

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, MAY 18, 2016  
AGENDA

---

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
----------	--	------------

PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
----------------	--	-----------

---

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

---

**MISCELLANEOUS ITEM**

---

Approval of the April 20, 2016 Board of Adjustment Panel B Public Hearing Minutes	M1
--	----

---

**UNCONTESTED CASES**

---

<b>BDA156-045(SL)</b>	4926 Deloache Avenue <b>REQUEST:</b> Application of Tony Visconti, represented by Darren Marlowe, for a special exception to the fence height regulations	1
<b>BDA156-047(SL)</b>	504 N. St. Paul Street <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for special exceptions to the mandatory pedestrian skybridge standards	2
<b>BDA156-049(JM)</b>	5953 Walnut Hill Lane <b>REQUEST:</b> Application of Don Robinson, represented by Stephen Hundley, for special exceptions to the fence height regulations	3
<b>BDA156-053(SL)</b>	9362 Hollow Way Road <b>REQUEST:</b> Application of Arash Afzalipour, represented by Michael R Coker, for a special exception to the fence height regulations	4

---

**REGULAR CASE**

---

**BDA156-046(SL)**

504 N. St. Paul Street

5

**REQUEST:** Application of Robert Baldwin of Baldwin and Associates for a special exception 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:** BDA156-045(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Tony Visconti, represented by Darren Marlowe, for a special exception to the fence height regulations at 4926 Deloache Avenue. This property is more fully described as Lot 12, Block 11/5584, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot 6 inch high fence, which will require a 6 foot 6 inch special exception to the fence height regulations.

**LOCATION:** 4926 Deloache Avenue

**APPLICANT:** Tony Visconti  
Represented by Darren Marlowe

**REQUEST:**

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

- a 6' 3" high open wrought iron fence with 7' high cement plaster columns,
- an approximately 8' high open metal pedestrian gate with approximately 8' high cement plaster columns topped with approximately 2' high decorative urns, and
- an approximately 9' 6" high open metal vehicular entry gate with approximately 8' 6" high cement plaster columns topped with 2' high decorative urns.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

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

**Land Use:**

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

**Zoning/BDA History:**

1. BDA156-007, Property at 4926 Deloache Avenue (the subject site)

On February 17, 2016, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 6' 6" without prejudice.

The case report stated that the request was made to construct/maintain a 6' 3" high open wrought iron fence with 7' high cement plaster columns, an approximately 8' high open metal pedestrian gate with approximately 8' high cement plaster columns topped with approximately 2' high decorative urns, and an approximately 9' 6" high open metal vehicular entry gate with approximately 8' 6" high cement plaster columns topped with 2' high decorative urns.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a 6' 3" high open wrought iron fence with 7' high cement plaster columns, an approximately 8' high open metal pedestrian gate with approximately 8' high cement plaster columns topped with approximately 2' high decorative urns, and an approximately 9' 6" high open metal vehicular entry gate with approximately 8' 6" high cement plaster columns topped with 2' high decorative urns on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback.
- The applicant has submitted two documents – a site plan, and a partial site plan/full elevation of the proposal with notations indicating that the proposal reaches a maximum height of 10' 6".
- The following additional information was gleaned from the submitted site plan:

- The proposal is represented as being approximately 170' in length parallel to the street, and approximately 30' in length perpendicular to the street on the east and west sides of the site in the front yard setback.
- The proposed fence is represented as being located approximately 10' from the front property line, or approximately 19' from the pavement line.
- The proposed gates are represented as being located approximately 15' from the front property line, or approximately 24' from the pavement line.
- Two single family lots front the proposed fence, one with a fence in its front yard that appears lower than 4' high, and the other with an approximately 6' high open metal fence with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Deloache Avenue from Sunnybrook Lane on the west to approximately 300 feet to the east of the site) and noted no other fences over 4' in height and in front yard setbacks other than the one previously mentioned located northwest of the subject site.
- As of May 6, 2016, two letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 6' 6" will not adversely affect neighboring property.
- Granting this special exception of 6' 6" with a condition imposed that the applicant complies with the submitted site plan and partial site plan with elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

- March 3, 2016: 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 12, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."
- April 12, 2016: 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 April 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 6<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

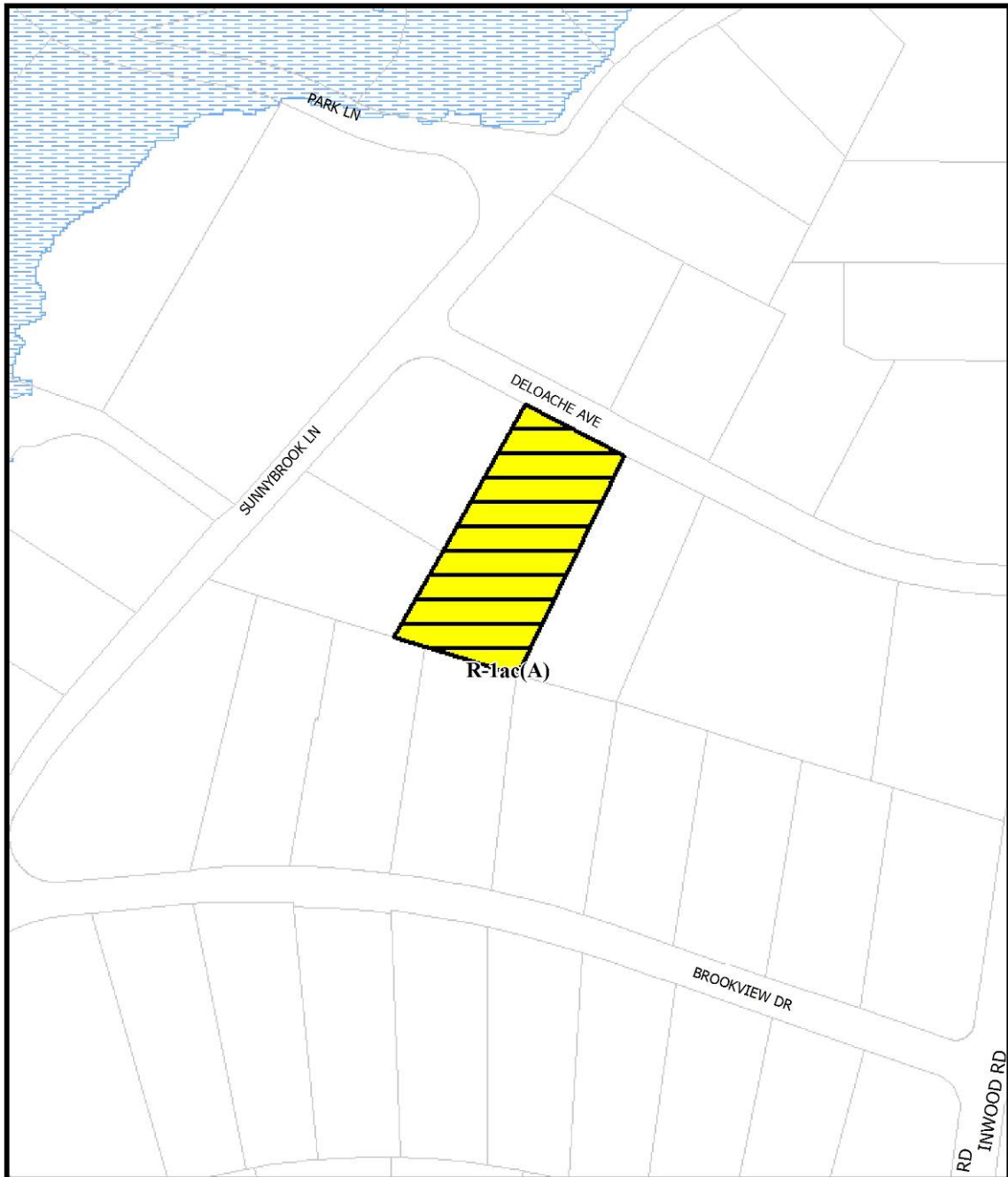
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 27, 2016: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A and B).

May 2, 2016: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment C).

May 3, 2016: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

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



1:2,400

# ZONING MAP

Case no: BDA156-045

Date: 4/14/2016





1:2,400

# AERIAL MAP

Case no: BDA156-045

Date: 4/14/2016

**Long, Steve**

BDA156-045

Attach A

Pg 1

---

**From:** Darren Marlowe <darren@lawofficedm.com>  
**Sent:** Wednesday, April 27, 2016 1:26 PM  
**To:** Long, Steve  
**Cc:** Stacy Brotemarkle; Tony Visconti  
**Subject:** BDA 156-045: photos of 4907 Deloache  
**Attachments:** IMG\_0068.JPG; IMG\_0069.JPG; IMG\_0070.JPG; IMG\_0072.JPG; IMG\_0073.JPG

Steve,

Attached are photographs of the fence at 4907 Deloache, which is the property directly across the street from the subject property at 4926 Deloache.

As you will note, the open wrought iron fence sections of the fence at 4907 Deloache are 6 feet high. The front gate entry columns are just about 8 feet high.

Please confirm receipt of these photos.

Thank you,

- Darren

Darren Marlowe  
Law Office of Darren Marlowe, PLLC  
6709 Vanderbilt Ave.  
Dallas, TX 75214  
(214) 995-0706 (mobile)  
[darren@lawofficedm.com](mailto:darren@lawofficedm.com)

---

BDA156-045  
Attach A  
Pg 2











**Long, Steve**

---

BDA156-045  
Attach B  
Pg 1

**From:** Darren Marlowe <darren@lawofficedm.com>  
**Sent:** Wednesday, April 27, 2016 3:20 PM  
**To:** Long, Steve  
**Cc:** Stacy Brotemarkle; Tony Visconti  
**Subject:** BDA156-045, Property at 4926 Deloache Avenue  
**Attachments:** IMG\_0074.JPG; IMG\_0075.JPG; IMG\_0076.JPG; IMG\_0079.JPG

Steve,

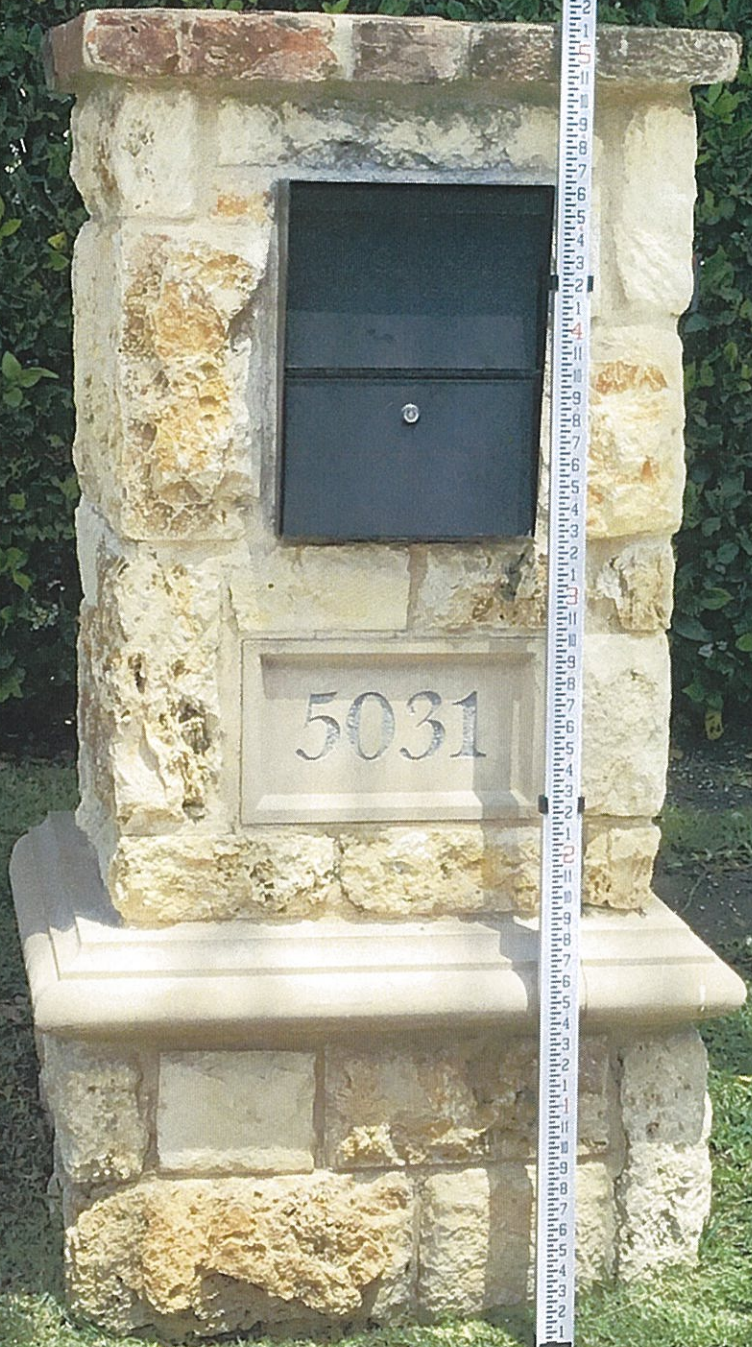
The attached photographs depict the front entry gate fence height (approximately 10 feet high) at 5031 Deloache, which is the property across the street from the subject property at 4926 Deloache and immediately adjacent to 4907 Deloache.

Please add these photographs to Bella's Application re BDA 156-045.

Thank you,

Darren





BDA156-045  
Attach B  
Pg 3







**Long, Steve**

---

BDA156-045  
Attach C  
Pg 1

**From:** Darren Marlowe <darren@lawofficedm.com>  
**Sent:** Monday, May 02, 2016 9:10 AM  
**To:** Long, Steve  
**Cc:** Stacy Brotemarkle; Tony Visconti; Patrick Ford  
**Subject:** BDA156-045, Property at 4926 Deloache Avenue  
**Attachments:** IMG\_0052.JPG

Steve,

Attached is a photograph of the front entry gate for the property at 4930 Park Lane. This property is 2 houses away from the subject property, where Deloache ends at a "T" - which is Park Lane. As you will note, the columns and gate at 4930 Park Lane are taller than our 8' tall measuring stick. The columns appear to be at least 10 feet high and the entry gate appears to be about 12 feet high. The fence section depicted, to the left of Tony Visconti when looking at the picture, are over 6 feet high.

Please add this photograph to the file for this matter.

Thank you,

Darren

Darren Marlowe  
Law Office of Darren Marlowe, PLLC  
6709 Vanderbilt Ave.  
Dallas, TX 75214  
(214) 995-0706 (mobile)  
[darren@lawofficedm.com](mailto:darren@lawofficedm.com)

BDA156-045  
Attach C  
Pg 2



**Long, Steve**

BDA156-045

Attach C

Pg 3

**From:** Darren Marlowe <darren@lawofficedm.com>  
**Sent:** Monday, May 02, 2016 9:28 AM  
**To:** Long, Steve  
**Cc:** Stacy Brotemarkle; Tony Visconti; Patrick Ford  
**Subject:** BDA156-045, Property at 4926 Deloache Avenue  
**Attachments:** 9346 Sunny Brook.JPG

Steve,

Attached is a photograph of the front entry gate for the property at 9346 Sunny Brook. This property is 2 houses away from the subject property, as you head on Deloache toward Sunny Brook, left on Sunny Brook, on the left/east side of Sunny Brook. The columns appear to be at least 10 feet high and the open fence sections appear to be about 6 feet high.

Please add this photograph to Bella's Application.

As we expect the Board will observe, front yard fences taller than 4 feet in this part of Preston Hollow are extremely common and are more "the norm" than not.

Thank you,

Darren

Darren Marlowe  
Law Office of Darren Marlowe, PLLC  
6709 Vanderbilt Ave.  
Dallas, TX 75214  
(214) 995-0706 (mobile)  
[darren@lawofficedm.com](mailto:darren@lawofficedm.com)

BDA156-045  
Attach C  
Pg 4







City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-045

Date: 3/9/16

Data Relative to Subject Property:

Location address: 4926 Deloache Ave., Dallas, TX 75220

Zoning District: R-1ac(A)

Lot No.: 12 Block No.: 11/5584 Acreage: 1.65 Census Tract: 206.00

Street Frontage (in Feet): 1) 176' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ NE 2A

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Terra Loam, LLC

Applicant: Tony Visconti Telephone: (214) 232-3690

Mailing Address: Bella Custom Homes, Inc., P.O. Box 516, Addison, TX 75001

E-mail Address: tony@bellacustomhomes.com

Represented by: Darren Marlowe Telephone: (214) 995-0706

Mailing Address: Law Office of Darren Marlowe, PLLC, 6709 Vanderbilt Ave., Dallas, TX 75214

E-mail Address: darren@lawofficedm.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of 6' 6" for the fence height in a front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The special exception will not adversely affect neighboring property, [City Code §51A-4, 602(a)(6)], because the other fences in the neighborhood and on neighboring properties are of similar height and design. This proposed fence will complement the neighborhood and adjoining properties.

