

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, JUNE 21, 2017  
AGENDA

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BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the May 17, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-066(SL)</b> 2646 Rodney Lane <b>REQUEST:</b> Application of Curtis Shaw for a special exception to the off-street parking regulations	1
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<b>BDA167-074(SL)</b> 1212 S. Riverfront Boulevard <b>REQUEST:</b> Application of Jarrett Ouellette for special exceptions to the visual obstruction regulations	2
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<b>BDA167-075(SL)</b> 39690 LBJ Freeway/IH 20 <b>REQUEST:</b> Application of Ed Hicks, Jr., represented by Matt Moore of Claymoore Engineering, Inc., for a special exception to the landscape regulations	3
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<b>BDA167-078(SL)</b> 2006 Farrington Street <b>REQUEST:</b> Application of Siobahn Omlor for a special exception to the off-street parking regulations	4
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**HOLDOVER CASE**

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**BDA167-057(SL)** 7333 Valley View Lane 5  
**REQUEST:** Application of Brian East, represented by Audra Buckley, for a variance to the building height regulations

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**REGULAR CASES**

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**BDA167-077(SL)** 3719 Savage Street 6  
**REQUEST:** Application of Jose Reyes Moreno, represented by Franco Patino, for variances to the front yard setback regulations, side yard setback regulations, off-street parking regulations, and special exceptions to the visual obstruction regulations

## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA167-066(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Curtis Shaw for a special exception to the off-street parking regulations at 2646 Rodney Lane. This property is more fully described as Lot 3A, Block 1/6606, and is zoned IR, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for an industrial (inside) use, and provide 69 of the required 114 parking spaces, which will require a 45 space special exception to the off-street parking regulations.

**LOCATION:** 2646 Rodney Lane

**APPLICANT:** Curtis Shaw

**REQUEST:**

A request for a special exception to the off-street parking regulations of 45 spaces is made to obtain a Certificate of Occupancy/maintain an existing approximately 68,500 square foot industrial (inside) use (Arrow-Magnolia International, Inc), and provide 69 (or 60 percent) of the 114 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 45 spaces shall automatically and immediately terminate if and when the industrial (inside) use is changed or discontinued.

Rationale:

- The Sustainable Development Department Assistant Director of Engineering has indicated that he has no objections to the applicant's request.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: IR (Industrial/research)  
North: IR (Industrial/research)  
South: IR (Industrial/research)  
East: IR (Industrial/research)  
West: IR (Industrial/research)

### **Land Use:**

The subject site is developed with an existing approximately 68,500 square foot industrial (inside) use (Arrow-Magnolia International, Inc). The areas to the north, south, east, and west are developed with industrial/warehouse/office 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.

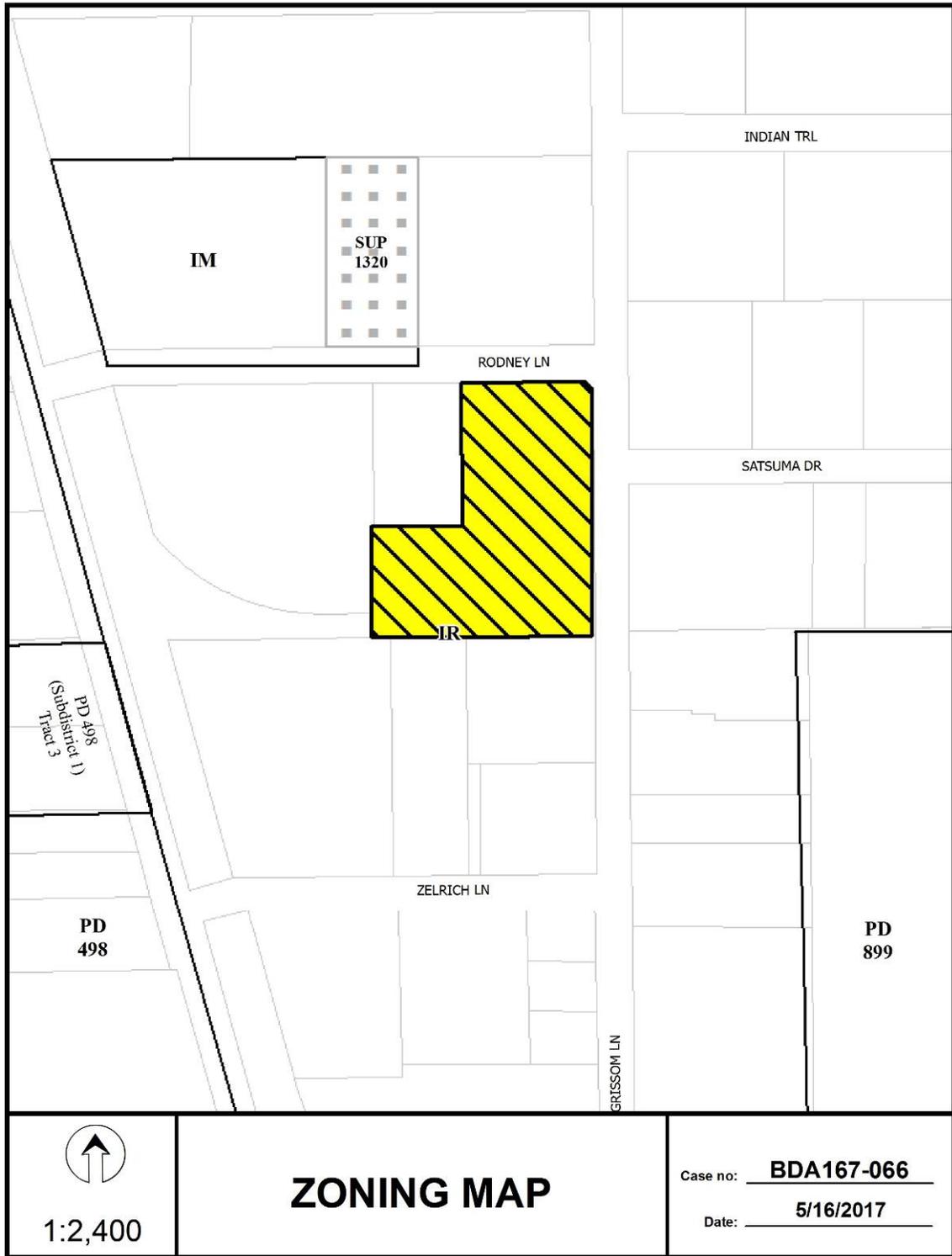
## **GENERAL FACTS/STAFF ANALYSIS:**

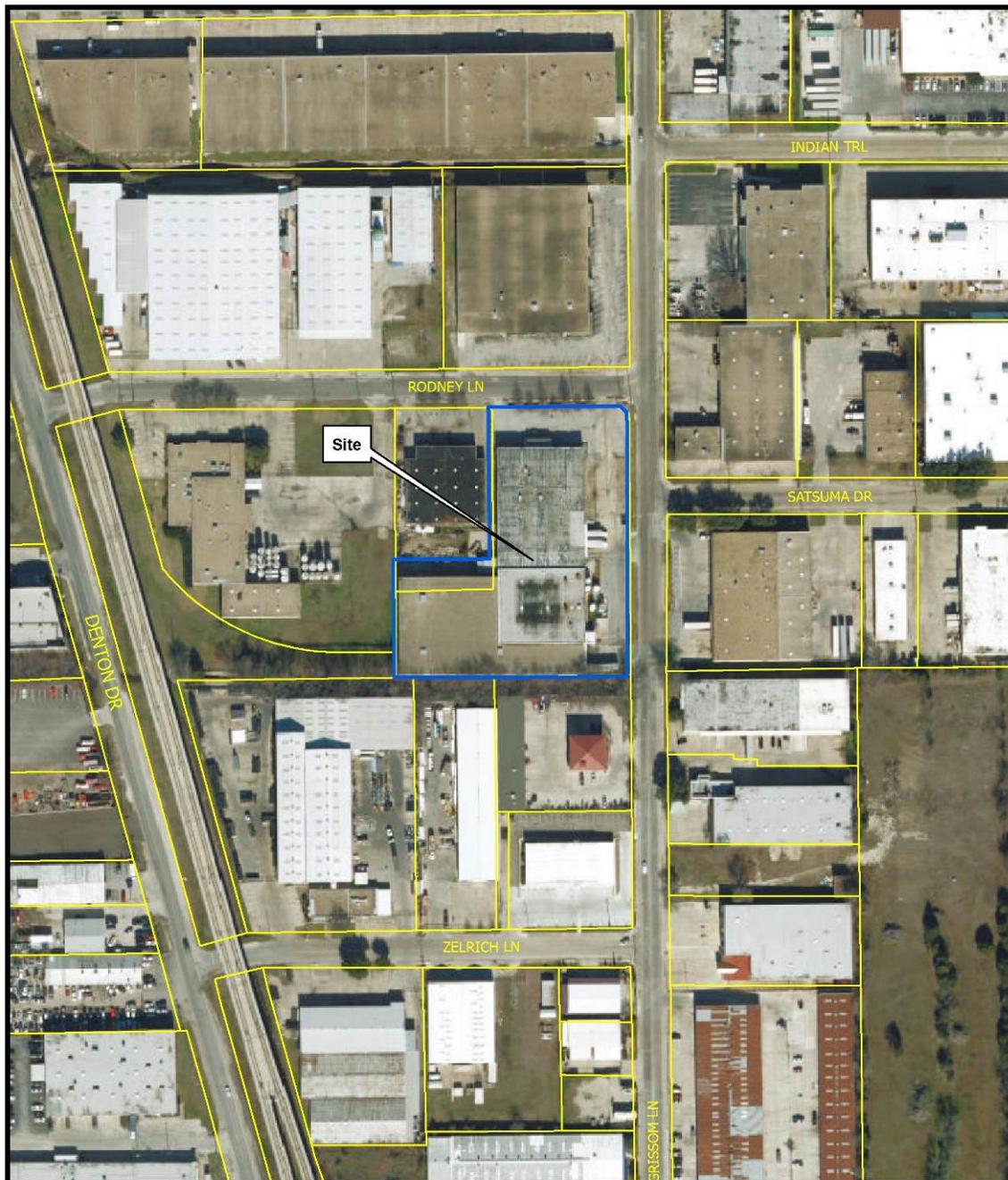
- This request for a special exception to the off-street parking regulations of 45 spaces focuses on obtaining a Certificate of Occupancy/maintaining an existing approximately 68,500 square foot industrial (inside) use (Arrow-Magnolia International, Inc), and providing 69 (or 60 percent) of the 114 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
  - Industrial (inside) use: 1 space per 600 square feet of floor area.
- The submitted site plan denotes an existing building with 68,560 square feet of area, 69 “cars provided”, and 114 “cars required.”
- The applicant has submitted a document that states among other things that applicant became aware of the fact that the site was not parked and had not been per code since a 1999 expansion was made of the use that had been on the site since the 1970’s when a fire department inspection was conducted on the property in 2011; and that the employee base has varied for the company/use on the site over the past 10 years from 40-50 people. (The applicant proposes to provide 69 of the required 114 off-street parking spaces).
- The Sustainable Development Department Assistant Director of Engineering has indicated that he has no objections to the request.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the “industrial (inside) use” use on the site does not warrant the number of off-street parking spaces required, and

- The special exception of 45 spaces (or a 40 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 45 spaces shall automatically and immediately terminate if and when the industrial (inside) use is changed or discontinued, the applicant would be able to obtain a Certificate of Occupancy/maintain the existing approximately 68,500 square foot industrial (inside) use, and provide 69 (or 60 percent) of the 114 required off-street parking spaces.

**Timeline:**

- March 28, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 9, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.”
- June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- June 9, 2017: The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked “Has no objections”.





1:2,400

# AERIAL MAP

Case no: BDA167-066  
Date: 5/16/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-066

Data Relative to Subject Property:

Date: 3-28-17

Location address: 2646 Rodney Lane 75228 Zoning District: IR

Lot No.: 3A Block No.: 116606 Acreage: 2.617 Census Tract: 96.10

Street Frontage (in Feet): 1) 1241 2) 634 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Arrow Magnolia International Inc.

Applicant: Curtis Shaw Telephone: 972-247-7111

Mailing Address: PO Box 59089 Dallas TX Zip Code: 75228

E-mail Address: CShaw@ArrowMagnolia.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 40 OFF STREET PARKING SPACES REDUCTION FROM 114 REQUIRED FOR INDUSTRIAL (INSIDE) USE.

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

WE CURRENTLY HAVE 50% MORE SPACES THAN EMPLOYEES. REZONING OF OUR PROPERTY MADE THE REQUIREMENT 114 SPACES AND WE OFFER THE REDUCTION OF SPACES WILL NOT HAVE A ADVERSE EFFECT.

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 Curtis Shaw (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.

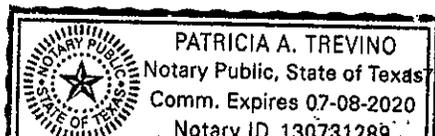
Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 15 day of December, 2016

Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

BDA 167-066



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 Curtis Shaw

did submit a request for a special exception to the parking regulations  
at 2646 Rodney Lane

BDA167-066. Application of Curtis Shaw for a special exception to the parking regulation: at 2646 Rodney Lane. This property is more fully described as Lot 3A, Block 1/6606, and is zoned IR, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for an industrial (inside) use, and provide 69 of the required 114 parking spaces, which will require a 45 space special exception (39.5% reduction) to the parking regulation.

Sincerely,

  
Philip Sikes, Building Official

MF-2(A)

INDIAN TRL

IM

SUP  
1320

RODNEY LN

IR

GRISSOM LN

SATSUMA DR

PD  
498

DEANSON DR

PD 498  
(Subdistrict 1)  
Tract 3

ZELRICH LN

PD  
899

Areas of Request	Shopfront Overlay	MD Overlay
City Limits	Base Zoning	Historic Subdistricts
Highways	PD103 Oak Lawn	Historic Overlay
Ramps and Access Roads	Dallas Environmental Corridors	CD Subdistricts
<b>FLOOD_ZONE</b>		
100 Year Flood Zone	DDO Overlay	PD Subdistricts
Mill's Creek	Deed Restrictions	PDS Subdistricts
Peak's Branch	SUP	NSO Subdistricts
X PROTECTED BY LEVEE	D	NSO_Overlay
Parks	D-1	Escarpment Overlay
Height Map Overlay	CP	
Parking Management Overlay	SP	



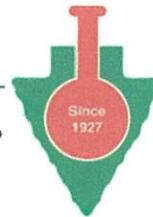


# ARROW-MAGNOLIA International, Inc.

2646 Rodney Lane, Dallas, TX 75229

800.527.2101

www.arrowmagnolia.com



11/30/16

## Parking Analysis

We are filing an appeal to the Board of Adjustment for a parking requirement waiver. This document serves as the Parking Analysis for our property.

Arrow-Magnolia is a manufacturer of cleaning and maintenance products, supplies and chemicals. We blend and package approximately 80% of our annual sales in house. The current ownership group purchased the company and took it private in 2005.

Arrow-Magnolia and our predecessor companies have owned and occupied the property at 2646 Rodney Lane since it was built in 1964. At the time, it was used as a warehouse for distributing our products as everything we sold at the time was manufactured by third parties and distributed from our facility. In the 1970's Arrow-Magnolia began to do some basic blending and packaging of some of our products on site and this grew over time. In 1999, we updated and expanded our facility and added additional manufacturing capacity.

As part of a fire department inspection in 2011, we were required to update our Certificate of Occupancy. During this process, we became aware that our property was not zoned properly for what we were doing on site. In 2013, after completing the rezoning process (along with a SUP application) we were informed that we did not meet current parking requirements for how our facility is classified. We have 72 parking spaces and, if classified as an industrial facility we would need to provide 114.

Our facility has a total gross manufacturing area of 68,560 sq. ft. broken up into 2 parts – an office (11,380 sq. ft.) where sales and administrative support work is done and a manufacturing area (approx. 57,180 sq. ft.) where our products are blended and stored.

In the 10 years we have had the company, the employee base has varied from 40-50 people. We are currently at 42 employees. The breakdown of the 42 are 4 executives, 4 senior managers, 8 clerical/administrative, 15 manufacturing/ warehouse and 11 in sales. Six of our employees do not work out of the office and live outside the DFW Metroplex. Another three are in sales and work outside the building. Our employees currently require 33 parking spaces daily. We do not offer retail sales of our products so at most we may require a couple of visitor parking spaces occasionally. On any given day over the past 10 years we have had a maximum requirement of 44 parking spaces based on the potential needs of every single employee who works at our facility.

More importantly, as our company grows we will be adding primarily sales managers to support our outside sales partners. We have looked at what it would take to double our sales and believe it would take 8 additional employees (6 in warehouse/manufacturing and 2 in clerical/administrative) to support the growth. The best-case scenario of our business would be to add these 8 plus an additional 4 sales managers (whom would not work out of our facility. This would mean that parking all our employees working out of the facility would require 41 parking spaces.

Lastly, our facility is landlocked - our lot is a corner lot bounded to the south by a creek, to the west by another business and streets to the north and east. We cannot add parking spaces to the property without removing parts of our building. We also have no plans to expand the building as our facility as currently constructed can accommodate three-four times our current level of sales.

We believe that 72 spaces are more than adequate for our business and a parking requirement waiver is warranted in our case. We have an existing structure built before the parking requirement regulations were implemented and that while it will be zoned for industrial use, only a small portion of the building is used for that purpose. Lastly, our past, current and future parking requirements are far less than what the regulation requires.

# Traffic Impact Worksheet

This worksheet will help you determine if a Traffic Impact Study (T.I.S.) needs to be submitted with your zoning change request. Please read the following paragraphs before filling out this worksheet.

First, read all of the uses listed in column A and check the box to the right of each use that characterizes the proposed development. Next, fill in the number of units or gross square footage of each use in column 'B'. If the development has a Number of Units, then multiply that number by the Trip Rate (column 'B' times column 'C') and indicate the total in column 'D'. If the development has a Gross Square Footage, then divide the gross square footage in column 'C' by 1,000, then multiply the result by the Trip Rate in column 'B' and indicated the total in column 'D'. Finally, total all the trips per day to the space at the bottom of column 'D'.

If the total exceeds 1,000 trips per day, then either a Traffic Impact Study (T.I.S.) or a Waiver of the T.I.S. is required with the zoning request. Traffic Impact Study waivers will be considered on a per case basis by the Director of the Department of Development Services. The Department of Development Services is located in City Hall, Room L1BS and can be reached by telephone at 214-670-4869. If a proposed project cannot be defined within the uses provided on this worksheet, contact the Department of Development Services for assistance. Finally, fill out the applicant and development information below the chart.

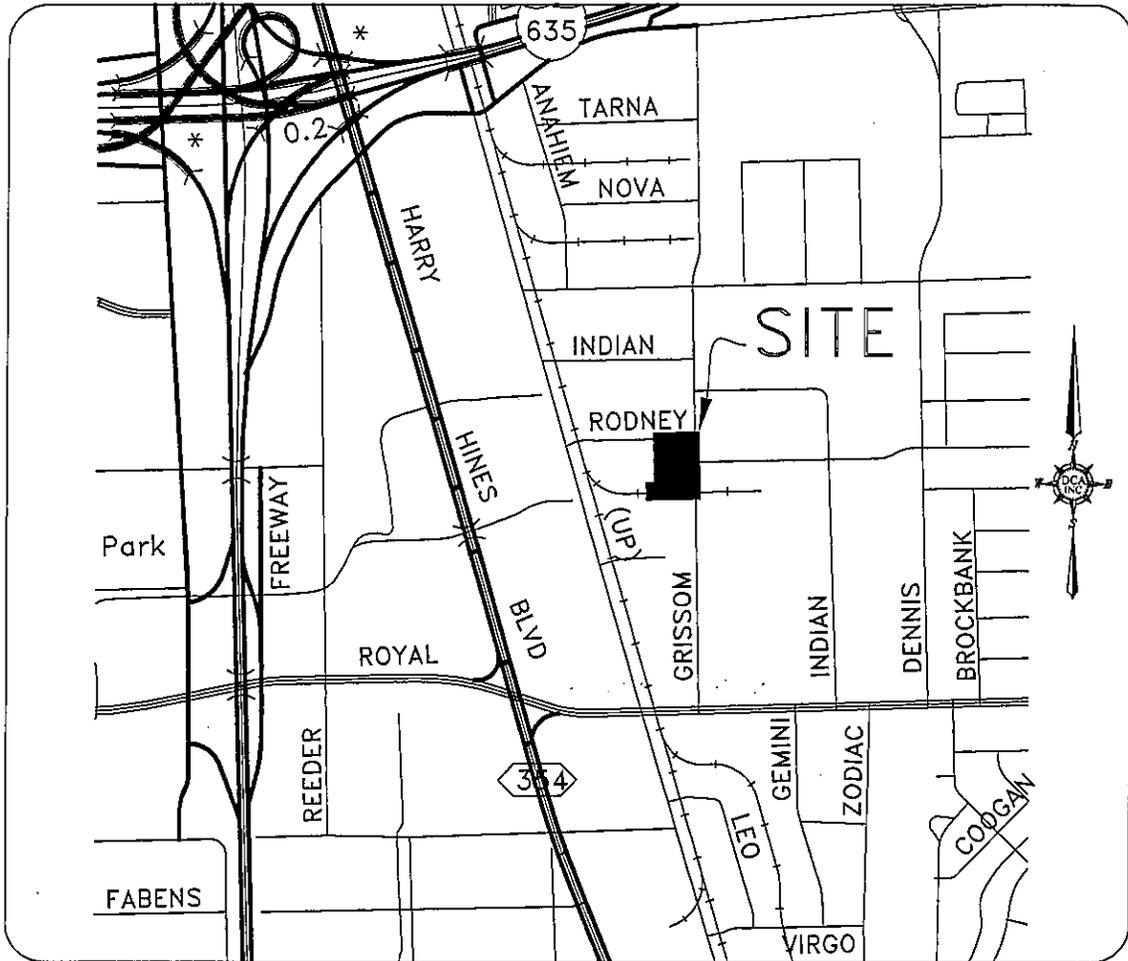
A Use		B Trip Rates <sup>1</sup>	C Number of Units/SQ. FT.	D Trips Generated
Lodging	<input type="checkbox"/>	9.11 per room		
Residential				
Single Family	<input type="checkbox"/>	9.57 per dwelling unit		
Other	<input type="checkbox"/>	6.59 per dwelling unit		
Industrial	<input checked="" type="checkbox"/>	6.96 per 1,000 gsf	97,000	1,118,32
Office				
Financial Institution w/o drive-in	<input type="checkbox"/>	156.48 per 1,000 gsf		
Financial Institution with drive-in	<input type="checkbox"/>	265.21 per 1,000 gsf		
Other: 10,000 gsf or less	<input type="checkbox"/>	26.59 per 1,000 gsf		
10,001-50,000 gsf	<input type="checkbox"/>	22.64 per 1,000 gsf		
50,000-100,000 gsf	<input type="checkbox"/>	15.58 per 1,000 gsf		
100,001-150,000 gsf	<input type="checkbox"/>	13.27 per 1,000 gsf		
150,001-200,000 gsf	<input type="checkbox"/>	12.08 per 1,000 gsf		
Retail/Personal Service				
General Merchandise > 3,500 sq.ft.	<input type="checkbox"/>	177.59 per 1,000 gsf		
General Merchandise < 3,500 sq.ft.	<input type="checkbox"/>	863.10 per 1,000 gsf		
Restaurant w/o drive-in	<input type="checkbox"/>	158.37 per 1,000 gsf		
Restaurant with drive-in	<input type="checkbox"/>	722.03 per 1,000 gsf		
Other: 10,000 gsf or less	<input type="checkbox"/>	278.24 per 1,000 gsf		
10,001-50,000 gsf	<input type="checkbox"/>	215.39 per 1,000 gsf		
50,000-100,000 gsf	<input type="checkbox"/>	118.36 per 1,000 gsf		
100,001-150,000 gsf	<input type="checkbox"/>	91.46 per 1,000 gsf		
150,001-200,000 gsf	<input type="checkbox"/>	78.65 per 1,000 gsf		
Wholesale/Distribution/Storage				
Mini-warehouse	<input type="checkbox"/>	2.50 per 1,000 gsf		
Warehouse	<input checked="" type="checkbox"/>	4.96 per 1,000 gsf	51,000	252,496
<b>Total trips generated</b>				<b>371.28</b>

<sup>1</sup> All rates are based on ITE Trip Generation Report, 6<sup>th</sup> edition, January 1997.

Applicant Phone Number 972-247-7111  
 Location 2646 Rodney Lane DALLAS, TX 75209 Size (in Acres) 2.617



EXHIBIT "A"  
M.S.D. SURVEY



VICINITY MAP  
NOT TO SCALE  
MAPSCO PAGE 23-A



**DOUG CONNALLY & ASSOCIATES, INC.**

**ENGINEERING • PLANNING • SURVEYING**

11545 Pagemill Road • Suite 200 • Dallas, Texas 75243

P 214.349.9485 • F 214.349.2216

www.dcadfw.com

EXHIBIT "A"  
M.S.D. SURVEY

ing all of Lot 3A, Block 1/6606, of Richland Industrial Park, replat Installment No. 1—Revised, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 99168, Page 14, of the Map Records of Dallas County, Texas, and being part of Rodney Lane (60 foot right-of-way) and Grissom Lane (60 foot right-of-way) and being the same tract of land conveyed to Magnolia Chemical Company, Inc. by Deed recorded in Volume 77002, Page 1382, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner lying in the East line of a tract of land conveyed to John Marion Brin by Deed recorded in Volume 84015, Page 0523, Deed Records, Dallas County, Texas, and being the Southwest corner of a tract of land conveyed to Maurice Keane and wife, Joan Keane by Deed recorded in Volume 93214, Page 3244, Deed Records, Dallas County, Texas;

THENCE South 89 degrees 54 minutes 56 seconds East, a distance of 146.67 feet to a point for corner;

THENCE North 00 degrees 05 minutes 04 seconds East, a distance of 293.00 feet to a point for corner;

THENCE South 89 degrees 54 minutes 56 seconds East, a distance of 271.19 feet to a point for corner;

THENCE South 00 degrees 05 minutes 04 seconds West, a distance of 473.78 feet to a point for corner;

THENCE North 89 degrees 58 minutes 53 seconds West, a distance of 417.86 feet to a point for corner;

THENCE North 00 degrees 05 minutes 04 seconds East, a distance of 181.26 feet to the POINT OF BEGINNING and containing 155,099.55 square feet or 3.5606 acres of land.



A handwritten signature in blue ink that reads "Bryan Connally".

BRYAN CONNALLY  
R.P.L.S. NO. 5513



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www.dcadfw.com

SHEET 2 OF 3  
JOB NO. 0707607-1  
DRAWN BY: R.G.

EXHIBIT "A"  
M.S.D. SURVEY

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 5th day of February, 2008



-----  
Bryan Connally  
Registered Professional Land Surveyor No. 5513



## EXHIBIT A

BEING portions of Lot 20, Lot 21, and Lot 22, Hughes Brothers Subdivision, in Block F/873, according to the Plat recorded in Volume 98, Page 43, Map Records, Dallas County, Texas, and said portions being described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the present intersection of the northeasterly right of way line of Harwood Street (variable width right of way) with the northwesterly right of way line of Coombs Street (50' right of way);

THENCE North 36° 15' 00" West, along the northeasterly line of Harwood Street, 130.50 feet to a 1/2 inch iron rod found on the westerly line of Lot 20, of said Block F/873, said point being South 36° 15' 00" East from the northwesterly corner of said Lot 20;

THENCE North 53° 45' 00" East, 136.75 feet to a 1/2 inch iron rod found on the westerly line of China Alley, (variable width right of way);

THENCE South 36° 15' 00" East, along the westerly line of said China Alley, 130.50 feet to a point on the northwesterly line of said Coombs Street;

THENCE South 53° 45' 00" West, along the northwesterly line of said Coombs Street, 136.75 feet to the POINT OF BEGINNING, and containing 17,845.88 square feet, or 0.41 acres of land, more or less.

*If applicable:*

**NOTE:** This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in the real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

## EXHIBIT A

BEING portions of Lot 20, Lot 21, and Lot 22, Hughes Brothers Subdivision, in Block F/873, according to the Plat recorded in Volume 98, Page 43, Map Records, Dallas County, Texas, and said portions being described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the present intersection of the northeasterly right of way line of Harwood Street (variable width right of way) with the northwesterly right of way line of Coombs Street (50' right of way);

THENCE North 36° 15' 00" West, along the northeasterly line of Harwood Street, 130.50 feet to a 1/2 inch iron rod found on the westerly line of Lot 20, of said Block F/873, said point being South 36° 15' 00" East from the northwesterly corner of said Lot 20;

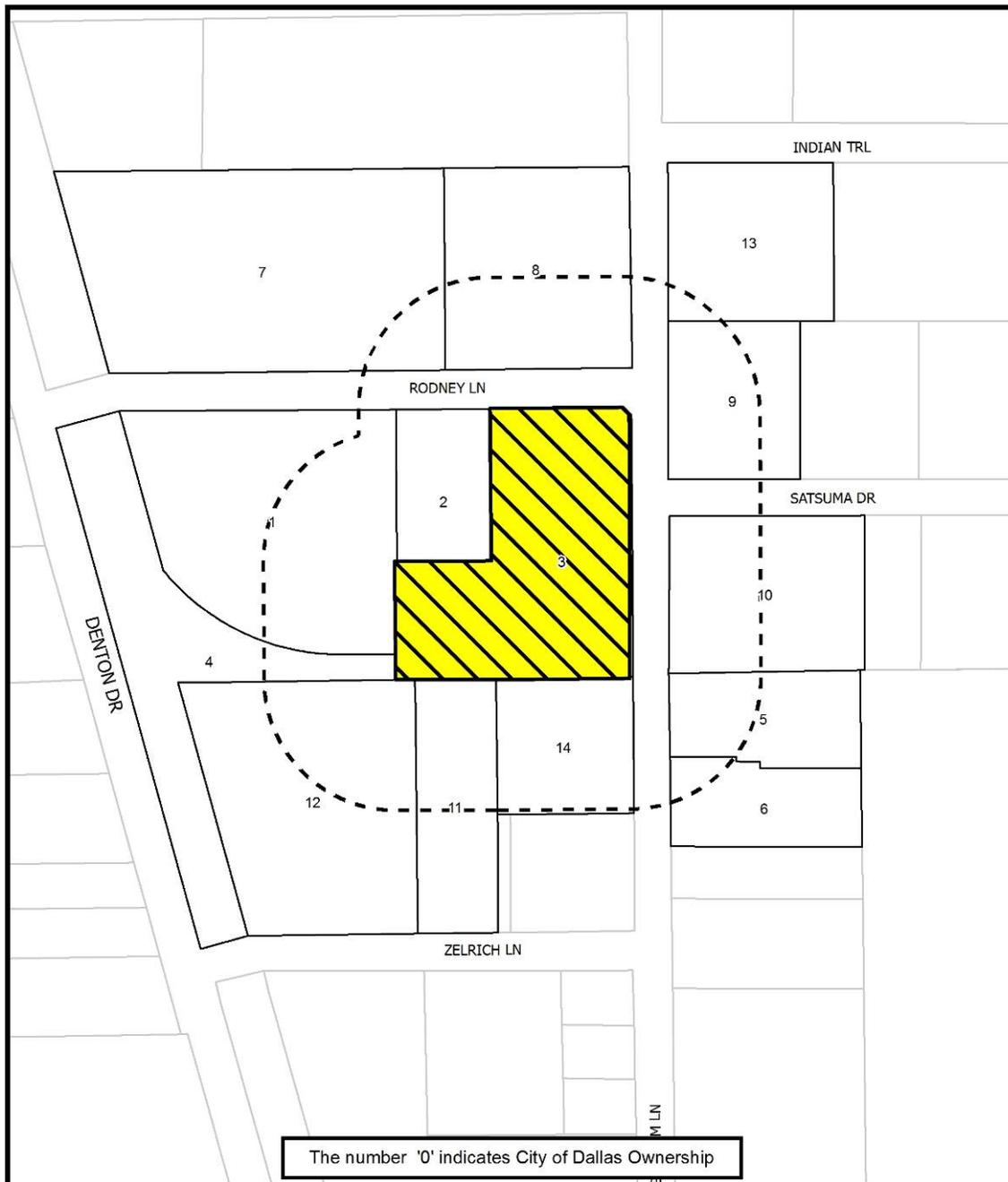
THENCE North 53° 45' 00" East, 136.75 feet to a 1/2 inch iron rod found on the westerly line of China Alley, (variable width right of way);

THENCE South 36° 15' 00" East, along the westerly line of said China Alley, 130.50 feet to a point on the northwesterly line of said Coombs Street;

THENCE South 53° 45' 00" West, along the northwesterly line of said Coombs Street, 136.75 feet to the POINT OF BEGINNING, and containing 17,845.88 square feet, or 0.41 acres of land, more or less.

*If applicable:*

**NOTE:** This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in the real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



1:2,400

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**14** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-066**

Date: **5/16/2017**

## *Notification List of Property Owners*

### *BDA167-066*

#### *14 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11444 DENTON DR	BRIN JOHN M
2	2624 RODNEY LN	KEANE MAURICE & JOAN
3	2646 RODNEY LN	MAGNOLIA CHEMICAL CO
4	401 S BUCKNER BLVD	DART
5	11036 GRISSOM LN	VAN NEST KEVIN H &
6	11034 GRISSOM LN	TENNINGTON INV LLC
7	2605 RODNEY LN	VICEROY RODNEY LP
8	2643 RODNEY LN	SHAW VAN L
9	2707 SATSUMA DR	SATSUMA PROPERTIES LLC
10	11048 GRISSOM LN	TJC PROPERTIES
11	2625 ZELRICH LN	E INVESTMENTS
12	11430 DENTON DR	JAMES JEROME
13	11281 INDIAN TRAIL	NORTHAVEN ENTERPRISES LLC
14	11031 GRISSOM LN	MCGRAY GROUP II LLC

**FILE NUMBER:** BDA167-074(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jarrett Ouellette for special exceptions to the visual obstruction regulations at 1212 S. Riverfront Boulevard. This property is more fully described as Lot 17 & 18, Block 69/7338, and is zoned PD 784, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations

**LOCATION:** 1212 S. Riverfront Boulevard

**APPLICANT:** Jarrett Ouellette

**REQUESTS:**

Requests for special exceptions to the visual obstruction regulations are made to locate and maintain portions of an 8' high open metal post/picket fence/gate in two 20' visibility triangles at the driveway into the site developed with a vacant structure being transitioned to a mixed use.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan/elevation is required.

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director of Engineering who has no objections to the requests with the condition imposed that the applicant comply with the submitted site plan/elevation that represents that the fence/gate in the visibility triangles is of open metal post/picket material.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 784 (Planned Development)

North: PD 784 (Planned Development)

South: PD 784 (Planned Development)  
East: PD 784 (Planned Development)  
West: PD 784 (Planned Development))

### **Land Use:**

The subject site is developed with a vacant structure in the process of being transitioned to a mixed use. The areas to the north, south, east, and west are developed a mix of uses.

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

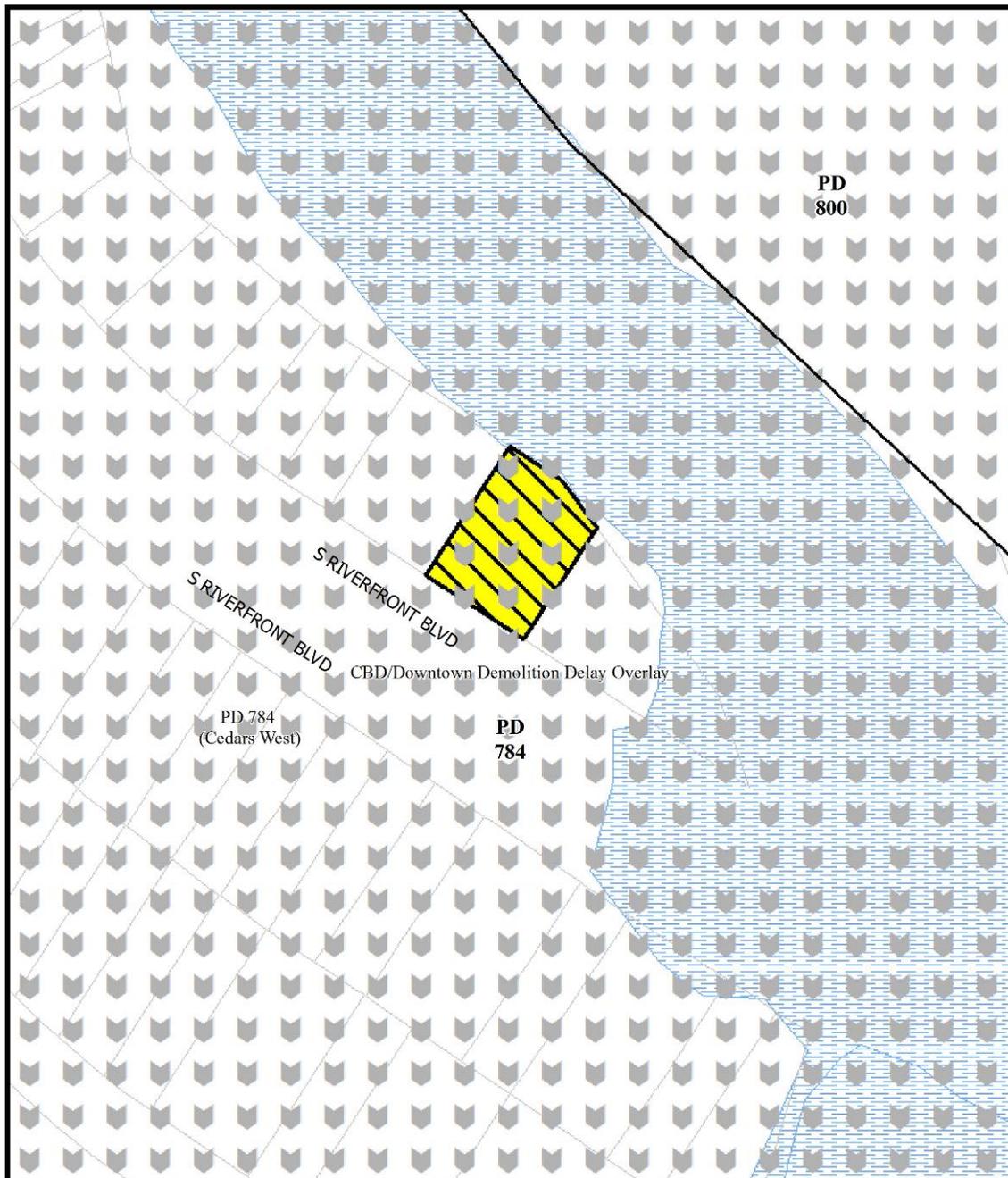
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

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

- The requests for special exceptions to the visual obstruction regulations focus on locating and maintaining portions of an 8' high open metal post/picket fence/gate in two 20' visibility triangles at the driveway into the site developed with a vacant structure being transitioned to a mixed use.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan/elevation has been submitted representing an 8' high open metal picket fence in the two, 20' visibility triangles at the driveway into the site.
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following additional comment: "Fence must remain "wrought iron" type (open metal) so as not to block visibility".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain portions of an 8' high open metal post/picket fence/gate located in two 20' visibility triangles at the driveway into the site do not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted site plan/elevation would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on this document.

### **Timeline:**

- April 12, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 9, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.”
- June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- June 9, 2017: The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following additional comment: “Fence must remain “wrought iron” type (open metal) so as not to block visibility”.



1:1,200

# ZONING MAP

Case no: BDA167-074

Date: 5/16/2017



1:1,200

## AERIAL MAP

Case no: BDA167-074

Date: 5/16/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-074

Data Relative to Subject Property:

Date: 4-12-17

Location address: 1212 S. Riverfront Blvd. Zoning District: PD784

Lot No.: 17, 18 Block No.: 69/7338 Acreage: .24 Census Tract: 204.00

Street Frontage (in Feet): 1) 90ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jarrett Ouellette

Applicant: Jarrett Ouellette Telephone: 214 752 0234

Mailing Address: 175 Oak lawn Zip Code: 75207

E-mail Address: Jarrett@williamwesley.com

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

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

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

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception , of Visibility triangle at Drive approach.

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:

Inquiring permission to erect a fence on property line. The fence material allows visibility from the street, therefore not creating a safety or traffic hazard. In addition the drive way is a private drive way so it will not create traffic to the public.

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 Jarrett Ouellette  
(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 6th day of April, 2017

(Rev. 08-01-11)

BDA 167-074



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

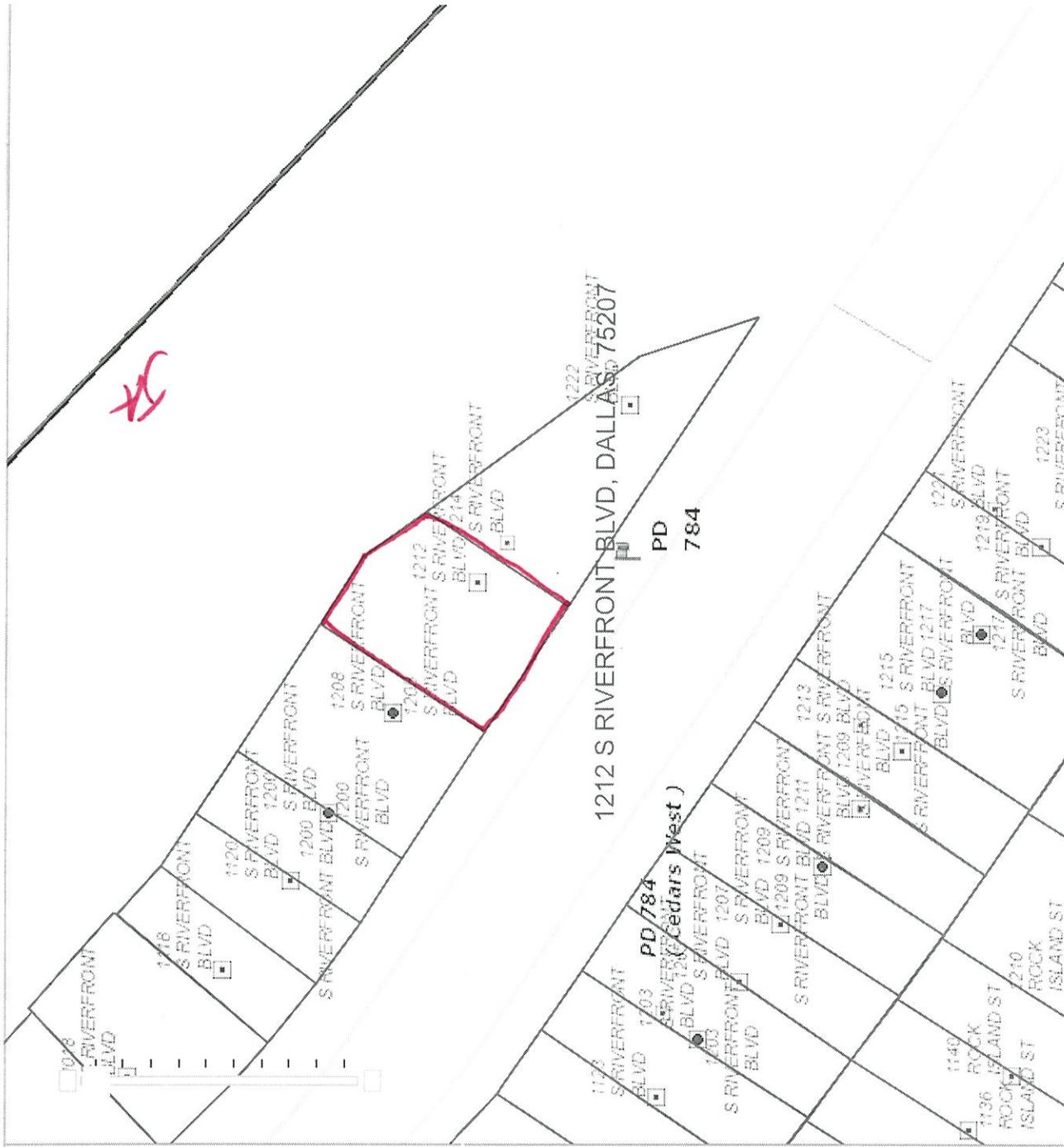


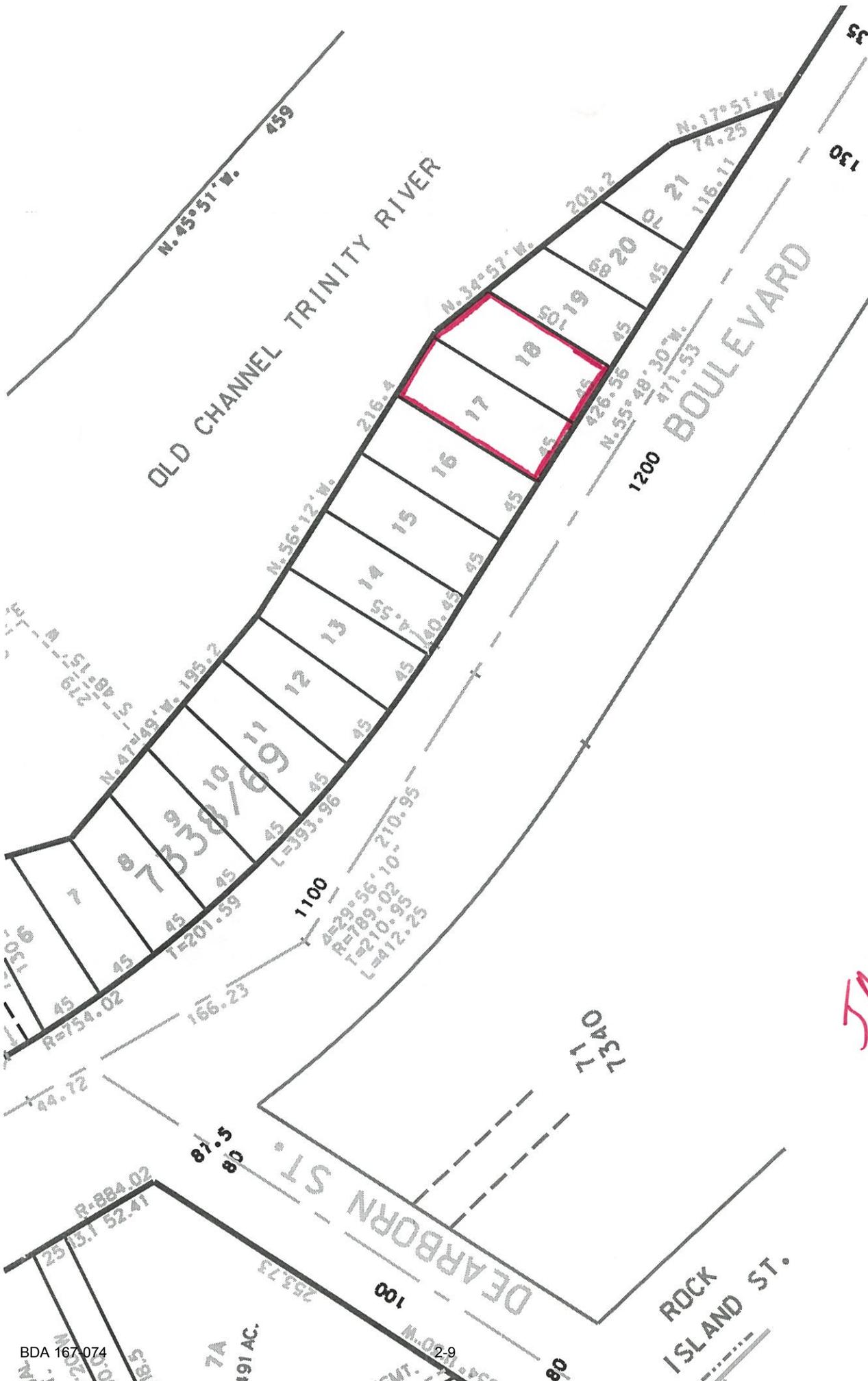
# City of Dallas

## Internal Development Research Site

### Legend

- Addresses
- Dallas Zoning
- Floodplain
- Building Inspection
- DART
- Real Estate
- Alcohol
- Plats
- Areas of Request
- Thoroughfare Plan
- Long Range Plans
- Capital Improvemen  
Program
- Council and Census
- Roads
- Tax Parcels
- Zoning Grid
- Stormwater
- Water Distribution

