

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JANUARY 21, 2015
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the November 19, 2014 Board of Adjustment Panel B Public Hearing Minutes	M1
Executive Session: Attorney Briefing (Sec. 551.071 T.O.M.A.) Legal Issues relating to <i>Christopher Faulkner et al. v. Board of Adjustment of the City of Dallas, No. DC-14-05792</i>	M2

UNCONTESTED CASES

BDA 145-002	7029 South Ridge Drive REQUEST: Application of John T. Miller for a special exception to the side yard setback regulations for a carport	1
BDA 145-005	2122 Healey Drive REQUEST: Application of Stanley Castloo for special exceptions to the off-street parking, front yard setback for a carport, and visual obstruction regulations	2
BDA 145-007	8301 Westchester Drive REQUEST: Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards	3
BDA 145-010	9362 Hollow Way Road REQUEST: Application of Arash Afzalipour, represented by Michael R. Coker, for a special exception to the fence height regulations	4
BDA 145-012	1414 (AKA 1420) Dragon Street REQUEST: Application of Santos Martinez for a variance to the landscape regulations	5

REGULAR CASE

BDA 145-004

3611 Swiss Avenue

6

REQUEST: Application of Alejandro Singer, represented by Peter Kavanagh of Zone Systems, Inc. for a special exception to the off-street parking 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]

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B November 19, 2014 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

Executive Session: Attorney Briefing (Sec. 551.071 T.O.M.A.) Legal Issues relating to Christopher Faulkner et al. v. Board of Adjustment of the City of Dallas, No. DC-14-05792

FILE NUMBER: BDA 145-002

BUILDING OFFICIAL'S REPORT: Application of John T. Miller for a special exception to the side yard setback regulations for a carport at 7029 South Ridge Drive. This property is more fully described as Lot 19, Block S/2984, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a carport and provide a 0 foot side yard setback, which will require a 5 foot special exception to the side yard setback regulations for a carport.

LOCATION: 7029 South Ridge Drive

APPLICANT: John T. Miller

REQUEST:

A request for a special exception to the side yard setback regulations of 5' is made to replace and maintain a carport, part of which is to remain located in the site's eastern 5' side yard setback on a site developed with a single family home structure/use.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>East:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>West:</u>	R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on replacing and maintaining an approximately 530 square foot carport, part of which is located in the site's eastern 5' side yard setback on a site developed with a single-family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The applicant has submitted a site plan and an elevation indicating the location of the carport (roof eave) on the site's eastern side property line.
- The applicant has stated the carport would replace an existing deteriorating carport (probably built in the 60's or 70's) in its current location – a carport of virtually the same size as the existing one.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 23' in length and 23' in width (approximately 530 square feet in total area) of which approximately 115 square feet (or approximately 20 percent) would remain in the eastern side yard setback.
- The following information was gleaned from the submitted elevation:
 - The carport is represented to be approximately 7.5' - 10' in height with steel columns and a metal roof.
- The subject site is approximately 160' x 65' (or 10,400 square feet) in area.
- According to DCAD records, the "main improvement" for property addressed at 7029 Southridge Drive is a structure built in 1950 with 2,125 square feet of living/total area; and with the following additional improvements: a 400 square foot detached garage, a 400 square foot detached carport, and a pool.
- The Board Administrator conducted a field visit of the area approximately 500 feet east and west of the subject site and noted no other carports that appeared to be located in a side yard setback.

- As of January 12, 2015, one letter 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 the following:
 - that granting this special exception to the side yard setback regulations of 5’ will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be modified/maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

Timeline:

October 31, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 10, 2014: The Board Administrator contacted the applicant and emailed him the following information:

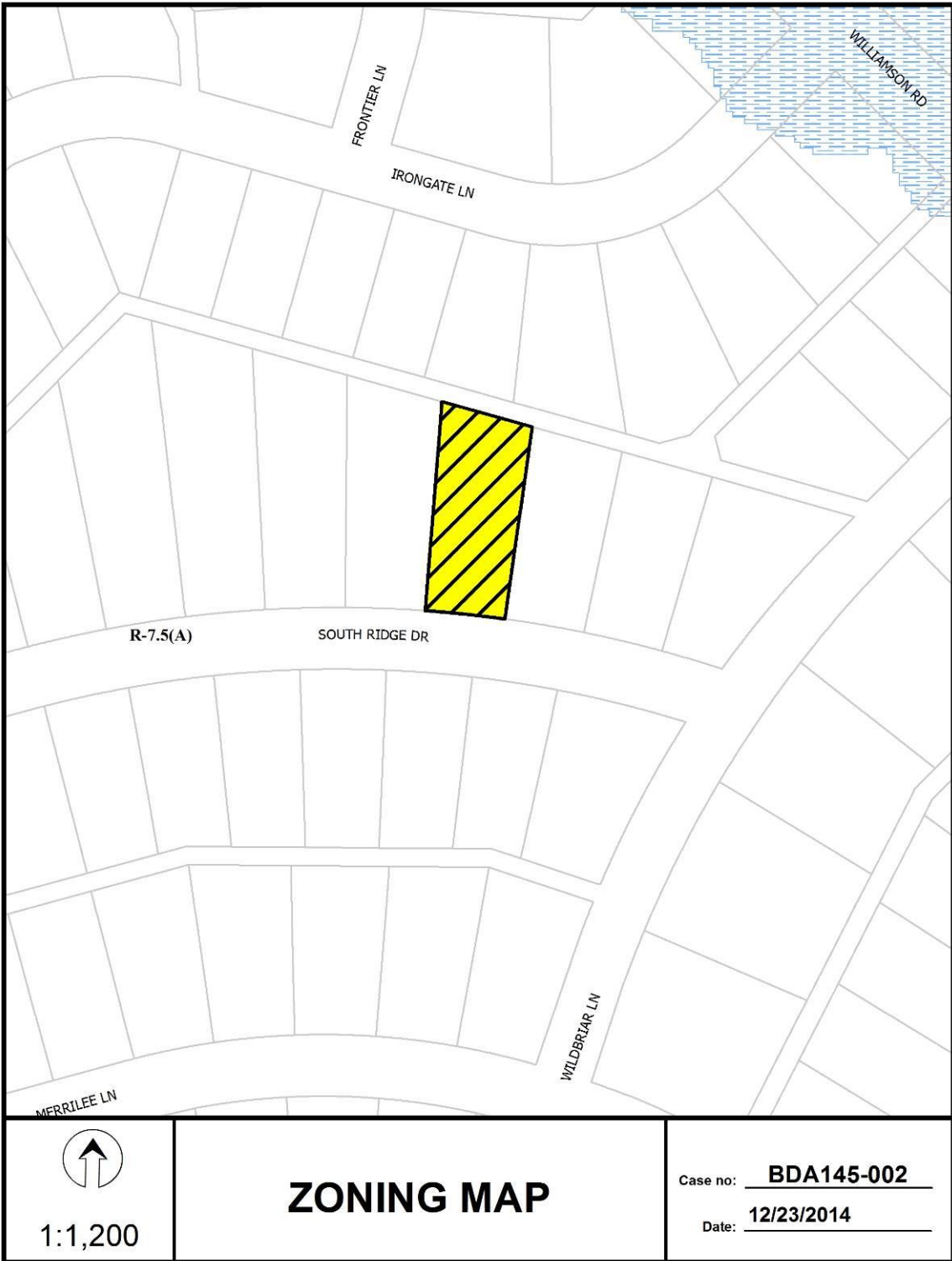
- an attachment that provided the public hearing date and panel that will consider the application; the December 29th deadline to submit additional evidence for staff to factor into their analysis; and the January 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

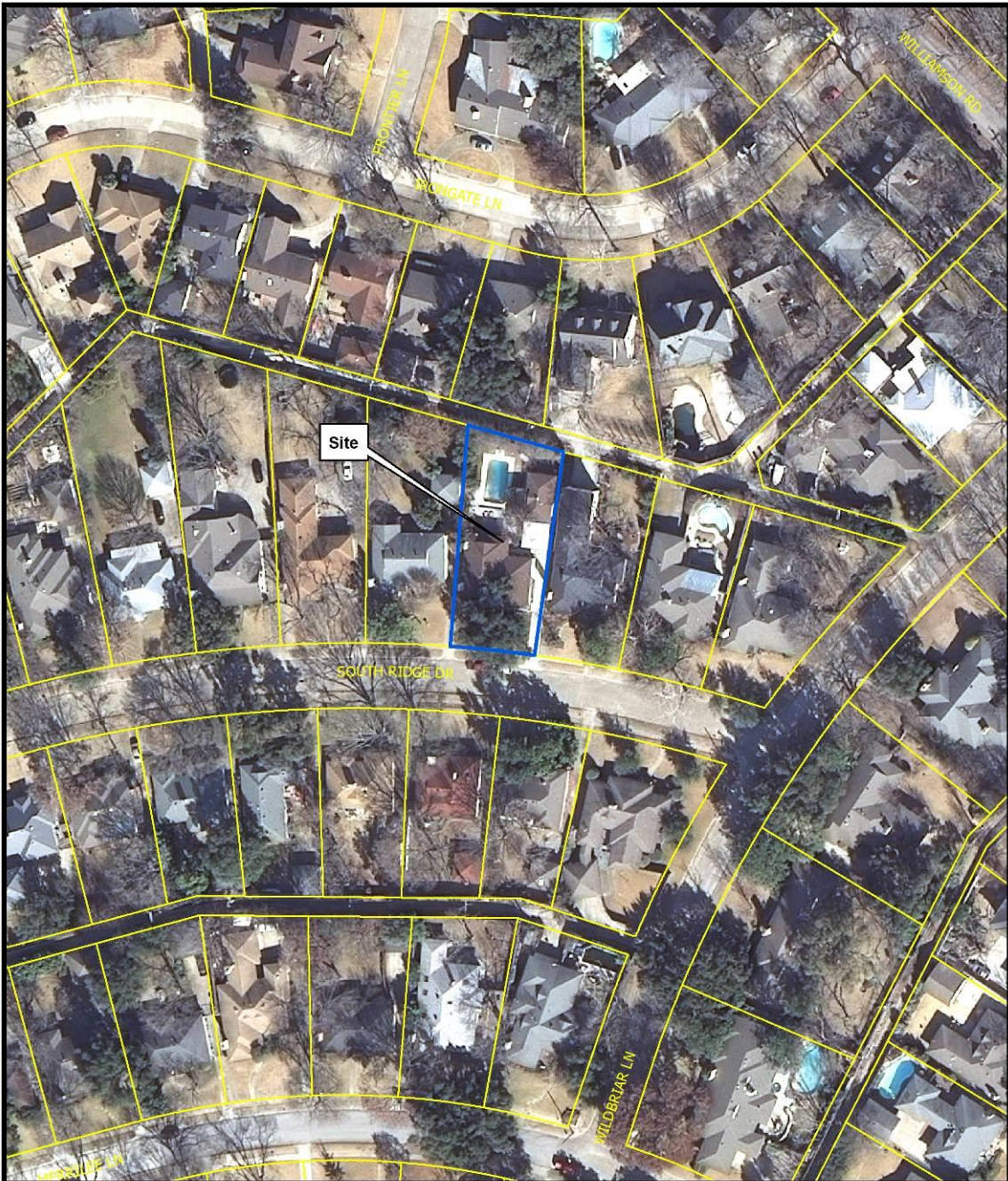
December 11 & 19, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A and B).

January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans

Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA145-002

Date: 12/23/2014

Long, Steve

From: brenda miller <brendamiller1128@sbcglobal.net>
Sent: Thursday, December 11, 2014 9:40 AM
To: Long, Steve
Subject: Re: BDA 145-002, Property at 7029 South Ridge Drive

Steve Long
Re: BDA 145-002
7029 South Ridge Drive

This project is a replacement in the current location of a carport (aluminum) probably built in the late 60's or 70's. It is virtually the same size as the existing and will only add some 10 - 20 sq. ft. to the area. It will not adversely affect the adjacent property and will be a more attractive and safer structure.

Please advise if more information is needed.

J. Terry Miller

On Wednesday, December 10, 2014 11:59 AM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Mr. Miller

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

1. Your application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your tentatively scheduled January 21st Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to consider/grant a special exception to the side yard setback regulations for a carport (51A-4.402(c)).
3. A document that provides deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please review the attached application materials to make sure they are complete, and within these materials the Building Official's Report/second page of your application (page 2 of 6 in this attachment). Please contact Todd Duerksen at 214/948-4475 no later than noon, Monday, December 29th with regard to any amendment that you feel is necessary to address the issues at hand, specifically if for any reason you feel that the statement in his report stating that the applicant proposes to construct a carport structure and provide a 0 foot side yard setback which will require a 5 foot special exception to the side yard setback regulations is incorrect. (Note that the discovery of any additional appeal needed other than the side yard special exception request will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

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

Thank you,
Steve

BDA 134-602
Attach B pg 1

Long, Steve

From: brenda miller <brendamiller1128@sbcglobal.net>
Sent: Monday, December 22, 2014 8:37 AM
To: Long, Steve
Subject: Fw: Letter from Rinne's Neighbor in east side
Attachments: Scan_Doc0044.pdf

Re: BDA 145-002 property at 7029 South Ridge Dr.

This email includes the letter from the neighbors to the east of the subject property stating their complete support of the pending carport renovation. Feel free to call if you have any questions.

Terry Miller

On Friday, December 19, 2014 6:29 PM, Mary Rinne <maryrinne@ebby.com> wrote:

Brenda, this is the letter Terry requested from our neighbors. Hope you have a very Merry Christmas!
Mary

Sent from my iPhone

Begin forwarded message:

From: Erik Rinne <erinne46@gmail.com>
Date: December 19, 2014 at 6:25:29 PM CST
To: Mary Rinne <maryrinne@ebby.com>
Subject: scan

BDA 134-002
Attach B pg 2

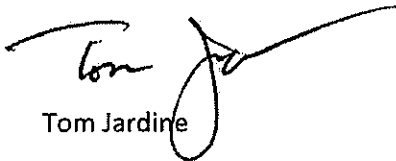
Tom & Meghan Jardine
7035 Southridge Dr.
Dallas, TX 75214
(214) 828-1680

December 19, 2014

To whom it may concern:

We are neighbors of Eric and Mary Rinne. The Rinne's have shared with us their plans for replacement of a carport structure which abuts the property of our residence. We have viewed the project rendering and find it a desirable improvement as compared to the existing structure. The purpose of this letter is to confirm the fact that we have no concerns or objection to the Rinne's project. Thank you for consideration of our input.

Sincerely,



Tom Jardine



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-002

Data Relative to Subject Property:

Date: 10-31-14

Location address: 7029 SOUTHWARIDGE DR Zoning District: R-7.5(A)

Lot No.: 19 Block No.: 3/2984 Acreage: .26 Census Tract: 80.00

Street Frontage (in Feet): 1) 75 2) 3) 4) 5) 985B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARY A. & ERIC K. RINNE

Applicant: JOHN T. MILLER Telephone: 214-232-8364

Mailing Address: 3619 TANGLEWOOD CIR DALLAS Zip Code: 75234

E-mail Address: brenda.miller.1128@SBCGLOBAL.NET

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception of SIDE YARD SETBACK OF 4'9" (3" from property line) for 2 carport

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:

REPLACE AN EXISTING deteriorating carport in its current location. It will not adversely affect the neighbors property. It will be a safer and more attractive structure

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.

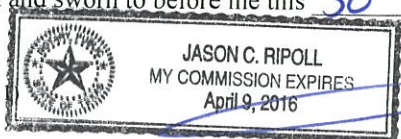
Affidavit

Before me the undersigned on this day personally appeared JOHN T. MILLER (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 30 day of OCT, 2014



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that John T. Miller

did submit a request for a special exception to the side yard setback regulations
at 7029 South Ridge Drive

BDA145-002. Application of John T. Miller for a special exception to the side yard setback regulations at 7029 South Ridge Drive. This property is more fully described as Lot 19, Block S/2984, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct a carport for a single family residential dwelling in a side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulation.

Sincerely,


Larry Holmes, Building Official

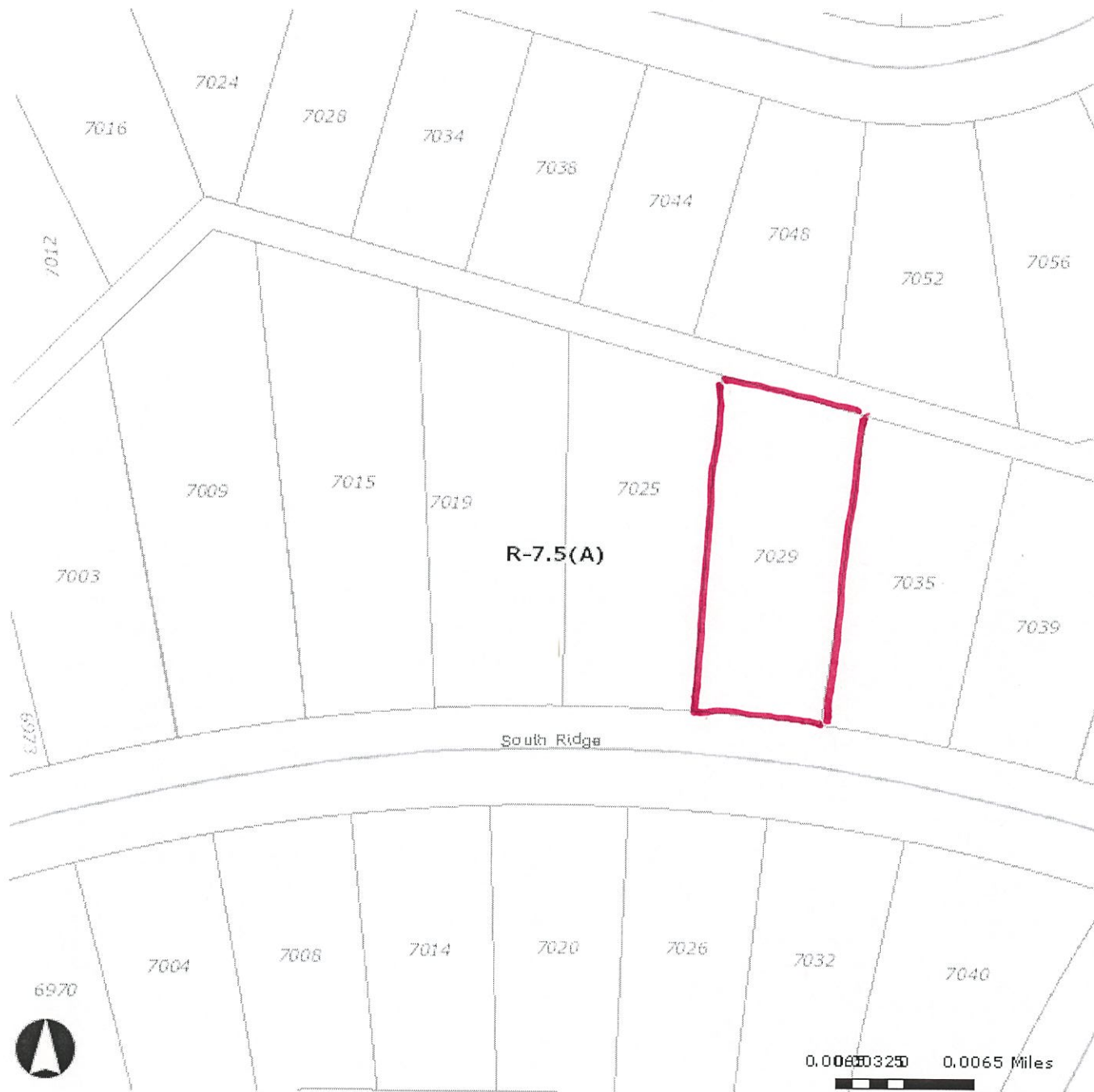
NORTH
RIDGE
ESTATES
NO. 6
2984

240' TO WILLIAMS ROAD

2984/S

WILDBRIAR





A red handwritten signature or scribble, consisting of several loops and a long horizontal stroke extending to the right.



**RINNE
CARPORT**

7079 Southridge
Dallas, TX 75214
MARY AND ERIC BINNE
7079 SOUTH RIDGE DRIVE
DALLAS, TEXAS 75214
214.571.6735
owner

HIMWORKS
1118 EAST ELLIOT AVENUE
500 ANTONIO, TEXAS 78212
210.384.8119
architect

CAVETTE ASSOCIATES
342 WILSON AVENUE
SUNNYVALE, TEXAS 78210
210.683.6419
structural engineer

No.	Description	Date

1495
Project number
CONSTRUCTION DOCUMENTS
October 29, 2014
Date

a0.0
COVER & SITE PLAN

MATERIAL SPECIFICATIONS FOR STANDING METAL ROOF PANELS (CONT'D)

- 2.3 ACCESSORIES
 - A. Fasteners: 300 series stainless steel, type best suited to application; head color to match the finish of the panels.
 - B. Panel Clips: No-ada galvanized steel, thermally responsive, designed to fit between two adjacent panels and secure both panels.
 - C. Panel End Cleats: Spange neoprene, cut to fit panel configuration, minimum 1 inch depth.
- 2.4 FABRICATION
 - A. Fabricate panels per manufacturer.
 - B. Panel Profiles: Minimum 24 gauge pre-painted galvanized steel sheet.
 - C. Panel Profiles: As indicated or as required, fabricated from same material as panels.
 - D. Panel Profiles and Trim to require profile in longest practical lengths.
- 2.5 FINISHES
 - A. Panels and Trim: AAMA 621, fluoropolymer coating containing minimum 70 percent PVDF resin, color to be selected from manufacturer's full color range. No manufacturer's marks on underside of panels.
- 2.6 DETAILING
 - A. Fasten panels in accordance with manufacturer's instructions and approved Shop Drawing.
 - B. Fasten panels using concealed panel clips. Opposed fasteners permitted on trim members only.
 - C. Fasten panels in continuous lengths from eave to ridge without end joints.
 - D. Fasten panels in continuous lengths from eave to ridge without end joints.
 - E. Fasten panels in continuous lengths from eave to ridge without end joints.
 - F. Fasten panels in continuous lengths from eave to ridge without end joints.
 - G. Fasten panels in continuous lengths from eave to ridge without end joints.
 - H. Fasten panels in continuous lengths from eave to ridge without end joints.
 - I. Fasten panels in continuous lengths from eave to ridge without end joints.
 - J. Fasten panels in continuous lengths from eave to ridge without end joints.
 - K. Fasten panels in continuous lengths from eave to ridge without end joints.
 - L. Fasten panels in continuous lengths from eave to ridge without end joints.
 - M. Fasten panels in continuous lengths from eave to ridge without end joints.
 - N. Fasten panels in continuous lengths from eave to ridge without end joints.
 - O. Fasten panels in continuous lengths from eave to ridge without end joints.
 - P. Fasten panels in continuous lengths from eave to ridge without end joints.
 - Q. Fasten panels in continuous lengths from eave to ridge without end joints.
 - R. Fasten panels in continuous lengths from eave to ridge without end joints.
 - S. Fasten panels in continuous lengths from eave to ridge without end joints.
 - T. Fasten panels in continuous lengths from eave to ridge without end joints.
 - U. Fasten panels in continuous lengths from eave to ridge without end joints.
 - V. Fasten panels in continuous lengths from eave to ridge without end joints.
 - W. Fasten panels in continuous lengths from eave to ridge without end joints.
 - X. Fasten panels in continuous lengths from eave to ridge without end joints.
 - Y. Fasten panels in continuous lengths from eave to ridge without end joints.
 - Z. Fasten panels in continuous lengths from eave to ridge without end joints.

GENERAL CONDITIONS

All requests for clarifications of these drawings shall be directed to the Architect / Owner and the General Contractor. The Architect / Owner shall be the final authority on all orders, clarification, drawings and written correspondence.

If the General Contractor wishes to make a claim for an increase in the Contract Sum, he/she shall give the owner written notice thereof within 7 days after the occurrence of the event giving rise to such claim. This notice shall be given by the Contractor before the Contractor has performed any work under the contract. The Contractor shall be responsible for the cost of any change order only.

No substitution will be considered unless written request is submitted to the Owner within 10 days of the occurrence of the event giving rise to such claim. The request shall include a complete description of the proposed substitution, the reasons therefor, and a complete description of the proposed substitution, cut sheets, specifications or pertinent data necessary for a complete substitution. The Owner shall give all approvals in writing. The General Contractor shall notify the Owner within 10 days from the award of contract, in writing, the names of all subcontractors and certify that all material and equipment necessary for the completion of the work has been ordered with the confirmed delivery dates coordinated with the progress schedule.

The General Contractor shall include in their bid an estimated progress schedule of work.

NOTE:
Architect's seal on Consultant drawings attests only to the Architect's certification of the Consultant's work with that of the Architect and does not imply the Architect's practice of engineering or other consultant's specialty.

GENERAL NOTES

The General Contractor and all sub-contractors shall carefully and thoroughly examine the project site, field verify all conditions, grades, elevations and dimensions of the work area. The project site and shall compare the drawings with the existing site conditions. Any major discrepancies and/or conditions requiring clarification shall be reported immediately to the Architect, in writing, prior to commencing work.

The General Contractor and all sub-contractors shall verify all dimensions on the drawings. Any discrepancies and/or conditions requiring clarification shall be reported immediately to the Architect, in writing, prior to commencing work.

All construction, fabrication, and installation shall conform to the latest adopted editions of federal, state and local codes, regulations, and ordinances of the governing agency having jurisdiction over the project.

Each trade shall be responsible for knowledge of specific codes and ordinances regarding the work to be performed. The information contained in these documents and the conditions under which said trade will be expected to perform.

Each sub-contractor is considered a specialist in their respective field/trade and shall, before submission of bid or performance of work, notify the General Contractor and the Architect, in writing, of any work called out in the Contract Documents which cannot be fully guaranteed or constructed as designed and/or detailed.

The General Contractor and all sub-contractors shall be responsible for the enforcement of all requirements and regulations and shall perform all work on this project in compliance with the Americans with Disabilities Act and the Texas Accessibility Standards.

The mechanical, plumbing, and electrical drawings are supplementary to the architectural drawings. Should there be a discrepancy between the various drawings, it shall be brought to the Architect's attention, in writing, for clarification.

Where construction details are not shown or noted for any part of the work, details and methods shall be in accordance with the approved industry standard for the specific trade involved. Where no industry standard exists, the details shall be in accordance with the approved industry standard for the specific trade involved and the Owner prior to commencing work.

All work to be subject to the approval of the Architect based upon conformance with the Contract Documents.

All existing utilities or structures indicated on these plans are based upon information of record. The General Contractor shall take precautionary measures to protect the utility lines not shown or noted on these drawings. The General Contractor shall be responsible for any and all damages that occur due to his failure to locate and protect any and all underground utilities.

Do not scale drawings. Verify dimensions in field prior to commencement of work.

