

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, SEPTEMBER 17, 2012
AGENDA

BRIEFING	5ES	11:30 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Monday, August 13, 2012 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 112-070	2422 N. Henderson Avenue REQUEST: Application of Roger Albright for a special exception to the off-street parking regulations	1
BDA 112-081	3803 Meredith Street REQUEST: Application of Martin Castaneda for a special exception to the single family use regulations	2
BDA 112-085	3000 Turtle Creek Plaza REQUEST: Application of Ken Reese, represented by Robert Reeves of Robert Reeves and Associates, for a variance to the off-street parking regulations	3
BDA 112-088	10726 Webster Terrace REQUEST: Application of Lisa Brinser for a variance to the front yard setback regulations	4

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C August 13, 2012 public hearing minutes.

FILE NUMBER: BDA 112-070

BUILDING OFFICIAL'S REPORT:

Application of Roger Albright for a special exception to the off-street parking regulations at 2422 N. Henderson Avenue. This property is more fully described as Lot 1A in City Block 1/1975 and is zoned PD-462 (Subdistrict 3), which requires off-street parking to be provided. The applicant proposes to construct/maintain a structure for a restaurant without drive-in or drive-through service use and provide 37 of the required 42 off-street parking spaces, which will require a special exception to the off-street parking regulations of 5 spaces.

LOCATION: 2422 N. Henderson Avenue

APPLICANT: Roger Albright

REQUEST:

- A special exception to the off-street parking regulations of 5 parking spaces (or a 12 percent reduction of the 42 off-street parking spaces that are required) is requested in conjunction with maintaining an approximately 4,200 square foot structure/restaurant (Jake's). The applicant proposes to provide 37 (or 88 percent) of the required 42 off-street parking spaces in conjunction with maintaining this use with this square footage within or that is part of the existing structure.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 50 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception shall automatically and immediately terminate if and when the restaurant without drive-in or drive-through service use is changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the proposed restaurant with drive-in or drive-through service use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- The Sustainable Development and Construction Department Project Engineer has indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 462 (Planned Development)
North: TH-3(A) (Townhouse)
South: MF-2(A) (Multifamily)
East: PD 462 (Planned Development)
West: PD 462 (Planned Development)

Land Use:

The subject site is currently developed with restaurant without drive-in or drive-through service use (Jake's). The areas to the north, south, and west are developed with multifamily uses, and the area to the east is developed with 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:

- April 27, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- May 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 17, 2012: 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th 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.
- May 18, 2012: The applicant requested postponement of this application from Panel C's June 18th hearing to Panel C's August 13th hearing.
- July 17, 2012: 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 25th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd 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.

July 27, 2012: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded an amended Building Official's Report on this application (see Attachment A).

July 27, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

July 30, 2012: The applicant submitted a revised site plan (see Attachment B).

July 31, 2012: 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 Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

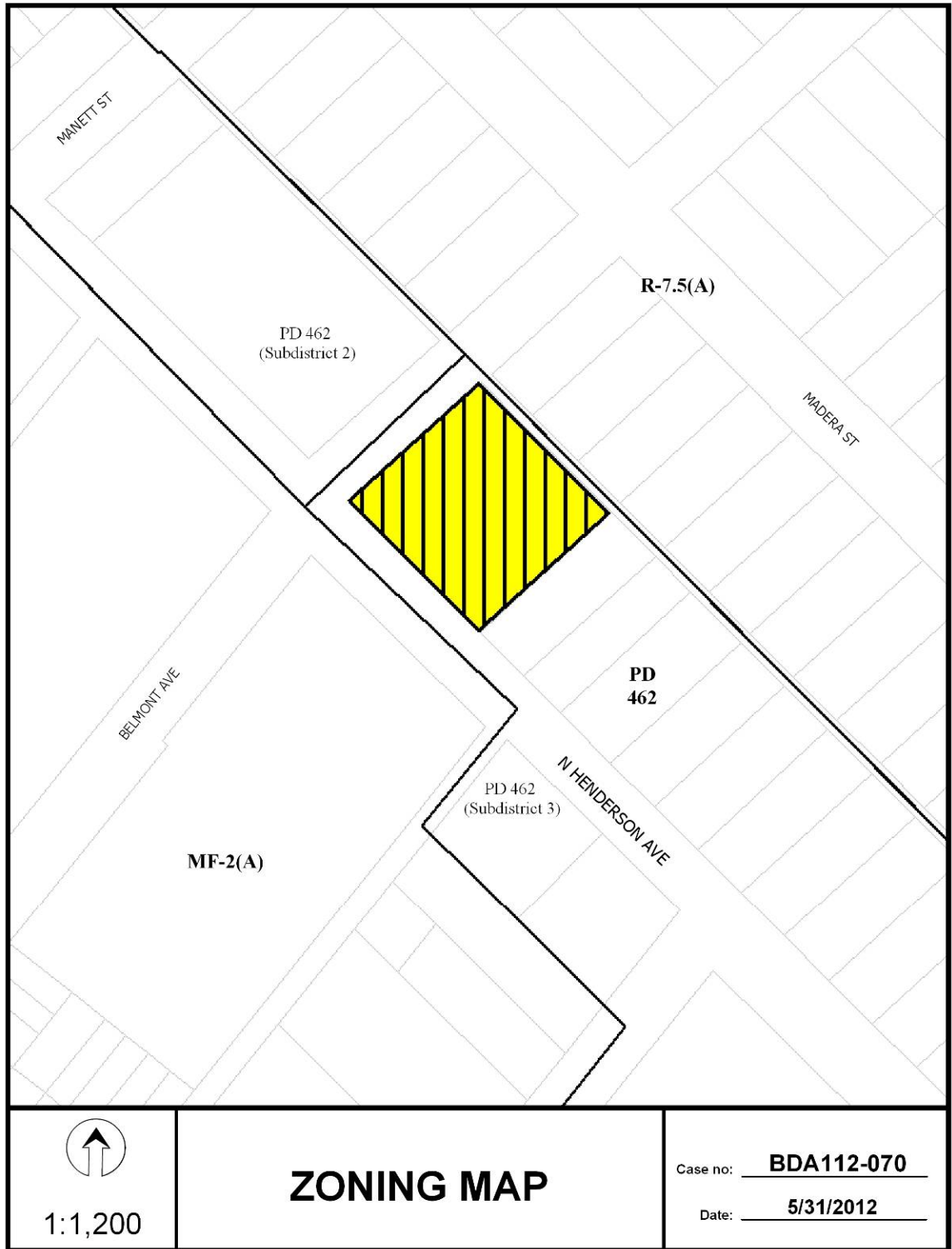
August 3, 2012: Staff discovered an error with meeting notification requirements on this application for Panel C's August 13th hearing. Given this error, the Board Administrator informed the applicant that his applicant was postponed until Panel C's next scheduled hearing to be held on September 17, 2012.

August 7, 2012: The Board Administrator emailed the applicant the deadlines for additional submittals: staff review - August 29th and board docket - September 7th.

September 4, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September 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, Building Inspection Chief Planners, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining an approximately 4,200 square foot structure/restaurant (Jake's) of which includes a 3,700 square foot enclosed/roofed restaurant use/structure and a 500 square foot open yet "roofed/covered patio area that must provide off-street parking at 1 space per 100 square feet of floor area.
- The Dallas Development Code requires the following off-street parking requirements: Restaurant without drive-in or drive-through service use: 1 space per 100 square feet of floor area.
- The applicant proposes to provide 37 (or 88 percent) of the required 42 off-street parking spaces in conjunction with the site being maintained with the use mentioned above. The applicant's revised site plan dated 07-30-12 (see Attachment B) denotes a "building area" of 3,700 square feet requiring 37 spaces and a "patio" of 520 square feet requiring 5 spaces.
- The applicant has stated that the restaurant (not including the approximately 500 square foot patio) meets the Code's parking requirement since it is 3,700 square feet which requires 37 off-street parking places. The approximately 500 square foot patio (covered by awning or some type of roof) is the additional square footage that prompts/necessitates this special exception request since the City deems the covered patio floor area which must be parked at one space per 100 square feet of floor area.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the restaurant without drive-in or drive through use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 5 spaces (or a 12 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request and impose the condition that the special exception of 5 spaces shall automatically and immediately terminate if and when the restaurant without drive-in or drive through service use is changed or discontinued, the applicant would be allowed to maintain the site with this specific use and provide only 37 of the 42 code required off-street parking spaces.





1:1,200

AERIAL MAP

Case no: BDA112-070

Date: 5/31/2012



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-070

Data Relative to Subject Property:

Date: 4-27-12

Location address: 2422 N. Henderson Zoning District: PD-462 (subdist. 3)

Lot No.: 1A Block No.: 1/1975 Acreage: 0.49017 Census Tract: 10.02

Street Frontage (in Feet): 1) 145.00' 2) 150.00' 3) 4) 5)

SE 24

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): LIC HENDERSON AVENUE, L.P.

Applicant: Roger Albright on behalf of LIC HENDERSON AVENUE, L.P. Telephone: 214.939.9224

Mailing Address: c/o PPC Land Ventures, 5950 Sherry Lane, Ste. 320, Dallas, TX Zip Code: 75225

E-mail Address: ralaw@rogeralbright.com

Represented by: Roger Albright Telephone: 214.939.9224

Mailing Address: 3301 Elm Street, Dallas, TX Zip Code: 75226-2562

E-mail Address: ralaw@rogeralbright.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 6 parking spaces

from the required 43 spaces for a restaurant without drive-thru use.

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

Parking for covered outdoor patio area does not warrant the number of off-street spaces required. Special exception would not create traffic hazard or increase traffic congestion.

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: Roger Albright Applicant's name printed

Applicant's signature

Affidavit

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

Subscribed and sworn to before me this 27th day of April, 2012



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

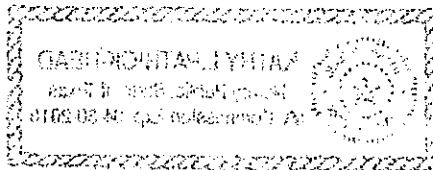
I hereby certify that ROGER ALBRIGHT

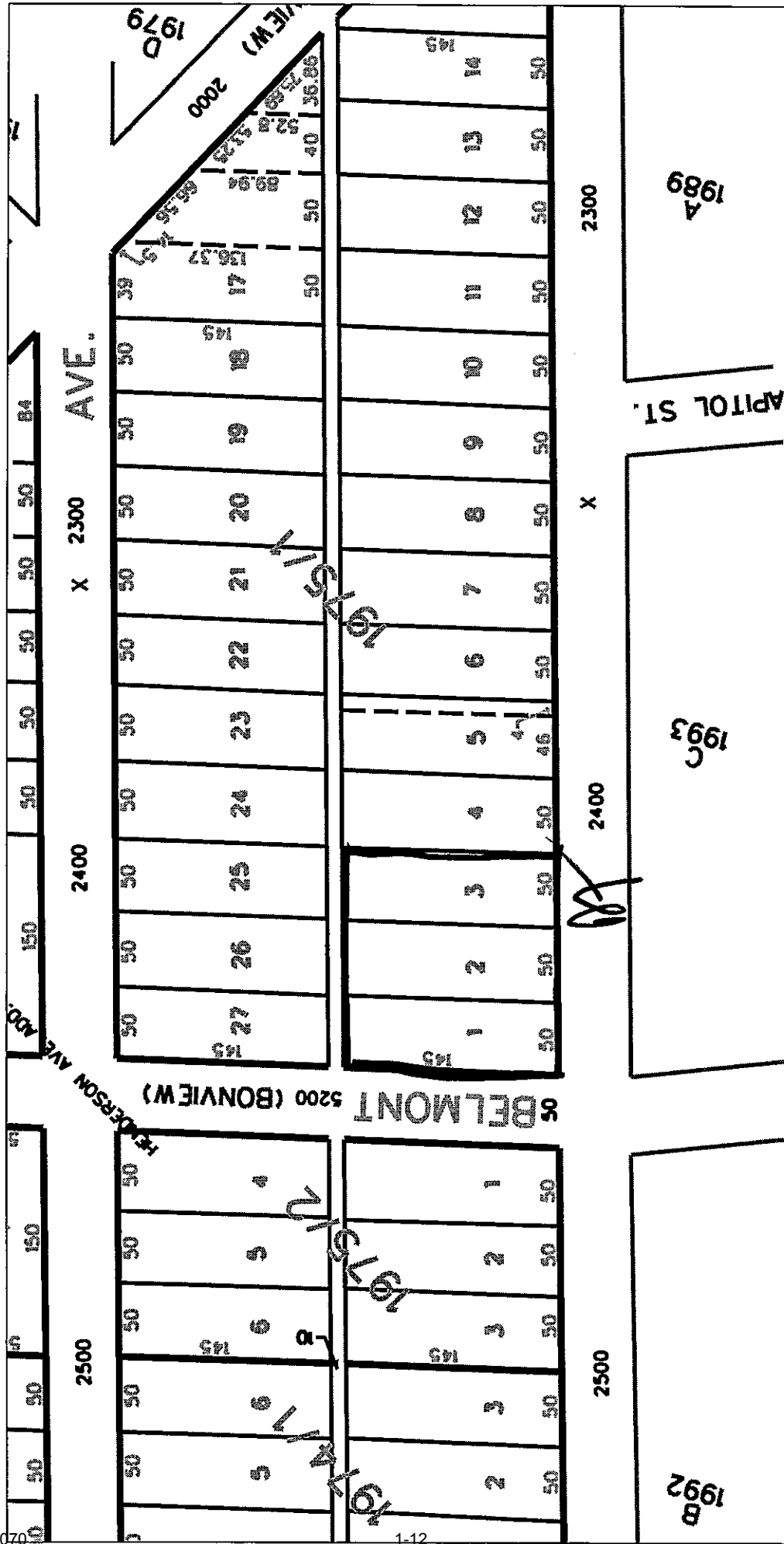
did submit a request for a special exception to the parking regulations
at 2422 N. Henderson

BDA112-070. Application of Roger Albright for a special exception to the parking regulations at 2422 N. Henderson Avenue. This property is more fully described as lot 1A in city block 1/1975 and is zoned PD-462 (Subdistrict 3), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant without drive-in or drive-through service use and provide 37 of the required 43 parking spaces, which will require a 6 space special exception (14% reduction) to the parking regulation.

