

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, SEPTEMBER 17, 2018  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/ Chief Planner**  
**Oscar Aguilera, Senior Planner**

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**BRIEFING ITEM**

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Recent code amendments regarding accessory dwelling units  
Donna Moorman, Chief Planner

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**MISCELLANEOUS ITEM**

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Approval of the August 20, 2018 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA178-096(OA)</b>	1542 Stemmons Avenue <b>REQUEST:</b> Application of Robert Kenneth Patterson, represented by Kenneth Goggin, for a special exception to the single-family use regulations	1
<b>BDA178-098(OA)</b>	4802 Iberia Avenue <b>REQUEST:</b> Application of Nicolas Villalba for a special exception to the single family use regulations	2

**BDA178-102(OA)** 8533 Stults Road 3  
**REQUEST:** Application of Paul E. Turner, represented by Paula Lane, for a special exception to the single-family use regulations

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**HOLDOVER CASE**

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**BDA178-089(OA)** 1 Bella Porta Place 4  
**REQUEST:** Application of David H. Goettsche for a variance to the front yard setback regulations

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**REGULAR CASE**

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**BDA178-100(OA)** 4516 Forest Bend Road 5  
**REQUEST:** Application of Tag Gilkeson for a variance to the side yard setback regulations

## EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

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 City Council 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 §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA178-096(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Kenneth Patterson, represented by Kenneth Goggin, for a special exception to the single family use regulations at 1542 Stemmons Avenue. This property is more fully described as Lot 4 & 5 & Pt of 6 & 7, Block A/3778, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

**LOCATION:** 1542 Stemmons Avenue

**APPLICANT:** Robert Kenneth Patterson  
Represented by Kenneth Goggin

**REQUEST:**

A request for a special exception to the single family use regulations is made to construct and maintain a two-story additional "dwelling unit" structure on a site developed with a one-story main single family home/dwelling unit structure.

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

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

**Site:** R-7.5(A) (Single family district 7,500 square feet)

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

**Land Use:**

The subject site is developed with a single family home. The 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 for a special exception to the single family use regulations focuses on constructing and maintaining a two-story additional “dwelling unit” structure on a site developed with a one-story main single family home/dwelling unit structure.
- The site is zoned R-7.5(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code states that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be use as a rental accommodations; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single family main structure and the proposed additional dwelling unit denoted as “new structure”.
- The submitted floor plan of what appears to be the “new construction” denoted on the site plan shows a number of rooms/features that Building Inspection has

determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”

- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “new structure”, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made for: “family use only”.
- According to DCAD records, the “main improvement” for property addressed at 1542 Stemmons Avenue is a structure built in 1955 with 3,497 square feet of total/living area with the following “additional improvements”: a 644 square-foot attached garage, a 324 square-foot cabana, and a pool.
- According to the submitted site plan the main structure contains 3,497 square feet of total/living area and the additional dwelling unit structure contains 1156 square feet.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “living quarters” as an additional “dwelling unit”.

### **Timeline:**

June 4, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

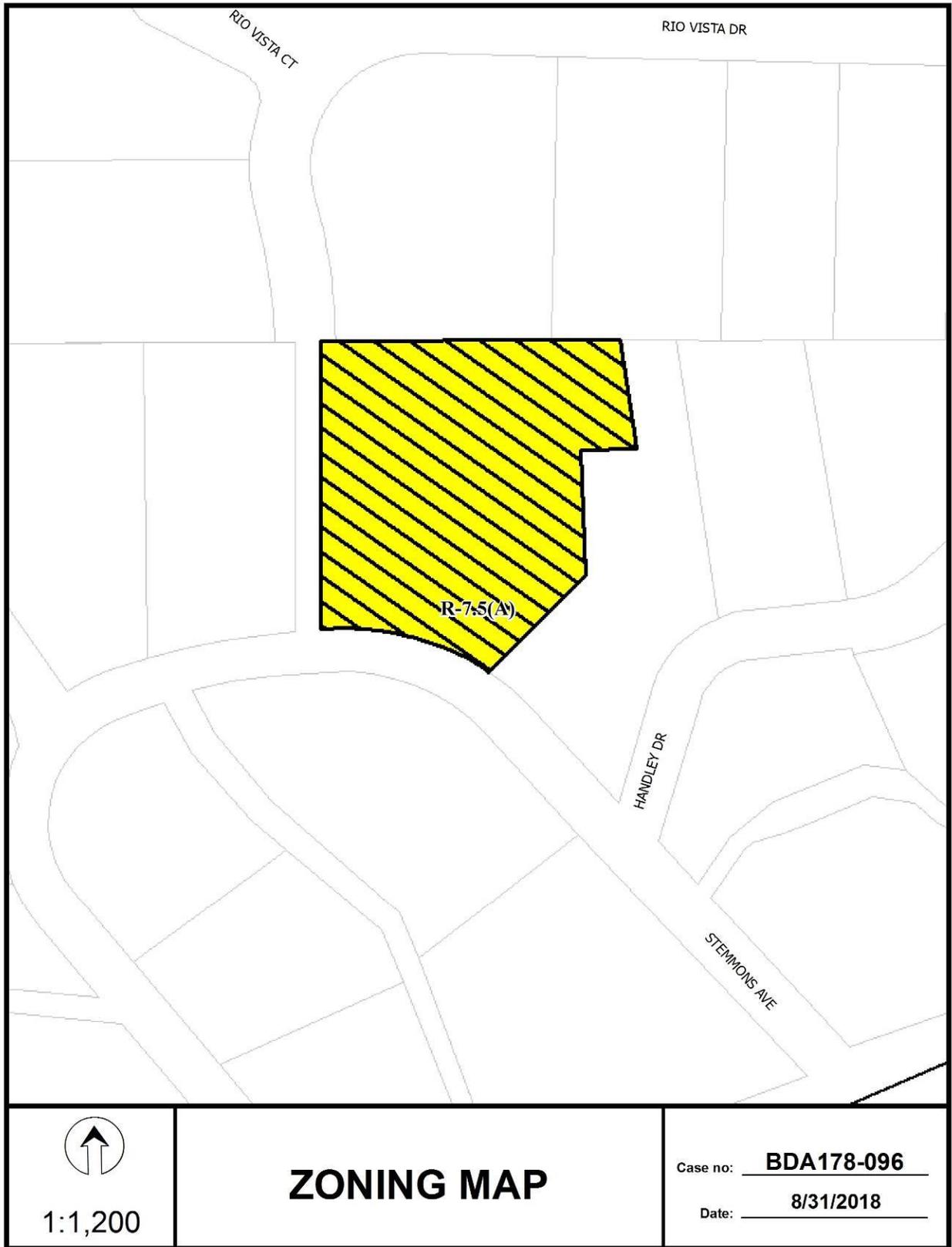
August 16, 2018: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis;

- and the September 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA178-096

Date: 8/31/2018



  
 1:1,200

# AERIAL MAP

Case no:     **BDA178-096**      
 Date:     **8/31/2018**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-096

Data Relative to Subject Property:

Date: 6-6-18

Location address: 1542 Stemmons Ave Zoning District: R7.5(A)  
4+5 PLOT

Lot No.: \_\_\_\_\_ Block No.: A/3778 Acreage: 1.266 Census Tract: 42.01

Street Frontage (in Feet): 1) 142 2) 236 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Robert K Patterson and Amber L Patterson

Applicant: Robert Kenneth L Patterson Jr Telephone: 214-236-0427

Mailing Address: 1542 Stemmons Ave Dallas Zip Code: 75205

E-mail Address: KENDdiamondonions.com

Represented by: Kenneth Goggin Telephone: 214-998-1314

Mailing Address: 2055 Riverside Dr Kaufman TX Zip Code: 75142

E-mail Address: Ken122082@sbcglobal.net

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X of Sec ~~20.010~~ Dwelling  
for single family use

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

this second dwelling unit will be family use only will be deed restricted NOT A rent property will NOT have effect on neighboring properties

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

Affidavit

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

who on his 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 4th day of June, 2018

(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**

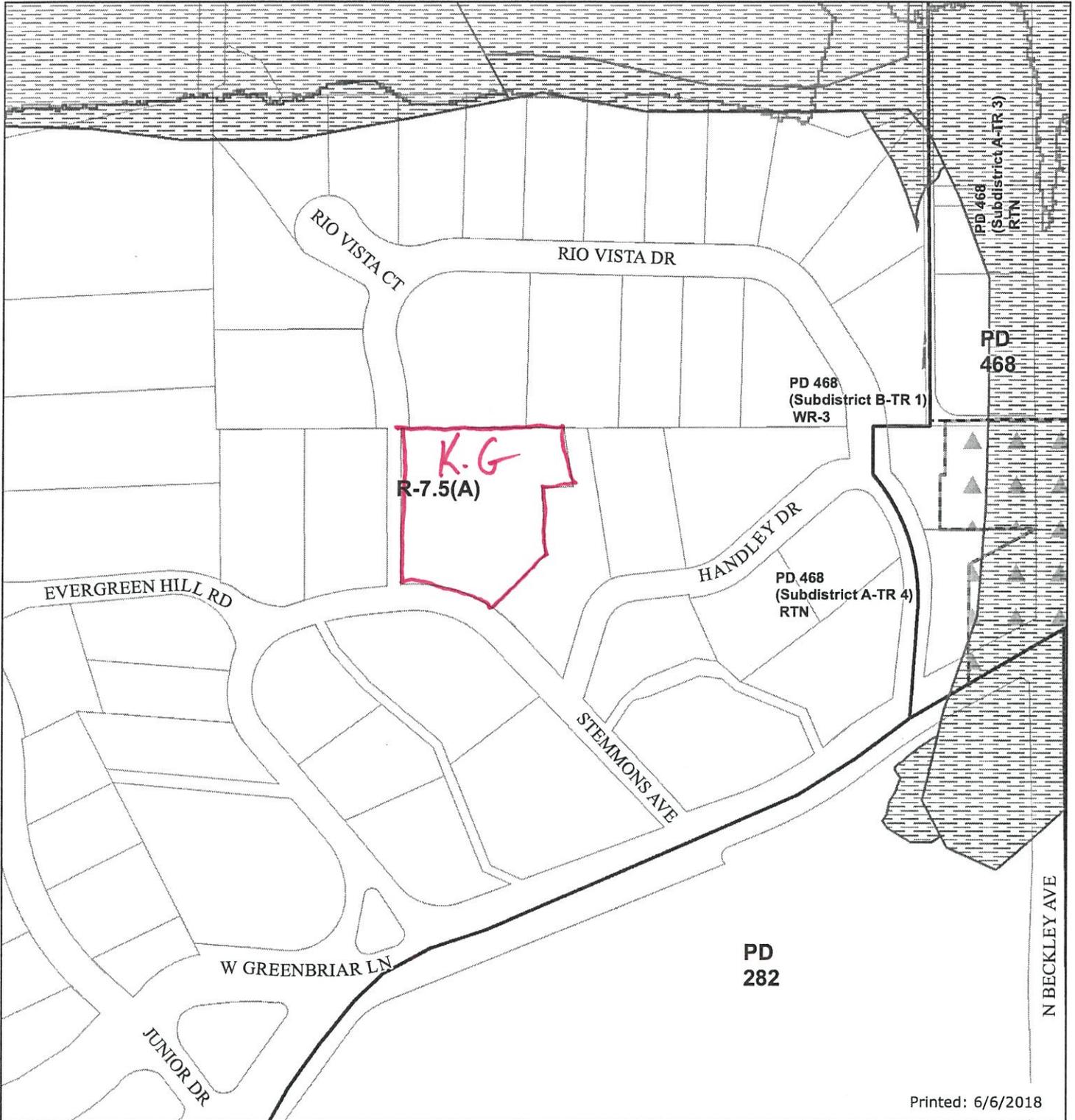
I hereby certify that Robert K Patterson  
represented by KENNETH GOGGIN  
did submit a request for a special exception to the single family regulations  
at 1542 Stemmons Ave

BDA178-096. Application of Robert K Patterson represented by KENNETH GOGGIN for a special exception to the single family regulations at 1542 STEMMONS AVE. This property is more fully described as Lot 4 & 5 & Pt of 6 & 7, Block A/3778, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 6/6/2018

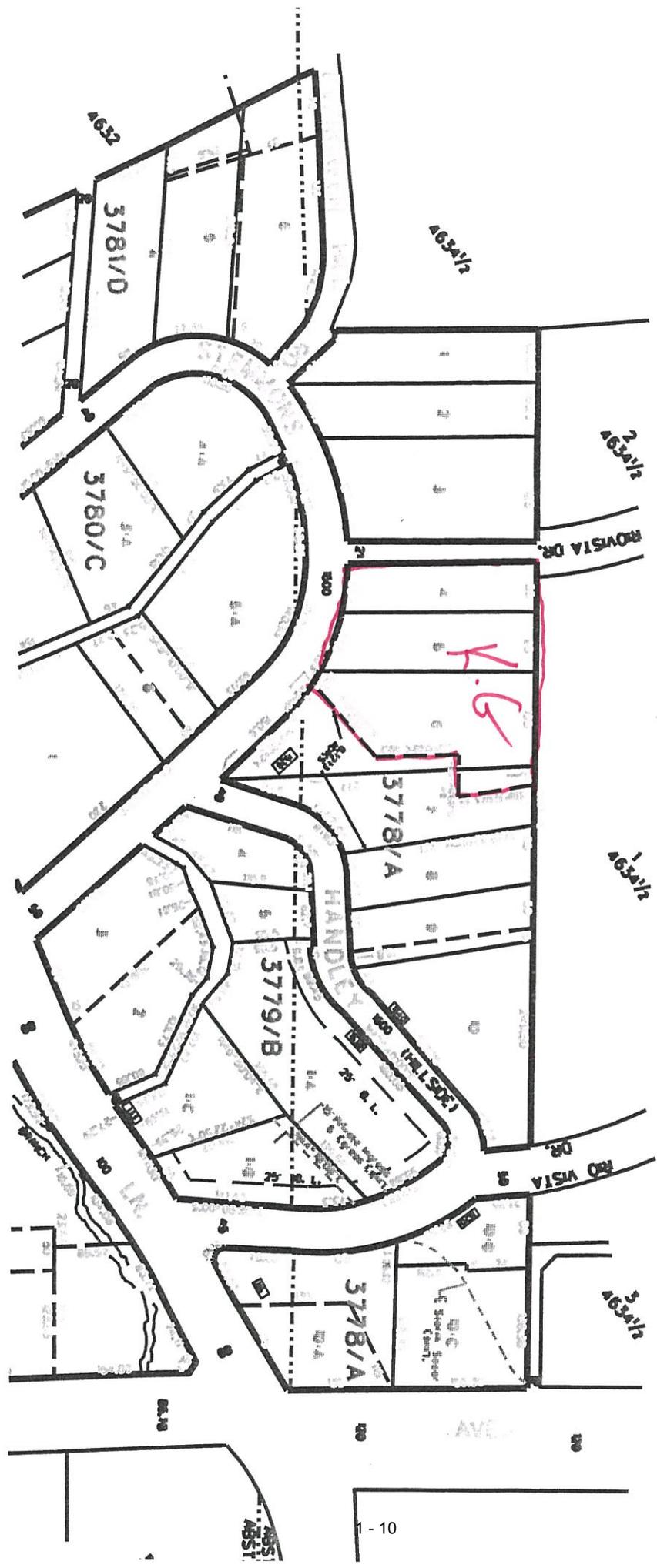
**Legend**

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

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



FIELD NO. 20-80 Open Area Station, 1015 DR & DC, A.C. 4/27/78  
FIELD NO. 20-80 Open Area Station, 1015 DR & DC, A.C. 4/27/78

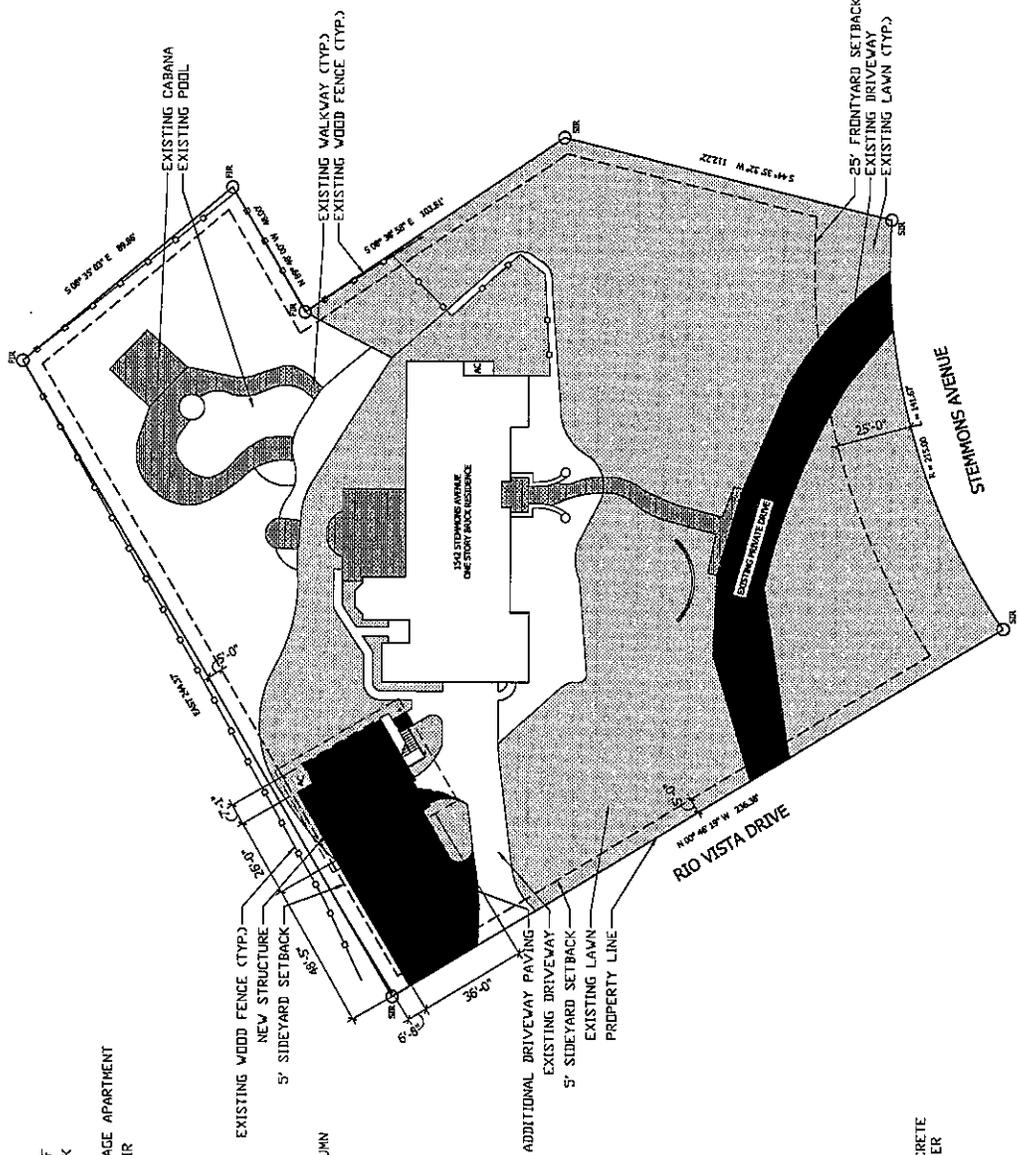




PATTON GARAGE HOUSE  
1542 STEWAMONS AVENUE  
DALLAS, TEXAS 75208

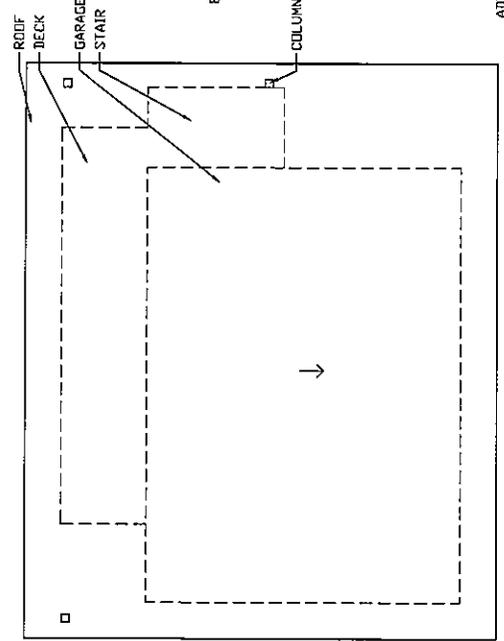
DATE: MARCH 28, 2018  
DRAWN BY: JSS  
PROJECT NO.: 131101  
REVISIONS:

A0.1



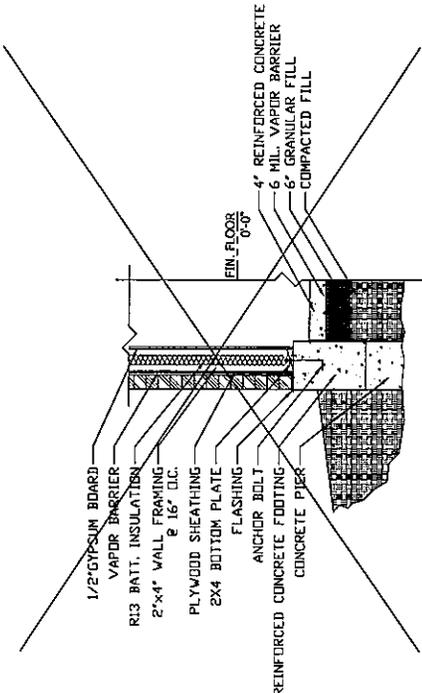
SCALE: 1/8" = 1'-0"

① SITE PLAN



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

② ROOF PLAN



SCALE: 1" = 1'-0"

③ FOUNDATION SECTION

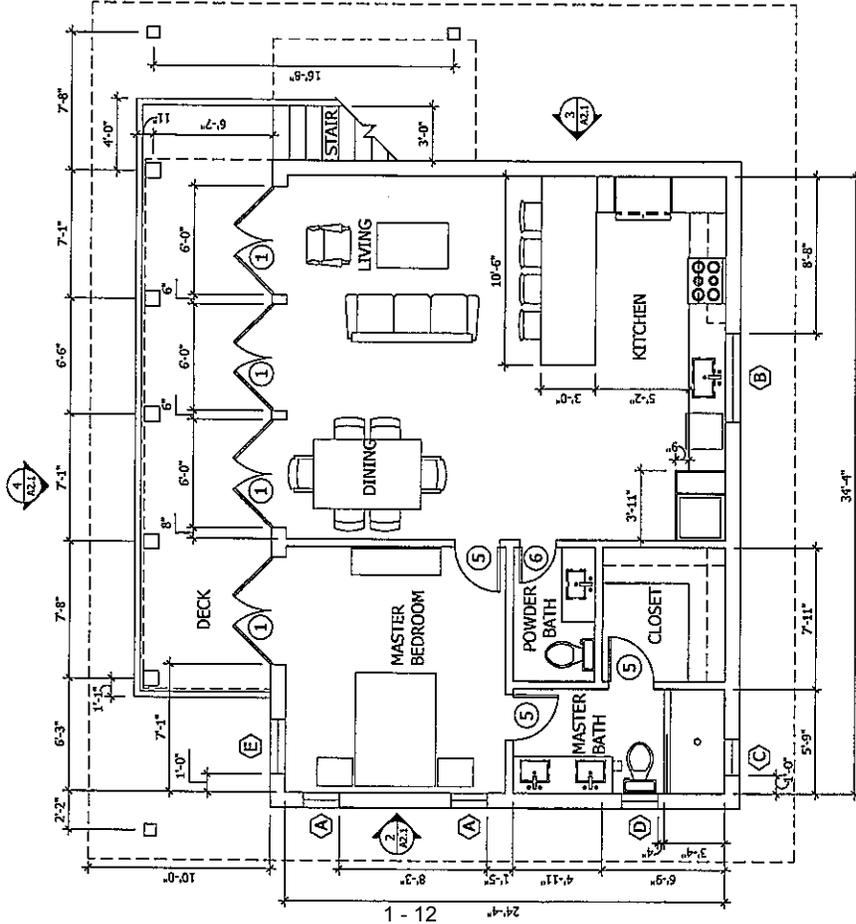
These plans comply with the Dallas Energy Conservation Code and the Green Building Ordinance (Ord. No. 27131)

**WINDOW SCHEDULE**

TYPE	WIDTH	HEIGHT	HEAD	WAIL	NOTES
(A) SLIDE GLASS	2'-0"	4'-6"	6'-8"	VINTL	
(B) HANNING	3'-0"	3'-0"	6'-8"	VINTL	UPSLING HANNING WINDOW
(C) FIXED	2'-0"	3'-0"	6'-8"	VINTL	PRIVACY GLASS
(D) DOUBLE HUNG	2'-0"	3'-0"	6'-8"	VINTL	
(E) DOUBLE HUNG	3'-0"	5'-0"	8'-4"	VINTL	

**DOOR SCHEDULE**

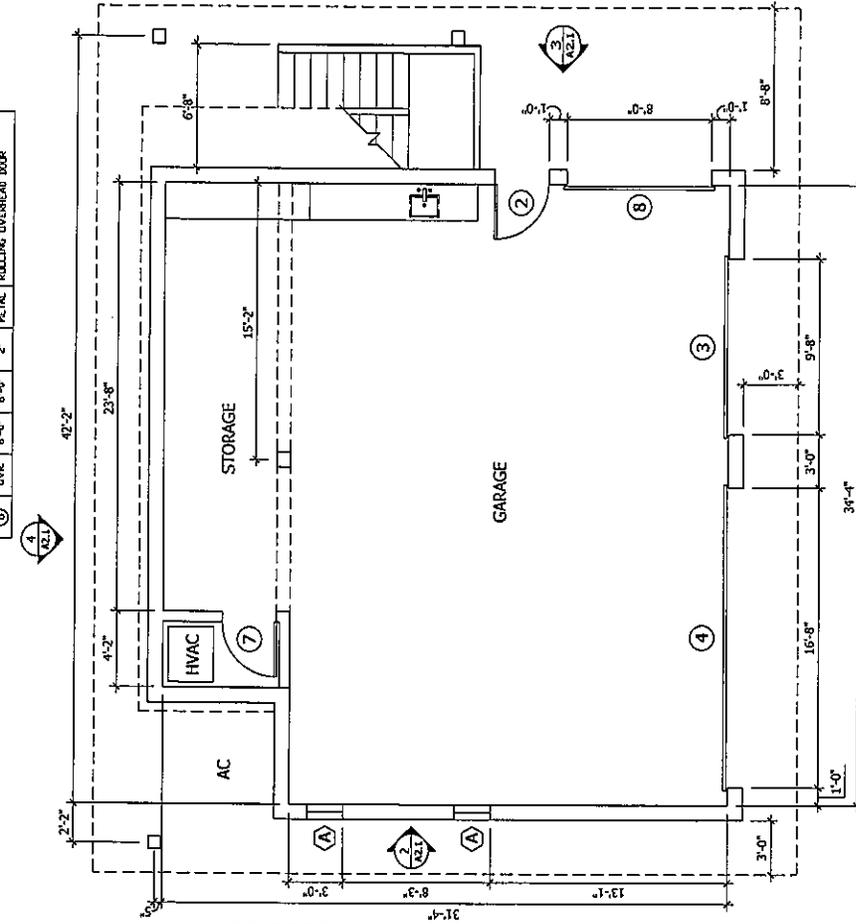
TYPE	WIDTH	HEIGHT	THICK.	MAT.	NOTES
(1) ENTRY	3'-0"	8'-0"	1-3/4"	WOOD	OUTSWING FRENCH PAINTED DOOR
(2) ENTRY	3'-0"	8'-0"	1-3/4"	METAL	EXTERIOR PANEL DOOR
(3) DIVR.	9'-4"	8'-4"	2"	METAL	DIVIDER GARAGE DOOR
(4) DIVR.	16'-8"	8'-0"	2"	METAL	DIVIDER GARAGE DOOR
(5) PANEL	2'-4"	6'-8"	1-3/8"	WOOD	INTERIOR PANEL DOOR
(6) PANEL	2'-4"	6'-8"	1-3/8"	WOOD	INTERIOR PANEL DOOR
(7) PANEL	3'-0"	6'-8"	1-3/8"	WOOD	INTERIOR PANEL DOOR
(8) DIVR.	8'-0"	8'-0"	2"	METAL	ROLLING OVERHEAD DOOR