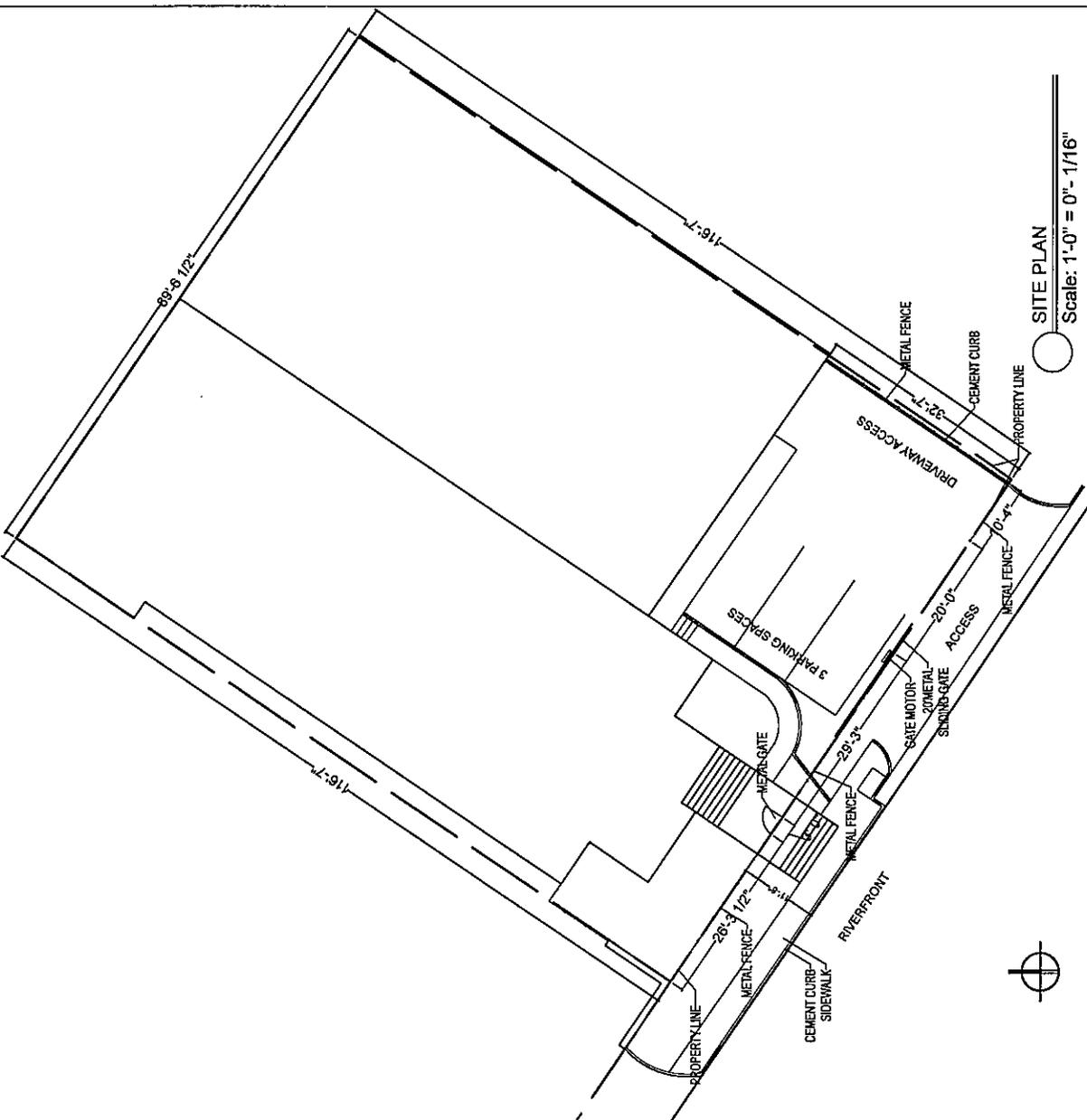
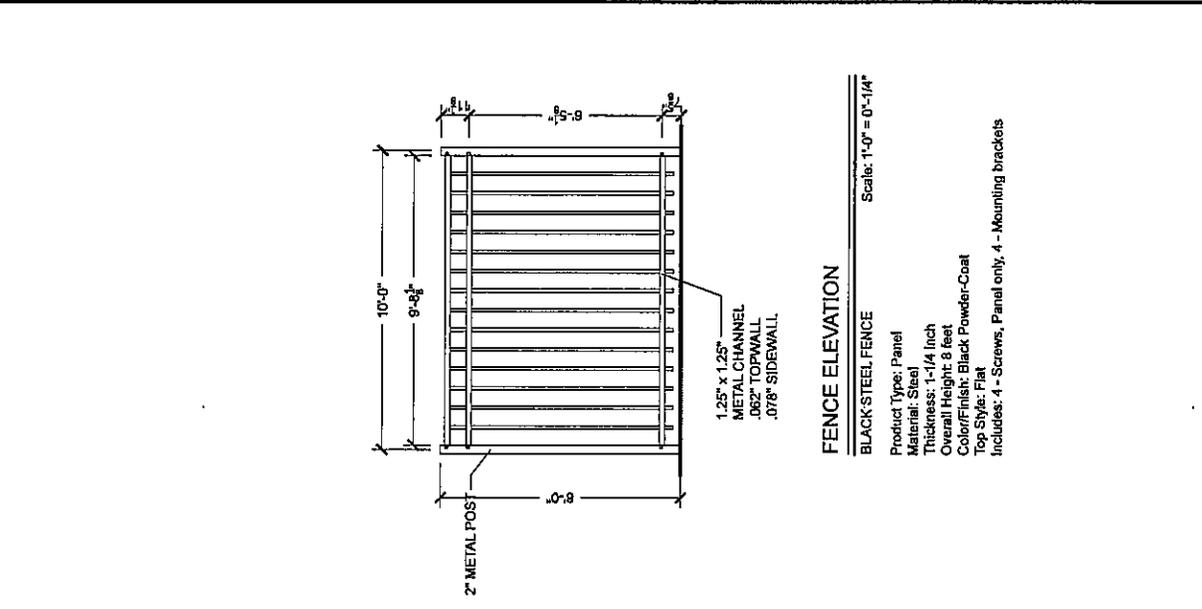


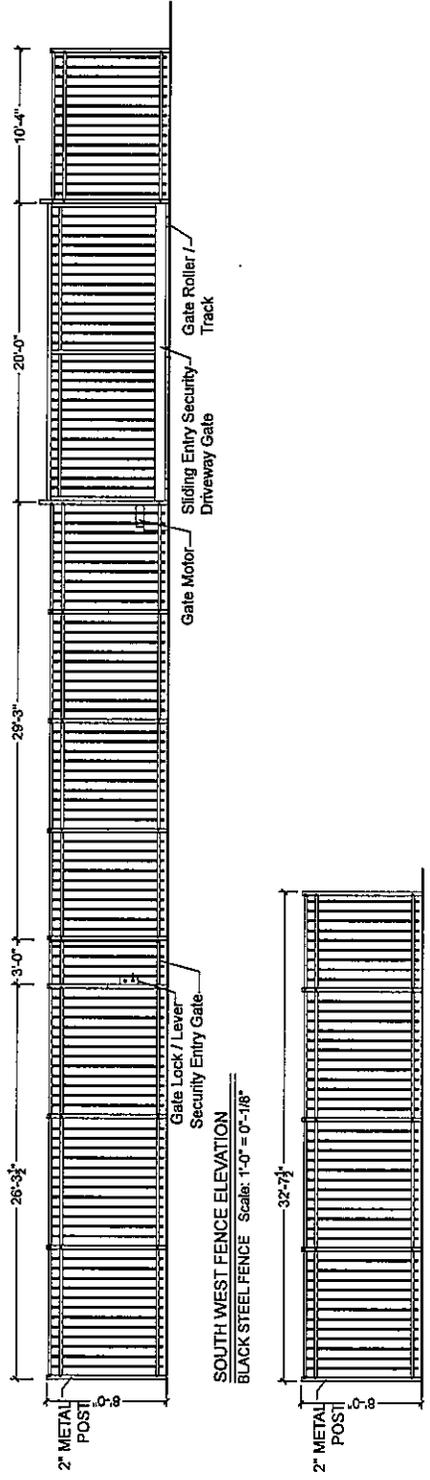


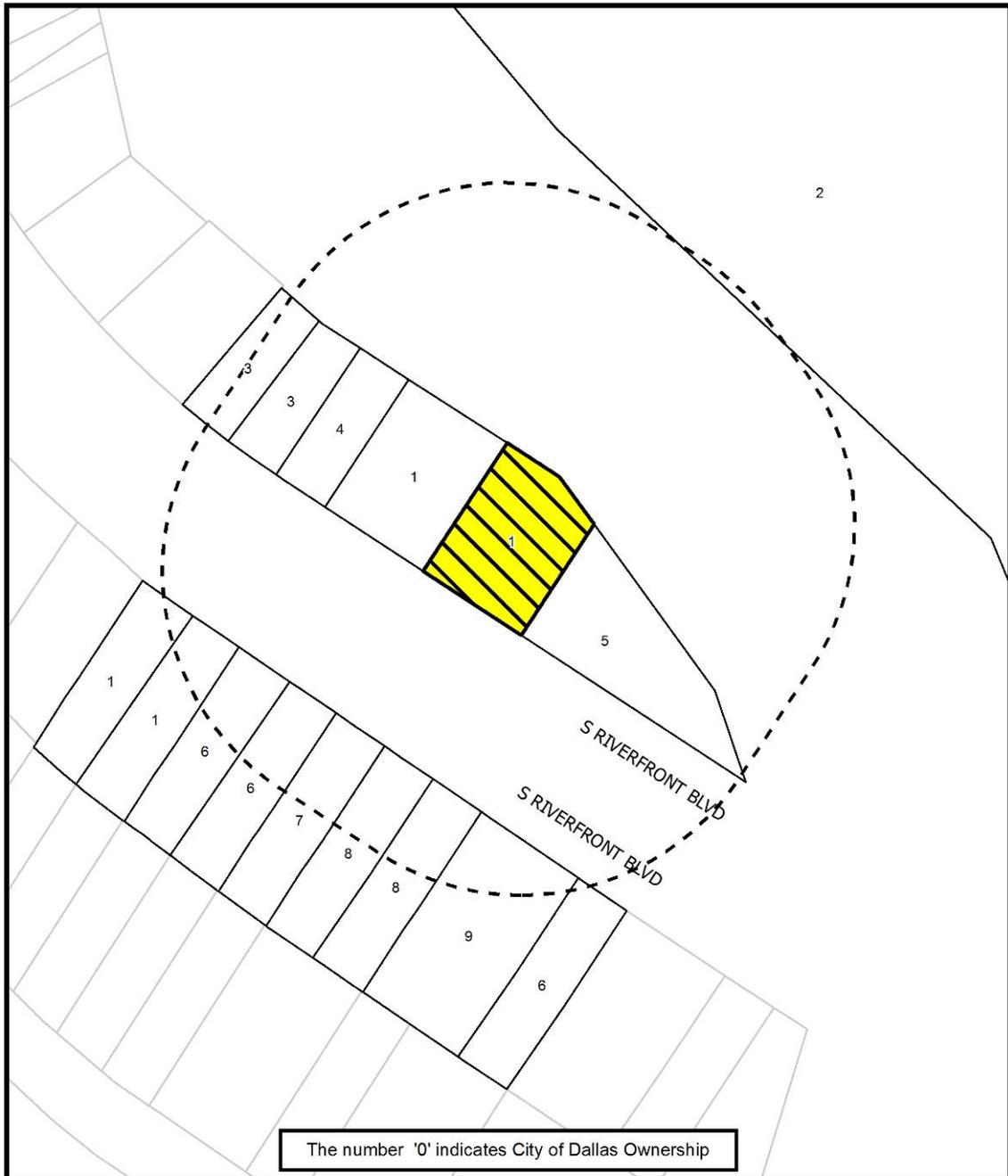
BDA 167-074

2-9

JA







  
 1:1,200

**NOTIFICATION**

<b>200'</b>	AREA OF NOTIFICATION
<b>9</b>	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-074**  
 Date: **5/16/2017**

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

### ***BDA167-074***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1208 S RIVERFRONT BLVD	UHRICK PPTIES LLC
2	318 CADIZ ST	TEXAS CENTRAL REAL ESTATE
3	1118 S RIVERFRONT BLVD	POORNOROOZ MIKE HOSSEIN
4	1200 S RIVERFRONT BLVD	POORNOROOZ MOHAMMAD
5	1222 S RIVERFRONT BLVD	DOAN MISTY
6	1203 S RIVERFRONT BLVD	THREE RIVERFRONT PPTIES LP
7	1207 S RIVERFRONT BLVD	MARTINEZ SILVERIO
8	1209 S RIVERFRONT BLVD	UNITED STATES OF AMERICA
9	1213 S RIVERFRONT BLVD	CHARALAMBOPOULOS FAY

**FILE NUMBER:** BDA167-075(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Ed Hicks, Jr., represented by Matt Moore of Claymoore Engineering, Inc., for a special exception to the landscape regulations at 39690 LBJ Freeway/IH 20. This property is more fully described as being a 6.85 acre unplatted tract in Block A/7557, and is zoned RR, 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:** 39690 LBJ Freeway/IH 20

**APPLICANT:** Ed Hicks, Jr.  
Represented by Matt Moore of Claymoore Engineering, Inc.

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain an addition to an existing vehicle display, sales or service use/structure (Clay Cooley Nissan), and not fully meet the landscape regulations, more specifically not fully provide the required number of street trees and design standards on the subject site.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements of Article X for street trees will unreasonably burden the use of the property, and that the special exception will not adversely affect/negatively impact neighboring property. In making this conclusion, staff considered that the following facts:
  - The property was built and expanded prior to triggers to Article X landscape requirements being applicable to the property, and has maintained a vehicular sales use for that time.
  - The property has a 25' utility and drainage easement, and utility lines that run within the northern perimeter of the property adjacent to the frontage road which restricts the planting of street trees.
  - The TXDoT right-of-way along the property is also restrictive to new plantings.
  - All new building additions and improvements on the property are on the northern half of the property and do not expand to Stoneview Drive so site improvements are limited to the northern area.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: RR (Regional retail)  
North: PD 751 (Planned Development)  
South: IR (Industrial/research)  
East: RR (Regional retail)  
West: RR (Regional retail)

**Land Use:**

The subject site is developed with a vehicle display, sales or service use (Clay Cooley Nissan). The area to the north is LBJ Freeway; the areas to the east and west are developed with retail uses; and the area to the south is developed with office/warehouse use.

**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 for a special exception to the landscape regulations focuses on constructing and maintaining an addition to an existing vehicle display, sales or service use/structure (Clay Cooley Nissan), and not fully meeting the landscape regulations, more specifically not fully providing the street tree and the design standard requirements on the subject site.
- 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 A). The memo states the applicant is requesting a special exception to the landscape regulations of Article X, and that the proposed alternative landscape plan is deficient by not providing the required number of street trees (10.125(b)(4)) and by providing only one of two required design standards.
- The Chief Arborist's memo states the following with regard to "provisions":
  - The applicant is proposing an alternate landscape plan with 14 new large trees in the northern tier of the property in existing and new landscape areas. Ten additional small trees will also be added. A new row of screening shrubs will be placed along the northern perimeter of the lot to provide a soft green edge to the vehicle storage and surface parking lots. Aside from street trees and one design standard, the plan will comply with all other conditions of Article X.
- The Chief Arborist's memo states the following with regard to "deficiency":
  - The proposed plan is deficient of required nine street trees for the IH-20 frontage road and three trees for Stoneview Drive. No trees or other improvements are proposed along Stoneview Drive. No additional design standards are proposed.
- The Chief Arborist's memo states the following with regard to "factors":
  - The property was built and expanded prior to triggers to Article X landscape requirements being applicable to the property. It has maintained a vehicular sales use for that time. A 25-foot utility and drainage easement, and utility lines, run within the northern perimeter of the property adjacent to the frontage road which restricts the planting of street trees. The TXDoT right-of-way is also restrictive to new plantings. All new building additions and improvements are on the northern half of the property and do not expand to Stoneview Drive so site improvements are limited to the northern area
- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because the full requirements of Article X would place an unreasonable burden on the use of the property, and the special exception would not negatively impact neighboring properties.

- 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 and design standard requirements on the subject site.

**Timeline:**

April 18, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

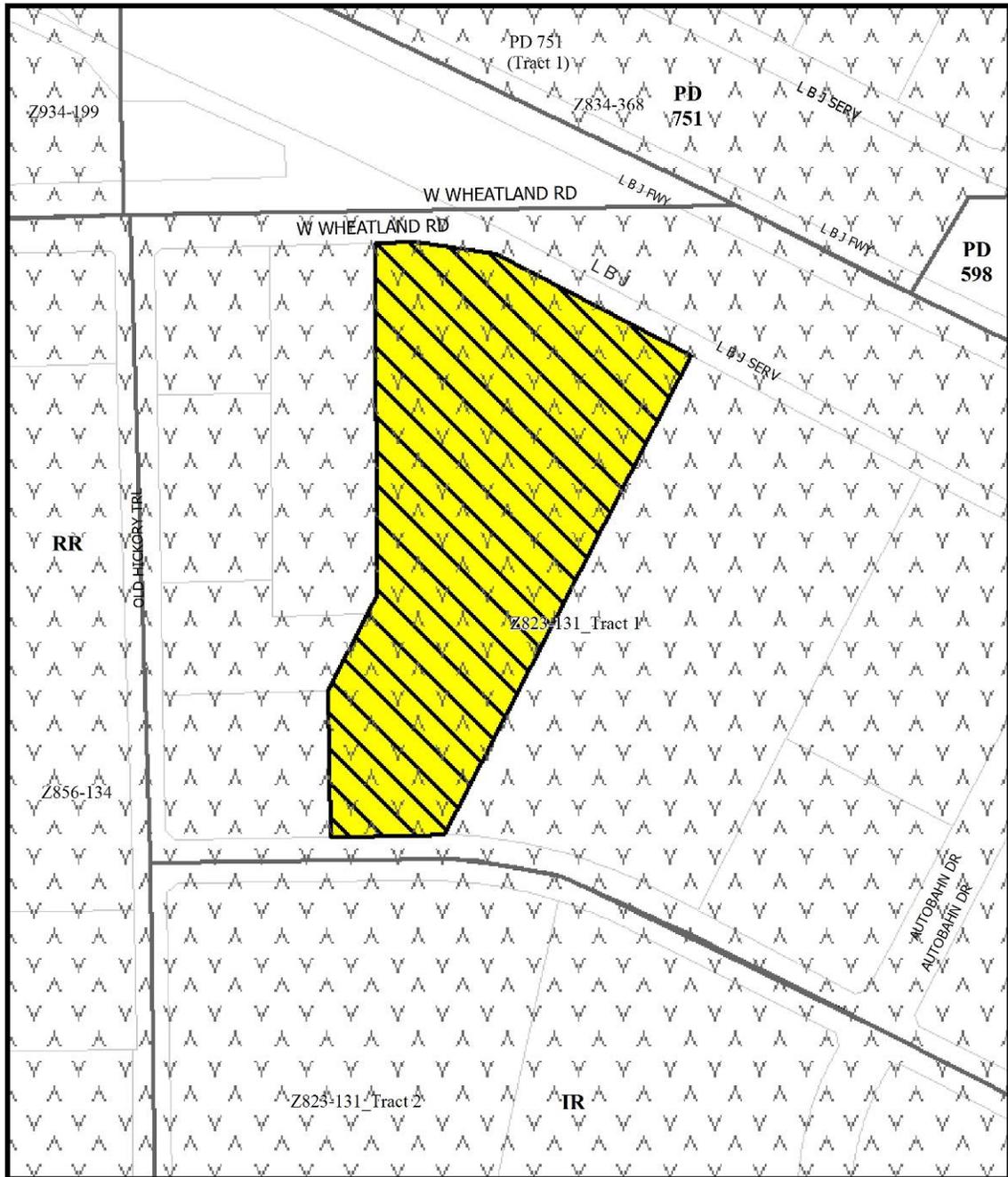
May 10, 2017: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.

June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

June 9, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).

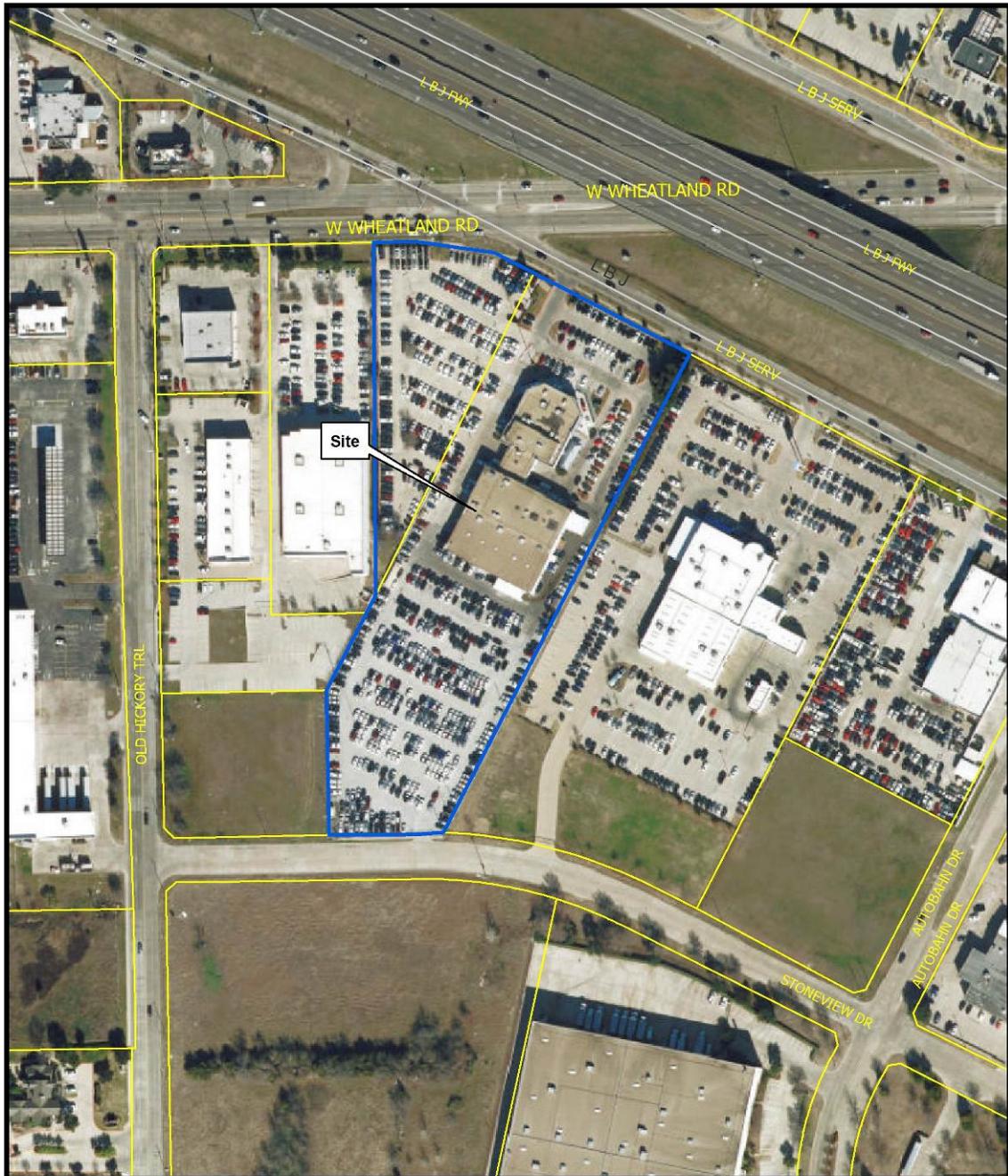


1:2,400

# ZONING MAP

Case no: BDA167-075

Date: 5/16/2017



1:2,400

# AERIAL MAP

Case no: BDA167-075  
Date: 5/16/2017

## Memorandum



Date June 9, 2017  
To Steve Long, Board Administrator  
Subject BDA #167-075 – 39690 LBJ Freeway - arborist report

### Request

The applicant is requesting a special exception to the landscape regulations of Article X. The proposed alternative landscape plan would be deficient in the required number of street trees (10.125(b)(4)) and one required design standard (10.126).

### Provisions

The applicant is proposing an alternate landscape plan with 14 new large trees in the northern tier of the property in existing and new landscape areas. Ten additional small trees will also be added. A new row of screening shrubs will be placed along the northern perimeter of the lot to provide a soft green edge to the vehicle storage and surface parking lots. Aside from street trees and one design standard, the plan will comply with all other conditions of Article X.

### Deficiency

The proposed plan is deficient of required nine street trees for the IH-20 frontage road and three trees for Stoneview Drive. No trees or other improvements are proposed along Stoneview Drive. No additional design standards are proposed.

### Factors

The property was built and expanded prior to triggers to Article X landscape requirements being applicable to the property. It has maintained a vehicular sales use for that time. A 25-foot utility and drainage easement, and utility lines, run within the northern perimeter of the property adjacent to the frontage road which restricts the planting of street trees. The TXDOT right-of-way is also restrictive to new plantings. All new building additions and improvements are on the northern half of the property and do not expand to Stoneview Drive so site improvements are limited to the northern area.

### Recommendation

The chief arborist recommends approval of the alternate landscape plan because the full requirements of Article X would place an unreasonable burden on the use of the property, and the special exception would not negatively impact neighboring properties.

Philip Erwin  
Chief Arborist  
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-075

Date: 4-18-17

Data Relative to Subject Property:

Location address: 39690 LBJ Freeway (I-20) Zoning District: RR

Lot No.: \_\_\_\_\_ Block No.: A/7557 Acreage: 6.85 Census Tract: 0166.05

Street Frontage (in Feet): 1) 533.14 2) 132.96 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DUNCANVILLE L LLC

Applicant: Ed Hicks, Jr. Telephone: 214.597.8815

Mailing Address: 10849 Composite Drive, Dallas, Texas Zip Code: 75220

E-mail Address: ehicks@comeseeclay.com

Represented by: Matt Moore of Claymoore Engineering, Inc. Telephone: 817.281.0572

Mailing Address: 1903 Central Drive, Suite 406, Bedford, Texas Zip Code: 76021

E-mail Address: matt@claymooreeng.com

Affirm that an appeal has been made for a Variance   , or Special Exception X, of The landscape regulations, Article X. Specifically, the request is for a reduction in the total amount of design standards required for the site which deviates from the requirements of Section 51A-10.126.

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 is an existing site that was developed before Article X was adopted. The property is going through a renovation and addition, which triggers Article X to apply to the site. The site constraints, existing use, existing utilities, and existing easements prohibit the site from fully complying with Article X. We request to seek an alternate landscape plan due to the unreasonable burdens of the site.

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

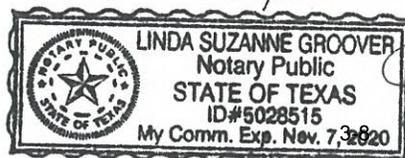
Before me the undersigned on this day personally appeared Ed Hicks Jr (Affiant/Applicant's name printed)

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 13th day of April, 2017

(Rev. 08-01-11)



[Signature of Notary Public]
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

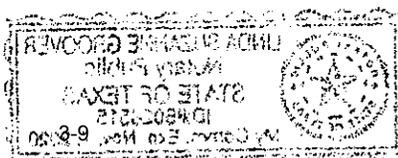
**Building Official's Report**

I hereby certify that Ed Hicks, Jr.  
represented by Matt Moore  
did submit a request for a special exception to the landscaping regulations  
at 39690 Lyndon Baines Johnson Freeway (IH-20)

BDA167-075. Application of Ed Hicks, Jr. represented by Matt Moore for a special exception to the landscaping regulations at 39690 LBJ Freeway. This property is more fully described as being a 6.85 acre unplatted tract in Block A/7557, and is zoned RR, 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,

*Philip Sikes*  
Philip Sikes, Building Official





# City of Dallas

## Internal Development Research Site

### Legend

3/20/2017 10:00 AM

 Demolition Delay Overlay

 Floodplain

 Building Inspection

 DART

 Real Estate

 Alcohol

 Plats

 Areas of Request

 Thoroughfare Plan

 Long Range Plans

 Capital Improvement Program

 Council and Census

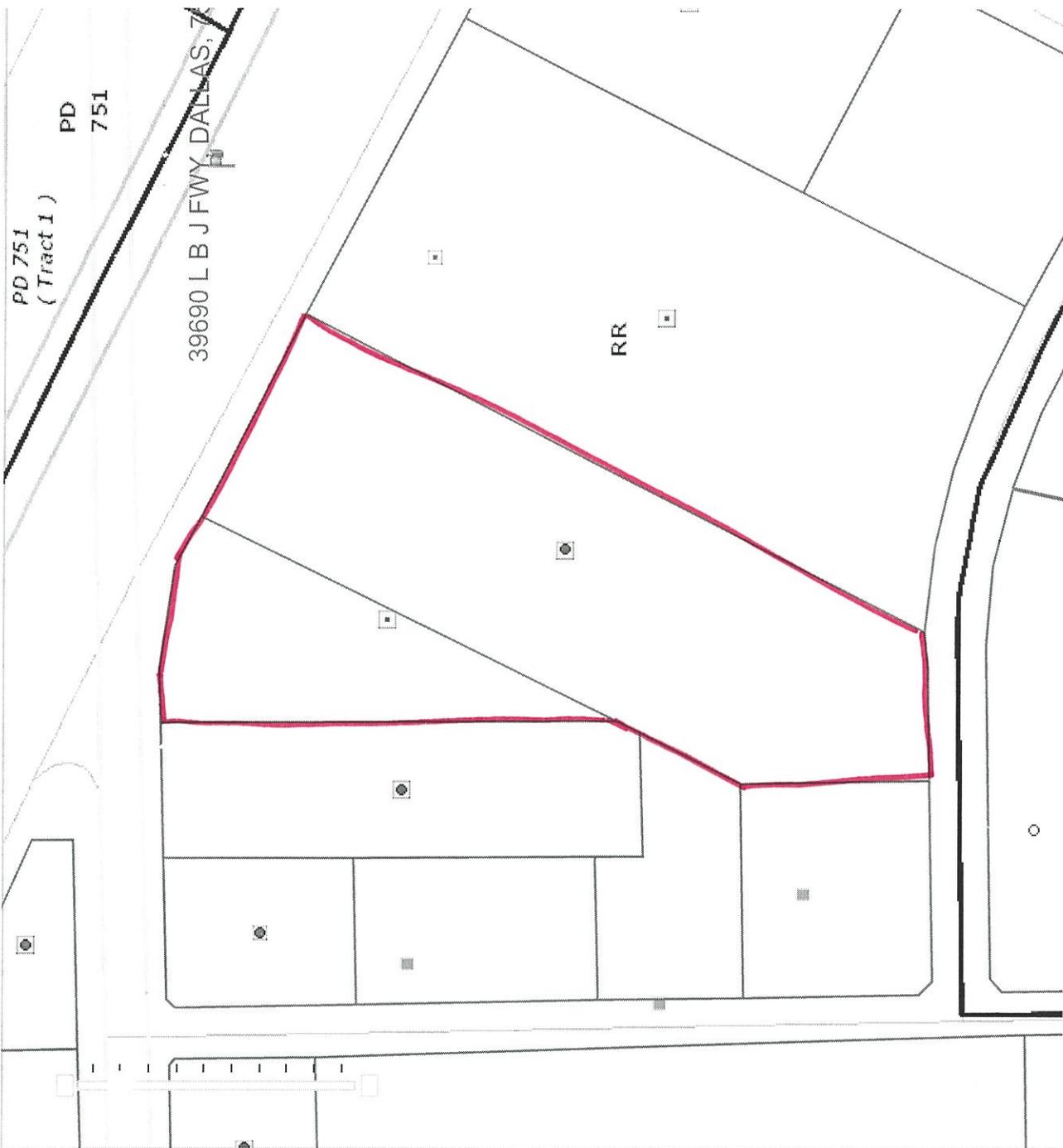
 Roads

 Tax Parcels

 Zoning Grid

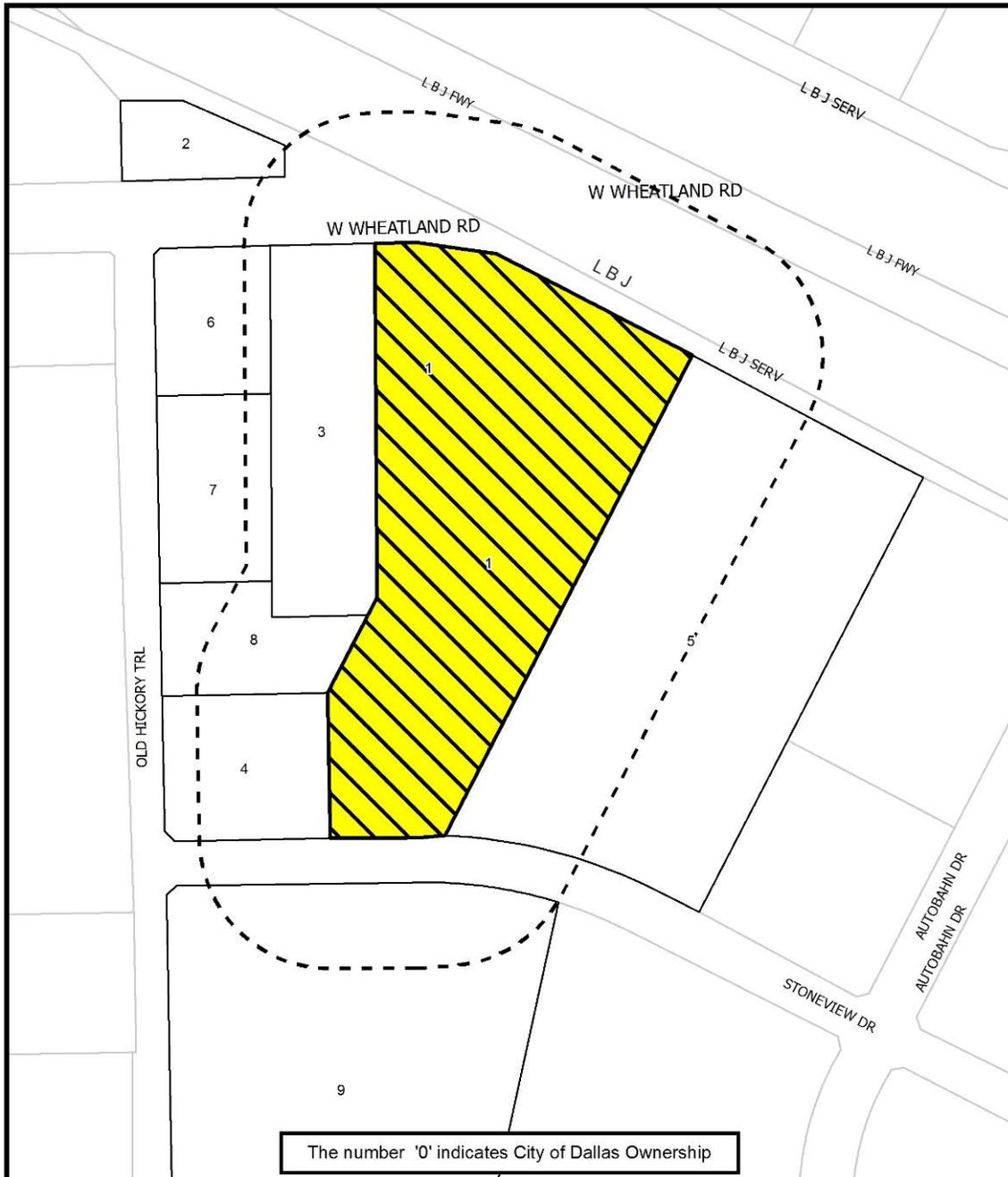
 Stormwater

 Water Distribution









 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA167-075</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;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>5/16/2017</b>	

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

### ***BDA167-075***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	39690 LBJ FWY	DUNCANVILLE L LLC
2	2727 W WHEATLAND RD	ZAKI NAGI EDWARD & AMANI G
3	2728 W WHEATLAND RD	DUNCANVILLE L LLC
4	8500 OLD HICKORY TRL	COOLEY CLAY REAL ESTATE HOLDINGS LTD
5	39680 LBJ FWY	OMEGA AUTOMOTIVE REAL
6	2738 W WHEATLAND RD	UNLIMITED HORIZONS NORTH TEXAS LLC
7	8438 OLD HICKORY TRL	SYLVESTER IWOTOR
8	8520 OLD HICKORY TRL	CLAY COOLEY REAL ESTATE HOLDINGS LTD
9	8701 AUTOBAHN DR	STONERIDGE LAND HOLDINGS LLC

**FILE NUMBER:** BDA167-078(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Siobahn Omlor for a special exception to the off-street parking regulations at 2006 Farrington Street. This property is more fully described as Lot 1 & 2, and part of Lot 3, Block 32/7891, and is zoned PD 621 (Subdistrict 1), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for an industrial (inside) use, and provide 12 of the required 23 off-street parking spaces, which will require an 11 space special exception to the off-street parking regulations.

**LOCATION:** 2006 Farrington Street

**APPLICANT:** Siobahn Omlor

**REQUEST:**

A request for a special exception to the off-street parking regulations of 11 spaces is made to obtain a Certificate of Occupancy/maintain an existing approximately 13,500 square foot vacant structure with industrial (inside) use (Century Oak Foods), and provide 12 (or 52 percent) of the 23 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

**STAFF RECOMMENDATION:**

Approval, subject to the following conditions:

1. The special exception of 11 spaces shall automatically and immediately terminate if and when the industrial (inside) use is changed or discontinued.
2. All employee parking must be accommodated on-site.

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director of Engineering who has no objections to the request with the condition that all employee parking must be accommodated on-site.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 621 (Subdistrict 1)  
North: PD 621 (Subdistrict 1)  
South: PD 621 (Subdistrict 1)  
East: PD 621 (Subdistrict 1)  
West: PD 621 (Subdistrict 1)

**Land Use:**

The subject site is developed with an existing approximately 13,500 square foot vacant structure. The areas to the north, south, and west are developed with industrial/warehouse/office uses, and the area to the east is open space.

**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 for a special exception to the off-street parking regulations of 11 spaces focuses on obtaining a Certificate of Occupancy/maintaining an existing approximately 13,500 square foot structure with industrial (inside) use (Century Oak Foods), and providing 12 (or 52 percent) of the 23 required off-street parking spaces.
- The property is located in PD 621 that states that unless otherwise provided, off-street parking and loading must be provided in accordance with Division 51A-4.300, "Off-Street Parking and Loading Regulations." The PD states that if several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking spaces for one use may not be counted toward the off-street parking required of another use, except as otherwise provided in this section.
- The PD does not provide a specific off-street parking requirement for the industrial (inside) use proposed on the subject site. Therefore the following Dallas Development Code off-street parking requirement applies:
  - Industrial (inside) use: 1 space per 600 square feet of floor area.

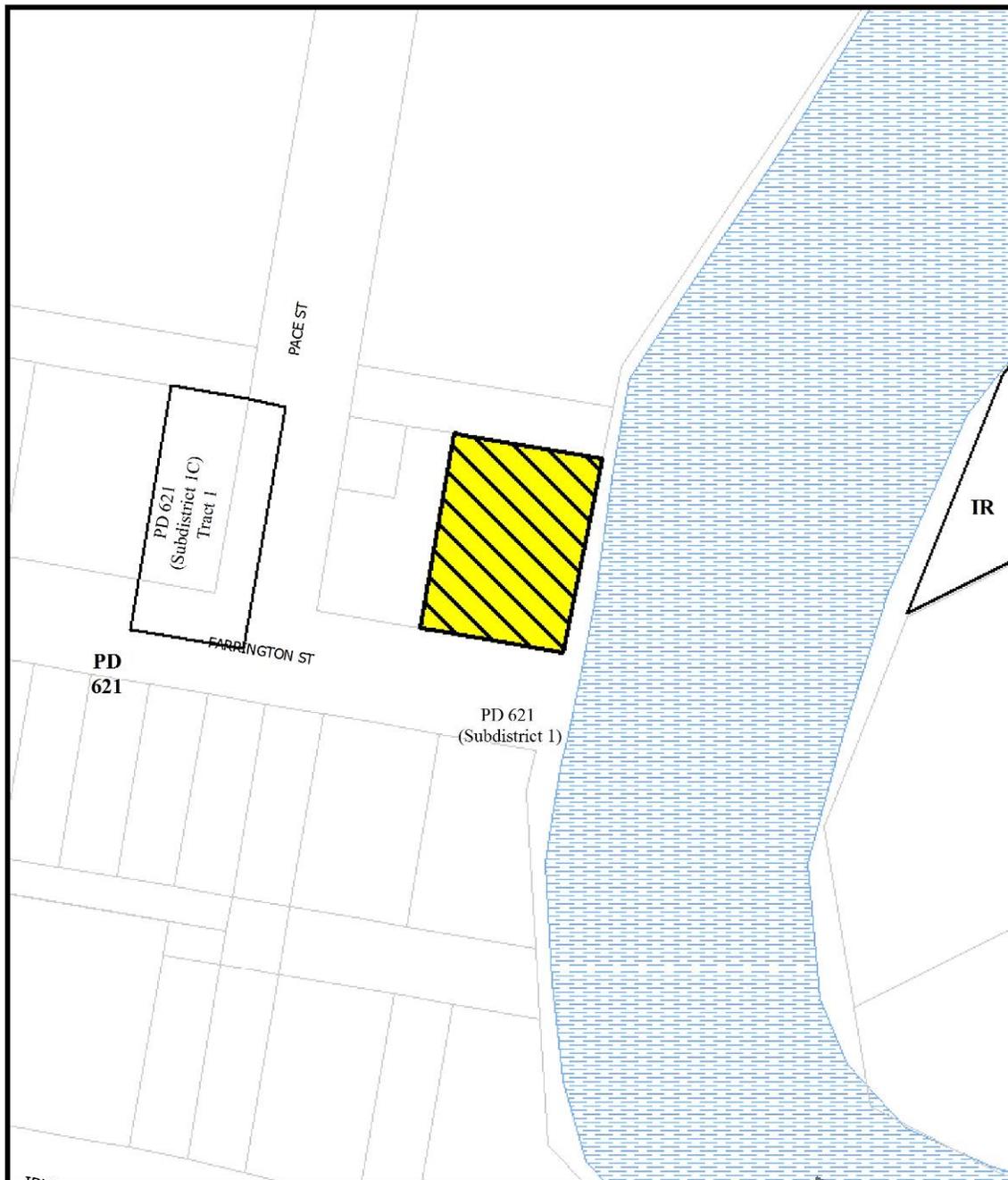
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet indicating that he has no objections to the request as long all employee parking is provided on-site.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the “industrial (inside) use” use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 11 spaces (or a 48 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 11 spaces shall automatically and immediately terminate if and when the industrial (inside) use is changed or discontinued, the applicant would be able to obtain a Certificate of Occupancy/maintain the existing approximately 13,500 square foot structure with industrial (inside) use, and provide 12 (or 52 percent) of the 23 required off-street parking spaces.

**Timeline:**

- April 21, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 9, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.”
- June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

June 9, 2017:

The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting: "As long as all employee parking is provided on-site".



1:1,200

# ZONING MAP

Case no: BDA167-078

Date: 5/16/2017



1:1,200

# AERIAL MAP

Case no: BDA167-078

Date: 5/16/2017



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-078

Date: 04/21/2017

Data Relative to Subject Property:

Location address: 2006 Farnington St Zoning District: PD 621 (Subd. 1)
Lot No.: 1, 2, P13 Block No.: 32/18911 Acreage: .393 Census Tract:
Street Frontage (in Feet): 1) 116' 2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Century Oak Investments LLC
Applicant: Siobhan Omlor Telephone: 4693637809
Mailing Address: 5014 Ross Ave Dallas Tx Zip Code: 75206
E-mail Address: Siobhan@centuryoakboods.com
Represented by: Telephone:
Mailing Address: Zip Code:
E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of 11 parking spaces from the required 23 parking spaces required for an light industrial (inside) use and a warehouse use.

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

Our location will be used for an online bakery where machines will do most of the work and only 4 employees will be working at the location. No customers or visitors will be arriving that might impede traffic on the street or effect businesses nearby.

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 Siobhan Omlor (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 21 day of April 2017



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 Siobahn Omlor

did submit a request for a special exception to the parking regulations  
at 2006 Farrington Street

BDA167-078. Application of Siobahn Omlor for a special exception to the parking regulations at 2006 Farrington Street. This property is more fully described as Lot 1 & 2, and part of Lot 3, Block 32/7891, and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for industrial (inside) use, and provide 12 of the required 23 parking spaces, which will require an 11 space special exception (48% reduction) to the parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

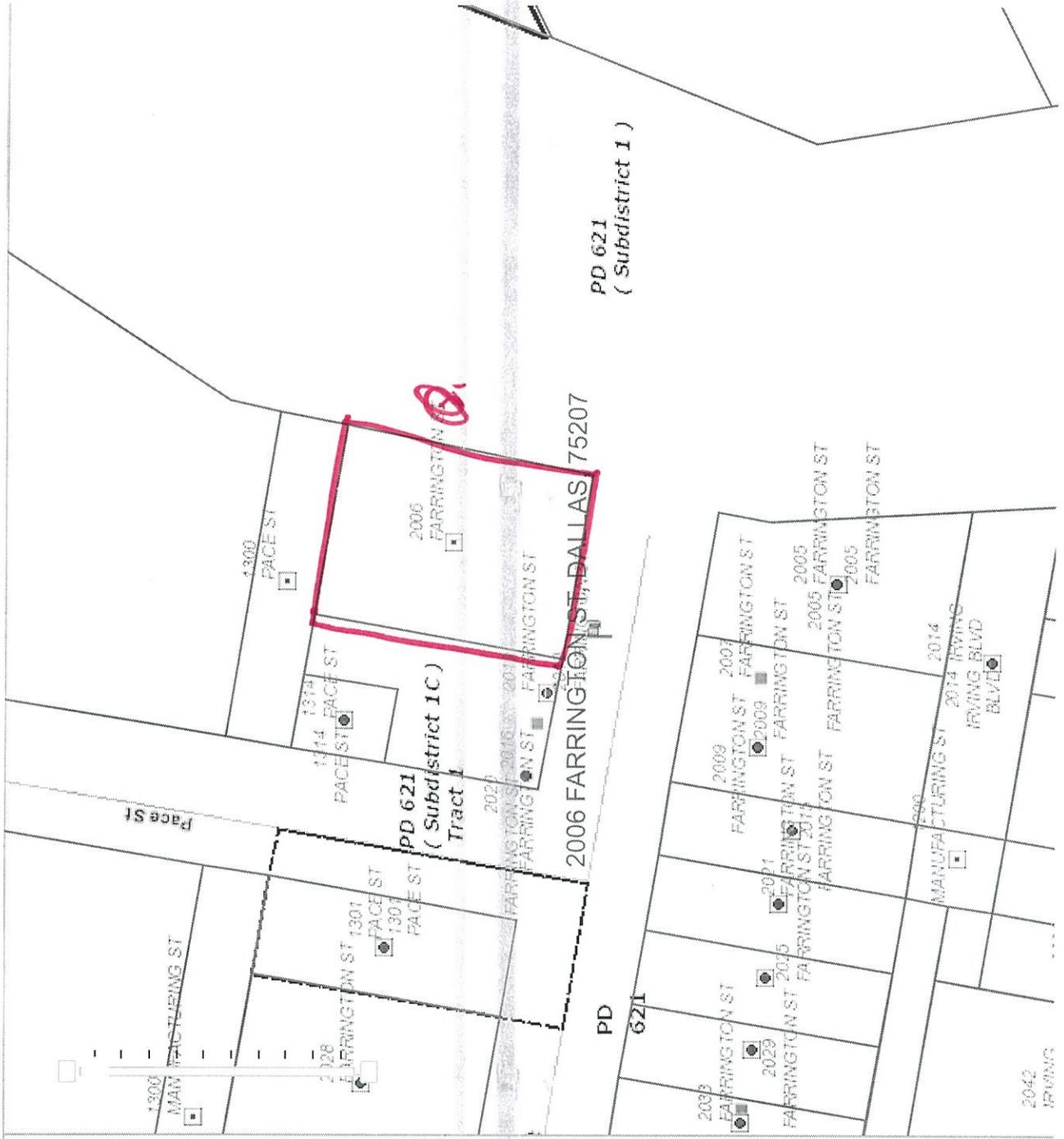
Street address.  
2006 farrington

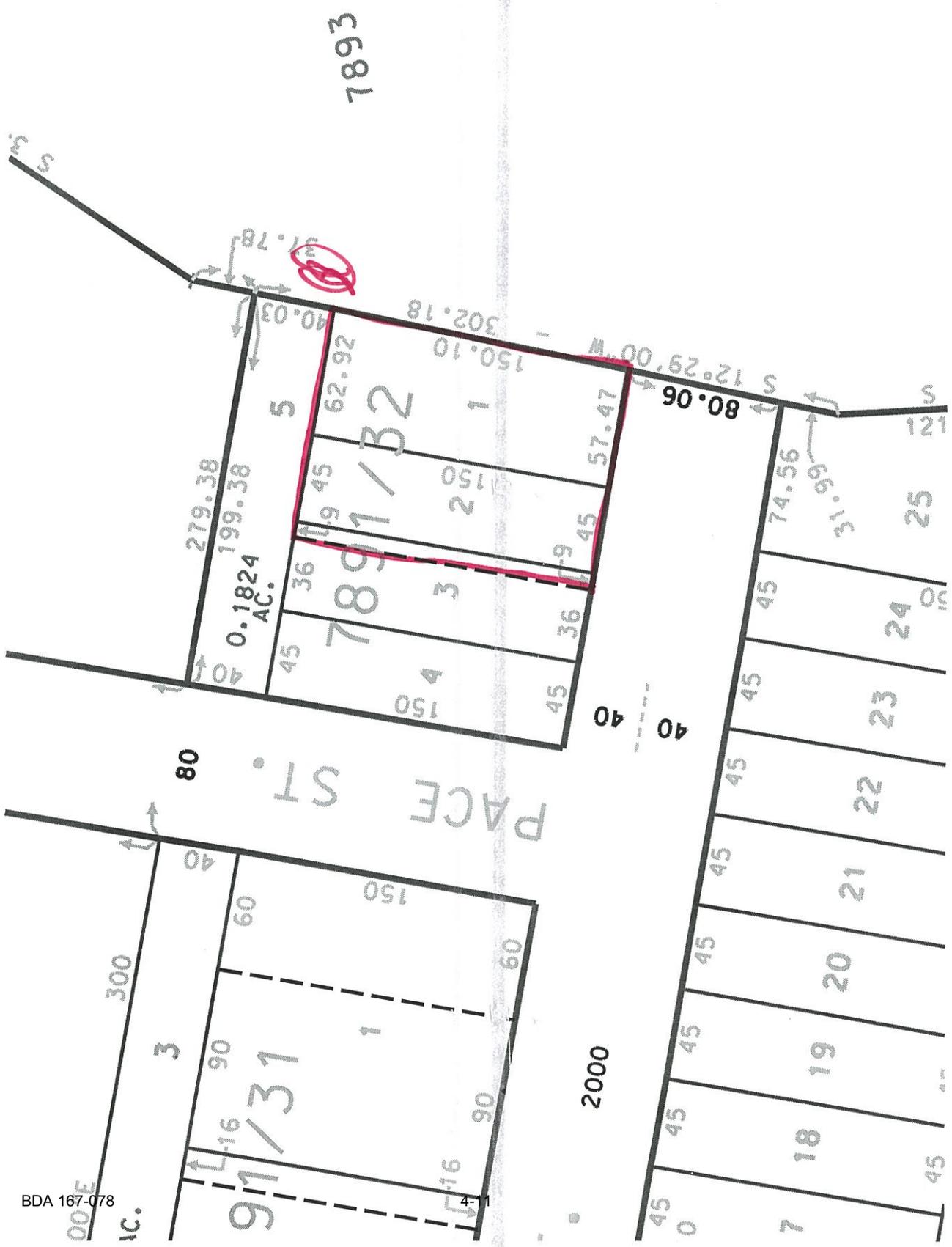
Locate

OR

Parcel address.  
Use street type for better re

Locate





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7891/32

91/31

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 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;"><b>12</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>12</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA167-078</b></u> Date: <u><b>5/16/2017</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>12</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA167-078*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2006 FARRINGTON ST	ESOR GROUP PARTNERS LTD
2	2025 FARRINGTON ST	FARRINGTON STREET LP
3	2015 FARRINGTON ST	FARRINGTON STREET LP
4	2009 FARRINGTON ST	RFVW LLC
5	2005 FARRINGTON ST	FARRINGTON PROPERTIES LLC
6	1340 MANUFACTURING ST	JOHNSON D L &
7	1301 PACE ST	2024 FARRINGTON INC
8	2012 FARRINGTON ST	EMERALD DENTON PPTIES LTD
9	1314 PACE ST	GLAZER ANN & BARKLEY STUART
10	1350 MANUFACTURING ST	TTMC LIMITED
11	1300 MANUFACTURING ST	JOHNSON GRAIN COMPANY
12	1300 PACE ST	JONES LAKE CO NO 7

**FILE NUMBER:** BDA167-057(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Brian East, represented by Audra Buckley, for a variance to the building height regulations at 7333 Valley View Lane. This property is more fully described as Lot 20, Block 10/7497, and is zoned MF-2(A), which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and maintain a structure with a building height of up to 40 feet, which will require a 14 foot variance to the maximum building height regulations.

