

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, NOVEMBER 17, 2014  
AGENDA

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

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEMS**

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Approval of the October 20, 2014 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASE**

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<b>BDA 134-112</b>	4023 Lemmon Avenue <b>REQUEST:</b> Application of William K. Milligan for a special exception to the sign regulations	1
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**REGULAR CASES**

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<b>BDA 134-083</b>	247 W. Davis Street <b>REQUEST:</b> Application of Celia Lopez, represented by Elias Rodriguez, for a special exception to the landscape regulations	2
<b>BDA 134-107</b>	1818 Stevens Forest Drive <b>REQUEST:</b> - Application of Chas Fitzgerald, represented by Michael S. Kendall, for a special exception to the landscape regulations	3
<b>BDA 134-108</b>	1916 Stevens Forest Drive <b>REQUEST:</b> Application of Chas Fitzgerald, represented by Michael S. Kendall, for a special exception to the landscape 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]

**(Rev. 6-24-02)**

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel C October 17, 2014 public hearing minutes.

**FILE NUMBER:** BDA 134-112

**BUILDING OFFICIAL'S REPORT:** Application of William K. Milligan for a special exception to the sign regulations at 4023 Lemmon Avenue. This property is more fully described as Lot 9A, Block C/1322, and is zoned PD-193 (GR), which states that non-monument signs are not allowed within 250 feet of private property in a non-business zoning district. The applicant proposes to construct and maintain a non-monument sign within 250 feet of private property in a non-business zoning district which will require a special exception to the sign regulations.

**LOCATION:** 4023 Lemmon Avenue

**APPLICANT:** William K. Milligan

**REQUEST:**

A request for a special exception to the sign regulations is made, according to the application, to locate and maintain a non-monument sign 113' into the 250' distance requirement from a residential property on a site being developed with a restaurant with drive-in or drive through service use (Start Restaurant).

**STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:**

The Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff has concluded that this special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district will not adversely affect neighboring property largely given the fact that the notations on the submitted site plan (that staff is suggesting is imposed as a condition to granting this request) indicate the sign located within 250 feet of private property in a non-business district "shall be single-sided facing Lemmon Avenue" – the side facing the opposite direction of the private property in the non-business zoning district to which the special exception is made.

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

The site is currently being developed with a restaurant with drive-in or drive through service use (Start Restaurant). The areas to the north and east are developed with retail uses; and the area to the south is developed with multifamily uses; and the area to the west is undeveloped.

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

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

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

- The request focuses on locating and maintaining a non-monument sign 113' into the 250' distance requirement from a residential property on a site being developed with a restaurant with drive-in or drive through service use (Start Restaurant).
- The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.
- The applicant has submitted a site plan and sign elevations, and has noted on his application that a special exception request is made of 113' to the 250' distance requirement from residential property.
- The site plan indicates that the one sign requiring the special exception is a "single-sided" sign facing Lemmon Avenue – a sign which would be not facing the multifamily uses located to the south in the non-business PD 193 (MF- 2) zoning district.
- The applicant has the burden of proof in establishing the following:
  - That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan, and to the notation on this plan stating "proposed location of building sign shall be single-sided facing Lemmon Avenue."

- Staff does not feel it is necessary to additionally impose any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

**Timeline:**

September 18, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

October 14, 2014: The Board Administrator emailed the applicant the following information:

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

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

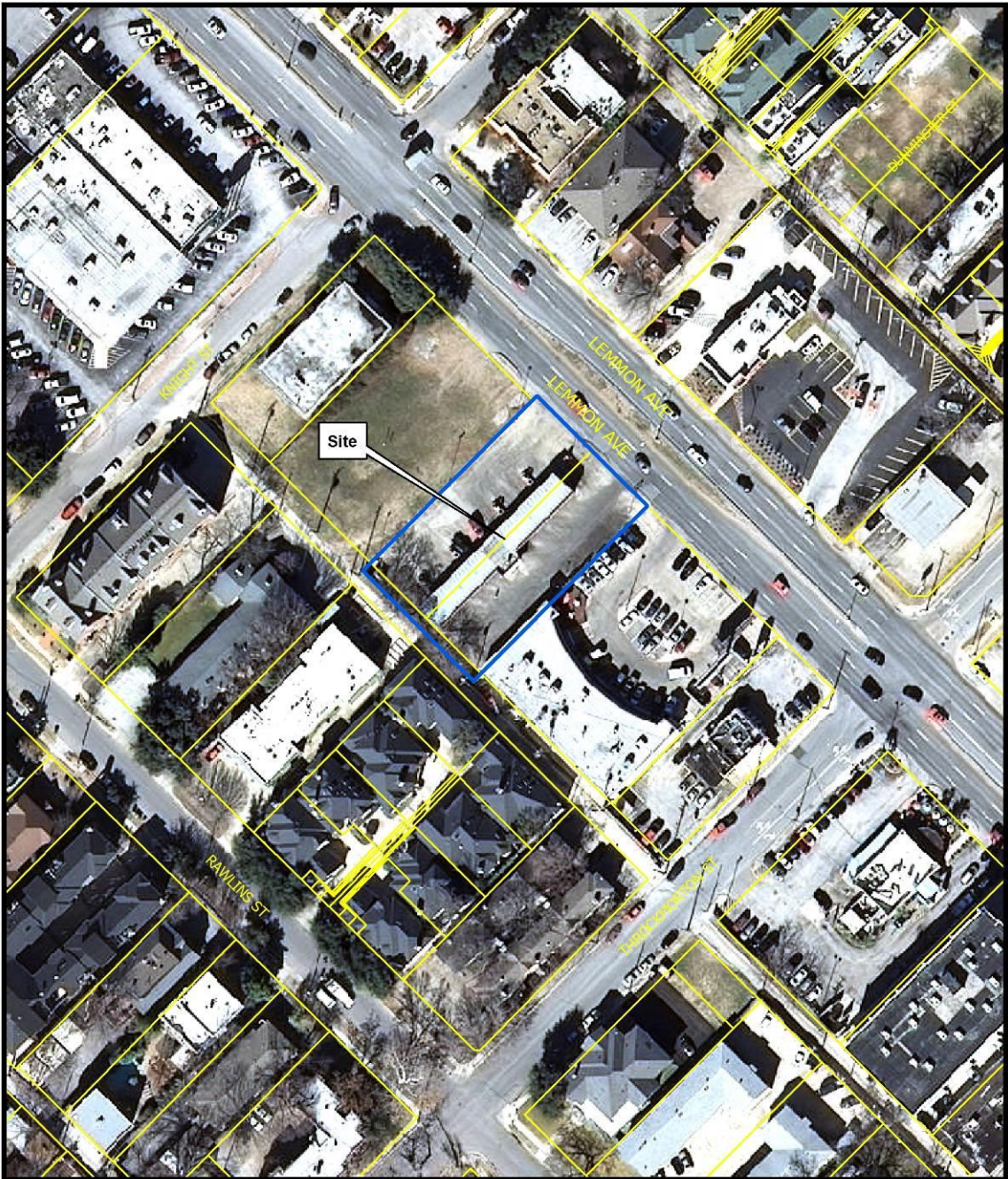


1:1,200

# ZONING MAP

Case no: BDA134-112

Date: 10/29/2014



1:1,200

# AERIAL MAP

Case no: BDA134-112

Date: 10/29/2014





City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-112

Data Relative to Subject Property:

Date: 9.18.2014

Location address: 4023 LEMMON AVE, DALLAS, TX 75219 Zoning District: PD193(GR)

Lot No.: ~~9110~~ <sup>9A</sup> Block No.: C/1322 Acreage: 0.523 Census Tract: 6.05

Street Frontage (in Feet): 1) 120'-0" 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ SW22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 4015 LEMMON, LP

Applicant: William Milligan Telephone: 405.410.1131

Mailing Address: 3429 DENVER DR. MCKINNEY, TX Zip Code: 75070

E-mail Address: William.K.Milligan@gmail.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of 113' TO THE 250' DISTANCE REQUIREMENT FROM A RESIDENTIAL PROPERTY PER ORDINANCE 551A-7.304.

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:

THIS DISTANCE EXCEPTION WILL NOT HAVE A NEGATIVE IMPACT DUE TO THE BACKSIDE OF THE SIGN, WHICH FACES THE RESIDENTIAL PROPERTY, IS BLACKED OUT WITH NO WORDING + NO ILLUMINATION. ONLY THE FRONT OF THE SIGN FACING LEMMON AVE IS ILLUMINATED.

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 William Milligan  
(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 18 day of September, 2014

(Rev. 08-01-11)

BDA 134-112



Lara Renee Schroeder  
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

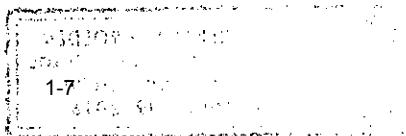
Building Official's Report

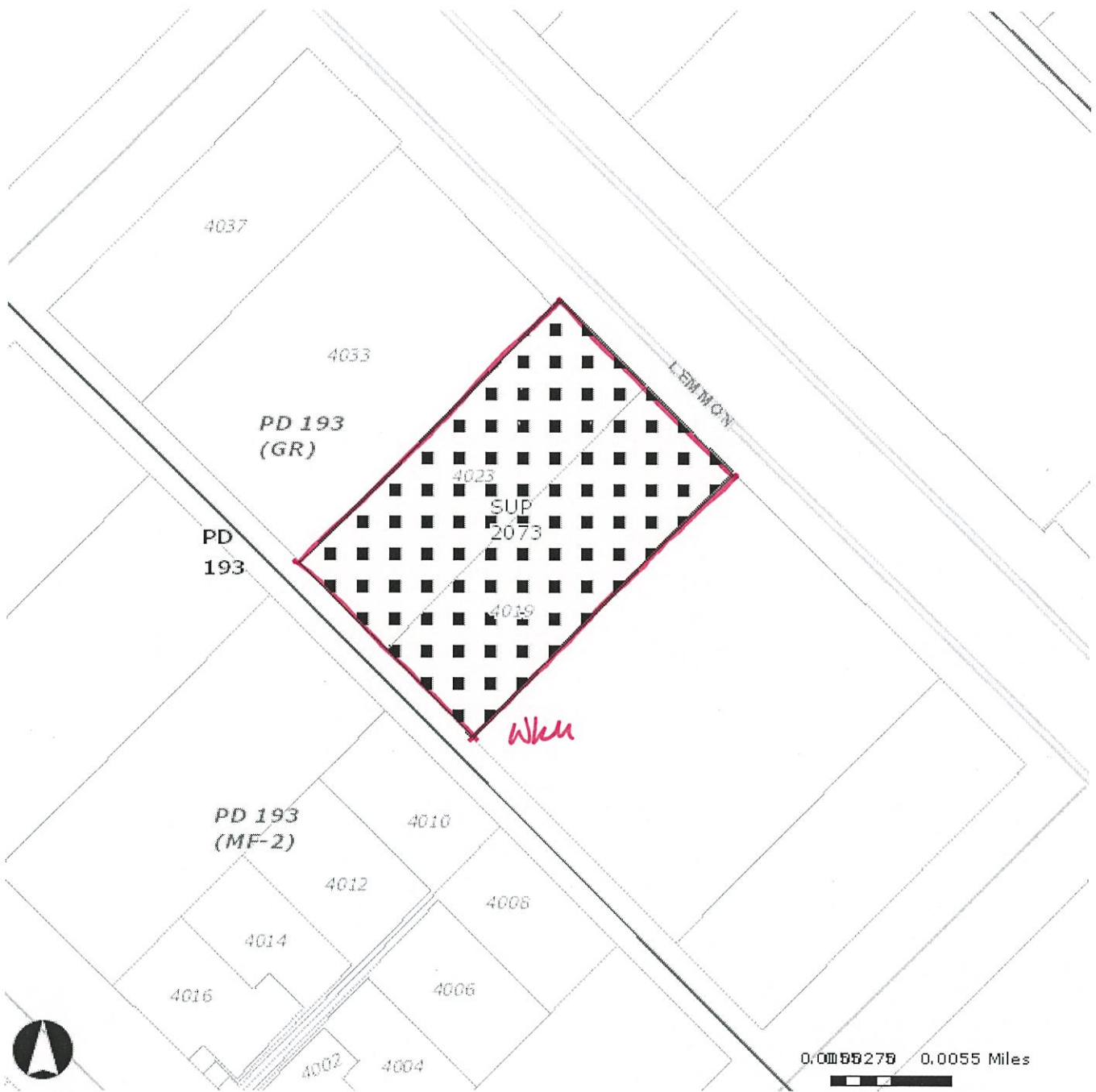
I hereby certify that William Milligan  
did submit a request for a special exception to the sign regulation  
at 4023 Lemmon Avenue

BDA134-112. Application of William Milligan for a special exception to the sign regulation at 4023 Lemmon Avenue. This property is more fully described as Lot 9A, Block C/1322, and is zoned PD-193 (GR), which states that non-monument signs are not allowed within 250 feet of private property in a non-business zoning district. The applicant proposes to construct a non-monument sign within 250 feet of private property in a non-business zoning district which will require a special exception to the sign regulations.

Sincerely,

  
Larry Holmes, Building Official





PLATT DATE: 09/18/14  
 DRAWING SCALE: 1" = 10'  
 PROJECT NUMBER: CD13022  
 SHEET NUMBER: SP

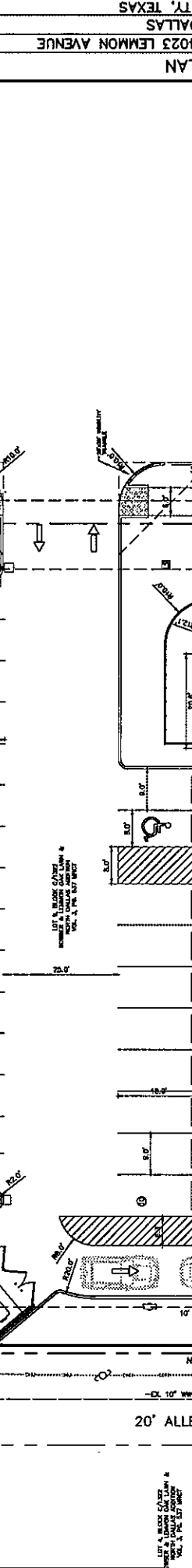
REMISSON DATE: SEPTEMBER 24, 2013  
 ZONING CASE NUMBER: SUP 1732-178  
 OWNER: START RESTAURANT, LLC  
 4023 LEMMON AVENUE  
 DALLAS, TEXAS 75226  
 CONTACT: ERIN MACOZ  
 PHONE: 214-233-0377  
 FAX: 214-233-0848

CUMULUS DESIGN  
 Firm #144910  
 2080 N. Highway 960, Suite 240  
 Grand Prairie, Texas 75050  
 Tel. 214.235.0367



CITY FILE NUMBER: 311T-8477

LEMMON AVENUE  
 (VARIABLE R.O.W.)



**LEGEND**  
 - EXISTING CURB  
 - PROPOSED CURB  
 - PROPOSED PARKING SPACE CLAMP  
 - PARKING SPACES IN A ROW  
 - PROPOSED LANDSCAPING

LOT 5, BLOCK 6, CHASE  
 SUBDIVISION, DALLAS COUNTY  
 VOL. 1, P. 507 WEST

LOT 5, BLOCK 6, CHASE  
 SUBDIVISION, DALLAS COUNTY  
 VOL. 1, P. 507 WEST

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 SUBDIVISION, DALLAS COUNTY  
 VOL. 1, P. 507 WEST

**SITE DATA TABLE**

DISTRICT ZONING:	PD-183 (PZ ZONING)
LAND USE:	RESTAURANT
SITE ADDRESS:	0.53 ACRES (22,800 SQ FT)
BUILDING FOOTPRINT:	2,487 SQUARE FEET
SITE COVERAGE:	5.87/22,800 : 25%
OPEN SPACE:	17,313 SQ FT
ADJACENT AREAS:	17,727/22,800 : 78%
PARKING SPACES:	25 SPACES
PARKING PROVIDED (TOTAL):	1 SPACES
PARKING PROVIDED (ACCESSIBLE):	1 SPACE (32" HEIGHT)
BUILDING HEIGHT:	1 STORY (32" HEIGHT)

- NOTES:**
- ALL DIMENSIONS OF ADDRESS AND CORNER FROM THE SITE WILL BE FROM LEMMON AVENUE.
  - ALL DIMENSIONS ARE TO FACE OF CURB, EDGE OF PAVEMENT, FACE OF BUILDING OR AS OTHERWISE INDICATED.
  - ALL SIDEWALKS SHALL MAINTAIN A 24" MAXIMUM CROSS SLOPE, AND 5% MAXIMUM IN THE DIRECTION OF PEDESTRIAN TRAVEL. ALL ADA COMPLIANT SIDEWALKS SHALL INCLUDE ALL STANDARD REQUIREMENTS, E.P. 4.05 REQUIRED BY CODE.
  - THERE ARE NO EXISTING TREES ON SITE.
  - THE SITE IS NOT LOCATED IN A FLOOD PLAIN. DISSEMINATE NEAR ANY MAJOR WATER BODIES, CREEKS, WATERSHEDS OR DRAINAGE AREAS.

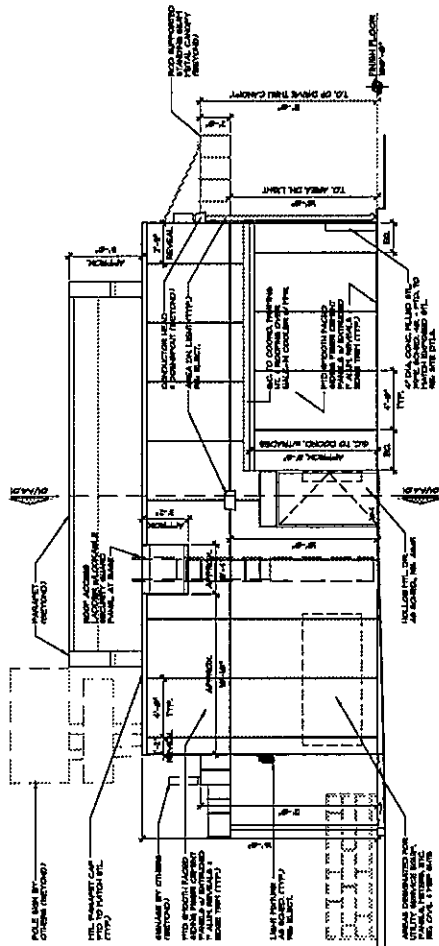
**CAUTION!!!**  
**UNDERGROUND UTILITIES**  
 EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN IDENTIFIED BY THE CONTRACTOR TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE CONTRACTOR SHALL NOT ASSUME THE RESPONSIBILITY FOR THE UTILITY LOCATIONS SHOWN. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES IN ORDER TO PROTECT ALL FACILITIES DISCOVERED AND NOTIFY THE ENGINEER IMMEDIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND MAINTAIN ALL UTILITIES FROM DAMAGE DURING CONSTRUCTION. ANY DAMAGE TO UTILITIES SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT THEIR OWN RISK. PLEASE CALL 817-800-2465 AT LEAST 48 HRS PRIOR TO CONSTRUCTION.

