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BOARD OF ADJUSTMENT (PANEL B)

OCTOBER 23RD, 2024, BRIEFING AT 10:30 A.M. AND THE PUBLIC HEARING AT 1:00 P.M.

Dallas City Hall, Room 6ES Council Briefing and Videoconference

Video Conference Link: https://bit.ly/boa1023B
Telephone: (408) 418-9388**, Access Code:** 325527

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting https://dallastx.new.swagit.com/views/113.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at https://bit.ly/BDA-B-Register **by the close of business Tuesday, October 22nd, 2024. In Person speakers can register at the hearing.**

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en https://dallastx.new.swagit.com/views/113.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en https://bit.ly/BDA-B-Register **antes de cierre de oficina el Martes, 22 de Octubre, 2024. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.**

AGENDA

I. **Call to Order** — Cherri Gambow, Vice-Chair

II. **Staff Presentation/Briefing**

III. **Public Hearing** — Board of Adjustment

IV. **Public Testimony**

V. **Miscellaneous Items**
- Approval of Panel B Minutes – September 18th, 2024

VI. **Case Docket** — Board of Adjustment
- Uncontested Items
- Holdover Items
- Individual Items

VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

UNCONTESTED CASE(S)

BDA234-106(BT)	1800 S. Ervay Street Application of Jerry Ou for **(1)** a special exception to the 20-foot visibility obstruction regulations, and for **(2)** a special exception to the 45-foot visibility obstruction regulations.	1
BDA234-116(CJ)	10230 Marsh Lane **REQUEST:** Application of Darian Kaar for **(1)** a special exception to the fence height regulations.	2
BDA234-120(CJ)	1901 Ramsey Avenue **REQUEST:** Application of Megan Brown for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations, and for **(3)** a special exception to the 20-foot visibility obstruction regulation, and for **(4)** a special exception to the 45-foot visibility obstruction regulation.	3
BDA234-121(BT)	4100 Swiss Avenue **REQUEST:** Application of Jennifer Hiromoto for **(1)** a variance to the parking regulations.	4
BDA234-122(BT)	5314 Ursula Lane **REQUEST:** Application of Eddie Grothaus for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations.	5

HOLDOVER

BDA234-096(CJ)	5325 Kelsey Road **REQUEST:** Application of Charles Anderson for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the visibility obstruction regulations at driveway #1; and for **(3)** a special exception to the visibility obstruction regulations at driveway #2.	6
BDA234-098(BT)	5322 Kelsey Road **REQUEST:** Application of Karlyn Herlitz for **(1)** a special exception to the fence height regulations.	7

INDIVIDUAL CASES

BDA234-124(BT)	2417 W. 12th Street **REQUEST:** Application of Elizabeth Rader to request an interpretation of the intent of the zoning district boundary map.	8

BOARD OF ADJUSTMENT

Panel B Minutes

September 18, 2024

DRAFT

6ES Briefing Room
24974849659@dallascityhall.we
bex.com
Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, Vice-Chair (Virtual)	
Sarah Lamb, Presiding Officer	
Joe Cannon	
Phil Sahuc	
Dr. Emmanuel Glover	

ABSENT: [0]

Vice-Chair Cheri Gambow made the motion to select Sarah Lamb as Presiding Officer, seconded by Phil Sahuc, and was called the briefing to order at **10:31 A.M.** with a quorum of the Board of Adjustment present.

Presiding Officer Sarah Lamb called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided public testimony opportunities for individuals to comment on manners that were scheduled on the posted meeting agenda.

- We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B, May 22nd and August 21st, 2024, Meeting Minutes.

Motion was made to approve Panel B, May 22nd and August 21st, 2024, Public Hearing Minutes.

Maker:	Joe Cannon				
Second:	Dr. Emmanuel Glover				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Sarah Lamb, Cheri Gambow, Joe Cannon, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

UNCONTESTED CASES

1. 2323 N. Carroll Avenue
BDA234-103(BT)
Board Member Joe Cannon had a conflict on this case: Out at 1:05 pm – In at 1:58 pm

BUILDING OFFICIAL'S REPORT: Application of Josh LeComte represented by Nicholas Batey for **(1)** a special exception to the 20-foot visibility obstruction regulations; and for **(2)** a special exception to the 45-foot visibility obstruction regulations at **2323 N. CARROLL AVE**. This property is more fully described as Block K/662, LOT 20, and is zoned MF-2(A), which requires a 20-foot visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(1)** a special exception to the visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle, which will require **(2)** a special exception to the visibility obstruction regulation at the intersection of N. Carroll Ave. and Rusk Ave.

LOCATION: 2323 N. Carroll Ave.

APPLICANT: Josh LeComte

REPRESENTED BY: Nicholas Batey

REQUEST:

(1) A special exception to the 20-foot visibility obstruction regulations at the driveway; and
(2) A special exception to the 45-foot visibility obstruction regulations at the intersection of Rusk Ave. and N. Carroll Ave.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, the special exception will not constitute a traffic hazard.

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site:	MF-2(A) (Multifamily District)
North:	R-7.5(A) (Single Family District)
East:	MF-2(A) (Multifamily District)
South:	PD-277 (Light assembly) and PD-305 (Maximum densities)
West:	MF-2(A) (Multifamily District)

Land Use:

The subject site and surrounding properties are developed with single-family, multi-family and duplex uses.

BDA History:

BDA history found in the last five years BDA234-060

- The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 22nd, 2024, moved to **DENY** the special exception requested by this applicant to construct and/or maintain a 8-foot high fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property
- The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 22nd, 2024, moved to **GRANT** the request to maintain items in the 20-foot visibility triangle at the driveway as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.
- The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 22nd, 2024, moved to **DENY** the special exception requested by this applicant to maintain items in the 45- foot visibility triangle at the intersection of Rusk Ave. and N. Carroll Ave. **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Josh LeComte for the property located at 2323 N. Carroll Ave. focuses on 2 requests relating to the visibility obstruction regulations.
- The applicant proposes to construct and maintain and 6-foot high gate and fence in a required front yard, on a vacant lot, along N. Carroll Ave. and Rusk Ave., which by right is allowed in MF-2(A). **SEC. 51A-4.602.(a)(4)** In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:

  - No lot in the blockface may be zoned as a single family or duplex district.
  - No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.
  - No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

- The fence proposed material is 5.25" horizontal wood planks.
- First, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Rusk Ave. The proposed 6-foot high fence encroach about 10-foot 6-inches into the visibility obstruction triangle on the northeastern boundary of Rusk Ave.
- Secondly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of N. Carroll Ave and Rusk Ave. The proposed 6-foot high fence encroach about 30-foot into the visibility obstruction triangle on the boundary of N. Carroll Ave. and Rusk Ave.
- The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes, multifamily and duplexes.
- It is imperative to note that the subject site is a corner lot, and it has street frontage on N. Carroll Ave and Rusk Ave.
- Based upon staff's analysis of the surrounding properties, there was one homes along Rusk Ave. with a fence in the required front yard. There were two homes along N. Carroll Ave. with a fence and gate in the required front yard and/or some form of vegetation serving as a screening mechanism near the intersection of Capitol and N. Carroll.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed.
- Per engineering review comment sheet, site plan must comply with visibility triangle dimensions of at least 30' x 30' at corner of two public streets.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-103 at 2323 N Carroll Ave

Timeline:

July 18, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

August 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Josh LaComte, 5740 Prospect Ave # 2112, Dallas TX 75206

Against: Oscar Casas, 4419 Rusk Ave., Dallas TX 75204
Christina Casas, 4419 Rusk Ave., Dallas TX 75204

Motion # 1
I move that the Board of Adjustment, in Appeal No. BDA 234-103, on application of Josh Lecomte, **GRANT** the request to maintain items in the 20-foot visibility triangle at the driveway approach as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code, as amended:

Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Phil Sahuc				
Second:	Sarah Lamb				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

Motion # 2
I move that the Board of Adjustment, in Appeal No. BDA 234-103, on application of Josh Lecomte, **GRANT** the request to maintain items in the 45-foot visibility triangle at the intersection of N. Carroll

Ave. and Rusk Ave. as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code, as amended:

Compliance with the most recent version of all submitted plans are required.

Maker:	Phil Sahuc				
Second:	DR. Emmanuel Glover				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

2. 8510 Military Parkway
BDA234-107(CJ)

BUILDING OFFICIAL'S REPORT: Application of Rey Roca for **(1)** a special exception to the fence height regulations at 8510 Military Parkway. This property is more fully described as Block 6218, Lot 1, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

LOCATION: 8510 Military Parkway

APPLICANT: Rey Roca

REQUEST:

(3) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 8510 Military Parkway in the last 5 years.

Square Footage:

- This lot contains 571,942.8 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

Zoning:

Site:	R-7.5 (A) (Single Family District)
North:	R-7.5 (A) (Single Family District)
East:	R-7.5 (A) (Single Family District)
South:	R-7.5 (A) (Single Family District)
West:	R-7.5 (A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with uses permissible in the R-7.5(A) zoning district.

GENERAL FACTS/STAFF ANALYSIS:

- The application for Rey Roca property located at 8510 Military Parkway focuses on one request relating to fence height regulations.
- The applicant proposes to construct and maintain a 6-foot fence in required front yards, which will require a 2-foot special exception to the fence height regulations.
- The subject site is developed with a school. Properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site has triple street frontage on Darby Drive, Military Parkway and Delafield Lane.
- The street frontage along Darby Drive, Military Parkway, and Delafield Lane all act as front yards due to block-face continuity.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot wrought iron fence in the required front yards on Delafield Lane and Military Parkway; no parts of the fence will extend to Darby Drive.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Delafield Lane with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- 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 applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.

- Granting the special exceptions to the fence standards relating to height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-107 at 8510 Military Pkwy

Timeline:

July 24, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

August 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Rey Roca, 8510 Military Parkway, Dallas TX 75227

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-107, on application of Rey Roca, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Joe Cannon					
Second:	Phil Sahuc					
Results:	5-0 Unanimously					Motion to grant
		Ayes:	-		5	Cheri Gambow, Joe Cannon, Sarah Lamb, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-		0	

INDIVIDUAL CASES

3. 5325 Kelsey Road
BDA234-096(CJ)

BUILDING OFFICIAL'S REPORT: Application of Charles Anderson for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the visibility obstruction regulations at driveway #1; and for **(3)** a special exception to the visibility obstruction regulations at driveway #2 at 5325 Kelsey Rd. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at driveway #1; The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway #2.

LOCATION: 5325 Kelsey Rd.

APPLICANT: Charles C. Anderson

REQUEST:

(4) A special exception to the fence height regulations; and
(5) A special exception to the 20-foot visibility obstruction regulations at the first drive approach; and
(6) A special exception to the 20-foot visibility obstruction regulations at the second drive approach.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special

exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5325 Kelsey Road in the last five years.

Square Footage:

- This lot contains 42,253.2 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 1 acre or 43,650 square feet.

Zoning:

Site:	R-1ac(A) Zoning District
North:	R-1ac(A) Zoning District
East:	R-1ac(A) Zoning District
South:	R-1ac(A) Zoning District
West:	R-1ac(A) Zoning District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Charles C. Anderson property located at 5325 Kelsey Road focuses on 3 requests relating to the fence height and visual obstruction regulations.
- The applicant is proposing to construct and maintain a 7-foot 6-inch fence with 8-foot stone columns in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #1 (west).
- Lastly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #2 (east).
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.

- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 7-foot 6-inch fence with 8-foot stone columns along the front yard of the home.
- The proposed fence is material is wrought iron connected by stone columns.
- It is imperative to note that the subject site is a mid-block lot with single street frontage on Kelsey Road.
- The applicant has stated that the request for special exception has been made for safety/security reasons.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Kelsey Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing 4-foot fence and be placed in a similar location.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding fence height, will not adversely affect neighboring properties.
- The applicant also has the burden of proof in establishing that the special exceptions to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to fence height and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video:

Timeline:

June 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this

request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

August 21, 2024: Panel B, at its regular scheduled hearing on August 21, 2024 voted to hold this matter under advisement until September hearings.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Peter Kavanagh, 1620 Handley St., Dallas TX 75208
Moll Anderson, 5325 Kelsey Road, Dallas TX 75229
Charles Anderson, 5325 Kelsey Road, Dallas TX 75229

Against: Julie Allen, 5337 Kelsey Rd., Dallas TX 75229
Elizabeth Winslow, 10111 Gaywood Rd., Dallas TX 75229
David Elmquist, 5351 Kelsey Rd., Dallas TX 75229
Elaine Everitt, 5106 Kelsey Rd., Dallas TX 75229

Motion
I move that the Board of Adjustment in Appeal No. BDA 234-096, **HOLD** this matter **under advisement until October 23rd, 2024.**

Maker:	Joe Cannon					
Second:	Phil Sahuc					
Results:	5-0 Unanimously				Motion to hold	
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Sarah Lamb & Phil Sahuc & Dr. Emmanuel Glover	
		Against:	-	0		

5. 5322 Kelsey Road
BDA234-098(BT)

BUILDING OFFICIAL'S REPORT: Application of Karlyn Herlitz for **(1)** a special exception to the fence height regulations at **5322 KELSEY RD.** This property is more fully described as Block B/5517, Lot 10, 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 and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

LOCATION: 5322 Kelsey Rd.

APPLICANT: Karlyn Herlitz

REQUEST:

(7) A request for a special exception to the fence height regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site:	R-1ac(A)
North:	R-1ac(A)
East:	R-1ac(A)
South:	R-1ac(A)
West:	R-1ac(A)

Land Use:

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

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Karlyn Herlitz for the property located at 5322 Kelsey Rd. focuses on 1 request relating to the fence height regulations.
- The request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot 6-inch high iron gate and fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- The subject site along with surroundings properties to the north, south east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of 6-foot high iron double gate and fence with 6-foot 6-inch high stone columns, located near the front property line.
- A majority of the proposed iron fence and gate will be 6-foot high.

- A portion of the proposed stone columns, fence and gate will be constructed on an existing retaining wall.
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate exceeding 4-feet above grade in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Kelsey Rd.
- The applicant provided a motor vehicle theft police report from 2022.
- 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 applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height will not adversely affect the neighboring properties.
- 200' Radius Video: BDA234-098 at 5322 Kelsey Rd

Timeline:

June 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

August 21, 2024: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, August 21, 2024, moved to **HOLD** this matter under advisement until **September 18, 2024.**

August 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Peter Kavanagh, 1620 Handley St., Dallas TX 75208
Grant Herlitz, 5322 Kelsey Rd., Dallas TX 75229
Karlyn Herlitz, 5322 Kelsey Rd., Dallas TX 75229

Against: Julie Allen, 5337 Kelsey Rd., Dallas TX 75229
Elizabeth Winslow, 10111 Gaywood Rd., Dallas TX 75229
David Elmquist, 5351 Kelsey Rd., Dallas TX 75229
Elaine Everitt, 5106 Kelsey Rd., Dallas TX 75229

Motion
I move that the Board of Adjustment in Appeal No. BDA 234-098 **HOLD** this matter **under advisement until October 23rd, 2024.**

Maker:	Joe Cannon				
Second:	Phil Sahuc				
Results:	5-0 Unanimously				Motion to hold
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

INDIVIDUAL CASES

6. BDA234-103_FR1
BDA234-098(BT)

BUILDING OFFICIAL'S REPORT: Application of **Josh LeComte** represented by **Nicholas Batey** for **(1)** a special exception to the 20-foot visibility obstruction regulations, and for **(2)** a special exception to the 45-foot visibility obstruction regulations at **2323 N. CARROLL AVE**. This property is more fully described as Block K/662, LOT 20, and is zoned MF-2(A), which requires a 20-foot

visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(1)** a special exception to the visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle, which will require **(2)** a special exception to the visibility obstruction regulation at the intersection of N. Carroll Ave. and Rusk Ave.

LOCATION: 2323 N. Carroll Ave.

APPLICANT: Josh LeComte

REPRESENTED BY: Nicholas Batey

REQUEST:

The applicant is requesting a fee reimbursement in reference to the previously approved request for the 20-foot visibility obstruction triangle application submitted at 2323 N. Carroll Ave. which will appear before Panel B on September 18, 2024.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that **payment of the fee would result in substantial financial hardship to the applicant**. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

Speakers:

For: Josh LaComte, 5740 Prospect Ave # 2112, Dallas TX 75206

Against: No Speakers

Motion
I move that the Board of Adjustment, in Appeal No. BDA 234-103-FR1, on application of Josh Lecomte, **GRANT** the request to reimbursement of the filing fees to be paid in association with a request for a special exception to the 20-foot visibility triangle and the 45-foot visibility triangle regulations as requested by this applicant because our evaluation of the property and testimony shows that the payment of the fee would result in substantial financial hardship to this applicant.

Maker:	Phil Sahuc				
Second:	Cheri Gambow				
Results:	4-0				Motion to grant

	Unanimously				
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

Recess at 2:05 pm – 2:10 pm

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Presiding Officer Sarah Lamb moved to adjourn the meeting at 3:39 p.m.

_____ _____

Required Signature: Date
Mary Williams, Board Secretary
Development Services Dept.

_____ _____

Required Signature: Date
Dr. Kameka Miller-Hoskins, Board Administrator
Development Services Dept.

_____ _____

Required Signature: Date
Cheri Gambow, Vice Chair
Board of Adjustment

FILE NUMBER: BDA234-106(BT)

BUILDING OFFICIAL'S REPORT: Application of JERRY OU for **(1)** a special exception to the 20-foot visibility obstruction regulations, and for **(2)** a special exception to the 45-foot visibility obstruction regulations at **1800 S. ERVAY ST.** This property is more fully described as BLOCK B/916, LOT 5, and is zoned PD-317 (subarea 2), which requires a 20-foot visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/ or maintain a nonresidential structure in a required 20-foot visibility obstruction triangle, which will require **(1)** a special exception to the 20-foot visibility obstruction regulations at the driveway along Beaumont St.; and to construct and/or maintain a nonresidential structure in a required 45-foot visibility obstruction triangle, which will require **(2)** a special exception to the 45-foot visibility obstruction regulations at the intersection of Beaumont St. and S. Ervay St.

LOCATION: 1800 S. Ervay St.

APPLICANT: Jerry Ou

REQUEST:

(1) A special exception to the 20-foot visibility obstruction regulations at the driveway along Beaumont St.; and
(2) A special exception to the 45-foot visibility obstruction regulations at the intersection of Beaumont St. and S. Ervay St.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-317(Subdistrict 2) (Mixed Use Corridors)
North: PD-317(Subdistrict 2) (Mixed Use Corridors) and PD-317(Subdistrict 1 Tract 1) (Moderate Density Residential)

East: PD-317(Subdistrict 2) (Mixed Use Corridors) and PD-317(Subdistrict 1 Tract 1) (Moderate Density Residential)
South: PD-317(Subdistrict 2) (Mixed Use Corridors) and PD-317(Subdistrict 1 Tract 2) (Moderate Density Residential))
West: PD-317(Subdistrict 2) (Mixed Use Corridors)

Land Use:

The subject site and surrounding properties are developed with various uses.

BDA History:

No BDA history found in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jerry Ou for the property located at 1800 S. Ervay St. focuses on 2 requests relating to the visibility obstruction regulations.
- First, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Beaumont St. The proposed 42" high planters encroach about 16-feet into the visibility obstruction triangle on the northwestern boundary of Beaumont St. The existing retaining wall and chain link fence encroach about 3-feet into the visibility obstruction triangle on the northeastern boundary of Beaumont St.
- Secondly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of S. Ervay St. and Beaumont St. The proposed visibility obstruction triangle is 30-foot x 30-foot with a combination of 24-inch high and 42-inch high planters along the boundary and intersection.
- From the submitted site plan and elevations, the applicant is proposing to construct and maintain a combination of 24-inch high and 42-inch high planters along S. Ervay St. and Beaumont St.
- From the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot high chain link fence along Beaumont St.
- It is imperative to note that the subject site is a corner lot, and only vehicular entrance from Beaumont St. for deliveries and trash pick-up. Only pedestrian entrance along S. Ervay St.
- Based upon staff's analysis of the surrounding properties, there was a mixture of commercial and residential development.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and

elevations, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: **BDA234-106 at 1800 S Ervay St**

Timeline:

July 19, 2024: 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 3, 2024: The applicant submitted email requesting to postpone hearing while working w/engineering.

September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

September 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 2024, 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 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

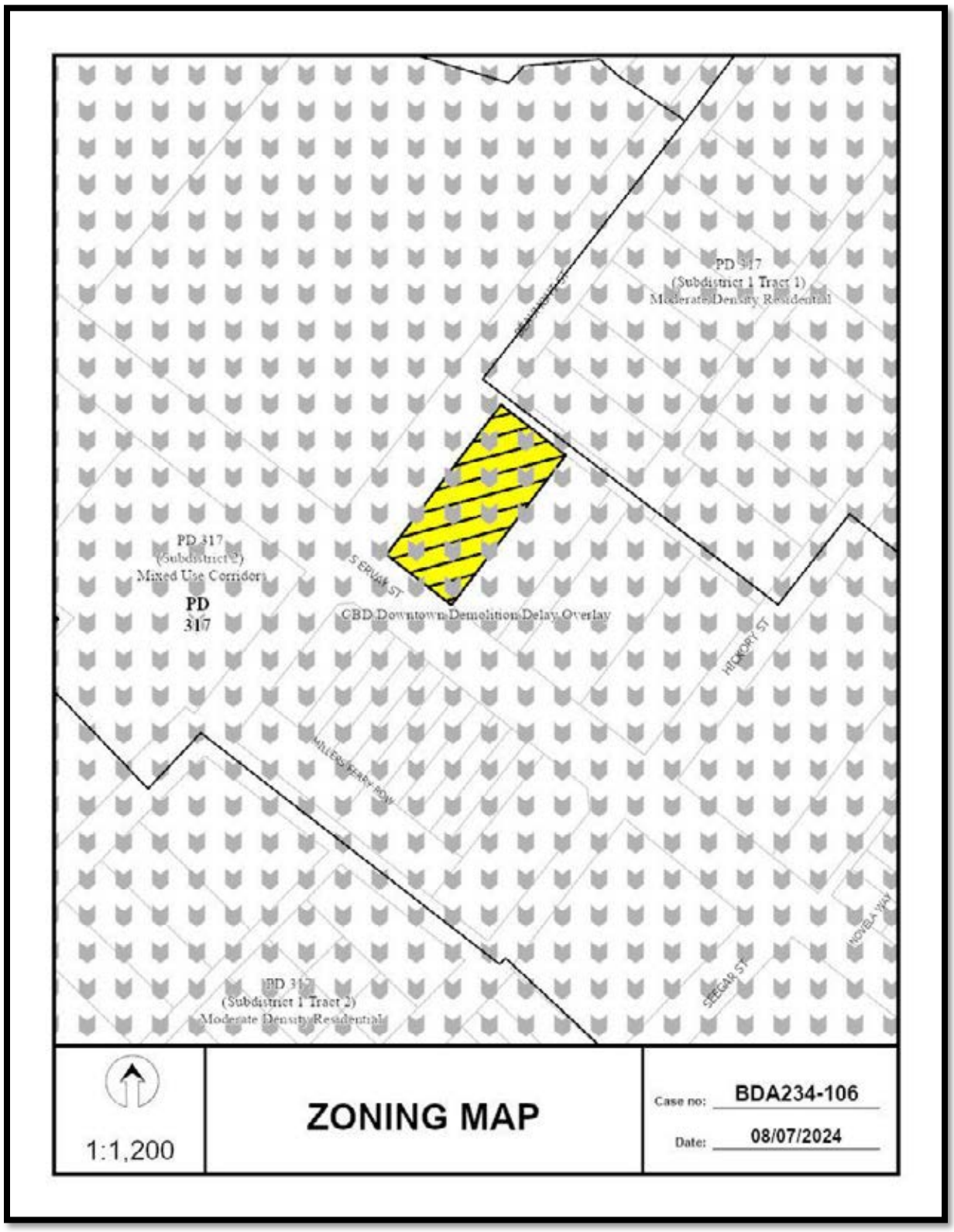


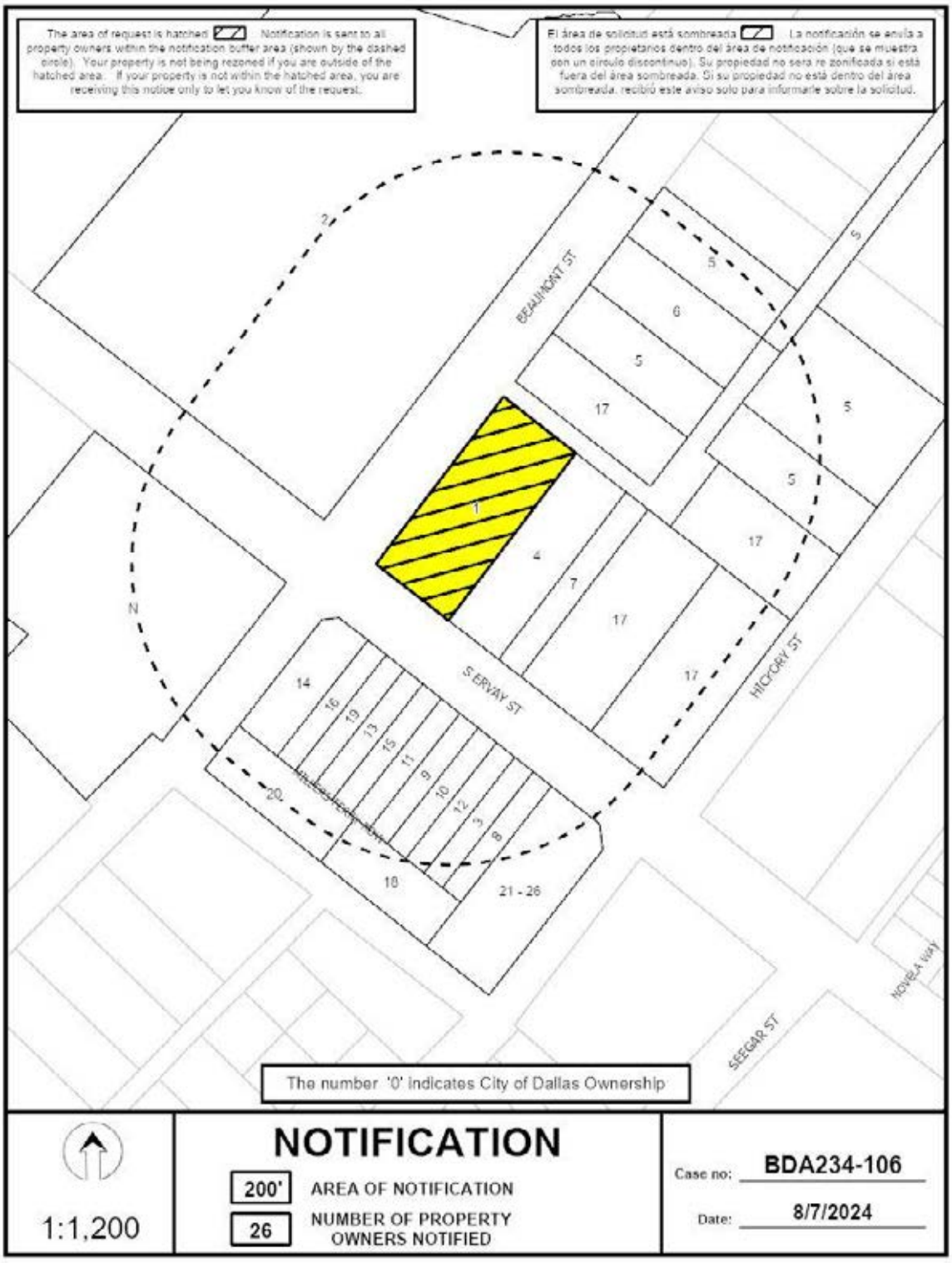
1:1,200

AERIAL MAP

Case no: BDA234-106

Date: 08/07/2024


PD 317
(Subdistrict 1 Tract 1)
Moderate Density Residential
PD 317
(Subdistrict 2)
Mixed Use Corridors
PD
317
S ERVAY ST
CBD Downtown Demolition Delay Overlay
HICKORY ST
MALLEY PARK ROW
PD 317
(Subdistrict 1 Tract 2)
Moderate Density Residential
CEEGAR ST
NOVELA WAY
1:1,200
ZONING MAP
Case no: BDA234-106
Date: 08/07/2024


The area of request is hatched. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada. La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibirá este aviso solo para informarle sobre la solicitud.
BEAUMONT ST
S ERVAY ST
HICKORY ST
SEEGAR ST
NOVELA WAY
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
26
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-106
Date: 8/7/2024

08/07/2024

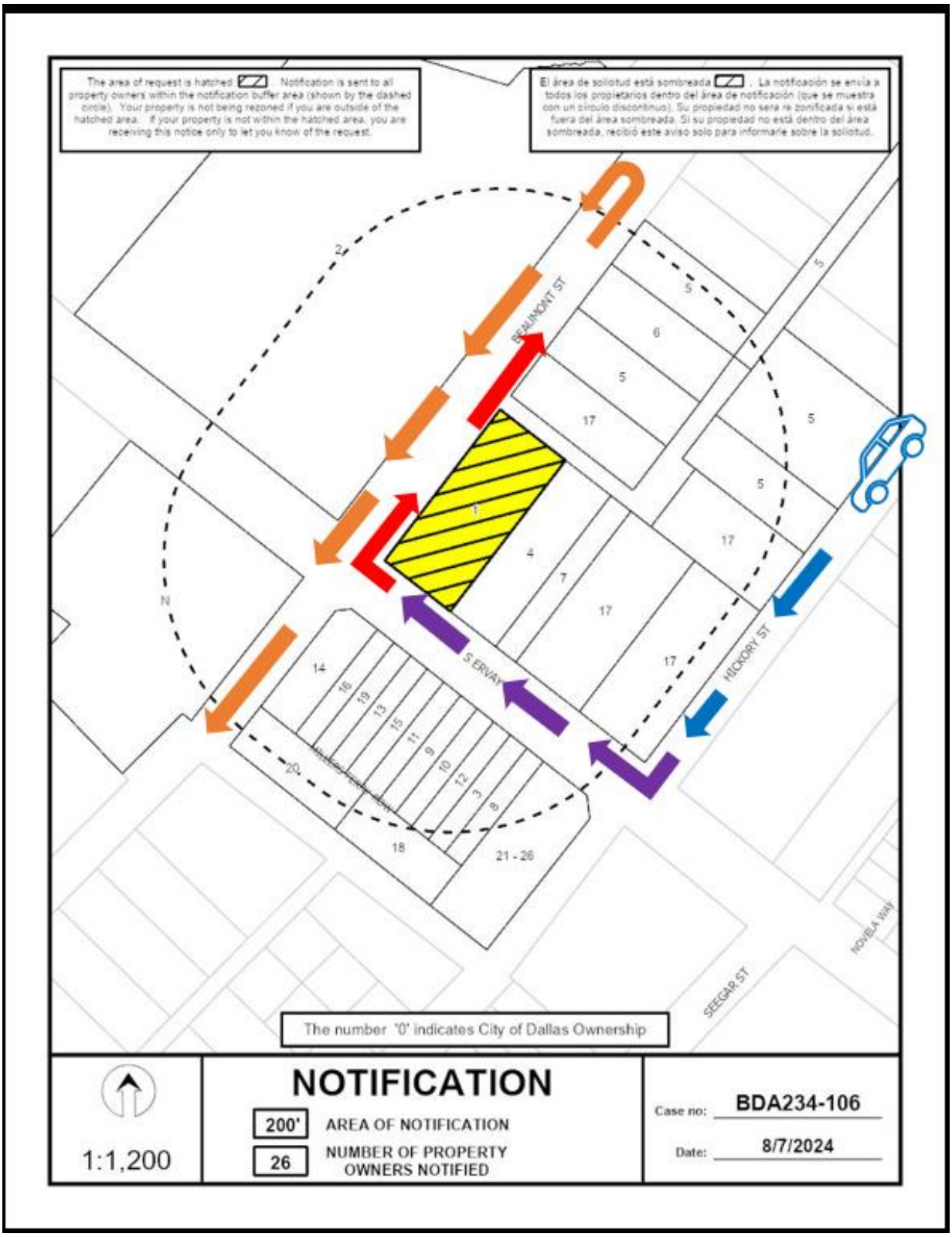
Notification List of Property Owners

BDA234-106

26 Property Owners Notified

Label #	*Address*		*Owner*
1	1800	S ERVAY ST	MUSE PROPERTIES LLC &
2	1700	S ERVAY ST	WILLIAMS C D BLDG ACCT
3	1821	S ERVAY ST	SAENZ DENA LYNN
4	1806	S ERVAY ST	UNDERWOOD JEFFREY &
5	1721	HICKORY ST	HICKORY CDR LLC
6	1724	BEAUMONT ST	RAM CEDAR INVESTMENT INC
7	1810	S ERVAY ST	Taxpayer at
8	1823	S ERVAY ST	DANG HUONG H
9	1815	S ERVAY ST	BADIR NADER
10	1817	S ERVAY ST	KILGORE BRAD
11	1813	S ERVAY ST	NOVACK TAYLOR A
12	1819	S ERVAY ST	Taxpayer at
13	1809	S ERVAY ST	DAVIS KENNETH E
14	1803	S ERVAY ST	THOMAS LISA MICHELLE
15	1811	S ERVAY ST	BLUEBERRY TREE VENTURES LLC
16	1805	S ERVAY ST	STEPHENS MARK R
17	1818	S ERVAY ST	GMR SPECIAL TRUST THE
18	1817	MILLERS FERRY ROW	DELGADO DAMIAN G
19	1807	S ERVAY ST	SIMMONS VERONICA
20	1602	BEAUMONT ST	MJPB LIVING TTEE TRUST
21	1625	HICKORY ST	PEREZ EDUARDO
22	1625	HICKORY ST	WATERMAN KEVIN NORRIS
23	1625	HICKORY ST	JOHNSON DUSTIN
24	1625	HICKORY ST	BANDYOPADHAYA MONALISA
25	1625	HICKORY ST	MUTUKU KENNEDY
26	1625	HICKORY ST	ROZIER ANTONIO REEVES

200’ Radius Route Map



Docusign Envelope ID: 209E1752-C2AC-4DE6-94AB-F34DA4E11998



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-106

RECEIVED
JUL 19 2024
BY:

Data Relative to Subject Property: Date:

Location address: 1800 S. Ervay St Zoning District: PD-317

Lot No.: 5 Block No.: B/916 Acreage: .301 Census Tract: 0204.00

Street Frontage (in Feet): 1) 75 2) 172 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Muse Properties, LLC and Jorge Castellanos

Applicant: Jerry Ou, Manager, Muse Properties Telephone: 972.333.6976

Mailing Address: 2633 Mckinney Ave, Ste 130-337 Zip Code: 75204

E-mail Address: jerryou@yahoo.com

Represented by: Hatsumi Kuzuu, Kuzuu Design Telephone: 214.724.0027

Mailing Address: 3623 Parader Ct Zip Code: 75228

E-mail Address: hatsumi@kuzuudesign.com

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

For ~~three~~ two requests for visibility triangles associated with the construction of a wrought iron gate around the perimeter of the property

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:

Because of the set back of the building (approx 125ft from the corner) and the use of a wrought iron fence, vehicles will have significant visibility at the corner

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 Jerry Ou

(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 15th day of July, 2024

Heidi Reed

Notary Public in and for Dallas County, Texas

Heidi Reed
MY COMMISSION EXPIRES
January 17, 2025
NOTARY ID: 132873880

CITY OF DALLAS

Posting of Notification Sign

PER SEC 51A-1.106 Notification signs required to be obtained and posted

Address: 1800 S. Ervay St.

Appeal Number: BDA _____

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is $10.00.

Footage of each street frontage: 75, 172

Number of acres: .301

Number of signs received: 2

Signature of applicant or person receiving signs

7/19/2024
Date

PLAN REVIEW CHECK LIST - BDA

LOCATION ADDRESS: 1800 S. Ervay St. CASE NO. BDA: _____

APPLICANT: Jerry ou INTAKE DATE: 7/18/24

REVIEWER: Sara Etebari PANEL: _____ HEARING DATE: september

ACREAGE: .301 LOT: 5 BLOCK: B/216 STAFF REFERAL: YES NO

LAND USE: _____ DEED RESTRICTIONS: YES # _____ NO ZONING DISTRICT: PD-317 Subdistric 2

REQUIRED PLATTING: YES S # _____ NO SHARED ACCESS YES NO

COUNTY PLAT: YES NO CONSVERATION DISTRICT YES _____ NO

ANNEXATION DATE _____ HISTORICAL DISTRICT YES _____

[illegible] YES PLANNED DEVELOPMENT YES _____

TYPE OF DEVELOPMENT Mixed use Corridors ARTICLE XII FORM DISTRICTS YES _____ NO

DEMO PERMIT YES # _____ NO CORNER LOT (YES) NO

FLOOD PLAIN AREA YES _____ NO DOUBLE FRONTAGE YES NO

VISIBILITY TRIANGLE 20' x 20' 45' x 45' THOROUGHFARE PLAN (YES) _____ NO

MAIN STRUCTURE	REQUIRED	PROPOSED
FRONT YARD SETBACK/51A-4.401	____ MIN	____
SIDE YARD SETBACK/51A-4.402	____ MIN	____
REAR YARD SETBACK/51A-4.403	____ MIN	____
SFD MAIN > 7,500 SQ. FT (TOTAL)	YES NO	
BUILDING FOOTPRINT		____
LOT COVERAGE/51A-4.407	____ MAX	____
ENCLOSED PARKING (MIN 20')	YES FRONT/SIDE/REAR NO	

	REQUIRED	PROPOSED
SWIMMING POOL YES	FRONT/SIDE/REAR NO	
STORIES	____ MAX	____
FENCE HEIGHT/51A-4.602	____ MAX	____
BUILDING HEIGHT	____ MAX	____
RPS/HT. PLANE REQUIRED YES	RATIO ____ NO	
LOT SIZE	____ MIN	____
PARKING	____ MIN	____
PARKING REDUCTION	____ MIN	____

ACCESSORY STRUCTURE	REQUIRED	PROPOSED
SQ. FT	____ MAX	____
HEIGHT	____ MAX	____
25% OR LESS YES NO	50% TOTAL OR LESS YES NO	

	REQUIRED	PROPOSED
SIDE YARD SETBACK	____ MIN	____
REAR YARD SETBACK	____ MIN	____
REAR 30% YES NO	ADU YES NO	

o Landscape - Chapter 51A – 10.125 (a) (1)
o Fireplace may project up to 2' in setback - 12 SF MAX.
o Cantilevered roof eaves & Balconies - 5' MAX in front yard setback
o Cantilevered roof eaves - 3' MAX in S&R setback.
o BALCONIES may not project in S&R setback.
o Visibility triangle 20' x 20' (Alley&Driveway) o
Visibility triangle 45' x 45' (Corner lots)
o Sidewalks, drive approach & curbs required on ALL site plans
o Fence height measured from
SFD FYSB - top of fence to grade inside and outside (greater controls)
SFD S/RSB - top of fence to grade inside
ALL OTHERS - top of fence to grade inside

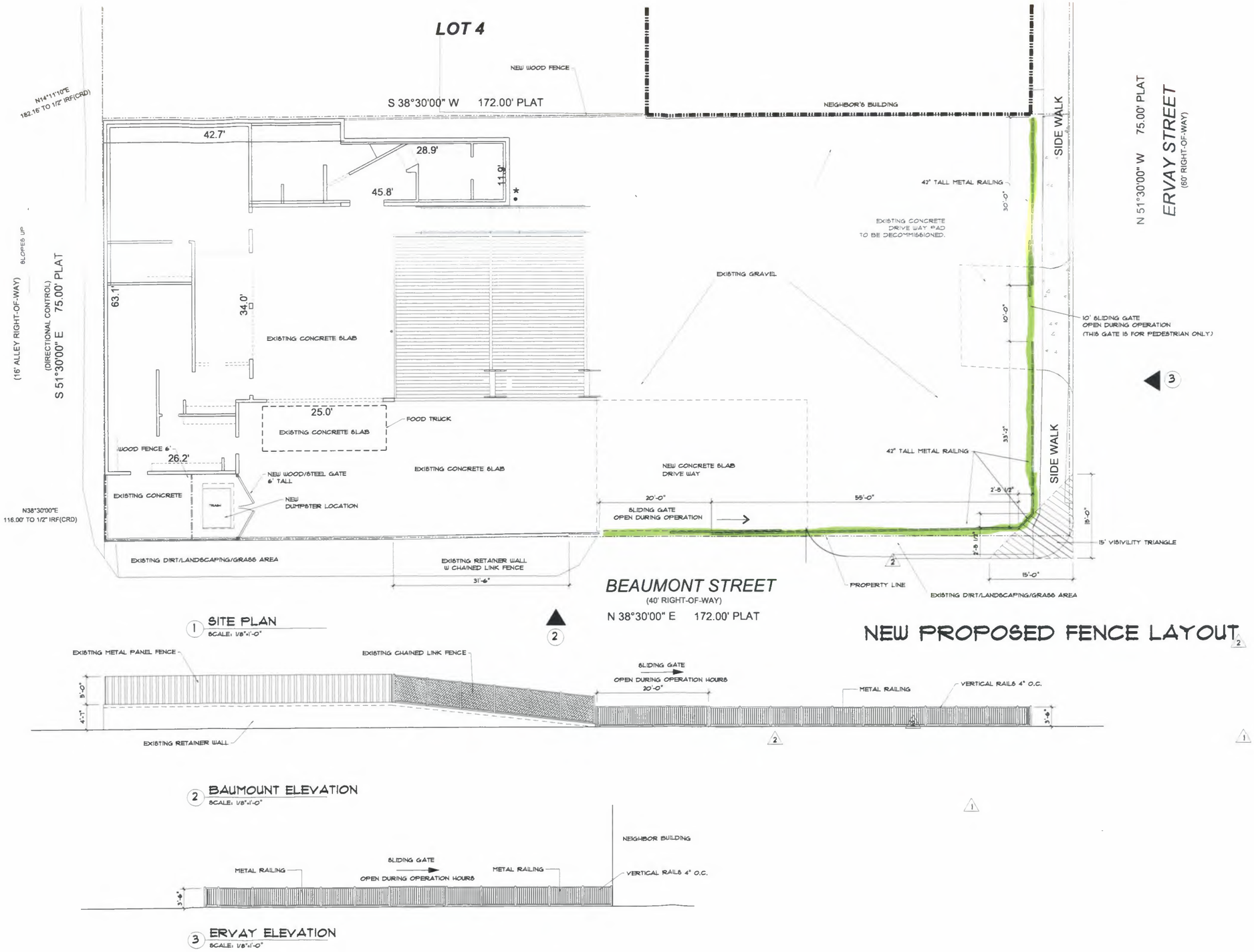
o Drive approach radius MIN. 5' from P.L. - ALL NSFD
o Driveway width MIN. 10' - MAX 30'
o No structure within 3' of alley
o Structures < 5' from property line require 1 HR rating walls
o N.I.C. Pools, Fence & Gate
o Wing wall & bldg foundation separation required to be located in setback
o Accessory Buildings located in the Rear 30% of the lot
< 15' HT. (or main midpoint if < than 15' in height)
0' side yard
0' rear yard (EXCEPTION - alley MIN. 3' from r.o.w.)

NOTES/COMMENTS: 1) Need to edit the request in the application For three requests!

2.) Provide us Elevation seperatly! Fence

3) sit plan NTS

For reference



Kuzuu Design
Design Consultant
3623 Parader Ct. Dallas Tx. 75228
tel: 214.724.0027 hatsumi@kuzuudesign.com

DULCE NINA AT THE CEDARS
1800 S. ERVAY
Dallas TX 75215

JOB NO 0722
DATE 7/10/24
SCALE 1/8"=1'-0"
DRAWN BY HK
REVISION DATE

SITE PLAN/SURVEY

SHEET NO
A1.00a

UPDATED SITE PLAN

FILE NUMBER: BDA234-116(CJ)

BUILDING OFFICIAL'S REPORT Application of Darian Kaar for **(1)** a special exception to the fence height regulations at 10230 Marsh Lane. This property is more fully described as Block A/6416, Lot 4, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard, which will require **(1)** a 2-foot special exception to the fence regulations.

LOCATION: 10230 Marsh Lane

APPLICANT: Darian Kaar

REQUEST:

(1) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 10230 Marsh Lane in the last 5 years.

Square Footage:

- This lot contains 55,756.8 of square feet or 1.28 acres.
- This lot is zoned R-16(A) which has a minimum lot size of 16,000 square feet.

Zoning:

Site:	R-16 (A) (Single Family District)
North:	R-16 (A) (Single Family District)
East:	R-16 (A) (Single Family District)
South:	R-16 (A) (Single Family District)
West:	R-16 (A) (Single Family District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Darian Kaar for property located at 10230 Marsh Lane focuses on 1 request relating to the fence height standards.
- The applicant proposes to maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations on Marsh Lane.
- The subject site along with properties to the north, south, east, and west are all developed with uses permissible in a residential zoning district.
- The subject site is a mid-block lot with single street frontage along Marsh Lane.
- The proposed fence is material is composite metal.
- Based upon staff's analysis of the surrounding properties, there are homes along Marsh Lane with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff's review of the subject site, the fence is existing and not proposed.
- 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 applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standard regulations relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-116 at 10230 Marsh Ln.

Timeline:

August 23, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

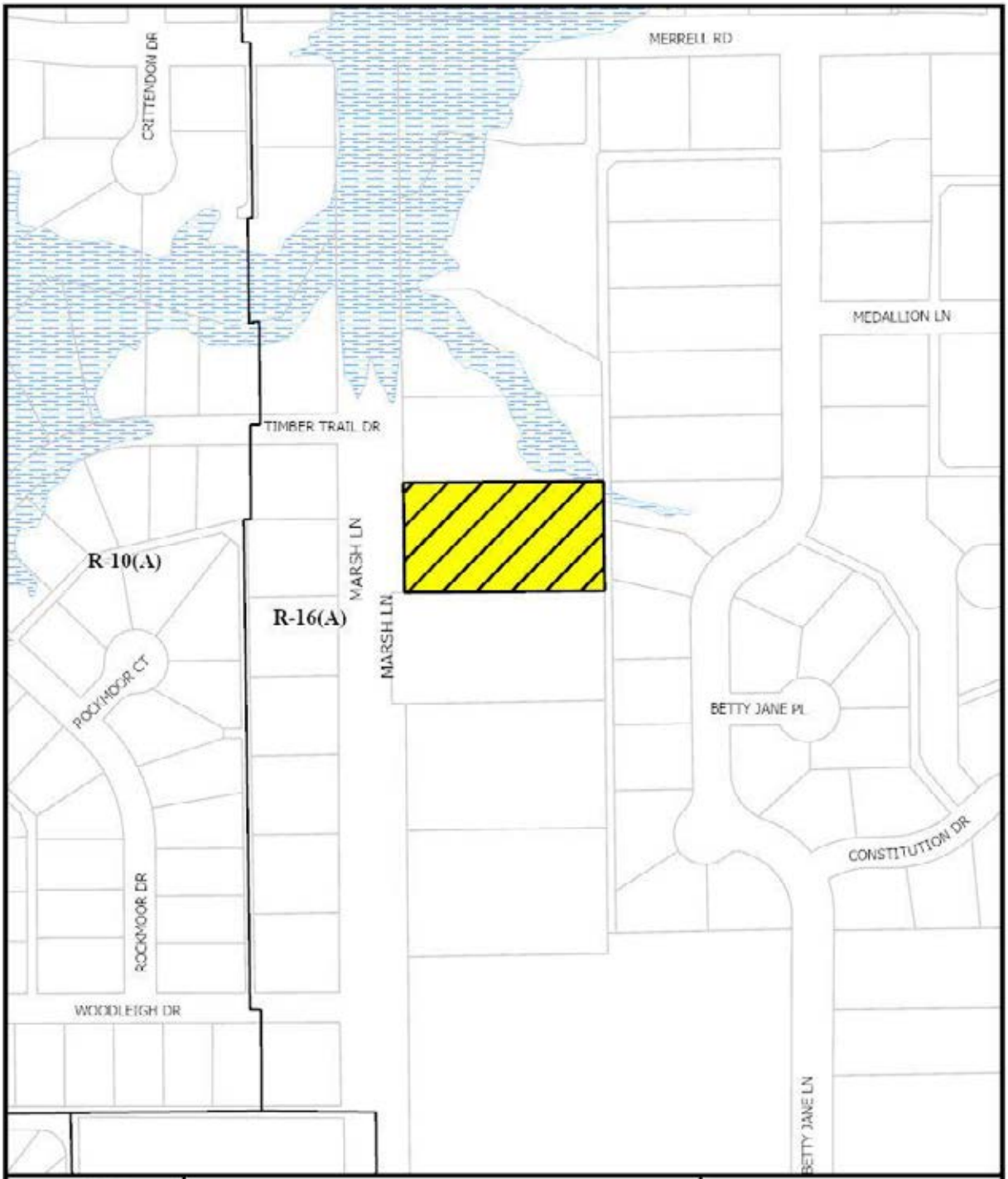
September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

September 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis ;and October 11, 2024, 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 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.


Marsh Ln
Marsh Ln
10230
Google

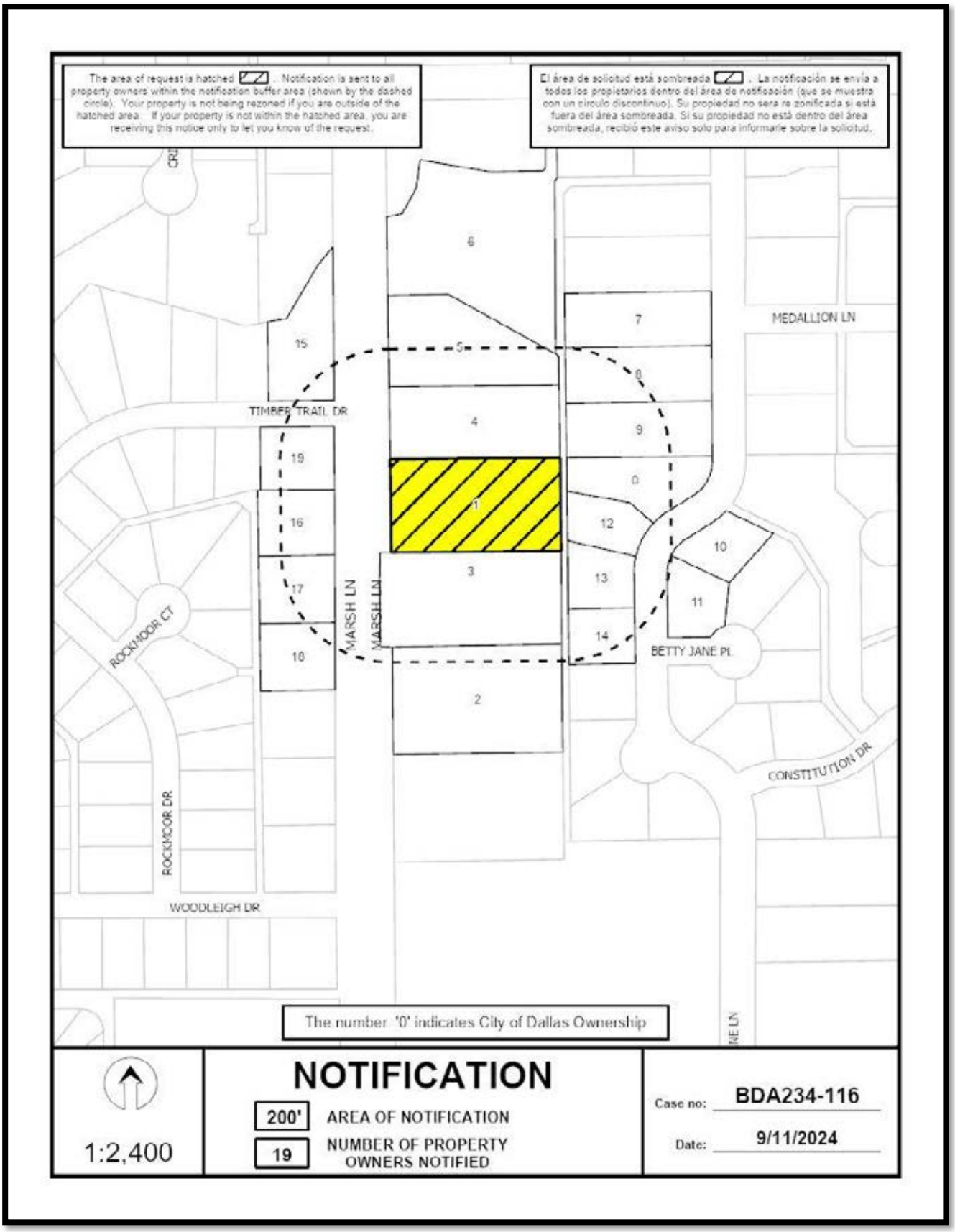


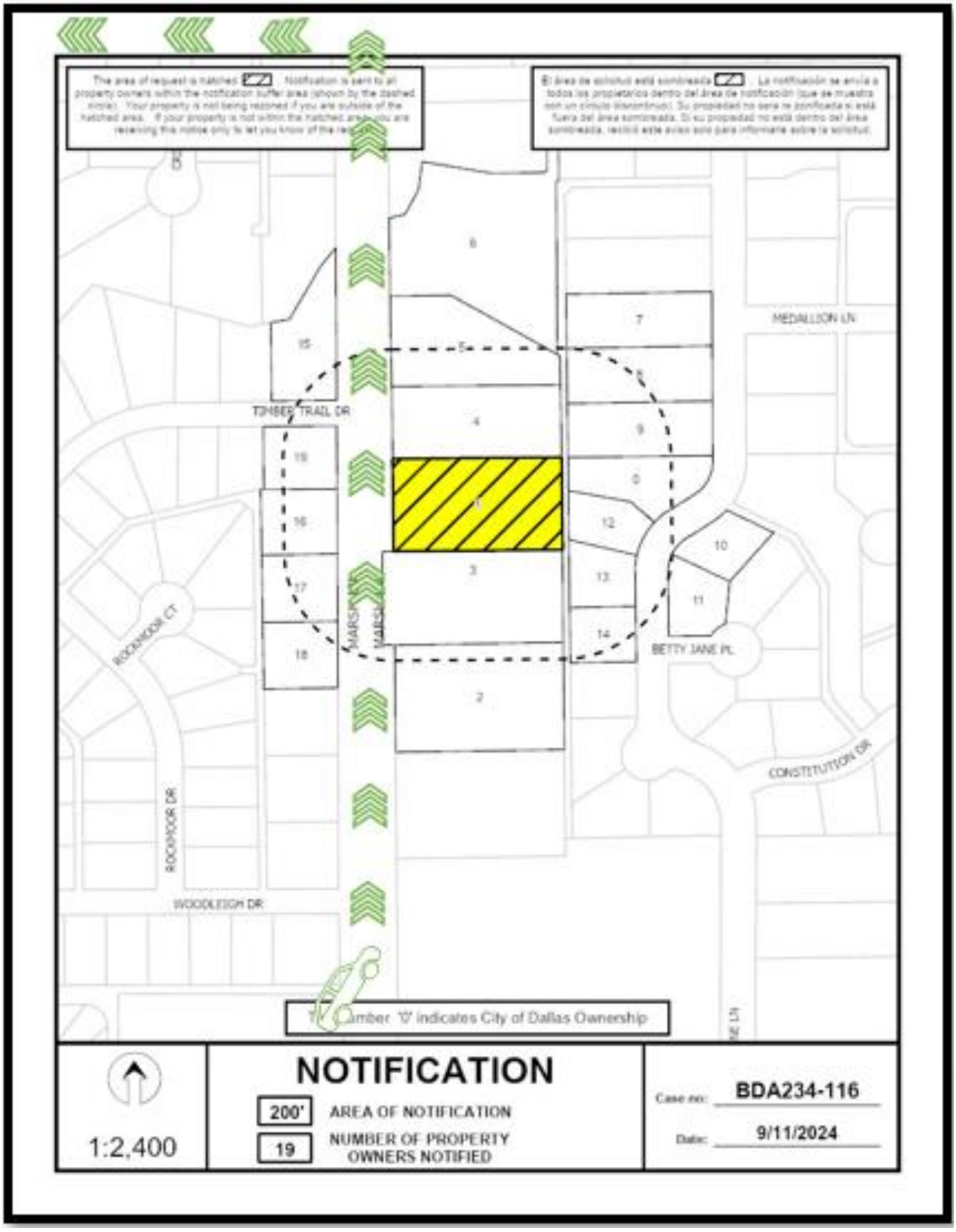
1:2,400

ZONING MAP

Case no: BDA234-116

Date: 09/11/2024


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
MEDALLION LN
TIMBER TRAIL DR
MARSH LN
MARSH LN
ROCKMOOR CT
ROCKMOOR DR
WOODLEIGH DR
BETTY JANE PL
CONSTITUTION DR
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
19
NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: BDA234-116
Date: 9/11/2024


The area of request is hatched
El área de solicitud está sombreada
MEDALLION LN
TIMBER TRAIL DR
ROCKMOOR CT
ROCKMOOR DR
MARSH LN
BETTY JANE PL
CONSTITUTION DR
WOODLEIGH DR
Number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
19
NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: BDA234-116
Date: 9/11/2024

/
09/11/2024

Notification List of Property Owners

BDA234-116

19 Property Owners Notified

Label #	Address		Owner
1	10230	MARSH LN	DALLAS NEW HOME BUILDERS LLC
2	10150	MARSH LN	JOE CHRISTOPHER M
3	10220	MARSH LN	BOWDEN LISA L
4	10240	MARSH LN	BAUGH MARVIN
5	10320	MARSH LN	WATTS JOHN MILAN
6	3724	MERRELL RD	ROUSE TODD & KIMBERLY
7	10251	BETTY JANE LN	DUNN MONTE C & MARSHA F
8	10241	BETTY JANE LN	SWEET EARL DAVID
9	10233	BETTY JANE LN	SMITH BILLY MARCUS
10	10226	BETTY JANE LN	ALLEN TERRY L & RITA I
11	10176	BETTY JANE PL	GEMOETS DEENA JANELLE & RAFAEL CRISTIAN
12	10225	BETTY JANE LN	BOGIN VLADIMIR &
13	10217	BETTY JANE LN	DOUGLAS ANDRE JAMIE &
14	10209	BETTY JANE LN	GREEN KENNETH L & ELIZABETH J
15	10283	TIMBER TRAIL DR	SUDDERTH PAUL F & JULIA M
16	10215	MARSH LN	CHAUDHRY FIAZ M
17	10207	MARSH LN	TOMAINO PPTIES LP
18	10149	MARSH LN	LOZANO JUAN A JR &
19	10282	TIMBER TRAIL DR	KIM HEAKYUNG & DAEGU



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)** will hold a hearing as follows:

DATE: **WEDNESDAY, OCTOBER 23RD, 2024**

BRIEFING: **10:30 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa1023B

HEARING: **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa1023B

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-116(CJ) Application of Darian Kaar for **(1)** a special exception to the fence height regulations at **10230 MARSH LANE**. This property is more fully described as Block A/6416, Lot 4, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard, which will require **(1)** a 2-foot special exception to the fence regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing, if you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-B-Register **by the close of business Tuesday, October 22nd, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment,
Planning & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-B-Register

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-116 FOR OFFICE USE ONLY

RECEIVED
AUG 28 2024
BY:

Data Relative to Subject Property: Date: FOR OFFICE USE ONLY

Location address: 10230 Marsh Lane Zoning District:

Lot No.: 4 Block No.: 6416 Acreage: 1.28 Census Tract:

Street Frontage (in Feet): 1) 169.5 2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Dallas New Home Builders LLC

Applicant: Darian Kaar Telephone: 310-497-8092

Mailing Address: 301 Silveron, #4211, Flower Mound Zip Code: 75028

E-mail Address: dkd.dd@yahoo.com

Represented by: Darian Kaar Telephone: 310-497-8092

Mailing Address: 301 Silveron, #4211, Flower Mound Zip Code: 75028

E-mail Address: dkd.dd@yahoo.com

Affirm that an appeal has been made for a Variance __, or Special Exception V, of fence height at 6' and ~~material~~ opacity DK

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: We are told that the permit is approved by City Staff

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 Darian Kaar
(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 12th day of August, 2024

JOSHUA GONZALEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 07-14-27
Notary ID # 13445591-7

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 Darian Kaar

did submit a request for (1) a special exception to the fence height regulations

at 10230 Marsh Ln.

BDA234-116. Application of Darian Kaar for (1) a special exception to the fence height regulations at 10230 MARSH LN. This property is more fully described as Block A/6416, Lot 4, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard, which will require (1) a 2-foot special exception to the fence regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-116

I, Dallas New Home Builders LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10230 Marsh Lane, Dallas, TX 75229
(Address of property as stated on application)

Authorize: Darian Kaar
(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 height at 6' and material

Darian Kaar
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 8-12-24

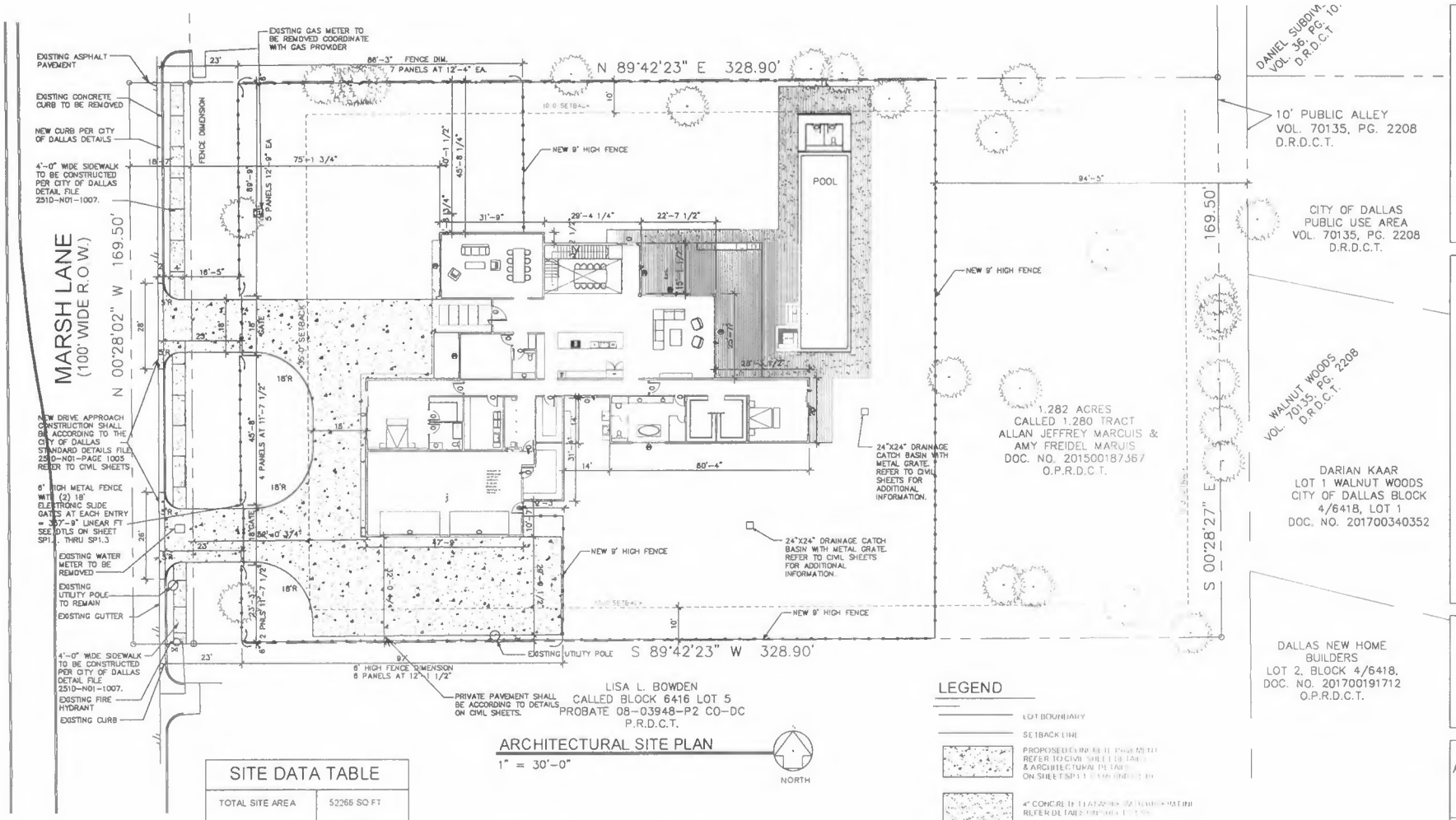
Before me, the undersigned, on this day personally appeared Darian Kaar

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 12th day of August, 2024

JOSHUA GONZALEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 07-14-27
Notary ID # 13445591-7

J Gonzalez
Notary Public for Dallas County, Texas

Commission expires on 07-14-27



ARCHITECTURAL SITE PLAN

1" = 30'-0"

NORTH

SITE DATA TABLE	
TOTAL SITE AREA	52265 SQ FT
SITE ZONING	R-16A
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
FRONT YARD SETBACK	35 FEET
SIDE BUILDING SETBACK	10 FEET
REAR BUILDING SETBACK	10 FEET
EXISTING IMPERVIOUS AREA	0 SQ FT (0%)
PROPOSED IMPERVIOUS AREA	15281 SQ FT (29.2%)

NOTES

1. PLEASE CONTACT DIG-TEST TO VERIFY ALL UNDERGROUND UTILITIES 48 HOURS PRIOR TO COMMENSING ANY CONSTRUCTION ACTIVITIES.
2. CIVIL DRAWINGS SUPERCEDE THE ARCHITECTURAL SITE PLAN DIMENSIONS AND NOTES.
3. ALL CONCRETE WALKS MUST BE 48" CLEAR, MAINTAIN 5% SLOPE MAX. AND CROSS SLOPE OF 1.5% MAX.
4. PLEASE ENSURE ALL TREES ARE MAINTAINED CLEAR OVER SIDEWALKS A MIN. OF 8'-8" CLEAR HEIGHT.