**LOCATION:** 7333 Valley View Lane

**APPLICANT:** Brian East  
Represented by Audra Buckley

**REQUEST:**

A request for a variance to the height regulations (specifically to the residential proximity slope) of up to 14' was originally made to maintain and/or construct and maintain 2- 3 story structures to a height of 40' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the R-7.5(A) single family residentially-zoned property immediately east of the subject site by 14'. However, on June 1<sup>st</sup>, the applicant's representative emailed the Board Administrator the following: "Since we've already been to a hearing and cannot withdraw, please consider this email as a request for denial without prejudice on this case." (See Attachment D).

**STANDARD FOR A VARIANCE:**

The Dallas Development Code Section 51A-3.102(d)(10) specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**ORIGINAL STAFF RECOMMENDATION (May 17, 2017):**

Denial

Rationale:

- Staff had concluded, at the time of the May 2<sup>nd</sup> staff review team meeting, that the applicant had not substantiated how the variance was necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning district.
- Staff had concluded based on the information the applicant had submitted at the time of the May 2<sup>nd</sup> staff review team meeting that the characteristics/features of the subject site (which, according to the applicant, has a 15' fall from east to west, and is slightly irregular in shape, and, according to the application, 1.473 acres or approximately 64,000 square feet in area) does not preclude the applicant from developing it with a multifamily development that is commensurate with others in the same zoning district and that complies with all zoning code provisions including height regulations.

**REVISED STAFF RECOMMENDATION (June 21, 2017):**

Denial without prejudice

Rationale:

- Staff recommends that the variance be denied without prejudice per the June 1<sup>st</sup> request of the applicant's representative.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MF-2(A) (Multifamily district)  
North: R-7.5(A) (SUP 66) (Single family residential, Specific Use Permit)  
South: MF-2(A) (Multifamily district)  
East: R-7.5(A) (Single family residential district 7,500 square feet)  
West: PD 143 (Planned Development)

**Land Use:**

The subject site is in part developed with multifamily structures and in part under development with more multifamily structures. The area to the north is a cemetery; the area to the east is developed with single family uses; the area to the south is developed

with multifamily uses; and the area to the west is a private school (The Covenant School).

### **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 for a variance to the height regulations (specifically to the residential proximity slope) of up to 14' focused on maintaining and/or constructing and maintaining 2- 3 story structures to a height of 40' - a height that exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the R-7.5(A) single family residentially-zoned property immediately east of the subject site by 14'.
- The maximum height for a structure in a MF-2(A) zoning district is 36', however, any portion of a structure over 26' in height cannot be located above a residential proximity slope.
- In this case, given that the subject site is immediately adjacent to single family residentially-zoned property (R-7.5(A)) to the east), the height of a structure must comply with a 1:3-slope (or 1 foot in height for every 3 foot away from property in an R, R(A), D, D(A), TH, TH(A) residential zoning district). The RPS slope on the subject site begins at the R-7.5(A) zoned property east of the site.
- The applicant has submitted a site plan and elevations that represents a 1:3-slope (or 1 foot in height for every 3 foot away from property in a CH, MF-1, MF-1(A), MF-2, and MF-2(A) residential zoning district) on the structures seeking variance.
- The Building Official's Report states that a variance to the height regulations of 14' is requested since there are structures proposed to reach 40' in height or 14' higher/beyond than the 26' height allowed for the structures as they are located on this subject site.
- According to DCAD records, the "main improvement" at 7333 Valley View Lane is a "townhome" built in 2016 with 7,552 square feet of living/total area; and with "additional improvements" listed as four, 380 square foot attached garages.
- The site is somewhat sloped (according to the applicant, a 15' fall from east to west, irregular in shape, and according to the application is 1.473 acres (or approximately 64,000 square feet) in area. While the site has two front yards, this feature is typical of corner lot that is not zoned single family, duplex, or agricultural.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the height regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance to height regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner

commensurate with the development upon other parcels of land in districts with the same MF-2(A) zoning classification.

- The variance to height setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request, and impose the submitted site plan and elevations as a condition, the structures in the exceeding the height limit or the RPS would be limited to what is shown on these documents – which, in this case, are structures that would be exceed the height limit/RPS by up to 14’.
- On June 1<sup>st</sup>, the applicant’s representative emailed the Board Administrator the following: “Since we’ve already been to a hearing and cannot withdraw, please consider this email as a request for denial without prejudice on this case.” (See Attachment D).

**Timeline:**

February 6, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 12, 2017: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 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.”

April 26, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

May 1, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

May 5, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment C). Note that this information was not factored into the staff recommendation since it was submitted after the May 2<sup>nd</sup> staff review team meeting.

May 17, 2017: The Board of Adjustment Panel B conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on June 21, 2017.

May 23, 2017: The Board Administrator wrote the applicant's representative a letter of the board's action; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

June 1, 2017: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application and at the May 17<sup>th</sup> public hearing (see Attachment D).

### **BOARD OF ADJUSTMENT ACTION MAY 17, 2017**

**APPEARING IN FAVOR:** Jonathan Vinson, 2323 Ross Ave., #600, Dallas, TX  
Allison Howell, 7333 Valley View Lane, Dallas, TX  
Christopher Merthesue, 7333 Valley View Lane, Dallas, TX  
Brady Howell, 7333 Valley View Lane, Dallas, TX

**APPEARING IN OPPOSITION:** Lawrence Scubus, 13107 Tahoe Dr., Dallas, TX  
Thane Hayhurst, 13104 Tahoe Dr., Dallas, TX  
Rachel Knol, 13269 Meadowside Dr., Dallas, TX

### **MOTION: Beikman**

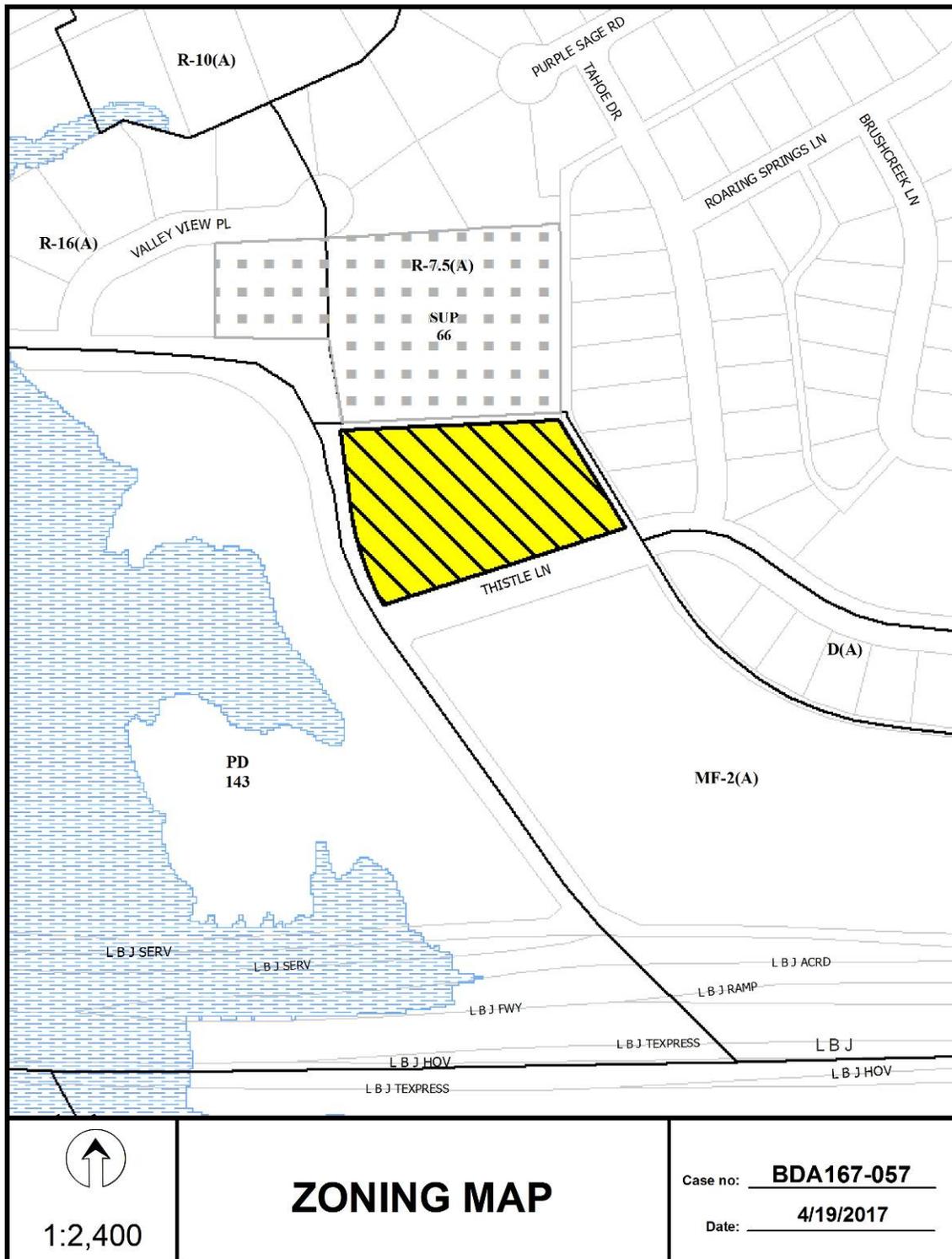
I move that the Board of Adjustment, in Appeal No. **BDA 167-057**, hold this matter under advisement until June 21, 2017.

SECONDED: **Shouse**

AYES: 4 – Hounsel, Beikman, Shouse, Lewis

NAYS: 1 - Carreon,

MOTION PASSED 4 – 1



1:2,400

# ZONING MAP

Case no: BDA167-057

Date: 4/19/2017



  
 1:2,400

# AERIAL MAP

Case no:     BDA167-057      
 Date:     4/19/2017

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

April 26, 2017

Via Scan/Email

Mr. David Cossum, Director, and City Staff  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 167-057; 7333 Valley View Lane.

Dear Members of the City Staff:

We are sending you this letter to explain the rationale for our request for a variance of 14 feet to the height regulations of the MF-2(A) zoning classification and the *Dallas Development Code*, for a very limited protrusion into the residential proximity slope on the project currently under way at 7333 Valley View Lane; how we meet the required variance standards; and to respectfully ask for your recommendation of approval of this variance request.

**I. The Site; Existing Conditions.** The request site consists of 1.473 acres of land addressed as 7333 Valley View Lane, on the north side of Thistle Lane at the northeast corner of Valley View Lane (the "Property"). The Property is owned by Urban Intown Homes, LLC, which received Building Permits and is under construction for a townhome-style residential development, consisting of Buildings 4, 5, 6, 7, 8, and 9 (some buildings are already completed and are not affected by this issue). The owner has so far expended a very large amount of funds for construction of the project, until construction was halted on Building 4 on direction from the City. However, our request applies to the entire site, that is, the project as depicted on the submitted Site Plan, as Buildings 7, 8, and 9 also appear to be affected.

Accompanying this letter are a zoning map excerpt (*Attachment A*) and an aerial photograph (*Attachment B*) to orient you to the Property. The Property is zoned MF-2(A). A series of photographs of the Property in its current condition are attached (*Attachment C*).

**II. Building Permit Issuance and Background.**

First, you should be aware that this project had been extensively reviewed and a Building Permit issued (April 12, 2016) well prior to the City's verbal notice to stop work on Building 4 on the Property (September 16, 2016).

April 26, 2017  
Page 2

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Several months subsequent to plan review and issuance of the Building Permit, it was determined on the part of City Staff, that a portion of the project as designed and permitted intruded into the residential proximity slope. However, this calculation appears to have been made on the basis of the lower grade (550' above MSL) on our Property rather than on the actual grade (558.5' above MSL) of the benefited property.

Sec. 51P-326.106(b)(6)(A) states that the residential proximity slope applies to structures over 26 feet in height, with the exceptions permitted in Sec. 51A-4.408(a)(2) being allowed to project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Under MF-2(A), the maximum allowable structure height is 36 feet, unless further restricted pursuant to the residential proximity slope.

To further orient you, our Site Plan is attached as *Attachment D* and an Elevation Exhibit is attached as *Attachment E*. The Elevation Exhibit, in particular, illustrates the varying interpretations which can be given to the applicable height regulations and the resulting differences in the alleged amount of protrusion into the residential proximity slope.

You can see from the various applicable regulations that there are several aspects of this situation which are difficult to interpret and, in fact, are subject to varying interpretations. This is borne out by the fact that the plans were initially thoroughly reviewed by the City Staff from November, 2015 to April, 2016. The timeline of predevelopment meetings, plan review, permit issuance, and other actions which relate to the subject of our variance request, is set forth below:

December 4, 2014:	Predevelopment meeting
November 24, 2015:	Submitted Building 4 plans
December 8, 2015:	First Q Team meeting (Building 4)
February 10, 2016:	Revised plans submitted per Q Team comments
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September 16, 2016:	City Staff verbally asks that construction stop
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January 30, 2017	Buildings 5-9 resubmitted
February 6, 2017:	Variance application filed under BDA 167-057

April 26, 2017  
Page 3

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### III. Height Variance Request.

We are asking for a variance to the applicable height regulations, specifically to the residential proximity slope regulations, to allow all of the Buildings as currently configured and shown on the Site Plan to be completed. A variance of 14 feet is necessary for this purpose (refer again to the Elevation Exhibit, *Attachment E*). There are several property hardship conditions which support the granting of our requested variance. These are the following:

A. Reliance on Issued Building Permit and Construction of Improvements. Our first hardship condition is the fact that Permits were issued by the City and on that basis, construction was commenced and very significant and expensive improvements were built and affixed to the Property. Specifically, a Building Permit was issued on April 12, 2016, and construction began on April 25. The project proceeded until the City directed on September 16, 2016, that work be halted.

B. Irregular Shape. As you can see, the Property is irregularly shaped, with the narrower end of the overall development site facing the property on the east (where the residential proximity slope issue has arisen), further increasing the site planning and development challenges of the Property.

C. Topography/Slope. The Property also has about 15 feet of fall from east to west, as per the December 15, 2014, Survey (*Attachment F*), and there is a large retaining wall on the east, about 8.5 feet in height, at the top of which the property benefited by the Residential Proximity Slope is situated, with an additional five foot setback from the property line of that property to the main structure.

D. Easement; Fire Lane. There is a 36 foot wide wastewater easement which bisects the Property and serves existing units, as well as existing fire lanes, none of which can be moved, further restricting development on the Property.

E. Two Front Yards; Lot Coverage. The Property has two front yards, the Valley View Lane frontage and the Thistle Lane frontage. The required front yard setback in MF-2(A) is 15 feet, and the maximum lot coverage is 60 percent, further significantly reducing the buildable area of this lot.

IV. How We Meet the Variance Standard. This variance request meets the property hardship standard mandated by the *Dallas Development Code* in several respects. First, the fact that a Building Permit was issued and extensive and very costly work already done on that basis, with Building 4 mostly completed, constitutes a property hardship condition. The fact that a Building Permit was issued, even if in error, and this amount of work done, is in no way the fault of the owner, whose architects believed that they were proceeding according to Code and more importantly, in reliance on the issued Building Permit.

April 26, 2017  
Page 4

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The improvements constructed on the Property in the location shown render the improvements as built to be a property hardship condition, that is, an existing physical characteristic of the Property. Obviously, these improvements cannot be modified to pull back under the residential proximity slope without extremely costly and impractical measures to do so.

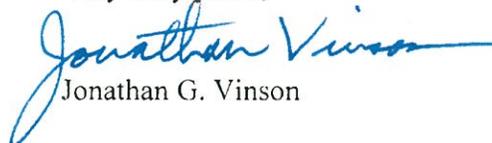
This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification. In fact, we would lose as many as two bedrooms per unit to the residential proximity slope, affecting approximately 11 of the units (in Buildings 4, 7, 8, and 9), the effect of which would therefore be extremely significant and would prevent development commensurate with other development in this zoning classification. Further, this situation was not self-created by the owner (recall that the City issued a Building Permit for the project) nor is it personal to the owner, nor is the variance requested for financial reasons only.

**V. The Public Interest.** Finally, the granting of this variance would not in any way be contrary to the public interest. Allowing this building to be completed in its current configuration will have absolutely no adverse impact on anyone else anywhere in the neighborhood. The Property is bounded by a large private school campus on the west, across Valley View Lane; a cemetery on the north; and a large, three-story multifamily complex on the south. Bear in mind that the MF-2(A) required rear yard setback is only 10 feet, so our setback from the 15 foot alley to the facade of our structure, which varies from about 49 feet to about 62 feet, is much better for the adjacent owners.

Further, the proposed development is entirely consistent with nearby development. In fact, approval of this variance will be in the public interest by allowing construction on the basis of this design, which is very respectful of adjacent properties and is very much in context with the neighborhood. The property is mostly surrounded by institutional (including a cemetery on the north, so very unlikely to ever be redeveloped) and multifamily uses.

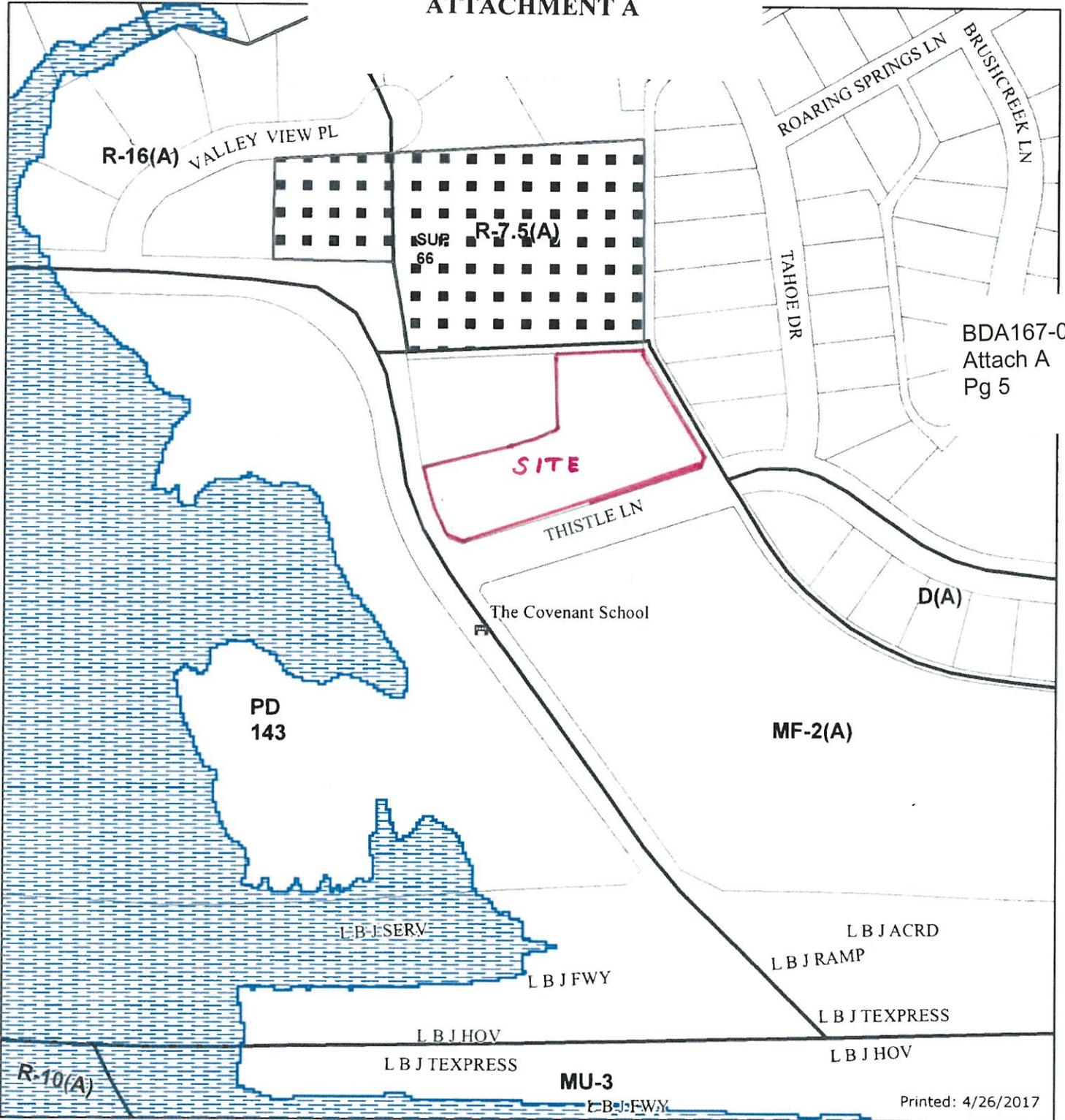
**VI. Conclusion.** Thank you very much for your consideration of our points. We respectfully ask, on the basis of all of our foregoing points, that the City Staff make a recommendation of *approval* of our height variance request to Panel B of the Board of Adjustment. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Brian East  
Audra Buckley  
Suzan Kedron

# ATTACHMENT A



BDA167-057  
Attach A  
Pg 5

Printed: 4/26/2017

## Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Floodplain</b>    | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    | 5-13                       |

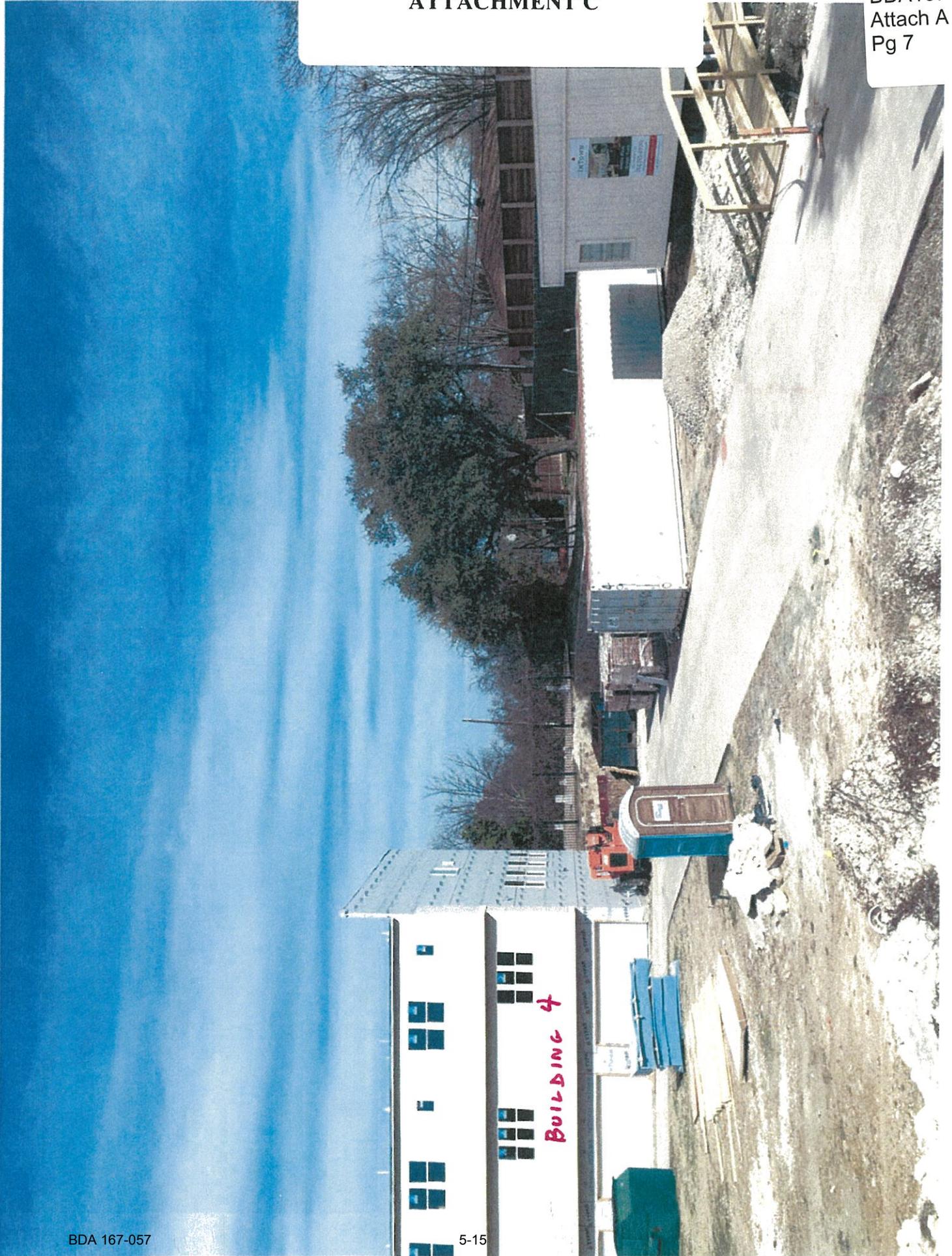
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



ATTACHMENT B

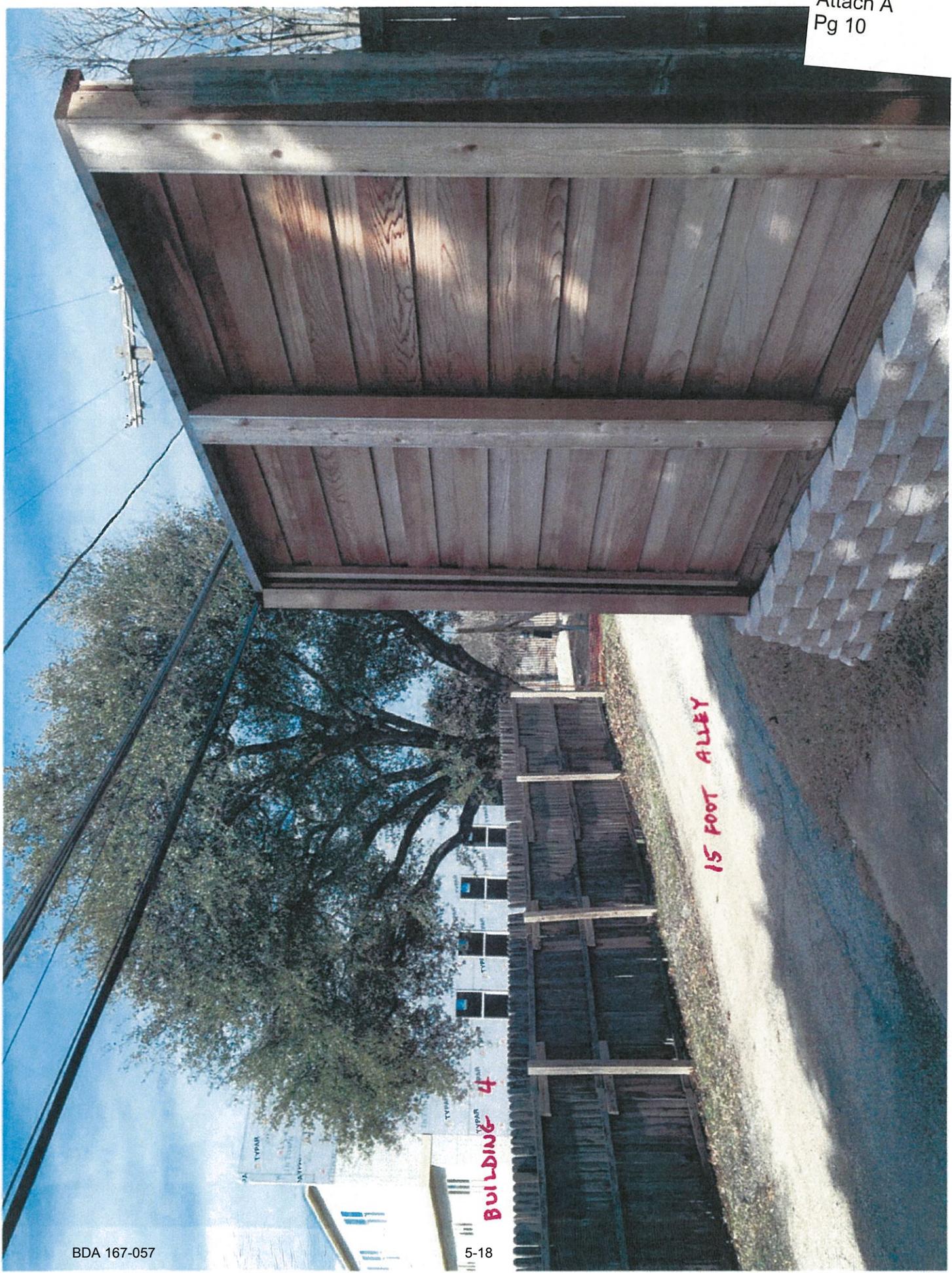
BDA167-057  
Attach A  
Pg 6







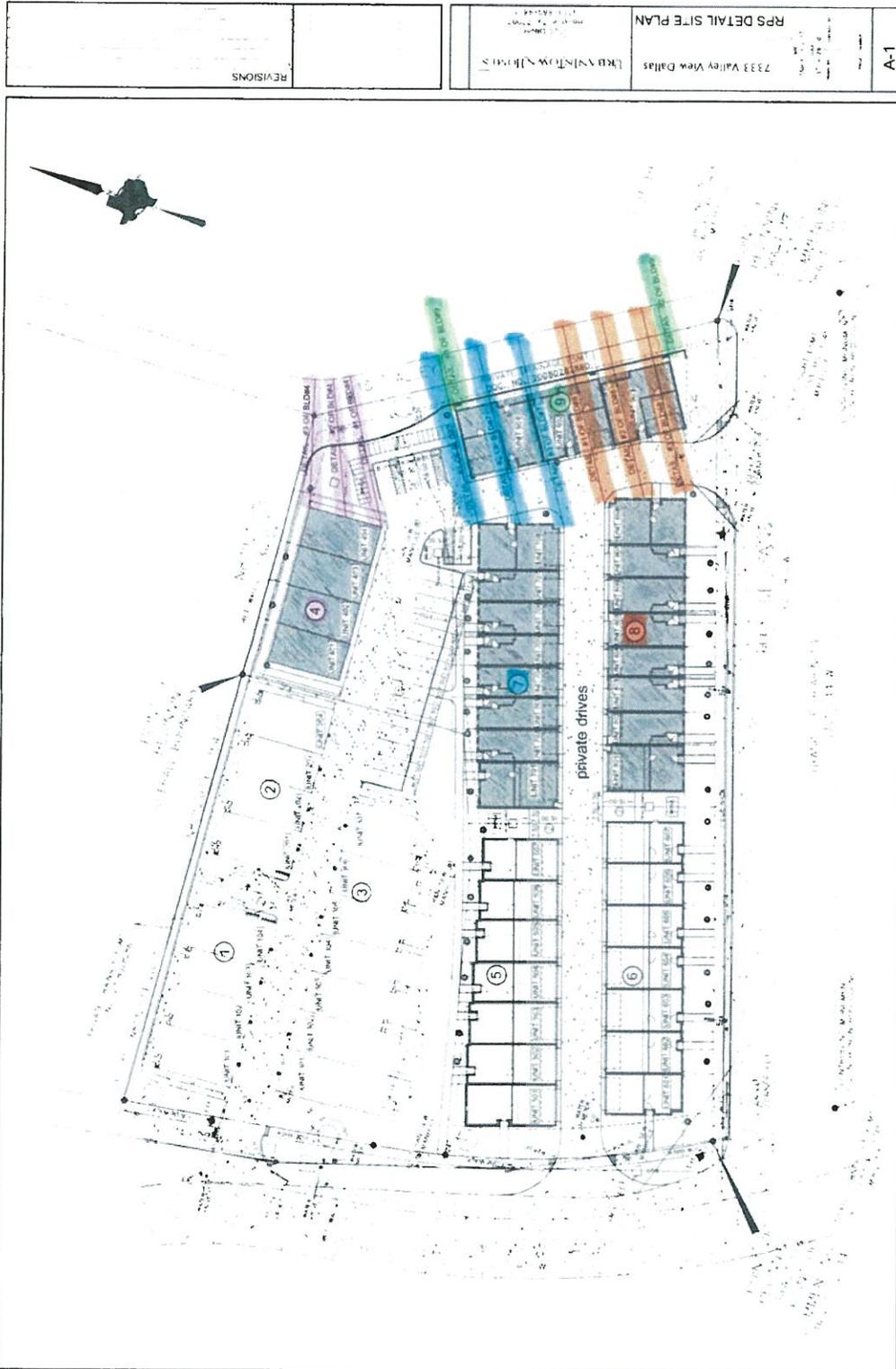






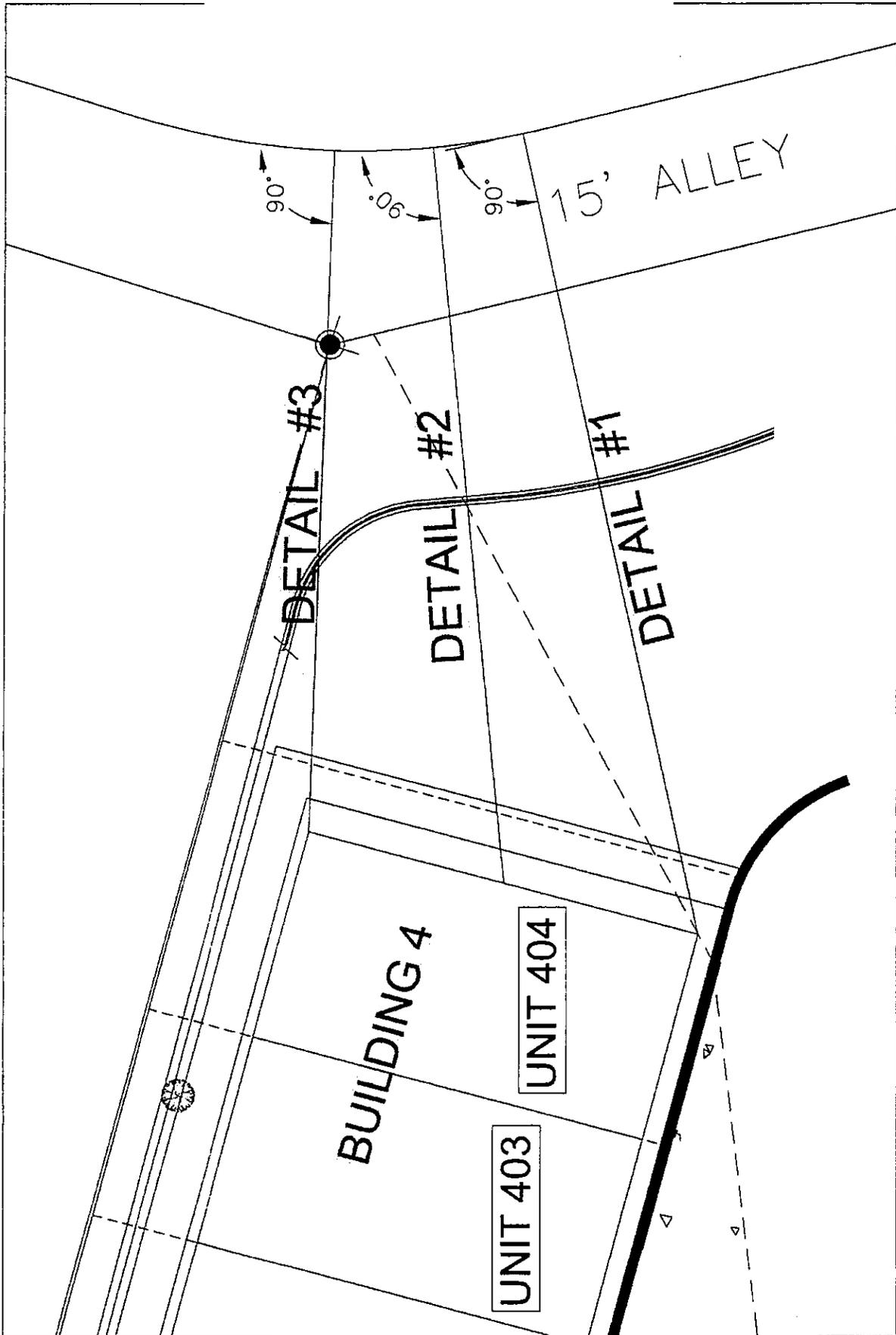
# ATTACHMENT D

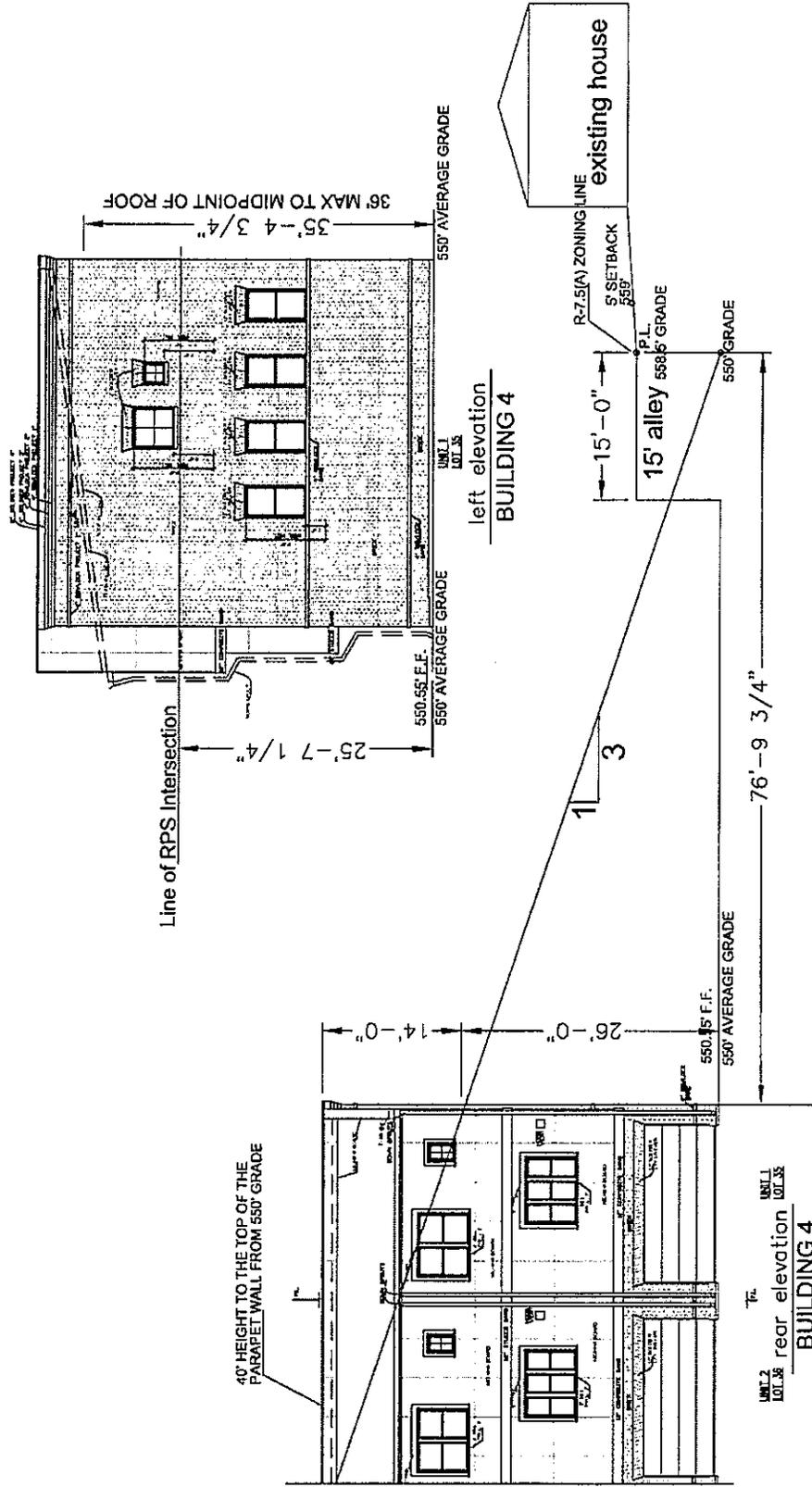
BDA167-057  
Attach A  
Pg 12



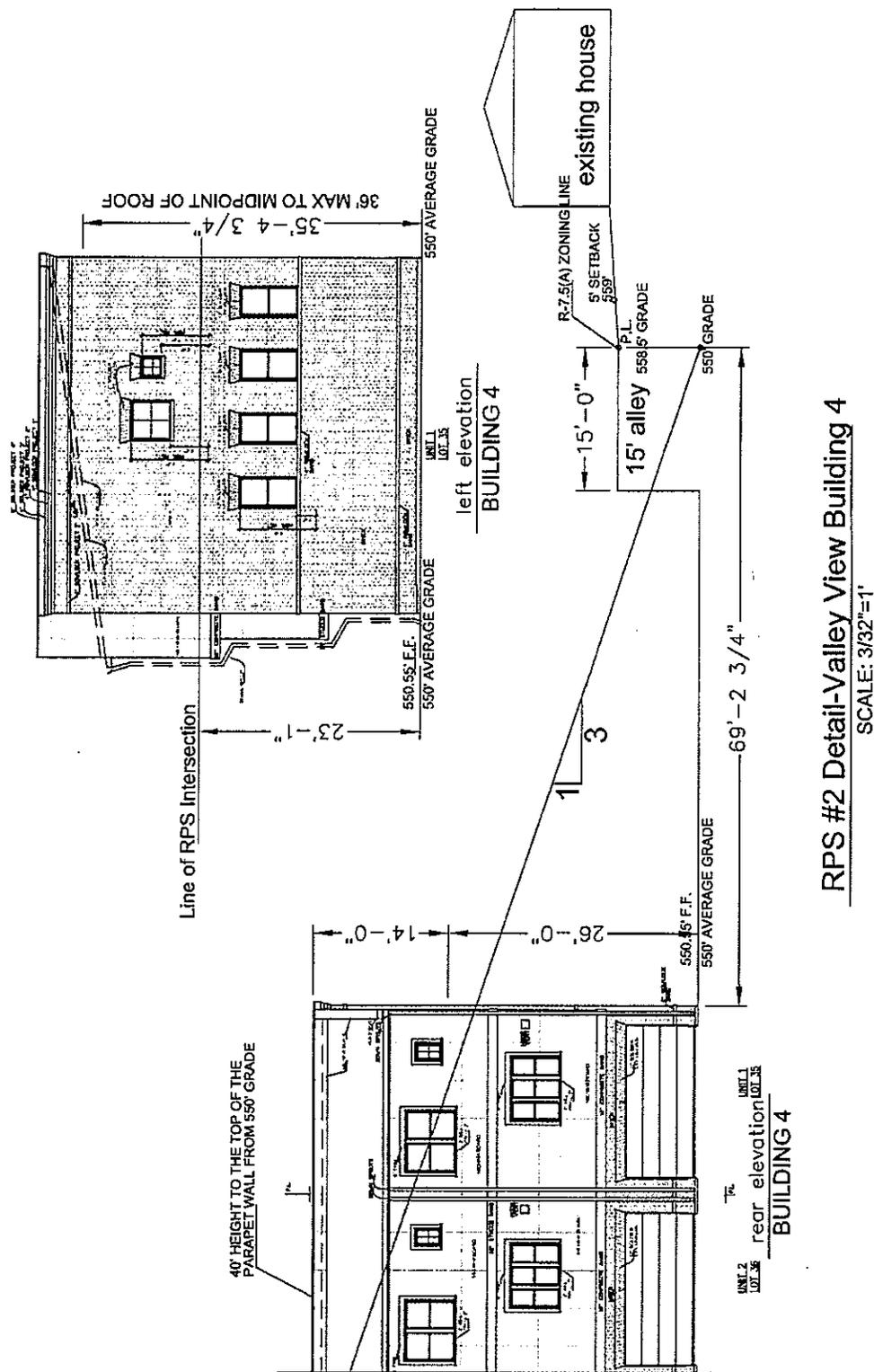
ATTACHMENT E

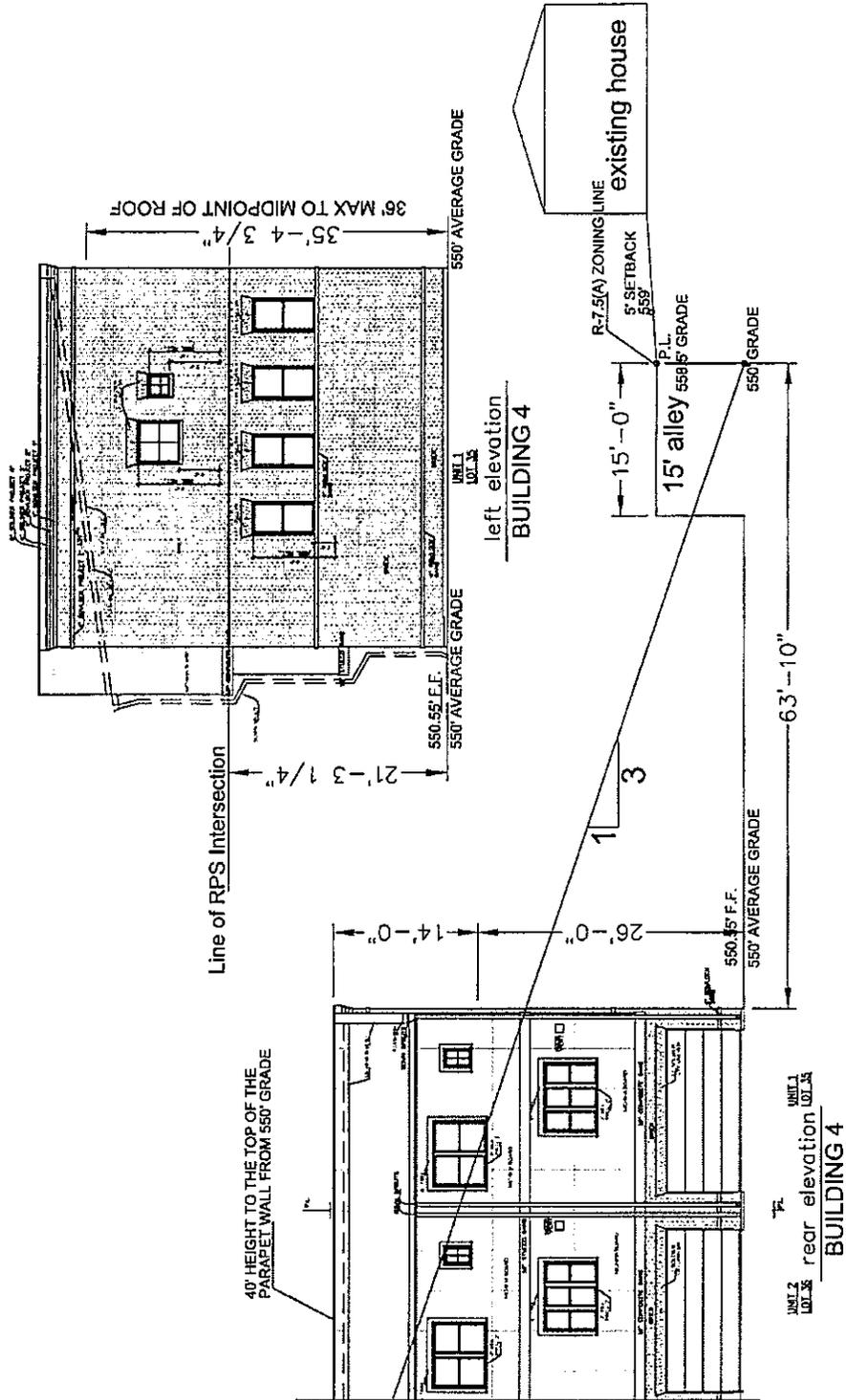
BDA167-057  
Attach A  
Pg 13





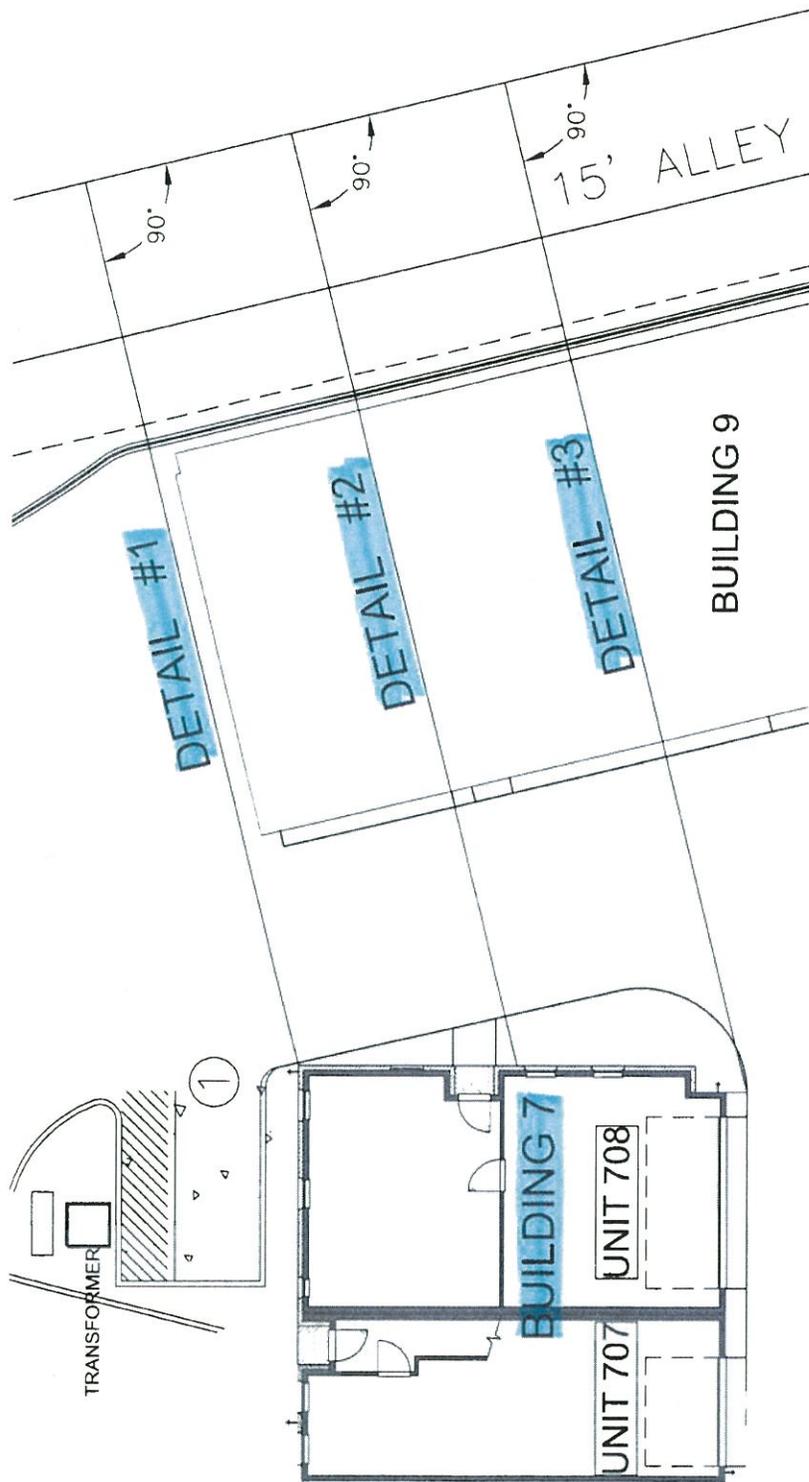
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 SCALE: 3/32"=1'