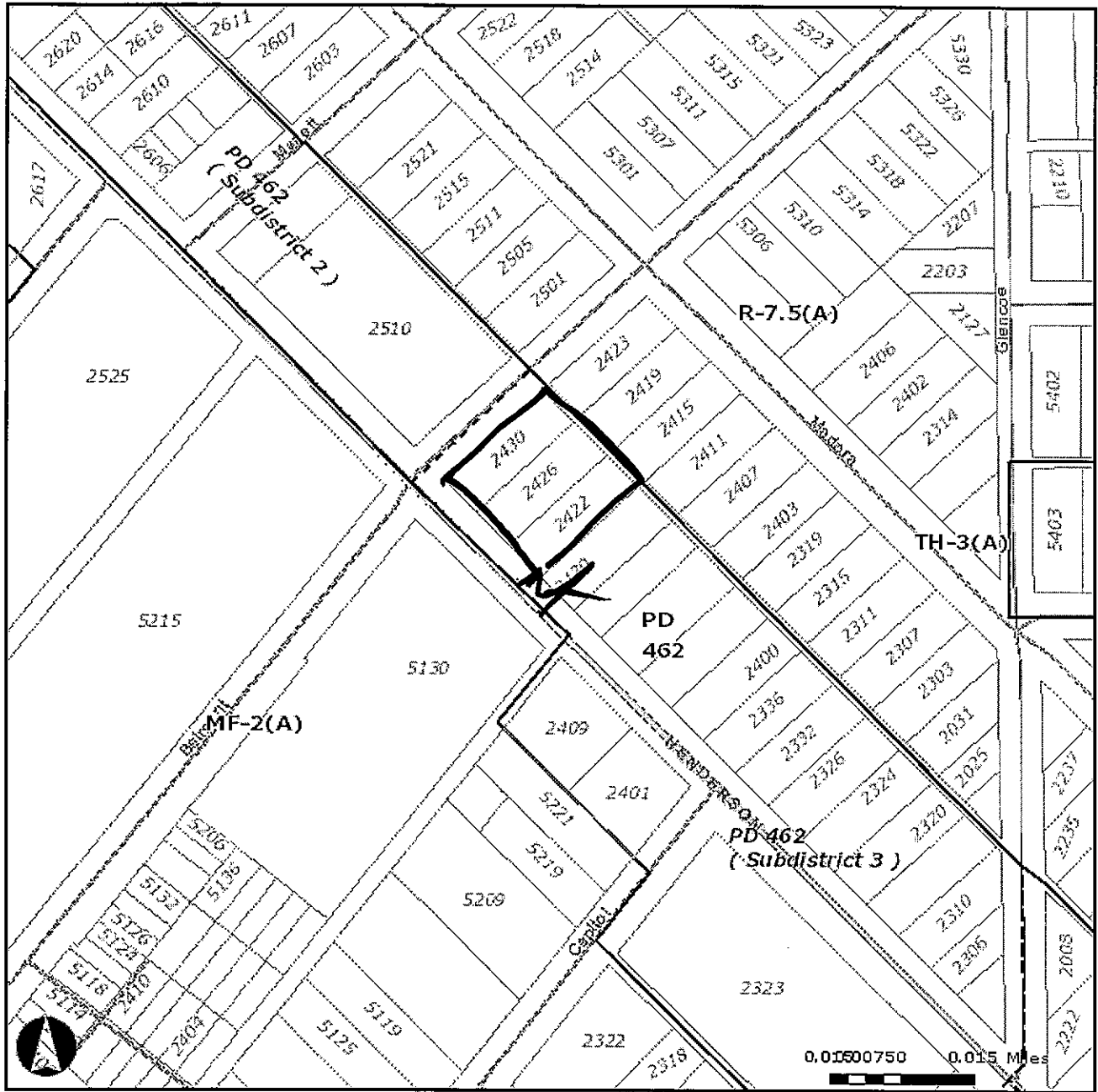
Sincerely,


Lloyd Denman, Building Official

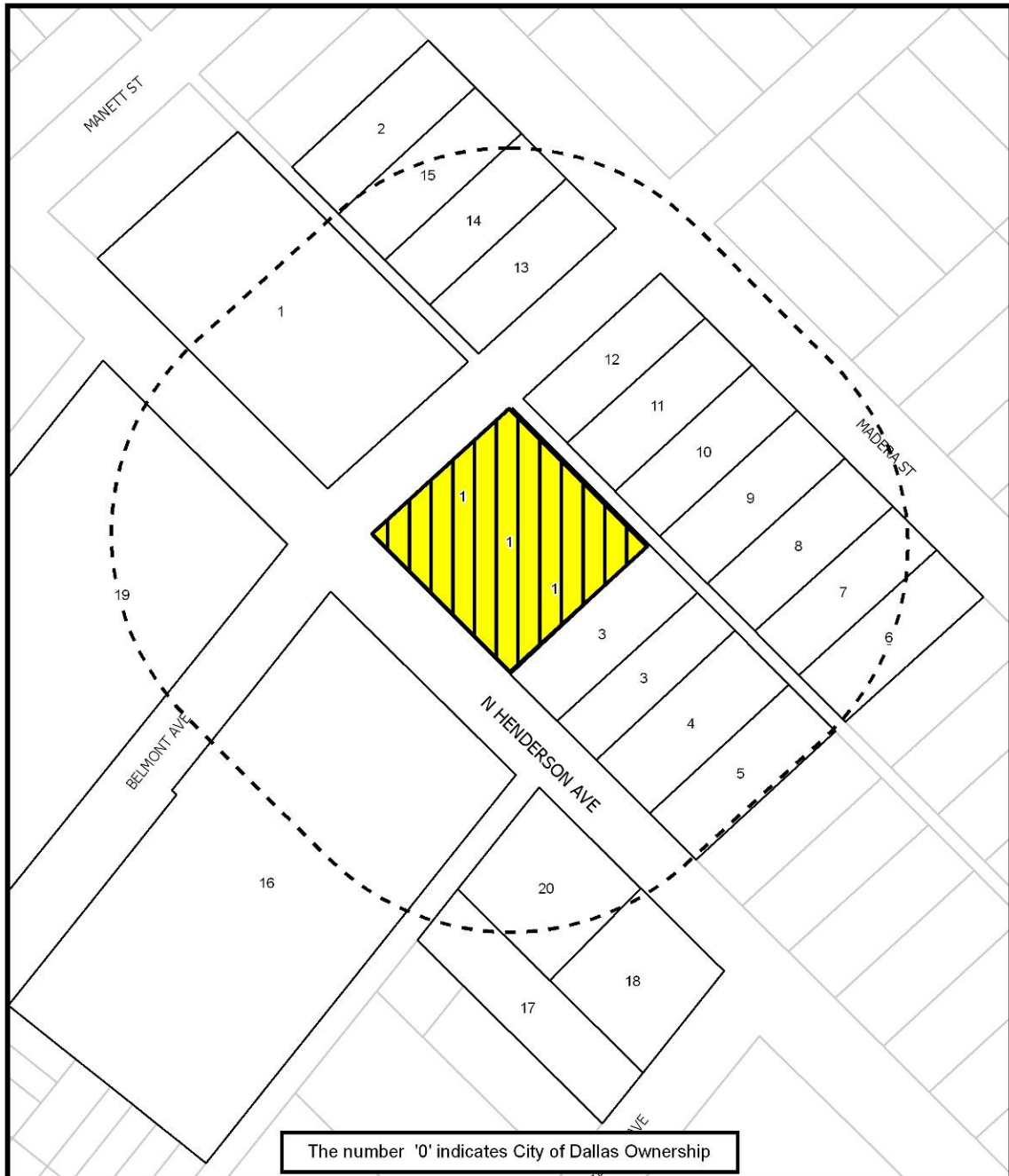




City of Dallas Zoning



- | | | |
|--|--|--|
| <ul style="list-style-type: none"> City Boundaries County Certified Parcels DISD Sites Council Districts Waterways Parks | <ul style="list-style-type: none"> SUP Dry Overlay D D-1 Historic Overlay Historic Subdistricts NSO Overlay NSO Subdistricts | <ul style="list-style-type: none"> PD193 Oak Lawn PDS Subdistricts Base Zoning Pedestrian Overlay CP SP Environmental Corridors Escarpment Overlay |
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 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;">20</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	20	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA112-070</u> Date: <u>5/31/2012</u>
200'	AREA OF NOTIFICATION					
20	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA112-070

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2430 HENDERSON AVE	LIC HENDERSON AVE LP
2	2515 MADERA ST	GORDON SCOTT K
3	2420 HENDERSON AVE	HERNANDEZ ROY
4	2410 HENDERSON AVE	HAJDAR LUCY LIFE ESTATE
5	2406 HENDERSON AVE	COHEN CLARA JO
6	2319 MADERA ST	GONZALEZ OLGA
7	2403 MADERA ST	REYNA VICENTE & CATALINA VARELA
8	2407 MADERA ST	MOODY TAYLOR
9	2411 MADERA ST	WARD JOAN
10	2415 MADERA ST	VEGA JESUS
11	2419 MADERA ST	WILLIAMS DEREK B
12	2423 MADERA ST	PATEL SUNAY & NISHA
13	2501 MADERA AVE	POWELL RICHARD CHAD
14	2505 MADERA AVE	MOON MICHAEL D
15	2511 MADERA ST	WINBORN BOBBIE SUE
16	5130 BELMONT AVE	SPUSO5 WOOD ALTA HENDERSON LLC %WOOD PAR
17	5221 CAPITOL AVE	SHOPS ON HENDERSON LP %CONNECTED MANG SV
18	2401 HENDERSON AVE	THE SHOPS ON HENDERSON LP %CONNECTED MAN
19	5215 BELMONT AVE	HENDERSON BELMONT APTS PO LTD PARTNERSHI
20	2409 HENDERSON AVE	SHOPS ON HENDERSON II LP

FILE NUMBER: BDA 112-081

BUILDING OFFICIAL'S REPORT:

Application of Martin Castaneda for a special exception to the single family use regulations at 3803 Meredith Street. This property is more fully described as Lot 1 & 10 feet of Lot 2 in City Block 1/4861 and is zoned R-5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 3803 Meredith Street

APPLICANT: Martin Castaneda

REQUEST:

- A request for a special exception to the single family use development standard regulations is requested in conjunction with an additional dwelling unit that according to the application would be "under the same roof" as the existing dwelling unit on the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE DEVELOPMENT STANDARDS REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

The Board of Adjustment may grant a special exception to the single family use development standards regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is *when in the opinion of the board*, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting a special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Zoning:

Site: R-5 (A) (Single family district 5,000 square feet)
North: R-5 (A) (Single family district 5,000 square feet)
South: City of Cockrell Hill
East: R-7.5 (A) (Single family district 7,500 square feet)
West: R-5 (A) (Single family district 5,000 square feet)

Land Use:

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

Zoning/BDA History:

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

Timeline:

- June 27, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 17, 2012: The Board Administrator spoke with the applicant and informed him of the public hearing date and the standard in which the board would use in considering his application. The applicant informed the administrator that he did not have an email address but would have his daughter make contact at a later date.
- July 31, 2012: 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 Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.

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

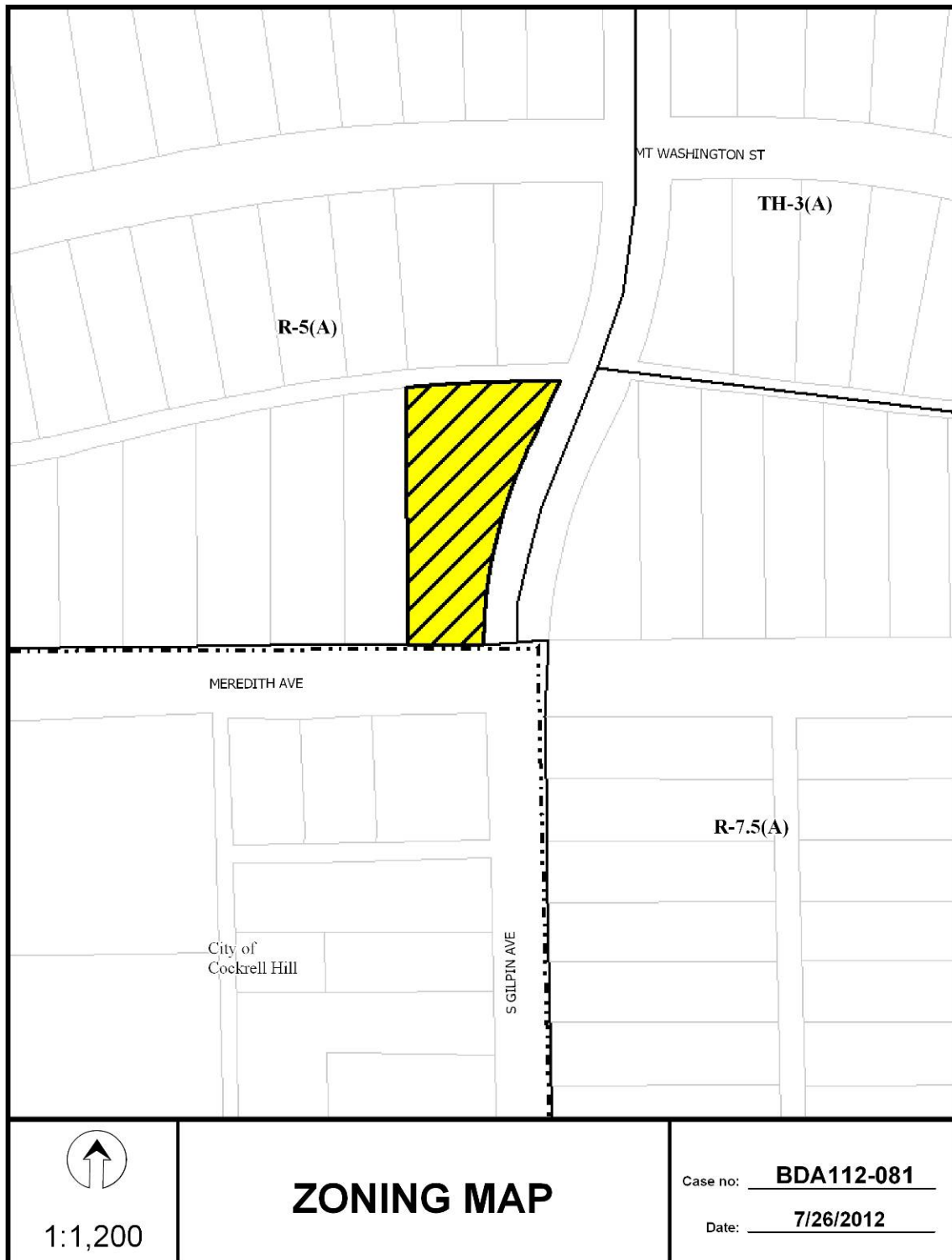
- August 3, 2012: Staff discovered an error with meeting notification requirements on this application for Panel C's August 13th hearing. Given this error, the Board Administrator informed the applicant that his applicant was postponed until Panel C's next scheduled hearing to be held on September 17, 2012.
- August 7, 2012: The Board Administrator emailed the applicant's daughter the following information:
- an attachment that provided the public hearing date (September 17th) and panel that will consider the application; the August 29th deadline to submit additional evidence for staff to factor into their analysis; and the September 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.
- September 4, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September 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, Building Inspection Chief Planners, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

GENERAL FACTS/ STAFF ANALYSIS:

- According to the applicant's daughter, the request focuses on constructing and maintaining an additional dwelling unit within or under the same roof as the existing structure that is a dwelling unit.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties. The Dallas Development Code defines "single family" use as "one dwelling unit located on a lot;" and a "dwelling unit" as "one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms."
- A site plan has been submitted denoting the location of what appears to be a main structure and an accessory "metal storage" structure on the site. The site plan

represents the sizes and locations of the two building footprints relative to the entire lot/property.

- Elevations have been submitted of the main structure on the site – elevations that appear to be representations of the existing main structure on the site as noted by the Board Administrator on his field trip of the site on July 11, 2012.
- Floor plans have been submitted of the main structure on the site. The first floor plan denotes the following rooms: two living rooms, a study, a kitchen, two play rooms, three bedrooms, a master bedroom, three baths, and four closets. The second floor plan denotes the following rooms: two bedrooms, two baths, two closets, and a kitchen/dining room.
- Building Inspection staff has reviewed the submitted floor plans and deemed there to be more than one “dwelling unit” within the existing structure- that is two dwelling units within the structure per code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- DCAD records indicate that the property at 3803 Meredith has the following improvements:
 - “main improvement:” a structure built in 1950 with 1,022 square feet of living area, and 2,702 square feet of total area; and
 - “additional improvement:” 1,680 square foot room addition.
- This request appears to center on the function of what is proposed to be located within one structure on the subject site. No other request for variance or special exception to any other zoning code provision has been made to the board. Given this, it appears that if the board were to deny this request that the structure shown on the site plan and in elevations could be maintained but without certain components as shown on the submitted floor plans- modifications to the submitted floor plans where the City would deem there to be only one dwelling unit on the property.
- As of September 10, 2012, no letters had been submitted to staff in support or in opposition to the application.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the board were to approve the request for a special exception to the single family regulations, the board may want to determine if they feel that imposing a condition that the applicant comply with the submitted site plan and/or floor plan are necessary in assuring that the special exception will not adversely affect neighboring properties. Note that granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including but not limited to setback and coverage requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-081

Data Relative to Subject Property:

Date: 6-27-12

Location address: 3803 MEREDITH ST. Zoning District: R-5(A)

Lot No.: 1(10'x2) Block No.: 1/4861 Acreage: .51 Census Tract: 67.00

Street Frontage (in Feet): 1) 63' 2) 225' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

JW16

Owner of Property (per Warranty Deed): MARTIN CASTANEDA

Applicant: MARTIN CASTANEDA Telephone: 214-466-0309

Mailing Address: 3803 MEREDITH ST. Zip Code: 75211

E-mail Address: _____

Represented by: MARTIN CASTANEDA Telephone: 214-466-0309

Mailing Address: 3803 MEREDITH ST. Zip Code: 75211

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of AN ADDITIONAL DWELLING UNIT

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

THE ADDITIONAL DWELLING UNIT WILL BE UNDER THE SAME ROOF FOR MY DAUGHTER AND US AND WILL NOT BE FOR RENTAL PROPERTY. THE PROPERTY WILL BE MADE GOOD LOOKING WITH NICE LANDSCAPING AND TREES.

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

Affidavit

Before me the undersigned on this day personally appeared MARTIN CASTANEDA (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 27th day of June 2012
Demetria R. McKenzie
Notary Public
State of Texas
My Comm. Expires 09-22-2012

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Martin Castaneda

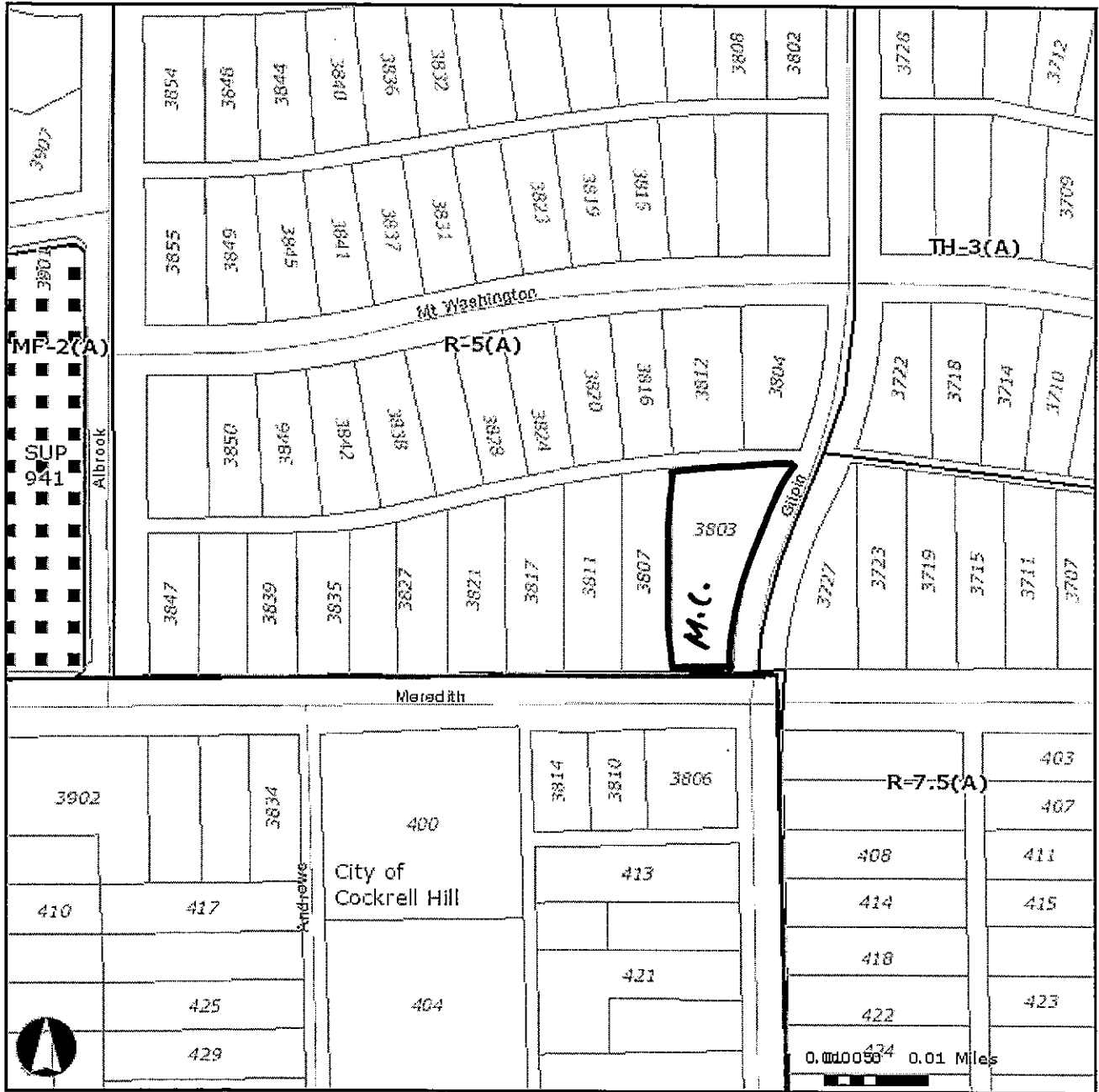
did submit a request for a special exception to the single family regulations
at 3803 Meredith Avenue

BDA112-081. Application of Martin Castaneda for a special exception to the single family regulations at 3803 Meredith Street. This property is more fully described as lot 1 & 10 fee of lot 2 in city block 1/4861 and is zoned R-5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,


