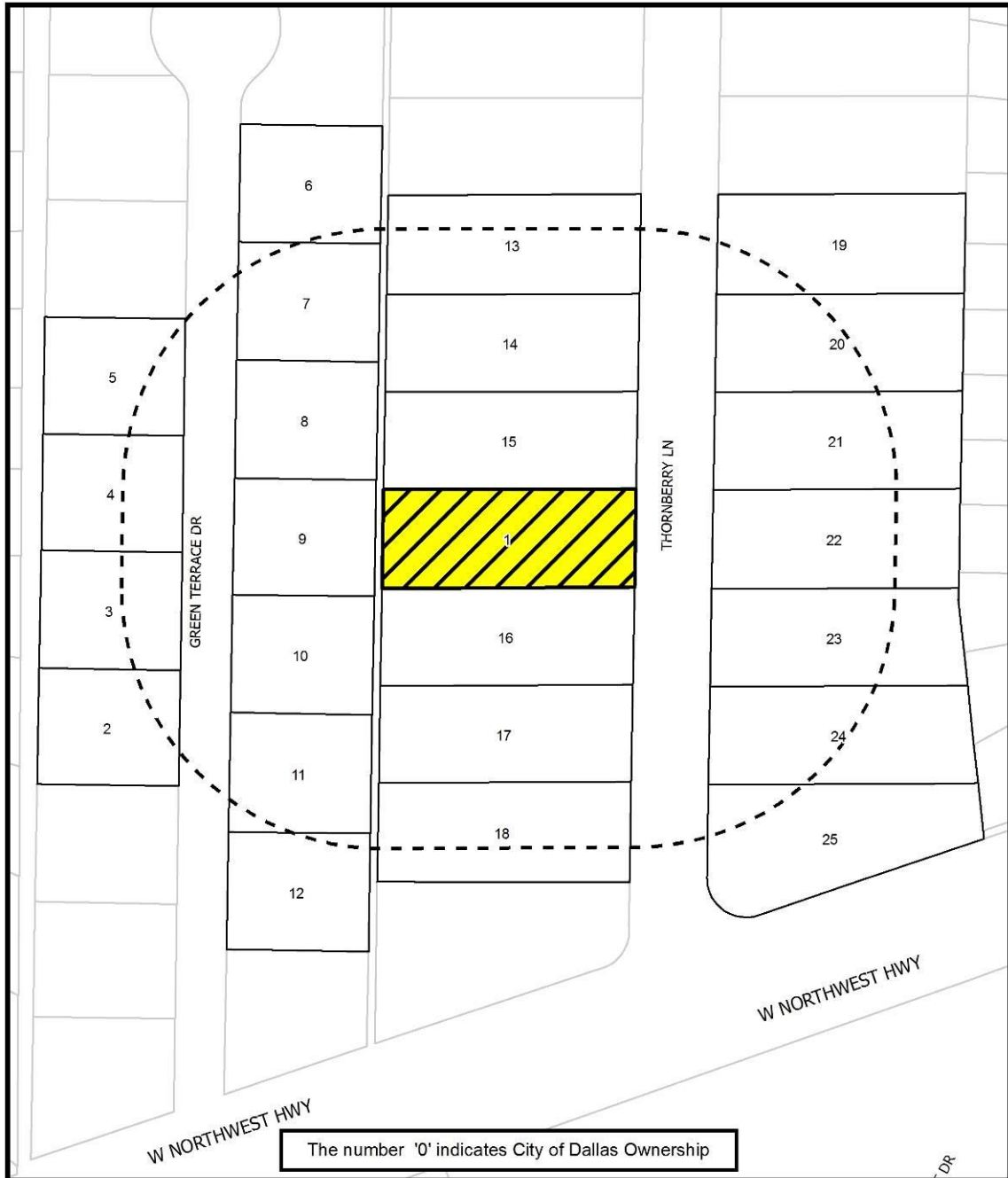


SCALE: 1/4" = 12"

FRONT VIEW - PANEL, POST & ELECTRIC SWING GATE LAYOUT



SCALE: 1/8" = 12"



The number '0' indicates City of Dallas Ownership

| | | | | | | |
|--|--|-------------|----------------------|-----------|------------------------------------|--|
|  1:1,200 | <h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">25</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 25 | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <u>BDA134-053</u> Date: <u>5/20/2014</u> |
| 200' | AREA OF NOTIFICATION | | | | | |
| 25 | NUMBER OF PROPERTY OWNERS NOTIFIED | | | | | |

Notification List of Property Owners

BDA134-053

25 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|-----------------------|---------------------------------|
| 1 | 9427 THORNBERRY LN | SMITH TYRON |
| 2 | 9423 GREEN TERRACE DR | LOMENICK SUZANNE |
| 3 | 9429 GREEN TERRACE DR | MILLS DEYANIRA |
| 4 | 9435 GREEN TERRACE DR | LONG TARA C & BRIAN P |
| 5 | 9441 GREEN TERRACE DR | BAKER RUSSELL C |
| 6 | 9450 GREEN TERRACE DR | RIVERA TIMOTHY & ANNETTE |
| 7 | 9444 GREEN TERRACE DR | COATS LINDA W |
| 8 | 9438 GREEN TERRACE DR | MOLINA JESSIE D |
| 9 | 9432 GREEN TERRACE DR | REISENBICHLER THOMAS H & LORI J |
| 10 | 9426 GREEN TERRACE DR | SPITZER PHILIP L |
| 11 | 9420 GREEN TERRACE DR | ARDILA LUIS & SILVIA |
| 12 | 9414 GREEN TERRACE DR | MEADOWS CHARLENE |
| 13 | 9445 THORNBERRY LN | LEUENBERGER ERIC S & ANDREA T |
| 14 | 9439 THORNBERRY LN | KUDERKA LUANN |
| 15 | 9433 THORNBERRY LN | PALOMO ROBERT C ET AL |
| 16 | 9421 THORNBERRY LN | PEREZ NATIVIDAD & MARIA S |
| 17 | 9415 THORNBERRY LN | WELLER MARGARETE WALTHER |
| 18 | 9409 THORNBERRY LN | CASON TODD A & HUYNH LANCHI DO |
| 19 | 9444 THORNBERRY LN | FRANKLIN AUSTIN |
| 20 | 9438 THORNBERRY LN | TAYLOR JODI L & BRAD C |
| 21 | 9432 THORNBERRY LN | GERINGER DONNA |
| 22 | 9426 THORNBERRY LN | WEBB SUSAN A |
| 23 | 9420 THORNBERRY LN | KNISLEY BRANDY LEE |
| 24 | 9414 THORNBERRY LN | HAUGEN LORRAINE |
| 25 | 9408 THORNBERRY LN | SCHRIMSHER EDD H |

FILE NUMBER: BDA 134-056

BUILDING OFFICIAL'S REPORT: Application of Laura Hoffmann and Tommy Mann of Winstead for a special exception to the landscape regulations at 4725 Fairmount Street. This property is more fully described as Lot 1A, Block L/2313, and is zoned PD-193 (MF-2), which requires mandatory landscaping. The applicant proposes to construct/maintain a multifamily structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4725 Fairmount Street

APPLICANT: Laura Hoffmann and Tommy Mann of Winstead

REQUEST:

A special exception to the landscape regulations is requested in conjunction with maintaining a multifamily development, and not fully providing required landscaping.

(Note that this application is adjacent to a property to the northeast where the same applicant seeks a similar landscape special exception from Board of Adjustment Panel C on June 23rd: BDA 134-057).

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

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City of Dallas Chief Arborist supports the request because the applicant has demonstrated the features shown on the submitted landscape plan meet with the spirit and intent of PD 193 regulations.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (MF-2) (Planned Development, Multifamily)
North: PD 193 (MF-2) (Planned Development, Multifamily)
South: PD 193 (MF-2) (Planned Development, Multifamily)
East: PD 193 (MF-2) (Planned Development, Multifamily)
West: PD 193 (MF-2) (Planned Development, Multifamily)

Land Use:

The subject site is developed with a multifamily development. The areas to the north, east, and west appear to be developed mostly with residential uses; and the area to the south is developed with commercial/retail/nonresidential uses.

Zoning/BDA History:

1. BDA 134-057, Property at 4730 Fairmount Street (the lot immediately northeast of subject site) On June 23, 2014, the Board of Adjustment Panel C will consider a request for a special exception to the landscape regulations requested in conjunction with maintaining a multifamily development on the site, and not fully providing required landscaping.

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on maintaining a multifamily development, and not fully providing required landscaping.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist states in a memo (see Attachment A) that the request in this case and the related adjacent case (BDA 134-057) is triggered by new construction of multifamily developments.
- The Chief Arborist notes that the two sites (BDA 134-056 and BDA 134-057) are deficient in meeting the landscape requirements in that:
 - 1) both have locations along street frontages where the trees are not placed within the tree planting zone and not planted in sufficient quantities (BDA 134-056 provides 18 of 25 required trees, BDA 134-057 provides 72 of 78 required trees); and
 - 2) both have sidewalks not in the required setback of 5' to 10' from the back of curb.

- The Chief Arborist states that the applicant has indicated that the primary reason for relocation of the trees was due to utility easement conflicts which in turn led to the altered/noncompliant location of some of the sidewalks on the properties. The applicant has proposed additional trees to be placed along the perimeter of the sites (7 additional trees on the BDA 134-056 site; 8 additional trees on the BDA 134-057 site).
- The Chief Arborist notes that all other landscape standards are met on the sites and that he supports the requests because the applicant has demonstrated that the proposed landscaping meets the spirit and intent of the PD 193 regulations.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a site plan has been submitted that is deficient in meeting the sidewalk and tree requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted landscape plan as a condition, the site would be granted exception from full compliance to sidewalk and tree requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance.

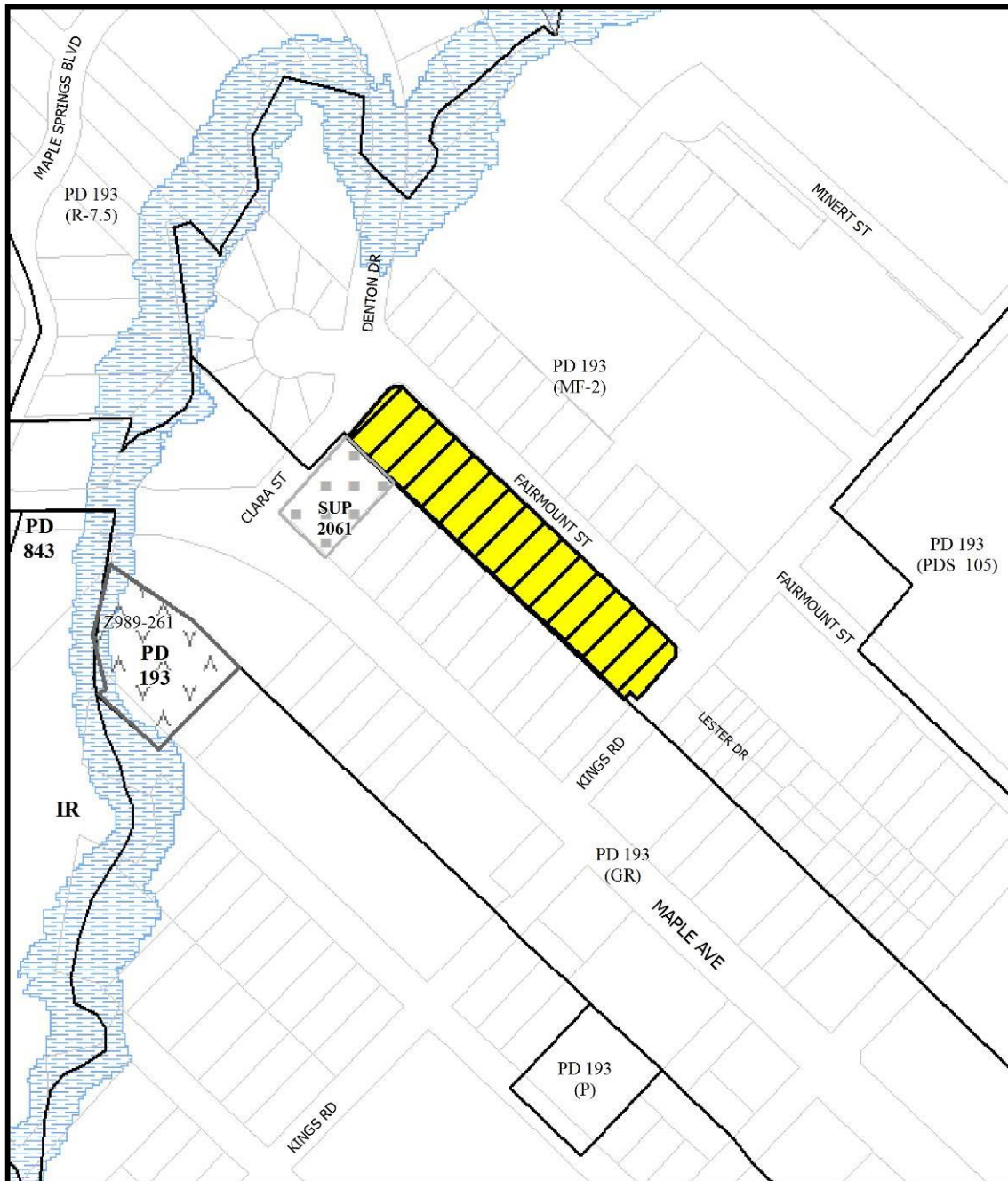
Timeline:

- April 23, 2014: 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 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 19, 2014: The Board Administrator shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the May 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request;
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence”.

June 10, 2014: 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

June 13, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application and the adjacent application – BDA 134-057 (see Attachment A).

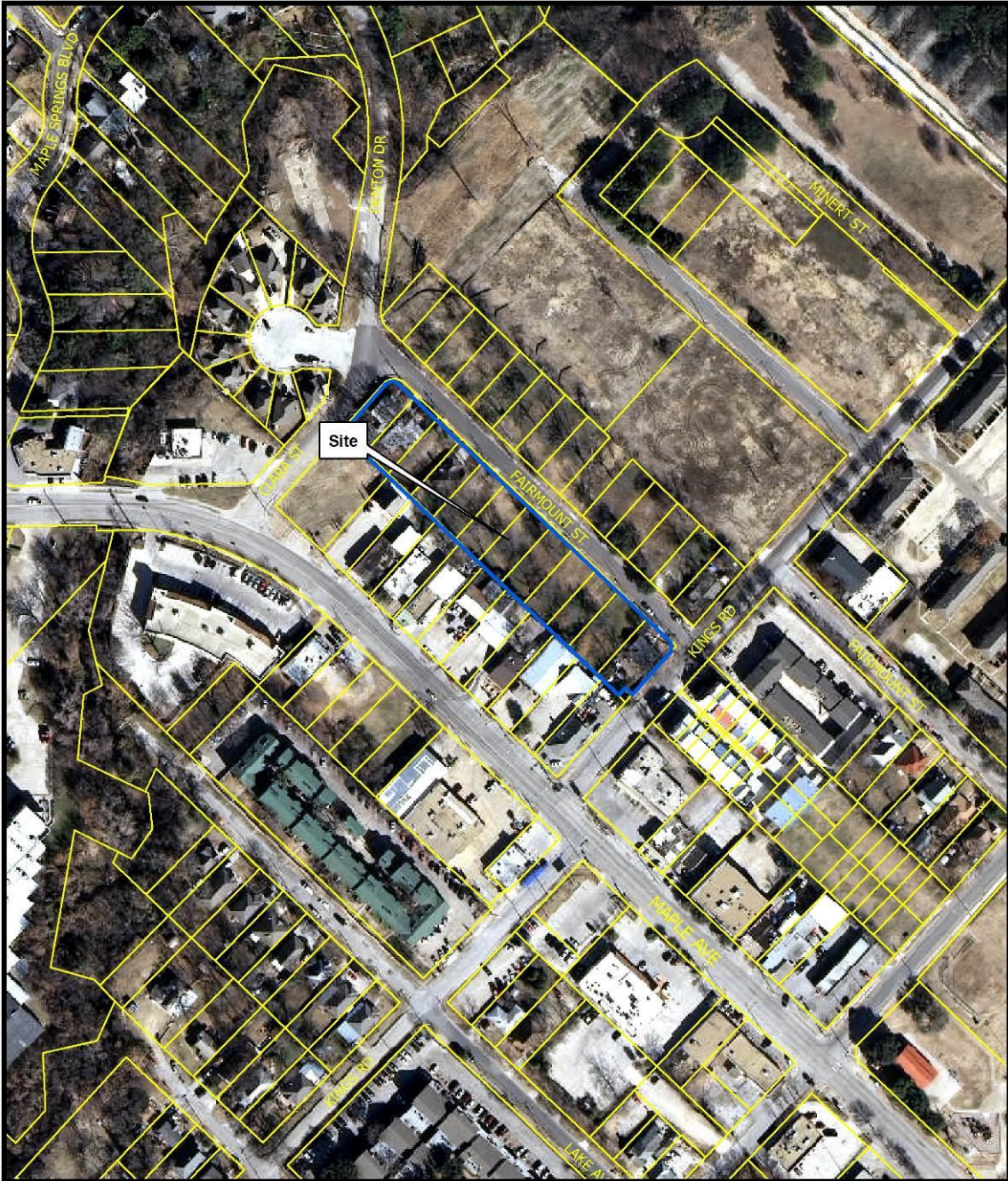


1:2,400

ZONING MAP

Case no: BDA134-056

Date: 5/20/2014



1:2,400

AERIAL MAP

Case no: BDA134-056

Date: 5/20/2014

Memorandum



CITY OF DALLAS

DATE June 13, 2014
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 134 - 056 and 057 4725 & 4730 Fairmount Street

The applicant is requesting a special exception to the landscape requirements of PD 193 (MF-2). Specifically, the request is for exception to the requirements for trees (193.126(b)(5)) and sidewalks (193.126(b)(4)).

Trigger

New construction of multifamily developments.

Deficiencies

The two sites have locations along the street frontages where the trees are 1) not placed within the tree planting zone, and 2) the trees were not planted in sufficient quantities within the tree planting zone.

4725 Fairmount – 25 trees required (18 provided)
4730 Fairmount – 78 trees required (72 installed)

The two sites have locations along the street frontages with sidewalks not in the required setback of 5' to 10' from back of curb.

Factors

The applicant has indicated the primary reason for relocation of the trees was due to utility easement conflicts which restricted placement of some trees. The requirement to move trees also prompted the altered location for the sidewalks.

The applicant has proposed additional trees to be placed along the perimeter to provide the appropriate count of street trees.
4725 Fairmount – add 7 trees. 4730 Fairmount – add 8 trees.

All other landscape standards for PD193(MF) are in compliance.

Recommendation

The chief arborist recommends approval of the special exception request because they have demonstrated the proposed landscaping meets the spirit and intent of the PD 193 regulations.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-056

Data Relative to Subject Property:

Date: 4/23/14

Location address: 4725 Fairmount Street Zoning District: PD 193 (MF-2)

Lot No.: 1A Block No.: L/2313 Acreage: +/- 1.560 Census Tract: 004.04

Street Frontage (in Feet): 1) 102' 2) 578.89' 3) 96.22' 4) _____ 5) 51022

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): TRG Fairmount, L.P.

Applicant: Laura Hoffmann, Winstead PC Telephone: 214-745-5693

Mailing Address: 500 Winstead Building, 2728 N. Harwood Street Zip Code: 75201

E-mail Address: lhoffmann@winstead.com, tmann@winstead.com

Represented by: n/a Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of Section 51P-193.126 (b) (4) (B) to locate the sidewalk further from the back of the projected street curb (8'-15' instead of required 5'-10') and Section 51P-193.126 (b)(5) for trees located outside of the tree planting zone but 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:

(1) strict compliance with the requirements of Sections 51P-193.126(b)(4) and (b)(5) would unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring property; and (3) necessary on-street parking that serves the development in these areas.

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.