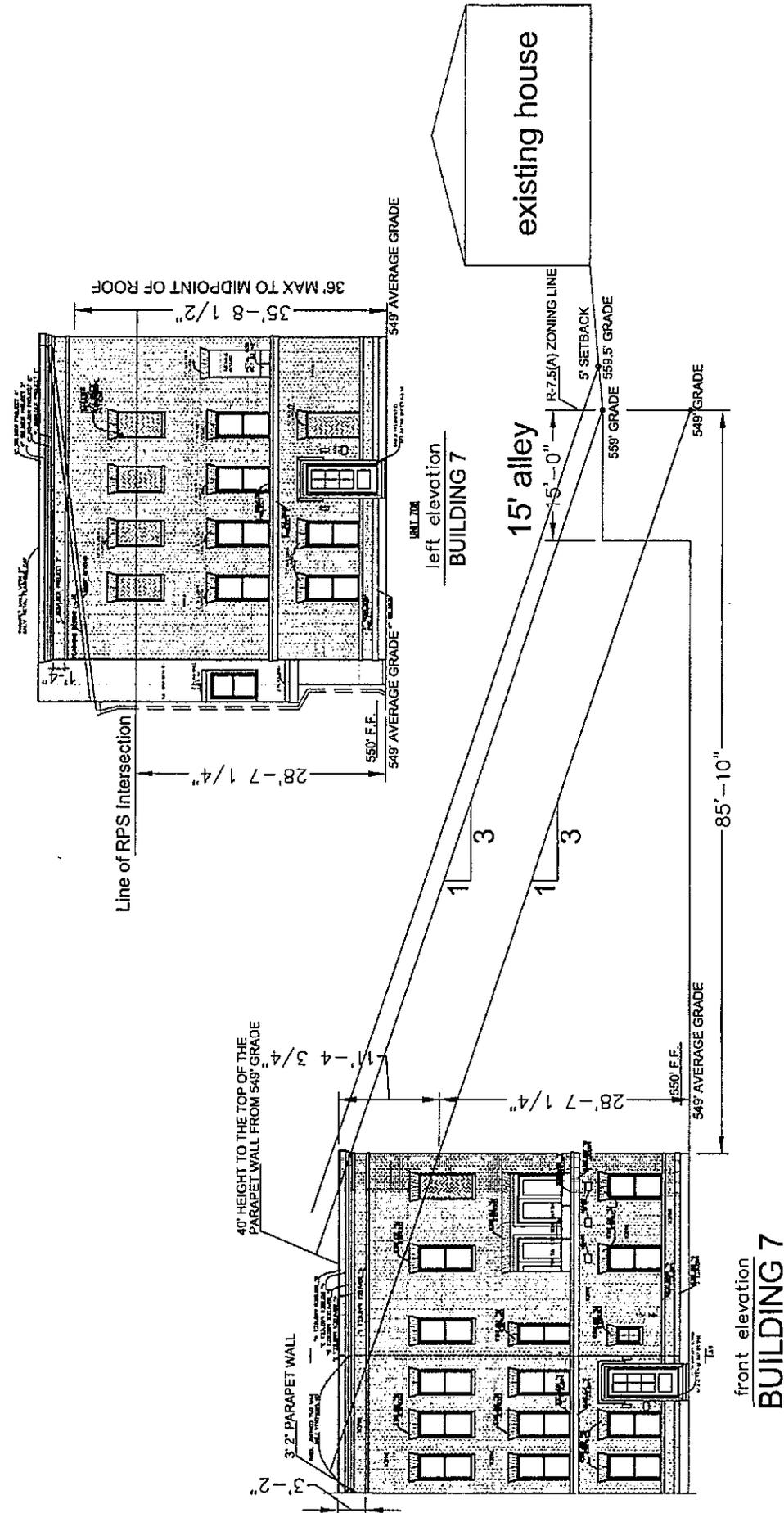




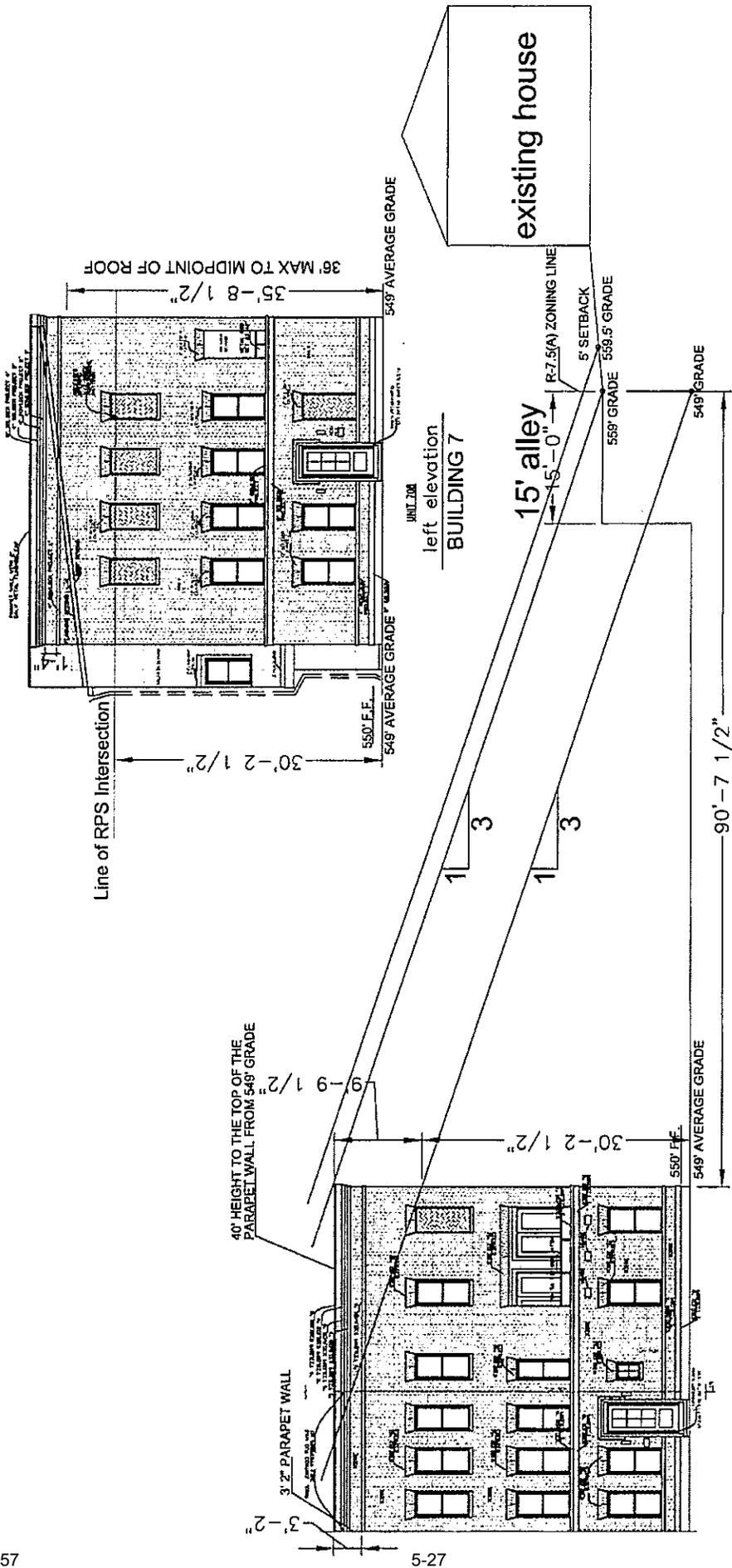
RPS #3 Detail-Valley View Building 4

SCALE: 3/32"=1'

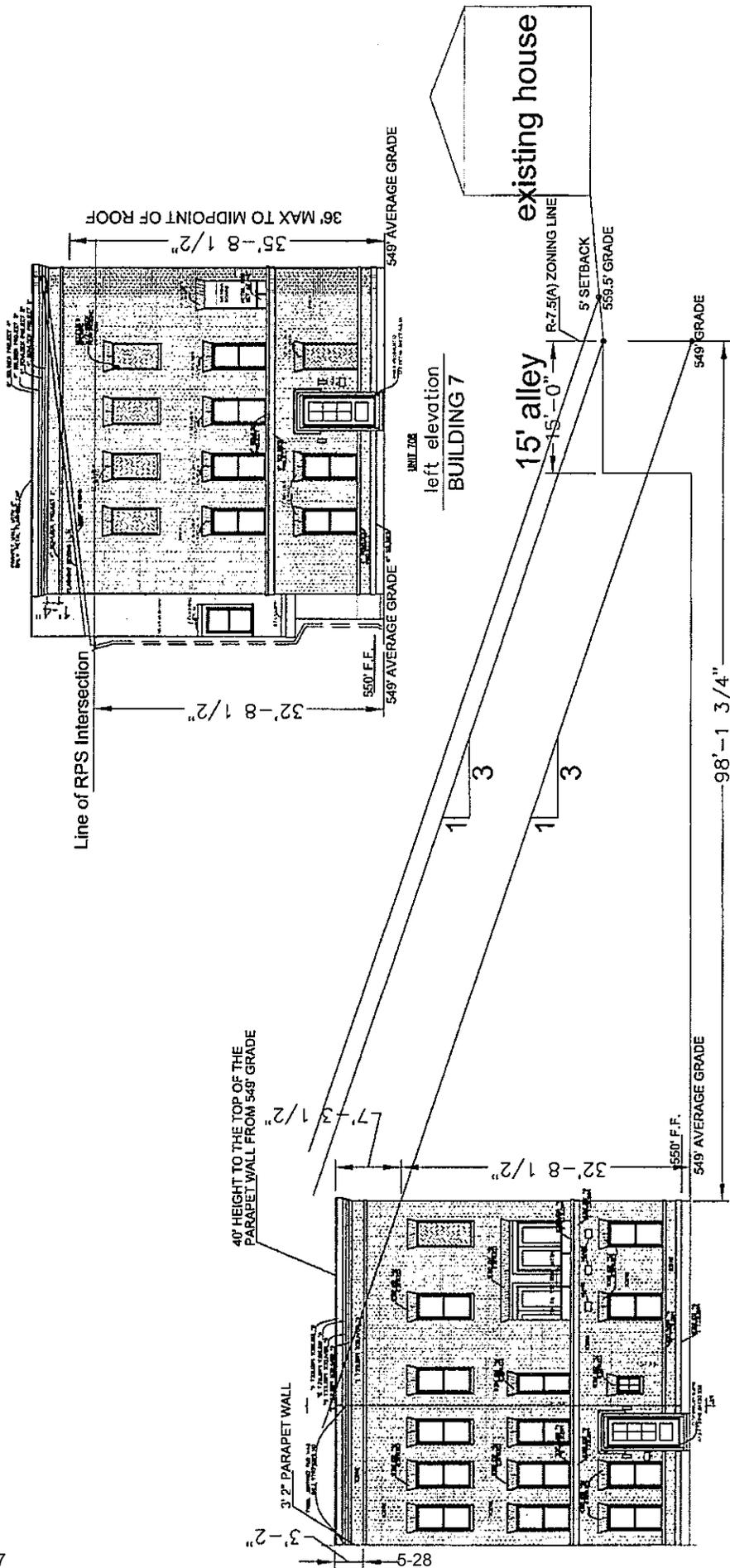




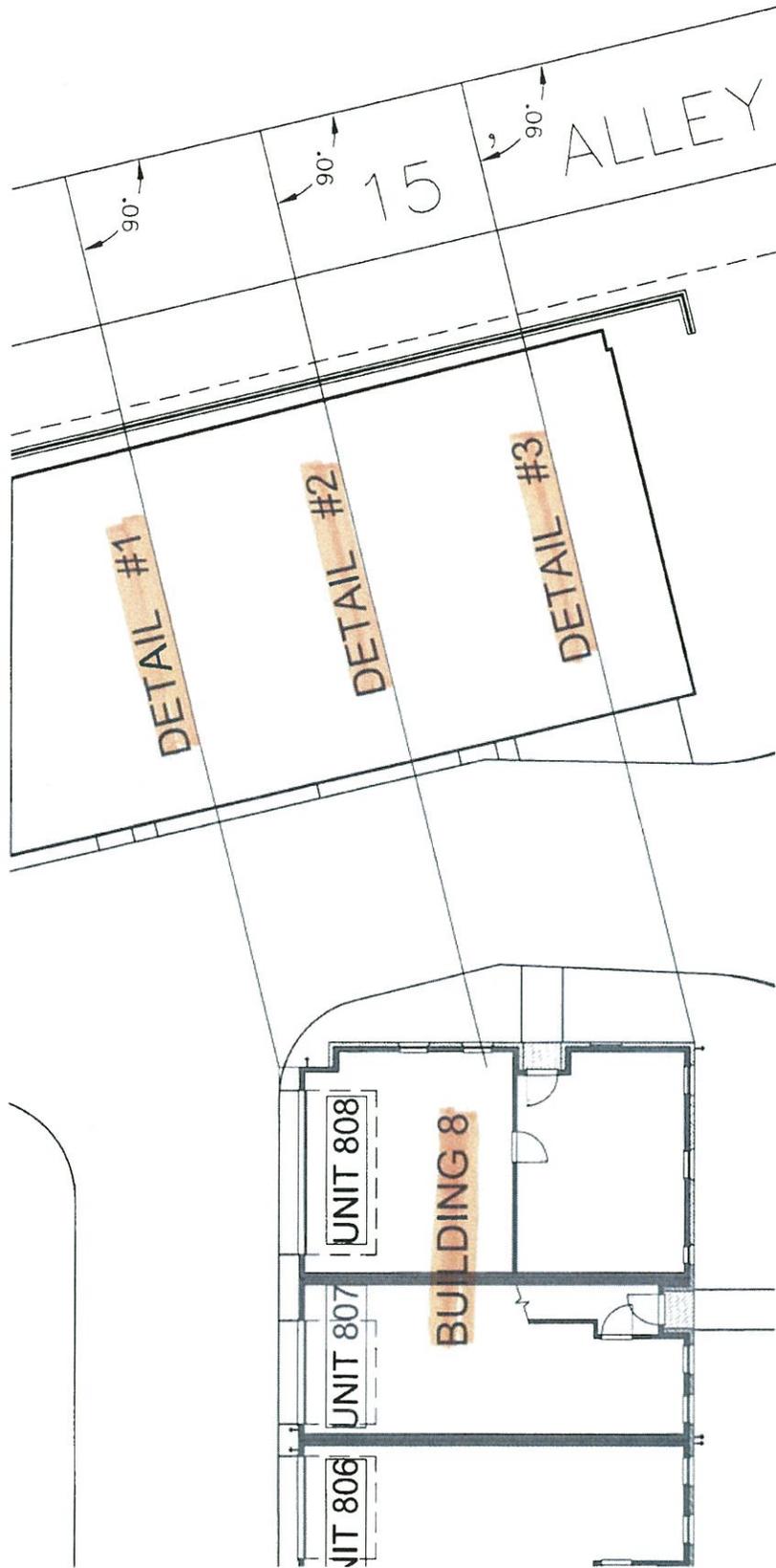
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 SCALE: 3/32"=1'

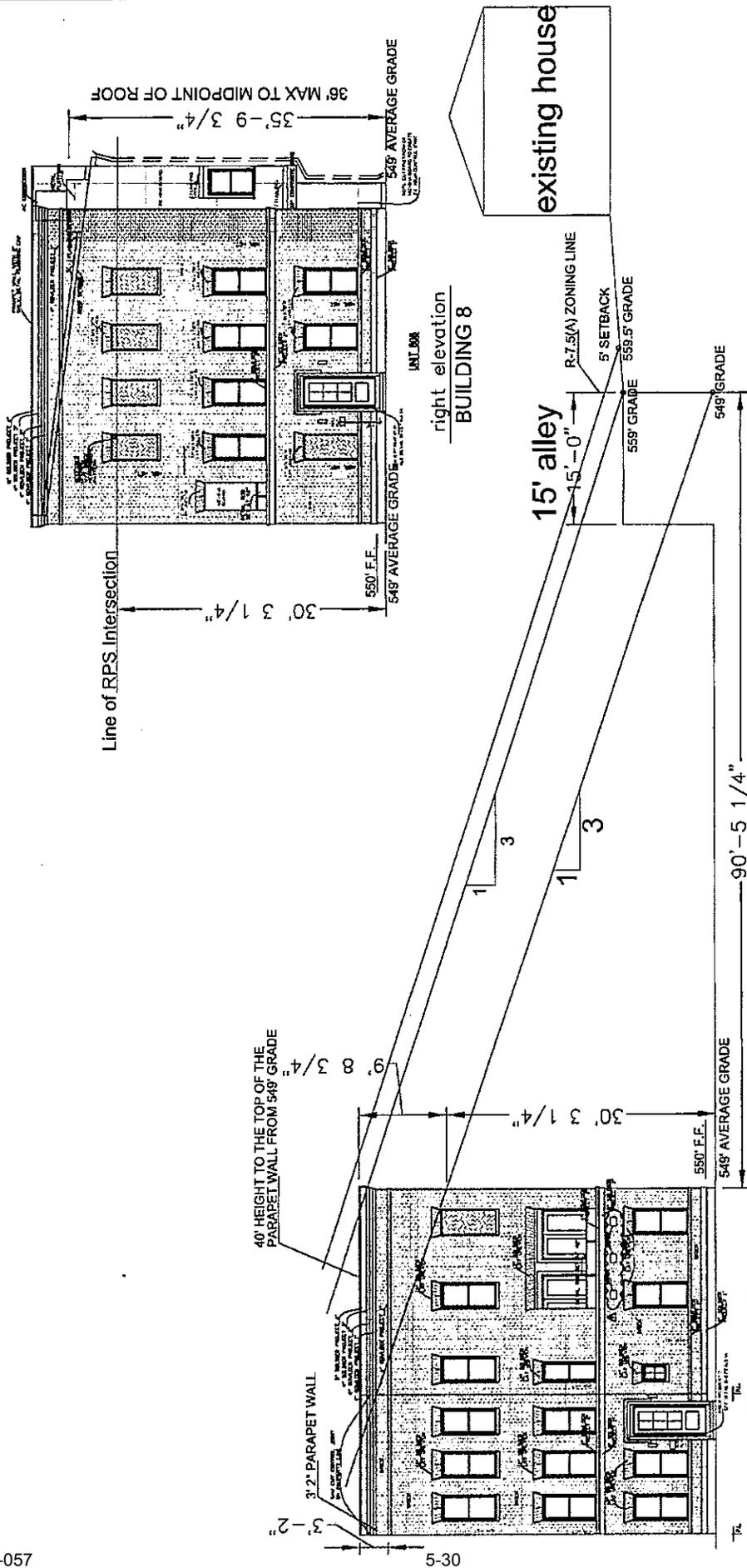


RPS #1 Detail-Valley View Building 7  
 SCALE: 3/32"=1'



RPS #1 Detail-Valley View Building 7  
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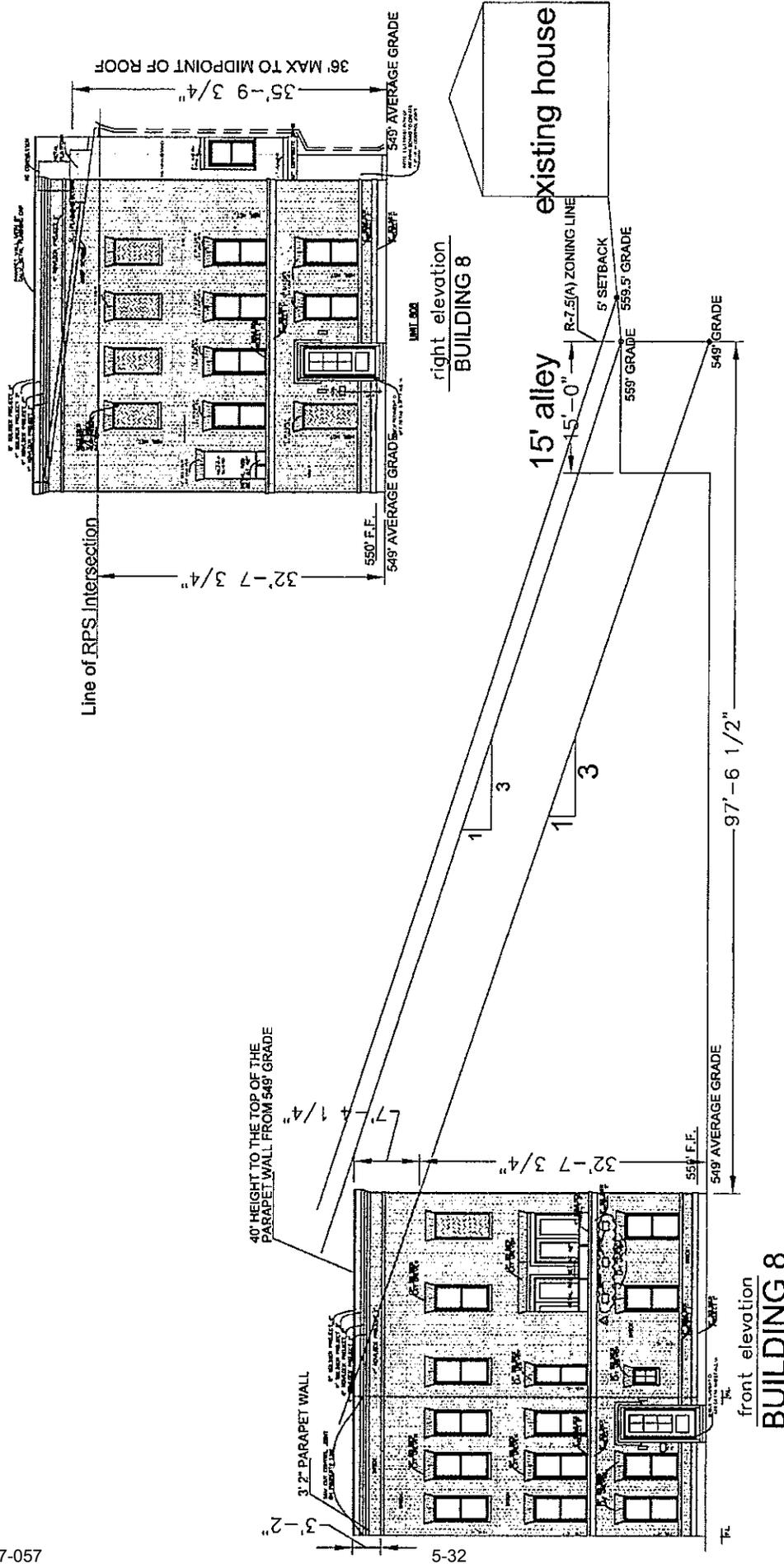




# RPS #1 Detail-Valley View Building 8

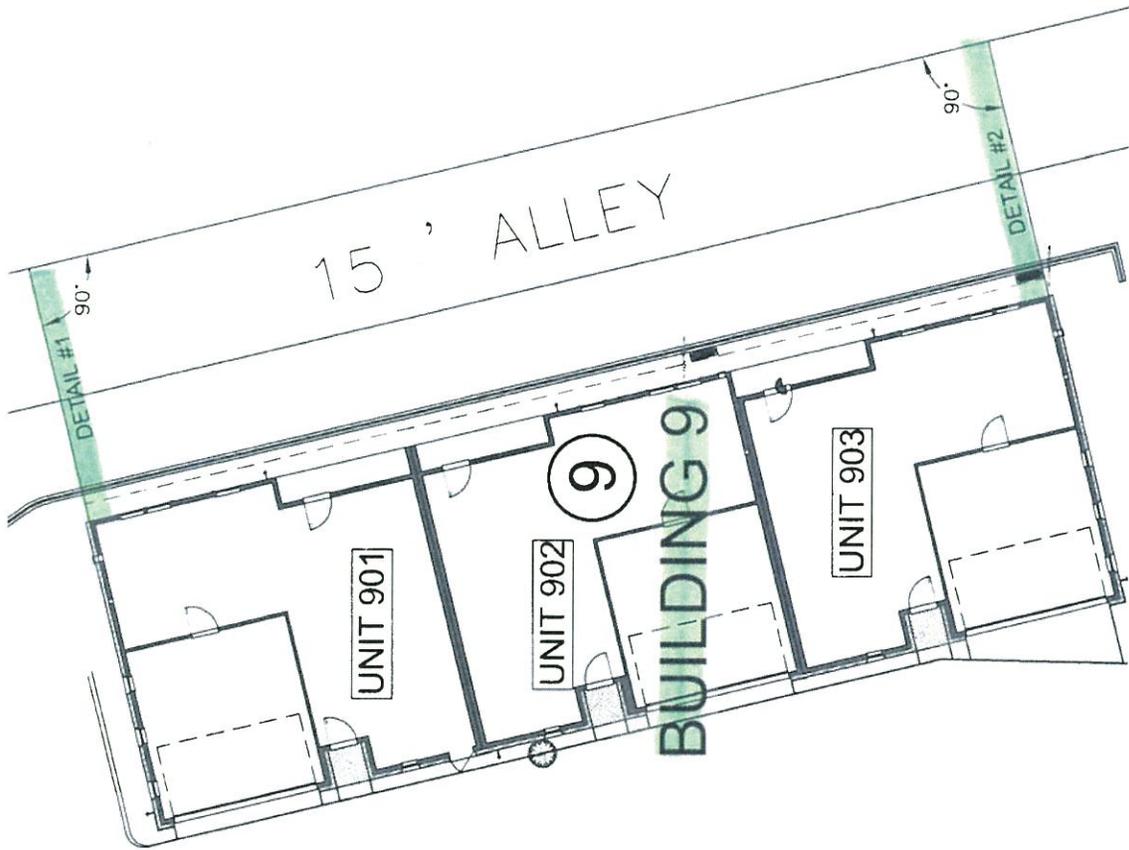
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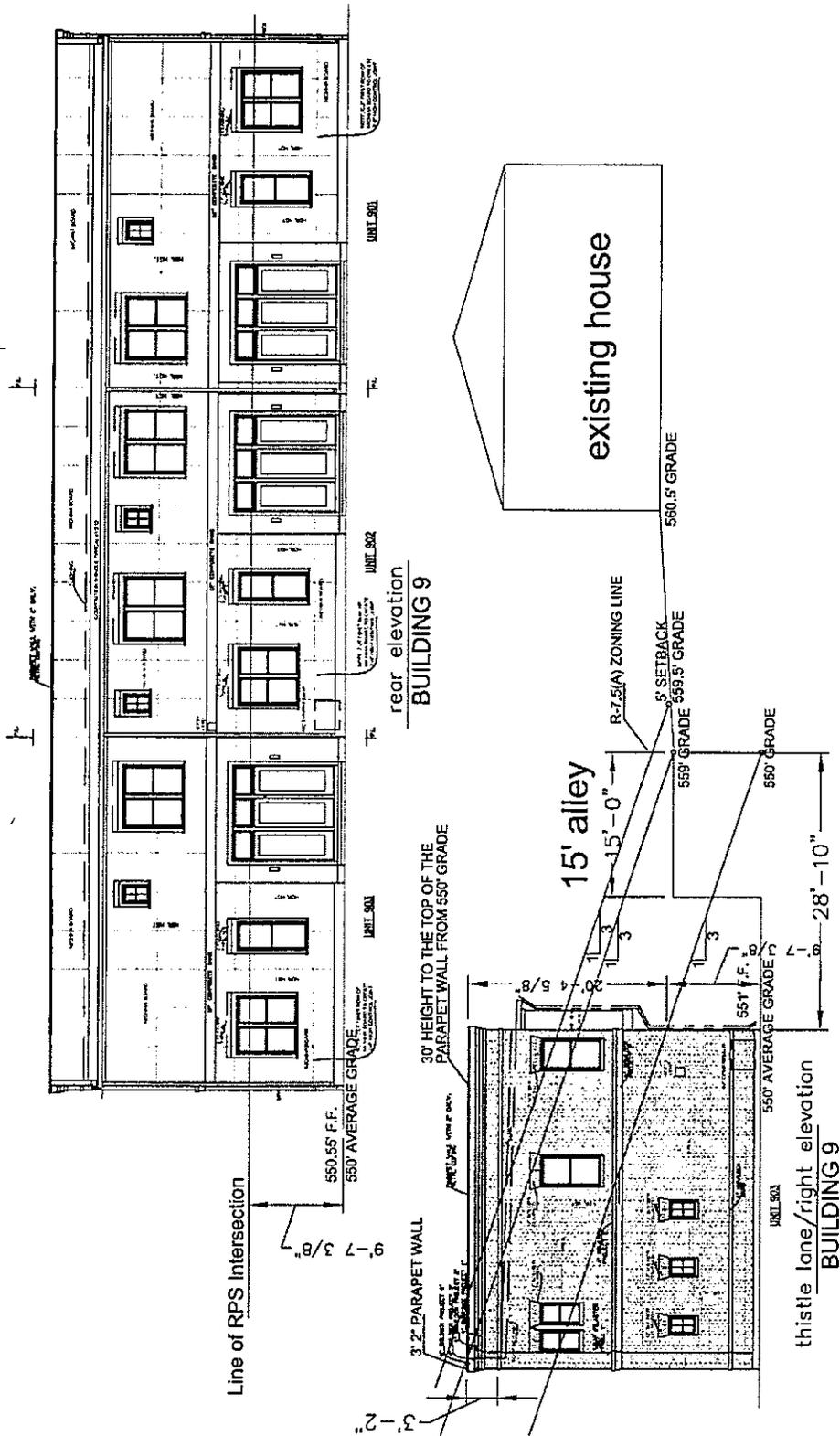




RPS #1 Detail-Valley View Building 8

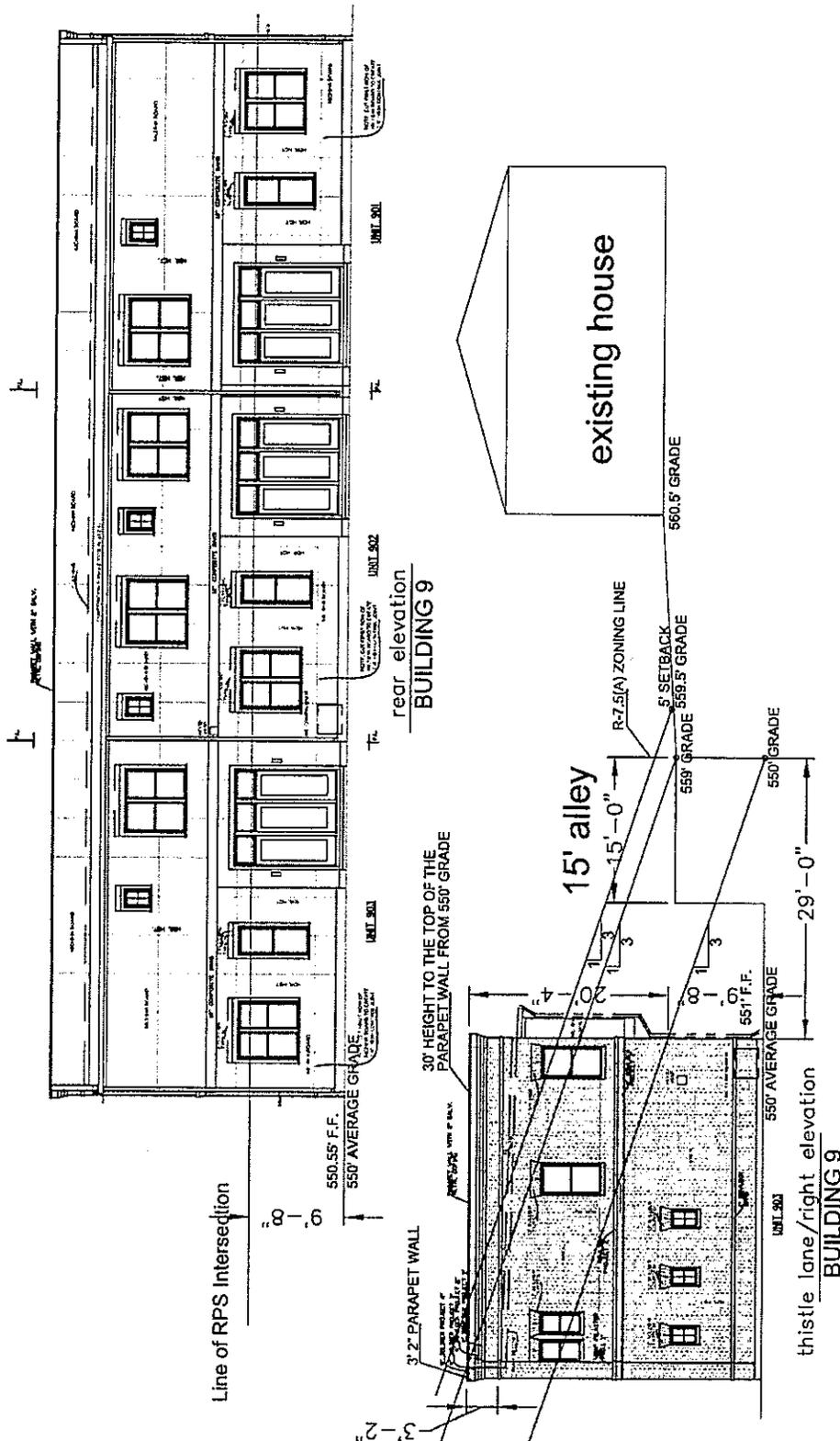
SCALE: 3/32"=1'





RPS Detail #1-building 9

SCALE: 3/32"=1'



**RPS Detail #2-building 9**

SCALE: 3/32"=1'



BDA 167-057  
A Buckley B  
PS1

**Long, Steve**

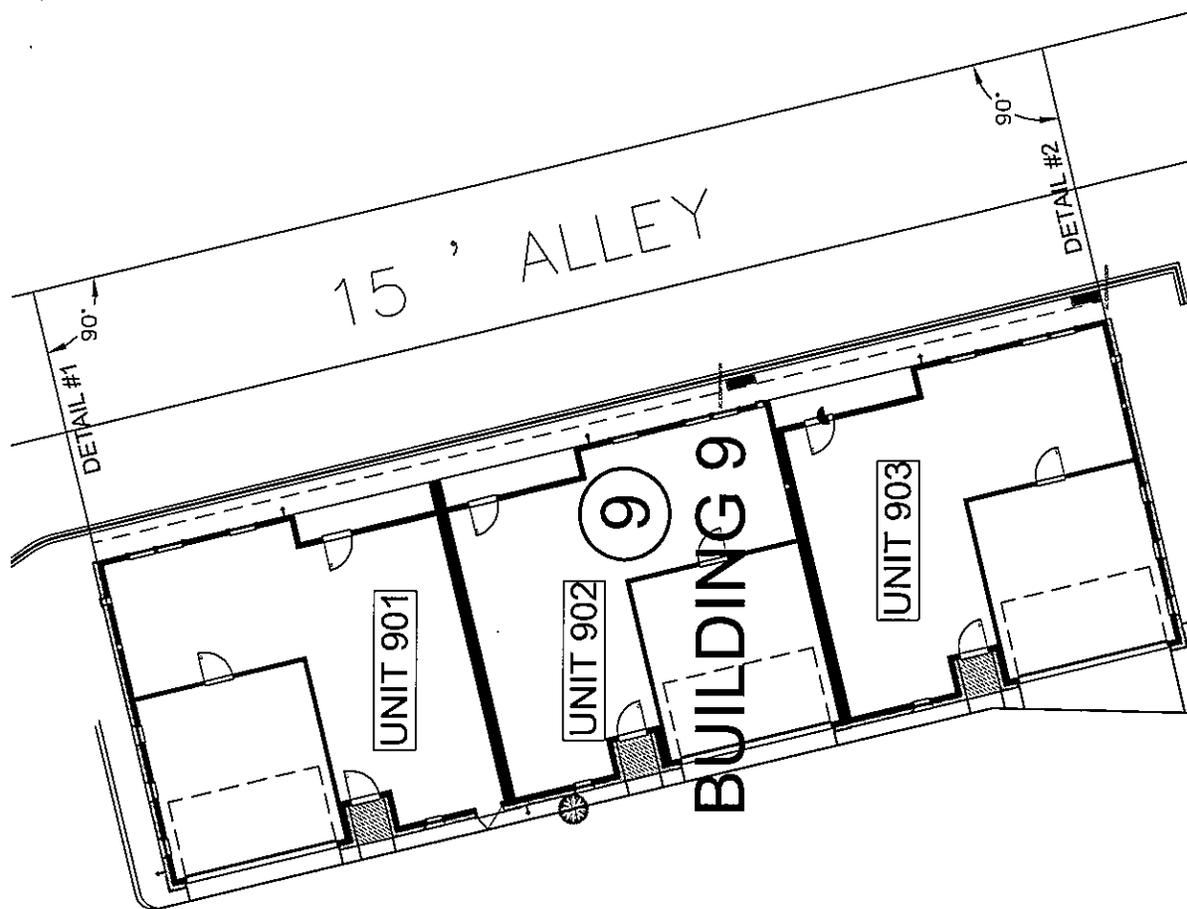
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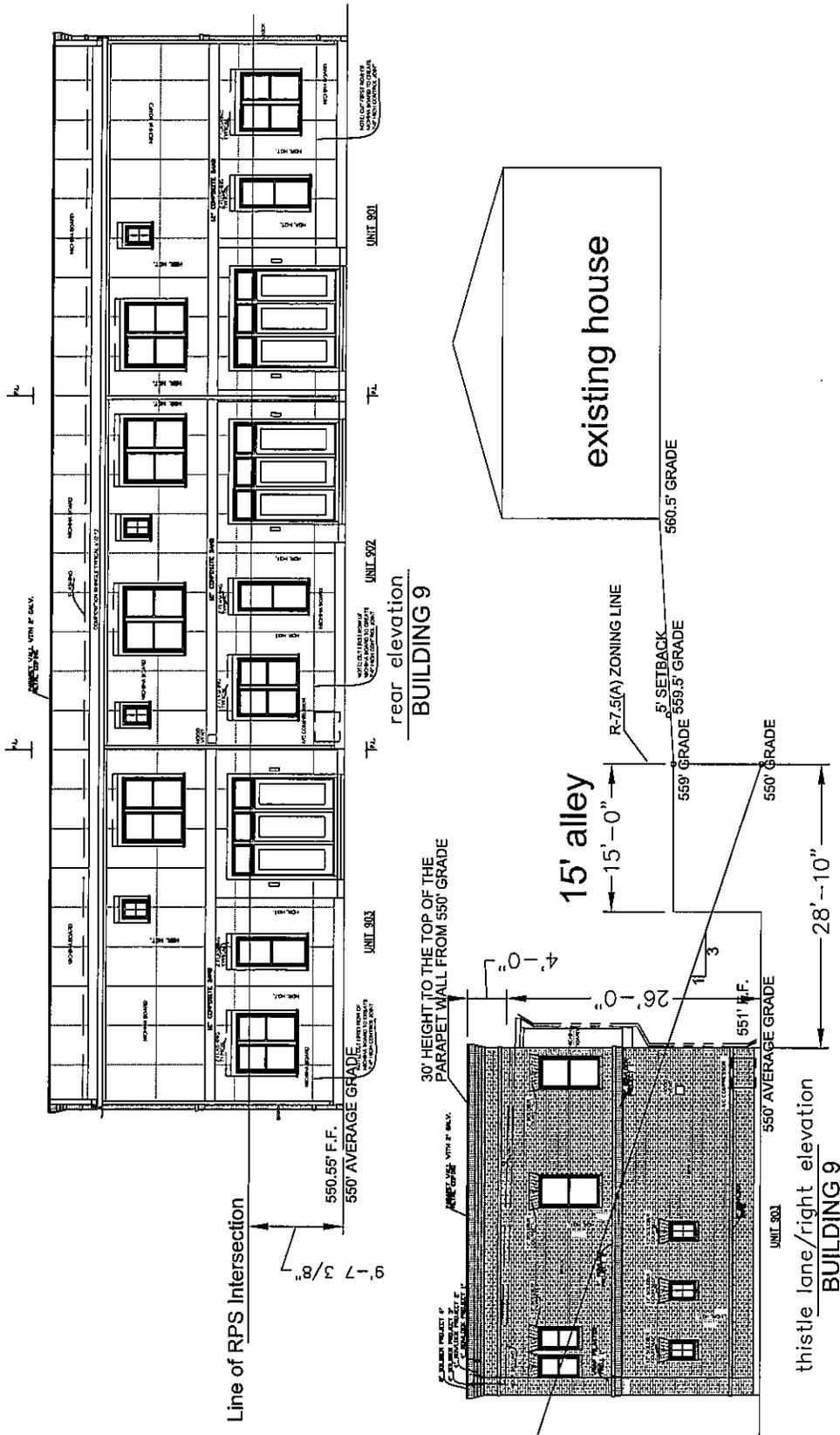
**From:** Audra Buckley <permitteddevelopment@tx.rr.com>  
**Sent:** Monday, May 01, 2017 1:22 AM  
**To:** Long, Steve  
**Subject:** BDA167-057, Property at 7333 Valley View Lane - bldg 9  
**Attachments:** RPS DETAIL-Building 9.pdf  
  
**Importance:** High

Here are revised drawings for Building 9. Variance of 4' needed. I will have 3 sets delivered this afternoon.

