





**CITY OF DALLAS**

**BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, NOVEMBER 17, 2020  
AGENDA**

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BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

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**Neva Dean, Assistant Director  
Jennifer Muñoz, Chief Planner/Board Administrator  
Oscar Aguilera, Senior Planner  
LaTonia Jackson, Board Secretary**

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**PUBLIC TESTIMONY**

Minutes

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**MISCELLANEOUS ITEM**

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Approval of the October 20, 2020 Board of Adjustment Panel A Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA190-100(OA)</b>	5203 McCommas Blvd. <b>REQUEST:</b> Application of Rob Little for a variance to the front yard setback regulations.	1
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<b>BDA190-104(OA)</b>	2601 Gaston Ave. <b>REQUEST:</b> Application of Rob Baldwin of Baldwin Associates for a special exception to the parking regulations.	2
<b>BDA190-107(OA)</b>	6903 Lomo Alto Dr. <b>REQUEST:</b> Application of Rob Baldwin of Baldwin Associates for a special exception to the landscaping regulations	3
<b>BDA190-113(OA)</b>	4523 W. Lawther Dr. <b>REQUEST:</b> Application of Rob Baldwin of Baldwin Associates for a special exception to the fence height regulations.	4

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**REGULAR CASES**

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None

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**HOLDOVER CASES**

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<b>BDA190-098(OA)</b>	3609A Greenville Ave. <b>REQUEST:</b> Application of Santos Martinez, La Sierra Planning Group, for a special exception to the Modified Delta Overlay District No. 1 regulations.	5
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## EXECUTIVE SESSION NOTICE

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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:** BDA190-100(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Little for a variance to the front yard setback regulations at 5203 McCommas Boulevard. This property is more fully described as Lot 11, Block C/2934, and is zoned Conservation District No. 9, which requires a front yard setback of 35-feet three-inches. The applicant proposes to construct and/or maintain a structure and provide a 28-foot three-inch front yard setback, which will require a seven-foot variance to the front yard setback regulations.

**LOCATION:** 5203 McCommas Boulevard

**APPLICANT:** Rob Little

**REQUEST:**

A request for a variance to the front yard setback regulations of seven feet is made to remove, construct, and maintain a portion of an attached porch structure and steps located 28-feet three-inches from the front property line or seven feet into the 35-foot three-inch 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:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the subject site is unique and different from most lots in Conservation District No. 9 by its restrictive area due to having a smaller lot and having a slope that reduces a portion of the developable area so that it cannot be developed in a manner commensurate with the development upon other parcels of land within the same zoning district. The lot area is not a self-created hardship. Additionally, the applicant submitted a document (Attachment A) indicating, among other things, that the proposed attached structure on the subject site is commensurate to 15 other lots located within the same subdivision and in the same Conservation District No. 9. Since most of the surrounding properties have similar porches, staff found that the request is not contrary to public interest. Overall, the proposal to relocate the porch keeps with the spirit of the ordinance and substantial justice will be done.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: Conservation District No. 9  
North: Conservation District No. 9  
South: Conservation District No. 9  
East: Conservation District No. 9  
West: Conservation District No. 9

**Land Use:**

The subject site and surrounding properties are developed with single family uses.

**Zoning/BDA History:**

There have not been any recent board or zoning cases in the vicinity of the subject site within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

The request for a variance to the front yard setback regulations of seven-feet focuses on removing, constructing, and maintaining a portion of an attached porch structure and steps located 28-feet three-inches from the front property line or seven feet into the 35-foot three-inch front yard setback.

The site is zoned Conservation District No. 9 which states that the minimum front yard setback is the average of the front yard setback of the two adjacent houses. The maximum front yard setback for main structures is the greater setback of the two adjacent houses. Setback calculations must be prepared by a licensed architect or engineer.

The submitted site plan indicates a portion of an attached porch structure and steps located 28-feet three-inches from the front property line.

According to DCAD records, the “main improvement” for the property addressed at 5203 McCommas Boulevard is a structure built in 1946 with 985 square feet of living/total area, and “additional improvements” including a 400 square-foot detached garage.

The site is flat, rectangular, and 6,895 square feet in area. The site is zoned CD No. 9, where lots are typically 7,500 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 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 Conservation District No. 15 zoning classification.
  - If the board were to grant the variance, it would not be 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 Conservation District No. 15 zoning classification.

If the board were to grant the variance 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 in this case a portion of an attached porch structure and steps located 28-feet three-inches from the front property line or seven feet into the 35-foot three-inch front yard setback

Granting the front yard variance request will not provide any relief to the architectural requirements of CD No. 9.

**Timeline:**

August 25, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

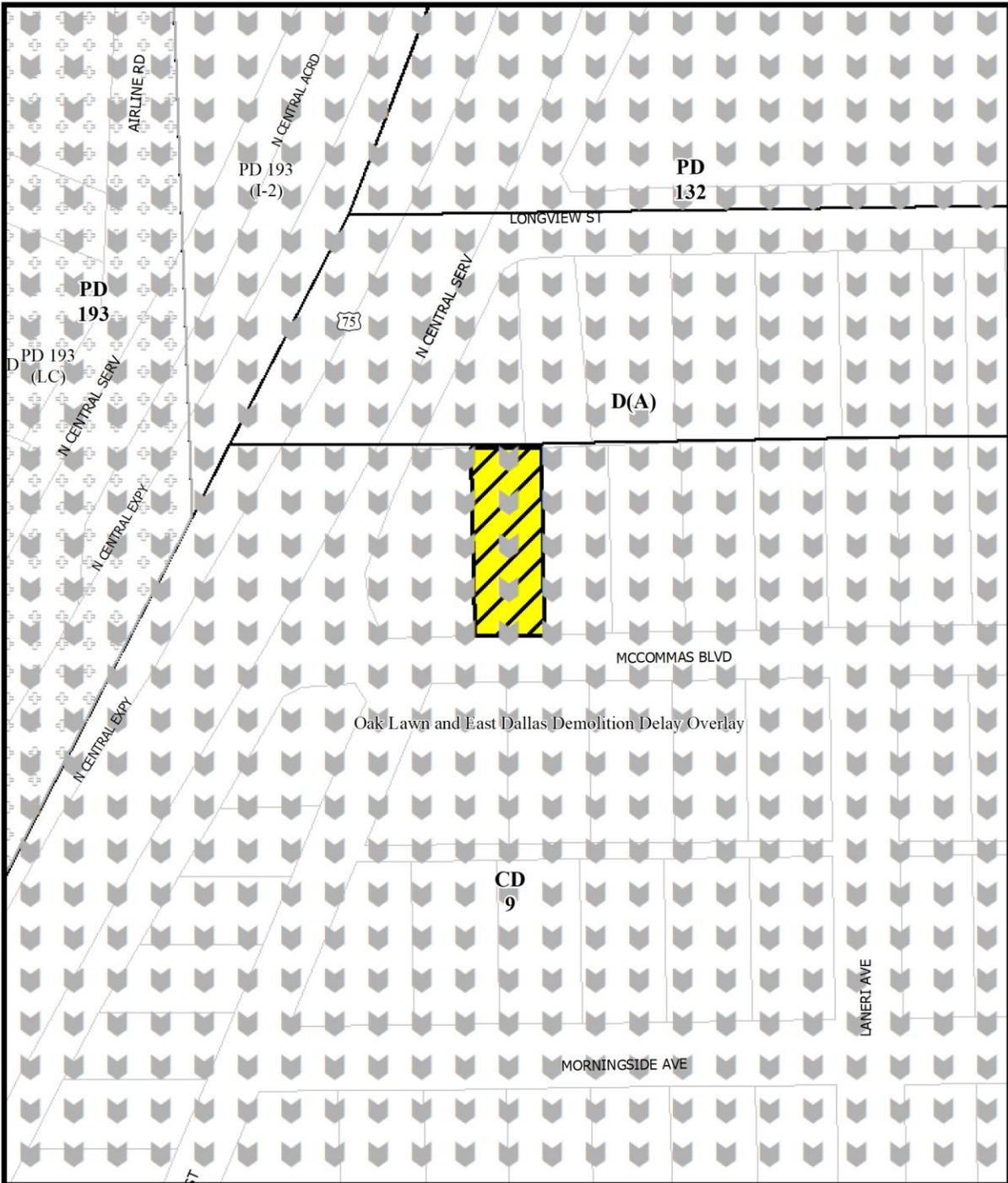
September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 18, 2020: The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

- a copy of the application materials including the Building Official’s report on the application;
- 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 30: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application and at the October public hearing (**Attachment A**).

October 29, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.



1:1,200

# ZONING MAP

Case no: BDA190-100

Date: 10/1/2020





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-100

Date: ~~8-20-20~~ 8-25-20

Data Relative to Subject Property:

Location address: 5203 McCommas Blvd. Zoning District: CD-9

Lot No.: 11 Block No.: C/2934 Acreage: .173 Census Tract: 3,00

Street Frontage (in Feet): 1) 52.5' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Benjamin Garrett

Applicant: Rob Little c/o Bella Vista Co. Telephone: 972-746-0461

Mailing Address: 8989 Garland Road, Dallas TX Zip Code: 75218

E-mail Address: rob@bellavistacompany.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 Location and size of front Porch, required setback is 35'-4" we request 5'-6" in encroachment we are providing 31" 29'-8"

P 8/25/20

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:

unable to remodel and improve front porch, built in 1946, due to CD-9 porch requirements

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

Affidavit

Before me the undersigned on this day personally appeared Rob Little (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 20th day of August, 2020



[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** Rob little

**did submit a request** for a variance to the front yard setback regulations  
**at** 5203 McCommas Blvd.

BDA190-100. Application of Rob Little for a variance to the front yard setback regulations at 5203 MCCOMMAS BLVD. This property is more fully described as Lot 11, Block C/2934, and is zoned CD-9, which requires a front yard setback of 35 feet 3 inches. The applicant proposes to construct and maintain a single family residential structure and provide a 28 foot 3 inch front yard setback, which will require a 7 foot variance to the front yard setback regulations.

Sincerely,

  
David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-100

I, Benjamin Garrett, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5203 McCommas Blvd.  
(Address of property as stated on application)

Authorize: Rob Little c/o Bella Vista Co.  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Location and size of front porch.

Benjamin Garrett  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 8/21/20

Before me, the undersigned, on this day personally appeared BENJAMIN GARRETT

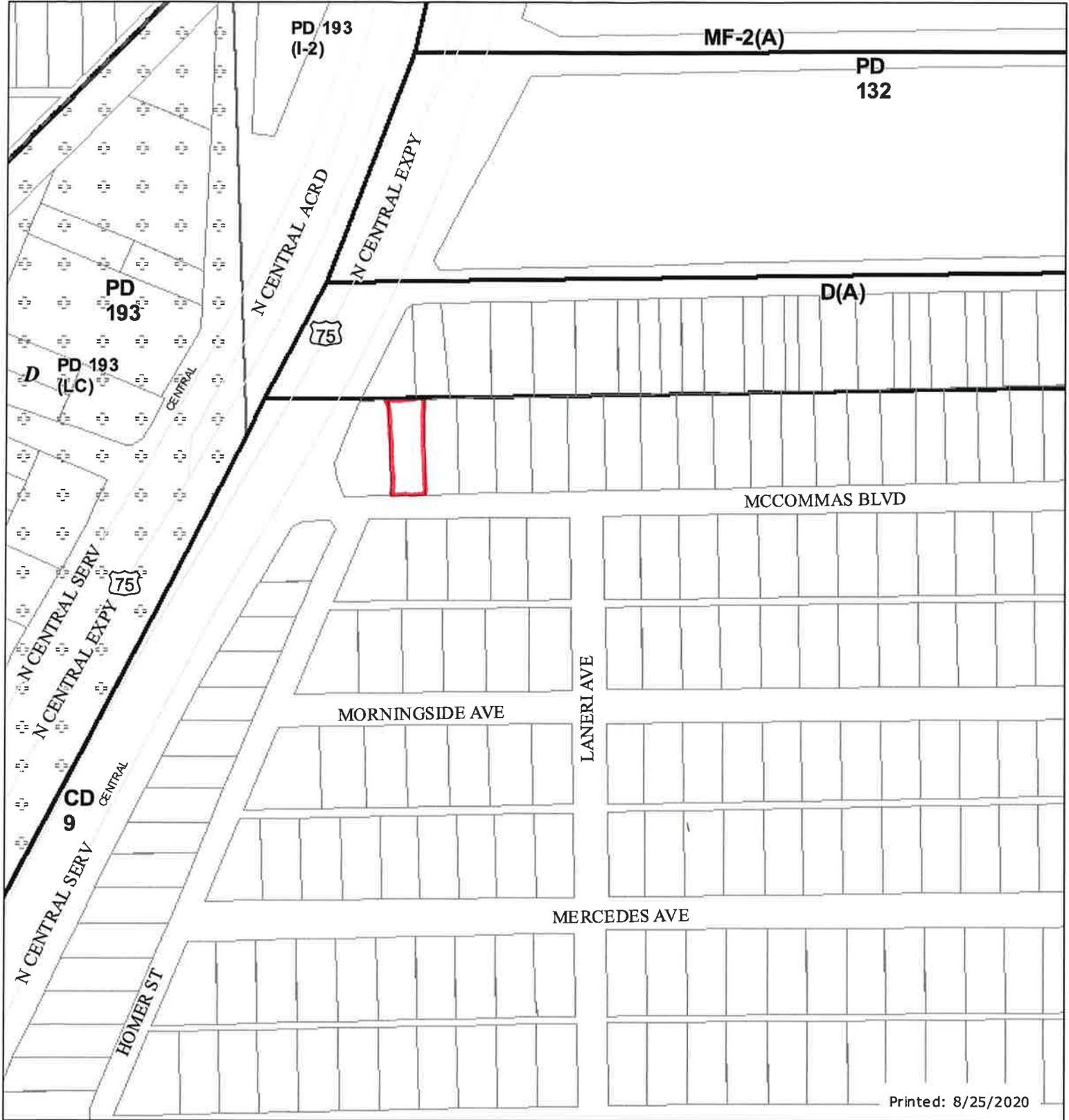
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 21<sup>st</sup> day of August, 2020



[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 8/7/2021



Printed: 8/25/2020

### Legend

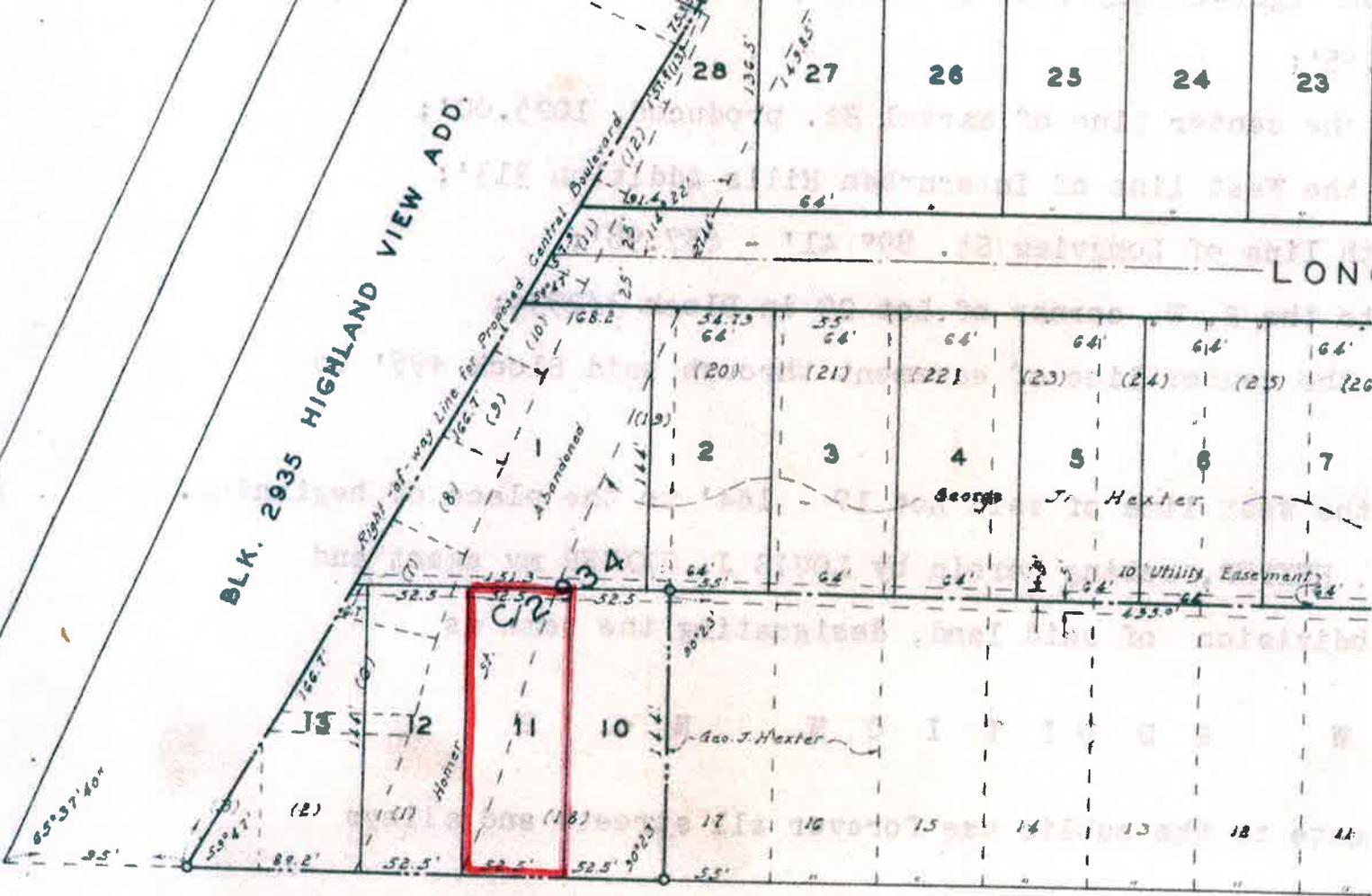
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Roadplaln            | 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 1-10    |
|                      |                                | 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)



BLK. 2035 HIGHLAND VIEW ADD.