**CITY OF DALLAS - CHAP. 61 & 1996 PROJ. CHECKLIST**  
 ITEMS APPLICABLE TO THIS SHEET

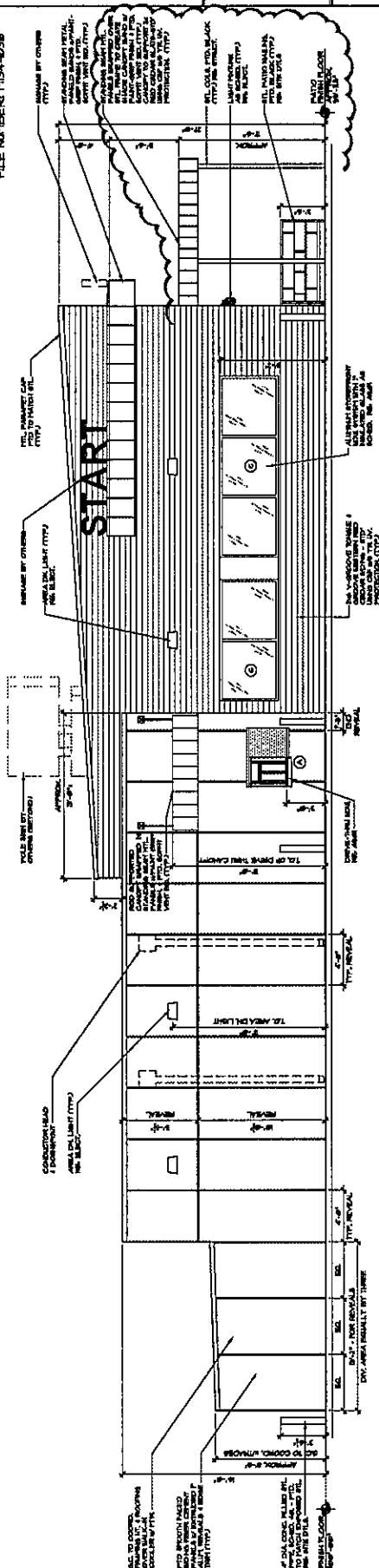
ITEM	MINIMUM REQUIREMENTS	COMPLIANCE
8004	MATERIAL SUBMISSIONS & POLLUTANT CONTROL	PLAN REV.
8005	CONCRETE WORK SUBMISSIONS, COMPLIANCE W/CCC TABLE 8005.1 G.C. TO USE WALL SUBSTITUTION (TOP WALL) WHICH IS UNEXPOSED TO WEATHER AND OTHERS AS SHOWN IN DRAWINGS PROVISIONS FOR WEATHER AND OTHERS AS SHOWN IN DRAWINGS	PLAN REV. SPEC 04.145
8006	ENCLAVED: MIN. BR. COMPLY W/CCC TABLE 8006.1 A THIN OF BR. OF INSULATION SHALL COMPLY WITH THE REQUIREMENTS OF TABLE 8006.2 OR TABLE 8006.3	PLAN REV. SPEC 07.300

**GENERAL CONSTRUCTION NOTES**

- G.C. TO COORD. ALL WORK ASSOCIATED W/ SIGNAGE
- G.C. TO PROVIDE & INSTALL SIGNS FOR SPACES AT ALL EXTERIOR WALL OPENINGS AND PENETRATIONS FOR RECEPTIONS, HOME BUSES, ETC.
- NO SIGNAGE SHALL BE INSTALLED AND MOUNTED AT EACH AND EVERY DOOR SIGN LETTERS TO BE AT LEAST 1" IN HT.
- ALL EXPOSED STEEL TO BE PAINTED GRAY/BLACK COORD. W/ DESIGNER TO PROVIDE DIMENSIONS FOR APPROVAL.
- ALL EXTERIOR WOOD TO HAVE NEW FULL FINISH STAINED. ALL EXTERIOR WOOD TO BE STAINED AT LEAST 2" FROM CLEARANCE TO FINISH COORD. W/ DESIGNER TO PROVIDE STAINED SAMPLES FOR APPROVAL.



**WEST EXTERIOR ELEVATION**  
 SCALE: 1/4" = 1'-0"  
 2014.03.20



**SOUTH EXTERIOR ELEVATION**  
 SCALE: 1/4" = 1'-0"  
 2014.03.20



**START RESTAURANT #002**  
 4023 LEMMON AVE, DALLAS, TX 75219

DATE	2014.03.20
BY	ASB
CHECKED BY	ASB
APPROVED BY	ASB

**A3.02**

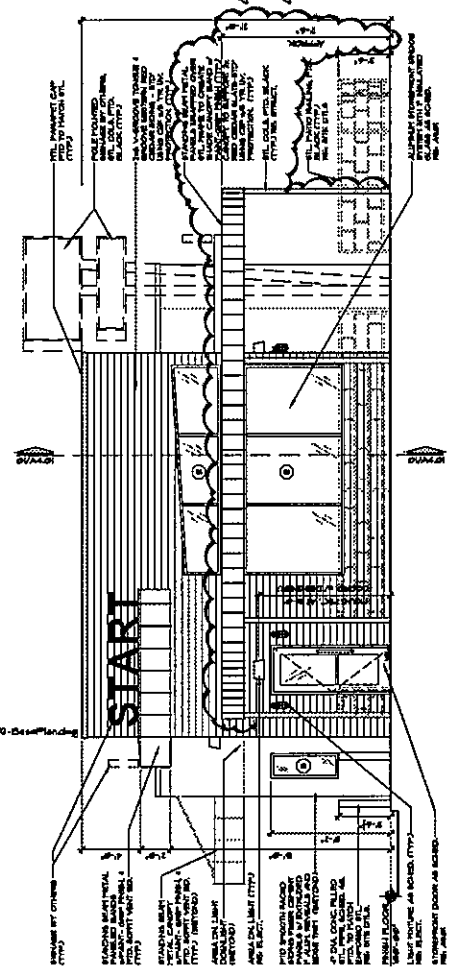
EXTERIOR ELEVATIONS

CITY OF DALLAS - CHAP. 61 & 19CC PROJ. CHECKLIST  
ITEMS APPLICABLE TO THIS SHEET

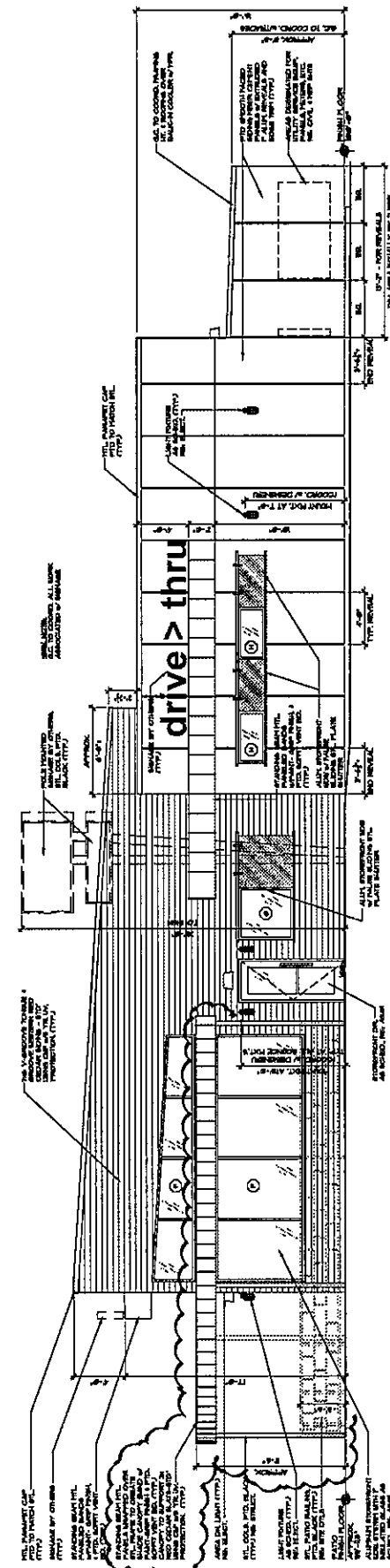
ITEM	CONSTRUCTION	CONFORMANCE
1006	MAINTENANCE, REPAIRS & POLLUTANT CONTROL	PLAN REV.
1004	CONCRETE WOOD PRODUCTS, COMPLIANCE (GCC TABLE 806A)	PLAN REV.
1004	ALL TO BE WALL APPEARANCE ORY SHALL BE USED FOR ALL FINISHES AND MATERIALS. ALL OTHER FINISHES AND MATERIALS TO BE APPROVED BY THE HEALTH DEPARTMENT.	PLAN REV.
1004	ALL EXTERIOR WOOD TO BE PAINTED OR STAINED TO PROTECT FROM WEATHERING. ALL OTHER FINISHES AND MATERIALS TO BE APPROVED BY THE HEALTH DEPARTMENT.	PLAN REV.
1004	ALL EXTERIOR WOOD TO BE PAINTED OR STAINED TO PROTECT FROM WEATHERING. ALL OTHER FINISHES AND MATERIALS TO BE APPROVED BY THE HEALTH DEPARTMENT.	PLAN REV.

- GENERAL CONSTRUCTION NOTES**
- A. G.C. TO COORD. ALL WORK ASSOCIATED W/ SIGNAGE
  - B. G.C. TO PROVIDE 1 INCH ALL SPACING AND BRACES AT ALL EXTERIOR WALL OPENINGS AND PENETRATIONS FOR RECEIPTABLES, HOME TINS, ETC.
  - C. NO SIGNAGE SHALL BE INSTALLED AND MOUNTED AT EACH AND EVERY DOOR UNLESS LETTERS TO BE AT LEAST 1 1/2 IN. W/ DESIGNER 1 PROVIDE DRILL-DOWNS FOR APPROVAL
  - D. ALL EXTERIOR WOOD TO HAVE NEW PELL FINISH STRENGTH W/ GOOD WOOD STIFFENER 1 SEALER W/ FLOOD RESISTANT OIL OR WATER-BASED STAINING W/ DESIGNER 1 PROVIDE STAINED SAMPLES FOR APPROVAL

REMOVED CANOPY FROM DESIGN.  
CANOPY HAS BEEN ADDED BACK IN TO THE BUILDING DESIGN PER THE APPROVAL OF THE MINOR AMENDMENT ON 08/12/14 FILE NUMBER M34-2736



2 EAST EXTERIOR ELEVATION  
SCALE: 1/4" = 1'-0"  
28/04/2015



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

**Start**

Approved  
 Approved As Noted  
 Prepare & Resubmit

By: \_\_\_\_\_  
 Date: \_\_\_\_\_

Client: Start Restaurant  
 Location: 4023 Lemmon  
 Ave  
 Dallas Texas  
 Salesperson: Tommy R  
 Pri. Mng.: Angela O  
 Date: 8/4/2014  
 Designer: Robert F  
 File Name: 21319\_start  
 Proposal #: 21319  
 Job #:

Revisions

**Time Signs**

License #: 18010

Company Office  
 2415 West 17th  
 Dallas, TX 75244  
 PH: (214) 347-7864

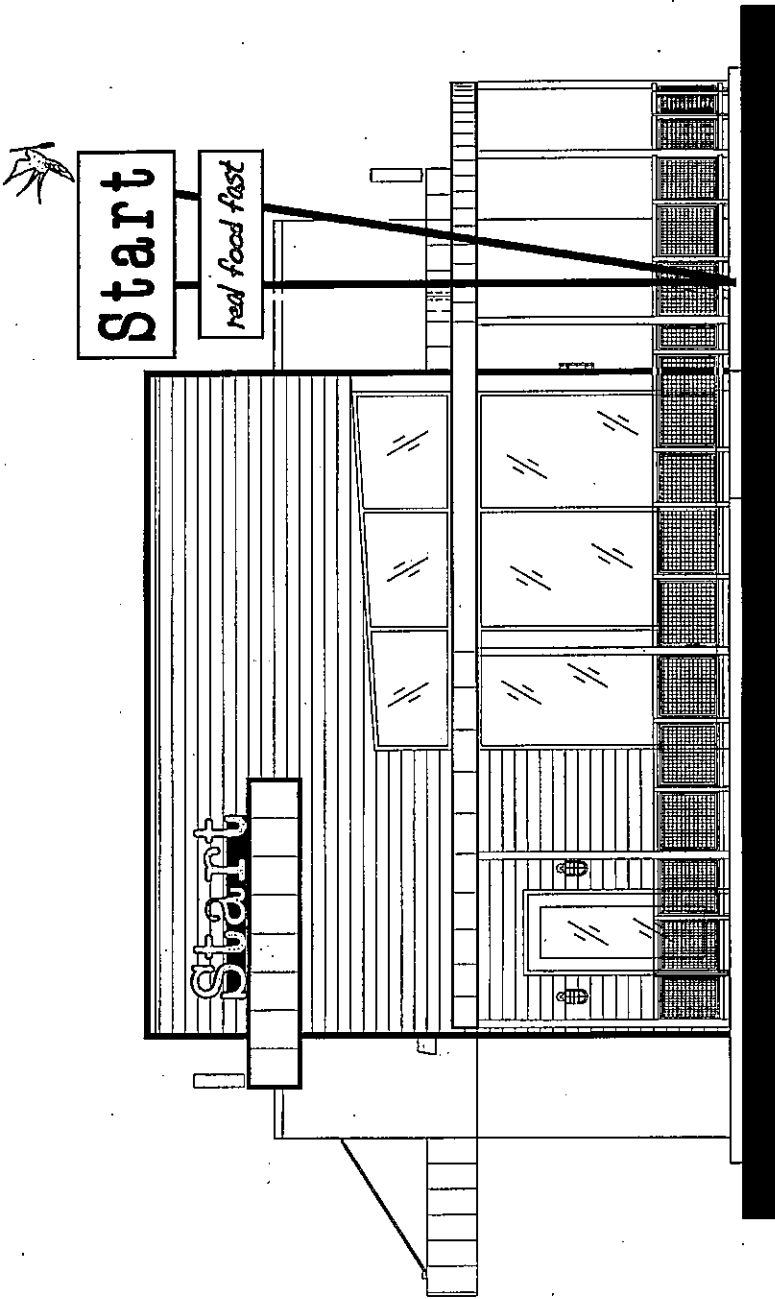
Dallas / Ft. Worth Branch  
 1308 S. Irving Highway, CA  
 PH: (972) 375-1804

Houston Branch  
 8308 Greenhouse Rd.  
 Houston, TX 77064  
 PH: (281) 778-1804

Phoenix Branch  
 2647 S. Loop W, Suite 118  
 Phoenix, AZ 85009  
 PH: (602) 778-1804

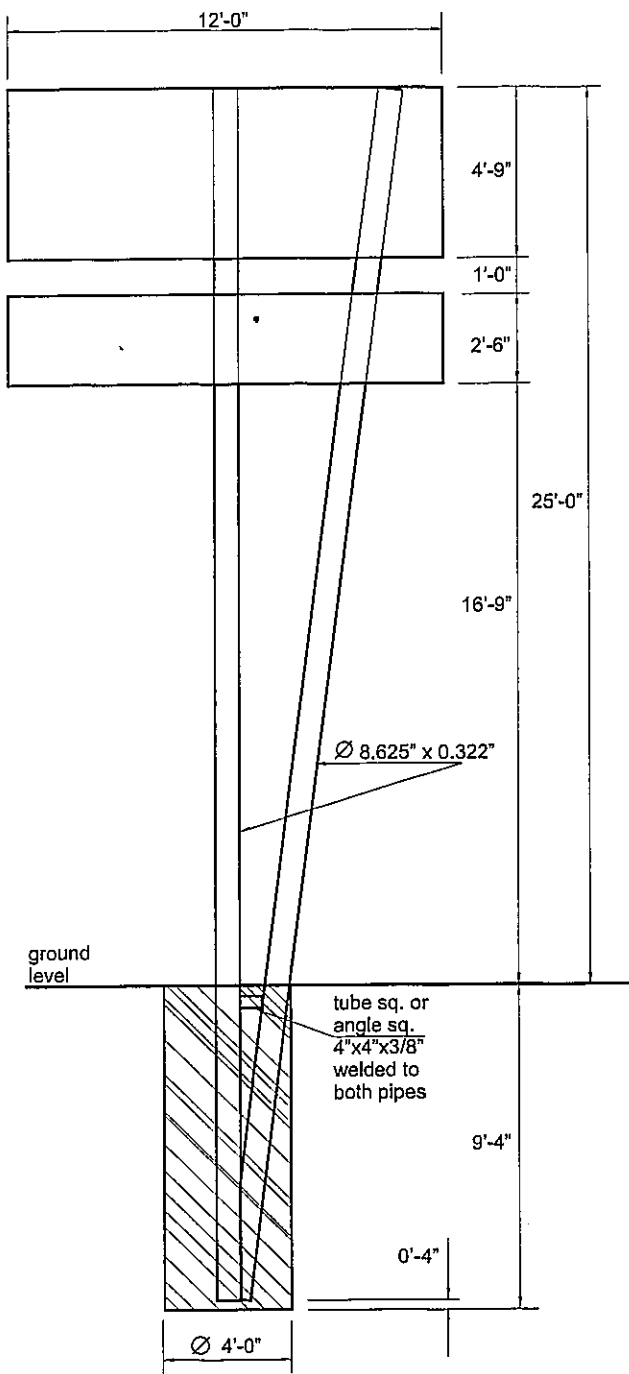
**THIS DRAWING IS THE EXCLUSIVE PROPERTY OF TIME SIGNS. ANY REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF TIME SIGNS IS STRICTLY PROHIBITED. VIOLATORS WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.**

Page: 1 of 10



SCALE: NTS

A PROPOSED PYLON ELEVATION



**NOTES:**

**1. SITE CONDITIONS:**

WIND PRESSURE 31 PSI, 3 SEC GUST  
SURFACE ROUGHNESS EXPOSURE C

SOIL VERTICAL PRESSURE 1500 PSF,  
SLIDING RESISTANCE 130 PSF,  
LATERAL PRESSURE 150 PSF,  
AT MINIMUM, PER FOOT OF DEPTH  
BELOW NATURAL GRADE

THE GROUND IS ASSUMED OF  
NATURALLY FORMED COMPACTNESS,  
NO CLIFF TYPE OBSTRUCTIONS  
WITHIN 20 TIMES THE SIGN HEIGHT  
RADIAL DISTANCE FROM THE  
FOUNDATION

**2. SUPPORT MEMBERS:**

STEEL POLE ASTM A500 GRADE 8  
YIELD STRENGTH  
35000 PSI FOR PIPE  
46000 PSI FOR TUBE  
36000 PSI FOR WIDE FLANGE BEAM

PLATE, ANGLE, CHANNEL ASTM A36

FASTENERS A325, ZINK COATED

ELECTRODES FOR WELDS E70xx

CONCRETE MINIMUM COMPRESSIVE  
STRENGTH 3000 PSI IN 28 DAYS

**3. CONTROLLED VALUES:**

COMPRESSION STRESS 481 PSI  
SHEAR STRESS 356 PSI  
TORSION STRESS 87 PSI  
BENDING STRESS 27085 PSI  
COMBINED STRESS RATIO 0.94 < 1,  
SATISFACTORY

SEC. MODULUS REQ'D 14.8 CUB.IN  
APPLY PIPE NOMINAL DIA 8 IN,  
WALL 0.322 IN THICK  
SLENDERNESS RATIO 143 < 200,  
SATISFACTORY  
FOUNDATION RIGIDITY THROUGH  
4 FT DIA, 9.3 FT DEPTH

CALCULATIONS ON FILE

CONFIGURATION DIMENSIONS ARE  
SHOWN AS MINIMUM REQUIRED

THE DESIGN IS BASED UPON EXISTING  
ADEQUATE BUILDING ELEMENTS BEING  
STRUCTURALLY SOLID  
CONTRACTOR'S RESPONSIBILITY IS TO  
ENSURE WORKMANSHIP AND CONFIRM  
ASSUMED VALUES  
THE SYSTEM SHOULD BE INSPECTED  
DURING AND AFTER THE INSTALLATION



**SIGNS STRUCTURES  
DESIGN & ANALYSIS**

3617 FLAMINGO AVE  
MCALLEN, TX 78504  
P: (956) 687-7389  
F: (956) 687-7390  
EMAIL: INFO@ALTECOR.US  
WEB: WWW.ALTECOR.US

**DESIGNED FOR:**

COMET-REYNOLDS SIGN CO  
1336 IRVING HEIGHTS DR.  
IRVING, TX 75060  
P: (972) 870-1594  
F: (972) 870-1598

**SITE LOCATION:**

4023 LEMMON AVE  
DALLAS, TX

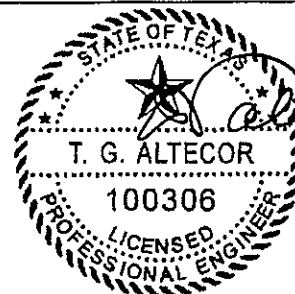
**PROJECT TITLE:**

START RESTAURANT

PYLON SIGN,  
ILLUMINATED

INSEPARABLE ASSEMBLY  
OUTLINE DRAWING

THE DRAWING COMPRISES  
EVALUATION OF SUPPORTS  
AND FOOTING. NO CABINET  
ENGINEERING IS INCLUDED



TEXAS FIRM #: F-10807  
TDLR MSE #: 95180

THIS SEAL IS AUTHORIZED BY  
T. G. ALTECOR, P.E., 09/09/2014

DRAWING #: 001671  
REVISION #: 0  
PAGE #: 1 OF 1

CODE: IBC - 2012 / ICC  
STANDARD: ASCE / SEI-7  
SPECIFICATION: ANSIASTM



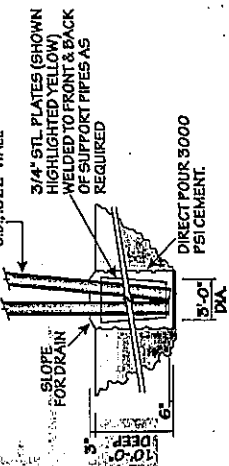
# Start

Approved  
 Approved As Noted  
 Revise & Resubmit  
 By: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Client:** Start Restaurant  
**Location:** 4023 Lemmon Ave  
 Dallas, Texas  
**Salesperson:** Tommy R  
**Pr. Mgr.:** Angelesa O  
**Date:** 8/1/2014  
**Designer:** Robert F  
**File Name:** 21319\_start  
**Proposal #:** 21319  
**Job #:** \_\_\_\_\_

**Revisions**  
 1. REVISE PER INTERNAL CHECKLIST  
 RESPONSE TO APPROVALS

**Comet Signs**  
 License #: 18010  
 Corporate Office  
 230 West 7th Street  
 Philadelphia, PA 19107-3417-7824  
 610-597-4545  
 2300 N. Loop West, Suite 200  
 Houston, TX 77020  
 281-597-4545  
 800-566-6666  
 Houston, TX 77024  
 281-597-4545  
 800-566-6666  
 Dallas, TX 75210-1818  
 214-597-4545  
 800-566-6666



FOOTINGS DETAIL - SCALE: N.T.S.