**SECOND FLOOR PLAN**

Panel C

SCALE: 3/8" = 1'-0"



**FIRST FLOOR PLAN**

SCALE: 3/8" = 1'-0"

DATE: MARCH 29, 2018  
 DRAWN BY: JMS  
 CHECKED BY: JMS  
 PROJECT NO.: 171101  
 REVISIONS:

PATTESSON GARAGE HOUSE  
 1542 STEMONS AVENUE  
 DALLAS, TEXAS 75208

**Kochwork**  
 ARCHITECTS  
 1110 W. 14TH STREET  
 DALLAS, TX 75208  
 214-773-8522  
 info@kochwork.com

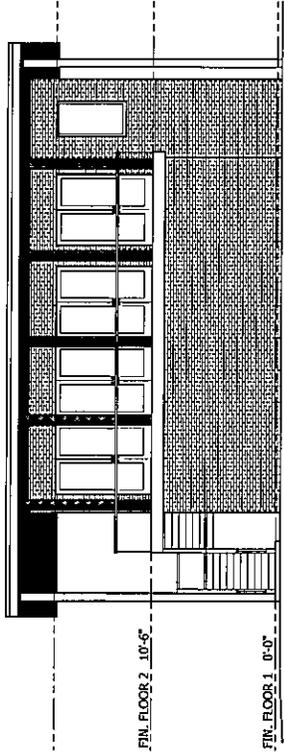


PATTON GARAGE HOUSE  
 1542 STEWART AVENUE  
 DALLAS, TEXAS 75208

DATE: MARCH 28, 2018  
 DRAWN BY: JMS  
 CHECKED BY: JMS  
 PROJECT NO.: 1931.01

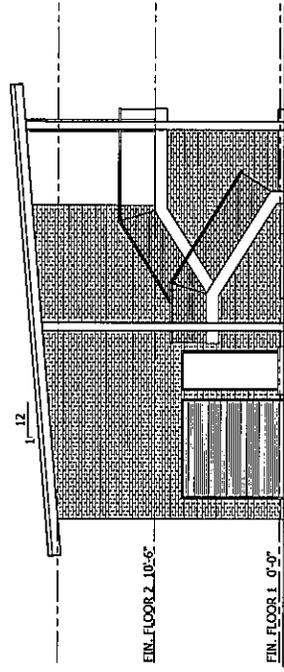
A2.1

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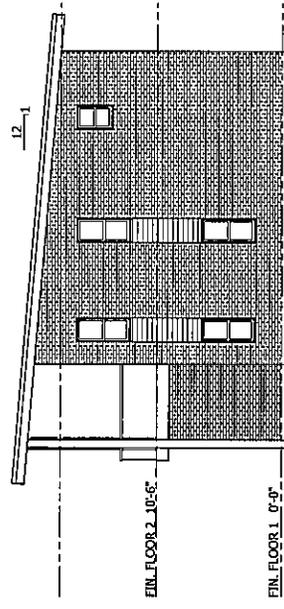
① NORTH ELEVATION

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



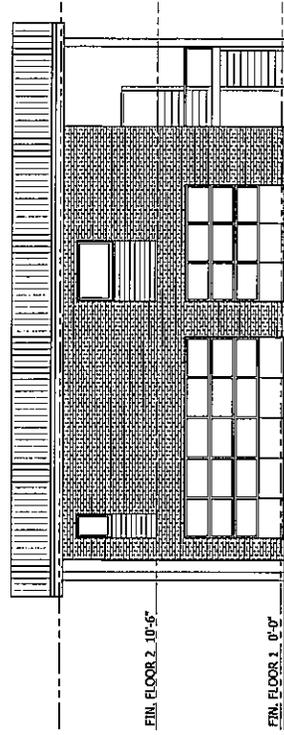
③ EAST ELEVATION

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



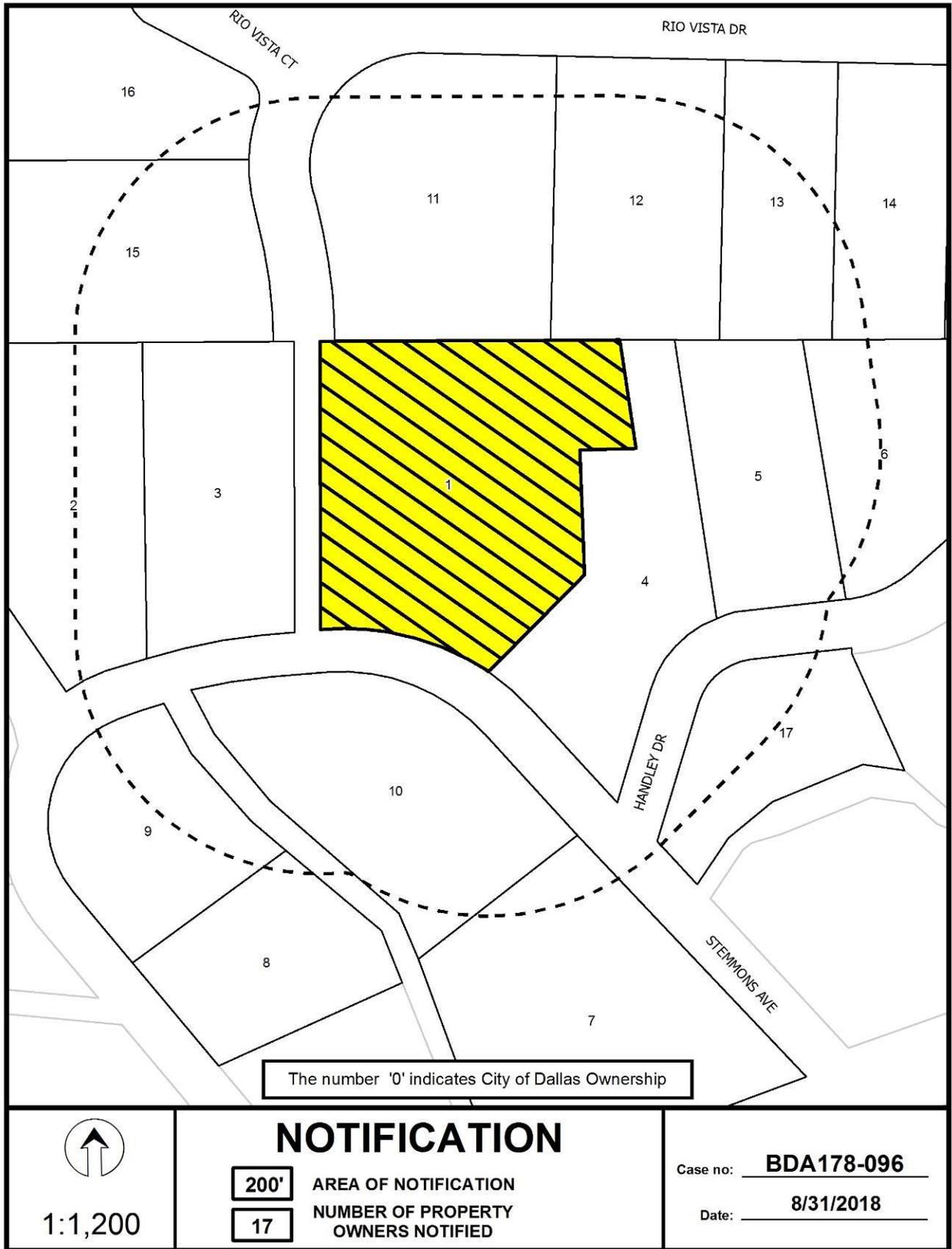
② WEST ELEVATION

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



④ SOUTH ELEVATION

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



# *Notification List of Property Owners*

***BDA178-096***

***17 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1542 STEMMONS AVE	PATTERSON ROBERT K & AMBER L
2	303 EVERGREEN HILLS RD	KIM CAROLYN &
3	1550 STEMMONS AVE	ZIEGLER MARLA L
4	1528 STEMMONS AVE	MALONE THOMAS DEAN &
5	1654 HANDLEY DR	ROSEN MATTHEW
6	1640 HANDLEY DR	MALLINSON LUKE W &
7	215 W GREENBRIAR LN	MERLINO ANDREW &
8	1561 STEMMONS AVE	EBERHART BLAKE ALLEN & ANGELA NEYLON
9	1551 STEMMONS AVE	TINDLE DAVID WELDON
10	1535 STEMMONS AVE	BARLOW CLINTEN & WHITNEY
11	1707 RIO VISTA DR	MATHUR SANJAY S
12	1629 RIO VISTA DR	HALEY STEVEN A &
13	1625 RIO VISTA DR	HARTIN R BRUCE II &
14	1619 RIO VISTA DR	WARREN MARK W & FAITH C
15	1726 RIO VISTA DR	DASILVA HUGO C JR &
16	1718 RIO VISTA DR	SOSSAMON MICHAEL D & CHERRY H
17	1655 HANDLEY DR	CANAVATI NATALIE

**FILE NUMBER:** BDA178-098(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Nicolas Villalba for a special exception to the single family use regulations at 4802 Iberia Avenue. This property is more fully described as Lot 1A, Block 15/8570, and is zoned MU-1, which limits the number of dwelling units for a single family use in this zoning district to one. The applicant proposes to construct and/or maintain an additional dwelling unit for a single family use, which will require a special exception to the single family use regulations.

**LOCATION:** 4802 Iberia Avenue

**APPLICANT:** Nicolas Villalba

**REQUEST:**

A request for a special exception to the single family use regulations is made to construct and maintain a one-story additional "dwelling unit" structure on a site that is being developed with a two-story main single family home/dwelling unit structure.

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

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MU-1 Mixed Use District  
North: IM Industrial Manufacturing

South: IR Industrial Research District  
East: IR Industrial Research District; SUP No. 1241  
West: IR Industrial Research District

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the single family use regulations focuses on constructing and maintaining a one-story additional “dwelling unit” structure on a site that is being developed with a two-story main single family home/dwelling unit structure.
- The site is zoned MU-1 where the Dallas Development Code permits moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites per lot.
- The residential use regulations of the Dallas Development Code defines a duplex as two dwelling units located on a lot and limits the duplex to only one main building per lot.
- The residential use regulations of the Dallas Development Code defines multifamily as three or more dwelling units located on a lot.
- The submitted site plan for this application denotes the locations of two building footprints for two separate dwelling units. Since the proposal does not meet the residential use regulations of the Dallas Development Code for a duplex or/and multifamily uses, Building Inspection has determined this proposal should be considered as a single family structure with an additional dwelling unit.
- The Dallas Development Code states that the board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the special exception will not: 1) be used as a rental accommodations; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the main dwelling structure and the proposed additional dwelling unit denoted as “guest house”.
- The submitted floor plan of what appears to be the “guest house” denoted on the site plan shows a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “guest house”, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made to: “accommodate family elders and accommodate visiting relatives”.
- DCAD records indicate “no main improvement” for the property at 4802 Iberia Avenue.
- According to the submitted site plan the main structure contains 3,247 square feet of total/living area and the additional dwelling unit structure contains 1,260 square feet.
- On August 24, 2018, the applicant provided two letters from his neighbors supporting the proposed additional dwelling unit, located at 4802 Iberia Avenue, to the Board of Adjustment Senior Planner (see Attachment A).
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “guest house” as an additional “dwelling unit”.

**Timeline:**

June 12, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

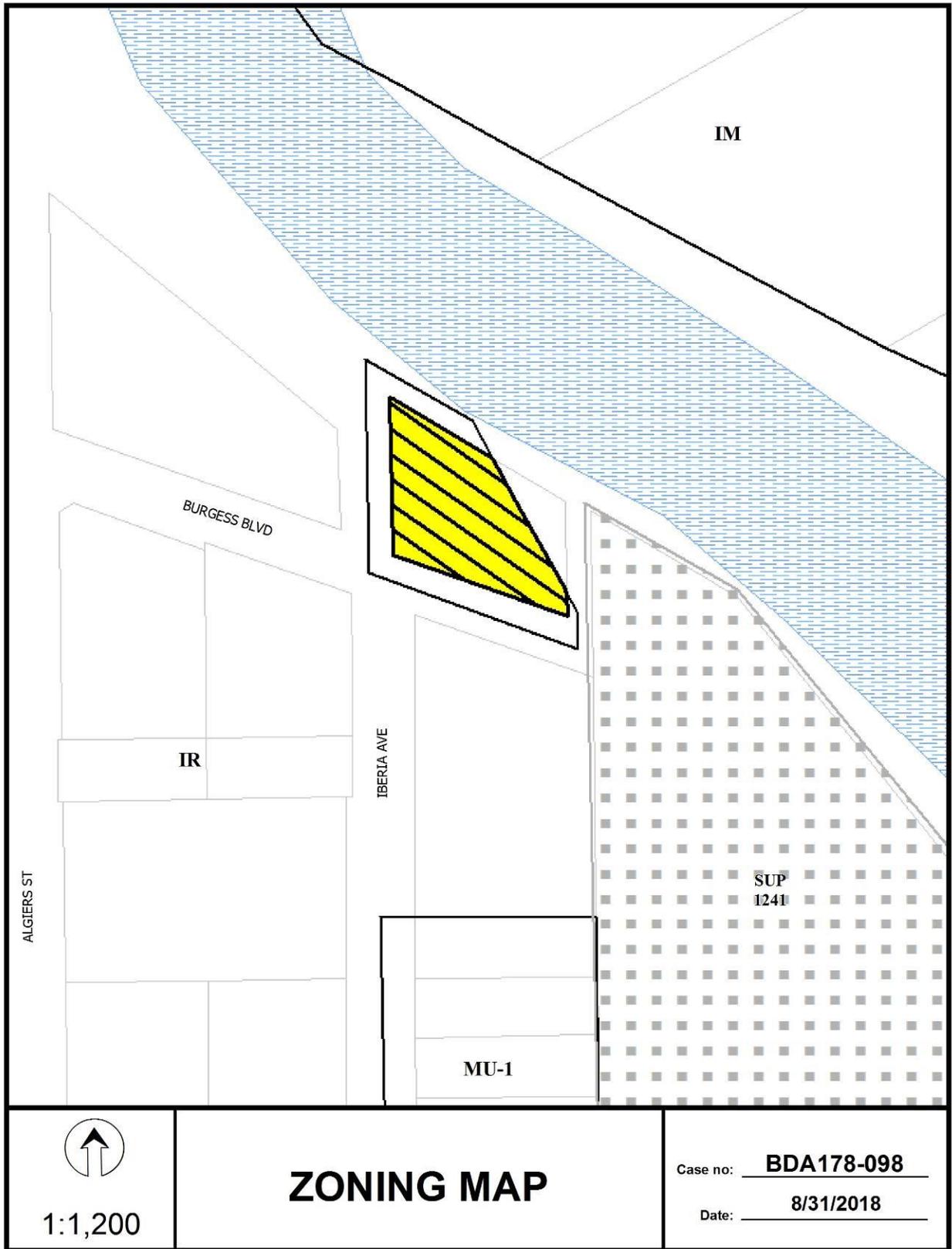
August 16, 2018: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 24, 2018: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA178-098

Date: 8/31/2018



 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA178-098</u> Date: <u>8/31/2018</u>
--	---------------------	--

BDA178-098 ATTACH A  
(PS  $\frac{2}{2}$ )

August 24, 2018

To Whom It May Concern:

Regarding case # BDA178-098 – Additional Dwelling at 4802 Iberia.

I am a neighbor across the street, at 4770 Iberia Ave., Unit #10.

I support Nicolas Villalba and Bryan Johnson in their request to construct an additional dwelling on their property.

Sincerely,

Hannah Ouellette

Hannah.I.Ouellete@Gmail.com

A handwritten signature in black ink, appearing to read 'Hannah Ouellette', with a long horizontal flourish extending to the right.

770-634-4115

BDA 178-098 ATTACH 14  
(pg 1/2)

August 24, 2018

To Whom It May Concern:

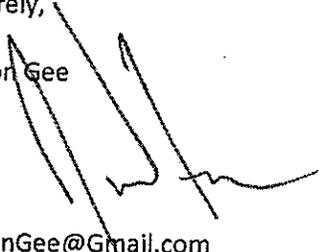
Regarding case # BDA178-098 – Additional Dwelling at 4802 Iberia.

I am the neighbor across the street, at 4770 Iberia Ave., Unit #9.

I support Nicolas Villalba and Bryan Johnson in their request to construct an additional dwelling on their property.

Sincerely,

Damon Gee

  
DamonGee@Gmail.com

972-603-5177



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-098

Date: 6/12/2018

Data Relative to Subject Property:

Location address: 4802 IBERIA AVE, DALLAS, TX Zoning District: MU-1

Lot No.: 1A Block No.: 15/8570 Acreage: .496 Census Tract: 100.0

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): NICOLAS VILLALBA + BRYAN JOHNSON

Applicant: NICOLAS VILLALBA Telephone: 469-441-8508

Mailing Address: 1300 N. RIVERFRONT BLVD. Zip Code: 75207

E-mail Address: NICOLAS @ NICOLAS DESIGNS. COM

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of SECOND DWELLING ON LOT WITH SINGLE FAMILY RESIDENCE

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 A SECOND DWELLING ON OUR PROPERTY TO ACCOMMODATE FAMILY ELDERLY AND VISITING RELATIVES. SECOND DWELLING WILL BE DEED RESTRICTED FOR NON RENTAL PROPERTY.

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

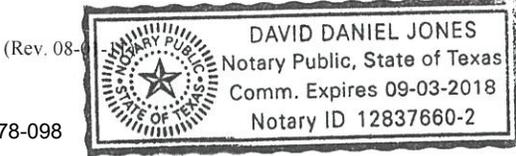
Affidavit

Before me the undersigned on this day personally appeared NICOLAS VILLALBA (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.

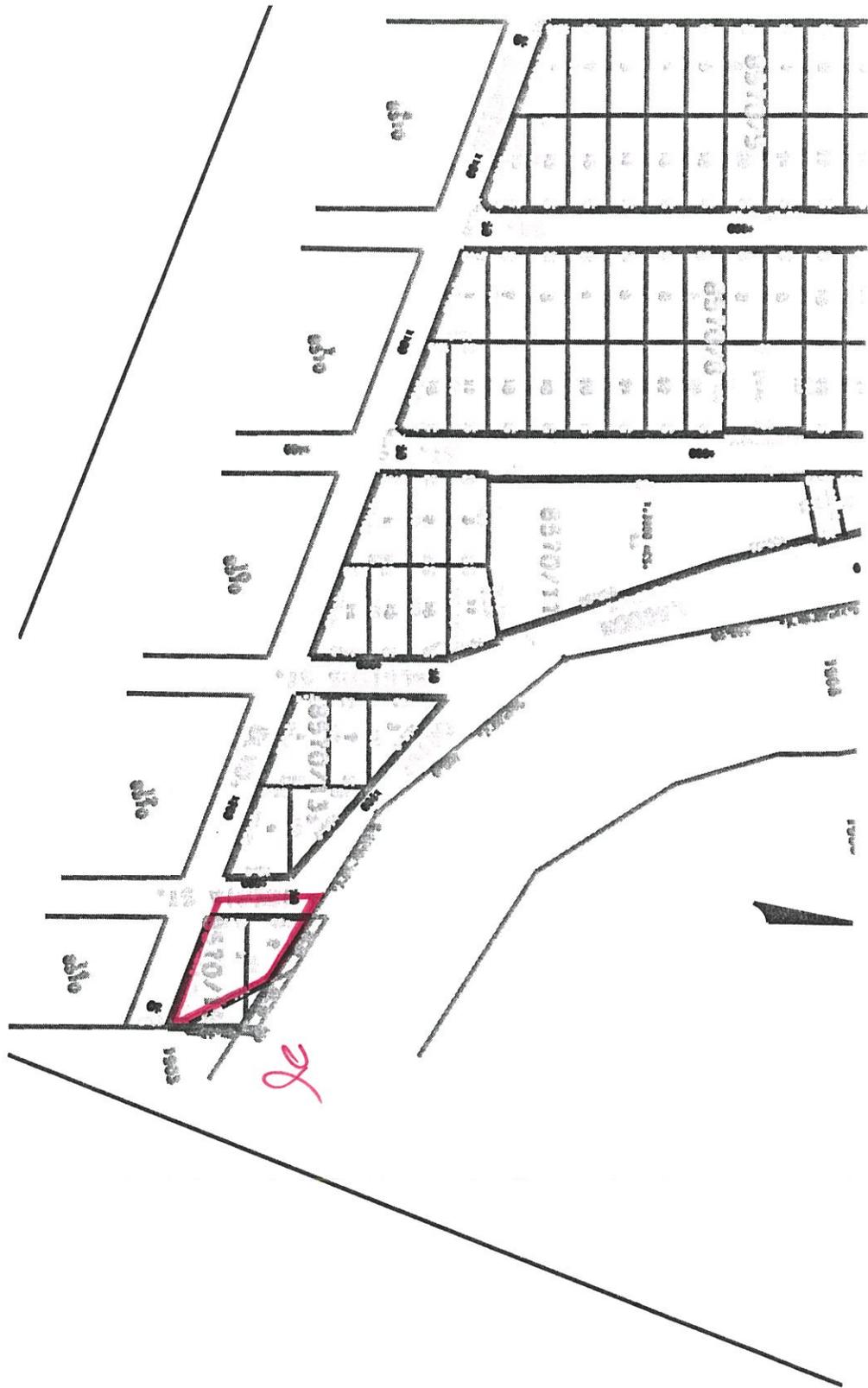
Respectfully submitted: [Signature] (Affiant/Applicant's signature)

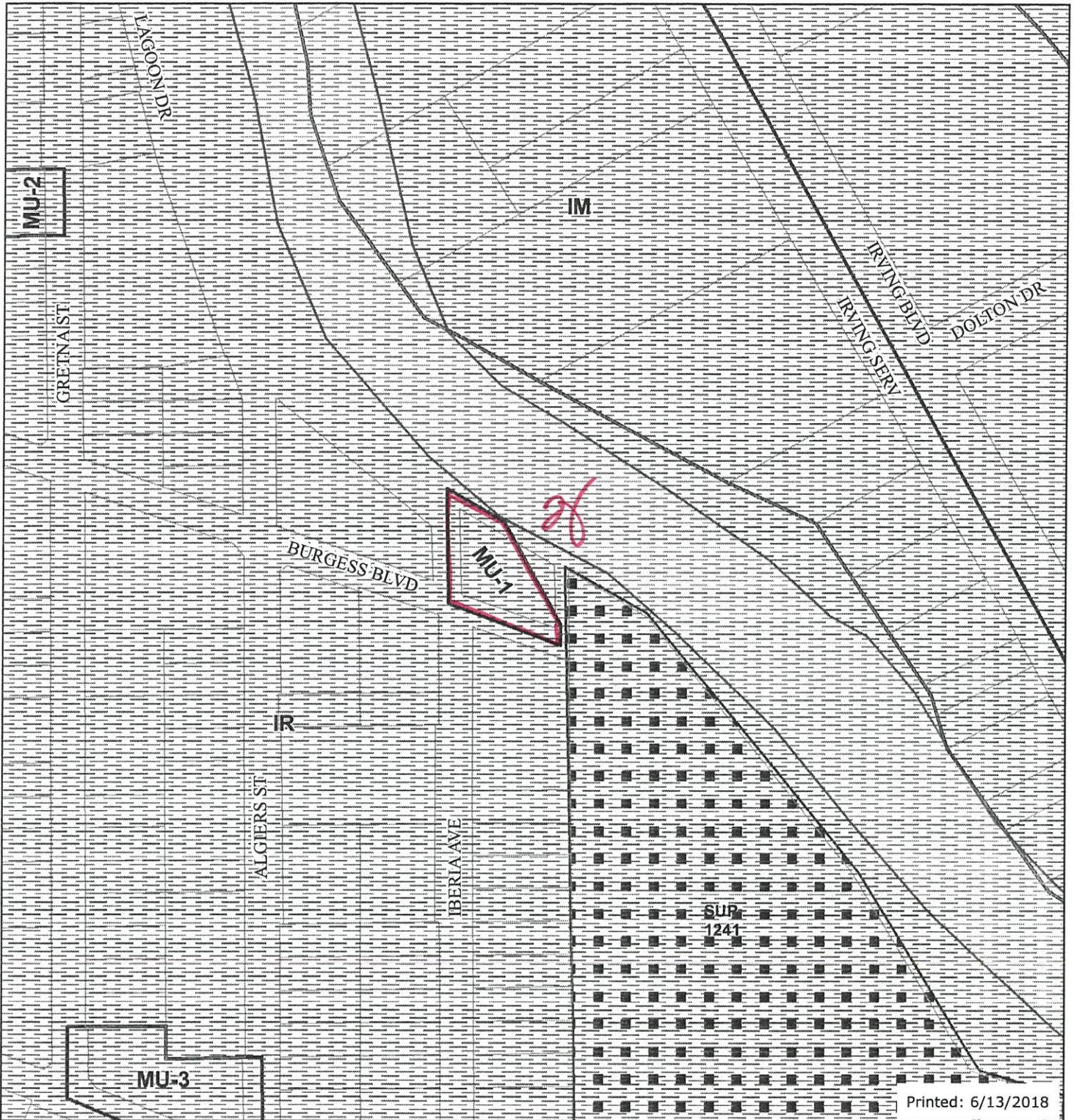
Subscribed and sworn to before me this 12 day of June, 2018



Notary Public in and for Dallas County, Texas







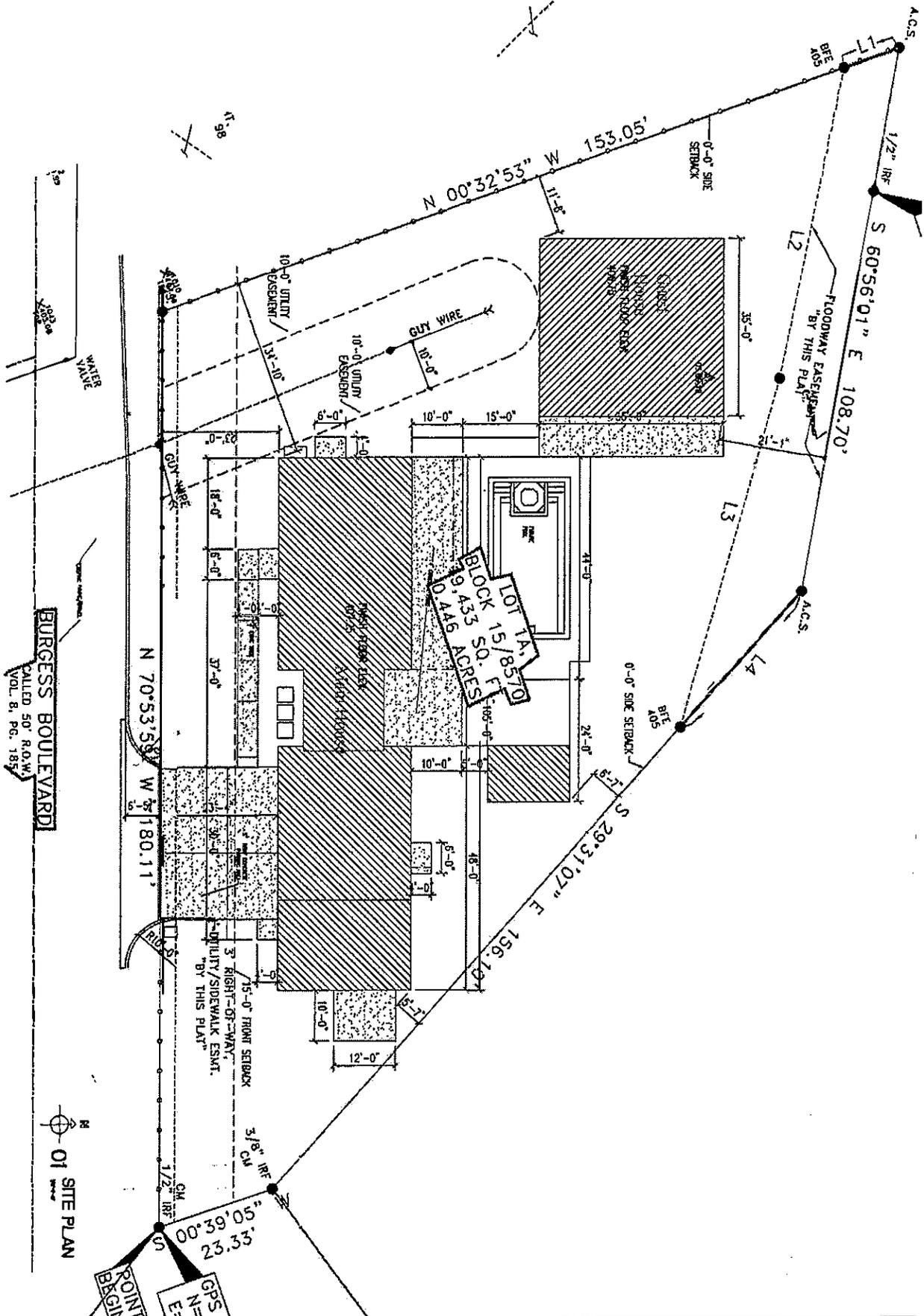
Printed: 6/13/2018

### Legend

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

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**BURGESS BOULEVARD**  
 CALLED 50' R.O.W.  
 VOL. 8, PG. 185

