

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, AUGUST 18, 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 June 23, 2014 Board of Adjustment Panel C Public Hearing Minutes	M1
The City Attorney's Office will brief on certain Dallas Development Code standards regarding applications to the Board of Adjustment and procedures of the Board of Adjustment.	M2

---

**UNCONTESTED CASES**

---

<b>BDA 134-065D</b>	3005 Fairmount Street <b>REQUEST:</b> Application of Ann Covington-Wilburn, represented by Craig Barnes, for a special exception to the landscape regulations	1
<b>BDA 134-067</b>	9229 Hathaway Street <b>REQUEST:</b> Application of Guadalupe Mora represented, by Homero Duarte, for a special exception to the fence height regulations	2
<b>BDA 134-074</b>	3000 Turtle Creek Plaza <b>REQUEST:</b> Application of Ken Reese, represented by Robert Reeves and Associates, for a variance to the side yard setback regulations	3

**BDA 134-075**

8333 Douglas Avenue

4

**REQUEST:** Application of Maxwell Fisher of Masterplan for a special exception to the off-street parking regulations

---

**HOLDOVER CASE**

---

**BDA 134-059**

2114 Clements Street

5

**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 June 23, 2014 public hearing minutes.

**MISCELLANEOUS ITEM NO. 2**

The City Attorney's Office will brief on certain Dallas Development Code standards regarding applications to the Board of Adjustment and procedures of the Board of Adjustment.

**FILE NUMBER:** BDA 134-065D

**BUILDING OFFICIAL'S REPORT:** Application of Ann Covington-Wilburn represented by Craig Barnes for a special exception to the landscape regulations at 3005 Fairmount Street. This property is more fully described as Lot 4, Block 9/944, and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 3005 Fairmount Street

**APPLICANT:** Ann Covington-Wilburn

**REQUEST:**

A special exception to the landscape regulations is made to convert an existing residence into a twenty (20) space commercial parking lot, and not fully provide required landscaping.

**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 City of Dallas Chief Arborist supports the applicant's request in that the submitted alternate landscape proposal meets the spirit and intent of the PD 193 landscape regulations.

**BACKGROUND INFORMATION:**

Site: PD 193 (GR) (Planned Development, General Retail)  
North: PD 193 (GR) (Planned Development, General Retail) and PD 193, PDS 98  
South: PD 193 (LC) (Planned Development, Light Commercial) and PD 193, PDS 39  
East: PD 193 (GR) (Planned Development, General Retail)

West: PD 193 (GR) (Planned Development, General Retail), PD 193, PDS 93, and PD 193,  
PDS 15

### **Land Use:**

The subject site is developed with a single family residential structure. The areas to the north, east, south, and west are developed with a mix of land 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.

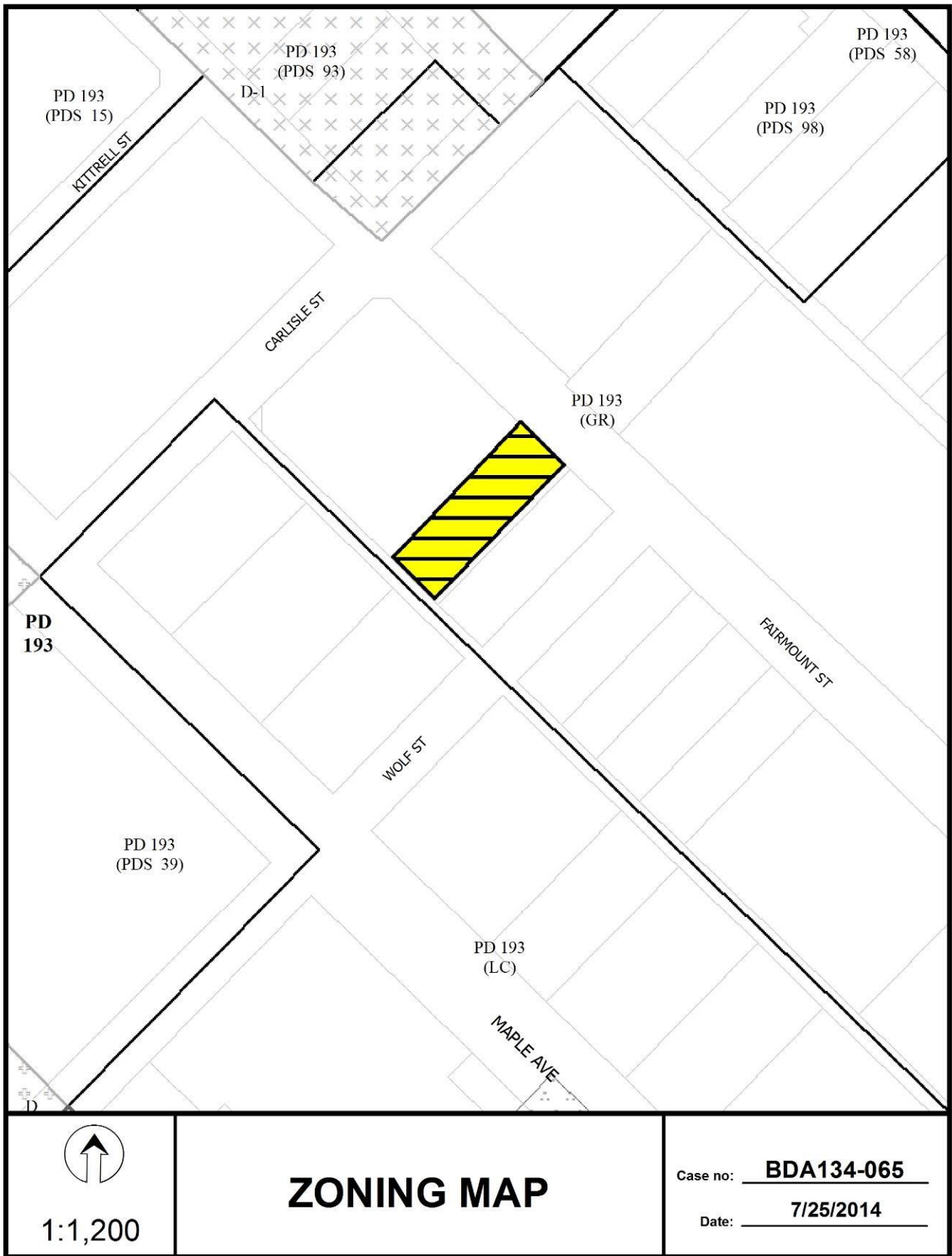
### **GENERAL FACTS/ STAFF ANALYSIS:**

- This request focuses a constructing and maintaining a new parking lot on an approximately 7,733.5 square foot lot, 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 is triggered by new construction of a parking lot.
- The Chief Arborist notes that the site is deficient in meeting the landscape requirements in that the proposed plan does not fully comply with sidewalk, tree planting zone, and off-street parking and screening requirements.
- The Chief Arborist highlights several factors considered in this case, including slope, an existing retaining wall, elevation, alignment of an existing sidewalk along the block face, plants proposed for the site, and existing trees within or on adjacent property boundaries.
- The Chief Arborist supports the request because the applicant has demonstrated that the submitted alternate landscape plan 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 an alternate landscape plan has been submitted that is deficient in meeting the sidewalk and tree planting zone 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 alternate landscape plan as a condition, the site would be granted exception from full compliance to sidewalk, tree planting zone, and off-street parking and screening requirements of the landscape requirements of the Oak Lawn PD 193 landscape ordinance.

## **Timeline:**

- May 6, 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.
- July 15, 2014: The Interim Assistant Director of Sustainable Development and Construction, acting on behalf of the Board of Adjustment Secretary, randomly assigned this case to Board of Adjustment Panel C.
- July 17, 2014: The Board Planner emailed the following information to the applicant:
- an attachment that provided the public hearing date and panel that will consider the application; the July 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, 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.
- August 7, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).



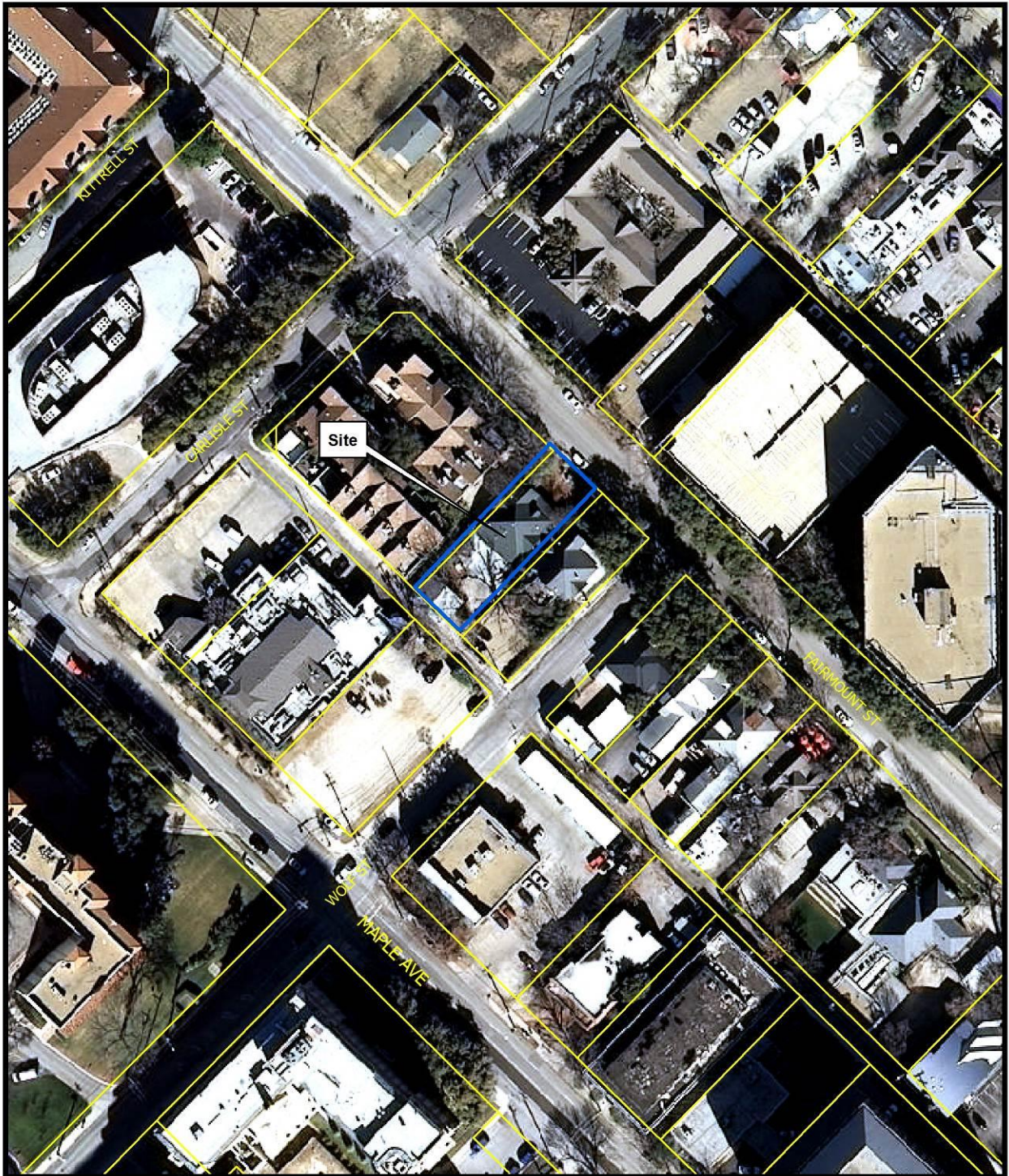


1:1,200

# ZONING MAP

Case no: BDA134-065

Date: 7/25/2014



  
1:1,200

# AERIAL MAP

Case no: BDA134-065  
Date: 7/25/2014

# Memorandum



DATE August 7, 2014  
TO Danielle Jimenez, Planner  
Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 134 · 065                      3005 Fairmount Street

The applicant is requesting a special exception to the landscape requirements of PD 193 (GR) district.

### Trigger

New construction of parking lot.

### Deficiencies

The proposed landscape plan is deficient in the requirements for sidewalk (193.126(b)(4)), trees (tree planting zone – 193.126(b)(5)), and off-street parking and screening requirements (193.126(b)(3)).

### Factors

The property frontage has a significant slope down to the street level. The retaining wall and existing slope conditions will remain except for where it is removed for the driveway. The surface parking will be at a higher elevation to the roadway.

The proposed sidewalk is in alignment with the existing sidewalk along the block face. A 'clear zone' is proposed at the driveway exit to avoid visual obstructions.

The applicant chose a native plant direction for the landscape plan. The desert willows are proposed to be set back from the street at the higher elevation. The Autumn sage (Salvia) plants, shown to be planted from the top of the slope and downward toward the street, do not meet the technical requirements for a minimum 42" screening height shrub above the parking surface. It is a standard three feet tall/wide shrub. The Texas Native Plants Database lists the character of the Salvia as 'semievergreen'. As always, the success of the landscape along Fairmount Street as a visual buffer will depend on the careful maintenance of the plant material.

The existing trees identified on the plan are within, or on, the boundaries of the adjacent properties. The tree roots cross property boundaries, but the trees are not under this property's ownership. These trees may be removed in the future based on the demands of adjacent properties. Therefore, the trees are not considered as a part of this landscape for inspection.

The applicant is proposing a permeable pavement for the parking spaces on the lot for the decorative function and to minimize the risk of damages to the roots of adjacent trees.

All landscaping is to be fully irrigated.

### Recommendation

The chief arborist has no objection to the proposed landscape plan and recommends approval because the applicant has demonstrated an effort to comply with the spirit and intent with PD 193 regulations in creating a parking lot while adapting to topographical challenges along Fairmount Street.

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-065

Data Relative to Subject Property:

Date: 3/27/14

Location address: 3005 Fairmount Street Zoning District: PD 193 (GR)

Lot No.: 4 Block No.: 9/944 Acreage: 0.18 Census Tract: 18.00

Street Frontage (in Feet): 1) 50 2) 3) 4) 5) SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Terrie L Covington

Applicant: Ann Covington-Wilburn Telephone: 214.336.1263

Mailing Address: 2601 Grandview Dr. Plano, TX Zip Code: 75075

E-mail Address: anncovingtonwilburn@gmail.com

Represented by: Craig Barnes - Shield Engineering Group, PLLC Telephone: 817.810.0696

Mailing Address: P.O. Box 470636, Fort Worth, Texas Zip Code: 76147

E-mail Address: craig.barnes@segpllc.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of Alternative Landscape Plan

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The Owner is proposing to convert an existing residence into a 20 space commercial parking lot. The attached alternative landscape plan keeps the existing 4' sidewalk in the current location due to the limited street frontage (50'), existing retaining wall, 5' vertical elevation difference, and ADA accessibility. The attached plan also includes proposed trees and shrubs at different locations to keep street trees out of the sight triangles/clear zone which will improve safety at this driveway. 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 Terrie L Covington (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: Terrie L Covington (Affiant Applicant's signature)

Subscribed and sworn to before me this 6th day of May 2014



Sterling M. Mayes 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

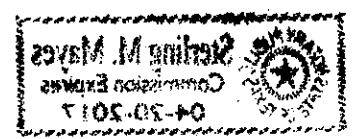
Building Official's Report

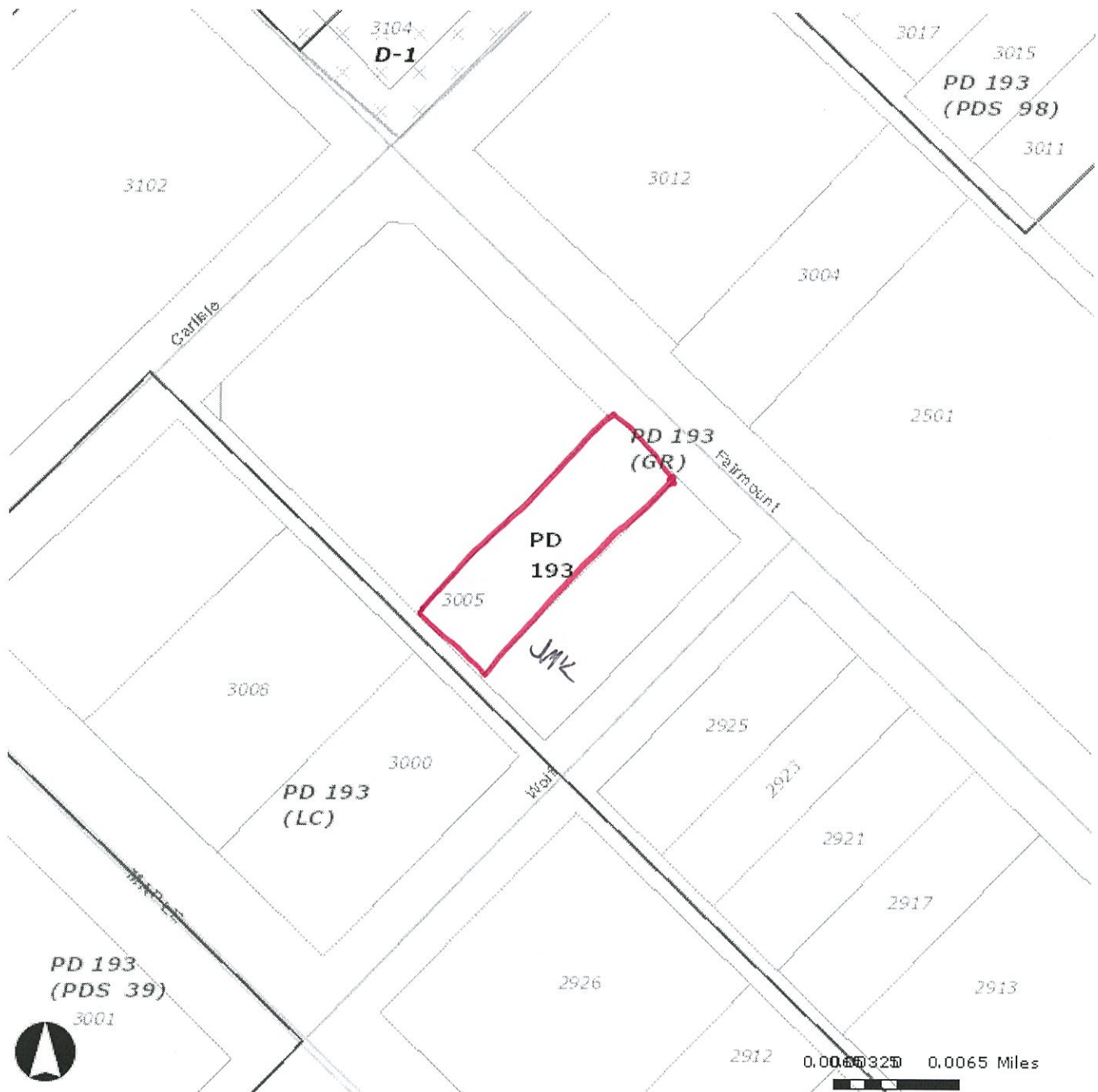
I hereby certify that Ann Covington-Wilburn  
represented by Craig Barnes  
did submit a request for a special exception to the landscaping regulations  
at 3005 Fairmount Street

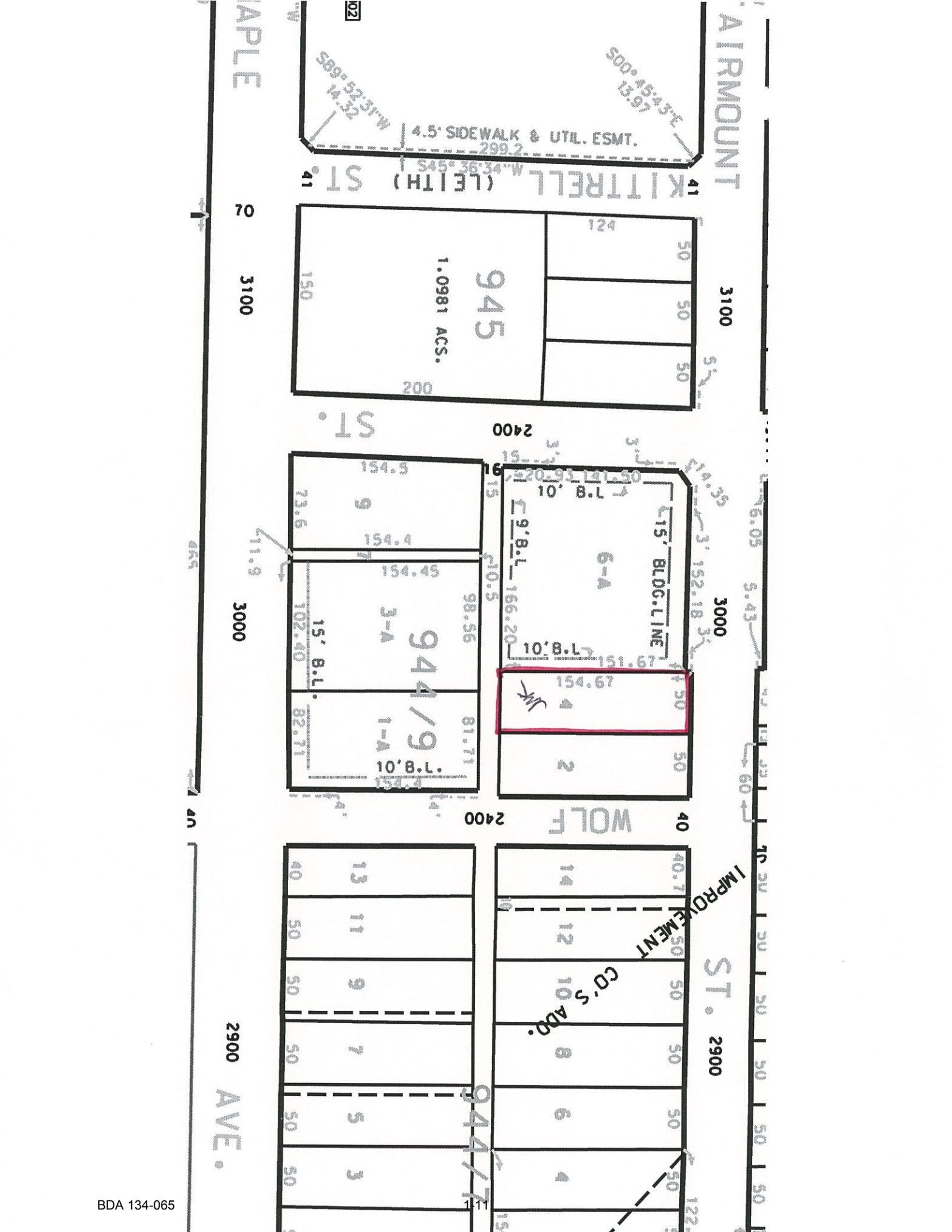
BDA134-065. Application of Ann Covington-Wilburn represented by Craig Barnes for a special exception to the landscaping regulations at 3005 Fairmount Street. This property is more fully described as Lot 4, Block 9/944, and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscaping regulations.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official









**PRELIMINARY FOR REVIEW ONLY**  
 This drawing is preliminary and is subject to change without notice. It is not to be used for construction. The contractor shall contact the following at least 48 hours prior to construction to coordinate the following:  
 - UTILITY LOCATIONS  
 - ALL CITY DEPARTMENTS  
 - ALL CITY PERMITS  
 - ALL CITY FEES  
 - ALL CITY REGULATIONS  
 - ALL CITY ORDINANCES  
 - ALL CITY DEPARTMENTS  
 - ALL CITY PERMITS  
 - ALL CITY FEES  
 - ALL CITY REGULATIONS  
 - ALL CITY ORDINANCES

**SHIELD ENGINEERING & SURVEYING SERVICES**  
 3005 FAIRMOUNT STREET, DALLAS, TEXAS 75218  
 P.O. Box 470638  
 Dallas, Texas 75247  
 817.410.0888

**3005 FAIRMOUNT STREET, DALLAS, TEXAS**  
**FAIRMOUNT STREET PARKING LOT**

SHIELD PROJECT #: 201402271  
 DATE: MAY 4, 2014  
 REVISIONS/ISSUANCES:  
 NO. DATE DESCRIPTION

PROJECT BRANCHES:  
 1-0000-TESS  
 1-0000-TESS

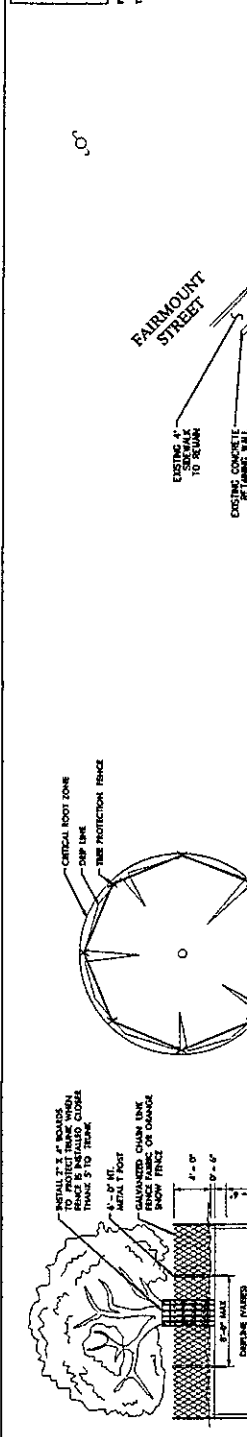
THE CONTRACTOR SHALL CONTACT THE FOLLOWING AT LEAST 48 HOURS PRIOR TO CONSTRUCTION TO COORDINATE THE FOLLOWING:  
 - UTILITY LOCATIONS  
 - ALL CITY DEPARTMENTS  
 - ALL CITY PERMITS  
 - ALL CITY FEES  
 - ALL CITY REGULATIONS  
 - ALL CITY ORDINANCES

**SHIELD ENGINEERING & SURVEYING SERVICES**  
 3005 FAIRMOUNT STREET, DALLAS, TEXAS 75218  
 P.O. Box 470638  
 Dallas, Texas 75247  
 817.410.0888

**3005 FAIRMOUNT STREET, DALLAS, TEXAS**  
**FAIRMOUNT STREET PARKING LOT**

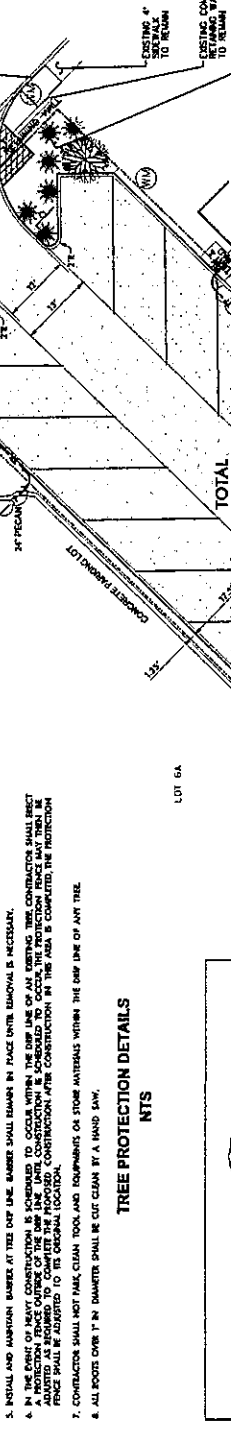
SHIELD PROJECT #: 201402271  
 DATE: MAY 4, 2014  
 REVISIONS/ISSUANCES:  
 NO. DATE DESCRIPTION

PROJECT BRANCHES:  
 1-0000-TESS  
 1-0000-TESS



**TREE PROTECTION NOTES:**

1. CHAIN LINK FENCE TO BE 12 GAUGE WITH 1 1/2" DIAMETER SCHEDULE 20 POSTS AT 8'-0" O.C. MAX
2. EXISTING TREES WITHIN SITE LIMITS ARE SHOWN AND IDENTIFIED ON SHEET L10
3. NO EXISTING TREES DESIGNATED FOR REMOVAL
4. PROTECT ALL INDIVIDUAL TREES OR GROUPS OF TREES TO BE PRESERVED BY ERECTING A BARRIER AROUND EACH TREE OR GROUP OF TREES.
5. INSTALL AND MAINTAIN BARRIERS AT TREE DWP LINE. BARRIERS SHALL BE REMOVED IN PLACE UNTIL REMOVAL IS NECESSARY.
6. IN THE EVENT OF HEAVY CONSTRUCTION IS SCHEDULED TO OCCUR WITHIN THE DWP LINE OF ANY EXISTING TREE, CONTRACTOR SHALL FIRST ADVISE AS REQUIRED TO COMPLETE THE PROPOSED CONSTRUCTION AFTER CONSTRUCTION IN THIS AREA IS COMPLETED, THE PROTECTION FENCE SHALL BE ADJUSTED TO ITS ORIGINAL LOCATION.
7. CONTRACTORS SHALL NOT USE CHAIN TOOLS AND EQUIPMENT OR STORE MATERIALS WITHIN THE DWP LINE OF ANY TREE.
8. ALL POSTS OVER 1" IN DIAMETER SHALL BE CUT CLEAN BY A HAND SAW.



**LEGEND**

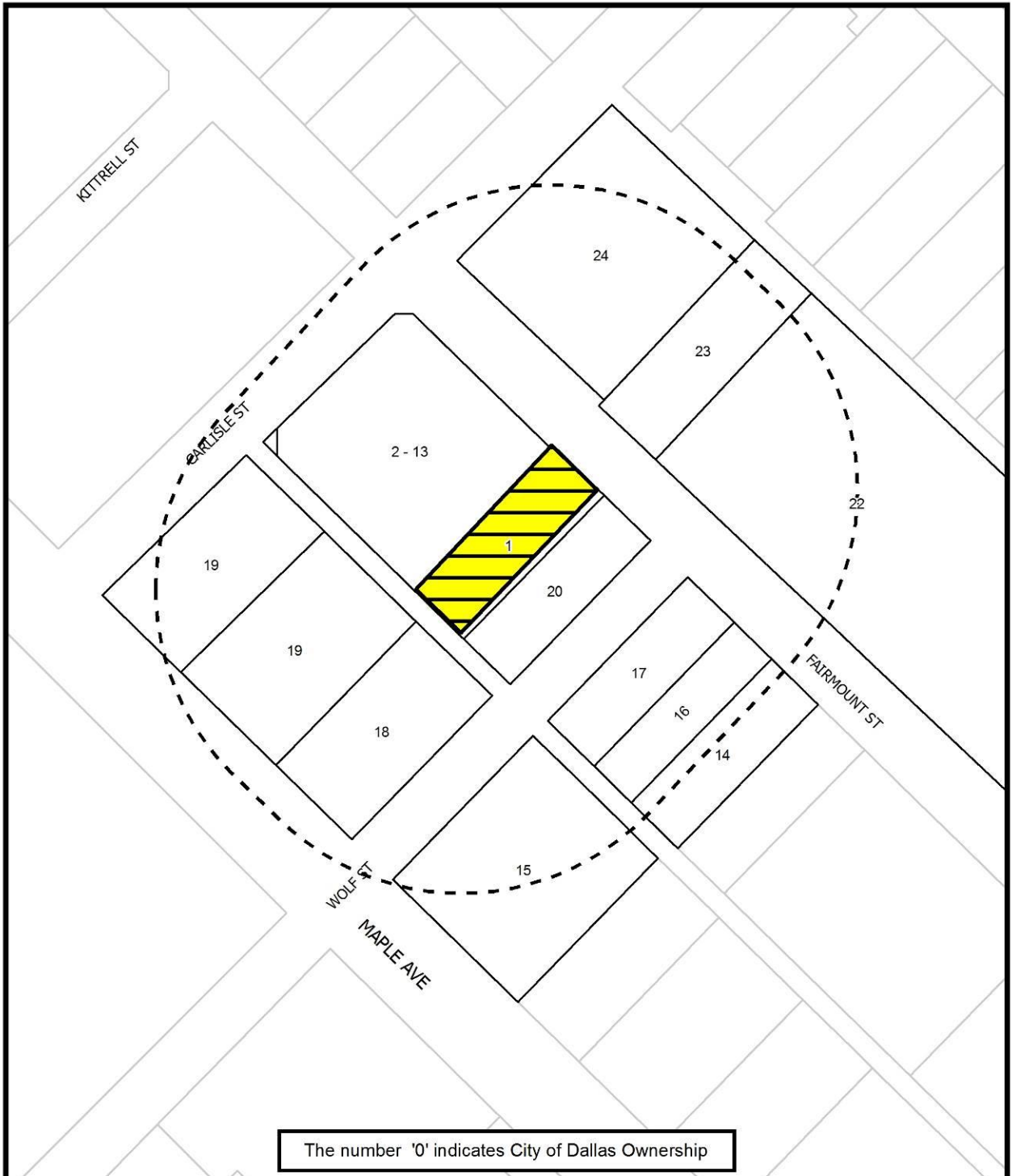
- EXISTING TREE
- PROPOSED DESERT WILLOW (1/2" DIAMETER MIN)
- PROPOSED SALVIA GREGGII RED
- PROPOSED TREE PROTECTION
- EXISTING TREE PROTECTION
- EXISTING CONCRETE PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED FRANGIBLE PAVEMENT
- PROPOSED LANDSCAPE AREA

**SP. PLANTING IS**

NO.	LS	REQUIRED	PROPOSED
102	LS	772.0 SF	962.0 SF
103	LS	686.2 SF	587.2 SF
104	LS	308.8 SF	560.0 SF

**NOTES**

1. NO TREES CAN BE PLACED WITHIN THE CLEAR ZONE AND SCOT CLEAR ZONE AND SHALL BE MAINTAINED PER TREE PROTECTION PLAN.
2. ALL LANDSCAPE AREAS SHALL BE IRRIGATED.



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;"><b>24</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>24</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA134-065</b></u> Date: <u><b>7/31/2014</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>24</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA134-065*

### *24 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3005 FAIRMOUNT ST	COVINGTON TERRIE I
2	3033 FAIRMOUNT ST	GIANCASPERO WALDEMAR N
3	3011 FAIRMOUNT ST	KAMINER MARC
4	3013 FAIRMOUNT ST	NAGESH KONANUR
5	3015 FAIRMOUNT ST	BURNELL JEREMY
6	3017 FAIRMOUNT ST	PARRISH ROLAND G
7	3019 FAIRMOUNT ST	BAKER JENNIFER ANNE
8	3021 FAIRMOUNT ST	MEDINA LANA
9	3023 FAIRMOUNT ST	HIRZEL JEFF L & CAROL A
10	3025 FAIRMOUNT ST	VAUGHN ROBERTA R
11	3027 FAIRMOUNT ST	SIMPSON THOMAS A &
12	3029 FAIRMOUNT ST	LEUNG KEVIN
13	3031 FAIRMOUNT ST	MOORE CAROL A
14	2921 FAIRMOUNT ST	CALABAZA HOLDINGS LLC
15	2926 MAPLE AVE	SHIELDS LTD PS
16	2923 FAIRMOUNT ST	PERKINS JAMES M JR &
17	2925 FAIRMOUNT ST	REILLY PARKWAY LTD PTNS
18	3000 MAPLE AVE	GREENWAY 3000 MAPLE LTD
19	3008 MAPLE AVE	MAPLE TREE PARTNERS LTD
20	3001 FAIRMOUNT ST	FRENCH JAMES F &
21	3000 FAIRMOUNT ST	SLOCUM PROPERTIES INC
22	2501 CEDAR SPRINGS RD	CADDO UPTOWN LP
23	3004 FAIRMOUNT ST	3004 FAIRMOUNT LP
24	3012 FAIRMOUNT ST	MAVINA FAIRMOUNT LLC

**FILE NUMBER:** BDA 134-067

**BUILDING OFFICIAL'S REPORT:** Application of Guadalupe Mora represented, by Homero Duarte, for a special exception to the fence height regulations at 9229 Hathaway Street. This property is more fully described as Lot 29A, Block 7/5597, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 10 foot high fence, which will require a 6 foot special exception to the fence height regulations.

**LOCATION:** 9229 Hathaway Street

**APPLICANT:** Guadalupe Mora  
Represented by Homero Duarte

**REQUEST:**

A request for a special exception to the fence height regulations of 6' is made to construct and maintain the following in the 40' front yard setback on a site that is being developed with a single family home/use:

- a 7' 3" high open iron fence with 8' high masonry columns parallel to the street with a recessed entryway at the street that will include a 10' high open iron gate with 10' high masonry columns and two 7' 3" – 8' 3" high solid masonry (approximately 13' long) wing walls;
- a 7' 3" high open iron fence with 8' masonry columns perpendicular to the street on the north side of the site in the front yard setback; and
- a 7' 6' high solid masonry fence with 8' high columns perpendicular to the street on the south side of the site in the front yard setback.

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

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

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

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

1. BDA 078-158K, property at 9226 Hathaway Street (the lot east of the subject site)  
On December 15, 2008, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4' 8" and imposed the submitted revised site plan/elevation and submitted landscape plan as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a solid fence and gate in the site's 40 foot front yard setback.
2. BDA 012-218, property at 5538 Chatham Hill Road (two lots north of the subject site)  
On August 27, 2002, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 2' 6" and imposed a condition that compliance with the submittal of a full scale site plan and elevation to the Board Administrator is required. The case report stated that the request was made in conjunction with constructing and maintaining a 6' high open metal fence with 6.5' high brick columns in the site's 40 foot front yard setbacks along Chatham Hill Road and Hathaway Street.

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

- This request focuses on constructing and maintaining the following in the front yard setback on a site being developed with a single family home/use : 1) a 7' 3" high open iron fence with 8' high masonry columns parallel to the street with a recessed entryway at the street that will include a 10' high open iron gate with 10' high masonry columns and two 7' 3" – 8' 3" high solid masonry (approximately 13' long) wing walls; 2) a 7' 3" high open iron fence with 8' masonry columns perpendicular to the street on the north side of the site in the front yard setback; and 3) a 7' 6" high solid masonry fence with 8' high columns perpendicular to the street on the south side of the site.
- 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/elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 10'.
- The following additional information was gleaned from the submitted site plan/elevation:
  - The proposal is represented as being approximately 190' in length parallel to the street and approximately 35' 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 approximately 5' the front property line or about 20' from the pavement line. (The proposed gate is represented as being located approximately 12' from the property line or approximately 25' from the pavement line).
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other visible fence above 4 feet high which appeared to be located in a front yard setback – an approximately 8' high open metal fence located immediately east of the subject site that appears to be a result of an approved fence height special exception request granted by the Board of Adjustment in 2008: BDA 078-158K (see the "Zoning/BDA History" section of this case report for additional details).
- As of August 11, 2014, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 6' will not adversely affect neighboring property.
- Granting this special exception of 6' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

May 30, 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.