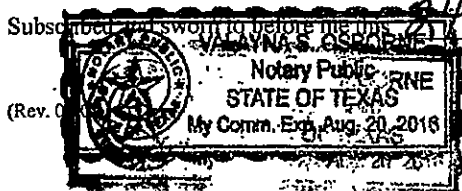
Affidavit

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

Subscribed and sworn to before me this 24 day of April, 2014



Valerie S. Osborne
Notary Public 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

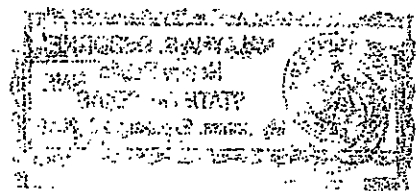
I hereby certify that Laura Hoffmann

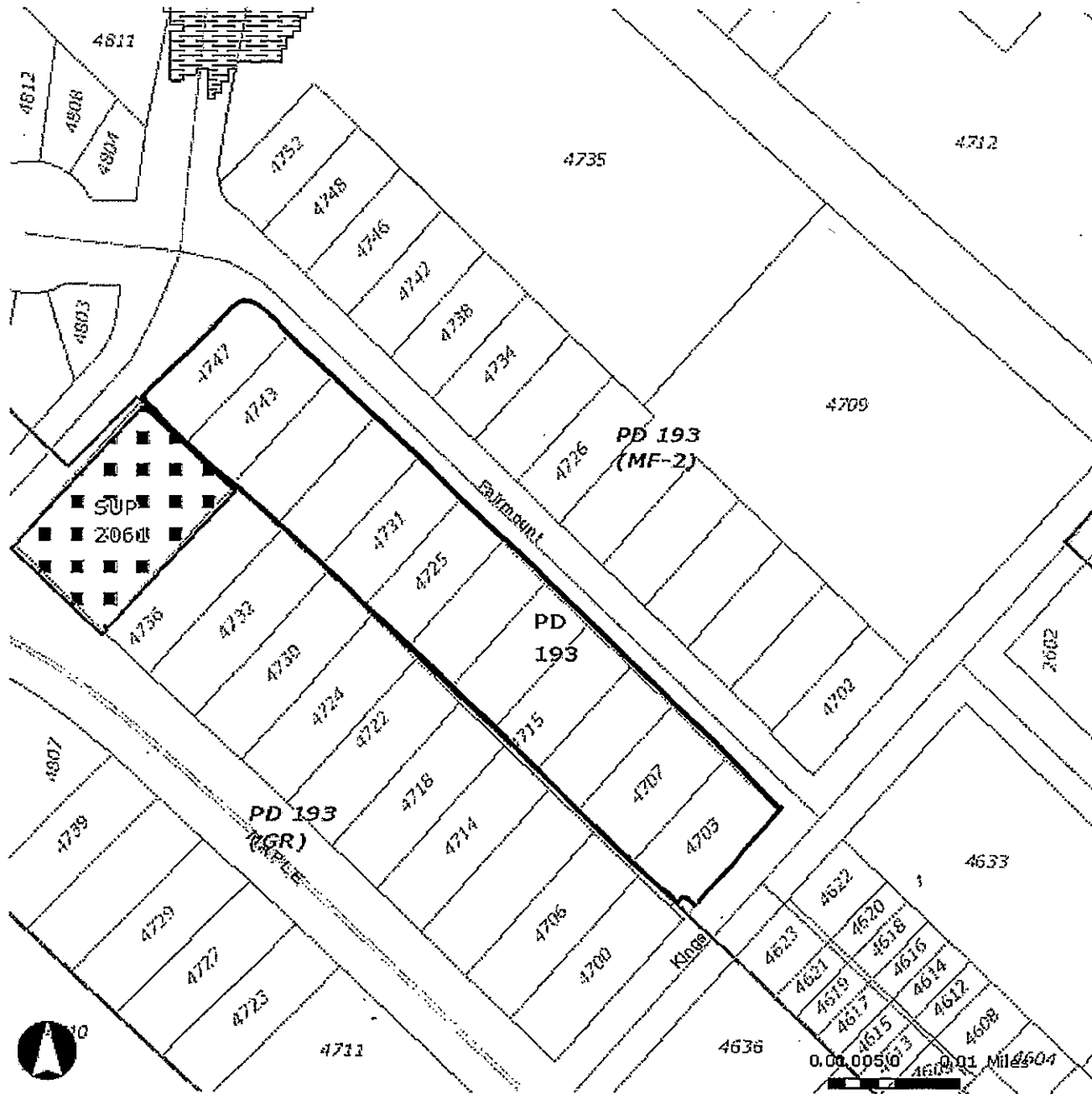
did submit a request for a special exception to the landscaping regulations
at 4725 Fairmount Street

BDA134-056. Application of Laura Hoffmann for a special exception to the landscaping regulations at 4725 Fairmount Street. This property is more fully described as Lot 1A, Bloc L/2313, and is zoned PD-193 (MF-2), which requires mandatory landscaping. The applicant proposes to construct a multifamily residential structure and provide an alternate sidewalk and landscape plan, which will require a special exception to the landscape regulations.

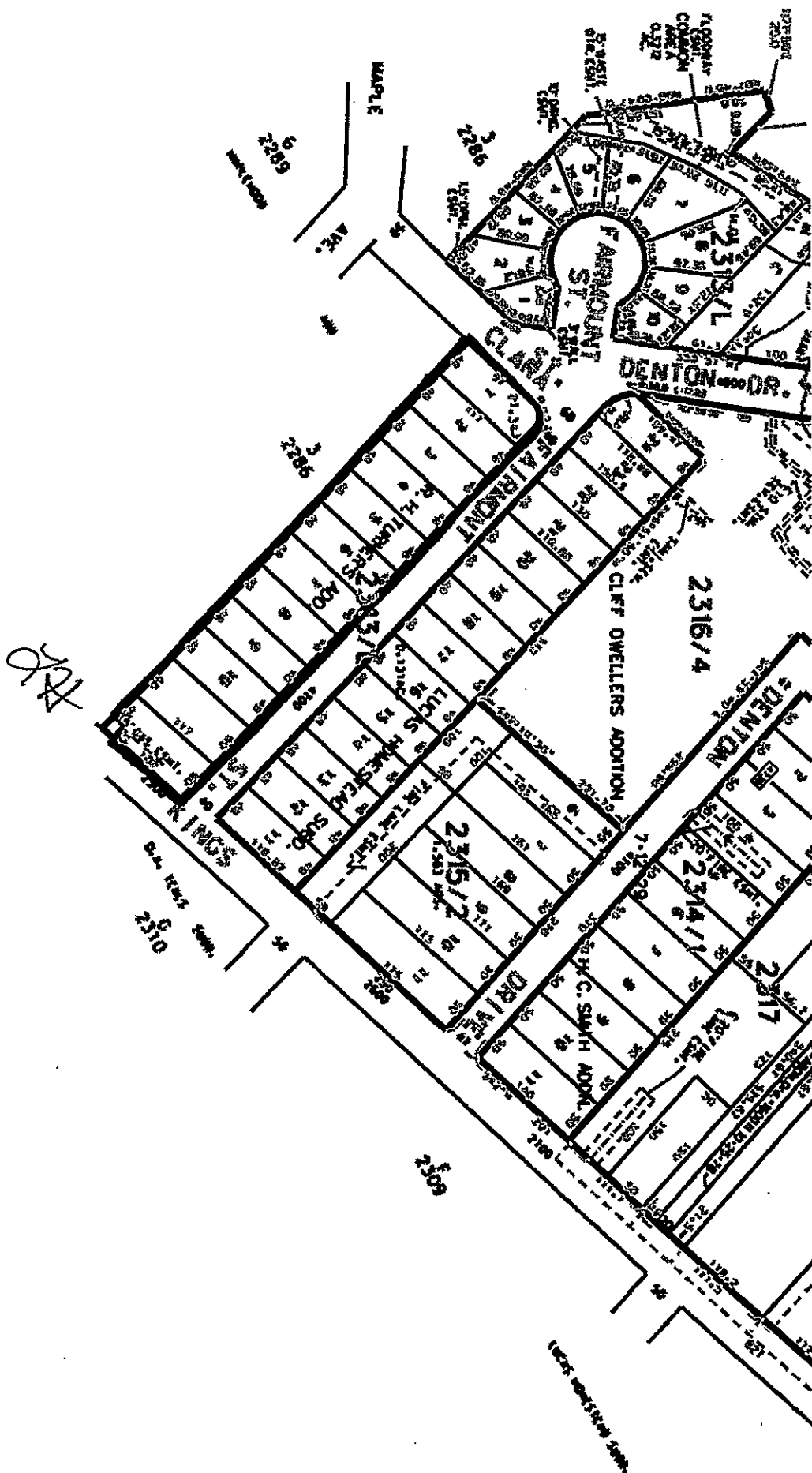
Sincerely,


Larry Holmes, Building Official





2/14





NOMAD DESIGN
 Landscape Architecture
 1908 & Cedar Creek St.
 Austin, Texas 78702
 P 512.263.7688
 F 512.263.0818
 www.nomad-design.com

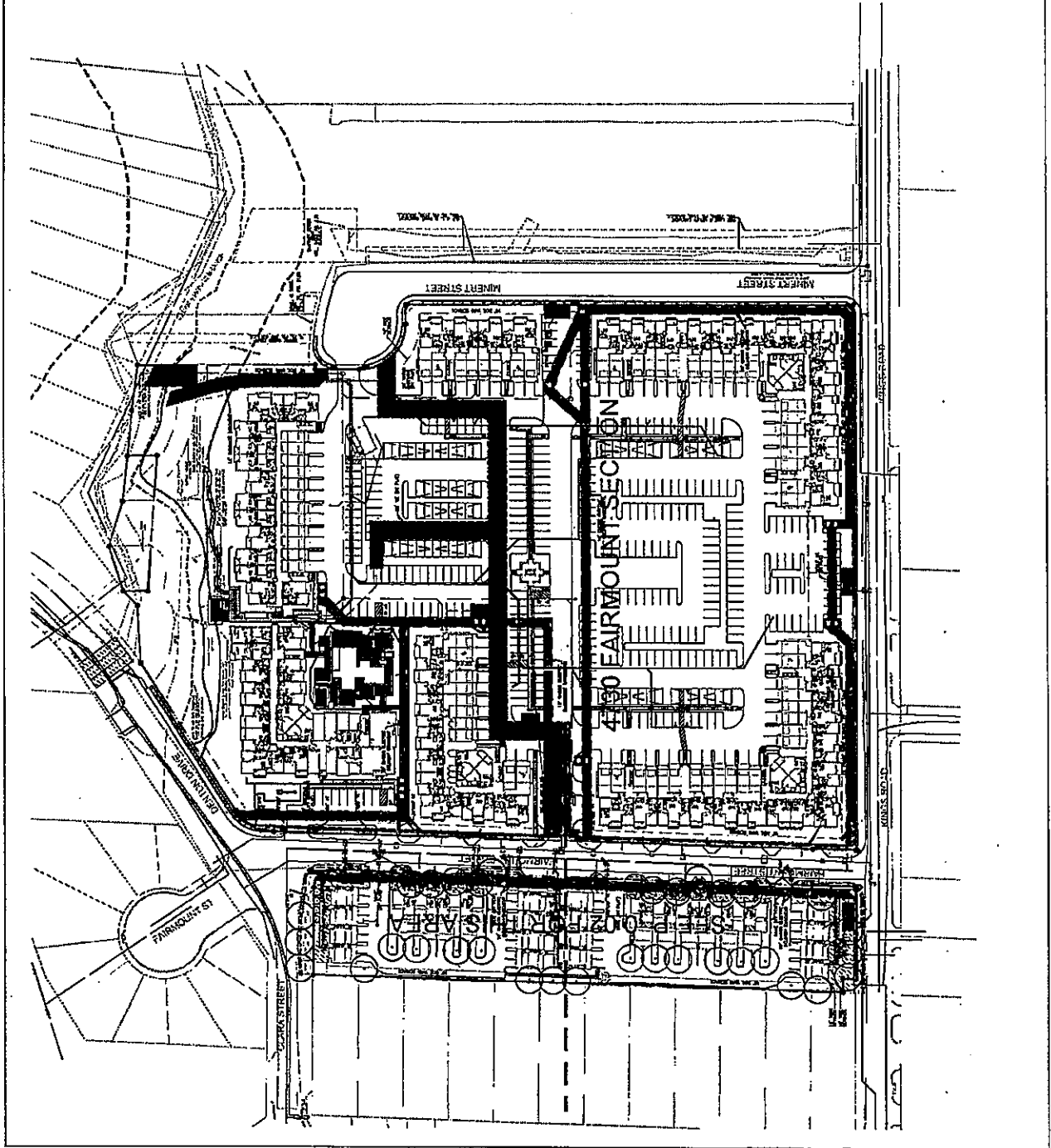
TRINISIC MEDICAL - Overall Site
 LANDSCAPE CITY SUBMITTAL PLAN - 4725 FAIRMOUNT
 DALLAS, TEXAS

OWNER:
 TRINISIC MEDICAL
 1908 CEDAR CREEK ST.
 AUSTIN, TX 78702
 DATE:
 8-24-12
 DRAWN FOR PERMIT:
 8-24-12
 BOARD OF ADJUSTMENT
 ISSUE # 275-14

SHEET TITLE:
 LANDSCAPE
 CITY SUBMITTAL
 SHEET NUMBER:
 P_0.01

LEGEND

- STREET CANOPY TREE
- REPLACEMENT CANOPY TREE
- SMALL STREET TREE
- SMALL REPLACEMENT TREE



SCALE: 1"=50'-0"

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

American National Bank
Associated Estates
Crescent Real Estate
JESSICA BAXTER
LELAND BURK
MICAH BYRNES
ROB ELMORE
SUZANN FARREN
ROBERT GOLDBERG
JUDY HAVELKA
PITTMAN HAYMORE
PHILIP HENDERSON
BRUCE HORTON
CHRISTOPHER JANSON
MEAGHAN JANSON
MEL KLEIN
SUE KRIDER
BRENDA MARKS
MICHAEL MILLIKEN
JOHN OLSON
PAUL ONDREJ
ANTHONY PAGE
PegasusAblon
JOSEPH FITCHFORD
ZAC PORTER
EARL RECTOR
JAMES REEDER
Renaissance on Turtle
Creek
Homeowners Assn.
ALAN RODRIGUEZ
HILDA RODRIGUEZ
LEE SANDERS
Sarafim Realty
MARK SHEKTER
KATY SLADE
FRANK STICH
StreetLights Residential
Villas at the Mansion
Warwick Melrose Hotel
NANCY WEINBERGER
DENISE YATES

May 6, 2014

Tommy Mann
Winstead Attorneys
500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201
phone: 214.745.5400
direct: 214.745.5724
tmann@winstead.com

RE: BDA 134-056 & 134-057 - Trinsic Medical Apartments

Dear Mr. Mann:

At our May meeting, the Oak Lawn Committee voted to support the applicant's request for landscape special exception to address some discrepancies such as sidewalk width and location and location of some trees.

Thank you for your presentation.

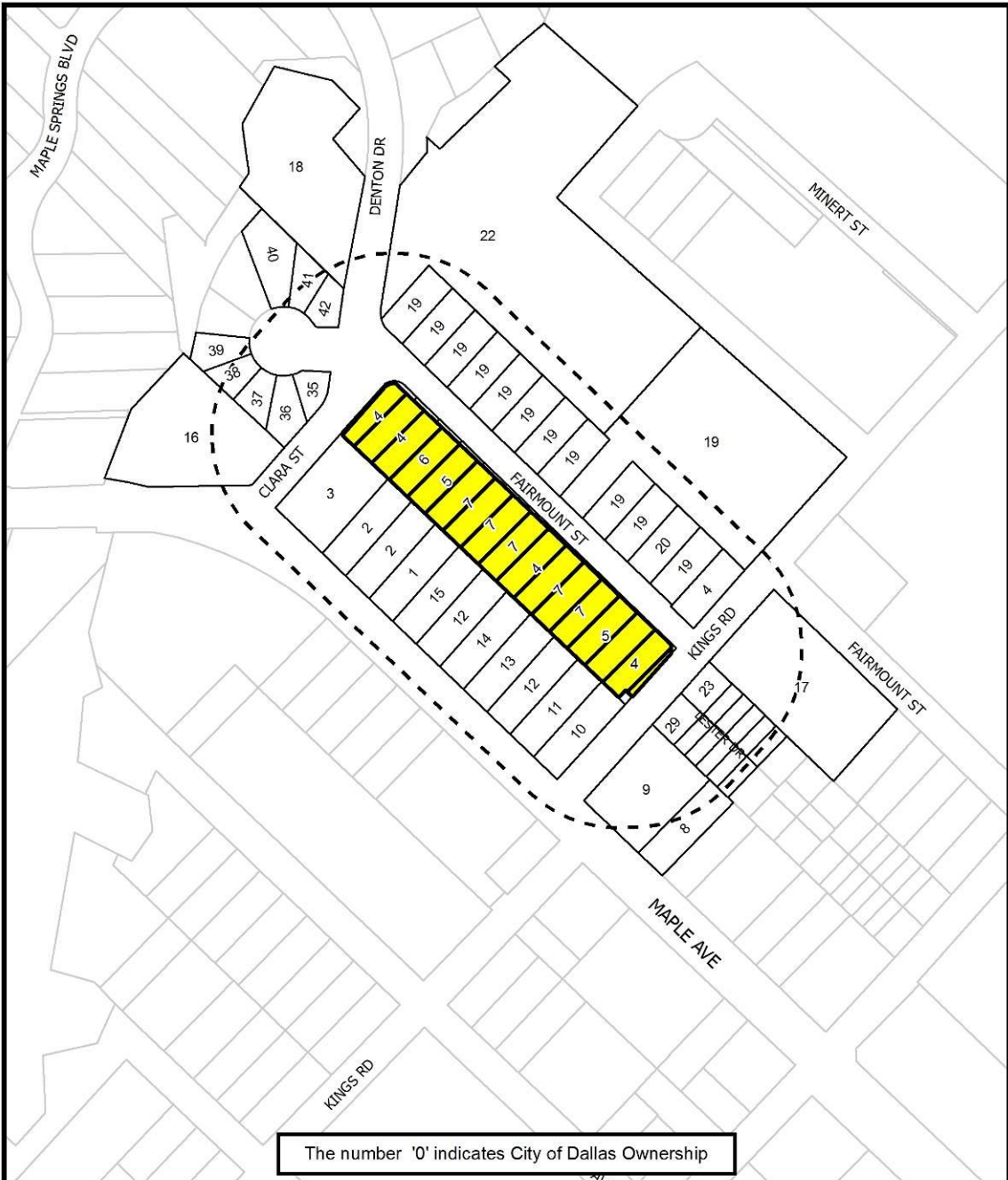
Sincerely,



Brenda Marks
President

cc: Honorable Philip Kingston
Mr. Steve Long
Mr. Frank Stich

P.O. Box 190912, Dallas, Texas 75219



| | | |
|--|--|----------------------------|
|  1:2,400 | <h2>NOTIFICATION</h2> | Case no: BDA134-056 |
| | <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-right: 5px;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-right: 5px;">42</div> NUMBER OF PROPERTY OWNERS NOTIFIED | Date: 5/20/2014 |

Notification List of Property Owners

BDA134-056

42 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|-------------------|--|
| 1 | 4730 MAPLE AVE | QUINTANILLA RAY JR |
| 2 | 4732 MAPLE AVE | 4732 36 MA LTD |
| 3 | 4744 MAPLE AVE | TCG MAPLE CLARA INVESTORS LLC |
| 4 | 4703 FAIRMOUNT ST | TRG FAIRMOUNT LP |
| 5 | 4707 FAIRMOUNT ST | TRG FAIRMOUNT LP SUITE 900 |
| 6 | 4739 FAIRMOUNT ST | TRG FAIRMOUNT LP ATTN: DIANE HORNQUIST |
| 7 | 4731 FAIRMOUNT ST | TRG FAIRMOUNT LP % DIANE HORNQUIST |
| 8 | 4630 MAPLE AVE | AREVALO RUBEN & RAQUEL |
| 9 | 4636 MAPLE AVE | A & S MAPLE LLC |
| 10 | 4700 MAPLE AVE | HATTEN E T & GARY HATTEN |
| 11 | 4706 MAPLE AVE | SHAH MANSOOR ALI |
| 12 | 4710 MAPLE AVE | CUCOVATZ PAUL C & MARY LOUISE |
| 13 | 4714 MAPLE AVE | AVILA OCTAVIO |
| 14 | 4718 MAPLE AVE | MAPLE AVE ECONOMIC DEV CORP OF DALLAS |
| 15 | 4724 MAPLE AVE | QUINTANILLA JOE |
| 16 | 4810 MAPLE AVE | ICAVI INC |
| 17 | 4633 FAIRMOUNT ST | NGUYEN SON T & LAN THU NGUYEN |
| 18 | 4811 DENTON DR | SKELDALE PROPERTIES INC |
| 19 | 4706 FAIRMOUNT ST | TRG FAIRMOUNT LP ATTN DIANE HORNQUIST |
| 20 | 4710 FAIRMOUNT ST | TRG FAIRMONT LP ATTN DIANE HORNQUIST |
| 21 | 4705 FAIRMOUNT ST | ENSERCH CORP % ATMOS ENERGY / PPTY TAX |
| 22 | 4735 DENTON DR | TRG FAIRMOUNT LP % DIANE HORNQUIST |
| 23 | 4622 LESTER DR | BAER GREGORY K |
| 24 | 4620 LESTER DR | KAMMERER CLARENCE W JR |
| 25 | 4618 LESTER DR | SKINNER KEVIN T & SALESKY ROBERT M |
| 26 | 4616 LESTER DR | LOGAN BOBBY ALAN |

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|-------------------|--|
| 27 | 4614 LESTER DR | KERSTETTER LEIGH |
| 28 | 4612 LESTER DR | BROOKS VICTOR |
| 29 | 4623 LESTER DR | GARCIA JENNIFER & |
| 30 | 4621 LESTER DR | EARL JUSTIN J |
| 31 | 4619 LESTER DR | GUPTA NARESH & RAJNEESH |
| 32 | 4617 LESTER DR | KLINE LUZ D |
| 33 | 4615 LESTER DR | HOLDER MAX R JR |
| 34 | 4613 LESTER DR | BRYANT JAMES L |
| 35 | 4803 FAIRMOUNT ST | ORTIZ JOSE A & MARIA L |
| 36 | 4807 FAIRMOUNT ST | HOWELL DONNA Y |
| 37 | 4811 FAIRMOUNT ST | FORTNER GORDON V |
| 38 | 4815 FAIRMOUNT ST | MACIAS OCTAVIO & VICTORINA |
| 39 | 4819 FAIRMOUNT ST | MEJIA JUAN FRANCISCO & VIRGINIA GARCIA |
| 40 | 4812 FAIRMOUNT ST | AYALA MARIO G |
| 41 | 4808 FAIRMOUNT ST | YERSKEY JEANNE M |
| 42 | 4804 FAIRMOUNT ST | MAI TUAN & NGUYEN MY-DUNG T |

FILE NUMBER: BDA 134-057

BUILDING OFFICIAL'S REPORT: Application of Laura Hoffmann and Tommy Mann of Winstead for a special exception to the landscape regulations at 4730 Fairmount Street. This property is more fully described as Lot 11A, Block L/2313, and is zoned PD-193 (MF-2), which requires mandatory landscaping. The applicant proposes to construct/maintain a multifamily structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4730 Fairmount Street

APPLICANT: Laura Hoffmann and Tommy Mann of Winstead

REQUEST:

A special exception to the landscape regulations is requested in conjunction with maintaining a multifamily development, and not fully providing required landscaping.

