

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 18, 2015
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the January 21, 2015 Board of Adjustment Panel B Public Hearing Minutes	M1
BDA 134-049	8216 Inwood Road REQUEST: Of Santos Martinez to waiver the two year limitation for a special exception to the fence height regulations denied with prejudice by Board of Adjustment Panel B on May 21, 2014	M2

UNCONTESTED CASES

BDA 145-015	5201 Goodwin Avenue REQUEST: Application of Jonathan Robert, represented by Justin Jeffrey, for special exceptions to the visual obstruction regulations	1
BDA 145-016	7010 Winding Creek Road REQUEST: Application of Omid Rohani for a special exception to the fence height regulations	2
BDA 145-020	2614 Boll Street REQUEST: Application of E. Lee Roth for a special exception to the landscape regulations	3

REGULAR CASE

BDA 145-013

7108 Hunters Ridge Drive

4

REQUEST: Application of Nancy Craft Neary, represented by David C. Schulte of Thompson and Knight, LLP, for a special exception to the visual obstruction regulations

EXECUTIVE SESSION NOTICE

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

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

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 134-049

REQUEST: To waive the two year limitation on a final decision reached by Board of Adjustment Panel B on May 21, 2014 - a request for a special exception to the fence height regulations that was denied with prejudice.

LOCATION: 8216 Inwood Road

APPLICANT: Santos Martinez of Masterplan

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

May 21, 2014: The Board of Adjustment Panel B denied a request for special exception to the fence height regulations with prejudice. The case report stated that the request was made to construct/maintain an a 6' high open iron fence and gate with 6' 6" high stucco columns in the 35' front yard setback on a site that was developed with a single family home/use.

February 6, 2015: The applicant submitted a letter to staff requesting that the Board waive the two year limitation on the request for a special exception to the fence height regulations denied with prejudice by Board of Adjustment Panel B on May 21, 2014 (see Attachment A). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a fence height special exception on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.
- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

February 6, 2015: The Board Administrator emailed the applicant information regarding his miscellaneous item request (see Attachment B).



Masterplan

Land Use Consultants

M2
Attach A

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

RE: BDA 134-049, 8216 Inwood Road

Mr. Long,

As an authorized representative for the property owner, please accept this letter as an official request to waive the two year requirement on filing a special exception application for a fence in the required front yard.

The property has been redeveloped with a new single family structure. The property does not have access to a rear alley and all ingress/egress must take place in the front yard. As this construction nears completion, we seek to construct a new fence in the required front yard.

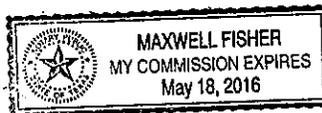
As you are aware, the original decision of this case was appealed. We ask that the case be placed under consideration for a waiver to the two year time period in order to keep within the court's decision.

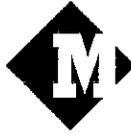
Please let me know if you need any other items related to this request.

Sincerely,



Santos T. Martinez





Masterplan

Land Use Consultants

M2
Attach A

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

RE: BDA 134-049, 8216 Inwood Road

Mr. Long,

As an authorized representative for the property owner, please accept this letter as an official request to waive the two year requirement on filing a special exception application for a fence in the required front yard.

The property has been redeveloped with a new single family structure. The property does not have access to a rear alley and all ingress/egress must take place in the front yard. As this construction nears completion, we seek to construct a new fence in the required front yard.

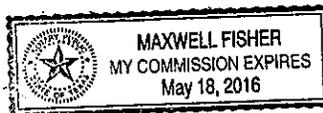
As you are aware, the original decision of this case was appealed. We ask that the case be placed under consideration for a waiver to the two year time period in order to keep within the court's decision.

Please let me know if you need any other items related to this request.

Sincerely,



Santos T. Martinez



FILE NUMBER: BDA 145-015

BUILDING OFFICIAL'S REPORT: Application of Jonathan Robert, represented by Justin Jeffrey, for special exceptions to the visual obstruction regulations at 5201 Goodwin Avenue. This property is more fully described as Lot 16, Block 1/2188, and is zoned CD-15, which requires a 20 foot visibility triangle at driveway approaches and at alleys intersecting with a street. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 5201 Goodwin Avenue

APPLICANT: Jonathan Robert
Represented by Justin Jeffrey

REQUESTS:

Requests for special exceptions to the visual obstruction regulations are made to maintain an 8' high solid board-on-board cedar fence atop a retaining wall ranging from approximately 6" – 13" in height in the following locations on a site developed with a single family home:

1. in the two, 20' visibility triangles on either side of the driveway into the site from Homer Street; and
2. in the 20' visibility triangle at where the alley on the north side of the site meets Homer Street.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests.
- The applicant has substantiated how the location of the fence located in the 20' visibility triangles at the driveway into the site from Homer Street and at where the alley meets Homer Street does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CD 15 (Conservation District)
<u>North:</u>	CD 15 (Conservation District)
<u>South:</u>	CD 15 (Conservation District)
<u>East:</u>	CD 15 (Conservation District)
<u>West:</u>	CD 15 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

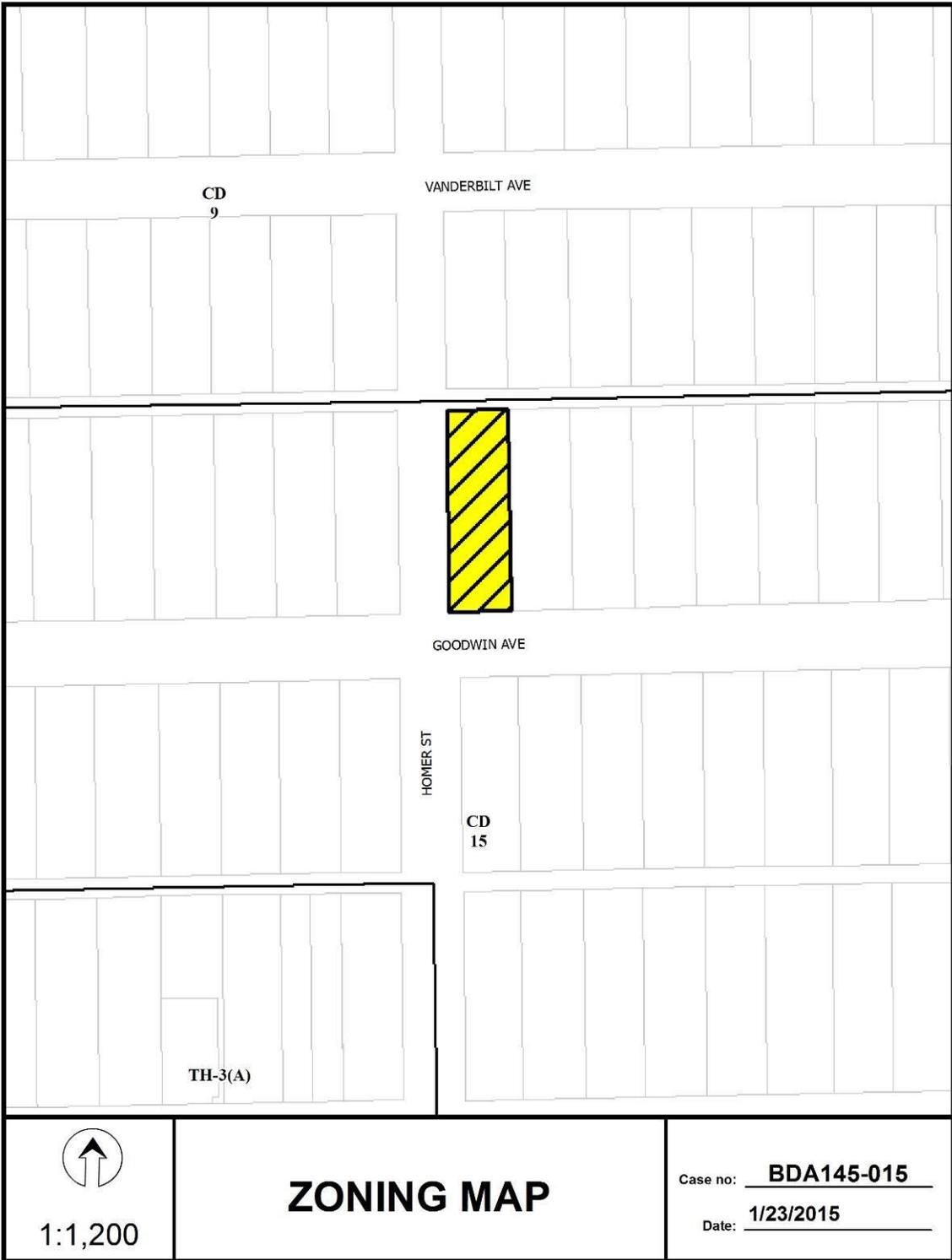
GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on maintaining a solid cedar board-on-board fence atop a retaining wall ranging from approximately 6” – 13” in height in the two, 20’ visibility triangles on either side of the driveway into the site from Homer Street; and in the 20’ visibility triangle at where the alley on the north side of the site meets Homer Street on a site developed with a single family home.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and elevation have been submitted indicating portions of a fence located in the two 20’ visibility triangles on either side of the driveway into the site from Homer Street and in the 20’ visibility triangle at where the alley on the north side of the site meets Homer Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”

- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of an 8' high solid board-on-board cedar fence located in the two 20' visibility triangles at the driveway into the site from Homer Street and in the 20' visibility triangle at where the alley on the north side of the site meets Homer Street does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items located in the 20' drive approach visibility triangles into the site from Homer Street and in the 20' visibility triangle at where the alley on the north side of the site meets Homer Street to that what is shown on these documents – an 8' high solid board-on-board cedar fence.

Timeline:

- December 3, 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.
- January 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- January 14, 2015: The Board Administrator contacted the applicant and emailed the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 28th deadline to submit additional evidence for staff to factor into their analysis; and the February 6th 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.”
- February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- February 6, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”





1:1,200

AERIAL MAP

Case no: BDA145-015

Date: 1/23/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-015

Data Relative to Subject Property:

Date: DEC. 3, 2014

Location address: 5201 GOODWIN AVE Zoning District: CD15

Lot No.: 16 Block No.: 1/2188 Acreage: .183 Census Tract: 10, OF 3,00

Street Frontage (in Feet): 1) 50' 2) 160' 3) _____ 4) _____ 5) _____ *SEE 2A*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JOEL & BRENDA HARGETT

Applicant: JONATHAN ROBERT Telephone: 972-859-0338

Mailing Address: 5106 GOODWIN AVE. Zip Code: 75206

E-mail Address: JUSTIN@JUSTINJEFFREY.COM

Represented by: JUSTIN JEFFREY Telephone: 214-549-3504

Mailing Address: 5106 GOODWIN AVE. Zip Code: 75206

E-mail Address: JUSTIN@JUSTINJEFFREY.COM

Affirm that an appeal has been made for a Variance __, or Special Exception __, of VISIBILITY TRIANGLE OF DRIVEWAY TO RESIDENTIAL GARAGE & ALLEY

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 ALLOW 8' BOARD ON BOARD CEDAR FENCE TO REMAIN WITH 3'(6' NEAR ALLEY) CLIPPED ON NORTHWEST CORNERS, LEAVING FENCE WILL NOT INTERFERE WITH VISIBILITY BECAUSE OF DISTANCE FROM CURB TO GARAGE DOOR. AS FOR THE ALLEY, THERE IS ENOUGH VISIBILITY FOR DRIVER TO NOT HAVE FRONT OF CAR EXPOSED & TO CLEARLY SEE PEDESTRIANS & VEHICLES. WILL NOT ADVERSELY AFFECT

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

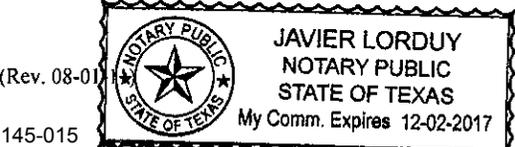
Affidavit

Before me the undersigned on this day personally appeared JONATHAN ROBERT (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 ROBERT (Affiant/Applicant's signature)

Subscribed and sworn to before me this 3RD day of DECEMBER, 2014



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

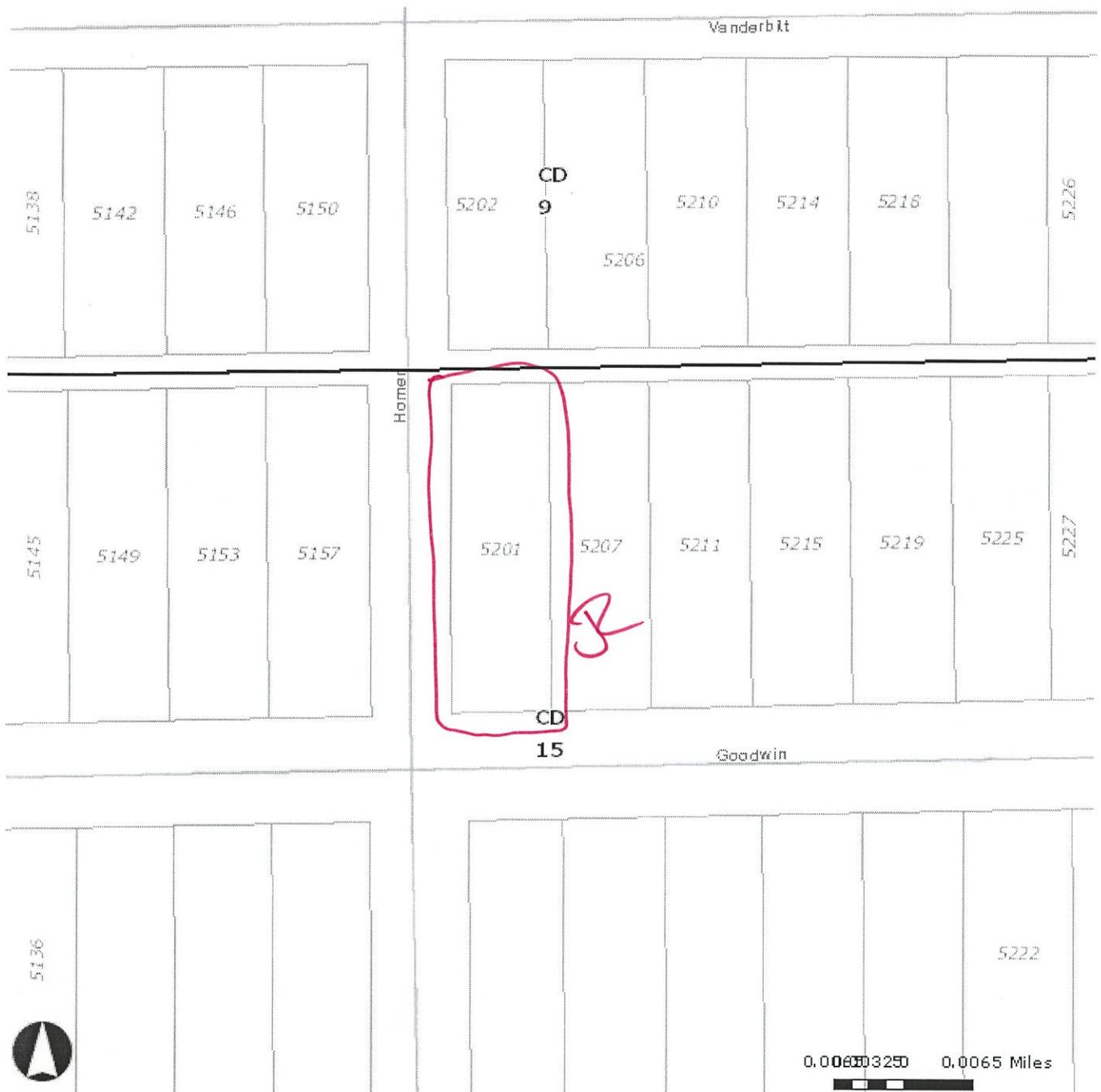
Building Official's Report

I hereby certify that Jonathan Robert
represented by Justin Jeffrey
did submit a request for a special exception to the visibility obstruction regulations
at 5201 Goodwin Avenue

BDA145-015. Application of Jonathan Robert represented by Justin Jeffrey for a special exception to the visibility obstruction regulations at 5201 Goodwin Avenue. This property is more fully described as Lot 16, Block 1/2188, and is zoned CD-15, which requires a 20 foot visibility triangle at driveway approaches and at alleys intersecting with a street. The applicant proposes to construct and maintain a single family residential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official



50	50	50	50	50
9	10	11	12	13
145				

HOMER

50	50	50	50	50	50	50	50
145	2	3	4	5	6	7	8
2188/T							

50	50	50	50	50
10	11	12	13	14
VICKERY				
ADDED				

5100

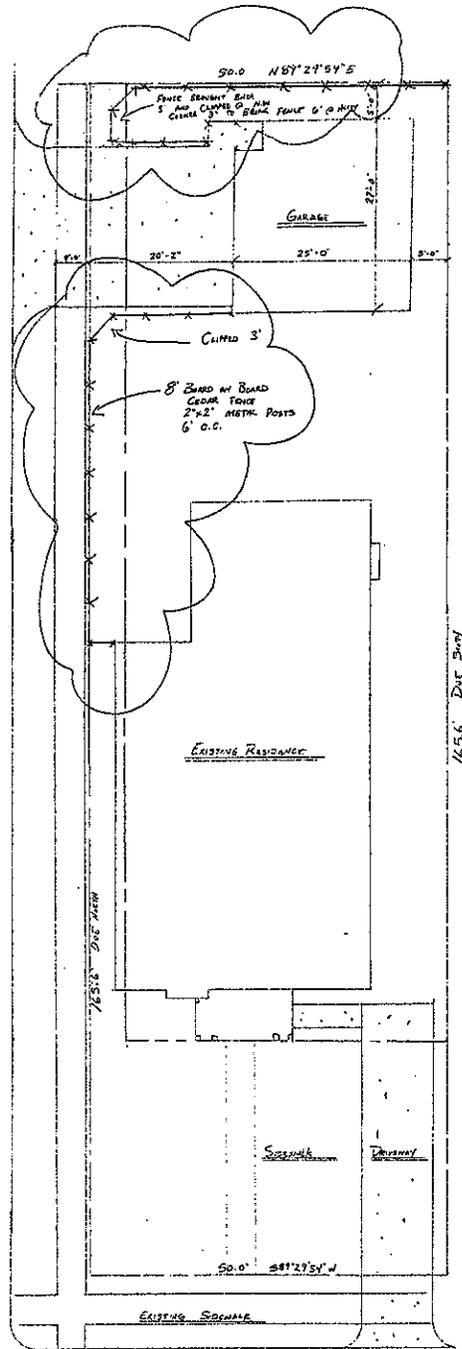
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50	50	50	50	50	50	50	50
16	17	18	19	20	21	22	23
PLACE							
7-31-25							
ADDN.							
2188/1							

40

5200

1953



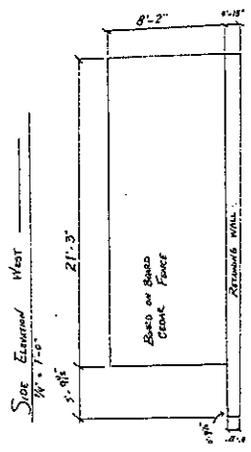
HAWK STREET



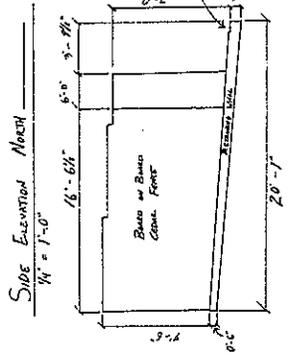
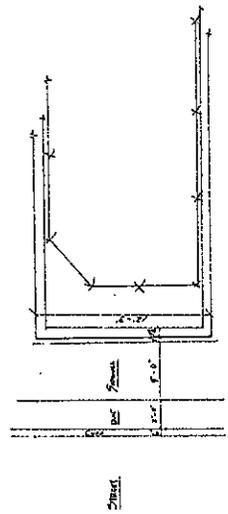
SITE PLAN
 1/8" = 1'-0"

5201 GOODMAN AVE
 JUSTIN JEFFERY
 217/541-5504
 FOUNDRY PLAN 12-2-2004

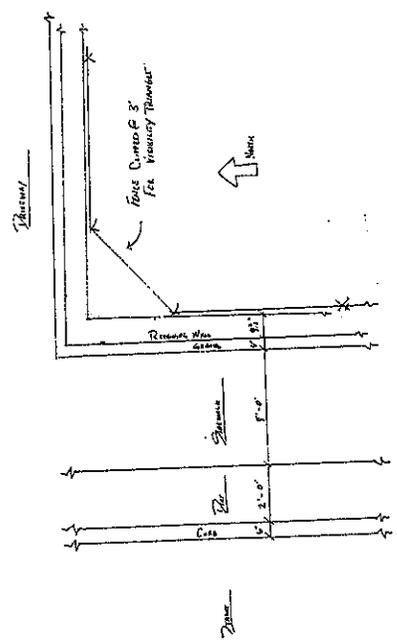
5201 Goodman Ave
 10/15/12 12-2-20
 Invoice for 8'-0"
 Bands on Board
 CEILING FLOOR
 Justin Jeffrey
 2012.12.20



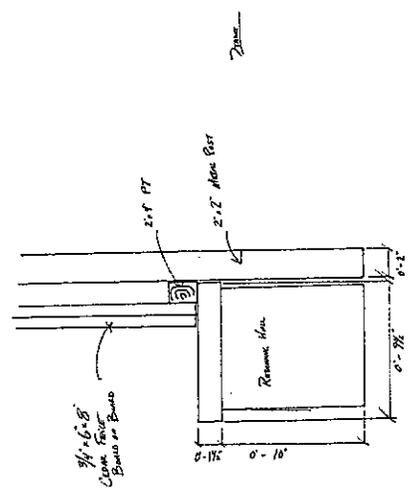
Top Elevation Fence (North)
 $\frac{1}{4}'' = 1'-0''$

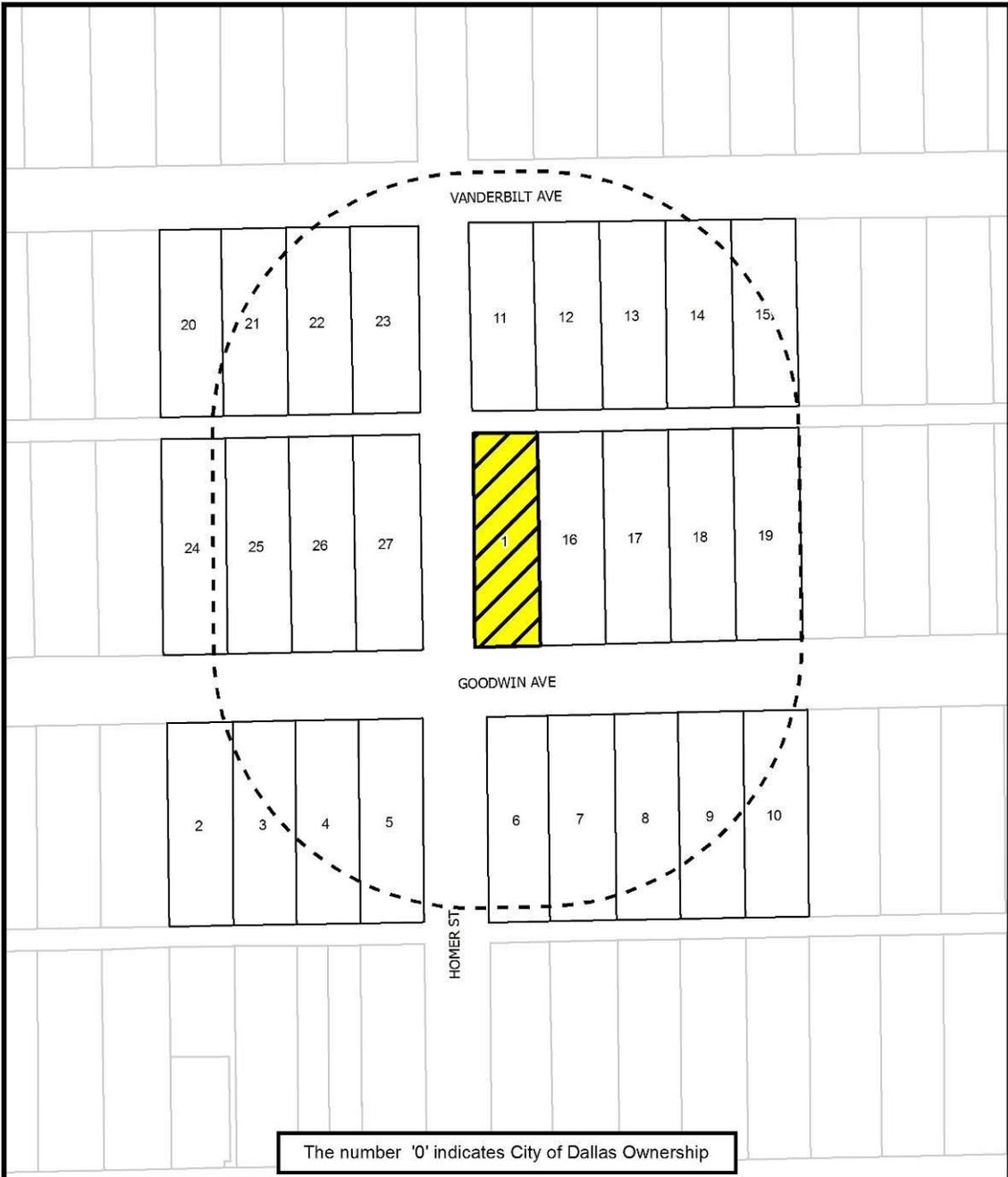


Top Elevation Fence
 $\frac{1}{4}'' = 1'-0''$



Side Elevation of Fence
 $\frac{1}{4}'' = 0'-1''$





 1:1,200	<h2>NOTIFICATION</h2>	Case no: <u>BDA145-015</u>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">27</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	27	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
27	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA145-015

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5201 GOODWIN AVE	HARGETT JOEL & BRENDA
2	5136 GOODWIN AVE	GANNAWAY RANDALL J
3	5142 GOODWIN AVE	BUTZBERGER JOSEPH
4	5146 GOODWIN AVE	CONKERTON LANCE DANIEL
5	5150 GOODWIN AVE	WONG PUI H LIFE ESTATE
6	5202 GOODWIN AVE	LEBLANC KENRIC
7	5206 GOODWIN AVE	BAGOT DREW N JR
8	5210 GOODWIN AVE	SANDHU JATINDER P S
9	5214 GOODWIN AVE	ALLEN DANNY K & MARILYN
10	5218 GOODWIN AVE	BAKER LINDA
11	5202 VANDERBILT AVE	BLACK THOMAS UPTON III
12	5206 VANDERBILT AVE	COLONNA SARAH
13	5210 VANDERBILT AVE	GRAVES MARY ELLEN
14	5214 VANDERBILT AVE	OLSCHESKY KARYN S & LUKE T DEL GRECO
15	5218 VANDERBILT AVE	MARRIOTT WILLIAM D
16	5207 GOODWIN AVE	WARD TIMOTHY P
17	5211 GOODWIN AVE	GERLACH LESLIE
18	5215 GOODWIN AVE	WOLLAM LESLIE C
19	5219 GOODWIN AVE	PETKA MATTHEW F & LAURA M
20	5138 VANDERBILT AVE	ROZNOWSKI RICHARD &
21	5142 VANDERBILT AVE	MOHAN SAMEER
22	5146 VANDERBILT AVE	OWENS RICHARD BLAKE
23	5150 VANDERBILT AVE	SIGLIN JOSEPH R &
24	5145 GOODWIN AVE	BERRY FRANCES A
25	5149 GOODWIN AVE	QUAN CAROLYN
26	5153 GOODWIN AVE	SCOTT HARRY K

01/23/2015

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5157 GOODWIN AVE	MOURTON NICHOLAS B

FILE NUMBER: BDA 145-016

BUILDING OFFICIAL'S REPORT: Application of Omid Rohani for a special exception to the fence height regulations at 7010 Winding Creek Road. This property is more fully described as Lot 1, Block H/8727, and is zoned PD-106, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 6 foot 6 inch high fence, which will require a 2 foot 6 inch special exception to the fence height regulations

LOCATION: 7010 Winding Creek Road

APPLICANT: Omid Rohani

REQUEST:

A request for a special exception to the fence height regulations of 2' 6" is made to maintain a 6' 6" high solid combination concrete/wood (4' 6' solid wood atop 2' concrete base) fence with 6' 6" high concrete columns on a site developed with a single family home located in the one of its three 30' front yard setbacks (Windrock Road).