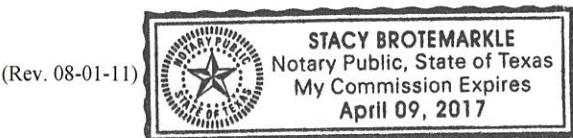
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Tony Visconti, President of Bella Custom Homes, Inc., who on his oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature]  
Tony Visconti

Subscribed and sworn to before me this 2nd day of March, 2016



[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

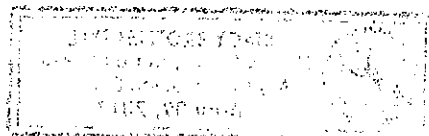
**Building Official's Report**

I hereby certify that     Tony Visconti  
                                represented by     Darren Marlowe  
                                did submit a request     for a special exception to the fence height regulations  
                                at                   4926 Deloache Avenue

BDA156-045. Application of Tony Visconti represented by Darren Marlowe for a special exception to the fence height regulations at 4926 Deloache Avenue. This property is more fully described as Lot 12, Block 11/5584, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot 6 inch high fence in a required front yard, which will require a 6 foot 6 inch special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

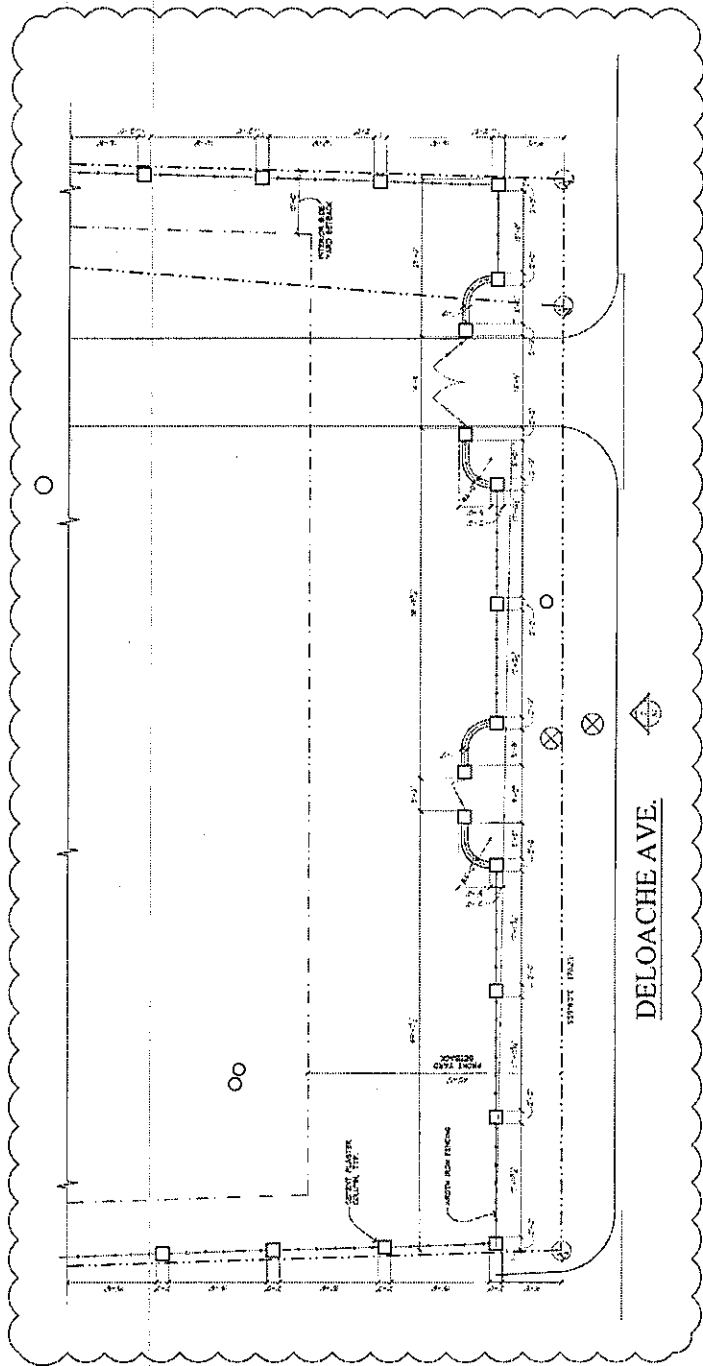
Internal Development Research Site

Legend

Locate Property



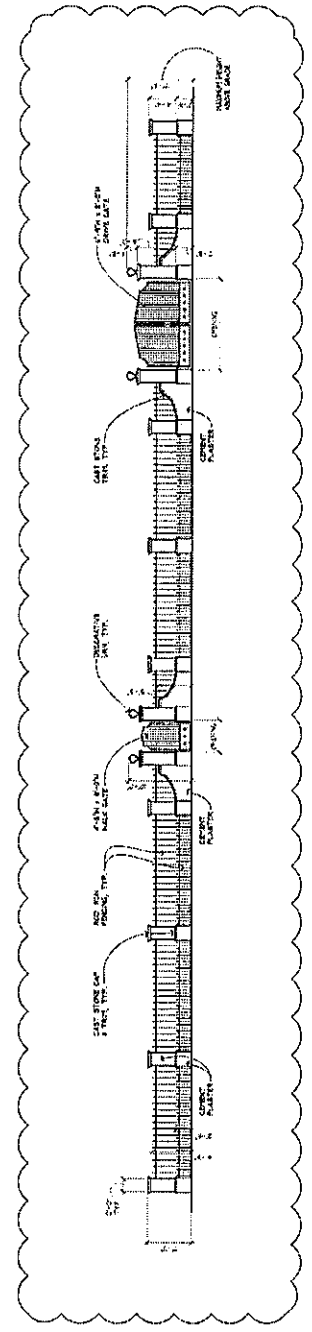




DELOACHE AVE.



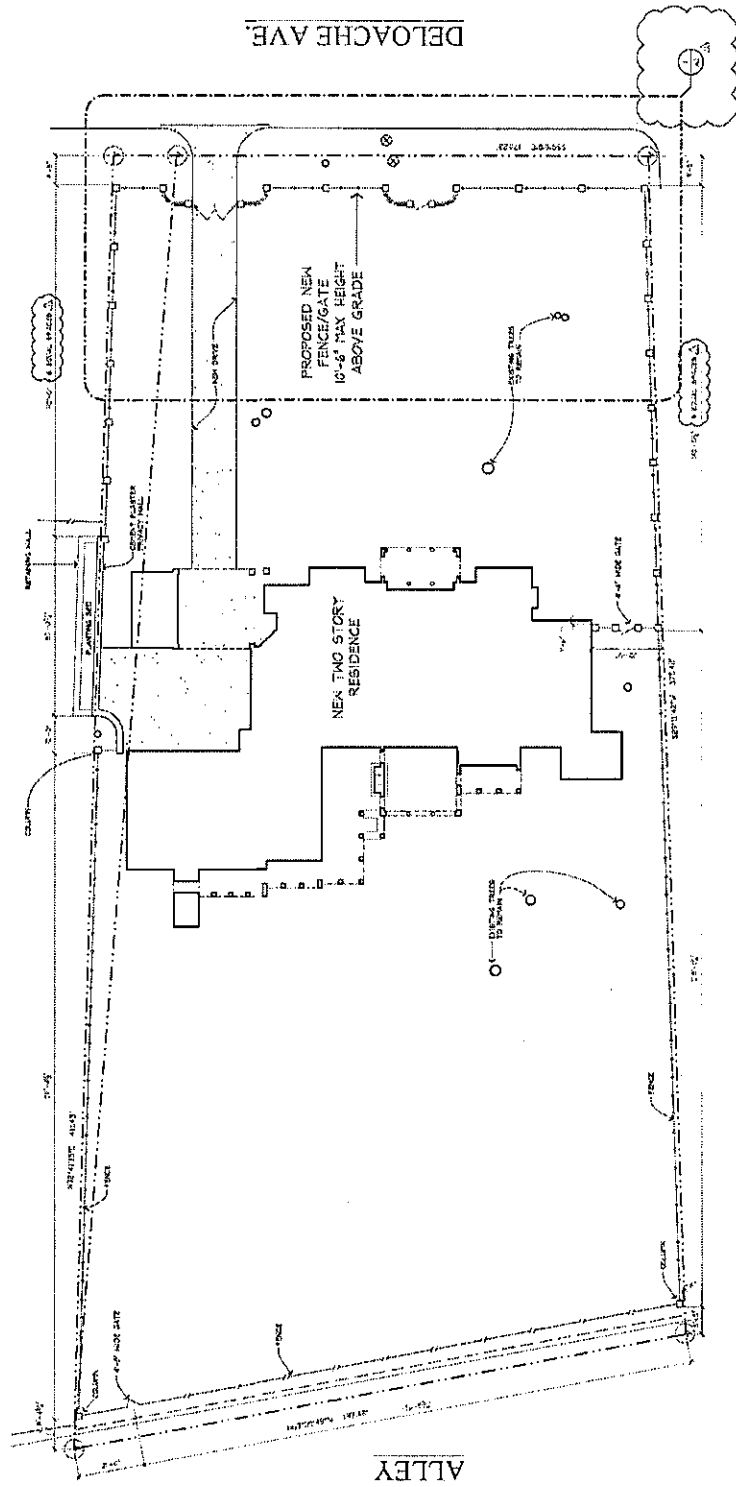
1. DELOACHE FRONT FENCE / GATE PLAN  
SCALE: 1/8" = 1'-0"



2. DELOACHE FRONT FENCE / GATE ELEVATION  
SCALE: 1/8" = 1'-0"

NO. 15675 MICHIGAN PROFESSIONAL ENGINEER EXPIRES 12/31/2019	STATE BOARD OF ENGINEERS EXPIRES 12/31/2019	PROJECT NO. 15675	SHEET NO. A2
---	--	----------------------	-----------------

DELOACHE FRONT FENCE PLAN & ELEVATION



NORTH ARROW



REGISTERED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 NO. 12345  
 EXPIRES 12/31/2025

PROJECT NO. 156-045  
 SHEET NO. 1-27

LETTER IN SUPPORT OF APPLICATION FOR  
FENCE HEIGHT SPECIAL EXCEPTION

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

Re: BDA 156-045, Property at 4926 DeLoache Avenue  
Application for Fence Height Special Exception

Dear Mr. Long:

I am the owner of the property at 9346 Sunnybrook in Dallas, Texas. I have been informed that Tony Visconti of Bella Custom Homes, Inc. has submitted an Application for a Special Exception to the City of Dallas fence height ordinance. I understand that Mr. Visconti desires to construct a 10 foot 6 inch high fence in a required front yard, which will require a 6 foot 6 inch special exception.

I support the Application, as granting the special exception in this instance will not adversely affect my property and other properties in my neighborhood have similar fence heights and design.

Sincerely,



Print Name: THOMAS F AUGUST

Date: 4/6/16

LETTER IN SUPPORT OF APPLICATION FOR  
FENCE HEIGHT SPECIAL EXCEPTION

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

Re: BDA 156-045, Property at 4926 Deloache Avenue  
Application for Fence Height Special Exception

Dear Mr. Long:

I am the owner of the property at 5122 Deloach in Dallas, Texas. I have been informed that Tony Visconti of Bella Custom Homes, Inc. has submitted an Application for a Special Exception to the City of Dallas fence height ordinance. I understand that Mr. Visconti desires to construct a 10 foot 6 inch high fence in a required front yard, which will require a 6 foot 6 inch special exception.

I support the Application, as granting the special exception in this instance will not adversely affect my property and other properties in my neighborhood have similar fence heights and design.

Sincerely,



---

Print Name: Scott B Walker

Date: April 14<sup>th</sup> 2016





The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership

 1:2,400	<h2>NOTIFICATION</h2>	Case no: <b>BDA156-045</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>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
<b>200'</b>	AREA OF NOTIFICATION				
<b>12</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA156-045*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4926 DELOACHE AVE	TERRA LOAM LLC
2	5007 DELOACHE AVE	KIRK JAMES C & MIRJAM
3	4923 DELOACHE AVE	GREENSTONE DAVID C & JOANNA
4	4831 BROOKVIEW DR	HARMON ERIC P & STEPHANIE G
5	4907 BROOKVIEW DR	GILMORE JOHN R & LINDA LB
6	4911 BROOKVIEW DR	DESANTIS NUNZIO M TR & SHEILA M TR
7	4939 BROOKVIEW DR	SCHNITZER KENNETH L JR &
8	4938 DELOACHE AVE	HAEMISEGGER DAVID J &
9	4923 BROOKVIEW DR	URSCHEL HAROLD C III &
10	5006 DELOACHE AVE	HAEMISEGGER DAVID J &
11	4906 DELOACHE AVE	BECKWITT RICHARD &
12	9346 SUNNY BROOK LN	AUGUST THOMAS F & MARILYN J

**FILE NUMBER:** BDA156-047(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for special exceptions to the mandatory pedestrian skybridge standards at 504 N. St. Paul Street. This property is more fully described as Lot 2, Block 2/243, and is zoned CA-1(A), which requires that if a pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet in width, and that a pedestrian skybridge must not be located within 300 feet of an historic overlay district. The applicant proposes to construct and maintain a pedestrian skybridge with a width of 6 feet 6 inches, and located within 300 feet of an historic overlay district which will require special exceptions to the mandatory pedestrian skybridge standards.

**LOCATION:** 504 N. St. Paul Street

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUESTS:**

Requests for special exceptions to the mandatory pedestrian skybridge standards are made to construct and maintain a pedestrian skybridge over an alley (Wenchell Lane) that would connect an existing church structure to a proposed parking garage:

1. With an interior passageway width of 6' 6" (or 3' 6" less in width than the required minimum width of 10'); and
2. On a site located approximately 77' from the U.S. Post Office protected by H/23 Historic District (or a skybridge on a site 223' closer than the required 300' distance of an historic overlay district).

**STANDARD FOR A SPECIAL EXCEPTION TO THE MANDATORY PEDESTRIAN SKYBRIDGE STANDARDS:**

Section 51A-4.217 of the Dallas Development Code states that the board of adjustment may grant a special exception to the pedestrian skybridge standards if the board finds that:

- Strict compliance with the requirements will unreasonably burden the use of either of the properties;
- The special exception will not adversely affect neighboring property; and
- The special exception will not be contrary to the public interest.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the pedestrian skybridge standards since the basis for this type of appeal is if the board finds that: strict compliance with the requirements will unreasonably burden the use of

either of the properties; the special exception will not adversely affect neighboring property; and the special exception will not be contrary to the public interest.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CA-1(A) (Central Area)  
North: CA-1(A) (Central Area)  
South: CA-1(A)H/23 (Central Area)(Historic)  
East: CA-1(A) (Central Area)  
West: CA-1(A) (Central Area)

**Land Use:**

The proposed skybridge would connect an existing church structure proposed parking garage over Wenchell Lane. The areas to the north, east, south, and west are developed with mostly with office uses.

**Zoning/BDA History:**

1. BDA089-051, Property at 515 N. St. Paul Street and 608 N. St. Paul Street (the subject site)  
On April 15, 2009, the Board of Adjustment Panel B granted special exceptions to the pedestrian skybridge standards.  
The case report states that the request were made to construct and maintain a pedestrian skybridge over St. Paul Street 166' feet from a historic overlay district – The Downtown US Post Office (134' closer than the required 300' distance) and with an interior passageway of 21' (or 1' wider than the 20' width allowed by code. The proposed skybridge would connect a proposed new sanctuary structure use to a proposed new children's education building.
2. BDA156-046, Property at 540 N. St. Paul Street (part of the subject site)  
On May 18, 2016, the Board of Adjustment Panel B will consider a request for a special exception to the visual obstruction regulations made to construct and maintain a parking garage structure in the 20' visibility triangle where an alley intersects with N. St. Paul Street on a site developed with a surface parking lot use.

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

- These requests focus on constructing and maintaining a pedestrian skybridge over an alley (Wenchell Lane) that would connect an existing church structure to a proposed parking garage that with an interior passageway width of 6' 6" (or 3' 6" less in width than the required minimum width of 10'); and on a site located approximately 77' from the U.S. Post Office protected by H/23 Historic District (or a skybridge on a site 223' closer than the required 300' distance of an historic overlay district). (Note that while the applicant has originally requested a special exception to allow the proposed skybridge to be located within the same block as an existing pedestrian skybridge, this request was removed by the applicant given the determination by Building Inspection that this request was not necessary).
- The Dallas Development Code provides the following purpose statement related to pedestrian skybridges: The purpose of this section is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting and safety facilities; and establishing standards for construction and maintenance of pedestrian skybridges.
- The Dallas Development Code provides 19 mandatory skybridge provisions of which the applicant seeks special exceptions from the following two:
  1. If a pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. (The applicant has submitted a "bridge section" document a width of approximately 6' 6").
  2. Pedestrian skybridges must not be located within 300 feet of an historic overlay district. (The applicant has stated that the special exception request site is 77' from the U.S. Post Office protected by H/23 Historic District).
- The applicant has the burden of proof in establishing how strict compliance with the skybridge standards (constructing/maintaining a pedestrian skybridge that would have an interior passageway width of less than 10 feet; and would be located within 300' of an historic overlay district) will unreasonably burden the use of either of the properties; that the special exceptions will not adversely affect neighboring property; and the special exceptions will not be contrary to the public interest.

## **Timeline:**

February 26, 2016: 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 12, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply

with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

April 12, 2016: The Board Administrator emailed the applicant the following information:

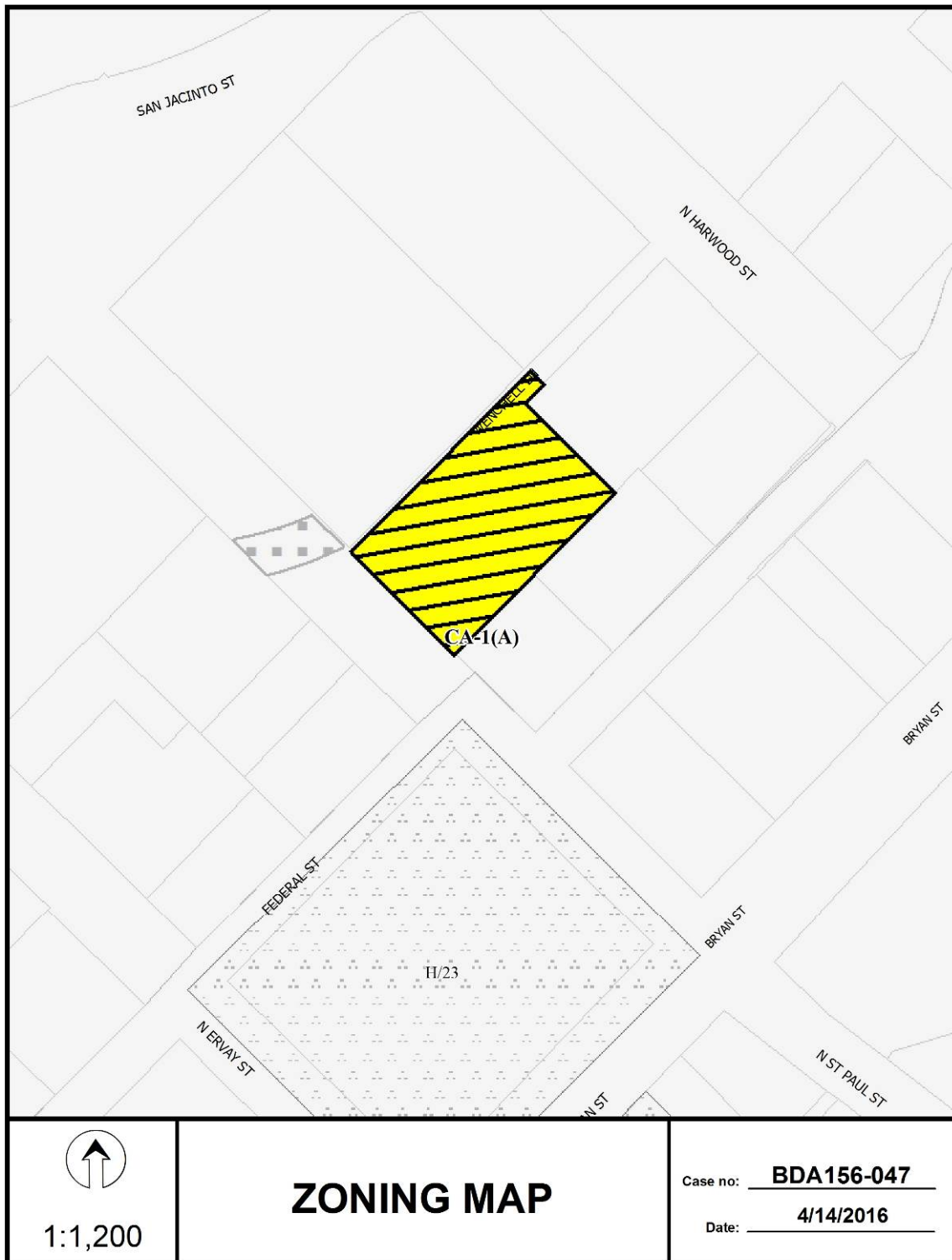
- an attachment that provided the public hearing date and panel that will consider the application; the April 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's 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 3, 2016: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

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

May 4, 2016: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment A).

May 4, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).



  
 1:1,200

# ZONING MAP

Case no: BDA156-047  
 Date: 4/14/2016



1:1,200

# AERIAL MAP

Case no: BDA156-047

Date: 4/14/2016



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Robert Baldwin

did submit a request for special exceptions to the pedestrian skybridge standards  
at 504 N. St. Paul Street

BDA156-047. Application of Robert Baldwin for special exceptions to the pedestrian skybridge standards at 504 N. St. Paul Street. This property is more fully described as Lot 2, Block 2/243, and is zoned CA-1(A), which requires that a pedestrian skybridge with a length of less than 150 feet, the interior passageway must be no less than 10 feet in width, and a pedestrian skybridge must not be located within 300 feet of an historic overlay district. The applicant proposes to construct a pedestrian skybridge with a length of less than 150 feet and reduce the minimum 10 foot width by 3 feet 6 inches to a width of 6 feet 6 inches, and be located within 300 feet of an historic district.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

**Long, Steve**

---

**From:** Jennifer Hiromoto <jennifer@baldwinplanning.com>  
**Sent:** Wednesday, May 04, 2016 11:45 AM  
**To:** Long, Steve  
**Cc:** Rob Baldwin  
**Subject:** RE: BDA156-047, Property at 504 N. St. Paul Street

Dear Mr. Long,

In addition to the Board of Adjustment applications, we have applied for a Specific Use Permit for a pedestrian skybridge that has a footprint of approximately 56 square feet. The proposed pedestrian skybridge will be located between two multi-story parking structures that primarily serve the members of First Baptist Church of Dallas; the parking structure proposed at 502/504 N. St. Paul Street may also serve the public as a commercial parking garage or lot during non-peak hours of the church. The proposed skybridge will connect members from 504 N. St. Paul to 608 N. St. Paul, which is connected to church facilities across N. St. Paul via an existing pedestrian skybridge that was approved in 2009. As we discussed, the proposed pedestrian skybridge will be setback significantly from N. St. Paul Street and therefore having virtually no impact on the street or pedestrian environment.