Audra Buckley, Land Planner/Project Manager  
Permitted Development  
416 S Ervay Street  
Dallas, TX 75201  
214-686-3635  
<http://www.permitteddevelopmentdfw.com>

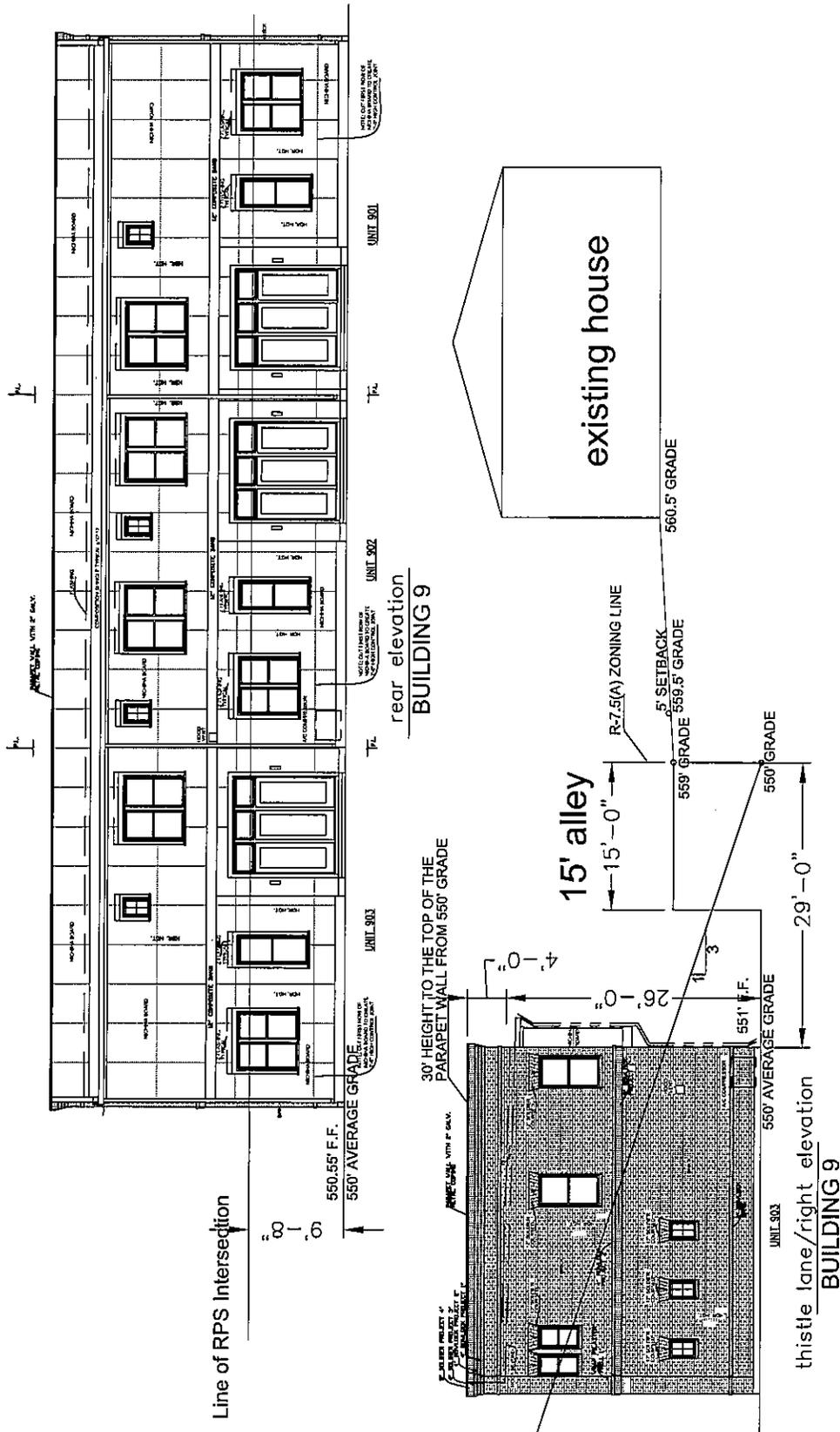
BDA167-057  
Attach B  
Pg 2





# RPS Detail #1-building 9

SCALE: 3/32"=1'



# RPS Detail #2-building 9

SCALE: 3/32"=1'

BDA 167-057  
Attach B  
pg 5

**Long, Steve**

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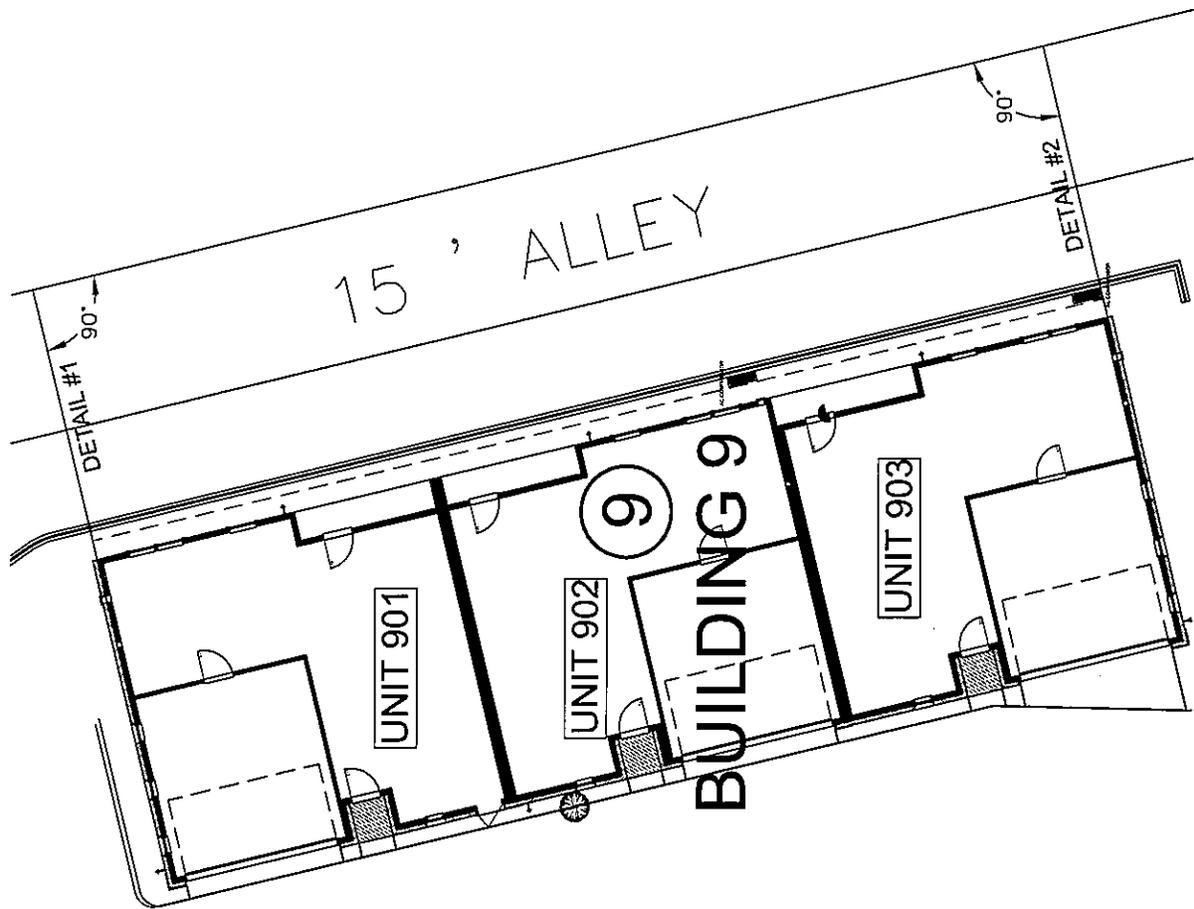
**From:** Audra Buckley <permitteddevelopment@tx.rr.com>  
**Sent:** Monday, May 01, 2017 1:35 AM  
**To:** Long, Steve; Duerksen, Todd  
**Subject:** FW: BDA167-057, Property at 7333 Valley View Lane - bldg 9  
**Attachments:** RPS DETAIL-Building 9.pdf

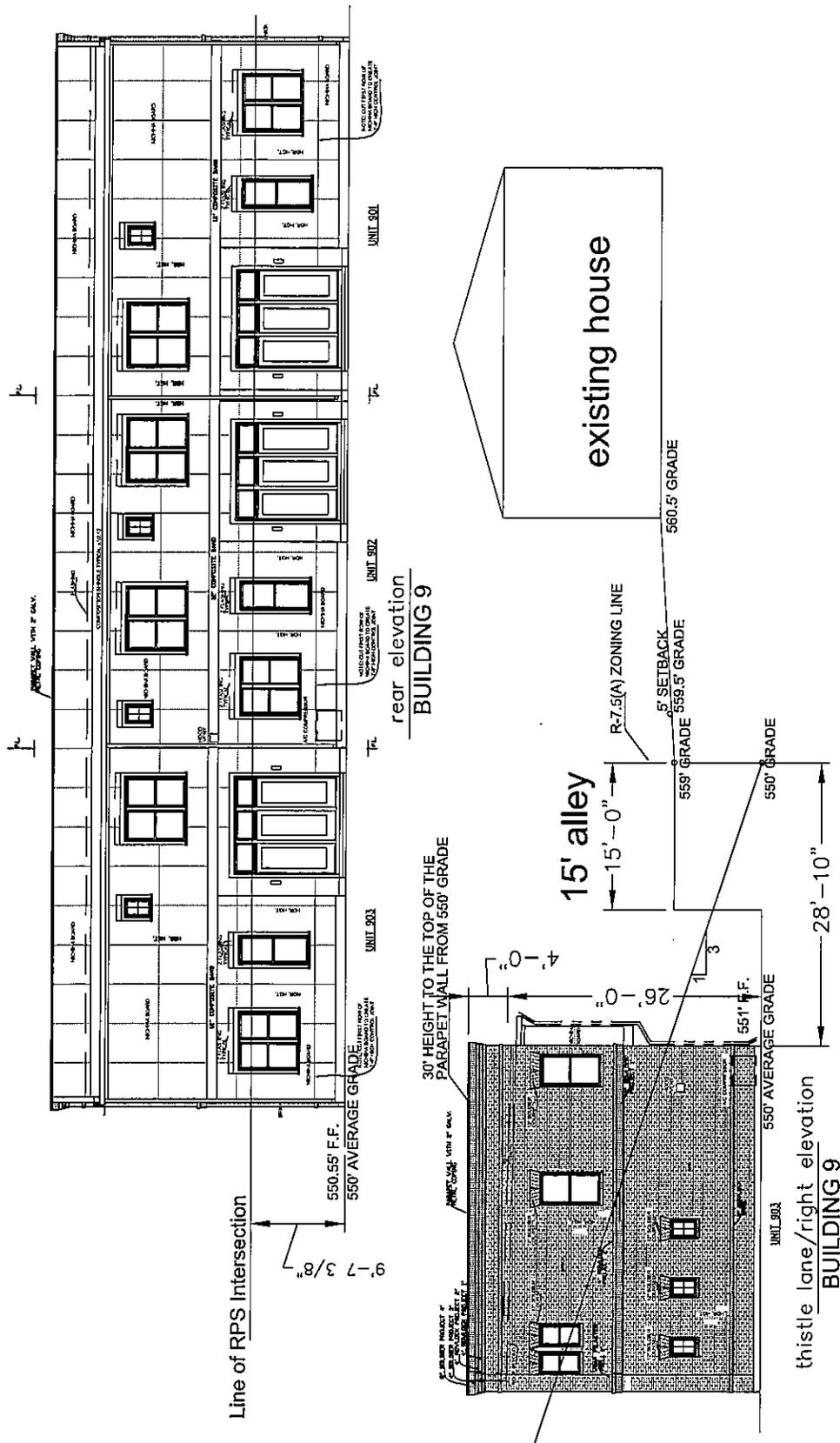
**Importance:** High

Here are revised drawings for Building 9. Variance of 4' needed. I will have 3 sets delivered this afternoon to city hall and one to OCMC.

Audra Buckley, Land Planner/Project Manager  
Permitted Development  
416 S Ervay Street  
Dallas, TX 75201  
214-686-3635  
<http://www.permitteddevelopmentdfw.com>

BDA 167-057  
Attach B  
PS 4

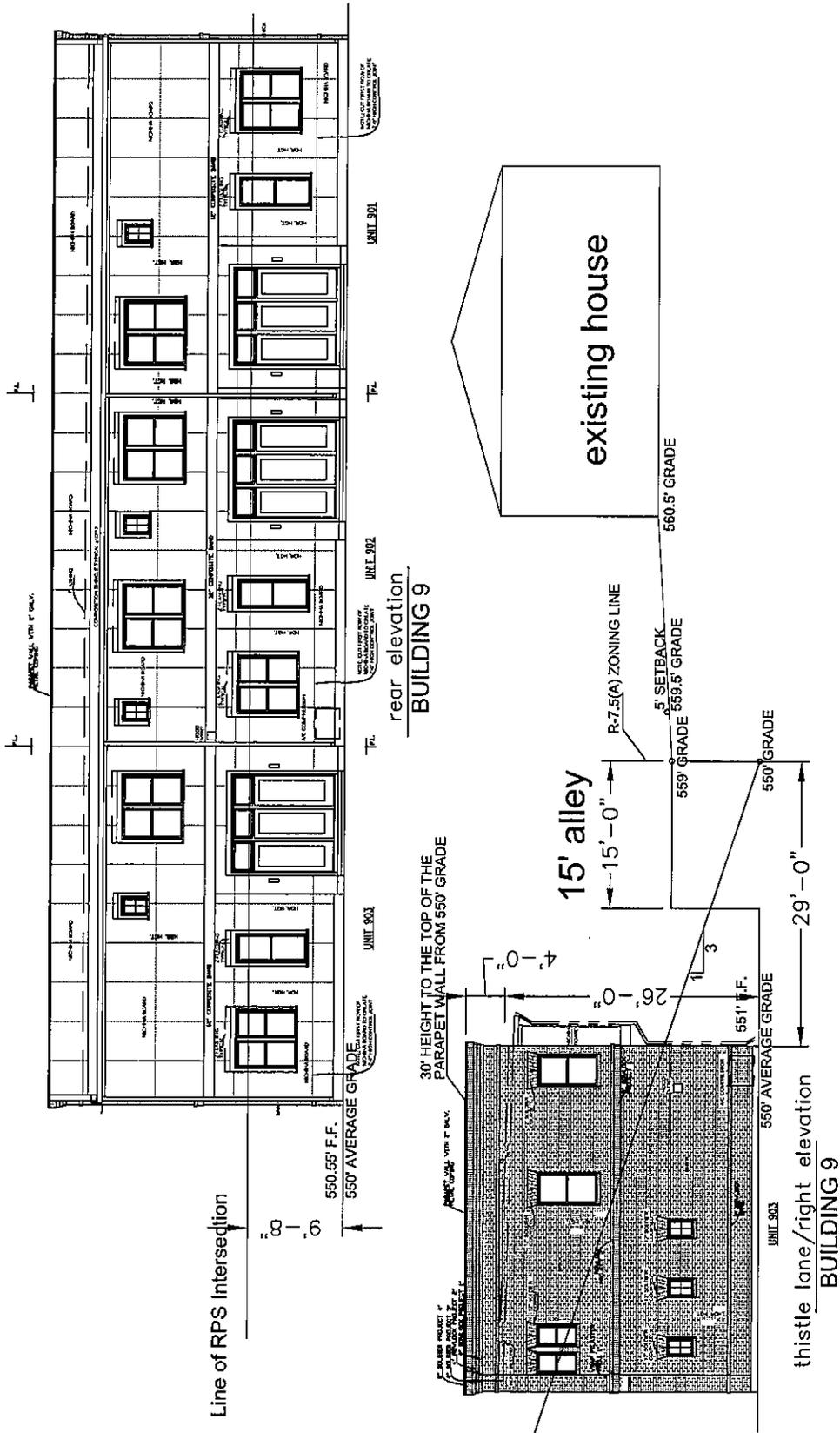




RPS Detail #1-building 9

SCALE: 3/32"=1'

BDA 167-057  
 Attach B  
 P5 B



# RPS Detail #2-building 9

SCALE: 3/32"=1'

BDA167-057  
Attach B  
PS 9

**Long, Steve**

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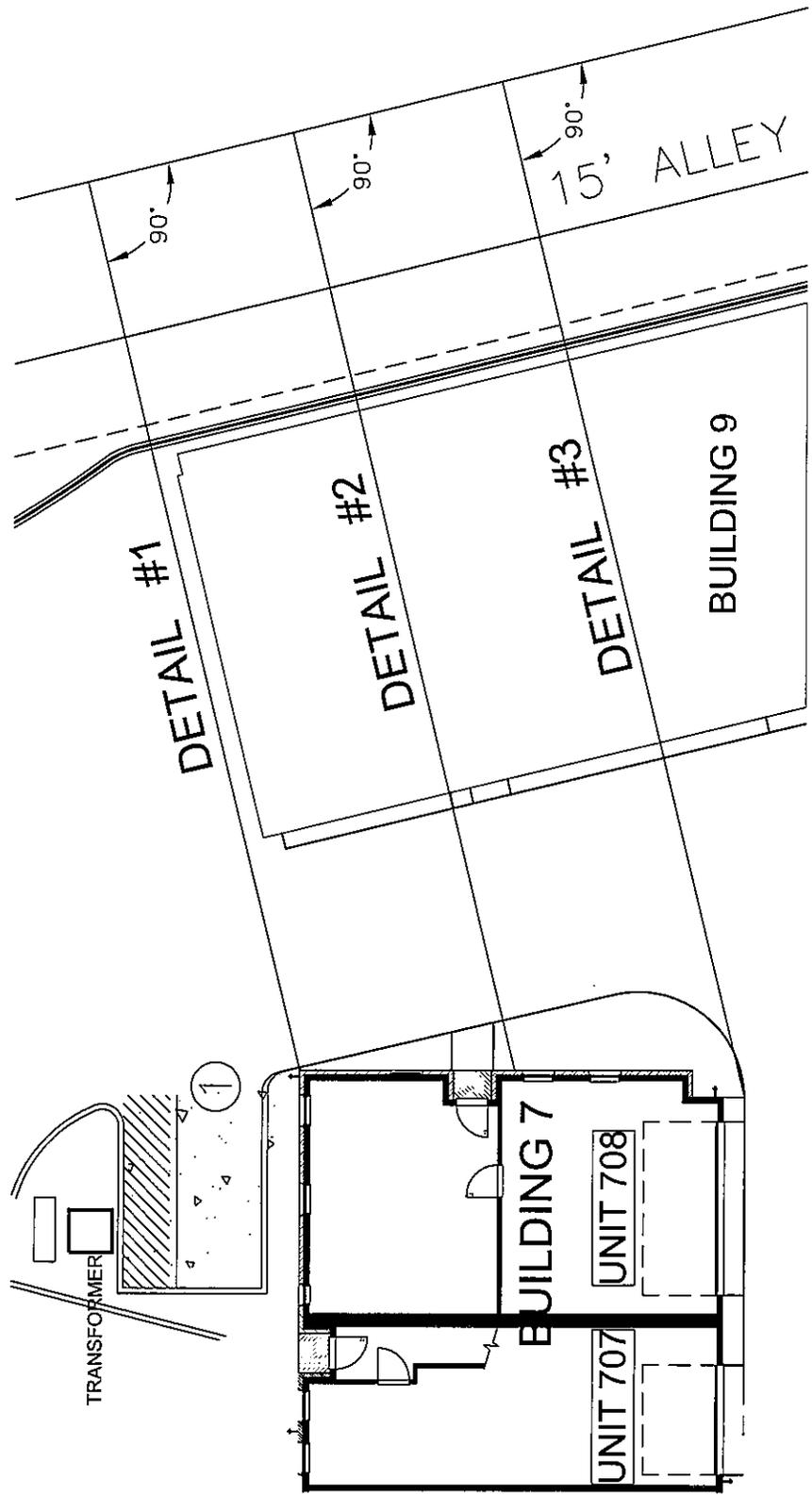
**From:** Audra Buckley <permitteddevelopment@tx.rr.com>  
**Sent:** Monday, May 01, 2017 2:24 AM  
**To:** Long, Steve; Duerksen, Todd  
**Subject:** BDA167-057, Property at 7333 Valley View Lane - Buildings 7 & 8  
**Attachments:** RPS DETAIL-Building 7+Building 8.pdf

**Importance:** High

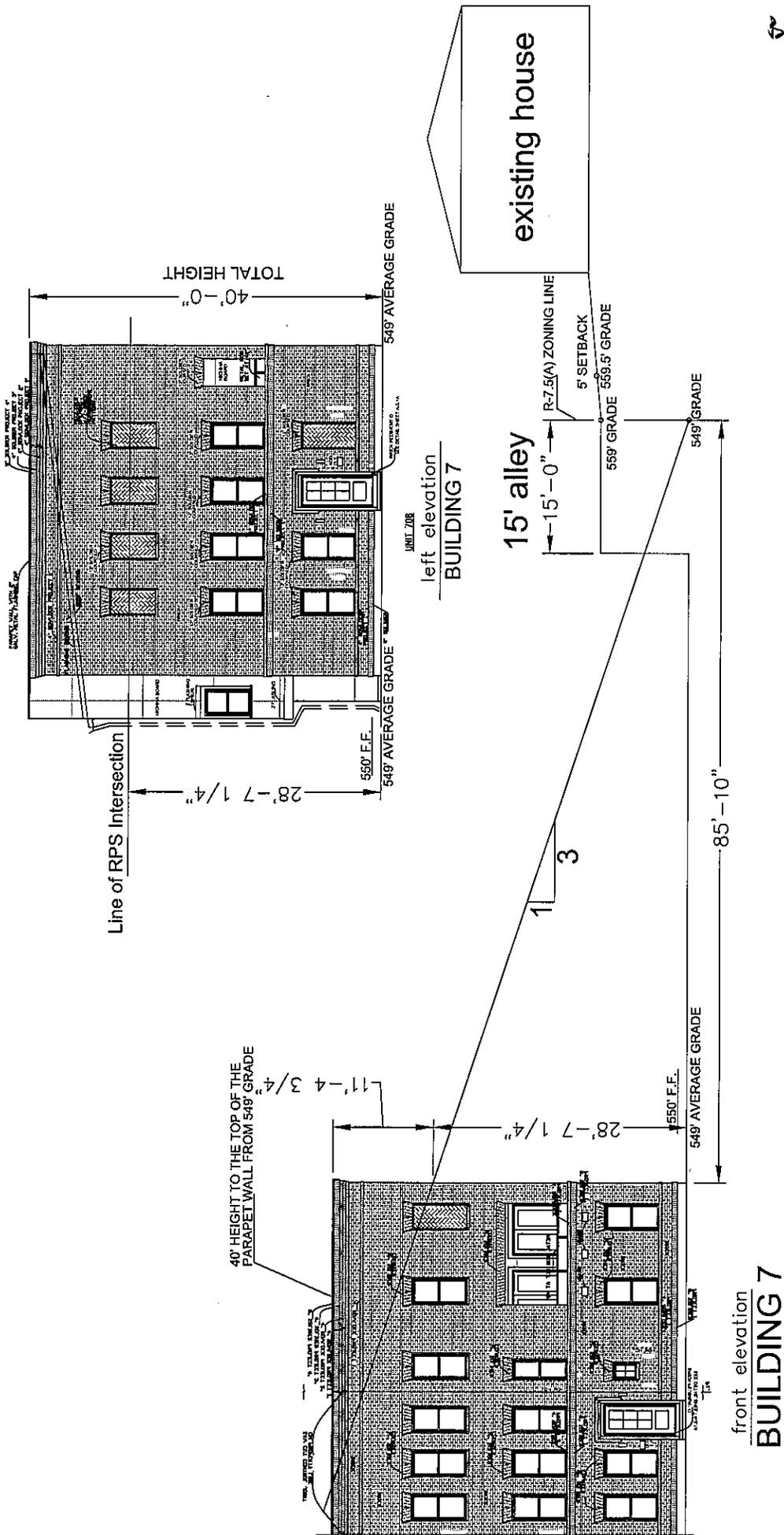
Here are the revised drawings for building 7 and 8. Worst case scenario looks like for building 7, a variance of 11' 5" will be needed and for building 8, a variance of 9' 9" will be needed. Will the board be asked to provide a variance per building or just the 14' to the entire site?

I can have copies of these to you today as well. Three sets for city hall and one for OCMC.

Audra Buckley, Land Planner/Project Manager  
Permitted Development  
416 S Ervay Street  
Dallas, TX 75201  
214-686-3635  
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BDA 167-057  
Attach B  
Pg 11

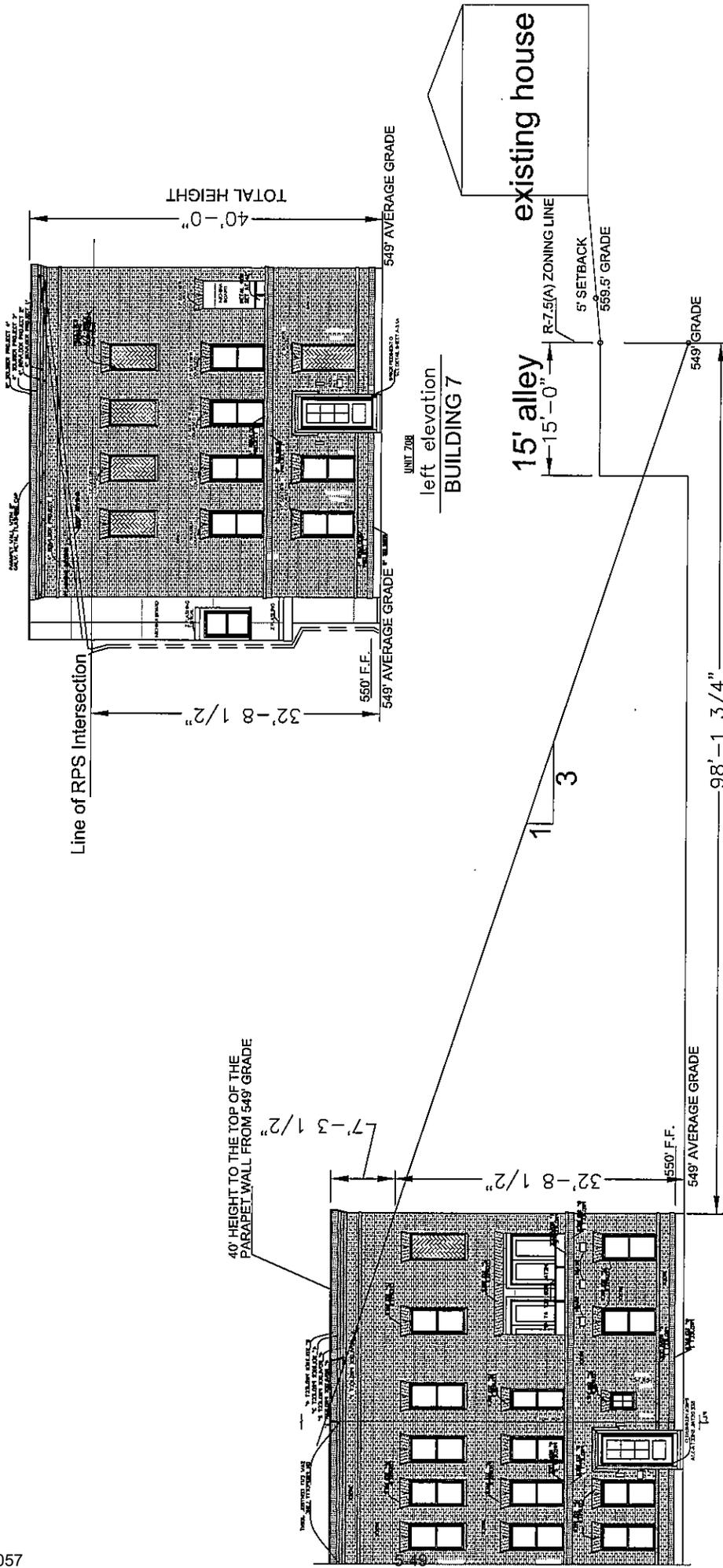


RPS #1 Detail-Valley View Building 7

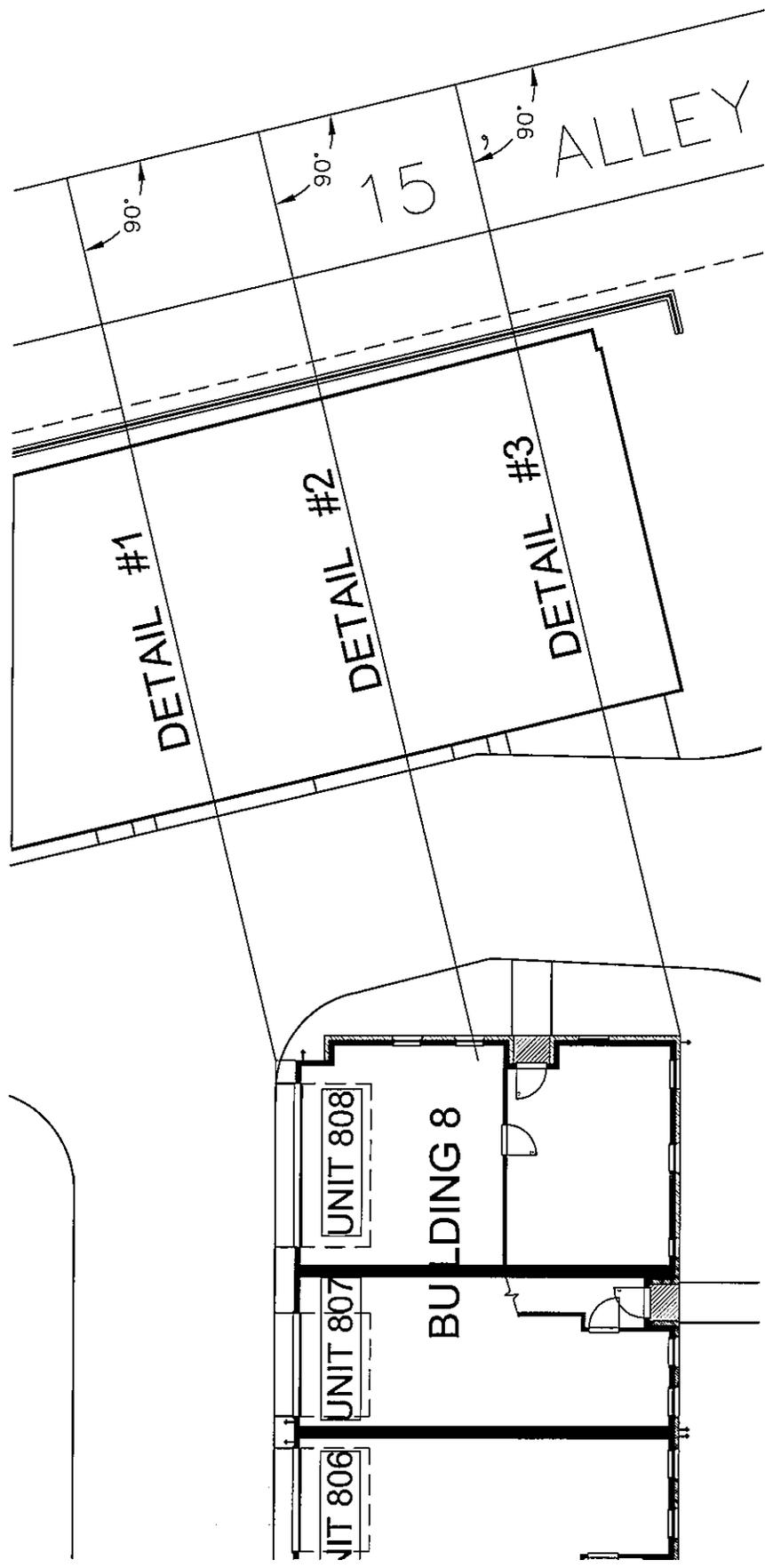
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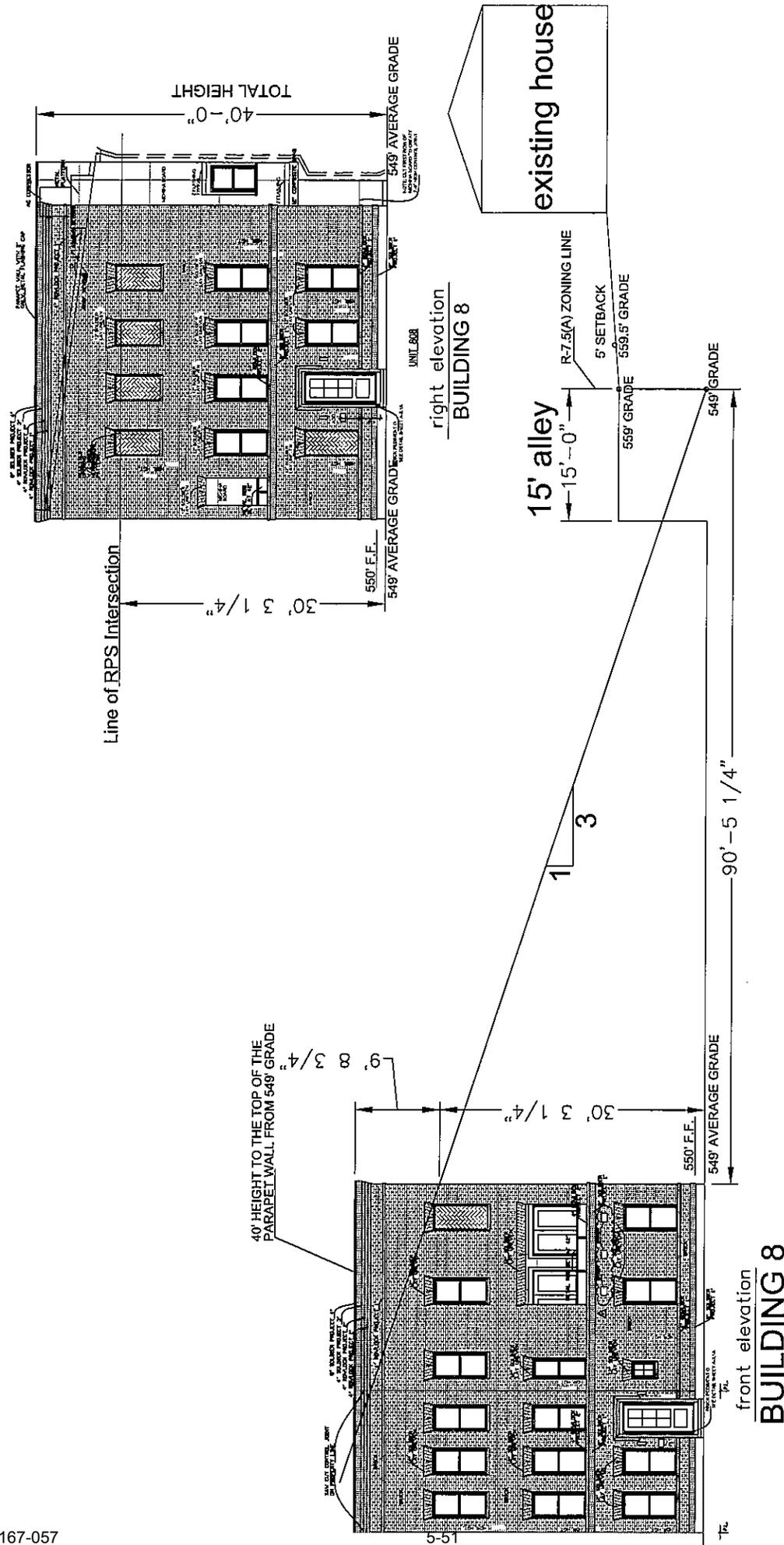


BDA 167-057  
 ATTACH B  
 PS 13



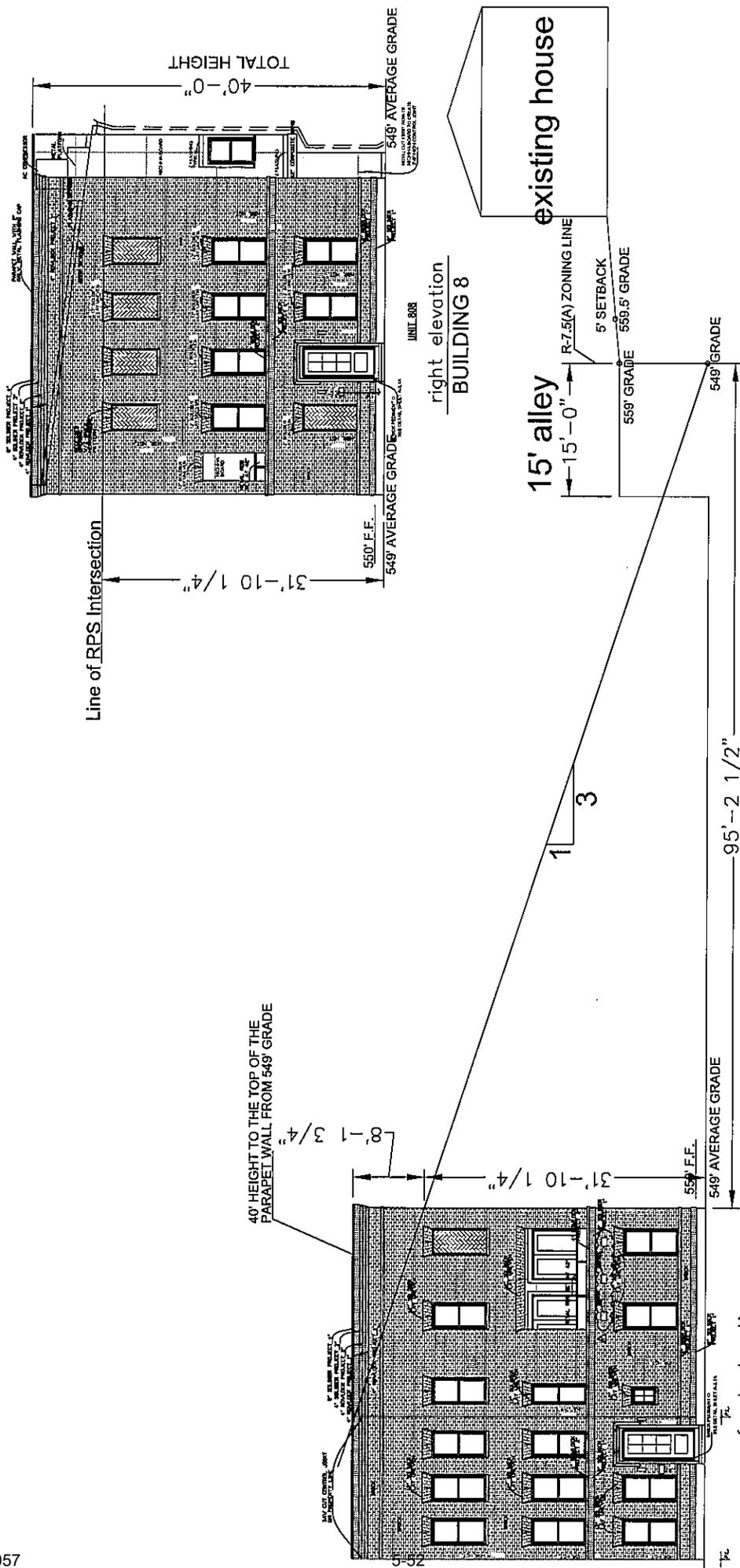
RPS #1 Detail-Valley View Building 7  
 SCALE: 3/32"=1'





RPS #1 Detail-Valley View Building 8

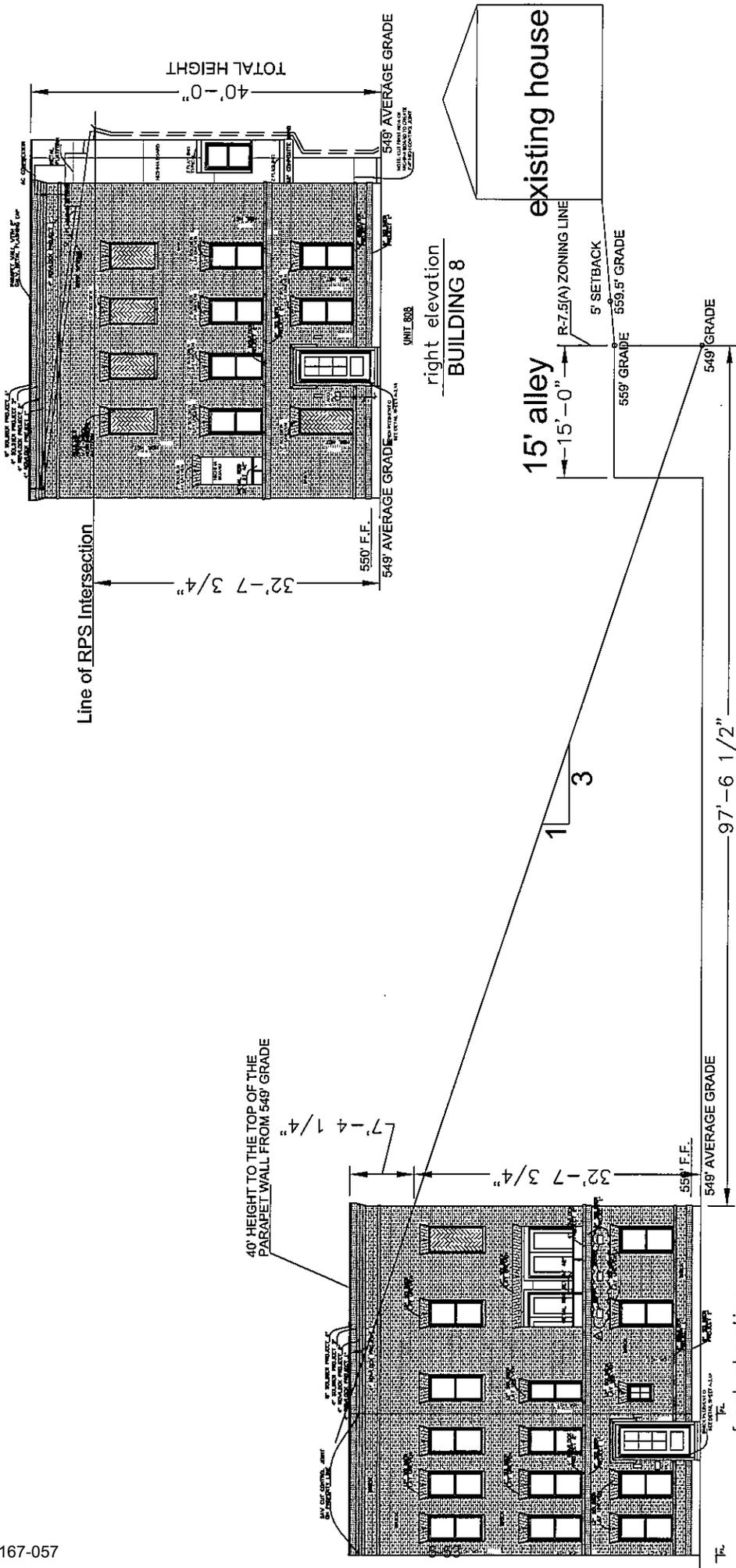
SCALE: 3/32"=1'



# RPS #1 Detail-Valley View Building 8

SCALE: 3/32"=1'

BDA 167-057  
A-Hook B  
PS 17



# RPS #1 Detail-Valley View Building 8

Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

May 5, 2017

Via Scan/Email

Hon. Chair and Members  
Board of Adjustment, Panel B  
c/o Mr. Steve Long, Board Administrator  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 167-057; 7333 Valley View Lane.

Dear Members of Panel B:

We are sending you this letter to explain the rationale for our request for a variance of 14 feet to the height regulations of the MF-2(A) zoning classification and the *Dallas Development Code*, for a very limited protrusion into the residential proximity slope on the project currently under way at 7333 Valley View Lane: how we meet the required variance standards; and to respectfully ask for your *approval* of this variance request.

This letter is similar to the explanatory letter we previously sent to the City Staff; however, in light of what we understand, as of the date of this letter, to be the Staff's recommendation, we wanted to reiterate the facts, and our arguments based on those facts, to let you know that we respectfully but strongly disagree with that recommendation, and that we will be asking you to approve our request.

We also want to emphasize at the outset that, although our overall request is for a variance of 14 feet, you will see that, pursuant to the drawings and the applicable Code provisions, we actually need a variance of approximately 4 feet for Building 9, 11 feet 5 inches for Building 7, and 9 feet 9 inches for Building 8.

**I. The Site; Existing Conditions.** The request site consists of 1.473 acres of land addressed as 7333 Valley View Lane, on the north side of Thistle Lane at the northeast corner of Valley View Lane (the "Property"). The Property is owned by Urban Intown Homes, LLC, which received Building Permits and is under construction for a townhome-style residential development, consisting of Buildings 4, 5, 6, 7, 8, and 9 (some buildings are already completed and are not affected by this issue).

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May 5, 2017  
Page 2

The owner has so far expended a very large amount of funds for construction of the project, until construction was halted on Building 4 on direction from the City. However, our request applies to the entire site, that is, the project as depicted on the submitted Site Plan, as Buildings 7, 8, and 9 also appear to be affected.

Accompanying this letter are a zoning map excerpt (*Attachment A*) and an aerial photograph (*Attachment B*) to orient you to the Property. The Property is zoned MF-2(A). A series of photographs of the Property in its current condition are attached (*Attachment C*).

## II. Building Permit Issuance and Background.

The factual background of this situation is very important to understand. First, you should be aware that this project had been extensively reviewed and a Building Permit issued (April 12, 2016) well prior to the City's verbal notice to stop work on Building 4 on the Property (September 16, 2016).

Several months subsequent to plan review and issuance of the Building Permit, it was determined on the part of City Staff, that a portion of the project as designed and permitted intruded into the residential proximity slope. However, this calculation appears to have been made on the basis of the lower grade (550' above MSL) on our Property rather than on the actual grade (558.5' above MSL) of the benefited property.

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The project plans were initially thoroughly reviewed by the City Staff from November, 2015 to April, 2016. The timeline of predevelopment meetings, plan review, permit issuance, and other actions which relate to the subject of our variance request, is set forth below:

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May 5, 2017  
Page 3

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April 25, 2016: Building 4 construction starts  
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There are several property hardship conditions which support the granting of our requested variance. These are the following:

A. Reliance on Issued Building Permit and Construction of Improvements. Our first hardship condition is the fact that Permits were issued by the City and on that basis, construction was commenced and very significant and expensive improvements were built and affixed to the Property. Specifically, a Building Permit was issued on April 12, 2016, and construction began on April 25. The project proceeded until the City directed on September 16, 2016, that work be halted.

B. Irregular Shape. As you can see, the Property is irregularly shaped, with the narrower end of the overall development site facing the property on the east (where the residential proximity slope issue has arisen), further increasing the site planning and development challenges of the Property.

C. Topography/Slope. The Property also has about 15 feet of fall from east to west, as per the December 15, 2014, Survey (*Attachment F*), and there is a large retaining wall on the

May 5, 2017  
Page 4

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east, about 8.5 feet in height, at the top of which the property benefited by the Residential Proximity Slope is situated, with an additional five foot setback from the property line of that property to the main structure.

**D. Easement; Fire Lane.** There is a 36 foot wide wastewater easement which bisects the Property and serves existing units, as well as existing fire lanes, none of which can be moved, further restricting development on the Property.

**E. Two Front Yards; Lot Coverage.** The Property has two front yards, the Valley View Lane frontage and the Thistle Lane frontage. The required front yard setback in MF-2(A) is 15 feet, and the maximum lot coverage is 60 percent, further significantly reducing the buildable area of this lot.

**IV. How We Meet the Variance Standard.** As stated above, we respectfully disagree with the Staff recommendation as of this date, and we strongly believe that this variance request clearly meets the property hardship standard mandated by the *Dallas Development Code* in several respects.

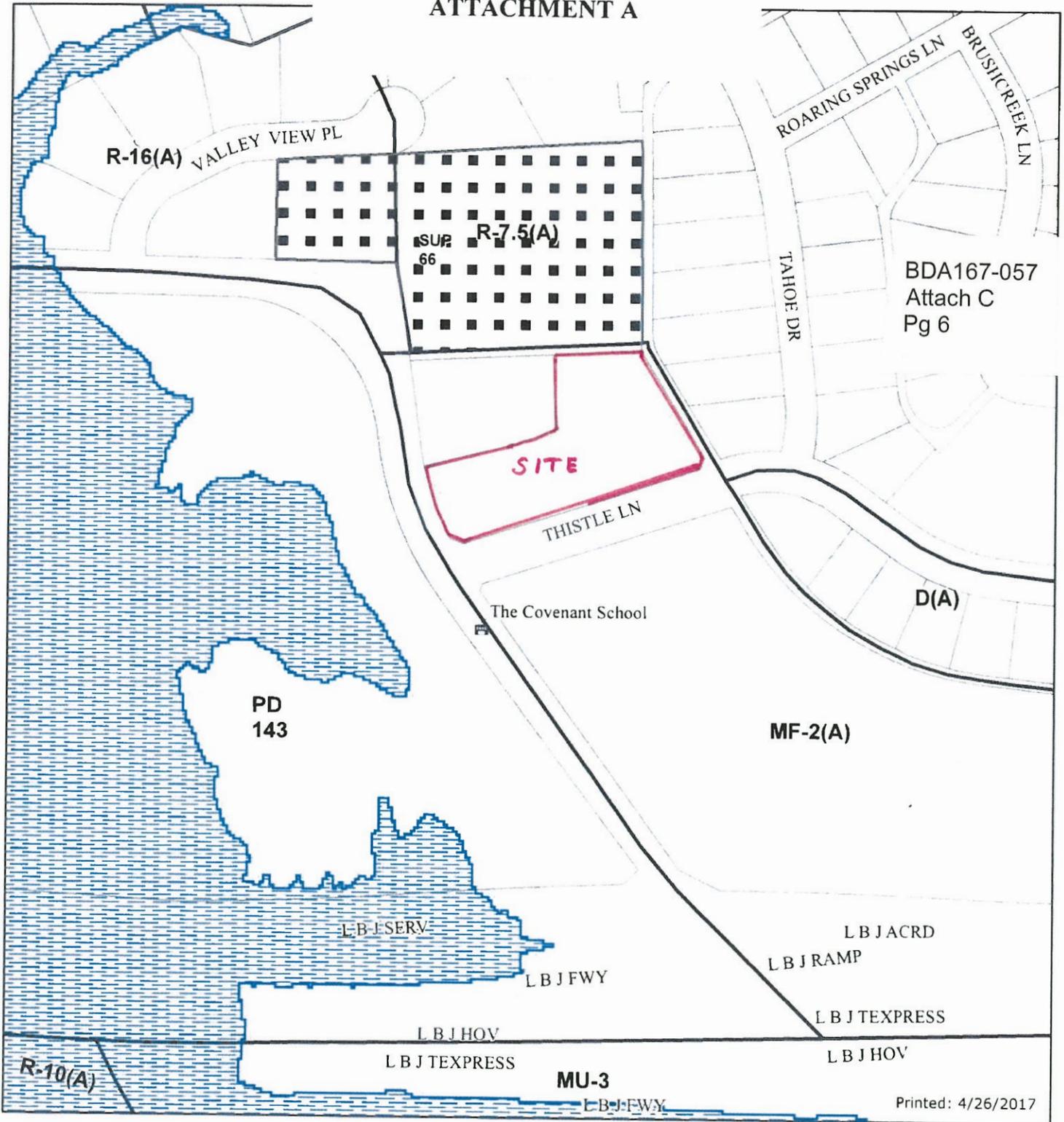
First, the fact that a Building Permit was issued and extensive and very costly work already done on that basis, with Building 4 mostly completed, constitutes a property hardship condition. The fact that a Building Permit was issued, even if in error, and this amount of work done, is in no way the fault of the owner, whose architects believed that they were proceeding according to Code and more importantly, in reliance on the issued Building Permit.