(No request has been made in this application to construct/maintain any fence in the site's Levelland Drive or Winding Creek Road front yard setback).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 106 (Planned Development)
North: TH-2(A) (Townhouse)
South: PD 106 (Planned Development)
East: PD 106 (Planned Development)
West: PD 106 (Planned Development)

Land Use:

The subject site is 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 989-153, Property located at 7010 Winding Road (the subject site)

On February 16, 1999, the Board of Adjustment Panel B took the following actions: 1) granted a request for a special exception to the fence height regulations to maintain a 6' 6" fence and imposed the following condition: compliance with the submitted site plan/elevation as it relates to the fence only and a landscape plan to be submitted to the board administrator indicating a Tam Juniper or similar species continuous hedge along the fence wall on Windrock between the fence and the pavement line; 2) delayed action on variances to the front yard setback regulations until March 16, 1999. The case report stated requests were made to provide a 16 foot front yard setback facing Windrock Road which would require a variance to the front yard setback regulations of 14 feet; to provide a 20 front yard setback facing Winding Creek Road which would require a variance to the front yard setback regulations of 10 feet; and to erect a 6' 6" high fence in the Windrock Road front yard setback (a 6' high fence – 4' high open pickets atop a 2' solid base with 6.5' high columns). On March 16, 1996, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations along Winding Creek and imposed a condition that a revised site plan must be provided to the Board of Adjustment showing the variance granted by the Board; and denied the variance to the front yard setback regulations along Windrock Road without prejudice.

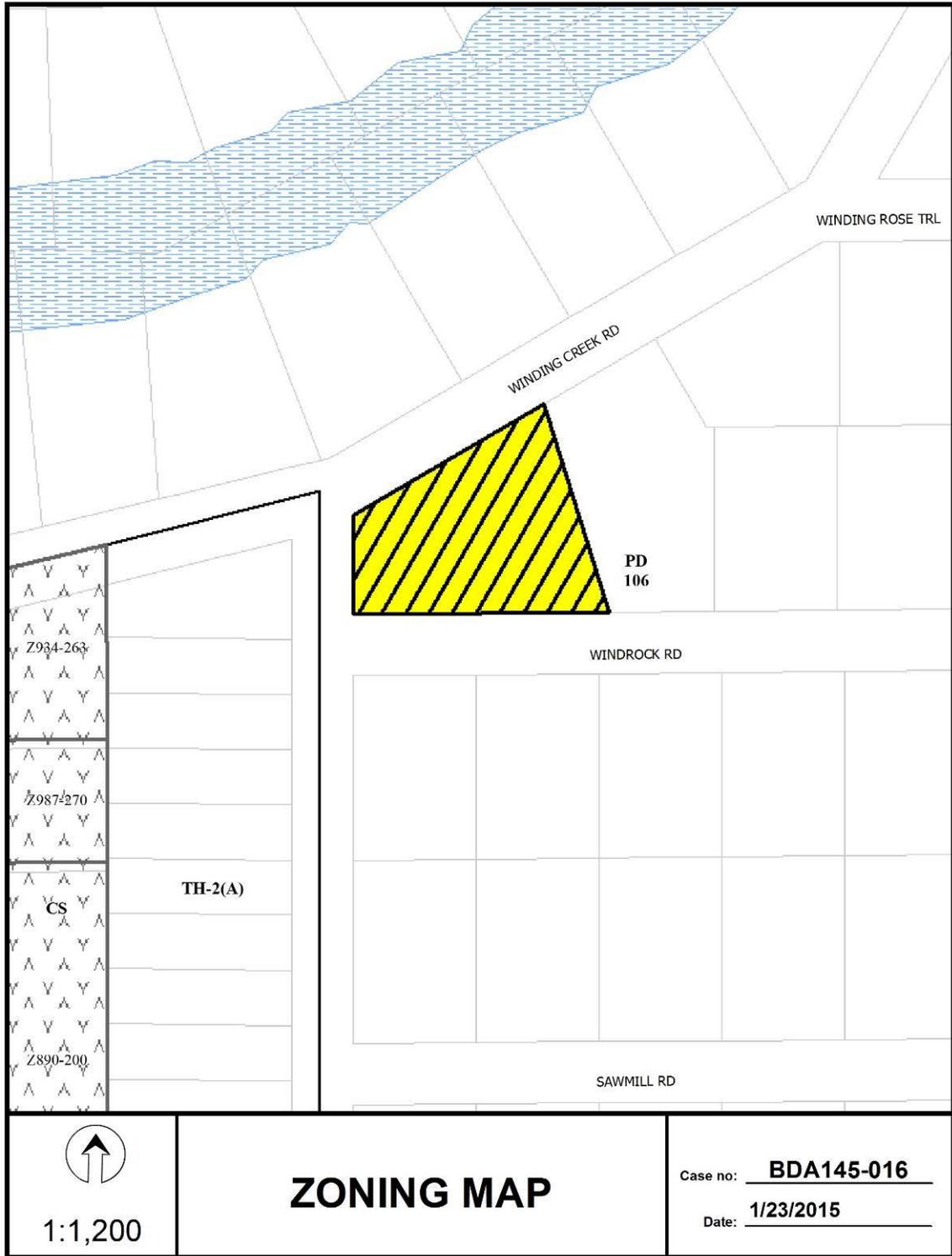
GENERAL FACTS/STAFF ANALYSIS:

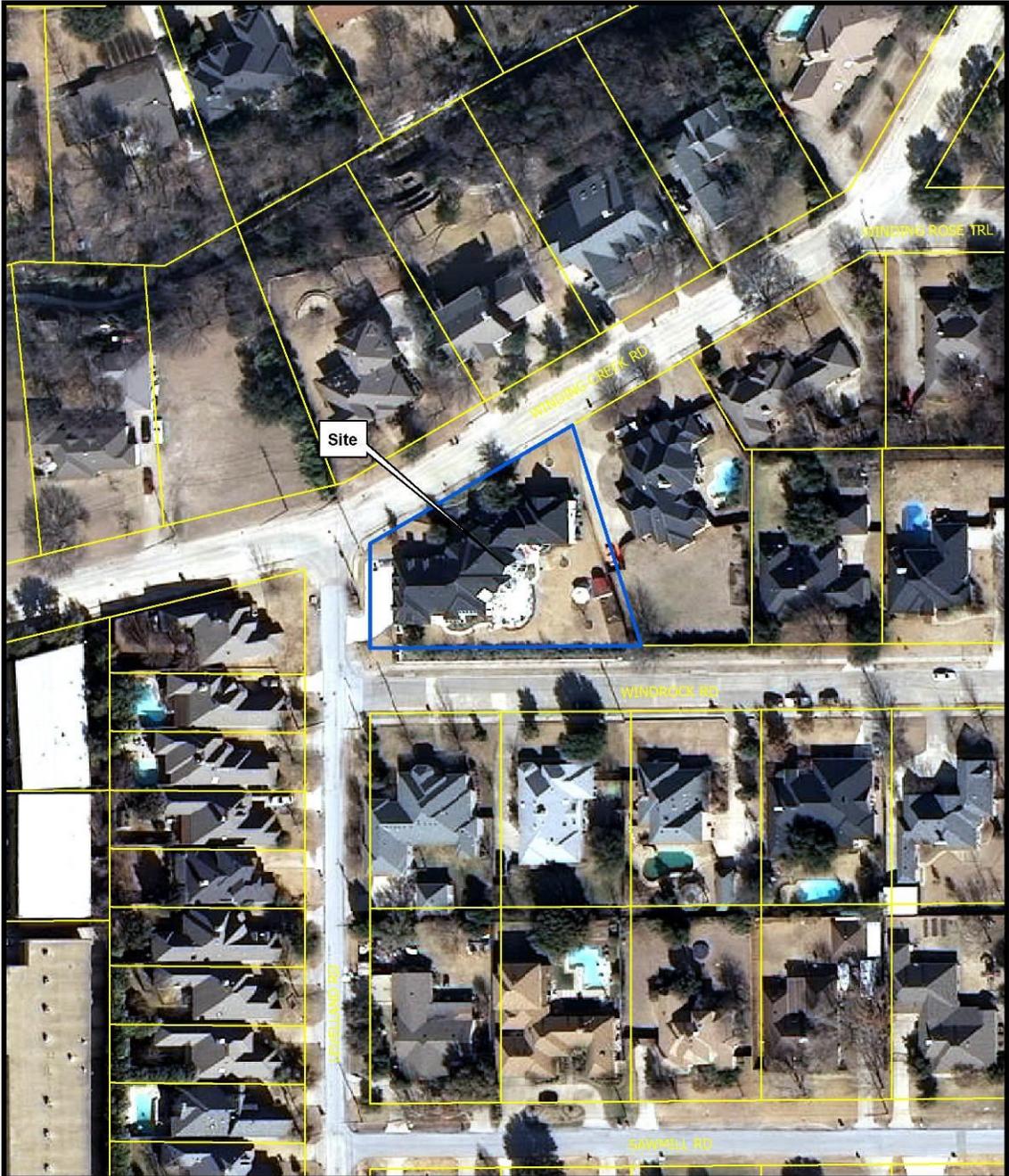
- This request focuses on maintaining a 6' 6" high solid combination concrete/wood (4' 6' solid wood atop 2' concrete base) fence with 6' 6" high concrete columns on a site developed with a single family home in one of its three 30' front yard setbacks (Windrock Road).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located on the east side of Levelland Drive between Winding Creek Road and Windrock Road. The subject site has three front yards. The subject site has a front yard setback along Levelland Road because it is the shortest of the three street frontages. Additionally the subject site is a lot that runs from one street to another (Winding Creek Road on the north, Windrock Road on the south). Regardless of how the existing single-family structure is oriented to front northward towards Winding Creek Road, the site has front yard setbacks on both of these streets since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both of these streets.
- Although the site has three 30' front yard setbacks, the focus of the applicant's request in this application is only to maintain a fence higher than 4' in the site's front yard setback on Windrock Road. No part of the application is made to address any fence in the site's Levelland Road or Windrock Road front yard setbacks.
- The applicant has submitted a site plan and elevation of the proposal in the Windrock Road front yard setback with notations indicating that the proposal/existing fence/columns reaches a maximum height of 6' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposal/existing fence in Windrock Road front yard setback is represented as being approximately 180' in length parallel to the street; and approximately 30' in length perpendicular to the street on the lot's west side.
 - The proposal/existing fence is represented as being located approximately on the Windrock Road front property line.
- The proposal/existing fence is located on the north side of Windrock Road where two houses front it, neither with fences in their front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be in a front yard setback higher than 4' in height.
- As of February 9, 2015, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' 6" will not adversely affect neighboring property.
- Granting this special exception of 2' 6" 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 setback to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

- December 5, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 14, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- January 14, 2015: The Board Administrator contacted the applicant and emailed the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 28th deadline to submit additional evidence for staff to factor into their analysis; and the February 6th 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.”
- February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA145-016

Date: 1/23/2015



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-016

Data Relative to Subject Property:

Date: 12-5-14

Location address: 7010 Winding Creek Rd. Zoning District: PD 106

Lot No.: 1 Block No.: H/8727 Acreage: .60 Census Tract: 317.18

Street Frontage (in Feet): 1) 203 2) 80.53 3) 180 4) 5)

NEAR

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Omid Rohani

Applicant: Omid Rohani Telephone: 214-773-3959

Mailing Address: 7010 Winding Creek Rd. Zip Code: 75252

E-mail Address: papaya.smoothies@gmail.com

Represented by: self Telephone: (214)773-3959

Mailing Address: same Zip Code:

E-mail Address: same

Affirm that an appeal has been made for a Variance, or Special Exception, of 2 ft - 6 in. to the fence height in a front yard.

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

To better improve the safety and appearance of our residence.

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 Omid Rohani (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 25 day of November 2014



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

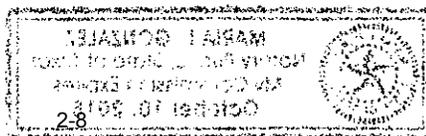
I hereby certify that Omid Rohani

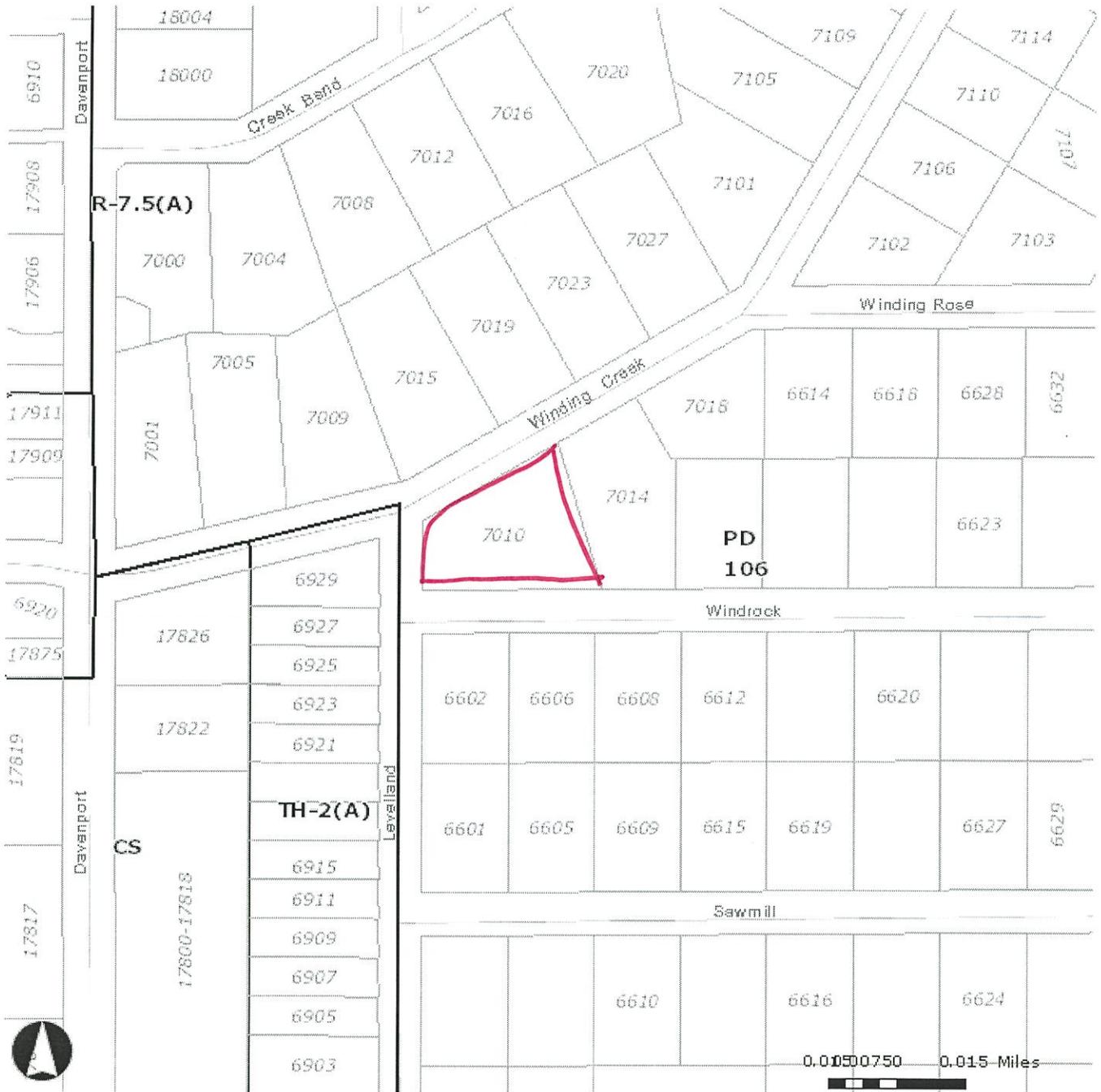
did submit a request for a special exception to the fence height regulations
at 7010 Winding Creek Road

BDA145-016. Application of Omid Rohani for a special exception to the fence height regulations at 7010 Winding Creek Road. This property is more fully described as Lot 1, Block H/8727, and is zoned PD-106, which limits the height of a fence in the front yard to 6 feet. The applicant proposes to construct an 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

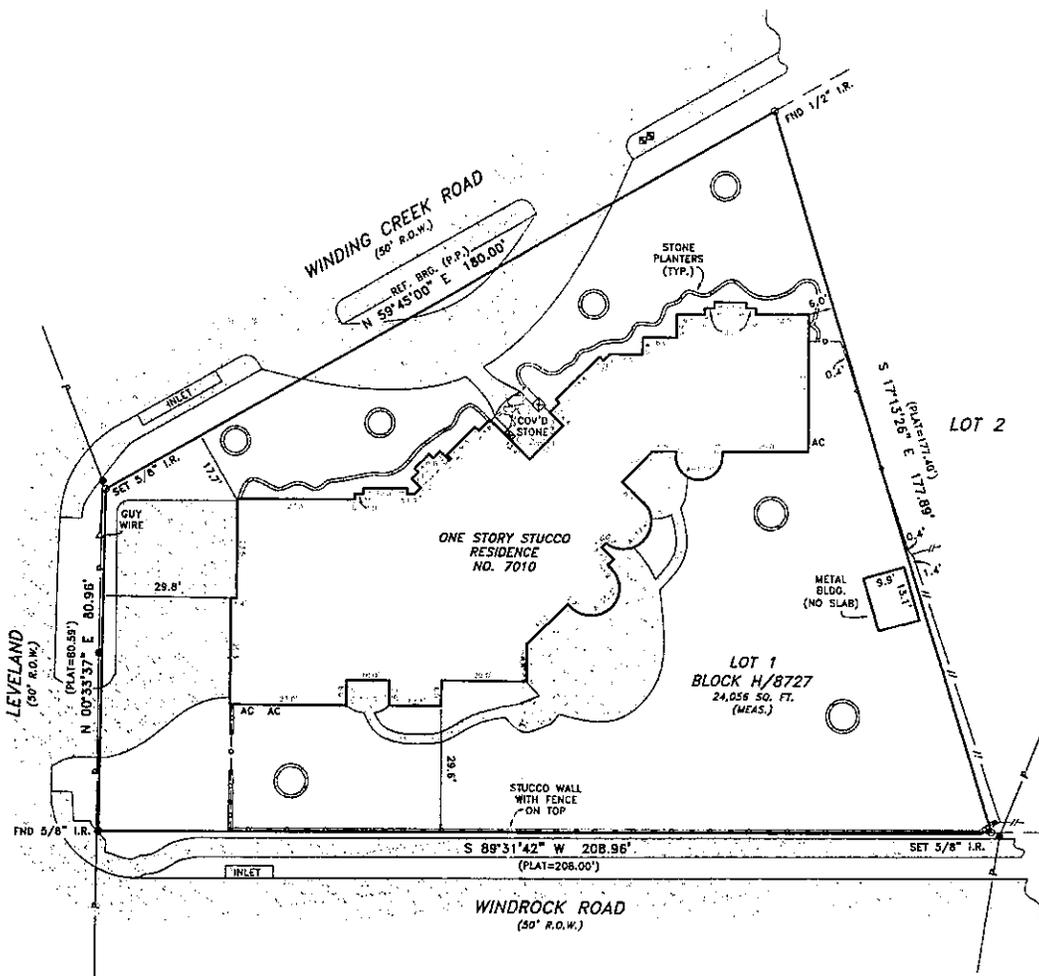






***SURVEY PLAT**

LOT 1, BLOCK H/8727 OF PRESTON ROAD HIGHLANDS REV., AN ADDITION TO THE CITY OF DALLAS, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2, PAGE 9 MAP RECORDS, COLLIN COUNTY, TEXAS.



ADDRESS: 7010 WINDING CREEK ROAD

NOTES:

- 1) ALL CORNERS LABELED HEREIN AS "SET 5/8\" I.R." HAVE A YELLOW CAP STAMPED "R.P.L.S. 5587".
- 2) (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.'S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.
- 3) THE PROPERTY SHOWN HEREIN APPEARS TO BE SUBJECT TO THE EASEMENTS RECORDED IN VOLUME 453, PAGE 106, REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS.

FLOOD STATEMENT:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 4801701 D4851, DATED 06/02/2006, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO BE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SURVEY EXAMINED AND ACCEPTED BY PURCHASERS: _____ DATE: _____

CERTIFIED TO: CHICAGO TITLE BUYER: ROHANI DATE: 11/05/2013 (C# 61913001397) TECH: BM DRAFTER: JB JOB NO.: 13-10-178

SYMBOL	LEGEND	DESCRIPTION
---	WOOD FENCE	1) JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREIN IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SURVEYED PROPERTY AS DESCRIBED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS PRESCRIBED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PERFORMED IN CONFORMANCE WITH TITLE COMMITMENT OF NO. 8193501397 PROVIDED BY CHICAGO TITLE REFLECTING ONLY THE EASEMENT(S) LISTED IN PARAGRAPH "1" OF SAID COMMITMENT. USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. THIS SURVEY IS NOT VALID WITHOUT A RED SEAL AND SIGNATURE.
---	CHAIN LINK FENCE	
---	WIRE FENCE	
---	BROUGHT IRON FENCE	
○	COLLIAR	
○	POWER POLE	
○	WATER METER	
○	POWERMINE	
---	OVERHEAD SERVICE LINE	
---	TRANSFORMER AND PAD	
○	GAS METER	
---	ASPHALT SURFACE	
---	CONCRETE	



Global Land Surveying, Inc.
SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

GLOBAL LAND SURVEYING, INC.
2030 AVENUE G, SUITE 1104
PLANO, TEXAS 75074
PHONE (972) 981-1700
FAX (972) 423-1053
WWW.GLS-INC.COM

WIND ROCK RD.

209.83'

80.89'

30' setback

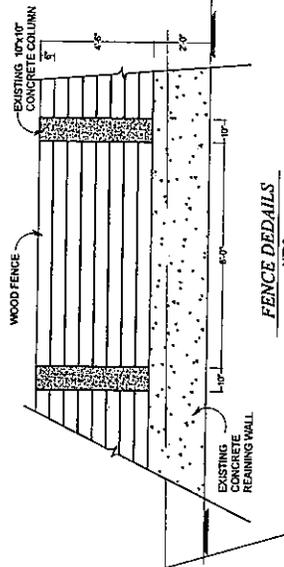
30' setback

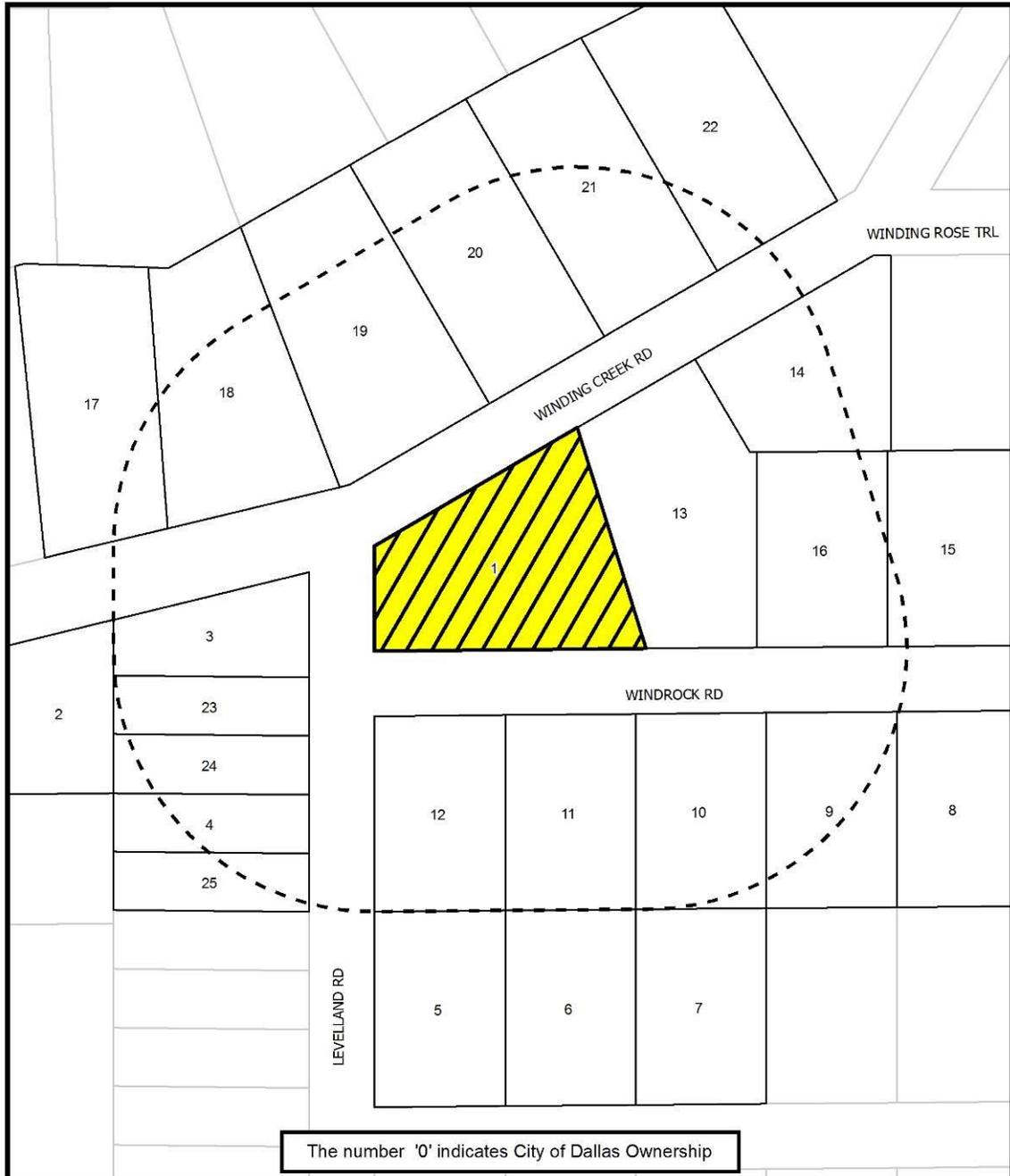
30' setback

70' WINDING CREEK RD.