- BDA 134
- BROWN  
FMS 137U FMS 462U
  - GOLDEN YELLOW  
FMS 137U FMS 462U
  - CALON #25  
SUNFLOWER

**A SIF PYLON**  
 (1) REQUIRED  
 1/8\"/>

## Long, Steve

---

**From:** William Milligan <william.k.milligan@gmail.com>  
**Sent:** Friday, October 24, 2014 1:13 PM  
**To:** Long, Steve  
**Cc:** Duerksen, Todd  
**Subject:** Steve - Re: FW: BDA 134-112, Property at 4023 Lemmon Avenue  
**Attachments:** StartRestaurant\_Dallas\_001.jpg

Dear Mr. Long -

Per our conversation this morning, yes we plan to have 'One' non-monument pole sign on our site within 250' of a Non-Business Zoning District.

Please include in your report the attached photo of the First Start Restaurant, located on Greenville Ave. in Dallas, which should clearly indicate that the non-monument pole sign is the Marquee to the overall building design and does not negatively impact the non-business zoning that it currently stands in front of.

Therefor this signage itself is really an extension of an attached premise sign. It has come to my attention that had we included the foundation and structural poles as part of the permitted building design, that we could have technically attached this signage to the building poles and would have been in compliance with the City's Sign Ordinance.

In addition, our site had previously went through and obtained an SUP with the City of Dallas, which set Start Restaurant's hours of Operation from 7am to 9pm, further eliminating any negative impacts to the non-business zoning found adjacent to the new site on Lemmon Ave.

Finally, we are on the agenda for and planning to attend the next Oak Lawn Committee meeting on November 11th to update the Committee on Start's building status and ask for their support one more time with regards to providing a letter of support for the 'One' non-monument pole sign within 250' of a non-business zoning, which they had seen in the architectural renderings previously when we had asked for their support during the SUP process.

Please let me know if there is anything further that I can do to assist you in this process. Thank you again for your help.

Best regards,

**William K. Milligan**  
**LEED AP BD+C**

:: Designer | Pre-Construction Manager ::  
405 410 1131 WIRELESS

On Thu, Oct 23, 2014 at 1:13 PM, Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)> wrote:

Dear Mr. Milligan,

Would you be able to let me know how many signs are proposed to be within 250' from a non-business zoning district on your site? Page 5 of 10 in the attached application materials is a site plan that perhaps you could circle the location of the sign or signs needing the exception and email back to me, OR give me a call at 214/670-4666.

Thank you,

Steve

---

**From:** Long, Steve  
**Sent:** Tuesday, October 14, 2014 1:46 PM  
**To:** 'william.k.milligan@gmail.com'  
**Cc:** Duerksen, Todd  
**Subject:** BDA 134-112, Property at 4023 Lemmon Avenue

Dear Mr. Milligan,

Here is information regarding your board of adjustment application referenced above most of which we have just discussed on the phone:

1. Your submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled November 17<sup>th</sup> Panel C public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the sign regulations (Section 51A-7.304(b)).
3. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board beyond what is included in the attached application materials.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of the application (page 2 of 10 in the application materials that are attached) and contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, October 29<sup>th</sup> with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed/discovered other than the sign special exception request will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please be advised that you may want to contact The Oak Lawn Committee given that this property is located in PD 193: The Oak Lawn Special Purpose District.

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

Thanks,

Steve

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

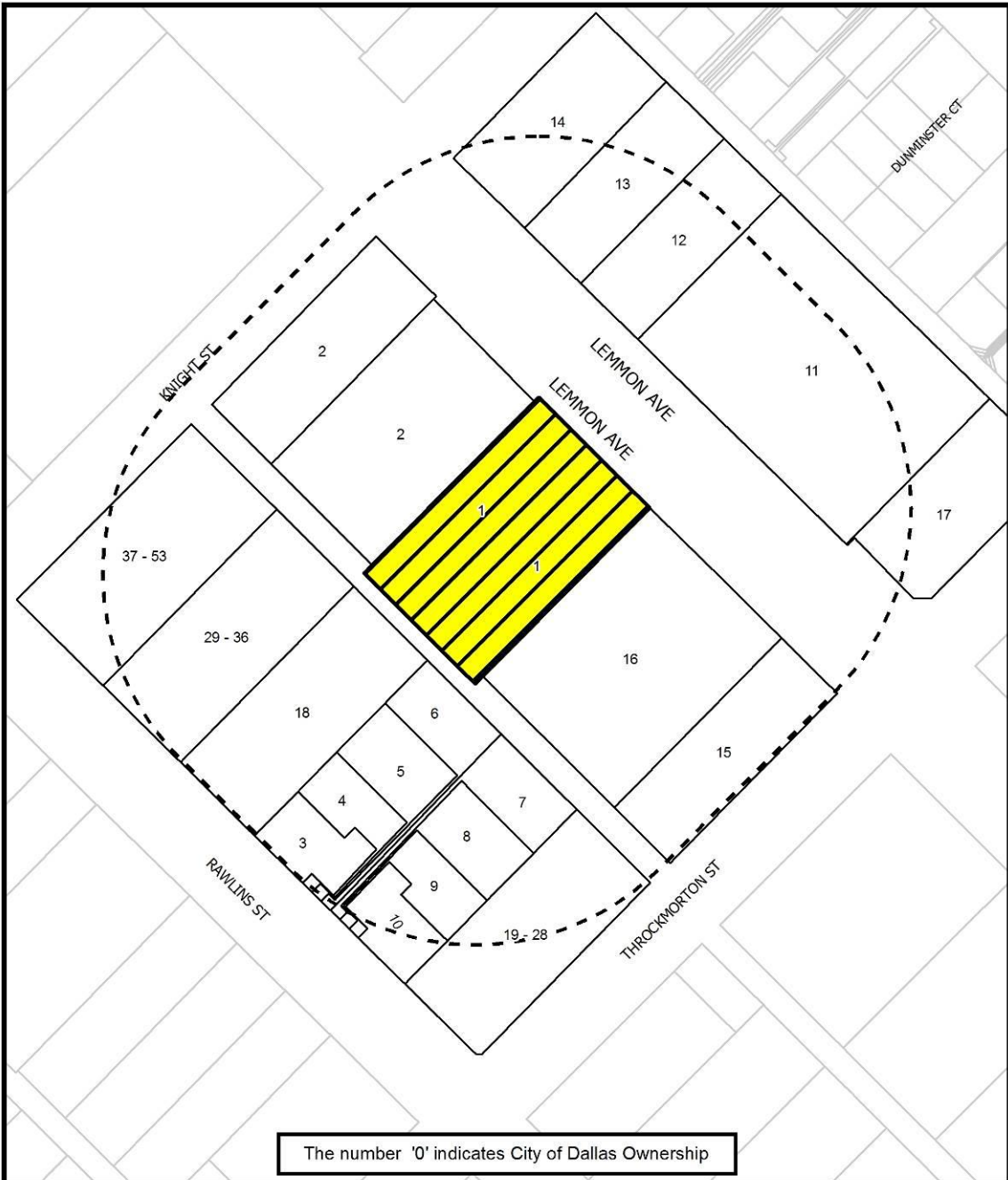
Steve Long, Board of Adjustment Administrator

City of Dallas Sustainable Development and Construction

1500 Marilla Street, Room 5BN

Dallas, Texas 75201





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>53</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>53</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA134-112</b> Date: <b>10/29/2014</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>53</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA134-112*

### *53 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4023 LEMMON AVE	4015 LEMMON LP
2	4037 LEMMON AVE	KEELEY ROBERT THEODORE
3	4016 RAWLINS ST	WEN HUANG-CHUN & NAN WEN YAN
4	4014 RAWLINS ST	ROSSLAND ERIC
5	4012 RAWLINS ST	DIOP DESAGANA
6	4010 RAWLINS ST	GINSBERG KAREN
7	4008 RAWLINS ST	MCCOY C FRANCE &
8	4006 RAWLINS ST	HAWKINS STEVEN B
9	4004 RAWLINS ST	RUTLEDGE GEORGE &
10	4002 RAWLINS ST	BURKHART BRENT & LINDA
11	4018 LEMMON AVE	ROSSMORE ENTERPRISES
12	4026 LEMMON AVE	4026 LEMMON AVE LLC
13	4030 LEMMON AVE	FARR TERESA M
14	4038 LEMMON AVE	TRAYMORE PARTNERS LTD
15	4001 LEMMON AVE	OLIVERIE DOMINICK
16	4003 LEMMON AVE	4015 LEMMON LP
17	4004 LEMMON AVE	DALLAS LUBE VENTURE LLC
18	4020 RAWLINS ST	IVANYI INC
19	4000 RAWLINS ST	RITTER MARISA
20	4000 RAWLINS ST	ESCAMILLA GUADALUPE
21	4000 RAWLINS ST	ADAIR TAYLOR
22	4000 RAWLINS ST	TOWNEND WILLIAM H
23	4000 RAWLINS ST	KLYMOV YEVGEN
24	4000 RAWLINS ST	GROSECLOSE LARRY E &
25	4000 RAWLINS ST	NYMARK JAMES P TRUST
26	4000 RAWLINS ST	ROBBINS CHRISTINE

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4000 RAWLINS ST	PEPIN SCOTT M
28	4000 RAWLINS ST	HILL BRYAN & KELLY
29	4030 RAWLINS ST	HAYES NATALIE I
30	4030 RAWLINS ST	WU CHI YUAN & WEI YING
31	4030 RAWLINS ST	PIERSON RHEANNE
32	4030 RAWLINS ST	MEDLEY CHARLOTTE
33	4030 RAWLINS ST	ATKINSON PRESTON
34	4030 RAWLINS ST	CORLEW JOSEPH A
35	4030 RAWLINS ST	BURKE MARONDA JAN
36	4030 RAWLINS ST	WU JAFFEE CHIH KAI
37	4034 RAWLINS ST	SWANCUTT MARK A & JESSICA N RICALDI
38	4034 RAWLINS ST	ROE MICHAEL ALAN
39	4034 RAWLINS ST	HOLLISTER LANCE
40	4034 RAWLINS ST	SCHAFFER NATHANIEL ELLIOT
41	4034 RAWLINS ST	FARUQUI RIZWAN
42	4034 RAWLINS ST	HILL CANDACE
43	4034 RAWLINS ST	ROWAN MARCUS
44	4034 RAWLINS ST	MERCADO JESUS V
45	4034 RAWLINS ST	YIP JACLYN K
46	4034 RAWLINS ST	PALMER BRITTANY
47	4034 RAWLINS ST	BURGOS DALIA R
48	4034 RAWLINS ST	GIACOBBE ROBERT L
49	4034 RAWLINS ST	FLOYD LAWSON E &
50	4034 RAWLINS ST	RUTTAGA RAMIRO
51	4034 RAWLINS ST	JORDAN CRAIG D
52	4034 RAWLINS ST	LIM LEONG PIN
53	4034 RAWLINS ST	REISINGER JOSEPH M &



**FILE NUMBER:** BDA 134-083

**BUILDING OFFICIAL'S REPORT:** Application of Celia Lopez, represented by Elias Rodriguez, for a special exception to the landscape regulations at 247 W. Davis Street. This property is more fully described as a part of Lot 1, Block 3/3325, and is zoned PD 830 (Subdistrict 6), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 247 W. Davis Street

**APPLICANT:** Celia Lopez  
Represented by Elias Rodriguez

**REQUEST:**

A request for a special exception to the landscape regulations is made to maintain a restaurant structure/use (Pier 247), and not fully meet the landscape regulations.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The applicant has not substantiated how strict compliance with the requirements of this article will unreasonably burden the use of the property; or that the special exception will not adversely affect neighboring property.
- The City of Dallas Chief Arborist recommends denial of the proposed landscape plan. The plan does not fully identify conforming conditions to the PD regulations and the plan does not match the current conditions of the site. The site does not retain any required design standards, and the perimeter buffer strip requirements are not adequately addressed.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 830 (Planned Development)  
North: PD 160 (Planned Development)  
South: PD 830 (Planned Development)  
East: PD 830 (Planned Development)  
West: PD 830 (Planned Development)

**Land Use:**

The site is developed with a restaurant structure/use (Pier 247). The area to the north is vacant; the area to the east is developed with surface parking uses; and the areas to the south and west are 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.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on maintaining a restaurant structure/use (Pier 247), and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site does not comply with Article X provisions for the mandatory perimeter landscape strip, street tree requirements, and design standard requirements.

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo states how this request is triggered by new construction and remodel of a restaurant.
- The Chief Arborist's memo lists the following deficiencies related to required landscaping:
  1. The proposed landscape plan does not comply with Article X provisions for the mandatory perimeter landscape strip, street tree requirements, and design standard requirements. The plan does not match the current site conditions.
  2. The north perimeter landscape buffer strip is approximately 7.5' wide and is covered with loose rock where the ordinance requires a 10' wide buffer to be comprised of "natural grass, groundcover, or other natural plant materials."
  3. A dumpster enclosure is shown on the plan within the perimeter landscape strip which is designated by ordinance for a landscape area.
  4. Article X requires 5 street trees within 30' of the curb. However, PD 830 requires 6 trees within 25' of the curb and spaces no closer than 25' on center- the site currently contains the required number of trees but are not designated appropriately on the proposed landscape plan.
  5. The proposed plan does not identify any of the two required design standards.
- The Chief Arborist's memo lists the following factors for consideration:
  1. The property is within PD 830, Subdistrict 6, with residential adjacency to the north. Subdistrict 6 has additional landscape requirements for street trees and surface parking landscaping which the site does not comply with. However, the proposed plan does not identify all of the conforming street trees.
  2. The current perimeter buffer strip trees on the north row are all planted approximately 1' off the perimeter screening fence. This condition that is a mild factor today will further conflict with the fence line as the trees continue to grow. Under the ordinance the trees could not be planted closer than 4' from the paved surface. The trees can remain but they are in close proximity to the adjacent property, being currently undeveloped, and the fence will need to be altered as the trees expand. The alternative is to attempt to transplant the trees a couple of feet from their existing location, or to replace them in the appropriate location.
- The City of Dallas Chief Arborist recommends denial of the proposed landscape plan. The plan does not fully identify conforming conditions to the PD regulations and the plan does not match the current conditions of the site. The site does not retain any required design standards, and the perimeter buffer strip requirements are not adequately addressed.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.

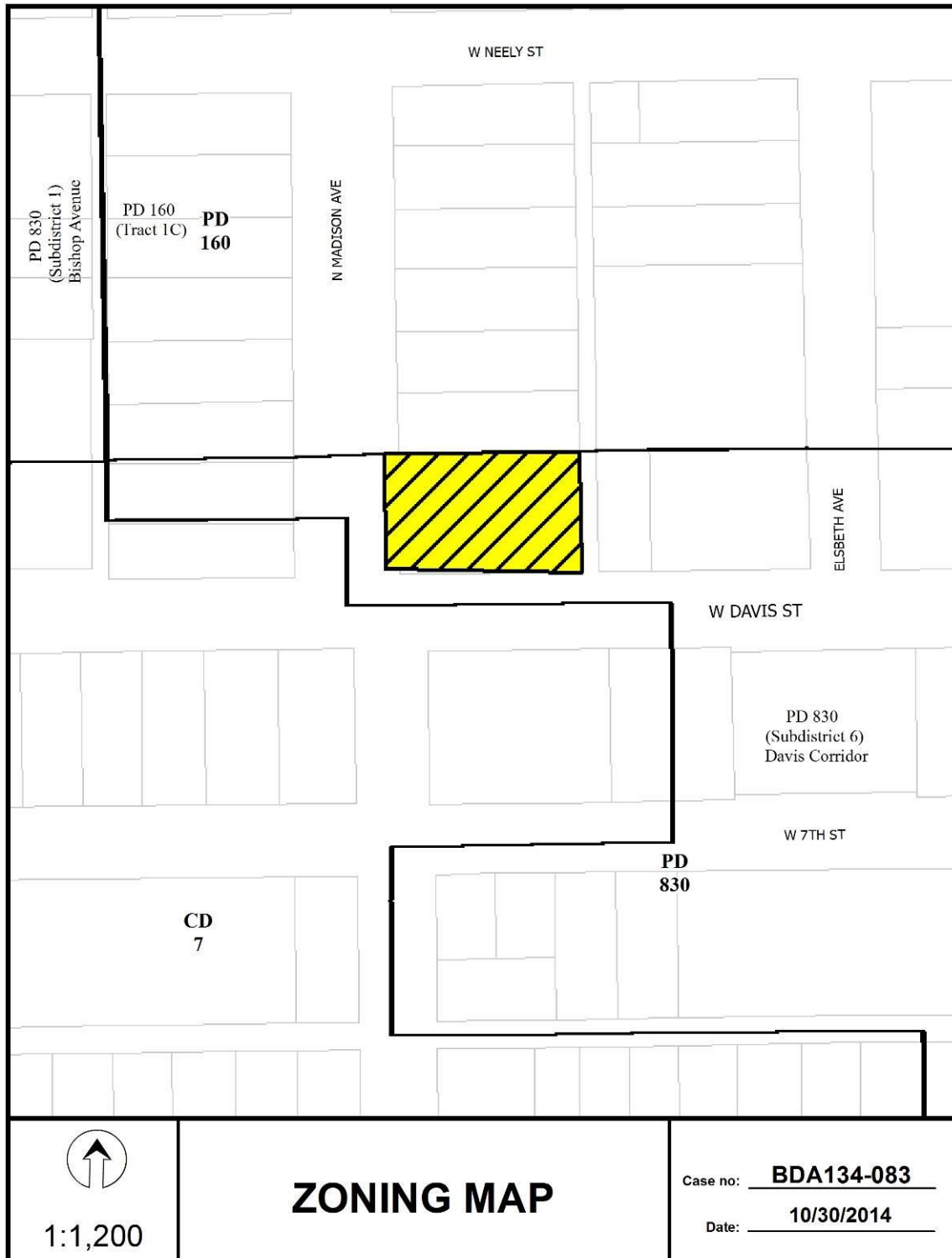
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the existing conditions on the site would be required to be match the conditions shown on this plan, and the site would be provided exception from full compliance with the mandatory perimeter landscape strip, street tree requirements, and design standard requirements of Article X.