You have requested clarification of the pedestrian skybridge portion for the applications at N. St. Paul Street and the named alley Wenchel Lane.

1. In light of the staff's determination that there are no other pedestrian skybridges in this block, please accept our consent to remove this request for a special exception for this mandatory provision and proceed with the other portions of our request as submitted.
2. The subject property of the special exception request site is located approximately 77 feet from the U.S. Post Office protected by H/23 Historic District at the block bounded by Federal Street, N. St. Paul Street, Bryan Street and N. Ervay Street. I have attached a zoning map that shows the approximate distance from the corner of the request site to the closest corner of the U.S. Post Office site.
3. The survey indicates that Wenchell Lane is a variable width right-of-way and approximately 16.04 feet in width. It is determined to be an alley by use and occupation, in addition to being substandard to minimum street width requirements. Regardless of a street or alley designation, Wenchell Lane is a public right-of-way per zoning definitions and the proposed pedestrian skybridge meets the definition since is crossing city right-of-way.
4. The proposed skybridge is located approximately 170 feet from N. St. Paul Street. The existing skybridge across N. St. Paul is within a few feet of the north corner of N. St. Paul Street and Wenchell Lane. Wenchell Lane is approximately 347 feet from N. St. Paul to N. Harwood Street. The skybridge across N. Harwood Street is approximately 60 feet northwest of the west corner of Wenchell Lane and N. Harwood Street. However, staff has determined that these pedestrian skybridges are not in the same block as block is defined in Chapter 51A and therefore we do not need relief from this mandatory provision.

Please let us know if you have further questions or concerns.

Thank you,  
Jennifer

Jennifer Hiromoto

Baldwin Associates  
3904 Elm Street Suite B  
Dallas, TX 75226  
Office: 214-824-7949  
Cell: 469-275-2414

BDA156-047  
Attach B pg 2

BDA 156-  
047  
Athen B  
Pg 3

SUP  
21.65

CA-1(A)

H/117

H/23

SUP  
17.92

Federal St

Bryan St

Wentworth Ln

Live Oak St



B



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-047

Data Relative to Subject Property:

Date: February 26, 2016

Location address: 504 N. St. Paul St Zoning District: CA-1(A)

Lot No.: 2 Block No.: 2/243 Acreage: 0.62 acres Census Tract: 21.00

Street Frontage (in Feet): 1) 379 ft 2) 104' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) 5627A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): First Baptist Church and W.E. Dalton, Power of Attorney

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of the mandatory provisions of a pedestrian skybridge for (1) number of skybridges in a block; (2) located within 300 feet of a historic district; and (3) reduction of interior passageway from a min of 10 feet to 6 feet 6 inches width

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The proposed pedestrian skybridge will connect the parking structure to the other First Baptist Church parking structure at 608 N. St. Paul, which has a pedestrian skybridge across St. Paul. The proposed skybridge will not be visibly intrusive from St. Paul due to its location on Wenchell, and will not negatively impact surrounding properties.

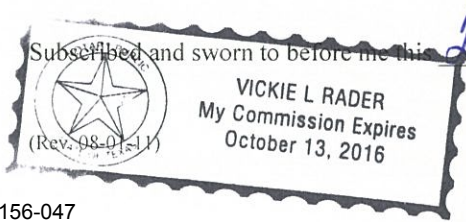
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin  
(Affiant/Applicant's name printed)

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

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



Subscribed and sworn to before me this 26th day of February, 2016  
Vickie L. Rader  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Robert Baldwin

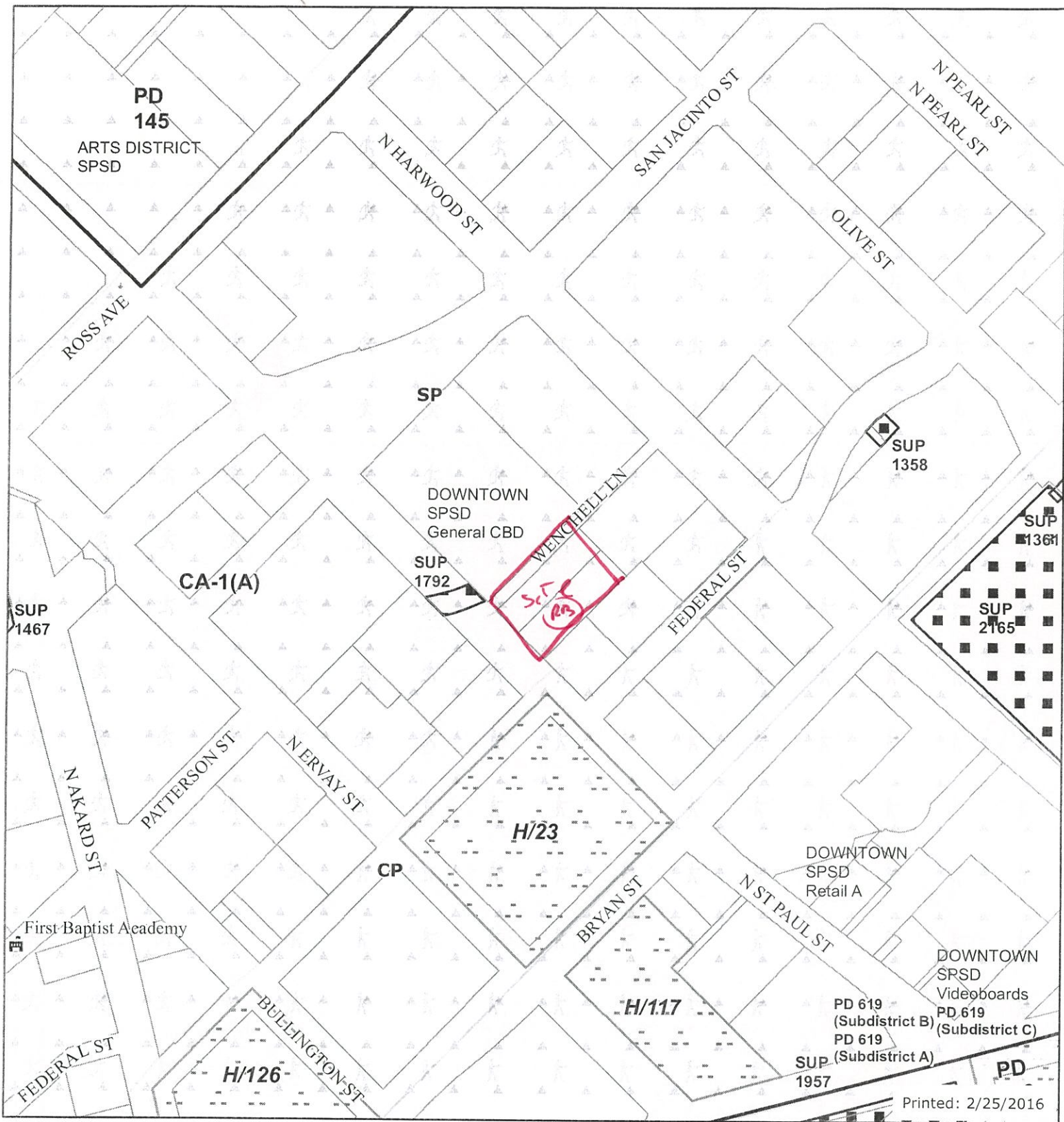
did submit a request for special exceptions to the pedestrian skybridge standards  
at 504 N. St. Paul Street

BDA156-047. Application of Robert Baldwin for special exceptions to the pedestrian skybridge standards at 504 N. St. Paul Street. This property is more fully described as Lot 2, Block 2/243, and is zoned CA-1(A), which requires that no more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less, of an other skybridge; and if the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet in width, and a pedestrian skybridge must not be located within 300 feet of an historic overlay district. The applicant proposes to construct a pedestrian skybridge located within the same block of another skybridge, and reduce the minimum 10 foot width by 3 feet 6 inches to a width of 6 feet 6 inches, and be located within 300 feet of an historic district.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

APPROVED FOR  
ADJUTANT GENERAL  
2-12-04

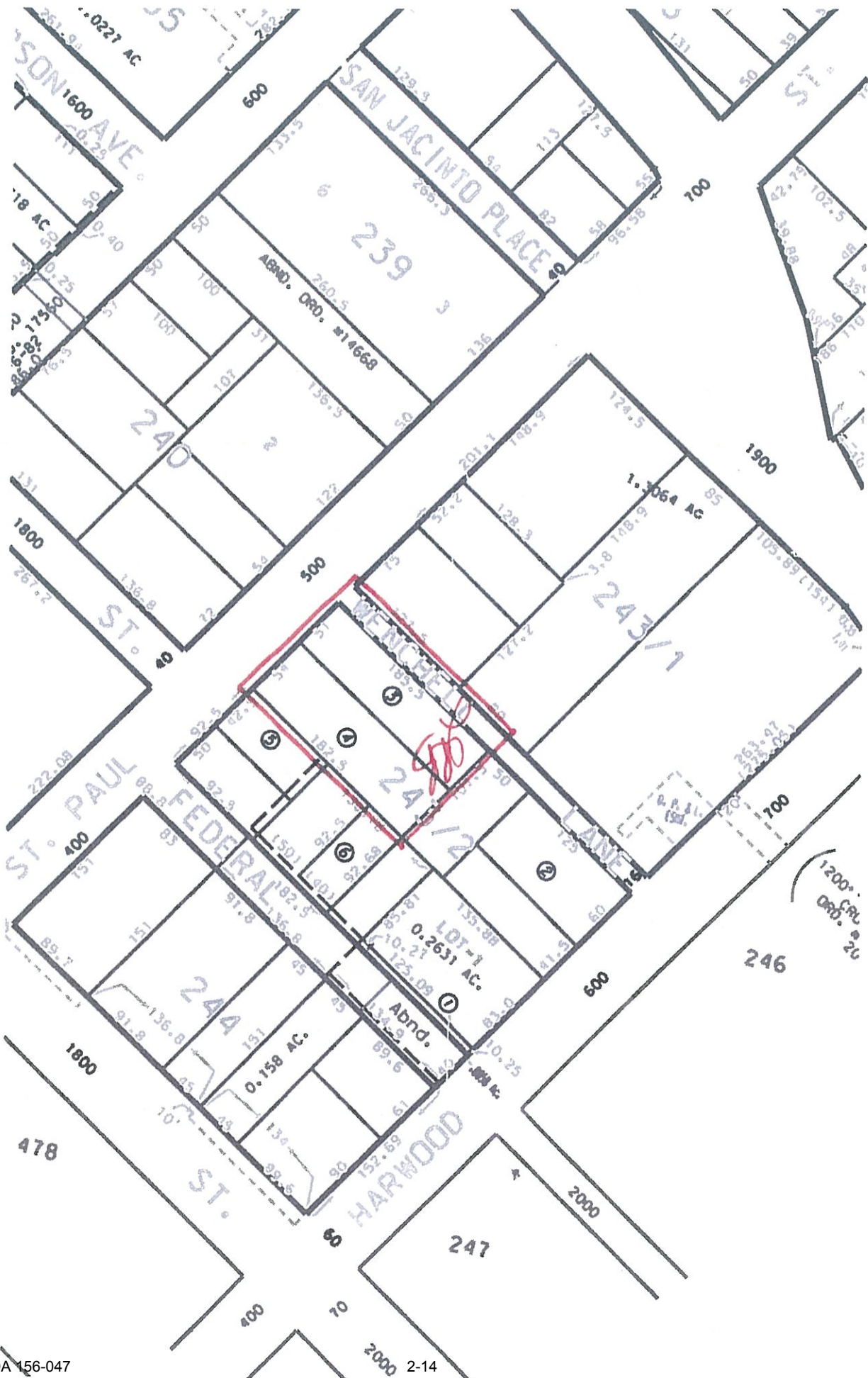


### Legend

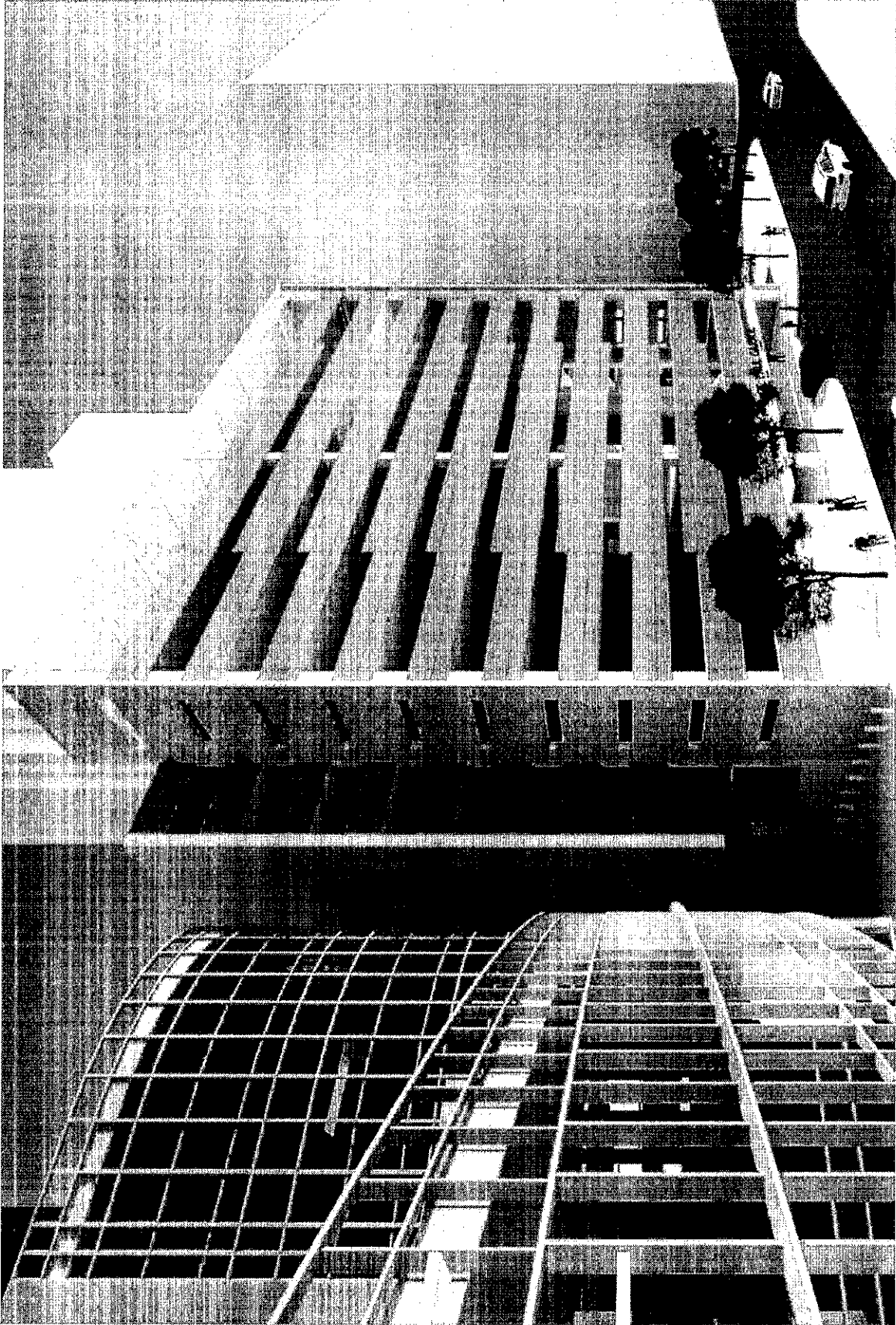
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | 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                | BDA 156-047 SUP                | Historic Overlay      | 2-13 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)





