

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, AUGUST 19, 2013
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM	10:30 A.M.
LUNCH		
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM, 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Monday, June 17, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-067	100 W. Ledbetter Drive REQUEST: Application of Robert Baldwin for a special exception to the landscape regulations	1
BDA 123-071	400 W. Colorado Boulevard REQUEST: Application of Tom Prohaska for a variance to the front yard setback regulations	2
BDA 123-073	2915 Vine Street REQUEST: Application of Larry C. Gilstrap III, represented by Lisa Lamkin of BRW Architects, Inc., for a special exception to the landscape regulations	3
BDA 123-080	3620/3622 Edgewater Drive REQUEST: Application of Scott Harvel for variances to the front, side, and rear yard setback regulations, and special exceptions to the fence height regulations	4

HOLDOVER CASES

BDA 123-054	8000 Park Lane REQUEST: Application of Colesen C. Evans for a variance to the front yard setback regulations	5
BDA 123-057	3826 Lemmon Avenue REQUEST: Application of Jim Tusing, represented by Bryan M. Burger, for a variance to the off-street parking regulations	6

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C June 17, 2013 public hearing minutes.

FILE NUMBER: BDA 123-067

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to the landscape regulations at 100 W. Ledbetter Drive. This property is more fully described as Lot 1, Block 11/5993 and is zoned MC-1, which requires mandatory landscaping. The applicant proposes to construct a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 100 W. Ledbetter Drive

APPLICANT: Robert Baldwin

REQUEST:

A special exception to the landscape regulations is requested in conjunction with constructing and maintaining a general merchandise or food store greater than 3,500 square feet use (Quick Trip) on a site currently under development, and not fully meeting the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The applicant has substantiated how strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property. The existing utilities, right-of-way, and topography features of the subject site preclude the applicant from fully meeting the Landscape Regulations.
- The City’s Chief Arborist recommends approval of the applicant’s request for exception to the Landscape Regulations.

BACKGROUND INFORMATION:

Zoning:

- Site: MC-1 (Multiple commercial)
- North: RR (Regional retail)
- South: PD 863 (Planned Development)
- East: RR (Regional retail)
- West: MC-1 & RR (Multiple commercial and Regional retail)

Land Use:

The site is currently under development. The areas to the north and west appear to be undeveloped; the area to the east is developed with a freeway (R. L. Thornton Freeway); and the area to the south is under development.

Zoning/BDA History:

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

Timeline:

- May 28, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 5, 2013: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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 30, 2013: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

August 6, 2013: 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 Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

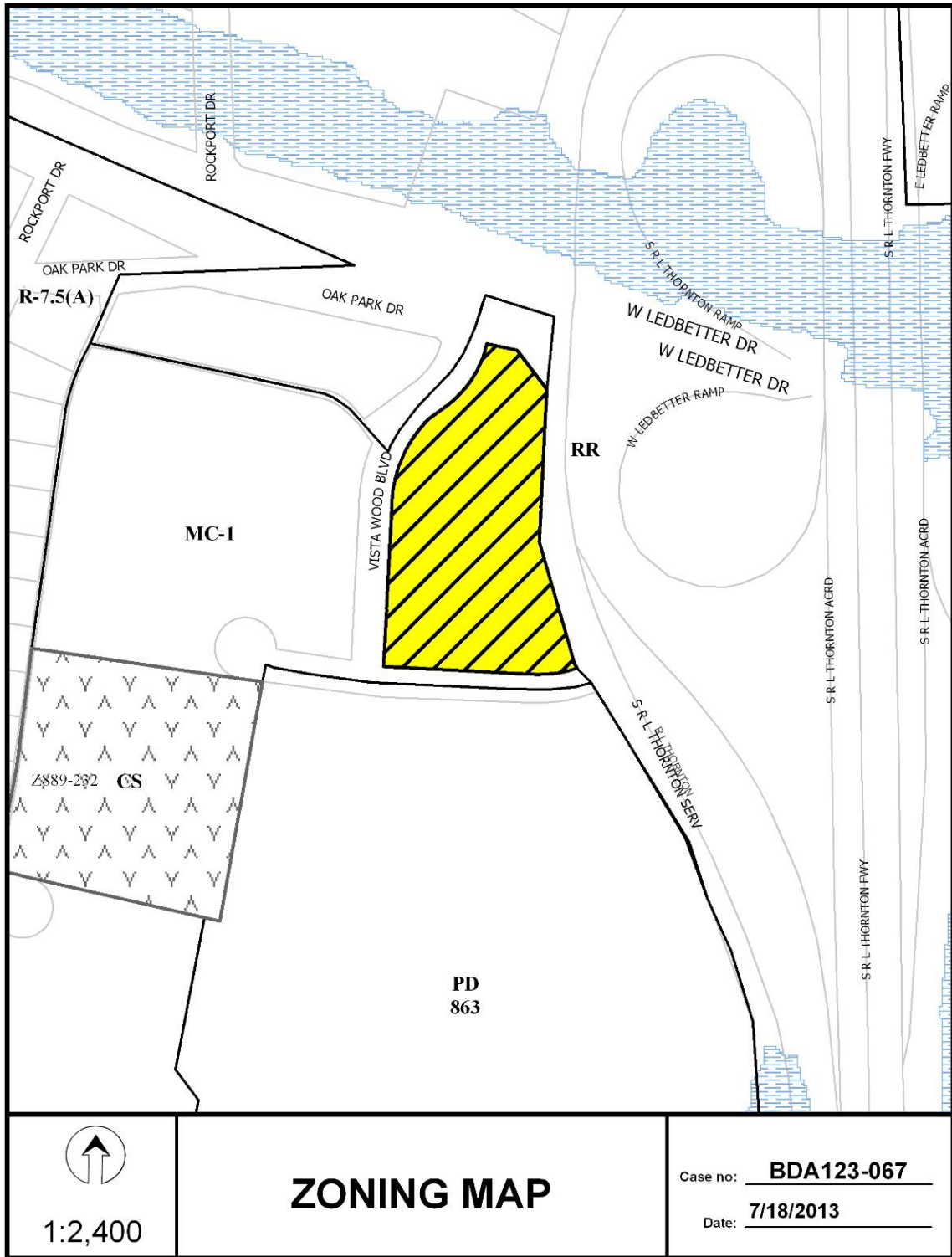
August 8, 2013: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses constructing and maintaining a general merchandise or food store greater than 3,500 square feet use (Quick Trip) on a site currently developed, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site is deficient to the Landscape Regulations for: 1) street tree requirements; and 2) the specifications for screening of off-street parking (24" height specification is proposed when a 36" height is required).
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo states how this request is triggered by new construction of a retail development on the site.
- The arborist's memo lists the following factors for consideration:
 1. The construction will be on a property that will have significant tree removal and site grading to address topographical challenges. The public service area will be significantly elevated above the Ledbetter street level. This and the double row of shrubs in the shown locations around the parking should provide sufficient screening to parking when grown and maintained in the required code standard of 36" height.
 2. Underground and overhead public utilities will impair the ability to plant large trees in required locations along Ledbetter and the IH 35 service road. The

applicant proposes small trees along the service road and large canopy trees along the elevated portions behind the required 30' distance for street trees due to conflicts with utility, right-of-way, and slope.

- The City of Dallas Chief Arborist recommends approval of this request given his assessment of how the applicant has demonstrated how strict compliance with the requirements of the landscape ordinance will unreasonably burden the use of the property.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the street tree and parking screening requirements of Article X: The Landscape Regulations.

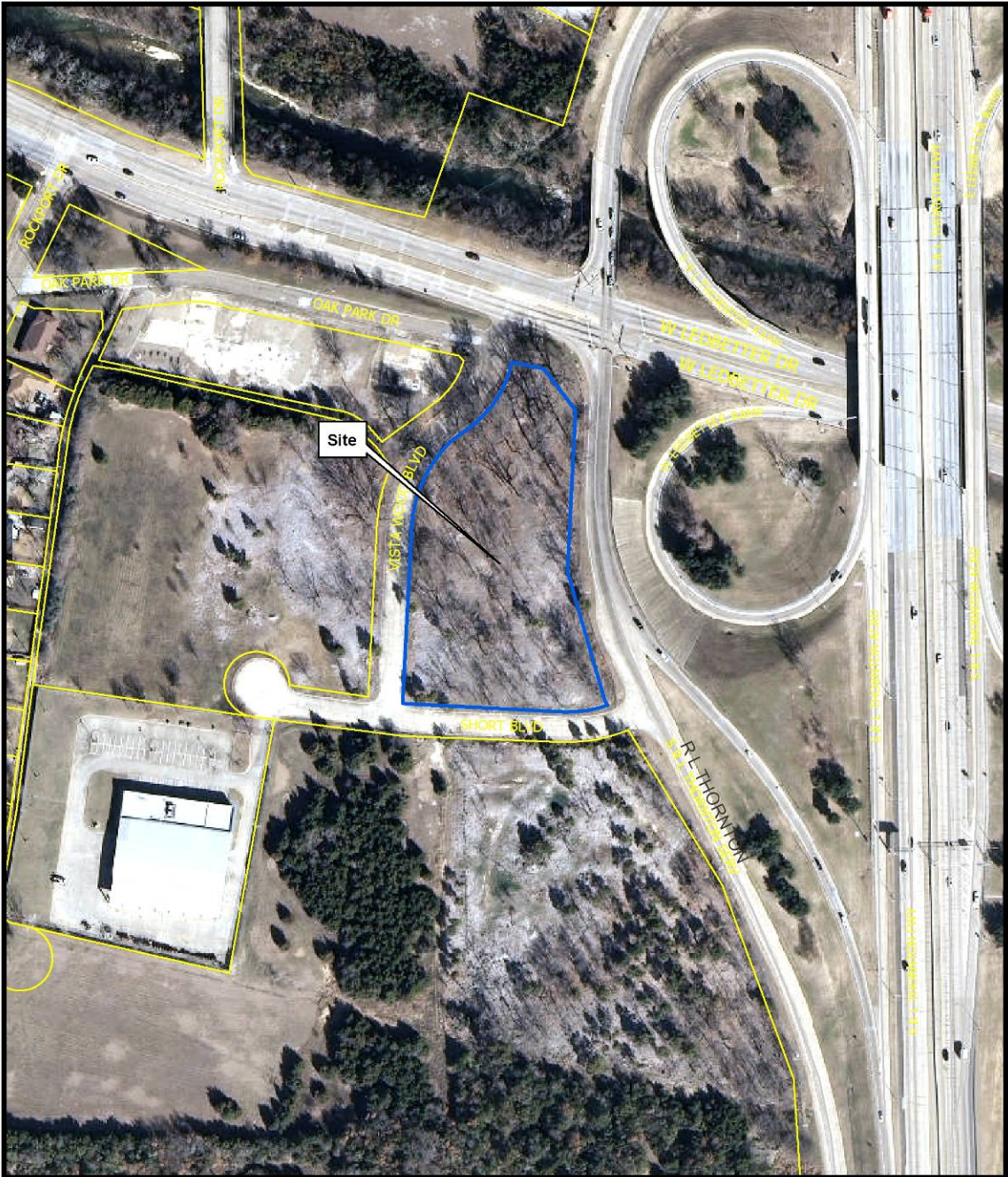


1:2,400

ZONING MAP

Case no: BDA123-067

Date: 7/18/2013



1:2,400

AERIAL MAP

Case no: BDA123-067

Date: 7/18/2013

BDA123-067

Attach A

Baldwin
Associates

July 30, 2013

Mr. Steve Long
City of Dallas
Department of Development Services
City Hall
1500 Marilla Street, Room 5BN
Dallas, TX 75201-6390

Re: Board of Adjustment Case BDA 123-067, 100 W Ledbetter

Dear Mr. Long;

This firm is working with the QuikTrip Corporation in their efforts to obtain a landscape Special Exception for their site located at the corner of West Ledbetter and the R. L. Thorton Freeway. Specifically, we are requesting permission to locate some of the required street trees farther way from the street to accommodate the topography of the site. We are not seeking any relief from the number of the trees required, just the locational requirements.

This site is located at the southwest intersection of the R. L. Thorton Freeway (IH-35E) and West Ledbetter (Loop 12). Both of these roadways are owned and controlled by TXDOT. Article X requires that all required street trees be located within 30 feet of the projected street curb. In this case, there is a dramatic grade change between the street level and the building pad. This is most severe along the West Ledbetter frontage. In addition to the elevation difference, there is a storm sewer easement along this frontage that further limit where the required trees can be planted. Our request is to allow us to plant the required street trees adjacent to the building site rather than adjacent to the street. We are not requesting any relief to the number of trees required, we would just like permission to plant the trees where they would be effective.

Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Very truly yours,



Robert B. Baldwin, AICP

Memorandum



CITY OF DALLAS

DATE August 8, 2013
 TO Steve Long, Board of Adjustment Administrator
 SUBJECT # BDA 123 · 067 100 W Ledbetter

The applicant is requesting a special exception to the landscape requirements of Article X of the Dallas Development Code.

Trigger

New construction of new retail development.

Deficiencies

The proposed landscape plan is deficient for street tree requirements of Section 51A-10.125(b)(4) of Article X in the Dallas Development Code. The specifications for screening of off-street parking (24" height specification) are shown as deficient.

Factors

The construction will be on a property that will have significant tree removal and site grading to address topographical challenges. The public service area will be significantly elevated above the Ledbetter street level. This and the double row of shrubs in the shown locations around the parking should provide sufficient screening to parking when grown and maintained to the required code standard of 36" height.

Public utilities, both underground and overhead, will impair the ability to plant large trees in required locations along Ledbetter and the IH35 service road. Small trees are proposed along the service road. Large canopy trees are proposed along the elevated portions of the property set back behind the required 30' distance for street trees due to utility, TXDOT right-of-way, and slope conflicts.

Recommendation

Approval of the submitted alternate landscape plan. The applicant has demonstrated how strict compliance with the requirements of the ordinance for street trees will unreasonably burden the use of the property.

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



City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-067

Data Relative to Subject Property:

Date: 5-28-13

Location address: 100 W. Ledbetter Dr. Zoning District: MC-1

Lot No.: 1 Block No.: 11/5993 Acreage: 3.67 Census Tract: 110.02

Street Frontage (in Feet): 1) 390' 2) 457' 3) 239' 4) 108' 5) -

SW 13A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Corinth I-35 & Ledbetter, LLC

Applicant: Rob Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm Suite B Zip Code: _____

E-mail Address: rob@baldwinplanning.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception ✓, of article 10 for landscaping

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:

We will provide an alternate landscaping plan

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 Rob Baldwin
(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 16 day of May 2013

(Rev. 08-01) [Notary Seal] Janell R Baker
My Commission Expires 07/15/2014
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

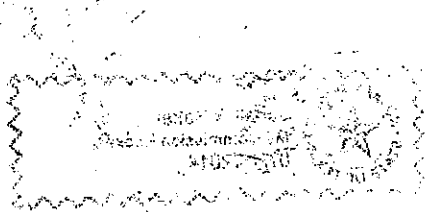
I hereby certify that Robert Baldwin

did submit a request for a special exception to the landscaping regulations
at 100 W. Ledbetter Drive

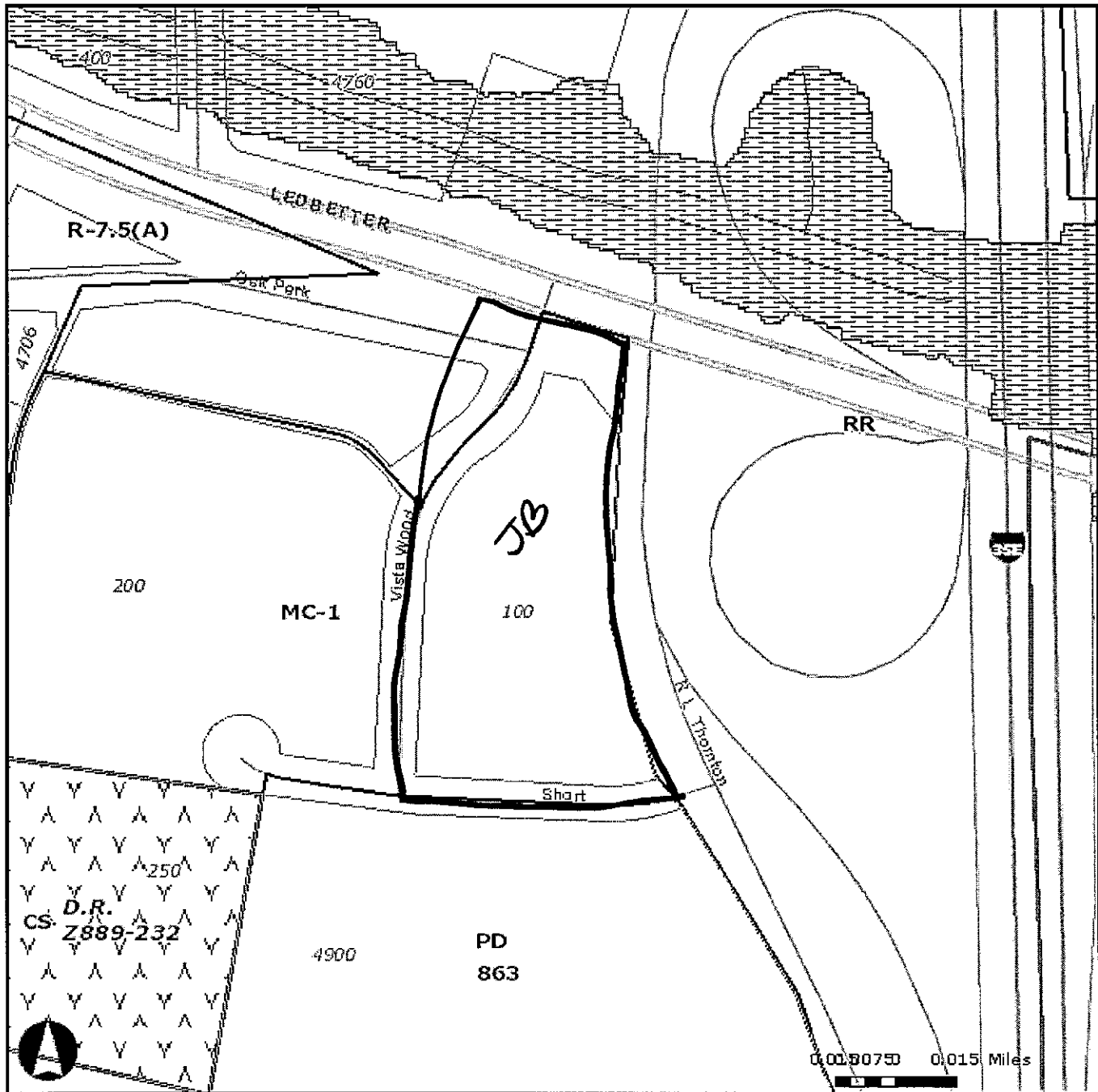
BDA123-067. Application of Robert Baldwin for a special exception to the landscaping regulations at 100 W. Ledbetter Drive. This property is more fully described as Lot 1, Block 11/5993 and is zoned MC-1, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

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

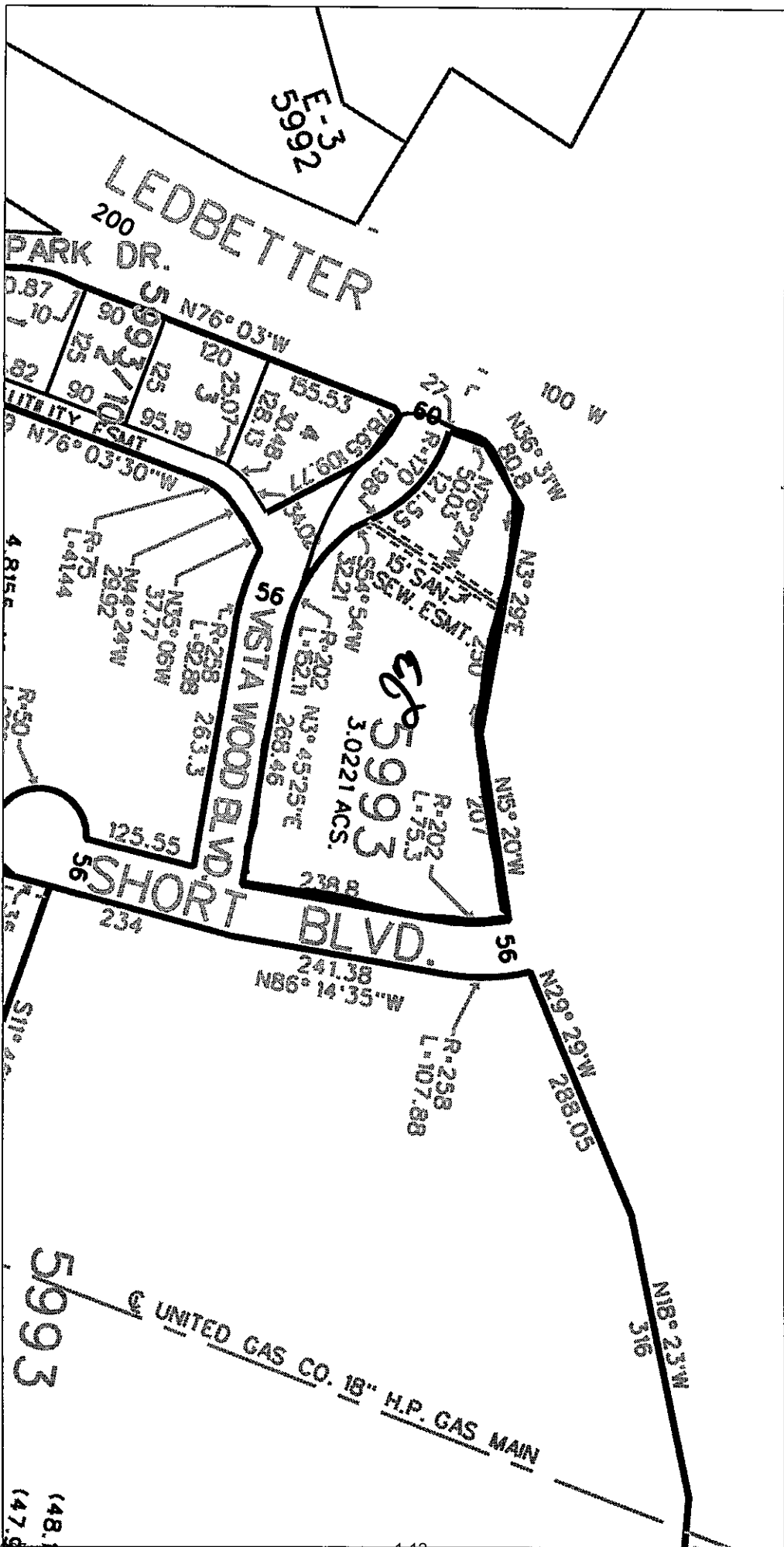
BDA 123-067

SUP

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

PDS Subdistricts

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



$\Delta=1^{\circ}06'14''$
 $R=8060.09'$
 $L=155.29'$
 $CB=S73^{\circ}40'27''E$
 $C=155.29'$

RECORDING
INFORMATION
UNKNOWN

LEDBETTER DRIVE
(LOOP 12, A VARIABLE-WIDTH R.O.W.)

$S33^{\circ}39'31''E$
12.53'
 $S84^{\circ}53'57''E$
20.38'

20' WATER EASEMENT
(BY THIS PLAT)

UTILITY EASEMENT
ABANDONED BY ORDINANCE NO. 21134
VOL. 92093, PG. 1094
AND BY ORDINANCE NO. 21198

RECORDING
INFORMATION
UNKNOWN

15' DRAINAGE-E
(BY THIS PLAT)

10' UTILITY EASEMENT
VOL. 36, PG. 13, M.R.D.C.T.
ABANDONED BY CITY OF DALLAS
ORDINANCE NO. 21228
VOL. 92093, PG. 1108, D.R.D.C.T.

UTILITY EASEMENT
VOL. 36, PG. 13, M.R.D.C.T.
ABANDONED BY CITY OF DALLAS
ORDINANCE NO. 21228
VOL. 92093, PG. 1108, D.R.D.C.T.

$\Delta=13^{\circ}49'08''$
 $R=450.00'$
 $L=108.53'$
 $CB=S10^{\circ}40'21''W$
 $C=108.27'$

$\Delta=19^{\circ}11'17''$
 $R=192.00'$
 $L=64.30'$
 $CB=S7^{\circ}59'16''W$
 $C=64.00'$

ABANDONED E
ORDINANCE N
INST. NO. 201
O.P.R.D.C.T.

15' SANITARY SE
EASEMENT
VOL. 4894, PG. 5
D.R.D.C.T.

1.407 ACRES
61290 SQ. FT.

VISTAWOOD BOULEVARD
VOL. 92107, PG. 0483
D.R.D.C.T.

25' DRAINAGE EASEMENT
(VOL. 92107, PG. 483,
D.R.D.C.T.)

$\Delta=23^{\circ}23'03''$
 $R=450.00'$
 $L=183.66'$
 $CB=S7^{\circ}55'45''E$
 $C=182.39'$

STREET EASEMENT
ABANDONED BY
ORDINANCE NO.
INST. NO. 2012
O.P.R.D.C.T.

LOT
3.671 AC
159,889 S
BLOCK

VISTAWOOD BOULEVARD

STREET EASEMENT
VOL. 93191, PG. 8019
VOL. 93194, PG. 7403
VOL. 93194, PG. 7409
D.R.D.C.T.

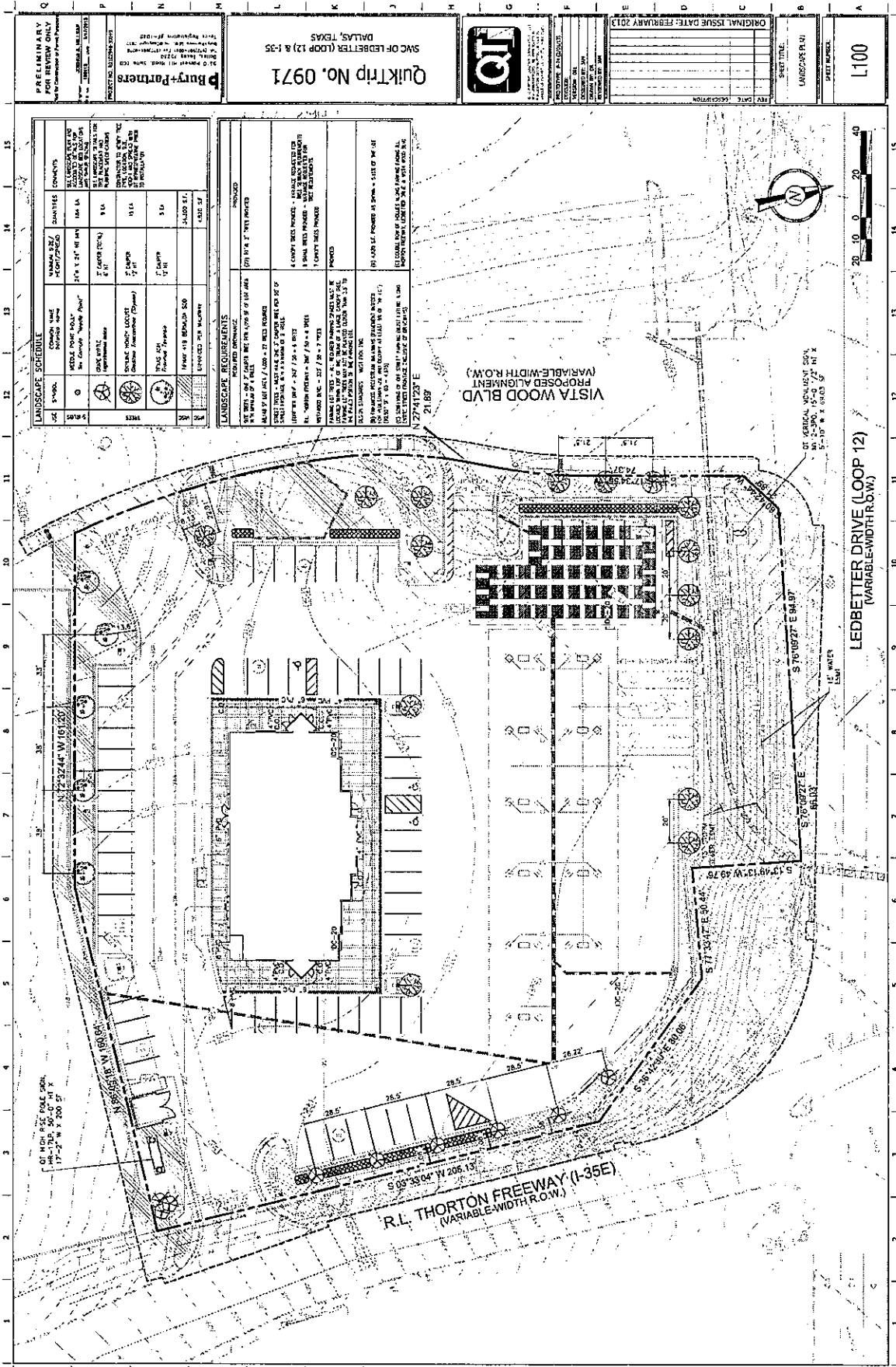
TRACT
CORINTH I-35 & LEE
INST. NO. 200
INST. NO. 200
O.P.R.D.

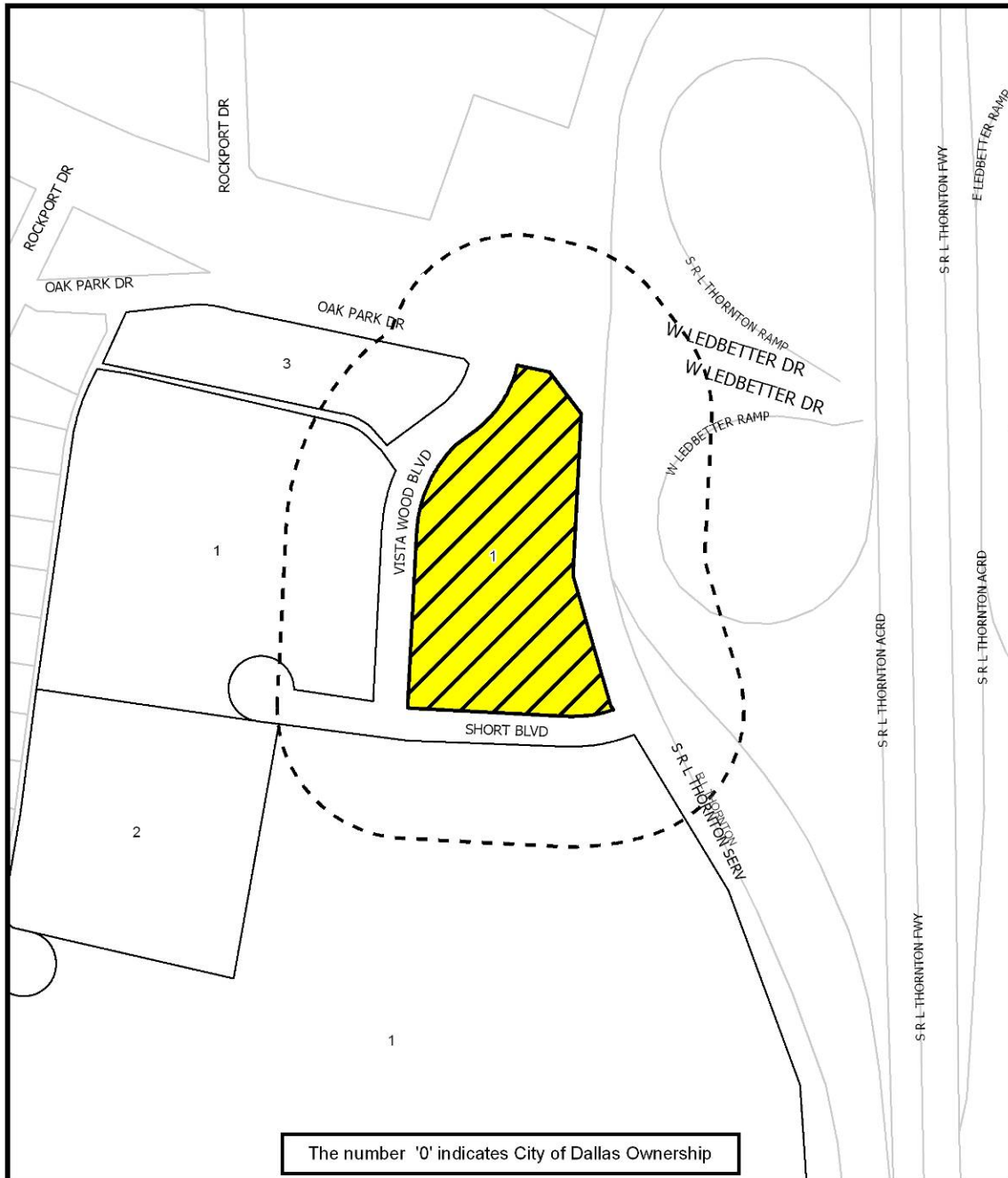
$\Delta=23^{\circ}14'33''$
 $R=360.00'$
 $L=158.21'$
 $CB=N8^{\circ}00'00''W$
 $C=157.12'$

$\Delta=23^{\circ}14'33''$
 $R=450.00'$
 $L=182.55'$
 $CB=S8^{\circ}00'00''E$
 $C=181.30'$

BDA 123-067

ACT 1
LEDBETTER, LLC





1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

3

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA123-067**

Date: **7/18/2013**

Notification List of Property Owners

BDA123-067

3 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4900 R L THORNTON FWY	CORINTH I35 & LEDBETTER LLC
2	250 SHORT BLVD	SOUTHWESTERN BELL TELEPHONE CO
3	250 OAK PARK DR	BALLARD PATRICK H

FILE NUMBER: BDA 123-071

BUILDING OFFICIAL'S REPORT: Application of Tom Prohaska for a variance to the front yard setback regulations at 400 W. Colorado Boulevard. This property is more fully described as Lot 9A, Block 40/3360 and is zoned PD-160 (Tract 1B), which requires front yard setbacks must be the same as, or between, the setbacks of the closest adjacent main structures, or a maximum front yard setback of 25 feet. The applicant proposes to construct a structure and provide a 34 foot 6 inch front yard setback, which will require a 9 foot 6 inch variance to the front yard setback regulations.

LOCATION: 400 W. Colorado Boulevard

APPLICANT: Tom Prohaska

REQUEST:

A variance to the front yard setback regulations of 9' 6" is made in conjunction with constructing and maintaining a single family home structure on an undeveloped lot, a structure which is proposed to be located outside or beyond the maximum 25' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The applicant cannot develop the property/subject site and meet the required maximum 25' front yard setback because of the restrictive area caused by a 10' wide storm water easement that runs parallel to the street between the front property line and 35' from the front property line. The applicant cannot locate the proposed home at the maximum 25' front yard setback because if he were to do so, it would be located directly on/over the existing 10' wide easement. Thus, there is an unnecessary hardship that is not self-created on the property.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 160 (Tract 1B) (Planned Development)
North: PD No. 160 (Tract 1B) (Planned Development)
South: PD No. 160 (Tract 1B) (Planned Development)
East: PD No. 468 (Planned Development)
West: PD No. 160 (Tract 1B) (Planned Development)

Land Use:

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

Zoning/BDA History:

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

Timeline:

- May 20, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 5, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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 31, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application, and the Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's Report (see Attachment A).

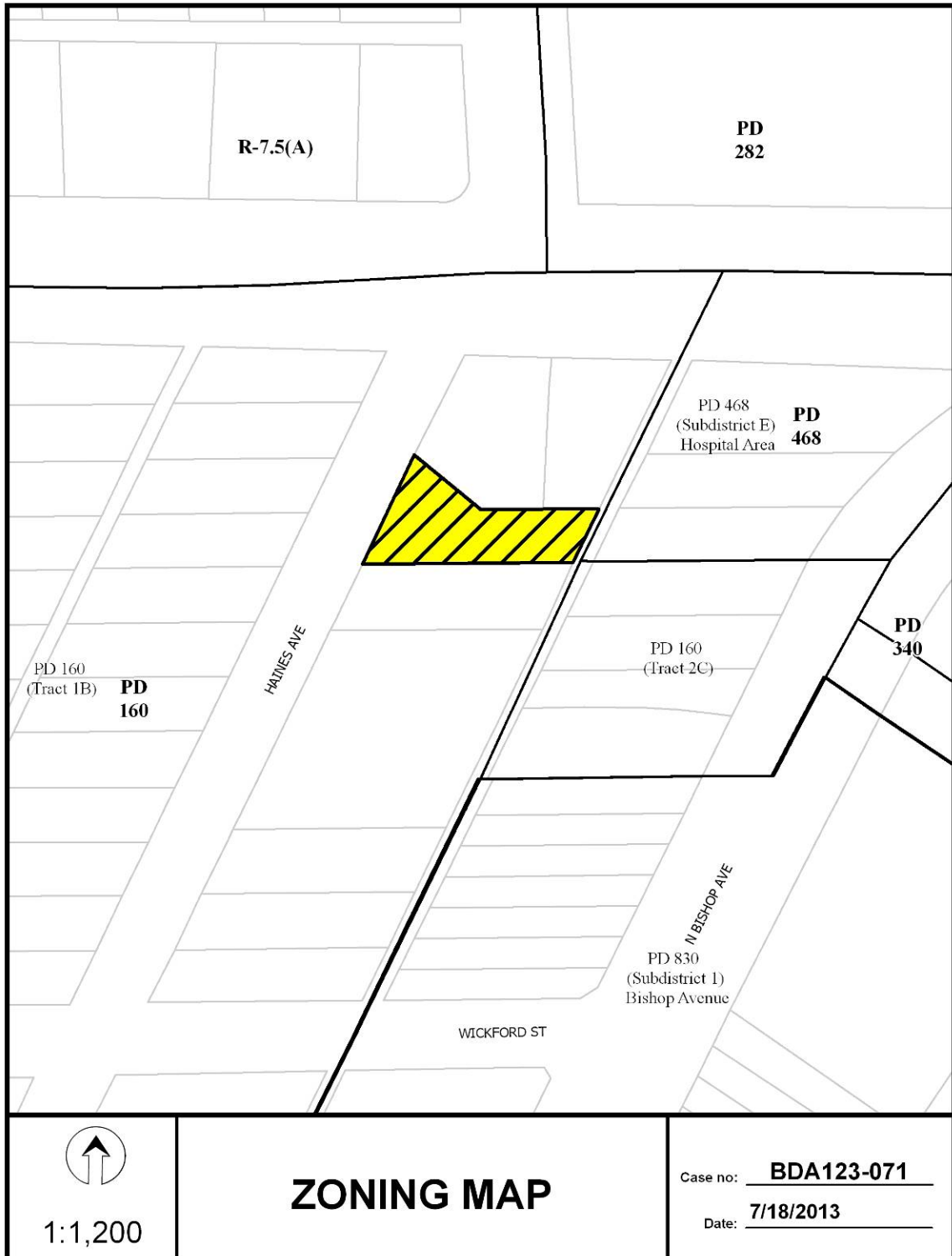
August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

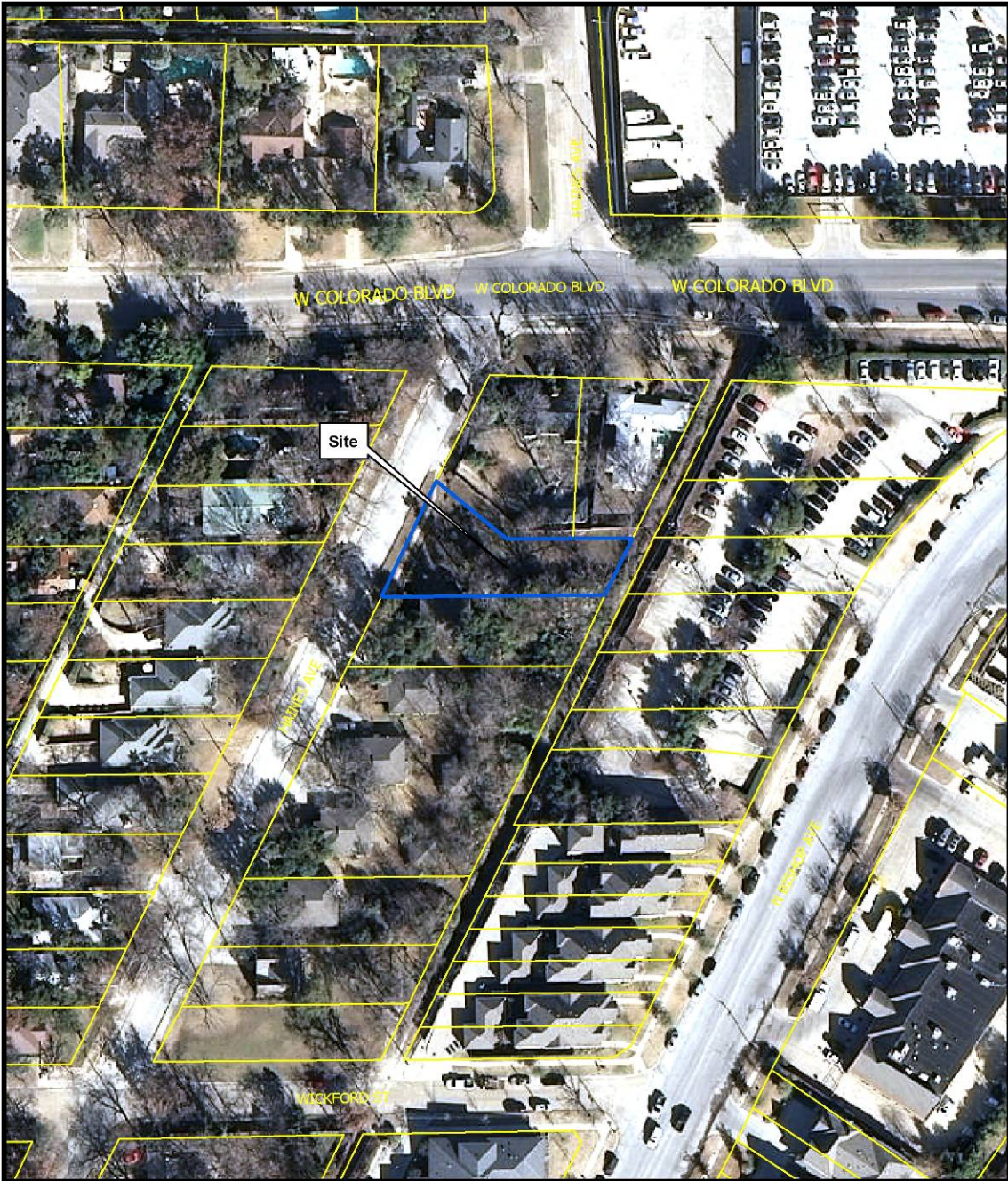
No additional review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a single family home on an undeveloped lot, which is proposed to be located outside or beyond the maximum 25' front yard setback.
- The front yard setback on lots in Tract 1B of PD 160 must be the same as, or between, the setbacks of the closest main structures.
- A revised site plan has been submitted denoting a "25' average building line" and a building footprint of the proposed home that is located as close as 33' 4 3/8" from the front property line or approximately 9' 6" beyond the maximum 25' front yard setback on the property.
- The submitted site plan denotes a 20' wide S.S.W. easement that is located between the front property line and the location of the proposed home.
- According to DCAD records, there are "no main improvements" at 400 W. Colorado Boulevard.
- The subject site is relatively flat, irregular in shape, and according to the application, is 0.21 acres (or approximately 9,100 square feet) in area. The site is zoned PD 160 (Tract 1B).
- 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 PD 160 (Tract 1B) zoning classification.
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 160 (Tract 1B) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on the revised site plan – which is a structure to be located beyond the maximum 25' from the site's front property line (or 9' 6" beyond the maximum 25' front yard setback).





