

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, AUGUST 19, 2014
AGENDA

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

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

| | |
|--|----|
| Approval of the June 24, 2014 Board of Adjustment Panel A Public Hearing Minutes | M1 |
| The City Attorney's Office will brief on certain Dallas Development Code standards regarding applications to the Board of Adjustment and procedures of the Board of Adjustment. | M2 |

UNCONTESTED CASES

| | | |
|--------------------|--|---|
| BDA 134-069 | 4915 Wedgewood Lane REQUEST: Application of Michael Marcyniak for a special exception to the single family use regulations | 1 |
| BDA 134-076 | 4545 Park Lane REQUEST: Application of Daniel Moon, represented by Steve Giovannini, for a special exception to the fence height regulations | 2 |
| BDA 134-081 | 5201 Harry Hines Boulevard REQUEST: Application of Jonathan G. Vinson for a special exception to the pedestrian skybridge standards | 3 |

REGULAR CASE

BDA 134-077

1831 S. Ewing Avenue

4

REQUEST: Application of Barry Gardner for a special exception to the landscape 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]

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A June 24, 2014 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

The City Attorney's Office will brief on certain Dallas Development Code standards regarding applications to the Board of Adjustment and procedures of the Board of Adjustment.

FILE NUMBER: BDA 134-069

BUILDING OFFICIAL'S REPORT: Application of Michael Marcyniak for a special exception to the single family use regulations at 4915 Wedgewood Lane. This property is more fully described as Lot 1, Block 5545, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct/modify and maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

LOCATION: 4915 Wedgewood Lane

APPLICANT: Michael Marcyniak

REQUEST:

A special exception to the single family use development standard regulations is made to modify and maintain an existing two-story vacant additional dwelling unit structure on a site currently developed with a one-story dwelling unit/single family home structure.

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

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

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

STAFF RECOMMENDATION:

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

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

Zoning:

| | |
|---------------|--|
| <u>Site:</u> | R-1ac(A) (Single family district 1 acre) |
| <u>North:</u> | R-1ac(A) (Single family district 1 acre) |
| <u>South:</u> | R-1ac(A) (Single family district 1 acre) |
| <u>East:</u> | R-1ac(A) (Single family district 1 acre) |
| <u>West:</u> | R-1ac(A) (Single family district 1 acre) |

Land Use:

The subject site is developed with a single family use – a main dwelling unit structure and an accessory structure that are both vacant and under renovation. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on modifying and maintaining an existing two-story vacant additional dwelling unit structure on a site currently developed with a one-story dwelling unit/single family home structure.
- The site is zoned R-1ac (A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- A site plan has been submitted denoting the locations of two building footprints, the larger of the two denoted as “one story stone & frame” and the smaller of the two denoted as “new interior 2 story stair well addition”- a structure that has been deemed by Building Inspection given what is denoted on a submitted floor plan/elevation as an additional dwelling unit. The site plan represents the sizes and locations of the two building footprints relative to the entire lot.
- The submitted floor plan of the accessory structure shows the first floor to include “living,” “bath,” “kitchen,” “bath,” and “mechanical” spaces; the second floor includes “bedroom,” “bath,” “dressing,” and “closet” spaces.

- Building Inspection staff has reviewed the submitted floor plan of the accessory structure and deemed it to be a dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request appears to center on the function of what is proposed to be located inside the existing vacant accessory structure on the site. The applicant stated in a July 22nd email to the Board Administrator (Attachment A) that he can represent that if the board were to deny this request, the structure could be modified and maintained with merely modifications to the function/use inside it (or to the floor plan) since the structure as it is represented on his submitted site plans complies with the all other applicable zoning code development standards since no application has been made for variance to setbacks or any other zoning code provision.
- It appears that if certain notations were removed from the floor plan of the accessory structure (elimination of the “kitchen” notation of the accessory structure’s first floor) the structure then could be modified and maintained by right.
- DCAD records indicate that the property at 4915 Wedgewood Lane has the following improvements:
 - “main improvement:” a structure built in 1959 with 6,271 square feet of living and total area; and
 - “additional improvement:” a pool, a 675 square foot cabana, a 604 square foot detached servants quarters, and a 1,056 square foot attached garage.
- As of August 11, 2014, no letters had been submitted to staff in support or in opposition to the application.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may want to impose a condition that the applicant comply with the submitted site plan to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements including setback and lot coverage requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Timeline:

June 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.

July 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

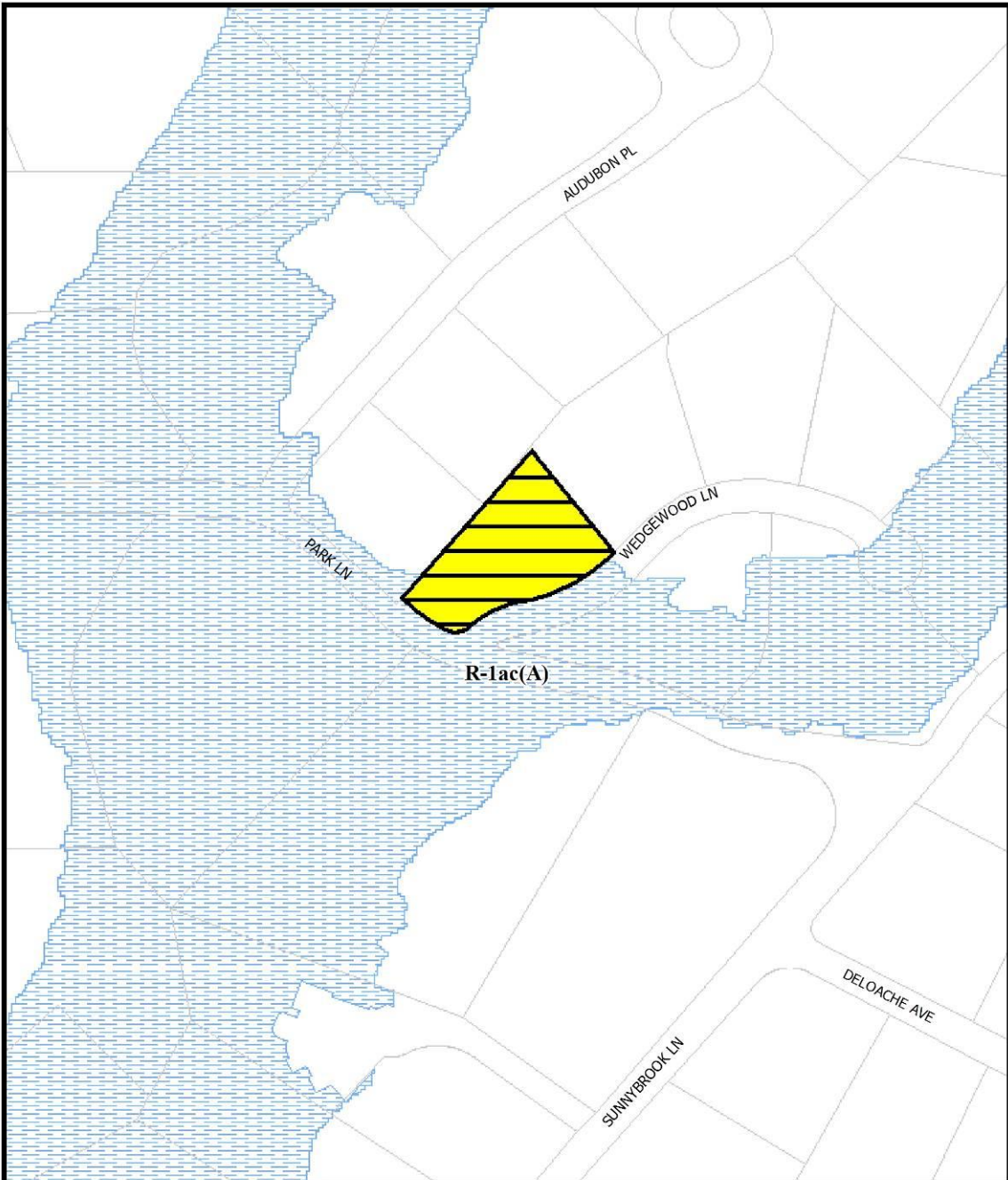
July 15, 2014: The Board Administrator contacted the representative and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the July 30th deadline to submit additional evidence for staff to factor into their analysis; and the August 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 22, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

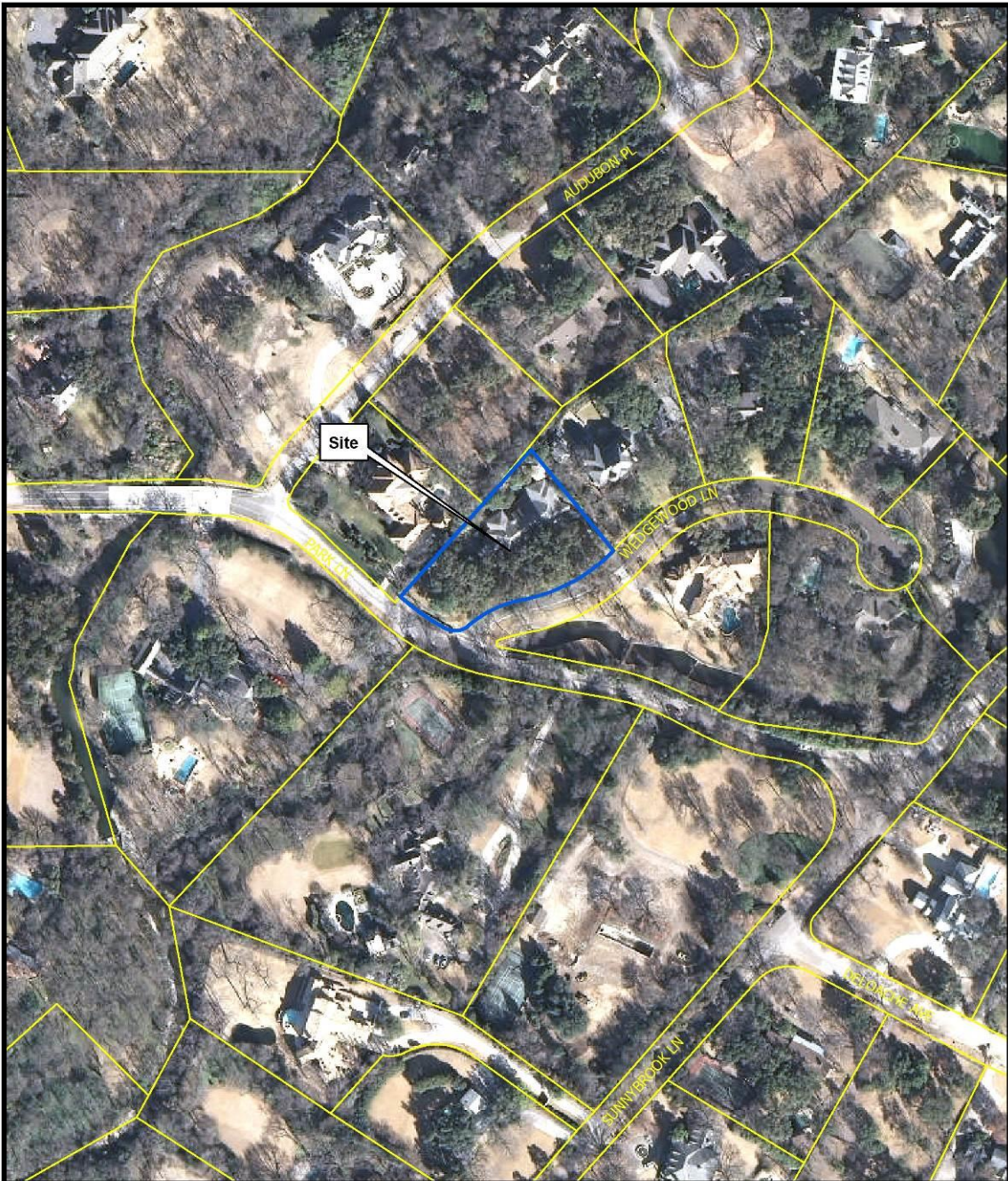


1:2,400

ZONING MAP

Case no: BDA134-069

Date: 7/25/2014



1:2,400

AERIAL MAP

Case no: **BDA134-069**

Date: **7/25/2014**

Long, Steve

From: michael marcyniak <michaelmarcyniak@yahoo.com>
Sent: Tuesday, July 22, 2014 10:43 AM
To: Long, Steve; Duerksen, Todd
Subject: 4915 wedgewood dallas texas

Steve,
Todd,

I confirm that the structure could be modified and maintained as shown on my submittals with merely modifications to the function/use inside it (or to the floor plan) since the structure as it is represented on the submitted plans complies with all other applicable zoning code development standards other than the single family use provisions in Chapter 51A since no application has been made for variance to setbacks or any other zoning code provision.

Thanks,
Michael Marcyniak



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-069

Data Relative to Subject Property:

Date: 6.11.14

Location address: 4915 WEDGEWOOD LN Zoning District: R-12c(A)

Lot No.: 1 Block No.: 5545 Acreage: 0.9828 Census Tract: 206.00

Street Frontage (in Feet): 1) 271'00 2) 85'00 3) _____ 4) _____ 5) _____

NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SCOTT AND CALEB JAMES FERNANDES

Applicant: MICHAEL MARCZYNIAK Telephone: 817.313.7274

Mailing Address: 7476 E. NW HWY. DALLAS, TX Zip Code: 75231

E-mail Address: MICHAEL.MARCZYNIAK@VAHDS.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of SPECIAL EXCEPTION TO ACCESSORY DWELLING UNIT

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

TO CONVERT THE EXISTING STRUCTURE TO INCLUDE THE MINOR ADDITIONS OF A LEGALLY CONFORMING STAIR, UPDATED BATH AND KITCHEN. THIS SHOULD NOT ADVERSELY AFFECT NEIGHBORS AS THERE IS A 30" CONCRETE WALL SEPARATING PROPERTIES AND LANDSCAPED AREA.

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

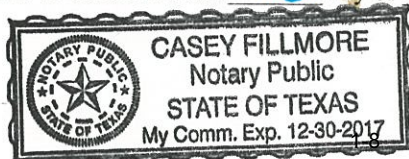
Affidavit

Before me the undersigned on this day personally appeared MICHAEL MARCZYNIAK (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 13 day of JUNE, 2014



Casey Fillmore 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 Michael Marcyniak

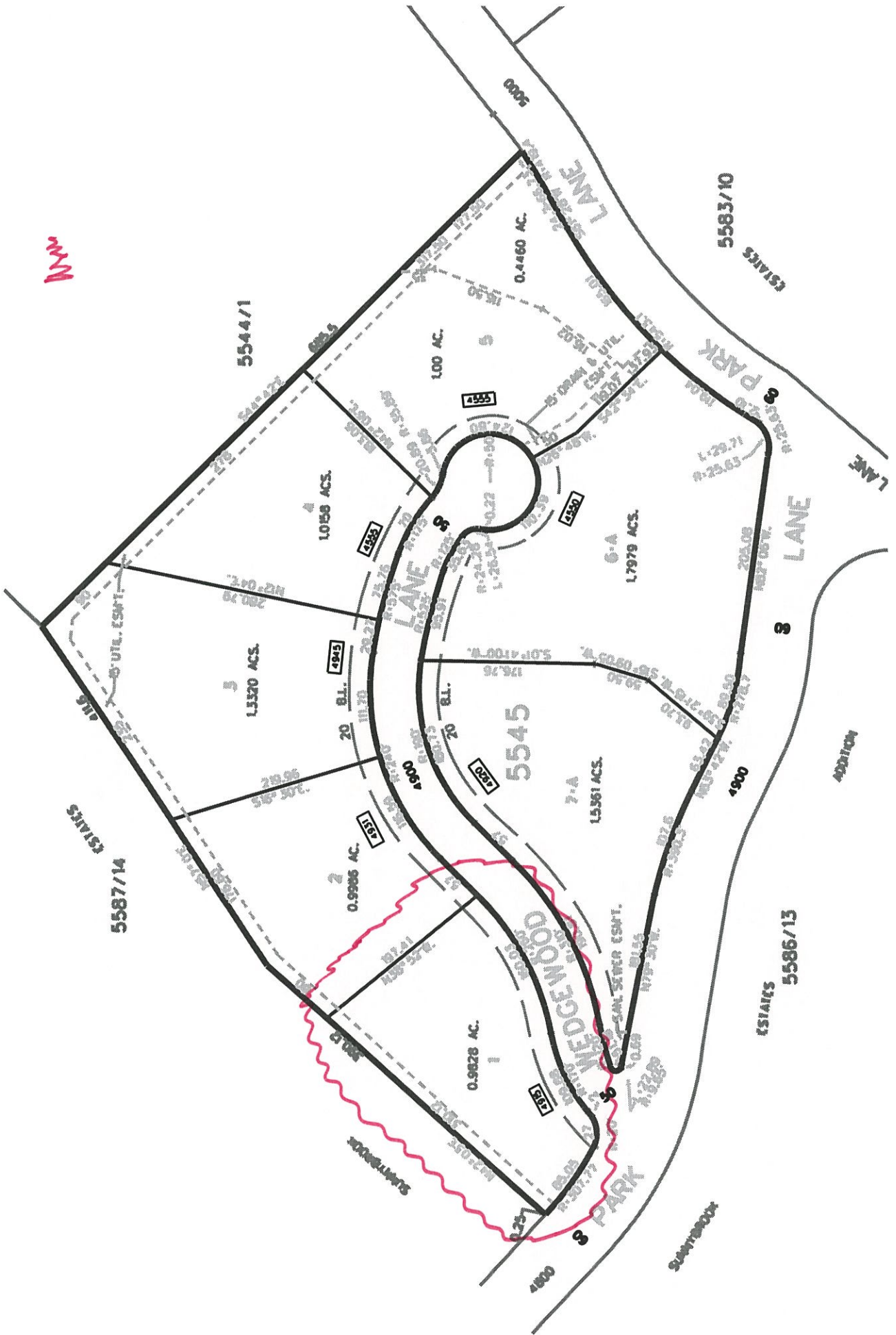
did submit a request for a special exception to the single family regulations
at 4915 Wedgewood Lane

BDA134-069. Application of Michael Marcyniak for a special exception to the single family regulations at 4915 Wedgewood Lane. This property is more fully described as Lot 1, Block 5545, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

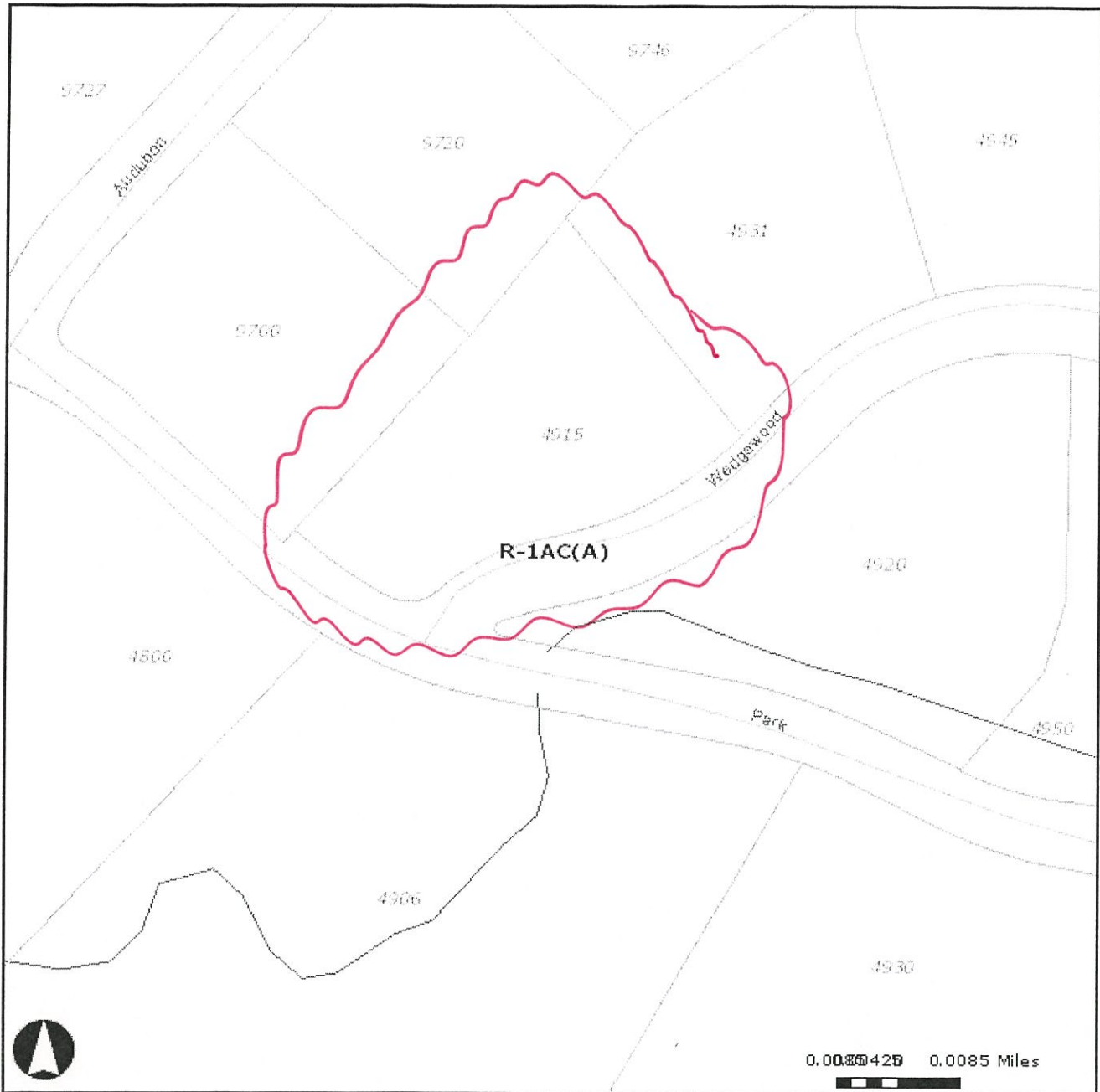
Larry V. Holmes
Larry Holmes, Building Official

mm



City of Dallas Zoning

MM



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites



Deed Restrictions



SUP



Dry Overlay



Historic Overlay

PD Subdistricts



PD193 Oak Lawn



PDS Subdistricts

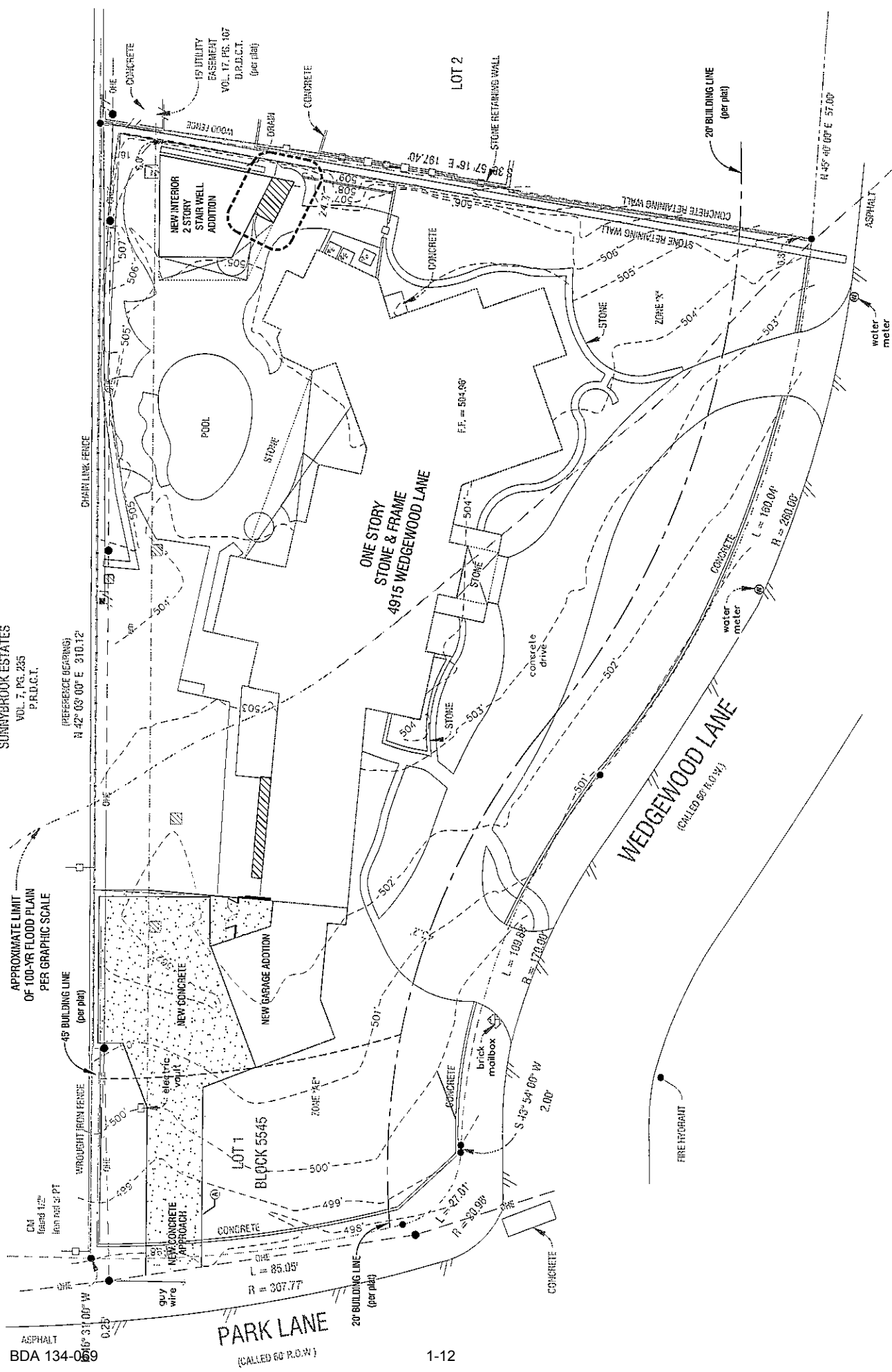


Base Zoning



Pedestrian Overlay

SUBDIVISION OF BLOCK 14
SUNNYBROOK ESTATES
VOL. 7, PG. 235
P.D.C.T.