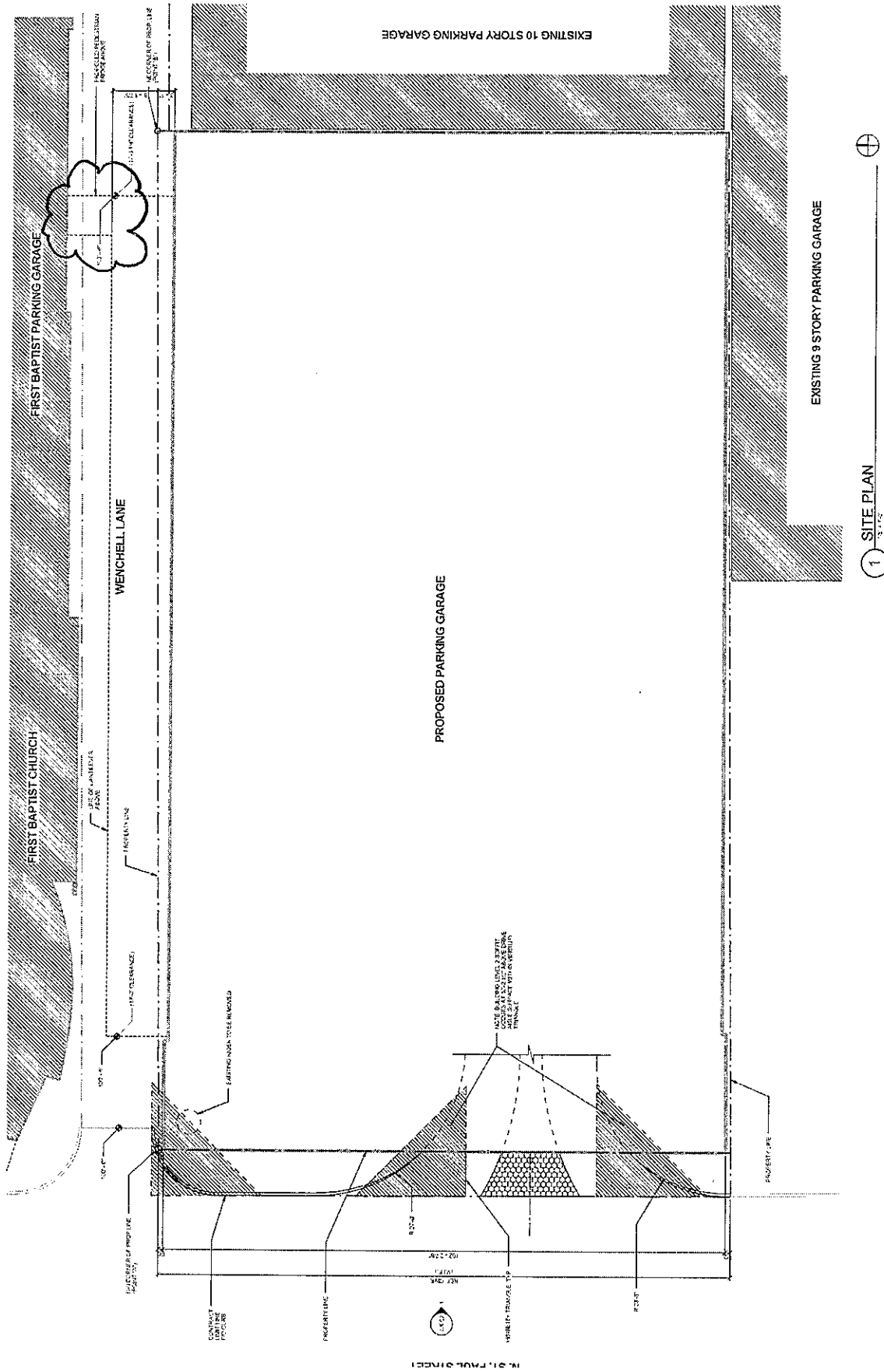


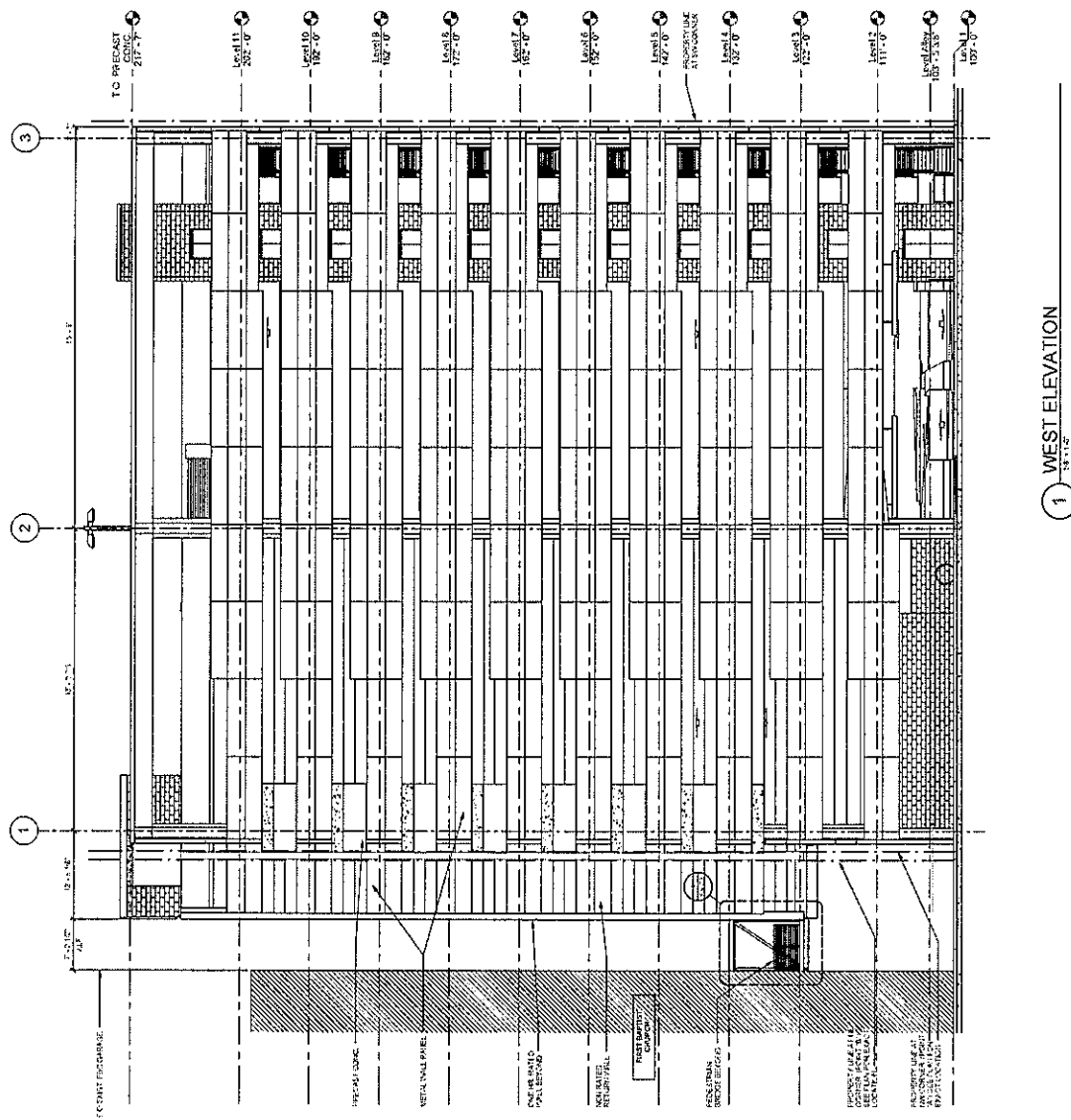


FORTIS  
PROPERTY GROUP, LLC

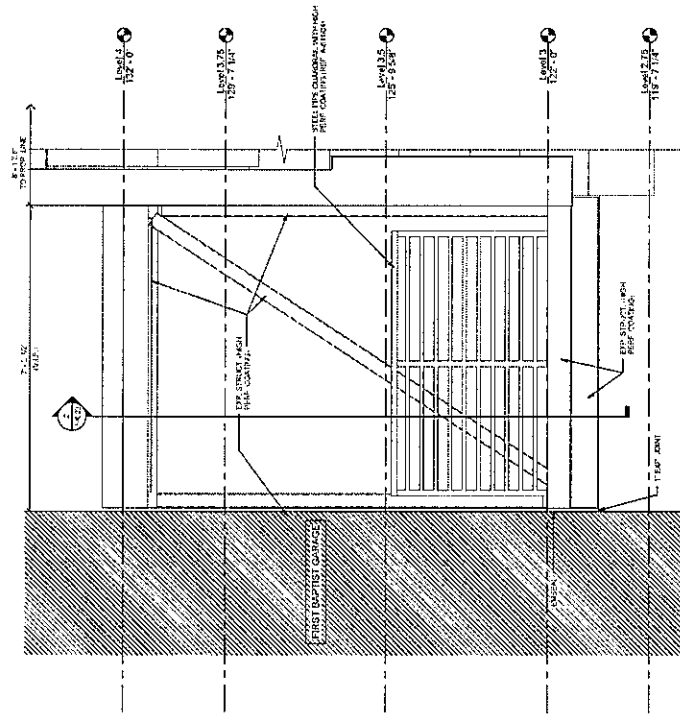
NEW ST. PAUL GARAGE - HARWOOD CENTER

OMNIPLAN  
ARCHITECTS

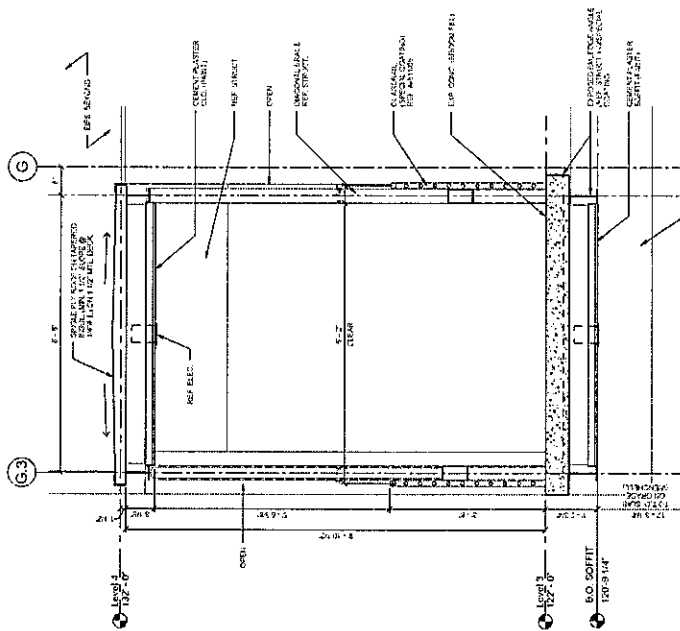




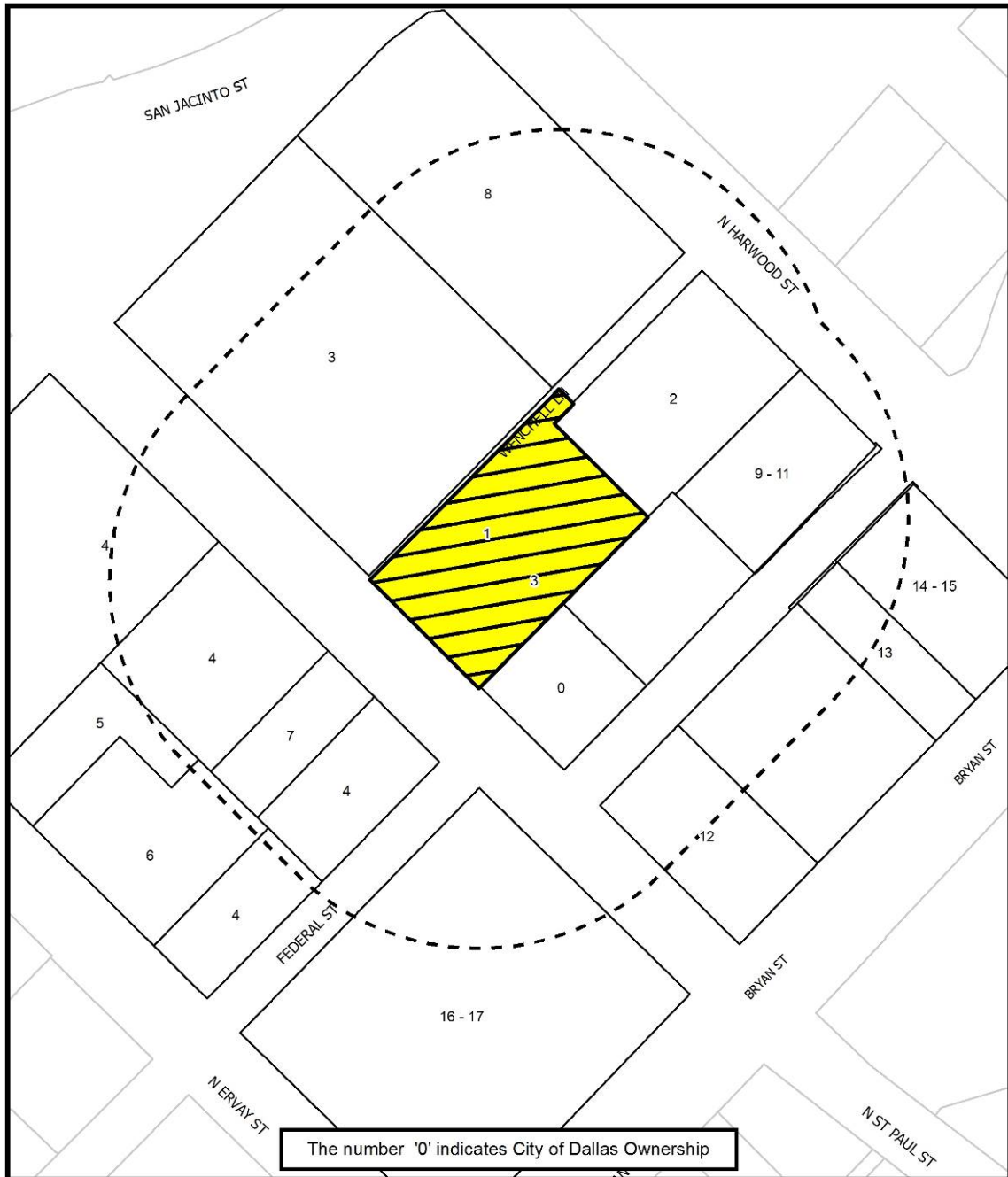
1 WEST ELEVATION  
3'-11/2"



1 BRIDGE ELEVATION



2 BRIDGE SECTION



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA156-047</b> Date: <b>4/14/2016</b>
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

***BDA156-047***

### *17 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	504 N ST PAUL ST	DALTON WILLIAM E JR ETAL
2	609 N HARWOOD ST	MAHER PROPERTIES TWO
3	502 N ST PAUL ST	FIRST BAPTIST CHURCH OF
4	606 N ERVAY ST	FIRST BAPTIST CHURCH OF
5	1700 PATTERSON AVE	FIRST BAPTIST CHURCH OF
6	510 N ERVAY ST	FIRST BAPTIST CHURCH OF
7	1801 FEDERAL ST	FIRST BAPTIST CHURCH OF
8	717 N HARWOOD ST	WC 717 N HARWOOD PROPERTY LLC
9	601 N HARWOOD ST	FPG DMT HARWOOD LP
10	1801 FEDERAL ST	FPG-DMT HARWOOD LP
11	1803 FEDERAL ST	1999 ASSOCIATES LTD
12	400 N ST PAUL ST	DALLAS HARTFORD LLC
13	1923 BRYAN ST	1999 ASSOC LTD
14	1999 BRYAN ST	FPG DMT HARWOOD LP
15	509 N HARWOOD ST	1999 PROPERTY CORP
16	400 N ERVAY ST	POST OFFICE MASTER LANDLORD LP
17	400 N ERVAY ST	UNITED STATES POSTAL SERVICE THE

**FILE NUMBER:** BDA156-049(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Don Robinson, represented by Stephen Hundley, for special exceptions to the fence height regulations at 5953 Walnut Hill Lane. This property is more fully described as Lot 5, Block 3/5515, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence, which will require 4 foot special exceptions to the fence height regulations.

**LOCATION:** 5953 Walnut Hill Lane

**APPLICANT:** Don Robinson  
Represented by Stephen Hundley

**REQUEST:**

A request for special exceptions to the fence height regulations of 4' are made to construct and maintain an 8' cedar fence along both Walnut Hill Lane, and Preston Road.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-10(A) (Single family district 10,000 sq. ft.)  
North: R-10(A) (Single family district 10,000 sq. ft.)  
South: R-1 acre (A) (Single family district 1 acre)  
East: R-10(A) (Single family district 10,000 sq. ft.)  
West: R-10(A) (Single family district 10,000 sq. ft.)

## **Land Use:**

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

## **Zoning/BDA History:**

1. BDA056-045,  
Property at 5952  
Walnut Hill Lane aka  
9625 Preston Road  
(lot south of the  
subject site)

On December 13, 2005, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 10' 6" and imposed the following conditions: 1) Compliance with the submitted revised site plan and elevations dated 12/2/05 is required; and 2) The gazebo structure on the site plan is not part of this approved request. The case report stated that the request was made in conjunction with constructing and maintaining primarily a 6' 4" high stone wall\* with approximately 7' high stone columns with 11' 4" high gates (one gate on Preston Road, the other gate on Walnut Hill Lane) with 12' high entry columns in the 40' Preston Road and Walnut Hill Lane front yard setbacks. Each entry gate was proposed to be flanked by a curved entry wing wall that ranges from 7' 6" to 10' 2" in height. However, on November 28, 2005, a revised site plan and elevations were submitted that created a need to increase the special exception to 10' 6". The special exception was amended to account for entry columns that were raised from 12' to 14' 6" in height.
  
2. BDA089-055,  
Property at 5943  
Walnut Hill Lane ( lot  
west of the subject  
site)

On May 19, 2009, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 9' and imposed the following conditions: 1) Compliance with the submitted site plan and elevations. The case report stated that the request was made in conjunction with constructing and maintaining primarily a 6' 3" high open wrought iron fence and solid masonry wall with approximately 7' 6" high masonry columns parallel and perpendicular to Walnut Hill Lane on the east side of the subject site; an 8' high board-on-board fence/wall perpendicular to Walnut Hill Lane on the west side of the subject site; two approximately 10' 6" high open wrought iron entry gates flanked with approximately 10' 6" high masonry columns and 6' 6" – 8' 6" high solid masonry wing walls; and a 13' high solid masonry pedestrian gate.



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

- The current request is for an 8' high cedar board-on-board privacy fence within the 30' front yard building setbacks along the two front yards of the subject site on Walnut Hill Lane and Preston Road.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-10(A) and has a 30' front yard setback. Corner lots in residential zones must comply with setbacks for the building block. The subject site is determined to have two front yards.
- The applicant has submitted a site plan/elevation of the proposal with notations indicating that the proposal reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 100' in length parallel to Preston Road before providing a 45' corner clip as required, and including the gated entryway fencing, in the 30' front yard setback cornering towards Walnut Hill Lane. Then, the fence continues about 110' along Walnut Hill Lane before providing the required 20' corner clip for the west gate entryway.
  - The proposal is represented as being located either at the property line (along Preston Road) or behind the property line, with approximately 2' from the existing sidewalk (along Walnut Hill Lane).
- All surrounding properties have fences and shrubs higher than the 4' maximum. Some of those sites obtained special exceptions from the Board.
- As May 6, 2016, no letters have been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be modified and maintained in the location and of the heights and materials as shown on this document.

## **Timeline:**

- June 3, 2015:           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 12, 2016:        The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- April 15, 2016:        The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the April 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis;

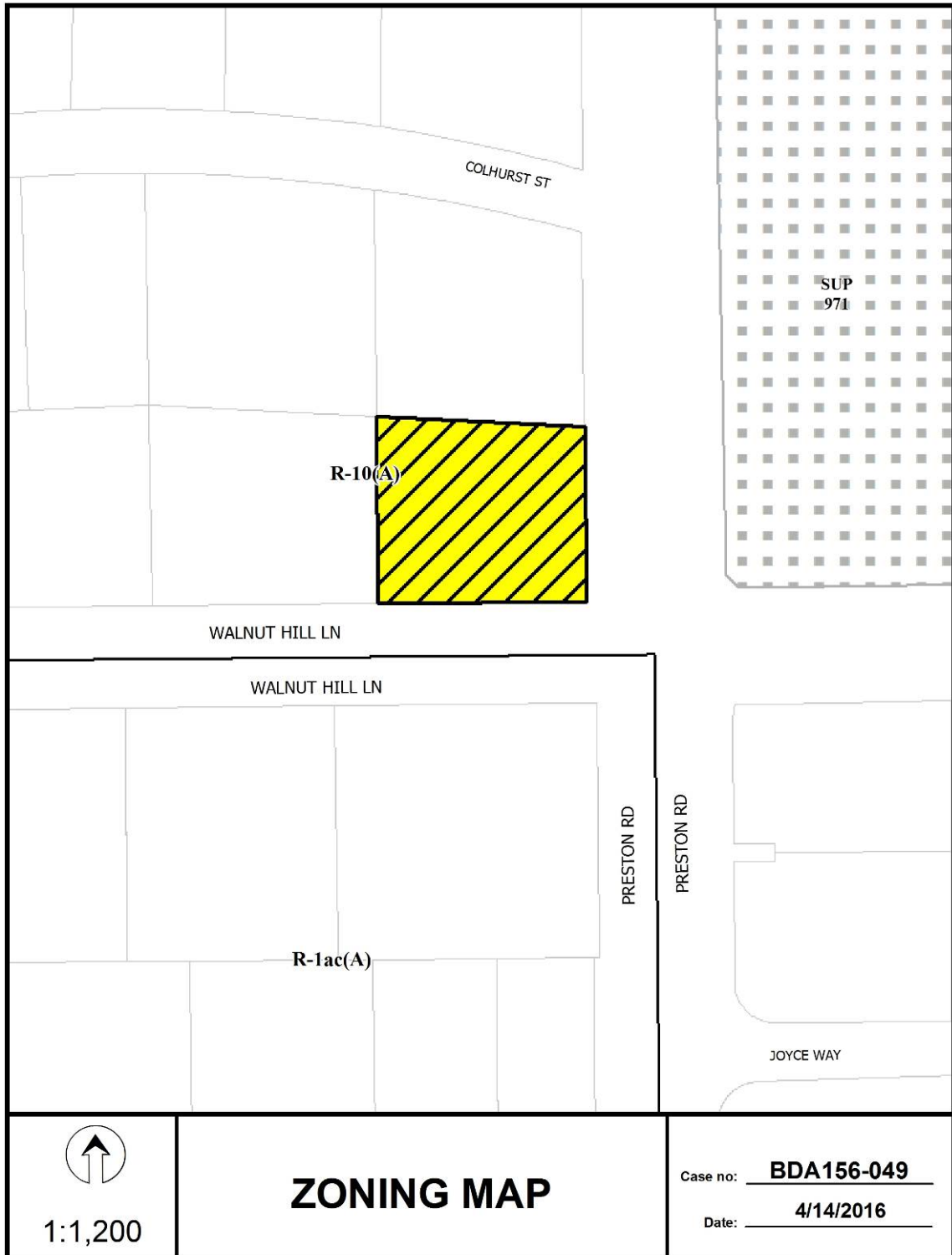
and the May 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