Lloyd Denman, Building Official

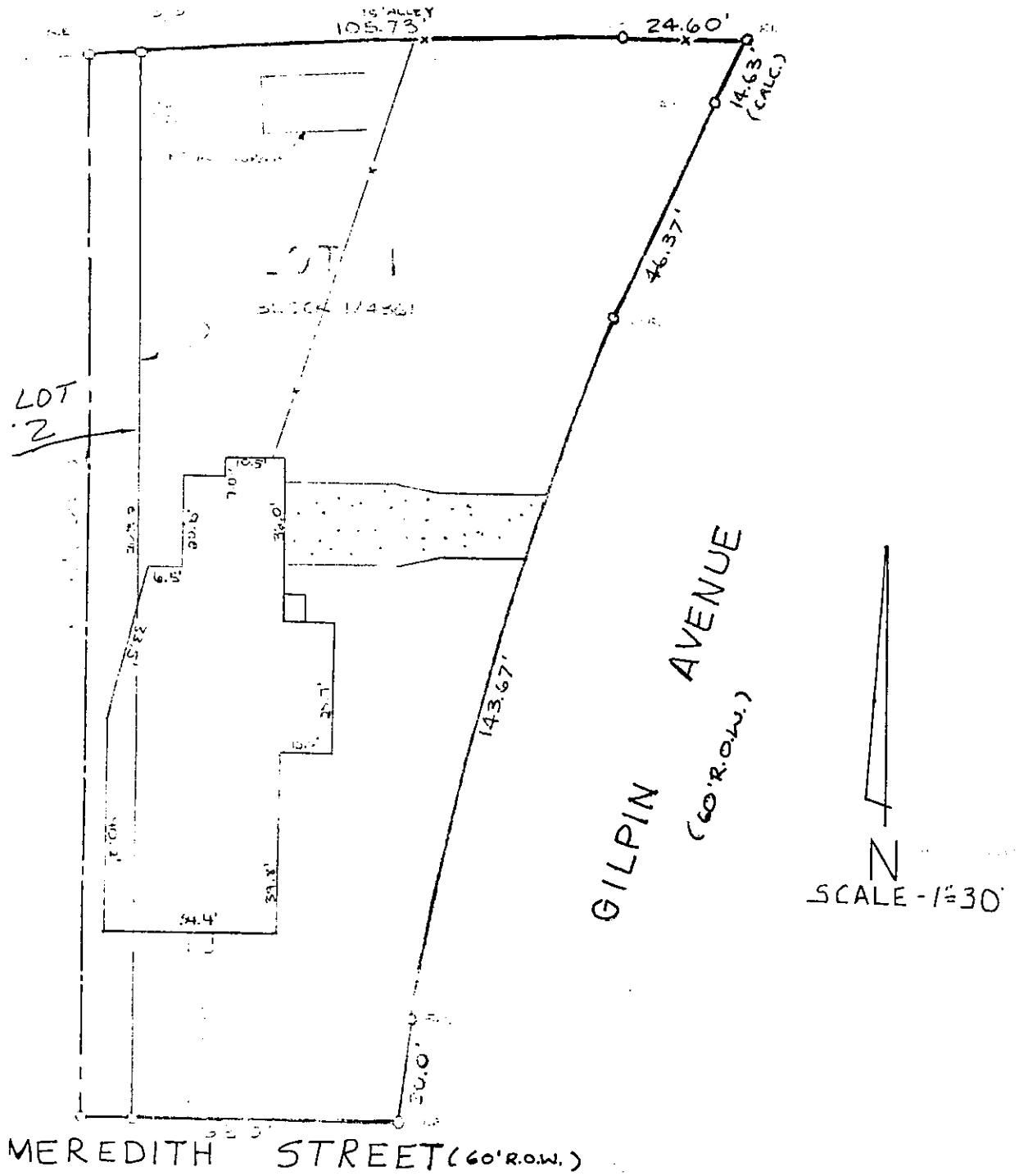
City of Dallas Zoning

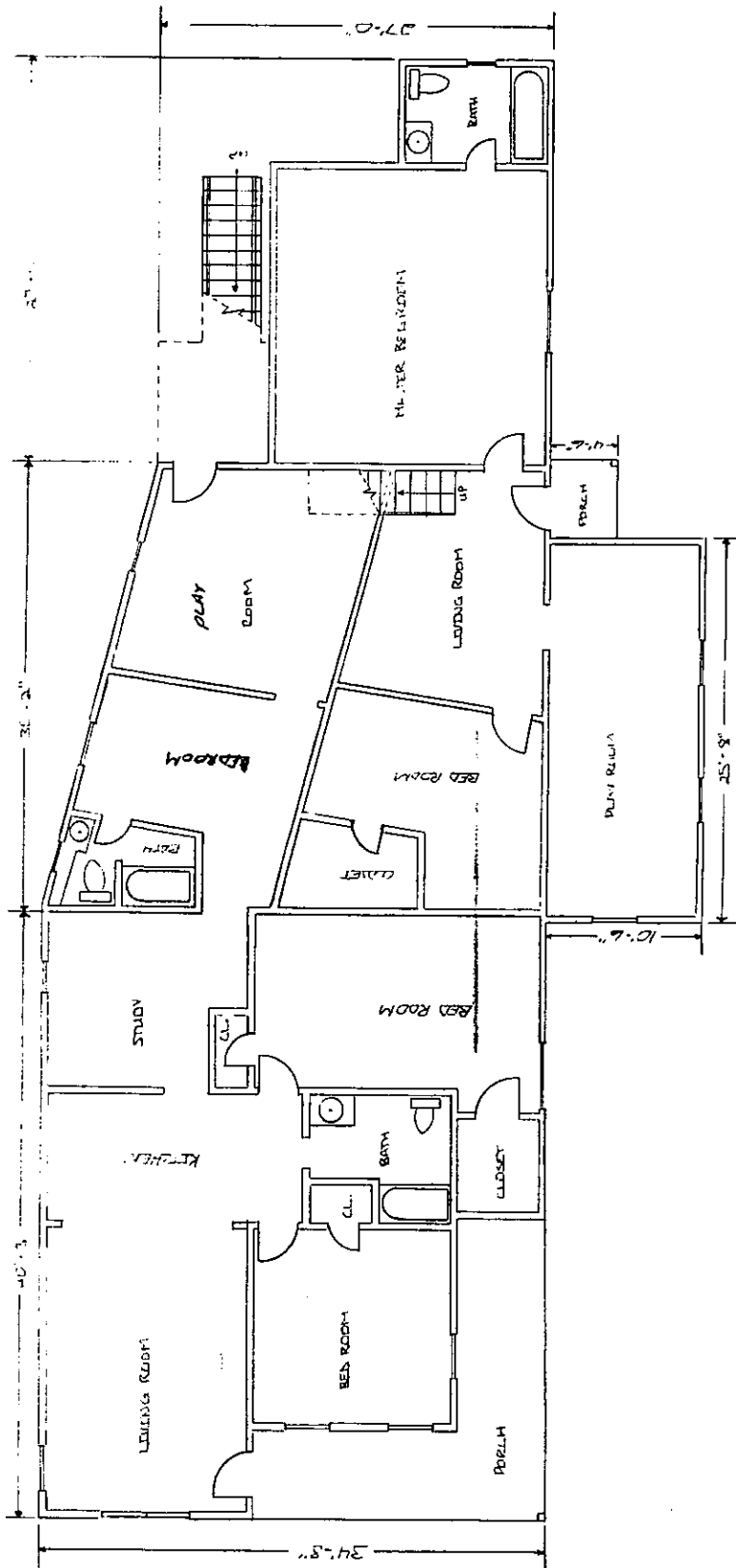


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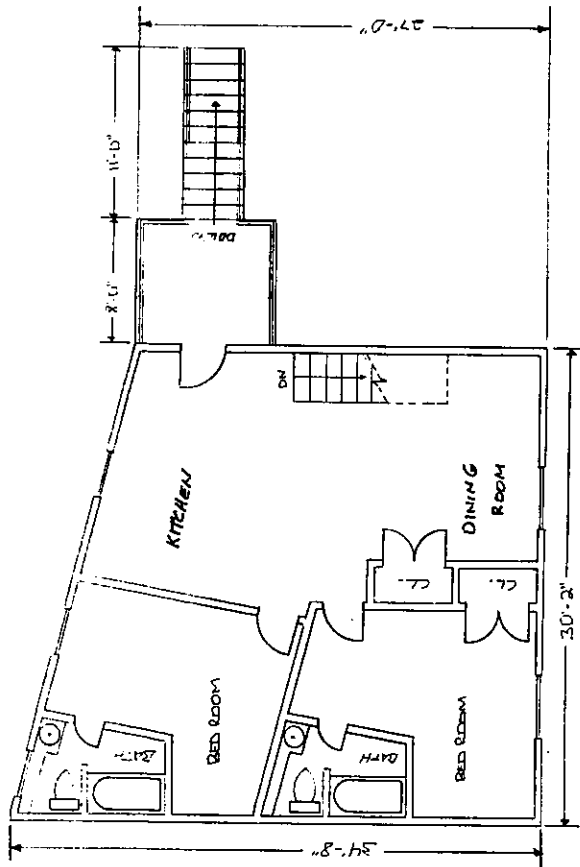
- | | | |
|--|--|--|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>Parks</p> | <p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> <p>MD Overlay</p> | <p>Base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

NOTE: To the best of my knowledge and belief, all the information shown on this plan is true and correct.

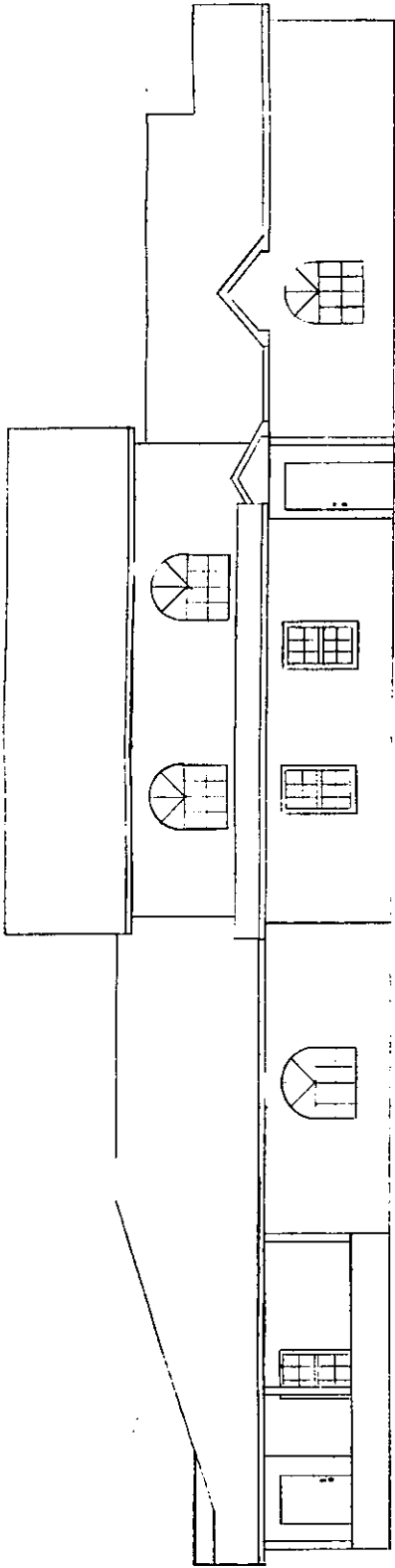




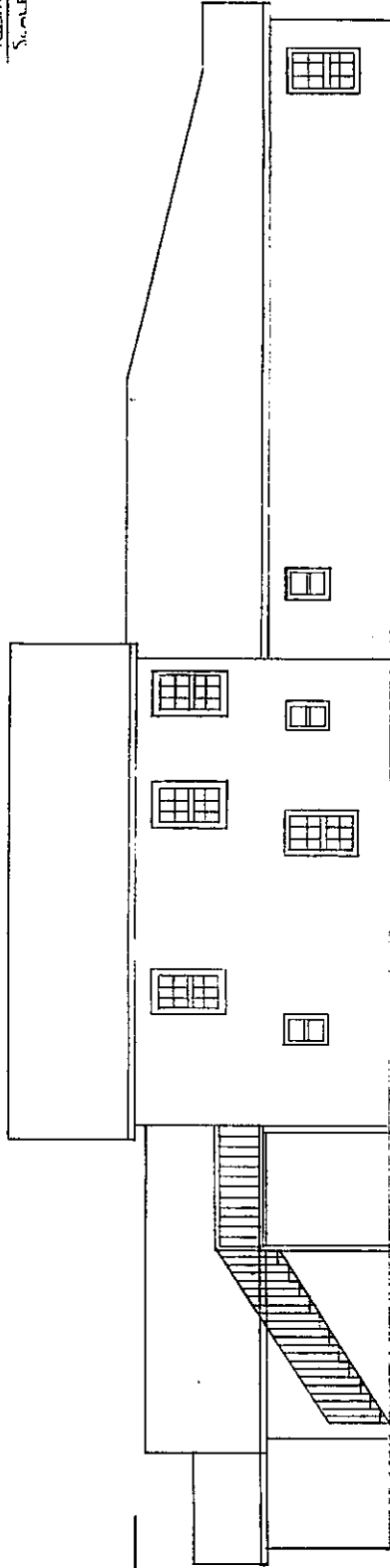
1st Floor Plan
 SCALE: 1/8" = 1'-0"



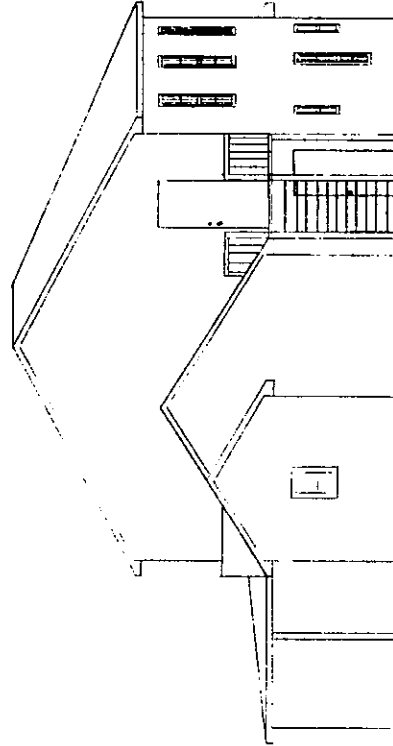
2ND FLOOR PLAN
SCALE 1/8"=1'-0"



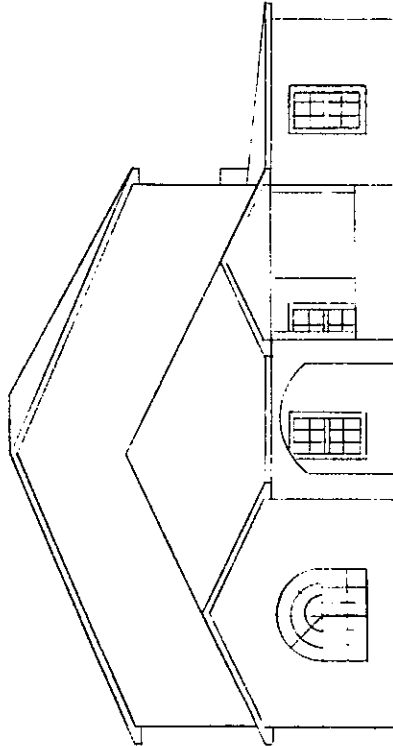
RIGHT ELEVATION
SCALE 1/8" = 1'-0"



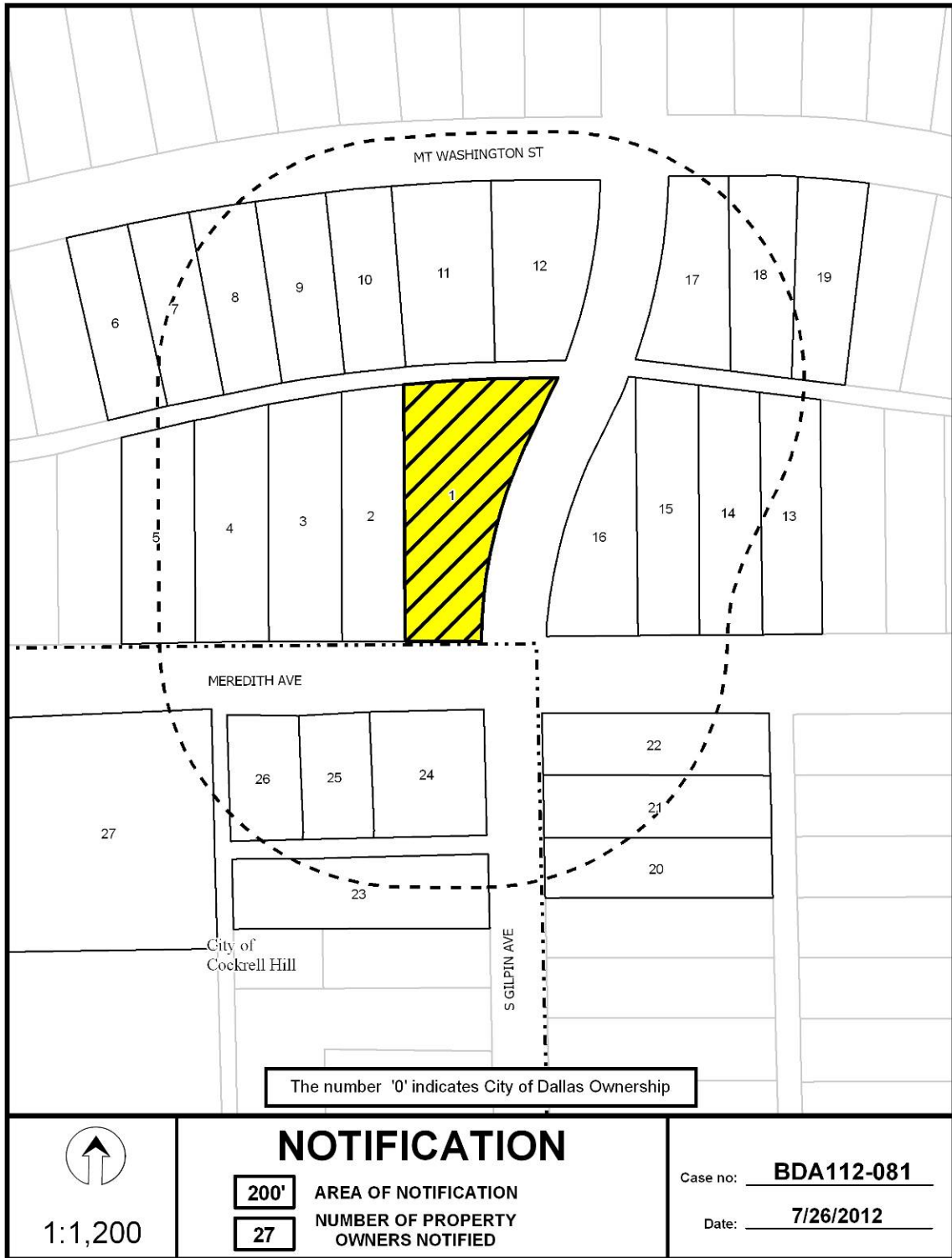
LEFT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"



FRONT ELEVATION
SCALE 1/4" = 1'-0"



Notification List of Property Owners

BDA112-081

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3803 MEREDITH ST	CASTANEDA MARTIN & ROSA T
2	3807 MEREDITH ST	DOMINGUEZ IGNACIO
3	3811 MEREDITH ST	HERNANDEZ JOSE V & JOSEPHINE
4	3817 MEREDITH ST	GARZA JESSE & CASIMERA
5	3821 MEREDITH ST	NOGUEZ CIRIACO & MARIA NOGUEZ
6	3834 MT WASHINGTON ST	AGUINAGA GREGORIO & FRANCES
7	3828 MT WASHINGTON ST	PADRON OFELIA
8	3824 MT WASHINGTON ST	BRISENO JUAN
9	3820 MT WASHINGTON ST	LAVENDER DAVID & SANDRA A
10	3816 MT WASHINGTON ST	MENDOZA JESUS E
11	3812 MT WASHINGTON ST	ROBLES DIANA
12	3804 MT WASHINGTON ST	GALLEGOS RAUL ETAL
13	3715 MEREDITH ST	HERNANDEZ JOE N & TAMMY
14	3719 MEREDITH ST	IBARRA MIGUEL
15	3723 MEREDITH ST	GRAFFORD MARY L EST OF
16	3727 MEREDITH ST	CURRY AGNES F
17	3722 MT WASHINGTON ST	MENDEZ JOSE & OLIVIA
18	3718 MT WASHINGTON ST	DICKENS BOBBIE
19	3714 MT WASHINGTON ST	MARTINEZ CANDELARIO
20	408 GILPIN AVE	ROCKETT JAMES S
21	404 GILPIN AVE	JACINTO DIANA S & GILBERT G JACINTO SR
22	400 GILPIN AVE	OBRIEN GEORGE M &
23	413 GILPIN AVE	WRAY LEEDEAN
24	3806 MEREDITH ST	ROMERO GERARDO % DIRECTOR V A REG OFFICE
25	3810 MEREDITH ST	CANTU OSCAR & MARIA JOSEFINA
26	3814 MEREDITH ST	DAVIS LARRY D & LAVERNE
27	400 ANDREWS AVE	ZIM INVESTMENTS INC

FILE NUMBER: BDA 112-085

BUILDING OFFICIAL'S REPORT:

Application of Ken Reese, represented by Robert Reeves of Robert Reeves and Associates, for a variance to the off-street parking regulations at 3000 Turtle Creek Plaza. This property is more fully described as Lot 1R in City Block A/993 and is zoned PD-193 (PDS 61), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for office use and provide 331 of the required 441 off-street parking spaces, which will require a variance to the off-street parking regulations of 110 spaces.