**01 SITE PLAN**

Sheet  
**A1.00**

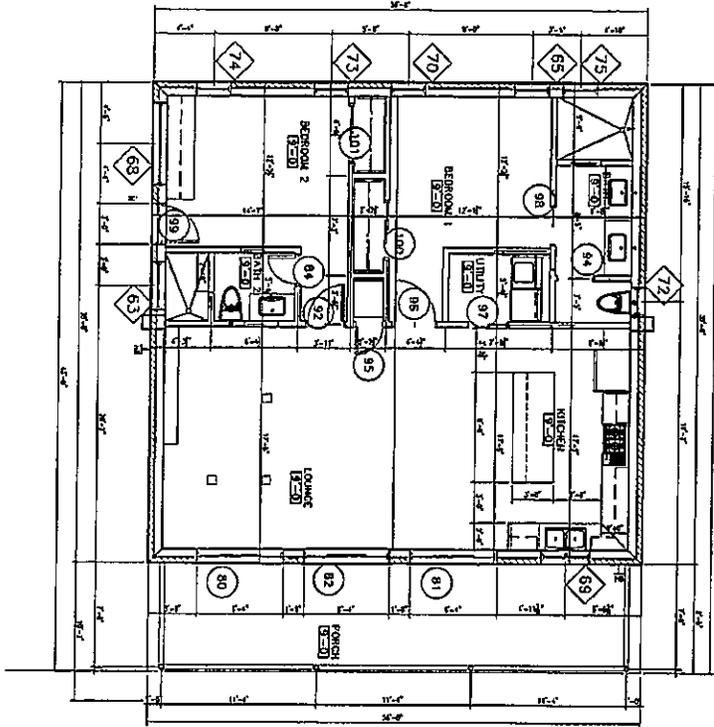
Date  
 04.05.18  
 Revision  
 06.14.18

**Johnson-Villalba Residence**  
 4802 Iberia  
 Dallas, TX

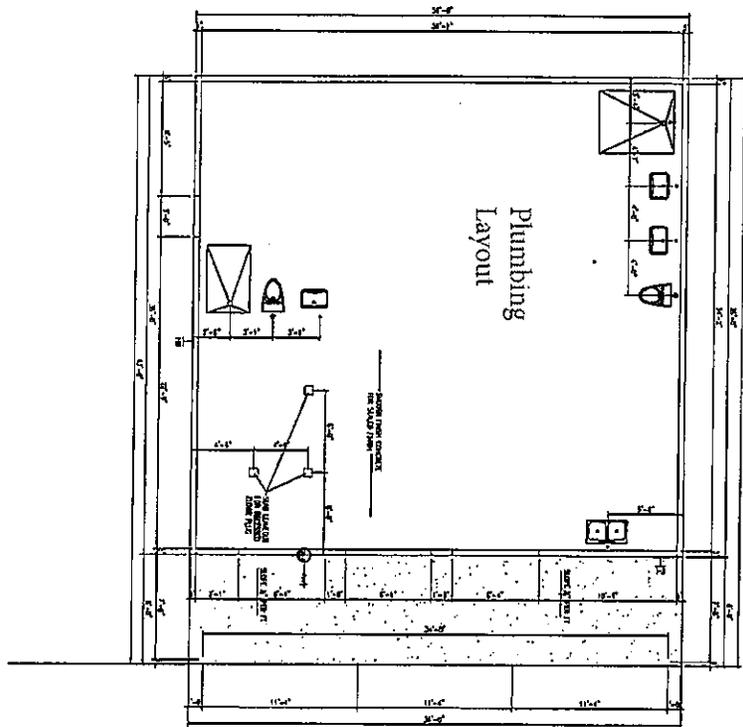
Project



Guest House  
Floor Plan



02 FLOOR PLAN-GUEST HOUSE



01 SLAB PLAN-GUEST HOUSE



MARK NELSON DESIGN

Project

Johnson-Villalba Residence  
4802 Iberia  
Dallas, TX

Date  
04.05.18

Revision



Sheet  
A6.01



## Trammell, Charles

---

**From:** Nicolas Villalba <Nicolas@NicolasDesigns.com>  
**Sent:** Saturday, August 11, 2018 6:06 AM  
**To:** Trammell, Charles  
**Cc:** bryanejohnson@gmail.com  
**Subject:** RE: BDA178-098

Good Morning, Charles

I've been out of town, and without access to email, so I am just now getting this request. My apologies for the delay.

1. **MAIN HOUSE**

- House – 3,247 SF
- Covered Porch – 343 SF
- Outdoor Shed – 320 SF
- Garage – 775 SF
- Driveway – 690 SF
- **TOTAL MAIN HOUSE: 5,375 SF**

2. **ADDITIONAL DWELLING**

- Guest House – 1,260 SF
- Covered Porch – 266 SF
- **TOTAL ADDITIONAL DWELLING: 1,526 SF**

3. **LOT COVERAGE**

- Total Structure Coverage: 6,901 SF
- Total Lot Area: 9,433 SF
- **LOT COVERAGE PERCENTAGE: 73.15%**

Please let me know if you need anything else from me at this time. I am back in the office on Monday, August 13<sup>th</sup>.

Thank you,

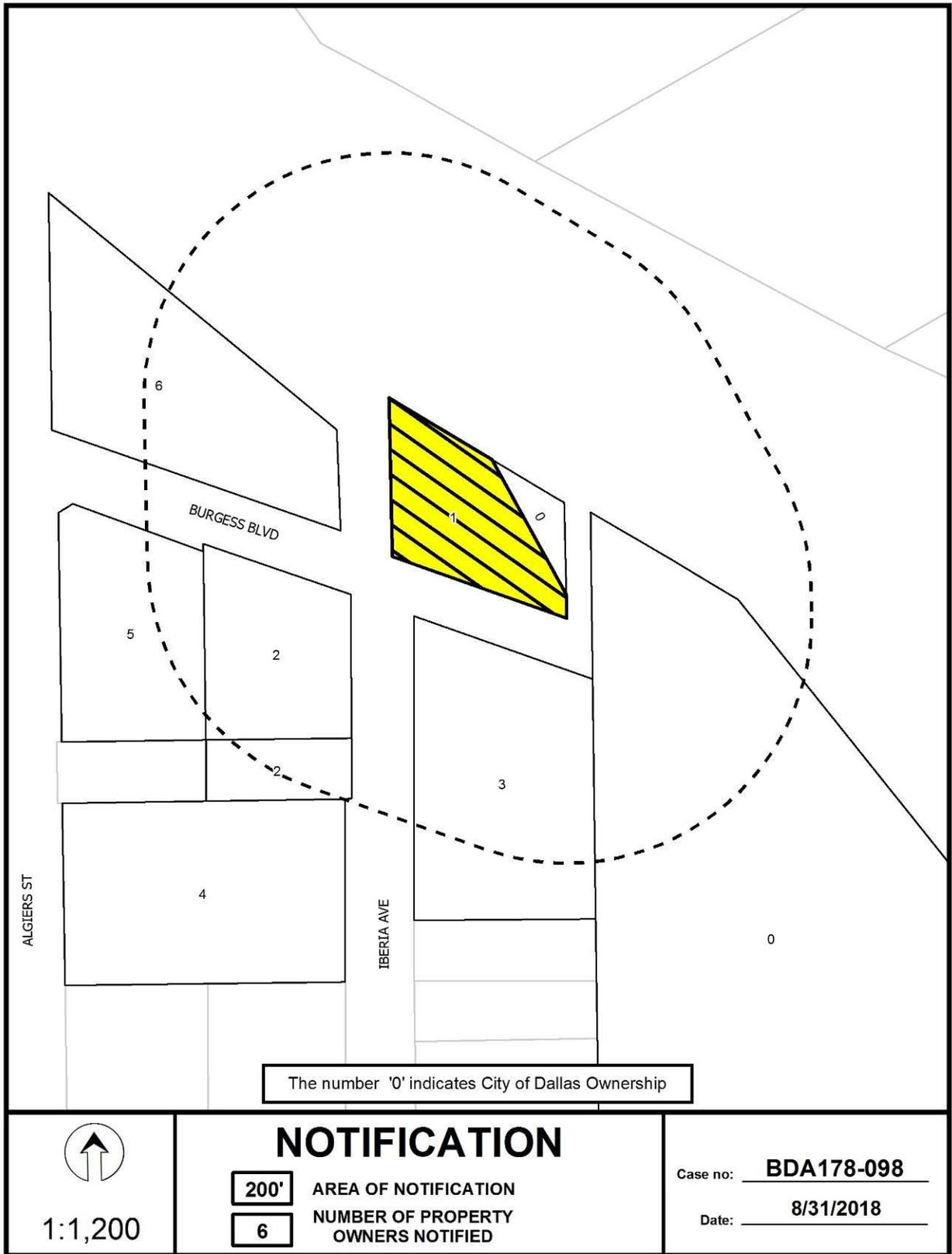
Nicolas

**From:** Trammell, Charles [mailto:charles.trammell@dallascityhall.com]  
**Sent:** Monday, August 6, 2018 1:10 PM  
**To:** Nicolas Villalba  
**Subject:** BDA178-098

Hi Nick,

I need you to provide to me in an attachment the following please;

- 1) Sqft of main house
- 2) Sqft of additional dwelling unit
- 3) The lot coverage percentage



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**6**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-098**

Date: **8/31/2018**

# *Notification List of Property Owners*

***BDA178-098***

## ***6 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4802 IBERIA AVE	VILLALBA NICOLAS &
2	4767 IBERIA AVE	THE SPOT STUDIO INC
3	4770 IBERIA AVE	MACHINE TOOL & REPAIR INC
4	4748 ALGIERS ST	ELECTRIC LIGHT & POWER
5	4774 ALGIERS ST	KITCHEN DOG THEATER COMPANY
6	4814 ALGIERS ST	ADLER PPTY COMPANIES LLP

**FILE NUMBER:** BDA178-102(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Paul E. Turner, represented by Paula Lane, for a special exception to the single family use regulations at 8533 Stults Road. This property is more fully described as Lot 3, Block 7506, and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

**LOCATION:** 8533 Stults Road

**APPLICANT:** Paul E. Turner,  
Represented by Paula Lane

**REQUEST:**

A request for a special exception to the single family use regulations is made to construct and maintain a one-story additional "dwelling unit" structure on a site developed with a one-story main single family home/dwelling unit structure.

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

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

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

**STAFF RECOMMENDATION:**

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

**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: PD 456 (Planned Development)  
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 for a special exception to the single family use regulations focuses on constructing and maintaining a one-story additional “dwelling unit” structure on a site developed with a one-story main single family home/dwelling unit structure.
- The site is zoned R-10(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code states that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the smaller of the two with what appears to be the existing single family main structure and the proposed additional dwelling unit denoted as “one-story residence”.
- The submitted floor plan of what appears to be the “one-story residence” denoted on the site plan shows a number of rooms/features that Building Inspection has

determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”

- This request centers on the function of what is proposed to be inside the bigger structure on the site – the “one-story residence”, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made for: “our parents are elderly (ages 81 and 75) and have asked us to build next to them to help them as they grow older. We are trying to meet their needs”.
- According to DCAD records, the “main improvement” for property addressed at 8533 Stults Road is a structure built in 2004 with 2,480 square feet of total/living area with the following “additional improvements”: a 529 square feet attached garage, a 336 square feet attached carport, a 100 storage building, and a 24 square feet storage space.
- According to the submitted site plan the main structure contains 2,480 square feet of total/living area and the additional dwelling unit structure contains 3015 square feet.
- On August 24, 2018, the applicant provided a letter and an email from her neighbors supporting the proposed additional dwelling unit, located at 8533 Stults, to the Board of Adjustment Senior Planner (see Attachment A).
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “living quarters” as an additional “dwelling unit”.

### **Timeline:**

June 25, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

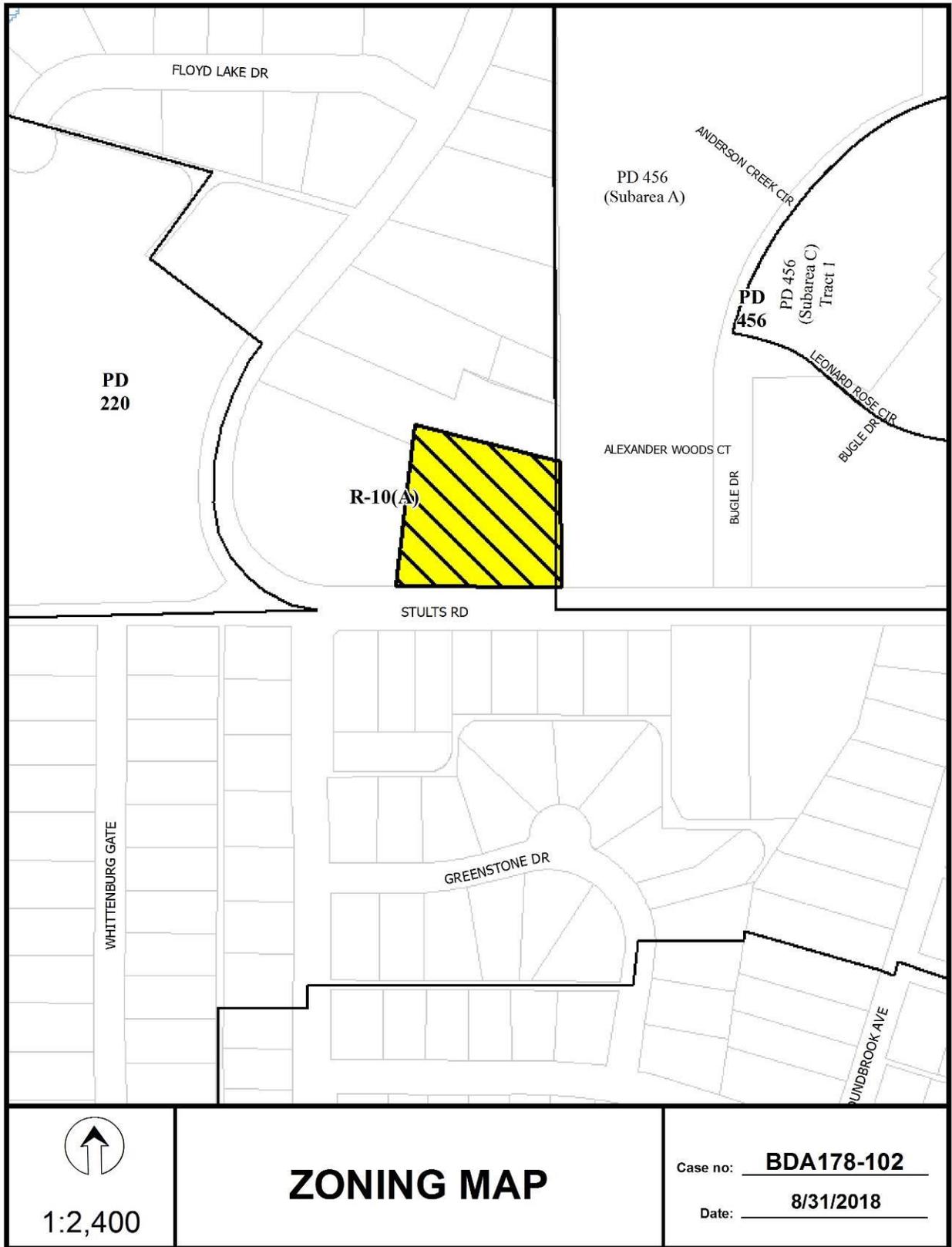
August 16, 2018: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 24, 2018: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

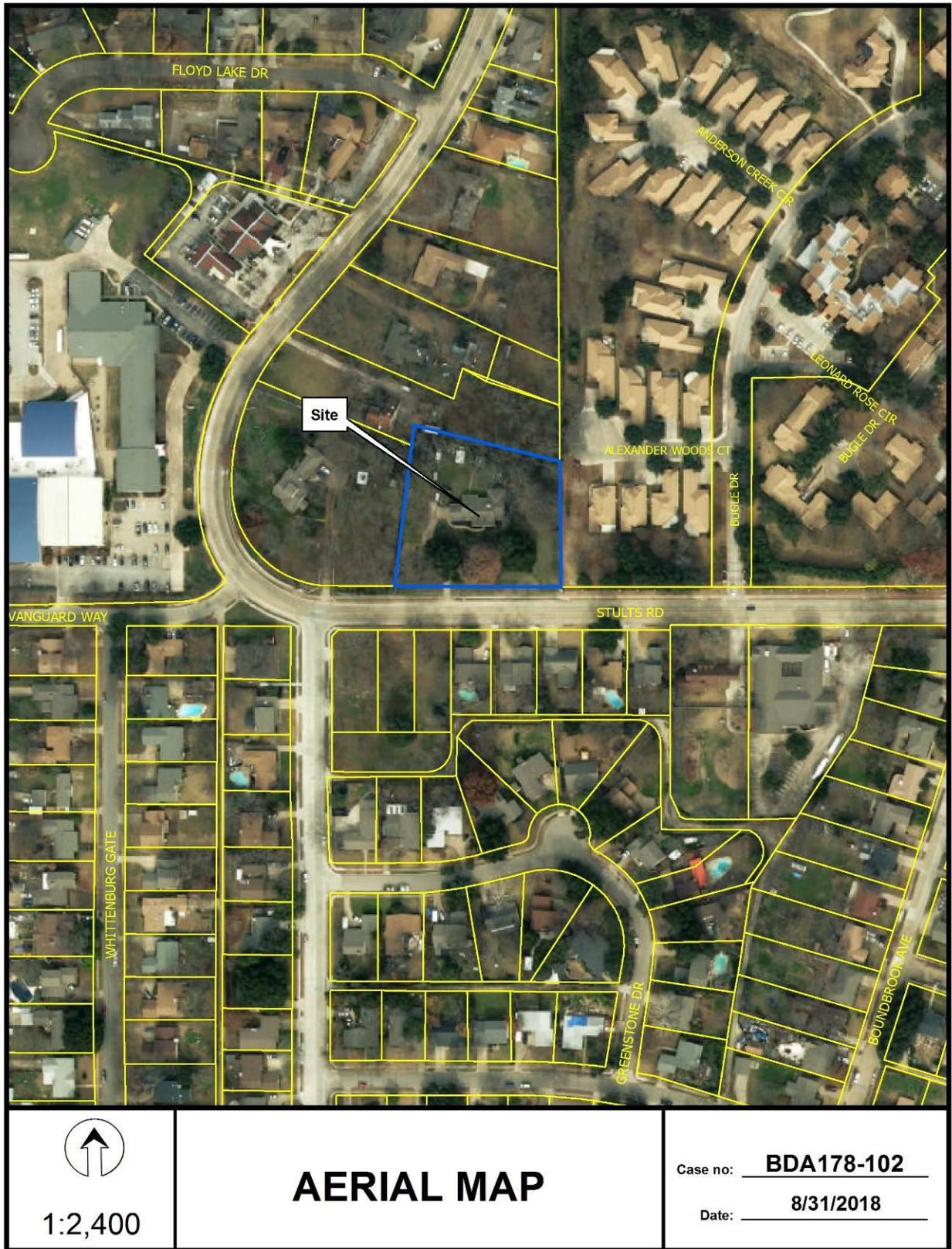
No review comment sheets were submitted in conjunction with this application.



# ZONING MAP

Case no: **BDA178-102**

Date: **8/31/2018**



BDA178-102

ATTACH A  
(PS 1/2)

J. Keith and Pamela Baker  
8499 Stults Road  
Dallas, TX 75243

August 19, 2019

City of Dallas Board of Adjustment  
Dallas, Texas

RE: Case # BDA #178-102 - Set for Public Hearing 9/17/18

To whom it may concern:

The purpose of this letter is to offer our support for the construction of an additional home on the acreage owned by Mr. and Mrs. (Paul and Emma) Turner who reside on Stults Road in Dallas, Texas. Many properties in the area have several homes on the size lot that Mr. and Mrs. Turner own. Across the street from the Turner property alone, three new homes have been constructed on a smaller tract of land (and a fourth is scheduled to be constructed)

Again, we are in support of allowing Mr. and Mrs. Turner to build a second house on their property. Should you have questions, please feel free to contact us.

Respectfully submitted,

*Pamela Baker*

J. Keith and Pamela Baker

**From:** Paula Lane  
**Sent:** Sunday, August 26, 2018 12:04 PM  
**To:** Aguilera, Oscar E  
**Subject:** Fwd: 8526 Stults Rd Neighbors

Re: Case #BDA 178-102

Hi Oscar,

Below is another letter in support of the addition at 8533 Stults Road.

Thank you,  
Paula Lane

Begin forwarded message:

**From:** Gita Bhatia  
**Date:** August 26, 2018 at 10:26:57 AM CDT  
**To:** [lanep2001@me.com](mailto:lanep2001@me.com)  
**Subject:** 8526 Stults Rd Neighbors

Hi there, this is in response to Emma and Paul Turner's request to confirm that your neighbors at 8526 Stults Rd. are VERY supportive of you wanting to build on your own land for your parents. This is in regards to Case #BDA #178-102 for the City of Dallas Board of Adjustment.

Hope this is what you need from us!

Good luck and I hope you get this approved!

Kind regards,  
Gita Bhatia & Eric Wall



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-102

Data Relative to Subject Property:

Date: 6-25-2018

Location address: 8533 STULTS RD. DALLAS, TX 75243 Zoning District: R-10(A)

Lot No.: 3 Block No.: 7506 Acreage: \_\_\_\_\_ Census Tract: 7805

Street Frontage (in Feet): 1) 270 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): PAUL E. TURNER and EMMA S. TURNER

Applicant: PAUL E. TURNER Telephone: 214-503-0046

Mailing Address: 8533 STULTS ROAD, DALLAS, TX Zip Code: 75243

E-mail Address: lanep2001@me.com

Represented by: PAULA CANE Telephone: 214-679-6266

Mailing Address: 920 HAWTHORNE DR. LEWISVILLE, TX Zip Code: 75077

E-mail Address: lanep2001@me.com

Affirm that an appeal has been made for a Variance , or Special Exception , of building an additional dwelling on current lot next to existing residence.

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

our parents are elderly (ages 81 and 75) and have asked us to build next to them to help them as they grow older. we are trying to meet their needs.

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

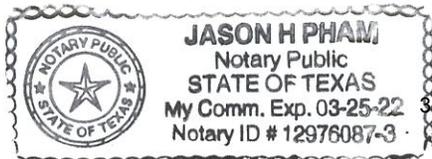
Before me the undersigned on this day personally appeared Paul E Turner

(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: Paul E. Turner  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 25<sup>th</sup> day of June, 2018



Jason Pham  
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

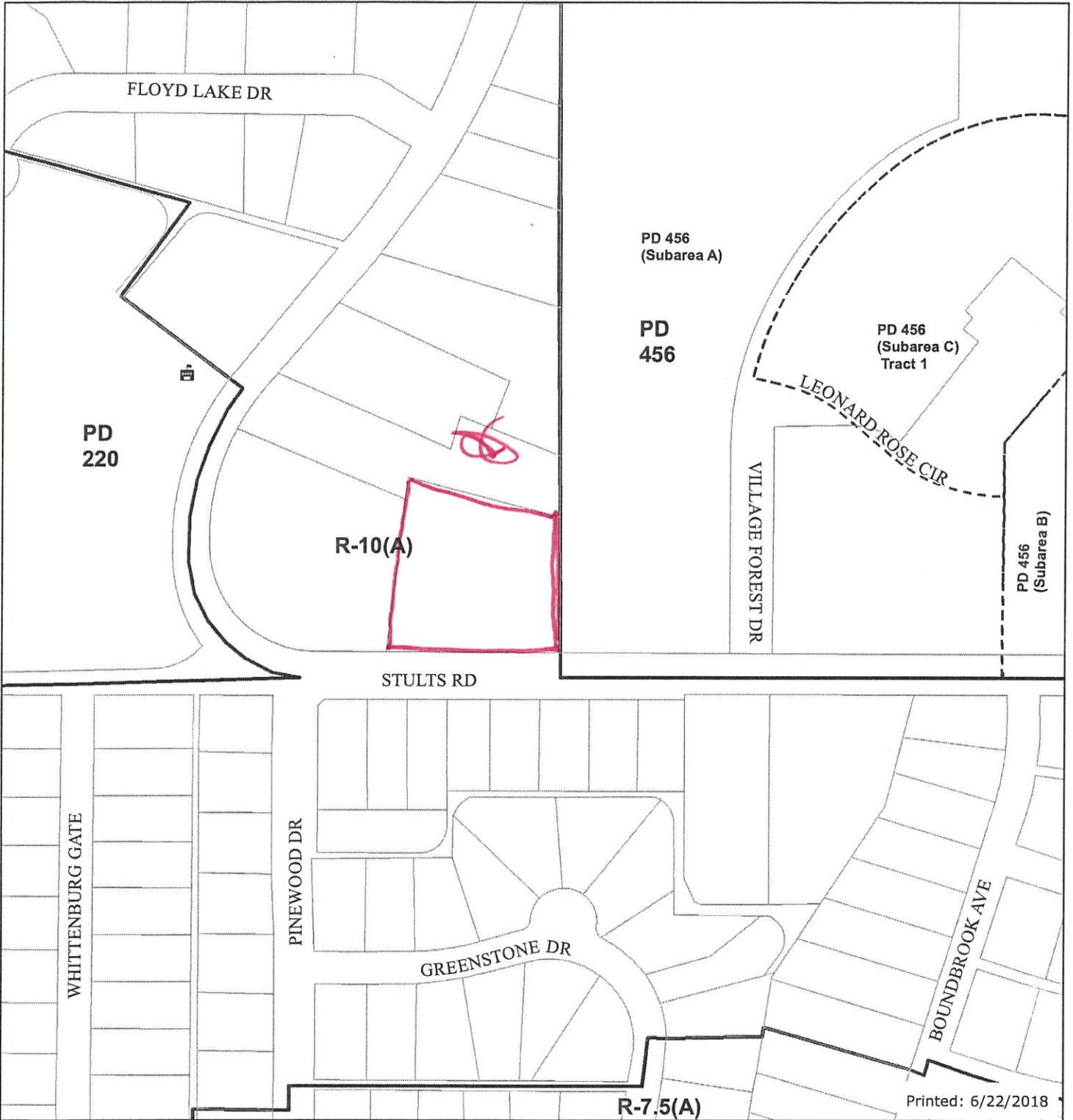
**Building Official's Report**

I hereby certify that Paul E Turner  
represented by PAULA LANE  
did submit a request for a special exception to the single family regulations  
at 8533 Stults Road

BDA178-102. Application of Paul E Turner represented by PAULA LANE for a special exception to the single family regulations at 8533 STULTS RD. This property is more fully described as Lot 3, Block 7506, and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