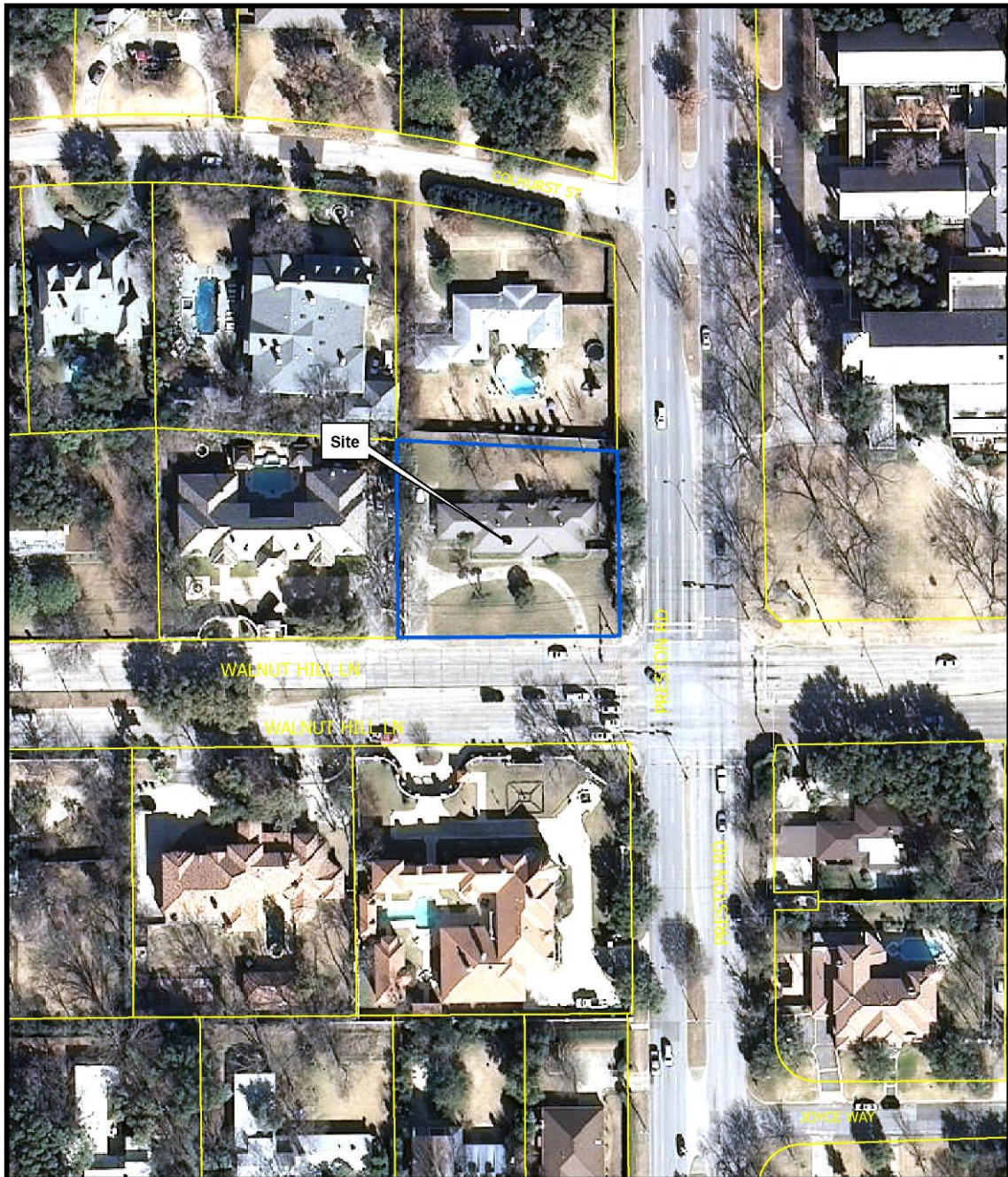
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

May 3, 2016:

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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

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





1:1,200

# AERIAL MAP

Case no: BDA156-049

Date: 4/14/2016



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-049

Date: 03-22-16

Data Relative to Subject Property:

Location address: 5953 Walnut Hill Lane Zoning District: R10A

Lot No.: 5 Block No.: 3/5515 Acreage: 0.662 Census Tract: 76.05

Street Frontage (in Feet): 1) 170.57' 2) 158.70' 3) 4) 5) NE 25

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Don and Larri Ellen Seltzer Robinson

Applicant: Don Robinson Telephone: (214) 677-8706

Mailing Address: PO Box 797943, Dallas, TX Zip Code: 75239

E-mail Address: drobin1943@gmail.com

Represented by: Stephen Hundley, AIA Telephone: 214 683 0104

Mailing Address: 7921 Deer Trail, Dallas, Texas Zip Code: 75238

E-mail Address: shundley@schaia.org

Affirm that an appeal has been made for a Variance, or Special Exception X, of a 4' high fence in the front yard setback along Preston Road and along the property line facing Walnut Hill Lane instead of the required 4' high fence for the purpose of privacy and security.

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: No adverse effect on the surrounding neighborhood. The property is bordered on two sides by existing 8' fences - one is masonry and plaster. The other forming the rear of the backyard is a wood cedar fence.

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.

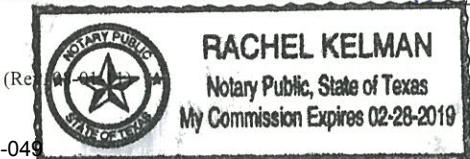
Affidavit

Before me the undersigned on this day personally appeared Don Robinson (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 16th day of March, 2016



[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**

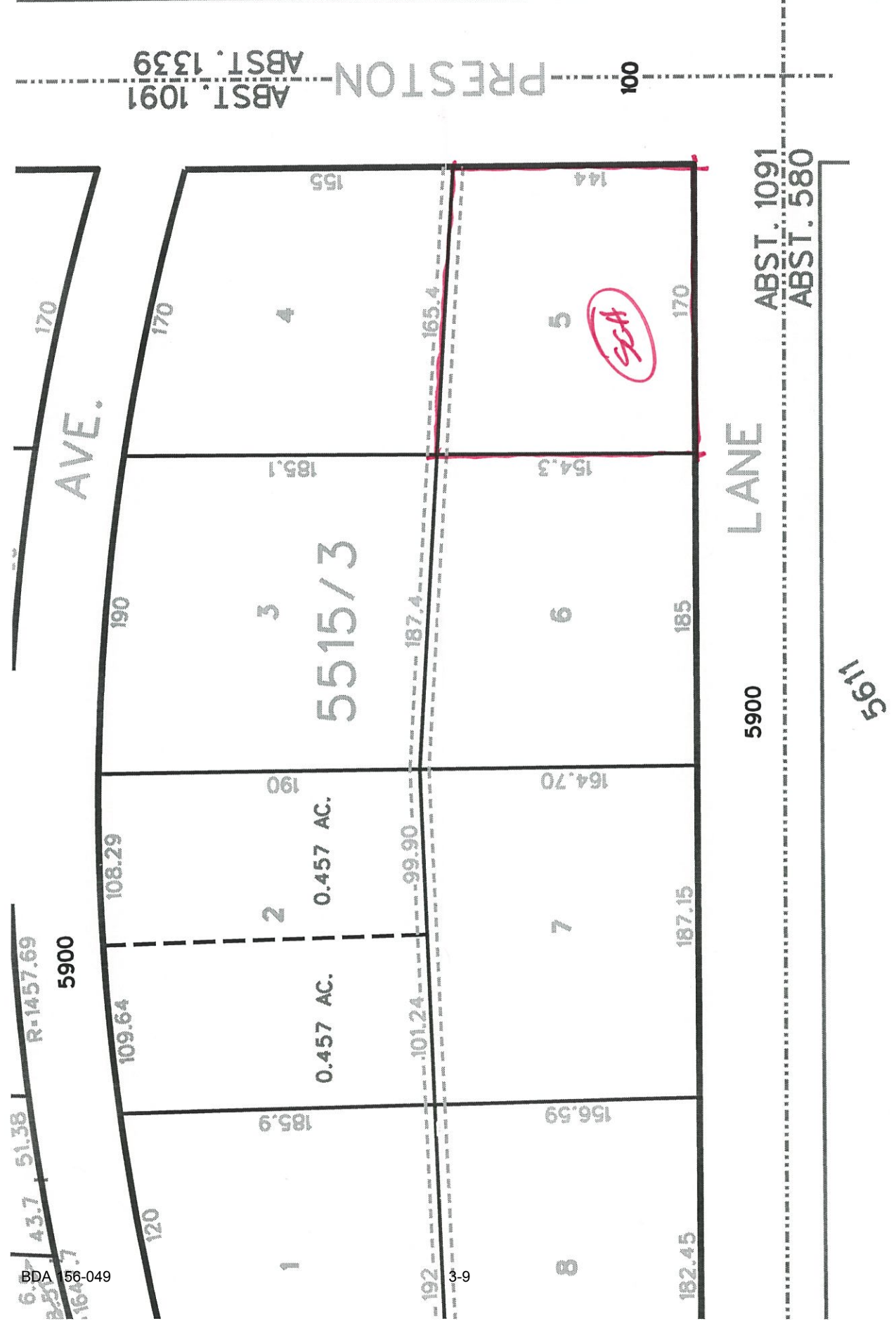
I hereby certify that Don Robinson  
represented by STEPHEN HUNDLEY  
did submit a request for a special exception to the fence height regulations  
at 5953 Walnut Hill Lane

BDA156-049. Application of Don Robinson represented by Stephen Hundley for a special exception to the fence height regulations at 5953 Walnut Hill Lane. This property is more fully described as Lot 5, Block 3/5515, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





BDA 56-049

6.57  
43.7  
51.38  
R-1457.69  
5900

164.7

AVE.

5515/3

PRESTON

LANE

5900

ABST. 1091  
ABST. 580

5611

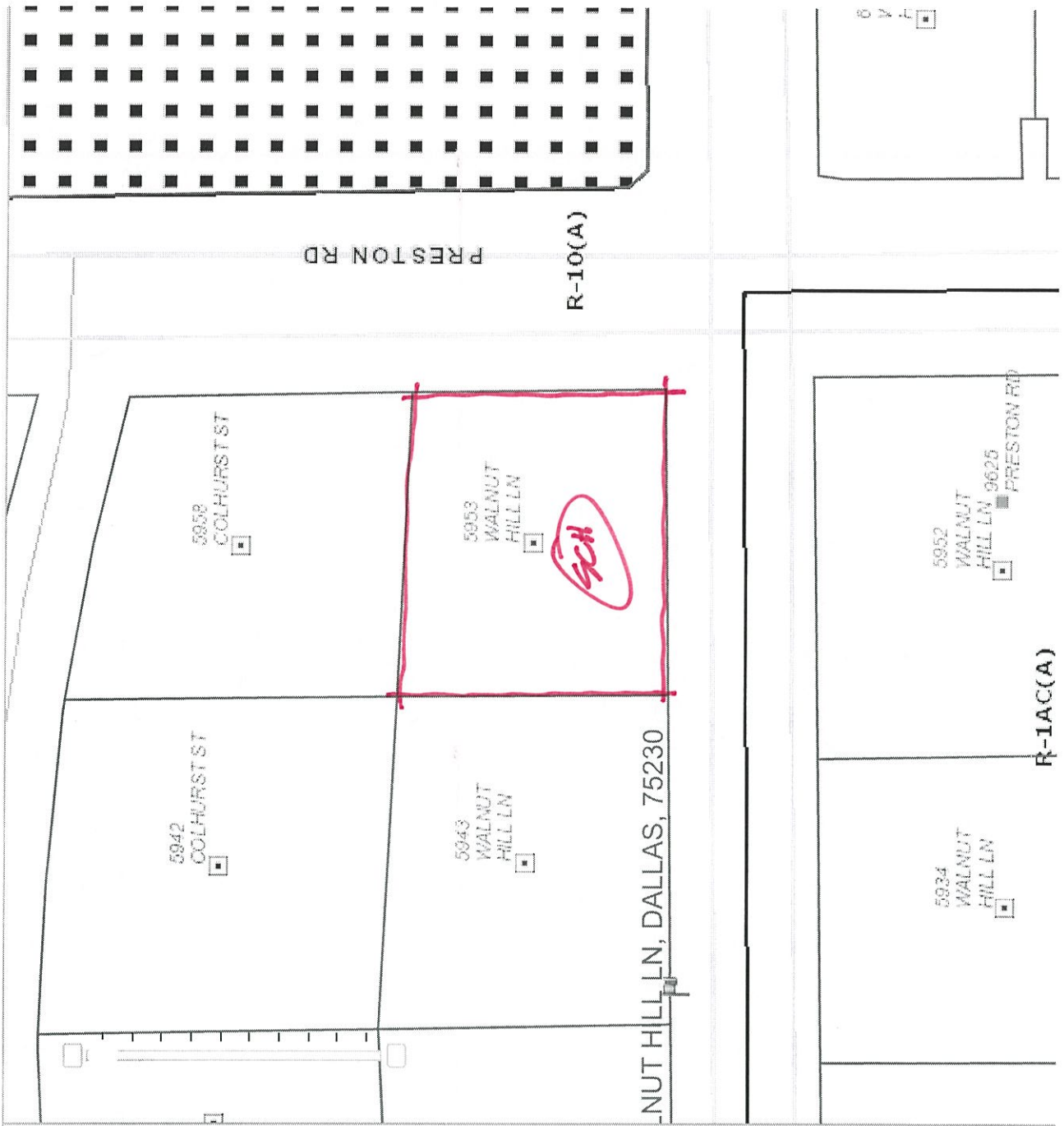
547A

# City of Dallas

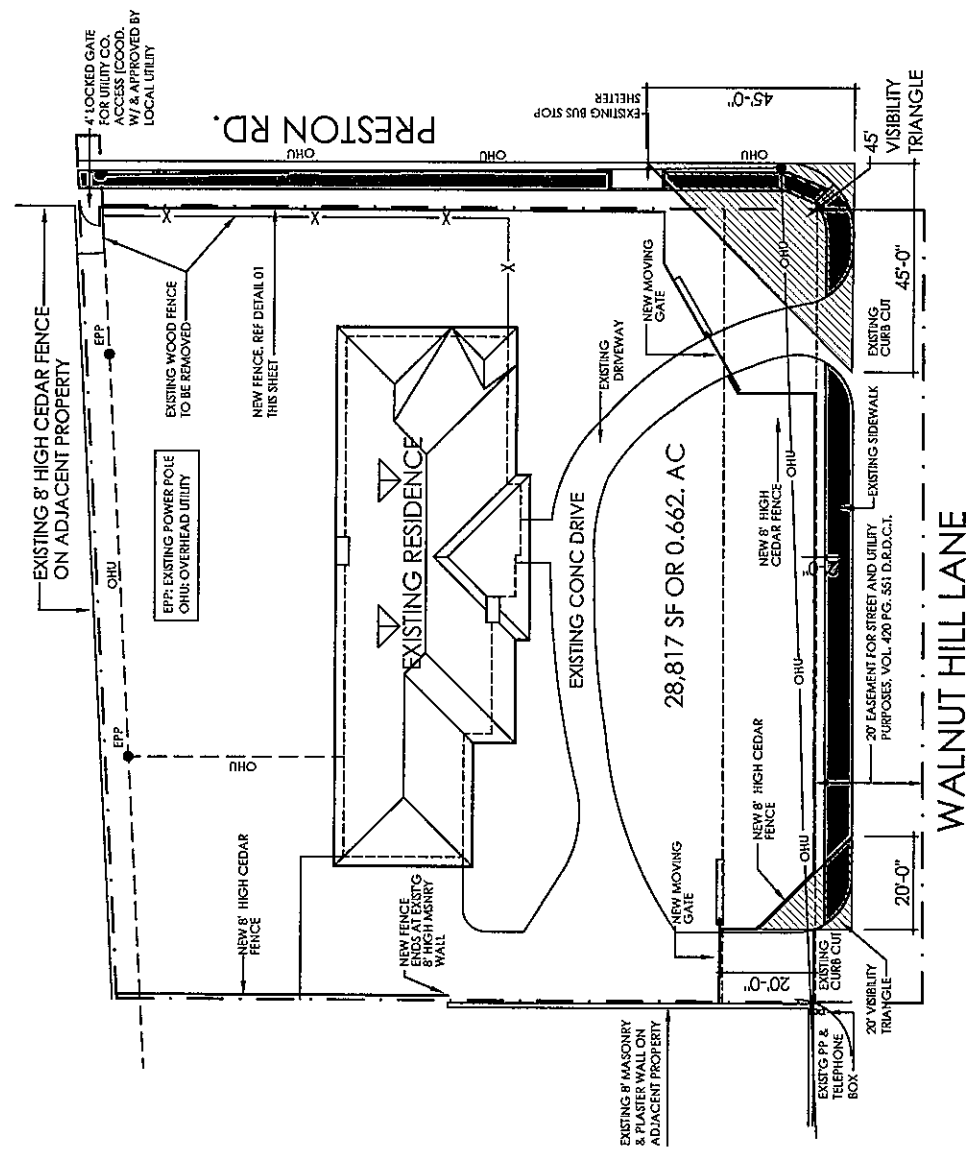
## Internal Development Research Site

Legend

Locate Property





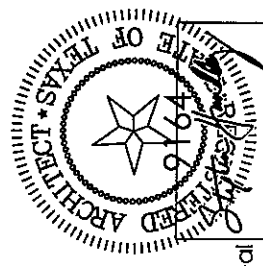


**SITE PLAN**

1"=30'-0"

**8' TALL SLIDING WOOD GATE NOTES**  
 PROVIDE LATCH AND CATCH POST WITH MINIMUM OF 4 GUIDE POSTS  
 PROVIDE V-TRACK GATE SYSTEM. INSURE V-TRACK IS LEVEL USING 2" WIDE  
 BY 6" THICK REINFORCED CONCRETE LEVELING CURB  
 PROVIDE V-WHEELS AND GUIDE ROLLERS PER MANUFACTURER'S RECOMMENDATION.  
 CONSTRUCT GATE FRAME WITH 2"x2" SQUARE GALVANIZED FRAME PER MANF.  
 RECOMMENDATION. INSURE OPTIMAL STABILITY AND SMOOTH OPERATION.  
 PROVIDE SUBGRADE POWER FROM HOUSE PANEL TO THE GATE MOTOR. COMPLY  
 WITH ELECTRICAL CODE FOR MANF. AND INSTALLATION

ARCHITECT:  
**Stephen Hundley AIA**  
 7921 Deer Trail  
 Dallas, Texas 75238  
 214-683-0104  
 sch6205@swbell.net



Seal

Project: Walnut Hill/Preston  
 File: A100 Fence Plan  
 Date: Mar 9, 2016  
 Scale: Varies  
 Revision Date

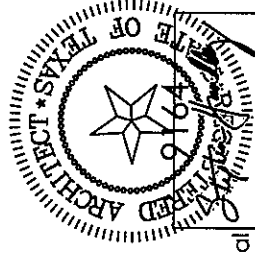
- △ △ △
- △ △ △
- △ △ △

Sheet Name  
**SITE PLAN**  
**DETAIL**

Sheet Number  
**A100**

ARCHITECT:

Stephen Hundley AIA  
7921 Deer Trail  
Dallas, Texas 75238  
214-683-0104  
sch6205@swbell.net