The Contractor shall verify the Structural Engineer's requirements before modifying any existing condition.

The General Contractor shall provide all permits and suspensions required for the project.

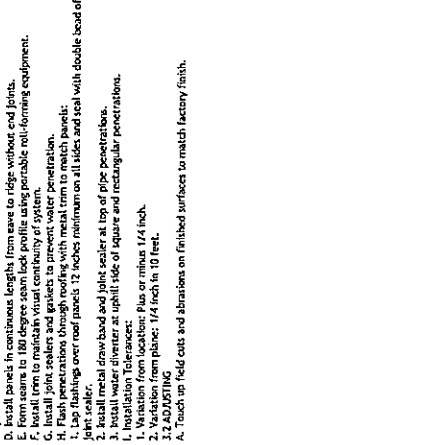
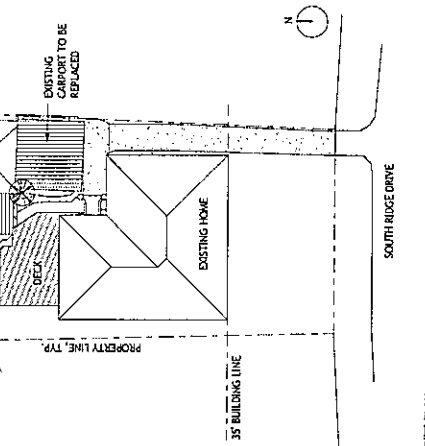
The General Contractor is to provide record drawings to the Architect. Drawings shall include all addendum items, change orders, alterations, revisions, and modifications not included in the contract documents used for permitting / building purposes.

Service shall be maintained to existing areas during construction. The General Contractor shall provide portable generators, cables, outlets, etc. as required to maintain continuity of service. Placement of such portable equipment shall be subject to Owner approval.

The General Contractor / sub-contractors shall confirm operations at the site to areas permitted by law, ordinances, permits and the Contract Documents and shall not unreasonably encumber the site with any materials or equipment.

The General Contractor / sub-contractor shall not allow any debris to accumulate in the structure or on the grounds. All debris and hauling expenses shall be exclusively those of the Contractor and be done in accordance to local laws and ordinances.

At the completion of the job, all glass surfaces shall be left clean and the work area left "broom clean".

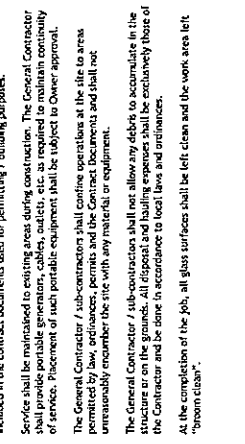
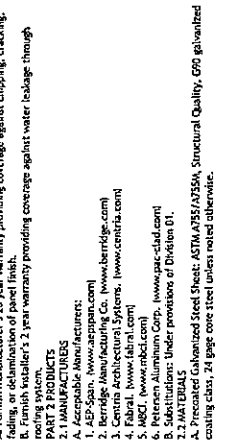


MATERIAL SPECIFICATIONS FOR STANDING METAL ROOF PANELS

1. SYSTEM DESCRIPTION
 - A. Design requirements: design roof system to withstand temperature range of 160 degrees F.
 - B. Temperature range of 160 degrees F.
 - C. Temperature range of 160 degrees F.
 - D. Temperature range of 160 degrees F.
 - E. Temperature range of 160 degrees F.
 - F. Temperature range of 160 degrees F.
 - G. Temperature range of 160 degrees F.
 - H. Temperature range of 160 degrees F.
 - I. Temperature range of 160 degrees F.
 - J. Temperature range of 160 degrees F.
 - K. Temperature range of 160 degrees F.
 - L. Temperature range of 160 degrees F.
 - M. Temperature range of 160 degrees F.
 - N. Temperature range of 160 degrees F.
 - O. Temperature range of 160 degrees F.
 - P. Temperature range of 160 degrees F.
 - Q. Temperature range of 160 degrees F.
 - R. Temperature range of 160 degrees F.
 - S. Temperature range of 160 degrees F.
 - T. Temperature range of 160 degrees F.
 - U. Temperature range of 160 degrees F.
 - V. Temperature range of 160 degrees F.
 - W. Temperature range of 160 degrees F.
 - X. Temperature range of 160 degrees F.
 - Y. Temperature range of 160 degrees F.
 - Z. Temperature range of 160 degrees F.
- 1.3 SUBMITTALS
 - A. Submittals for Review:
 1. Product Data: Sheet system component including panel, trim, and accessories.
 2. Samples:
 - a. 2 x 4 inch finish samples showing available colors, an representative bedding.
 - b. After color selection, submit 12 inch long panel samples in selected color.
 - c. Warranty: Sample warranty form.
 - d. Installer Qualifications: Minimum 3 year experience in work of this Section.
 - B. Pretreat panels from contact with materials that could cause staining or discoloration of finish.
 - C. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - D. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - E. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - F. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - G. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - H. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - I. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - J. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - K. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - L. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - M. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - N. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - O. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - P. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - Q. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - R. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - S. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - T. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - U. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - V. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - W. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - X. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - Y. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.
 - Z. Finish samples: 20 year warranty providing coverage against chipping, cracking, fading, or delamination of panel finish.

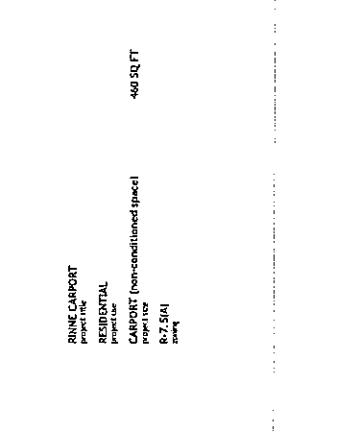
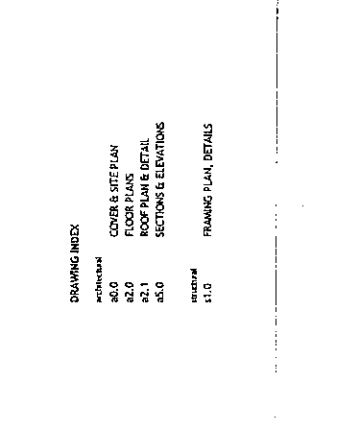
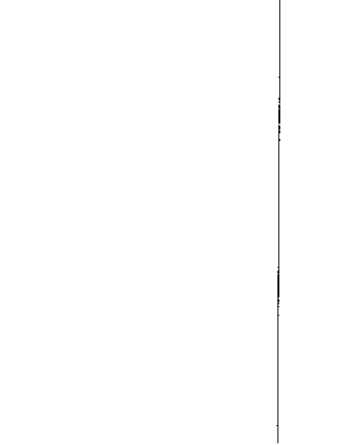
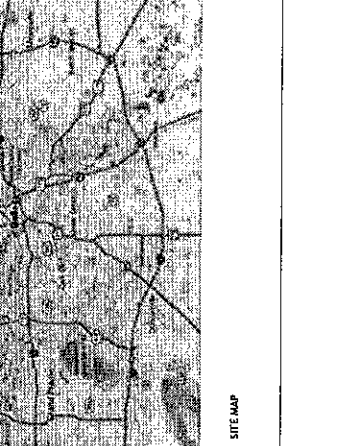
2.2 MATERIALS

A. Pre-treated Galvanized Steel Sheet: ASTM A755/A755M, Structural Quality, G90 galvanized coating class, 24 gauge core steel unless noted otherwise.



2.2 MATERIALS

A. Pre-treated Galvanized Steel Sheet: ASTM A755/A755M, Structural Quality, G90 galvanized coating class, 24 gauge core steel unless noted otherwise.



2.2 MATERIALS

A. Pre-treated Galvanized Steel Sheet: ASTM A755/A755M, Structural Quality, G90 galvanized coating class, 24 gauge core steel unless noted otherwise.

7099 Southridge
Dallas, TX 75214

MARY AND DON RINNE
7029 SOUTHWIDGE
DALLAS, TEXAS 75214
214.552.6735
owner

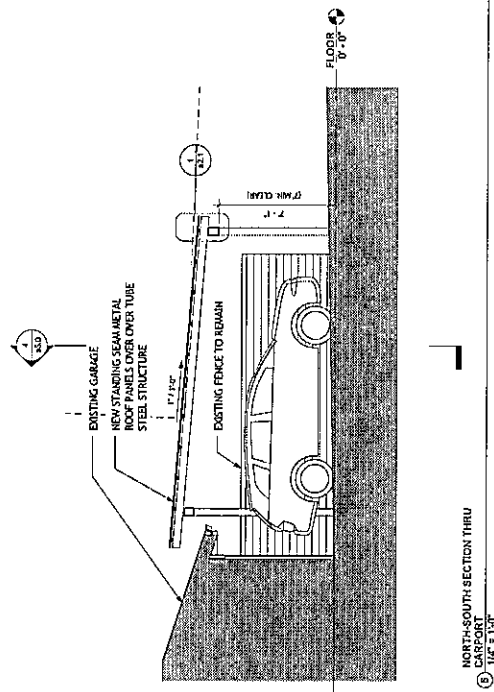
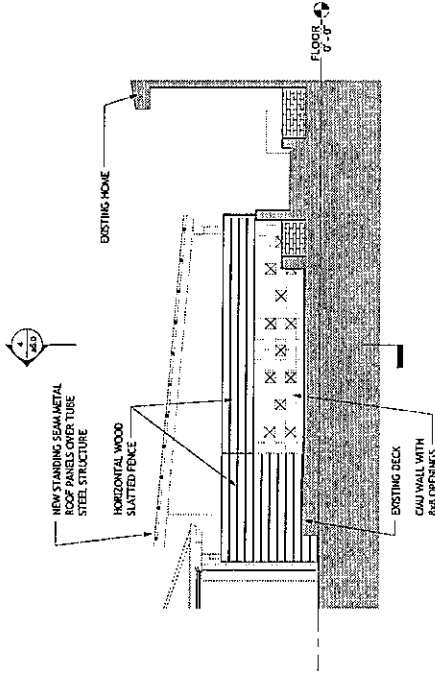
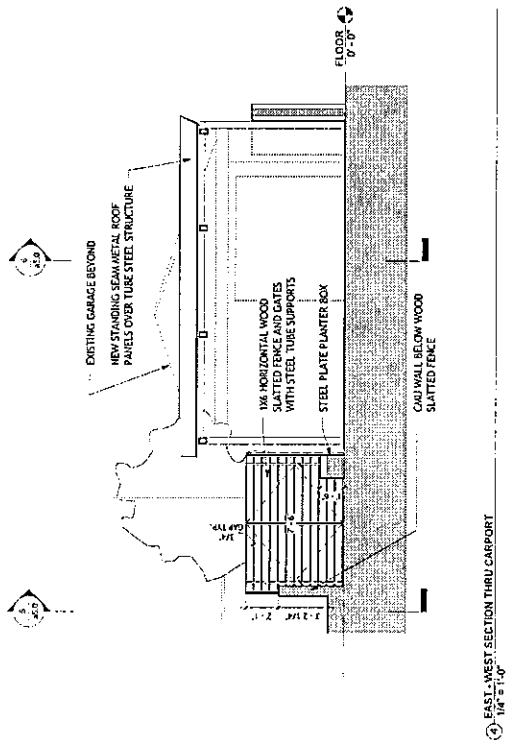
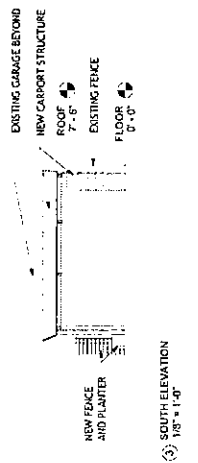
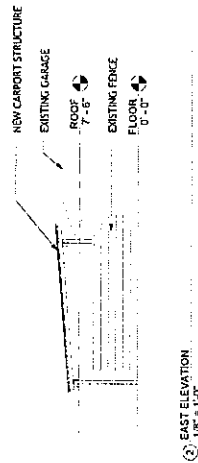
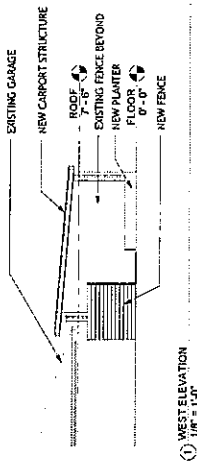
HVWORKS
1718 EAST ELUIC AVENUE
SAN ANTONIO, TEXAS 78232
210.364.8139
HVAC

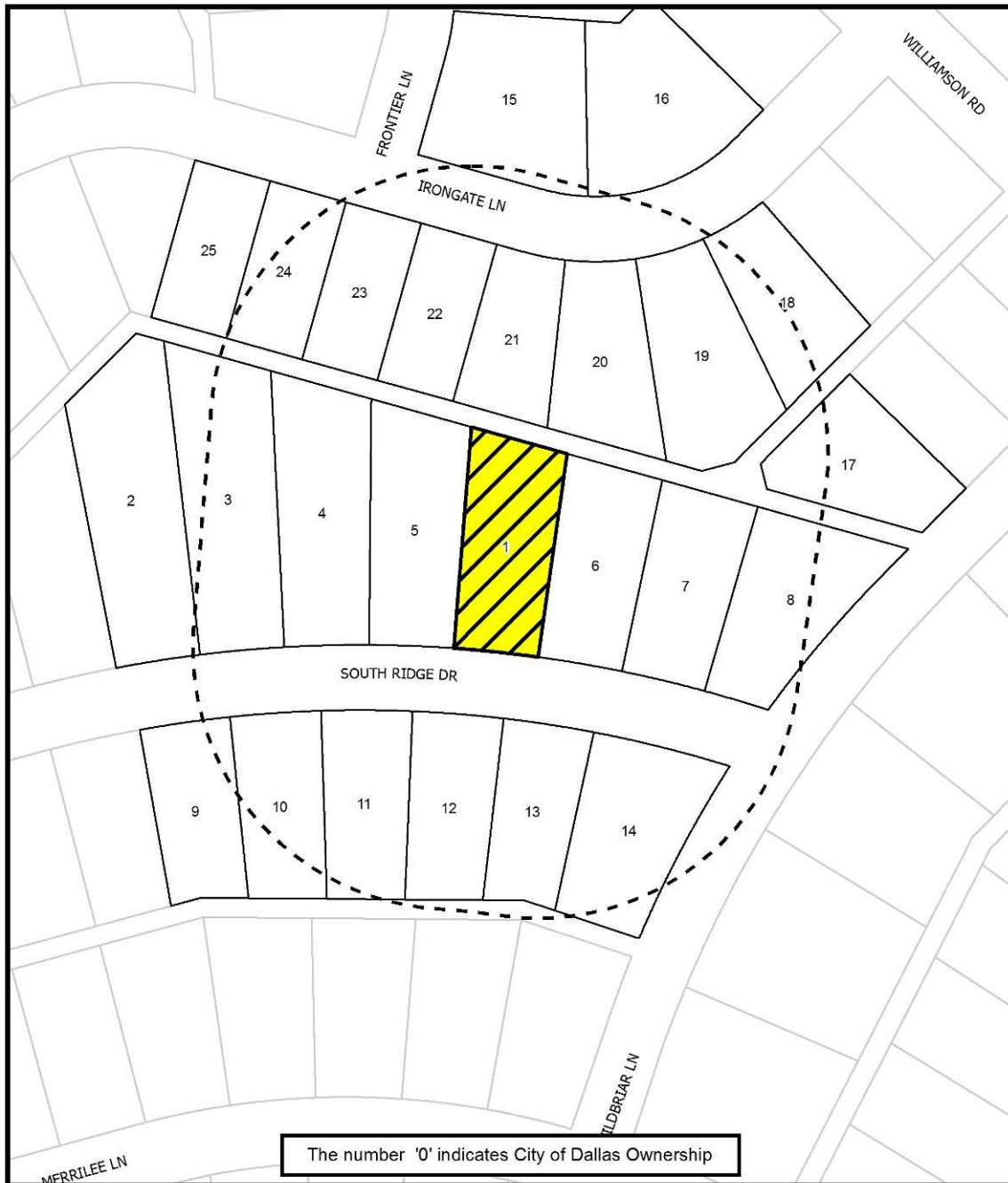
CALVETTI & ASSOCIATES
342 MENNIS AVENUE
DALLAS, TEXAS 75210
210.633.6419
structural engineer

No.	Description	Date

1405
Project number

CONSTRUCTION DOCUMENTS
October 29, 2014





 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">25</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	25	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-002</u> Date: <u>12/23/2014</u>
200'	AREA OF NOTIFICATION					
25	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-002

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7029 SOUTHRIDGE DR	RINNE MARY A &
2	7009 SOUTHRIDGE DR	OKEEFE KATHLEEN A
3	7015 SOUTHRIDGE DR	KENNY PETER
4	7019 SOUTHRIDGE DR	HICKEY JAMES J &
5	7025 SOUTHRIDGE DR	KAUN HAZEL RUTH
6	7035 SOUTHRIDGE DR	JARDINE THOMAS
7	7039 SOUTHRIDGE DR	HODGES TRAVIS &
8	7045 SOUTHRIDGE DR	EGERTON BROOKS B &
9	7008 SOUTHRIDGE DR	CABANISS JONI MARIE
10	7014 SOUTHRIDGE DR	MCLARTY CARLTON & AMY
11	7020 SOUTHRIDGE DR	MUCKLEROY MATTHEW S
12	7026 SOUTHRIDGE DR	INNMON JEFFREY A
13	7032 SOUTHRIDGE DR	NGUYEN MICHAEL D
14	7040 SOUTHRIDGE DR	COBB JERRY C
15	7045 IRONGATE LN	SMALLWOOD VAL TRUITT
16	7057 IRONGATE LN	FLEMING BRENT ALAN & PATRICIA PARK
17	7145 WILDBRIAR DR	HUNT KEVIN N & ZULFIYA A
18	7060 IRONGATE LN	BLACKFORD PROSSER MARY W &
19	7056 IRONGATE LN	BORN MARK W & PATRICIA M
20	7052 IRONGATE LN	REILY DOROTHY B
21	7048 IRONGATE LN	VICK PHILLIP WAYNE & DEBORAH S
22	7044 IRONGATE LN	EDWARDS CEBRENA
23	7038 IRONGATE LN	MOORES ANTHONY Q
24	7034 IRONGATE LN	PILAND SCOTT M & KELLY
25	7028 IRONGATE LN	HRANITZKY KYLE W &

FILE NUMBER: BDA 145-005

BUILDING OFFICIAL'S REPORT: Application of Stanley Castloo for special exceptions to the off-street parking, front yard setback for a carport, and visual obstruction regulations at 2122 Healey Drive. This property is more fully described as Lot 10, Block A/7404, and is zoned R-7.5(A), which requires off-street parking to be provided, and a front yard setback of 25 feet, a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a structure for a single family residential use, and provide 0 of the required 1 off-street parking spaces, which will require a 1 space special exception to the off-street parking regulations; to construct and/or maintain a carport structure and provide a 7 foot front yard setback, which will require an 18 foot special exception to the front yard setback regulations for a carport; and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 2122 Healey Drive

APPLICANT: Stanley Castloo

REQUESTS:

The following requests have been made on a site developed with a single family home structure/use:

1. A special exception to the off-street parking regulations of 1 space is made to maintain a single family home structure/use and provide 0 of the 1 required parking space.
2. A special exception to the front yard setback regulations of 18' is made to maintain an existing carport located in 7' from one of the site's two front property lines (Larry Drive) or 18' into this 25' front yard setback.
3. Special exceptions to the visual obstruction regulations are made to maintain carport columns in the two 20' visibility triangles at the drive approach into the site from Larry Drive, and to construct and maintain a 4' high open wrought iron fence to be located in one of the two 20' visibility triangles at the drive approach into the site from Larry Drive.

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.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE FRONT YARD:

The Board of Adjustment may grant a special exception to the minimum front yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the board:

(A) there is not adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

(B) the carport will not have a detrimental impact on surrounding properties.

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

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

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 (parking special exception):

Approval, subject to the following condition:

- The special exception of 1 space shall automatically and immediately terminate if and when the single family use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has indicated that he has no objections to the applicant's request.

STAFF RECOMMENDATION (front yard special exception for a carport) :

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is when in the opinion of the board, there is not adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has indicated that he has no objections to these requests.
- The applicant has substantiated how the location of the existing carport columns in the two 20' visibility triangles at the drive approach into the site from Larry Drive, and the proposed 4' high open wrought iron fence to be located in one of the two 20' visibility triangles at the drive approach into the site from Larry Drive does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (parking special exception):

- This request focuses on maintaining maintain a single family home structure/use and provide 0 of the 1 required parking space.
- The Dallas Development Code requires the following off-street parking requirement:
 - Single family use: 1 space
- The Dallas Development Code states that in a single family residential district, required off street parking for residential uses must be located behind a required front building line.
- While it appears that a parking space could be provided on the site under the existing carport structure, the applicant is technically providing 0 of the required 1

off-street parking space in conjunction with the maintaining the existing single family home structure on the site because this parking space is not located behind a 30' platted front building line along Larry Lane.

- Note that staff has informed the applicant that he will be required to request removal of 30' platted building line along Larry Drive from the City Plan Commission along with obtaining this special exception request from the Board in order to obtain a final permit for the carport in its current location.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the applicant's request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated single family use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 1 space 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 1 space shall automatically and immediately terminate if and when the single family use is changed or discontinued, the applicant would be allowed to maintain the structure/use on the site, and provide 0 of the 1 code required off-street parking spaces.

GENERAL FACTS/STAFF ANALYSIS (front yard special exception):

- This request focuses on maintaining an existing carport located 7' from one of the site's two front property lines (Larry Drive) or 18' into this 25' front yard setback.
- A 25' side yard setback is required in the R-7.5(A) zoning district.
- The site is located on the southwest corner of Healey Drive and Larry Drive. The site has two 25' front yard setbacks. The site has a 25' front yard setback along Larry Drive because it is the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Healey Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required but is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes west of the site zoned R-7.5(A) that front/are oriented northward towards Healey Drive.
- Regardless of how the proposed home is oriented, the site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to maintain the existing carport structure in the site's front yard setback on Larry Drive. (No part of the application is made to construct/maintain a structure in the site's Healey Road front yard setback).
- Note that staff has informed the applicant that he will be required to request removal of the 30' platted building line along Larry Drive from the City Plan Commission along with obtaining this special exception request from the Board in order to obtain a final permit for the carport in its current location.

- The applicant has submitted a site plan and an elevation indicating that the location of the carport is 7' from the site's Larry Drive front property line or 18' into this 25' front yard setback.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 21' in length and 20' in width (approximately 410 square feet in total area) of which approximately 360 square feet (or approximately 90 percent) is located in the Larry Drive 25' front yard setback.
- The following information was gleaned from the submitted elevation:
 - The carport is represented to be approximately 10' - 13' in height. (Building materials are not noted).
- The subject site is approximately 117' x 67' (or 7,800 square feet) in area.
- According to DCAD records, the "main improvement" for property addressed at 2122 Healey Drive is a structure built in 1959 with 1,365 square feet of living/total area; and with the following additional improvements: a 460 square foot attached carport, a 483 square foot enclosed garage.
- The Board Administrator conducted a field visit of the area approximately 500 feet east, west, and south of the subject site and noted no other carports that appeared to be located in a front yard setback.
- The applicant has the burden of proof in establishing the following:
 - there is not adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
 - that granting this special exception to the front yard setback regulations of 18' will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would allow the carport to be maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

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

- These requests focus on maintaining carport columns in the two 20' visibility triangles at the drive approach into the site from Larry Drive, and constructing and maintaining a 4' high open wrought iron fence to be located in one of the two 20' visibility triangles at the drive approach into the site from Larry Drive.
- 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 and elevation has been submitted indicating that a portion of a 4' high open wrought iron fence is proposed to be located in the southern 20' visibility triangle at the drive approach into the site from Larry Drive.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain carport columns in the two 20' visibility triangles at the drive approach into the site from Larry Drive, and to construct and maintain a 4' high open wrought iron fence to be located in one of the two 20' visibility triangles at the drive approach into the site from Larry Drive does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would require the items as described above to be limited to and maintained in the locations, height and materials as shown on these documents.

Timeline:

November 11, 2014: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

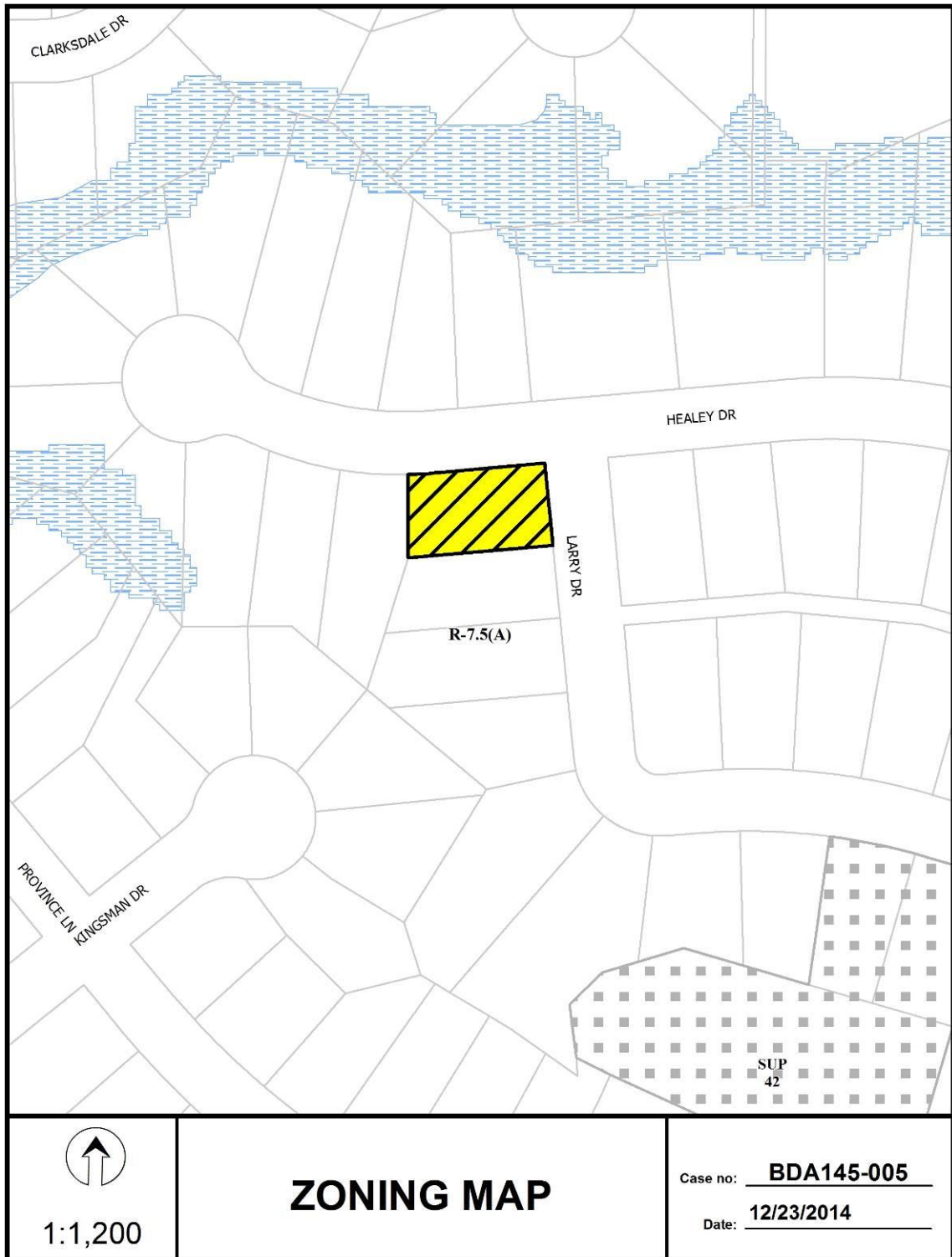
December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 10, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 29th deadline to submit additional evidence for staff to factor into their analysis; and the January 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests;
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence;"
- the name and contact information of the Plats Administrator for him to determine how to go about filing an application to the City Plan Commission with regard to removing platted building lines on this property which will be necessary to maintain the carport in the proposed location in addition to his requests filed to the board for a special exception to the front yard setback and off-street parking regulations.