**Timeline:**

- July 1, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 14, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 15, 2014: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 2, 2014: 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 Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- September 2, 2014: The Board Administrator emailed the applicant about the discovery made at the staff review team meeting that the application referenced as submitted was incomplete; and given this discovery, that: 1) it had been removed from its tentatively scheduled Board of Adjustment Panel C September 15<sup>th</sup> docket; 2) the application had been returned to the Building Inspection Senior Plans Examiners/Development Code Specialist where you can consult with him as to what is needed to complete it; and 3) it would be scheduled for the next available board of adjustment hearing date

once the Building Inspection Senior Plans Examiners/Development Code Specialist had informed him that the applicant had completed this application.

- October 14, 2014: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 29, 2014: The City of Dallas Chief Arborist emailed the applicant certain observations regarding this application (see Attachment A).
- November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- November 7, 2014: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).





1:1,200

# AERIAL MAP

Case no: BDA134-083

Date: 10/30/2014

**Long, Steve**

---

**From:** Erwin, Philip  
**Sent:** Wednesday, October 29, 2014 8:55 AM  
**To:** Long, Steve; energyinspector@yahoo.com  
**Cc:** Duerksen, Todd; Walker, Clay; Hatefi, Alireza  
**Subject:** RE: BDA 134-083, Property at 247 W. Davis Street

Elias,

I checked out the current site conditions on the property and they do not match the submitted landscape drawing. I am presuming it is your intent to conduct further modifications to the property if the Board was to approve the alternate landscape plan. If your intent is to seek approval of the current conditions, we need an amended plan to reflect these changes as early as possible. The following were identified, but may not be all that differs on site:

I identified five trees on the north perimeter. The trees are within 1 – 1.5 feet of the fence line. Please confirm if these are to remain in this location or changed. You currently show four trees on the north perimeter on the plan.

The dumpster enclosure should be properly identified. This dumpster is also within the adjacency buffer (contrary to ordinance), but is not correctly shown on the plan. I am not supportive of the dumpster (structure) within the mandatory perimeter buffer.

Confirm the use of river rock for this perimeter buffer (contrary to ordinance) and also in the parkway. I will seek direction from engineering and Public Works if this material is acceptable for the public ROW.

Identify the bed of ornamental grasses and small shrubs along Davis Street.

Trees are planted in the narrow bed along Madison. These were intended for shrubs for screening of parking. Confirm this will remain with these conditions.

Identify the appropriate plantings for the east property boundary (10 shrubs along parking lot are shown) and plantings along patio.

Properly identify the tree protection area for the large tree in the parking lot.

Identify the walkways across the landscape beds.

We should have any modifications this week, but our staff review will be next Tuesday. I will base recommendations on the condition of the plan submitted prior to the staff review.

Phil Erwin

---

**From:** Long, Steve  
**Sent:** Tuesday, October 14, 2014 11:07 AM  
**To:** energyinspector@yahoo.com  
**Cc:** Duerksen, Todd; Erwin, Philip  
**Subject:** FW: BDA 134-083, Property at 247 W. Davis Street

Dear Elias,



Here is information regarding the application to the board of adjustment referenced above that you are representing for Celia Lopez most of which I believe you are aware of given your experience with the board of adjustment:

1. The REVISED application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your tentatively scheduled November 17<sup>th</sup> Board of Adjustment Panel C public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the landscape regulations (51A-10.110).
3. A document that provides deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application (page 2 of 6 in the application materials attached) and contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, October 29<sup>th</sup> with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed other than the landscape special exception request will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, I would encourage that you contact Phil Erwin, City of Dallas Chief Arborist, at 214/948-4117 to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your request.

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

Thanks,

Steve

PS: If there is anything you want to submit to the board on this application beyond what has been included in the attached application materials, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or forward it to me at the following address:

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

---

**From:** Long, Steve  
**Sent:** Tuesday, September 02, 2014 3:47 PM  
**To:** 'energyinspector@yahoo.com'  
**Cc:** Duerksen, Todd; Way, Jamilah; Moorman, Donna; Erwin, Philip; Law, Trena  
**Subject:** FW: BDA 134-083, Property at 247 W. Davis Street

Dear Elias,

I have just spoken with your colleague John Ramirez about the discovery made at the staff review team meeting this afternoon that the application referenced as submitted is incomplete. Given this discovery, please be advised that:

- 1) it has been removed from its tentatively scheduled Board of Adjustment Panel C September 15<sup>th</sup> docket;
- 2) the application has been returned to Todd Duerksen where you can consult with him as to what is needed to complete it; and
- 3) I will schedule this application for the next available board of adjustment hearing date once Todd has informed me that you have completed this application.

Lastly be advised that if Todd were to inform me that you have amended/completed your application with him by than the end of this week, I can schedule it for October with the other applications that I will pick up from Todd on Monday, September 8th.

Please write or call me at 670-4666 if you have questions.

Thank you,

Steve

---

**From:** Long, Steve  
**Sent:** Thursday, August 14, 2014 12:48 PM  
**To:** 'energyinspector@yahoo.com'  
**Cc:** Duerksen, Todd; Erwin, Philip  
**Subject:** BDA 134-083, Property at 247 W. Davis Street

Dear Elias,

Here is information regarding the application to the board of adjustment referenced above that you are representing for Celia Lopez most of which I believe you are aware of given your experience with the board of adjustment:

1. The application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your tentatively scheduled September 15<sup>th</sup> Board of Adjustment Panel C public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the landscape regulations (51A-10.110).
3. A document that provides deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application (page 2 of 6 in the application materials attached) and contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, August 27<sup>th</sup> with regard to any amendment that you feel is necessary to address the issue at hand. (Note that the discovery of any additional appeal needed other than the landscape special exception request will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Lastly, I would encourage that you contact Phil Erwin, City of Dallas Chief Arborist, at 214/948-4117 to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your request.

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

Thanks,

Steve

PS: If there is anything you want to submit to the board on this application beyond what has been included in the attached application materials, please feel free to email it to [steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com) or forward it to me at the following address:

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

BDA134-083  
Attach B p 1

# Memorandum



CITY OF DALLAS

DATE November 7, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 083 247 W Davis

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

### Trigger

New construction and remodel for a restaurant.

### Deficiencies

The proposed landscape plan does not comply with Article X provisions for the mandatory perimeter landscape strip (10.125(b)(1)), street tree requirements (10.125(b)(4)), and does not comply with design standard requirements. The plan does not match the current site conditions.

The north perimeter landscape buffer strip is approximately 7.5' wide and is covered with loose rock. The ordinance requires the buffer strip to be a landscape area with a minimum width of 10 feet. A landscape area must be composed primarily of 'natural grass, groundcover, or other natural plant materials.'

A dumpster enclosure is shown on the plan within the perimeter landscape strip which is designated by ordinance for a landscape area.

Article X requires 5 street trees within 30' of the curb. However, PD 830 requires 6 trees within 25 feet of the curb and spaced no closer than 25 feet on center. The site currently contains the required number of street trees but are not designated appropriately on the proposed landscape plan.

The proposed plan does not identify any design standards to Article X standards.

### Factors

The property is within PD 830, Subdistrict 6, with residential adjacency to the north. Subdistrict 6 has additional landscape requirements for street trees (one large tree per 40 feet of frontage) and surface parking landscaping, and the site does currently comply with these requirements. However, the proposed plan does not identify all of the conforming street trees.

BDA134-083  
Attach B pg 2

The current perimeter buffer strip trees on the north row are all planted approximately 1 foot off the perimeter screening fence. The condition is a mild factor today, but as the trees continue to grow, they will further conflict with the fence line. Under ordinance, the trees could not be planted closer than four feet from the paved surface. The trees can remain as they stand but they are in close proximity to the adjacent property, being currently undeveloped, and the fence will need to be altered as the tree expands. The alternative is to attempt to transplant the trees a couple of feet, or replace them and set them appropriately. The owner should consider the options.

#### Recommendation

The chief arborist recommends denial of the proposed landscape plan. The plan does not fully identify conforming conditions to the PD regulations and the plan does not match current conditions on the site. The site does not retain any design standards to Article X specifications, and perimeter buffer strip requirements are not adequately addressed.

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



City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-083

Data Relative to Subject Property:

Date: 7-1-14

Location address: 247 W. Davis St. Zoning District: Pd 830 (Subd. 6)

Lot No.: S/241 Block No.: 3/3325 Acreage: .172acs Census Tract: 0042.01

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): America Can

Applicant: Celia Lopez Telephone: \_\_\_\_\_

Mailing Address: 303 W. Davis St. Zip Code: 75208

E-mail Address: \_\_\_\_\_

Represented by: Elas Rodriguez Construction Concepts, Inc Telephone: 214-946-4300

Mailing Address: 317 E Jefferson Blvd Zip Code: 75203

E-mail Address: energyinspector@yahoo.com

Affirm that an appeal has been made for a Variance or Special Exception  of the existing non-complaint landscaping and propose an alternative landscaping plan; ALSO a variance for the 6' encroachment into 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:

Landscaping special exemption will not adversely affect neighboring property; and will comply with current zoning landscaping only configured differently. Variance is required due to a restrictive property

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 Celia Lopez (Affiant/Applicant's name printed)

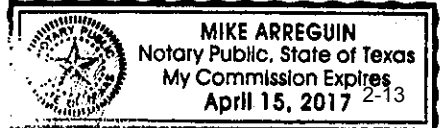
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Celia Lopez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 25 day of June, 2014

Mike Arreguin 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

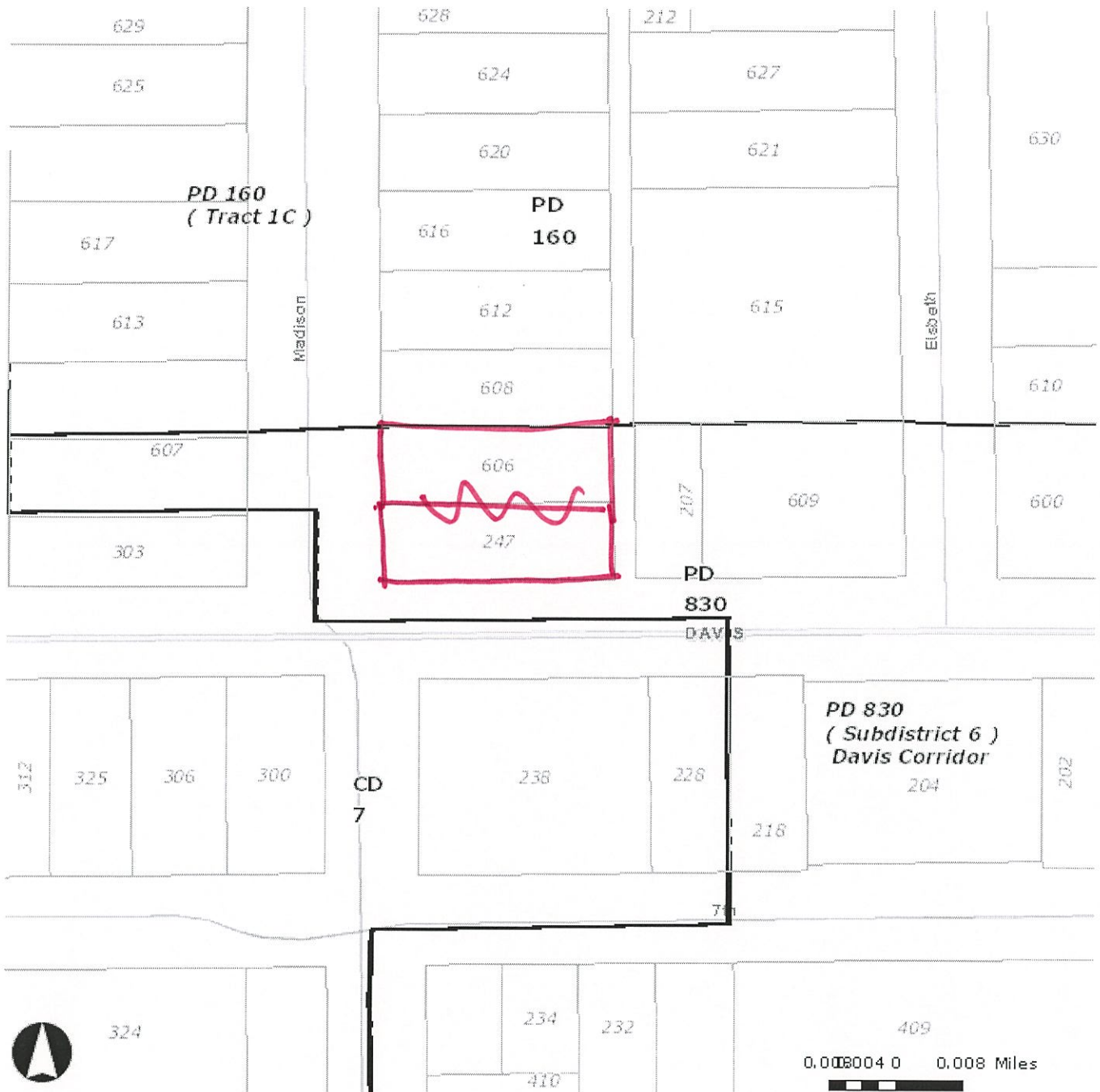
Building Official's Report

I hereby certify that Celia Lopez  
represented by Elias Rodriguez  
did submit a request for a special exception to the landscaping regulations  
at 247 W. Davis Street

BDA134-083. Application of Celia Lopez represented by Elias Rodriguez for a special exception to the landscaping regulations at 247 W. Davis Street. This property is more fully described as a part of Lot 1, Block 3/3325, and is zoned PD830 (Subdistrict 6), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

  
Larry Holmes, Building Official



M.A.

312  
3136

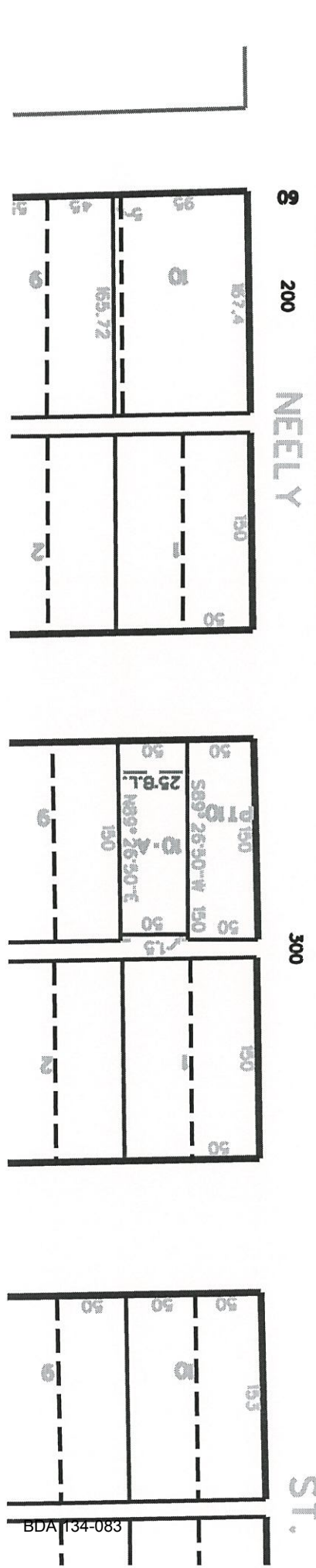
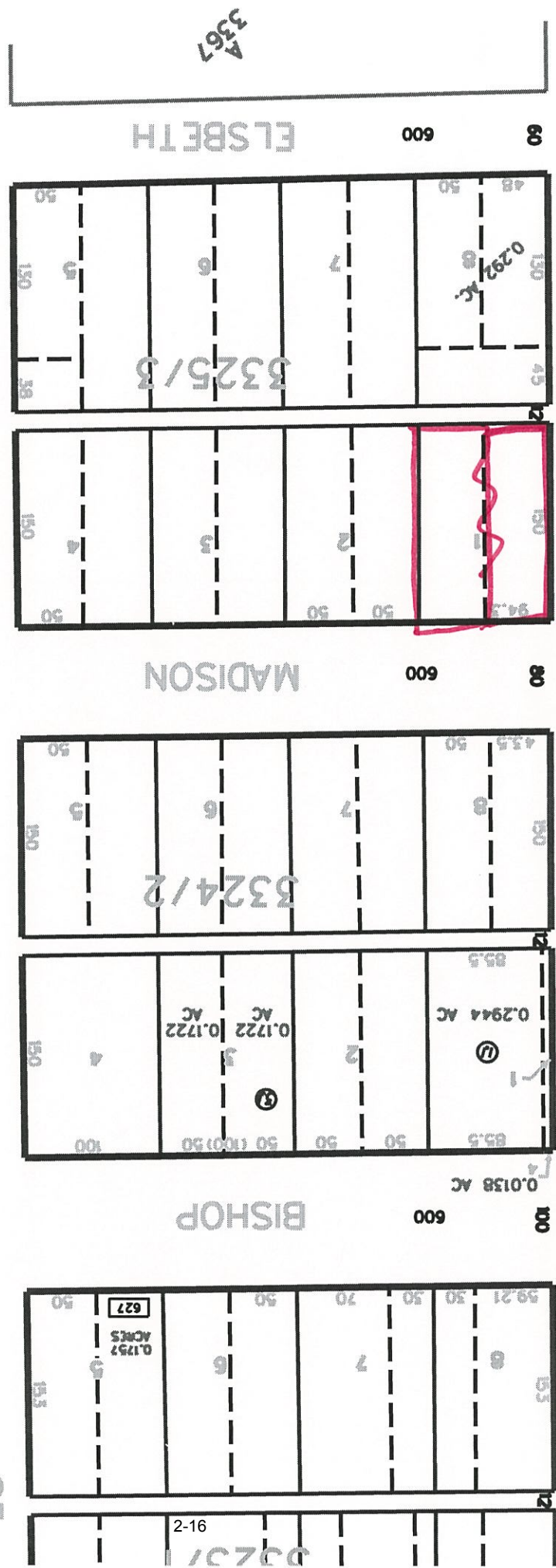
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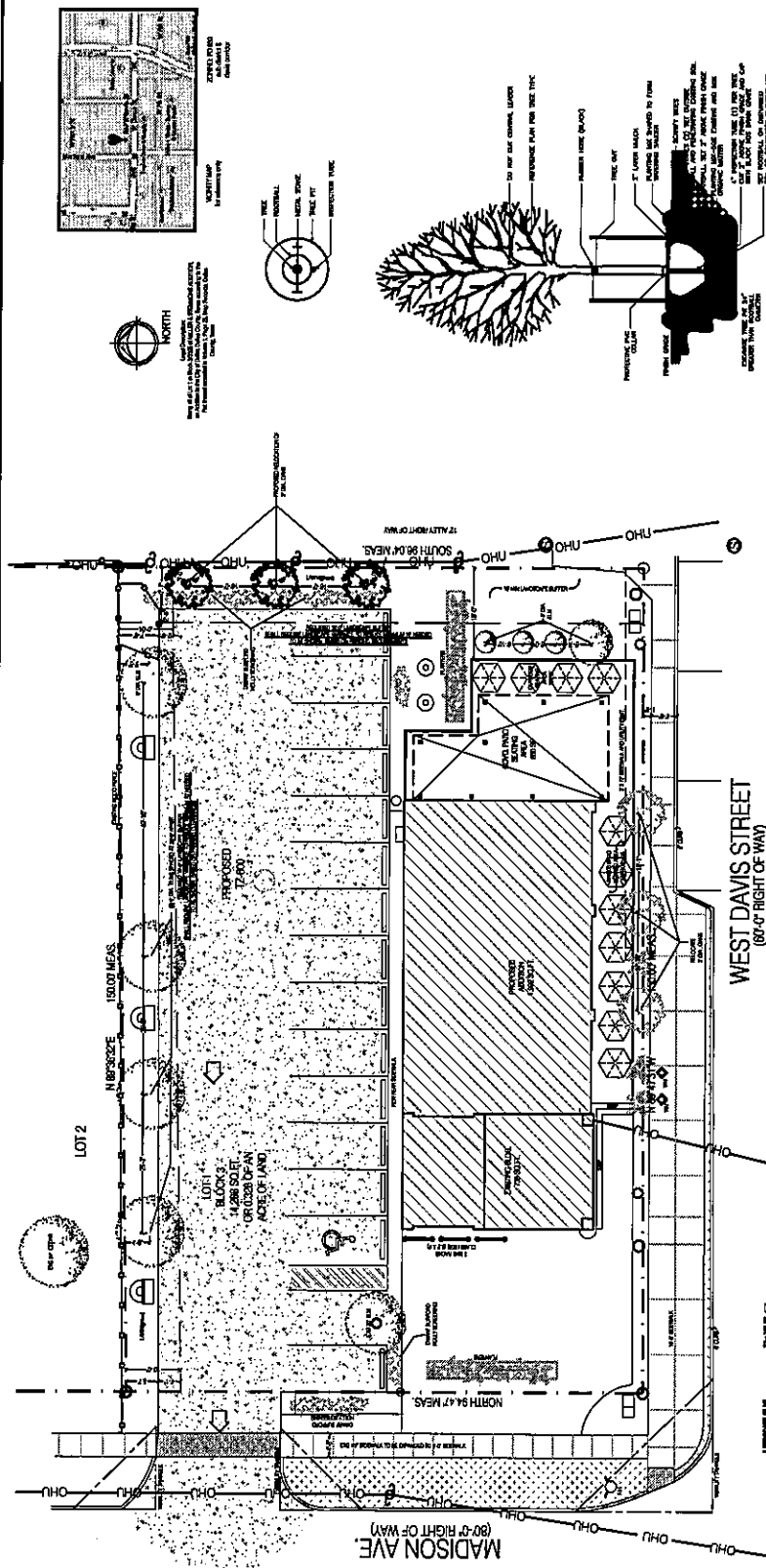
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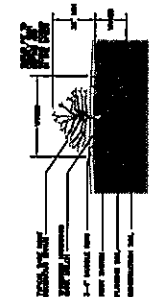