1:1,200

AERIAL MAP

Case no: BDA123-071

Date: 7/18/2013

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Tom Prohaska

did submit a request for a variance to the front yard setback regulations at 400 W. Colorado Blvd.

BDA123-071. Application of Tom Prohaska for a variance to the front yard setback regulations at 400 W. Colorado Blvd. This property is more fully described as Lot 9A, Block 40/3360 and is zoned PD-160 (Tract 1B), which requires front yard setbacks must be the same as, or between, the setbacks of the closest adjacent main structures, or a maximum front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 34 foot 6 inch front yard setback, which will require a 9 foot 6 inch variance to the front yard setback regulation.

Sincerely,

Larry V. Holmes, Building Official



City of Dallas

c

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-071

Data Relative to Subject Property:

Date: May 20, 2013

Location address: 400 W. Colorado Blvd Zoning District: PD160(T-1B)

Lot No.: 9A Block No.: 40/3360 Acreage: .21 Census Tract:

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Librada Garcia

Applicant: Tom Prohaska Telephone: 214.399.8550

Mailing Address: 732 N. Winnetka, Dallas Zip Code: 75208

E-mail Address: tomprohaska@yahoo.com

Represented by: self- Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception of 13' 9" to the maximum front yard setback.

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: to vacate set back requirement because an easement is established on PD160 set back requirement.

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.

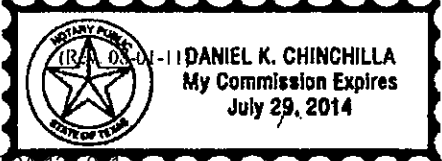
Affidavit

Before me the undersigned on this day personally appeared Tom Prohaska (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 20 day of May, 2013



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Tom Prohaska

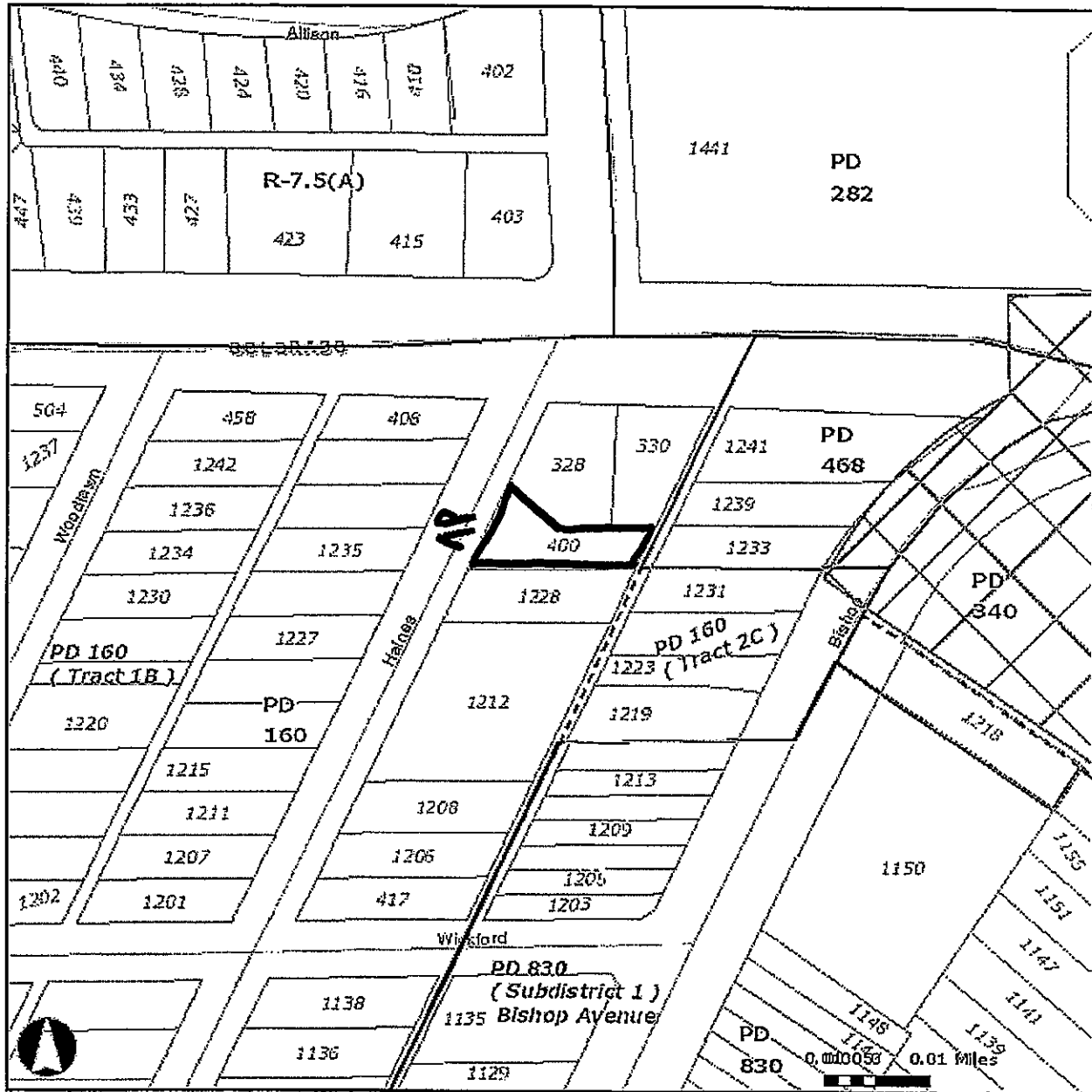
did submit a request for a variance to the front yard setback regulations
at 400 W. Colorado Blvd.

BDA123-071. Application of Tom Prohaska for a variance to the front yard setback regulations at 400 W. Colorado Blvd. This property is more fully described as Lot 9A, Block 40/3360 and is zoned PD-160 (Tract 1B), which requires front yard setbacks must be the same as, or between, the setbacks of the closest adjacent main structures, or a maximum front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 38 foot 9 inch front yard setback, which will require a 13 foot 9 inch variance to the front yard setback regulation.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



Address Candidates

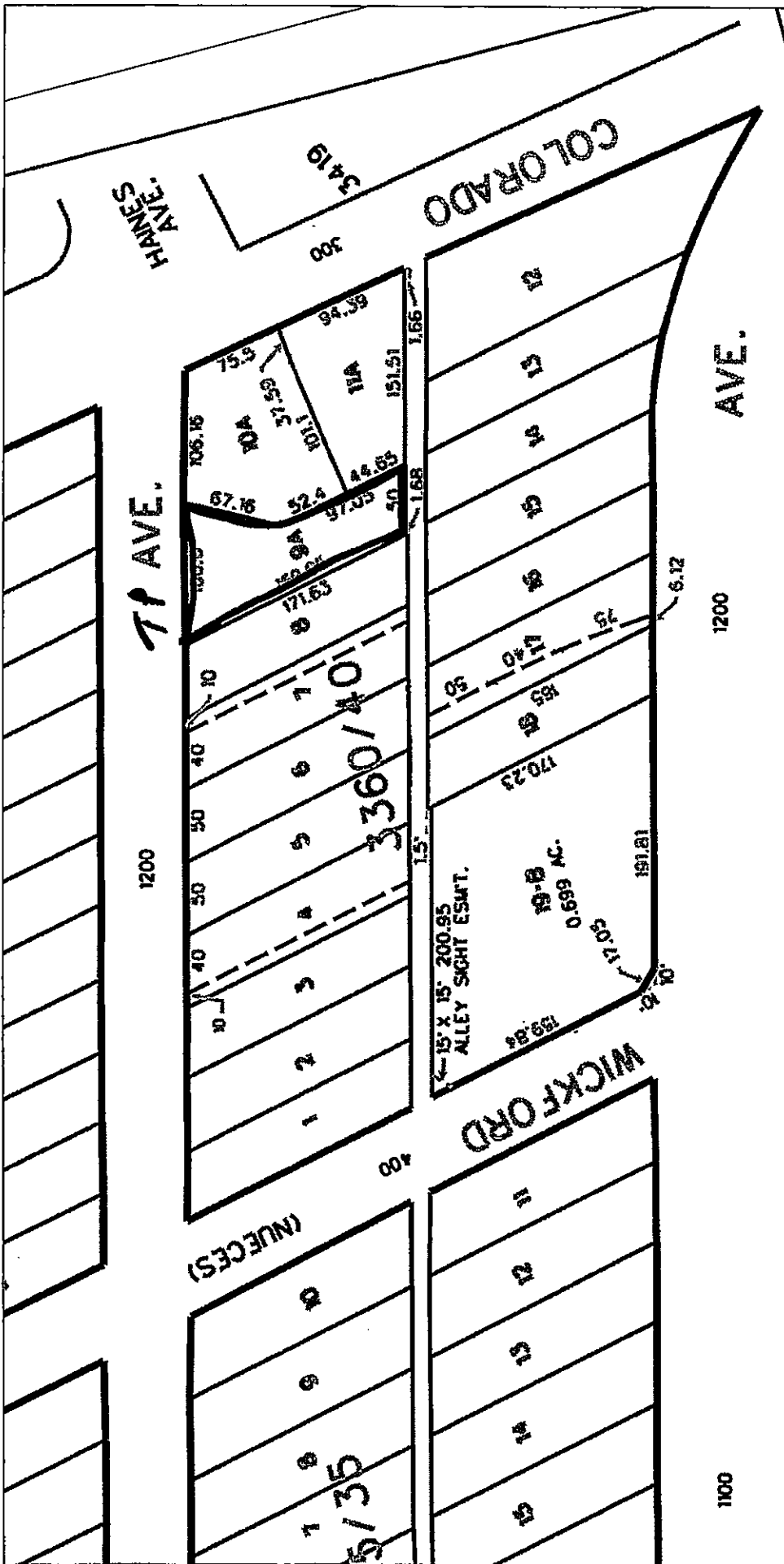
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

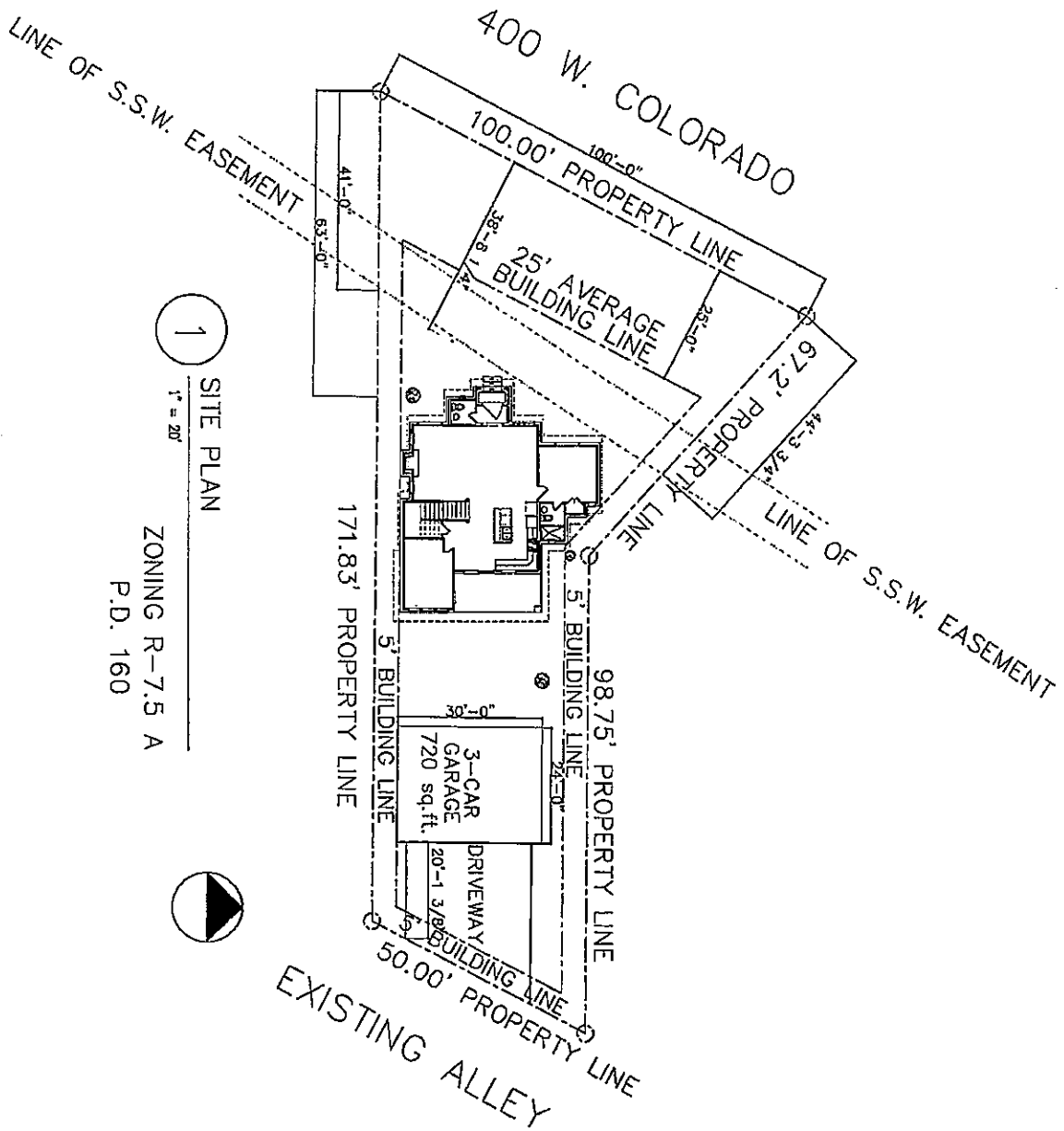
- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts

PDS Subdistricts

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



C:\tax_plats\3353_33.dgn 6/5/2013 8:23:18 AM



1

SITE PLAN

1" = 20'

ZONING R-7.5 A

P.D. 160



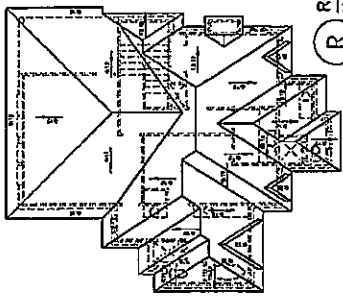
SHEET NO. A1	SITE	Pro Properties 732 N. Winnetka Avenue Dallas, Texas 75208	PROPOSED NEW RESIDENCE		
			400 WEST COLORADO BLVD. LOT 20 / BLCK 16/3275 DALLAS, TEXAS	WINNETKA HEIGHTS ADDITION DALLAS COUNTY	



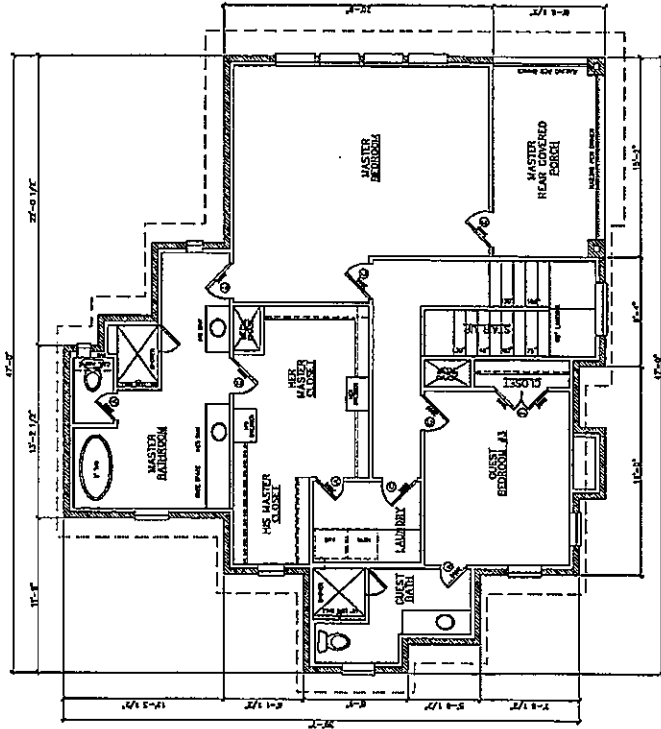
PROPOSED NEW RESIDENCE
 WINNETKA HEIGHTS
 ADDITION
 LOT 20 / BLOCK 18/275
 DALLAS, TEXAS
 DALLAS COUNTY

732 N. Winnetka Avenue
 Dallas, Texas 75208
 Pro Properties
 900-413-9600

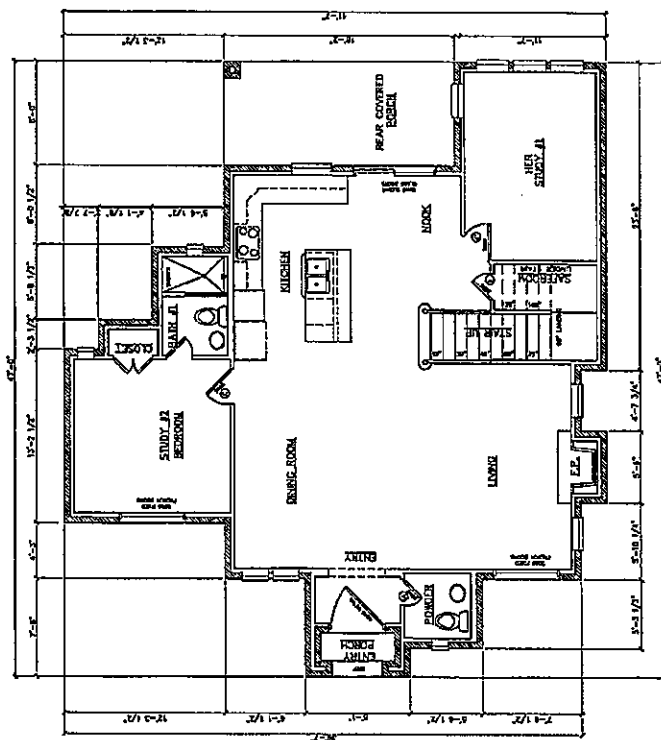
FLOOR PLANS
 SHEET NO. A2



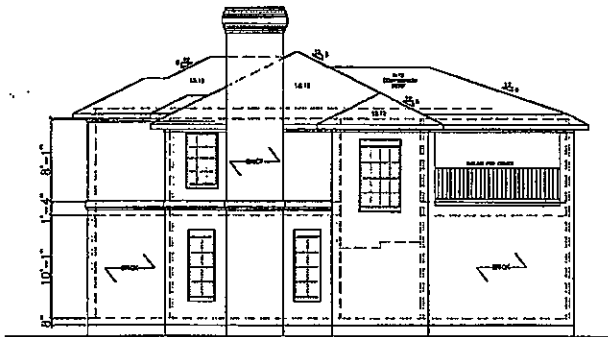
R ROOF PLAN
 1/4" = 1'-0"



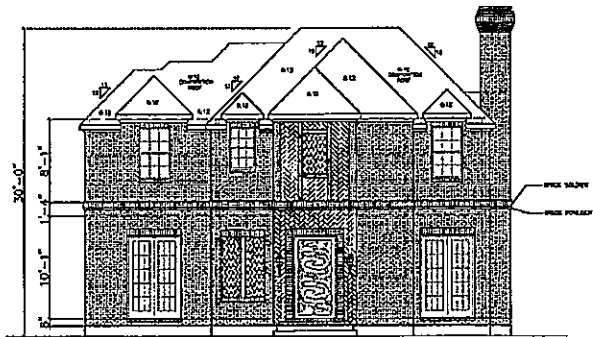
2 UPPER FLOOR PLAN
 1/4" = 1'-0" 1224 SQ. FT.



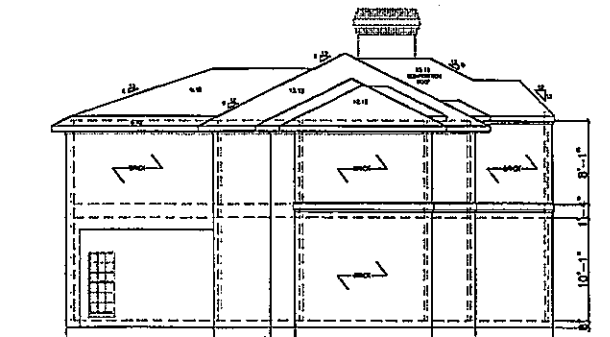
1 GROUND FLOOR PLAN
 1/4" = 1'-0" 1273 SQ. FT.



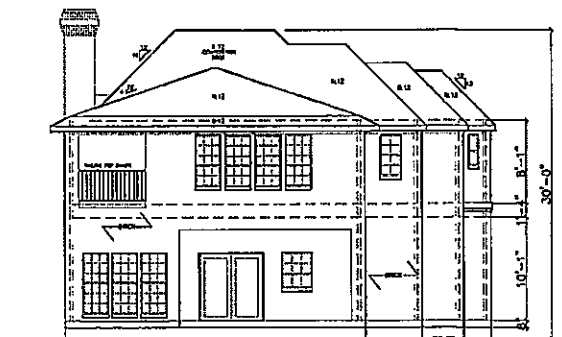
④ SIDE ELEVATION SOUTH
1/8" = 1'-0"



① FRONT ELEVATION WEST
1/8" = 1'-0"

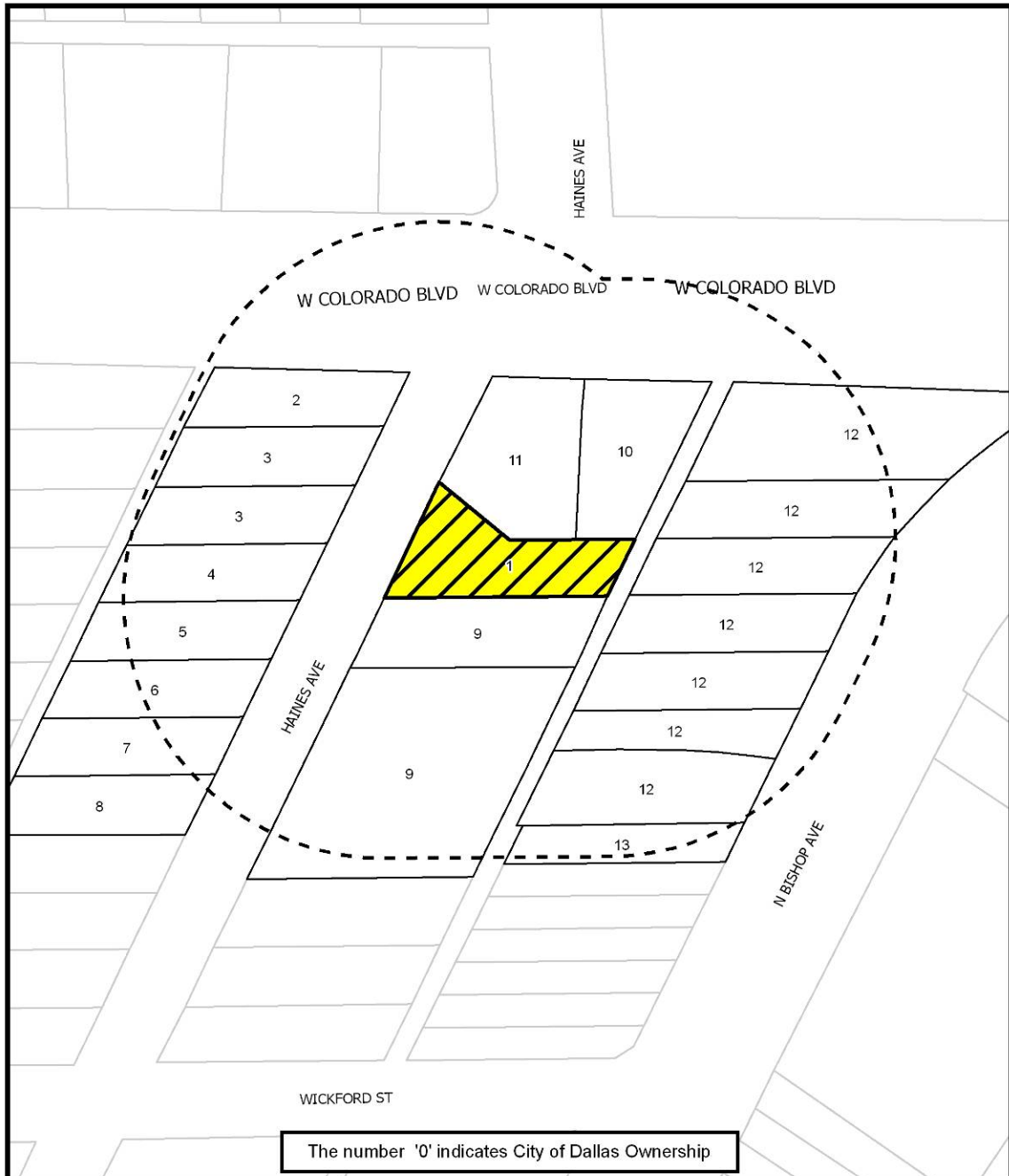


② SIDE ELEVATION NORTH
1/8" = 1'-0"



③ REAR ELEVATION EAST
1/8" = 1'-0"

PROPOSED NEW RESIDENCE WINNETKA HEIGHTS ADDITION DALLAS COUNTY DALLAS, TEXAS
The Property 732 N. Waverly Avenue Dallas, Texas 75208
EXTERIOR ELEVATIONS
A3



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u> BDA123-071 </u> Date: <u> 7/18/2013 </u>
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-071

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	400 COLORADO BLVD	GARCIA LIBRADA
2	408 COLORADO BLVD	COLLIE RUTH
3	1241 HAINES AVE	WAVERING TAMMY A
4	1235 HAINES AVE	SPENGLER COREY & VERONICA
5	1231 HAINES AVE	MURPHREE TRACIE
6	1227 HAINES AVE	GARCIA DESSIE & LUIS
7	1223 HAINES AVE	MCLAURY MICHAEL W
8	1219 HAINES AVE	RALEY HAYLEY D & TOBY K
9	1212 HAINES AVE	MATYASTIK PAUL J
10	330 COLORADO BLVD	HUGHES WENDY L
11	328 COLORADO BLVD	ANDROSOV TATIANA
12	1241 BISHOP AVE	METHODIST HOSPITALS OF DALLAS % DIRECTOR
13	1215 BISHOP AVE	SMITH RODDIE ROBERT

FILE NUMBER: BDA 123-073

BUILDING OFFICIAL'S REPORT: Application of Larry C. Gilstrap III, represented by Lisa Lamkin of BRW Architects, Inc., for a special exception to the landscape regulations at 2915 Vine Street. This property is more fully described as Lot 6A, Block 960 and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2915 Vine Street

APPLICANT: Larry C. Gilstrap III
Represented by Lisa Lamkin of BRW Architects, Inc.

REQUEST:

A special exception to the landscape regulations is made in conjunction with constructing and maintaining an approximately 5,200 square foot addition to an existing approximately 34,000 square foot office use/structure (American Board of Obstetrics and Gynecology Educational Foundation), and not fully providing required landscaping.

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

PD 193 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 alternate landscape plan is required with the condition that three small ornamental trees must be provided the general parkway location of Laclede Street where three cypress trees are to be removed, as shown on the landscape plan.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.

- The City's Chief Arborist recommends approval of this request with the aforementioned minor modifications to be made by the applicant to the submitted alternate landscape plan.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (GR)(Planned Development District, General retail)
North: PD 193 (PDS 86)(Planned Development District, Planned Development Sundistrict)
South: PD 193 (GR)(Planned Development District, General retail)
East: PD 193 (PDS 2)(Planned Development District, Planned Development Subdistrict)
West: PD 193 (GR)(Planned Development District, General retail)

Land Use:

The subject site is developed with an existing office use/structure (American Board of Obstetrics and Gynecology Educational Foundation). The areas to the north and east are developed with multifamily uses; and the areas to the south and west are developed with mixed uses.

Zoning/BDA History:

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

Timeline:

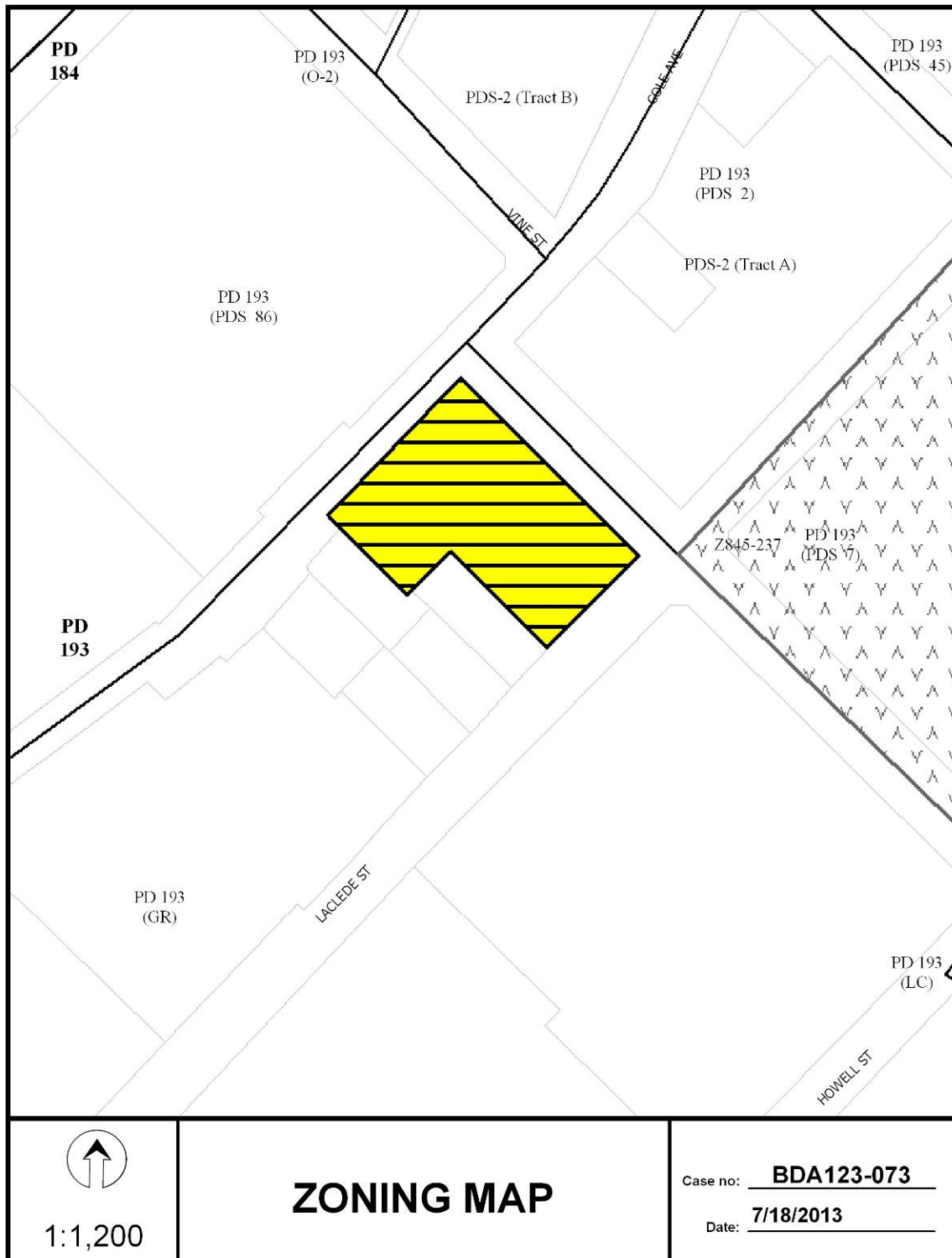
- June 14, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 5, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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.

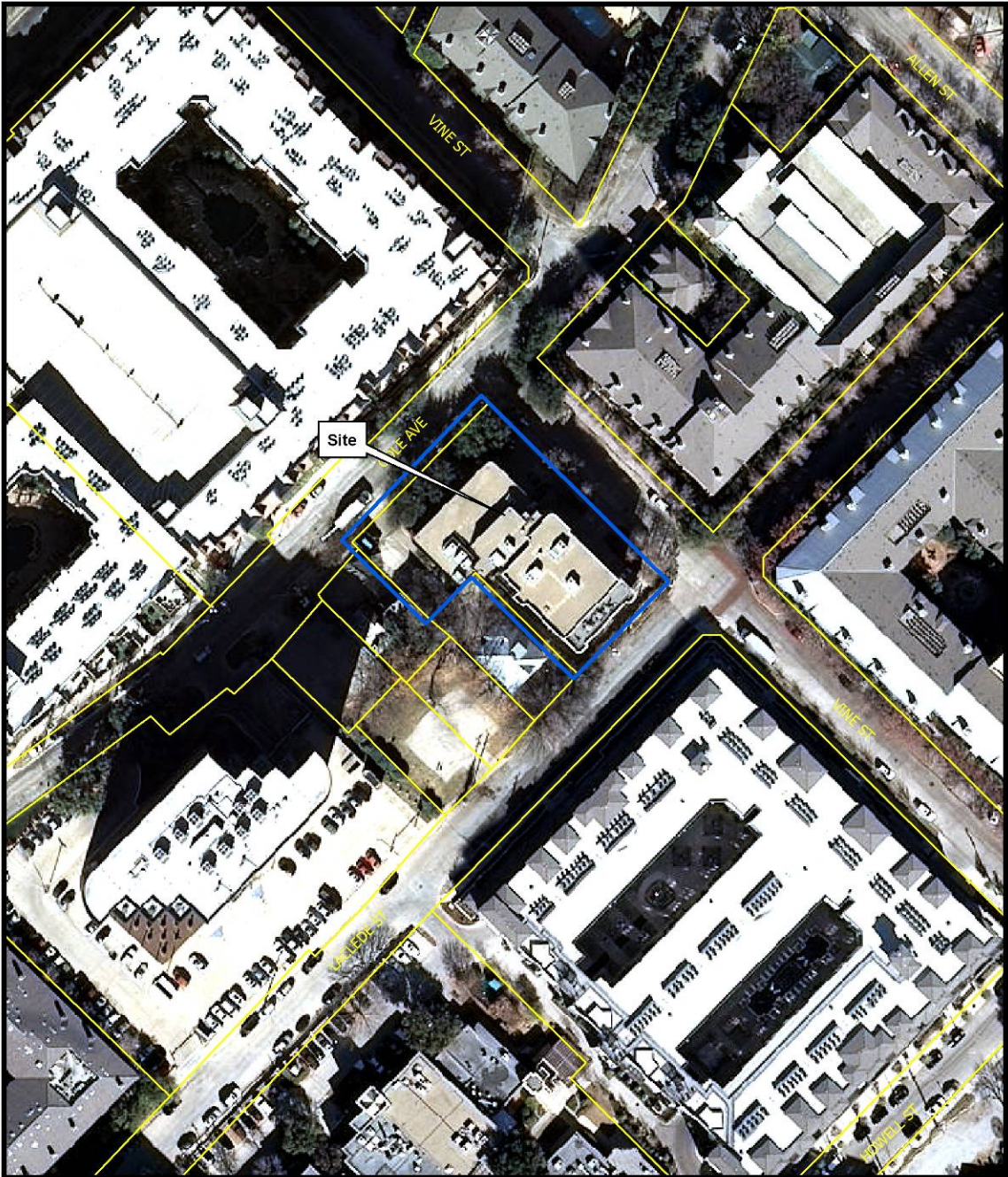
- July 30, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A and B).
- August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- August 8, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application and discussed at the August 6th staff review team meeting (see Attachment C).
- August 8, 2013: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request (see Attachment D).

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on constructing and maintaining an addition to an existing office use/structure (American Board of Obstetrics and Gynecology Educational Foundation), 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 submitted a memo regarding the applicant's request (see Attachment D). The memo states how this request is triggered by new addition of floor area to the property.
- The arborist's memo lists the following ways in which the applicant's alternate landscape plan is deficient to the PD 193 Landscaping Requirements:
 1. The sidewalk is required to be a minimum 6' and between 5' -12' from back of curb. The existing sidewalk conditions vary and do not match the current PD 193 requirements.
 2. The trees are required to be in a tree planting zoned between 2.5' – 5' from back of curb. Some trees in the Cole Avenue and Vine area are more restricted. (The minimum number of required trees is provided).
 3. Screening of off-street surface parking is not consistent in meeting the minimum requirement of attaining a "minimum height of 3 ½' above the parking surface.

- The arborist's memo lists the following factors for consideration:
 1. The property and parkway is currently developed with an established landscape. The property owners are requesting to maintain the existing conditions while supplementing portions with new plant material to improved screening and restore landscape beds.
 2. The site does not fully match the landscape plan approved for building permit on October 4, 2000. However the sidewalk and some the current landscape trees were in current locations and approved by staff in that review and inspection.
 3. Adjacent properties shown on the plan are owned by the property owner but are not included in this request – they are shown of visual reference only.
 4. Some of the parkway trees are existing crepe myrtles within a visibility triangle. The trees were originally approved in these locations in 2000. The ordinance allows for the conditional presence of a tree in a visibility triangle. Staff may authorize this condition in some circumstances.
 5. The owners propose to remove three cypress trees along Laclede Street that were planted beneath a complex of utility poles and overhead power lines. The growth habit of these trees to grow tall with a dominant central stem makes this a recommended adjustment to avoid topping of trees. Replacement of trees in this location has not been shown.
- The City of Dallas Chief Arborist recommends approval of this request with the condition that three small ornamental trees must be provided in the general parkway area location on Laclede Street where the three cypress trees are to be removed.
- 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 fully meeting the sidewalk, tree planting zone, required front yard landscape site area, and off-street parking screening requirements of the PD 193 landscaping requirements) will not compromise the spirit and intent of the section of the ordinance (Section 26: Landscape, streetscape, screening, and fencing standards).
- If the Board were to grant this request and impose the submitted alternate landscape plan (with amendments suggested by the City of Dallas Chief Arborist) as a condition, the site would be granted exception from full compliance to sidewalk, tree planting zone, required front yard landscape site area, and off-street parking screening requirements of the Oak Lawn PD 193 landscape ordinance.





1:1,200

AERIAL MAP

Case no: BDA123-073

Date: 7/18/2013

2915 Vine Street



THE AMERICAN BOARD OF
OBSTETRICS AND GYNECOLOGY
EDUCATIONAL FOUNDATION, INC.

BDA 123-073
Attach A
Pg 1

Laclede view to southwest

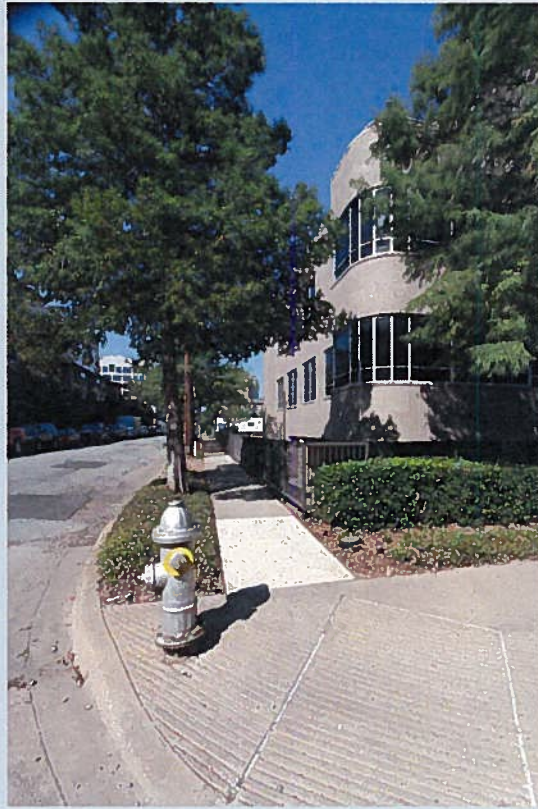


Laclede and Vine



Laclede

Vine







Vine looking
northwest to
Cole



Vine looking to Laclede





Vine looking southeast to Laclede



Vine Street



BDA 123-073
Attach A
Pg 8

Parking lot entrance on Vine



Looking to Laclede

Looking to Cole



Corner of Vine and Cole



Vine

Cole



BDA 123-073
Attach A
Pg 10

Cole



BDA 123-073
Attach A
Pg 11

Cole looking to
northeast



BDA 123-073
Attach A
Pg 12



**Cole looking to
southwest**

Cole looking to southwest





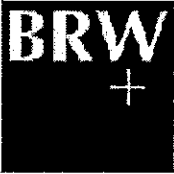
BDA123-073
Attachment C**Long, Steve**

From: Lisa Lamkin [llamkin@brwarch.com]
Sent: Thursday, August 08, 2013 2:20 PM
To: Long, Steve
Cc: STEPHEN E. KAPLAN (S.Kaplan@StephenKaplanPCLaw.com); 'David Steiner'; Kenneth L. Noller (knoller@abog.org); Dr. Gilstrap; Barry Hornburg (Barry Hornburg); Steve Danielson; Erwin, Philip
Subject: 2915 vine st bda 123-073

In discussion with Phil Erwin chief arborist today - the owner commits to replacing the bald cyprus damaged by pruning to clear overhead power lines with an appropriately small scaled ornamental tree such as crape myrtle

Additionally - as requested by the Oaklawn committee in their letter of support for our case - the owner commits to replacing smaller shrubs just outside of visibility triangle at each side of parking entry closest to Cole on Vine with larger scale shrubs with a taller mature height in lieu of the existing dwarf shrubs If feasible - please share this with the panel in their packets and/or at the briefing before the hearing thank you!