LEGEND

- LOT BOUNDARY
- SETBACK LINE
- PROPOSED CONCRETE PAVEMENT REFER TO CIVIL SHEET DETAILS & ARCHITECTURAL DETAILS ON SHEET SP1.1
- 4" CONCRETE FLATWORK REFER DETAILS
- ASPHALT
- EXISTING TREE TO BE PROTECTED
- NEW 6' HIGH METAL FENCE WITH COMPOSITE PANEL
- NEW 8' HIGH METAL FENCE WITH ALUMINUM PANEL

DISTINCTIVE DEVELOPMENTS LLC
5005 W Royal Lane
Suite 129
Irving Texas 75063
Office 469-565-2600

M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

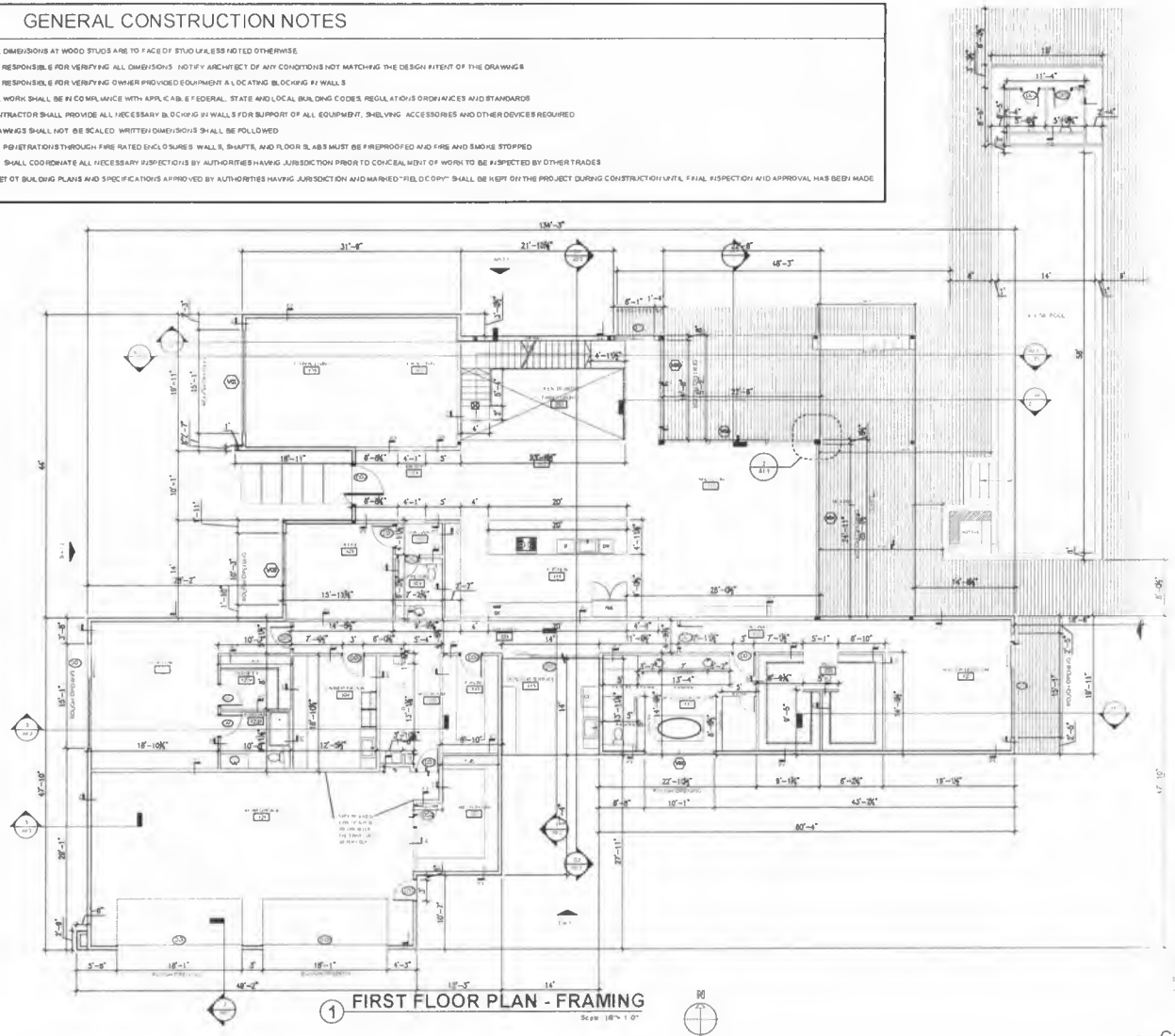
ARCHITECTURAL SITE PLAN

DATE 10.14.2020

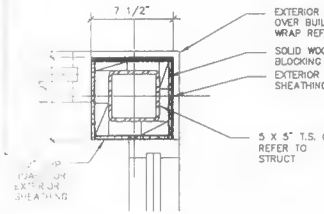
SP1.0

GENERAL CONSTRUCTION NOTES

1. ALL DIMENSIONS AT WOOD STUDS ARE TO FACE OF STUD U.N.O.
2. G.C. RESPONSIBLE FOR VERIFYING ALL DIMENSIONS. NOTIFY ARCHITECT OF ANY CONDITIONS NOT MATCHING THE DESIGN INTENT OF THE DRAWINGS.
3. G.C. RESPONSIBLE FOR VERIFYING OWNER PROVIDED EQUIPMENT & LOCATING BLOCKING IN WALLS.
4. ALL WORK SHALL BE IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE AND LOCAL BUILDING CODES, REGULATIONS, ORDINANCES AND STANDARDS.
5. CONTRACTOR SHALL PROVIDE ALL NECESSARY BLOCKING IN WALLS FOR SUPPORT OF ALL EQUIPMENT, SHELVING, ACCESSORIES AND OTHER DEVICES REQUIRED.
6. DRAWINGS SHALL NOT BE SCALED. WRITTEN DIMENSIONS SHALL BE FOLLOWED.
7. ALL PENETRATIONS THROUGH FIRE RATED ENCLOSURES WALLS, SHAFTS, AND FLOOR SLABS MUST BE FIREPROOFED AND FIRE AND SMOKE STOPPED.
8. G.C. SHALL COORDINATE ALL NECESSARY INSPECTIONS BY AUTHORITIES HAVING JURISDICTION PRIOR TO CONCEALMENT OF WORK TO BE INSPECTED BY OTHER TRADES.
9. A SET OF BUILDING PLANS AND SPECIFICATIONS APPROVED BY AUTHORITIES HAVING JURISDICTION AND MARKED "FIELD COPY" SHALL BE KEPT ON THE PROJECT DURING CONSTRUCTION UNTIL FINAL INSPECTION AND APPROVAL HAS BEEN MADE.



1 FIRST FLOOR PLAN - FRAMING



2 COLUMN DETAIL

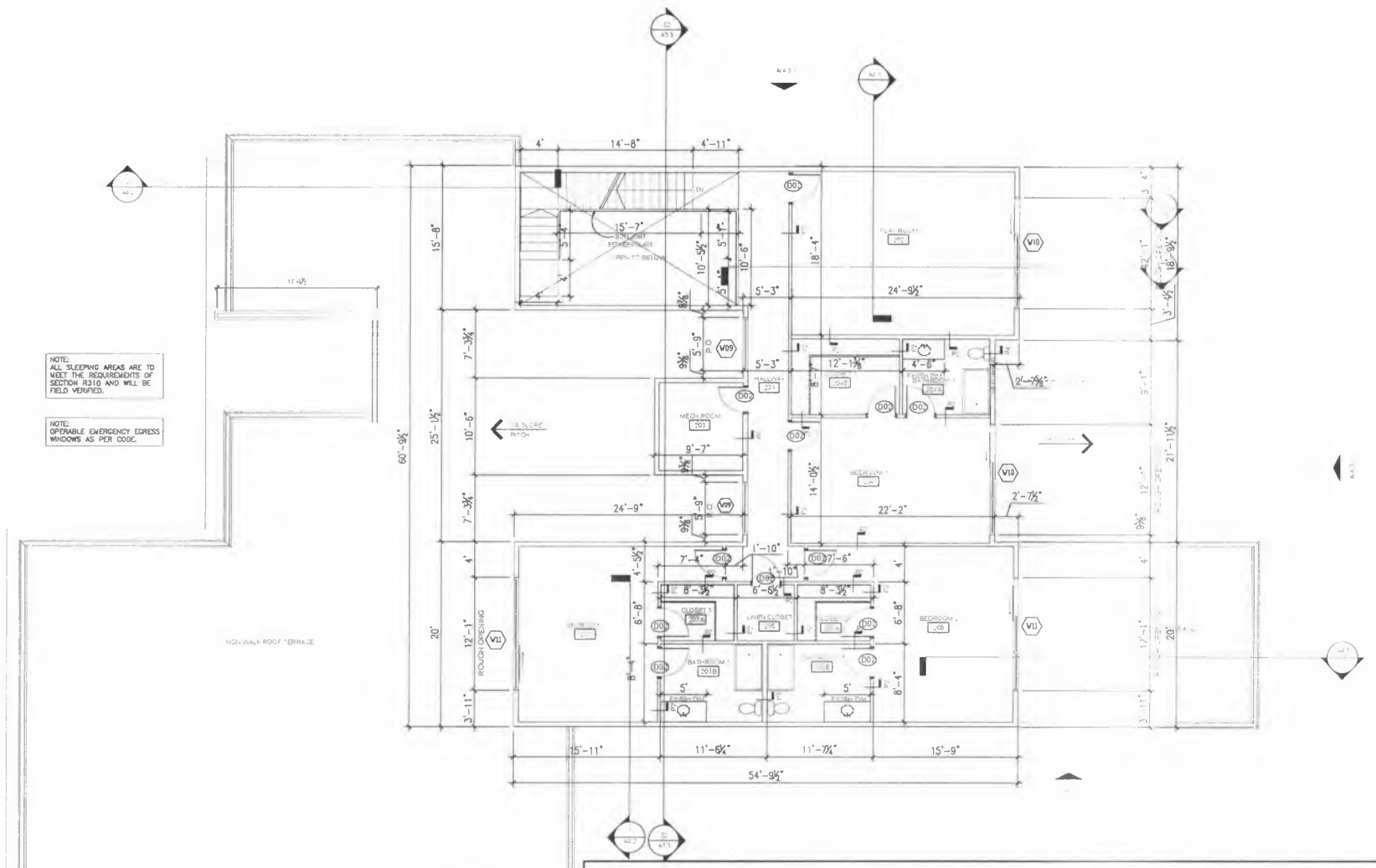
DISTINCTIVE DEVELOPMENTS LLC
5005 W Royal Lane
Suite 129
Irving Texas 75063
Office 469-565-2600

M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

FIRST FLOOR FRAMING PLAN

DATE 10.14.2020

A1.1A



1 SECOND FLOOR PLAN

Scale: 3/16" = 1'-0"

GENERAL CONSTRUCTION NOTES

- ALL DIMENSIONS AT WOOD STUDS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE
- G.C. RESPONSIBLE FOR VERIFYING ALL DIMENSIONS. NOTIFY ARCHITECT OF ANY CONDITIONS NOT MATCHING THIS DESIGN INTENT OF THE DRAWI
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DISTINCTIVE DEVELOPMENTS LLC
5005 W Royal Lane
Suite 129
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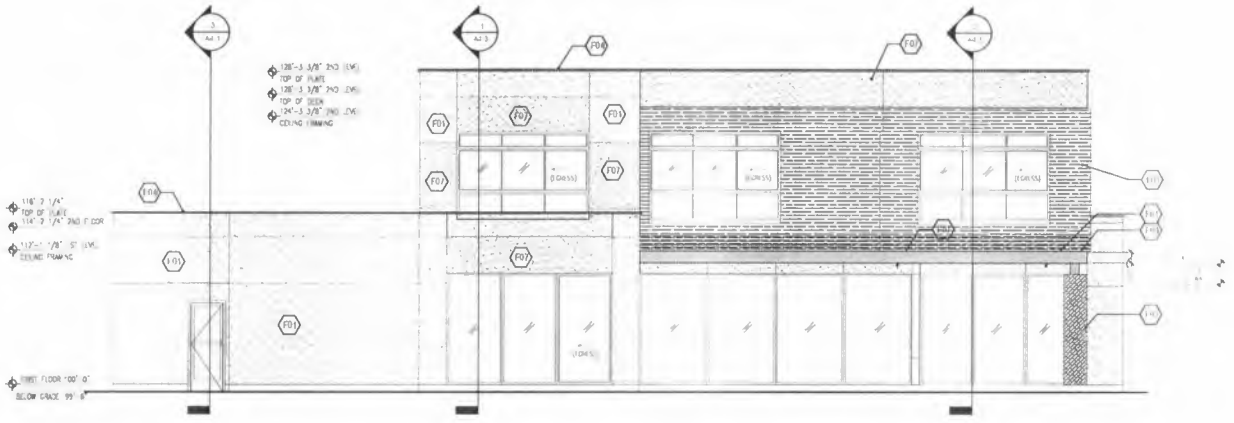
M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

SECOND FLOOR FRAMING

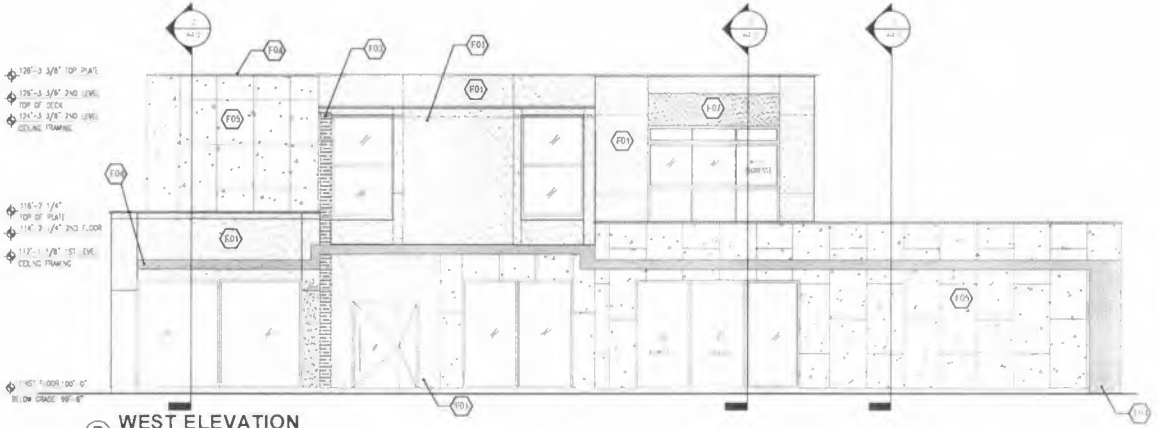
DATE 10.14.2020

A1.2A

FINISH SCHEDULE	
CODE	DESCRIPTION
F01	GROOVED WHITE STUCCO
F02	ROUGH GREY GRANITE
F03	FLAGSTONE ASHLAR W/ DIFFERENT SHADES OF BLACK & GREY
F04	METAL FINISH PROTECTION I SECTION
F05	VERTICAL BRUSHED CONCRETE PANELS W/ STAGGERED GROOVED
F06	NOT USED
F07	DARK GREY STUCCO
F08	ALUMN /GLASS GARAGE DOOR



A EAST ELEVATION



B WEST ELEVATION

DISTINCTIVE DEVELOPMENTS LLC
5005 W Royal Lane
Suite 129
Irving Texas 75063
Office 469-565-2600

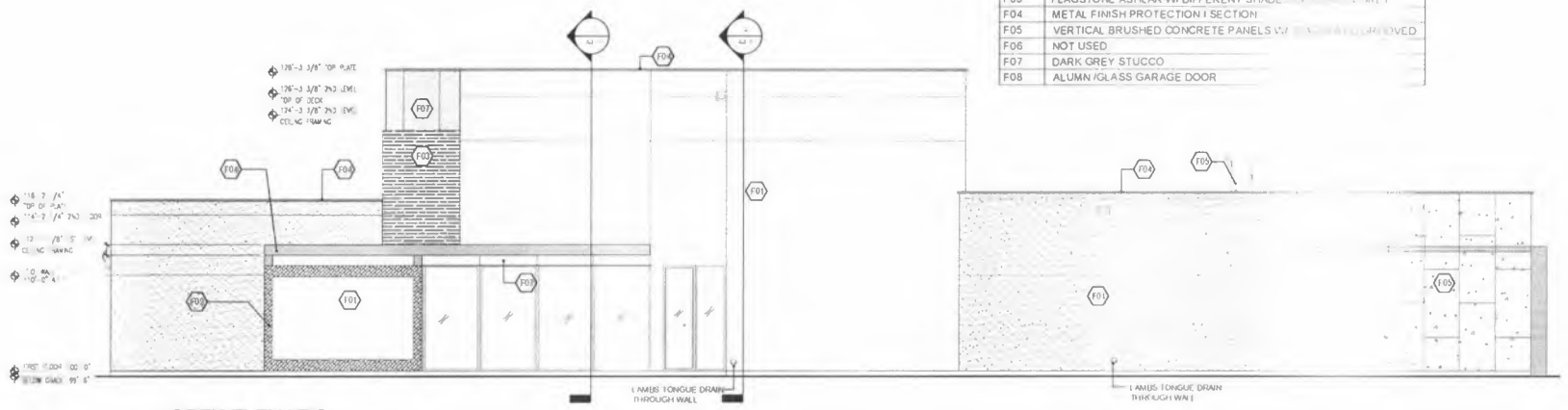
M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

ELEVATIONS

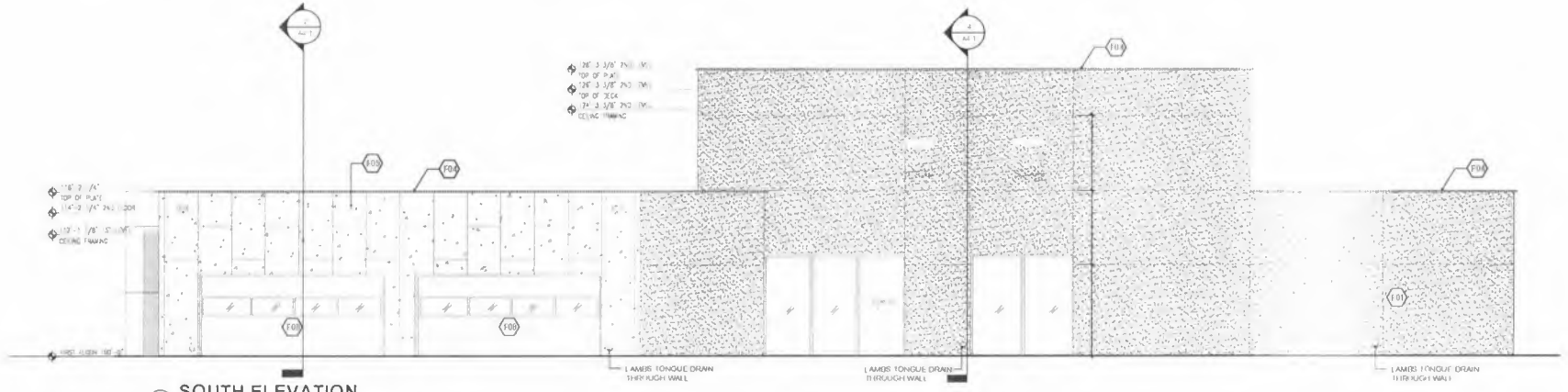
DATE 10.14.2020

A3.2

FINISH SCHEDULE	
CODE	DESCRIPTION
F01	GROOVED WHITE STUCCO
F02	ROUGH GREY GRANITE
F03	FLAGSTONE ASHLAR W/ DIFFERENT SHADE
F04	METAL FINISH PROTECTION I SECTION
F05	VERTICAL BRUSHED CONCRETE PANELS W/
F06	NOT USED
F07	DARK GREY STUCCO
F08	ALUMN /GLASS GARAGE DOOR



A NORTH ELEVATION



B SOUTH ELEVATION

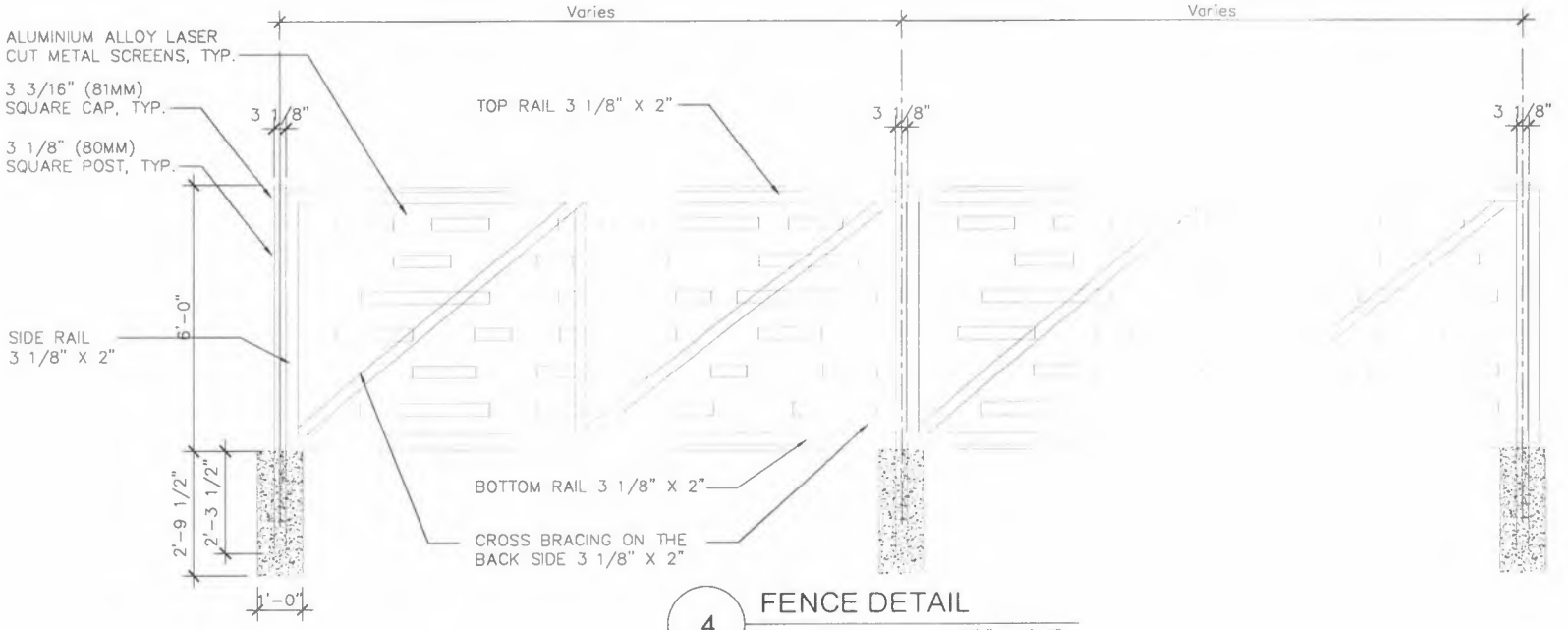
DISTINCTIVE DEVELOPMENTS LLC
5005 W Royal Lane
Suite 129
Irving Texas 75063
Office 469-565-2600

M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

ELEVATIONS

DATE 10.14.2020

A3.1



4 FENCE DETAIL

3/8" = 1'-0"

DISTINCTIVE DEVELOPMENTS LLC
5005 W Royal Lane
Suite 129
Irving Texas 75063
Office 469-565-2600

M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

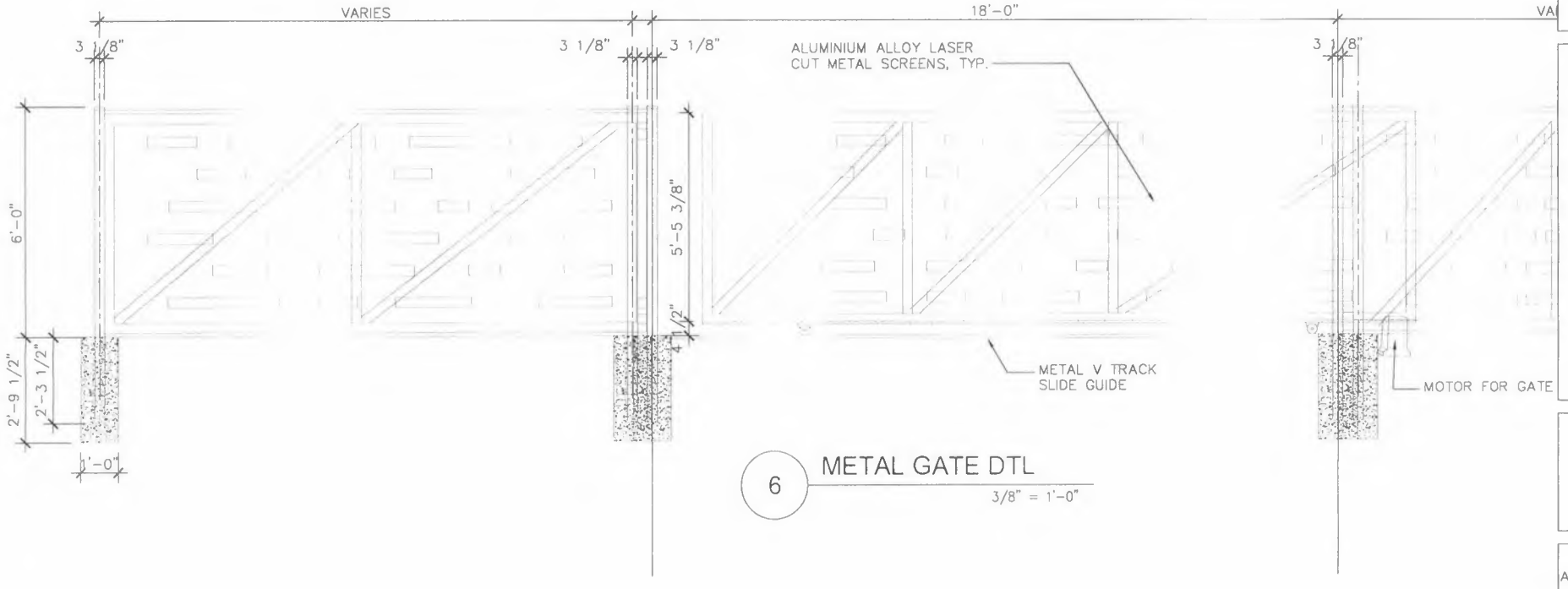
ARCHITECTURAL SITE DETAILS

DATE 10.14.2020

SP1.1

GATE 1: 18'-0" X 6'-0"
SLIDING MOTORIZED GATE

GATE 2: 18'-0" X 6'-0"
SLIDING MOTORIZED GATE



6 METAL GATE DTL

3/8" = 1'-0"

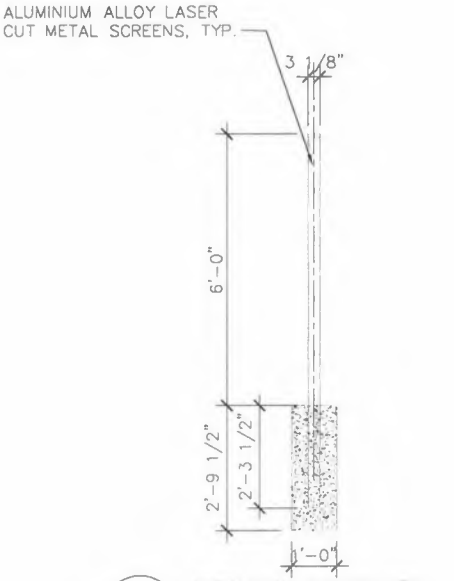
DISTINCTIVE DEVELOPMENTS LLC
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Irving, Texas 75063
Office 469-585-2600

M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

ARCHITECTURAL SITE DETAILS

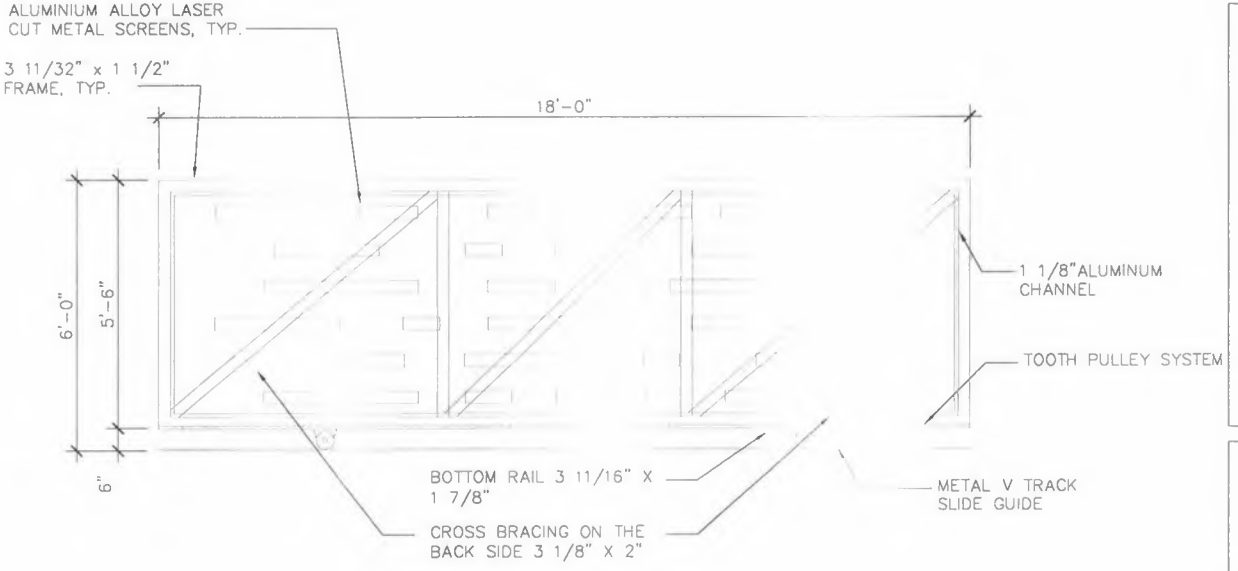
DATE 10.14.2020

SP1.2



5 FENCE SECTION

3/8" = 1'-0"



7 METAL GATE DTL

3/8" = 1'-0"

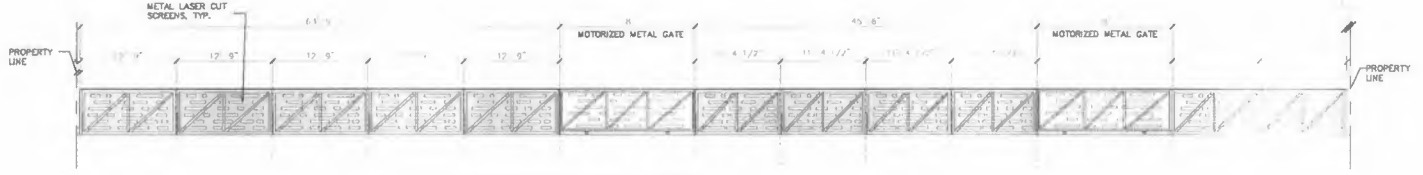
DISTINCTIVE
DEVELOPMENTS
LLC
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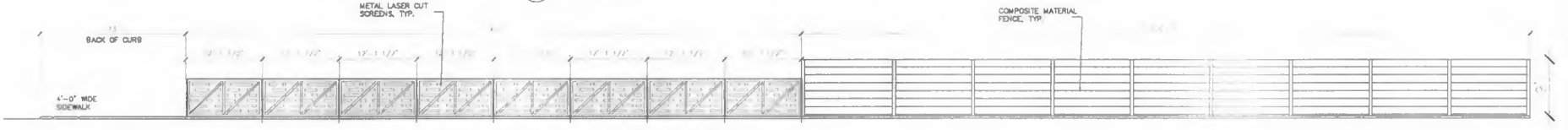
ARCHITECTURAL
SITE DETAILS

DATE 10.14.2020

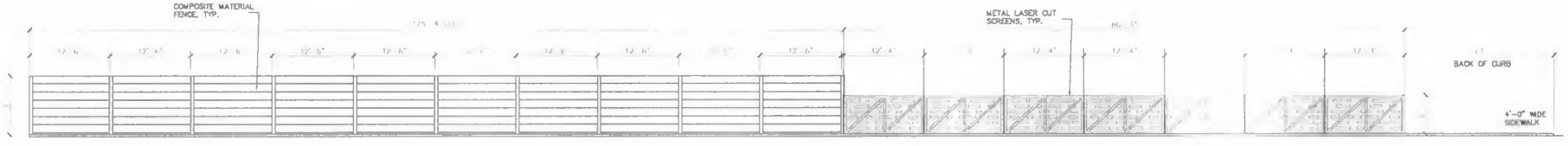
SP1.3



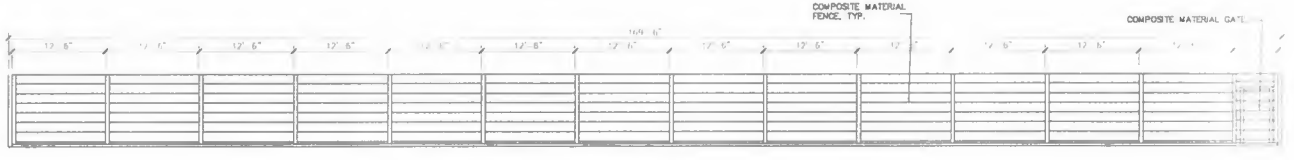
8 FRONT (WEST) FENCE ELEVATION
SCALE: 1/8" = 1'-0"



9 SIDE (SOUTH) FENCE ELEVATION
SCALE: 1/8" = 1'-0"



10 SIDE (NORTH) FENCE ELEVATION
SCALE: 1/8" = 1'-0"



11 REAR (EAST) FENCE ELEVATION
SCALE: 1/8" = 1'-0"



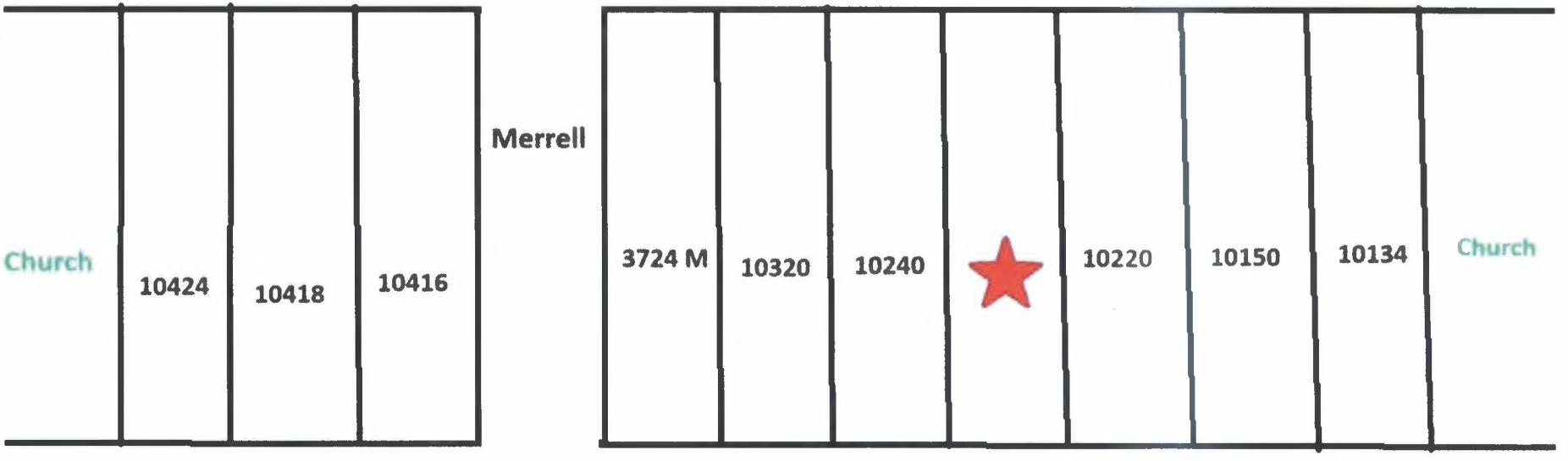
DISTINCTIVE DEVELOPMENTS LLC
5005 W Royal Lane
Suite 129
Irving Texas 75063
Office 469-565-2600

M HOUSE
10230 MARSH LANE
DALLAS, TX 75229

ARCHITECTURAL SITE DETAILS

DATE 10.14.2020

SP1.4


Church
10424
10418
10416
Merrell
3724 M
10320
10240
10220
10150
10134
Church
Marsh Lane

	Address	Height	material	Note
1	10134 Marsh Ln			NOT Developed
2	10150 Marsh Ln	8'	Stone, Metal	
3	10220 Marsh Ln			NOT Developed
4	10240 MarshLn	6'	Metal, Stucco, Hedge	
5	10320 Marsh Ln			NOT Developed
6	3724 Merrell Rd	10.5'		
7	10416 Marsh Ln	6.5'	Wood	
8	10418 Marsh Ln	6.5'	Wood	
9	10424 Marsh Ln	6'/15'	Metal, Stucco, Hedge	
	Average	**7.3'/15'**	**Metal, Wood, Stone, Hedge, Stucco**	

BDA234-116




10150 Marsh Ln


10150 Marsh Ln


10150 Marsh Ln


10150 Marsh Ln


10240 Marsh Ln


10240 Marsh Ln

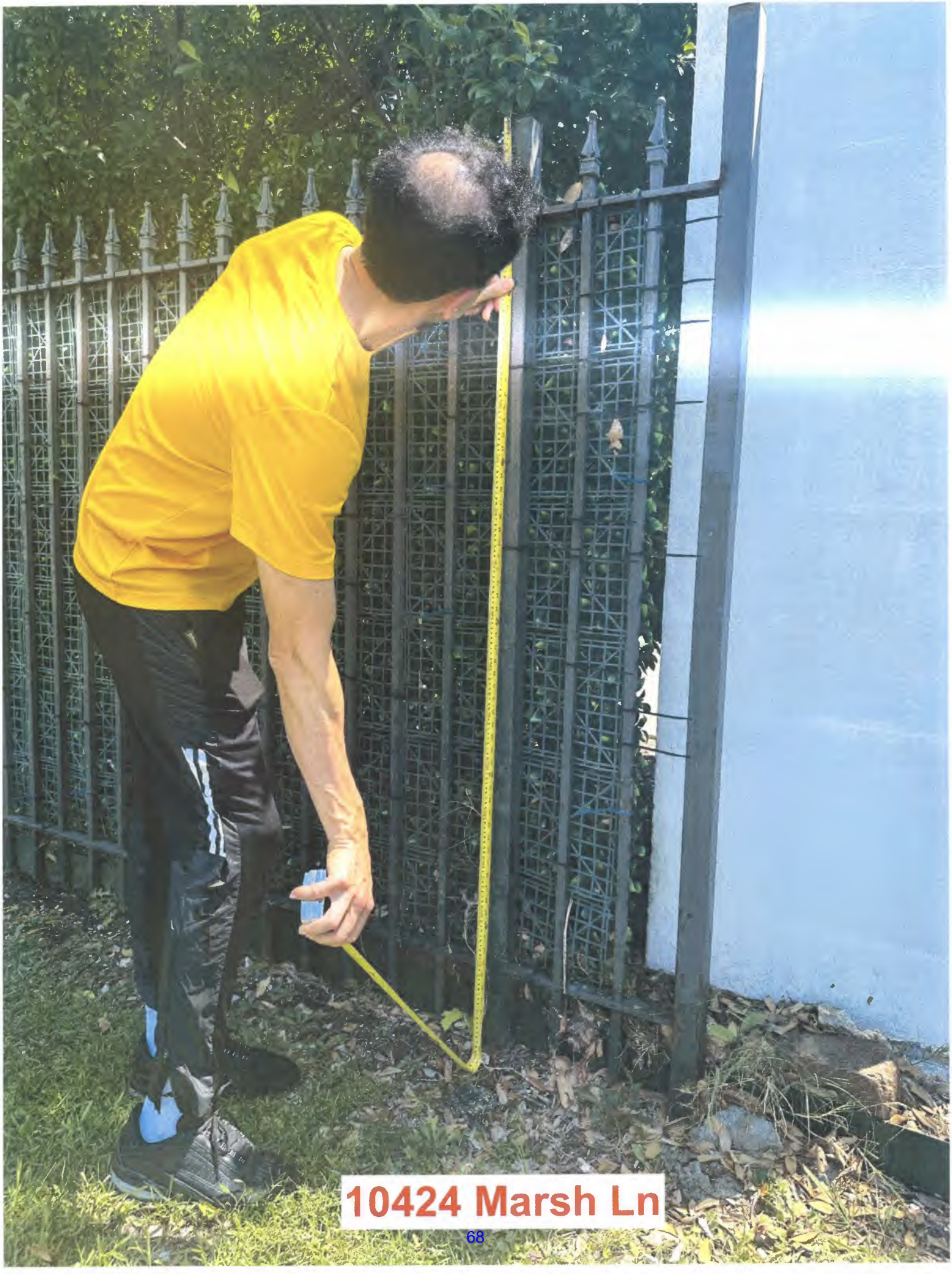

3724 Merrell Rd


3724 Merrell Rd

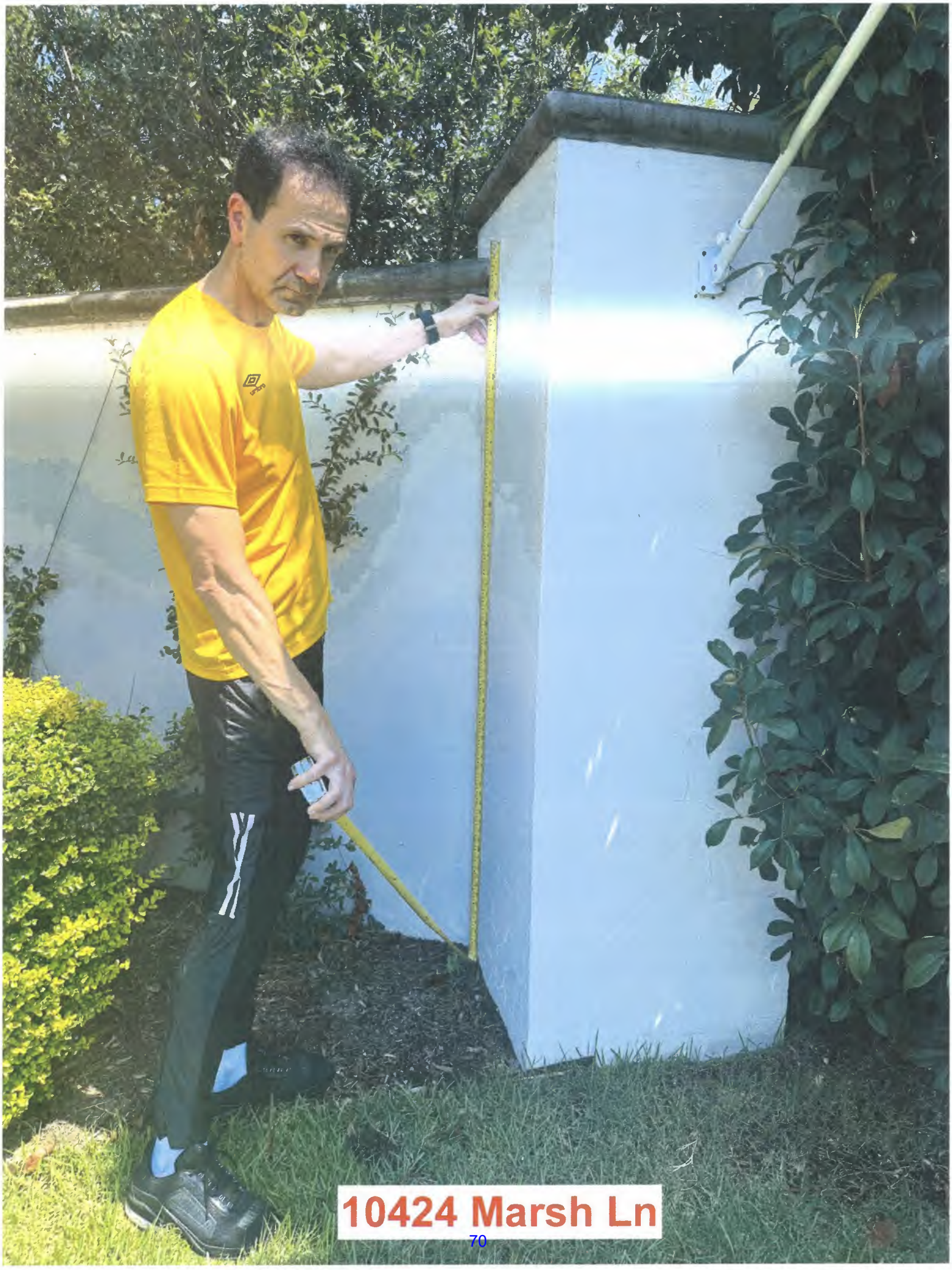


10418 Marsh Ln


10418 Marsh Ln


10424 Marsh Ln


10424 Marsh Ln


10424 Marsh Ln

10424 Marsh Ln


10424 Marsh Ln


10424 Marsh Ln


10416 Marsh Ln


10416 Marsh Ln

FILE NUMBER: BDA234-120(CJ)

BUILDING OFFICIAL'S REPORT: Application of Megan Brown for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations, and for **(3)** a special exception to the 20-foot visibility obstruction regulation, and for **(4)** a special exception to the 45-foot visibility obstruction regulation at 1901 Ramsey Avenue. This property is more fully described as Block 12/3603 Lot 14, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet; requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line; requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require **(1)** a 4-foot special exception to the fence height regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(2)** a special exception to the fence opacity regulations, and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway approaches, and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require **(4)** a special exception to the visibility obstruction regulation at street intersections.

LOCATION: 1901 Ramsey Avenue.

APPLICANT: Megan Brown

REQUEST:

(1) A request for a special exception to the fence height regulations; and
(2) A special exception to the fence standards regulations regarding opacity; and
(3) A special exception to the 20-foot visibility obstruction regulations at the drive approach.
(4) A special exception to the 45-foot visibility obstruction regulations at the street intersection.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT & OPACITY STANDARD REGULATIONS: Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (4):

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 1901 Ramsey Avenue in the last 5 years.

Square Footage:

- This lot contains 7405.2 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

Zoning:

Site:	R-7.5(A) (Single Family District)
North:	R-7.5(A) (Single Family District)
East:	R-7.5(A) (Single Family District)
South:	R-7.5(A) (Single Family District)
West:	R-7.5(A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for Megan Brown property located at 1901 Ramsey Avenue focuses on 4 requests relating to fence height, fence opacity and visual obstruction regulations.
- The applicant proposes to construct and maintain an 8-foot fence in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity; the proposed fence material is recycled composite plastic topped with hog wire panels in various sections.
- Thirdly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulations at the drive approach on Ramsey Avenue.
- Lastly, the applicant is proposing to maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle where the alley and street intersect, which will require a special exception to the 45-foot visibility obstruction regulation at the street intersection of Ramsey Avenue and Georgia Avenue.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.

- It is imperative to note that the subject site is a corner lot with double street frontage on Georgia Drive and Ramsey Drive.
- The street frontage along Georgia Drive and Ramsey Drive act as two front yards due to block-face continuity.
- Based upon staff's analysis of the surrounding properties, there are several homes along Georgia Avenue and Ramsey Avenue with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the request for special exception has been made for safety reasons.
- It has been confirmed that the fence is proposed and not existing.
- 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 Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-120 at 1901 Ramsey Ave.

Timeline:

August 26, 2024: 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 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

September 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis

;and October 11, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 20, 2024: The Traffic Engineering provided their review comment sheet.

October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.


Georgia Ave
Seevers Ave
Ramsey Ave
E Louisiana Ave

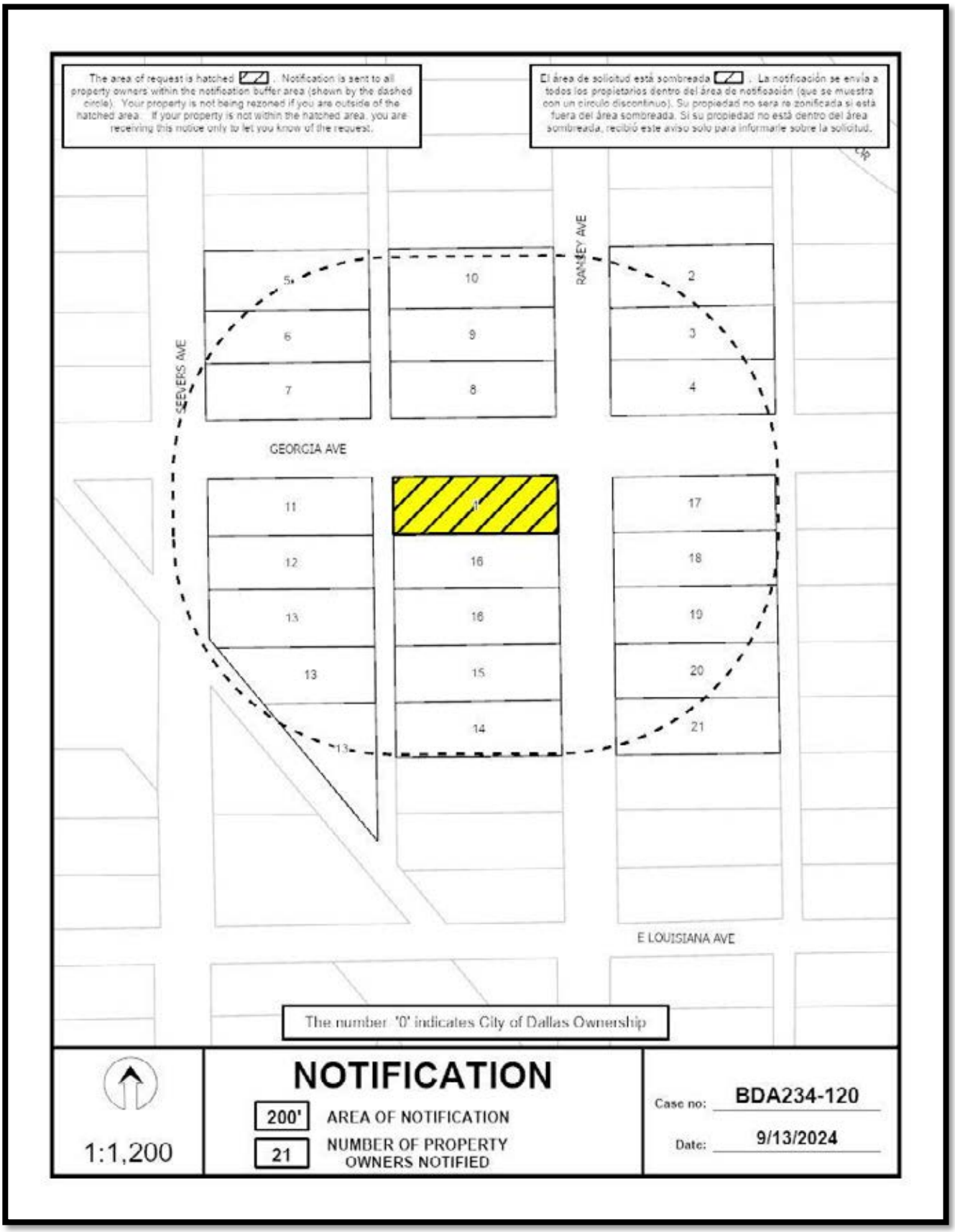


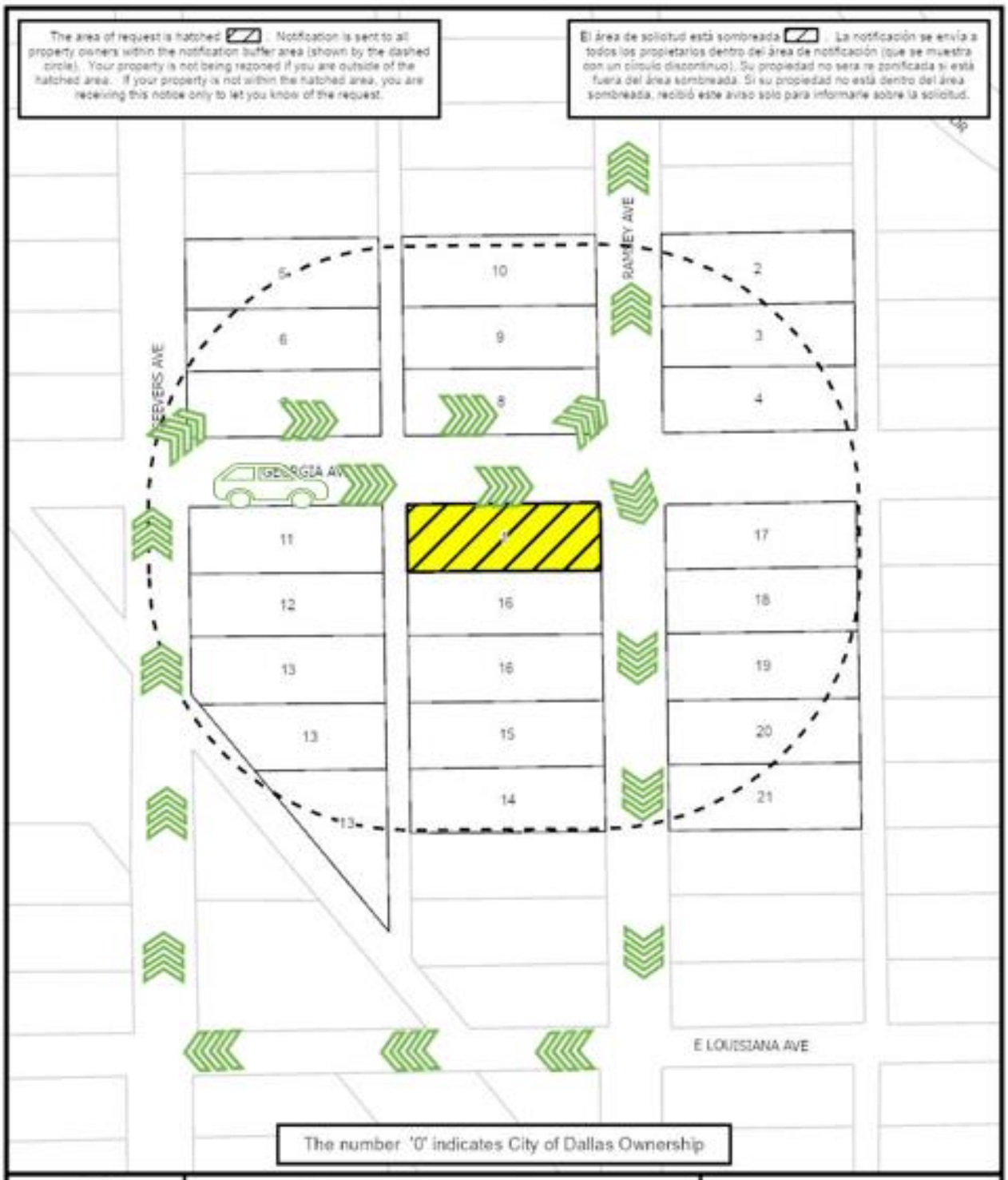
1:1,200

ZONING MAP

Case no: BDA234-120

Date: 09/13/2024


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
RAMSEY AVE
SEVERS AVE
GEORGIA AVE
E LOUISIANA AVE
5
6
7
10
9
8
2
3
4
11
12
13
13
13
1
16
16
15
14
17
18
19
20
21
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
200'
AREA OF NOTIFICATION
21
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: BDA234-120
Date: 9/13/2024


The area of request is hatched. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
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RAMEY AVE
SEVERS AVE
GEORGIA AVE
E LOUISIANA AVE
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200' AREA OF NOTIFICATION
21 NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-120
Date: 9/13/2024

09/13/2024

Notification List of Property Owners

BDA234-120

21 Property Owners Notified

Label #	Address		Owner
1	1901	RAMSEY AVE	BROWN MEGAN
2	1822	RAMSEY AVE	CLARK ERNEST & SHARON
3	1826	RAMSEY AVE	VALDIVIA MARIANO
4	1830	RAMSEY AVE	MANNS JEFFERY D & BOBBIE JEAN
5	1822	SEEVERS AVE	CARRERA MARIA I
6	1826	SEEVERS AVE	DELEON OLIVIA DIAZ
7	1830	SEEVERS AVE	RED OX LLC
8	1831	RAMSEY AVE	THOMAS CORA LEE
9	1827	RAMSEY AVE	MONCIVAISSAENZ GRACIELA &
10	1823	RAMSEY AVE	KING BARNEY R EST OF
11	1900	SEEVERS AVE	ALVARADO CARLOS & GLORIA
12	1906	SEEVERS AVE	WILLIAMS RONNIE JOE &
13	1910	SEEVERS AVE	DIAZ IGNACIA
14	1919	RAMSEY AVE	ROMERO SALVADOR & ROSA
15	1915	RAMSEY AVE	SLEDGE ELY
16	1911	RAMSEY AVE	PUENTE DANIEL & ELVIRA
17	1900	RAMSEY AVE	JONES REVA EST OF
18	1906	RAMSEY AVE	GARCIA BEHZABETH
19	1910	RAMSEY AVE	GREENE CHARLES
20	1914	RAMSEY AVE	WRIGHT ESTELLA R
21	1918	RAMSEY AVE	DYNAMIC DEVELOPMENT INTERESTS LLC



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)** will hold a hearing as follows:

DATE: **WEDNESDAY, OCTOBER 23RD, 2024**

BRIEFING: **10:30 a.m. via Videoconference and in 6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa1023B

HEARING: **1:00 p.m. via Videoconference and in 6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa1023B

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-120(CJ) Application of Megan Brown for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations, and for **(3)** a special exception to the 20-foot visibility obstruction regulation, and for **(4)** a special exception to the 45-foot visibility obstruction regulation at **1901 RAMSEY AVENUE**. This property is more fully described as Block 12/3603 Lot 14, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet; requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line; requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require **(1)** a 4-foot special exception to the fence height regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(2)** a special exception to the fence opacity regulations, and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway approaches, and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require **(4)** a special exception to the visibility obstruction regulation at street intersections..

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-B-Register **by the close of business Tuesday, October 22nd, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-B-Register



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

RECEIVED
FOR OFFICE USE ONLY AUG 26 REC'D
BY:

Case No.: BDA 234-120

Data Relative to Subject Property: Megan's Home Date: FOR OFFICE USE ONLY

Location address: 1901 Ramsey Ave. /75216 Zoning District: R-7 5(A) - Single Family 7,500 sqft

Lot No.: 14 Block No.: 12/3603 Acreage: 0.17 Census Tract: 54

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Megan Brown

Applicant: Megan Brown Telephone: 214-546-2006

Mailing Address: 1901 Ramsey Ave Zip Code: 75216

E-mail Address: meb030@hotmail.com

Represented by: Megan Brown Telephone: 214-546-2006

Mailing Address: 1901 Ramsey Ave. Zip Code: 75216

E-mail Address: meb030@hotmail.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Fencing in my side/front yard. 8ft, reduce corner visibility triangle to 30ft, opacity % reduce driveway visibility triangle to 10ft

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: My home is built and placed on my property unlike other homes in my neighborhood. My home is all brick and was likely originally built as a bank. It is placed on the back of the lot near the alley so I have no backyard. Additionally, my home is the only home in my neighborhood that faces Georgia. Georgia is a busy street connecting Beckely and Marsalis. I have had 6 breakins to my home already this year (I can provide police cases#s). Because my home has no backyard, my only yard is my front yard, and because I'm on a corner, my yard is surrounded by loud traffic noise on 2 sides. Other homes on Georgia have 8 foot fences on their backyards for safety

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 Megan Brown
(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 23 day of July, 2024

Stephanie Reyes
Notary Public in and for Dallas County, Texas

STEPHANIE REYES
Notary ID #132950467
My Commission Expires
March 2, 2025

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 MEGAN BROWN

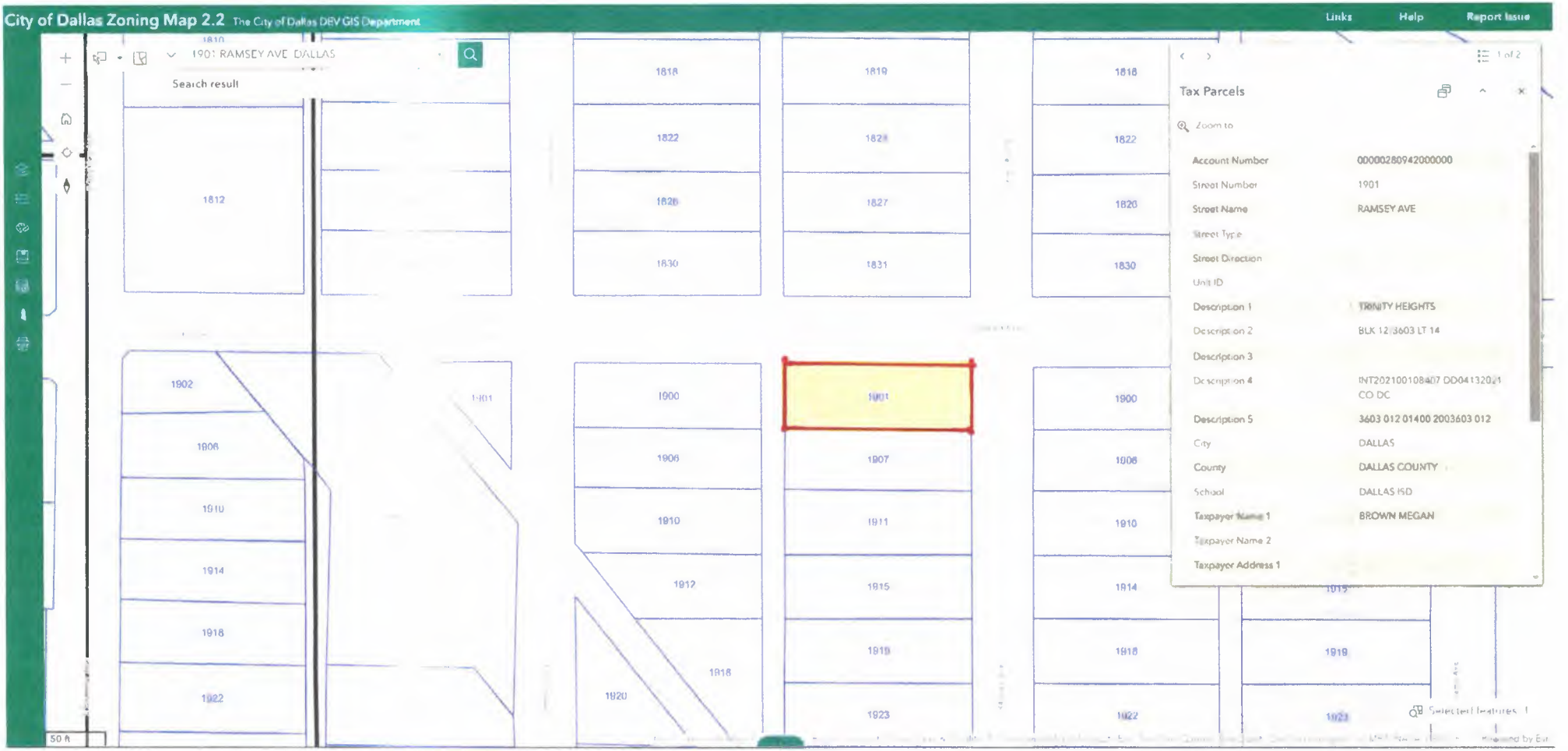
did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence height regulations, and for (3) a special exception to the visibility obstruction regulations, and for (4) a special exception to the visibility obstruction regulations

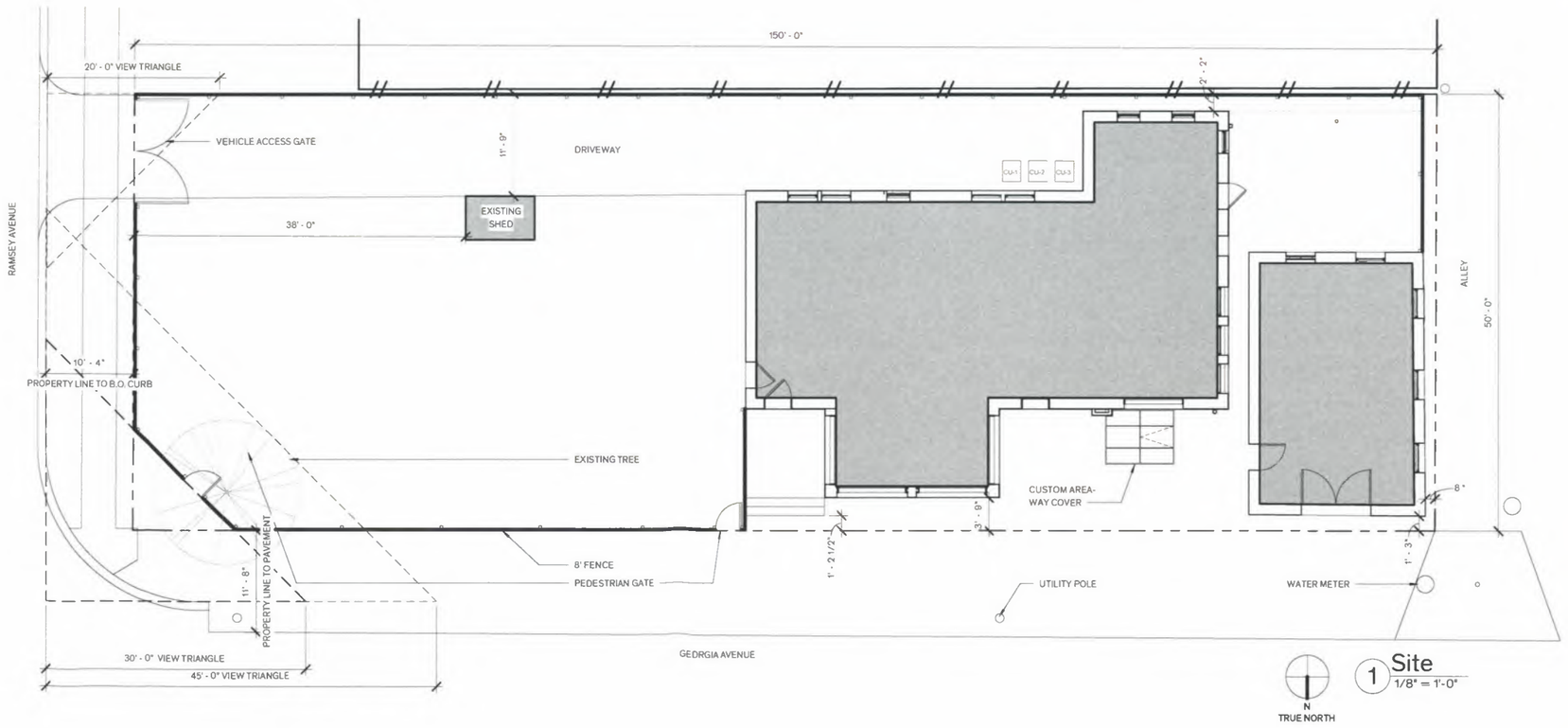
at 1901 Ramsey Ave

BDA234-120. Application of MEGAN BROWN for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulation, and for (3) a special exception to the 20-foot visibility obstruction regulation, and for (4) a special exception to the 45-foot visibility obstruction regulation at 1901 RAMSEY AVE. Thi property is more fully described as Block 12/3603 Lot 14, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and; requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line; and requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require (1) a 4-foot special exception to the fence regulations, and to construct a fence in a required front yarc with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence regulations, and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the visibility obstruction regulation, and to construct a single-family residential fence structure in a required visibilit obstruction triangle, which will require (4) a special exception to the visibility obstruction regulation.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA


City of Dallas Zoning Map 2.2
The City of Dallas DEV GIS Department
Links
Help
Report Issue
1901 RAMSEY AVE DALLAS
Search result
Tax Parcels
Zoom to
Account Number 00000280942000000
Street Number 1901
Street Name RAMSEY AVE
Street Type
Street Direction
Unit ID
Description 1 TRINITY HEIGHTS
Description 2 BLK 12 3603 LT 14
Description 3
Description 4 INT20210010840? DD04132021 CO DC
Description 5 3603 012 01400 2003603 012
City DALLAS
County DALLAS COUNTY
School DALLAS ISD
Taxpayer Name 1 BROWN MEGAN
Taxpayer Name 2
Taxpayer Address 1
1812
1902
1901
1900
1906
1907
1910
1911
1914
1915
1918
1919
1922
1923
1920
50 ft



Architexas

Dallas | Austin | San Antonio
www.architexas.com

1907 Marilla St.
Second Floor
Dallas, Texas 75201

p 214.748.4561

Brown Residence

1901 Ramsey Ave.
Dallas, TX 75216

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REVISION HISTORY

Architexas No. 2040

Date 07/06/2022

Sheet Name
Site Plan

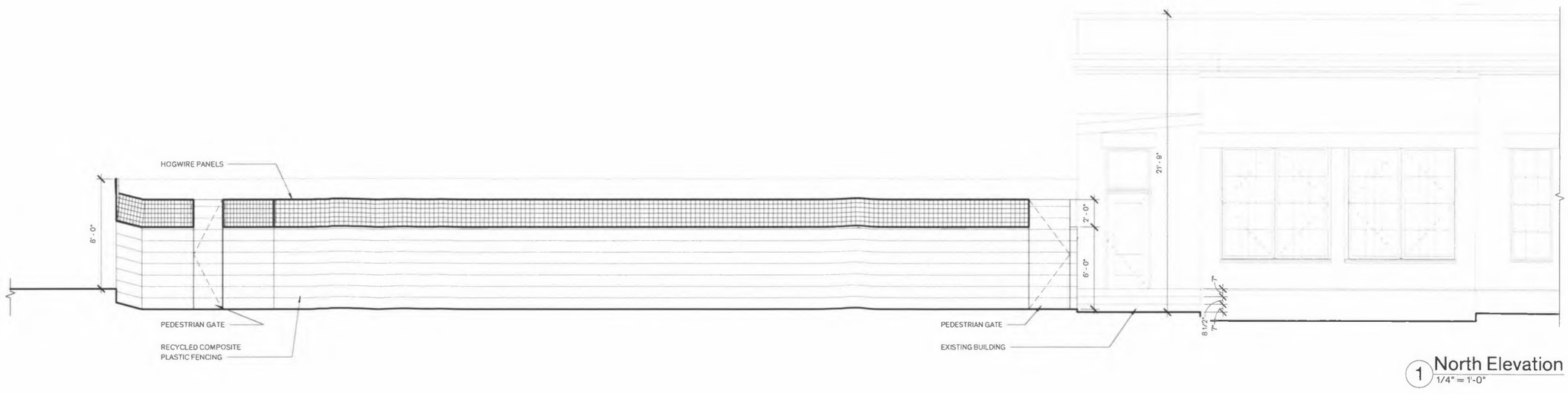
Sheet Number
A1.00

Architexas

Dallas | Austin | San Antonio
www.architexas.com

1907 Manilla St.
Second Floor
Dallas, Texas 75201

p 214.748.4561



1 North Elevation
1/4" = 1'-0"

Brown Residence

1901 Ramsey Ave.
Dallas, TX 75216

Owner No.