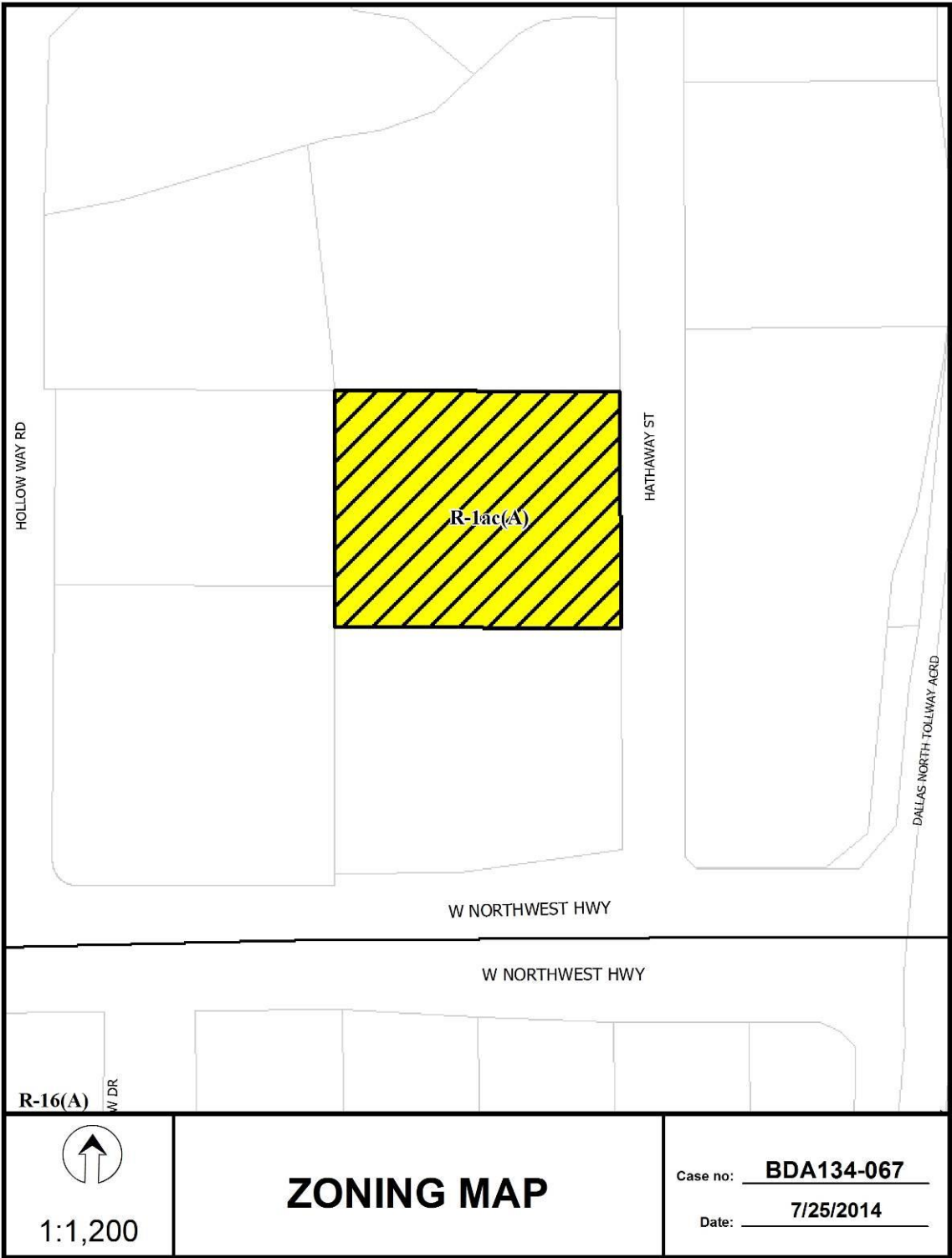
July 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

July 15, 2014: The Board Administrator contacted the applicant’s representative and emailed him the following information:

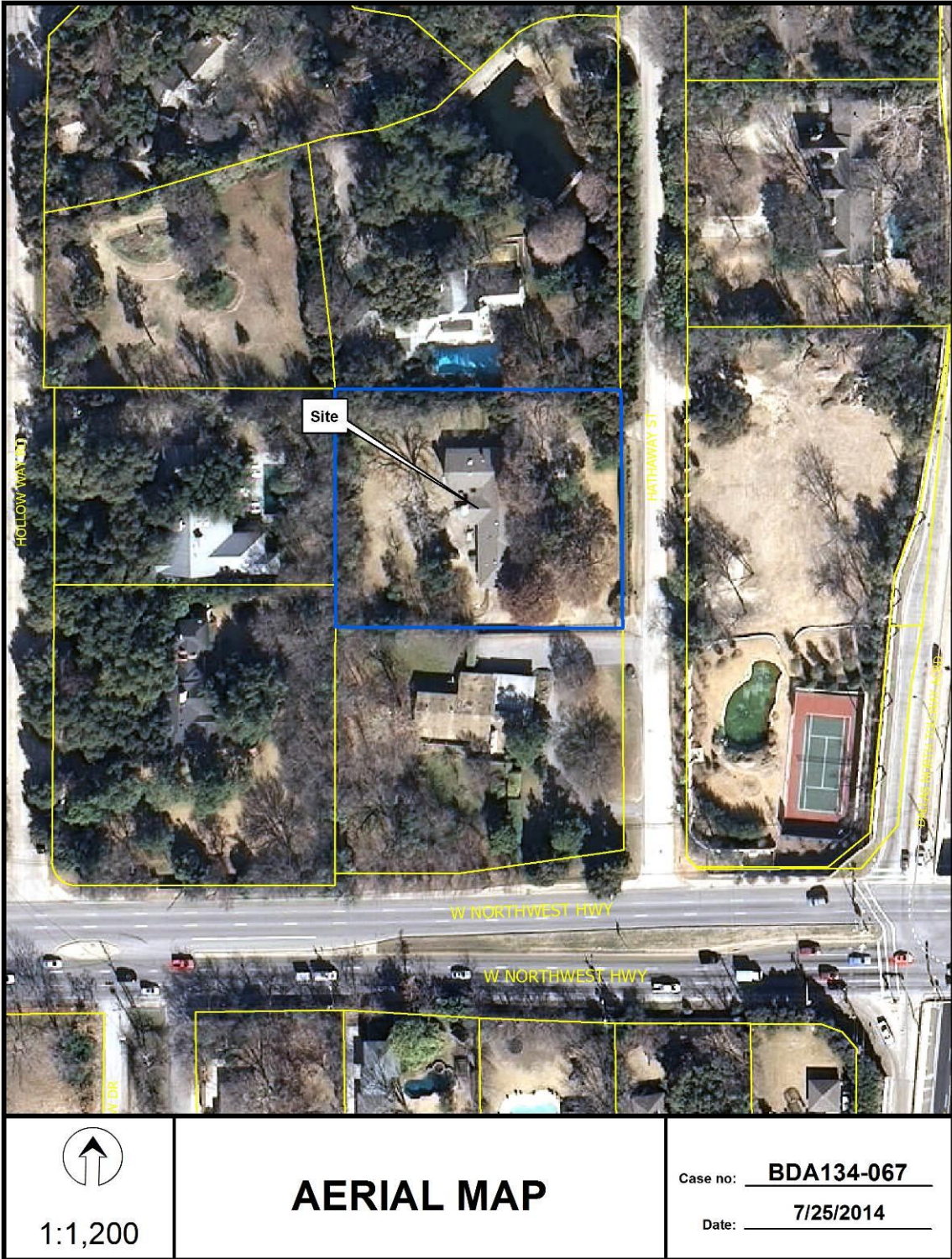
- an attachment that provided the public hearing date and panel that will consider the application; the July 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, 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.









City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-067

Data Relative to Subject Property:

Date: 5-30-14

Location address: 9229 Hathaway St Dallas TX 75220

Zoning District: R-12c(A)

Lot No.: 29A Block No.: 715597 Acreage: .9980

Census Tract: 206.00

Street Frontage (in Feet): 1) 189.6 2) 3) 4) 5)

NEZS

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Guadalupe Mora

Applicant: Guadalupe Mora Telephone: 214 505 9634

Mailing Address: 9229 Hathaway St Dallas, TX Zip Code: 75220

E-mail Address: mpcmora@att.net

Represented by: Homero Duarte Telephone: 214 505 9634

Mailing Address: 457 SRL Thornton Fwy Dallas TX Zip Code: 75203

E-mail Address: mpcmora@att.net

Affirm that an appeal has been made for a Variance, or Special Exception, of the fence height regulations at 9229 Hathaway St. I am requesting a special exception of 6 feet 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:

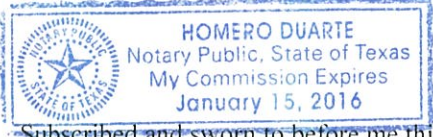
The fence and gate would not adversely affect neighboring properties. The fence and gate would be in accordance with common fencing found throughout the neighborhood. Applicant has four small children (2 year old, 5 year old, 6 & 8 year old) and this would protect them from neighboring high traffic street (Northwest Hwy)

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 Guadalupe Mora (Affiant/Applicant's name printed)

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



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

Subscribed and sworn to before me this 29 day of May, 2014

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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that **Guadalupe Mora**  
represented by **Homero Duarte**  
did submit a request for a special exception to the fence height regulations  
at **9229 Hathaway Street**

BDA134-067. Application of Guadalupe Mora represented by Homero Duarte for a special exception to the fence height regulations at 9229 Hathaway Street. This property is more fully described as Lot 29A, Block 7/5597, and is zoned R-1ac(A), which limits the height of fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulation.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official

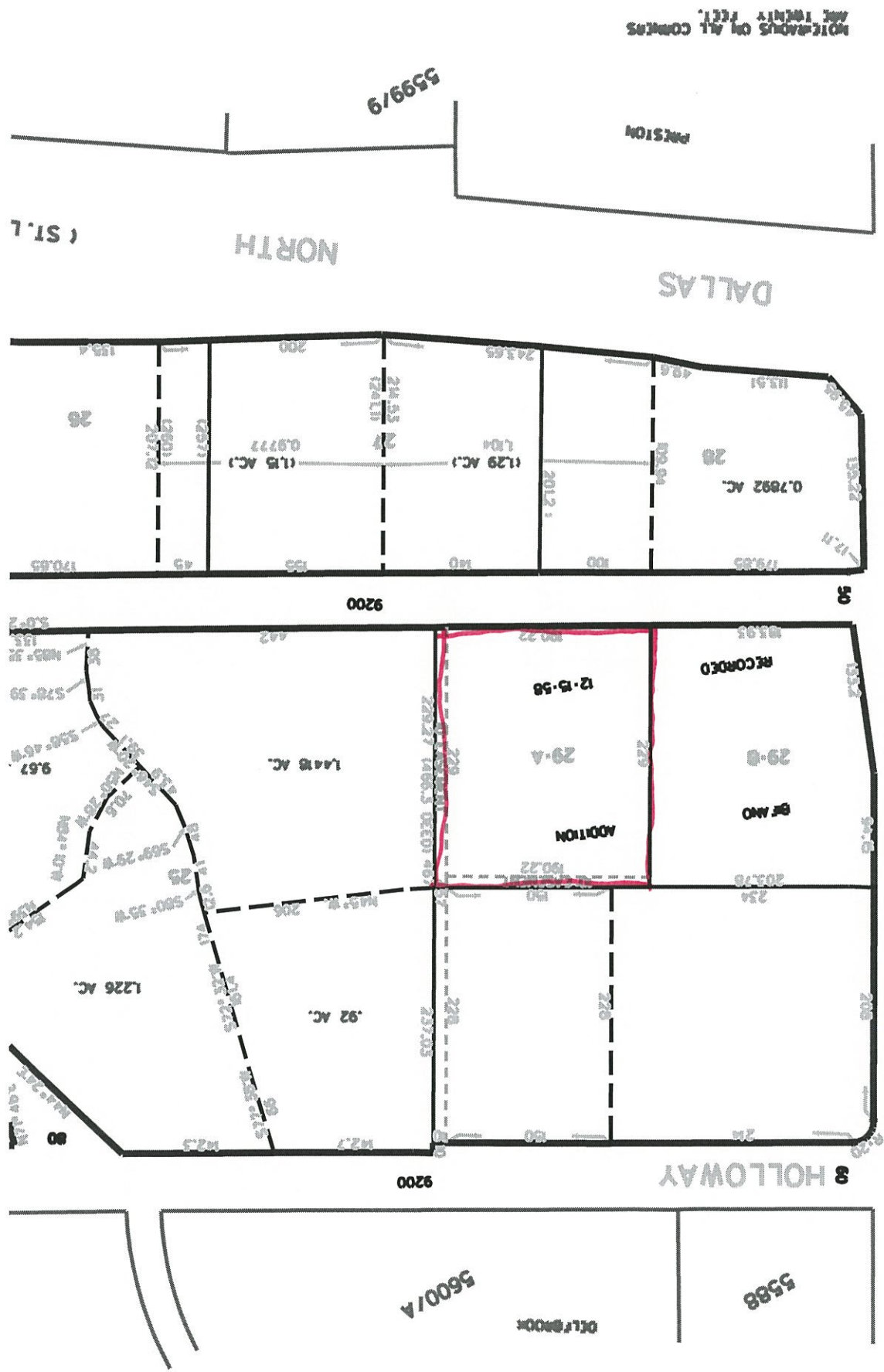
11

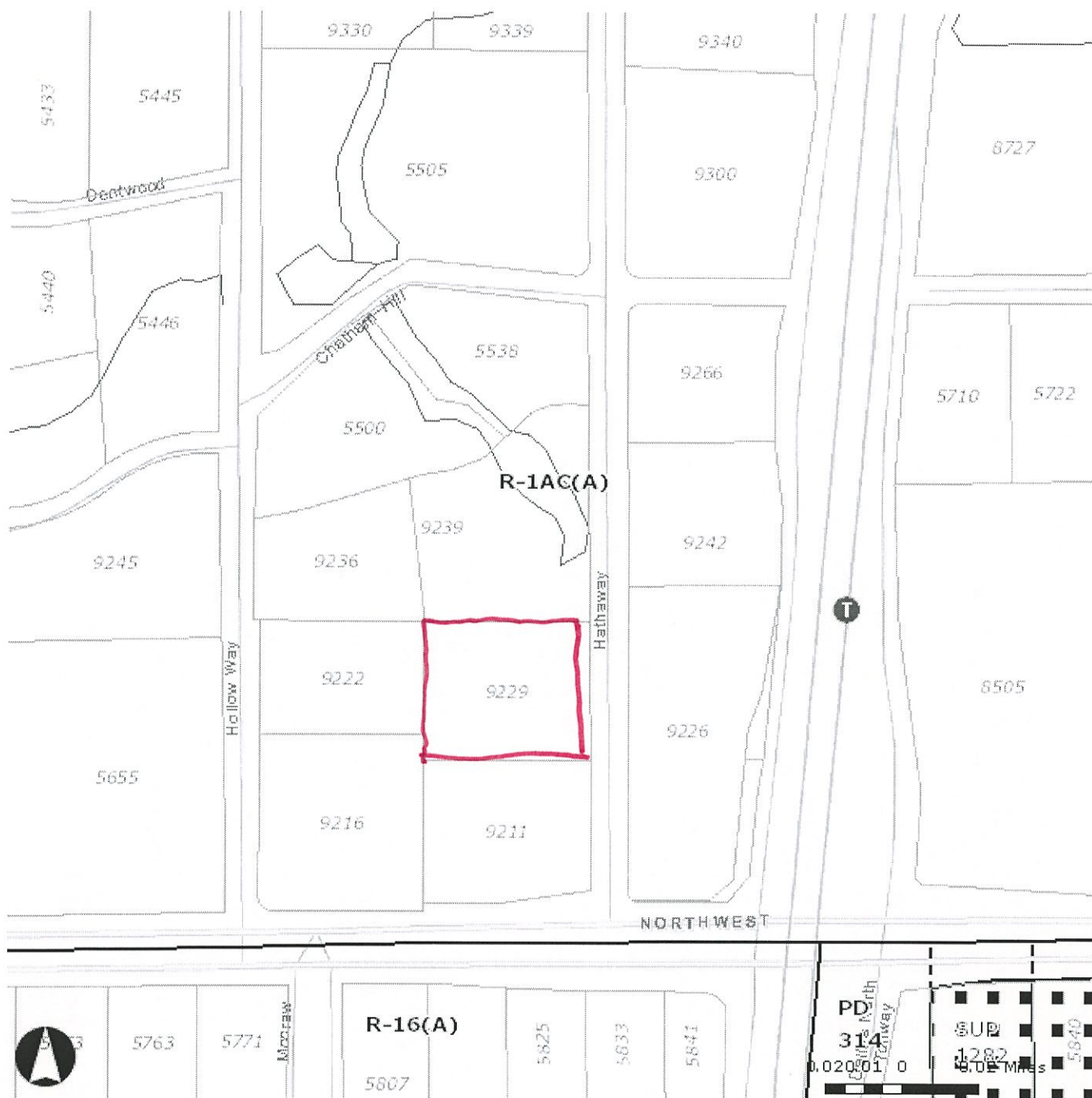
1-5675

MC COW A-5645

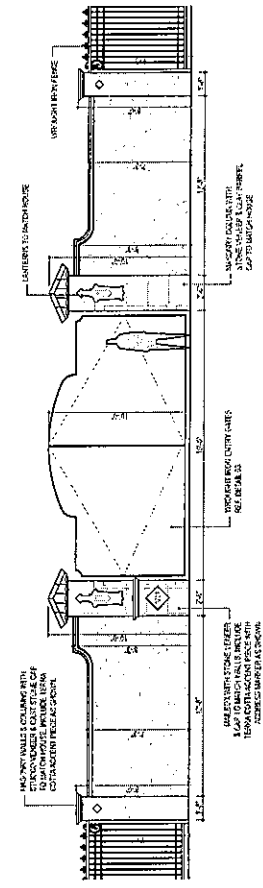
CSAIRS 5700

CSAIRS HWY. 14-5656

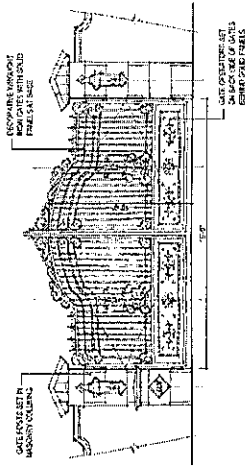




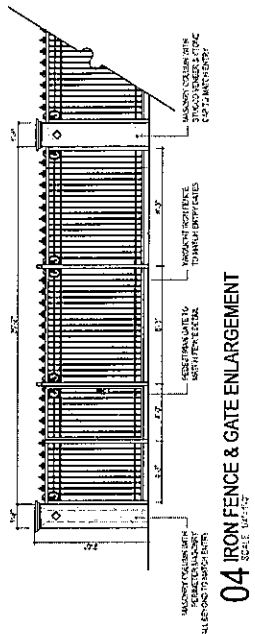
AS



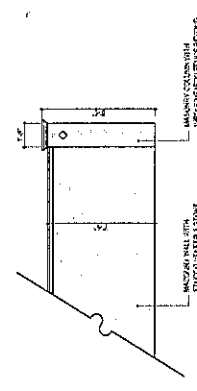
**02 FRONT ENTRY ENLARGEMENT**  
 SCALE: 1/8" = 1'-0"



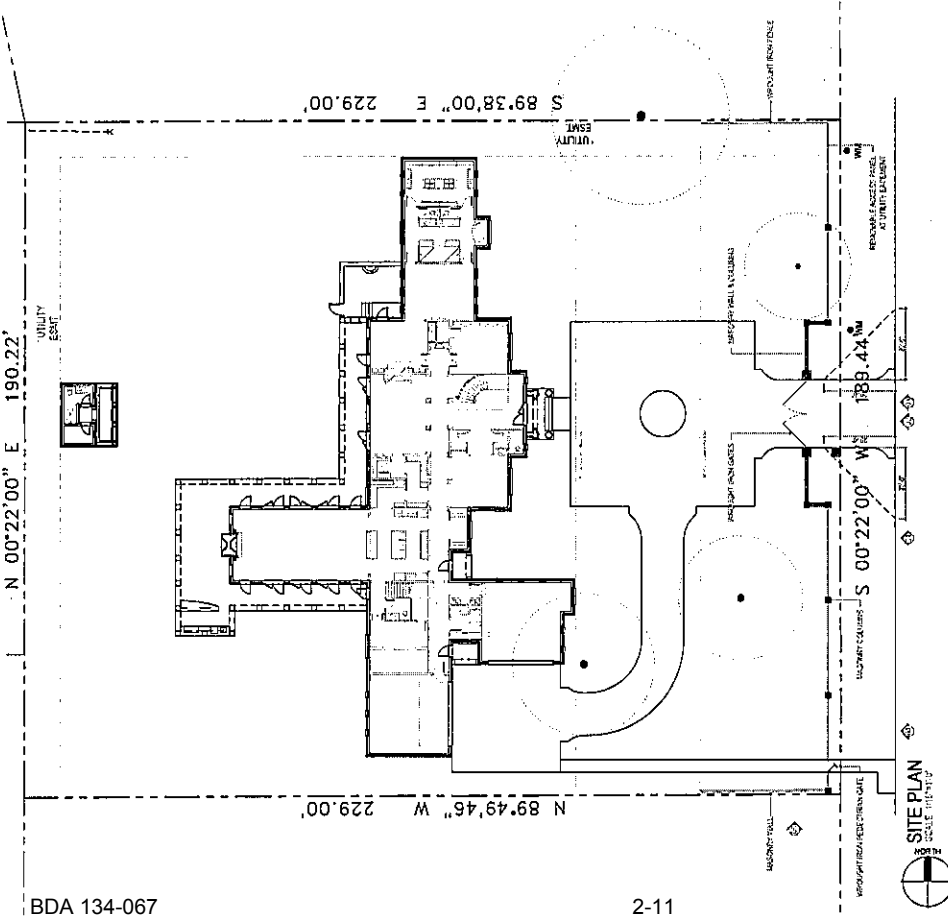
**03 FRONT ENTRY DETAIL**  
 SCALE: 1/4" = 1'-0"



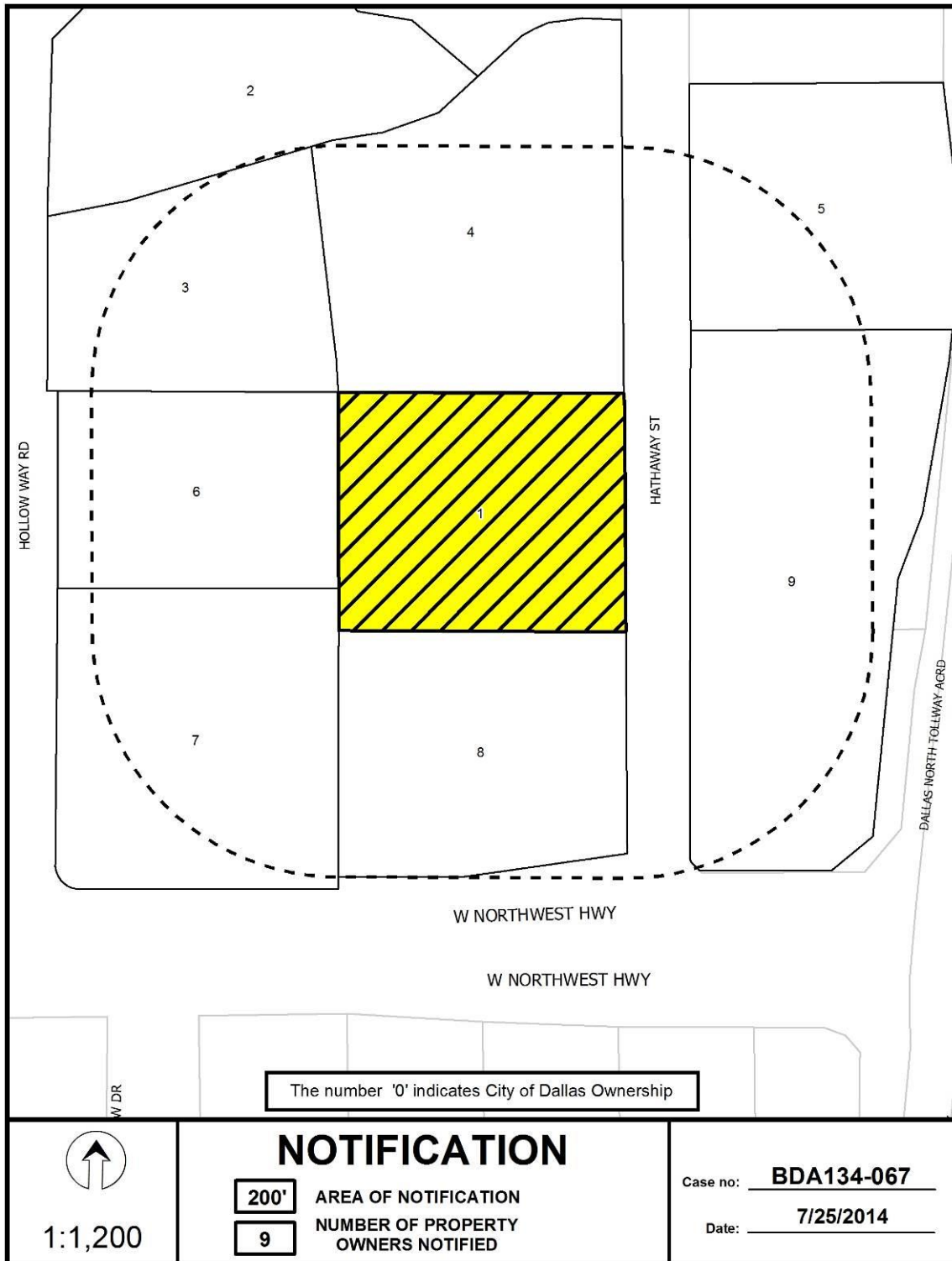
**04 IRON FENCE & GATE ENLARGEMENT**  
 SCALE: 1/8" = 1'-0"



**05 PERIMETER WALL DETAIL**  
 SCALE: 1/4" = 1'-0"



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



# *Notification List of Property Owners*

***BDA134-067***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9229 HATHAWAY ST	MORA GUADALUPE
2	5500 CHATHAM HILL RD	WORSHAM JOSEPH I II &
3	9236 HOLLOW WAY RD	9236 HOLLOW WAY VENTURES LLC
4	9239 HATHAWAY ST	DUNNING THOMAS MAYBORN &
5	9242 HATHAWAY ST	JAFFE MARK R TRUSTEE
6	9222 HOLLOW WAY RD	KATZ MICHAEL M &
7	9216 HOLLOW WAY RD	SADIGHIRAD JAHANGIR &
8	9211 HATHAWAY ST	JUREK MARION P ISTWAN
9	9226 HATHAWAY ST	9226 HATHAWAY LLC



**FILE NUMBER:** BDA 134-074

**BUILDING OFFICIAL'S REPORT:** Application of Ken Reese, represented by Robert Reeves and Associates, for a variance to the side yard setback 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. The applicant proposes to construct and maintain a structure and provide a 0 foot side yard setback, which will require a 43 foot 1/2 inch variance to the side yard setback regulations.

**LOCATION:** 3000 Turtle Creek Plaza

**APPLICANT:** Ken Reese  
Represented by Robert Reeves and Associates

**REQUEST:**

A variance to the side yard setback regulations of 43' 1/2" is requested to construct/maintain an elevated pedestrian bridge structure that would connect a proposed three-story, approximately 66' high, approximately 169,000 square foot office structure to the Katy Trail in the 43' 1/2" side yard setback on the east side of the site. (Note that part of the office structure that is to be located in the site's required 43' 1/2" side yard setback on the east side of the property was granted variance to the side yard setback regulations by Board of Adjustment Panel C in April of 2014: BDA 134-037).

**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
- (C) the variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The applicant has substantiated how the subject site is unique and different from most lots zoned PD 193 in that subject site is: 1) somewhat irregular in shape; 2) of restrictive area caused by 33 percent of it as floodway easement (non-buildable area); and 3) sloped with a 24 foot change in grade from near the center of the site westward to Cedar Springs Road.
- In addition, granting the variance is not contrary to the public interest in that, according to the applicant, the Park Board has approved this pedestrian link along with improvements the applicant intends to construct and maintain within Katy Trail, and that the request is supported by the Oak Lawn Committee and the Friends of the Katy Trail.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 193 (PDS 61) (Planned Development, Planned Development)
- North: PD 193 (O-2) (Planned Development, Office)
- South: PD 184 (Planned Development)
- East: PD 193 (O-2 & PDS 94) (Planned Development, Office and Planned Development)
- West: PD 193 (O-2) (Planned Development, Office)

**Land Use:**

The subject site is under development. The area to the north is Turtle Creek; the area immediately east is the Katy Trail, the area to the south is developed with office uses, and the area to the west is office use and undeveloped land.

**Zoning/BDA History:**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. BDA 967-251, Property at 2920 Turtle Creek Plaza ( the subject site)</li> </ol> | <p>On May 19, 1997, the Board of Adjustment Panel C granted a request for a variance to the height regulations of 60 feet. The case report states that the request was made to construct and maintain an approximately 300,000 square foot, 300 foot high condominium tower use.</p> |
|---|--|

2. BDA 112-085, Property at 3000 Turtle Creek Plaza ( the subject site)

On September 17, 2012, the Board of Adjustment Panel C granted a request for a variance to the off-street parking regulations of 110 spaces (or a 25 percent reduction of the 441 off-street parking spaces that are required). The case report stated that this request was made in conjunction with constructing and maintaining an approximately 161,500 square foot office use/structure on a site that is currently undeveloped where the applicant proposed to provide 331 (or 75 percent) of the required 441 off-street parking spaces in conjunction with constructing and maintaining this use with this square footage.

3. BDA 134-037, Property at 3000 Turtle Creek Plaza ( the subject site)

On April 21, 2014, the Board of Adjustment Panel C granted a request for a variance to the side yard setback regulations of 33' ½" and imposed the submitted site plan as a condition to this request, and a special exception to the landscape regulations and imposed the following condition to this request: 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). The case report stated that these requests were 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, and not fully comply with landscape regulations. (Note that on June 23, 2014, the Board of Adjustment Panel C granted the applicant's miscellaneous item request to waive the two year time limitation

on a final decision reached in order for the applicant to file a new application for a side yard setback variance on the property).

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

- This request focuses on constructing and maintaining construct/maintain an elevated pedestrian bridge structure that would connect a proposed three-story, approximately 66' high, approximately 169,000 square foot office structure to the Katy Trail and be located in the 43' ½" side yard setback on the east side of the subject site.
- The subject site is zoned PD 193 (PDS 61). While PDS 61 makes setback/yard requirements for "retirement housing community" use, the PDS states that in general, the yard, lot, and space regulations for the O-2 Office Subdistrict apply in this subdistrict.
- The side yard provisions for properties in the O-2 Sudistrict are as follows: If a nonresidential building is erected or altered to exceed 36 feet in height, and additional setback must be provided that is equal to one-half the total height of the building, up to a maximum total setback of 50 feet. The additional setback is only required for that portion of a building that exceeds 36 feet in height.
- The applicant has submitted a site plan denoting the proposed bridge structure located in the additional setback required for the portion over 36' in height- a structure at this height located on the eastern side property line or 43' ½" into the required 43' ½" side yard setback.
- The applicant has submitted a section/elevation document that denotes the setback encroachment of the proposed structure as it relates to the side yard setback.
- The subject site is somewhat irregular in shape and, according to the application, 5.853 acres in area. The applicant has submitted documents that indicate that the 33 percent of the site is floodway easement (non-buildable area) and has a 24 foot change in grade from near the center of the site westward to Cedar Springs Road.
- DCAD records indicate "no improvements" for property at 3000 Turtle Creek Plaza.
- 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 PD 193 (PDS 61) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (PDS 61) zoning classification.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is for the portion of a pedestrian bridge structure over 36’ in height located as close as on the site’s eastern side property line (or as much as 43’ ½” into this 43’ ½” side yard setback).

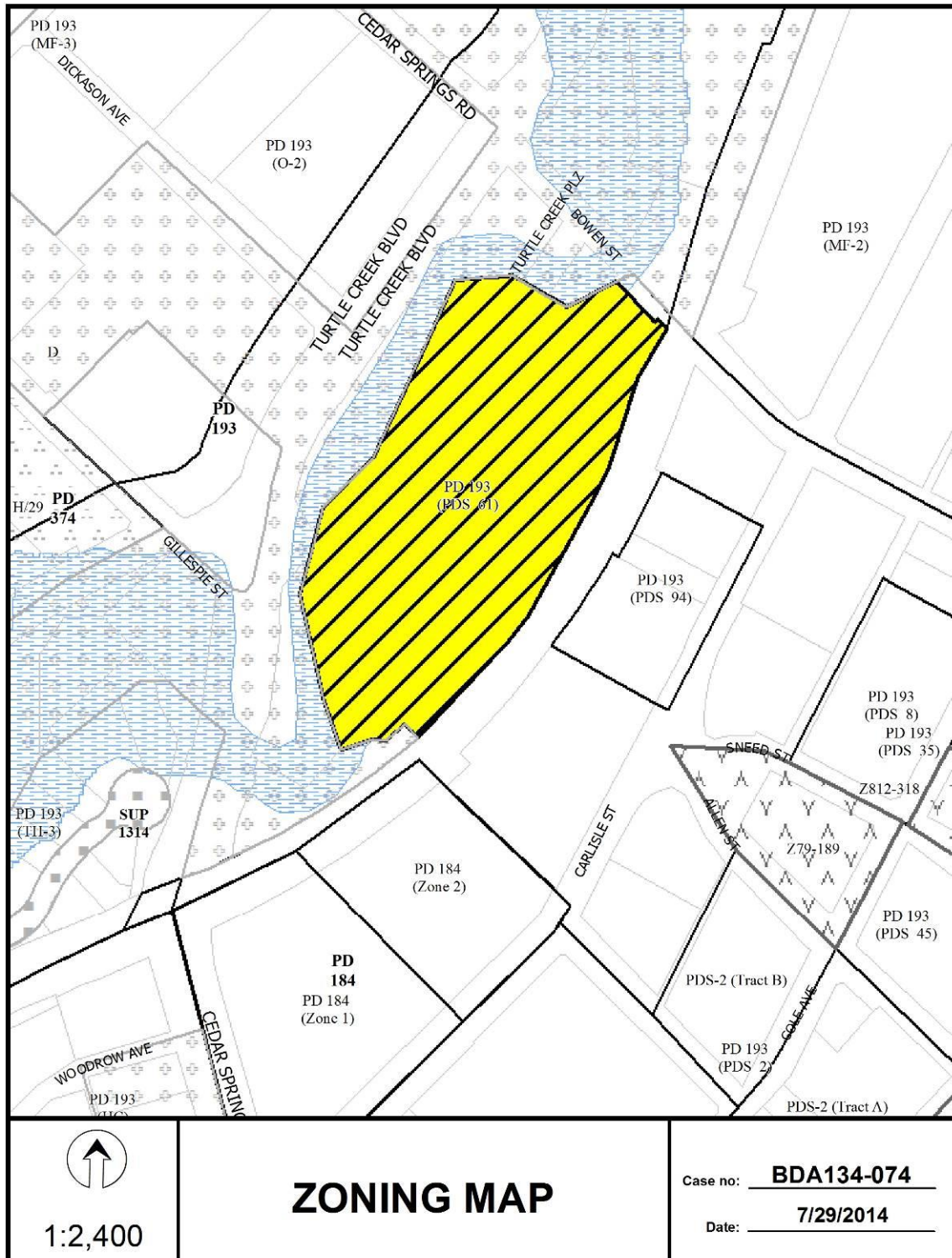
**Timeline:**

- June 12, 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.
- July 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- July 15, 2014: The Board Administrator contacted the applicant’s representative and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 24, 2014: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- July 29, 2014: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, 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.

August 8, 2014: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment C).



# ZONING MAP

Case no: **BDA134-074**  
 Date: **7/29/2014**



1:2,400

# AERIAL MAP

Case no: BDA134-074

Date: 7/29/2014



**ROBERT REEVES**  
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

July 24, 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: BDA 134-074, 3000 Turtle Creek Plaza  
Side Yard Variance for an Elevated Walkway

Dear Mr. Long:

Attached are two corrected graphics, which should replace two original graphics I submitted with my application. The two original graphics refer to a 10' side yard variance, which is incorrect. The attached email from Todd Duerksen rightfully corrected my application to reflect a side yard variance of 43'-1/2". The attached graphics reflect that correction.

Let me know if you have any questions.

Sincerely:



Robert Reeves

**Subject:** BDA134-074, 3000 Turtle Creek Plaza  
**Date:** Tuesday, July 1, 2014 12:18:05 PM Central Daylight Time  
**From:** Duerksen, Todd  
**To:** rob.reeves@sbcglobal.net

BDA 134-074  
Attach A  
Pg 2

The standard side yard setback required in PD193 (PDS 61) is 10'. However, due to the increased height of the proposed structure, an additional 33'-0½" of side setback is required for an overall side yard setback of 43'-0½". Instead of holding the structure 10' from the property line, you will now be extending the walkway all the way to the side property line thus providing 0' side setback and requiring a 43'-0½" variance. Please confirm these dimensions for the below Building Official's report.

BDA134-074. Application of Ken Reese represented by Robert Reeves for a special exception to the side yard setback 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 0½ inch side yard setback. The applicant proposes to construct a nonresidential structure and provide a 0 foot side yard setback, which will require a 43 foot 0½ inch variance to the side yard setback regulation.