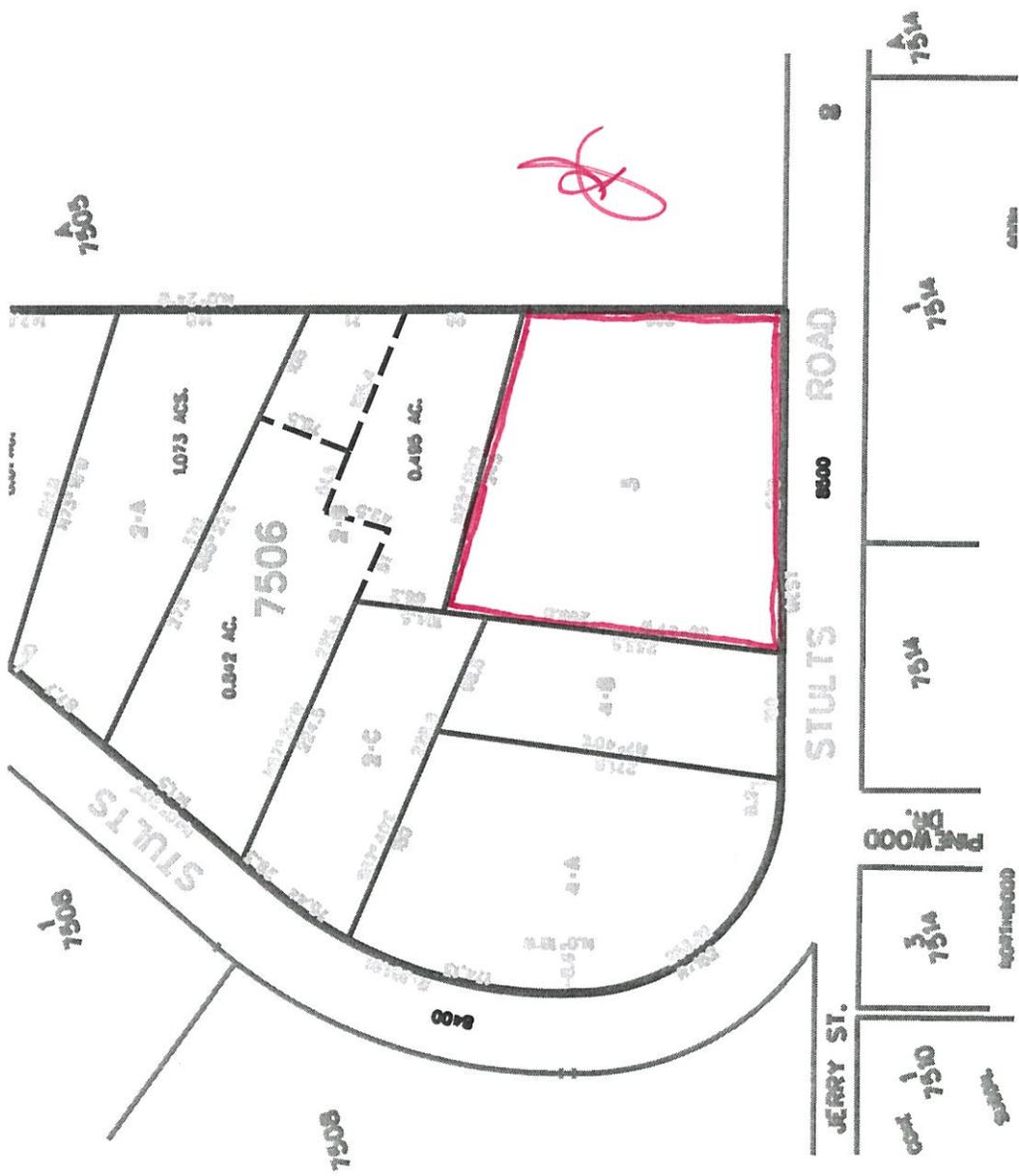
Printed: 6/22/2018

**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
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| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
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#1

Lane  
Residence

8533 Stults Road  
Dallas, TX 75243

DATE

**Thomas  
Briggs AIA**

Architect  
8987 Forest Lane  
Dallas, TX 75244  
972-979-4341  
tob19558@aol.com

**Christman  
Fifer**

Builder/Remodeler  
710 Presidential  
Richardson, Texas 75081  
214 727 7075  
christman@fifercustomhomes.com

**Thomas Briggs AIA**

Architect

4939 Forest Lane  
Dallas TX 75244  
972-979-4341  
tob19558@aol.com

**Fifer Custom Homes**

Christman Fifer  
Builder/Remodeler

710 Presidential  
Richardson, Texas 75081  
214 727 7075  
christman@fifercustomhomes.com

**Lane  
Residence**  
8533 Stults Road  
Dallas, TX 75243

DESIGN DRAWINGS  
JULY 13, 2018

DATE

**SHEET INDEX:**

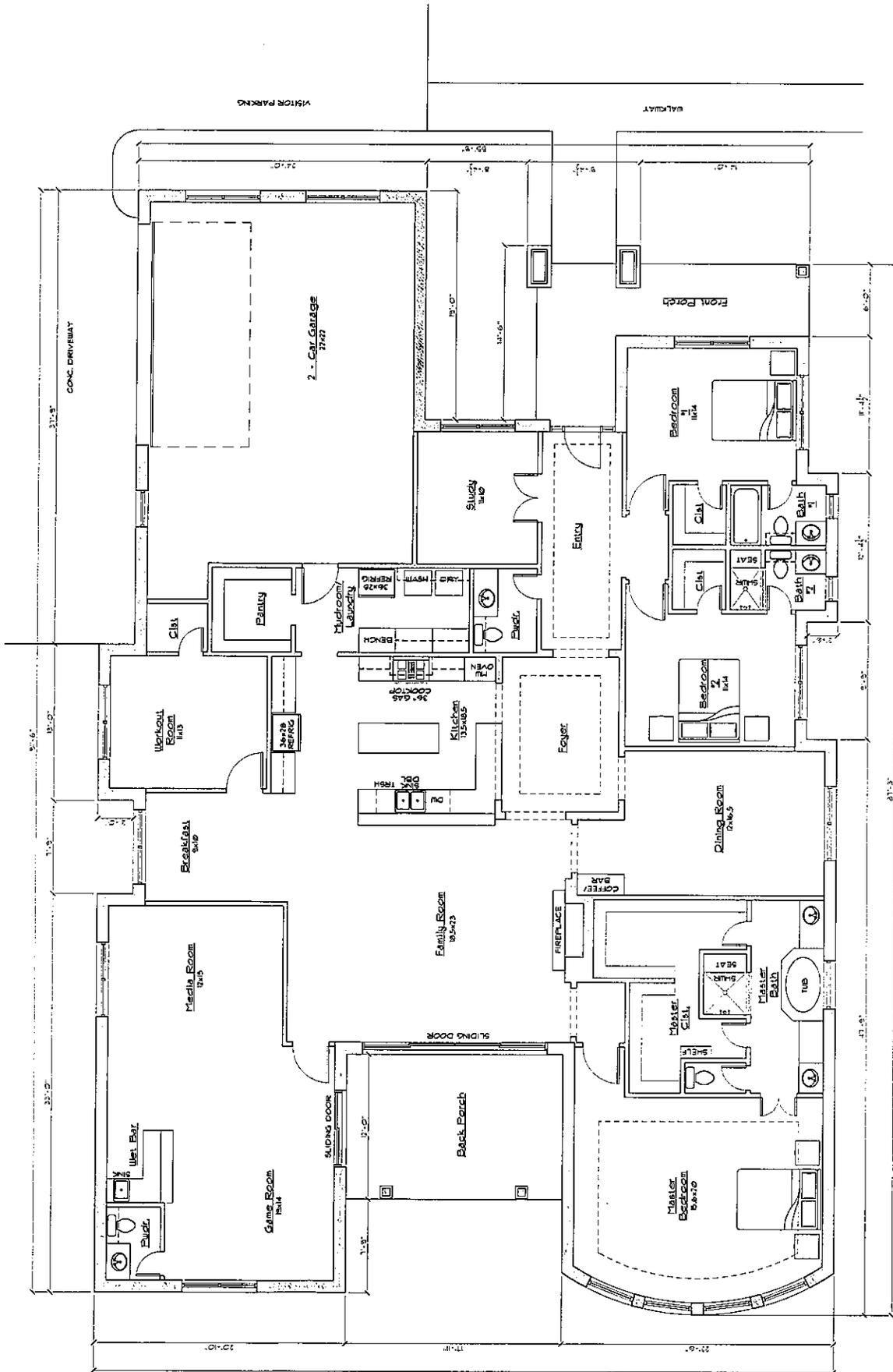
- A0 - Cover Sheet
- A1 - Site Plan
- A2 - Floor Plan
- A3 - Roof Plan
- A4 - Exterior Elevations
- A5 - Exterior Elevations

DATE

COVER SHEET

A0





**Floor Plan**  
SCALE: 1/4" = 1'-0"



Lane Residence

6333 SALS Road  
Dallas, TX 75243

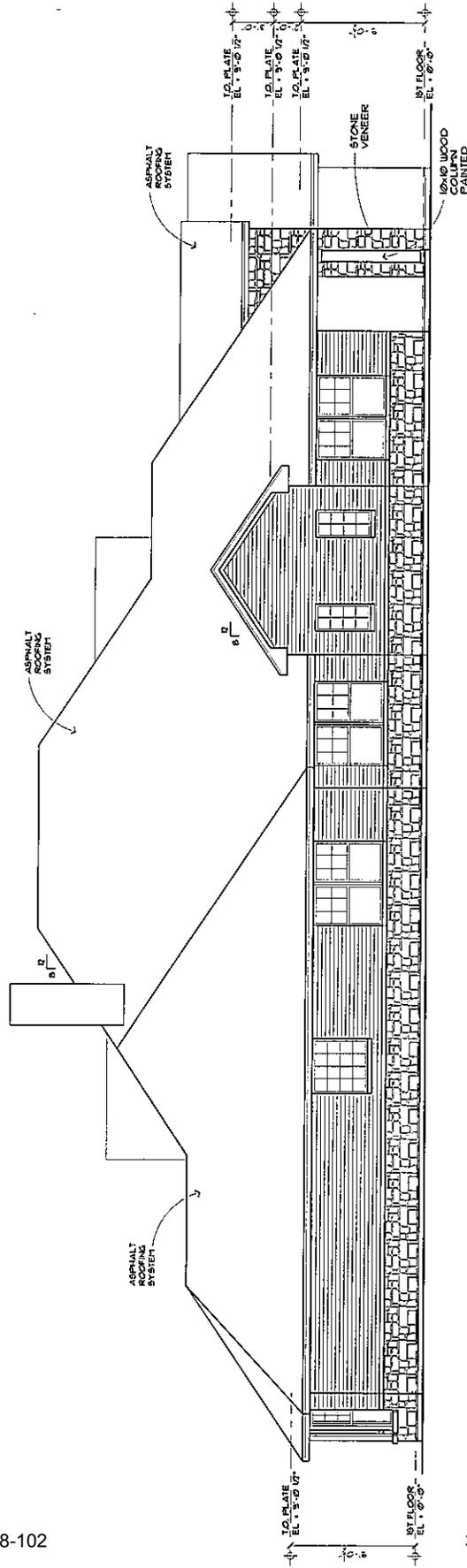
**Thomas Briggs AIA**  
Architect  
4847 Lyndale  
Dallas, TX 75243  
972.359.4341  
tbriggs@aia.com

**Christman Fifer**  
Builder/Remodeler  
710 Chickadee  
Richardson, Texas 75081  
214.727.8055  
christman@remodelers.com

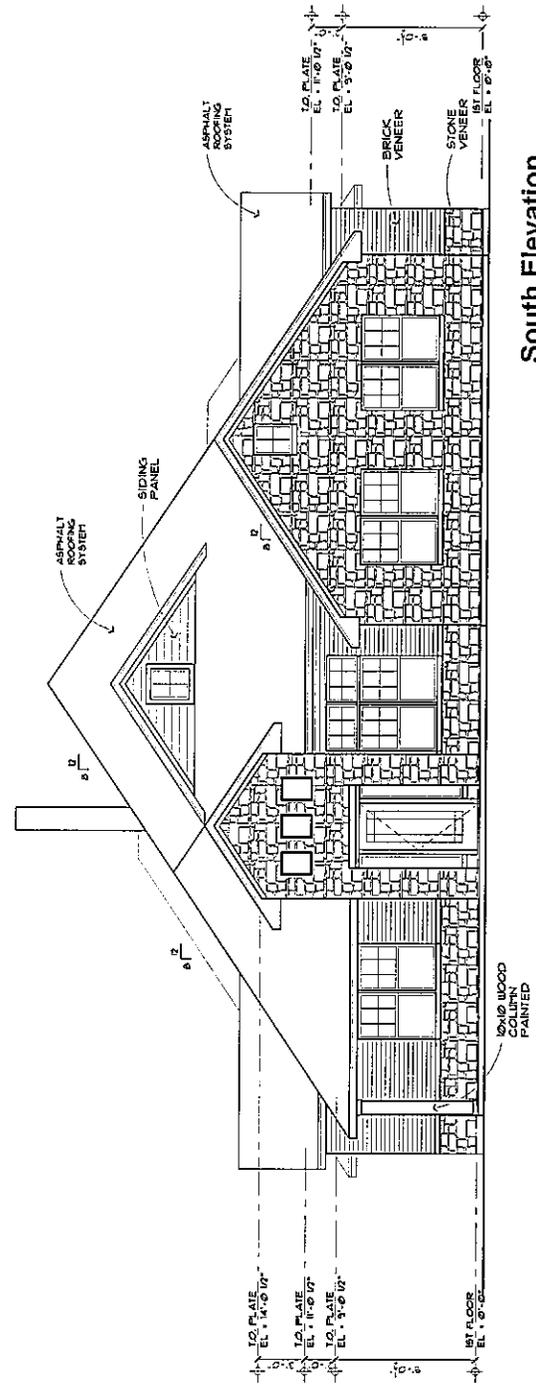
DATE: July 11, 2013  
JOB NO.: 2013.14  
PROJECT: LANE RESIDENCE

EXTERIOR ELEVATIONS

A4



**West Elevation**  
SCALE: 1/4" = 1'-0"



**South Elevation**  
SCALE: 1/4" = 1'-0"

Larrie  
Residence

8533 States Road  
Dallas, TX 75243

**Thomas  
Briggs AIA**  
Architect  
8181 Ross Lane  
Dallas, TX 75243  
972.919.4341  
tbriggs@aia.com

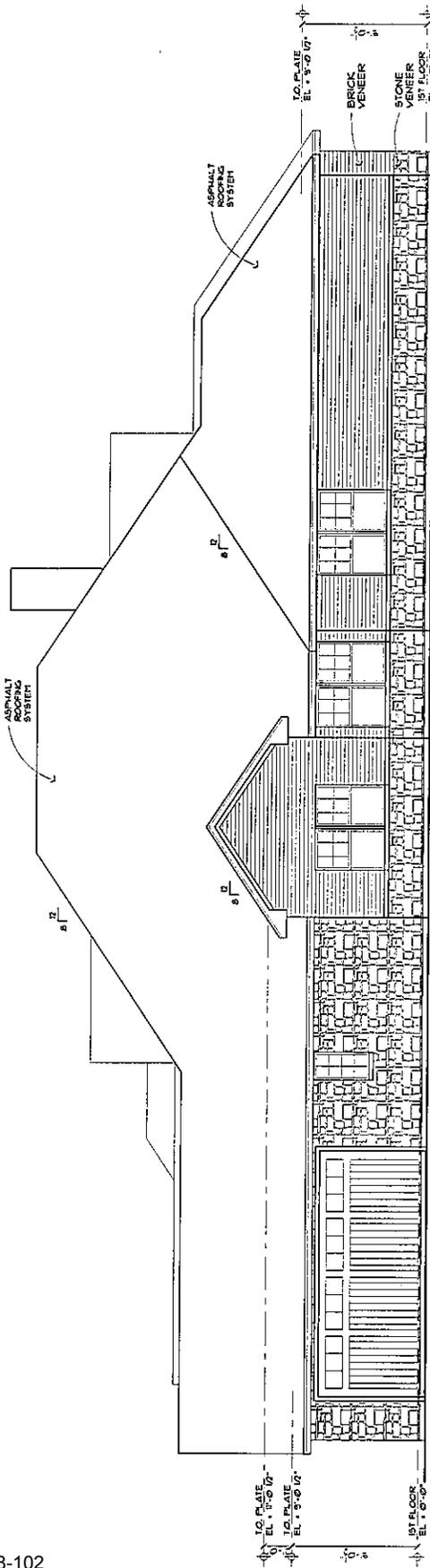
**Christman  
Fifer**  
Builder/Remodeler  
710 Franklin St  
Dallas, TX 75201  
214.277.7070  
christman@remodelpros.com

Revisions:

DATE: 04-13-2010  
DRAWN BY: JEFFREY  
CHECKED BY: JEFFREY  
DATE: 04-13-2010

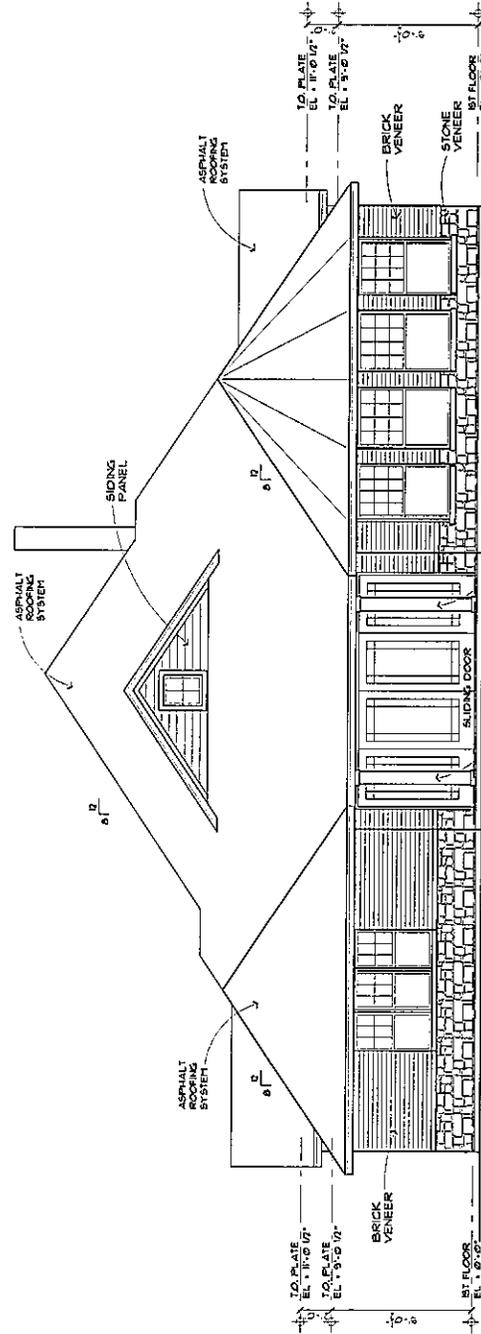
EXTERIOR  
ELEVATIONS

**A5**



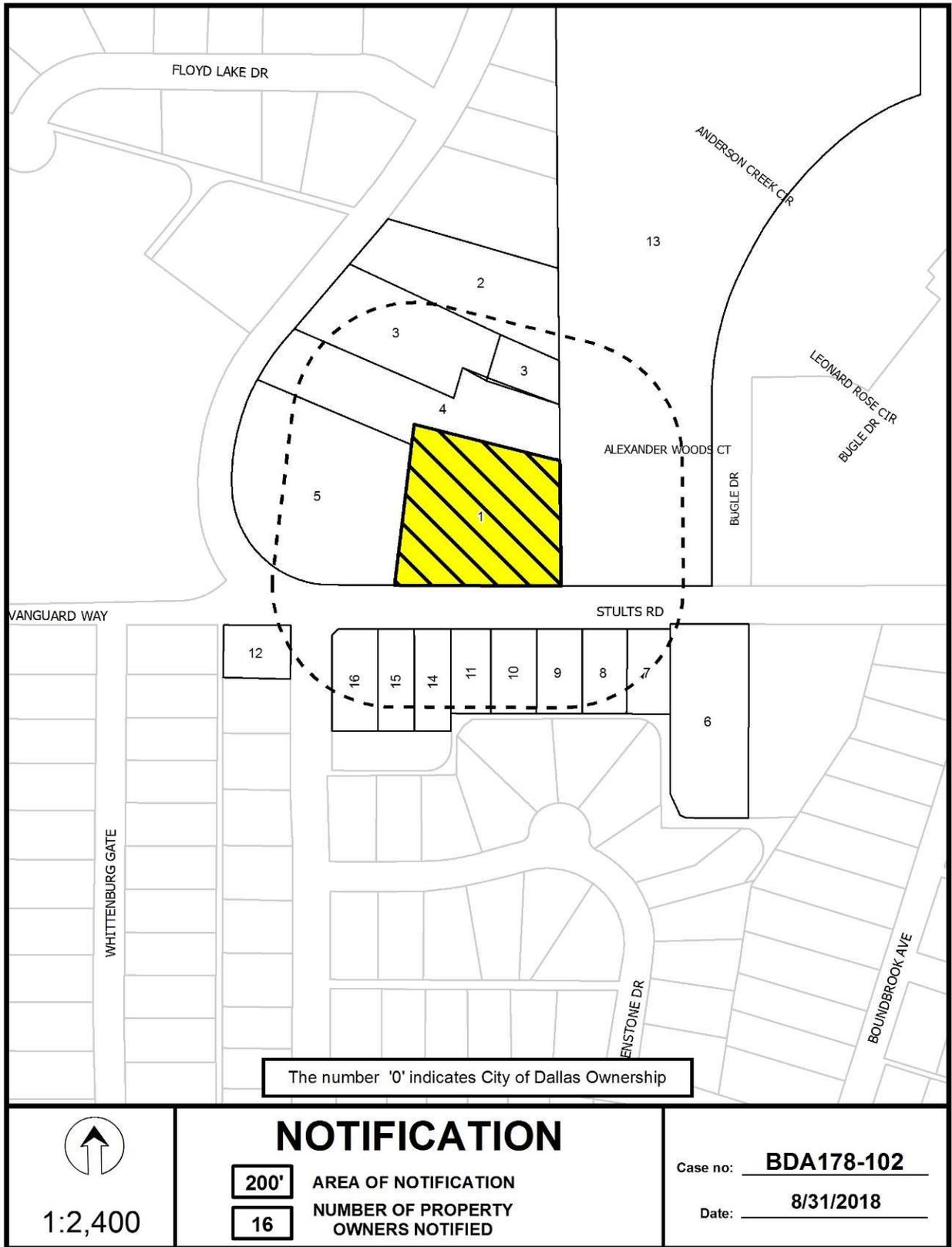
**East Elevation**

SCALE: 3/8" = 1'-0"



**North Elevation**

SCALE: 3/8" = 1'-0"



  
 1:2,400

## NOTIFICATION

<b>200'</b>	AREA OF NOTIFICATION
<b>16</b>	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-102**  
 Date: **8/31/2018**

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

### ***BDA178-102***

#### ***16 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8533 STULTS RD	TURNER PAUL E &
2	8473 STULTS RD	CARVAJAL MARY ELLEN
3	8483 STULTS RD	HOWELL THOMAS A & PAULA R
4	8487 STULTS RD	SINGH JATINDER
5	8499 STULTS RD	BAKER JAY KEITH &
6	8566 STULTS RD	YOUTH BELIEVING IN CHANGE INC
7	8550 STULTS RD	RUTCOMM LLC
8	8546 STULTS RD	TRATTER ANGELICA
9	8542 STULTS RD	PEUGH BRANDON R & COURTNEY B
10	8538 STULTS RD	BROWN DAVID
11	8534 STULTS RD	JOHNSON JOHN P ETAL
12	9433 PINWOOD DR	SCHMITZ NANCY J
13	8500 STULTS RD	PRESBYTERIAN VILLAGE NORTH
14	8530 STULTS RD	OSHMAN LINDA
15	8526 STULTS RD	BHATIA GITA &
16	8522 STULTS RD	HIPPMAN THOMAS PETER &

**FILE NUMBER:** BDA178-089(OA)

**BUILDING OFFICIAL'S REPORT:** Application of David H. Goettsche for a variance to the front yard setback regulations at 1 Bella Porta Place. This property is more fully described as Lot 1, Block B/8176, and is zoned R-1/2ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct and/or maintain a structure and provide a 10 foot front yard setback, which will require a 30 foot variance to the front yard setback regulations.

**LOCATION:** 1 Bella Porta Place

**APPLICANT:** David H. Goettsche

**REQUEST:**

A request for a variance to the front yard setback regulations of 30' is made to construct and maintain a "pool" and "cabana" structures on an undeveloped lot, which would be located as close as 10' from the front property line or as much as 30' into the 40' front yard setback.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- While staff recognized that applicant had shown by submitting a document indicating among other things that the total living area/additional improvements on the subject site at approximately 7,700 square feet is commensurate to that what is found on 10 other properties in the same R-1/2ac (A) zoning district with approximately 7,880 square feet, staff concluded that the applicant had not substantiated how if the Board were to grant this request it would not be to relieve a self-created or personal hardship since the lot even though it is less than ½ acre in area was a result of a Community Unit Development (CUD) created on the site and surrounding properties in 2007.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-1/2ac (A) (Single family district 1/2 acre)
- North: R-1/2ac (A) (Single family district 1/2 acre)
- South: R-1/2ac (A) (Single family district 1/2 acre)
- East: R-1/2ac (A) (Single family district 1/2 acre)
- West: PD 558 (Planned Development)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

- The request for variance to the front yard setback regulations of 30’ focuses on constructing and maintaining a “pool” and “cabana” structures on a property developed with a single family home, which, according to the submitted revised site plan, would be located as close as 10’ from the front property line or as much as 30’ into the 40’ front yard setback.
- The subject site is zoned R-1/2ac (A) which requires a 40’ front yard setback.
- The submitted plan represents that a “pool” and cabana structures are proposed to be located as close as 10’ from the site’s front property line (or 30’ into the 40’ front yard setback).
- The subject site is flat, rectangular in shape, and according to the application, is 0.386 acres (or 16,819 square feet) in area. While most lots in this R-1/2ac (A) zoning have a typical lot size of 21,780 square feet, this 16,819 square feet lot size is less than what is typical in this zoning district because of a Community Unit

Development (CUD) created in 2007 part of which was due to the site and surrounding area being located in the 100 year flood plain.

- DCAD records indicate “no main improvements” for the property at 1 Bella Porta Place.
- The following additional information was gleaned from the submitted site plan and elevation:
  - The pool structure is represented as being approximately 37’ in length and 17’ in width or approximately 630 square feet in area.
  - The pool structure is represented as being located approximately 10’ from the property line.
  - The cabana structure is represented as being approximately 14’ in length by 17’ in width or approximately 240 square feet in area.
  - The cabana structure is represented as being located approximately 10’ from the property line.
  - The cabana structure reaches approximately a maximum height of 12’ 2”
- The subject site has a 7’ 5” screening wall & traffic barrier easement along the north frontage that prevents access from Spring Valley Road.
- The applicant has submitted a document indicating that that the total “maximum AC space” of the proposed home on the subject site is approximately 7,660 square feet which is smaller than that of 10 other homes he listed of properties in R-1/2ac (A) zoning. (The average square footage of 10 other properties listed in the applicant’s document is approximately 7,880 square feet).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance to front yard setback regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1/2ac (A) zoning classification.
  - The variance to front yard setback regulations would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1/2ac(A) zoning classification.
- If the Board were to grant this request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document which are pool and cabana structures to be located 10’ from the site’s front property line or 30’ into the required 40’ front yard setback.
- Granting this request for a variance to the front yard setback regulations would provide no relief to the Flood Plain regulations on the subject site.

**Timeline:**

- May 8, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 2018: The Construction Department Board of Adjustment Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 2, 2018: The applicant submitted additional documentation on this application to the Construction Department Board of Adjustment Senior Planner beyond what was submitted with the original application (see Attachment A).
- August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- August 20, 2018: The applicant submitted additional documentation on this application to the Construction Department Board of Adjustment Senior Planner advising he was sick and requesting the Board of Adjustment to delay action on this application until the next public hearing (see Attachment B).

August 20, 2018: The Board of Adjustment Panel C conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held on September 17, 2018.

August 21, 2018: The applicant submitted additional documentation on this application to Construction Department Board of Adjustment Senior Planner beyond what was submitted with the original application (see Attachment C).