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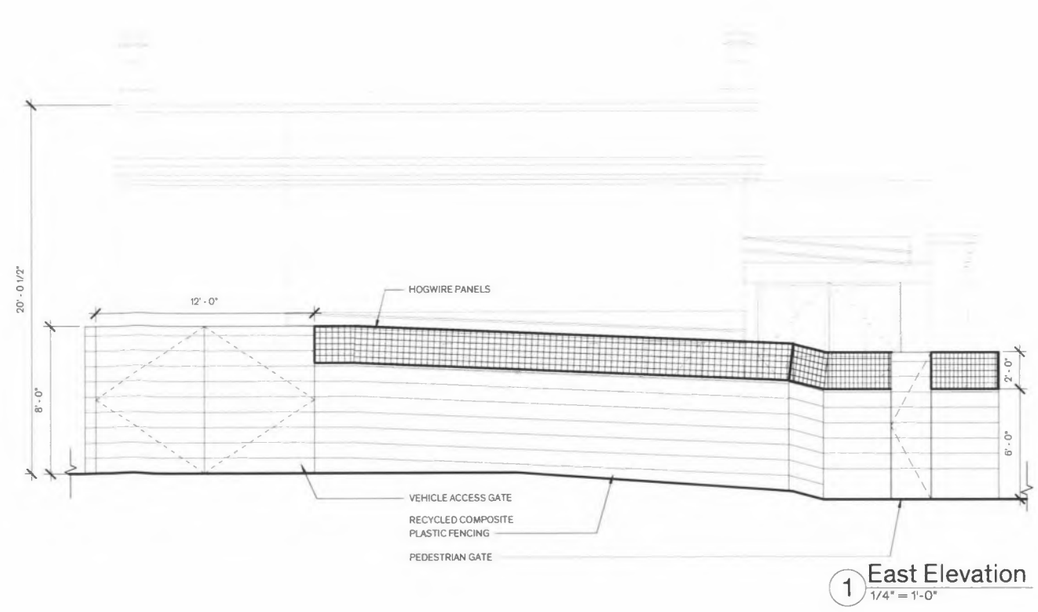
REVISION HISTORY

Architexas No.
2040

Date
07/25/24

Sheet Name
North Elevation

Sheet Number
A2.01.



1 East Elevation
1/4" = 1'-0"

Architexas

Dallas | Austin | San Antonio
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1907 Marilla St
Second Floor
Dallas, Texas 75201

p 214.748.4561

Brown Residence

1901 Ramsey Ave.
Dallas, TX 75216

Owner No.

COPYRIGHT

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REVISION HISTORY

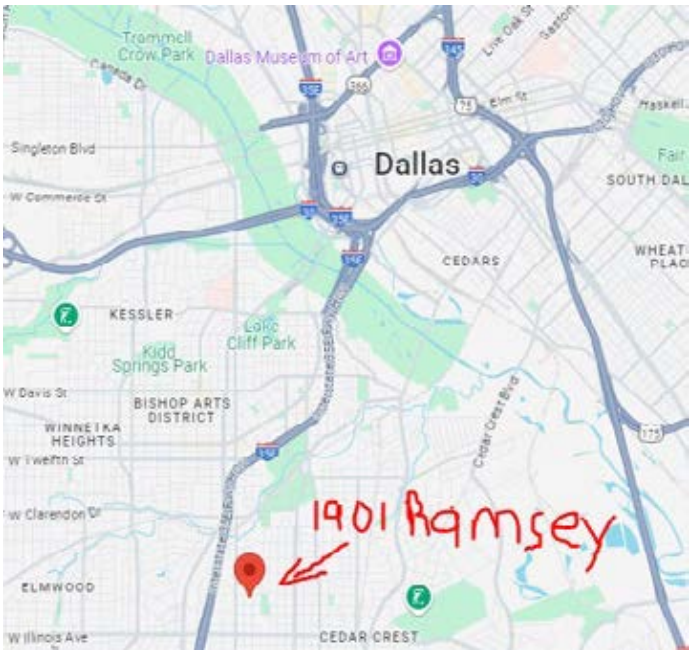
Architexas No.
2040

Date
07/25/24

Sheet Name
East Elevation

Sheet Number
A2.02.

1901 Ramsey Ave – Documentary Evidence



Good Day,

Below is a high-level outline of the case I plan to make on the 23rd. During the case I will include pictures and other non-"documentary evidence" to support the outline below.

STATEMENT:

"I absolutely adore my neighborhood and neighbors and get incredible enjoyment from saying hello when they walk by and going out to meet them and catching-up with them. We exchange plants, watched the solar eclipse together, watched grandkids learning to walk, work to safely reduce the feral cat population through TNR together…all of these things took place in my yard outside my house. I do not want this fence, however until the neighborhood gets safer I need this fence."

Below are safety issues I've worked through this year alone so far:

1. 5 breakins on my house
2. 3 breakins on my shed
3. 1 property theft in middle of the day in front yard with getaway car
4. 1 bullet through my window shot from the street

One of my favorite things about the design of the fence I've chosen is that I can easily make it shorter when the neighborhood is safer.

HISTORY:

My home was built in 1917 and no one had lived in it for over 40 years until I purchased it in April 2021. It was missing windows and water permeated the entire building anytime it rained, from the deteriorated roof and the missing windows. It was originally likely built as a bank and has a more office building look, but is located in the middle of a wonderful neighborhood.

To restore a home in this state, the first priority is to complete the envelope of the building. The envelope is essentially the exterior items, like the roof, the windows, and the cracked brick or mortar. The envelope is addressed first in order to seal the structure from the elements to be able to begin restoring the inside.

I'm located at the corner of Ramsey and Georgia. Georgia gets a lot of foot traffic. Imagine you've walked or driven by my home your whole life and it was dirty, overgrown, and boarded up....then one day you notice it looks completely different. This change to the exterior draws a lot of attention and 99% has been extremely positive interest. However as

summarized above I've been through 5 home breakins, 3 shed breakins, 1 property theft, and 1 bullet through my window.

BUILDING LOCATION ON PROEPRTY:



The location of my building on my property would not be allowed by the City of Dallas today. In fact, a portion of my home is within a setback. Because of this placement I have no backyard. In fact, the only yard I have is technically a front yard which is very visible because I'm on a corner. This means there is no yard area that could ever be private.

WHAT I HAVE ALREADY DONE:

1. Put in a 6ft fence in my technical "front" yard that does not break the plain of my building
2. Put spikes on the top of this 6ft fence after intruder hopped it to break in
3. Put in an 8ft fence along alley opening
4. Put interior barricades on all doors except backdoor which is surrounded by opaque fencing
5. Put up exterior wood blockades over the windows

6. Put bars on all windows in alley way
7. Installed 19 cameras
8. Installed 9 flood lights

WHY ASKING FOR EXCEPTIONS:

1. FENCE HEIGHT
    a. I do have a 12 foot long 6ft fence that runs the plain of my house between my house and my neighbors fence. An intruder hopped over my 6ft fence and stole lots of tools, etc.
    b. I do have an 8ft fence running along the alley opening. An intruder jumped my neighbors 6ft fence where it buts up next to my 8ft fence and swung himself into my property…he then proceeded to break into my house through the back door.

Because a 6ft fence has been shown to be inadequate to deter intruders, I am asking for an 8ft fence. The top portion will be high quality wire fencing that you can see through so I don't feel like I'm totally cut off from my neighborhood.

The officer that took the report on one of the break-ins said the best deterrent for another break-in would be a very tall fence…2nd best are cameras…3rd best are lights. I have completed his 2nd and 3rd recommendations and am asking for his 1st.

80% of the homes with yards on Georgia running from Beckley to Marsallis, have 6ft – 8ft opaque fences. That is due to safety, trash, and heavy foot traffic. These homes are all within 1-4 blocks from mine and all have a portion of their yard on Georgia.

Pictures of the neighbors' fences will be provided at hearing.

2. FENCE OPACITY

A different officer who responded to a break-in that included the shed said..."If they can see it, they will steel it"...he then recommended a fence as well...but one that you can't see through. Due to the location of my home on my property there is not another location for my shed other than the main yard which is on the corner and very visible. This is why I'm asking for only the first 6ft of fence to be opaque, so that I don't feel shut off from my neighbors, but most importantly so someone cannot easily see what is in the yard.

80% of the homes with yards on Georgia from Beckley to Marsallis have completely opaque fences that are 6ft- 8ft tall. That is due to safety, trash, and heavy foot traffic. These homes are all within 1-4 blocks from mine and all have a portion of their yard on Georgia.

Pictures of the neighbors' fences will be provided at hearing.

3. 20 FOOT VISIBILITY TRIANGLE – DRIVE (10' 4" VISIBILITY TRIANGLE REQUEST)

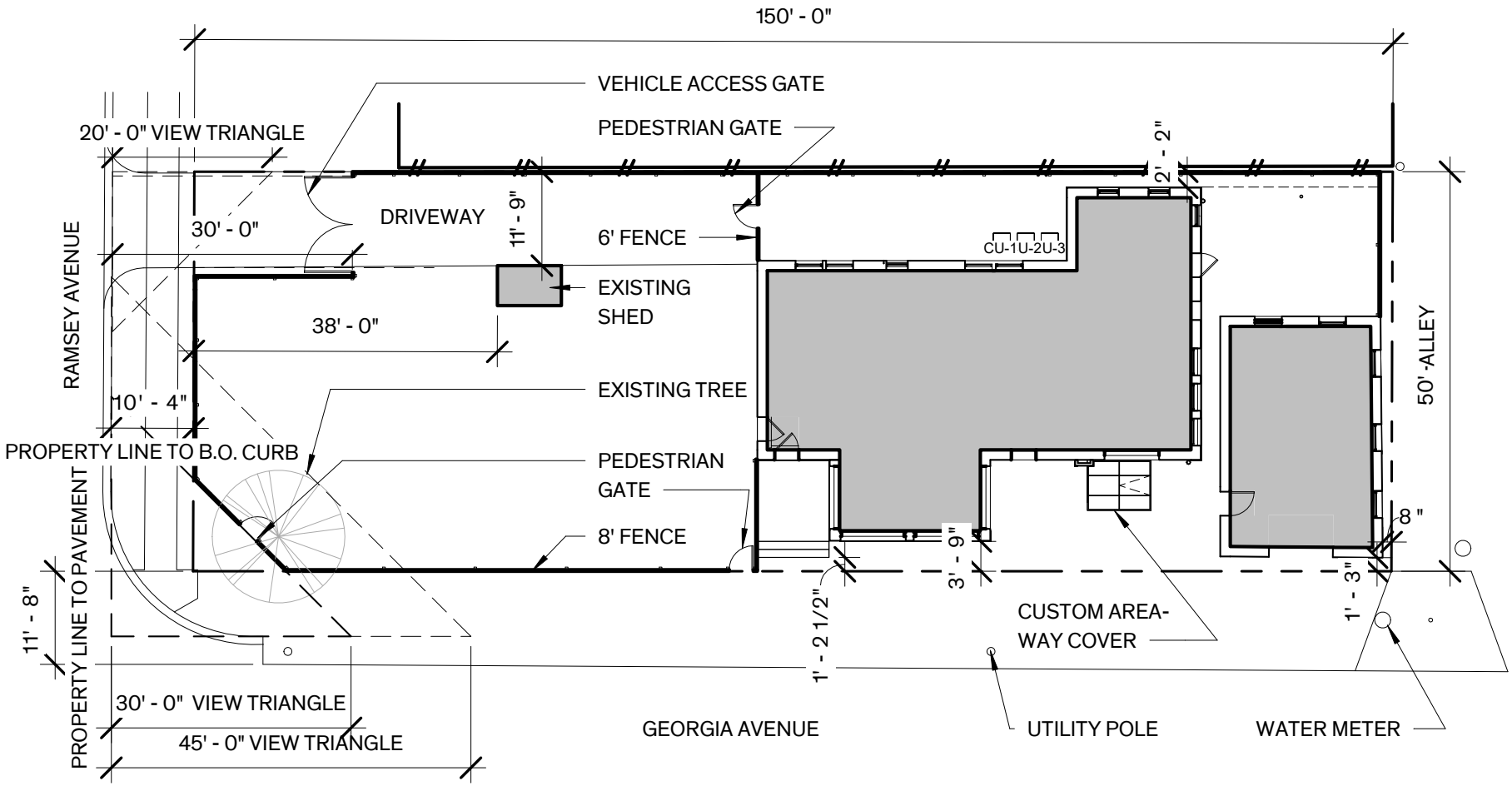
The driveway on my property is located on Ramsey which is a low traffic street both from a car and pedestrian perspective. Only people who live in the neighborhood use this street because it is not a cut through to anywhere. I plan to install a convex mirror to view the one side of the drive that will not meet the 20 foot visibility triangle. The view from the driveway on the other side that is a 10' 4" visibility triangle is quite good and I am able to view oncoming traffic and pedestrians easily. Pictures with a mock-up fence will be provided at the hearing.

4. 45 FOOT VISIBILITY TRIANGLE – CORNER (30' VISIBILITY TRIANGLE REQUEST)

I have installed 7ft T-posts and strung orange string running where the proposed 30 foot visibility triangle fence would be located. I have driven both Ramsey and Georgia with this mock fence installed and will provide pictures at hearing. You can see over 160 feet south down Ramsey when sitting at the stop sign on my side of the street on Georgia.

My neighbor immediately across the street from me (1901 Ramsey) has an opaque 16.5" x 16.5" brick footing that is 5 ft tall and is part of his fence that is only 10' 6' from the street. This impedes visibility much more than my fence that would be 30 feet from the street would.

Visibility pictures will be provided at hearing.



1 Site Plan
1" = 20'-0"

Architexas
Dallas | Austin | San Antonio
www.architexas.com
1907 Marilla St.
Second Floor
Dallas, Texas 75201
p 214.748.4561

Project: Brown Residence

Drawing Title: Site Plan

Reference Pages: 99

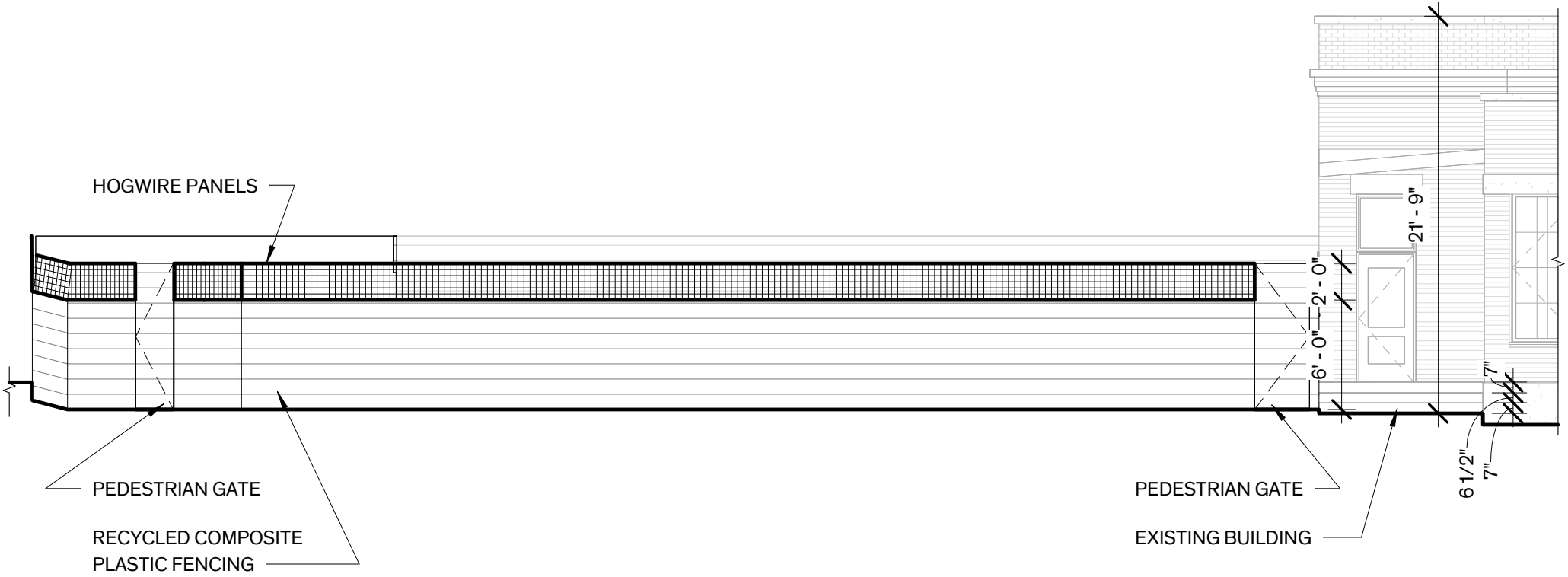
Date: 10/10/24

Job No.: 2040

Pages: 1 **of** 1

Sheet No.:

-A1.00



1 North Elevation

1/8" = 1'-0"

Architexas
Dallas | Austin | San Antonio
www.architexas.com
1907 Marilla St.
Second Floor
Dallas, Texas 75201
p 214.748.4561

Project: Brown Residence

Drawing Title: North Elevation

Reference Pages: 100

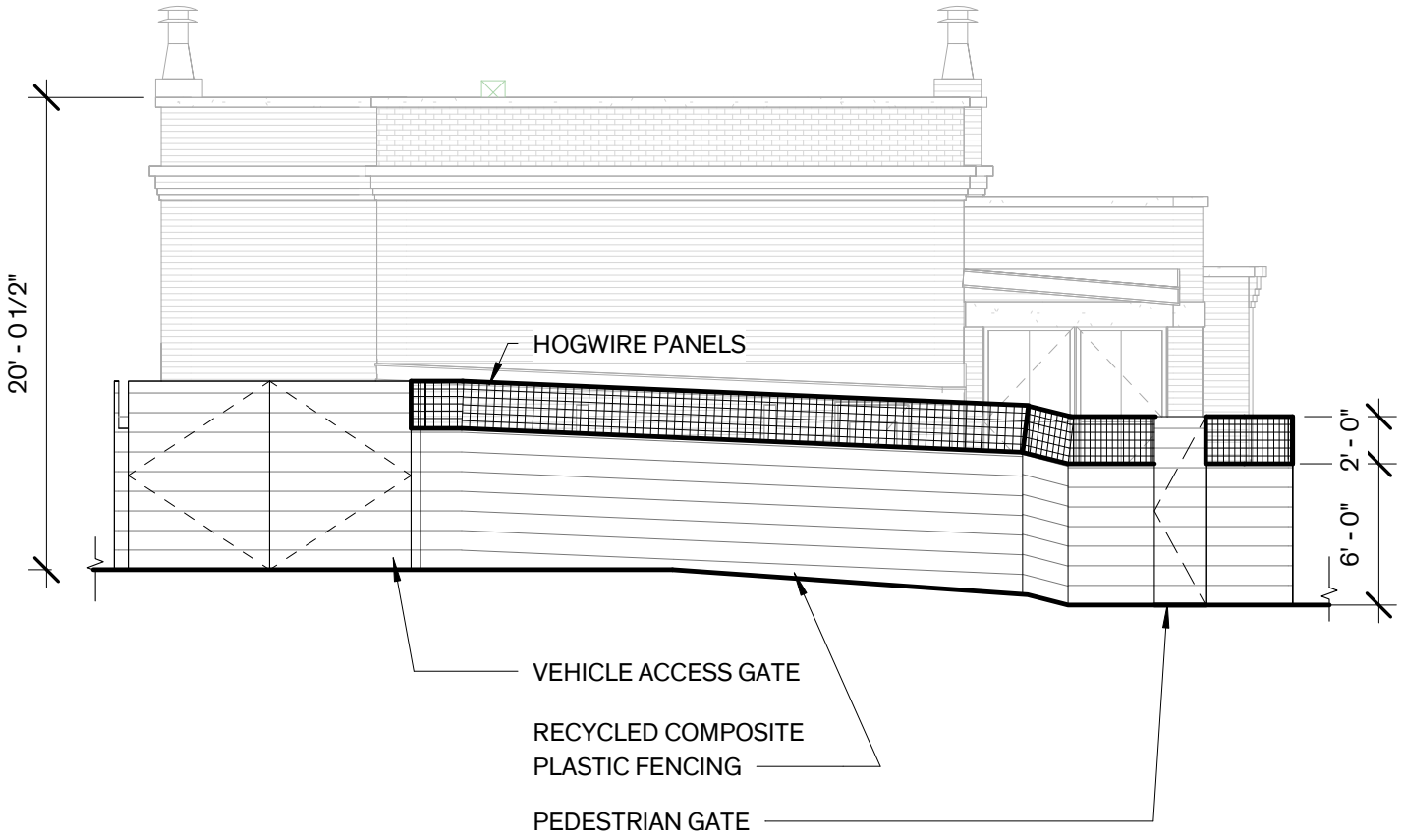
Date: 10/10/24

Job No.: 2040

Pages: 1 **of** 1

Sheet No.:

-A2.01



1 East Elevation
1/8" = 1'-0"

Architexas
Dallas | Austin | San Antonio
www.architexas.com
1907 Marilla St.
Second Floor
Dallas, Texas 75201
p 214.748.4561

Project: Brown Residence

Drawing Title: East Elevation

Reference Pages: 101

Date: 10/10/24

Job No.: 2040

Pages: 1 of 1

Sheet No.:

-A2.02

RONNIE W LARI
WILLIAMS

1906 SEEVERS AVENUE
DALLAS, TEXAS 75216-1820
LNEWMANWMS@GMAIL.COM

September 9, 2024

City of Dallas
Board of Adjustment

Greetings!

We have called 1906 Seevers Avenue our home since May 1986. At that time, 1901 Ramsey Avenue was vacant, and no one that we know of has seriously attempted to, or actually purchased the property until Megan Brown. After her purchase, she dug in her heels with her mind firmly set to beautify this historic property.

She has spent untold hours and many thousands of dollars to make the property livable and attractive. Megan has

- pointed up the bricks
- completely redone the roofing
- updated the plumbing
- installed rooftop central HVAC
- installed beautiful custom casement windows
- created "safe" zones with 6' foot privacy fencing
- done all she can to save the "nature" of the building, while bringing it up to current standards.

Unfortunately, bad actors in the neighborhood have taken advantage of Megan and her efforts to make a house a home. She has experienced numerous (too many to count) break-ins and thefts. She has had to replace items and equipment in her home, the semi-attached building of the property, and her storage shed. Her six-foot fencing has been breached. She has had to absorb the additional expense of purchasing and installing indoor and outdoor alarms, floodlights, and motion detectors ... just to be able to live there.

Although the official address of the property is on Ramsey, Megan's home entrance is on Georgia. This leaves a large, unprotected grassy area on the corner of Ramsey and Georgia. People on foot walk across it, and trash is dropped, dumped or inadvertently blown there. Additionally, this open area is an invitation for unwanted visitors to peek in or break in. It is a shame that the only yard to the property has no privacy.

The aforementioned items should be more than enough evidence and reasoning to support a permit to construct an eight-foot fence at her home. It is our understanding that Megan has every intention to build a fence in keeping with the ambiance of the neighborhood – not austere or industrial, but incorporating some type of wire fencing into the top two feet to encourage the growth of flora and foliage, thereby offsetting the bottom six feet of privacy fencing.

We feel that at this point, Dallas should reward residents who wish to positively impact our neighborhoods by assuming neglected properties and restoring these once beautiful buildings to their former glory ... instead of encouraging house-flippers and giving tax breaks to non-community investors who buy up lots, raze the existing homes and throw up cracker-box template houses in a week or two merely to make a large profit. THEY ARE NOT LIKE US!

Thank you for considering our request to grant a permit to Megan Brown to construct an eight-foot fence at 1901 Ramsey Avenue. Please do not hesitate to contact us for anything more we can do to support this case.

Sincerely,

Ronnie Williams
Lari Williams

Ronnie and Lari Williams

FILE NUMBER: BDA234-121 (BT)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for **(1)** a variance to the parking regulations at **4100 SWISS AVENUE**. This property is more fully described as Block 7/767, Tract 2, and is zoned PD-298 (Subarea 11), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a medical office use, and provide 10 of the required 19 parking spaces, which will require **(1)** a 9-space variance (47 percent reduction) to the parking regulation.

LOCATION: 4100 Swiss Ave.

APPLICANT: Jennifer Hiromoto

REQUEST:

A request for a variance to the off-street parking regulations

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE:

Dallas Development Code § 51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

(i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
(ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
(iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

(iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
(v) the municipality considers the structure to be a nonconforming structure. zoning.

STAFF RECOMMENDATION:

1. Variance to the off-street parking regulations

   APPROVAL

   Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

   A. Not contrary to the public interest, indicated by having received no letters of opposition.
   B. It is restrictive in shape for parking multiple vehicles on-site. Additional parking is not allowed in the required front-yard setback. Therefore, the subject site cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
   C. Not a self-created or personal hardship.

Zoning:

Site:	PD-298 (Subarea 11) Tract 7
North:	PD-298 (Subarea 11) Tract 7
South:	PD-298 (Subarea 12) Tract 2
East:	PD-298 (Subarea 11) Tract 7
West:	PD-298 (Subarea 11) Tract 7

Land Use:

The subject site proposed development with a medical office. The areas to the north, south, east, and west are developed with various use types including but not limited to residential and medical office clinics.

BDA HISTORY:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 4100 Swiss Ave. focuses on 1 request relating to a variance to the off-street parking regulations of a 9-space parking (47 percent reduction) is made to construct and/or maintain a medical office.
- The subject site shares a driveway with the lot next door, originally developed for residential use.
- Zoning PD-298 (Subarea 11) Tract 7 allows for a wide range of allowed and prohibited uses (SEC. 51P-298.107.) USES (5) Exhibits 298E: Use Chart
- Zoning PD-298 (Subarea 11) Tract 7 Parking Requirements reference (SEC. 51P-298.115.) (a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below: See PD for details.
- Parking Requirements per PD-298 1/200 Medical Office use.

- The applicant provided BDA staff with a Zoning Determination Letter - Delta Credits for 4100 Swiss Ave (TR 2, Block 7/767).
- The applicant states in a letter to BDA staff hours of operation, number of employees, number of rooms available for visits to be considered.
- The Transportation Engineering division has no objections if certain conditions are met.
- The Transportation Engineering division request parking data needs. No published data for medical clinics based on the number of employees at this facility.
- Granting the variance to the parking regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: **BDA234-121 at 4100 Swiss Ave**

Timeline:

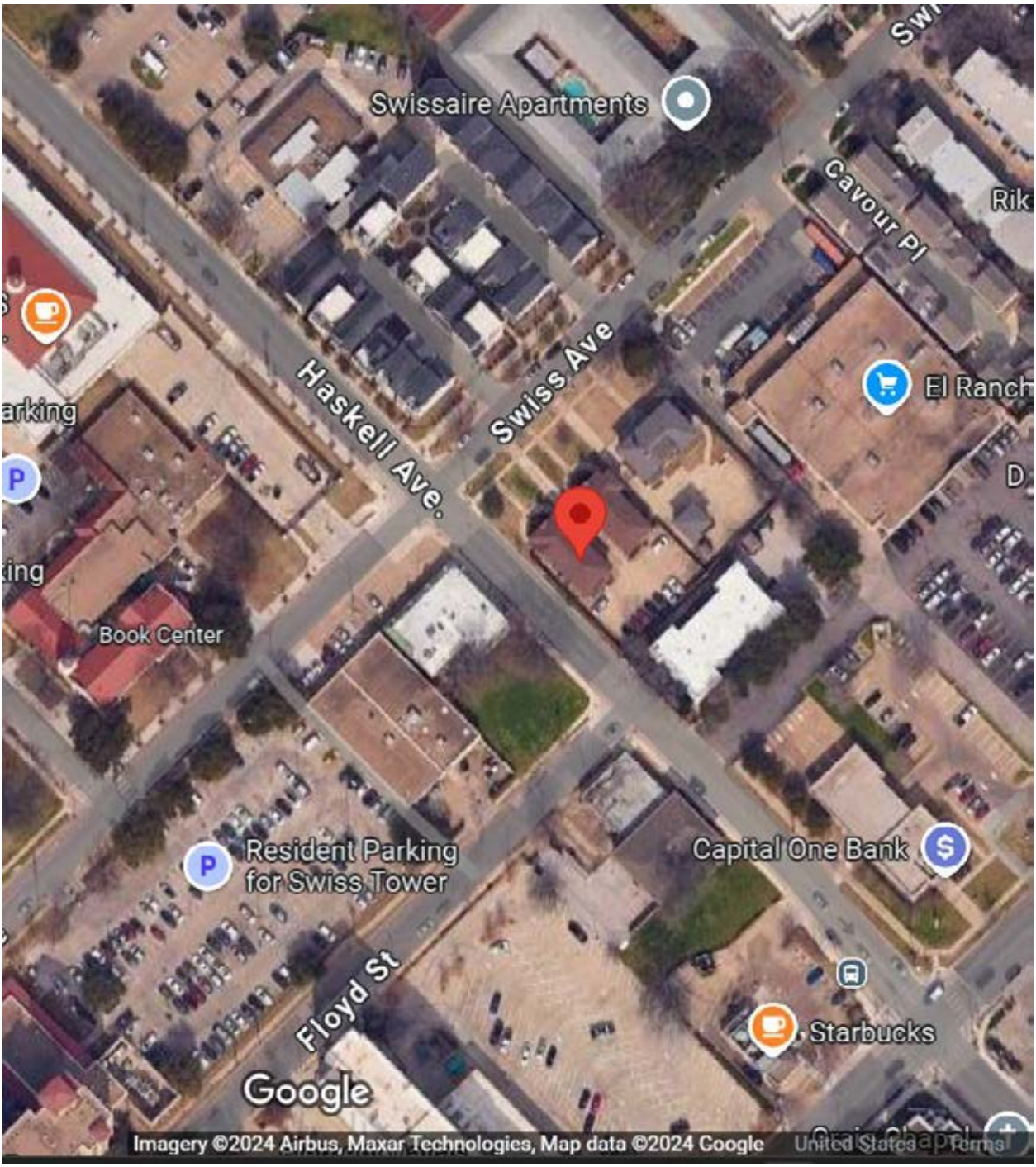
August 26, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

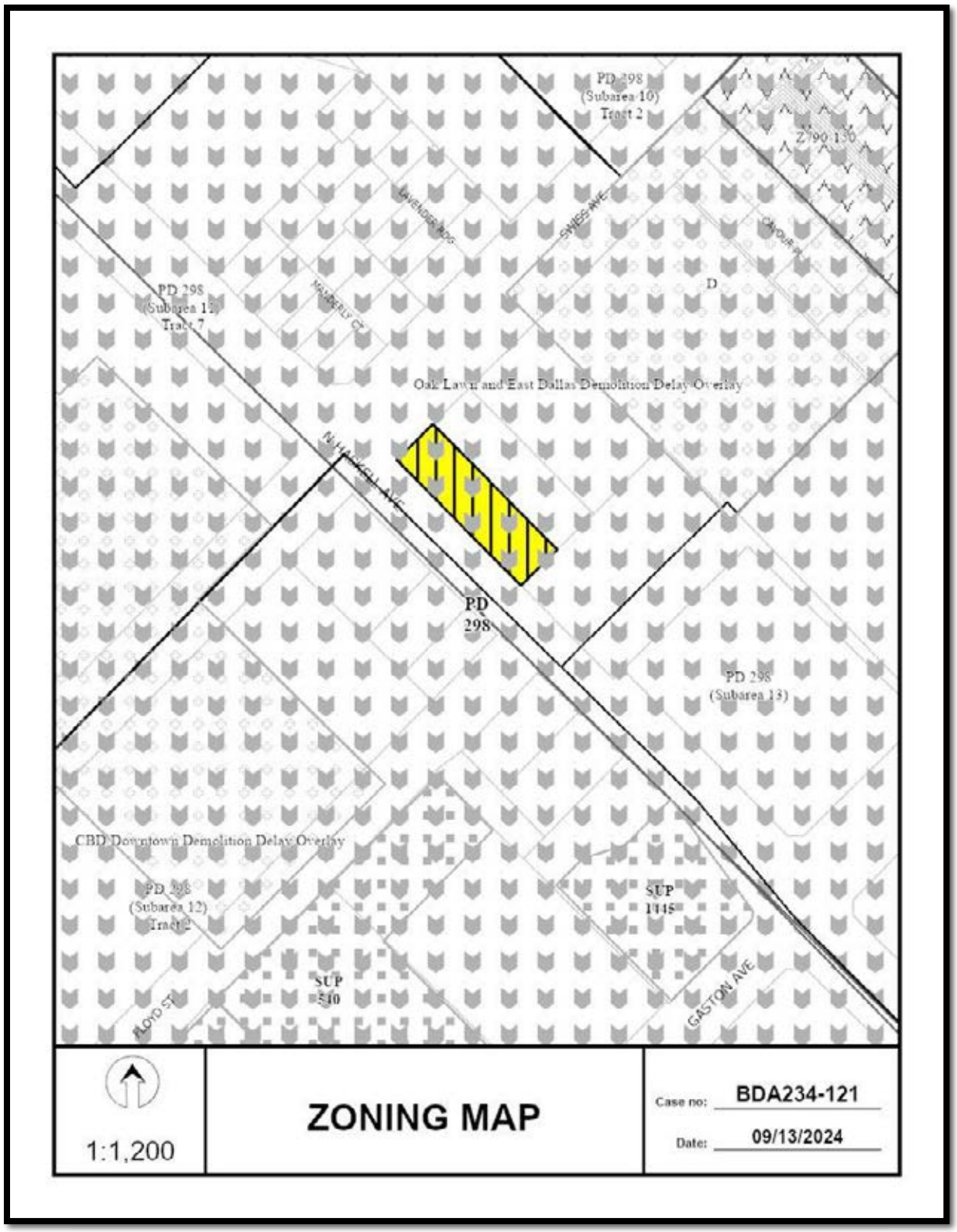
September 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

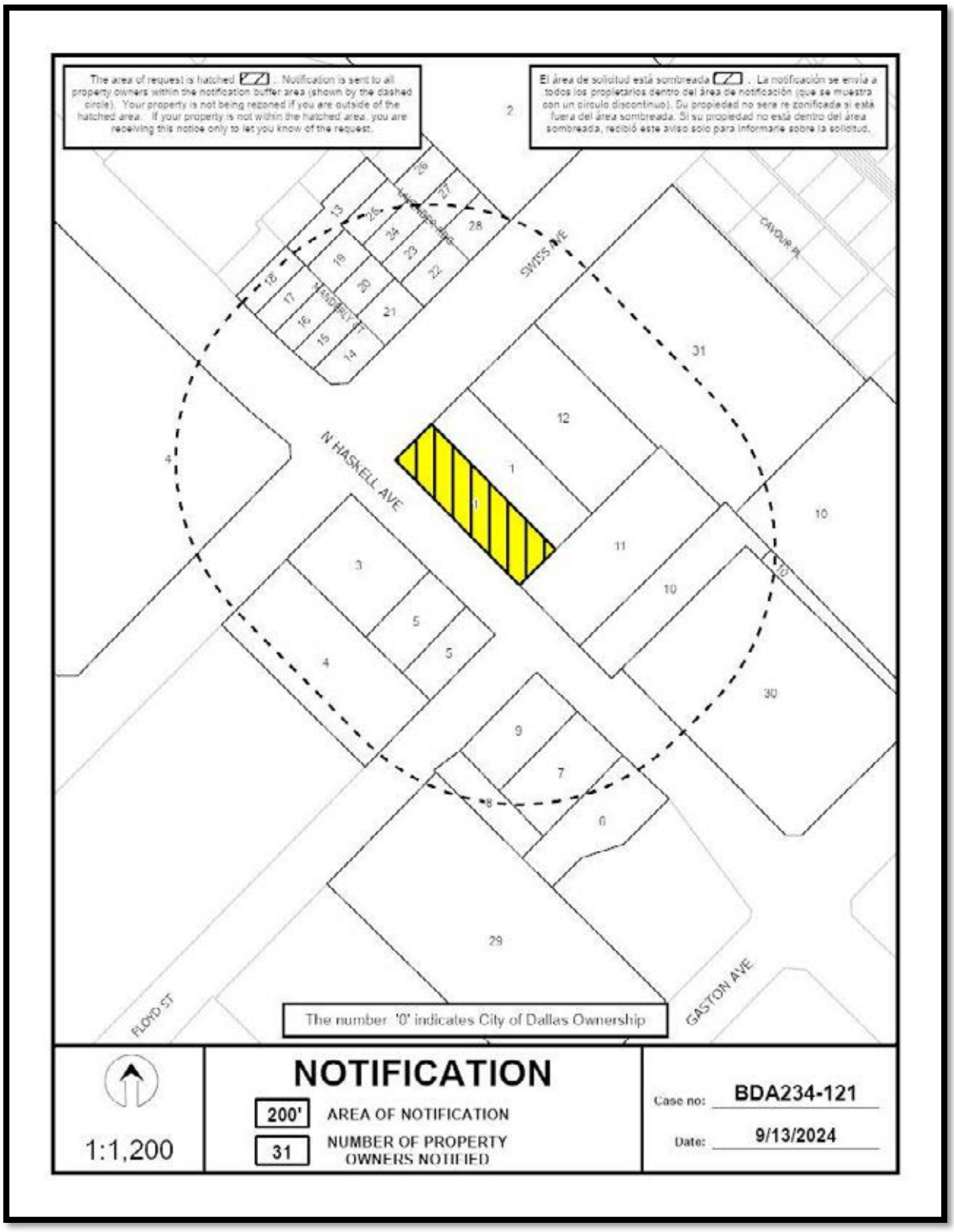
- an attachment that provided the public hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 2024, deadline to submit additional evidence to be incorporated into the board's 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 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.



1:1,200	AERIAL MAP	Case no: BDA234-121 Date: 09/13/2024


PD 298
(Subarea 10)
Tract 2
Z 90 136
LAVENDER RDG
SWISS AVE
D
PD 298
(Subarea 11)
Tract 7
MAXBERLY CT
Oak Lawn and East Dallas Demolition Delay Overlay
N HASKELL AVE
PD
298
PD 298
(Subarea 13)
CBD Downtown Demolition Delay Overlay
PD 298
(Subarea 12)
Tract 2
SUP
1115
SUP
510
LLOYD ST
GASTON AVE
1:1,200
ZONING MAP
Case no: BDA234-121
Date: 09/13/2024


The area of request is hatched. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
N HASKELL AVE
SWISS AVE
CAYOUR PL
FLOYD ST
GASTON AVE
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
31
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-121
Date: 9/13/2024

09/13/2024

Notification List of Property Owners

BDA234-121

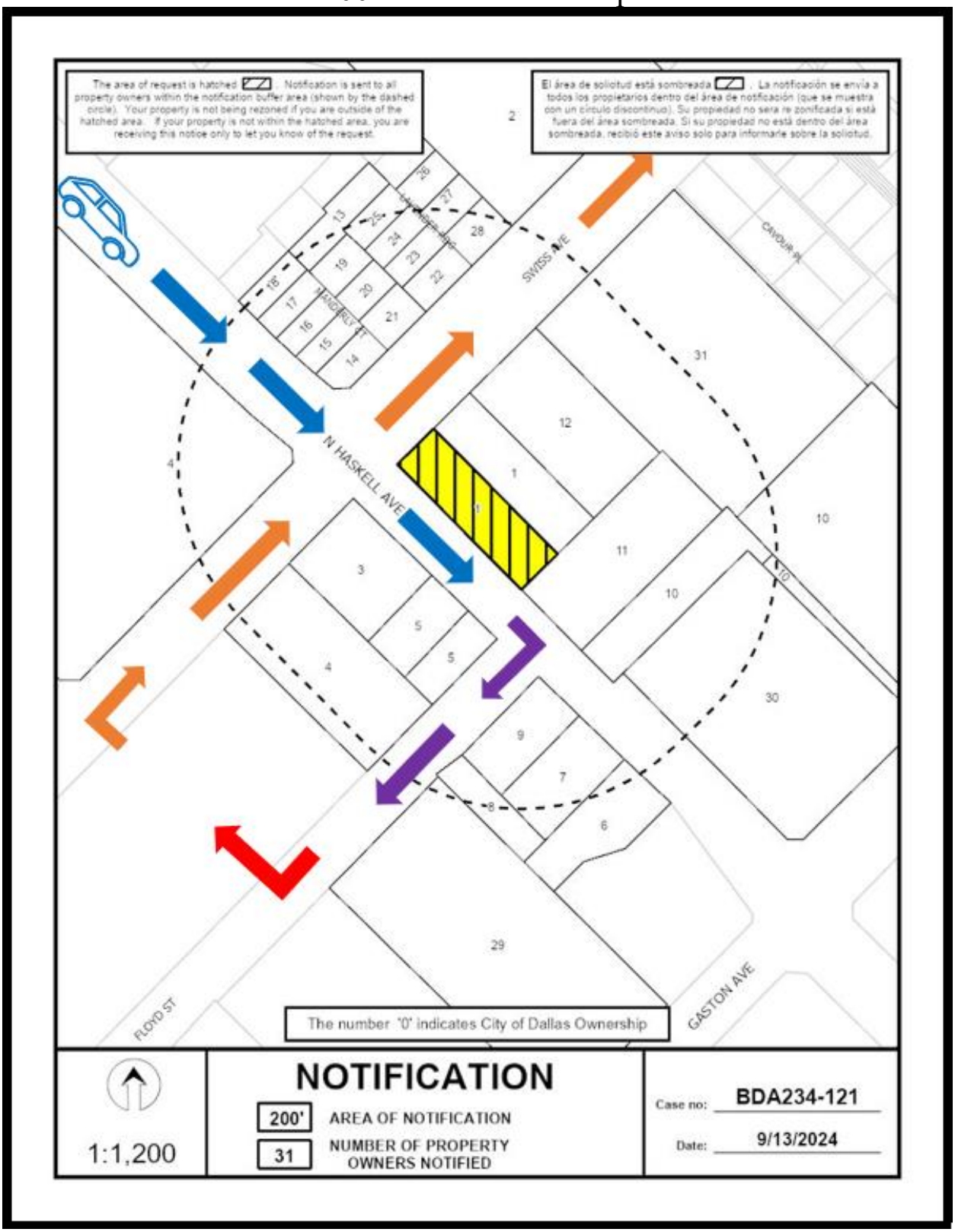
31 Property Owners Notified

Label #	Address		Owner
1	4108	SWISS AVE	RCP INTL LLC
2	4125	SWISS AVE	4125 SWISS LLC
3	4030	SWISS AVE	MATTOX JANICE L
4	4022	SWISS AVE	DALLAS THEOLOGICAL SEMINARY
5	1001	N HASKELL AVE	EVF PS LTD
6	911	N HASKELL AVE	FAIREY JEFF
7	917	N HASKELL AVE	180 MF CAP EAST DALLAS 2 LLC
8	917	N HASKELL AVE	POWER 5601 GASTON LLC
9	919	N HASKELL AVE	VENTURA JOANN
10	4111	GASTON AVE	GASTON SHOPPING CENTER LLC
11	922	N HASKELL AVE	SHAMMAS LINDA
12	4112	SWISS AVE	0101 LP
13	1136	MANDERLY CT	HALFMANN DANIEL
14	1105	MANDERLY CT	AMADOR NATHALIE
15	1113	MANDERLY CT	FAMUYIDE OLADIMEJI
16	1121	MANDERLY CT	MUNOZ NOEL III &
17	1129	MANDERLY CT	WEAKLEND MEGAN ELYSE &
18	1137	MANDERLY CT	KIRK SANDRA
19	1122	MANDERLY CT	BAKER MEGAN
20	1114	MANDERLY CT	CHEN JENNIFER
21	1106	MANDERLY CT	MAHON ASHLEY
22	1103	LAVENDER RDG	HOANG FAMILY REVOCABLE TRUST
23	1111	LAVENDER RDG	RAMOS JOSE &
24	1119	LAVENDER RDG	FLYNN FAMILY TRUST
25	1127	LAVENDER RDG	EATON JONATHAN REILLY
26	1120	LAVENDER RDG	MATHEWS JOSHUA VERNON

09/13/2024

Label #	*Address*		*Owner*
27	1112	LAVENDER RDG	HART JOSHUA
28	1104	LAVENDER RDG	KIEU KAYLA KHANH &
29	4023	GASTON AVE	ATLANTIC DOWNTOWN DALLAS
30	4111	GASTON AVE	BCS INVESTMENTS LLC
31	4121	GASTON AVE	Taxpayer at

200’ Radius Route Map



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA BDA 234-121

Data Relative to Subject Property: Date: 8/26/24

Location address: 4100 Swiss Avenue Zoning District: PD 298 Sub11

Lot No.: TR 2 Block No.: 7/767 Acreage: 0.17 Census Tract: 48113001504

Street Frontage (in Feet): 1) 46.5 2) 161 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): RCP INTL LLC Paul Roa

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586, Dallas TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586, Dallas TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception _, of 9 parking spaces (47% reduction) for a medical office use

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

The medical clinic is a specialty clinic with 6 employees and 4 patient rooms. It does not demand 19 spaces.

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 Jennifer Hiromoto

(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: Jennifer Hiromoto

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of August, 2024

Christina Ann Ramirez

Notary Public in and for Dallas County, Texas

CHRISTINA ANN RAMIREZ
Notary ID #131760183
My Commission Expires
June 15, 2027

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 Jennifer Hiromoto

did submit a request for (1) a special exception to the parking regulations

at 4100 SWISS AVE.

BDA234-121. Application of Jennifer Hiromoto for (1) a variance to the parking regulations at 4100 SWISS AVE. This property is more fully described as Blcok 7/767, tract 2, and is zoned PD-298 subarea 11, which requires parking to be provided . The applicant proposes to construct and/or maintain a nonresidential structure for a medical office use, and provide 10 of the required 19 parking spaces, which will require (1) a 9-space variance (47% reduction) to the parking regulation.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-121

I, RCP INT LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4100 Swiss Ave.
(Address of property as stated on application)

Authorize: Jennifer Hiromoto
(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)

__X__ Variance (specify below)

_____ Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: Parking

Print name of property owner or registered agent

Signature of property owner or registered agent

Date 6/28/24

Before me, the undersigned, on this day personally appeared Paul Roa

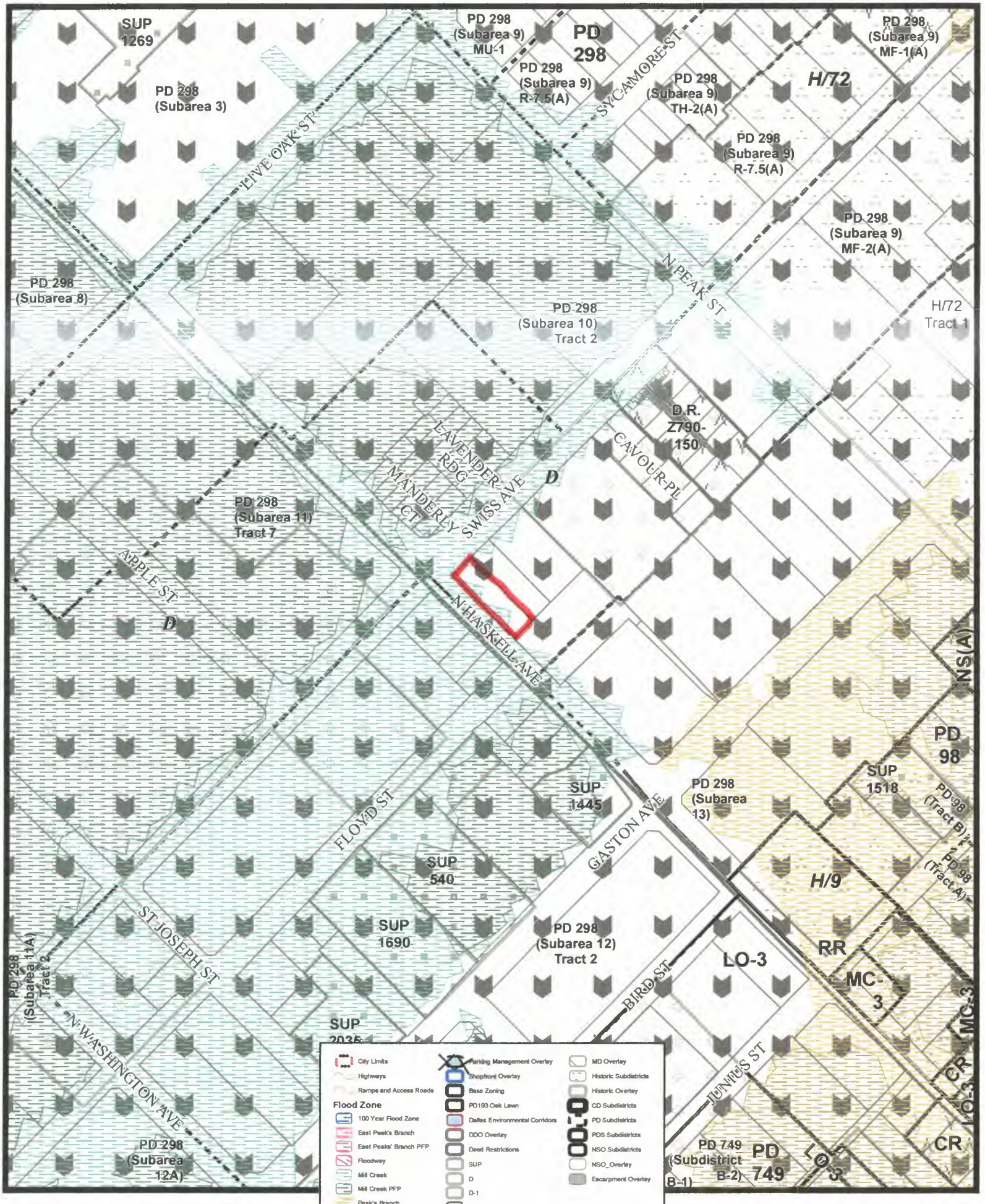
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 28th day of June, 2024

Marie Martinez
Notary Public for Dallas County, Texas

Commission expires on _____

MARIE MARTINEZ
Notary Public, State of Texas
Comm. Expires 11-08-2026
Notary ID 131790542



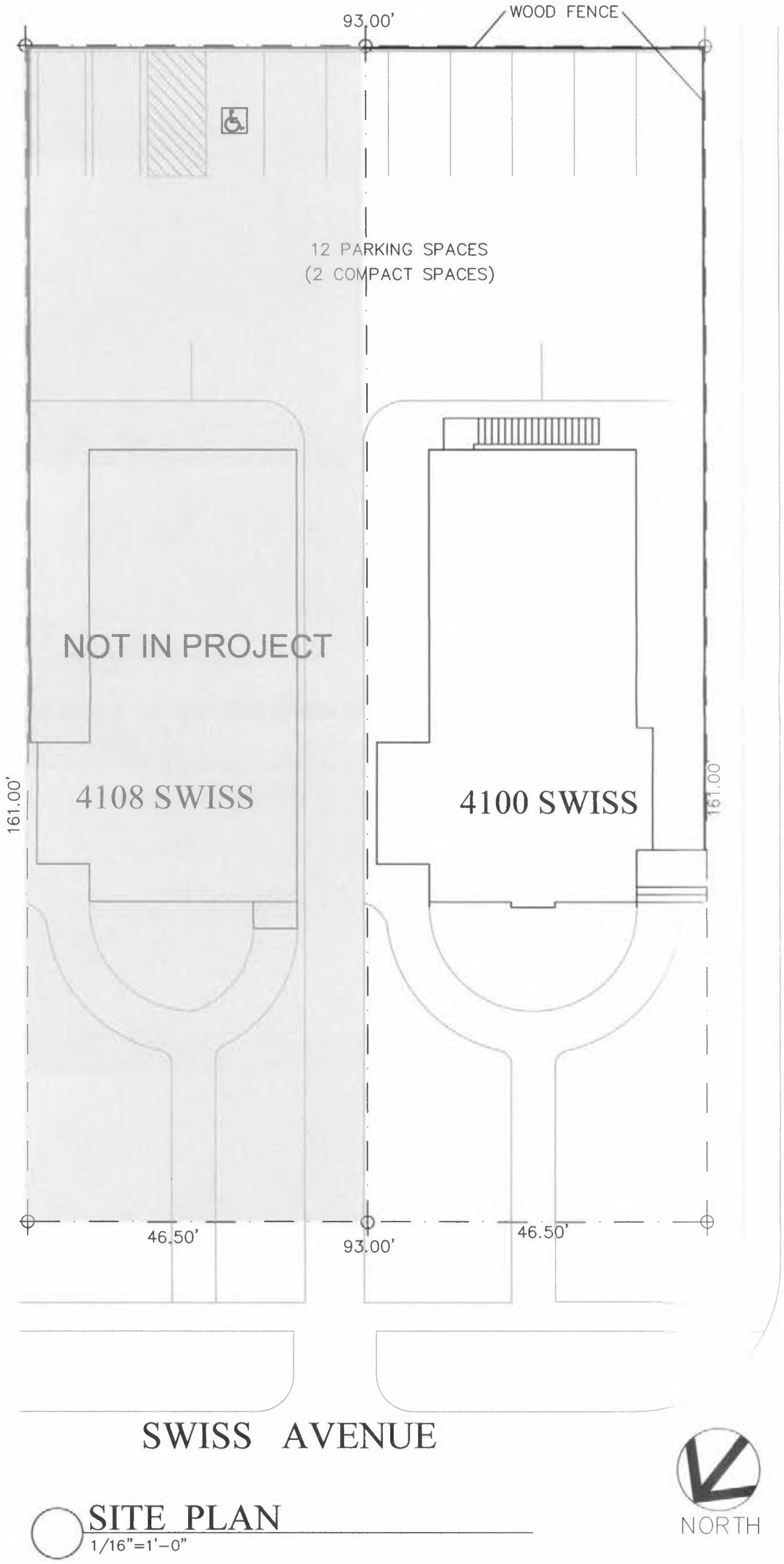
1:2,600

115

Case ID:

Printed: 7/17/2024

4100 Swiss Avenue
Medical office
3800 sf
19 required, 4 delta credits, 6 provided



SITE PLAN
1/16"=1'-0"

buzz
URBAN PLANNING

September 27, 2024

Mr. Bryant Thompson
City of Dallas Board of Adjustment
1500 Marilla Street
Dallas, TX 75201

RE: BDA234-121, 4100 Swiss Avenue parking variance

Dear Mr. Thompson,

Please accept and consider this additional information regarding the parking variance request for BDA234-121. I will attach a parking memo from Mr. Lloyd Denman to support the parking reduction from a traffic perspective in addition to this information.

The subject property was originally built as a duplex around 1918 according to DCAD. However, a recent Letter of Zoning Determination noted city records that indicated the building has been used for various commercial purposes over the years. The current tenant is Swiss Avenue Birth and Wellness, a midwifery practice offering prenatal, birthing, and postnatal care. This land use is classified as a medical clinic or ambulatory surgery center, which requires 19 total parking spaces for the building's size. It is important to note that Swiss Avenue Birth and Wellness operates differently from a busy doctor's office with many patients and employees; it is a small, boutique practice with only four patient rooms of the 3,800 square foot building and a total of six employees. The attached floor plan shows it has many waiting and reception areas, in addition to the patient rooms and office space. This is a unique layout compared to a typical doctor's office.

The property has 4 delta credits and provides 6 surface parking spaces on-site in a rear parking area that shares a driveway with the neighboring office. The neighboring office also has 6 parking spaces. This setup effectively allows for shared parking between the two businesses and the uses have a cooperative arrangement regarding sharing of parking. Both properties are owned by the same entity. Swiss Avenue Birth and Wellness has been successfully operating under these conditions since 2021 with the patient rooms opening in 2022. This block of Swiss Avenue, between Haskell Avenue and Peak Street, is developed with a mix of very old buildings and modern multifamily and townhouse uses. Swiss Avenue is routinely used for guest and overflow on-street parking by most of the uses within this block.

The property has a property hardship in relation to the size of the subject property. I obtained the DCAD data for properties within PD 298 Subdistrict 11 from the City of Dallas GIS and added a designation of residential or non-residential from DCAD's website to help understand the lot size data. There are 44 of the total 93 properties within Subdistrict 11 that are residentially classified by DCAD and therefore not have the same parking requirements as a non-residential use would have. Most of these

residential uses are recently constructed townhouse-style units with attached two-car garages, especially those located on this segment of Swiss Avenue. At approximately 7,500 square feet, the request site is the 10th smallest property within PD 298 Subdistrict 11 of 49 non-residential properties.

This summary table demonstrates that the subject property is restrictively small in lot area relative to other properties and other non-residential properties within the zoning district:

DCAD Data for Lot Sizes in PD 298 Subdistrict 11

	Square feet
Subject property lot size - 4100 Swiss Ave	7,487
Average lot size	25,392
Average lot size - non-residential only	46,318
Largest lot size	267,498
Total number of lots in Subdistrict	93

Subject property as percent of average	29%
Subject property as percent of average non-res	16%
Ranking in size of all lots	55th
Ranking in size of all non-res lots	10th

This restrictive lot area prevents the property from being able to fully comply with the medical office parking requirements and maintain the property with a 106-year-old building and its modest, historically appropriate front lawn. The property is also located within a Demolition Delay Overlay, which discourages demolition of buildings that are not formally protected by a Historic designation. In other variance criteria, the building is non-conforming in terms of side yard setback. It provides approximately 1.5 feet of side yard, where the PD 298 Subdistrict 11 requirement is no setback or 10 feet. Lastly, the following analysis shows the general amount of land needed to comply with the full 19-space parking requirements and the percentage of the subject property that approximate amount of parking and drive aisle would require.

Parking stall size (8.5x18)	153
Drive aisle per space (20x8.5), one way	170
Land area for parking and aisle per space	323
Land required for 19 spaces	6137

Parking stall size (8.5x18)	153
Drive aisle per space (24x8.5), two way	102
Land area for parking and aisle per space	255
Land required for 19 spaces	4845

Percent of lot area for parking, one way	82%
Percent of lot area for parking, two way	65%

We hope that you will find that the subject property has a restrictive size relative to other properties with the same zoning classification and support the variance request. The additional information provided by the floor plan and explanation of the specific type of medical office, along with the parking memo support that this medical office does not demand the code parking requirement and therefore will not be a hazard to the public by approving this parking variance.

Please contact me at 469-275-2414 or jennifer@buzzurbanplanning.com if you have any questions or concerns. Thank you for your assistance in this matter.

Best regards,



Jennifer Hiromoto

MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM
Transportation Development Services
Dallas City Hall, 5BN

From: Lloyd Denman, P.E., CFM
Consult LD, LLC
Registered Firm F-23598
2928 Westminster Ave. Dallas, TX 75205



Date: September 26, 2024

Subject: **Parking Assessment for 4100 Swiss Avenue in Dallas, Texas**
Board of Adjustment Case BDA 234-121

Introduction

The purpose of this Engineering Memorandum is to provide a parking analysis for the property located at 4100 Swiss Ave in Dallas, Texas. The property is in Zoning District PD 298 Subdistrict 11. The current use is a specialty medical clinic doing business as "Swiss Avenue Birth and Wellness." There are only six employees and four patient rooms. The 4100 Swiss Avenue brick building was originally built as a duplex in 1918 and has six dedicated and assigned parking spaces behind the building at the rear of the property. The 4100 block of Swiss Avenue runs between the Haskell and Peak one-way thoroughfare couplet and has mostly residential frontage with some commercial/office frontage. Public parking is allowed on both sides of the street with some restrictions near the commercial driveway and near the intersections. The specialty medical clinic is requesting a parking variance from what would normally be required based on the size of the building. Reasons provided for the request are the low demand for parking generated by the specialty clinic and the availability of sufficient public parking along Swiss Avenue. (See **Appendix Photos 1, 2, 3, 4, and 5**)

4100 Swiss Avenue Parking Observations

Five different site visits were made to observe the subject site's parking at different times and on different days of the week. In general, on-street parking was observed to be available along both sides of the 4100 block of Swiss on each site visit. No parking is allowed on Haskell since it is a busy one-way three-lane thoroughfare. There is a fairly large shopping center anchored by El Rancho Supermercado immediately southeast of the subject site that

fronts Gaston and has some rear parking, 18 spaces, accessible from the 4100 block of Swiss. The shopping center had at least one-third or more of its parking spaces available in the front and the 18 spaces in the rear along Swiss were typically vacant. This implies that the shopping center has more than adequate parking available for its use and does not utilize or occupy any on-street parking along Swiss. It is worth noting that both Haskell and Gaston are public bus routes which does provide an option for public transit for the subject site in addition to the more recent and popular urban trends of using Uber/Lyft/Alto. Six assigned and delineated parking spaces were observed in the rear parking area of the subject site. The driveway access to the spaces is gated and during the observations there were always spaces available. On-street parking along the 4100 block of Swiss was also noted and counted for each site visit. A table of the pertinent parking observation data is presented below.

Site Visits
Available Parking Spaces Observed

Site Visit	Day	Date	Time	On-Site Parking	On-Street Parking
#1	Thursday	9/19/2024	5:00pm	4	6
#2	Friday	9/20/2024	9:30am	4	7
#3	Friday	9/20/2024	12:30pm	4	8
#4	Friday	9/20/2024	3:00pm	5	8
#5	Saturday	9/21/2024	2:00pm	6	6

Notes: Total On-Site Parking Available is Six Spaces
The On-Street Parking number is cumulative from both sides of Swiss

Parking Interviews with Applicant and Neighbor

On the Friday morning site visit, 9-20-2024 at 9:30am, I was able to visit with one of the next-door tenants at 4106 Swiss. The two properties share the same driveway and gate to access their assigned parking spaces of 6 spaces per building. The tenant said that the six assigned spaces of 4100 Swiss are rarely full and that overall parking has not been an issue or problem as long as she had worked there. She did say that sometimes guests of the residential property across the street park for extended periods along Swiss in front of 4100 and 4106. On Monday, 9-23-2024 I spoke with Ms. Alyssa Peri who works at the medical clinic at 4100 Swiss. Ms. Peri said there are only six employees and that typically only 3 or 4 employees are present at one time. Clients are allowed to park in the rear assigned parking spaces as available and as needed but it is not typical. Tuesdays at mid-day are the busiest time of the week as that is when they host classes. Two of the employees are related and typically

carpool. On Tuesday September 24, 2024, a resident across the street on Swiss, Mr. Noel Munoz, emailed that parking along Swiss can be a problem and that 4100 Swiss clients park too close to the stop sign at Haskell which makes it hard to see when turning onto or crossing Haskell and makes it hard for the Wednesday trash pick up to occur. In a review of historic street view photos, it was discovered that a "No Parking Here to Corner" sign was previously on Swiss in advance of the stop sign at Haskell. The No Parking sign was removed and not replaced when the new shared access residential property was constructed. Replacing the "No Parking Here to Corner" sign should alleviate the concerns stated by Mr. Munoz. (See **Appendix Photo 6**)

Conclusion and Recommendation

The use of 4100 Swiss as a boutique birthing center with only four patient rooms is a very low parking demand type use. There are typically only three to four staff members on site at one time so that the six assigned rear off-street parking spaces can typically accommodate the staff and even some clients. The open unassigned on-street public parking along the 4100 block of Swiss is typically available for additional client vehicles. The existing building is over one-hundred years old and has been successfully housing and supporting this small business with its limited site footprint for parking for several years. Installing a replacement "No Parking Here to Corner" sign, preserving the classic one-hundred-year-old brick building, and continuing operation of a successful small business that has been able to manage its small volume of parking for several years supports the public interest. Demolishing the one-hundred-year-old building and/or closing the successful small business would be contrary to the public interest without providing any public gain or benefit to public parking. The recently observed parking as shown in the table above and the testimony of successful business operation for several years add support that there is no adverse impact to the public right-of-way by utilizing the current parking arrangement and granting the parking variance.

APPENDIX

Photo 1 – Front view of 4100 Swiss Avenue, the subject site

Photo 2 – View towards Peak showing available on-street parking

Photo 3 – View towards Haskell showing available on-street parking

Photo 4 – View of Assigned Parking Spaces at rear of 4100 Swiss property

Photo 5 – View of Assigned Parking Space at rear of 4100 Swiss property

Photo 6 – View of old "No Parking Here to Corner" recommended to be replaced



Photo 1 – Front view of 4100 Swiss Avenue, the subject site

Note the building is 100 + years old. The BDA Notice sign is visible in front.
Haskell is one-way and three lanes.

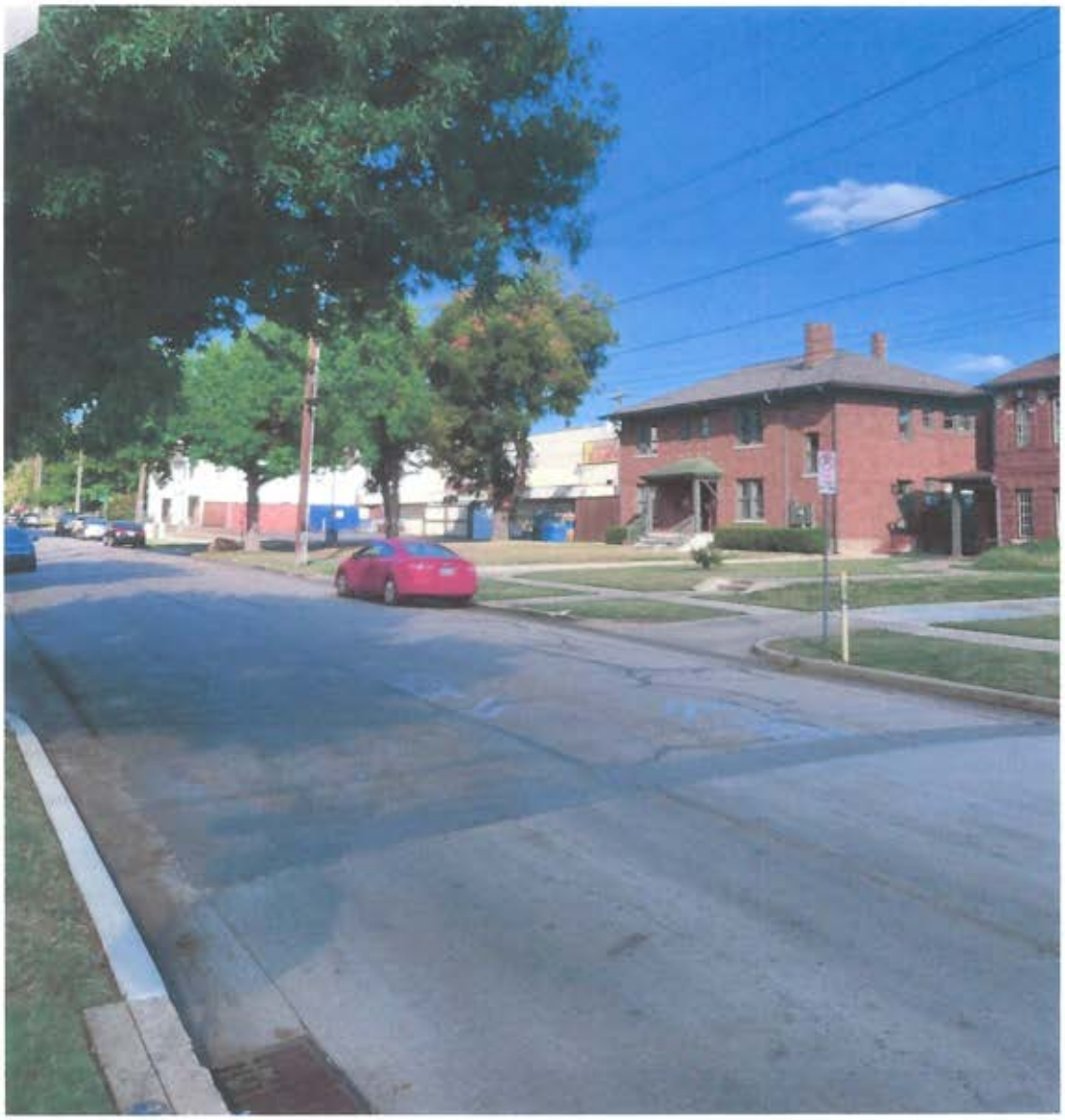


Photo 2 – View towards Peak showing available on-street parking

Note there are open on-street parking spaces available on both sides of the 4100 block of Swiss.