LISA W. LAMKIN, AIA
PRINCIPAL
CSI, LEED AP BD+C



BROWN REYNOLDS WATFORD ARCHITECTS
3535 TRAVIS STREET
SUITE 250 LB-102
DALLAS, TEXAS 75204
214 528 8704
www.brwarch.com

Memorandum



CITY OF DALLAS

DATE August 8, 2013
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 123 - 073 2915 Vine Street

The applicant is requesting a special exception to the landscape requirements of PD 193 (GR), Part 1, 51P-193.126.

Trigger

New addition of floor area to the property.

Deficiencies

The proposed landscape plan is deficient for sidewalk, tree planting zone, required front yard landscape site area, and screening of off-street parking requirements for the GR zoning.

The sidewalk is required to be a minimum of 6' and between 5'-12' from back of curb. The existing sidewalk conditions vary and do not match the current PD 193 requirements.

The trees are required to be in a tree planting zone between 2.5-5' from back of curb. Some trees in the Cole Avenue and Vine area are more restricted. They meet the minimum number of trees required.

Screening for off-street surface parking is not consistent in meeting the minimum requirement of attaining a "minimum height of three and one-half feet above the parking surface."

Factors

The property and parkway is currently developed with an established landscape. The property owners are requesting to maintain the existing conditions while supplementing portions with new plant material to improve screening and restore landscape beds.

The site does not fully match the landscape plan approved for building permit (see exhibit) on October 4, 2000. However, the sidewalk, and some of the current landscape trees, were in the current locations and approved by staff in that review and inspection.

Adjacent properties shown on the plan are owned by the property owner but are not included in this request. They are shown for visual reference only.

Some of the parkway trees are existing crepe myrtles within a visibility triangle. The trees were originally approved in these locations in 2000. Also, the PD 193 ordinance allows for the conditional presence of a tree in a visibility triangle, as indicated in Section 51P-193.133, 'Trees in visibility triangles.' Staff may authorize this condition in some circumstances.

The owners propose to remove three cypress trees along Laclede Street that were planted beneath a complex of utility poles with overhead powerlines and including a transformer. The growth habits of cypress trees to grow tall with a dominant central tree stem makes this a recommended adjustment to avoid topping of the trees. Trees are not shown for replacement in the location.

Recommendation

Approval of the submitted alternate landscape plan with the following condition:

Three small ornamental trees must be planted in the general parkway location on Laclede Street where the three cypress trees are to be removed.

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



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-073

Data Relative to Subject Property:

Date: JUNE 14, 2013

Location address: 2915 Vine Street, Dallas, TX 75204 Zoning District: PD 193 (GR)

Lot No.: 6A Block No.: 960 Acreage: 0.544 Census Tract: 001800

Street Frontage (in Feet): 1) 100 2) 195 3) 150 4) _____ 5) _____

SW 22

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): American Board of ObGyn Educational Foundation, Inc.

Applicant: Larry C. Gilstrap III, M.D. Telephone: 214-871-1619

Mailing Address: 2915 Vine Street, Dallas, TX Zip Code: 75204

E-mail Address: _____

Represented by: Lisa Lamkin / BRW Architects, Inc. Telephone: 214-528-8704

Mailing Address: 3535 Travis St, Suite 250, Dallas TX Zip Code: 75204

E-mail Address: LLamkin@BRWArch.com

Affirm that an appeal has been made for a Variance ____, or Special Exception X, of PD 193 Requirements for sidewalk width & setback, parking screening, and required landscape area within 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:

Existing site meets the spirit and intent of PD 193 requirements. We propose an alternate plan that maintains the spirit and intent of PD193 and does not have an adverse effect on neighboring properties.

PLEASE SEE ATTACHED ADDITIONAL EXPLANATION SHEET.

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 LARRY C. GILSTRAP, III, M. D.

(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:

Larry C. Gilstrap III, M.D.
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 14th day of JUNE, 2013

Eric Cordero

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

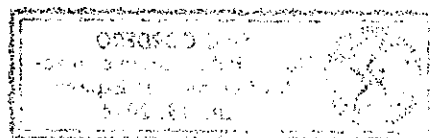
Building Official's Report

I hereby certify that Larry C. Gilstrap III
represented by LISA LAMKIN
did submit a request for a special exception to the landscaping regulations
at 2915 Vine Street

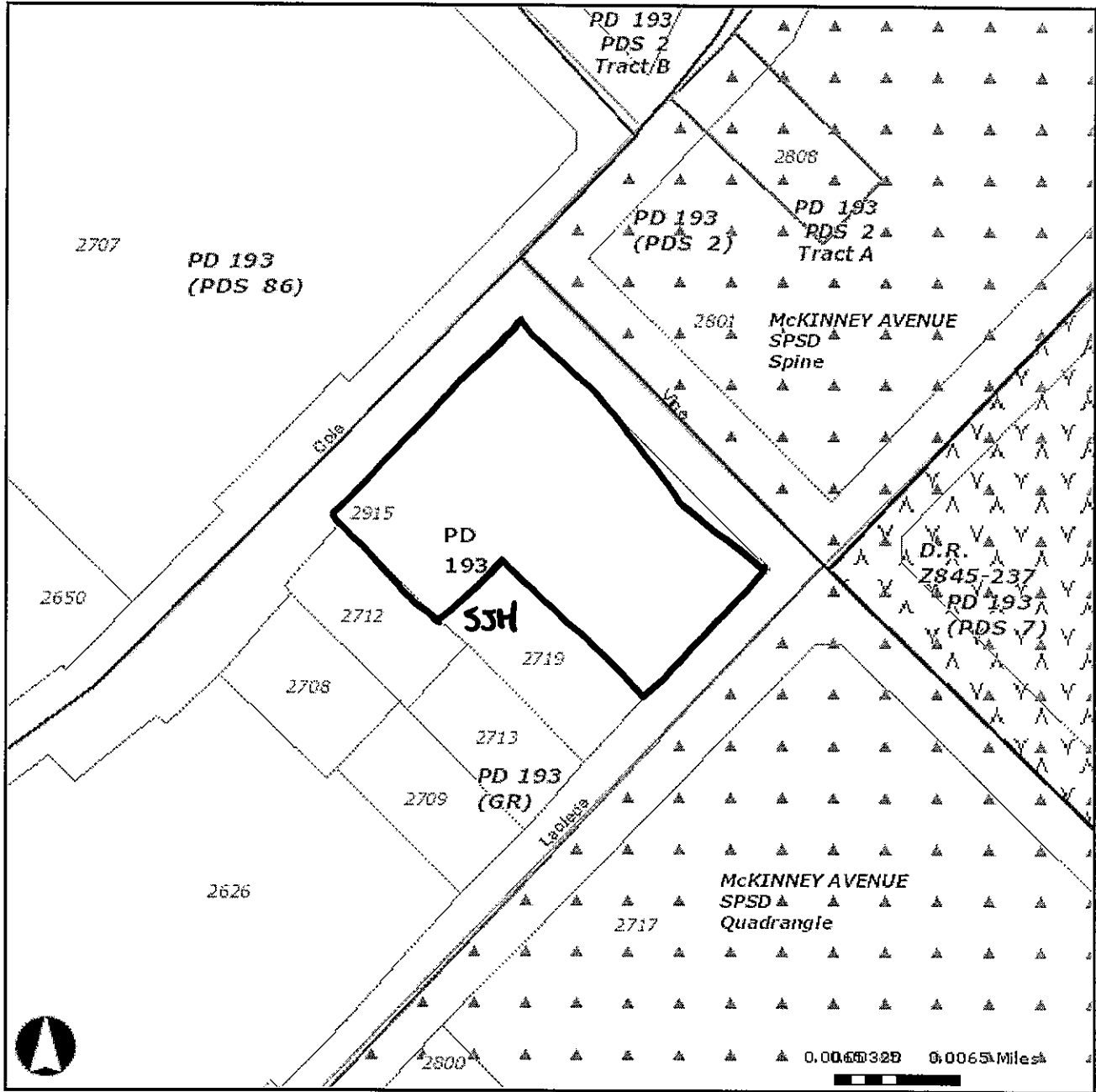
BDA123-073. Application of Larry C. Gilstrap III represented by Lisa Lamkin for a special exception to the landscaping regulations at 2915 Vine Street. This property is more fully described as Lot 6A, Block 960 and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

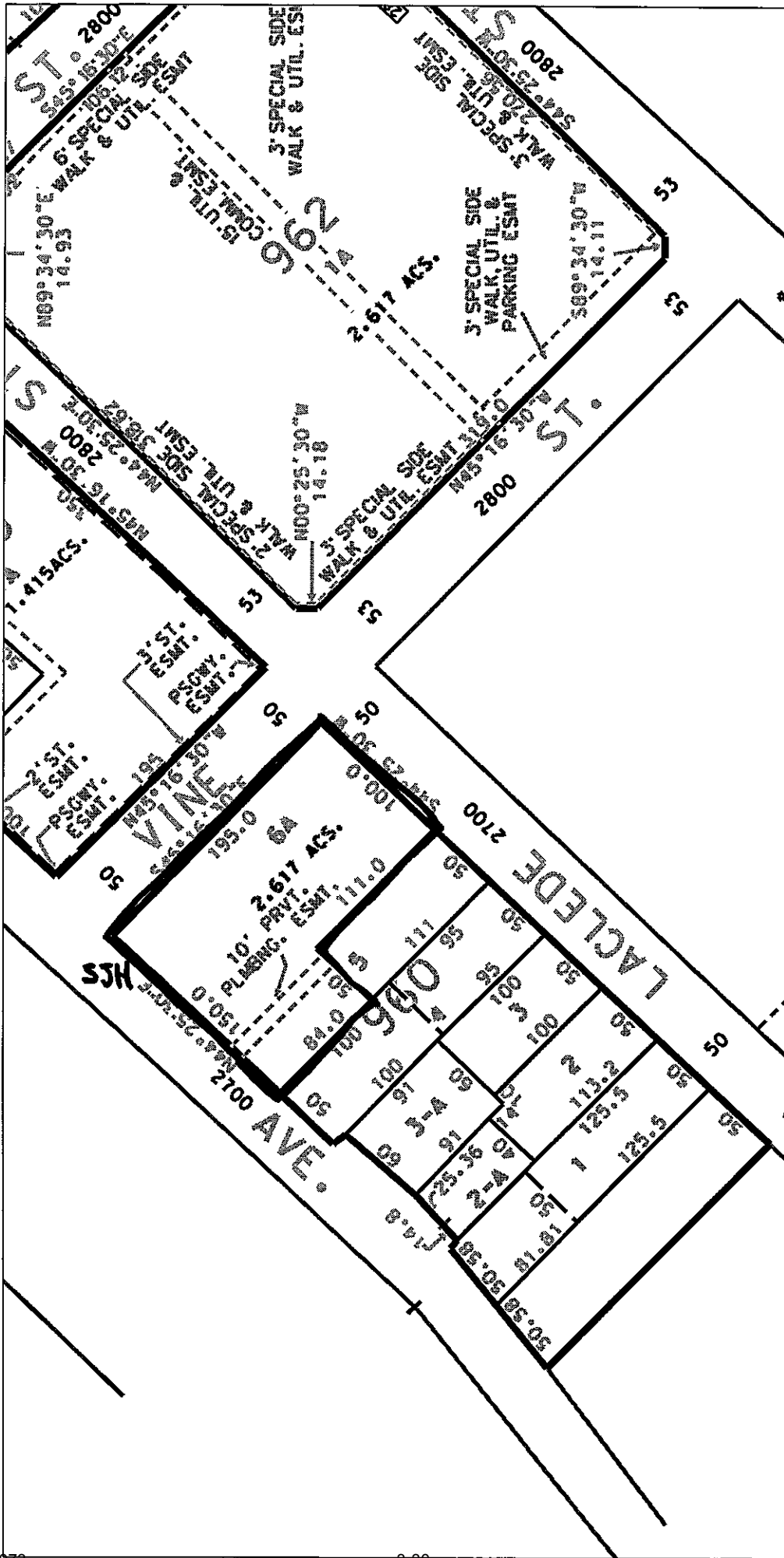

Larry Holmes, Building Official

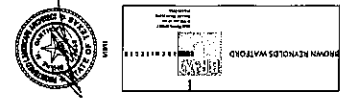


City of Dallas Zoning



- | | | |
|-------------------|-----------------------|-------------------------|
| City Boundaries | Dry Overlay | Base Zoning |
| County | D | Floodplain |
| Certified Parcels | D-1 | 100 Flood Zone |
| DISD Sites | Historic Overlay | Mill's Creek |
| Council Districts | Historic Subdistricts | Peak's Branch |
| Waterways | NSO Overlay | X PROTECTED BY LEVEE |
| Parks | NSO Subdistricts | Pedestrian Overlay |
| | MD Overlay | CP |
| | | SP |
| | | Environmental Corridors |





PLANT SCHEDULE

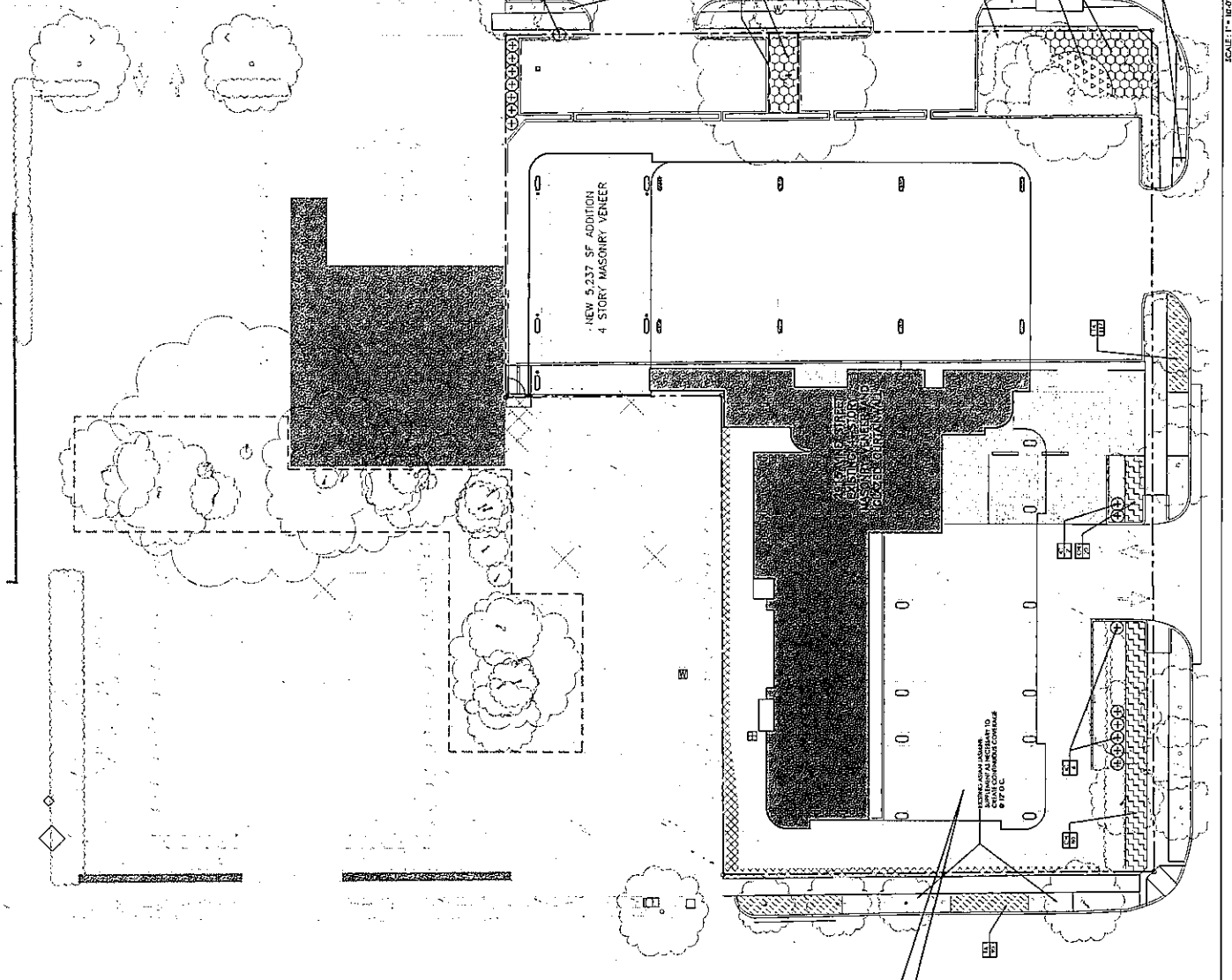
NO.	SYMBOL	QUANTITY	DESCRIPTION
1	PLANT 1	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
2	PLANT 2	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
3	PLANT 3	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
4	PLANT 4	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
5	PLANT 5	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
6	PLANT 6	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
7	PLANT 7	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
8	PLANT 8	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
9	PLANT 9	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
10	PLANT 10	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
11	PLANT 11	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
12	PLANT 12	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
13	PLANT 13	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
14	PLANT 14	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
15	PLANT 15	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
16	PLANT 16	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
17	PLANT 17	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
18	PLANT 18	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
19	PLANT 19	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
20	PLANT 20	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))

MATERIALS SCHEDULE

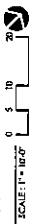
NO.	SYMBOL	DESCRIPTION
1	1	CONCRETE (SEE SPECIFICATIONS)
2	2	REINFORCING BARS (SEE SPECIFICATIONS)
3	3	BRICK (SEE SPECIFICATIONS)
4	4	MASSIVE CONCRETE (SEE SPECIFICATIONS)
5	5	MASSIVE CONCRETE (SEE SPECIFICATIONS)
6	6	MASSIVE CONCRETE (SEE SPECIFICATIONS)
7	7	MASSIVE CONCRETE (SEE SPECIFICATIONS)
8	8	MASSIVE CONCRETE (SEE SPECIFICATIONS)
9	9	MASSIVE CONCRETE (SEE SPECIFICATIONS)
10	10	MASSIVE CONCRETE (SEE SPECIFICATIONS)
11	11	MASSIVE CONCRETE (SEE SPECIFICATIONS)
12	12	MASSIVE CONCRETE (SEE SPECIFICATIONS)
13	13	MASSIVE CONCRETE (SEE SPECIFICATIONS)
14	14	MASSIVE CONCRETE (SEE SPECIFICATIONS)
15	15	MASSIVE CONCRETE (SEE SPECIFICATIONS)
16	16	MASSIVE CONCRETE (SEE SPECIFICATIONS)
17	17	MASSIVE CONCRETE (SEE SPECIFICATIONS)
18	18	MASSIVE CONCRETE (SEE SPECIFICATIONS)
19	19	MASSIVE CONCRETE (SEE SPECIFICATIONS)
20	20	MASSIVE CONCRETE (SEE SPECIFICATIONS)

TREE TABLE

NO.	SYMBOL	QUANTITY	DESCRIPTION
1	1	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
2	2	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
3	3	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
4	4	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
5	5	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
6	6	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
7	7	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
8	8	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
9	9	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
10	10	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
11	11	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
12	12	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
13	13	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
14	14	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
15	15	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
16	16	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
17	17	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
18	18	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
19	19	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
20	20	1	1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))



LOLEA:
 TOTAL SITE: 23,199 SF
 STREET FRONT: (1) 1 1/2" CAL. WEIBER (25' ST. STREET FRONTAGE PROVIDED - 12 (EXISTING))
 REQUIRED FRONT AND AREA (10' C/SETBACK): 4,741 SF
 PROVIDED: 4,741 SF
 GENERAL PLANTING AREA: 4,741 SF X 125' = 592 SF
 PROVIDED: 1,403 SF
 SPECIAL PLANTING AREA: 4,741 SF X 4.68' = 2205 SF
 PROVIDED: 407 SF
 SURFACE PARKING SCREENING EVERGREEN HEDGE
 (30' WALKS, EXISTING 30' DOWNTOWN TO SEAMAN)



2915 Vine Street
Special Exception to PD193 Landscaping Requirements

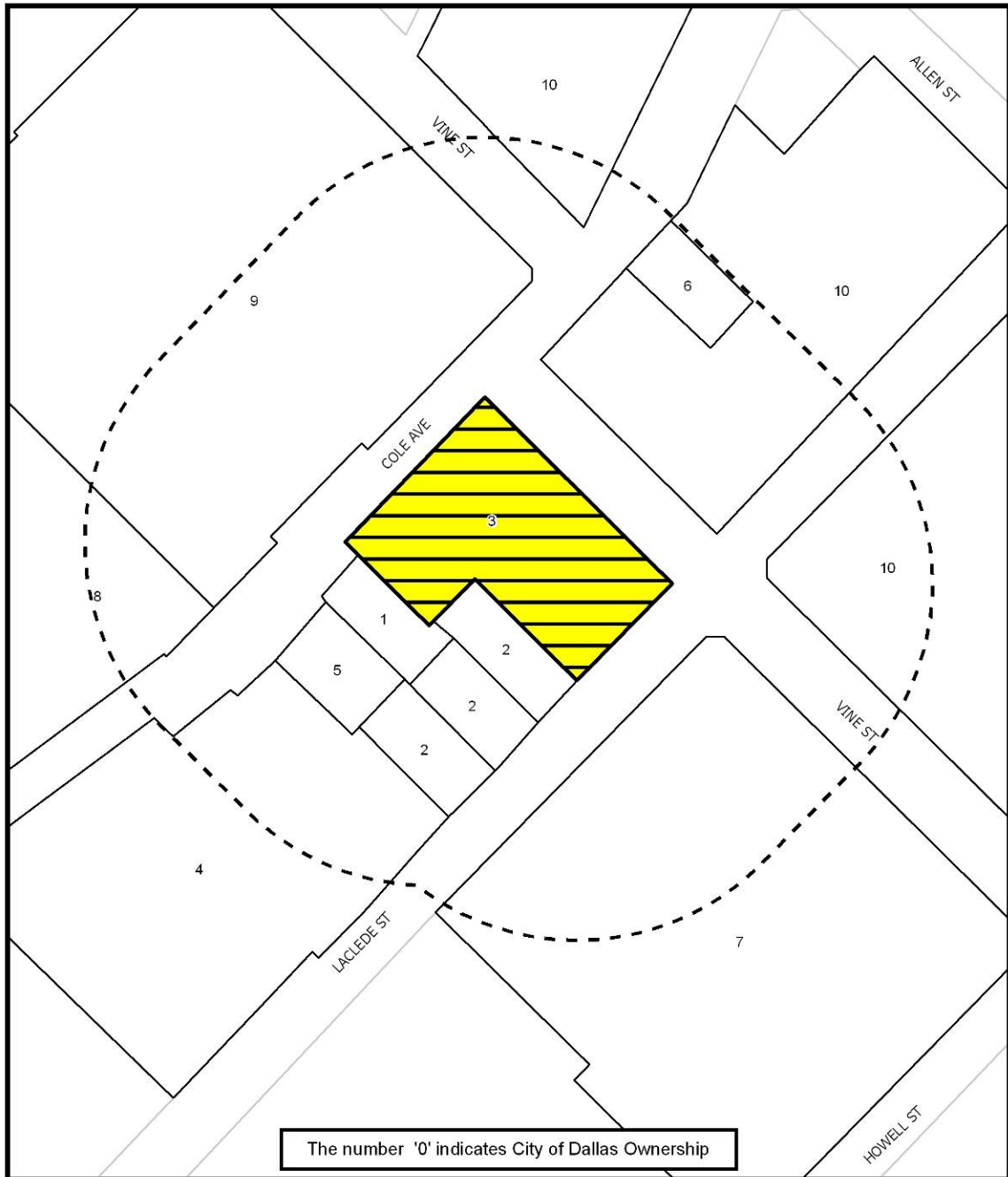
Additional Explanation:

The existing site, and our proposed alternate plan, meet the spirit and intent of PD 193 landscape requirements:

1) The site currently has, and will continue to have, continuous concrete sidewalks along all street frontages. In certain areas, the sidewalks are less than 6' width, and the distance between curb and sidewalk are less than 5'. Mature street trees and landscaping existing along all street frontages also. In order to achieve the specific sidewalk requirements, vehicular paving and parking would be demolished along Cole, portions of existing landscape on all three street frontages would be demolished, and the critical root zone of existing trees would be disturbed for demolition and relocation of sidewalks. Additionally, along Laclede, the relocated sidewalk would cause removal and relocation of existing ret. wall guard rail, and would eliminate the current strip of landscaping between sidewalk and ret. wall. It is our goal to prevent loss of parking, potential damage to existing trees and landscape and maintain the safe and visually appealing landscaping / guard rail along Laclede.

2) The site is configured in such a way that required landscaping in front yard area is deficient by approximately 750 square feet. The site exceeds required landscaping in all other categories: site area, general planting area and special planting area. In order to provide the additional 750 square feet of planting in front yard, major re-construction of existing pedestrian paving and parking areas would be required, and 1 parking space would be eliminated.

3) 3 small portions of parking lot are deficient in parking screening. However, these 3 portions are removed from street and are located beneath the building overhang. They are not readily visible from public streets. In order to achieve full screening of parking areas in the available narrow strips of open space, fences would need to be constructed. The fences are not in keeping with the existing character of the site and adjacent neighboring properties.



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-073</u> Date: <u>7/18/2013</u>
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-073

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2712 COLE AVE	ERDMAN H L
2	2709 LACLEDE ST	THE AMERICAN BOARD OF OBSTETRICS & GYNEC
3	2915 VINE ST	AMERICAN BOARD OF OB GYN EDUCATIONAL FDN
4	2626 COLE AVE	VRS TA COLE WOODVIEW LP SUITE 1310
5	2708 COLE AVE	AMERICAN BOARD OF OB GYN EDUCATIONAL FOU
6	2808 COLE AVE	KESTREL HOLDINGS INC
7	2717 HOWELL ST	PPF AMLI 2717 HOWELL ST STE 2200
8	2650 CEDAR SPRINGS RD	LG VILLA ROSA II LP STE #1220
9	2707 COLE AVE	COLE APARTMENTS SUITE 1220
10	2801 ALLEN ST	POST APARTMENT HOMES LP POST PPTYS INC

FILE NUMBER: BDA 123-080

BUILDING OFFICIAL'S REPORT: Application of Scott Harvel for variances to the front, side, and rear yard setback regulations, and a special exception to the fence height regulations at 3620/3622 Edgewater Drive. This property is more fully described as Lot 4, Block 5/2022 and is zoned PD-193 (D), which requires a 25 foot front yard setback, a 5 foot side yard setback, a 10 foot rear yard setback, and limits the height of a fence in the side and rear yard to 9 feet in height. The applicant proposes to maintain a structure and provide a 15 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulations, and provide a 0 foot rear yard setback, which will require a 10 foot variance to the rear yard setback regulations. The applicant also proposes to maintain a 12 foot 6 inch high fence in required side and rear yard setbacks, which will require a 3 foot 6 inch special exception to the fence height regulations.

LOCATION: 3620/3622 Edgewater Drive

APPLICANT: Scott Harvel

REQUESTS:

The following appeals have been made in conjunction with maintaining development for portions of one half of a duplex structure and fence on the subject site (the attached single family home structure and fence located on the west side of the subject site at 3622 Edgewater Street):

1. a variance to the front yard setback regulations of 10' is requested to maintain a storage structure/stucco fountain structure located 15' from the front property line or 10' into the required 25' front yard setback;
2. a variance to the side yard setback regulations of 5' is requested to maintain portions of deck, Jacuzzi/hot tub, and fountain structures located on the site's western side property line or 5' into the required 5' side yard setback;
3. a variance to the rear yard setback regulations of 10' is requested to maintain a portion of deck and planter container structures located on the site's rear property line or 10' into the required 10' rear yard setback; and
4. special exceptions to fence height regulations of 3' 6" are requested in conjunction with maintaining 12' 6" high solid board fences in the side and rear yard setbacks.

(Note that the other attached single family home on the east side of the subject site at 3620 Edgewater Street is not seeking any variance or special exception).

STANDARD FOR A VARIANCE:

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

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION (front, side, and rear yard setback variances):

Approval, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The lot's slightly irregular shape and restrictive area (a lot size that is about 5,700 square feet or, according to the applicant, about 1,000 square feet less in size than the next smallest lot in the PD 193 (D) zoning district) preclude its development in a manner commensurate with other developments found on similarly-zoned PD 193 (D)lots. In this case, according to the applicant's submittals, the other lots in this zoning district are on average a full approximately 2,500 square feet larger where the subject site has the smallest depth of any lot in the zoning district.
- The variances would allow development on the property that is commensurate with development found on other PD 193 (D) zoned properties – the applicant states that the building footprint on the subject site is 13 percent smaller than the average footprint on the 18 lots in the zoning district developed or redeveloped since the year 2000.

STAFF RECOMMENDATION (fence height special exceptions):

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (D) (Planned Development District, Duplex)
North: CD 17 (Conservation District)
South: PD 193 (D) (Planned Development District, Duplex)
East: PD 193 (D) (Planned Development District, Duplex)
West: PD 193 (D) (Planned Development District, Duplex)

Land Use:

The subject site is developed with a duplex – a single family home on the east side of the site at 3620 Edgewater Street, and a single family home on the west side of the site at 3622 Edgewater Street. The areas to the north, south, east and west are developed with residential uses.

Zoning/BDA History:

1. BDA 090-057, Property at 3620 Edgewater Drive(the subject site)

On August 16, 2010, the Board of Adjustment Panel C denied requestsvariances to the side yard setback regulations with prejudice. The case report stated that the variances to the side yard setback regulations were requested in conjunction with obtaining a final building permit on a recently constructed three-story duplex, portions of which (existing staircases) were located and to be redesigned in the site’s eastern and western 5’ side yard setbacks. According to documents submitted with the application, the “structures” located in the setbacks were “flatwork, stairs and landings” structures and/or concrete stair structures in the site’s eastern and western 5’ side yard setbacks, however, according to a document submitted by the applicant’s representative on June 4, 2010, the existing concrete stair structures that completely fill the 5’ setbacks were to be redesigned to be 3’ 8” wide, and to be made of steel and wood.

Timeline:

- June 27, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- July 5, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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.
- August 2, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- August 5, 2013: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s Report (see Attachment B).
- August 5, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment C).
- August 6, 2013: 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 Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- This request focuses on maintaining an approximately 38 square foot storage structure/stucco fountain structure on the western half of the subject site located 15' from the front property line or into the required 25' front yard setback.
- Single family structures on lots zoned PD 193 (D) are required to provide a minimum front yard setback of 25'.
- A revised site plan has been submitted denoting that the existing "stucco fountain" structure is located 15' from the site's front property line or 10' into the 25' front yard setback.
- It appears from calculations made by the Board Administrator from the submitted site plan that all of the approximately 35 square foot storage structure/stucco fountain structure is located in the site's 25' front yard setback.
- According to DCAD records, the "main improvements" at 3620 Edgewater Drive area structure with 2,800 square feet of living area and 2,800 square feet of total area built in 2008 with "additional improvement" of a 440 square foot attached garage.
- According to DCAD records, the "main improvements" at 3622 Edgewater Drive area structure with 2,800 square feet of living area and 2,800 square feet of total area built in 2008 with "additional improvement" of a 399 square foot attached garage.
- The subject site is somewhat sloped, slightly irregular in shape, and approximately 5,700 square feet in area. The site is zoned PD 193 (D).
- 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 PD 193 (D) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (D) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which is a structure to be located 15' from the site's front property line (or 10' into this 25' front yard setback).

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- This request focuses on maintaining portions of deck, Jacuzzi/hot tub, and fountain structures located on the site's western side property line or 5' into the required 5' side yard setback on the western half of the subject site.
- Single family structures on lots zoned PD 193 (D) are required to provide a minimum side yard setback of 5'.
- A revised site plan has been submitted denoting a wood deck, a hot tub, and two fountain structures located on the site's western side property line or 5' into this 5' side yard setback.
- It appears from calculations made by the Board Administrator from the submitted site plan that approximately 40 square feet of the approximately 270 square foot deck structure, that approximately 32 square feet of the approximately 50 square foot hot tub structure, approximately ½ of a 12 square foot fountain structure, and the entire 8 square feet of another fountain structure are located in the site's 5' western side yard setback.
- According to DCAD records, the "main improvements" at 3620 Edgewater Drive area structure with 2,800 square feet of living area and 2,800 square feet of total area built in 2008 with "additional improvement" of a 440 square foot attached garage.
- According to DCAD records, the "main improvements" at 3622 Edgewater Drive area structure with 2,800 square feet of living area and 2,800 square feet of total area built in 2008 with "additional improvement" of a 399 square foot attached garage.
- The subject site is somewhat sloped, slightly irregular in shape, and approximately 5,700 square feet in area. The site is zoned PD 193 (D).
- 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 (D) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (D) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structures in the rear yard setback would be limited to that what is shown on this document— which are structures located on the site's western side property line (or 5' into this 5' side yard setback).

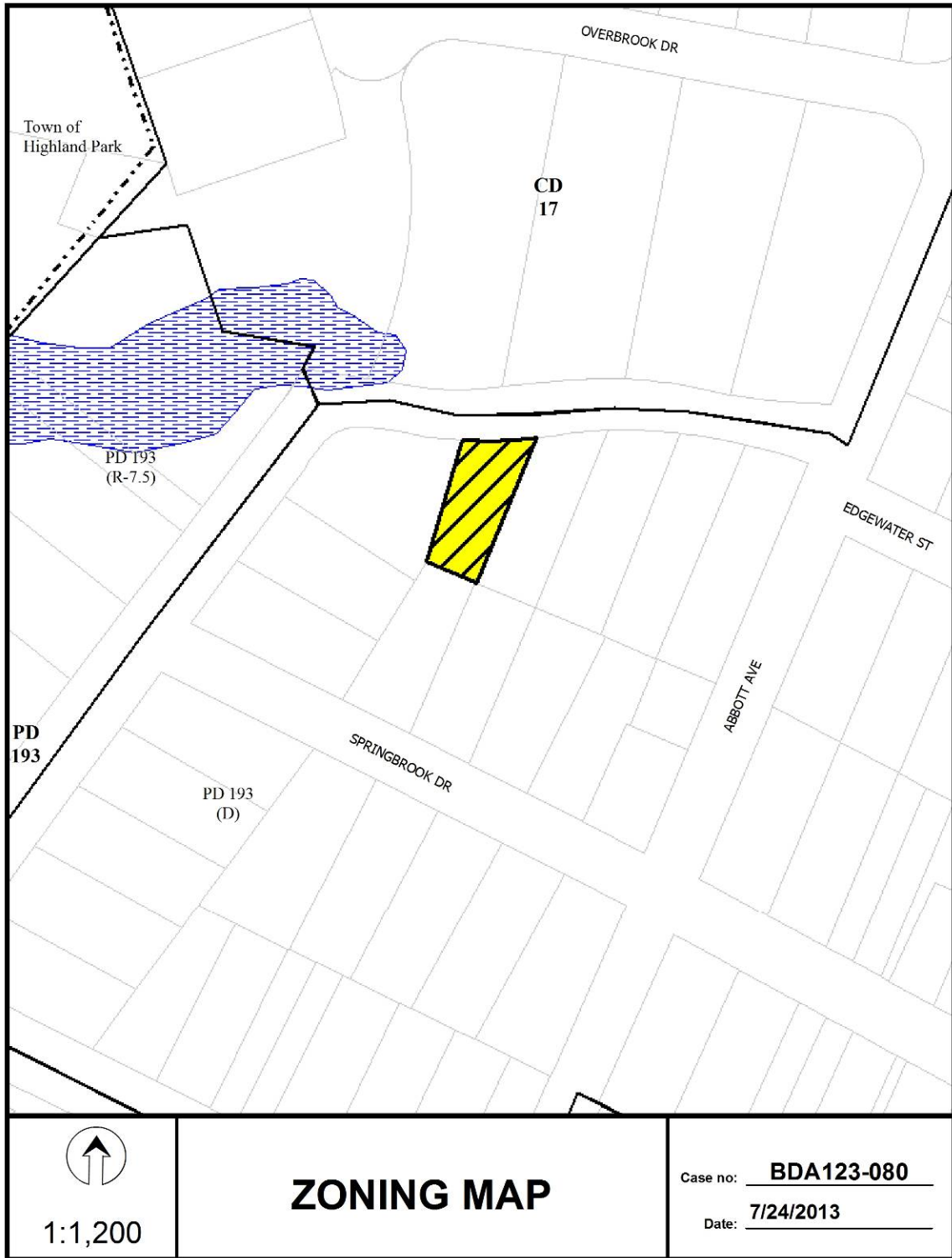
GENERAL FACTS/STAFF ANALYSIS (rear yard variance):

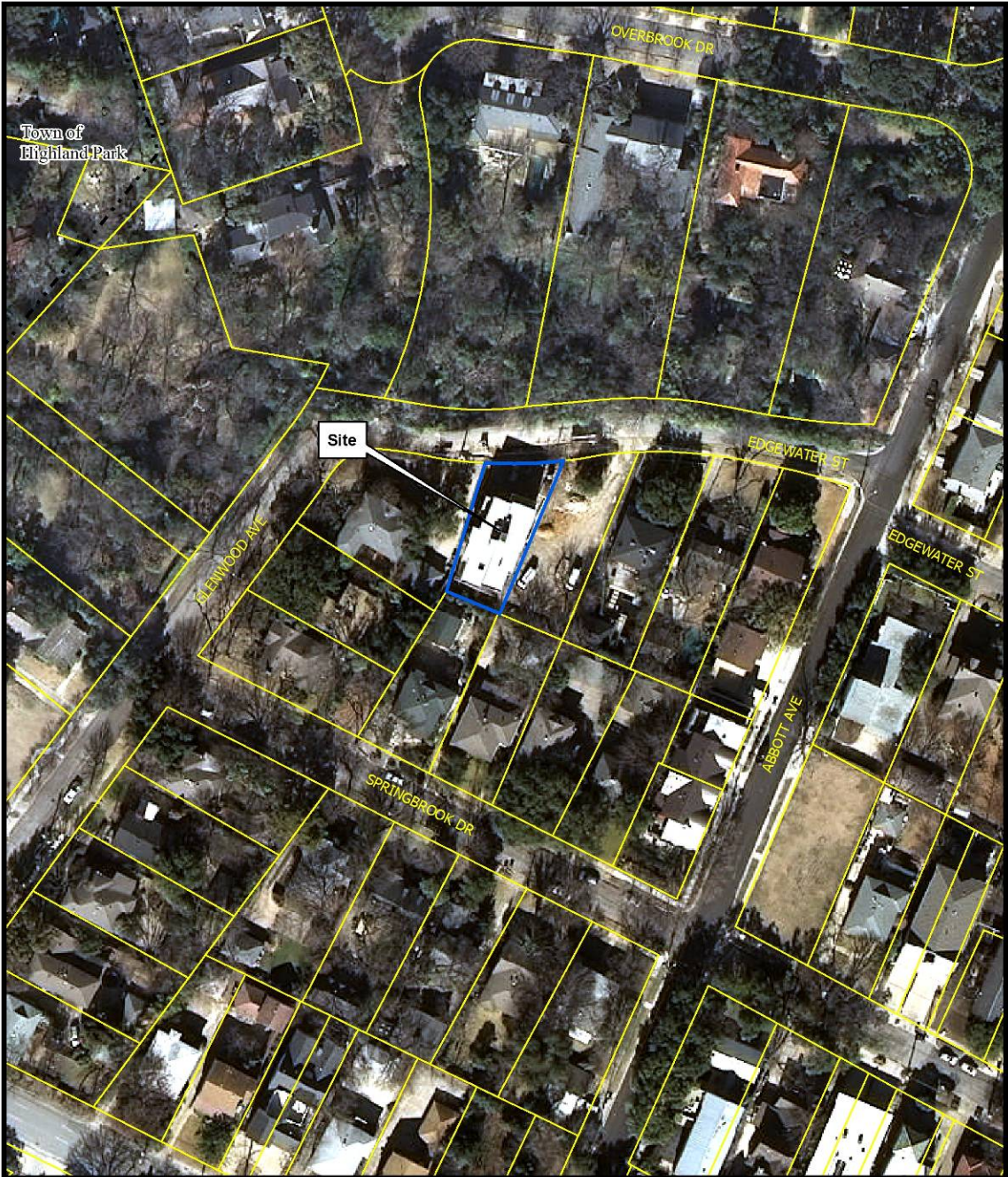
- This request focuses on maintaining a portion of deck and planter container structures located on the site's rear property line or 10' into the required 10' rear yard setback.
- Single family structures on lots zoned PD 193 (D) are required to provide a minimum rear yard setback of 10'.
- A revised site plan has been submitted denoting that the "wood deck" and/or plant container structure is located on the site's rear property line or 10' into this 10' rear yard setback.
- It appears from calculations made by the Board Administrator from the submitted site plan that approximately 160 square feet (or about 60 percent) of the approximately 270 square foot deck structure, and all of the approximately 70 square foot planter container structure is located in the site's 10' rear yard setback.
- According to DCAD records, the "main improvements" at 3620 Edgewater Drive area structure with 2,800 square feet of living area and 2,800 square feet of total area built in 2008 with "additional improvement" of a 440 square foot attached garage.
- According to DCAD records, the "main improvements" at 3622 Edgewater Drive area structure with 2,800 square feet of living area and 2,800 square feet of total area built in 2008 with "additional improvement" of a 399 square foot attached garage.
- The subject site is somewhat sloped, slightly irregular in shape, and approximately 5,700 square feet in area. The site is zoned PD 193 (D).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the rear 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 (D) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (D) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structures in the rear yard setback would be limited to that what is shown on this document– which are structures located on the site's rear property line (or 10' into the 10' rear yard setback).