January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

January 7, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet pertaining to the applicant's requests for special exceptions to the off-street parking and visual obstruction regulations marked "Has no objections."

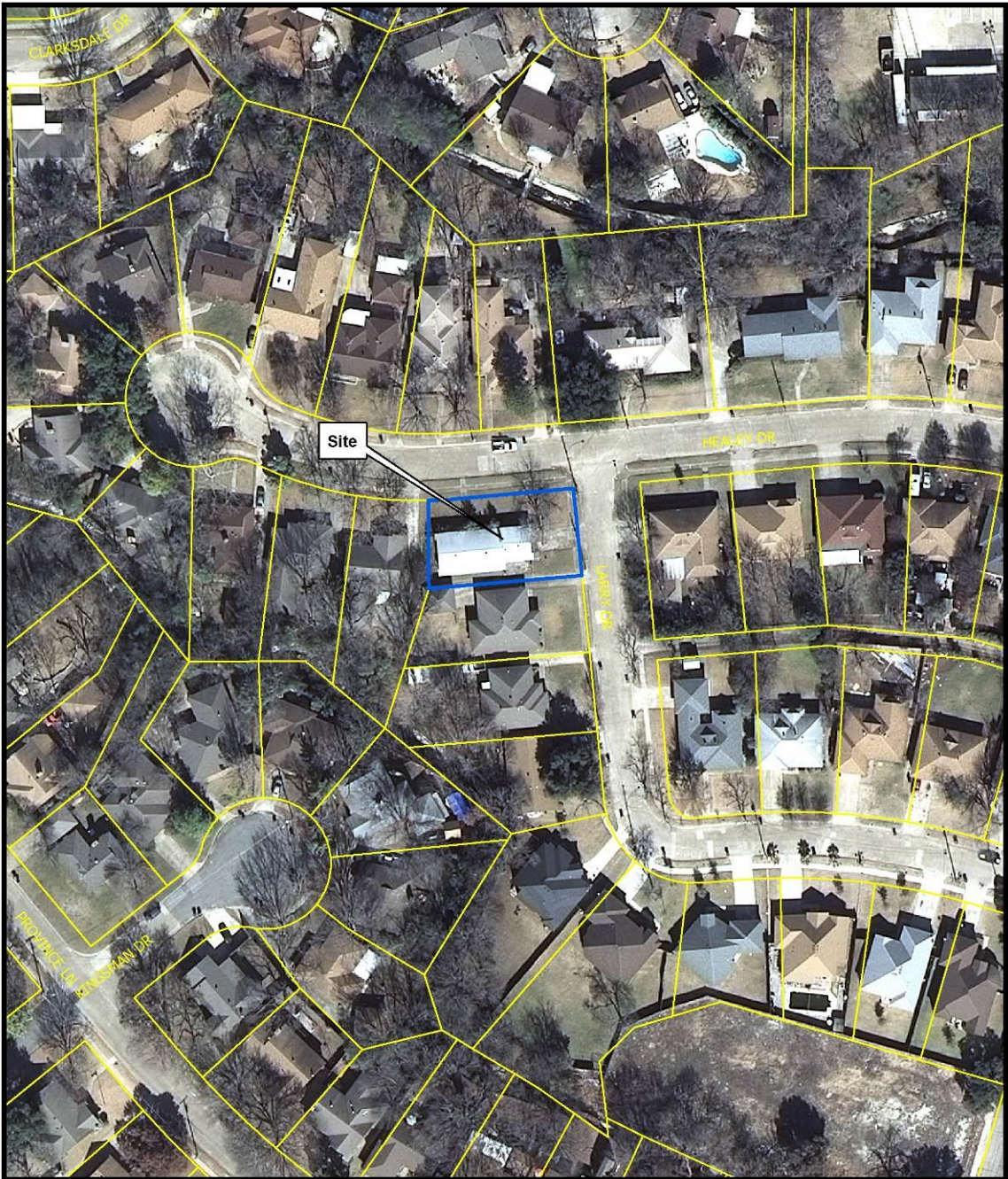


1:1,200

ZONING MAP

Case no: BDA145-005

Date: 12/23/2014



1:1,200

AERIAL MAP

Case no: BDA145-005

Date: 12/23/2014



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-005

Data Relative to Subject Property:

Date: 11/11/2014

Location address: 2122 HEALEY DRIVE Zoning District: R-7.5(A)

Lot No.: 10 Block No.: A/7404 Acreage: .17 Census Tract: 124.00

Street Frontage (in Feet): 1) 66 2) 110 3) 4) 5) 507

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): STANLEY CASTLOO

Applicant: STANLEY CASTLOO Telephone: 214 649 3722

Mailing Address: 1123 N. Edgefield Ave Zip Code: 75208

E-mail Address: STAN@LUXORPM.COM

Represented by: N/A Telephone: N/A

Mailing Address: N/A Zip Code: N/A

E-mail Address: N/A

Affirm that an appeal has been made for a Variance, or Special Exception, of 1 parking space reduced from the one required space for a single family residence, left to the front yard set back for a carport, VISIBILITY TRIANGLE OBSTRUCTION AT DRIVEWAY

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:

RELIEF OF 1 REQUIRED PARKING SPOT WILL NOT ADVERSELY AFFECT THE NEIGHBORING PARKING BECAUSE WE WILL HAVE A PLACE TO PARK THE CAR (WITHOUT AFFECTING NEIGHBORLY PARKING). RELIEF OF THE LEFT TO THE FRONT YARD SET BACK FOR A CARPORT WILL NOT ADVERSELY AFFECT THE ... (CONTINUED ON ATTACHED)

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.

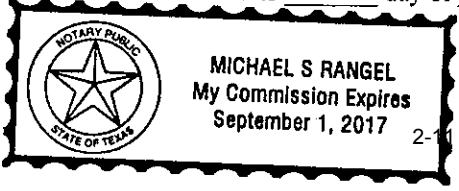
Affidavit

Before me the undersigned on this day personally appeared STANLEY CASTLOO (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 November 2014



[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 Stanley Castloo

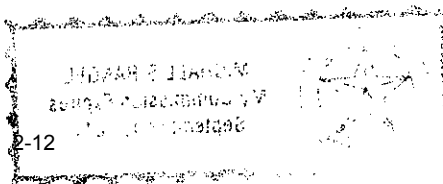
did submit a request for a special exception to the parking regulations, and for a special exceptic to the front yard setback regulation, and for a special exception to the visibility obstruction regulations

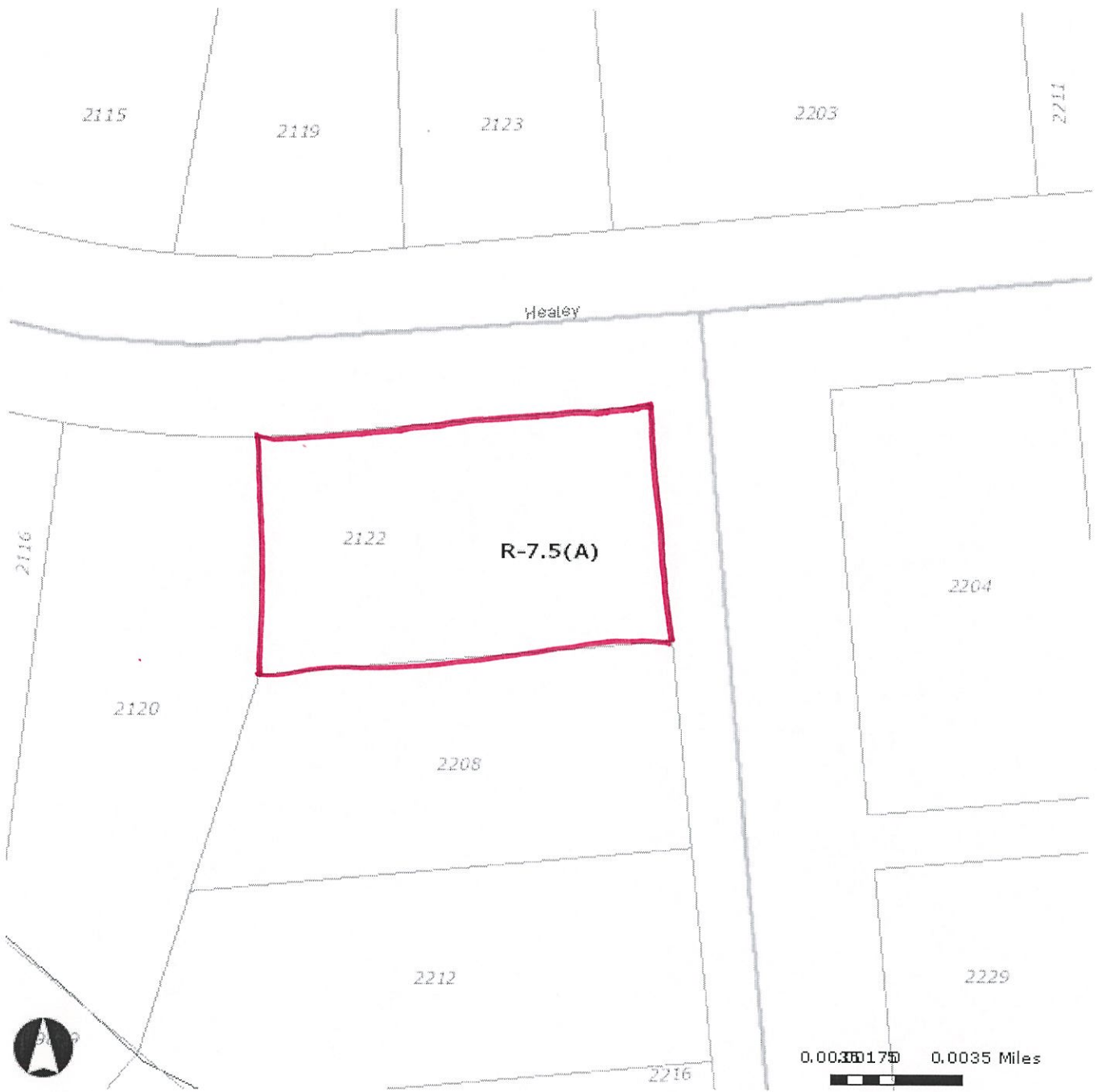
at 2122 Healey Drive

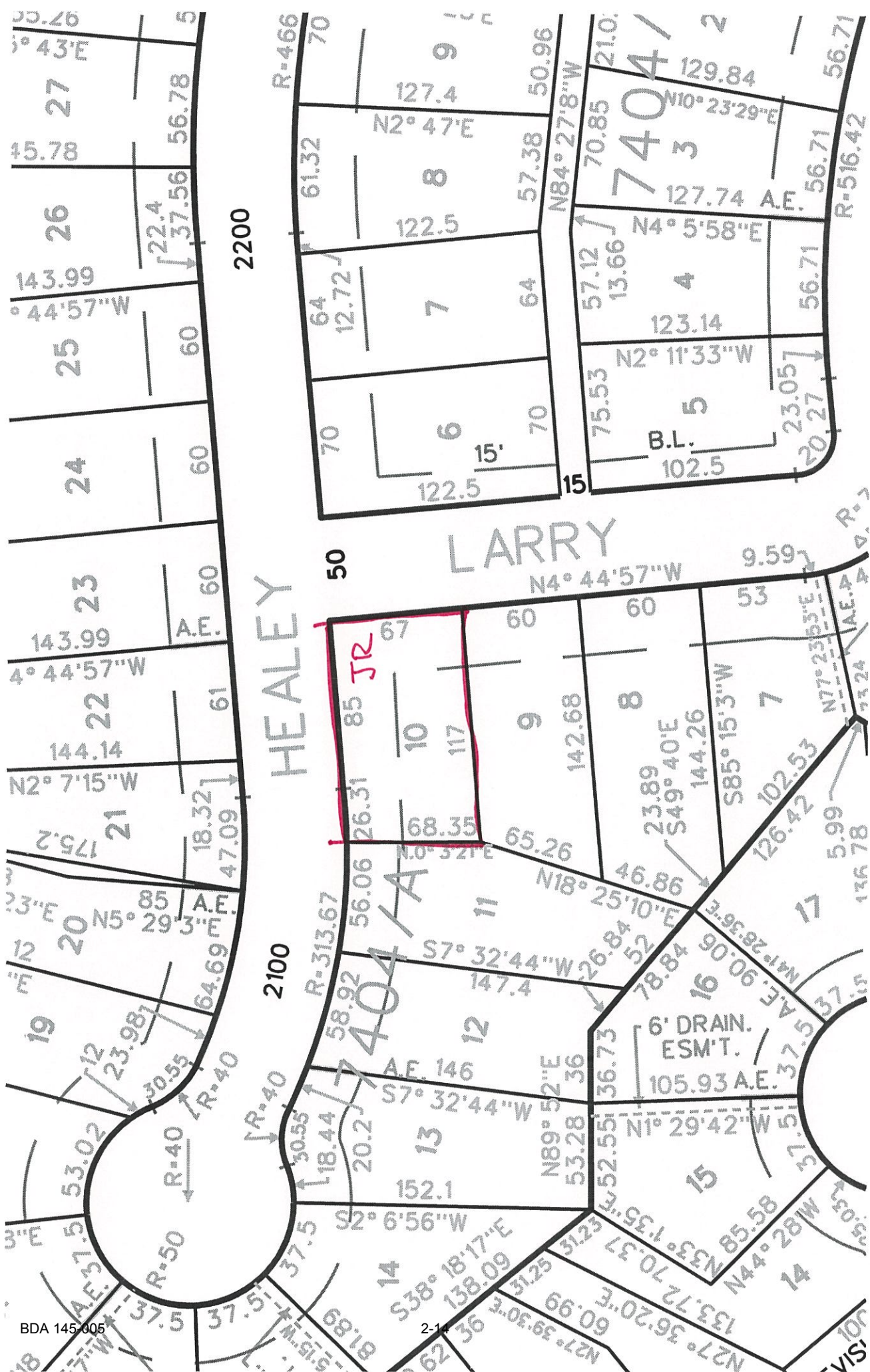
BDA145-005. Application of Stanley Castloo for a special exception to the parking regulations, a special exception to the front yard setback regulations, and a special exception to the visibility obstruction regulations at 2122 Healey Drive. This property is more fully described as Lot 10, Block A/7404, and is zoned R-7.5(A), which requires parking to be provided, and requires a front yard setback of 25 feet, and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain a residential structure for a single family residential use, and provide 0 of the required 1 parking spaces, which will require a 1 space special exception to the parking regulation, and to construct and maintain a carport for a single family residential dwelling in a front yard and provide a 7 foot setback, which will require an 18 foot special exception to the front yard setback regulation, and to construct a fence and a carport in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official







HEALEY

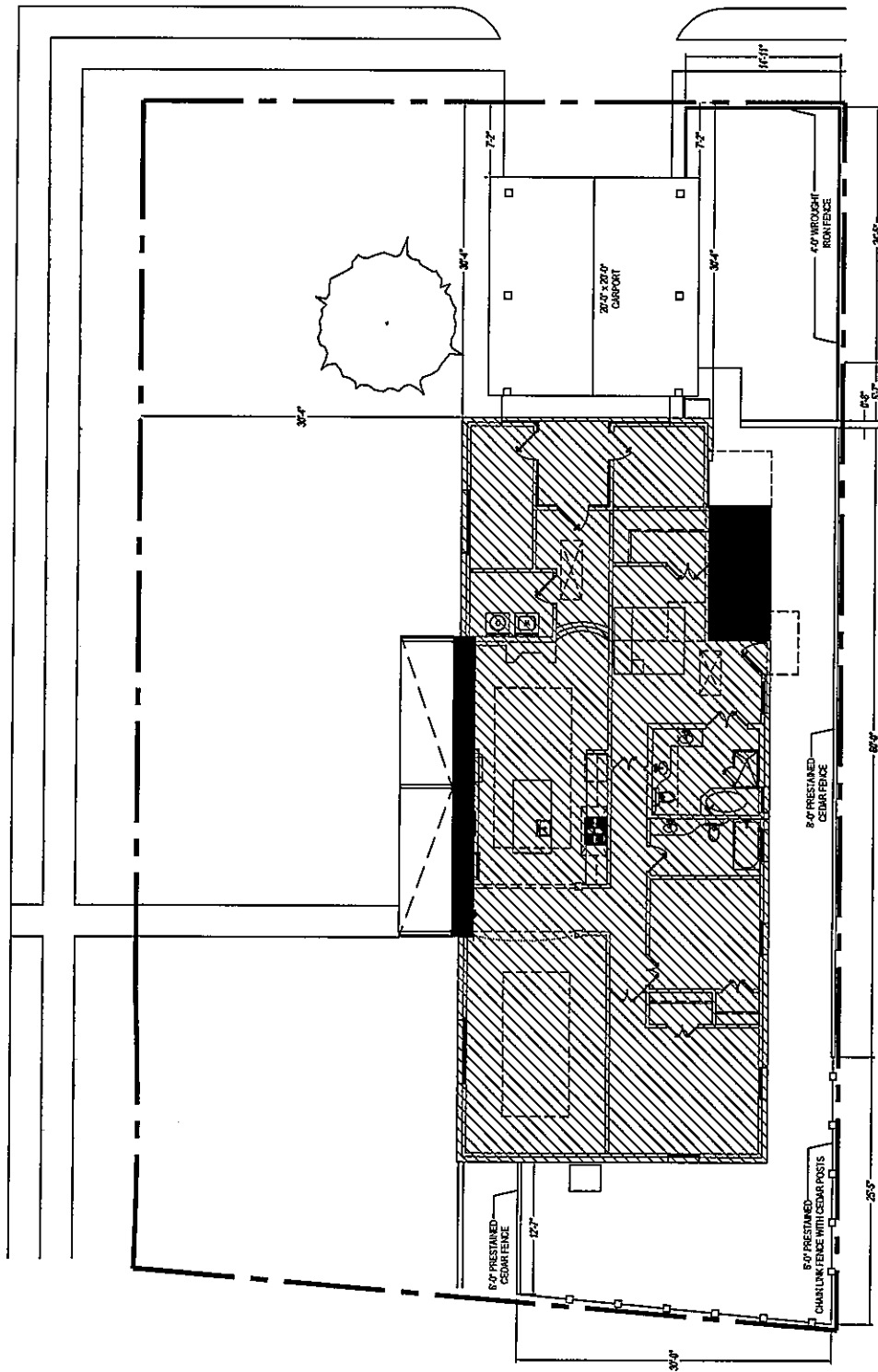
LARRY

404/A

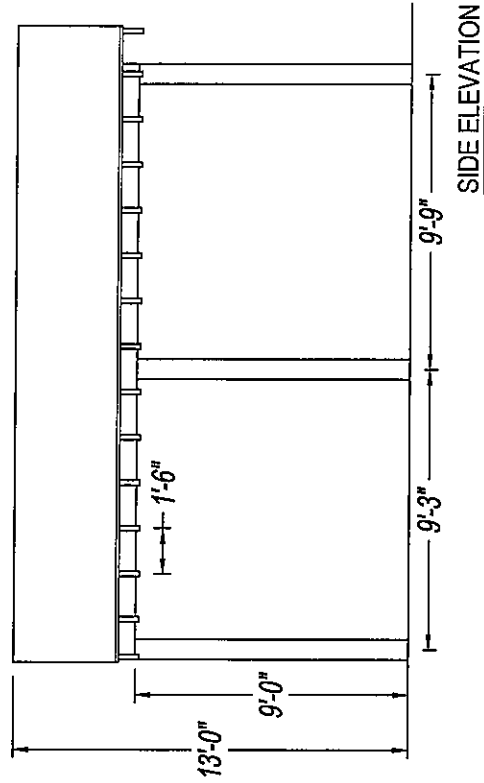
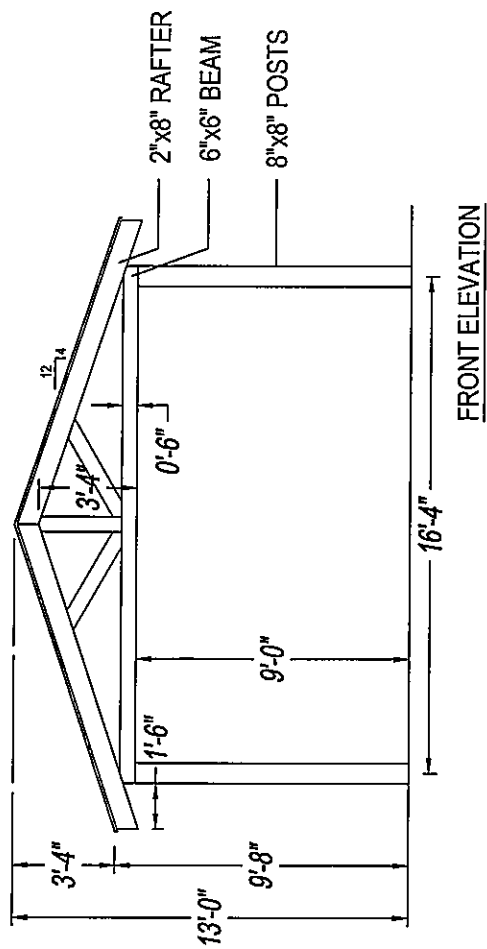
JR

NEIGHBORHOOD BECAUSE THE DESIGN SCHEME IS ARCHITECTURALLY ENHANCED TO IMPROVE NEIGHBORHOOD, AND TO PROVIDE A BEAUTIFUL ARCHITECTURAL FENCE, ALSO TO PROVIDE PARKING SPOTS DUE TO NOT HAVING A GARAGE.

THE OBSTRUCTION OF THE VISIBILITY TRIANGLE WILL NOT ADVERSELY AFFECT NEIGHBORING PROPERTIES BECAUSE NEIGHBORS HAVE PRIVATE DRIVEWAY, THE FENCE IS ONLY 4FT AND WROUGHT IRON DEAMING IT SEE THROUGH, THE 2 CEDAR POST ARE ONLY 6X6 INCHES ~~THIN~~ THICK DEAMING THESE 2 POST NOT A REASONABLE OBSTRUCTION.

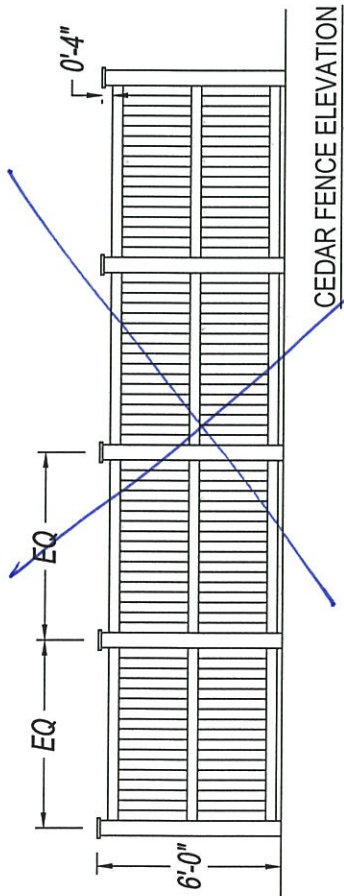


01 SITE PLAN
SCALE: 3/32" = 1'-0"

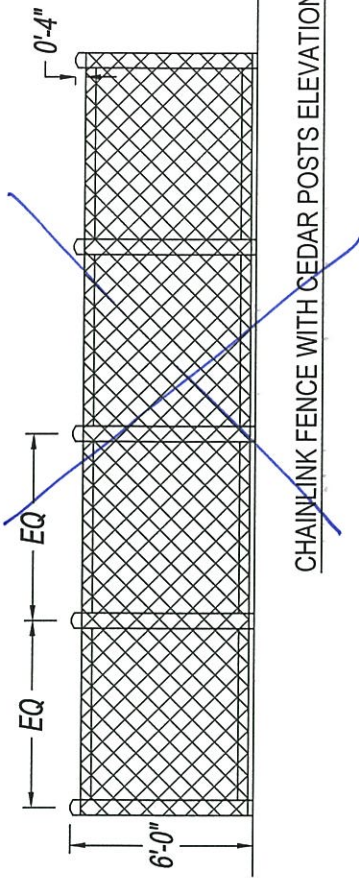


CARPORT ELEVATIONS
SCALE: 1/4" = 1'-0"

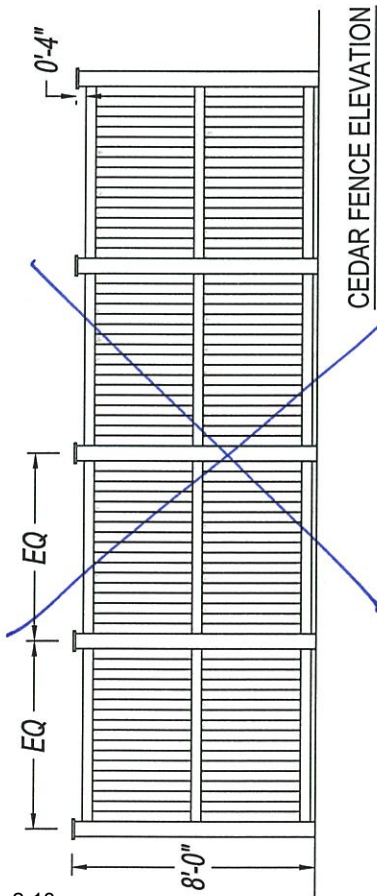
01



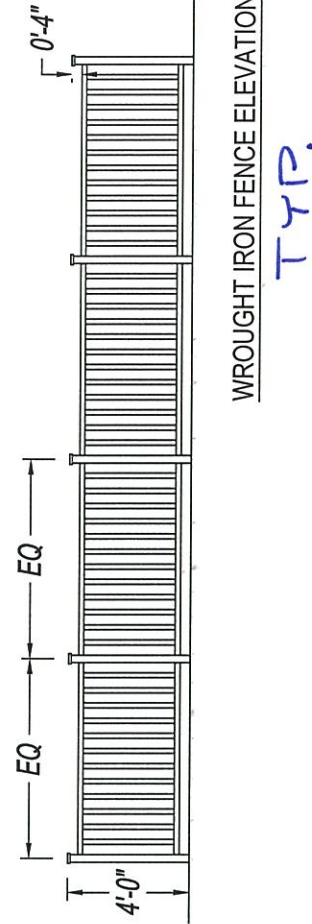
CEDAR FENCE ELEVATION



CHAINLINK FENCE WITH CEDAR POSTS ELEVATION



CEDAR FENCE ELEVATION



WROUGHT IRON FENCE ELEVATION

TYP.