LOCATION: 3000 Turtle Creek Plaza.

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

REQUEST:

- A variance to the off-street parking regulations of 110 parking spaces (or a 25 percent reduction of the 441 off-street parking spaces that are required) is requested in conjunction with constructing and maintaining an approximately 161,500 square foot office use/structure on a site that is currently undeveloped. The applicant proposes to provide 331 (or 75 percent) of the required 441 off-street parking spaces in conjunction with constructing and maintaining this use with this square footage.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval

Rationale:

- The applicant has substantiated how the subject site is unique and different from most lots zoned PD 193 in that subject site is: 1) somewhat irregular in shape; 2) of restrictive area caused by 33 percent of it as floodway easement (non-buildable area); and 3) sloped with a 24 foot change in grade from near the center of the site westward to Cedar Springs Road.
- In addition, granting the variance is not contrary to the public interest in that: 1) Sustainable Development and Construction Department Engineering Division Assistant Director has no objections to the request; and 2) the applicant has provided a parking study projecting that the anticipated average peak parking demand for the proposal is 232 vehicles or 92 spaces less than the requested parking supply of 331 spaces.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is undeveloped. The area to the north is Turtle Creek; the areas to the east and south are developed with office uses, and the area to the west is office and undeveloped land.

Zoning/BDA History:

1. BDA 967-251, Property at 2920 Turtle Creek Plaza (the subject site)

On May 19, 1997, the Board of Adjustment Panel C granted a request for a variance to the height regulations of 60 feet. The case report states that the request was made to construct and maintain an approximately 300,000 square foot, 300 foot high condominium tower use.

Timeline:

- June 25, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 17, 2012: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 25th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd 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.
- July 25 &
August 2 & 7, 2012: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).
- July 27, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”
- July 31, 2012: 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 Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.
- August 1, 2012: The applicant’s representative requested that this application be postponed from Panel C’s August 13th hearing to Panel C’s September 14th hearing.
- September 4, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September 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, Building Inspection Chief Planners, the Board Administrator, the Building Inspection Senior Plans

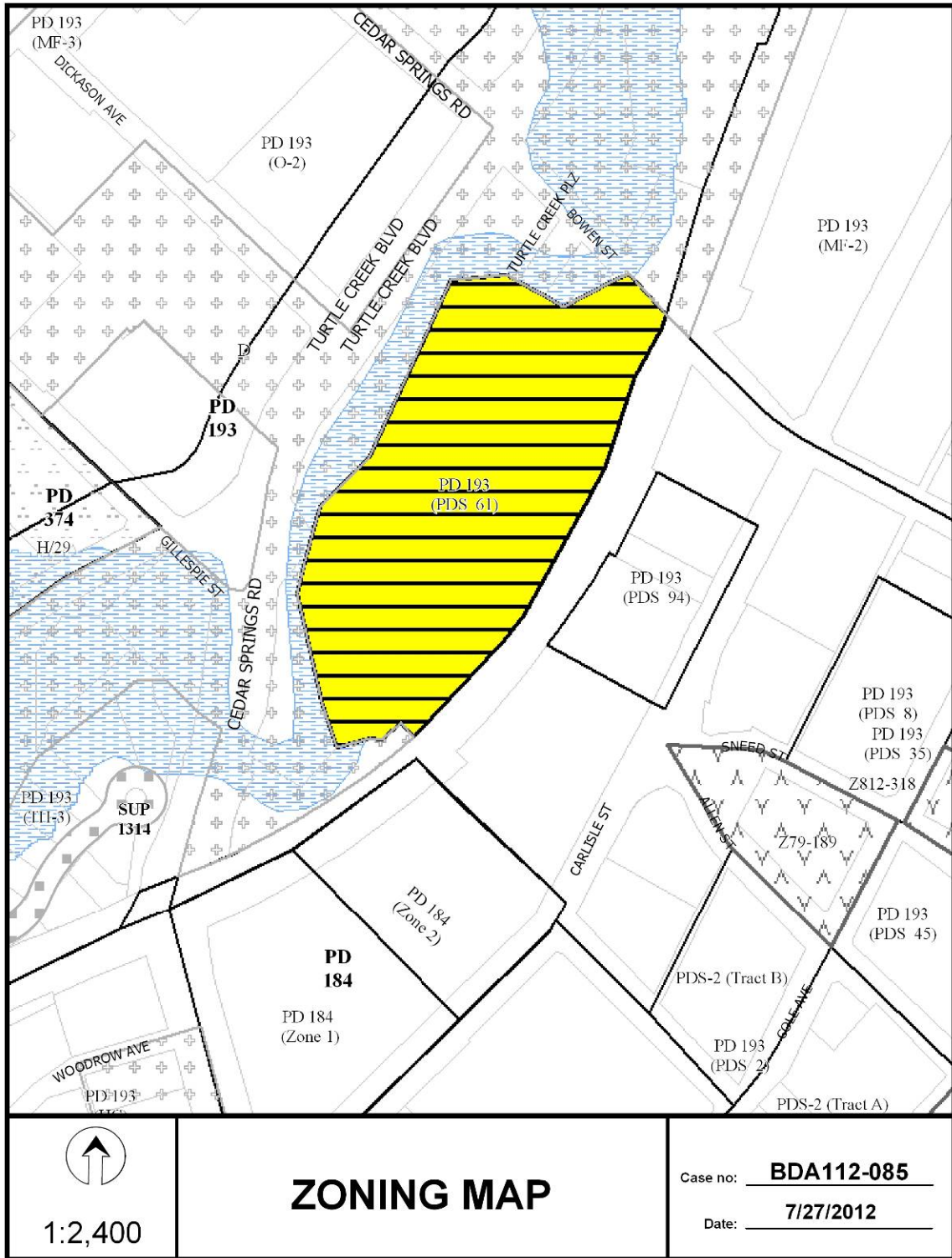
Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 161,500 square foot office use/structure on a site that is currently undeveloped and providing 331 (or 75 percent) of the required 441 off-street parking spaces in conjunction with constructing and maintaining this use with this square footage.
- The subject site is zoned PD 193 (PDS 61). While PDS 61 makes specific off-street parking requirements for “retirement housing community” use, the PDS states that off-street parking requirements for all other uses be provided as listed in PD 193. PD 193 states that the parking requirement for “office” use to be one space per 366 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 office uses in PD 193 by 25 percent.
- The subject site is somewhat irregular in shape and, according to the application, 5.853 acres in area. The applicant has submitted documents that indicate that the 33 percent of the site is floodway easement (non-buildable area) and has a 24 foot change in grade from near the center of the site westward to Cedar Springs Road.
- DCAD records indicate “no improvements” for property at 3000 Turtle Creek Plaza.
- On July 25, 2012, the applicant’s representative submitted additional information beyond what was submitted with the original application (see Attachment A).
- The applicant has provided a parking study stating that the proposed development on the site is being designed for up to 280 employees where according to the

Institute of Transportation Engineers (ITE) Parking Generation manual, the anticipated average peak parking demand is 232 vehicles (due to employees absenteeism- sick, vacation, business travel, etc.) or 92 spaces less than the requested parking supply of 331.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site (that differs from other parcels of land by being of such a restrictive area, shape, or slope) that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (PDS 61) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD 193 (PDS 61) zoning classification.
- The Sustainable Development and Construction Department Engineering Division Assistant Director has submitted a review comment sheet marked “Has no objections.”

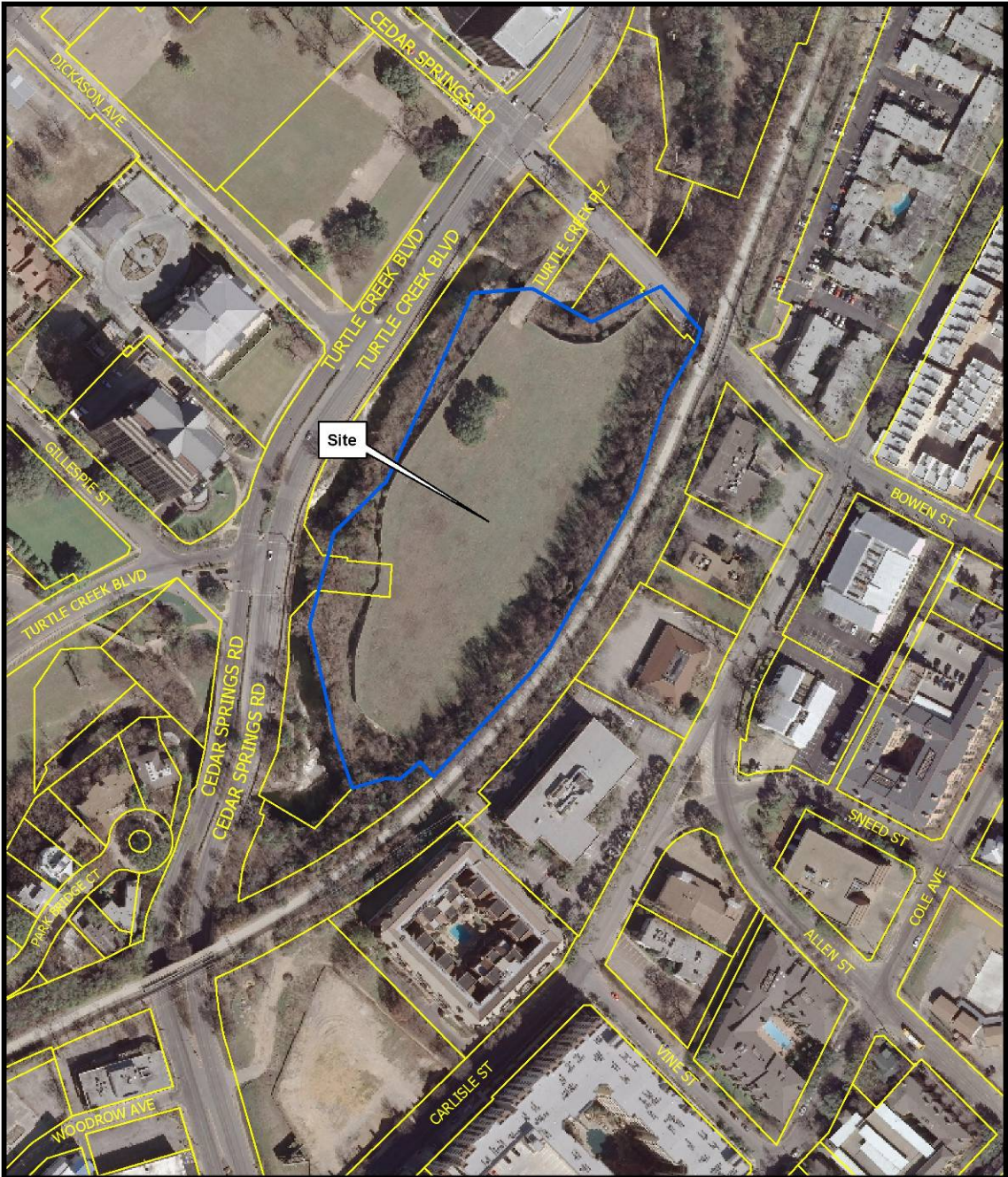


1:2,400

ZONING MAP

Case no: **BDA112-085**

Date: **7/27/2012**



1:2,400

AERIAL MAP

Case no: BDA112-085

Date: 7/27/2012

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

July 25, 2012

Board of Adjustment
City of Dallas
320 E. Jefferson Blvd.
Dallas, Texas 75203

RE: Request for a Parking Variance
BDA-112-085

To Whom It May Concern:

This is a request by 3000 Turtle Creek Plaza, LLC for a 110 parking space variance for a single-tenant boutique office building in PD No. 193, Special Subdistrict No. 61 located at the southeast corner of Cedar Springs Ave. and Bowen Street. The 5.853-acre tract fronts along Turtle Creek Park.

Special Subdistrict No. 61 was established for one purpose, to allow a retirement housing community use on property previously zoned O-2. If the retirement housing community is not built, all previous O-2 District development guidelines apply and no development plan is required. Therefore, Special Subdistrict No. 61 is nothing more than an O-2 District with one additional use allowed.

Site Characteristics and Background Information:

The site is very irregular in shape and has limited frontage on Bowen Street. There is a steep 24-foot change in grade along the length of the site parallel to Turtle Creek. More importantly, the buildable area of the site is significantly restricted because 33% of the site or 1.92 acres cannot be developed because it falls within a floodway easement, see attachments.

In order to develop the site, the applicant is required to demolish the existing bridge off Bowen Street and construct a new bridge across Turtle Creek Park to Cedar Springs Ave. The applicant is also required to replace the wooden walkway portion of Turtle Creek Trail adjacent to its site, with a concrete walkway see attached graphics. Because almost two acres of the site is in a floodway easement and unavailable for surface parking, the applicant will be required to build a third and possibly a fourth level of structured parking in order to meet code and provide the 110 spaces it does not need. Eliminating the need for additional levels of structured parking would enable the applicant to commit

approximately \$800,000 for additional improvements to the Turtle Creek Trail resulting in an upgrade to the entire length of the trail adjacent to its site. This area is noted as “elective improvements” on the attached graphic. In addition, by eliminating the need for additional levels of structure parking, a two-level parking structure will be located below Katy Trail elevation, which is approximately 20 to 24 feet above the site. In total, the applicant contemplates spending approximately \$5 million on bridge and Turtle Creek Trail improvements.

Building Program and Parking Demand:

The applicant has completed its preliminary programming for the proposed building and a minimum 161,464 square foot boutique office is contemplated. The proposed building will contain a very high percentage of large ancillary uses, which includes a private fitness center, private conference center, private gallery/display area and employee cafeteria. The attached Parking Demand Analysis, prepared by DeShazo Group, Inc. provides floor area allocations and actual parking demands for this specialty office.

Typically, parking demands and parking requirements for office uses are expressed as a ratio based on floor area. However, because of the high percentage of large ancillary spaces, this methodology does not make sense. The building is designed for 280 employees or 577 square feet per employee and will have an anticipated peak parking demand of 232 parking spaces. The applicant will be providing a minimum of 331 parking spaces, more than enough surplus spaces to provide parking for visitors.

Based on the analysis and recommendations in the attached Parking Demand Analysis, we feel a 110 parking space variance is warranted. This variance is 25% of our required parking, which would qualify as a parking special exception anywhere else in the City except PD No. 193.

Criteria for Approving Parking Variance:

We feel that this request meets the following criteria for approving a parking variance.

- a) It is not contrary to the public interest when, owing to special conditions and constraints of the site along with the unique building design, 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 slop that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same O-2 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 O-2 District zoning.

Summary:

The site has a very irregular shape, significant grade change, and reduced buildable area and clearly differs from other parcels of land with the same O-2 District zoning. The building program is for a boutique office structure with an average square footage per employee much larger than a standard office building due to the high percentage of large ancillary spaces and limited number of employees. Based on these facts, we respectfully request the approval of this 110 space parking variance.

Sincerely:

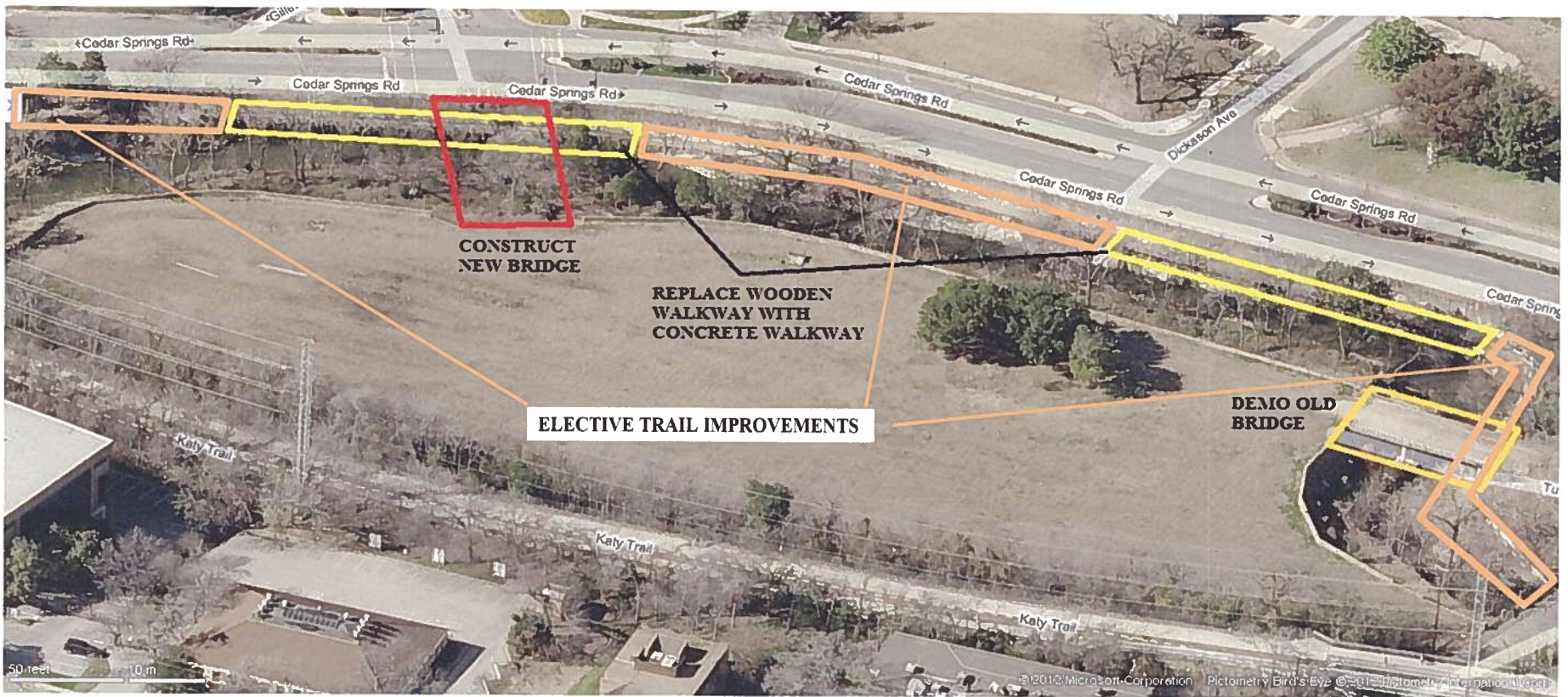


Robert Reeves, President
Robert Reeves & Associates, Inc.