180.4'

6' MIN. SETBACK
178.80'





 1:1,200	<h2>NOTIFICATION</h2>	Case no: <u> BDA145-016 </u>
	200' AREA OF NOTIFICATION 25 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u> 1/23/2015 </u>

Notification List of Property Owners

BDA145-016

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7010 WINDING CREEK	ROHANI OMID
2	17826 DAVENPORT	SSRK INVESTMENTS
3	6929 LEVELLAND	KITCHEN ERIC D
4	6923 LEVELLAND	WELL LEON S & TOBA
5	6601 SAWMILL	CAMPOS-FIELD LAURIE ANN &
6	6605 SAWMILL	KATZ BRUCE M ETUX DEBBIE
7	6609 SAWMILL	MINDLE GRANT ETUX ABIGAIL
8	6616 WINDROCK	GUTGOLD HAIIM S ETUX
9	6612 WINDROCK	LIPSZYC JAIME & COLETTE R
10	6608 WINDROCK	SHEA KEVIN &
11	6606 WINDROCK	JAIN VIJAI K & RASHMI
12	6602 WINDROCK	GREENWELL DARREL D & SUE
13	7014 WINDING CREEK	HARLESS JAMES H JR
14	7018 WINDING CREEK	GIVLER GERALDINE C
15	6615 WINDROCK	MANN NICOLE & CHRISTOPHER N
16	6609 WINDROCK	MONTOYA JONATHAN A & JAMIE L BONEY-
17	7005 WINDING CREEK	GRINNELL JEFFREY H & TERESA
18	7009 WINDING CREEK	SABONI DORIS
19	7015 WINDING CREEK	NAGHAVI MORTEZA &
20	7019 WINDING CREEK	GANTER JOHN C & MARY JOAN
21	7023 WINDING CREEK	JURLINA MICHAEL K ETUX PA
22	7027 WINDING CREEK	SALLEY SUSAN T
23	6927 LEVELLAND	SMULLEN ANDREW
24	6925 LEVELLAND	WISE MICHAEL D JR & ROSE
25	6921 LEVELLAND	BARRIS JODI AMANDA

FILE NUMBER: BDA 145-020

BUILDING OFFICIAL'S REPORT: Application of E. Lee Roth for a special exception to the landscape regulations at 2614 Boll Street. This property is more fully described as Lot 3, Block 2/955, and is zoned PD193 (LC) (H/116), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations

LOCATION: 2614 Boll Street

APPLICANT: E. Lee Roth

REQUEST:

A request for a special exception to the landscape regulations is made to maintain a restaurant use/structure (The Ahab Bowen House) on a site, and not fully provide required landscaping.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS
IN OAK LAWN:**

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request because the applicant has reasonably demonstrated the proposed alternate landscape plan does not compromise the spirit and intent of the PD 193 landscape requirements for LC districts.
- In this case, the Chief Arborist notes among other things how the areas in which the applicant cannot fully meet the landscape requirements (location and width of sidewalks, and location and number of street trees) are justified given the applicant's intention to preserve existing large canopy trees on the site, and are compensated to some degree by the applicant providing more than the required screening needed for parking spaces, and meeting requirements for landscape site area.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (LC) (H/116)(Planned Development District, Light commercial, historic)
North: PD 193 (LC)(Planned Development District, Light commercial)
South: PD 193 (LC)(Planned Development District, Light commercial)
East: PD 193 (LC)(Planned Development District, Light commercial)
West: PD 193 (GR)(Planned Development District, General retail)

Land Use:

The subject site is developed with an existing vacant structure that is a City of Dallas designated historic site (The Ahab Bowen House). The areas to the north, east, and south are developed with mixed uses; and the area to the west is developed with a surface parking lot.

Zoning/BDA History:

1. BDA 123-090, Property located at 2614 Boll Street (the subject site)
On September 18, 2013, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the alternate landscape plan that was submitted at the September 18th public hearing as a condition to the request. The case report stated the request was made in conjunction with increasing nonpermeable coverage of the lot developed with an existing approximately 1,800 square foot structure (The Ahab Bowen House), and not fully complying with the landscaping requirements of PD 193.
2. BDA 123-028, Property at 2701 McKinney Avenue (the property immediately east of the subject site)
On April 16, 2013, the Board of Adjustment Panel A: 1) granted requests for variances to the front yard setback regulations to maintain an existing nonconforming structure and to construct/maintain an addition in the Boll Street front yard setback imposing the submitted site plan as a condition to these requests; 2) granted a request for a special exception to the landscape regulations, imposing the revised alternate landscape plan as conditions to this request; 3) denied a request for a variance to the front yard

setback regulations to maintain an existing nonconforming structure in the McKinney Avenue front yard setback with prejudice; and 4) denied a request for a variance to the off-street parking regulations of 13 spaces without prejudice.

The case report stated that the following appeals were made on a site that is currently developed with a restaurant use (S & D Oyster House): a variance to the front yard setback regulations of 10' was made in conjunction with constructing and maintaining an addition structure (freezer/cooler room and stairwell) with an approximately 1,900 square foot building footprint, part of which is to be located in on the Boll Street front property line, or as much as 10' into this 10' front yard setback along Boll Street; variances to the front yard setback regulations of 10' were made in conjunction with remedying/addressing the nonconforming aspect of the existing nonconforming structure that is located in the site's two 10' front yard setbacks along McKinney Avenue and Boll Street; a variance to the off-street parking regulations of 13 spaces (or a 24 percent reduction of the 54 off-street parking spaces that are required) was requested in conjunction with constructing and maintaining existing/proposed development with a total of approximately 5,400 square feet of restaurant use where the applicant proposes to provide 41 (or 76 percent) of the required 54 required off-street parking; and a special exception to the PD 193 landscape regulations was made in conjunction with the proposed new construction, and not fully complying with the landscaping requirements of PD 193.

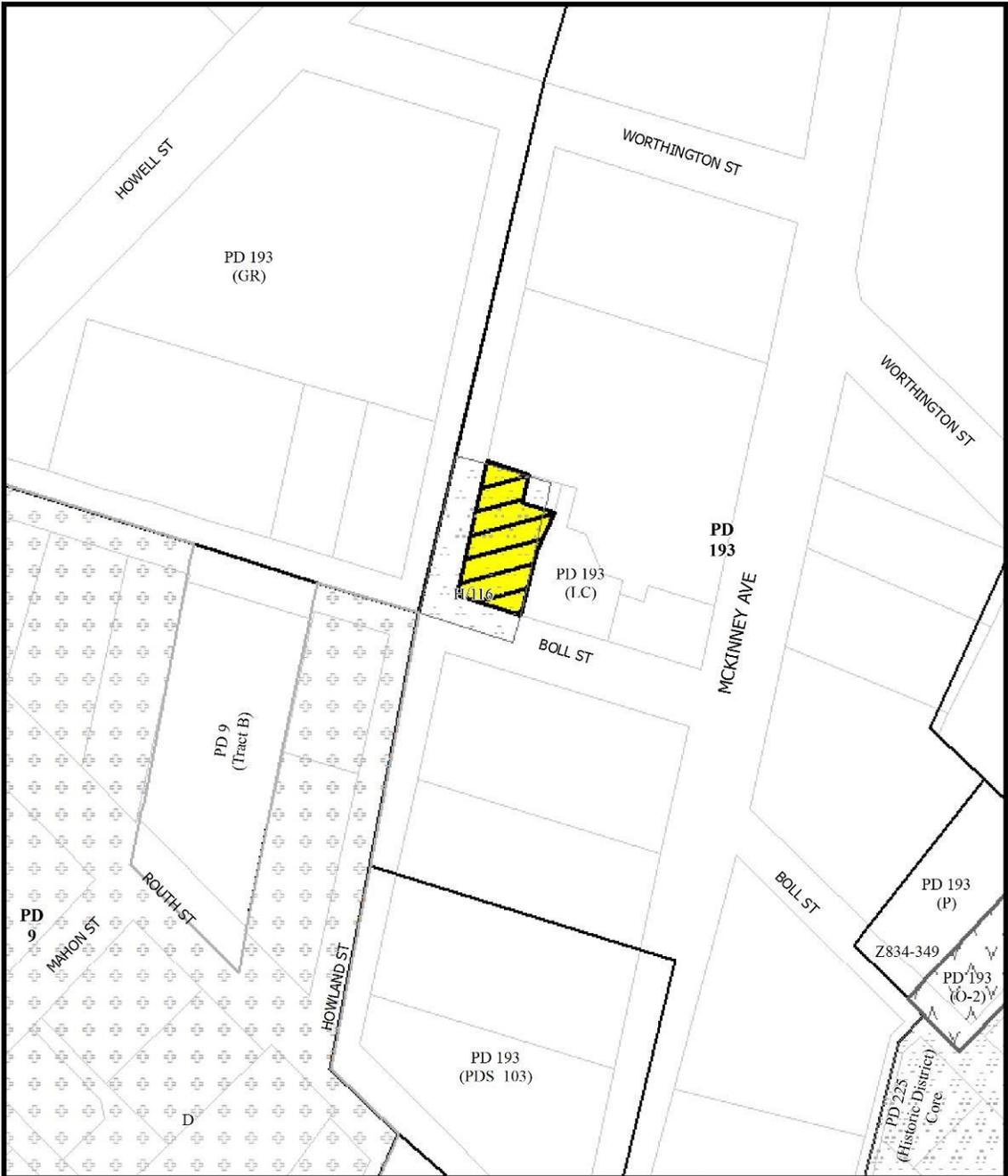
GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on maintaining a retail use/structure, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the proposed alternate landscape plan does not comply with sidewalk requirements related to location and width and tree requirements related to location and number.

- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- 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 renovation of structure with increase of nonpermeable coverage on the lot.
- The Chief Arborist's memo lists the following factors for consideration:
 - The existing sidewalk conditions and location today were approved by the Board action in 2013. A portion of the sidewalk on Howland Street was allowed to be reduced to help with the protection of existing trees on the property. The proposed plan includes a brick wall along Boll Street.
 - The street tree parkway conditions were exempted in favor of the retention of existing large canopy trees on the street sides of the property.
 - The property is additionally regulated under a historic district and is subject to review by the Landmark Commission for the preservation of the structure and property. Conditions are protected and "landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades." This may be relevant to this panel in determining their opinion of the placement of street trees and location of sidewalks in proximity to existing trees.
 - The proposed plan shows more than the required screening needed for the parking spaces, and the garbage dumpster is shown to be removed from the property and located in an area shared with the adjacent property. The parking lot is to be fully screened.
 - The front yard on the property is to be established with a flagstone patio surfaces and plantings adjacent to an enhanced paved sidewalk. The patio court is designed to surround an existing mature catalpa tree that was previously in an open yard. It is likely the large tree will retain its ability to be a significant landscape feature for an extended period.
 - The proposed plan meets requirements for landscape site areas and screening of surface parking.
- The City of Dallas Chief Arborist recommends approval of this request because the applicant has demonstrated the proposed alternate landscape plan does not compromise the spirit and intent of the PD 193 landscape requirements.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the sidewalk and tree requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards".
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to sidewalk and tree requirements of the Oak Lawn PD 193 landscape ordinance.

Timeline:

- December 19, 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.
- January 14, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”
- January 14, 2015: 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 January 28th deadline to submit additional evidence for staff to factor into their analysis; and the February 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- January 29, 2015: The Sustainable Development and Construction Historic Preservation Senior Planner emailed the Board Administrator the following comment: “2614 Boll Street- Ahab Bowen Historic Overlay- proposed landscaping has been approved with conditions by Landmark Commission.”
- February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- No review comment sheets with comments were submitted in conjunction with this application.
- February 6, 2015: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).



1:1,200

ZONING MAP

Case no: BDA145-020

Date: 1/23/2015



1:1,200

AERIAL MAP

Case no: BDA145-020

Date: 1/23/2015

BDA 145-020
Attach A pg 1

Memorandum



CITY OF DALLAS

DATE February 6, 2015

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 145 - 020 2614 Boll Street

The applicant is requesting a special exception to the landscape requirements of PD 193(LC).

Trigger

Renovation of structure with increase of nonpermeable coverage on the lot.

Deficiencies

The alternate landscape plan does not comply with the following requirements:

Sidewalks (51P-193.126(b)(4)) for required location and width.

Trees (51P-193.126(b)(5)) for required location and number.

Factors

The existing sidewalk conditions and location today were approved by Board action in 2013. A portion of the sidewalk on Howland Street was allowed to be reduced to help with the protection of existing trees on the property. The proposed plan includes a brick walk along Boll Street.

The street tree parkway conditions were exempted in favor of the retention of existing large canopy trees on the street sides of the property.

The property is additionally regulated under a historic district and is subject to review by the Landmark Commission for the preservation of the structure and the property. Conditions state that existing trees are protected and "landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades." This may be relevant to this panel in determining their opinion of the placement of street trees and location of sidewalks in proximity to existing trees.

This proposed plan shows more than the required screening needed for the parking spaces, and the garbage dumpster is shown to be removed from the property and located in an area shared with the adjacent property. The parking lot is to be fully screened.

BDA145-020
Attach A pg 2

The front yard on the property is to be established with a flagstone patio surface and plantings adjacent to an enhanced paved sidewalk. The patio court is designed to surround an existing mature catalpa tree that was previously in open yard. It is likely the large tree will retain its ability to be a significant landscape feature for an extended period.

The proposed plan meets requirements for landscape site areas and screening of surface parking.

Recommendation

The chief arborist recommends approval of the proposed alternate landscape plan because I believe the applicant has demonstrated the plan will not compromise the spirit and intent of the PD 193 landscape regulations.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-020

Data Relative to Subject Property:

Date: 12-19-14

Location address: 2614 Boll St.

Zoning District: PD-193(LC)(H/116)

Lot No.: 3 Block No.: 2/955 Acreage: 0.12 Census Tract: 18.00

Street Frontage (in Feet): 1) 51.0 2) 105.72 3) 4) 5) GWR

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Pasha & Sina Inc.

Applicant: E. Lee Roth Telephone: 214-215-4153

Mailing Address: 7518 Baxtershire Dr. Dallas, TX Zip Code: 75230

E-mail Address: rdla@mac.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 the front, sides and rear yard landscape requirements

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

revisions to the property's front yard including stone paving, brick walk, stone veneer curb wall, iron hand rail, landscape lighting, outdoor speakers, the relocation of a historic marker sign and plantings; side and rear yard plantings and dumpster enclosure.

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

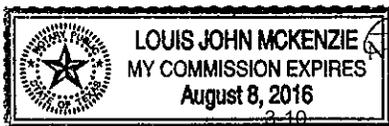
Before me the undersigned on this day personally appeared E. Lee Roth (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 16th day of DECEMBER, 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

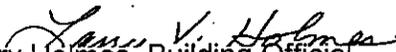
Building Official's Report

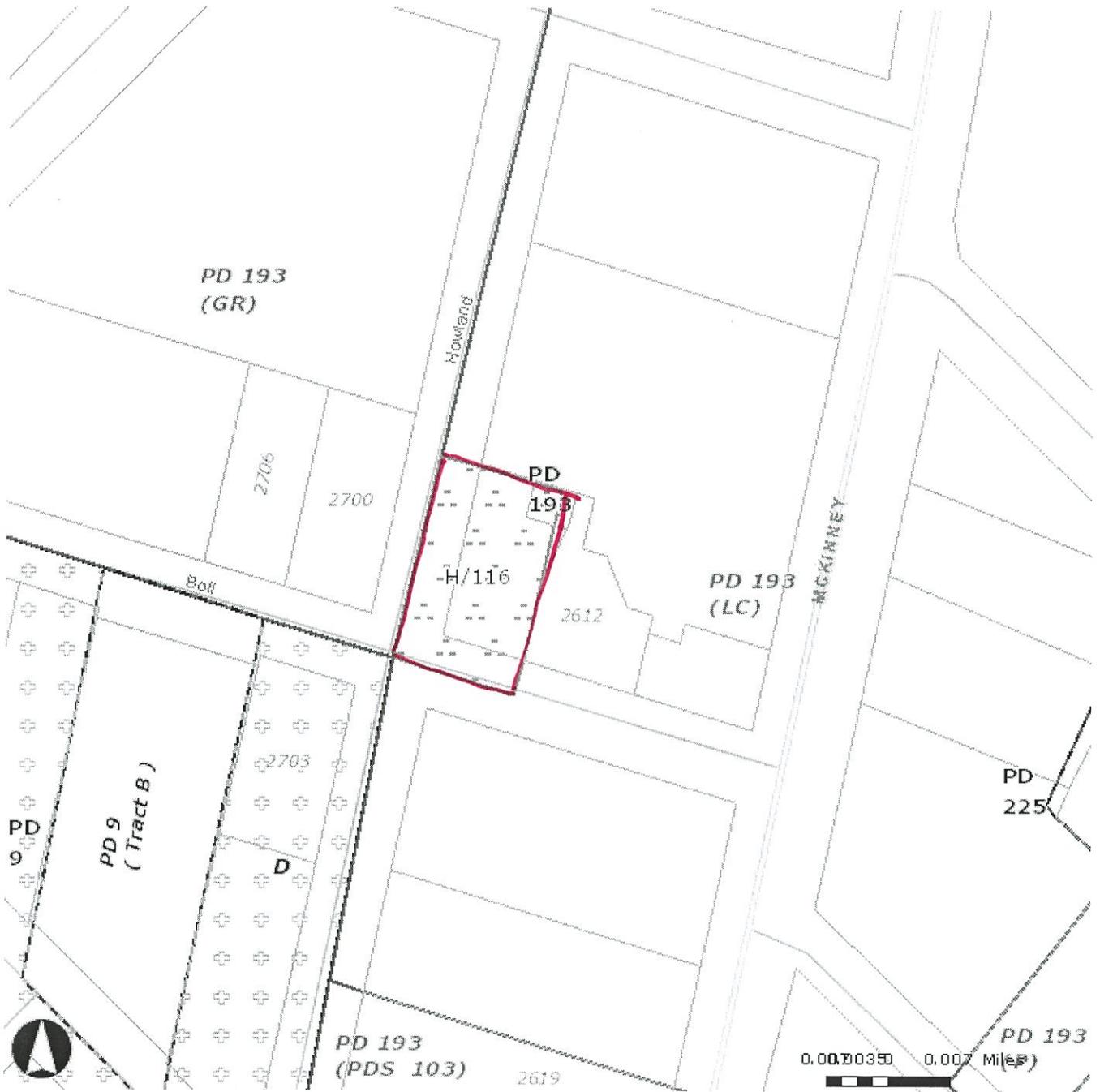
I hereby certify that E. Lee Roth

did submit a request for a special exception to the landscaping regulations
at 2614 Boll Street

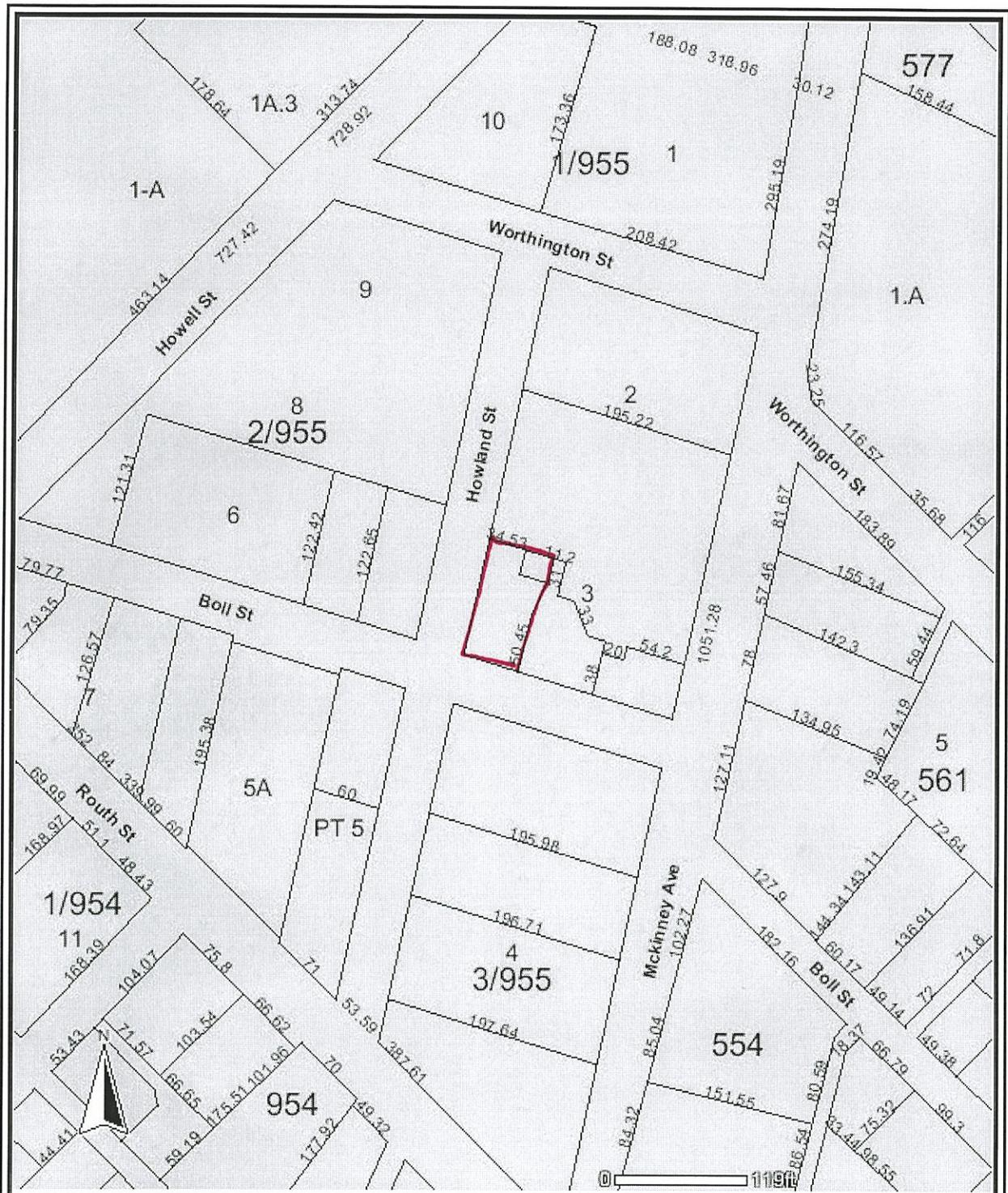
BDA145-020. Application of E. Lee Roth for a special exception to the landscaping regulations at 2614 Boll Street. This property is more fully described as Lot 3, Block 2/955 and is zoned PD193 (LC) (H/116), which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Larry Holmes, Building Official



A red handwritten signature or set of initials is located in the lower right quadrant of the page.