August 27, 2018: The Construction Department Board of Adjustment Senior Planner wrote the applicant a letter of the board's action; the August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: AUGUST 20, 2018**

APPEARING IN FAVOR: Sami Ebrahim, 1157 Easton Road, Dallas, TX

APPEARING IN OPPOSITION: No One

**MOTION: Richardson**

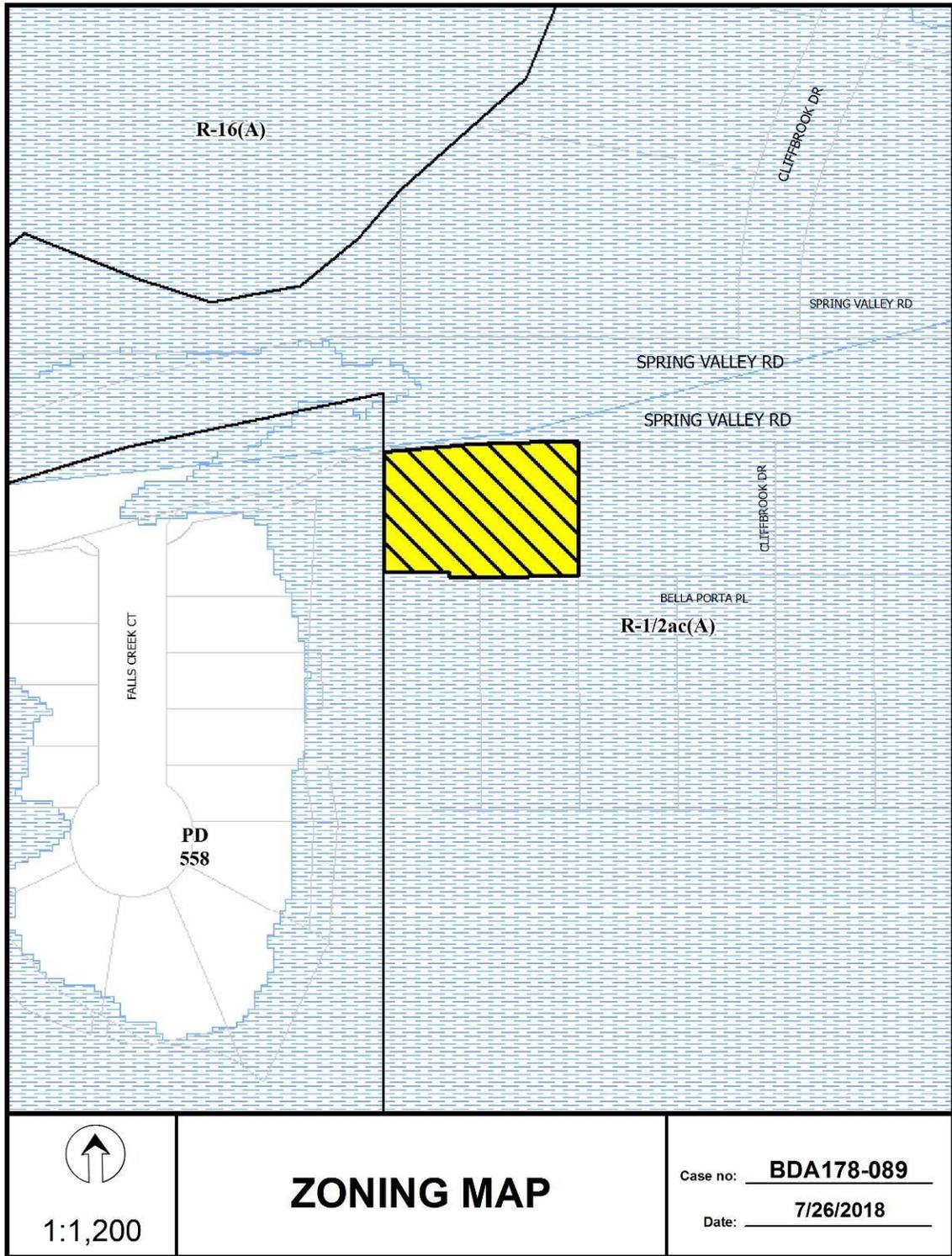
I move that the Board of Adjustment in Appeal No. BDA 178-089 hold this matter under advisement until September 17, 2018.

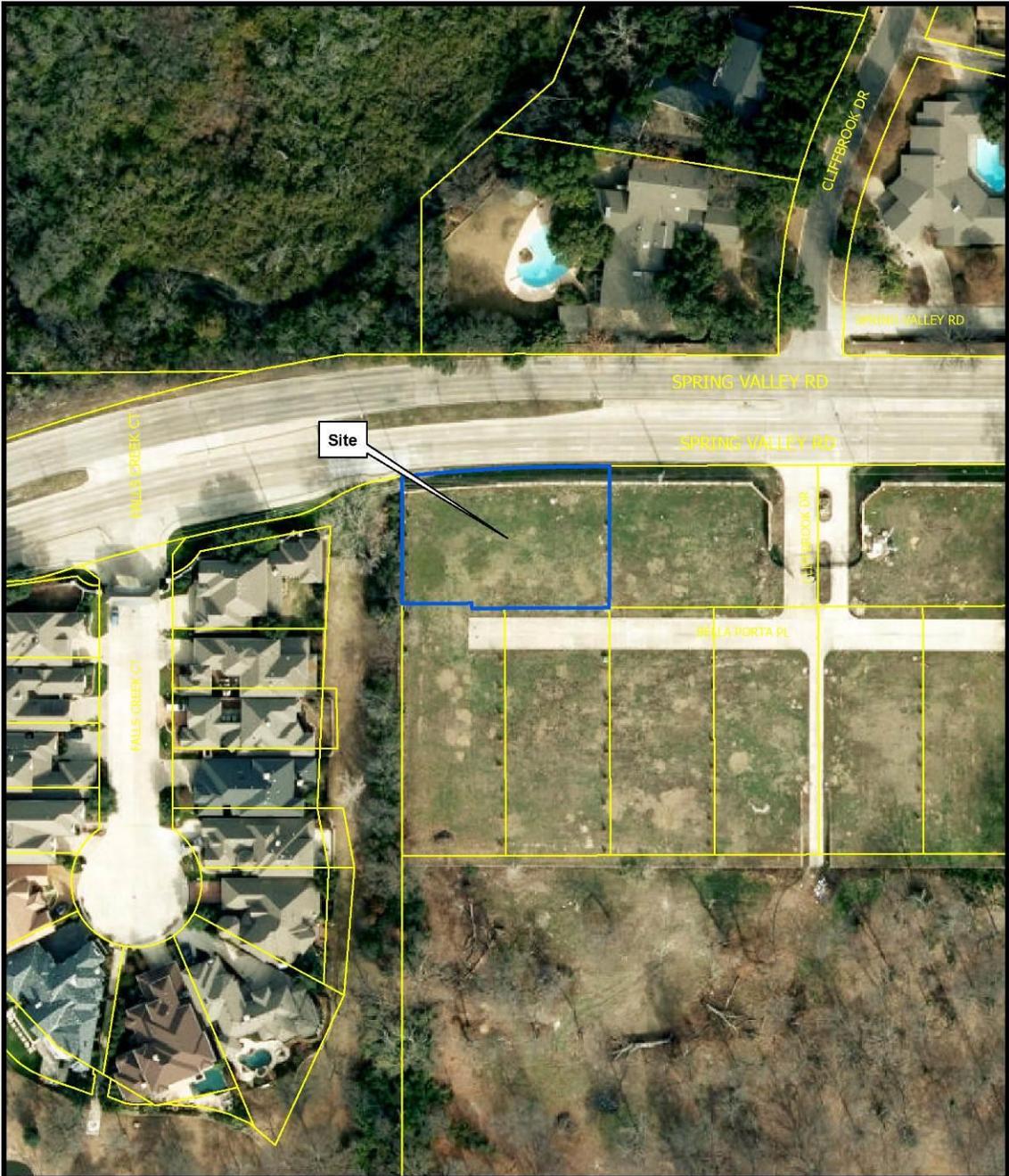
SECONDED: Agnich

AYES: 5 – Richardson, Gambow, Behring, Shouse, Agnich.

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)





1:1,200

# AERIAL MAP

Case no: BDA178-089

Date: 7/26/2018

1 BELLA PORTA  
OTHER 1/2 ACRE LOTS

ID on Map	Zoning	Address	Lot SF	Lot Dimensions	Living Area	Add'l Improvemts	Total	Pool
1	R-1/2AC(A)	13526 Sprucewood Dr, Dallas 75240	22,791	130x185	6,891	886	7,777	Yes
2	R-1/2AC(A)	7047 Elmridge Dr, Dallas 75240	43,845	128x295	8,367	1,495	9,862	Yes
3	R-1/2AC(A)	7018 Elmridge Dr, Dallas 75240	22,242	125x175	6,671	2,006	8,677	Yes
4	R-1/2AC(A)	13610 Ashridge Dr, Dallas 75240	32,105	173x166	6,030	920	6,950	Yes
5	R-1/2AC(A)	13619 Ashridge Dr, Dallas 75240	22,254	125x175	7,468	1,104	8,572	Yes
6	R-1/2AC(A)	13736 Ashridge Dr, Dallas 75240	29,626	115x197	5,649	2,278	7,927	Yes
7	R-1/2AC(A)	7148 Birchwood Dr, Dallas 75240	30,328	184x220	6,645	991	7,636	No
8	R-1/2AC(A)	7233 Paldao Dr, Dallas 75240	48,253	110x312	5,682	998	6,680	Yes
9	R-1/2AC(A)	7241 Paldao Dr, Dallas 75240	44,591	110x200	6,344	943	7,287	Yes
10	R-1/2AC(A)	14016 Brookridge Dr, Dallas 75240	48,598	102x222	6,419	1,005	7,424	Yes
		<b>AVERAGE</b>	<b>34,463</b>		<b>6,617</b>	<b>1,263</b>	<b>7,879</b>	
*	R-1/2AC(A)	1 Bella Porta Pl, Dallas 75254	16,762	162x104	5,238	2,423	7,661	Yes



**Aguilera, Oscar E**

BDA178-089 ATTACH B (pg 1/2)

**From:** Aguilera, Oscar E  
**Sent:** Monday, August 20, 2018 9:11 AM  
**To:** 'David Goettsche'  
**Cc:** Sami Ebrahim  
**Subject:** RE: BDA178-089

Dear David Goettsche,

I would just like to reiterate, as we discussed over the phone on Friday that at this point in the process, staff cannot remove the board of adjustment application/appeal referenced above from the August docket and place it on the September docket.

I will forward your email below to the board this morning where they, at the public hearing this afternoon, can approve your request, deny your request, or delay your request.

Sincerely,



**Oscar Aguilera**  
Senior Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Current Planning Division  
Sustainable Development and Construction  
1500 Marilla Street, 5BN  
Dallas, TX 75201  
O: 214-671-5099  
[oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com)



**\*\*OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\*

---

**From:** David Goettsche [mailto:[david@descohomes.com](mailto:david@descohomes.com)]  
**Sent:** Friday, August 17, 2018 5:32 PM  
**To:** Aguilera, Oscar E <[oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com)>  
**Cc:** Sami Ebrahim <[Sami@dfwoilenergy.com](mailto:Sami@dfwoilenergy.com)>  
**Subject:** Re: BDA178-089

Oscar,  
Regarding the above hearing, I am requesting that you delay my case until the September meeting.

I had to undergo open heart surgery in May, and am still having complications related to the medication I am required to take.

I do appreciate your understanding regarding this matter.

Respectfully,  
David Goettsche

Sent from my iPhone

On Aug 17, 2018, at 3:14 PM, Aguilera, Oscar E <[oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com)> wrote:

Dear David,

Here is my email address.

In addition I would want to reiterate our conversation over the phone, at this point in the process, staff cannot remove the board of adjustment application/appeal referenced above from the August docket and place it on the September docket.

Please email me an email requesting what we talked about over the phone.

Please note that August 20<sup>th</sup> hearing on this appeal where the board can, at that time, : 1) approve your request, 2) deny your request, or 3) delay action per your request.

Please let me know what you would like me to forward to the board for their consideration on this appeal at their August 20<sup>th</sup> hearing.

Sincerely,

<image001.png>

Oscar Aguilera  
Senior Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Current Planning Division  
Sustainable Development and Construction  
1500 Marilla Street, 5BN  
Dallas, TX 75201  
O: 214-671-5099  
[oscar.aguilera@dallascityhall.com](mailto:oscar.aguilera@dallascityhall.com)  
<image002.png>  
<image003.png> <image004.png>

**\*\*OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\*

RICHARDSON ISD TAX OFFICE

970 SECURITY ROW  
RICHARDSON TX 75081  
(469)593-0500

RATES FOR DELINQUENT ACCOUNTS  
FEBRUARY 7%

PLEASE MAKE YOUR CHECK PAYABLE TO RISD

BDA178-089  
ATTACH C  
(P9 1/2)

TAX STATEMENT FOR 2015 RETAIN THIS PORTION FOR YOUR RECORDS.  
THIS AND YOUR CANCELLED CHECK WILL BE YOUR RECEIPT

ACCOUNT NUMBER  
00287278

PROPERTY IDENTIFICATION NUMBER  
008176000B0010000

PROPERTY OWNER

MODERN PYRAMIDS INC  
STE#230  
11551 FOREST CENTRAL DR #230  
DALLAS, TX 75243-3922

PROPERTY DESCRIPTION

0000001 BELLA PORTA PL  
DAVINCI ESTATES PH 1  
BLK B/8176 LT 1  
INT201400000298 DD10292013 CO-

LAND VALUE  
469,340 0 0 469,340 0

HOMESIDE EXEMPTION  
0 0 0 469,340 1.34005 \$ 6,289.39

**PAID**  
JAN 27 2016  
RICHARDSON IND. SCHOOL DIST  
TAX COLLECTION

Total Amount Due \$ 6,289.39

AMOUNT DUE IF PAID IN: FEBRUARY \$ 6,729.64

TAXES ARE DUE UPON RECEIPT AND  
BECOME DELINQUENT FEBRUARY 1st.

TAX ASSESSMENT RATIO: 100%

SIGN UP FOR EMAIL STATEMENTS AT [texaspayments.com/057916](http://texaspayments.com/057916) USING YOUR SECURE #5552527111

970 SECURITY ROW  
RICHARDSON TX 75081  
(469) 593-0500

RATES FOR DELINQUENT ACCOUNTS  
FEBRUARY 7%

PLEASE MAKE YOUR CHECK PAYABLE TO RISD

BDA178-089  
ATTACH C  
(pg 2/6)

TAX STATEMENT FOR 2015 RETAIN THIS PORTION FOR YOUR RECORDS.  
THIS AND YOUR CANCELLED CHECK WILL BE YOUR RECEIPT

ACCOUNT NUMBER

00288688

[REDACTED]

9907111959000000

PROPERTY OWNER

DFW OIL & ENERGY INC  
SUITE 230  
11551 FOREST CENTRAL DR  
DALLAS, TX 75243-3920

PROPERTY DESCRIPTION

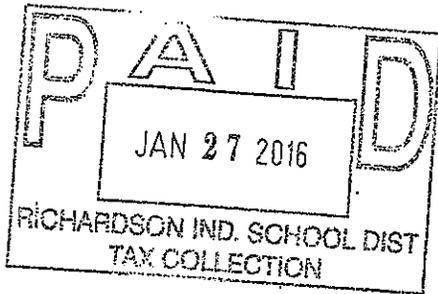
0011551 FOREST CENTRAL DR  
PERSONAL PROPERTY  
DFW OIL & ENRGY INC

[REDACTED]

0 0 5,250 5,250 0

[REDACTED]

0 0 0 5,250 1.34005 \$ 77.39



LATE RENDITION 7.04

Total Amount Due \$ 77.39

AMOUNT DUE IF PAID IN: FEBRUARY \$ 82.80

TAX ASSESSMENT RATIO: 100%

SIGN UP FOR EMAIL STATEMENTS AT [texaspayments.com/057916](http://texaspayments.com/057916) USING YOUR SECURE #1412552712

TAX RECEIPT



JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR
500 ELM STREET, FIRST FLOOR RECORDS BLDG
DALLAS, TEXAS 75202-3304

BDA178-089
ATTACH C
(P9 3/6)

Certified Owner:

MODERN PYRAMIDS INC
STE#230
11551 FOREST CENTRAL DR #230
DALLAS, TX 75243-3922

Legal Description:

DAVINCI ESTATES PH 1
BLK B/8176 LT 1
INT201400000298 DD10292013 CO-DC
8176 00B 00100 3DA8176 00B
Parcel Address: 1 BELLA PORTA PL, DA
Legal Acres: 0.0000

Deposit No: P0098561
Validation No: 900002024173250
Account No: 008-176-000-B0010000
Operator Code: LORIE\_PHILLIPS

Remit Seq No: 2015388354
Receipt Date: 01/27/2016
Deposit Date: 01/27/2016
Print Date: 01/27/2016 02:58 PM
Printed By: LORIE\_PHILLIPS

Table with 8 columns: Year, Tax Unit Name, Rec Type, Tax Value, Tax Rate, Levy Paid, P&I, Coll Fee Paid, Total. Rows include Dallas County, Parkland Hospital, Dallas County Community Coll, School Equalization, and City Of Dallas.

Check Number(s):
435

PAYMENT TYPE:

Checks: \$6,851.19

Exemptions on this property:

Total Applied: \$6,851.19
Total Tendered: \$60,085.68
(for accounts paid on 01/27/2016)
Change Paid: \$0.00

PAYER:
MODERN PYRAMIDS INC
STE#230
11551 FOREST CENTRAL DR #230
DALLAS, TX 75243-3922

CURRENT YEAR TOTAL IS \$0.00
ACCOUNT PAID IN FULL

RICHARDSON ISD TAX OFFICE

970 SECURITY ROW  
RICHARDSON TX 75081  
(469)593-0500

RATES FOR DELINQUENT ACCOUNTS  
FEBRUARY \_\_\_\_\_ 7%

PLEASE MAKE YOUR CHECK PAYABLE TO RISD

TAX STATEMENT FOR 2016 RETAIN THIS PORTION FOR YOUR RECORDS.  
THIS AND YOUR CANCELED CHECK WILL BE YOUR RECEIPT

BDA178-089  
ATTACH C (PS 4/8)

00287278

008176000B0010000

PROPERTY OWNER

MODERN PYRAMIDS INC  
STE#230  
11551 FOREST CENTRAL DR #230  
DALLAS, TX 75243-3922

PROPERTY DESCRIPTION

0000001 BELLA PORTA PL  
DAVINCI ESTATES PH 1  
BLK B/8176 LT 1  
  
INT201400000298 DD10292013 CO-

355,560

0

0

355,560

0

0

0

JAN 30 2017

355,560

1.39005 \$

4,942.46

RICHARDSON IND. SCHOOL DIST  
TAX COLLECTION

PLEASE TEAR ALONG THE DOTTED  
RED LINE AND RETURN THE BOTTOM  
PORTION WITH PAYMENT. RETURN THE  
ORIGINAL TAX STATEMENT, NOT A COPY.

Total Amount Due \$ 4,942.46

AMOUNT DUE IF PAID IN: FEBRUARY \$ 5,288.43

TAXES ARE DUE UPON RECEIPT AND  
BECOME DELINQUENT FEBRUARY 1st.

TAX ASSESSMENT RATIO: 100%

SIGN UP FOR EMAIL STATEMENTS AT [texaspayments.com/057916](http://texaspayments.com/057916) USING YOUR SECURE #5552527111

TAX RECEIPT



JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR
1201 Elm Street, Suite 2600
Dallas, Texas 75270

BDA178-089
ATTACH C (pg 5/6)

Certified Owner:

MODERN PYRAMIDS INC
STE#230
11551 FOREST CENTRAL DR #230
DALLAS, TX 75243-3922

Legal Description:

DAVINCI ESTATES PH 1
BLK B/8176 LT 1
INT201400000298 DD10292013 CO-DC
8176 00B 00100 3DA8176 00B
Parcel Address: 1 BELLA PORTA PL, DA
Legal Acres: 0.0000

Deposit No: P0112513
Validation No: 900002025818907
Account No: 008-176-000-B0010000
Operator Code: AM\_ANDREWS

Remit Seq No: 2016254662
Receipt Date: 01/30/2017
Deposit Date: 01/30/2017
Print Date: 01/30/2017 10:50 AM
Printed By: AM\_ANDREWS

Table with 9 columns: Year, Tax Unit Name, Rec Type, Tax Value, Tax Rate, Levy Paid, P&I, Coll Fee Paid, Total. Rows include Dallas County, Parkland Hospital, Dallas County Community Coll, School Equalization, and City Of Dallas.

Check Number(s): 1579

PAYMENT TYPE:

Checks: \$5,110.12

Exemptions on this property:

Total Applied: \$5,110.12
Total Tended: \$44,916.49
Change Paid: \$0.00

PAYER:
MODERN PYRAMIDS INC
STE#230
11551 FOREST CENTRAL DR #230
DALLAS, TX 75243-3922

CURRENT YEAR TOTAL IS \$0.00
ACCOUNT PAID IN FULL

TAX RECEIPT



JOHN R. AMES, CTA  
DALLAS COUNTY TAX ASSESSOR/COLLECTOR  
1201 Elm Street, Suite 2600  
Dallas, Texas 75270

BDA178-089  
ATTACH C  
(PS 6)

Certified Owner:

MODERN PYRAMIDS INC  
STE 230  
11551 FOREST CENTRAL DR  
DALLAS, TX 75243-3922

Legal Description:

WOODBIDGE PRIVATE SCHOOL SUB  
BLK B/8072 LT 1A LESS ROW  
0.7621 ACS  
INT201500337538 DD12172015 CO-DC  
Parcel Address: 11501 PLANO RD, DA  
Legal Acres: 0.0000

Deposit No: P0126162  
Validation No: 900002027373739  
Account No: 008-072-0B0-001A0000  
Operator Code: PATRICK\_CICHON

Remit Seq No: 2017159329  
Receipt Date: 01/26/2018  
Deposit Date: 01/26/2018  
Print Date: 01/26/2018 03:47 PM  
Printed By: PATRICK\_CICHON

Year	Tax Unit Name	Rec Type	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2017	Dallas County	TL	636,390	0.243100	1,547.06	0.00	0.00	1,547.06
2017	Parkland Hospital	TL	636,390	0.279400	1,778.07	0.00	0.00	1,778.07
2017	Dallas County Community Coll	TL	636,390	0.124238	790.64	0.00	0.00	790.64
2017	School Equalization	TL	636,390	0.010000	63.64	0.00	0.00	63.64
2017	City Of Dallas	TL	636,390	0.780400	4,966.39	0.00	0.00	4,966.39
					<b>\$9,145.80</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$9,145.80</b>

Check Number(s):  
2170

PAYMENT TYPE:

Checks: \$9,145.80

Exemptions on this property:

Total Applied: \$9,145.80  
Total Tended: \$51,693.53  
(for accounts paid on 01/26/2018)  
Change Paid: \$0.00

PAYER:

MODERN PYRAMIDS INC  
STE 230  
11551 FOREST CENTRAL DR  
DALLAS, TX 75243-3922

CURRENT YEAR TOTAL IS \$0.00  
ACCOUNT PAID IN FULL



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-089

Data Relative to Subject Property:

Date: 5/8/2018

Location address: #1 Bella Porta Place Zoning District: R-1/2 Ad(A)

Lot No.: 1 Block No.: B1876 Acreage: .386 Census Tract: 136.08

Street Frontage (in Feet): 1) 159.65 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): David H. Goettsche

Applicant: David H. Goettsche Telephone: 972/381-8995

Mailing Address: 5147 Quail Lake Dr. Zip Code: 75287

E-mail Address: david@descohomes.com

Represented by: David H. Goettsche Telephone: 972/381-8995

Mailing Address: 5147 Quail Lake Dr. Zip Code: 75287

E-mail Address: david@descohomes.com

Affirm that an appeal has been made for a Variance [X] or Special Exception, of Swimming Pool in front yard.

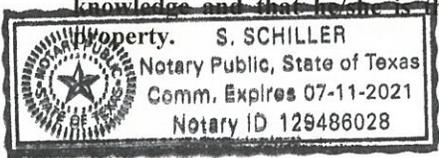
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: what is considered a front yard is really a back yard. subdivision is a granted easement access, front yard and back yard are reversed.

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 [Signature] (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



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

Subscribed and sworn to before me this 8 day of May 2018

[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**

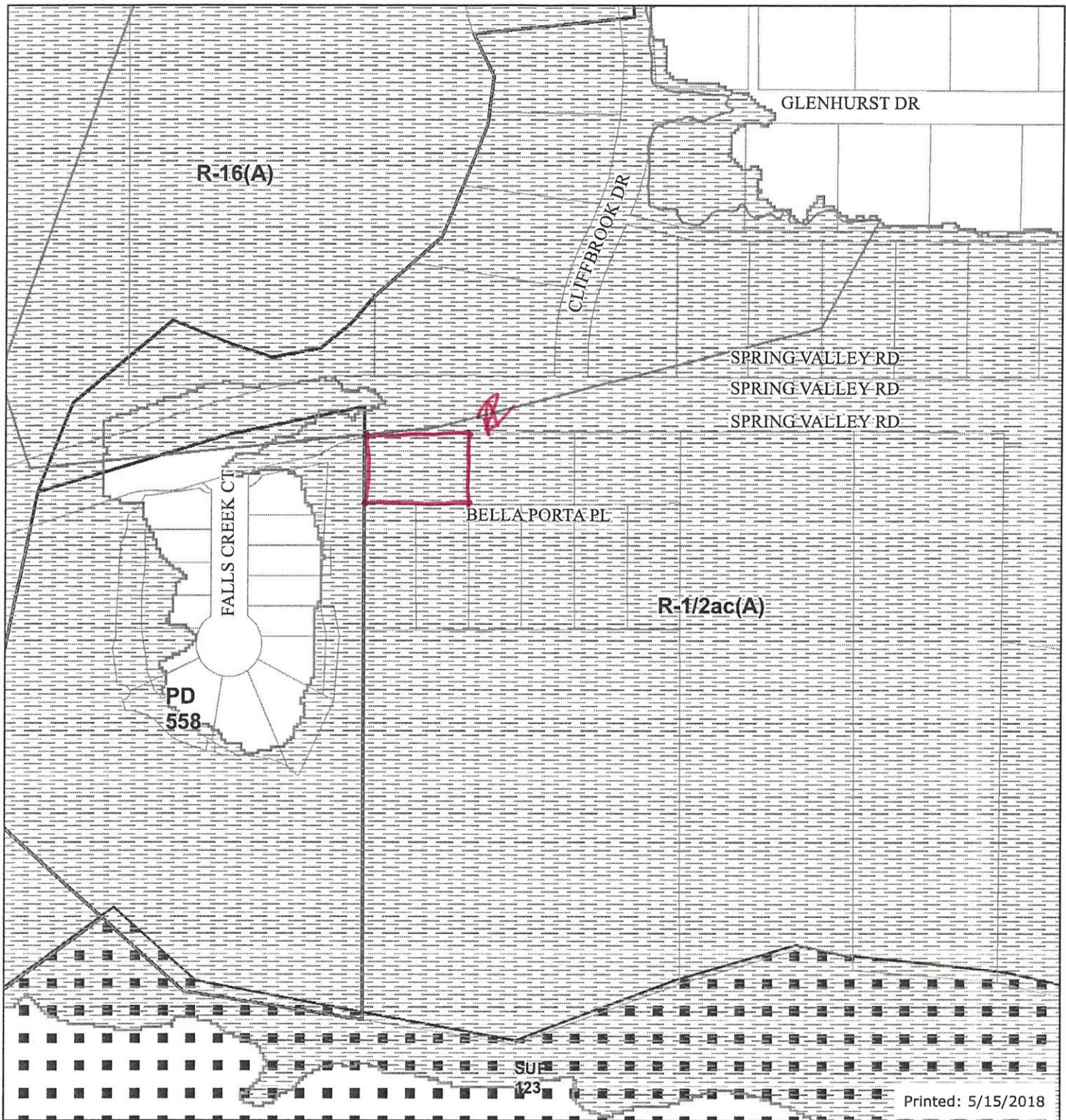
I hereby certify that **DAVID GOETTSCH**  
did submit a request for a variance to the front yard setback regulations  
at 1 Bella Porta Place

BDA178-089. Application of DAVID GOETTSCH for a variance to the front yard setback regulations at 1 Bella Porta Place. This property is more fully described as Lot 1, Block B/8176, and is zoned R-1/2ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential accessory structure and provide a 10 foot front yard setback, which will require a 30 foot variance to the front yard setback regulations.



Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 5/15/2018

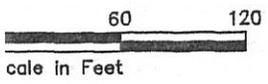
### Legend

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

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1:2,400



BLOCK H/8183  
NORTHWOOD HILLS ESTATES  
SEVENTH SECTION  
V. 69245, P. 2004  
D.R.D.C.T.

BLOCK L/8183  
NORTHWOOD HILLS ESTATES  
SEVENTH SECTION  
V. 69245, P. 2004  
D.R.D.C.T.

LLAS  
3356  
GRES  
= 05°52'03"  
= 1,390.00'  
= 71.24'  
= 142.35'  
= 142.29'  
BRG. =  
186°48'29" E

of  
ining  
I ROD  
RPLS 4804  
ID (CM)

BLOCK A/8176  
SPRING VALLEY FALLS  
V. 2001027, P. 01719  
M.R.D.C.T.

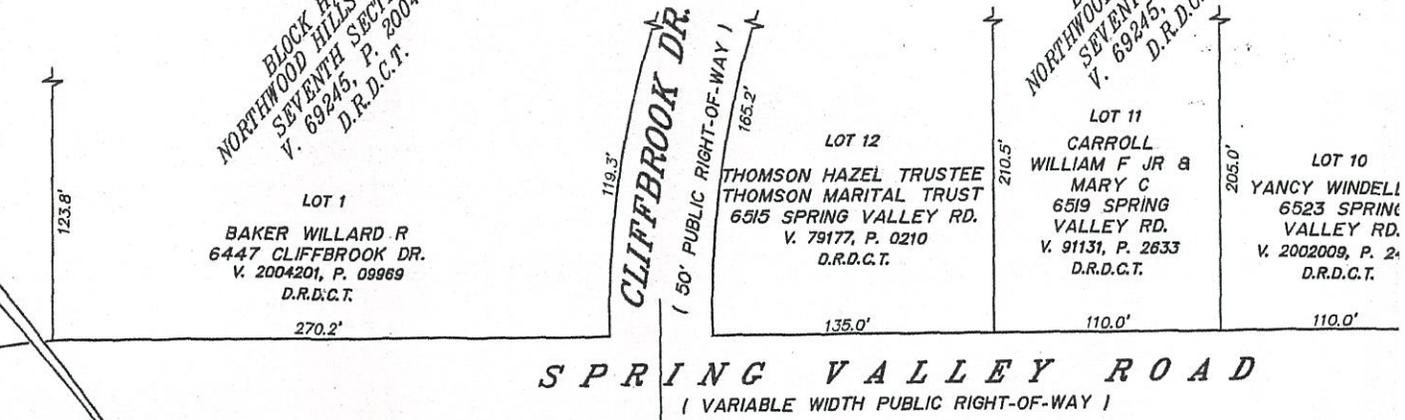
COMMON AREA  
882.69'

K CT.  
679

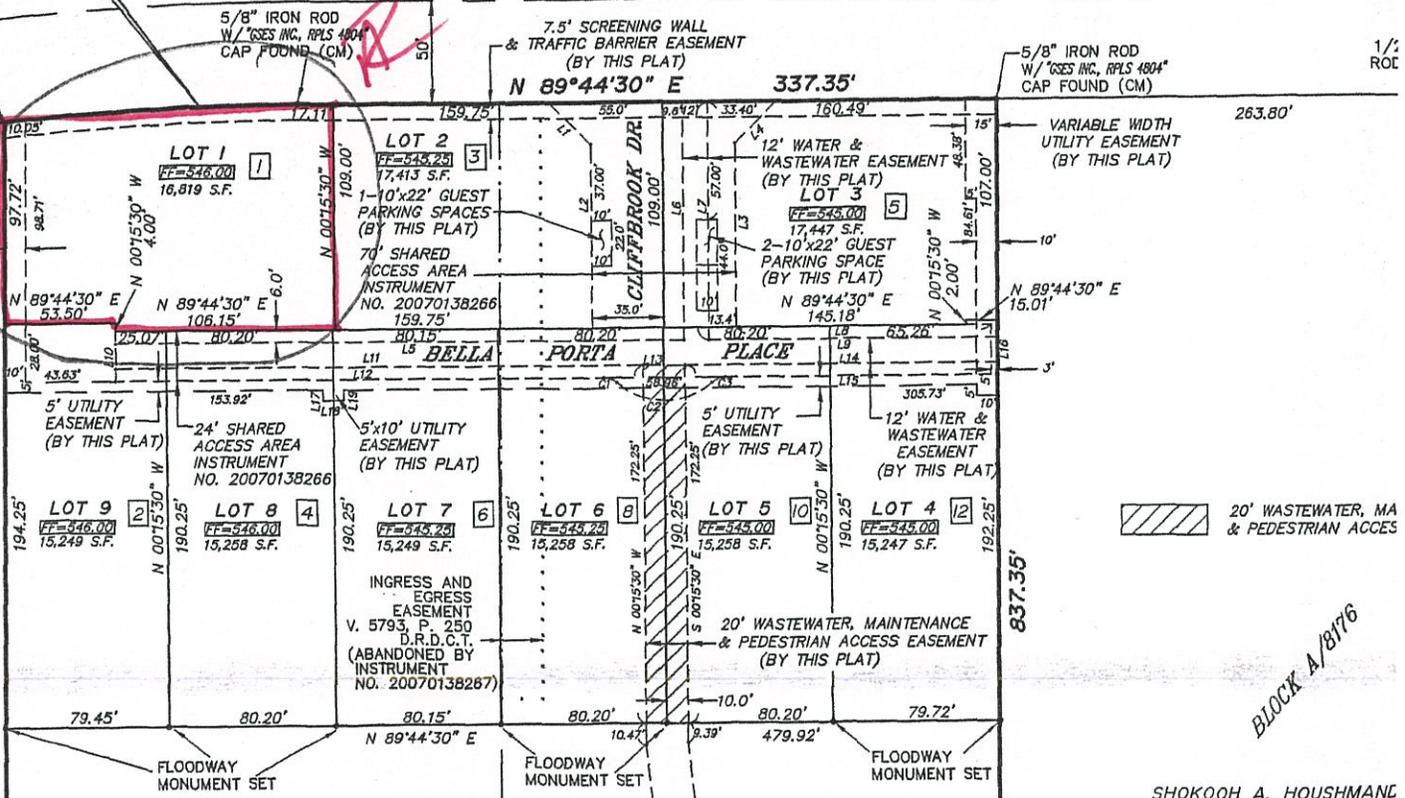
TH  
S  
T.  
47094

BLOCK A/8176  
SPRING VALLEY FALLS  
V. 2001027, P. 01719  
M.R.D.C.T.

ION AREA  
0°00'00" E  
5A 178-089



SPRING VALLEY ROAD  
( VARIABLE WIDTH PUBLIC RIGHT-OF-WAY )



429,393 sq.ft.  
9.8575 acres  
BLOCK B/8176  
DaVINCI ESTATES

FLOODWAY EASEMENT/  
COMMON AREA  
286,196 S.F.  
8.5702 AC.

UNIMPROVED OPEN SPACE  
STRUCTURES AND PARKING  
PROHIBITED

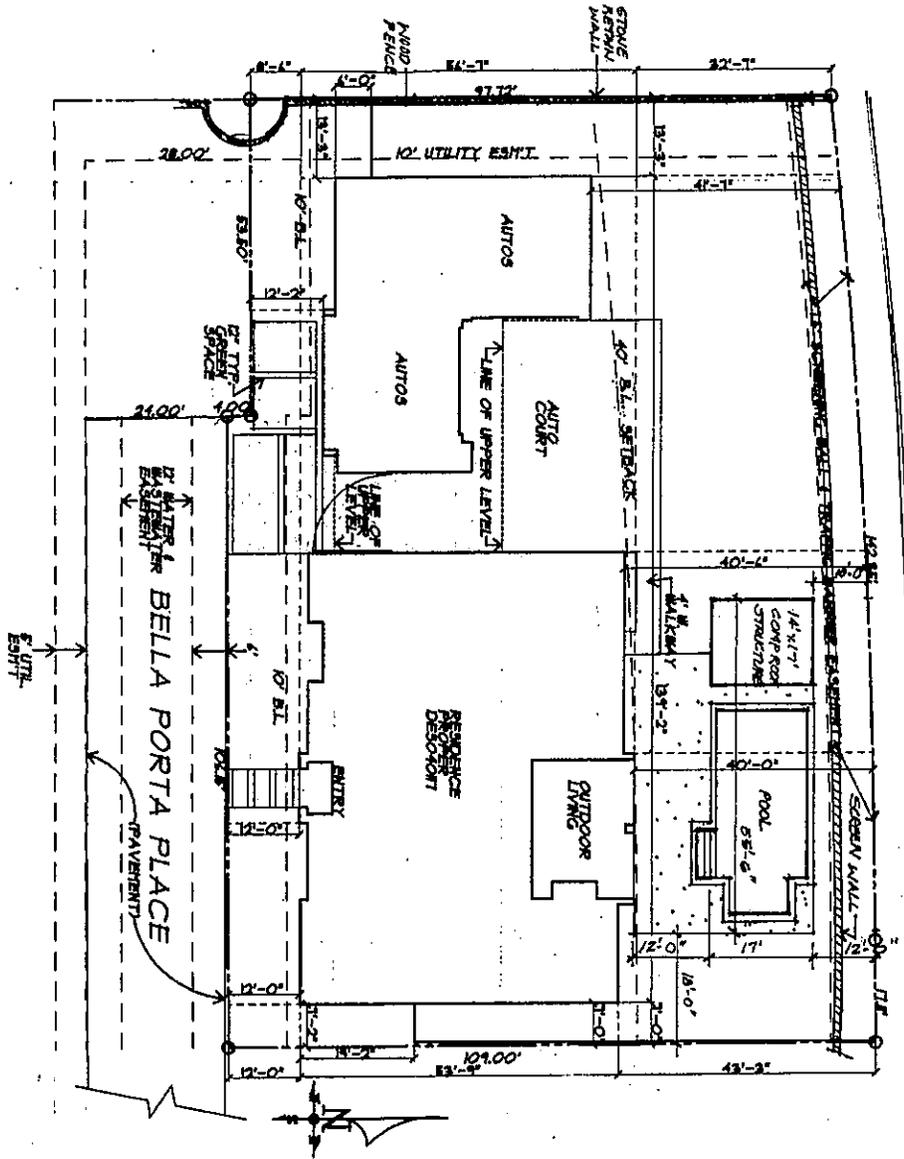
DaVINCI ESTATES, L.P.  
6522 SPRING VALLEY RD.  
CC INST. NO. 200503570568  
D.R.D.C.T.

SHOKOOH A. HOUSHMANG  
& SHAWN N. HOUSHMANG  
6580 SPRING VALLEY RD.  
V. 99104, P. 7704  
D.R.D.C.T.

EASEMENT LINE TABLE

LINE	BEARING	LENGTH
L1	S45°15'30"E	28.28
L2	S00°15'30"E	89.00
L3	N00°15'30"W	89.00
L4	N44°44'30"E	28.28
L5	N89°44'30"E	275.50
L6	N00°15'30"W	115.00
L7	N00°15'30"W	115.00
L8	N89°44'30"E	122.11
L9	N89°44'30"E	138.56
L10	N00°15'30"W	24.00
L11	N89°44'30"E	255.38
L12	N89°44'30"E	236.42
L13	N89°44'30"E	25.00

SPRING VALLEY RD

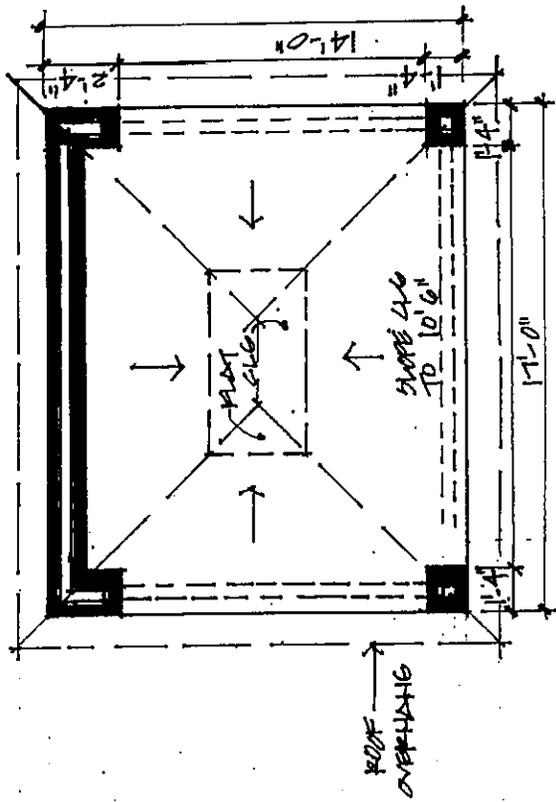


**SITE PLAN / POOL PLAN SCALE: 1/8"=1'-0"**  
 LOT 1 BLOCK B/811  
 DAVING ESTATES, PHASE 1  
 DALLAS, TEXAS

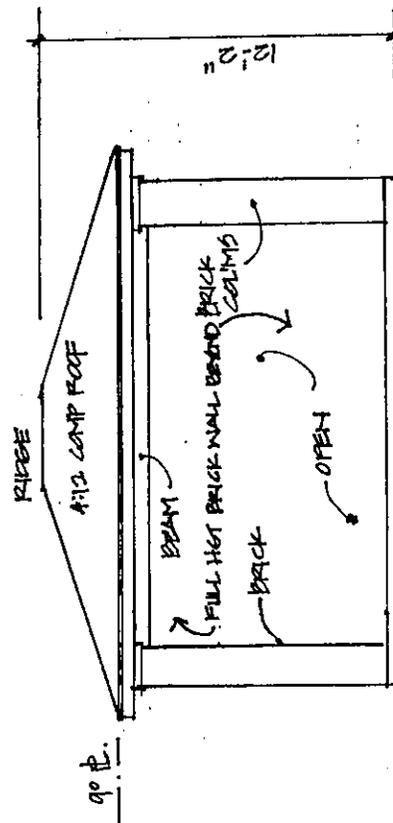
This Site Plan is not a survey. It is provided for building and site-work layout only. Prior to the start of construction, the general contractor shall verify with the city and/or the appropriate entities all grades, existing improvements, property lines, required building setbacks, easements, utilities, obstructions, and any other existing site conditions that could present a hazard or interfere with construction. Any discrepancies between this Site Plan and actual on-site conditions shall be the responsibility of the general contractor to resolve. Henderson Design + Associates shall be responsible only for the revision/correction of these documents, and then only as information is provided by the general contractor. These requirements apply from the time these documents are issued, and continue throughout the course of construction.

Fresh grade shall provide positive drainage away from (all) structures on this site, and shall furthermore be sensitive to adjacent sites, and shall meet all local requirements.

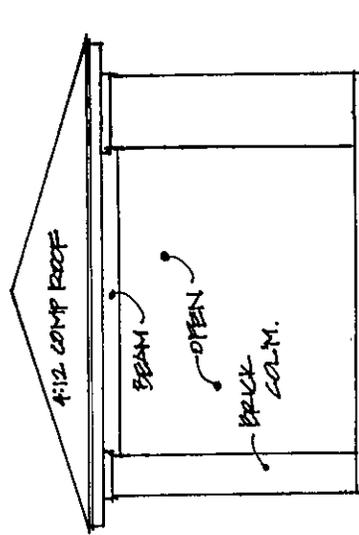
TOTAL LOT AREA:	1.047
TOTAL FOOTPRINT AREA:	1.030
PERCENTAGE OF COVERAGE:	98.33



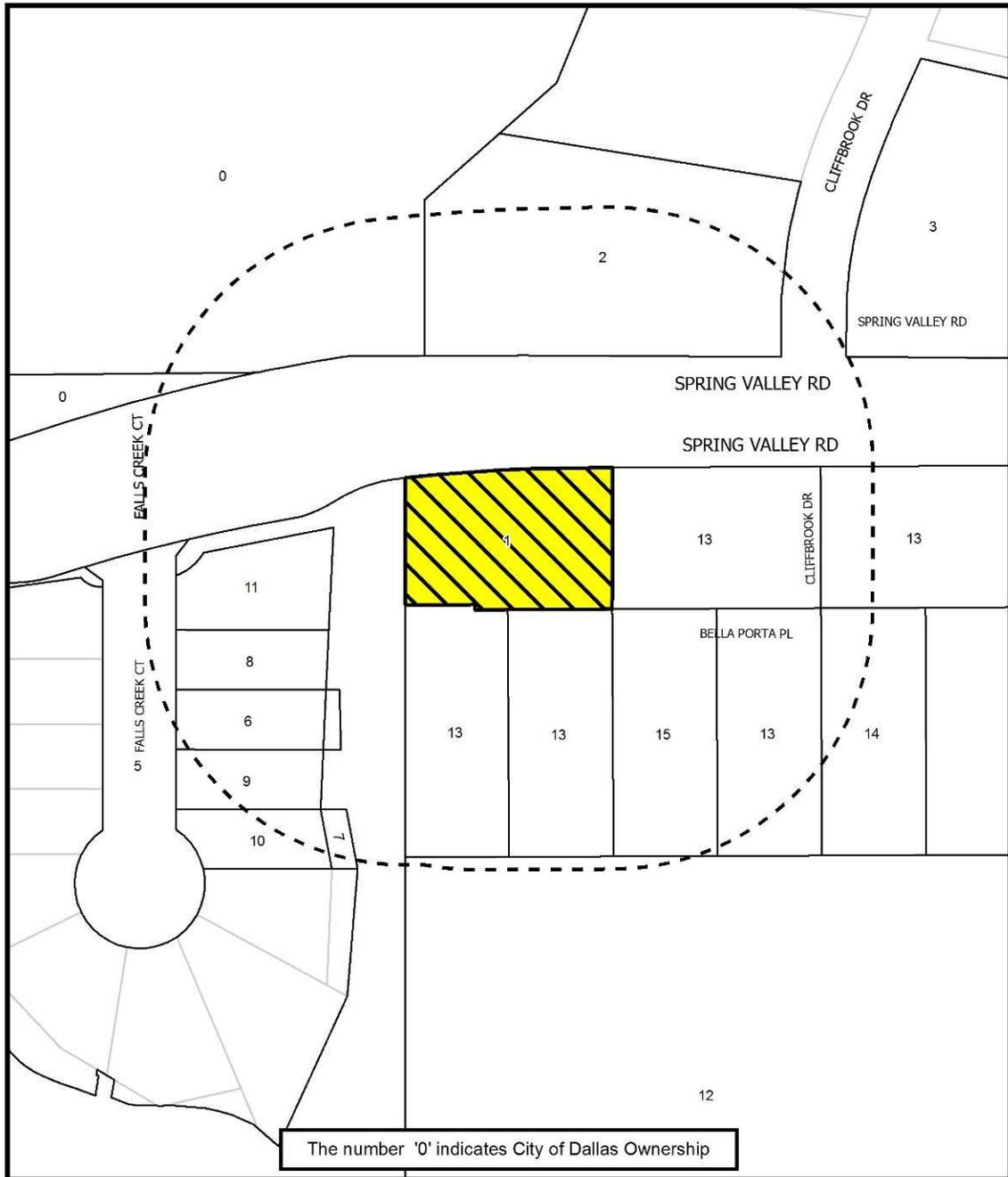
FLOOR PLAN



SIDE ELEVATION (STR. OPPOSITE HAND)



END ELEVATION



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA178-089</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">15</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>7/26/2018</b>

## *Notification List of Property Owners*

***BDA178-089***

***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1 BELLA PORTA PL	GOETTSCHE DAVID
2	6447 CLIFFBROOK DR	POGUE MELISSA
3	6515 SPRING VALLEY RD	RALL MATTHEW &
4	1 SPRING VALLEY RD	SPRING VALLEY FALLS LP
5	1 SPRING VALLEY RD	SPRING VALLEY FALLS LP
6	14028 FALLS CREEK CT	MCKINNEY SHEILA A
7	14020 FALLS CREEK CT	HUDDLESTON D WARREN &
8	14032 FALLS CREEK CT	GAO XIN LIN & LEI ZHAN
9	14024 FALLS CREEK CT	FRYE STUART & MEREDITH M TR
10	14020 FALLS CREEK CT	HUDDLESTON D WARREN &
11	14036 FALLS CREEK CT	NEUHOFF JAMES &
12	2 SPRING VALLEY RD	DAVINCI ESTATES LP
13	3 BELLA PORTA PL	MODERN PYRAMIDS INC
14	10 BELLA PORTA PL	NEXXUS HOMES INC
15	6 BELLA PORTA PL	KATIKANENI PRADEEP & SHALINI

**FILE NUMBER:** BDA178-100(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Tag Gilkeson for a variance to the side yard setback regulations at 4516 Forest Bend Road. This property is more fully described as Lot 8, Block 5/8396, and is zoned R-10(A), which requires a side yard setback of 6 feet. The applicant proposes to construct and/or maintain a structure and provide a 0 foot side yard setback, which will require a 6 foot variance to the side yard setback regulations.

**LOCATION:** 4516 Forest Bend Road

**APPLICANT:** Tag Gilkeson

**REQUESTS:**

A request for a variance to the side yard setback regulations of 6' is made to convert an existing attached carport to an attached garage 0' from the side property line (the west side property line) or 6' into the 6' side yard setback on a site that is developed with a single family home.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION (front yard, side yard, and floor area variances):**

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-10 (A) zoning district.

**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 (side yard variance):**

- This request focuses on converting an existing attached carport to an attached garage 0’ from the side property line (the west side property line) or 6’ into the 6’ side yard setback on a site that is developed with a single family home.
- Structures on lots zoned R-10(A) are required to provide a minimum side yard setback of 6’.
- A site plan has been submitted denoting a portion of a converted attached carport into an attached garage structure located on the western side property line or 6’ into this 6’ side yard setback.
- It appears from the submitted site plan that approximately 15 percent of the proposed 800 square foot converted attached garage structure footprint is located in the site’s western 6’ side yard setback.
- DCAD records indicate the following improvements for property located at 4516 Forest Bend Road: “main improvement: a structure with 4,116 square feet of living area built in 1967” and “additional improvements; a 498 square foot attached garage, a 484 square foot attached carport, and a pool”.
- The subject site is rectangular in shape, flat, and according to the application, is 0.350 acres (or approximately 15,250 square feet) in area. The site is zoned R-10(A) where lots are typically 10,000 square feet in area.

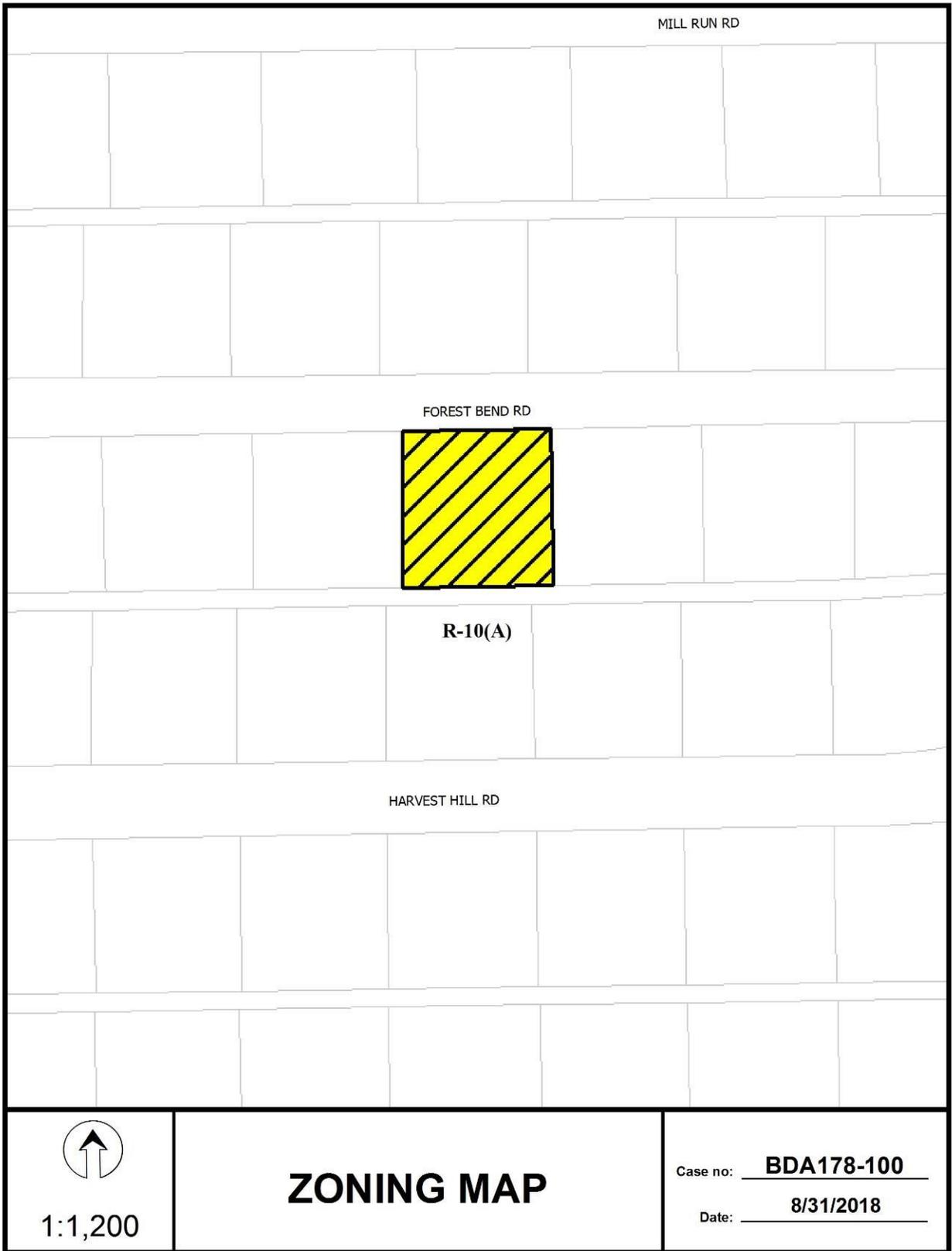
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-10(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A) zoning classification.
- If the Board were to grant this side yard setback variance request and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document which is a structure 0' from the side property line (the west side property line) or 6' into the 6' side yard setback.