Right-of-way Line for Proposed Central Boulevard  
Abandoned



MC COMMAS

HOMER ST.

LANERI ST.





APPENDIX A

Table of Commensurate Homes

<b>Address</b>	<b>Zoning District</b>	<b>Lot Width</b>	<b>Porch Width</b>	<b>% of Lot Width</b>
5207 McCommas Blvd.	CD-9 Greenland Hills	52.5'	16'- 0"	30%
5211 McCommas Blvd.	CD-9 Greenland Hills	55'-0"	31'-0"	56%
5214 McCommas Blvd.	CD-9 Greenland Hills	56'-0"	15'-0"	26%
5215 McCommas Blvd.	CD-9 Greenland Hills	55'-0"	8'-0"	14%
5219 McCommas Blvd.	CD-9 Greenland Hills	55'-0"	9'-0"	16%
5223 McCommas Blvd.	CD-9 Greenland Hills	55'-0"	18'-0"	32%
5303 McCommas Blvd.	CD-9 Greenland Hills	55'-0"	12'-0"	21%
5307 McCommas Blvd.	CD-9 Greenland Hills	55'-0"	21'-0"	38%
5315 McCommas Blvd.	CD-9 Greenland Hills	55'-0"	28'-0"	50%
5317 McCommas Blvd.	CD-9 Greenland Hills	50'-0"	14'-0"	29%
5321 McCommas Blvd.	CD-9 Greenland Hills	50'-0"	15'-0"	31%
5342 McCommas Blvd.	CD-9 Greenland Hills	60'-0"	17'-0"	28%
5330 McCommas Blvd.	CD-9 Greenland Hills	60'-0"	13'-0"	21%
5318 McCommas Blvd.	CD-9 Greenland Hills	60'-0"	14'-0"	22%
5310 McCommas Blvd.	CD-9 Greenland Hills	60'-0"	20'-0"	33%
	<b>Average</b>	<b>55'-6"</b>	<b>16'-0"</b>	<b>29%</b>
5203 McCommas Blvd. (current home)	CD-9 Greenland Hills	52.5"	5'-6"	10%
5203 McCommas Blvd. (proposed home)	CD-9 Greenland Hills	52.5"	10'-9"	20%

\*All data obtained from Dallas Central Appraisal District (DCAD) Property Map











1-19

5303



5307









1-23

5321











1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**184**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-100**

Date: **10/1/2020**

10/01/2020

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

### ***BDA190-100***

***184 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5203 MCCOMMAS BLVD	GARRETT BENJAMIN BRYAN &
2	5202 MCCOMMAS BLVD	DALLAS TRANSIT SYSTEM
3	5206 MCCOMMAS BLVD	ROBERTSON JAMES
4	5210 MCCOMMAS BLVD	GLENN MICHAEL R
5	5214 MCCOMMAS BLVD	SCIFRES SHERIL ANN
6	5218 MCCOMMAS BLVD	BROWN EILEEN
7	5223 MORNINGSIDE AVE	SCHEINROCK MARC
8	5219 MORNINGSIDE AVE	BERG JOHN R & CAITLIN R
9	5215 MORNINGSIDE AVE	EKS LIVING TRUST
10	5211 MORNINGSIDE AVE	CRANE STEPHEN L & ANNETTE M
11	5203 MORNINGSIDE AVE	MORRIS JERE N
12	5202 LONGVIEW ST	KARANAM PRASHANT &
13	5200 LONGVIEW ST	SNSC GARRETT COMPANY LLC
14	5204 LONGVIEW ST	ODELL CHARLES C & RUBY B
15	5210 LONGVIEW ST	WATTIKER BRITTANI HALE
16	5207 MCCOMMAS BLVD	CHAMBERLIN DAVID SCOTT &
17	5111 MCCOMMAS BLVD	TEXAS STATE OF
18	5219 MCCOMMAS BLVD	JLB LIVING TRUST
19	5215 MCCOMMAS BLVD	BELL JOHN P
20	5211 MCCOMMAS BLVD	IRA PLUS SOUTHWEST LLC
21	3411 HOMER ST	MYRICK TIMOTHY A &
22	3415 HOMER ST	FALLON DENNIS G
23	5200 MARTEL AVE	CALDERONI FAMILY LIMITED
24	5200 MARTEL AVE	FLORES ALFREDO
25	5200 MARTEL AVE	REED ERIN
26	5200 MARTEL AVE	LINDSEY HELEN KIT YEE

10/01/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5200 MARTEL AVE	CRUMPLER JEANETTE LIFE ESTATE
28	5200 MARTEL AVE	JACOB ANIL & TIFFANY
29	5200 MARTEL AVE	HADDAD RONY EL
30	5200 MARTEL AVE	ARMOUR PHILIP K
31	5200 MARTEL AVE	SAHINALP BETH SMAJSTRLA
32	5200 MARTEL AVE	QUESADA ROLANDO E
33	5200 MARTEL AVE	HALL SAMUEL LEE JR
34	5200 MARTEL AVE	REED LILA F
35	5200 MARTEL AVE	
36	5200 MARTEL AVE	MITCHELL MICHAEL SCOTT
37	5200 MARTEL AVE	OREAR KAMY
38	5200 MARTEL AVE	SPILLER MATTHEW E & MATTHEW E SPILLER
39	5200 MARTEL AVE	MILLER WILLIAM B
40	5200 MARTEL AVE	PERRY BRETT A
41	5200 MARTEL AVE	ANBARGHALAMI GOLNAZ
42	5200 MARTEL AVE	ANDREWS AILEEN B & MARK E
43	5200 MARTEL AVE	JACKSON LESLIE BRIEANN
44	5200 MARTEL AVE	ZICARI EDWARD
45	5200 MARTEL AVE	PALELLA MICHAEL C &
46	5200 MARTEL AVE	PULLEN DAVID A & CAROL A FAMILY TRUST
47	5200 MARTEL AVE	NEMRAVA MARY KATE
48	5200 MARTEL AVE	ETHEREDGE KIMBERLY
49	5200 MARTEL AVE	LACHANCE MICHAEL & PAMELA
50	5200 MARTEL AVE	PLEMONS ANNA
51	5200 MARTEL AVE	GOMEZ DANIEL
52	5200 MARTEL AVE	WANG MICHAEL
53	5200 MARTEL AVE	LINKSMAN RIVKA
54	5200 MARTEL AVE	CARPENTER CARL LOUIS
55	5200 MARTEL AVE	LANDIS C B & BEVERLY E
56	5200 MARTEL AVE	BEALL CINDY
57	5200 MARTEL AVE	BOONE PATRICE M

10/01/2020

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	5200 MARTEL AVE	CHRISTENSEN PETER
59	5200 MARTEL AVE	AULT JOSHUA S
60	5200 MARTEL AVE	MEADOWS MARK D
61	5200 MARTEL AVE	ORTH KIM T
62	5200 MARTEL AVE	LW TEXAS NO10 LLC
63	5200 MARTEL AVE	LY KEVIN K
64	5200 MARTEL AVE	REFUERZO MELINDA C
65	5200 MARTEL AVE	GIANNASI TAYLOR
66	5200 MARTEL AVE	MILLER JUDY J
67	5200 MARTEL AVE	ROXIE LOVE LLC
68	5200 MARTEL AVE	BILHARTZ JENNIFER L
69	5200 MARTEL AVE	WRIGHT DEBORAH OWENS
70	5200 MARTEL AVE	CROWLEY JOHN W
71	5200 MARTEL AVE	BUI JUSTINA MY
72	5200 MARTEL AVE	ACERS RACHEL LYNN
73	5200 MARTEL AVE	SKINNER JESSIE
74	5200 MARTEL AVE	MORAVCOVAVALKO MARTINA
75	5200 MARTEL AVE	RITCHIE JENA R
76	5200 MARTEL AVE	URQUIDI JOHN
77	5200 MARTEL AVE	WATERS WILLIAM A &
78	5200 MARTEL AVE	MCMICHAEL SCOTT
79	5200 MARTEL AVE	PROKUP ELAINE M &
80	5200 MARTEL AVE	COLLI JAMES E
81	5200 MARTEL AVE	GORMAN ALLEN &
82	5200 MARTEL AVE	CHANG ANITA J LIVING TR
83	5200 MARTEL AVE	LEE JEFFRY T
84	5200 MARTEL AVE	LW TEXAS NO9 LLC
85	5200 MARTEL AVE	TRAMPE ROBERT
86	5200 MARTEL AVE	DEVRIES FAMILY TR
87	5200 MARTEL AVE	ARNOLD CHRIS D
88	5200 MARTEL AVE	SOKOLSKI MICHAEL L

10/01/2020

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
89	5200 MARTEL AVE	EFTEKHARI ALIREZA &
90	5200 MARTEL AVE	BARADARAN SHAYAN
91	5200 MARTEL AVE	WONG JOSEPH C & JENNIFER
92	5200 MARTEL AVE	WILBUR SAM
93	5200 MARTEL AVE	BONNET DAVID M
94	5200 MARTEL AVE	KEMPEL SKYLAR LORENZE
95	5200 MARTEL AVE	DEAN JOHN
96	5200 MARTEL AVE	LEYVA RICHARD
97	5200 MARTEL AVE	SAPENTER ROBYN K
98	5200 MARTEL AVE	FISHER SARA ANN
99	5200 MARTEL AVE	SWEATMAN WILLIAM
100	5200 MARTEL AVE	REYES CARL J
101	5200 MARTEL AVE	OPHEIM JEANNE
102	5200 MARTEL AVE	BARTMAN EUGENE Q & MARY ANN
103	5200 MARTEL AVE	BARTMAN KIMBERLY S
104	5200 MARTEL AVE	STRUHALL LARRY A
105	5200 MARTEL AVE	POAGUE WILLIAM H
106	5200 MARTEL AVE	LEECOCK RYAN D
107	5200 MARTEL AVE	SCHULTE LAURA
108	5200 MARTEL AVE	HAYES BENJAMIN
109	5200 MARTEL AVE	ENDERS JHANA P
110	5200 MARTEL AVE	TERRY WILLIAM P
111	5200 MARTEL AVE	BURNS JENNIFER R
112	5200 MARTEL AVE	WASHINGTON ALEXANDRA M
113	5200 MARTEL AVE	FOSTER SARAH E
114	5200 MARTEL AVE	CURRY DANIEL L
115	5200 MARTEL AVE	ACUNA MICHELLE
116	5200 MARTEL AVE	LIGHTHOUSE HOMES II LLC
117	5200 MARTEL AVE	WALTERS KYLE &
118	5200 MARTEL AVE	ROTHFIELD KENNETH P
119	5200 MARTEL AVE	FAIN TERRY & HOLLY

10/01/2020

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
120	5200 MARTEL AVE	TERRY JOHN P
121	5200 MARTEL AVE	PASSARELLO ANTHONY JR
122	5200 MARTEL AVE	MCCHESENEY KRISTIN
123	5200 MARTEL AVE	QUEST TRUST COMPANY
124	5200 MARTEL AVE	TAYLOR JACK EDWARD JR &
125	5200 MARTEL AVE	VALIGURA KYLIE R
126	5200 MARTEL AVE	MUNGIOLI ALESSANDRO
127	5200 MARTEL AVE	HELPER KEITH G JR & HEIDI R
128	5200 MARTEL AVE	ESCALANTE MANUEL
129	5200 MARTEL AVE	GIESE MICHAEL
130	5200 MARTEL AVE	BUCHANAN LINDA E
131	5200 MARTEL AVE	SHIHAB ASHLEY
132	5200 MARTEL AVE	MUSSAT DAVID A
133	5200 MARTEL AVE	DISS SCOTT
134	5200 MARTEL AVE	HARTFORD ROBERT L
135	5200 MARTEL AVE	STANFORD PEGGY
136	5200 MARTEL AVE	HARDY JULIE
137	5200 MARTEL AVE	MCCALLUM CRAIG
138	5200 MARTEL AVE	MCCLANAHAN MICHAEL RYAN
139	5200 MARTEL AVE	LEWIS IRENE R
140	5200 MARTEL AVE	GRAYSON KEITH & MELANIE
141	5200 MARTEL AVE	BEARD WESLEY ALLAN
142	5200 MARTEL AVE	DAVIS DAVID RUDICK
143	5200 MARTEL AVE	BICKEL LOUIS P JR & LAURA
144	5200 MARTEL AVE	WALLS SEAN
145	5200 MARTEL AVE	NG ALEXANDER SHING
146	5200 MARTEL AVE	ELLIOTT MARK CLAYTON
147	5200 MARTEL AVE	MYRICK ELIZABETH K
148	5200 MARTEL AVE	HAGE DONNA J LIVING TRUST
149	5200 MARTEL AVE	CALABRESE TRACY
150	5200 MARTEL AVE	MITCHELL AMY JEANNINE &

10/01/2020

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
151	5200 MARTEL AVE	BECKMAN SHANNON ELAINE
152	5200 MARTEL AVE	HOLLAND KIMBERLY J
153	5200 MARTEL AVE	WATSON STEVEN
154	5200 MARTEL AVE	BAGINSKI KENDALL LYNN & CRAIG RAYMOND
155	5200 MARTEL AVE	SCHENCK ANDREW & MEGAN
156	5200 MARTEL AVE	TERSELICH METKA
157	5200 MARTEL AVE	WADDELL JACQLYN A
158	5200 MARTEL AVE	MENZIES JANICE G
159	5200 MARTEL AVE	NGUYEN AMY &
160	5200 MARTEL AVE	TINAJERA KASEY
161	5200 MARTEL AVE	GENTCHEV EVGENIY I
162	5200 MARTEL AVE	TASSOPOULOUS HARRISON J
163	5200 MARTEL AVE	RODRIGUEZ MODESTO & KATHRYN MADISON
164	5200 MARTEL AVE	CHRISTIE TRAVIS J
165	5200 MARTEL AVE	UDALL GINA M
166	5200 MARTEL AVE	WEIR DAVID
167	5200 MARTEL AVE	MAHAN KIMBERLY BETH
168	5200 MARTEL AVE	MULLINS COLLEEN
169	5200 MARTEL AVE	CROSS LYNDISAY BROOKE
170	5200 MARTEL AVE	HEUER ROBERT ANDREW
171	5200 MARTEL AVE	MATHEWS LUCAS
172	5200 MARTEL AVE	SCOY PETER VAN & ALYSE KATE VAN SCOY
173	5200 MARTEL AVE	CHANG ANITA J LIVING TRUST
174	5200 MARTEL AVE	WALSER ELLEN A
175	5200 MARTEL AVE	PRICE TIFFANI S
176	5200 MARTEL AVE	SWARINGEN WILLIAM GLENN
177	5200 MARTEL AVE	UTICH JOHN
178	5200 MARTEL AVE	HILL THERESA L
179	5200 MARTEL AVE	KUMAR AJAY
180	5200 MARTEL AVE	WILDE TARA CLARE E
181	5200 MARTEL AVE	RUSSELL ASHLEY J & HAROLD

10/01/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	5200 MARTEL AVE	SUDHIVORASETH SUE
183	5200 MARTEL AVE	PRIEST SHANE M
184	5200 MARTEL AVE	JACKSON TAMARA L

**FILE NUMBER:** BDA190-104(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin of Baldwin Associates for a special exception to the parking regulations at 2601 Gaston Avenue. This property is more fully described as Lots 3, 4, and Part of Lot 2 within Block 285 and is zoned Subarea 5 within Planned Development District No. 298, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant (without drive-in or drive-through) use and provide 96 of the required 102 parking spaces, which will require a six-space special exception (six percent reduction) to the parking regulation.

**LOCATION:** 2601 Gaston Avenue

**APPLICANT:** Rob Baldwin of Baldwin Associates

**REQUEST:**

A request for a special exception to the off-street parking regulations of six spaces is made to remodel and maintain a restaurant without a drive-through use in a structure containing 10,725 square feet of floor area, and to provide 96 of the 102 required off-street parking spaces.

**STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:**

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article *if the board finds*, after a public hearing, that *the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A).* For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For office use, the maximum reduction authorized by this

section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
  - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
  - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
  - (E) The availability of public transit and the likelihood of its use.
  - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
  - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
  - (B) Impose restrictions on access to or from the subject property; or
  - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of six spaces shall automatically and immediately terminate if and when the restaurant (without drive-in or drive-through) use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that the applicant meets the standards established by Section 51A-4.311.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD No. 298, Subarea 5
- North: PD No. 298, Subarea 5
- South: MU-3 (Mixed-use district 3)
- East: PD No. 298, Subarea 5 & MU-3 (Mixed use district 3)
- West: CA-2(A) (Central area district 2)

**Land Use:**

The subject site is proposed to be a restaurant without a drive-through. The areas to the north, east, south, and west are developed with multi-family and commercial uses.

**Zoning/BDA History:**

There have not been any related board or zoning cases in the immediate vicinity within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

This request for a special exception to the off-street parking regulations of six spaces focuses on remodeling and maintaining a restaurant without a drive-through in a structure containing 10,725 square feet of floor area, and to provide 96 of the 102 required off-street parking spaces.

The parking provisions in Chapter 51A apply for the properties within Subarea 5 of PD No. 298. Restaurants without drive-in or drive-through are required to provide one space per 100 square feet of floor area. Also, parking provisions for Subarea 5 within PD No. 298 states that to provide adequate off-street parking for large scale mixed-use development projects, fifty percent of the required parking for a restaurant without drive-in or drive-through service uses when developed on the same lot with an office use with more than 15,000 square feet of floor area or a hotel or motel use with more than 125 guest room are excluded in the calculation of off-street parking.

The Sustainable Development and Construction Department Senior Engineer has no objections to the request.

The applicant has the burden of proof in establishing the following:

- The parking demand generated by the proposed restaurant (without drive-in or drive-through) structure with 10,725 square feet of floor area does not warrant the number of off-street parking spaces required; and,
- The special exception of six spaces (or a six percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the board were to grant this request and impose the condition that the special exception of six spaces shall automatically and immediately terminate if and when the restaurant (without drive-in or drive-through) use with 10,725 square feet of floor area is changed or discontinued.

**TIMELINE:**

September 10, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 16, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 16, 2020, The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the October 27, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the November 6, 2020 deadline to

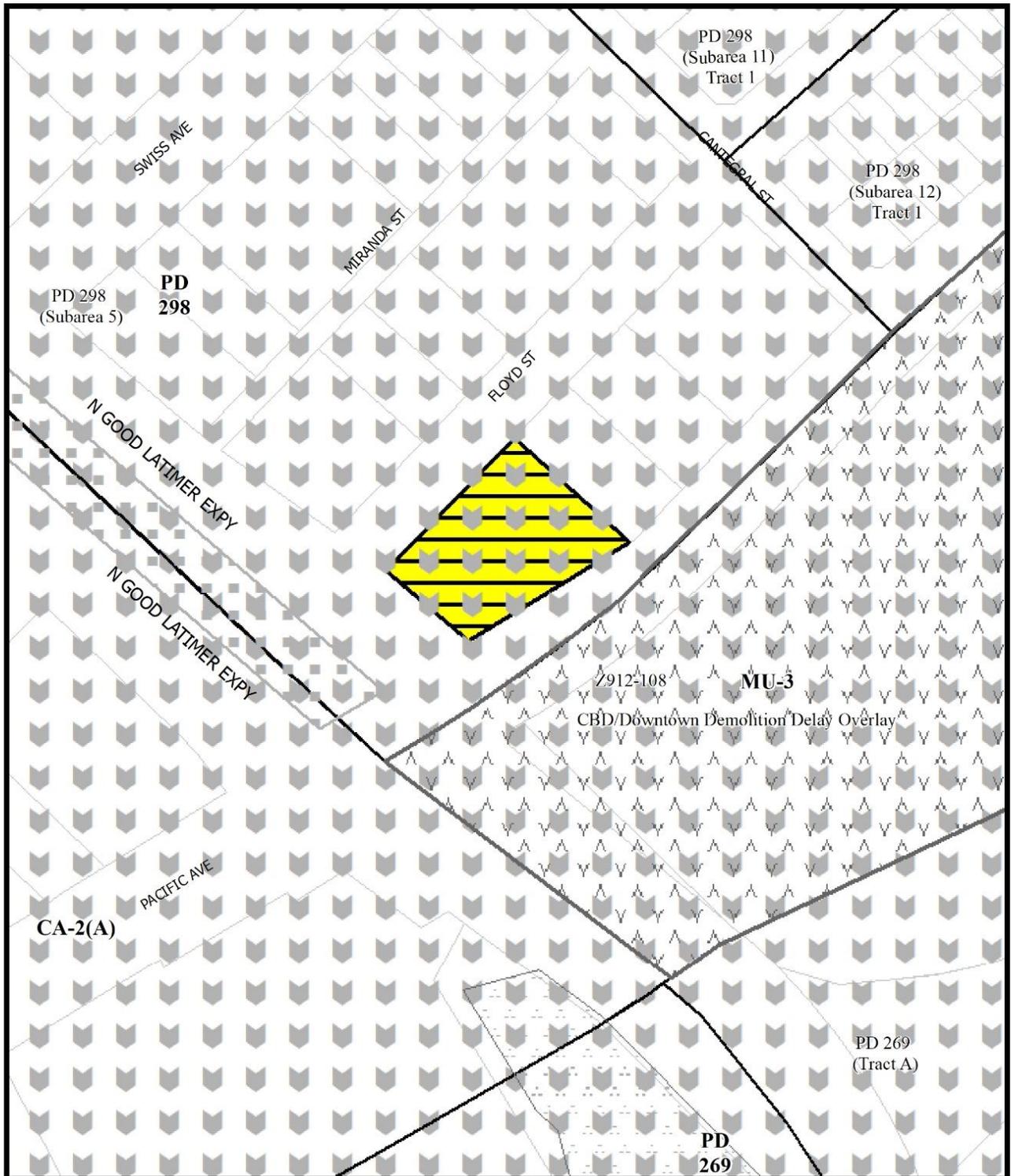
submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application;
- 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."

October 28, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

October 29, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

October 29, 2020: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "no objections".

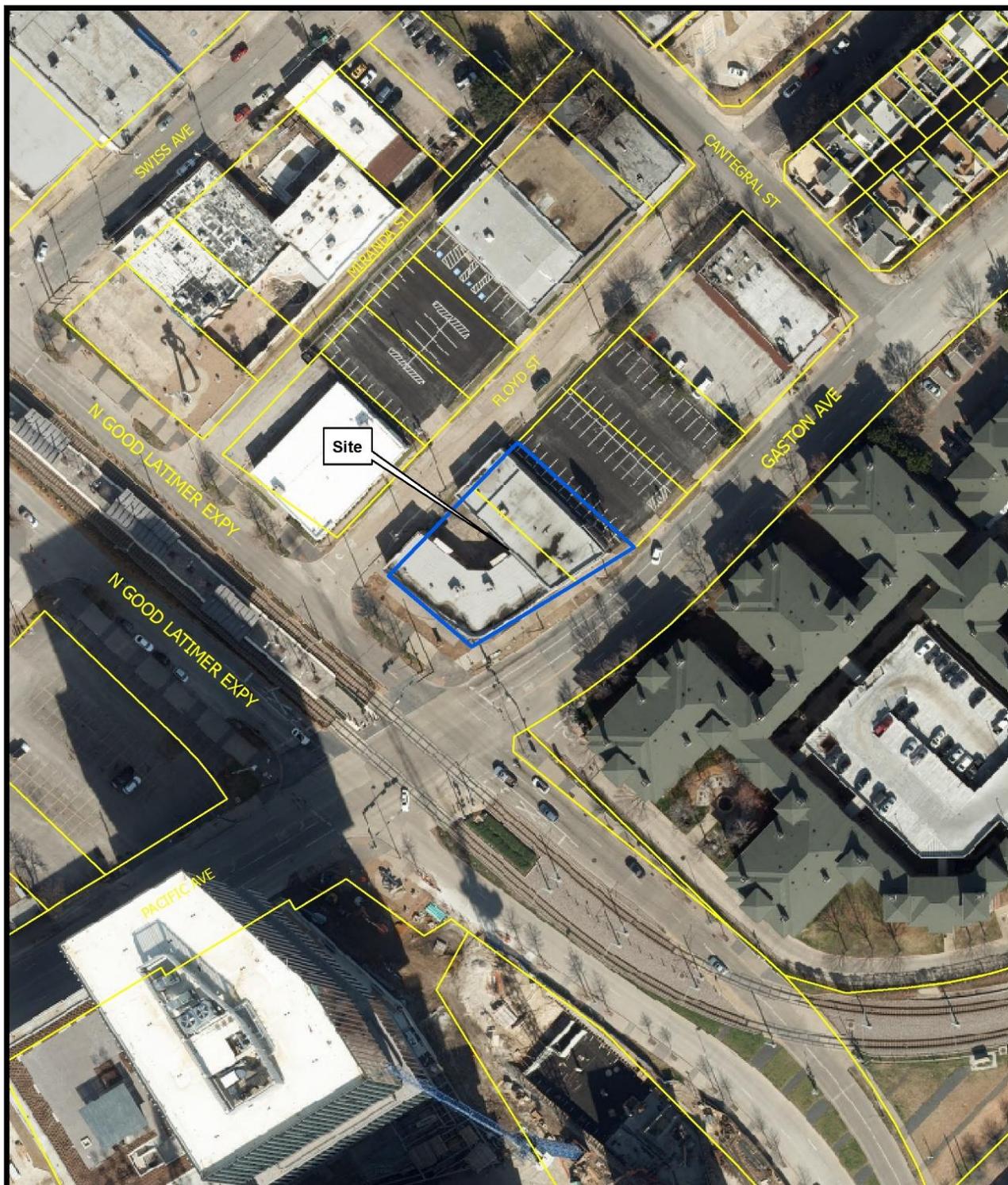


1:1,200

# ZONING MAP

Case no: BDA190-104

Date: 11/3/2020



1:1,200

# AERIAL MAP

Case no: **BDA190-104**

Date: **11/3/2020**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-104

Date: 9-10-20

Data Relative to Subject Property:

Location address: 2601 Gaston Avenue Zoning District: PD 298 Sub. 5

Lot No.: 1A Block No.: 285 Acreage: 0.3274 acres Census Tract: 22.00

Street Frontage (in Feet): 1) 144 ft 2) 88 ft 3) 138 ft 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): GreenwayCP 2601 LP

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of parking  
Request to provide 62 parking spaces for a restaurant use where 78 spaces are required by code,  
a reduction of 16 spaces / 20%. Provide 96 spaces of 102 Required for  
restaurant use. A reduction of 6 spaces or 6% reduction

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas  
Development Code, to grant the described appeal for the following reason:  
The owners are remodeling a building constructed in 1946. The site has no parking spaces. 62  
spaces will be provided remotely. PD 298 does not give any parking reductions for DART rail  
proximity. The property is directly across from the Deep Ellum DART rail station.

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

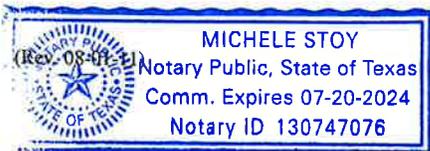
Affidavit

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

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

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

Subscribed and sworn to before me this 8 day of September, 2020



Michele Stoy  
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 Rob Baldwin

did submit a request for a special exception to the parking regulations  
at 2601 Gaston Avenue

BDA190-104. Application of Rob Baldwin for a special exception to the parking regulations at 2601 GASTON AVE. This property is more fully described as Lot Lots 3 & 4 and Part of Lot 2 Block 285, and is zoned PD-298 (Subarea 5), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant (without drive thru) use, and provide 96 of the required 102 parking spaces, which will require a 6 space special exception (6% reduction) to the parking regulation.

Sincerely,

  
David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-104

I, Greenway CP 2601 LP, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2601 and 2615 Gaston Avenue  
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Parking reduction

Todd Petty, Vice President  
Greenway CP 2601 LP  
By: GIC 2601 GP, LLC, its general partner  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 8/26/20

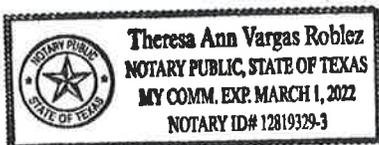
Before me, the undersigned, on this day personally appeared Todd Petty

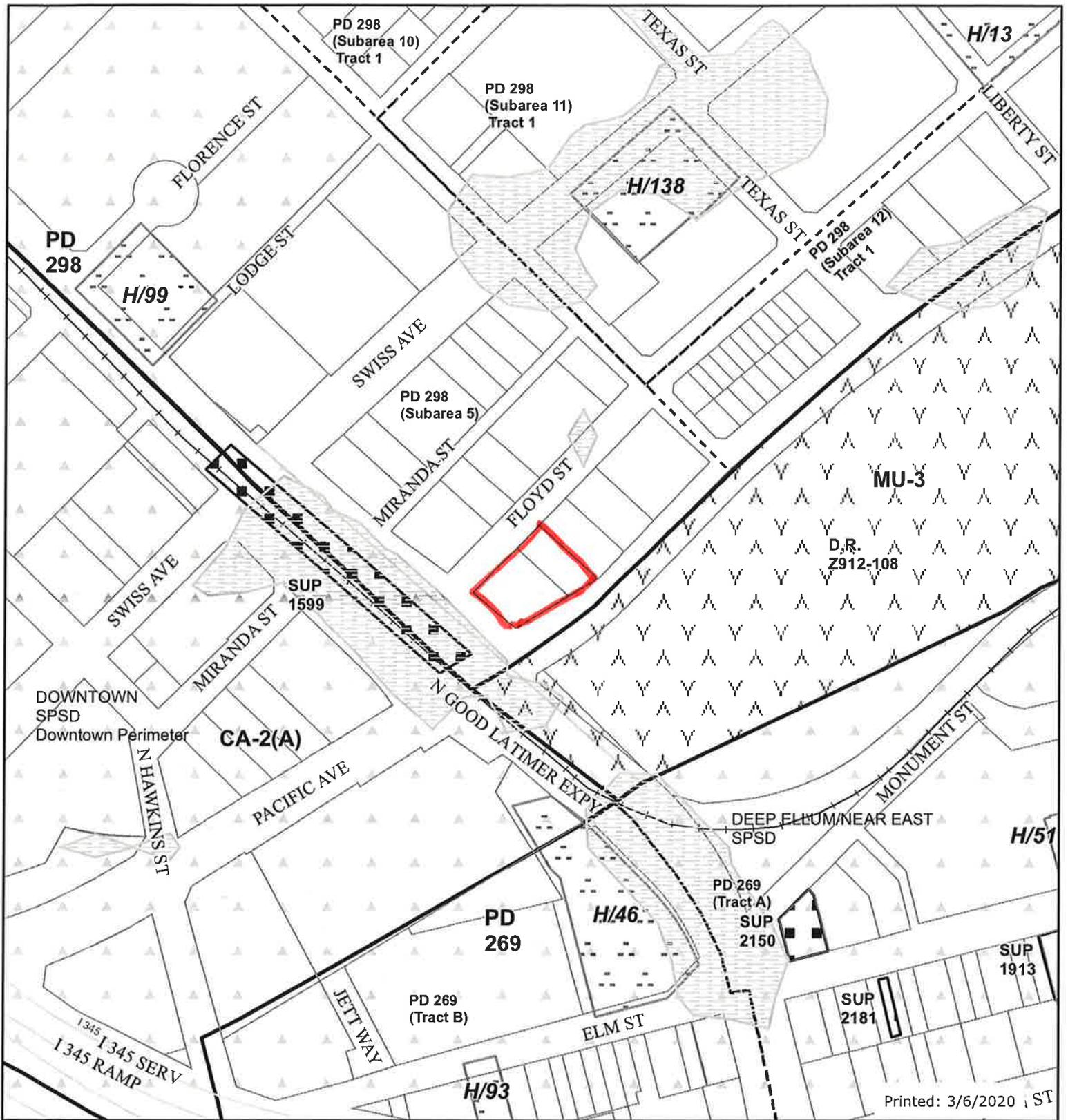
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 20 day of August, 2020

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on March 1, 2022





Printed: 3/6/2020 11:51 AM

### 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        | 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    | Z-11                       |

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)



Parking Analysis

2601 Gaston Ave      Zoning:      PD 298 Subdistrict 5      (Ch. 51A Parking)

10161 square feet Restaurant      1:100      101.61 parking

Required      102

Reductions/credits      5 bike parking credits

19 delta credits

0 not eligible for DART proximity reduction

Total Required:	78
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Provided Parking:      0 on-site