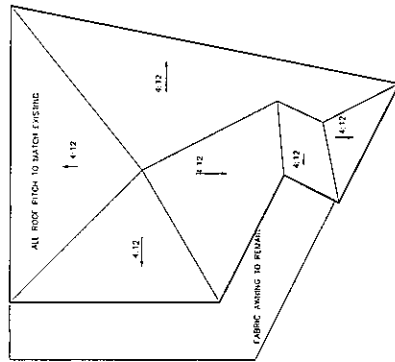


BDA 134-069

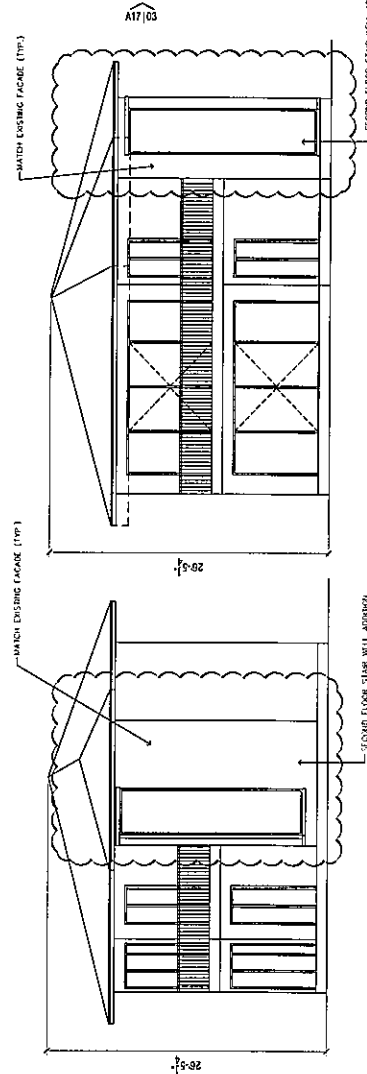
PARK LANE
(CALLED 60 P.D.W.)

1-12

01 PROPOSED SITE PLAN
DATE: 11-13-12
TRUE NORTH
PLAN NORTH

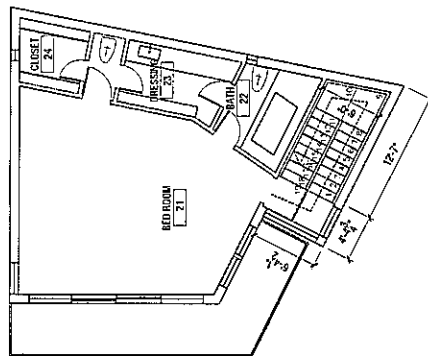


05 PROPOSED ROOF PLAN
SCALE: 1/8" = 1'-0"
02/13

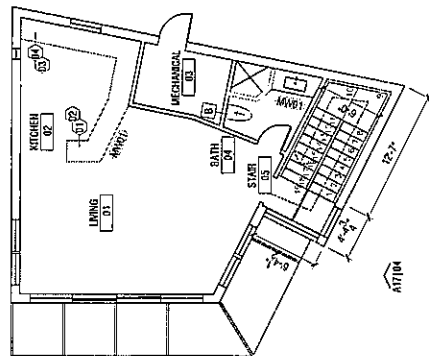


03 WEST ELEVATION PROPOSED
SCALE: 1/8" = 1'-0"
02/13

04 SOUTH ELEVATION PROPOSED
SCALE: 1/8" = 1'-0"
02/13



02 SECOND LEVEL PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"
02/13

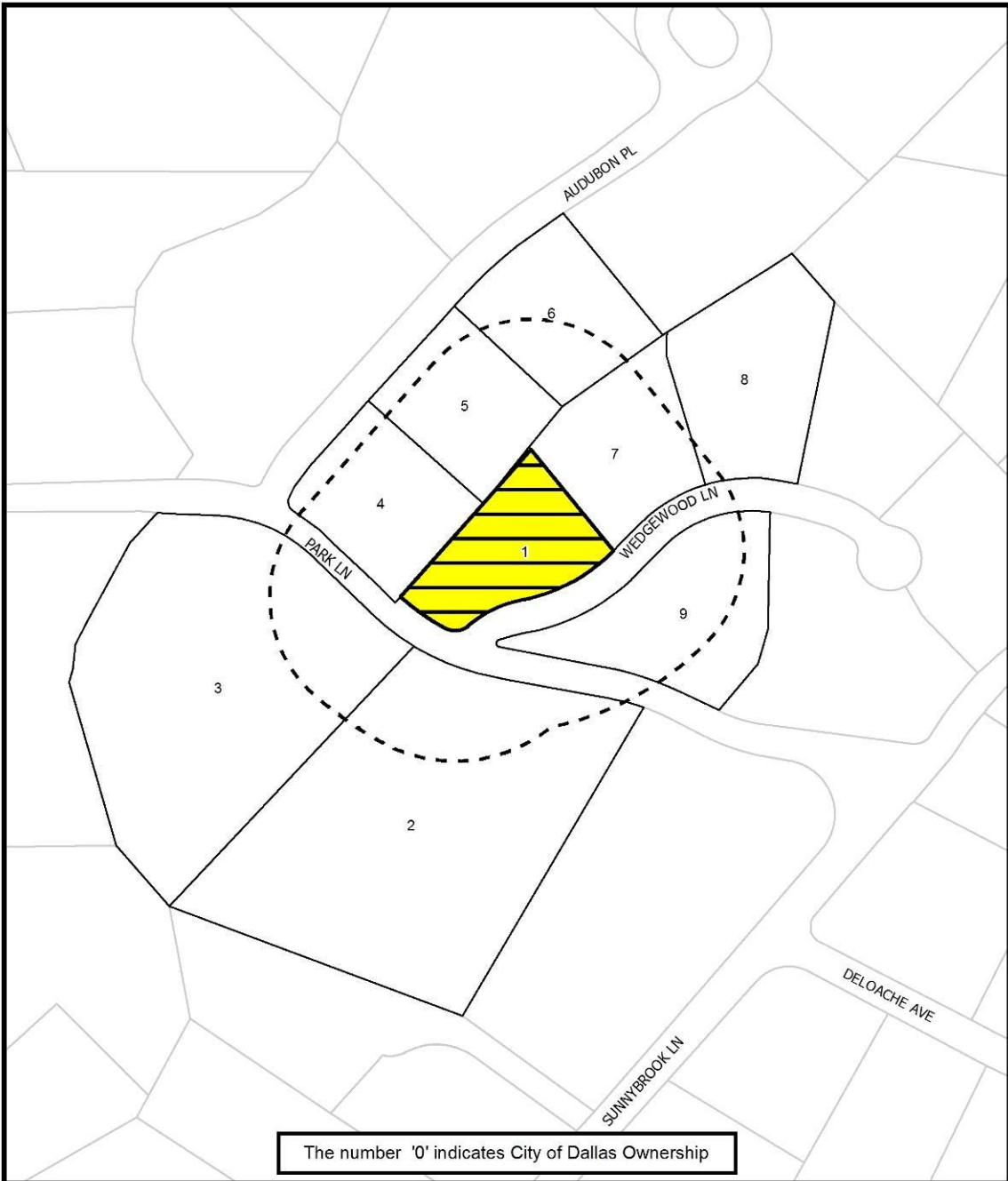


01 FIRST LEVEL PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"
02/13

CLIENT: THE FERNANDEZ FAMILY

| | |
|------------------|-------------------------|
| PROJECT LOCATION | 410 W. WOOD |
| CITY | DALLAS, TX |
| DATE | 06.13.14 |
| PROJECT NAME | 1016 |
| CONTRACTOR | CONSTRUCTION MANAGEMENT |
| OWNER | THE FERNANDEZ FAMILY |
| ARCHITECT | THINK TANK, INC. |
| SCALE | 1/8" = 1'-0" |
| DATE | 02/13 |

A17.00
THIS DRAWING IS A PART OF THE INFORMATION AND THE INFORMATION IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THINK TANK, INC.



| | | | | | | |
|--|---|-------------|----------------------|----------|------------------------------------|--|
|  1:2,400 | <h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 9 | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: BDA134-069 Date: 7/25/2014 |
| 200' | AREA OF NOTIFICATION | | | | | |
| 9 | NUMBER OF PROPERTY OWNERS NOTIFIED | | | | | |

Notification List of Property Owners

BDA134-069

9 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|----------------------------------|
| 1 | 4915 WEDGEWOOD LN | ROMAN JORGE & VIOLETA |
| 2 | 4906 PARK LN | TREVINO LEE B & CLAUDIA M |
| 3 | 4800 PARK LN | CARSON ROYAL W & |
| 4 | 9700 AUDUBON PL | WOOLEY ROBERT E & |
| 5 | 9720 AUDUBON PL | PARSONS LARRY DALE & AMAL MALOUF |
| 6 | 9746 AUDUBON PL | PEACOCK ROBERT B TR ET AL |
| 7 | 4931 WEDGEWOOD LN | ZICARELLI AMY A & |
| 8 | 4945 WEDGEWOOD LN | MOON THOMAS R & LINDA H |
| 9 | 4920 WEDGEWOOD LN | HARLING MICHAEL & |

FILE NUMBER: BDA 134-076

BUILDING OFFICIAL'S REPORT: Application of Daniel Moon, represented by Steve Giovannini, for a special exception to the fence height regulations at 4545 Park Lane. This property is more fully described as Lot 1, Block C/5546, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 10 foot 9 inch high fence, which will require a 6 foot 9 inch special exception to the fence height regulations.

LOCATION: 4545 Park Lane

APPLICANT: Daniel Moon
Represented by Steve Giovannini

REQUESTS:

Requests for special exceptions to the fence height regulations of 6' 9" are made to construct and maintain the following on a site being developed with a single family home:

- In the Park Lane front yard setback: a 6' high open wrought iron fence with 6' 6" high stucco columns parallel to this street, and a 6' high solid stucco fence with 6' 6" high columns perpendicular to this street on the site's west boundary.
- In the Rockbrook Drive front yard setback: a 6' high open wrought iron fence and service gate with 6' 6" high stucco columns parallel to this street, and a 6' high solid stucco fence with 6' 6" high columns perpendicular to this street on the site's north; and an entryway that includes a 10' 9" high open arched wrought iron entry gate with 10' high limestone or cast stone columns, and two approximately 8' high, 15' long solid limestone or cast stone wing walls.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)
North: R-1ac(A) (Single family district 1 acre)
South: R-10(A) (Single family district 10,000 square feet)
East: R-1ac(A) (Single family district 1 acre square feet)
West: R-10(A) (Single family district 10,000 square feet)

Land Use:

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

Zoning/BDA History:

1. BDA 89-018, Property at 4616 Park Lane (the lot immediately east of the subject site) On February 14, 1989, the Board of Adjustment granted a request for a special exception to the fence height regulations of 4' "to retain a fence 6 feet high with gates 8 feet high in front of the platted building line." The board imposed the following condition: subject to submitting a landscape plan showing the location of shrubbery, showing an irrigation system for the shrubs, and showing the light standards which describe the type of lights and the illumination of the lights. Implementation of the plans should be within 6 months after the Board's approval."
2. BDA 001-289, Property at 4531 Park Lane (the lot west of the subject site) On November 12, 2001, the Board of Adjustment Panel C denied a request for a special exception to the fence regulations of 3' 6" without prejudice. The case report stated that the request was made in conjunction constructing and maintaining a 6' high open metal fence with 7.5' high columns and metal gates in the front yard setback.

3. BDA 001-189, Property at 4428 Park Lane (the lot southwest of subject site)

On April 24, 2001, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 2' and imposed the submitted revised elevation/site plan as a condition to the request.

The case report stated that the request was made in conjunction with constructing and maintaining a 6' high open iron fence with 6' high open iron gates and 6' high brick columns.

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on constructing and maintaining the following in the two front yard setbacks on a site located at the northwest corner of Park Lane and Rockbrook Drive being developed with a single family home:
 - in the Park Lane front yard setback: a 6' high open wrought iron fence with 6' 6" high stucco columns parallel to this street, and a 6' high solid stucco fence with 6' 6" high columns perpendicular to this street on the site's west boundary; and
 - in the Rockbrook Drive front yard setback: a 6' high open wrought iron fence and service gate with 6' 6" high stucco columns parallel to this street, and a 6' high solid stucco fence with 6' 6" high columns perpendicular to this street on the site's north; and an entryway that includes a 10' 9" high open arched wrought iron entry gate with 10' high limestone or cast stone columns, and two approximately 8' high, 15' long solid limestone or cast stone wing walls.

(Note that the applicant intends to remove an existing approximately 6' high brick fence that runs a portion of the length of the site along Rockbrook Drive).
- 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 site is located at the northwest corner of Park Lane and Rockbrook Drive. The site has a 30' front yard setback along Rockbrook Drive, 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 30' front yard setback along Park Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence is allowed by right. But the site's Park Lane frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the front yard setback established by the lots developed with single family homes west of the site that front/are oriented southward towards Park Lane.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setbacks that reaches a maximum height of 10' 9".

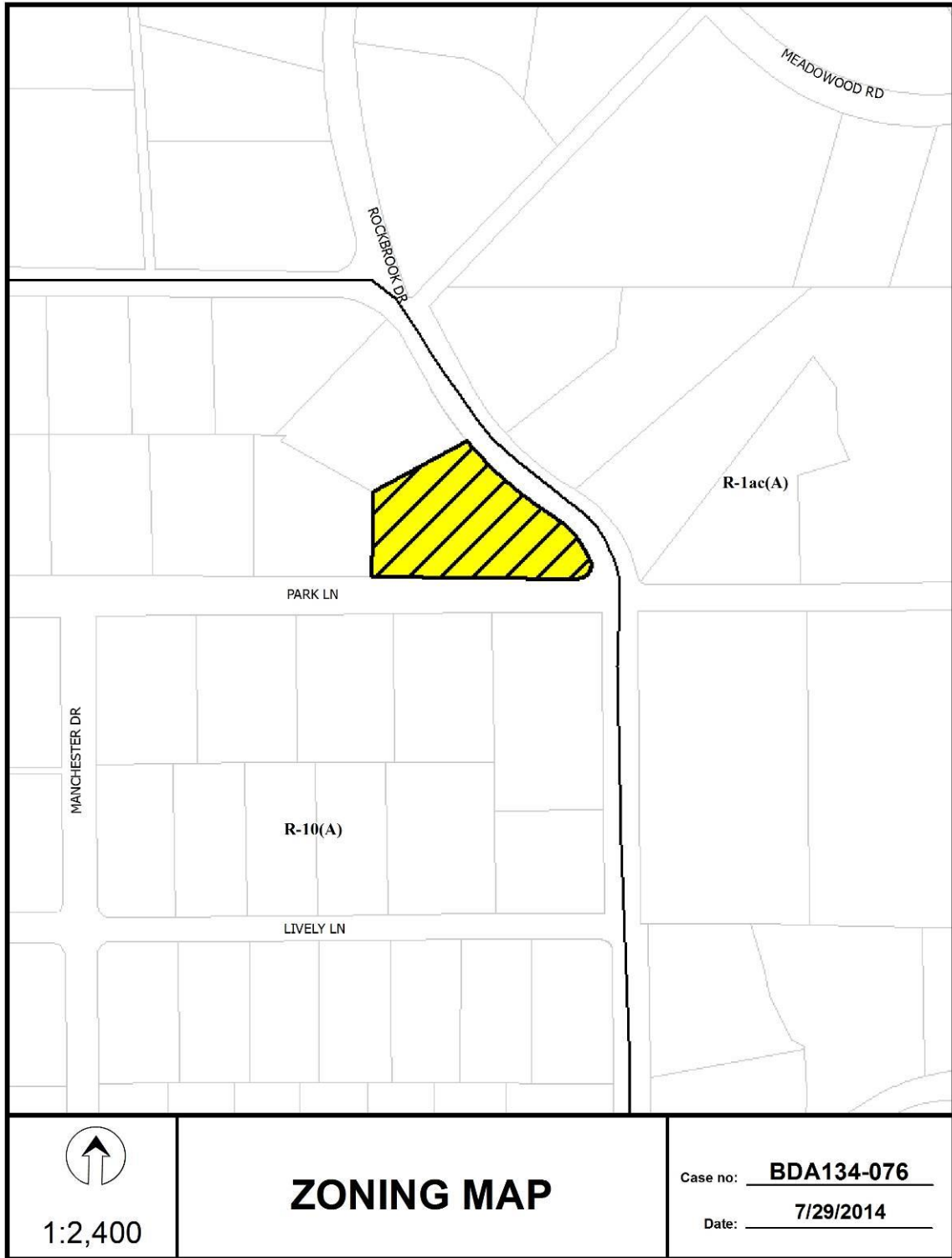
- The following additional information was gleaned from the submitted site plan:
 - Along Park Lane: the fence is approximately 350’ in length, approximately on the property line, and approximately 20’ from the pavement line.
 - Along Rockbrook Drive: the fence is approximately 300’ in length, approximately 0 – 30’ from the property line, and approximately 25’ – 65’ from the pavement line.
- There are two single family homes south of the subject site that have direct frontage to the proposal on Park Lane, neither of which appear to have fences in their front yards; and two single family homes east of the subject site that would have direct frontage to the proposal on Rockbrook Drive, one of which has a fence in its front yard setback over 4’ in height – an approximately 6’ high open metal fence that appears to be a result of an approved fence height special exception request granted by the Board of Adjustment in 1989: BDA 89-018 (see the “Zoning/BDA History” section of this case report for additional details).
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 300’ north, south, east, and west of the subject site) and noted one other visible fence higher than 4’ in a front yard setback other than the one previously mentioned above in this case report that is immediately east of the subject site. The other fence noted is an approximately 5.5’ high open metal fence located southwest of the site that appears to be a result of an approved fence height special exception request granted by the Board of Adjustment in 2001: BDA 001-189 (see the “Zoning/BDA History” section of this case report for additional details).
- As of August 11, 2014, a petition signed by 15 owners/neighbors who support the requests had been submitted, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of 6’ 9” will not adversely affect neighboring property.
- Granting these special exceptions of up to 6’ 9” with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4’ in height in the front yard setbacks to be constructed and maintained in the location and of the heights and materials as shown on these documents.

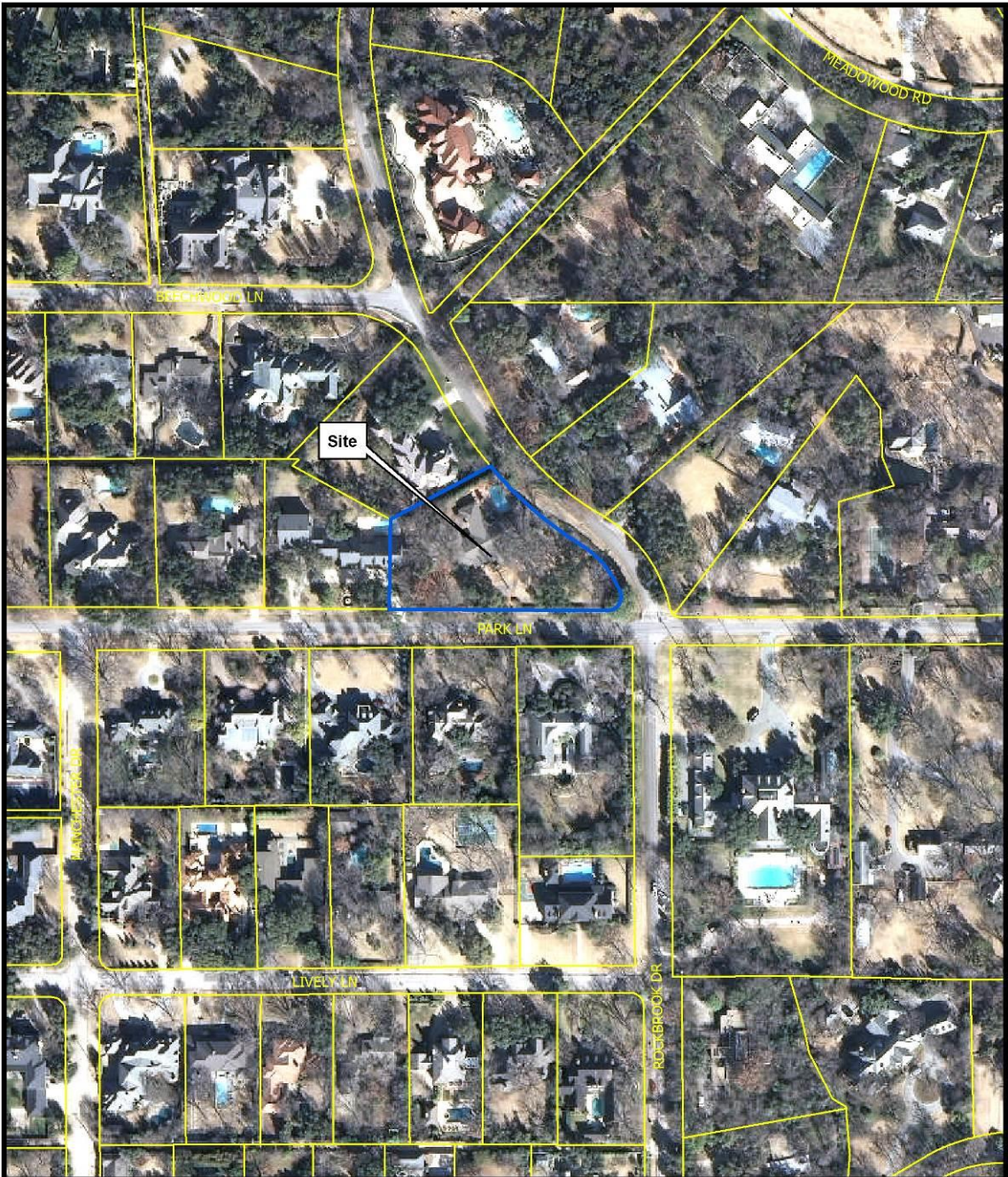
Timeline:

June 23, 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.

July 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

- July 15, 2014: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 30th deadline to submit additional evidence for staff to factor into their analysis; and the August 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- No review comment sheets with comments were submitted in conjunction with this application.
- August 5, 2014: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 8, 2014: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment B).





1:2,400

AERIAL MAP

Case no: BDA134-076

Date: 7/29/2014

Long, Steve

BDA 134-076
Attach A
Pg 1

From: Steve Giovannini <giogarden@sbcglobal.net>
Sent: Tuesday, August 05, 2014 7:10 PM
To: Long, Steve
Subject: Re: BDA 134-076, Property at 4545 Park Lane
Attachments: Moon Residence - neighborhood fencing.pdf; ATT00001.htm

Steve,

Please find enclosed information related to the above stated subject.

Please let me know if you have any questions.