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

27

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA145-005**

Date: **12/23/2014**

Notification List of Property Owners

BDA145-005

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2122 HEALEY DR	CASTLOO STANLEY
2	2216 LARRY DR	MENDOZA MIGUEL
3	2212 LARRY DR	SIEROCKI JANA MARIA HINES
4	2208 LARRY DR	MILLSAP LUETTA
5	2120 HEALEY DR	WALLACE MARISSA L
6	2116 HEALEY DR	CARRIO TIMOTHY G
7	2112 HEALEY DR	STANLEY INEZ D
8	2110 HEALEY DR	TRAVIS MARK & KAITLYN
9	2107 HEALEY DR	GARCIA JASON PAUL
10	2111 HEALEY DR	MCDONALD VERA L
11	2115 HEALEY DR	GORDON BELLE A
12	2119 HEALEY DR	PICKETT ADDIE MAE EST OF
13	2123 HEALEY DR	CRITTENDEN ANTHONY L
14	2203 HEALEY DR	BEATON BRENDA TYREE
15	2211 HEALEY DR	MCDONALD VERA LOUISE
16	2233 LARRY DR	BUTLER DEBBIE R
17	2229 LARRY DR	VERA FABIAN E
18	2208 HEALEY DR	CHAVEZ VICTORIA
19	2212 HEALEY DR	PRIDDY ELSIE EST OF
20	9861 KINGSMAN DR	NOELL STEPHANIE
21	9865 KINGSMAN DR	FRY ERIN EILEEN & BARNABY JOHNSON
22	9869 KINGSMAN DR	PERKINS KATHRYN KAY
23	9870 KINGSMAN DR	SESSLER HELEN S
24	9866 KINGSMAN DR	WINDHAM DENA MARIE
25	9903 LINGO LN	KINDER IRMA D
26	9904 LINGO LN	SOCH RICHARD & SUSAN

12/23/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2220 LARRY DR	BUNKER CAROL A

FILE NUMBER: BDA 145-007

BUILDING OFFICIAL'S REPORT: Application of Suzan Kedron for special exceptions to the pedestrian skybridge standards at 8301 Westchester Drive. This property is more fully described as Lot 6A, Block 5623, and at 8300 Westchester Drive, Tract 1, Block 5623, and are zoned PD-314, which requires that pedestrian skybridge supports must not be located within the public right-of-way, that a pedestrian skybridge must provide clearance above the public right-of-way of at least 18 feet above grade, that the interior passageway must be no greater than 20 feet in width, and must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The applicant proposes to construct and maintain a pedestrian skybridge and locate supports within a public right-of-way, reduce the minimum 18 foot clearance above the public right-of-way to 14 feet, increase the maximum 20 foot interior passageway width to 61 feet, and increase the maximum 30 degree divergance from the perpendicular angle to the right-of-way to 45 degrees, which will require special exceptions to the pedestrian skybridge standards.

LOCATION: 8301 Westchester Drive

APPLICANT: Suzan Kedron

REQUESTS:

Requests for special exceptions to the mandatory pedestrian skybridge standards are made to construct and maintain a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage:

1. With a clearance above public right-of-way of 14' above grade;
2. With an interior passageway width of 61';
3. With support columns located within the Westchester Drive public right-of-way; and
4. That will diverge from a perpendicular angle to the right-of-way by 45 degrees.

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:

1. Strict compliance with the requirements will unreasonably burden the use of either of the properties;
2. The special exception will not adversely affect neighboring property; and
3. 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: PD 314 (Planned Development)
North: PD 314 (Planned Development)
South: PD 314 (Planned Development)
East: PD 314 (Planned Development)
West: PD 314 (Planned Development)

Land Use:

The proposed skybridge would connect an existing two story retail structure to an existing one-story parking garage. The areas to the north, east, south, and west are developed with mostly with retail uses.

Zoning/BDA History:

1. Z 134-341 (the subject site)

On December 18, 2014, the City Plan Commission held a public hearing to consider a request for an application for a specific use permit for a pedestrian skybridge and delayed action until January 22, 2015. (The City Council date is pending upon the City Plan Commission recommendation).

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on constructing and maintaining a pedestrian skybridge over Westchester Drive between Berkshire Street and Luther Lane that would connect an existing retail structure to an existing parking garage – a skybridge that would have a clearance above public right-of-way of 14' above grade, an interior passageway of 61', support columns within the Westchester Drive public right-of-way, and that will diverge from a perpendicular angle to the right-of-way by 45 degrees.

- The Dallas Development Code provides 19 mandatory skybridge provisions of which the applicant seeks special exceptions from the following four:
 1. Pedestrian skybridges must have a clearance above the public right-of-way of at least 18 feet above grade. (The applicant has submitted a site plan and bridge section that indicates the clearance above the public right of way is 14' above grade.)
 2. If the 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. (While a site plan has not been submitted to date that appears to indicate a skybridge with an interior passageway of 61 feet, the applicant is requesting dimensions from 28 feet to a maximum of 61 feet).
 3. Pedestrian skybridge supports must not be located within the public right-of-way. (The applicant has submitted a site plan and bridge section that indicates 5 support columns in the public right-of-way, four on the west side of Westchester Drive, one on the east side of Westchester Drive);
 4. Pedestrian skybridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees). (The applicant has stated on the application that a request to increase the divergence from 30 degrees to 45 degrees).
- The applicant has the burden of proof in establishing how strict compliance with the skybridge standards (constructing/maintaining a pedestrian skybridge that would have a clearance above public right-of-way of 18' above grade, an interior passageway of a maximum of 61', support columns within the Westchester Drive public right-of-way, and that will diverge from a perpendicular angle to the right-of-way by 45 degrees) 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:

November 20, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 10, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 29th deadline to submit additional evidence for staff to factor into their analysis; and the January 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

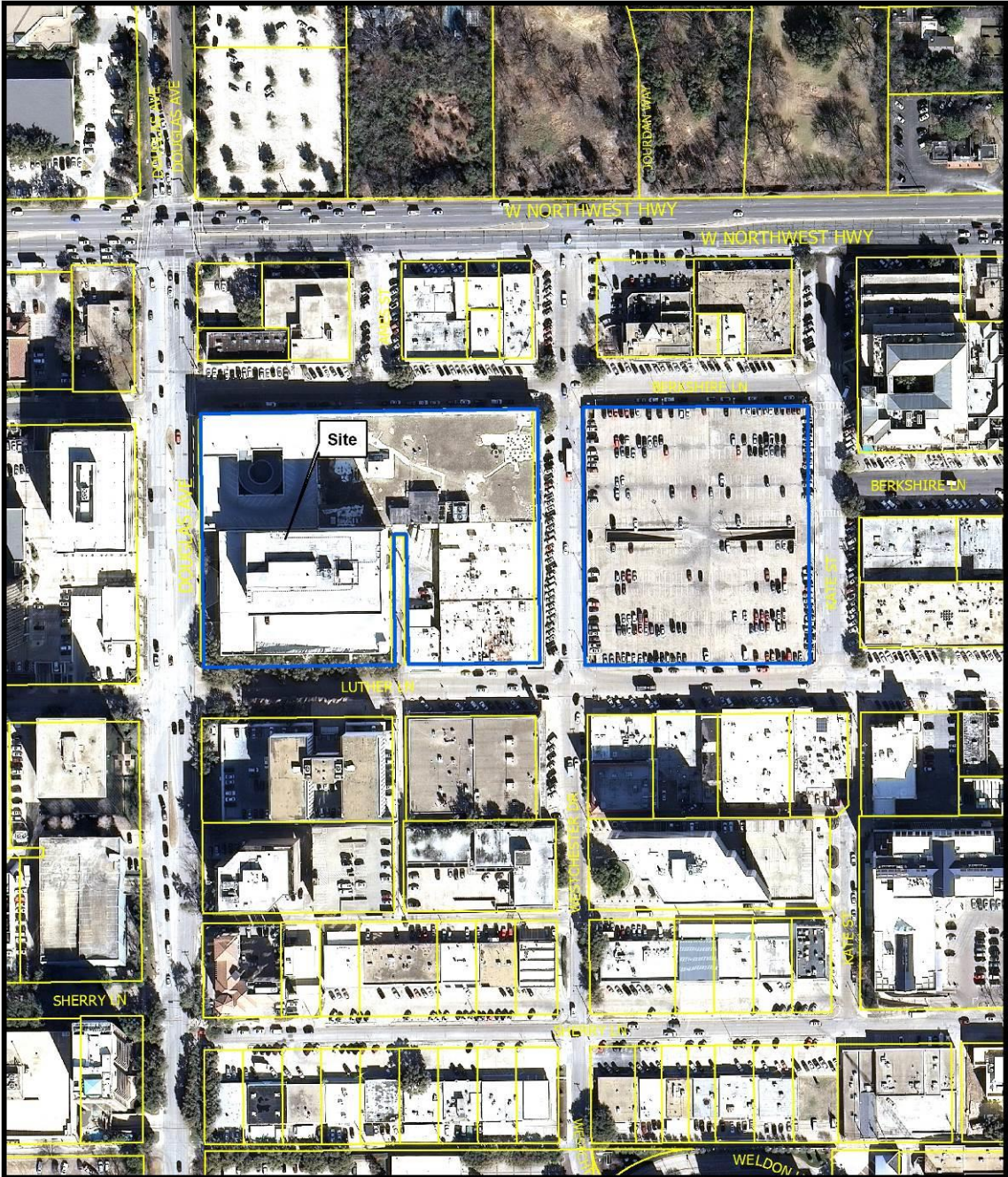
December 24, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

January 9, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).





1:2,400

AERIAL MAP

Case no: BDA145-007

Date: 12/23/2014



BDA 145-007
Attach A
Pg 1 B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-007

Data Relative to Subject Property: Date: 11-20-14

Location address: 8301 Westchester Drive / 8300 Westchester Drive Zoning District: PD 314
Lot No.: 6A; 7A Block No.: 5623 Acreage: 0.062 (skybridge) Census Tract: 73.01

Street Frontage (in Feet): 1) 60.53 (skybridge) 2) 28.0 (skybridge) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CH Realty VI/R Dallas Preston Center, L.P.

Applicant: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Represented by: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Affirm that an appeal has been made for a Variance , or Special Exception , of to allow a support for a pedestrian skybridge within the public right-of-way pursuant to Sec. 51A-4.217(b)(12)(H).
for clearance above the public right-of-way (4'); increase of 4' of the interior passageway; to increase the divergence from 30° to 45° of the perpendicular angle.

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:

- (i) Strict compliance with the requirements will unreasonably hinder the use of either/both of the properties;
- (ii) the special exception will not adversely affect neighboring property; and (iii) the special exception will not be contrary to the public interest.

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.

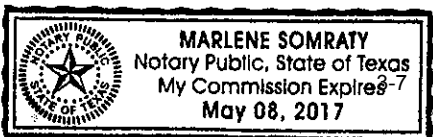
Affidavit

Before me the undersigned on this day personally appeared Suzan Kedron
(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 19th day of November, 2014



Marlene Somraty
Notary Public in and for Dallas County, Texas



JACKSON WALKER L.L.P.

125 YEARS
ATTORNEYS & COUNSELORS

BDA145-007
Attach A
pg 3

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

December 24, 2014

Via Scan/Email

Mr. Steve Long, Board Administrator
Zoning Board of Adjustment
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 145-007; 8301 Westchester Drive.

Dear Steve:

In connection with Case No. BDA 145-007, this letter is to confirm our understanding that, as an application for a special exception to the pedestrian skybridge regulations pursuant to Sec. 51A-4.217(b)(12)(H), and as stated in your email of December 10, the City Staff will not be making a recommendation to the Board of Adjustment on this request, presumably due to the fact that the applicable standard is that:

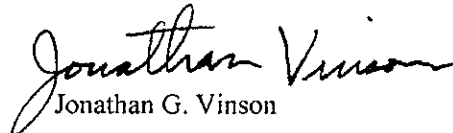
"The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph *if the board finds that:*

- (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;
- (ii) the special exception will not adversely affect neighboring property; and
- (iii) the special exception will not be contrary to the public interest".

We will be providing to you an explanatory letter and attachments, by your deadline of 1:00 P.M. on Friday, January 9, 2015, to be provided to the Board Panel in further explanation of our request. In that letter and attachments, we will be stating, and providing evidence of, the fact that the Applicant's request meets the above-referenced standards for approval.

I will also stop by your office today to make sure the property description matches that in the Building Official's Report. Please let me know if you have any questions, or if you need anything else from us on this. Thank you very much.

Very truly yours,


Jonathan G. Vinson

cc: Robert Dozier
Susan Mead
Suzan Kedron

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

BDA 145-007
Attach B
Pg 1

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

January 9, 2015

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 145-007; 8301 Westchester Drive.

Dear Members of Panel B:

I. Introduction. We represent Lincoln Property Co. in this case ("Lincoln"), with regard to the retail property at Westchester Drive, between Luther Lane and Berkshire Lane in Preston Center. We are coming to you with our special exception request for certain exceptions to the pedestrian skybridge standards found in Sec. 51A-4.217(b)(12)(F) of the *Dallas Development Code* to facilitate safe pedestrian access to a community-serving use proposed for the second level of the retail building. As you may know, second floor retail spaces are very difficult to lease, and this represents a very creative and productive proposed use of the space.

A pedestrian skybridge has been designed to connect the upper level of the Preston Center parking garage with the retail building across Westchester Drive to the west. This building has been at this location for many years and has in the past housed a Sanger-Harris department store and, more recently, other uses. Lincoln plans to lease the space to a major grocery store chain so the grocer can open a first-class neighborhood-serving grocery store, with the skybridge link to the upper garage deck for the safety and convenience of grocery customers.

This skybridge is necessary to be able to quickly and safely transport customers from one side to the other without having to descend to street level with their groceries, walk across the very busy Preston Center traffic on Westchester, and then walk back up to the upper garage level. In particular, this would be impossible to do with grocery carts. This is a matter not merely of convenience, but first and foremost of pedestrian safety. However, a pedestrian skybridge which crosses public right-of-way has a large number of requirements imposed by the City of Dallas in the pedestrian skybridge accessory use definition.

II. Special Exception Request. We are before you on this special exception request because of the regulations set forth below.

SEC. 51A-4.217. ACCESSORY USES. (12) Pedestrian skybridges. (F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian

walkways are contained in Section 509 of Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(iii) *Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade. We are requesting 14 feet clearance, per the Site Plan (4 foot decrease from 18 feet)* This is due to the existing structure height on both sides, otherwise complicated and unnecessary elevation changes would be required.

(iv) *If the 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. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width. We are requesting dimensions from 28 feet to a maximum of 61 feet (special exception of up to 41 feet).* This design is for the purpose of enhancing customer safety and convenience.

(vi) *Supports must not be located within the public right-of-way. There are certain small supports located in the right-of-way as per the Site Plan.* These support columns are unobtrusive, represent no traffic hazard or any other adverse impact, are not detrimental in any way, and are necessary from an architectural and engineering standpoint to support the skybridge.

(xi) *Pedestrian sky-bridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees. The divergence is approximately 45 degrees.* As for (iv) above, this design is for the purpose of enhancing customer safety and convenience.

III. Special Exception Standard Issues. The Board can grant a special exception from the above-described requirements on the following basis:

(H) Special exception. The board of adjustment may grant a special exception to the pedestrian skybridge standards contained in this paragraph if the board finds that:

- (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;*
- (ii) the special exception will not adversely affect neighboring property; and*
- (iii) the special exception will not be contrary to the public interest.*

We believe that we clearly meet each of three standards required for granting of the special exception as follows:

1. Strict compliance with the requirements will unreasonably burden the use of either of the properties. The requested exceptions to the otherwise-required pedestrian skybridge standards are all necessary to provide for a safe pedestrian connection from the upper deck of the Preston Center parking structure to the proposed grocery store. The skybridge of necessity must be at the height level of the parking deck and the retail use, that is, at 14 feet. Similarly, the

requested exceptions to the width and configuration standards are necessary to provide a pedestrian-friendly design to accommodate grocery shoppers with their carts and other items. Finally, the supports in the right-of-way are necessary for structural support of the skybridge as designed.

2. *The special exception will not adversely affect neighboring property.* There will be no impact at all on drive lanes, turn lanes, sight lines to traffic signals, or clearance. The skybridge will also be very well designed and attractive. Therefore, there is no adverse effect on the neighboring property, and in fact, this will enhance Preston Center by putting this under-utilized space into more productive use – as you know, second story retail has a track record in general of being difficult to use and lease, in particular for a grocer, whose customers by definition must transport multiple bags of items, either by hand or in a grocery cart.

3. *The special exception will not be contrary to the public interest.* Not only is this request in no way contrary to the public interest, this skybridge is a critical component of adding a good neighborhood-serving retail use to Preston Center, and thus very strongly supports the public interest.

IV. Conclusion. In summary, this request very clearly meets the standards required for granting of the special exception.

First, strict compliance with the requirements would unreasonably burden use of the properties as discussed above.

Second, the special exception will not adversely affect neighboring property.

Third, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest.

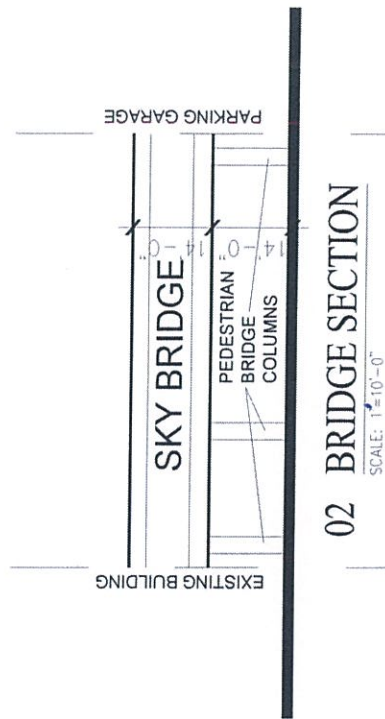
We look forward to appearing at your public hearing on January 21 to respectfully ask that you approve our request. Thank you very much.

Very truly yours,



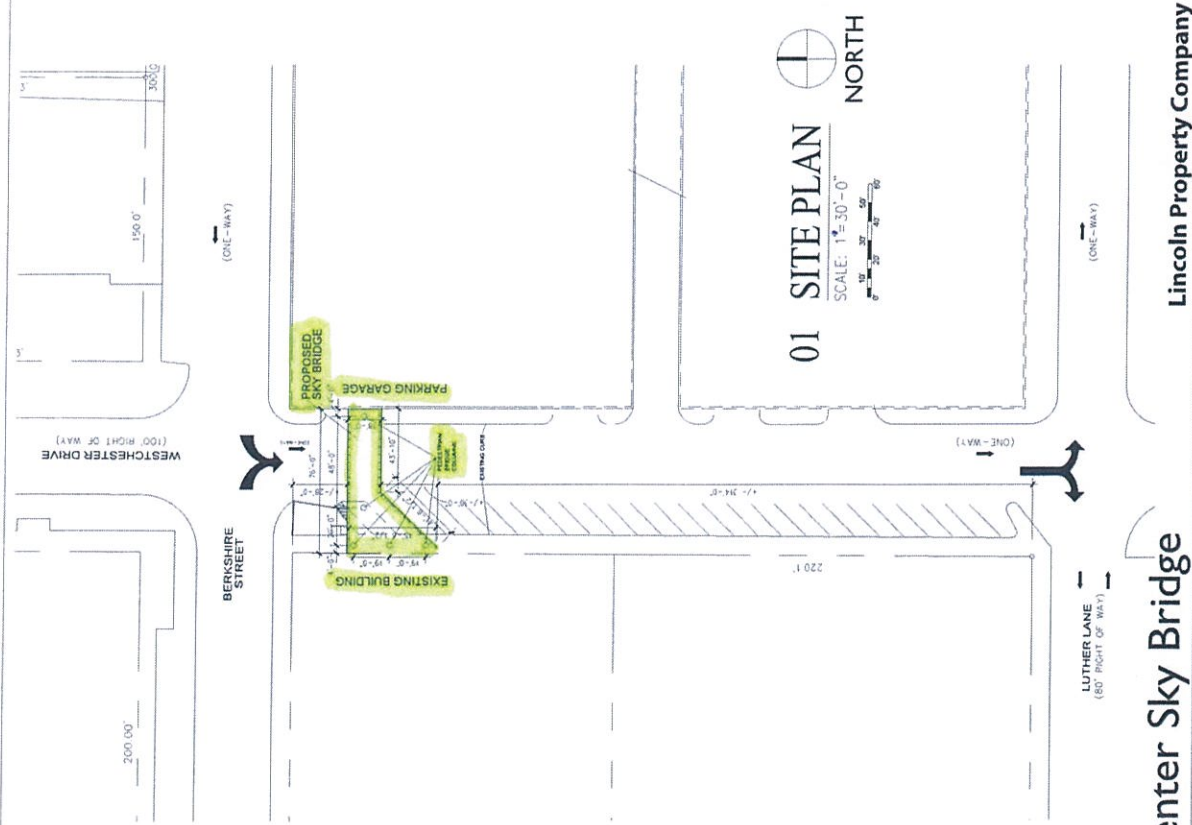
Jonathan G. Vinson

cc: Robert Dozier
Jarrod Yates
Susan Mead
Suzan Kedron



Site Plan 01

Date: 09.08.14 Scale 1"=30'-0"

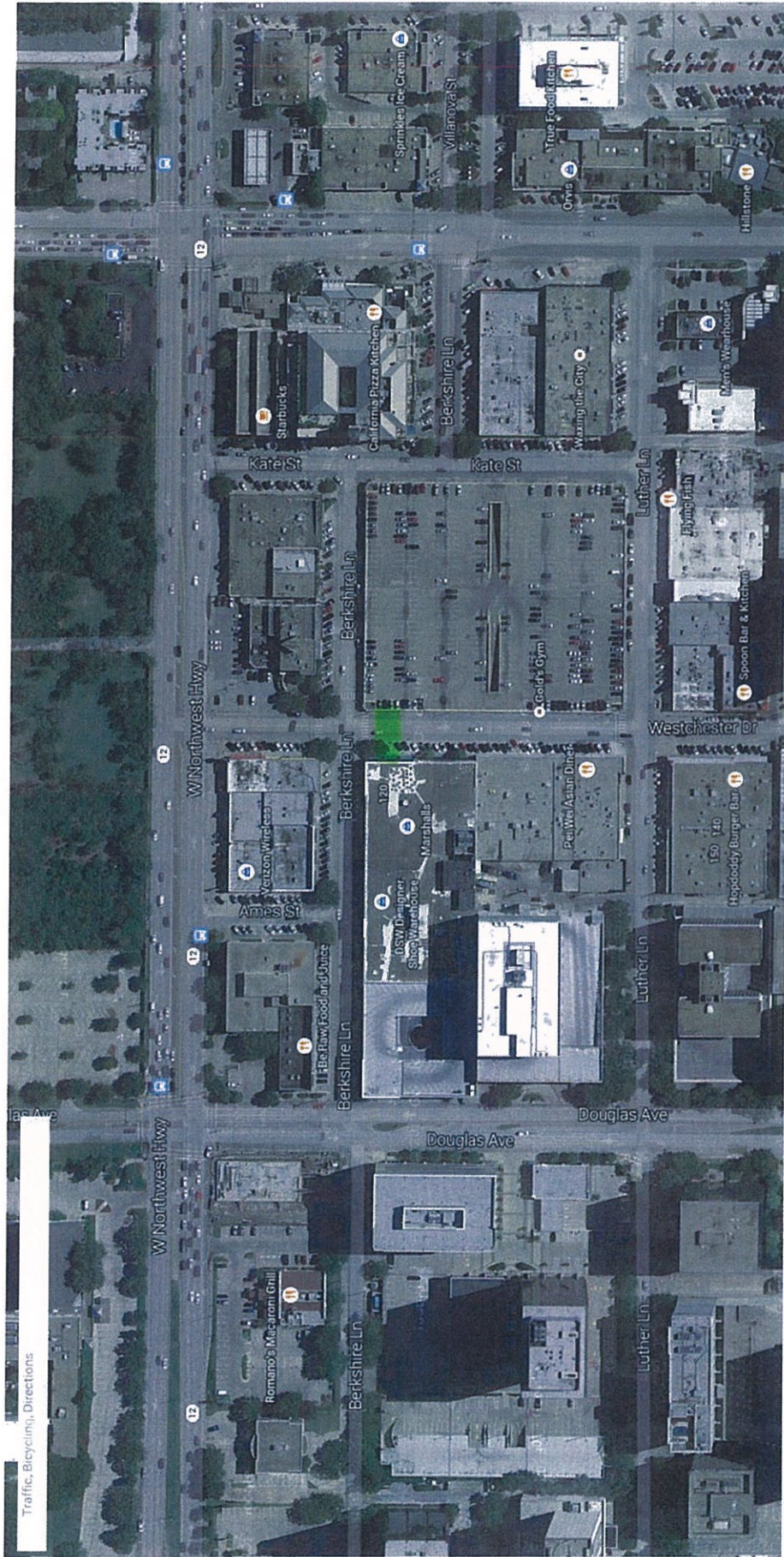


Lincoln Property Company

1. Site Plan/Bridge Section

Preston Center Sky Bridge

8335 Westchester Drive
 Dallas, TX 75225



2. Aerial Photo (showing approximate skybridge location)

BDA 145-007
Attach B
Pg 5

Imagery ©2015 DigitalGlobe, Sanborn, Texas Orthorectification Program, U.S. Geological Survey, Map data ©2015 Google, 100 ft

<https://www.google.com/maps/@32.8647097,-96.8068278,378m/data=!3m1!1e3?hl=en>

1/9/2015



3. Area Photo – View South on Westchester

BDA 145-007
Attach B
Pg 6

Image capture: Nov 2012 © 2015 Google



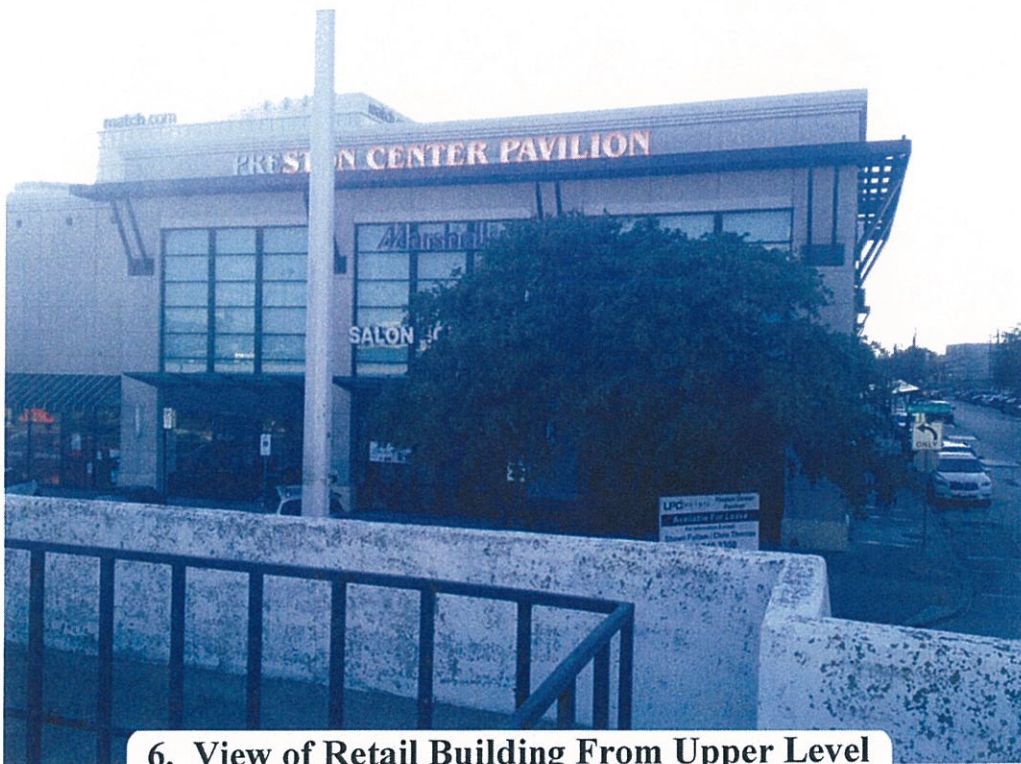
4. Area Photo – View North on Westchester

BDA 145-007
Attach B
Pg 7

Image capture: Nov 2012 © 2015 Google



5. View of Retail Building from Ground Level of Garage



6. View of Retail Building From Upper Level of Garage



**7. View of Northbound Westchester from
Upper Level of Garage**



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-007

Date: 11-20-14

Data Relative to Subject Property:

Location address: 8301 Westchester Drive Zoning District: PD 314

Lot No.: 6A; FR-1 Block No.: 5623 Acreage: 0.062 (skybridge) Census Tract: 73.01

Street Frontage (in Feet): 1) 60.53 (skybridge) 2) 28.0 (skybridge) 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CH Realty VI/R Dallas Preston Center, L.P.