Photo 3 – View towards Haskell showing available on-street parking

Note there are open on-street parking spaces available on both sides of the 4100 block of Swiss.



Photo 4 – View of Assigned Parking Spaces at rear of 4100 Swiss property

Note the off-street, on-site, parking spaces at the rear of the property are marked and labeled. Six spaces are assigned to the 4100 Swiss property. Five along the fence and one directly behind the building.



Photo 5 – View of Assigned Parking Space at rear of 4100 Swiss property

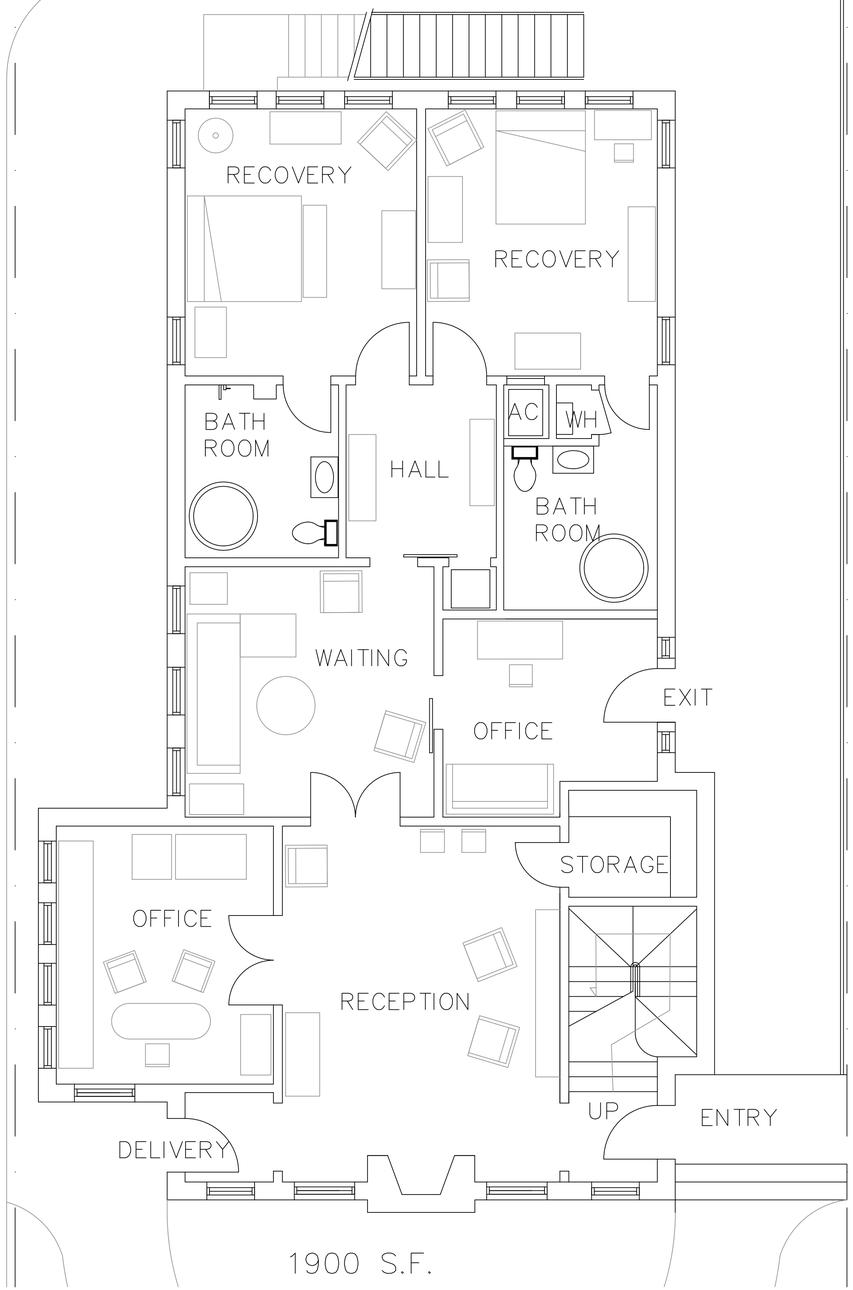
Note the off-street, on-site, parking spaces at the rear of the property are marked and labeled. Six spaces are assigned to the 4100 Swiss property. Five along the fence and one directly behind the building.



Photo 6 – View of old "No Parking Here to Corner" recommended to be replaced

Note the old "No Parking Here to Corner" sign approaching Haskell that was present before the current residential buildings were constructed. (Google Street View dated Aug 2011)
It is recommended to replace the "No Parking Here to Corner" sign.

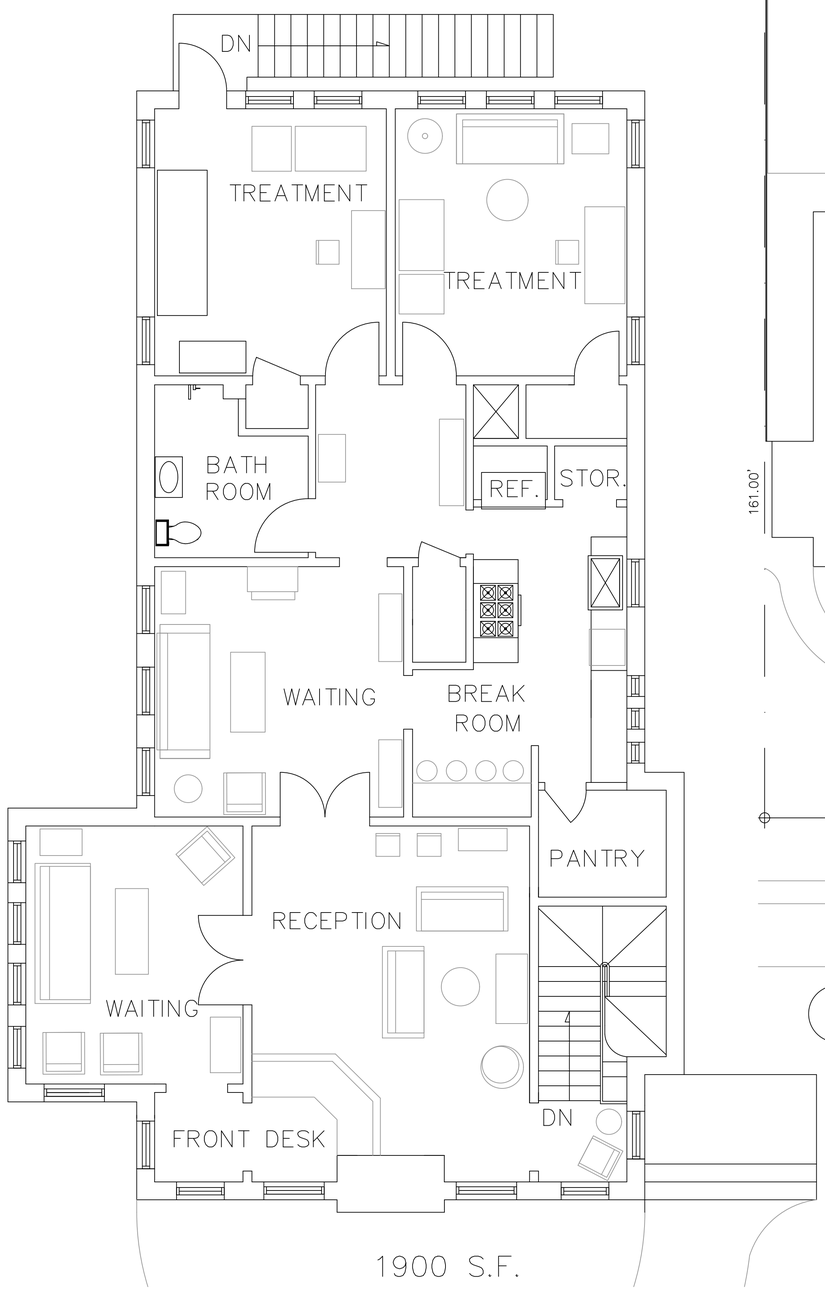
UPDATED SITE PLAN



GROUND FLOOR PLAN

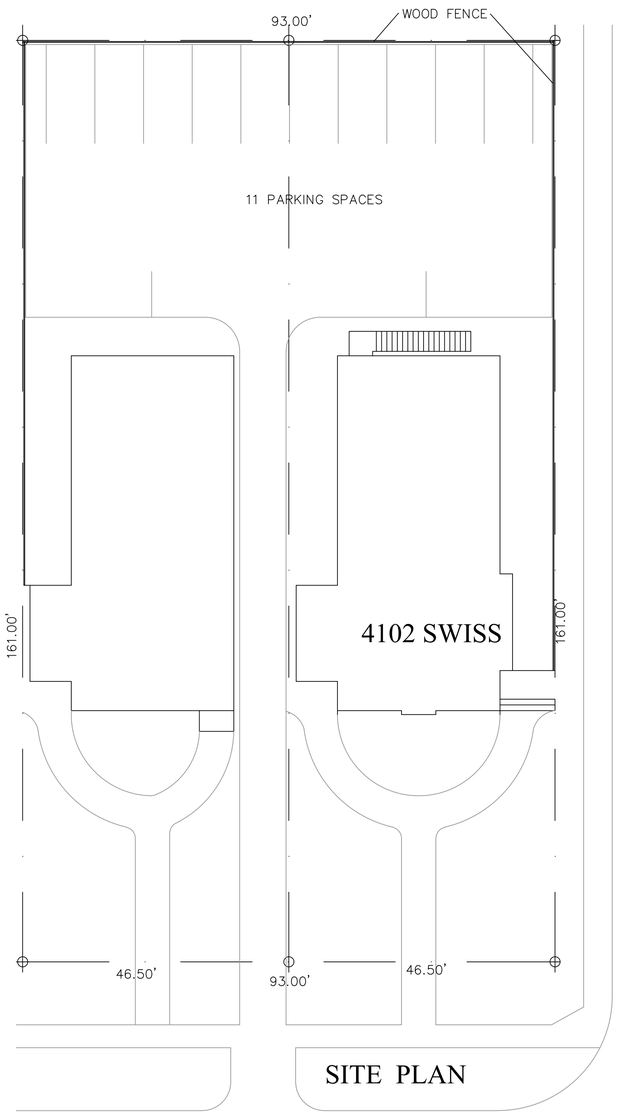
0’ 5’ 20’ 40’

1/4”=1’–0”



SECOND FLOOR PLAN

1/4”=1’–0”



SITE PLAN

1/8”=1’–0”

REGISTERED ARCHITECT
J. DEAN DEKKER
9724
STATE OF TEXAS

DATE: 16 JULY 2024

J DEAN DEKKER
ARCHITECT

6722 NORTHPORT
DALLAS, TEXAS 75230
jddekker56@gmail.com
214–549–4747

4102 SWISS BIRTHING CENTER DALLAS, TEXAS

DATE: 16 JULY 2024
ISSUE FOR CERTIFICATE OF OCCUPANCY

SHEET NUMBER:

A1

FILE NUMBER: BDA234-122 (BT)

BUILDING OFFICIAL'S REPORT: Application of Eddie Grothaus for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at **5314 URSULA LANE**. This property is more fully described as Block C/5518, Lot 5, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(2)** a special exception to the fence opacity regulations.

LOCATION: 5314 Ursula Ln.

APPLICANT: Eddie Grothaus

REQUEST:

(1) A request for a special exception to the fence height regulations; and
(2) A request for a special exception to the fence standard regulations regarding opacity

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site:	R-1ac(A)
North:	R-1ac(A)
East:	R-1ac(A)
South:	R-1ac(A)
West:	R-1ac(A)

Land Use:

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

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Eddie Grothaus for the property located at 5314 Ursula Ln. focuses on 2 requests relating to the fence height, and fence opacity regulations.
- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot high gate in a required front-yard, which will require a 2-foot special exception to the fence height regulations.
- Lastly, the applicant is proposing to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing to replace the existing 4-foot high gate section to the east and west with a 6-foot high gate, located near the front property line.
- Based upon staff's analysis of the surrounding properties, many were open with no fencing or vegetation, some properties provided a form of vegetation serving as a screening mechanism along Ursula Ln and Palomar Ln.
- Some properties provided a fence and/or gate at 4-feet above grade in the required front yard along Ursula Ln and Palomar Ln.
- Applicant is requesting additional height due to safety and security concerns, as the family travel schedule is public knowledge
- 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 applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: **BDA234-122 at 5314 Ursula Ln**

Timeline:

August 26, 2024: 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 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

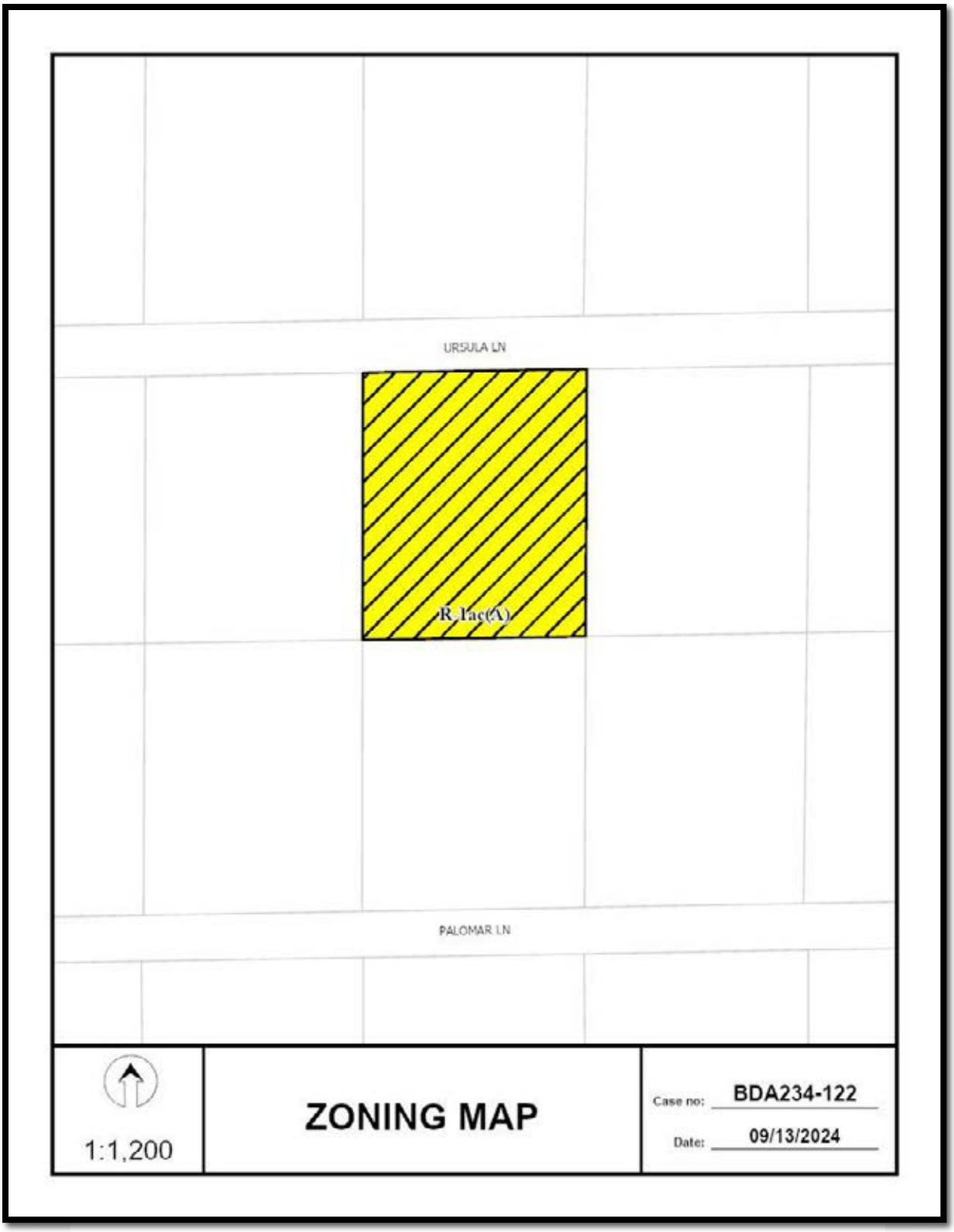
September 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

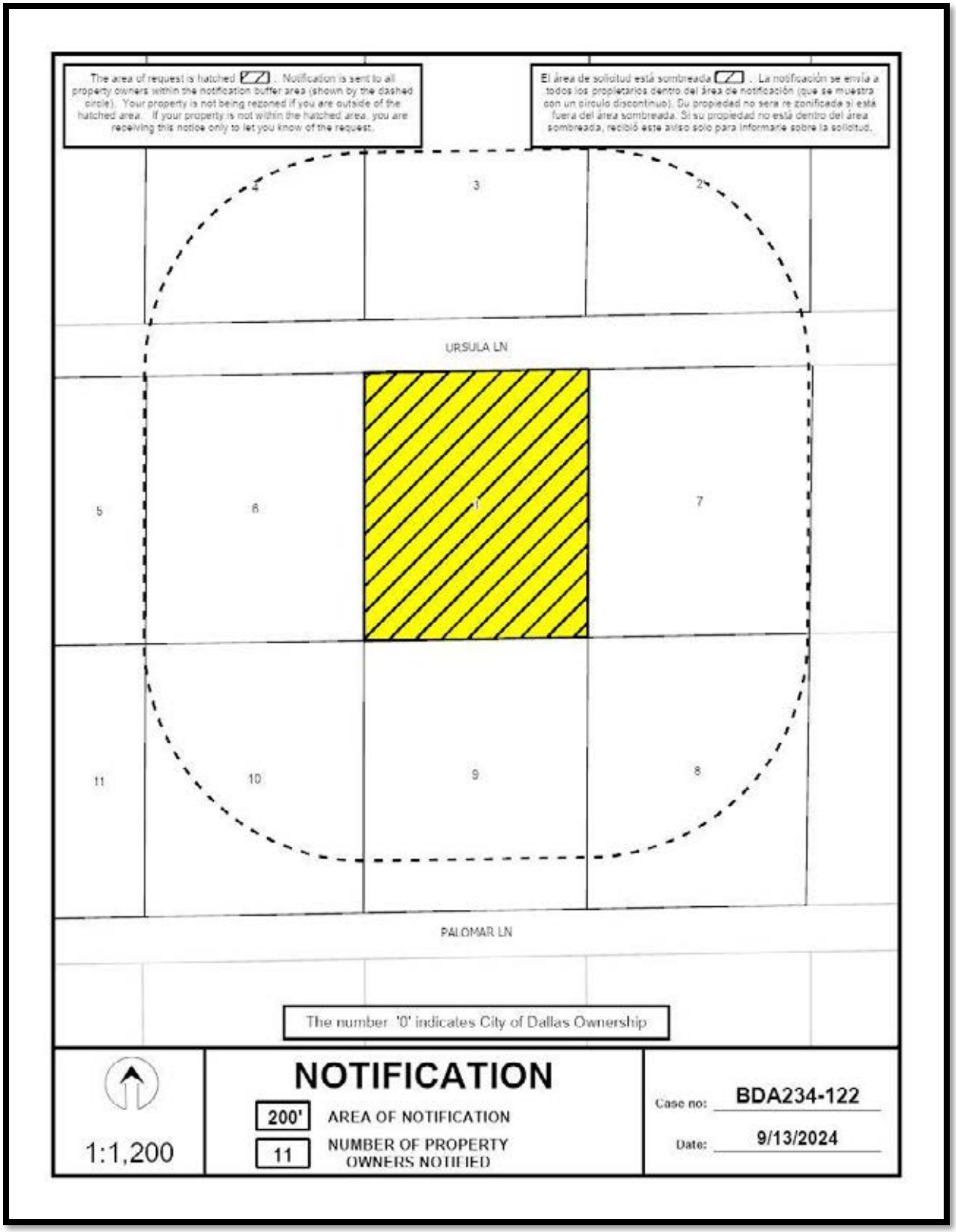
- an attachment that provided the public hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 2024, deadline to submit additional evidence to be incorporated into the board's 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 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.



1:1,200	AERIAL MAP	Case no: BDA234-122 Date: 09/13/2024


URSULA LN
R_1ac(A)
PALOMAR LN
1:1,200
ZONING MAP
Case no: BDA234-122
Date: 09/13/2024


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
URSULA LN
PALOMAR LN
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
200'
AREA OF NOTIFICATION
11
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: BDA234-122
Date: 9/13/2024

09/13/2024

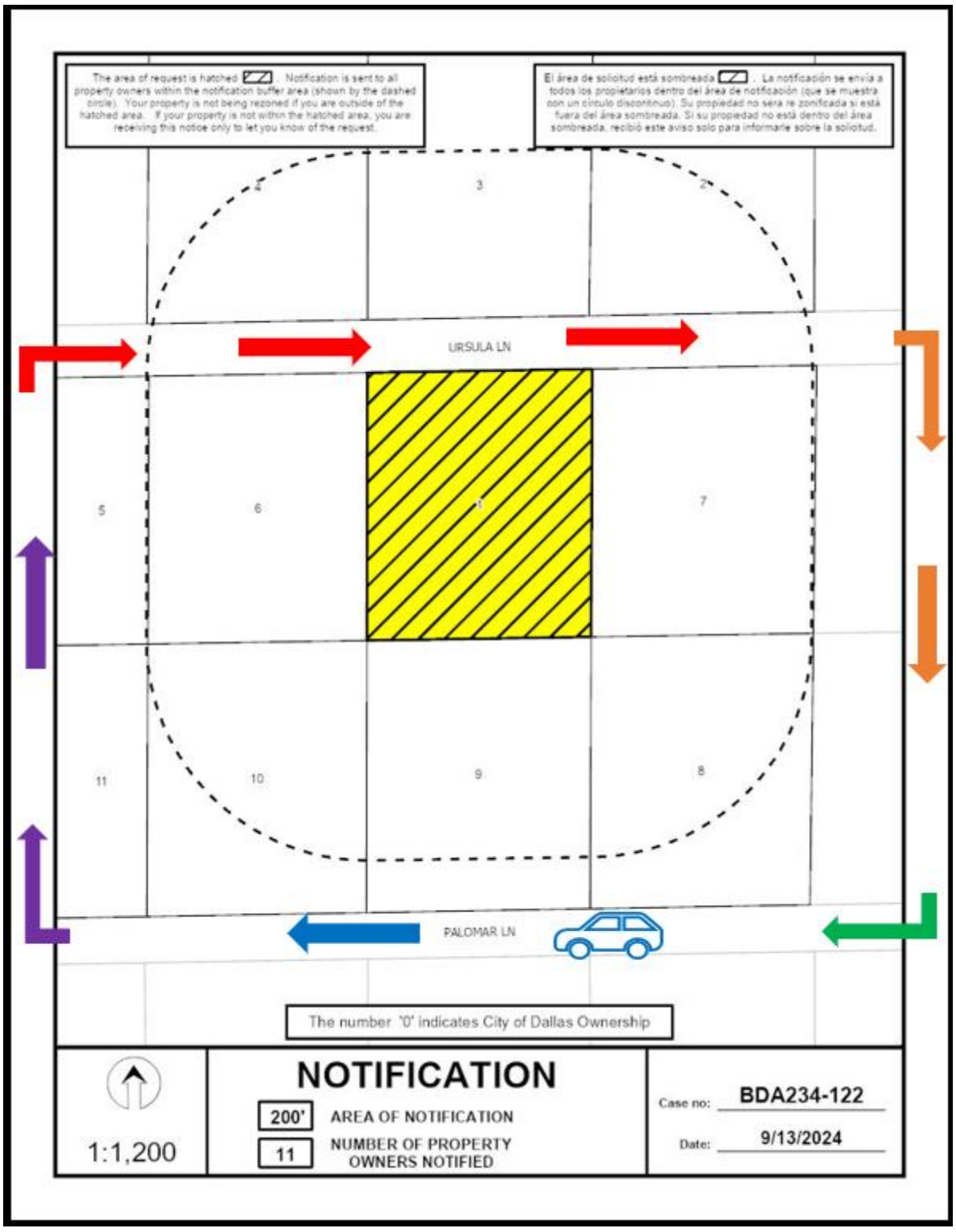
Notification List of Property Owners

BDA234-122

11 Property Owners Notified

Label #	*Address*		*Owner*
1	5314	URSULA LN	MAHAN HUNTER & KANDI
2	5331	URSULA LN	KARLSENG CATHERINE
3	5315	URSULA LN	LIU QING
4	5233	URSULA LN	SIEGEL MARK J
5	5214	URSULA LN	HARBERG JOSEPH L &
6	5230	URSULA LN	UZELAC THEODORE D &
7	5330	URSULA LN	GEHAN PETER M & KARA E
8	5331	PALOMAR LN	FAGELMAN MICHAEL & KERRY
9	5315	PALOMAR LN	KAHN MICHAEL IAN &
10	5233	PALOMAR LN	COUSINS JOHN D TR &
11	5215	PALOMAR LN	DEVENING JASON B & KARA D

200’ Radius Route Map





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-122

RECEIVED
AUG 26 REC'D
BY:

Data Relative to Subject Property: Date:

Location address: 5314 URSULA LN 75229 Zoning District: R-1AC

Lot No.: 5 Block No.: C/5518 Acreage: 1.1 Census Tract:

Street Frontage (in Feet): 1) 200' 2) 3) 4) 5)

To the Honorable Board of Adjustment: JENNIFER CERRETO

Owner of Property (per Warranty Deed): TRUSTEE of THE 4610 SOUTH LINDHURST AVENUE TRUST

Applicant: EDWARD GROTHAUS Telephone: 214 914 0079

Mailing Address: 4004 BARNES BRIDGE RD Zip Code: 75228

E-mail Address: EDDIE@HALLSCOHOMES.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 FENCE/GATE HEIGHT & STANDARDS. SEEKING TO CONSTRUCT SEMI-PRIVATE ENTRY GATES (2) AND WING WALLS AT 72" HEIGHT. PICTURE OF SLIDING GATE ATTACHED.

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:

SAFETY & SECURITY AS FAMILY TRAVEL SCHEDULE IS PUBLIC KNOWLEDGE.

WINGWALL OPACITY 0%

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 EDWARD GROTHAUS

(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 23 day of July, 2024

Notary Public in and for Dallas County, Texas

MICHAEL A. BEAUCHAMP
My Notary ID # 131922491
Expires November 17, 2027

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 EDDIE GROTHAUS

did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations

at 5314 Ursula

BDA234-122. Application of EDDIE GROTHAUS for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations at 5314 URSULA LN. This property is more fully described as Blcok C/5518, Lot 5, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5- feet from the front lot line, which will require (2) a special exception to the fence standard regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-122

I, Jennifer Cerreto, 4610 S. Lindhurst Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5314 Ursula In, Dallas TX
(Address of property as stated on application)

Authorize: Edward Grothaus IV
(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)

~~X~~ ~~Variance (specify below)~~

X Special Exception (specify below) Fence Height

_____ Other Appeal (specify below)

Specify: Construct 72" entry gates and wing walls at 2 entries. WING WALL OPACITY 0%

Jennifer Cerreto, 4610 S. Lindhurst Trust
Print name of property owner or registered agent

Jen Cerreto
Signature of property owner or registered agent

Date 7/16/2024

Before me, the undersigned, on this day personally appeared
JENNIFER CERRETO

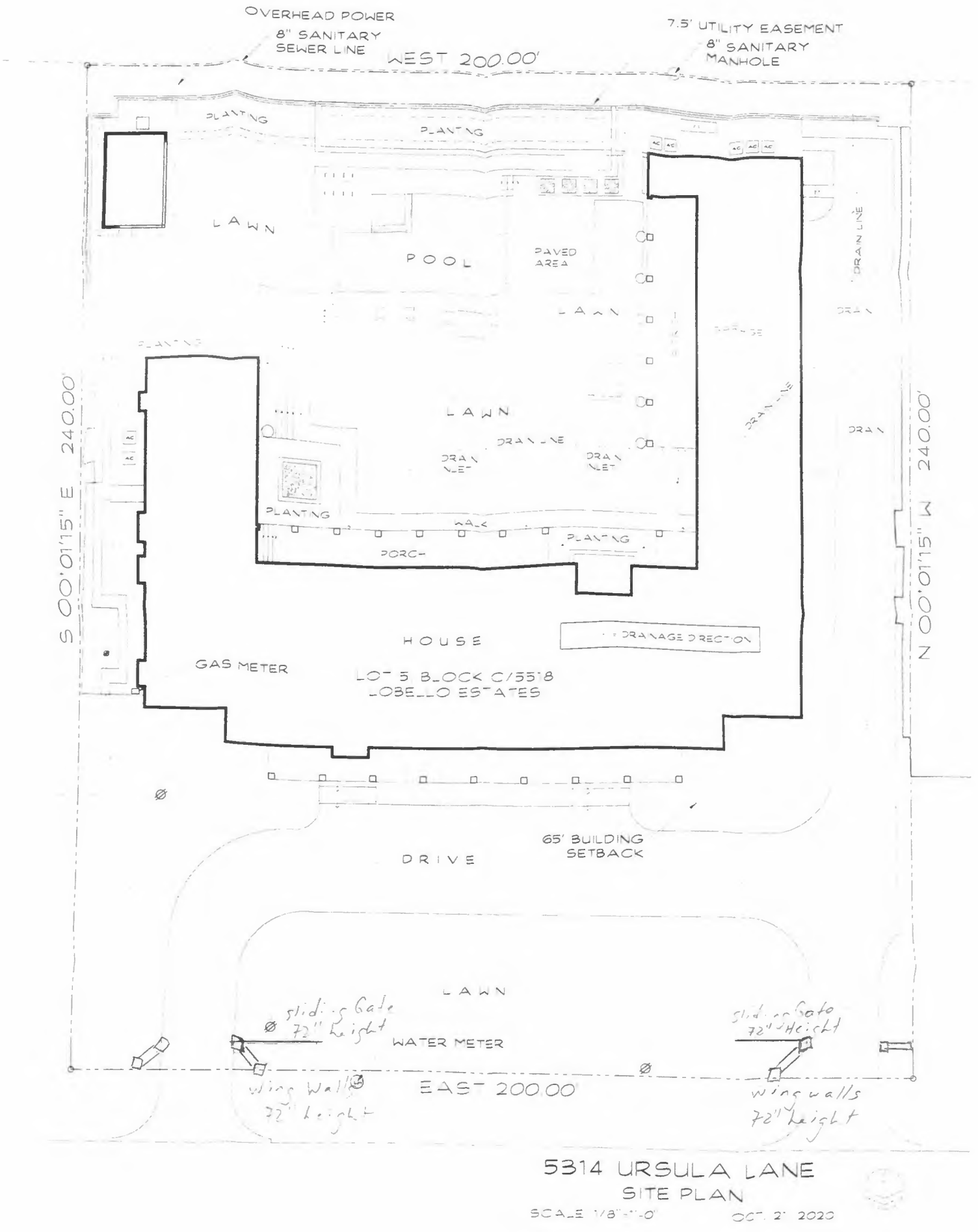
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this 16TH day of JULY, 2024

SANDRA BACA CASTILLO
Notary Public
State of New Jersey
My Commission Expires Sept. 10, 2027

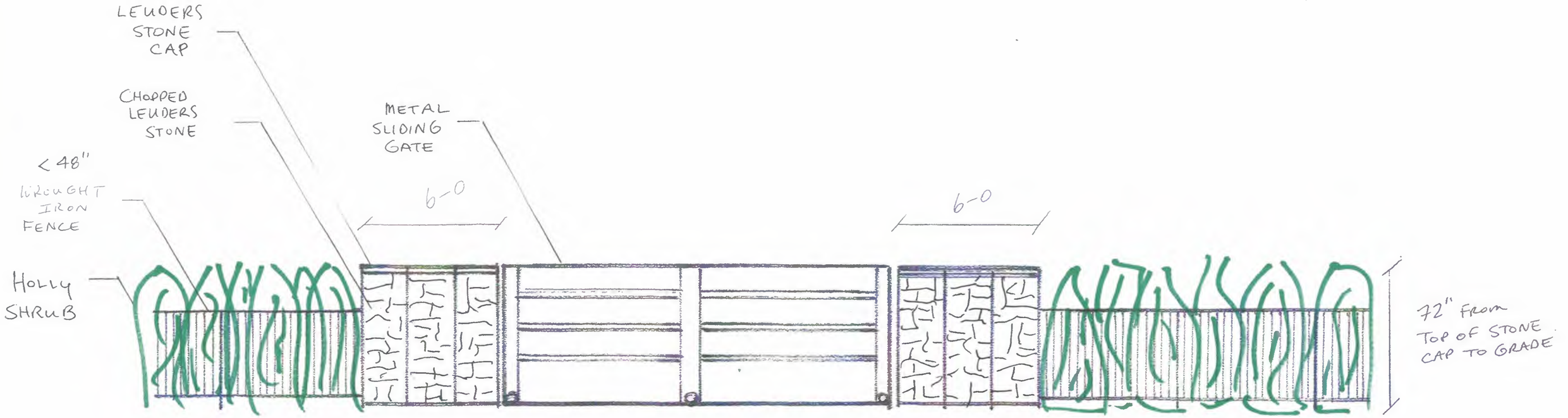
Commission expires on Sept. 10, 2027

City of Dallas Zoning Map 2.2

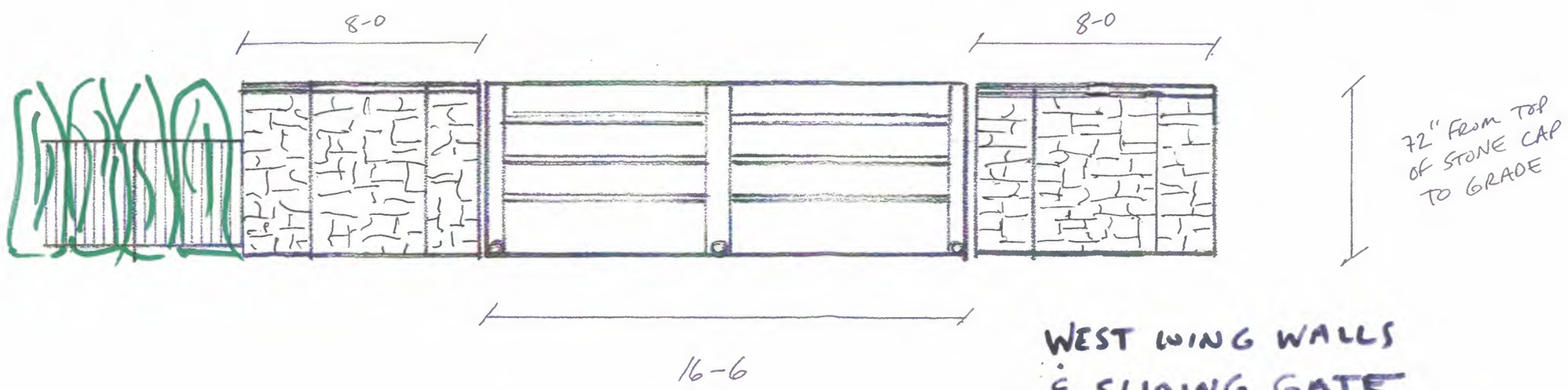




5314 URSULA LANE
SITE PLAN
SCALE 1/8"=1'-0" OCT. 2, 2020



EAST WING WALLS & SLIDING GATE



WEST WING WALLS & SLIDING GATE

1/4" = 1'

FILE NUMBER: BDA234-096(CJ)

BUILDING OFFICIAL'S REPORT: Application of Charles Anderson for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the visibility obstruction regulations at driveway #1; and for **(3)** a special exception to the visibility obstruction regulations at driveway #2 at 5325 Kelsey Road. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain an 6-foot 6-inch high fence in a required front-yard, which will require **(1)** a 2-foot 6-inch special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at driveway #1; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway #2.

LOCATION: 5325 Kelsey Road

APPLICANT: Charles C. Anderson

REQUEST:

(1) A special exception to the fence height regulations; and
(2) A special exception to the 20-foot visibility obstruction regulations at the first drive approach; and
(3) A special exception to the 20-foot visibility obstruction regulations at the second drive approach.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5325 Kelsey Road in the last five years.

Square Footage:

- This lot contains 42,253.2 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 1 acre or 43,650 square feet.

Zoning:

Site:	R-1ac(A) Zoning District
North:	R-1ac(A) Zoning District
East:	R-1ac(A) Zoning District
South:	R-1ac(A) Zoning District
West:	R-1ac(A) Zoning District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Charles C. Anderson property located at 5325 Kelsey Road focuses on 3 requests relating to the fence height and visual obstruction regulations.
- The applicant is proposing to construct and maintain a 6-foot gate with 6-foot 6-inch stone columns in a required front yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #1 (west).
- Lastly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #2 (east).
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot gate with 6-foot 6-inch stone columns along the front yard of the home.
- The proposed gate is material is wrought iron connected by stone columns.

- It is imperative to note that the subject site is a mid-block lot with single street frontage on Kelsey Road.
- The applicant has stated that the request for special exception has been made for safety/security reasons.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Kelsey Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing 4-foot fence and be placed in a similar location.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding fence height, will not adversely affect neighboring properties.
- The applicant also has the burden of proof in establishing that the special exceptions to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to fence height and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-096 at 5325 Kelsey Rd.

Timeline:

June 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings.

Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

August 21, 2024: Panel B, at its regular scheduled hearing on August 21, 2024 voted to hold this matter under advisement until September hearings.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

September 18, 2024: Panel B, at its regular scheduled hearing on September 18, 2024, voted to hold this matter under advisement until October hearings.

September 19, 2024: The Board Secretary mailed the applicant an outcome letter restating the board outcome and the hearing date/time for October.

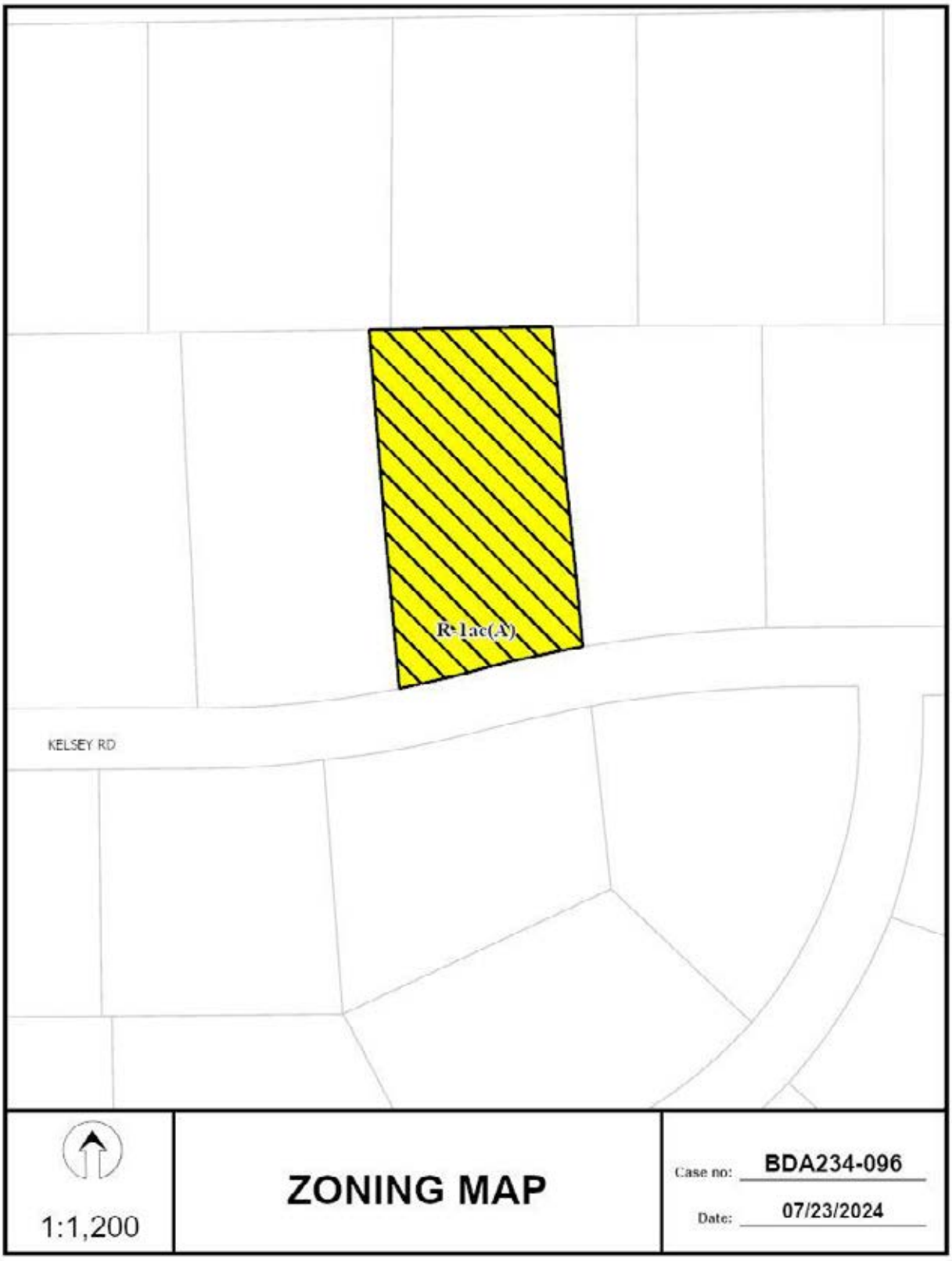


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AERIAL MAP

Case no: BDA234-096

Date: 07/23/2024

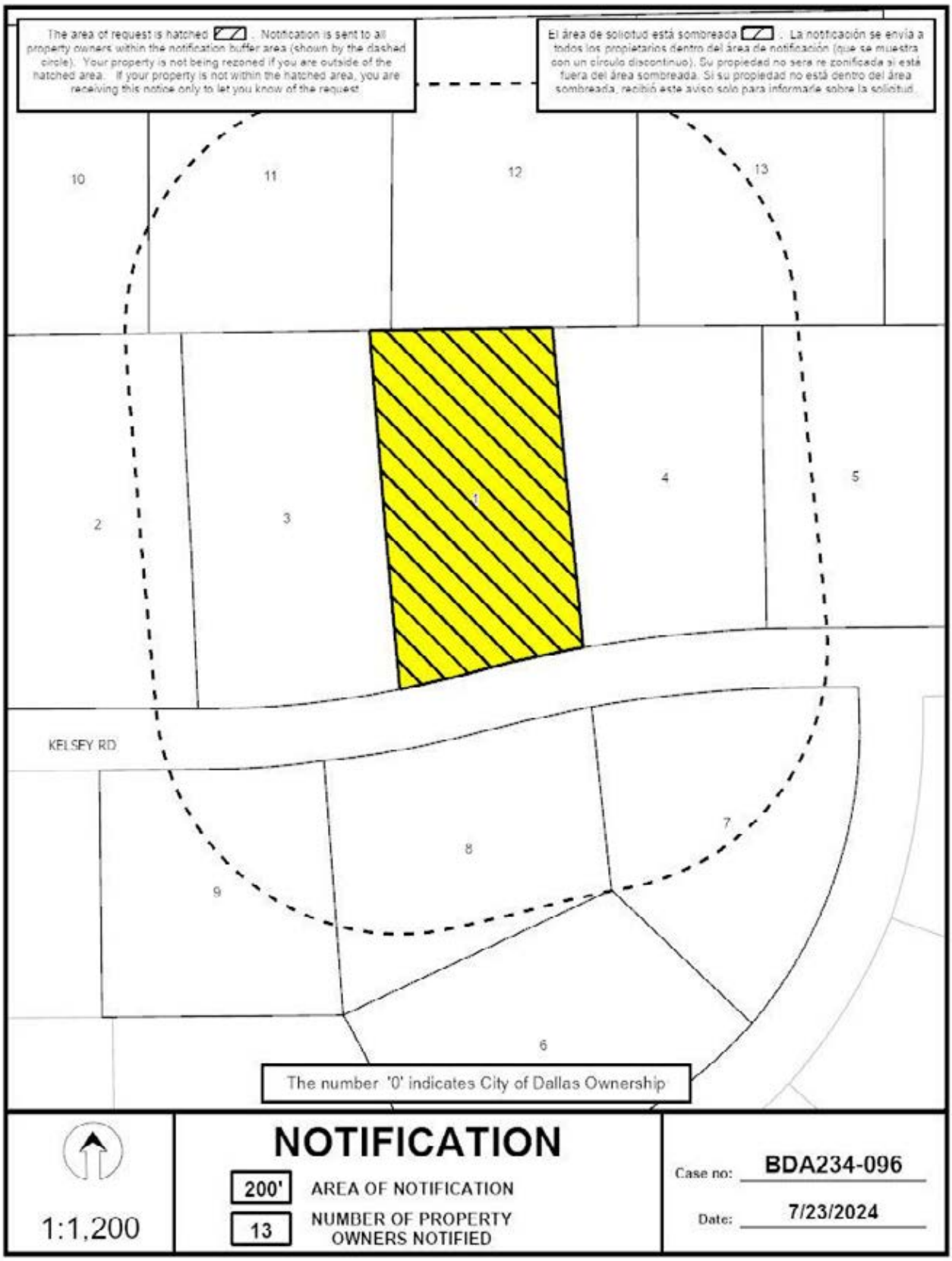


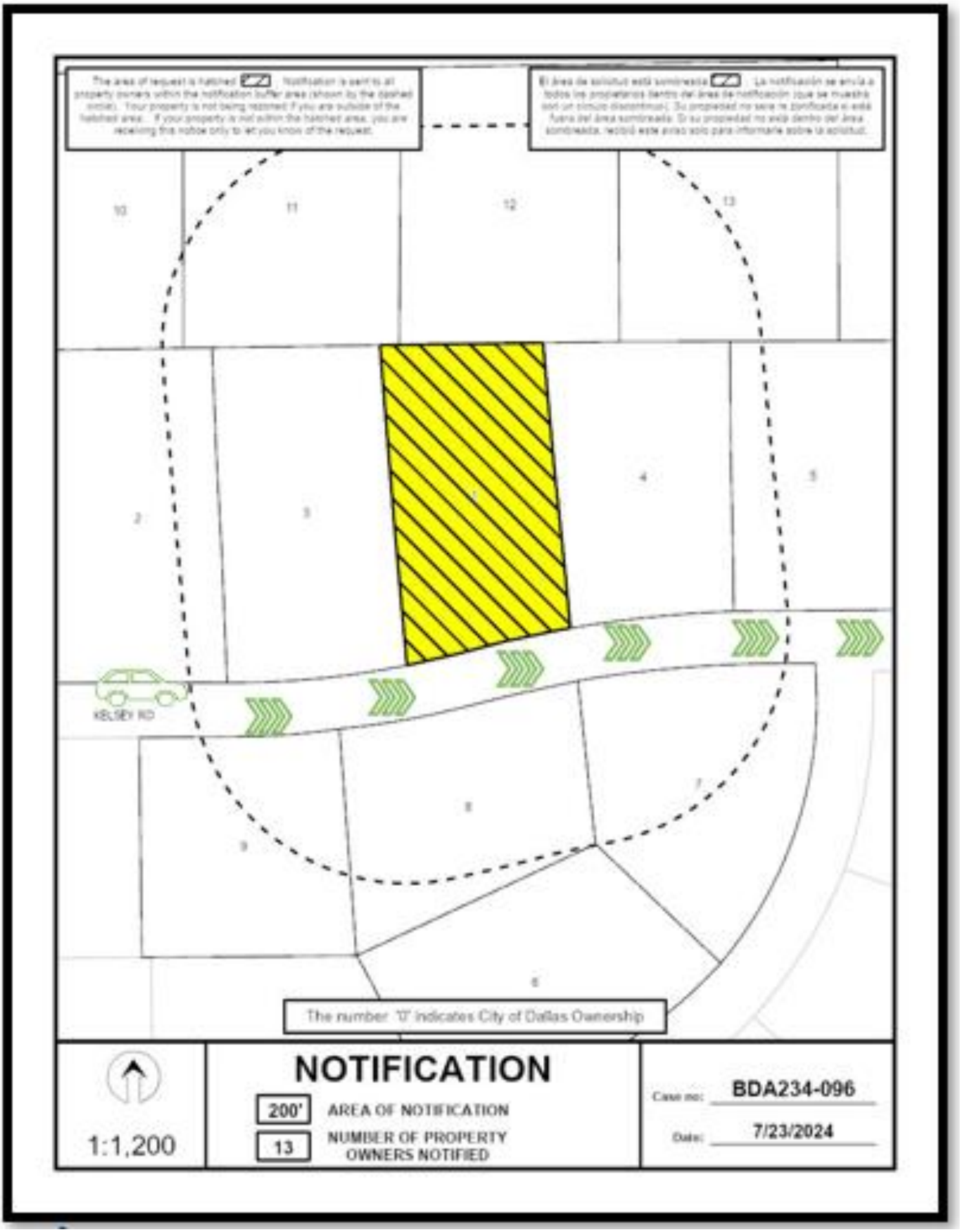
1:1,200

ZONING MAP

Case no: BDA234-096

Date: 07/23/2024


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
10
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5
KELSEY RD
6
7
8
9
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
200'
AREA OF NOTIFICATION
13
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: BDA234-096
Date: 7/23/2024


The area of request is hatched. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned. If you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada. La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
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KELSEY RD
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The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
13
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-096
Date: 7/23/2024

/
07/23/2024

Notification List of Property Owners

BDA234-096

13 Property Owners Notified

Label #	Address		Owner
1	5325	KELSEY RD	ANDERSON CHARLES C & MOLLY R
2	5233	KELSEY RD	LERER RICHARD
3	5311	KELSEY RD	TRUMPOWER IAN N &
4	5337	KELSEY RD	ALLEN MICHAEL M &
5	5351	KELSEY RD	ELMQUIST DAVID W & ALISON M
6	5335	MEADERS LN	BILLINGSLEY JOHN & HARRIET
7	5353	MEADERS LN	SCHLIEM THOMAS R & JANICE L R CO-TRUSTEES
8	5322	KELSEY RD	HERLITZ GRANT & KARLYN
9	5306	KELSEY RD	BROWN AARON D & AMANDA Z
10	5214	YOLANDA LN	SACHS WILLIAM R &
11	5230	YOLANDA LN	RABENHORST JOHN & NATALIE
12	5314	YOLANDA LN	VANDER LINDEN LANCE & SHARI
13	5330	YOLANDA LN	BYRNE TIMOTHY W &

1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION

13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-096

Date: 7/23/2024

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)** will hold a hearing as follows:

DATE: **WEDNESDAY, OCTOBER 23RD, 2024**

BRIEFING: **10:30 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa1023B

HEARING: **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa1023B

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. **This case was held under advisement on September 18th, 2024.**

BDA234-096(CJ) Application of Charles Anderson for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the visibility obstruction regulations at driveway #1; and for **(3)** a special exception to the visibility obstruction regulations at driveway #2 at **5325 KELSEY ROAD**. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain an 6-foot 6-inch high fence in a required front-yard, which will require **(1)** a 2-foot 6-inch special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at driveway #1; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway #2..

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing, if you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually, October 22nd, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-B-Register

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-096

RECEIVED
JUN 2 REC'D
BY:

Data Relative to Subject Property: Date:

Location address: 5325 Kelsey Road Zoning District: R-1ac.

Lot No.: 9 Block No.: A/5517 Acreage: .97 Census Tract:

Street Frontage (in Feet): 1) 154.2 2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Charles and Molly Anderson

Applicant: Charles C. Anderson, JR Telephone: 865-474-8504

Mailing Address: 5325 Kelsey Road Zip Code:

E-mail Address:

Represented by: ~~Zone Systems, Inc.~~; Peter Kavanagh Telephone: 214 941 4440

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

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Sec. 51A-4.602(a)(2) to provide for GATE Heights of 6' with 6'6" Stone columns; per Sec. 51A-(11); Special Exception for Visibility triangles per 51A-4.602(d)(3) PK

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:

Security is the reason for our request. Our ~~GATE~~ designsmated the scale of existing landscaping and will discreetly provide security.

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 Charles C. Anderson, Jr.
(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 23 day of May, 2024

Karen A Hosack
Notary Public in and for ~~Dallas County, Texas~~ Knox County, Tennessee

KAREN A HOSACK
STATE OF TENNESSEE NOTARY PUBLIC
KNOX COUNTY
My Commission Expires 08-02-2025

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 Charles C Anderson

represented by Zone Systems

did submit a request for a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at driveway #1, and for (3) a special exception to the visibility obstruction regulations at driveway #2

at 5325 Kelsey Rd

BDA234-096(CJ) Application of Charles Anderson for (1) a special exception to the fence height regulations; for (2) a special exception to the visibility obstruction regulations at driveway #1; and for (3) a special exception to the visibility obstruction regulations at driveway #2 at 5325 KELSEY RD. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain a 6-foot 6-inch high fence in a required front-yard, which will require (1) a 2-foot six-inch special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway #1; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the visibility obstruction regulation at driveway #2.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-096

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

at: 5325 Kelsey
(Address of property as stated on application)

Authorize: Charles C. Anderson
(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)

__XX__Special Exception (specify below)

_____Other Appeal (specify below)

Specify: Special Exception to Sec. 51A-4.602(a)(2) to allow for 7'6" fence with 8' stone columns per Sec. 51A-4.602(11) and visibility triangles at both driveways.

Molly R. Anderson
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 6/19/24

Before me, the undersigned, on this day personally appeared Molly R. Anderson

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 19 day of June, 2024

See Attached Jurat

Commission expires on 10/19/2025

Affidavit

BDA234-096

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 19th day of June, 2024, by Molly R. Anderson,
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Ryan Matthew McDuffie
COMM. 2379110
NOTARY PUBLIC · CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires Oct. 19, 2025

(Seal) Signature

ArcGIS Web Map



6/21/2024, 1:38:50 PM

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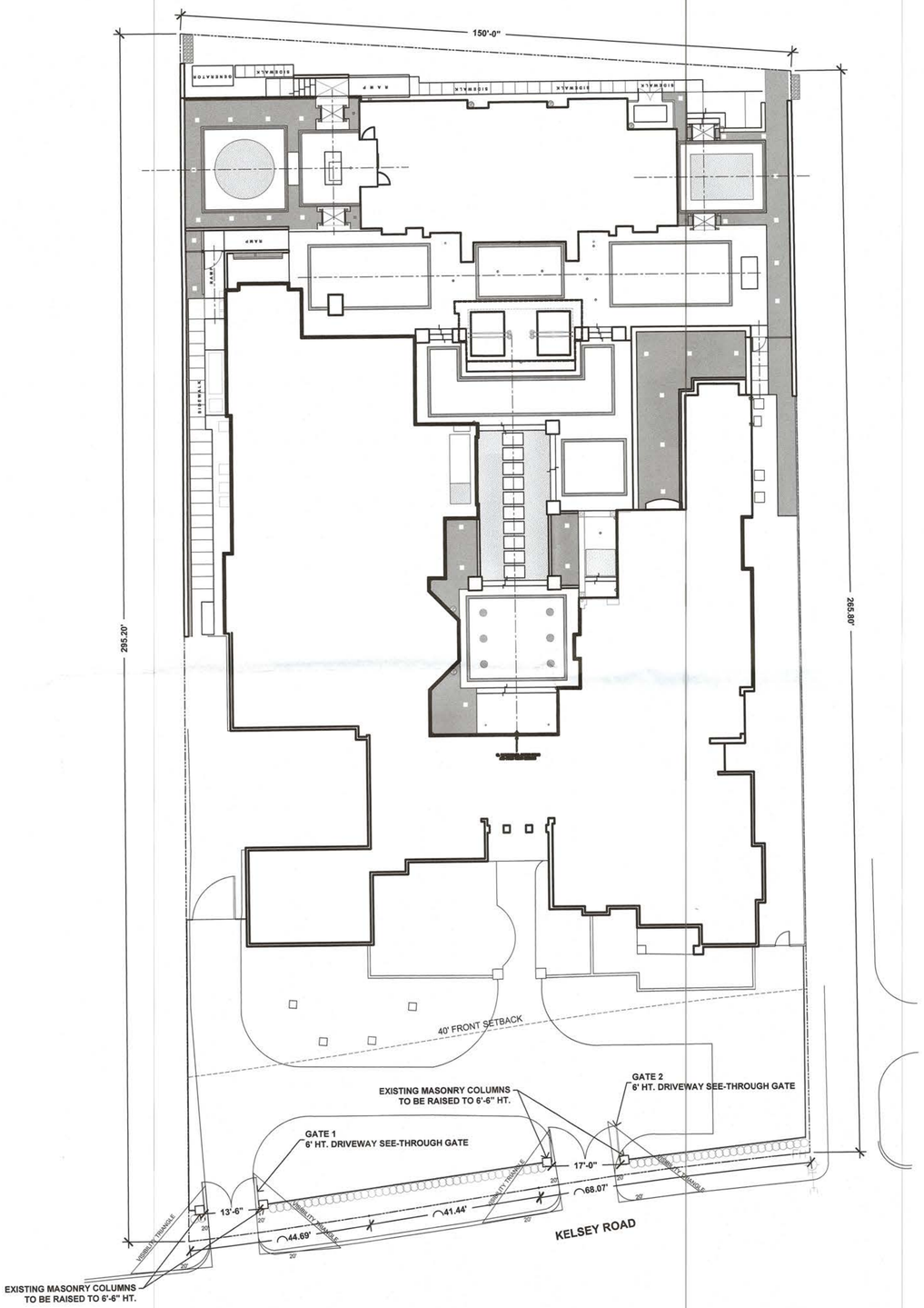
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0 0.07 0.15 0.3 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

BDA234-096

ARMSTRONG + BERGER
LANDSCAPE ARCHITECTS + PLANNERS
CONSTRUCTION MANAGEMENT
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CONSTRUCTION SET

SEAL

JOHN H. ARMSTRONG, ASLA

REVISIONS

Sept. 18, 2024 Driveway Gate & Columns at Front Yard

Armstrong Berger
Landscape Architecture • Planning • Construction Management
2611 State Street, Dallas, Texas 75204 | 214-871-0893 Phone | armberg @ armberg.com | P.O. Box 191425, Dallas, Texas 75219

ANDERSON RESIDENCE

5325 Kelsey Road
Dallas, Texas

DRAWING TITLE

SITE LAYOUT PLAN
FRONT YARD
DRIVEWAY GATES

ISSUE DATE:	March 2021
DRAWING SCALE:	1/16"=1'-0"
PROJECT NUMBER	21024
DRAWN BY:	PK
REVIEWED BY:	JHA
APPROVED BY:	JHA

DRAWING NUMBER

L6.00

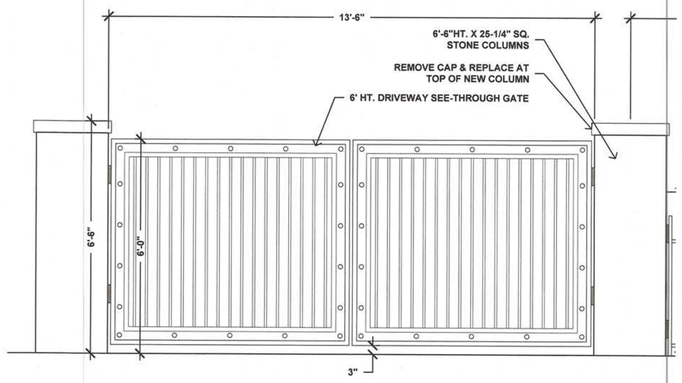
NORTH

0 8' 16' 32'
GRAPHIC SCALE 1"=16'-0"

ALL 12"X18" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE

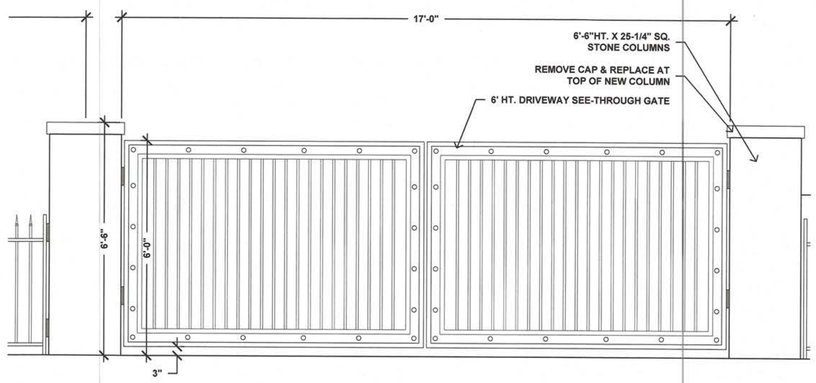
BDA 234-096

ARMSTRONG • BERGER
LANDSCAPE ARCHITECTS • PLANNERS
CONSTRUCTION MANAGEMENT
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FRONT ELEVATION - DRIVEWAY SEE-THROUGH GATE (1) & COLUMNS

SCALE: **1/2"=1'-0"**



FRONT ELEVATION - DRIVEWAY SEE-THROUGH GATE (2) & COLUMNS

SCALE: **1/2"=1'-0"**

CONSTRUCTION SET

SEAL

JOHN H. ARMSTRONG, ASLA

REVISIONS
Sept 18, Driveway see-through Gate Front Yard

Armstrong Berger
Landscape Architecture • Planning • Construction Management
2611 Stutz Street
Dallas, Texas 75204
214-871-0893 Phone
armberg@armberg.com
P.O. Box 151425
Dallas, Texas 75215

ANDERSON RESIDENCE

5325 Kelsey Road
Dallas, Texas

DRAWING TITLE
DRIVEWAY SEE-THROUGH GATE FRONT YARD

ISSUE DATE:	**March 2021**
DRAWING SCALE:	**3/4"=1'-0"**
PROJECT NUMBER	21024
DRAWN BY:	**PK**
REVIEWED BY:	**JHA**
APPROVED BY:	**JHA**

DRAWING NUMBER

L6.05

ALL 12"X18" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE

BDA 234-096

FILE NUMBER: BDA234-098 (BT)

BUILDING OFFICIAL'S REPORT: Application of Karlyn Herlitz for **(1)** a special exception to the fence height regulations at **5322 KELSEY RD.** This property is more fully described as Block B/5517, Lot 10, 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 and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

LOCATION: 5322 Kelsey Rd.