**PLANT LEGEND**

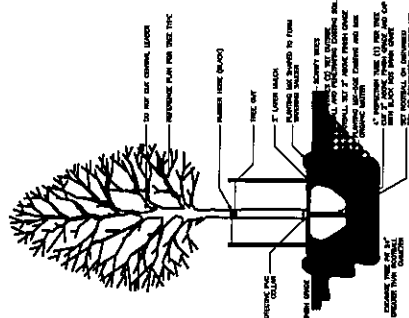
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(Symbol)	Red Oak	3	10/14	1/4" = 1' O.C.
(Symbol)	White Oak	1	10/14	1/4" = 1' O.C.
(Symbol)	Live Oak	1	10/14	1/4" = 1' O.C.
(Symbol)	Black Oak	1	10/14	1/4" = 1' O.C.
(Symbol)	Shrub	10	10/14	1/4" = 1' O.C.
(Symbol)	Flower	10	10/14	1/4" = 1' O.C.
(Symbol)	Grass	10	10/14	1/4" = 1' O.C.
(Symbol)	Tree	10	10/14	1/4" = 1' O.C.



**B.1.1**  
TREE PLANTING DETAIL  
SEE WEST DAVIS STREET



**B.1.2**  
TREE PLANTING DETAIL  
SEE WEST DAVIS STREET



**B.1.3**  
TREE PLANTING DETAIL  
SEE WEST DAVIS STREET



**B.1.4**  
TREE PLANTING DETAIL  
SEE WEST DAVIS STREET



North Arrow  
The orientation of this plan is based on the North Arrow shown here. The orientation of the site is based on the North Arrow shown here. The orientation of the site is based on the North Arrow shown here.

**CONSTRUCTION CONCEPTS INC.**  
"Planning and Designing a Better Tomorrow"  
317 E. JEFFERSON BLVD.  
DALLAS, TX, 75203  
TEL. (214) 946-4300  
FAX. (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO ASSIST IN THE CONSTRUCTION OF THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Revision 10/06/30/14  
247 W. DAVIS ST.  
DALLAS, TX  
75208

Project: LANDSCAPING  
Sheet: 2  
Date: 06/30/14  
Scale: VARIES  
Drawn By: JJE

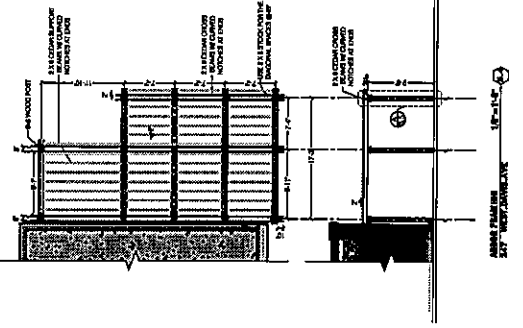
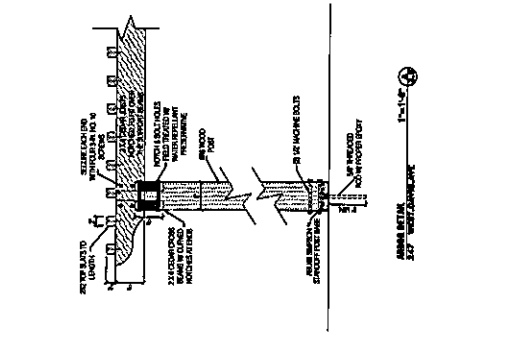
CONSTRUCTION CONCEPTS INC.  
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THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER AND ALL CONTRACTORS OF WORKS BEFORE COMMENCING CONSTRUCTION. THE BUILDER SHALL OBTAIN COMPLETE ENGINEERING SERVICES FROM A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT BEFORE COMMENCING CONSTRUCTION OF ANY WORK. NOTE: ALL FEDERAL, STATE AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

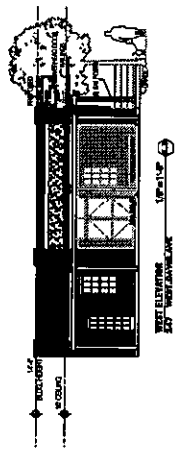
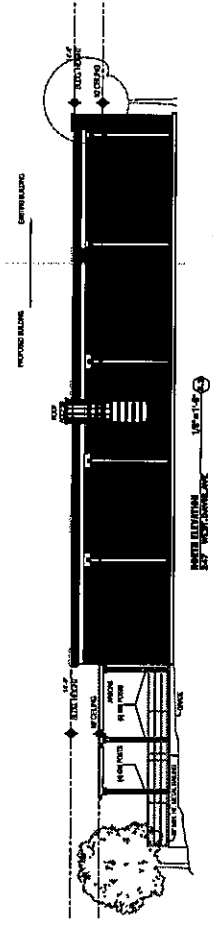
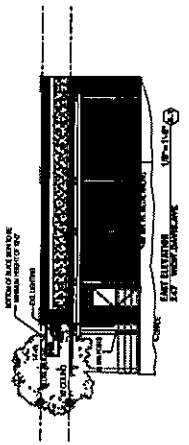
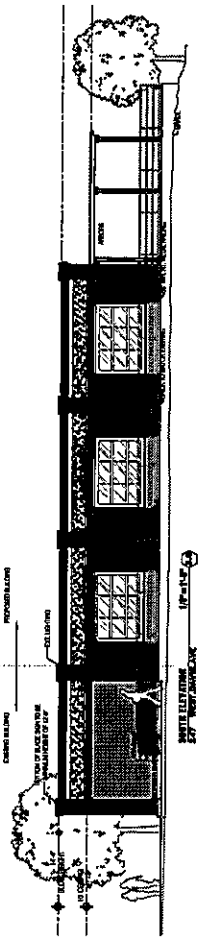
GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DETRACTIONS ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASER OF THESE PLANS ENTERS THE BUYER TO CONSTRUCTION OF THIS HOUSE ONLY ONCE ANY CORRECTING, TRAINING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

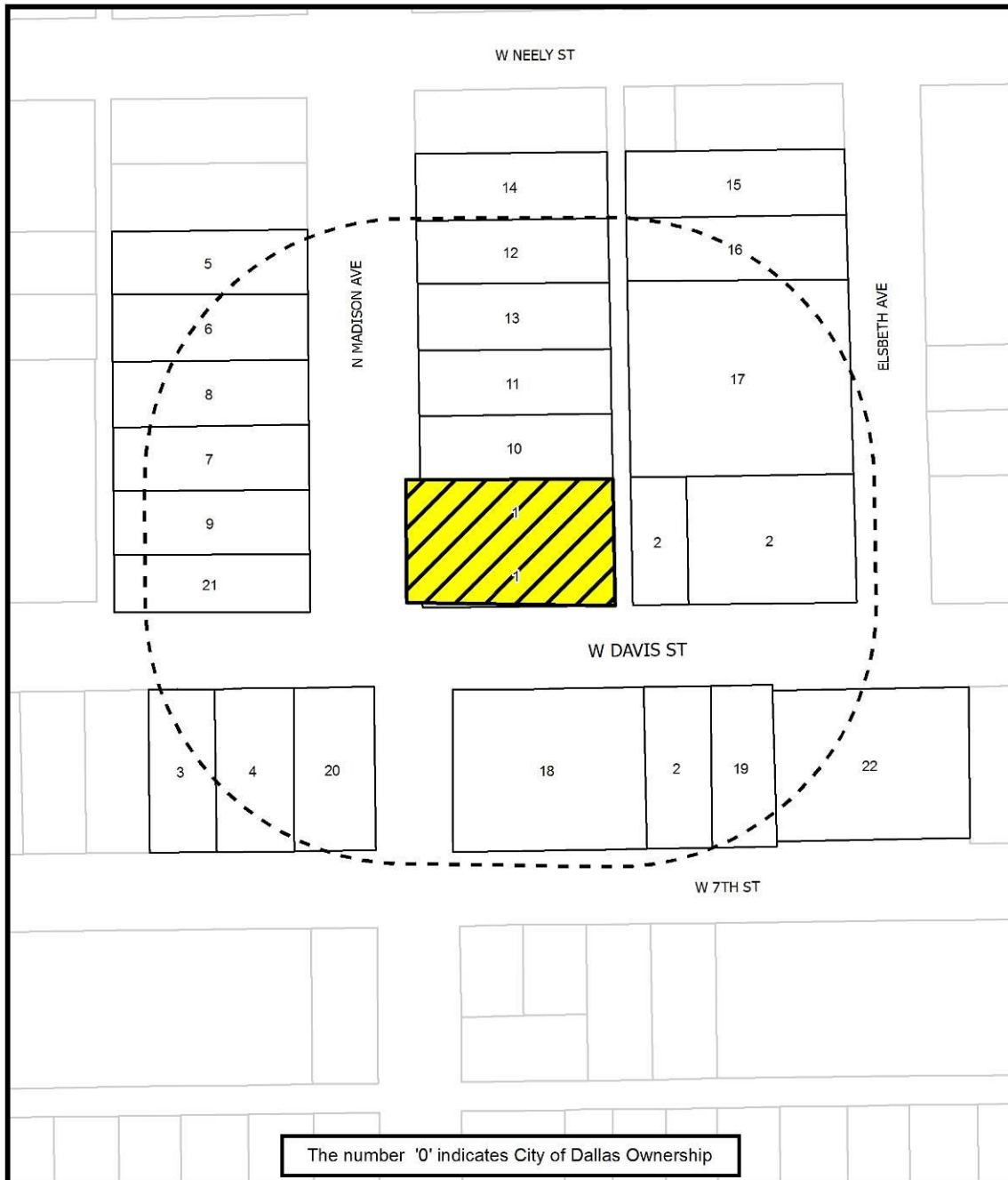
Revision 10 06/30/14  
 247 W. DAVIS ST.  
 DALLAS, TX  
 75208

Project	ELEVATION	Sheet
Date	06/30/14	3
Scale	VARIABLE	
Drawn By	JE	



NOTE: THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER AND ALL CONTRACTORS OF WORKS BEFORE COMMENCING CONSTRUCTION. THE BUILDER SHALL OBTAIN COMPLETE ENGINEERING SERVICES FROM A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT BEFORE COMMENCING CONSTRUCTION OF ANY WORK. NOTE: ALL FEDERAL, STATE AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.





 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA134-083</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>22</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>22</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>22</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

# *Notification List of Property Owners*

**BDA134-083**

## *22 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	606 MADISON AVE	AMERICA CAN
2	228 DAVIS ST	WEST DAVIS INVESTMENTS LLC
3	325 7TH ST	HISPANIC SERV UNLTD INC
4	306 DAVIS ST	HISPANIC SERVICES UNLTD
5	621 MADISON AVE	FLORES JAVIER
6	617 MADISON AVE	RODRIGUEZ EDUARDO S &
7	609 MADISON AVE	SAMAYOA LEONEL
8	613 MADISON AVE	MONDRAGON MARIA E
9	607 MADISON AVE	AGUILAR JAINY
10	608 MADISON AVE	AMERICA CAN
11	612 MADISON AVE	JASSO JACQUELINE NAVA
12	620 MADISON AVE	PONCE FILEMON I
13	616 MADISON AVE	MARTINEZ MARTIN
14	624 MADISON AVE	RODRIQUEZ TORIBIA C
15	627 ELSBETH ST	ACQUISTO MICHAEL F
16	621 ELSBETH ST	MENA JUAN BARRERA
17	615 ELSBETH ST	MATRIX PARTNERS LP
18	238 DAVIS ST	VICTOR PROPERTIES LLC
19	218 DAVIS ST	ENGLISH FAMILY LTD PS
20	300 DAVIS ST	HISPANIC SERVICES
21	303 DAVIS ST	AGUILAR JAINY
22	204 DAVIS ST	204 WD LTD

**FILE NUMBER:** BDA 134-107

**BUILDING OFFICIAL'S REPORT:** Application of Chas Fitzgerald, represented by Michael S. Kendall, for a special exception to the landscape regulations at 1818 Stevens Forest Drive. This property is more fully described as Lots 1-31 and common areas, Block A-2/5127, and is zoned PD 796, which requires mandatory landscaping. The applicant proposes to construct and maintain a single family residential Shared Access Development and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 1818 Stevens Forest Drive

**APPLICANT:** Chas Fitzgerald  
Represented by Michael S. Kendall

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain a 31 lot single family shared access development on an undeveloped site, and not fully meet the landscape regulations.

(Note that this application is adjacent to a property to the west where the same applicant seeks a similar landscape special exception from Board of Adjustment Panel C on November 17<sup>th</sup>: BDA 134-108).

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The applicant has not substantiated how strict compliance with the requirements of this article will unreasonably burden the use of the property; or that the special exception will not adversely affect neighboring property.
- The City of Dallas Chief Arborist recommends denial of the alternate plans for this application and the applicant’s related application to the west at 1916 Stevens Forest Drive (BDA 134-108) because in his opinion, the applicant has not provided substantial cause that strict compliance will unreasonably burden the use of the property as one development.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 796 (Planned Development)
- North: PD 690 (Planned Development)
- South: PD 830 (Planned Development)
- East: R-7.5(A) (Single family residential 7,500 square feet)
- West: PD 796 (Planned Development)

**Land Use:**

The site is currently undeveloped. The areas to the north and east are developed with institutional use (Rosemont Elementary School); the area to the south is developed with church use (St. Cecila School and Catholic Church); and the areas to the west is undeveloped.

**Zoning/BDA History:**

- |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. BDA 134-108, Property at 1916 Stevens Forest Drive (the lot immediately west of subject site)</li> </ol> | <p>On November 17, 2014, the Board of Adjustment Panel C will consider a request for a special exception to the landscape regulations requested in conjunction with constructing and maintaining a single family shared access development on the site, and not fully providing required landscaping.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

- This request focuses on constructing and maintaining a 31 lot single family shared access development on an undeveloped site, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site does not comply with the landscape regulations in that the plan indicates 13 street trees when a minimum of 19 street trees are required in addition to site trees.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request on this site and the adjacent site: BDA 134-108 (see Attachment A). The memo states how this request is triggered by new construction of shared access developments in a residential (multifamily) district.
- The Chief Arborist's memo lists the following deficiencies for the property at 1818 Stevens Forest Drive: the plan indicates 13 street trees are proposed where a minimum of 19 street trees are required in addition to site trees.
- The Chief Arborist's memo lists the following factors for consideration on this application and the adjacent application to the west, BDA 134-108:
  1. Shared Access Developments in Section 51A-10.125(a)(2)(B), "Districts other than single family districts" require: 1) a minimum of 20 percent of the development as landscape area; 2) one site tree per 4,000 square feet in the development; and 3) in addition to site trees, one large canopy tree for every 25 feet of frontage.
  2. The plan complies with all other requirements not noted as a deficiency.
  3. The applicant states that the tree spacing of 25' on center requirements does not align with the individual residences fronting the streets. "The requirement would cause trees to be placed at 20' on center for an individual lot which is too close for a required canopy tree."
  4. The proposed plans place one street tree for each individual single family lot within the development. If we (the City) accept the premise of requiring one tree per individual lot, then the argument of an unreasonable hardship being imposed on the properties may be easily accepted. The actual design and topography of the lot frontages may have been a bearing on the placement of the trees on the property. Additional construction design information on this to support or argue this matter has not been given.
  5. However, the Board may consider if shared access developments under 10.125(a)(2)(B) share a similar distinction to shared access developments in 10.125(a)(2)(A) where the development of single family lots has one front yard and all the property in the shared access development is considered to be one lot and have "shared trees." In that the proposed plans for each shared access development addresses site trees to be spaced throughout the property, these developments should be viewed as one lot for landscape purposes. The

argument for placing one street tree per individual lot would not conform to Article X regulation for this type of development. The applicant may have argued any physical site constraints as to how the city requirement unreasonably burdens this one lot, and why increased planting density in common areas could not support the planting requirements.

6. The city does not have a minimum tree spacing requirement in the general ordinance at this time. As a general rule, city staff makes recommendations to the public of planting large trees no closer than 20 feet on center, and live oaks spaced at 25 feet on center or greater.
  7. The applicant has noted if any existing tree specified on the landscape plan should be removed, a new tree will be planted in the general location of that tree. It is possible a number of existing trees on the plans will need removal for their current conditions, for complications related to construction, or for future public safety concerns.
- The City of Dallas Chief Arborist recommends denial of the alternate plans for both 1818 and 1916 Stevens Forest Drive (BDA 134-107 and 108) because in his opinion, the applicant has not provided substantial cause that strict compliance will unreasonably burden the use of the property as one development.
  - The applicant has the burden of proof in establishing the following:
    - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
  - If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the street tree requirements of Article X: The Landscape Regulations.