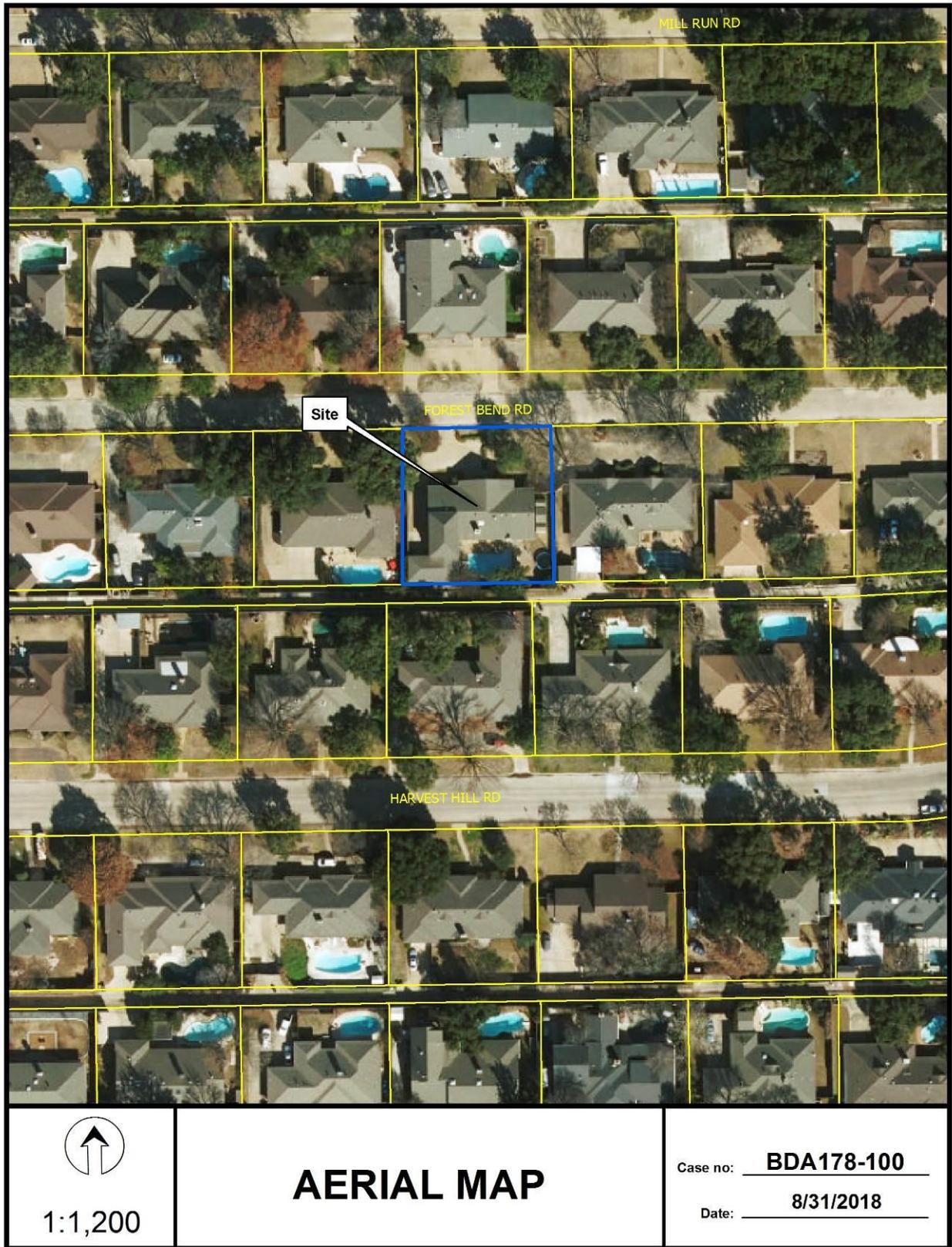
**Timeline:**

- April 27, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 14, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- August 16, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.
- September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the

Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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







APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-100

Data Relative to Subject Property:

Date: 4/25/2018

Location address: 4516 FOREST BEND, DALLAS TX 75252 Zoning District: R-10(A)

Lot No.: 8 Block No.: 5/8396 Acreage: 0.350 Census Tract: 96.03

Street Frontage (in Feet): 1) 122.00' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): VIRGINIA W. REDDY

Applicant: TAG GILKESON Telephone: 469.544.1000

Mailing Address: 4516 FOREST BEND DR, DALLAS, TX Zip Code: 75252

E-mail Address: tag@designedbytag.com

Represented by: TAG GILKESON Telephone: 469.544.1000

Mailing Address: 4516 FOREST BEND DR, DALLAS TX Zip Code: 75252

E-mail Address: tag@designedbytag.com

Affirm that an appeal has been made for a Variance X or Special Exception \_\_\_\_\_, of SIDE YARD SETBACK I AM REQUESTING A 6'-0" VARIANCE AND PROVIDE A ZERO FOOT SETBACK ON THE WEST SIDE

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: PLEASE SEE THE ATTACHMENT TO THIS APPLICATION

T

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.

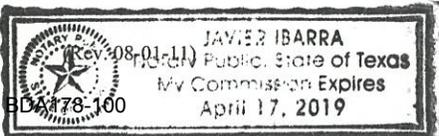
Affidavit

Before me the undersigned on this day personally appeared TAG GILKESON (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 27 day of APRIL, 2018



[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**

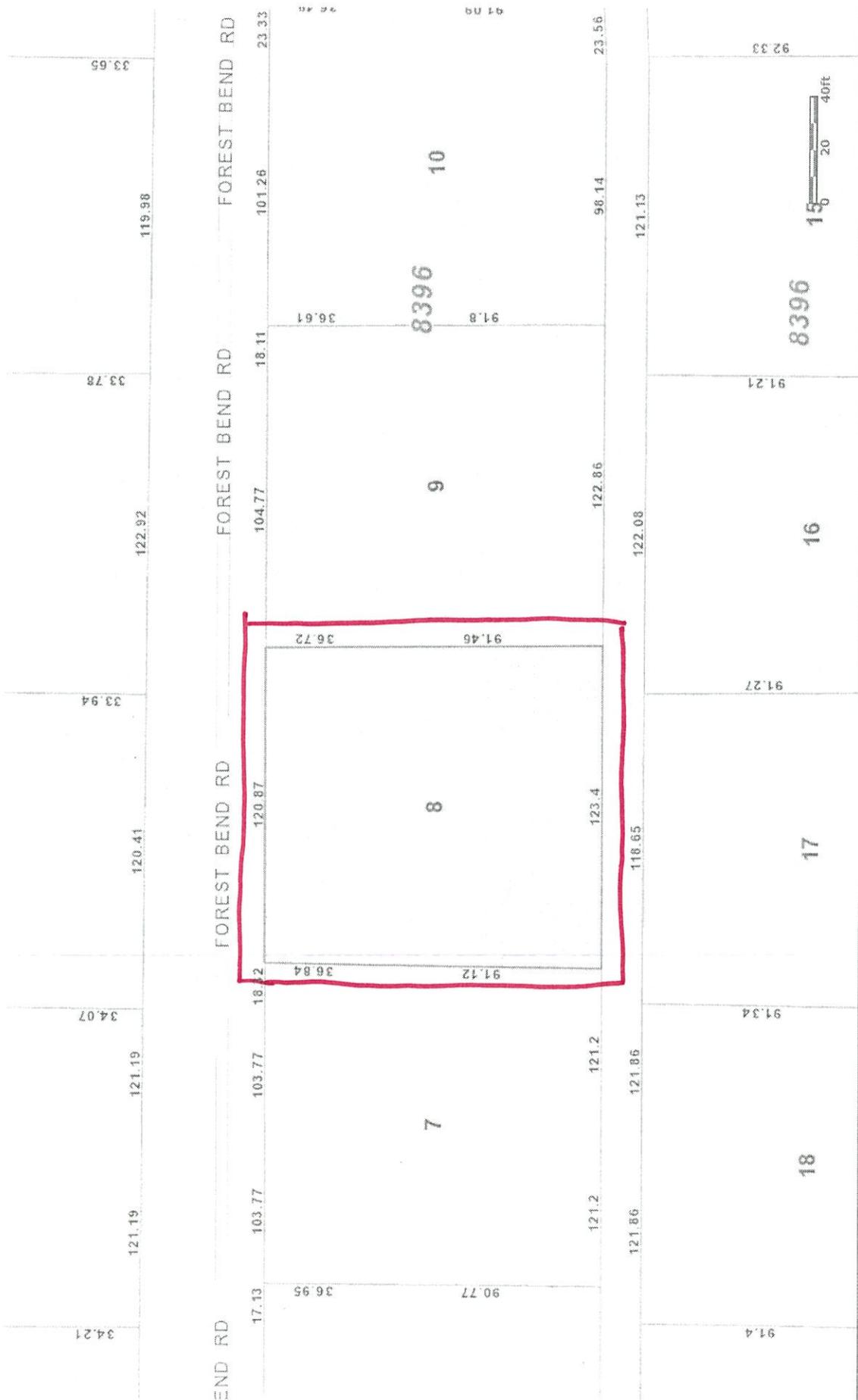
I hereby certify that TAG GILKESON

did submit a request for a variance to the side yard setback regulations  
at 4516 Forest Bend Road

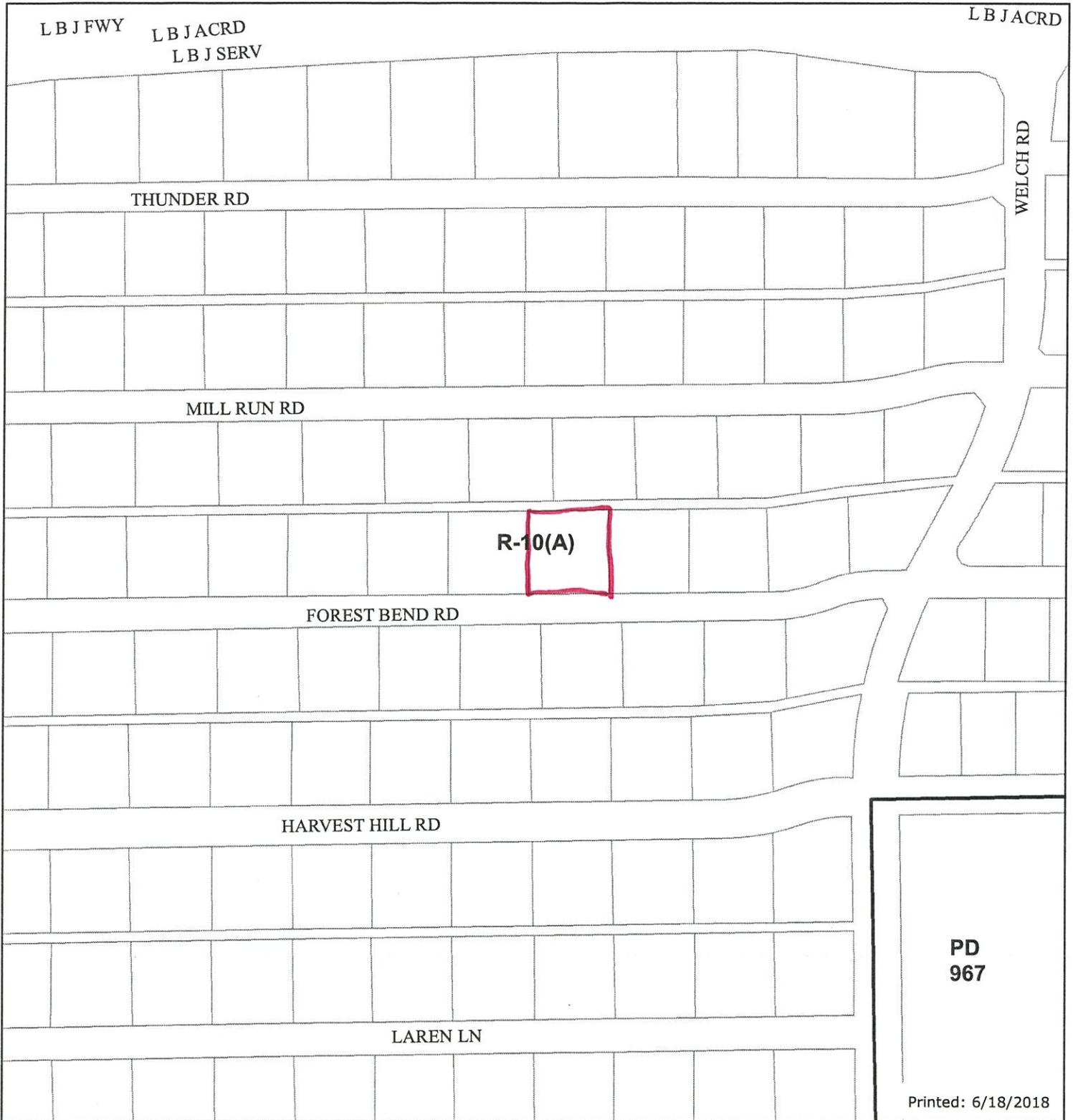
BDA178-100. Application of TAG GILKESON for a variance to the side yard setback regulations at 4516 FOREST BEND RD. This property is more fully described as Lot 8, Block 5/8396, and is zoned R-10(A), which requires a side yard setback of 6 feet . The applicant proposes to construct a single family residential structure and provide a 0 foot side yard setback, which will require a 6 foot variance to the side yard setback regulations

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



CASE 178-100  
 4516 FOREST BEND DRIVE  
 DALLAS TEXAS 75252  
 LOT 8 BUK 5/8396



**Legend**

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

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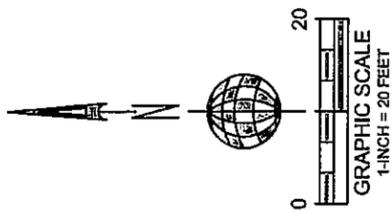


**SURVEY PLAT: 4516 FOREST BEND ROAD**

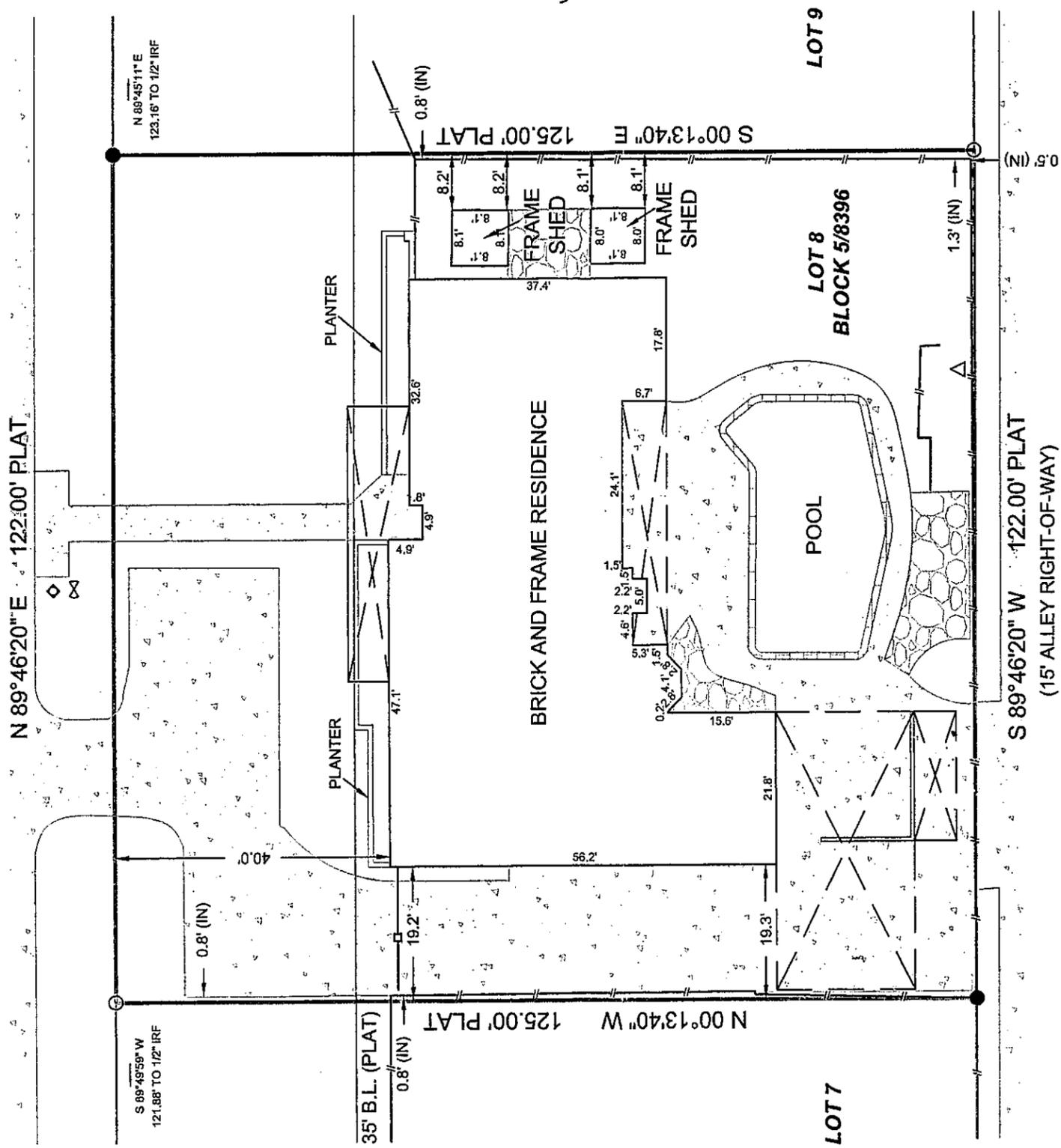
LOT 8, BLOCK 5/8396, SCHREIBER MANOR - FIFTH INST., AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 766, PAGE(S) 1643, OF THE MAP AND/OR PLAT RECORDS, DALLAS COUNTY, TEXAS.

Note: To the best of my knowledge and belief the following easement, recorded in Volume 3133, Page 563, R.P.R.D.C.T., does not physically affect the subject property.

DA178-100



**FOREST BEND ROAD**  
(50' RIGHT-OF-WAY)



FLOOD

This is to certify that no portion of the subject property shown hereon lies within the 100 Year Flood Hazard Area as shown on the Flood Insurance Rate Map, Community Panel No. 48113C 0190J, dated 08-23-01. The property is located in Zone "X".

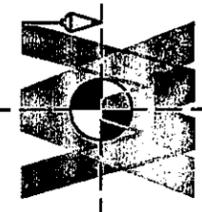
**LEGEND**

● 1/2" IR FOUND	⊗ X-FOUND	⊠ TELE. BOX	⊙ GUARD POST	⊕ UTILITY POLE	○ PLASTIC FENCE	□ CONCRETE	— BUILDING LINE
○ 1/2" IR SET	⊙ X-SET	⊠ CABLE BOX	⊙ SEPTIC COVER	⊕ GUY WIRE ANCHOR	○ ASPHALT	□ GRAVEL	--- EASEMENT
⊕ 5/8" IR FOUND	⊕ 1" IR FOUND	⊠ ELECTRIC BOX	⊙ SAN. SEW. MH.	⊕ BARBED WIRE FENCE	--- FIRE LANE STRIPE	□ BRICK	--- BOUNDARY
⊕ 3/8" IR FOUND	⊕ 1" IP FOUND	⊠ IRIGATION VALVE	⊕ WATER VALVE	⊕ IRON FENCE	□ BRICK WALL	□ STONE	--- HIGH BANK LINE
⊕ 60-D NAIL FOUND	⊕ POINT FOR CORNER	⊠ STORM DRAIN MH.	⊕ FIRE HYDRANT	⊕ CHAINLINK FENCE	□ CON. RET. WALL	□ WOOD DECK	--- FEMA FLOOD LINE
⊕ PK NAIL SET	⊕ CON. MONUMENT	⊕ SAN. SEW. CO.	⊕ LIGHT POLE	⊕ WOOD FENCE	□ CON. RET. WALL	□ BUILDING WALL	--- HANDICAP SPACE
⊕ 1/2" IP FOUND	⊕ 3/4" IP FOUND			⊕ PIPE RAIL FENCE	□ STUC. RET. WALL	□ TILE	

The plat shown hereon is a correct and accurate representation of the property lines and dimensions as shown hereon, and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated, EXCEPT AS SHOWN, there are no visible apparent easements, encroachments or protrusions on the ground.

This survey was performed exclusively for the parties in connection with the G. F. Number shown hereon and is licensed for a single use. This survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work protected by United States Copyright law and International treaties. All rights reserved. Do not make illegal copies.

*John S. Turner*  
JOHN S. TURNER  
RPLS 5310



**A&W SURVEYORS, INC.**  
*Professional Land Surveyors*

P.O. BOX 870029, MESQUITE, TX. 75187  
PHONE: (972) 681-4975 FAX: (972) 681-4954  
WWW.AWSURVEY.COM

JOB# 13-0852  
DATE: 06-13-2013  
CERTIFY TO: HEXTER-FAIR/FIRST AMERICAN TITLE  
DRAWN BY: GTI  
G.F. NO. 1834091-HXF74

A professional company operating in your best interest

THE INFORMATION WAS OBTAINED BY :

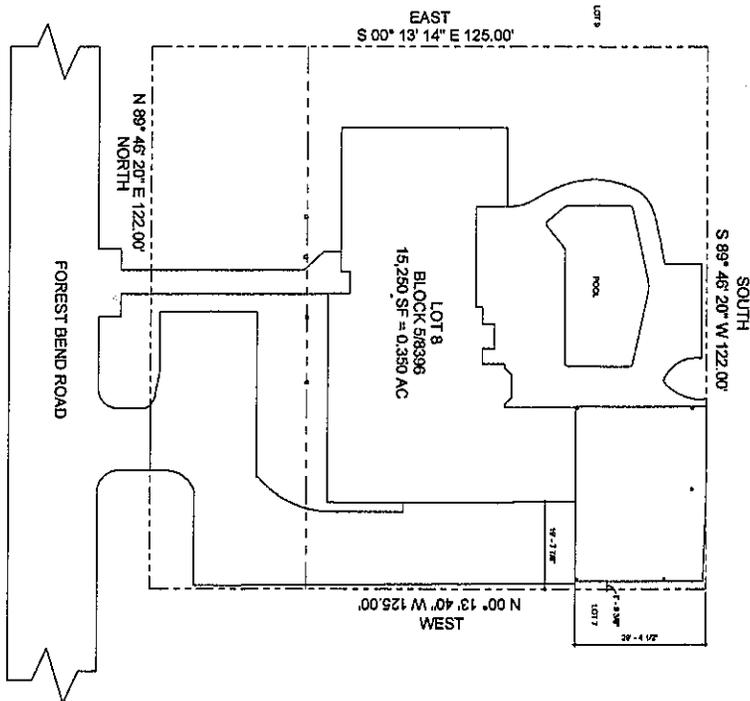
SURVEY PERFORMED BY A&W SURVEYORS, INC.

P.O. BOX 870029,  
MESQUITE, TEXAS 75187

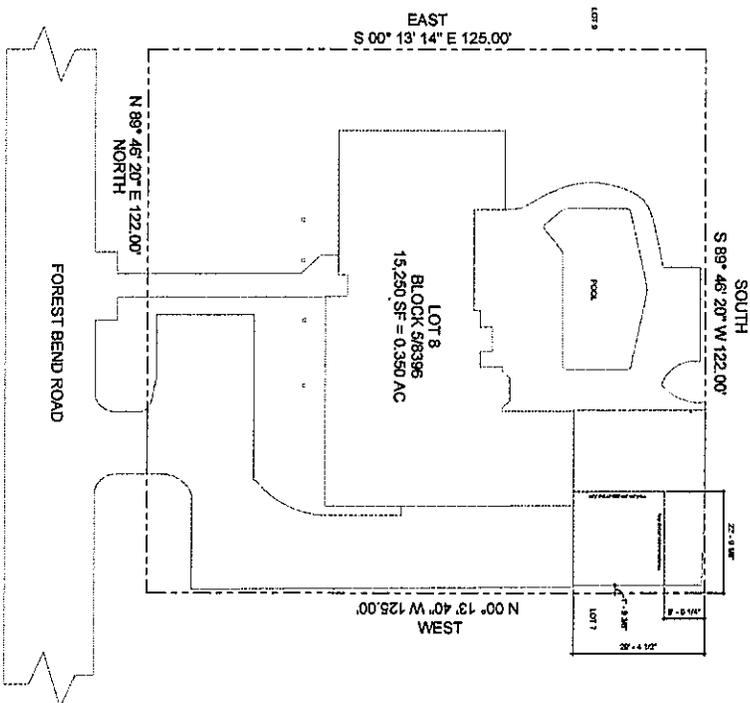
PH : 972.681.4975  
FAX : 972.681.4954

DATED : 06.13.2013  
GF # : 1834091-HXF74  
JOB # : 13-0852

NOTE: NO CHANGES TO SITE OR  
SITE PLAN. THERE WILL BE NO  
ADDITIONAL CONCRETE OR  
ROOFING ADDED. ONLY WALLS  
ADDED AT EXISTING HEADER  
LOCATIONS.



02 SITE - EXISTING  
1\"/>



01 SITE - NEW  
1\"/>

# 4516 Forest Bend

Tag & Associates, LLC expressly reserves its copyright and other property rights in these plans and drawings. These plans and related drawings are not to be copied in any form or manner. These plans are intended to provide the basic construction information necessary to substantially complete the structure. This means these plans must be verified and checked completely by the person in authority for the job. Any discrepancy, error, and/or omission, if found, is to be brought immediately to the attention of the builder before any construction, work or purchases are made. NOTE: All local codes, ordinances and requirements take precedence over any part of these drawings which may conflict with these agency's rules and/or regulations and be adhered to before and during all construction.



**TAG & ASSOCIATES**  
REGISTERED PROFESSIONAL SURVEYORS  
TAG & TRUMAN GIBSON  
C/O: 4825 S.W. 1000  
MIAMI, FL 33155  
Phone: 305.441.1000  
Fax: 305.441.1000  
Email: tag@tag-survey.com

**PROJECT INFORMATION**  
Job Title: 4516 Forest Bend  
Job Number: 13-0852  
Project Location: 4516 Forest Bend  
City: Mesquite, TX  
Project Start Date: 06/13/2013  
Project End Date: 06/13/2013  
Project Engineer: Tag & Associates, LLC  
Project Designer: Tag & Associates, LLC

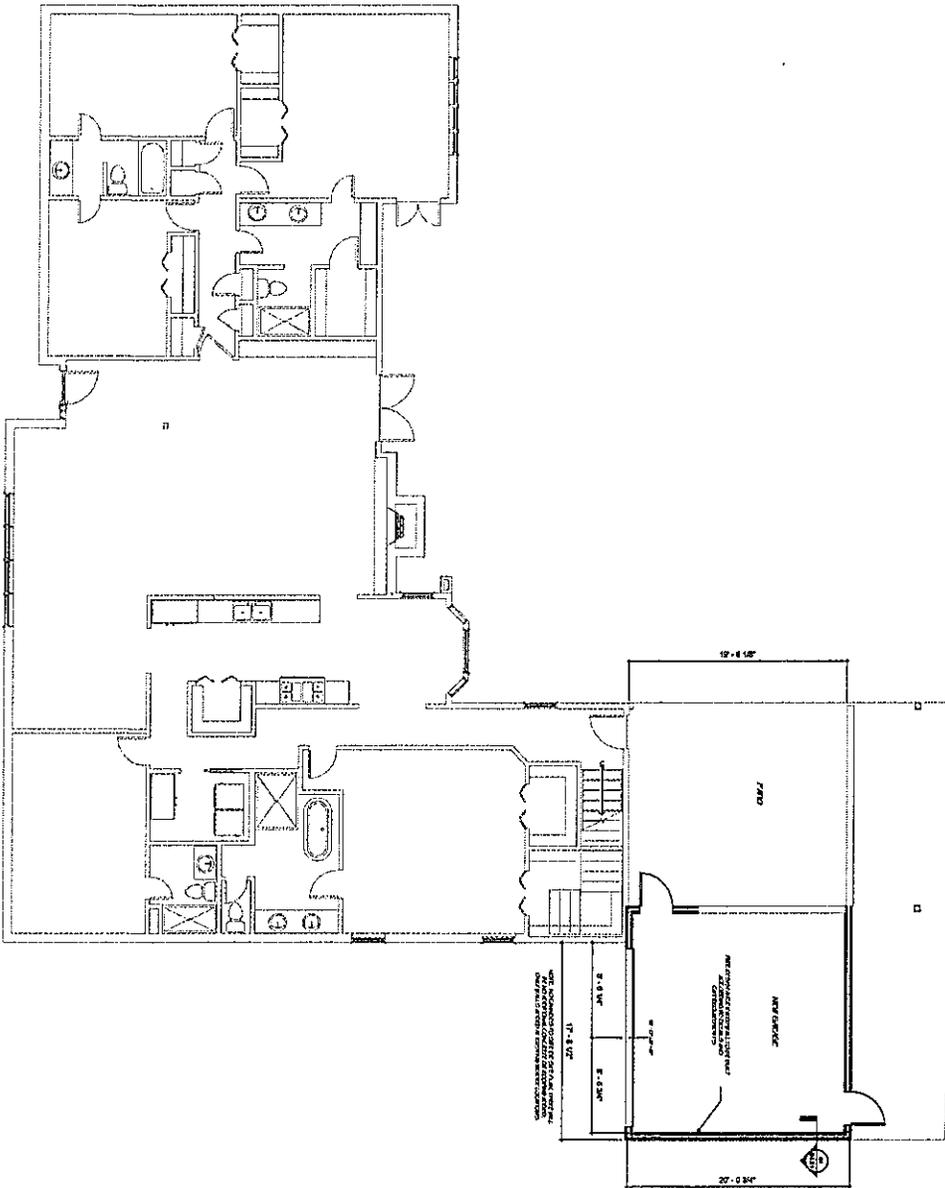
4516 FOREST BEND  
MIA. DANIELAN TEX.