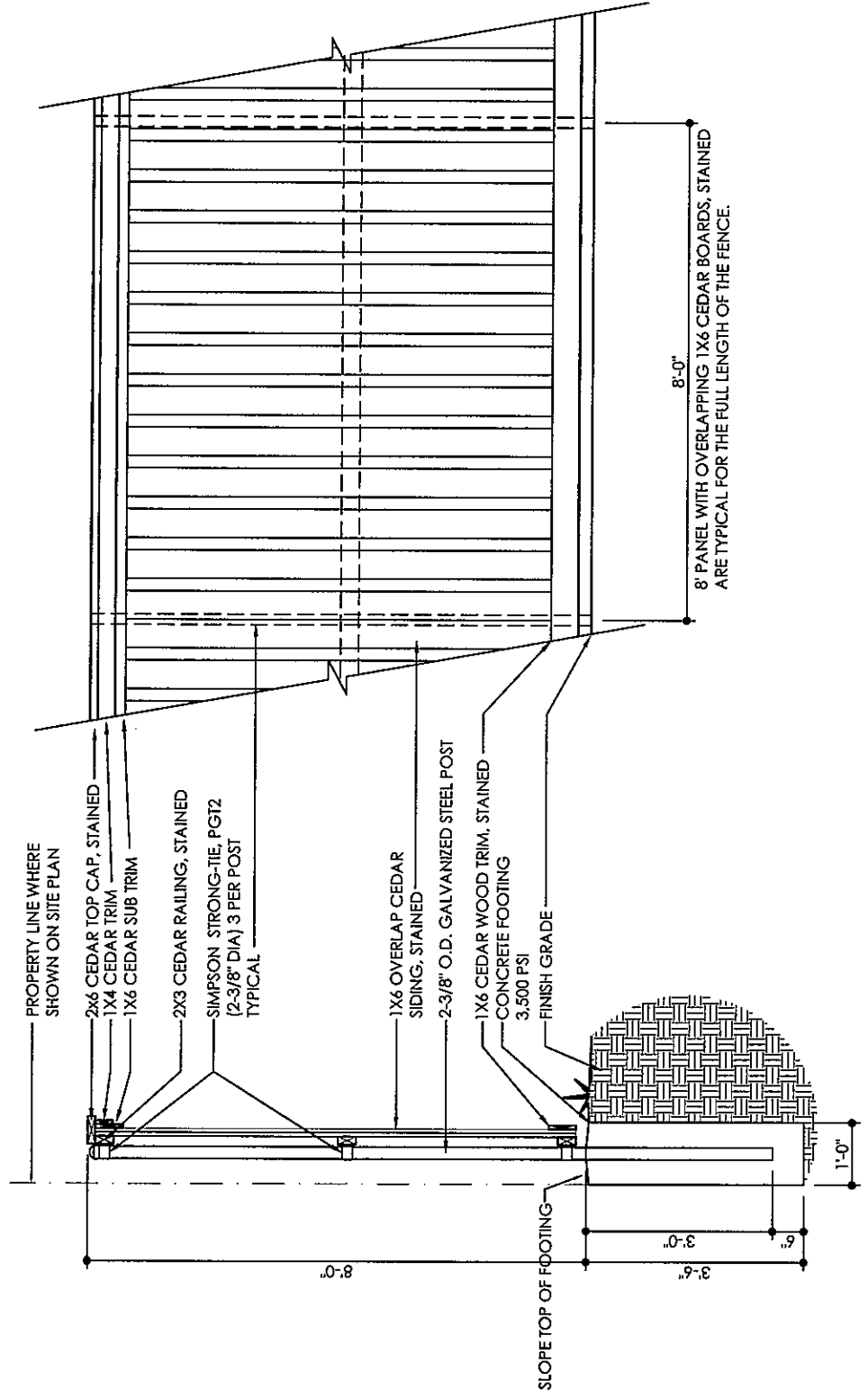
Seal

Project: Walnut Hill/Preston  
File: A100 Fence Plan  
Date: Mar 9, 2016  
Scale: Varies  
Revision Date



Sheet Name  
FENCE DETAIL/ELEVATION

Sheet Number  
**A101**



8'-0"  
8' PANEL WITH OVERLAPPING 1X6 CEDAR BOARDS, STAINED  
ARE TYPICAL FOR THE FULL LENGTH OF THE FENCE.

# FENCE PARTIAL ELEVATION

# FENCE DETAIL

1"=2'-0"

01



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA156-049</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;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>4/14/2016</b>

## *Notification List of Property Owners*

***BDA156-049***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5953 WALNUT HILL LN	VARELA DAVID & EVA
2	6010 WALNUT HILL LN	DUNCAN BENNY D
3	5942 COLHURST ST	BELL JAMES SAMUEL
4	5958 COLHURST ST	ANDERSON KENNETH A &
5	5943 WALNUT HILL LN	MADSEN TERRY
6	5921 WALNUT HILL LN	PYKA KURT
7	9625 PRESTON RD	RIMLAWI MICHAEL
8	5934 WALNUT HILL LN	JOHNSON WILLIAM E III TRUSTEE
9	9800 PRESTON RD	PRESTON HOLLOW
10	5932 COLHURST ST	ESTEVE EDUARDO LUIS

**FILE NUMBER:** BDA156-053(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Arash Afzalipour, represented by Michael R Coker, for a special exception to the fence height regulations at 9362 Hollow Way Road. This property is more fully described as Lot 19B, Block 5597, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 10 foot high fence, which will require a 6 foot special exception to the fence height regulations.

**LOCATION:** 9362 Hollow Way Road

**APPLICANT:** Arash Afzalipour  
Represented by Michael R Coker

**REQUEST:**

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

- mostly a 6' – 6' 6" high "decorative wrought iron" fence with 8' high masonry columns parallel to the street;
- two entry features: on the north side, an 8' – 8' 6" high "secondary" entry gate with 8' high columns; on the south side, a 10' high "main" entry gate with 10' high columns flanked by two approximately 10' long, 8' high solid masonry wing walls; and
- a 6' high solid masonry fence with a 7' high stone column perpendicular to the street on the south side of the site in the 40' front yard setback, and a 7' 9" high solid masonry fence with an 8' stone column perpendicular to the street on the north side of the site in the 40' front yard setback.

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

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

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

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

1. BDA145-010, Property at 9362 Hollow Way Road (the subject site)

On January 21, 2015, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 6' and imposed the submitted site plan with elevation as a condition.

The case report stated that the request was made to construct/maintain a 6' – 6' 6" high "decorative wrought iron" fence with 8' high masonry columns parallel to the street; two entry features: on the north side, a 7' – 7' 6" high "secondary" entry gate with 7' high columns; on the south side, a 10' high "main" entry gate with 10' high columns flanked by two approximately 10' long, 8' high solid masonry wing walls; and 6' high solid masonry fences with 7' high stone columns perpendicular to the street on the north and south sides of the site in the 40' front yard setback.

2. BDA 989-150, property at 5506 Deloache Avenue (the lot north of the subject site)

On January 19, 1999, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 3' 6" and imposed the submitted revised site plan, landscape plan, and elevation as a condition.

The case report stated that the request was made in conjunction with constructing and maintaining a 6' predominantly open metal fence, 6' 6" high brick columns, 7' 4" high brick entry columns, and a 7' high open metal entry gate in the front yard setback along Deloache Avenue and Hollow Way Road.

3. BDA 978-106, property at 5424 Deloache Avenue (the lot northwest of the subject site)

On December 16, 1997, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4' and imposed the submitted revised site/landscape plan and elevation plan as a condition.

The case report stated that the request was made in conjunction with replacing an existing fence with a predominantly open 8' high metal fence in the front yard setback along Deloache Avenue.

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

- This request focuses on constructing and maintaining the following in the front yard setback on a site being developed with a single family home/use:
  1. mostly a 6' – 6' 6" high “decorative wrought iron” fence with 8' high masonry columns parallel to the street;
  2. two entry features: on the north side, an 8' – 8' 6" high “secondary” entry gate with 8' high columns; on the south side, a 10' high “main” entry gate with 10' high columns flanked by two approximately 10' long, 8' high solid masonry wing walls; and
  3. a 6' high solid masonry fence with a 7' high stone column perpendicular to the street on the south side of the site in the 40' front yard setback, and a 7' 9" high solid masonry fence with an 8' stone column perpendicular to the street on the north side of the site in the 40' front yard setback.
- This special exception is almost identical to a request for special exception to the fence height regulations granted by the Board of Adjustment Panel B in January of 2015: BDA145-010. The applicant has filed a new application on the subject site because he did not file a permit within 180 days from the Board's favorable action on January 21, 2015, and because he is no longer proposing to fully adhere to the conditions imposed upon him by the Board in 2015: he has increased the height of

the proposal on the northern side of the site given grade changes by 1': the "secondary entry gate" and the fence/column to the north of this gate is now requested to be 8' – 8' 6", 7', and 8' in height, respectively.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 10'.
- The following additional information was gleaned from the submitted site plan/elevation and gate elevation:
  - The fence proposal is represented as being approximately 200' in length parallel to the street, and approximately 40' in length perpendicular to the street on the north and south sides of the site in the front yard setback.
  - The fence and secondary gate proposal is represented as being located approximately on the front property line or about 22' from the pavement line. (The proposed main gate is represented as being located approximately 6' from the property line or approximately 28' from the pavement line).
- The fence proposal is located on the site where no lot would have direct frontage to it – the homes to the west face either southward to Dentwood Drive or northward to Deloache Avenue.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other visible fence above 4 feet high which appeared to be located in a front yard setback – an approximately 6' high solid board fence located immediately north of the subject site. The Board of Adjustment granted a fence height special exception on this adjacent property to the north (BDA 989-150) in 1999 (see the "Zoning/BDA History" section of this case report for additional details).
- As of May 6, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 6' will not adversely affect neighboring property.
- Granting this special exception of 6' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

### **Timeline:**

March 23, 2016: 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 12, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the



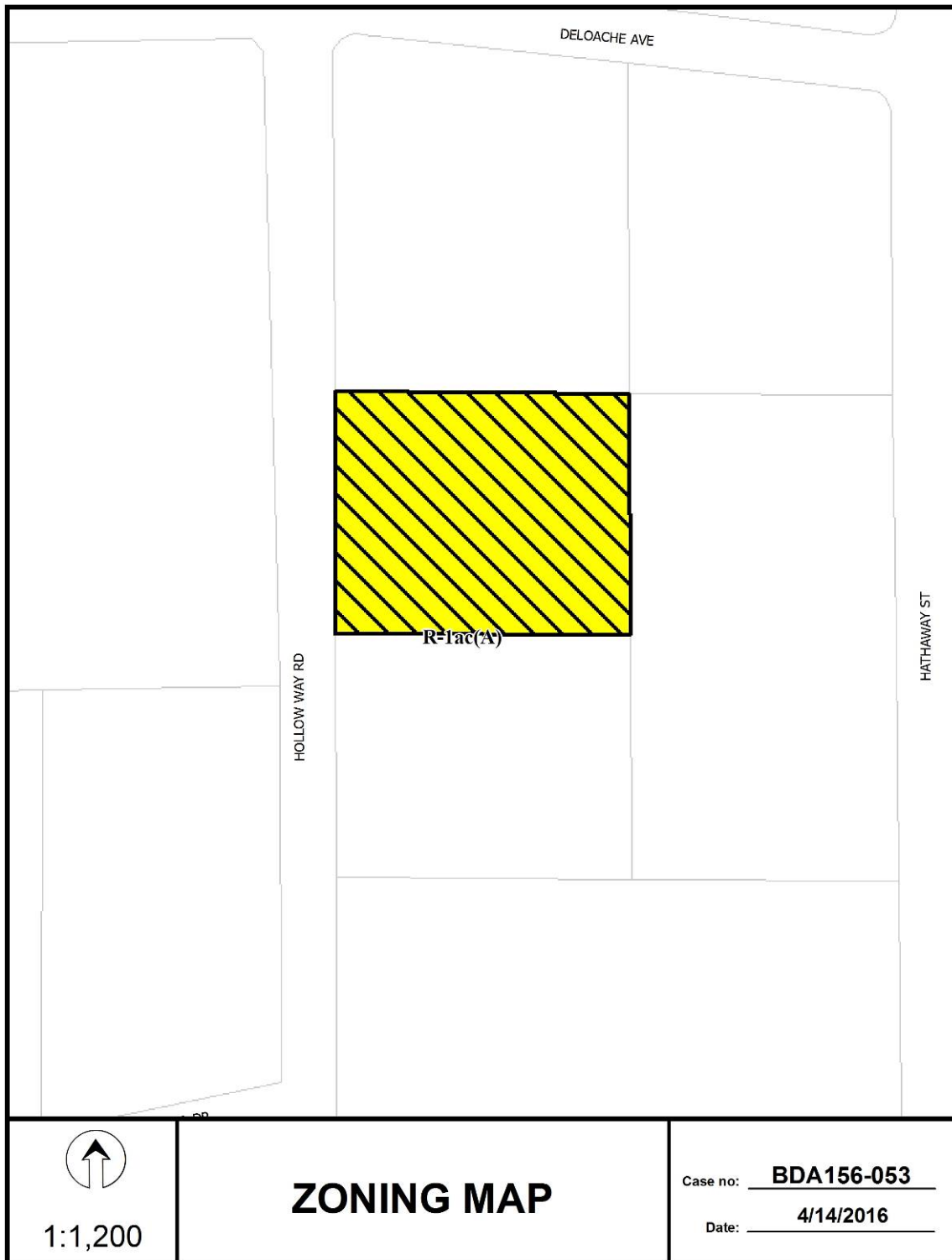
same request, that case must be returned to the panel hearing the previously filed case.”

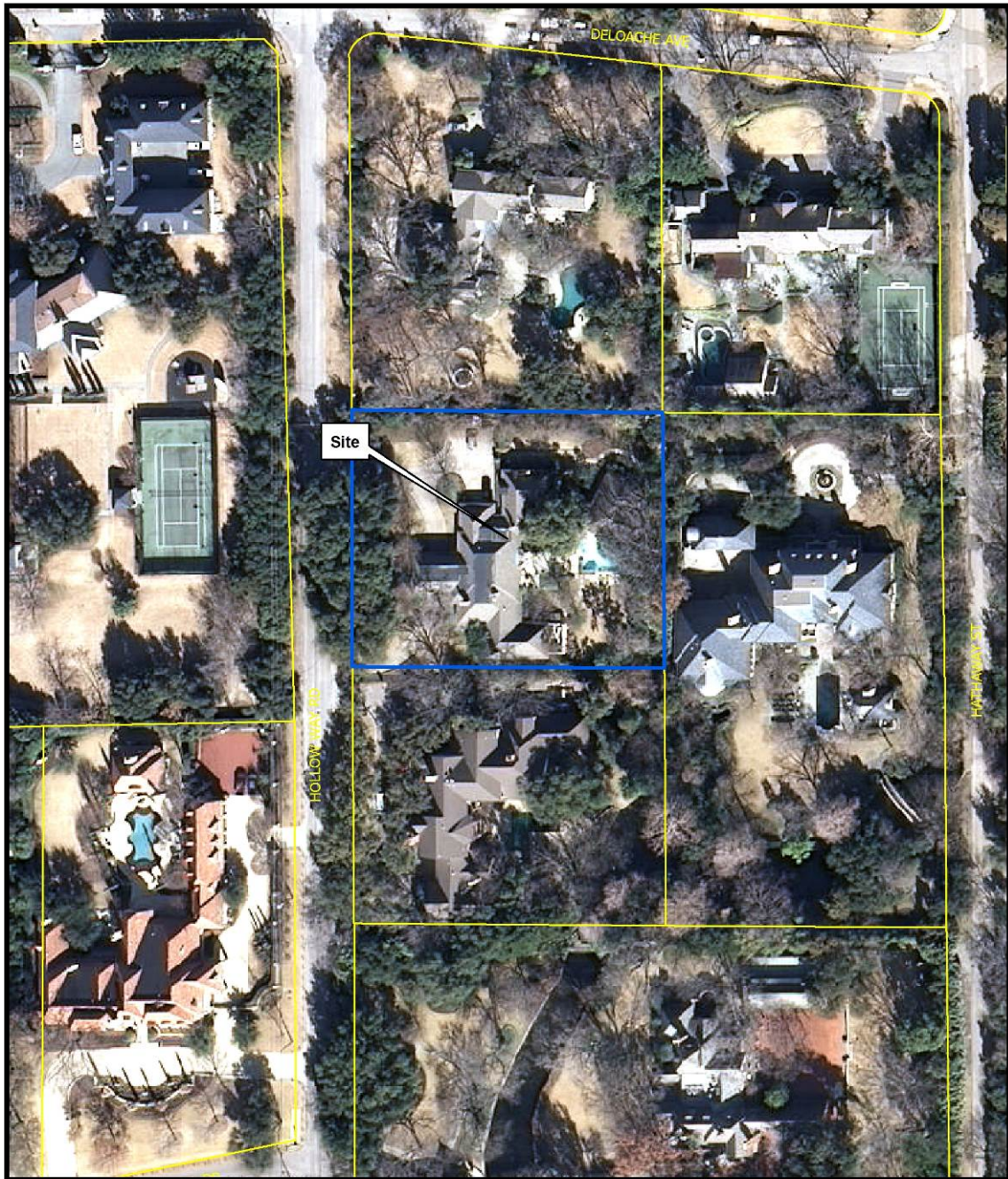
April 12, 2016: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 6<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 3, 2016: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

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





1:1,200

# AERIAL MAP

Case no: BDA156-053

Date: 4/14/2016



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-053

Data Relative to Subject Property:

Date: March 23, 2016

Location address: 9362 Hollow Way Road Zoning District: R-1AC(A)

Lot No.: 19B Block No.: 7/5597 Acreage: 1.10 Census Tract: ~~0075-00~~ 206.00

Street Frontage (in Feet): 1) 197.10' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ NE2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Arash Afzalipour and Mehrmoush Amiri

Applicant: Arash Afzalipour Telephone: 972-339-0159

Mailing Address: 2705 Black Sage Drive Zip Code: 75093

E-mail Address: aaron@megatelhomes.com

Represented by: Michael R. Coker Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Suite 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of Special exception of six (6) feet to the fence height requirements in the front yard to allow for decorative wrought iron fencing, decorative wrought iron gates, stucco walls, cast stone columns, and a mail box

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

The proposed fencing, gates, walls, columns and mail box are commiserate with other fencing, gates, walls, columns, and mail boxes in the neighborhood.