APPLICANT: Karlyn Herlitz represented by Peter Kavanagh

REQUEST:

(1) A request for a special exception to the fence height regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site:	R-1ac(A)
North:	R-1ac(A)
East:	R-1ac(A)
South:	R-1ac(A)
West:	R-1ac(A)

Land Use:

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

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Karlyn Herlitz represented by Peter Kavanagh for the property located at 5322 Kelsey Rd. focuses on 1 request relating to the fence height regulations.
- The request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot 6-inch high iron gate and fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- The subject site along with surroundings properties to the north, south east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of 6-foot high iron double gate and fence with 6-foot 6-inch high stone columns, located near the front property line.
- A majority of the proposed iron fence and gate will be 6-foot high.
- A portion of the proposed stone columns, fence and gate will be constructed on an existing retaining wall.
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate exceeding 4-feet above grade in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Kelsey Rd.
- The applicant provided a motor vehicle theft police report from 2022.
- 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 applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height will not adversely affect the neighboring properties.
- 200' Radius Video: BDA234-098 at 5322 Kelsey Rd

Timeline:

June 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis;

and August 9, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

August 21, 2024: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, August 21, 2024, moved to **HOLD** this matter under advisement until **September 18, 2024.**

August 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

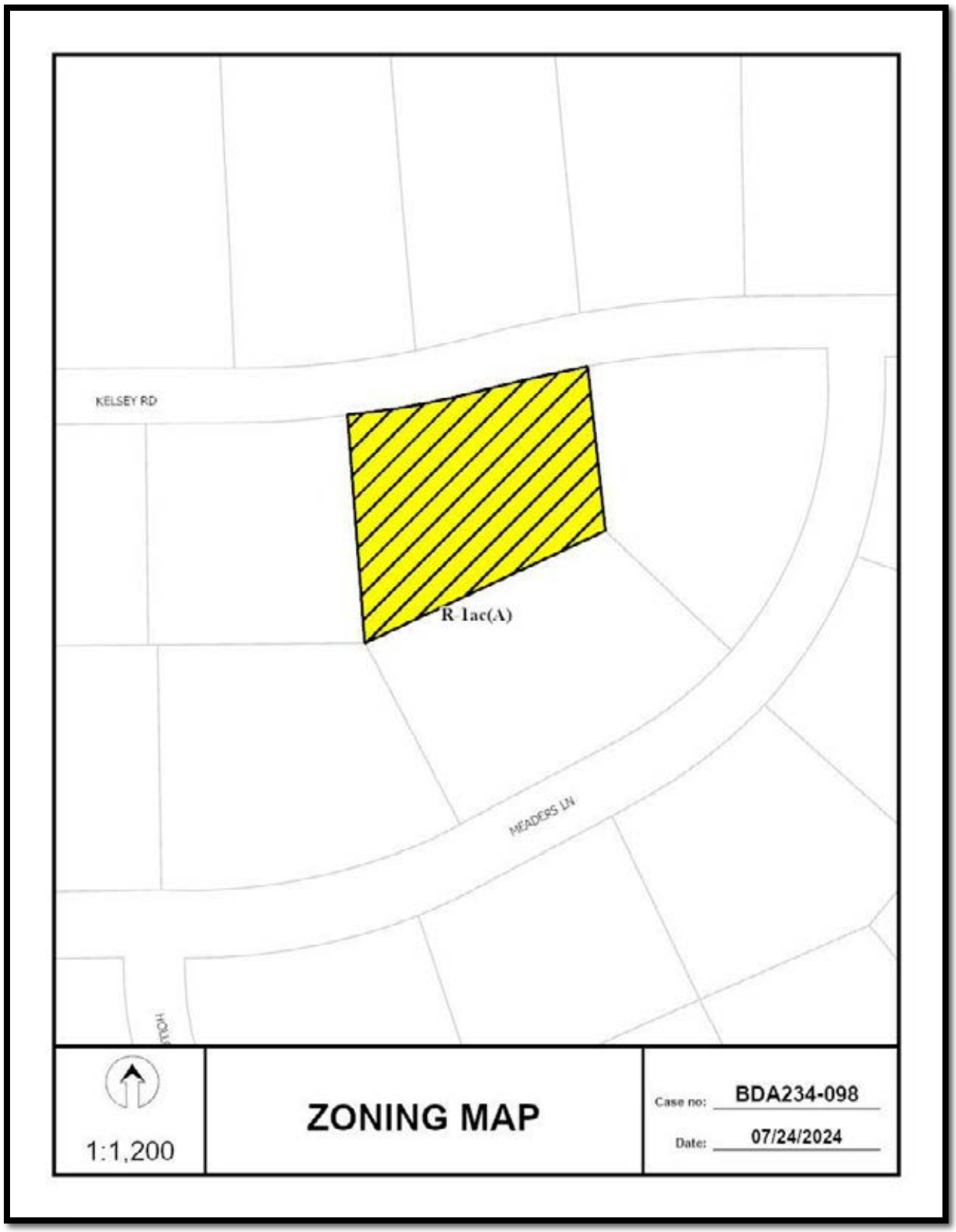
September 18, 2024: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, September 18, 2024, moved to **HOLD** this matter under advisement until **October 23, 2024.**

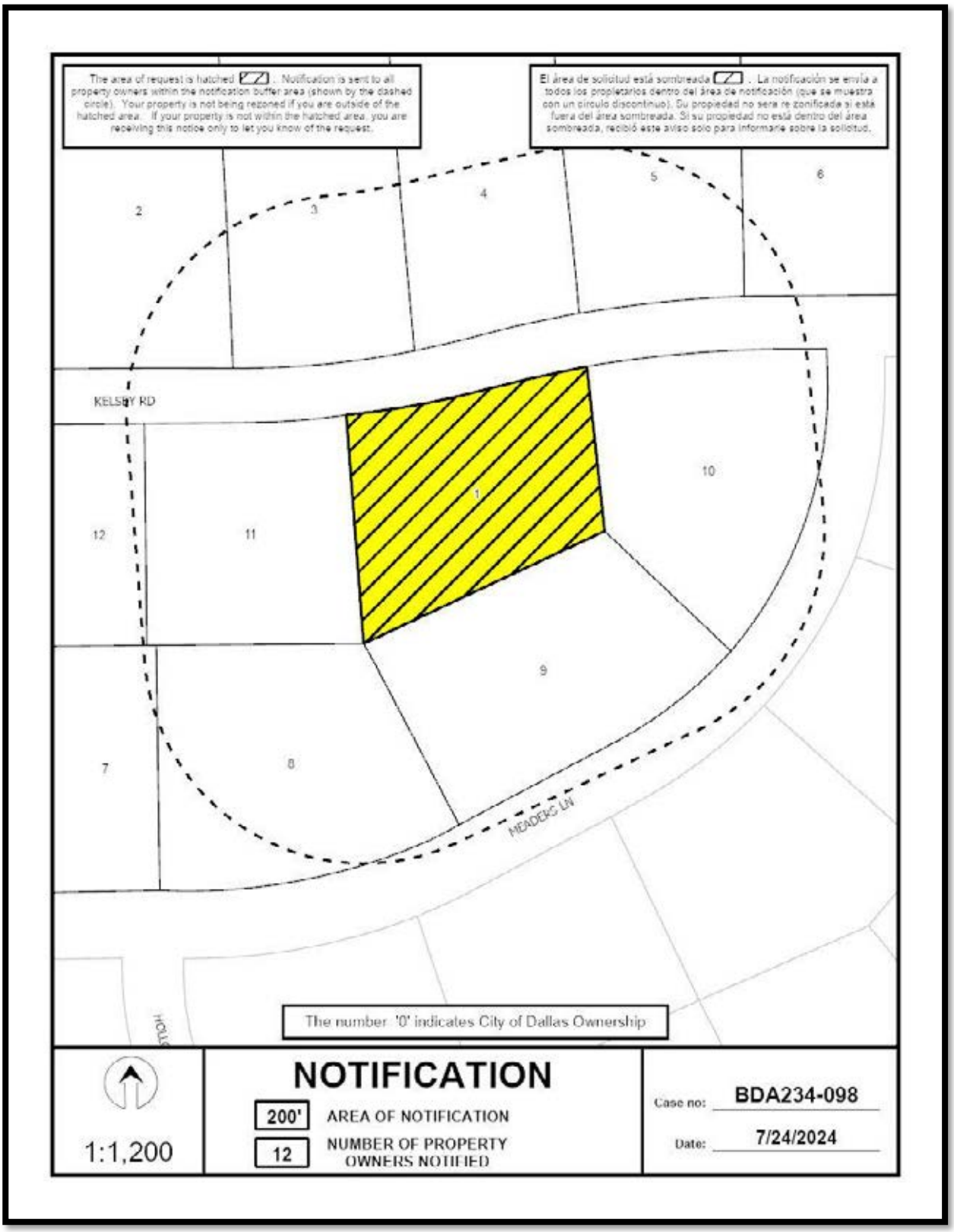
September 19, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 2024, 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 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer


KELSEY RD
Site
HEADERS LN
1:1,200
AERIAL MAP
Case no: BDA234-098
Date: 07/24/2024


KELSEY RD
R-1ac(A)
MEADERS LN
1:1,200
ZONING MAP
Case no: BDA234-098
Date: 07/24/2024


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
KELSEY RD
MEADERC LN
1
2
3
4
5
6
7
8
9
10
11
12
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
200'
AREA OF NOTIFICATION
12
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: BDA234-098
Date: 7/24/2024

07/24/2024

Notification List of Property Owners

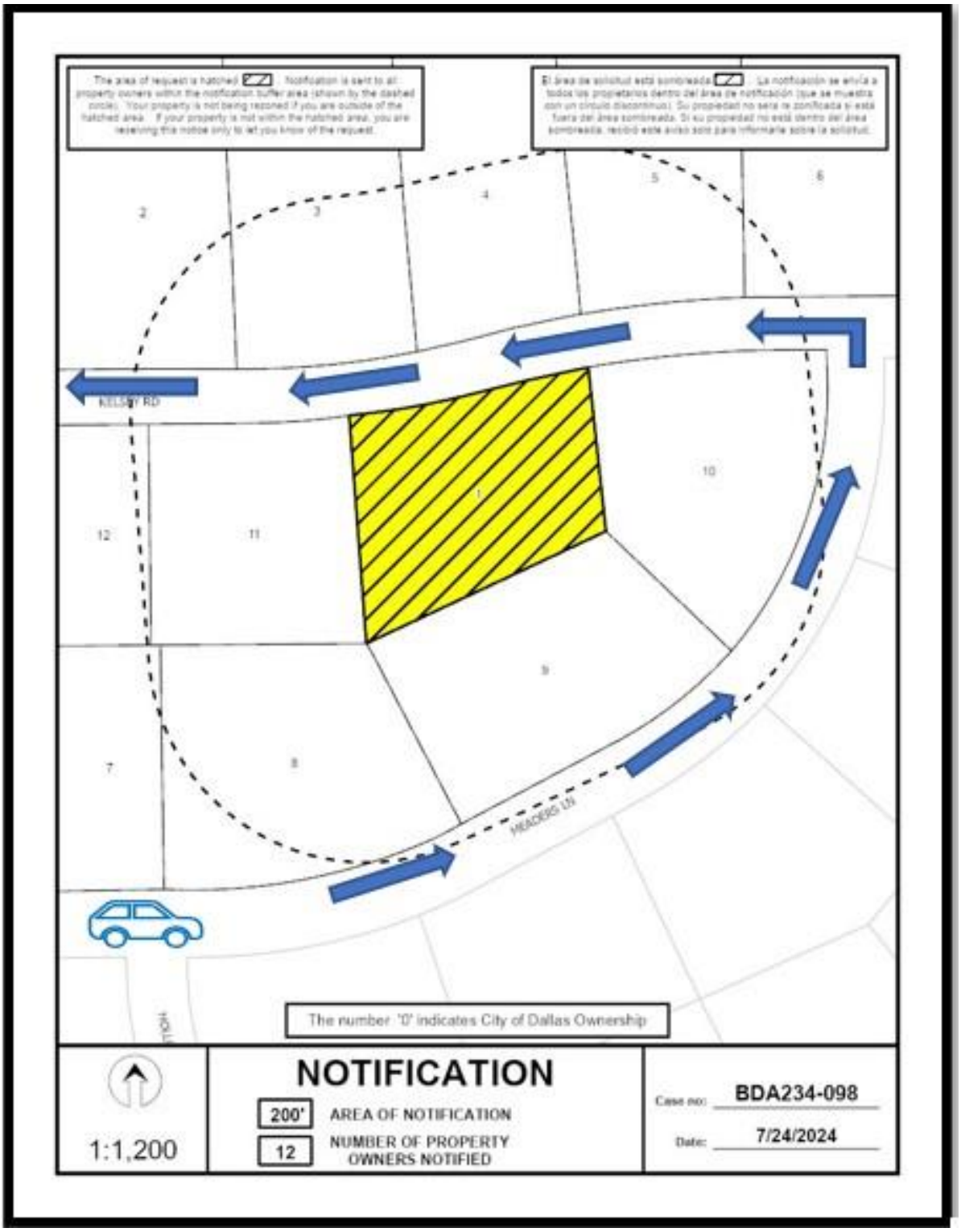
BDA234-098

12 Property Owners Notified

Label #	Address		Owner
1	5322	KELSEY RD	HERLITZ GRANT & KARLYN
2	5233	KELSEY RD	LERER RICHARD
3	5311	KELSEY RD	TRUMPOWER IAN N &
4	5325	KELSEY RD	ANDERSON CHARLES C & MOLLY R
5	5337	KELSEY RD	ALLEN MICHAEL M &
6	5351	KELSEY RD	ELMQUIST DAVID W & ALISON M
7	5241	MEADERS LN	BALDRIDGE JOHN L III
8	5315	MEADERS LN	MEADERS TRUST THE
9	5335	MEADERS LN	BILLINGSLEY JOHN & HARRIET
10	5353	MEADERS LN	SCHLIEM THOMAS R & JANICE L R CO-TRUSTEES
11	5306	KELSEY RD	BROWN AARON D & AMANDA Z
12	5226	KELSEY RD	HODGE SANFORD JOHN III



200’ Radius Route Map



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-098

RECEIVED JUN 25 REC'D BY:

Data Relative to Subject Property: Date:

Location address: 5322 Kelsey Road Zoning District: R-1ac.

Lot No.: 10 Block No.: B/5517 Acreage: 1.0 Census Tract:

Street Frontage (in Feet) 1) 220' 2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Grant and Karlyn Herlitz

Applicant: Karlyn Herlitz Telephone: 214-405-5580

Mailing Address: 5322 Kelsey Road, Dallas TX Zip Code: 75229

E-mail Address: Kherlitz@me.com

Represented by: Zone Systems (Peter Kavanagh) Telephone: 214 957 6188

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

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Front Yard Fence Height (Sec. 51A-4.602(2) through Sec. 51A-4.602(11) to provide ~~a fence~~ gates in front yard of 6' ~~fence~~ that is 2' ~~fence~~ above maximum of 4 feet and columns of 6'6" on each end of Gates PK

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:

Security is the reason for the fence and gates. Fence will provide security in a well scaled design to match home

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 Karlyn Herlitz

(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: Karlyn Herlitz

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 25th day of June, 2024

PETER KAVANAGH
Notary ID #8345267
My Commission Expires
December 26, 2024

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 Karlyn Herlitz

did submit a request for a special exception to the fence height regulations

at 5322 Kelsey Rd.

BDA234-098. Application of Karlyn Herlitz for (1) a special exception to the fence height regulations at 5322 KELSEY RD. This property is more fully described as Block B/5517, Lot 10, 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 and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-098

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

at: 5322 Kelsey Road, Dallas, TX 75229
(Address of property as stated on application)

Authorize: Karlyn Herlitz
(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: Front Yard Fence Height of 6'6" per Sec. 51A-4.602(11)

Grant Herlitz
Print name of property owner or registered agent

Signature of property owner or registered agent

Date Karlyn Herlitz 6-25-24

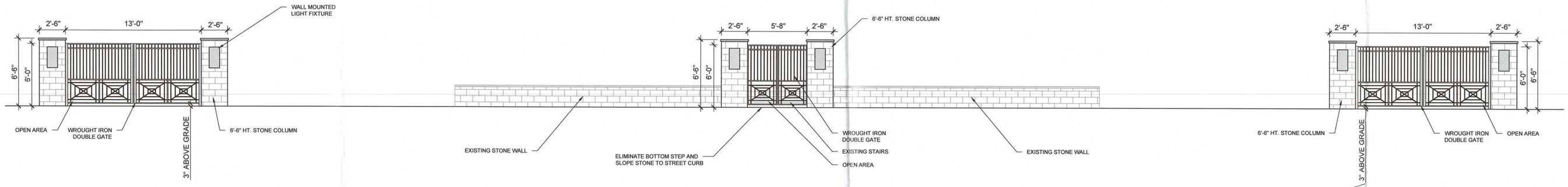
Before me, the undersigned, on this day personally appeared Grant Herlitz

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 25th day of June, 2024

PETER KAVANAGH
Notary ID #8345267
My Commission Expires
December 26, 2024

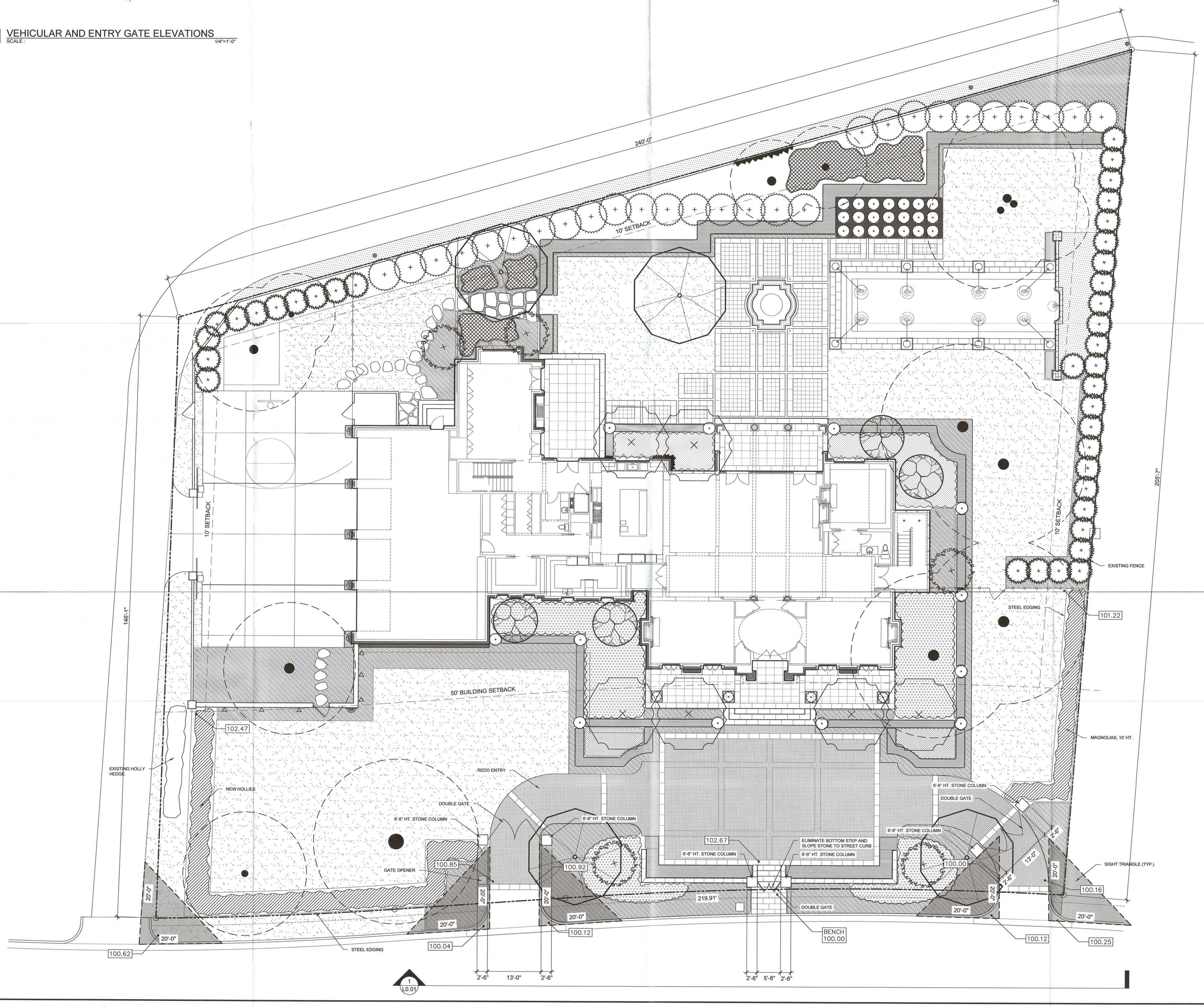
Notary Public for Dallas County, Texas

Commission expires on 12-26-24



01 VEHICULAR AND ENTRY GATE ELEVATIONS

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



ARMSTRONG + BERGER
LANDSCAPE ARCHITECTS + PLANNERS
CONSTRUCTION MANAGEMENT
These drawings and/or specifications provided within this document set are prepared specifically for this noted project. These documents are not to be used in whole or in part for any other purposes or by any other parties other than those under contract or with specific written permission from Armstrong-Berger. Reproduction is prohibited.
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CONSTRUCTION REVIEW SET

SEAL

BRUCE F. BERGER, ASLA

REVISIONS

Armstrong Berger
Landscape Architecture • Planning • Construction Management
261 Reed Street, Dallas, Texas 75204 | 214.871.0915 Phone, 214.871.0894 Fax, armberg.com | P.O. Box 191420, Dallas, Texas 75219

HERLITZ RESIDENCE

5322 Kelsey Road
Dallas, Texas

DRAWING TITLE

SITE PLAN

ISSUE DATE:	9/26/24
DRAWING SCALE:	1/8"=1'-0"
PROJECT NUMBER	15043
DRAWN BY:	AJO
REVIEWED BY:	BFB
APPROVED BY:	BFB

DRAWING NUMBER

L0.01

NORTH

0 4' 8' 16'

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

BDA 234-098

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022
Page: 1

Incident Data Sheet Report

ORI Number:
Printed On: 12/18/2023 13:21 (Mon)

Incident ID: 192808-2022	Offense Code: UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE (PC 31.07) (FS-24110003-G13)	
Occurred Address: 5322 KELSEY RD DALLAS, TX 75229		
District: 652	Post: 652	Source:
Log#:	File#:	Case#:
Situation Found:	Disposition: SUSPENDED	
Date Reported: 10/23/2022 11:47	Disp Date: 10/23/2022 00:00	
Date Occurred: 10/22/2022 18:00 TO 10/23/2022 11:30	Case Status: SUSPENDED	
	Status Date: 10/23/2022 00:00	

Shooting: ☐ Domestic Violence: ☐ Hate Crime: ☐ Follow-Up: ☐ Reclassify: ☐

Date Approved By Supervisor: 10/23/2022 13:19	Supervising Officer: CLARK, SHELIA # 15356
Division:	Reporting Officer: TURPIN, MARK # 10877
Date Assigned To Investigator: 10/24/2022 00:00	Investigator Assigned: NARVAEZ, MARIVEL # 113456

Synopsis
7219 KENNY LN

Calls For Service

CFS#:	22-2083763
Disp Recd:	10/23/2022 11:47
Dispatched:	10/23/2022 12:00
Arrived:	10/23/2022 12:15
Cleared:	10/23/2022 13:36
Dispatcher:	MOBILE1

Call Codes:
09V - UUMV
09V - UUMV

Clearance Information

Clearance Date	Incident Reference	Cleared By	Clearance Type
	192808-2022		NOT APPLICABLE
	192808-2022		NOT APPLICABLE

BDA234-098

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022
Page: 2

Incident Data Sheet Report

ORI Number:
Printed On: 12/18/2023 13:21 (Mon)

Associated Names

VICTIM	Vict/Susp Rel:			Name: OKON, LOUIS EUGENE	
DOB 4/30/1974 Age/Time: 48	Juv:	Sex: M	SSN:	Race: WHITE	
Home Phone:	Work Phone:		Other Phone:		
Arrest#	FBI:		SBI:	State	
Appr	Appr By:		Charges:		
Circumstance:					
Visitor: ☐	Military: ☐	Police Dept Associate: ☐	Justif. Homicide:		
Follow-Up:		Weap:			
Injured: ☐	Reasons for Treatment:			Treated: ☐	Voluntary: ☐
Hospital:		Physician:			
Transported By:		Confined: ☐	Refused Admission: ☐	Sent Home: ☐	
Condition:		Other Action:			
Injuries					
Breath Test: ☐	Blood Test: ☐	Refused Test: ☐	Test Results:		
Drivers License State: TX	Expiration:	Number: 04960616			
Clothing:					
Primary Address: 7219 KENNY LN DAL, TX 75230					
Primary Mailing:					
Second Address:					
Second Mailing:					
Advice of Victims Rights Provided ☐ How Notified					

Comment:

Offense 1 : UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE (PC 31.07)

Employer	Occupation	Phone Number	Employed From	Employed To

BDA23A-098

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022 | **Incident Data Sheet Report** | ORI Number:
Page: 3 | Printed On: 12/18/2023 13:21 (Mon)

Associated Names

REPORTING PERSON	Vict/Susp Rel:		Name: OKON, HANNAH		
DOB	Age/Time: 17	Juv: Y	Sex: F	SSN:	Race: WHITE
Home Phone:	Work Phone:		Other Phone:		
Arrest#	FBI:		SBI:		State
Appr	Appr By:		Charges:		
Circumstance:					
Visitor: ☐	Military: ☐	Police Dept Associate: ☐	Justif. Homicide:		
Follow-Up:		Weap:			
Injured: ☐	Reasons for Treatment:			Treated: ☐	Voluntary: ☐
Hospital:		Physician:			
Transported By:			Confined: ☐	Refused Admission: ☐	Sent Home: ☐
Condition:			Other Action:		
Injuries					
Breath Test: ☐	Blood Test: ☐	Refused Test: ☐	Test Results:		
Drivers License State:	Expiration:		Number:		
Clothing:					
Primary Address: 7219 KENNY LN DAL, TX 75230					
Primary Mailing:					
Second Address:					
Second Mailing:					
Advice of Victims Rights Provided ☐ How Notified					

Comment:

Employer	Occupation	Phone Number	Employed From	Employed To

Arrests

BDA234-098

CITY OF DALLAS POLICE DEPARTMENT

Incident Data Sheet Report

Vehicles

Plate: LCD6961	State: TX	Make ACUR	Model:	Color: 21	Year: 2018
Involvement: STOLEN		VIN 5J8YD4H53JL016452			
Owner Notified By:			Owner Notified On:		
Person Notified:					
Returned By:			Returned On:		
Safety Sticker Expiration:		Weight Tax Paid Through:			
Insurance Co:		Policy #		Expiration:	
Comment :					

Stolen Vehicles

Plate: LCD6961	State: TX	Make: ACUR	Model:	Color: SILVER

Year: 2018 VIN 5J8YD4H53JL016452

Reported On: 10/23/2022 11:47 Found On: 10/24/2022 04:12

Stolen Value: $35,000.00 Found Value: $29,000.00

Property

Victim to Suspect Relationships

Victim #	Victim Name	Suspect #	Suspect Name	Relationship

BDA234-098

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: **192808-2022**
Page: 5

Incident Data Sheet Report

ORI Number:
Printed On: 12/18/2023 13:21 (Mon)

Narratives

Narrative Title

☐ **Locked**

Narrative

******THERE IS VIDEO CAPTURED BY THE BODY CAMERA OF RO M. TURPIN #10877******

ON 10/23/2022 AT APPROXIMATELY 12:00PM POLICE OFFICER M. TURPIN #10877 RESPONDED TO A CALL FROM THE POLICE DISPATCHER REGARDING A STOLEN VEHILCE AT 7219 KENNY LANE, DALLAS, DALLAS COUNTY, TX.

NARRATIVE OF OFFICER M. TURPIN #10877;

UPON ARRIVAL I READ THE STOLEN VEHICLE WARNING TO THE COMP WHILE RECORDING WITH MY BODY CAMERA, THE COMP SAID HE UNDERSTOOD THE WARNING.

THE COMP SAID THAT THE RP DROVE THE LISTED VEHICLE, A SILVER 2018 ACURA MDX SUV, TEXAS TAGS LCD6961, TO A FRIENDS HOUSE LOCATED AT 5322 KELSEY RD, DALLAS, DALLAS COUNTY, TX; WHERE THE VEHICLE WAS LAST SEEN ON 10/22/2022 AT APPROXIMATELY 6:00PM. ON 10/23/2022 AT APPROXIMATELY 11:00 AM THE RP CALLED THE COMP AND TOLD HIM THAT THE VEHICLE WAS NO LONGER AT THE LOCATION.
THE VEHICLE WAS TAKEN BY AN UNKNOWN SUSPECT WITHOUT CONSENT.
NO FURTHER INFO AT THIS TIME.

Created On	Created By	Updated On	Updated By
10/23/2022 13:20	MARK.TURPIN	10/23/2022 13:20	MARK.TURPIN

BDA234-098

FILE NUMBER: BDA234-124 (BT)

BUILDING OFFICIAL'S REPORT: Application of Elizabeth Rader at **2417 W 12TH STREET** to request an interpretation of the intent of the zoning district boundary map. This property is more fully described as Block B/4567, parts of Lots 7, 8 and a portion of Tract 15, and is zoned CR and R-7.5(A). The applicant requests the Board of Adjustment interpret the zoning map for this property and the ordinances amending the map.

LOCATION: 2417 W 12TH St.

APPLICANT: Elizabeth Rader

REQUEST: A request is made that the Board of Adjustment interpret the zoning map for this property and the ordinances amending the map.

STANDARD FOR INTERPRETATION OF INTENT OF ZONING DISTRICT BOUNDARY MAP:

Dallas Development Code Sec. 51A-4.104(d) state that when there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections (a) through (c), the board of adjustment shall determine the boundary by interpreting the official zoning district map and ordinances amending the map.

STANDARD FOR DECISION MAKING:

Dallas Development Code Sec. 51A.3-102(d)(2) states that the board has the following powers and duties to interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.

BACKGROUND INFORMATION:

Zoning:

Site:	CR and R-7.5(A)
North:	CR and R-7.5(A)
East:	CR
South:	R-7.5(A)
West:	PD-829

Land Use:

The subject site is developed with an auto service use and surrounding properties to the north developed with restaurant use, east developed with uses allowed in CR, south developed with DISD school use and west developed with DISD athletic field uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- Elizabeth Rader, represented by James B. Harris is requesting the Board of Adjustment interpret the zoning map and ordinances amending the map at the property located at 2417 W 12th St.
- March 1954 - 20' strip of land deeded to adjacent property, creating split zoning on the property (R-7.5 and C-1).
- 1959 Ordinance No. 5238 zoned property C-1 thru special permit
- December 1959 boundaries near W. 12th St. and S. Hampton Rd. all rezoned C-1 Ordinance No. 8288
- March 29, 1965 (Revised May 20, 1971) rezoning maps with Ordinance No 10962 near W. 12th St. and S. Hampton Rd.
- February 4, 1987, Ordinance No. 19455 which adopted Chapter 51A provided new zoning districts city-wide, replacing all previous district definitions and boundaries (see Exhibit B of Ordinance No. 20180 passed on January 25,1989)
- Majority of the original R-7.5(A) zoning district was removed by Ordinance 27942 on August 11, 2010.
- CPC denying request to change R-7.5(A) to CR with Z212-345 on February 2, 2023.
- May 3, 2024 letter delivered to Casey Burgess, Executive Assistant City Attorney.
- Memorandum provided to applicant from city staff with detail interpretation of the zoning district boundary lines on July 24, 2024.
- The board has the power and duty to interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.
- 200' Radius Video: **BDA234-124 at 2417 W 12th St**

Timeline:

August 29, 2024: 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 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

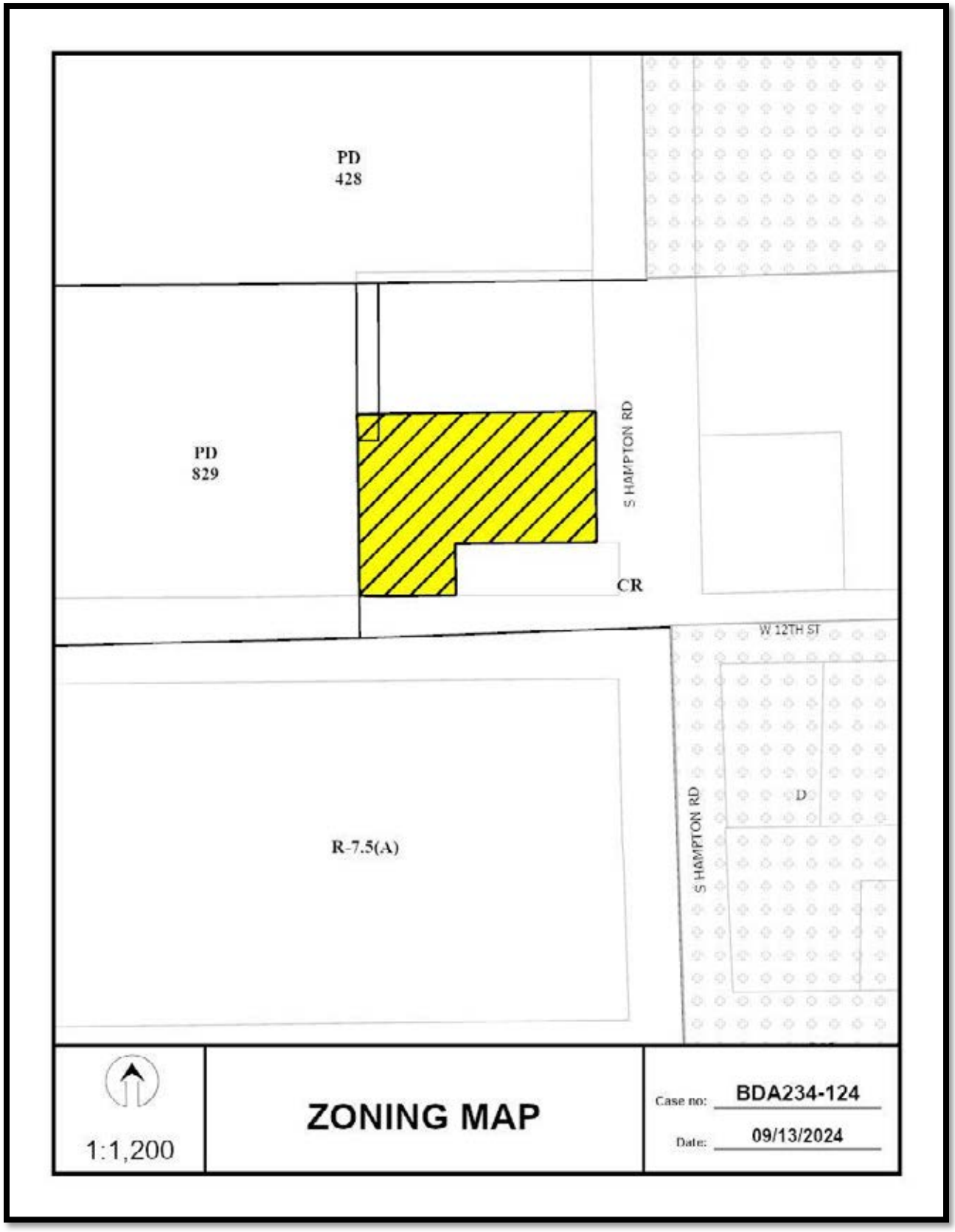
September 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

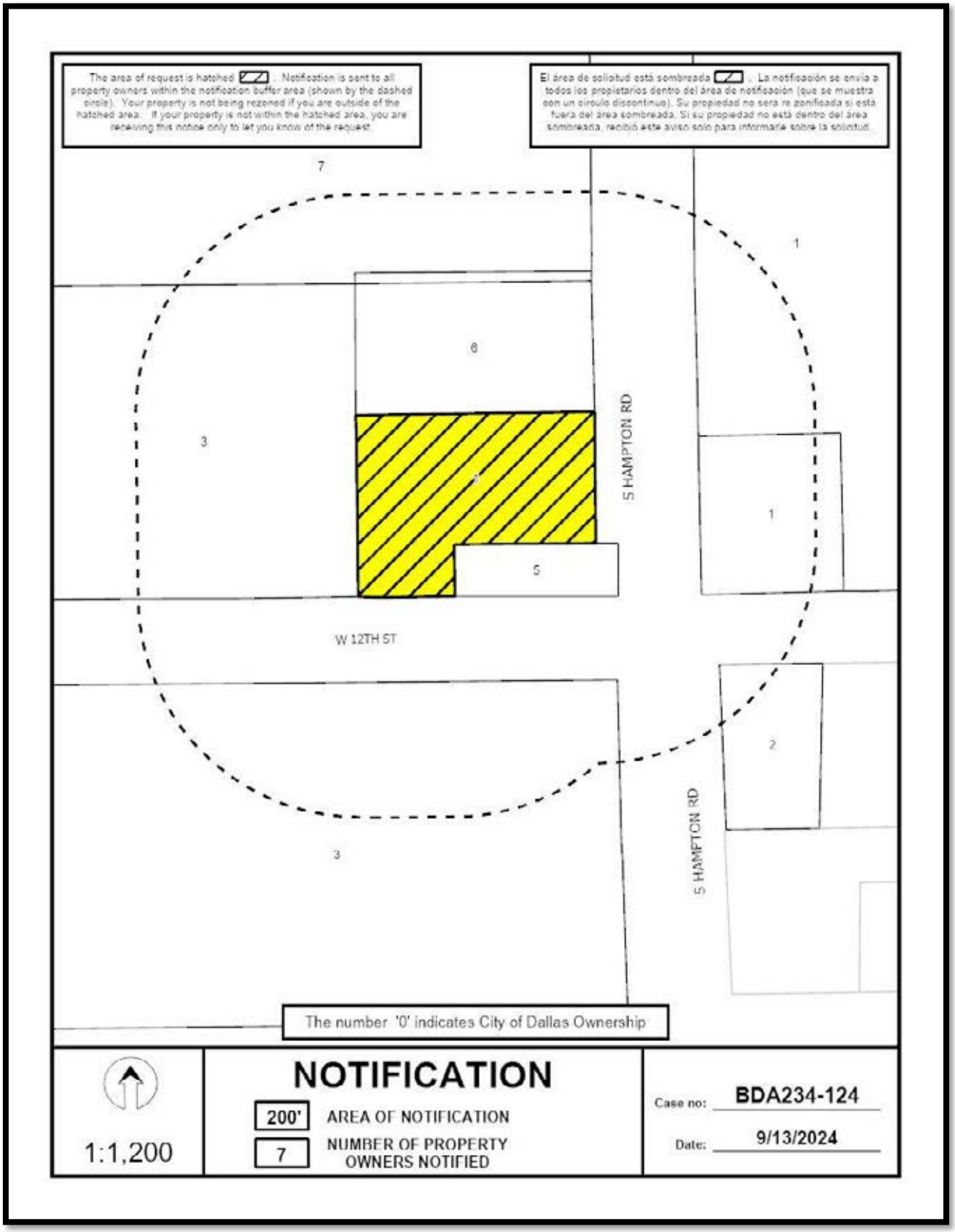
- an attachment that provided the public hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



1:1,200	AERIAL MAP	Case no: BDA234-124 Date: 09/13/2024


PD
428
PD
829
S HAMPTON RD
CR
W 12TH ST
R-7.5(A)
D
S HAMPTON RD
1:1,200
ZONING MAP
Case no: BDA234-124
Date: 09/13/2024


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
7
1
6
3
S HAMPTON RD
1
5
W 12TH ST
2
S HAMPTON RD
3
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
7
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-124
Date: 9/13/2024

09/13/2024

Notification List of Property Owners

BDA234-124

7 Property Owners Notified

Label #	Address		Owner
1	444	S HAMPTON RD	HAMPTON & 12TH LP
2	500	S HAMPTON RD	MINNESOTA NICE HOLDINGS INC
3	2419	GLADSTONE DR	Dallas ISD
4	315	S HAMPTON RD	RANDALLS PROPERTIES INC
5	2407	W 12TH ST	NEARPASS VICTORIA
6	401	S HAMPTON RD	FREIDA KASSAM US INC
7	315	S HAMPTON RD	SAFEWAY REALTY LLC



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-134

Date: 8/29/24

RECEIVED
AUG 29 2024
BY

Data Relative to Subject Property:

Location address: 2417 W. 12th Street Zoning District: CR

Lot No.: Pt. 8 Block No.: B/4567 Acreage: 0.009 Census Tract: 45 Dallas Cty, TX

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

119' 90'

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Hampton & 12th, L.P.

Applicant: Hampton & 12th, L.P. – Elizabeth Rader Telephone: (972) 392-7500

Mailing Address: 12342 Inwood Road, Dallas, TX Zip Code: 75244

E-mail Address: gpiwetz@rptexas.com

Represented by: James B. Harris Telephone: (214) 969-1102

Mailing Address: 1722 Routh Street, Suite 1500, Dallas, TX Zip Code: 75201

E-mail Address: jim.harris@hklaw.com

Affirm that an appeal has been made ~~for a Variance __, or Special Exception __, of~~ to challenge and to correct a decision of the Chief Planner for the City of Dallas regarding the accuracy of the City's Official Zoning Map by finding a 20 foot by 20 foot parcel within the subject property is zoned CR not R-7.5(A).

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

See attached Exhibit A.

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 Elizabeth J. Rader

(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: Elizabeth J. Rader

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 28 day of August, 2024

Ramona Norris

Notary Public in and for Dallas County, Texas

RAMONA NORRIS
My Notary ID # 131684998
Expires August 16, 2026

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 ELIZABETH RADER

did submit a request to interpret the zoning district boundary map

at 2417 W 12th.

BDA234-124. Application of ELIZABETH RADER at 2417 W 12TH ST to request an interpretation of the intent of the zoning district boundary map. This property is more fully described as B/4567 Parts of lots 7,8 & ADJ TR 15 and is zoned CR and R-7.5(A). The applicant proposes to appeal the decision of an administrative official in the interpretation of the zoning district map that was based on an exisitng mapping error.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

Exhibit A

Reasons for reversal of an August 9, 2024, Decision by Jennifer Munoz, Chief Planner for the City of Dallas, regarding the accuracy of the City's Official Zoning Map

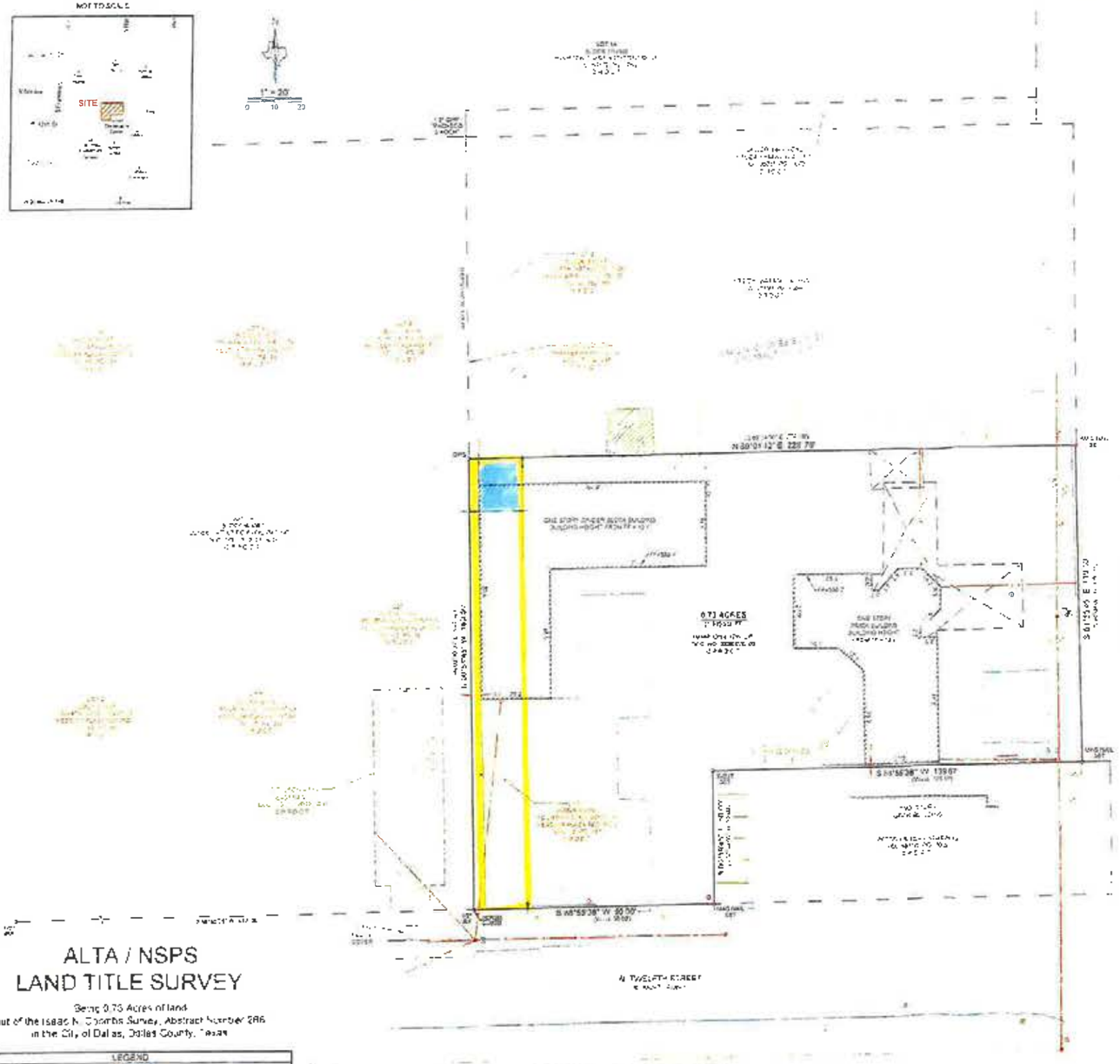
The City's Official Zoning Map classifies a 20-foot by 20-foot parcel of land highlighted in blue on the site plan attached as Exhibit B as R-7.5(A). That 20-foot by 20-foot parcel was rezoned as C-1 in 1959 as part of the rezoning of a larger strip. The boundaries of that C-1 designation have not changed since 1959, although the name of that zoning district was changed to GR and then to its present CR.

In 1965 a mapping error was made that resulted in the boundaries of the GR designation on the City's official zoning district map not following the boundaries laid out in the ordinance that rezoned the strip including the 20-foot by 20-foot parcel from residential to commercial. As a result of that error the City's Official Zoning Map does not accurately reflect the rezoning approved by the City Council in 1959. It shows the 20-foot by 20-foot parcel as residential instead of commercial.

A detailed explanation for why and how the mistake occurred is set forth in attached Exhibits C and D. Those exhibits prove conclusively that the City's Official Zoning Map is not accurate with respect to the 20-foot by 20-foot parcel. As a result, section 51A-4.103 of the City's Development Code requires the Chief Planner to correct the map so it accurately depicts the 20-foot by 20-foot parcel as zoned CR and not R-7.5(A). Her decision not to make the correction should be reversed, and she should be directed to correct the City's Official Zoning Map to show the 20-foot by 20-foot parcel to be included in a CR district.

The Chief Planner mistakenly relied on rules set forth in section 51A-4.104 of the City's Development Code to find that City's Official Zoning Map was accurate. Those rules only apply when uncertainty exists about the location of a zoning district boundary line on a piece of property. There is no uncertainty about the location of the zoning district boundary lines with respect to the 20-foot by 20-

foot parcel. There is agreement on where they are located. This appeal results from the fact they are located in the wrong place and that they need to be moved to accurately depict that the 20-foot by 20-foot parcel is in a CR district in accordance with the action of the City Council in 1959 that that was adopted by the City Council in 1965, and to correct the 1965 error in locating the zoning district boundary line for what is now a CR district in the wrong place on the City's Official Zoning Map. The 1965 error has been carried forward each time the City's Official Zoning Map has been updated and continues through the present.



ALTA / NSPS
LAND TITLE SURVEY

Being 0.73 Acres of land
out of the Isaac N. Coombs Survey, Abstract Number 286
in the City of Dallas, Dallas County, Texas

LEGEND

LEGAL DESCRIPTION

Being a 0.73 acre tract of land out of the Isaac N. Coombs Survey, Abstract No. 286, situated in the City of Dallas, Dallas County, Texas, being all or a part of that land conveyed to Hampton A. 12th, L.P. by deed of record in Document Number 20120070128 of the Official Public Records of Dallas County, Texas, and comprising all of Lots 7 and 8, Block 8/3567, of the Replat of Subdivision of Kessler Plaza Addition, an addition of record in Volume 12, Page 391, of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a "X" cut found in the West right-of-way line of N. Twelfth Street, a 60-foot right-of-way, for the Southeast corner of Lot 7, Block 8/3567, of Subdivision of Kessler Plaza Addition, an addition of record in Volume 12, Page 391, of the Map Records of Dallas County, Texas, and being the Northeast corner of said Hampton A. 12th, L.P. tract;

THENCE, N01°59'45"W, leaving the West right-of-way line of said N. Twelfth Street, along the East line of said Lot 7, Block 8/3567, of Subdivision of Kessler Plaza Addition, and the East line of said Hampton A. 12th, L.P. tract, and across said Lot 7 and 8, a distance of 199.50 feet to a 1/2" inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the Southeast corner of the tract of land conveyed to Pranda Kassem U.S., Inc., by deed of record in Volume 99100, Page 4994 of the Deed Records of Dallas County, Texas, being the Northeast corner of said Hampton A. 12th, L.P. tract;

THENCE, S89°55'38"W, along the South line of said Pranda Kassem U.S., Inc. tract, and the North line of said Hampton A. 12th, L.P. tract, and across said Lot 7 and 8, a distance of 199.70 feet to a mag nail set in the West right-of-way line of said N. Twelfth Street, being the Northwest corner of said Pranda Kassem U.S., Inc. tract, and the Northeast corner of said Hampton A. 12th, L.P. tract;

THENCE, S01°59'45"E, leaving the South line of said Pranda Kassem U.S., Inc. tract, along the West right-of-way line of said N. Twelfth Street, being the common East line of said Hampton A. 12th, L.P. tract, a distance of 199.50 feet to a mag nail set in the North line of a tract of land conveyed to Victoria Station Properties by deed of record in Volume 98213, Page 2805 of said Deed Records, being the most Easterly Southeast corner of said Hampton A. 12th, L.P. tract;

THENCE, leaving the West right-of-way line of said N. Twelfth Street, along the South and East lines of said Hampton A. 12th, L.P. tract, being the common North and West lines of said Victoria Station Properties, the following four (4) courses and distances:

1. S89°55'38"W, a distance of 139.97 feet to an "X" cut set;
2. N01°59'45"W, a distance of 30.00 feet to a mag nail with disc found right of way line of said N. Twelfth St., being the most Southern, Southeast corner of said Hampton A. 12th, L.P. tract;
3. S89°55'38"W, a distance of 59.73 feet to a mag nail set;
4. N01°59'45"W, a distance of 169.50 feet to the Southwest corner of said Hampton A. 12th, L.P. tract, being the most Northern, Northwest corner of said Victoria Station Properties, being in the East line of said Pranda Kassem U.S., Inc. tract;

THENCE, N89°55'38"E, along the common South line of said Pranda Kassem U.S., Inc. tract, and the North line of said Hampton A. 12th, L.P. tract, being the common South line of said Pranda Kassem U.S., Inc. tract, and the North line of said Hampton A. 12th, L.P. tract, a distance of 199.70 feet to the POINT OF BEGINNING and containing an area of 31,900 square feet or 0.73 acres of land, more or less.

FLOOD NOTE

This property is located in Shaded Zone "X" as shown on F.E.M.A. Flood Insurance Rate Map dated July 07, 2014 and is located in Community Number 480171 and shown on Map Number 48113C0480K. The location of the Flood Zone is approximate. For additional information regarding Flood Zone designation, contact FEMA.

SCHEDULE B EXCEPTIONS OF COVERAGE

Subject to the requirements as shown on Schedule "B" of the title commitment provided by Chicago Title Insurance Company, G.F. No. 01120224475 (amended) as follows:

10a. Matters contained in that certain document
Grantor: Stemmons
Dated: February 17, 1964
Executed by: W.S. Stemmons and Lois Gabriel
Recording Date: March 25, 1968
Recording No.: Volume 6741, Page 135, Deed Records, Dallas County, Texas
Given Not Given:

10b. Conveyance of any right, title or interest, as shown in the document
Granted to: City of Dallas
Purpose: As provided in said document
Recording Date: March 31, 1980
Recording No.: Volume 7951, Page 782, Deed Records, Dallas County, Texas
Affects: as shown

GENERAL NOTES

1. Eagle Surveying, LLC did not abstract the subject property. The property was based off of a legal description provided by Chicago Title Insurance Company, G.F. No. 01120224475, amendment No. 2 dated June 17, 2022 and issued on June 20, 2022. This survey is being prepared for G.F. No. 01120224475. Eagle Surveying, LLC does not warrant its opinions regarding ownership or boundaries to be the subject property.
2. This survey is being provided by Eagle Surveying, LLC solely for the use of the parties provided. No survey is complete and no warranty has been provided, implied or expressed unless issued or electronically sealed by a Texas Registered Professional Surveyor.
3. Underground utilities, if shown on this survey, are approximate and are based on above-ground evidence and plan markings. The surveyor makes no representation that underground utility excavations are of the exact location indicated nor does he certify that they are located as accurately as is reasonably practicable from the information available. The surveyor does not guarantee that all underground utilities are shown.
4. There was no visible evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
5. There were no parking spaces striped on the subject property at the time of conducting the fieldwork.
6. Eagle Surveying, LLC has not been provided any documentation regarding proposed changes in street right-of-way lines, nor has the surveyor been notified by the controlling jurisdiction, agent, or adjacent owners of any such changes. Furthermore, the surveyor has not knowledge of any proposed changes in street right-of-way lines, except as shown hereon.
7. There are no visible cemeteries or burial grounds observed during the fieldwork.
8. No observable wetland delineations were observed during the fieldwork except as shown hereon.
9. Eagle Surveying, LLC has not been furnished a zoning report or letter at the time this survey was prepared.
10. The bearings shown on this survey are based on GPS observations using the Texas State Plane Coordinate System, North American Datum of 1983 (2011), North Zone (4202). Distances shown on this survey are adjusted to surface using a combined scale factor of 1.00013. Coordinates shown on this survey are based on GPS observations using the All Terra RTK Network - North American Positive Displacement (NAD) (2011) (Epoch 2010).

SURVEYORS CERTIFICATION

This survey is certified to Chicago Title Insurance Company, Cross Development Acquisition, LLC, a Texas limited liability company, and Hampton A. 12th, L.P., a Texas limited partnership, and is prepared for G.F. No. 01120224475 with an effective date of June 17, 2022 and issued on June 20, 2022.

I hereby certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 9, 10, 11(a), 13, 14, 16, 17, 18, 19 of Table A thereof. The fieldwork was completed on August 17, 2022.

Date of plat or map: 08/30/2022

PRELIMINARY

This document is released for review purposes only and shall not be used or viewed or relied upon as a final survey document until it has been completed and signed and sealed by the licensed professional listed hereon. It is not to be used for regulatory approvals, permitting or construction purposes.

Marianne Hoefer
R.P.L.S. # 5402

JOB NUMBER	Eagle Surveying, LLC	PROPERTY ADDRESS
220809	222 South Elm Street	2417 N. TWELFTH ST
DATE	Suite 200	DALLAS, TX
08-30-2022	Denton, TX 76201	
REVISION	940.222.3009	
DRAWN BY	www.eaglesurveying.com	
CHG	TX Firm # 10194477	

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA _____

I, Hampton & 12th, L.P., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2417 W. 12th Street
(Address of property as stated on application)

Authorize: James B. Harris
(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)

__X__Other Appeal (specify below)

Specify: To challenge and to correct a decision of the Chief Planner for the City of Dallas regarding the accuracy of the City's Official Zoning Map by finding a 20 foot by 20 foot parcel within the subject property is zoned CR not R7.5.

By: Rader Family Holdings, L.L.C., its general partner
By: Elizabeth J. Rader
Elizabeth J. Rader, Manager

Hampton & 12th, L.P.
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 08/28/2024

Before me, the undersigned, on this day personally appeared Elizabeth J. Rader

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 28 day of August, 2024

RAMONA NORRIS
My Notary ID # 131684998
Expires August 16, 2026

~~Commission~~ expires on Ramona Norris

MANAGER'S RESOLUTIONS
(Regarding Rader Family Holdings, L.L.C., acting as the
sole general partner of Hampton & 12th, L.P.)

The undersigned party, Elizabeth J. Rader, is the sole Manager of Rader Family Holdings, L.L.C. (the "Sole GP"), which is the sole general partner of Hampton & 12th, L.P. (the "Owner").

Background

The Owner owns a tract of land with an address of 2417 12th Street, Dallas, Texas, being more particularly described in the attached Exhibit A (the "Property"). The Property is zoned CR except for a 20-foot by 20-foot parcel at the Property's northwest corner as shown on Exhibit B (the "20 x 20 Parcel") which is erroneously zoned R7.5(A). The Owner has elected to pursue correction of the zoning error by filing an Application with the City of Dallas Board of Adjustment (the "BOA Application"). The Sole GP deems it necessary and advisable and in the best interests of the Owner to pursue this course of action.

Resolutions

RESOLVED, Elizabeth J. Rader, in her individual capacity, is authorized and directed, on behalf of the Owner, to execute, acknowledge before a notary where required, and deliver the BOA Application and related documents.

FURTHER, Elizabeth J. Rader, in her individual capacity, is authorized – in the name of and on behalf of the Owner – to execute such other certificates, representations, assurances, and documents and to do or perform or to otherwise cause to be done and performed such other and further acts as the Sole GP deems necessary or helpful to pursue the correction of the City of Dallas zoning maps.

FURTHER, to the extent not inconsistent with the foregoing, all actions heretofore taken by Elizabeth J. Rader, in her individual capacity, and all things done by her with respect to the Owner's efforts to correct the zoning of the 20 x 20 Parcel are hereby ratified and approved as the acts of the Owner.

EXECUTED as of August 28, 2024.

Elizabeth J. Rader

Elizabeth J. Rader, the sole Manager of Rader Family Holdings, L.L.C.

Exhibit A

LEGAL DESCRIPTION

Being a 0.73 acre tract of land out of the Isaac N. Coombs Survey, Abstract No. 288, situated in the City of Dallas, Dallas County, Texas, being all of a tract of land conveyed to Hampton & 12th, L.P., by deed of record in Document Number 20080070108 of the Official Public Records of Dallas County, Texas, and being a portion of Lots 7 and 8, Block B/4567, of the Fourth Installment of Kessler Plaza Addition, a subdivision of record in Volume 12, Page 391 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2 inch iron rod found in the North right-of-way line of W. Twelfth Street (60-foot right-of-way), being the Southeast corner of Lot 1A, Block B/4567, of Sunset Athletic Facilities No. 3, a subdivision of record in Document Number 201200374031 of said Official Public Records, also being in the South line of said Lot 7, and being the Southwest corner of said Hampton & 12th, L.P. tract;

THENCE, N00°59'45"W, leaving the North line of said W. Twelfth Street, along the East line of said Lot 1A, being the common West line of said Hampton & 12th, L.P. tract, over and across said Lots 7 and 8, a distance of 169.50 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southwest corner of a tract of land conveyed to Freida Kassam U.S., Inc., by deed of record in Volume 95190, Page 4554 of the Deed Records of Dallas County, Texas, being the Northwest corner of said Hampton & 12th, L.P. tract;

THENCE, N89°01'42"E, leaving the East line of said Lot 1A, along the North line of said Hampton & 12th, L.P. tract, being the common South line of said Freida Kassam U.S., Inc. tract, over and across said Lot 8, a distance of 228.76 feet to a mag nail set in the West right-of-way line of S. Hampton Street (right-of-way varies), being the Northeast corner of said Hampton & 12th, L.P. tract;

THENCE, S01°25'45"E, leaving the South line of said Freida Kassam U.S., Inc. tract, along the West right-of-way line of S. Hampton Street, being the common East line of said Hampton & 12th, L.P. tract, a distance of 119.10 feet to a mag nail set in the North line of a tract of land conveyed to Victoria Susan Nearpass by deed of record in Volume 98250, Page 2005 of said Deed Records, being the most Easterly Southeast corner of said Hampton & 12th, L.P. tract;

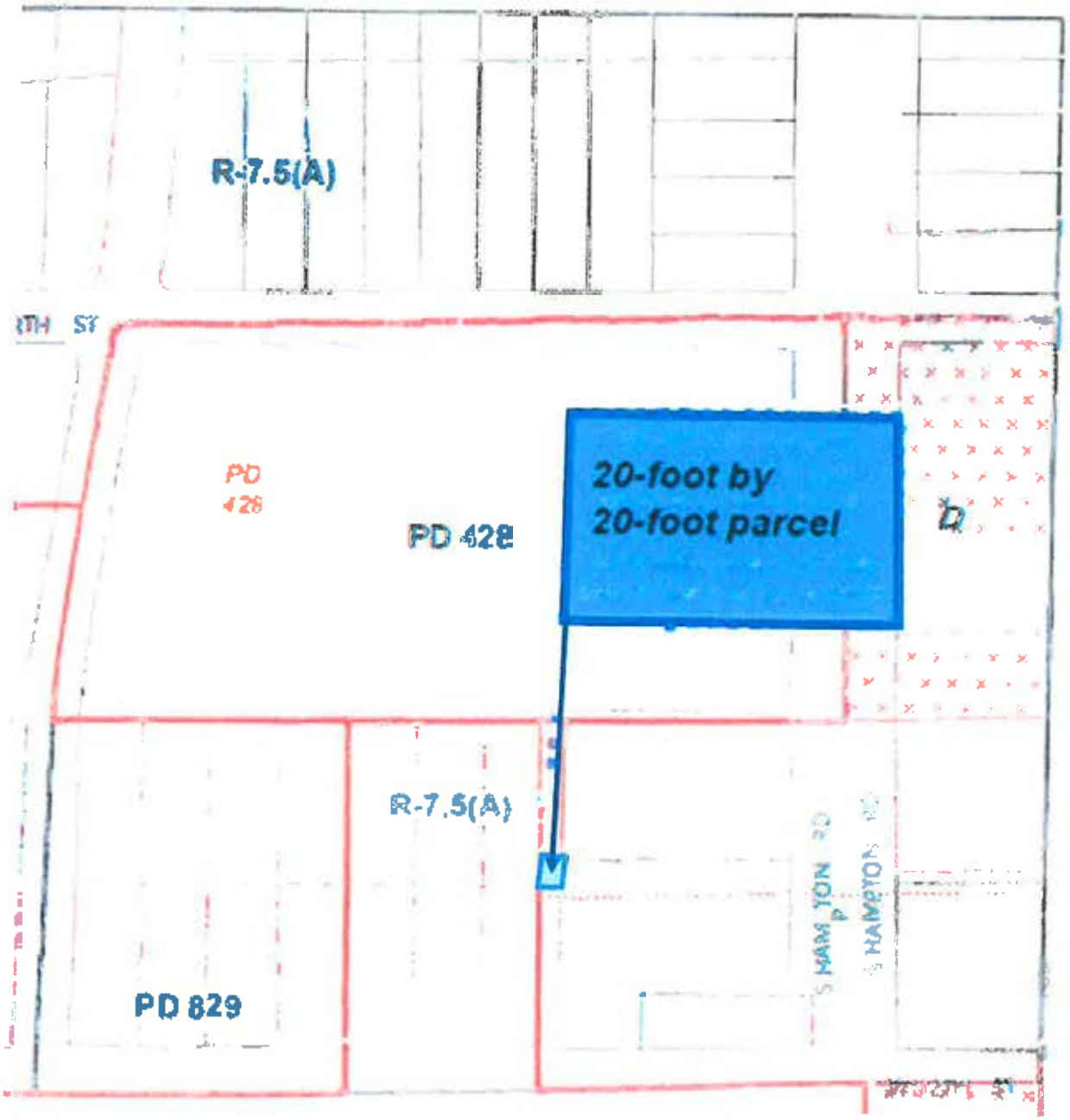
THENCE, leaving the West right-of-way line of S. Hampton Street, along the South and East lines of said Hampton & 12th, L.P. tract, being the common North and West lines of said Nearpass tract, the following two (2) courses and distances:

1. S88°55'38"W, a distance of 139.67 feet to an X-cut set;
2. S00°59'45"E, a distance of 50.00 feet to a mag nail set in the North right-of-way line of W. Twelfth Street, being the most Southerly Southeast corner of said Hampton & 12th, L.P. tract, and being the Southwest corner of said Nearpass tract;

THENCE, S88°55'38"W, along the North right-of-way line of W. Twelfth Street, being the common South line of said Hampton & 12th, L.P. tract, over and across said Lot 7, a distance of 90.00 feet to the POINT OF BEGINNING, and containing an area of 0.73 of an acre (31,845 square feet) of land, more or less.

Exhibit B

20-foot by 20-foot parcel



ELECTRONICALLY RECORDED 20080070108

GF # PC/Special 6 PGS

NOTICE OF CONFIDENTIALITY RIGHTS:
IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Mailing Address of Grantee:

Hampton & 12th, L.P.
12342 Inwood Road
Dallas, Texas 75244

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That HOMER J. RADER, JR. ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration paid to Grantor by HAMPTON & 12TH, L.P., a Texas limited partnership ("**Grantee**"), with an office and place of business at the address set forth hereinabove, the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto Grantee, the Property subject to the Permitted Exceptions.

As used herein, the term "**Property**" means that certain lot, tract or parcel of land situated in the City of Dallas, Dallas County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes, together with all fixtures and improvements thereon and all benefits, privileges, leases, tenements, rights-of-way, easements, hereditaments, rights and appurtenances thereon or in anywise belonging or appertaining thereto, including, without limitation, any right, title or interest of Grantor in or to adjacent streets, alleys or rights-of-way.

This Deed is made and accepted subject to those encumbrances described and referenced on Exhibit B attached hereto and incorporated herein by reference for all purposes (the "**Permitted Exceptions**"), but only to the extent that the same are valid and subsisting and affect the Property.

COUNTY OF DALLAS, TEXAS * COUNTY COURT

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee's successors and assigns, and Grantor does hereby bind Grantor and Grantor's heirs, devisees, executors, administrators and personal representatives to WARRANT AND FOREVER DEFEND, subject to the Permitted Exceptions, all and singular the Property unto Grantee and Grantee's successors and assigns against every party whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

EXECUTED by Grantor on the date of Grantor's acknowledgment, but dated and effective for all purposes as of the 1st day of January, 2008.

GRANTOR:

HOMER J. RADER, JR.

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 11th day of February, 2008, by Homer J. Rader, Jr.

Notary Public in and for the State of Texas

MARY KAY GREEN
NOTARY PUBLIC
State of Texas
Comm. Exp.06-14-2010

COUNTY COURT OF DALLAS COUNTY, TEXAS

EXHIBIT A

Being a tract of land located in the City of Dallas, Texas, being part of Block 4567, Official City Number, together with the east 20.0 feet of Lot 7 and part of the east 20.0 feet of Lot 8 in Block B/4567 of Kessler Plaza, Fourth Installment, an Addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 12, Page 391 of the Map Records of Dallas County, Texas, all being part of the Isaac N. Coombs Survey, Abstract 288, Dallas County, Texas, and being the same property conveyed by Daltex Service Center, Inc. to Triple A Oil Company by deed recorded in Volume 67202, Page 0037 of the Deed Records of Dallas County, and being described more particularly as follows;

Beginning at a steel nail in concrete on the west line of Hampton Road, 50.0 feet north of the north line of Twelfth Street, said beginning point being the southeast corner of the 1286 square foot Easement for Street Purposes conveyed to the City of Dallas by deed recorded in Volume 790, Page 0782 of said Deed Records;

Thence West, parallel with Twelfth Street, at 9.81 feet passing the southwest corner of said Street Easement, and thence along the north line of the tract conveyed by the City of Dallas to C. E. Nearpass by deed recorded in Volume 67026, Page 0931 of said Deed Records, in all a distance of 139.67 feet to a railroad spike for corner;

Thence S 00° 30' W, along the west line of said Nearpass tract, a distance of 50.0 feet to a steel rod for corner on the north line of W. Twelfth Street;

Thence West, along the north line of W. Twelfth Street, at 70.0 feet passing the southeast corner of said Lot 7, in all a distance of 90.0 feet to a steel rod for corner;

Thence N 00° 30' E, parallel with the east line of said Lots 7 and 8, a distance of 169.5 feet to a steel rod for corner;

Thence S 89° 54' E, at 216.96 feet passing the northwest corner of said Street Easement, in all a distance of 228.76 to a point for corner on said line of Hampton Road;

Thence S 00° 04' W, along the west line of Hampton Road, being the west line of the strip conveyed to the City of Dallas by deed recorded in Volume 3075, Page 42 of said Deed Records, a distance of 119.10 feet to the place of beginning;

Containing 31,844 square feet of land
including 1,286 square feet of said Easement,
or 30,558 square feet, net.

COUNTY COURT OF DALLAS COUNTY, TEXAS

EXHIBIT B

Permitted Exceptions

1. The inchoate lien for property taxes for 2008 and subsequent years.

2. All leases covering any portion of the Property.

3. Easement granted by Daltex Service Center, Inc. to City of Dallas, dated March 18, 1966, recorded in Volume 790, Page 782 of the Deed Records Dallas County, Texas, and as shown on survey prepared by Charles J. Pisors, Registered Public Surveyor #113, dated October 25, 1993.



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

John F. Warren, County Clerk
Dallas County TEXAS
March 04 2008 10:23 AM
FEE: $ 28.00

20080070108

THE STATE OF TEXAS
COUNTY OF DALLAS.

I hereby certified that the above and foregoing is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, filed on the date stamped thereon and as the same is recorded in the Recorder's Records in my office under the volume and page or instrument # stamped thereon.
I hereby certify on

AUG 27 2024

COUNTY CLERK, Dallas County, Texas

By:_____Deputy

TAX CERTIFICATE

JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR
500 Elm Street, Suite 3300
Dallas, Texas 75202

Issued To:
HAMPTON & 12TH LP
12342 INWOOD RD
DALLAS, TX 75244-0000

Legal Description
KESSLER PLAZA 4TH INST
BLK B/4567 PT LTS 7,8 & ADJ TR
A/K/A TR 15 ACS 0.7015
INT20080070108 DD01012008 CO-DC
4567 00B 01500 2004567 00B
Parcel Address: 2417 W 12TH ST, DA
Legal Acres: .0000

Account Number: 000-003-297-04000000

Certificate No: 117020
Certificate Fee: $10.00 CASH

Print Date: 08/27/2024 10:16:49 AM
Paid Date: 08/27/2024
Issue Date: 08/27/2024
Operator ID: ANGEL_ARAIZAPUB

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2023, AND THERE ARE NO TAXES DUE ON THIS PROPERTY.

Exemptions:

Certified Owner:
HAMPTON & 12TH LP
12342 INWOOD RD
DALLAS, TX 75244-0000

Certified Tax Unit(s):
1002 DALLAS COUNTY
1021 PARKLAND HOSPITAL
1031 DALLAS COLLEGE
1102 DALLAS ISD
1208 CITY OF DALLAS

2023 Value:	214,900
2023 Levy:	$4,931.49
2023 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Reference (GF) No: N/A
Issued By: ANGEL_ARAIZA
JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR

CITY OF DALLAS

AUGUST 27, 2024

ADDRESS: 2417 W 12TH ST

RE: **DCAD # 00000329704000000**

DEAR SIR/MADAM,

No information was found responsive to your request for identification of City liens in the records of Special Collections. This response does not constitute legal advice regarding the status of the real property at **2417 W 12TH ST.** There may be additional liens of record in the County Clerk's office. This response is made to your request for public information and constitutes neither estoppel against the City of Dallas nor relinquishment, waiver, release, or other change in any lien interest of record.

Should you have any further questions please contact Special Collections at 214-670-3438.