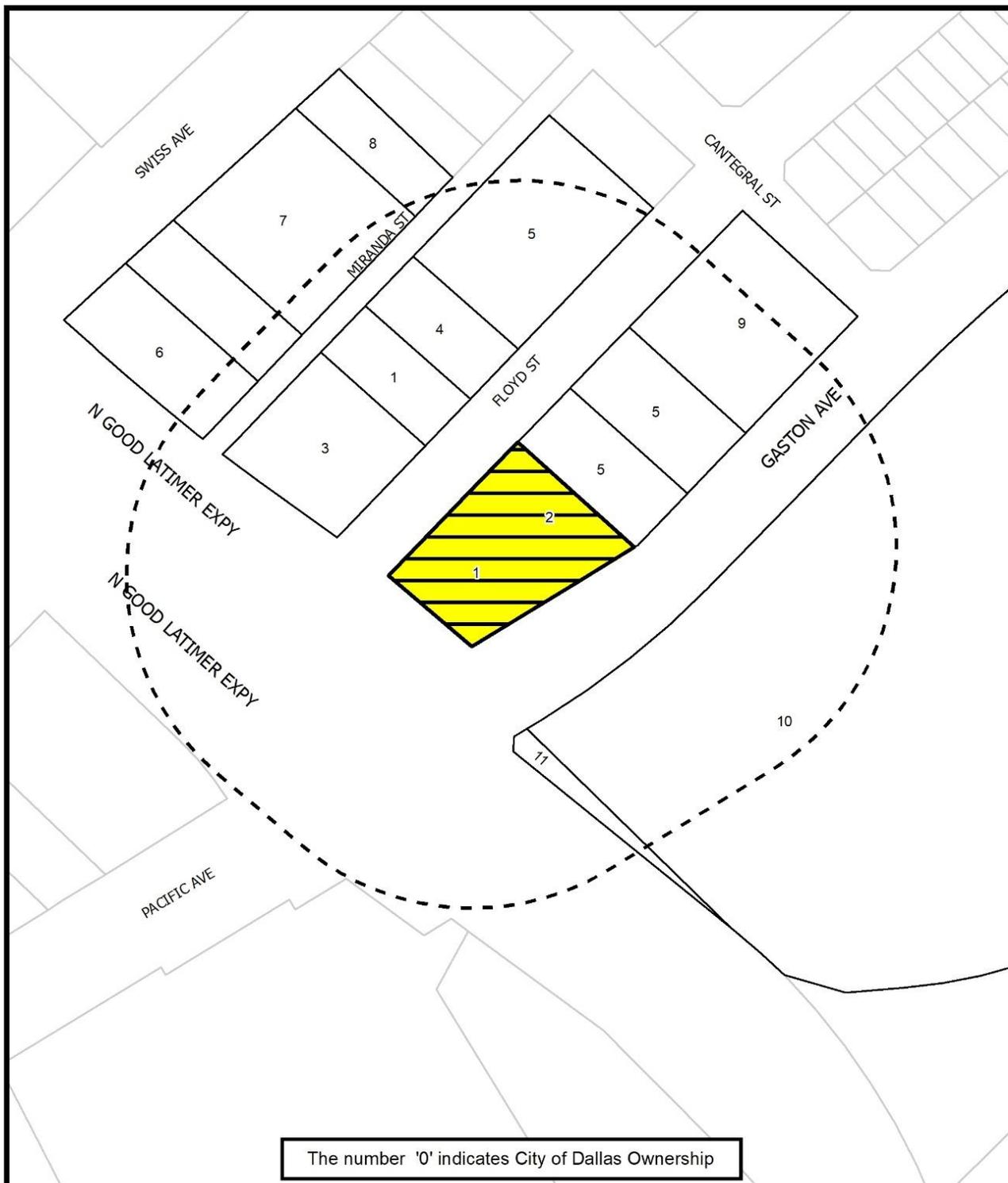
11 remote parking -Floyd lot

51 remote parking - Gaston lot

Total Provided:	62
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Deficiency	16	21%
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Maximum special exception      25%      19 spaces



The number '0' indicates City of Dallas Ownership

  
 1:1,200

## NOTIFICATION

200' AREA OF NOTIFICATION  
11 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-104**  
 Date: **11/3/2020**

11/03/2020

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

### ***BDA190-104***

#### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2615 FLOYD ST	GREENWAYCP 2601 LP
2	2615 GASTON AVE	GREENWAY CP 2601 LP
3	402 N GOOD LATIMER EXPY	SHARED HOUSING CENTER
4	2619 FLOYD ST	GREENWAY-CP 2601 LP
5	2625 FLOYD ST	GREENWAY-CP 2601 LP
6	2606 SWISS AVE	DALLAS AREA RAPID TRANSIT
7	2616 SWISS AVE	CAMPBELL J W &
8	2614 SWISS AVE	CAMPBELL J W & ASSOC
9	2633 GASTON AVE	2633 GASTON AVE LTD
10	2752 GASTON AVE	DEEP ELLUM MARQUIS LP
11	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT

**FILE NUMBER:** BDA190-107(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin of Baldwin Associates for a special exception to the landscaping regulations at 6903 Lomo Alto Drive. This property is more fully described as Lot D and the remainder of Lot F Block 11/5688 and is zoned an MF-2(A) Multifamily District, which requires mandatory landscaping. The applicant proposes to construct a multifamily residential structure and to provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 6903 Lomo Alto Drive

**APPLICANT:** Rob Baldwin, Baldwin Associates

**REQUEST:**

A request for a special exception to the landscape regulations is made to demolish, construct, and maintain a multifamily use and not fully meet the landscape regulations or, more specifically, to not provide the street buffer zone requirements along the Dallas North Tollway.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:**

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

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

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

- the extent to which there is residential adjacency.
- the topography of the site.

- the extent to which landscaping exists for which no credit is given under this article.
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The chief arborist recommends approval of the submitted alternate landscape plan stating that full compliance with Article X will unreasonably burden the use of the property along the western perimeter. Ultimately, the exception will have no negative impact on neighboring properties.

**BACKGROUND INFORMATION:**

**Zoning**

- Site: MF-2(A) (Multifamily District)
- North: MF-2(A) (Multifamily District)
- East: Outside the City’s Jurisdiction
- South: MF-2(A) (Multifamily District)
- West: MF-2(A) (Multifamily District)

**Land Use:**

The subject site is developed with a multifamily use. The areas to the north, south, and west are developed with multifamily uses; the area to the east is out of the City of Dallas jurisdiction.

**Zoning/BDA History:**

There have not been any recent related board or zoning cases within the vicinity of the subject site in the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

This request for a special exception to the landscape regulations focuses on demolishing, constructing, and maintaining a multifamily use and not fully meeting the landscape regulations or, more specifically, to not provide the street buffer zone requirements along the Dallas North Tollway.

The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. In this case, the existing structure will be demolished. The construction of the new multifamily structure triggers compliance with landscape regulations.

The City of Dallas chief arborist submitted a memo regarding the applicant's request (Attachment A).

The chief arborist's memo states the following with regard to "request":

The applicant is seeking a special exception to the landscaping requirements of Article X. The property's west boundary is established along the Dallas North Tollway. The ordinance requires a 15-foot wide average landscape buffer along this perimeter. This request is to seek a special exception to the requirement for this project east of the tollway sound wall.

The chief arborist's memo states the following with regard to "provision":

The applicant has provided a landscape plan that complies with the standard Article X mandatory and design option standards aside from the west perimeter. The site exceeds the required design options required with the preservation of existing mature trees in the landscape design.

The chief arborist's memo states the following with regard to "deficiencies":

The tollway and local utility locations in the space favor a practical maintenance design along the western perimeter of the property. Four trees will not be placed in the location.

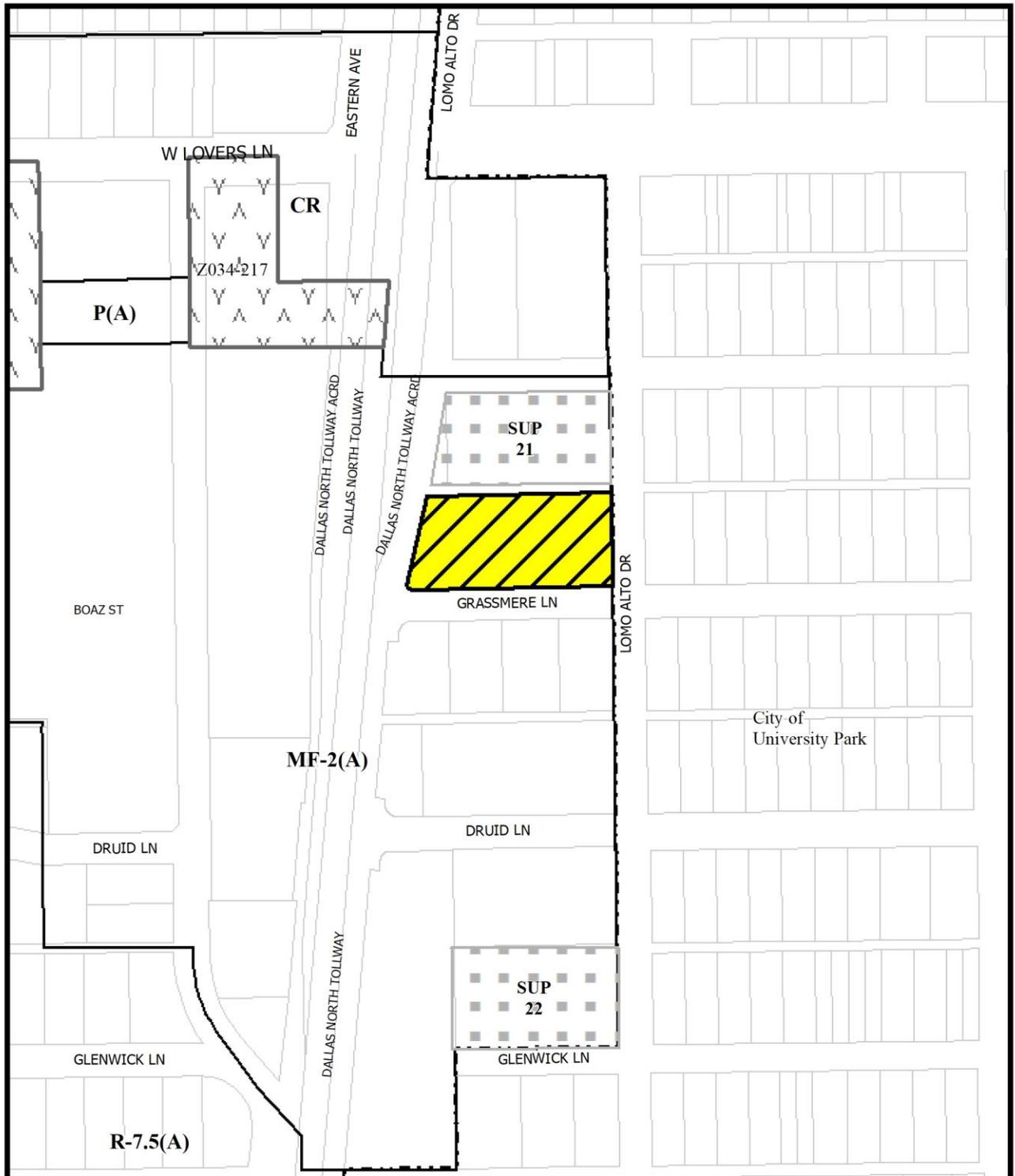
The chief arborist's revised memo states the following with regard to the "recommendation":

The chief arborist recommends approval of the submitted alternate landscape plan. I do believe that full compliance with Article X will unreasonably burden the use of the property along the western perimeter and the condition will have no negative impact on neighboring properties.

If the board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from providing street buffer zone and fully comply with minimum zoning standards.

## **Timeline:**

- September 11, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 16, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- October 16, 2020: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 27, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the November 6, 2020 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.
- October 29, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.
- October 30, 2020: The City of Dallas Chief Arborist submitted a memo regarding this request (Attachment A).



1:2,400

# ZONING MAP

Case no: **BDA190-107**

Date: **11/3/2020**



1:2,400

# AERIAL MAP

Case no: BDA190-107

Date: 11/3/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-107

Date: 9-11-20

Data Relative to Subject Property:

Location address: 6903 Lomo Alto Dr Zoning District: MF-2(A)

Lot No.: F-1 Block No.: 11/5688 Acreage: 0.978 acres Census Tract: 75.00

Street Frontage (in Feet): 1) 142 ft 2) 300 ft 3) 140 ft 4)  5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Lomalt, Ltd

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance , or Special Exception X, of landscaping

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The property has street frontage on Lomo Alto, Grassmere Lane and the Dallas North Tollway. Article X requires a street buffer zone along freeways of 15'. This property's Dallas North Tollway frontage is screened with a screening wall. Grassmere Ln is a deadend street into the screening wall. The City has requested a new public access easement on the west for maintenance and connecting to the existing alley on the north of the site. Strict compliance with the DNT street buffer will burden the property and conflict with the new easement.
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

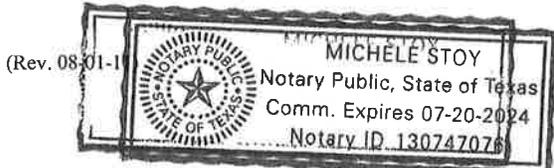
Affidavit

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

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

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 8 day of September, 2020



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 \_\_\_\_\_

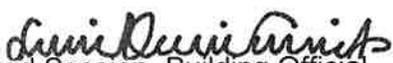
Chairman

**Building Official's Report**

I hereby certify that Rob Baldwin  
did submit a request for a special exception to the landscaping regulations  
at 6903 Lomo Alto Drive

BDA190-107. Application of Rob Baldwin for a special exception to the landscaping regulations at 6903 LOMO ALTO DR. This property is more fully described as Lot D and the remainder of Lot F Block 11/5688, and is zoned MF-2(A), which requires mandatory landscaping. The applicant proposes to construct a multi-family residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

  
David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-107

I, Lomalt, Ltd, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6903 Lomo Alto Dr and 5801 Grassmere Ln #A1  
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Landscape

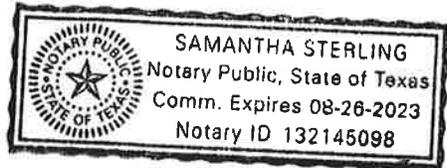
SHEILA KENYVES  
Print name of property owner or registered agent  
Date 8/30/2020

Sheila Kenyves  
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared SHEILA KENYVES

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 30 day of AUGUST, 2020



Samantha Sterling  
Notary Public for Dallas County, Texas

Commission expires on 8/26/2023



Printed: 8/19/2020

### 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        | SPSPD Overlay                  | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Sign 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)



# Memorandum



Date October 30, 2020  
To Oscar Aguilera, Sr. Planner  
Jennifer Munoz, Board Administrator  
Subject BDA #190-107 6903 Lomo Alto

## Request

The applicant is seeking a special exception to the landscaping requirements of Article X. The property's west boundary is established along the Dallas North Tollway. Ordinance requires a 15 feet wide average landscape buffer along this perimeter. This request is to seek a special exception to the requirement for this project east of the tollway sound wall.

## Provision

The applicant has provided a landscape plan that complies with the standard Article X mandatory and design option standards aside from the west perimeter. The site exceeds the required design options required with the preservation of existing mature trees in the landscape design.

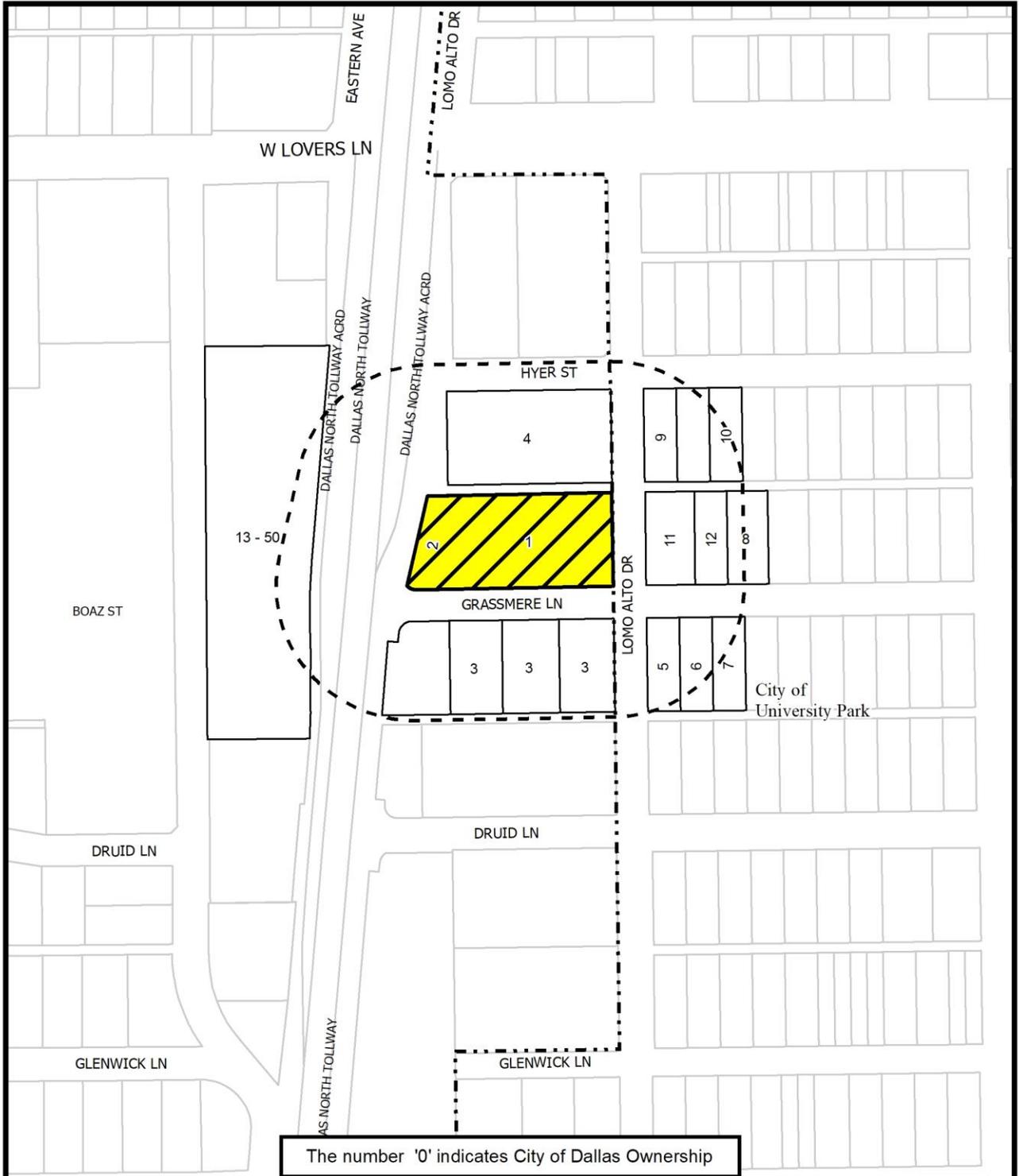
## Deficiency

The tollway and local utility locations in the space favor a practical maintenance design along the western perimeter of the property. Four trees will not be placed in the location.