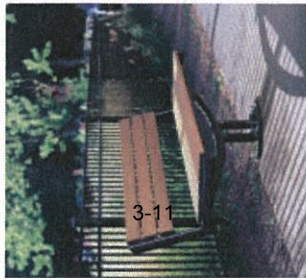
Todd Duerksen  
Sr. Plans Examiner - Zoning Code Consultant  
City of Dallas  
Building Inspection Division  
Department of Sustainable Development & Construction  
Oak Cliff Municipal Center  
320 E. Jefferson Blvd., Rm. 105

# Katy Trail Plaza Concept

Site Plan



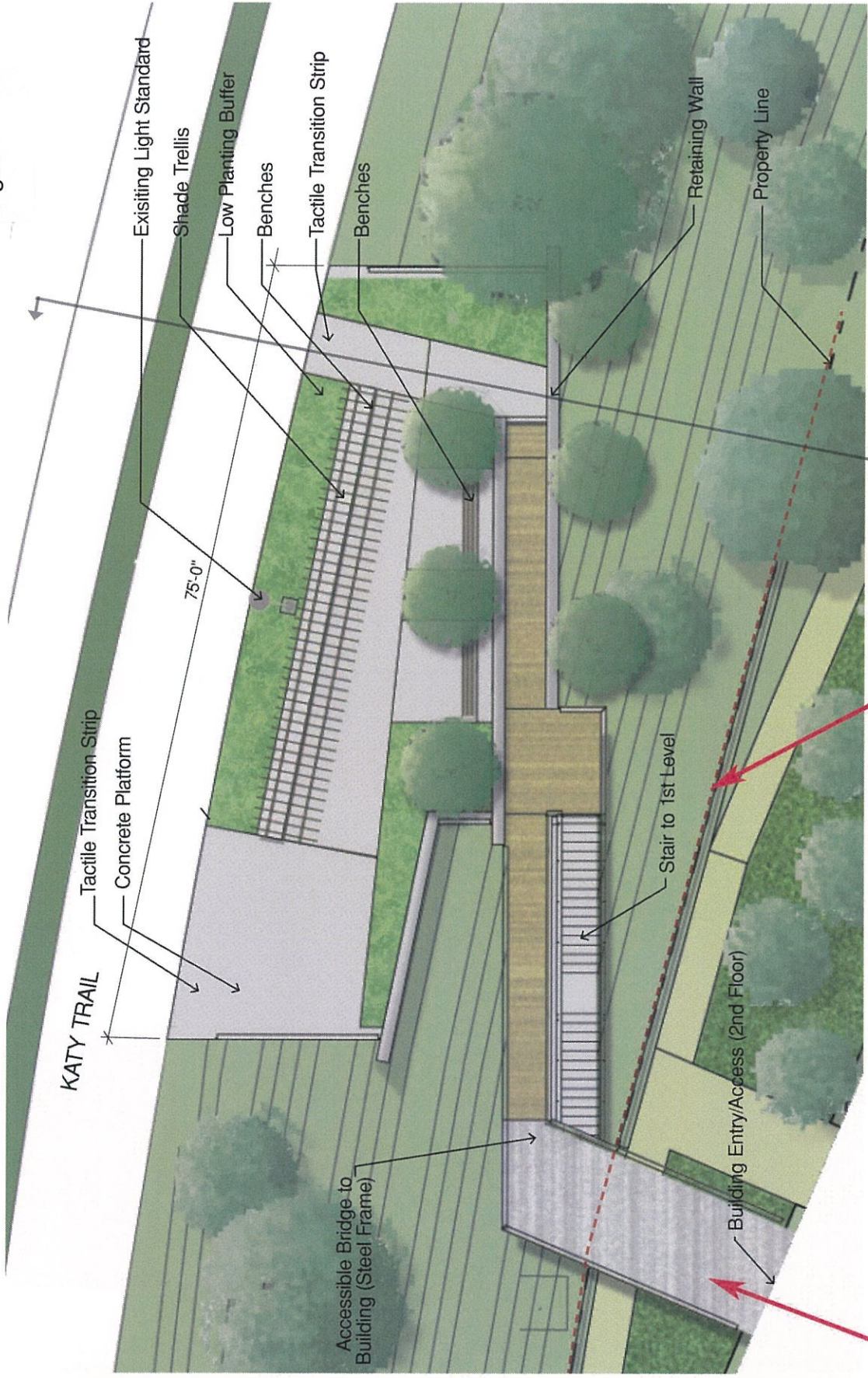
Shade Trees



Benches

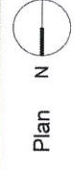


Seating + Trellis



Property Line

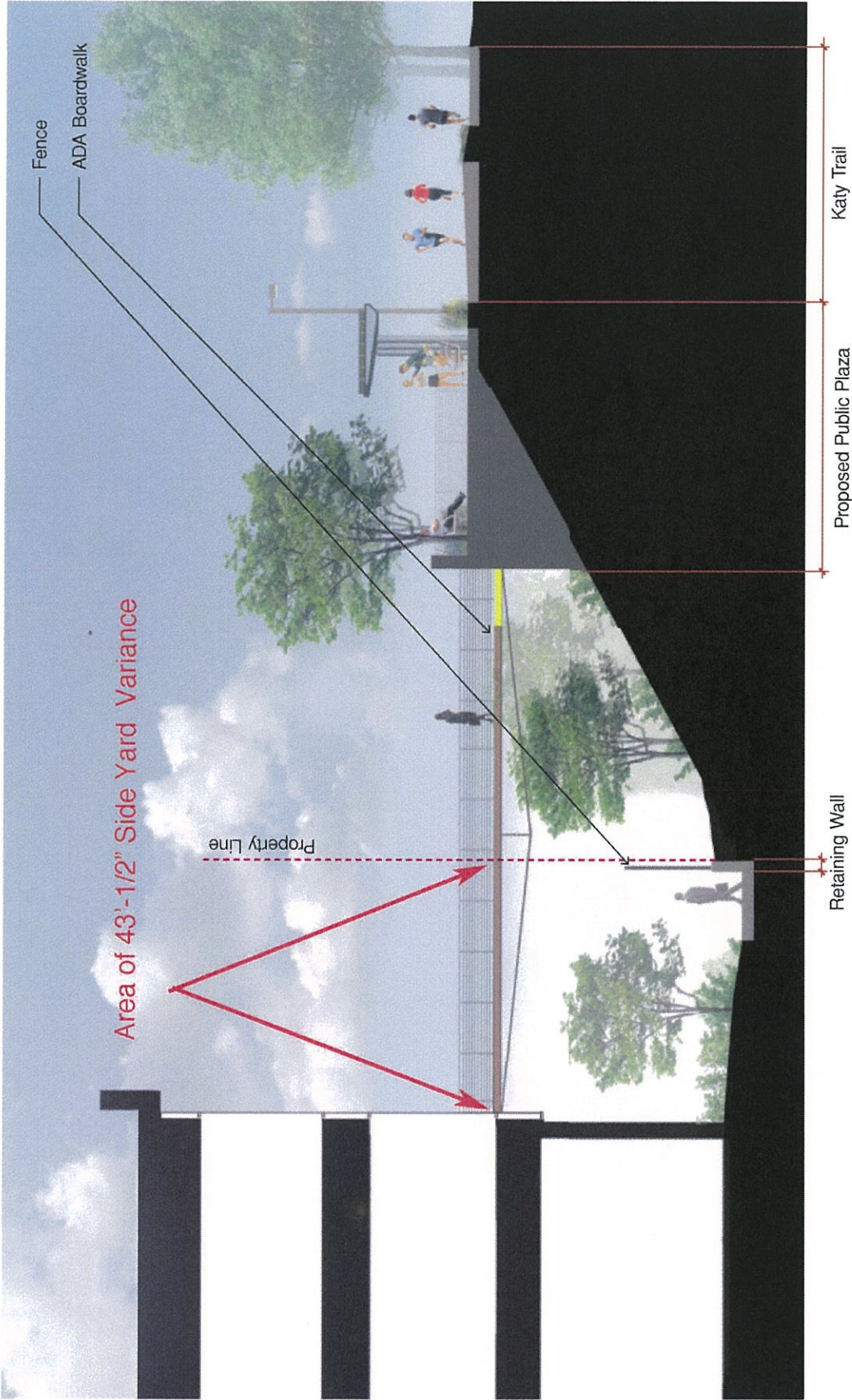
Area of 43'-1/2"  
 Side Yard Variance



Plan

# Katy Trail Plaza Concept

Section







BDA 134-074

Attach C

P51

**ROBERT REEVES**  
& Associates, Inc.

August 8, 2014

PLANNING AND ZONING CONSULTANTS

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

RE: BDA 134-074  
3000 Turtle Creek Plaza

Dear Mr. Long:


Attached is a letter of support from The Friends of Katy Trail and the Oak Lawn Committee.

I want to further clarify a couple of key points concerning our request for a side yard variance. Since the proposed elevated walkway is attached to the main office structure, our request is for a 43'-1/2" side yard variance, which results in a 0' side yard only for the elevated walkway. This will allow the walkway to cross our property line into the Katy Trail ROW. However, this request is only for that portion of the elevated walkway located on private property.

Hillwood intends to construct the Katy Trail Public Plaza in conjunction with the proposed elevated walkway. The plaza will be located on public park land located within the Katy Trail ROW, which was shown on exhibits submitted with the application package. Hillwood will pay for all construction and maintenance costs. The plaza will include substantial landscaping, shelter, benches, and water fountains for pedestrians and pets. The Park Board approved our walkway connection and public plaza on June 5, 2014 and the City Council has approved our construction and maintenance agreement.

We are asking for board approval our variance request.

Sincerely:



Robert Reeves

# The Oak Lawn Committee

(Since 1982)

[www.oaklawncommittee.org](http://www.oaklawncommittee.org)

BDA 134-074

Attach C

Pg 2

Members:

American National Bank  
Associated Estates  
Crescent Real Estate  
JESSICA BAXTER  
ROB BRATTON  
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  
Villas at the Mansion  
Warwick Melrose Hotel  
NANCY WEINBERGER  
DENISE YATES

August 5, 2014

Mr. 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

**RE: BDA 134-074, 3000 Turtle Creek Plaza - Hillwood**

Dear Mr. Reeves:

At our August meeting, The Oak Lawn Committee voted to support the applicant's request for a side yard variance of 43' ½" to construct an elevated walkway linking the proposed office building's second floor to the Katy Trail.

We are excited to learn of the proposed public Pedestrian Plaza at the access link to the Katy Trail that the applicant will build and maintain featuring water fountain, benches, and shade. This is a great example of being a good corporate member of the community.

Thank you for your excellent presentation.

Sincerely,



Brenda Marks  
President

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



BDA134-074  
Attach C  
pg 3



May 19, 2014

Dallas Park & Recreation  
1500 Marilla St.  
Room 6FN  
Dallas, TX 75201  
Attn: Willis C. Winters, Director

Re: Katy Trail Public Plaza Concept

Dear Mr. Winters:

The Board of Directors of the Friends of the Katy Trail has reviewed the Katy Trail Public Plaza Concept, prepared by Mithun and BOKA Powell, dated November 4, 2013 ("Concept Drawings"), together with the Park Development Plan improvements proposed by 3000 Turtle Creek Plaza, LLC, for the proposed public plaza and Katy Trail expansion area located between Cedar Springs Road and Bowen Street, as shown on the Concept Drawings and identified in the attached BOKA Powell drawing dated April 11, 2014, labeled Exhibit A. A copy of the submitted Concept Drawings and list of Park Development Plan improvements are attached hereto.

The Friends of the Katy Trail approves the Concept Drawings and proposed Park Development Plan improvements on the attached list for the sections of the Katy Trail identified in the BOKA Powell drawing dated April 11, 2014, labeled Exhibit A.

Very truly yours,

Friends of the Katy Trail,

By: Robin Baldock  
Name: Robin Baldock  
Title: Executive Director



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-074

Data Relative to Subject Property:

Date: 6/12/14

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' (Turtle Creek) 3) 4)

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 St, Suite 300 Zip Code: 75219

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

Represented by: 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 10 ft. side yard variance for a pedestrian bridge linking the second floor of the Applicant's proposed office building to the Katy Trail.

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)

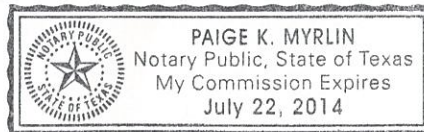
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of June, 2014.

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

(Rev. 08-01-11)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

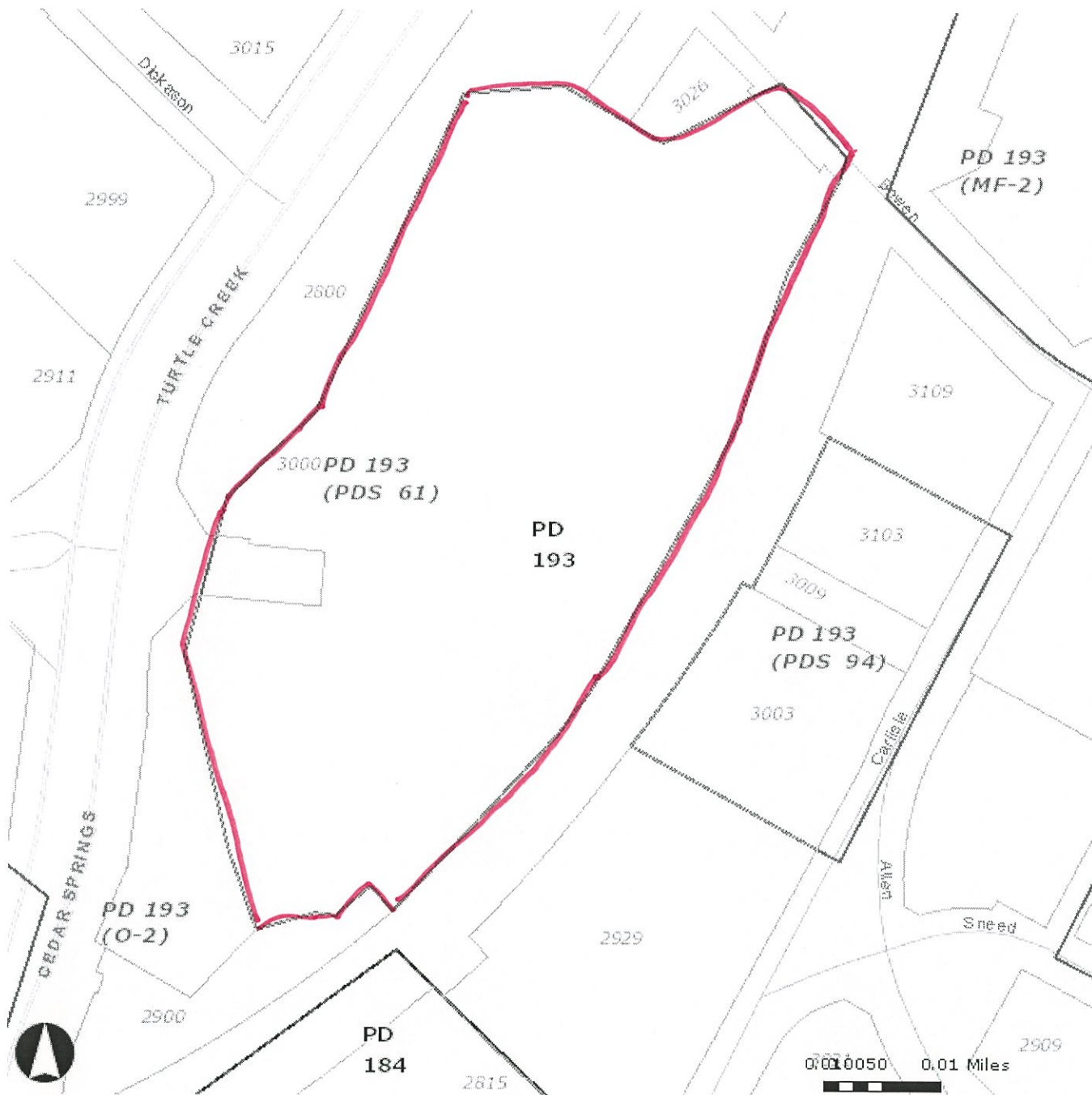
I hereby certify that Ken Reese  
represented by Robert Reeves  
did submit a request for a special exception to the side yard setback regulations  
at 3000 Turtle Creek Plaza

BDA134-074. Application of Ken Reese represented by Robert Reeves for a special exception to the side yard setback 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. The applicant proposes to construct a nonresidential structure and provide a 0 foot side yard setback, which will require a 43 foot 1/2 inch variance to the side yard setback regulation.

Sincerely,

  
Larry Holmes, Building Official

90





ROBERT REEVES  
& Associates, Inc.

June 23, 2014

PLANNING AND ZONING CONSULTANTS

Board of Adjustment  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

RE: Side Yard Variance, 3000 Turtle Creek Plaza, LLC

Dear Board Members:

This is a request by 3000 Turtle Creek Plaza, LLC for a 10-foot side yard variance along the south property line off Bowen Street. The zoning guidelines default to O-2 District standards, which require a 10-foot side yard setback next to Katy Trail. The applicant intends to construct an elevated pedestrian bridge, which will connect the second floor of its new office building to Katy Trail. In addition, the applicant 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.

The site is very irregular in shape and has a 24-foot change in grade along the length of the site parallel to Turtle Creek. In addition, 33.3% of the site is in the flood plain, which limits the buildable area.

Standards for Granting a Variance:

*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.*

The Park Board has approved this pedestrian link along with improvements the applicant intends to construct and maintain within Katy Trail. The City Council will consider an access/maintenance agreement with the applicant at the end of June. We anticipate that this will be approved. This request has wide support and granting this side yard variance is not contrary to the public interest.

*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.*

The development standards for this site default to Office-2 District guidelines, which are the identical development guidelines for all other parcels of land with the same O-2 District zoning. However, this parcel differs from other parcels with the same zoning because of its physical constraints:

- 1) Very irregular is shape;
- 2) 33% of the site falls within a floodway easement and can not be built upon; and
- 3) There is a 24-foot change in grade along half of the parameter of the site.

*C) The variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.*

The natural features of the site restrict development and there are no self-created hardships. Granting this variance does not permit the applicant any privilege in developing this parcel not permitted by this chapter to other parcels of land with the same zoning.

Based on these reasons, we feel our side yard variance request is warranted and ask for the board's approval.

Sincerely:

A handwritten signature in black ink, appearing to read "Robert Reeves", with a long horizontal line extending to the right.

Robert Reeves

33% of the Site is Located in a Floodway Easement (Non-Buildable Area)

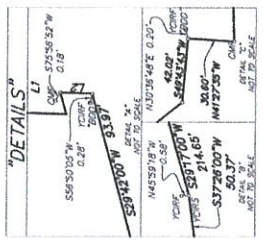
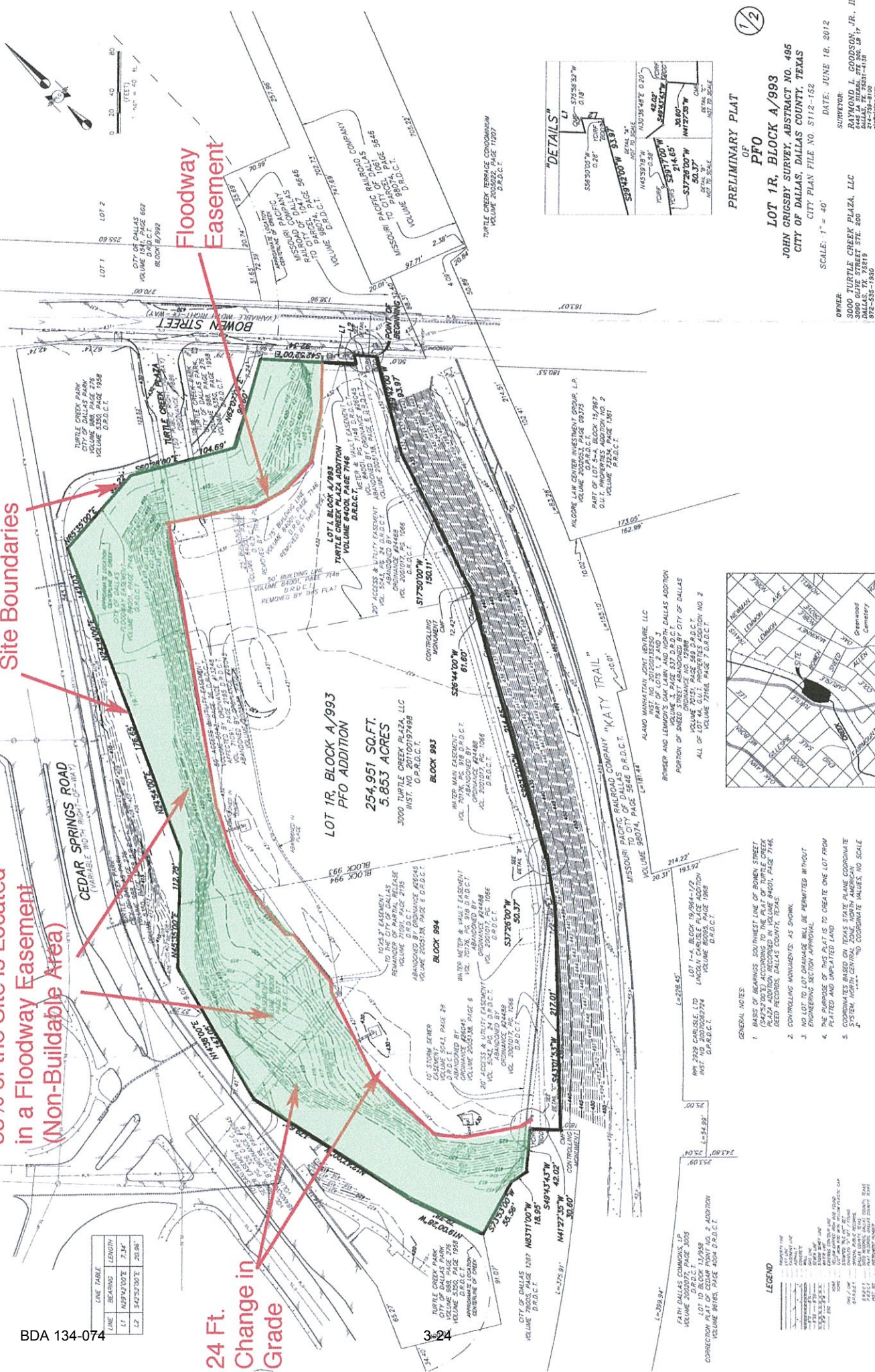
24 Ft. Change in Grade

Site Boundaries

Floodway Easement

BDA 134-074

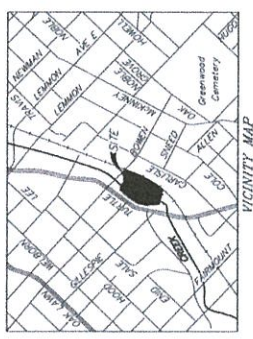
LINE	BEARING	LENGTH
L1	N07°42'00"E	7.14'
L2	S42°32'00"E	20.98'



1/2

PRELIMINARY PLAT OF PFO LOT 1R, BLOCK A/993 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS

DATE: JUNE 18, 2012  
 SURVEYOR: RAYMOND L. GOODSON, JR., II  
 3000 TURTLE CREEK PLAZA, LLC  
 DALLAS, TX 75217  
 972-552-1950  
 C/O J.T. ROBB



- GENERAL NOTES:
1. BASIS OF BEARINGS: SOUTHWEST LINE OF BOWEN STREET (S27°20'00"E) ACCORDING TO THE PLAT OF TURTLE CREEK TERRACE CONDOMINIUM, VOLUME 20, PAGE 1107, D.D.C.T.
  2. CONTROLLING MONUMENTS: AS SHOWN.
  3. ANY LOT TO BE PERMITTED TO BE PERMITTED WITHOUT PLATTED AND UNPLATTED LAND.
  4. THE PURPOSE OF THIS PLAT IS TO CREATE ONE LOT FROM LOT 1-A, BLOCK 19/984-1/2 LINCOLN CHARLES PLAZA ADDITION VOLUME 19, PAGE 1107, D.D.C.T.
  5. COORDINATES BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983. (NO) COORDINATE VALUES, NO SCALE.

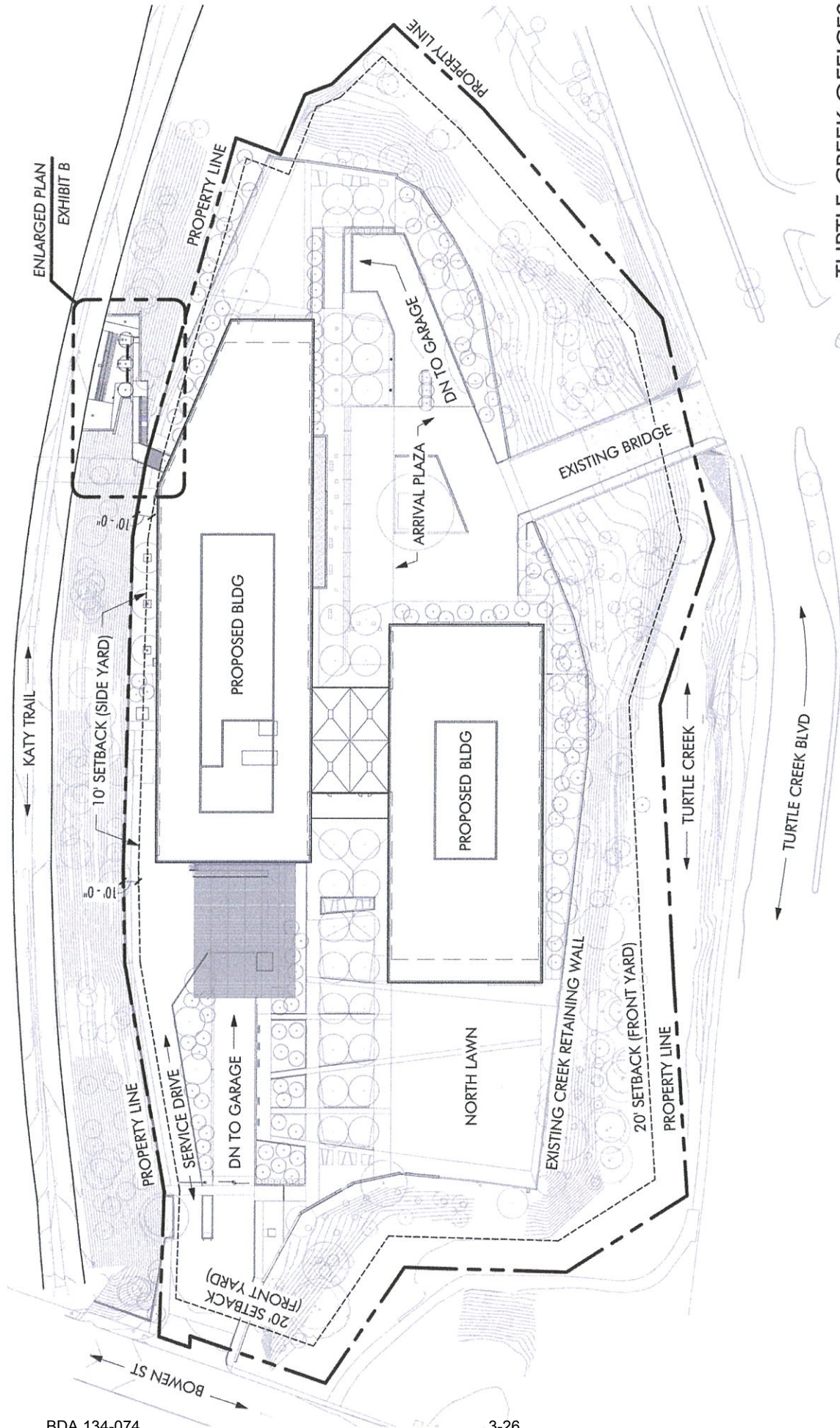
- LEGEND
- PROPERTY LINE
  - EXISTING LOT LINE
  - PROPOSED LOT LINE
  - EXISTING EASEMENT
  - PROPOSED EASEMENT
  - EXISTING FLOODWAY
  - PROPOSED FLOODWAY
  - EXISTING ROAD
  - PROPOSED ROAD
  - EXISTING UTILITY
  - PROPOSED UTILITY
  - EXISTING CURB
  - PROPOSED CURB
  - EXISTING SIDEWALK
  - PROPOSED SIDEWALK
  - EXISTING DRIVEWAY
  - PROPOSED DRIVEWAY
  - EXISTING FENCE
  - PROPOSED FENCE
  - EXISTING SIGN
  - PROPOSED SIGN
  - EXISTING LIGHT FIXTURE
  - PROPOSED LIGHT FIXTURE
  - EXISTING TREE
  - PROPOSED TREE
  - EXISTING BENCH
  - PROPOSED BENCH
  - EXISTING BIKE RACK
  - PROPOSED BIKE RACK
  - EXISTING UTILITY POLE
  - PROPOSED UTILITY POLE
  - EXISTING UTILITY BOX
  - PROPOSED UTILITY BOX
  - EXISTING UTILITY VALVE
  - PROPOSED UTILITY VALVE
  - EXISTING UTILITY MANHOLE
  - PROPOSED UTILITY MANHOLE
  - EXISTING UTILITY TIE
  - PROPOSED UTILITY TIE
  - EXISTING UTILITY BRANCH
  - PROPOSED UTILITY BRANCH
  - EXISTING UTILITY MAIN
  - PROPOSED UTILITY MAIN
  - EXISTING UTILITY SERVICE
  - PROPOSED UTILITY SERVICE
  - EXISTING UTILITY TRUNK
  - PROPOSED UTILITY TRUNK
  - EXISTING UTILITY FEEDER
  - PROPOSED UTILITY FEEDER
  - EXISTING UTILITY DISTRIBUTION
  - PROPOSED UTILITY DISTRIBUTION
  - EXISTING UTILITY COLLECTION
  - PROPOSED UTILITY COLLECTION
  - EXISTING UTILITY INTERCONNECTION
  - PROPOSED UTILITY INTERCONNECTION
  - EXISTING UTILITY CONNECTION
  - PROPOSED UTILITY CONNECTION
  - EXISTING UTILITY ISOLATION
  - PROPOSED UTILITY ISOLATION
  - EXISTING UTILITY PROTECTION
  - PROPOSED UTILITY PROTECTION
  - EXISTING UTILITY ENCLOSURE
  - PROPOSED UTILITY ENCLOSURE
  - EXISTING UTILITY STRUCTURE
  - PROPOSED UTILITY STRUCTURE
  - EXISTING UTILITY EQUIPMENT
  - PROPOSED UTILITY EQUIPMENT
  - EXISTING UTILITY MATERIAL
  - PROPOSED UTILITY MATERIAL
  - EXISTING UTILITY METHOD
  - PROPOSED UTILITY METHOD
  - EXISTING UTILITY STANDARD
  - PROPOSED UTILITY STANDARD
  - EXISTING UTILITY SPECIFICATION
  - PROPOSED UTILITY SPECIFICATION
  - EXISTING UTILITY REQUIREMENT
  - PROPOSED UTILITY REQUIREMENT
  - EXISTING UTILITY CONDITION
  - PROPOSED UTILITY CONDITION
  - EXISTING UTILITY STATUS
  - PROPOSED UTILITY STATUS
  - EXISTING UTILITY LOCATION
  - PROPOSED UTILITY LOCATION
  - EXISTING UTILITY ORIENTATION
  - PROPOSED UTILITY ORIENTATION
  - EXISTING UTILITY ALIGNMENT
  - PROPOSED UTILITY ALIGNMENT
  - EXISTING UTILITY DEVIATION
  - PROPOSED UTILITY DEVIATION
  - EXISTING UTILITY OFFSET
  - PROPOSED UTILITY OFFSET
  - EXISTING UTILITY CLEARANCE
  - PROPOSED UTILITY CLEARANCE
  - EXISTING UTILITY PROTECTION DISTANCE
  - PROPOSED UTILITY PROTECTION DISTANCE
  - EXISTING UTILITY PROTECTION METHOD
  - PROPOSED UTILITY PROTECTION METHOD
  - EXISTING UTILITY PROTECTION MATERIAL
  - PROPOSED UTILITY PROTECTION MATERIAL
  - EXISTING UTILITY PROTECTION METHOD
  - PROPOSED UTILITY PROTECTION METHOD
  - EXISTING UTILITY PROTECTION MATERIAL
  - PROPOSED UTILITY PROTECTION MATERIAL
  - EXISTING UTILITY PROTECTION METHOD
  - PROPOSED UTILITY PROTECTION METHOD
  - EXISTING UTILITY PROTECTION MATERIAL
  - PROPOSED UTILITY PROTECTION MATERIAL

RECORDED 10074  
 JOB NO. 12238  
 DATE: JUNE 18, 2012  
 SURVEYOR: RAYMOND L. GOODSON, JR., II  
 3000 TURTLE CREEK PLAZA, LLC  
 DALLAS, TX 75217  
 972-552-1950  
 C/O J.T. ROBB



To see all the details that are visible on the screen, use the "Print" link next to the map.





ENLARGED PLAN  
EXHIBIT B

TURTLE CREEK OFFICES

Donald R. Powell, Jr.  
Reg. No. 7206  
Chris W. Barnes  
Reg. No. 10147  
John E. Orfield  
Reg. No. 11164  
R. Andrew Bennett  
Reg. No. 16129

**BO  
KA  
Powell**

**MITHÜN**

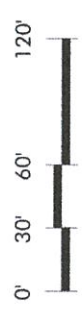
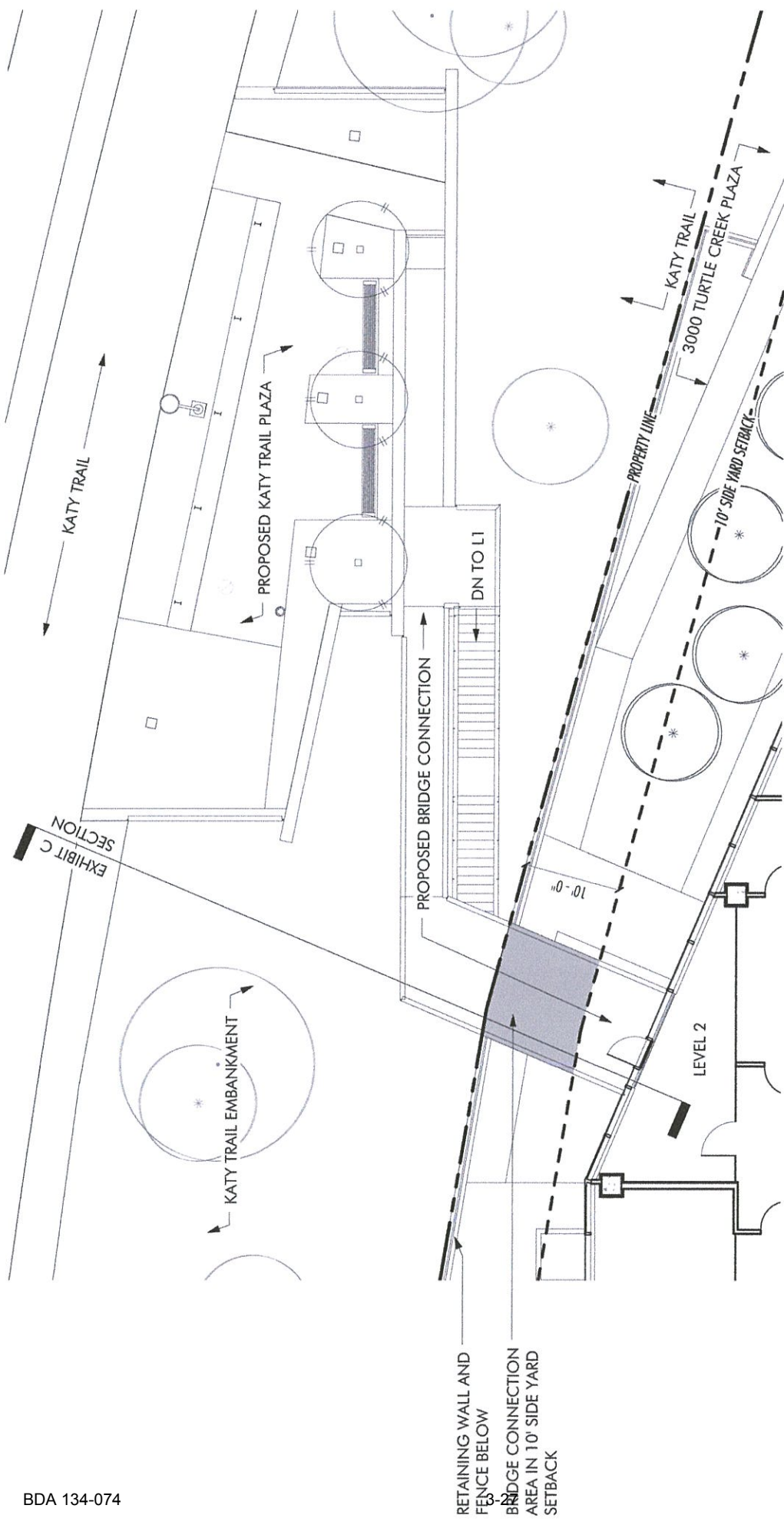


EXHIBIT A - SITE PLAN  
06.24.2014  
Project No.:  
12028-103

© 2014 BOWPowell LLC. Not for regulatory approval, permitting or construction.



BDA 134-074



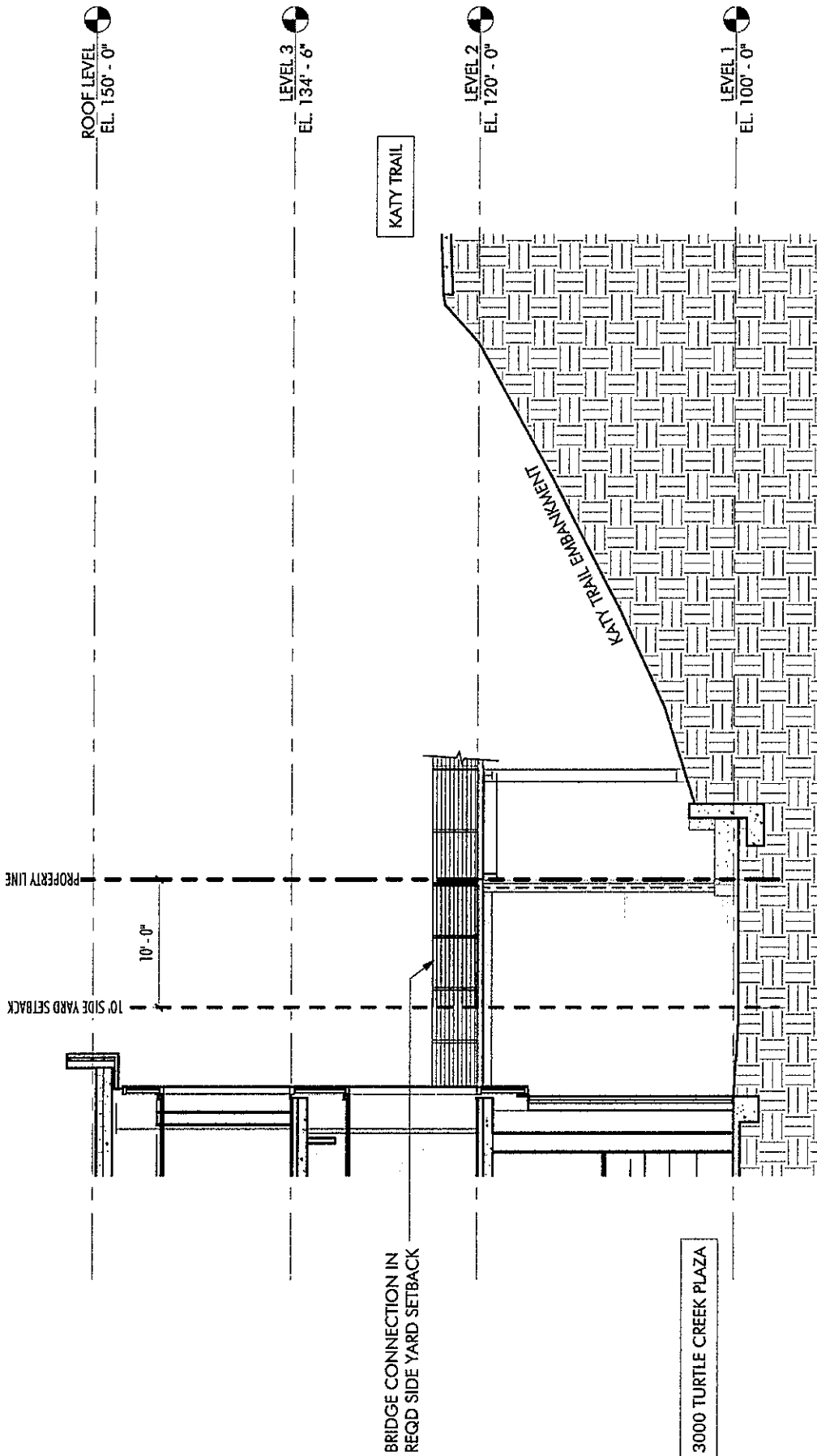
**MITHUN**

**TURTLE CREEK OFFICES**

Donald B. Powell, Jr.  
 Reg. No. 1226  
 Chris W. Barnes  
 Reg. No. 10117  
 John E. Orfield  
 Reg. No. 11164  
 R. Andrew Bennett  
 Reg. No. 18129

**EXHIBIT B - ENLARGED PLAN**  
 06.24.2014  
 Project No.  
 12028.103

© 2014 BDA/POWELL, LLC. Not for regulatory approval, permitting or construction.