**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

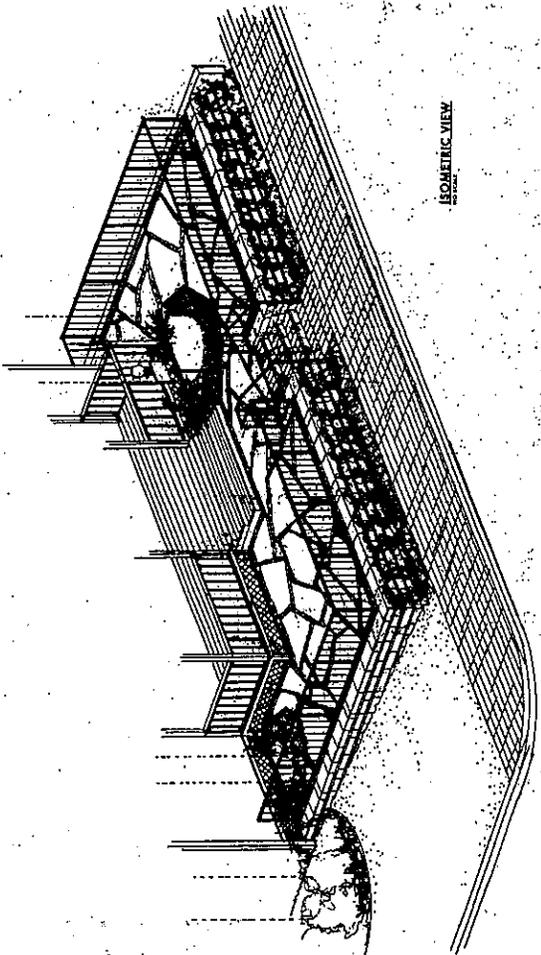
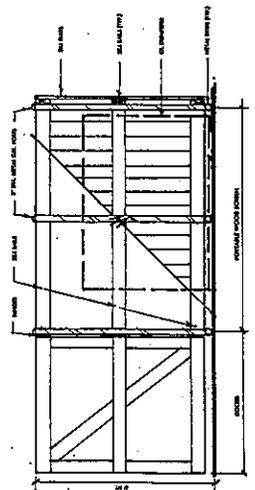
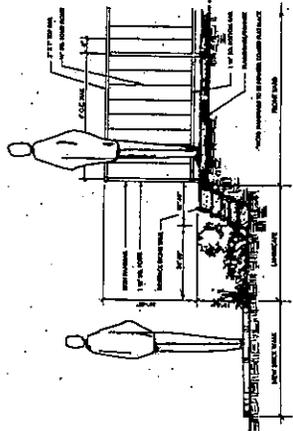
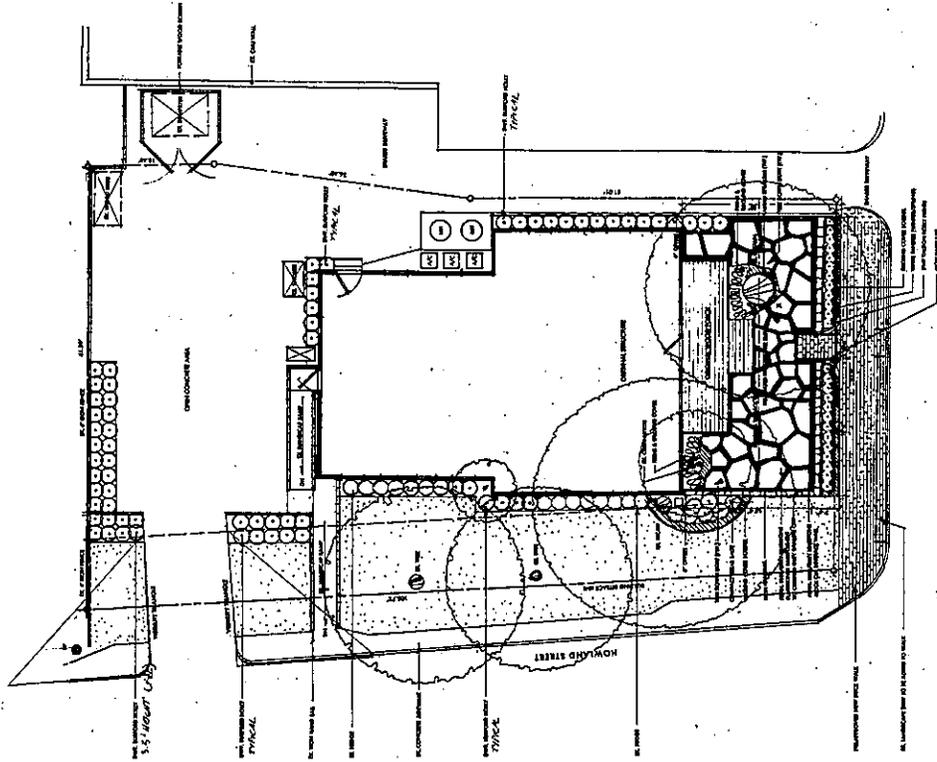
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

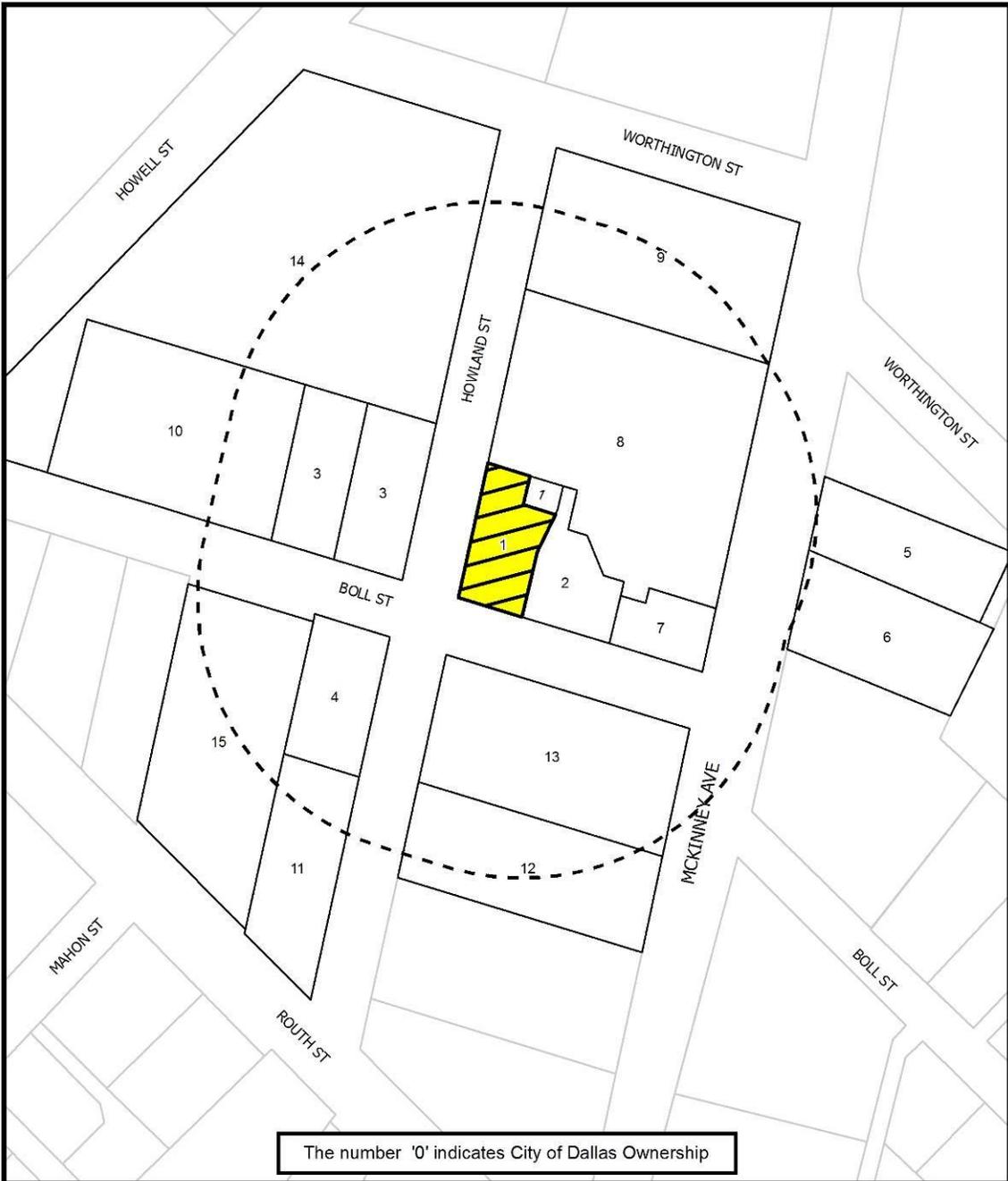


LANDSCAPE DEVELOPMENT PLAN FOR
THE BOWEN HOUSE
 2614 BOYS STREET - DALLAS, TEXAS

Project Number:
 Name:
 Date:
 Revision:
 1/20/64

Sheet: 1
 Total Sheets: ONE





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-020</u> Date: <u>1/23/2015</u>
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-020

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2614 BOLL ST	PASHA & SINA INC
2	2612 BOLL ST	STORY HERBERT B JR
3	2706 BOLL ST	STORY HERBERT B JR &
4	2703 BOLL ST	OGLE LINDA K ET AL
5	2714 MCKINNEY AVE	PASHA & SINA INC
6	2710 MCKINNEY AVE	AJP PROPERTIES
7	2701 MCKINNEY AVE	STORY HERBERT B JR
8	2705 MCKINNEY AVE	MCKINNEY AVENUE PARTNERS LTD
9	2611 WORTHINGTON ST	MCKINNEY AVENUE PARTNERS LTD
10	2718 BOLL ST	PUBS LAND PARTNERSHIP
11	2704 ROUTH ST	MARTIN INV LP
12	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC
13	2633 MCKINNEY AVE	2633 MCKINNEY AVE LLC
14	2626 HOWELL ST	KODIAK UPTOWN CENTER H LP
15	2708 ROUTH ST	JTS ROUTH ST PARTNERS LLC

FILE NUMBER: BDA 145-013

BUILDING OFFICIAL'S REPORT: Application of Nancy Craft Neary, represented by David C. Schulte of Thompson and Knight, LLP, for a special exception to the visual obstruction regulations at 7108 Hunters Ridge Drive. This property is more fully described as Lot 27, Block V/8188, and is zoned R-10(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 7108 Hunters Ridge Drive

APPLICANT: Nancy Craft Neary
Represented by David C. Schulte of Thompson and Knight, LLP

REQUEST:

A request for a special exception to the visual obstruction regulations is made to maintain a portion of a 6' high Burford Holly hedge in the 45' visibility triangle at the intersection of Hunters Ridge Drive and Hillcrest Road on a site developed with a single family home use. (Note two existing trees and part of the existing hedge in this visibility triangle are located in the public right-of-way, and therefore are not part of this special exception request).

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommended that this application be denied commenting that "existing landscape conditions create a hazardous intersection based on national (American Association of State Highway and Transportation Officials) and City of Dallas Design Guidelines and Standards."

- At the time of the February 3rd staff review team meeting, the applicant had not substantiated how maintaining a portion maintaining a portion of a 6’ high Burford Holly hedge in the 45’ visibility triangle at the intersection of Hunters Ridge Drive and Hillcrest Road does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home. 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 maintaining a portion of a 6’ high Burford Holly hedge in the 45’ visibility triangle at the intersection of Hunters Ridge Drive and Hillcrest Road on a site developed with a single family home use. (Note two existing trees and part of the hedge in this visibility triangle are located in the public right-of-way and therefore are not part of this special exception request).
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A revised site plan and revised partial site plan/elevations/sections document have been submitted indicating portions of a 6’ high Burford Holly hedge in the 45’ visibility triangle at the intersection of Hunters Ridge Drive and Hillcrest Road. While the revised site plan also denotes part of the hedge and Live Oak trees in the 45’ visibility triangle, these items located in the public right-of-way are not part of application made to the Board.

- The Sustainable Development and Construction Department Project Engineer recommended that this application be denied commenting that “existing landscape conditions create a hazardous intersection based on national (American Association of State Highway and Transportation Officials) and City of Dallas Design Guidelines and Standards.”
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain portions of a 6’ high Burford Holly hedge in the 45’ visibility triangle at the intersection of Hunters Ridge Drive and Hillcrest Road does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted revised site plan and revised partial site plan/elevations/section document would require the items (a 6’ high Burford Holly hedge in the 45’ visibility triangle at the intersection of Hunters Ridge Drive and Hillcrest Road and on the applicant’s property) to be limited to and maintained in the locations, heights, and materials as shown on these documents.

Timeline:

November 5, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

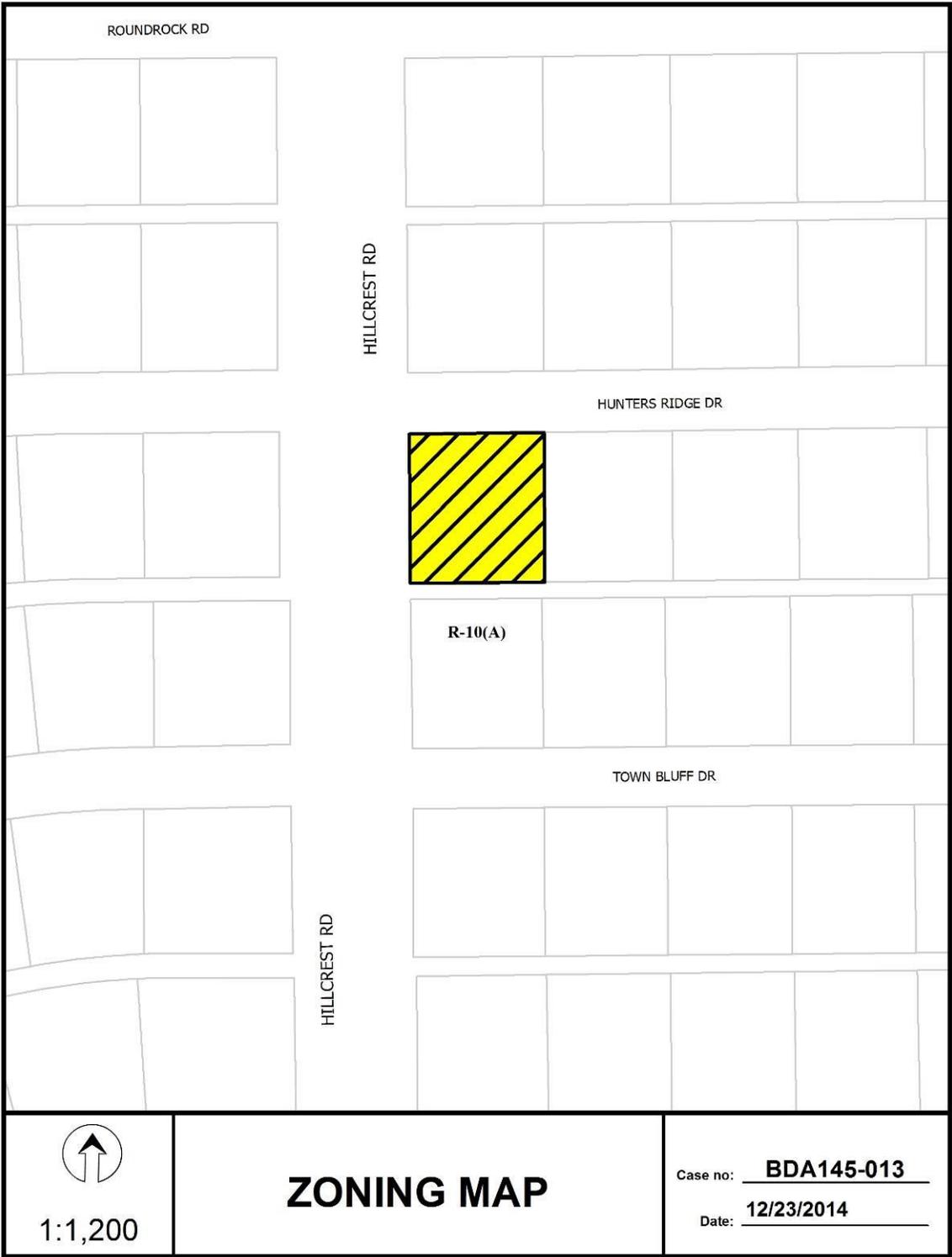
December 10, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

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

- an attachment that provided the public hearing date and panel that will consider the application; the December 29th deadline to submit additional evidence for staff to factor into their analysis; and the January 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests;
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence;”
- the name and contact information of the Senior Engineer or Assistant Director if he has any questions as to some of what was spoken about - that is, what appears from the submitted site plan to be certain items on this property located in the 45 foot visibility triangle at the Hillcrest Road/Hunters Ridge Drive intersection *and* in public right-of-way,.

January 6, 2015: The Board Administrator acknowledged the request of the applicant’s representative and postponed this application from Panel B’s January 21st public hearing to Panel B’s February 18th public hearing.

- January 14, 2015: The Board Administrator contacted the applicant's representative and emailed him the following information an attachment that provided the public hearing date and panel that will consider the application; the January 28th deadline to submit additional evidence for staff to factor into their analysis; and the February 6th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- January 30, 2015: The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- February 6, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request marked "Recommends that this be denied" commenting "existing landscape conditions create a hazardous intersection based on national (American Association of State Highway and Transportation Officials) and City of Dallas Design Guidelines and Standards."
- February 6, 2015: The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B). (Note that this information was submitted after the Sustainable Development and Construction Department Project Engineer had submitted his recommendation for denial).

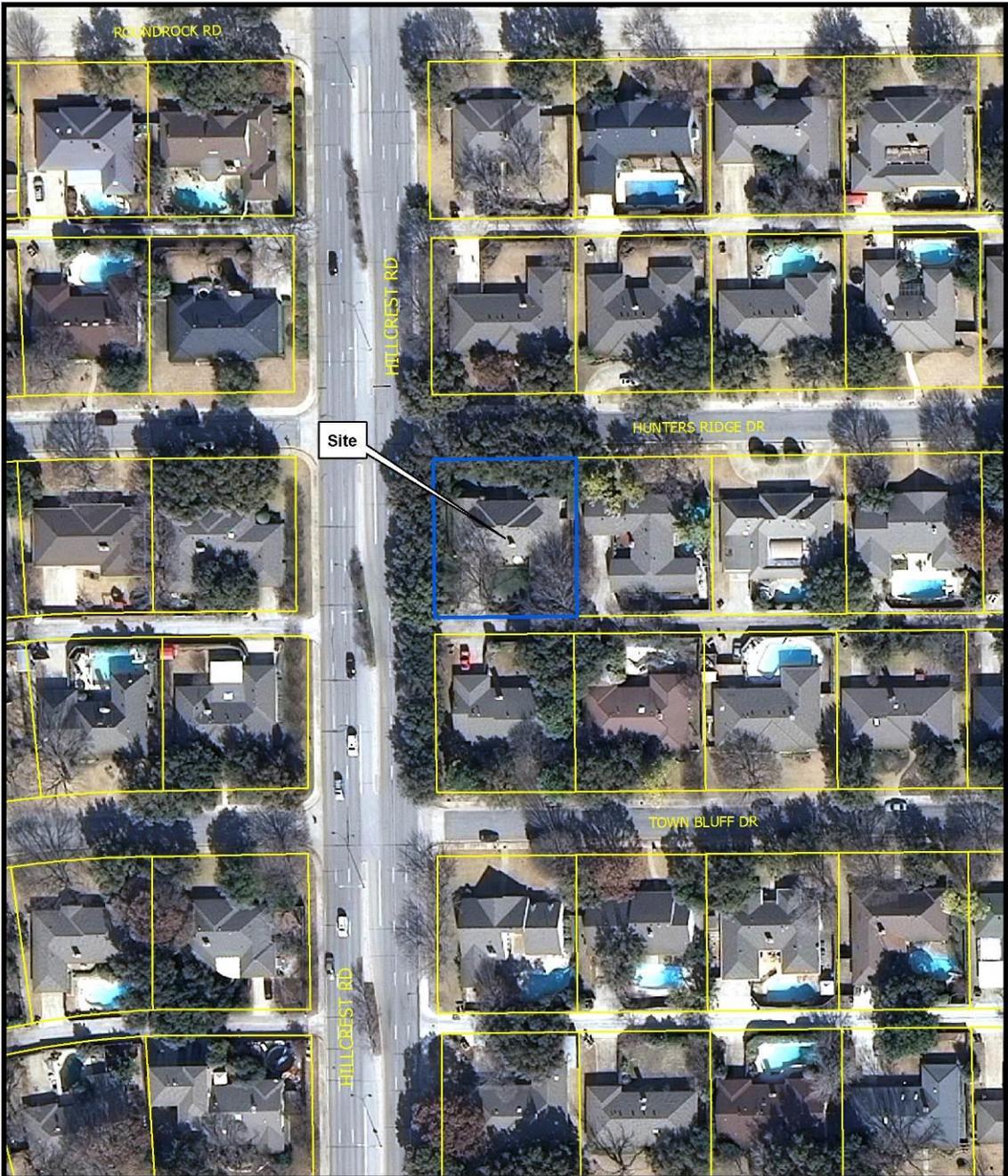


1:1,200

ZONING MAP

Case no: BDA145-013

Date: 12/23/2014



1:1,200

AERIAL MAP

Case no: BDA145-013

Date: 12/23/2014

Long, Steve

From: Schulte, David <David.Schulte@tklaw.com>
Sent: Friday, January 30, 2015 5:03 PM
To: Long, Steve
Cc: Duerksen, Todd; Moorman, Donna; Lam, David; Hatefi, Alireza; Way, Jamilah
Subject: RE: BDA 145-013, Property at 7108 Hunters Ridge Drive
Attachments: 7108 Hunters Ridge -- Site Plan.pdf; 7108 Hunters Ridge -- Elevation Drawing.pdf; Exhibit 1- Sight Distance City of Dallas- SSD.PDF; Exhibit 1- Sight Distance City of Dallas- SSD with image.pdf; Exhibit 2- Sight Distance City of Dallas- ISD with image.pdf; Exhibit 2- Sight Distance City of Dallas- ISD.PDF

Steve,

Todd Duerksen accepted the revised site plan and revised elevation drawing that I submitted today (showing the existing hedges, which Ms. Neary request be permitted to remain as is, at their current location and height).

Given the hour, I left all four copies of each with Todd Duerksen and asked that he bring copies to you at your Tuesday meeting.

In the meantime, attached are reduced-sized copies of the site plan and elevation drawing.

Also attached for your convenience, and for the completeness of the file, are the DeShazo sight distance exhibits that confirm that the current layout of the hedges (i) meets the criteria for desirable stopping sight distance under both the Green Book and the Dallas version of the Green Book, and (ii) meets the criteria for minimum intersection sight distance under the Dallas version of the Green Book.

Please let us know if you have any questions or if you require any additional information.

Thank you,
Dave

David C. Schulte | Thompson & Knight LLP
Partner

1722 Routh St., Suite 1500, Dallas, TX 75201-2533
214-969-1314 (direct) | 214-999-1581 (fax) | david.schulte@tklaw.com

vCard | Bio | TK Website

This message may be confidential and/or attorney-client privileged. If received in error, please do not read. Instead, reply to me that you have received it in error and delete the message.

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Wednesday, January 28, 2015 2:07 PM
To: Schulte, David
Cc: Duerksen, Todd; Moorman, Donna; Lam, David; Hatefi, Alireza; Way, Jamilah
Subject: FW: BDA 145-013, Property at 7108 Hunters Ridge Drive
Importance: High

Dear Mr. Schulte,

BDA 145-013

Attach A

Can you please provide what Todd lists below to us by the end of this week? (Todd is in the Oak Cliff Center, Room 105; I'm at Dallas City Hall, Room 5BN). Pg 2

Thank you,

Steve

From: Duerksen, Todd
Sent: Wednesday, January 28, 2015 1:59 PM
To: Schulte, David
Cc: Moorman, Donna; Long, Steve
Subject: Re: BDA 145-013, Property at 7108 Hunters Ridge Drive
Importance: High

For the board to consider the property "as is" we will need 4 copies (1 for me and 3 for Steve) of the revised site plan drawn to scale (standard Engineer or Architect scale), showing the entire platted property and all existing remaining and proposed improvements and any improvements and vegetation located within the visibility triangle area, and 4 copies of the revised elevation drawing drawn to scale showing any improvements and vegetation located within the visibility triangle area.

Maximum drawing paper size is 36" x 48" (E size) and minimum text/font size is 3/32". Reference all heights, widths, lengths and all other critical dimensions, and materials as needed. Plans can be blue line or black line copies with a clean white background. No color drawings and no color "Highlighters" on the above required site plan and elevation drawings. Indicate on the drawing the area of the property for which the special exception is being requested. Do not staple drawings together

The DeShazo prepared drawings are not part of the required drawings and are acceptable as shown for submittal.

Todd Duerksen
Sr. Plans Examiner - Zoning Code Consultant
City of Dallas
Building Inspection Division
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd., Rm. 105

From: Long, Steve
Sent: Wednesday, January 28, 2015 12:52 PM
To: Duerksen, Todd
Cc: Schulte, David; Moorman, Donna
Subject: FW: BDA 145-013, Property at 7108 Hunters Ridge Drive
Importance: High

Dear Todd,

As you can see from the email below and attachments, the applicant's representative (David Schulte) is wanting to amend the application referenced above from what was originally submitted (see the application materials that I have attached).

The amendment appears to be related to what was the applicant's original request made to relocate and maintain certain items in the intersection triangle to simply maintaining items in this intersection triangle "as is."

Would you please let Mr. Schulte and me know in the next 24 hours if for any reason you see that he would need to do anything other than to submit the following to you and me in our offices:

- 1) three copies of a full/to scale revised site plan of the copy the plan that he has just emailed; and
- 2) three copies of a full/to scale revised site plan/section document to replace his original elevation/section document that represents the items he wants the board to consider to remain in this intersection triangle?