Sincerely,

Special Collections Division
Dallas Water Utilities

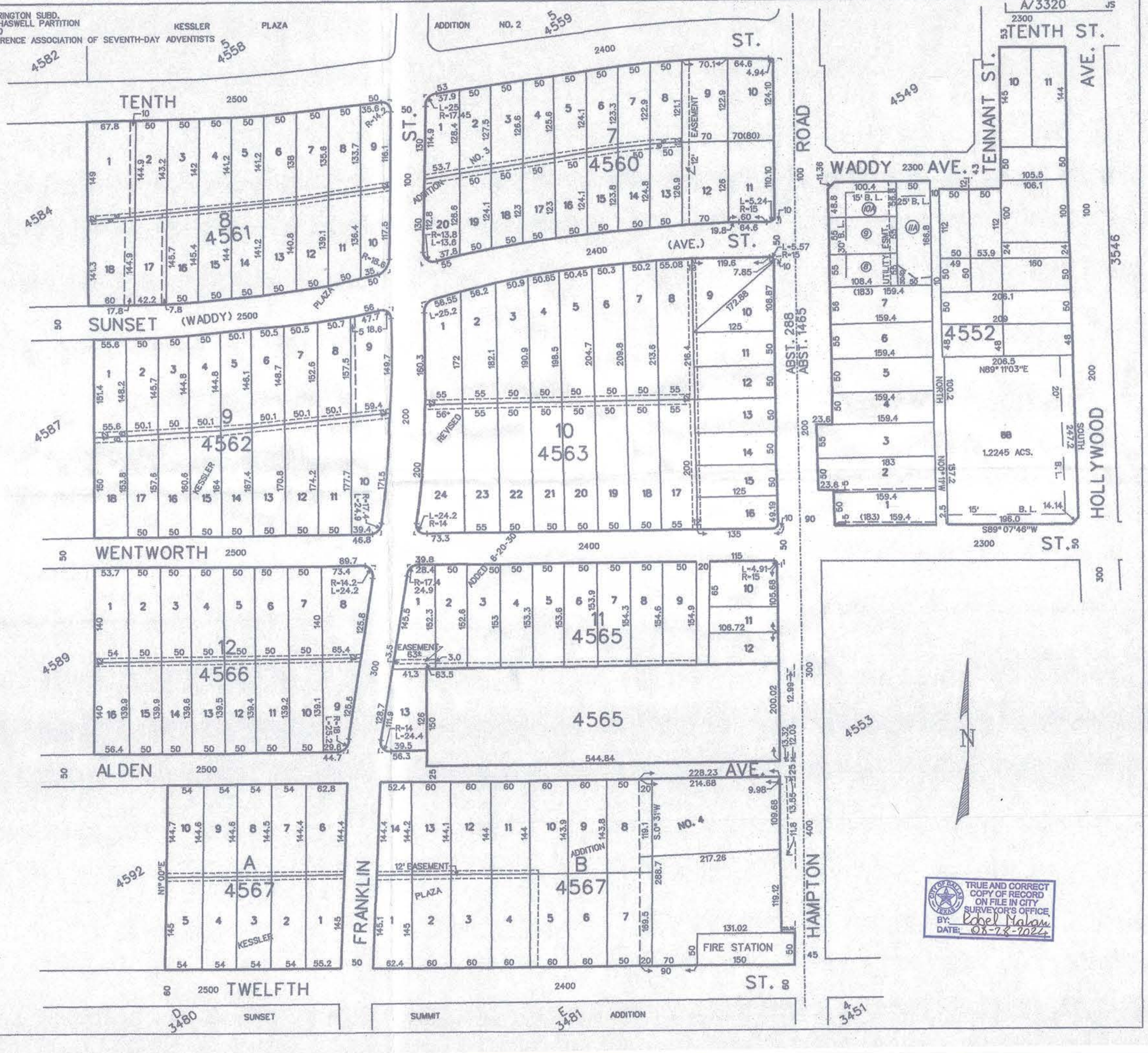
CITY OF DALLAS PLAT BOOKS

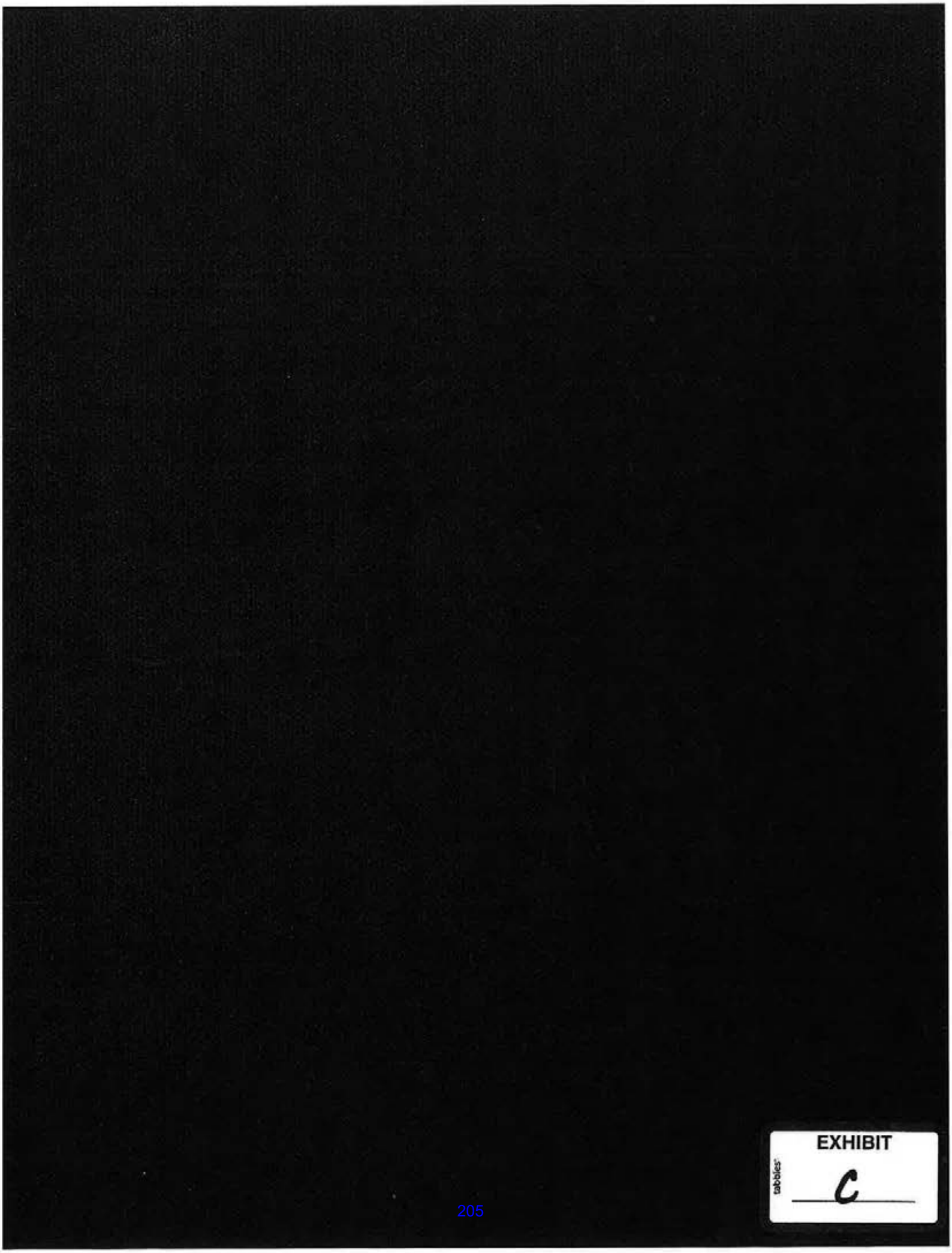
ANNEXED JUNE 20, 1930 ORD. NO. _____ ADDITION _____ BLOCKS 4552, 4560, 4567

SURVEY I. N. COOMBS ABST. 288 SCALE 100 FT. EQUALS 1 INCH SCHOOL DISTRICT DALLAS

BRS 2-18-98

FILED: 1-12-39 BLK. 4552 LOTS. 1-7 GEO. A. TITTERINGTON SUBD.
FILED: 3-21-88 BLK. 4552 LOT 8-A REPLAT J. B. HASWELL PARTITION
FILED: 10-2-92 REEVES TENNANT ST. LOTS 29&30
FILED: 10-22-97 BLK. 4552 LOT 8B TEXAS CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS





EXHIBIT

C

Holland & Knight

One Arts Plaza | 1722 Routh Street, Suite 1500 | Dallas, TX 75201-2532 | T 214.964.9500 | F 214.964.9501
Holland & Knight LLP | www.hklaw.com

James B. Harris
+1 214-969-1102
Jim.Harris@hklaw.com

May 3, 2024

Via Hand-delivery

Casey Burgess
Executive Assistant City Attorney
City of Dallas
Dallas City Attorney's Office
Municipal/Regulatory Section
1500 Marilla Street, 7DN
Dallas, Texas 75201

Re: 12th and Hampton – Mapping Error

Dear Casey:

I write on behalf of Hampton & 12th, L.P. regarding an error in the current zoning map for the City of Dallas. It mistakenly classifies a 20 by 20-foot area in an approximately 32,000 square foot unplatted tract of land at the northwest corner of W. 12th Street and S. Hampton Rd (DCAD account number 00000329704000000, with a primary street address of 2417 W 12th St[1]) as R-7.5 instead of CR. In this letter, I will refer to the 32,000 square foot tract as the "Rader Tract."[2]

The error first appeared on zoning maps in 1965 but was not apparent until the city moved from hard-copy zoning maps to a digital zoning map between 2003 and 2004. What the digital map revealed is that the hard copy zoning maps from 1965 forward mistakenly used a lot line on property abutting the Rader Tract to the west to determine the southern boundary of R-7.5 zoning instead of using the northern property line of the Rader Tract to establish the extent of CR zoning.[3]

---

[1] For permitting purposes the City has also recognized 421 S. Hampton as the address of the tract.
[2] Attached as Exhibit 1 is a recent survey of the Rader Tract. Outlined in pink are the current property lines. Outlined in yellow is a strip of land that was added to the Rader Tract in 1954. As noted on the survey the strip is 169.5 long and as measured from the survey 20 feet wide. Colored in blue is the 20 by 20-foot area that should be zoned CR as is the rest of the Rader Tract.
[3] From 1965 to 1987 the zoning on the Rader Tract was GR. In 1987 the GR zoning district was redesignated as CR. Unless otherwise indicated the use of CR includes GR.

The difference between those two lines is 20 feet. As explained below, if the 1965 or later hard copy zoning maps had used the northern property line of the Rader Tract as the boundary for CR zoning, the digital map would have identified the 20 by 20-foot area as CR with the rest of the Rader Tract.

In an October 31, 2023, meeting involving you, me, Ronda Kemp, and Peter Kavanagh, the City concurred that a mistake had been made and agreed to update the digital zoning map to show the 20 by 20-foot area as CR. Over the next three months, as evidenced by the emails attached as Exhibit 2, we were continually assured the correction was being made until suddenly on March 5, 2024, I learned that the change was on hold. The City has provided no explanation for why it has not completed the correction.

What follows is a detailed explanation of why not classifying the 20 by 20-foot area as CR was a mistake. After reviewing this information, I ask the City to implement its previous position that a mistake was made and rectify that error by moving the boundary line for the CR zoning on the west side of the Rader Tract 20 feet north to the boundary line for the Rader Tract thereby including the 20 by 20-foot area. If the City is unwilling to do so, then please explain exactly why it disagrees with the analysis below so I can adequately challenge that position before the Board of Adjustment. It makes little sense for me to appeal a decision when I don't know the basis of the decision. Or to put things more plainly, I am trying to determine if there is any rational basis for the City's failure to move forward.

The 20 by 20-foot area is part of a strip of land 169.5 feet long and 20 feet wide that was added to the west side of the Rader Tract in March 1954 when it was conveyed by the Kessler Housing Corporation out of subdivision it had established consisting of 24 lots to the then owner of the Rader Tract – J.H. Caldwell - See Exhibit 3. For purposes of this letter, that strip will be referred to simply as the Strip. As established by the metes and bounds description in Exhibit 3, most of that Strip came out of the east side of lot 7 in the subdivision owned by the Kessler Housing Corporation, but a 20 by 20-foot section came out of the east side of lot 8 in the same subdivision.[4]

Further confirming that the Strip had been part of lots 7 and 8 and that it is 169.5 feet long and 20 feet wide is a certified copy of a page from the plat books in the City Surveyor's office, attached as Exhibit 5, that includes the Rader Tract and on which I have outlined, in pink, the boundaries of the post-1954 Rader Tract and highlighted, in yellow, the area described in the 1954 deed (the Strip) and have colored in orange the portions of lots 7 and 8 conveyed in 1954. Exhibit 5 confirms several things about the Strip: (1) its length of 169.5 feet; (2) its width of 20 feet; (3) the length of the portion of lot 7 conveyed, which as measured on the plat is 149.5 feet; (4) the length of the portion of lot 8 conveyed, which as measured on the plat is 20 feet; (5) that before the transfer it was part of both lots 7 and 8; and (6) that the north boundary line of the Strip, as measured on the plat, is 20 feet north of the lot line separating lot 7 from lot 8.

[4] Attached as Exhibit 4 is the plat consisting of 24 lots approved in 1948 for the Kessler Housing Corporation land.

At the time of the 1954 transfer, the Strip was zoned R-7.5 meaning that post-1954, the Rader Tract had commercial zoning and residential zoning.[5] In 1959 the Strip was rezoned for C-1 uses by the adoption of a "special permit." See Exhibit 8 at 496-97, the zoning ordinance (No. 5238) then in effect allowing property to be zoned for C-1 uses through a "special permit" and Exhibit 9, which consists of the minutes of the Planning and Zoning Commission and the City Council describing the actions taken to rezone the entire Strip to C-1 and a copy of the ordinance (No. 8288) that formally rezoned all of the Strip (measuring 169.5 by 20 feet) to C-1.[6] After the Strip was rezoned in December 1959, all of the Rader Tract that existed before 1954 ***and*** all of the 169.5 by 20 foot Strip, which was added to the Rader Tract in 1954, were subject to C-1 zoning regulations.

In 1965, the City Council replaced the zoning ordinance under which the Strip had been rezoned as C-1 (Ordinance No. 5238) with a new zoning ordinance (Ordinance No. 10962) that preserved the "special permit" rezonings under the earlier zoning ordinance by recognizing those rezonings as a specific use permit, a planned development district or including the property with a special permit in the analogous zoning district under the new ordinance. In the case of the Strip, the City Council chose to include the Strip in a new zoning district analogous to C-1, which at the time was GR. This conclusion follows from the fact the zoning maps implementing the 1965 ordinance include all the Strip *except for* the 20 by 20-foot area as zoned GR (now CR).[7] See Exhibits 11 and 12. If the City had decided to return the Strip to R-7.5 zoning none of the Strip would have been identified as zoned GR and then CR.

---

[5] Attached Exhibit 6, which is part of Exhibit 4, identifies the Rader Tract as zoned for business as of 1948. Attached as Exhibit 7 is a portion of a pre-1959 zoning map that establishes that at that time the Rader Tract was in a C-1 district, which under the zoning ordinance then in effect (Ordinance 5238) was a "commercial district." See Exhibit 8 at 479, 489-91.

[6] Exhibit 10 is a post-1959 zoning map developed by the City showing the entire Rader Tract was C-1. It includes an outline of the Strip and references the actions taken in 1959 to rezone the Strip to C-1 uses. It appears to mislocate the Strip suggesting it was not part of lots 7 and 8 but instead east of those lots. The deed conveying the Strip (Exhibit 3) indisputably establishes that the Strip was originally part of lots 7 and 8. Moreover, there would no need to rezone land east of lots 7 and 8 as it was already zoned C-1.

[7] Attached as Exhibit 11 is a zoning map provided by the City in response to a Public Information Act request showing the zoning on what was supposed to be the Rader Tract (outlined in pink) from 1965 to 1971 as GR (now CR). Attached as Exhibit 12 is a full-sized zoning map from 2003 outlining what the City thought was the Rader Tract also in pink. Note that the two outline areas are identical. The orange line is the actual northern property line for the Rader Tract. Also colored in blue on Exhibit 12 (using the scale of the map) is the Strip with measurements of 169.5 feet long and 20 feet wide (note that it is north of the lot line separating lot 7 and lot 8. As measured on Exhibit 12, the length of the west property line of what was thought by the City to be the Rader Tract is 149.5 feet, not its actual length of 169.5 feet. In other words, when the 1965 zoning map was created it mistakenly showed the north property line of the Rader Tract 20 feet south of where it is found because in putting the map together it was mistakenly assumed the lot line separating lot 7 and lot 8 was also the northern property line for the Rader Tract. It wasn't.

The reason the 20 by 20-foot area was left off was a failure of City staff to follow the dimensions in Ordinance 8288 adopted in 1959 that had imposed C-1 (GR in the 1965 ordinance) zoning on the Strip. That ordinance described a strip that was 169.5 feet long and 20 feet wide. Beginning in 1965 the City's hard copy zoning maps failed to follow Exhibit 9, which references Ordinance 8288, and the metes and bounds description in that ordinance both of which put the northern property line of the Strip north of the lot line separating lot 7 from lot 8. City staff instead incorrectly used the line separating lots 7 and 8 as the northern property line of the Rader Tract. That is why, as discussed in footnote 7, measurements from the hard copy zoning map that includes the Rader Tract establishes that only 149.5 feet of the west 20 feet of the Rader Tract are included in the GR district (redesignated as CR in 1987), not the full 169.5 feet, and the northern boundary for GR zoning on the west 20 feet of the Rader Tract is the lot line dividing lot 7 from lot 8, not the Rader Tract's northern property line 20 feet to the north as it should be. Exhibit 12 graphically depicts this mistake.

Notwithstanding this mapping error, until 2004 the City considered the entire Rader Tract to be in commercial zoning. In other words, the city assumed, incorrectly, that the northern zoning line on the 1965 and later hard copy zoning maps, tied to the lot line separating lot 7 from lot 8, was in fact the northern property line for the Rader Tract. This conclusion is established by the fact that until 2004, the permit records for the City available online describe the only zoning on all the Rader Tract as GR or CR.[8] See Exhibit 13.

In 2004, the City completed replacing its hard copy zoning maps with a digital map using Dallas Central Appraisal District maps as the base. Those maps correctly located the northern property line for the Rader Tract, making it appear there was a 20 by 20-foot area on the Rader Tract that was not zoned CR. Exhibit 14, which the City developed, graphically illustrates the mistake made in the 1965 and subsequent hard copy zoning maps. It shows the northern property line for the Rader Tract, as found on the appraisal district's map, 20 feet north of the the lot line separating lot 7 from lot 8. But instead of correcting the error - the use of the wrong line as the north property line of the Rader Tract and limit of the CR zoning - the City continued to use the lot line separating lot 7 and lot 8 as the CR boundary meaning the 20 by 20-foot area was mistakenly identified as R-7.5 zoning. As a result, building permits issued after 2004 incorrectly identify the Rader Tract as having R-7.5 and GR or CR zoning even though before that date the City considered the entire tract to be GR or CR. See Exhibit 13.

Prior to the October 31, 2023, meeting the City tried to explain that the 20 by 20-foot area was properly R-7.5 because it was not included in the portion of the Kessler Housing Corporation subdivision included in PD 829, which had been zoned R-7.5 and TH-3(A). Attached as Exhibit 15 is the ordinance adopted in 2010 creating PD 829 that includes a metes and bounds description of the property in PD 829. The cross hatched area on the last page of that ordinance is that area. It is true that PD 829 does not include the Strip or the 20-foot-wide piece of property north of the

[8] Consistent with the City's pre-2004 understanding that all the Strip was zoned commercial is the existence of a commercial building on the 20 by 20-foot area.

Strip. But the City overlooks that before the adoption of PD 829, the Strip had been sold in 1954 ***and*** rezoned to C-1 uses in 1959 followed by redesignation of C-1 as GR and then CR. So, the adoption of PD 829 had no effect on the zoning of the Strip. It did, however, leave the 20-foot area immediately north of the Strip as R-7.5 and TH-3(A) because, unlike the Strip, that area has never been rezoned and was not included in PD 828.

To summarize, the Strip, which is 169.5 feet long and continues 20 feet north of the lot line separating lots 7 and 8 to the north property line for the Rader Tract, was rezoned to C-1 uses in 1959 then redesignated GR in 1965 and then redesignated CR in 1987. The 1965 and later hard copy zoning maps and the 2003 digital map only include 149.5 feet of the 169.5 by 20-foot area that was rezoned in 1959 to C-1 uses because they tie the commercial zoning boundary line to an incorrect property line. That is a mistake. It must be corrected by including the 20 by 20-foot tract in the current CR district.

Casey, I also request a meeting as soon as possible with you and the most senior person at the City dealing with corrections of mapping errors to discuss the findings in this letter. The City's failure to correct this mistake is interfering with my client's ability to sell the land.

Very truly yours,

HOLLAND & KNIGHT LLP

James B. Harris
Senior Partner

JH:tkl

cc: Geena Piwetz *(gpiwetz@rptexas.com)*
Elizabeth Rader *(erader@rptexas.com)*

VICINITY MAP
NOT TO SCALE

SITE

N

1" = 20'
0 10 20

LOT 1A
S. HAMPTON STREET

W TWELFTH STREET
(R.O.W. VARIES)

N 89°01'43" E 228.76'

0.73 ACRES
31,849.00 SF

BRICK BUILDING
ONE STORY

S 89°55'38" W 119.87'

S 89°55'38" W 90.00'

N 00°04'45" W 160.82'

S 00°04'45" E 160.82'

POB

MAG NAIL SET

S. HAMPTON STREET

W TWELFTH STREET
(R.O.W. VARIES)

ALTA / NSPS
LAND TITLE SURVEY

Being 0.73 Acres of land
out of the Isaac N. Coombs Survey, Abstract Number 288
in the City of Dallas, Dallas County, Texas

LEGEND

EXHIBIT
1

LEGAL DESCRIPTION

Being a 0.73 acre tract of land out of the Isaac N. Coombs Survey, Abstract No. 288, situated in the City of Dallas, Dallas County, Texas, being part of a tract of land conveyed to Hampton & 12th, L.P., by deed of record in Document No. Instrument 201800201126 of the Official Public Records of Dallas County, Texas, comprising a portion of Lots 7 and 8, Block 8/4567, of the Fourth Installment of Kessler Plaza Addition, a subdivision of record in Volume 12, Page 361 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a "X" mag iron nail found in the North right-of-way line of W. Twelfth Street (80-foot right-of-way), being the Southwest corner of Lot 1A, Block 8/4567, of Sunset Athletic Facilities No. 3, a subdivision of record in Document Number 20130031233 of said Official Public Records, and being in the South line of said Lot 7, and being the Southwest corner of said Hampton & 12th, L.P. tract;

THENCE, N00°04'45"W, leaving the North line of said W. Twelfth Street, along the East line of said Lot 1A, being the common West line of said Hampton & 12th, L.P. tract, and across said Lots 7 and 8, a distance of 160.82 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southwest corner of a tract of land conveyed to Panda Kessler U.S., Inc., by deed of record in Volume 99156, Page 4554 of the Deed Records of Dallas County, Texas, being the Northwest corner of said Hampton & 12th, L.P. tract;

THENCE, N89°55'38"E, leaving the East line of said Lot 1A, and the North line of said Hampton & 12th, L.P. tract, being the common South line of said Panda Kessler U.S., Inc. tract, and across said Lot 8, a distance of 119.87 feet to a mag nail set in the Westerly right-of-way line of S. Hampton Street (right-of-way varies), being the Northeast corner of said Hampton & 12th, L.P. tract;

THENCE, S01°25'45"E, leaving the South line of said Panda Kessler U.S., Inc. tract, along the West right-of-way line of S. Hampton Street, being the common East line of said Hampton & 12th, L.P. tract, a distance of 119.10 feet to a mag nail set in the North line of a tract of land conveyed to Victoria Lease Nominees by deed of record in Volume 96250, Page 2835 of said Deed Records, being the most Easterly Southeast corner of said Hampton & 12th, L.P. tract;

THENCE, leaving the West right-of-way line of S. Hampton Street, along the South and East lines of said Hampton & 12th, L.P. tract, being the common North and West lines of said Victoria Lease Nominees tract, the following (12) courses and distances:

1. S88°55'38"W, a distance of 119.87 feet to an X-cut set;
2. S00°04'45"E, a distance of 50.00 feet to a mag nail set in the North right-of-way line of W. Twelfth Street, being the most Southerly, Southeast corner of said Hampton & 12th, L.P. tract, and being the Southwest corner of said Nominees tract;

THENCE, S89°55'38"W, along the North right-of-way line of W. Twelfth Street, being the common South line of said Hampton & 12th, L.P. tract, over and across said Lot 7, a distance of 90.00 feet to the POINT OF BEGINNING, and containing an area of 0.73 of an acre (31,849 square feet) of land, more or less.

FLOOD NOTE

This property is located on Zone "X" as scaled from the F.E.M.A. Flood Insurance Rate Map dated July 17, 2012 and is in Community Number 480171 as shown on Map Number 48113C0463K. The exact use of the Flood Zone is approximate. For additional information regarding Flood Zone designation contact 1(877) FEMA MAP.

SCHEDULE B EXCEPTIONS OF COVERAGE

Subject to the easements as shown on Schedule "B" of the title commitment provided by Chicago Title Insurance Company with G.F. No. 4712032475 as noted below:

10b. Matters contained in that certain document
Entitled: Easement
Dated: February 12, 1955
Executed by: W.G. Brice and J.H. Caldwell
Recording Date: March 15, 1955
Recording No.: in Volume 4298, page 493, Deed Records, Dallas County, Texas
Does not affect

10c. Provision(s) regarding minimum heights, as granted in a document
Granted to: City of Dallas
Purpose: As provided in said document
Recording Date: March 31, 1965
Recording No.: in Volume 690, Page 781, Deed Records, Dallas County, Texas
Affects as shown.

GENERAL NOTES

1. Eagle Surveying, LLC did not abstract the subject property. This survey was based on a legal description provided by Chicago Title Insurance Company with G.F. No. 4712032475, an effective date of June 12, 2022 and issued on June 20, 2022. This survey is only valid for G.F. No. 4712032475. Eagle Surveying, LLC does not claim to evidence of ownership regarding ownership of title of the subject property.
2. The survey is being provided by Eagle Surveying, LLC solely for the use of the parties to whom the survey is certified and no reliance will be created, implied or inferred to any third party except as necessary to complete the transaction.
3. Underground utility locations, if shown on this survey, are approximate and are based on above-ground evidence and utility markings. The surveyor makes no representation that underground utility locations are in the exact location indicated. Additionally, the surveyor did not locate any utilities as accurately as reasonably possible from the evidence provided and observed in the field.
4. There was no visible evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
5. A designated parking spaces were counted on the subject property at the process of conducting the fieldwork.
6. Eagle Surveying, LLC has not been provided any documentation regarding proposed changes in street right-of-way lines. Furthermore there was no visible evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
7. There are no visible encroachments or overlapping of improvements except as shown hereon.
8. No substantial features were observed on the property in the process of conducting the fieldwork except as shown hereon.
9. Eagle Surveying, LLC has not been provided a zoning report or letter at the time the survey was prepared.
10. The bearings shown on this survey are based on GPS observations using the All Terra RTK Network, North American Datum of 1983 (2011) epoch 2010.
11. Elevations shown on this survey are based on GPS observations using the All Terra RTK Network, North American Vertical Datum of 1988 (GEOID 12A).

SURVEYOR'S CERTIFICATION

This survey is certified to Chicago Title Insurance Company, Cross Development Acquisition, LLC, a Texas limited liability company, and Hampton & 12th I, L.P., a Texas limited partnership, and is only valid for G.F. No. 4712032475 with an effective date of June 12, 2022 and issued on June 20, 2022.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b) 7(a), 8, 9, 10, 11, 13, 14, 16, 17, 18, 19 of Table A thereof. The fieldwork was completed on August 13, 2022.

Date of plat or map: _____

PRELIMINARY

Matthew Hopkins
R.P.L.S. # 6462

JOB NUMBER	2208-029
DATE	08-31-2022
REVISION	
DRAWN BY	CHM

EAGLE SURVEYING
Eagle Surveying, LLC
222 South Elm Street
Suite: 200
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177

PROPERTY ADDRESS
2417 W. TWELFTH ST.
DALLAS, TX

Harris, Jim (DAL - X61102)

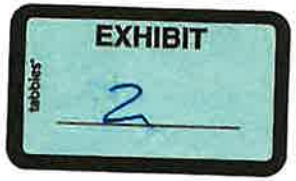
From: Peter Kavanagh <peterk@zonesystems.com>
Sent: Monday, December 11, 2023 5:05 PM
To: Harris, Jim (DAL - X61102)
Cc: peterk@zonesystems.com
Subject: 12 and Hampton zoning map correction

[External email]
I met with Ronda Kemp today. She said she tried to modify the map last night but the city's computer system was no cooperating. She is going back to fix late today or tomorrow, so map should be done in a couple of days. She said that after she modifies the map...the data goes into a larger data base in the city that is modified daily to include the changes that she and others make to the respective maps in city records....so, there is a delay in the final product....again a day or two after she does her thing. Thanks, Peter

PETER KAVANAGH
ZONE SYSTEMS, INC.
1620 HANDLEY DRIVE, SUITE A
DALLAS, TX 75208

214-941-4440
Mobile 214-957-6188
peterk@zonesystems.com

212



Please Take a Moment to Tell Us How We Are Doing

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

From: Peter Kavanagh <peterk@zonesystems.com>
Sent: Tuesday, January 16, 2024 1:04 PM
To: Kemp, Ronda <ronda.carr-kemp@dallas.gov>
Cc: peterk@zonesystems.com
Subject: that little map correction on corner of 12th and Hampton

External Email!

Hi Ronda: Any movement on the map correction on 12th and Hampton? Thanks so much. The owners are anxious. Thanks, Peter

PETER KAVANAGH

ZONE SYSTEMS, INC.

1620 HANDLEY DRIVE, SUITE A

DALLAS, TX 75208

214-941-4440

Mobile 214-957-6188

peterk@zonesystems.com

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

214

513

110—WARRANTY DEED — Texas Statutory Form

45530...$1.00

The State of Texas, } **Know All Men by These Presents:**
County of DALLAS.

That KESSLER HOUSING CORPORATION, a corporation, acting herein by and through its duly authorized officers,

of the County of Dallas State of Texas for and in consideration

of the sum of TEN AND NO/100 ($10.00) DOLLARS

and other good and valuable consideration to it in hand paid by J. H. CALDWELL, the receipt of which is hereby acknowledged,

as follows:



Have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said J. H. CALDWELL

of the County of Dallas State of Texas all that certain

lot, tract or parcel of land situated in Dallas County, Texas, and being situated in the I. N. Coombes Survey, Abstract No. 288, Dallas County, Texas, and being part of City Block No. 4567, Dallas, Texas, the West 20 feet of the following described tract is the East 20 feet of Lots 7 & 8, Block B/4567 of Kessler Plaza No. 4 as recorded in Volume 12, Page 391 of the Map Records of Dallas County, Texas, said tract being more particularly described as follows:
BEGINNING at a point in the West line of Hampton Road, as described in right-of-way deed from the Kessler Housing Corporation, to the City of Dallas, as recorded in Volume 3075, Page 42 of the Deed Records of Dallas County, Texas, said point being 50.0 feet North of the North line of Twelfth Street;
THENCE West along the North line of a tract of land conveyed to the City of Dallas, recorded in Volume 1002, Page 301 of the DeedRecords of Dallas County, Texas, a distance of 139.75 feet to a corner;
THENCE South 0 Deg. 41' West, along the West line of said City of Dallas Tract, 50.0 feet to corner;

DEED VOL. 4008

EXHIBIT 3

THENCE West along the North line of Twelfth Street, at 70 feet passing the Southeast corner of Lot 7, Block B/4567 of Kessler Plaza No. 4 and continuing a total distance of 90.0 feet to corner;
THENCE North 0 Deg. 31' East, parallel with and 20.0 feet West of the East line of Lot 7, a distance of 169.50 feet to corner;
THENCE South 89 Deg. 54' East, 229.06 feet to corner;
THENCE South 0 Deg. 07' West, along the West line of Hampton Road, as described in said right-of-way deed, 119.10 feet to the place of beginning, and containing 31,878 square feet of land.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said J. H. CALDWELL, his

heirs and assigns forever and it as do hereby bind itself, its successors and assigns ~~heirs, executors and administrators~~ to Warrant and Forever Defend, all and singular the said premises unto the said J. H. CALDWELL, his

heirs and assigns against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

EXECUTED at Dallas, Texas,
~~WITNESS~~ ~~hand~~ ~~at~~
this 23rd day of March A. D. 19 54.

KESSLER HOUSING CORPORATION
By: J. B. Rucker, Jr. President

CORPORATION
~~ADMK~~ ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF DALLAS,

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared J. B. RUCKER, JR., President of KESSLER HOUSING CORPORATION, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24 day of March A. D. 19 54.

(L. S.)
Notary Public in and for Dallas County, Texas

Filed for Record on the 24 day of March A. D. 1954 at 3:10 o'clock P. M.
Duly Recorded this the 5 day of April A. D. 1954 at ___ o'clock ___ M.
Instrument No. 45520
ED. H. STEGER, County Clerk
Dallas County, Texas
By Carrie L. MacWilliams Deputy

DEED VOL. 4008

295

Receipt ---- $ 2.50 Map
1.50 Fee
$ 9.00

OWNER'S CERTIFICATE

KESSLER HOUSING CORPORATION
O W N E R

TO: PLAT & DEDICATION

KESSLER PLAZA ADDITION
FOURTH INSTALLMENT
DALLAS COUNTY, DALLAS, TEXAS

STATE OF TEXAS }
COUNTY OF DALLAS }

WHEREAS the KESSLER HOUSING CORPORATION is the owner of a tract of land situated in the S. M. Combs Survey, Abstract No: 368, Block 6567, City of Dallas, Dallas County, Texas, and more particularly described as follows:

BEGINNING at a point in the North line of West Twelfth Street 270.0 ft. west of the West line of South Hampton Road; THENCE S'ly in a West direction and along the North line of West Twelfth Street 751.6 ft.to corner; THENCE N. 1° - 00' E. 311.4 ft. to corner; THENCE in an East direction 921.0 ft.to corner in the West line of S. Hampton Road; THENCE S. 0° - 31' W. and along the West line of S. Hampton Rd, 25.0 ft. to corner; THENCE S. 89° - 59' W. 260.0 ft. to corner; THENCE S. 0° - 31' W. 288.7 ft. to place of Beginning.

NOW,THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the KESSLER HOUSING CORPORATION does hereby adopt this Plan, designating the hereinabove described property as the FOURTH INSTALLMENT of KESSLER PLAZA ADDITION to the City of Dallas, Texas, and the Corporation does hereby dedicate to the Public Use forever the streets and easements shown thereon.

WITNESS OUR HANDS AT Dallas,TEXAS, this, the 26th day of MAY 1948.

JOSEPH E.RAGER, President

(C.S.) JOSEPH D. NUSSEN, JR., Sec. & Treas.

SUBSCRIBED AND SWORN TO BEFORE ME this 26th day of MAY 1948.

[L.S.] G.E.GANDLE, Notary Public

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: That I, JAMES A. CAMPBELL, do hereby certify that I prepared this Plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Dallas, Texas.

[L.S.] JAMES A. CAMPBELL, Civil Engineer

SUBSCRIBED AND SWORN TO before me,this 26th day of MAY 1948.

[L.S.] G.E.GANDLE, Notary Public

CITY OF DALLAS FILING FEE PAID S-6-48 as required by Ordinance 3516.

TO THE COUNTY CLERK OF DALLAS COUNTY: Under Ordinance 3158 of the City of Dallas, the approval of this Plat by the City Plan Commission is automatically terminated after the 6th day of JULY 1948, and unless this Plat is presented for filing on or before said date, it cannot be accepted for filing.

CITY PLAN COMMISSION
BY: E.H.WOOD
City Plan Engineer

FILED FOR APPROVAL

This 31st day of March 1948 at 10:00 o'clock A.M.

CITY PLAN COMMISSION
DALLAS, TEXAS
BY: E.H.WOOD
CITY PLAN ENGINEER

CERTIFICATE OF APPROVAL:

I, R.M.BALTEN, Chairman of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the aforesaid Plat was duly filed for approval with the City Plan Commission of the City of Dallas, on the 31st day of March AD 1948 and same was duly approved on the 16th day of APRIL AD 1948 by said Commission.

R.M.BALTEN, CHAIRMAN
CITY PLAN COMMISSION
DALLAS, TEXAS.

Attest:

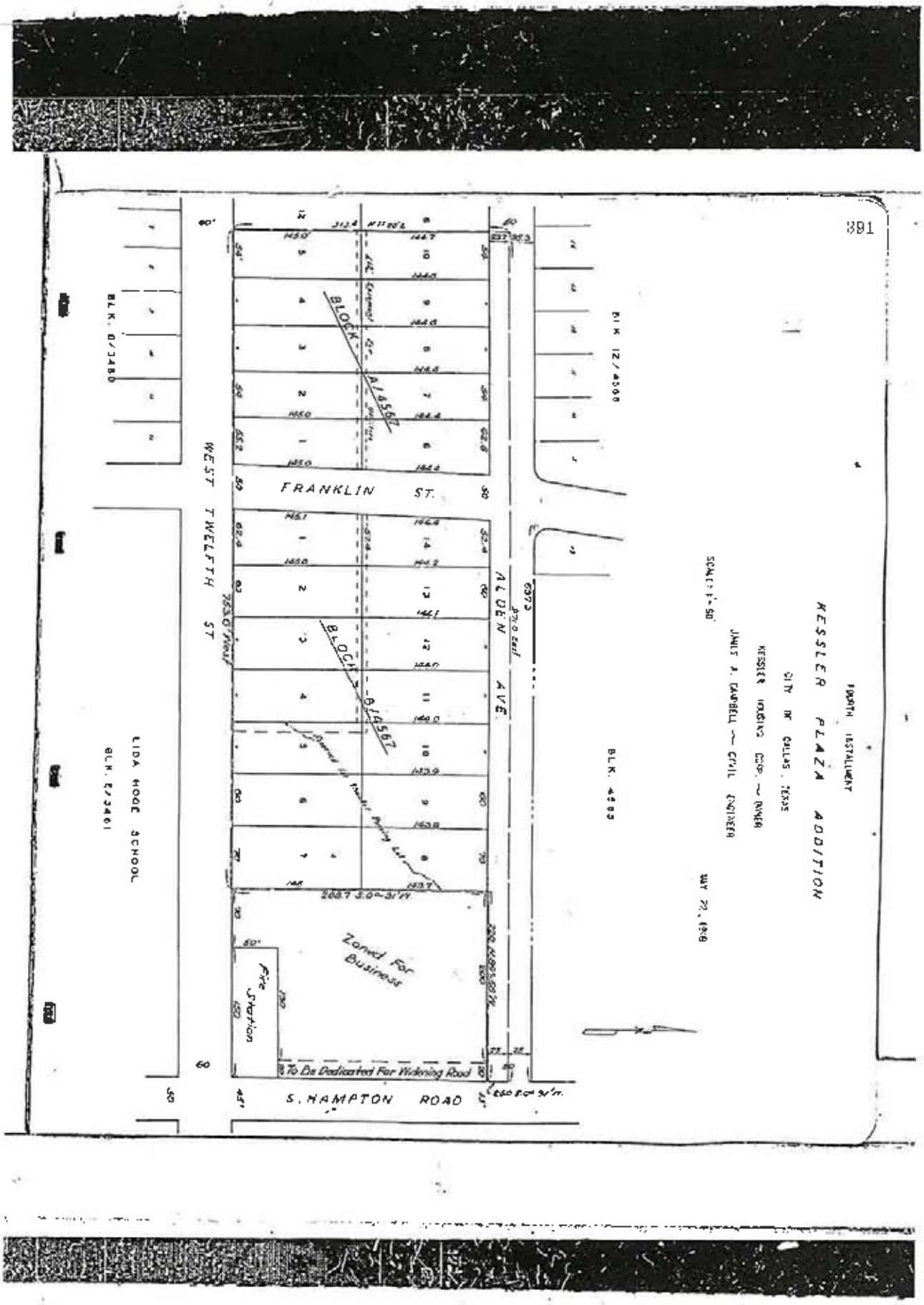
RUTH CANNING, SECRETARY

FILED
3011

FILED FOR RECORD THIS, the 7 DAY OF JULY A.D 1948 at 1:30 P.M. JOE.H.STEGER,COUNTY CLERK by J.C.KENFAIRS, DEPUTY

RECORDED THIS, THE 23 DAY OF NOVEMBER A.D 1948. JOE.H.STEGER,COUNTY CLERK BY [signature] DEPUTY

EXHIBIT
4


391
WESTERN PLAZA ADDITION
FRANKLIN ST.
S. HAMPTON ROAD
WEST TWELFTH ST.
ALTON AVE.
LIDA HOOE SCHOOL
Zoned For Business
Fire Station
To Be Dedicated For Widening Road
BLOCK A/14567
BLOCK B/14567
BLK. 12/4598
BLK. 4599
BLK. B/13480
BLK. E/13481

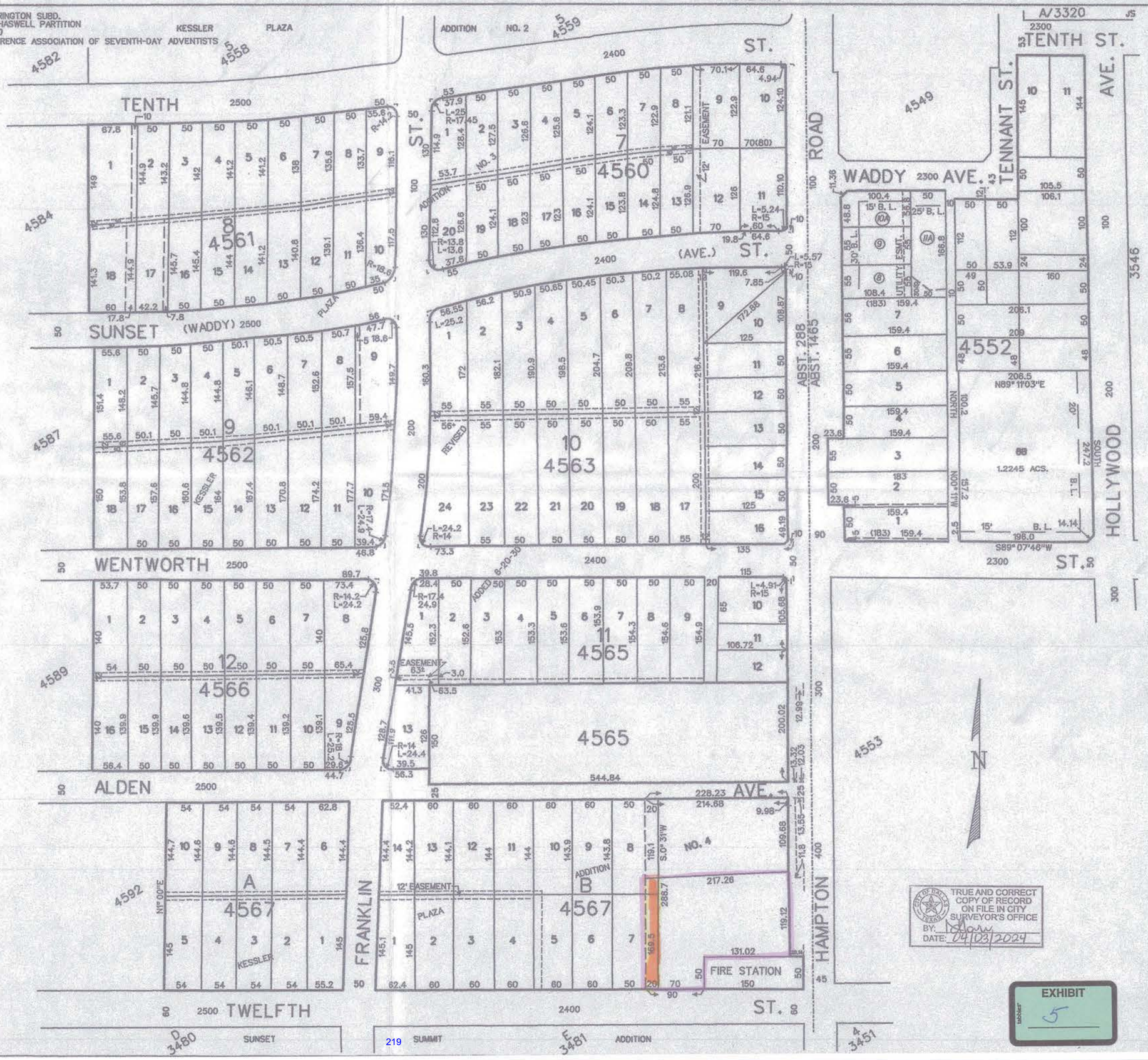
CITY OF DALLAS PLAT BOOKS

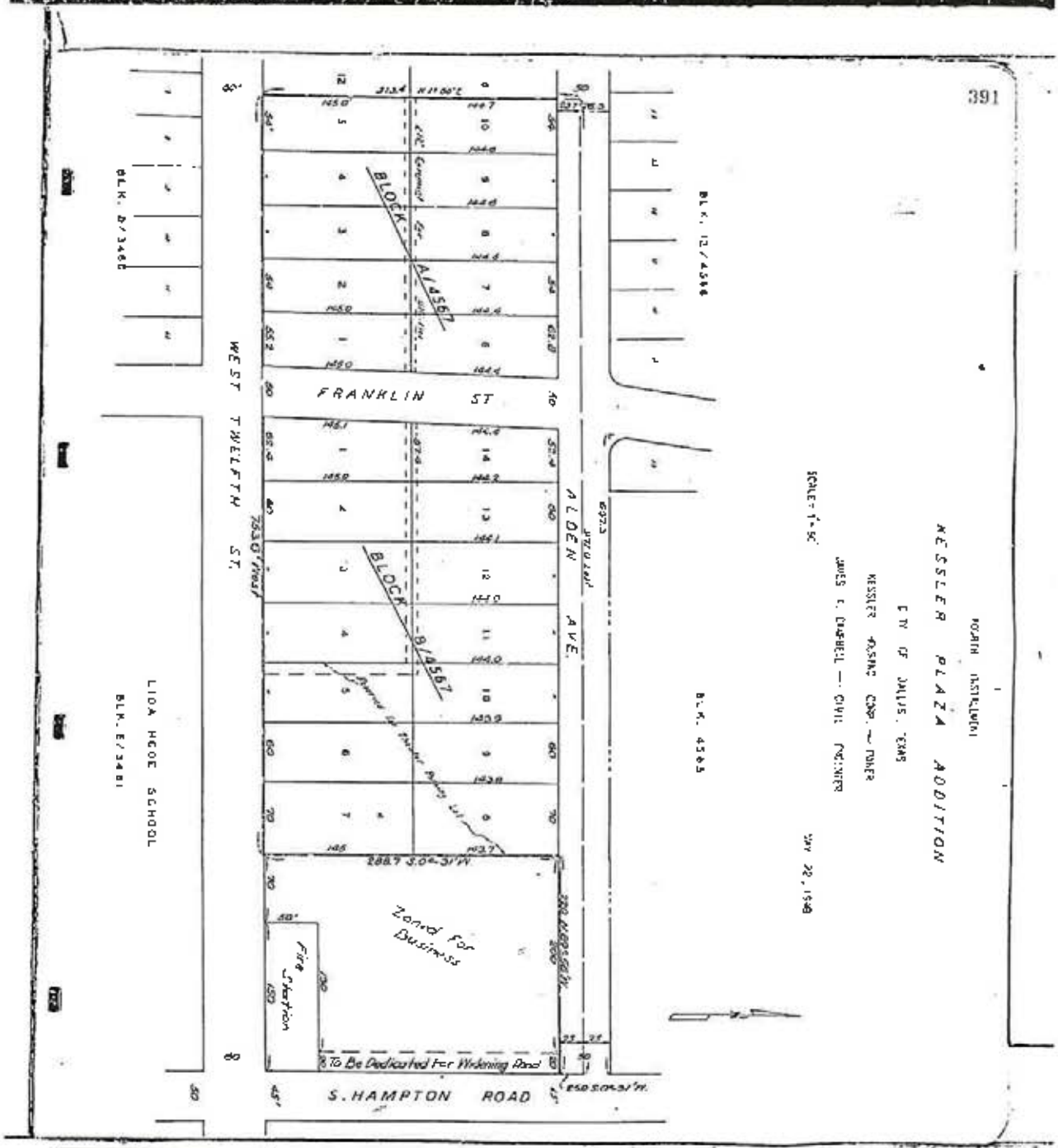
ANNEXED JUNE 20, 1930 ORD. NO. _____ ADDITION _____ BLOCKS 4552, 4560, 4567

SURVEY I. N. COOMBS ABST. 288 SCALE 100 FT. EQUALS 1 INCH SCHOOL DISTRICT DALLAS

BRS 2-18-98

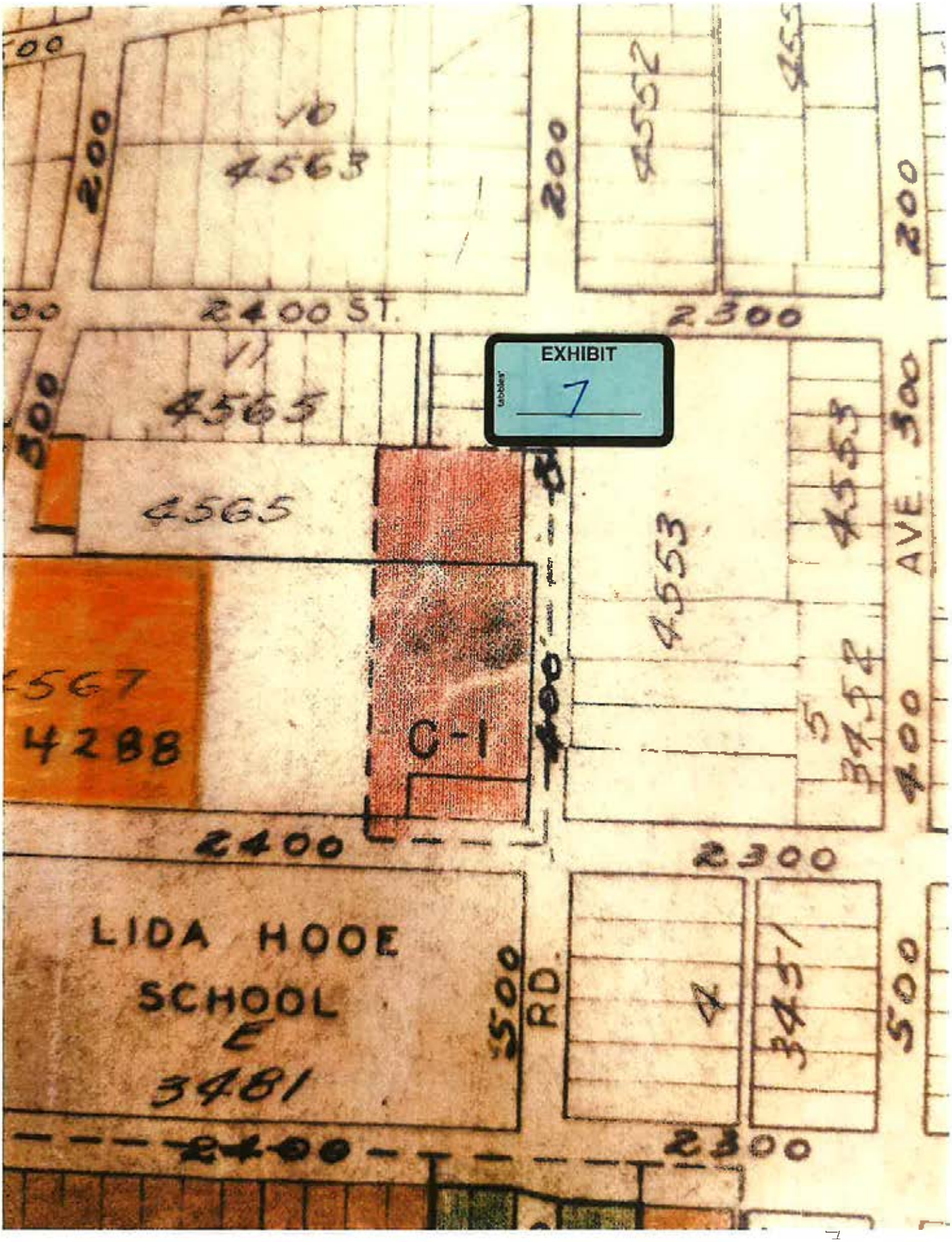
FILED: 1-12-39 BLK. 4552 LOTS. 1-7 GEO. A. TITTERINGTON SUBD.
FILED: 3-21-88 BLK. 4552 LOT 8-A REPLAT J.B. HASWELL PARTITION
FILED: 10-2-92 REEVES TENNANT ST. LOTS 29&30
FILED: 10-22-97 BLK. 4552 LOT 8B TEXAS CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS




391
FRANKLIN ST
S. HAMPTON ROAD
WEST TWELFTH ST.
ALDEN AVE.
BLOCK A/4567
BLOCK B/4567
Zoned for Business
Fire Station
To Be Dedicated For Widening Road
LIDA HOOE SCHOOL
BLK. E/3481
BLK. 12/4596
BLK. 4595
BLK. A/3460
NESTLER PLAZA ADDITION
SCALE: 1"=50'
Nov 20, 1948

EXHIBIT

6


EXHIBIT
7
4565
4565
4565
4553
4553
4567
4288
C-1
2400 ST.
2300
2400
2300
AVE.
LIDA HOOE
SCHOOL
E
3481
RD.
2400
2300
200
300
400
500

ORDINANCE NO. 4230

AN ORDINANCE REPEALING CHAPTER 165, TITLE XLIII, OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF DALLAS WHICH NOW CONTAINS THE ZONING ORDINANCE OF THE CITY OF DALLAS ADOPTED SEPTEMBER 9, 1929, AND SUBSEQUENTLY REVISED ON APRIL 30, 1941, AND AMENDMENTS THERETO, SAVE AND EXCEPT THAT THE ZONING MAP SHALL REMAIN IN FULL FORCE AND EFFECT, AND ENACTING IN LIEU THEREOF A NEW CHAPTER 165, TITLE XLIII, PROVIDING FOR ZONING REGULATIONS AND USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, WHICH, TOGETHER WITH THE ZONING MAP, SHALL CONSTITUTE THE ZONING ORDINANCE OF THE CITY OF DALLAS; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, on September 9, 1929, the City Council of the City of Dallas in accordance with State law, adopted a comprehensive zoning ordinance and map which classified the area within the City limits into six use districts, and from time to time zoning changes and amendments have been enacted, and from time to time added classifications of territory newly annexed to the City of Dallas; and,

WHEREAS, through experience and administration the Council was of the opinion that the ordinance as originally adopted providing for six general use districts or classifications no longer subserved public interest and afford sufficient protection to the general welfare of the citizenship in the peaceful enjoyment of their homes and properties, and by reason thereof the City Council requested the City Plan Commission to make a comprehensive study of the Zoning Ordinance as it existed and the City Plan Commission has, after a study of more than two years and after holding extensive public hearings, as provided by law, filed with the City Council of the City of Dallas, on the 27th day of December 1946, a completely revised Zoning Ordinance and Map dividing the City into fourteen use districts, and has recommended to the City Council the adoption of a revised ordinance, together with the accompanying map; and,

WHEREAS, the City Council did give public notice by publishing in the official publication, on the 15th day of January 1947, the proposed revised Zoning Ordinance, together with the accompanying Map, and after duly held public hearings did officially adopt same and the Zoning Map has been maintained up-to-date in conformance with the action of the City Council and same has been designated by the City Council.

WHEREAS, The City Council did give public notice by publishing in the official publication, on July 16, 17, 18, 1951, a proposed revised zoning ordinance set setting public hearings thereon beginning on August 7, 1951, which hearing was continued to August 14, 1951, and after affording every person whose property was affected or who had any interest in the matter a full and fair opportunity to be heard, officially closed the hearings on August 14, 1951, and directed that the Zoning Ordinance be presented in its final form in conformance with the results of their study and hearings, and after duly inspecting the proposed revisions of the Zoning Ordinance find that the same represents their best judgment and opinion and will promote the health, safety, morals, general welfare and convenience of the people; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

CHAPTER 165, Title XLIII, of the Code of Civil and Criminal Ordinances of the City of Dallas, Texas, known as the Zoning Ordinance, and the amendments thereto are hereby repealed, save and except that the Zoning Map shall remain in full force and effect, and a new Chapter 165 is hereby enacted in lieu thereof to read as follows:

ARTICLE 165-1

SECTION 1. The Zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the City. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for ... particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

ARTICLE 165-2

SECTION 1. This ordinance shall be known and may be cited and referred to as the "ZONING ORDINANCE" to the same effect.

ARTICLE 165-3

DISTRICTS AND BOUNDARIES THEREOF

SECTION 1. The City of Dallas, Texas, is hereby divided into sixteen (16) types of "districts". The use, height, and area regulations are uniform in each district. Those districts shall be known as:

A-1	Single Family Dwelling District
A-½	Single-Family Dwelling District
A-15	Single-Family Dwelling District
A-10	Single-Family Dwelling District
A-7.5	Single-Family Dwelling District
A-4	Single-Family Dwelling District
D	Two-Family Dwelling District
A-1	Multiple-Family Dwelling District
A-2	Multiple-Family Dwelling District
LR-1	Local Retail District
LR-2	Local Retail District
LR-3	Local Retail District
C-1	Commercial District
C-2	Commercial District
M-1	Light Manufacturing District
M-2	Heavy Manufacturing District

EXHIBIT 8

SECTION 2. The boundaries of these districts are indicated upon the zoning map of the City of Dallas which is on file in the Office of the City Secretary and made a part of this ordinance.

SECTION 3. No land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

ARTICLE 1654

NEWLY ANNEXED TERRITORY

SECTION 1. All territory annexed to the City of Dallas hereafter shall be temporarily classified for single-family dwelling purposes only until permanently zoned by the Governing Body of the City of Dallas. The City Plan Commission shall, as soon as practicable after annexation of any of the territory to the City of Dallas, institute proceedings on its own motion to give thoroughly considered territory a permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

SECTION 2. In an area temporarily classified for single-family dwelling purposes only, no permit for the construction of a building other than a Single-Family Dwelling or accessory building shall be issued by the Building Inspector until such permit has been specifically authorized by the City Council. Permits for the construction of buildings in a newly annexed territory prior to permanent zoning, may be authorized by the City Council under the following conditions:

> An application for any use shall be made to the Building Inspector, said application to show the use contemplated, a plat showing the size of tract or tract of land being used, and the location of and the size and type of buildings to be constructed; and if such application is for other than a single-family dwelling or accessory building related thereto, it shall be referred by the Building Inspector to the City Plan Commission for consideration and its recommendation to the City Council, after giving due consideration to the type of permanent zoning to be applied to the area in which the application is located. Whenever such a recommendation is filed with the City Council, it shall be advisory only, and the City Council may grant or deny it as the facts may justify.

ARTICLE 1655

"R-1" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an R-1 Single-Family Dwelling District no land shall be used and no building shall be erected for or converted to any use other than:

1. A single-family residence.
2. A Church or School, public or denominational having a curriculum equivalent to a public elementary or high school.
3. Public park, playground, recharge, provided no public business and no regular or storage facilities are maintained, fire station, water supply reservoir, water pumping plant, tower or artesian well; provided, however, that no such permit for water supply reservoir, water pumping plant, tower or artesian well shall be granted unless and until after a public hearing and a special permit is granted therefor in accordance with the provisions of Article 1552 of the Zoning Ordinance.
4. Railway right of way and tracks; passenger station but not including railroad yards, land wheels or freight yards.
5. Golf course, but not including miniature golf course, driving range or any form of commercial amusement.
6. Farm, truck garden, orchard or nursery for the growing of plants, shrubs and trees, provided no retail or wholesale business sales office is maintained on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
7. Accessory Buildings, including a private garage, bona fide servants quarters not for rent but for the use of servants employed on the premises, and a private stable, when detached from the main building and located not less than seventy-five (75) feet from the front lot line, and not less than twenty-five (25) feet from any side street line. When the accessory building is directly attached to the main building it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway may be considered a part of the accessory building. When the breezeway extends into the required rear yard it, together with the accessory building or buildings, may occupy not more than 30% of the required rear yard. Nor shall the floor area of all the accessory buildings on the lot exceed fifty (50) per cent of the floor area of the principal structure exclusive of breezeways and attached garage, provided however, that this regulation shall not reduce the total floor area of all accessory buildings on one lot to less than six hundred (600) square feet and shall not apply to Bona Fide farm and agricultural buildings.
8. Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work. Field offices for the sale of real estate which shall be removed upon request of the Building Inspector.
9. Bulletin Boards and signs, illuminated or otherwise, but not of the flashing or intermittent type, for churches and schools but not exceeding eighteen (18) square feet in area when attached to the building or when erected in the front yard behind a building line. Temporary signs pertaining to the sale or rental of property and not exceeding eighteen (18) square feet in area are permitted behind the building line, but shall be removed by the agent or owner immediately upon the sale or rental of the premises;provided, however, that no signs advertising the sale or lease of any premises shall advertise the premises for a purpose for which it is not legally zoned. One larger sign announcing or describing a legally approved subdivision or development may be temporarily erected on each approved plat or development, provided, however, that such sign shall not exceed two hundred (200) square feet in area; provided, however, that the location of such sign be approved by the Building Inspector; that it shall be placed so as not to interfere with the occupancy or use of any lots in the subdivision and that it shall be removed upon the completion of sale of eighty-five per cent (85%) of the lots or dwellings in the subdivision.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. Front Yard. (A) There shall be a front yard having a minimum depth of fifty (50) feet except as hereinafter provided in Article 165-73, Paragraph 2.

(B) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARD. There shall be a side yard on each side of the lot having a width of not less than twenty (20) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet, except that the side yard adjacent to a side street shall not be less than fifteen (15) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be one (1) acre; however, a lot having an area of less than one (1) acre that was of record prior to January 1st, 1947, may be used for any use permitted in this Article.

5. WIDTH OF LOT. The minimum width of the lot shall be one hundred fifty (150) feet.

6. MINIMUM DEPTH OF LOT. The minimum depth of the lot shall be one hundred thirty (130) feet.

7. The above area regulations apply to the R-1 Single-Family Dwelling District and do not apply to lots which may be smaller or larger in other districts.

8. PARKING SPACE. Off-street parking space shall be provided on the lot to accommodate two (2) motor car for each dwelling unit, however, no supporting number of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-6

"R-2" SINGLE-FAMILY DWELLING DISTRICT Modifications

SECTION 1. USE REGULATIONS. In a R-2 District no land shall be used and no building shall be erected for or converted to any use other than uses permitted in a R-1 District except a private stable.

2. Accessory buildings, including a private garage and bona fide servants quarters not for rent but for use of servants employed on the premises, when detached from the main building and located not less than sixty (60) feet from the front line and not less than twenty-five (25) feet from any side street line. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. Where the accessory building is attached to the main building by a breezeway, the breezeway may be considered part of the accessory building, when the breezeway extends into the required rear yard, it together with the accessory building or buildings may occupy not more than 30% of the required rear yard, nor shall the floor area of all accessory buildings exceed fifty (50) per cent of the floor area of the principal structure exclusive of breezeway and attached garages provided, however, that this regulation shall not reduce the total floor area of all accessory buildings on lot to less than six hundred (600) square feet, nor shall it apply to bona fide farm and agricultural buildings.

3. Temporary buildings to be used for construction purposes only and which be removed upon completion or abandonment of construction work. Field offices for the sale of real estate which shall be removed upon request of the Building Inspector.

4. Bulletin boards and signs, illuminated or otherwise, not out of the flashing or intermittent type, for churches and schools but not exceeding eighteen (18) square feet in area when attached to the building or when erected in the front yard behind a building line. Temporary signs pertaining to the sale or rental of property and not exceeding eighteen (18) square feet in area are permitted behind the building line, but shall be removed by the agent or owner immediately upon the sale or rental of the premises, provided, however, that no signs advertising the sale or lease of any premises shall advertise the premises for a purpose for which it is not legally zoned. One larger sign announcing or describing a legally approved subdivision or development may be temporarily erected on such approved plat or development, provided, however, that such sign shall not exceed two hundred (200) square feet in area; provided, however, that the location of such sign be approved by the building inspector; that it shall be placed so as not to interfere with the occupancy or use of any lots in the subdivision and that it shall be removed upon the completion of sale of eighty-five per cent (85%) of the lots or dwellings in the subdivision.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) stamped stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (A) There shall be a front yard having a minimum depth of not less than fifty (50) feet except as hereinafter provided in Article 165-73, Paragraph 2.

(B) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS: There shall be a side yard on each side of the lot having a width of not less than fifteen (15) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet, except that the side yard of a corner lot adjacent to a side street shall not be less than fifteen (15) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be one-half (½) acre, however, a lot having an area of less than one-half acre that was of record prior to January 1st, 1947, may be used for any use permitted in this article.

5. WIDTH OF THE LOT. The minimum width of the lot shall be one hundred twenty-five (125) feet.

6. MINIMUM DEPTH OF THE LOT. The minimum depth of the lot shall be one hundred thirty feet (130).

SEC- continued

7. The above area regulations apply to the "R-8" Single-Family Dwelling Districts and do not apply to lots which may be one-half (½) acre or larger in other districts.

8. PARKING SPACE. Off-street parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit, however, no supporting member of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-7

"R-15" SINGLE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an R-15 Single-Family Dwelling District no land shall be used and no building shall be erected for or converted to any use other than uses permitted in a R-8 District.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (A) There shall be a front yard having a minimum depth of not less than forty (40) feet, except as hereinafter provided in Article 165-7, Paragraph 2.

(B) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot having a width of not less than fifteen (15) feet or ten (10) per cent of the average width of the lot whichever is smaller, but a side yard shall not be less than five (5) feet, except that the side yard of a corner lot adjacent to a side street shall not be less than fifteen (15) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be 15,000 square feet, however, a lot having an area of less than 15,000 square feet that was of record prior to January 1st, 1947, may be used for any use permitted in this district.

5. WIDTH OF THE LOT. The minimum width of the lot shall be one hundred (100) feet.

6. MINIMUM DEPTH OF THE LOT. The minimum depth of the lot shall be one hundred thirty (130) feet.

7. The above area regulations apply to the R-15 Single-Family Dwelling Districts and do not apply to lots which may be 15,000 square feet or larger in other districts.

8. PARKING SPACE. Off-street parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit, however, no supporting member of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-8

"R-10" SINGLE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an R-10 Single-Family Dwelling District no land shall be used and no building shall be erected for or converted to any use other than uses permitted in a R-15 District.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (A) There shall be a front yard having a minimum depth of not less than thirty (30) feet, except as hereinafter provided in Article 165-7, Paragraph 2.

(B) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARD. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but the side yard shall not be less than five (5) feet, except that the side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be ten thousand (10,000) square feet, however, a lot having an area of less than ten thousand (10,000) square feet that was of record prior to January 1st, 1947, may be used for any use permitted in this article.

5. WIDTH OF THE LOT. The minimum width of the lot shall be seventy (70) feet.

6. The above area regulations apply to the R-10 Single-Family Dwelling District and do not apply to lots which may be of 10,000 square feet or larger in other districts.

7. MINIMUM DEPTH OF THE LOT. The minimum depth of the lot shall be one hundred twenty-five (125) feet.

8. PARKING REGULATIONS. Off-street parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit, however, no supporting member of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-9

"R-7.5" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In a R-7.5 Dwelling District no land shall be used and no building shall be erected for or converted to any use other than uses permitted in a R-10 Use District.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (a) There shall be a front yard having a minimum depth of not less than thirty (30) feet, except as hereinafter provided in Article 165-21, Paragraph 2.

(b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet except that the side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be 7,500 square feet;however, a lot having an area of less than seven thousand five hundred (7,500) square feet that was of record prior to January 1st, 1947, may be used for any use permitted in this Article.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty-five (55) feet.

6. The above area regulations apply to the R-7.5 Single-Family Dwelling District and do not apply to lots which may be 7,500 square feet or larger in other districts.

7. MINIMUM DEPTH OF THE LOT. The minimum depth of the lot shall be one hundred (100) feet.

8. PARKING SPACE. Off-street parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit, however, no supporting member of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-10

"R-6" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an R-6 District no land shall be used and no building shall be erected for or converted to any use other than uses permitted in a R-7.5 use District.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (a) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet, except as hereinafter provided in Article 165-21, Paragraph 2.

(b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet or ten (10) per cent of the average width of the lot whichever is smaller but a side yard shall not be less than five (5) feet except that the side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be six thousand (6,000) square feet; however, a lot having an area of less than six thousand (6,000) square feet that was of record prior to January 1st, 1947, may be used for any use permitted in this article.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet.