Thanks,

Steve Giovannini

On Wednesday, July 16, 2014 1:17 PM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Dear Mr. Giovannini,

Here is information regarding the application to the board of adjustment at the address referenced above that you are representing for Daniel Moon, most of which I believe you are aware of given your experience with the board of adjustment:

1. The submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled August 19th Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code allowing the board to consider/grant a special exception to the fence height regulations (51A-4.602(a)(6)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application (page 2 of 6 in the attached application materials) and contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, July 30th with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report stating that the maximum height of your proposal at 6 feet 9 inches is incorrect. (Note that the discovery of any additional appeal needed beyond the requested fence height special exception 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

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

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

BDA 134-076
Attach A
Pg 2

Moon Residence

Existing Homes with fences and gates along Park Lane and Rockbrook

Park Lane

Average Fence Ht. - 6' 8"
Average Fence Column Ht. - 7' 2"
Average Driveway Entry Column Ht. - 8' 3"
Average Entry Gate Ht. - 8' 4"

4619 Park Lane

6' Fence and walls
8' Entry columns and gate

4635 / 4645 Park Lane

8' Columns and fence
8'6" Entry wall and gate

4345 Park Lane

6' Fence
7'3" columns
9' Entry gate

4428 Park Lane

5'4" Fence
5'7" columns
5'1" Entry gate

4707 Park Lane

12-13' Entry columns and gate
8' fence and 9' columns

4300 Park Lane

7' 4" ' Fence
8' 4" Columns
8' 11" Entry gate

4241 Park Lane

6' 2" Fence
6' 2" Entry columns and gate

Rockbrook

Average Fence Ht. - 7' 4"
Average Fence Column Ht. - 8' 3"
Average Driveway Entry Column Ht. - 8' 3"
Average Entry Gate Ht. - 9' 2"

9714 Rockbrook

5' - 9' 6" Fence
9'10" Entry columns
13'4" Entry gate

9800 Rockbrook

4'8" fence
6' columns
5' 10 " Entry gate

9815 Rockbrook

8' fence
10' Entry columns
13'6" Entry gate
8' columns

City of Dallas Zoning Website

Plus Address Print FindParcel ParcelByAcct

- Map Contents
- DallasZoning
- GIS_DATA
- ZONING LAYERS
- Airport Noise Contours
- Airport Height Overlay
- ALCOHOL LAYERS
- CensusTracts2000
- Census Tracts 2000
- DallasRoads
- Highways
- Major Streets
- Streets
- Aerials_2009
- Aerials_2011
- Aerials 2011



BDA 134-076
Attach A
Pg 4

BDA 134-076
Attach A
Pg 5

4619 PARK LANE





4619 PARK LANE

BDA 134-076
Attach A
Pg 7

4635 PARK LANE



4635
PARK LANE

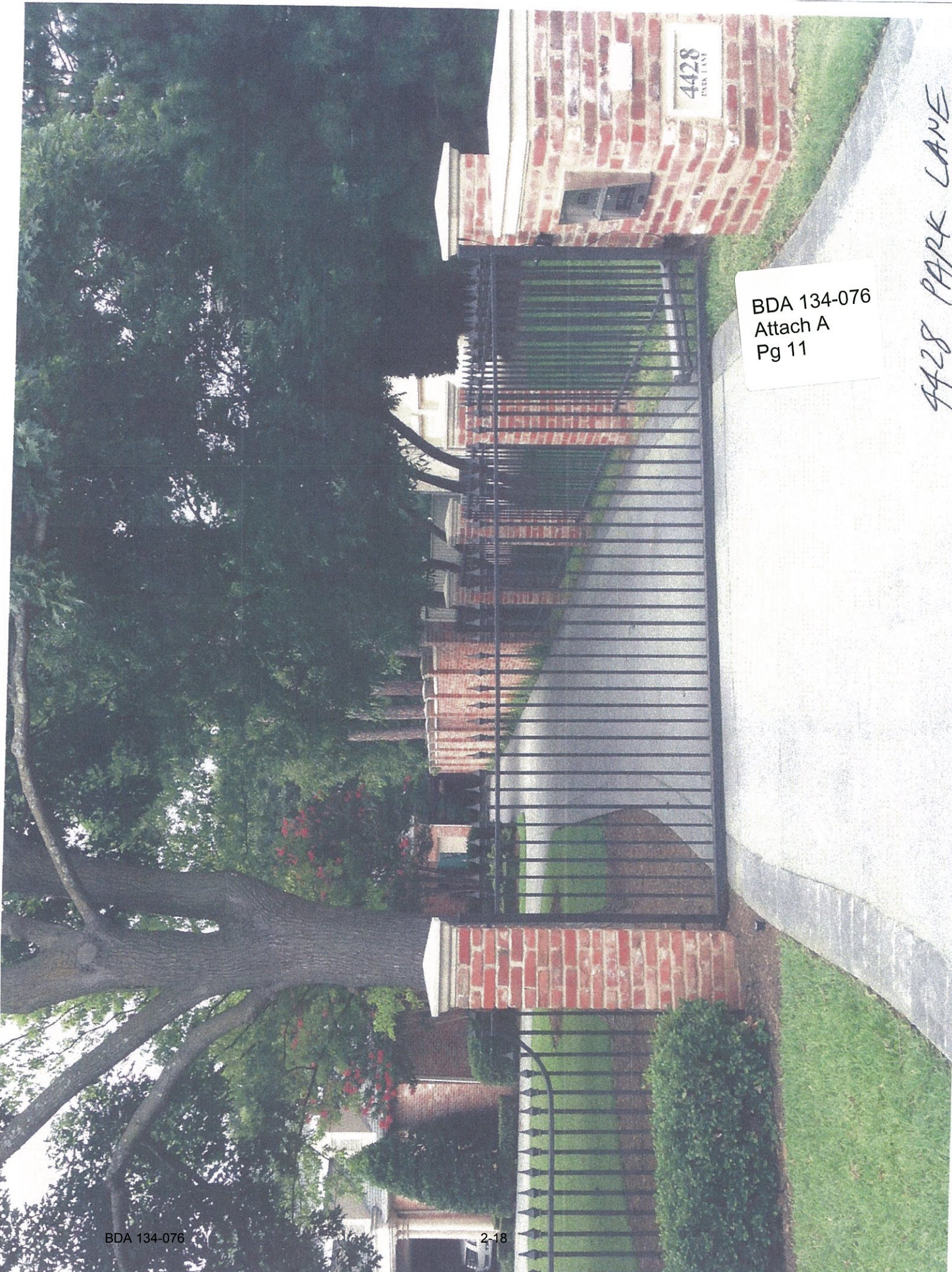


BDA 134-076
Attach A
Pg 9

4345 PARK LAVER

BDA 134-076
Attach A
Pg 10

4345 PARK LAKE



4428
PARK LANE

BDA 134-076
Attach A
Pg 11

4428 PARK LANE

4707 PARK LANE



4707 PARK LANE



4300 PARK LANE

BDA 134-076
Attach A
Pg 14

BDA 134-076
Attach A
Pg 15

4241
PARK LANE

4241 PARK LANE

BDA 134-076
Attach A
Pg 16

1221 PARK LANE



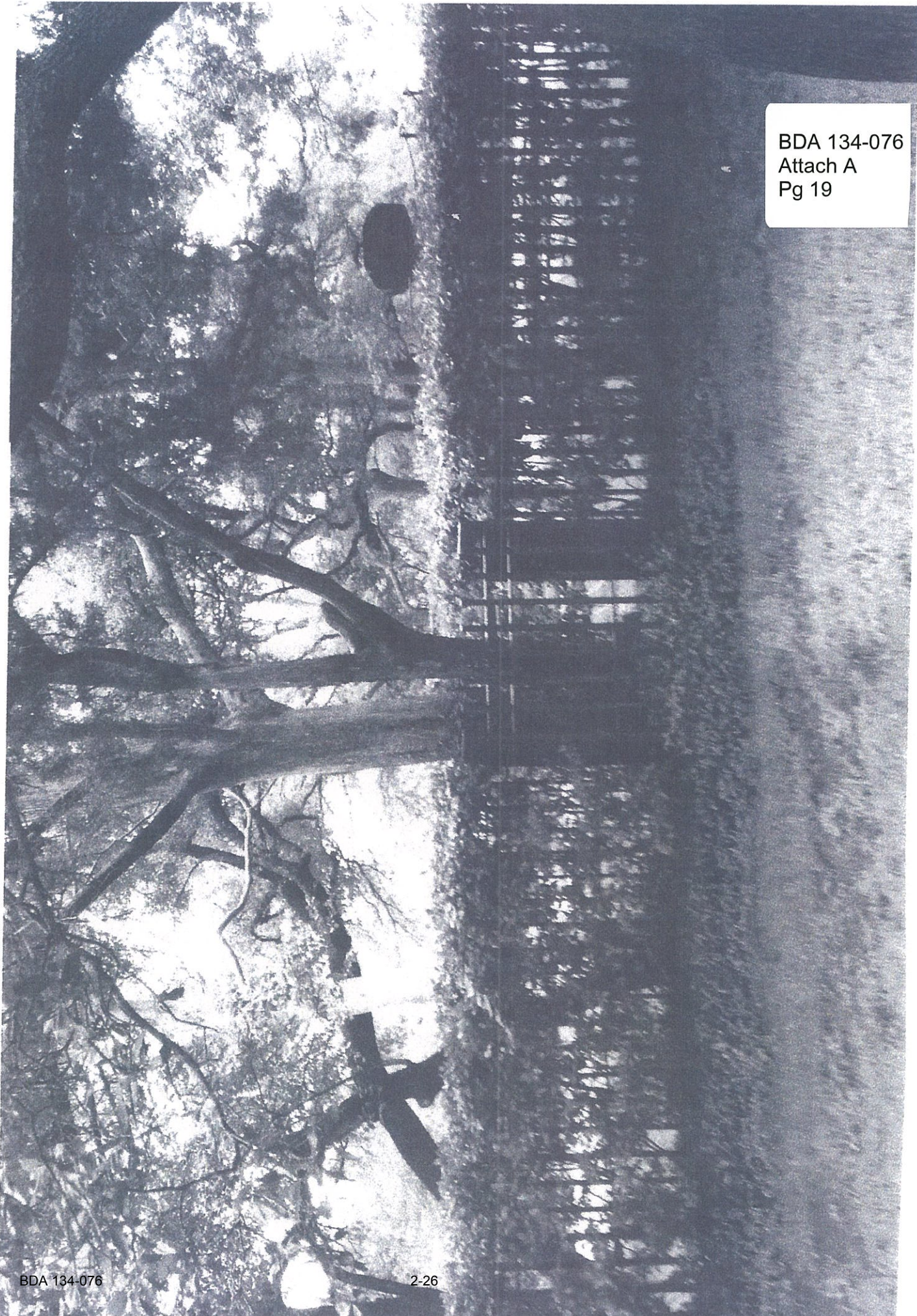
9714 ROCKBROOK



9714 Rockbrook

9714 ROCKBROOK

BDA 134-076
Attach A
Pg 19





9800
ROCKBROOK



9500
ROCKBRINK

Subject: [No Subject]

From: Steve (giogarden@sbcglobal.net)

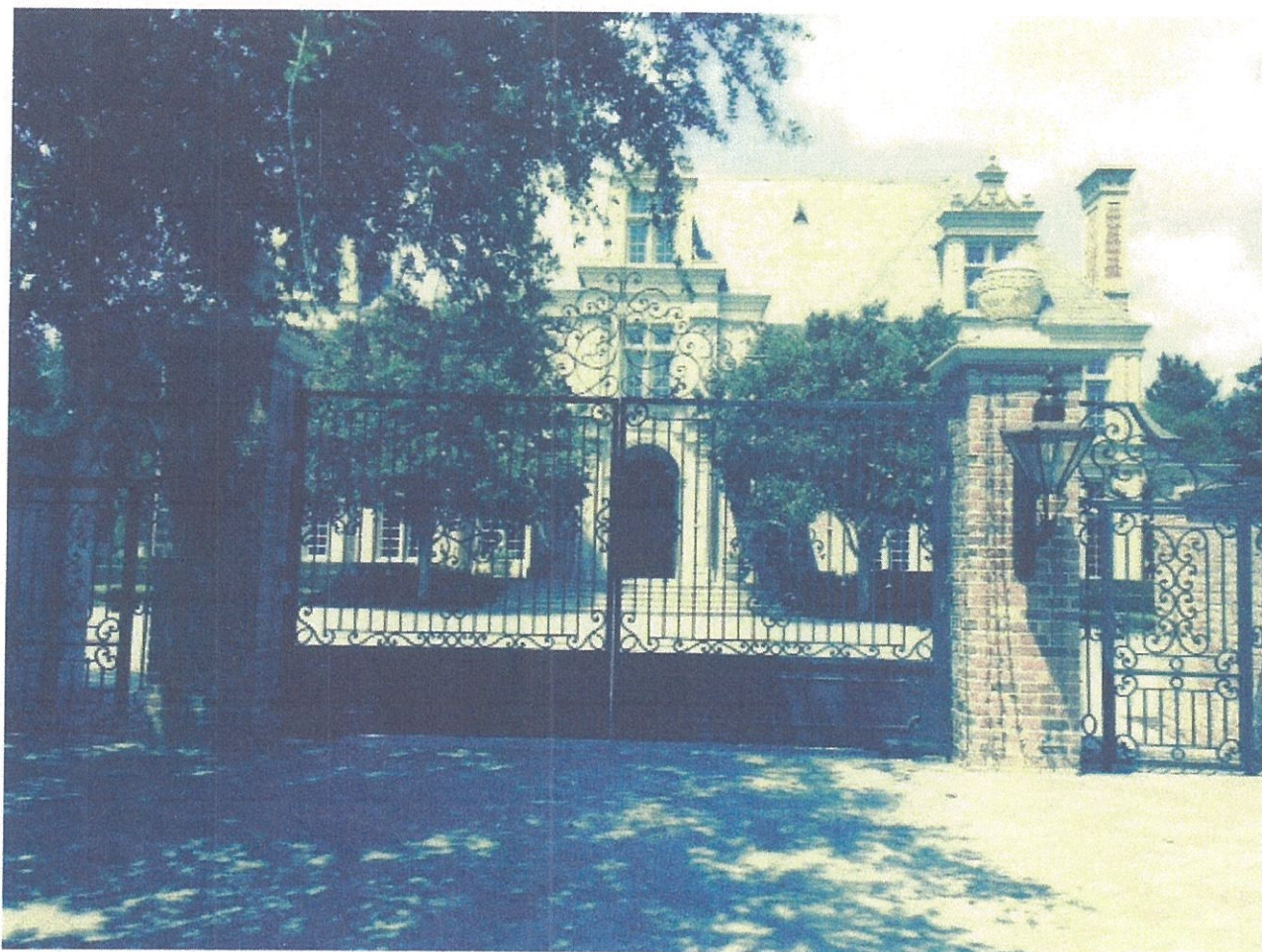
To: giogarden@sbcglobal.net;

Date: Tuesday, August 5, 2014 12:50 PM

BDA 134-076

Attach A

Pg 22



98/5 ROCKBROOK

9815
ROCKBROOK

BDA 134-076
Attach A
Pg 23



BDA 134-076
Attach B pg 1

Long, Steve

From: Steve Giovannini <giogarden@sbcglobal.net>
Sent: Friday, August 08, 2014 12:00 PM
To: Long, Steve
Subject: Re: BDA 134-076, Property at 4545 Park Lane
Attachments: Moon Residence - Special exception petition (2).pdf

Steve,

Please find attached additional information pertaining to the special exception request. All of the neighbors that we contacted within view and in close proximity to the Moon Residence have given their support for the special exception.

Thank you,
Steve Giovannini

On Wednesday, August 6, 2014 7:21 AM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

Attached is additional information on the application referenced above that I have labeled as Attach A– additional information that the applicant's representative (Steve Giovannini) emailed to me yesterday. This information will be added to the case file and incorporated into the docket that is emailed to you, other city staff, the applicant, and the board members next week.

Please write or call me if you have questions or concerns.

Thank you,

Steve

From: Steve Giovannini [<mailto:giogarden@sbcglobal.net>]
Sent: Tuesday, August 05, 2014 7:10 PM
To: Long, Steve
Subject: Re: BDA 134-076, Property at 4545 Park Lane

Steve,

Please find enclosed information related to the above stated subject.

Please let me know if you have any questions.

Thanks,
Steve Giovannini

On Wednesday, July 16, 2014 1:17 PM, "Long, Steve" <steve.long@dallascityhall.com> wrote:

RDA134-074

Attach B

pg 2

Dear Mr. Giovannini,

Here is information regarding the application to the board of adjustment at the address referenced above that you are representing for Daniel Moon, most of which I believe you are aware of given your experience with the board of adjustment:

1. The submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled August 19th Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code allowing the board to consider/grant a special exception to the fence height regulations (51A-4.602(a)(6)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please review the Building Official's Report/second page of your application (page 2 of 6 in the attached application materials) and contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, July 30th with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report stating that the maximum height of your proposal at 6 feet 9 inches is incorrect. (Note that the discovery of any additional appeal needed beyond the requested fence height special exception 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

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

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

City of Dallas Zoning Website

City of Dallas Homepage WebSite User Guide (PDF) 3.5 MB Dallas Zoning Information Chapter 51P (PDF) Dallas Enterprise GIS

Map Address Print Find/Reset ParcelBy/Addr

Map Contents

- GIS DATA
- ZONING LAYERS
- Airport Noise Contours
- Airport Height Overlay
- ALCOHOL LAYERS
- Census Tracts 2000
- Census Tracts 2010
- DallasRoads
- Highways
- Major Streets
- Streets
- Aerials_2009
- Aerials_2011
- Aerials_2011

UNABLE TO CONTACT THEM HAVE A 134th ENTRY GATE

MOVING - NOT OPPOSED

9739 9736 4619 4606 4428 4506 4523 4531 517E 4606 4606 4606

R-10(A)

FOR SAME NO RESIDENT

0 25 50 75 100 Feet

Parcel Zoning Description

BDA134-076
Attach B
Pg 3

NOTE: ADDRESSES LISTED ARE IN SUPPORT OF THE SPECIAL EXCEPTION TO THE FENCE HEIGHT

Appeal to the Board of Adjustment

For: Special exception to the Fence Height along Park Lane and Rockbrook Drive

Request: 4545 Park Lane

6' Wrought Iron Fencing with 6'6" Stucco Columns along Park Lane

6' Wrought Iron Fencing with 6' 6" Stucco Columns along Rockbrook Drive

and

8' - 10' Cast stone columns and walls at the Main Entry Drive with a 10' 6" Driveway Gate at the highest point

The following neighbors approve of the request as described above and as illustrated on drawings prepared by Giogarden Design.

| Printed Name | Signature | Address | Date |
|-------------------|-------------------------|--------------------|-----------------|
| 1. GARY DAVIS | <i>Gary Davis</i> | 9739 Rockbrook Dr. | July 3, 2014 |
| 2. Thudie Davis | <i>Thudie Davis</i> | 9739 Rockbrook Dr. | July 3, 2014 |
| 3. Robin Cooper | <i>Robin Cooper</i> | 4531 Park Lane | Aug 5, 2014 |
| 4. Jill Kirschner | <i>Jill Kirschner</i> | 4523 Park Lane | July 8-5-14 |
| 5. Alan Losinger | <i>Alan V. Losinger</i> | 4506 Park Lane | Dallas 8-4-2014 |
| 6. MARTIN WOODEN | <i>Martin Wooden</i> | 4428 Park Lane | Dallas 8-5-14 |
| 7. Sharon Young | <i>Sharon Young</i> | 4619 Park Lane | Dallas 8/8/14 |

BDA 134-076
Attach B
Pg 4

Appeal to the Board of Adjustment

For: Special exception to the Fence Height along Park Lane and Rockbrook Drive

Request: 4545 Park Lane

6' Wrought Iron Fencing with 6'6" Stucco Columns along Park Lane

6' Wrought Iron Fencing with 6' 6" Stucco Columns along Rockbrook Drive
and

8' - 10' Cast stone columns and walls at the Main Entry Drive with a 10' 6" Driveway Gate at the highest point

The following neighbors approve of the request as described above and as illustrated on drawings prepared by Giogarden Design.

| Printed Name | Signature | Address | Date |
|-----------------|--------------------|--------------------|-----------------|
| GARY DAVIS | <i>[Signature]</i> | 9739 Rockbrook Dr. | July 3, 2014 |
| Trudie Davis | <i>[Signature]</i> | 9739 Rockbrook Dr. | July 3, 2014 |
| Robin Cooper | <i>[Signature]</i> | 4531 Rockbrook Dr. | Aug 5, 2014 |
| Bill Kirschner | <i>[Signature]</i> | 8523 Park Lane | Dr. To 8-5-14 |
| Alan Losinger | <i>[Signature]</i> | 4506 Park Lane | Dallas 8-8-2014 |
| MARTIN WOODRICK | <i>[Signature]</i> | 4428 Park Lane | Dallas 8-5-14 |
| CARY MAEOIRI | <i>[Signature]</i> | 4606 Park Lane | Dallas 8/8/14 |

BDA.34-076

Attn B

PS 5

Appeal to the Board of Adjustment

For: Special exception to the Fence Height along Park Lane and Rockbrook Drive

Request: 4545 Park Lane

6' Wrought Iron Fencing with 6'6" Stucco Columns along Park Lane
6' Wrought Iron Fencing with 6' 6" Stucco Columns along Rockbrook Drive

and

8' - 10' Cast stone columns and walls at the Main Entry Drive with a 10' 6" Driveway Gate at the highest point

The following neighbors approve of the request as described above and as illustrated on drawings prepared by Giogarden Design.

| Printed Name | Signature | Address | Date |
|---------------------|-------------------------|-------------------|---------|
| 9. WILLIAM H WILCOX | <i>William H Wilcox</i> | 9726 Rockbrook Dr | 8/06/14 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

BDA 134-076
Attach B
Pg 6



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-076

Data Relative to Subject Property:

Date: 6/23/2014

Location address: 4545 PARK LANE

Zoning District: R-10 (A)

Lot No.: 1 Block No.: C5546 Acreage: 1.14

Census Tract: 706.00

Street Frontage (in Feet): 1) 363 2) 319 3) _____ 4) _____ 5) _____ NE2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Daniel Moon

Applicant: Daniel Moon Telephone: 214-325-5003

Mailing Address: 11202 Northgate Cir Dallas, TX Zip Code: 75230

E-mail Address: daniel@sammoo.com

Represented by: STEVE GIOVANNINI Telephone: 214-908-5232

Mailing Address: 4415 ALTA VISTA LN. DALLAS, TX. Zip Code: 75229

E-mail Address: GIOGARDEN@SBCGLOBAL.NET

Affirm that an appeal has been made for a Variance , or Special Exception , of AN EXCEPTION OF 6'9" TO FENCE ORDINANCE IN THE FRONTAGE YARD

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

- ONE TO THE UNIQUE SHAPE & THE FACT THAT WE HAVE
- TWO STREET FRONTAGES PREVENTS US FROM DEVELOPING THE
- PROPERTY LIKE A NEIGHBORING PROPERTY WOULD. OUR REQUEST
- IS CONSISTENT W/ OTHER ESTATES IN THE AREA FROM A DESIGN & HEIGHT STANDPOINT

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 Daniel Moon
(Affiant/Applicant's name printed)

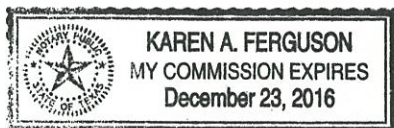
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 24th day of June, 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

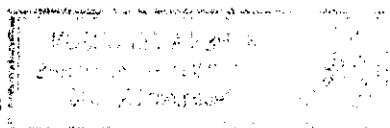
Building Official's Report

I hereby certify that Daniel Moon
represented by Steve Giovannini
did submit a request for a special exception to the fence height regulations
at 4545 Park Lane

BDA134-076. Application of Daniel Moon represented by Steve Giovannini for a special exception to the fence height regulations at 4545 Park Lane. This property is more fully described as Lot 1, Block C/5546, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 10 foot 9 inch high fence a required front yard, which will require a 6 foot 9 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates

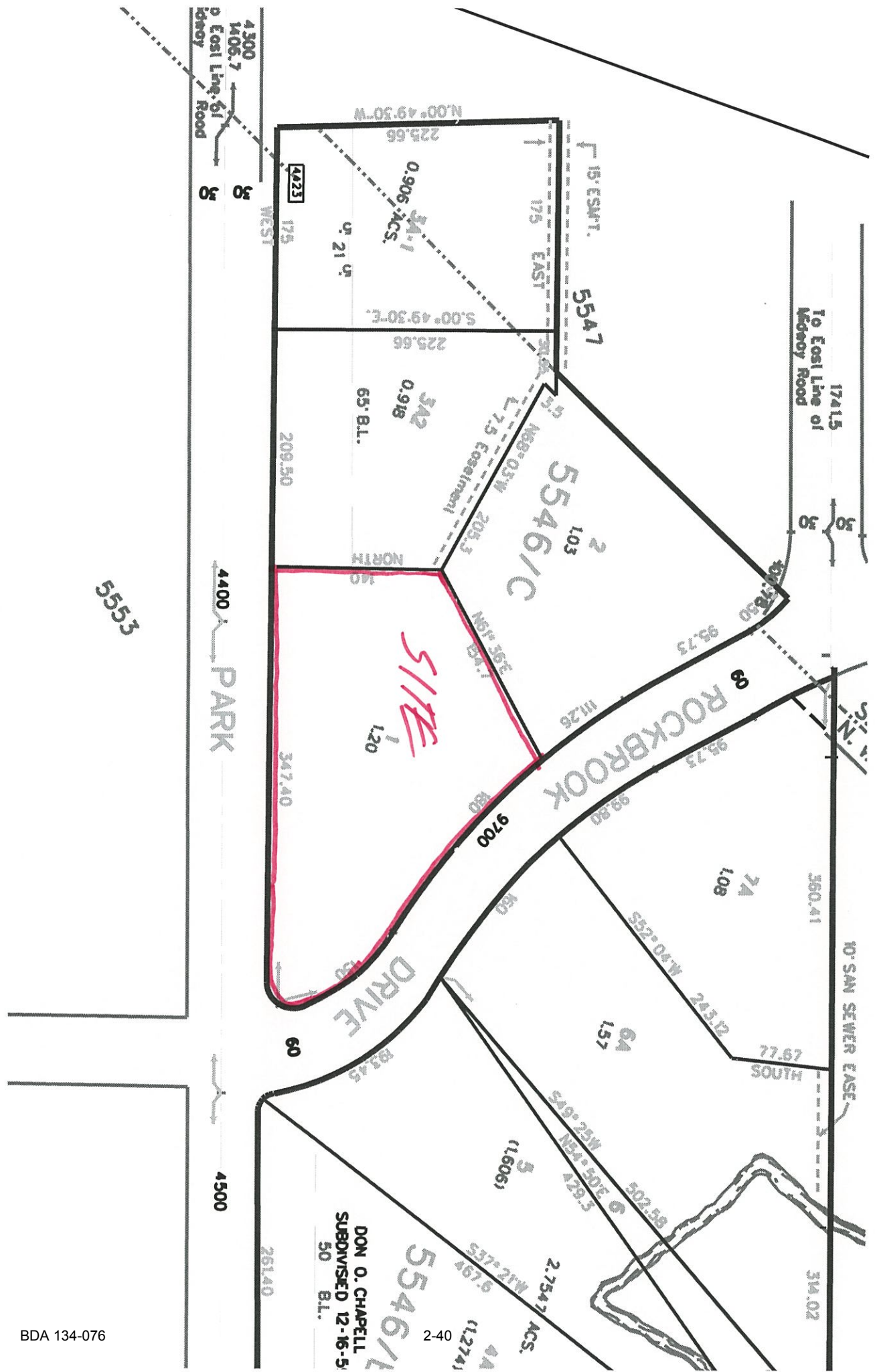
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites

SUP

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts

PDS Subdistricts

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



5553

4400 PARK

DON O. CHAPPELL
SUBDIVISED 12-16-50
50 B.L.