Thank you,
Steve

BDA 145-013
Attach A
Pg 3



**BARE ROOTS
LANDSCAPE SOLUTIONS**

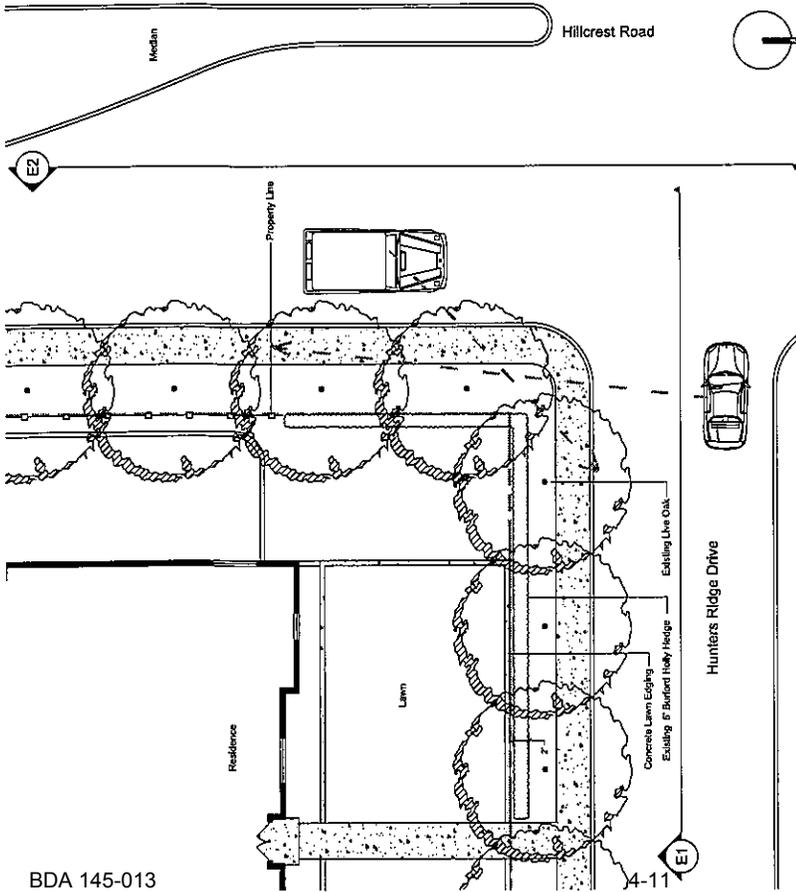
BAREROOTSDSIGN.COM
1000 WEST HUNTERS RIDGE
DALLAS, TEXAS 75220
Tel: 214.421.1153
Fax: 214.421.7266

Neary Residence

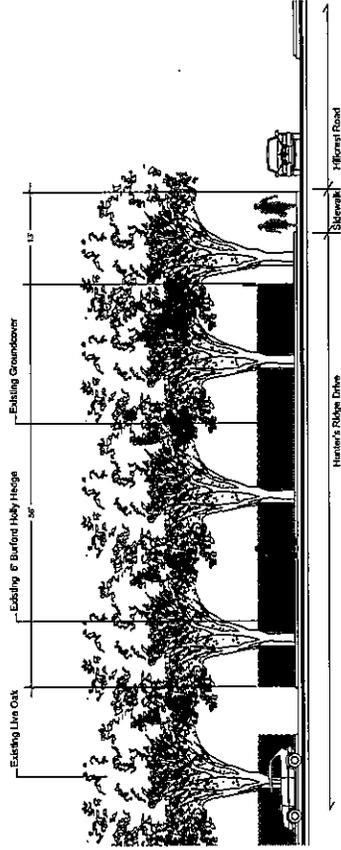
7108 Hunters Ridge
Dallas, Texas 75248

PROJECT: Front Yard Hedge
DESIGNER: J. Saylor
DATE: 11/2014
SCALE: 1/8" = 1'-0"

L1

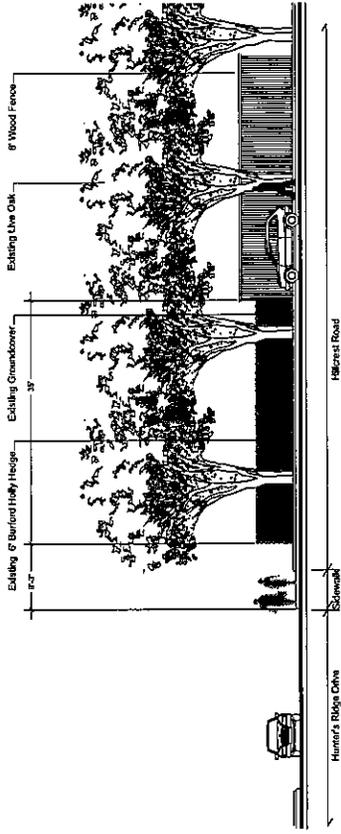


Existing Hedge and Sight Lines Plan View



E1 Existing Street/Front Yard Hedge/Tree Elevation from Hunter's Ridge
Scale: 1/8" = 1'-0"

Existing Hedge from Hunter's Ridge

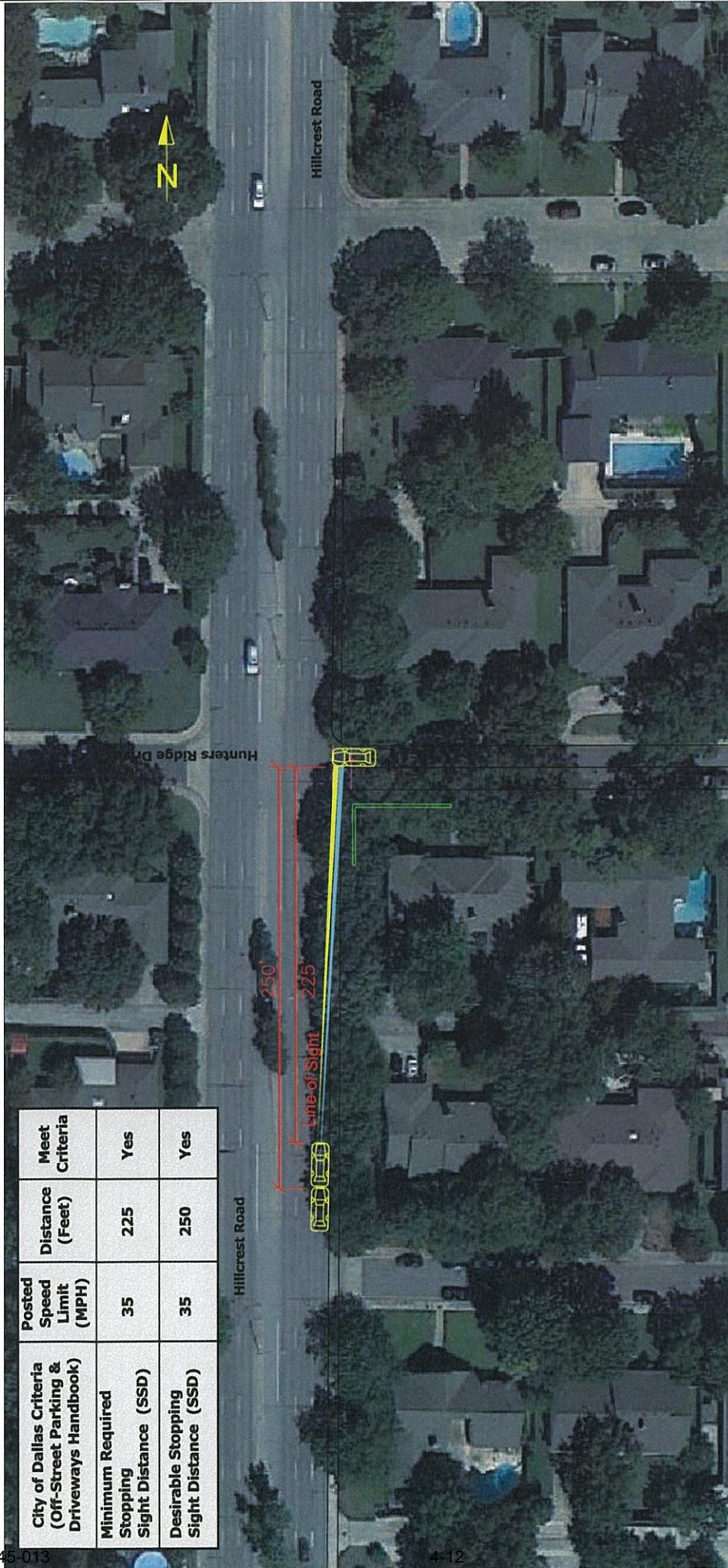


E2 Existing Street/Front Yard Hedge/Tree Elevation from Hillcrest
Scale: 1/8" = 1'-0"

Existing Hedge from Hillcrest

BDA 145-013
Attach A
Pg 5

City of Dallas Criteria (Off-Street Parking & Driveways Handbook)	Posted Speed Limit (MPH)	Distance (Feet)	Meet Criteria
Minimum Required Stopping Sight Distance (SSD)	35	225	Yes
Desirable Stopping Sight Distance (SSD)	35	250	Yes



Legend:

- Minimum intersection sight distance
- Desirable intersection sight distance

Note: Sight distance criteria defined in City of Dallas Off-Street Parking and Driveways Handbook (Table 4 - Stopping and Intersection Sight Distances)

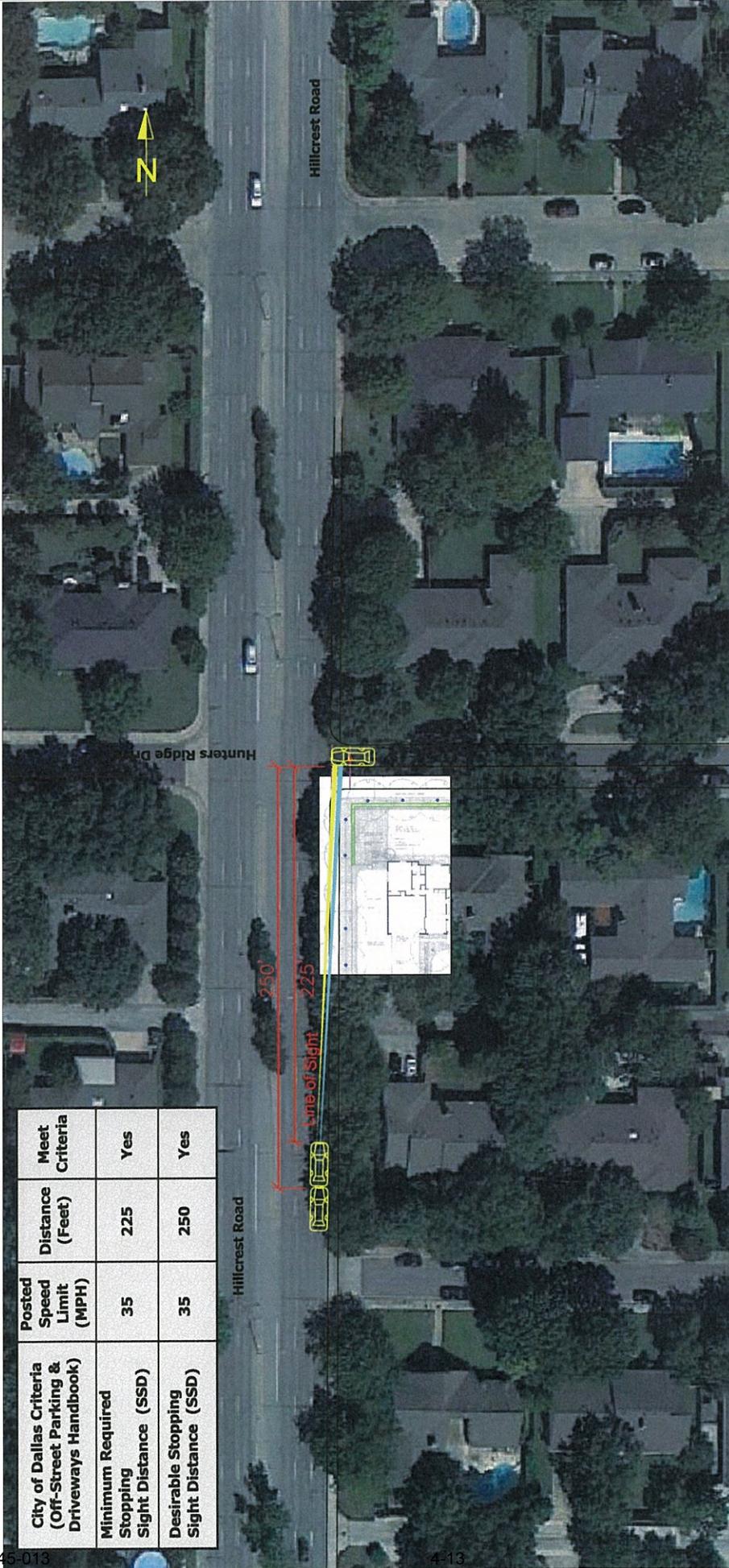
EXHIBIT 1

Stopping Sight Distance

Hillcrest Road at Hunters Ridge Drive – Dallas, Texas

Note: Aerial Information from 2013 Google Earth.

City of Dallas Criteria (Off-Street Parking & Driveways Handbook)	Posted Speed Limit (MPH)	Distance (Feet)	Meet Criteria
Minimum Required Stopping Sight Distance (SSD)	35	225	Yes
Desirable Stopping Sight Distance (SSD)	35	250	Yes



Legend:

- Minimum intersection sight distance
- Desirable intersection sight distance

Note: Sight distance criteria defined in City of Dallas Off-Street Parking and Driveways Handbook (Table 4 - Stopping and Intersection Sight Distances)

EXHIBIT

1

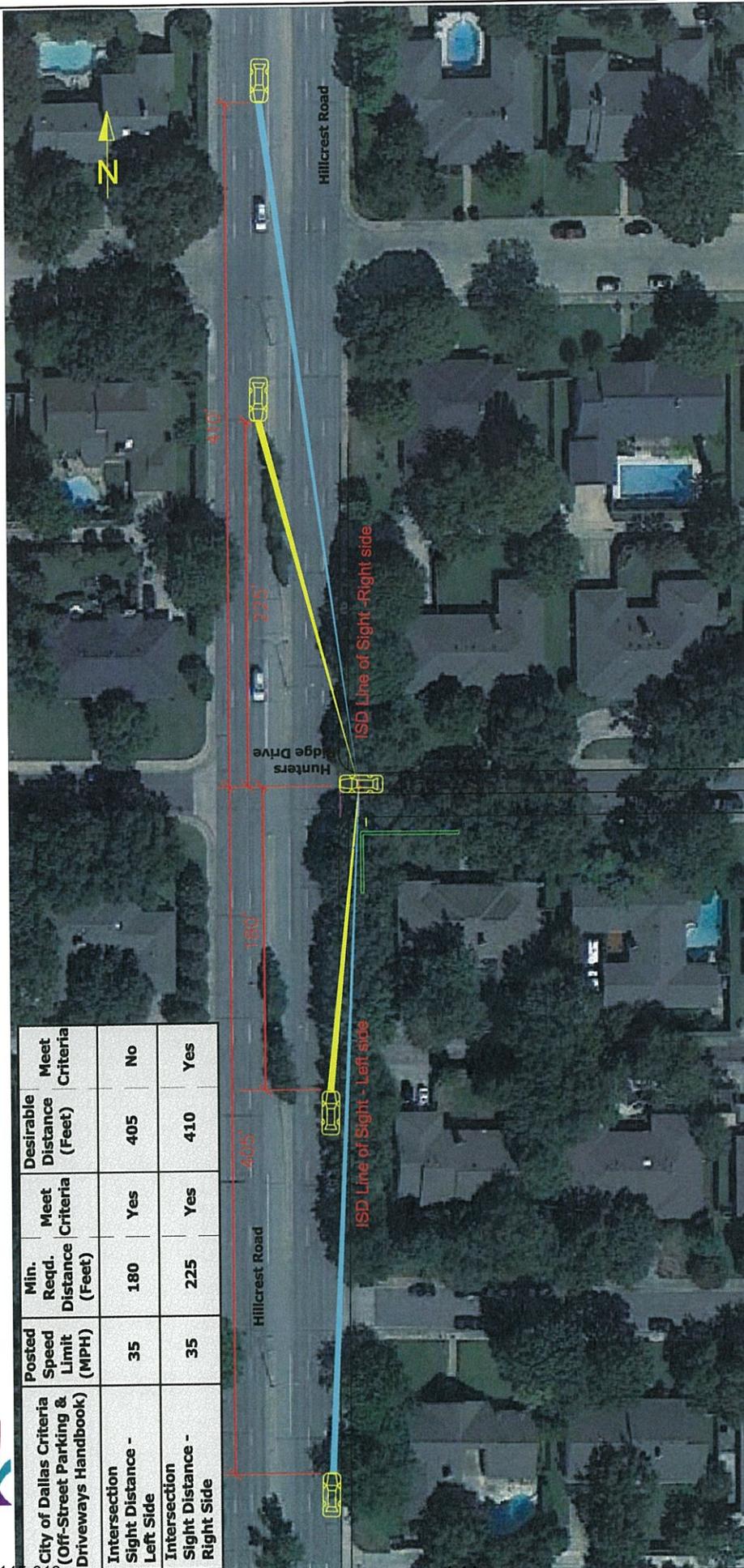
Stopping Sight Distance

Hillcrest Road at Hunters Ridge Drive – Dallas, Texas

Note: Aerial Information from 2013 Google Earth.

BDA 145-013
Attach A
Pg 7

City of Dallas Criteria (Off-Street Parking & Driveways Handbook)	Posted Speed Limit (MPH)	Min. Req'd. Distance (Feet)	Meet Criteria	Desirable Distance (Feet)	Meet Criteria
Intersection Sight Distance - Left Side	35	180	Yes	405	No
Intersection Sight Distance - Right Side	35	225	Yes	410	Yes



Legend:
 - Minimum intersection sight distance
 - Desirable intersection sight distance

Note: Sight distance criteria defined in City of Dallas Off-Street Parking and Driveways Handbook (Table 4 - Stopping and Intersection Sight Distances)

EXHIBIT

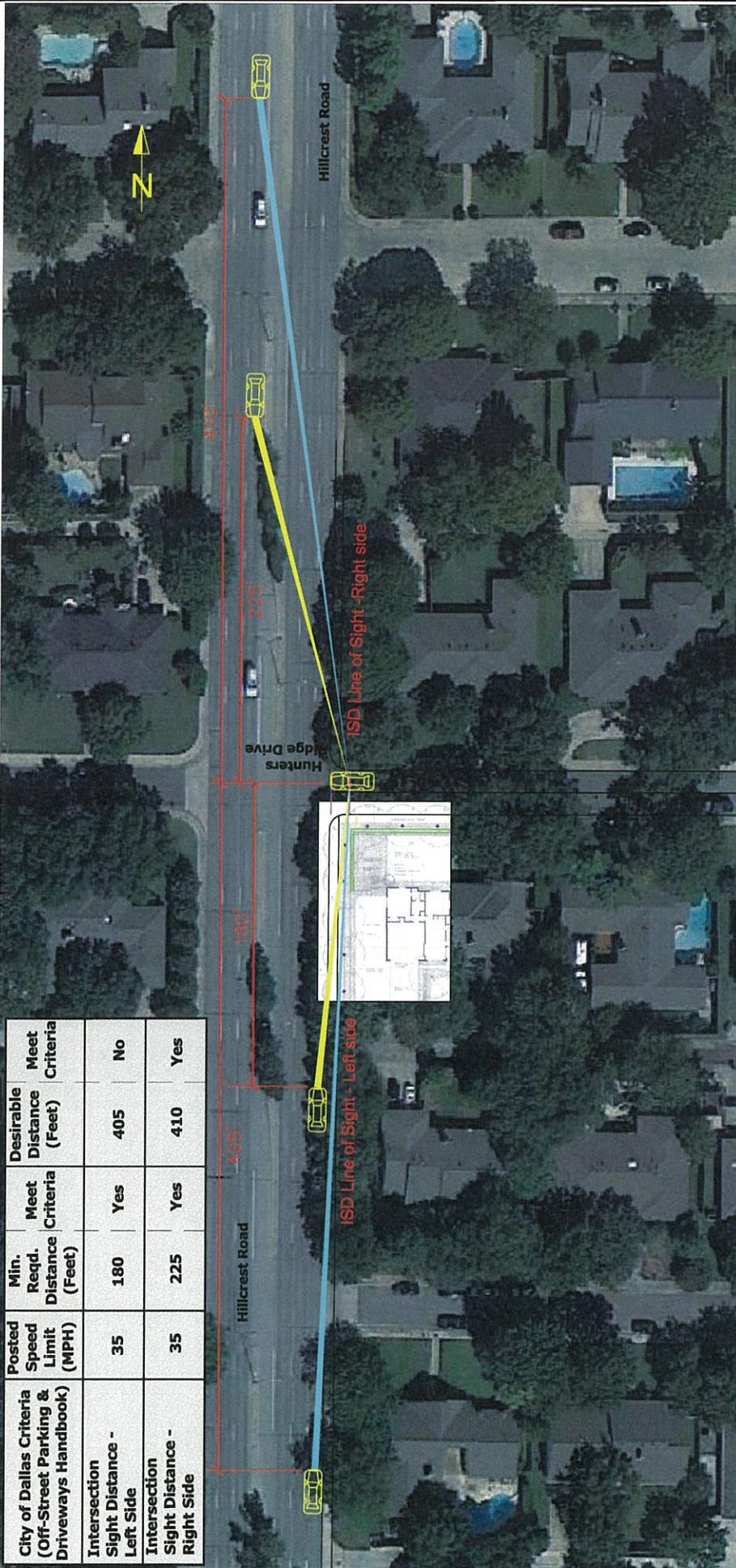
2

Intersection Sight Distance - Left Side and Right Side from STOP

Hillcrest Road at Hunters Ridge Drive - Dallas, Texas

Note: Aerial Information from 2013 Google Earth.

City of Dallas Criteria (Off-Street Parking & Driveways Handbook)	Posted Speed Limit (MPH)	Min. Req'd. Distance (Feet)	Meet Criteria	Desirable Distance (Feet)	Meet Criteria
Intersection Sight Distance - Left Side	35	180	Yes	405	No
Intersection Sight Distance - Right Side	35	225	Yes	410	Yes



Legend:
 - Minimum intersection sight distance
 - Desirable intersection sight distance

Note: Sight distance criteria defined in City of Dallas Off-Street Parking and Driveways Handbook (Table 4 - Stopping and Intersection Sight Distances)

EXHIBIT
2

Intersection Sight Distance - Left Side and Right Side from STOP

Hillcrest Road at Hunters Ridge Drive - Dallas, Texas

Note: Aerial Information from 2013 Google Earth.

WILLIAM D. NEARY
6009 Beltline Road-Suite 140
Dallas, Texas 75240
(214) 387-9375 • Fax (214) 387-9377

BDA 145-013
Attach B
Pg 1

July 15, 1996

Hugh T. Blevins, Jr.
Thompson & Knight, P.C.
1700 Pacific Avenue
Dallas, TX 75201

Re: City of Dallas - City Ordinance Violation - 7108 Hunters Ridge Drive

Dear Hugh:

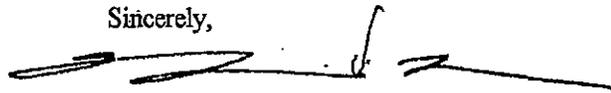
I previously forwarded to you a copy of the Notice of Violation which I received from the City of Dallas on June 5, 1996, which had attached copies of the ordinance and the visual obstruction regulations requiring a visibility triangle 45' from the intersection of Hunters Ridge with Hillcrest. I also sent to you at that time a notice that I received last year requiring only that the bushes be trimmed back along Hillcrest.

I talked to you and Jim Harris on Friday, June 7, 1996 and we had our yardman substantially trim the bushes facing Hillcrest on Saturday, June 8, 1996. We called Connie Ashwood at the city on Monday, June 10, 1996 and she returned the call and made an appointment for June 19, 1996. We had a long visit with her on that date and furnished her a set of photographs which we took from approximately the position of a car stopped at the stop sign at the corner of Hunters Ridge and Hillcrest. Ms. Ashwood was very pleasant and indicated some embarrassment at having issued the notice in the first place. She is having trouble with another party on Hunters Ridge who refused to trim back bushes at the opposite end of our street, and presented a list of complaints of numerous other property owners which included our property. She gave a notice to all of the parties he listed in order to show that she was not dealing with him selectively. After reviewing the property and the photographs, Ms. Ashwood stated that our corner was not a visibility obstruction and that she would close the case in her files.

I am enclosing two pictures out of the series which we took which shows the quantity of material we removed from the hedge and the view from the stop sign on Hillcrest. You will note that we removed one bush completely and rounded off the corner of the hedge to improve visibility. When you are stopped at the stop sign, you must look between the tree trunks, but you have clear visibility for approximately four or five blocks. The flow of traffic on Hillcrest is such that there is a lengthy stream of traffic from Beltline and then a substantial interruption when the light changes at Beltline. It is an easy matter to see when the lull in traffic occurs and to turn either left or right from Hunters Ridge during the interval.

I appreciate very much your help with this matter and Jim Harris' sage advice. Please thank him for me and show him the pictures at your convenience. I don't anticipate any further problem with regard to this matter but I will let you know if there is any further complaint from the city.

Sincerely,



William D. Neary

fen

cc: James B. Harris

WILLIAM D. NEARY

Zoning Matter:

- Jim Ham's

Called City Hall

Bldg Inspection

Connie Ashwood

Vicki - Connie's Supervisor
she said

Ordinance can be
over bearing -

They are not

Call Connie -

looking
for strict
compliance

Set up appointment
in next week

Branches over 8 feet

6/19/96 - Met with

Connie Ashwood - Review

property and photographs

She says it is OK - will

close the case

FROM THE OFFICE OF

WILLIAM D. NEARY

BDA 145-013
Attach B
Pg 3

Max wells - Mark wells



NOTICE OF VIOLATION

COMPUTER # _____

This notice is issued to bring to your attention the code violations listed below. Please call if you cannot correct the violations by the date indicated and arrangements may be made to assist you or allow additional time.

LOCATION OF VIOLATION 7108 Hunters Ridge LOT 27 BLOCK V/S188

CENSUS TRACT 136.07 ZONE _____ USE SFD TAX ACCT. # _____

ADDRESS William D. Neary OWNER/AGENT/PERSON IN CONTROL
7108 Hunters Ridge TELEPHONE _____
Dallas TX 75248 TELEPHONE _____

BDA 145-013
Attach B
Pg 4

PLEASE CORRECT THE FOLLOWING IN 10 DAYS OR CITATIONS TO MUNICIPAL COURT MAY BE ISSUED:

- Clear premises of all improperly stored items.
- Remove all litter, garbage, trash or rubbish from _____ alley; _____ parkway; _____ private property.
- Relocate items from alley to front parkway.
____ Large or unbundled brush.
____ Large bulky items.
- Relocate items from front parkway to alley. _____ Brush in containers. _____ Bags, small boxes, or cans.
- Containers are: _____ non-regulation; _____ worn out; _____ inadequate in number; _____ without lids; _____ blocking right-of-way.
- Garbage/trash container rack required at: _____ alley; _____ side of structure.
- Cut and remove weeds/grass in excess of 12 inches in: _____ alley; _____ parkway; _____ private property.
- Trim back vegetation adjacent to your property line in: _____ alley; _____ parkway; _____ sidewalk.
(NOTE: Refer to #3 and #4 for correct placement of trimmings)
- Discontinue the salvage or reclamation of: _____
- Eliminate all potential hazards: _____ open wells, septic tanks, cellars; _____ sharp protrusions; _____ dead trees or limbs; _____ cracks in sidewalk; _____ visibility obstructions; _____ holes; _____ other _____
- Discontinue business operations within an improper zoning district.
- Garage sale in violation.
- SIGN VIOLATION: Special purpose sign must have: _____ permit; _____ proper setback; _____ tie downs; _____ be removed; _____ exposed wiring removed; _____ other _____
- Stack usable lumber on open racks at least 18 inches above the ground with clear unobstructed space underneath. All other lumber must be removed from the premises.
- Eliminate insanitary conditions caused by: _____ occupants; _____ animals; _____ sewage discharge; _____ standing water.
- Provide house numbers that can be plainly observed from the street (min. 3 inch high numbers).
- Secure this structure against unauthorized entry and/or closure by the City at your own expense.
- Parking on an unapproved surface (yard, parkway, sidewalk). Vehicle must be removed within _____ hours.