The improvements constructed on the Property in the location shown render the improvements as built to be a property hardship condition, that is, an existing physical characteristic of the Property. Obviously, these improvements cannot be modified to pull back under the residential proximity slope without extremely costly and impractical measures to do so.

This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification. In fact, we would lose as many as two bedrooms per unit to the residential proximity slope, affecting approximately 11 of the units (in Buildings 4, 7, 8, and 9), the effect of which would therefore be extremely significant and would prevent development commensurate with other development in this zoning classification. Further, this situation was not self-created by the owner (recall that the City issued a Building Permit for the project) nor is it personal to the owner, nor is the variance requested for financial reasons only.

**V. The Public Interest.** Finally, the granting of this variance would not in any way be contrary to the public interest. Allowing this building to be completed in its current configuration will have absolutely no adverse impact on anyone else anywhere in the neighborhood. The Property is bounded by a large private school campus on the west, across Valley View Lane; a cemetery on the north; and a large, three-story multifamily complex on the south. Bear in mind that the MF-2(A) required rear yard setback is only 10 feet, so our setback

# ATTACHMENT A



BDA167-057  
Attach C  
Pg 6

Printed: 4/26/2017

## Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Floodplain</b>    | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



ATTACHMENT B

BDA167-057  
Attach C  
Pg 7



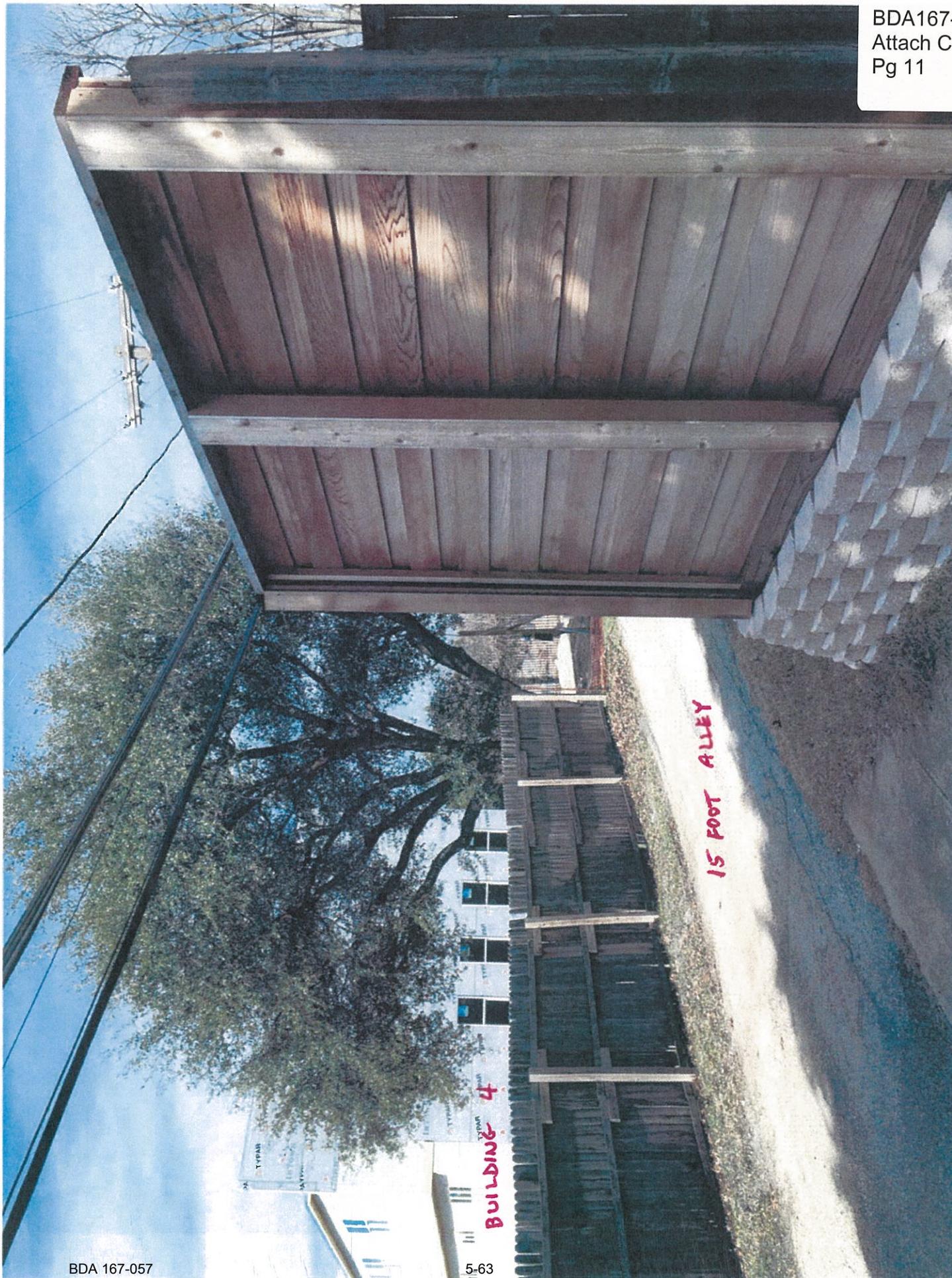
ATTACHMENT C

BDA167-057  
Attach C  
Pg 8





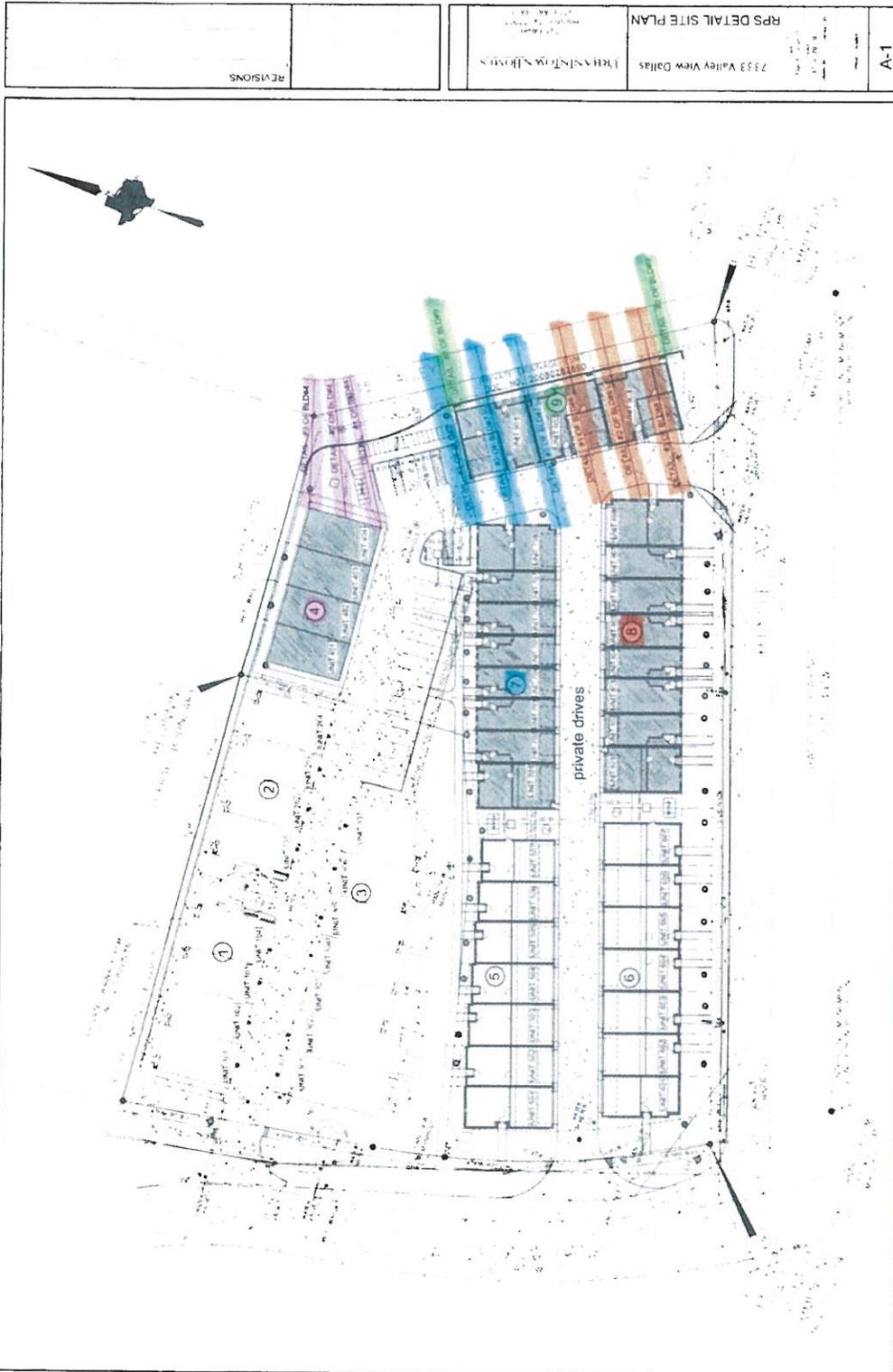


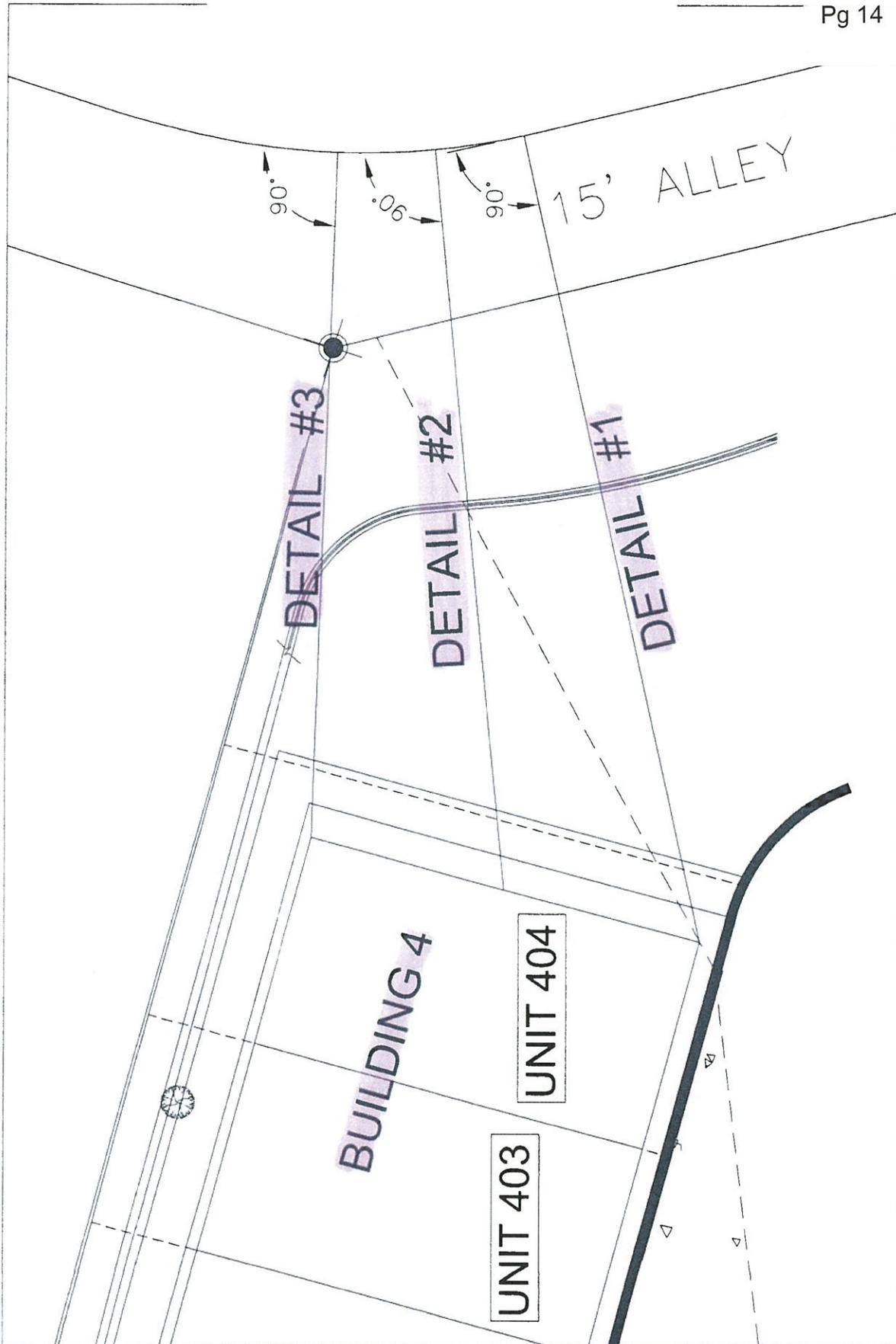


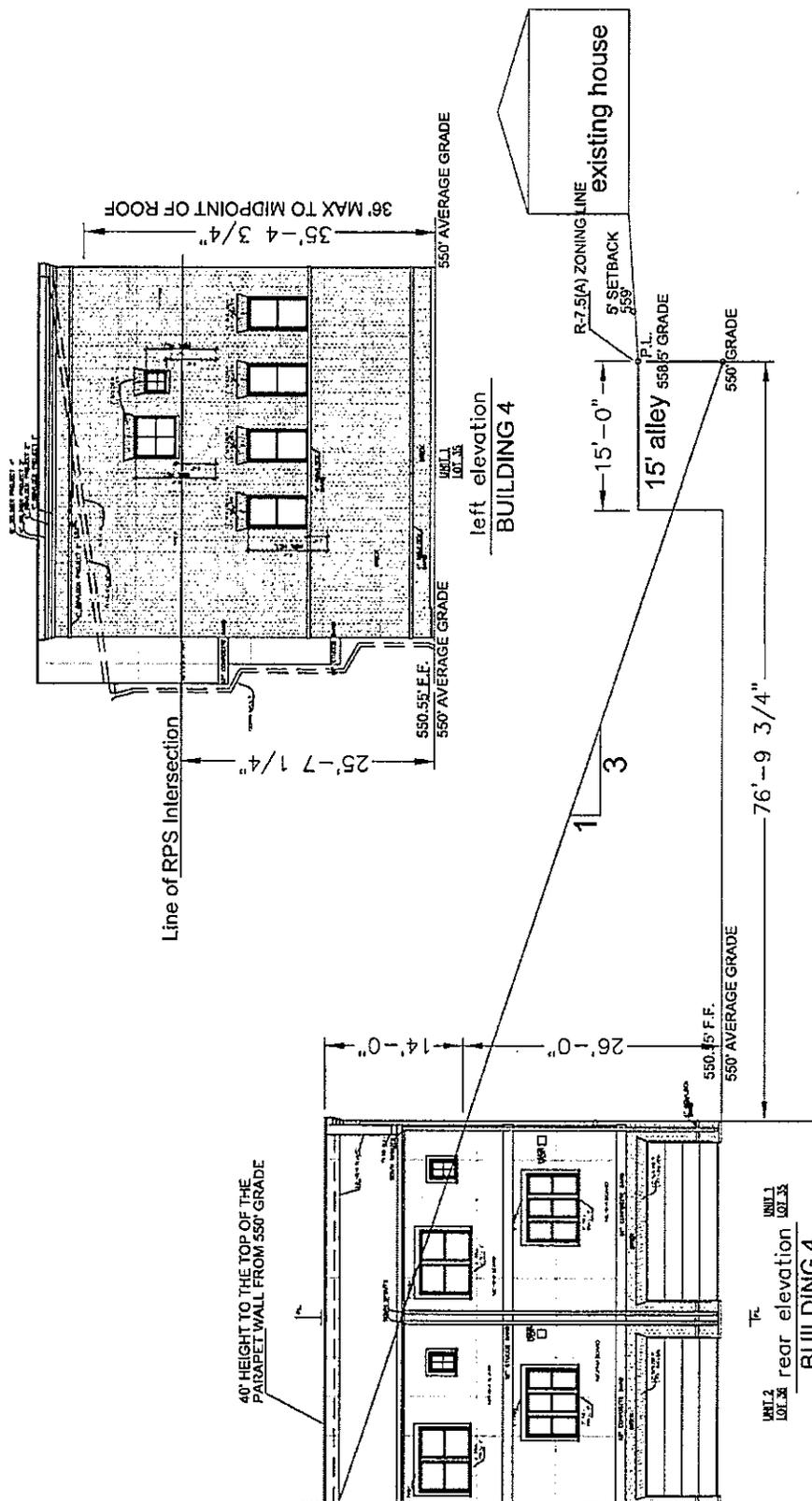


# ATTACHMENT D

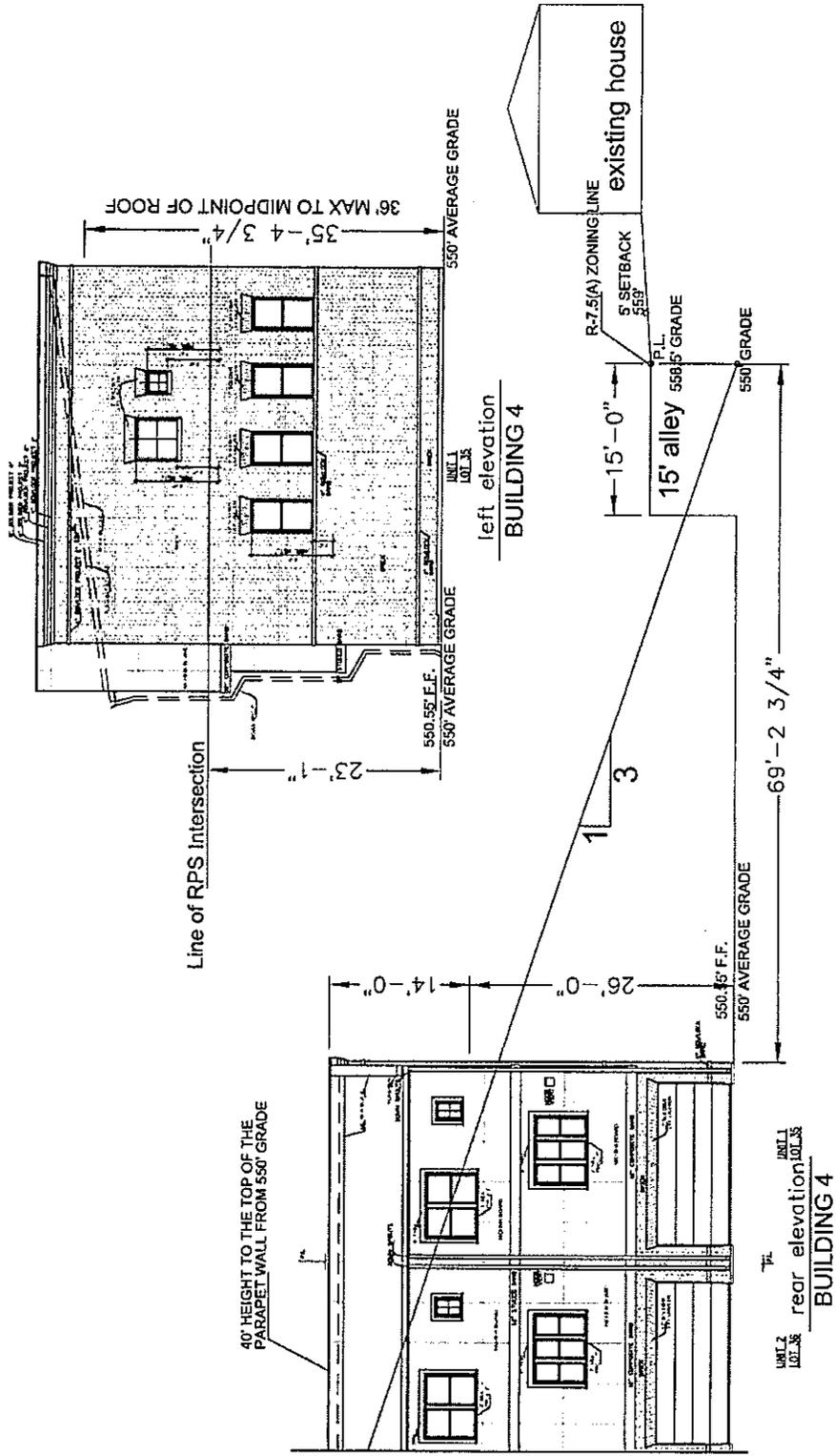
BDA167-057  
Attach C  
Pg 13



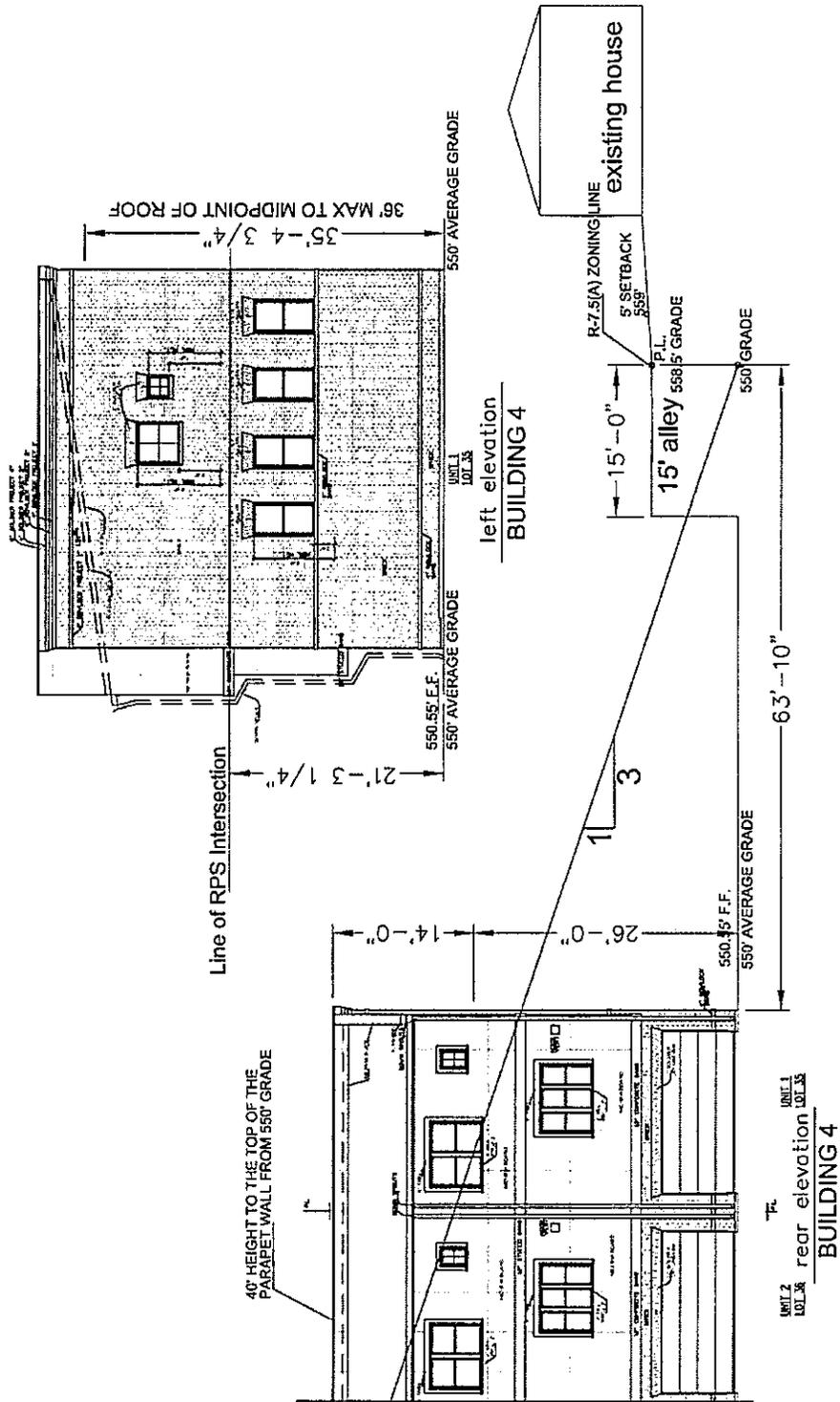




RPS #1 Detail-Valley View Building 4  
 SCALE: 3/32"=1'

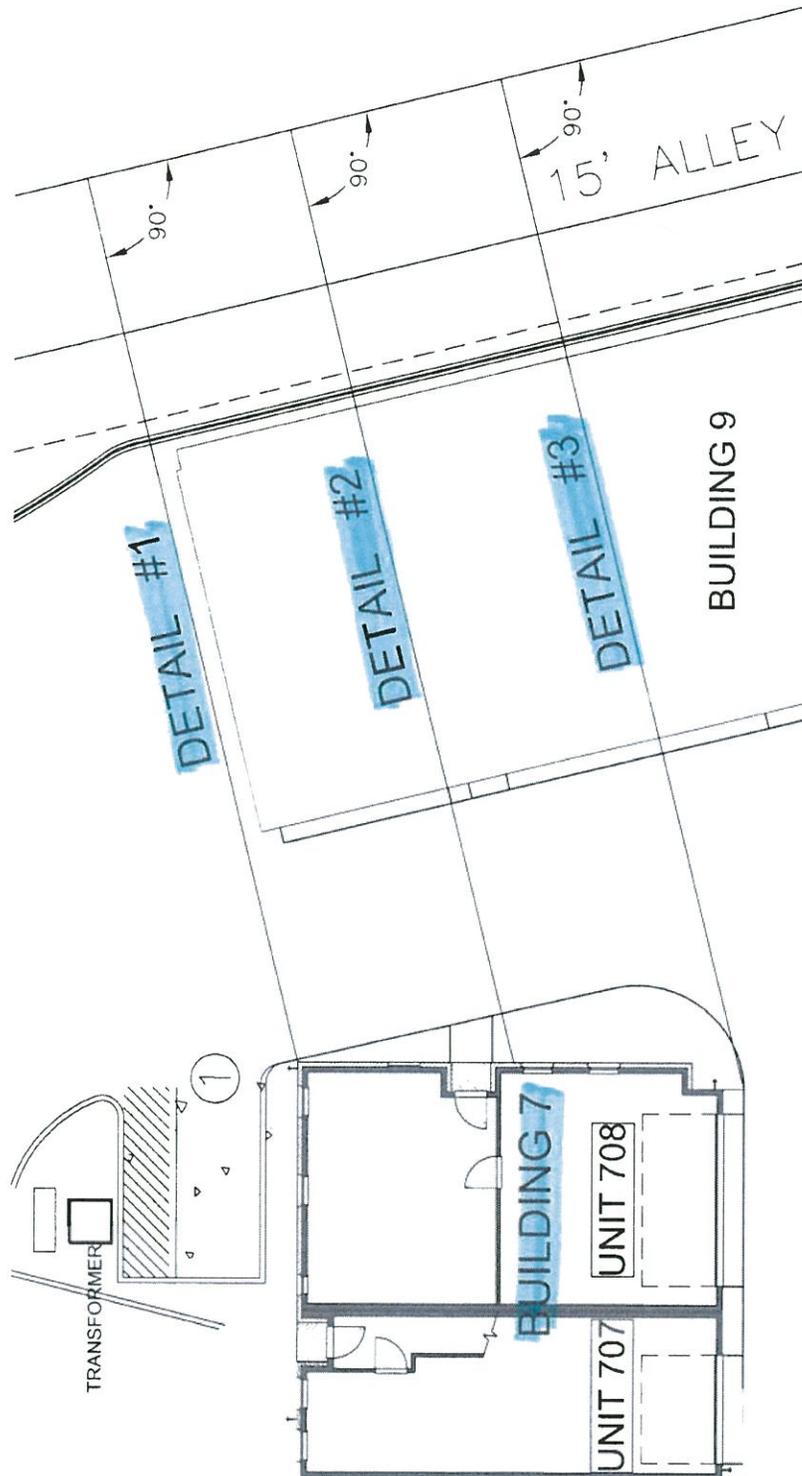


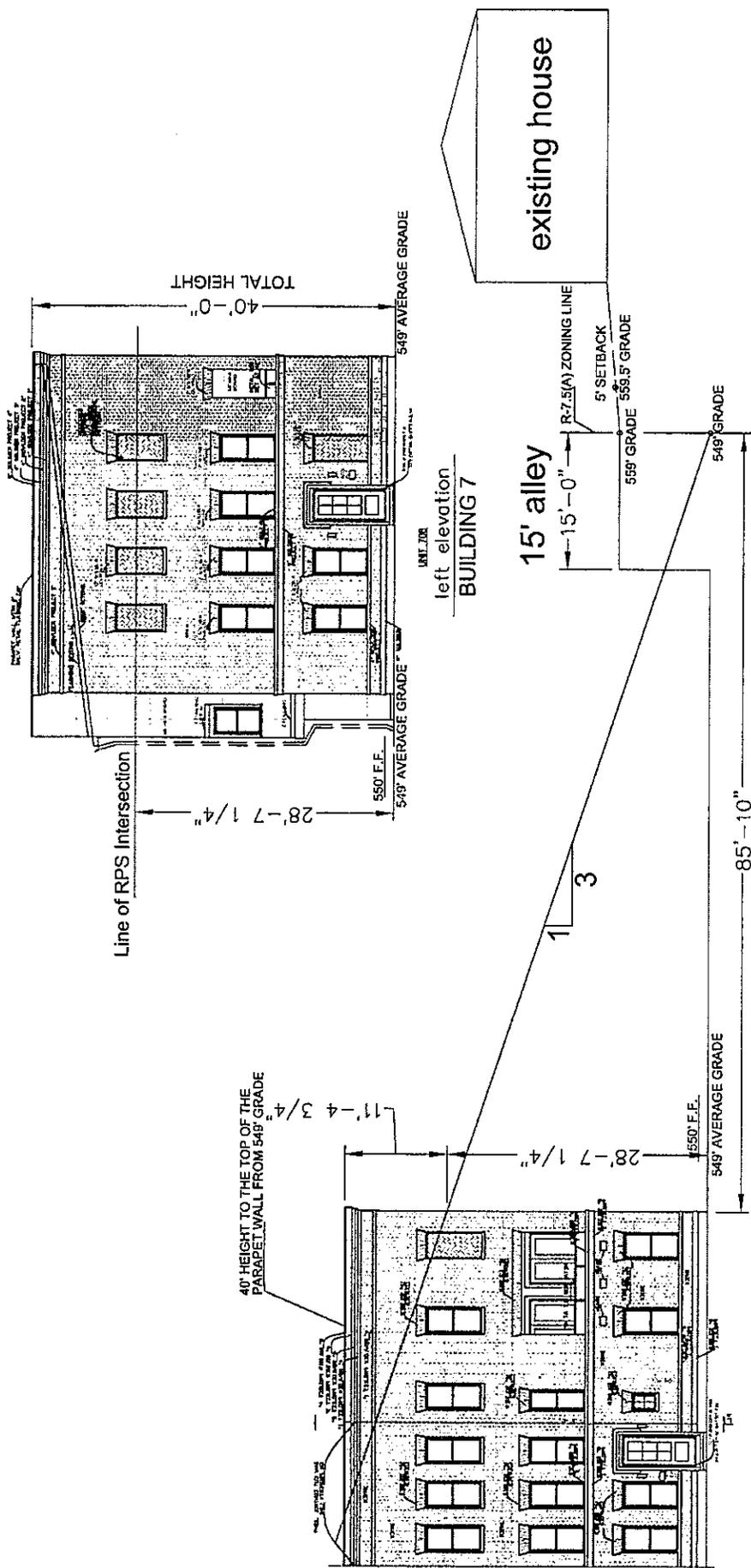
RPS #2 Detail-Valley View Building 4  
 SCALE: 3/32"=1'



RPS #3 Detail-Valley View Building 4

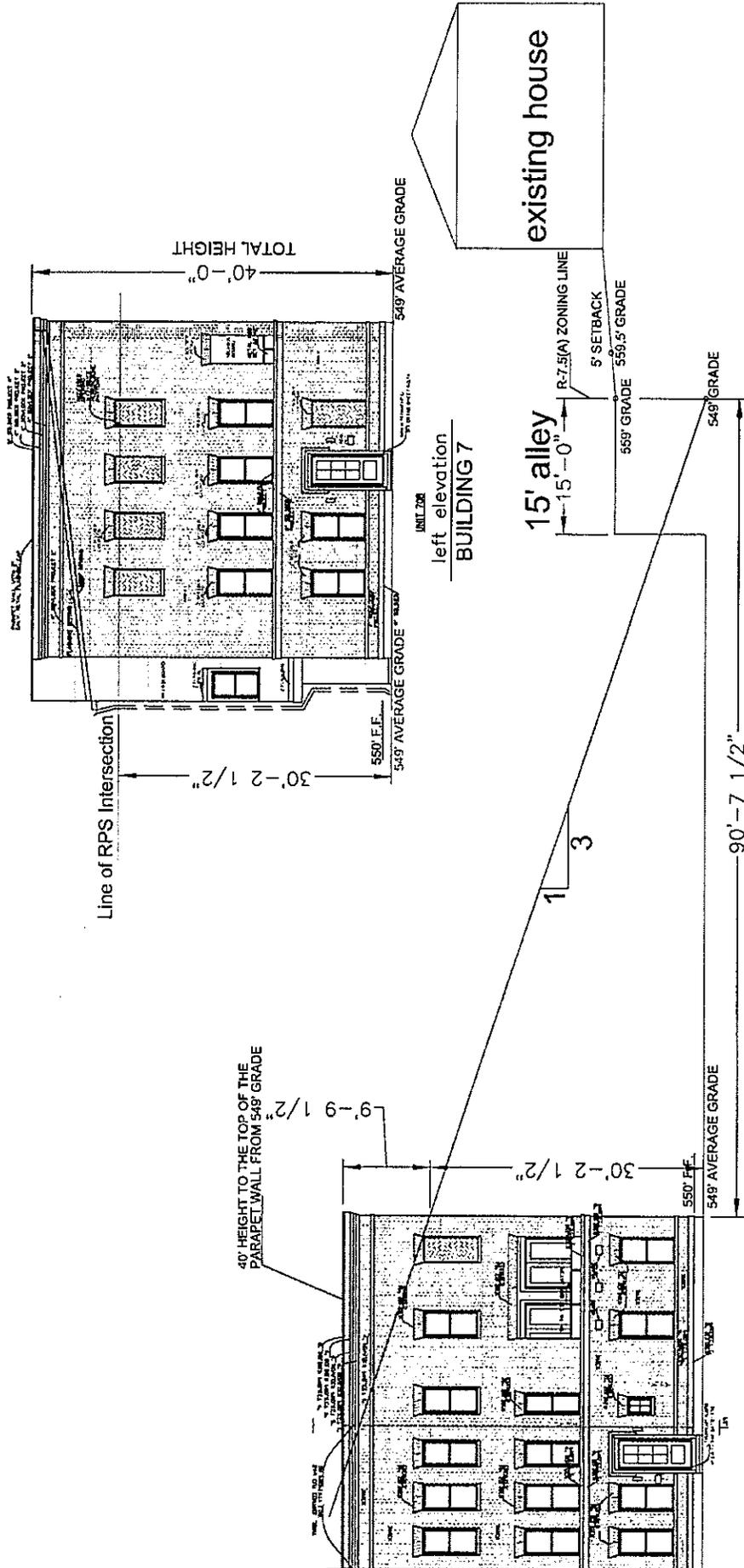
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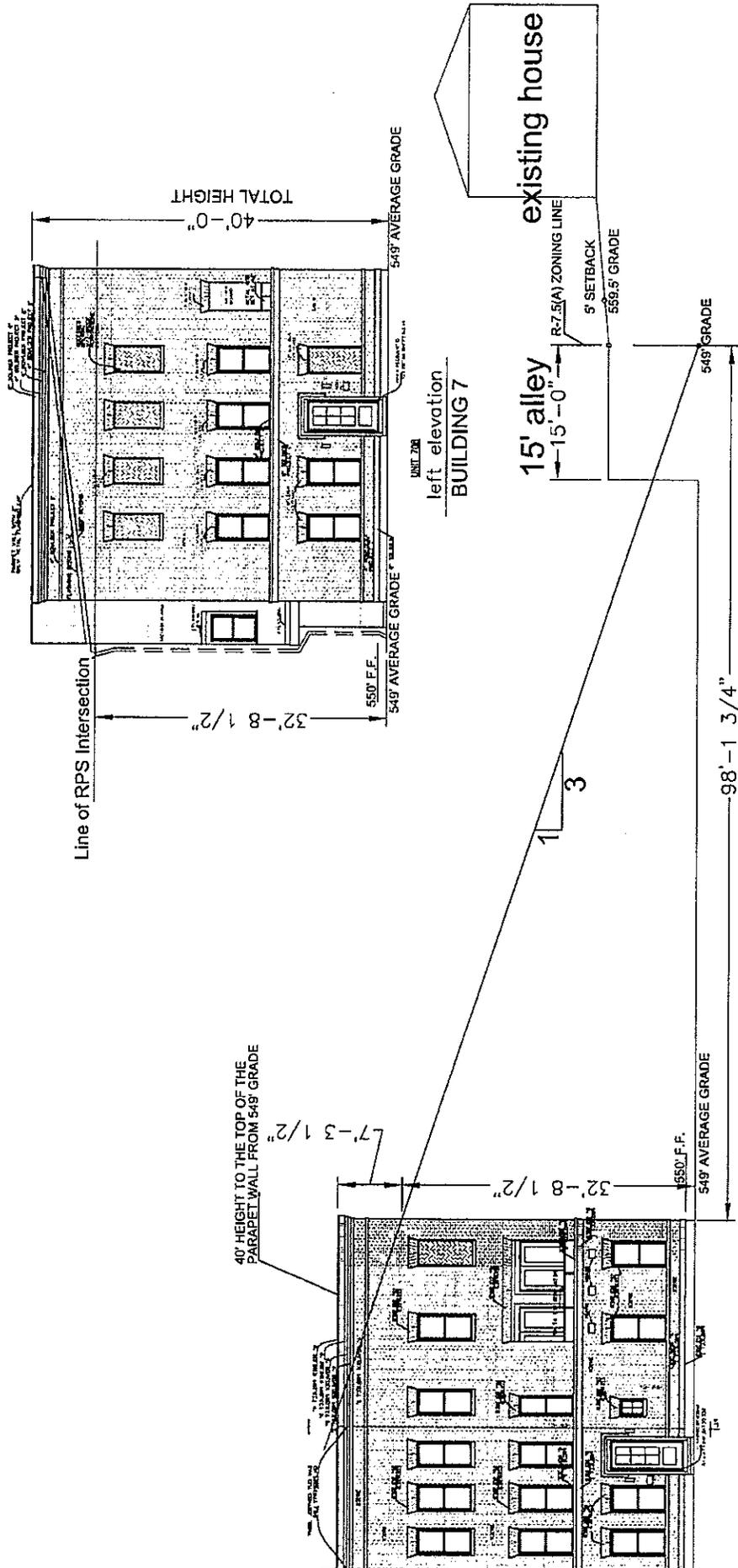
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SCALE: 3/32"=1'



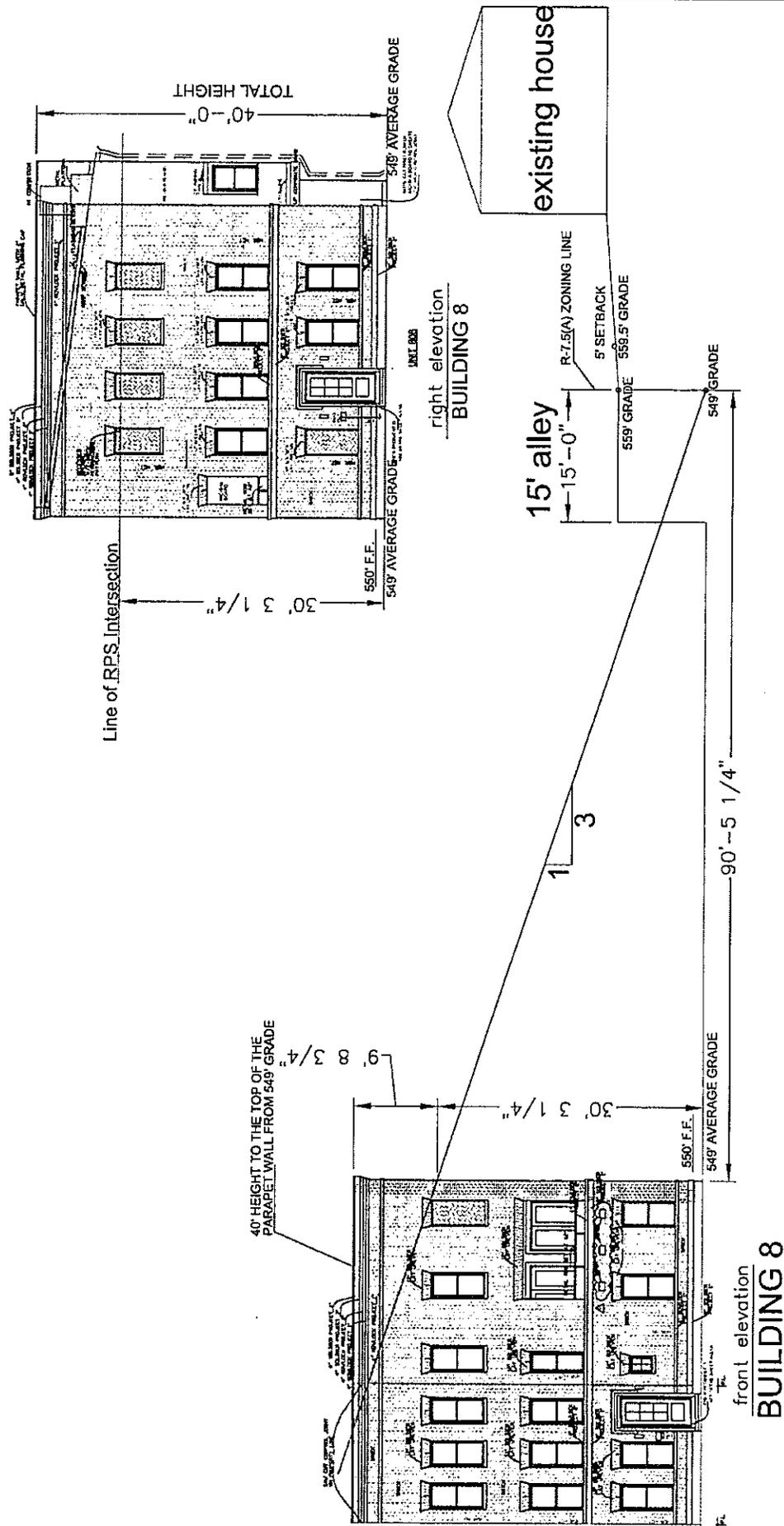
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SCALE: 3/32"=1'



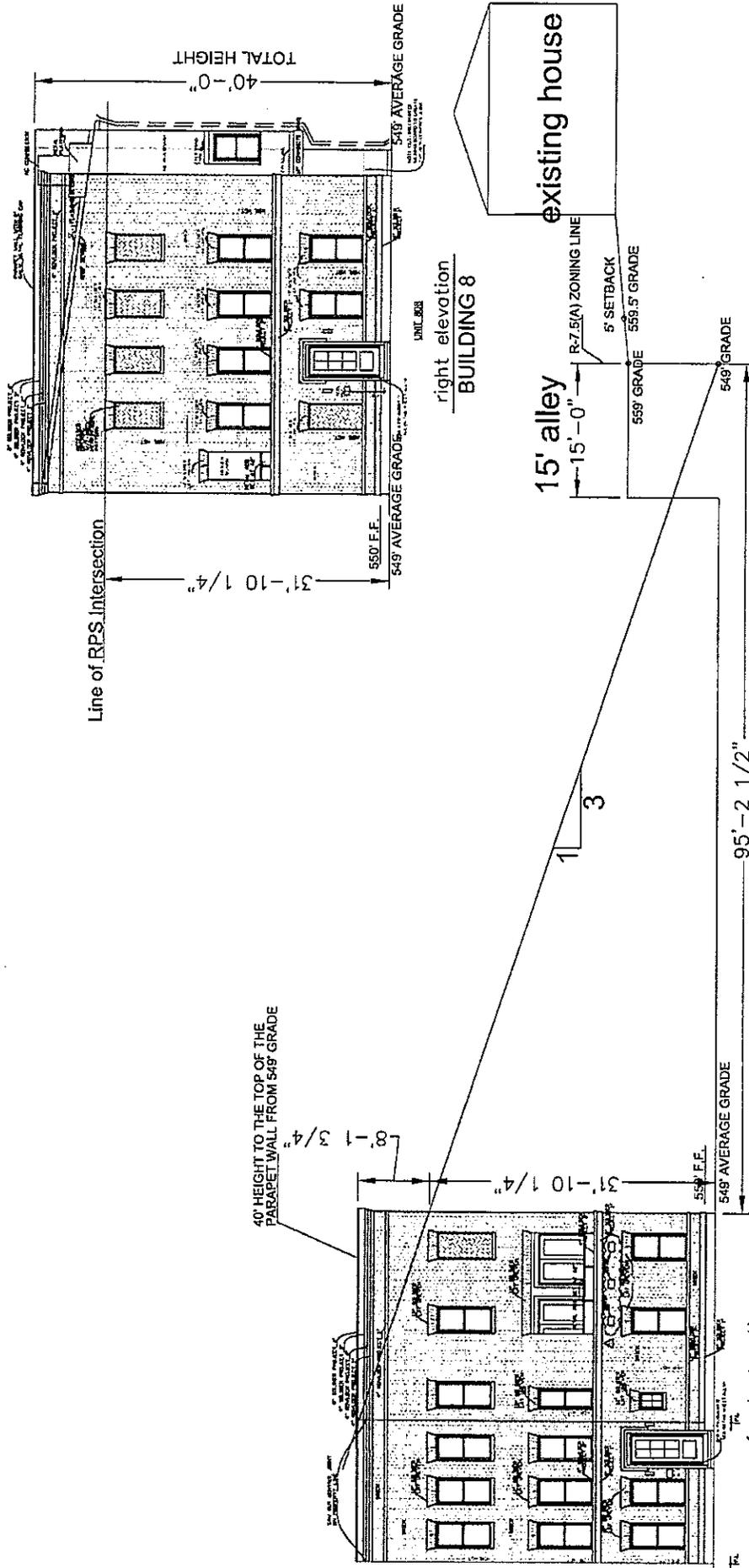
RPS #1 Detail-Valley View Building 7  
 SCALE: 3/32"=1'