Applicant: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Represented by: Jackson Walker L.L.P./Suzan Kedron/Jonathan Vinson Telephone: (214) 953-5943

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

E-mail Address: skedron@jw.com/jvinson@jw.com

Affirm that an appeal has been made for a Variance, or Special Exception, of to allow a support for a pedestrian skybridge within the public right-of-way pursuant to Sec. 51A-4.217(b)(12)(H).

for clearance above the public right-of-way (4'); increase of 4' of the interior passage way; to increase the divergence from 30° to 45° of the perpendicular angle.

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:

- (i) Strict compliance with the requirements will unreasonably hinder the use of either/both of the properties; (ii) the special exception will not adversely affect neighboring property; and (iii) the special exception will not be contrary to the public interest.

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.

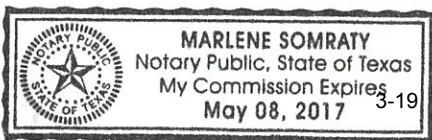
Affidavit

Before me the undersigned on this day personally appeared Suzan Kedron (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.

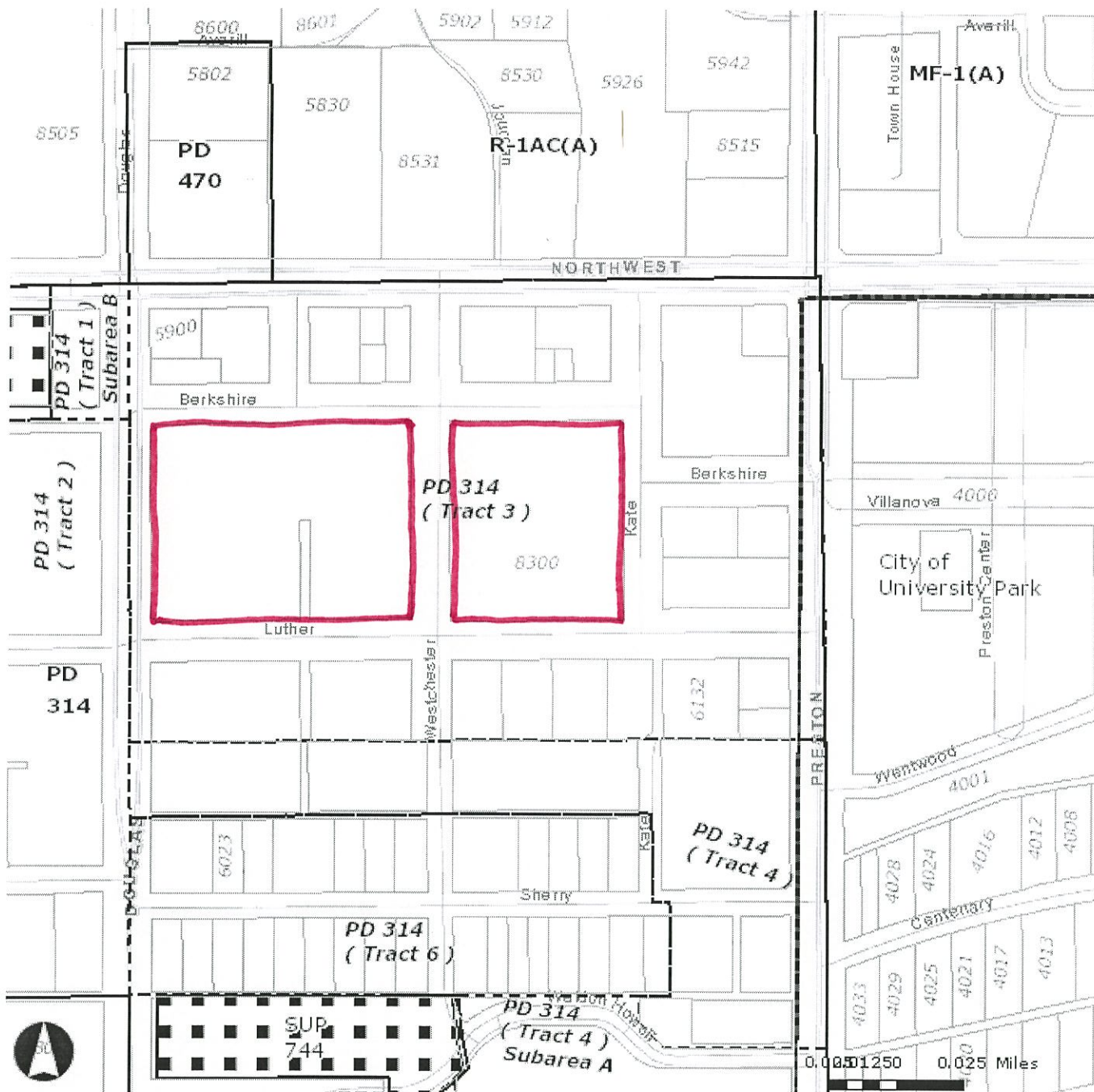
Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19th day of November, 2014

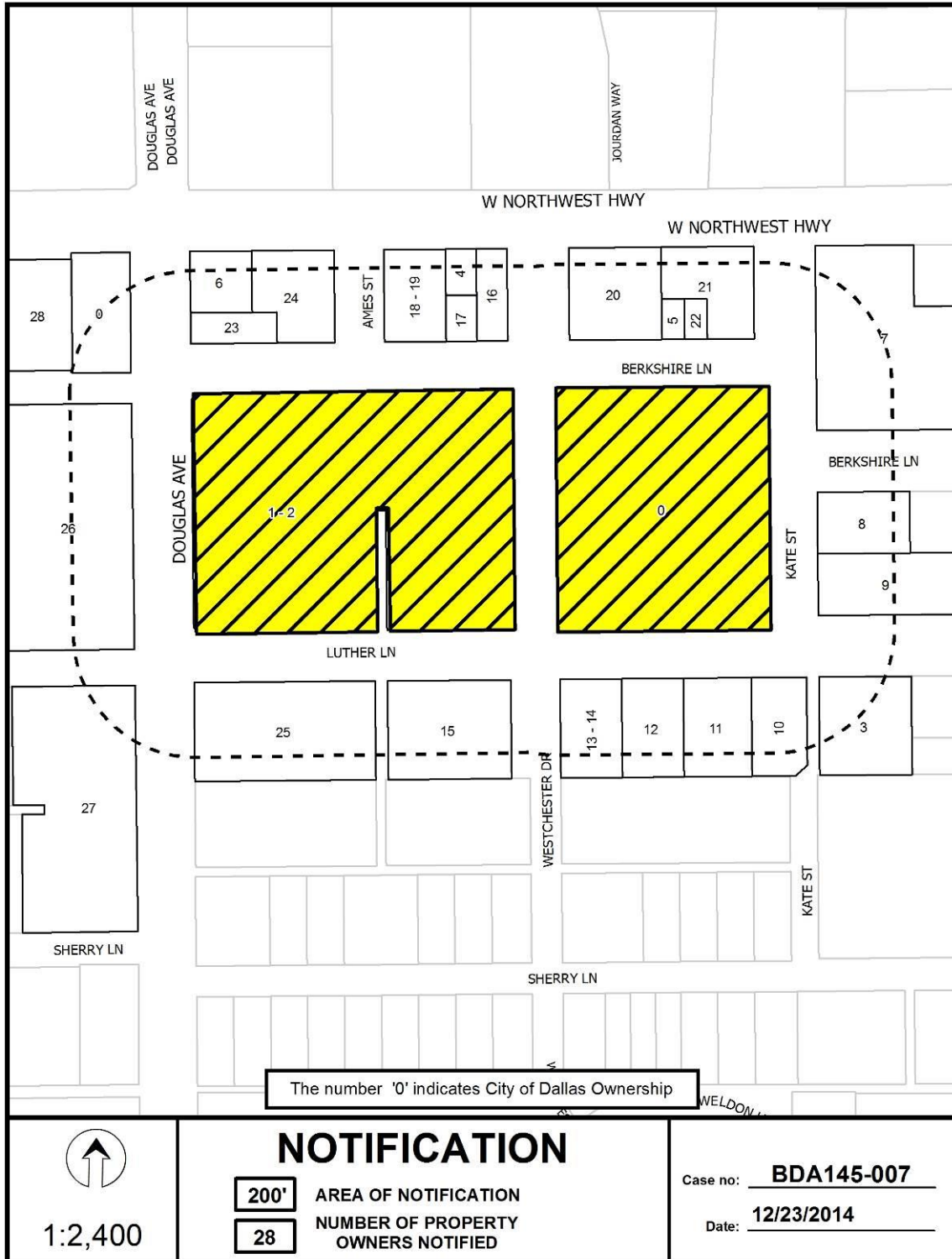


Marlene Somraty Notary Public in and for Dallas County, Texas

134-341







Notification List of Property Owners

BDA145-007

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8301 WESTCHESTER DR	CH REALTY VI R DALLAS PRESTON CTR LP
2	8300 DOUGLAS AVE	CFO DT II LLC
3	6132 LUTHER LN	KATE LUTHER LP
4	5930 NORTHWEST HWY	LOBELLO SAM INV
5	6115 BERKSHIRE LN	K & B COMM TEXAS LTD ETAL
6	5900 NORTHWEST HWY	HBT PARTNERS LP
7	8411 PRESTON RD	PRESTON CTR WEST JV
8	8307 PRESTON RD	ROBBINS SERAFINA ETAL
9	6131 LUTHER LN	PRESTON SQUARE TRUST THE
10	6126 LUTHER LN	RAMSBOTTOM PARTNERS LP
11	6118 LUTHER LN	RAMSBOTTOM PARTNERS LP
12	6110 LUTHER LN	MCEVOY A PATRICK ET AL
13	6100 LUTHER LN	TREK RESOURCES INC
14	6100 LUTHER LN	TREK RESOURCES INC
15	6038 LUTHER LN	RB PASS LLC
16	5938 NORTHWEST HWY	KINNEY PROPERTY F & P LTD
17	6033 BERKSHIRE LN	6033 BERKSHIRE LLC
18	5926 NORTHWEST HWY	LOBELLO SAM INV
19	5926 NORTHWEST HWY	LCT MATHEWS JV
20	8400 WESTCHESTER DR	SEARS DIANA COX &
21	5960 NORTHWEST HWY	CURRIN LAND JOINT VENTURE
22	6117 BERKSHIRE LN	K & B COMM TEXAS LTD ETAL
23	6003 BERKSHIRE LN	BERKSHIRE DOUGLAS RETAIL
24	6019 BERKSHIRE LN	HBT PARTNERS LP
25	8226 DOUGLAS AVE	DOUGLAS PLAZA LAND LLC
26	8333 DOUGLAS AVE	CFO DT III LLC

12/23/2014

Label #	Address	Owner
27	8235 DOUGLAS AVE	DIP SPV COMPANY 4 LLC
28	5858 NORTHWEST HWY	DB FIVE GRILL LP

FILE NUMBER: BDA 145-010

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 7/5597, 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, 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 construct and maintain the following in the 40' front yard setback on a site that is being developed with a single family home/use:

- 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.

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. 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.

2. 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. 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, 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

3. 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.
- 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:
 - 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 January 12, 2015, 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:

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

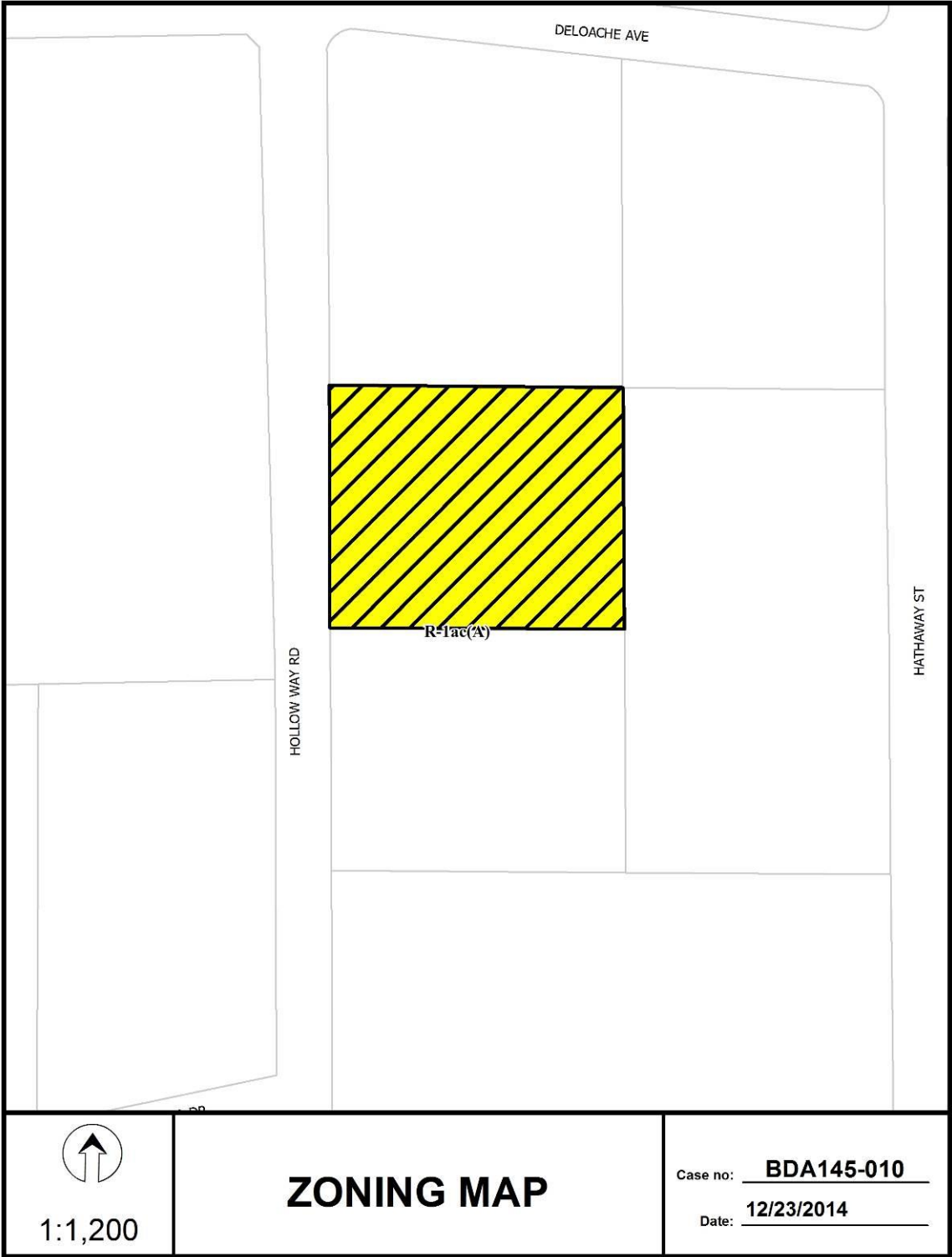
December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

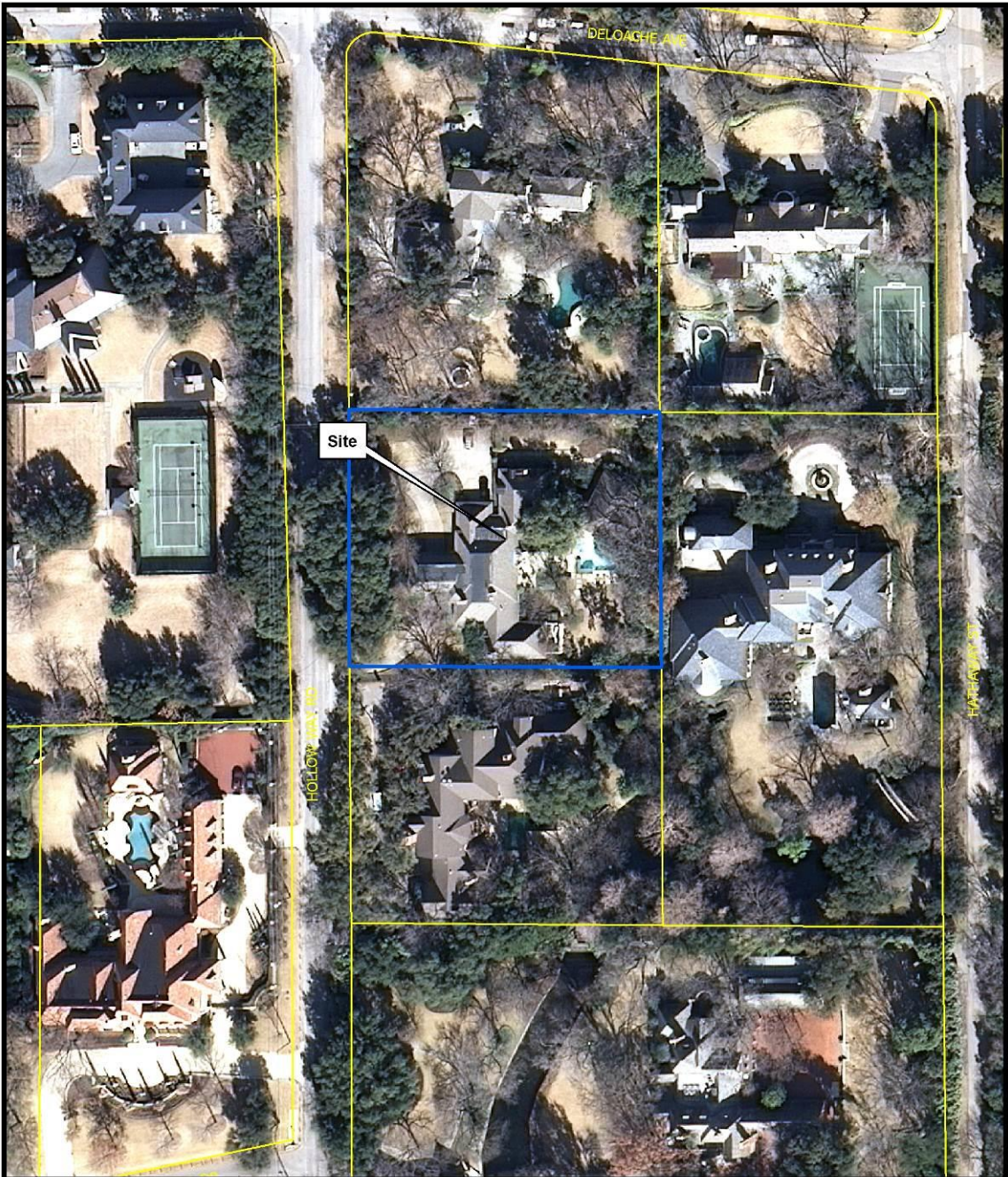
December 10, 2014: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 29th deadline to submit additional evidence for staff to factor into their analysis; and the January 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA145-010

Date: 12/23/2014



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-010

Data Relative to Subject Property:

Date: November 18, 2014

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) _____ NE25

To the Honorable Board of Adjustment :

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

Applicant: Arash Afzalipour and Mehrnoush Amiri 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

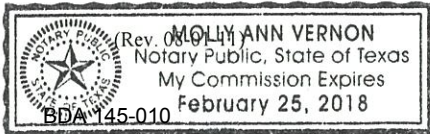
Before me the undersigned on this day personally appeared Arash Afzalipour
(Affiant/Applicant's name printed)

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 18 day of November, 2014

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

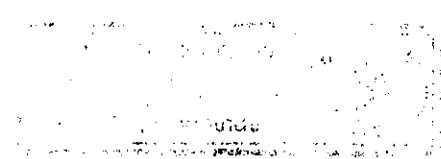
Building Official's Report

I hereby certify that 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

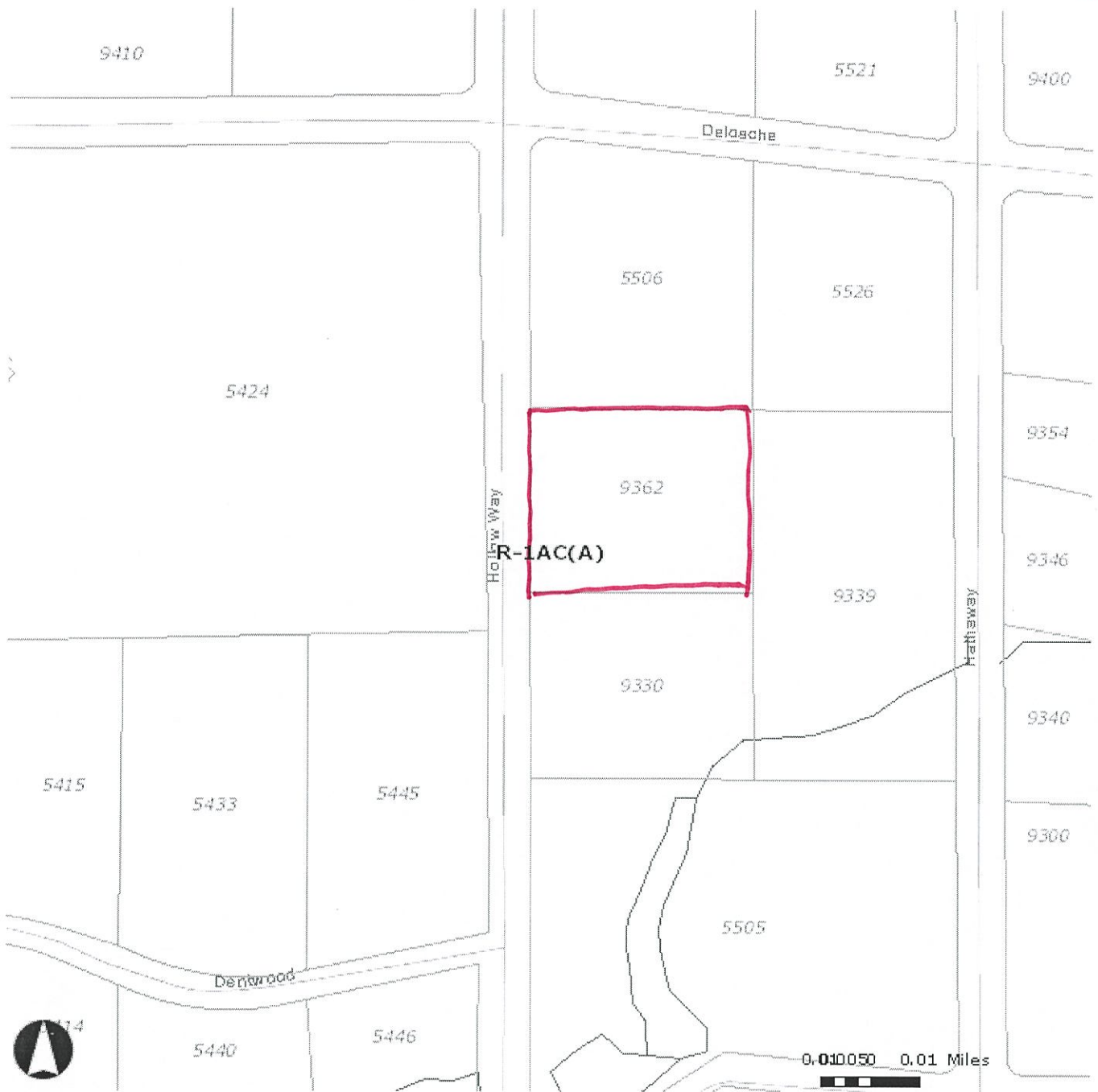
BDA145-010. Application of Arash Afzalipour represented by Michael R. Coker for a special exception to the fence height regulations at 9362 Hollow Way Road. This property more fully described as Lot 19B, Block 7/5597, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. 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.