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

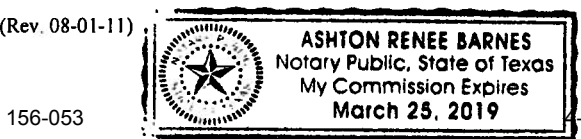
Before me the undersigned on this day personally appeared Arash Afzalipour  
(Affiant/Applicant's name printed)

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 23 day of March, 2016

Ashton Barnes  
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 Arash Afzalipour  
represented by Michael R Coker  
did submit a request for a special exception to the fence height regulations  
at 9362 Hollow Way Road

BDA156-053. Application of Arash Afzalipour represented by Michael R Coker for a special exception to the fence height regulations at 9362 Hollow Way Road. This property more fully described as Lot 19B, Block 5597, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

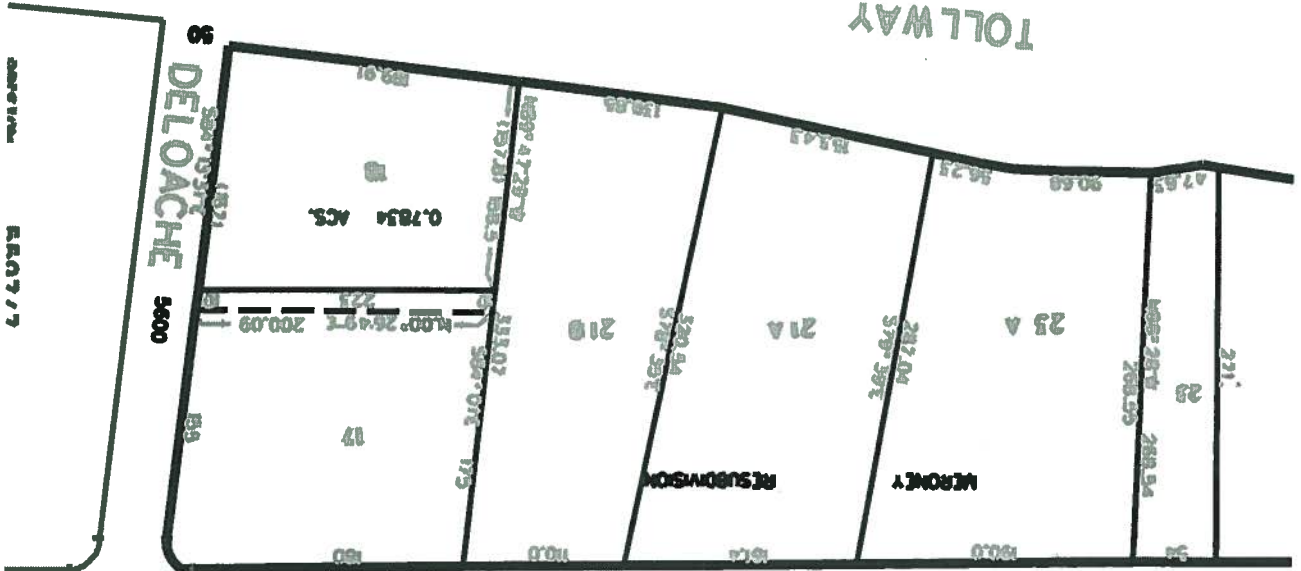


5598/8

ADDITION

5599/9

TOLLWAY



STREET 9

9300



ROAD 8

9300

5600/10

ADDITION

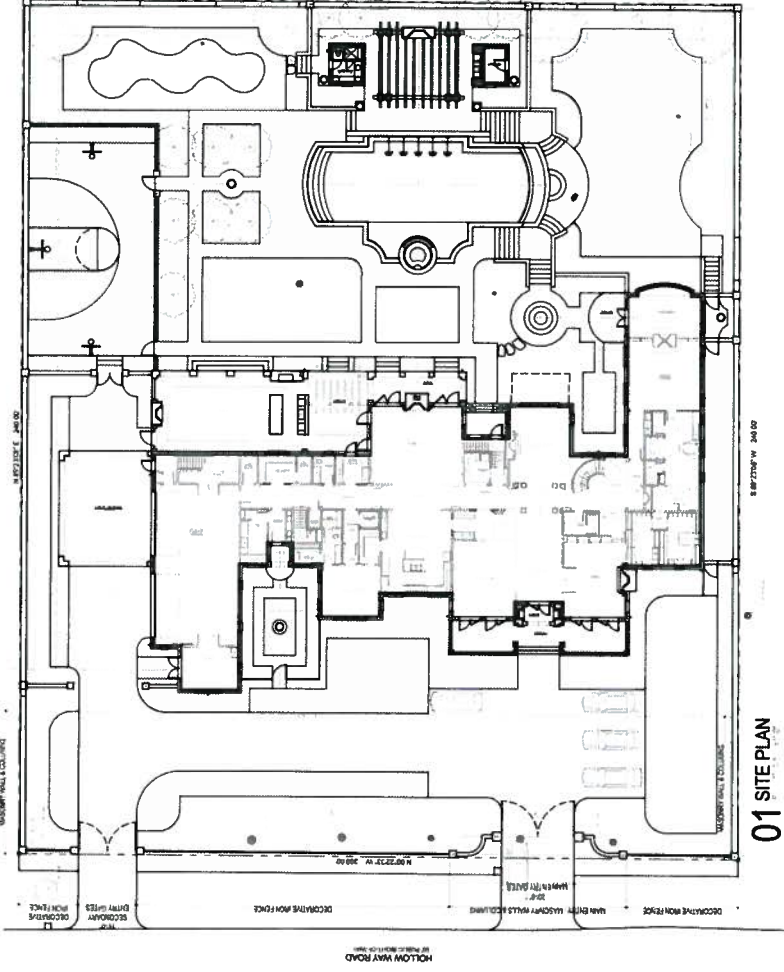
HOLLOW

POSITION

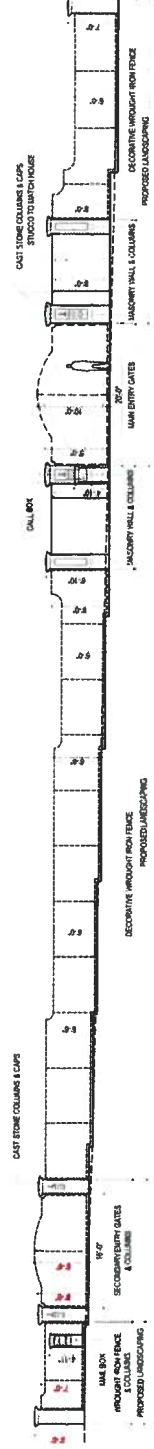
ADDITION

5600/11

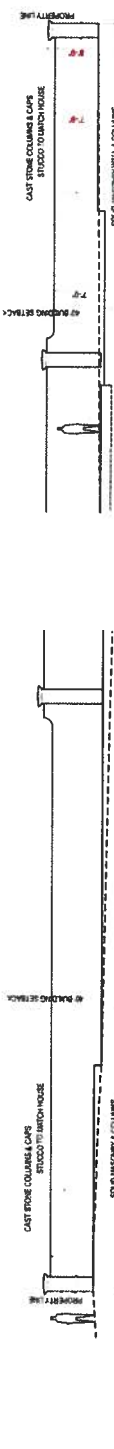




**01 SITE PLAN**



**02 FRONT FENCE & WALL ELEVATION**

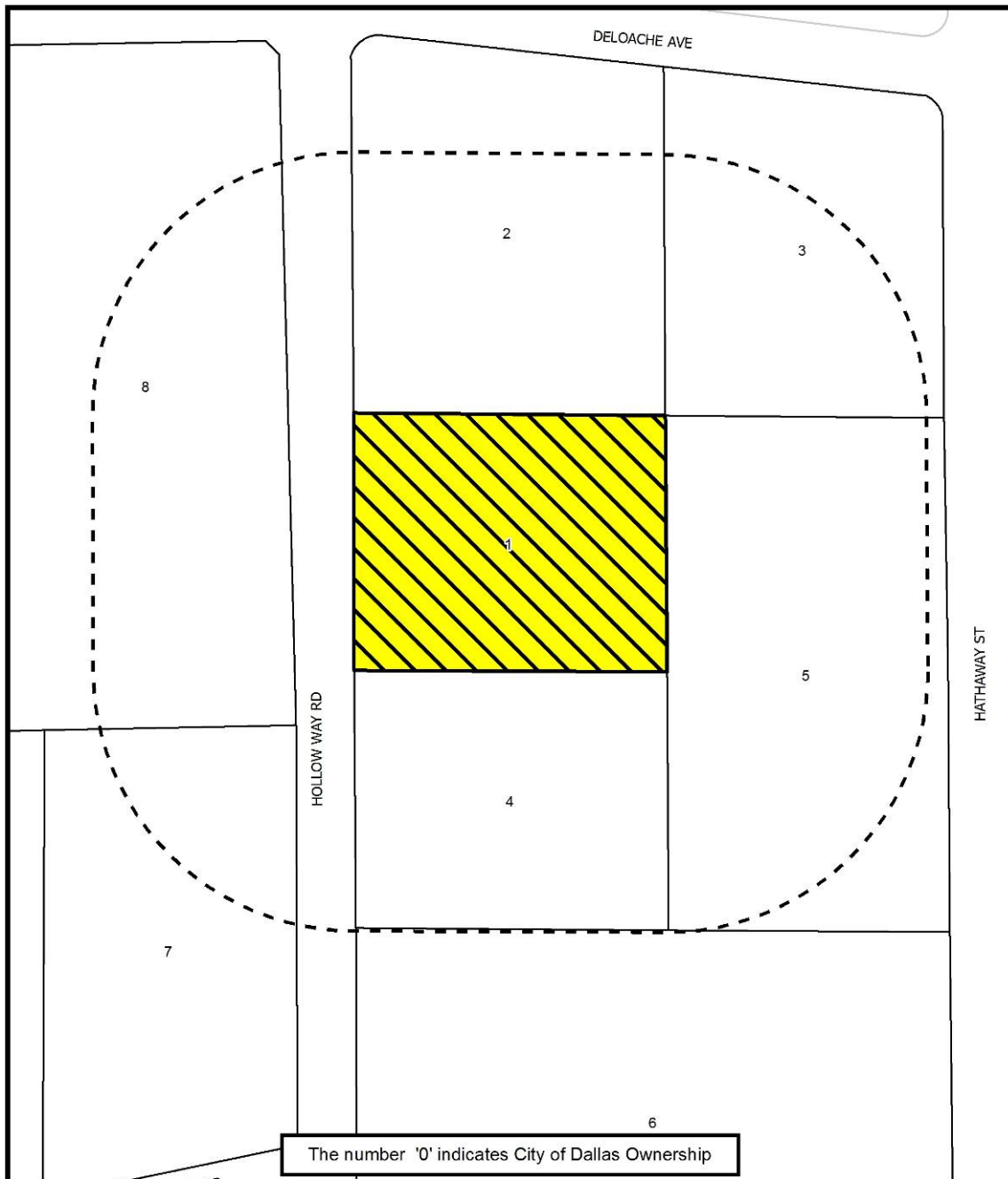


**03 SOUTH WALL ELEVATION**



**04 NORTH WALL ELEVATION**





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA156-053</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;">8</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>4/14/2016</b>	

## *Notification List of Property Owners*

***BDA156-053***

### ***8 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9362 HOLLOW WAY RD	AFZALIPOUR ARASH &
2	5506 DELOACHE AVE	ROYALL HIRAM WALKER & JENNIFER ANNE
3	5526 DELOACHE AVE	SMITH MARK CLAY &
4	9330 HOLLOW WAY RD	SNYDER ROBERT L
5	9339 HATHAWAY ST	ROUSE THOMAS M & SANDRA K
6	5505 CHATHAM HILL RD	THOMPSON DOROTHY K
7	5445 N DENTWOOD DR	MULLEN MICHEL L &
8	5424 DELOACHE AVE	CUBAN MARK

**FILE NUMBER:** BDA156-046(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the visual obstruction regulations at 504 N. St. Paul Street. This property is more fully described as Lot 2, Block 2/243, and is zoned CA-1(A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 504 N. St. Paul Street

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the visual obstruction regulations is made to construct and maintain a parking garage structure in the 20' visibility triangle where an alley intersects with N. St. Paul Street on a site developed with a surface parking lot 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:**

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommended that this request be denied commenting "The proposed structure encroaching within the visibility triangle creates a safety hazard to pedestrian traffic."
- The applicant had not substantiated how the location of the proposed structure in the 20' visibility triangle where an alley intersects with N. St. Paul Street does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CA-1(A) (Central Area)

North: CA-1(A) (Central Area)  
South: CA-1(A)H/23 (Central Area)(Historic)  
East: CA-1(A) (Central Area)  
West: CA-1(A) (Central Area)

**Land Use:**

The subject site is developed as a surface parking lot. The areas to the north, east, south, and west are developed with mostly with office uses.

**Zoning/BDA History:**

1. BDA156-047, Property at 504 N. St. Paul Street (part of the subject site) On May 18, 2016, the Board of Adjustment Panel B will consider a special exceptions to the mandatory pedestrian skybridge standards are made to construct and maintain a pedestrian skybridge over Wenchell Lane that would connect an existing church structure to a proposed parking garage that would have an interior passageway width of less than 10 feet; and would be located within 300' of an historic overlay district.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a parking garage structure in the 20' visibility triangle where an alley intersects with N. St. Paul Street on a site developed with a surface parking lot 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).
- The Dallas Development Code states the term "visibility triangle" means in all zoning districts, "the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection."

- The applicant has submitted a site plan and an elevation indicating a parking garage structure to be located in the 20' visibility triangle where an alley intersects with N. St. Paul Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting: "The proposed structure encroaching within the visibility triangle creates a safety hazard to pedestrian traffic."
- The applicant has the burden of proof in establishing how granting this request for a special exception to the visual obstruction regulations to construct and maintain a parking garage structure in the 20' visibility triangle where an alley intersects with N. St. Paul Street does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items located in the 20' visibility triangle where an alley intersects with N. St. Paul Street to that what is shown on these documents – a parking garage structure.

**Timeline:**

February 26, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

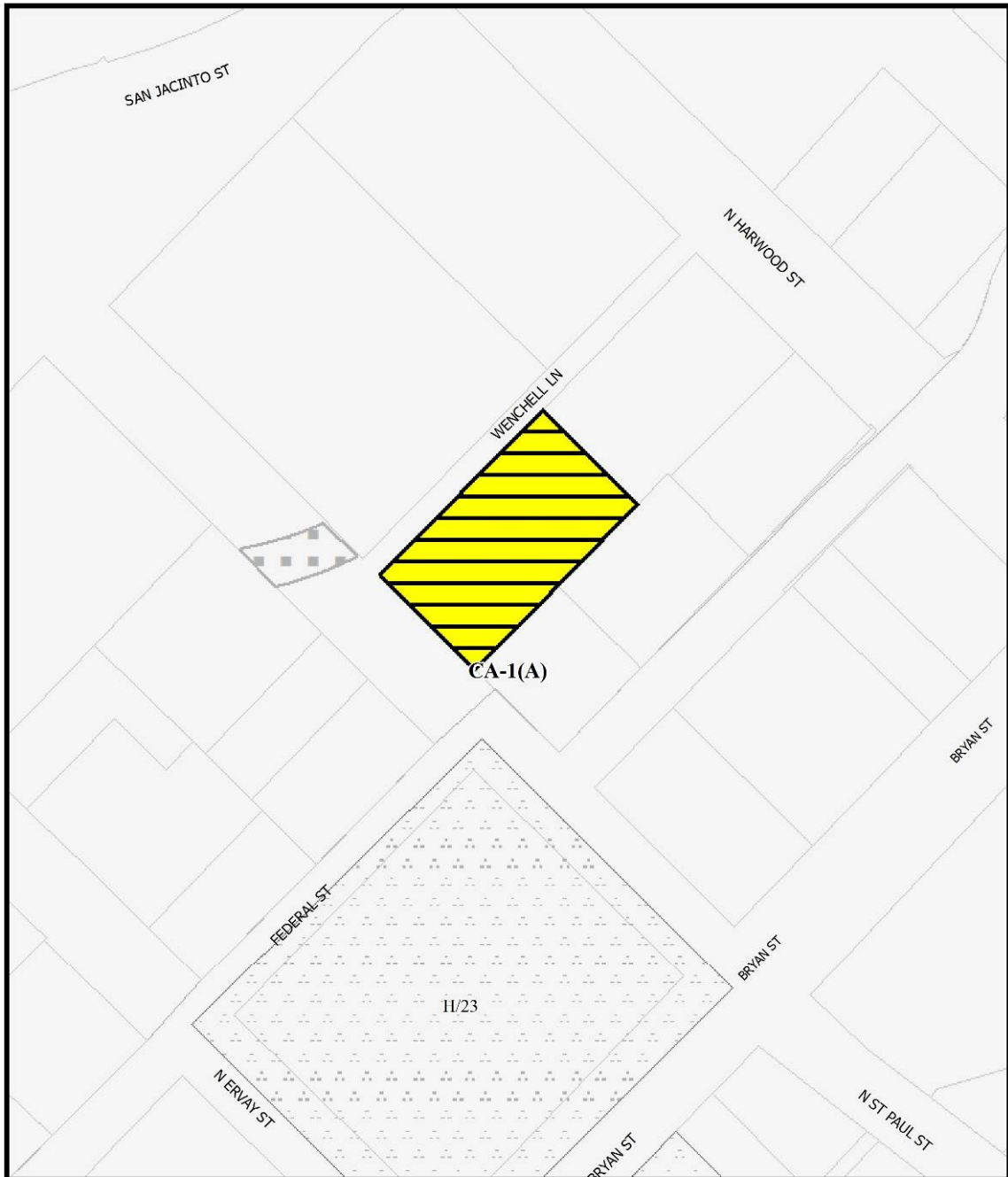
April 12, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

April 12, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 6<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 3, 2016: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Board of Adjustment Senior Planner, and the Assistant City Attorneys to the Board.

May 5, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting: "The proposed structure encroaching within the visibility triangle creates a safety hazard to pedestrian traffic."



1:1,200

# ZONING MAP

Case no: BDA156-046

Date: 4/14/2016



1:1,200

# AERIAL MAP

Case no: BDA156-046

Date: 4/14/2016





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-046

Data Relative to Subject Property:

Date: February 26, 2016

Location address: 504 N. St. Paul St Zoning District: CA-1(A)

Lot No.: 2 Block No.: 2/243 Acreage: 0.62 acres Census Tract: 21.00

Street Frontage (in Feet): 1) 104 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*5027A*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): First Baptist Church and W.E. Dalton, Power of Attorney

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance   , or Special Exception X, of    to the visibility obstruction regulations

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The proposed parking structure will have an encroachment of the building within the visibility triangles at N. St. Paul Street and Wenchel Lane (alley). The encroachment is not a traffic hazard because N. St. Paul Street is a one-way street going "downstream."

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.