### **Timeline:**

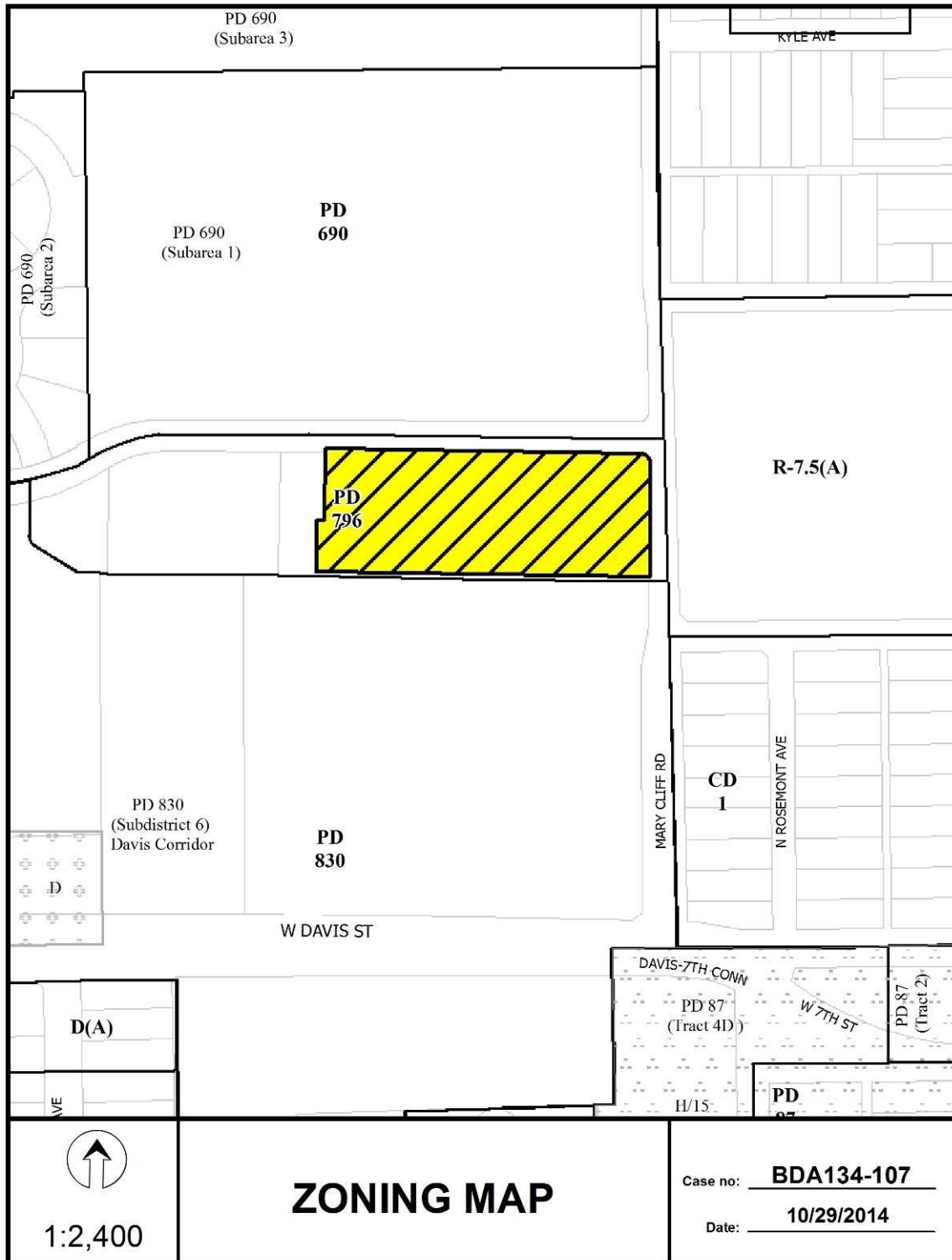
- September 5, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- October 14, 2014: 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 October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and

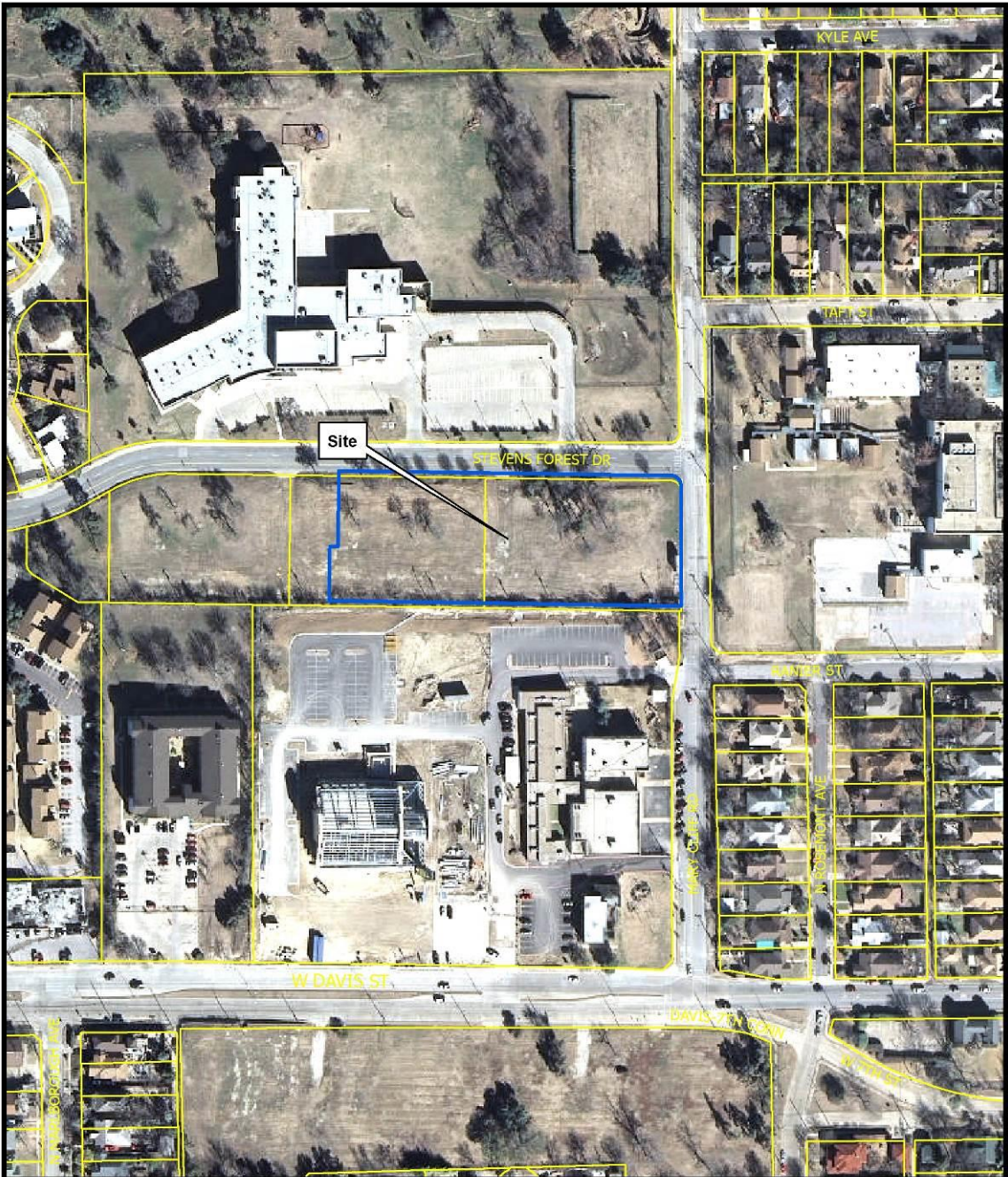


- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

November 7, 2014: The City of Dallas Chief Arborist submitted a memo regarding this request and the applicant's adjacent request to the west: BDA 134-108 (see Attachment A).





1:2,400

# AERIAL MAP

Case no: BDA134-107

Date: 10/29/2014

# Memorandum



CITY OF DALLAS

DATE November 7, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 107 and 108 1818 and 1916 Stevens Forest Drive

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

### Trigger

New construction of shared access developments in a residential (multifamily) district.

### Deficiencies

1818 Stevens Forest Drive – The plan indicates 13 street trees are proposed where a minimum of 19 street trees are required in addition to site trees.

1916 Stevens Forest Drive – The plan indicates 16 street trees are proposed for the combined street frontages where a minimum of 25 trees are required by ordinance. The plan indicates 12 of 19 trees along Stevens Forest Dr. and 4 of 6 along Mary Cliff Drive.

### Factors

Shared Access Developments in Section 51A-10.125(a)(2)(B), 'Districts other than single family districts,' requires: 1) a minimum of 20% of the development designated as landscape area, 2) one site tree per 4,000 square feet in the development, and 3) in addition to site trees, one large canopy street tree for every 25 feet of frontage.

The plan complies with all other requirements not noted as a deficiency.

The applicant states the tree spacing of 25' on center requirements does not align with the individual residences fronting the streets. 'The requirement would cause trees to be placed at 20' on center for an individual lot which is too close for a required canopy tree.'

The proposed plans place one street tree for each individual single family lot within the development. If we accept the premise of requiring one tree per individual lot, then the argument of an unreasonable hardship being imposed on the properties may be easily accepted. The actual design and topography of the lot frontages may have a bearing on the placement of the trees on the property. I do not have additional construction design information on this to support or argue this matter.

However, the Board may consider if shared access developments under 10.125(a)(2)(B) share a similar distinction to shared access developments in 10.125(a)(2)(A) where the development of single family lots has one front yard and all of the property in the shared access development is considered to be one lot and have "shared trees." In that the proposed plans for each shared access development addresses site trees to be spaced throughout the property, these developments should be viewed as one lot for landscape purposes. The argument for placing one street tree per individual lot would not conform to Article X regulation for this type of development. The applicant may have argued any physical site constraints as to how the city requirement unreasonably burdens this one lot, and why increased planting density in the common areas could not support the planting requirements.

The city does not have a minimum tree spacing requirement in the general ordinance at this time. As a general rule, city staff makes recommendations to the public of planting large trees no closer than 20 feet on center, and live oaks spaced at 25 feet on center or greater.

The applicant has noted if any existing tree specified on the landscape plan should be removed, a new tree will be planted in the general location of that tree. It is possible a number of existing trees on the plans will need removal for their current conditions, for complications related to construction, or for future public safety concerns.

#### Recommendation

The chief arborist recommends denial of the alternative landscape plans for both 1818 and 1916 Stevens Forest Drive because, in my opinion, the applicant has not provided substantial cause that strict compliance will unreasonably burden the use of the property as one development.

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-107

Data Relative to Subject Property:

Date: 5 September 2014

Location address: 1818 Stevens Forest Drive, Dallas, Texas \_\_\_ Zoning District: \_\_\_ PD 796 \_\_\_

Lot No.: 1 -31 Common A and B\_ Block No.:A-2/5127 \_\_\_ Acreage: 2.445 \_\_\_ Census Tract: 42,02

Street Frontage (in Feet): 1) 510 \_\_\_ 2) 185 \_\_\_ 3) \_\_\_ 4) \_\_\_ 5) \_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Wilbow -High Grove Development Corporation \_\_\_

Applicant: Chas Fitzgerald \_\_\_ Telephone:972-479-0697 \_\_\_

Mailing Address: 4131 North Central Expressway, Suite 990, LB 13, Dallas, Texas \_\_\_ Zip Code: 75204 \_\_\_

E-mail Address: cfitz@wilbowusa.com \_\_\_

Represented by: Michael S. Kendall - KENDALL + Landscape Arch. \_\_\_ Telephone: 214-729-3226 \_\_\_

Mailing Address: \_\_\_ 8150 North Central Exp, Suite M2025, Dallas \_\_\_ Zip Code: 75206 \_\_\_

E-mail Address: mike@kendall7.com \_\_\_

Affirm that an appeal has been made for a Variance X , or Special Exception \_\_ , of PD 796 landscape requirements.

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:

PD 796 requires trees at the right of way at a spacing of 25' on center. This project is will be a shared access development. The tree spacing of 25' on center requirement does not align with the individual residences fronting on Steven Forest Drive and Mary Cliff Road. The requirement will cause trees to be placed at 20' on center for an individual lot which is too close for a required canopy tree. We are requesting a reduction of right of way trees along Stevens Forest Drive from 19 to 12. This is calculated by 510 right of way length - view triangles of 30' = 480. 480 / 25 = 19 required trees. We propose to place 1 tree on each lot and 1 tree at the commons area lot. The 1 tree on the commons area lot will be either a new tree or preserved tree. We are requesting a reduction of right of way trees along Mary Cliff Drive from 6 to 4. This is calculated by 185 right of way length - view triangles of 30' = 155. 155 / 25 = 6 required trees. We propose to place 1 tree on each lot.

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 CHAS FITZGERALD

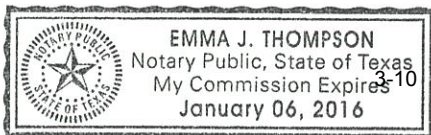
(Affiant/Applicant's name printed)

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 5th day of September, 2014



Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Chas Fitzgerald  
represented by Michael Kendall  
did submit a request for a special exception to the landscaping regulations  
at 1818 Stevens Forest Drive

BDA134-107. Application of Chas Fitzgerald represented by Michael Kendall for a special exception to the landscaping regulations at 1818 Stevens Forest Drive. This property is more fully described as Lots 1-31 and common areas, Block A-2/5127, and is zoned PD-796, which requires mandatory landscaping. The applicant proposes to construct a single family residential Shared Access Development and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

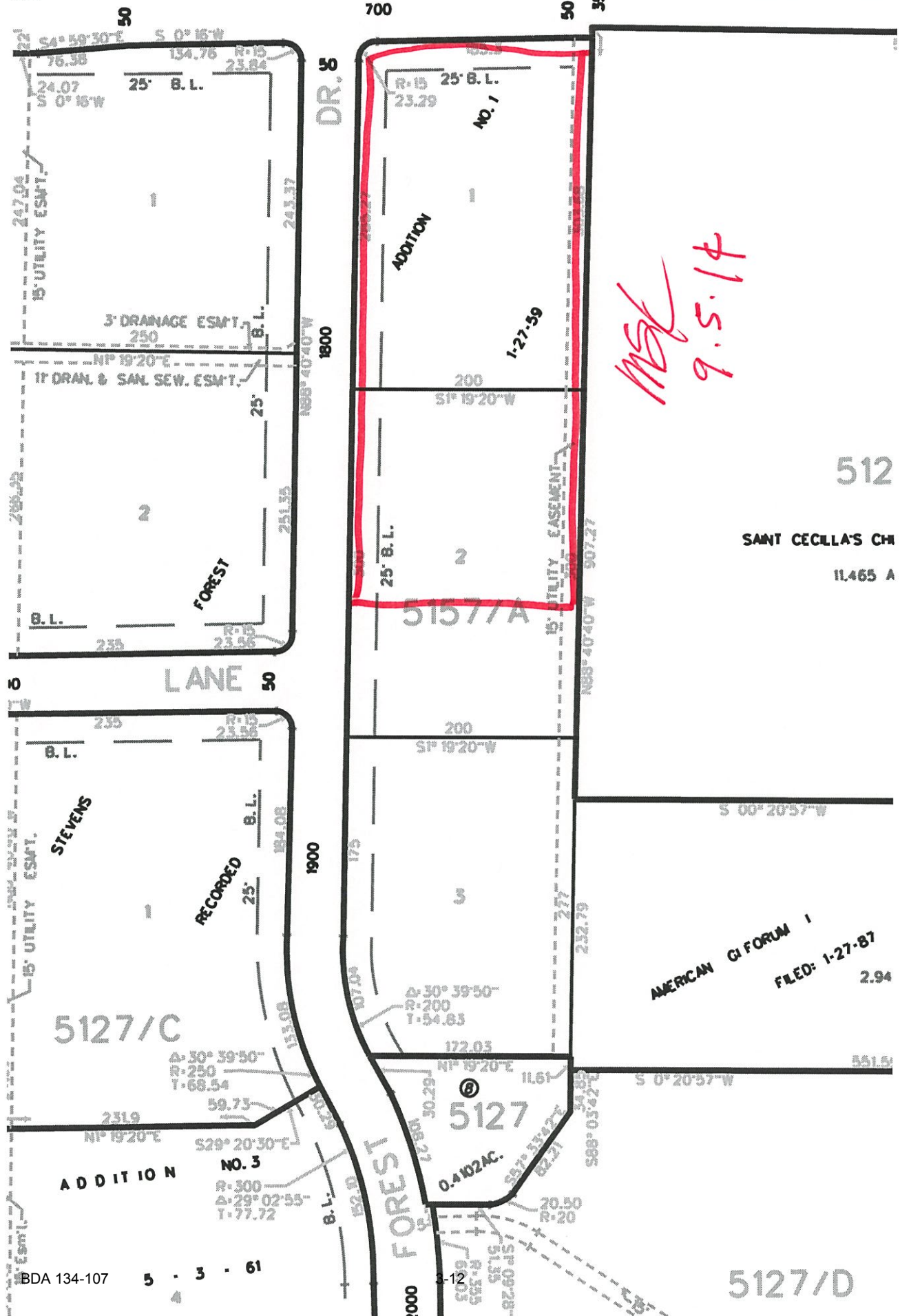
Sincerely,

  
Larry Holmes, Building Official

TAFT ST.

3545

RANI ST



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*9.5.14*

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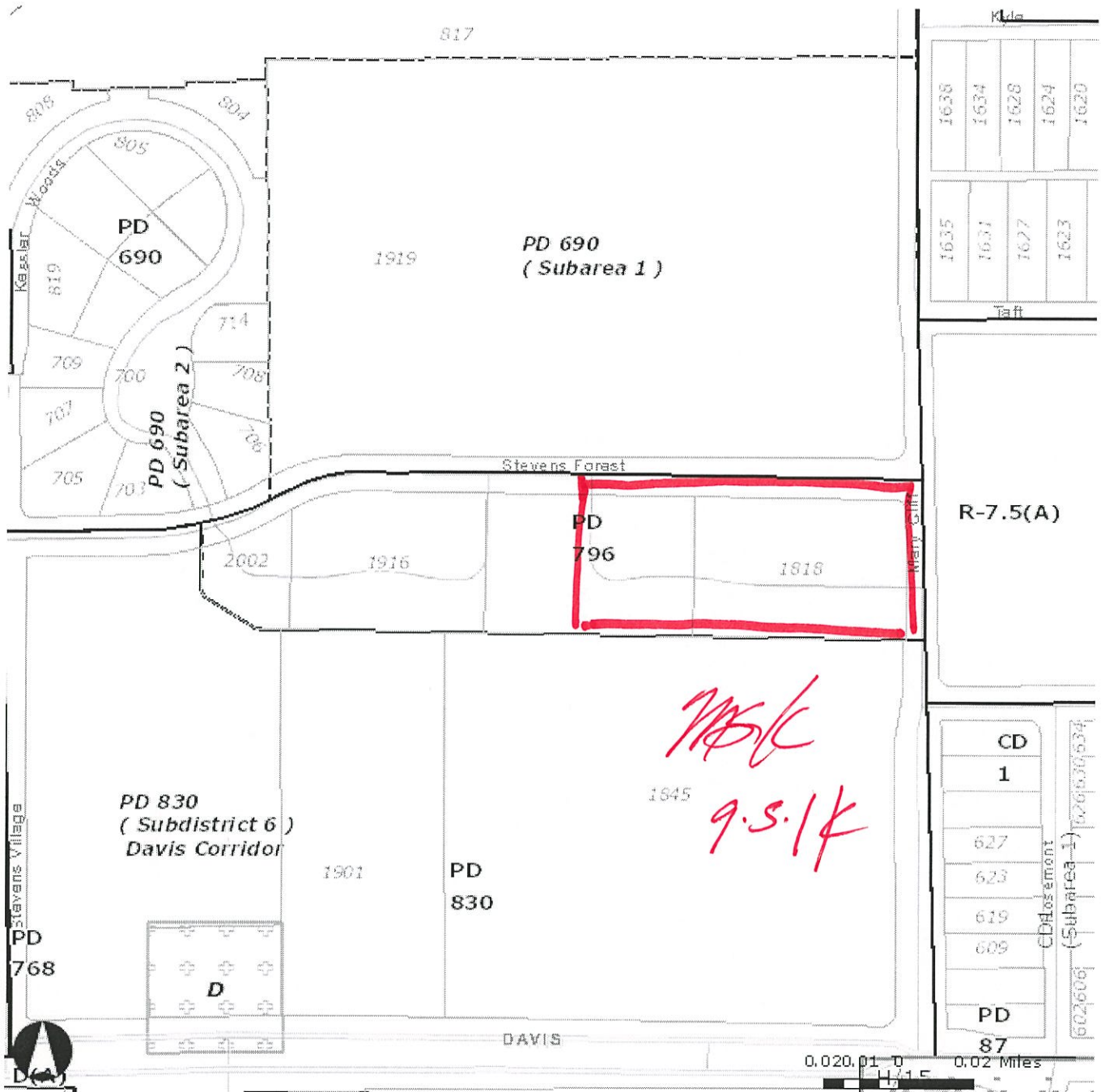
5127/D

MBDA 134-107

5 - 3 - 61

AMERICAN GI FORUM I  
 FILED: 1-27-87  
 2.94







# EAST - HIGHGROVE AT WEST KESSLER HEIGHTS DALLAS, TEXAS

## B PREPARATION GENERAL NOTES

1. PLAN PREPARED BY:  
MICHAEL B. KENDALL  
KENDALL + LANDSCAPE ARCHITECTURE  
850 NORTH CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75208  
PHONE: (214) 794-3226  
FAX: (214) 794-3226  
EMAIL: MKENDALL@KLA.COM  
TEXAS LANDSCAPE ARCHITECT LICENSE NO. 107
2. ALL AREAS SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM PROVIDING 100% COVERAGE.
3. ALL REQUIRED TREES FROM THE CITY APPROVED LISTING.