# RPS #1 Detail-Valley View Building 8

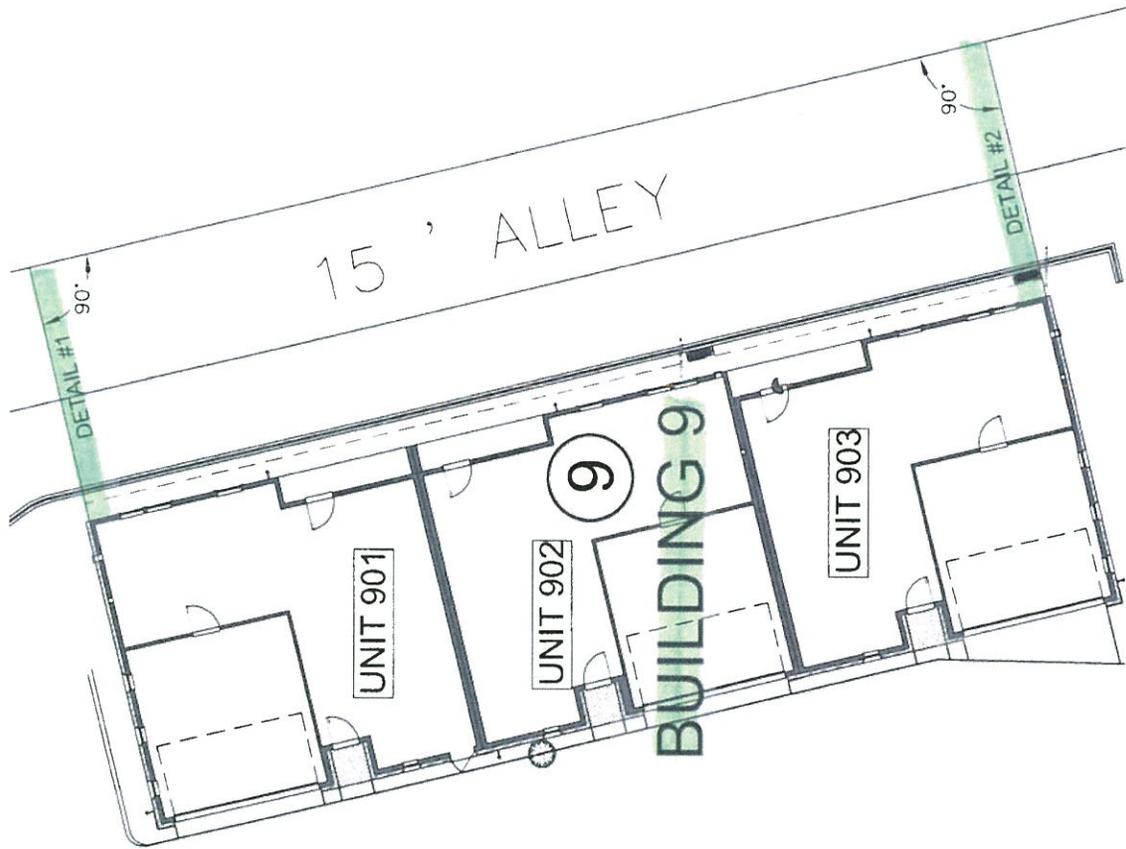
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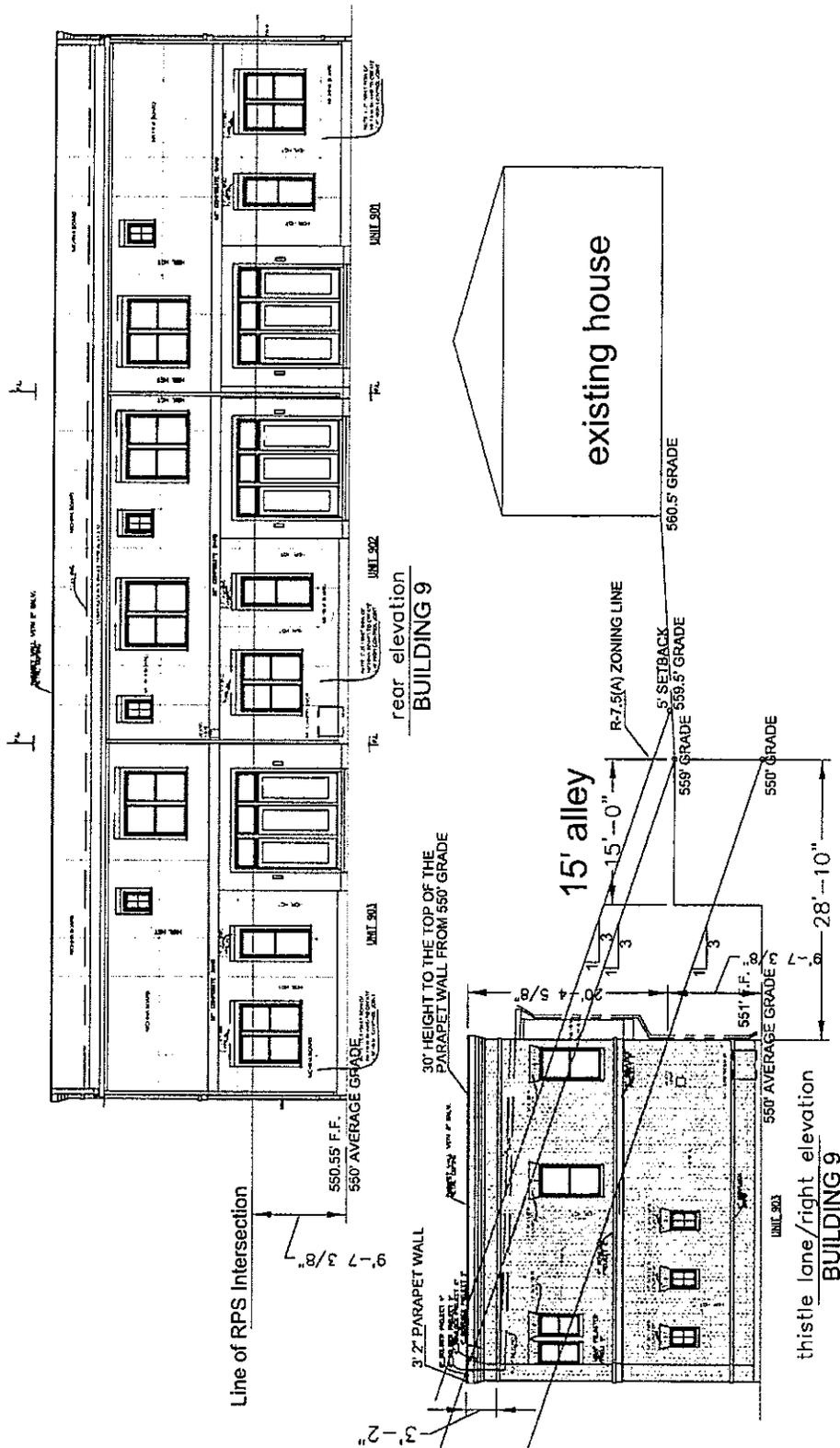


RPS #1 Detail-Valley View Building 8

SCALE: 3/32"=1'

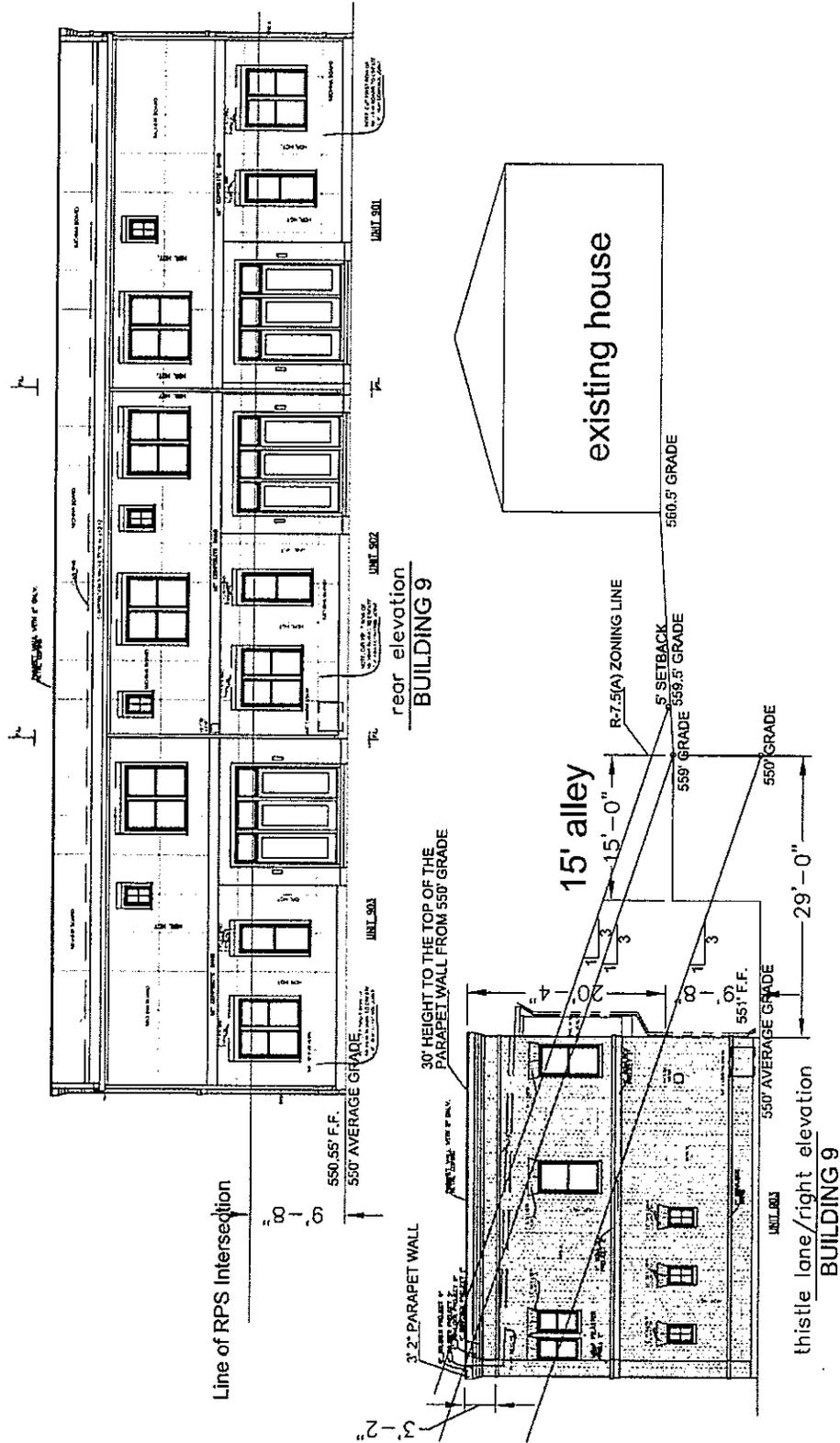






RPS Detail #1-building 9

SCALE: 3/32"=1'



**RPS Detail #2-building 9**

SCALE: 3/32"=1'



**Long, Steve**

---

**From:** Audra Buckley <permitteddevelopment@tx.rr.com>  
**Sent:** Thursday, June 01, 2017 10:07 AM  
**To:** Long, Steve; 'Vinson, Jonathan'; Duerksen, Todd; 'Kedron, Suzan'; Brian East  
**Subject:** 7333 Valley View Lane BDA 167-057

Steve:

Since we've already been to a hearing and cannot withdraw, please consider this email as a request for denial without prejudice on this case.

Thank you,

Audra Buckley, Land Planner/Project Manager  
Permitted Development  
416 S Ervay Street  
Dallas, TX 75201  
214-686-3635  
<http://www.permitteddevelopmentdfw.com>



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-057

Date: 2/6/2017

Data Relative to Subject Property:

Location address: 7333 Valley View Lane Zoning District: MF-2(A)
Lot No.: 10 Block No.: 10/7497 Acreage: 1.473 Census Tract: 0136.10
Street Frontage (in Feet): 1) 410.14 2) 132.29 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Urban IntownHomes, LLC

Applicant: Brian East Telephone: 713-653-3708

Mailing Address: 1520 Oliver Street, Houston, Texas Zip Code: 77007

E-mail Address: briane@intown-homes.com

Represented by: Audra Buckley Telephone: 214-686-3635

Mailing Address: 416 S Ervay Street, Dallas, TX Zip Code: 75201

E-mail Address: permitteddevelopment@tx.rr.com

Affirm that an appeal has been made for a Variance [checked] or Special Exception, of 14 feet - 0 inches to the maximum allowed height of 36 feet due to the residential proximity slope.

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: Due to the restrictive area of the lot imposed by a 36 foot wide wastewater easement bisecting the property, which services existing units, and existing fire lanes, units cannot be shifted. Combined with a restrictive slope, the subject site is also 8.5' below grade of the adjacent Residential Proximity Slope site of origination to the east. Therefore, the property cannot be developed in a manner commensurate with development of similar properties with the same zoning.

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 Brian East (Affiant/Applicant's name printed)

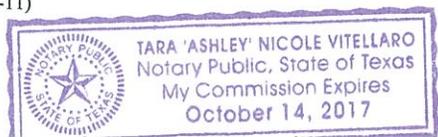
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 08 day of February, 2017

[Signature] 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 \_\_\_\_\_

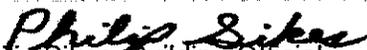
Chairman

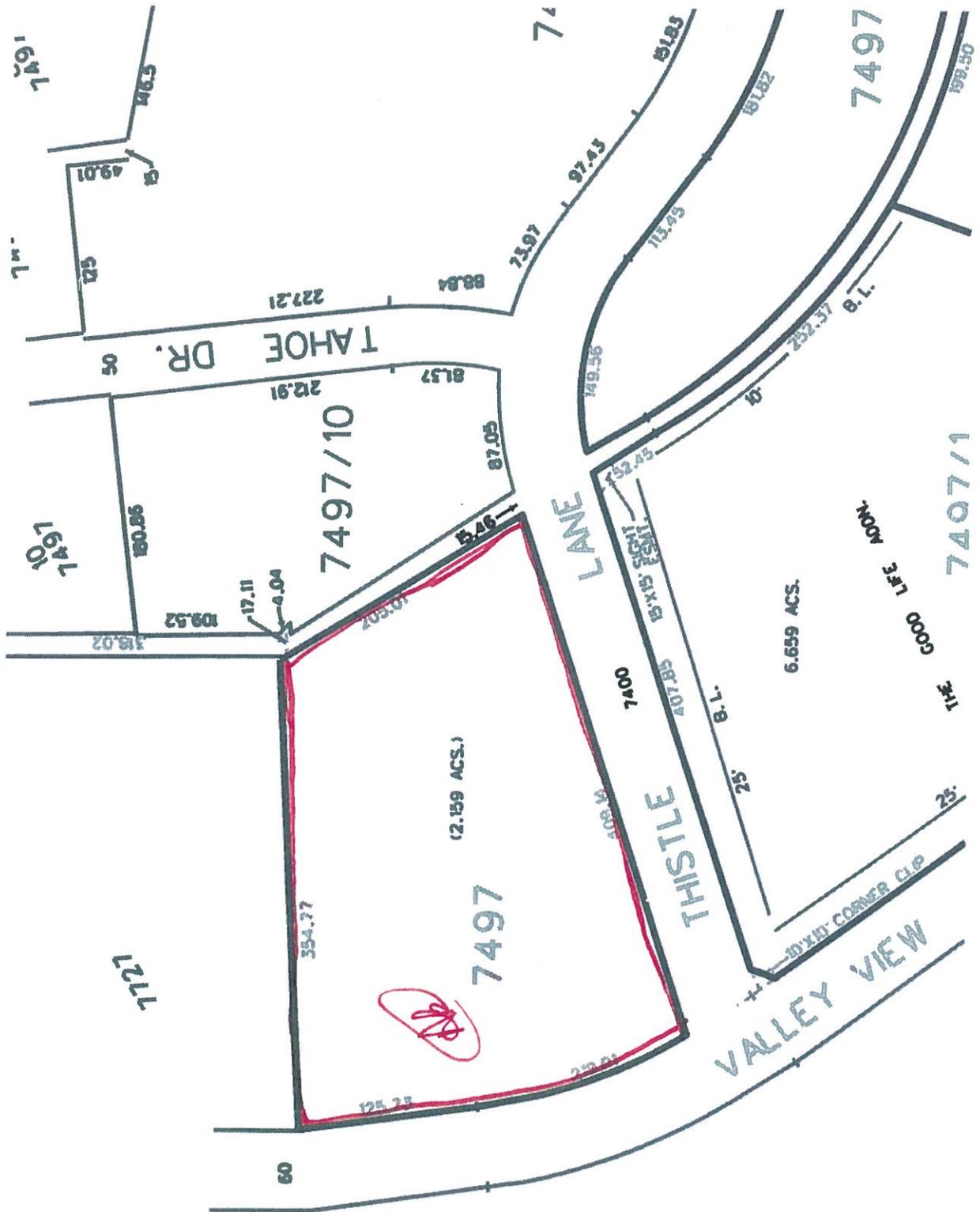
**Building Official's Report**

I hereby certify that BRIAN EAST  
represented by Audra Buckley  
did submit a request for a variance to the building height regulations  
at 7333 Valley View Lane

BDA167-057. Application of Brian East represented by Audra Buckley for a variance to the building height regulations at 7333 Valley View Lane. This property is more fully described as Lot 20, Block 10/7497, and is zoned MF-2(A), which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct a residential structure with a building height of 40 feet, which will require a 14 foot variance to the maximum building height regulation.

Sincerely,

  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

7333 valley view

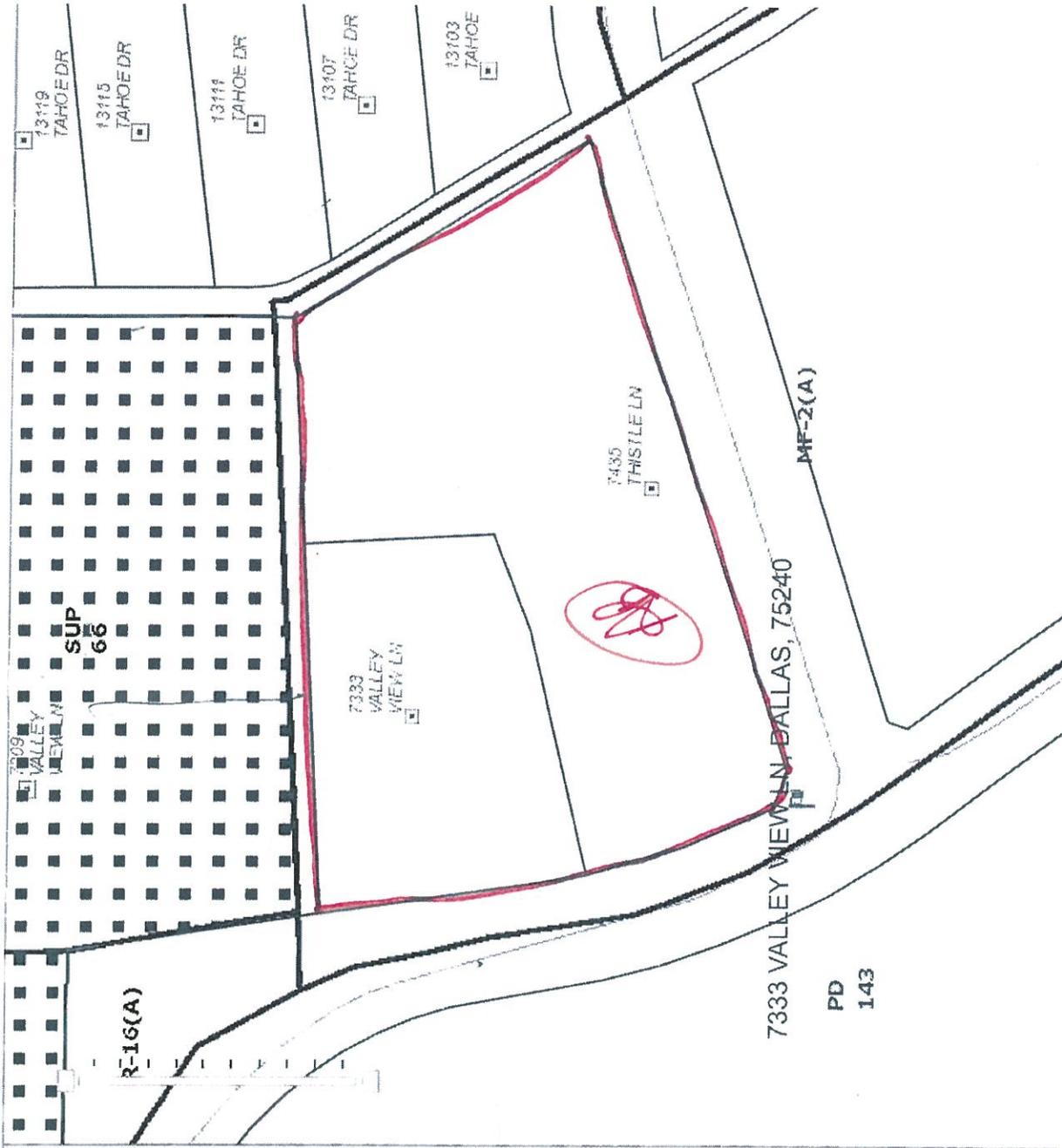
Locate

OR

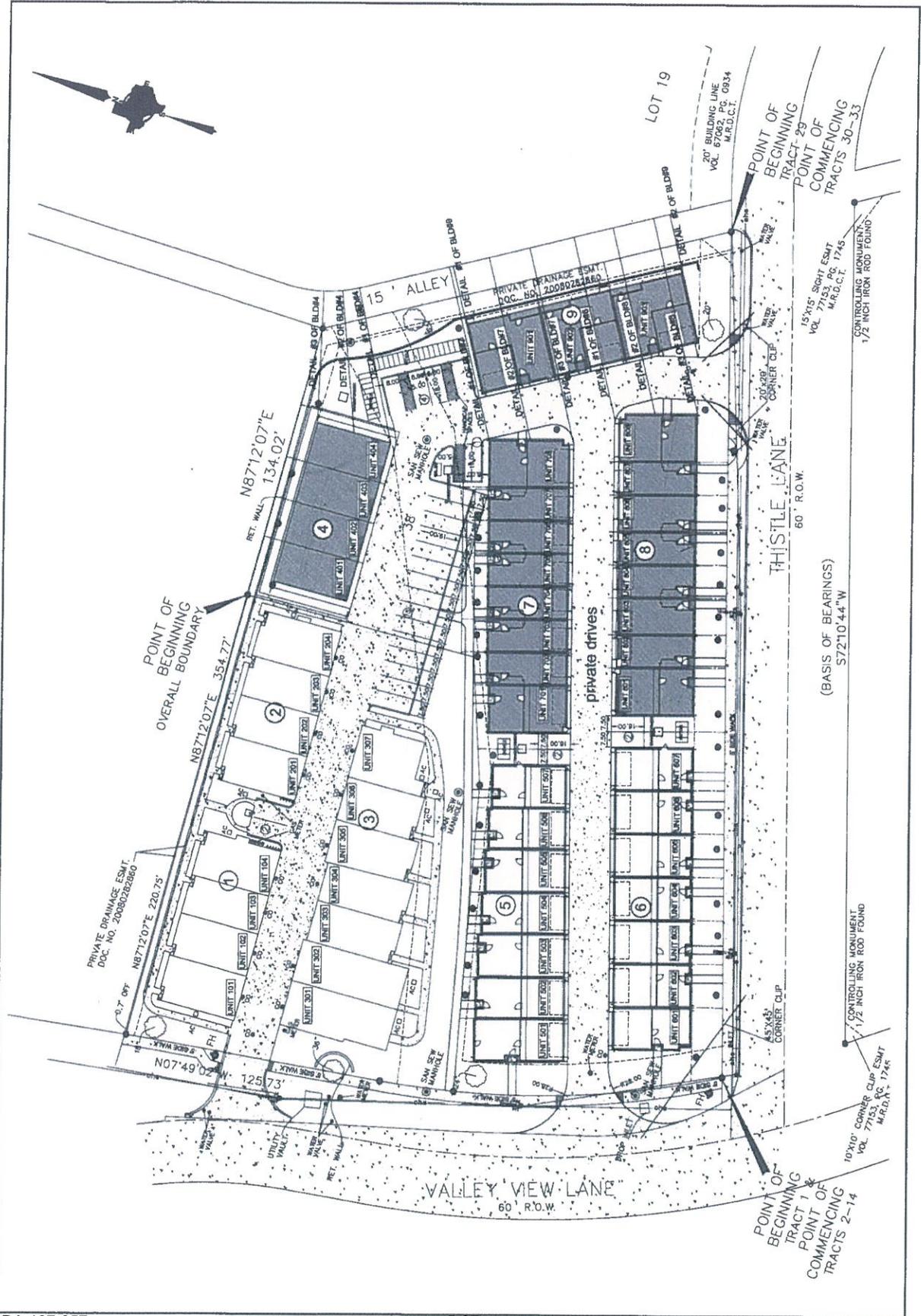
Parcel address.

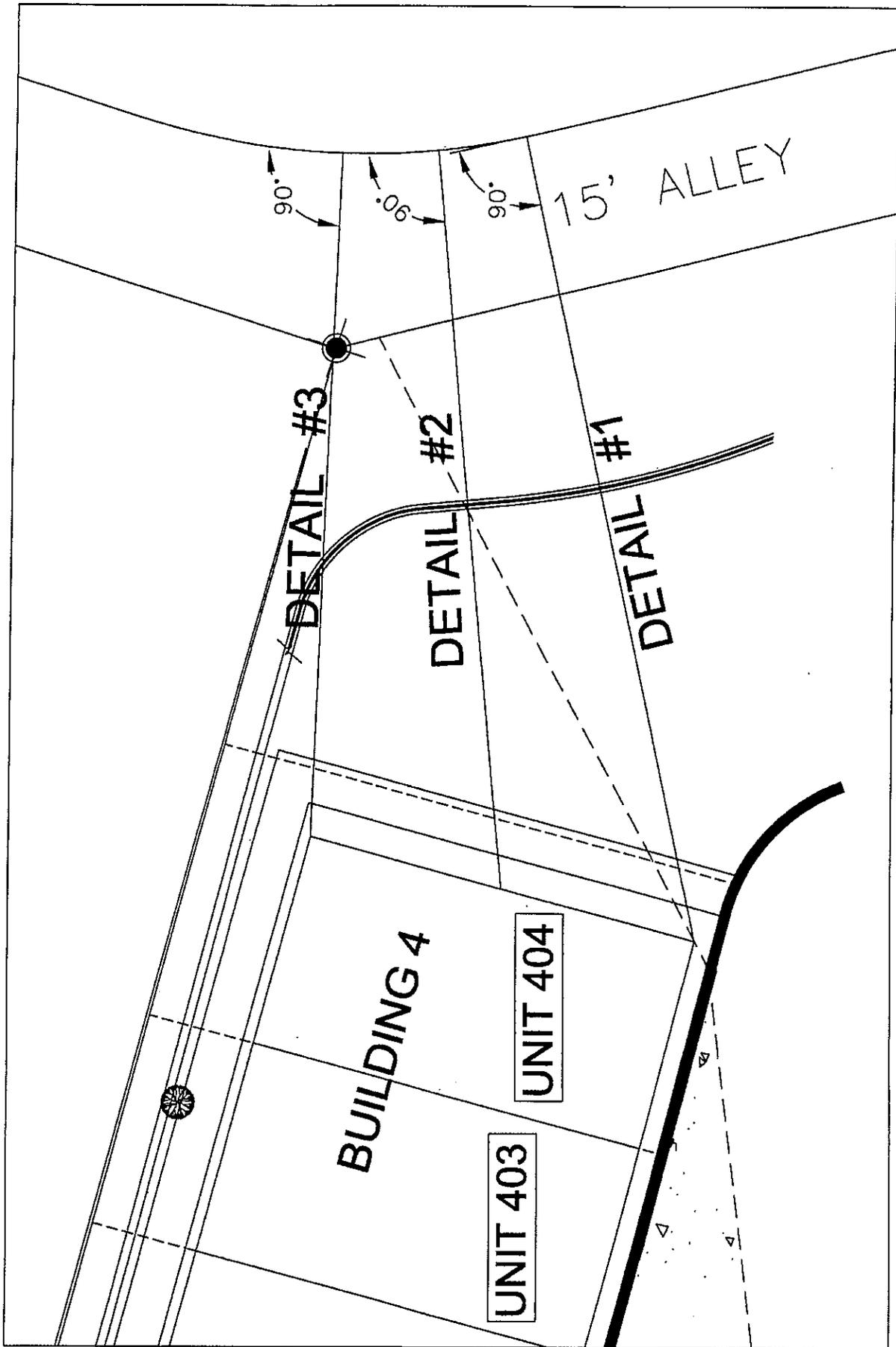
Use street type for better re

Locate

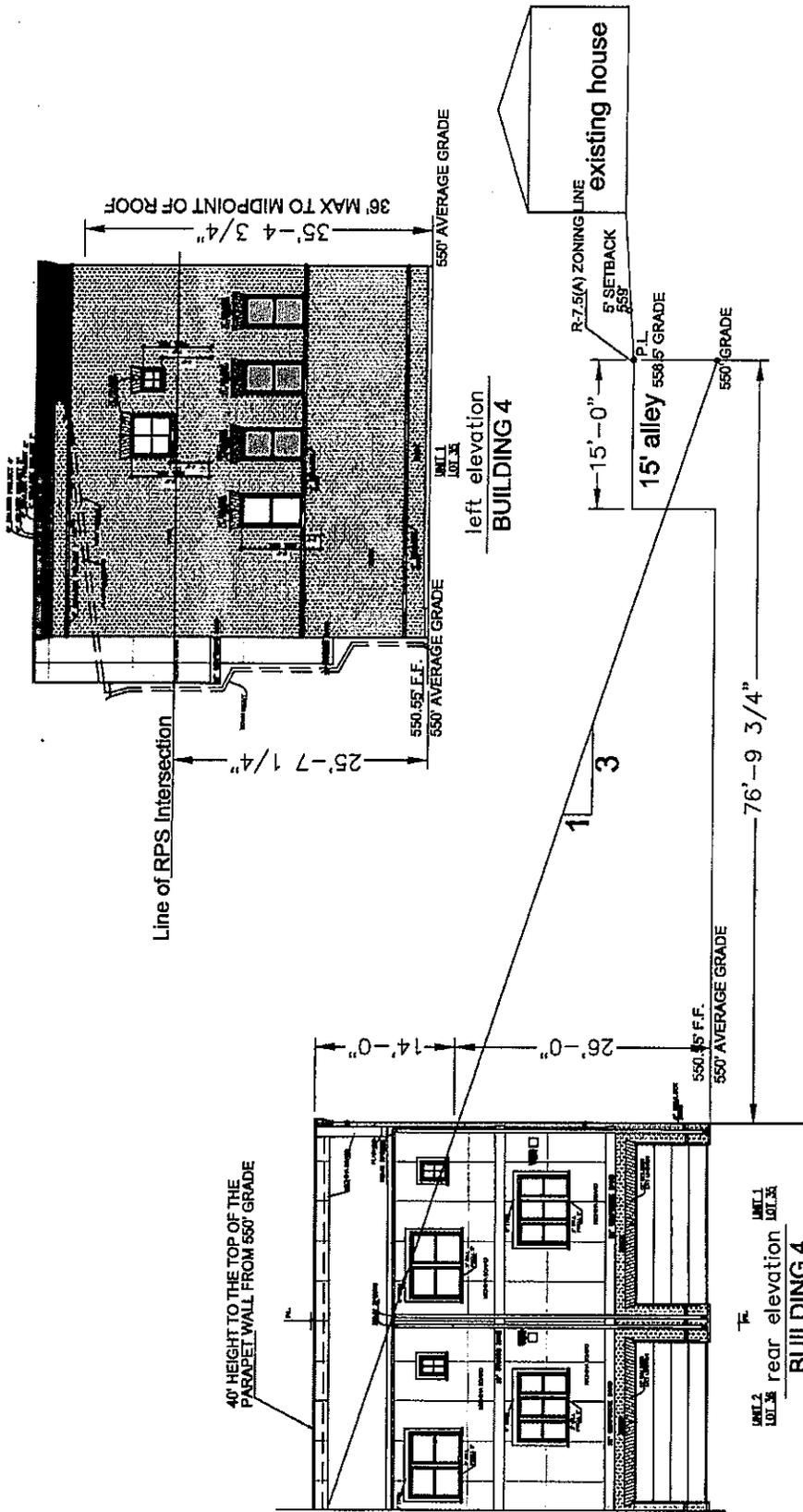


1528 Oliver Houston, TX 77002 (713) 880-6811 <b>URBANTOWN HOMES</b>		<b>RPS DETAIL SITE PLAN</b> 7333 Valley View Dailas	DATE: March 03, 2017 DRAWN BY: [blank] CHECKED BY: [blank] PROJECT NUMBER: [blank]	<b>A-1</b>
REVISIONS:				

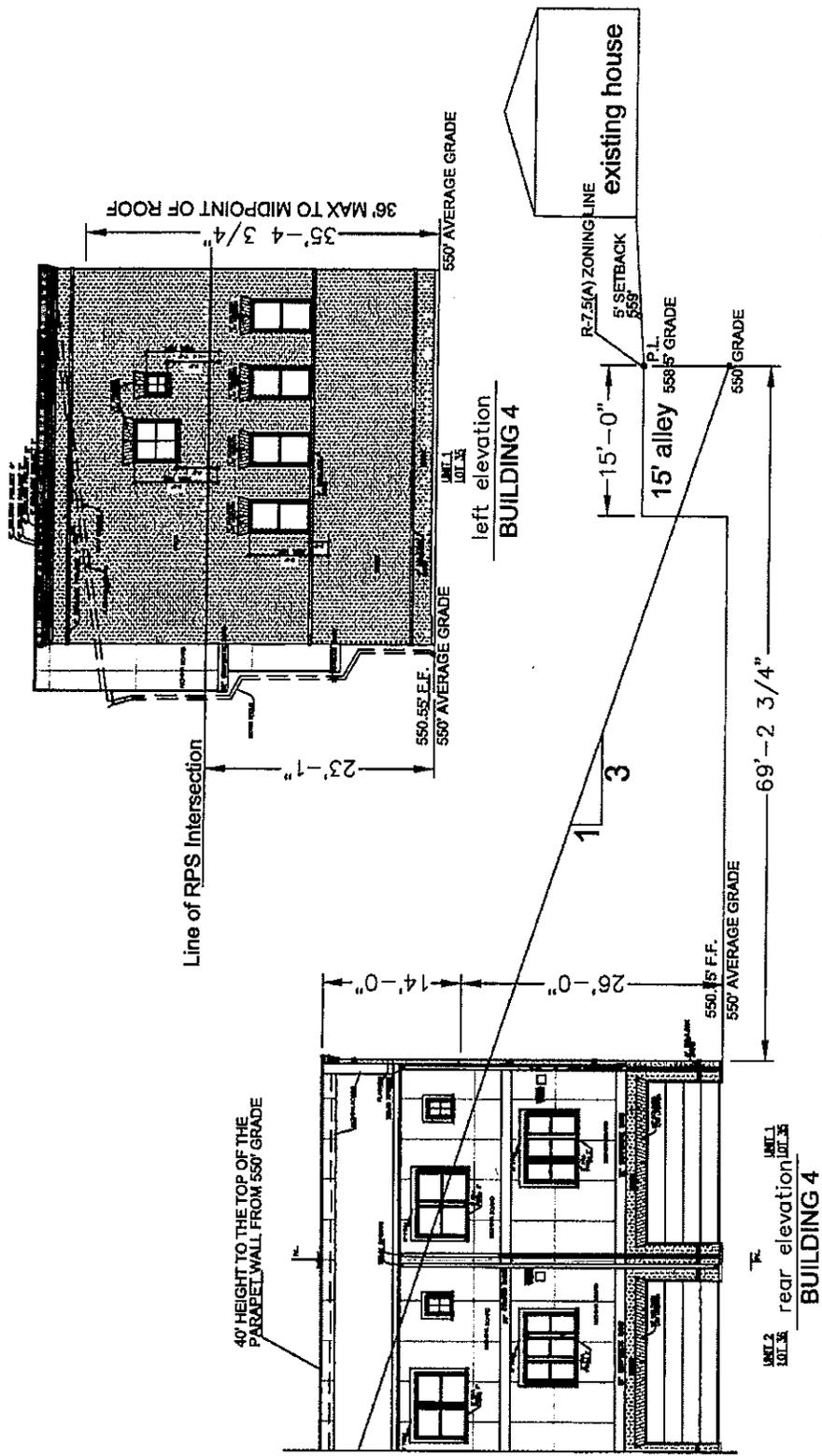




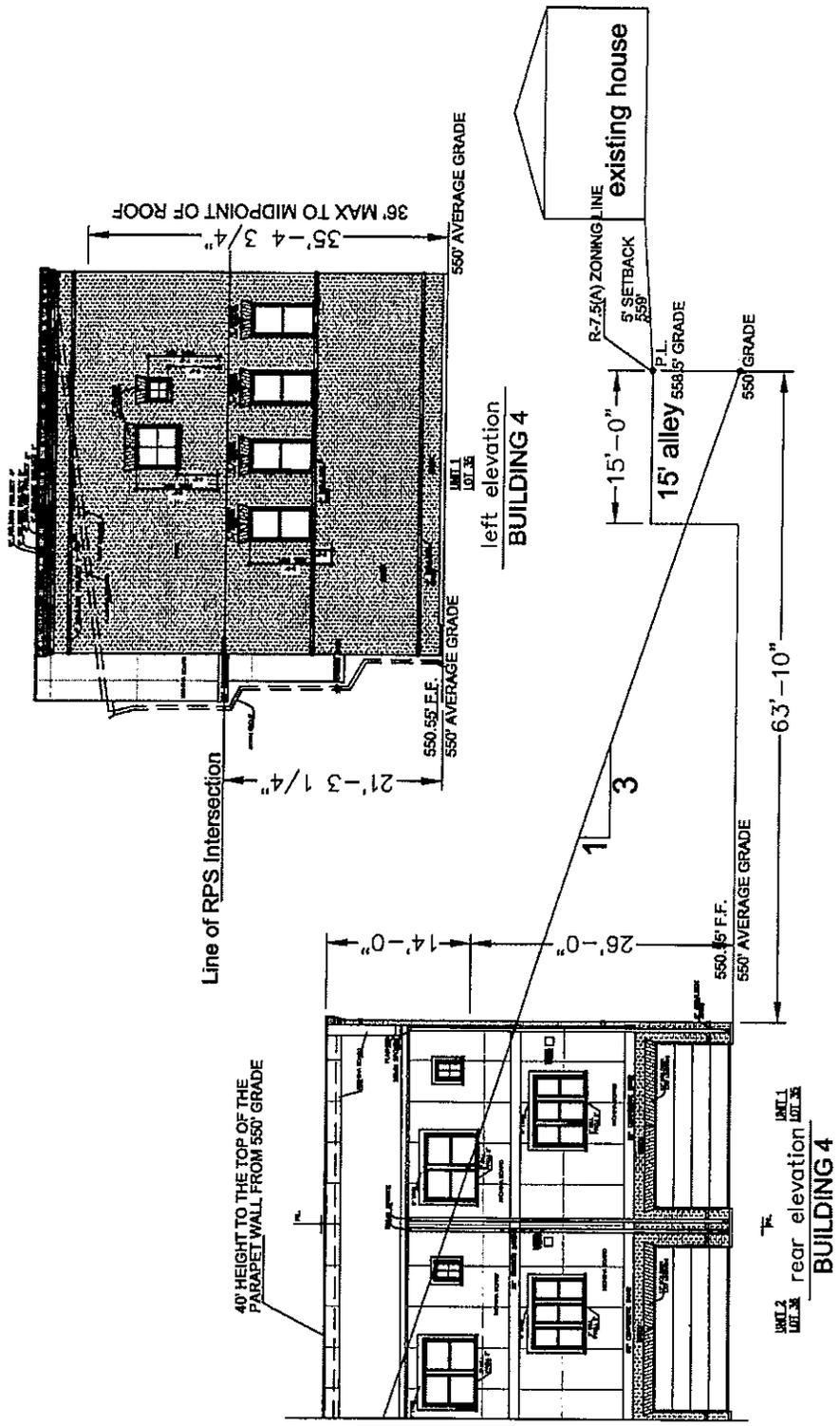
4-13



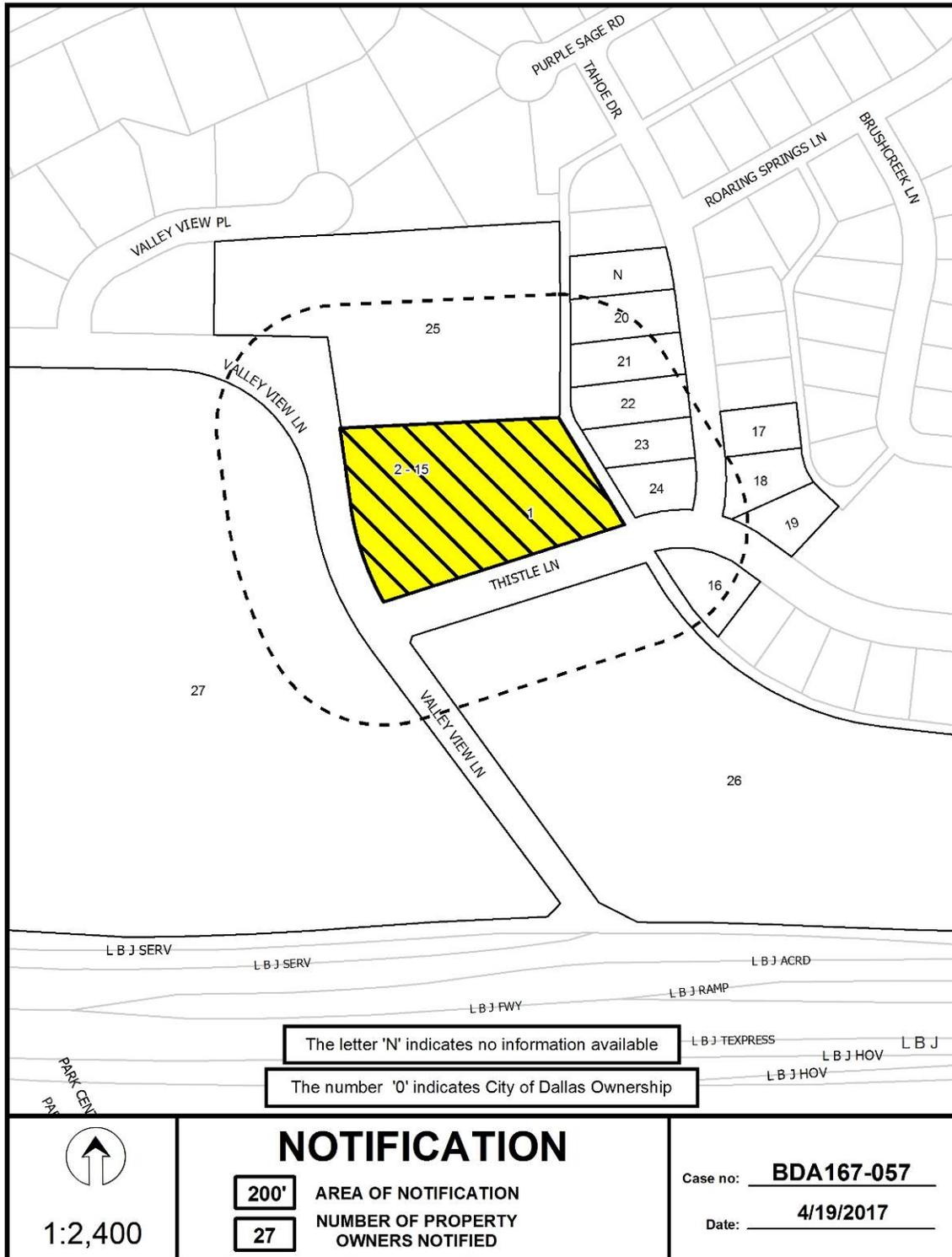
RPS #1 Detail-Valley View Building 4  
SCALE: 3/32"=1'



**RPS #2 Detail-Valley View Building 4**  
 SCALE: 3/32"=1'



RPS #3 Detail-Valley View Building 4  
SCALE: 3/32"=1'



## *Notification List of Property Owners*

**BDA167-057**

**27 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	7333 VALLEY VIEW LN	URBAN INTOWNHOMES
2	7333 VALLEY VIEW LN	GRIFFITH CYNTHIA A
3	7333 VALLEY VIEW LN	CRIFFITH CYNTHIA A
4	7333 VALLEY VIEW LN	GRIFFITH CURTIS
5	7333 VALLEY VIEW LN	MATHERNE CHRISTOPHER A &
6	7333 VALLEY VIEW LN	NEWSOM JOHN DAVID & MIKELLA
7	7333 VALLEY VIEW LN	SHAMLI MOHAMED N
8	7333 VALLEY VIEW LN	FIFE WILLIAM D
9	7333 VALLEY VIEW LN	WELCH FRANK STEPHEN
10	7333 VALLEY VIEW LN	LINER ROBERT M & SUZANNE BECK
11	7333 VALLEY VIEW LN	BASS KEVIN
12	7333 VALLEY VIEW LN	NEWSOM CORY T
13	7333 VALLEY VIEW LN	LINER ROBERT M & SUZANNE BECK
14	7333 VALLEY VIEW LN	BECK ANDREW
15	7333 VALLEY VIEW LN	NGUYEN LUAN Q
16	7510 THISTLE LN	FRAZIN LORRIE
17	13108 TAHOE DR	ROGERS BRIAN B & SHARA L
18	13104 TAHOE DR	HAYHURST THANE
19	7511 THISTLE LN	CHURCH IN DALLAS THE
20	13119 TAHOE DR	DODSON CHARLES W & PATRICIA J
21	13115 TAHOE DR	LISA ALBERTO &
22	13111 TAHOE DR	MCGEE FLOYD JR
23	13107 TAHOE DR	SRUBAS LAWRENCE M
24	13103 TAHOE DR	ALI MIR SHADID &
25	7309 VALLEY VIEW LN	MOUNT CALVARY CEMETERY
26	7373 VALLEY VIEW LN	CITY NORTH LLC

04/19/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7300 VALLEY VIEW LN	COVENANT KNIGHTS SCHOOL

**FILE NUMBER:** BDA167-077(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jose Reyes Moreno, represented by Franco Patino, for variances to the front yard setback regulations, side yard setback regulations, off-street parking regulations, and special exceptions to the visual obstruction regulations at 3719 Savage Street. This property is more fully described as part of Lot 19 & part of Lot 20, Block N/2604, and is zoned PD 67 (Tract 3), which requires a front yard setback of 20 feet, a side yard setback of 5 feet, a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley, and a 20 foot visibility triangle at a driveway and a 45 foot visibility triangle at a street intersection. The applicant proposes to construct and/or maintain a structure and provide a 10 foot 3 inch front yard setback, which will require a 9 foot 9 inch variance to the front yard setback regulations, and a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulations, to locate and maintain parking spaces in an enclosed structure with a setback of 10 feet 3 inches, which will require a variance of 9 feet 9 inches to the off-street parking regulations, and to locate and maintain items in required visibility triangles at driveways and at an intersection, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 3719 Savage Street.

**APPLICANT:** Jose Reyes Moreno  
Represented by Franco Patino

**REQUESTS:**

The following requests are made on a site that is undeveloped:

1. A request for a variance to the front yard setback regulations of 9' 9" is made to construct and maintain a two-story single family home structure, part of which is to be located 10' 3" from one of the site's two front property lines (Roper Street) or 9' 9" into this 20' front yard setback.
2. Requests for variances to the side yard setback regulations of up to 5' are made to construct and maintain a two-story single home structure, part of which is to be located in both 5' side yard setbacks as close as on a side property line or as much as 5' into the required 5' side yard setback.
3. A request for a variance to the off-street parking regulations of 9' 9" is made to locate and maintain a parking space in enclosed structure (an attached garage to the single family home structure) located 10' 3" from the Roper Street front property/right-of-way line or 9' 9" into the required 20' distance that parking spaces in enclosed structures must be from this street right-of-way.

4. Requests for special exceptions to the visual obstruction regulations are made to locate and maintain the aforementioned single family home structure:
  - in the 45' visibility triangle at the intersection of Roper Street and Savage Street, and
  - in the two 20' visibility triangles at the driveway into the site from Roper Street.

**STANDARD FOR A VARIANCE:**

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

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION (front yard variance):**

Denial

- While staff recognized that the flat, approximately 3,100 square foot subject site had two 20' front yard setbacks, and had approximately 2,000 square feet less than that of other lots in the PD 67 (Tract 3) zoning district, staff concluded that applicant had not substantiated how granting this variance to the front yard setback regulations was not contrary to public interest.

**STAFF RECOMMENDATION (side yard variances):**

Denial

- While staff recognized that the flat, approximately 3,100 square foot subject site had two 20' front yard setbacks, and had approximately 2,000 square feet less than that

of other lots in the PD 67 (Tract 3) zoning district, staff concluded that applicant had not substantiated how granting this variance to the side yard setback regulations was not contrary to public interest.

**STAFF RECOMMENDATION (parking variance):**

Denial

- While staff recognized that the flat, approximately 3,100 square foot subject site had two 20' front yard setbacks, and had approximately 2,000 square feet less than that of other lots in the PD 67 (Tract 3) zoning district, staff concluded that applicant had not substantiated how granting this variance to the off-street parking regulations was not contrary to public interest. With regard to this particular request, the Sustainable Development Department Assistant Director of Engineering recommends that this request be denied because, if granted, it would create a situation where vehicles in front of the garage would block the sidewalk on Roper Street.