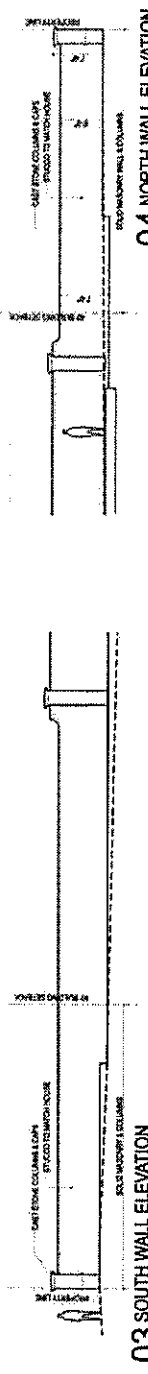
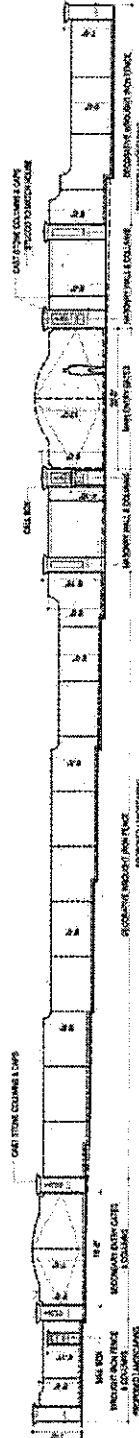
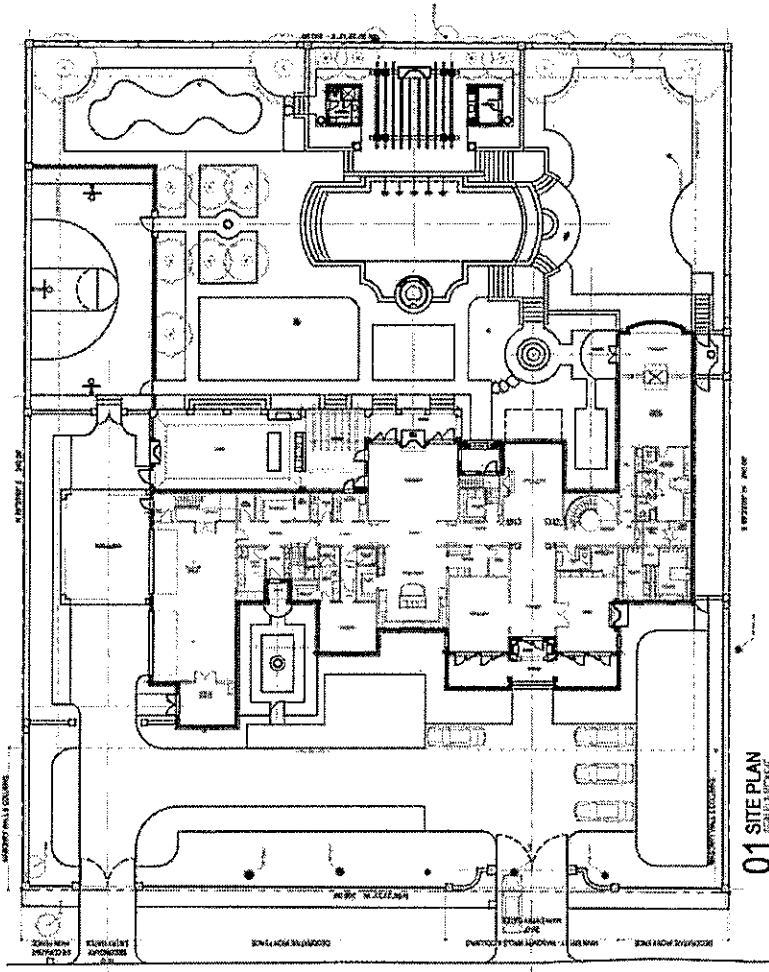
Sincerely,

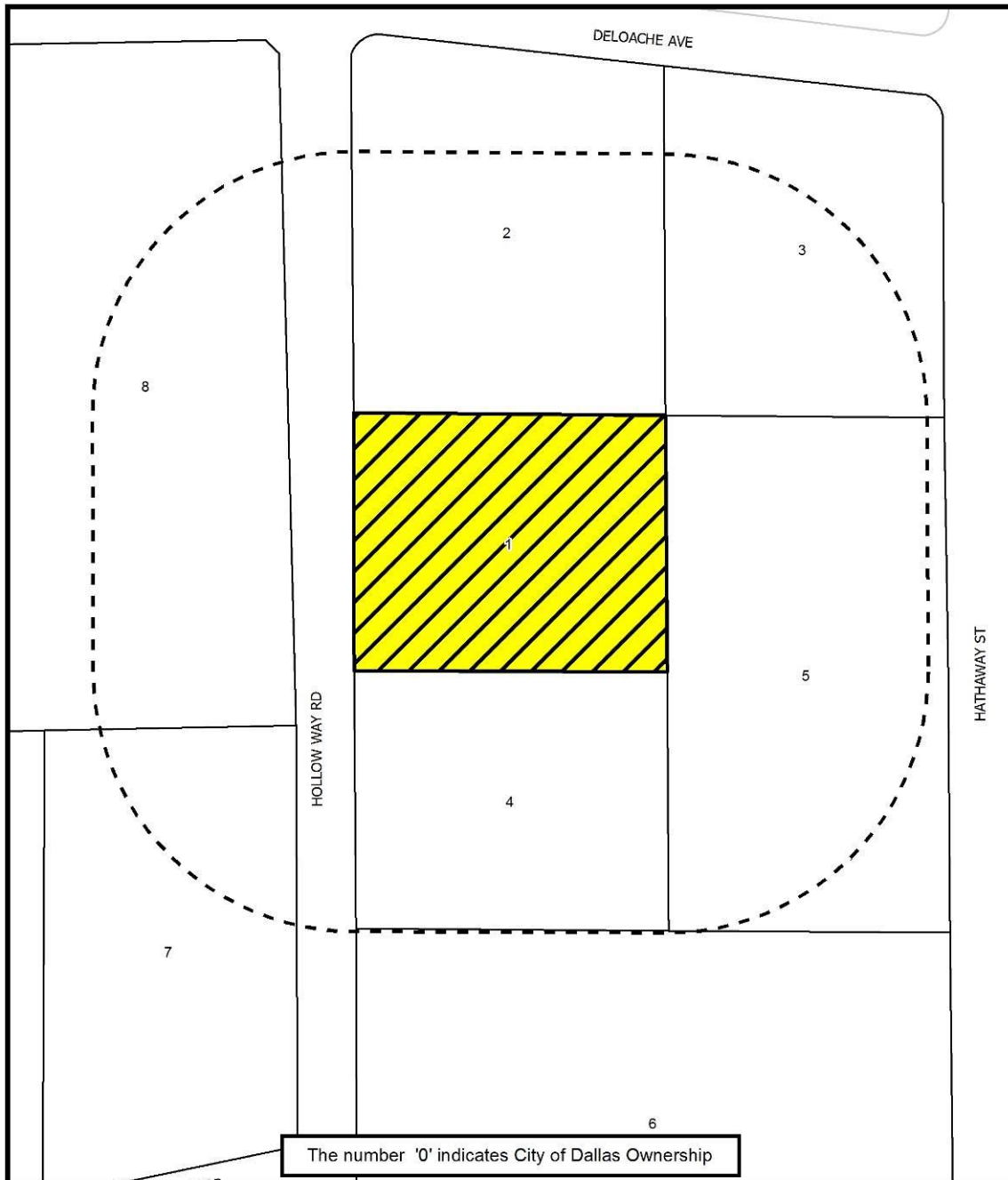

Larry Holmes, Building Official



C







The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">8</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	8	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-010</u> Date: <u>12/23/2014</u>
200'	AREA OF NOTIFICATION					
8	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-010

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
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 DENTWOOD DR	MULLEN MICHEL L &
8	5424 DELOACHE AVE	CUBAN MARK

FILE NUMBER: BDA 145-012

BUILDING OFFICIAL'S REPORT: Application of Santos Martinez for a variance to the landscape regulations at 1414 (AKA 1420) Dragon Street. This property is more fully described as part of Lot 1, Block 16/6846, and is zoned PD 621 (Subdistrict 1), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a variance to the landscape regulations.

LOCATION: 1414 (AKA 1420) Dragon Street

APPLICANT: Santos Martinez

REQUEST:

A variance to the landscape regulations is made to complete and maintain a 2nd floor addition to an existing circa 1950's structures/suites being redeveloped into restaurant/bar and office uses, and not fully meet the landscape regulations.

STANDARD FOR A VARIANCE:

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

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

ORIGINAL STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports this landscape variance request.
- The applicant has substantiated how the restrictive area (approximately 5,100 square feet) and irregular shape of the subject site precludes it from being developed (in this case with a 775 square foot addition or a 15 percent increase to the original floor area of the structure that has been on the site since the early 1950's) in a manner commensurate with development found on other properties zoned PD 621 that are larger in area and more regular in shape.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 621 (Planned Development, Subdistrict1)
- North: PD 621 (Planned Development, Subdistrict1)
- South: PD 621 (Planned Development, Subdistrict1)
- East: PD 621 (Planned Development, Subdistrict1)
- West: PD 621 (Planned Development, Subdistrict1)

Land Use:

The site is currently developed with structures that according to DCAD were built in 1951. The area to the north is developed with a mixed use development; and the areas to the east, south, and west appear mostly developed as office/warehouse uses.

Zoning/BDA History:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. BDA 134-093, Property located 1414 (AKA 1420) Dragon Street (the subject site) | <p>On November 19, 2014, the Board of Adjustment Panel B denied a request for a variance to the landscape regulations without prejudice. The case report states the application was made to complete and maintain a recent 2nd floor addition to an existing circa 1950's structures/suites being redeveloped into restaurant/bar and office uses, and not fully meet the landscape regulations</p> |
|---|--|

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on completing and maintaining a 2nd floor addition to an existing circa 1950's structure/suite being redeveloped into restaurant/bar and office uses, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the proposed plan does not fully comply with the required landscape standards of PD 621, Subdistrict 1, for a project with a floor area expansion of less than 50 percent.

- 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.
- Given specific provisions of the landscape provisions of PD No. 621, the applicant can only seek these leniencies from the board of adjustment by requesting a *variance* to the landscape regulations within this PD as opposed to the more typical *special exception* to the landscape regulations.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment C). The memo states this request is triggered since the owner has increased the story height of a building.
- The Chief Arborist's memo states the deficiencies in this case are that the proposed plan does not fully comply with the required landscape standards of PD 621, Subdistrict 1, for a project with a floor area expansion of less than 50 percent.
- The Chief Arborist's memo lists the following factors for consideration:
 1. PD 621 landscape requirements include the following:
 - Street trees: One street tree per 25 feet of street frontage with a minimum of one which would require 4 street trees on the site. The alternate landscape plan provides 5 additional trees in two added planting locations in the Dragon Street parkway.
 - Subdistrict 1 General Requirements:
 - Except as otherwise stated in the section, landscaping must be provided by Article X. The story height increase on the building required these additional regulations be applied:
 - Site trees: Minimum of 4 trees required, and 3 small trees are shown to be placed in planters on the roof;
 - Parking lot trees (not applicable); and
 - Design standards: Two are required, none are provided.
 2. PD 621 additional standards for non-compliance on-site:
 - PD 621 also provides for an "open space fund" for if a property owner cannot plant all of the required trees on the building site – in these situations, the property owner shall comply with this requirement for no more than 50 percent of the required trees. The owner must either: 1) make a payment into the Old Trinity And Design District Open Space Fund, or 2) plant trees within portals to the Trinity River, along a portion of the Old Trinity Trail within PD 621, or along the meanders of the Old Trinity Channel. This measure would account for only a portion of the overall landscape deficiency for the property. The applicant has stated intention to pay or plant, per this ordinance, in order to help mitigate for the lack of required site trees on the property.
 3. Additional items to consider in evaluation of this case:
 - Landscaping on the rooftops is considered in this district where applicable. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for a non-residential structure. This case does not require compliance with this additional

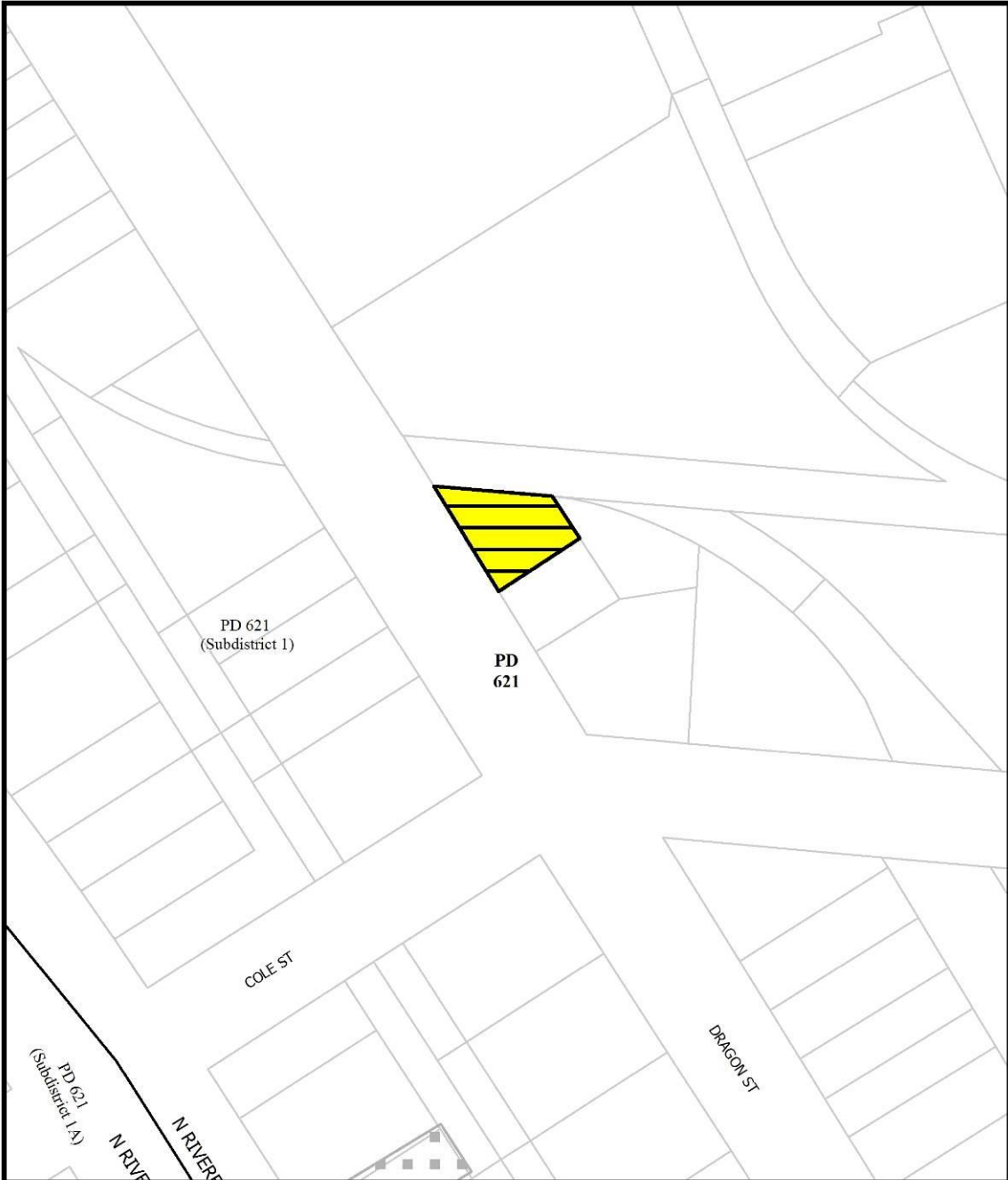
provision. However, if it was applicable, the proposed plan could comply with 30 of a required minimum 50 points for the feature of “landscaping on rooftops and facades.”

- The variance standards apply for this case due to the non-Article X landscape requirements.
- Additional bamboo planters will be added on the roof facing the rear of the building.
- None of the planting on the roof is along the Dragon Street frontage.
- The applicant has demonstrated on the plan their intentions of planting two baldcypress trees on an adjacent property.
- The Chief Arborist supports the reduced landscaping for the property and recommends approval of the alternate landscape plan. The Chief Arborist states that he is in agreement with the staff opinion and recommendation the applicant has met the conditions for approval of the variance.
- The site is flat, irregular in shape, and is approximately 0.117 acres (or approximately 5,100 square feet) in area. The site is zoned PD 621 (Subarea 1).
- According to DCAD records, the “improvements” at 1414 Dragon Street is a 4,291 square foot “restaurant” built in 1951. According to DCAD records, the “improvements” at 1420 Dragon Street is a 1,346 square foot “office/showroom ” built in 1951.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the landscape 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 No. 621 zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the PD No. 621 zoning classification.
- If the Board were to grant this request and impose a condition that the applicant must comply with the submitted alternate landscape plan, the site would be “varied” from certain landscape standards of PD No. 621, Subdistrict 1, as shown on this submitted alternate landscape plan.

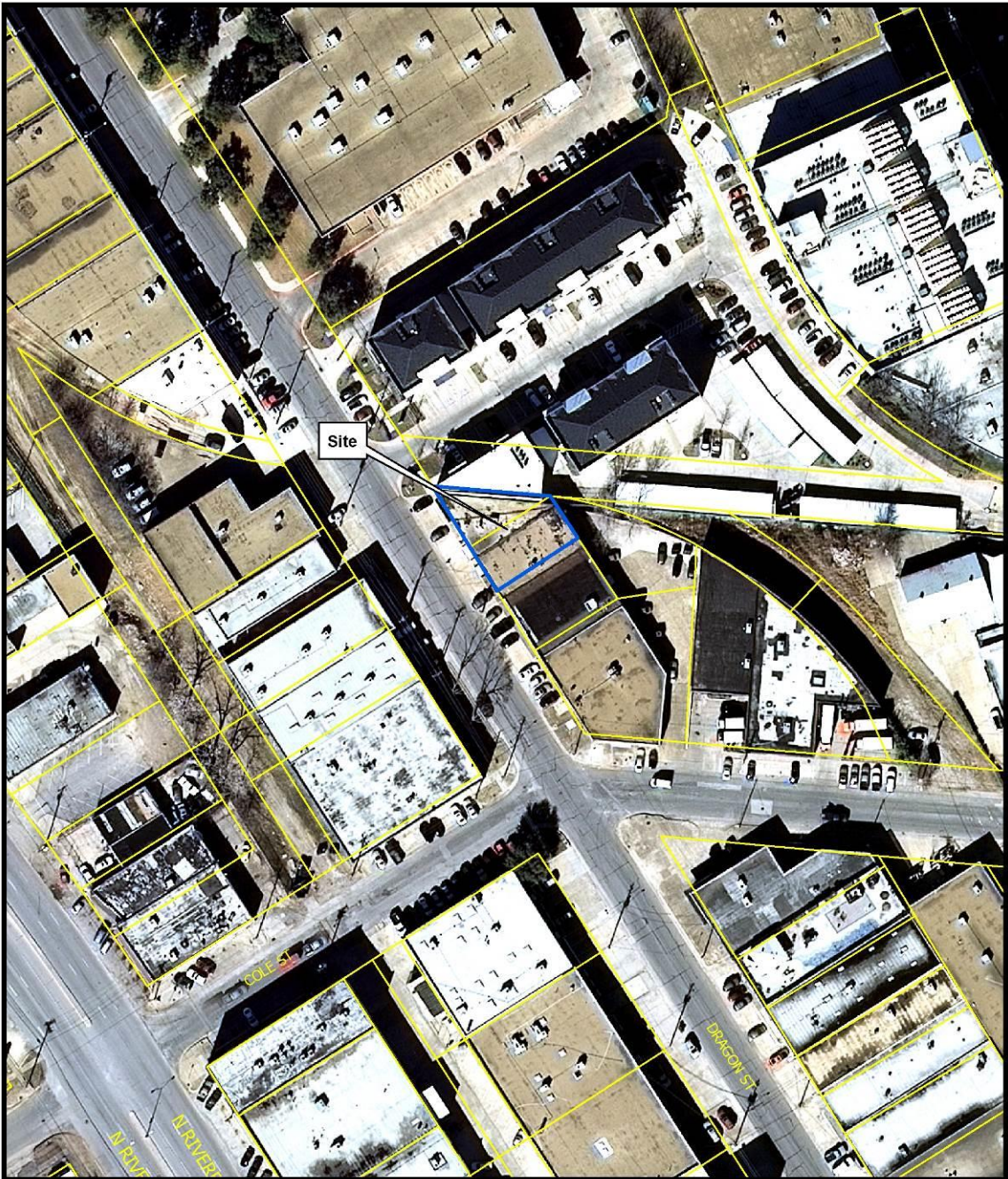
Timeline:

November 21, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

- December 10, 2014: 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."
- December 10, 2014: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the December 29th deadline to submit additional evidence for staff to factor into their analysis; and the January 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- December 29, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- January 7, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- January 9, 2015: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment C).



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA145-012</u> Date: <u>12/23/2014</u>
--	---------------------	---

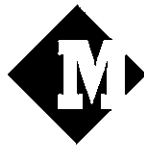


1:1,200

AERIAL MAP

Case no: BDA145-012

Date: 12/23/2014



Masterplan

Texas Land Use Consultants

BDA 145-012
Attach A
Pg 1

December 29, 2014

Mr. Steve Long
Board Administrator
City of Dallas
1500 Marilla, 5BN
Dallas, TX 75201

RE: BDA 145-012; 1414-20 Dragon Street

Mr. Long:

The owner of the property listed above seeks to construct an addition to an existing structure. The existing structure was developed prior to annexation into the City of Dallas in the early 1950's. A search of property deeds (and for adjacent properties) concludes that the structures that face Dragon Street have remained in their original configuration since that time. I have attached historical aerials (Exhibit A) to demonstrate that the configuration of this property remains the same today.

This construction is in accordance with a building permit that was submitted on February 6, 2013 and issued on June 5, 2013. This issued permit included an approved landscape plan that required new trees to be planted within the existing right of way along Dragon Street, Cole Street, and within an abandoned rail line. This permit was reviewed as bringing all of Lot 1 into compliance with landscaping and parking regulations. The property owner had to account for all uses and required parking located within Lot 1. The approved landscape plan included seventeen new trees, new parking lot screening, and new public open space (Exhibit B).

In June of 2014, the property owner was notified that the landscaping plan was issued in error since PDD 621 recognizes building sites based upon established deeds. The property owner needed to submit a landscaping plan that satisfied the property they own and not all buildings located within Lot 1. A new landscaping plan is being considered with this request. It includes the need to address for 4 new site trees and 4 new street trees.

The proposed plan has been reviewed by the chief arborist. It has also been prepared with the consent of the adjacent property owner. As this plan must also be reviewed under a variance standard, there are a number of items attached to this letter that demonstrates that the property meets this standard.

The property configuration creates unique hardships when trying to develop the site. There is an abandoned rail line along the northern portion of the property that gives the lot its irregular shape. It creates a lot that has no equal sides; each property dimension maintains a different length. The property was originally developed with 100% lot coverage. A 1987 building permit reveals that this floor area has remained in this configuration. With the existing lot coverage, the only opportunity for new construction (without removing the structure) must be with a vertical element. Also, a property that maintains a 100% lot coverage prohibits the opportunity

for new landscaping. These are conditions that have existed on the property for over 60 years. The current property owner did not create any of these conditions.

PDD 621 Sub-district 1 construction standards allow for a maximum height of 270 feet. The property owner seeks to add a partial second story to provide an elevator, stairwell, and two bathrooms for a roof deck. The property owner is not seeking the maximum floor area or height allowance provided in this zoning district. Instead, they seek an addition that provides new lighting to the first floor and required access and service to a new roof deck.

I have attached a map of PDD 621 Sub-district 1 (Exhibit C) and photos of structures in the zoning district that are two stories or taller. The properties identified in blue are separate sub-districts. The properties outlined in red are three stories or taller. The photos include the adjacent lot to the north where it constructed a three story multifamily structure along the abandoned rail line. As stated in our last hearing, the adjacent property is over sixteen times larger than the applicant's property. The property directly across the street from our site is being developed with a new roof deck. It has a narrower lot width but a greater lot depth than that of this applicant and it is able to construct their new addition.

I have noted the lot dimensions for these properties located within the same zoning district. In most cases, these properties have a greater lot depth and more of a uniform shape than the applicant's property. These lots have areas that range in size between 1.10 to 16 times larger than the applicants property. One property is actually .11 square feet smaller than the applicant's property. The median size of these identified lots is 6013.84 square feet; the applicant's property is 5096.52 square feet. All but two of these properties have a lot coverage of 100%. These facts affirm the applicant's position that the partial second story construction is commensurate with other development within this zoning district.

It is challenging to provide a landscape plan that satisfies the street tree and site tree requirements for the property without removing the existing structure. This challenge is further complicated by existing overhead utility lines within the public right of way.

The property owner must provide four street trees. However, to plant the prescribed street tree species will create conflicts with overhead utilities. The property owner proposes to plant trees that do not create large canopies in order to satisfy this requirement. The property owner also proposes to forfeit two parking spaces to accommodate these new trees along Dragon Street. (These two parking spaces are included in a new parking agreement with the adjacent property owner). This request will provide five new trees along Dragon Street and create new landscape areas around them. We believe this portion of the request will greatly enhance the 1400 block of Dragon Street.

To satisfy the required site tree conditions of the code, the property owner proposes two items. First, they have re-engineered the roof of the structure to sustain the weight of 3 new trees. This includes a new irrigation and drainage system for these trees. They have also added a new bamboo planting area on the roof deck. However, the trees proposed on the roof will not create the canopy required by code. Second, this request includes two new trees to be planted in the adjacent parking lot behind the main structure. This parking lot is not located within the applicant's building site. However, the owner of the parking lot has agreed to the planting of these new trees.

Although the proposed tree count exceeds the required amount, it does not include the required species. There are also two new trees proposed on an adjacent lot. PDD 621 allows a property owner who cannot plant all required trees on a building site to make a payment into the Old Trinity and Design District Open Space Fund for up to 50% of its required trees. The property owner intends to still make a payment into this fund in addition to planting the trees associated with this request.

Without this request, the property owner will have to remove a significant amount of floor area from this structure to plant the required trees within the identified building site. This is compounded by the construction that was approved by the City of Dallas in June of 2013. However, the original hardships of the property's configuration, 100% lot coverage, and utility conflicts remain on the site.

The proposed roof deck is commensurate within the zoning district. We believe it provides more landscaping elements than those that have been permitted on other properties. This construction does not necessitate a self-created hardship because the conditions of the property have remained since it was created in the early 1950's. If this property owner was seeking to add new floor area and height (over 15,000 square feet and 4 stories) as permitted on the property within the zoning district, we believe that could be construed as non-commensurate development. This request is for a total of 775 square feet, or a 15% increase to the original floor area.