6. The above area regulations apply to the R-6 Single-Family Dwelling District and do not apply to lots which may be 6,000 square feet or larger in other districts.

7. MINIMUM DEPTH OF THE LOT. The minimum depth of the lot shall be one hundred (100) feet.

8. PARKING REGULATIONS. Off-street parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit, however, no supporting member of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-11

"D" TWO-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In a "D" District no land shall be used and no building shall be erected for or converted to any use other than

Any use permitted in an R-6 District
Two-Family Residences

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (a) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as hereinafter provided in Article 165-21, Paragraph 2.

(b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

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SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (a) There shall be a front yard having a minimum depth of not less than thirty (30) feet, except as hereinafter provided in Article 165-23, Paragraph 2.

(b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet except that the side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be 7,500 square feet; however, a lot having an area of less than seven thousand five hundred (7,500) square feet that was of record prior to January 1st, 1947, may be used for any use permitted in this Article.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty-five (55) feet.

6. The above area regulations apply to the R-7.5 Single-Family Dwelling District and do not apply to lots which may be 7,500 square feet or larger in other districts.

7. MINIMUM DEPTH OF THE LOT. The minimum depth of the lot shall be one hundred (100) feet.

8. PARKING SPACE. Off-street parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit, however, no supporting member of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-10

"R-6" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an R-6 District no land shall be used and no building shall be erected for or converted to any use other than uses permitted in a R-7.5 use district.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (a) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet, except as hereinafter provided in Article 165-23, Paragraph 2.

(b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet or ten (10) per cent of the average width of the lot whichever is smaller but a side yard shall not be less than five (5) feet except that the side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum area of the lot shall be six thousand (6,000) square feet; however, a lot having an area of less than six thousand (6,000) square feet that was of record prior to January 1st, 1947, may be used for any use permitted in this Article.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet.

6. The above area regulations apply to the R-6 Single-Family Dwelling District and do not apply to lots which may be 6,000 square feet or larger in other districts.

7. MINIMUM DEPTH OF THE LOT. The minimum depth of the lot shall be one hundred (100) feet.

8. PARKING REGULATIONS. Off-street parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit, however, no supporting member of any garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-11

"D" TWO-FAMILY DWELLING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In a "D" District no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in an R-6 District
Two-Family Residences

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (a) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as hereinafter provided in Article 165-23, Paragraph 2.

(b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot having a width of not less than ten [10] feet or ten [10] per cent of the average width of the lot, whichever is smaller but a side yard shall not be less than five [5] feet except that the side yard of a corner lot adjacent to a side street shall not be less than ten [10] feet.

3. REAR YARD. There shall be a rear yard having a depth of not less than twenty [20] per cent of the depth of the lot.

B. AREA OF THE LOT. Except as hereinafter provided all dwellings erected, enlarged, relocated, reconstructed, or converted shall be located upon lots containing the following areas:

A. A lot on which a single-family dwelling is located shall contain not less than 6,000 square feet.

B. A lot on which a two-family dwelling is located shall contain 3,000 square feet per family.

C. Where a lot has less area than herein required and was of record prior to January 1, 1947, that lot may be used only for one single family dwelling.

3. WIDTH OF THE LOT. The minimum width of the lot shall be fifty [50] feet.

4. PARKING REGULATIONS. (A) The parking regulations for single-family dwellings are the same as those in the R-6 Single-Family Dwelling District.

B. Whenever a conversion is erected, converted, or structurally altered for a two-family dwelling, one parking space shall be provided on the lot for each dwelling unit in the structure, however, no supporting members of the garage, car port or other automobile storage structure shall be located within the required front yard.

ARTICLE 165-12

"A-1" APARTMENT DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an A-1 District no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in a "R" District
Multiple Family Dwelling
Apartment Buildings in which rooms and apartments are rented to resident guests but excluding all retail businesses
Any Masonry whose dwelling is a private residence, the main use of which is the operator's private dwelling

Accessory buildings, including a private garage and home office customary thereto. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the accessory may be considered part of the accessory building, when the breezeway extends into the required rear yard. It together with the accessory building or buildings may occupy not more than 30% of the required rear yard, however, where a public alley provides the only access to a garage or accessory building and such alley provides open space between lots, more than thirty per cent [30%] of the required rear yard may be covered by accessory buildings provided that the minimum distance between the rear of the main building and the accessory building equals at least twenty [20] per cent of the depth of the lot.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2½) stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. [a] There shall be a front yard having a minimum depth of not less than twenty-five [25] feet except as hereinafter provided in Article 165-3, Paragraph 2.

B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot with minimum dimensions as follows:

A. For single-family residences the side yard shall not be less than ten [10] feet or ten [10] per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five [5] feet.

B. For a duplex or multiple-family dwelling where ends of the building are adjacent to and parallel to the side lot line or within thirty [30] degrees thereof the side yard shall be ten [10] feet or ten [10] per cent of the average width of the lot, whichever is smaller, but in no case shall such a side yard be less than five [5] feet.

C. For a duplex or multiple-family dwelling where sides of the building other than the ends are adjacent or parallel to the side yard lines or within thirty [30] degrees thereof, the side yard shall be not less than twenty-five [25] per cent of the overall length of the building side adjacent to the side yard line.

D. In all cases where the side yard is adjacent to a side street the side yard shall not be less than ten [10] feet.

3. REAR YARDS. There shall be a rear yard having a depth of not less than twenty [20] per cent of the depth of the lot.

4. AREA OF THE LOT. Except as hereinafter provided, all buildings hereinafter erected, enlarged, relocated, reconstructed, or converted, shall be located upon lots containing the following areas:

A. A lot on which there is erected a single-family dwelling shall contain not less than five thousand (5,000) square feet.

3. A lot on which there is erected or constructed a two-family dwelling shall contain an area of not less than two thousand five hundred (2,500) square feet per family.

C. A lot on which there is erected or constructed a multiple-family dwelling shall contain an area of not less than one thousand seven hundred forty (1,740) square feet per family, however, any lot on which a multiple-family dwelling is erected shall contain a minimum of six thousand (6,000) square feet.

D. Where a lot has less area than herein required and was of record prior to January 5, 1967, that lot may be used for single-family dwelling purposes or for any non-dwelling use permitted in this district.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet.

6. PARKING REGULATIONS. (A) The parking regulations for single-family dwellings are the same as those in the R-6 Single-Family dwelling district.

B. Whenever a structure is erected or converted for two-family or multiple-family dwelling purposes, one parking space shall be provided on the lot for not in the required front yard for each dwelling unit in the structure. No such parking space shall be located nearer than two (2) feet to the side lot line.

ARTICLE 165-13

"A-2" APARTMENT DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an A-2 District, no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in an A-1 District
Rooming and lodging houses
Kindergartens, private schools teaching a curricula similar to public elementary and high schools, hospitals, clinics, convalescent homes, old people's homes, maternity homes and children's nurseries, except insane, liquor, feeble-minded, narcotic, animal hospitals and animal clinics.
Hotels and motels, but no liquor, beer or wine shall be sold therein; except that a motel having fifty (50) or more rooms for rent and being habitually rented to transient guests and maintaining a dining room with a la carte service may be granted a license or permit to serve wine or beer in the dining room only with meals or to guests in rooms occupied by the guests.
Signs and name plates relating only to the name of the hotel when such signs are attached to the structure with no portion thereof projecting more than one foot into a required yard, if illuminated, not of the flashing or intermittent type and not exceeding thirty-six (36) square feet in area and name plates or signs for clinics and hospitals not exceeding twelve (12) square feet in area when attached to the structure or erected behind the building line.
Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

Accessory buildings, including a private garage and home occupants quarters. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway may be considered part of the accessory building. When the breezeway extends into the required rear yard, it together with the accessory building or buildings may occupy not more than thirty per cent (30%) of the required rear yard, however, where a public alley provides the only access to a garage or accessory building and such alley provides open space between lots, more than thirty per cent (30%) of the required rear yard may be covered by accessory buildings provided that the minimum distance between the rear of the main building and the accessory building equals at least twenty per cent (20%) of the depth of the lot.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed six (6) standard stories unless additional side, front and rear yard setbacks are provided as hereinafter required in Section 3, and in no case shall the height of a building exceed the total of the street width on which it fronts plus the depth of the front yard.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (A) There shall be a front yard having a minimum depth of twenty-five (25) feet except as hereinafter provided in Article 165-23, Paragraph 2. The minimum front yard shall be increased one (1) foot for each two (2) feet in height a building exceeds six (6) standard stories.

B. Where lots are double frontage, running through from one street to another. The required front yard shall be provided on both streets.

2. SIDE YARDS. There shall be a side yard on each side of the lot with the minimum dimensions as follows:

A. For single-family residences and duplexes, the side yards shall not be less than ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet.

B. For multiple-family dwellings, institutions, hotels, hospitals, clinics and any other similar use permitted in the A-2 District, the side yard shall not be less than ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, for buildings up to two and one-half (2½) standard stories in height. For buildings exceeding this height, the side yard shall be increased four feet for each story the building exceeds two and one-half standard stories in height.

C. In all cases where the side yard is adjacent to a street the side yard shall not be less than ten (10) feet.

3. REAR YARD. There shall be a rear yard having a minimum depth of not less than twenty (20) per cent of the depth of the lot, except that the minimum rear yard depth shall be increased one (1) foot for each two (2) feet in height that the building exceeds six (6) standard stories

4. AREA OF THE LOT. Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, reconstructed, or converted shall be located upon lots containing at least the following areas:

A. A lot on which there is erected a single-family dwelling shall contain not less than five thousand (5,000) square feet.

B. A lot on which there is erected or converted a two-family dwelling shall contain not less than two thousand five hundred (2,500) square feet per family.

C. A lot on which a multiple dwelling is erected or converted shall contain not less than seven hundred fifty (750) square feet per family (except that the density regulations shall not apply to Home Rule Hotels), however, any lot on which a multiple-family dwelling is erected shall contain a minimum of six thousand (6,000) square feet and in no case shall more than forty (40) per cent of the total lot area be covered by a main building.

D. Where a lot has less area than herein required and was of record prior to January 1, 1947, that lot may be used for a single-family dwelling or for any less dwelling use permitted in this article provided that all yard regulations prescribed in this article are complied with.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet.

6. PARKING REGULATIONS. (A) Whenever a structure is erected or converted for single-family, two-family, or multiple dwelling use, one off-street parking space shall be provided on the lot but not in the required front yard for each dwelling unit in the structure. No parking garage or structure shall be erected in a required side yard and no open parking space shall be located nearer than two (2) feet to the side lot line.

B. Private clubs, and lodges shall provide off-street parking space in a ratio of one space for each one hundred fifty (150) square feet of floor area in the lodge or club, exclusive of storage area.

C. Places of public assembly, including among other buildings, assembly halls, schools, and other auditoriums and institutions, shall provide off-street parking space on the lot sufficient to accommodate one automobile for each ten (10) seats.

D. Hospitals shall provide off-street parking space on the lot sufficient to accommodate one automobile for each ten (10) beds.

E. Clinics shall provide off-street parking at a ratio of one (1) space for each two hundred fifty (250) square feet of floor space within the structure but in no case shall less than five (5) off-street parking spaces be provided.

F. Hotels shall provide one parking space for each two (2) guest bedrooms in the building. Motels shall provide one (1) parking space for each guest room in the building.

G. Rooming and lodging houses shall provide off-street parking spaces at a ratio of one space for each three (3) guests for which accommodations are provided.

ARTICLE 165-24

"LR-1" LOCAL RETAIL DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In a LR-1 District no lots shall be used and no building shall be used, erected or converted to any use other than:

Any use permitted in an R-3 District
Antique Shop
Art Gallery
Bakery, Retail Sales only
Barber and Beauty Shop
Book or Stationery Store
Candy, Cigars, and Tobaccos, retail sales only
Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual work to be done on the premises.
Drug Store, retail sales only
Florist, retail sales only
Grocery Store, retail sales only
Hardware, sporting goods, toys, paints, wall paper, clothing. Retail sales only.
Library, Public
Meat Market, retail sales only
Professional offices for architect, attorney, engineer and real estate
Parking lot without public garage or other automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only.
Photography or Artist's Studio
Restaurant, Tea Room, or Cafe
Studio for the display and sale of glass, china, art objects, cloth and draperies.
Restaurant without curb or drive-in service [service to be entirely within the building]
Shoe repair shop, retail sales only
Waterette, equipped with automatic washing machines of the type customarily found in a home and where the customers may personally supervise the washing and handling of his laundry.

No other use shall be permitted and no liquor, beer or wine shall be sold in an LR-1 District and no use specifically permitted in this article shall operate before 7:00 A.M. nor after 10:00 P.M. on any day of the week.

SECTION 2. HEIGHT REGULATIONS. No building or structure shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (a) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as hereinafter provided in Article 165-21, Paragraph F.

2. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARD. No side yard shall be required for a retail use except:

A. On a corner lot, a side yard of ten (10) feet shall be required on the side street.

B. For a single-family dwelling, two-family dwelling or a multiple-family dwelling use, a side yard shall be required on each side of the lot;

C. On the side of a lot in an LB-1 District adjoining an R-1, R-2, R-3, R-3.5, R-4, R-5, R-6, R-7.5, R-8, R, A-1, A-2 District, there shall be a side yard. No side yard shall be required where the LB-1 District is separated from a residential district by an alley. The minimum width of the side yard shall be ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet. The side yard adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. No rear yard shall be required for a retail use except where a lot abuts an R-1, R-2, R-3, R-3.5, R-4, R-5, R-6, R, A-1, or A-2 District and is not separated therefrom by an alley in which event there shall be a rear yard on the rear of the lot equal to twenty (20) per cent of the depth of the lot. Where a lot or any portion of a lot is used for a single-family dwelling, two-family or multiple-family dwelling use, there shall be a rear yard on the rear of the lot equal to twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum lot area requirements for single-family, two-family, or multiple-family dwellings shall be the same as those for the A-1 District. Where dwelling facilities are provided above or behind stores, the lot area requirements shall be the same as those required for multiple-family dwellings in the A-1 Districts.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet for single-family, two-family or multiple-family use.

6. PARKING REGULATIONS.

A. The parking regulations for single-family, two-family, and multiple-family dwellings are the same as those in the A-1 Multiple Dwelling district.

B. Parking Regulations for clinics, hospitals, hotels, clubs, lodges, places of public assembly, rooming and lodging houses are the same as those in the A-2 multiple-dwelling district.

C. Any building hereafter erected, altered or converted for local retail or personal service use shall provide off-street parking space at the following ratios:

1. Buildings having less than five thousand (5,000) square feet of floor area shall provide one (1) space for each five hundred (500) square feet of ground floor building area.

2. Buildings having over five thousand (5,000) but not more than ten thousand (10,000) square feet of ground floor area shall provide ten spaces plus one (1) space for each three hundred thirty-three (333) square feet of ground floor area above five thousand (5,000) square feet.

3. Buildings having over ten thousand (10,000) square feet of ground floor area shall provide twenty-five (25) parking spaces plus one (1) space for each two hundred (200) square feet of ground floor area in excess of ten thousand (10,000) square feet.

4. Buildings having local retail or professional office uses on floors above the ground floor shall provide off-street parking spaces at a ratio of one (1) space for each five hundred (500) square feet of floor area above the ground floor.

5. Where more than one building is located upon a lot the parking requirement shall be based upon the total floor area of all such structures.

D. Professional offices, other than medical or dental clinics shall provide off-street parking space at a ratio of one (1) parking space for each five hundred (500) square feet of floor area.

E. Establishments for the sale and consumption on the premises of food or refreshments shall provide off-street parking space at a ratio of one (1) space for each one hundred fifty (150) square feet of floor area.

F. Retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area of 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 square feet in the building or on the lot used for retail, storage or service purposes.

ARTICLE 165-15

"LB-2" LOCAL RETAIL BUSINESS REGULATIONS

SECTION 1. USE REGULATIONS. In a LB-2 District no land shall be used and no building shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in a LB-1 District
Ambulance service
Aquarium
Auto laundry without boiler, heating and steam cleaning facilities, in which all washing operations are carried on within a building
Auto repair garage where all work is conducted inside the building and not including the open storage of cars, trailers or trucks.
Auto sales (covered) catalog
Bank, office, wholesale sales office or sample room
Bird and pet shops, retail
Bowling alley - if air-conditioned and sound proofed
Cafeteria, cafe with drive-in facilities or curb service
Camera shop
Caterer and wedding service
Clothing and dressing shops having an area of not more than 4,000 square feet.
Commercial billboard or advertising sign
Curtain cleaning shop having an area of not more than 6,000 square feet
Department store, novelty or variety shop, retail sales only.
Dyeing plant with not more than 6,000 square feet of floor space
Electrical goods, retail sales only.
Electrical repairing - domestic equipment and coils, retail sales only

Electric substation
Electroplating Company, retail
Film developing and printing
Fix-it shops, bicycle repairs, saw filing, lawn mower sharpening, retail only but without outside storage
Furniture repairs and upholstering, retail sales only and where all storage and display is within the building
Frozen food lockers, retail
Gasoline filling stations
Household and office furniture, furnishings and appliances, retail
Ice Delivery Station
Jewelry, optical goods, photographic supplies, retail sales only
Job Printing
Laundry automatic equipped with machines of the type customarily found in the home, where custom laundering and finishing may be done. The shop shall not exceed six thousand (6,000) square feet in area and no pick-up and delivery shall be operated.
Letter and mimeograph shop
Mortuary
Moving Picture Theatre
Nursery, retail sale of plants and trees
Office Building
Piano and Musical Instruments, retail sales only
Public Garage
Plumbing shop, retail sales only, without warehouse facilities (no bulk storage for ordinary repairs but not storage for materials for contracting work)
Restaurant with drive-in facilities provided that no food or drink may be served to vehicles parked on the public street
Retail store or shop for retail sale of articles to be sold for retail on the premises
Rug Cleaning shop having an area of not more than six thousand (6,000) square feet, chemical type, where all cleaning operations are carried on within a building where rugs are laid flat on the floor, the chemical mixed with water, applied with a brush, and removed by vacuum cleaning, entirely without the generation of dust.
Sand Blast
Studios, dance, music, drama, health, massage and reducing
Tailor
Taxi
Wearing apparel including clothing, shoes, hats, millinery and accessories.
Wood Cut Out.

Any other retail use involved does not by its nature or offensive by reason of the emission of odors, soot, dust, smoke, gas fumes or vibration but excluding the sale of wine, beer or liquor and such uses as are enumerated in Article 169-16, 169-17, 169-18, 169-19, and 169-20.

Accessory building and uses customarily incident to the above. No accessory use shall be construed to permit the keeping of articles or material in the open at or the outside of the building.

SECTION 2. HEIGHT REGULATIONS. No building or structure shall exceed two and one-half (2½) standard stories in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (A) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet, if a building line has been established by an ordinance. This line shall establish the depth of the front yard.

B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARD. No side yard shall be required for a retail use, except on a corner lot. A side yard of ten (10) feet shall be required on the side street, for a single-family dwelling, two-family dwelling or a multiple-family dwelling use. A side yard shall be required on each side of the lot; on the side of a lot adjoining an R-2, R-3, R-4, R-5, R-6, R-7-5, R-8, R-1, or R-2 District there shall be a side yard. No side yard shall be required where the B-2 district is separated from a Residential District by an alley. The minimum width of the side yard shall be ten (10) feet or ten per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet.

3. REAR YARD. No rear yard shall be required for a retail use except where a lot abuts an R-1, R-2, R-10, R-7.5, R-6, C, A-1, or A-2 District and is not separated therefrom by an alley, in which event there shall be a rear yard on the rear of the lot equal to twenty (20) per cent of the depth of the lot. Where a lot, or any portion of a lot is used for single-family, two-family, or multiple-family dwelling use, there shall be a rear yard on the rear of the lot equal to twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum lot area requirements for single-family, two-family or multiple-family dwellings shall be the same as those in the A-1 District. Where dwelling facilities are provided above or behind stores, the lot area requirements shall be the same as those required for multiple-family dwellings in the A-1 district.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet for single-family, two-family, or multiple-family use. For other uses the width may be less than fifty (50) feet.

6. PARKING REGULATIONS.

A. The parking regulations for single-family, two-family and multiple-family dwellings are the same as those in the A-1 Multiple dwelling district.

B. The parking regulations for clinics, hospitals, hotels, clubs, lodges and places of public assembly, rooming and lodging houses are the same as those in the A-2 multiple dwelling district.

C. The parking regulations for retail, personal service, professional offices and restaurant uses are the same as those in the B-1 local retail district.

1. Business offices and banks shall provide off-street parking space at a ratio of one (1) space for each five hundred (500) square feet of floor area.

2. Bowling alleys shall provide off-street parking space at a ratio of three (3) spaces for each alley.

3. Restaurants, cafeterias and soda fountains shall provide off-street parking space at a ratio of one (1) space for each one hundred (100) square feet of sales floor or lot area.

G. Retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 square feet in the building or on the lot used for retail, storage or service purposes.

ARTICLE 165-12

"LR-1" LOCAL RETAIL DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In a local retail district no land shall be used and no building shall be used and no building shall be erected or converted for any use other than:

Any use permitted in a local retail district
Beer, wine and liquor retail sales for off-premises consumption.
Cafe and restaurant where wine and beer are served incidental to the serving of food and refreshments.

SECTION 2. HEIGHT REGULATIONS. No building or structure shall exceed two and one-half (2½) stories or thirty (30) feet in height.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. (A) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as hereinafter provided in Article 165-7, Paragraph 3.

B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. SIDE YARD. No side yard shall be required for a retail use, except on a corner lot, a side yard of ten (10) feet shall be required on the side street. For a single-family dwelling, two-family dwelling or multiple-family dwelling use, a side yard shall be required on each side of the lot.

On the side of a lot adjoining a R-1, R-½, R-1S, R-1C, R-1.5, R-6, A, A-1, or A-2 district, there shall be a side yard. No side yard shall be required where the LR-1 district is separated from a residential district by an alley. The minimum width of the side yard shall be ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet and need not exceed fifteen (15) feet. The side yard adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. No rear yard shall be required for a retail use except where a lot abuts an R-1, R-½, R-1S, R-1C, R-1.5, R-6, D, A-1 or A-2 District and is not separated therefrom by an alley, in which event there shall be a rear yard at the rear of the lot equal to twenty (20) per cent of the depth of the lot. For a single-family, two-family or, multiple-family dwelling use, there shall be a rear yard at the rear of the lot equal to twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum lot area requirements for single-family, two-family or multiple-family dwellings shall be the same as those in the A-1 Districts. Where dwelling facilities are provided above stores, the lot area requirements shall be the same as those required for multiple-family dwellings in the A-1 districts.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet for single-family, two-family or multiple-family use, for other uses the width may be less than fifty (50) feet.

6. PARKING REGULATIONS.

A. The parking regulations for single-family, two-family and multiple-family dwellings are the same as those in the A-1 Multiple dwelling district.

B. The Parking regulations for clinics, hospitals, hotels, clubs, lodges, and places of public assembly, rooming and lodging houses are the same as those in the A-2 Multiple Dwelling District.

C. The parking regulations for retail, personal service, professional offices and restaurant uses are the same as those in the LR-1 Local Retail District.

D. Business offices and banks shall provide off-street parking space at a ratio of one space for each five hundred square feet of floor area.

E. Dwelling alleys shall provide off-street parking space at a ratio of three (3) spaces for each alley.

F. Motor-vehicle salesrooms and used car lots shall provide off-street parking space at a ratio of one (1) space for each one thousand (1,000) square feet of sales floor or lot area.

G. Retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 square feet in the building or on the lot used for retail, storage or service purposes.

ARTICLE 165-13

"C-1" COMMERCIAL DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In a "C-1" District, no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in a LR-1 area
Artificial flower manufacture
Artificial limb manufacture
Automobile laundry
Auto painting, auto upholstering
Awning manufacture, cloth, metal, wood
Cigarettes, manufacture
Beer taverns or lounge where the primary activity is the sale and consumption on the premises of beer or wine.

Book Printing, Binding, Bindery
Building works with sprue manufacture
Bowling Alley
Box and crate storage
cabinet shop
Candy Manufacture
Caravan Awning Manufacture
Car Barns
Carpenter Shop
Carpet cleaning - carrying and operating in dustproof room and dust catching equipment to premises, carding, stretch, dealing or storage
Cement storage
Ceramic products,Manufacture shop having an area of not more than six thousand (6,000) square feet.
Clothing Manufacture
Coke storage plant
Commercial amusement
Commercial Colleges
Cleaning and dry cleaning establishment having an area in excess of six thousand (6,000) square feet.
Contractors storage yard
Dance Hall
Dwelling House
Dry goods, wholesale and storage
Dyeing plant having more than 5,000 square feet
Egg Candling and grading
Electrical and neon sign manufacture
Electrical repairing
Electro-Plating; electro-plating
Engraving Plant
Envelope Manufacture
Feed Store, wholesale and storage
Flowers, wholesale
Food Products Manufacture, frozen food lockers - wholesale
Furniture repair and upholstering - wholesale
Furniture auction sales
Grocery store, vegetable and storage
Hauling, light or heavy
Household goods, storage
Ice cream manufacturing ice manufacture
Job printing and book printing
Laundry, commercial
Leather products manufacture
Lithographing
Loading or unloading trucks
Lumber and Wood manufacture
Lumber yard [Building material]
Market - public
Metal work Mixing and cementing - where dust precipitating equipment is used
Milk Depot, wholesale
Millinery Manufacture
Miniature golf course
Motor Manufacturing
Motel
Motion Picture studio, commercial film
Motorcycle Repairing
Moving and storage company
Newspaper printing
Night clubs
Optical Good Manufacture
Paper products and paper bag manufacture
Paint mixing, but excluding all grinding or mixing operations of paints, varnish and lacquers
Penal or correctional institutions for inmate, feeble-minded, liquor or habitual
Physic engraving plant
Plastic products, molding, casting and stapling
Printing equipment, supplies, repairs
Printing shop
Publishing Company
Schools - all types including trade and commercial colleges
Sheetmetal Fabricate
Shoe Company - wholesale
Shop stores, wholesale sales and storage
Sheet Metal shop
Spring Shop
Storage of trucks, coal and gravel
Storage and sales of used auto parts and accessories when located inside building and in which no automobile or parts of automobiles for sale is stored or displayed in the open
Store Automatic vendor - retail
Street car Barns
Tool and storage and repairs
Track sprays and unloading tracks, railroads
Tire retreading and recapping
Trade Schools of all types
Transfer and baggage company
Trailer camp or tourist camp
Truck Manufacturing
Type setting
Venetian Blind manufacturing
Warehouse, wholesale office, sales and storage
Water Distillation

Any result or byproducts use, provided such use is not noxious or offensive by reason of emission of odor, soot, dust, noise, fumes or vibrations, but excluding such uses as are specifically set forth in Articles 165-10, 165-11, and 165-12.

Accessory buildings and uses customarily incident to the above uses. No accessory use shall be construed to permit the keeping of articles, goods or materials in the open or exposed to the public view. When necessary to store or keep such materials in the open, the lot or area shall be fenced with a solid fence or wall at least six (6) feet in height.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed six (6) standard stories in height unless set back from all street lines one foot for each two (2) feet of its height above such six (6) story limit.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. Where all the frontage on one side of the street between two intersecting streets is located in the C-1 district, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the C-1 district and partly in a more restricted use district, the front yard shall conform to the most restricted use district regulations.

2. SIDE YARDS. No side yard shall be required for commercial or retail use, except for a single-family dwelling, two-family dwelling, or a multiple family dwelling use. A side yard shall be required on each side of the lot; on the side of the lot adjoining a R-1, R-½, R-1S, R-2T, R-7.5, R-6, R, R-1 or R-2 District, there shall be a side yard. No side yard shall be required where the C-1 District is separated from any residential district by an alley. The minimum width of the side yard shall be ten (10) feet, or ten(10) per cent of the average width of the lot, whichever is smaller but a side yard shall not be less than five (5) feet and need not exceed fifteen (15) feet.

3. REAR YARD. No rear yard shall be required for commercial or retail use except where a lot abuts an R-1, R-½, R-1S, R-2T, R-7.5, R-6, C, R-1, or R-2 district and is not separated therefrom by an alley, in which case there shall be a rear yard on the rear of the lot equal to twenty (20) per cent of the depth of the lot but in no case shall such rear yard be less than ten (10) feet. For a single-family, two-family, or multiple-family dwelling use, there shall be a rear yard on the rear of the lot equal to twenty (20) per cent of the depth of the lot.

4. AREA OF THE LOT. The minimum lot area requirements for single-family, two-family, or multiple-family dwellings shall be the same as those in the R-2 district. Where dwelling facilities are provided above stores, the lot area requirements shall be the same as those required for multiple-family dwellings in the R-3 district.

5. WIDTH OF THE LOT. The minimum width of the lot shall be fifty (50) feet for a single-family dwelling, two-family dwelling or multiple-family dwelling use, for other uses the width may be less than fifty (50) feet.

6. PARKING REGULATIONS.

A. The parking regulations for single-family, two-family, and multiple-family dwellings are the same as those in the R-1 Multiple Dwelling District.

B. The parking regulations for clinics, hospitals, hotels, clubs, lodges, places of public assembly, rooming and lodging houses are the same as those in each R Multiple Dwelling District.

C. The parking regulations for retail, personal services, professional offices and real insurance are the same as those in the C-1 local retail district.

D. Business offices and banks shall provide off-street parking space at a ratio of one (1) space for each five hundred (500) square feet of floor area.

E. Bowling alleys shall provide off-street parking space at a ratio of three (3) spaces for each alley.

F. Motor-vehicle salesrooms and used car lots shall provide off-street parking space at a ratio of one space for each one thousand (1,000) square feet of sales floor or lot area.

G. Dance halls, commercial amusement establishments, night clubs, and skating rinks shall provide off-street parking space at a ratio of one (1) space for each one hundred (100) square feet of floor area used for dancing, amusement or skating.

H. Manufacturing, industrial, and processing establishments, repair shops, warehouses, storage buildings, lumber and supply yards shall provide off-street parking space at a ratio of one (1) space for each five (5) employees. The maximum number of employees on duty at any time, day or night, shall be the basis determining parking requirements for any establishment. Where the number of employees is indeterminate, off-street parking space shall be provided at a ratio of one space for each one thousand (1,000) square feet of floor area.

I. Retail, office, service, industrial and manufacturing buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area of 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 5,000 square feet in the building or on the lot used for retail, storage or service purposes.

ARTICLE 165-16

"C-2" COMMERCIAL DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In a "C-2" District, no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in a C-1 District
Bag cleaning plant using equipped with a cyclone separator and bag filters with no exterior exhaust to cleaning equipment.
Bakery
Carpentry - upholstery
Drug manufacture
Laboratories
Railway express and yards
Machine shop
Motor freight terminal
Office equipment and supply manufacturing
Paint mfg.
Pharmaceutical Manufacture
Railway Terminal and yards
Soap compounding
Vegetable fat and oil manufacturing

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K. Bowling alleys shall provide off-street parking space at a ratio of three (3) spaces for each alley.

L. Automobile salesrooms and used car lots shall provide off-street parking space at a ratio of one space for each one thousand (1,000) square feet of sales floor or lot area.

M. Dance halls, commercial amusement establishments, night clubs, and skating rinks shall provide off-street parking space at a ratio of one (1) space for each one hundred (100) square feet of floor area used for dancing, amusement or skating.

N. Manufacturing, industrial, and processing establishments, repair shops, warehouses, storage buildings, lumber and supply yards shall provide off-street parking space at a ratio of one (1) space for each five (5) employees. The maximum number of employees on duty at any time, day or night, shall be the basis of determining parking requirements for any establishment. Where the number of employees is indeterminate, off-street parking space shall be provided in a ratio of one space for each one thousand (1,000) square feet of floor area.

O. Retail, office, service, industrial and manufacturing buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot and adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Each space shall consist of a minimum area of 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 5,000 square feet in the building or on the lot used for retail, storage or service purposes.

ARTICLE XXV-20

"M-2" MANUFACTURING DISTRICT REGULATIONS

SECTION 1. USE REGULATIONS. In an M-2 district, no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in an M-1 district, except that no building shall be erected or converted for dwelling purposes, provided, however, that dwelling quarters may be established in connection with any industrial plant for watchmen and caretaker employed on the premises and provided further any existing dwelling within any M-2 district may be repaired or altered.

Abattoir
Acetylene Gas Manufacture
Acid Manufacture
Air Products Manufacture
Ammonia Manufacture
Asphaltum Products Manufacture
Ash Dumps
Asphalt Manufacture, refining and storage
Automobile wrecking yard
Bag cleaning, where no dust filtering system is used
Blast Furnace
Bleachery
Blueprinting process manufacture
Boiler works
Bolt and Nut Manufacture
Brass Foundry
Brick, pottery and tile manufacture other than making of handicraft products only.
Bone Manufacture
Car Manufacture
Car Wheel Foundry
Carbureting Manufacture
Carriage and wagon manufacture
Cement Manufacture
Cast iron pipe manufacture
Casting foundry
Cattle sheds and pens
Ceramic Goods Manufacture
Cement Manufacture
Chain manufacture
Chlorine manufacture
Clay products
Concrete mixing
Concrete products manufacture
Cordage Mill
Corrugated Metal Manufacture
Crematory
Creosote treatment and manufacturing
Culvert Manufacture
Dextrine manufacture
Distillation of liquors, spirits, etc.
Dumping station
Dye Dyeing plant
Emery cloth manufacture
Engine Manufacture
Fat rendering
Felt manufacturing
Fertilizer manufacturing
Forge works
Foundry
Fur curing and tanning
Furnace Manufacturing
Glass Manufacture
Glucose manufacture
Glue and fertilizer manufacture
Graphite manufacture
Hair products factory (other than human)
Heating supplies and appliances Manufacture
Hide trimming and tallow processing
Hydrochloric acid and its derivatives manufacture
Japanning and shellacking works
Junk Yard
Jute Manufacture
Kalsomine manufacture
Lampblack manufacture or storage

Lard rendering
Leather, curing or tanning
Linseed Oil manufacture
Lubricating Oil manufacture
Lumber mill
Malleable casting manufacturing
Marble working and polishing
Meat Packing Plant and animal slaughtering
Monument works
Oil compounding and barreling
Oil refinery
Oilcloth manufacture
Organ and piano making
Packing [Meats, Poultry] shellfish and
Paint manufacture and mixing
Paper and Pulp Manufacture
Petroleum and Petroleum products refining
Planing Mill
Plaster of Paris manufacture
Rag treatment or manufactured products from rags
Raw hides and skins, treatment and storage
Reduction of slw, garbage, offal, etc.
Refining of crude vegetable oil
Rolling dump
Rug cleaning, if no dust proof cleaning room or dust filtering system is used.
Sale of used Auto Parts
Salvage storage yard
Scrap metal storage yard
Soap Metal reduction
Smelting
Smelting metals and metal ores
Steel manufacture
Soap manufacture from vegetable and animal products
Starch manufacture
Steel mill
Stone yards
Stone crushing
Storage of used lumber and used building materials
Stove and range manufacture
Tanning and curing of hides
Tar products, including tar paper and tar roofing manufacture
Terra Cotta manufacture
Varnish manufacture
Waste Paper Products manufacture
White lead manufacture
Wood distillation, including manufacture of tar, charcoal, turpentine, and similar products.
Wood Preserving treatment
Wrecking material yard

Any manufacturing or industrial process not hereinbefore listed and not prohibited by any other law. Accessory buildings and uses incident to the above.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed six (6) standard stories in height unless set back from all lot lines one foot for each one (1) foot above such height limit. When a building is located on a lot adjoining a single-family, two-family or an apartment district, it shall not exceed three (3) standard stories in height unless it is set back one (1) foot from all required yard lines for each one (1) foot of additional height above such height limits.

SECTION 3. AREA REGULATIONS.

1. FRONT YARD. No front yard shall be required for a commercial or manufacturing use unless
A. The street is less than 50 feet in width, in which case a manufacturing or commercial structure shall be placed not less than twenty-five (25) feet from the center line of said street.
B. The frontage of one side of a street within a block is partly in the M-2 district and partially in a more restricted district, then the front yard shall conform to the front yard regulations of the more restricted district.

2. SIDE YARDS. No side yard shall be required for a retail, commercial, or manufacturing use, except on the side of a lot adjoining a R-1, R-½, R-16, R-10, R-7.5, R-6, D, A-1 or A-2 District where there shall be a side yard having a minimum width of ten (10) feet or ten (10) per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet and need not exceed fifteen (15) feet. The side yard adjacent to a side street shall not be less than ten (10) feet.

3. REAR YARD. No rear yard shall be required for a retail, commercial, or manufacturing use except where a lot abuts a R-1, R-½, R-16, R-10, R-7.5, R-6, D, A-1, or A-2 district in which event there shall be a rear yard on the rear of the lot equal to twenty (20) per cent of the depth of the lot. But in no case shall a required rear yard be less than ten (10) feet in depth.

4. PARKING REGULATIONS.
A. The parking regulations for clinics, hospitals, hotels, clubs, lodges, places of public assembly, rooming and lodging houses are the same as those in the A-2 Multiple-dwelling district.
B. The parking regulations for retail, personal services, professional offices and restaurants are the same as those in the LB-1 local retail district.
C. Business offices and banks shall provide off-street parking space at a ratio of one (1) space for each five hundred [500] square feet of floor area.
D. Bowling alleys shall provide off-street parking space at a ratio of three (3) spaces per each alley.
E. Motor-vehicle salerooms and used car lots shall provide off-street parking space at a ratio of one space for each one thousand [1,000] square feet of sales floor or lot area.

7. Dance Halls, commercial amusement establishments, night clubs, and skating rinks shall provide off-street parking space at a ratio of one (1) space for each one hundred (100) square feet of floor area used for dancing, amusement or skating.

8. Manufacturing, industrial, and processing establishments, repair shops, warehouses, storage buildings, lumber and supply yards shall provide off-street parking space at a ratio of one (1) space for each five (5) employees. The minimum number of employees on duty at any time, day or night, shall be the basis of determining parking requirements for any establishment. Where the number of employees is indeterminate, off-street parking space shall be provided in a ratio of one space for each one thousand (1,000) square feet of floor area.

9. Retail, office, service, industrial and manufacturing buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods along any building or lot line adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Each space shall consist of a minimum area of 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 5,000 square feet in the building or on the lot used for retail, storage or service purposes.

ARTICLE 165-21

NON-CONFORMING USES

1. Any use of property that does not conform to the regulations prescribed in the preceding articles of this ordinance which shall have been in existence prior to September 13, 1929, shall be called a non-conforming use. Any use that may have become non-conforming since that date through amendment to Ordinance No. 2092 and amendments thereto and are not violating thereof shall also be called non-conforming uses.

2. Any non-conforming use of land or structures may be continued for definite periods of time, and subject to such regulations as the Board of Adjustment may require for immediate preservation of the adjoining property and the ultimate removal of the non-conforming use. The Board of Adjustment may grant a change of occupancy from one non-conforming use to another, providing the use is within the same, or higher, classification as the original non-conforming use; provided, however, that such change of use and occupancy will not tend to prolong and continue the non-conforming use. A non-conforming use may be changed to a use authorized in a LR-2 or higher classification use district, without obtaining a permit from the Board of Adjustment, provided it is not a change from a higher to a lower classification use. A non-conforming use once changed from a lower to a higher classification use shall not be changed to a lower classification use, and such prior lower classification use shall be considered abandoned.

3. A non-conforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In case of partial destruction by fire or other causes, not exceeding 50% of its value, the Building Inspector shall issue a permit for reconstruction. If greater than 50% and less than total, the Board of Adjustment may grant permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property.

4. Any duplex or apartment use existing on May 1, 1947, that was a non-conforming use on that date, shall thereafter be termed a conforming use.

5. Violation of this ordinance and a request for a non-conforming designation or request for relief under this designation shall not invoke an estoppel of the trial of any law suit which may be filed in any court.

6. Country Clubs, private golf courses, maintaining a standard nine hole course or more, fraternal clubs, athletic clubs, tennis clubs or other private bona fide clubs, which have had a permit to sell beer for on-the-premise consumption on May 31, 1949, may have such permit renewed as a non-conforming use; provided, however, that if the operation of such club or golf course by reason of the sale of beer creates a nuisance in the neighborhood, then in that event the Board of Adjustment upon due notice and a public hearing may revoke such permit and thereafter no new permit may be granted at such location.

The sale of beer, liquor or wine for consumption off the premises, which had a permit on May 1, 1947, may be continued and a permit therefor may be granted or renewed in any LR-2 or lower classification non-conforming use, or that may hereafter become a non-conforming use of the same character; provided, however, that if the sale of beer or liquor creates a nuisance through the violation of the character of license that is granted, then the Board of Adjustment upon due notice and a public hearing may revoke such permit and thereafter no renewal permit may be granted at such location.

ARTICLE 165-22

SPECIAL PERMITS

The City Council of the City of Dallas may, after public hearing and proper notice to all parties affected, and, after the recommendation from the City Plan Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize the location of any of the following in the specified districts:

1. Any use or public building to be erected or used by the City, County, State or Federal Government in any district.

2. Private schools, kindergartens and nurseries teaching the same subjects as public elementary and high schools in any district, provided the building or buildings are set back from all required yard lines in the district in which they are to be located two (2) feet for each foot of building height and provided off-street parking facilities are provided. For schools and kindergartens a minimum building area of thirty (30) square feet per pupil and a minimum site area of two hundred (200) square feet per pupil shall be provided.

3. Institutions of a religious, education or philanthropic nature in any district.

4. Private housing projects and shopping centers consisting of not less than three (3) acres and when accompanied by a site plan drawn to scale and showing the arrangement of the project in detail together with essential requirements such as parking facilities, locations of buildings and the uses to be permitted, and means of egress and ingress in any district.

5. Airport or landing fields or airport facilities in any district.
6. Dog kennels in any district.
7. Dog hospitals and veterinarian hospitals in the C-1, LR-3, and LR-4 districts on not a less of five (5) acres or more, in any district.
8. Temporary commercial amusement enterprises such as circuses, carnivals, driving ranges, miniature golf courses, pony rides, miniature train rides, and rodeos in any district.
9. Riding academy or public stable on sites of five (5) acres or more, in any district.
10. Radio broadcasting towers and stations, television towers and television transmitting stations in any district.
11. Any installation of a public utility either privately or publicly owned in any district.
12. Water reservoir, water pumping station, water towers or artesian wells in any district.
13. Hospitals, dental and medical offices, clinics, children's homes, convalescent homes, old people's homes, maternity homes, in the A-1 district or in any district where a site of five (5) acres or more is provided. Hospitals, dental and medical offices, clinics, convalescent homes, old people's homes and maternity homes existing in an A-2 District on the effective date of this ordinance shall be deemed conforming.
14. Homes for the insane, alcoholic, feeble-minded and narcotic in the A-2, LR-1, LR-2, LR-3, C-1 or C-2 or LI any district where a site of twenty (20) acres or more is provided.
15. Ghetto and motels in the C-1 district.
16. Private clubs and community buildings in an A-1 or A-2 district on not a site of three (3) acres or more in any district.
17. Drive-in theatres in the LR-2, LR-3, and C-1 districts on not either of ten (10) acres or more in any district.
18. Crematories and mortuaries in any district.
19. Sugar mills, when located in C-1 districts on sites of two acres or more in any district.
20. Trailer camps and trailer parks in the LR-2 and LR-3 districts.
21. Rock quarries, sand, gravel and earth excavations. At the time the permit is granted, the City Council may impose reasonable conditions for the protection of the public health and safety and may provide for the reclamation of such property by a suitable subsequent plan of use hereafter established.
22. Where the City Plan Commission is considering a change in zoning from a residential or apartment zoning to a lower classification and the area in question includes three or more lots or more owners, or if it contains larger area and would constitute the extension of an existing district whereby the provision of off-street parking facilities, screening walls, fences or planting and open space would create a psychotic transition between a lower and a more restricted district, or if it would constitute the extension of an existing special permit, the City Plan Commission may, within its discretion, make the following recommendations to the City Council:
    A. Recommend against the change in zoning.
    B. Recommend a change in zoning.
    C. Recommend that a special permit for such area be granted, together with its recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public streets, provisions for drainage, parking space and street lighting, and protection screening and open space.
23. Every special permit granted under the provisions of this article shall be considered as an amendment to the Zoning Ordinance as applicable to such property. In granting such permit the City Council may impose conditions which shall be complied with by the grantee before certificate of occupancy may be issued by the Building Inspector for the use of the building on such property pursuant to said special permit; and such conditions shall not be construed as conditions precedent to the granting of the special permit or the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

ARTICLE 16[illegible]-3]

SPECIAL PARKING AND AREA REGULATIONS AND DEFINITIONS

1. VISION CLEARANCE. On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained in a manner which will cause danger to traffic by obstructing the view, and shall be removed if it substantially prevents a clear view, said term shall be construed.

2. FRONT YARD. The front yards hereinafore required shall be adjusted in the following cases.

A. Where thirty-five (35) per cent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed, with a variation of five feet or less, a front yard greater in depth than herein required; new buildings shall not be erected closer to the street than the building line so established by the existing buildings, however, this regulation shall not be interpreted to require a building line of more than seventy-five (75) feet.

B. Where the frontage between two intersecting streets is developed with buildings that have not observed a front yard as described in 'A' above, then:

1. Where a building is to be erected on a parcel of land and will not be more than two hundred (200) feet from existing buildings on either side. The building line shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides.
2. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only such building may be erected as close to the street as the existing adjacent building. However, this regulation shall not be interpreted as requiring a building line of more than seventy-five (75) feet.

C. Where a building line has been established by ordinance and such line requires a greater setback than is prescribed by this ordinance in the district in which the building line is located, no building shall be erected closer to the street than the line so established.

D. Where a building line is shown on a plat recorded for record with the County Clerk of Dallas County after January 1, 1951, and such building line provides a front yard of twenty-five (25) feet or more in depth and a side yard of ten (10) feet or more in depth and is part of a comprehensive plan for the orderly development of a subdivision either with a uniform or staggered building line, no building shall be erected closer to the street than the building line so shown. However, any building line established by ordinance shall take precedence over a building line shown on a recorded plat.

E. Open and unenclosed terraces or porches and open and roofed structures may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such structures may be located within the required front yard. The supporting structure of an open car port or other structure for the storage of automobiles shall not be located within the required front yard. An unenclosed canopy for a gasoline filling station or similar buildings may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy or the columns supporting same.

3. SIDE AND REAR YARDS.

A. Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of window sills, belt courses and other ornamental features projecting not to exceed twelve (12) inches. Eaves and awnings on main residential structures may project to within three (3) feet of a side lot line.

B. Accessory buildings may be built in the rear part except that open pool accessory building is located closer than fifteen (15) feet to the main building it shall observe the same side yard as required for the main building.

C. Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues into rear yard may be permitted by the Building Inspector into the required rear yard for a distance not to exceed three and one-half (3½) feet.

D. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the ground (first) floor level of the building may project into a required side yard provided such projections not be erected closer than two (2) feet from the side lot line.

4. LOT AREA. No lot separately owned on September 21, 1953, a single-family house may be erected even though of less area than required by these regulations.

5. LOCATION OF BUILDINGS AND BUILDINGS: Only one main building for single-family, two-family or multiple-family use site permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of thirty(30) feet. Where a lot is used for retail, commercial, industrial, or a combination of same, or for a combination of retail and dwelling purposes, more than one (1) main building may be located upon the lot but only upon such buildings conform to all the open space, parking and density requirements applicable to the uses and districts and shall all such main buildings face upon a street or officially approved place, other than an alley. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, the same may be permitted when the site plan for such development is approved by the City Plan Commission so as to comply with the normal requirements for platting. No parking area, setback area, or required open space for one building shall computed as being the open space, part or area requirements for any dwelling or other use. Whenever an area or tract of three (3) acres or more under one or several ownerships is proposed for development with more than one (1) main building, permits may be issued for housing projects, shopping areas, institutional, industrial developments, or a combination development of two or more uses when the same is treated as prescribed in Article 165-22.

6. EXCEPTION OF DUPLEX IN A R-7.5 OR R-6 DISTRICT: Two family dwellings may be erected in a R-7.5 or R-6 single-family dwelling district where forty (40) per cent of the street frontage between intersecting streets was developed with two-family dwellings prior to January 1, 1951, and the corresponding frontage on the opposite side of the street may likewise be used for multiple-family dwellings as provided in Article 165-10; provided, however, that the area and parking regulations in the "B" Duplex district are complied with.

7. EXCEPTION OF AN APARTMENT IN A R-7.5, R-6, OR D DISTRICT: Multiple-family dwellings may be erected in a R-7.5, R-6 Single-family district or in a "D" District, where forty (40) per cent of the street frontage between intersecting streets was developed with multiple-family dwellings prior to January 1, 1951, and the corresponding frontage on the opposite side of the street may likewise be used for multiple-family dwellings as provided in Article 165-11; provided, however, that the area and parking regulations of the 1-1 Apartment District are complied with.

8. SPECIAL PARKING EXCEPTIONS:

A. Requirements for the provision of off-street parking space for retail, service, commercial and industrial buildings and uses shall not apply to buildings erected or altered within the required business area and in certain other business areas substantially developed at the effective date of this ordinance. These areas are designated on the special parking exceptions map, which map is attached and made a part of this ordinance.

B. In Local Retail-1, Local Retail-2, Local Retail-3, and Commercial-1 Districts, where fifty (50%) per cent or more of the frontage in a block between two intersecting streets has been developed into retail or commercial buildings or usage which does not provide the ratio of parking as required herein, any remaining lot or tract of land may be improved with a building or conversion to a local retail or commercial building or use and shall provide parking space in the same ratio, if any, as was required of the existing improved properties in the block on either side of the street. and likewise, if these districts buildings may be remodeled, altered or reconstructed subject to the regulations provided herein.

9. OUTER COURTS. Whenever an outer court to a building used or intended to be used for dwelling purposes is formed by three exterior walls of the building in which are located no doorways, windows or doors for light, access, air or ventilation, the mean depth of the court measured from the base wall to a line projected from the outer edge of one protruding wall to the outer edge of the other protruding wall shall not be greater than one and one-half (1½) times the distance between the two protruding walls. Whenever the depth of the court equals or exceeds fifty (50) per cent of the distance between the protruding walls, the minimum width of an outer court shall be twelve (12) feet for one (1) standing story buildings, twenty (20) feet for two story buildings, thirty (30) feet for three story buildings, and for buildings exceeding three standard stories in height. The width of an outer court shall be increased one (1) foot for each two (2) feet the building exceeds three standard stories.

ARTICLE 165.24

BOARD OF ADJUSTMENT

SECTION 1. It is the declared purpose of this ordinance that non-conforming uses be eliminated and be required to conform within regulations prescribed in the preceding articles of this ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Board shall from time to time on its own motion or upon means presented by interested property owners institute into the existence, continuation or maintenance of any non-conforming use within the City.

SPECIAL PARKING EXCEPTIONS MAP
GRAPHIC SCALE
WOOD
MAIN
MARSHALL
CLAPSADDLE
VICTORIA
PLAYFIELD
PARK
OAK
HARVARD
HARVARD

2. The district boundaries are streets, alleys and property lines unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by streets, alleys, or property lines, the street, alley or property lines shall be construed to be the boundary of the district.

3. Where the district boundaries are otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be property lines, and where the districts designated on the map accompanying and made a part of the ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

4. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

5. In case of a district boundary line dividing a property into two parts the district boundary line shall be construed to be the property line nearest the less restricted district.

6. Whenever any street, alley or other public way is vacated by official action of the City Council, the Zoning District adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

ARTICLE 165-27

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

1. No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy has been issued by the Building Inspector, stating that the building or proposed use of a building or premises complies with the Building Code and the provisions of these regulations. A change in use shall be construed to mean any change in the occupancy or type of business.

ARTICLE 165-28

COMPLETION OF EXISTING BUILDINGS

Building herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this ordinance and which building shall be completed within two years from the date of the passage of this ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be completed within two years from the date of the passage of this ordinance. If any amendments to this ordinance is hereafter adopted changing the boundaries of districts, the provisions of this ordinance with regard to building or premises existing or building under construction or building permits issued at the time of the passage of this ordinance shall apply to buildings or premises existing, to building under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment.

Commitments with reference to construction of public utility buildings necessary for proposed expansion of the City made prior to the passage of this ordinance shall be observed.

ARTICLE 165-29

ENFORCEMENT

The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Dallas. All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use of the property, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plans shall be kept in the office of the Building Inspector.

ARTICLE 165-30

PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than two hundred and no/100 ($200.00) DOLLARS and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or tenant of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any agent, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

ARTICLE 165-31

CHANGES AND AMENDMENTS

1. The governing body may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.

2. Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the City Plan Commission for its recommendation and report.

3. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in the official publication of the City of Dallas, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

4. Unless such proposed amendment, supplement or change has been approved by the City Plan Commission, or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) per cent or more either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending 200 feet therefrom or of those directlyopposite thereto extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths vote of the Governing Body

5. The official zoning map of the City of Dallas shall be kept in the Office of the City Secretary and copies thereof shall be maintained; b. A copy in the office of the City Plan Engineer and c. A copy in the office of the Building Inspector. It shall be the duty of the City Plan Engineer to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the Council may from time to time adopt by amendments to the Zoning Ordinance and map. The City Secretary, upon the adoption of this ordinance, shall affix a certificate identifying the map in his office as the official zoning map of the City of Dallas. He shall likewise officially identify the copies directed to be kept in the office of the City Plan Engineer and the Office of the Building Inspector.

ARTICLE 163-32

DEFINITIONS

Certain words in this ordinance are defined for the purpose hereof as follows:

1. Words in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and not directive.

2. ACCESSORY BUILDING: (a) In a residence or apartment district, a subordinate building, attached to or detached from the main building, without separate utilities, and used for customary incidental purposes and not rented and containing servants quarters, a workroom, a storage room for domestic storage only, and space for one or more automobiles. (b) In other districts, a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

3. ALLEY: A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

4. APARTMENT: A room or suite of rooms in an apartment house arranged, designed or occupied as the residence by a single family, individual, or group of individuals.

5. APARTMENT HOUSE: Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

6. APARTMENT HOTEL: Any building larger than an apartment house designed or built to be occupied as a series of separate apartments and by persons living independently of each other.

7. AREA OF THE LOT. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

8. BASEMENT: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

9. BLOCK: An area within the City enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on each side.

10. BOARDING HOUSE: A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

11. BREEZEWAY: A covered passage one story in height connecting a main structure and an accessory building.

12. BUILDING: Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

13. BUILDING LINE. A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

14. BUILDING, HEIGHT OF: That plane of the building having the least dimensions and on which areas of openings are not customarily provided for ingress and egress.

15. BUSINESS: Includes local retail, commercial, light and service manufacturing uses and activities as herein defined.

16. CELLAR: That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

17. CLINIC, MEDICAL: An institution or clinic for the observation and treatment of out and ambulatory out-patients.

18 CONVALESCENT HOME: Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age

19. COURT: An open, unoccupied space, bounded on more than two sides by the walls of the building. An inner court, is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanently open space

20. CUSTOMARY HOME OCCUPATIONS: A customary home occupation is an occupation customarily carried on in the home by a member of the family which is clearly incidental and secondary to the residential use of the premises, which does not change the character thereof or adversely affect the uses permitted in the district of which it is a part. Under the interpretation of customary home occupations are included such occupations as dressmaking, millinery or music instruction but not the display of goods or wares; the keeping of a tea room, restaurant, or hospital; the keeping of a barber shop or beauty parlor; the operation of a real estate or insurance office; the keeping of a stock of goods for sale as a store, or the conducting of a business in connection therewith; the keeping of more than one boarder or roomer; the keeping of a commercial stable or kennel; the operation of a clinic or hospital; the employment of more than one person not a member of the family residing on the premises; the operation of any activity not customarily conducted entirely within a dwelling; or the operation of any activity which requires additional parking space for customers, clients or employees, or which creates additional traffic in the area.

24. DAY NURSERY: A place where children are left for care but not the hours of [illegible] and 12 p.m.

25. DEPTH OF REAR YARD: The mean horizontal distance between the [illegible] of a building other than accessory building and the rear lot line and depth of a required rear yard is twenty (20) per cent of the depth of the lot.

26. DEPTH OF LOT: The mean horizontal distance between the front and rear lot lines.

27. DWELLING, ONE-FAMILY: A detached building having accommodations for and occupied by not more than two families, or by two families and not more than four (4) boarders or lodgers.

28. DWELLING, TWO-FAMILY: A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four (4) boarders or lodgers. [Two boarders or lodgers is deed only].

29. DWELLING UNIT: A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters.

30. DISTRICT: A section of the City of Dallas for which the regulations governing the area, height, or use of the buildings are uniform.

31. EFFICIENCY APARTMENT: An apartment having a combination living and bedroom. [no separate bedroom]

32. FAMILY: A family is any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood.

33. FARM: An area of two acres or more, which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain and their storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine and including dairy farms with the necessary accessory uses for treating and storing theproduce; provided,however that the operation of such accessory use shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

34. FRONT YARD: An open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than theprojection of the usual steps or open porches.

35. GRADE: (A) For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street; (B) For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalks at the center of all walls adjoining the street. (C) For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building;

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Director of Public Works shall establish such sidewalk level or its equivalent for the purpose of these regulations.

36. GROSS FLOOR AREA: The gross floor area of an apartment house shall be measured by taking the outside dimensions of the apartment building at each floor level excluding however, the floor area of basements or attics not used for residential purposes.

37. HEIGHT: The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher, or if no street grade has been established, to the highest point of the roof's surface if a flat roof; to the deck line of mansard roofs; and to the main height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be exempted; chimneys, cooling towers, elevator bulkheads, fire towers, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

38. HOBBY SHOP: An accessory use houses in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.

39. HOME OCCUPATIONS: Any occupation that is customarily performed at home that does not involve a structural change in the building, that does not require the employment of help, and installation of equipment or the display of a sign, and shall not include beauty culture schools, beauty parlors, doctor's offices for treatment of patients.

40. HOME WORK SHOP: See Hobby Shop.

41. HOSPITAL: An institution or place where sick or injured in-patients are given medical or surgical care either at public (municipal or private expense.

42. HOTEL AND MOTEL: A building or arrangement of buildings designed and occupied as a temporary sojourn place of individuals who are lodged with or without meals, in which the rooms are usually occupied singly for hire, in which there are no provisions for cooking in individual rooms or apartments, and in which there are more than twelve (12) sleeping rooms. A public sleeping room accommodating more than twelve (12) guests and a central kitchen.

43. PLANNED DEVELOPMENT: An area of three (3) or more acres arranged according to a site plan to be submitted to and to be approved by the City Plan Commission and the City Council on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of streets or streets and alleys, and the entire area is to be zoned as an apartment-A Zone upon the recommendation of the City Plan Commission and the action of the City Council, and it which it will not be necessary to subdivide the area into lots and blocks. The site plan shall indicate what all access streets, alleys, sidewalks, storm sewers, and storm sewer inlets, shall be platted as required by the City of Dallas and built in accordance with City of Dallas specifications.

44. KINDERGARTEN: A school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

45. LODGING HOUSE: A building other than a hotel where lodging for five or more persons is provided for compensation.

46. LOT. Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

47. LOT LINES: The lines bounding a lot as defined herein.

48. LOT OR SECTION: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas County, or a parcel of land, the deed for which was recorded in the office of the County Clerk of Dallas County prior to January 1, 1953.

49. NON-CONFORMING USE: A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

50. ONE-FAMILY DWELLING: A detached building having accommodations for and occupied by one family, or by one family and not more than four (4) boarders or lodgers.

51. OPEN SPACE: Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

52. PARKING SPACE: An area of not less than 180 square feet (measuring approximately 9 feet by 20 feet) not on a public street or alley, surfaced with an all weather surface, enclosed or unenclosed, together with an all weather surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. In any dwelling, duplex or apartment district shall not include the parking of trucks or buses for commercial purposes, head-in parking adjacent to a public thoroughfare wherein the maneuvering is done, a public street shall not be classified as off-street parking in computing the parking requirements for any use.

53. PLACE: An open, unoccupied space reserved for purposes of access to abutting property.

54. PRIVATE GARAGE. An accessory building or portion thereof in which not more than five (5) privately owned motor-driven vehicles are stored by occupants of the premises, not more than one of which may be a truck of not to exceed 1 or 1½ ton capacity.

55. PUBLIC GARAGE: A building or portion of a building used for repair, sale, or servicing of motor-driven vehicles, or where motor-driven vehicles are equipped for operation, or kept for hire or sale, but not including the open storage of trucks, trailers and vans.

56. PRIVATE STABLE: A stable with a capacity for not more than four horses or mules.

57. PUBLIC STABLE: A stable with a capacity for more than four horses or mules.

58. REAR YARD: The required rear yard is an open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and having a depth of twenty (20) per cent of the depth of the lot. Accessory buildings may occupy not to exceed thirty (30) per cent of the area of the required rear yard, except that in the A-1 or A-2 Districts where access to accessory buildings is from a public alley, more than thirty (30) per cent of the required rear yard may be covered by such buildings provided that the minimum distance between the rear of the main building and the accessory building equals at least twenty (20) per cent of the depth of the lot.

59. SHOPPING CENTER: An area consisting of three (3) acres or more surveyed according to a site plan to be submitted to and to be approved by the City Plan Commission and the City Council, on which is indicated the amount of land to be devoted to the shopping village, the detailed arrangement of the various buildings, parking area, sidewalk, and type of ownership desired. It shall require that the installation of all utilities, service structures, the grading of streets, parking areas, alley and the installation of sidewalks in accordance with the City of Dallas specifications for each type of improvement.

60. SERVANTS' QUARTERS: An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate dwelling.

61. SIDE YARD: An open, unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending through from the front yard to the required rear yard, the side lot line and the side line shall be deemed a side line.

62. STORAGE GARAGE: A building or portion thereof used for the storage of more than five (5) passenger motor vehicles or trucks of not more than one and one-half (1½) ton capacity.

63. STORY, HALF: A story having an average height of not more than nine (9) feet, covering a floor area of not more than seventy-five (75) per cent of the area of the story of the first story below.

64. STORY, FIRST: The lowest story or the ground story of any building, except a cellar.

65. STREET: Any thoroughfare or public highway, other than an alley, not less than fifty (50) feet in width, which has been dedicated or deeded to the public for public use.

66. STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

67. TEMPORARY CONCRETE OR ASPHALT PLANT: A concrete batching or asphalt mixing plant, located on property, used during construction of a project or contract, or at a location within the City of Dallas approved by the City Council, which must be removed upon completion of the project or contract, or within one year, whichever occurs first.

68. TOURIST COURT: A group of two or more detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

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SECTION 165-3 - continued

67. USED CAR LOT: A lot or portion thereof to be used only for the display and sale of automobiles where no dismantling work is to be done on or off the lot. It does not include the assembly of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

68. WIDTH OF SIDE YARD: The mean horizontal distance between a side wall of a building and the side line of the lot, or in the center line of an alley adjacent to such side lot line.

69. YARD: An open, unoccupied space other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky.

70. TOURIST COURT: One or more buildings designed or used as temporary living quarters for automobile transients in which individual cooking facilities may or may not be provided. If facilities are provided for individual cooking so that the units may be occupied as dwelling units the same area, density and yard regulations as required in the A-1, Apartment District, shall be observed. In all cases, one off-street parking space shall be provided for each room or suite of rooms in the tourist court.

ARTICLE 165-33

PROVISIONS RELATIVE TO PERMITTED LEGISLATION AND PROHIBITED USES UNDER EXISTING ORDINANCES

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain non-conforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the zoning ordinance was repealed and the present Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

ARTICLE 165-34

VALIDITY

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

ARTICLE 165-35

EFFECTIVE DATE

The fact that the present zoning regulations are inadequate to properly safeguard the general public welfare, health, peace and safety, and that an immediate and an emergency for this article does exist, makes effective immediately upon its passage, and it is so ordained as an emergency.

PASSED AND APPROVED

W. F. Turner,
City Attorney.

PASSED: AUGUST 28, 1951.
EFFECTIVE DATE: AUGUST 28, 1951.

APPROVED: W F Turner
City Attorney

ATTEST:
Harold G. Shank
City Secretary

...Morton, Mrs. Jones Burr and Mrs. John B. Danna, appeared in opposition. Mr. Paul ...pplicant, appeared in favor. After all had been given an opportunity to be heard, it was mo... Councilman Geary that the City Council deny without prejudice this application until such time fu... ng space could be provided in accordance with the existing regulation.

...ilman McKinney made a substitute motion that the City Council close the hearing and approve ...cation to conform with parking as required by the regulations of one parking space for each ...e feet of floor area, which substitute motion was accepted by Councilman Geary. Councilman ...ied the motion. The motion carried unanimously.

59-...

ZONING CASE #59-750

...g set for this date on Zoning Case #59-750 to determine whether or not the following descr... ...ty shall be given a Commercial-1 zoning classification instead of its present Residential-... ...feet zoning classification, was called:

Being part of City Block 4567 fronting 29 feet on the north line of Twelfth Street beginning at a point 200.06 feet west of the west line of Hampton Road and having a depth of 169.5 feet.

The City Plan Commission has recommended that a Special Permit for Commercial-1 uses ... granted subject, however, to certain conditions.

...as no one present tho cared to be heard. After consideration, it was moved by Councilman... ...onded by Councilwoman Collins that the hearing be closed and special permit granted in a... ...e recommendation of the City Plan Commission. Motion unanimously carried.

59...

ORDINANCE NO. _____

...ence granting, the right, privilege and franchise to Doctors Arvel E. Haley, J. C. Olga... ..., Goode, and Robert K. Portman to occupy certain public property adjacent to City Block ...outh side of Canty Street between Bishop and Haines Avenue in the City of Dallas, Texas... ...e particularly described for the use and maintenance of an existing Redwood curbed pla... ...ch was constructed in connection with the Clinic Building located on the corner of Can... ...op Avenue on Lot 6 of Block 6/3328, and which presently encroaches upon said public ri... ...g for the conditions upon which this franchise is granted; providing for the annual co... ...id to the City of Dallas; providing for payment of the publication fee; and providing ...e date of this ordinance.

...oved and seconded that ordinance pass first reading.

EXHIBIT 9

Carried - [illegible]

It was moved and seconded [illegible]

ROLL CALL ON MOTION:

Aye - [illegible]

Nay -

Carried - [illegible]

It was moved and seconded [illegible]

ROLL CALL ON MOTION:

Aye - [illegible]

Nay -

Carried - [illegible]

It was moved and seconded that the rules be suspended and ordinance placed on second reading.
ROLL CALL ON MOTION:
Aye - Collins, Cousins, Geary, Harris, McKinney, Mixon, Robertson, Self, Thornton - 9
Nay - - 0
Carried - ordinance passed second reading.

It was moved and seconded that ordinance pass third and final reading.
ROLL CALL ON MOTION:
Aye - Collins, Cousins, Geary, Harris, McKinney, Mixon, Robertson, Self, Thornton - 9
Nay - - 0
Carried - ordinance passed third and final reading.

ORDINANCE NO. 6258

An ordinance amending Chapter 165, Title XLIII, of the 1941 Code of Civil and Criminal Ordinances of the City of Dallas, as amended by Ordinance No. 5238, enacted by the City Council on August 28, 1951, and as hereafter amended, by permitting the following described property, which is presently zoned partially [illegible] Square Feet, to-wit: a tract of land being part of City Block 4567 fronting 29 feet on the north line of Twelfth Street beginning at a point 200.0 feet west of the west line of [illegible] and having a depth of 169.5 feet, to be used under a special permit for Commercial-1 uses with reference to the herein described property, subject, however, to the special conditions hereinafter [illegible]; that the property shall be improved according to the plans and specifications submitted [illegible] and shall be approved by the City Plan Commission and the City Council; providing for a penalty [illegible] an emergency.

It was moved and seconded that ordinance pass first reading.
ROLL CALL ON MOTION:
Aye - Collins, Cousins, Geary, Harris, McKinney, Mixon, Robertson, Self, Thornton - 9
Nay - - 0
Carried - ordinance passed first reading.