TURTLE CREEK OFFICES

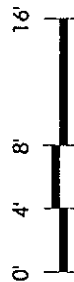
EXHIBIT C - SECTION  
06.24.2014  
Project No.  
12028-103

Donald R. Powell, Jr.  
Reg. No. 7286  
Chris W. Barnes  
Reg. No. 10147  
John E. Orfield  
Reg. No. 11164  
R. Andrew Bennett  
Reg. No. 18129

© 2014 BDA 134-074. All rights reserved. Reproduction or distribution is prohibited.

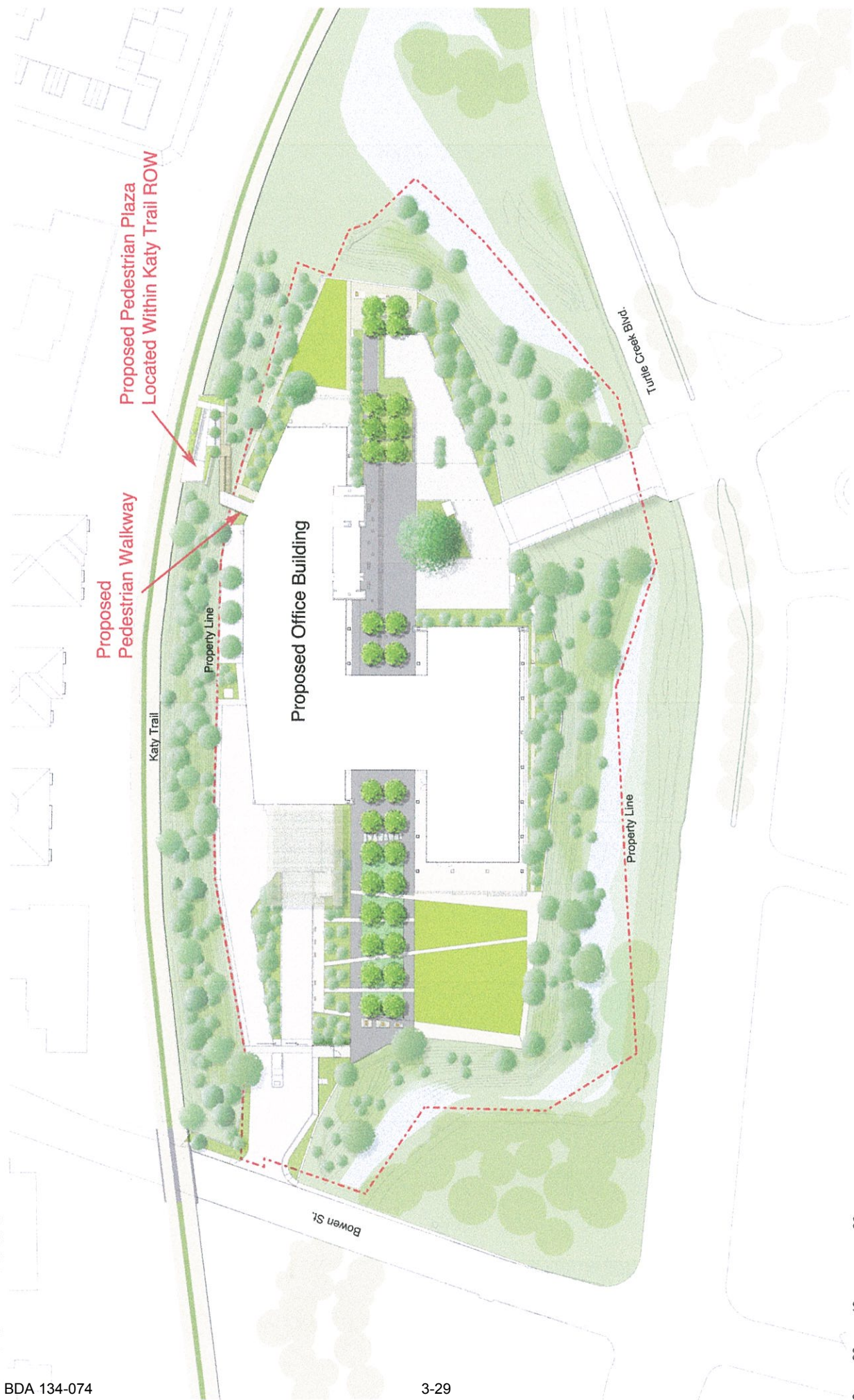


MITHUN



# Site Plan

BDA 134-074



June 10, 2014

# Katy Trail Public Plaza Concept

March 26, 2014



# Katy Trail Plaza Concept

Site Plan

BDA 134-074



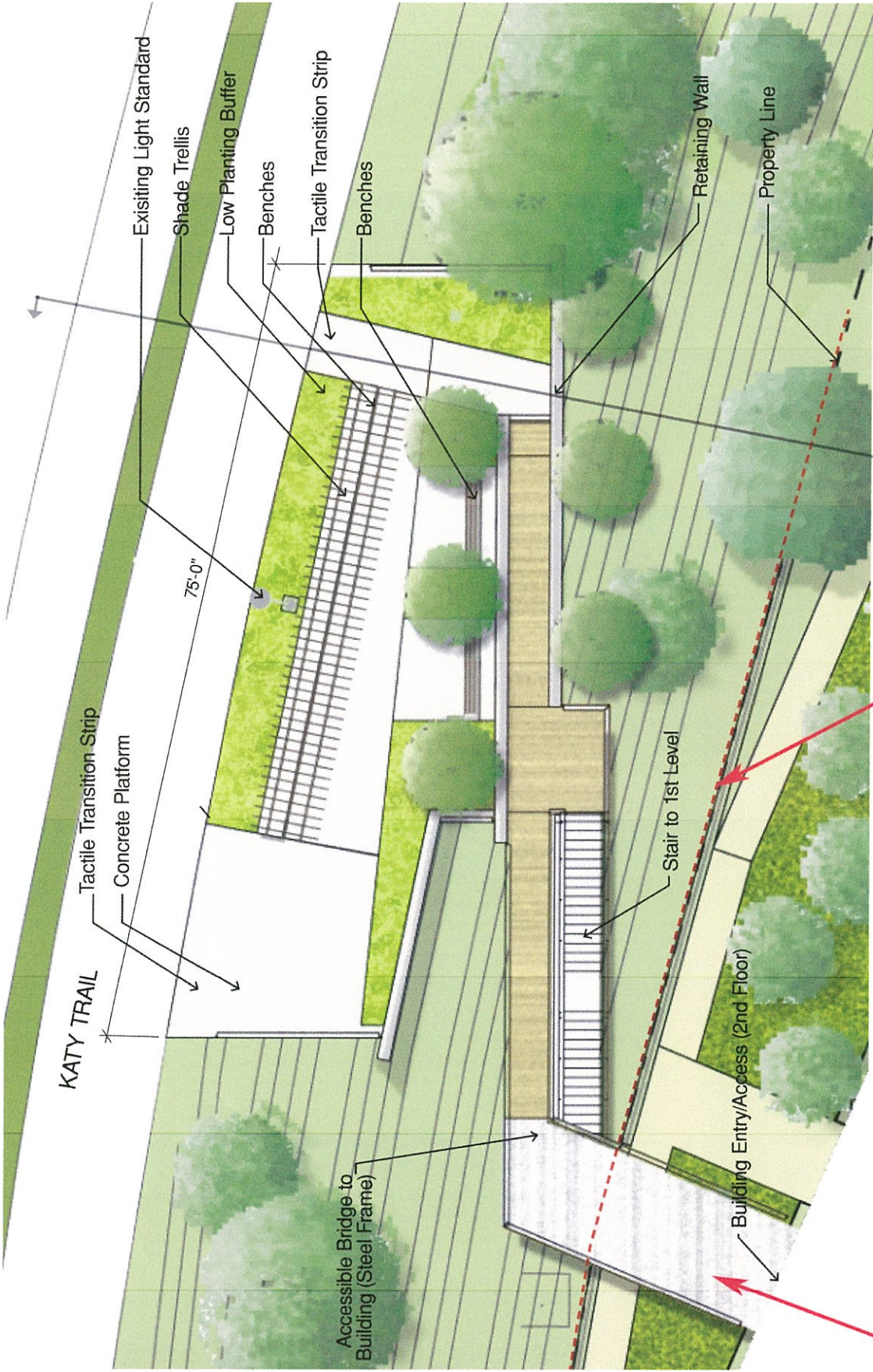
Shade Trees



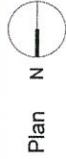
Benches



Seating + Trellis



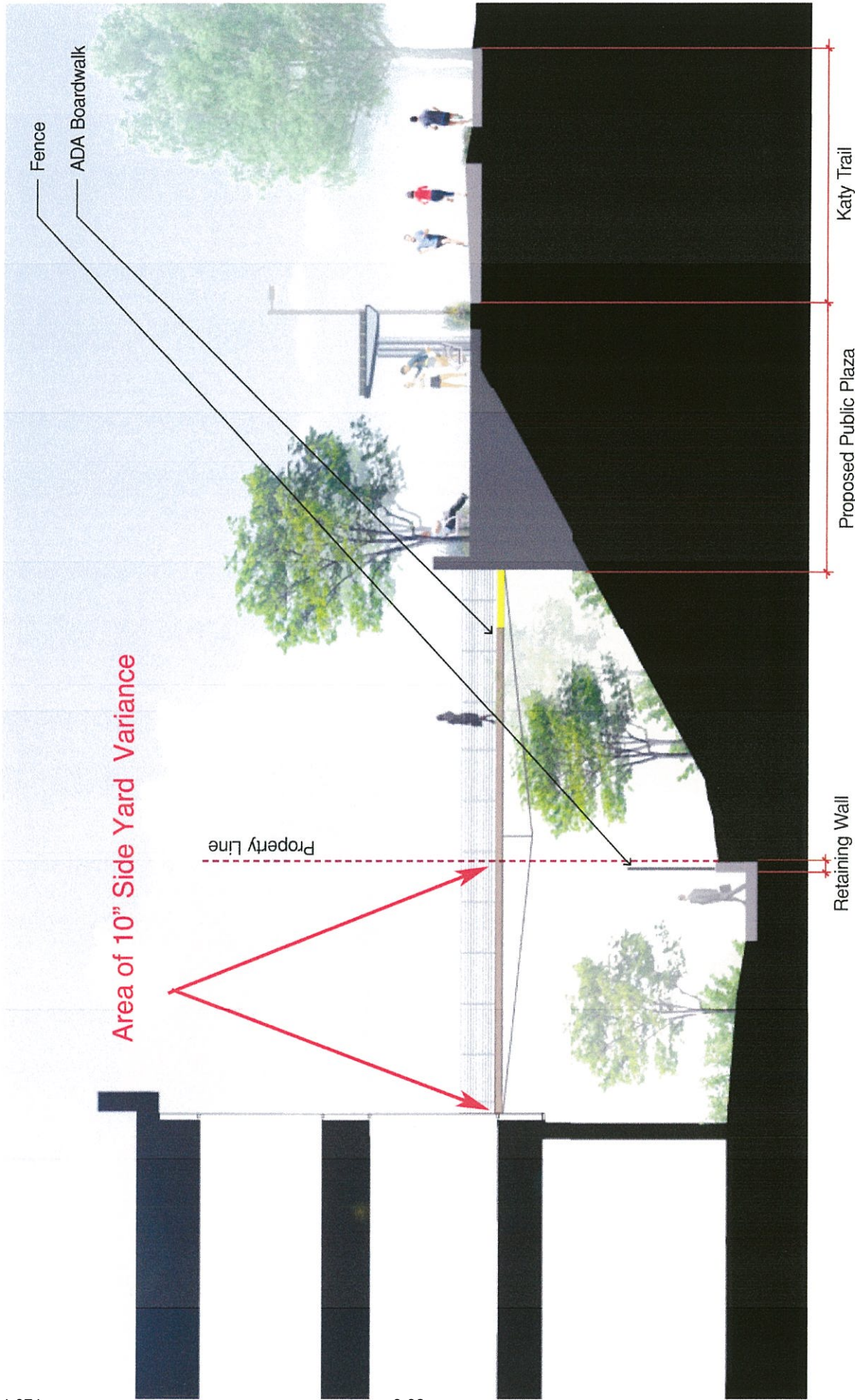
Area of 10' Side Yard Variance



Plan N

# Katy Trail Plaza Concept

Section  
BDA 134-074





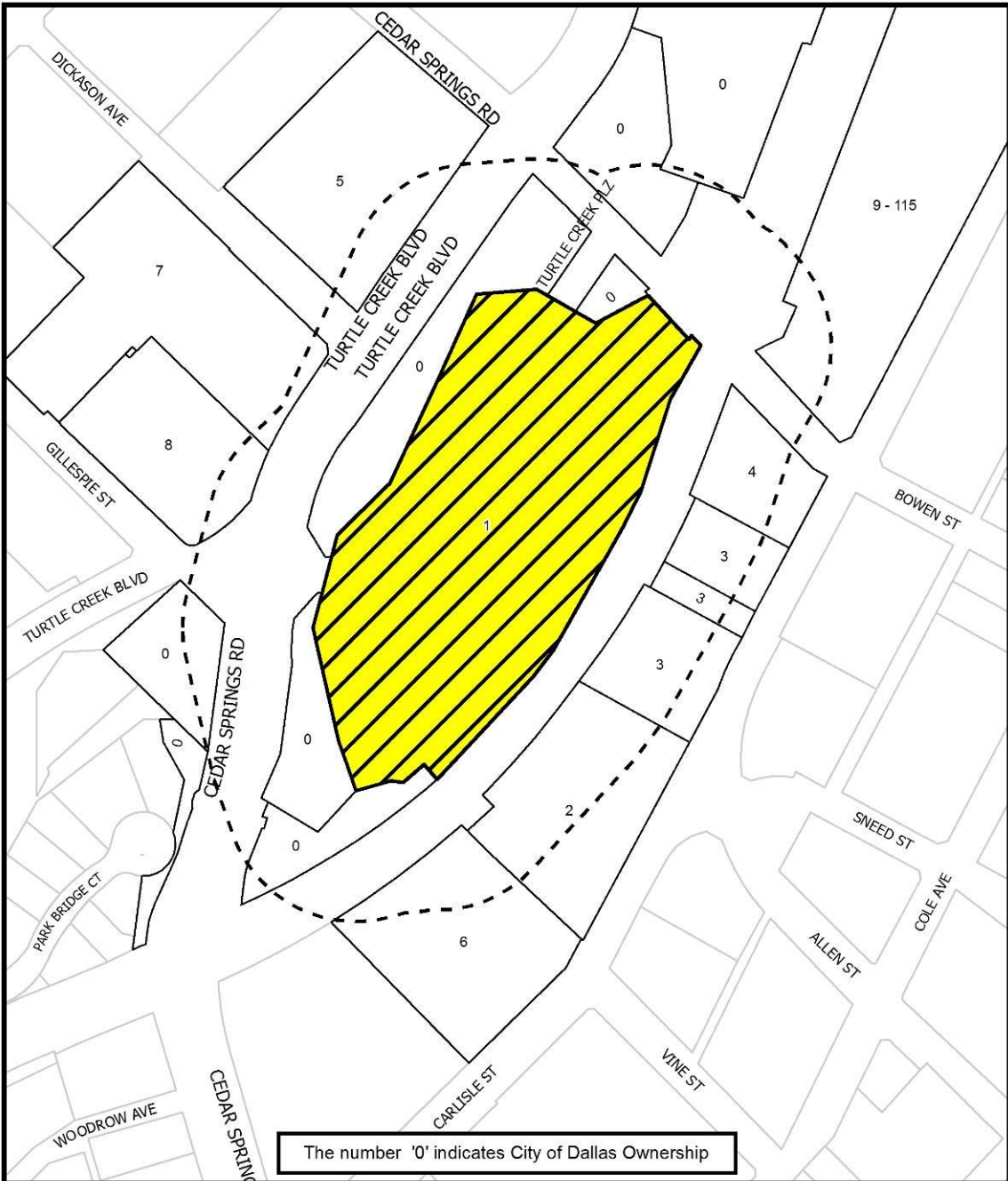
# Looking North on the Katy Trail

## Proposed Katy Trail Public Plaza

BDA 14-074



3-33



 1:2,400	<h2>NOTIFICATION</h2>	Case no: <b>BDA134-074</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>115</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>115</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>115</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

# *Notification List of Property Owners*

**BDA134-074**

**115 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3000	TURTLE CREEK PLAZA 3000 TURTLE CREEK PLAZA LLC
2	2929	CARLISLE ST KLP NEWVILLE LP
3	3003	CARLISLE ST ALAMO MANHATTAN JOINT VENTURE LLC
4	3109	CARLISLE ST 3109 CARLISLE LP
5	3015	CEDAR SPRINGS RD LINPRO ESPLANADE LAND
6	2815	CARLISLE ST FATH DALLAS COMMONS LP
7	2999	TURTLE CREEK BLVD 2999 TURTLE CREEK INC
8	2911	TURTLE CREEK BLVD TRT PARK PLACE LLC
9	3203	CARLISLE ST MEDRANO FRANCISO J
10	3203	CARLISLE ST TOMASI SAL
11	3205	CARLISLE ST JOHNSON RANDALL LORNE
12	3207	CARLISLE ST CLAYTON RODRICK
13	3209	CARLISLE ST STAFFORD RUSSELL
14	3203	CARLISLE ST LOPEZ LINDA
15	3203	CARLISLE ST PARRISH DON R &
16	3203	CARLISLE ST ROBERTS THOMAS J
17	3203	CARLISLE ST NAKAZAWA GLEN REVOCABLE LIVING TR
18	3203	CARLISLE ST PARLOW RICHARD &
19	3203	CARLISLE ST HUMPHRIES JOHN
20	3203	CARLISLE ST WILLMETH GREGG STUART
21	3203	CARLISLE ST ZAZO CHRIS
22	3203	CARLISLE ST HAYNES KENNETH A
23	3203	CARLISLE ST WEISFELD RONALD A
24	3203	CARLISLE ST PARLOW RICHARD
25	3203	CARLISLE ST MOORE HOWARD S
26	3203	CARLISLE ST CARDONA MARIA &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3203 CARLISLE ST	MEDRANO FRANCISCO J
28	3203 CARLISLE ST	PENG NEWLIN
29	3214 BOWEN ST	DRIVER MARK WILLIAM
30	3203 CARLISLE ST	MESSINA MARIO L
31	3203 CARLISLE ST	BEASLEY JON
32	3215 CARLISLE ST	STARKS GARY DEAN
33	3203 CARLISLE ST	MARTIN PHIL
34	3215 CARLISLE ST	JOSLIN JEFFERY E
35	3215 CARLISLE ST	FLACH NATHAN W
36	3215 CARLISLE ST	WATSON NINA LORA
37	3203 CARLISLE ST	WATSON NINA LORA
38	3215 CARLISLE ST	CROWDER BRENT E
39	3203 CARLISLE ST	ARRIETA HUMBERTO
40	3203 CARLISLE ST	WHATLEY KAY BARNES
41	3203 CARLISLE ST	JOLLY VINEET
42	3203 CARLISLE ST	FIGUEROA RAY E
43	3203 CARLISLE ST	BARRETT JACQUELYN L
44	3203 CARLISLE ST	FEIERABEND JERRY G & CARMEN
45	3221 CARLISLE ST	SOMERS DWAYNE
46	3223 CARLISLE ST	TENORIO GUILHERME A
47	3203 CARLISLE ST	DALBKE STEVE A
48	3203 CARLISLE ST	DALBKE STEVE A
49	3203 CARLISLE ST	HILL R C
50	3203 CARLISLE ST	BARNETT DON & MARY ALICE
51	3215 CARLISLE ST	ARRIETA N HUMBERTO
52	3203 CARLISLE ST	HAIRSTON DAVID E
53	3203 CARLISLE ST	DARILEK QUENTIN
54	3235 CARLISLE ST	TUNISON KATIE
55	3235 CARLISLE ST	FLAUGH CHRISTOPHER C
56	3203 CARLISLE ST	EGINTON WILLIAM L
57	3215 CARLISLE ST	JONES GUY FRANKLIN

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	3203 CARLISLE ST	CAMPBELL NELSON C
59	3203 CARLISLE ST	BEASLEY JON
60	3203 CARLISLE ST	NELSON RICHARD LEE &
61	3203 CARLISLE ST	COLEMAN RONALD M
62	3203 CARLISLE ST	FERGUSON ELAINE N
63	3203 CARLISLE ST	CARR KATHERINE A
64	3203 CARLISLE ST	LOUP BENJAMIN
65	3203 CARLISLE ST	BROWN THOMAS LEE
66	3203 CARLISLE ST	SMITH LINDA M
67	3203 CARLISLE ST	BROWN THOMAS LEE &
68	3239 CARLISLE ST	CLARK ANDALYN G
69	3239 CARLISLE ST	GING CHRISTINE C &
70	3203 CARLISLE ST	CHUNG TERESA
71	3203 CARLISLE ST	ELATTRACHE DAVID &
72	3203 CARLISLE ST	VANIAN MARY TRUSTEE
73	3203 CARLISLE ST	HOOVER GREGORY
74	3239 CARLISLE ST	YAWITZ MICHAEL RAY
75	3203 CARLISLE ST	RUTHERFORD WILLIAM S & JUDIE
76	3203 CARLISLE ST	HARRIS BRENT
77	3203 CARLISLE ST	MITELHAUS CHUCK
78	3203 CARLISLE ST	DRIVER MARY A
79	3203 CARLISLE ST	SHARP KRIS J & CAROL A
80	3203 CARLISLE ST	HARPER JOHN R JR
81	3203 CARLISLE ST	ROIDOPOULOS MARK E
82	3203 CARLISLE ST	LEE THOMAS J
83	3203 CARLISLE ST	CECIL PRESTON L &
84	3203 CARLISLE ST	BROWN THOMAS & JULIE
85	3203 CARLISLE ST	FORRESTER JAMES PERRY
86	3203 CARLISLE ST	RUCKER KATHRYN L
87	3203 CARLISLE ST	CLAYTON DANIEL J
88	3203 CARLISLE ST	PAYNE DYLAN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	3203 CARLISLE ST	HUMPHRIES DENNIS R TR
90	3263 CARLISLE ST	HOOKEY MARGARET H
91	3203 CARLISLE ST	EQUITY TRUST CO CUSTODIAN
92	3203 CARLISLE ST	YECHEZKELL HEZI
93	3203 CARLISLE ST	RICE ANTHONY C
94	3203 CARLISLE ST	SANDERS JOHN DAVID
95	3203 CARLISLE ST	MCCOLLUM JOHN B
96	3203 CARLISLE ST	BRIDWELL CRAIG & SUSAN K
97	3203 CARLISLE ST	HALL ROBERT S
98	3203 CARLISLE ST	ELEUTERI FRANCO
99	3203 CARLISLE ST	CIHAL MARY BETH
100	3203 CARLISLE ST	LEWIS THOMAS ALLEN
101	3269 CARLISLE ST	TSANKOVA NADEJDA M
102	3203 CARLISLE ST	FLUMERFELT JOSEPH M IV
103	3269 CARLISLE ST	HOLSINGER JILL
104	3203 CARLISLE ST	BINION DORIS
105	3203 CARLISLE ST	CRUZ ENRIQE III
106	3273 CARLISLE ST	CHRONISTER RANDY
107	3203 CARLISLE ST	HOWARD MARK H
108	3203 CARLISLE ST	CARLETON BRIAN J
109	3203 CARLISLE ST	FANKHAUSER MARK A NMF TRUST
110	3203 CARLISLE ST	CHENOWITH GARY
111	3203 CARLISLE ST	AKINS LINDSEY R
112	3203 CARLISLE ST	MILAZZO DAVID
113	3203 CARLISLE ST	ELKING LINDA ANN
114	3203 CARLISLE ST	MCKINNEY MICHAEL SCOTT
115	3203 CARLISLE ST	ARTHUR ROBERT TR &

**FILE NUMBER:** BDA 134-075

**BUILDING OFFICIAL'S REPORT:** Application of Maxwell Fisher of Masterplan for a special exception to the off-street parking regulations at 8333 Douglas Avenue. This property is more fully described as Lot 5A, Block 2/5625, and is zoned PD-314 (Tract 2), which requires parking to be provided. The applicant proposes to construct and maintain a structure for office and financial institution with drive-in window uses, and provide 1,630 of the required 1,791 parking spaces, which will require a 161 space special exception to the off-street parking regulations.

**LOCATION:** 8333 Douglas Avenue

**APPLICANT:** Maxwell Fisher of Masterplan

**REQUEST:**

A special exception to the off-street parking regulations of 161 spaces is requested to replace an existing parking garage with a new 13-story, approximately 180,000 square foot office tower (with inclusive parking garage) on a site developed with three other existing structures (office and financial institution with drive-in window uses) and provide 1,630 (or 91 percent) of the 1,791 off-street parking spaces required by code.

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 161 spaces shall automatically and immediately terminate if and when the mix of office and financial institution with drive-in window uses that would normally need no more than 1,791 required parking spaces is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objections to the applicant’s request.
- The applicant has substantiate how the parking demand generated by the mix of office and financial institution with drive-in window uses does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The applicant has provided a parking study that states that the peak parking demand extrapolated for full occupancy of the site with the additional building proposed for the site is 1,177 parked vehicles which is about 28 percent (or 453 spaces) less than the requested parking requirement of 1,630

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 314 (Planned Development District)  
North: PD No. 314 (Planned Development District)  
South: PD No. 314 (Planned Development District)  
East: PD No. 314 (Planned Development District)  
West: PD No. 314 (Planned Development District)



**Land Use:**

The subject site is partially developed with three office towers. The areas to the north, east, south, and west are developed with office, restaurant, and retail uses.

**Zoning/BDA History:**

1. BDA 078-111, 8343 Douglas Avenue/AKA 8333 or 8383 Douglas Avenue (the subject site)

On August 11, 2008, the Board of Adjustment Panel C granted a request for a special exception to the parking regulations of 75 spaces, and imposed the following condition to this request: The special exception shall automatically and immediately terminate if and when the office and financial institution with drive-in window uses on the site are changed or discontinued. The case report stated that the request was made in conjunction with completing and maintaining a seven story tower with 145,052 square feet of office use and a separate one story structure with 3,983 square feet of “financial institution with drive-in window” use where the applicant proposed to provide 1,176 (or 94%) of the total required 1,251 off-street parking spaces on a site that was partially currently under development and partially developed with an existing approximately 270,000 square foot office tower.
  
2. BDA 067-051, 8333 Douglas Avenue/AKA 8383 Douglas Avenue (the subject site)

On August 13, 2007, the Board of Adjustment Panel C denied a request for a special exception to the parking regulations of 181 spaces without prejudice. The case report stated that the request was made in conjunction with constructing an office tower with 144,400 square feet of office uses and a 4,600 square foot bank use on a site currently developed with an approximately 278,000 square foot office tower.
  
3. BDA 056-053, 8383 Douglas Avenue/AKA 8333 Douglas Avenue (the subject site)

On February 13, 2006, the Board of Adjustment Panel C granted a request for a special exception to the parking regulations

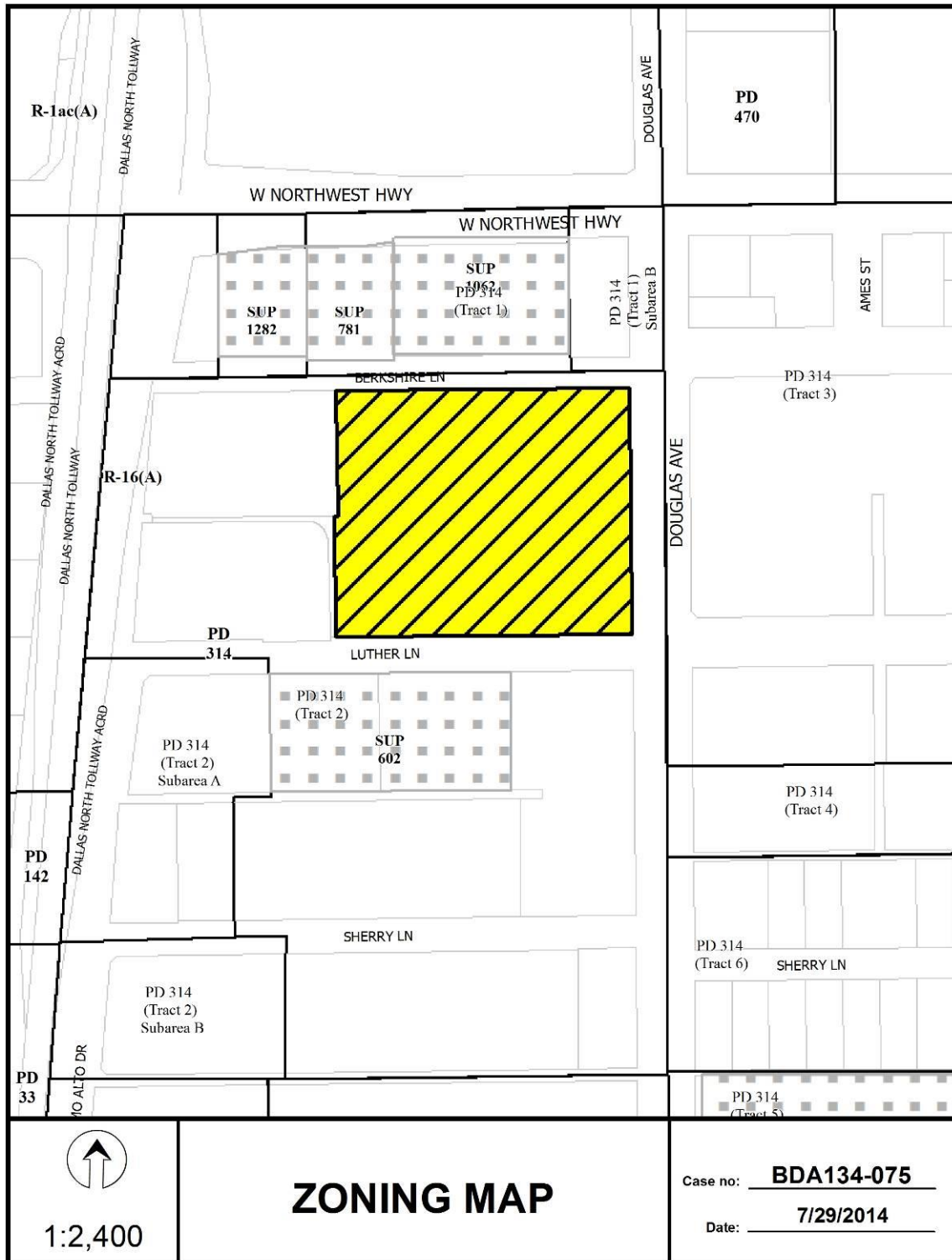
of 288 spaces and imposed the following conditions: the special exception shall automatically and immediately terminate if and when the office and restaurant uses on the site are changed or discontinued. The case report stated that the request was made in conjunction with constructing and maintaining a new 126,000 square foot office tower and an 8,500 square foot restaurant on the site.

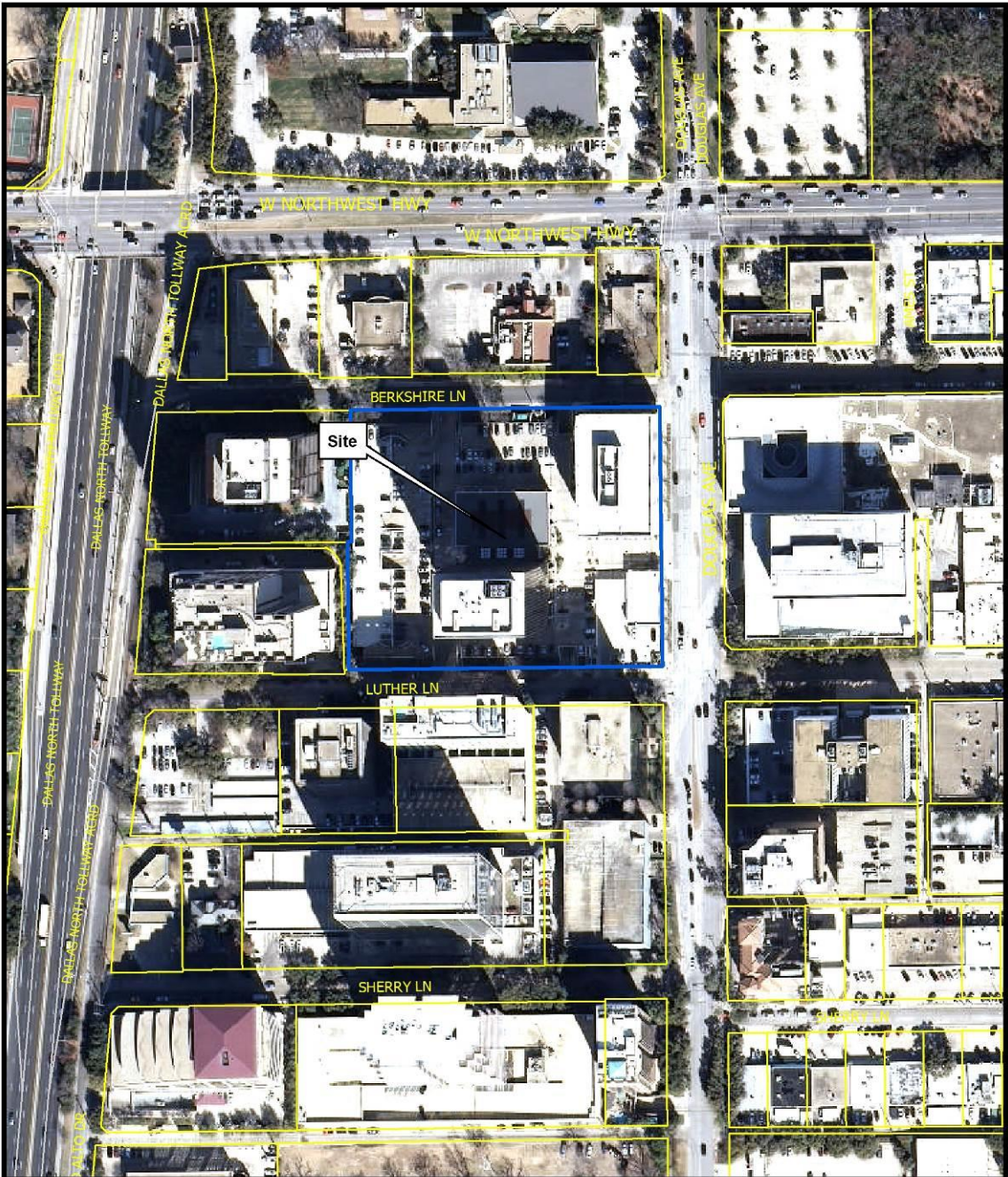
### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on replacing an existing parking garage with a new 13-story, approximately 180,000 square foot office tower (with inclusive parking garage) on a site developed with three other existing structures (office and financial institution with drive-in window uses) and providing 1,630 (or 91 percent) of the 1,791 off-street parking spaces required by code.
- The Dallas Development Code requires the following off-street parking requirement:
  - Office: one space per 333 spaces of floor area.
  - Financial institution with drive in window: One space per 333 square feet of floor area.
- The applicant is proposing to provide 1,630 of the required 1,791 required off-street parking spaces.
- The applicant has provided a parking study that states that the peak parking demand extrapolated for full occupancy of the site with the additional building proposed for the site is 1,177 parked vehicles which is about 28 percent (or 453 spaces) less than the requested parking requirement of 1,630.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the office and financial institution with drive-in window uses does not warrant the number of off-street parking spaces required, and
  - The special exception of 161 spaces (or a 9 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 161 spaces shall automatically and immediately terminate if and when the office and financial institution with drive-in window uses are changed or discontinued, the applicant would be allowed to construct the proposed structure and maintain the existing structures with the proposed and existing uses and provide 1,630 of the 1,791 code required off-street parking spaces.

## **Timeline:**

- June 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.
- July 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- July 15, 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 July 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, 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.
- August 5, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 5, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections.”





1:2,400

# AERIAL MAP

Case no: BDA134-075

Date: 7/29/2014

BDA 134-075  
Attach A pg 1

**Long, Steve**

---

**From:** Maxwell Fisher <maxwell@masterplanconsultants.com>  
**Sent:** Tuesday, August 05, 2014 2:41 PM  
**To:** Long, Steve  
**Cc:** Steve E. Stoner; Hatefi, Alireza  
**Subject:** File BDA# 134-075  
**Attachments:** 14004 PDA Tech Memo 08-05-14.pdf

Steve,

Today we met with Mr. Hatefi of Engineering. He generally agreed with our request for a parking reduction, though we will defer to his impending formal recommendation.

We had an incorrect address on the parking demand study for the Preston Center office tower parking special exception. The title page was changed from "3940" to 5940 Berkshire. This change will not impact the required notification since the property or lot is addressed as 8333 Douglas. We just wanted you to have a copy with the correct address for the proposed building. All the other documentation had the correct 5940 address and it was just a typo on the study.

Maxwell

Maxwell J. Fisher, AICP  
Consultant



**Masterplan**

Masterplan | Land Use Consultants  
Founders Square  
900 Jackson Street, Suite 640 | Dallas, TX 75202  
p: 214.761.9197 | c: 214.470.3972 | f: 214.748.7114

\*\*\*\*\*

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient named above. Masterplan, an assumed name of DalClay Corporation, does not provide legal advice. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. Unless expressly stated this message should not be construed as a digital or electronic signature.

\*\*\*\*\*

BDA134-075  
Attach A  
p32

Case #BDA 134-075

---

*PARKING DEMAND ANALYSIS FOR*  
**5940 BERKSHIRE LANE**  
**OFFICE DEVELOPMENT**  
*DALLAS, TEXAS*

---

Prepared for:

**HKS, Inc.**

350 N. Saint Paul Street, Suite 100  
Dallas, Texas 75201-4240

Prepared by:

**DeShazo Group, Inc.**

Texas Registered Engineering Firm F-3199

400 South Houston Street, Suite 330

Dallas, Texas 75202

Phone 214/748-6740

*August 5, 2014*



*Traffic. Transportation Planning. Parking. Design.*

[www.deshazogroup.com](http://www.deshazogroup.com)

DeShazo Project Number 14004

Parking Demand Analysis for  
**5940 Berkshire Lane Office Development**

~ DeShazo Project No. 14004 ~

## **Table Of Contents**

<b>EXECUTIVE SUMMARY .....</b>	<b>II</b>
<b>INTRODUCTION .....</b>	<b>1</b>
<b>PURPOSE .....</b>	<b>1</b>
<b>CODE PARKING REQUIREMENT.....</b>	<b>2</b>
<b>PARKING DEMAND.....</b>	<b>2</b>
<i>Observed Parking Accumulation.....</i>	<i>2</i>
<i>Projected Parking Demand .....</i>	<i>3</i>
<i>Requested Parking Reduction .....</i>	<i>3</i>
<b>REQUEST .....</b>	<b>3</b>
<b>CONCLUSION.....</b>	<b>4</b>
<b>PARKING SPECIAL EXCEPTION REQUEST .....</b>	<b>4</b>



## EXECUTIVE SUMMARY

The services of DeShazo Group, Inc. (DeShazo) were retained by HKS, Inc. on behalf of the Owner to conduct a Parking Demand Analysis for the proposed office tower to be located at 8333 Douglas Avenue. The new tower (referred to herein as "5940 Berkshire Lane") will contain approximately 180,000 square feet of gross building area, which is in addition to the existing office development on the site (addresses: 8333, 8343, and 8303 Douglas Avenue). This property was previously granted a Special Exception to the parking regulations for 75 parking spaces (approximately equal to six percent of the base parking requirement) – BDA 078-111, August 11, 2008. This study is provided to support of a request to increase the Special Exception to 161 spaces (nine percent of the base requirement) – a net change of 86 spaces.