Asking a property owner to demolish their structure in order to provide landscaping is not a solution. Requiring a property owner to limit their structure to its original state is not the intent of the development code or PDD 621.

The property owner has prepared a practical plan to provide landscaping on an irregular shaped lot with 100% lot coverage. This construction was approved after four months of review with an approved building permit. The property was an active construction site for one year before the City required an amended landscape plan. The property owner has worked diligently with his neighbors to make these proposed revisions for parking and landscaping. We believe this plan satisfies the variance standards to qualify for approval.

Sincerely,



Santos T. Martinez
Authorized representative for
Rutt Capital

Enclosures

cc: Mr. Brian Rutt
Ms. Melissa Kingston
Ms. Liz Johnson



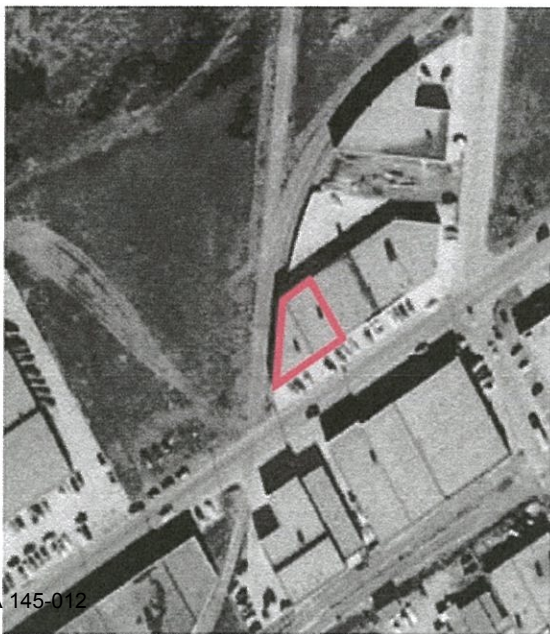
2001



2013

Exhibit A

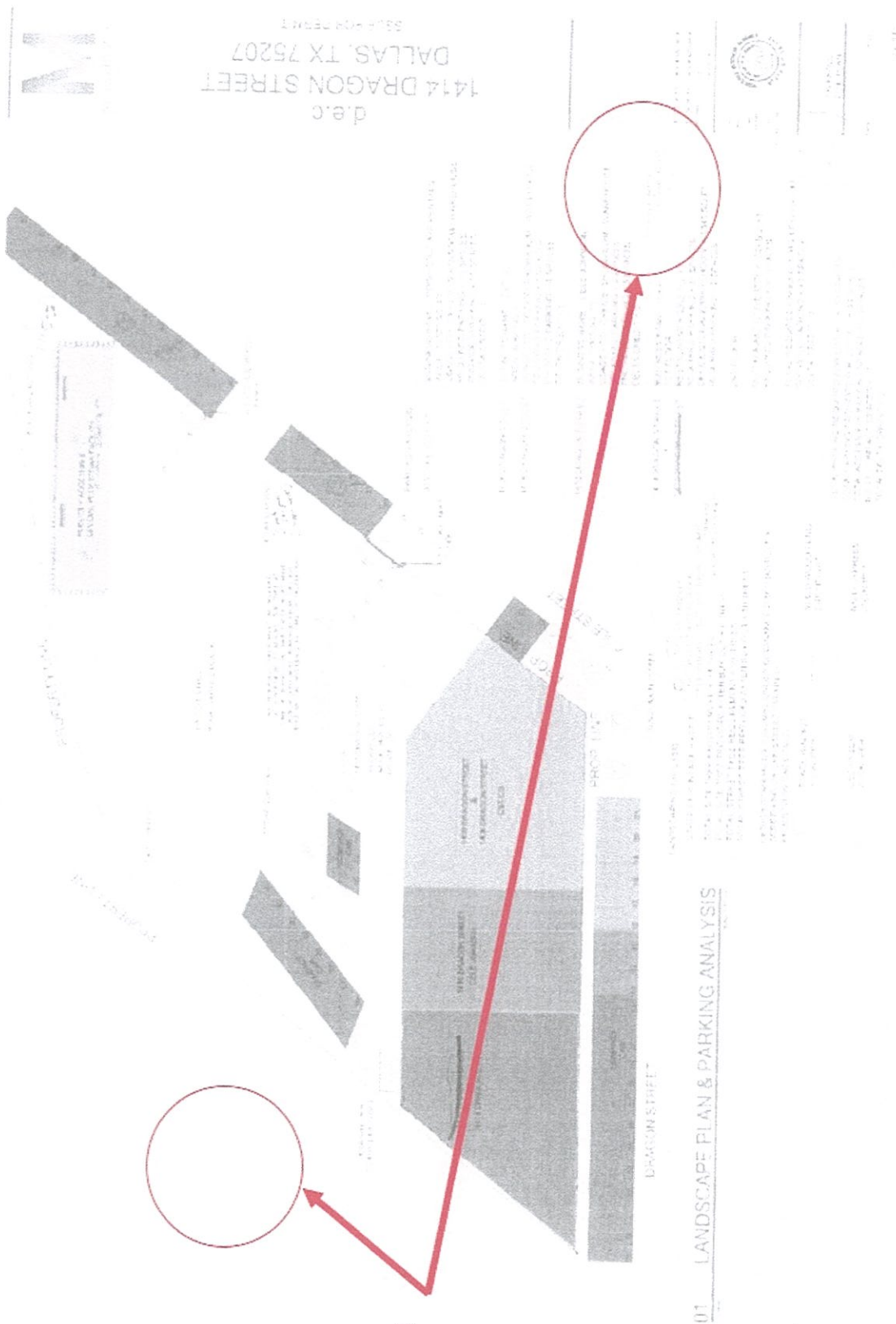
1952



1956



Exhibit B

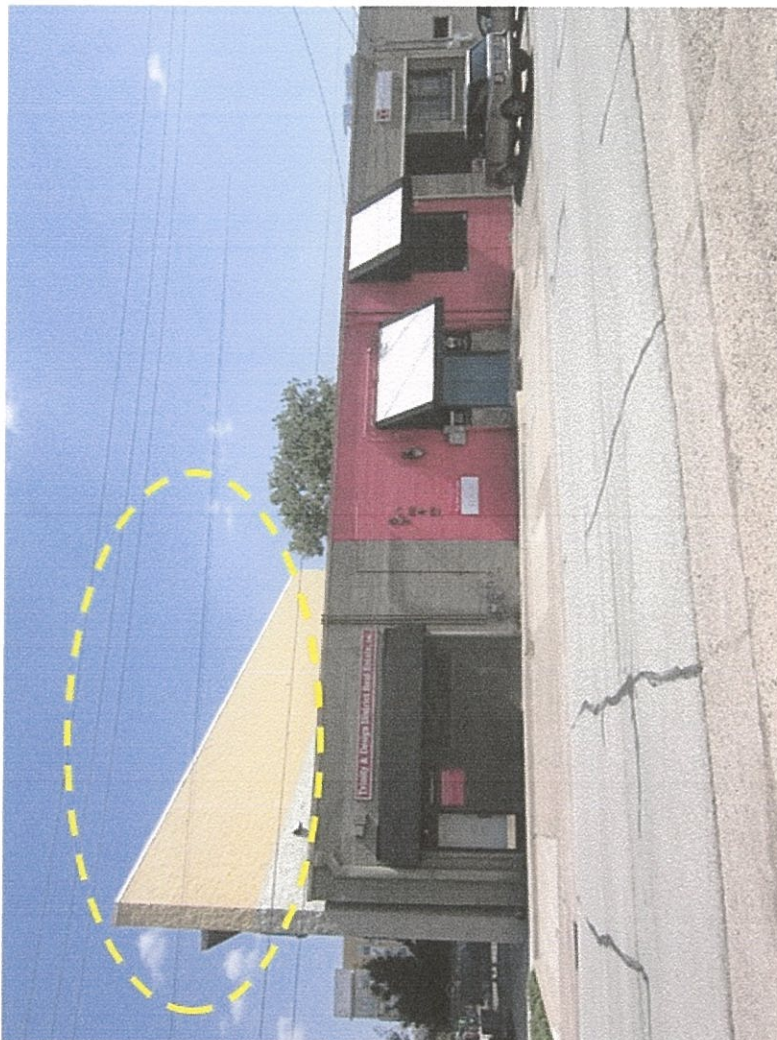


City
Approval
Stamps

Exhibit C



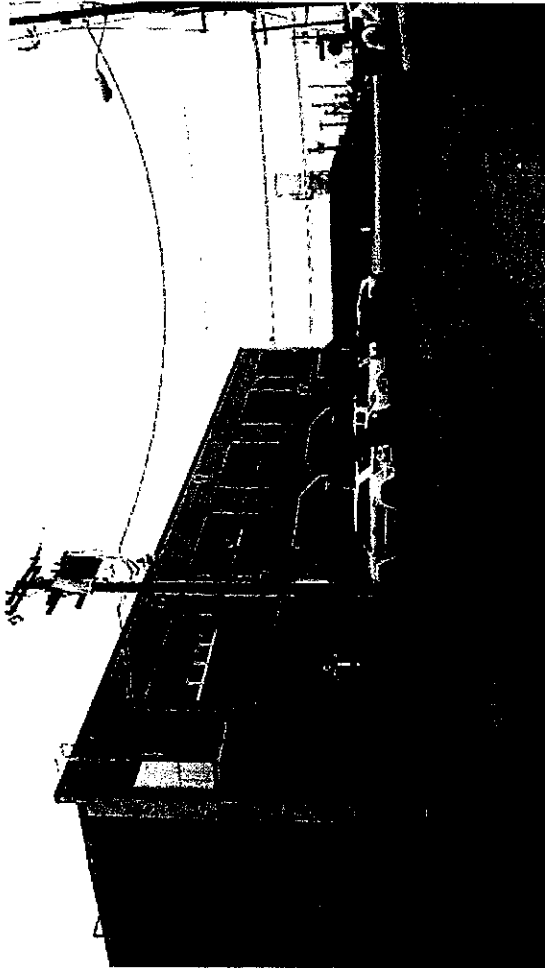
Property 1
1400-1430 Dragon Street



1.9 acres; adjacent property
redevelopment project



Property 2
200 Cole



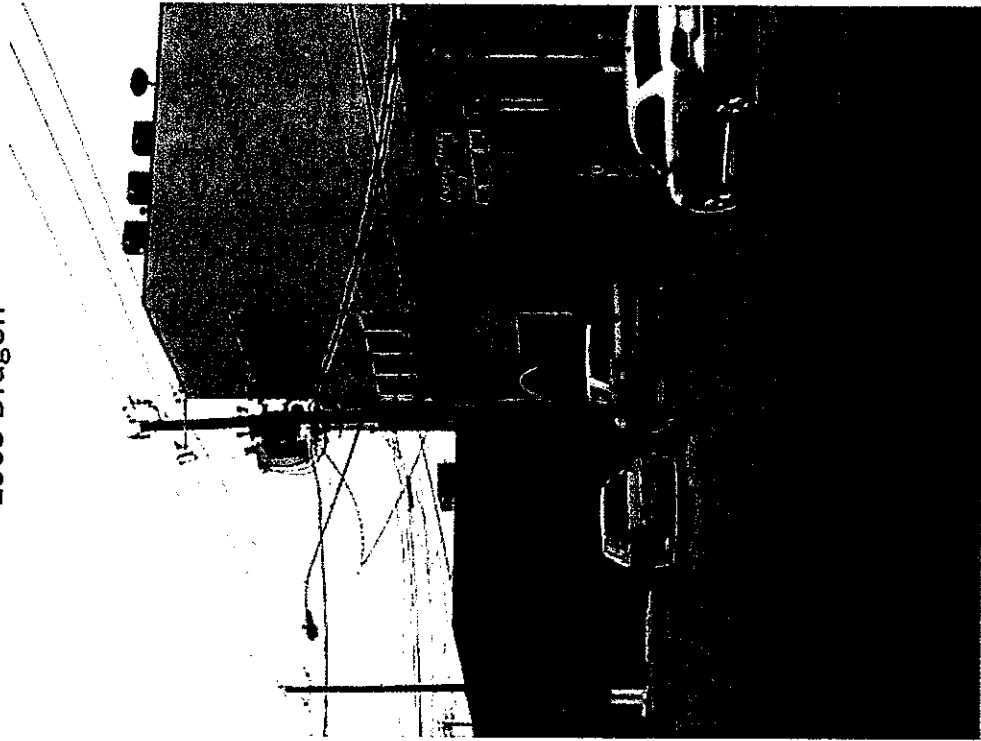
100% lot coverage
45' x 125' lot

Property 3
1310 Dragon



100% lot coverage
45' x 134.47' lot

Property 5
1303 Dragon



100% lot coverage
49' x 125' lot

Property 4
1302 Dragon



100% lot coverage
34.2' x 132.78' lot

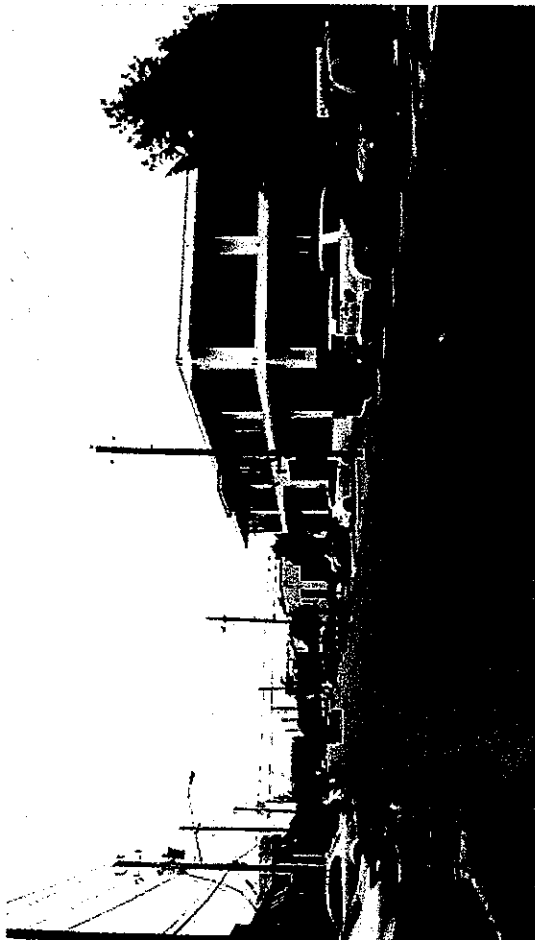
Property 6
1413 Dragon



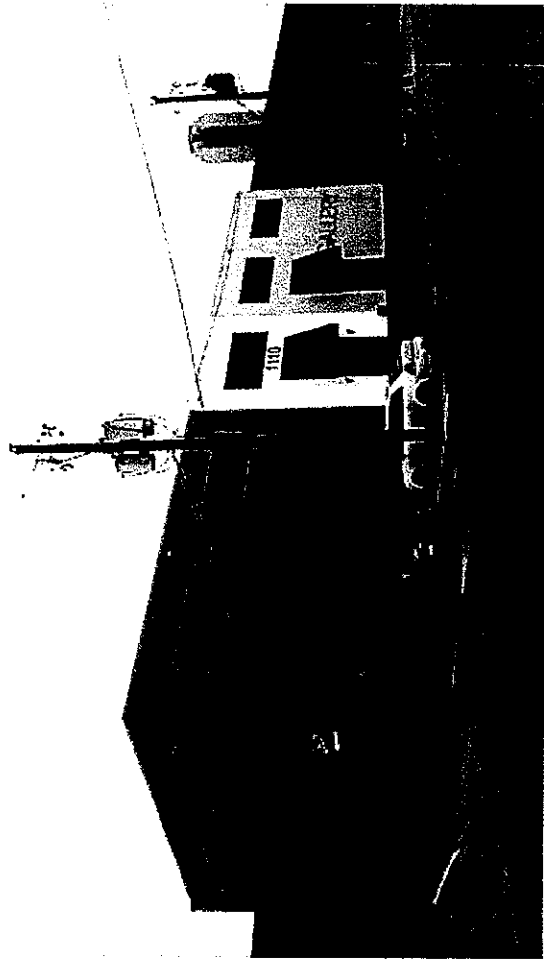
100 % lot coverage
45' x 125' lot



Property 7
1080 Dragon



Property 8
1110 Dragon



94% lot coverage
200' x 315' lot

BDA 145-012
ATTACH B



BDA 145-012
Attach 2

PS1



CITY OF DALLAS

Memorandum

DATE January 9, 2015

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 145 · 012 1414 Dragon Street

The applicant is requesting a variance to the landscape requirements of PD 621 (Subdistrict 1).

Trigger

The owner has increased the story height of the building (51A-10.121(c)(1)).

Deficiencies

The proposed plan does not fully comply with the required landscape standards of PD 621, Subdistrict 1, for a project with a floor area expansion of less than 50%.

Factors

PD 621 landscape requirements include the following:

Street trees: one street tree per 25 feet of street frontage, with minimum of one. This property would require 4 street trees from species approved in 621.112. The alternate landscape plan provides 5 additional trees, selected from the approved tree list in 621.112(a)(1), in two added planting locations in the Dragon Street parkway. Two of the trees (redbud) are considered large trees by technical standards. Additional groundcover materials will be included in the planting beds.

Subdistrict 1 General Requirements:

Except as otherwise stated in the section, landscaping must be provided by Article X. The story height increase on the building required these additional regulations to be applied:

Site trees: Minimum of 4 trees are required, and 3 small trees are shown to be placed in planters on the roof.

Parking lot trees: Not applicable.

Design Standards: A minimum of two are required, and none are provided.

PD 621 additional landscape standards:

The special purpose district (621.112(b)(6)) also provides a 'open space fund' for if a property owner cannot plant all of the required trees on the building site. In these

situations, the property owner shall comply with this requirement for no more than 50 percent of the required trees. The owner must either 1) make a payment into the Old Trinity And Design District Open Space Fund, or 2) plant trees within portals to the Trinity River, along a portion of the Old Trinity Trail within PD 621, or along the meanders of the Old Trinity River channel. This measure would account for only a portion of the overall landscape deficiency for the property. The applicant has stated intention to pay or plant, per this ordinance, in order to help mitigate the lack of required site trees on the property.

Additional items to consider in evaluation of this case:

Landscaping on the rooftops is considered in this district, where applicable. In 621.112(b)(5), a landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for a non-residential project. This case does not require compliance with this additional provision of PD 621. However, if it was applicable, the proposed plan could comply with 30 (of a required minimum of 50) points for the feature of 'landscaping on rooftops and facades.'

The variance standards apply for this case due to the non-Article X landscape requirements.

Additional bamboo planters will be added on the roof facing the rear of the building.

None of the planting on the roof is along the Dragon Street frontage.

The applicant has demonstrated on the plan they intend to plant two baldcypress trees on an adjacent property.

Recommendation

The chief arborist supports the reduced landscaping for the property and recommends approval of the alternate landscape plan. I am in agreement with the staff opinion and recommendation the applicant has met the conditions for approval of the variance.

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-012

Date: 11-21-14

Data Relative to Subject Property:

Location address: 1414 and 1420 Dragon Street Zoning District: PDD 621 (SD 1)

Lot No.: 1 Block No.: 16/6846 Acreage: .117 Census Tract: 100.00

Street Frontage (in Feet): 1) 97' 2) 0 3) 0 4) 0 5) 0 *SW 20A*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Rutt Capital, LLC

Applicant: Santos T. Martinez Telephone: _____

Mailing Address: 4575 Westgrove Dr. Suite 500 Addison, TX Zip Code: 75001

E-mail Address: _____

Represented by: Masterplan Telephone: 214-761-9197

Mailing Address: 900 Jackson, Suite 640 Dallas, TX Zip Code: 75202

E-mail Address: santos@masterplanconsultants.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of the landscape requirements of PDD 621; property owner seeks to provide different caliber species of trees and place them in adjacent right of way and lot in order to satisfy requirements. This would mitigate utility conflicts and site constraints.

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 property owner was developed prior to annexation to the City of Dallas in the 1950's. The existing structure maintains a 100% lot coverage of the property and does not allow the ability to plant trees on site. The property has remained in this state of development since it was originally built prior to 1952. It is an irregular shape property with no equal sides. Planting new trees would require the removal of the existing structure in order to satisfy landscaping requirements.

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 Santos T. Martinez (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 November, 2014
Carol Laquey
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

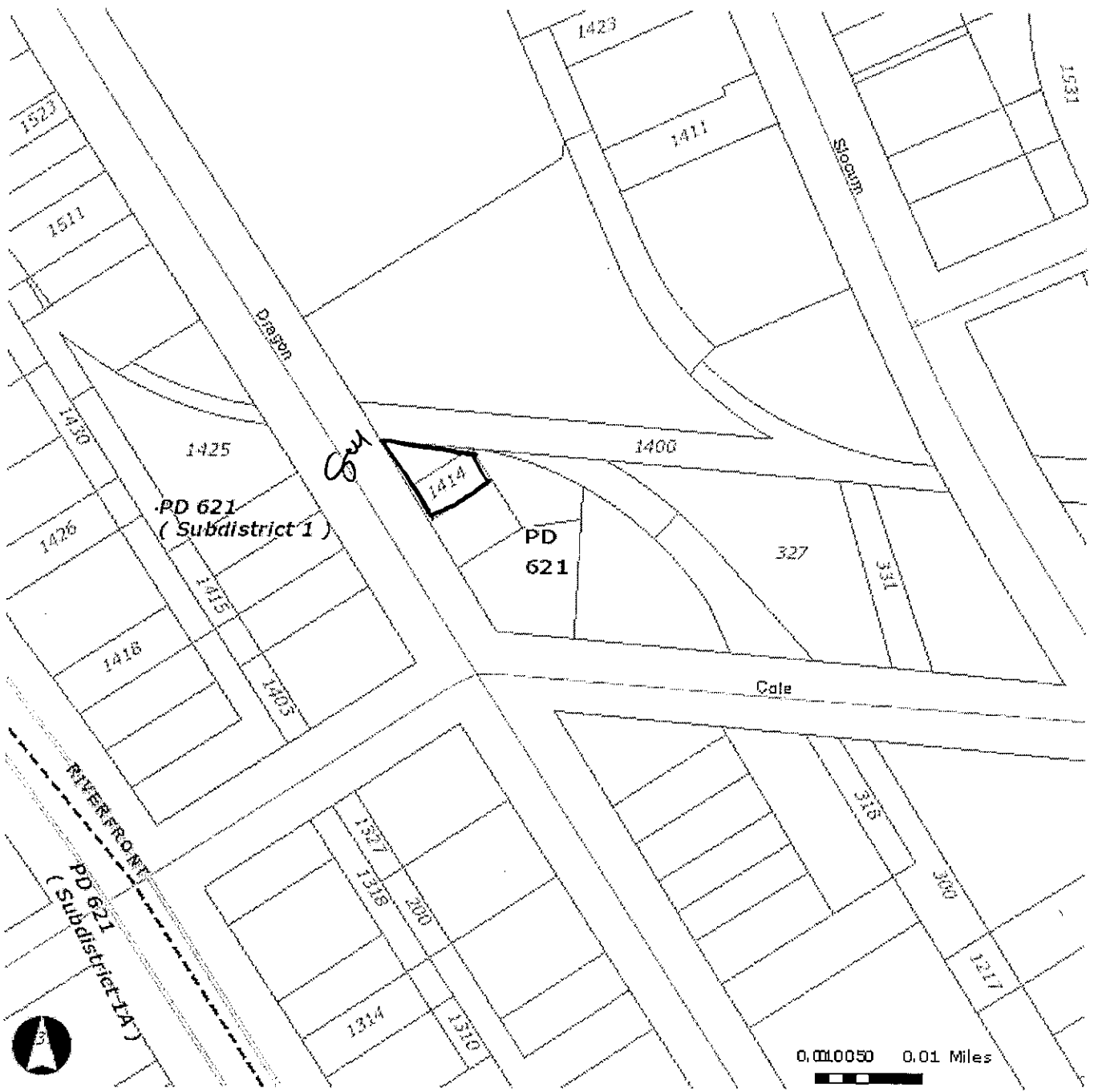
Building Official's Report

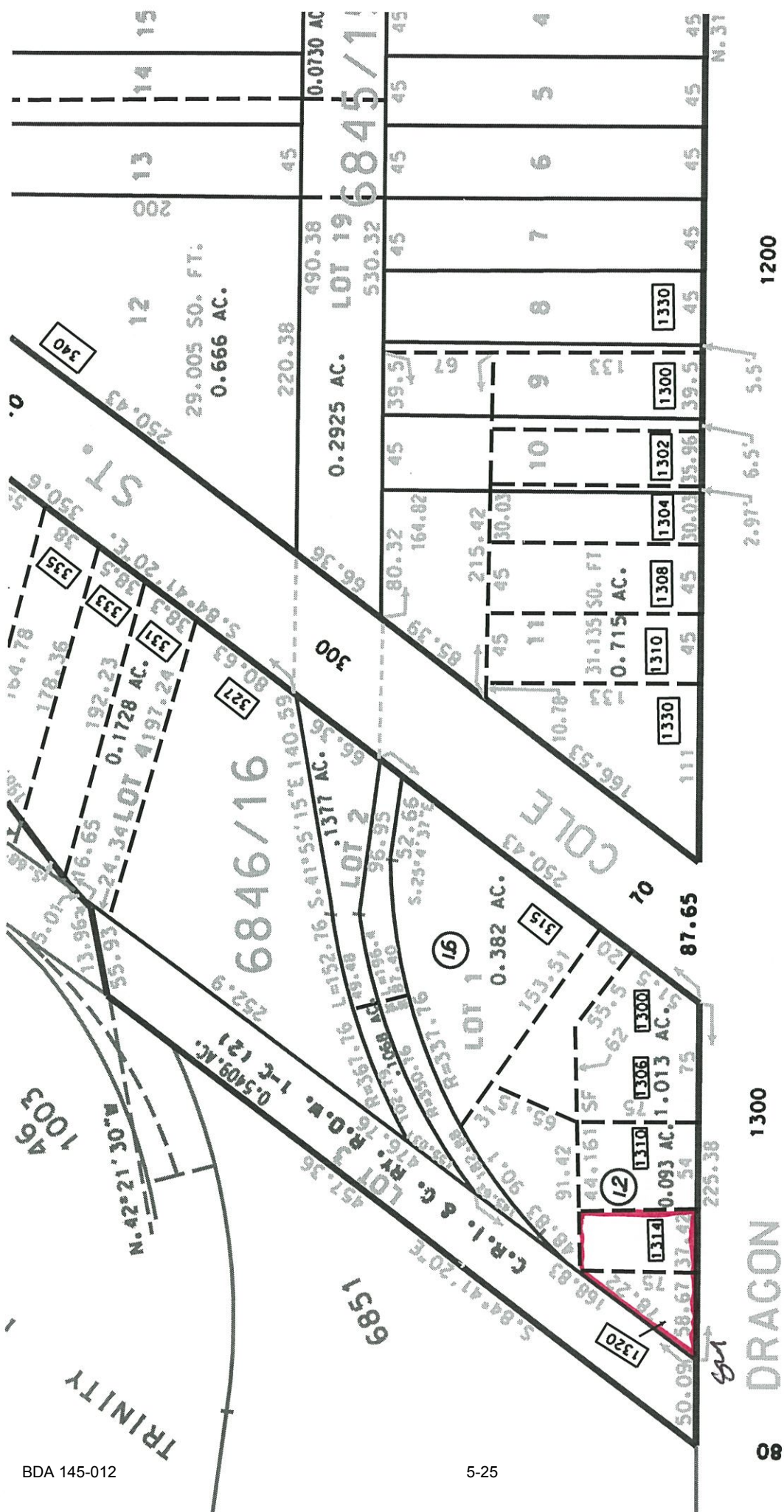
I hereby certify that Santos Martinez
did submit a request for a special exception to the landscaping regulations
at 1414 Dragon Street

BDA145-012. Application of Santos Martinez for a special exception to the landscaping regulations at 1414 Dragon Street (aka: 1420). This property is more fully described as part of Lot 1, Block 16/6846, and is zoned PD621 (Subdistrict 1), which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a variance to the landscape regulations.