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Denial

Rationale:

- While the Sustainable Development Department Assistant Director of Engineering had indicated that he had no objections for the proposed structure to be located in the 45' visibility triangle at the intersection of Roper Street and Savage Street, and in the two 20' visibility triangles at the driveway into the site from Roper Street (i.e. that the structure proposed to be located in these three visibility triangles would not create a traffic hazard), staff is recommending that these requests be denied given that the structure in these three visibility triangles is also located in the 20' Roper Street front yard setback which staff is recommending denial of given that the applicant had substantiated how granting this variance was not contrary to public interest.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 67 (Tract 3) (Planned Development)  
North: PD 67 (Tract 3) (Planned Development)  
South: PD 67 (Tract 3) (Planned Development)  
East: R-7.5(A) (Single family residential 7,500 square feet)  
West: PD 67 (Tract 3) (Planned Development)

**Land Use:**

The subject site is undeveloped. The areas to the north, south, and east are developed with single family 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 (front yard variance):**

- The request for a variance to the front yard setback regulations of 9' 9" focuses on constructing and maintaining a two-story single family home structure with an approximately 1,600 square foot building footprint, which is to be located 10' 3" from one of the site's two front property lines (Roper Street) or 9' 9" into this 20' front yard setback on a site that is undeveloped.
- The property is located in PD 67 (Tract III) which states the following:
  - Land use must remain as indicated on the "Existing Land Use" map with single-family uses and other permitted uses regulated by the requirements of the Single-Family Dwelling District 5,000 Square Feet and with duplex uses and other permitted uses regulated by the requirements of the Duplex Dwelling District and with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below.
- The "Existing Land Use" map in the PD ordinance shows the land use of the site and the other parcels land on the north side of Savage Street between Tyree Street and Roper Street to be "Single Family."
- The required front yard setback for the subject site is 20'.
- The subject site is located at the northwest corner of Savage Street and Roper Street.
- Given the PD single family and duplex residential zoning and location of the corner lot subject site, it has two 20' front yard setbacks – a front yard setback along Savage Street (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Roper Street, (the longer of the two frontages which is typically considered a side yard where on this zoned property where a 5' side yard setback is required). However, the site has a front yard setback along Roper Street in order to maintain continuity of the established front yard setback along this street frontage where properties to the north of the subject site "front" on Roper Street.
- The submitted revised site plan represents that the proposed structure is located 10' 3" from the Roper Street front property line or 9' 9" into this 20' front yard setback. (The submitted revised site plan shows the proposed home in compliance with the required front yard setback on Savage Street).
- According to DCAD records, there is no main or additional improvement listed for property addressed at 3719 Savage Street.
- The subject site is flat, rectangular in shape (approximately 100' x 31'), and according to the submitted application is 0.071 acres (or approximately 3,100 square

feet) in area. The site is zoned PD 67 (Tract 3) where before the creation of this PD in 1976, the site was zoned R-5 where lots are typically 5,000 square feet in area.

- Most lots in the PD 67 (Tract 3) zoning district have one 20' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 20' front yard setbacks and two 5' side yard setbacks.
- Since the proposed home is to be located 10' 3" from the Roper Street property line, no variance to setback regulations would be required if the frontage of this street were a side yard.
- The approximately 31' wide subject site has 6' of width left for development once a 20' front yard setback is accounted for on the east and a 5' side yard setback is accounted for on the west. If this lot were more typically with one front yard, two side yards, and one rear yard, the lot would have 21' of width left for development.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 67 (Tract III) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 67 (Tract III) zoning classification.
- If the Board were to grant the variance request, and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a structure that would be located 10' 3" from the site's Roper Street front property line (or 9' 3" into this Roper Street 20' front yard setback).

#### **GENERAL FACTS/STAFF ANALYSIS (side yard variances):**

- The requests for variance to the side yard setback regulations of up to 5' focuses on constructing and maintaining a two-story single family home structure with an approximately 1,600 square foot building footprint, which is to be located as close on one of the site's two side property lines or as much as 5' into the 5' required side yard setback on a site that is undeveloped.
- The property is located in PD 67 (Tract III) which states the following:
  - Land use must remain as indicated on the "Existing Land Use" map with single-family uses and other permitted uses regulated by the requirements of the Single-Family Dwelling District 5,000 Square Feet and with duplex uses and other permitted uses regulated by the requirements of the Duplex Dwelling District and with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below.

- The “Existing Land Use” map in the PD ordinance shows the land use of the site and the other parcels land on the north side of Savage Street between Tyree Street and Roper Street to be “Single Family.”
- The required side yard setback for the subject site is 5’.
- The subject site is located at the northwest corner of Savage Street and Roper Street.
- Given the PD single family and duplex residential zoning and location of the corner lot subject site, it has two 20’ front yard setbacks – a front yard setback along Savage Street (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Roper Street, (the longer of the two frontages which is typically considered a side yard where on this zoned property where a 5’ side yard setback is required). However, the site has a front yard setback along Roper Street in order to maintain continuity of the established front yard setback along this street frontage where properties to the north of the subject site “front” on Roper Street.
- The submitted revised site plan represents that the proposed structure is located on the western side property line (or 5’ into this 5’ required side yard setback) and 3’ 6” from the northern side property line (or 1’ 6” into this 5’ required side yard setback).
- According to DCAD records, there is no main or additional improvement listed for property addressed at 3719 Savage Street.
- The subject site is flat, rectangular in shape (approximately 100’ x 31’), and according to the submitted application is 0.071 acres (or approximately 3,100 square feet) in area. The site is zoned PD 67 (Tract 3) where before the creation of this PD in 1976, the site was zoned R-5 where lots are typically 5,000 square feet in area.
- Most lots in the PD 67 (Tract 3) zoning district have one 20’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback; this site has two 20’ front yard setbacks and two 5’ side yard setbacks.
- The approximately 31’ wide subject site has 6’ of width left for development once a 20’ front yard setback is accounted for on the east and a 5’ side yard setback is accounted for on the west. If this lot were more typically with one front yard, two side yards, and one rear yard, the lot would have 21’ of width left for development.
- The applicant has the burden of proof in establishing the following:
  - That granting the variances to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 67 (Tract III) zoning classification.
  - The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 67 (Tract III) zoning classification.

- If the Board were to grant the side yard variance requests, and impose the submitted revised site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document– which in this case is a structure that would be located as close on one of the site’s two side property lines (or as much as 5’ into the 5’ required side yard setback).

**GENERAL FACTS/STAFF ANALYSIS (parking variance):**

- The request for a variance to the off-street parking regulations of 9’ 9” focuses on locating and maintaining parking spaces in an enclosed structure (an attached garage to the single family home structure) located 10’ 3” from the Roper Street front property/right-of-way line or 9’ 9” into the required 20’ distance that parking spaces in enclosed structures must be from this street right-of-way.
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted revised site plan denotes a “garage” located 10’ 3” from the Roper Street right-of-way line or approximately 18’ from the Roper Street pavement line.
- According to DCAD records, there is no main or additional improvement listed for property addressed at 3719 Savage Street.
- The subject site is flat, rectangular in shape (approximately 100’ x 31’), and according to the submitted application is 0.071 acres (or approximately 3,100 square feet) in area. The site is zoned PD 67 (Tract 3) where before the creation of this PD in 1976, the site was zoned R-5 where lots are typically 5,000 square feet in area.
- Most lots in the PD 67 (Tract 3) zoning district have one 20’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback; this site has two 20’ front yard setbacks and two 5’ side yard setbacks.
- The approximately 31’ wide subject site has 6’ of width left for development once a 20’ front yard setback is accounted for on the east and a 5’ side yard setback is accounted for on the west. If this lot were more typically with one front yard, two side yards, and one rear yard, the lot would have 21’ of width left for development.
- The Sustainable Development Department Assistant Director of Engineering submitted review comment sheets along with a photo (see Attachment A). The review comment sheet for the parking variance request was marked “Recommends that this be denied” with the following additional comment: “Cars in front of garage will block sidewalk”.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same PD 67 (Tract 3) zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 67 (Tract 3) zoning classification.
- If the Board were to grant the variance request, staff recommends imposing the following conditions:
  1. Compliance with the submitted revised site plan is required.
  2. An automatic garage door must be installed and maintained in working order at all times.
  3. At no time may the area in front of the garage be utilized for parking of vehicles. (These conditions are imposed to help assure that the variance will not be contrary to the public interest).

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):**

- The requests for special exceptions to the visual obstruction regulations focus on locating and maintaining a single family home structure that is proposed to be located in the 45' visibility triangle at the intersection of Roper Street and Savage Street, and in the two 20' visibility triangles at the driveway into the site from Roper Street.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The submitted revised site plan represents that a portion of the proposed single family home is located in the 45' visibility triangle at the intersection of Roper Street and Savage Street, and in the two, 20' visibility triangles at the driveway into the site from Roper Street.
- The Sustainable Development Department Assistant Director of Engineering submitted review comment sheets along with a photo (see Attachment C). The review comment sheet for the visual obstruction special exception request was marked "Has no objections".
- The applicant has the burden of proof in establishing how granting these requests for special exceptions to the visual obstruction regulations does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan would limit the items located in the 45' visibility triangle at the intersection of Roper Street and Savage Street, and in the two 20'

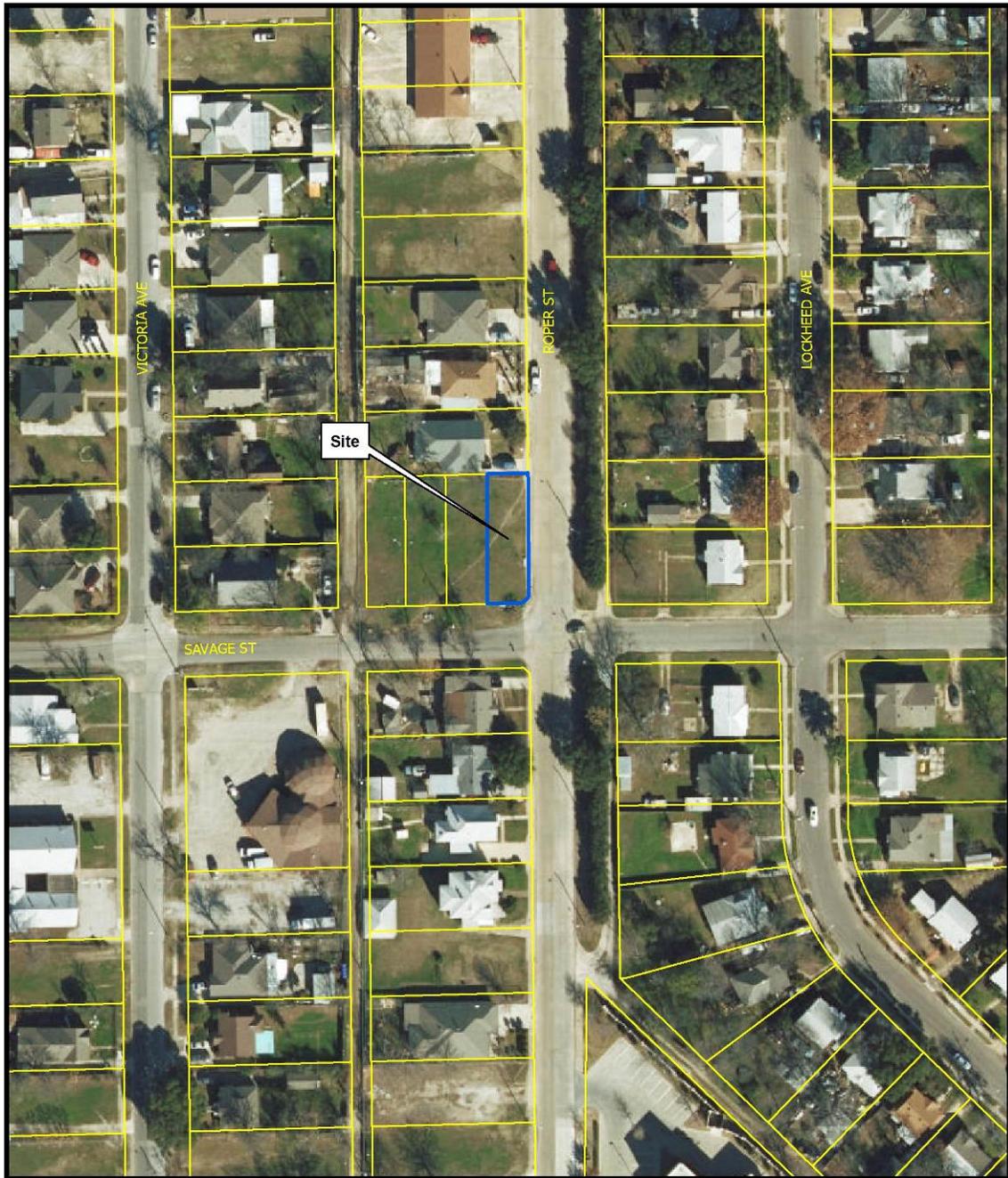
visibility triangles at the driveway into the site from Roper Street to that what is shown on these documents – a single family home.

**Timeline:**

- April 21, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- May 9, 2017: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 31<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 9<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.
- May 31, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- May 31, 2017: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment B).
- June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- June 9, 2017: The Sustainable Development Department Assistant Director of Engineering submitted review comment sheets along with a photo (see Attachment C). The review comment sheet for the visual obstruction special exception request was marked “Has no objections”. The review comment sheet for the parking variance request was marked “Recommends that this be denied” with the

following additional comment: "Cars in front of garage will block sidewalk".





1:1,200

# AERIAL MAP

Case no: BDA167-077

Date: 5/16/2017



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

167-077

Data Relative to Subject Property:

Date:

5/30/17

Location address: 3719 SAUAGRE ST.

Zoning District: P067(R,3)

Lot No.: 1782 Block No.: N2604 Acreage: 0.071

Census Tract: 71.02

Street Frontage (in Feet): 1) 31.25 2) 100 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jose Reyes Moreno

Applicant: Jose Reyes Moreno

Telephone: 214 200 5374

Mailing Address: 1839 Cortez Dr DALLAS

Zip Code: 75220

E-mail Address: ~~m5\_reyes@yahoo.com~~

Represented by: Franco Patino

Telephone: 214 862 3670

Mailing Address: 4020 N McArthur 122-217 Zip Code: 75038

E-mail Address: zasanogroup@yahoo.com

Affirm that an appeal has been made for a Variance, or Special Exception, of 9'9"

to the front yard set back 9'-9" for the OFF STREET PARKING IN AN ENCLOSED STRUCTURE, SPECIAL EXEMPTION OF ANGLE & STREET INTERSECTION & DRIVEWAY AT THE WEST SETBACK OF PROPERTY # Side yd.

visibility triangle

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

See Attachment (EXIST) due to a restrictive lot size and buildable area

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

FRANCO PATINO

(Affiant/Applicant's name printed)

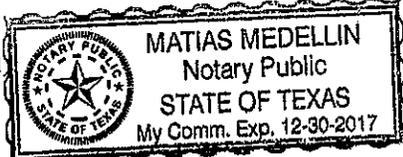
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 30 day of MAY, 2017

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

BDA 167-077  
Attach A  
pg 2



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 167-077

I, Jose Reyes Moreno, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3719 Savage St.  
(Address of property as stated on application)

Authorize: Franco Pina  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

Variance (specify below)

Special Exception (specify below)

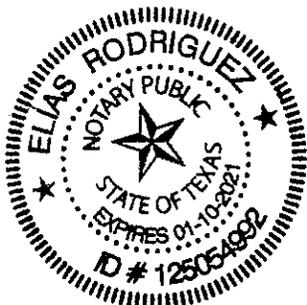
Other Appeal (specify below)

Jose Reyes Moreno [Signature] 5/30/2017  
Print name of property owner/agent    Signature of property owner/agent    Date

Before me, the undersigned, on this day personally appeared Jose Reyes Moreno

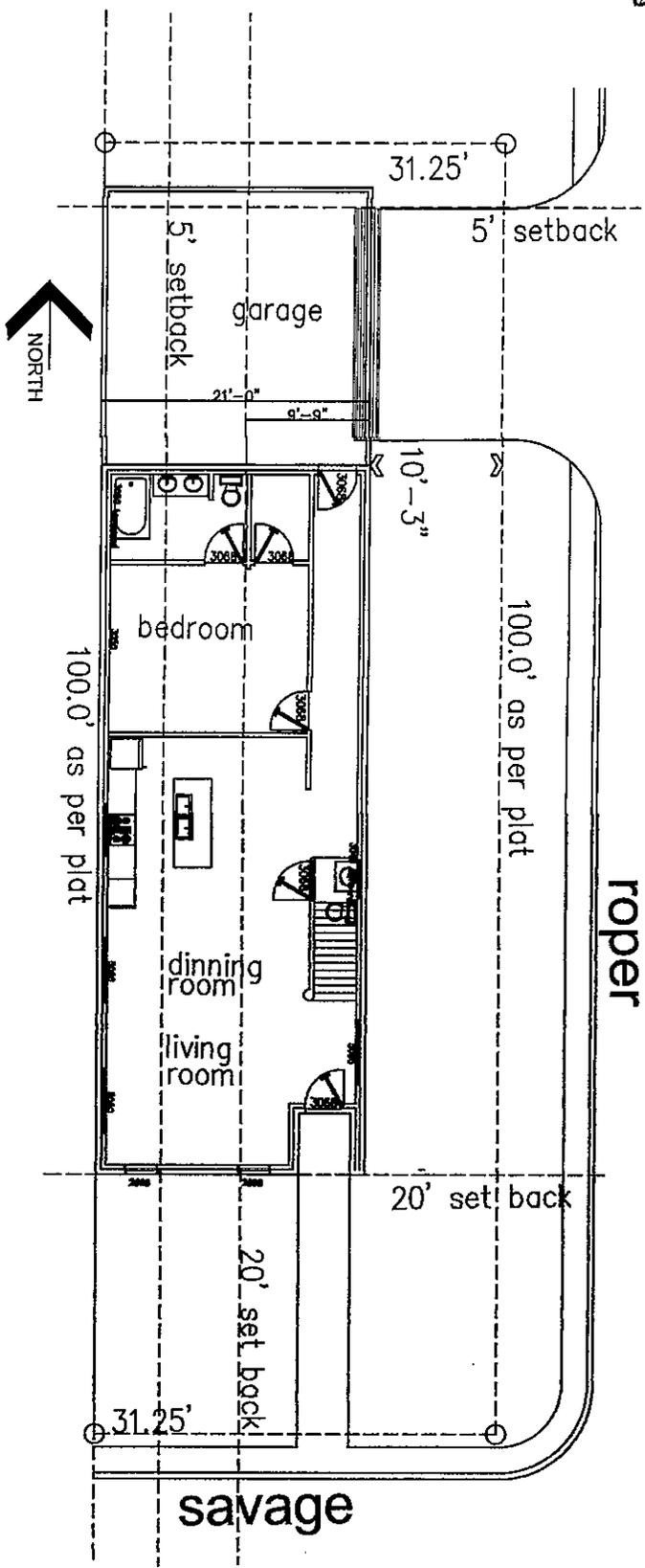
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 31 day of May, 2017

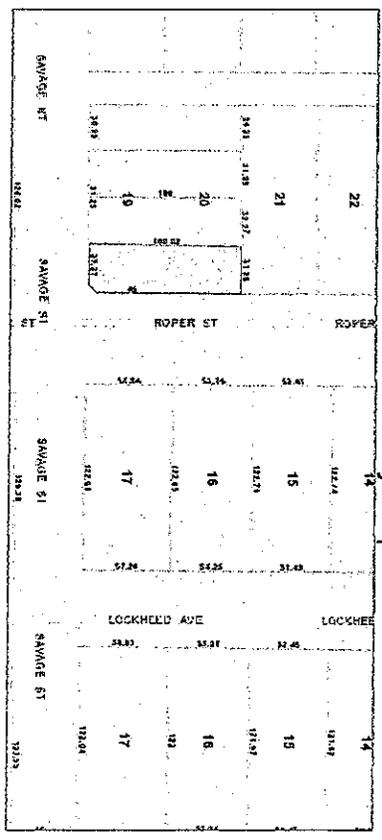


[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 01/10/2021



Legal Desc (Current 2017)  
 1: WEBSTER & WOODS NORTH PARK  
 2: BLK N/2604 E PT LT 19 & 20  
 3: ROPER  
 4: INT20160011005 DD04132016 CO-DC  
 5: 2604 00N 01900 1002604 00N  
 Deed Transfer Date: 4/26/2016



scale 1 to 10

zasan+zasan engineering & construction COPYRIGHT 2016, ALL RIGHTS RESERVED.

PROJECT : 16007  
 DRAWN BY: fz  
 REVISION 1: 5/25/2017  
 REVISION 2:  
 DATE: 3-20-2017  
 PHASE: CONSTRUCTION  
 DESCRIPTION:  
 NEW RESIDENCE

site plan

S.1

BDA 167-077

NEW RESIDENCE  
 REYES FAMILY  
 3719 Savage, Dallas, Texas  
 6-15

CONSTRUCTION DOCUMENTS  
 PHASE1:  
 PERMIT  
 PHASE11:  
 NEW RESIDENCE

established 1999  
 zasantgroup.com

urban infrastructure | planning | aviation  
 4020 N. McArthur Blvd., Ste. 122-217  
 IRVING, TEXAS 75038  
 main 214.862.3670 e-mail: zasantgroup@yaho.com

BDA167-077  
Attach B

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 Jose Moreno  
represented by Franco Patino  
did submit a request for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the side yard setback regulations  
at 3719 Savage Street

BDA167-077. Application of Jose Moreno represented by Franco Patino for a variance to the front yard setback regulations, a variance to the side yard setback regulations, a variance to the off-street parking regulations, and a special exception to the visibility obstruction regulations at 3719 Savage Street. This property is more fully described as part of Lot 19 & part of Lot 20, Block N/2604, and is zoned PD-67 (Tract 3), which requires a front yard setback of 20 feet and which requires a side yard setback of 5 feet and requires parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires a 20 foot visibility triangle at a driveway and a 45 foot visibility triangle at a street intersection. The applicant proposes to construct single family residential structure and provide a 10 foot 3 inch front yard setback, which will require a 9 foot 9 inch variance to the front yard setback regulation, and provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulation, and to construct and maintain a single family residential structure with a front yard setback of 10 feet 3 inches, which will require a variance of 9 feet 9 inches to the off-street parking regulation, and to construct a residential structure in required visibility obstruction triangles which will require special exceptions to the visibility obstruction regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF JUNE 21, 2016(B)

For VARIANCE PARKING REQUEST

- |   |   |
|---|---|
| <input type="checkbox"/> Has no objections  | <input type="checkbox"/> BDA 167-066(SL)            |
| <input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) | <input type="checkbox"/> BDA 167-074(SL)            |
| <input checked="" type="checkbox"/> Recommends that this be denied (see comments below or attached)       | <input type="checkbox"/> BDA 167-075(SL)            |
| <input type="checkbox"/> No comments  | <input checked="" type="checkbox"/> BDA 167-077(SL) |

- BDA 167-078(SL)

COMMENTS:

Cars in front of  
garage will block  
the sidewalk.

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- 

Floyd Wenman  
Name/Title/Department

6-9-17  
Date

Assistant Director Engineering

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-077

Data Relative to Subject Property:

Date: 4-21-17

Location address: 3719 SAUSAGE ST Zoning District: PD67(Tr. 3)

Lot No.: 12820 Block No.: N2604 Acreage: .071 Census Tract: 71.02

Street Frontage (in Feet): 1) 31.25 2) 100' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jose Reyes Moreno

Applicant: Jose Reyes Moreno Telephone: 214 2005374

Mailing Address: 2839 CORTAZ DRIVE DALLAS TX Zip Code: 75220

E-mail Address: M5\_Reyes@yahoo.com

Represented by: FRANCO PATINO Telephone: 214 8623670

Mailing Address: Zasangroup@yahoo.com Zip Code: 75038

E-mail Address: 4020McArthur 120/127

Affirm that an appeal has been made for a Variance , or Special Exception , of 9' 9"

TO THE FRONT YARD SET BACK  
9' 9" TO THE OFF STREET PARKING IN INCLUDES STRUCTURE  
SPECIAL EXCEPTION OFF VISUALITY TRIANGULO @ STREET INTERSECTION

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: IN DRIVEWAY APPROX.

SEE ATTACHMENT / EXHIBITS Due to  
a restrictive lot size and buildable area.

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 JOSE MORENO  
(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 21 day of APRIL, 2017



[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

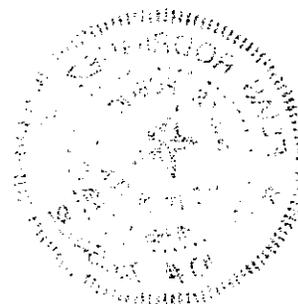
**Building Official's Report**

I hereby certify that Jose Moreno  
represented by Franco Patino  
did submit a request for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations, and for a special exception to the visibility obstruction regulations  
at 3719 Savage Street

BDA167-077. Application of Jose Moreno represented by Franco Patino for a variance to the front yard setback regulations, a variance to the off-street parking regulations, and a special exception to the visibility obstruction regulations at 3719 Savage Street. This property is more fully described as part of Lot 19 & part of Lot 20, Block N/2604, and is zoned PD-67 (Tract 3), which requires a front yard setback of 20 feet and requires a parki space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires a 20 foot visibility triangle at a driveway and a 45 foot visibility triangle at a street intersection. The applicant proposes to construct a single family residential structure and provide a 10 foot 3 inch front yard setback, which wi require a 9 foot 9 inch variance to the front yard setback regulation, and to construct and maintain a single family residential structure with a front yard setback of 10 feet 3 inches, which will require a variance of 9 feet 9 inches to the off-street parking regulation, and to construct a residential structure in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

3719 savage

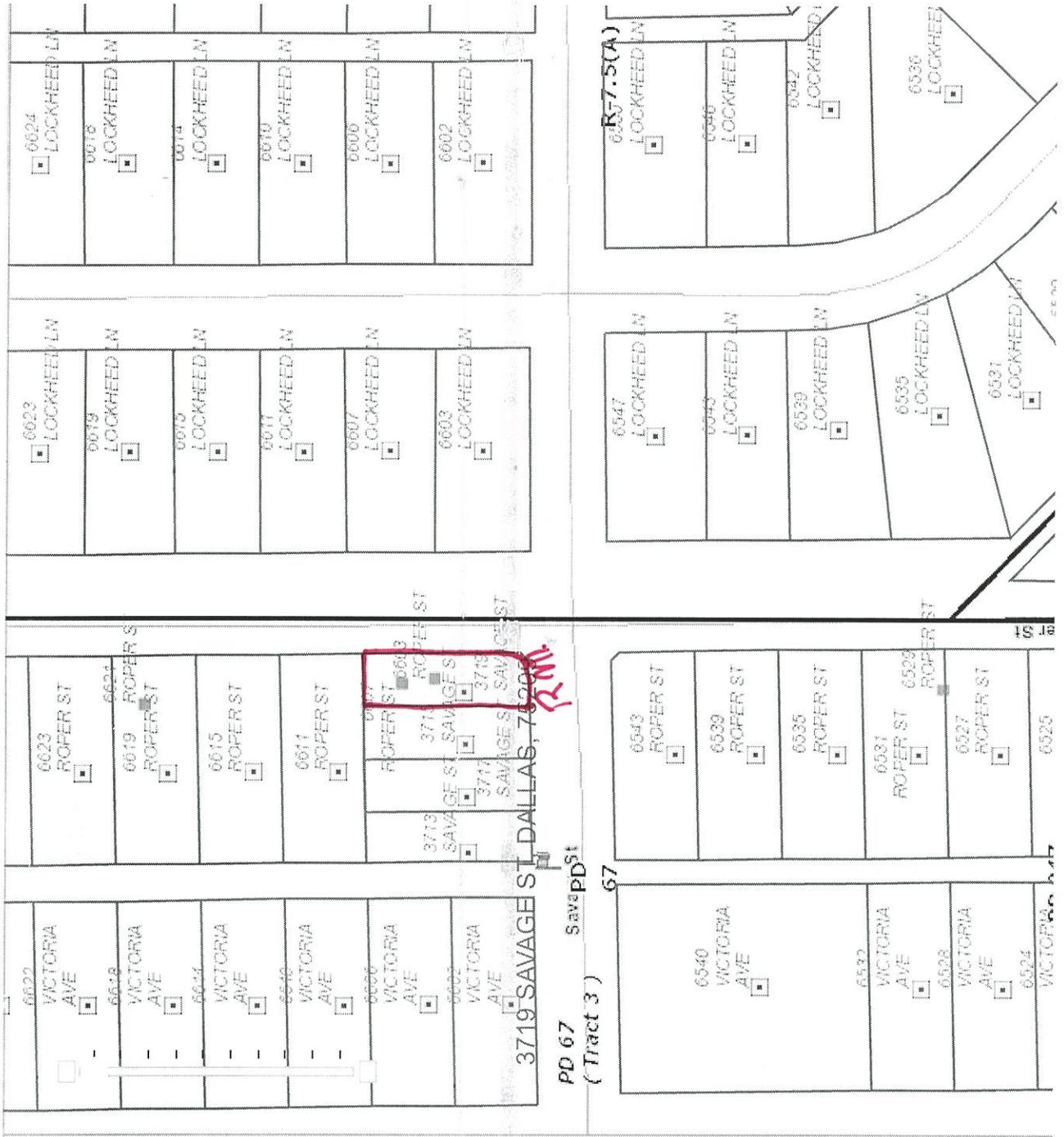
Locate

OR

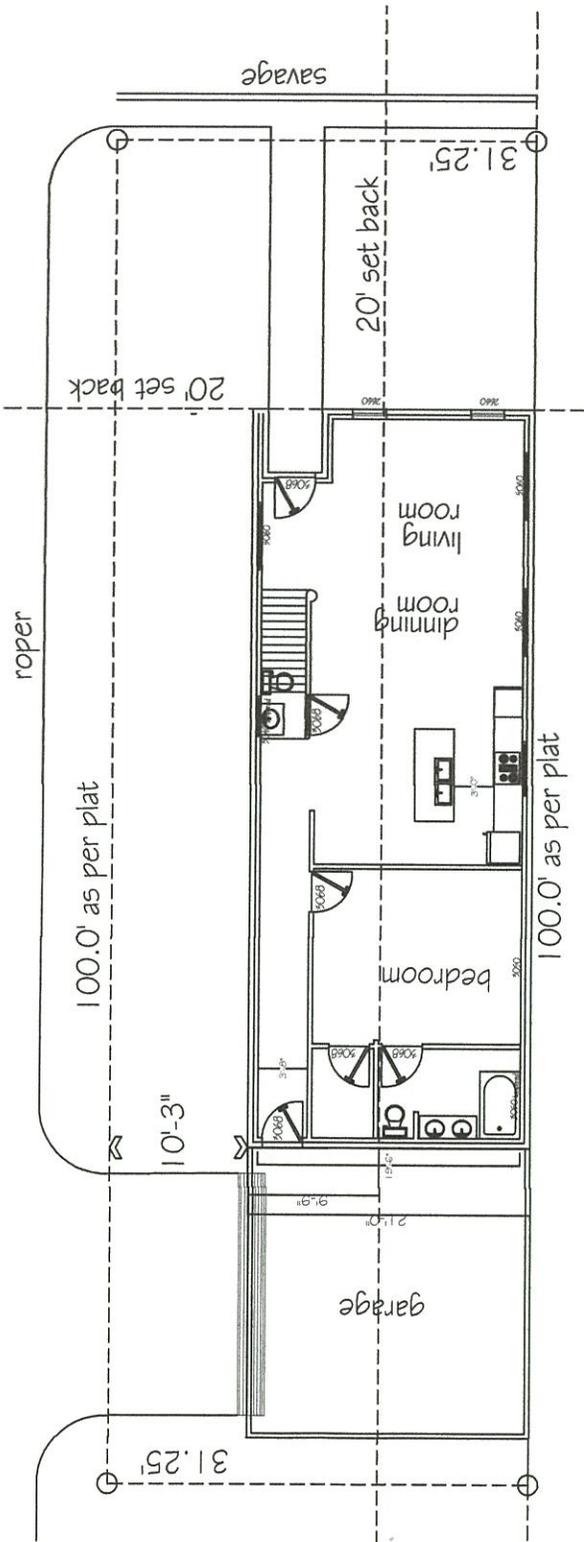
Parcel address.

Use street type for better re

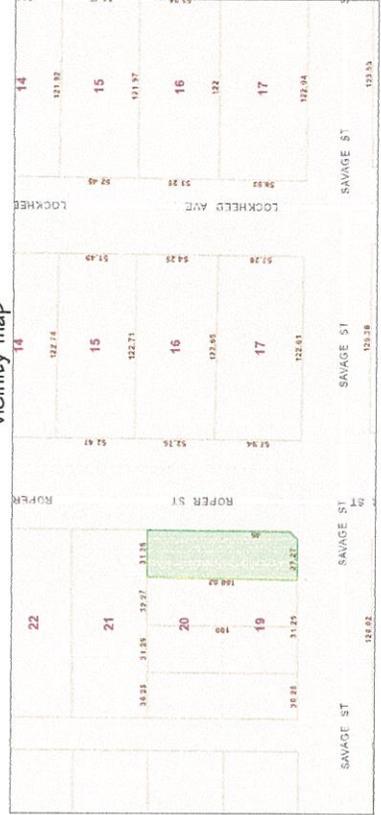
Locate







vicinity map



Legal Desc (Current: 2017)

- 1: WEBSTER & WOODS NORTH PARK
- 2: BLK N/2604 E PT LT 19 & 20
- 3: @ROPER
- 4: INT201600111005 DD04132016 CO-DC
- 5: 2604 OON 01900 1002604 OON  
Deed Transfer Date: 4/26/2016

site plan

S.1

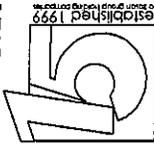
scale 1 to 10

CONSTRUCTION DOCUMENTS  
 PHASE I:  
 PERMIT  
 PHASE II:  
 NEW RESIDENCE

NEW RESIDENCE  
 REYES FAMILY  
 3719 Savage, Dallas, Texas

PROJECT: 16007  
 DRAWN BY: fz  
 REVISION 1:  
 REVISION 2:  
 DATE: 3-20-2017  
 PHASE: CONSTRUCTION  
 DESCRIPTION:  
 NEW RESIDENCE



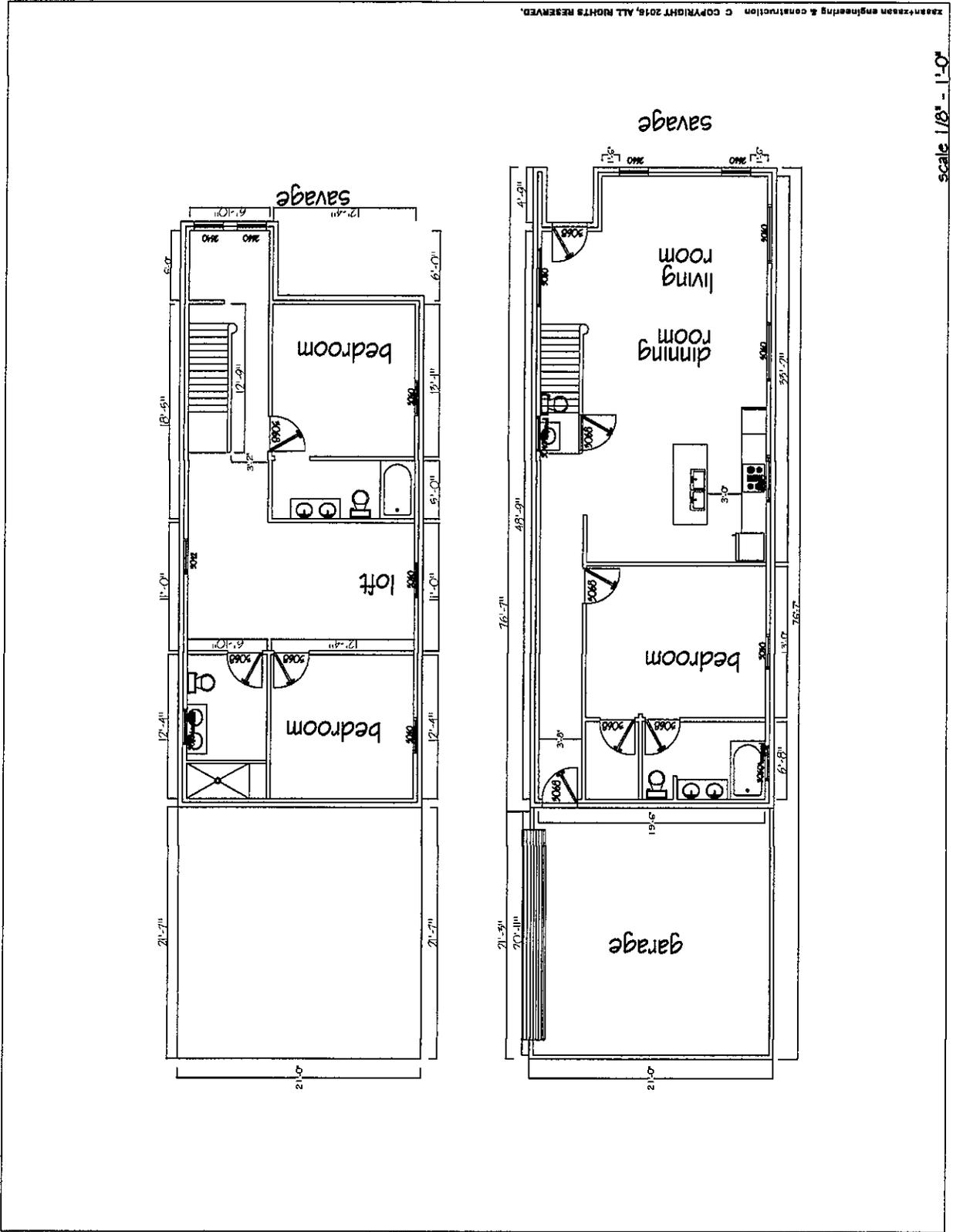


CONSTRUCTION DOCUMENTS  
 PERMIT  
 NEW RESIDENCE  
 3719 Savage, Dallas, Texas

PROJECT: 16007  
 DRAWN BY: lz  
 REVISION 1:  
 REVISION 2:  
 DATE: 3-20-2017  
 PHASE: CONSTRUCTION  
 DESCRIPTION:  
 NEW RESIDENCE

floor plan  
 existing

fp.1



scale 1/8" = 1'-0"



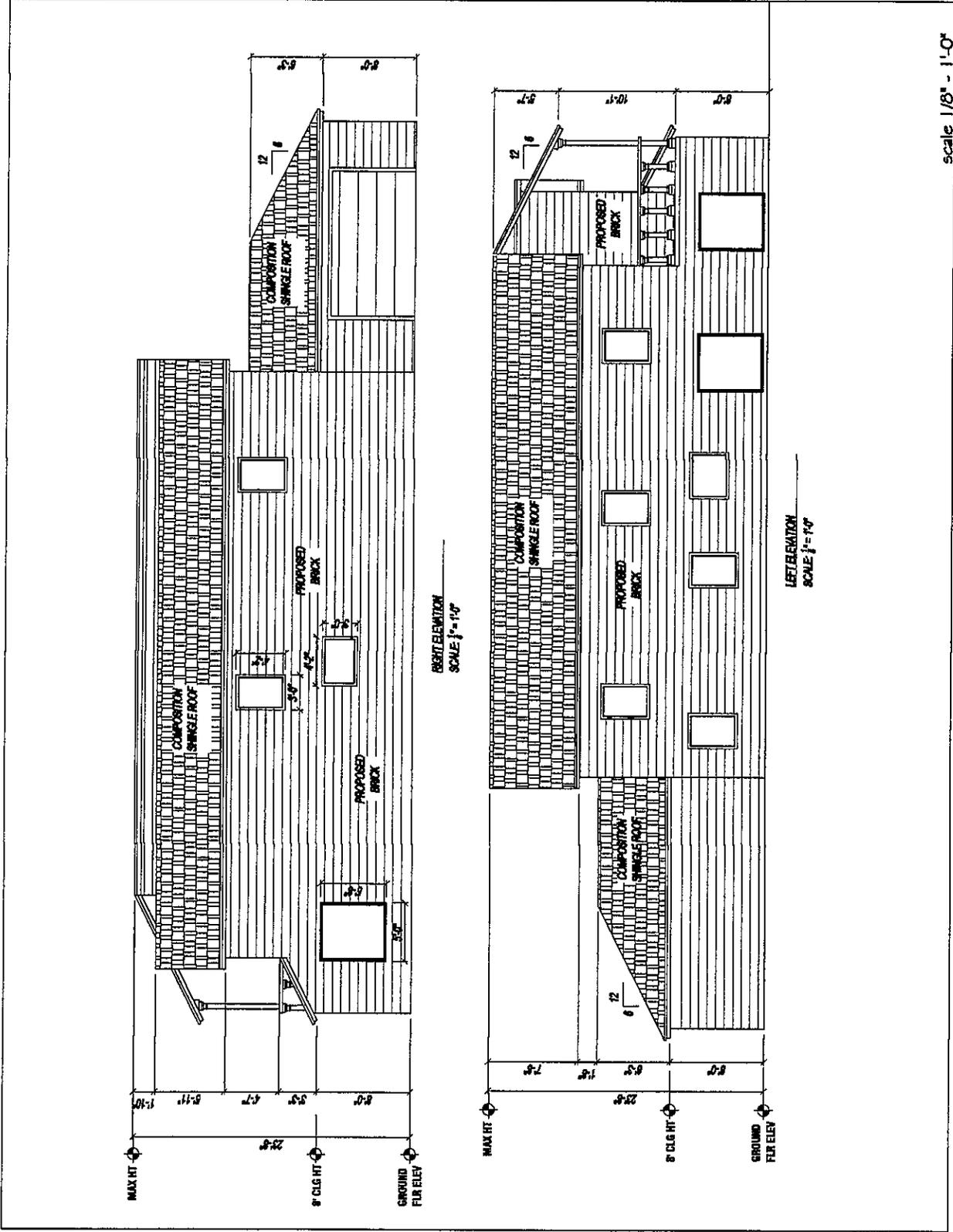
CONSTRUCTION DOCUMENTS  
 PHASE 11: PERMIT  
 PHASE 11: NEW RESIDENCE

NEW RESIDENCE  
 REYES FAMILY  
 3719 Savage, Dallas, Texas

PROJECT: 16007  
 DRAWN BY: tz  
 REVISION 1:  
 REVISION 2:  
 DATE: 3-20-2017  
 PHASE: CONSTRUCTION  
 DESCRIPTION:  
 NEW RESIDENCE

elevation plan

elv. 2



scale 1/8" = 1'-0"

City of Dallas

Board of Adjustment

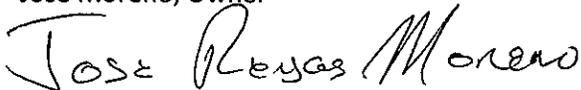
April 21, 2017

Site Address: 3719 Savage Dallas Texas 75208

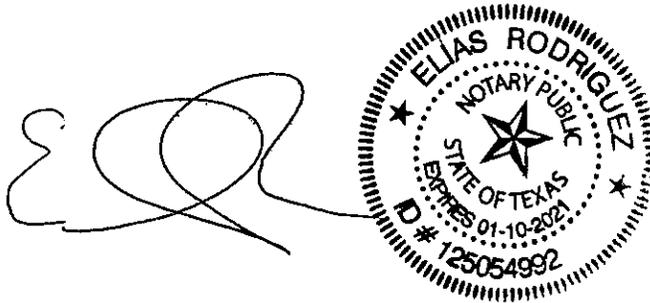
I, Jose Reyes Moreno, being the registered agent and owner of 3719 Savage Dallas, Texas 75208, am requesting a Board of Adjustment hearing for building a single-family house on a R75 (A) lot which does not meet with the side yard setbacks as required by the current zoning. The lot measures approx. front 31.25 x 100 depth. Our proposed building design consists of approx. 1680 square feet of conditioned space as proposed in Exhibit (A) site plan and building foot print.

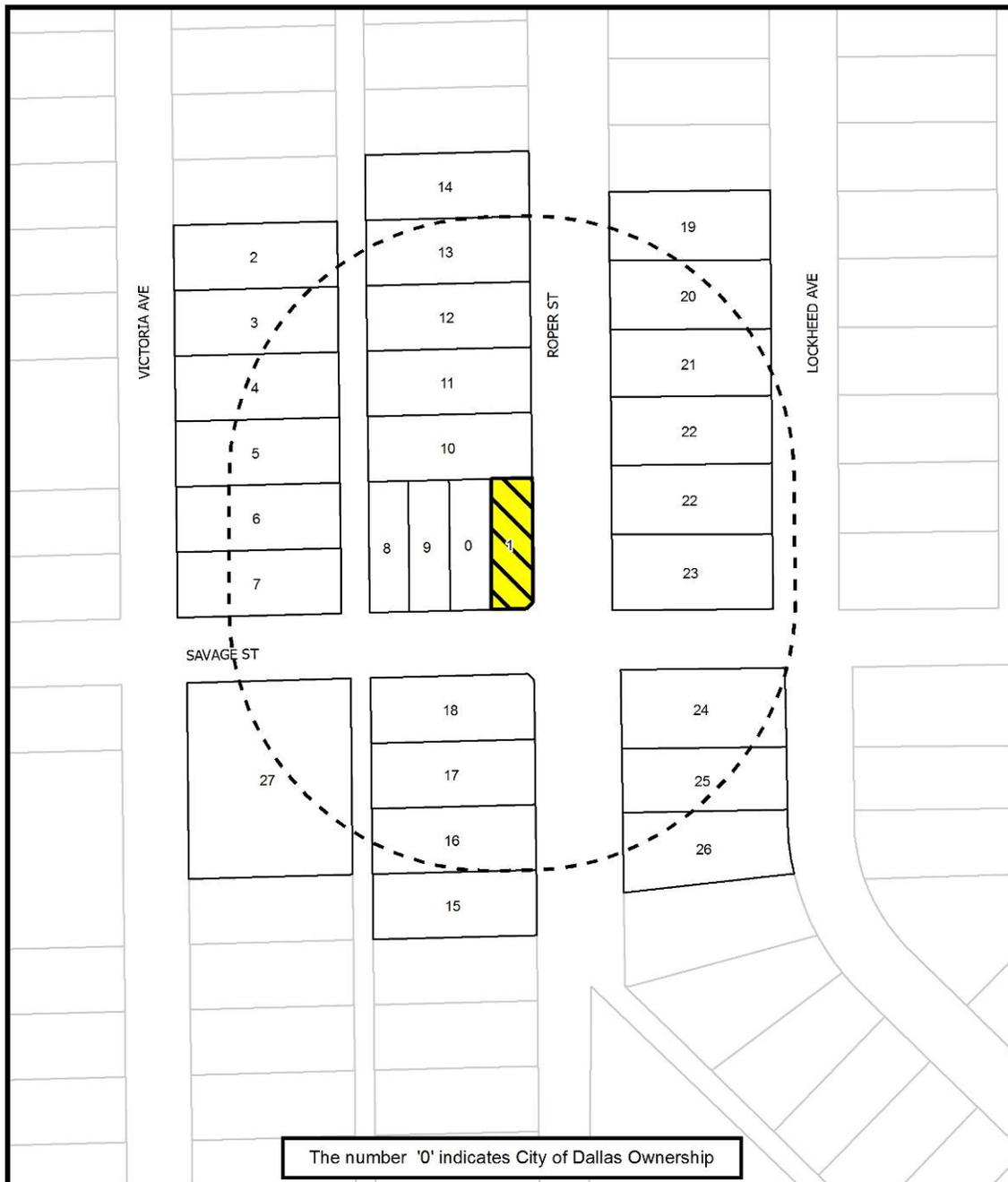
The required side yard setback is 20' because of the corner lot status and 20' front yard setback to comply with current zoning rules and the main structure. This will also apply to the enclosed parking space and visibility triangles required by this zoning rule. However, I am respectfully requesting a Board of Adjustment hearing for the west side yard setback to reflect an adjustment of 9'9" which would allow me to build a single-family house on this lot and allow a variance to the enclosed parking space and visibility triangles as required by the zoning rules. There was previously a home on this lot and it was demolished at some point by the previous owner.

Jose Moreno, Owner



I attest and confirm that the facts and statement contained herein are true and correct to the best of my knowledge.





 1:1,200	<b>NOTIFICATION</b>		Case no: <u>BDA167-077</u>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>5/16/2017</u>	

## *Notification List of Property Owners*

***BDA167-077***

***27 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3719 SAVAGE ST	MORENO JOSE REYES
2	6622 VICTORIA AVE	VI PHONG VAN
3	6618 VICTORIA AVE	BENAVIDES HENRY &
4	6614 VICTORIA AVE	IBARRA J MARCIAL &
5	6610 VICTORIA AVE	IBARRA JUSTIN M
6	6606 VICTORIA AVE	POND TREVOR
7	6602 VICTORIA AVE	PETTY ANTHONY CHARLES
8	3713 SAVAGE ST	ZEPEDA JORGE
9	3717 SAVAGE ST	BROWN RUTH
10	6611 ROPER ST	POST ERMA J
11	6615 ROPER ST	VELASQUEZ MARIA DELOS A
12	6619 ROPER ST	NGUYEN DINH VAN & KHUE T
13	6623 ROPER ST	MACEDONIA BAPTIST CHURCH
14	6625 ROPER ST	MACEDONIA BAPTIST CHURCH
15	6531 ROPER ST	OLERIO HOMES LLC
16	6535 ROPER ST	BROWN JEWELL DEAN LIFE ESTATE
17	6539 ROPER ST	FOUR SHELBY INC
18	6543 ROPER ST	BALTAZAR SILVINA &
19	6623 LOCKHEED LN	MITCHELL LYNDA M
20	6619 LOCKHEED LN	EPPERSON CAROL JEAN
21	6615 LOCKHEED LN	HOWARD EDWINE L
22	6611 LOCKHEED LN	JC LEASING LLP
23	6603 LOCKHEED LN	ALLEN BARBARA JO
24	6547 LOCKHEED LN	REESE PATRICIA
25	6543 LOCKHEED LN	MORRIS MARY LEE
26	6539 LOCKHEED LN	LIU JOHN M

05/16/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6540 VICTORIA AVE	KHOURY JOHN &