In order to validate the projected parking demand at the property with the addition of the proposed office tower addition, DeShazo conducted an on-site parking utilization study for the existing uses on site. All building tenants utilize the existing, three-level, surface- and below-grade parking structure located on site. The number of parked vehicles was counted once per hour from 9:00 AM and 5:00 PM on Thursday, May 29, 2014. The peak parking demand of 764 vehicles occurred at 10:00 AM. After adjusting to account for current vacancies, the extrapolated peak parking demand for 100% occupancy of all existing buildings is 822 parked vehicles, or 70% utilization of the 1,176 required spaces. The projected peak parking demand extrapolated for full occupancy of the site with the additional building is 1,177 parked vehicles -- about twenty-eight percent less than the requested parking requirement of 1,630.

Based upon the projected parking demand at the site as analyzed by DeShazo, the peak parking demand is projected to be substantially lower than the proposed reduction. The proposed reduction in parking requirement is considered to be justified.

END



*Traffic. Transportation Planning. Parking. Design.*  
[www.deshazogroup.com](http://www.deshazogroup.com)

## **Technical Memorandum**

**To:** *Mr. Larry Tuccio, AIA — HKS, Inc.*  
**CC:** *Dallas Cothrum, Ph.D. — Masterplan*  
**From:** *Steve E. Stoner, P.E., PTOE — DeShazo Group, Inc.*  
**Date:** August 5, 2014  
**Re:** *Parking Demand Analysis for 5940 Berkshire Lane Office Development in Dallas, Texas*  
*DeShazo Project Number 14004; Case Number BDA 134-075*

---

### **INTRODUCTION**

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **HKS, Inc.** on behalf of the Owner to conduct a Parking Demand Analysis for the proposed office tower to be located at 8333 Douglas Avenue. The new tower (referred to herein as "5940 Berkshire Lane") will contain approximately 180,000 square feet of gross building area, which is in addition to the existing office development on the site (addresses: 8333, 8343, and 8303 Douglas Avenue). This property was previously granted a Special Exception to the parking regulations for 75 parking spaces (approximately equal to six percent of the base parking requirement) – BDA 078-111, August 11, 2008. This study is provided to support a requested increase of the Special Exception for parking requirement to account for the additional floor area.

DeShazo is an engineering consulting firm based in Dallas, Texas, providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and analysis.

### **Purpose**

Findings of this study are intended to provide the basis for a Parking Special Exception request to reduce the direct City of Dallas Code parking requirement. Based upon published parking demand information and professional judgment derived from past experience, the base code requirement is not considered to be representative of the parking needs of the proposed development. A reduction of the code requirement is proposed in order to yield a more reasonable and equitable parking supply for the site. This memorandum summarizes the existing code parking requirement and the projected parking demand based upon on-site observations of currently occupied space and DeShazo's professional judgment in support of the request for a Parking Special Exception.

## CODE PARKING REQUIREMENT

The study site is currently zoned PD No. 314 – the Preston Center Special Purpose District, Tract II. As outlined in Section 51P-314.161(c), parking for this subdistrict is calculated by direct application of the rates provided in the Dallas Development Code 51A. Pursuant to 51A-4.207, the base parking requirement for general office use and financial institution is one space per 333 square feet of floor area.

The respective parking code rates were applied to the proposed development plan; results are tabulated as follows.

**Table 1. City Code Parking Requirement Summary**

BUILDING	LAND USE CITY OF DALLAS DEVELOPMENT CODE	AMOUNT	PARKING CODE RATE (1 space per...)	REQUIRED PARKING
8333 Douglas Ave.	General Office 51A-4.207(5)(C)	267,404 SF	333 SF	803.0
8343 Douglas Ave.	General Office 51A-4.207(5)(C)	145,052 SF	333 SF	435.6
8303 Douglas Ave.	Financial Institution 51A-4.207(3)(C)	3,983 SF	333 SF	12.0
Subtotal				1,250.6
Current Special Exception BDA 078-111				(75)
Net Subtotal				1,175.6
5940 Berkshire Lane	General Office 51A-4.207(5)(C)	180,000 SF	333 SF	540.5
<b>TOTAL:</b>				<b>1,716 spaces</b>

As shown in Table 1 above, the property currently requires 1,176 parking spaces, including the existing 75-space Special Exception. With the addition of the proposed office building, the net requirement will increase to 1,716 spaces (before any adjustment to the Parking Special Exception).

## PARKING DEMAND

### *Observed Parking Accumulation*

In order to validate the projected parking demand at the property with the addition of the proposed office tower addition, DeShazo conducted an on-site parking utilization study for the existing uses on site. All building tenants utilize the existing, three-level, surface- and below-grade parking structure located on site. The number of parked vehicles was counted once per hour from 9:00 AM and 5:00 PM on Thursday, May 29, 2014. The peak parking demand of 764 vehicles occurred at 10:00 AM. Currently, 8343 and 8303 Douglas are fully occupied, which 8333 Douglas is 89% occupied. So,

adjusting for the current vacancies, the extrapolated peak parking demand for 100% occupancy of all existing buildings is 822 parked vehicles, or 70% utilization of the 1,177 required spaces.

**Projected Parking Demand**

Assuming the existing parking demand characteristics will occur for the proposed office tower, the parking demand was extrapolated by increasing the hourly parking demand proportionate to the increase in office floor area. Based upon those calculations, a peak demand of 1,177 parked vehicles at 10:00 AM on a typical weekday is projected.

**Requested Parking Reduction**

As summarized previously, the property currently enjoys a Special Exception to the parking requirement for 75 parking spaces, which is equivalent to a reduction of approximately six percent (6%). The proposed new construction on site will be the same use as exists on site currently. The total floor area will increase from 416,439 gross square feet to 596,439 gross square feet – an increase of 43% in floor area. At the base parking requirement ratio of one space per 333 square feet, the required number of parking spaces will increase to 1,791 spaces (less, the existing 75-space reduction). The property owner would like to request an increase in the parking reduction from 75 spaces to 161 spaces (approximately nine percent of the base requirement) – or, an additional reduction of 86 parking spaces.

**REQUEST**

Based upon the parking demand characteristics observed on site, the projected peak parking demand of 1,177 parked vehicles is substantially lower (about twenty-eight percent) than the requested parking requirement of 1,630. The request to reduce the parking requirement by 161 spaces (nine percent of the base requirement) – a net change of 86 spaces -- is considered to be warranted.

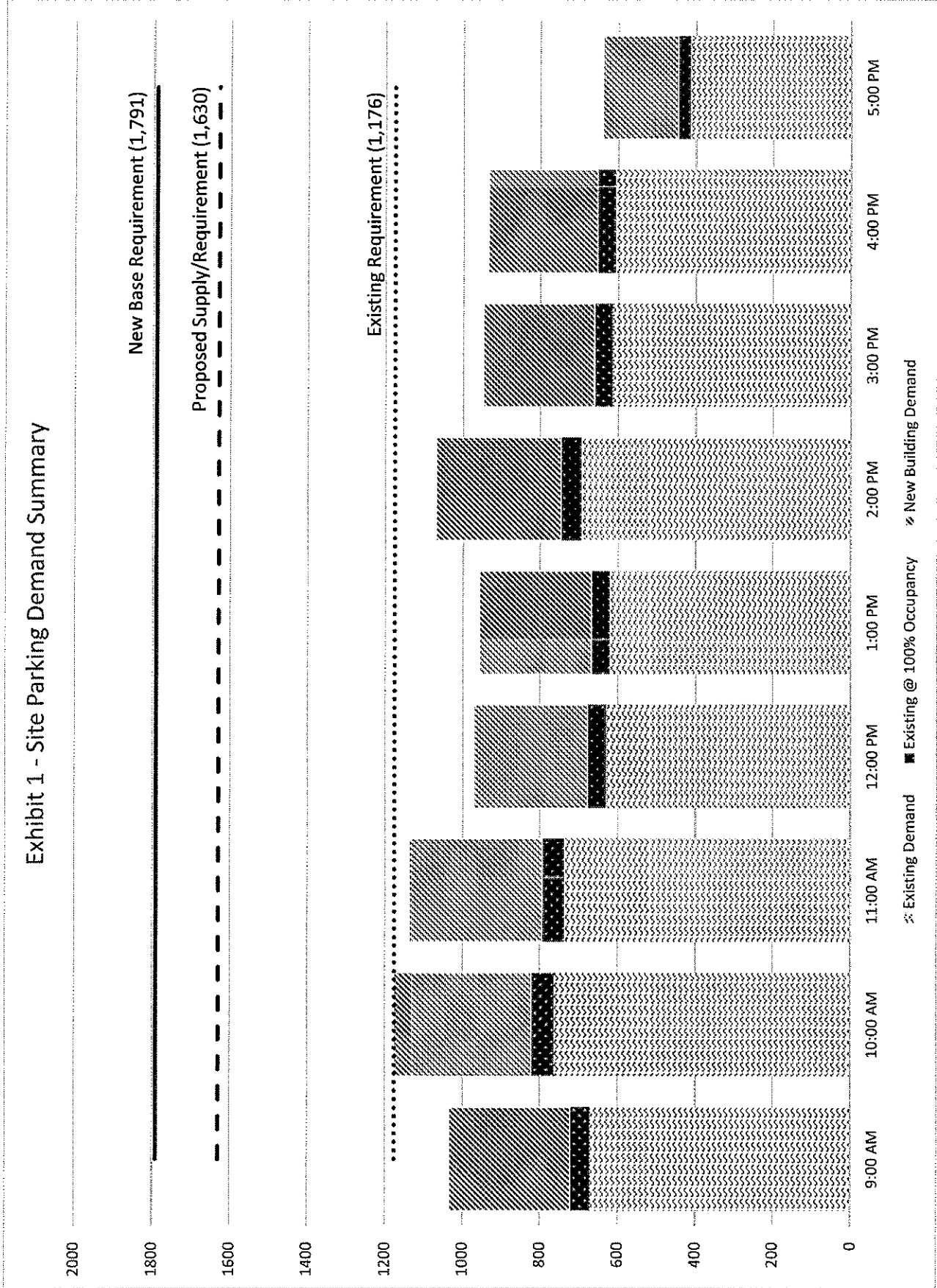
A summary of the requested parking reduction is summarized in **Table 2**. A summary of the parking demand and parking requirements for the existing and proposed scenarios is graphically depicted in **Exhibit 1**.

**Table 2. Proposed Parking Reduction Summary**

CONDITIONS	DEFAULT PARKING REQUIREMENT	PARKING REQUIREMENT REDUCTION	
		Percentage	Number of Spaces
Existing Conditions (Approved per BDA 078-111))	1,251	6%	75
Proposed Conditions	1,791	9%	161
<b>NET INCREASE:</b>	540	--	86

BDA 134-075  
Attach A  
PS 8

Exhibit 1 - Site Parking Demand Summary



## Conclusion

This study summarizes the base code parking requirement and the projected peak parking demand for the property containing the existing office buildings located at 8333, 8343, and 8303 (bank) Douglas Avenue and the proposed office building located at 5940 Berkshire Lane. The proposed expansion would add 180,000 gross square feet of floor area and increase the based parking requirement by 540 parking spaces (unadjusted). The request to increase the Special Exception of the parking requirement from 75 spaces to 161 spaces is the subject of this analysis. Based upon the projected parking demand at the site as analyzed by DeShazo, the peak parking demand is projected to be substantially lower than the proposed reduction. The proposed reduction in parking requirement is considered to be justified.

---

## Parking Special Exception Request

In conjunction with the construction of additional office space on the subject property, a Special Exception to the parking requirement of 161 spaces is requested from the City of Dallas Board of Adjustments. A Special Exception of 75 spaces was previously granted for the property in 2008 as approved under Case Number BDA 078-111.

The reduction of 161 required spaces is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.2(a)(2):

(A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*

The parking reduction is fully a function of specific parking demand characteristics for the uses within the development being lower than the number of spaces required by base City code. This analysis does not rely upon remote or packed parking.

(B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*

The projected parking demand takes into consideration the needs of a fully operational office building. In determining an appropriate parking demand, DeShazo analyzed existing on-site parking demand characteristics and concluded that the reduction is justified due to lower-than-usual rates of demand on the property.

(C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*

The subject site is part of the Preston Center Special Purpose District (PD 314), Tract II. This PD requires parking in accordance with the standard City Code ratios. No special zoning ordinance reductions are included in this request.

(D) *The current and probably future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*

The subject site is accessible from local streets that provide access to major thoroughfares. Major thoroughfares in the surrounding area are generally constructed to the ultimate cross-sections defined in the Thoroughfare Plan. Traffic volumes on the local streets are below the

maximum capacity although nearby intersections with major thoroughfares do experience varying levels of moderate to heavy congestion during peak hour conditions. Major thoroughfares in the vicinity of the site (i.e., Loop 12-Norhtwest Highway) operate at or near full capacity, although some improvements at nearby intersections by the Texas Department of Transportation will be underway later this calendar year. The proposed additional development on the subject site is not expected to significantly alter the existing operational conditions in the vicinity.

*(E) The availability of public transit and the likelihood of its use.*

The site is located within one block (Northwest Highway at Douglas Avenue) of an existing DART public stop for Bus Route No. 428. This cross-town bus route provides direct connections to the South Garland Transit Center and to the following Light Rail stations: Bachman Station, Park Lane Station, and White Rock Station.

*(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

The existing parking facility provides an ample surplus of parking within the site. This surplus is expected to increase with the construction of additional parking on site. Although overflow parking is not expected, limited on-street parking is available on nearby local streets.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the mixed use development during typical peak hours.

**END OF MEMO**

BDA134-075  
Attach A  
Pg 11

*DeShazo Group, Inc.*

# **Appendix**

*Appendix*



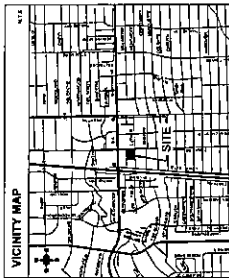
**Parking Study** DeShazo Group, Inc.

Area Location: **8333 Douglas Avenue**  
 Location: **8333 Douglas Avenue**  
 City/State: **Dallas, Texas**  
 Project Number: **14004**  
 Date: **May 29, 2014**  
 Day of Week: **Thursday**  
 Collector(s): **C. Blaine Rodgers**  
 Conditions: **Mostly Sunny & Dry**

**Accumulation Counts**

Pkg Lot Location>	Top Level												Garage												Totals
	Level #1						Level #2						Level #3												
	North Side		West Side		South Side		East Side		North Side		West Side		South Side		East Side		North Side		West Side		South Side		East Side		
	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	
<b>Available Supply&gt;</b>	55	63	65	31	10	52	61	81	43	131	90	60	87	221	1,110										
9:00 AM	38	3	40	15	2	16	36	53	17	75	32	50	54	205	671										
10:00 AM	55	9	49	23	3	21	51	45	21	95	46	46	60	204	764										
11:00 AM	49	16	47	24	4	25	53	41	21	82	40	48	61	191	738										
12:00 PM	53	9	40	24	4	22	48	31	19	68	40	40	50	153	630										
1:00 PM	41	7	41	19	3	18	40	35	19	75	34	35	52	172	621										
2:00 PM	48	13	52	22	7	20	56	40	20	75	36	46	54	165	694										
3:00 PM	44	10	42	21	5	22	43	29	18	80	39	30	57	146	615										
4:00 PM	50	8	42	22	4	21	40	36	16	70	32	42	53	139	607										
5:00 PM	37	6	33	14	4	16	25	27	11	45	22	24	28	105	415										
															0										
															0										
															0										
															0										
															0										
<b>Peak Percentile</b>	100%	25%	80%	77%	70%	48%	92%	65%	49%	73%	51%	83%	70%	93%											
<b>Peak Hour Percentile</b>	100%	14%	75%	74%	30%	40%	84%	56%	49%	73%	51%	77%	69%	92%											

BDA 134-075 ATTACH A PG 12



LEGAL DESCRIPTION

4.362 ACRES
BEING a part of land situated in the Andrew J. Manning Survey, Abstract No. 948, City of Dallas, Dallas County, Texas, and according to the plat recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being all of a tract of land described in Special Warranty Deed to Dallas County, Texas, and being more particularly described as follows:

BEING all 3/4 of the intersection of the intersection of the north right-of-way line of Berkshire Lane (a variable width right-of-way) and the west right-of-way line of Douglas Avenue (a 100-foot wide right-of-way);

THENCE with said west right-of-way line, South 0°04'34" West, (Doubt: South 0°00'00" West) a distance of 399.20 feet to a 7" x 7" iron corner found at the intersection of said west right-of-way line and the north right-of-way line of Luther Lane (a variable width right-of-way);

THENCE with said east right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said east right-of-way line, South 0°04'34" West, (Doubt: South 0°00'00" West) a distance of 399.20 feet to a 7" x 7" iron corner found at the intersection of said west right-of-way line and the north right-of-way line of Luther Lane (a variable width right-of-way);

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:

THENCE with said north right-of-way line, North 0°04'34" East, (Doubt: North 0°00'00" East) a distance of 198.95 feet, passing the northeast corner of said alley and the southeast corner of a tract of land approximately 750' x 200' owned by Dallas Capital Management LLC, recorded in Special Warranty Deed to Dallas Capital Management LLC, dated and recorded in Volume 73002, Page 2005, of the Public Records of Dallas County, Texas, and being more particularly described as follows:



PRELIMINARY
THIS DOCUMENT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY STATED HEREON.
DATE: 12/20/2013
BY: ANDREW J. MANNING
PH: 972-770-3300
Email: amanning@kimley-horn.com

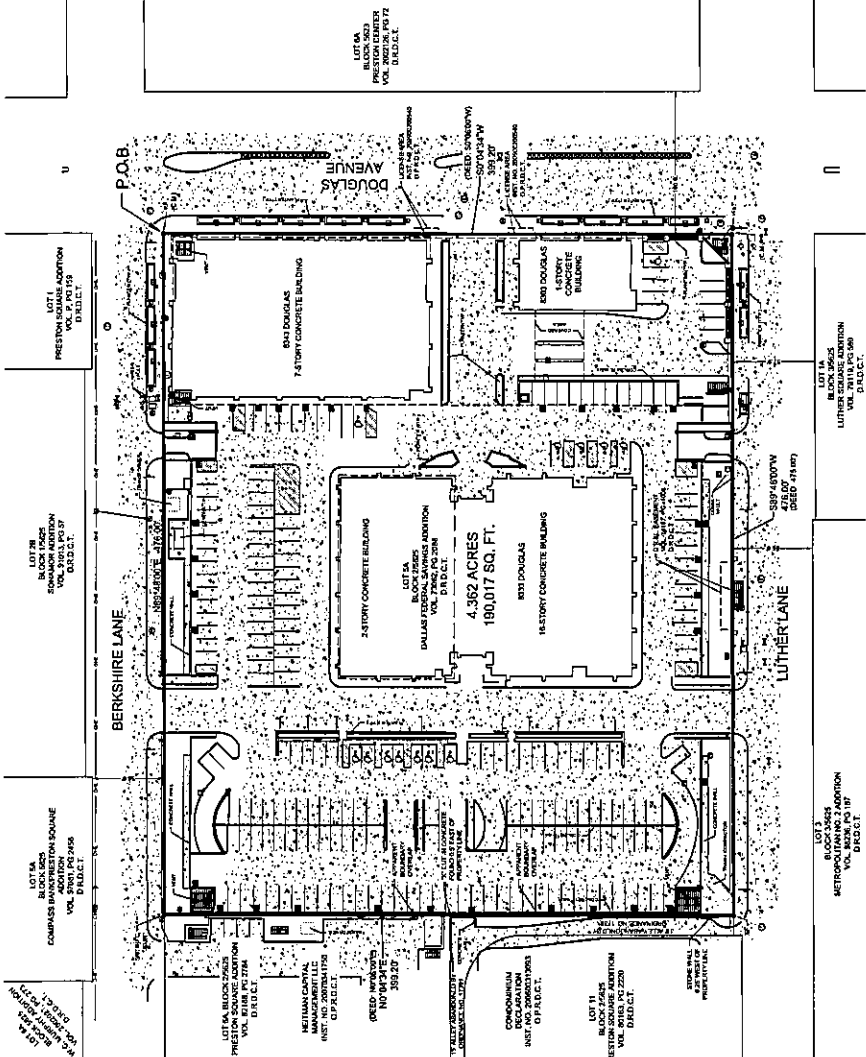
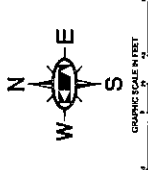
ALTA/ACSM LAND TITLE SURVEY
4.362 ACRES
ANDREW J. MANNING SURVEY
ABSTRACT NO. 948
CITY OF DALLAS, DALLAS COUNTY, TEXAS

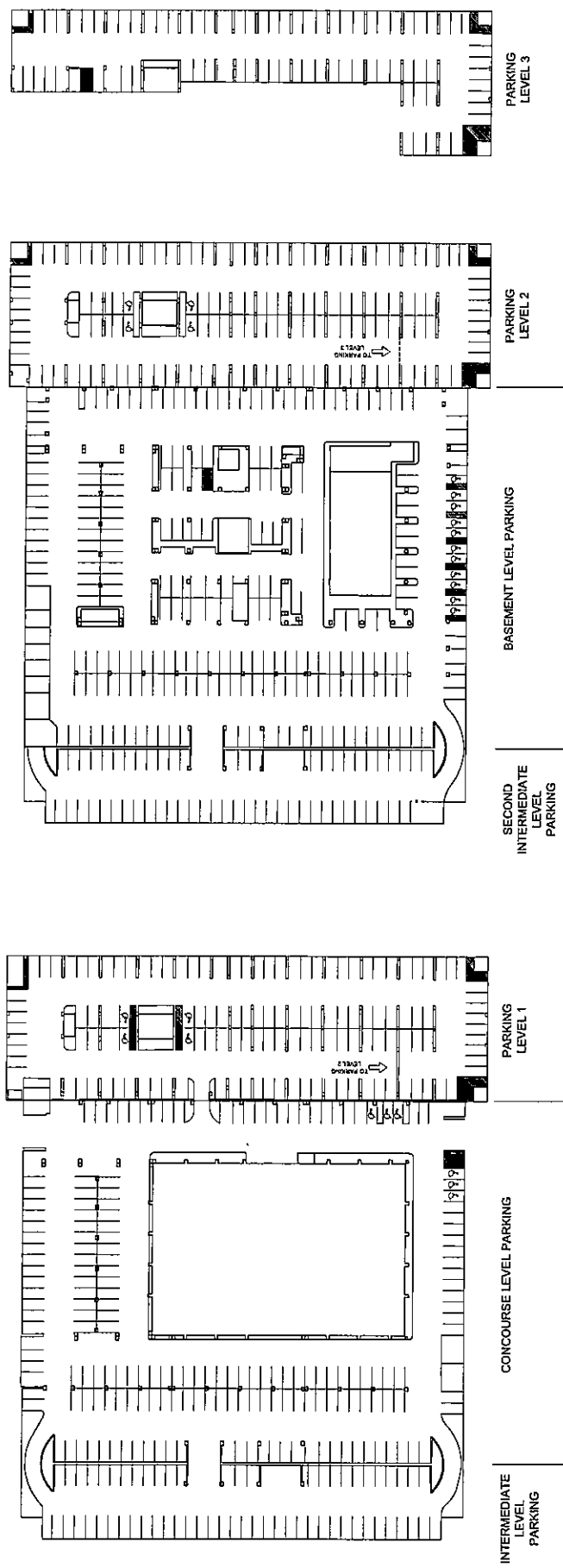
Kimley-Horn and Associates, Inc.
Professional Land Surveyors
1200 West North Street, Suite 1100
Dallas, Texas 75208
Phone: 972.770.3300
Fax: 972.770.3305
Email: kimley-horn.com

Table with 4 columns: No., DATE, REVISION DESCRIPTION, and a blank column. Row 1: 1, 12-20-2013, PRELIMINARY SURVEY, 1 OF 2

LEGEND table listing various symbols and their corresponding descriptions for buildings, walls, fences, etc.

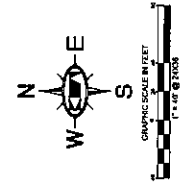
LINE TYPE LEGEND table listing various line styles and their corresponding descriptions for boundaries, easements, etc.





**PARKING TABLE**

LEVEL	TYPE	NO.
LEVEL 3	REGULAR	10
LEVEL 3	HANDICAPPED	1
LEVEL 2	REGULAR	10
LEVEL 2	HANDICAPPED	1
LEVEL 1	REGULAR	10
LEVEL 1	HANDICAPPED	1
LEVEL 0	REGULAR	10
LEVEL 0	HANDICAPPED	1
LEVEL -1	REGULAR	10
LEVEL -1	HANDICAPPED	1
LEVEL -2	REGULAR	10
LEVEL -2	HANDICAPPED	1
LEVEL -3	REGULAR	10
LEVEL -3	HANDICAPPED	1



ALTA/ACSM LAND TITLE SURVEY  
 4.362 ACRES  
 ANDREW J. MANNING SURVEY  
 ABSTRACT NO. 948  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**Kimley-Horn and Associates, Inc.**  
 17750 Northwest, Suite 1000  
 Dallas, Texas 75248  
 Phone: (214) 391-7200  
 Fax: (214) 391-7201  
 Email: kha@kimley-horn.com  
 Website: www.kimley-horn.com

Scale: 1" = 4'-0"  
 Date: 08/20/13  
 Project No.: 13042106  
 Revision: 1 OF 2

No.	DATE	REVISION DESCRIPTION
1		



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-075

Data Relative to Subject Property:

Date: June 24, 2014

Location address: ~~5940 Berkshire Lane & 8333, 8343 & 8383~~ Douglas Ave. Zoning District: PD 314, Tr. 2

Lot No.: 5-A Block No.: 2/5625 Acreage: 4.35 Census Tract: 73.01

Street Frontage (in Feet): 1 476 2 399.20 3 476 4 5)

NEZIA

To the Honorable Board of Adjustment:

Owner of Property/or Principal CFO DT III, LLC

Applicant: Maxwell Fisher, Masterplan Telephone: 214.761.9197

Mailing Address 900 Jackson Street, Suite 640, Dallas, TX Zip Code: 75202

Represented by: Maxwell Fisher Telephone: 214.761.9197
Mailing Address: 900 Jackson Street, Suite 640, Dallas, TX Zip Code: 75202

Affirm that a request has been made for a Variance, or Special Exception X, of 161 spaces (or 9% out of 1,791 parking spaces required by the Dallas Development Code to add a 180,000 SF Office use to the existing lot comprised of Office and Financial Institution uses. Refer to the attached statement of request for more information. w/ drive thru

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: A comprehensive parking analysis for this development indicates that a reduction in the code-required parking spaces is appropriate based on parking accumulation studies conducted on-site, professional judgment and experience with similar analyses.

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

Respectfully submitted: Maxwell Fisher Applicant's name printed
Maxwell Fisher Applicant's signature

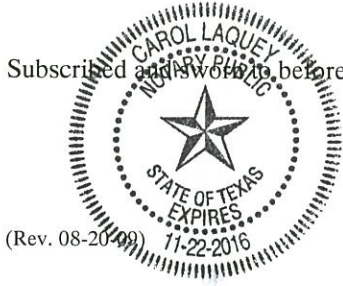
Affidavit

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

Maxwell Fisher Affiant (Applicant's signature)

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

Carol Laquey 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**

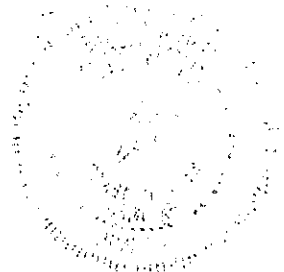
I hereby certify that Maxwell Fisher

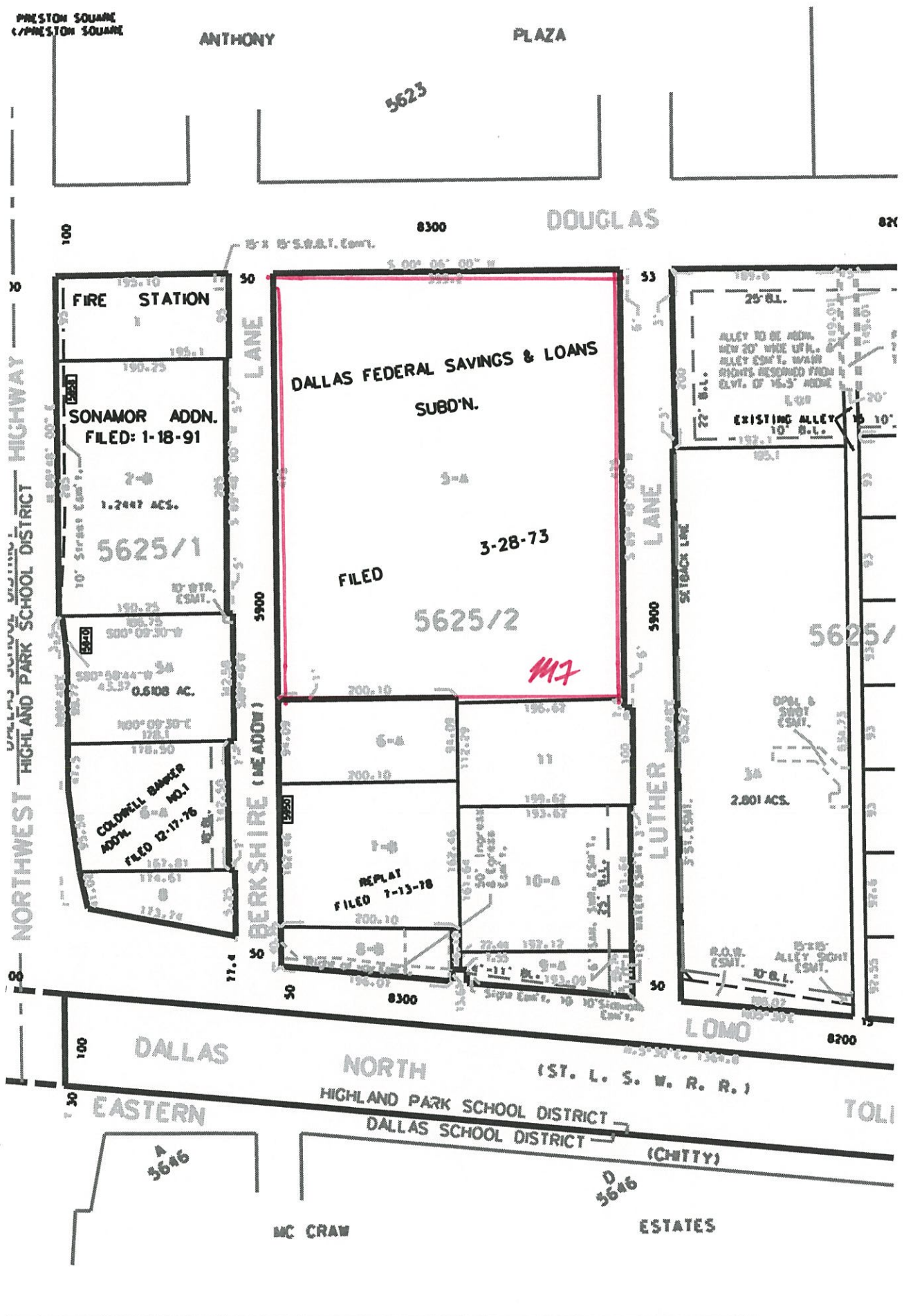
did submit a request for a special exception to the parking regulations  
at 8333 Douglas Avenue

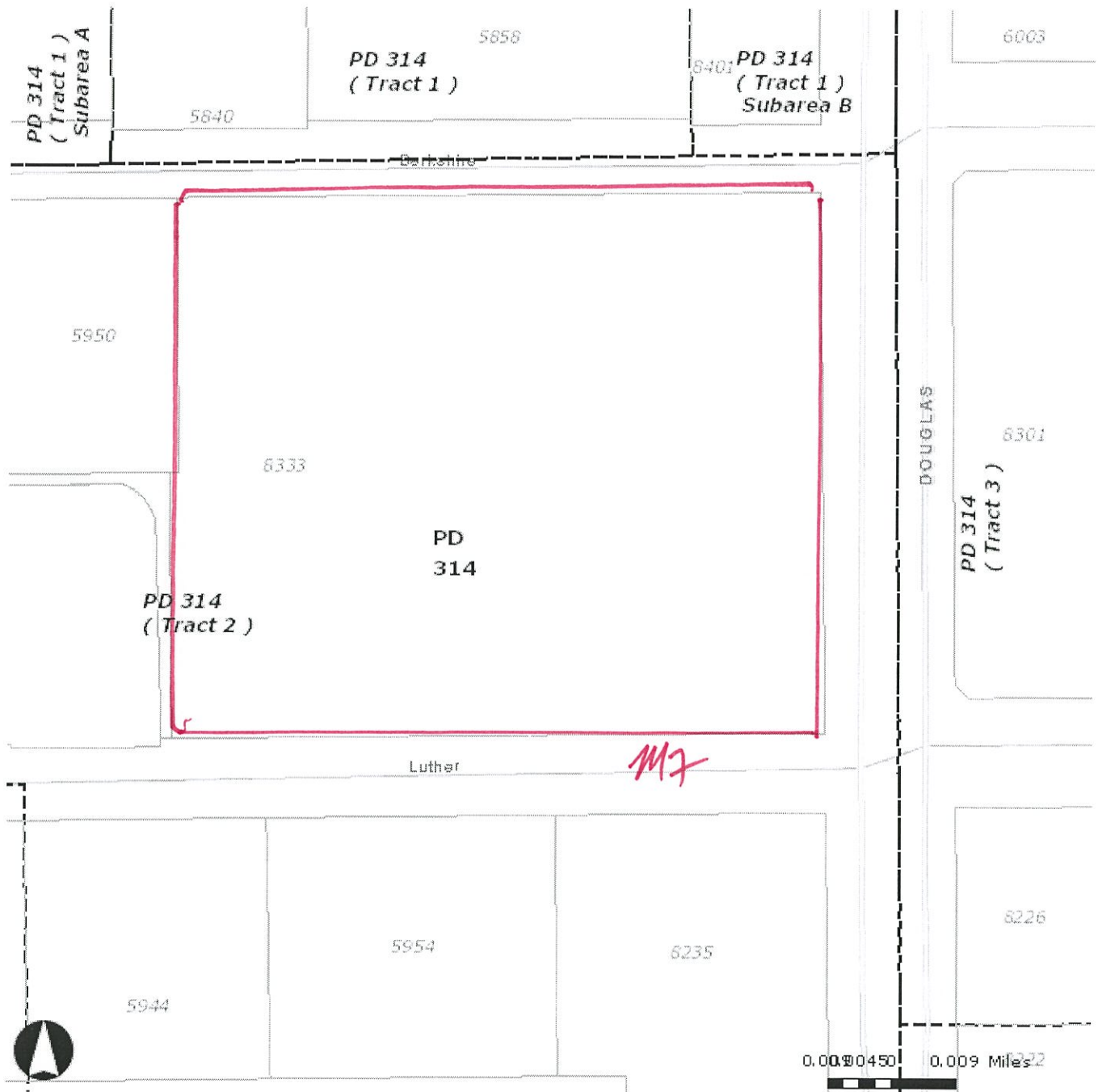
BDA134-075. Application of Maxwell Fisher for a special exception to the parking regulations at 8333 Douglas Avenue. This property is more fully described as Lot 5A, Bloc 2/5625, and is zoned PD-314 (Tract 2), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for an office use and financial institution with drive-in window use, and provide 1,630 of the required 1,791 parking spaces which will require a 161 space special exception (9% reduction) to the parking regulation.

Sincerely,

  
Larry Holmes, Building Official







## STATEMENT OF REQUEST

### *5940 Berkshire Lane*

The request for a special exception to decrease the required parking is sought to accommodate a proposed 13-story office tower at 5940 Berkshire Lane. As a premiere office tower, it will cater to top firms that expect executive level facility with highly amenitized furnishings. As such, there will be larger offices with a lower occupant-to-floor area density than a typical office facility. Moreover, given Preston Center's consistently high occupancy rates, occupancy is expected to remain stable without concern for vacancy and replacement with inferior types of office tenants yielding greater parking demands. Given the high rent rates, there would be no high density call centers or similar operations.

The scope of construction includes removing a parking garage to accommodate an office tower with an inclusive parking garage with a net increase in parking supply. There are no proposed changes to the existing uses or floor plate for the three existing buildings. The proposed office tower and the two existing office buildings at 8333 and 8343 Douglas Avenue and the existing bank building at 8383 Douglas Avenue all share one lot of record. The buildings are also all owned by one property owner, allowing collaboration between use of the buildings and the overall parking inventory. Likewise, since all buildings share one lot of record, the parking is evaluated for all buildings combined.

In August of 2008, the BDA approved a special exception of 75 parking spaces (6%) to accommodate development of the "8343" office building, the third building constructed on the site. The special exception was warranted based upon actual office density and parking space demand being less than the code required.

Although the use and occupancy of the existing building is not changing the city has deemed the additional office building has "changed the use" for which the special exception was granted. The city deemed the owner must obtain a special exception to re-establish the right to provide less parking than required by city ordinance.

In consideration of a special exception of a parking reduction, please consider the following factors:

- The reduction is warranted due to actual parking demand characteristics with no reliance on packed or remote parking. A detail parking study was conducted that shows the requested reduction is entirely consistent with current parking conditions.
- Currently high occupancy rates allow for a heavy reliance on the empirical data derived from the parking demand study, resulting in a highly accurate projection of future parking demand.
- As a premiere submarket, Preston Center provides the highest standard in office facilities and easy access to high-end retail, fine dining and casual eating concepts. As such, tenants expect high-end furnishings and larger, executive style offices resulting in less occupant density compared to a typical office setting, resulting in lower-than-usual rates of demand.
- The high rents are such that there would likely never be a call center or insurance adjuster office yielding greater parking demand.
- Preston Center contains a mix of uses where office users walk to nearby retailers and restaurants reducing retail parking demand. There is also residential space in proximity,



opening up biking and walking as viable modes of transportation to and within Preston Center. Centers with a critical mass of a variety of uses experience fewer trips per floor area as a higher percentage of visitors visit for multiple purposes. Moreover, the many cities give an approximate 10% reduction for comparable developments with a mix of uses.

- Based on empirical data obtained by on-site study during peak hour for office uses, actual parking demand is historically only 65% to 70% of the city parking requirement.
- The parking supply is not shared by other use types with fluctuating or high peak hour trip rates such as a place of assembly, or other event resulting in a high parking demand and resulting deficiency.

The following chart provides the uses and floor area and the parking required by the city:

<b>PROPERTY</b>	<b>USE</b>	<b>FLOOR AREA (SF)</b>	<b>CITY PARKING FACTOR</b>	<b>CITY REQUIRED PARKING</b>
8333 Douglas	Office	267,404	333	803
8343 Douglas	Office	145,052	333	436
8383 Douglas	Bank	3,983	333	12
5940 Berkshire	Office (proposed)	180,000	333	540
<b>TOTAL</b>		<b>596,439</b>		<b>1,791</b>

This request includes a special exception of 9% reduction in required parking for both the existing office and retail bank development and the proposed 180,000-square foot office tower. A 9% reduction will reduce the required number of parking spaces from 1,791 to 1,630. The DeShazo study contends that even with a 9% reduction in required parking, actual demand will be approximately 1,177 parked vehicles -- 28% less than the requested parking requirement of 1,630 parking spaces.