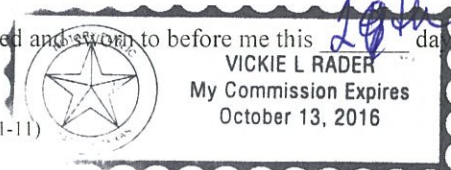
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 26th day of February, 2016  
VICKIE L RADER  
My Commission Expires October 13, 2016  
Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

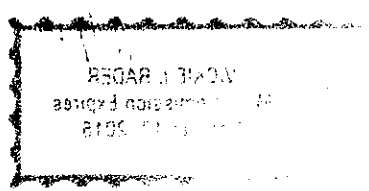
I hereby certify that Robert Baldwin

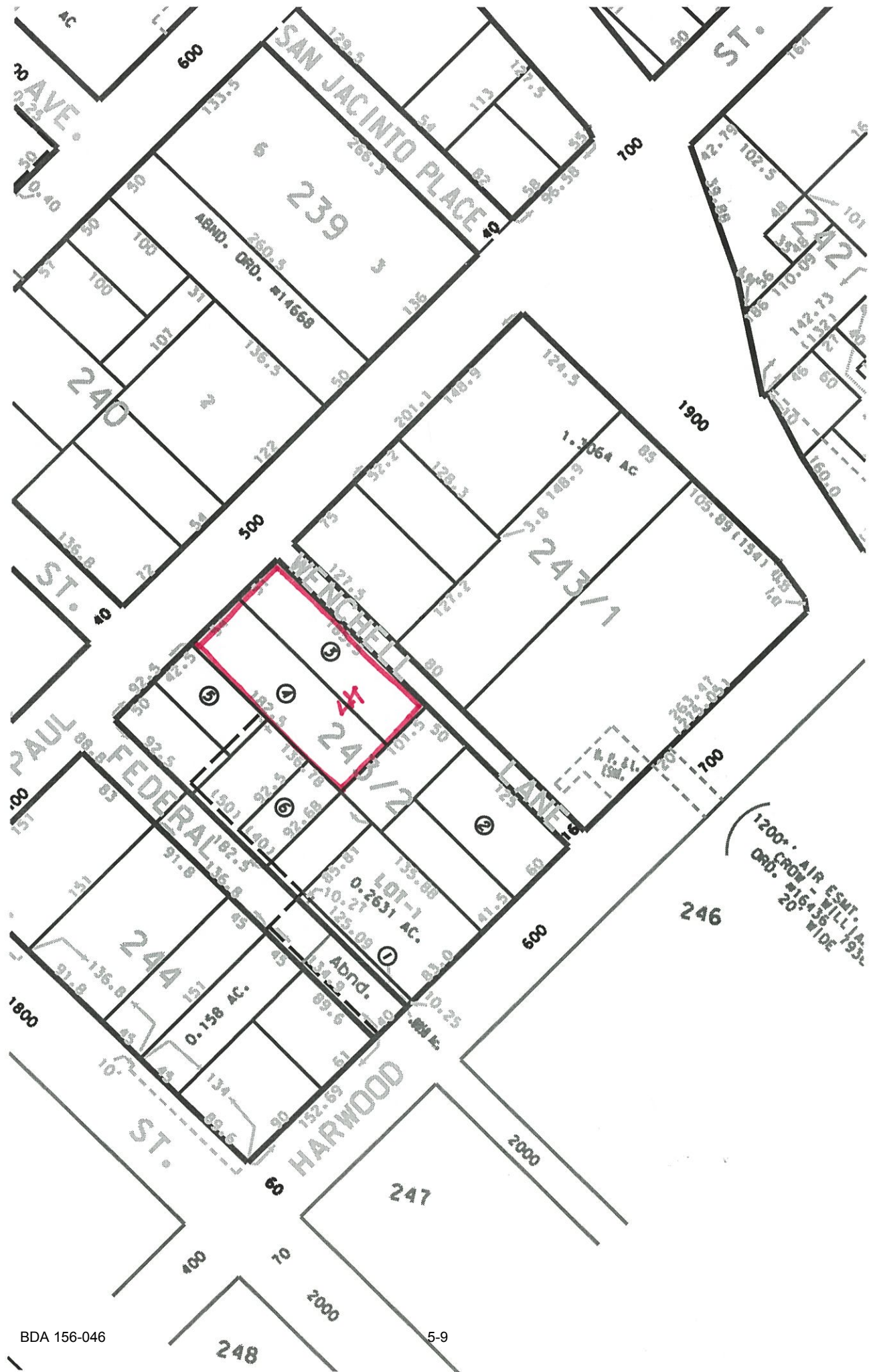
did submit a request for a special exception to the visibility obstruction regulations  
at 504 N. St. Paul Street

BDA156-046. Application of Robert Baldwin for a special exception to the visibility obstruction regulations at 504 N. St. Paul Street. This property is more fully described as Lot 2, Block 2/243, and is zoned CA-1(A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a nonresidential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

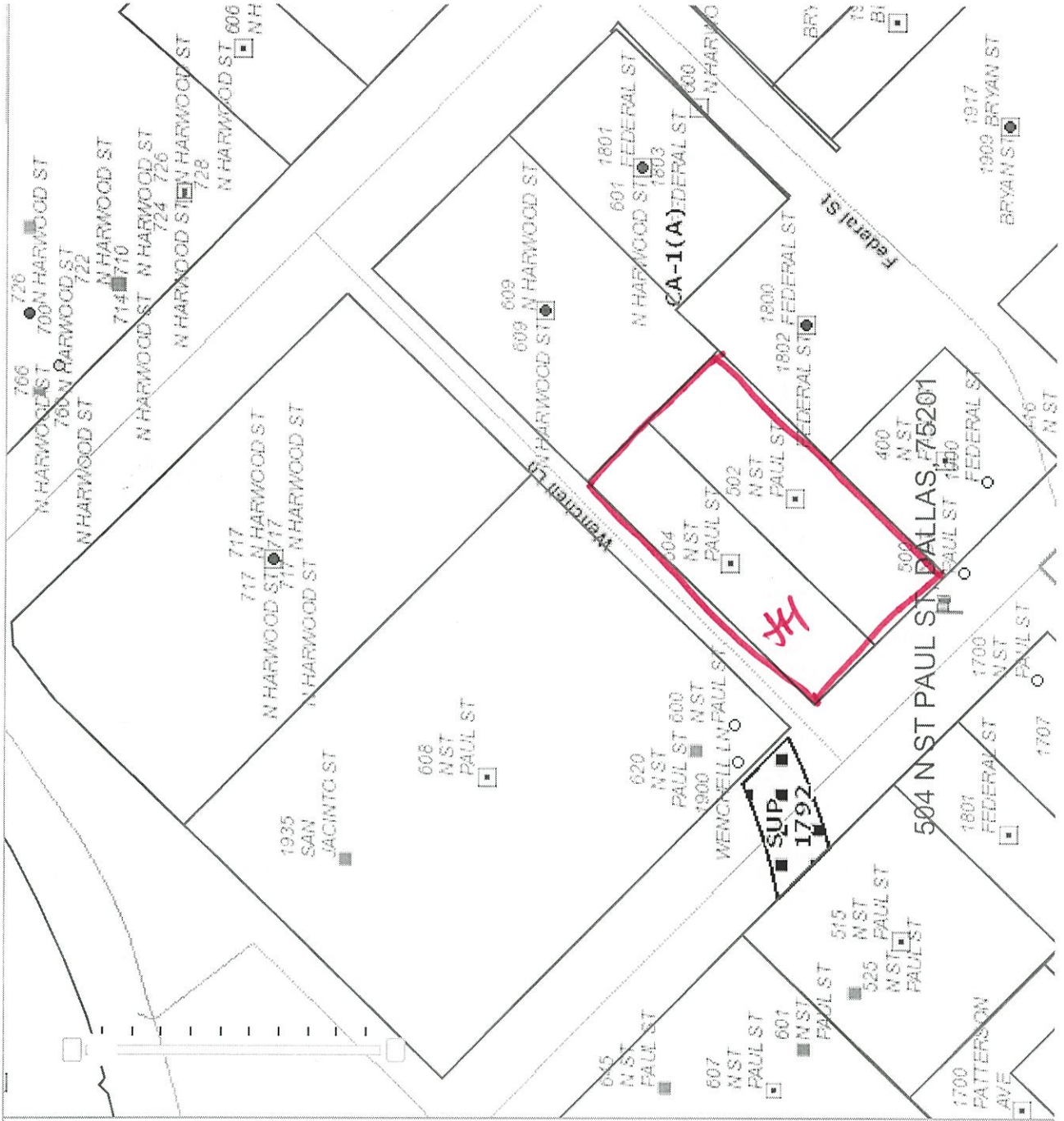




# City of Dallas

## Internal Development Research Site

### Legend

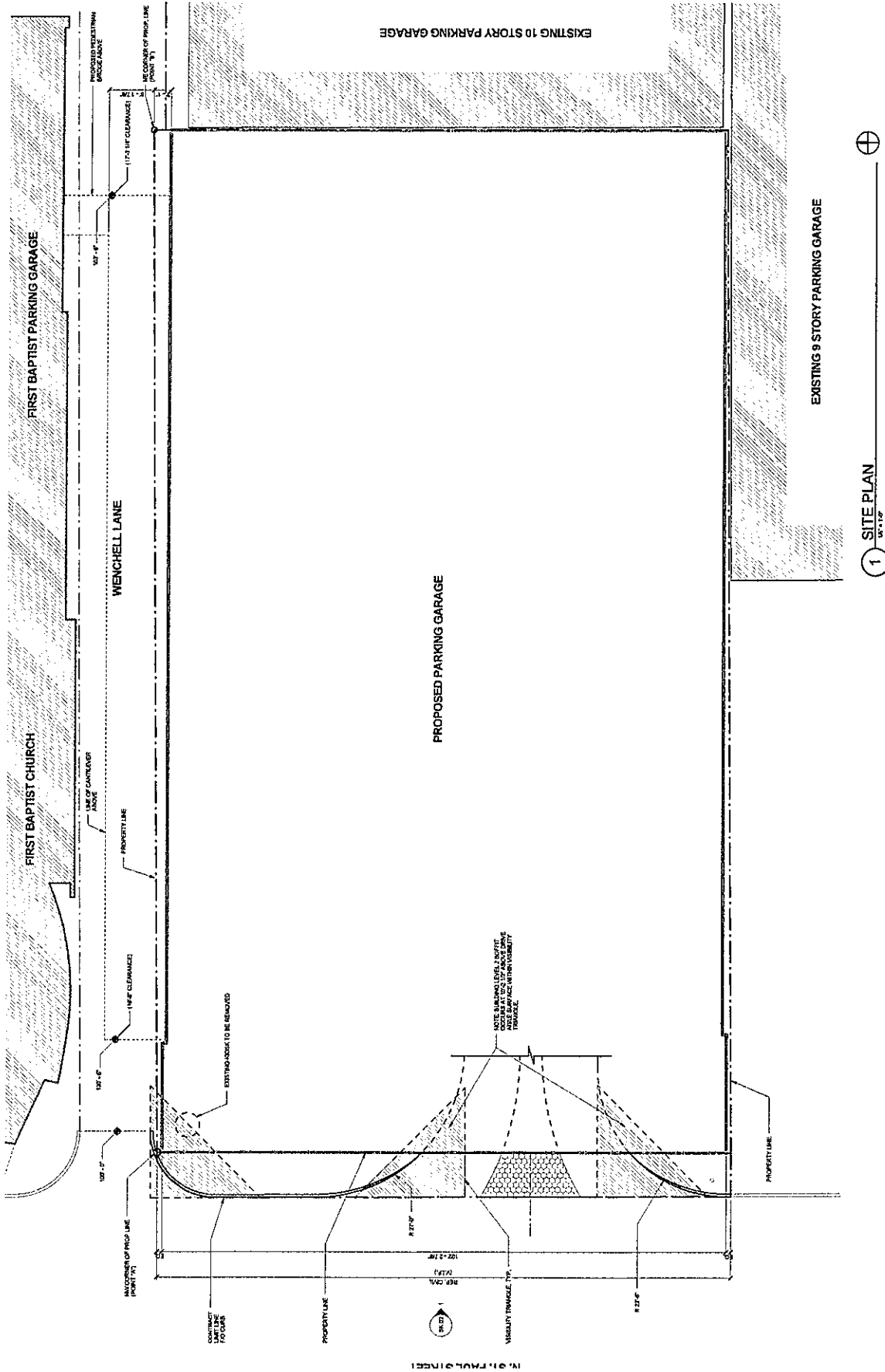




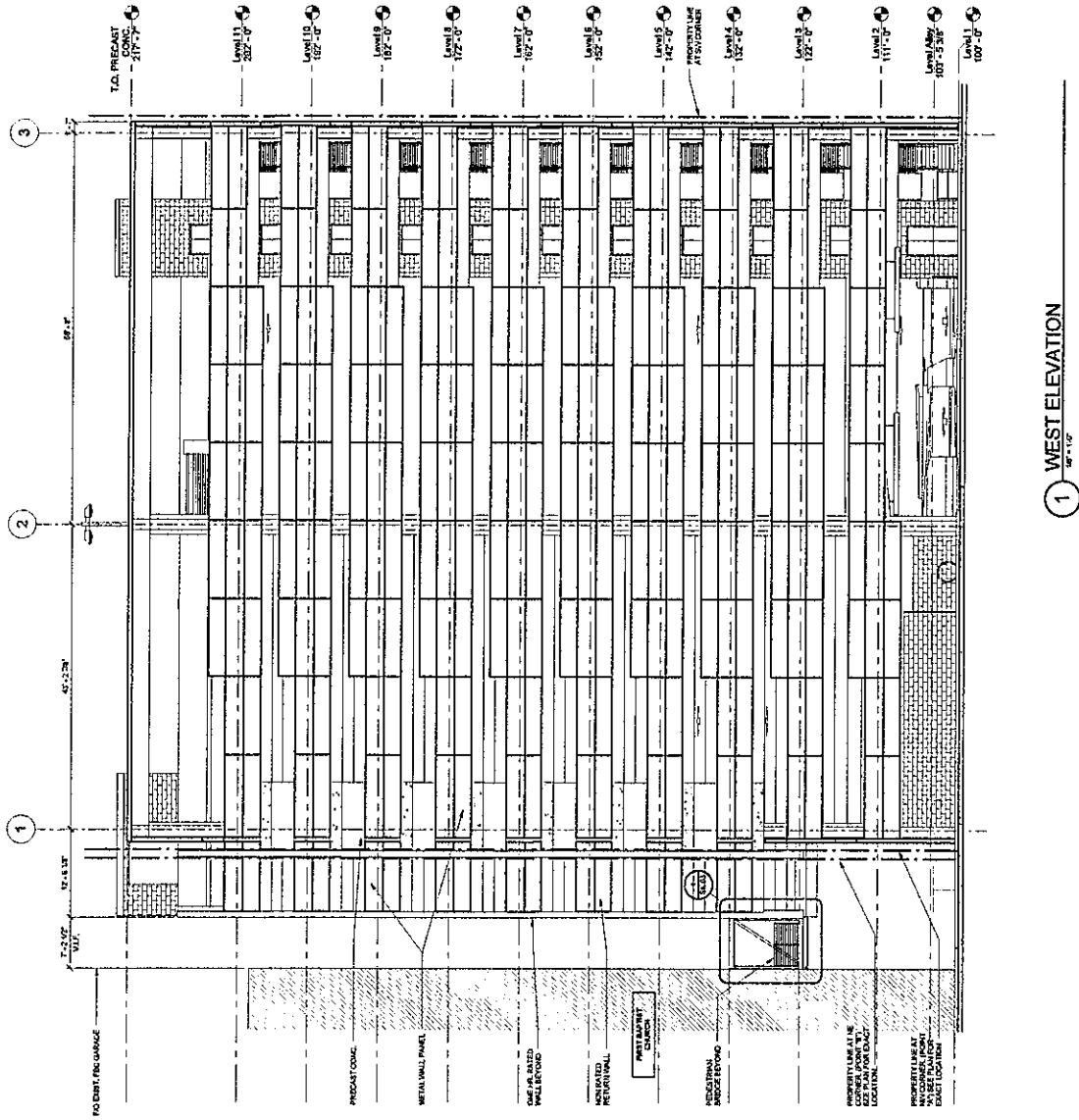
**FORTIS**  
PROPERTY GROUP, LLC

NEW ST. PAUL GARAGE - HARWOOD CENTER

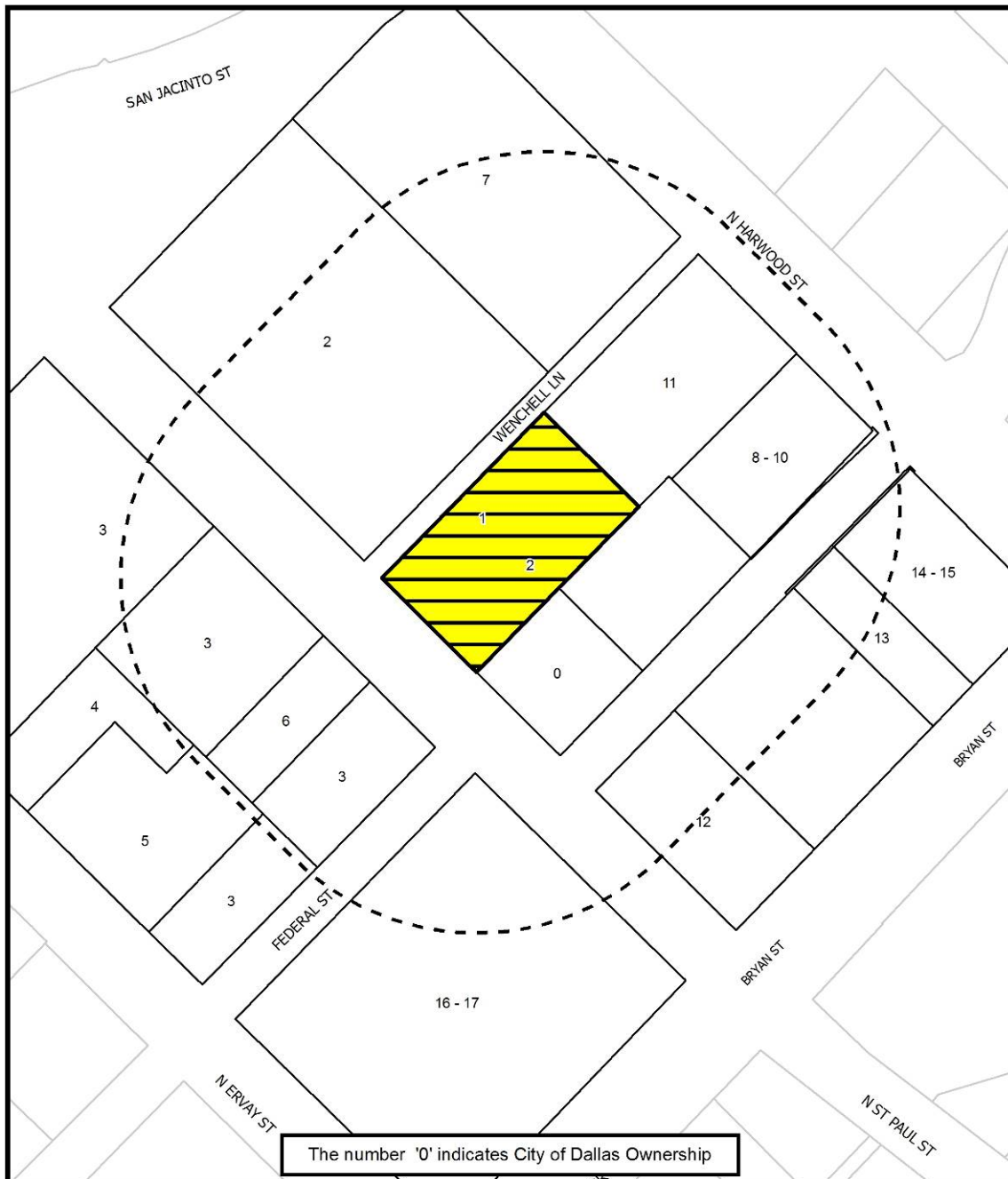
**OMNIPLAN**  
ARCHITECTS



1 SITE PLAN  
 1/8" = 1'-0"



1 WEST ELEVATION



1:1,200

## NOTIFICATION

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

Case no: **BDA156-046**

Date: **4/14/2016**



## *Notification List of Property Owners*

***BDA156-046***

### *17 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	504 N ST PAUL ST	DALTON WILLIAM E JR ETAL
2	502 N ST PAUL ST	FIRST BAPTIST CHURCH OF
3	606 N ERVAY ST	FIRST BAPTIST CHURCH OF
4	1700 PATTERSON AVE	FIRST BAPTIST CHURCH OF
5	510 N ERVAY ST	FIRST BAPTIST CHURCH OF
6	1801 FEDERAL ST	FIRST BAPTIST CHURCH OF
7	717 N HARWOOD ST	WC 717 N HARWOOD PROPERTY LLC
8	601 N HARWOOD ST	FPG DMT HARWOOD LP
9	1801 FEDERAL ST	FPG-DMT HARWOOD LP
10	1803 FEDERAL ST	1999 ASSOCIATES LTD
11	609 N HARWOOD ST	MAHER PROPERTIES TWO
12	400 N ST PAUL ST	DALLAS HARTFORD LLC
13	1923 BRYAN ST	1999 ASSOC LTD
14	1999 BRYAN ST	FPG DMT HARWOOD LP
15	509 N HARWOOD ST	1999 PROPERTY CORP
16	400 N ERVAY ST	POST OFFICE MASTER LANDLORD LP
17	400 N ERVAY ST	UNITED STATES POSTAL SERVICE THE