## Recommendation

The chief arborist recommends approval of the submitted alternate landscape plan. I do believe that full compliance with Article X will unreasonably burden the use of the property along the western perimeter and the condition will have no negative impact on neighboring properties.

Philip Erwin  
Chief Arborist  
Building Inspection



1:2,400

# NOTIFICATION

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

Case no: **BDA190-107**  
 Date: **11/3/2020**

11/03/2020

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

### ***BDA190-107***

#### ***50 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6903 LOMO ALTO DR	LOMALT LTD
2	5801 GRASSMERE LN	LOMALT LTD
3	5810 GRASSMERE LN	SPARLING FINANCIAL CORP
4	6919 LOMO ALTO DR	ONCOR ELECRCIC DELIVERY COMPANY
5	4437 GRASSMERE LN	TA & A INC
6	4433 GRASSMERE LN	FACINI ANDREA
7	4429 GRASSMERE LN	ADAMS CHARLES A III &
8	4424 GRASSMERE LN	LARUE CECILE
9	4437 HYER ST	LINES GRANT ANTHONY & NANTAWAN
10	4429 HYER ST	FISHER TAYLOR ANN &
11	4436 GRASSMERE LN	YAZBECK PAUL JOHN & ADRIANA
12	4428 GRASSMERE LN	DETHLEFSEN GEOFFREY R & MINDY D
13	7700 EASTERN AVE	DONALDSON ANDREW GREGORY
14	7700 EASTERN AVE	MARCH HOLDINGS LLC
15	7700 EASTERN AVE	YOUNG VAN G & ELIZABETH K
16	7700 EASTERN AVE	ESWAY MARIA
17	7700 EASTERN AVE	ONEAL LAURA
18	7700 EASTERN AVE	HAWKINS SAMANTHA &
19	7700 EASTERN AVE	SANGANI NIKITA
20	7700 EASTERN AVE	DOHMEYER SYLVIA D & ROBERT M
21	7700 EASTERN AVE	COHEN MEREDITH
22	7700 EASTERN AVE	STAGGS JOE DAVID &
23	7700 EASTERN AVE	BERLIN LESLIE F
24	7700 EASTERN AVE	LEWIS REBECCA
25	7700 EASTERN AVE	DOWD SYLVIA BAHARET O
26	7700 EASTERN AVE	LAMBETH EDISON

11/03/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7700 EASTERN AVE	BORRON PERRY W
28	7700 EASTERN AVE	MEEK M STEPHEN & RUTH
29	7700 EASTERN AVE	DZIEDZIC JOSEPH W &
30	7700 EASTERN AVE	ANARAKI LLC
31	7700 EASTERN AVE	PURIFOY WINSTON R
32	7700 EASTERN AVE	HOLLOWAY NANCY K
33	7700 EASTERN AVE	BENHAM SOROUSH &
34	7700 EASTERN AVE	HONIS JOHN W
35	7700 EASTERN AVE	ALEXANDER RESIDENT TRUST
36	7700 EASTERN AVE	MORNINGSIDE TRUST
37	7700 EASTERN AVE	HKA INVESTMENTS LLC
38	7700 EASTERN AVE	MALUSO LAUREN ELIZABETH
39	7700 EASTERN AVE	ANDROS CLARE
40	7700 EASTERN AVE	CONOLLY MARGARET CLEMENTS
41	7700 EASTERN AVE	GILLETTE KIRK DAVID & VICKI L
42	7700 EASTERN AVE	FREEMAN TX LLC
43	7700 EASTERN AVE	WILLIAMS JENNIFER KAY
44	7700 EASTERN AVE	BLANCHAT MARK A & SALLY JO
45	7700 EASTERN AVE	HUGHES ROBERT R & ELIZABETH E
46	7700 EASTERN AVE	MACLEOD TODD MATTHEW &
47	7700 EASTERN AVE	GRINNAN MARK & JENNIFER
48	7700 EASTERN AVE	GORDON AINSLEY ROY
49	7700 EASTERN AVE	FANNING MICHAEL J & ALICIA H
50	7700 EASTERN AVE	WILLIAMS DANA ANN

**FILE NUMBER:** BDA190-113(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin of Baldwin Associates for a special exception to the fence height regulations at 4523 W. Lawther Drive. This property is more fully described as Lot 15, Block 4407, and is zoned an R-1 ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct an eight-foot-high fence in a required front yard, which will require a four-foot special exception to the fence regulations.

**LOCATION:** 4523 W. Lawther Drive

**APPLICANT:** Rob Baldwin of Baldwin Associates

**REQUESTS:**

A request for a special exception to the fence standards regulations related to fence height of up to four feet is made to construct and maintain a six-foot-high wrought iron fence with seven-foot-tall brick columns, a six-foot-tall chainlink fence, and a seven-foot wrought iron gate with eight-foot-tall brick columns located in the required front yard on a site being developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1(A) (Single Family District)  
North: R-1(A) (Single Family District)  
East: R-1(A) (Single Family District)  
South: R-1(A) (Single Family District)  
West: R-1(A) (Single Family District)

**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 have not been any recent board or zoning cases in the vicinity within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

The purpose of this request for a special exception to the fence height standards focuses on constructing and maintaining a six-foot-high wrought iron fence with seven-foot-tall brick columns and a seven-foot wrought iron gate with eight-foot-tall brick columns located in the required front yard on a site being developed with a single family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-1(A) Single Family District. The minimum front yard setback is 30 feet. However, this property has a recorded 100-foot building line. The board may grant a special exception on this request as stipulated by the Dallas City Board Of Adjustment Rules of Procedures section one, and the Texas Local Government Code (Chapter 211 Sec. 211.009) since the request for the building line is a zoning issue and not a deed restriction.

The proposed fence is to be located in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 185 feet-in-length perpendicular to Lawther Drive on the south side of the property.
- The proposed chainlink fence is approximately 100 feet-in-length parallel to Lawther Drive and runs 100 feet perpendicular to Lawther Drive on the north side of the property
- The distance between the proposed fence and the pavement line is approximately 22 feet.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noted other fences that appear to be similar in height to the proposed fence and located in a front yard setback.

As of November 6, 2020, no letters had been submitted in opposition or support for this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would allow a six-foot-high wrought iron fence with seven-foot-tall brick columns, a six-foot-tall chain-link fence, and a seven-foot wrought iron gate with eight-foot-tall brick columns to be constructed in the location and heights as shown on the submitted site plan and elevation.

**Timeline:**

October 2, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

October 16, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel A.

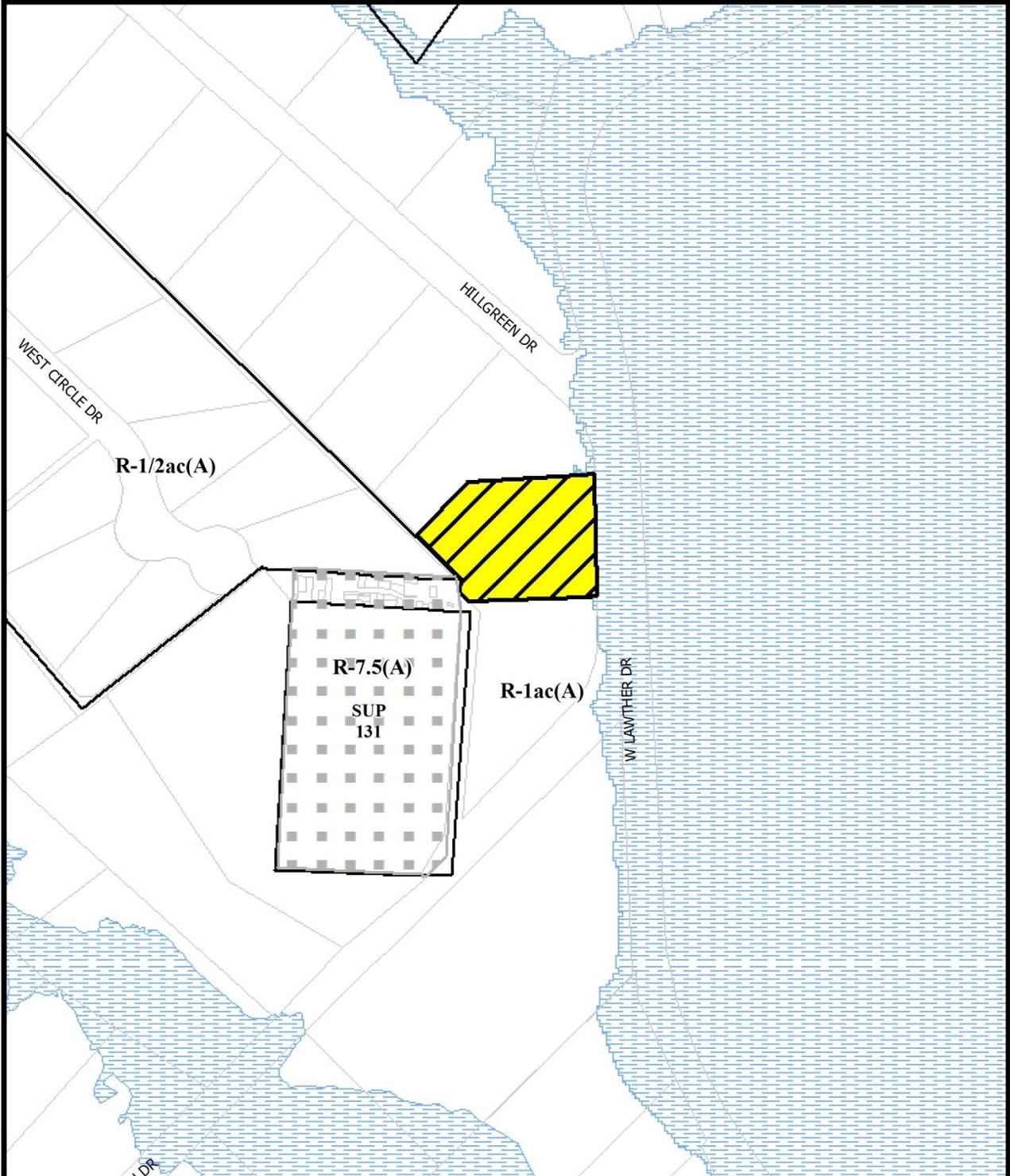
October 16, 2020: The Board Senior Planner emailed the applicant the following information:

- 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 October 27, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the November 6, 2020 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.”

October 27, 2020: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (Attachment A).

October 29,, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist,

the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

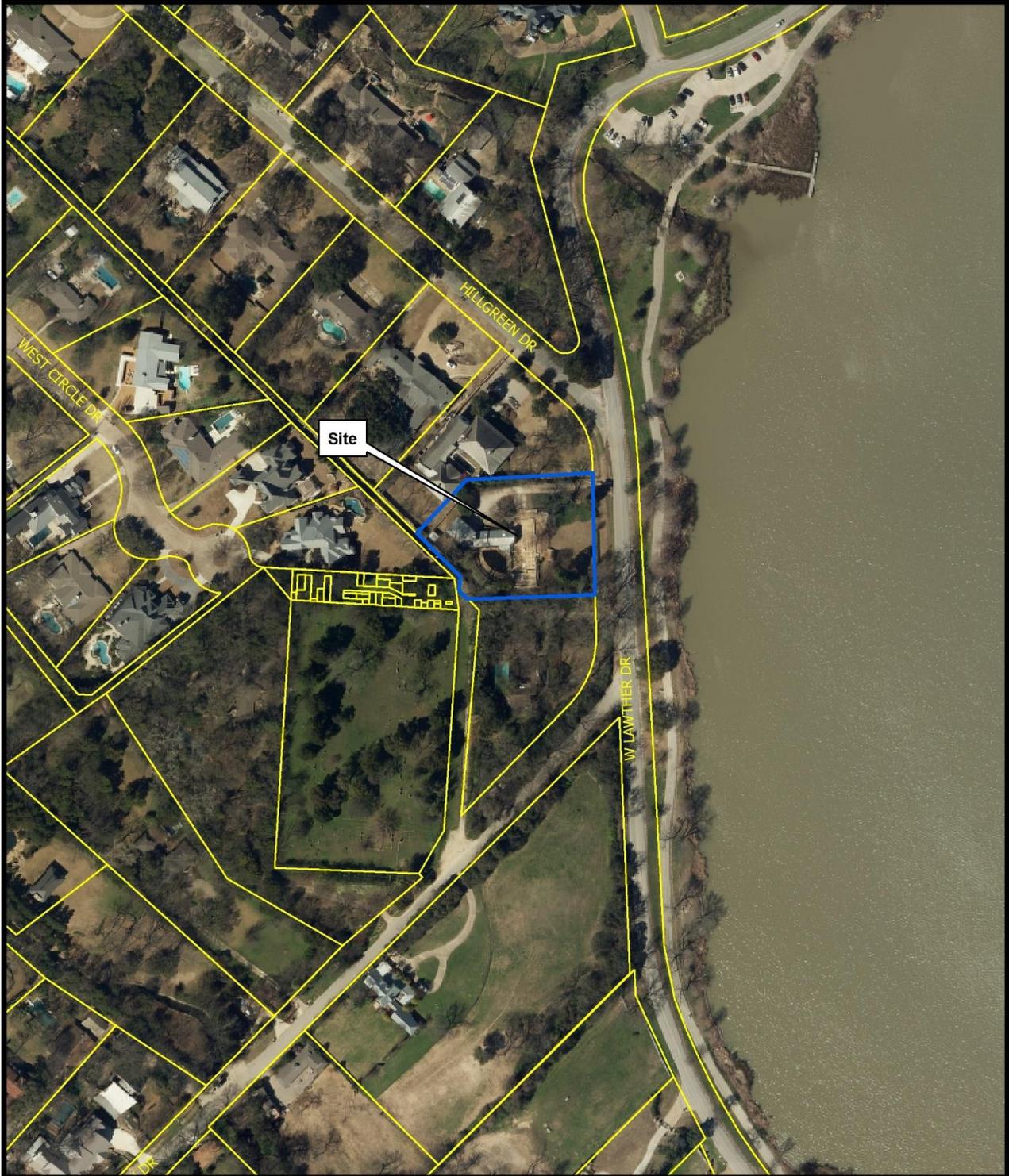


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# ZONING MAP

Case no: BDA190-113

Date: 11/3/2020



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# AERIAL MAP

Case no: BDA190-113

Date: 11/3/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-113

Date: 10-2-2020

Data Relative to Subject Property:

Location address: 4523 W. Lawther Drive Zoning District: R-1AC(A)

Lot No.: 15 Block No.: 4407 Acreage: 0.961 acres Census Tract: 80.00

Street Frontage (in Feet): 1) 185 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Michael P. Lynn and Barbara M.G. Lynn

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of fence height of 4 feet to allow an 8-foot tall fence in a required front yard

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The proposed fence will be an open-style fence with masonry columns. The proposed fence will not adversely impact surrounding properties.