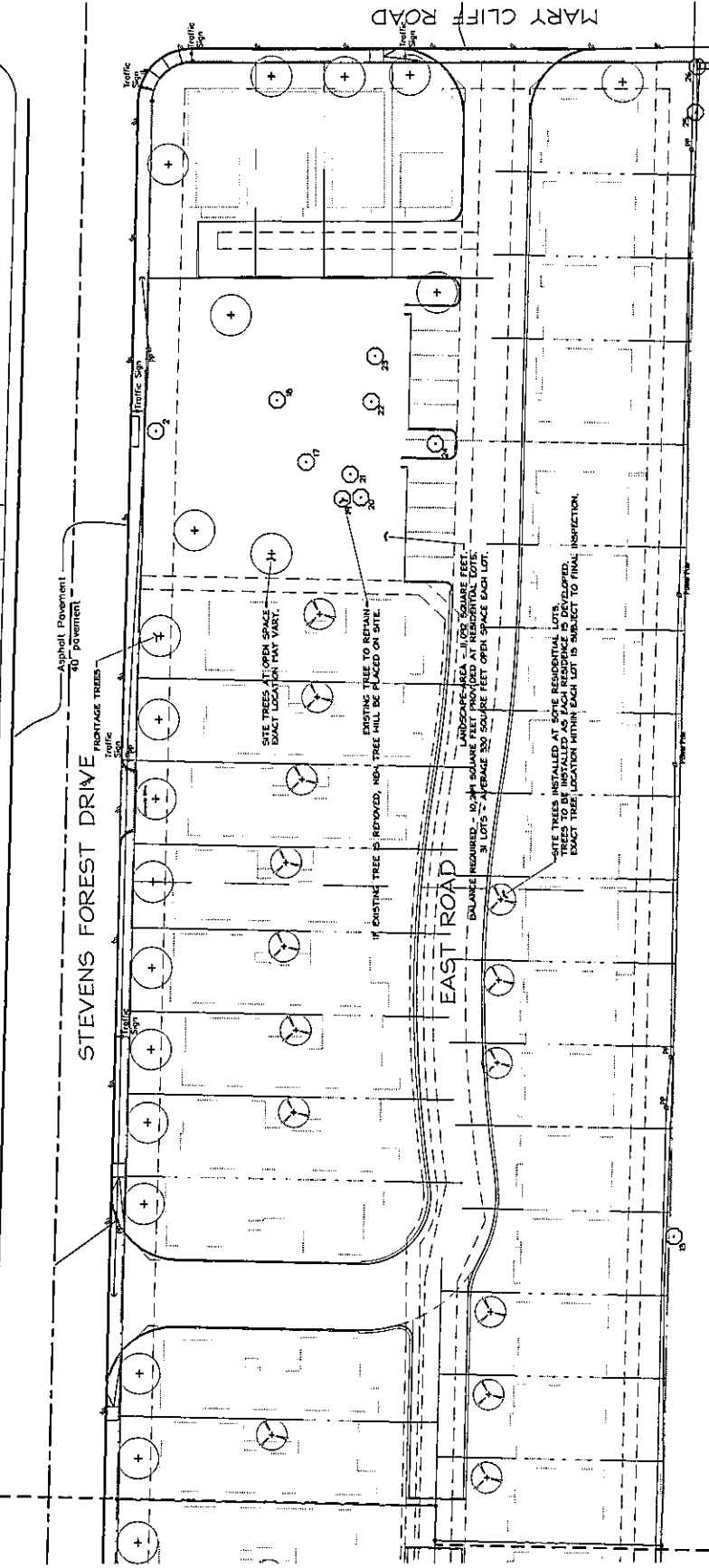
## C ORDINANCE REQUIREMENTS - DALLAS

MANDATORY PROVISIONS	
SHARED ACCESS	
1. SITE AREA	77 3/4 CALIPER TREES REQUIRED
1. SITE AREA IN SQUARE FEET	4 EXISTING TREES
2. SITE AREA IN SQUARE FOOTAGE	18 PROVIDED TREES
2. SITE LANDSCAPE AREA	13 3/4 CALIPER TREES REQUIRED
1. SITE AREA IN SQUARE FOOTAGE	12 3/4 CALIPER TREES PROVIDED
3. FRONTAGE	13 3/4 CALIPER TREES REQUIRED
1. 15 FEET OF STREET FRONTAGE	12 3/4 CALIPER TREES PROVIDED
2. 15 FEET OF STREET FRONTAGE	4 3/4 CALIPER TREES PROVIDED
3. 15 FEET OF STREET FRONTAGE	4 3/4 CALIPER TREES PROVIDED

## STEVENS FOREST DRIVE

## EAST ROAD

## MARY CLIFF ROAD



## A BOARD OF ADJUSTMENTS - LANDSCAPE PLAN

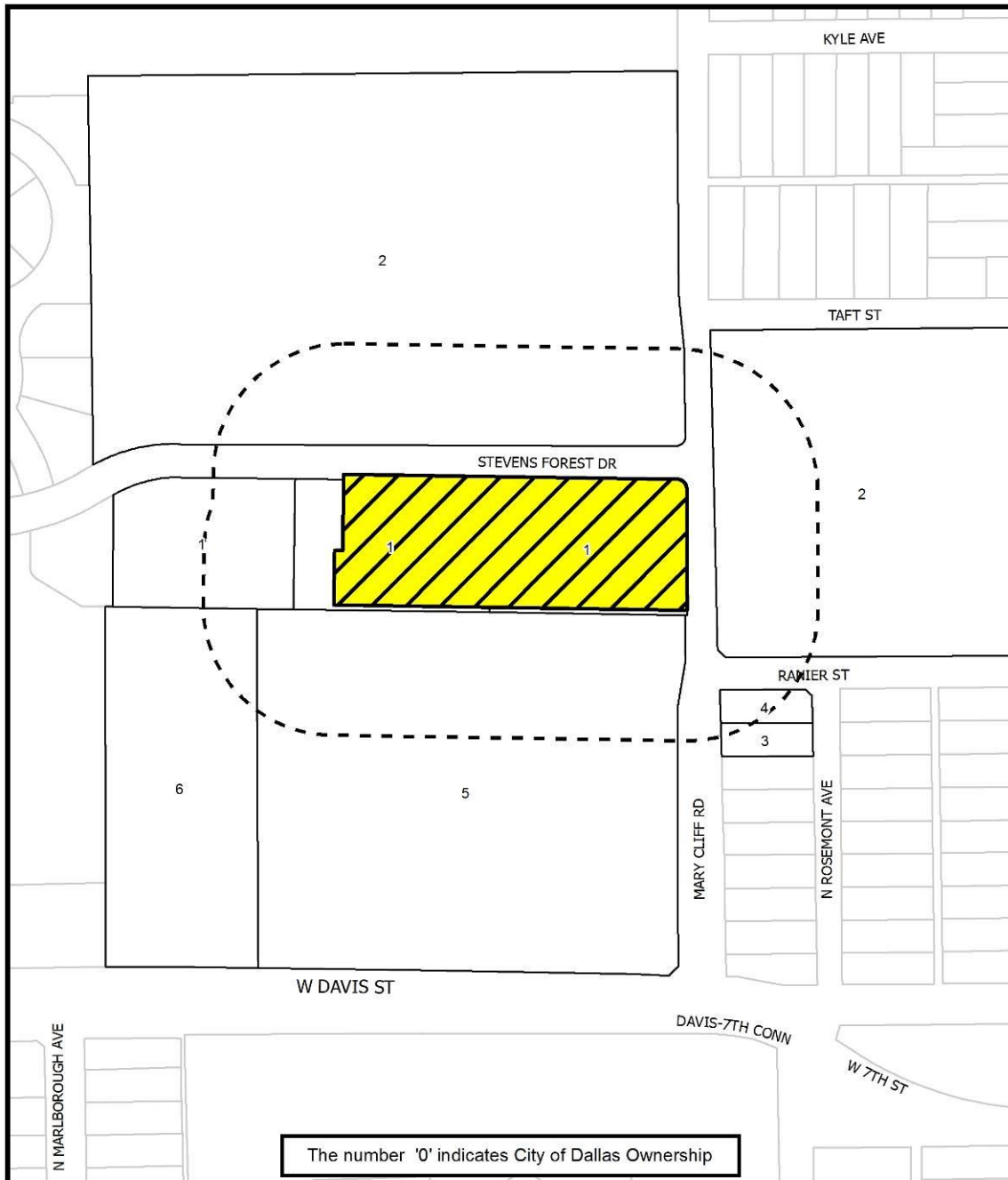


Sheet Number  
L2.1

Sheet Name  
LANDSCAPE PLAN

Issue Date  
09.04.14

Revision



 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA134-107</b>
	<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;">6</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/29/2014</b>	

10/29/2014

## ***Notification List of Property Owners***

***BDA134-107***

### ***6 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1818 STEVENS FOREST DR	ECI OPERATING COMPANY LLC
2	719 MONTCLAIR AVE	Dallas ISD
3	635 ROSEMONT AVE	VILLARREAL ELPIDIO
4	639 ROSEMONT AVE	MAREZ ELIA ORTA
5	1845 DAVIS ST	ROMAN CATH DIOCESE DALLAS
6	1901 DAVIS ST	AMERICAN GI FORUM HOUSING

**FILE NUMBER:** BDA 134-108

**BUILDING OFFICIAL'S REPORT:** Application of Chas Fitzgerald, represented by Michael S. Kendall, for a special exception to the landscape regulations at 1916 Stevens Forest Drive. This property is more fully described as Lots 1-22 and common areas, Block A-1/5127, and is zoned PD 796, which requires mandatory landscaping. The applicant proposes to construct and maintain a single family residential Shared Access Development and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 1916 Stevens Forest Drive

**APPLICANT:** Chas Fitzgerald  
Represented by Michael S. Kendall

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain a 22 lot single family shared access development on an undeveloped site, and not fully meet the landscape regulations.

(Note that this application is adjacent to a property to the east where the same applicant seeks a similar landscape special exception from Board of Adjustment Panel C on November 17<sup>th</sup>: BDA 134-107).

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The applicant has not substantiated how strict compliance with the requirements of this article will unreasonably burden the use of the property; or that the special exception will not adversely affect neighboring property.
- The City of Dallas Chief Arborist recommends denial of the alternate plans for this application and the applicant’s related application to the east at 1818 Stevens Forest Drive (BDA 134-107) because in his opinion, the applicant has not provided substantial cause that strict compliance will unreasonably burden the use of the property as one development.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 796 (Planned Development)  
North: PD 690 (Planned Development)  
South: PD 830 (Planned Development)  
East: PD 796 (Planned Development)  
West: PD 830 (Planned Development)

**Land Use:**

The site is currently undeveloped. The area to the north is developed with institutional use (Rosemont Elementary School); the area to the east is undeveloped; the area to the south is developed with church use (St. Cecila School and Catholic Church); and the areas to the west is developed with multifamily uses.

**Zoning/BDA History:**

- |                                                                                                                                                  |                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"><li>1. BDA 134-107, Property at 1818 Stevens Forest Drive (the lot immediately east of subject site)</li></ol> | <p>On November 17, 2014, the Board of Adjustment Panel C will consider a request for a special exception to the landscape regulations requested in conjunction with constructing and maintaining a single family shared access development on the site, and not fully providing required landscaping.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

- This request focuses on constructing and maintaining a 22 lot single family shared access development on an undeveloped site, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site does not comply with the landscape regulations in that the plan indicates 16 street trees are proposed for the combined street frontages when a minimum of 25 street trees are required in addition to site trees. (The plan indicates 12 of 19 trees along Stevens Forest Drive and 4 of 6 along Mary Cliff Drive).
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request on this site and the adjacent site: BDA 134-107 (see Attachment A). The memo states how this request is triggered by new construction of shared access developments in a residential (multifamily) district.
- The Chief Arborist's memo lists the following deficiencies for the property at 1916 Stevens Forest Drive: the plan indicates 16 street trees are proposed for the combined street frontages when a minimum of 25 street trees are required in addition to site trees.
- The Chief Arborist's memo lists the following factors for consideration on this application and the adjacent application to the east, BDA 134-107:
  1. Shared Access Developments in Section 51A-10.125(a)(2)(B), "Districts other than single family districts" require: 1) a minimum of 20 percent of the development as landscape area; 2) one site tree per 4,000 square feet in the development; and 3) in addition to site trees, one large canopy tree for every 25 feet of frontage.
  2. The plan complies with all other requirements not noted as a deficiency.
  3. The applicant states that the tree spacing of 25' on center requirements does not align with the individual residences fronting the streets. "The requirement would cause trees to be placed at 20' on center for an individual lot which is too close for a required canopy tree."
  4. The proposed plans place one street tree for each individual single family lot within the development. If we (the City) accept the premise of requiring one tree per individual lot, then the argument of an unreasonable hardship being imposed on the properties may be easily accepted. The actual design and topography of the lot frontages may have been a bearing on the placement of the trees on the property. Additional construction design information on this to support or argue this matter has not been given.

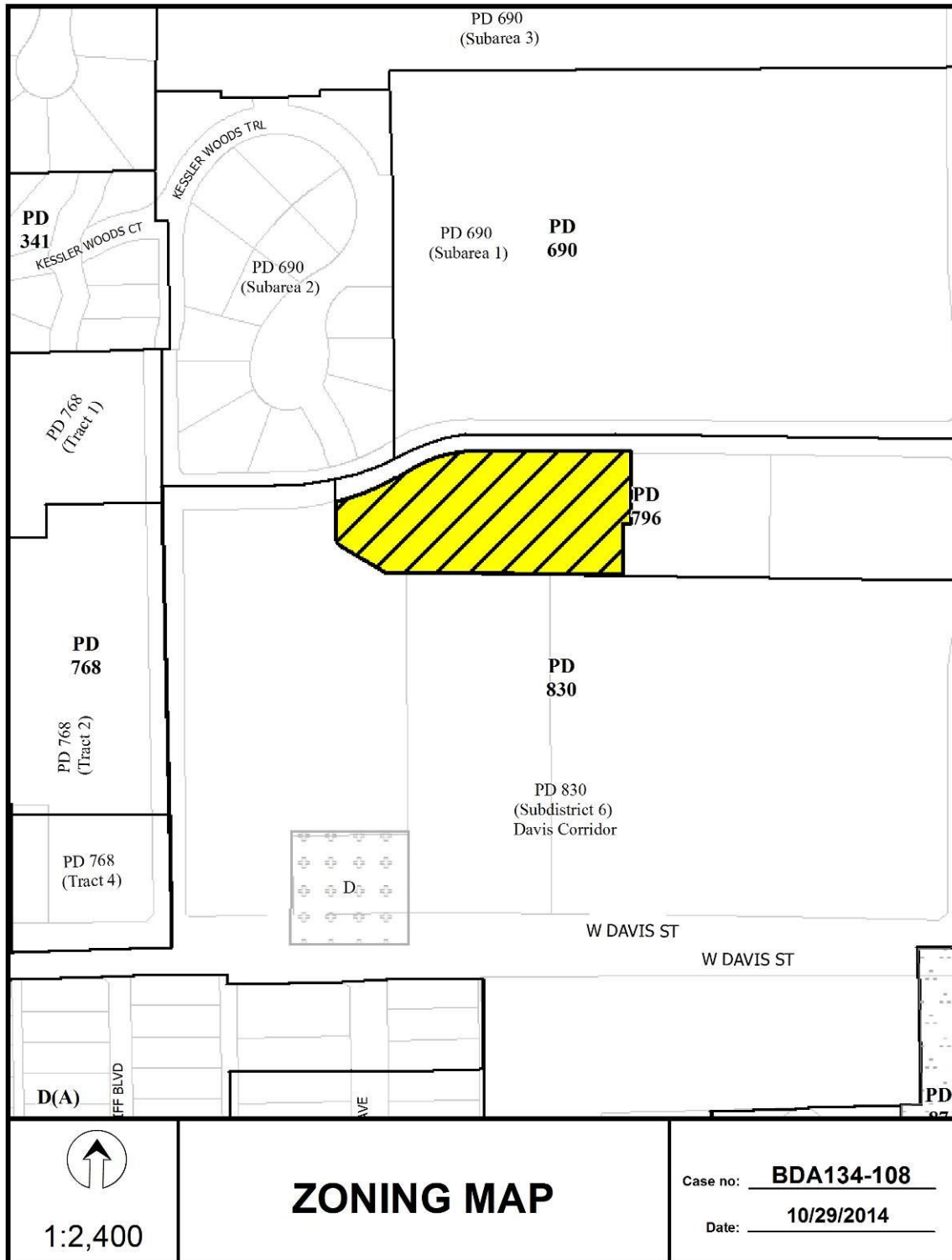
5. However, the Board may consider if shared access developments under 10.125(a)(2)(B) share a similar distinction to shared access developments in 10.125(a)(2)(A) where the development of single family lots has one front yard and all the property in the shared access development is considered to be one lot and have “shared trees.” In that the proposed plans for each shared access development addresses site trees to be spaced throughout the property, these developments should be viewed as one lot for landscape purposes. The argument for placing one street tree per individual lot would not conform to Article X regulation for this type of development. The applicant may have argued any physical site constraints as to how the city requirement unreasonably burdens this one lot, and why increased planting density in common areas could not support the planting requirements.
  6. The city does not have a minimum tree spacing requirement in the general ordinance at this time. As a general rule, city staff makes recommendations to the public of planting large trees no closer than 20 feet on center, and live oaks spaced at 25 feet on center or greater.
  7. The applicant has noted if any existing tree specified on the landscape plan should be removed, a new tree will be planted in the general location of that tree. It is possible a number of existing trees on the plans will need removal for their current conditions, for complications related to construction, or for future public safety concerns.
- The City of Dallas Chief Arborist recommends denial of the alternate plans for both 1818 and 1916 Stevens Forest Drive (BDA 134-107 and 108) because in his opinion, the applicant has not provided substantial cause that strict compliance will unreasonably burden the use of the property as one development.
  - The applicant has the burden of proof in establishing the following:
    - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
  - If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the street tree requirements of Article X: The Landscape Regulations.