PLEASE BEGIN WORK ON THE FOLLOWING IN _____ DAYS AND COMPLETE IN _____ DAYS OR CITATIONS MAY BE ISSUED AND/OR THE PROPERTY REFERRED FOR A PUBLIC HEARING BEFORE THE URBAN REHABILITATION STANDARDS BOARD:

REPAIR OR REPLACE:	ROTTED	PAINT	FRONT	REAR	LEFT	RIGHT	
19. Foundation/cross vents:	_____	_____	_____	_____	_____	_____	Piers, sills, joists, footings.
20. Porch, stairs, posts:	_____	_____	_____	_____	_____	_____	Joists, floors, ceilings, steps landings.
21. Doors, windows, frames:	_____	_____	_____	_____	_____	_____	Screens, weatherstrip, replace broken glass.
22. Roof:	_____	_____	_____	_____	_____	_____	Reroof.
23. Walls, eaves, trim:	_____	_____	_____	_____	_____	_____	Holes, missing siding.
24. Garage, shed, fence:	_____	_____	_____	_____	_____	_____	Repair or demolish to code.

INTERIOR-REPAIR OR REPLACE:	LIVING	DINING	KITCHEN	HALL	BEDRM	BEDRM	BATH
25. Floors, walls, ceilings:	_____	_____	_____	_____	_____	_____	_____
26. Fixtures, wall outlets, switches:	_____	_____	_____	_____	_____	_____	_____
27. Inadequate circuits, exposed wiring:	_____	_____	_____	_____	_____	_____	_____
28. Make bathroom floors moisture resistant.	_____	_____	_____	_____	_____	_____	_____
29. Kitchen sink, lavatory, toilet, bath/shower:	_____	_____	_____	_____	_____	_____	_____
30. Water heater:	_____	_____	_____	_____	_____	_____	_____
31. Provide heating equipment/connections capable of maintaining 68 degrees F in each room.	_____	_____	_____	_____	_____	_____	_____
32. A permit is required.	_____	_____	_____	_____	_____	_____	_____

33. THIS STRUCTURE IS DESIGNATED A HEALTH & SAFETY HAZARD AND SHALL NOT BE OCCUPIED NOR PLACARD REMOVED UNTIL ALL VIOLATIONS ARE CORRECTED.
34. Remarks/other: X See attachment

Shwood (See reverse side of this notice for further explanation) 670-1398 Ug 5/28/96
CODE ENFORCEMENT INSPECTOR PHONE # SIGNATURE OF OWNER/AGENT/PERSON IN CONTROL DATE

EXPLANATION OF NOTICE OF VIOLATION

1. All land areas shall be kept clean at all times. They shall be kept free from all combustible waste, sources of insect, rodent, or vermin breeding, harborage and infestation, trash and debris. Generally, the occupant of the property is held responsible even though he/she may be renting.
2. Premises must be kept free of unsightly litter. Generally, the occupant of the property is held responsible even though he/she may be renting. Each owner or occupant of property, which has an adjacent alley, is responsible for maintaining their half of that alley free of garbage, litter, weeds, and other obstructions or nuisances.
- 3/4. Regular GARBAGE collection is provided to Dallas residents twice weekly. BUNDLED OR CONTAINERIZED BRUSH (cut in lengths not exceeding three feet and weighing no more than 50 pounds) will be picked up once weekly along with any bagged yard trash (leaves and grass) at your normal point of collection for garbage. OVERSIZED BRUSH AND BULKY OBJECTS, consisting of furniture, appliances and similar large household items, are collected once monthly, in front at curb side only, according to schedule.
5. Non-regulation containers include, but are not limited to, boxes, lightweight sacks, and metal or plastic containers without lifting handles. Worn-out containers are those with holes in the bottom or damage to the top or side that might expose jagged edges.
6. City ordinance requires that racks must be used where necessary to prevent overturn or spillage by the actions of animals, wind or other similar causes, and that these containers not protrude beyond your property line for alley service or your building line for front pickup.
7. The owner/agent/person in control (normally the occupant), is responsible for having tall grass or weeds cut before they exceed 12" in height. Cuttings must be mulched or raked and removed.
8. Vegetation such as hedges, shrubs, and limbs from trees must be kept trimmed back to prevent injury to personnel who use these thoroughfares. Please help us to keep our City free of this type of obstruction.
9. Salvage or reclamation is not permitted in residential neighborhoods.
10. All land areas, improved and unimproved, shall be reasonably free from holes and excavations, sharp protrusions, and other objects or conditions that might be a potential cause of personal injury.
VISIBILITY OBSTRUCTION: On any corner lot, a fence, hedge, tree, or growth of any nature erected, planted, or maintained so as to interfere with visibility between 2½ feet and 8 feet above the top of the roadway or curblines, 45 feet from each corner, shall be removed.
11. Business can be operated only in districts zoned for that particular type of business.
12. Garage sales shall not be conducted for more than three consecutive calendar days and not be conducted more than twice at a premises during any 12-month period. The sale must be inside the building or garage, or on the patio of the premises. A person shall not place more than one sign, (not to exceed two square feet) upon the lot where the sale is taking place. Any other signs at any locations remote from the sale property are not permitted.
13. Call your Neighborhood Services Representative for further information in regard to sign violations.
14. Any person storing or keeping upon or in any premises or lot, lumber, timber, or firewood, shall pile such lumber, timber, or firewood in a neat orderly pile on open racks and elevate not less than 18" above the ground and shall keep such stacks of lumber, timber or firewood free from rubbish, grass, weeds, or other combustible waste materials.
15. Domestic animals and pets shall not be kept on any premises in such manner so as to create insanitary conditions or constitute a nuisance. Discharge of sewage shall not be permitted upon the surface of the ground. Furthermore, water shall be properly drained to prevent recurrent or excessive ponding.
16. The owner or occupant of each building in the city shall place and maintain an official building number in a conspicuous place on the premises so that it can be clearly seen from a public street. Numbers must be at least three inches in height.
17. No owner or person having charge of any unoccupied building or structure within the corporate limits of the City shall leave such building or structure unlocked, unboarded or otherwise unsecured so that unauthorized persons may enter the building or structure.
18. Vehicles may be parked on an improved surface only.

For further information on items 19 through 34 of this notice, please contact your Neighborhood Services Representative. Name and phone number of your representative is on the front of this notice in the lower left corner.

IMPORTANT

Notices of violation are issued so that a situation might be called to the attention of a person responsible for correction. Ordinances of the City are intended to benefit the majority of the citizens and make our neighborhoods a better place to live. YOUR COOPERATION AND UNDERSTANDING WILL BE SINCERELY APPRECIATED.

(6) In all nonresidential districts except central area districts, no portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may be located above a residential proximity slope originating in that district.

(d) Visual obstruction regulations.

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(B) between two and one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(2) For purposes of Paragraph (1), the term "visibility triangle" means:

(A) in all zoning districts except central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) in central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting

together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard. (Ord. Nos. 19485; 19786; 20236; 20362; 20539; 21663)

SEC. 51A-4.603. USE OF CONVEYANCE AS A BUILDING.

(a) For the purposes of this section, conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use. It is a defense to prosecution that the use of a conveyance is permitted under this section.

(c) A person may obtain permission to use a conveyance as a building for the operation of a use at a location properly zoned for the use if the device contributes to a theme or period development. The person shall submit an application to the director requesting approval of the proposal. Within 60 days of receipt of the application, the commission shall submit its recommendation of approval or disapproval to the city council which may approve or reject a resolution authorizing the use. The conveyance must comply with all applicable ordinances and regulations.

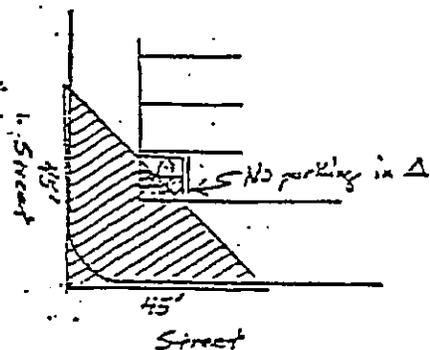
(d) A person may use a conveyance as a temporary office, but not as a residence, in connection with the sale of real estate within a specific development project, after obtaining a building permit and certificate of occupancy from the building official. The following measures to assure sanitary conditions must be taken:

(1) If sanitary sewer facilities are available,

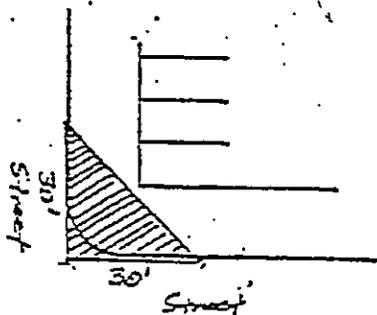
1980

A person s. / not erect, place, or contain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle, and if it is between 2 1/2 feet and 8 feet in height measured from the top of the adjacent street curb. If no curb, measure from grade of adjacent street. Off-street parking is not permitted in a visibility triangle.

March 15th 1986
came to effect



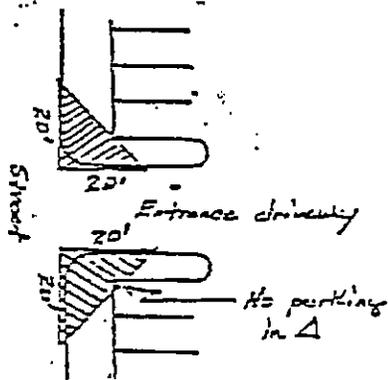
All zoning districts except central area districts and Near Eastside District (PD 175 & PD 175-H/3).



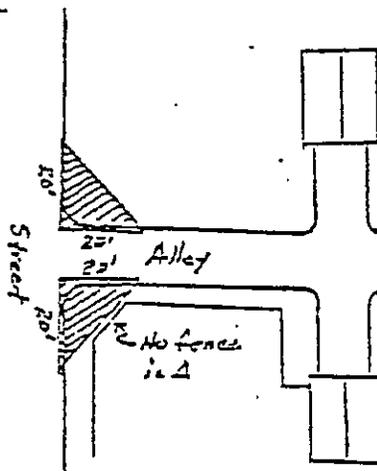
In central area districts and Near Eastside (PD 175 & PD 175-H/3)

BDA 145-013
Attach B
Pg 8

All zoning districts



All zoning districts



Post-It™ brand

Fax Transmittal Memo 7672		No. of Pages 8	Today's Date 6/6/96	Time 2:15PM
To MUSH BLEANS		From WILLIAM D. NEARY		
Company THOMPSON - KNIGHT		Company		
Location		Location		Dept. Charge
Fax # 969-1550	Telephone # 969-1626	Fax # 387-9377	Telephone # 387-9375	
Comments		Original Disposition: <input type="checkbox"/> Destroy <input type="checkbox"/> Return <input type="checkbox"/> Call for pickup		

Attach Document At Line

Hedge - First Notice is June 1995. Asked for hedge to be trimmed back on Hillcrest which we did and heard nothing more. Second notice is 1996 with copy of 45' triangle ordinance. My trees and hedge were planted in 1972 and Nancy and I both remember it was approved by the City at that time. To my knowledge, we have never had a traffic accident at our intersection with Hillcrest.

Received - June 5, 1996 - Wednesday
Sent to HTB - June 6, 1996 - Thursday
Talked to Jim Hains - June 7, 1996 - Friday
Cut back bushes - June 8, 1996 - Saturday
Cost \$100.00
Called Council Ashwood - Monday Morning
June 10, 1996

Meeting with Council Ashwood -
June 19, 1996

She will close the case

NOTICE OF VIOLATION

CITY OF DALLAS

STREET & SANITATION SERVICES
CODE ENFORCEMENT DIVISION

CASE # 9504227

This notice is issued to advise you, as the owner/occupant of record, of City Ordinance violations on the property identified below. Please call if you cannot correct the violations by the date indicated.

LOCATION OF VIOLATION 7108 Hunters Ridge OF _____ BLOCK _____

CENSUS TRACT 131667 MAPSCO _____ TAX ACCT # _____

OWNER/AGENT/PERSON IN CONTROL _____

7108 Hunter Ridge TELEPHONE _____

Dallas, Tex 75248 TELEPHONE _____

PLEASE CORRECT THE FOLLOWING IN 10 DAYS OR CITATIONS TO MUNICIPAL COURT MAY BE ISSUED.
(See reverse side of this notice for further explanation)

1. Remove all litter, garbage, trash or rubbish from _____ alley; _____ parkway; _____ private property.
2. Relocate items from _____ to _____:
_____ Large bulky items; _____ Large or unbundled trash; _____ Bags.
3. Containers are: _____ non-regulation; _____ blocking right-of-way.
4. Garbage/trash container rack required at: _____ alley; _____ side of structure.
5. Placement of garbage/trash, brush and/or bulky items too early. Garbage/trash is collected from the _____ in this area twice a week on _____ Monday and Thursday _____ Tuesday and Friday. Large bulky items are collected from the parkway in this area once a month. Your week begins with the _____ 1st _____ 2nd _____ 3rd _____ 4th Monday of each month.
6. Cut and remove weeds/grass in excess of 12 inches: _____ alley; _____ parkway; _____ private property.
7. Trim back vegetation adjacent to your property line at: _____ alley; _____ parkway; _____ sidewalk facing Hillcrest
8. Remove illegally dumped solid waste.

BDA 145-013
Attach B
Pg 10

Continue to maintain premise, adjacent alley, and parkway free of all violations. A reinspection will be made in ten (10) days from date of receipt of this notice. IF THE VIOLATIONS HAVE NOT BEEN CORRECTED AND IF THE PROPERTY IS NOT THEREAFTER MAINTAINED FREE OF VIOLATIONS, THE CITY SHALL HAVE THE WORK DONE THAT IS NECESSARY TO REMOVE THE VIOLATIONS AND ALL EXPENSES AND CHARGES INCURRED WILL BE BILLED TO THE PROPERTY OWNER WITH PAYMENT DUE UPON RECEIPT. FAILURE TO PAY THE CHARGES WILL CAUSE A LIEN TO BE FILED AGAINST THIS PROPERTY. PLEASE BE ADVISED THAT YOU ARE SUBJECT TO BOTH COSTS—COSTS FOR CLEANING AND FINES FOR CITATION(S).

REMARKS/OTHER: Please trim bushes facing Hillcrest

back 12 inches, or to clear visibility

S. Wilborn 670-5927 8-1-95

Code Enforcement Inspector

Phone #

Signature of Owner/Agent/Person in Control

Date

spoke to Sherrie Wilborn on
June 1, 1995 - We are trimming now

SSN-04217 REV 8/90

EXPLANATION OF NOTICE OF VIOLATION

1. Premises must be kept free of unsightly litter. Generally, the occupant of the property is held responsible even though he/she may be renting. Each owner or occupant of property which has an adjacent alley is responsible for maintaining their half of that alley free of garbage, litter, weeds and other obstructions or nuisances.
2. Regular GARBAGE collection is provided to Dallas residents twice weekly. BUNDLED OR CONTAINERIZED BRUSH (cut in lengths not exceeding three feet and weighing no more than 50 pounds) will be picked up once weekly along with any bagged yard trash (leaves and grass) at your normal point of collection for garbage. OVERSIZED BRUSH AND BULKY OBJECTS, consisting of furniture, appliances and similar large household items, are collected once monthly, in front at curb side only, according to schedule.
3. Regulation containers: Securely tied plastic bags shall be used for trash and garbage set out for collection. Garbage cans may be used with a special sticker. For additional information, call 747-2600.
4. City ordinance requires that racks must be used where necessary to prevent overturn or spillage by the actions of animals, and/or other similar causes, and that these containers not protrude beyond your property line for alley service or your building line for front pickup.
5. Garbage/trash shall be placed out for collection no earlier than 6 p.m. the afternoon preceding the collection day. Brush and bulky items shall be placed out for collection no earlier than seven days before the collection week.
6. The owner/agent/person in control (normally the occupant) is responsible for having tall grass or weeds cut before they exceed 12" in height. Cuttings must be mulched or raked and removed.
7. Vegetation, such as hedges, shrubs and limbs from trees, must be kept trimmed back to prevent injury to personnel who use these thoroughfares. Please help us to keep our city free of this type of obstruction.
8. Solid waste materials illegally dumped on private property must be removed or disposed.
9. Please be advised that you are subject to both costs—costs for cleaning and fines for citation(s).

BDA 145-013
Attach B
Pg 11



This notice is issued to bring to your attention the code violations listed below. Please call if you cannot correct the violations by the date indicated and arrangements may be made to assist you or allow additional time.

LOCATION OF VIOLATION 7108 Hunters Ridge LOT 27 BLOCK V/8188
CENSUS TRACT 136.07 ZONE USE SFD TAX ACCT. #
ADDRESS William D. Neary 7108 Hunters Ridge Dallas TX 75248
OWNER/AGENT/PERSON IN CONTROL
TELEPHONE
TELEPHONE

PLEASE CORRECT THE FOLLOWING IN 10 DAYS OR CITATIONS TO MUNICIPAL COURT MAY BE ISSUED. BDA 145-013 Attach B Pg 12

- 1. Clear premises of all improperly stored items.
2. Remove all litter, garbage, trash or rubbish from alley; parkway; private property.
3. Relocate items from alley to front parkway. Large or unbundled brush. Large bulky items.
4. Relocate items from front parkway to alley. Brush in containers. Bags, small boxes, or cans.
5. Containers are: non-regulation; worn out; inadequate in number; without lids; blocking right-of-way.
6. Garbage/trash container rack required at: alley; side of structure.
7. Cut and remove weeds/grass in excess of 12 inches in: alley; parkway; private property.
8. Trim back vegetation adjacent to your property line in: alley; parkway; sidewalk.
9. Discontinue the salvage or reclamation of:
10. Eliminate all potential hazards: open wells, septic tanks, cellars; sharp protrusions; dead trees or limbs; cracks in sidewalk; visibility obstructions; holes; other
11. Discontinue business operations within an improper zoning district.
12. Garage sale in violation.
13. SIGN VIOLATION: Special purpose sign must have: permit; proper setback; tie downs; be removed; exposed wiring removed; other
14. Stack usable lumber on open racks at least 18 inches above the ground with clear unobstructed space underneath. All other lumber must be removed from the premises.
15. Eliminate insanitary conditions caused by: occupants; animals; sewage discharge; standing water.
16. Provide house numbers that can be plainly observed from the street (min. 3 inch high numbers).
17. Secure this structure against unauthorized entry and/or closure by the City at your own expense.
18. Parking on an unapproved surface (yard, parkway, sidewalk). Vehicle must be removed within hours.

PLEASE BEGIN WORK ON THE FOLLOWING IN _____ DAYS AND COMPLETE IN _____ DAYS OR CITATIONS MAY BE ISSUED AND/OR THE PROPERTY REFERRED FOR A PUBLIC HEARING BEFORE THE URBAN REHABILITATION STANDARDS BOARD.

Table with columns: EXTERIOR-REPAIR OR REPLACE, ROTTED, PAINT, FRONT, REAR, LEFT, RIGHT. Rows include: Foundation/cross vents, Porch, stairs, posts, Doors, windows, frames, Roof, Walls, eaves, trim, Garage, shed, fence.

Table with columns: INTERIOR-REPAIR OR REPLACE, LIVING, DINING, KITCHEN, HALL, BEDRM, BEDRM, BATH. Rows include: Floors, walls, ceilings; Fixtures, wall outlets, switches; Inadequate circuits, exposed wiring; Make bathroom floors moisture resistant; Kitchen sink, lavatory, toilet, bath/shower; Water heater; Provide heating equipment/connections capable of maintaining 68 degrees F in each room.

33. THIS STRUCTURE IS DESIGNATED A HEALTH & SAFETY HAZARD AND SHALL NOT BE OCCUPIED NOR PLACARD REMOVED UNTIL ALL VIOLATIONS ARE CORRECTED.
34. Remarks/other: X See attachment

Shwood 670-7395 (See reverse side of this notice for further explanation)
CODE ENFORCEMENT INSPECTOR PHONE # SIGNATURE OF OWNER/AGENT/PERSON IN CONTROL DATE 5/28/96

EXPLANATION OF NOTICE OF VIOLATION

1. All land areas shall be kept clean at all times. They shall be kept free from all combustible waste sources of insect, rodent, or vermin breeding, harborage and infestation, trash and debris. Generally, the occupant of the property is held responsible even though he/she may be renting.
2. Premises must be kept free of unsightly litter. Generally, the occupant of the property is held responsible even though he/she may be renting. Each owner or occupant of property, which has an adjacent alley, is responsible for maintaining their half of that alley free of garbage, litter, weeds, and other obstructions or nuisances.
- 3/4. Regular GARBAGE collection is provided to Dallas residents twice weekly. BUNDLED OR CONTAINERIZED BRUSH (cut in lengths not exceeding three feet and weighing no more than 50 pounds) will be picked up once weekly along with any bagged yard trash (leaves and grass) at your normal point of collection for garbage. OVERSIZED BRUSH AND BULKY OBJECTS, consisting of furniture, appliances and similar large household items, are collected once monthly, in front at curb side only, according to schedule.
5. Non-regulation containers include, but are not limited to, boxes, lightweight sacks, and metal or plastic containers without lifting handles. Worn-out containers are those with holes in the bottom or damage to the top or side that might expose jagged edges.
6. City ordinance requires that racks must be used where necessary to prevent overturn or spillage by the actions of animals, wind or other similar causes, and that these containers not protrude beyond your property line for alley service or your building line for front pickup.
7. The owner/agent/person in control (normally the occupant), is responsible for having tall grass or weeds cut before they exceed 12" in height. Cuttings must be mulched or raked and removed.
8. Vegetation such as hedges, shrubs, and limbs from trees must be kept trimmed back to prevent injury to personnel who use these thoroughfares. Please help us to keep our City free of this type of obstruction.
9. Salvage or reclamation is not permitted in residential neighborhoods.
10. All land areas, improved and unimproved, shall be reasonably free from holes and excavations, sharp protrusions, and other objects or conditions that might be a potential cause of personal injury. **VISIBILITY OBSTRUCTION:** On any corner lot, a fence, hedge, tree, or growth of any nature erected, planted, or maintained so as to interfere with visibility between 2½ feet and 8 feet above the top of the roadway or curb lines, 45 feet from each corner, shall be removed.
11. Business can be operated only in districts zoned for that particular type of business.
12. Garage sales shall not be conducted for more than three consecutive calendar days and not be conducted more than twice at a premises during any 12-month period. The sale must be inside the building or garage, or on the patio of the premises. A person shall not place more than one sign, (not to exceed two square feet) upon the lot where the sale is taking place. Any other signs at any locations remote from the sale property are not permitted.
13. Call your Neighborhood Services Representative for further information in regard to sign violations.
14. Any person storing or keeping upon or in any premises or lot, lumber, timber, or firewood, shall pile such lumber, timber, or firewood in a neat orderly pile on open racks and elevate not less than 18" above the ground and shall keep such stacks of lumber, timber or firewood free from rubbish, grass, weeds, or other combustible waste materials.
15. Domestic animals and pets shall not be kept on any premises in such manner so as to create insanitary conditions or constitute a nuisance. Discharge of sewage shall not be permitted upon the surface of the ground. Furthermore, water shall be properly drained to prevent recurrent or excessive ponding.
16. The owner or occupant of each building in the city shall place and maintain an official building number in a conspicuous place on the premises so that it can be clearly seen from a public street. Numbers must be at least three inches in height.
17. No owner or person having charge of any unoccupied building or structure within the corporate limits of the City shall leave such building or structure unlocked, unboarded or otherwise unsecured so that unauthorized persons may enter the building or structure.
18. Vehicles may be parked on an improved surface only.

For further information on items 19 through 34 of this notice, please contact your Neighborhood Services Representative. Name and phone number of your representative is on the front of this notice in the lower left corner.

IMPORTANT

Notices of violation are issued so that a situation might be called to the attention of a person responsible for correction. Ordinances of the City are intended to benefit the majority of the citizens and make our neighborhoods a better place to live. YOUR COOPERATION AND UNDERSTANDING WILL BE SINCERELY APPRECIATED.



CITY OF DALLAS

BDA 145-013
Attach B
Pg 14

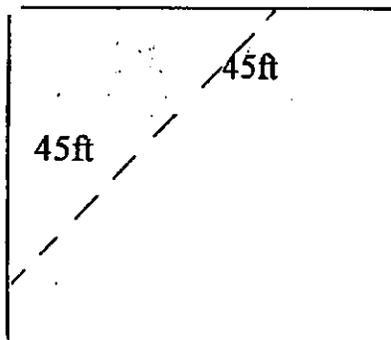
Notice

Dear Owner:

Date 5/28/96

The area where your street joins HILLCREST is in violation of Section 51A-4.602(d). and causes a visibility obstruction.

To bring your property into compliance with city code you must remove all plant life, berm or structure between 2 1/2 feet and 8 feet in height. That area must be cleared from the point of intersection of the adjacent street curb lines for 45 feet in each direction.



If you wish to file for a variance, you can make application at 320 E. Jefferson. The filing fee for a variance is \$550.00

You need to correct the violation within 10 days from receipt of this notice or file for the variance within that same time period.

If you have any questions, contact me at 670-1392

Connie Ashwood
Code Enforcement Officer

(6)

(6) In all nonresidential districts except central area districts, no portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may be located above a residential proximity slope originating in that district.

(d) Visual obstruction regulations.