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

Affidavit

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

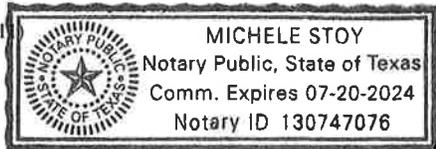
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 28 day of September, 2020

Michele Stoy Notary Public in and for Dallas County, Texas

(Rev. 08-01-1)



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 BALDWIN ASSOCIATES

did submit a request for a special exception to the fence height regulations  
at 4523 W. Lawther Drive

BDA190-113. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations at 4523 W LAWATHER DR. This property is more fully described as Lot 15, Block 4407, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations.

Sincerely,

*David Session*  
David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-113

I, BARBARA M.G. LYNN, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4523 W. Lawther Dr.  
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

     Variance (specify below)

  X   Special Exception (specify below)

     Other Appeal (specify below)

Specify: Fence

BARBARA M.G. LYNN  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 9-22-20

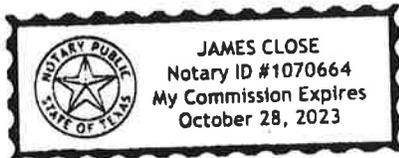
Before me, the undersigned, on this day personally appeared BARBARA M.G. LYNN

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 22<sup>nd</sup> day of SEPTEMBER, 2020

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 10/28/2023





AFFIDAVIT

Appeal number: BDA 190-113

I, Michael P. Lynn, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4523 W. Lawther Dr  
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Fence

\_\_\_\_\_

Michael P. Lynn  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 9/18/20

Before me, the undersigned, on this day personally appeared Michael P. Lynn

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

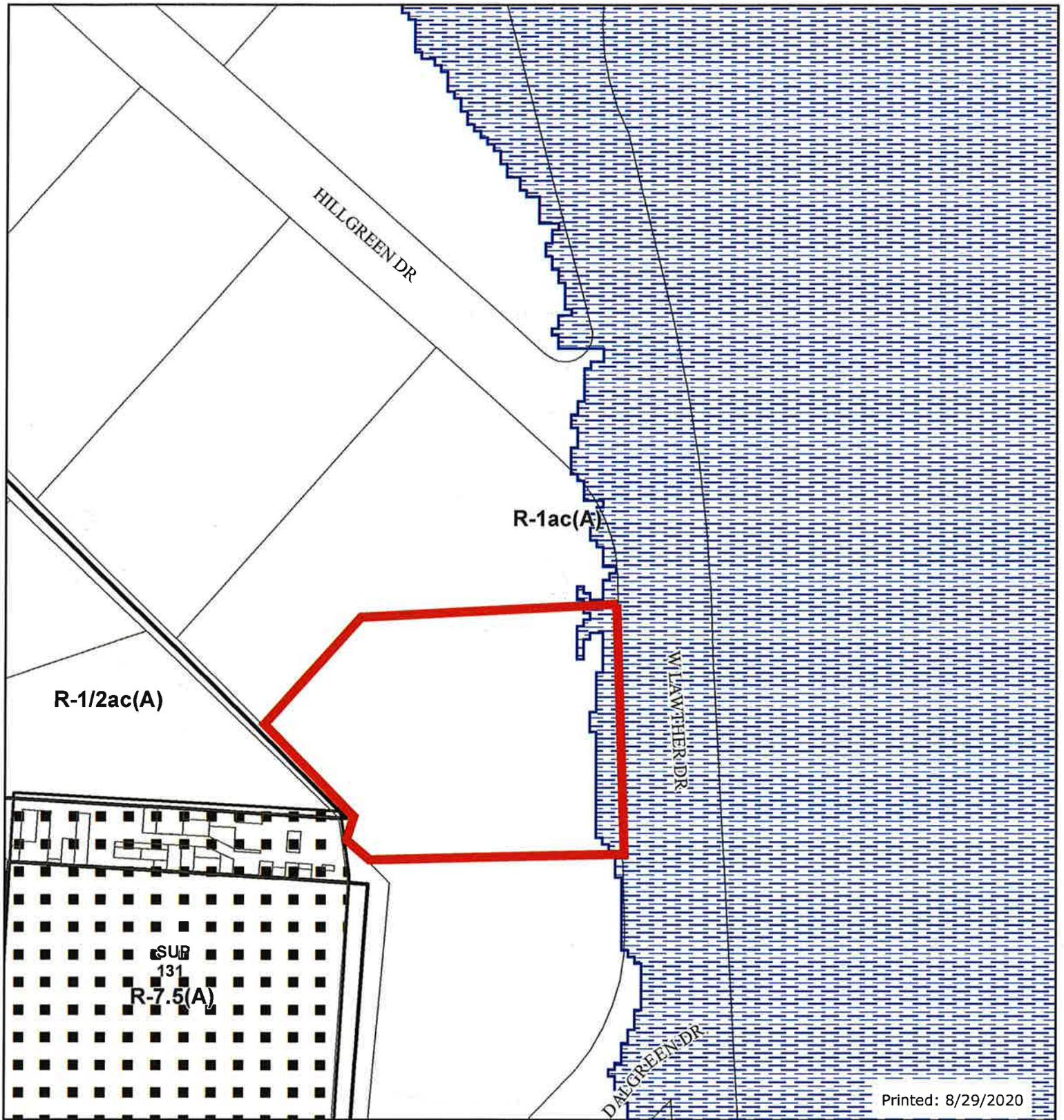
Subscribed and sworn to before me this 18th day of September, 2020

Emily Burch  
Notary Public for Dallas County, Texas

Commission expires on 7-3-2022





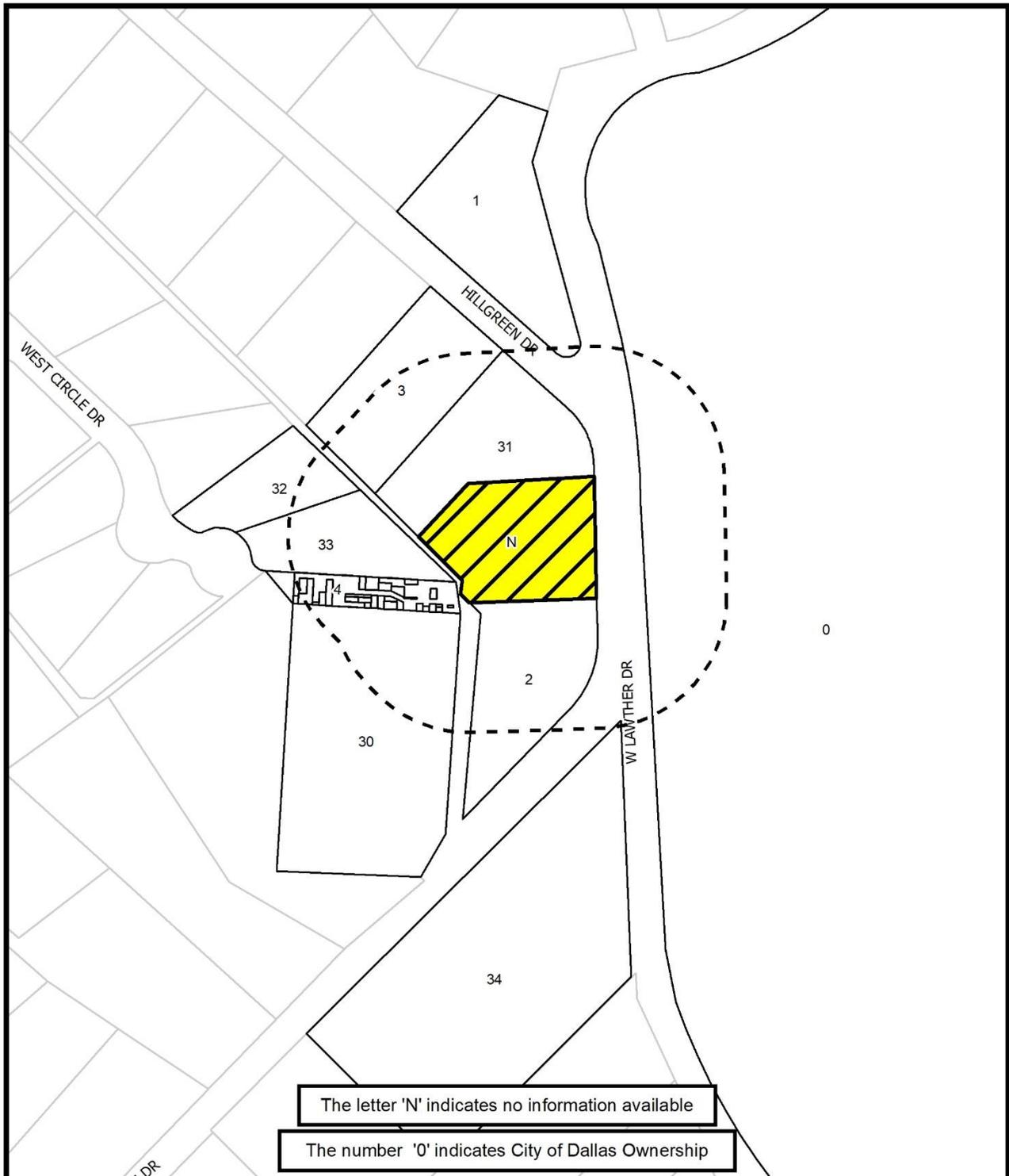


### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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        | SPSPD 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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The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 0 auto;"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td style="padding: 2px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">34</td> <td style="padding: 2px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	34	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>  BDA190-113  </u> Date: <u>  11/3/2020  </u>
200'	AREA OF NOTIFICATION					
34	NUMBER OF PROPERTY OWNERS NOTIFIED					

11/03/2020

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

### ***BDA190-113***

#### ***34 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7149 HILLGREEN DR	HALEY JOHN M & MARGARET J
2	4515 W LAWATHER DR	HOLMES HELEN
3	7158 HILLGREEN DR	LICHLITER WARREN E & CAROL L
4	4100 DALGREEN DR	SOLTERO EUGENE A
5	4100 DALGREEN DR	MCCASKILL BERNIE
6	4100 DALGREEN DR	CAPSHAW RICHARD A
7	4100 DALGREEN DR	SHAHAN WAYNE R & MARGARET A
8	4100 DALGREEN DR	HASBANY MICHAEL & MARIA B
9	4100 DALGREEN DR	CARDWELL PHILIP L & BELINDA B
10	4100 DALGREEN DR	TEARS STUART R
11	4100 DALGREEN DR	MCCULLOUGH HERSCHEL P
12	4100 DALGREEN DR	PATTERSON DAN ERIC
13	4100 DALGREEN DR	IRWIN STEVE & LESLIE
14	4100 DALGREEN DR	EARLY JOANNE
15	4100 DALGREEN DR	LOFTIN JEANNE
16	4100 DALGREEN DR	MALONEY JOHN & JUDY
17	4100 DALGREEN DR	WILSON KEVIN J
18	4100 DALGREEN DR	MCBRAYER DARVIN G JR
19	4100 DALGREEN DR	MCBRAYER DARVIN G JR
20	4100 DALGREEN DR	BORG KEVIN L &
21	4100 DALGREEN DR	MELELLA CHRISOPHER
22	4100 DALGREEN DR	WEINER CLIFFORD MARK
23	4100 DALGREEN DR	WHITFIELD JONATHAN & CLARE ANNE
24	4100 DALGREEN DR	FRISBIE ANTHONY G
25	4100 DALGREEN DR	THERIOT GEORGE P III &
26	4100 DALGREEN DR	KINSMANORONA NICOLAS &

11/03/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4100 DALGREEN DR	MCMAHON MARK C &
28	4100 DALGREEN DR	WHITFILL DEBBIE
29	4100 DALGREEN DR	LOTT TODD &
30	4100 DALGREEN DR	COX CEMETERY
31	4535 W LAWATHER DR	KENDALL CHRISTIAN S &
32	7158 WEST CIRCLE DR	KELLER KENTON C &
33	7150 WEST CIRCLE DR	MURPHY SEAN DOUGLAS & STACY SCHROEDER
34	4415 W LAWATHER DR	DEVEREUX BARBARA

**FILE NUMBER:** BDA190-098(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Santos Martinez, La Sierra Planning Group, for a special exception to the Modified Delta Overlay District No. 1 regulations at 3609A Greenville Avenue. This property is more fully described as Lots 10-13, Block B/2909, and is zoned a CR Community Retail District with an MD Overlay District No. 1, which states that the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The applicant proposes to restore the lost delta parking credits, which will require a special exception to the Modified Delta Overlay-1 regulation.

**LOCATION:** 3609A Greenville Avenue

**APPLICANT:** Santos Martinez, La Sierra Planning Group

**REQUEST:**

A request for a special exception to the Modified Delta Overlay District No. 1 regulations to carry forward nonconforming parking spaces under the delta theory that according to Building Inspections were terminated since the use on the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use for the vacant commercial structure on the subject site.

**UPDATE:**

On October 20, 2020, the Board of Adjustment Panel A conducted a public hearing on this application and delayed action per applicant's request until the next public hearing to be held on November 17, 2020.

**STANDARD FOR SPECIAL EXCEPTION TO THE MODIFIED DELTA OVERLAY DISTRICT No. 1 REGULATIONS TO CARRY FORWARD NONCONFORMING PARKNG AND LOADING SPACES UNDER THE DELTA THEORY WHEN A USE IS DISCONTINUED OR REMAINS VACANT FOR 12 MONTHS OR MORE:**

The Modified Delta Overlay District No. 1 states that the right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:

1. A decline in the rental rates for the area which has affected the rental market.
2. An unusual increase in the vacancy rates for the area which has affected the rental market.
3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

**STAFF RECOMMENDATION:**

Approval

Rationale:

Staff concluded that the applicant had demonstrated that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of the following extreme circumstances:

1. A decline in the rental rates for the area which has affected the rental market:
  - a) The property owner for 3609 Greenville has been attempting to secure a new certificate of occupancy for a tenant in suite A. The property owner secured and executed a lease with a potential tenant once in 2018 and once in 2019. The applicant provided copies of these agreements. In addition, the applicant provided a CO Certificate of Occupancy dated January 18 and an application for a CO dated January 2020 (Exhibit A).
  - b) The above documents demonstrate that the property owner has made all required steps to occupy this space to satisfy the standard of retaining its delta credits. Applying for a new CO is the necessary step in occupying the tenant space with the City of Dallas.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: Community Retail District with an MD Overlay District No. 1  
North: Community Retail District with an MD Overlay District No. 1  
South: Community Retail District with an MD Overlay District No. 1  
East: Community Retail District with an MD Overlay District No. 1  
West: Community Retail District with an MD Overlay District No. 1

### **Land Use:**

The subject site is developed with a vacant commercial structure. The areas to the north, south, and west are developed with commercial/retail uses; and the area to the east is developed with residential uses.

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

There have not been any related board or zoning cases recorded either on or in the immediate vicinity of the subject site within the last five years.

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

This request focuses on carrying forward nonconforming parking spaces under the delta theory that according to Building Inspections were terminated since the use on the site was discontinued or remained vacant for 12 months or more is made in order for the applicant to obtain a Certificate of Occupancy for a retail use for the vacant commercial structure on the subject site.

The Dallas Development Code provides the following relating to nonconformity of parking or loading:

- Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional off-street parking and loading spaces are provided.
- Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner: required parking or loading spaces for existing use minus the number of existing parking or loading spaces for existing use equals nonconforming rights as to parking or loading.
- Decreased requirements. When a use is converted to a new use having less parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

In 1987, the City Council created "Modified Delta Overlay Districts" in those areas where it has determined that a continued operation of the delta theory is not justified because there is no longer a need to encourage redevelopment and adaptive reuse of existing structures, or a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.

In a modified delta overlay district, the city council may limit the number of percentages of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district may not

increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.

An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having less parking or loading requirements, the rights to **any portion** of the nonconforming parking or loading **not needed** to meet the new requirements **are lost**.

An ordinance establishing a modified delta overlay district may provide that rights under the delta theory terminate when a use for which the delta theory has been applied is discontinued.

In 1987, the City Council established Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

- That no nonconforming parking spaces may be carried forward by a use under the delta theory when a use in the Community Retail District with an MD Overlay District No. 1a is expanded.

In 1995, the City Council amended Modified Overlay District No. 1 (the Greenville Avenue Modified Delta Overlay District) which stated among other things:

- The right to carry forward nonconforming parking and loading spaces under the delta theory terminates when a use is discontinued or remains vacant for 12 months or more. The board of adjustment may grant a special exception to this provision only if the owner can demonstrate that there was not an intent to abandon the use even though the use was discontinued or remained vacant for 12 months or more by proving the occurrence of an extreme circumstance, which shall include but not be limited to the following:
  1. A decline in the rental rates for the area which has affected the rental market.
  2. An unusual increase in the vacancy rates for the area which has affected the rental market.
  3. Obsolescence of the subject property, including environmental hazards, extensive renovation or remodeling, and extreme deterioration of adjacent properties affecting the marketability of property.

According to DCAD, the property at 3609A Greenville Avenue is developed as part of a with a 7,028 square feet shopping mall structure with an unknown square feet of floor area built in 1940.

**Timeline:**

August 24, 2020      The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 18, 2020 The Board Administrator emailed the applicant's representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application.
- 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 29, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

October 2, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 20, 2020: The Board of Adjustment Panel A conducted a public hearing on this application and delayed action per the applicant's request until the next public hearing to be held on November 17, 2020.