(Note that this application is adjacent to a property to the southwest where the same applicant seeks a similar landscape special exception from Board of Adjustment Panel C on June 23rd: BDA 134-056).

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

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City of Dallas Chief Arborist supports the request because the applicant has demonstrated the features shown on the submitted landscape plan meet with the spirit and intent of PD 193 regulations.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (MF-2) (Planned Development, Multifamily)
North: PD 193 (MF-2) (Planned Development, Multifamily)
South: PD 193 (MF-2) (Planned Development, Multifamily)
East: PD 193 (MF-2) (Planned Development, Multifamily)
West: PD 193 (MF-2) (Planned Development, Multifamily)

Land Use:

The subject site is developed with a multifamily development. The areas to the north, south, east, and west appear to be developed mostly with residential uses.

Zoning/BDA History:

1. BDA 134-057, Property at 4730 Fairmount Street (the lot immediately northeast of subject site) On June 23, 2014, the Board of Adjustment Panel C will consider a request for a special exception to the landscape regulations requested in conjunction with maintaining a multifamily development on the site, and not fully providing required landscaping.

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on maintaining a multifamily development, and not fully providing required landscaping.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist states in a memo (see Attachment A) that the request in this case and the related adjacent case (BDA 134-056) is triggered by new construction of multifamily developments.
- The Chief Arborist notes that the two sites (BDA 134-056 and BDA 134-057) are deficient in meeting the landscape requirements in that:
 - 1) both have locations along street frontages where the trees are not placed within the tree planting zone and not planted in sufficient quantities (BDA 134-056 provides 18 of 25 required trees, BDA 134-057 provides 72 of 78 required trees); and
 - 2) both have sidewalks not in the required setback of 5' to 10' from the back of curb.

- The Chief Arborist states that the applicant has indicated that the primary reason for relocation of the trees was due to utility easement conflicts which in turn led to the altered/noncompliant location of some of the sidewalks on the properties. The applicant has proposed additional trees to be placed along the perimeter of the sites (7 additional trees on the BDA 134-056 site; 8 additional trees on the BDA 134-057 site).
- The Chief Arborist notes that all other landscape standards are met on the sites and that he supports the requests because the applicant has demonstrated that the proposed landscaping meets the spirit and intent of the PD 193 regulations.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a site plan has been submitted that is deficient in meeting the sidewalk and tree requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted landscape plan as a condition, the site would be granted exception from full compliance to sidewalk and tree requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance.

Timeline:

April 23, 2014: 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 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 19, 2014: The Board Administrator shared the following information via email:

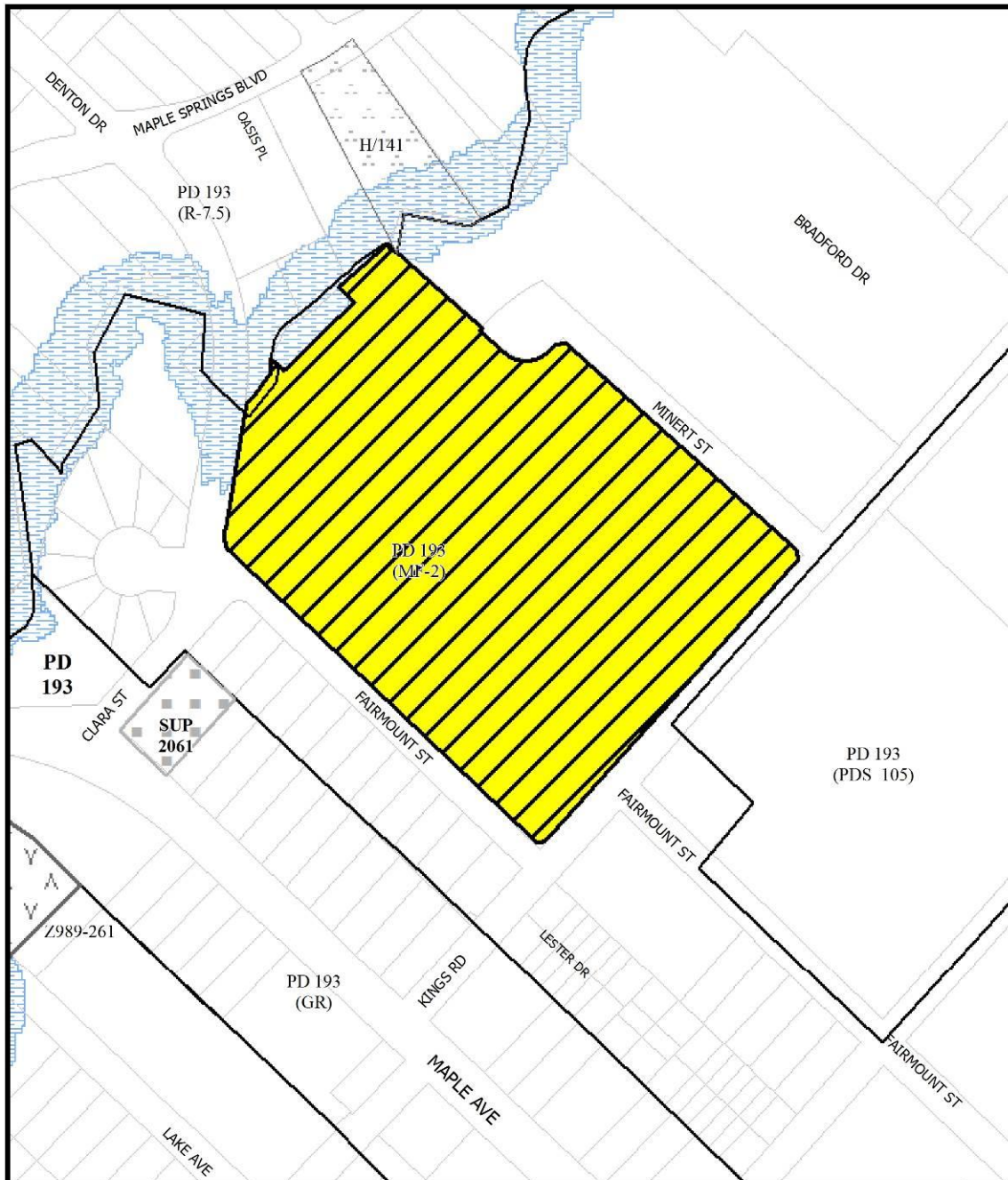
- an attachment that provided the public hearing date and panel that will consider the application; the May 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence”.

June 10, 2014: 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and

Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

June 13, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application and the adjacent application – BDA 134-056 (see Attachment A).



1:2,400

ZONING MAP

Case no: BDA134-057

Date: 5/20/2014



1:2,400

AERIAL MAP

Case no: BDA134-057

Date: 5/20/2014

Memorandum



CITY OF DALLAS

DATE June 13, 2014
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 134 - 056 and 057 4725 & 4730 Fairmount Street

The applicant is requesting a special exception to the landscape requirements of PD 193 (MF-2). Specifically, the request is for exception to the requirements for trees (193.126(b)(5)) and sidewalks (193.126(b)(4)).

Trigger

New construction of multifamily developments.

Deficiencies

The two sites have locations along the street frontages where the trees are 1) not placed within the tree planting zone, and 2) the trees were not planted in sufficient quantities within the tree planting zone.

4725 Fairmount – 25 trees required (18 provided)
4730 Fairmount – 78 trees required (72 installed)

The two sites have locations along the street frontages with sidewalks not in the required setback of 5' to 10' from back of curb.

Factors

The applicant has indicated the primary reason for relocation of the trees was due to utility easement conflicts which restricted placement of some trees. The requirement to move trees also prompted the altered location for the sidewalks.

The applicant has proposed additional trees to be placed along the perimeter to provide the appropriate count of street trees.
4725 Fairmount – add 7 trees. 4730 Fairmount – add 8 trees.

All other landscape standards for PD193(MF) are in compliance.

Recommendation

The chief arborist recommends approval of the special exception request because they have demonstrated the proposed landscaping meets the spirit and intent of the PD 193 regulations.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-057

Data Relative to Subject Property:

Date: 4/23/14

Location address: 4730 Fairmount Street Zoning District: PD 193 (MF-2)

Lot No.: 11A Block No.: L/2313 Acreage: 9.894 Census Tract: 004.04

Street Frontage (in Feet): 1) 612.12' 2) 192.73' 3) 495.28' 4) 601.78' 5) 5022

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): TRG Fairmount, L.P.

Applicant: Laura Hoffmann, Winstead PC Telephone: 214-745-5693

Mailing Address: 500 Winstead Building, 2728 N. Harwood Street Zip Code: 75201

E-mail Address: lhoffmann@winstead.com, tmann@winstead.com

Represented by: n/a Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of Section 51P-193.126 (b) (4) (B) to locate the sidewalk further from the back of the projected street curb (8'-15' instead of required 5'-10') and Section 51P-193.126 (b)(5) for trees located outside of the tree planting zone but 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: (1) strict compliance with the requirements of Sections 51P-193.126(b)(4) and (b)(5) would unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring property; and (3) necessary on-street parking that serves the development in these areas.

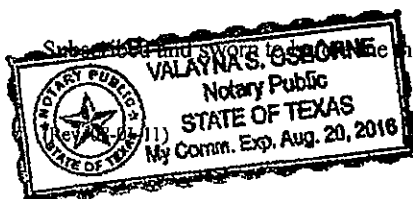
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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



his 24 day of April, 2014
Valayna S. Osborne
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

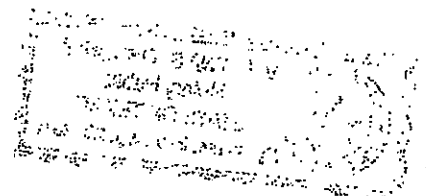
I hereby certify that Laura Hoffmann

did submit a request for a special exception to the landscaping regulations
at 4730 Fairmount Street

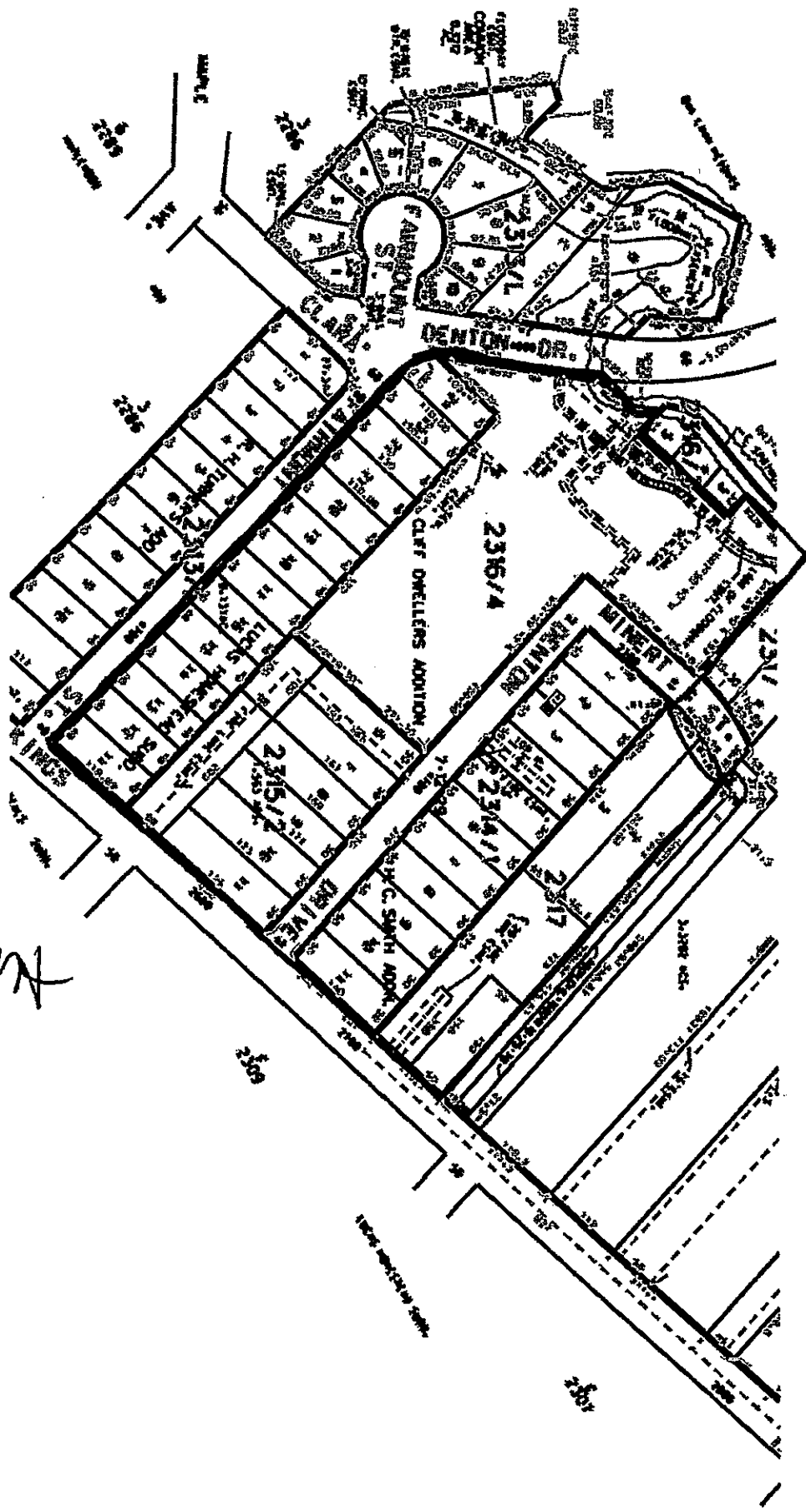
BDA134-057. Application of Laura Hoffmann for a special exception to the landscaping regulations at 4730 Fairmount Street. This property is more fully described as Lot 11A, Block L/2313, and is zoned PD-193 (MF-2), which requires mandatory landscaping. The applicant proposes to construct a multifamily residential structure and provide an alternate sidewalk and landscape plan, which will require a special exception to the landscape regulations.

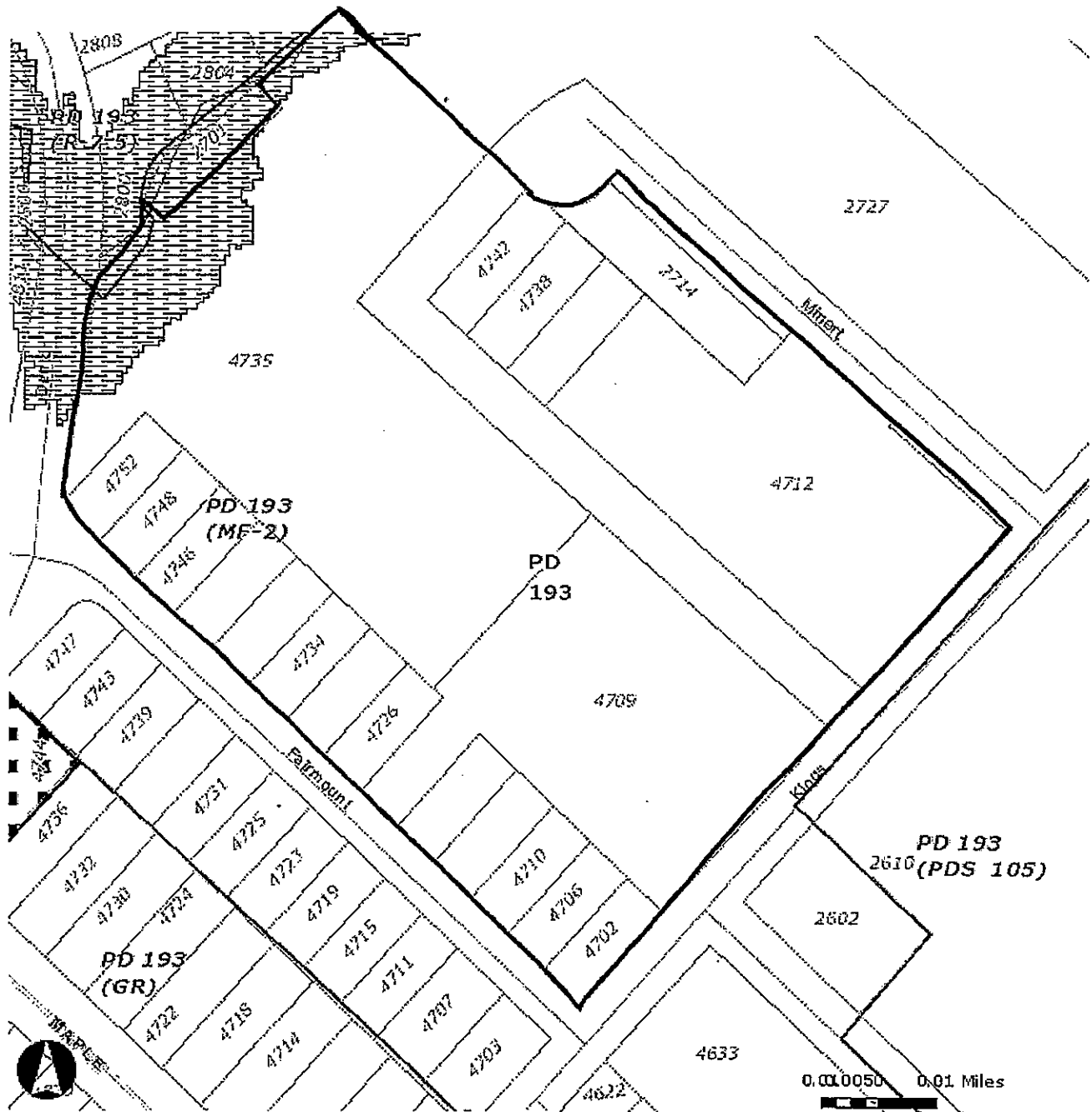
Sincerely,


Larry Holmes, Building Official



Handwritten initials or signature, possibly "KZ".





Handwritten signature or initials.