55461

Drawn by
G. J. ...

Checked by
J. W. ...

Date
10/20/01

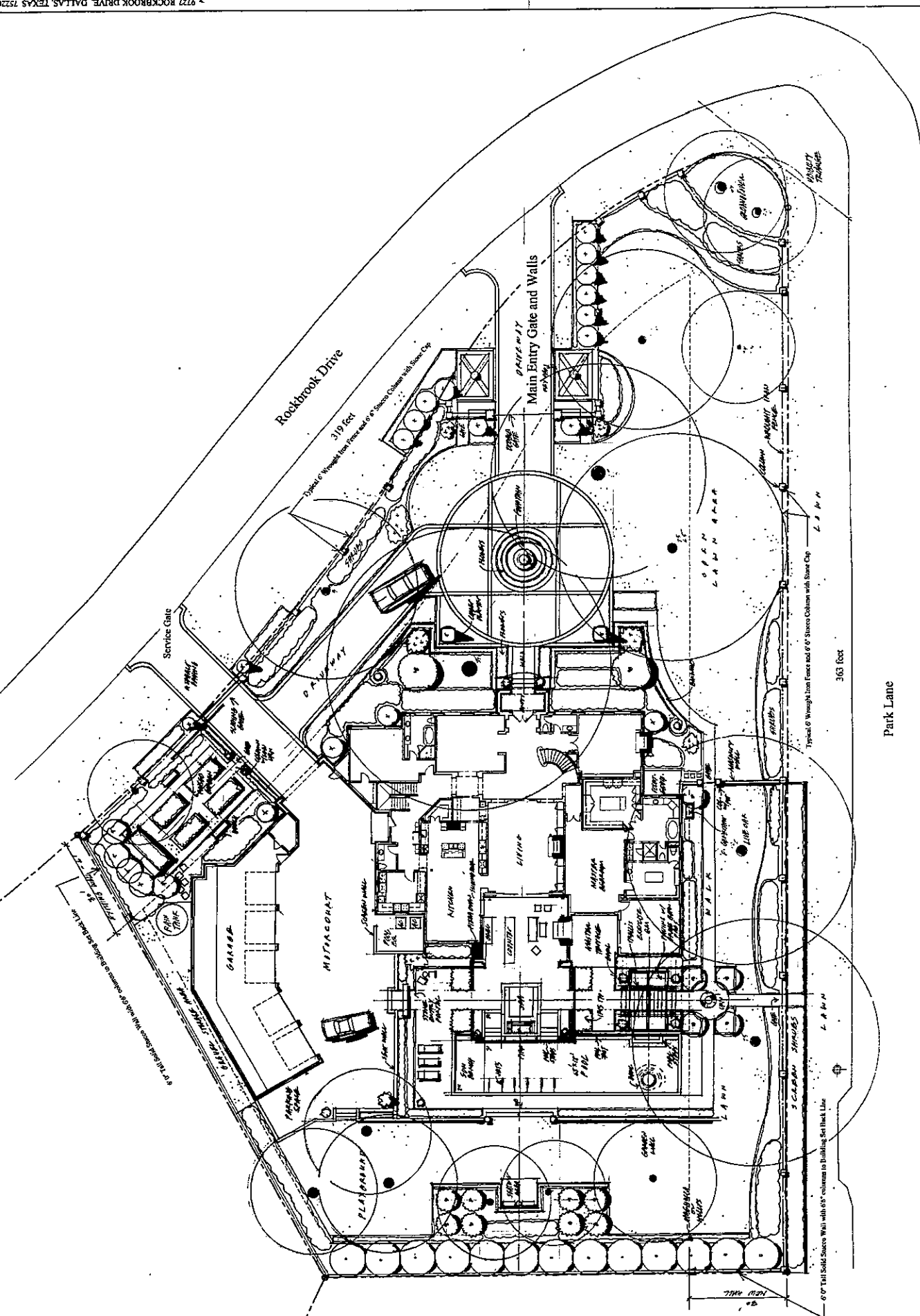
Revisions

MR. & MRS. DANIEL MOON
A RESIDENCE DESIGNED FOR

INCORPORATING
FEBRUARY
APPLICABLE
CONSTRUCTION

A.I.C.
Architectural
Institute of
California
211096

SITE PLAN



01 SITE PLAN
SCALE 1/8\"/>



By: Giorgarden Design, llc
4415 Alta Vista Lane
Dallas, Texas, 75229
mobile: 214-998-3232
giorgarden@sigblock.net

Drawn By
S.L. MOO

Checked By
S.L. MOO

Date
10/22/2012

Revisions

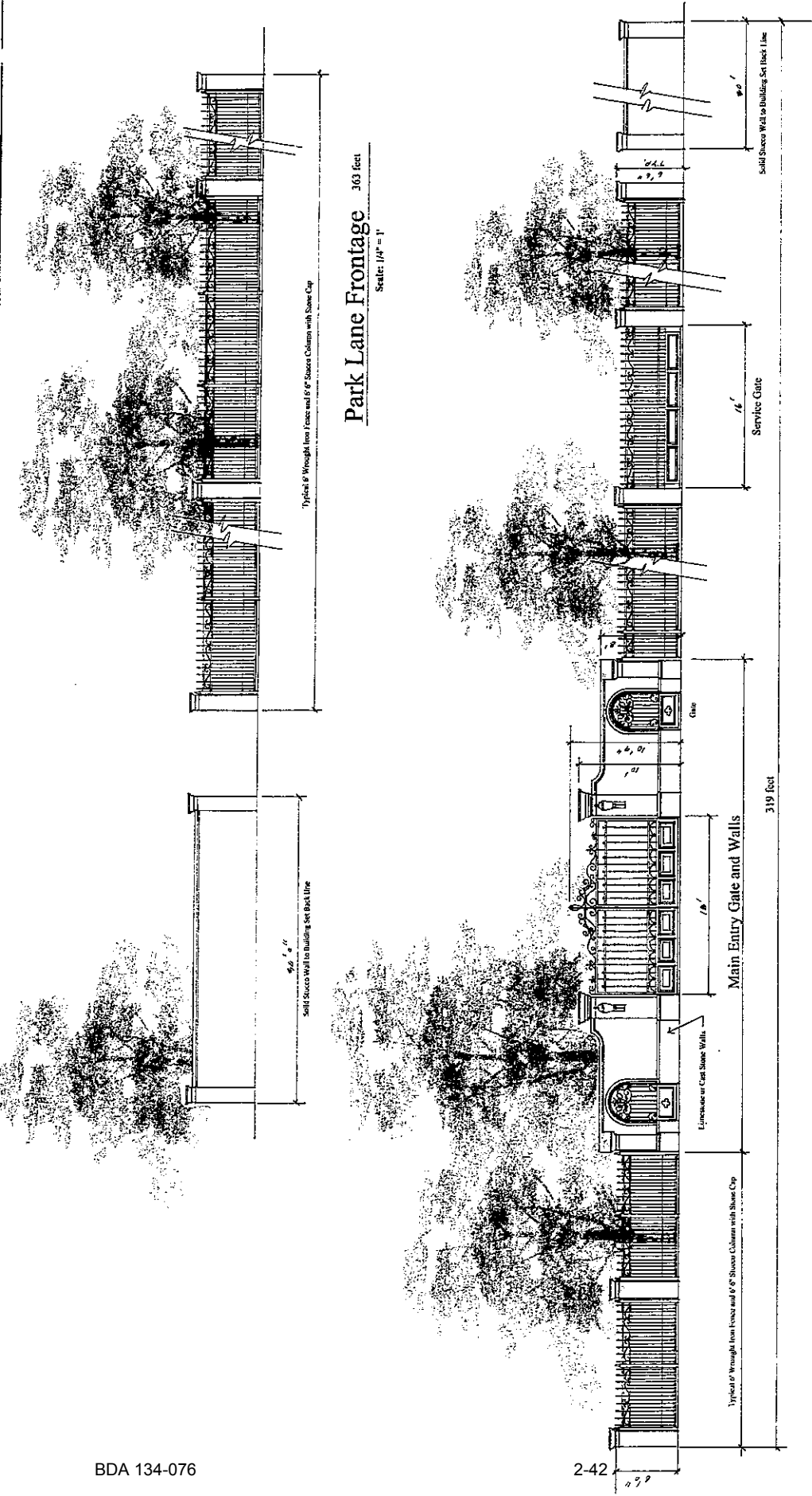
A RESIDENCE DESIGNED FOR
Mr. & Mrs. Daniel Moon

BOB WATKINS
27 FLEMING ST
APT 104 AT CANTON
CONSTRUCTION POINT
TULSA, OK
74104

AI-01
1 of 26
Paper No.
2/10/12

SITE PLAN

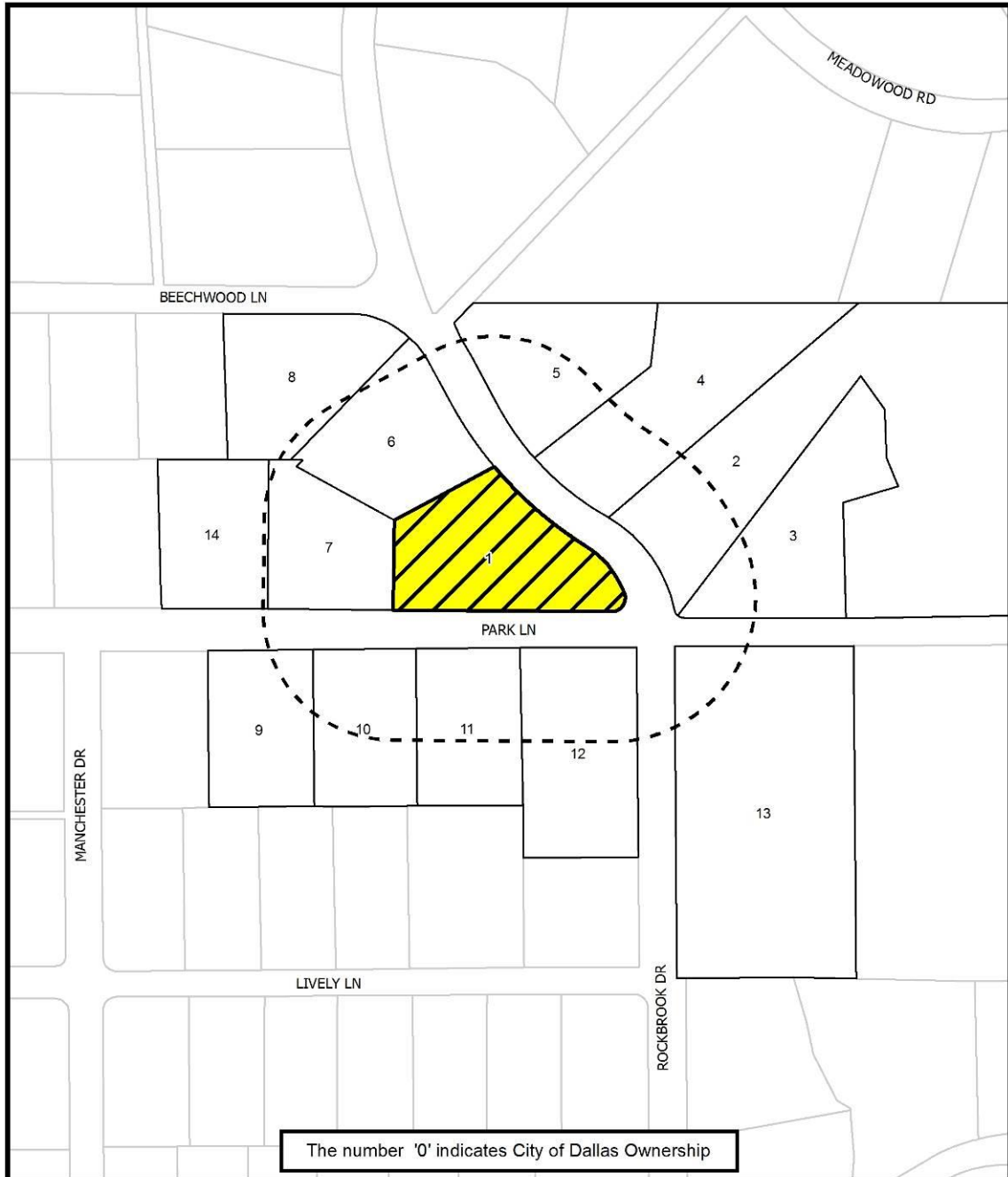
9777 ROCKBROOK DRIVE, DALLAS, TEXAS 75220



Park Lane Frontage 363 feet
Scale: 1/4" = 1'

Rockbrook Drive Frontage 319 feet
Scale: 1/4" = 1'

By:
Glogarden Design, llc
4415 Alta Vista Lane
Dallas, Texas, 75229
mobile: 214-908-5333
glogarden@glogarden.net



| | | | |
|--|--|------------------------|----------------------------|
|  1:2,400 | NOTIFICATION | | Case no: BDA134-076 |
| | <div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED | Date: 7/29/2014 | |

Notification List of Property Owners

BDA134-076

14 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|-------------------|---------------------------|
| 1 | 4545 PARK LN | MOON DANIEL |
| 2 | 4635 PARK LN | FERRER JESSE F & |
| 3 | 4619 PARK LN | YOUNG MICHAEL & SHARON |
| 4 | 9726 ROCKBROOK DR | WILCOX WILLIAM H & |
| 5 | 9746 ROCKBROOK DR | LERER STEPHEN & JANE S |
| 6 | 9739 ROCKBROOK DR | DAVIS GARY LEE & TRUDIE A |
| 7 | 4531 PARK LN | LOOPER STEVEN E & |
| 8 | 4440 BEECHWOOD LN | CONNER F WILLIAM & |
| 9 | 4420 PARK LN | CONDRA Y ANSEL L & |
| 10 | 4428 PARK LN | WOODALL MARTIN |
| 11 | 4506 PARK LN | LOSINGER ALAN W & |
| 12 | 4524 PARK LN | CROW HOWARD D 1999 REV TR |
| 13 | 4606 PARK LN | MAGUIRE CARY M |
| 14 | 4523 PARK LN | KIRSCHNER SOL |

FILE NUMBER: BDA 134-081

BUILDING OFFICIAL'S REPORT: Application of Jonathan G. Vinson for a special exception to the pedestrian skybridge standards at 5201 Harry Hines Boulevard, a property described as a 12.69 acre tract in Block 6056, zoned MU-3, and 5134 Harry Hines Blvd., a property described as Lot 1A, Block A/5748, zoned IR and IM, which requires that supports for a pedestrian skybridge must not be located within the public right-of-way. The applicant proposes to construct and maintain a pedestrian skybridge and locate a support in a public right-of-way, which will require a special exception to the pedestrian skybridge standards.

LOCATION: 5201 Harry Hines Boulevard

APPLICANT: Jonathan G. Vinson

REQUEST:

A request for a special exception to the mandatory pedestrian skybridge standards is made to construct and maintain a pedestrian skybridge with a support column located within the Harry Hines Boulevard public right-of-way and would connect one existing hospital use/structure (old Parkland Hospital) to another new hospital use (new Parkland Hospital).

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: MU-3, IR, & IM (Mixed Use, Industrial/Research, Industrial/Manufacturing)
North: MU-3, PD 386 (Mixed Use, Planned Development)
South: PD 748 (Planned Development)
East: PD 748 (Planned Development)
West: MU-3 (Mixed Use)

Land Use:

The subject site is developed an existing hospital on the south (Parkland Memorial Hospital) and a hospital under development on the north (Parkland Hospital). The areas to the north, east, south, and west are developed with a mix of hospital related and retail uses.

Zoning/BDA History:

1. Z 134-117, (the lot subject site)

On March 26, 2014, the City Council approved an application for a specific use permit for a pedestrian skybridge on property zoned an IR and an MU-3 district for a permanent time period, subject to a site plan and conditions, with an ordinance to return at a later date.
2. BDA 989-179, Property at 1935 Motor Street (the area to the south of the subject site)

On February 23, 1999, the Board of Adjustment Panel A granted requests for variances to the front yard setback regulations, and special exceptions to the pedestrian skybridge and visual obstruction regulations. The Board imposed the submitted elevation as a condition to the special exception requests.

The case report stated that the requests were made in conjunction with maintaining an existing structure in the front yard setback along Medical Center Drive, and constructing and maintaining pedestrian skybridges in the front yard setback along Medical Center Drive, two pedestrian skybridges in the same blockface, and portions of skybridge support columns in visibility triangles on a site .

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining: a pedestrian skybridge with a support column located within the Harry Hines Boulevard public right-of-way- a pedestrian skybridge that would connect one existing hospital use/structure (old Parkland Hospital) to another new hospital use (new Parkland Hospital).
- The Dallas Development Code provides 19 mandatory skybridge provisions of which the applicant seeks special exception from one: that being the provision which states that pedestrian skybridge supports must not be located within the public right-of-way.
- The applicant has submitted images (see Attachment A) showing one support proposed to be located in the median of Harry Hines Boulevard.
- The applicant states among other things that: 1) the support column is unobtrusive, represents no traffic hazard or any other adverse impact, is not detrimental in any way, and is absolutely necessary from an architectural and engineering standpoint to support the skybridge; 2) while a suspension skybridge was considered, it was determined to be much too expensive for a public project; and 3) building a non-suspension skybridge without the center column would make it much more expensive, larger, and heavy.
- The applicant has the burden of proof in establishing how strict compliance with the requirements (constructing/maintain a pedestrian skybridge without supports within the public right-of-way) will unreasonably burden the use of either of the properties; that the special exception (constructing/maintain a pedestrian skybridge with a support within the public right-of-way) will not adversely affect neighboring property; and the special exception (constructing/maintain a pedestrian skybridge with a support within the public right-of-way) will not be contrary to the public interest.

Timeline:

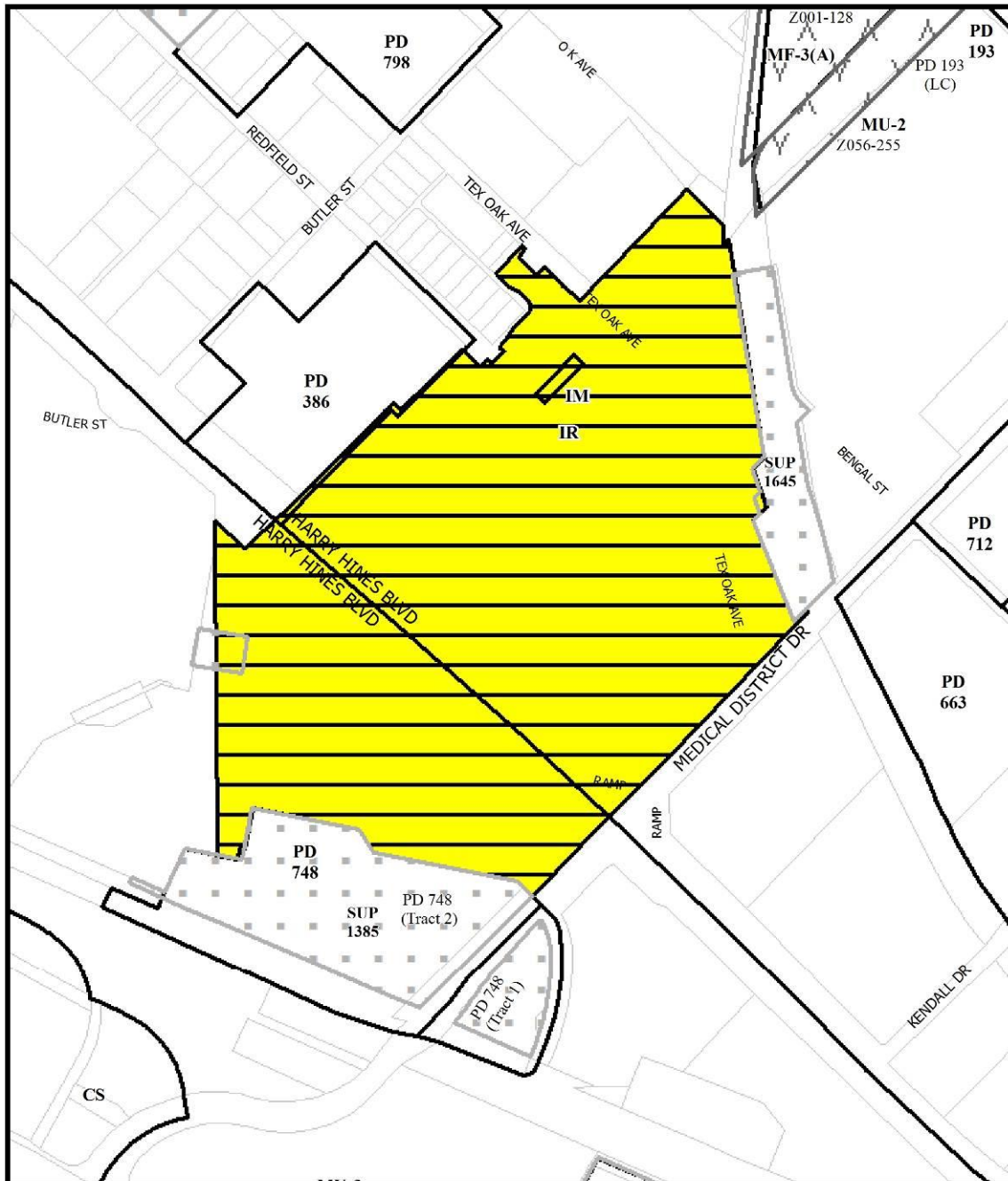
- June 27, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 31, 2014: The Board Administrator acting on behalf of the Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- July 31, 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 August 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

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

August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

August 8, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).



1:4,800

ZONING MAP

Case no: **BDA134-081**

Date: **7/31/2014**



1:4,800

AERIAL MAP

Case no: BDA134-081

Date: 7/31/2014



BDA 134-081
Attach A
Pg 1

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

August 8, 2014

Hon. Chair and Members,
Board of Adjustment, Panel A
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 134-081; 5201 Harry Hines Boulevard.

Dear Members of Panel A:

I. Introduction. We represent the Dallas County Hospital District, which operates Parkland Hospital on Harry Hines Boulevard. As you know, Parkland Hospital is one of the largest and busiest public hospitals in the United States, with over 1 million patient visits each year. You also know that Dallas County and the surrounding area is experiencing exponential population growth and will continue to do so for years. The existing Parkland Hospital complex had become overcrowded, and it was determined that new larger and more modern facilities were needed to serve the people of Dallas County.

In 2007, the Dallas County Commissioners Court approved a recommendation for a new Parkland Hospital. From that point, facility planning began in May 2008; Dallas County voters approved bonds for construction of the new Parkland in November 2008; and groundbreaking occurred on October 28, 2010. The new Parkland complex is nearing completion, with the exterior of the buildings virtually complete. Projected opening of the hospital to the public is slated for approximately May of 2015.

II. The New Parkland Project. The New Parkland project is almost 2,000,000 square feet and will replace the existing 55-year-old facility. The \$1.27 billion project includes an 862-bed hospital, as well as clinic buildings, parking structures and other support facilities. However, other functions of Parkland Hospital will continue in the existing Parkland complex on the west side of Harry Hines Boulevard. For that reason, a pedestrian skybridge has been designed to connect old Parkland and new Parkland.

This skybridge is necessary to be able to quickly and safely transport patients, doctors and nurses and other medical staff, and family members of patients from one side to the other without having to get in a vehicle or otherwise walk across the very busy six lanes of Harry Hines Boulevard. This is a matter not merely of convenience but primarily of patient safety and medical necessity. However, a pedestrian skybridge which crosses public right-of-way has a number of requirements imposed by the City of Dallas. One of these is that a Specific Use Permit

is required for a pedestrian skybridge as an accessory use. We have gone all the way through City Council on that request, and Council approved the zoning for the pedestrian skybridge S.U.P. on March 26, 2014. The Ordinance will come back when all other items are completed on this, including our request before you.

III. Special Exception Request. We are before Panel A on this special exception request because of the regulation 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: (vi) Supports must not be located within the public right-of-way.

Thus, one of the mandatory requirements for the pedestrian skybridge accessory use is that "supports must not be located within the public right-of-way". There is one support, which you will see in the attached images, which is located in the median of Harry Hines Boulevard. This support column, as we will explain below, is unobtrusive, represents no traffic hazard or any other adverse impact, is not detrimental in any way, and is absolutely necessary from an architectural and engineering standpoint to support the skybridge. A suspension skybridge was considered but was determined to be much too expensive for a public project. Otherwise, building a non-suspension sky bridge without the center column support would make the skybridge much more expensive, larger and heavy. This is clearly the best solution for this project.

One of our architects at MoodyNolan, Albert Ray, AIA, explained this request further by saying that "the critical nature of the bridge connection is driven by the need to provide a safe and economical means for migration of equipment and select patients during the move into the new hospital. Long term, the bridge will serve as a means of moving ambulatory patients and staff to travel between the two facilities as some facilities will remain in the existing hospital for a period of time. Over the evolution of the design alternatives presented to the Board, exploration was conducted that looked at supporting the 900 foot bridge from a both a free span suspension design and from a center column design. The free span suspension design was estimated to cost an additional \$5.8 million over and above the center column design and was rejected by the Board in August of 2013."