GENERAL FACTS/STAFF ANALYSIS (fence height regulations):

- These requests focus on maintaining a 12' 6" high wood fence in the site's 5' side yard setback, and a 12' high wood fence in the site's 10' rear yard setback.

- The Dallas Development Code states a person shall not erect or maintain a fence in a required yard more than 9' above grade and that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a revised site plan and elevations indicating a fence in the required side and rear yard setbacks that reaches a maximum height of 12' 6".
- The following additional information was gleaned from the submitted revised site plan:
 - The existing fence in the required side yard reaches 12' 6" in height, parallel to the side property line, and approximately 8' in length.
 - The existing fence in the required rear yard reaches 12' in height, *perpendicular* to the rear property line, and approximately 10' in length on both sides of the existing duplex in the rear yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences in side or rear yard setbacks that appeared to exceed 9' in height.
- 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 3' 6" with a condition imposed that the applicant complies with the submitted revised site plan and elevation would require the proposal exceeding 9' in height in the side and rear yard setbacks to be maintained in the locations and of the heights and materials as shown on these documents.





 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA123-080</u> Date: <u>7/24/2013</u>
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From: Scott Harvel [mailto:alexharvel@aol.com]
Sent: Friday, August 02, 2013 9:31 AM
To: Long, Steve; Duerksen, Todd
Subject: BDA 123-080; 3622 Edgewater St.

Dear Messrs. Long and Duerksen,

Earlier this week I delivered to each of you the final version of Exhibit A to my petition for the set back variances and fence height exceptions at 3622 Edgewater Street.

The appeal requests the following:

1. **Rear Set Back Variance.** A variance of 10 feet to the 10-foot rear yard set back (for the back deck and plant container structure);
2. **Western Side Set Back Variance.** A variance of 5 feet to the 5-foot western side set back (for a portion of the back deck, plant container, fountain, hot tub and second fountain in the side yard);
3. **Front Set Back Variance.** A variance of 10 feet to the 25-foot front set back (for the storage structure/fountain in the front yard); and
4. **Special Exceptions.** Special exceptions of (i) three feet six inches to the fence height restriction for the fence built along the *western property line*, and (ii) three feet to the fence height restriction for the fence constructed along the *rear yard boundary between the two half duplexes* (i.e., that portion of this fence which extends all the way into the 10-foot rear yard set back).

The parcel of property on which my half duplex is constructed (hereinafter the "Subject Property") has ***highly restrictive physical features*** compared to the other parcels of land in PD-193 (D). (Schedules 1 and 2 to Exhibit A of my petition set forth the sizes and other dimensions of all 84 parcels of property in the PD.) These highly restrictive features prevent the Subject Property from being developed in a manner commensurate with the other parcels of land in the PD. To-wit:

- (i) the Subject Property is the ***smallest lot in the PD***, having a total area of only 5,699 SF;
- (ii) the Subject Property has a full ***1,000 SF less area than the next smallest lot in the PD***;
- (iii) the other lots in the PD are on average ***a full 2,476 SF larger than the Subject Property***;

- (iv) the Subject Property has the *smallest depth of any lot in the PD* - the depth on its western side is only 103 feet, which is almost *one-third smaller than the average depth* of the other lots in the PD; and
- (v) the rear boundary line width of the Subject Property is **eight feet shorter** than the average rear width of the other lots in the PD.

The Subject Property is not only extraordinarily small in size and shape compared to the other properties in the PD, it is also not overbuilt with improvements. While the footprint of the improvements on the Subject Property is 14% larger than the average footprint of the improvements on all the other lots in the PD, the footprint is **13% smaller** than the average footprint of improvements built on the 18 lots in the PD developed or redeveloped *since the year 2000*. The trend in the PD being to build bigger to justify the higher land values and construction costs.

The crux of why my appeal should be granted is as follows: *If the Subject Property was of comparable size and shape to the other parcels of property in the PD (i.e., it had 2,476 SF more area, an additional 33 feet of depth on the western side, and an additional eight feet of width at the rear boundary line) the improvements now constructed in the Subject Property's set back areas could easily be constructed on the Subject Property without the necessity of encroaching into those set back areas. In other words, the improvements on the Subject Property could be constructed on the average size lot in the PD without encroaching on any set back areas.*

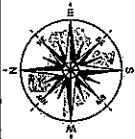
The fence height restrictions are addressed further in the materials I have already submitted.

I will be providing letters of support from my neighbor on the east boundary of the Subject Property as well as my half duplex neighbor (which letters I will bring to the hearing). I have reached out to Ms. Desanders (my neighbor on the south side) to ask for her support and she has indicated that she will oppose my appeal. I have also written a letter to my western side neighbor (listed as a family trust in Dallas CAD) and have received no response. There are no immediate neighbors on the north side, since the north side of Edgewater Street is bounded by a creek and greenbelt.

Thank you very much for being responsive to my questions. If there is any additional information you require, please let me know.

Kind regards,

Scott Harvel



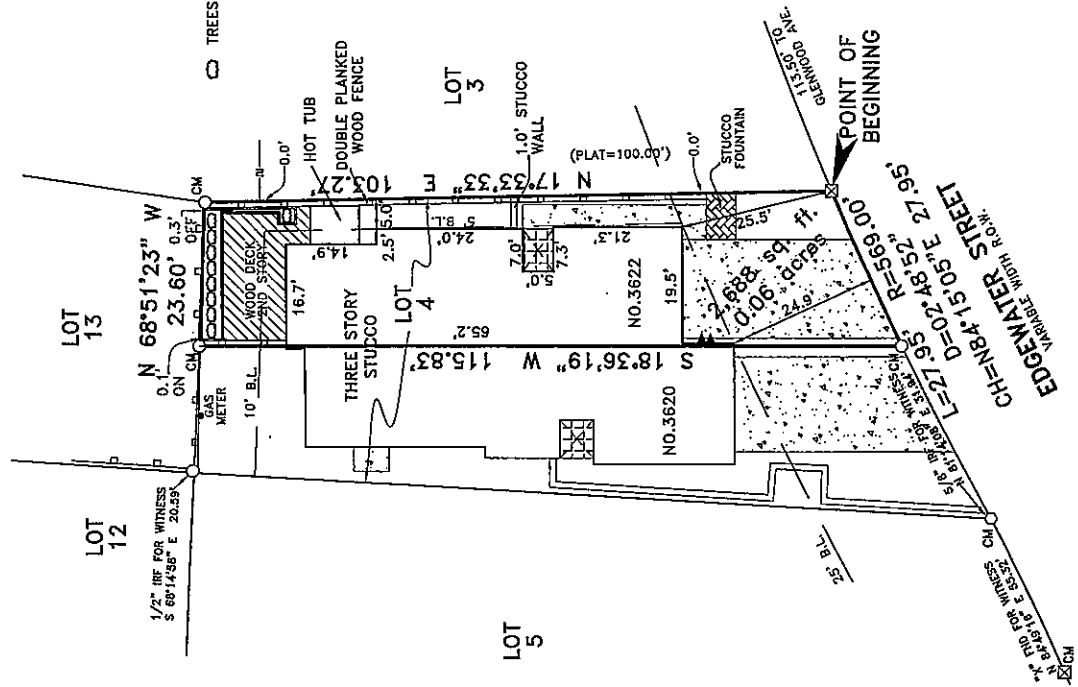
C.B.G. Surveying, Inc.



LEGEND

- 1/2" ROD FOUND
- FENCE POST FOR CORNER
- ⊙ 5/8" ROD SET
- ⊙ 5/8" ROD FOUND
- ⊙ 3/4" ROD FOUND
- ⊙ 3/4" NAIL FOUND
- ⊙ 3/4" NAIL FOUND
- ⊙ TRANSFORMER
- ⊙ T PAD
- ⊙ COLUMN
- ⊙ UNDERGROUND ELECTRIC
- ⊙ OVERHEAD ELECTRIC
- ⊙ OVERHEAD SERVICE
- ⊙ POWER POLE
- ⊙ OVERHEAD ELECTRIC
- ⊙ OVERHEAD SERVICE
- ⊙ IRON FENCE
- ⊙ BARBED WIRE
- ⊙ EDGE OF ASPHALT
- ⊙ EDGE OF GRAVEL
- ⊙ CHAIN LINK
- ⊙ WIDE TYPICAL
- ⊙ UNDERGROUND CONCRETE
- ⊙ COVERED AREA

EXCEPTIONS:
 NOTE: This survey is made in conjunction with the information provided by the client, C.B.G. Surveying, Inc. The surveyor does not assume responsibility for the existence of easements, restrictive covenants or other encumbrances.



3622 Edgewater Street
 Being part of Lot 4, Block 5/2022, of Northern Hills No. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 4, Page 184, of the Map Records of Dallas County, Texas, and being part of the same tract of land conveyed to Chris Bryant and Lauren Bryant, by deed recorded in Instrument No. 20070279274, of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

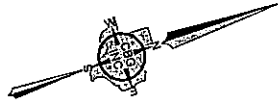
BEGINNING at an "x" found in concrete for corner, said corner lying in the South line of Edgewater Street (variable width, right-of-way) and being the Northeast corner of Lot 3 in said addition, and being in a north-south curve to the Right, having a radius of 569.00 feet, a delta of 02 degrees 45 minutes 52 seconds and a chord bearing and distance that bears North 84 degrees 15 minutes 08 seconds East, 27.95 feet;

THENCE along the South line of said Edgewater Street and along said curve to the Right, an arc length of 27.95 feet to a 1/2 inch iron rod found for corner;

THENCE South 18 degrees 36 minutes 19 seconds West, a distance of 115.83 feet to a 1/2 inch iron rod found for corner, said corner lying in the Northeast line of Lot 13 in said addition;

THENCE North 68 degrees 51 minutes 23 seconds West, along the Northeast line of said Lot 13, a distance of 23.60 feet to a 1/2 inch iron rod found for corner, said corner lying in the East line of said Lot 3;

THENCE North 17 degrees 33 minutes 33 seconds East, along the East line of said Lot 3, a distance of 103.27 feet to the POINT OF BEGINNING and containing 2,688 square feet or 0.06 acres of land.



SCALE: 1" = 20'

Drawn By: BRD
 Scale: 1"=20'
 REV. 7/11/2013
 Date: 06/24/2013
 GF NO.:
 Job No. 1201049-4

This survey is made in conjunction with the information provided by Republic Title of record. The user of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encumbrances or prohibitions on the square.

Accepted by: _____
 Purchaser

NOTES: EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD NOTE: According to the F.I.R.M. No. 48113CD0305 J, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

C.B.G. Surveying, Inc.
 12025 Shiloh Road, Ste. 230
 Dallas, TX 75228
 P 214.349.9485
 F 214.349.2216
 www.abgdfw.com

BDA 123-08c
 Attach A
 Pg 3

HARVEL RESIDENCE

3622 EDGEWATER ST. DALLAS, TX 75205

AS BUILT DOCUMENTATION

PROJECT TEAM

HOMEOWNER
SCOTT HARVEL
3622 EDGEWATER ST.
DALLAS, TX 75205

CONTRACTOR
VIAGGIO DESIGN
8208 COLE AVE
DALLAS, TX 75204

JASON HARLOW
PH: 214.552.5600

INTERIOR DESIGNER:
P SHADE DESIGN, LLC
3523 MCKINNEY AVE #220
DALLAS, TX 75204

PARKER SHADE, RID
PH: 214.443.7880

SURVEY ENGINEER:
CBG SURVEY, INC.
12025 SHILOH RD. #230
DALLAS, TX 75228

BRYAN CONNALLY
PH: 214.349.9485

STRUCTURAL ENGINEER:
SKAGGS ENGINEERING
1018 MEADOW GREEN CT.
PRINCETON, TX 75407

MATT SKAGGS
PH: 972.369.2194

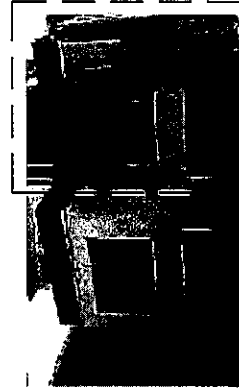
PROJECT DATA

CODES:
2009 International Residential Code

Construction Type: V

Occupancy:
Type: R

Zoning: PD193-D



STREET VIEW 3622 EDGEWATER NORTH

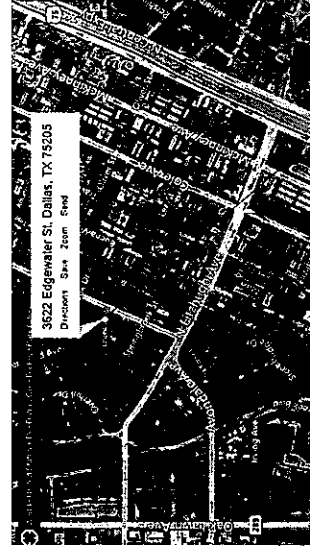
DRAWING INDEX

ARCHITECTURAL

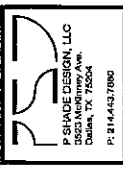
- CP COVER PAGE
- A1.0 GROUND FLOOR AND FIRST FLOOR PLAN
- A2.0 SECOND FLOOR AND ROOF-TOP PLAN
- A3.0 EXTERIOR ELEVATIONS OF FENCING
- A3.1 EXTERIOR ELEVATIONS OF STRUCTURES
- A4.0 EAST FACADE ELEVATION OF BUILDING
- A5.0 ELEVATIONS AND SECTIONS

CIVIL SURVEY
PROPERTY SITE PLAN

STRUCTURAL ENGINEER
STRUCTURAL INSPECTION REPORT
OF BUILDING, STRUCTURES, AND
FENCING.



VICINITY MAP AREA OF SCOPE NORTH



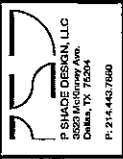
IN COMPLYING WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING ACT, AND IN FURTHERANCE OF THE PUBLIC INTEREST, I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS AND THAT I AM A MEMBER IN GOOD STANDING WITH THE BOARD OF PROFESSIONAL ENGINEERS OF THE STATE OF TEXAS.

HARVEL RESIDENCE
3622 EDGEWATER ST.
DALLAS, TX 75205
RESIDENTIAL AS BUILT

DATE: 06-14-2013
REVISIONS:
A 06-04-2013
A 06-06-2013
A 06-25-2013
A 07-29-2013

COVER PAGE
CP

BDA
123-
080
Attach
A
Pg 4



THE STATE OF TEXAS
 LICENSED PROFESSIONAL ENGINEER
 LICENSE NO. 10478
 TRAVIS A. HARVEL
 3622 EDGEWATER ST.
 DALLAS, TX 75205
 P. 214-443-1880

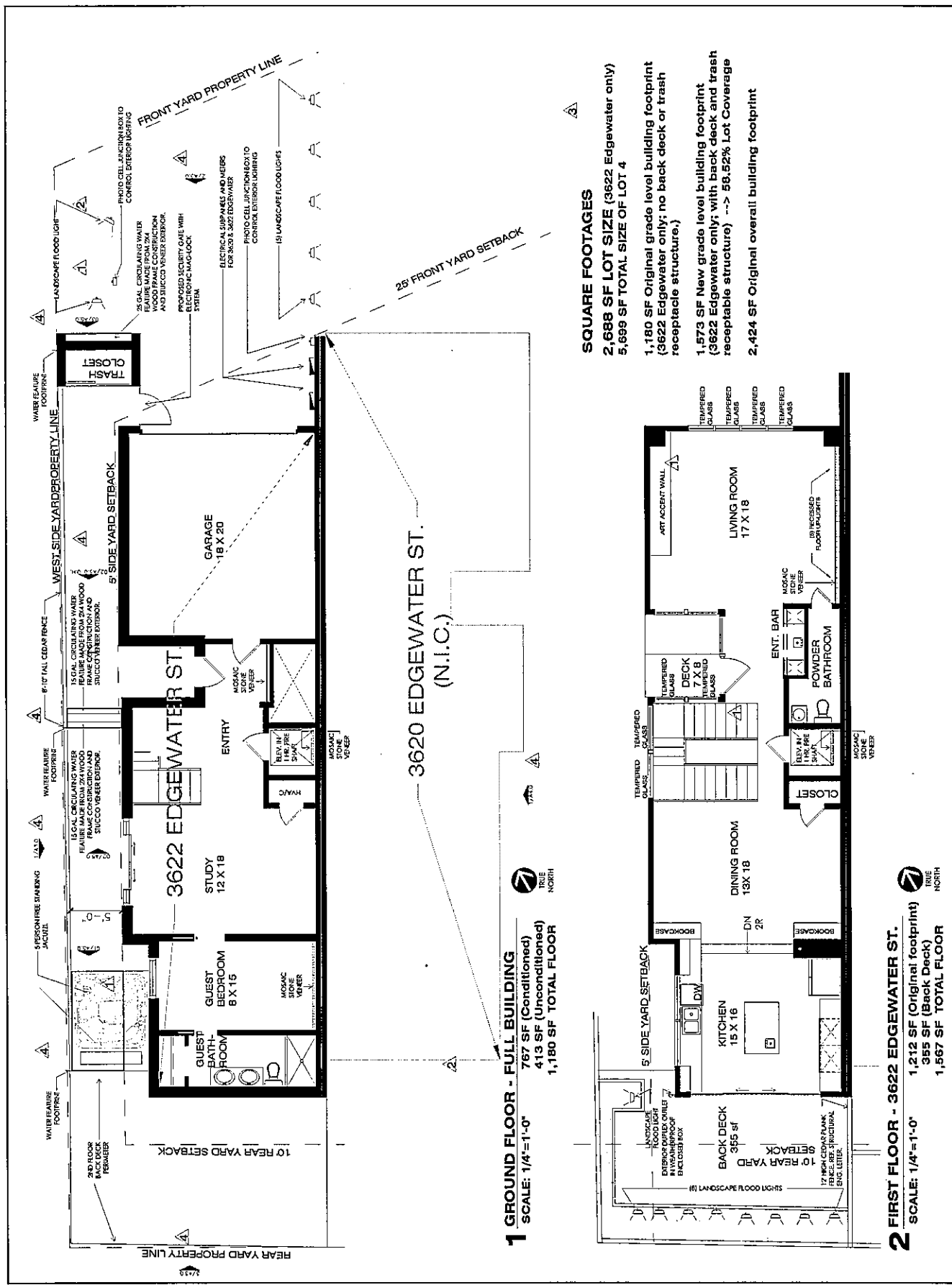
HARVEL RESIDENCE
 3622 EDGEWATER ST.
 DALLAS, TX 75205
RESIDENTIAL AS BUILT

DATE: 05-14-2013

REVISIONS
 A 06-04-2013
 A 06-06-2013
 A 06-25-2013
 A 07-26-2013

GROUND FLOOR AND FIRST FLOOR PROPOSED PLAN
A1.0

BDA
 123-080
 Attach
 A
 Pg 5

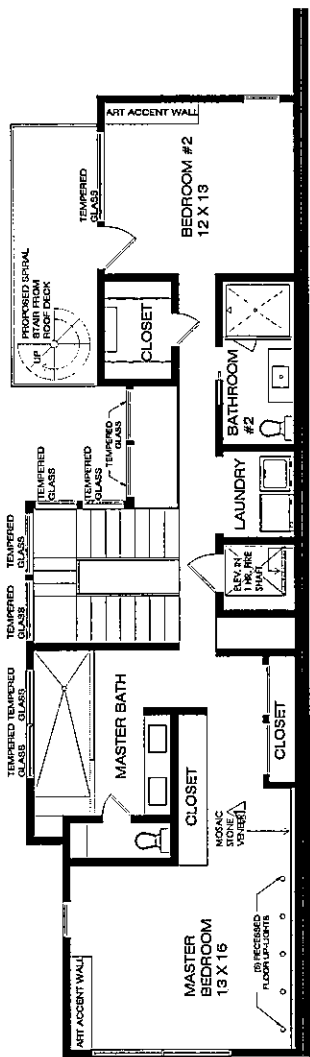


SQUARE FOOTAGES
 2,688 SF LOT SIZE (3622 Edgewater only)
 5,699 SF TOTAL SIZE OF LOT 4
 1,180 SF Original grade level building footprint (3622 Edgewater only; no back deck or trash receptacle structure.)
 1,573 SF New grade level building footprint (3622 Edgewater only; with back deck and trash receptacle structure) --> 58.52% Lot Coverage
 2,424 SF Original overall building footprint

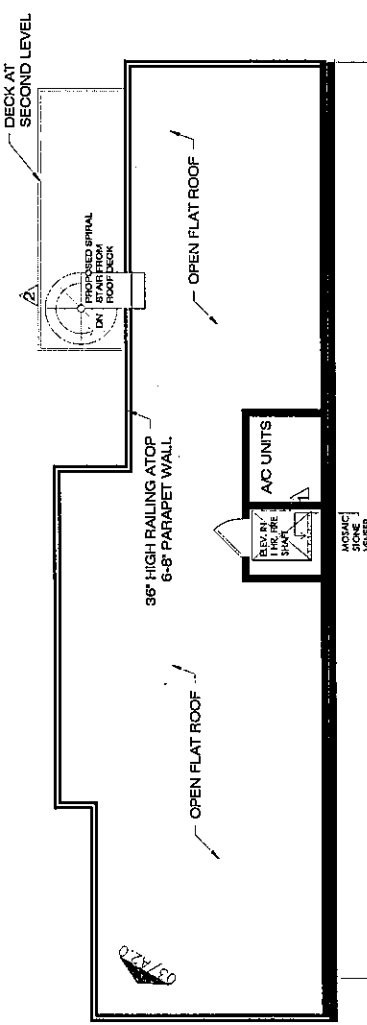
1 GROUND FLOOR - FULL BUILDING
 SCALE: 1/4"=1'-0"
 767 SF (Conditioned)
 413 SF (Unconditioned)
 1,180 SF TOTAL FLOOR

2 FIRST FLOOR - 3622 EDGEWATER ST.
 SCALE: 1/4"=1'-0"
 1,212 SF (Original footprint)
 355 SF (Back Deck)
 1,567 SF TOTAL FLOOR

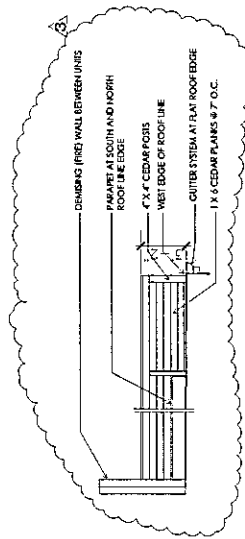
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 PG 6



1 SECOND FLOOR - 3622 EDGEWATER ST.
 SCALE: 1/4"=1'-0"
 1,090 SF (Conditioned)
 110 SF (Exterior Deck)
 1,200 SF TOTAL FLOOR



2 ROOF TOP DECK - 3622 EDGEWATER ST.
 SCALE: 1/4"=1'-0"
 1,111 SF (Roof/Top Deck)
 1,111 SF TOTAL FLOOR



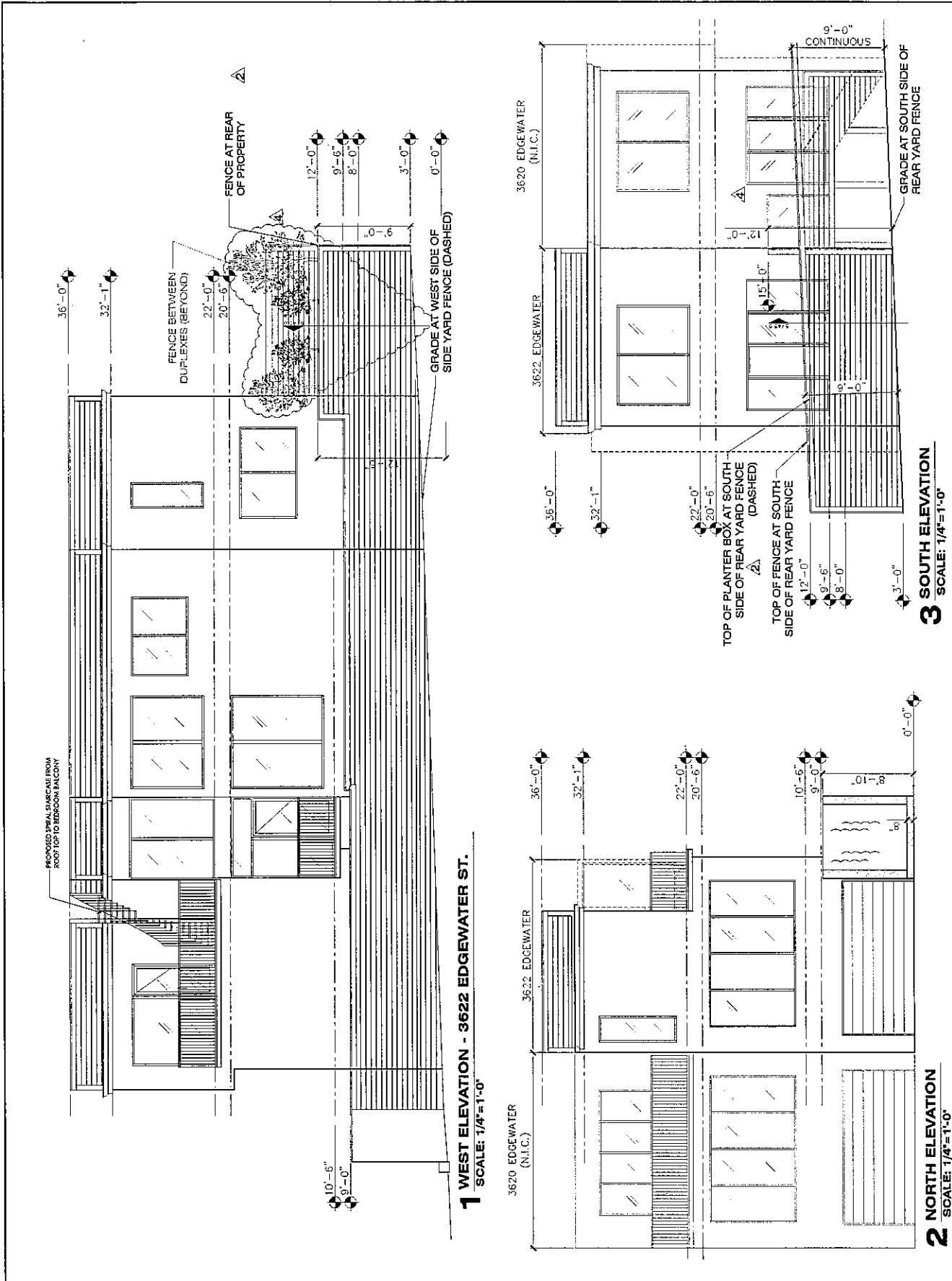
3 ROOF TOP RAILING DETAIL
 SCALE: 1/4"=1'-0"



THE OFFICE OF ARCHITECTURE AND ENGINEERING FOR THE STATE OF TEXAS
 ARCHITECTS AND ENGINEERS
 LICENSE NO. 24324
 REGISTERED PROFESSIONAL ENGINEER
 LICENSE NO. 10440
 REGISTERED PROFESSIONAL ARCHITECT
 LICENSE NO. 10440
 REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
 LICENSE NO. 10440

HARVEL RESIDENCE
3622 EDGEWATER ST.
DALLAS, TX 75205
RESIDENTIAL AS BUILT

DATE: 05-14-2013
 REVISIONS
 A 06-25-2013
 A 07-22-2013
 A 07-26-2013
 A 07-29-2013

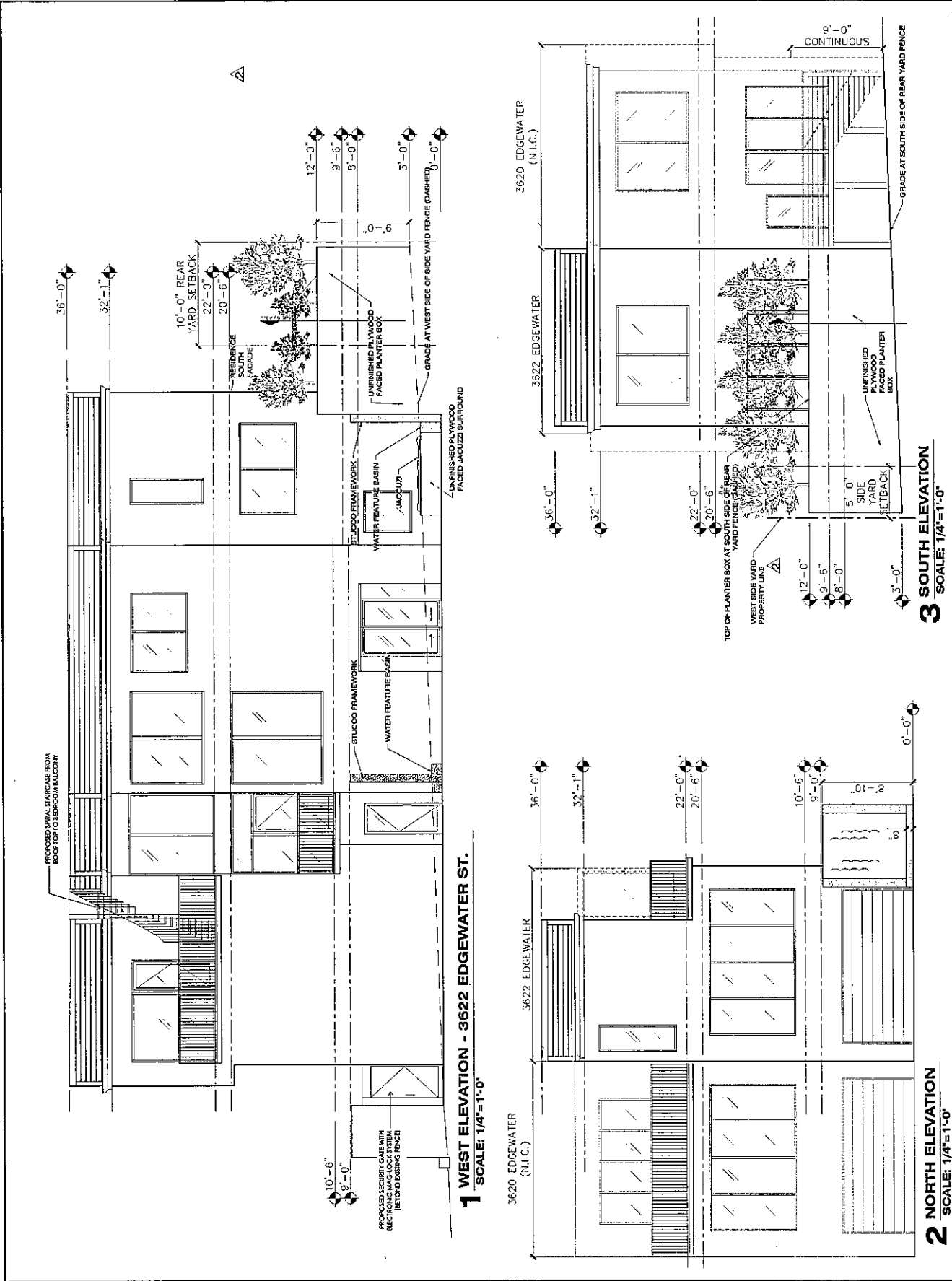


1 WEST ELEVATION - 3622 EDGEWATER ST.
 SCALE: 1/4"=1'-0"

2 NORTH ELEVATION
 SCALE: 1/4"=1'-0"

3 SOUTH ELEVATION
 SCALE: 1/4"=1'-0"

BDA
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 A
 Pg 7



BDA
 123-
 080
 Attach
 A
 Pg 8



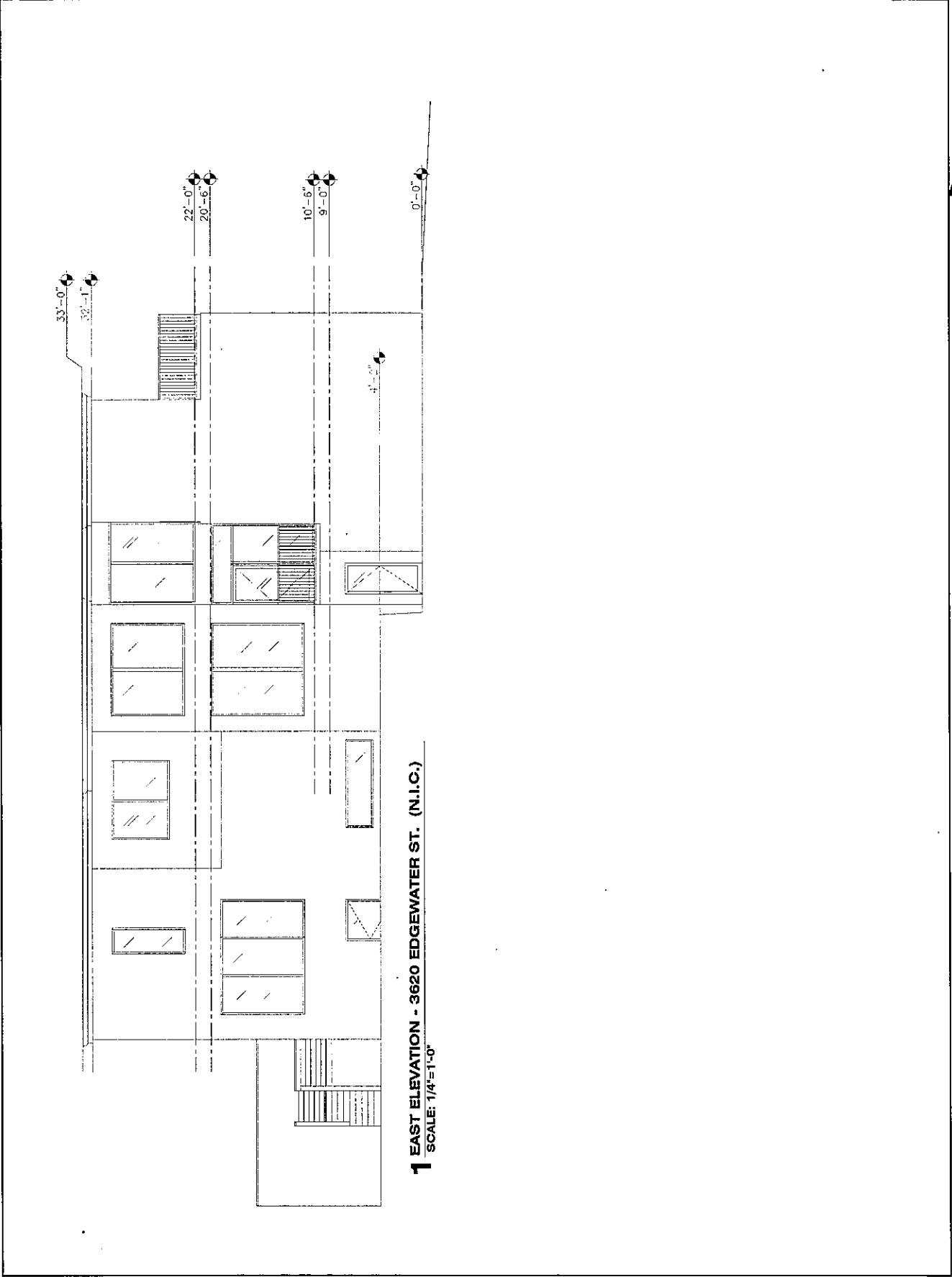
THIS DOCUMENT IS UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

HARVEL RESIDENCE
3622 EDGEWATER ST.
DALLAS, TX 75205
RESIDENTIAL AS BUILT

DATE: 05-14-2013

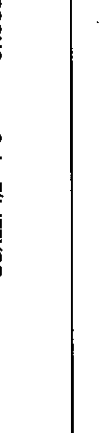
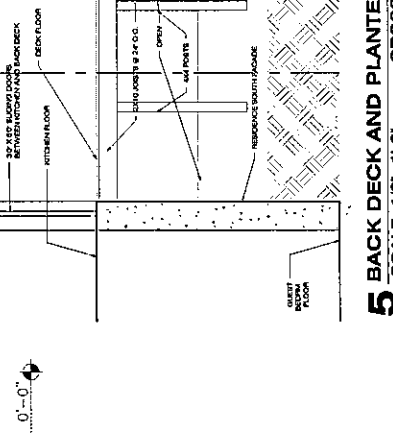
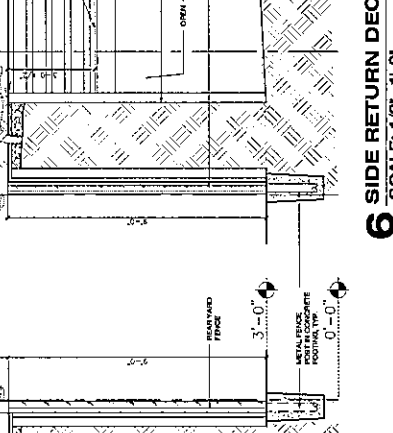
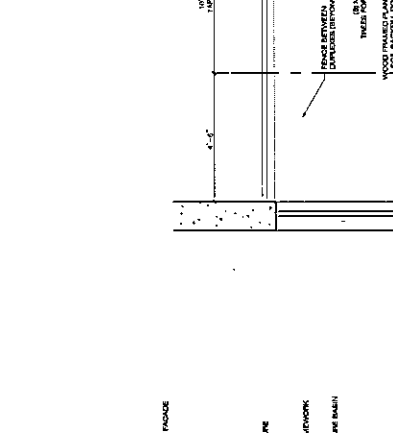
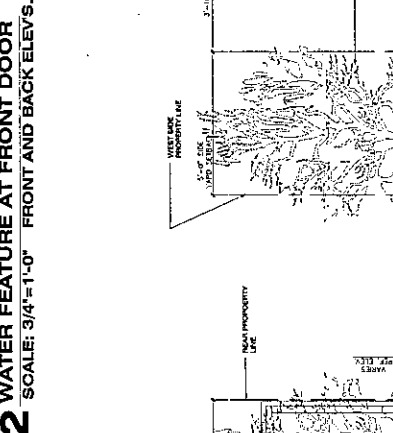
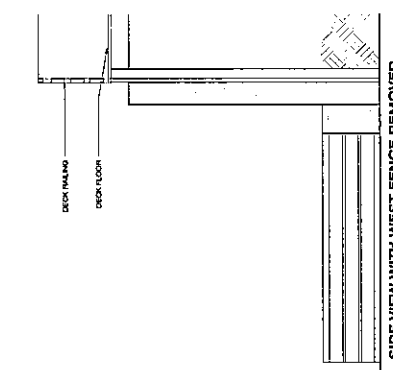
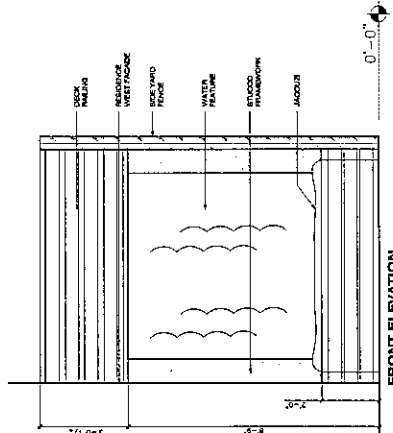
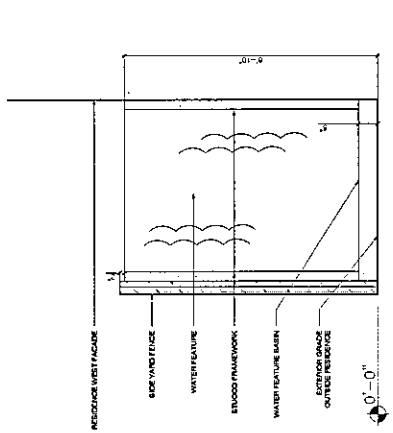
REVISIONS
A 06-25-2013

EXISTING EXTERIOR ELEVATION
A4.0



1 EAST ELEVATION - 3620 EDGEWATER ST. (N.I.C.)
SCALE: 1/4"=1'-0"

BDA
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080
Attach
A
Pg 9



BDA
 123-
 080
 Attach
 A
 Pg 10

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 Scott Harvel

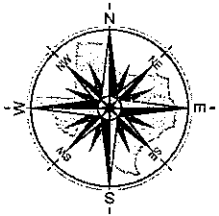
did submit a request for a variance to the front yard setback regulations, and for a variance to the rear yard setback regulations, and for a vaiance to the side yard setback regulations, and for a special exception to the fence height regulations

at 3622 Edgewater Street

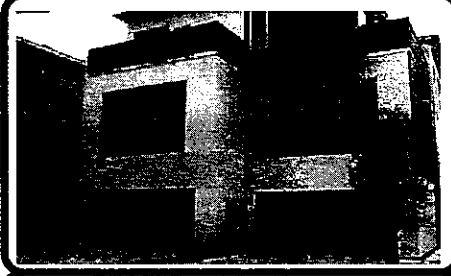
BDA123-080. Application of Scott Harvel for a variance to the front yard setback regulations, and a variance to the rear yard setback regulations, and a vaiance to the side yard setback regulations, and a special exception to the fence height regulations at 3620/3622 Edgewater Drive. This property is more fully described as Lot 4, Block 5/2022 and is zoned PD-193 (D), which requires a 25 foot front yard setback and requires a 10 foot rear yard setback and requires a 5 foot side yard setback and which limits the height of a fence in the side and rear yard to 9 feet in height. The applicant proposes to construct and maintain a duplex residential structure and provide a 15 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation, and to construct and maintain a duplex residential structure and provide a 0 foot rear yard setback, which will require a 10 foot variance to the rear yard setback regulation, and to construct and maintain a duplex residential structure and provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulation, and to construct and maintain a 12 foot 6 inch high fence in a required side and rear yard, which will require a 3 foot 6 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



C.B.G. Surveying, Inc.