NOVUS DESIGN
 1000 E. Cedar Street, Suite 200
 Austin, Texas 78712
 P: 512.300.0788
 F: 512.300.0789
 www.novusdesign.com

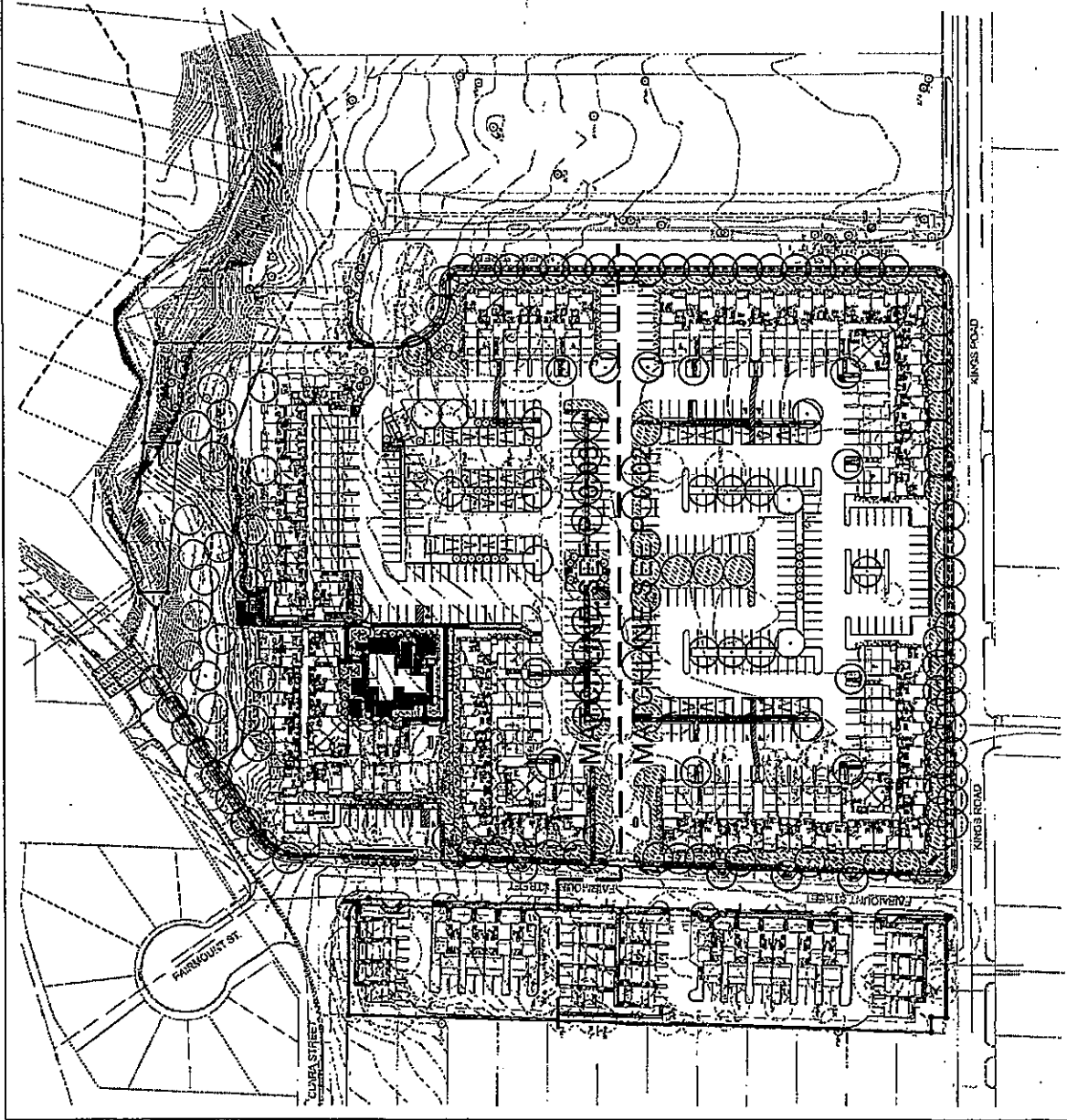


TRINISIC MEDICAL - Overall Site
 LANDSCAPE CITY SUBMITTAL PLAN - 4730 FAIRMOUNT
 DALLAS, TEXAS

OWNER:
 TRINISIC MEDICAL
 10000 W. LBJ
 FARMWAY
 DALLAS, TEXAS 75243
 DATE:
 8-24-12
 ISSUE #2014

LIBRARY FOR PERMIT:
 8-24-12
 BOARD OF ADJUSTMENT
 ISSUE #2014

SHEET TITLE:
 LANDSCAPE
 CITY SUBMITTAL
 SHEET NUMBER:
 P. 0.01




NORTH



SCALE: 1\"/>



CONTRACT: TRINSCIC MEDICAL
 1300 FAIRMOUNT AVE.
 DALLAS, TEXAS
 75201

DATE: _____

ISSUE FOR PERMIT: _____

SHEET: _____

TOTAL SHEETS: _____

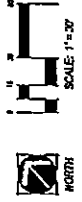
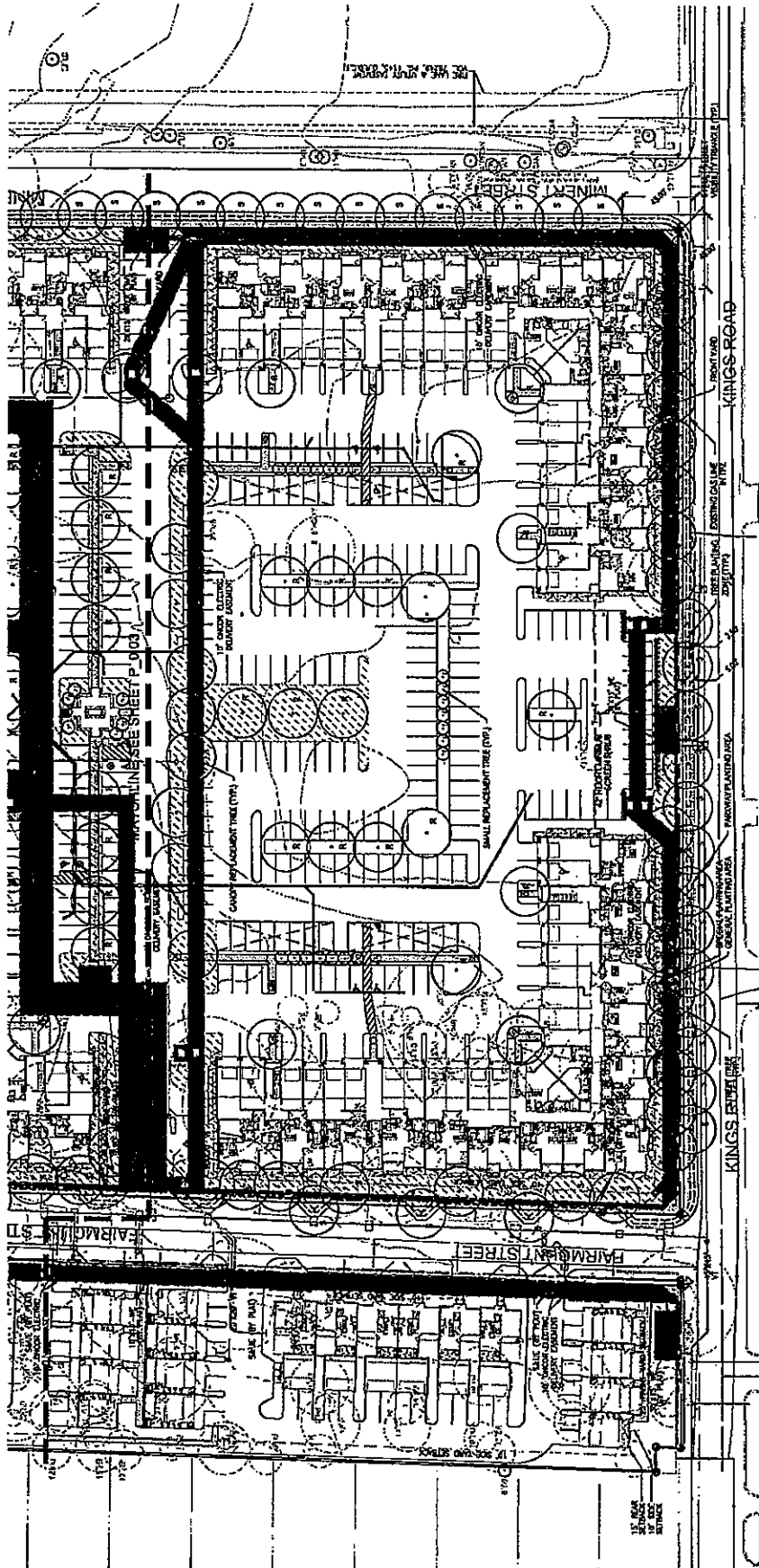
DESIGNED BY: _____

DRAWN BY: _____

SHEET TITLE:
 LANDSCAPE
 CITY SUBMITTAL
 SHEET NUMBER:
 P_0.02





LEGEND

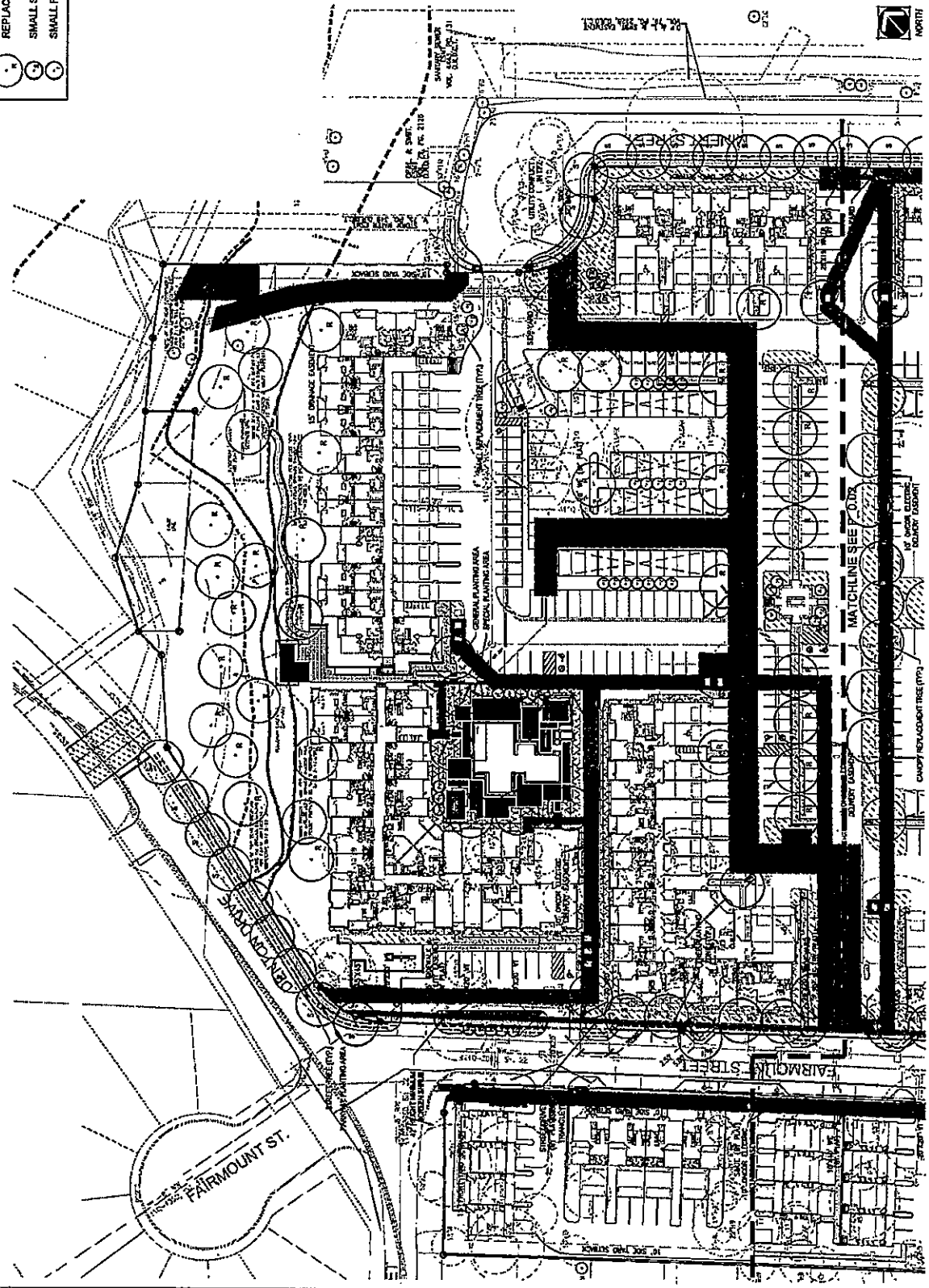
| | |
|--|-------------------------|
| | STREET CANOPY TREE |
| | REPLACEMENT CANOPY TREE |
| | SMALL STREET TREE |
| | SMALL REPLACEMENT TREE |





LEGEND

-  STREET CANOPY TREE
-  REPLACEMENT CANOPY TREE
-  SMALL STREET TREE
-  SMALL REPLACEMENT TREE



The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

American National Bank
Associated Estates
Crescent Real Estate
JESSICA BAXTER
LELAND BURK
MICAH BYRNES
ROB ELMORE
SUZANN FARREN
ROBERT GOLDBERG
JUDY HAVELKA
PITTMAN HAYMORE
PHILIP HENDERSON
BRUCE HORTON
CHRISTOPHER JANSON
MEAGHAN JANSON
MEL KLEIN
SUE KRIDER
BRENDA MARKS
MICHAEL MILLIKEN
JOHN OLSON
PAUL ONDREJ
ANTHONY PAGE
PegasusAblon
JOSEPH PITCHFORD
ZAC PORTER
EARL RECTOR
JAMES REEDER
Renaissance on Turtle
Creek
Homeowners Assn.
ALAN RODRIGUEZ
HILDA RODRIGUEZ
LEE SANDERS
Sarofim Realty
MARK SHEKTER
KATY SLADE
FRANK STICH
StreetLights Residential
Villas at the Mansion
Warwick Melrose Hotel
NANCY WEINBERGER
DENISE YATES

May 6, 2014

Tommy Mann
Winstead Attorneys
500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201
phone: 214.745.5400
direct: 214.745.5724
tmann@winstead.com

RE: BDA 134-056 & 134-057 - Trinsic Medical Apartments

Dear Mr. Mann:

At our May meeting, the Oak Lawn Committee voted to support the applicant's request for landscape special exception to address some discrepancies such as sidewalk width and location and location of some trees.

Thank you for your presentation.

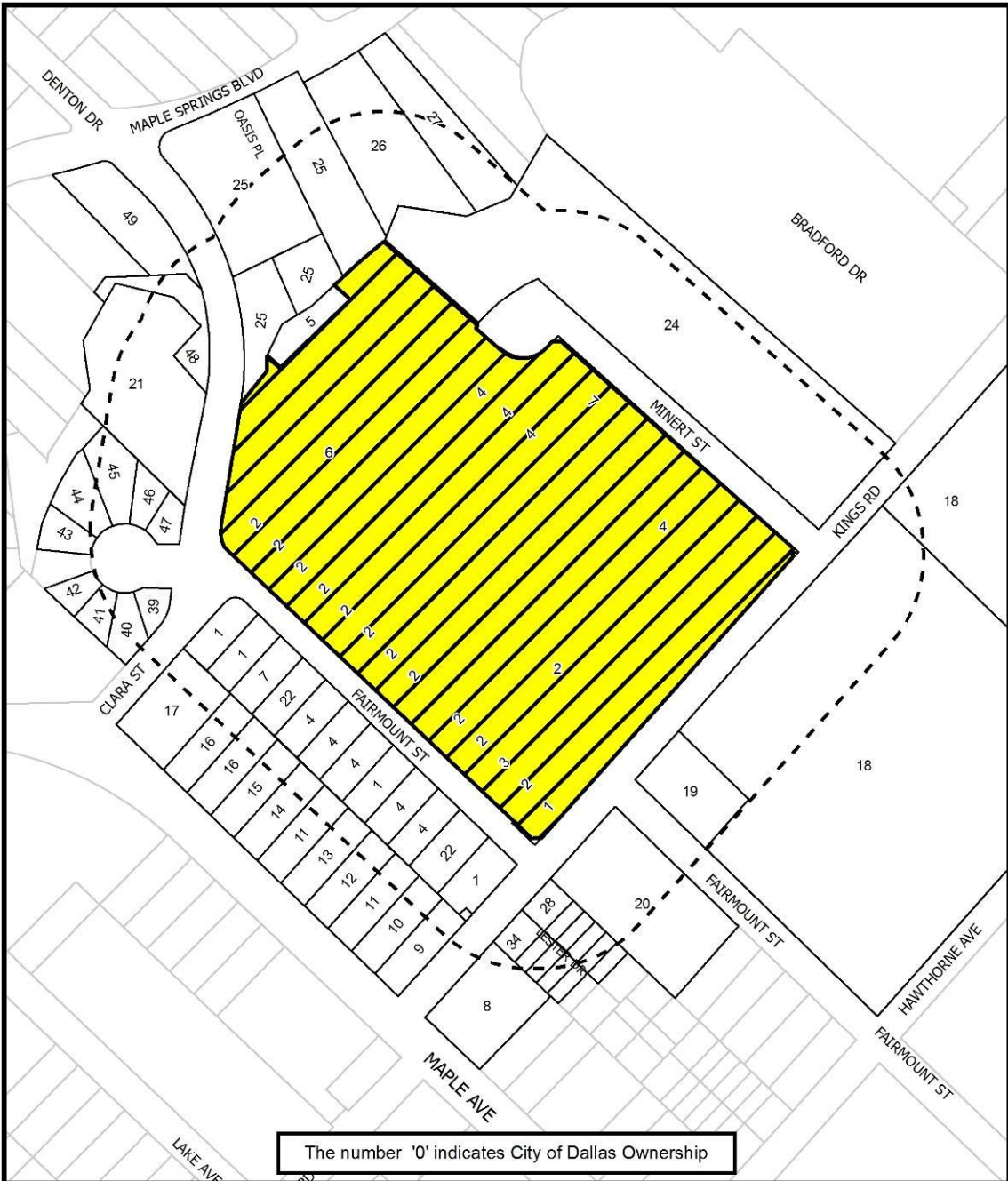
Sincerely,



Brenda Marks
President

cc: Honorable Philip Kingston
Mr. Steve Long
Mr. Frank Stich

P.O. Box 190912, Dallas, Texas 75219



| | | | |
|--|--|------------------------|----------------------------|
|  1:2,400 | NOTIFICATION | | Case no: BDA134-057 |
| | <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;">49</div> NUMBER OF PROPERTY OWNERS NOTIFIED | Date: 5/20/2014 | |

Notification List of Property Owners

BDA134-057

49 Property Owners Notified

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|----------------|-------------------------|--|
| 1 | 4703 FAIRMOUNT ST | TRG FAIRMOUNT LP |
| 2 | 4706 FAIRMOUNT ST | TRG FAIRMOUNT LP ATTN DIANE HORNQUIST |
| 3 | 4710 FAIRMOUNT ST | TRG FAIRMOUNT LP ATTN DIANE HORNQUIST |
| 4 | 4731 FAIRMOUNT ST | TRG FAIRMOUNT LP % DIANE HORNQUIST |
| 5 | 2701 MINERT ST | CEDAR SPRINGS PARTNERS LP |
| 6 | 4735 DENTON DR | TRG FAIRMOUNT LP % DIANE HORNQUIST |
| 7 | 4739 FAIRMOUNT ST | TRG FAIRMOUNT LP ATTN: DIANE HORNQUIST |
| 8 | 4636 MAPLE AVE | A & S MAPLE LLC |
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| 14 | 4724 MAPLE AVE | QUINTANILLA JOE |
| 15 | 4730 MAPLE AVE | QUINTANILLA RAY JR |
| 16 | 4732 MAPLE AVE | 4732 36 MA LTD |
| 17 | 4744 MAPLE AVE | TCG MAPLE CLARA INVESTORS LLC |
| 18 | 2820 KINGS RD | DALLAS HOUSING AUTHORITY |
| 19 | 2602 KINGS RD | EMMERT LEE BLANKENSHIP |
| 20 | 4633 FAIRMOUNT ST | NGUYEN SON T & LAN THU NGUYEN |
| 21 | 4811 DENTON DR | SKELDALE PROPERTIES INC |
| 22 | 4707 FAIRMOUNT ST | TRG FAIRMOUNT LP SUITE 900 |
| 23 | 4705 FAIRMOUNT ST | ENSERCH CORP % ATMOS ENERGY / PPTY TAX |
| 24 | 2727 KINGS RD | KINGS ROAD TOWNHOMES LLC |
| 25 | 2800 MAPLE SPRINGS BLVD | CLEVELAND STREET PARTNERS LLC |
| 26 | 2822 MAPLE SPRINGS BLVD | RIGGS GARY |

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|-------------------------|------------------------------------|
| 27 | 2902 MAPLE SPRINGS BLVD | VERGOS JAMES & CHRISTINE |
| 28 | 4622 LESTER DR | BAER GREGORY K |
| 29 | 4620 LESTER DR | KAMMERER CLARENCE W JR |
| 30 | 4618 LESTER DR | SKINNER KEVIN T & SALESKY ROBERT M |
| 31 | 4616 LESTER DR | LOGAN BOBBY ALAN |
| 32 | 4614 LESTER DR | KERSTETTER LEIGH |
| 33 | 4612 LESTER DR | BROOKS VICTOR |
| 34 | 4623 LESTER DR | GARCIA JENNIFER & |
| 35 | 4621 LESTER DR | EARL JUSTIN J |
| 36 | 4619 LESTER DR | GUPTA NARESH & RAJNEESH |
| 37 | 4617 LESTER DR | KLINE LUZ D |
| 38 | 4615 LESTER DR | HOLDER MAX R JR |
| 39 | 4803 FAIRMOUNT ST | ORTIZ JOSE A & MARIA L |
| 40 | 4807 FAIRMOUNT ST | HOWELL DONNA Y |
| 41 | 4811 FAIRMOUNT ST | FORTNER GORDON V |
| 42 | 4815 FAIRMOUNT ST | MACIAS OCTAVIO & VICTORINA |
| 43 | 4820 FAIRMOUNT ST | RODRIGUEZ PAULINO & SUSANA |
| 44 | 4816 FAIRMOUNT ST | SORIANO PASTOR P & MARIA M |
| 45 | 4812 FAIRMOUNT ST | AYALA MARIO G |
| 46 | 4808 FAIRMOUNT ST | YERSKEY JEANNE M |
| 47 | 4804 FAIRMOUNT ST | MAI TUAN & NGUYEN MY-DUNG T |
| 48 | 2500 CLARA ST | GRAF JOYCE ANN & ANN SULLIVAN |
| 49 | 2724 MAPLE SPRINGS BLVD | DIX CHARLES T |

FILE NUMBER: BDA 134-059

BUILDING OFFICIAL'S REPORT: Application of John Moncure Henderson, IV for variances to the front and side yard setback regulations, and a variance to the off-street parking regulations at 2114 Clements Street. This property is more fully described as a part of Lot 5, Block 3/2097, and is zoned R-7.5(A), which requires a front yard setback of 25 feet, a side yard setback of 5 feet, and for a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces or can be entered directly from the street. The applicant proposes to construct/maintain a structure and provide a 12 foot front yard setback, which will require a 13 foot variance to the front yard setback regulations, provide a 1 foot 3 inch side yard setback, which will require a 3 foot 9 inch variance to the side yard setback regulations, and to locate/maintain an enclosed parking space that faces and can be entered directly from the street at a distance of 13 feet, which will require a variance of 7 feet to the off-street parking regulations.