### **Timeline:**

- September 5, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.



- October 14, 2014: 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 October 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Assistant Building Official, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- November 7, 2014: The City of Dallas Chief Arborist submitted a memo regarding this request and the applicant's adjacent request to the east: BDA 134-107 (see Attachment A).





1:2,400

# AERIAL MAP

Case no: BDA134-108

Date: 10/29/2014

# Memorandum



CITY OF DALLAS

DATE November 7, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 107 and 108 1818 and 1916 Stevens Forest Drive

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

### Trigger

New construction of shared access developments in a residential (multifamily) district.

### Deficiencies

1818 Stevens Forest Drive – The plan indicates 13 street trees are proposed where a minimum of 19 street trees are required in addition to site trees.

1916 Stevens Forest Drive – The plan indicates 16 street trees are proposed for the combined street frontages where a minimum of 25 trees are required by ordinance. The plan indicates 12 of 19 trees along Stevens Forest Dr. and 4 of 6 along Mary Cliff Drive.

### Factors

Shared Access Developments in Section 51A-10.125(a)(2)(B), 'Districts other than single family districts,' requires: 1) a minimum of 20% of the development designated as landscape area, 2) one site tree per 4,000 square feet in the development, and 3) in addition to site trees, one large canopy street tree for every 25 feet of frontage.

The plan complies with all other requirements not noted as a deficiency.

The applicant states the tree spacing of 25' on center requirements does not align with the individual residences fronting the streets. 'The requirement would cause trees to be placed at 20' on center for an individual lot which is too close for a required canopy tree.'

The proposed plans place one street tree for each individual single family lot within the development. If we accept the premise of requiring one tree per individual lot, then the argument of an unreasonable hardship being imposed on the properties may be easily accepted. The actual design and topography of the lot frontages may have a bearing on the placement of the trees on the property. I do not have additional construction design information on this to support or argue this matter.

However, the Board may consider if shared access developments under 10.125(a)(2)(B) share a similar distinction to shared access developments in 10.125(a)(2)(A) where the development of single family lots has one front yard and all of the property in the shared access development is considered to be one lot and have "shared trees." In that the proposed plans for each shared access development addresses site trees to be spaced throughout the property, these developments should be viewed as one lot for landscape purposes. The argument for placing one street tree per individual lot would not conform to Article X regulation for this type of development. The applicant may have argued any physical site constraints as to how the city requirement unreasonably burdens this one lot, and why increased planting density in the common areas could not support the planting requirements.

The city does not have a minimum tree spacing requirement in the general ordinance at this time. As a general rule, city staff makes recommendations to the public of planting large trees no closer than 20 feet on center, and live oaks spaced at 25 feet on center or greater.

The applicant has noted if any existing tree specified on the landscape plan should be removed, a new tree will be planted in the general location of that tree. It is possible a number of existing trees on the plans will need removal for their current conditions, for complications related to construction, or for future public safety concerns.

#### Recommendation

The chief arborist recommends denial of the alternative landscape plans for both 1818 and 1916 Stevens Forest Drive because, in my opinion, the applicant has not provided substantial cause that strict compliance will unreasonably burden the use of the property as one development.

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



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-108

Data Relative to Subject Property:

Date: 5 September 2014

Location address: 1916 Stevens Forest Drive, Dallas, Texas Zoning District: PD 796

Lot No.: 1 - 22 and Common A, B and C Block No.: A-1/5127 Acreage: 1.929 Census Tract: 42.02

Street Frontage (in Feet): 1) 495 2) 3) 4) 5) SW16

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Wilbow - High Grove Development Corporation

Applicant: Chas Fitzgerald Telephone: 972-479-0697

Mailing Address: 4131 North Central Expressway, Suite 990, LB 13, Dallas, Texas Zip Code: 75204

E-mail Address: cfitz@wilbowusa.com

Represented by: Michael S. Kendall - KENDALL + Landscape Arch. Telephone: 214-729-3226

Mailing Address: 8150 North Central Exp, Suite M2025, Dallas Zip Code: 75206

E-mail Address: mike@kendall7.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of PD 796 landscape requirements.

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: PD 796 requires trees at the right of way at a spacing of 25' on center. This project is will be a shared access development. The tree spacing of 25' on center requirement does not align with the individual residences fronting on Steven Forest Drive. The requirement will cause trees to be placed at 20' on center for an individual lot which is too close for a required canopy tree. We are requesting a reduction of right of way trees along Stevens Forest Drive from 19 to 12. This is calculated by 495 right of way length - view triangles of 30' = 465. 465 / 25 = 19 required trees. We propose to place 1 tree on each lot and 1 tree at each of the 2 commons area lots flanking the entry drive. The 2 trees on the commons area lot will be either a new tree or preserved tree.

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.

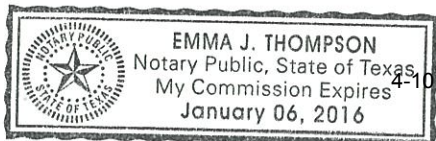
Affidavit

Before me the undersigned on this day personally appeared CHAS FITZGERALD (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 5th day of SEPTEMBER, 2014



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

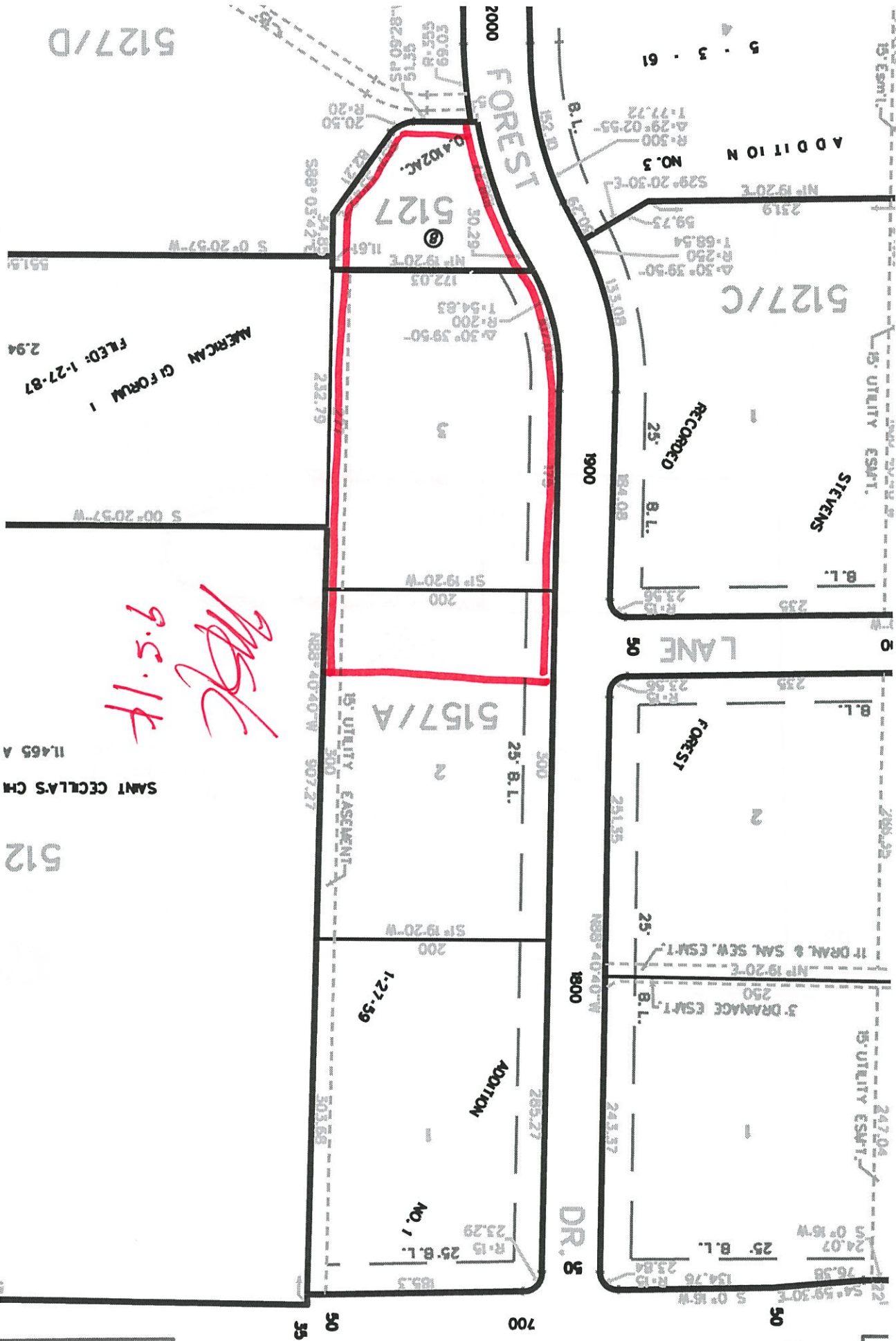
I hereby certify that Chas Fitzgerald  
represented by Michael Kendall  
did submit a request for a special exception to the landscaping regulations  
at 1916 Stevens Forest Drive

BDA134-108. Application of Chas Fitzgerald represented by Michael Kendall for a special exception to the landscaping regulations at 1916 Stevens Forest Drive. This property is more fully described as Lots 1-22 and common areas, Block A-1/5127, and is zoned PD-796, which requires mandatory landscaping. The applicant proposes to construct a single family residential Shared Access Development and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

  
Larry Holmes, Building Official

5127/D



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 9.5.14





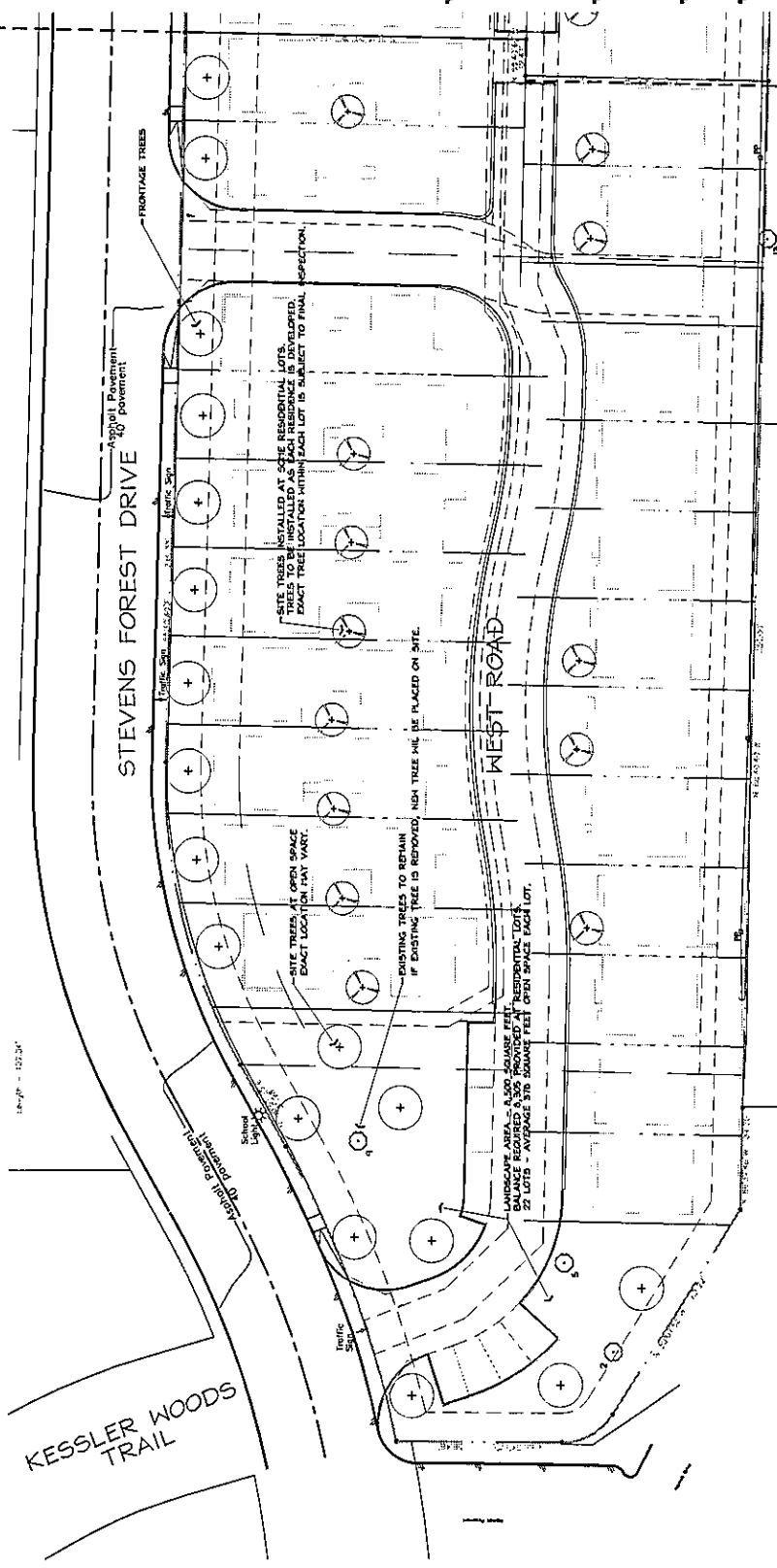
# WEST - HIGHGROVE AT WEST KESSLER HEIGHTS DALLAS, TEXAS

## C ORDINANCE REQUIREMENTS - DALLAS

MANDATORY PROVISIONS	
SHARED ACCESS	
1. SITE AREA	84,027 / 14,000 =
2. 2" CALIPER TREES REQUIRED	21
3. 3" CALIPER TREES REQUIRED	14
4. 4" CALIPER TREES REQUIRED	7
5. 5" CALIPER TREES REQUIRED	3
2. 20% LANDSCAPE AREAS	
1. SITE AREA IN SQUARE FEET	84,027
2. 20% LANDSCAPE AREAS	16,805
3. 2" CALIPER TREES REQUIRED	420
4. 3" CALIPER TREES REQUIRED	210
5. 4" CALIPER TREES REQUIRED	105
6. 5" CALIPER TREES REQUIRED	52

## B PREPARATION GENERAL NOTES

- PLAN PREPARED BY:  
 NENDALL LANDSCAPE ARCHITECTURE  
 4850 NORTH CENTRAL EXPRESSWAY  
 SUITE 100205  
 DALLAS, TEXAS 75206  
 PHONE: (214) 794-3336  
 FAX: (214) 794-9027  
 WWW.NENDALLLANDSCAPE.COM  
 TEXAS LANDSCAPE ARCHITECT LICENSE NO. 1127  
 ALL AREAS SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM PROVIDING 100% COVERAGE.
- ALL REQUIRED TREES MUST BE PLACED ON THE CITY APPROVED LISTING.

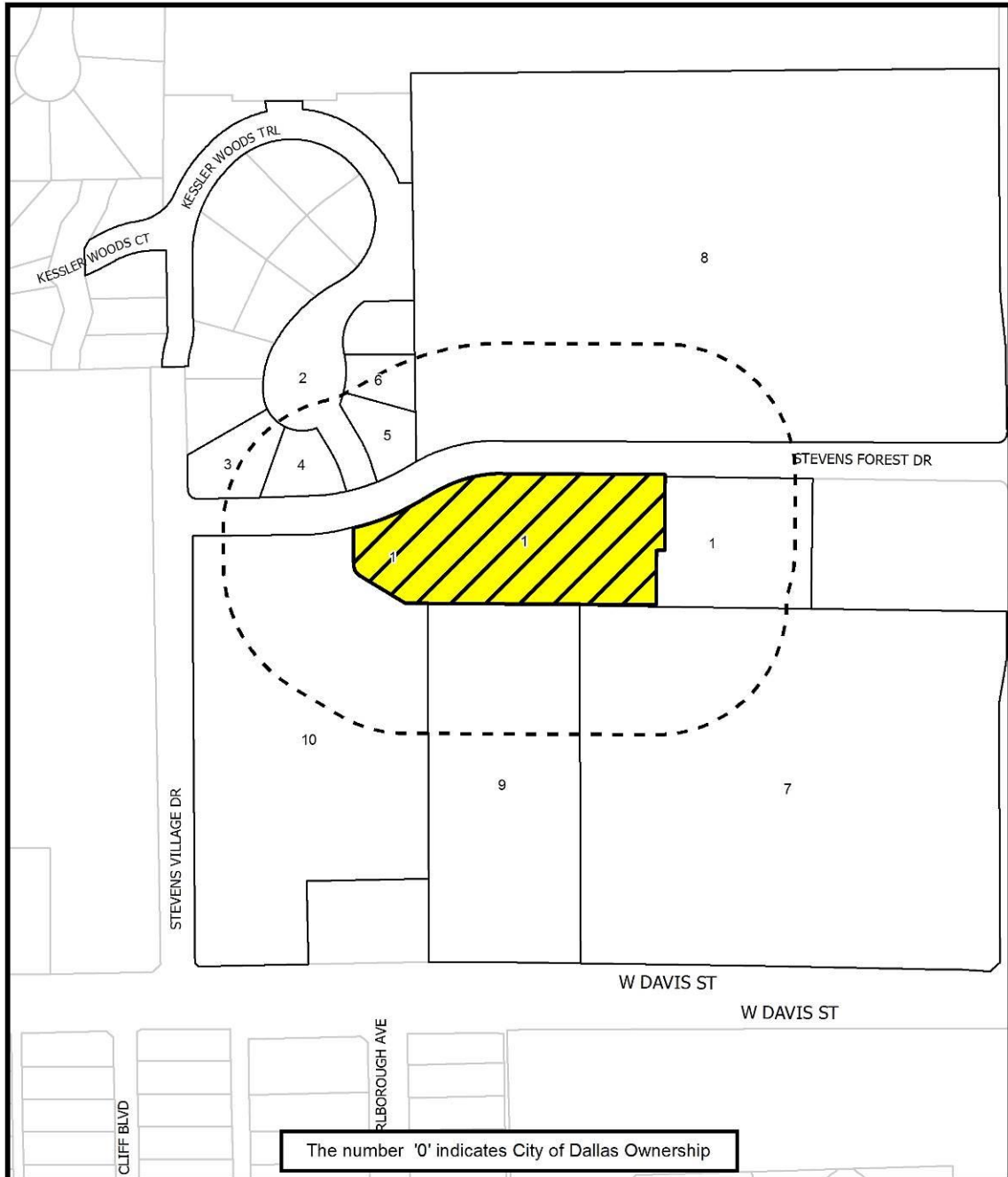


## A BOARD OF ADJUSTMENT - LANDSCAPE PLAN



Sheet Title  
LANDSCAPE PLAN  
Sheet Number  
L2.1

Issue Date  
09.04.14



 1:2,400	<h2>NOTIFICATION</h2>	Case no: <b>BDA134-108</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">10</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>10/29/2014</b>

## ***Notification List of Property Owners***

### ***BDA134-108***

#### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2002 STEVENS FOREST DR	ECI OPERATING COMPANY LLC
2	700 KESSLER WOODS TR	WEST KESSLER DEV LP
3	705 KESSLER WOODS TR	HIBSID 2 LLC
4	703 KESSLER WOODS TR	KESSLER WOODS P12 LLC
5	706 KESSLER WOODS TR	BROOKS BLAKE ALLISON
6	708 KESSLER WOODS TR	MURRAY ALICE
7	1845 DAVIS ST	ROMAN CATH DIOCESE DALLAS
8	1919 STEVENS FOREST DR	Dallas ISD
9	1901 DAVIS ST	AMERICAN GI FORUM HOUSING
10	630 STEVENS VILLAGE DR	STEVENS VILLAGE COUNTRY