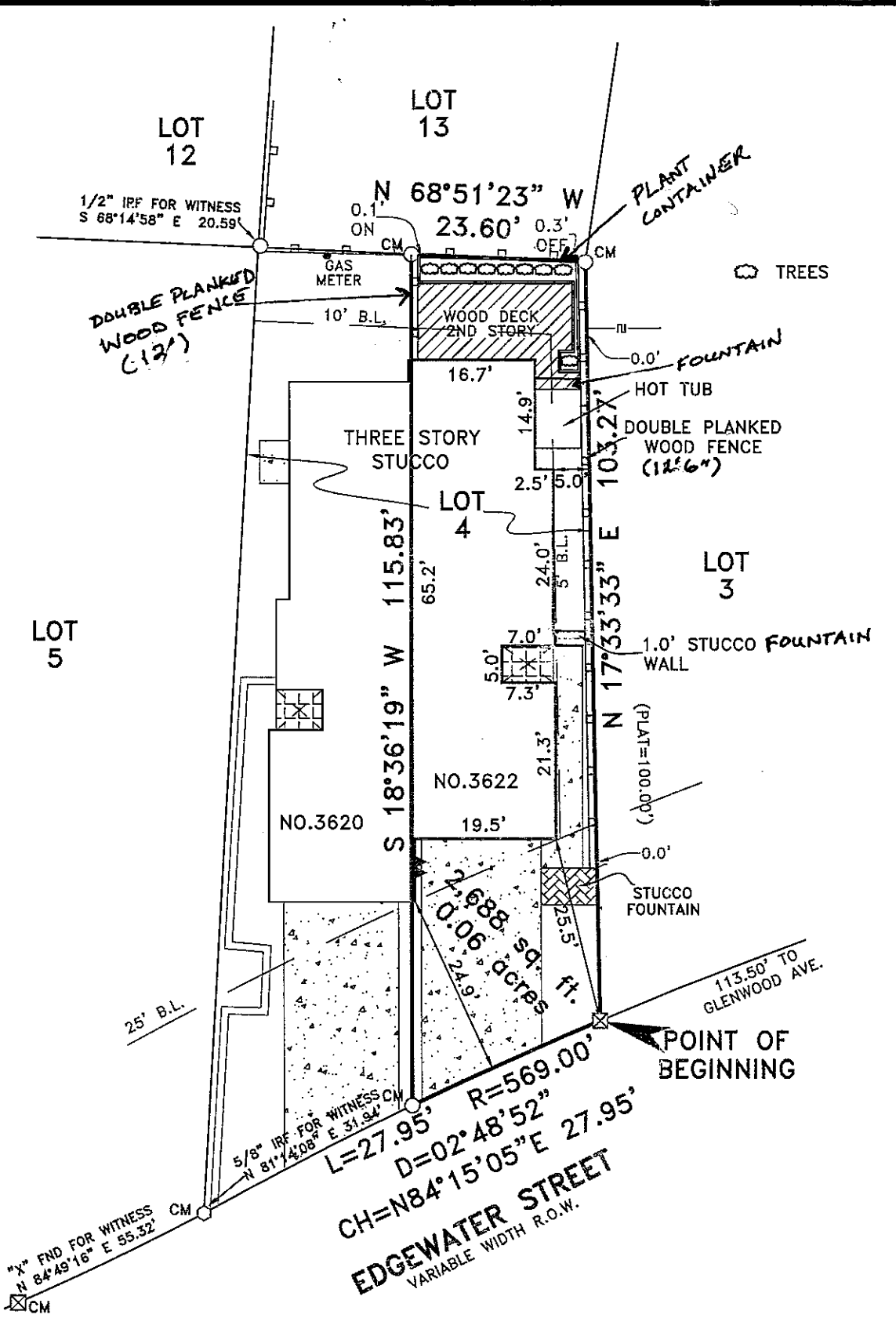


LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 5/8" ROD FOUND
- ⊗ "X" FOUND/SET
- ⊕ 60d NAIL FOUND
- T TRANSFORMER PAD
- COLUMN
- ▲ UNDERGROUND ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- POWER POLE
- △ OVERHEAD ELECTRIC
- II— IRON FENCE
- X— BARBED WIRE
- — — EDGE OF ASPHALT
- — — EDGE OF GRAVEL
- CONCRETE
- COVERED AREA

EXCEPTIONS:

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying, Inc. has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.



3622 Edgewater Street BDA123-080 Attach C

Being part of Lot 4, Block 5/2022, of Northern Hills No. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 4, Page 184, of the Map Records of Dallas County, Texas, and being part of the same tract of land conveyed to Chris Bryant and Lauren Bryant, by deed recorded in Instrument No. 20070279274, of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

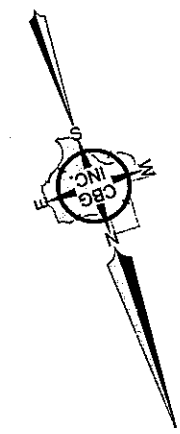
BEGINNING at an "X" found in concrete for corner, said corner lying in the South line of Edgewater Street (variable width right-of-way) and being the Northeast corner of Lot 3 in said addition, and being in a nontangent curve to the Right, having a radius of 569.00 feet, a delta of 02 degrees 48 minutes 52 seconds and a chord bearing and distance that bears North 84 degrees 15 minutes 05 seconds East, 27.95 feet;

THENCE along the South line of said Edgewater Street and along said curve to the Right, an arc length of 27.95 feet to a 1/2 inch iron rod found for corner;

THENCE South 18 degrees 36 minutes 19 seconds West, a distance of 115.83 feet to a 1/2 inch Iron rod found for corner, said corner lying in the Northeast line of Lot 13 in said addition;

THENCE North 68 degrees 51 minutes 23 seconds West, along the Northeast line of said Lot 13, a distance of 23.60 feet to a 1/2 inch Iron rod found for corner, said corner lying in the East line of said Lot 3;

THENCE North 17 degrees 33 minutes 33 seconds East, along the East line of said Lot 3, a distance of 103.27 feet to the POINT OF BEGINNING and containing 2,688 square feet or 0.06 acres of land.



SCALE: 1" = 20'

NOTES:
BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113C0305 J, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the Information provided by Republic Title of Texas, Inc. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as are indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: _____ Accepted by: _____ Purchaser _____

Date: _____ Accepted by: _____ Purchaser _____

Drawn By: BRD
Scale: 1"=20'
REV. 7/11/2013
Date: 06/24/2013
08/05/2013
GF NO.: SDA
GF#
Job No. 1201049-4

C.B.G. Surveying, Inc.
12025 Shiloh Road, Ste. 230
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
www.cbqdfw.com



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-080

Data Relative to Subject Property:

Date: 6-27-13

Location address: 3622 Edgewater St., Dallas Zoning District: PD 193(D)

Lot No.: 4 Block No.: 5/2022 Acreage: 0.06 Census Tract: 6.06

Street Frontage (in Feet): 1) 27.95 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

gc 23

Owner of Property (per Warranty Deed): SCOTT HARVEL

Applicant: SCOTT HARVEL Telephone: 972-765-8058

Mailing Address: 3622 Edgewater, Dallas Zip Code: 75205

E-mail Address: scott.harvel@aol.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 10 feet to the rear yard setback, 5 feet to the side yard setback, 10 feet to the front yard setback, and a 3 foot special exception to the fence height in the rear yard and side 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:

See Exhibit A and other attachments for detailed description of property's restrictive size (area and depth) and irregular shape which restricts development commensurate with properties of the same zoning and 3 foot higher fence will have no adverse effect on neighboring properties because harmonious with other properties

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

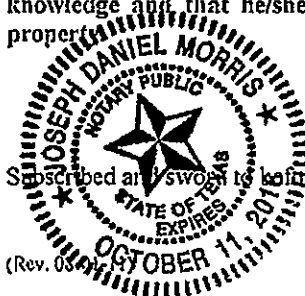
Affidavit

Before me the undersigned on this day personally appeared SCOTT D. HARVEL
(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: Scott Harvel
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of June, 2013



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Scott Harvel

did submit a request for a variance to the front yard setback regulations, and for a variance to the rear yard setback regulations, and for a valance to the side yard setback regulations, and for a special exception to the fence height regulations at 3622 Edgewater Street

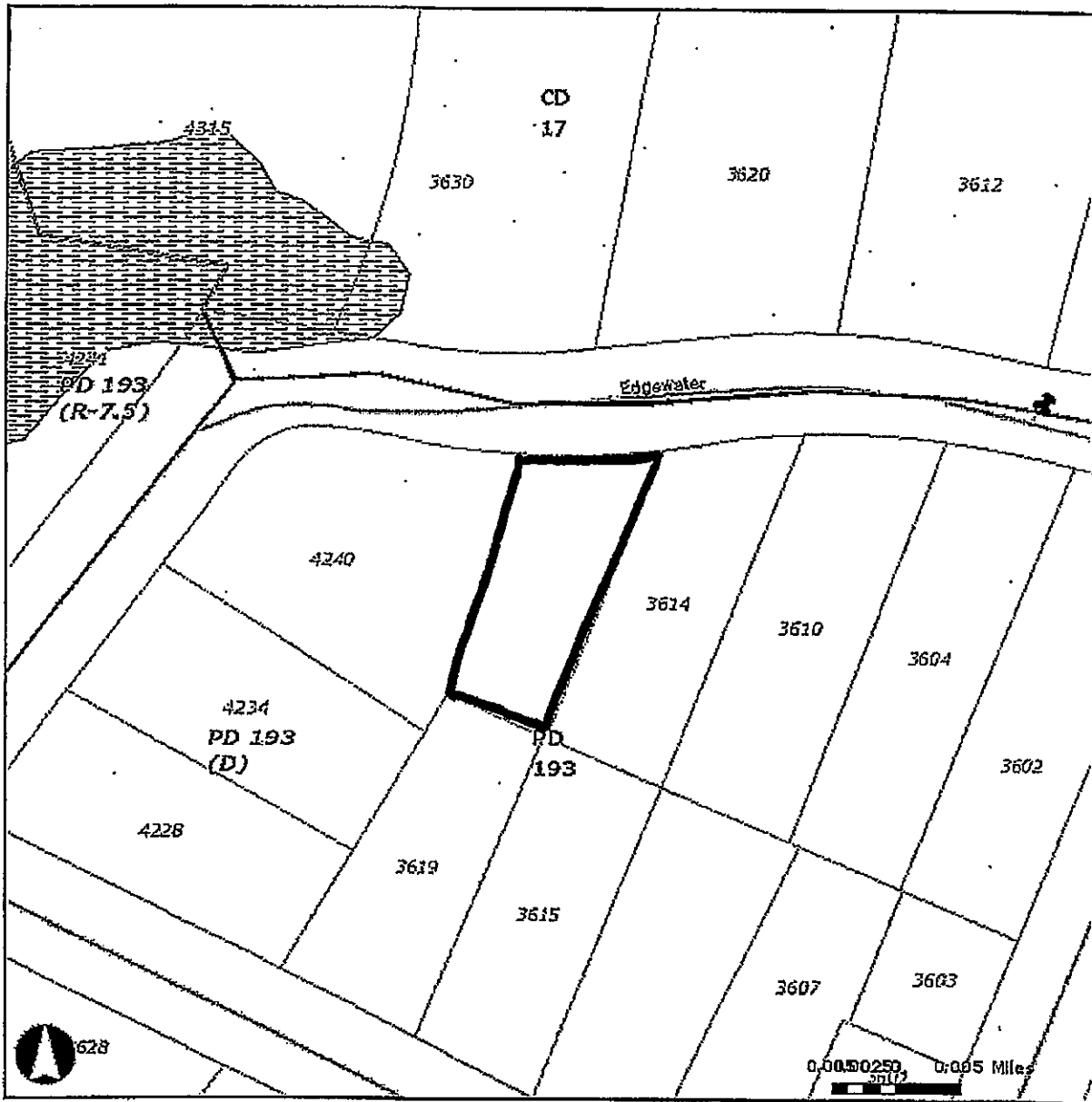
BDA123-080. Application of Scott Harvel for a variance to the front yard setback regulations, and a variance to the rear yard setback regulations, and a vaiance to the side yard setback regulations, and a special exception to the fence height regulations at 3620/3622 Edgewater Drive. This property is more fully described as Lot 4, Block 5/2022 and is zoned PD-193 (D); which requires a 25 foot front yard setback and requires a 10 foot rear yard setback and requires a 5 foot side yard setback and which limits the height of a fence in the side and rear yard to 9 feet in height. The applicant proposes to construct and maintain a duplex residential structure and provide a 15 foot front yard setback, which will require a 10 foot variance to the front yard setback regulation, and to construct and maintain a duplex residential structure and provide a 0 foot rear yard setback, which will require a 10 foot variance to the rear yard setback regulation, and to construct and maintain a duplex residential structure and provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulation, and to construct and maintain a 12 foot high fence in a requred side and rear yard, which will require a 3 foot special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

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

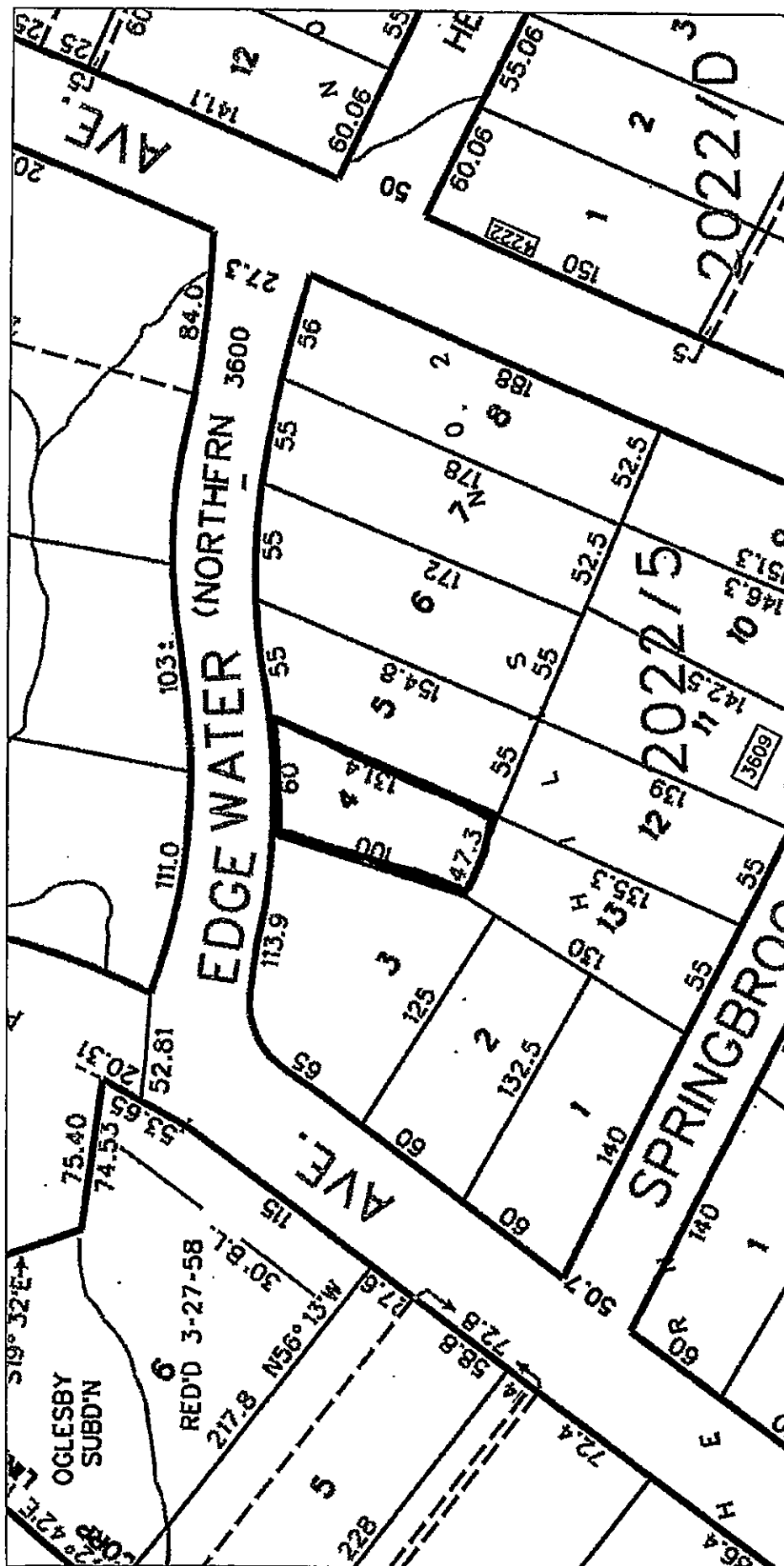
SUP

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

PDS Subdistricts

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

5004



SRK

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SHARPE DESIGN LLC
2323 Mackinaw Ave.
Dallas, TX 75204
PR 14-421740



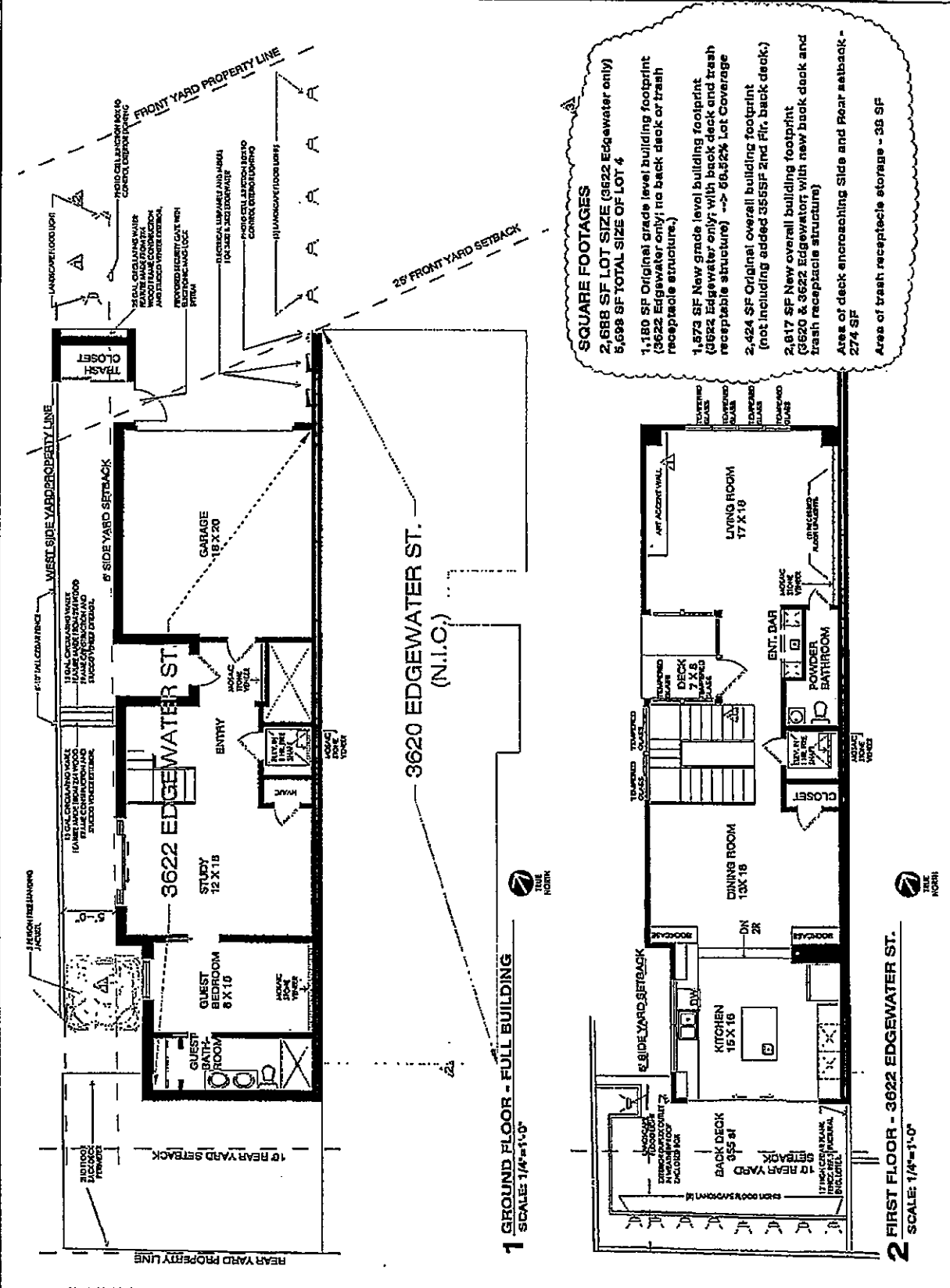
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HARVEL RESIDENCE
3622 EDgewater ST.
DALLAS, TX 75205
RESIDENTIAL AS BUILT

DATE: 05-14-2013

REVISIONS
A 05-26-2013
A 06-05-2013
A 06-25-2013

GROUND FLOOR AND FIRST FLOOR PROPOSED PLAN
A1.0





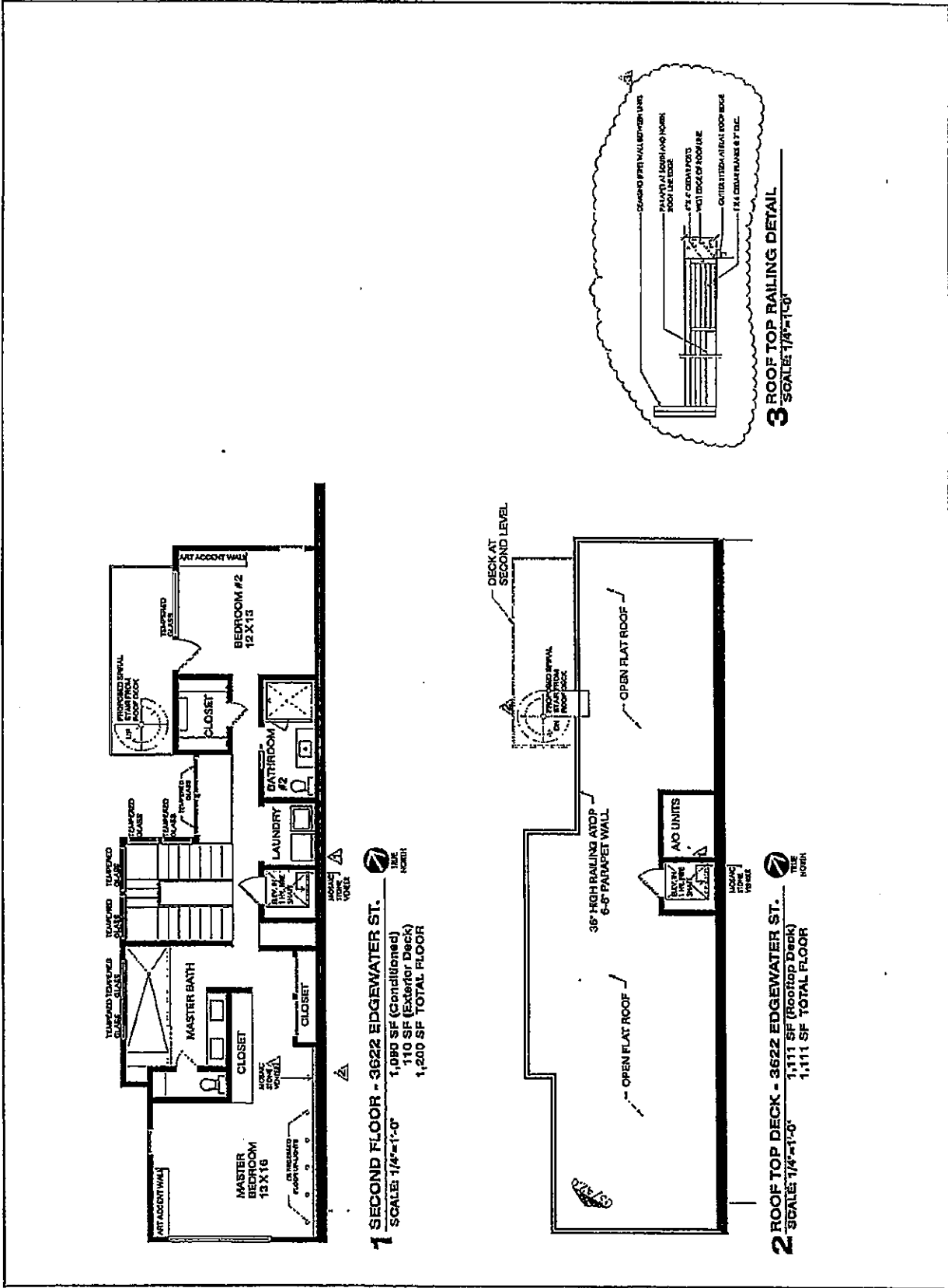
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**HARVEL RESIDENCE
3622 EDGEWATER ST.
DALLAS, TX 75205
RESIDENTIAL AS BUILT**

DATE: 05-14-2013

REVISIONS:
 1. 05-05-2013
 2. 05-05-2013
 3. 05-25-2013

SECOND FLOOR AND ROOF TOP PROPOSED PLAN
A2.0





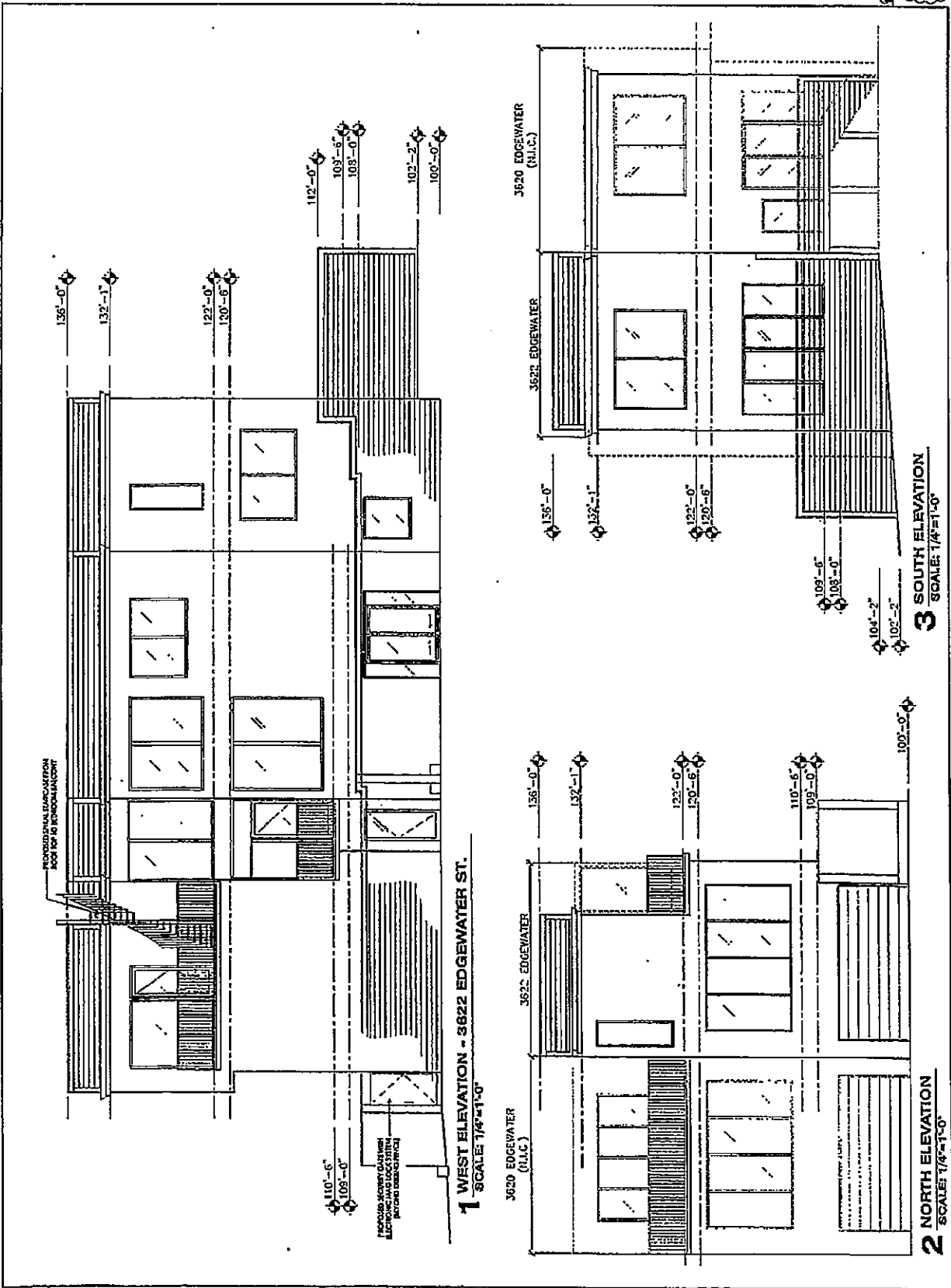
THIS DOCUMENT IS THE PROPERTY OF P. BRADY DEBORA, L.P. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF P. BRADY DEBORA, L.P.

HARVEL RESIDENCE
 3622 EDGEWATER ST.
 DALLAS, TX 75205
RESIDENTIAL AS BUILT

DATE: 05-14-2013

PROJECT: A-06-25-2013

EXISTING EXTERIOR ELEVATIONS
A3.0





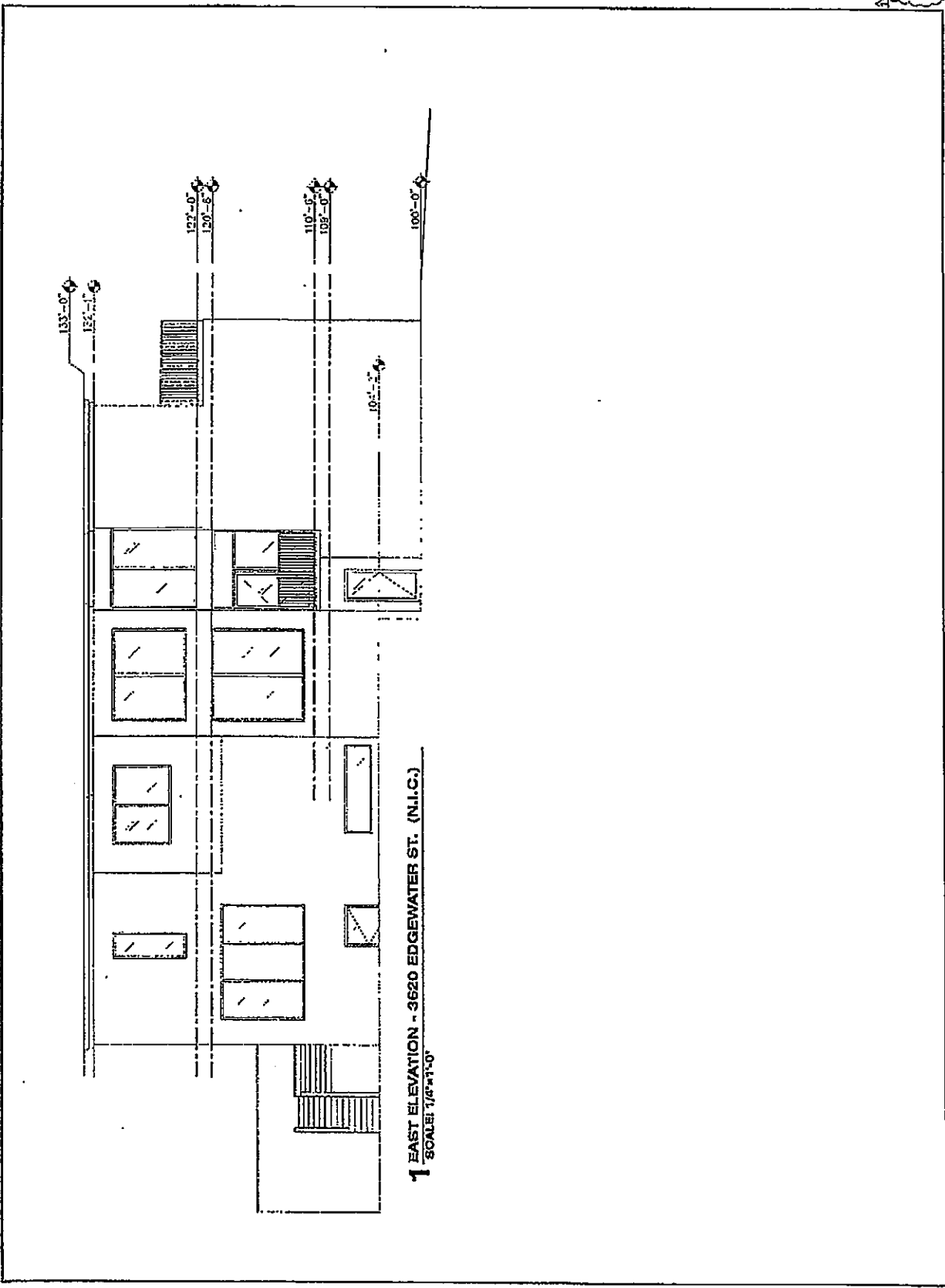
THE STATE OF TEXAS
PROFESSIONAL ENGINEERING ACT
CHAPTER 486, SUBCHAPTER C, SECTION 486.003
AN ACT TO AMEND THE PROFESSIONAL ENGINEERING ACT
TO REQUIRE THE STATE BOARD OF PROFESSIONAL ENGINEERS
TO REGISTER ARCHITECTS AS CONSULTANTS TO REGISTERED ENGINEERS

HARVEL RESIDENCE
3622 EDGEWATER ST.
DALLAS, TX 75205
RESIDENTIAL AS BUILT

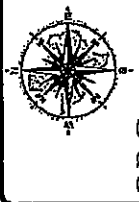
DATE: 05-14-2013

REVISIONS
A 05-25-2013

EXISTING
EXTERIOR
ELEVATION
A4.0



1 EAST ELEVATION - 3620 EDGEWATER ST. (N.I.C.)
SCALE: 1/8"=1'-0"



C.B.G. Surveying, Inc.

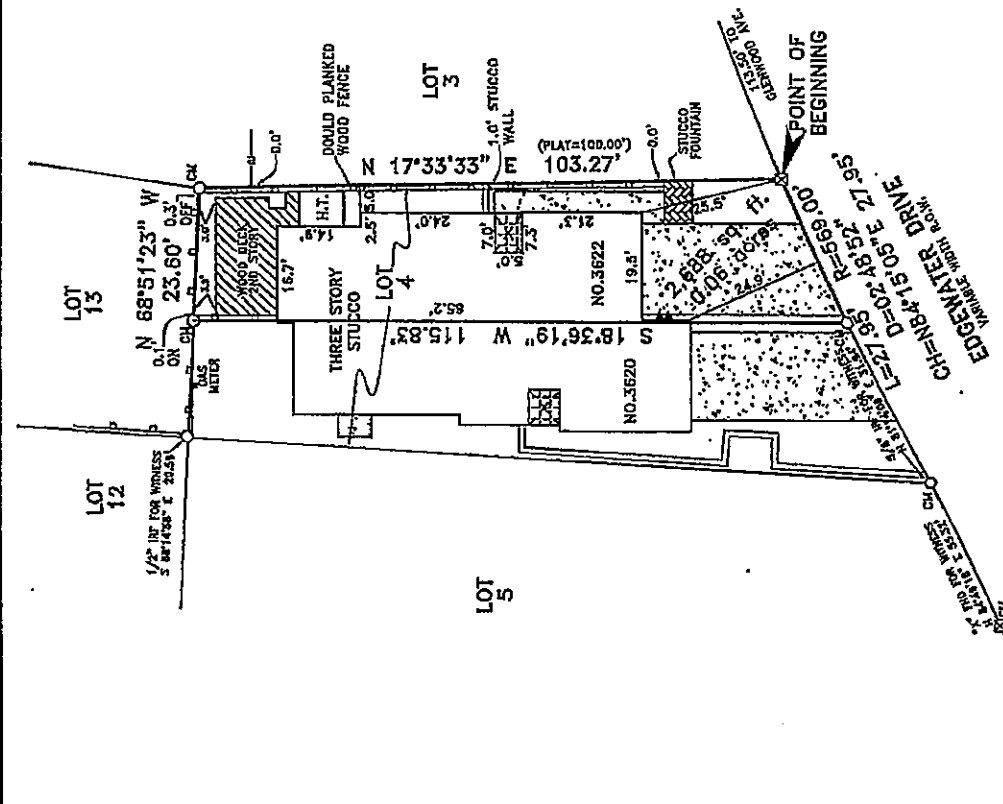


LEGEND

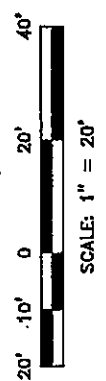
- 1/2" ROD TRAMP
- FENCE POST
- ⊕ 1/2" ROD SET
- ⊕ 5/8" ROD FOUND
- ⊕ 1" ROD FOUND
- ⊕ 1 1/2" ROD FOUND
- ⊕ 2" ROD FOUND
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- ⊕ 97" ROD FOUND
- ⊕ 98" ROD FOUND
- ⊕ 99" ROD FOUND
- ⊕ 100" ROD FOUND

EXCEPTIONS:

NOTE: This survey is made in accordance with the information provided by the client, C.B.G. Surveying, Inc. Has not researched the land title records for any encumbrances or other instruments.



3622 Edgewater Drive
 Being part of Lot 4, Block 5/2022, of Northern Hills No. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 4, Page 124, of the Map Records of Dallas County, Texas, and being part of the same tract of land conveyed to Chris Bryant and Lauren Bryant, by deed recorded in Instrument No. 2007029274, of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:
BEGINNING at an "X" found in concrete for corner, said corner lying in the South line of Edgewater Street (variable width right-of-way) and being the Northeast corner of Lot 5 in said addition, and being in a bearing of 48 minutes 52 seconds and a distance of 569.00 feet, a drift of 02 degrees 04 minutes 15 minutes 05 seconds East, 27.95 feet;
THENCE along the South line of said Edgewater Street and along said curve to the Right, an arc length of 27.95 feet to a 1/2 inch iron rod found for corner;
THENCE South 18 degrees 58 minutes 19 seconds West, a distance of 175.85 feet to a 1/2 inch iron rod found for corner, said corner lying in the Northeast line of Lot 15 in said addition;
THENCE North 68 degrees 51 minutes 23 seconds West, along the Northeast line of said Lot 15, a distance of 23.60 feet to a 1/2 inch iron rod found for corner, said corner lying in the East line of said Lot 3;
THENCE North 17 degrees 33 minutes 33 seconds East, along the East line of said Lot 3, a distance of 103.27 feet to the **POINT OF BEGINNING** and containing 2,685 square feet or 0.06 acres of land.



C.B.G. Surveying, Inc.
 12025 Shiloh Road, Ste. 230
 Dallas, TX 75228
 P 214.549.9485
 F 214.549.2216
 www.cbgdvr.com

Drawn By: BRD
 Scale: 1"=20'
 Date: 05/24/2013
 Job No. 1201049-1

This survey is made in accordance with the information provided by Republic Title of Texas, Inc. Use of this survey by any other parties other than the person or persons named herein shall be at their own risk and they shall be responsible for any error in this survey. The plat herein is a true and accurate representation of the property lines and distances as indicated on the ground and type of boundary measurements as shown on the ground.
 Accepted by: _____
 Purchaser: _____
 Date: _____

NOTES:
 BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
FLOOD NOTE: According to the F.A.M. No. 481130005 J, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

EXHIBIT A
To Application/Appeal to the Board of Adjustment

General Background

On March 20, 2013, the current homeowner purchased an approximately 3,000 SF half-duplex situated on the **western half** of the subject property located at 3622 Edgewater Street in Dallas. At the time of purchase, there existed a number of improvements within the rear, side and front setback areas. Moreover, segments of the fences along the western boundary of the property and between the two half duplexes on the property are above nine feet in height.

The current owner was not aware of the code violations at the time of purchase as the seller represented in his Seller Disclosure that all existing improvements were properly permitted and in compliance with city zoning ordinances. The current homeowner first became aware of the violations on April 26, 2013, when a Notice of Violation was posted on the door of the Property.

Requested Variances and Special Exceptions

The current homeowner has filed this appeal to request the following:

- (i) a variance of **10 feet to the 10-foot rear yard setback** of the property (for the rear yard deck and plant container structure);
- (ii) a variance of **5 feet to the 5-foot western side yard setback** of the property (for the rear-side deck, side yard fountain, hot tub and second side yard fountain structure);
- (iii) a variance of **10 feet to the 25-foot front yard setback** of the property (for the front yard fountain and storage structure); and
- (iv) **special exceptions** of (1) **three feet six inches** to the fence height restriction for the fence constructed along the western property line, and (2) **three feet** to the fence height restriction for the fence built along the property line between the two half duplexes on the property (i.e., the portion of such fence which extends into the rear setback).

The Subject Property

The parcel of land on which the subject property is situated is more fully described as **Lot 4, Block 5/2022** and is zoned **PD-193 (Subdistrict D)**. The subject property is irregular in shape, having 60 feet of frontage on Edgewater Street (the northern side of the property) that narrows to 47 feet on its rear property line (the southern side of the property). The property has a depth of 131 feet on its eastern side narrowing sharply to 103 feet of depth on its western side.

Due to the subject property's irregular shape, the western half of the lot is smaller in area (2,688 SF) than the eastern half of the lot (3,011 SF). The total combined area of the subject property is 5,699 SF. The western half of the subject property is owned by the homeowner/appellant. The setbacks and the fence heights on the western half of the property are the subject of this appeal.

The Improvements in the Set Back Areas

Improvements in the Rear Set Back Area. The improvements constructed 10 feet into the rear set back area consist of a 355 SF second floor level wooden deck on top of which sits a plant container (containing eight large magnolia trees and several smaller shrubs). Due to the very close proximity of the building on the subject property to the rear property line, the trees in the plant containers provide a privacy screen between the subject property and the neighbor to the rear (southern) side of the subject property. The privacy screen rises to a height of over 20 feet from ground level since the trees are planted in a container that is situated on the second level deck, i.e., which is constructed approximately nine feet above grade.