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



BDA-112-085



Existing trail conditions adjacent to property



New trail improvements along our Turtle Creek property to match trail improvements completed north of Bowen Street



New trail improvements north of Bowen Street



New trail improvements stop at our northern property line

TURTLE CREEK ASSOCIATION

BDA 112-085

ATTEN B

pg 1

+

2012 BOARD OF DIRECTORS

Dr. Ann Stuart, Chair
Kim Askew
Anne Crews
Richard Geiger, Secretary
Deborah Hankinson
Charlotte Herr
John Lesselyong
Landon Lowry
Allan McBee
Don McDermott, Chair-elect
Pat O'Brien
Deborah Stanford

Cathy Golden President/CEO

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Pat Baker
Anne Barton
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Lance Brennan
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Jyl & Randy Cain
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Cal Donsky
Jane Dunne
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Adelyn Hoffman
Forrest Hoglund
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Maury Kemp
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Susan Key
Scott Kimple
Rollin W. King
True Knowles
Sarah Lamensdorf
Marjorie K. Levy
Lynn M. Lewis
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Mildred Oppenheimer
Joanne Parker
Nelda Cain Pickens
Judy Pittman
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Kelli Questrom
Carol Reed
Margaret Rogers
Sandra Rogers
Greg J. Rohan
James Seitz
Lynn Smith
Gloria McCall Sneed
Jason Taylor
Judy & John Temple
Sherry L. Travers
Elyce C. Walthall
Tressa & James Wood
Rodney Woods
James Wright

August 2, 2012

Board of Adjustment Panel C

City of Dallas Marilyn 1500 Marilla St., Room 5BN
Dallas, Texas 75201

RE: BDA 112-085
3000 Turtle Creek Plaza

Dear Board Members:

The Turtle Creek Association (TCA) is a non-profit organization dedicated to the preservation and strategic development of the Turtle Creek Corridor. This Corridor encompasses 80 city blocks and approximately 90 acres of green space.

TCA has over 700 members, most of whom live in the Corridor. The members elect and are represented by a twelve member Board of Directors.

The Board of Directors urges your support of the 110 parking space variance submitted by 3000 Turtle Creek Plaza, LLC. They have reviewed the facts of the request and feel the requested parking variance is warranted.

Sincerely,



Cathy S. Golden
President/CEO

c: Rob Elmore, Oak Lawn Committee

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

BOA 112-085

Attch B

pg 2

Members:

American National Bank

DUANE BATES

LELAND BURK

ROB ELMORE

PITTMAN HAYMORE

PHILIP HENDERSON

BRUCE HORTON

MEL KLEIN

SUE KRIDER

BRENDA MARKS

MICHAEL MILLIKEN

JOHN OLSON

PAUL ONDREJ

ZAC PORTER

Premier Communities

Management Company

Renaissance on Turtle Creek

Homeowners Assn.

JOHN SELIG

MARK SHEKTER

FRANK STICH

Turtle Creek Association

Villas at the Mansion

Warwick Melrose Hotel

NANCY WEINBERGER

August 7, 2012

Robert Reeves & Associates, Inc.

900 Jackson Street, Suite 160

Dallas, Texas 75202

214-749-0530

FAX: 214-749-5605

rob.reeves@sbcglobal.net

RE: BDA 112-085, 3000 Turtle Creek Plaza

Dear Mr. Reeves:

At the August meeting, the Oak Lawn Committee voted to abstain from support for the applicant's request for a variance of the parking requirement by 110 spaces. We look forward to a presentation with a site plan, landscape plan, and egress/ingress plan.

Thank you for your presentation.

Sincerely,



Rob Elmore

President

cc: Honorable Angela Hunt

Mr. Steve Long

Mr. Frank Stich

P.O. Box 190912, Dallas, Texas 75219



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-085

Data Relative to Subject Property:

Date: June 25, 2012

Location address: 3000 Turtle Creek Plaza

PDS 61 within

Zoning District: PD No. 193

Lot No.: 1R, Blk A/993; Block: A/993 Blks 993 & 994 Acreage: 5.853 5.718 Acs. Census Tract: 5.00

Street Frontage (in Feet): 1) 92.34 2) - 3) - 4) - 5) - SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 3000 Turtle Creek Plaza, LLC

Applicant: Ken Reese Telephone: 214-303-5523

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

E-mail Address: Ken.Reese@hillwood.com

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

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

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

161,464 ←

Affirm that a request has been made for a Variance X, or Special Exception 110 of 126 parking spaces 108 for a 164,051 sq. ft. office; which includes a 10,500 sq. ft. private gallery and 8,890 sq. ft. employee cafeteria. Total required parking: 585 spaces 6,300 432 441

for

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: see attached letter and parking demand analysis.

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 [Signature]

(Affiant/Applicant's signature)

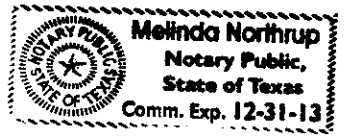
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature]

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26th day of June, 2012

Melinda Northrup
Notary Public in and for Dallas County, Texas



(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman

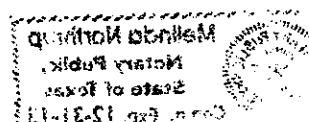
Building Official's Report

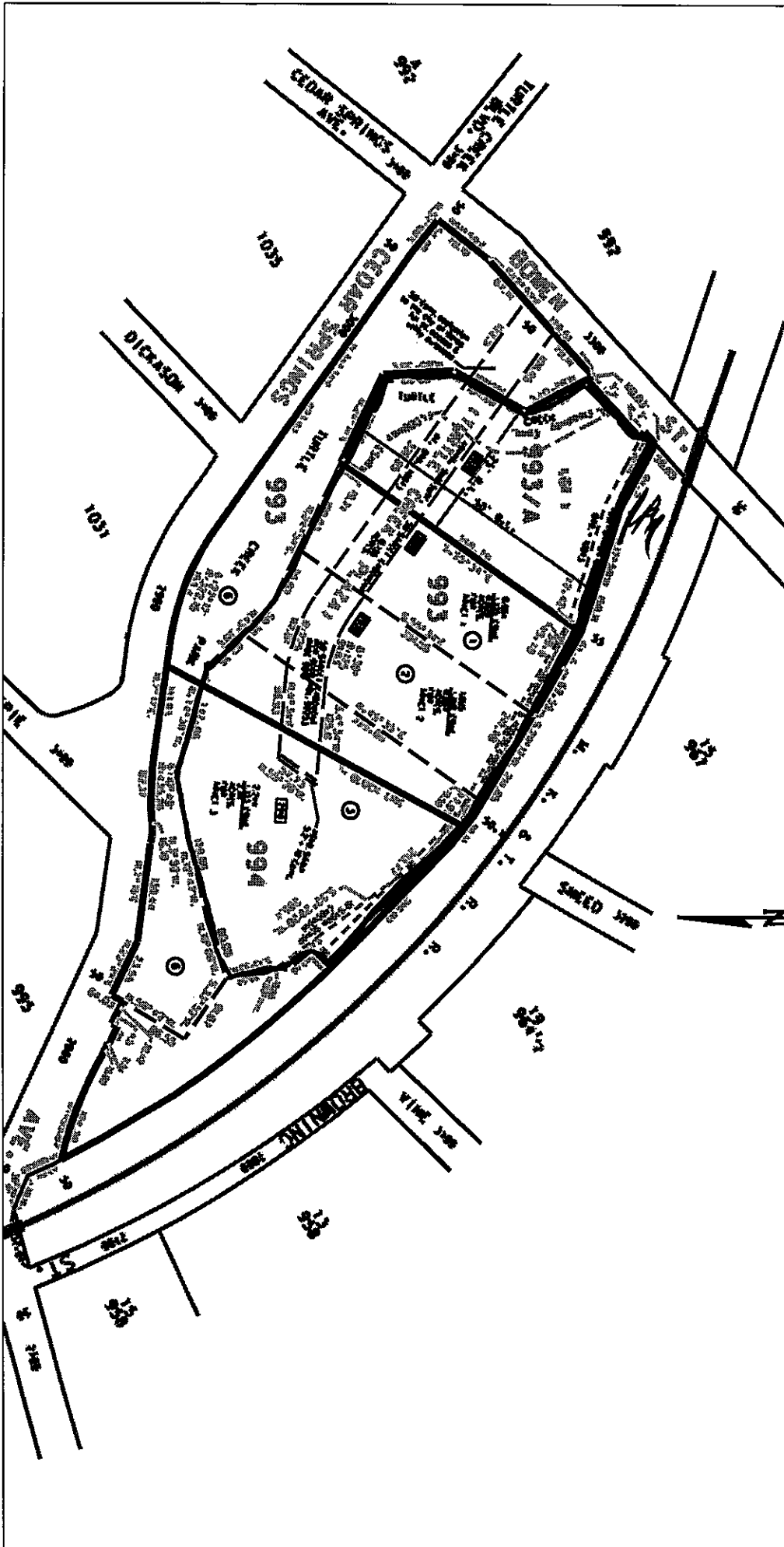
I hereby certify that Ken Reese
represented by ROBERT REEVES
did submit a request for a variance to the parking regulations
at 3000 Turtle Creek Plaza

BDA112-085. Application of Ken Reese represented by Robert Reeves for a variance to the parking regulations at 3000 Turtle Creek Plaza. This property is more fully described as lot 1R in city block A/993 and is zoned PD-193 (PDS 61), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for office use and provide 331 of the required 441 parking spaces, which will require a 110 space variance to the parking regulation.

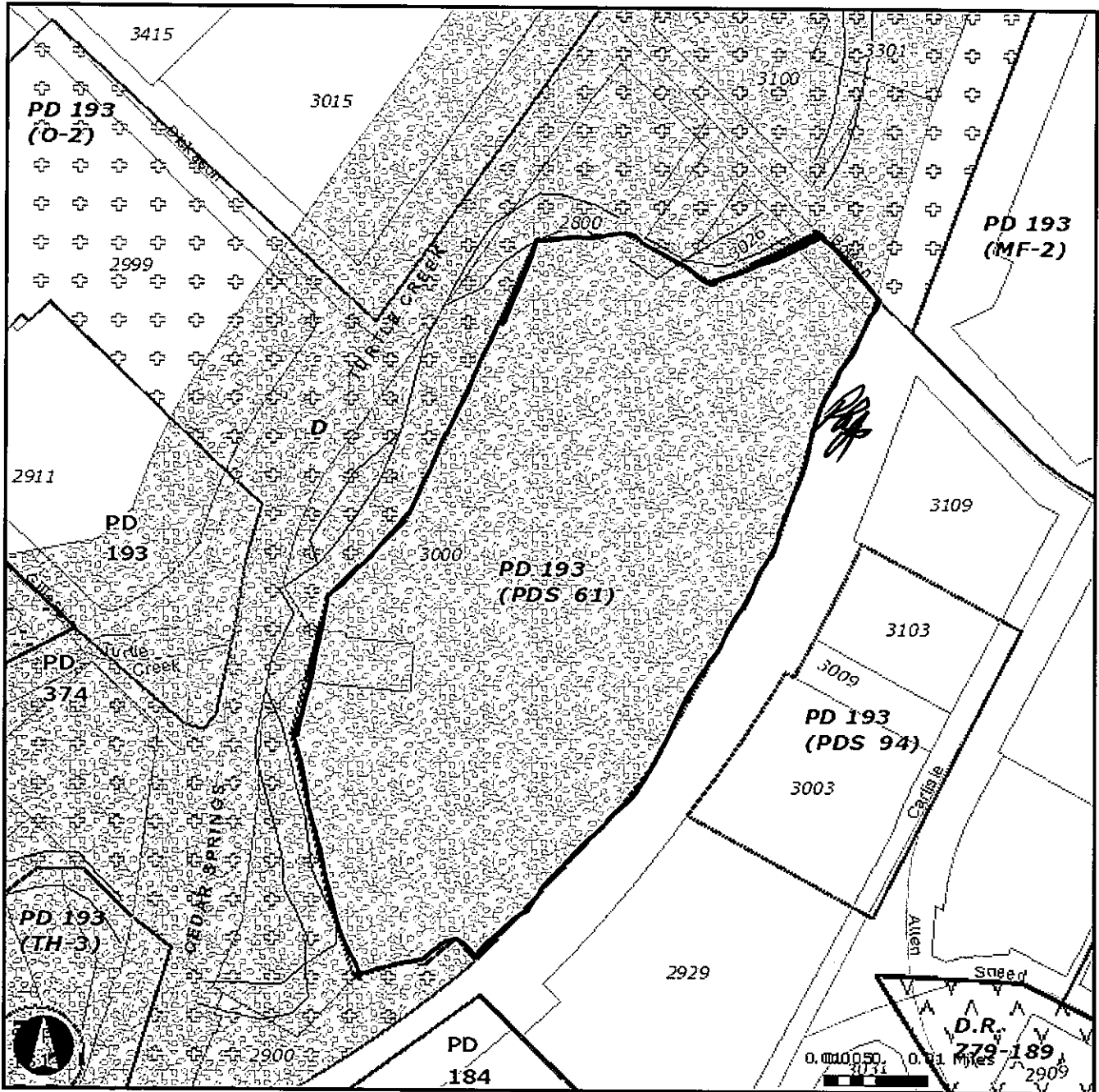
Sincerely,


Lloyd Denman, Building Official





City of Dallas Zoning



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



SUP



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



PD193 Oak Lawn



PDS Subdistricts



Base Zoning



Pedestrian Overlay



Environmental Corridors



ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

June 28, 2012

Board of Adjustment
City of Dallas
320 E. Jefferson Blvd.
Dallas, Texas 75203

RE: Request for a Parking Special Exception


To Whom It May Concern:

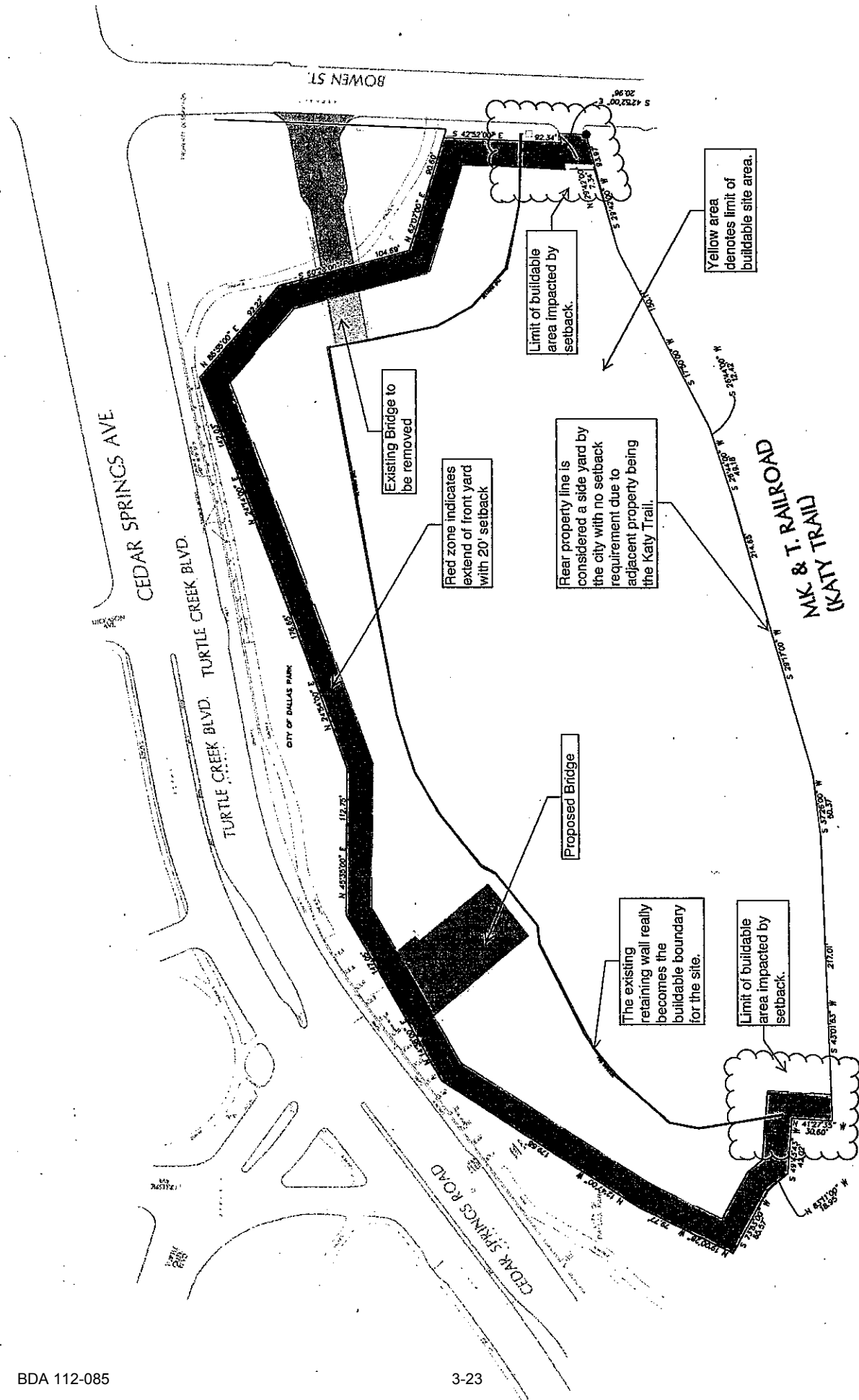
This is a request by 3000 Turtle Creek Plaza, LLC for a 110 parking special exception for a single-tenant boutique office building located in PD 193, Special Subdistrict 61 at the corner of Cedar Springs and Bowen. The preliminary programming for the proposed building has been completed and a minimum 161,464 square foot office is contemplated. The proposed building will contain a very high percentage of large ancillary uses, which includes a private gallery/display area and employee cafeteria. The attached Parking Demand Analysis, prepared by DeShazo Group, Inc. provides floor area allocations and actual parking demands for this specialty office.