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(B) between two and one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(2) For purposes of Paragraph (1), the term "visibility triangle" means:

(A) in all zoning districts except central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) in central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting

together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard. (Ord. Nos. 19455; 19786; 20236; 20362; 20539; 21663)

SEC. 51A-4.603. USE OF CONVEYANCE AS A BUILDING.

(a) For the purposes of this section, conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use. It is a defense to prosecution that the use of a conveyance is permitted under this section.

(c) A person may obtain permission to use a conveyance as a building for the operation of a use at a location properly zoned for the use if the device contributes to a theme or period development. The person shall submit an application to the director requesting approval of the proposal. Within 60 days of receipt of the application, the commission shall submit its recommendation of approval or disapproval to the city council which may approve or reject a resolution authorizing the use. The conveyance must comply with all applicable ordinances and regulations.

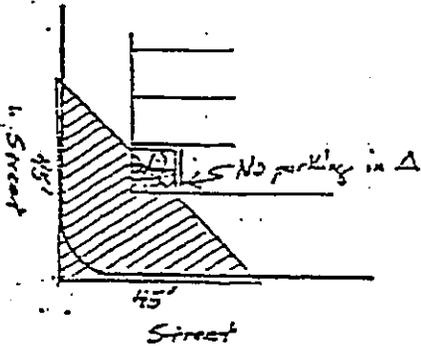
(d) A person may use a conveyance as a temporary office, but not as a residence, in connection with the sale of real estate within a specific development project, after obtaining a building permit and certificate of occupancy from the building official. The following measures to assure sanitary conditions must be taken:

(1) If sanitary sewer facilities are available,

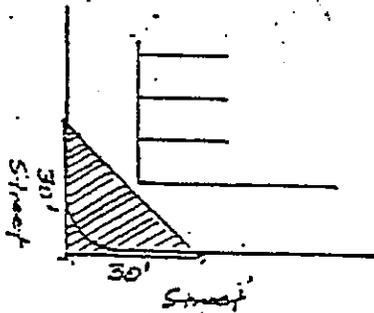
A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle and if it is between 2 1/2 feet and 8 feet in height measured from the top of the adjacent street curb. If no curb, measure from grade of adjacent street. Off-street parking is not permitted in a visibility triangle.

1990

March 5th 1986
came to effect



All zoning districts except central area districts and Near Eastside District (PD 175 & PD 175-H/3).

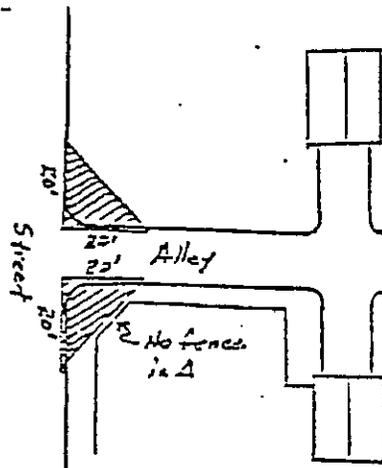
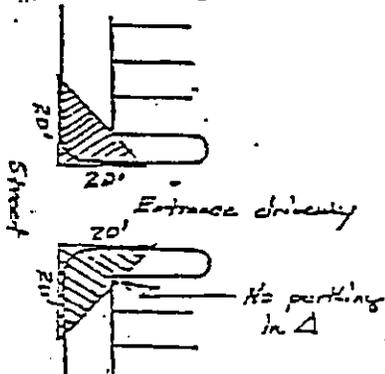


in central area districts and Near Eastside (PD 178 & PD 178-H/3)

BDA 145-013
Attach B
Pg 16

All zoning districts

All zoning districts



NOTICE OF VIOLATION

CITY OF DALLAS

STREET & SANITATION SERVICES
CODE ENFORCEMENT DIVISION

CASE # 9504227

This notice is issued to advise you, as the owner/occupant of record, of City Ordinance violations on the property identified below. Please call if you cannot correct the violations by the date indicated.

LOCATION OF VIOLATION 7108 Hunters Ridge BLOCK _____

CENSUS TRACT 13687 MAPSCO _____ TAX ACCT # _____

OWNER/AGENT/PERSON IN CONTROL

7108 Hunter Ridge TELEPHONE _____

Dallas, Tex 75248 TELEPHONE _____

PLEASE CORRECT THE FOLLOWING IN 10 DAYS OR CITATIONS TO MUNICIPAL COURT MAY BE ISSUED.
(See reverse side of this notice for further explanation)

1. Remove all litter, garbage, trash or rubbish from _____ alley; _____ parkway; _____ private property.
2. Relocate items from _____ to _____ :
_____ Large bulky items; _____ Large or unbundled trash; _____ Bags.
3. Containers are: _____ non-regulation; _____ blocking right-of-way.
4. Garbage/trash container rack required at: _____ alley; _____ side of structure.
5. Placement of garbage/trash, brush and/or bulky items too early. Garbage/trash is collected from the _____ in this area twice a week on _____ Monday and Thursday _____ Tuesday and Friday. Large bulky items are collected from the parkway in this area once a month. Your week begins with the _____ 1st _____ 2nd _____ 3rd _____ 4th Monday of each month.
6. Cut and remove weeds/grass in excess of 12 inches: _____ alley; _____ parkway; _____ private property
7. D Trim back vegetation adjacent to your property line at: _____ alley; _____ parkway; _____ sidewalk.
facing Hillcrest
8. Remove illegally dumped solid waste.

BDA 145-013
Attach B
Pg 17

Continue to maintain premise, adjacent alley, and parkway free of all violations. A reinspection will be made in ten (10) days from date of receipt of this notice. IF THE VIOLATIONS HAVE NOT BEEN CORRECTED AND IF THE PROPERTY IS NOT THEREAFTER MAINTAINED FREE OF VIOLATIONS, THE CITY SHALL HAVE THE WORK DONE THAT IS NECESSARY TO REMOVE THE VIOLATIONS AND ALL EXPENSES AND CHARGES INCURRED WILL BE BILLED TO THE PROPERTY OWNER WITH PAYMENT DUE UPON RECEIPT. FAILURE TO PAY THE CHARGES WILL CAUSE A LIEN TO BE FILED AGAINST THIS PROPERTY. PLEASE BE ADVISED THAT YOU ARE SUBJECT TO BOTH COSTS—COSTS FOR CLEANING AND FINES FOR CITATION(S).

REMARKS/OTHER: Please trim bushes facing Hillcrest

back 12 inches, or to clear visibility

S. Wilborn 670-9927x 5-1-95
Code Enforcement Inspector Phone # Signature of Owner/Agent/Person in Control Date

Spoke to Sherrie Wilborn on June 1, 1995 - We are trimming now.

SSN-04217 REV 8/90

EXPLANATION OF NOTICE OF VIOLATION

1. Premises must be kept free of unsightly litter. Generally, the occupant of the property is held responsible even though he/she may be renting. Each owner or occupant of property which has an adjacent alley is responsible for maintaining their half of that alley free of garbage, litter, weeds and other obstructions or nuisances.
2. Regular GARBAGE collection is provided to Dallas residents twice weekly. BUNDLED OR CONTAINERIZED BRUSH (cut in lengths not exceeding three feet and weighing no more than 50 pounds) will be picked up once weekly along with any bagged yard trash (leaves and grass) at your normal point of collection for garbage. **OVERSIZED BRUSH AND BULKY OBJECTS**, consisting of furniture, appliances and similar large household items, are collected once monthly, in front at curb side only, according to schedule.
3. Regulation containers: Securely tied plastic bags shall be used for trash and garbage set out for collection. Garbage cans may be used with a special sticker. For additional information, call 747-2600.
4. City ordinance requires that racks must be used where necessary to prevent overturn or spillage by the actions of animals, and/or other similar causes, and that these containers not protrude beyond your property line for alley service or your building line for front pickup.
5. Garbage/trash shall be placed out for collection no earlier than 6 p.m. the afternoon preceding the collection day. Brush and bulky items shall be placed out for collection no earlier than seven days before the collection week.
6. The owner/agent/person in control (normally the occupant) is responsible for having tall grass or weeds cut before they exceed 12" in height. Cuttings must be mulched or raked and removed.
7. Vegetation, such as hedges, shrubs and limbs from trees, must be kept trimmed back to prevent injury to personnel who use these thoroughfares. Please help us to keep our city free of this type of obstruction.
8. Solid waste materials illegally dumped on private property must be removed or disposed.
9. Please be advised that you are subject to both costs—costs for cleaning and fines for citation(s).

BDA 145-013
Attach B
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This notice is issued to bring to your attention the code violations listed below. Please call if you cannot correct the violations by the date indicated and arrangements may be made to assist you or allow additional time.

LOCATION OF VIOLATION 7108 Hunters Ridge LOT 27 BLOCK V/8188

CENSUS TRACT 136.07 ZONE _____ USE SFD TAX ACCT. # _____

ADDRESS William D. Neary OWNER/AGENT/PERSON IN CONTROL
7108 Hunters Ridge TELEPHONE _____
Dallas TX 75248 TELEPHONE _____

PLEASE CORRECT THE FOLLOWING IN 10 DAYS OR CITATIONS TO MUNICIPAL COURT MAY BE ISSUED. BDA 145-013

- 1. Clear premises of all improperly stored items.
- 2. Remove all litter, garbage, trash or rubbish from _____ alley; _____ parkway; _____ private property.
- 3. Relocate items from alley to front parkway.
____ Large or unbundled brush.
____ Large bulky items.
- 4. Relocate items from front parkway to alley. _____ Brush in containers. _____ Bags, small boxes, or cans.
- 5. Containers are: _____ non-regulation; _____ worn out; _____ inadequate in number; _____ without lids; _____ blocking right-of-way.
- 6. Garbage/trash container rack required at: _____ alley; _____ side of structure.
- 7. Cut and remove weeds/grass in excess of 12 inches in: _____ alley; _____ parkway; _____ private property.
- 8. Trim back vegetation adjacent to your property line in: _____ alley; _____ parkway; _____ sidewalk.
(NOTE: Refer to #3 and #4 for correct placement of trimmings)
- 9. Discontinue the salvage or reclamation of: _____
- 10. Eliminate all potential hazards: _____ open wells, septic tanks, cellars; _____ sharp protrusions; _____ dead trees or limbs; _____ cracks in sidewalk; _____ visibility obstructions; _____ holes; _____ other _____
- 11. Discontinue business operations within an improper zoning district.
- 12. Garage sale in violation.
- 13. SIGN VIOLATION: Special purpose sign must have: _____ permit; _____ proper setback; _____ tie downs; _____ be removed; _____ exposed wiring removed; _____ other _____
- 14. Stack usable lumber on open racks at least 18 inches above the ground with clear unobstructed space underneath. All other lumber must be removed from the premises.
- 15. Eliminate insanitary conditions caused by: _____ occupants; _____ animals; _____ sewage discharge; _____ standing water.
- 16. Provide house numbers that can be plainly observed from the street (min. 3 inch high numbers).
- 17. Secure this structure against unauthorized entry and/or closure by the City at your own expense.
- 18. Parking on an unapproved surface (yard, parkway, sidewalk). Vehicle must be removed within _____ hours.

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PLEASE BEGIN WORK ON THE FOLLOWING IN _____ DAYS AND COMPLETE IN _____ DAYS OR CITATIONS MAY BE ISSUED AND/OR THE PROPERTY REFERRED FOR A PUBLIC HEARING BEFORE THE URBAN REHABILITATION STANDARDS BOARD.

EXTERIOR-REPAIR OR REPLACE:	ROTTED	PAINT	FRONT	REAR	LEFT	RIGHT	
19. Foundation/cross vents:	_____	_____	_____	_____	_____	_____	Piers, sills, joists, footings.
20. Porch, stairs, posts:	_____	_____	_____	_____	_____	_____	Joists, floors, ceilings, steps landings.
21. Doors, windows, frames:	_____	_____	_____	_____	_____	_____	Screens, weatherstrip, replace broken glass.
22. Roof:	_____	_____	_____	_____	_____	_____	Reroof.
23. Walls, eaves, trim:	_____	_____	_____	_____	_____	_____	Holes, missing siding.
24. Garage, shed, fence:	_____	_____	_____	_____	_____	_____	Repair or demolish to code.

INTERIOR-REPAIR OR REPLACE:	LIVING	DINING	KITCHEN	HALL	BEDRM	BEDRM	BATH
25. Floors, walls, ceilings:	_____	_____	_____	_____	_____	_____	_____
26. Fixtures, wall outlets, switches:	_____	_____	_____	_____	_____	_____	_____
27. Inadequate circuits, exposed wiring:	_____	_____	_____	_____	_____	_____	_____
28. Make bathroom floors moisture resistant.	_____	_____	_____	_____	_____	_____	_____
29. Kitchen sink, lavatory, toilet, bath/shower:	_____	_____	_____	_____	_____	_____	_____
30. Water heater: _____ provide 120° F (min); _____ relocate.	_____	_____	_____	_____	_____	_____	_____
31. Provide heating equipment/connections capable of maintaining 68 degrees F in each room.	_____	_____	_____	_____	_____	_____	_____
32. A permit is required.	_____	_____	_____	_____	_____	_____	_____

33. THIS STRUCTURE IS DESIGNATED A HEALTH & SAFETY HAZARD AND SHALL NOT BE OCCUPIED NOR PLACARD REMOVED UNTIL ALL VIOLATIONS ARE CORRECTED.
34. Remarks/other: X see attachment

Shwood (See reverse side of this notice for further explanation) PHONE # 670-1390 SIGNATURE OF OWNER/AGENT/PERSON IN CONTROL WJ DATE 3/28/96

EXPLANATION OF NOTICE OF VIOLATION

1. All land areas shall be kept clean at all times. They shall be kept free from all combustible sources of insect, rodent, or vermin breeding, harborage and infestation, trash and debris. Generally, the occupant of the property is held responsible even though he/she may be renting.
2. Premises must be kept free of unsightly litter. Generally, the occupant of the property is held responsible even though he/she may be renting. Each owner or occupant of property, which has an adjacent alley, is responsible for maintaining their half of that alley free of garbage, litter, weeds, and other obstructions or nuisances.
- 3/4. Regular GARBAGE collection is provided to Dallas residents twice weekly. BUNDLED OR CONTAINERIZED BRUSH (cut in lengths not exceeding three feet and weighing no more than 50 pounds) will be picked up once weekly along with any bagged yard trash (leaves and grass) at your normal point of collection for garbage. OVERSIZED BRUSH AND BULKY OBJECTS, consisting of furniture, appliances and similar large household items, are collected once monthly, in front at curb side only, according to schedule.
5. Non-regulation containers include, but are not limited to, boxes, lightweight sacks, and metal or plastic containers without lifting handles. Worn-out containers are those with holes in the bottom or damage to the top or side that might expose jagged edges.
6. City ordinance requires that racks must be used where necessary to prevent overturn or spillage by the actions of animals, wind or other similar causes, and that these containers not protrude beyond your property line for alley service or your building line for front pickup.
7. The owner/agent/person in control (normally the occupant), is responsible for having tall grass or weeds cut before they exceed 12" in height. Cuttings must be mulched or raked and removed.
8. Vegetation such as hedges, shrubs, and limbs from trees must be kept trimmed back to prevent injury to personnel who use these thoroughfares. Please help us to keep our City free of this type of obstruction.
9. Salvage or reclamation is not permitted in residential neighborhoods.
10. All land areas, improved and unimproved, shall be reasonably free from holes and excavations, sharp protrusions, and other objects or conditions that might be a potential cause of personal injury. **VISIBILITY OBSTRUCTION:** On any corner lot, a fence, hedge, tree, or growth of any nature erected, planted, or maintained so as to interfere with visibility between 2½ feet and 8 feet above the top of the roadway or curb lines, 45 feet from each corner, shall be removed.
11. Business can be operated only in districts zoned for that particular type of business.
12. Garage sales shall not be conducted for more than three consecutive calendar days and not be conducted more than twice at a premises during any 12-month period. The sale must be inside the building or garage, or on the patio of the premises. A person shall not place more than one sign, (not to exceed two square feet) upon the lot where the sale is taking place. Any other signs at any locations remote from the sale property are not permitted.
13. Call your Neighborhood Services Representative for further information in regard to sign violations.
14. Any person storing or keeping upon or in any premises or lot, lumber, timber, or firewood, shall pile such lumber, timber, or firewood in a neat orderly pile on open racks and elevate not less than 18" above the ground and shall keep such stacks of lumber, timber or firewood free from rubbish, grass, weeds, or other combustible waste materials.
15. Domestic animals and pets shall not be kept on any premises in such manner so as to create insanitary conditions or constitute a nuisance. Discharge of sewage shall not be permitted upon the surface of the ground. Furthermore, water shall be properly drained to prevent recurrent or excessive ponding.
16. The owner or occupant of each building in the city shall place and maintain an official building number in a conspicuous place on the premises so that it can be clearly seen from a public street. Numbers must be at least three inches in height.
17. No owner or person having charge of any unoccupied building or structure within the corporate limits of the City shall leave such building or structure unlocked, unboarded or otherwise unsecured so that unauthorized persons may enter the building or structure.
18. Vehicles may be parked on an improved surface only.

For further information on items 19 through 34 of this notice, please contact your Neighborhood Services Representative. Name and phone number of your representative is on the front of this notice in the lower left corner.

IMPORTANT

Notices of violation are issued so that a situation might be called to the attention of a person responsible for correction. Ordinances of the City are intended to benefit the majority of the citizens and make our neighborhoods a better place to live. YOUR COOPERATION AND UNDERSTANDING WILL BE SINCERELY APPRECIATED.



CITY OF DALLAS

BDA 145-013
Attach B
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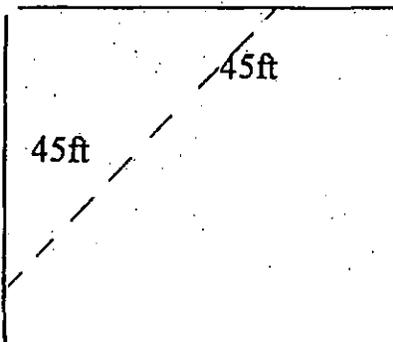
Notice

Dear Owner:

Date 5/28/96

The area where your street joins HILLCREST is in violation of Section 51A-4.602(d), and causes a visibility obstruction.

To bring your property into compliance with city code you must remove all plant life, berm or structure between 2 1/2 feet and 8 feet in height. That area must be cleared from the point of intersection of the adjacent street curb lines for 45 feet in each direction.



If you wish to file for a variance, you can make application at 320 E. Jefferson. The filing fee for a variance is \$550.00

You need to correct the violation within 10 days from receipt of this notice or file for the variance within that same time period.

If you have any questions, contact me at 670-1392

Connie Ashwood
Code Enforcement Officer

(6) In all nonresidential districts except central area districts, no portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may be located above a residential proximity slope originating in that district.

(d) Visual obstruction regulations.

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(B) between two and one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(2) For purposes of Paragraph (1), the term "visibility triangle" means:

(A) in all zoning districts except central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) in central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting

together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard. (Ord. Nos. 19485; 19786; 20236; 20362; 20539; 21663)

SEC. 51A-4.603. USE OF CONVEYANCE AS A BUILDING.

(a) For the purposes of this section, conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use. It is a defense to prosecution that the use of a conveyance is permitted under this section.

(c) A person may obtain permission to use a conveyance as a building for the operation of a use at a location properly zoned for the use if the device contributes to a theme or period development. The person shall submit an application to the director requesting approval of the proposal. Within 60 days of receipt of the application, the commission shall submit its recommendation of approval or disapproval to the city council which may approve or reject a resolution authorizing the use. The conveyance must comply with all applicable ordinances and regulations.

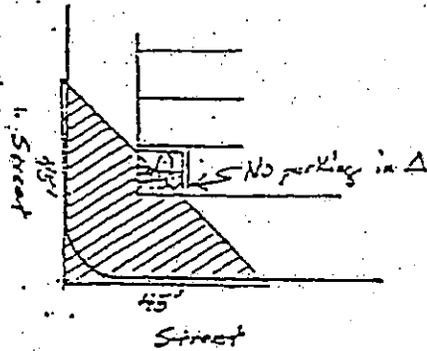
(d) A person may use a conveyance as a temporary office, but not as a residence, in connection with the sale of real estate within a specific development project, after obtaining a building permit and certificate of occupancy from the building official. The following measures to assure sanitary conditions must be taken:

(1) If sanitary sewer facilities are available,

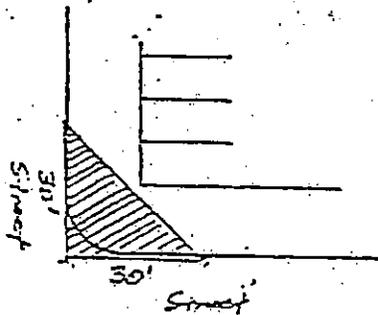
A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle, and if it is between 2 1/2 feet and 8 feet in height measured from the top of the adjacent street curb. If no curb, measure from grade of adjacent street. Off-street parking is not permitted in a visibility triangle.

1980

March 15th 1986
came to effect



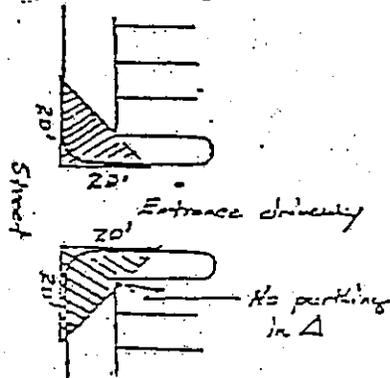
All zoning districts except central area districts and Near Eastside District (PD 178 & PD 175-H/S).



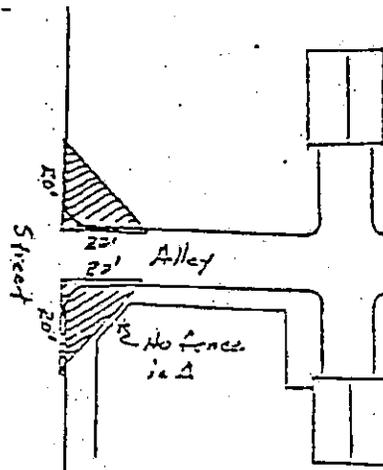
in central area districts and Near Eastside (PD 178 & PD 175-H/S)

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All zoning districts



All zoning districts





This notice is issued to bring to your attention the code violations listed below. Please call if you cannot correct the violations by the date indicated and arrangements may be made to assist you or allow additional time.

LOCATION OF VIOLATION 7108 Hunters Ridge LOT 27 BLOCK V/8188

CENSUS TRACT 136.07 ZONE SFD USE TAX ACCT. #

ADDRESS William D. Neary 7108 Hunters Ridge Dallas TX 75248 OWNER/AGENT/PERSON IN CONTROL TELEPHONE TELEPHONE

PLEASE CORRECT THE FOLLOWING IN 10 DAYS OR CITATIONS TO MUNICIPAL COURT MAY BE ISSUED BDA 145-013 Attach B Pg 24

- 1. Clear premises of all improperly stored items
2. Remove all litter, garbage, trash or rubbish from alley; parkway; private property.
3. Relocate items from alley to front parkway. Large or unbundled brush. Large bulky items.
4. Relocate items from front parkway to alley. Brush in containers. Bags, small boxes, or cans.
5. Containers are: non-regulation; worn out; inadequate in number; without lids; blocking right-of-way.
6. Garbage/trash container rack required at: alley; side of structure.
7. Cut and remove weeds/grass in excess of 12 inches in: alley; parkway; private property.
8. Trim back vegetation adjacent to your property line in: alley; parkway; sidewalk.
9. Discontinue the salvage or reclamation of
10. Eliminate all potential hazards: open wells, septic tanks, cellars; sharp protrusions; dead trees or limbs; cracks in sidewalk; visibility obstructions; holes; other
11. Discontinue business operations within an improper zoning district.
12. Garage sale in violation.
13. SIGN VIOLATION: Special purpose sign must have: permit; proper setback; tie downs; be removed; exposed wiring removed; other
14. Stack usable lumber on open racks at least 18 inches above the ground with clear unobstructed space underneath. All other lumber must be removed from the premises.
15. Eliminate insanitary conditions caused by: occupants; animals; sewage discharge; standing water.
16. Provide house numbers that can be plainly observed from the street (min. 3 inch high numbers).
17. Secure this structure against unauthorized entry and/or closure by the City at your own expense.
18. Parking on an unapproved surface (yard, parkway, sidewalk). Vehicle must be removed within hours.

PLEASE BEGIN WORK ON THE FOLLOWING IN DAYS AND COMPLETE IN DAYS OR CITATIONS MAY BE ISSUED AND/OR THE PROPERTY REFERRED FOR A PUBLIC HEARING BEFORE THE URBAN REHABILITATION STANDARDS BOARD.

Table with columns: EXTERIOR-REPAIR OR REPLACE, ROTTED, PAINT, FRONT, REAR, LEFT, RIGHT. Rows include: 19. Foundation/cross vents; 20. Porch, stairs, posts; 21. Doors, windows, frames; 22. Roof; 23. Walls, eaves, trim; 24. Garage, shed, fence; 25. Floors, walls, ceilings; 26. Fixtures, wall outlets, switches; 27. Inadequate circuits, exposed wiring; 28. Make bathroom floors moisture resistant; 29. Kitchen sink, lavatory, toilet, bath/shower; 30. Water heater; 31. Provide heating equipment/connections capable of maintaining 68 degrees F in each room; 32. A permit is required.

33. THIS STRUCTURE IS DESIGNATED A HEALTH & SAFETY HAZARD AND SHALL NOT BE OCCUPIED NOR PLACARD REMOVED UNTIL ALL VIOLATIONS ARE CORRECTED
34. Remarks/other: See attachments

Shwood 670-1392 (See reverse side of this notice for further explanation) SIGNATURE OF OWNER/AGENT/PERSON IN CONTROL DATE 5/28/96

EXPLANATION OF NOTICE OF VIOLAT

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11. Business can be operated only in districts zoned for that particular type of business.
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13. Call your Neighborhood Services Representative for further information in regard to sign violations.
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16. The owner or occupant of each building in the city shall place and maintain an official building number in a conspicuous place on the premises so that it can be clearly seen from a public street. Numbers must be at least three inches in height.
17. No owner or person having charge of any unoccupied building or structure within the corporate limits of the City shall leave such building or structure unlocked, unboarded or otherwise unsecured so that unauthorized persons may enter the building or structure.
18. Vehicles may be parked on an improved surface only.