Improvements in the Western Side Yard Set Back Area. The rear yard deck (on top of which sits a plant container containing one magnolia tree and several shrubs) extends into the full five foot western side yard set back. Also within the western side yard set back is a fountain/hot tub structure and an additional fountain near the front entrance to the main building.

Improvements in the Front Yard Set Back Area. The improvements constructed 10 feet into the front setback area consist of a 9-foot high structure that serves as a storage area and doubles as a fountain.

The Fences

Between the Half Duplexes. A 12-foot high fence is constructed along the property line between the rear yard area of the two half duplexes built on the subject property. This fence extends 10 feet into the rear set back area.

Along the Western Property Line. A fence rising as high as 12 feet six inches from the interior grade (9 feet 10 inches from the exterior grade) is constructed along the western property line.

Reasons Why the Requested Variances Should be Granted

The appeal requesting the setback variances should be granted for the following reasons:

1. The Area and Shape of the Subject Property Differs Significantly from the Other Properties in the PD. The depth, width and area of the subject

property are disproportionately small relative to that of the other 83 parcels of property in PD-193 (Subdistrict D) (the "PD"):

- a. Area of Subject Property. The total area of the subject property is **only 5,699SF**, which is:
 - i. the **smallest lot in the entire PD**;
 - ii. **almost 1,000 SF smaller than the next smallest lot in the PD (3517/3519 Edgewater)**; and
 - iii. **2,476 SF (30%) smaller than the average area of all other lots in the PD.**

- b. Rear Width of Subject Property. The rear property line of the subject lot (south side) is **only 47 feet wide**, which is:
 - i. the **smallest width of all the properties in the PD**; and
 - ii. **14% smaller than the average width of all the other properties in the PD.**

- c. Irregular Shape; Western Side Depth. Due to the curvature of Edgewater Street, the subject property has an **irregular depth of 131 feet** on its eastern side narrowing sharply by almost 30% to **only 103 feet** on its western side, which is **31% smaller than the average depth of the other properties in the PD.**

See Schedule 1 attached hereto for the dimensions of all the properties in the PD.

2. Due to the Subject Property's Restrictive Physical Features and Irregular Shape the Variances are Necessary to Permit its Development in a Manner Commensurate with other Lots in the PD. Because of its highly restrictive area (i.e., 30% less area than the average property in the PD) and irregular shape (i.e., a western side depth of only 103 feet, which is 31% smaller than the average depth of the other properties in the PD and a rear width of only 47 feet, which is 14% smaller than the average width of the other properties in the PD), the subject property does not have the area and shape which would allow it to be developed in a manner commensurate with development of the other parcels of land in the PD.

- a. The full footprint of the improvements on the subject property total **2,910 SF (including 370 SF of area attributable to the improvements built into the set back areas).**

- b. At 2,910 SF, the full footprint of the improvements on the subject property is slightly larger (14%) than the average footprint of improvements on all the other lots in the PD (2,561 SF), but 13% smaller than the improvements on the 18 lots in the PD developed or redeveloped since the year 2000 (3,341 SF).
- c. The average unimproved area of the subject property (excluding 370 SF of improvements in the set back areas) is only 2,419 SF, which is 51% of the average unimproved area of all the other properties in the PD (5,616 SF), and 43% of the average unimproved area of the 18 properties in the PD developed or redeveloped since the year 2000.
- d. The main improvements on the subject property abut the front setback line, yet because of the unusually restrictive and irregular dimensions of the property, there is only about three feet of clearance from the rear of the building to the rear setback line and less than two feet of clearance from the building to the rear west side setback line.

In short, if the subject property possessed the physical features in terms of area, depth, and width comparable to that of the average property in the PD (e.g., an additional 2,476 SF of area and an additional 33 feet in depth), the improvements now constructed within the set backs could easily be constructed on the property without the necessity for encroaching into the rear, side and front yard set back areas.

3. **The Requested Variances will Not Relieve a Self-Created or Personal Hardship.** The unusually restrictive area, width and depth of the subject property are not self-created conditions or personal hardships, but rather are pre-existing conditions resulting from the configuration of the subdivision plat, which itself is dictated by the natural contour of the terrain in the subdivision. More specifically, the street on which the subject property is situated runs along a winding creek and green belt which cuts into the depth of the lots on the western end of this particular street and, especially, that of the subject property.
4. **The Request for the Variances is Not for Financial Reasons.** This variance request is not being made for financial reasons.
5. **Homeowner will Receive No Special Privilege.** Approval of the variance will not grant the homeowner any privilege not permitted by the zoning ordinance to other parcels of the land in the PD.
6. **The Requested Variance is Not Contrary to the Public Interest.** Granting the requested variances will not be contrary to the public interest, because owing to special conditions, which include (i) the highly restrictive size and shape of the subject property that preclude its development commensurate

with other properties in the PD, and (ii) the functionality of the improvements constructed within the setbacks, (i.e., providing an environmentally friendly, attractive and effective visual privacy screen which benefits both the subject property and its neighboring properties), the literal enforcement of the zoning ordinance would result in unnecessary hardship such that the spirit of the ordinance will be observed and substantial justice done.

Reasons for Granting the Requested Special Exceptions

Fence Along the Western Property Line. The fence along the western property line exceeds the 9-foot height restriction by three feet along a short stretch of the fence line near the rear of the property. Due to the rising grade of the property from north to south, the fence height viewed from the outside (i.e., from the neighbor's yard) is only 10 inches above the 9-foot fence height restriction. Due to the excavation of earth inside the fence line, the fence height from the inside the property line exceeds the fence height restriction by three feet. The segment of the fence above 9 feet is adjacent to the western neighbor's detached garage (about four feet distant) and double driveway, which blocks and separates the view of the fence from the neighbor's house and back yard. As such, the excessive fence height does not adversely affect the neighboring property.

Fence Along the Property Line between the Half Duplexes. The fence constructed along the rear property line between the two half duplexes on the property is 12 feet above grade and, as such, exceeds the fence height restriction in the rear setback area of the property by three feet. This fence provides a privacy screen between both half-duplexes. The neighbor in the other half-duplex desires that this fence remain in place. Therefore, the excessive fence height of this fence does not adversely affect the neighboring property.

Attachments

- Schedule 1—PD-193 (Subdistrict D) Property Areas and Dimensions
- Schedule 2—PD-193 (Subdistrict D) Footprint of Improvements

SCHEDULE 1
 PD-193 (Subdistrict D)
 Property Dimensions and Areas

Dimensions taken from DALLAS CAD and Subdivision Plats											
Nr.	Addition	Block	Lot	House Number	Street	Frontage Width (ft)	Rearage Width (ft)	Depth (ft)	Area (Sf)	Footprint of Improvements*	Unimproved Area (Sf)**
1	Northern Hills No. 2	5	1	4228 Glenwood Ave./3625 Springbrook S		60	56	140	8,400	1,912	6,488
2	Northern Hills No. 2	5	2	4234/4236	Glenwood Ave.	60	55	133	7,980	VACANT LOT	N/A
3	Northern Hills No. 2	5	3	4240 Glenwood Ave./3626 Edgewater St		66	120	125	8,250	2,879	5,372
4	Northern Hills No. 2	5	4	3320/3622	Edgewater St.	56	47	116	5,699	2,910	2,419
5	Northern Hills No. 2	5	5	3614/3416	Edgewater St.	55	55	154	8,470	3,545	4,925
6	Northern Hills No. 2	5	6	3610	Edgewater St.	55	55	154	8,470	2,544	5,926
7	Northern Hills No. 2	5	7	3604	Edgewater St.	55	53	178	9,790	1,682	8,108
8	Northern Hills No. 2	5	8	3600/3602	Edgewater St.	44	63	188	8,272	3,636	4,637
9	Northern Hills No. 2	5	9	3601/3603	Springbrook St.	59	63	150	8,850	5,008	3,842
10	Northern Hills No. 2	5	10	3605/3607	Springbrook St.	55	53	146	8,030	2,336	5,694
11	Northern Hills No. 2	5	11	3609/3611	Springbrook St.	51	55	139	7,089	1,954	5,135
12	Northern Hills No. 2	5	12	3615/3617	Springbrook St.	55	55	139	7,645	2,138	5,507
13	Northern Hills No. 2	5	13	3619/3621	Springbrook St.	51	48	132	6,732	1,843	4,889
14	Northern Hills No. 2	6	1	3628 Springbrook St./4220 Glenwood Ave		60	60	140	8,400	2,210	6,190
15	Northern Hills No. 2	6	2	4216/4218	Glenwood Ave.	60	60	140	8,400	1,890	6,510
16	Northern Hills No. 2	6	3	4212/4214	Glenwood Ave.	60	60	140	8,400	2,228	6,172
17	Northern Hills No. 2	6	4	4208	Glenwood Ave.	60	60	140	8,400	2,328	6,073
18	Northern Hills No. 2	6	5	4202/4204	Glenwood Ave.	64	64	140	8,960	1,940	7,020
19	Northern Hills No. 2	6	6	3620/3622	Springbrook St.	57	82	150	8,550	2,077	6,474
20	Northern Hills No. 2	6	7	3614/3616	Springbrook St.	57	57	150	8,550	2,368	6,182
21	Northern Hills No. 2	6	8	3610/3612	Springbrook St.	57	57	150	8,550	2,378	6,172
22	Northern Hills No. 2	6	9	3606/3608	Springbrook St.	57	57	150	8,550	2,180	6,371
23	Northern Hills No. 2	6	10	3600 Springbrook/4207 Abbott Ave.		59	71	150	8,910	2,496	6,414
24	Northern Hills No. 2	6	11	4203	Abbott Ave.	50	38	150	7,500	1,915	5,585
25	Northern Hills No. 2	6	12	3604	N Fitzhugh Ave.	50	50	150	7,500	VACANT LOT	N/A
26	Northern Hills No. 2	6	13	3610	N Fitzhugh Ave.	50	50	150	7,500	1,360	6,140
27	Northern Hills No. 2	6	14	3612	N Fitzhugh Ave.	50	50	150	7,500	1,863	5,637
28	Northern Hills No. 2	6	15	3616/3618	N Fitzhugh Ave.	50	50	150	7,500	3,448	4,052
29	Northern Hills No. 2	6	16	3620/3622	N Fitzhugh Ave.	50	50	150	7,500	2,643	4,858
30	Northern Hills No. 2	6	17	3624	N Fitzhugh Ave.	60	35	152	9,120	1,216	7,904
31	Northern Heights	A	1	4430	Abbott Ave.	50	50	160	8,000	2,676	5,324
32	Northern Heights	A	2	4434/4436	Abbott Ave.	50	50	160	8,000	3,082	4,918
33	Northern Heights	A	3	4438/4440	Abbott Ave.	50	50	160	8,000	3,011	4,989
34	Northern Heights	A	4	4442	Abbott Ave.	50	50	160	8,000	2,233	5,768
35	Northern Heights	A	5	4444/4446	Abbott Ave.	50	50	160	8,000	4,666	3,335
36	Northern Heights	A	6	3514/3516	Armstrong Ave.	160	50	50	8,000	3,832	4,168
37	Northern Heights	A	7	3510/3512	Armstrong Ave.	55	55	150	8,250	4,350	3,900
38	Northern Heights	A	8	3506	Armstrong Ave.	55	55	150	8,250	2,113	6,137
39	Northern Heights	A	9	3500	Armstrong Ave.	79	55	150	11,820	3,222	8,598
40	Northern Heights	A	10	3503	Cragmont Ave.	55	55	150	8,250	2,412	5,838
41	Northern Heights	A	11	3505/3507	Cragmont Ave.	55	55	150	8,250	2,827	5,423
42	Northern Heights	A	12	3509/3511	Cragmont Ave.	55	55	150	8,250	3,470	4,780
43	Northern Heights	B	1	4400	Abbott Ave.	50	50	160	8,000	2,286	5,714
44	Northern Heights	B	2	4406	Abbott Ave.	50	50	160	8,000	2,159	5,841
45	Northern Heights	B	3	4410	Abbott Ave.	50	50	160	8,000	1,457	6,543
46	Northern Heights	B	4	4414	Abbott Ave.	50	50	160	8,000	1,653	6,347
47	Northern Heights	B	5	4418	Abbott Ave.	50	50	160	8,000	2,002	5,998
48	Northern Heights	B	6	4422	Abbott Ave.	50	50	160	8,000	2,325	5,675
49	Northern Heights	B	7	3510	Cragmont Ave.	55	55	150	8,250	2,462	5,789
50	Northern Heights	B	8	3504/3506	Cragmont Ave.	55	55	150	8,250	3,153	5,097
51	Northern Heights	B	9	3500/3502	Cragmont Ave.	55	55	150	8,250	3,843	4,408
52	Northern Heights	B	10	3501	Overbrook	55	55	150	8,250	1,543	6,707
53	Northern Heights	B	11	3507	Overbrook	55	55	150	8,250	1,948	6,302
54	Northern Heights	B	12	3511	Overbrook	55	55	150	8,250	4,419	3,831
55	Northern Heights	C	1	4312/4314	Abbott Ave.	50	50	160	8,000	1,653	6,347

Nr.	Addition	Block	Lot	House Number	Street	Frontage Width (ft)	Rearage Width (ft)	Depth (ft)	Area (SF)	Footprint of Improvements*	Unimproved Area (SF)**
56	Northern Heights	C	2	4318	Abbott Ave.	50	50	160	8,000	2,002	5,998
57	Northern Heights	C	3	4322	Abbott Ave.	50	50	160	8,000	2,325	5,675
58	Northern Heights	C	4	3510	Overbrook	55	55	150	8,250	1,668	6,582
59	Northern Heights	C	5	3504	Overbrook	55	55	150	8,250	2,018	6,232
60	Northern Heights	C	6	3500/3502	Overbrook	55	55	150	8,250	1,482	6,768
61	Northern Heights	C	7	3501/3503	Edgewater St.	60	60	155	9,300	3,999	5,301
62	Northern Heights	C	8	3507	Edgewater St.	50	50	150	7,500	1,544	5,956
63	Northern Heights	C	9	3511	Edgewater St.	50	50	150	7,500	1,745	5,755
64	Northern Heights	C	10	3515	Edgewater St.	50	50	150	7,500	2,115	5,385
65	Northern Heights	C	11	3517/3519	Edgewater St.	48	55	144	6,624	2,191	4,433
66	Northern Heights	C	12	4300/4310	Abbott Ave.	142	60	60	8,520	3,094	5,426
67	Northern Heights	D	1	4244	Abbott Ave.	60	60	150	9,000	1,772	7,228
68	Northern Heights	D	2	3518	Edgewater St.	55	55	150	8,250	2,248	6,002
69	Northern Heights	D	3	3514	Edgewater St.	50	50	150	7,500	2,032	5,468
70	Northern Heights	D	4	3508/3510	Edgewater St.	50	50	150	7,500	3,139	4,361
71	Northern Heights	D	5	3506	Edgewater St.	50	50	156	7,795	3,334	4,461
72	Northern Heights	D	6	3502	Edgewater St.	61	60	156	9,448	2,057	7,391
73	Northern Heights	D	7	3501/3503	Springbrook St.	60	60	156	9,354	3,439	5,915
74	Northern Heights	D	8	3505	Springbrook St.	50	50	150	7,500	2,978	4,523
75	Northern Heights	D	9	3509/3511	Springbrook St.	50	50	150	7,500	2,680	4,820
76	Northern Heights	D	10	3513/3515	Springbrook St.	50	50	150	7,500	3,039	4,461
77	Northern Heights	D	11	3517	Springbrook St.	50	50	150	7,500	1,841	5,659
78	Northern Heights	D	12	3525	Springbrook St.	60	60	150	9,000	VACANT LOT	N/A
79	Northern Heights	E	1	4222	Abbott Ave.	60	60	150	9,000	3,523	5,477
80	Northern Heights	E	2	3518	Springbrook St.	55	55	150	8,250	3,002	5,248
81	Northern Heights	E	3	3512/3514	Springbrook St.	50	50	150	7,500	4,276	3,224
82	Northern Heights	E	4	3508/3510	Springbrook St.	50	50	150	7,500	3,311	4,190
83	Northern Heights	E	5	3504/3506	Springbrook St.	50	50	150	7,500	3,147	4,353
84	Northern Heights	E	6	3502	Springbrook St.	60	60	150	9,000	2,087	6,913

	Frontage Width (ft)	Rearage Width (ft)	Depth (ft)	Area (SF)	Footprint of Improvements*	Unimproved Area (SF)**
Subject Property	56	47	116	5,699	2,910	2,419
Average Properties Other than Subject Property	57	55	149	8,176	2,561	5,616
Subject Property as % of Avg. Other Properties	99%	86%	78%	70%	114%	43%
Average Post-2000 Developed Properties (18 Lots)					3,341	4,776
Subject Property as % Post-2000 Developed Lots					87%	51%

*Calculated from Dallas Central Appraisal District published property information. For subject property, includes all structures in set back areas.

**Excludes vacant lots. For the subject property excludes the encroachment area attributable to the structures within the setbacks (370 SF)

SCHEDULE 2
 PD-193 (Subdistrict D)
 Calculation of Footprint of Building Improvements

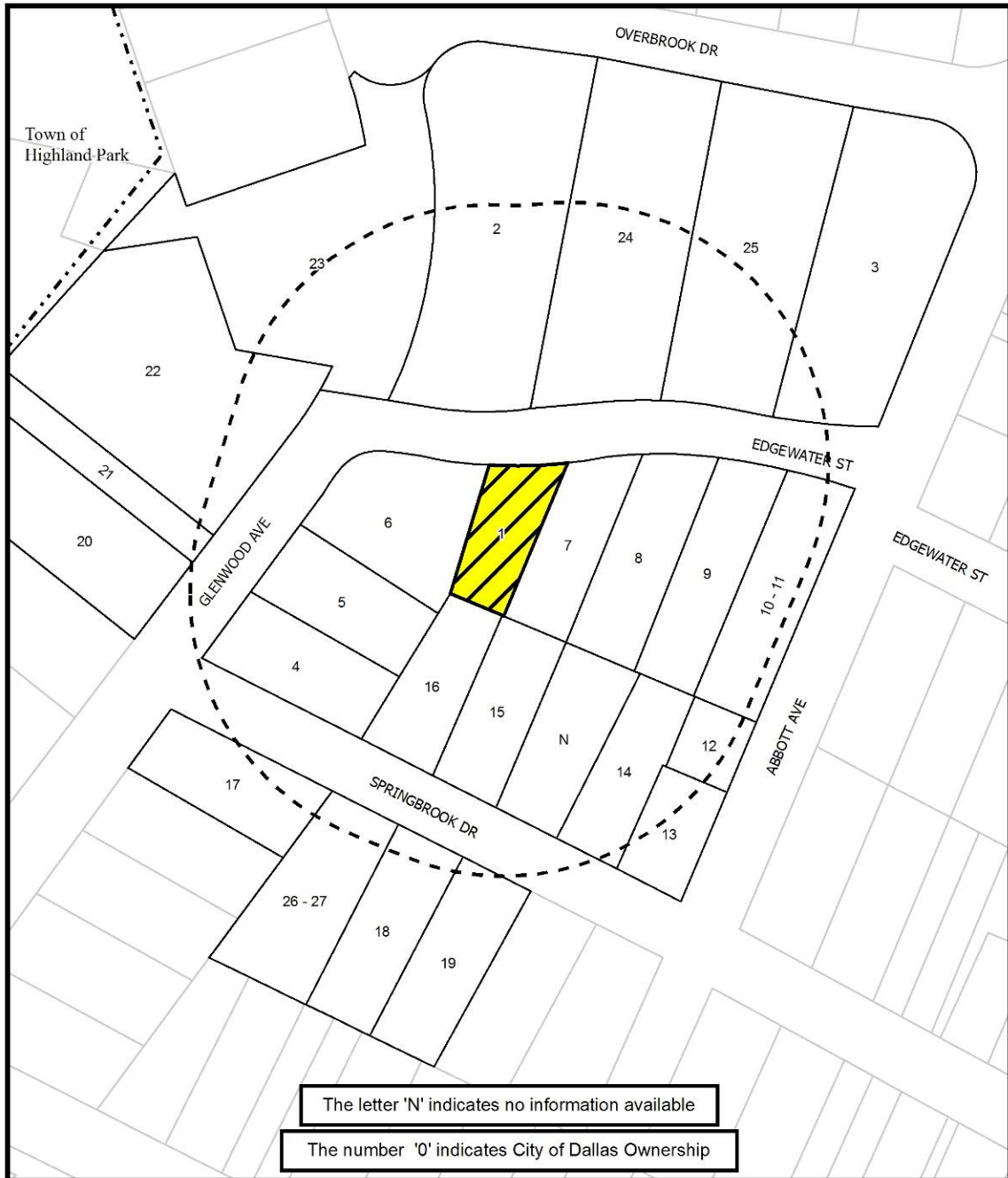
According to Areas Published by the DALLAS CAD

Nr.	Addition	Block	Lot	House Number	Street	Main Improvements (SF)	Additional Improvements (SF)	Stories	Combined Footprint (SF)*	Constr. Yr.	
1	Northern Hills No. 2	5	1	4228 Glenwood Ave./3625 Springbrook St.		3,024	400	2	1,912	1938	
2	Northern Hills No. 2	5	2	4234/4236	Glenwood Ave.					Vacant Lot	
3	Northern Hills No. 2	5	3	4240 Glenwood Ave./3626 Edgewater St.		4,191	783	2	2,879	1941	
4	Northern Hills No. 2	5	4	3320/3622	Edgewater St.		8,419	5	2,910	2033	
5	Northern Hills No. 2	5	5	3614/3416	Edgewater St.		7,090	2	3,545	2011	
6	Northern Hills No. 2	5	6	3610	Edgewater St.		3,104	2	2,544	1946	
7	Northern Hills No. 2	5	7	3604	Edgewater St.		2,484	2	1,682	1939	
8	Northern Hills No. 2	5	8	3600/3602	Edgewater St.		3,573	2	3,636	1952	
9	Northern Hills No. 2	5	9	3601/3603	Springbrook St.		9,876	3	5,008	2006	
10	Northern Hills No. 2	5	10	3605/3607	Springbrook St.		2,560	2	2,336	1937	
11	Northern Hills No. 2	5	11	3609/3611	Springbrook St.		3,260	2	1,954	1962	
12	Northern Hills No. 2	5	12	3615/3617	Springbrook St.		3,264	2	2,138	1948	
13	Northern Hills No. 2	5	13	3619/3621	Springbrook St.		2,414	2	1,843	1947	
14	Northern Hills No. 2	6	1	3628 Springbrook St./4220 Glenwood Ave.		3,220	600	2	2,210	1946	
15	Northern Hills No. 2	6	2	4216/4218	Glenwood Ave.		2,700	2	1,890	1946	
16	Northern Hills No. 2	6	3	4212/4214	Glenwood Ave.		3,256	2	2,228	1947	
17	Northern Hills No. 2	6	4	4208	Glenwood Ave.		3,455	2	2,328	1950	
18	Northern Hills No. 2	6	5	4202/4204	Glenwood Ave.		2,280	2	1,940	1950	
19	Northern Hills No. 2	6	6	3620/3622	Springbrook St.		3,073	2	2,077	1950	
20	Northern Hills No. 2	6	7	3614/3616	Springbrook St.		3,080	2	2,368	1945	
21	Northern Hills No. 2	6	8	3610/3612	Springbrook St.		2,240	1.5	2,378	1947	
22	Northern Hills No. 2	6	9	3606/3608	Springbrook St.		3,495	2	2,180	1936	
23	Northern Hills No. 2	6	10	3600 Springbrook/4207 Abbott Ave.		2,580	1,206	2	2,496	1949	
24	Northern Hills No. 2	6	11	4203	Abbott Ave.		1,915	1	1,915	1950	
25	Northern Hills No. 2	6	12	3604	N Fitzhugh Ave.					Vacant Lot	
26	Northern Hills No. 2	6	13	3610	N Fitzhugh Ave.		2,720	2	1,360	1946	
27	Northern Hills No. 2	6	14	3612	N Fitzhugh Ave.		2,526	2	1,863	1948	
28	Northern Hills No. 2	6	15	3616/3618	N Fitzhugh Ave.		7,220	3	3,448	2007	
29	Northern Hills No. 2	6	16	3620/3622	N Fitzhugh Ave.		3,685	2	2,643	1946	
30	Northern Hills No. 2	6	17	3624	N Fitzhugh Ave.		2,432	2	1,216	1953	
31	Northern Heights	A	1	4430	Abbott Ave.		5,352	2	2,676	2009	
32	Northern Heights	A	2	4434/4436	Abbott Ave.		8,515	3	3,082	2006	
33	Northern Heights	A	3	4438/4440	Abbott Ave.		8,410	3	3,011	2006	
34	Northern Heights	A	4	4442	Abbott Ave.		4,465	2	2,233	1991	
35	Northern Heights	A	5	4444/4446	Abbott Ave.		6,999	2	4,666	2002	
36	Northern Heights	A	6	3514/3516	Armstrong Ave.		11,496	3	3,832	2008	
37	Northern Heights	A	7	3510/3512	Armstrong Ave.		4,350	1	4,350	1985	
38	Northern Heights	A	8	3506	Armstrong Ave.		1,753	1	2,113	1931	
39	Northern Heights	A	9	3500	Armstrong Ave.		4,444	2	3,222	1931	
40	Northern Heights	A	10	3503	Cragmont Ave.		4,392	2	2,412	2011	
41	Northern Heights	A	11	3505/3507	Cragmont Ave.		8,482	3	2,827	2006	
42	Northern Heights	A	12	3509/3511	Cragmont Ave.		6,940	2	3,470	2005	
43	Northern Heights	B	1	4400	Abbott Ave.		1,311	1	2,286	1926	
44	Northern Heights	B	2	4406	Abbott Ave.		1,631	1	2,159	1926	
45	Northern Heights	B	3	4410	Abbott Ave.		1,177	1	1,457	1926	
46	Northern Heights	B	4	4414	Abbott Ave.		1,365	1	1,653	1926	
47	Northern Heights	B	5	4418	Abbott Ave.		1,602	1	2,002	1925	
48	Northern Heights	B	6	4422	Abbott Ave.		1,725	1	2,325	1926	
49	Northern Heights	B	7	3510	Cragmont Ave.		4,923	2	2,462	1998	
50	Northern Heights	B	8	3504/3506	Cragmont Ave.		6,024	141	2	3,153	2003
51	Northern Heights	B	9	3500/3502	Cragmont Ave.		7,585	2	3,843	2002	
52	Northern Heights	B	10	3501	Overbrook		1,255	1	1,543	1928	
53	Northern Heights	B	11	3507	Overbrook		2,922	1.5	1,948	1925	
54	Northern Heights	B	12	3511	Overbrook		1,811	2,608	1	4,419	1946
55	Northern Heights	C	1	4312/4314	Abbott Ave.		1,365	288	1	1,653	1926
56	Northern Heights	C	2	4318	Abbott Ave.		1,602	400	1	2,002	1925

Nr.	Addition	Block	Lot	House Number	Street	Main Improvements (SF)	Additional Improvements (SF)	Stories	Combined Footprint (SF)*	Constr. Yr.
57	Northern Heights	C	3	4322	Abbott Ave.	1,725	600	1	2,325	1926
58	Northern Heights	C	4	3510	Overbrook	1,448	220	1	1,668	1925
59	Northern Heights	C	5	3504	Overbrook	2,018	-	1	2,018	1925
60	Northern Heights	C	6	3500/3502	Overbrook	1,482	-	1	1,482	1928
61	Northern Heights	C	7	3501/3503	Edgewater St.	5,101	598	1.5	3,999	1982
62	Northern Heights	C	8	3507	Edgewater St.	2,316	-	2	1,544	1983
63	Northern Heights	C	9	3511	Edgewater St.	1,305	440	1	1,745	1926
64	Northern Heights	C	10	3515	Edgewater St.	1,395	720	1	2,115	1926
65	Northern Heights	C	11	3517/3519	Edgewater St.	4,382	-	2	2,191	1969
66	Northern Heights	C	12	4300/4310	Abbott Ave.	3,066	1,561	2	3,094	2001
67	Northern Heights	D	1	4244	Abbott Ave.	4,431	-	2.5	1,772	2003
68	Northern Heights	D	2	3518	Edgewater St.	3,056	720	2	2,248	1931
69	Northern Heights	D	3	3514	Edgewater St.	2,032	-	1	2,032	1940
70	Northern Heights	D	4	3508/3510	Edgewater St.	4,708	-	1.5	3,139	1986
71	Northern Heights	D	5	3506	Edgewater St.	6,668	-	2	3,334	1991
72	Northern Heights	D	6	3502	Edgewater St.	4,114	-	2	2,057	1995
73	Northern Heights	D	7	3501/3503	Springbrook St.	6,878	-	2	3,439	1987
74	Northern Heights	D	8	3505	Springbrook St.	3,387	1,284	2	2,978	2001
75	Northern Heights	D	9	3509/3511	Springbrook St.	5,360	-	2	2,680	1990
76	Northern Heights	D	10	3313/3515	Springbrook St.	7,678	480	3	3,039	2007
77	Northern Heights	D	11	3517	Springbrook St.	2,842	420	2	1,841	1948
78	Northern Heights	D	12	3525	Springbrook St.	-	-	-	-	Vacant Lot
79	Northern Heights	E	1	4222	Abbott Ave.	5,285	-	1.5	3,523	1994
80	Northern Heights	E	2	3518	Springbrook St.	3,779	483	1.5	3,002	1928
81	Northern Heights	E	3	3512/3514	Springbrook St.	7,352	600	2	4,276	2006
82	Northern Heights	E	4	3508/3510	Springbrook St.	6,621	-	2	3,311	1992
83	Northern Heights	E	5	3504/3506	Springbrook St.	6,294	-	2	3,147	1995
84	Northern Heights	E	6	3502	Springbrook St.	1,405	682	1	2,087	1928

Average of All Improved Lots other than Subject Property	2,561
Subject Property as % of all other Improved Lots	114%
Average of Improved Lots Developed since 2000 (18 Lots)	3,341
Subject Property as % of Post-2000 Improved Lots	87%

*The areas of Improvements have been obtained from information on each property as published on the Dallas Central Appraisal District web site. The footprint of improvements on each parcel of property is calculated by dividing the total area of main building improvements and any attached additional improvements by the number of stories in the building. The area of additional improvements which are detached, such as garages, storage buildings, decking and other structures, have been added to the footprint area. Vacant lots are not factored into this calculation. The footprint calculation for the subject property was determined by the surveyor and architect.



 1:1,200	NOTIFICATION		Case no: BDA123-080
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/24/2013	

Notification List of Property Owners

BDA123-080

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3620 EDGEWATER DR	BRYANT CHRIS & LAUREN
2	3630 OVERBROOK DR	SOLOMON GLENN J
3	3604 OVERBROOK DR	SANDLIN WILLIAM C & JANE M
4	4228 GLENWOOD AVE	THOMAS MARTIN S & SHERRYL S
5	4234 GLENWOOD AVE	KNOX JACK D % ONE TURTLE CREEK
6	4240 GLENWOOD AVE	PLATTNER FAMILY TRUST B
7	3614 EDGEWATER DR	UNIQUE CHATEAUS OF DALLAS LLC
8	3610 EDGEWATER DR	HOLLAND JOHN & JANET
9	3604 EDGEWATER DR	RUTLEDGE BRANDON
10	3602 EDGEWATER DR	CAMMACK NED D & SUSAN J
11	3600 EDGEWATER DR	CAMMACK NED D & SUSAN J
12	3603 SPRINGBROOK ST	MASTERS MICHAEL E & THOMAS JEFFREY A
13	3601 SPRINGBROOK ST	BENT JERRE VANDEN
14	3607 SPRINGBROOK ST	LUTER KAREN L
15	3615 SPRINGBROOK ST	MURPHY KELLI M
16	3619 SPRINGBROOK ST	DESANDERS JUDY
17	3628 SPRINGBROOK ST	KNOX JACK D
18	3614 SPRINGBROOK ST	RETHKE MARY ANN & BRUCE P WEALE
19	3610 SPRINGBROOK ST	TR FAMILY TRUST THE
20	4233 GLENWOOD AVE	PENN ROBERT R & KATHERINE B
21	4235 GLENWOOD AVE	PENN ROBERT & KATHRINE
22	4241 GLENWOOD AVE	KIDD JANE DUPONT
23	4315 GLENWOOD AVE	KIDD BARRON U & JANE D
24	3620 OVERBROOK DR	MCADAMS MICHAEL W
25	3612 OVERBROOK DR	3612 OVERBROOK LLC
26	3620 SPRINGBROOK ST	ONEAL CECIL & REBECCA YOUNG

7/23/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3622 SPRINGBROOK ST	SMITH ANDREW C & DONNA GUERRA-SMITH

FILE NUMBER: BDA 123-054

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

LOCATION: 8000 Park Lane

APPLICANT: Colesen C. Evans

FILE NUMBER: BDA 123-054

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The subject site is restricted in its developable area given its multiple front yards, its narrow width, and an off-set at the corner of Park Lane and the north bound frontage road to accommodate a TXDOT deceleration lane which (according to the applicant) without this required lane, a variance would not be required.
- Granting the variance to the urban form front yard setback regulations (with the suggested condition imposed) would not be contrary to the public interest since the portion of the proposed structure to be “varied” is:
 - A maximum 80’ in height or 35’ above/beyond the 45’ height in which the additional 20’ urban form front yard setback begins; and
 - Located on a portion of the site that abuts the I-75/North Central Expressway service road where the property to the west is separated by over 300’ of public right-of-way.

BACKGROUND INFORMATION:

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

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

Land Use:

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

Zoning/BDA History:

1. BDA 101-019, Property at 8000Park Lane (the subject site)

On February 17, 2011, the Board of Adjustment Panel C granted requests for variances to the urban form front yard setback regulations of up to 10.75’ The board imposed the following condition:

compliance with the submitted site plan is required. The case report stated that the requests were made in conjunction with constructing and maintaining an approximately 400 square foot 68' high sign "structure" that would not comply with the required 35' front yard setback for the portion of it above 45' in height along Blackwell Street and the I-75/North Central Expressway service road. It was noted that the site was developed as a mixed use development (Park Lane).

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

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

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

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

owner must immediately mitigate that deficiency as may be agreed between the applicant or property owner and the Department of Development Services. The case report stated that the request was made in conjunction with developing a 33-acre site with mixed-uses.

Timeline:

March 29, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 15, 2013: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

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

- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

- June 17, 2013: The Board of Adjustment Panel C conducted a public hearing on this application. The Board held the request under advisement until August 19, 2013 in order for staff to attempt to obtain a five member panel that could hear the application on this date.
- June 25, 2013: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the July 31st deadline to submit any additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- July 5, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date that the panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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 1, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application, and beyond the materials that were part of the record at the June 17th public hearing (see Attachment A).
- August 6, 2013: 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 Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 80' high mixed use (retail/restaurant/office) structure with an approximately 32,000 square foot building footprint that does not comply with the required 35' front yard setback (or additional 20' setback to the required 15' front yard setback) for that portion of the structure above 45' in height along the I-75/North Central Expressway service road. The site is developed as a mixed use development (Park Lane).
- Development on lots zoned MU-3 are required to provide a 15' front yard setback and an additional 20' setback for any portion of a structure above 45' in height.
- The applicant has submitted an overall site plan (that includes a "detail plan" and "site section" document indicating the portion of the proposed structure above 45' in height that is located as close as 15' 6" from the site's front property line along the I-75/North Central Expressway service road but as much as 19' 6" into the 35' front yard setback *for the portion of a structure over 45' in height*).
- The submitted "detail plan" denotes a hatched area that is the building area within the urban form setback; with average grade being about 579' with a new proposed tower height of approximately 658'.
- The applicant has submitted a "site section" document representing how the upper two stories of the proposed 5 story structure encroaches into the additional 20' front yard setback for the portion of the structure above 45' in height.
- The applicant has submitted a document stating that the area that is proposed to encroach into the urban form setback is approximately 4 percent of the building square footage.
- Staff has interpreted that the additional 20' setback provision for structures or portions of structures higher than 45' in height was enacted to discourage a canyon effect that a structure may create once it exceeds a specific height, and that this additional front yard setback was enacted to ensure openness, light, and airflow between tower structures.
- According to the applicant, about 4 percent (or about 6,500 square feet) of the total area of the structure (approximately 160,000 square feet) encroaches into the urban form setback. The applicant states that there are 5 floors at approximately 32,000 each where portions of the 2 upper floors that intrude into the urban form setback.
- The subject site is somewhat sloped, slightly irregular in shape, and, according to the application, 33.32 acres in area. The site is zoned MU-3(SAH). The site encompasses an entire block whereby given this and its zoning, the site has 4 front yard setbacks.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the urban form front yard setback requested to construct and maintain an approximately 80' high structure will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same MU-3 zoning classification.

- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MU-3 zoning classification.
- If the Board were to grant the urban form front yard variance request of up to 19' 6", imposing a condition whereby the applicant must comply with the submitted site plan and site section document, the structure would be limited to what is shown on these documents – a structure that complies with setbacks 45' in height and below, but where 35' of the structure proposed to exceed 45' in height would be allowed to be located in the additional 20' setback along the I-75/North Central Expressway service road.

***Member Robert Agnich recused himself and did not hear or vote on this matter.**

BOARD OF ADJUSTMENT ACTION: JUNE 17, 2013

APPEARING IN FAVOR: Barry Knight, 2728N. Harwood, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION:**Maten**

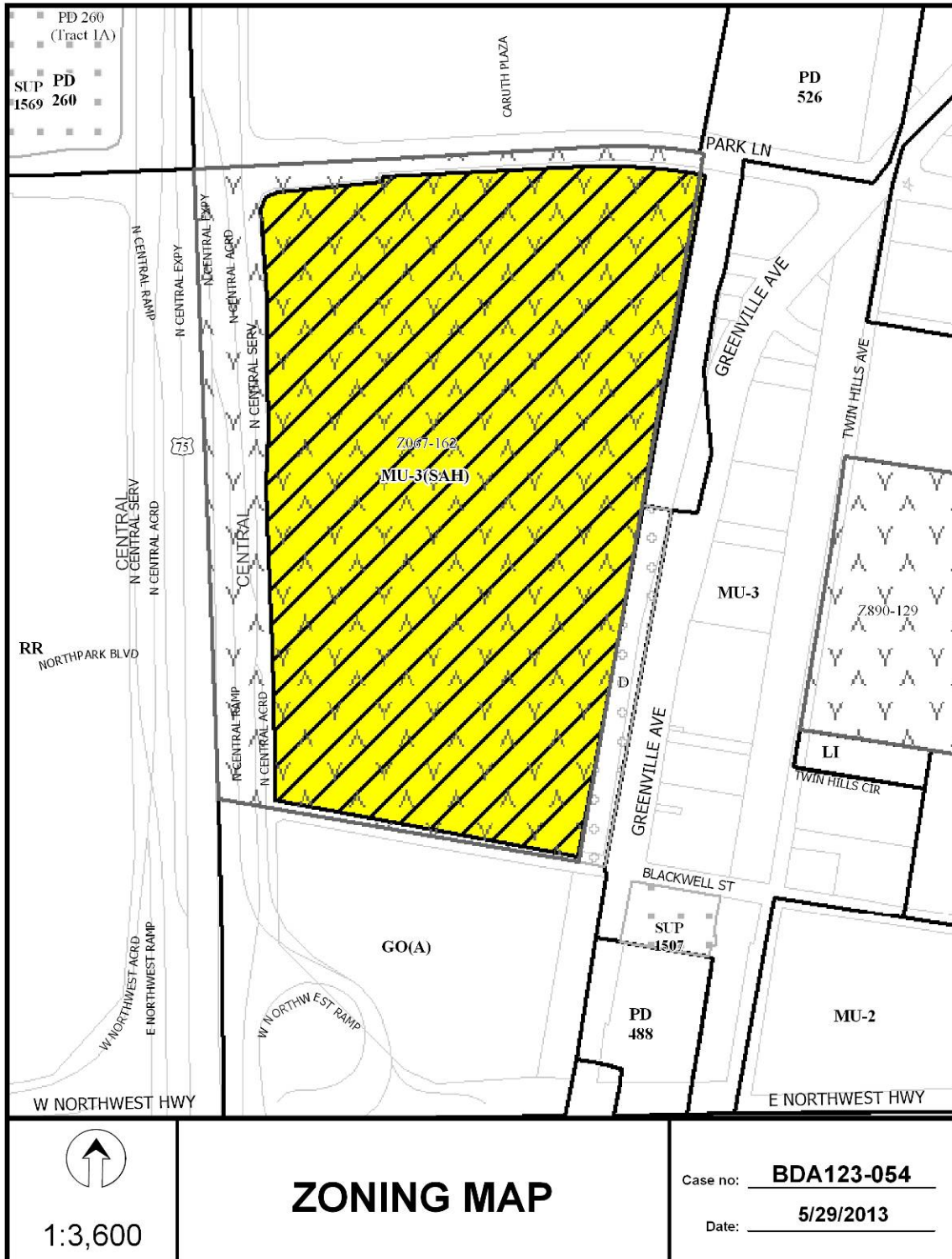
I move that the Board of Adjustment, in Appeal No. **BDA 123-054**, hold this matter under advisement until **August 19, 2013**.

SECONDED: **Coulter**

AYES: 4–Richardson, Maten, Coulter, Lewis

NAYS: 0–

MOTION PASSED: 4– 0 (unanimously)



VARIANCE REQUEST TO URBAN FORM SETBACK



BDA 123-054
Attach A
Pg 1

THE VISION



8000 Park Lane represents the opportunity to bring a defined and human-scaled entry to the Shops at Park Lane along with much-needed public open space that is currently lacking. The proposed park will bring a vital “heart beat” and sense of place to the project.

Due to the unusually narrow dimension of the block and other constraints outlined on the following pages, a variance to the urban form setback is requested to allow the proposed development to proceed.