The Board can grant a special exception from this requirement 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 proposed skybridge is a critical necessity for the new Parkland and its operations, for the reasons explained above. Without the skybridge being operational on time, delays will be caused in the move to the New Parkland Hospital. All of this would cause a very unreasonable burden on Parkland's use of both properties, to the ultimate severe detriment of the public.
2. ***The special exception will not adversely affect neighboring property.*** Parkland owns the land at each end of the skybridge. There was a bridge in the area previously that had a bridge support in the median that supported hospital parking in the past. The location of the support will be in the existing median, therefore there will be no impact to all on drive lanes, turn lanes, or sight lines to traffic signals. The skybridge will also be very well designed and attractive. Therefore, there is no adverse effect on the neighboring property.
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 the new Parkland project and thus very strongly supports the public interest. In fact, without this skybridge being in place and operational, the State of Texas hospital license cannot be transferred to the new Parkland and the new hospital will not be able to open until it is.

The technical explanation of the necessity for this particular column has been provided to us by Dave Thomas, P.E., Project Engineer with Datum Engineers, Inc., as follows:

A typical steel truss bridge needs to maintain a maximum span to depth ratio of about 12 in order to be economical and control vibrations. With the column at the center of Harry Hines, the maximum span length is approximately 130 feet resulting in a span to depth ratio of approximately 8.5. This design allows for efficient truss design without any vibration concerns.

The length of the bridge over Harry Hines is approximately 250 feet. This would lead to a span to depth ratio of approximately 16 (about 33 percent above the maximum). A bridge with this span to depth ratio would have significant vibration of the bridge due to both foot traffic and wind. The longer span would require much heavier members and a much deeper bridge. Additionally, the curve of the bridge would result in significant torsion in the structure which would further increase the required depth and width of the bridge. *Due to these issues a clear span steel truss bridge over Harry Hines without a center support column would likely need to be at least twice as deep and much wider with much heavier members resulting in a cost-prohibitive structure.*

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

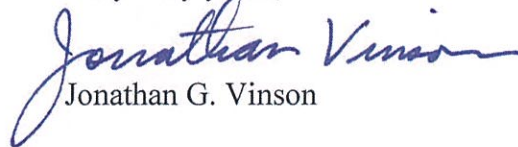
First, strict compliance with the requirements would unreasonably burden use of the properties as discussed above; in fact, without the column, the skybridge is not possible, and without the skybridge, patients, doctors and nurses will be forced to cross six-lane Harry Hines Boulevard at the surface.

Second, the special exception will not adversely affect neighboring property. Parkland Hospital owns very large tracts of the property on both sides of this location, and virtually everything in the area for blocks up and down Harry Hines consists of other large institutional Medical District uses, social service uses, or support retail.

Third, the special exception will not be contrary to the public interest, and, in fact, will strongly support the public interest by providing for a key component of the new Parkland Hospital, serving the people of Dallas County.

We look forward to appearing at your public hearing on August 19 to respectfully ask that you approve our request. Thank you very much.

Very truly yours,


Jonathan G. Vinson

cc: Kristina Jones
Albert Ray, AIA
Dane Thomas, P.E.
Suzan Kedron



Parkland
Sky Bridges

INTERIM REVIEW ONLY
These documents are incomplete, and are not intended for regulatory approval, permit, or construction purposes.
Architect: Jeffrey Bilan Stock
Arch. Reg. No. 22616
Date:

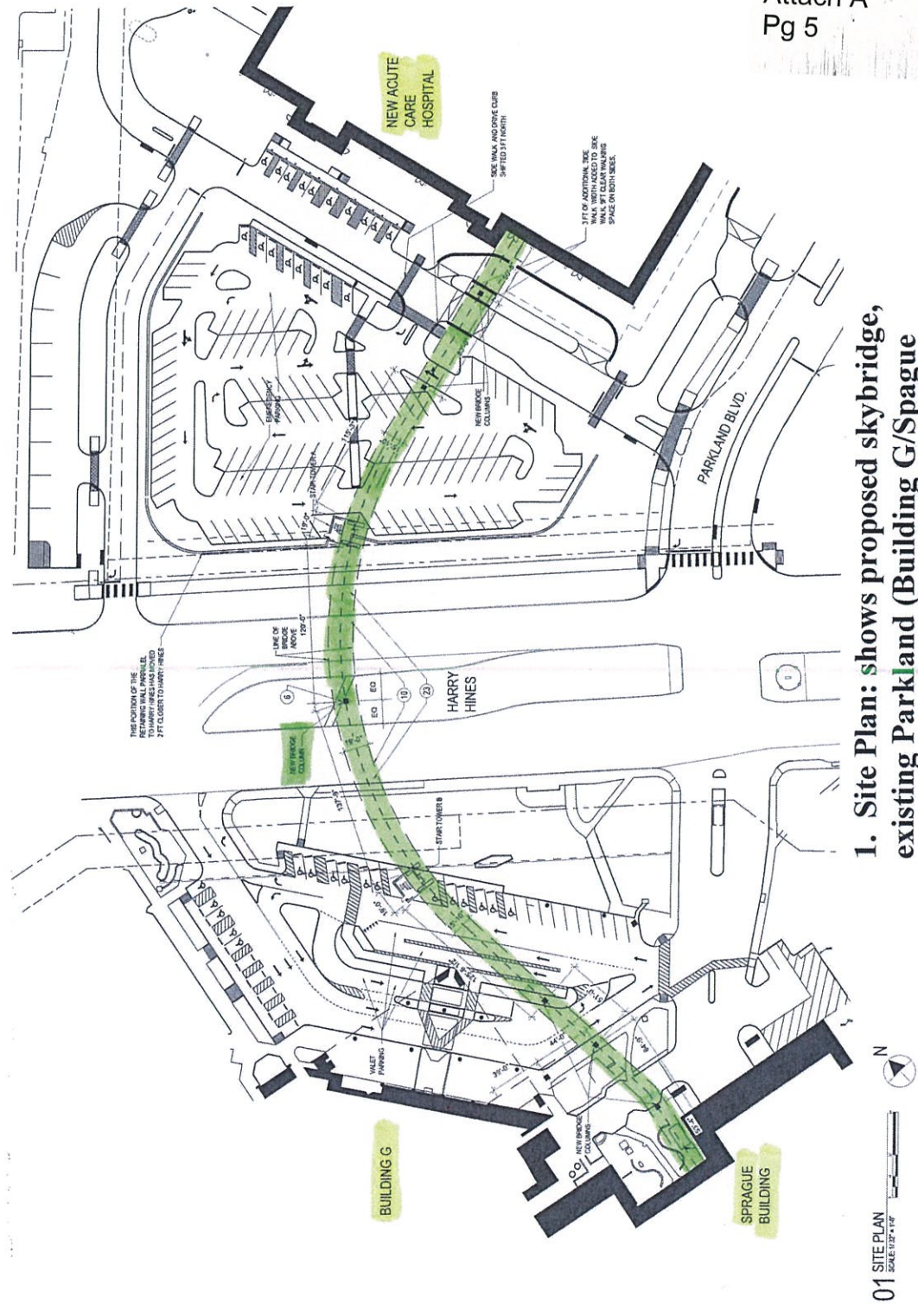
MOODY-NOLAN TEXAS
Architecture | Interior Design |
1515 Ross Street, Suite 1000
Dallas, Texas 75201
Tel: 972.243.2200
Fax: 972.243.2201
www.moodynolan.com

Parkland Sky Bridges
5011 Harry Hines Blvd., Dallas, Texas 75246
Parkland Health & Hospital
System

Site Owner: HH
Title: Concept 2B
12/06/2010

SITE PLAN
Project Phase: SUP1

BDA 134-081
Attach A
Pg 5

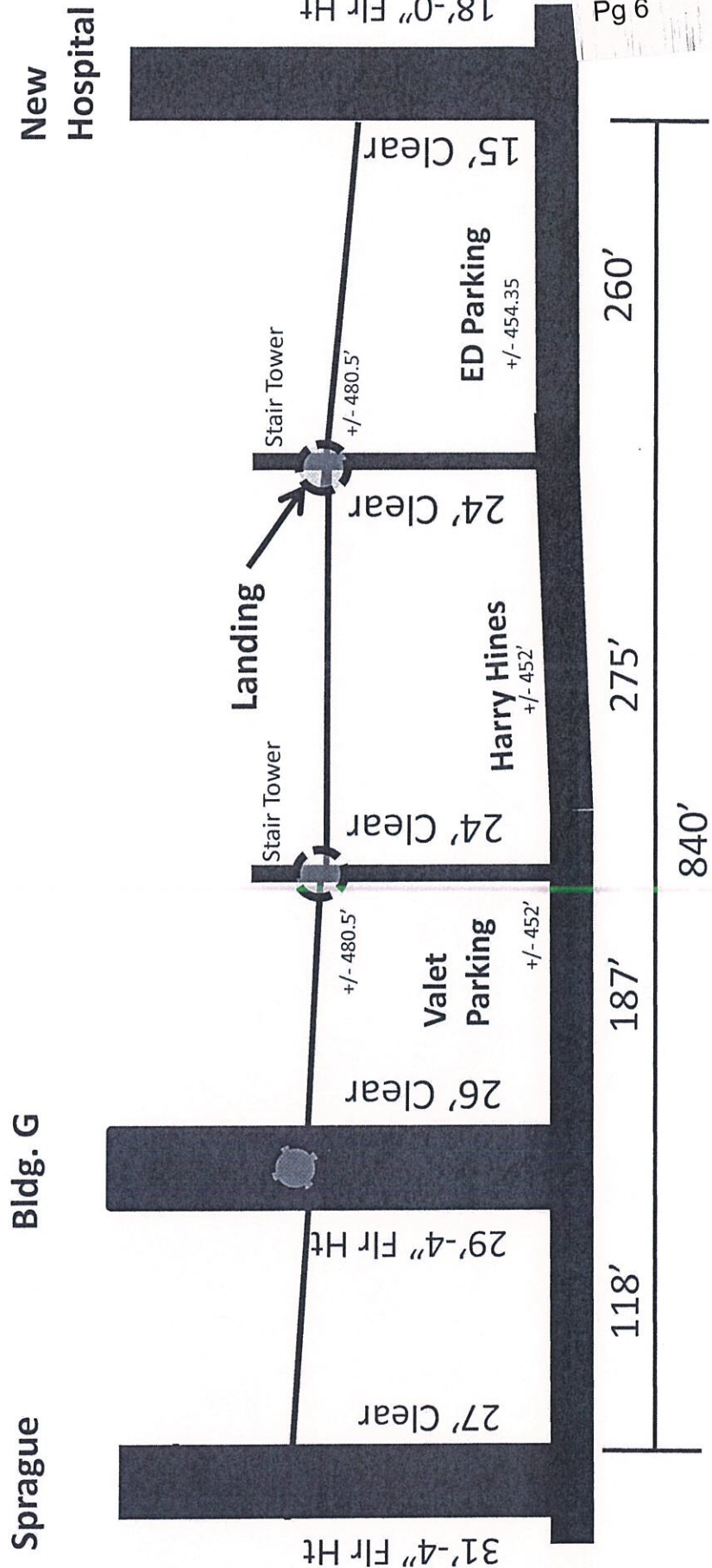


1. Site Plan: shows proposed skybridge, existing Parkland (Building G/Spague Building) and new Parkland (new acute care hospital).



DATE: 03/11/2011 09:59 PM
C:\Users\jstock\Documents\2011\BDA134-081\134-081_SitePlan.dwg

Bridge B-1 840' Total Length



BDA 134-081
Attach A
Pg 6

2. Site Section of proposed skybridge.

Site Section



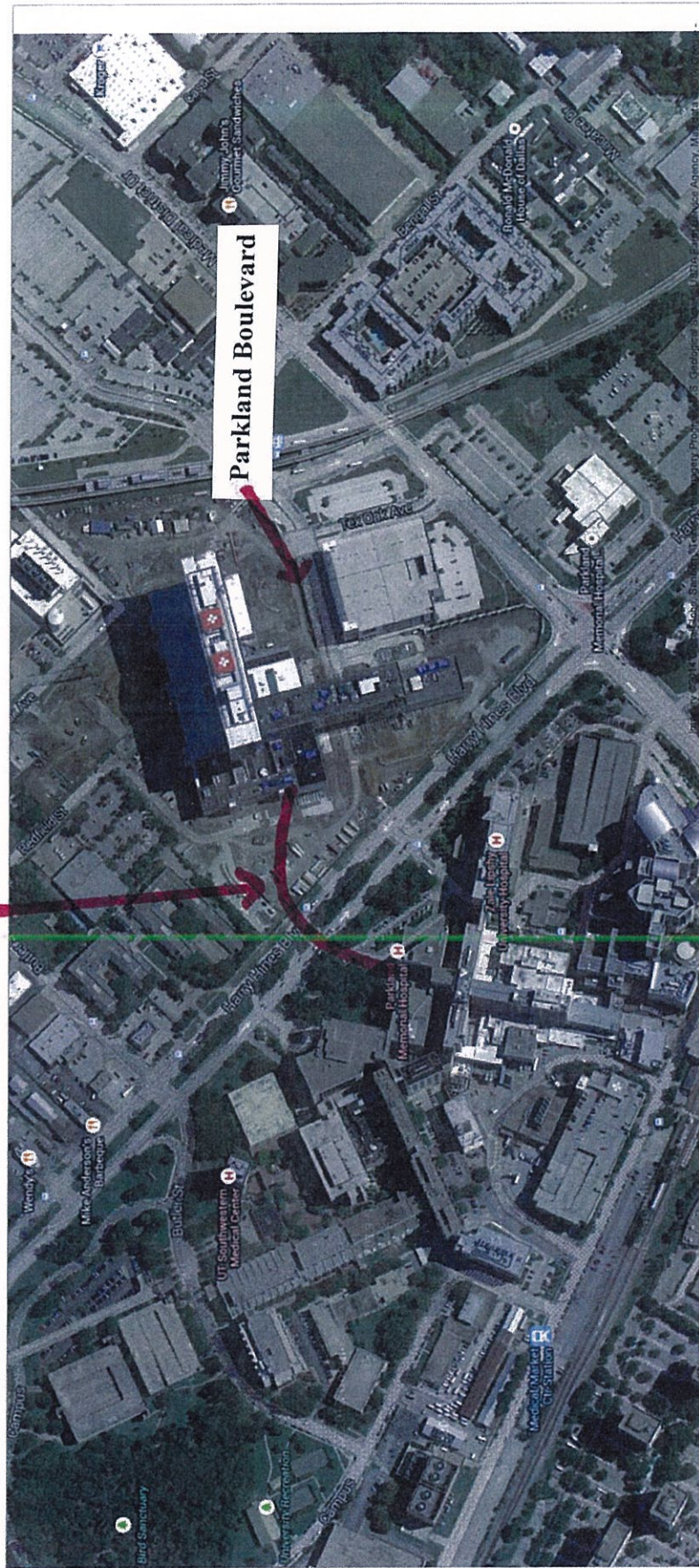
New Parkland Campus – Sky Bridges
Dallas, Texas
10.10.13

MOODY•NOLAN TEXAS
architecture | interior design

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



Location of proposed skybridge



3. Aerial photos showing location of proposed skybridge, Parkland Boulevard.

BDA 134-081
Attach A
Pg 7

**4. Closer aerial rendering of skybridge:
Harry Hines in middle, old Parkland on left,
new Parkland on right.**



New Parkland Hospital

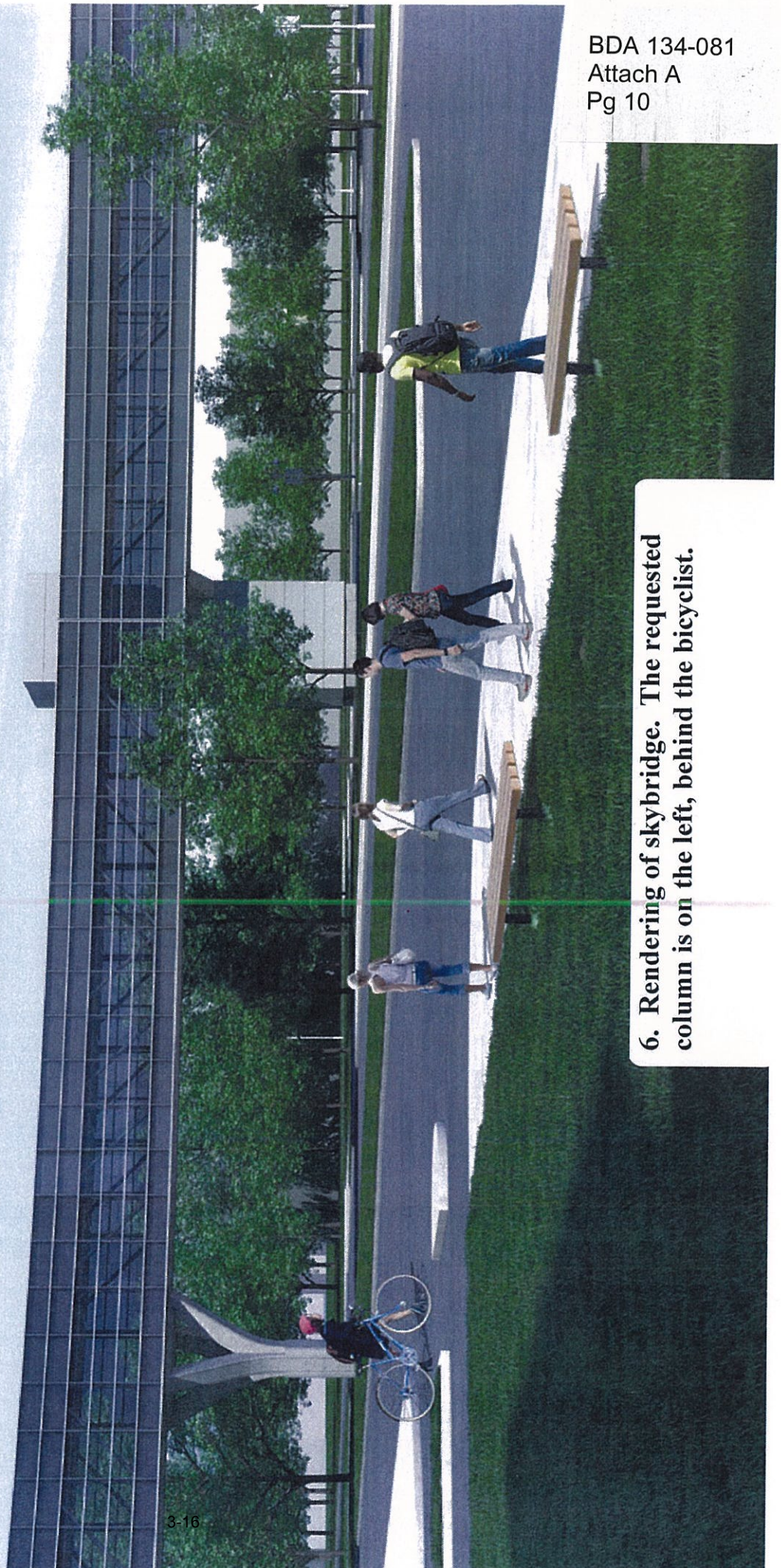


New Parkland Hospital



5. Two renderings of new Parkland; both show skybridge connector at lower left.

BDA 134-081
Attach A
Pg 9



6. Rendering of skybridge. The requested column is on the left, behind the bicyclist.

Vinson, Jonathan

From: Dave Thomas <dave@datumengineers.com>
Sent: Wednesday, August 06, 2014 9:19 AM
To: Ray, Albert
Cc: Kristina Jones; Kedron, Suzan; Vinson, Jonathan
Subject: Re: Parkland Skybridge

Structural explanation is below. Please let me know if you need any further information.

A typical steel truss bridge needs to maintain a maximum span to depth ratio of about 12 in order to be economical and control vibrations.

With column at center of Harry Hines the maximum span length is approximately 130 ft resulting in a span to depth ratio of approximately 8.5. This design allows for efficient truss design without any vibration concerns.

Length of bridge over Harry Hines is approximately 250 ft, this would lead to a span to depth ratio of approximately 16 (About 33 percent above maximum). A bridge with this span to depth ratio would have significant vibration of the bridge due to both foot traffic and wind. The longer span would require much heavier members and a much deeper bridge. Additionally, the curve of the bridge would result in significant torsion in the structure which would further increase the required depth and width of the bridge. Due to these issues a clear span steel truss bridge over Harry Hines without a center support column would likely need to be at least twice as deep and much wider with much heavier members resulting in a cost prohibitive structure.

An option to clear span Harry Hines using an arch and suspension system was considered and would be technically feasible, however due to cost and time restrictions this option was rejected by the board.

DAVE THOMAS, PE, SE
PROJECT ENGINEER
DATUM ENGINEERS, INC. | F-2819
214.358.0174 EXT.121
THE ART OF STRUCTURAL ENGINEERING
WWW.DATUMENGINEERS.COM | ESTABLISHED 1937

7. Copy of explanatory email from civil engineer.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-081

Data Relative to Subject Property:

Date: 6-27-14

Location address: 5137/5201 Harry Hines Boulevard Zoning District: MU-3; IR/IM

Lot No.: N/A Block No.: A/5748; 6056 Acreage: 0.099 (Skybridge) Census Tract: 0100.00; 0004.01

Street Frontage (in Feet): 1) 24.13* 2) 22.58* 3) _____ 4) _____ 5) _____
*Skybridge

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas County Hospital District

Applicant: Jonathan G. Vinson Telephone: (214) 953-5941

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

E-mail Address: jvinson@jw.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

... a violation of Sec. 51A-4.217(b)(12)(F)(vi)

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 Jonathan G. Vinson
(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: Jonathan G. Vinson
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 27 day of June, 2014



Marlene Somraty
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

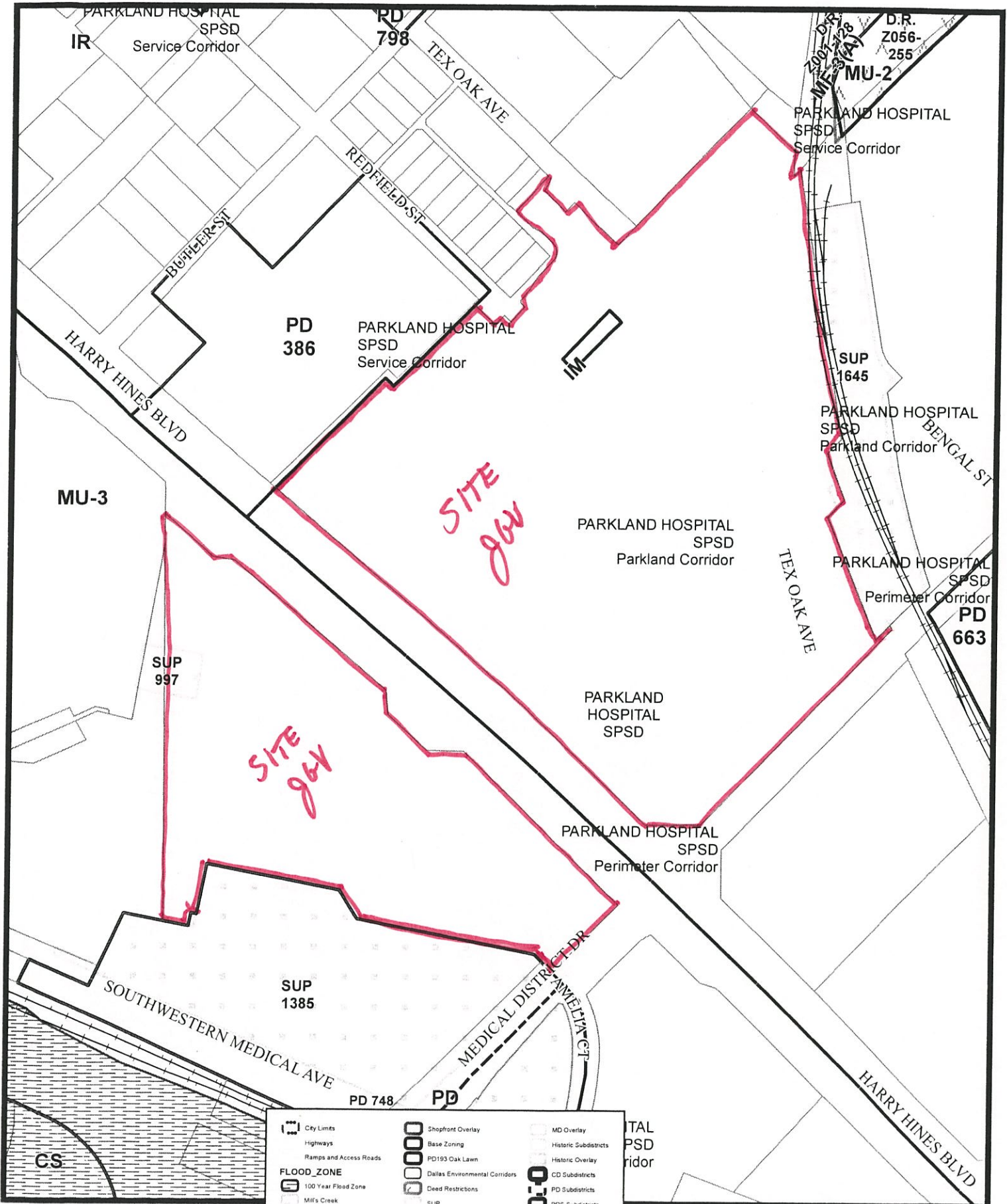
I hereby certify that Jonathan Vinson

did submit a request for a special exception to the pedestrian skybridge standards
at 5201 Harry Hines Blvd.

