October 26, 2020: The Board Administrator wrote the applicant a letter of the board's action; the deadline to submit additional evidence for staff to factor into their analysis; and the deadline to submit additional evidence to be incorporated into the board's docket materials.

October 29, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included:

the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

**BOARD OF ADJUSTMENT ACTION: October 20, 2020**

APPEARING IN FAVOR: Santos Martinez, 12 Tanager Terrace Angel Fire, NM

APPEARING IN OPPOSITION: None.

MOTION: **Lamb**

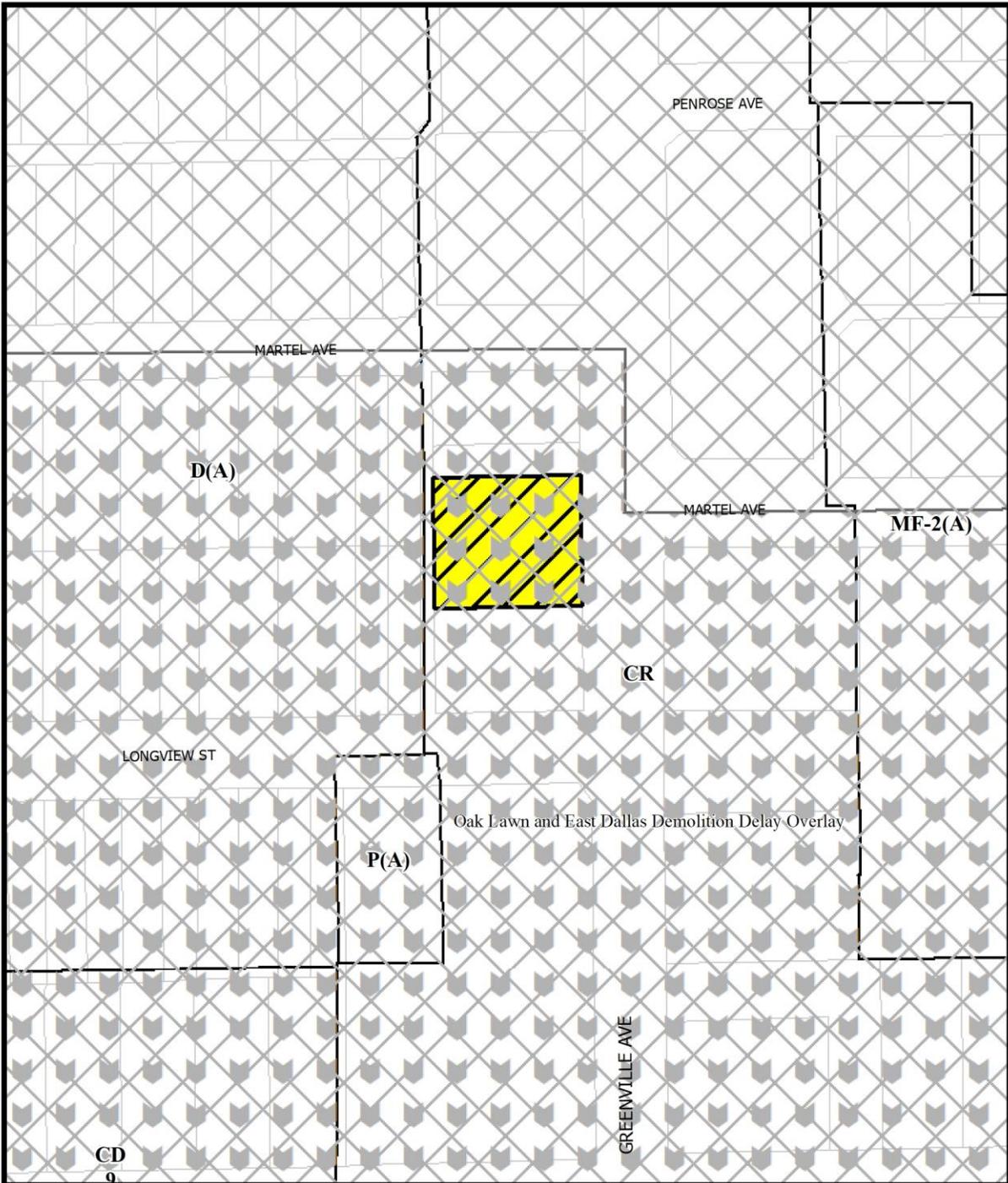
I move that the Board of Adjustment in Appeal No. BDA 190-098, **hold** this matter under advisement until **November 17, 2020**.

SECONDED: **Narey**

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Narey

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)



1:1,200

# ZONING MAP

Case no: **BDA190-098**

Date: **10/1/2020**



1:1,200

# AERIAL MAP

Case no: BDA190-098

Date: 10/1/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-098

Date: 8-24-2020

Data Relative to Subject Property:

Location address: 3609 A Greenville Avenue Zoning District: CR (MD)

Lot No.: 10-13 Block No.: B/2909 Acreage: .25 Census Tract: 3.00

Street Frontage (in Feet): 1) 100 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): McCreary 544 Shopping Center LLC

Applicant: La Sierra Planning Group Santos T. Martinez Telephone:

Mailing Address: 1264 Spring Valley Road Richardson, TX Zip Code: 75080

E-mail Address:

Represented by: La Sierra Planning Group Telephone: 214 684 2775

Mailing Address: P.O. Box 1275 Angel Fire, NM Zip Code: 87710

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of a special exception to re-instate 4 parking delta credits

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:

Applicant did not intentionally seek to vacate this tenant space. They have actively marketed the space and have pending lease agreement. Applicant seeks to have parking delta credits re-instated so that new tenant can obtain certificate of occupancy

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.

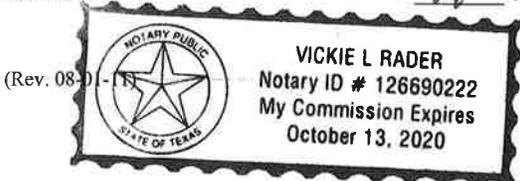
Affidavit

Before me the undersigned on this day personally appeared Kendra Larach - La Sierra Planning Group (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: Kendra Larach (Affiant/Applicant's signature)

Subscribed and sworn to before me this 17th day of August, 2020



Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

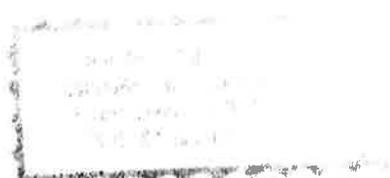
I hereby certify that Santos Martinez

did submit a request to restore lost delta credits  
at 3609A Greenville Avenue

BDA190-098. Application of Santos Martinez to restore lost delta credits at 3609A GREENVILLE AVE. This property is more fully described as Lots 10,11,12,13, Block B/2909, and is zoned CR (MD-1), which states the right to nonconforming delta parking credits are lost if the use is vacant for twelve months or more. The Board may grant a special exception to this provision only if the owner can demonstrate there was not an intent to abandon the use. The applicant proposes to restore the lost delta credits, which will require a special exception to the Modified Delta Overlay-1 regulation.

Sincerely,

*David Session*  
David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-098

I, Farhad Nayeb, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3609 Greenville Suite A  
(Address of property as stated on application)

Authorize: Santos T. Martinez (La Sierra Planning Group)  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: reinstatement of 4 delta credits

Farhad Nayeb  
Print name of property owner or registered agent

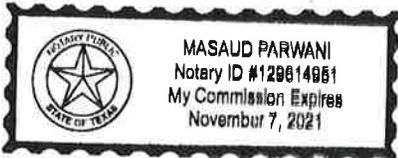
[Signature]  
Signature of property owner or registered agent

Date 8/10/20

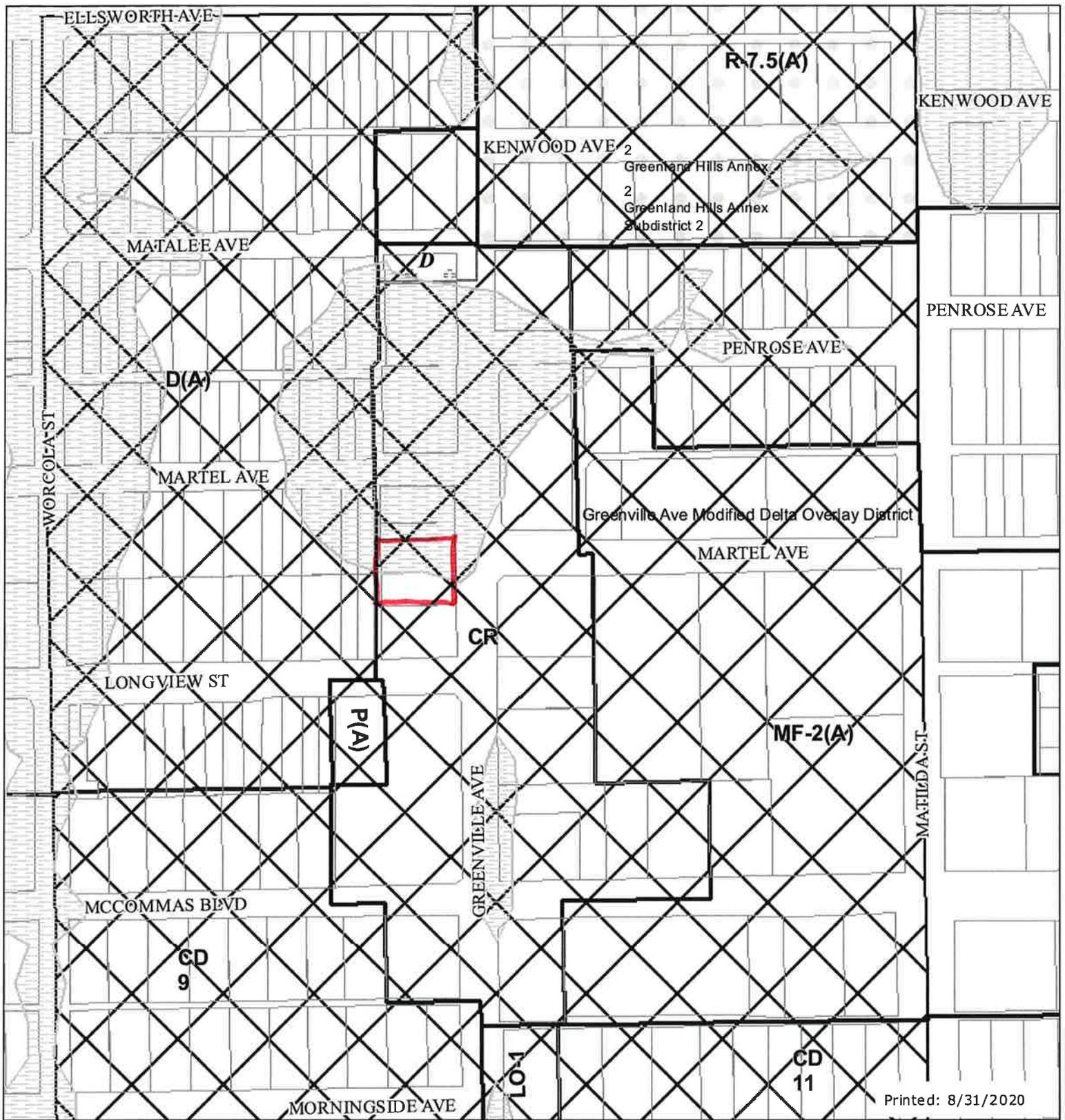
Before me, the undersigned, on this day personally appeared Farhad Nayeb

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 10 day of August, 2020



[Signature]  
Notary Public for Dallas County, Texas  
Commission expires on 11/7/2021



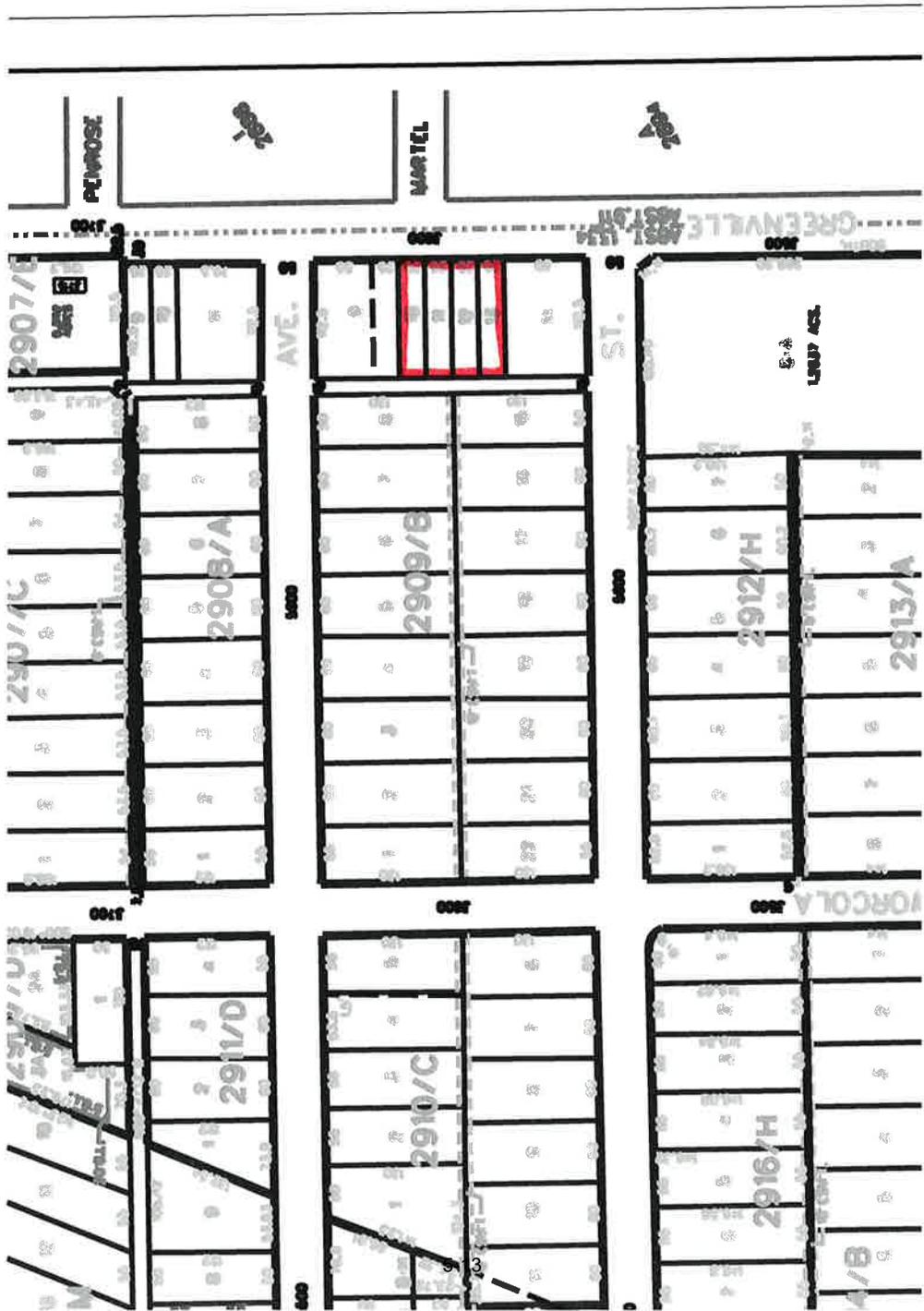
Printed: 8/31/2020

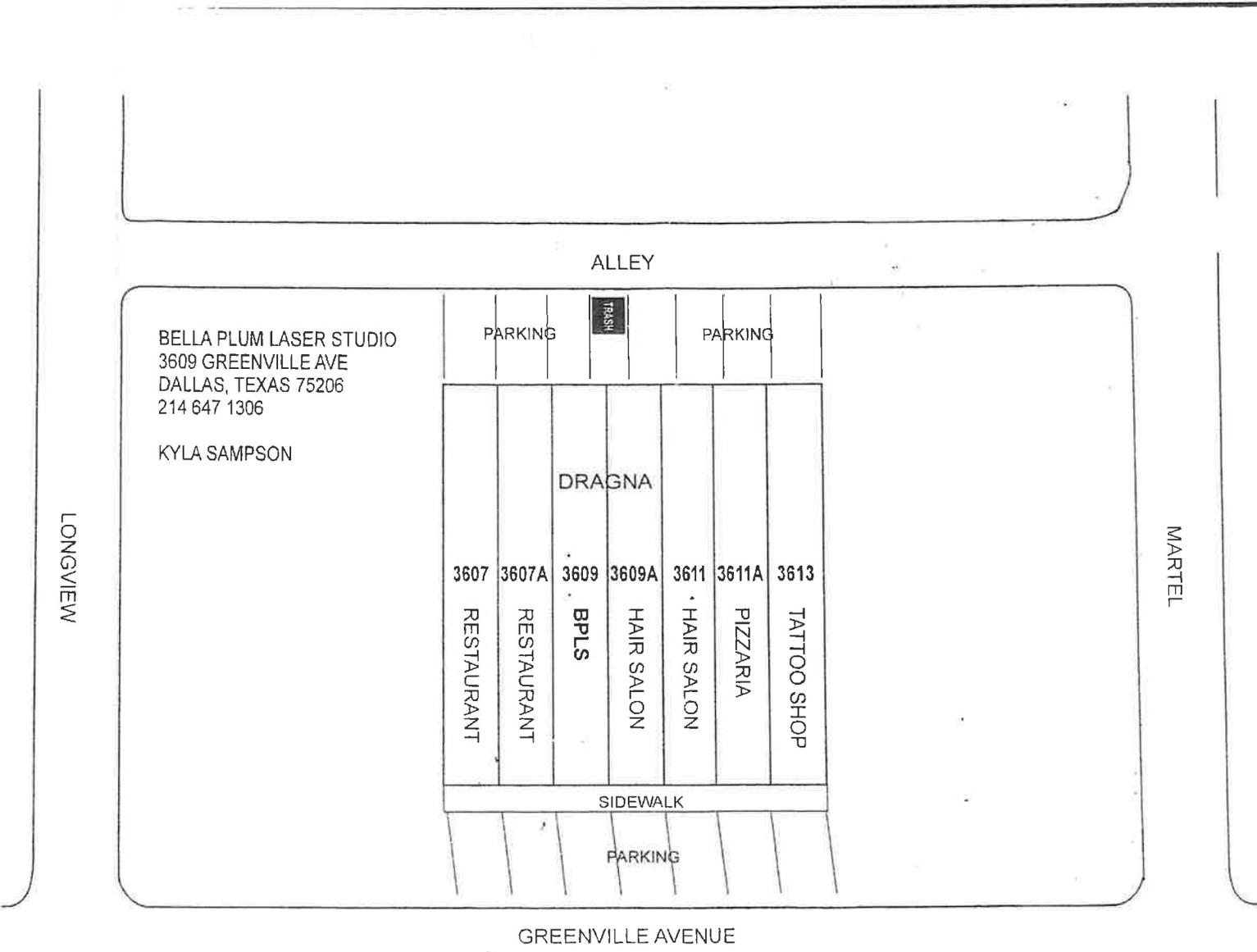
**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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      | Ship 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)