For further information on items 19 through 34 of this notice, please contact your Neighborhood Services Representative. Name and phone number of your representative is on the front of this notice in the lower left corner.

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CITY OF DALLAS

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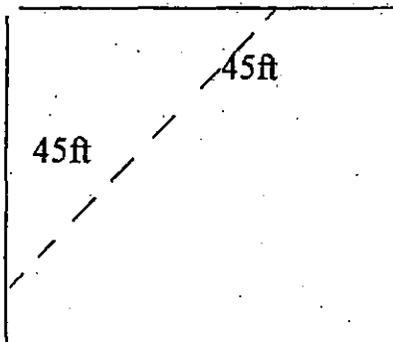
Notice

Dear Owner:

Date 5/28/96

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Code Enforcement Officer

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(d) Visual obstruction regulations.

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(B) between two and one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(2) For purposes of Paragraph (1), the term "visibility triangle" means:

(A) in all zoning districts except central area districts; the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) in central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting

together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard. (Ord. Nos. 19455; 19786; 20236; 20362; 20539; 21663)

SEC. 51A-4.603. USE OF CONVEYANCE AS A BUILDING.

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(c) A person may obtain permission to use a conveyance as a building for the operation of a use at a location properly zoned for the use if the device contributes to a theme or period development. The person shall submit an application to the director requesting approval of the proposal. Within 60 days of receipt of the application, the commission shall submit its recommendation of approval or disapproval to the city council which may approve or reject a resolution authorizing the use. The conveyance must comply with all applicable ordinances and regulations.

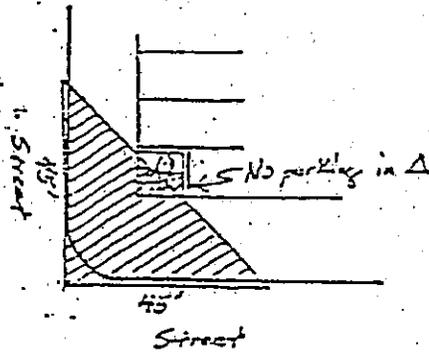
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(1) If sanitary sewer facilities are available,

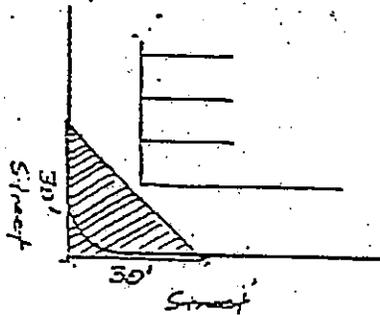
A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle and if it is between 2 1/2 feet and 8 feet in height measured from the top of the adjacent street curb. If no curb, measure from grade of adjacent street. All-street parking is not permitted in a visibility triangle.

6940

March 5th 1986
came to effect



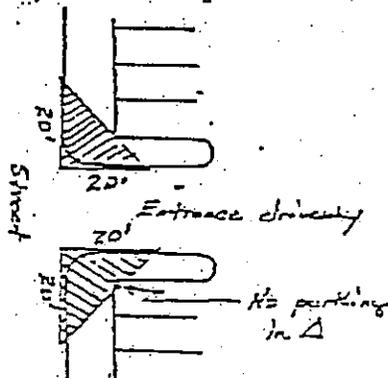
All zoning districts except central area districts and Near Eastside District (PD 175 & PD 175-H/S).



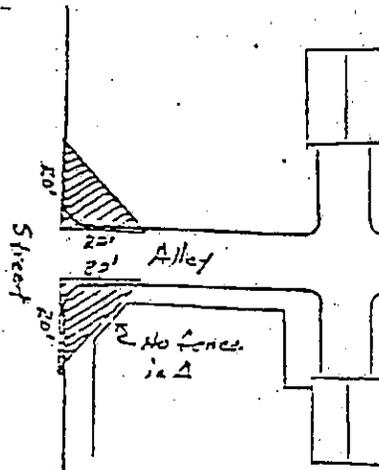
in central area districts and Near Eastside (PD 175 & PD 175-H/S)

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Attach B
Pg 28

All zoning districts



All zoning districts



NOTICE OF VIOLATION

CITY OF DALLAS

STREET & SANITATION SERVICES
CODE ENFORCEMENT DIVISION

CASE # 95042276

This notice is issued to advise you, as the owner/occupant of record, of City Ordinance violations on the property identified below. Please call if you cannot correct the violations by the date indicated.

LOCATION OF VIOLATION 7108 Hunters Ridge BLOCK _____

CENSUS TRACT 13667 MAPSCO _____ TAX ACCT# _____

OWNER/AGENT/PERSON IN CONTROL

7108 Hunter Ridge TELEPHONE _____

Dallas, Tex 75248 TELEPHONE _____

PLEASE CORRECT THE FOLLOWING IN 10 DAYS OR CITATIONS TO MUNICIPAL COURT MAY BE ISSUED.

(See reverse side of this notice for further explanation.)

1. Remove all litter, garbage, trash or rubbish from _____ alley; _____ parkway; _____ private property.
2. Relocate items from _____
 Large bulky items; Large or unbundled trash; Bags
3. Containers are: _____ non-regulation; _____ blocking right-of-way
4. Garbage/trash container rack required at: _____ alley; _____ side of structure.
5. Placement of garbage/trash, brush and/or bulky items too early. Garbage/trash is collected from the _____ in this area twice a week on _____ Monday and Thursday _____ Tuesday and Friday. Large bulky items are collected from the parkway in this area once a month. Your week begins with the _____ 1st _____ 2nd _____ 3rd _____ 4th Monday of each month.
6. Cut and remove weeds/grass in excess of 2 inches _____ alley; _____ parkway; _____ private property.
7. Trim back vegetation adjacent to your property line at: _____ alley; _____ parkway; _____ sidewalk.
8. Remove illegally dumped solid waste. *facing Hillcrest*

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Continue to maintain premise, adjacent alley, and parkway free of all violations. A reinspection will be made in ten (10) days from date of receipt of this notice. **IF THE VIOLATIONS HAVE NOT BEEN CORRECTED AND IF THE PROPERTY IS NOT THEREAFTER MAINTAINED FREE OF VIOLATIONS, THE CITY SHALL HAVE THE WORK DONE THAT IS NECESSARY TO REMOVE THE VIOLATIONS AND ALL EXPENSES AND CHARGES INCURRED WILL BE BILLED TO THE PROPERTY OWNER WITH PAYMENT DUE UPON RECEIPT. FAILURE TO PAY THE CHARGES WILL CAUSE A LIEN TO BE FILED AGAINST THIS PROPERTY. PLEASE BE ADVISED THAT YOU ARE SUBJECT TO BOTH COSTS—COSTS FOR CLEANING AND FINES FOR CITATION(S).**

REMARKS/OTHER: Please trim bushes facing Hillcrest

back 12 inches or to clear visibility

S. Wilborn 670-9927 S-1-95

Code Enforcement Inspector

Phone #

Signature of Owner/Agent/Person in Control

Date

Spoke to Sherrie Wilborn on June 1, 1995 - We are trimming now

EXPLANATION OF NOTICE OF VIOLATION

1. Premises must be kept free of unsightly litter. Generally, the occupant of the property is held responsible even though he/she may be renting. Each owner or occupant of property which has an adjacent alley is responsible for maintaining their half of that alley free of garbage, litter, weeds and other obstructions or nuisances.
2. Regular GARBAGE collection is provided to Dallas residents twice weekly. BUNDLED OR CONTAINERIZED BRUSH (cut in lengths not exceeding three feet and weighing no more than 50 pounds) will be picked up once weekly along with any bagged yard trash (leaves and grass) at your normal point of collection for garbage. OVERSIZED BRUSH AND BULKY OBJECTS, consisting of furniture, appliances and similar large household items, are collected once monthly, in front at curb side only, according to schedule.
3. Regulation containers: Securely tied plastic bags shall be used for trash and garbage set out for collection. Garbage cans may be used with a special sticker. For additional information, call 747-2600.
4. City ordinance requires that racks must be used where necessary to prevent overturn or spillage by the actions of animals, and/or other similar causes, and that these containers not protrude beyond your property line for alley service or your building line for front pickup.
5. Garbage/trash shall be placed out for collection no earlier than 6 p.m. the afternoon preceding the collection day. Brush and bulky items shall be placed out for collection no earlier than seven days before the collection week.
6. The owner/agent/person in control (normally the occupant) is responsible for having tall grass or weeds cut before they exceed 12" in height. Cuttings must be mulched or raked and removed.
7. Vegetation, such as hedges, shrubs and limbs from trees, must be kept trimmed back to prevent injury to personnel who use these thoroughfares. Please help us to keep our city free of this type of obstruction.
8. Solid waste materials illegally dumped on private property must be removed or disposed.
9. Please be advised that you are subject to both costs—costs for cleaning and fines for citation(s).



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-013

Data Relative to Subject Property:

Date: November 05, 2014

Location address: 7108 Hunters Ridge Dr., Dallas, TX 75248

Zoning District: R-10(A)

Lot No.: 27

Block No.: 8188

Acreage: 0.306

Census Tract: 136.07

Street Frontage (in Feet): 111

To the Honorable Board of Adjustment :

NE 3N

Owner of Property (per Warranty Deed): Nancy Craft Neary

Applicant: Nancy Craft Neary

Telephone: (972) 816-2865

Mailing Address: 7108 Hunters Ridge Dr., Dallas, TX

Zip Code: 75248

E-mail Address: none

Represented by: David C. Schulte, Thompson & Knight LLP

Telephone: (214) 969-1314

Mailing Address: 1722 Routh Street, Suite 1500, Dallas, TX

Zip Code: 75201

E-mail Address: David.Schulte@tklaw.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of: visibility triangle obstruction
~~See attached notices of violation. See also Addendum 1.~~ at street intersections

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: See Addendum 1.

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

Respectfully submitted: Nancy Craft Neary
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 05 day of November, 2014.

(Rev. 08-01-11)



Laurie A. Diltz
Notary Public in and for Dallas County, Texas



Addendum 1

Issue: Ms. Neary has received notices of violation of regulation sec. 51A-4.602(d)(1)-(2) (copies attached), related to burford holly hedges greater than 2½ feet in height that are within the "visibility triangle" at the corner of Hunters Ridge and Hillcrest.

Visibility Triangle Regulation: The visibility triangle regulation — which, we are told, has been in effect since 1969 — provides that:

- (1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:
 - (A) in a visibility triangle, as defined in Paragraph (2); and
 - (B) between two and one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.
- (2) For purposes of Paragraph (1), the term "visibility triangle" means:
 - (A) in all zoning districts except central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection

History of the Hedges: The hedges have been in their current place and height since 1972. The hedges were part of an overall landscape plan prepared in 1972, which the owner's son believes was presented to and approved by the City at that time. After 24 years, in 1996, the City raised a concern about the hedges and the visibility triangle, and Ms. Neary had them trimmed back, consistent with the fence line, which the City approved. Now, after 42 years, the City takes issue with the height of the hedges, wanting them reduced to 2½ feet.

Special Exception: "The board **shall** grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard." 51A-4.602(d)(3).

Ms. Neary believes that the hedges should be permitted to remain at their current location and height because they do not constitute a traffic hazard. Given the location and height of the hedges, the geometry of the intersection, the type of street that Hunters Ridge is (dead-end residential street), and the safety record of the Hunters Ridge/Hillcrest intersection, the hedges do not interfere with the ability of drivers on Hillcrest approaching the intersection of Hunters Ridge to safely see drivers headed off of the 7100 block of Hunters Ridge, or vice versa.

Nevertheless, Ms. Neary proposes a revised landscape plan — a copy of which is enclosed — that implements a reasonable 23 foot (approximately) visibility triangle framed by 6 foot tall burford holly hedges. Because the location and height of the hedges within Ms. Neary's proposal do not constitute a traffic hazard, the special exception should be granted.

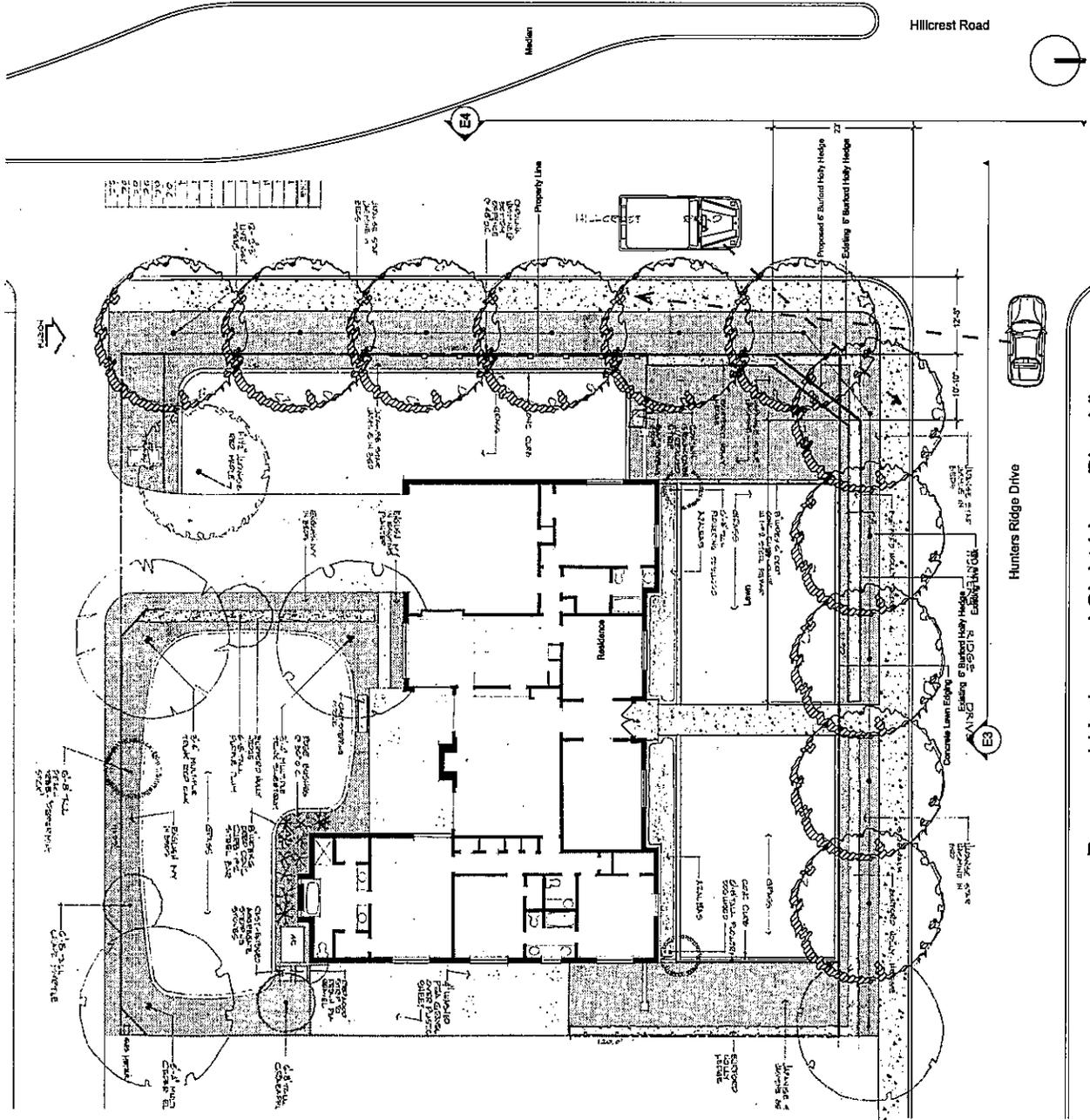


**BARE ROOTS
LANDSCAPE SOLUTIONS**
 BAREROOTDESIGN.COM
 8744 BROCKBANK DRIVE
 DALLAS, TEXAS 75220
 Tel: 214.411.1155
 Fax: 214.411.1288

Neary Residence

7108 Hunters Ridge
 Dallas, Texas 75248

PROJECT: Front Yard Hedge
 DESIGNER: J. Byler
 DATE: 11/2014
 SCALE: 1/8" = 1'-0"



Proposed Hedge and Sight Lines Plan View



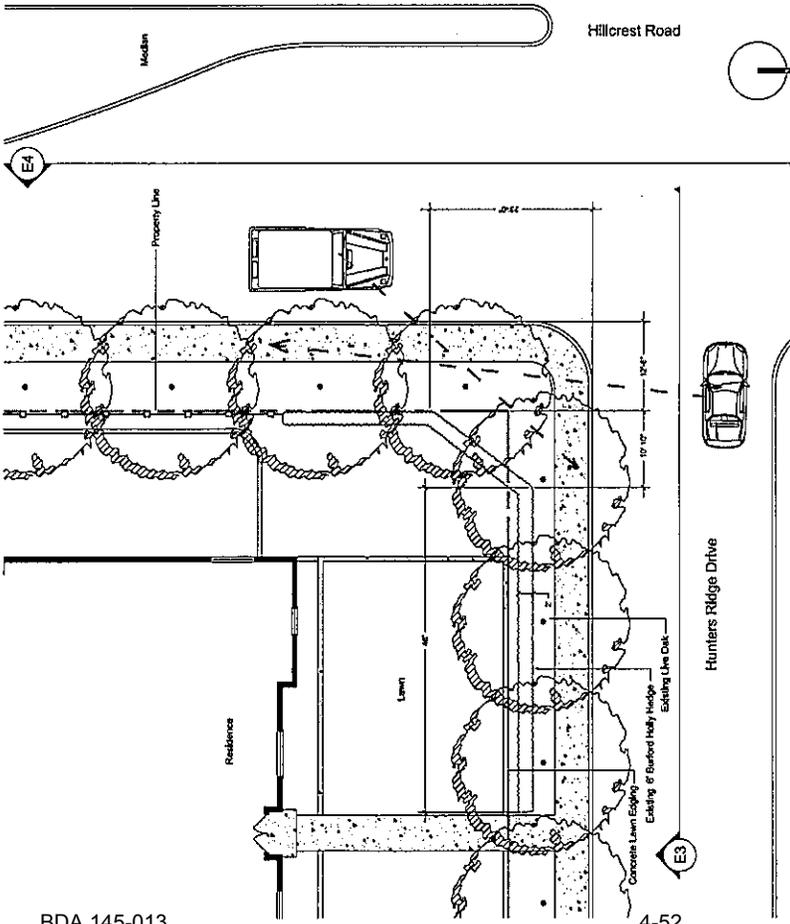
BARE ROOTS
LANDSCAPE SOLUTIONS
BAREROOTSDESIGN.COM
9744 BROCKBANK DRIVE
DALLAS, TEXAS 75220
817.441.1738
FAX: 214.621.2886

Neary Residence

7108 Hunters Ridge
Dallas, Texas 75248

PROJECT: Front Yard Hedge
DESIGNER: J. Sydor
DATE: 11/2014
SCALE: 1/8" = 1'-0"

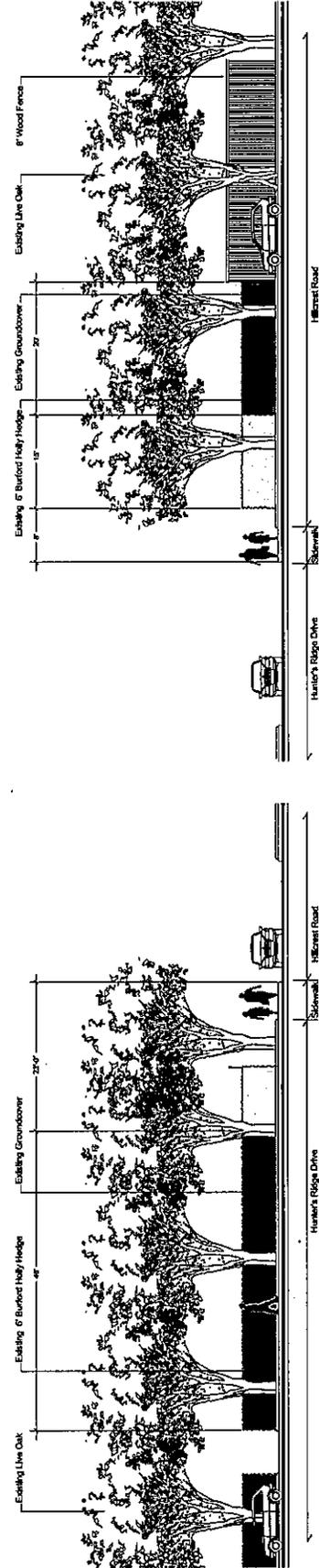
L2



BDA 145-013

4-52

Proposed Hedge and Sight Lines Plan View

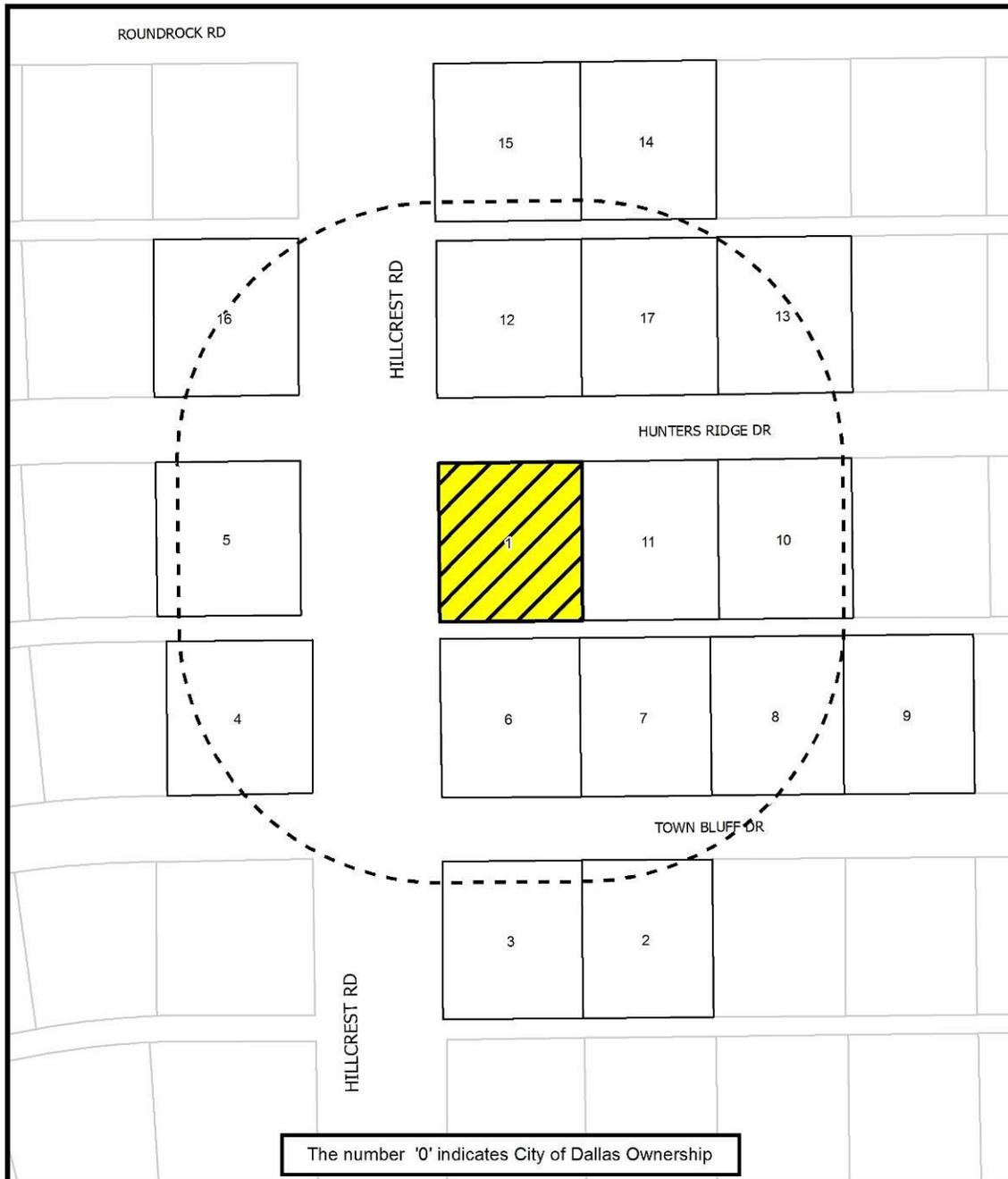


E3 Proposed Street/Front Yard Hedge/Tree Elevation from Hunter's Ridge
Scale: 1/8" = 1'-0"

E4 Proposed Street/Front Yard Hedge/Tree Elevation from Hillcrest
Scale: 1/8" = 1'-0"

Proposed Hedge from Hunter's Ridge

Proposed Hedge from Hillcrest



 1:1,200	NOTIFICATION		Case no: BDA145-013
	<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;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 12/23/2014	

Notification List of Property Owners

BDA145-013

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7108 HUNTERS RIDGE DR	NEARY NANCY CRAFT
2	7016 TOWN BLUFF DR	GUNNER LORIE JO
3	7008 TOWN BLUFF DR	SCHULTZ ARTHUR H EST OF
4	6959 TOWN BLUFF DR	JENSEN FAMILY LIVING TRUST THE
5	7038 HUNTERS RIDGE DR	BARR ERIC &
6	7007 TOWN BLUFF DR	CERPANYA SUSAN H
7	7015 TOWN BLUFF DR	AMES WILLIAM N ETUX
8	7023 TOWN BLUFF DR	LYSEN EDWARD J
9	7031 TOWN BLUFF DR	STONE BETTE MYNETTE
10	7124 HUNTERS RIDGE DR	JIMENEZ JUAN M
11	7116 HUNTERS RIDGE DR	PLACE BRIAN & DONNA
12	7107 HUNTERS RIDGE DR	MAKINS JAMES E & ANNE B
13	7123 HUNTERS RIDGE DR	KOHLERITER LORRAINE S
14	7116 ROUNDROCK RD	HORNBECK JOSEPH C &
15	7108 ROUNDROCK RD	WOSNIG KATHY
16	7039 HUNTERS RIDGE DR	MARTIN LARRY L &
17	7115 HUNTERS RIDGE DR	FOWLER ROBERT G JR & CELIA W