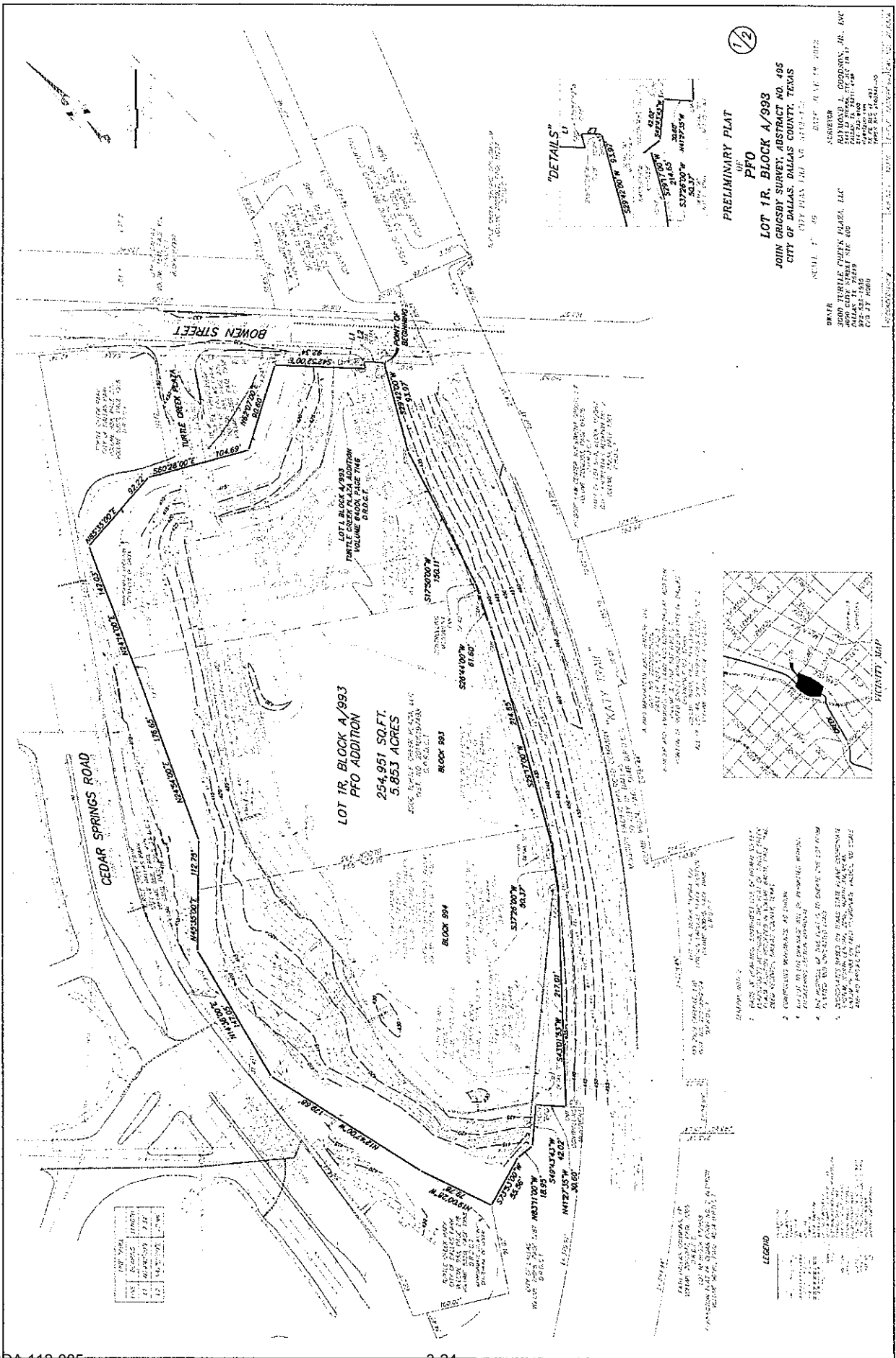
Typically, parking demands and parking requirements for office uses are expressed as a ratio based on floor area. However, because of the high percentage of large ancillary spaces, this methodology does not make sense. The building is designed for 280 employees or 577 square feet per employee and will have an anticipated peak parking demand of 232 parking spaces. The applicant will be providing a minimum of 331 parking spaces, more than enough surplus spaces to provide parking for visitors.

Based on the analysis and recommendations in the attached Parking Demand Analysis, we feel a 110 parking space special exception is warranted.

Sincerely:


Robert Reeves, President
Robert Reeves & Associates, Inc.





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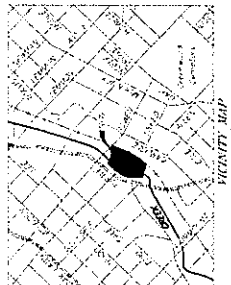
PRELIMINARY PLAT
OF
PFO

LOT 1R, BLOCK A/993

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DATE: APRIL 1, 1995
DRAWN BY: JOHN GRIGSBY
CHECKED BY: J. COOPER, JR., INC.
3000 PURPLE TURKLE ALLEY, LLC
3000 PURPLE TURKLE ALLEY, LLC
DALLAS, TEXAS 75219
PHONE: 214-343-1000
FAX: 214-343-1001
WWW.PURPLETURKLE.COM

"DETAILS"



LOT 1R, BLOCK A/993
PFO ADDITION
294,951 SQ. FT.
5.853 ACRES

1. THIS PLAT IS A PRELIMINARY PLAT AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN TO SHOW THE GENERAL LAYOUT OF THE PROPOSED ADDITION.
2. THE PLAT IS SUBJECT TO ALL RECORDS AND INSTRUMENTS AFFECTING THE LAND HEREIN.
3. THE PLAT IS SUBJECT TO ALL RECORDS AND INSTRUMENTS AFFECTING THE LAND HEREIN.
4. THE PLAT IS SUBJECT TO ALL RECORDS AND INSTRUMENTS AFFECTING THE LAND HEREIN.
5. THE PLAT IS SUBJECT TO ALL RECORDS AND INSTRUMENTS AFFECTING THE LAND HEREIN.

LEGEND

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
ALL BEARINGS ARE TRUE BEARINGS.
ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR IRON BOLTS.
ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR IRON BOLTS.
ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR IRON BOLTS.

**PARKING DEMAND ANALYSIS FOR
BOUTIQUE OFFICE BUILDING ON
TURTLE CREEK BOULEVARD
DALLAS, TEXAS**

Prepared for:

BOKA Powell, LLC
8070 Park Lane, Suite 300
Dallas, Texas 75231

Prepared by:

DeShazo Group, Inc.
400 South Houston Street
Suite 330 • Union Station
Dallas, Texas 75202
Phone (214) 748-6740

June 28, 2012



DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Texas Registered Firm – 31147

DeShazo #12103



Traffic. Transportation Planning. Parking. Design.

400 S. Houston Street, Suite 330
Dallas, TX 75202
ph. 214.748.6740
deshazogroup.com

Technical Memorandum

To: *Mr. Dennis D. Gulseth, AIA* — BOKA Powell, LLC
CC: *Mr. Robert Reeves* — Robert Reeves and Associates
From: *Steve E. Stoner, P.E., PTOE* — DeShazo Group, Inc.
Date: June 28, 2012
Re: **Parking Analysis for Boutique Office Building on Turtle Creek Boulevard in Dallas, Texas**
DeShazo Project No. 12103

INTRODUCTION

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **BOKA Powell, LLC** on behalf of the property owner to analyze the parking needs for a proposed boutique office building. The proposed project will be a single-tenant, Owner-occupied, corporate headquarters relocating from Plano and accommodating up to 280 employees. Due to the Owner's design standards for the project, the building will contain an excess of floor area dedicated to ancillary uses, which will result in a significantly lower parking demand per square foot than a traditional office use.

The subject site is located on the east side of Turtle Creek Boulevard/Cedar Springs Road, south of Bowen Street in Dallas, Texas. The property is currently zoned as PD Subdistrict 61 of the Oak Lawn Special Purpose District (PD-193). A request to the Board of Adjustment is being made to reduce the minimum parking requirement for the subject property by twenty-five percent (25%).

This memorandum is provided to summarize the projected parking demand characteristics for the proposed development and validate the requested parking reduction. This study will be provided to City of Dallas staff for technical review.

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis.

*Parking Analysis for Boutique Office Building
Turtle Creek Boulevard - Dallas, Texas
Page 1*

PARKING REDUCTION REQUEST

The proposed office building has not yet been designed, but preliminary programming has been completed from which the allocation of floor area has been determined. The preliminary development program and the calculation of default parking requirements from PD-193 are summarized in **Table 1**:

Table 1. Code Parking Reduction Calculation

Land Use	Quantity	Ratio	Spaces Required
	<i>Includes:</i>		
	General Office - 126,095 SF		
	Private Fitness Center - 5,600 SF		
Office	Private Conference Center - 10,969 SF	1.0 spaces per 366 SF	441
51P-193.107(j)(1)	Private Cafeteria/Kitchen - 6,300 SF		
	Private Gallery/Display Area - 10,500 SF		
	<u>Atrium - 2,000 SF</u>		
	Subtotal - 161,464 GSF		

NOTE: Use and code interpretations verified by Robert Reeves and Associates.

Based upon direct application of the default parking requirement ratios, the overall site would typically require 441 parking spaces. The maximum reduction of 25% of the total base parking requirement would yield a Parking Special Exception request for 110 spaces. Application of the proposed reduction would yield a net supply of 331 spaces for the development program described above.

PARKING DEMAND

Typically, parking demands and parking requirements for office use are expressed as a ratio on the basis of floor area. However, since the proposed boutique office building will contain such a high percentage of ancillary floor area, parking demand can most practically be expressed on a per-employee basis.

The development is being designed for up to 280 employees, which is equivalent to approximately one employee per 577 square feet of gross building area. On a typical day, some employees do not generate parking demand due to absenteeism (vacation, sick leave, business travel, etc.), transit use, or other circumstance. According to the Institute of Transportation Engineers (ITE) *Parking Generation* manual (4th Edition) general office buildings typically generate an average peak demand of 0.83 parked vehicles per employee, includes visitors (see excerpt provided in the Appendix). Based upon the maximum number of employees (280), the anticipated peak parking demand of 232 vehicles is anticipated – or, 92 spaces less than the requested parking supply of 331 (and, 209 spaces less than the base code requirement of 441). Hence, an ample surplus of spaces would be provided even after application of the proposed reduction.

RECOMMENDATIONS

The purpose of this study is to validate the proposed parking reduction for the proposed boutique office building on Turtle Creek Boulevard. Due to the extremely low employee density per square foot of the single-tenant, Owner-occupied office headquarters, the anticipated parking demand for the proposed development is expected to be significantly less than the code parking requirement.

Based upon the site-specific parking demand characteristics, a request for the maximum allowed Parking Special Exception reduction of 110 spaces (25% of base requirement) is being requested. **Table 2** summarizes the specifics of the request.

Table 2. Parking Summary

CONDITION	PARKING REQUIREMENT
Existing Zoning Requirement (PD-193)	441 spaces
Proposed Parking Supply After Proposed Reduction	331 spaces
Requested Parking Reduction (25%)	110 spaces
>> <i>Actual Projected Need</i> <<	232 spaces
>> <i>Projected Surplus</i> <<	99 spaces

REQUEST

The subject of this study is a request to reduce the required parking for the subject property by 110 parking spaces (a 25 percent reduction). Based upon the findings of this analysis of the parking demand, the reduced code parking requirement will more nearly yield an optimized parking supply for the proposed development than the original code requirement while still providing an ample surplus.

A reduction of required spaces is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.311(a)(2):

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

All off-street parking will be provided on site and will be for the exclusive use of the tenant and authorized visitors.

(B) Parking demand and trip generation characteristics of all uses for which an exception is requested.

The projected parking demand takes into consideration the needs of all tenants and visitors based upon projected maximum employment information provided by the Owner and further validated by national published data of similar land uses published by the ITE *Parking Generation* manual, 4th edition.

(C) Whether the subject property is part of a modified delta overlay district.

The requested parking reduction is based upon the site's projected parking demand characteristics and is not based upon any special zoning adjustments.

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

The surrounding street system is generally constructed to the anticipated ultimate plans. The site provides ample site access to the surrounding roadway network.

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

The site is currently within convenient walking distance of DART public bus routes #039. In addition, the site is very near the MATA/DART M-Line Streetcar line (DART Route 825). Public transit provides an attractive alternative mode of transportation for tenants of the development.

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

DART public transit is a parking mitigation measure as it presents a viable transportation alternative for many tenants.

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

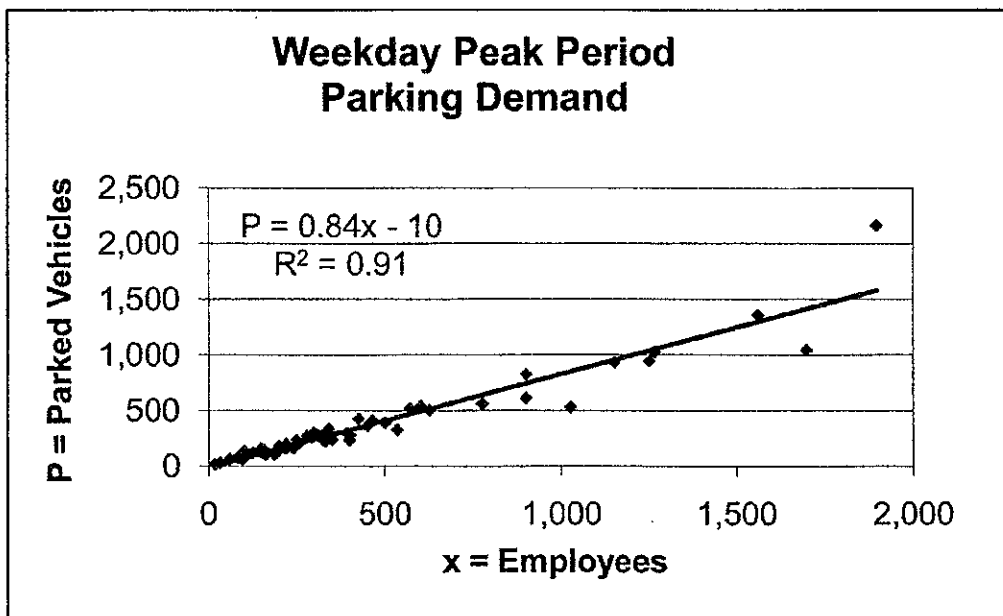
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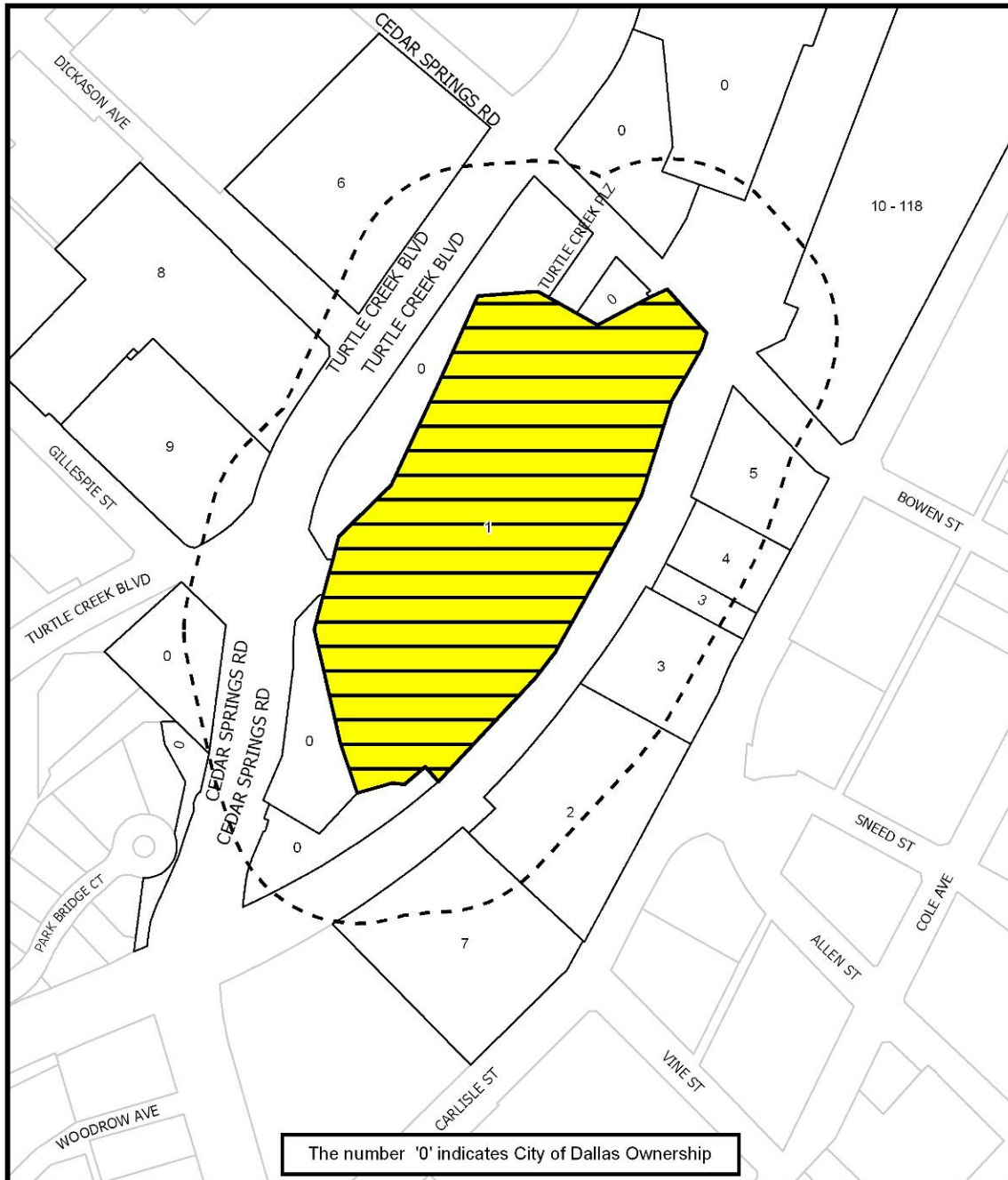
Appendix

Land Use: 701 Office Building

Average Peak Period Parking Demand vs. Employees On a: Weekday

Statistic	Peak Period Demand
Peak Period	9:00–11:00 a.m.; 1:00–4:00 p.m.
Number of Study Sites	58
Average Size of Study Sites	440 employees
Average Peak Period Parking Demand	0.83 vehicles per employee
Standard Deviation	0.16
Coefficient of Variation	19%
95% Confidence Interval	0.79–0.87 vehicles per employee
Range	0.52–1.35 vehicles per employee
85th Percentile	0.98 vehicles per employee
33rd Percentile	0.76 vehicles per employee





 1:2,400	<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;">118</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	118	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA112-085 Date: 7/27/2012
200'	AREA OF NOTIFICATION					
118	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA112-085