LOCATION: 2114 Clements Street

APPLICANT: John Moncure Henderson, IV

REQUESTS:

The following requests have been made in conjunction with constructing and maintaining a two-story (with finished attic) single family home structure on a site that is currently developed with a vacant one-story nonconforming single family structure/use that the applicant intends to demolish:

1. A variance to the front yard setback regulations of 13' is requested as the proposed structure (roof eave) would be located 12' from the site's front property line or 13' into the required 25' front yard setback.
2. A variance to the side yard setback regulations of 3' 9" is requested as the proposed structure and roof eaves would be located as close as 1' 3" from the site's southern side property line or 3' 9" into this required 5 side yard setback.
3. A variance to the off-street parking regulations of 7' is requested as the proposed home would have a parking space enclosed in a proposed attached garage that would be located 13' from the front property/right-of-way line or 7' into the required 20' distance from this street right-of-way.

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, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-

street parking or off-street loading, or landscape regulations provided that the variance is:

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

STAFF RECOMMENDATION (front and side yard setbacks):

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 only approximately 2,300 square feet in area or about 5,000 square feet less than the area of most lots in the R-7.5(A) zoning district that have 7,500 square feet.
- The applicant has provided information showing how his proposed development on this site (a single family home with about 2,300 square feet of living and garage space) is commensurate with other developments found on similarly zoned properties with an average approximately 2,900 square feet of living and garage space.
- Granting the variances would not appear to be contrary to public interest in that the proposed single family home would replace an existing nonconforming single family home that is noncompliant with front and side yard setbacks; and as it relates to the front yard variance request, the that fact that the subject site is the only lot in its blockface between Richmond Avenue and Prospect Street with a front yard in which to maintain.

STAFF RECOMMENDATION (off-street parking variance):

Approval, subject to the following conditions:

1. A 15' clearance between the face of the proposed garage and the property line must be provided and maintained.
2. Compliance with the submitted site plan is required.
3. An automatic garage door must be installed and maintained in working order at all times.
4. At no time may the area in front of the garage be utilized for parking of vehicles.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is only approximately 2,300 square feet in area or about 5,000 square feet less than the area of most lots in the R-7.5(A) zoning district that have 7,500 square feet.
- The applicant has provided information showing how his proposed development on this site (a single family home with about 2,300 square feet of living and garage space) is commensurate with other developments found on similarly zoned properties with an average approximately 2,900 square feet of living and garage space.
- Granting this variance with the staff suggested conditions imposed would not appear to be contrary to public interest in that Sustainable Development and Construction Department Senior Engineer has no objections on the condition that a 15' clearance is provided between the face of the proposed garage and the property line on this 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: CD 14 (Conservation District)
- East: R-7.5(A) (Single family district 7,500 square feet)
- West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

The subject site is developed with a vacant one-story nonconforming single family home/use. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

1. BDA 067-151, Property at 6141 Prospect Avenue (the lot immediately south of the subject site) On November 12, 2007, the Board of Adjustment Panel C granted a variance to the front yard setback regulations of 19'. The board imposed the following condition: compliance with the submitted site plan is required. The case report stated that the request was made in conjunction with constructing and maintaining a single family home structure in the site's Clements Street 25' front yard setback.

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- This request focuses on constructing and maintaining a two-story (with finished attic) single family structure, part of which would be located in the site's 25' front yard

setback on a property developed with a vacant one-story nonconforming single family structure/use 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 applicant has submitted a site plan that shows a structure located 12’ from the front property line or 13’ into the 25’ front yard setback.
- The applicant has also submitted a plan that denotes the building footprint of the existing vacant house on the property that appears to be a nonconforming/ “grandfathered” structure in that it appears to be constructed in 1930’s and that it is located 18.2’ from the front property line or approximately 7’ into the current 25’ front yard setback. The Dallas Development Code states that “the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.”
- The applicant intends to destroy/demolish the existing nonconforming structure hence the request for variance to the front yard setback regulations to replace/relocate a new structure back into the 25’ front yard setback.
- According to DCAD records, the “main improvement” for property at 2114 Clements Street is a structure built in 1933 with 440 square feet of living area and 440 square feet of total area; with “additional improvements” of a 200 square foot storage building.
- According to calculations taken from the submitted site plan by the Board Administrator, approximately 275 square feet (or 25 percent) of the total approximately 1,025 square foot building footprint is to be located in the 25’ front yard setback.
- The subject site is rectangular in shape (approximately 60’ x 38’) and according to the application, is 0.052 acres (or approximately 2,300 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-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 12’ from the front property line or 13’ into the 25’ front yard setback.

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- This request focuses on constructing and maintaining a two-story (with finished attic) single family structure, part of which would be located in the site's 5' side yard setback on the south side of the property developed with a vacant one-story nonconforming single family structure/use that the applicant intends to demolish.
- Structures on lots zoned R-7.5(A) are required to provide a minimum side yard setback of 5'.
- The applicant has submitted a site plan that shows the proposed structure and roof eaves located as close as 1' 3" from the site's southern side property line or 3' 9" into this required 5 side yard setback.
- The applicant has also submitted a plan that denotes the building footprint of the existing vacant house on the property that appears to be a nonconforming/ "grandfathered" structure in that it appears to be constructed in 1930's and that it is located in the two 5' side yard setbacks. The Dallas Development Code states that "the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent."
- The applicant intends to destroy/demolish the existing nonconforming structure hence the request for variances to the side yard setback regulations to replace/relocate a new structure back into the 5' side yard setbacks.
- According to DCAD records, the "main improvement" for property at 2114 Clements Street is a structure built in 1933 with 440 square feet of living area and 440 square feet of total area; with "additional improvements" of a 200 square foot storage building.
- According to calculations taken from the submitted site plan by the Board Administrator, approximately 110 square feet (or 11 percent) of the total approximately 1,025 square foot building footprint is to be located in the southern 5' side yard setback.
- The subject site is rectangular in shape (approximately 60' x 38') and according to the application, is 0.052 acres (or approximately 2,300 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The 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 this variance request, and impose the submitted site plan as a condition, the structure in the southern side yard setback would be limited to what is shown on this document– which, in this case, is a structure to be located as close as 3’ 9” into this 5’ side yard setback.

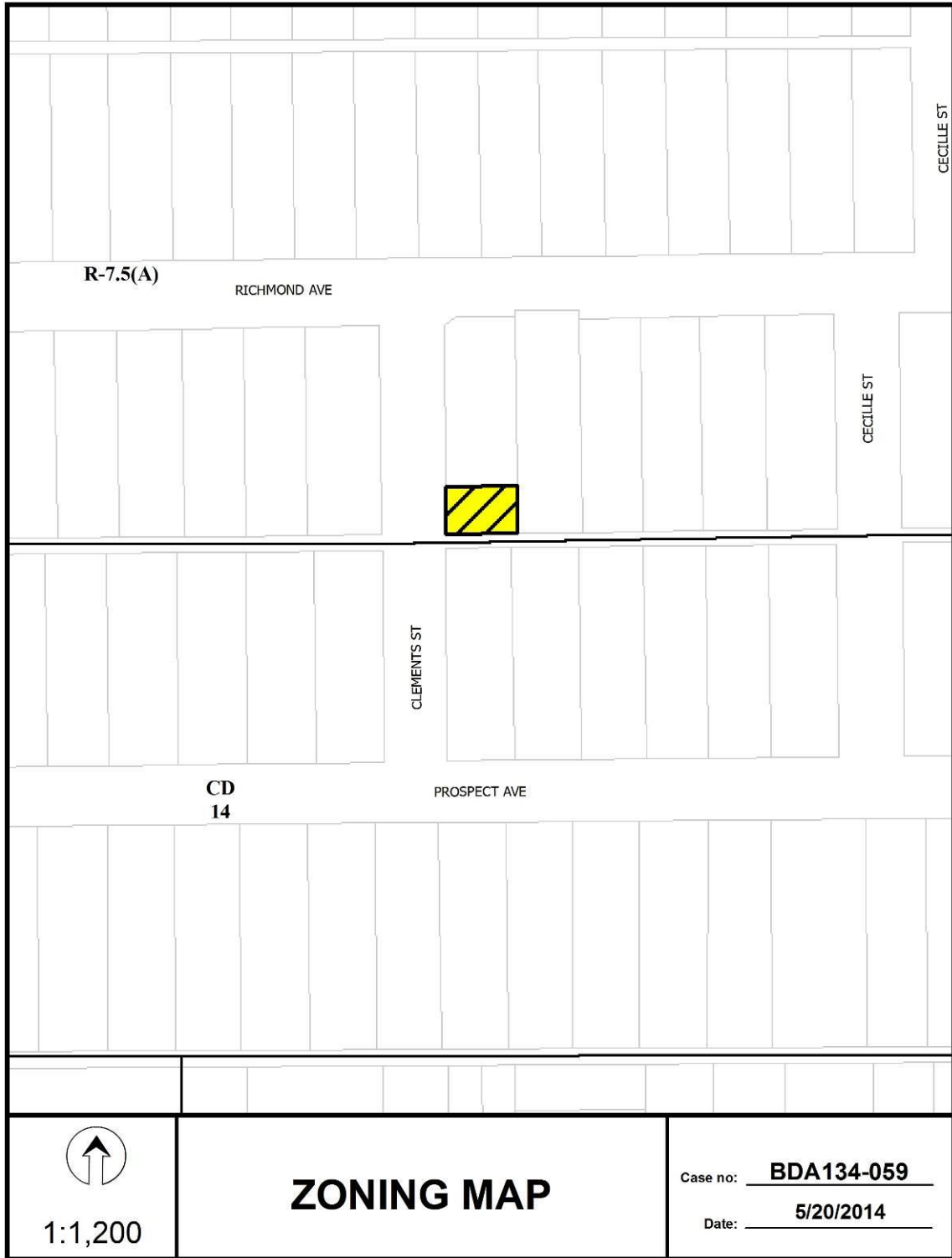
GENERAL FACTS/STAFF ANALYSIS (off-street parking variance):

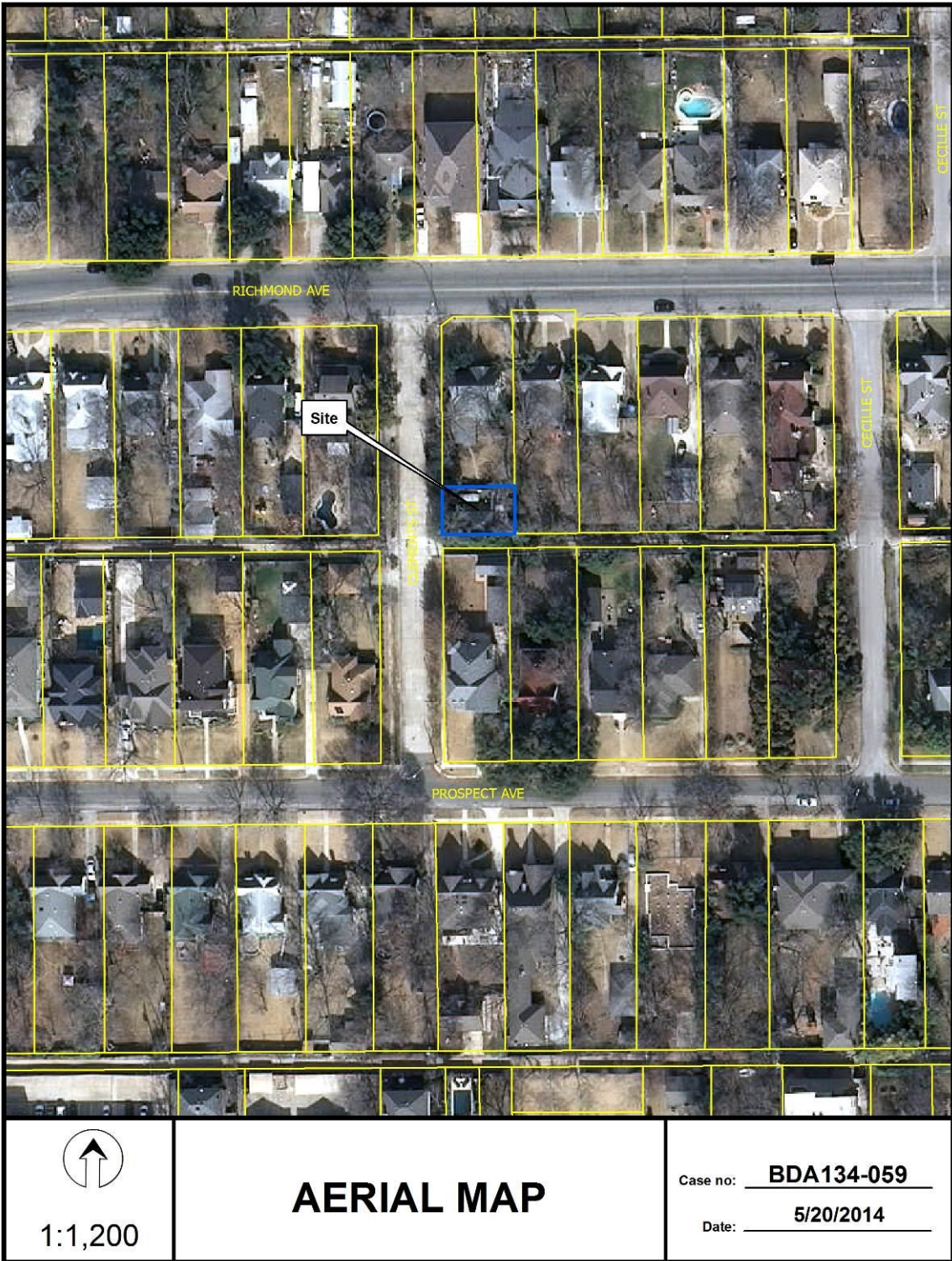
- The requests focuses on enclosing a parking space with a garage door in the proposed garage attached to the proposed single family home, where the parking space entered from Clements Street would be located less than the required 20’ distance from the street right-of-way line, more specifically where the enclosed parking space in the garage would be located 13’ from the right-of-way line or 7’ into the required 20’ distance from the Clements Street property line/right-of-way line.
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan and 1st floor plan denotes the location of an enclosed parking space in the proposed structure 13.1’ from the Clements Street street right-of-way line or approximately 31’ from the projected pavement line.
- The subject site is rectangular in shape (approximately 60’ x 38’) and according to the application, is 0.052 acres (or approximately 2,300 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- According to DCAD records, the “main improvement” for property at 2114 Clements Street is a structure built in 1933 with 440 square feet of living area and 440 square feet of total area; with “additional improvements” of a 200 square foot storage building.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant’s request marked “Has no objections if certain conditions are met” commenting “subject to provide 15’ of clearance between the face of the proposed garage and the property line instead of 13.1 feet as shown on the site plan.”
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-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, staff recommends imposing the following conditions:
 1. A 15' clearance between the face of the proposed garage and the property line must be provided and maintained.
 2. Compliance with the submitted site plan is required.
 3. An automatic garage door must be installed and maintained in working order at all times.
 4. At no time may the area in front of the garage be utilized for parking of vehicles. (These conditions are imposed to help assure that the variance will not be contrary to the public interest).

Timeline:

- April 24, 2014: 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 19, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 19, 2014: 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 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 13th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 10, 2014: 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 Interim Assistant Director of Sustainable Development and Construction, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- June 10, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting “subject to provide 15 feet of clearance between the face of the proposed garage and the property line instead of 13.1 feet as shown on the site plan.”





BDA134-059

Attach A

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that John Moncure Henderson, IV

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

at 2114 Clements Street

BDA134-059. Application of John Moncure Henderson, IV for a variance to the front yard setback regulations, a variance to the side yard setback regulations, and a variance to the off-street parking regulations at 2114 Clements Street. This property is more fully describe as a part of Lot 5, Block 3/2097, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a single family residential structure and provide a 12 foot front yard setback, which will require a 13 foot variance to the front yard setback regulation, and construct and maintain a single family residential structure and provide a 1 foot 3 inch side yard setback measured at the roof eave, which w require a 3 foot 9 inch variance to the side yard setback regulation, and to construct and maintain a single family residential structure with a front yard setback of 13 feet for an enclosed parking space, which will require a variance of 7 feet to the off-street parking regulation.

Sincerely,

Larry V. Holmes, Building Official



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-059

Data Relative to Subject Property:

Date: APRIL 24, 2014

Location address: 2114 CLEMENTS ST., 75214 Zoning District: R-7.5(A)

Lot No.: 5 Block No.: 3/2097 Acreage: 0.052 Census Tract: 11.02

Street Frontage (in Feet): 1) 38 2) _____ 3) _____ 4) _____ 5) _____ BEZA

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JOHN MONCURE HENDERSON IV & CARROLL FINNEY HENDERS

Applicant: JOHN MONCURE HENDERSON IV Telephone: 732-543-4898

Mailing Address: 4512 ABBOTT AVE. #13, DALLAS, TX Zip Code: 75205

E-mail Address: HENDERS.MHENDERSON@GMAIL.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of SIDE YARD SETBACK, FRONT SETBACK, & PARKING VARIANCE
(6.5 FT) (13 FT) (7 FT)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
THE SIZE OF THE PROPERTY PRESENTS A SEVERE HARDSHIP TO CONSTRUCT A HOUSE OF COMMENSURATE SIZE AND ALSO PROVIDE PARKING, WITHOUT THE USE OF VARIANCES.

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 JOHN MONCURE HENDERSON IV
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 24th day of APRIL, 2014



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was—Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that John Moncure Henderson, IV

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

at 2114 Clements Street

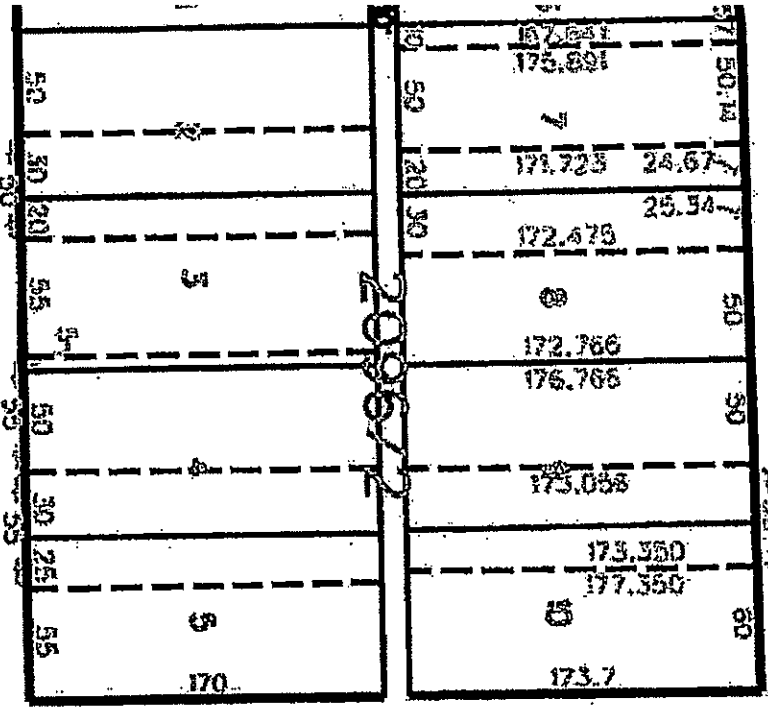
BDA134-059. Application of John Moncure Henderson, IV for a variance to the front yard setback regulations, a variance to the side yard setback regulations, and a variance to the off-street parking regulations at 2114 Clements Street. This property is more fully describe as a part of Lot 5, Block 3/2097, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a single family residential structure and provide a 12 foot front yard setback, which will require a 13 foot variance to the front yard setback regulation, and construct and maintain a single family residential structure and provide a 1 foot 6 inch side yard setback, which will require a 3 foot 6 inch variance to the side yard setback regulation, and to construct and maintain a single family residential structure with a front yard setback of 13 feet for an enclosed parking space, which will require a variance of 7 feet to the off-street parking regulation.