Sincerely,


Larry Holmes, Building Official





5.18
6.38

6.36



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">19</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	19	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-012</u> Date: <u>12/23/2014</u>
200'	AREA OF NOTIFICATION					
19	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-012

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1414 DRAGON ST	RUTT CAPITAL LLC
2	1420 DRAGON ST	RUTT CAPITAL LLC
3	1425 DRAGON ST	VICHYASTIT KITTICHAJ &
4	1419 DRAGON ST	SCHRAGIN GREGOR
5	1412 DRAGON ST	SWAIN MARY LINDA
6	327 COLE ST	327 COLE STREET PTNRS LLC
7	1431 DRAGON ST	DRAGONFLY ACQUISITIONS LLC
8	300 COLE ST	AZIMI MASOUD ET AL
9	300 COLE ST	STANZEL INVESTMENTS LLC
10	1400 DRAGON ST	DRAGON PROPERTY FUND LTD
11	1435 DRAGON ST	DRAGONFLY ACQUISITIONS LLC
12	1413 DRAGON ST	ARTERIORS NEXT DOOR LLC
13	1411 DRAGON ST	DRAGON STREET PARTNERS
14	1403 DRAGON ST	JAG DRAGON PROPERTIES LLC
15	1400 DRAGON ST	D C ENTERPRISES INC
16	315 COLE ST	STANZEL RICHARD C &
17	1410 DRAGON ST	SWAIN MARY LINDA
18	1500 DRAGON ST	1500 DRAGON ST ASSOC LTD
19	1430 DRAGON ST	DRAGON PROPERTY FUND LTD

FILE NUMBER: BDA 145-004

BUILDING OFFICIAL'S REPORT: Application of Alejandro Singer, represented by Peter Kavanagh of Zone Systems, Inc. for a special exception to the off-street parking regulations at 3611 Swiss Avenue. This property is more fully described as Tract 1.1, Block 1/749, and is zoned PD-298 (Subarea 11), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for an office, medical clinic or ambulatory surgical center, and warehouse uses, and provide 43 of the required 54 parking spaces, which will require an 11 space special exception to the off-street parking regulations.

LOCATION: 3611 Swiss Avenue

APPLICANT: Alejandro Singer
Represented by Peter Kavanagh of Zone Systems, Inc.

REQUEST:

A request for a special exception to the off-street parking regulations of 11 spaces is made to lease and maintain square footage/space within an existing approximately 16,000 square foot three-story structure with a mix of medical clinic or ambulatory surgical center, office, and warehouse uses in an existing structure on the site, and provide 43 (or 80 percent) of the 54 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:

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommends that this application be denied commenting that no adequate public parking is around the project site.

- The applicant had not substantiated how the parking demand generated by the mix of medical clinic or ambulatory surgical center, office, and warehouse uses in an existing structure on the site does not warrant the number of off-street parking spaces required, nor how the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 298 (Subarea 11) (Planned Development)
- North: PD 298 (Subarea 11) (Planned Development)
- South: PD 298 (Subarea 11) (Planned Development)
- East: PD 298 (Subarea 12A) (Planned Development)
- West: PD 298 (Subarea 11) (Planned Development)

Land Use:

The subject site is developed with an existing three-story structure that has approximately 16,000 square feet of floor area that the applicant intends to retain on the site and lease with a certain mix of uses some of which require a greater number of off-street parking spaces than the applicant proposes to provide. The areas to the north, south, east, and west are developed with a mix of mostly medical and office uses, and surface parking lots.

Zoning/BDA History:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. BDA 056-144, Property at 3515 Swiss Avenue (two lots southwest of the subject site) | <p>On May 16, 2006, the Board of Adjustment Panel B granted a request for a variance to the off-street parking regulations of 21 spaces (or 46 percent of the required parking) and imposed the submitted revised site plan as a condition to this request. The case report stated that the request was made in conjunction with leasing an existing 11,480 square foot structure with a combination of “medical clinic” and “office” uses.</p> |
|--|---|

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on leasing and maintaining square footage/space within an existing approximately 16,000 square foot three-story structure with a mix of medical clinic or ambulatory surgical center, office, and warehouse uses in an existing structure on the site, and provide 43 (or 80 percent) of the 54 required off-street parking spaces.

- The Dallas Development Code requires the following off-street parking requirement:
 - Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area.
 - Office use: 1 space per 333 square feet of floor area.
 - Warehouse use: as a main use: 1 space per 1,000 square feet of floor area up to 20,000 square feet, and 1 space per 4,000 square feet over 20,000 square feet.
- The applicant proposes to provide 43 (or 80 percent) of the required 54 off-street parking spaces in conjunction with the existing structure on the site being leased with and/or maintained with a combination of the uses mentioned above.
- The Sustainable Development Department Project Engineer has indicated that he recommends denial of the request commenting that there is no adequate public parking around the project site.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the mix of medical clinic or ambulatory surgical center, office, and warehouse uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 11 spaces (or a 20 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 mix of medical clinic or ambulatory surgical center, office, and warehouse uses are changed or discontinued, the applicant would be allowed to lease and maintain the structure on the site with these specific uses with the specified square footages, and provide 43 of the 54 code required off-street parking spaces.

Timeline:

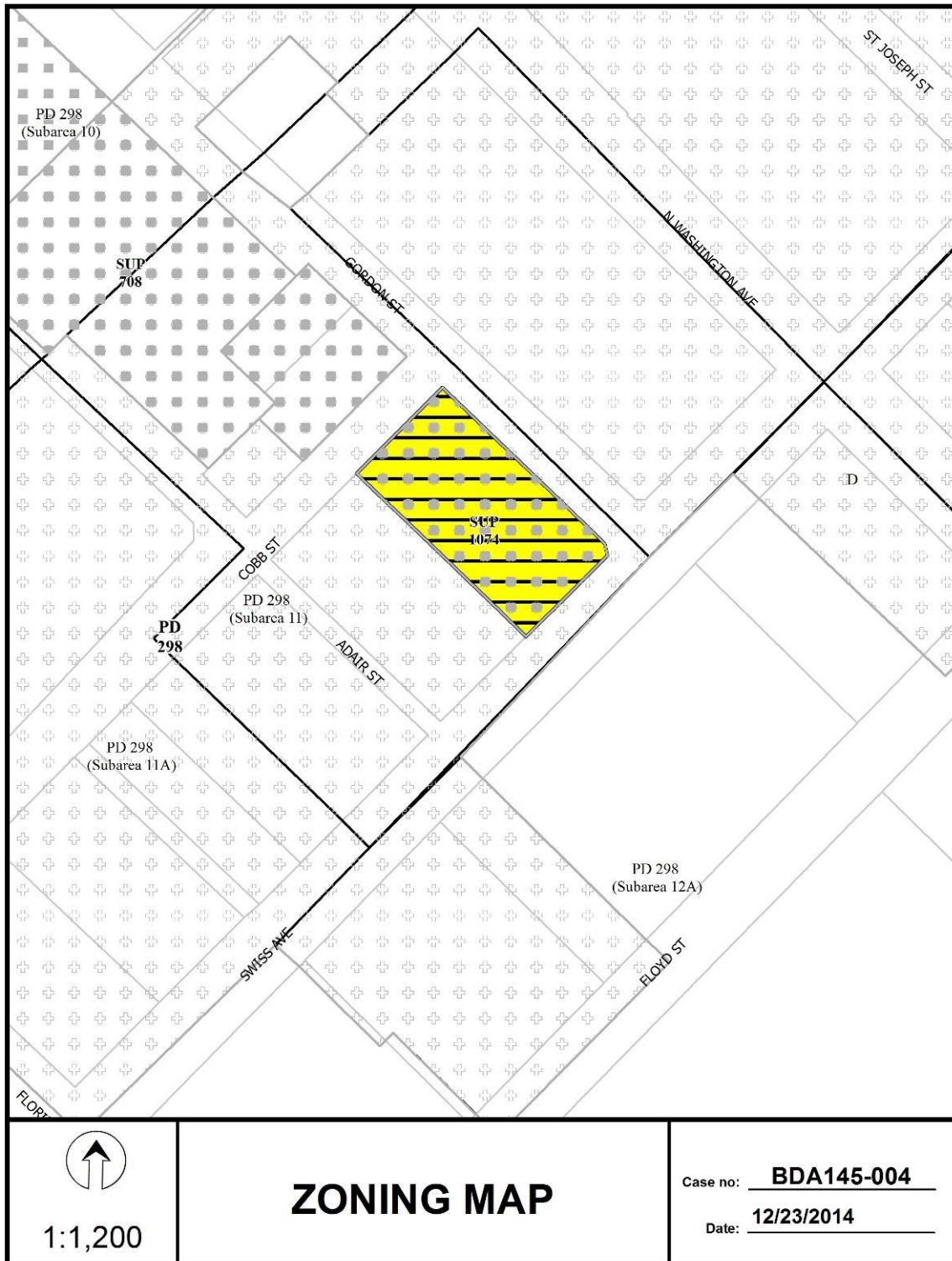
November 17, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 10, 2014: The Board Administrator contacted the applicant’s representative and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 29th deadline to submit additional evidence for staff to factor into their analysis; and the January 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

- December 29, 2014: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- January 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- January 7, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "no adequate public parking around the project site."

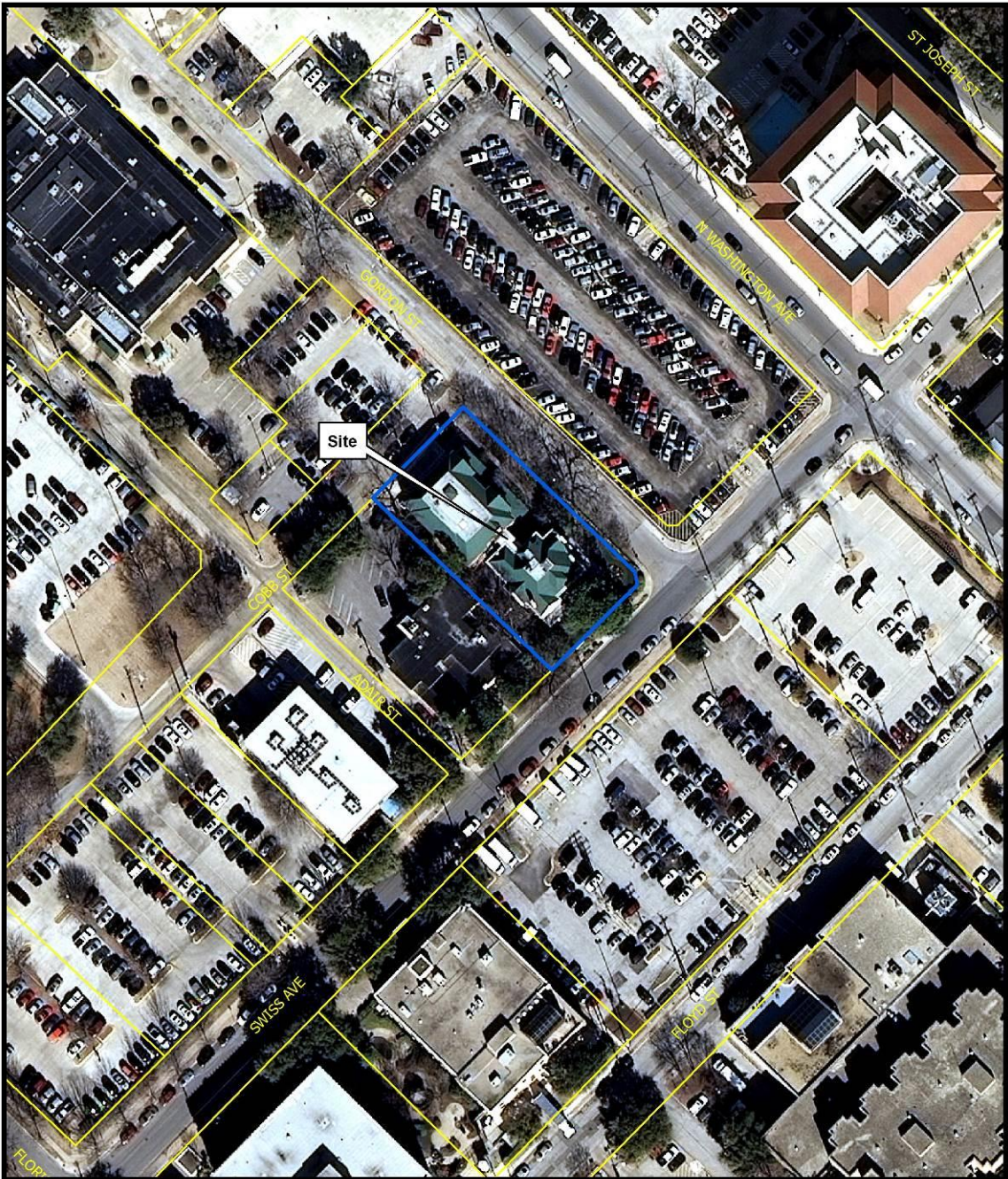


1:1,200

ZONING MAP

Case no: BDA145-004

Date: 12/23/2014



1:1,200

AERIAL MAP

Case no: BDA145-004

Date: 12/23/2014

December 26, 2014

Mr. Steve Long
Board Administrator
Board of Adjustment
City of Dallas
1500 Marilla
Dallas, TX 75201

Re: BDA 145-004
3611 Swiss Avenue

Dear Mr. Long:

The above referenced property was previously known as the Children's Advocacy Center. The original building was built in 1905. The new building addition was built in 1995. The Children's Advocacy Center moved and sold the property to Dr. Alejandra Singer. Dr. Singer is an Obstetrics and Gynecology Physician who has practiced in Dallas for over 20 years. His office includes two other physicians, Dr. Kimberlea Roe and Dr. Lucy Hairston. Their practice is limited to Obstetrics and Gynecology. Dr. Singer is moving his practice from an office in the St. Paul Medical Building on Harry Hines to this property to be near Baylor Hospital.

The building was purchased by Dr. Singer to provide close proximity to Baylor Hospital. The appreciation for the existing structure was very important as well. Dr. Singer is totally remodeling the old portion of the building that was originally a large single family home as well as updating the portion of the building that was built in 1995. The old building and the new addition were not built for physicians' offices. The old home is being remodeled as regular offices and the new portion is being remodeled for use as the medical clinic. His offices will be on the first floor of the building. His maximum need for parking is twenty (20) spaces based on the size of his practice and the size of his practice going forward.

He plans to lease the second level of the building to another medical practice. That practice will also be a specialty practice. The benefit of the specialty practices is that the number of people in the building is manageable. This will not be a family practice that would have many people and physicians in the building at one time. By limiting the types of practice on the second level he will control the activity level in the building. A specialty practice on the second level like his practice will also have limited parking needs. He will have twenty (20) spaces available full time for another practice in the building.

Both sections of the building were built to three levels. The third level of both building sections are small and not practical for use for anything other than storage. The original home is also

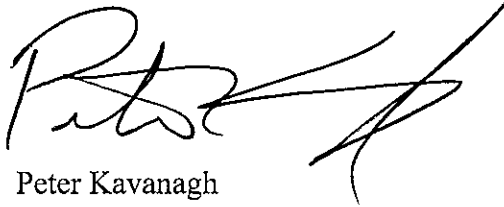
BDA145-004
Attach A
Pg 2

odd in shape and being kept in the general appearance and room shapes as originally built. The medical clinic portions of the building will be kept in the new section of the building.

The adjacent parking lot is adequate for Dr. Singer's practice needs as well as another specialty practice's needs. Dr. Singer will control the use of the building. Continued use of the existing building will be accommodated with this parking arrangement.

Thank you for working on this request with us.

Sincerely,



Peter Kavanagh



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145004

Date: Nov 7, 2014

Data Relative to Subject Property:

Location address: 3611 Swiss Avenue Zoning District: PD 298

Lot No.: 1/TR1 Block No.: 1/749 Acreage: 0.436 Census Tract: 0022.00

Street Frontage (in Feet): 1) 95 2) 7.11 3) 190 4) _____ 5) _____ 5027

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 3611 Swiss Avenue LLC

Applicant: Alejandro Singer, MD Telephone: _____

Mailing Address: 3611 Swiss Avenue Dallas, TX Zip Code: 75204

E-mail Address: _____

Represented by: Zone Systems, Inc./Peter Kavanagh Telephone: 214 941-4440

Mailing Address: 1620 Handley Dr., Suite A, Dallas, TX Zip Code: 75208

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance __, or Special Exception x, of _____
11 Spaces from the 54 required for office use, medical
office use and 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:

The 11 space reduction in parking will not create a
traffic hazard or adversely affect the neighboring
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.

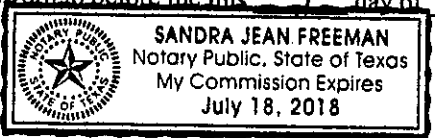
Affidavit

Before me the undersigned on this day personally appeared Alejandro Singer
(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.

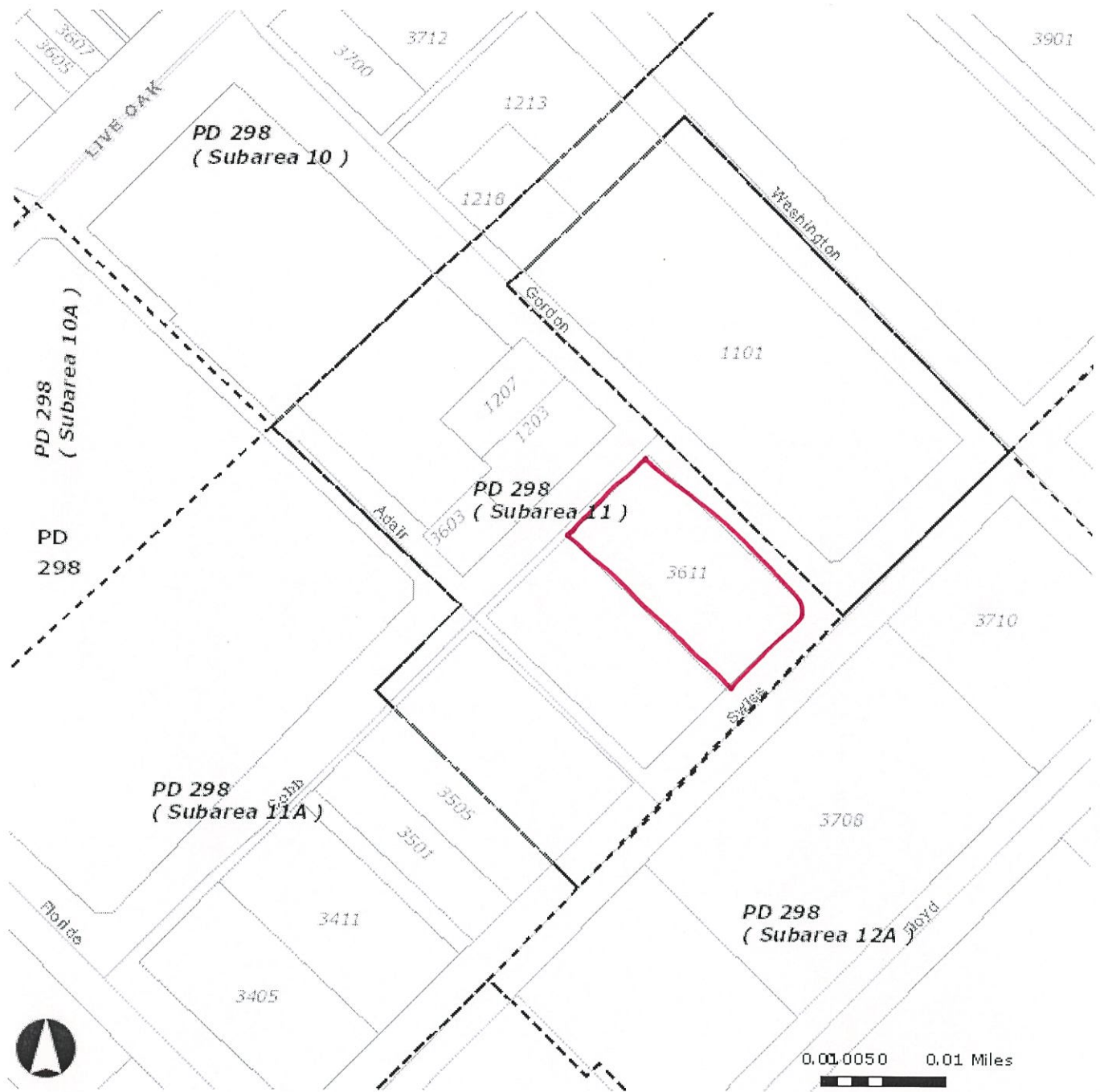
Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 7 day of November, 2014

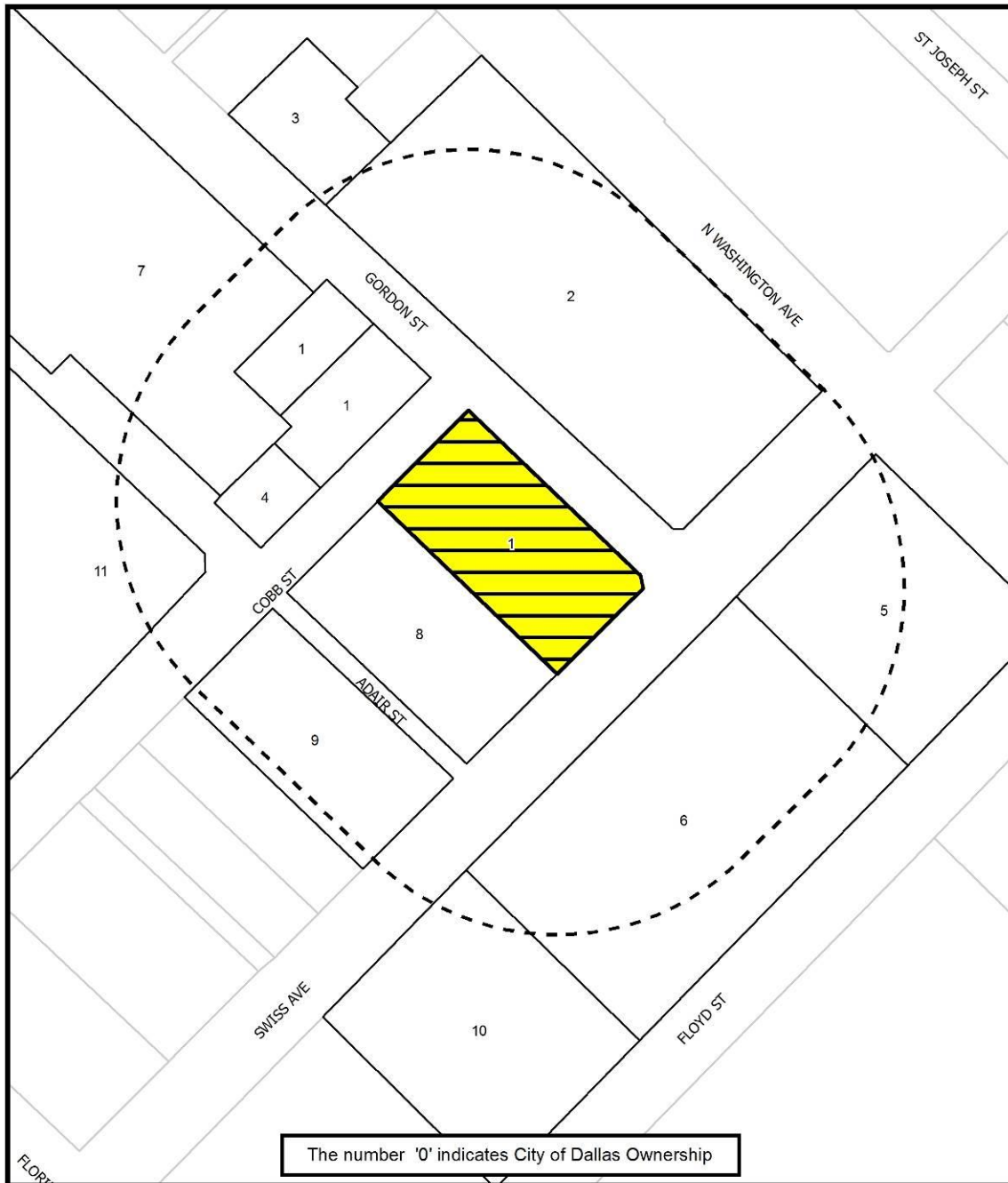


Sandra Jean Freeman
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



SF



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-004</u> Date: <u>12/23/2014</u>
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-004

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1207 GORDON ST	3611 SWISS AVENUE LLC
2	1101 WASHINGTON AVE	BAYLOR HEALTH CARE SYSTEM
3	1218 GORDON ST	BAYLOR HEATH CARE SYSTEM
4	3603 COBB ALLEY ST	BAYLOR HEALTH CARE SYSTEM
5	3710 SWISS AVE	GASTON EPISCOPAL HOSPITAL
6	3708 SWISS AVE	GASTON EPISCOPAL HOSP
7	3604 LIVE OAK ST	BAYLOR HEATH CARE SYSTEM
8	3601 SWISS AVE	BAYLOR HEALTH CARE SYSTEM
9	3515 SWISS AVE	BOCK HOWARD M
10	3504 SWISS AVE	BAYLOR INST OF REHAB
11	3434 LIVE OAK ST	BAYLOR HEALTH CARE SYSTEM