BDA134-081. Application of Jonathan Vinson for a special exception to the pedestrian skybridge standards at 5201 Harry Hines Blvd., a property described as a 12.69 acre tract in Block 6056, zoned MU-3, and 5134 Harry Hines Blvd., a property described as Lot 1A, Block A/5748, zoned IR and IM, which requires that supports for a pedestrian skybridge must not be located within the public right-of-way per Section 51A-4.217(b)(12)(F)(vi). The applicant proposes to construct a pedestrian skybridge and locate a support in a public right-of-way, which will require a special exception to the pedestrian skybridge standards per Section 51A-4.217(b)(12)(H).

Sincerely,


Larry Holmes, Building Official

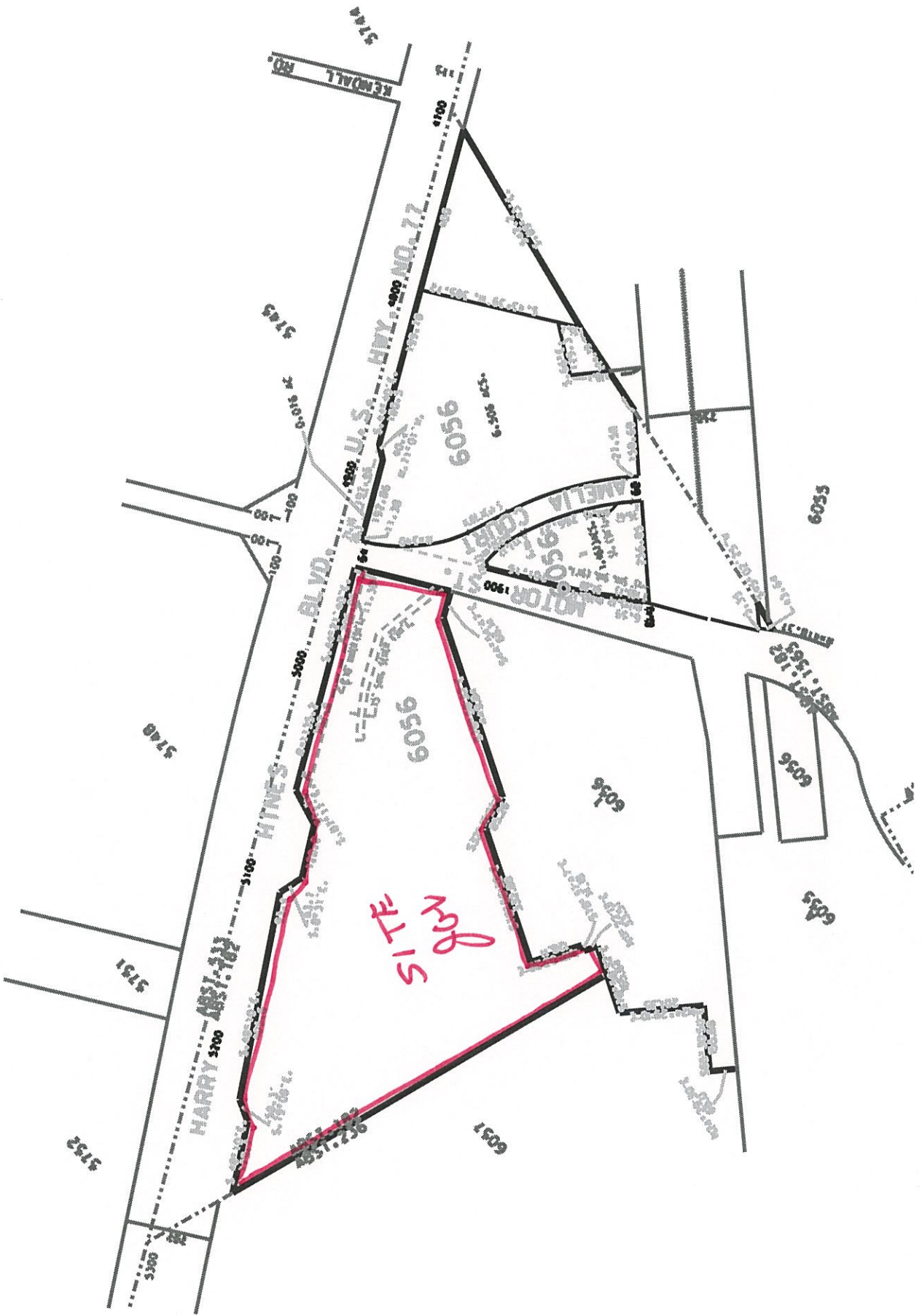



 1:3,600
 BDA 134-081

| | | | | | |
|---|----------------------------|---|--------------------------------|---|-----------------------|
|  | City Limits |  | Shopfront Overlay |  | MD Overlay |
|  | Highways |  | Base Zoning |  | Historic Subdistricts |
|  | Ramps and Access Roads |  | PD193 Oak Lawn |  | Historic Overlay |
|  | FLOOD_ZONE |  | Dallas Environmental Corridors |  | CD Subdistricts |
|  | 100 Year Flood Zone |  | Deed Restrictions |  | PD Subdistricts |
|  | Mill's Creek |  | SUP |  | POS Subdistricts |
|  | Peak's Branch |  | D |  | NSO Subdistricts |
|  | PROTECTED BY LEVEE |  | D-1 |  | NSO Overlay |
| | Parks | | CP | | Escarpment Overlay |
| | Height Map Overlay | | SP | | |
| | Parking Management Overlay | | | | |

Case ID:
 Printed: 6/24/2014





COLUMN EASEMENT

Being Part of Harry Hines Boulevard Right-of-Way, Dallas, Texas
Lying between City Block A/5748 & 6056,
Crawford Grigsby Survey, Abstract No. 533, and
A. Bahn Survey, Abstract No. 182
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 400 square foot (0.009 acre) tract of land situated in the Crawford Grigsby Survey, Abstract No. 533 and the A. Bahn Survey, Abstract No. 182, City of Dallas, Dallas County, Texas; said tract being a part of Harry Hines Boulevard, a variable width public right-of-way, and a part of that tract of land described in Agreement to the County of Dallas recorded in Volume 1664, Page 421 of the Deed Records of Dallas County, Texas, and a part of that tract of land described in Right of Way Deed to the State of Texas recorded in Volume 2179, Page 140 of the Deed Records of Dallas County, Texas; said tract lying between City Block A/5748 & 6056; said 400 square foot (0.009 acre) tract being more particularly described as follows (bearing system based on the southwest line of Lot 1A, Block A/5748, New Parkland Hospital, Phase 2 (South 49 degrees 07 minutes 59 seconds East) as recorded in Instrument 201100289123 of the Official Public Records of Dallas County, Texas):

COMMENCING, at a point at the south end of a right-of-way corner clip at the intersection of the northeast right-of-way line of Harry Hines Boulevard (a variable width right-of-way) with the southeast right-of-way line of Butler Street (a variable width right-of-way); said point being the most southerly southwest corner of Lot 2, Block A/5752, McDonald's / Harry Hines Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2000102, Page 4823 of the Deed Records of Dallas County, Texas;

THENCE, in a southeasterly direction, along said northeast line of said Harry Hines Boulevard the following two (2) calls:

South 48 degrees, 25 minutes, 17 seconds East, at a distance of 142.27 passing the southeast corner of said Lot 2, continuing in all a total distance of 220.67 feet to a "+" cut found for corner in the southwest line of Lot 1, Block A/5752, Salvation Army Service Center No. 2, an addition to the City of Dallas, Texas according to the plat recorded in Volume 93233, Page 7101 of the Deed Records of Dallas County, Texas;

South 49 degrees, 03 minutes, 17 seconds East, a distance of 293.30 feet to a power pole found at the southeast corner of said Lot 1; said point being the most westerly southwest corner Lot 1A, Block A/5748; New Parkland Hospital, Phase 2, an addition to the City of Dallas according to the plat recorded in Instrument 201100289123 of the Official Public Records of Dallas County, Texas; from said point a PK Nail found bears South 49 degrees 07 minutes, 59 seconds East, a distance of 459.84 feet;

THENCE, South 27 degrees, 56 minutes, 47 seconds East, departing the said northeast line of said Harry Hines Boulevard and the said southwest corner Lot 1A, Block A/5748, a distance of 259.13 feet to a point for corner and the POINT OF BEGINNING;

THENCE, South 55 degrees, 29 minutes, 05 seconds East, a distance of 20.00 feet to a point for corner;

THENCE, South 34 degrees, 30 minutes, 55 seconds West, a distance of 20.00 feet to a point for corner;

THENCE, North 55 degrees, 29 minutes, 05 seconds West, a distance of 20.00 feet to a point for corner;

THENCE, North 34 degrees, 30 minutes, 55 seconds East, a distance of 20.00 feet to the POINT OF BEGINNING;

CONTAINING, 400 square feet or 0.009 acres of land, more or less.

COLUMN EASEMENT

Being Part of Harry Hines Boulevard Right-of-Way, Dallas, Texas
Lying between City Block A/5748 & 6056,
Crawford Grigsby Survey, Abstract No. 533, and
A. Bahn Survey, Abstract No. 182
City of Dallas, Dallas County, Texas

(An exhibit date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described



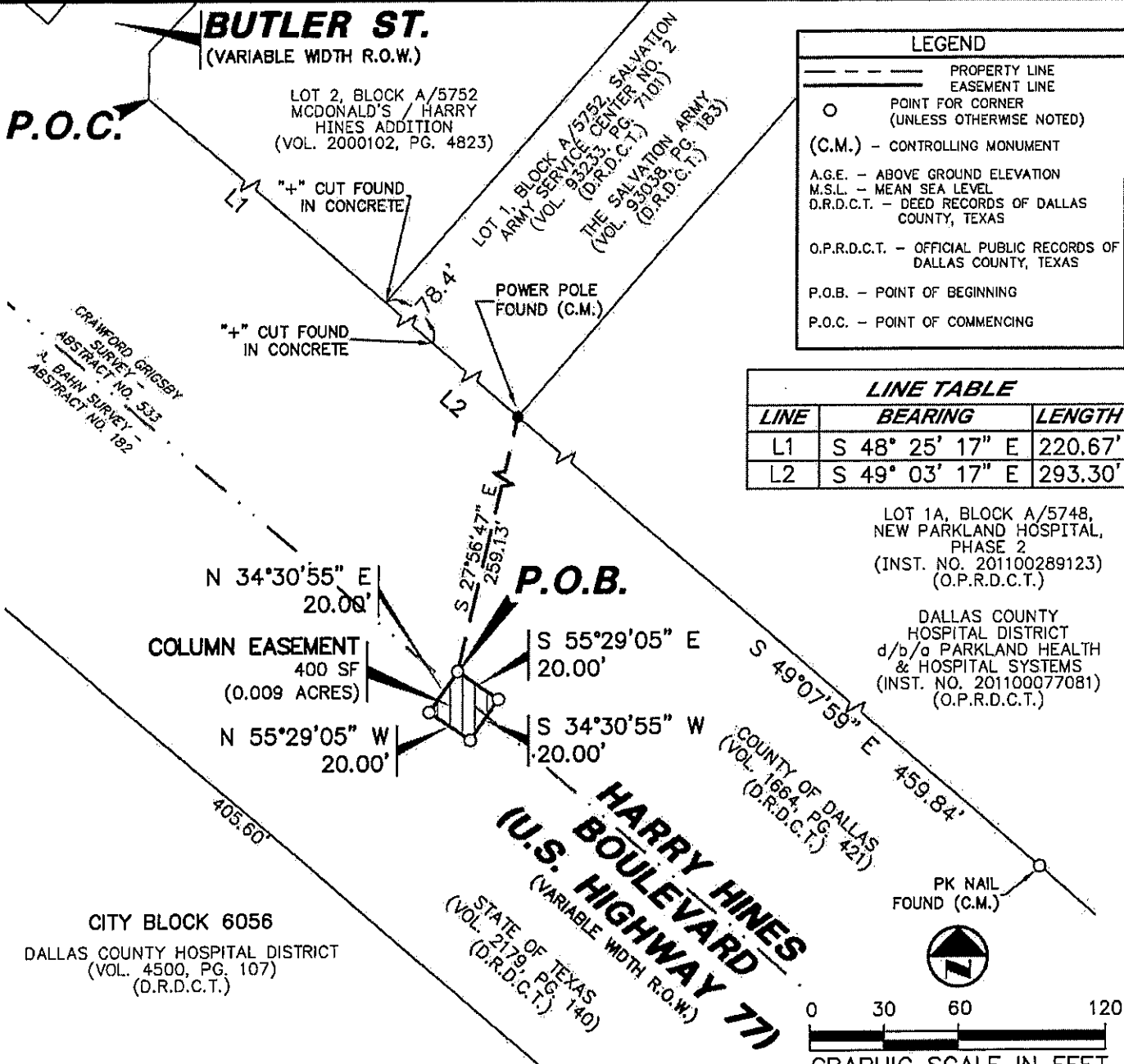
René Silvas

4/23/2014
Date

Registered Professional Land Surveyor No. 5921
Pacheco Koch Consulting Engineers, Inc.
6100 Western Place, #1000
Fort Worth, Texas 76107
(817) 412-7155
TX Reg. Surveying Firm LS-10193824



2389-13.110EX2
Estm 2.Doc

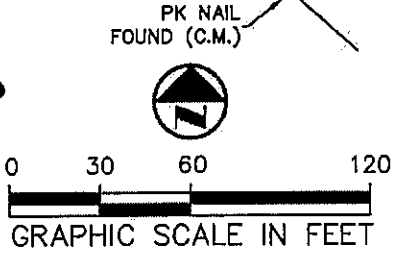


| LEGEND | |
|--------------|---|
| --- | PROPERTY LINE |
| --- | EASEMENT LINE |
| ○ | POINT FOR CORNER (UNLESS OTHERWISE NOTED) |
| (C.M.) | - CONTROLLING MONUMENT |
| A.G.E. | - ABOVE GROUND ELEVATION |
| M.S.L. | - MEAN SEA LEVEL |
| D.R.D.C.T. | - DEED RECORDS OF DALLAS COUNTY, TEXAS |
| O.P.R.D.C.T. | - OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS |
| P.O.B. | - POINT OF BEGINNING |
| P.O.C. | - POINT OF COMMENCING |

| LINE TABLE | | |
|------------|-----------------|---------|
| LINE | BEARING | LENGTH |
| L1 | S 48° 25' 17" E | 220.67' |
| L2 | S 49° 03' 17" E | 293.30' |

LOT 1A, BLOCK A/5748,
NEW PARKLAND HOSPITAL,
PHASE 2
(INST. NO. 201100289123)
(O.P.R.D.C.T.)

DALLAS COUNTY
HOSPITAL DISTRICT
d/b/o PARKLAND HEALTH
& HOSPITAL SYSTEMS
(INST. NO. 201100077081)
(O.P.R.D.C.T.)

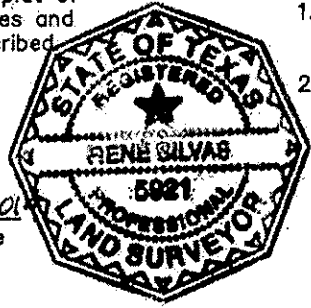


- NOTES:**
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
 2. Bearing system for this survey is based on the southwest line of Lot 1A, Block A/5748, New Parkland Hospital, Phase 2 (South 49 degrees 07 minutes 59 seconds East) as recorded in Instrument 201100289123 of the Official Public Records of Dallas County, Texas

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

René Silvas
René Silvas
Registered Professional
Land Surveyor No. 5921

4/28/2014
Date



COLUMN EASEMENT
BETWEEN CITY BLOCK A/5748 & 6056,
LOCATED IN THE CITY OF DALLAS, TEXAS
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
AND A BAHN SURVEY - ABSTRACT NO. 182
DALLAS COUNTY, TEXAS
PAGE 3 OF 3

Pacheco Koch
6100 WESTERN PLACE, SUITE 1001
FORT WORTH, TX 76107 817.412.7155
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193824

| | | | | |
|----------------|------------------|-----------------|--------------------|---------------------------|
| DRAWN BY AC | CHECKED BY RS | SCALE 1"=60' | DATE 02/24/2014 | JOB NUMBER 2389-13.110 |
|----------------|------------------|-----------------|--------------------|---------------------------|

M:\DWG-23\2389-13.110\DWG\SURVEY C30 20XX\2389-13.110EX2.DWG
04/28/2014 - 3:21PM
RSILVAS

**AERIAL RIGHTS ABANDONMENT
ABOVE GROUND ELEVATION 26.0 FEET TO 48.5 FEET
MEAN SEA LEVEL ELEVATION 476.5 FEET TO 499.0 FEET**

Being Part of Harry Hines Boulevard Right-of-Way, Dallas, Texas
Lying between City Block A/5748 & 6056,
Crawford Grigsby Survey, Abstract No. 533, and
A. Bahn Survey, Abstract No. 182
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 4,333 square foot (0.099 acre) tract of land (projected above the herein described horizontal plane, between above ground elevation of 26.0 feet to 48.5 feet and mean sea level elevation of 476.5 feet to 499.0 feet, having a volume of 97,493 cubic feet) situated in the Crawford Grigsby Survey, Abstract No. 533 and the A. Bahn Survey, Abstract No. 182, City of Dallas, Dallas County, Texas; said tract being a part of Harry Hines Boulevard, a variable width public right-of-way, and a part of that tract of land described in Agreement to the County of Dallas recorded in Volume 1664, Page 421 of the Deed Records of Dallas County, Texas, and a part of that tract of land described in Right of Way Deed to the State of Texas recorded in Volume 2179, Page 140 of the Deed Records of Dallas County, Texas; said tract lying between City Block A/5748 & 6056; said 4,333 square foot (0.099 acre) tract being more particularly described as follows (bearing system based on the southwest line of Lot 1A, Block A/5748, New Parkland Hospital, Phase 2 (South 49 degrees 07 minutes 59 seconds East) as recorded in Instrument 201100289123 of the Official Public Records of Dallas County, Texas):

COMMENCING, at a point at the south end of a right-of-way corner clip at the intersection of the northeast right-of-way line of Harry Hines Boulevard (a variable width right-of-way) with the southeast right-of-way line of Butler Street (a variable width right-of-way); said point being the most southerly southwest corner of Lot 2, Block A/5752, McDonald's / Harry Hines Addition, an addition to the City of Dallas, Texas according the plat recorded in Volume 2000102, Page 4823 of the Deed Records of Dallas County, Texas;

THENCE, in a southeasterly direction, along said northeast line of said Harry Hines Boulevard the following three (3) calls:

South 48 degrees, 25 minutes, 17 seconds East, at a distance of 142.27 passing the southeast corner of said Lot 2, continuing in all a total distance of 220.67 feet to a "+" cut found for corner in the southwest line of Lot 1, Block A/5752, Salvation Army Service Center No. 2, an addition to the City of Dallas, Texas according to the plat recorded in Volume 93233, Page 7101 of the Deed Records of Dallas County, Texas;

South 49 degrees, 03 minutes, 17 seconds East, a distance of 293.30 feet to a power pole found at the southeast corner of said Lot 1; said point being the most westerly southwest corner Lot 1A, Block A/5748, New Parkland Hospital, Phase 2, an addition to the City of Dallas according to the plat recorded in Instrument 201100289123 of the Official Public Records of Dallas County, Texas;

South 49 degrees, 07 minutes, 59 seconds East, with the said southwest line of Lot 1A, a distance of 247.15 to the POINT OF BEGINNING;

THENCE, South 49 degrees, 07 minutes, 59 seconds East, continuing with the said northeast line of Harry Hines Boulevard and the said southwest line of Lot 1A, a distance of 22.58 feet to a point for corner and the beginning of a non-tangent curve to the left; from said point a PK Nail found bears South 49 degrees 07 minutes, 59 seconds East, a distance of 190.11 feet;

THENCE, in a southwesterly direction, with said curve to the left, having a central angle of 38 degrees, 45 minutes, 45 seconds, a radius of 291.67 feet, a chord bearing and distance of South 34 degrees, 59 minutes, 12 seconds West, 193.58 feet, an arc distance of 197.33 feet to a point for corner in the southwest right-of-way line of said Harry Hines Boulevard; said point being in the northeast line of City

BUTLER ST.
(VARIABLE WIDTH R.O.W.)

LOT 2, BLOCK A/5752
MCDONALD'S / HARRY
HINES ADDITION
(VOL. 2000102, PG. 4823)
(D.R.D.C.T.)

P.O.C.

COUNTY OF DALLAS
(VOL. 1864, PG. 421)
(D.R.D.C.T.)

** CUT FOUND
IN CONCRETE

LOT 1, BLOCK A/5752, SALVATION
ARMY SERVICE CENTER NO. 2
(VOL. 92233, PG. 7107)
(D.R.D.C.T.)
THE SALVATION ARMY
(VOL. 93038, PG. 183)
(D.R.D.C.T.)

POWER POLE
FOUND (C.M.)

** CUT FOUND
IN CONCRETE

$\Delta = 35^{\circ}55'21''$
 $R = 313.67'$
 $L = 196.66'$
 $T = 101.68'$
 $CB = N .35^{\circ}26'37'' E$
 $CD = 193.46'$

P.O.B.

| LEGEND | |
|--------------|--|
| --- | PROPERTY LINE |
| --- | EASEMENT LINE |
| ○ | POINT FOR CORNER (UNLESS OTHERWISE NOTED) |
| (C.M.) | - CONTROLLING MONUMENT |
| A.G.E. | - ABOVE GROUND ELEVATION |
| M.S.L. | - MEAN SEA LEVEL |
| D.R.D.C.T. | - DEED RECORDS OF DALLAS COUNTY, TEXAS |
| O.P.R.D.C.T. | - OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS |
| P.O.B. | - POINT OF BEGINNING |
| P.O.C. | - POINT OF COMMENCING |

| LINE TABLE | | |
|------------|-----------------|---------|
| LINE | BEARING | LENGTH |
| L1 | S 48° 25' 17" E | 220.67' |
| L2 | S 49° 03' 17" E | 293.30' |
| L3 | S 49° 07' 59" E | 247.15' |

LOT 1A, BLOCK A/5748,
NEW PARKLAND HOSPITAL,
PHASE 2
(INST. NO. 201100289123)
(O.P.R.D.C.T.)

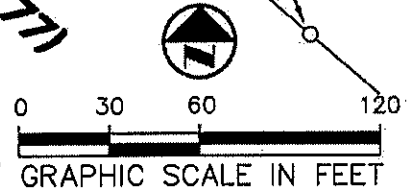
DALLAS COUNTY
HOSPITAL DISTRICT
d/b/a PARKLAND HEALTH
& HOSPITAL SYSTEMS
(INST. NO. 201100077081)
(O.P.R.D.C.T.)

AERIAL RIGHTS ABANDONMENT
(ABOVE GROUND ELEVATION
26.0 FEET TO 48.50 FEET)
(MEAN SEA LEVEL ELEVATION
476.5 FEET TO 499.0 FEET)
4,333 SF
(0.099 ACRES)

**HARRY HINES
(U.S. HIGHWAY 77)**
(VARIABLE WIDTH R.O.W.)

$\Delta = 38^{\circ}45'45''$
 $R = 291.67'$
 $L = 197.33'$
 $T = 102.61'$
 $CB = S 34^{\circ}59'12'' W$
 $CD = 193.58'$

PK NAIL
FOUND (C.M.)

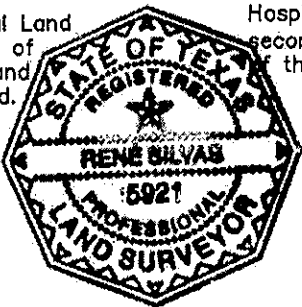


NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the southwest line of Lot 1A, Block A/5748, New Parkland Hospital, Phase 2 (South 49 degrees 07 minutes 59 seconds East) as recorded in Instrument 201100289123 of the Official Public Records of Dallas County, Texas

CITY BLOCK 6056
DALLAS COUNTY HOSPITAL DISTRICT
(VOL. 4500, PG. 107)
(D.R.D.C.T.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.