Sincerely,


Larry Holmes, Building Official

PROSPECT

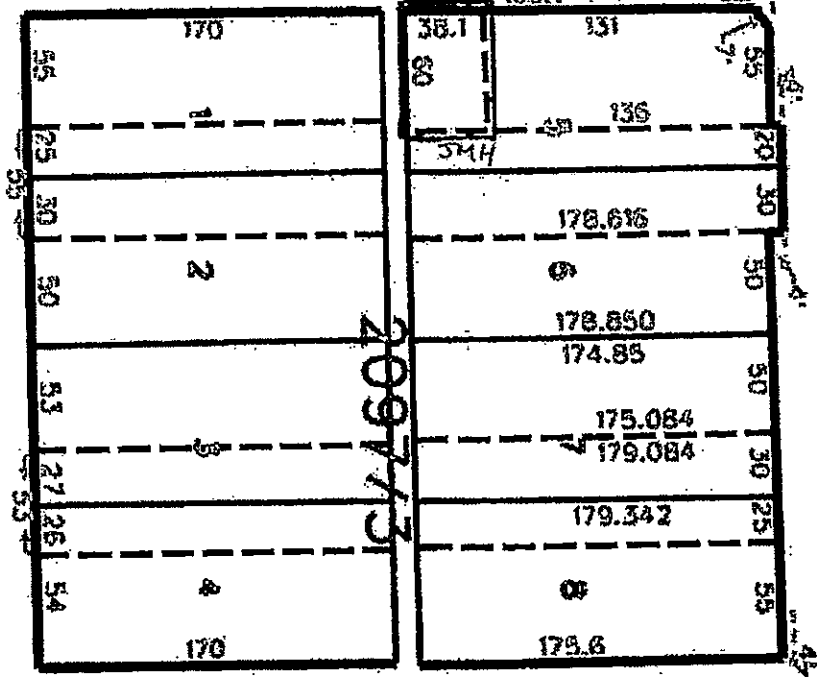
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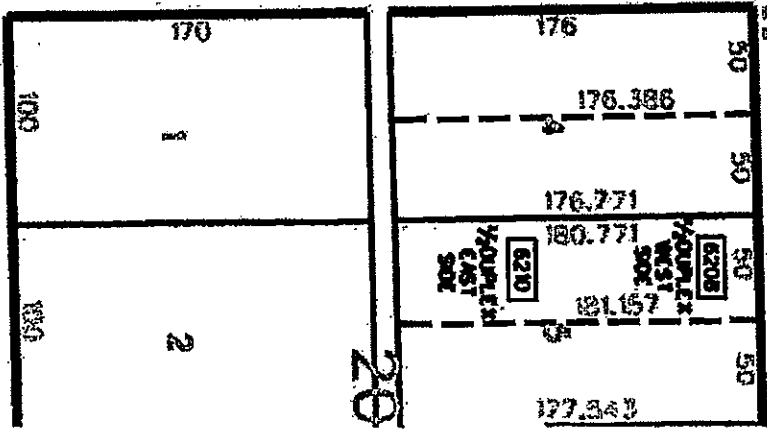
RICHMOND

6100

8 CLEMENTS ST. 2100



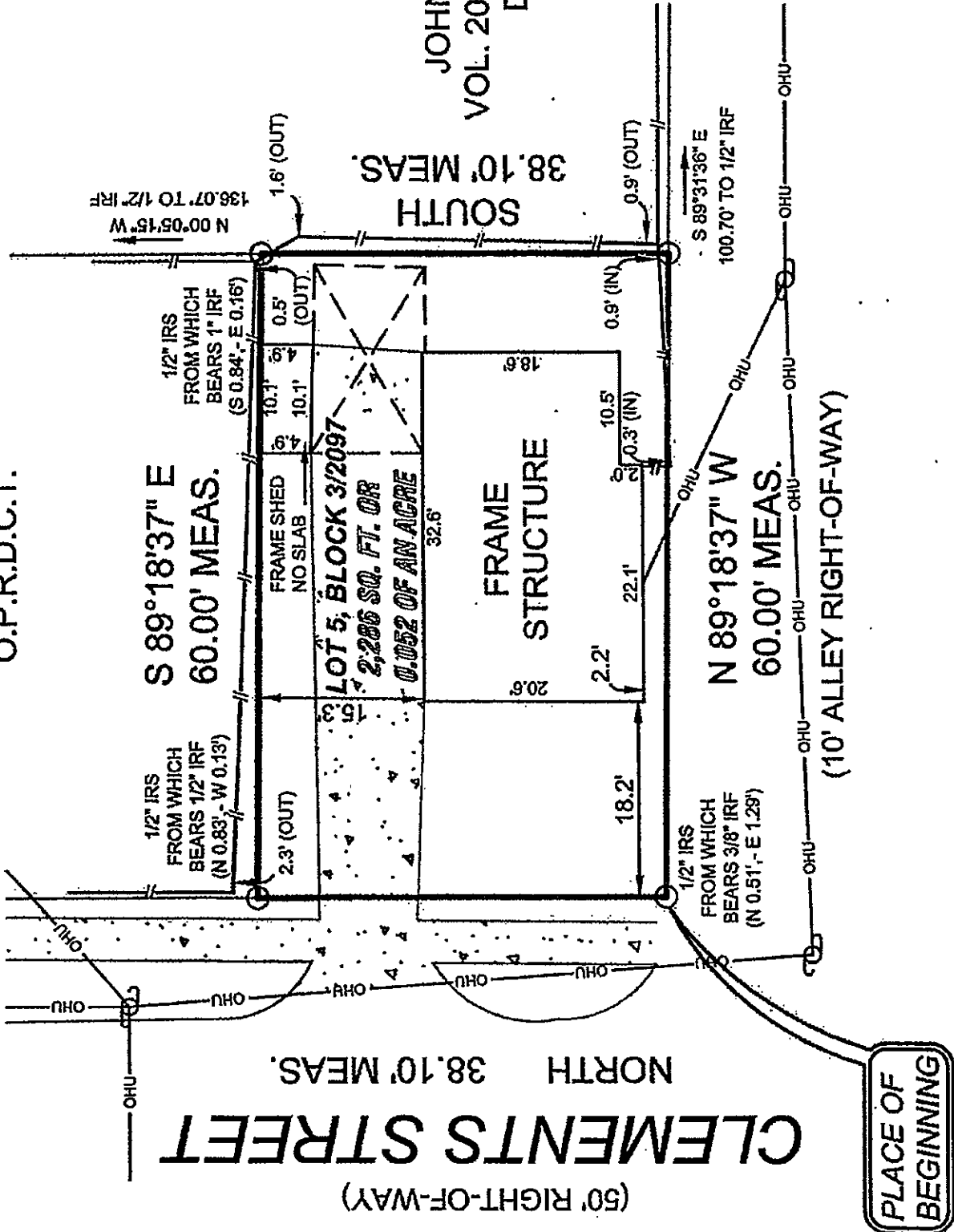
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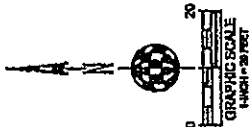
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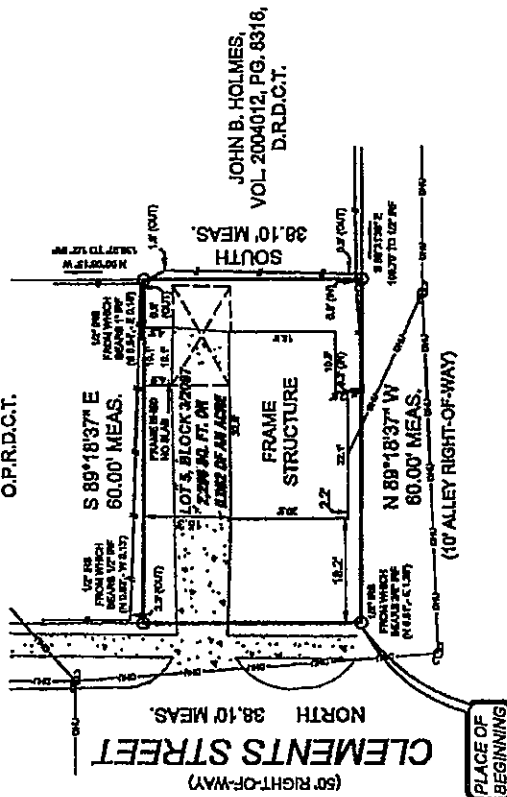


JOHN B. HOLMES,
VOL. 2004012, PG. 8318,
D.R.D.C.T.

SURVEY PLAT



NINA JEAN DENNY,
INST. NO. 201300227920,
O.P.R.D.C.T.



JOHN B. HOLMES,
VOL. 2004012, PG. 8316,
D.R.D.C.T.

SURVEYORS CERTIFICATION

I, John S. Turner, Registered Professional Land Surveyor No. 8316, do hereby certify to John Henderson, that the plat shown hereon was prepared from and represents accurately a survey made, on the ground, under my direction and supervision. Significant improvements to the property are as shown hereon. Valuable evidence of use of the subject property found on the ground is shown hereon. EXCEPT AS SHOWN, there were no visible and apparent easements, encroachments or protrusions of the ground, visible and apparent conflicts with boundaries of adjacent properties shown on the ground (if any) are as shown hereon. The area of the property as shown hereon is correct, always within shown hereon. This survey was compiled from recorded plat and other records, in conjunction with field measurements and significant and visible monumentation and evidence of boundaries found on the ground. According to the Community Plat No. 4615020353 of the Federal Emergency Management Agency Flood Insurance Risk Map or Flood Hazard Boundary Map dated 08/25/2007, The property shown hereon is located in Zone "X". (This information is protected from F.I.R.M.)



John S. Turner
John S. Turner
Professional Land Surveyor
No. 8316

This survey was performed exclusively for the parties in conjunction with the G. F. number shown hereon and is loaned for a single use. This survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work protected by United States Copyright law and international treaties. All rights reserved. Do not make legal copies.

Please note that the use of the word "CERTIFY" or "CERTIFICATE" used hereon constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied.

LEGAL DESCRIPTION

Being a part of Lot 5, Block 32097, of EDGEWORTH PARK, an Addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 2, Page 63, Map Records, Dallas County, Texas, and being the same tract of land described in deed to J. Sheffield Wade recorded in Volume 97035, Page 2574, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 6310" set for corner at the intersection of the North line of a 10-foot alley, with the East line of Clements Street, said point being at the Southwest corner of said Lot 5;

Thence North, along said East line, and being the West line of said Lot 5, a distance of 38.10 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 6310" set at the Southwest corner of that portion of said Lot 5, described in deed to Nina Jean Denny, recorded in instrument No. 201300227920, Official Public Records, Dallas County, Texas;

Thence South 89°18'37" East, 18 mts. 37 sec. East, a distance of 60.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 6310" set for corner in the West line of Lot 5, shown as recorded in Volume 2004012, Page 8316, Deed Records, Dallas County, Texas, said point being at the Southeast corner of said Denny tract;

Thence South, a distance of 38.10 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 6310" set for corner in the said North line of the 10-foot alley right-of-way, and being at the Southwest corner of said Holmes tract;

Thence North 89°18'37" East, 18 mts. 37 sec. West, along said North line, a distance of 60.00 feet to the PLACE OF BEGINNING and containing 2,288 square feet or 0.052 of an acre of land.

NOTE

This survey was performed without the benefit of an abstractor, therefore, no search of record assessments was performed on subject property.

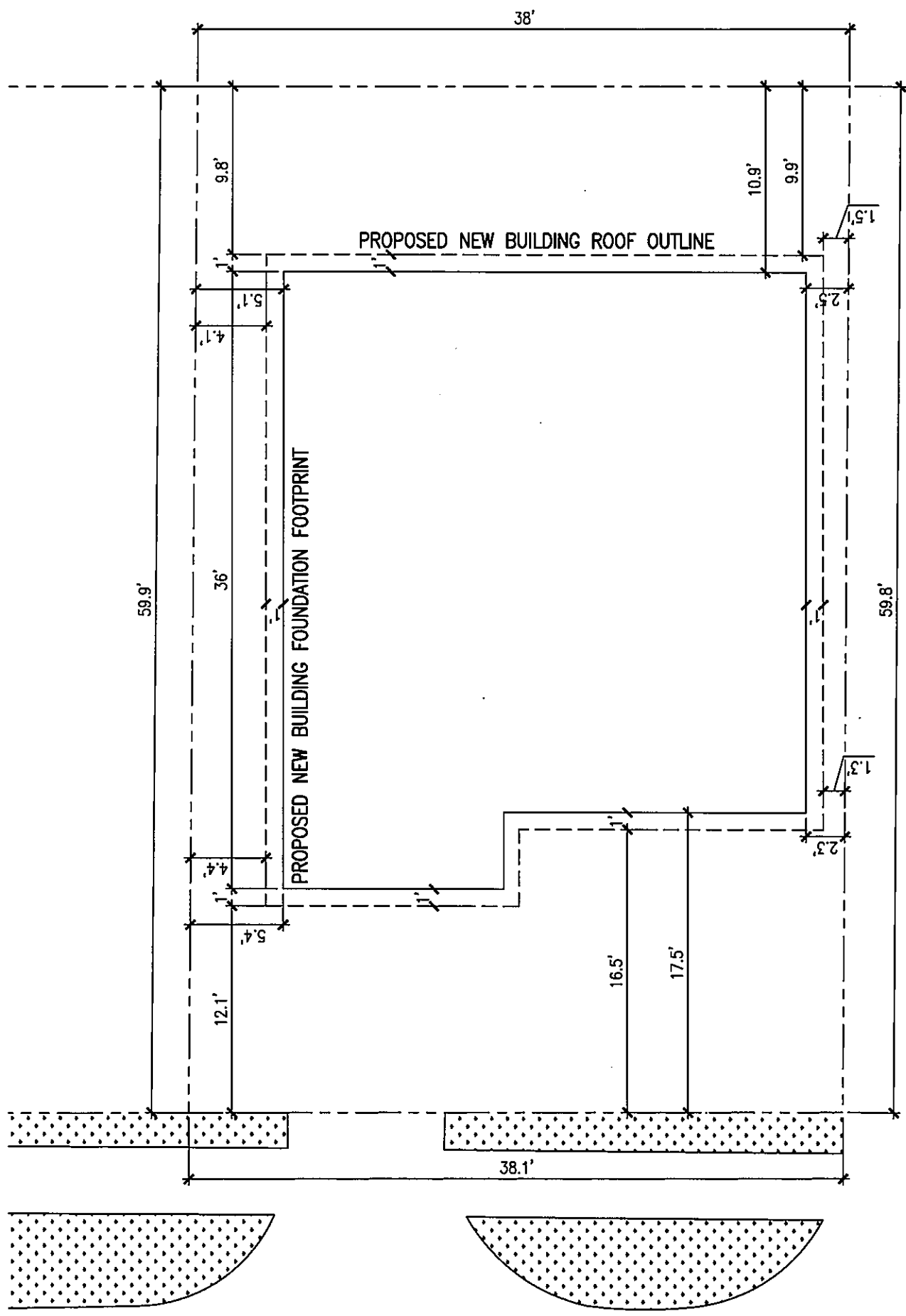
LEGEND

| | | | | | |
|----|------------|----|-------------|-----|----------|
| 1 | ASPHALT | 14 | PAVED WALK | 24 | CONCRETE |
| 2 | TRAIL MARK | 15 | PAVED DRIVE | 25 | CONCRETE |
| 3 | WOOD SIGN | 16 | PAVED DRIVE | 26 | CONCRETE |
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| 55 | WOOD SIGN | 68 | PAVED DRIVE | 78 | CONCRETE |
| 56 | WOOD SIGN | 69 | PAVED DRIVE | 79 | CONCRETE |
| 57 | WOOD SIGN | 70 | PAVED DRIVE | 80 | CONCRETE |
| 58 | WOOD SIGN | 71 | PAVED DRIVE | 81 | CONCRETE |
| 59 | WOOD SIGN | 72 | PAVED DRIVE | 82 | CONCRETE |
| 60 | WOOD SIGN | 73 | PAVED DRIVE | 83 | CONCRETE |
| 61 | WOOD SIGN | 74 | PAVED DRIVE | 84 | CONCRETE |
| 62 | WOOD SIGN | 75 | PAVED DRIVE | 85 | CONCRETE |
| 63 | WOOD SIGN | 76 | PAVED DRIVE | 86 | CONCRETE |
| 64 | WOOD SIGN | 77 | PAVED DRIVE | 87 | CONCRETE |
| 65 | WOOD SIGN | 78 | PAVED DRIVE | 88 | CONCRETE |
| 66 | WOOD SIGN | 79 | PAVED DRIVE | 89 | CONCRETE |
| 67 | WOOD SIGN | 80 | PAVED DRIVE | 90 | CONCRETE |
| 68 | WOOD SIGN | 81 | PAVED DRIVE | 91 | CONCRETE |
| 69 | WOOD SIGN | 82 | PAVED DRIVE | 92 | CONCRETE |
| 70 | WOOD SIGN | 83 | PAVED DRIVE | 93 | CONCRETE |
| 71 | WOOD SIGN | 84 | PAVED DRIVE | 94 | CONCRETE |
| 72 | WOOD SIGN | 85 | PAVED DRIVE | 95 | CONCRETE |
| 73 | WOOD SIGN | 86 | PAVED DRIVE | 96 | CONCRETE |
| 74 | WOOD SIGN | 87 | PAVED DRIVE | 97 | CONCRETE |
| 75 | WOOD SIGN | 88 | PAVED DRIVE | 98 | CONCRETE |
| 76 | WOOD SIGN | 89 | PAVED DRIVE | 99 | CONCRETE |
| 77 | WOOD SIGN | 90 | PAVED DRIVE | 100 | CONCRETE |

2114 CLEMENTS STREET
DALLAS, TEXAS

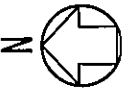
A&W SURVEYORS, INC.
Professional Land Surveyors
P.O. BOX 870204, MCKINNEY, TX 75147
PHONE: (972) 961-4878 FAX: (972) 961-4864
WWW.AANDWSURVEY.COM

DATE: 01-28-2008
DRAWN BY: GJA
CHECKED BY: JSD/RTD/20080128



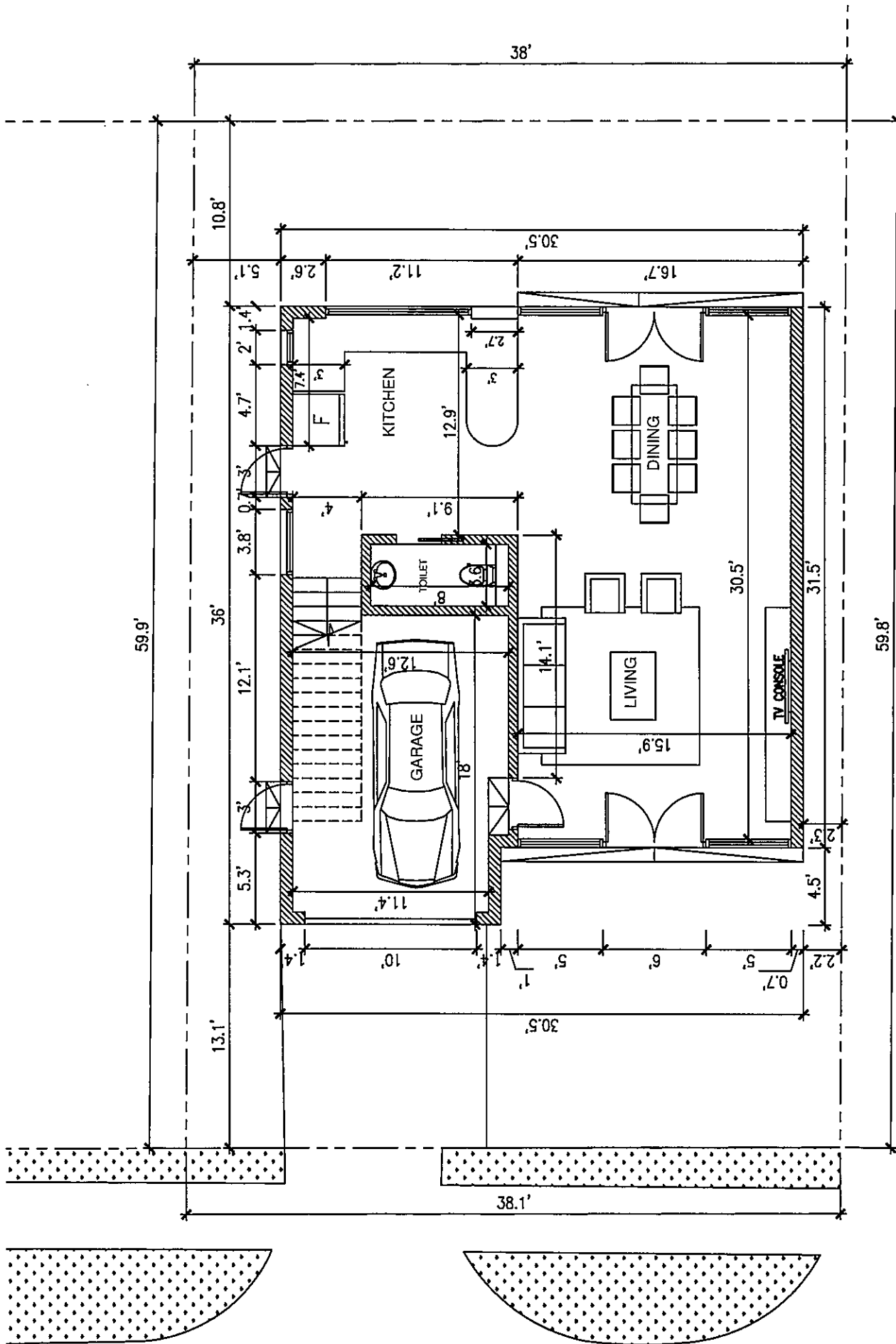
10' ALLEY RIGHT-OF-WAY

| | |
|---|--|
| <p>LOT 5, BLOCK 32097 EDGEWORTH PARK ADDITION, 2114 CLEMENS STREET, CITY OF DALLAS, COUNTY OF DALLAS, TEXAS 75214</p> | |
| NOTE | |
| 1) LAND AREA = 2076.5 SQFT | |
| 2) MAX ALLOWABLE FOOTPRINT = 65% OF LAND AREA = 1024.4 SQFT | |
| 3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT | |



1 PROPOSED NEW BUILDING FOUNDATION FOOTPRINT & ROOF OUTLINE
1/8" TO 1"

(25 APR 2014)

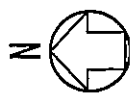


10' ALLEY RIGHT-OF-WAY

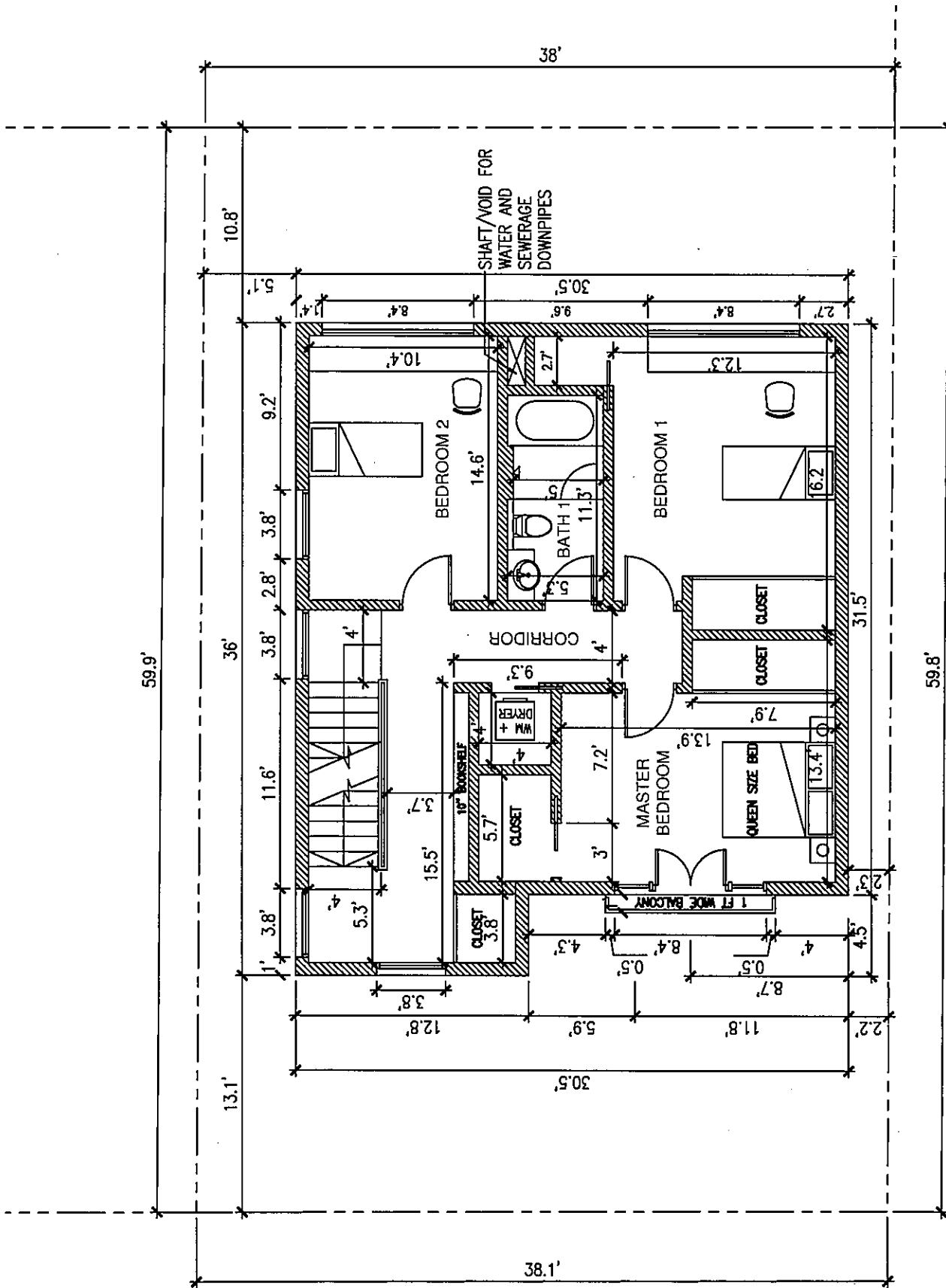
LOT 5, BLOCK 32097 EDMONT PARK ADDITION,
 2114 CLEMENTS STREET, CITY OF DALLAS,
 COUNTY OF DALLAS, TEXAS 75214

NOTE
 1) LAND AREA = 2276.5 SQFT
 2) MAX. ALLOWABLE FOOTPRINT
 = 45% OF LAND AREA = 1024.4 SQFT
 3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT

1 1ST STOREY PLAN
 1/8" TO 1"



(25 APR 2014)

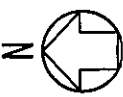


10' ALLEY RIGHT-OF-WAY

LOT 5, BLOCK 32097 EDMONT PARK ADDITION,
2114 CLEMENTS STREET, CITY OF DALLAS,
COUNTY OF DALLAS, TEXAS 75214

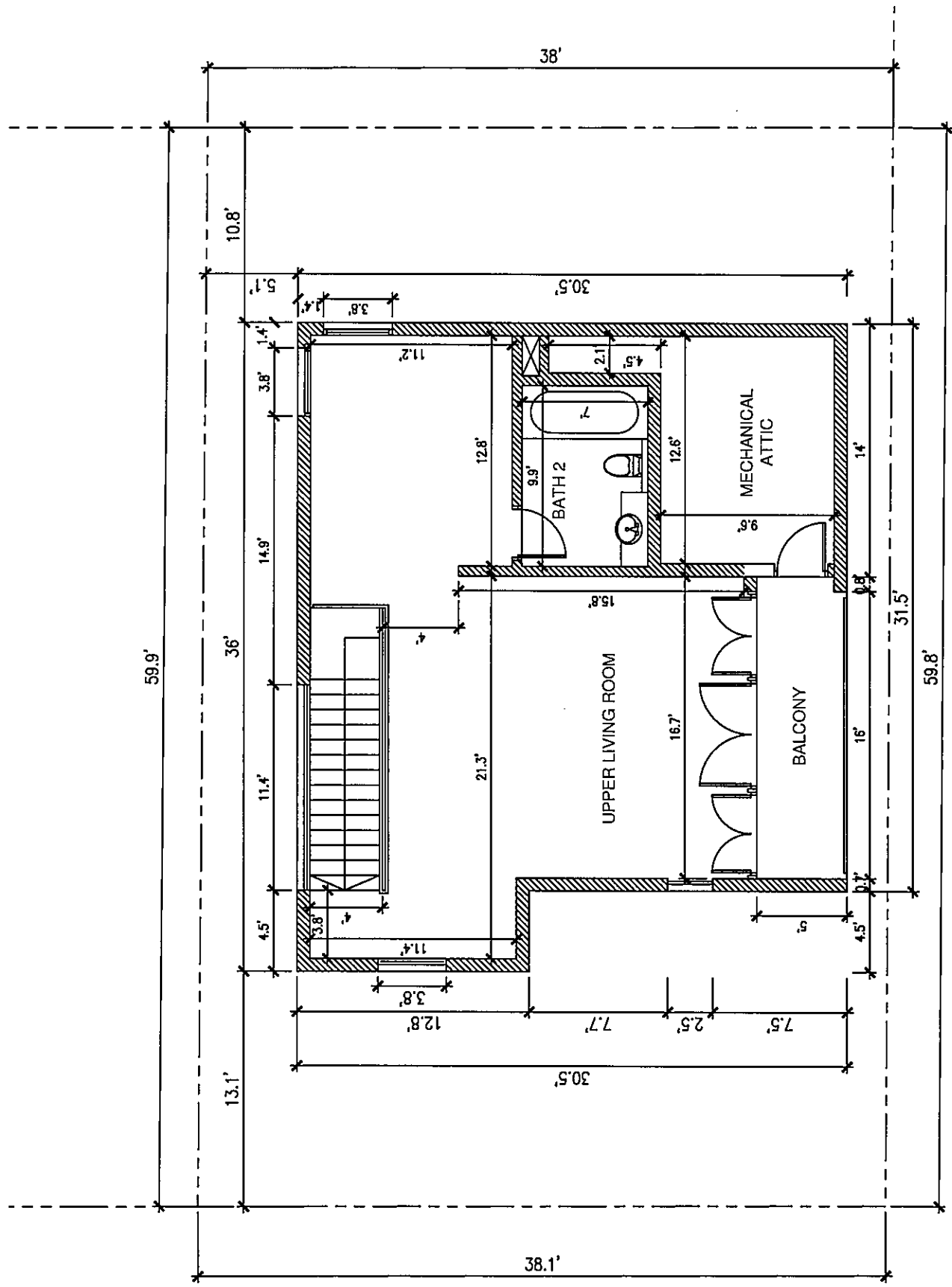
NOTE
1) LAND AREA = 2276.5 SQFT
2) MAX. ALLOWABLE FOOTPRINT
= 45% OF LAND AREA = 1024.4 SQFT
3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT

1 2ND STOREY PLAN
1/8" TO 1"



(25 APR 2014)

R

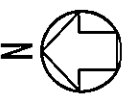


10' ALLEY RIGHT-OF-WAY

LOT 5, BLOCK 62087 EDMONT PARK ADDITION,
2114 CLEMENTS STREET, CITY OF DALLAS,
COUNTY OF DALLAS, TEXAS 75214

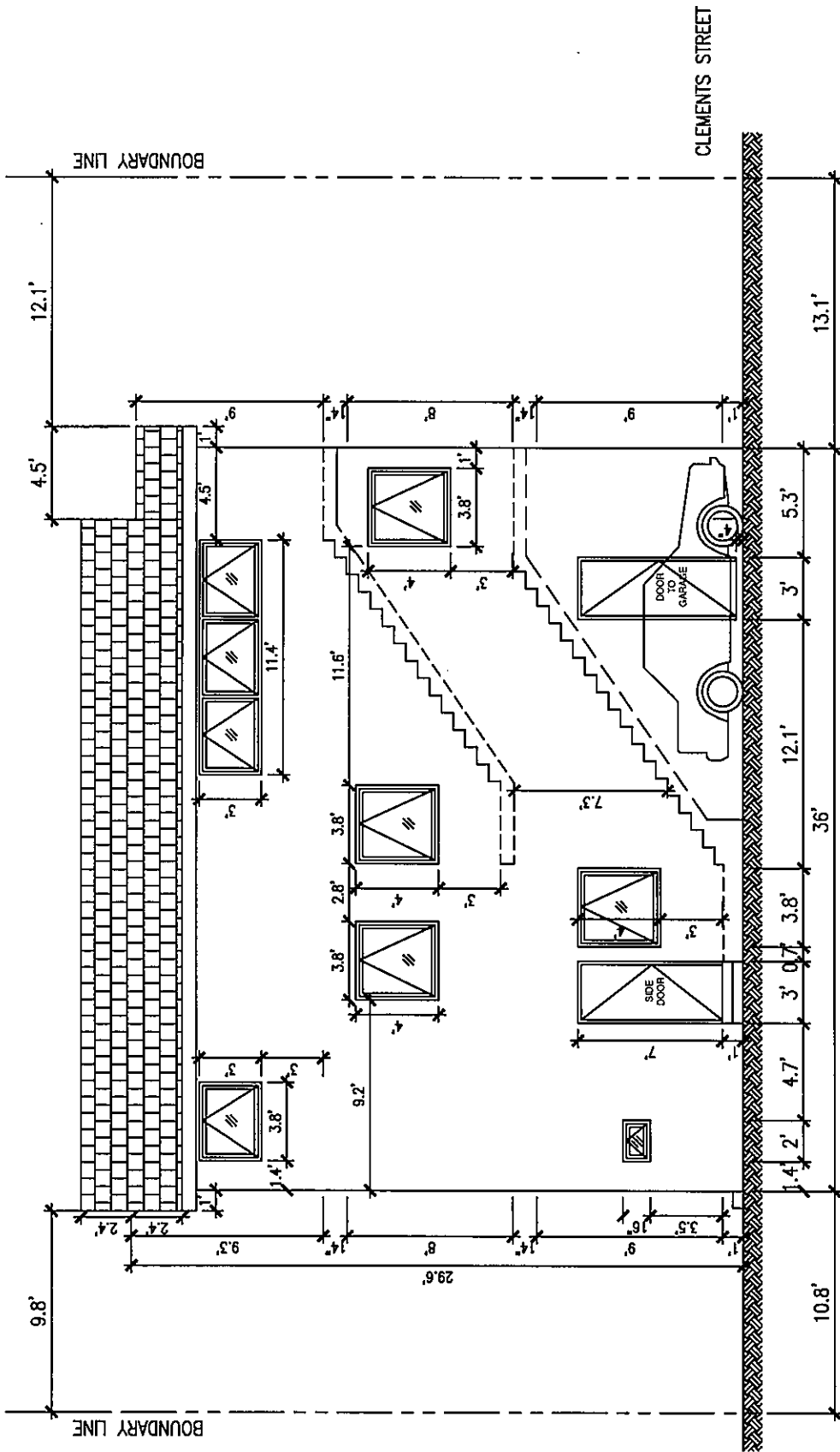
NOTE
1) LAND AREA - 2276.5 SQFT
2) MAX ALLOWABLE FOOTPRINT
= 45% OF LAND AREA = 1024.8 SQFT
3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT

1 3RD STOREY PLAN
1/8" TO 1"



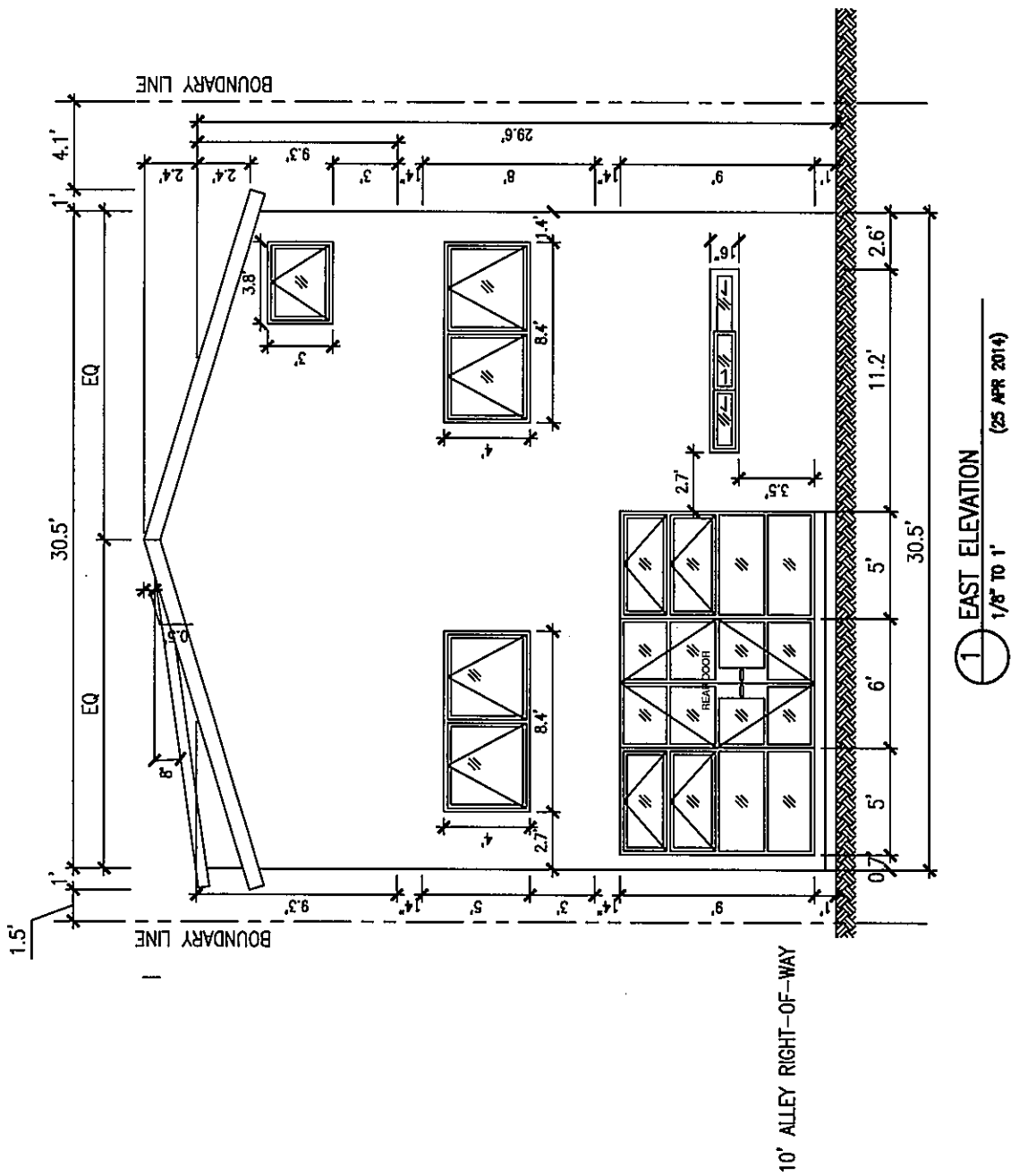
(25 APR 2014)