---

*PARKING DEMAND ANALYSIS FOR*  
**3940 BERKSHIRE LANE**  
**OFFICE DEVELOPMENT**  
*DALLAS, TEXAS*

---

Prepared for:

**HKS, Inc.**

350 N. Saint Paul Street, Suite 100  
Dallas, Texas 75201-4240

Prepared by:

**DeShazo Group, Inc.**

Texas Registered Engineering Firm F-3199  
400 South Houston Street, Suite 330  
Dallas, Texas 75202  
Phone 214/748-6740

*June 20, 2014*



*Traffic. Transportation Planning. Parking. Design.*

[www.deshazogroup.com](http://www.deshazogroup.com)

DeShazo Project Number 14004

Parking Demand Analysis for  
**3940 Berkshire Lane Office Development**  
~ DeShazo Project No. 14004 ~

# ***Table Of Contents***

**EXECUTIVE SUMMARY ..... II**

**INTRODUCTION ..... 1**

**PURPOSE ..... 1**

**CODE PARKING REQUIREMENT..... 2**

**PARKING DEMAND..... 2**

*Observed Parking Accumulation.....2*

*Projected Parking Demand .....3*

*Requested Parking Reduction .....3*

**REQUEST ..... 3**

**CONCLUSION..... 4**

**PARKING SPECIAL EXCEPTION REQUEST ..... 4**

## EXECUTIVE SUMMARY

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **HKS, Inc.** on behalf of the Owner to conduct a Parking Demand Analysis for the proposed office tower to be located at 3940 Berkshire Lane. The new tower, containing approximately 180,000 square feet of gross building area, is located on the same property as an existing office development referred to as 8333, 8343, and 8303 Douglas Avenue. This property was previously granted a Special Exception to the parking regulations for 75 parking spaces (approximately equal to six percent of the base parking requirement) – BDA 078-111, August 11, 2008. This study is provided to support of a request to increase the Special Exception to 161 spaces (nine percent of the base requirement) – a net change of 86 spaces.

In order to validate the projected parking demand at the property with the addition of the proposed office tower addition, DeShazo conducted an on-site parking utilization study for the existing uses on site. All building tenants utilize the existing, three-level, surface- and below-grade parking structure located on site. The number of parked vehicles was counted once per hour from 9:00 AM and 5:00 PM on Thursday, May 29, 2014. The peak parking demand of 764 vehicles occurred at 10:00 AM. After adjusting to account for current vacancies, the extrapolated peak parking demand for 100% occupancy of all existing buildings is 822 parked vehicles, or 70% utilization of the 1,176 required spaces. The projected peak parking demand extrapolated for full occupancy of the site with the additional building is 1,177 parked vehicles -- about twenty-eight percent less than the requested parking requirement of 1,630.

Based upon the projected parking demand at the site as analyzed by DeShazo, the peak parking demand is projected to be substantially lower than the proposed reduction. The proposed reduction in parking requirement is considered to be justified.

*END*



*Traffic. Transportation Planning. Parking. Design.*  
[www.deshazogroup.com](http://www.deshazogroup.com)

## **Technical Memorandum**

**To:** *Mr. Larry Tuccio, AIA — HKS, Inc.*  
**CC:** *Dallas Cothrum, Ph.D. — Masterplan*  
**From:** *Steve E. Stoner, P.E., PTOE — DeShazo Group, Inc.*  
**Date:** *June 20, 2014*  
**Re:** *Parking Demand Analysis for 3940 Berkshire Lane Office Development in Dallas, Texas*  
*DeShazo Project Number 14004; Case Number BDA \_\_\_\_\_ - \_\_\_\_\_*

---

### **INTRODUCTION**

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **HKS, Inc.** on behalf of the Owner to conduct a Parking Demand Analysis for the proposed office tower to be located at 3940 Berkshire Lane. The new tower, containing approximately 180,000 square feet of gross building area, is located on the same property as an existing office development referred to as 8333, 8343, and 8303 Douglas Avenue. This property was previously granted a Special Exception to the parking regulations for 75 parking spaces (approximately equal to six percent of the base parking requirement) – BDA 078-111, August 11, 2008. This study is provided to support a requested increase of the Special Exception for parking requirement to account for the additional floor area.

DeShazo is an engineering consulting firm based in Dallas, Texas, providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and analysis.

### **Purpose**

Findings of this study are intended to provide the basis for a Parking Special Exception request to reduce the direct City of Dallas Code parking requirement. Based upon published parking demand information and professional judgment derived from past experience, the base code requirement is not considered to be representative of the parking needs of the proposed development. A reduction of the code requirement is proposed in order to yield a more reasonable and equitable parking supply for the site. This memorandum summarizes the existing code parking requirement and the projected parking demand based upon on-site observations of currently occupied space and DeShazo's professional judgment in support of the request for a Parking Special Exception.

*3940 Berkshire Lane Development  
Parking Demand Analysis  
Page 1*

## CODE PARKING REQUIREMENT

The study site is currently zoned PD No. 314 – the Preston Center Special Purpose District, Tract II. As outlined in Section 51P-314.161(c), parking for this subdistrict is calculated by direct application of the rates provided in the Dallas Development Code §51A. Pursuant to 51A-4.207, the base parking requirement for general office use and financial institution is one space per 333 square feet of floor area.

The respective parking code rates were applied to the proposed development plan; results are tabulated as follows.

**Table 1. City Code Parking Requirement Summary**

BUILDING	LAND USE CITY OF DALLAS DEVELOPMENT CODE	AMOUNT	PARKING CODE RATE (1 space per...)	REQUIRED PARKING
8333 Douglas Ave.	General Office 51A-4.207(5)(C)	267,404 SF	333 SF	803.0
8343 Douglas Ave.	General Office 51A-4.207(5)(C)	145,052 SF	333 SF	435.6
8303 Douglas Ave.	Financial Institution 51A-4.207(3)(C)	3,983 SF	333 SF	12.0
Subtotal				1,250.6
Current Special Exception BDA 078-111				(75)
Net Subtotal				1,175.6
3940 Berkshire Lane	General Office 51A-4.207(5)(C)	180,000 SF	333 SF	540.5
<b>TOTAL:</b>				<b>1,716 spaces</b>

As shown in Table 1 above, the property currently requires 1,176 parking spaces, including the existing 75-space Special Exception. With the addition of the proposed office building, the net requirement will increase to 1,716 spaces (before any adjustment to the Parking Special Exception).

## PARKING DEMAND

### *Observed Parking Accumulation*

In order to validate the projected parking demand at the property with the addition of the proposed office tower addition, DeShazo conducted an on-site parking utilization study for the existing uses on site. All building tenants utilize the existing, three-level, surface- and below-grade parking structure located on site. The number of parked vehicles was counted once per hour from 9:00 AM and 5:00 PM on Thursday, May 29, 2014. The peak parking demand of 764 vehicles occurred at 10:00 AM. Currently, 8343 and 8303 Douglas are fully occupied, which 8333 Douglas is 89% occupied. So,

adjusting for the current vacancies, the extrapolated peak parking demand for 100% occupancy of all existing buildings is 822 parked vehicles, or 70% utilization of the 1,177 required spaces.

### **Projected Parking Demand**

Assuming the existing parking demand characteristics will occur for the proposed office tower, the parking demand was extrapolated by increasing the hourly parking demand proportionate to the increase in office floor area. Based upon those calculations, a peak demand of 1,177 parked vehicles at 10:00 AM on a typical weekday is projected.

### **Requested Parking Reduction**

As summarized previously, the property currently enjoys a Special Exception to the parking requirement for 75 parking spaces, which is equivalent to a reduction of approximately six percent (6%). The proposed new construction on site will be the same use as exists on site currently. The total floor area will increase from 416,439 gross square feet to 596,439 gross square feet – an increase of 43% in floor area. At the base parking requirement ratio of one space per 333 square feet, the required number of parking spaces will increase to 1,791 spaces (less, the existing 75-space reduction). The property owner would like to request an increase in the parking reduction from 75 spaces to 161 spaces (approximately nine percent of the base requirement) – or, an additional reduction of 86 parking spaces.

## **REQUEST**

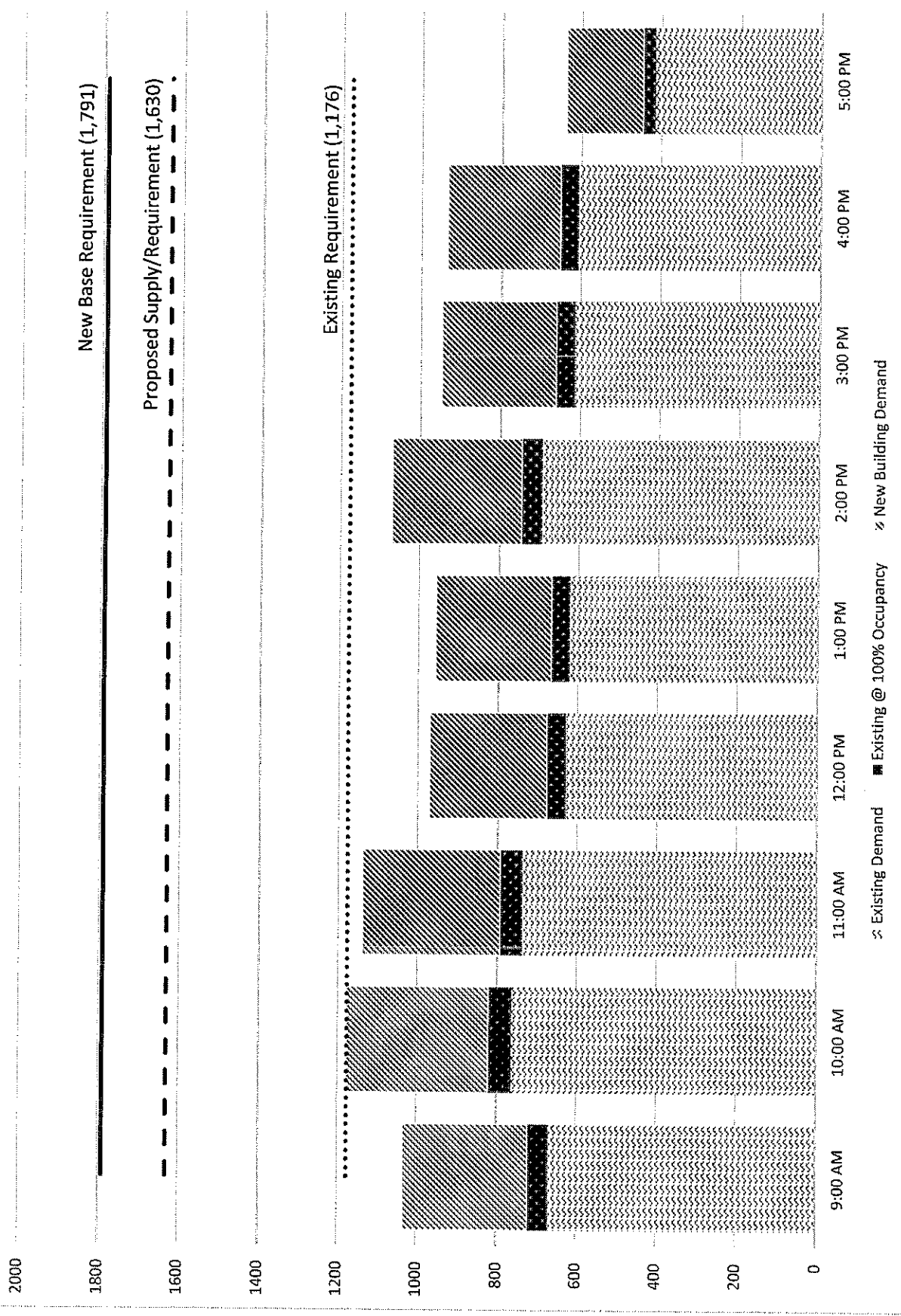
Based upon the parking demand characteristics observed on site, the projected peak parking demand of 1,177 parked vehicles is substantially lower (about twenty-eight percent) than the requested parking requirement of 1,630. The request to reduce the parking requirement by 161 spaces (nine percent of the base requirement) – a net change of 86 spaces -- is considered to be warranted.

A summary of the requested parking reduction is summarized in **Table 2**. A summary of the parking demand and parking requirements for the existing and proposed scenarios is graphically depicted in **Exhibit 1**.

**Table 2. Proposed Parking Reduction Summary**

CONDITIONS	DEFAULT PARKING REQUIREMENT	PARKING REQUIREMENT REDUCTION	
		Percentage	Number of Spaces
Existing Conditions (Approved per BDA 078-111))	1,251	6%	75
Proposed Conditions	1,791	9%	161
<b>NET INCREASE:</b>	<b>540</b>	<b>--</b>	<b>86</b>

Exhibit 1 - Site Parking Demand Summary





## Conclusion

This study summarizes the base code parking requirement and the projected peak parking demand for the property containing the existing office buildings located at 8333, 8343, and 8303 (bank) Douglas Avenue and the proposed office building located at 3940 Berkshire Lane. The proposed expansion would add 180,000 gross square feet of floor area and increase the based parking requirement by 540 parking spaces (unadjusted). The request to increase the Special Exception of the parking requirement from 75 spaces to 161 spaces is the subject of this analysis. Based upon the projected parking demand at the site as analyzed by DeShazo, the peak parking demand is projected to be substantially lower than the proposed reduction. The proposed reduction in parking requirement is considered to be justified.

---

## Parking Special Exception Request

In conjunction with the construction of additional office space on the subject property, a Special Exception to the parking requirement of 161 spaces is requested from the City of Dallas Board of Adjustments. A Special Exception of 75 spaces was previously granted for the property in 2008 as approved under Case Number BDA 078-111.

The reduction of 161 required spaces is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.2(a)(2):

(A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*

The parking reduction is fully a function of specific parking demand characteristics for the uses within the development being lower than the number of spaces required by base City code. This analysis does not rely upon remote or packed parking.

(B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*

The projected parking demand takes into consideration the needs of a fully operational office building. In determining an appropriate parking demand, DeShazo analyzed existing on-site parking demand characteristics and concluded that the reduction is justified due to lower-than-usual rates of demand on the property.

(C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*

The subject site is part of the Preston Center Special Purpose District (PD 314), Tract II. This PD requires parking in accordance with the standard City Code ratios. No special zoning ordinance reductions are included in this request.

(D) *The current and probably future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*

The subject site is accessible from local streets that provide access to major thoroughfares. Major thoroughfares in the surrounding area are generally constructed to the ultimate cross-sections defined in the Thoroughfare Plan. Traffic volumes on the local streets are below the

maximum capacity although nearby intersections with major thoroughfares do experience varying levels of moderate to heavy congestion during peak hour conditions. Major thoroughfares in the vicinity of the site (i.e., Loop 12-Norhtwest Highway) operate at or near full capacity, although some improvements at nearby intersections by the Texas Department of Transportation will be underway later this calendar year. The proposed additional development on the subject site is not expected to significantly alter the existing operational conditions in the vicinity.

*(E) The availability of public transit and the likelihood of its use.*

The site is located within one block (Northwest Highway at Douglas Avenue) of an existing DART public stop for Bus Route No. 428. This cross-town bus route provides direct connections to the South Garland Transit Center and to the following Light Rail stations: Bachman Station, Park Lane Station, and White Rock Station.

*(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

The existing parking facility provides an ample surplus of parking within the site. This surplus is expected to increase with the construction of additional parking on site. Although overflow parking is not expected, limited on-street parking is available on nearby local streets.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the mixed use development during typical peak hours.

**END OF MEMO**

# **Appendix**

**Parking Study**

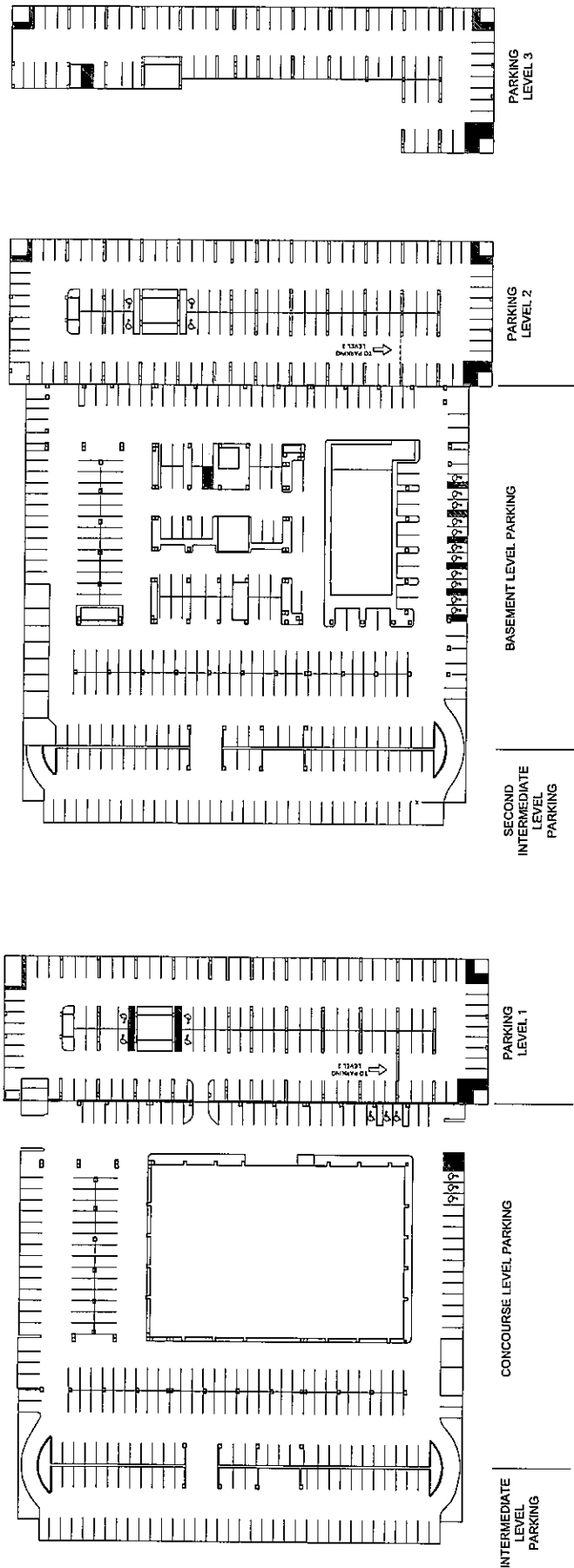
DeShazo Group, Inc.

Area Location: **8333 Douglas Avenue**  
 Location: **8333 Douglas Avenue**  
 City/State: **Dallas, Texas**  
 Project Number: **14004**  
 Date: **May 29, 2014**  
 Day of Week: **Thursday**  
 Collector(s): **C. Blaine Rodgers**  
 Conditions: **Mostly Sunny & Dry**

**Accumulation Counts**

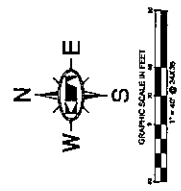
Pkg Lot Location>	Top Level										Garage										Totals
	Level #1					Level #2					Level #3					Totals					
	North Side	West Side		South Side	East Side	North Side	West Side		South Side	East Side	North Side	West Side		South Side	East Side						
		I	II				I	II				I	II								
<b>Available Supply&gt;</b>	<b>55</b>	<b>63</b>	<b>65</b>	<b>31</b>	<b>10</b>	<b>52</b>	<b>61</b>	<b>81</b>	<b>43</b>	<b>131</b>	<b>90</b>	<b>60</b>	<b>87</b>	<b>60</b>	<b>221</b>	<b>1,110</b>					
9:00 AM	38	3	40	15	2	16	36	53	17	75	32	50	54	35	205	671					
10:00 AM	55	9	49	23	3	21	51	45	21	95	46	46	60	36	204	764					
11:00 AM	49	16	47	24	4	25	53	41	21	82	40	48	61	36	191	738					
12:00 PM	53	9	40	24	4	22	48	31	19	68	40	40	50	29	153	630					
1:00 PM	41	7	41	19	3	18	40	35	19	75	34	35	52	30	172	621					
2:00 PM	48	13	52	22	7	20	56	40	20	75	36	46	54	40	165	694					
3:00 PM	44	10	42	21	5	22	43	29	18	80	39	30	57	29	146	615					
4:00 PM	50	8	42	22	4	21	40	36	16	70	32	42	53	32	139	607					
5:00 PM	37	6	33	14	4	16	25	27	11	45	22	24	28	18	105	415					
																0					
																0					
																0					
																0					
																0					
<b>Peak Percentile</b>	100%	25%	80%	77%	70%	48%	92%	65%	49%	73%	51%	83%	70%	67%	93%						
<b>Peak Hour Percentile</b>	100%	14%	75%	74%	30%	40%	84%	56%	49%	73%	51%	77%	69%	60%	92%	<b>69%</b>					





**PARKING TABLE**

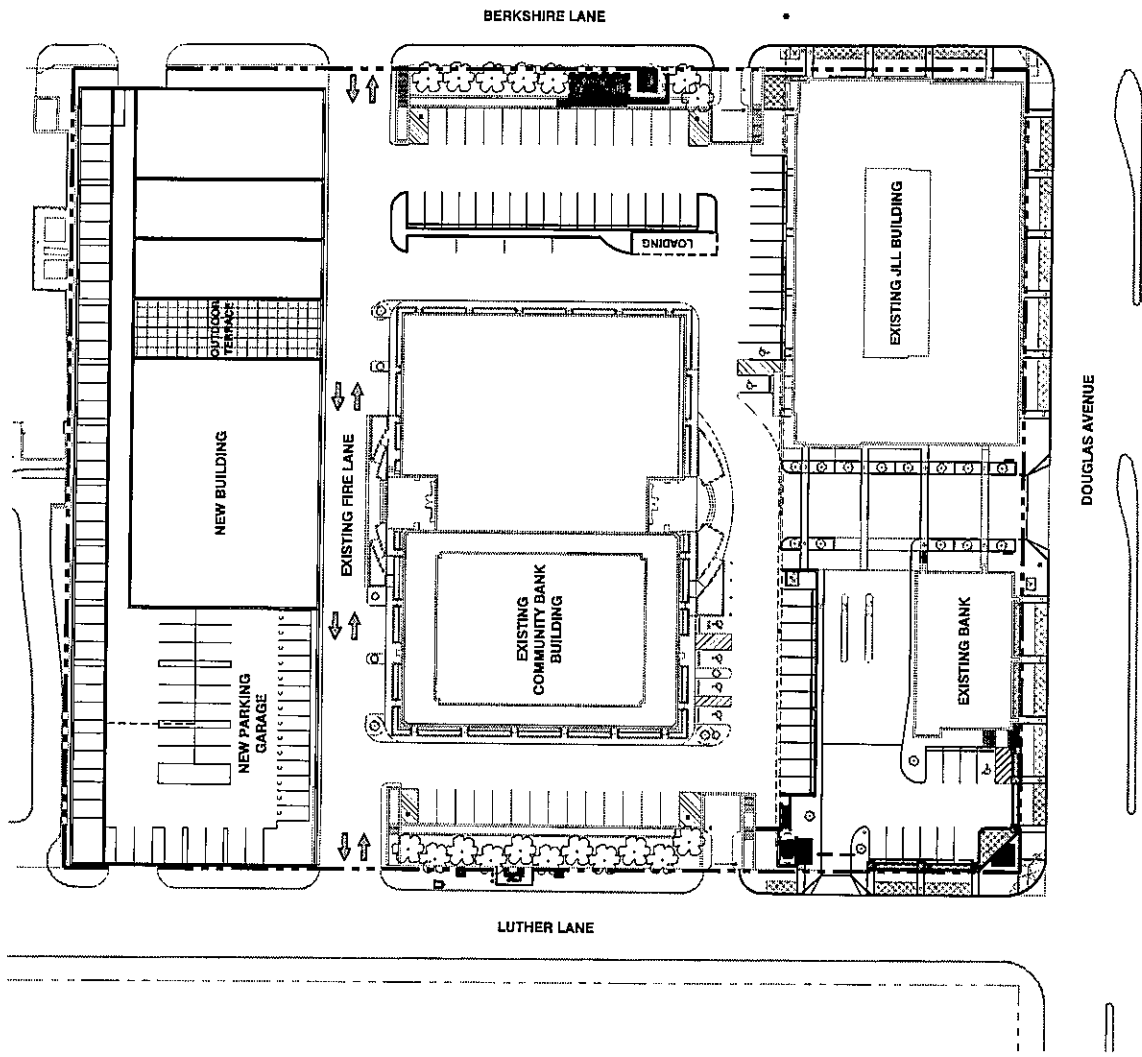
TYPE OF PARKING	NO.
REGULAR	8
HANDICAPPED	4
INTERMEDIATE LEVEL	44
REGULAR	8
HANDICAPPED	4
SECOND INTERMEDIATE LEVEL	10
REGULAR	10
HANDICAPPED	5
CONCOURSE LEVEL	10
REGULAR	10
HANDICAPPED	5
PARKING LEVEL	10
REGULAR	10
HANDICAPPED	5
LEVEL 1	10
REGULAR	10
HANDICAPPED	5
LEVEL 2	10
REGULAR	10
HANDICAPPED	5
LEVEL 3	10
REGULAR	10
HANDICAPPED	5
TOTAL	100



ALTAACSM LAND TITLE SURVEY  
 4.362 ACRES  
 ANDREW J. MANNING SURVEY  
 ABSTRACT NO. 948  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**Kimley-Horn and Associates, Inc.**  
 1720 MARSHALL ST., SUITE 1000  
 DALLAS, TEXAS 75201  
 TEL. NO. (214) 776-3300  
 FAX. NO. (214) 776-3300  
 PROJECT NO. 134-075  
 DRAWING NO. 44-01  
 DATE: OCT. 2013  
 CHECKED BY: [Signature]  
 DESIGNED BY: [Signature]  
 SCALE: 1" = 40'

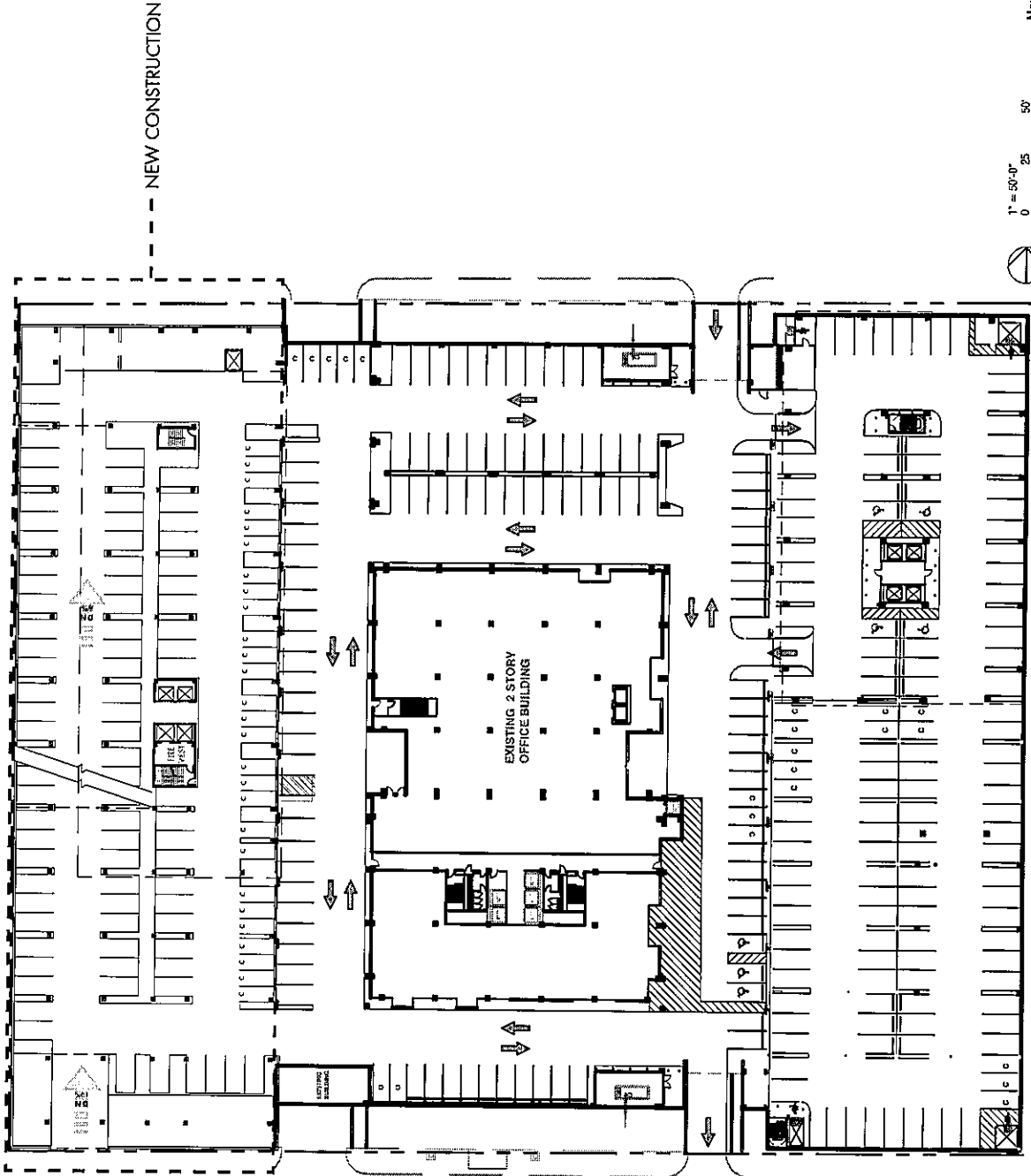
No.	DATE	REVISION DESCRIPTION
1		



1" = 60'-0"  
 0 15 30 60'


HKS JOB #17642 | JUNE 16, 2014

Site Plan  
 New+Existing

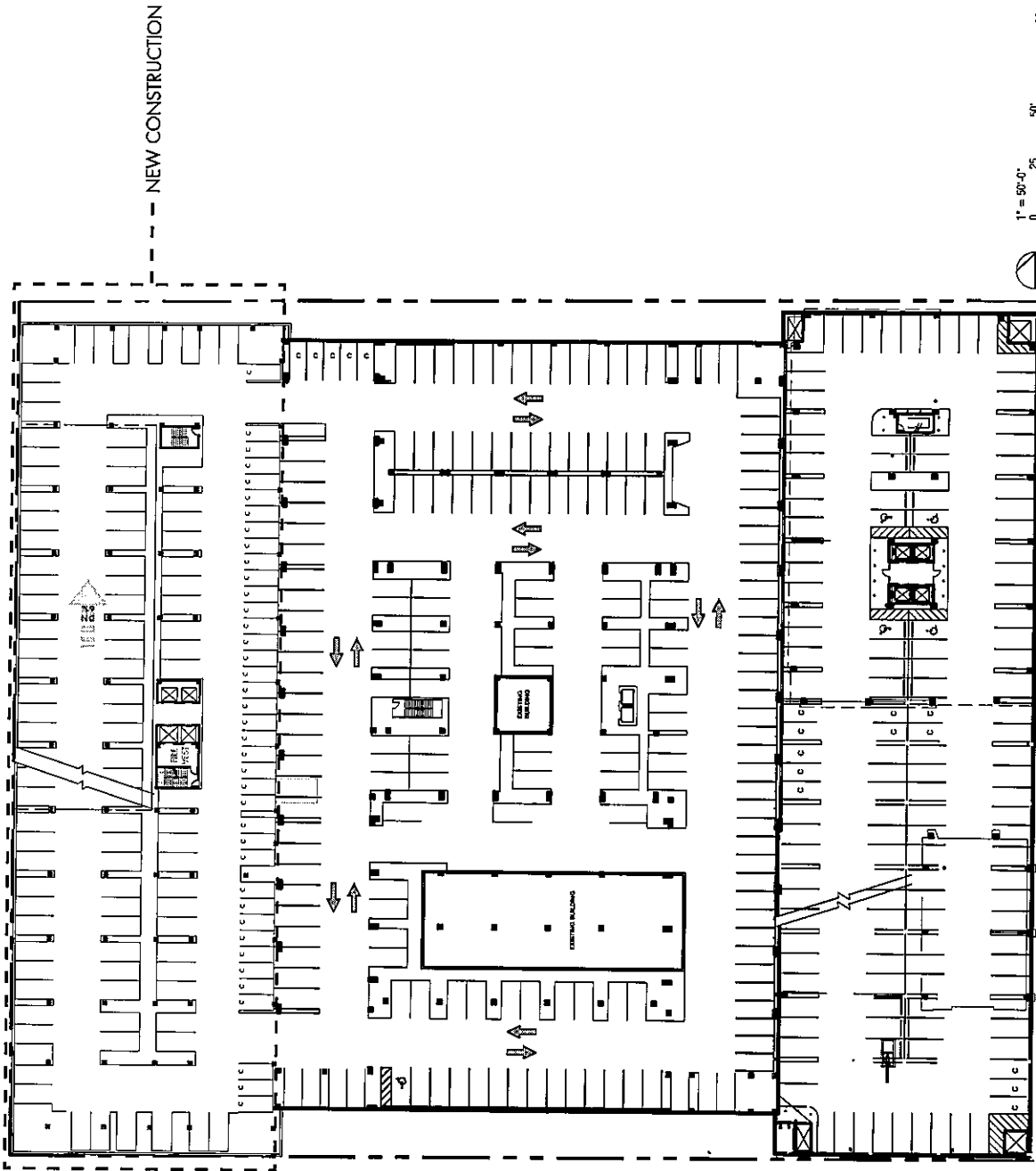



NEW CONSTRUCTION


 1" = 50'-0"
   
 0' 25' 50'
   
 HKS JOB #17842
   
 JUNE 16, 2014


P1 Plan
   
 New+Existing Garage
   


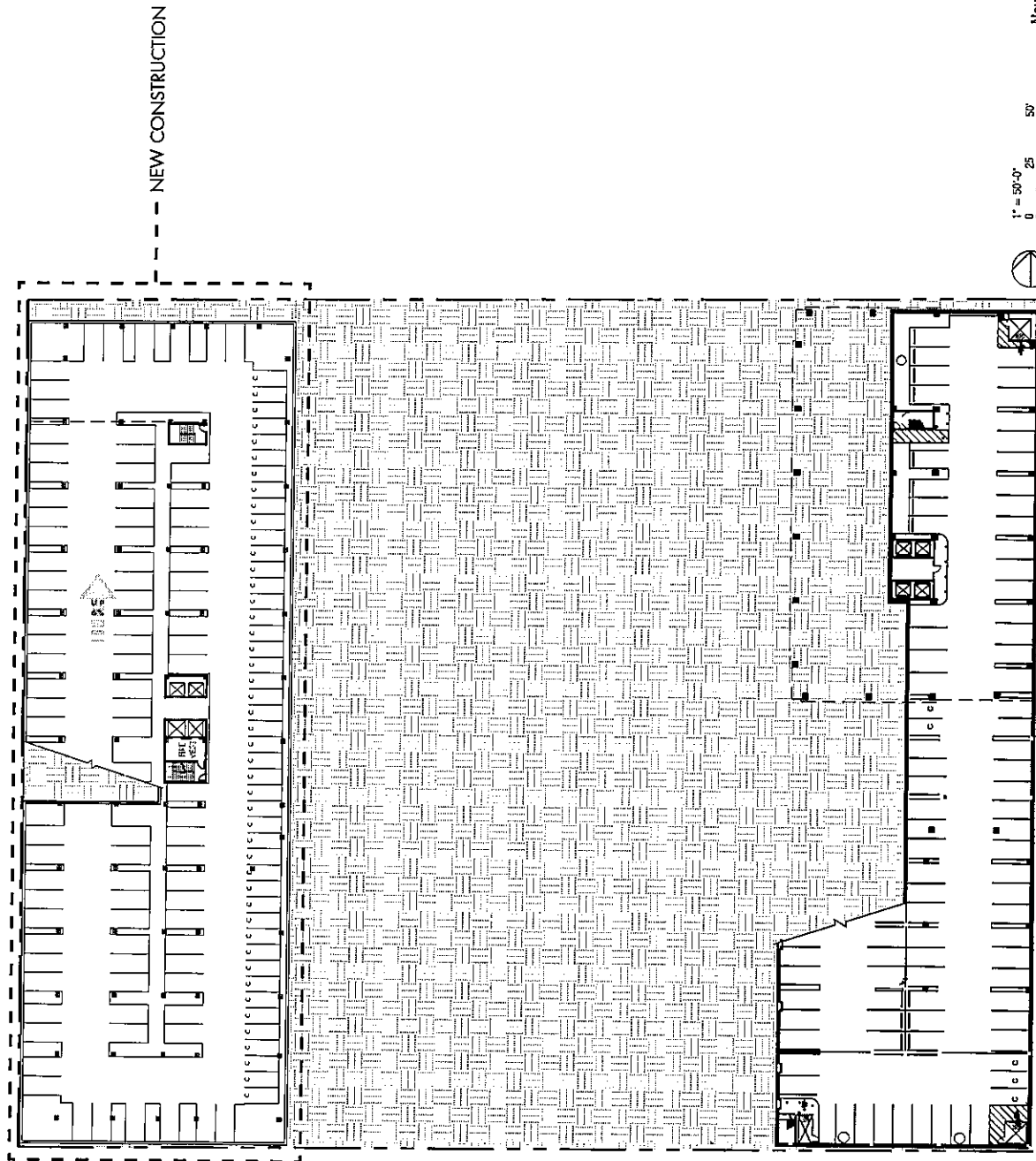





  
 HKS JOB #1762 | JUNE 16, 2014

1" = 50'-0"
   
 0'    25'    50'