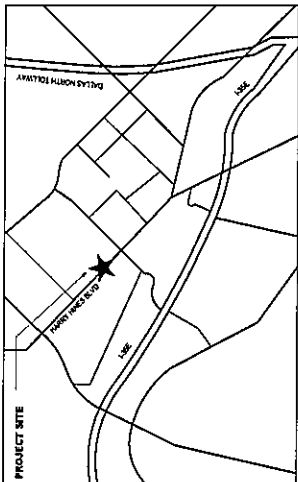
[Signature]
René Silvas
Registered Professional
Land Surveyor No. 5921
Date 4/28/2014

**AERIAL RIGHTS
ABANDONMENT**
ABOVE GROUND ELEVATION 26.0 FEET
TO 48.5 FEET,
MEAN SEA LEVEL ELEVATION 476.5 FEET
TO 499.0 FEET,
BETWEEN CITY BLOCK A/5748 & 6056,
LOCATED IN THE CITY OF DALLAS, TEXAS
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
AND A BAHN SURVEY - ABSTRACT NO. 182
DALLAS COUNTY, TEXAS
PAGE 3 OF 3

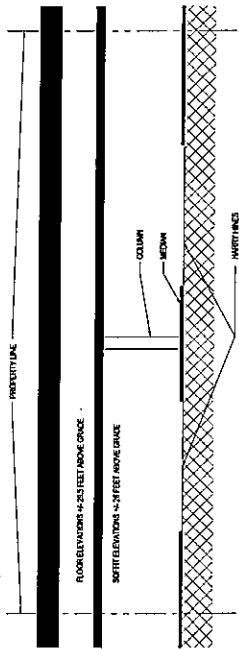
Pacheco Koch
6100 WESTERN PLACE, SUITE 1001
FORT WORTH, TX 76107 817.412.7155
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193824

| | | | | |
|----------------|------------------|-----------------|--------------------|---------------------------|
| DRAWN BY AC | CHECKED BY RS | SCALE 1"=60' | DATE 02/10/2014 | JOB NUMBER 2389-13.110 |
|----------------|------------------|-----------------|--------------------|---------------------------|

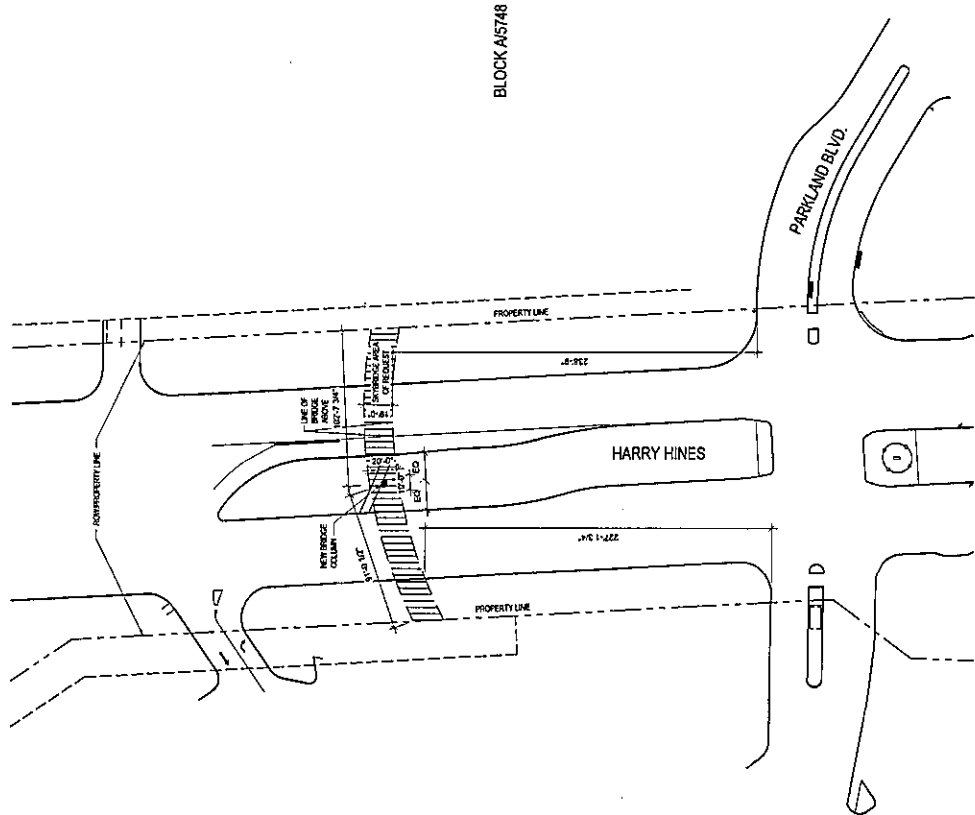
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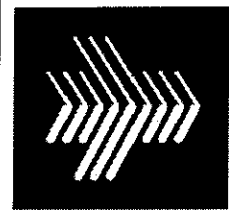
02 AREA PLAN
SCALE: 1/8" = 1'-0"



03 BRIDGE SECTION
SCALE: 1/8" = 1'-0"



01 SITE PLAN
SCALE: 1/8" = 1'-0"



Parkland
Sky Bridges

General Notes

INTERIM REVIEW ONLY
These drawings are preliminary and are released for interim review only and are not intended for regulatory approval, permit, or construction purposes.
Architect: Jeffrey Brigg, S.A. Inc.
Arch. Reg. No. 22816
Date: _____

| Change Description | |
|--------------------|------|
| # | DATE |
| | |
| | |
| | |
| | |

Parkland Sky Bridges
1000 Ross Avenue, Suite 1000
Dallas, Texas 75202
Parkland Health & Hospital System

MOODY-NOLAN TEXAS
Architectural | Interior design
1000 Ross Avenue, Suite 1000
Dallas, TX 75202
Phone: (214) 843-3400
Fax: (214) 843-3401
www.moody-nolan.com

Proj. Cont: MR. TYN, Cont: MR.
1/26/08, 00
PEDESTRIAN SKY BRIDGE
SITE PLAN
SUP1

Project Plans



Parkland
Sky Bridges

General Notes

INTERIM REVIEW ONLY
These documents are incomplete, and are released for interim review only and are not to be used for construction, permit, or construction purposes.
Architect: Jeffrey Brubaker Smith
Date: _____
City: _____

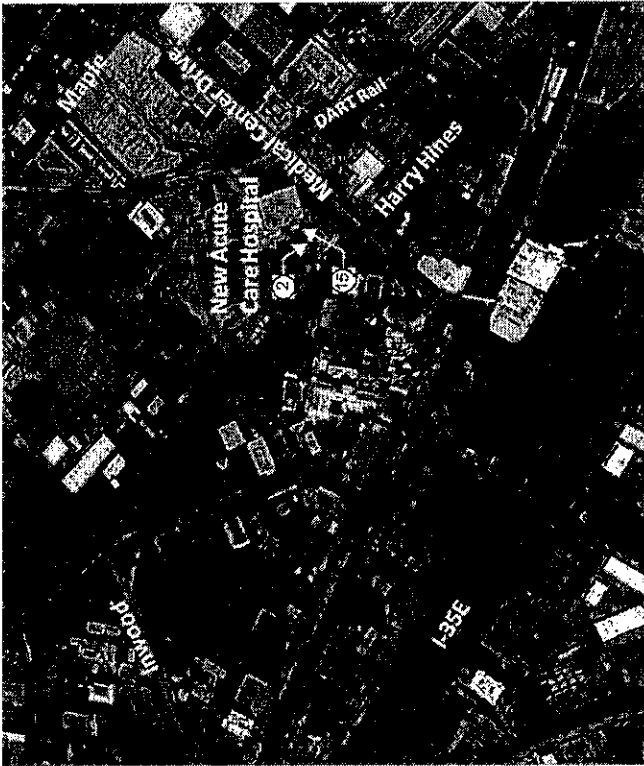
Parkland Sky Bridges
Parkland Health & Hospital System

MOODY-NOLAN TEXAS
Architecture | Interior Design
1500 West Dallas Parkway, Suite 2000 West Dallas, Texas 75208
Phone: 972.350.0000
www.moody-nolan.com

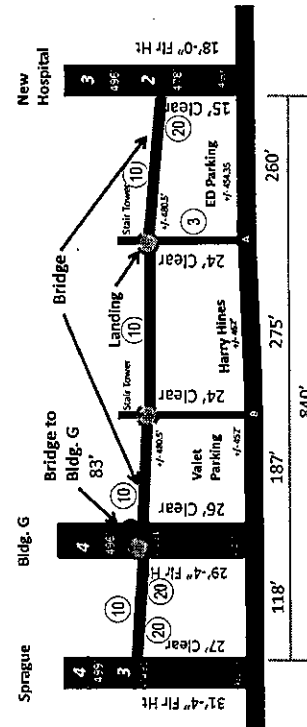
Project No. 18
Date: 08/11/18
Scale: 1/8" = 1'-0"
SITE PLAN, SECTION & NOTES SUP 2
Project/Phase:

PARKLAND SKYBRIDGE CHART

| MANDATORY pedestrian skybridge standards (See Dallas Development Code Sec. 51(A)-4.21(1)(E)) | Notes |
|--|-------|
| 1 (b) Pedestrian skybridges must be properly maintained at all times. If a pedestrian skybridge is not properly maintained, the responsible party must be notified immediately. Condition Note - Skybridges will be properly maintained. Both buildings have the same owner. | |
| 2 (b) No more than one pedestrian skybridge may be located within any block or 200 feet of the street frontage. Condition Note - Skybridges will have a minimum 10-foot clearance above the roadway. Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 3 (c) If the pedestrian skybridge is longer than 150 feet, the bridge must be supported by a structure that is not less than 150 feet in length. Condition Note - Skybridges will be supported by a structure that is not less than 150 feet in length. | |
| 4 (b) If the pedestrian skybridge is longer than 150 feet, the bridge must be supported by a structure that is not less than 150 feet in length. Condition Note - Skybridges will be supported by a structure that is not less than 150 feet in length. | |
| 5 (b) The maximum height of the pedestrian skybridge must be at least 7.02 feet. This structure height is the height of the structure above the ground level. Condition Note - Required for public safety. Pedestrians will be able to see over the bridge. | |
| 6 (b) Support structure for the pedestrian skybridge must be at least 7.02 feet. Condition Note - Required for public safety. Pedestrians will be able to see over the bridge. | |
| 7 (b) A sign must be provided within the adjoining structures indicating where the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge is closed. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 8 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 9 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 10 (b) Any design above the pedestrian skybridge must be supported by a structure that is not less than 150 feet in length. Condition Note - Skybridges will be supported by a structure that is not less than 150 feet in length. | |
| 11 (b) Pedestrian skybridges must be supported by a structure that is not less than 150 feet in length. Condition Note - Skybridges will be supported by a structure that is not less than 150 feet in length. | |
| 12 (b) Pedestrian skybridges must be supported by a structure that is not less than 150 feet in length. Condition Note - Skybridges will be supported by a structure that is not less than 150 feet in length. | |
| 13 (b) Minimum vertical clearance of 15 feet is required over the bridge. Lighting must not be directed downward and must be shielded. Condition Note - Skybridges will be supported by a structure that is not less than 150 feet in length. | |
| 14 (b) No exterior signs, other than government signs, may be applied to or suspended from the bridge. Condition Note - Skybridges will be supported by a structure that is not less than 150 feet in length. | |
| 15 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 16 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 17 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 18 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 19 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 20 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 21 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 22 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 23 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 24 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |
| 25 (b) Pedestrian skybridges must be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. Condition Note - Skybridges will be fully enclosed and fully enclosed with a height of not less than 11 feet and no greater than 20 feet in width. | |

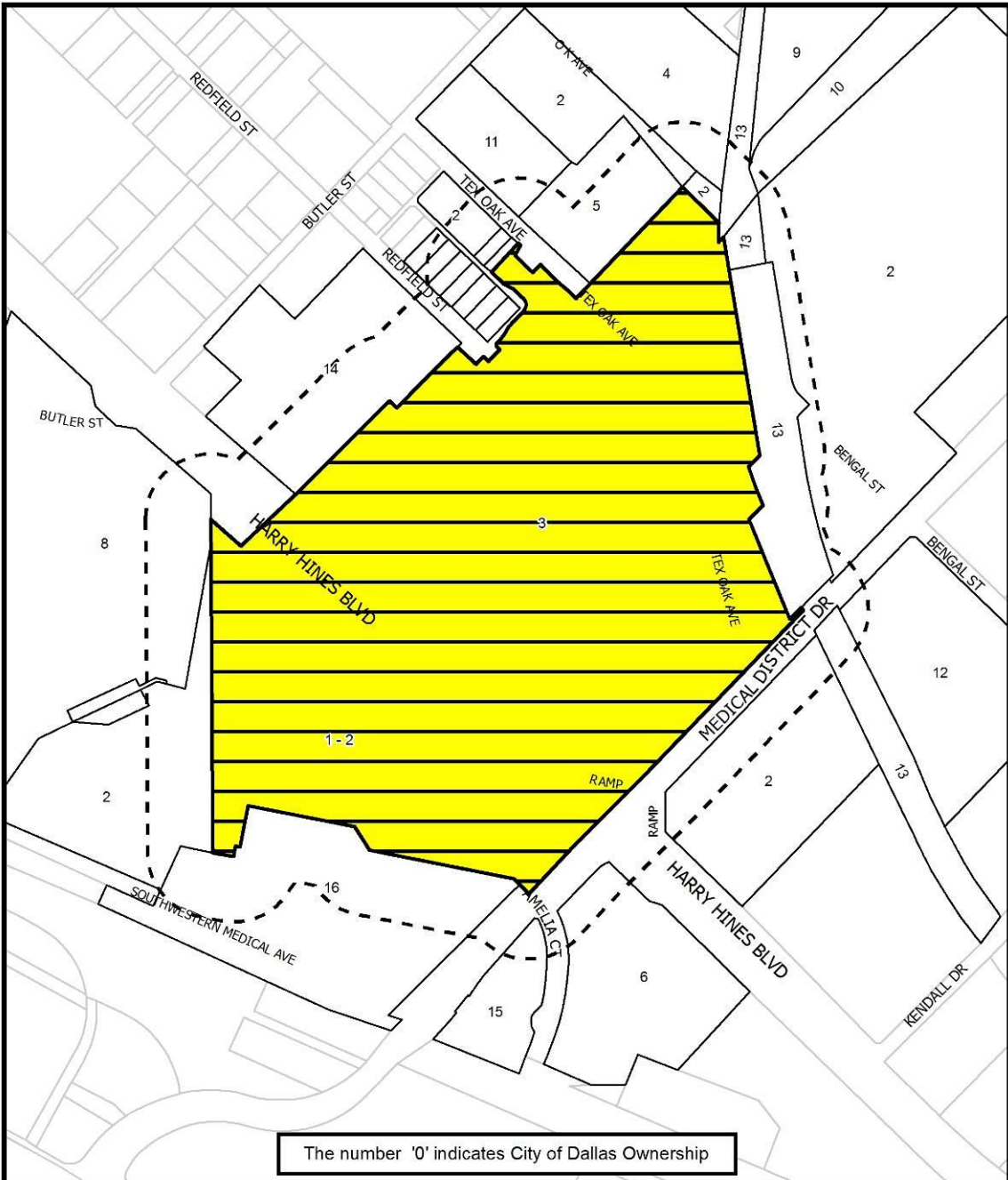


02 AREA PLAN



Site Section - Diagram

01 BRIDGE SITE SECTION



| | | | |
|--|--|------------------------|----------------------------|
|  1:4,800 | NOTIFICATION | | Case no: BDA134-081 |
| | <div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED | Date: 7/31/2014 | |

Notification List of Property Owners

BDA134-081

16 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|------------------------------------|---------------------------------|
| 1 | 5201 HARRY HINES BLVD | PARKLAND HOSPITAL |
| 2 | 5220 TEX OAK AVE | DALLAS COUNTY HOSPITAL DISTRICT |
| 3 | 5134 HARRY HINES BLVD | DALLAS COUNTY HOSPITAL DISTRICT |
| 4 | 2420 BUTLER ST | DALLAS COUNTY HOSPITAL DISTRICT |
| 5 | 5280 TEX OAK AVE | DALLAS COUNTY HOSPITAL DISTRICT |
| 6 | 4801 HARRY HINES BLVD | PARKLAND HOSPITAL |
| 7 | 5300 HARRY HINES BLVD | County of Dallas |
| 8 | 5401 HARRY HINES BLVD | TEXAS STATE OF |
| 9 | 5225 MAPLE AVE | MAEDC MAPLE APTS LLC |
| 10 | 5219 MAPLE AVE | MAPLE GARDENS LP |
| 11 | 2330 BUTLER ST | DALLAS COUNTY HOSPITAL DISTRICT |
| 12 | 2140 MEDICAL DISTRICT DR AERC 2140 | MEDICAL DISTRICT LLC |
| 13 | 2101 MEDICAL DISTRICT DR DART | |
| 14 | 5320 HARRY HINES BLVD | SALVATION ARMY THE |
| 15 | 1935 MEDICAL DISTRICT DR CHILDRENS | MEDICAL CENTER |
| 16 | 1935 MEDICAL DISTRICT DR CHILDRENS | MEDICAL CENTER |

FILE NUMBER: BDA 134-077

BUILDING OFFICIAL'S REPORT: Application of Barry Gardner for a special exception to the landscape regulations at 1831 S. Ewing Avenue. This property is more fully described as Lot 8, Block 7/3679, and is zoned CR, which requires mandatory landscaping. The applicant proposes to maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 1831 S. Ewing Avenue

APPLICANT: Barry Gardner

REQUEST:

A special exception to the landscape regulations is requested to maintain what appears to be a recently constructed vacant office use/structure on the site, and not fully meet the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While the City’s Chief Arborist does not believe that the special exception will adversely affect neighboring property if improvements to the site are properly maintained, he recommends denial of the applicant’s request because the applicant has not demonstrated how strict compliance with the Article X requirements will unreasonably burden the use of the property. A plan was originally presented to indicate how the office site could comply with the mandatory and design standard provisions of the ordinance but the site has since been modified. The Arborist cannot find reason as to why the increased impervious surface/reduced landscape area is applicable to the office use on the property.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: TH-3(A) (Townhouse)
South: R-7.5(A) (Single family residential 7,500 square feet)
East: CR (Community retail)
West: TH-3(A) (Townhouse)

Land Use:

The site is currently developed with what appears to be a recently constructed vacant office use/structure. The area to the north is undeveloped; the area to the east is developed with vacant retail use; the area to the south is developed as a surface parking lot; and the area to the west is developed with single family use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining what appears to be a recently constructed vacant office use/structure on the site, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site does not comply with the landscape regulations in that: 1) it only provides a 6’ wide buffer along the south and west sides of the site when a 10’ wide buffer is required; and 2) it provides no complete design standard when a minimum of two are required.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or

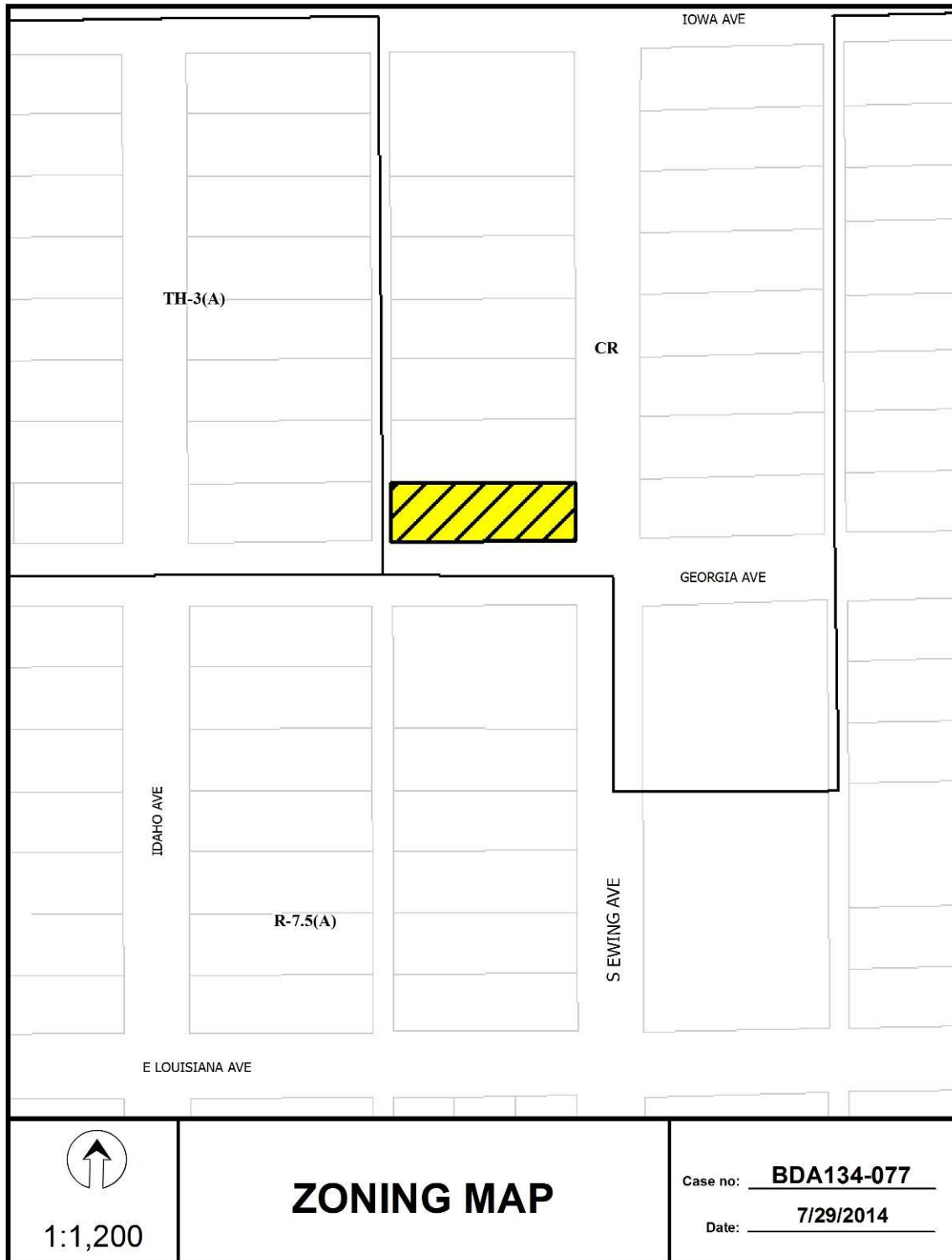
increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.

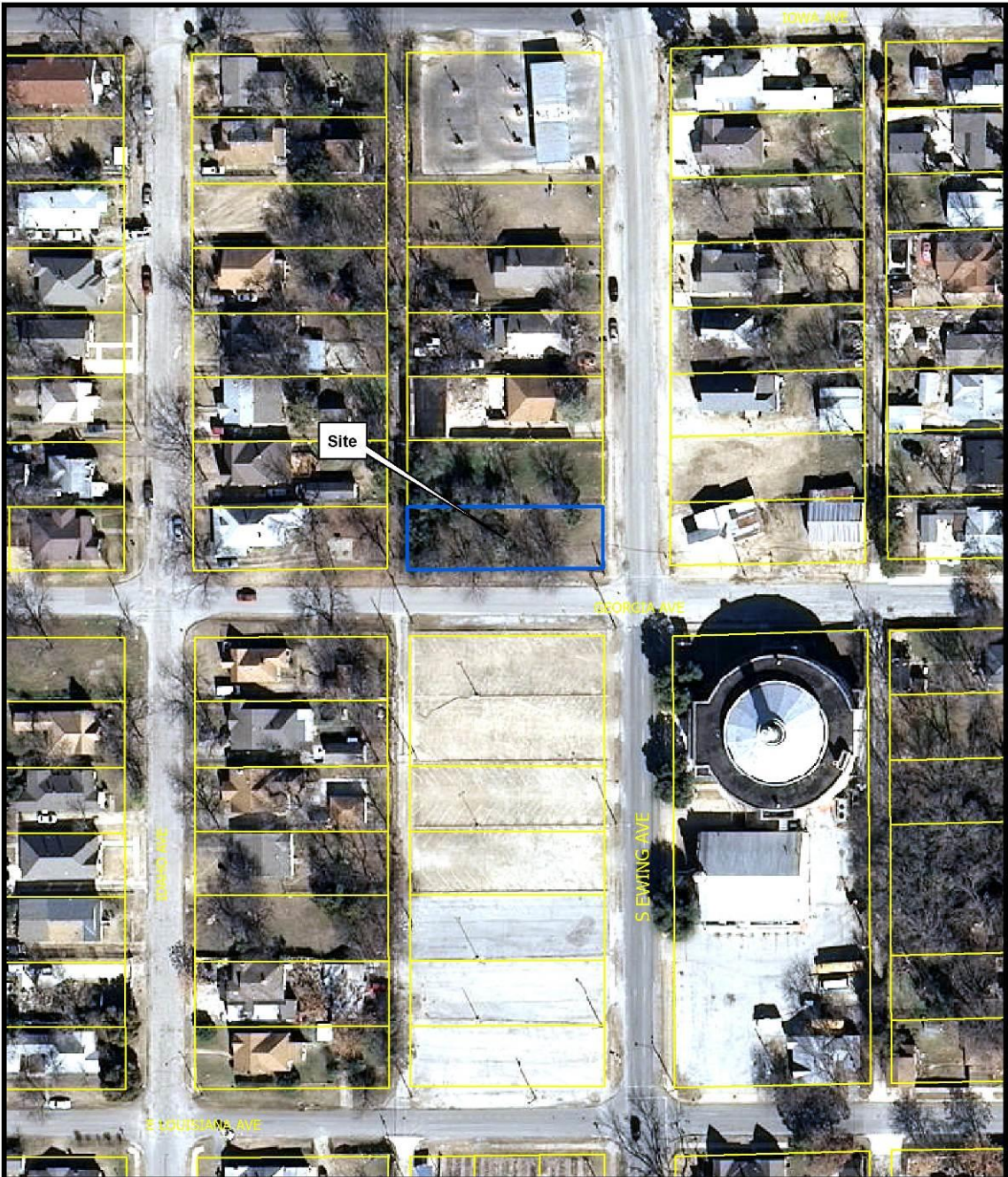
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by new construction of a 750 square foot office building with parking lot.
- The Chief Arborist's memo lists the following factors for consideration:
 1. The landscape plan provides for the minimum requirement for street trees, site trees, and parking lot trees.
 2. A building permit application was submitted May 16, 2013. The applicant submitted a site/landscape plan that complied with the minimum requirements of Article X, and a permit for construction was issued in October of 2013.
 3. During the process of construction, the applicant made changes to the structure and vehicular surfaces areas are not conforming to the original approved plans. The landscape was red-tagged during an inspection in May of 2014. The building permit is currently under review for an addendum to authorize adjustments to the building and alterations which places impervious surface into the mandatory buffer. The current configuration of impervious surface and landscape area cannot be approved by staff, as built, under Article X standards.
 4. The landscape plan makes good use of existing hackberry trees along Georgia Street and along the west buffer. New plantings, parking, or other items that create obstructions from 2.5' – 8' above the street grade at the property cannot be provided in the visibility triangle at Ewing and Georgia. Existing trees may be maintained to be in compliance with city regulations for site visibility and street clearance.
 5. The plan does not indicate the form of irrigation for new plants to be planted along the perimeter.
 6. The plan does not account for full Article X design standard options but it appears that space could be presented for addressing screening of off-street parking (by minimum 3-foot tall fence or shrub row) and/or foundation planting along one or two sides of the structure, if the owner is amenable to further site amendment.
- The City of Dallas Chief Arborist recommends denial of this request because the applicant has not demonstrated how strict compliance with the Article X requirements will unreasonably burden the use of the property. A plan was originally presented to indicate how the office site could comply with the mandatory and design standard provisions of the ordinance however the site has since been modified. In accounting for the reduced landscape area by the encroachment, he cannot explain how the increased impervious surface is applicable to the office use on the property. However, he does not believe that the special exception will adversely affect neighboring property if improvements are properly maintained.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.

- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the perimeter landscape buffer width and design standard requirements of Article X.

Timeline:

- June 25, 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.
- July 15, 2014: The Interim Assistant Director of Sustainable Development and Construction acting on behalf of the Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 15, 2014: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 30th deadline to submit additional evidence for staff to factor into their analysis; and the August 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 5, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Chief Planner, the Assistant Building Official, the Board Administrator, Building Inspection Senior Plans Examiners/Development Code Specialists, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- August 11, 2014: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment A).





1:1,200

AERIAL MAP

Case no: BDA134-077

Date: 7/29/2014

Memorandum



CITY OF DALLAS

DATE August 11, 2014

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 134 · 077

1831 S. Ewing Avenue

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

Trigger

New construction of a 750 square feet office building with parking lot.

Deficiencies

The proposed landscape plan has the following landscape deficiencies:

Perimeter landscape buffer: Requires a minimum 10' wide landscape buffer where residential adjacency exists.

West buffer: 6 feet wide

South buffer: 6 feet wide

Design standards:

No complete design standard option is provided. Each site must comply with a minimum of two design standards per Article X.

Factors

The landscape plan provides for the minimum requirement for street trees, site trees, and parking lot trees. The property is in a CR district with residential adjacency to the west and south of the site. The streets are unimproved (without curb and gutter).

A building permit application was submitted May 16, 2013. The applicant submitted a site/landscape plan for the property that complied with the minimum requirements of Article X, and a permit for construction was issued October 31, 2013. The original plan showed compliance with the mandatory perimeter buffers for the south and west frontages.

During the process of construction, the applicant made changes to the structure and vehicular surface areas that are not conforming to the original approved plans. The landscape was red-tagged during inspection on May 22, 2014. The building permit is currently under review for an addendum to authorize adjustments to the building and alterations which places impervious surface into the mandatory buffer. The current

configuration of impervious surface and landscape area cannot be approved by staff, as built, under Article X standards.

The landscape plan makes good use of existing hackberry trees along Georgia Street and along the west buffer. New plantings, parking, or other items that create obstructions from 2.5' to 8' above the street grade at the property, cannot be provided in the visibility triangle at Ewing and Georgia. Existing trees may be maintained to be in compliance with city regulations for site visibility and street clearance.

The plan does not indicate the form of irrigation for new plants to be planted along the perimeter.

The plan does not account for full Article X design standard options, but it appears space could be presented for addressing screening of off-street parking (by minimum 3-foot tall fence or shrub row) and/or foundation planting along one or two sides of the structure, if the owner is amenable to further site amendment.

Recommendation

The chief arborist recommends denial of the presented plan because the applicant has not demonstrated how strict compliance of the Article X requirements will unreasonably burden the use of the property. A plan was originally presented to indicate how the office site could comply with the mandatory and design standard provisions of the ordinance. The site has since been modified. In accounting for the reduced landscape area by the encroachment, I cannot explain how the increased impervious surface is applicable to the office use on the property. However, I do not believe a special exception will adversely affect neighboring property if improvements are properly maintained.

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



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-077

Data Relative to Subject Property:

Date: 6-25-14

Location address: 1831 S. Ewing Ave. Zoning District: CR

Lot No.: 8 Block No.: 7/3679 Acreage: 1.8 Census Tract: 54.00

Street Frontage (in Feet): 1) 50 2) 150 3) _____ 4) _____ 5) gn 18

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Barry Gardner

Applicant: Barry Gardner Telephone: (214) 708-2802

Mailing Address: 135 Brook Bend Way, The Woodlands, TX Zip Code: 75165

E-mail Address: bgb bgb 1966 @ yahoo.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, of Special Exception, of Alternate Landscape PLAN

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

parking lot was extended 4 FT INTO THE 10 FT Buffer. Landscape Buffer is 10 FT per city code. Buffer was extended on the west back side and the south side of property.

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

Affidavit

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

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

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

Subscribed and sworn to before me this 23 day of June, 2014

(Rev. 08-01-11)

[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

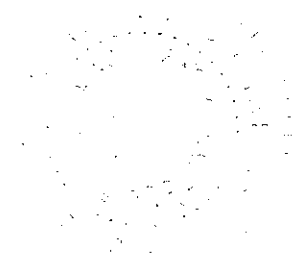
I hereby certify that Barry Gardner

did submit a request for a special exception to the landscaping regulations
at 1831 S. Ewing Avenue

BDA134-077. Application of Barry Gardner for a special exception to the landscaping regulations at 1831 S. Ewing Avenue. This property is more fully described as Lot 8, Block 7/3679, and is zoned CR, which requires mandatory landscaping. The applicant proposes construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official



TRINITY

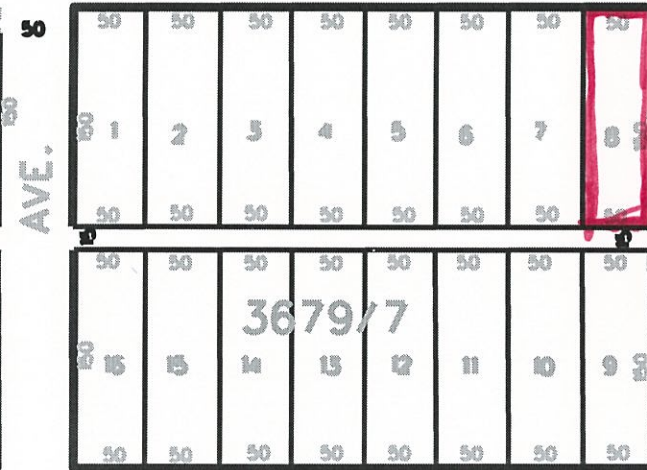
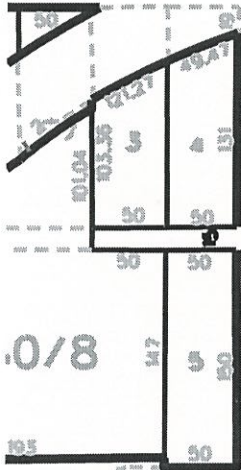
HEIGHTS

ADDITION

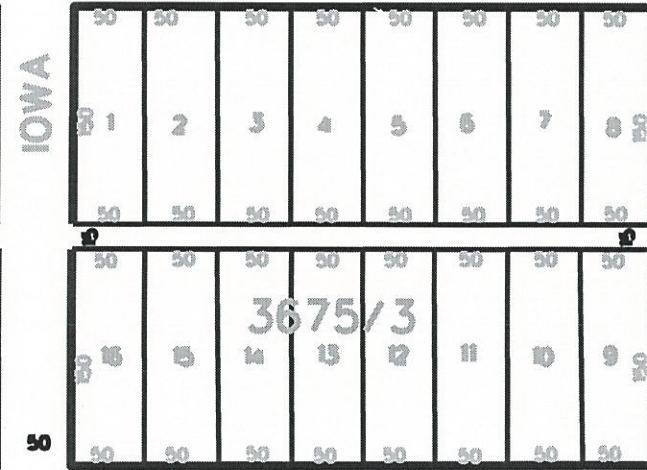
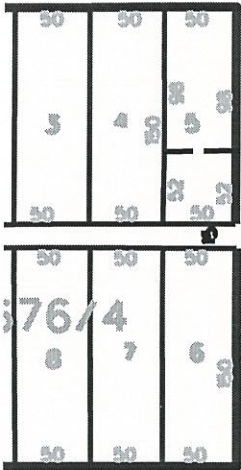
NO. 5



EWING



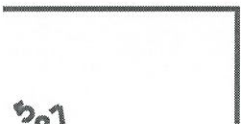
AHO



IOWA

GEORGIA

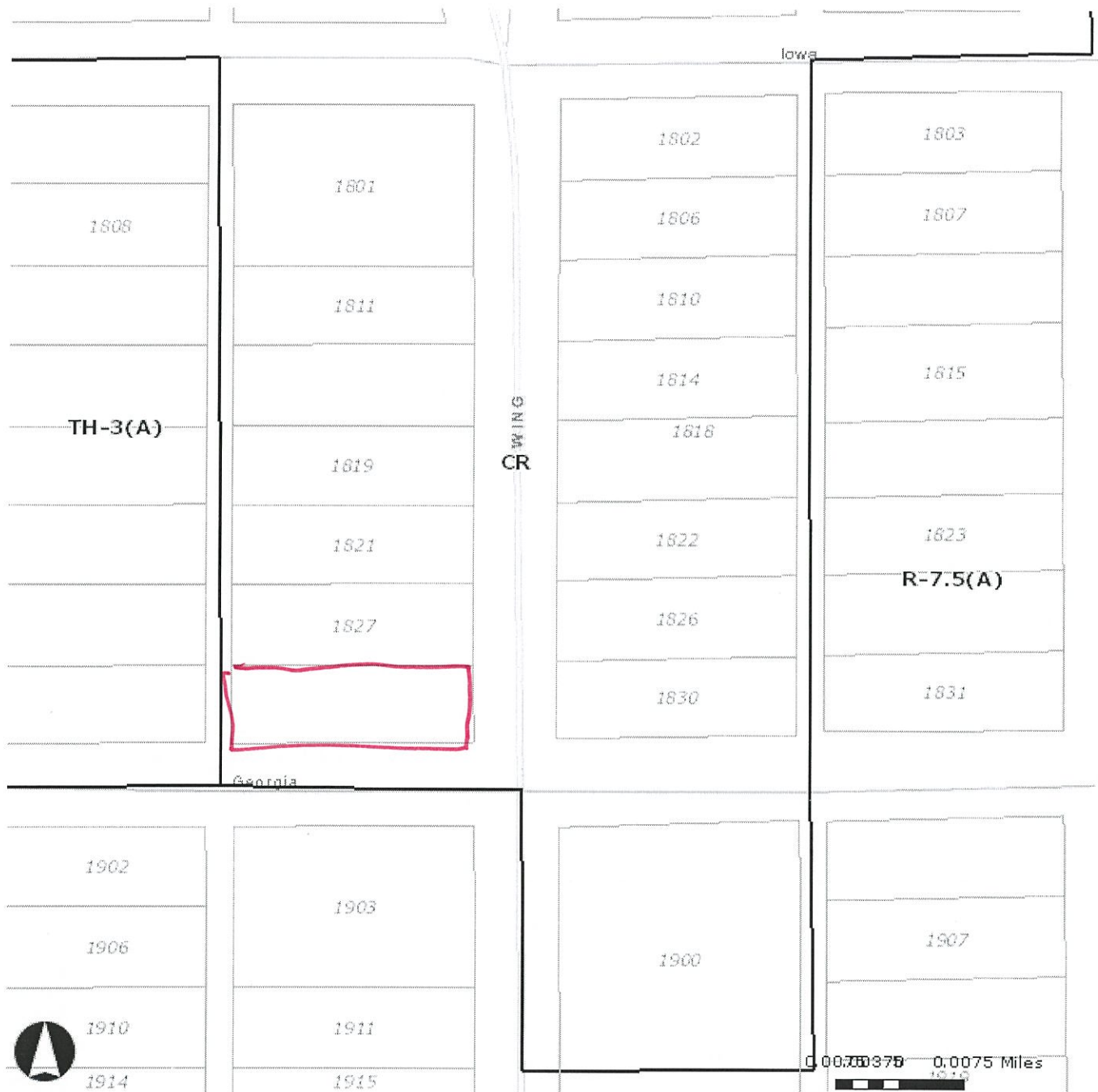
MARYLAND



TRINITY

HEIGHTS

[Handwritten signature]



Feb

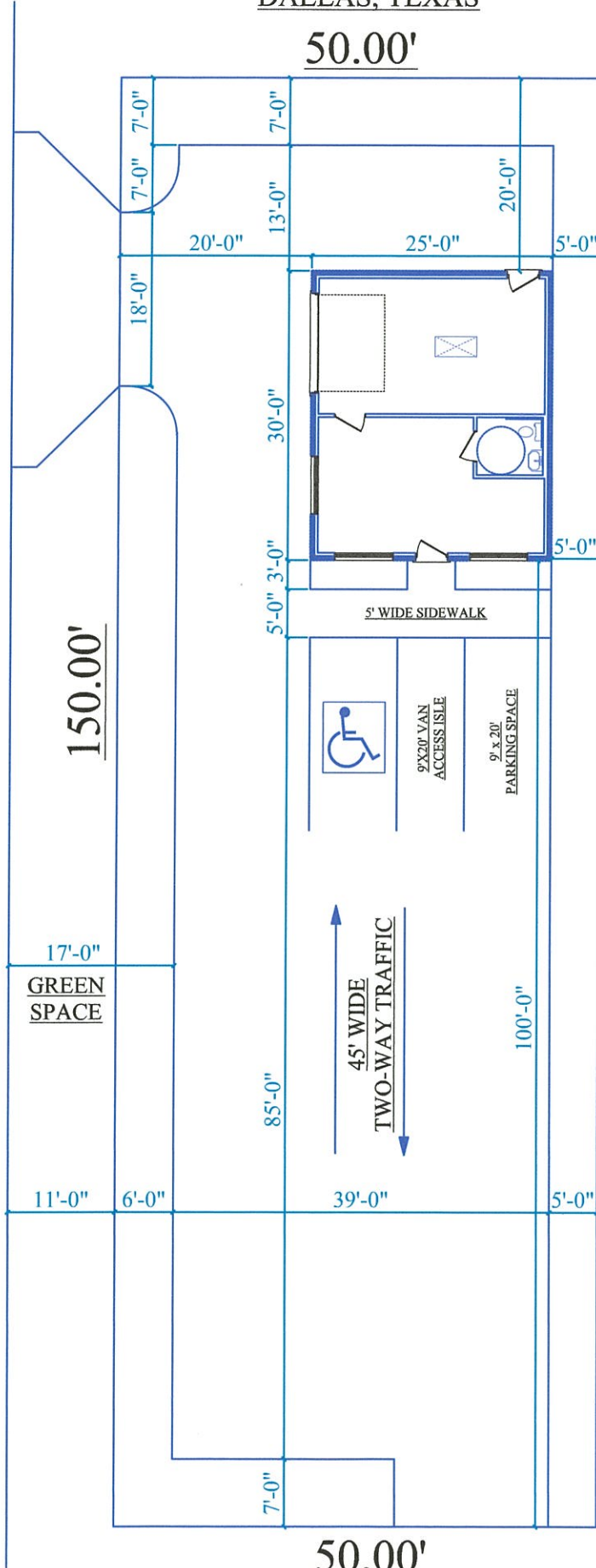
1831 SOUTH EWING ROAD
DALLAS, TEXAS

50.00'

GEORGIA STREET

150.00'

150.00'

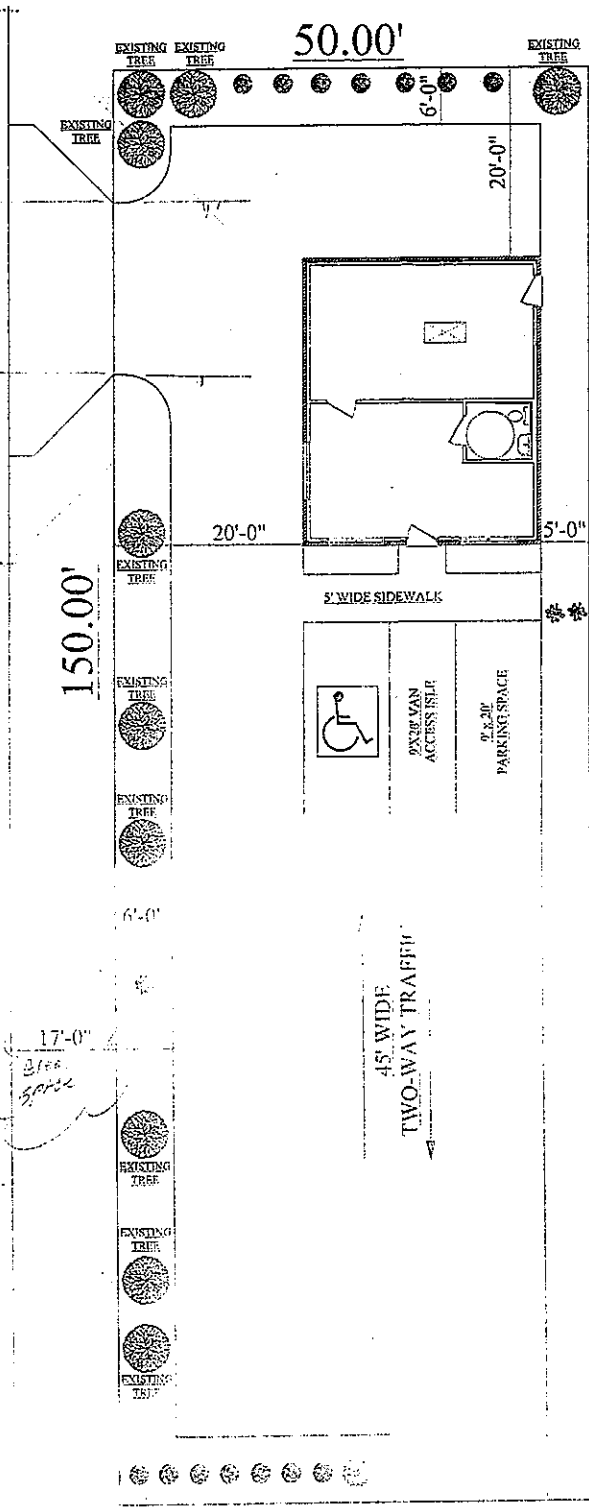


50.00'

SOUTH EWING ROAD

 **SITE PLAN**
SCALE: 1" = 10'-0"

GEORGIA STREET



1831 SOUTH EWING ROAD

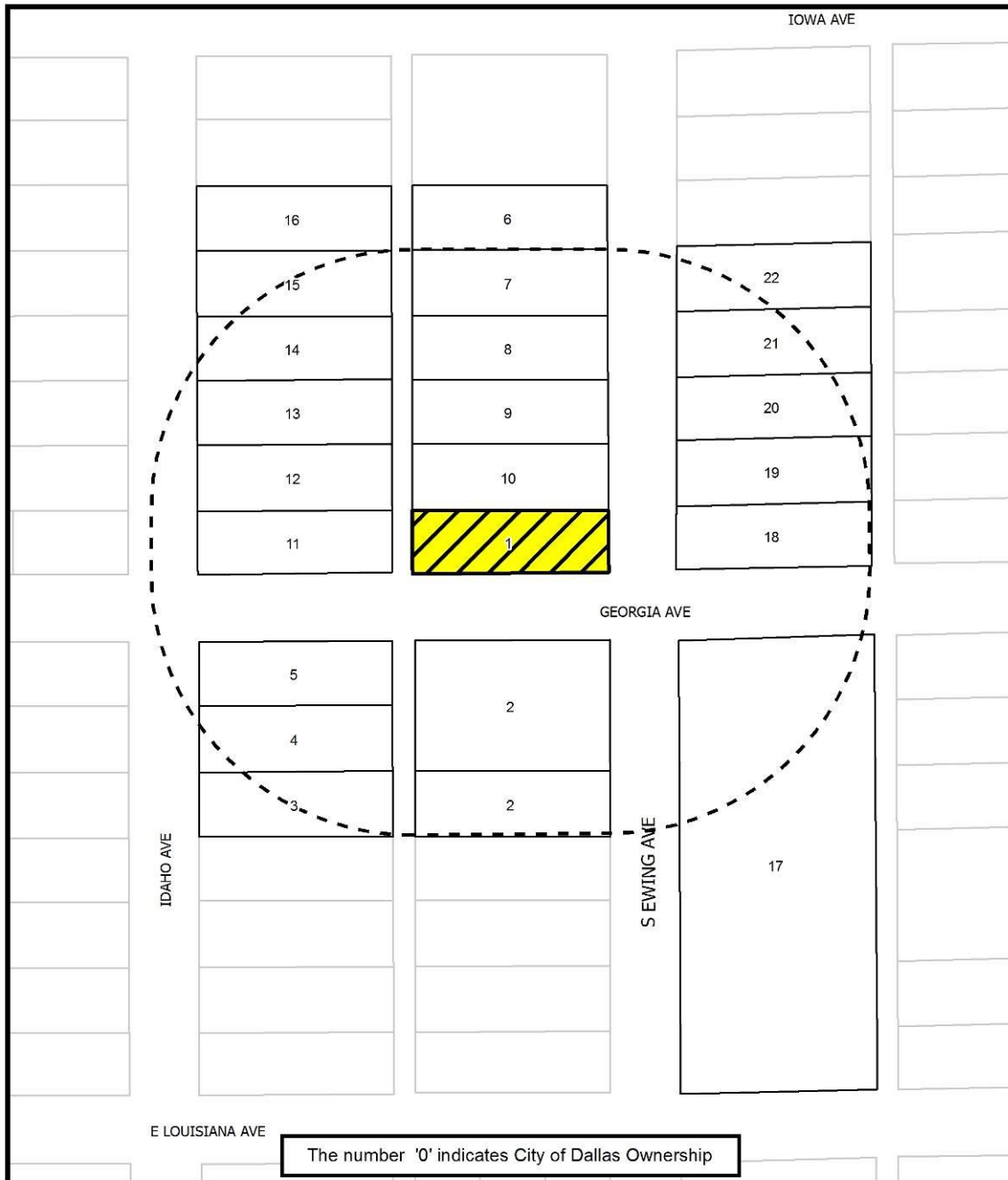
HARDSCAPE LEGEND

| SYMBOL | DESCRIPTION |
|--------------------|--------------------------------------|
| [Stippled pattern] | SIDEWALK |
| [Dashed line] | PROPERTY LINE |
| [Star symbol] | TURN OF THE CENTURY STYLE LIGHT POST |
| [Circle with dots] | LANDSCAPE MULCH AREA |

LANDSCAPE LEGEND

| QTY. | SYMBOL | DESCRIPTION |
|------|----------------------|------------------------------------|
| 10 | [Large tree symbol] | EXISTING HACKBEEI 6" - 14" CALIPER |
| 1 | [Small tree symbol] | CRYPE MYRTLE |
| 14 | [Medium tree symbol] | YAUPON HOLLE |
| 3 | [Star symbol] | 3 GALLON ROSES |
| | [Stippled pattern] | SOD AREA |

LANDSCAPE PLAN
SCALE: 1" = 10'-0"



| | | | | | |
|--|---|----------------------------|----------------------|-----------|------------------------------------|
|  1:1,200 | NOTIFICATION | Case no: BDA134-077 | | | |
| | <table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">22</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 22 | NUMBER OF PROPERTY OWNERS NOTIFIED |
| 200' | AREA OF NOTIFICATION | | | | |
| 22 | NUMBER OF PROPERTY OWNERS NOTIFIED | | | | |

Notification List of Property Owners

BDA134-077

22 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|----------------------------------|
| 1 | 1831 EWING AVE | GARDNER BARRY |
| 2 | 1903 EWING AVE | FULL GOSPEL HOLY TEMPLE |
| 3 | 1910 IDAHO AVE | MARTINEZ SANTIAGO O & |
| 4 | 1906 IDAHO AVE | ARMENTA AURELIO & |
| 5 | 1902 IDAHO AVE | BRYANT EDWARD & GERALDINE |
| 6 | 1811 EWING AVE | MORENO MARTIN & |
| 7 | 1815 EWING AVE | MORENO MARTIN & MARIALENA RANGEL |
| 8 | 1819 EWING AVE | RAMIREZ JOSEFA |
| 9 | 1821 EWING AVE | SALAZAR GENARO & |
| 10 | 1827 EWING AVE | CARR LAJEANNE |
| 11 | 1830 IDAHO AVE | YBARRA TOMAS |
| 12 | 1826 IDAHO AVE | SIMENTAL JEORGE & |
| 13 | 1822 IDAHO AVE | COLLAZO ALEJANDRA |
| 14 | 1818 IDAHO AVE | WILSON CATHERINE |
| 15 | 1814 IDAHO AVE | CARDONA PEDRO |
| 16 | 1810 IDAHO AVE | MATHIS SOLOMAN |
| 17 | 1900 EWING AVE | FULL GOSPEL HOLY TEMPLE |
| 18 | 1830 EWING AVE | AUSTIN BILLY RAY |
| 19 | 1826 EWING AVE | AUSTIN BILLY |
| 20 | 1822 EWING AVE | MENDEZ JUAN C |
| 21 | 1818 EWING AVE | OREAR C B |
| 22 | 1814 EWING AVE | RANGEL MARIALENA |