118 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3000	TURTLE CREEK PLAZA CC TURTLE CREEK INC % CLASSIC RES MGMT L
2	2929	CARLISLE ST RPI 2929 CARLISLE LTD % FREEHOLD MGMT IN
3	3003	CARLISLE ST 3003 CARLISLE LP
4	3103	CARLISLE ST MOORE ROYALTY COMPANY
5	3109	CARLISLE ST KILGORE LAW CENTER INVESTMENT GROUP LP
6	3015	CEDAR SPRINGS RD LINPRO ESPLANADE LAND %GEN ELECTRIC PENS
7	2815	CARLISLE ST FATH DALLAS COMMONS LP %FATH PROPERTIES
8	2999	TURTLE CREEK BLVD 2999 TURTLE CREEK INC
9	2911	TURTLE CREEK BLVD TRT PARK PLACE LLC
10	3203	CARLISLE ST MEDRANO FRANCISO J BLDG A UNIT 101
11	3203	CARLISLE ST TOMASI SAL UNIT 102
12	3205	CARLISLE ST JOHNSON RANDALL LORNE
13	3207	CARLISLE ST CLAYTON RODRICK UNIT 104 BLDG A
14	3209	CARLISLE ST BERMAN MICHAEL BLDG A UNIT 105
15	3203	CARLISLE ST LOPEZ LINDA
16	3203	CARLISLE ST PARRISH DON R & BETTY LYNN
17	3203	CARLISLE ST CARDENAS MICHAEL & JACLYN SCHOENHOLZ
18	3203	CARLISLE ST NAKAZAWA GLEN REVOCABLE LIVING TR
19	3203	CARLISLE ST PARLOW RICHARD & ANITA MUSAL
20	3203	CARLISLE ST HUMPHRIES JOHN
21	3203	CARLISLE ST WILLMETH GREGG STUART
22	3203	CARLISLE ST ZAZO CHRIS UNIT 114
23	3203	CARLISLE ST HAYNES KENNETH A
24	3203	CARLISLE ST WEISFELD RONALD A
25	3203	CARLISLE ST PARLOW RICHARD
26	3203	CARLISLE ST MOORE HOWARD S
27	3203	CARLISLE ST MILLER LARRY
28	3203	CARLISLE ST MEDRANO FRANCISCO J
29	3203	CARLISLE ST PENG NEWLIN

30	3214	BOWEN ST	DRIVER J WADE JR
31	3203	CARLISLE ST	MESSINA MARIO L LB11 STE 913
32	3203	CARLISLE ST	BEASLEY JON UNIT 118
33	3215	CARLISLE ST	STARKS GARY DEAN BLDG C UNIT 119
34	3203	CARLISLE ST	MARTIN PHIL
35	3215	CARLISLE ST	JOSLIN JEFFERY E STE N8
36	3215	CARLISLE ST	FLACH NATHAN W #218
37	3215	CARLISLE ST	WATSON NINA LORA BLDG C UNIT 219
38	3203	CARLISLE ST	WATSON NINA LORA
39	3215	CARLISLE ST	CROWDER BRENT E # 121
40	3203	CARLISLE ST	NELSON JOYCE UNIT 122
41	3203	CARLISLE ST	WHATLEY KAY BARNES %TURTLE CRK TERRACE
42	3203	CARLISLE ST	MESSINA MARIO L LOCK BOX 11 STE 913
43	3203	CARLISLE ST	JOLLY VINEET
44	3203	CARLISLE ST	FIGUEROA RAY E UNIT 139 BLDG D
45	3203	CARLISLE ST	BARRETT JACQUELYN L
46	3203	CARLISLE ST	FEIERABEND JERRY G & CARMEN
47	3221	CARLISLE ST	SOMERS DWAYNE
48	3223	CARLISLE ST	TENORIO GUILHERME A BLDG D UNIT 143
49	3203	CARLISLE ST	DALBKE STEVE A
50	3203	CARLISLE ST	DALBKE STEVE A UNIT 145
51	3203	CARLISLE ST	HILL R C
52	3203	CARLISLE ST	BARNETT DON & MARY ALICE
53	3215	CARLISLE ST	ARRIETA N HUMBERTO UNIT 222 BLDG D
54	3203	CARLISLE ST	HAIRSTON DAVID E UNIT 223
55	3203	CARLISLE ST	DARILEK QUENTIN UNIT 236
56	3235	CARLISLE ST	TUNISON KATIE BUILDING D UNIT 237
57	3235	CARLISLE ST	FLAUGH CHRISTOPHER C

58	3203	CARLISLE ST	EGINTON WILLIAM L
59	3215	CARLISLE ST	JONES GUY FRANKLIN UNIT 125
60	3203	CARLISLE ST	HUMPHRIES JOHN F JR TR
61	3203	CARLISLE ST	BEASLEY JON UNIT 118
62	3203	CARLISLE ST	NELSON RICHARD LEE & CHARLES P FRUTH
63	3203	CARLISLE ST	COLEMAN RONALD M
64	3203	CARLISLE ST	FERGUSON ELAINE N
65	3203	CARLISLE ST	CARR KATHERINE A
66	3203	CARLISLE ST	HEIDE BEAU BLDG F UNIT 229
67	3203	CARLISLE ST	BROWN THOMAS LEE
68	3203	CARLISLE ST	SMITH LINDA M APT 203
69	3203	CARLISLE ST	BROWN THOMAS LEE & JULIE ANNE
70	3239	CARLISLE ST	CLARK ANDALYN G
71	3239	CARLISLE ST	GING CHRISTINE C & CHRISTOPHER
72	3203	CARLISLE ST	CHUNG TERESA UNIT 135 BLDG G
73	3203	CARLISLE ST	ELATTRACHE DAVID &
74	3203	CARLISLE ST	VANIAN MARY TRUSTEE VANIAN MARITAL
75	3203	CARLISLE ST	HOOVER GREGORY
76	3239	CARLISLE ST	YAWITZ MICHAEL RAY #235
77	3203	CARLISLE ST	RUTHERFORD WILLIAM S & JUDIE
78	3203	CARLISLE ST	HARRIS BRENT UNIT 148
79	3203	CARLISLE ST	MITELHAUS CHUCK BLDG H UNIT 149
80	3203	CARLISLE ST	DRIVER MARY A
81	3203	CARLISLE ST	SHARP KRIS J & CAROL A
82	3203	CARLISLE ST	HARPER JOHN R JR
83	3203	CARLISLE ST	HUMPHRIES JOHN JR
84	3203	CARLISLE ST	BROWN THOMAS LEE & JULIE ANNE BROWN
85	3203	CARLISLE ST	LEE THOMAS J
86	3203	CARLISLE ST	NELSON RICHARD L BLDG I UNIT 156
87	3203	CARLISLE ST	BROWN THOMAS & JULIE
88	3203	CARLISLE ST	FORRESTER JAMES PERRY

89	3203	CARLISLE ST	RUCKER KATHRYN L #159
90	3203	CARLISLE ST	CLAYTON DANIEL J # 256
91	3203	CARLISLE ST	PAYNE DYLAN
92	3203	CARLISLE ST	HUMPHRIES DENNIS R TR
93	3263	CARLISLE ST	HOOKEY MARGARET H UNIT 259
94	3203	CARLISLE ST	FEDERAL HOME LOAN MTG CORP
95	3203	CARLISLE ST	YECHEZKELL HEZI
96	3203	CARLISLE ST	RICE ANTHONY C
97	3203	CARLISLE ST	SANDERS JOHN DAVID
98	3203	CARLISLE ST	MCCOLLUM JOHN B BLDG J UNIT 164
99	3203	CARLISLE ST	BRIDWELL CRAIG & SUSAN K
100	3203	CARLISLE ST	HALL ROBERT S
101	3203	CARLISLE ST	ELEUTERI FRANCO
102	3203	CARLISLE ST	CIHAL MARY BETH
103	3203	CARLISLE ST	LEWIS THOMAS ALLEN
104	3269	CARLISLE ST	TSANKOVA NADEJDA M
105	3203	CARLISLE ST	FLUMERFELT JOSEPH M IV APT 309
106	3269	CARLISLE ST	HOLSINGER JILL BLDG K UNIT 173
107	3203	CARLISLE ST	BINION DORIS
108	3203	CARLISLE ST	CRUZ ENRIQE III BLDG A UNIT 175
109	3273	CARLISLE ST	BECKER ROBERT E
110	3203	CARLISLE ST	HOWARD MARK H UNIT 177
111	3203	CARLISLE ST	CARLETON BRIAN J BLDG K UNIT 178
112	3203	CARLISLE ST	FANKHAUSER MARK A NMF TRUST
113	3203	CARLISLE ST	CHENOWITH GARY
114	3203	CARLISLE ST	AKINS LINDSEY R UNIT 181
115	3203	CARLISLE ST	MILAZZO DAVID
116	3203	CARLISLE ST	ELKING LINDA ANN
117	3203	CARLISLE ST	MCKINNEY MICHAEL SCOTT
118	3203	CARLISLE ST	ARTHUR ROBERT TR & EUGENIE H ARTHUR TR

FILE NUMBER: BDA 112-088

BUILDING OFFICIAL'S REPORT:

Application of Lisa Brinser for a variance to the front yard setback regulation at 10726 Webster Terrace. This property is more fully described as lot 9 in City Block D/6154 and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct/maintain a structure and provide a 0 foot front yard setback, which will require a variance to the front yard setback regulations of 35 feet.

LOCATION: 10726 Webster Terrace

APPLICANT: Lisa Brinser

REQUESTS:

- A variance to the front yard setback regulations of up to 35' is requested in conjunction with constructing and maintaining the following in one of the site's two required front yards (Morning Glory Drive) on a site developed with a single family home:
 1. a portion of an approximately 700 square foot swimming pool structure that is shown to be located 20' from the Morning Glory Drive front property line; and
 2. an approximately 64 square foot pool equipment/concrete pad structure to be located in an approximately 250 square foot area as close as on the Morning Glory Drive front property line.(No part of this application is made to construct/maintain any structure in the site's Webster Terrace required front yard).

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:

- 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;
- 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

- 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 submitted revised site plan is required.

Rationale:

- The applicant has substantiated how the subject site is unique and different from most lots zoned R-16(A) in that it is irregular in shape and has two required front yards.
- In addition, granting this request does not appear to be contrary to the public interest in that the “structures” requiring variances in this case are of minimal sizes and/or are to be located behind a board of adjustment-approved 8’ high solid wood fence.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family district 16,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-16(A) (Single family district 16,000 square feet)
East: R-16(A) (Single family district 16,000 square feet)
West: R-16(A) (Single family district 16,000 square feet)

Land Use:

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

Zoning/BDA History:

- | | |
|--|---|
| <p>1. BDA 101-066, Property at 10727 Webster Terrace (the subject site)</p> | <p>On December 13, 2010, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4’ 6” and imposed the submitted site plan and partial elevation as a condition to the request. The case report stated that the request was made in conjunction with constructing and maintaining an 8’ high board-on-board fence/wall with 8’ 6” high pickets to be located in one of the site’s two 40’ required</p> |
|--|---|

front yards (Morning Glory Drive) on a site developed with a single family home.

Timeline:

July 26, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 16, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

August 16, 2012: 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 August 29th deadline to submit additional evidence for staff to factor into their analysis; and the September 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.

September 4, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September 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, Building Inspection Chief Planners, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

September 7, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

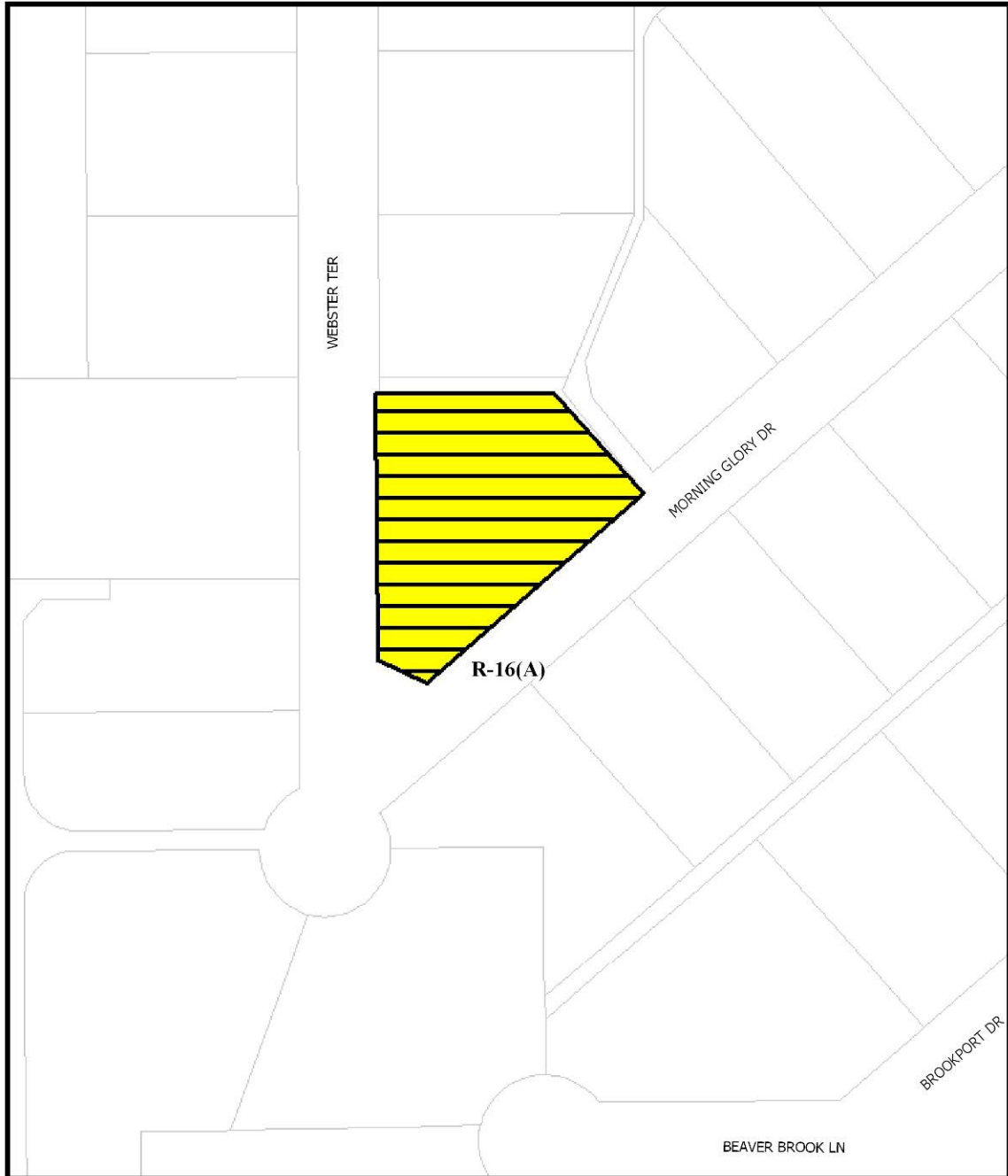
GENERAL FACTS/STAFF ANALYSIS:

- The request focuses on constructing and maintaining a swimming pool structure and a related pool equipment/concrete pad structure in one of the site’s two required front yards (Morning Glory Drive) on a site developed with a single family home.
- The subject site is located at the intersection of Webster Terrace and Morning Glory Drive. Even though the Webster Terrace frontage of the subject site functions as its front yard and the Morning Glory Drive frontage functions as its side yard, the subject site has two required front yards created by platted building lines along both streets. The site has a 40’ required front yard along Webster Terrace (the shorter of

the two frontages, which is always deemed a front yard on a corner lot in a single family zoning district), and a 35' required front yard along Morning Glory Drive (the longer of the two frontages of this corner lot which would typically be regarded as a side yard where a 10' side yard setback would be required or a 0 foot side yard setback would be required for any accessory structure located in the rear 30 percent of the lot and 15' in height of less). The site's Morning Glory Drive frontage is deemed a front yard nonetheless to maintain the continuity of the established required front yard established by the lots northeast of the site that front/are oriented southeastward onto Morning Glory Drive.

- The minimum front yard setback for the subject site on Morning Glory Drive given a platted building line is 35 feet. The applicant has submitted a revised site plan/survey plat (see Attachment A) indicating a 16' x 16' area on the site on the Morning Glory Drive front property line – an area designated as the area in which a 4' x 16' pool equipment structure will be located atop a concrete pad.
- The site is flat, irregular in shape, and is (according to the application) 0.69 acres (or approximately 30,000 square feet) in area. The applicant has stated that the property had been recently replatted with two building lines along Webster Terrace and Morning Glory Drive. The site is zoned R-16(A) where lots are typically 16,000 square feet in area. The site is unique from most parcels of land in this zoning district in that it has two required front yards.
- According to DCAD records, the property at 10726 Webster Terrace has the following improvements:
 - “main improvement” built in 1959 with 2,210 square feet of living area, and 2,210 square feet of total area;
 - “additional improvements:” a 440 square foot detached carport.
- It appears from the submitted revised site plan that roughly ¼ of the proposed approximately 700 square foot swimming pool and all of the 250 square foot concrete pad is to be located in the 35' Morning Glory Drive required front yard behind an 8' high solid board fence that was granted by Board of Adjustment Panel C in December of 2010.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) (single family) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) (Single family) zoning classification.
- If the Board were to grant the front yard variance of up to 35', imposing a condition whereby the applicant must comply with the submitted revised site plan, the

structures encroaching into this setback would be limited to that shown on the site plan which in this case is approximately $\frac{1}{4}$ of an swimming pool structure and all of a related approximately 64 square foot pool equipment/concrete pad structure that is to be located as close as on the Morning Glory Drive front property line behind a board-approved 8' high solid board fence.