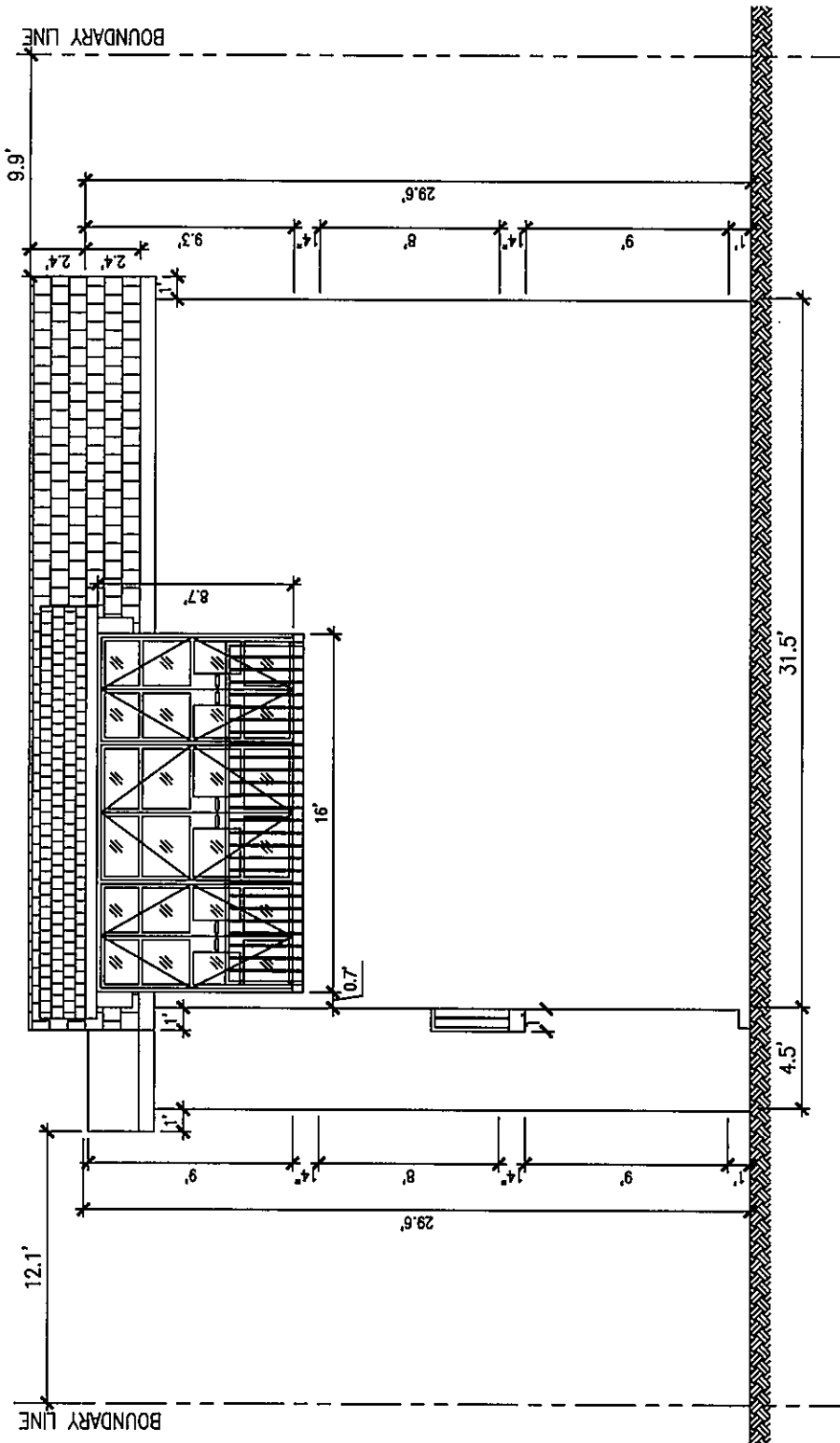
R



1 NORTH ELEVATION
1/8" TO 1" (25 APR 2014)

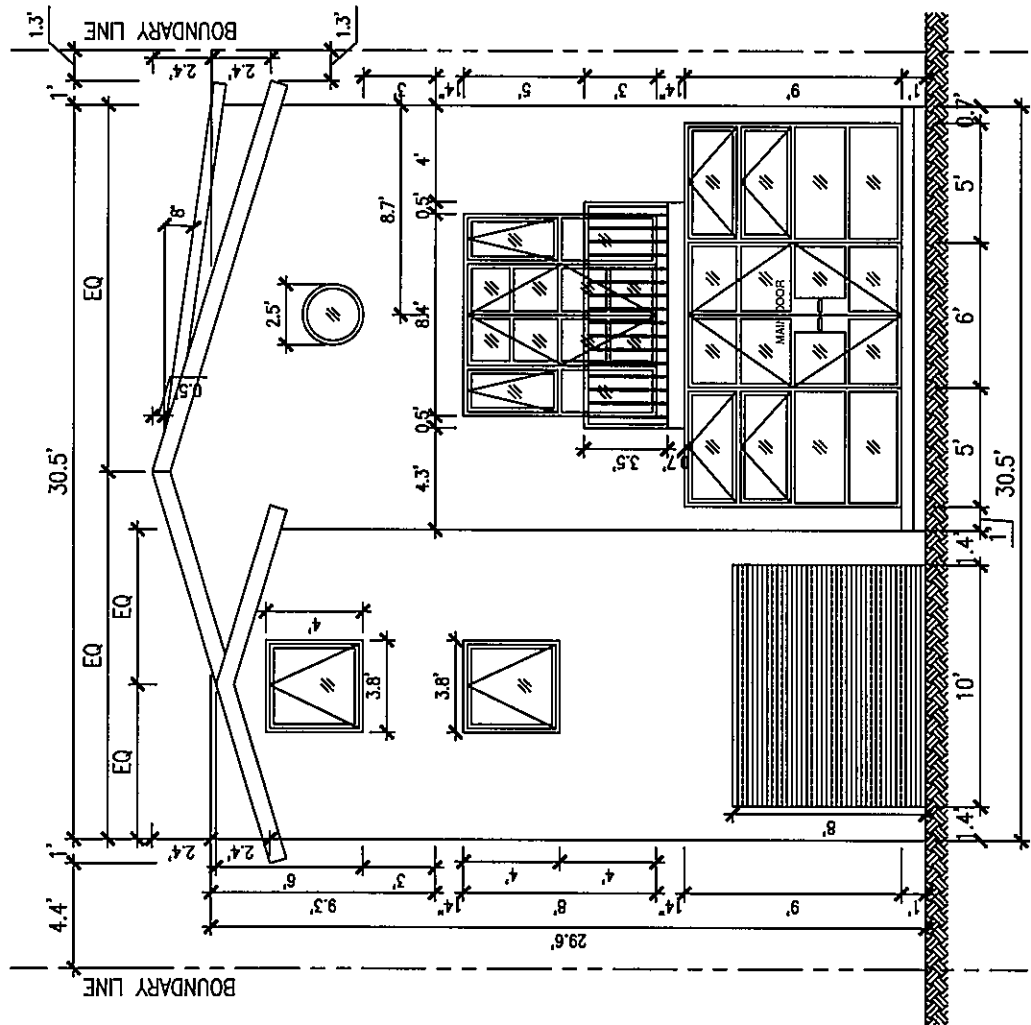
R





1 SOUTH ELEVATION
 1/8" TO 1" (25 APR 2014)

R



2 WEST ELEVATION
 1/8" TO 1" (25 APR 2014)

R

Variance Application

**John Moncure Henderson IV & Carroll Finney Henderson
2114 Clements St
Dallas, TX 75214**

We want to build a 3 bedroom/2.5 bath house that is commensurate with the other houses in this neighborhood, all of which are under the same R-7.5(A) zoning. The total size of our lot is 2,276.5 sq ft, which is about a third of the size of residential lots in the area.

Even though the size of the lot is much smaller than surrounding lots, it is still subject to the same R-7.5(A) setbacks as the larger lots. These setbacks further reduce the buildable footprint and put a severe hardship on us. Due to the restrictive size of the lot, we are forced to apply for a side yard setback variance, a front yard setback variance and a parking variance.

The primary challenge this lot has is the small area. Under the zoning setbacks, we can only build a structure with a ~28 ft x 30 ft footprint, including a car park area. In addition, our lot is further restricted because the lot adjoins an alleyway. These factors combine to make it extremely difficult to fulfill the parking requirements and build a commensurate house.

We have attempted numerous layout designs with a variety of different setbacks, and we have sought to minimize the deviations from the zoning, but we still need the variances to construct a commensurate structure with livable interior spaces and parking. In terms of setbacks (and also from a visual perspective) we have tried to design a structure that is as similar as possible to the existing ~600 sq ft structure's setbacks. The south side setback that we are requesting is the same as the current existing house and the front setback is only ~5 feet closer to the street than the existing house.

The structure that we are proposing complies with most of the zoning requirements, and we are only seeking what we believe are the minimum variances that would be needed if this lot is to have a building that fits into the surrounding residential neighborhood. In other words, our proposed structure is below the 45% lot coverage requirement; is below the height restrictions of the current zoning; fulfills the rear setback zoning to maintain a usable backyard that can be landscaped, and maintains one side setback at current zoning. The reduced front and side setback that we are applying for are both needed to build a commensurate house with livable interior spaces and fulfill the need for parking.

From a fire code perspective, on the side of the property that we are requesting a reduced setback, our proposed house is ~16 feet away from a small structure across the alley (which is also the case with the existing house

that is currently on the property). Due to the alley, a structure cannot ever be built any closer to our proposed structure closer than ~14 feet away. On the adjoining lots, the closest existing house is ~36 feet away from our property line. None of the other properties that adjoin the alleyway on this block use the alleyway as an access point to their property. We want to keep our proposed house design commensurate with the other houses in the area and use the existing front entry drive way.

Other new houses being built in the area in the same zoning are much larger in footprint, square footage, width, depth, and height. We, obviously, cannot (and do not want to) fit a house of those dimensions on to this lot, but we are in the public interest by building a house that is commensurate with the size of this lot.

We are in the public interest by building a house that is of a similar distance to the street as the other existing houses. The front setback of our proposed house (13 ft) is still larger than the side setbacks that are our house is in visual comparison to, i.e. the house directly south of the lot has a ~5 ft setback to Clements Street and the house directly north of the lot has a ~7 ft setback to Clements Street. Furthermore, both of those adjoining properties have fences that are built to the property line, which visually pushes our house back from the street.

We are in the public interest by investing a significant sum of money to develop a property in the city of Dallas for our family that increases the tax base of the city. We are not investing this money as a developer to flip or sell this house, but to live in it and contribute to the neighborhood.

We are in the public interest by adapting our house design around the existing mature pecan tree on the property. A certified arborist has examined the tree and proposed construction methods to mitigate any impact on the tree. We are in the public interest by designing a house that keeps both a backyard and front yard as a significant percentage of the lot coverage and leaves enough room to plant additional trees.

When taken together, all the above points clearly show that we need the variances to over come the hardship of such a small lot to build a house that is commensurate to other houses in the same zoning.

Long, Steve

From: (Jay Henderson) <hendersonhenderson@gmail.com>
Sent: Monday, May 26, 2014 11:42 PM
To: Long, Steve
Subject: Re: BDA 134-059, Property at 2114 Clements Street
Attachments: 2114.Clements.St.Addition.HENDERSON.pdf

Hi Mr. Long,

Thanks for sending this along. Your email was actually sent to my spam folder, but your emails should come through now that you're in my contacts. I read the application and it seems pretty straightforward without any issues brought up by the building inspector.

Attached is the house size comparison table for R-7.5(A) zoning. Since I am not an expert on this, please let me know if there is any labeling that should change on the table. All of the information is from the DCAD website and all of the addresses are in the immediate vicinity of 2114 Clements St.

Also attached is the proposed building footprint overlaid with the existing building's footprint. I think this pretty clearly shows how the proposed design mimics the existing structure and current driveway.

Please add both of these documents to my file to be given to the board if there is no issue with them.

I'll give you a call on Tuesday morning to make sure you received these.

Thanks,
Jay Henderson

On Mon, May 19, 2014 at 9:54 AM, Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Mr. Henderson,

Here is information regarding your board of adjustment application referenced above, most of which we spoke about on the phone last week:

1. Your submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled June 23rd Panel C public hearing.
2. The standard as to how the board is able to consider/grant a variance to the front and side yard setback and off-street parking regulations (51A-3.102(d)(10)).
3. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board beyond what is included in the attached application materials.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Reports/second pages of your applications (page 2 of 15 in the application materials that are attached) and contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, May 28th with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report regarding the specific numbers related to required and provided setbacks are incorrect. (Note that the discovery of any additional appeal needed other than the requested front and side yard setback and off-street parking variances will result in postponement of the appeals until the panel's next regularly scheduled public hearing).

Lastly, I would encourage you to contact Ali Hatefi, City of Dallas Sustainable Development Department Senior Engineer at 214/948-5379 to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your off-street parking variance request.

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

Thanks,

Steve

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

Steve Long, Board of Adjustment Administrator

City of Dallas Sustainable Development and Construction

1500 Marilla Street, Room 5BN

Dallas, Texas 75201

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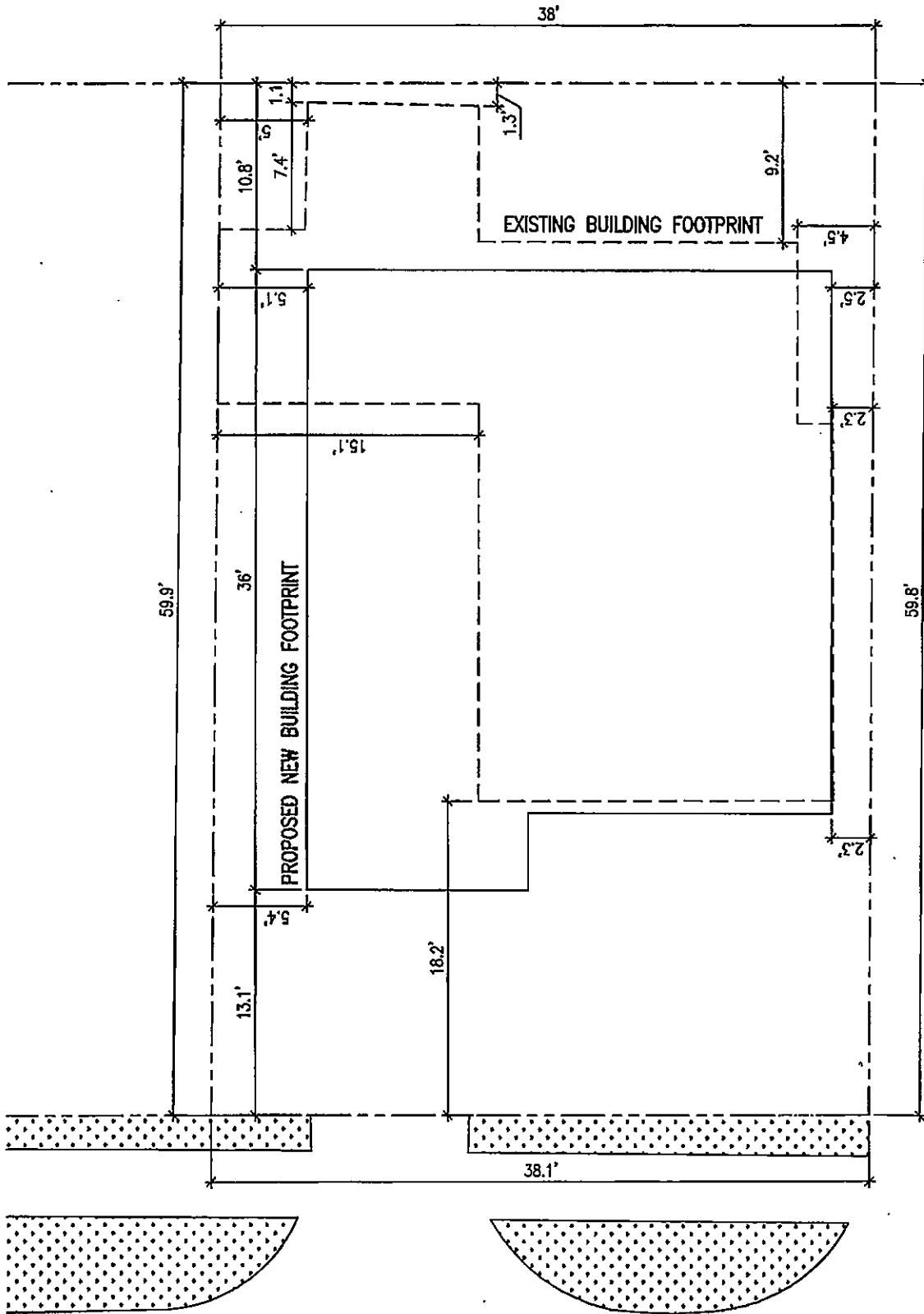
Jay Henderson

House Size Comparison List

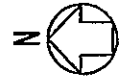
| Address | Zoning | Living Area Sq. Ft. | Additional Improvement Sq. Ft. |
|---------------------|----------|---------------------|--------------------------------|
| 6136 Llano Ave | R-7.5(A) | 2,624 | 520 (Detached Garage) |
| 6237 Belmont Ave | R-7.5(A) | 2,358 | 400 (Detached Garage) |
| 6145 Richmond Ave | R-7.5(A) | 2,848 | None |
| 6158 Velasco Ave | R-7.5(A) | 3,119 | 483 (Attached Garage) |
| 6127 Goliad Ave | R-7.5(A) | 2,888 | 640 (Detached carport) |
| 6154 Vickery Blvd | R-7.5(A) | 2,686 | 456 (Detached Garage) |
| 6166 Vanderbilt Ave | R-7.5(A) | 3,194 | 598 (Detached Garage) |
| 6230 Marquita Ave | R-7.5(A) | 1,460 | 360 (Detached Garage) |
| 6014 Goodwin Ave | R-7.5(A) | 2,744 | 460 (Attached Garage) |
| 6212 Mercedes Ave | R-7.5(A) | 1,509 | 400 (Detached Garage) |

**All information from DCAD website.*

| | | |
|----------------------------------|--------------|-------------|
| AVERAGE SQ. FT. | 2543 | 432 |
| PROPOSED BUILDING SQ. FT. | ~2093 | ~223 |
| DIFFERENCE | -450 SQ. FT. | -209 SQ. FT |

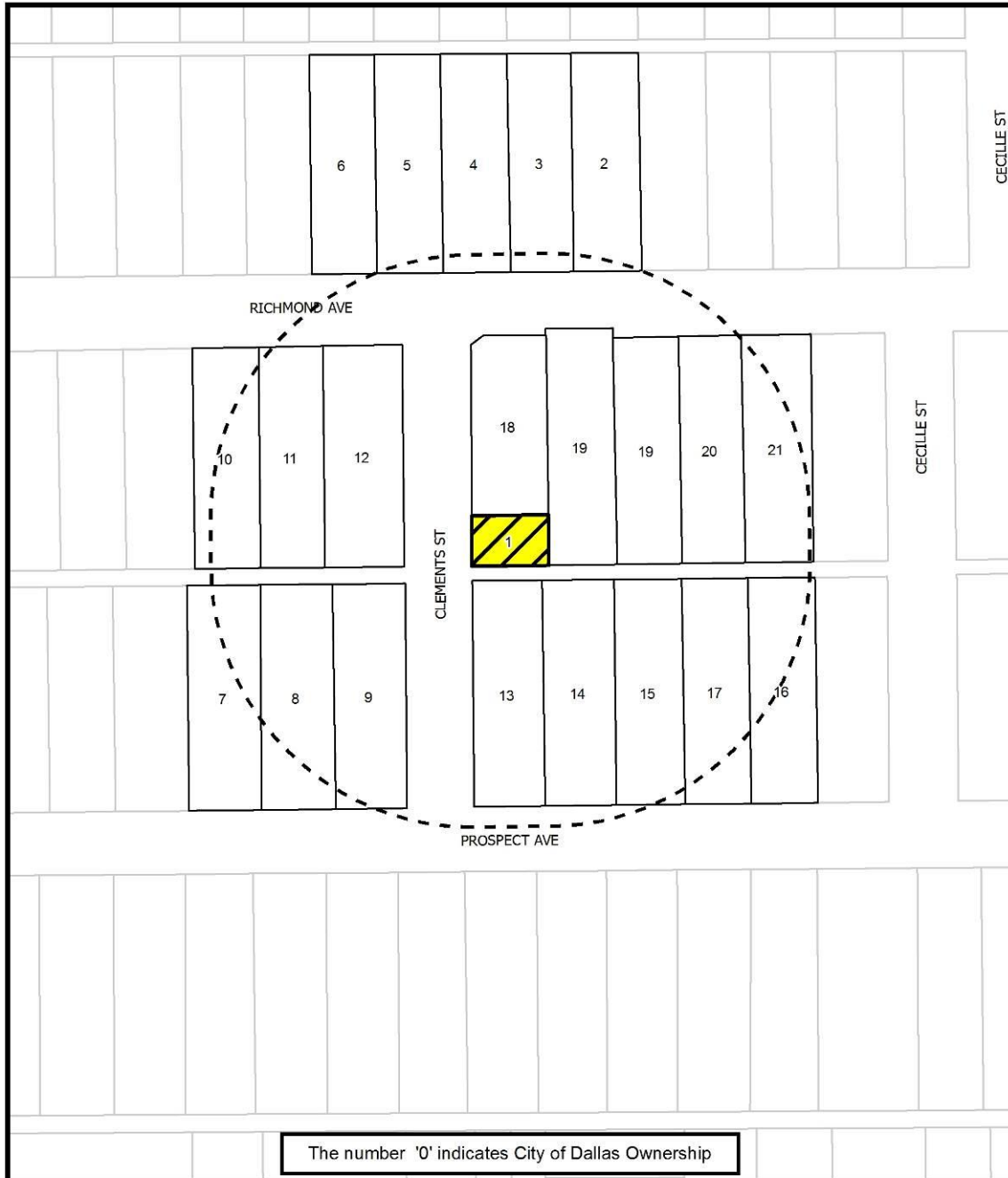


10' ALLEY RIGHT-OF-WAY



1 EXISTING BUILDING OVERLAP WITH PROPOSED NEW BUILDING
 1:100 AT 44 (25 APR 2014)

| | |
|---|---|
| <p>LOT 5, BLOCK 32097 EDMONT PARK ADDITION, 2114 CLEMENTS STREET, CITY OF DALLAS, COUNTY OF DALLAS, TEXAS 75214</p> | <p>NOTE 1) LAND AREA = 2276.5 SQFT 2) MAX. ALLOWABLE FOOTPRINT = 45% OF LAND AREA = 1024.4 SQFT 3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT</p> |
|---|---|



| | | | | | |
|--|---|----------------------------|----------------------|-----------|------------------------------------|
|  1:1,200 | NOTIFICATION | Case no: BDA134-059 | | | |
| | <table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">21</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 21 | NUMBER OF PROPERTY OWNERS NOTIFIED |
| 200' | AREA OF NOTIFICATION | | | | |
| 21 | NUMBER OF PROPERTY OWNERS NOTIFIED | | | | |

Notification List of Property Owners

BDA134-059

21 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|------------------------------------|
| 1 | 2114 CLEMENTS ST | WADE J SHEFFIELD |
| 2 | 6147 RICHMOND AVE | GESIN SHERRI |
| 3 | 6145 RICHMOND AVE | CHEATHAM JUNE GARLAND |
| 4 | 6139 RICHMOND AVE | BAKER CAROLYN A |
| 5 | 6133 RICHMOND AVE | M CHRISTOPHER INVESTMENTS LLC 2011 |
| 6 | 6131 RICHMOND AVE | MANKOFF SCOTT |
| 7 | 6123 PROSPECT AVE | ROWLAND JARROD M & KRISTI M |
| 8 | 6127 PROSPECT AVE | BAIMA SCOTT A & HAVEN BAIMA |
| 9 | 6133 PROSPECT AVE | TALLEY OLIVE J |
| 10 | 6122 RICHMOND AVE | RODELY JACK & |
| 11 | 6126 RICHMOND AVE | REILLY BOBBIE |
| 12 | 6130 RICHMOND AVE | SELF JAMES & LANA SELF |
| 13 | 6141 PROSPECT AVE | CORBEIL STEVE |
| 14 | 6145 PROSPECT AVE | HARDIE J PAUL |
| 15 | 6149 PROSPECT AVE | CALDWELL MELISSA W & RICHARD JR |
| 16 | 6157 PROSPECT AVE | ADKINS MICHAEL J |
| 17 | 6153 PROSPECT AVE | WEINSTEIN MICHAEL B |
| 18 | 6140 RICHMOND AVE | DENNY JAY W & BEVERLY T |
| 19 | 6144 RICHMOND AVE | HOLMES JOHN B |
| 20 | 6152 RICHMOND AVE | MAJORS KERRI ANNE |
| 21 | 6156 RICHMOND AVE | BATY R GAINES |