*Reference only*



September 28, 2020

Mr. Oscar Aguilera  
City of Dallas  
1500 Marilla, 5BN  
Dallas, Tx. 75201

RE: BDA 190-098

Dear Mr. Aguilera,

The property owner for 3609 Greenville has been attempting to secure a new certificate of occupancy for a tenant in suite A. They secured and executed a lease with a potential tenant (Exhibit A). The tenant made application (Exhibit B). I have attached copies of the lease agreement the property owner maintained with the previous tenant and the City record of the previous tenant (Exhibit C and D).

These actions demonstrate that the property owner has made all required steps to occupy this space to satisfy the standard of retaining its delta credits. Submitting an application for a new certificate of occupancy is the necessary step in occupying the tenant space with the City of Dallas. This certificate is still listed in review but the property owner should not be penalized for this review time to retain their allocated parking delta credits.

Please let me know if you may have any questions with this study or need any other items clarified regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Santos T. Martinez", written over a light blue horizontal line.

Santos T. Martinez  
Authorized representative for  
Property owner

# EXHIBIT A

**LEASE AGREEMENT**

**BETWEEN**

**MCCREARY 544 SHOPPING CENTER, LLC,  
AS LANDLORD,**

**AND**

**TOPLINE BOUTIQUE, LLC  
AS TENANT**

**DATED: 7/03, 2019**

**DRAGNA CENTER  
DALLAS, TEXAS**

**DRAGNA CENTER  
DALLAS, TEXAS**

SIL

**BASIC LEASE INFORMATION**

Lease Date: \_\_\_\_\_, 2019  
 Landlord: MCCREARY 544 SHOPPING CENTER, LLC, a Texas limited liability company  
 Tenant: **Topline Boutique LLC**  
 Guarantor: Stephanie Ruiz, an individual ("Guarantor") as mentioned in Exhibit G

Premises: The area known as suite number 3609A Greenville Ave containing approximately 906 rentable square feet described on the plan attached as Exhibit A, being part of the shopping center commonly known as Dragna Center (the "Shopping Center"), which is situated on the property described in Exhibit B. The term "Shopping Center" includes the property described in Exhibit B, together with the improvements thereon, including the building in which the Premises are located (the "Building"), and such additions and other changes as Landlord may, from time to time, designate as being included within the Shopping Center. Exhibit A is attached hereto solely for the purpose of locating the Premises within the Shopping Center and depicting the general layout of the Shopping Center and shall not be deemed to be a representation, warranty or agreement by Landlord as to any information shown thereon or that the Shopping Center or stores be exactly as indicated thereon.

Term: The initial term of this Lease shall commence on the Lease Date and shall expire on the last day of the 60<sup>th</sup> full calendar month following the Commencement Date, subject to adjustment and earlier termination as provided in the Lease, together with all exercised Option Terms.

Commencement Date: 150 days after the date on which Landlord delivers premises to tenant

Option Terms: Provided no Event of Default exists and Tenant is open and occupying the entire Premises at the time of such election and at the expiration of the then current term, Tenant may renew this Lease for one (1) additional period(s) of five (5) years each ("Option Term(s)"), by delivering written notice of the exercise thereof to Landlord not later than six (6) months before the expiration of the previous Term. If Tenant timely notifies Landlord that Tenant exercises the Option Terms granted herein, then the Term of this Lease shall be extended on the same terms provided in this Lease, except the Minimum Rent payable for each month during each Option Term shall be as shown below, and Landlord shall lease to Tenant the Premises in their then-current condition.

Minimum Rent: Minimum Rent shall be the following amounts for the following periods of time:

Lease Months	Annual Minimum Rent Rate Per Rentable Square Foot	Monthly Minimum Rent
1 – 60		

One (1) Five (5) Options  
 Option 1 – Years 6-10: Fair market value

As used herein, the term "Lease Month" means each calendar month following the Commencement Date (and if the Commencement Date does not occur on the first day of a calendar month, the period from the Commencement Date to the first day of the next calendar month shall be included in the first Lease Month for purposes of determining the duration of the Term and the monthly Minimum Rent rate applicable for

**Certificate of Occupancy - 2001281125**

- Details
- Holds
- Documents
- Zoning Info

**Property**

Street Address

[View](#) 3609 GREENVILLE AVE Ste:A

Status: CO Pending      Application Date: Jan 28, 2020  
 Issue Date: mmm dd, yyyy  
 Completed Date:

Applicant: DAVID TEUMA

Owner Category:  
PRIVATE

Land Use Description: GEN MERCHANDISE OR FOOD STORE < 3500 SQ. FT.

Temporary Address:

**Project**

Doing TOPLINE BOUTIQUE  
business as:

Certificate Type: CO

Health Permit Number:

Use of Property: GEN MERCHANDISE

Occupancy: B	Selling Alcohol: <input type="checkbox"/>	Dwelling Units:
Constr. Type: IIIB	Dance Floor: <input type="checkbox"/>	Stories:
Sq. Footage: 908		Occupancy Load:
		Sprinkler: None
		Required Parking:
		Proposed Parking:



City of Dallas

# Certificate of Occupancy

**Address:** 3609 GREENVILLE AVE Ste:A 75206 **Issued:** 01/23/2018

**Owner:** WASHOUSE LAUNDRY CO. LLC  
3609 A GREENVILLE AVE DALLAS TX

**DBA:** WASHOUSE LAUNDRY

**Land Use:** (5999) GEN MERCHANDISE OR FOOD STORE < 3500 SQ. FT.

**Occupied Portion:**

**C.O.#:** 1801101004

Lot: 10	Block: B/2909	Zoning: CR	PDD:	SUP:
Historic Dist:	Consv Dist:	Pro Park: 0	Req Park: 0	Park Agrmt: N
Dwlg Units:	Stories:	Occ Code: M	Lot Area: 11250	Total Area: 1618
Type Const: IIIB	Sprinkler: None	Occ Load:	Alcohol: N	Dance Floor:N

Remarks: ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL

Philip Sikes, Building Official

**This certificate shall be displayed on the above premise at all times.**

# EXHIBIT D

## LEASE AGREEMENT

BETWEEN

MCCREARY 544 SHOPPING CENTER, LLC,

AS LANDLORD,

AND

THE WASHOUSE LAUNDRY CO., A TEXAS LIMITED LIABILITY COMPANY, DBA THE  
WASHOUSE LAUNDRY CO. GREENVILLE

AS TENANT

DATED: January, 2nd, 2018

DRAGNA CENTER

DALLAS, TEXAS

DRAGNA CENTER  
DALLAS, TEXAS

FR



**BASIC LEASE INFORMATION**

Lease Date: January 2nd, 2018

Landlord: MCCREARY 544 SHOPPING CENTER, LLC, a Texas limited liability company

Tenant: **The Washhouse Laundry Co., A Texas Limited Liability Company DBA The Washhouse Laundry Co. Greenville**

Guarantor: The Washhouse Laundry Co., A Texas Limited Liability Company ("Guarantor")

Premises: The area known as suite number 3609A Greenville Ave containing approximately 906 rentable square feet described on the plan attached as Exhibit A, being part of the shopping center commonly known as Dragna Center (the "**Shopping Center**"), which is situated on the property described in Exhibit B. The term "Shopping Center" includes the property described in Exhibit B, together with the improvements thereon, including the building in which the Premises are located (the "**Building**"), and such additions and other changes as Landlord may, from time to time, designate as being included within the Shopping Center. Exhibit A is attached hereto solely for the purpose of locating the Premises within the Shopping Center and depicting the general layout of the Shopping Center and shall not be deemed to be a representation, warranty or agreement by Landlord as to any information shown thereon or that the Shopping Center or stores be exactly as indicated thereon.

Term: The initial term of this Lease shall commence on the date the lease has been executed by both parties and shall expire on the last day of the 60<sup>TH</sup> full calendar month following the Commencement Date, subject to adjustment and earlier termination as provided in the Lease, together with all exercised Option Terms.

Commencement Date: The earlier of the following dates:  
 (A) 90 days after the date on which Landlord delivers premises to tenant; dry-wall to split space must be erected.

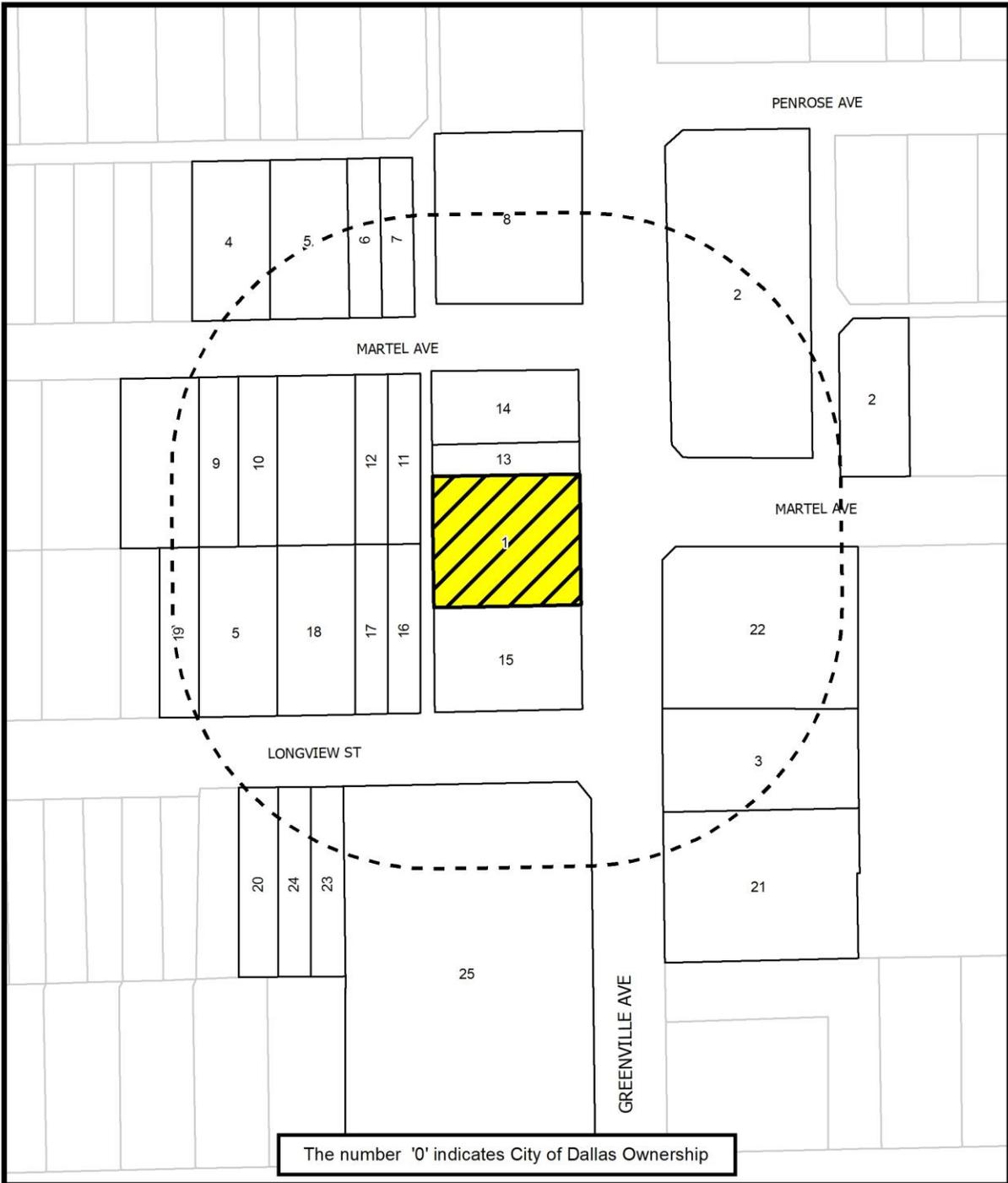
Option Terms: Provided no Event of Default exists and Tenant is open and occupying the entire Premises at the time of such election and at the expiration of the then current term, Tenant may renew this Lease for One (1) additional period(s) of five (5) years each ("**Option Term(s)**"), by delivering written notice of the exercise thereof to Landlord not later than six (6) months before the expiration of the previous Term. If Tenant timely notifies Landlord that Tenant exercises the Option Terms granted herein, then the Term of this Lease shall be extended on the same terms provided in this Lease, except the Minimum Rent payable for each month during each Option Term shall be as shown below, and Landlord shall lease to Tenant the Premises in their then-current condition.

Minimum Rent: Minimum Rent shall be the following amounts for the following periods of time:

Lease Months	Annual Minimum Rent Rate Per Rentable Square Foot	Monthly Minimum Rent
1 – 60	[REDACTED]	[REDACTED]
61– 120 Option Term 1	MARKET	MARKET

As used herein, the term "**Lease Month**" means each calendar month following the Commencement Date

[Handwritten initials]



  
 1:1,200

## NOTIFICATION

200' AREA OF NOTIFICATION  
25 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-098**  
 Date: **10/1/2020**

10/01/2020

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

***BDA190-098***

***25 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3607 GREENVILLE AVE	MCCREARY 544 SHOPPING CENTER LLC
2	3606 GREENVILLE AVE	UPTOWN VENTURES LLC &
3	3524 GREENVILLE AVE	GREENVILLE HARMONY LP
4	5621 MARTEL AVE	SOTIROPOULOS ANASTASIOS
5	5625 MARTEL AVE	O B A INC
6	5629 MARTEL AVE	LOWE DAVID H & TENA M
7	5631 MARTEL AVE	STOVALL SINDHU
8	3707 GREENVILLE AVE	GREENVILLE MARTEL LP
9	5622 MARTEL AVE	CHAMBERS NANCY JOAN &
10	5622 MARTEL AVE	NICHTER DANIEL C & JONELL
11	5630 MARTEL AVE	HEGDE ANITA A
12	5628 MARTEL AVE	SMITH DAVID B &
13	3615 GREENVILLE AVE	BILLINGSLY L B INVESTMENT
14	3619 GREENVILLE AVE	POLISHUK FAMILY LIMITED PARTNERSHIP
15	3601 GREENVILLE AVE	JANMAR LLC
16	5631 LONGVIEW ST	FEFFER STEVEN E
17	5629 LONGVIEW ST	BINFORD OSWARD &
18	5625 LONGVIEW ST	JG RESIDENTIAL PROPERTIES LLC
19	5619 LONGVIEW ST	HAGGERTY RYAN M &
20	5622 LONGVIEW ST	PARISH STEPHEN R & JYME CANONE
21	3520 GREENVILLE AVE	SUNDOWN HOLDINGS LLC
22	3526 GREENVILLE AVE	TRITON GREENVILLE LLC
23	5624 LONGVIEW ST	MUSTIQUE DEVELOPMENT LLC
24	5624 LONGVIEW ST	MOREDOCK JEFFREY LAURENCE JR &
25	3519 GREENVILLE AVE	ABIDE VINE LLC