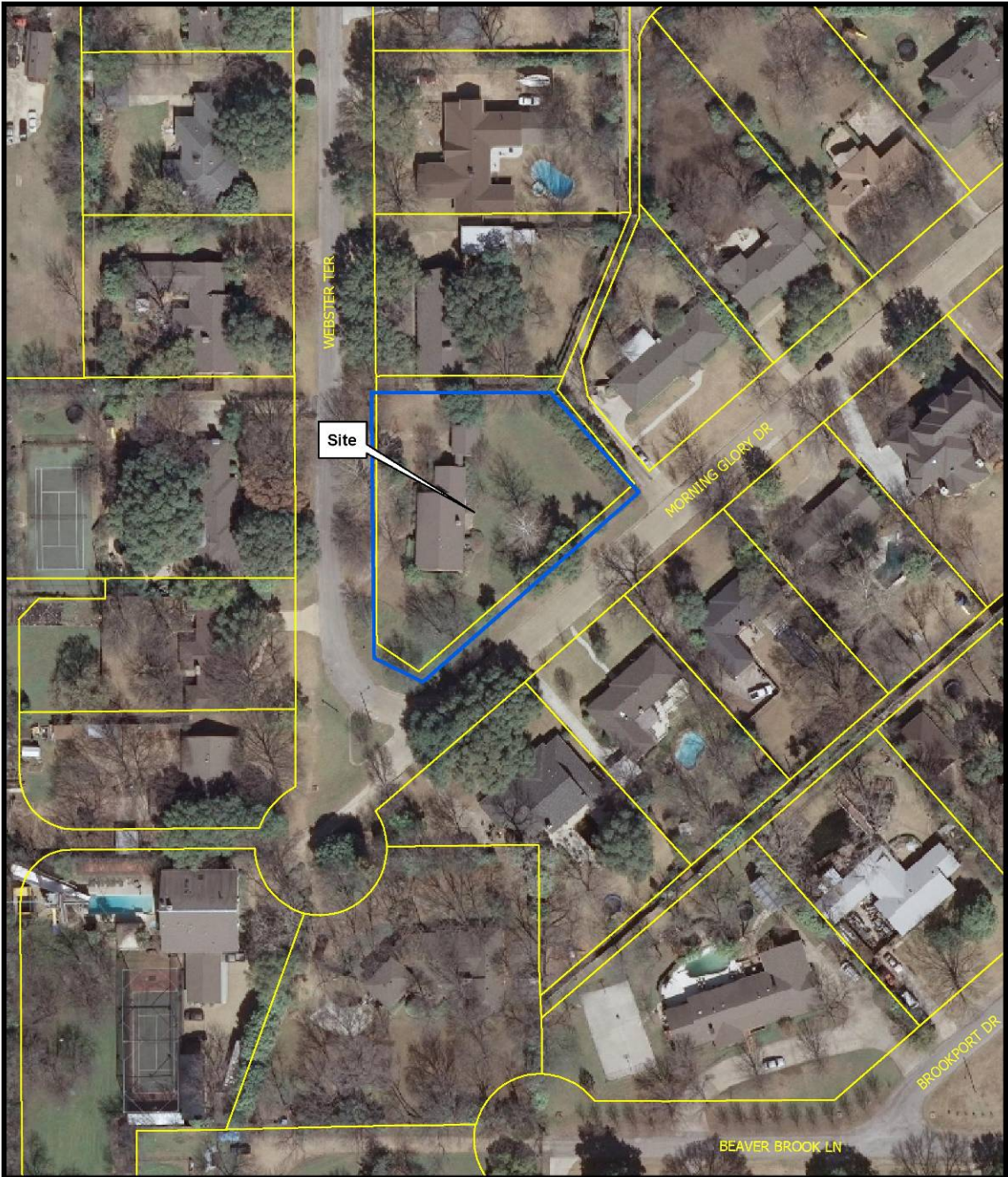


1:1,200

ZONING MAP

Case no: BDA112-088

Date: 8/28/2012



1:1,200

AERIAL MAP

Case no: BDA112-088

Date: 8/28/2012



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-088

Data Relative to Subject Property:

Date: 7/26/12

Location address: 10726 Webster Terrace Zoning District: R-16(A)

Lot No.: 9 Block No.: D/6154 Acreage: .69 Census Tract: 95.00

Street Frontage (in Feet): 1) 220.59 2) 204.403 4) 5) NE 2

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Christopher D. Brinser and Lisa R. Brinser

Applicant: Lisa Brinser Telephone: 214-282-9097

Mailing Address: 10726 Webster Terrace Zip Code: 75229

E-mail Address: lisa.brinser@jedunn.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance [X], or Special Exception, of 35' to the 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 install a pool and pool equipment within a front yard setback that functions as our backyard due to the corner lot location of our property and adjoining 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.

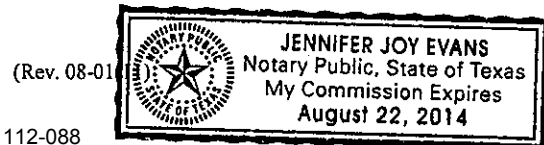
Affidavit

Before me the undersigned on this day personally appeared Lisa Brinser (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 26 day of July, 2012



[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

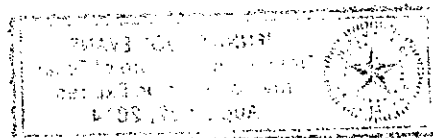
I hereby certify that Lisa Brinser

did submit a request for a variance to the front yard setback regulation
at 10726 Webster terrace

BDA112-088. Application of Lisa Brinser for a variance to the front yard setback regulation at 10726 Webster Terrace. This property is more fully described as lot 9 in city block D/6154 and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential accessory structure and provide a 0 foot front yard setback, which will require a 35 foot variance to the front yard setback regulation.

Sincerely,


Lloyd Denman, Building Official



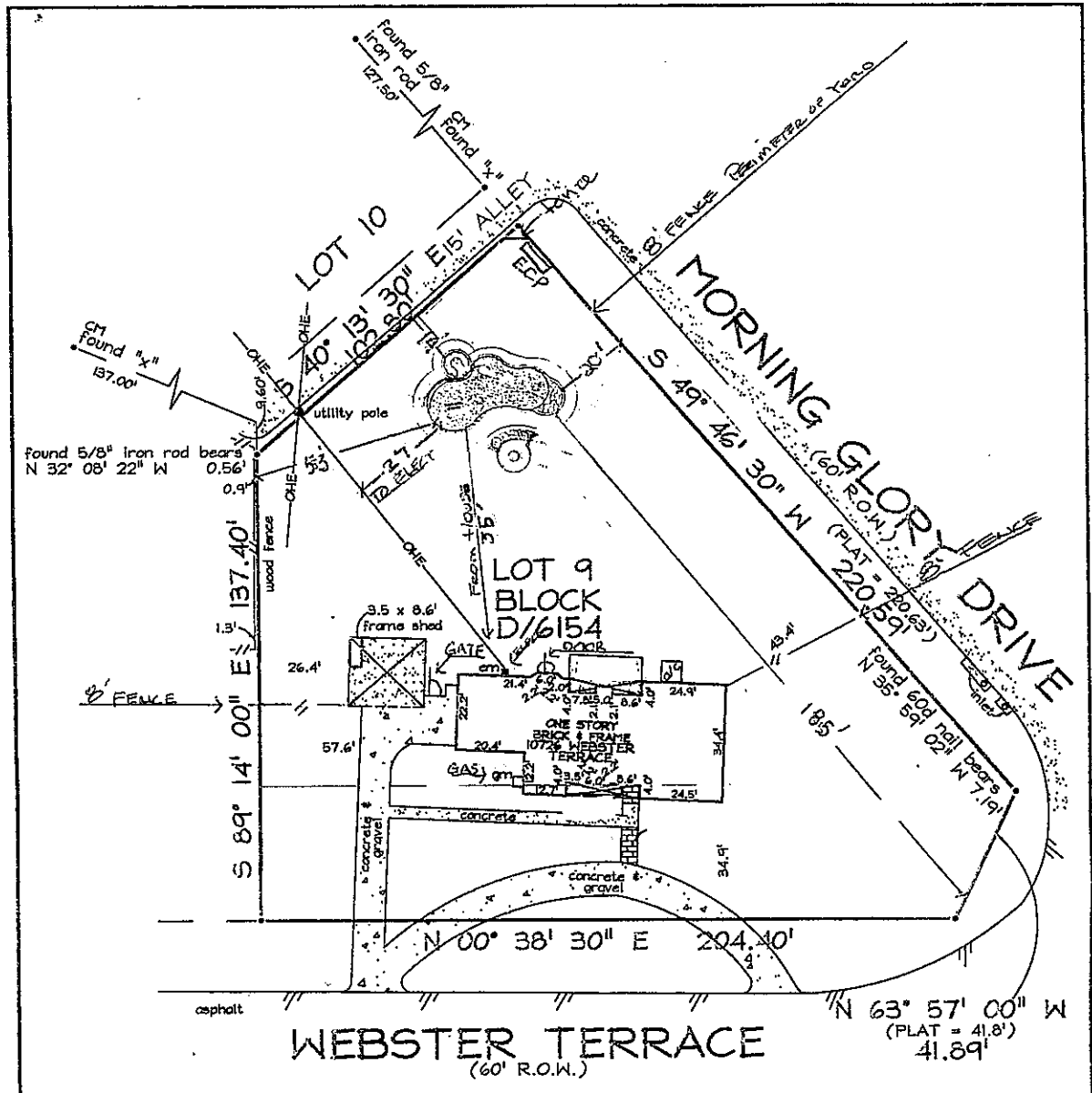
City of Dallas Zoning



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

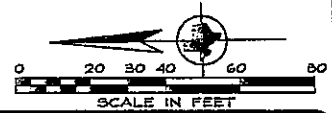
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

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



NOTES:

CM = CONTROLLING MONUMENT.
 BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED BELOW.
 HOUSE EXTENDS BEYOND WEST 40' BUILDING LINE AS SHOWN ABOVE.
 THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.



THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 10726 WEBSTER TERRACE, and Being Lot 9, Block D/6154, of THE REVISION OF PART OF BLOCKS C, D AND E OF MEADOWBROOK TERRACE ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the Revised Plat thereof recorded in Volume 34, Page 15, of the Map Records of Dallas County, Texas.

There are no visible conflicts or protrusions, except as shown.
 The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48113C0190 J, dated AUGUST 23, 2001. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under the GF number shown hereon, provided by the title company named hereon and that this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

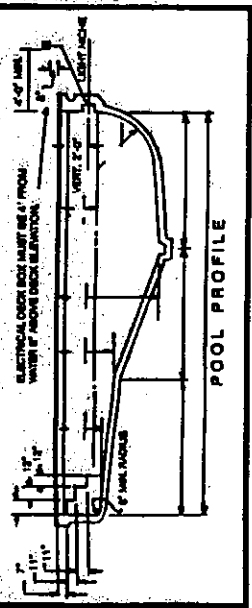
DATE: <u>2/27/07</u>	GF NO. PC07314234	DATE: 10/17/07 REVISED: FIELD DATE: 10/17/07	JOB NO: 107-4857 MAPSCO NO: 24-F TECH: DA FIELD: VA
ACCEPTED BY: 			
HEXTER-FAIR TITLE COMPANY	4-13	Registered Professional Land Surveyor DALLAS: PHONE 972-681-7072 FAX 972-279-1508 FORT WORTH: PHONE 817-451-0522 FAX 817-498-3418	

A Lewis Pool & Spa

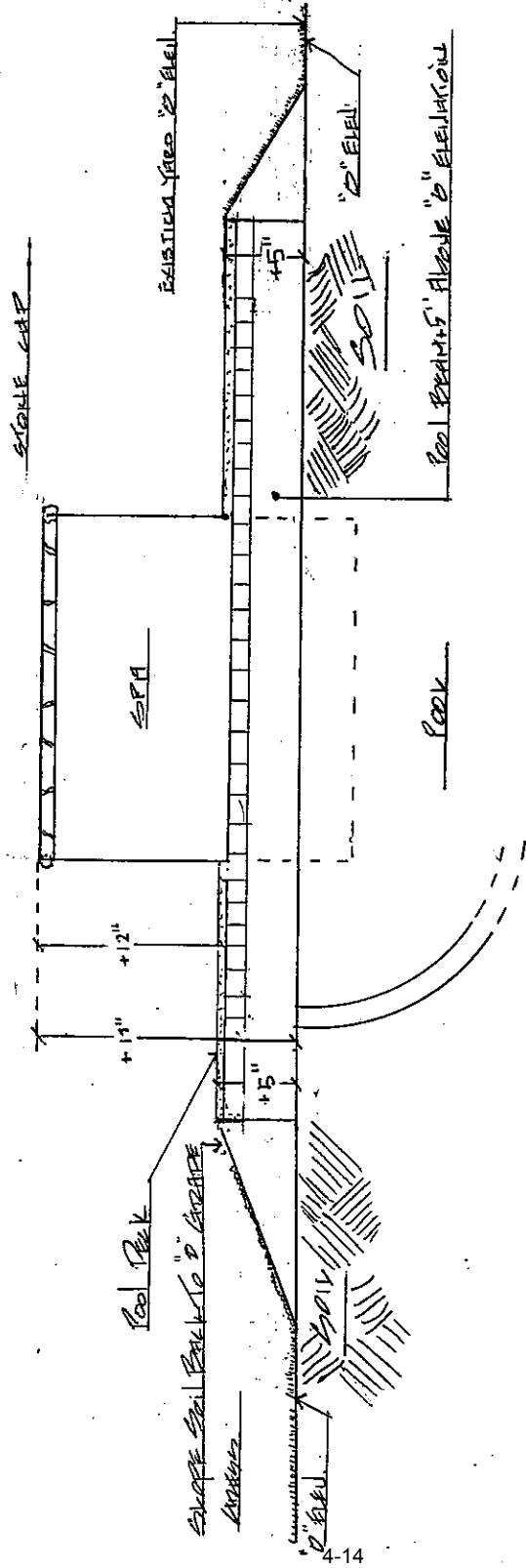
QUALITY VALUE INTEGRITY

DALLAS, TEXAS

972-248-8626 OFFICE 469-860-4999 CHILL



BUYER: TO OBTAIN A CONTRACT, BUYER MUST SIGN AND RETURN TO A LEWIS POOL & SPA, OR BY FAX TO 469-860-4999.
BUYER: BUYER MUST SIGN AND RETURN TO A LEWIS POOL & SPA, OR BY FAX TO 469-860-4999.
BUYER: BUYER MUST SIGN AND RETURN TO A LEWIS POOL & SPA, OR BY FAX TO 469-860-4999.



Pool, SPA Extended

LEGAL DESCRIPTION: SURF. MICHON, BLOCK 15, TRACT 15, SEC. 15, T. 15N, R. 15E, S. 15E, DALLAS COUNTY, TEXAS.

LOT NO. 15 BLOCK 15 TRACT 15 SEC. 15 T. 15N R. 15E S. 15E

MAILING ADDRESS OF CONTRACTOR: 1515 N. GILBERT ST., DALLAS, TEXAS 75207

PERMIT OFFICE: _____

NOTED BY: _____

GENERAL SPECIFICATIONS:

STAIRS TO REMOVE BY: _____

FENCE REMOVE BY: _____

PAVED ROAD BEAM: _____

GRADING: _____

DECK BY: _____

DRAINAGE AREA: _____

BLECK & GROUNDING BY: _____

GALLONS: _____

TURBOCHUTE: _____

VACUUM YEARS: _____

TILE WIDTH: _____

SCOUR: _____

LIGHT: _____

PLUMBING: _____

SPRINKLING: _____

AIR BLOWER: _____

HEATER: _____

POOL TYPE: _____

TRAMPOLINE: _____

WATER SYSTEMS: _____

DATE: _____

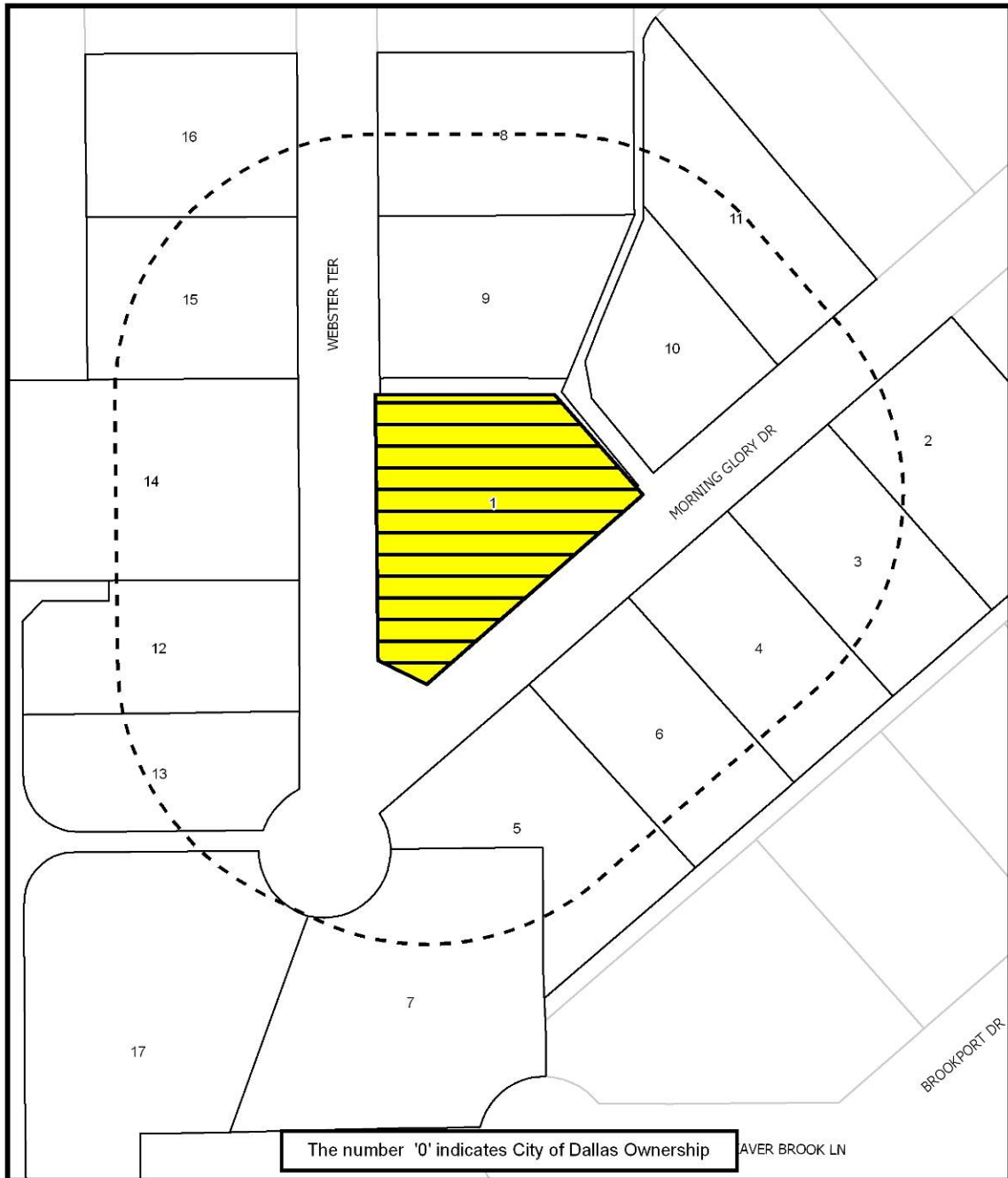
NAME: _____

ADDRESS: _____

CITY: _____

STATE: _____

SCALE: 1/2" = 1'-0"



 1:1,200	NOTIFICATION		Case no: BDA112-088
	<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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/28/2012	

Notification List of Property Owners

BDA112-088

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10726 WEBSTER TERRACE	BRINSER CHRISTOPHER D & LISA R
2	10744 MORNING GLORY DR	ROPPOLO JOHN MARK & LYNN
3	10734 MORNING GLORY DR	MCFARLANE ROBERT C
4	10724 MORNING GLORY DR	EVERITT MATTHEW C & KATHRYNE T
5	10710 MORNING GLORY DR	MOSMAN ANTHONY CRAIG & VALERIE ANDERSON
6	10718 MORNING GLORY DR	JACOBSON ANDREW & SHALENE
7	10702 MORNING GLORY DR	KEEHN KENNETH R & DEBRA D
8	10746 WEBSTER TERRACE	SKALAK MICHAEL KEVIN & LAURA KATHERINE
9	10736 WEBSTER TERRACE	CHITSEY JAMES D
10	10735 MORNING GLORY DR	CHAPMAN CATHLEEN
11	10745 MORNING GLORY DR	SHOCKLEY BRYAN B & KATHY T
12	10715 WEBSTER TERRACE	LINDGREN JANET
13	10707 WEBSTER TERRACE	NEMEC CHARLES G III
14	10727 WEBSTER TERRACE	BLOCK SUSAN P
15	10737 WEBSTER TERRACE	STUMM TIMOTHY E
16	10747 WEBSTER TERRACE	HAAS RICHARD C
17	10700 MORNING GLORY	DR GRIFFIN JAMES EDDIE