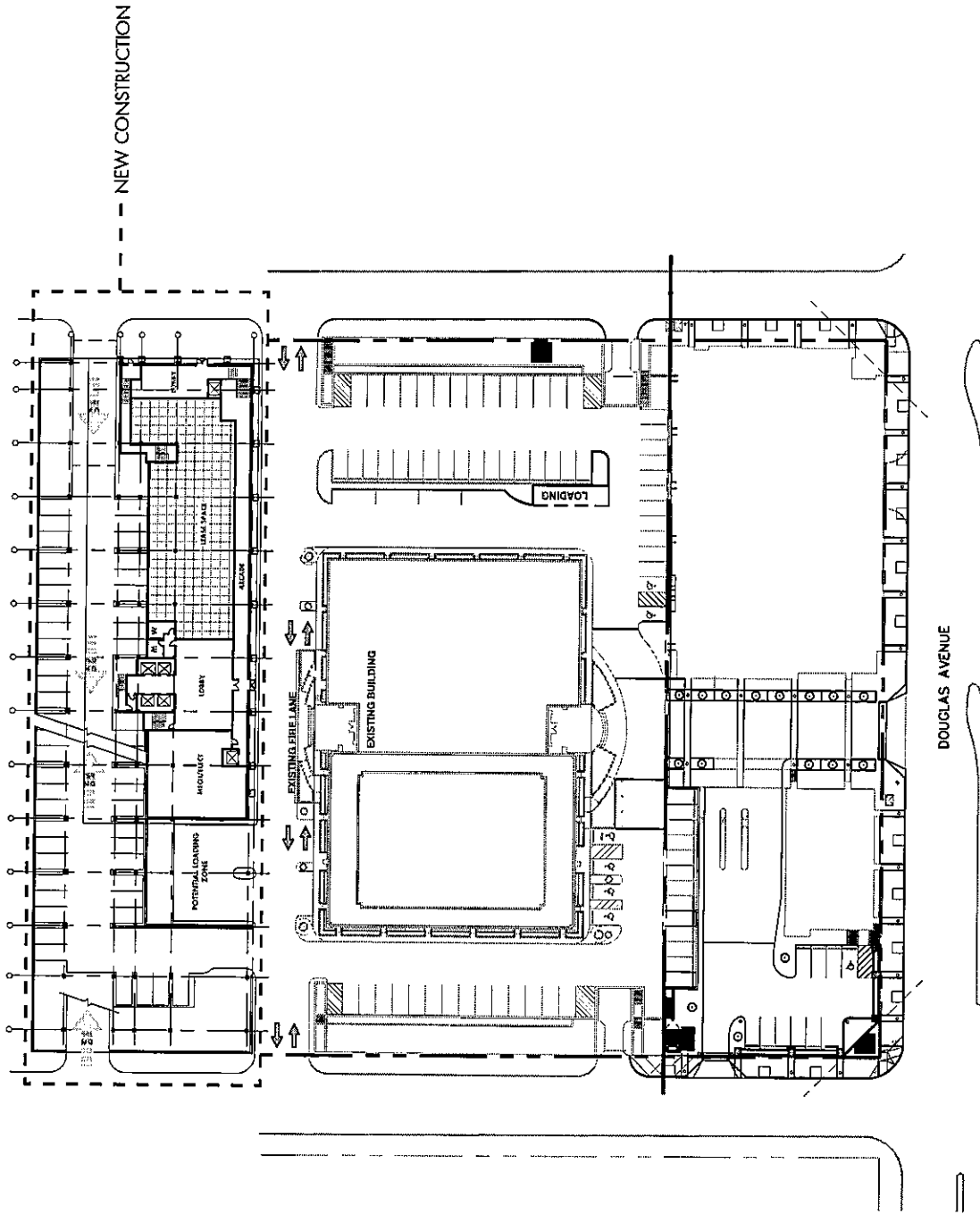
P2 Plan
   
 New+Existing Garage
   




1" = 50'-0"  
0 25 50'

HMS JOB #17642 | JUNE 16, 2014

P3 Plan  
New + Existing Garage  
HKS

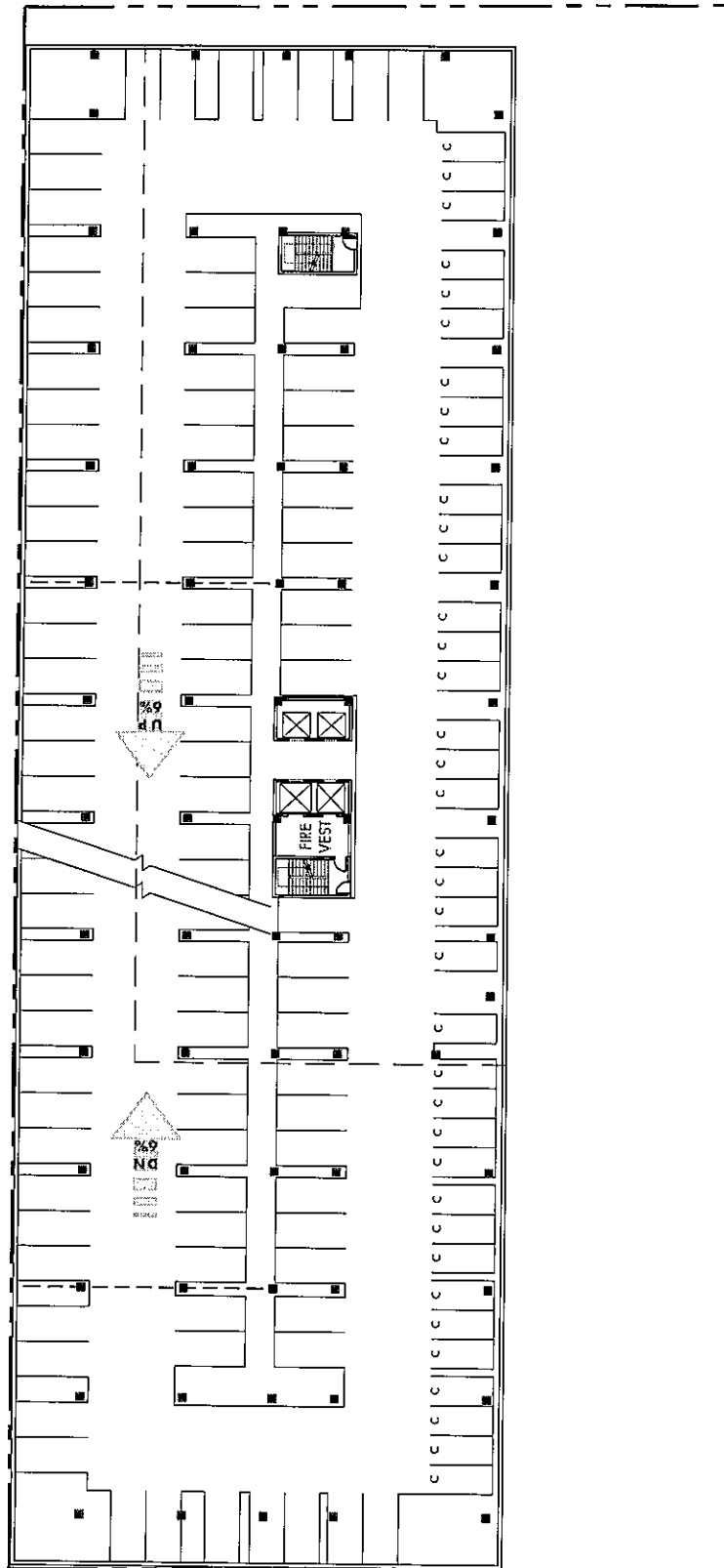


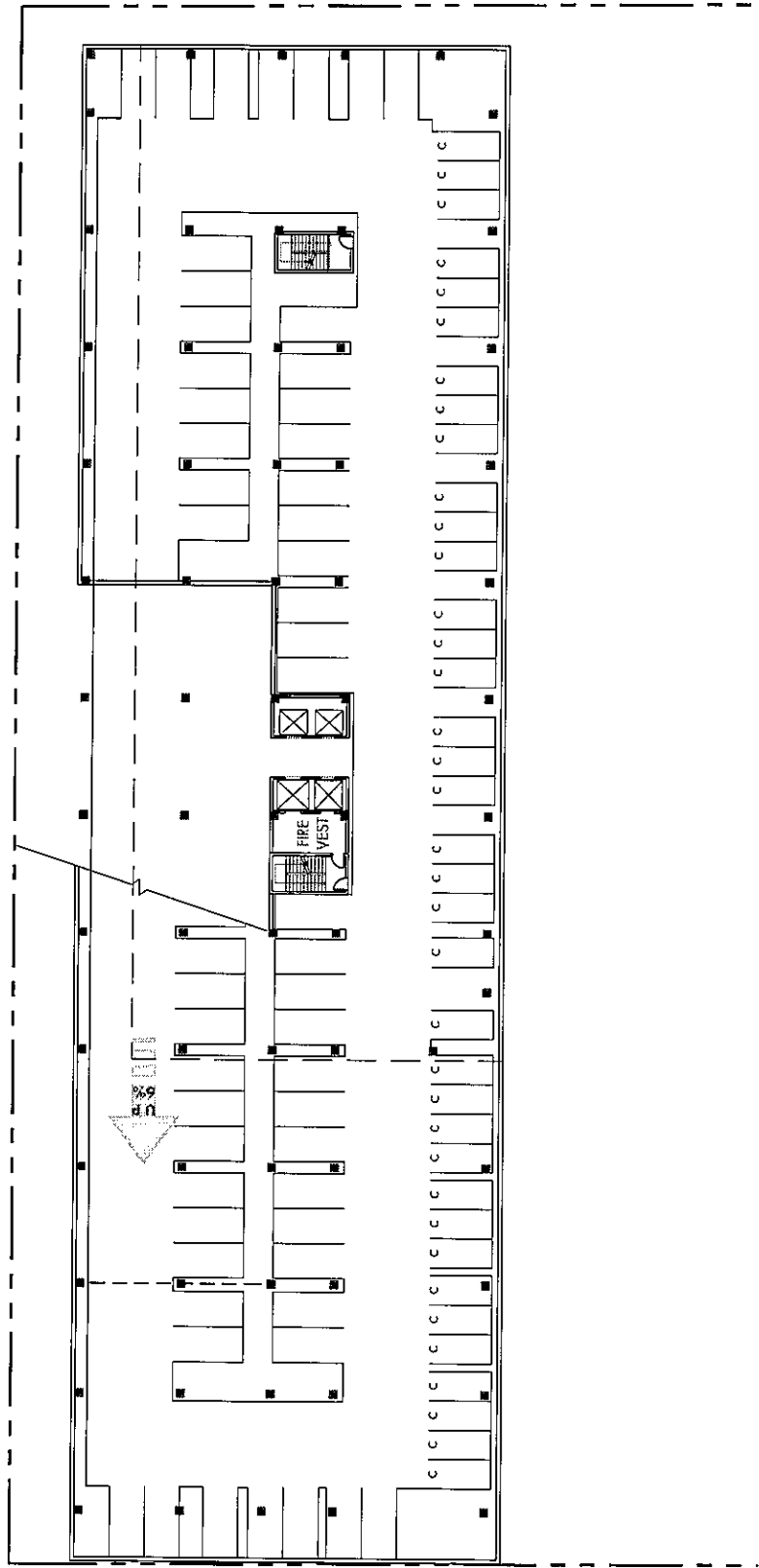
Deck Level Plan  
 New+Existing Garage

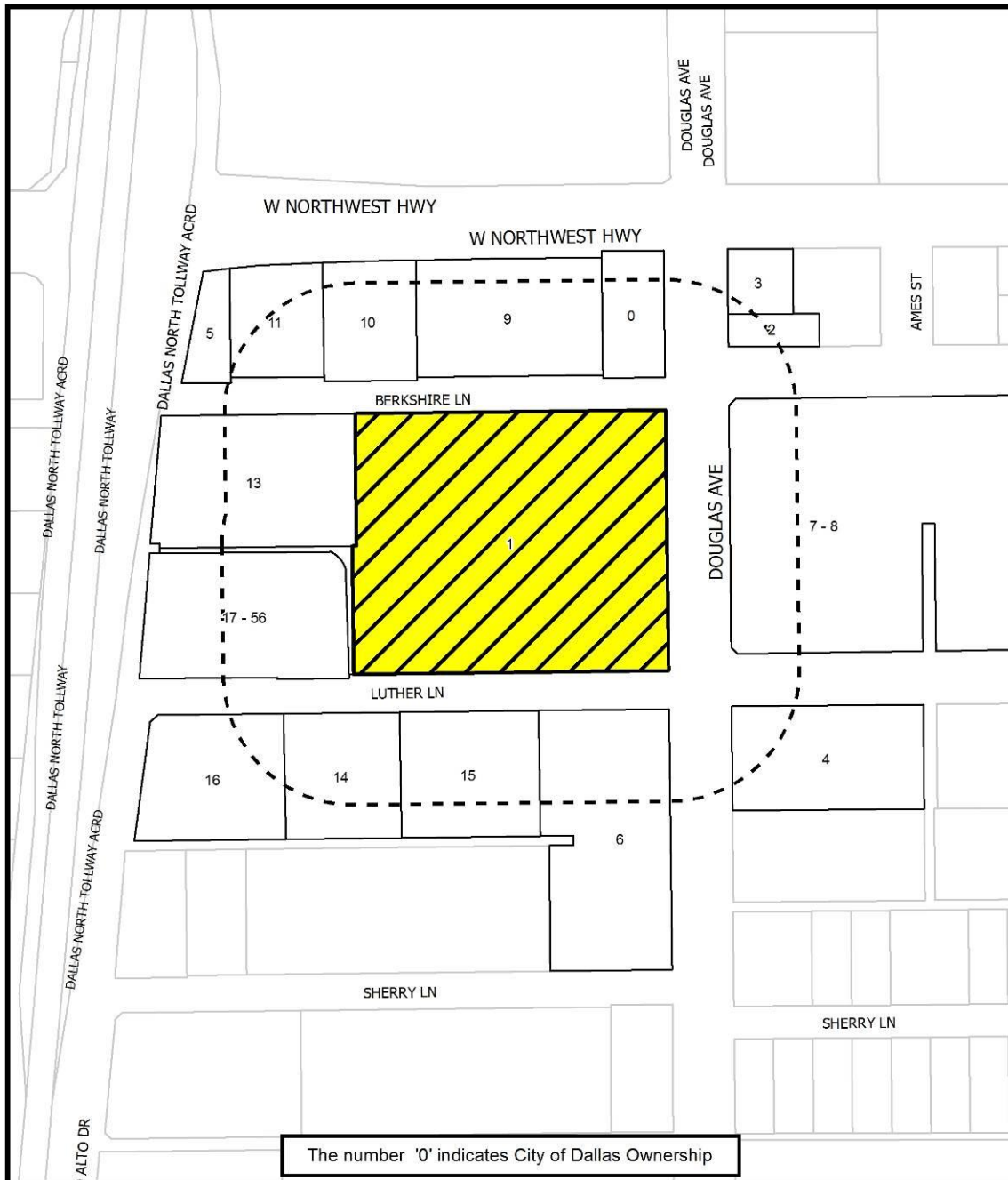
1" = 50'-0"  
 0 25 50'

HKS JOB #17642 | JUNE 16, 2014

HKS







 1:2,400	<h2>NOTIFICATION</h2>	Case no: <u>BDA134-075</u>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">56</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <u>7/31/2014</u>

## *Notification List of Property Owners*

**BDA134-075**

**56 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8333 DOUGLAS AVE	CFO DT III LLC
2	6003 BERKSHIRE LN	BERKSHIRE DOUGLAS RETAIL
3	5900 NORTHWEST HWY	HBT PARTNERS LP
4	8226 DOUGLAS AVE	DOUGLAS PLAZA LAND LLC
5	5800 NORTHWEST HWY	BEAL BK SSB
6	8235 DOUGLAS AVE	RMC DOUGLAS LP
7	8301 WESTCHESTER DR	USA PRESTON CTR PAVILION
8	8300 DOUGLAS AVE	CFO DT II LLC
9	5858 NORTHWEST HWY	DB FIVE GRILL LP
10	5840 NORTHWEST HWY	STOCKDALE INVESTMENT GROUP INC
11	5820 NORTHWEST HWY	BV NWH 5820 LP
12	5909 LUTHER LN	SHELTON JV
13	5950 BERKSHIRE LN	BPC CORP
14	5944 LUTHER LN	RMC LUTHER LP
15	5954 LUTHER LN	APPLE NINE SPE DALLAS INC
16	5944 LUTHER LN	METROPLITAN INV III LP
17	5909 LUTHER LN	FERNANDEZ ALINA MARIE CLAIRE OCARANZA
18	5909 LUTHER LN	M & J WHILHITE FAMILY PARTNERSHIP LTD
19	5909 LUTHER LN	PRESZLER SCOTT
20	5909 LUTHER LN	ELLARD BRIAN
21	5909 LUTHER LN	704 DSP SHELTON LLC
22	5909 LUTHER LN	NEEPER TRACY
23	5909 LUTHER LN	TAYLOR RICHARD C & TRACY
24	5909 LUTHER LN	708 DSP SHELTON LLC
25	5909 LUTHER LN	HUTCHINSON WILLIAM
26	5909 LUTHER LN	DALLAS SHELTON PTNR LLC

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5909 LUTHER LN	ALEXENDER PATRICIA TUDOR
28	5909 LUTHER LN	RATCLIFF T PATRICK &
29	5909 LUTHER LN	HAMMOND PPTIES INC
30	5909 LUTHER LN	RATCLIFF TERRENCE P
31	5909 LUTHER LN	HARE WILLIAM C III & MARY C
32	5909 LUTHER LN	INGOLD HANS H & MARY ANN
33	5909 LUTHER LN	HUTCHINSON WILLIAM L
34	5909 LUTHER LN	SHIAO SEAN YUNXUAN &
35	5909 LUTHER LN	DEARMOND KATHRYN MARIE
36	5909 LUTHER LN	THOTA CAPITAL PTNRS LTD
37	5909 LUTHER LN	JOLESCH ANN G EST OF
38	5909 LUTHER LN	PALMER JAMES F & BETTY L
39	5909 LUTHER LN	DALE JOHN ROBERT
40	5909 LUTHER LN	HUTCHINSON WILLIAM L
41	5909 LUTHER LN	FRANKE REVOCABLE TRUST
42	5909 LUTHER LN	CHEN CHYNSHYR & WU LINGCHI
43	5909 LUTHER LN	DAKIL DIANE
44	5909 LUTHER LN	SORRA LP
45	5909 LUTHER LN	PURVIN DEBORAH T &
46	5909 LUTHER LN	SHELTON DUNHILL
47	5909 LUTHER LN	PIVNICK LAWRENCE & LINDA
48	5909 LUTHER LN	RAFF MARION B EST OF
49	5909 LUTHER LN	MILLER BENJAMIN G & KELLI
50	5909 LUTHER LN	BACON JOHN R & TERI L
51	5909 LUTHER LN	LELAND DANIEL & SUSAN
52	5909 LUTHER LN	FULLER REVOCABLE TRUST
53	5909 LUTHER LN	LEWIS LINDA B
54	5909 LUTHER LN	KELLY RICHARD
55	5909 LUTHER LN	KELLY RICHARD
56	5909 LUTHER LN	KELLY RICHARD D



**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. Compliance with the submitted site plan is required.
2. An automatic garage door must be installed and maintained in working order at all times.
3. 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 would not appear to be contrary to public interest in that Sustainable Development and Construction Department Senior Engineer has no objections if the Board imposes the staff suggested conditions.

**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 1<sup>st</sup> 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 had 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.” But at the June 23<sup>rd</sup> briefing, he informed the Board at the briefing that he no longer felt that imposing the condition that a 15’ clearance between the face of the proposed garage and the property line must be provided and maintained was necessary as long as the Board imposed the condition that at no time may the area in front of the garage be utilized for parking of vehicles.
- 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. Compliance with the submitted site plan is required.
  2. An automatic garage door must be installed and maintained in working order at all times.
  3. 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 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 13<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 6, 2014: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator on this application (see Attachment A).
- 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."
- June 23, 2014: The Board of Adjustment Panel C held a public hearing on this application where the Sustainable Development and Construction Department Senior Engineer informed the Board at the briefing that he no longer felt that imposing the condition that a 15' clearance between the face of the proposed garage and the property line must be provided and maintained was necessary as long as the Board imposed the condition that at no time may the area in front of the garage be utilized for parking of vehicles. The Board delayed action on this application until August 18, 2014.



June 24, 2014: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the July 30<sup>th</sup> deadline to submit additional evidence for staff review and the August 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, 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 additional review comment sheets with comments were submitted in conjunction with this application.

August 6, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application and beyond what was submitted at the June 23<sup>rd</sup> public hearing (see Attachment B). Note that the applicant made no changes to his plans from what was submitted to the Board at the June 23<sup>rd</sup> public hearing.

**BOARD OF ADJUSTMENT ACTION: June 23, 2014**

APPEARING IN FAVOR: John. M. Henderson, IV, 4512 Abbott Ave, Dallas, Texas

APPEARING IN OPPOSITION: Nina J. Denny, 6140 Richmond Ave, Dallas, Texas

MOTION: Beikman

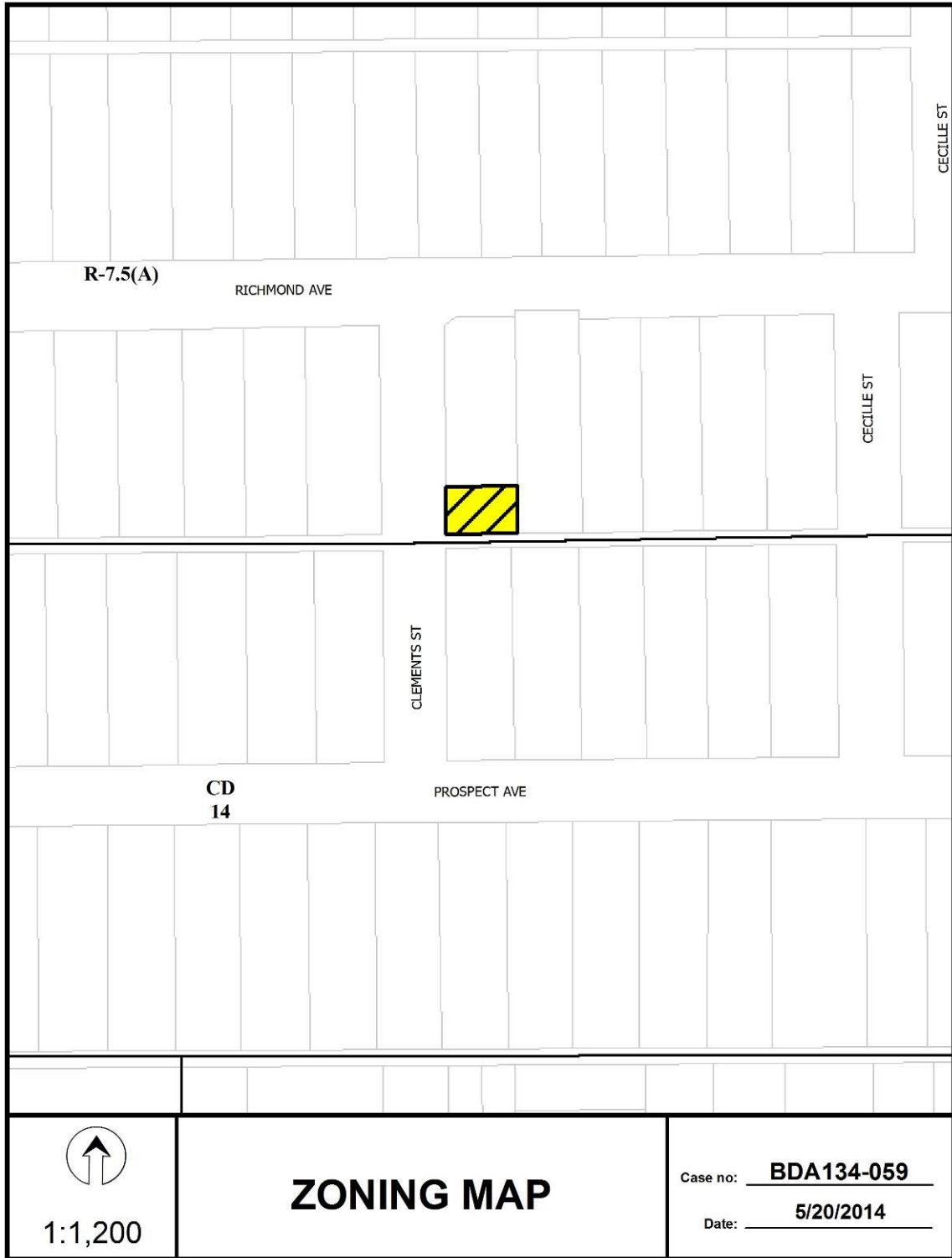
I move that the Board of Adjustment in Appeal No. **BDA 134-059**, hold this matter under advisement until **August 18, 2014**.

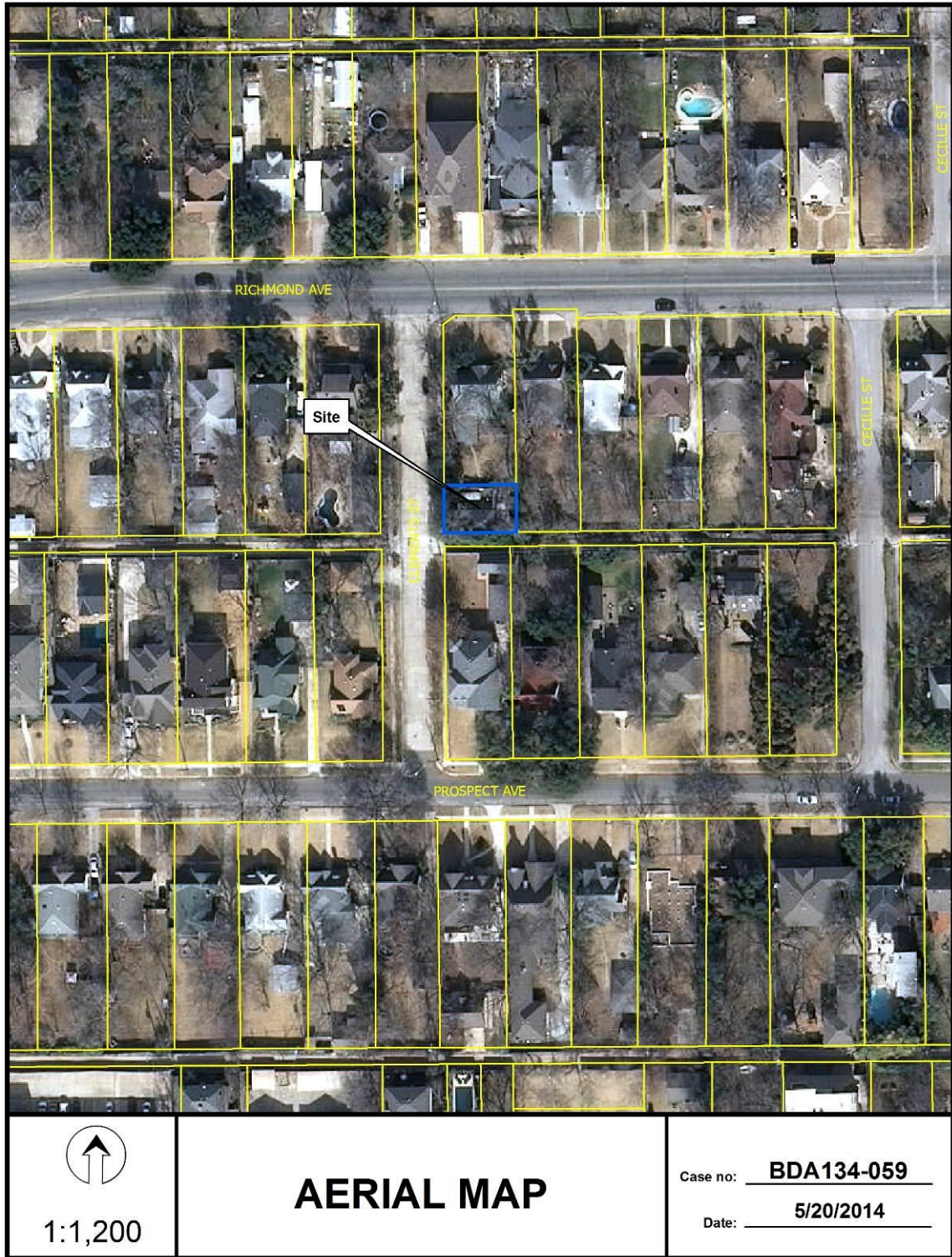
SECONDED: Schulte

AYES: 5 – Richardson, Coulter, Schulte, Beikman

NAYS: Carreon

MOTION PASSED: 4 – 1





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

**Long, Steve**

---

**From:** (Jay Henderson) <.....>  
**Sent:** Wednesday, August 06, 2014 10:25 PM  
**To:** Long, Steve  
**Subject:** 2114 Clements St - Email Record of Meeting Neighbors  
**Attachments:** Gmail - Clements Street Neighbors Emails.pdf

Hi Steve,

As requested by specific members of the BOJ, I met with the neighbors to discuss any possible changes to the design. Attached is our email correspondence setting up the appointment. The neighbors did not request any changes to the proposed design; they just reiterated their general opposition.

I think this should fulfill every thing requested by the Board and the law.

Best Regards,  
Jay

--  
Jay Henderson

BDA134-059  
Attach B ps 2



Jay Henderson <

---

## Clements Street Neighbors

4 messages

---

(Jay Henderson) <h  
To: nina.tenery

Tue, Jul 8, 2014 at 2:09 PM

Hi Nina,

This is Jay Henderson from 2114 Clements Street. Would you and Chad be able to get together an evening this week around 6:30 PM Wednesday or Thursday at the Lakewood Whole Foods cafe? We have to start putting our daughter to sleep at around 7:45. Getting together this week would be good for us as my wife could most likely go into labor next week or the next. Let me know if either evening works for you all.

Best,  
Jay

--  
Jay Henderson

---

Nina Tenery <nina.tenery  
To: "(Jay Henderson)" <

Tue, Jul 8, 2014 at 4:25 PM

Hi Jay,

Very nice to hear from you- thank you for reaching out. Of course, we would be happy to meet you all- you definitely have a busy few weeks ahead with the pending arrival of your baby. Six-Thirty on Thursday works best for us @ Whole Foods!

See you then,

Nina J Tenery  
Corporate Director of Retail  
4001 Maple Ave  
Suite 500  
Dallas Texas 75219

BDA 134-059  
Attach B  
pg 3

(972) 871-5533 (o)

nina.tenery

**OMNI HOTELS & RESORTS**

---

**From:** (Jay Henderson) [mailto:...]  
**Sent:** Tuesday, July 08, 2014 2:10 PM  
**To:** Nina Tenery  
**Subject:** Clements Street Neighbors

[Quoted text hidden]

---

**Hendersonhenderson** ·  
To: Carroll Henderson <c...

Tue, Jul 8, 2014 at 5:43 PM

Jay Henderson

Begin forwarded message:

**From:** Nina Tenery <nina.tenery\_...>  
**Date:** July 8, 2014 at 4:25:05 PM CDT  
**To:** "(Jay Henderson)" <he...>  
**Subject:** RE: Clements Street Neighbors

[Quoted text hidden]

---

**(Jay Henderson)** <...@gmail.com>  
To: Nina Tenery <nina.tenery\_...>  
Bcc: Carroll Henderson <...>

Tue, Jul 8, 2014 at 7:13 PM

Hi Nina,

Great! I'll put it on our calendar. See you both then.

Best,  
Jay

[Quoted text hidden]

--

--

Jay Henderson

BDA 134-059

Attach B

PS 4





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) \_\_\_\_\_ SE 2A

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 24<sup>th</sup> 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

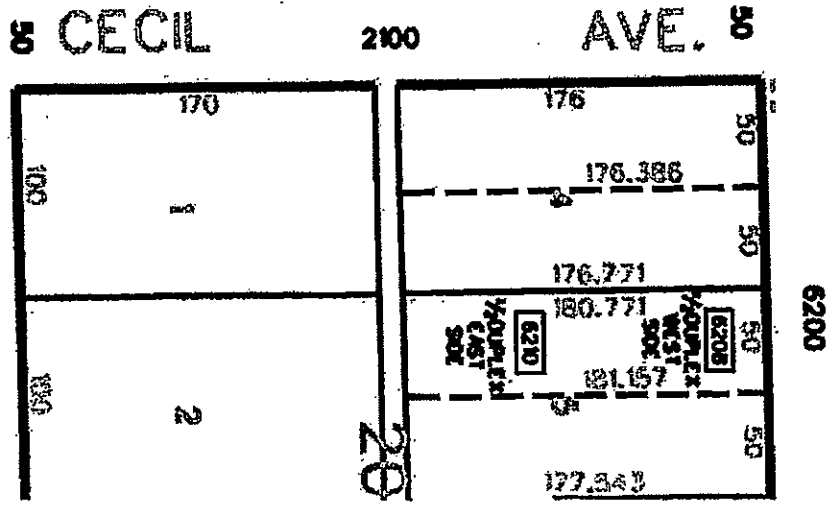
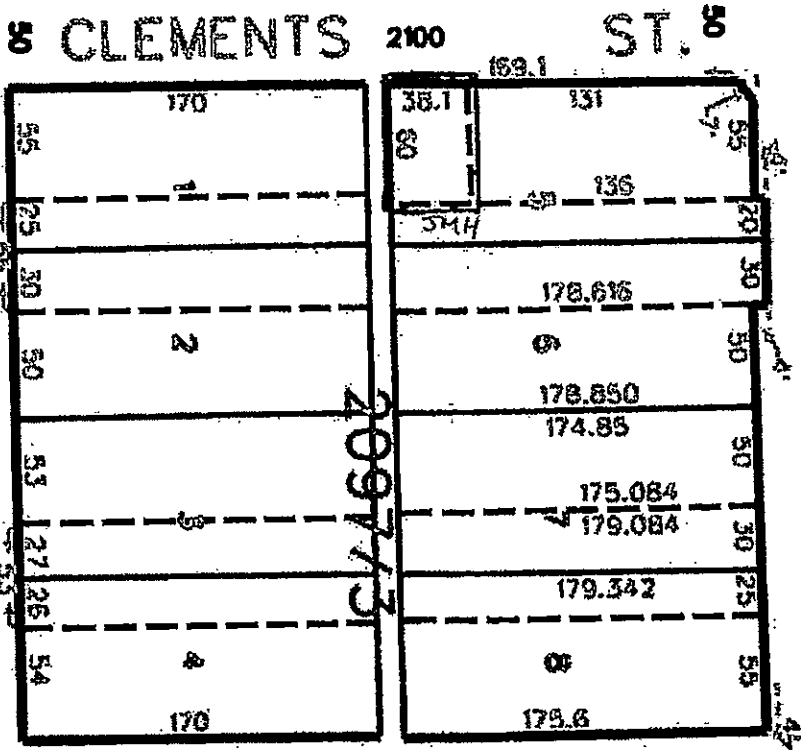
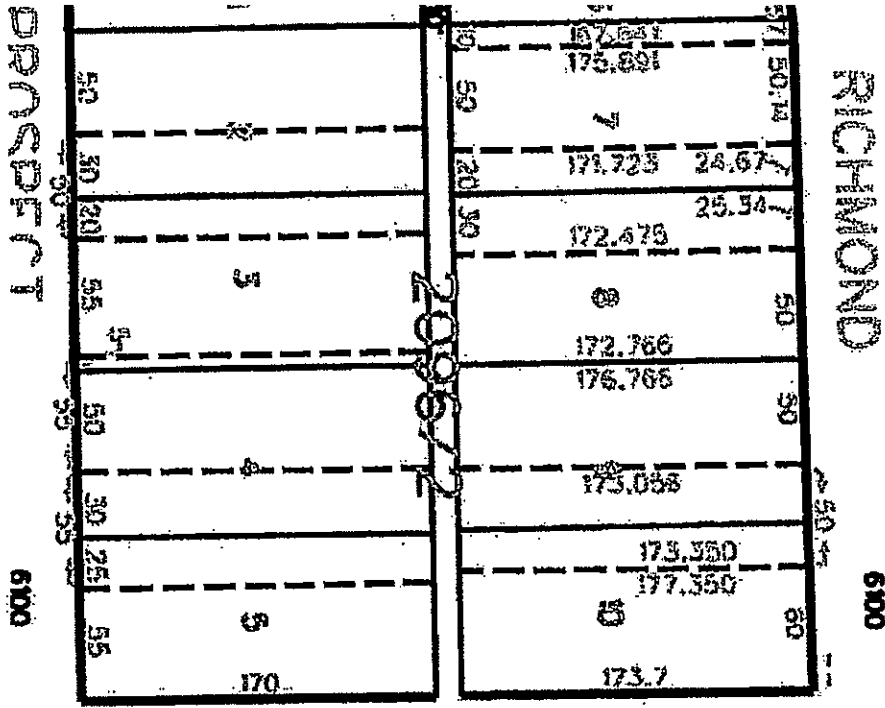
**did submit a request** for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the off-street parking regulation

**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.

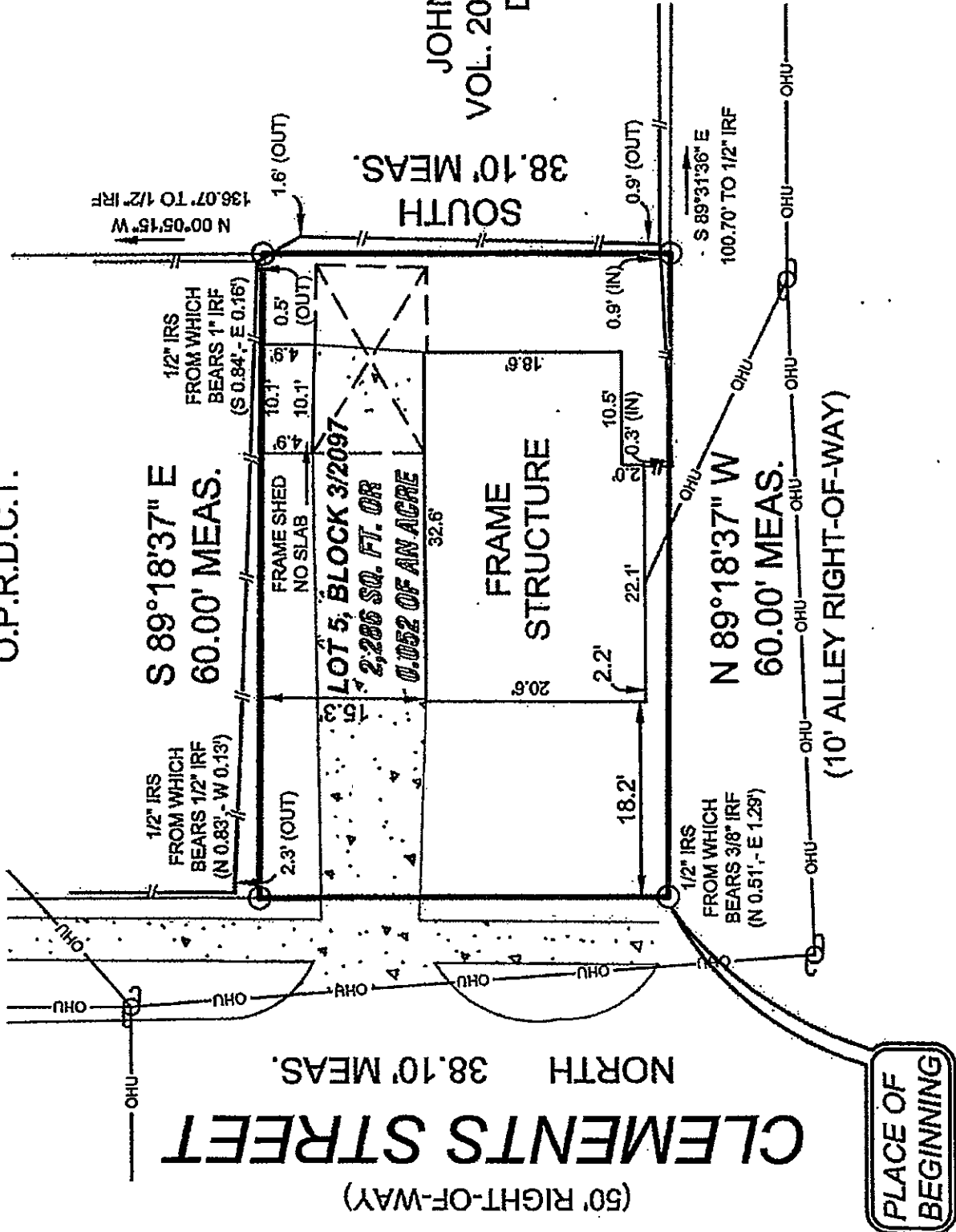
Sincerely,

  
Larry Holmes, Building Official



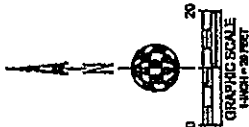
3 COPIES  
OUTLINE IN RE  
INITIAL

O.P.R.D.C.T.