VIEW FROM PARK LANE - CURRENT



Current view from Park Lane looking into the Shops at Park Lane

BDA 123-054
Attach A
Pg 3

VIEW FROM PARK LANE – FALL 2014



A new low-scale office building will serve as the project's front door and create a "gateway" entrance into the project

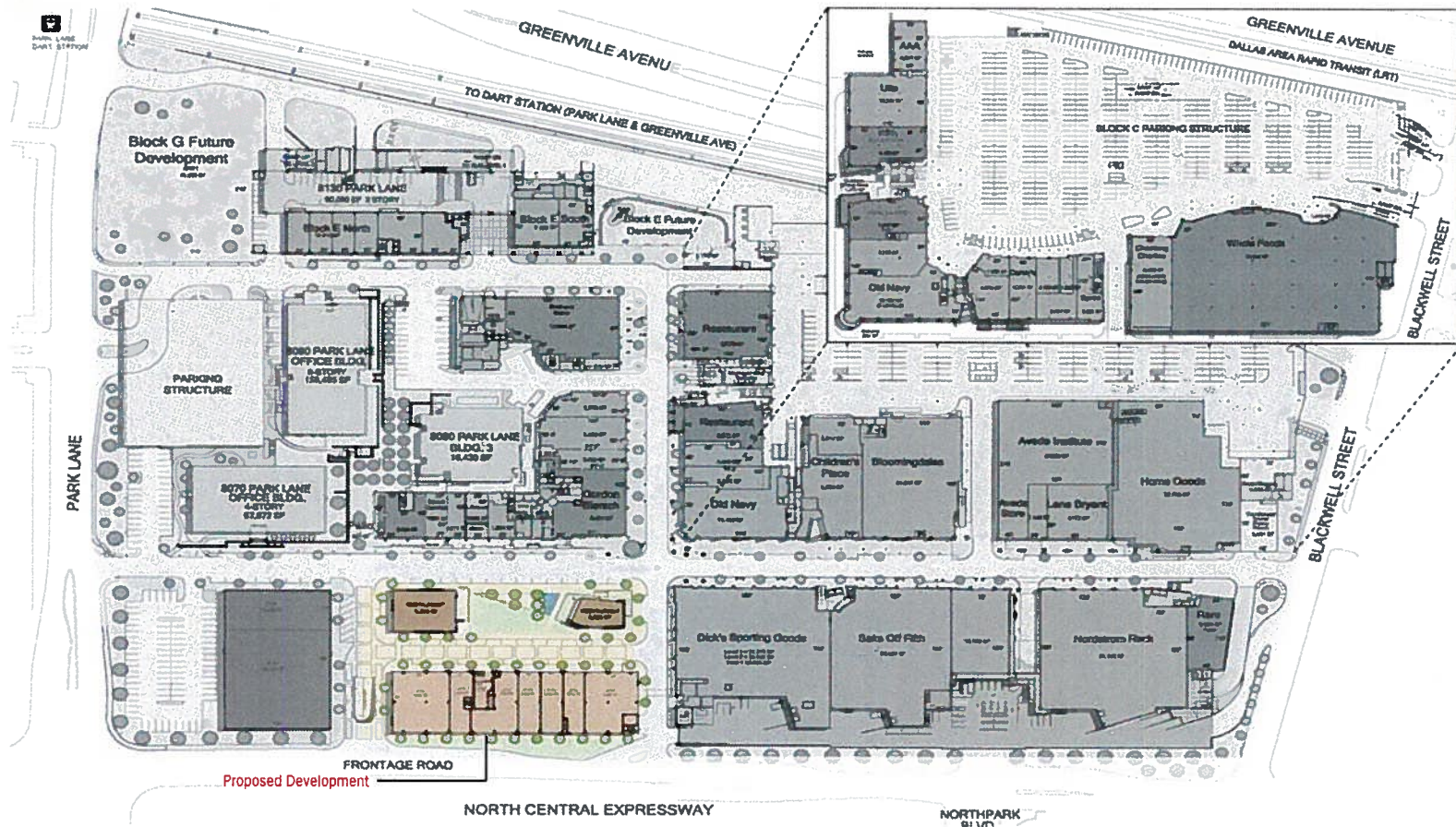
PLANNED GREEN SPACE – FALL 2014



BDA 123-054
Attach A
Pg 5

The proposed park creates a central gathering place and much needed public open space that will serve the entire development and community .

OVERALL SITE PLAN



The variance request applies to the “Block A” parcel highlighted above. Because the project is platted as a single lot, the application appears to apply to the entire 33 acre lot, the balance of which has already been developed.

BDA 123-054
 Attach A
 Pg 6

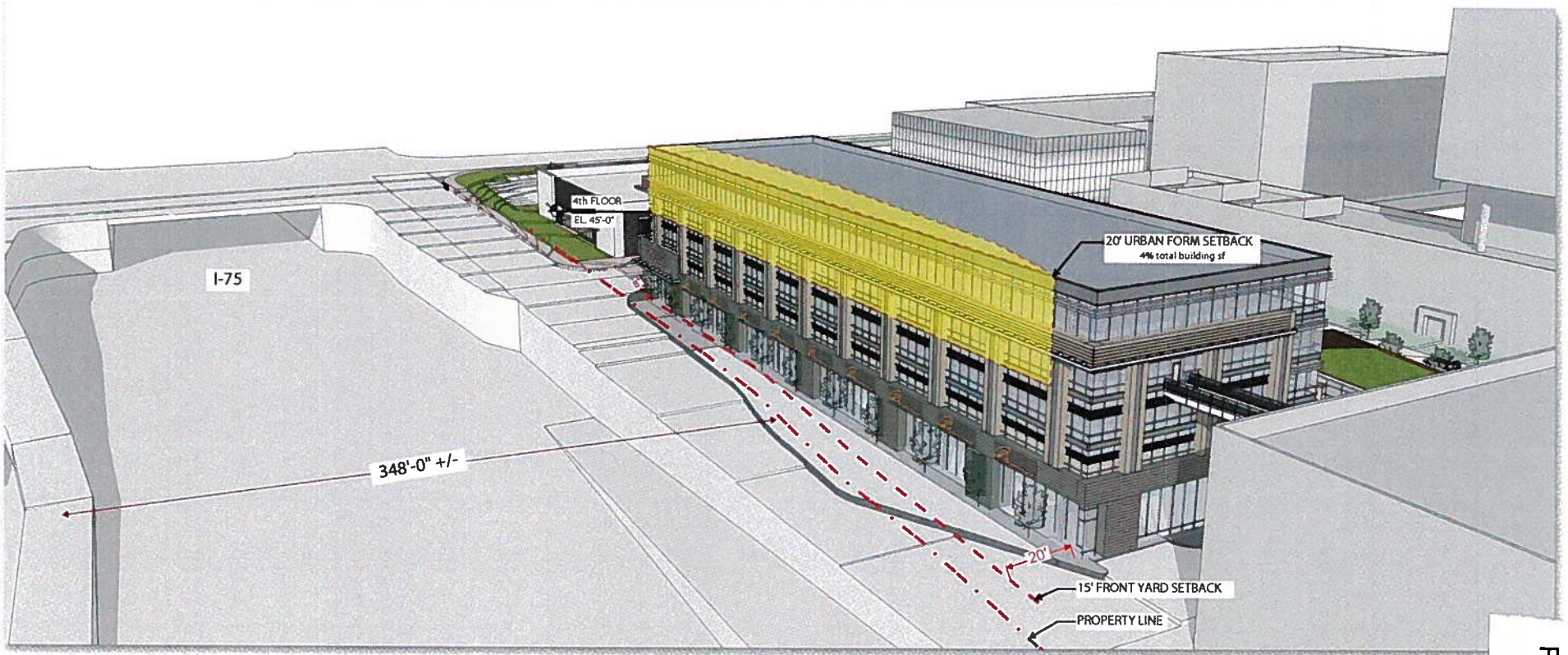
VIEW FROM PARK LANE AND CENTRAL – CURRENT



Current view from the intersection of Park Lane and North Central Expressway

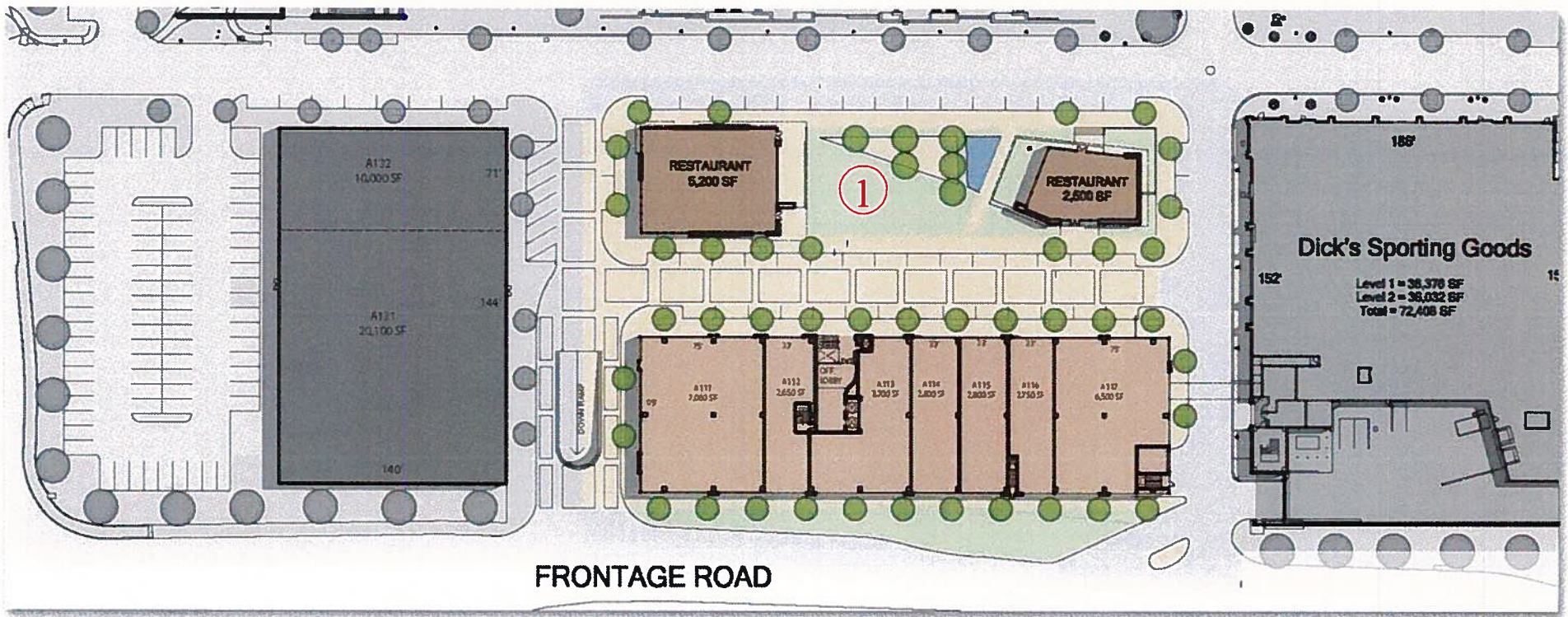
BDA 123-054
Attach A
Pg 7

SUMMARY OF VARIANCE REQUEST



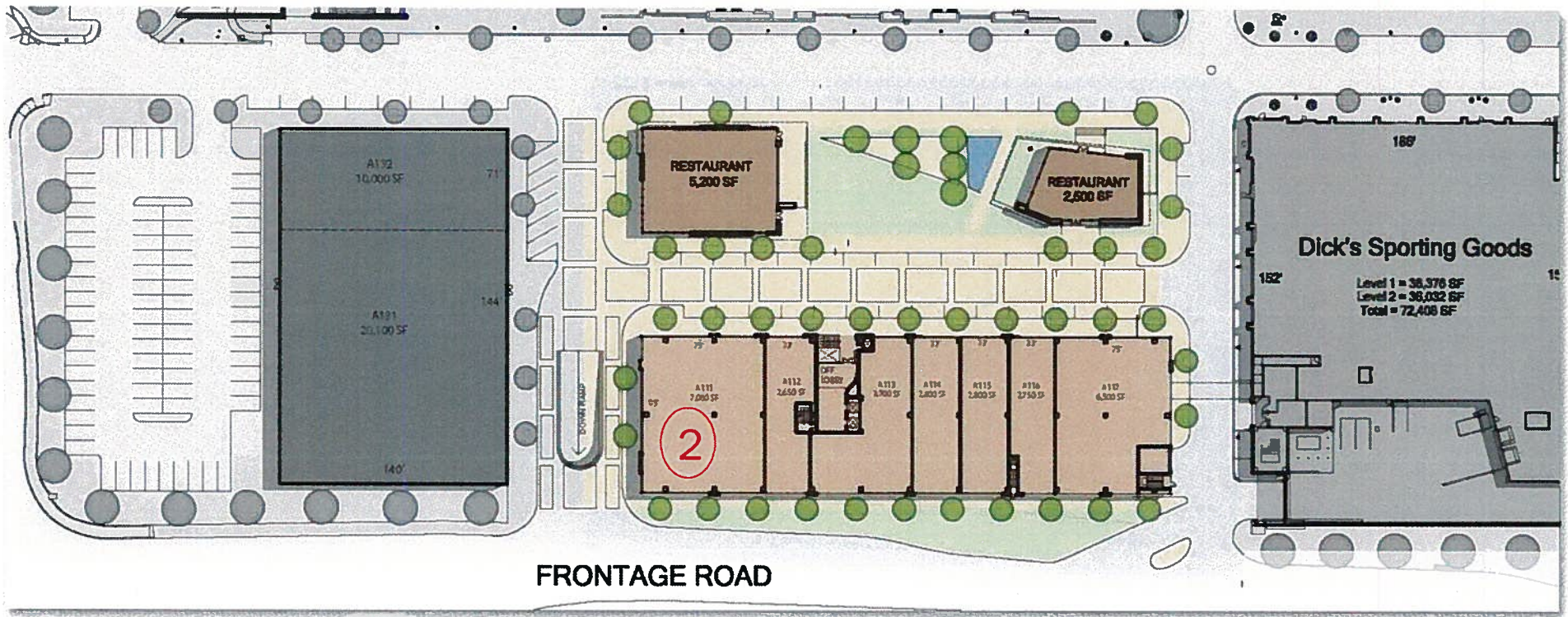
The variance only applies to the highlighted portion of the 4th and 5th floors that varies from 1”- to 19’.
This area represents approximately 4% of the building square footage.

SITE CONSTRAINTS/HARDSHIPS - 1



The park cannot be narrowed and still function as a central gathering space of appropriate size to support a project of this size.

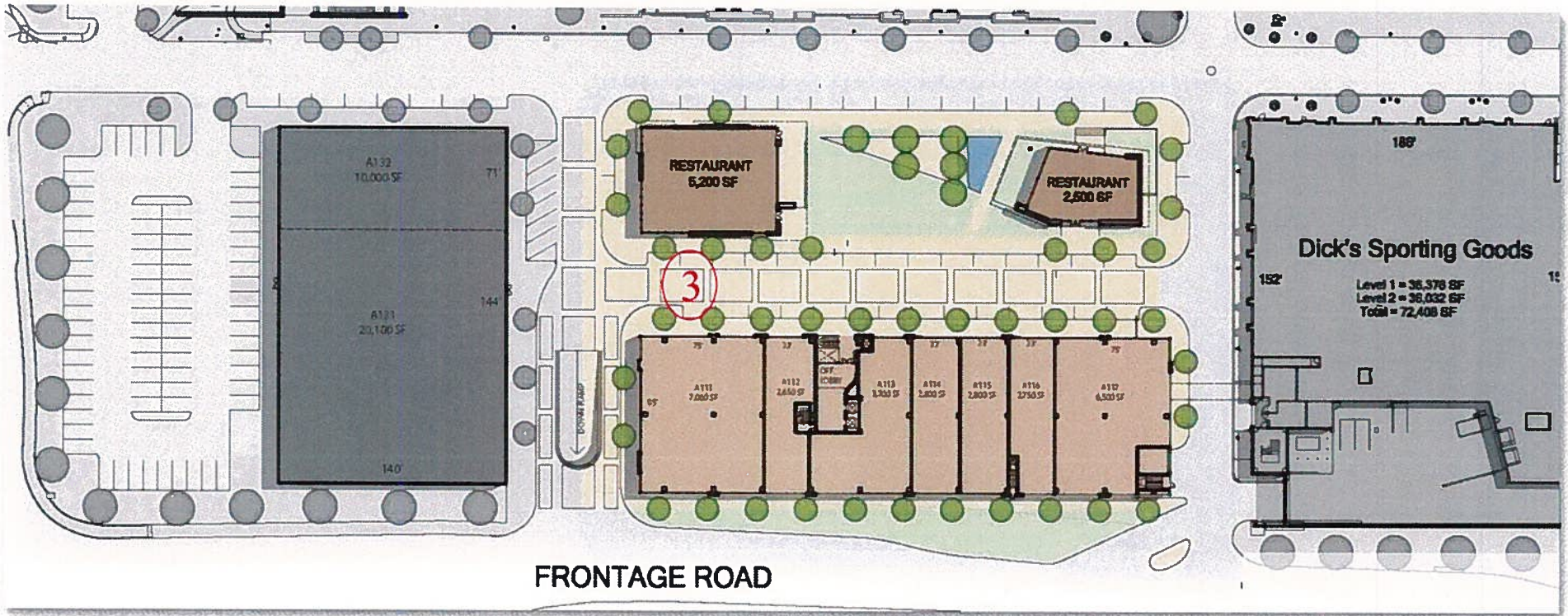
SITE CONSTRAINTS/HARDSHIPS - 2



Minimum building depth shown, cannot be narrowed. This is driven by the column alignment through the retail and subterranean parking as well as the circulation around the central core of the office building.

BDA 123-054
Attach A
Pg 10

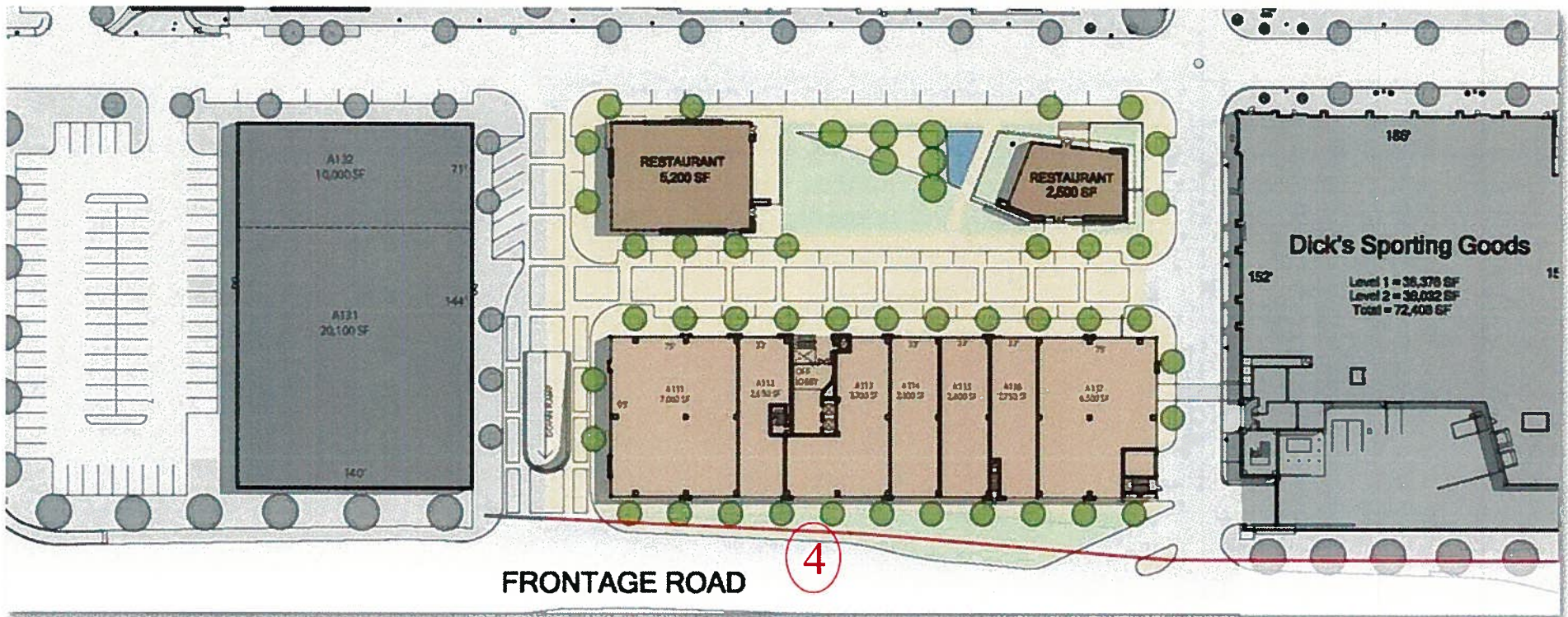
SITE CONSTRAINTS/HARDSHIPS - 3



Ground floor retail and office lobby must front a street to be successful. It will not be leasable if the street was removed. Additionally, the street will become part of the park for large events.

BDA 123-054
Attach A
Pg 11

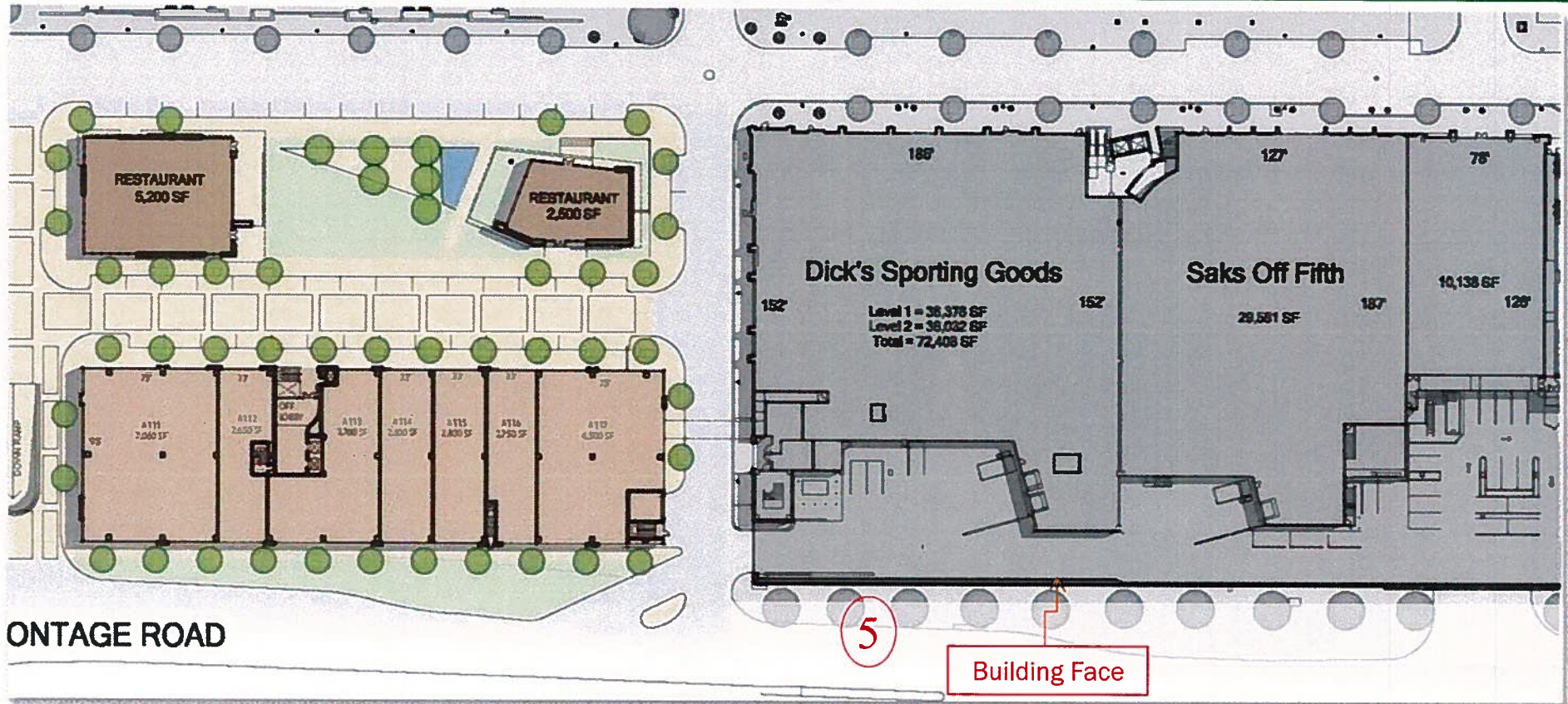
SITE CONSTRAINTS/HARDSHIPS - 4



Right of Way Line moves east into property to accommodate TXDOT required deceleration lane. Without the existence of the required deceleration lane, a variance would not be required.

BDA 123-054
Attach A
Pg 12

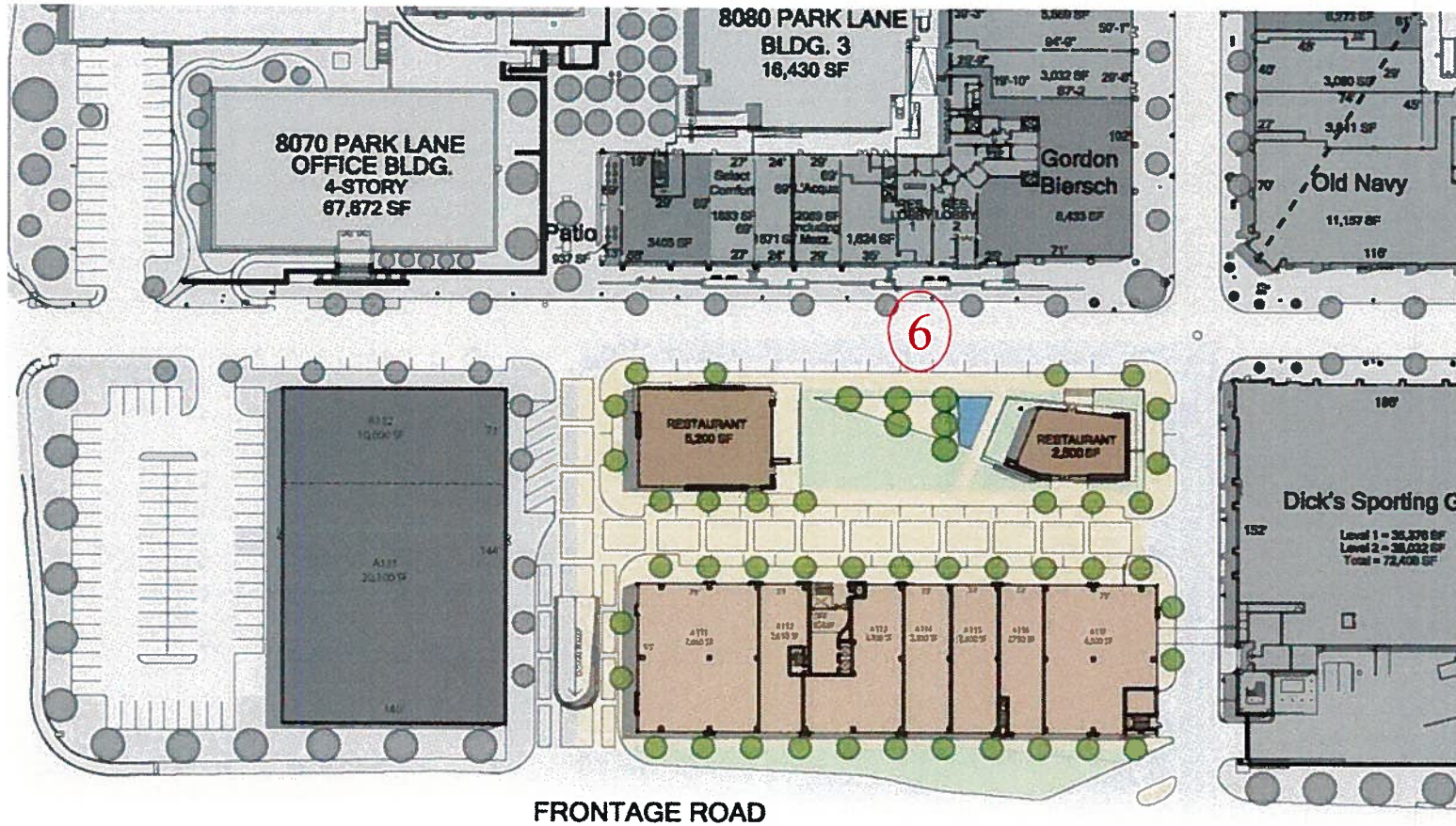
SITE CONSTRAINTS/HARDSHIPS - 5



The dominant building line/face of adjacent structure is closer to the access road than the proposed building.

BDA 123-054
Attach A
Pg 13

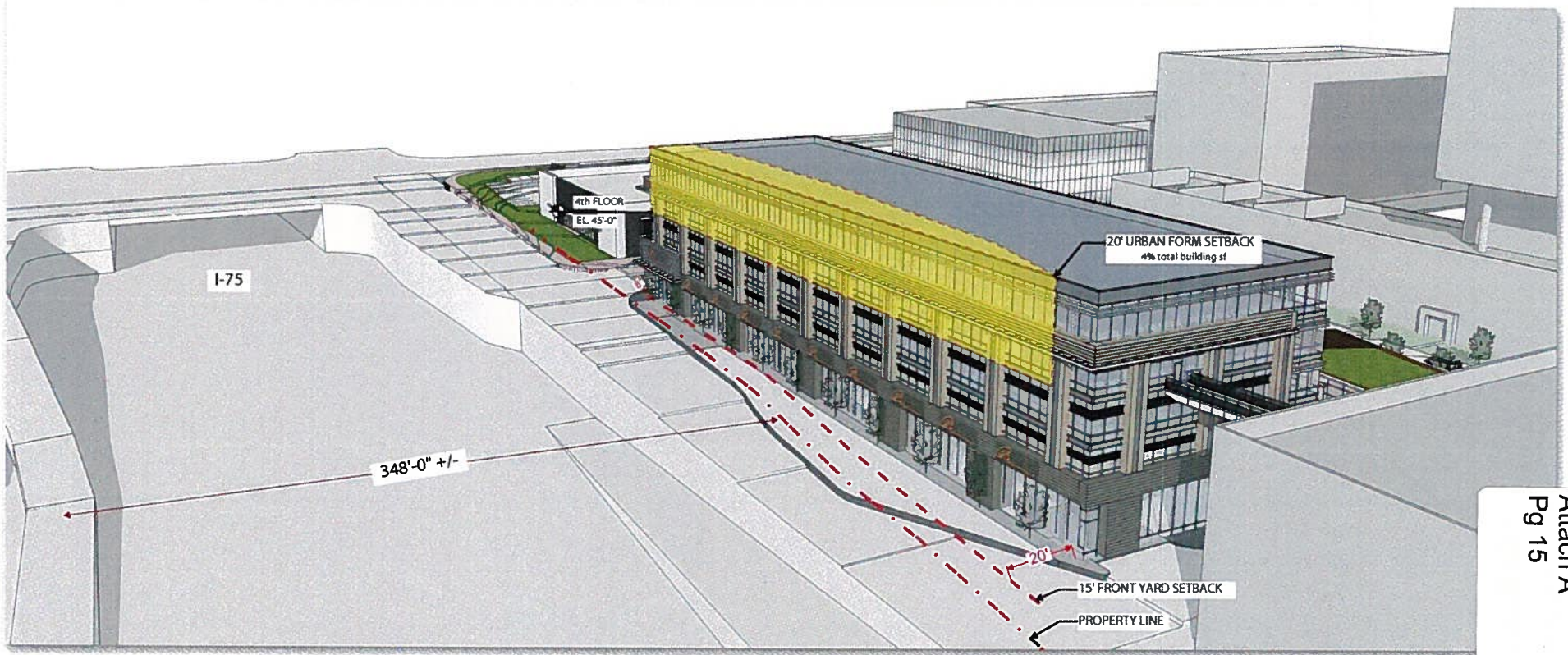
SITE CONSTRAINTS/HARDSHIPS - 6



BDA 123-054
 Attach A
 Pg 14

The streets, infrastructure, and adjacent buildings have been completed and cannot be modified.

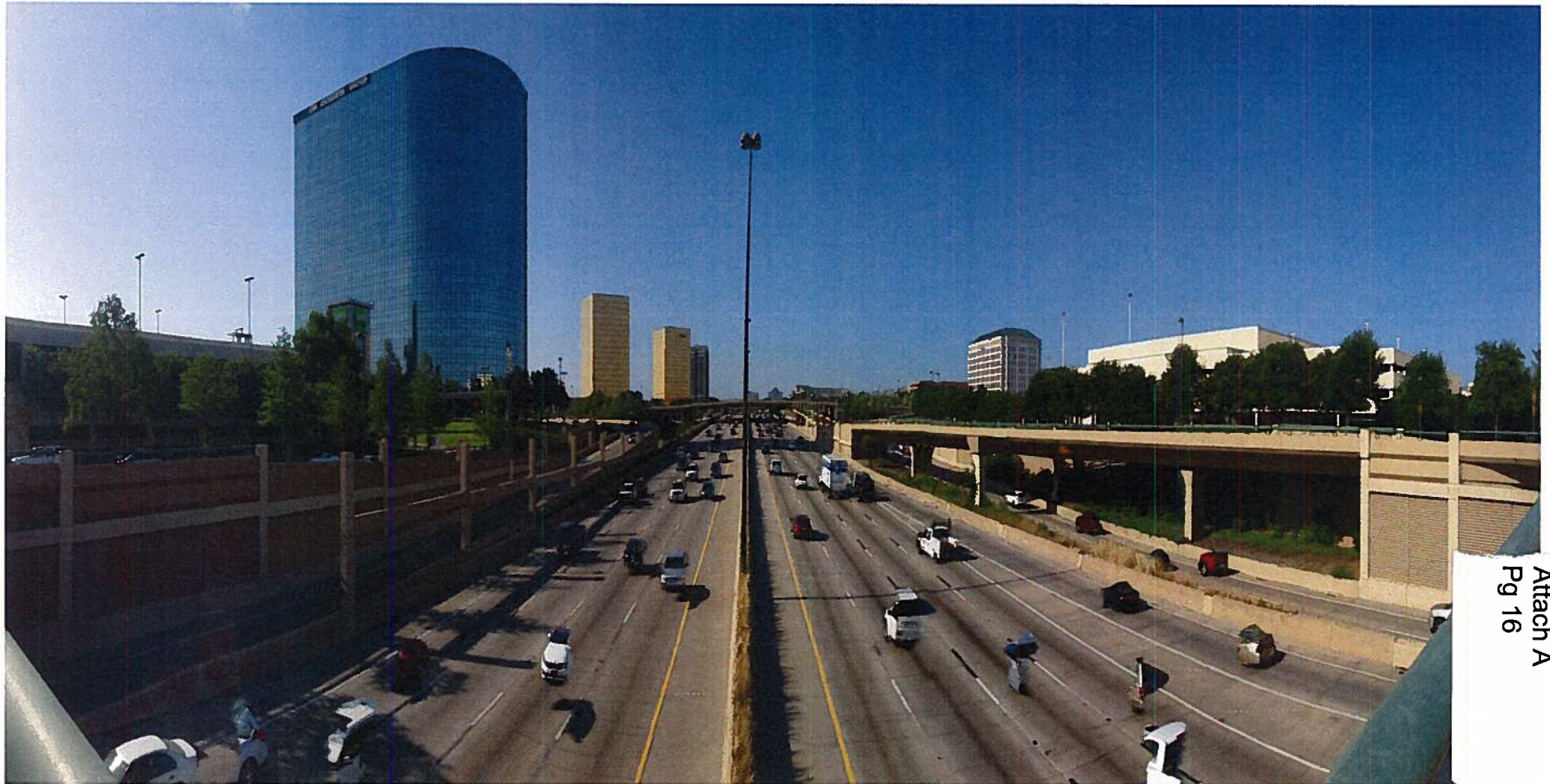
SUMMARY OF VARIANCE REQUEST



BDA 123-054
Attach A
Pg 15

The variance request applies to the portion of the building shown above. The variance only applies to the portion of the 4th and 5th floors that varies from 1''- to 19'. This area represents approximately 4% of the building square footage. Please also note the expansive distance (+/- 348 feet) between the properties across Central Expressway.

SUMMARY OF VARIANCE REQUEST



BDA 123-054
Attach A
Pg 16

View looking south from Park Lane illustrating the 348 foot distance to the adjacent property

CONCLUSION



Conclusion –

We are requesting your approval of a variance to the Urban Form Setback based upon the various property hardships previously outlined. The variance will allow for responsible development of a low-impact project much smaller in scale than the existing zoning allows, as well as the simultaneous development of a much-needed green-space amenity. Ultimately, the goal of the Urban Form Setback of preventing a “canyon effect” is still achieved due to the expansive distances between parcels along Central Expressway. Granting this variance is not contrary to the public interest and, owing to special conditions, a literal enforcement of the urban form setback would result in an unnecessary hardship.