SITE PLAN

Scale: 1" = 10'-0"

AI.10

01 FIRST FLOOR - NEW  
1/4" = 1'-0"



**SMOKE DETECTOR  
ALL SLEEPING AREA  
IMM. OUTSIDE AND  
ALL LEVEL.**

**PER ORDINANCE 28881, LOCAL 11.02:**  
BEFORE THE EXISTING BASIS OF A LOT WITH AN  
IMPROVED THAT PROVIDES A BASIS FOR THE  
CONSTRUCTION OF A NEW LOT TO BE CONSTRUCTED  
ON THE BASIS OF CONSTRUCTION  
FOR THE LOT.

**CITY OF DALLAS PERSCRIPTION PLAN**  
SECTION 11.02  
1. THE PERSCRIPTION PLAN SHALL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT.  
2. THE PERSCRIPTION PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE PERSCRIPTION PLAN.  
3. THE PERSCRIPTION PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE PERSCRIPTION PLAN.  
4. THE PERSCRIPTION PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE PERSCRIPTION PLAN.  
5. THE PERSCRIPTION PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE PERSCRIPTION PLAN.

- GENERAL NOTES**
1. REFER TO ALL DIMENSIONS AND DIMENSIONS OF THE PROJECT FOR THE PROJECT.
  2. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE PERSCRIPTION PLAN.
  3. THE PERSCRIPTION PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE PERSCRIPTION PLAN.
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**B2.10**  
SHEET 15 OF 15

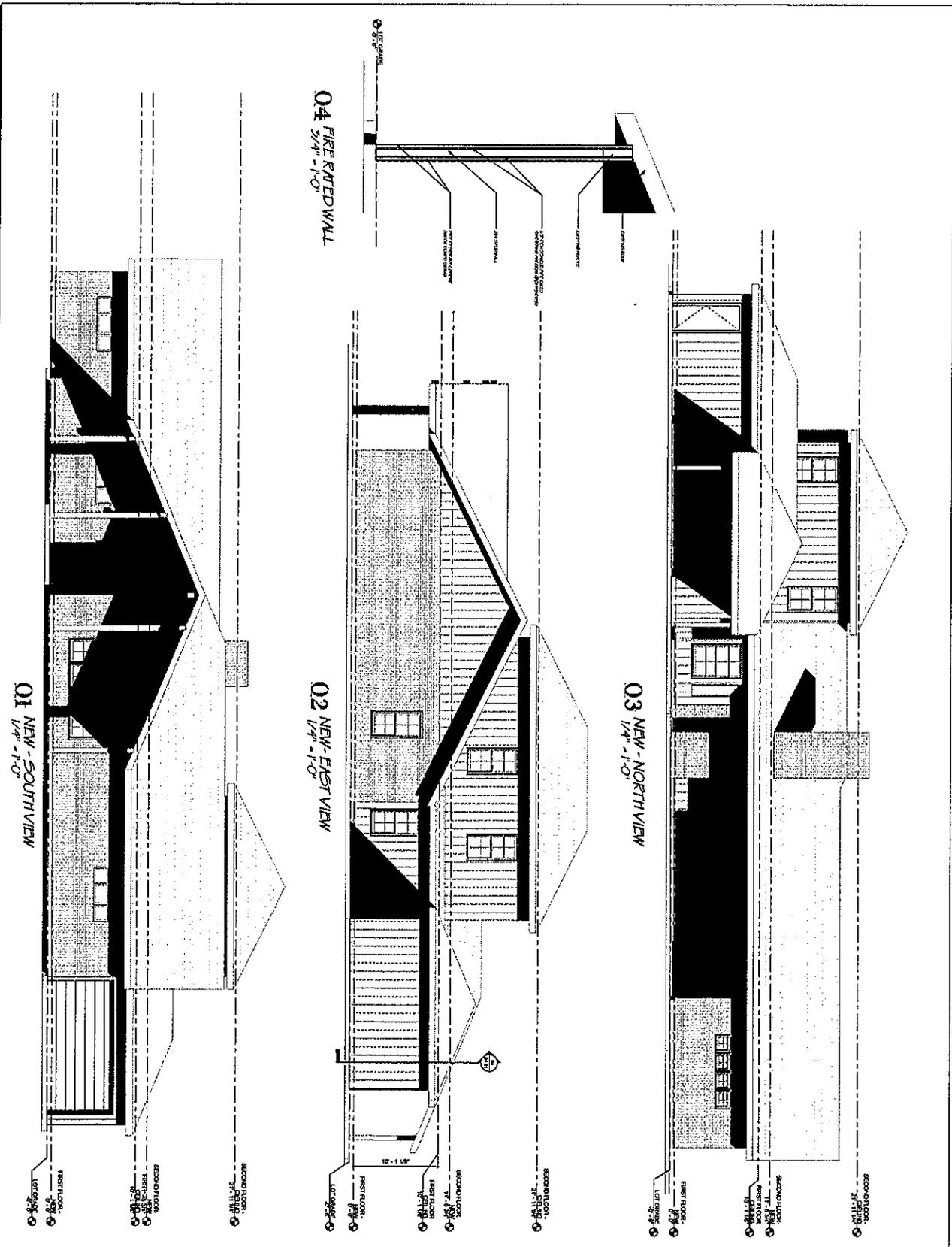
**4516 FOREST BEND  
RIN DALLAS TX  
FIRST FLOOR  
PLAN**

**4516 Forest Bend**

The City of Dallas, Texas, and its employees, agents, contractors, and subcontractors are not to be held liable for any errors or omissions in these plans and drawings. These plans and drawings are not to be copied in any form or manner. These plans are intended to provide the basic construction information necessary to construct the structure. The contractor shall be responsible for obtaining all necessary permits and for compliance with all applicable laws, codes, and regulations. All local codes, ordinances, and requirements take precedence over any part of these drawings which may conflict with these agency laws and regulations and be achieved by the contractor.

**TAG & ASSOCIATES**  
REGISTERED ARCHITECTS  
10000 Preston Road, Suite 1000  
Dallas, Texas 75240  
Tel: 972.361.1000  
Fax: 972.361.1001  
Email: info@tag.com

**DATE:** 01/15/10  
**BY:** [Signature]



**B4.01**  
Scale: As Indicated

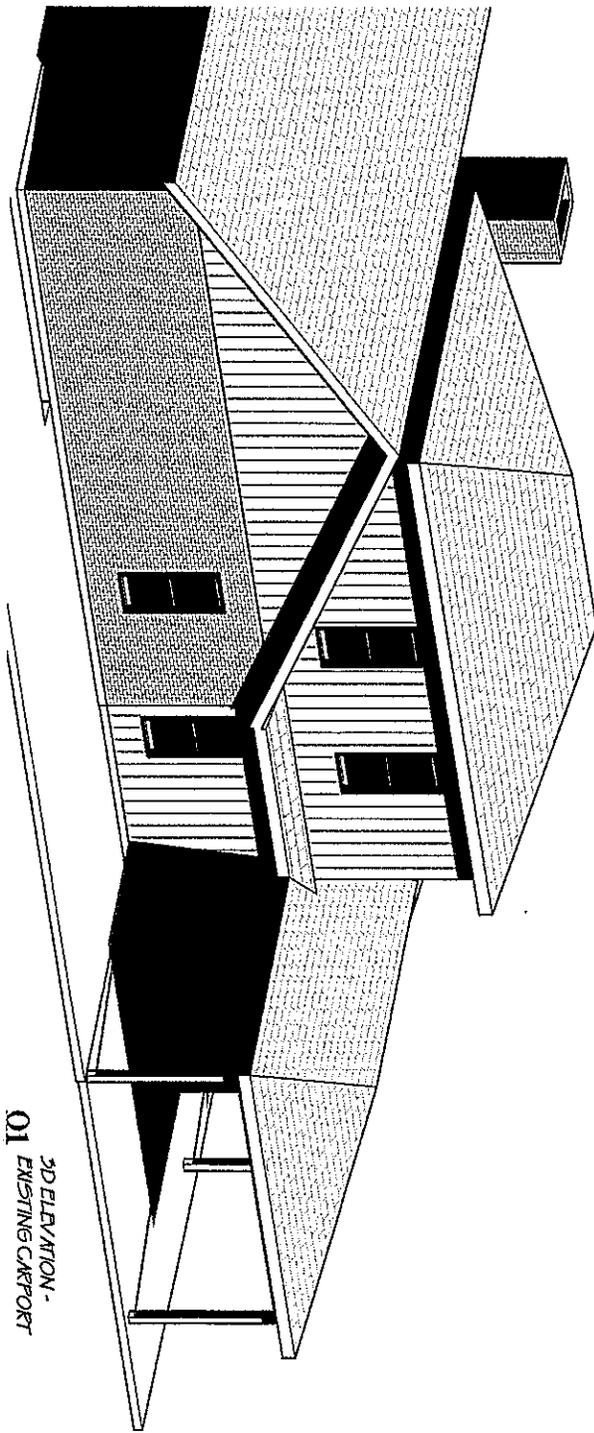
**ELEVATIONS**

# 4516 Forest Bend

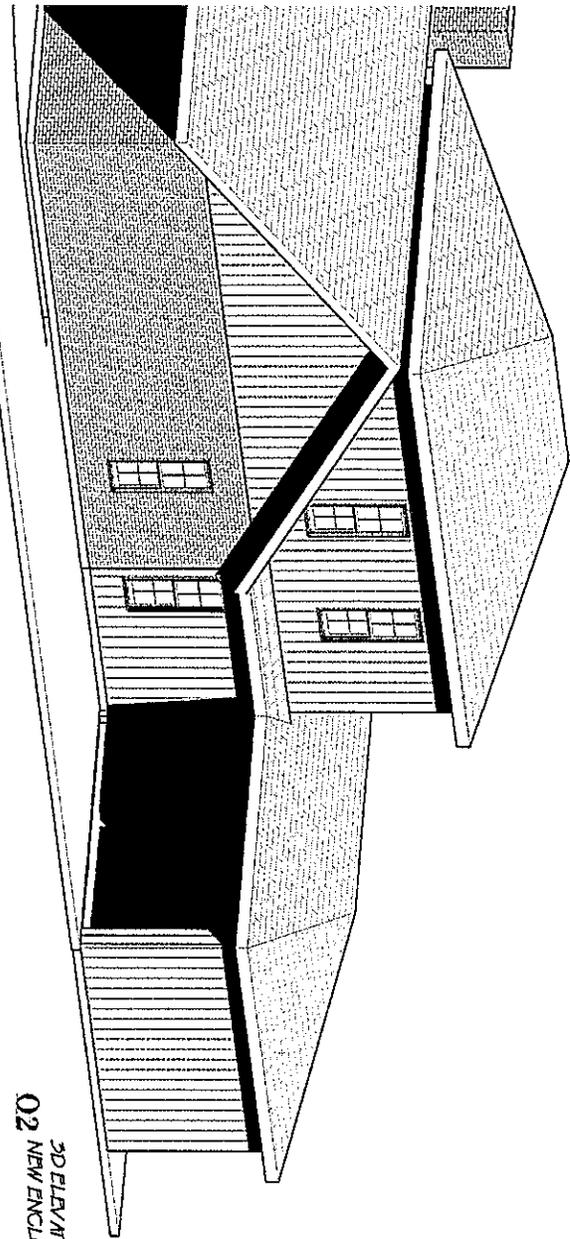
Fig 6 Associates, LLC hereby reserves its copyright and other property rights in these plans and drawings. These plans and related drawings are not to be copied in any form or by any means. These plans are prepared to provide the basic construction information necessary to substantially complete this structure. The owner must verify these plans must be verified and checked completely by the person in authority for the job. Any discrepancy, error, and/or omission, if found, is to be brought immediately to the attention of the owner before any construction, work or purchase are made. NOTE: All local codes, ordinances and requirements to take precedence over any part of these drawings which may conflict with these local codes and/or requirements and be adjusted to before and during all construction.

**FIG 6 ASSOCIATES, LLC**  
DESIGN-BUILD DIVISION  
740 E. TRUMAN CROWSON  
CAR: 469.544.1100  
Email: [Steve\\_Lee@fig6.com](mailto:Steve_Lee@fig6.com)

**GENERAL NOTES**  
1. See also the  
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3D ELEVATION -  
01 EXISTING CARPORT



3D ELEVATION -  
02 NEW ENCLOSED GARAGE

Scale: 1/8" = 1'-0"

B4.02

3D RENDERINGS

ASIG HOMESERVICES, INC.  
1001 DALLAS ST. N.E.

# 4516 Forest Bend

Tag & Tridion, LLC expressly reserves its copyright and other proprietary rights in these plans and drawings. These plans and related drawings are not to be copied in any form or manner. These plans are intended to provide the basic construction information necessary to substantially complete this structure. This means these plans must be verified and checked consistently by the person in custody for the job. Any discrepancy, error, and/or omission, if found, is to be brought immediately to the attention of the owner before any construction, work or purchases are made. NOTICE: All local codes, ordinances and requirements take precedence over any part of these drawings which may conflict with these agency's rules and/or regulations and be adhered to before and during all construction.



17700  
SOUTH

1000  
SOUTH

Board of Adjustments  
c/o Todd Duerksen  
City of Dallas  
320 E. Jefferson Blvd  
Room 105  
Dallas, Texas 75203  
04.27.2018

Tag Gilkeson  
Applicant on behalf of Virginia W. Reddy  
At 4516 Forest Bend Road, Dallas, Texas 75252  
Tag & Associates, LLC  
1601 Blackstone Drive  
Carrollton, Texas 75007

To Board of Adjustment Members,

I am writing today to ask that you grant the homeowner at 4516 Forest Bend Road a hardship side yard variance for enclosing their current existing carport into a functioning garage. The carport is attached to the existing house and has been since the original house being built. The carport is made out of 6"x6" posts with 6" wide and 14" tall headers on all three sides. It has a composite roof that is the same color and year built as the existing home. The posts are currently inside the side yard setback on the west side of the property.

The hardship is that the homeowner has elderly parents that will be coming to live with them. There is a challenge for the elderly when walking on wet and uneven surfaces. There is a fear that either wind or water may enter the existing carport and cause the concrete to become slippery and provide an unsafe environment for the elderly parents.

Please put yourself in our shoes and think about your elderly parents and how unsafe that may feel entering and existing areas that are known to be wet. We would like to build confidence in the parents and provide a safe area that they may enter and exit the vehicle to allow them to gain additional freedom as they age in place.

Thank you for your understanding in this delicate matter.

Sincerely,

Tag Gilkeson  
Applicant on behalf of the Elderly Parents  
of Virginia W. Reddy  
@ 4516 Forest Bend Road, Dallas, Texas 75252

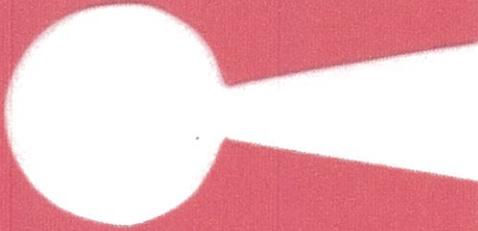
Facts to Consider

1. The existing carport is currently attached and is not new construction.
2. Enclosing the existing carport will not have a contrary impact on public interest.
3. A literal enforcement of the side yard setback resulting in not enclosing the garage would result in an unnecessary hardship for the homeowner and their elderly parents.
4. The construction of the walls within the setback will be built in a fire rated manner to conform to existing codes and standards of fire rated walls.
5. The special exception will not adversely affect neighboring properties.

101 / 03 08 / 04



Texas Department of Motor Vehicles



**R00846047P**

MONTH

- JAN
- FEB
- MAR
- APR
- MAY
- JUN
- JUL
- AUG
- SEP
- OCT
- NOV
- DEC

YEAR

- 17
- 18
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- 24
- 25
- 26
- 27



EXPIRES MONTH/YEAR

~~12 / 16~~



Texas Department of Motor Vehicles

# Application for Persons with Disabilities Parking Placard and/or License Plate

County Use Only	
Receipt of statutory fee acknowledged	
License plate issued	
Parking Placard(s)	
County #	Date

Complete application and submit payment (if required) by personal check, money order or cashier's check to your local County Tax Assessor-Collector's office. Do not mail cash. Include a copy of the applicant's photo ID if mailing the application.

**IMPORTANT:** The signature of the Licensed Medical Professional must be notarized on the Disability Statement on page 2 if an original prescription is not submitted. If an original prescription is submitted, it must include the disabled person's name, the signature of the medical professional (as defined on page 2), and a statement if the disability is permanent or temporary.

- A parking placard may be issued to persons with a permanent or temporary disability. There is no fee for a placard issued to a person with a permanent disability, and a \$5 fee (per placard) if issued to a person with a temporary disability.
- Disabled Person license plates displaying the International Symbol of Access (ISA) may be issued to persons with a permanent disability (limit one set of plates).
- Limit one (1) placard for persons with Disabled Person license plates. Limit two (2) placards for persons with no Disabled Person license plates.
- Active duty U.S. military may list an out-of-state DL # or military ID #.
- Non-Texas residents seeking medical treatment in Texas may list an out-of-state or country DL or ID #.

<b>APPLICATION TYPE - Check one</b>			
<input type="checkbox"/> One (1) Parking Placard	<input type="checkbox"/> Disabled Person License Plate(s)		
<input checked="" type="checkbox"/> Two (2) Parking Placards	<input type="checkbox"/> Disabled Person License Plate(s) and one (1) Parking Placard		
<b>PERSON WITH DISABILITY OR INSTITUTION - Type or print</b>			
Last Name or Institution Name <b>Watts</b>		First Name <b>James</b>	MI <b>W</b>
Mailing Address <b>3014 Sunset Blvd.</b>		City <b>Houston</b>	State <b>TX</b>
Phone <b>713 829 9756</b>	DL or ID# of Person with Disability <b>03083759</b>	E-mail <b>j.wm.watts@gmail.com</b>	
<b>IDENTIFICATION STATEMENT - State law makes falsifying information on this application a third-degree felony.</b>			
Please include your Texas Driver License number (DL #) or Texas Identification Card number (ID #) on this application. If you apply for a placard on behalf of a person with a disability, it is recommended to include the disabled person's DL or ID # on this application in the field above. The DL or ID # provided on this application will be partially shown on the placard issued.			
My signature below indicates that I am (check one):			
<input checked="" type="checkbox"/> the person with the disability listed above.			
<input type="checkbox"/> making application on behalf of a person with a disability. DL or ID # and state issuance _____			
<input type="checkbox"/> the administrator or manager of an institution licensed to transport persons with disabilities defined under Transportation Code Section 681.0032. DL or ID # _____ Institutions, facilities, and residential retirement communities licensed under Chapter 242, 246, or 247 of the Health and Safety Code must list a facility ID number issued by the agency: _____			
<b>James N. Watts III</b> Printed Name		 Signature	<b>5/28/18</b> Date
<b>LICENSE PLATES - Complete this section only if you are applying for Disabled Person license plates.</b>			
Year	Make	TX License Plate	Vehicle Identification Number
<input type="checkbox"/> Additional set of Disabled Person plates for certain specially equipped vehicle(s) gross weight of 18,000 lbs. or less listed below:			
Year	Make	TX License Plate	Vehicle Identification Number

**DEFINITIONS**

Transportation Code, Section 681.001(2) defines a disability as a condition in which a person has:

- (a) mobility problems that substantially impair the person's ability to ambulate;
- (b) visual acuity of 20/200 or less in the better eye with correcting lenses; or
- (c) visual acuity of more than 20/200 but with a limited field of vision in which the widest diameter of the visual field subtends an angle of 20 degrees or less.

Transportation Code, Section 681.001(5) defines a mobility problem as one that substantially impairs a person's ability to ambulate, and the person:

- (a) cannot walk 200 feet without stopping to rest;
- (b) cannot walk without the use of or assistance from an assistance device, including a brace, cane, crutch, another person or a prosthetic device;
- (c) cannot ambulate without a wheelchair or similar device;
- (d) is restricted by lung disease to the extent that the person's forced respiratory expiratory volume for one second, measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;
- (e) uses portable oxygen;
- (f) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
- (g) is severely limited in the ability to walk because of an arthritic, neurological, or orthopedic condition;
- (h) has a disorder of the foot that, in the opinion of a physician licensed to practice medicine in this state or in a state adjacent to this state, limits or impairs the person's ability to walk; or
- (i) has another debilitating condition that, in the opinion of a physician licensed to practice medicine in this state or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration, limits or impairs the person's ability to walk.

**DISABILITY STATEMENT - This section to be completed by a Licensed Medical Professional\***

\* Licensed Medical Professional is defined as a physician, podiatrist, optometrist, or qualifying physician's assistant or advanced practice nurse as defined in Chapter 301, Occupations Code. At least one of the following conditions must be met by the Licensed Medical Professional:

- Licensed in Texas, Arkansas, Louisiana, New Mexico, or Oklahoma; or
- Must practice medicine in a U.S. military installation based in Texas; or
- Must practice medicine in a hospital or health facility of the U.S. Department of Veterans Affairs.

I certify that James W. Watts III has a  permanent, or  temporary disability.  
Printed Name of Person with a Disability

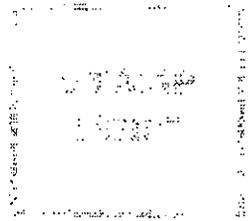
Jun Zhang P1951 5/14/18  
Printed Name of Licensed Medical Professional Professional License Number Date

[Signature]  
Signature of Licensed Medical Professional

6600 Main St Houston Tx 77030  
Mailing Address City State ZIP

**Notary - This section to be completed by a Notary only if an original prescription is not submitted.**  
The signature of the Licensed Medical Professional must be notarized if an original prescription is not submitted.

On this date, \_\_\_\_\_ the above named Licensed Medical Professional \_\_\_\_\_  
Date Name  
appeared before me so I could witness his/her signature.



State of \_\_\_\_\_, County of \_\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_  
Date

**Zhang, Jun, MD**  
**BAYLOR COLLEGE OF MEDICINE**

Baylor Clinic Oncology  
6620 Main St, Ste 1350  
Houston, TX 77030-2345  
713-798-3750  
Lic #:

---

<b>Patient:</b>	WATTS, JAMES WILLIAM III	<b>Date:</b>	5/14/2018
<b>Address:</b>	3014 SUNSET BLVD	<b>DOB:</b>	6/29/1942
	HOUSTON, TX 77005-2150	<b>Age:</b>	75-year old
		<b>Sex:</b>	M

**HANDICAPPED PLACARD**

Primary Dx: Adenocarcinoma of lung, stage\* (C34.90)

Quantity: 1

Comment:

Signature:



---

Board of Adjustments  
c/o Todd Duerksen  
City of Dallas  
320 E. Jefferson Blvd  
Room 105  
Dallas, Texas 75203  
06.16.2018

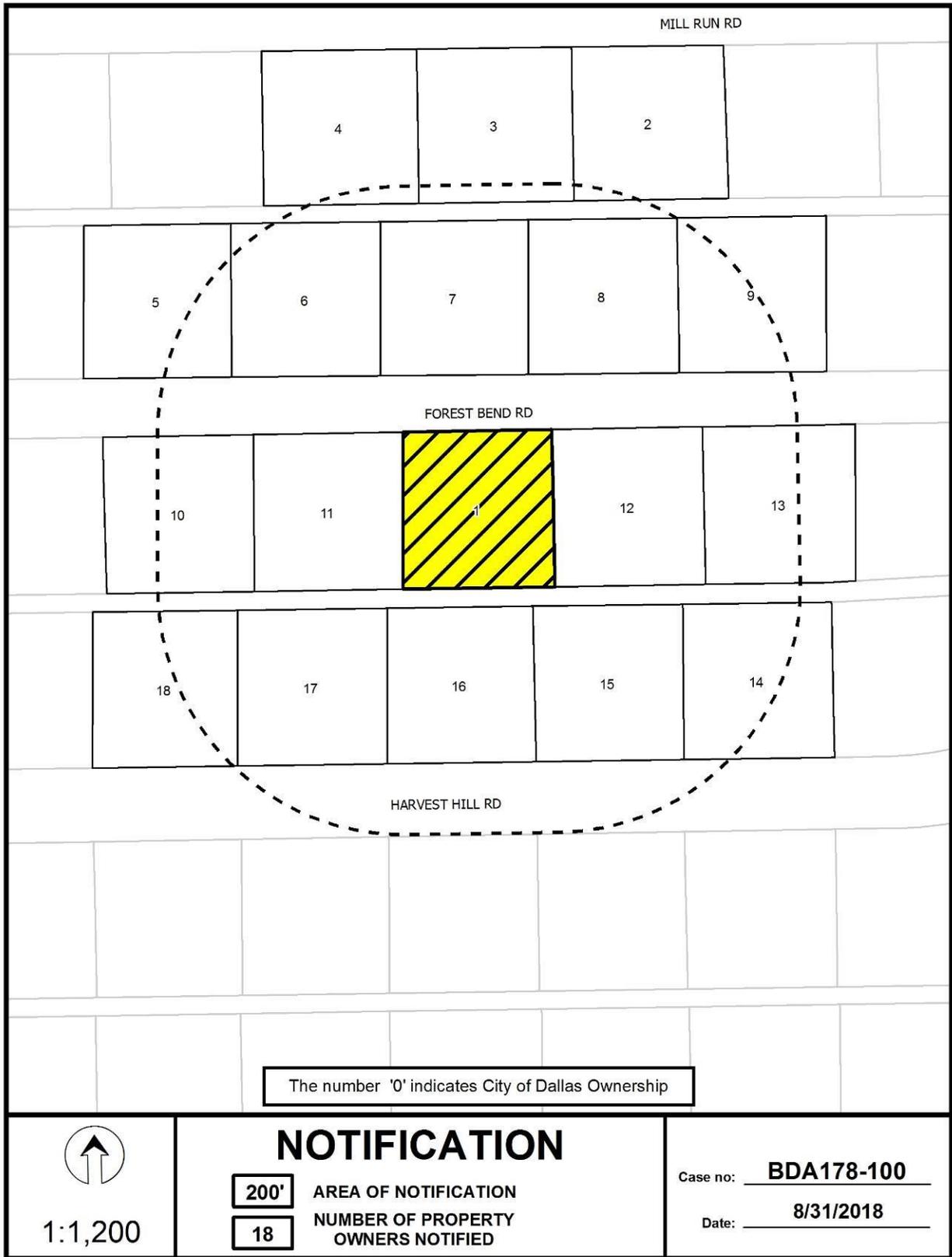
A personal letter from Virginia Reddy

Dear Tag,

A little over two years ago, my father was diagnosed with stage IV lung cancer with metastases to the brain. He has been hospitalized seven times in the past two years, and has chronic balance problems and low exercise tolerance. He has had a handicap placard since his diagnosis. My parents did not keep the prior prescriptions for his handicap placard, but they did find one of the old hanging placards and sent me a photo of it (attached). He was due for renewal recently and they sent me a PDF of the most recent prescription and application for the handicap placard.

Thank you,

Virginia Reddy



## *Notification List of Property Owners*

### *BDA178-100*

#### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4516 FOREST BEND RD	REDDY VIRGINIA W & SANDEEP
2	4526 MILL RUN RD	ADAMS RITA N
3	4516 MILL RUN RD	WALKER SCOTT A & DEANNA C
4	4508 MILL RUN RD	FREEMAN JAMES JEFFERY &
5	4455 FOREST BEND RD	NISBET VIRGINIA BARRON
6	4507 FOREST BEND RD	WILSON ALEXANDER ROBERT & EMILY DONOFRIO
7	4515 FOREST BEND RD	BORDA FABIO E & AVIVA H
8	4525 FOREST BEND RD	JOHNSON ROY C JR &
9	4535 FOREST BEND RD	CRONIN LEO F
10	4456 FOREST BEND RD	GRINDINGER JAMES J &
11	4508 FOREST BEND RD	HARKNESS R KENNETH
12	4526 FOREST BEND RD	KGI TEXAS 1 LLC
13	4536 FOREST BEND RD	YABRAIAN FAMILY LIVING TRUST
14	4535 HARVEST HILL RD	TAYLOR FAMILY LIVING TRUST THE
15	4525 HARVEST HILL RD	SCHMIDT LAURIE &
16	4515 HARVEST HILL RD	DICKERSON KELLY M & JOSEPH &
17	4507 HARVEST HILL RD	WOODWARD LOIS N
18	4455 HARVEST HILL RD	LINK MARCELO C & CAROLINE