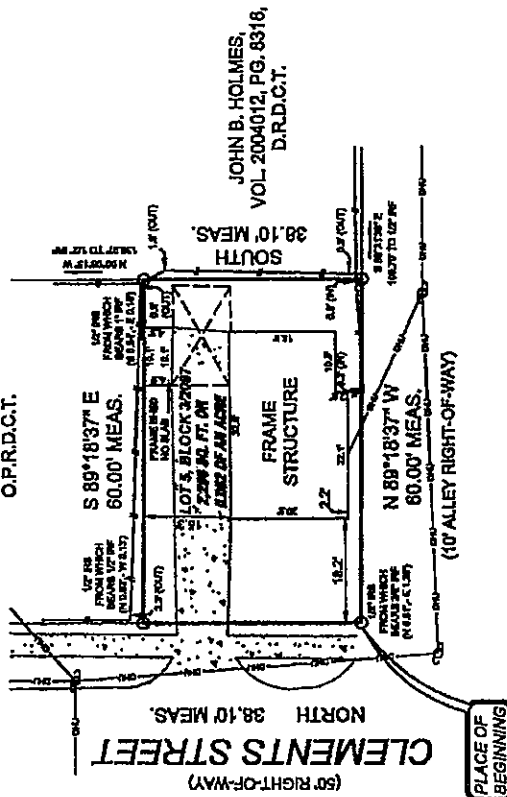


JOHN B. HOLMES,  
VOL. 2004012, PG. 8318,  
D.R.D.C.T.

**SURVEY PLAT**



NINA JEAN DENNY,  
INST. NO. 201300227820,  
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 2/097, 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. 201300227820, Official Public Records, Dallas County, Texas;

Thence South 89°18'37" 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 that portion of said Lot 5, described 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 Denny tract;

Thence North 89°18'37" 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 that portion of said Lot 5, described in Volume 2004012, Page 8316, Deed Records, Dallas County, Texas, said point being at the Southeast corner of said Denny tract;

**NOTE**

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

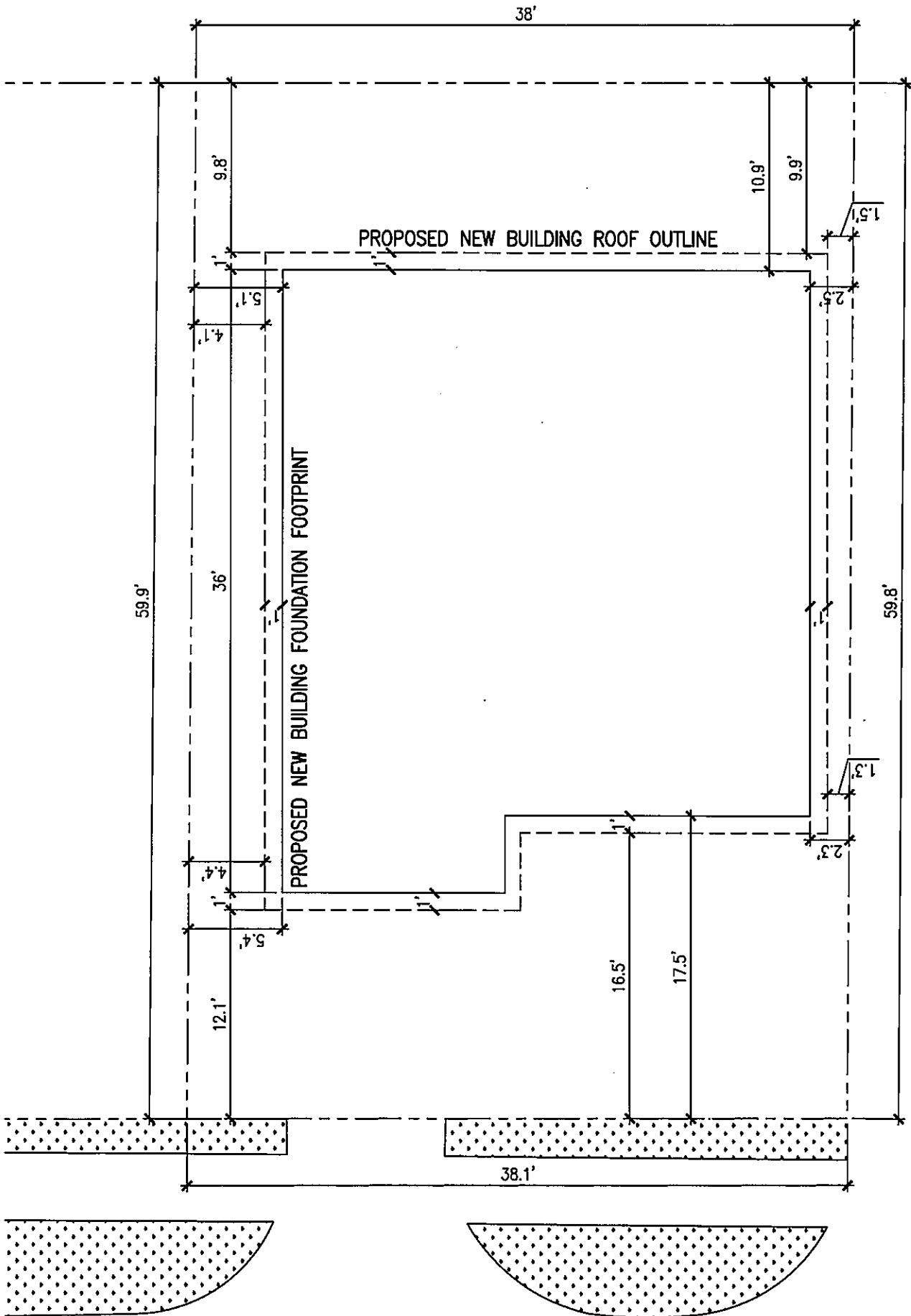
**LEGEND**

1	ASPHALT	11	TRAIL SIGN	21	CONCRETE
2	PAVEMENT	12	TEMPORARY SIGN	22	BRICK
3	GRAVEL	13	WOOD SIGN	23	STONE
4	GRAVEL SIGN	14	WOOD SIGN	24	WOOD SIGN
5	GRAVEL SIGN	15	WOOD SIGN	25	WOOD SIGN
6	GRAVEL SIGN	16	WOOD SIGN	26	WOOD SIGN
7	GRAVEL SIGN	17	WOOD SIGN	27	WOOD SIGN
8	GRAVEL SIGN	18	WOOD SIGN	28	WOOD SIGN
9	GRAVEL SIGN	19	WOOD SIGN	29	WOOD SIGN
10	GRAVEL SIGN	20	WOOD SIGN	30	WOOD SIGN

2114 CLEMENTS STREET  
DALLAS, TEXAS

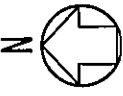
**A&W SURVEYORS, INC.**  
Professional Land Surveyors  
P.O. BOX 870204, MCKINNEY, TX 75147  
PHONE: (972) 961-4878 FAX: (972) 961-4864  
WWW.AANDWSURVEY.COM

DATE: 01-28-2008  
DRAWN BY: GJA  
CHECKED BY: JSD/RTD/20080207



10' ALLEY RIGHT-OF-WAY

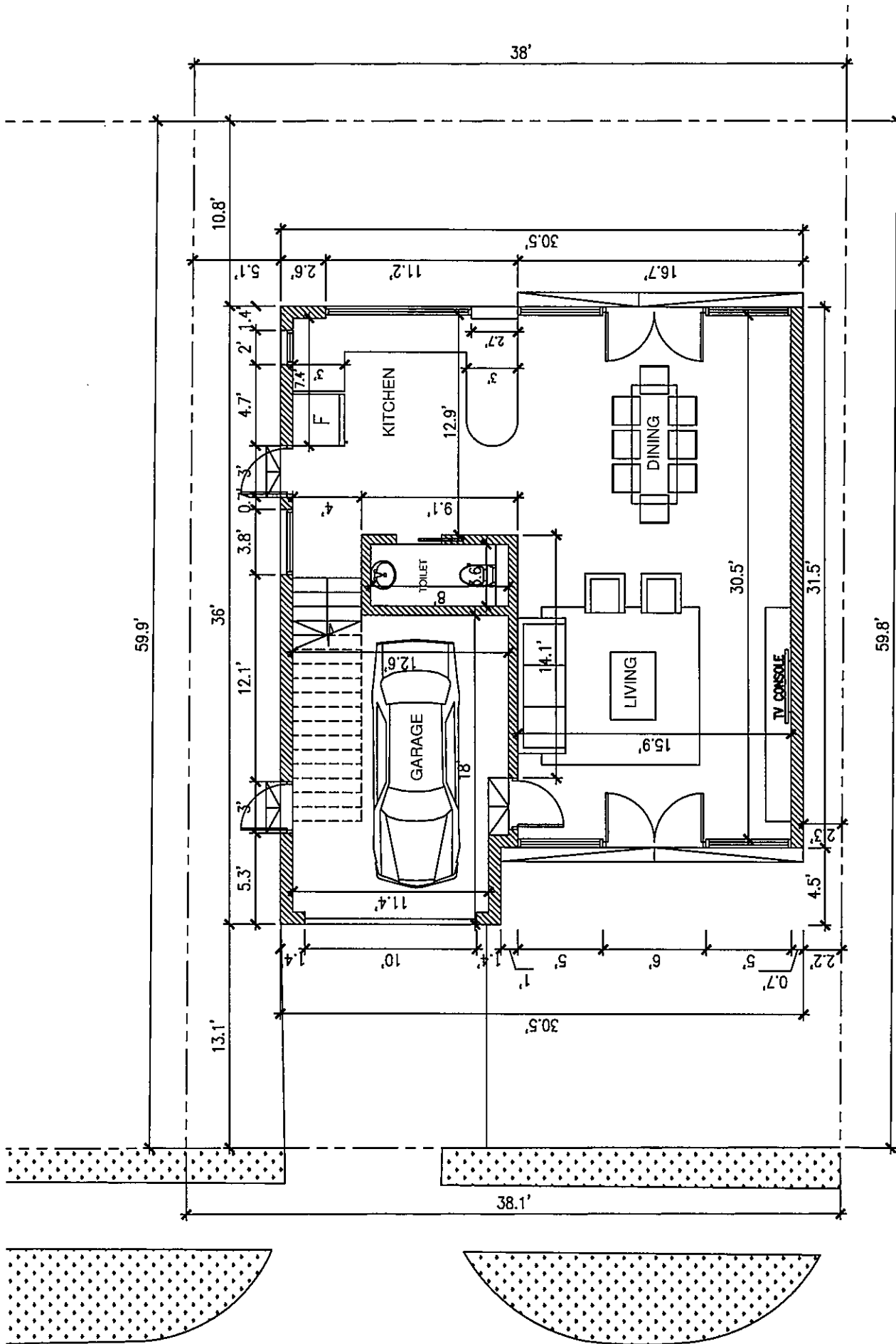
<p>LOT 5, BLOCK 32097 EDGE MOUNT PARK ADDITION, 2114 CLEMENTS STREET, CITY OF DALLAS, COUNTY OF DALLAS, TEXAS 75214</p>	
NOTE	
1) LAND AREA = 2076.5 SQFT	
2) MAX ALLOWABLE FOOTPRINT = 65% OF LAND AREA = 1024.4 SQFT	
3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT	



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

(25 APR 2014)

R

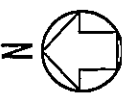


10' ALLEY RIGHT-OF-WAY

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

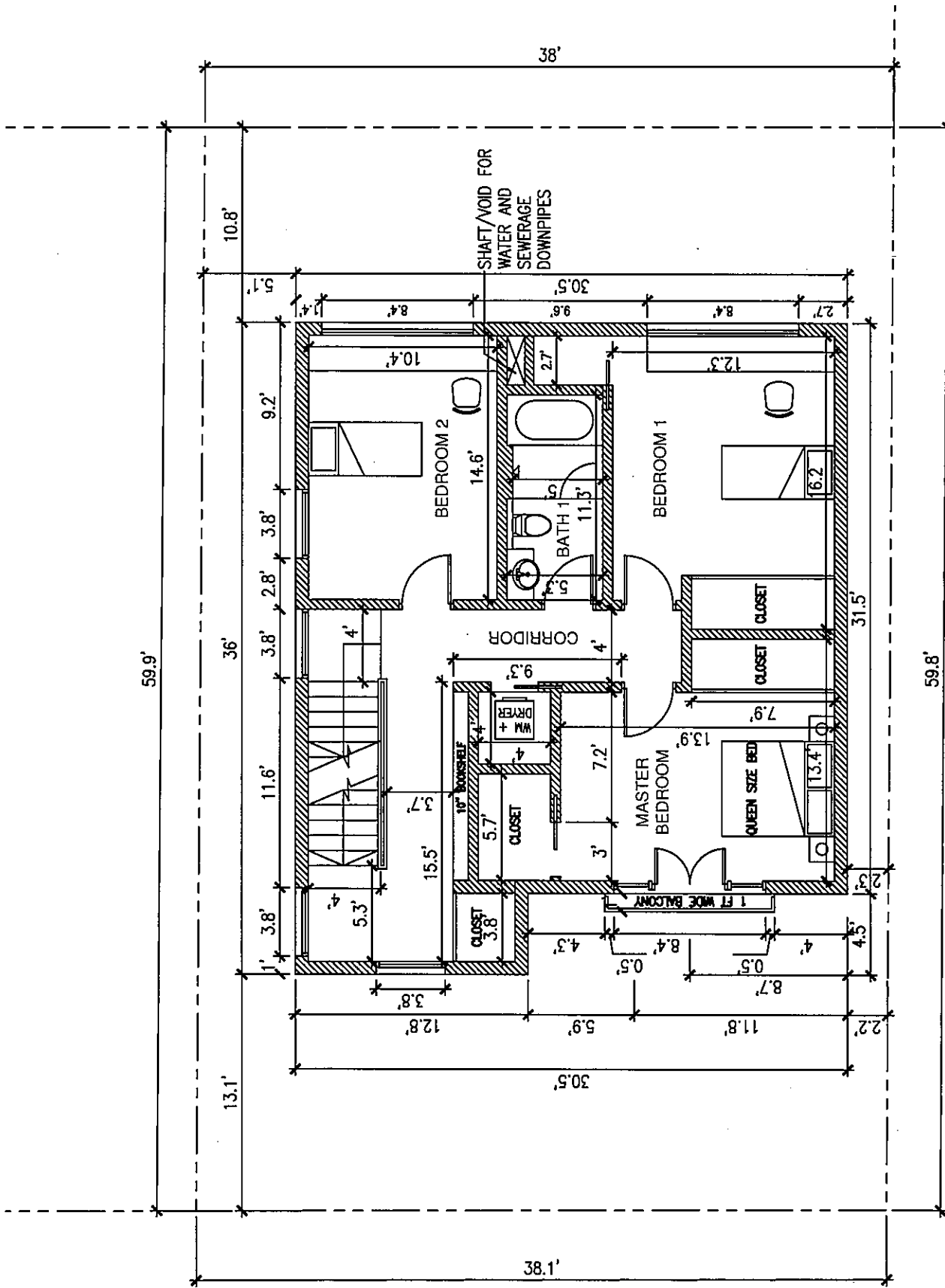
NOTE  
 1) LAND AREA = 2276.5 SQFT  
 2) MAX. ALLOWABLE FOOTPRINT  
 = 45% OF LAND AREA = 1024.7 SQFT  
 3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT

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



(25 APR 2014)

R

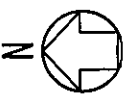


10' ALLEY RIGHT-OF-WAY

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

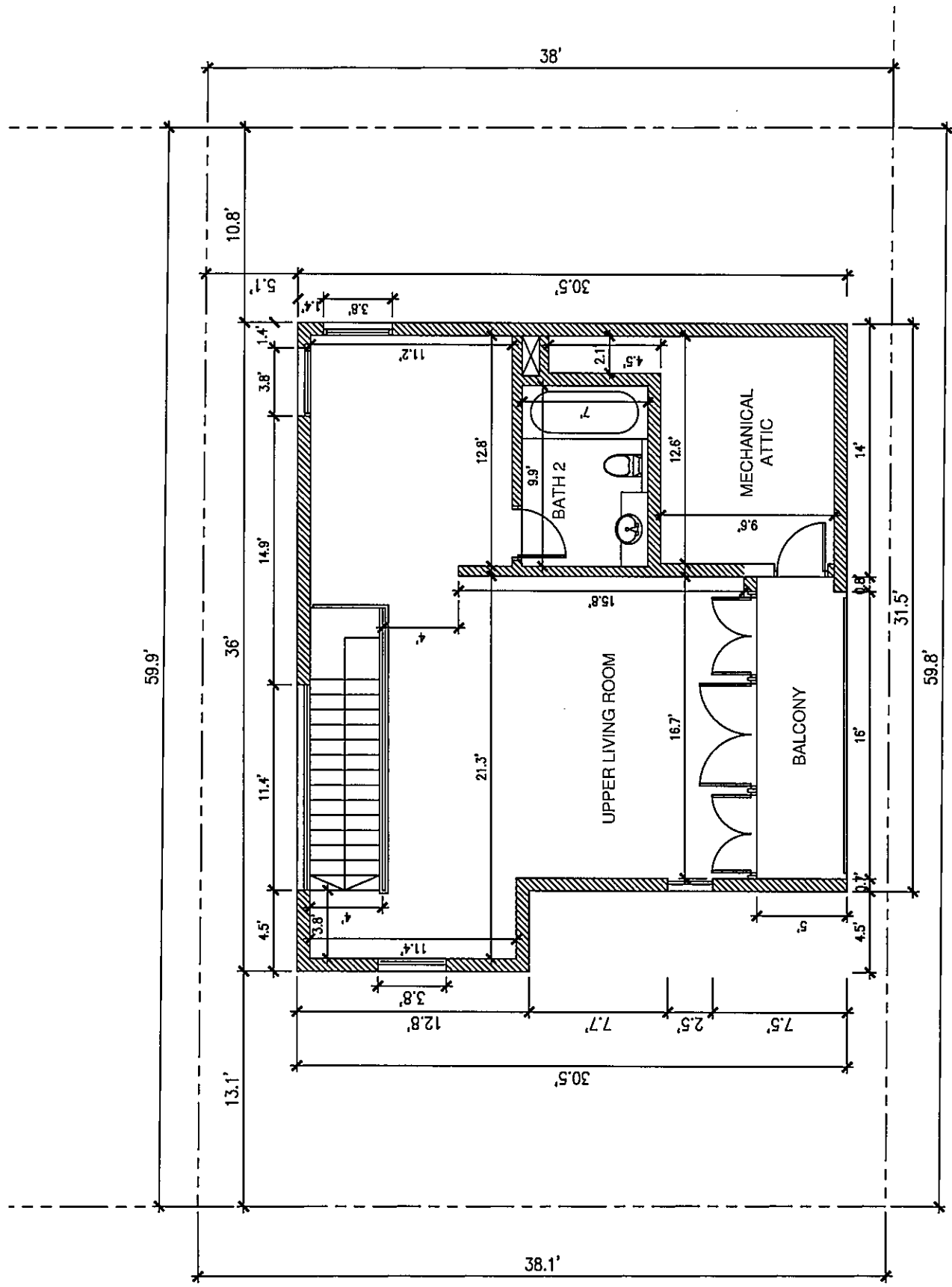
1 2ND STOREY PLAN  
 1/8" TO 1"



(25 APR 2014)

R



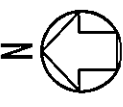


10' ALLEY RIGHT-OF-WAY

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

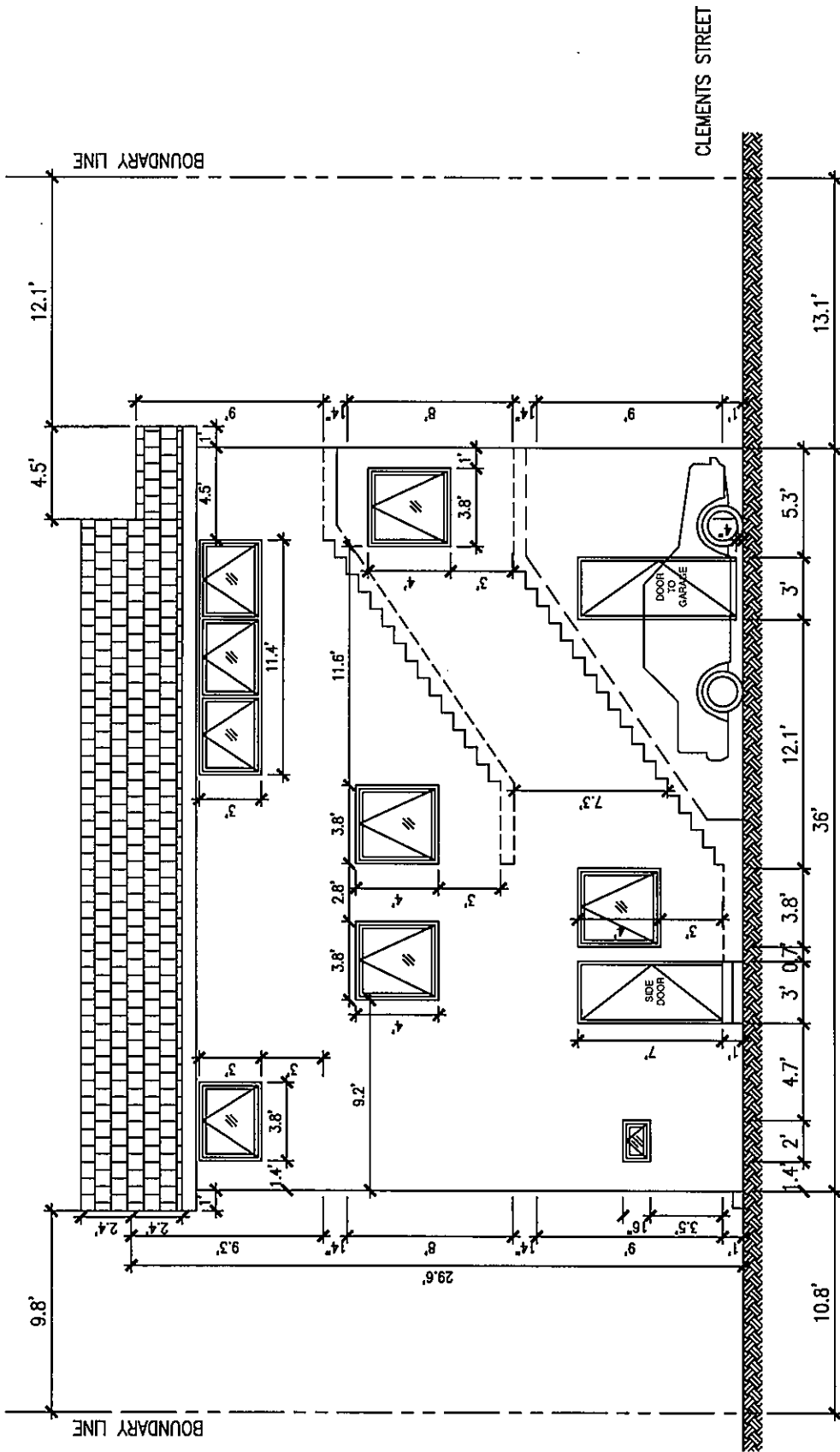
NOTE  
 1) LAND AREA - 2276.5 SQFT  
 2) MAX ALLOWABLE FOOTPRINT  
 = 45% OF LAND AREA = 1024.4 SQFT  
 3) PROPOSED FOOTPRINT AREA = 1017.4 SQFT

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



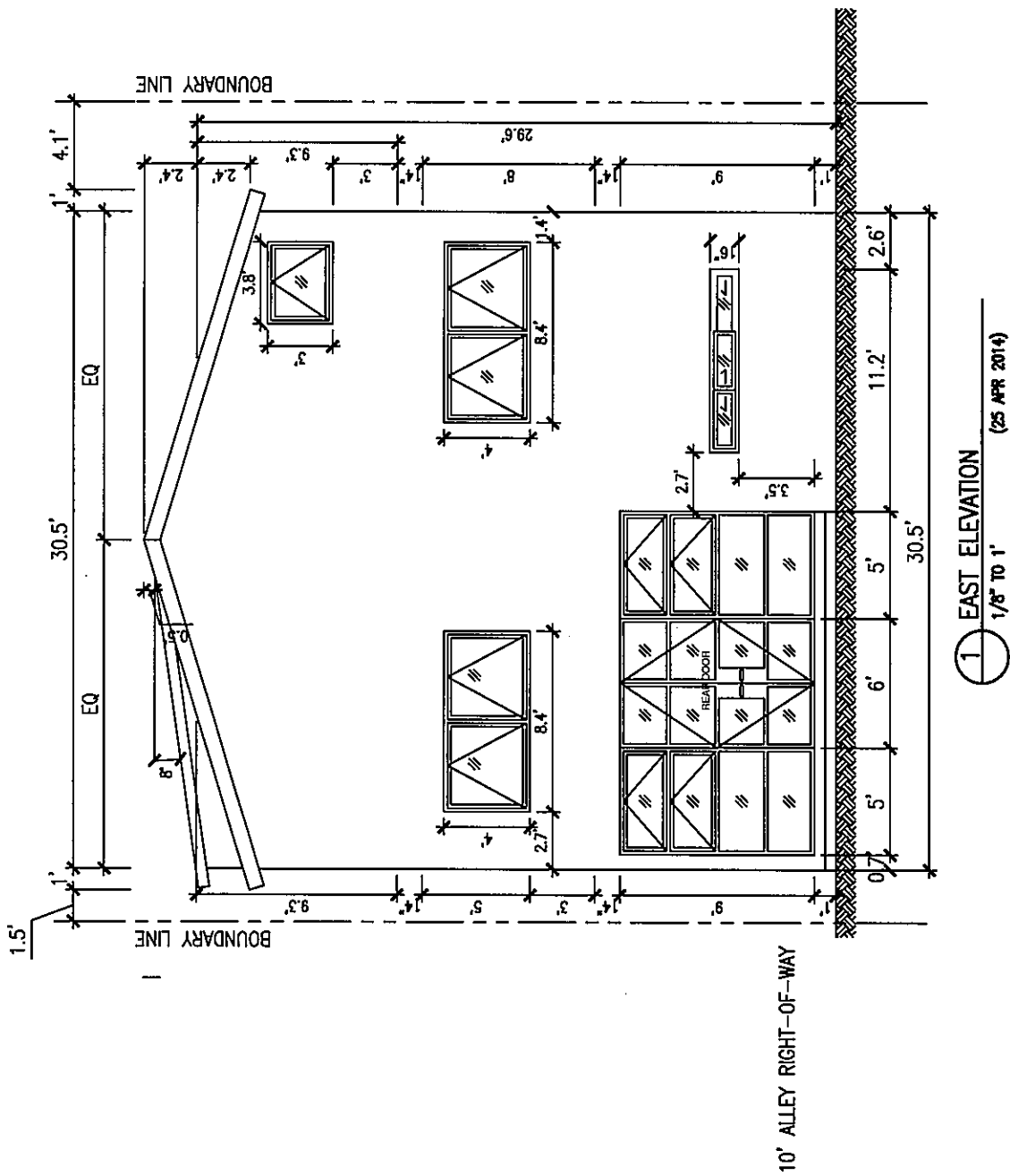
(25 APR 2014)

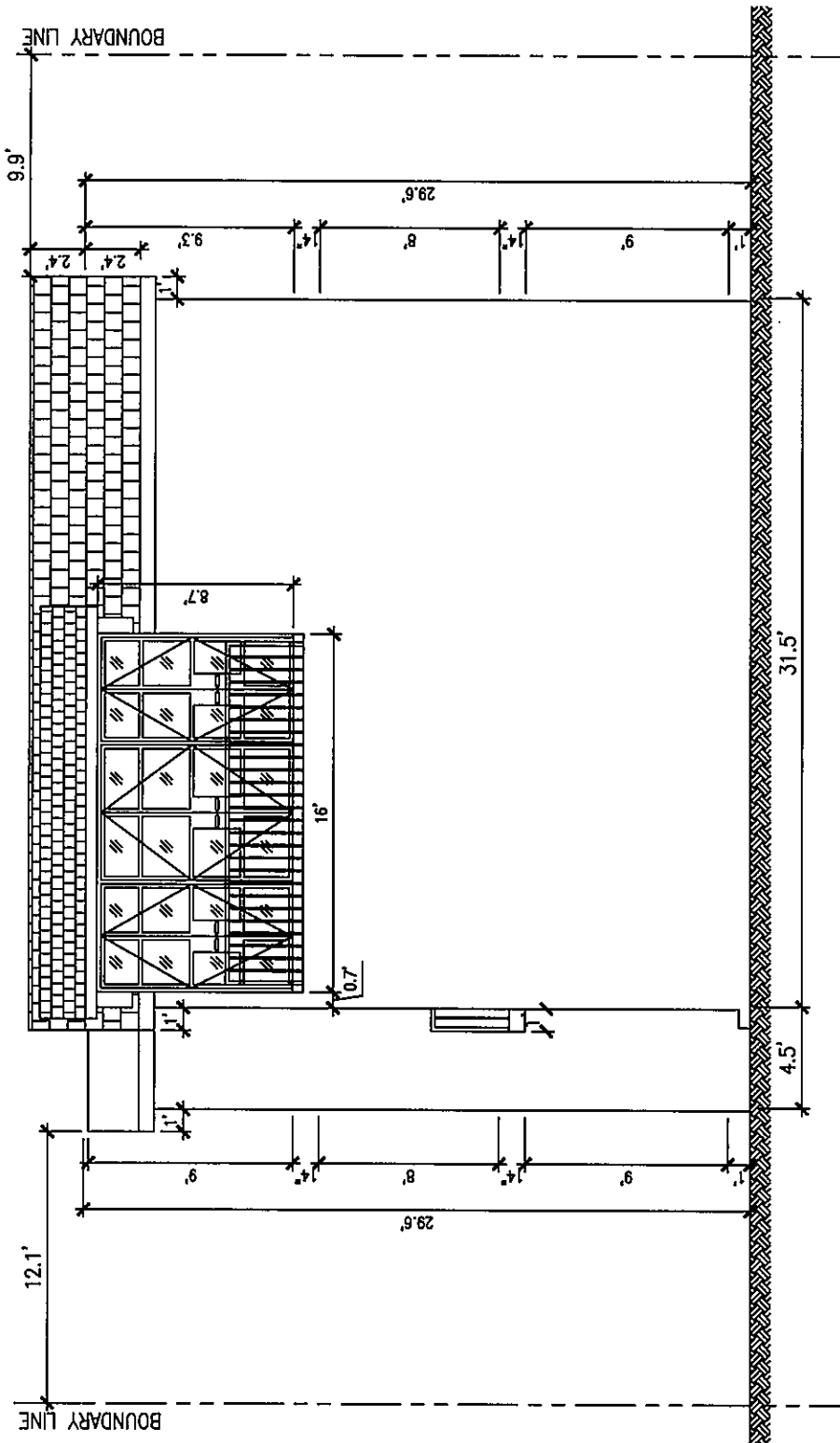
R



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

R





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

R



## 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](mailto: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 23<sup>rd</sup> 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 28<sup>th</sup> 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

--

--

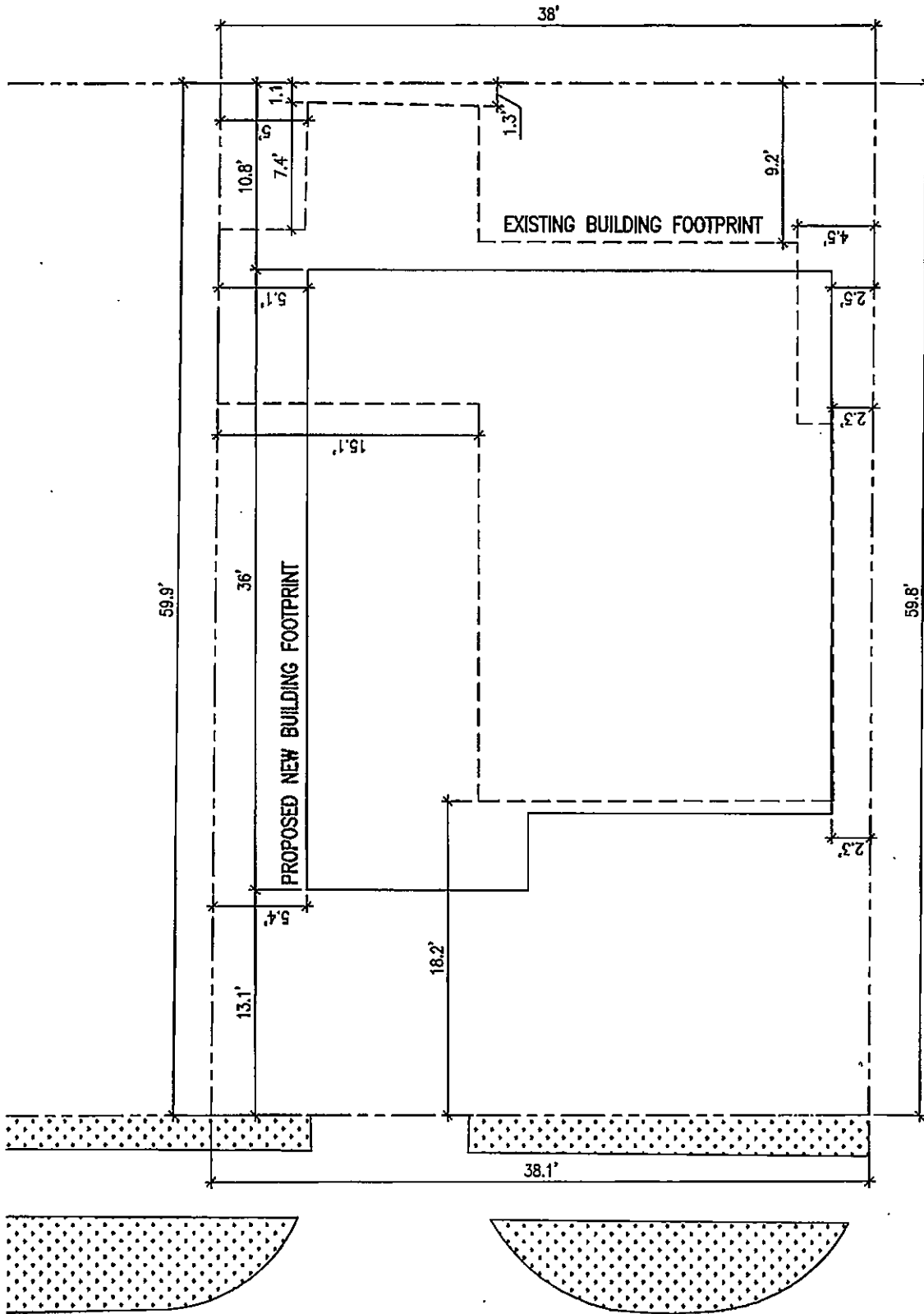
Jay Henderson

### 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.*

<b>AVERAGE SQ. FT.</b>	2543	432
<b>PROPOSED BUILDING SQ. FT.</b>	~2093	~223
<b>DIFFERENCE</b>	-450 SQ. FT.	-209 SQ. FT

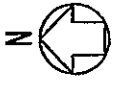


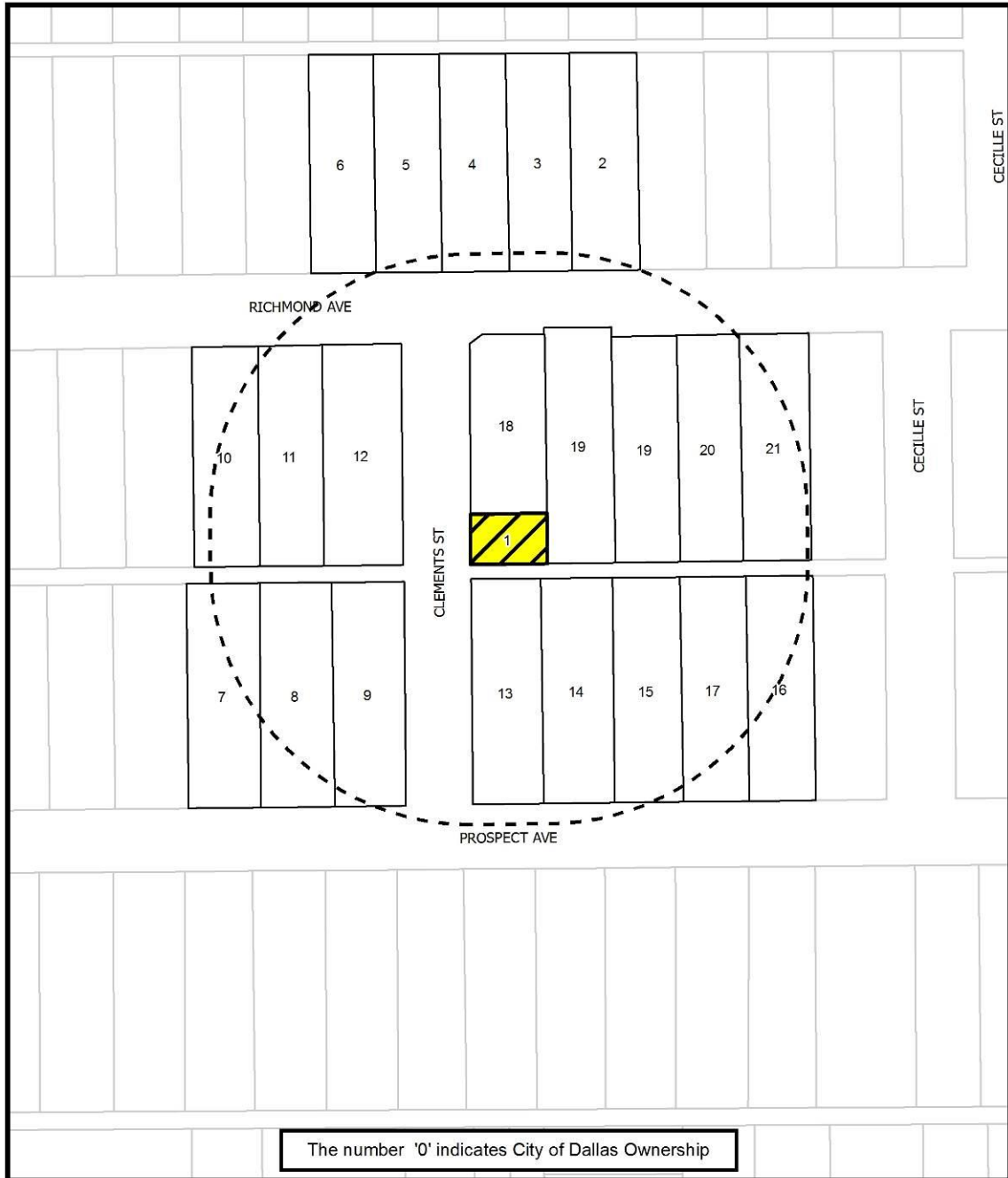
10' ALLEY RIGHT-OF-WAY

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 EXISTING BUILDING OVERLAP WITH PROPOSED NEW BUILDING  
 (25 APR 2014)  
 1:100 AT A4





 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA134-059</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>21</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>21</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>21</b>	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