BDA 123-054
Attach A
Pg 17



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-054

Data Relative to Subject Property:

Date: 3-29-13

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

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

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

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Northwood PL A LP

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

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

E-mail Address: bknight@winstead.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance X, or Special Exception , of
19.4 feet from the 35 foot setback required for the portion of the building greater than 45 feet in height
 (urban form setback)

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: (1)Property has multiple front yards, (2) Property slopes, (3) There is no adverse effect on surrounding properties, especially along Central Expressway where the variance is being requested

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

Respectfully submitted: Cole Evans
Applicant's name printed

[Signature]
Applicant's signature

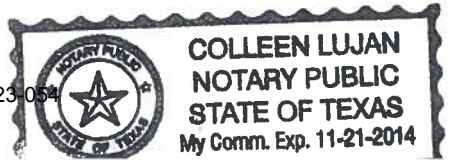
Affidavit

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

Affiant (Applicant's signature)

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

Colleen Lujan
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

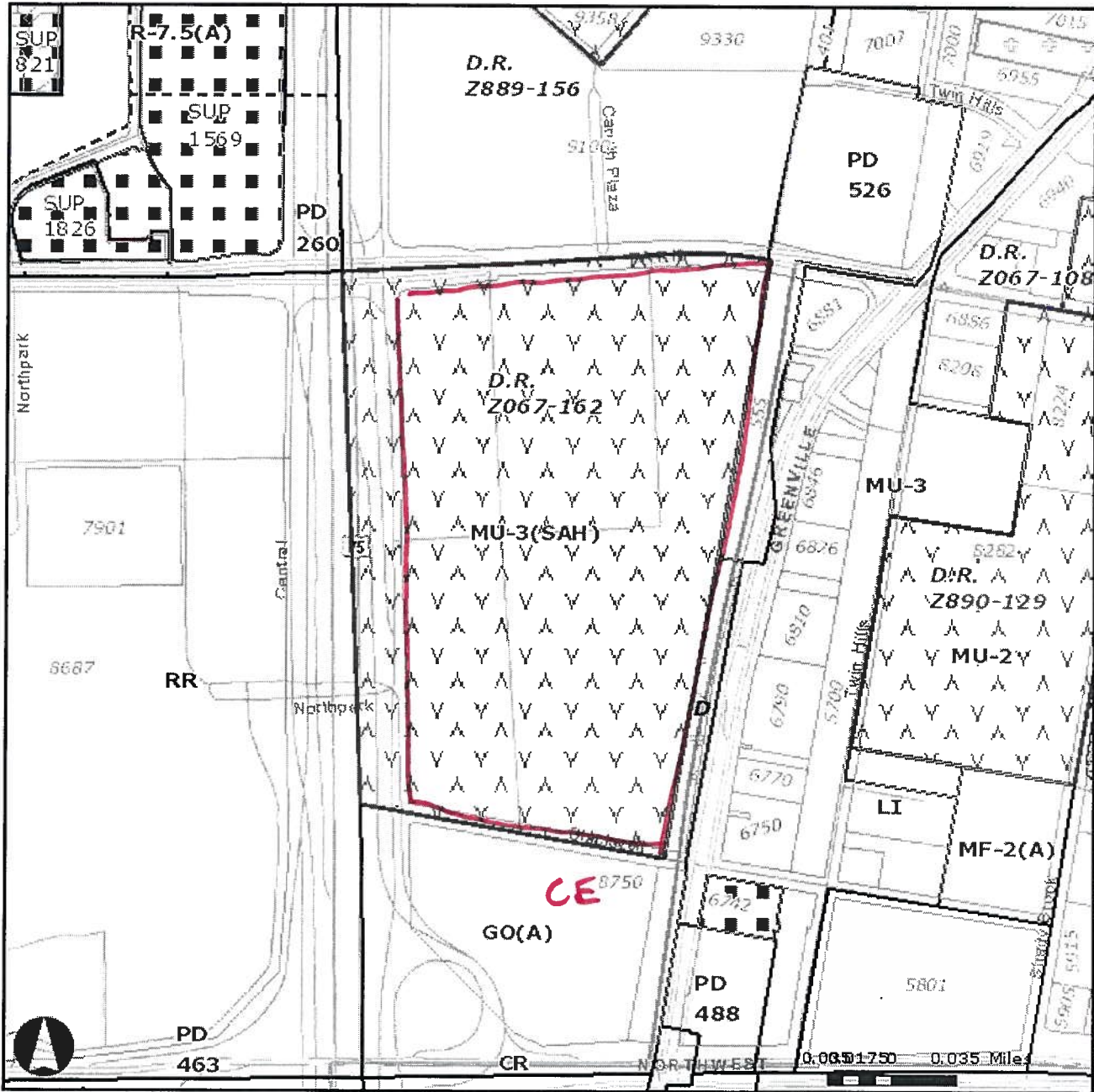
I hereby certify that Colesen C. Evans
did submit a request for a variance to the front yard setback regulations
at 8000 Park Lane

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

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



Address Candidates

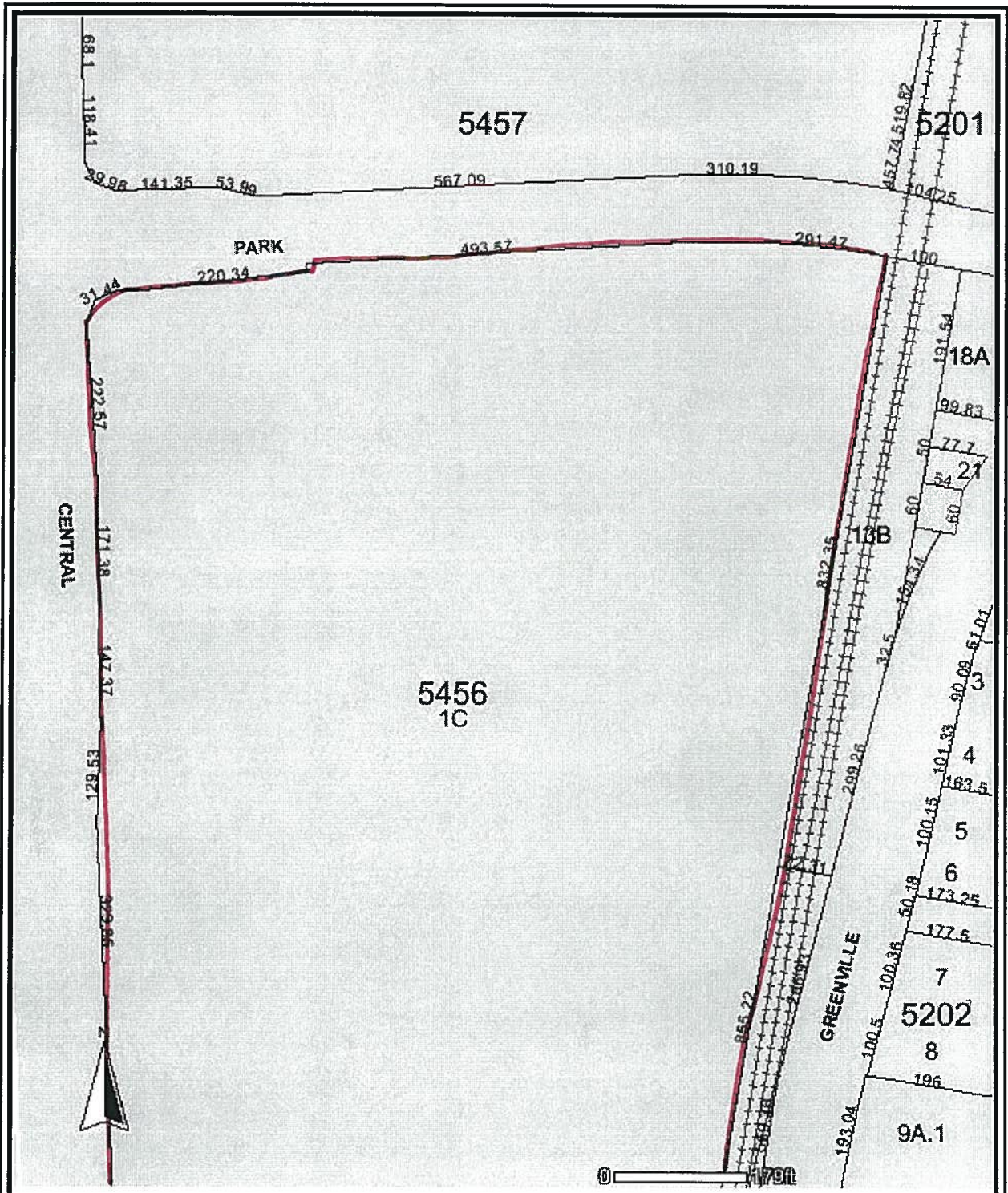
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Major Lakes

Dry Overlay

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

PDS Subdistricts

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



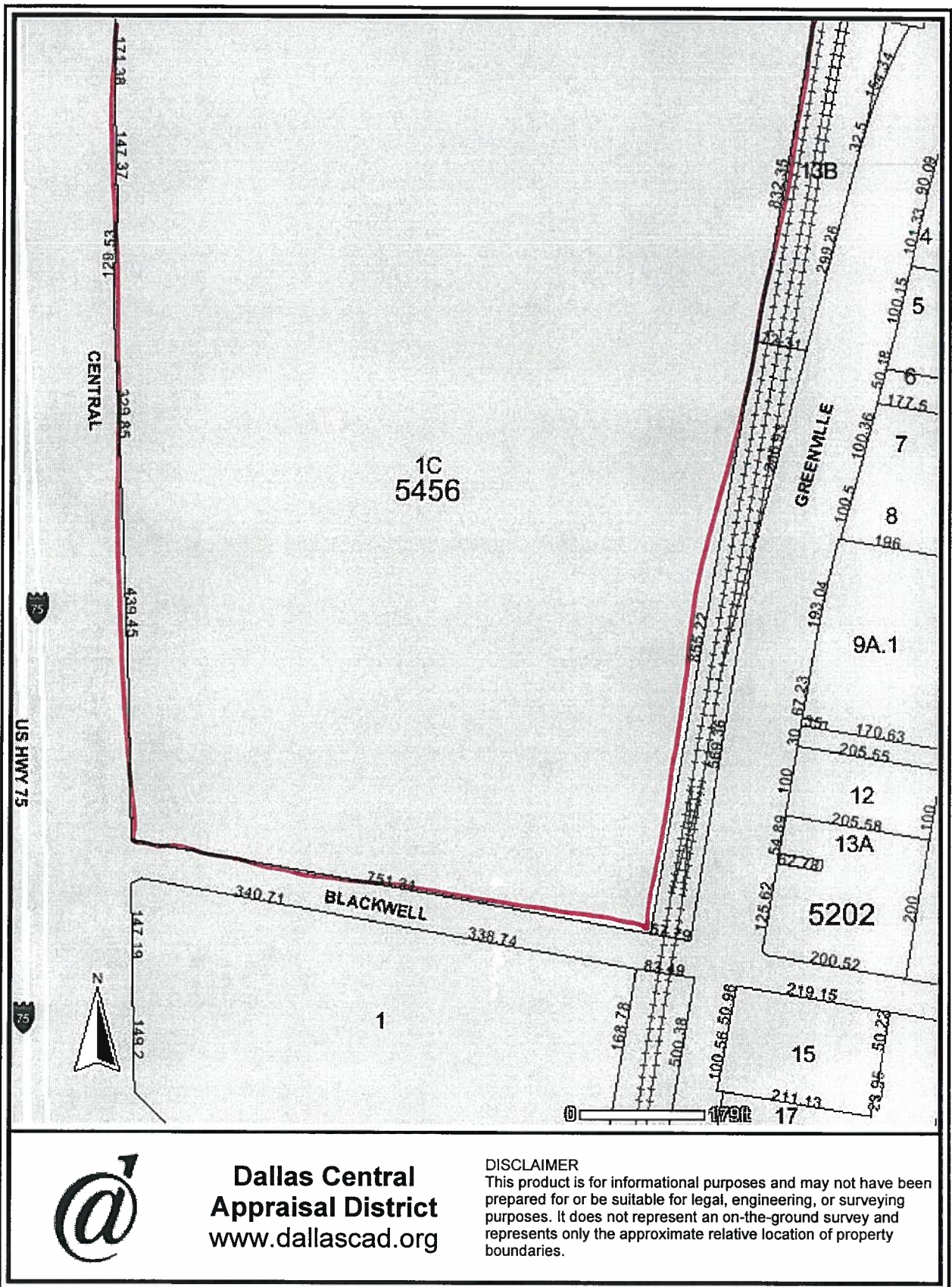
CE



**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

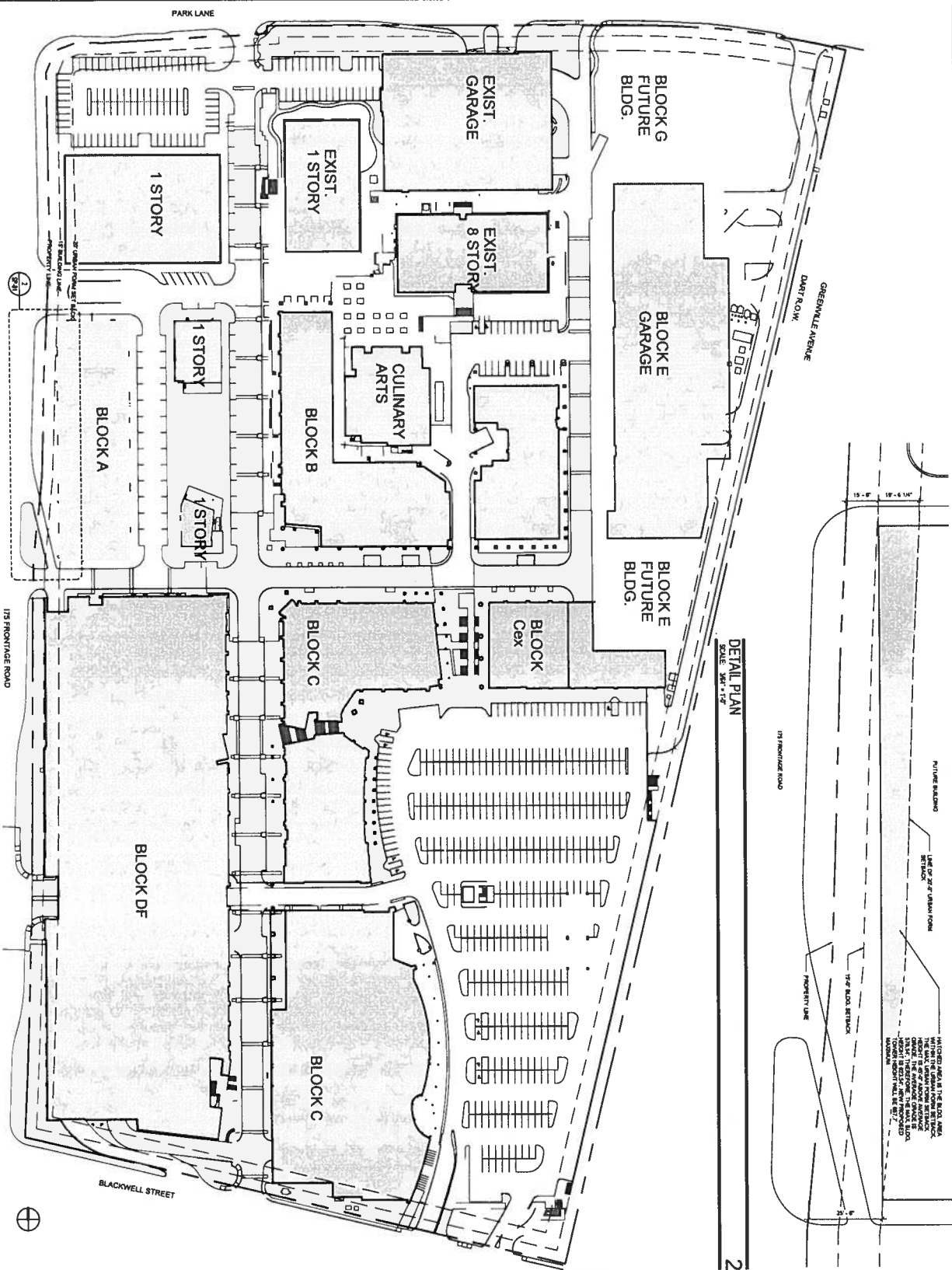
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



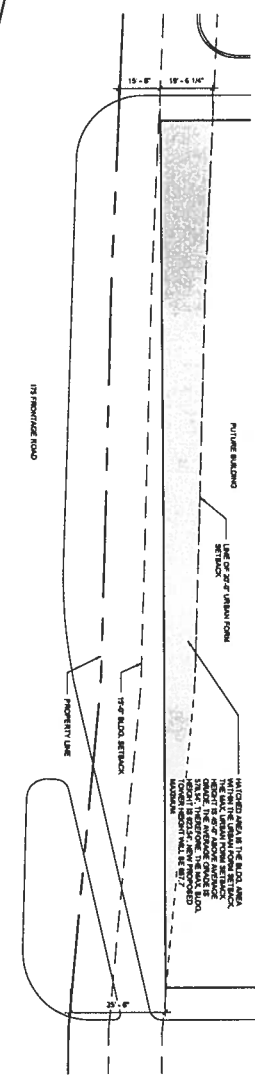
Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



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



NOTED: THIS IS THE BLOCK, AREA, AND THE EXISTING AND FUTURE BUILDING FOOTPRINTS. THE EXISTING AND FUTURE BUILDING FOOTPRINTS ARE SHOWN IN SHADING. THE EXISTING AND FUTURE BUILDING FOOTPRINTS ARE SHOWN IN SHADING. THE EXISTING AND FUTURE BUILDING FOOTPRINTS ARE SHOWN IN SHADING.

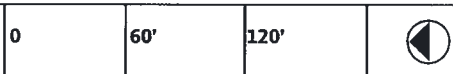
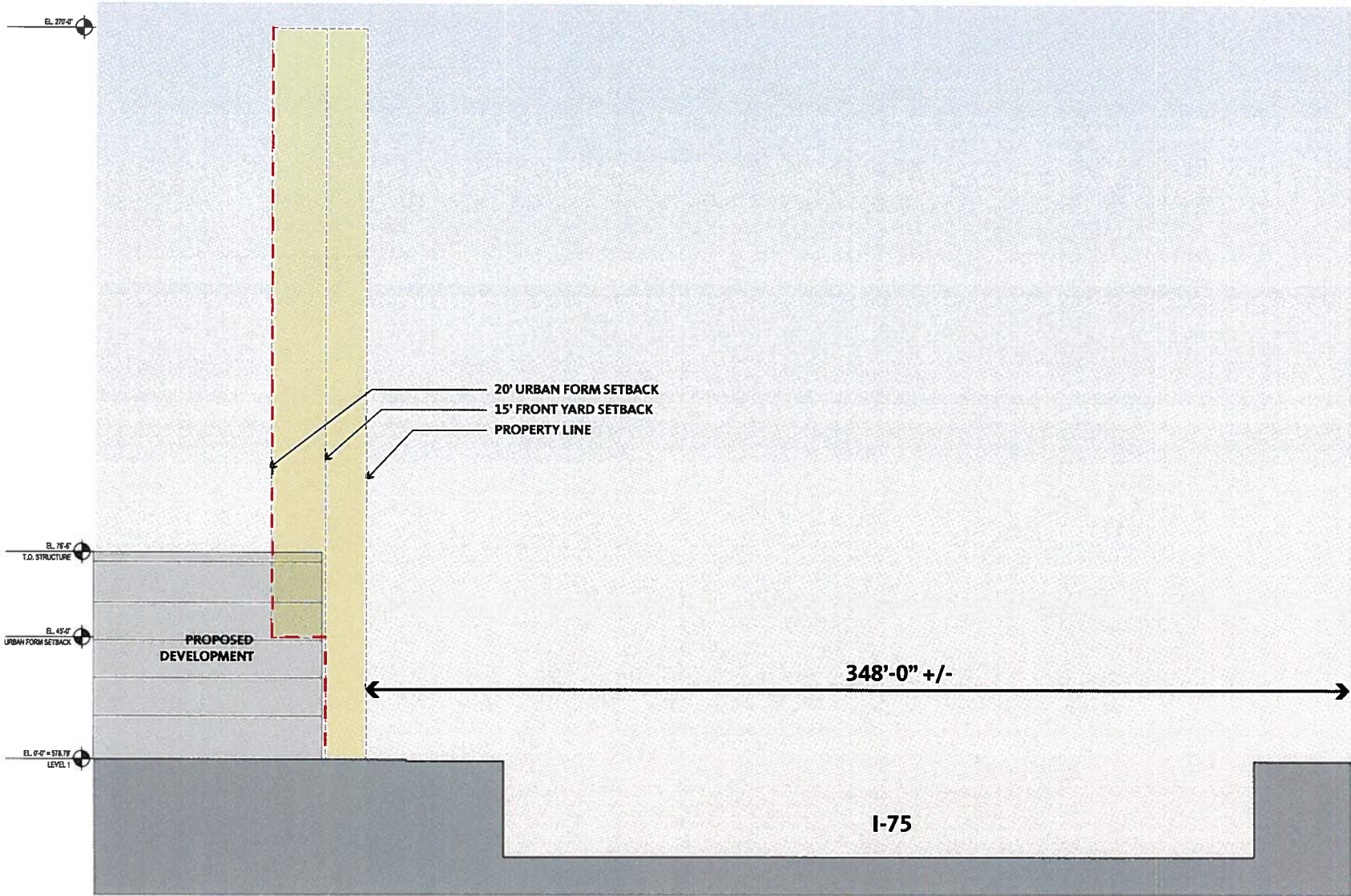
NORTHWOOD RETAIL
8080 PARK LANE, SUITE 770
DALLAS, TX 75225

Gensler
Kenzel Place
Suite 300
Houston, TX 77002
Tel: 713.444.0000
Fax: 713.444.5001

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

Background:
NOT FOR CONSTRUCTION

Project Name: THE SHOP @ PARK LANE
Project Number: 02.7249.000
Site Plan:
Scale: 1" = 80'-0"
SP-01

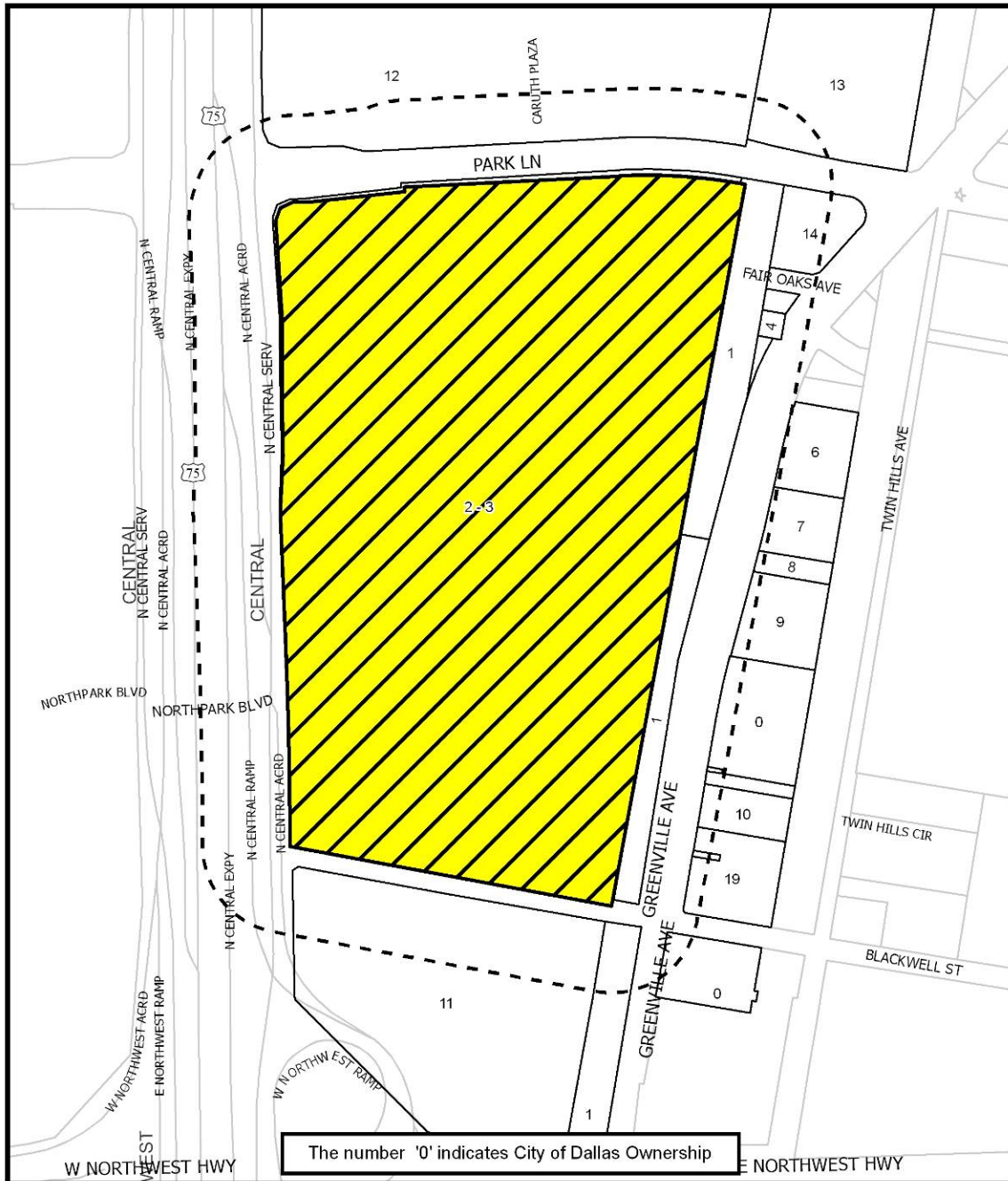


SITE SECTION

NORTHWOOD
INVESTORS



Gensler
05 MAR 2013



 1:3,600	NOTIFICATION		Case no: BDA123-054
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/29/2013	

Notification List of Property Owners

BDA123-054

19 Property Owners Notified

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

FILE NUMBER: BDA 123-057

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

LOCATION: 3826 Lemmon Avenue

APPLICANT: Jim Tusing
Represented by Bryan M. Burger

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director recommends that this request be denied.
- In addition, staff was unable to conclude how the parcel/subject site differs from other parcels of land by being of such restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (GR) zoning classification. The size, shape, and slope of the flat, rectangular, approximately ½ acre subject site have not precluded the applicant/owner from developing it with a restaurant use without drive-in service use.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

- March 29, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 15, 2013: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to

submit additional evidence for staff to factor into their analysis; and the June 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 4, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

June 17, 2013: The Board of Adjustment Panel C conducted a public hearing on this application where at this time The Board Administrator circulated a revised review comment sheet from Sustainable Development and Construction Department Engineering Division Assistant Director marked "Recommends that this be denied" to the Board at the briefing. This revised review comment sheet made the additional notation: "Proposed drive through would only increase the already high level of congestion in the parking lot. Observed take out volume did not agree with the application." The Board held the request under advisement until August 19, 2013, per the request of the applicant.

June 25, 2013: The Board Administrator sent a letter to the applicant that noted the decision of the panel, the July 31st deadline to submit any additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 5, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date that the panel that will consider the application; the July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th 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 6, 2013: 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 Department Current Planning Division Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

No additional review comment sheets with comments were submitted in conjunction with this application however the Sustainable Development and Construction Department Engineering Division Assistant Director informed the Board Administrator that his comments of June 14th had not changed.

GENERAL FACTS/ STAFF ANALYSIS:

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

(B) the regulations governing that specific district expressly authorize the board to grant the special exception.

- Therefore, because PD 193 does not make references to the existing off-street parking regulations in Chapter 51 or Chapter 51(A), the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations for restaurant use in PD 193 even though the reduction request is 15 percent of the required off-street parking.
- A site plan has been submitted that indicates a building area of 4,613 square feet and a provision of 39 off-street parking spaces.
- The site is flat, rectangular in shape, and according to the application, is 0.55 acres (or approximately 24,000 square feet) in area. The site is zoned PD 193 (GR). The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- DCAD records indicate that the improvements at 3826 Lemmon are a “restaurant” with 3,919 square feet built in 2004.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of 7 spaces will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site (that differs from other parcels of land by being of such a restrictive area, shape, or slope) that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (GR) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (GR) zoning classification.
- The Sustainable Development and Construction Department Engineering Division Assistant Director had originally submitted a review comment sheet marked “Has no objections.” But on June 14th, he submitted a revised review comment sheet marked “Recommends that this be denied” to the Board at the briefing. This revised review comment sheet made the additional notation: “Proposed drive through would only increase the already high level of congestion in the parking lot. Observed take out volume did not agree with the application.”
- No additional written documentation has been submitted by the applicant beyond what was included in the June 17th docket.

BOARD OF ADJUSTMENT ACTION: JUNE 17, 2013

APPEARING IN FAVOR: Bryan Burger, 17103 Preston Dr, Ste 180N, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Lewis**

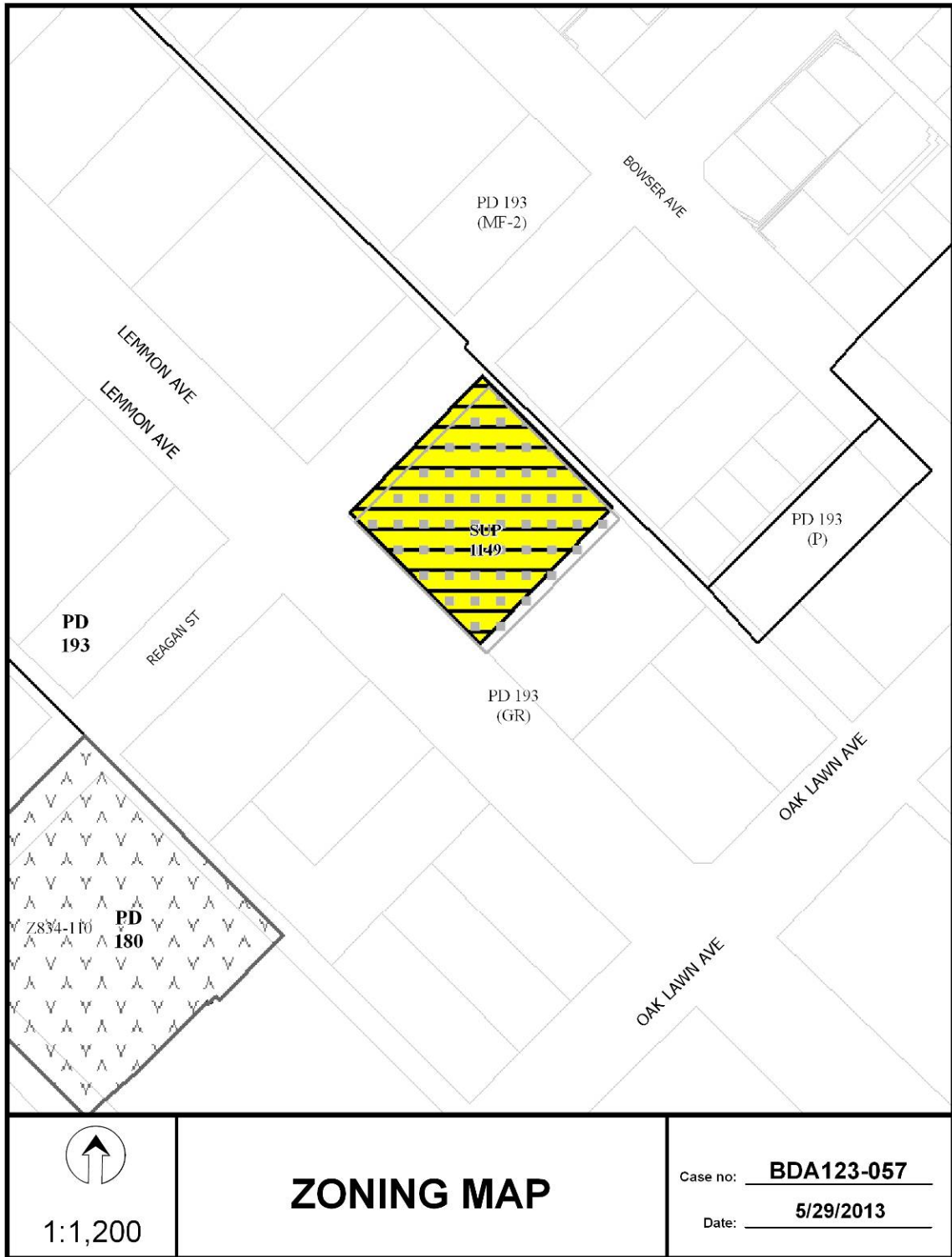
I move that the Board of Adjustment, in Appeal No. **BDA 123-057**, hold this matter under advisement until **August 19, 2013**.

SECONDED: **Maten**

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

NAYS: 0 –

MOTION PASSED: 5– 0 (unanimously)





1:1,200

AERIAL MAP

Case no: BDA123-057

Date: 5/29/2013



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-057

Data Relative to Subject Property:

Date: 3-29-13

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

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

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

To the Honorable Board of Adjustment :

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

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

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

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

Mailing Address: Dallas, Texas 75248 Zip Code: 75248

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

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

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

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

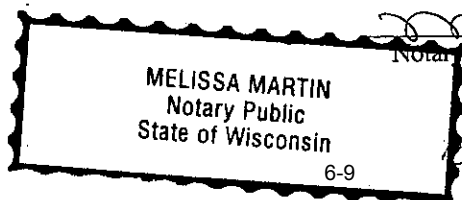
Respectfully submitted: Jim Tusing Applicant's name printed Jim Tusing Applicant's signature

Affidavit

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

Jim Tusing
Affiant (Applicant's signature)

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



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

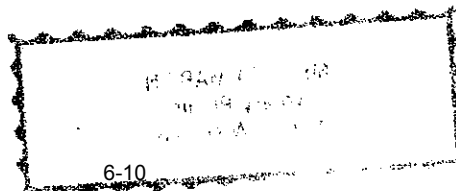
Building Official's Report

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

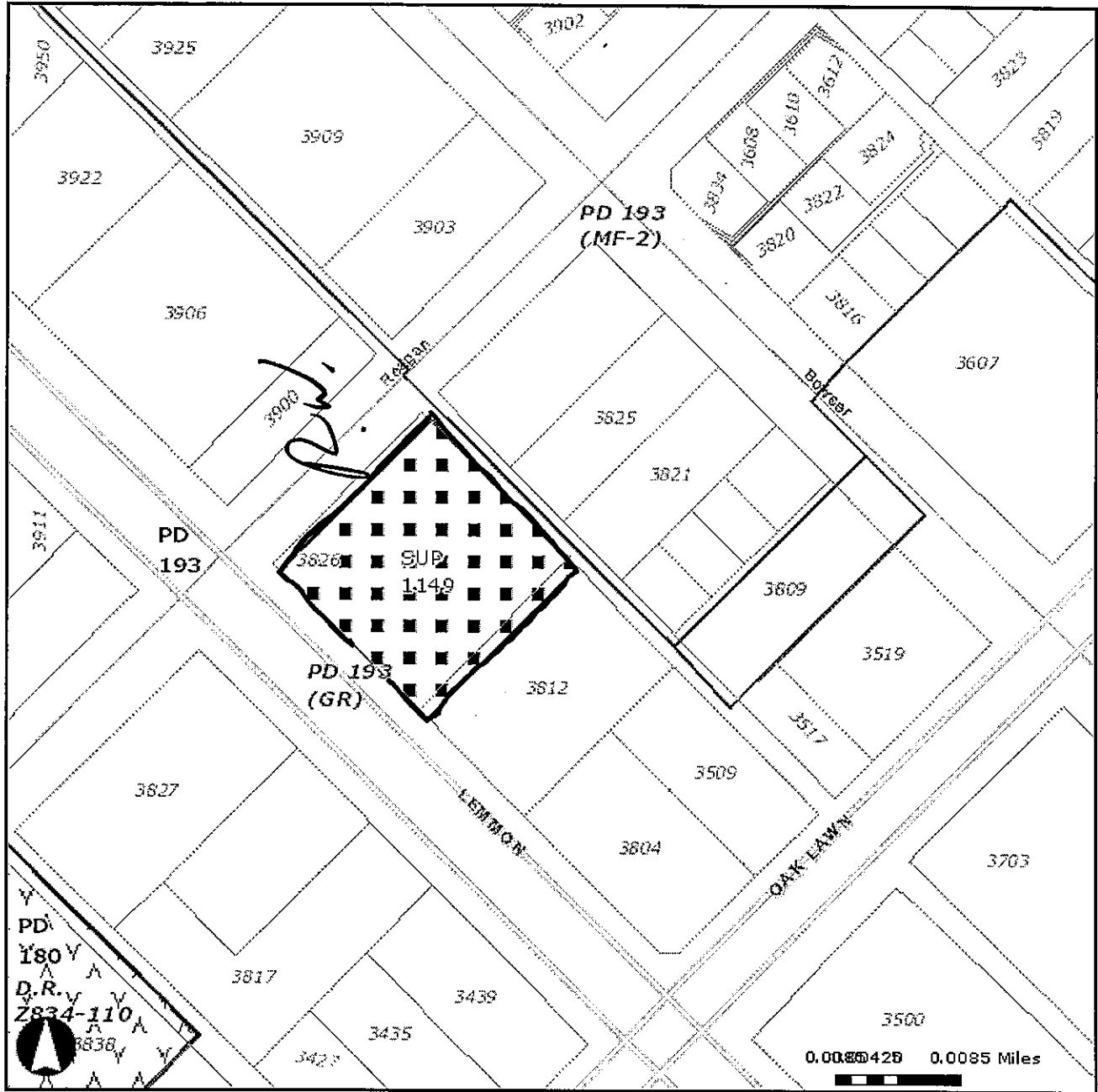
BDA123-057. Application of Jim Tusing represented by Bryan M. Burger for a variance to the parking regulations at 3826 Lemmon Avenue. This property is more fully described as Lot 6A, Block Q/1318 and is zoned PD-193 (GR), which requires parking to be provided. The applicant proposes to construct and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

Sincerely,


Larry Holmes, Building Official



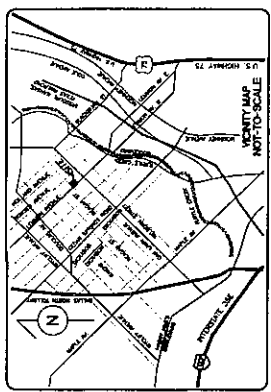
City of Dallas Zoning



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

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

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



SITE DATA - LOT 6A

OWNER	AS IN (OR-OWNING PARTY)
ADDRESS	1101 WEST PHOENIX ST
APPLICANT	1101 WEST PHOENIX ST
PROJECT NUMBER	4413 S.F. (100 S.F. - 44 S.P. 100 S.F.)
PERMITS REQUIRED	1. PERMITS REQUIRED (S.P.)
PERMITS REQUIRED	2. PERMITS REQUIRED (S.P.)
PERMITS REQUIRED	3. PERMITS REQUIRED (S.P.)
PERMITS REQUIRED	4. PERMITS REQUIRED (S.P.)
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PERMITS REQUIRED	8. PERMITS REQUIRED (S.P.)
PERMITS REQUIRED	9. PERMITS REQUIRED (S.P.)
PERMITS REQUIRED	10. PERMITS REQUIRED (S.P.)

- PROJECT NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 2. VERTICAL CURB RISES SHALL BE 4" UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.



SITE PLAN

PANERA BREAD

LOT 6A, BLOCK Q/1318 - BALIA FRESH ADDITION

THE CITY OF DALLAS, TEXAS

BURGER

ENGINEERING

1101 WEST PHOENIX ST

DALLAS, TEXAS 75248

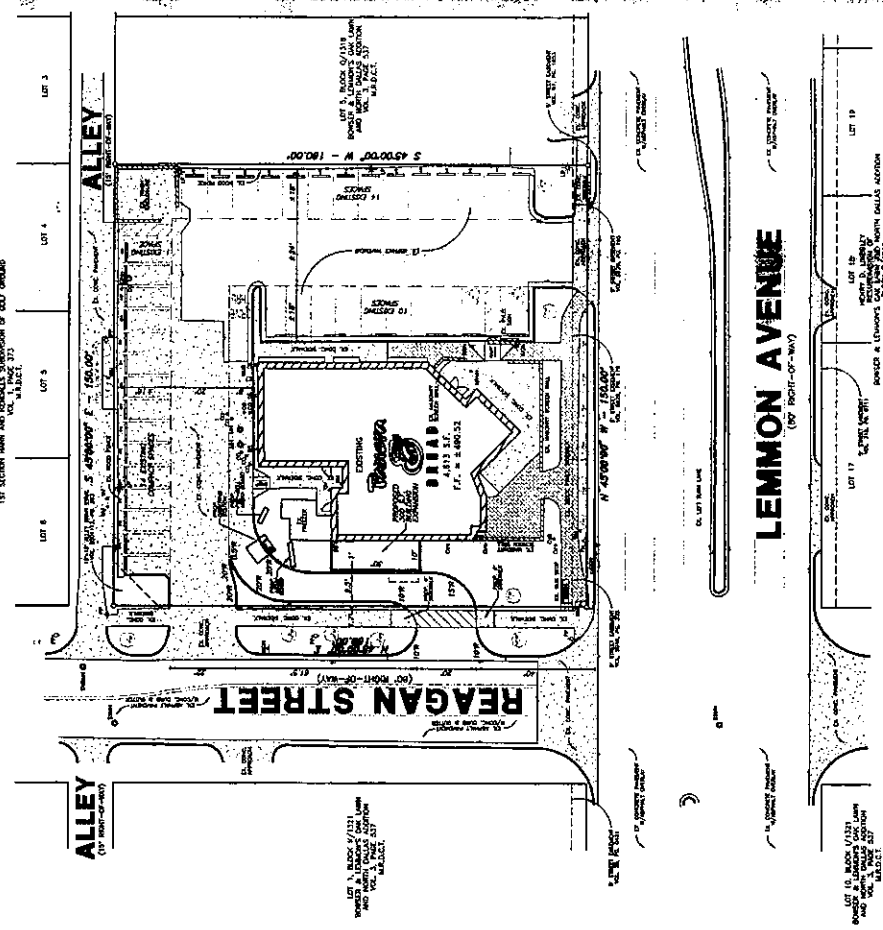
DATE: 07/13/2010

SCALE: 1/4" = 1'-0"

FILE NO.: 11111

PROJECT NO.: C-3

- LEGEND**
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 - 100. 1/4" = 1'-0" (SEE NOTES)



CIVIL ENGINEER:
 NUMBER ENGINEERING, LLC
 3803 WESTERN ROAD, SUITE 1800
 DALLAS, TEXAS 75248
 TEL: (972) 824-2880
 FAX: (972) 824-2880
 CONTACT: BRYAN M. BURGER, P.E.

B | BURGER
ENGINEERING
Civil Consultants

March 27, 2013

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

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

Dear Mr. Duerksen,

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

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

BRYAN M. BURGER, P.E.

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

B

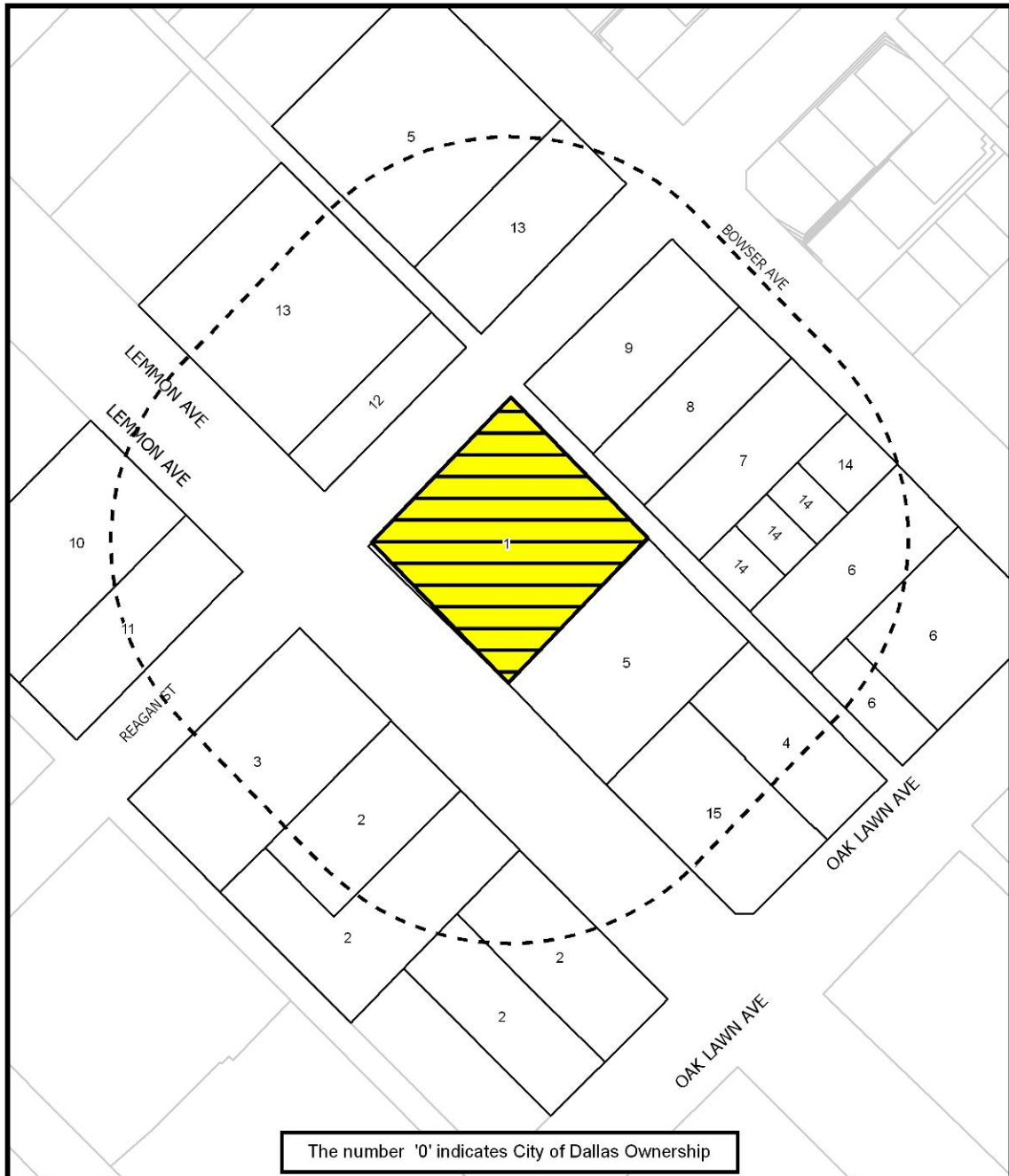
Page 2
Panera Bread
Dallas, Texas
B.E. No. 051-001

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

Sincerely,



Bryan M. Burger, P.E.



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-057 Date: 5/29/2013
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-057

15 Property Owners Notified

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