It was moved and seconded that rules be suspended and ordinance placed on second reading.
ROLL CALL ON MOTION:
Aye - Collins, Cousins, Geary, Harris, McKinney, Mixon, Robertson, Self, Thornton - 9
Nay - - 0
Carried - ordinance passed second reading.

It was moved and seconded that ordinance pass third and final reading.
ROLL CALL ON MOTION:
Aye - Collins, Cousins, Geary, Harris, McKinney, Mixon, Robertson, Self, Thornton - 9
Nay - - 0
Carried - ordinance passed third and final reading.

59-5180

City of Dallas

STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF DALLAS §

I, **BILIERAE JOHNSON,** City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

ORDINANCE NO. 8288

Which was passed by the Dallas City Council on **December 7, 1959.**

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the 13th day of **September, 2023.**

BILIERAE JOHNSON
CITY SECRETARY
CITY OF DALLAS, TEXAS

Prepared By: NG

CITY OF DALLAS TEXAS

ORDINANCE NO. 5855

An Ordinance amending Chapter 165, Title XLIII, of the 1941 Code of Civil and Criminal Ordinances of the City of Dallas as amended by Ordinance No. 5238, enacted by the City Council on August 28, 1951, and as thereafter amended, by permitting the following described property, which is presently zoned Residential-7,500 Square Feet, to-wit: A Tract of Land being part of City Block 4567 fronting 29 feet on the north line of Twelfth Street beginning at a point 200.0 feet west of the west line of Hampton Road and having a depth of 169.5 feet, to be used under a special permit for Commercial-1 Uses; That a special permit shall be granted for Commercial-1 Uses with reference to the herein described property, subject, however, to the special conditions hereinafter more fully expressed; That the property shall be improved according to the plans and specifications submitted therefor and shall be approved by the City Plan Commission and The City Council; Providing for a penalty; and Declaring an Emergency.

WHEREAS, the City Plan Commission of the City of Dallas and the Governing Body of the City of Dallas in compliance with the Charter of the City of Dallas and the State law with reference to the granting of special permits under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise and after holding due hearings and affording a full and fair hearing to all the property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof, the Governing Body of the City of Dallas is of the opinion that said special permit should be granted, subject to the conditions set out herein; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 165, Title XLIII, of the 1941 Code of Civil and Criminal Ordinances of the City of Dallas as amended by Ordinance No. 5238, enacted by the City Council on August 28, 1951, and as thereafter amended, be, and is hereby amended insofar as the property hereinafter described, which is presently zoned Residential-7,500 Square Feet, shall be used under a special permit for Commercial-1 Uses, subject to the special conditions contained herein:

> A TRACT OF LAND being part of City Block 4567 fronting 29 feet on the north line of Twelfth Street beginning at a point 200.0 feet west of the west line of Hampton Road and having a depth of 169.5 feet.

SECTION 2. That this special permit for Commercial-1 Uses with reference to the hereinabove described property is approved and granted upon the following express conditions, and in accordance with Article 165-22, Section 22, of the Zoning Ordinance:

(1) That development shall be generally in conformance with a site plan as approved by the City Plan Commission;
(2) That all means of ingress and egress shall be approved by the Director of Planning;
(3) That all service drives, entrances and parking areas shall have a minimum surfacing of six inches compacted gravel, and two coats penetration asphalt; that all curbs and drainage structures shall be installed in accordance with the requirements and specifications of the Public Works Department, and the developer shall bear the total cost of all such improvements,
(4) That off street parking shall be provided per use as required in the Zoning Ordinance;
(5) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type. No signs or billboards shall be permitted of a flashing or intermittently lighted type.

SECTION 3. That the site plan for these improvements and as approved by the City Plan Commission is attached hereto and made a part hereof for all purposes. A true copy of the site plan shall be retained by the Director of Planning and another copy thereof shall be authenticated by the Director of Planning and furnished to the Building Inspector for use in connection with these improvements. That all paved areas, [illegible] drives, streets and drainage structures, if any, shall be constructed in accordance with standard City of Dallas specifications adopted for such purpose, and the same shall be done to the satisfaction of the Director of Public Works.

SECTION 4. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to the same penalties provided for in Ordinance No. 5295, particularly Article 165-30.

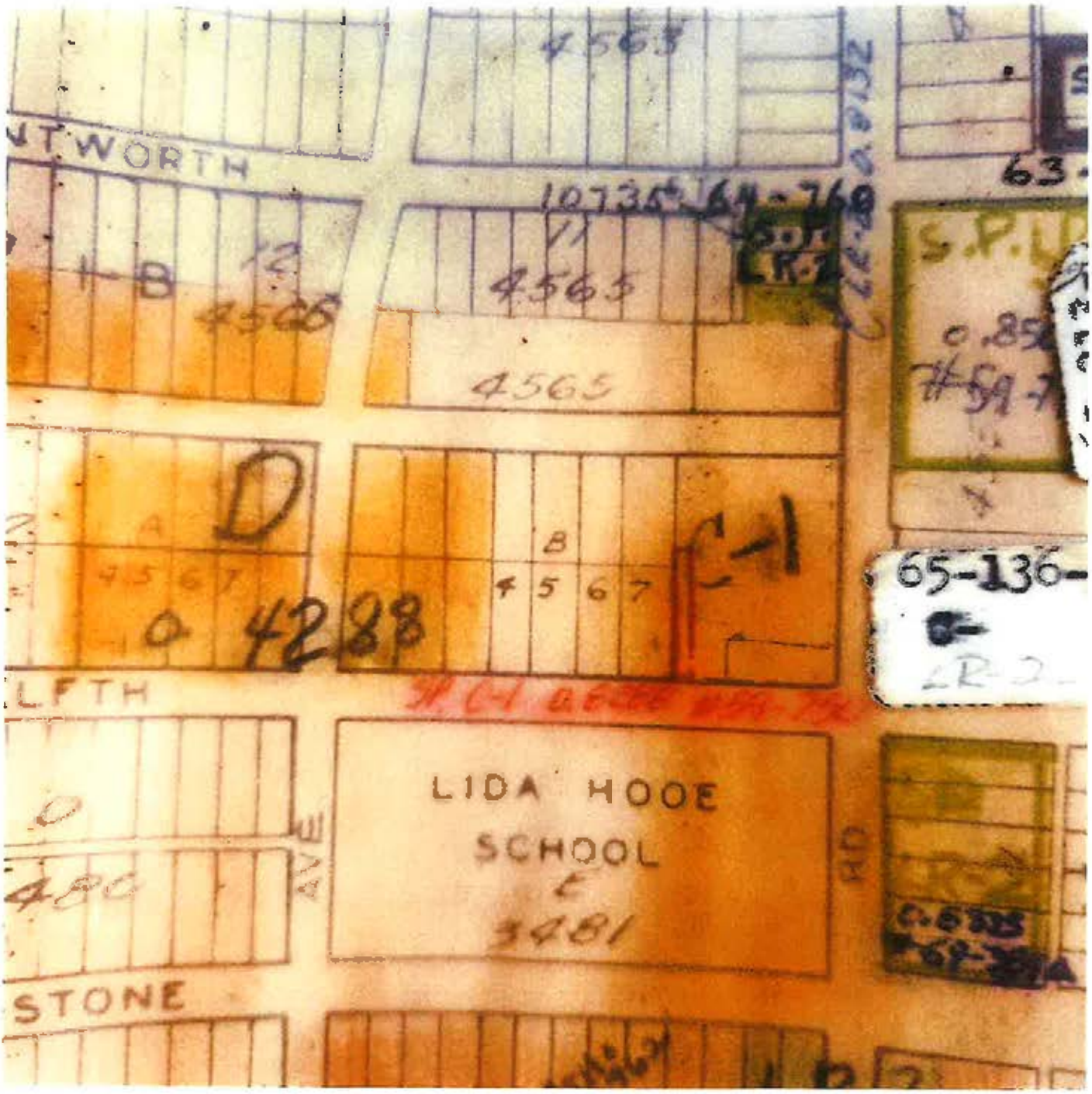
SECTION 5. WHEREAS, it appears that the subject property of this ordinance is to be used under a special permit for Commercial-1 Uses and will serve the public interest, comfort and general welfare, creates an urgency and an emergency in the preservation of the public peace, comfort and general welfare and requires that this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

APPROVED AS TO FORM:
H. P. KUCERA City Attorney

PASSED: December 7, 1959
CORRECTLY ENROLLED: December 7, 1959

APPROVED H P Kucera
City Attorney

ATTEST:
Stuart G. Stark
City Secretary


NT WORTH
4565
4566
4565
4565
B
A
D
4567
4288
B
4567
C-1
LFTH
LIDA HOOE
SCHOOL
E
3481
STONE
EXHIBIT
10

DALLAS DEPARTMENT OF CITY PLANNING

L-6

MF-1 MF-2 R-7.5 2F-2 SC SC-D O-2 O2-D GR GR-D CA-1 CA-D LC HC I-2 P

SERIES V

These maps are not the official zoning maps of the City of Dallas.

The City of Dallas and the Dallas Board of Realtors assume no responsibility for any errors, omissions, or inaccuracies.

SCALE 1" = 400'

MAR. 29, 1965; REVISED - MAY 20, 1971

L-6

EXHIBIT

tabbies 11

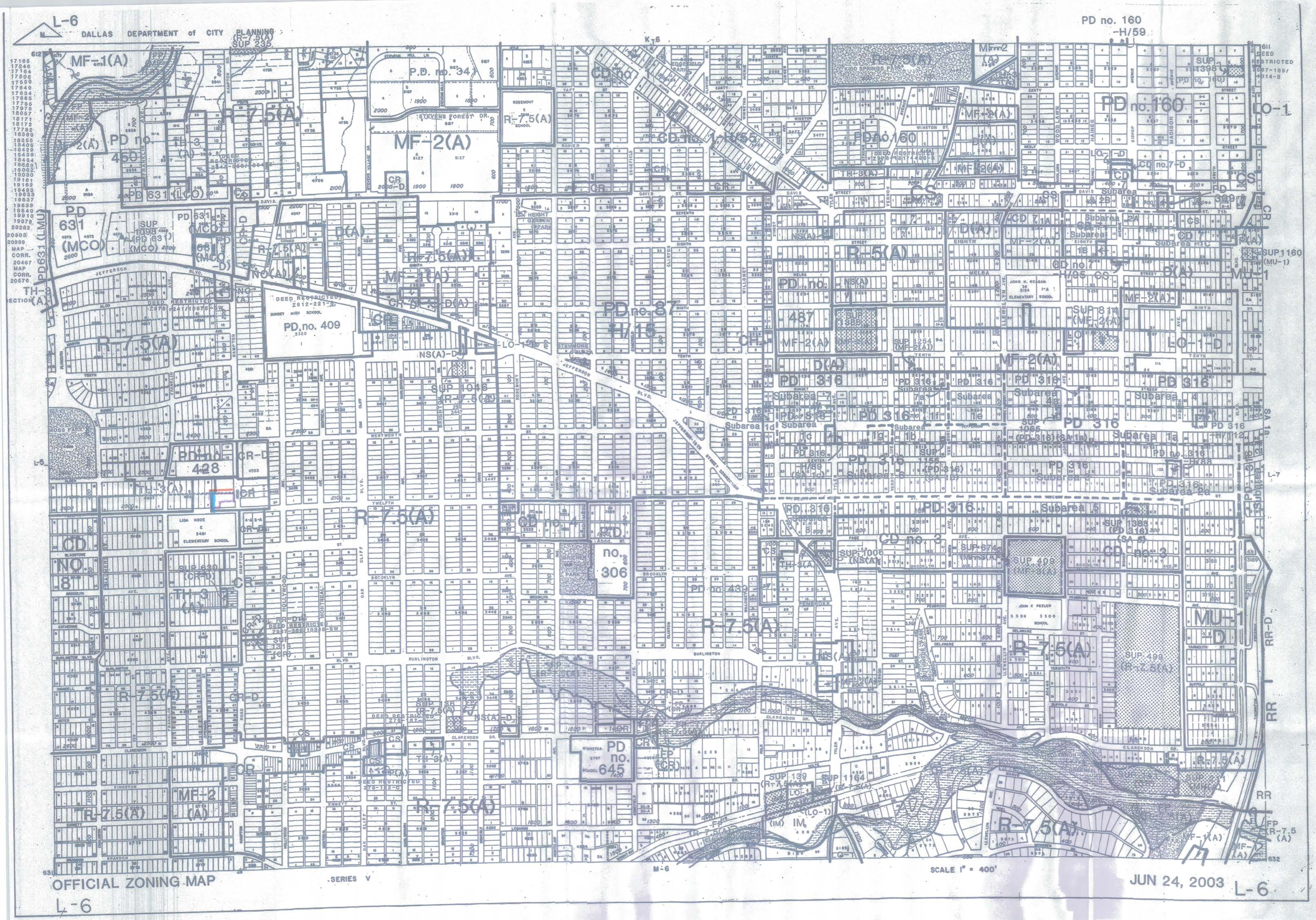

L-6
DALLAS DEPARTMENT of CITY PLANNING
OFFICIAL ZONING MAP
SERIES V
SCALE 1" = 400'
JUN 24, 2003
L-6
PD no. 160
-H/59
MF-1(A)
PD no. 450
P.D. no. 347
MF-2(A)
R-7.5(A)
PD 631 (LCO)
PD 631 (MCO)
SUP 1098 (PD 631) (MCO)
PD no. 409
DEED RESTRICTED Z812-221-S
SUNSET HIGH SCHOOL
DEED RESTRICTED Z878-241/10575-SW
PD no. 87
H/15
CD no. 1
CD no. 1-H/55
PD no. 160
DEED RESTRICTED Z778-181/4486-S
KIDD SPRINGS PARK
R-5(A)
PD no. 487
SUP 1388
SUP 1254 (MF-2(A))
JOHN H. REAGAN ELEMENTARY SCHOOL
CD no. 7-D
CD no. 7
-H/95 CS
SUP 811 (MF-2(A))
LO-1-D
MU-1
SUP 1160 (MU-1)
DEED RESTRICTED Z867-185/4014-S
SUP 1398 (PD no. 160)
LO-1
PD 316
Subarea 1a
Subarea 1b
Subarea 1c
Subarea 1d
Subarea 1e
Subarea 1f
Subarea 1g
Subarea 2
Subarea 2a
Subarea 4
Subarea 4a
Subarea 5
Subarea 6
Subarea 7
Subarea 7a
Subarea 8
SUP 1065 (PD 316) (SA 1a)
SUP 1155 (PD 316) (SA 1B)
PD no. 316 -H/88
PD 316 -H/112
SUP 1046 (R-7.5(A))
PD no. 428
CR-D
TH-3(A)
LIDA HOOE ELEMENTARY SCHOOL
CD NO. 8
SUP 630 (CR-D)
RR-D
DEED RESTRICTED Z867-309/10349-SW
SUP 1318 (CR)
CD no. 4
PD no. 306
GRIENER PARK
PD no. 439
CD no. 3
SUP 1006 (NS(A))
SUP 674 (NS-3(A))
SUP 409 (MF-3(A))
SUP 1389 (PD 316) (SA 5)
JOHN F. PEELER SCHOOL
SUP 499 (R-7.5(A))
MU-1-D
SUP 136 (R-7.5(A))
DEED RESTRICTED Z76-187-C
DEED RESTRICTED Z75-182-C
MF-2(A)
PD no. 645
WINNETKA SCHOOL
FP (R-7.5(A))
FP (CR)
SUP 139 (R-7.5(A))
SUP 1164 (R-7.5(A))
IM
SUP 141 (CS)
SUP 211 (MH(A))
MF-1(A)
RR
MOSS PARK
M-6
L-5
L-7
JEFFERSON BLVD.
DAVIS ST.
CLARENDON DR.
BURLINGTON BLVD.
BROOKLYN AVE.
TWELFTH ST.
TENTH ST.
HAMPTON ROAD
STEVENS FOREST DR.
JEFFERSON-12TH STREET CONNECTION

EXHIBIT
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Certificate of Occupancy - 7902163245

Details | Holds | Documents | Zoning Info

View 2417 W 12TH ST

Status: CO Issued

Application Date: Feb 16, 1979
Issue Date: Feb 16, 1979
Completed Date: Feb 16, 1979

Applicant:

Owner Category:
PRIVATE
Land Use Description: AUTO SERVICE CENTER
Temporary Address:

Doing business as:
Certificate Type:
Health Permit Number:
Use of Property:

Occupancy:	44	Selling Alcohol:	☐	Dwelling Units:	0
Constr. Type:	(None)	Dance Floor:	☐	Stories:	1
Sq. Footage:	0			Occupancy Load:	
				Sprinkler:	(None)
				Required Parking:	0
				Proposed Parking:	0

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EXHIBIT
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Certificate of Occupancy - 7902163245

Details | Holds | Documents | Zoning Info

Airport:	N	Flood Plain:	☐
Base Zoning:	CR	Historic:	
Board of Adjustment:	N	Inspection District:	1E
Block:		Lot:	
ConsvDist:		Lot Area:	0
Council District:	1	Neighborhood Stabil.	
Deed Restriction:	N	Parking Agreement:	☐
Dry:	☐	PDD:	0
Escarpment:	☐	SUP:	

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Certificate of Occupancy - 8203093297

Details | Holds | Documents | Zoning Info

View 2417 W 12TH ST

Status: CO Issued

Application Date: Mar 09, 1982
Issue Date: Mar 9, 1982
Completed Date: Mar 09, 1982

Applicant:

Owner Category:
PRIVATE
Land Use Description: MTR VEH USED CAR ONLY RETAIL--CODE NO LONGER USED
Temporary Address:

Doing business as:
Certificate Type:
Health Permit Number:
Use of Property:

Occupancy:	B2	Selling Alcohol:	☐	Dwelling Units:	0
Constr Type:	(None)	Dance Floor:	☐	Stories:	1
Sq. Footage:	0			Occupancy Load:	
				Sprinkler:	(None)
				Required Parking:	0
				Proposed Parking:	0

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Certificate of Occupancy - 8203093297

Details | Holds | Documents | Zoning Info

Airport:	N	Flood Plain:	☐
Base Zoning:	CR	Historic:	
Board of Adjustment:	N	Inspection District:	16
Block:		Lot:	
ConsvDist:		Lot Area	0
Council District:	1	Neighborhood Stabil.	
Deed Restriction:	N	Parking Agreement:	☐
Dry:	☐	PDD:	0
Escarpment:	☐	SUP:	

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Sign Permit - 8307258074

Details | Documents | Zoning | Certificates of Occupancy

View 421 S HAMPTON RD

Fees: None

Created Date:	Ju 25, 1983	Status:	Complete
Issue Date:	Oct 6, 1983	Completed Date:	Sep 6, 1984

Applicant: BARRETT PUMP SERVICE
FT WORTH TX
() -

Doing Business As:

Owner Name:

Address:

Owner/Tenant Name and Address If above incorrect: STARKEY TEXACO SERVICE
421 S HAMPTON RD

Owner Code: PRIVATE

E-mail:

Phone: ( ) - Fax:

Contractor: BARRETT PUMP SERVICE
FT WORTH TX
() -

259

Project:

Permit Type: Sign (SI)

Work Code:
(None)

Work Code Override:

Description of Project: ERECT 24 SQ FT ATT PREM COMM SIGN

Remarks (To Be Printed on Permit):

Activity: (A) New Construction

Land Use: (5530) Motor Vehicle Fueling Station

Sign Copy:

Materials:

Colors:

Effective Area: sq ft Frontage:

Attached: ☐ ...

Detached: ☐ ...

If Detached...

Sign Category:

SetBack: Height: ft

Override Limits: ☐ Reason...

Number of Days Displayed:

mmm dd, yyyy mmm dd, yyyy

Double Permit Fee: ☐

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Sign Permit - 8307258074

Details | Documents | Zoning | Certificates of Occupancy

Zoning Information

BaseZoning: B/GR

Board of Adjustment ☐

Census Tract:

Conservation District:

Council District: 1

Deed Restriction:

Historic District:

Parking Agreement ☐

PDD: 0

GIS SPSD:

SUP:

Mapsco: 53 H Zip Code: 75211

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Sign Permit - 8307258075

Details | Documents | Zoning | Certificates of Occupancy

View 421 S HAMPTON RD

Fees: None

Created Date:	Jul 25, 1983	Status:	Complete
Issue Date:	Jul 29, 1983	Completed Date:	Oct 25, 1983

Applicant: BARNETT SIGNS INC - Sarah danovsky
4250 ACTION DR
MESQUITE, TX 75150
(972) 681-8800
sarah@barnettsigns.com

Doing Business As: N/A

Owner Name:

Address:

Owner/Tenant Name and Address if above incorrect: STARKEY'S TEXACO SERVICE
421 S HAMPTON RD

Owner Code: PRIVATE

E-mail:

Phone: ( ) - Fax:

Contractor: BARNETT SIGNS INC Sarah danovsky
4250 ACTION DR
MESQUITE, TX 75150

(972) 681-8800
sarah@barnettsigns.com

Project

Permit Type: Sign (SI)

Work Code:
(None)

Work Code Override:

Description of Project: ERECT 24 SQ FT ATT PREM COMM SIGN

Remarks (To Be Printed on Permit):

Activity: (A) New Construction

Land Use: (5530) Motor Vehicle Fueling Station

Sign Copy:

Materials:

Colors:

Effective Area: sq ft Frontage:

Attached: ☐ ...

Detached: ☐ ...

If Detached...

Sign Category:

SetBack: Height: ft

Override Limits: ☐ Reason...

Number of Days Displayed:

mmm dd, yyyy mmm dd, yyyy

Double Permit Fee: ☐

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Sign Permit - 8307258075

Details | Documents | Zoning | Certificates of Occupancy

Zoning Information

BaseZoning: B/GR

Board of Adjustment ☐

Census Tract:

Conservation District:

Council District: 1

Deed Restriction:

Historic District:

Parking Agreement ☐

PDD: 0

GIS SPSD:

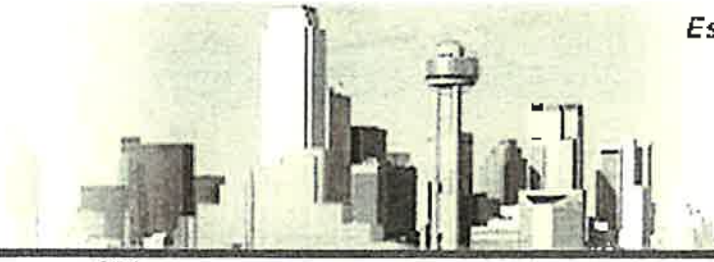
SUP:

Mapsco: 53 H Zip Code: 75211

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Certificate of Occupancy - 8911031068

Details | Holds | Documents | Zoning Info

View 421 S HAMPTON RD

Status: CO Issued

Application Date: Nov 03, 1989
Issue Date: Nov 3, 1989
Completed Date: Nov 06, 1989

Applicant:

Owner Category:
PRIVATE
Land Use Description: OTHER AUTO SERVICES
Temporary Address:

Doing business as:
Certificate Type:
Health Permit Number:
Use of Property:

Occupancy:	B1	Selling Alcohol:	☐	Dwelling Units:	0
Constr. Type:	(None)	Dance Floor:	☐	Stories:	0
Sq. Footage:	0			Occupancy Load:	
				Sprinkler:	(None)
				Required Parking:	0
				Proposed Parking:	0

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Certificate of Occupancy - 8911031068

Details | Holds | Documents | Zoning Info

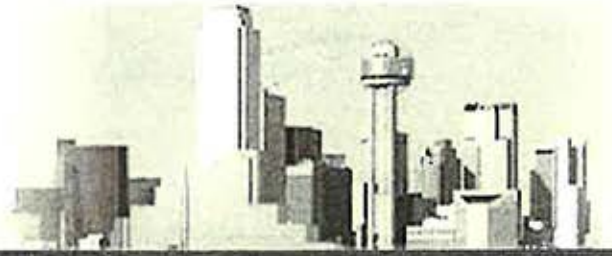
Airport:	N	Flood Plain:	☐
Base Zoning:	CR	Historic:	
Board of Adjustment:	N	Inspection District:	16
Block:		Lot:	
ConsvDist:		Lot Area:	0
Council District:	1	Neighborhood Stabil.	
Deed Restriction:	N	Parking Agreement:	☐
Dry:	☐	PDD:	0
Escarpment:	☐	SUP:	

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Master Permit - 9811101009

Details | Trades | Documents | Zoning Info

View 421 S HAMPTON RD

Status: Permit Issued

Application Date: Nov 10, 1998
Issue Date: Nov 10, 1998
Completed Date:

B BRANHAM

TRIPLE A OIL CO INC
12342 INWOOD RD
DALLAS, TX 75244
(972) 503-3333

Owner Category: PRIVATE
Work Description: REMOVE UST
Land Use Description: AUTO SERVICE CENTER

Fee Web Contractor:

Doing business as:
Activity: (B) Alteration or Reconstruction or Renovation
Occupancy: B1
Constr. Type: VN

Selling Alcohol: ☐
Dance Floor: ☐

Dwelling Units: 0
Stories: 0
Bedrooms: 0
Bathrooms: 0
Sprinkler: (None)
Required Parking: 0

New:	0	New:	$0.00
Remodel		Remodel:	$2,000.00

Total: 0 Job Value: $2,000.00 Proposed Parking: 0

CA Not Required: ☐ Subdivision not Required: ☐

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Master Permit - 9811101009

Details | Trades | Documents | Zoning Info

Airport:	N	Dry:	☐
Base Zoning:	CR	Escarpment:	☐
Board of Adjustment:	☐	Flood Plain:	☐
Block:	4567	Historic:	
Lot:	TR	Neighborhood Stabilization:	
Census Tract:		Inspection District:	16
District Name:		Lot Area:	
Council District:	1	PDD:	0
Deed Restriction:	N	SUP:	

Homestead Exemption: ☐

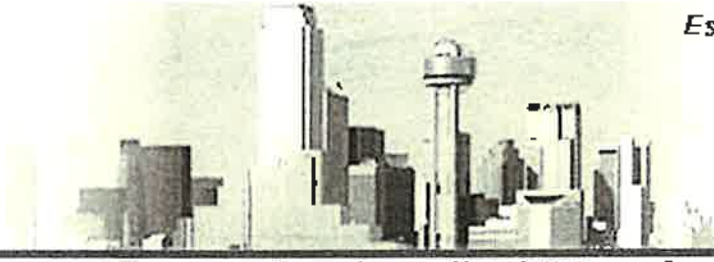
GIS Flagged Area:

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Dallas Home | Building Inspection Home | Offices | Records | Newsletter | Government

Certificate of Occupancy - 9903051024

Details | Holds | Documents | Zoning Info

View 421 S HAMPTON RD

Status: CO Issued

Application Date: Mar 05, 1999
Issue Date: Mar 5, 1999
Completed Date: Mar 09, 1999

Applicant: CLARENCE SWEEDEN

Owner Category:
PRIVATE
Land Use Description: AUTO SERVICE CENTER
Temporary Address:

Doing business as: SWEEDEN'S AUTO CARE
Certificate Type:
Health Permit Number:
Use of Property:

Occupancy:	B2	Selling Alcohol:	☐	Dwelling Units:	0
Constr. Type:	(None)	Dance Floor:	☐	Stories:	0
Sq. Footage:	0			Occupancy Load:	
				Sprinkler:	(None)
				Required Parking:	0
				Proposed Parking:	0

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Certificate of Occupancy - 9903051024

Details | **Holds** | **Documents** | **Zoning Info**

Airport:	N	Flood Plain:	☐
Base Zoning:	CR	Historic:	
Board of Adjustment:	N	Inspection District:	16
Block:		Lot:	
ConsvDist:		Lot Area:	0
Council District:	1	Neighborhood Stabil.	
Deed Restriction:	N	Parking Agreement:	☐
Dry:	☐	PDD:	0
Escarpment:	☐	SUP:	

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Certificate of Occupancy - 0705101093

Details | Holds | Documents | Zoning Info

View 421 S HAMPTON RD

Status: CO Issued

Application Date: May 10, 2007
Issue Date: May 11, 2007
Completed Date: Aug 02, 2007

Applicant: FELIPE VELA

Owner Category:
PRIVATE
Land Use Description: AUTO SERVICE CENTER
Temporary Address:

Doing business as: D-TOWN TIRES /HAND CAR WASH # 3
Certificate Type: CO
Health Permit Number:
Use of Property: AUTO SERVICE CENTER WITE HAND CAR WASH

Occupancy: B
Constr. Type: UNK
Sq. Footage:

Selling Alcohol: ☐
Dance Floor: ☐

Dwelling Units:
Stories:
Occupancy Load:
Sprinkler: (None)
Required Parking:
Proposed Parking:

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Certificate of Occupancy - 0705101093

Details | Holds | Documents | Zoning Info

Airport:		Flood Plain:	☐
Base Zoning:	CR,R-7.5(A)	Historic:	
Board of Adjustment:	N	Inspection District:	16
Block:		Lot:	
ConsvDist:		Lot Area:	0
Council District:	1	Neighborhood Stabil.	
Deed Restriction:		Parking Agreement:	☐
Dry:	☐	PDD:	
Escarpment:	[ ]	SUP:	

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Master Permit - 0707261053

Details | Trades | Documents | Zoning Info

View 421 S HAMPTON RD

Status: Work Completed

Application Date: Jul 26, 2007
Issue Date: Jul 26, 2007
Completed Date: Aug 1, 2007

L W HAIRSTON

HAIRSTON ENG SERVICE
1550 BOZMAN RD
BOX A
WYLIE, TX 75098
(214) 734-7273

Owner Category: PRIVATE
Work Description: REPLACING ELECTRICAL COVERS
Land Use Description: AUTO SERVICE CENTER

Fee Web Contractor:

Doing business as:
Activity: (B) Alteration
Occupancy: (None)
Constr. Type. (None)

Selling Alcohol: ☐
Dance Floor: ☐

Dwelling Units:
Stories:
Bedrooms:
Bathrooms:
Sprinkler: (None)

New:
New:

277

Remodel:	Remodel:	$100.00	Required Parking:
Total:	Job Value:	$100.00	Proposed Parking:

CA Not Required: ☐ Subdivision not Required: ☐

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Master Permit - 0707261053

Details | Trades | Documents | Zoning Info

Airport:		Dry:	☐
Base Zoning:	CR,R-7.5(A)	Escarpment:	☐
Board of Adjustment:	☐	Flood Plain:	☐
Block:		Historic:	
Lot:		Neighborhood Stabilization:	
Census Tract:	0045.00	Inspection District:	16
District Name:		Lot Area:	
Council District:	1	PDD:	
Deed Restriction:		SUP:	

Homestead Exemption: ☐

GIS Flagged Area:

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Master Permit - 1109091017

Details | Trades | Documents | Zoning Info

View 421 S HAMPTON RD

Status: Work Completed

Application Date: Sep 9, 2011
Issue Date: Sep 9, 2011
Completed Date: Sep 14, 2011

BENJAMIN RAMIREZ

B & E ELECTRIC
6367 Toronto St
DALLAS, TX 75212
(214) 502-0263

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: LB COVER, KO SEALS, PANEL BLANKS REPLACE BROKEN RECEPTACLES

Land Use Description: AUTO SERVICE CENTER

Doing business as:

Activity: (B) Alteration

Occupancy: (None)

Selling Alcohol: ☐

Dwelling Units:

Constr. Type: (None)

Dance Floor: ☐

Stories:

Bedrooms:

Bathrooms:

New:	New:		Sprinkler: (None)
Remodel:	Remodel:	$250.00	Required Parking:

280

Total: Job Value: $250.00 Proposed Parking:

CA Not Required: ☐ Subdivision not Required: ☐

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Master Permit - 1109091017

Details | Trades | Documents | Zoning Info

Airport:		Dry:	☐
Base Zoning:	CR,R-7.5(A)	Escarpment:	☐
Board of Adjustment:	☐	Flood Plain:	☐
Block:		Historic:	
Lot:		Neighborhood Stabilization:	
Census Tract:	0045.00	Inspection District:	16
District Name:		Lot Area:	
Council District:	1	PDD:	
Deed Restriction:		SUP:	

Homestead Exemption: ☐

GIS Flagged Area:

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City of Dallas

Certificate of Occupancy

Address:	**421 S HAMPTON RD 75211**	**Issued Date:**	**09/15/2011**
Owner:	**KARIM HANOLINE** **421 S HAMPTON DALLAS TX 75208**		
DBA:	**K - TOWN**		
Land Use:	**(6411) AUTO SERVICE CENTER**		
C.O.#:	**1109011105**		

Lot:	15	Block:	B/4567	Zoning:	CR,R-7.!	PDD:	SUP:
Historic Dist:		Consv Dist:		Pro Park:		Req Park:	Park Agrmt: N
Dwlg Units:		Stories:		Occ Code:	B	Lot Area: 0	Total Area: 2800
Type Const:	UNK	Sprinkler:		Occ Load:		Alcohol: N	Dance Floor:N

Remarks:

Batsheba Antebi

Batsheba Antebi, Building Official

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

Development Services Department ' Building Inspection Division | 214/948-4480 | www.dallascityhall.com

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Certificate of Occupancy - 1109011105

Details | Holds | Documents | Zoning Info

Street Address

View 421 S HAMPTON RD

Status: CO Issued

Application Date: Sep 01, 2011
Issue Date: Sep 1, 2011
Completed Date: Sep 15, 2011

Applicant: KHRIM HANOLINE

Owner Category:
PRIVATE
Land Use Description: AUTO SERVICE CENTER
Temporary Address:

Doing business as: K - TOWN
Certificate Type: CO
Health Permit Number:
Use of Property: AUTO SERVICE CENTER WITH HAND CARWASH

Occupancy: B
Constr. Type: UNK
Sq. Footage: 2,800

Selling Alcohol: ☐
Dance Floor: ☐

Dwelling Units:
Stories:
Occupancy Load:
Sprinkler: (None)
Required Parking:
Proposed Parking:

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Certificate of Occupancy - 1109011105

Details | Holds | Documents | Zoning Info

Airport:		Flood Plain:	☐
Base Zoning:	CR,R-7.5(A)	Historic:	
Board of Adjustment:	N	Inspection District:	16
Block:	8/4567	Lot:	15
ConsvDist:		Lot Area:	0
Council District:	1	Neighborhood Stabil.	
Deed Restriction:		Parking Agreement:	☐
Dry:	☐	PDD:	
Escarpment:	☐	SUP:	

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Certificate of Occupancy

City of Dallas

Address:	**2417 W 12TH ST Ste:B 75211**
Issued:	**01/28/2016**
Owner:	**FAHAD ALFADHEL** **1536 STRATFORD DR** **MANSFIELD, TX. 76063**
DBA:	**ALPHA AUTO SERVICE**
Land Use:	**(6411) AUTO SERVICE CENTER**
Occupied Portion:	
C.O.#:	**1601191147**

Lot:	15	Block:	B/4567	Zoning:	CR,R-7.!	PDD:	SUP:
Historic Dist:		Consv Dist:		Pro Park:		Req Park:	Park Agrmt: N
Dwlg Units:		Stories:		Occ Code:	B	Lot Area: 30557	Total Area:
Type Const:	UNK	Sprinkler:		Occ Load:		Alcohol: N	Dance Floor:N

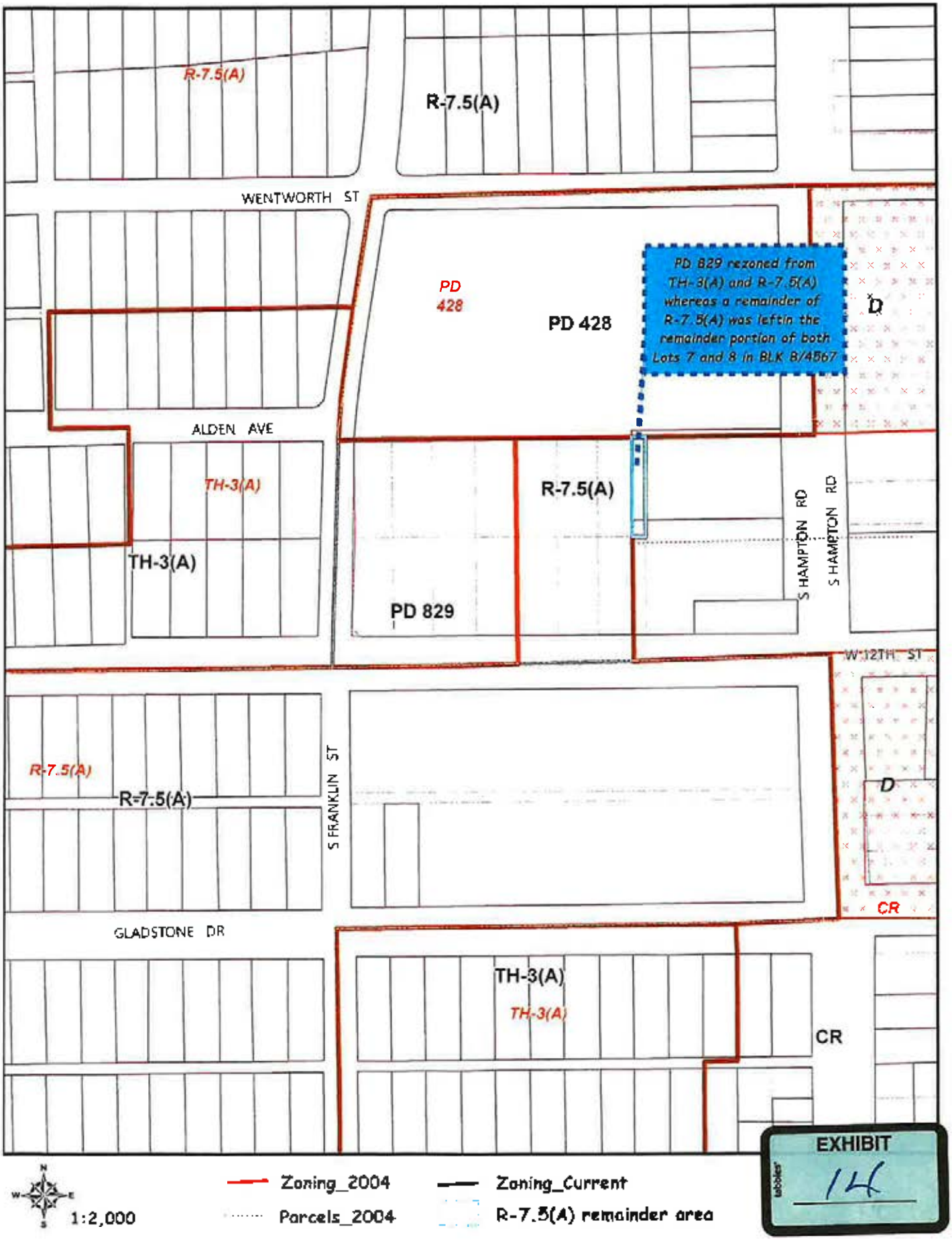
Remarks: LIGHT MECHANIC WORK ONLY ALLOWED IN CR. NO ENGINE/TRANSMISSION REMOVAL / REPLACEMENT ALLOWED.

Philip Sikes

Philip Sikes, Building Official

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

Sustainable Development and Construction | Building Inspection Division | 214/948-4480 | www.dallascityhall.com


R-7.5(A)
R-7.5(A)
WENTWORTH ST
PD 428
PD 428
PD 829 rezoned from TH-3(A) and R-7.5(A) whereas a remainder of R-7.5(A) was leftin the remainder portion of both Lots 7 and 8 in BLK 8/4567
D
ALDEN AVE
TH-3(A)
TH-3(A)
R-7.5(A)
S HAMPTON RD
S HAMPTON RD
PD 829
W 12TH ST
R-7.5(A)
R-7.5(A)
S FRANKLIN ST
D
CR
GLADSTONE DR
TH-3(A)
TH-3(A)
CR
EXHIBIT
14
1:2,000
Zoning_2004
Parcels_2004
Zoning_Current
R-7.5(A) remainder area

102008

8-4-10

ORDINANCE NO. 27942

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block B/4567, fronting approximately 412.76 feet on the north line of Twelfth Street, fronting approximately 289.27 feet on the east line of Franklin Street, and containing approximately 2.697 acres,

from an R-7.5(A) Single Family District and a TH-3(A) Townhouse District to Planned Development District No. 829; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 829; establishing use regulations and development standards for this planned development district; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the property described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to establish this planned development district; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

EXHIBIT 15

SECTION 1. That the zoning classification is changed from an R-7.5(A) Single Family District and a TH-3(A) Townhouse District to Planned Development District No. 829 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 829 to read as follows:

"ARTICLE 829.

PD 829.

SEC. 51P-829.101. LEGISLATIVE HISTORY.

PD 829 was established by Ordinance No._____, passed by the Dallas City Council on August 11, 2010.

SEC. 51P-829.102. PROPERTY LOCATION AND SIZE.

PD 829 is established on property located at the northeast corner of Twelfth Street and Franklin Street. The size of PD 829 is approximately 2.697 acres.

SEC. 51P-829.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P-829.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 829A: development/landscape plan.

SEC. 51P-829.105. DEVELOPMENT PLAN.

(a) For a private recreation center, club, or area limited to an athletic complex for a public school district, development and use of the Property must comply with the development/landscape plan (Exhibit 829A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-829.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

(b) A private recreation center, club, or area limited to an athletic complex for a public school district is permitted by right.

SEC. 51P-829.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-829.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Front yard. For a private recreation center, club, or area limited to an athletic complex for a public school district, minimum front yard is 10 feet.

(c) Floor area. For a private recreation center, club, or area limited to an athletic complex for a public school district, maximum floor area is 15,000 square feet.

(d) Height. If any portion of a structure used for an institutional use or a utility and public service use is over 26 feet in height, that portion may not be located above a residential proximity slope. A private recreation center, club, or area limited to an athletic complex for a public school district is an institutional use.

(e) Lot coverage. Maximum lot coverage is 30 percent for nonresidential structures. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(f) Lot size. For a private recreation center, club, or area limited to an athletic complex for a public school district, no minimum lot size.

SEC. 51P-829.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For a private recreation center, club, or area limited to an athletic complex for a public school district, a minimum of 11 off-street parking spaces are required.

(c) No screening is required for off-street parking or loading.

SEC. 51P-829.110. FENCING.

For a private recreation center, club, or area limited to an athletic complex for a public school district, fencing must be provided as shown on the development/landscape plan. Fencing may be provided in the required yards.

SEC. 51P-829.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-829.112. LANDSCAPING.

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Private recreation center, club, or area limited to an athletic complex for a public school district.

(1) Landscaping must be provided as shown on the development/landscape plan. If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

(2) Parking lot trees are not required.

(3) Small trees must be provided along Twelfth Street within 30 feet of the projected street curb at a minimum interval of one tree for every 30 feet of frontage.

(4) A minimum of three large canopy trees must be provided along Franklin Street within 30 feet of the projected street curb between Twelfth Street and the 12-foot utility easement, as shown on the development/landscape plan.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-829.113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Minimum setback for signs is 15 feet.

SEC. 51P-829.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-829.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-829.116. ZONING MAP.

PD 829 is located on Zoning Map No. L-6."

SECTION 3. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 4. That development of this district must comply with the full-scale version of Exhibit 829A (development/landscape plan) attached to this ordinance. A reduced-sized version of this plan shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale version of the plan.

SECTION 5. That the director of sustainable development and construction shall correct Zoning District Map No. L-6 in the offices of the city secretary, the building official, and the department of sustainable development and construction to reflect the changes in zoning made by this ordinance.

SECTION 6. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 829 in Chapter 51P.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 8. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

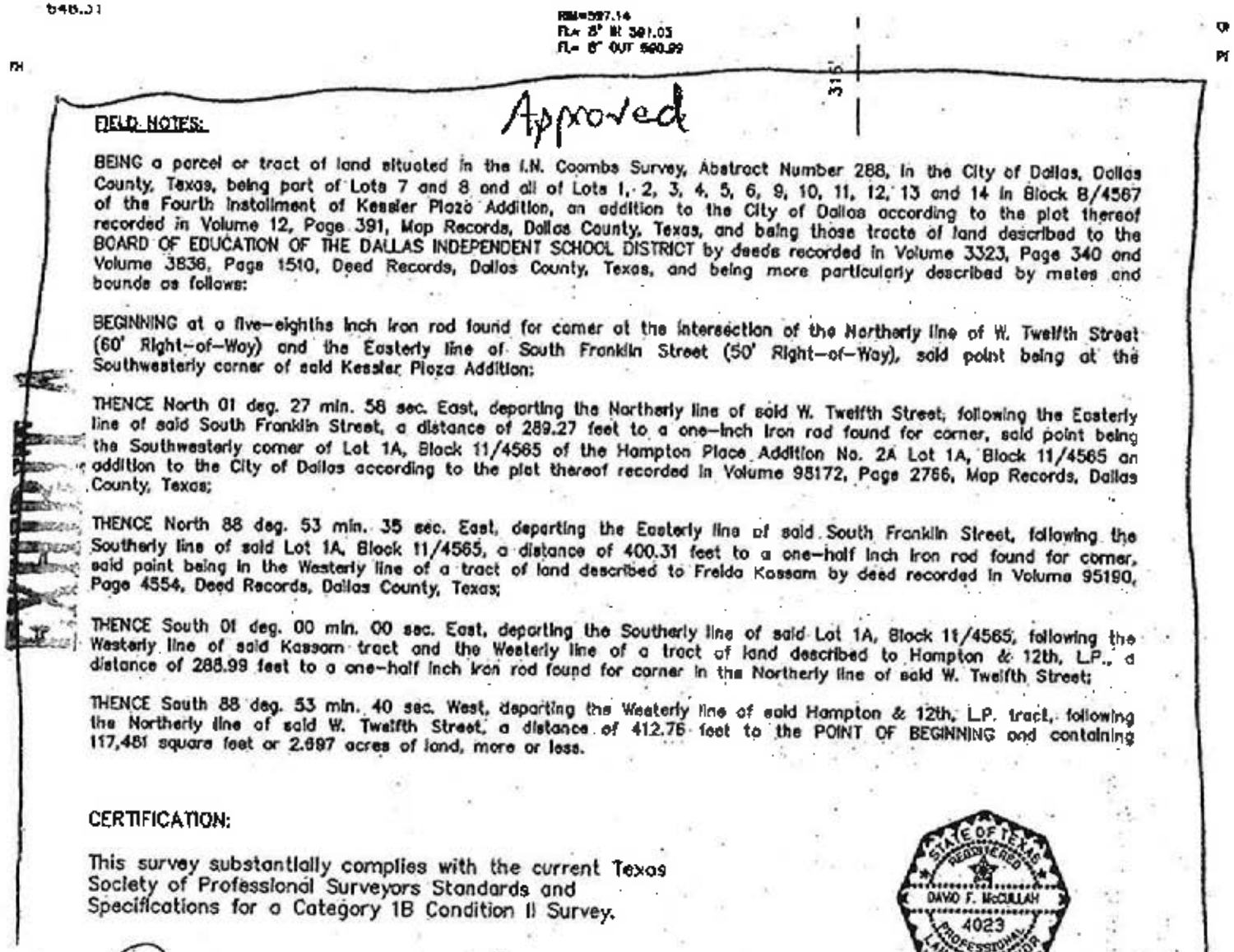
THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed AUG 1 1 2010

102008

27942



FIELD NOTES:

Approved

BEING a parcel or tract of land situated in the I.N. Coombs Survey, Abstract Number 288, in the City of Dallas, Dallas County, Texas, being part of Lots 7 and 8 and all of Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 and 14 in Block B/4567 of the Fourth Installment of Kessler Plaza Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 12, Page 391, Map Records, Dallas County, Texas, and being those tracts of land described to the BOARD OF EDUCATION OF THE DALLAS INDEPENDENT SCHOOL DISTRICT by deeds recorded in Volume 3323, Page 340 and Volume 3836, Page 1510, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a five-eighths inch iron rod found for corner at the intersection of the Northerly line of W. Twelfth Street (60' Right-of-Way) and the Easterly line of South Franklin Street (50' Right-of-Way), said point being at the Southwesterly corner of said Kessler Plaza Addition;

THENCE North 01 deg. 27 min. 58 sec. East, departing the Northerly line of said W. Twelfth Street, following the Easterly line of said South Franklin Street, a distance of 289.27 feet to a one-inch iron rod found for corner, said point being the Southwesterly corner of Lot 1A, Block 11/4565 of the Hampton Place Addition No. 2A Lot 1A, Block 11/4565 an addition to the City of Dallas according to the plat thereof recorded in Volume 98172, Page 2766, Map Records, Dallas County, Texas;

THENCE North 88 deg. 53 min. 35 sec. East, departing the Easterly line of said South Franklin Street, following the Southerly line of said Lot 1A, Block 11/4565, a distance of 400.31 feet to a one-half inch iron rod found for corner, said point being in the Westerly line of a tract of land described to Freida Kassam by deed recorded in Volume 95190, Page 4554, Deed Records, Dallas County, Texas;

THENCE South 01 deg. 00 min. 00 sec. East, departing the Southerly line of said Lot 1A, Block 11/4565, following the Westerly line of said Kassam tract and the Westerly line of a tract of land described to Hampton & 12th, L.P., a distance of 288.99 feet to a one-half inch iron rod found for corner in the Northerly line of said W. Twelfth Street;

THENCE South 88 deg. 53 min. 40 sec. West, departing the Westerly line of said Hampton & 12th, L.P. tract, following the Northerly line of said W. Twelfth Street, a distance of 412.76 feet to the POINT OF BEGINNING and containing 117,481 square feet or 2.697 acres of land, more or less.

CERTIFICATION:

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey.

David F. McCullah

STATE OF TEXAS
REGISTERED
DAVID F. McCULLAH
4023
PROFESSIONAL
LAND SURVEYOR

MARCH 4, 2010

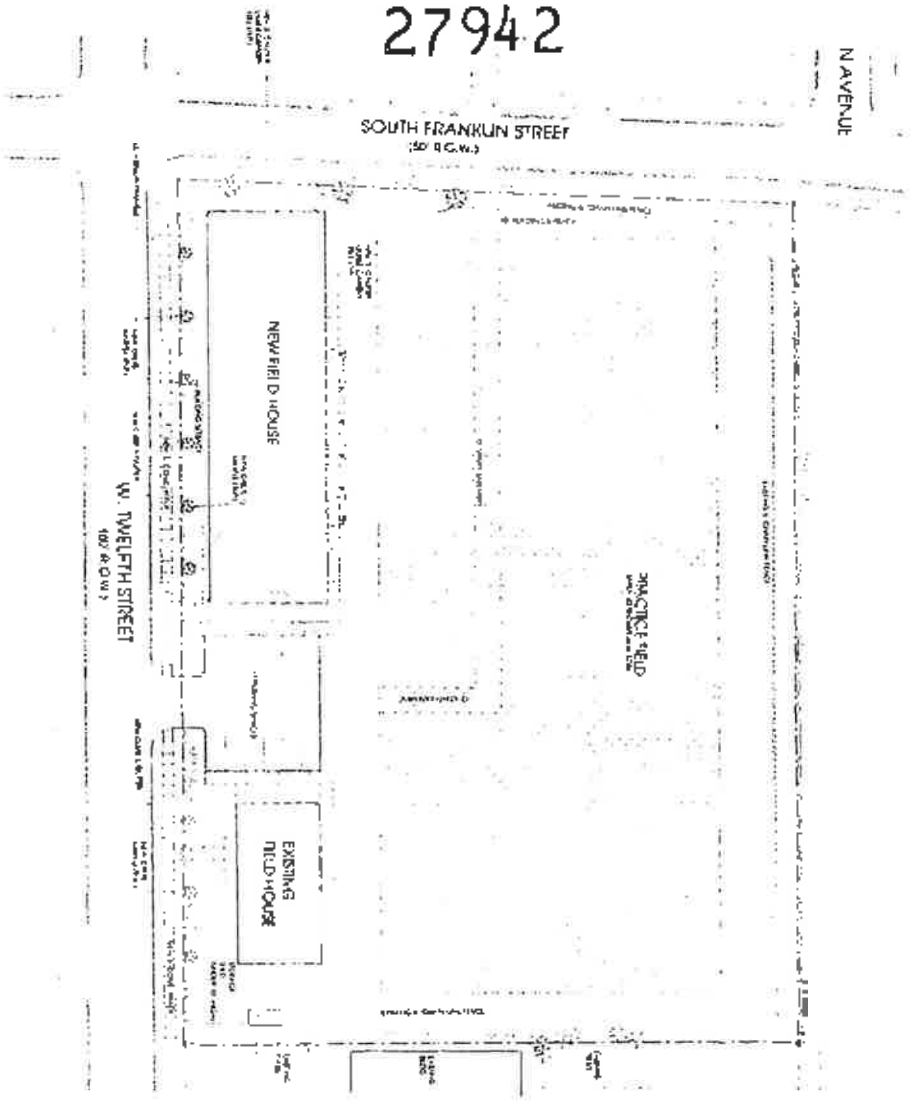
Z090-187

295

102008

Exhibit 829A

27942



Planned Development
District No. 829

Approved
City Plan Commission
July 1, 2010

SUNSET
HIGH SCHOOL
DALLAS INDEPENDENT SCHOOL DISTRICT
2120 W. JEFFERSON BLVD., DALLAS, TX 75208

OUR STUDENTS. OUR FUTURE.

NRP
ARCHITECTS

27942

102008

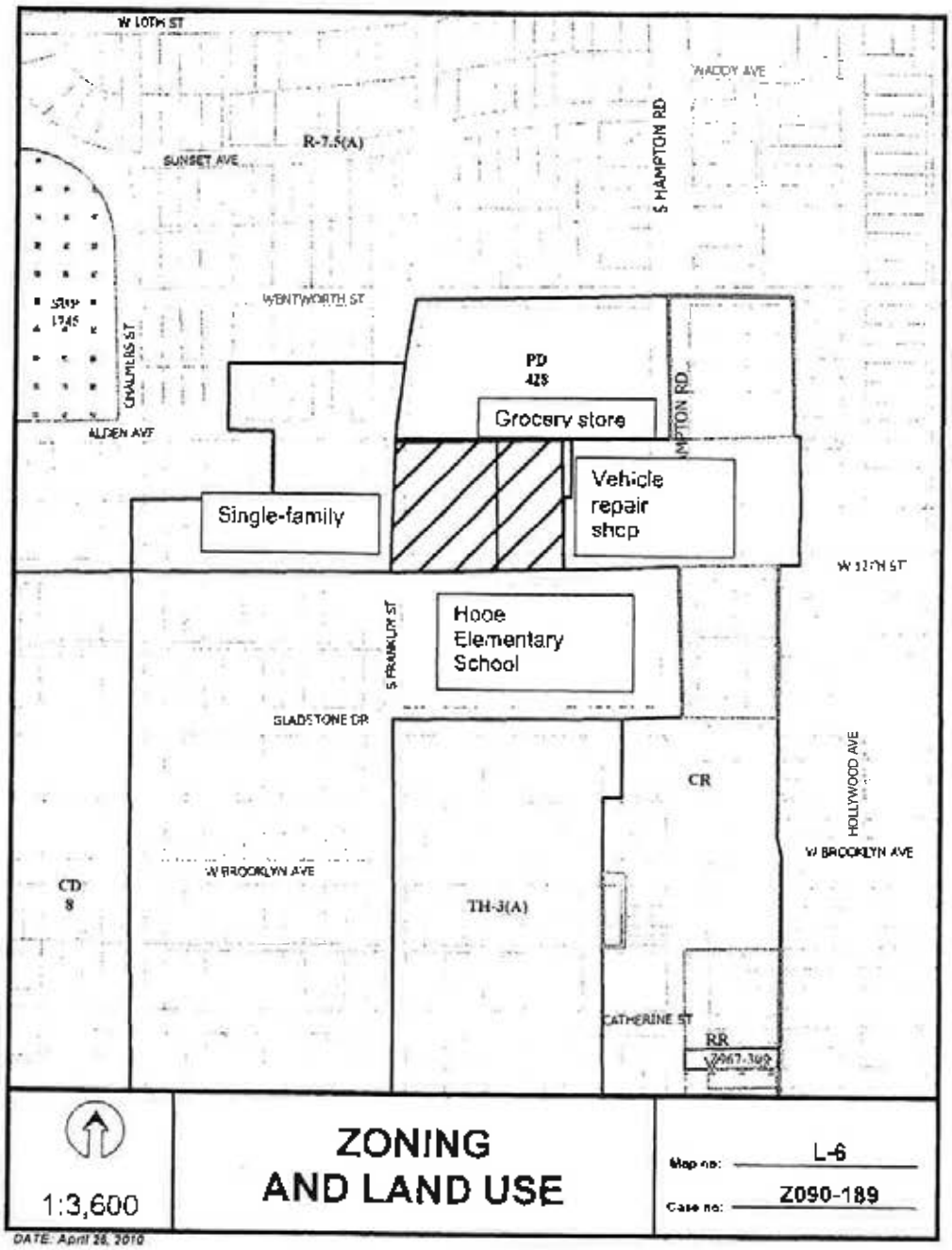


EXHIBIT
tabbies
D

August 23, 2024

Board of Adjustment
City of Dallas
1500 Marilla
Dallas, TX 75201

RE: 12th Street and Hampton Road Mapping Error Appeal

Dear Chair and Board Members:

I write to complement and supplement a May 2, 2024, letter from James B. Harris of the law firm of Holland & Knight LLP to Casey Burgess, Executive Assistant City Attorney explaining why the City's Official Zoning Map does not accurately reflect actions taken by the Dallas City Council in defining the boundaries of the CR zoning district that applies to the subject property that has a street address of 2417 W. 12th Street in Dallas.

As Mr. Harris's letter notes this appeal focuses on a 20-foot by 20-foot parcel that is part of a larger strip of land that was added to the subject property in 1954. At the time it was acquired that strip was zoned for residential uses.

In 1959 the owner of the strip filed a zoning application with the City of Dallas to have the strip zoned for commercial uses. On November 23, 1959, the Dallas Planning Commission (zoning request file number 59 750) recommended that the request be approved. The property description for the area being rezoned matches the property description of the strip added to the subject property in 1954, which includes the 20- foot by 20-foot parcel that today is incorrectly identified in the City's Official Zoning Map as residential. (See attached Exhibit 1)

The property description for the area being rezoned to commercial was used again when the request reached the Dallas City Council. The Dallas City Council approved the request at a hearing held on December 7, 1959 (Dallas City Ordinance 8288). (See attached Exhibit 2) A certified copy of that ordinance is attached as Exhibit 3.

In response to the ordinance, the City's Official Zoning Map was amended to identify the strip, which includes the 20-foot by 20-foot parcel, as all being zoned commercial (C-1). (See the relevant section of the [year] City's Official Zoning Map attached as Exhibit 4).

Through at least 2003 the City has treated the subject property, including the strip with the 20-foot by 20-foot parcel, as commercially zoned.

On March 16, 1960, a building permit, attached as Exhibit 5, was issued for a building that occupied a portion of the strip, including the 20-foot by 20-foot parcel, which was rezoned in December 1959, as well as other portions of the subject property. The applicant for the building permit is shown as Jim Caldwell, the then owner of the subject property. The description of the property includes the address of 2417 West 17th Street. This is the same address as the property uses today. The permit provides that the zoning is C-1 and SPO 8288, which was approved in the 1959 pursuant to Exhibit 3, and provided C 1 zoning for the strip.

On the application for the building permit, attached as Exhibit 6, is a sketch that provides that the building is to be two (2) feet from the west property line of the subject property and ten(10) feet from the north property line of the subject property, which locates a portion of the building in the strip rezoned in 1959.

The Sanborn Map for the area (Map No. 539) shows the building that is located on the 20-foot by 20-foot portion of the strip, see attached Exhibit 7. That map was enlarged to show the location of the building that was approved by the building permit in 1960 (Exhibit 6) (See attached Exhibit 8).

The building remains today in its original configuration. Attached as Exhibit 9 is a survey prepared in 2004 that includes this building with the same setbacks of two feet from the west property line of the subject property and ten feet from the north property line of the subject property.

The use of this building as listed on the original building permit was "auto repair." The building has continuously been used for auto repair and is in operation today. There has been no construction activity on this building except for interior maintenance. (See attached Exhibit 10).

A certificate of occupancy was issued to Triple A Oil Company on April 21, 1977, for auto repair. The description of the property on the CO is "Block B/4567, Part of Lot 7 and 8," which is the subject property with the strip that includes the 20-foot by 20-foot parcel, and the zoning is shown as GR. (See attached Exhibit 11)

A certificate of Occupancy was issued on September 9, 1977, for sales of new tires and Auto Repair (inside only) to Triple A Oil Company. Again, the description of the property is B/4567, part of 7 & 8," which is the subject property with the strip that includes the 20-foot by 20-foot parcel, and the zoning is shown as GR. (See attached Exhibit 12)

A certificate of occupancy was issued on December 11, 1980, to Floyd Rutledge for Radiator Auto Repair. The property description is "Block B/4567, lot 7-8," which is the subject property

with the strip that includes the 20-foot by 20-foot parcel, and the the zoning is shown as GR. (See attached Exhibit (13)

A Certificate of Occupancy was issued on March 21, 1989. The property description is Block B/4567, Lots 7-8 for Auto Repair (Exhibit 14)

The current certificate of occupancy is for "Matt's Air Conditioning and Radiator Repair Service." The CO was issued on May 5, 2003. Matt's continues to operate here. The property description is "Block B/4567, lot 7-8," which is the subject property with the strip that includes the 20-foot by 20 foot parcel, and the the zoning is shown as CR. (See attached Exhibit 15)

The current CR zoning represents changes to the name of the zoning district that has included all the subject property since December 1959, with limited changes to the permitted uses, the height limits, and property setback lines. None of those changes altered in any way the boundaries on the subject property of what was initially titled C-1 and is now titled CR. Currently the City's Official Zoning Map does not accurately describe the boundaries of the zoning district in which the subject property was included in 1959 as C-1 and is now called CR.

Respectfully,

Peter Kavanagh

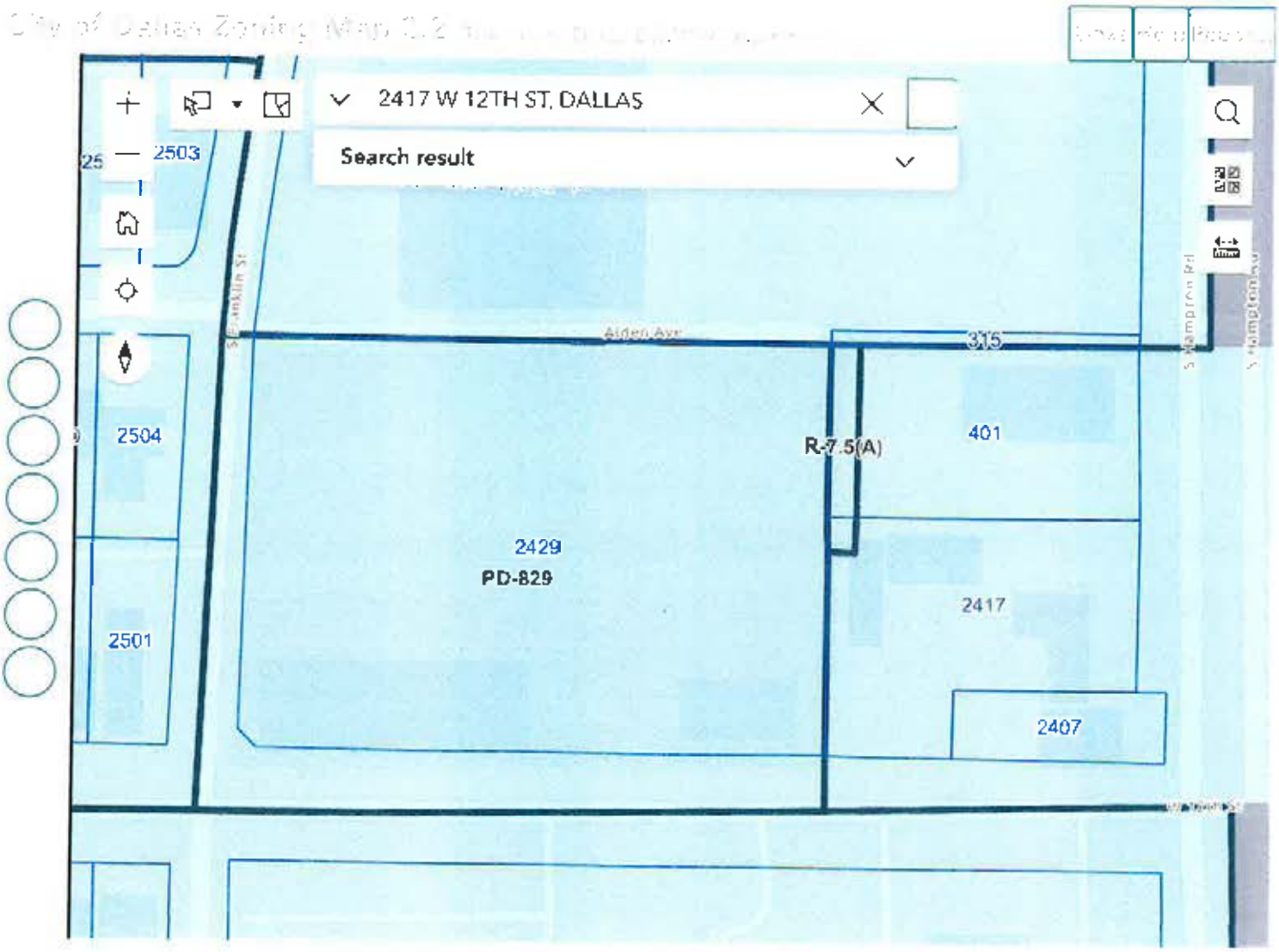


EXHIBIT
1

Selected features: 0

100 ft

Esri ... City Maps Contributors, Baylor University, Texas P... Powered by Esri

Councilman Geary that the City Council deny without prejudice this application until such time further parking space could be provided in accordance with the existing regulation.

Councilman McKinney made a substitute motion that the City Council close the hearing and approve the application to conform with parking as required by the regulations of one parking space for each 1000 square feet of floor area, which substitute motion was accepted by Councilman Geary. Councilman Cousins seconded the motion. The motion carried unanimously.

ZONING CASE #59-750 59-5258

Hearing set for this date on Zoning Case #59-750 to determine whether or not the following described property shall be given a Commercial-1 zoning classification instead of its present Residential-7,500 square feet zoning classification, was called:

Being part of City Block 4567 fronting 29 feet on the north line of Twelfth Street beginning at a point 200.06 feet west of the west line of Hampton Road and having a depth of 169.5 feet.

302

The City Plan Commission has recommended that a Special Permit for Commercial-1 uses be granted subject, however, to certain conditions.

There was no one present tho cared to be heard. After consideration, it was moved by Councilman Self and seconded by Councilwoman Collins that the hearing be closed and special permit granted in accordance with the recommendation of the City Plan Commission. Motion unanimously carried.

EXHIBIT
Ashley
2

ORDINANCE NO. _____ 59-5259

An ordinance granting the right, privilege and franchise to Doctors Arvel E. Haley, J. C. Olga, James L. Goode, and Robert K. Portman to occupy certain public property adjacent to City Block 6/3328 on the south side of Canty Street between Bishop and Haines Avenue in the City of Dallas, Texas, hereinafter more particularly described for the use and maintenance of an existing Redwood curbed planting area which was constructed in connection with the Clinic Building located on the corner of Canty Street and Bishop Avenue on Lot 6 of Block 6/3328, and which presently encroaches upon said public right-of-way; providing for the conditions upon which this franchise is granted; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing for the effective date of this ordinance.

City of Dallas

STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF DALLAS §

I, **BILIERAE JOHNSON**, City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

ORDINANCE NO. 8288

Which was passed by the Dallas City Council on **December 7, 1959.**

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **13th** day of **September, 2023.**

BILIERAE JOHNSON
CITY SECRETARY
CITY OF DALLAS, TEXAS

Prepared By: NG

CITY OF DALLAS TEXAS

ORDINANCE NO. 8288

An Ordinance amending Chapter 165, Title XLIII, of the 1941 Code of Civil and Criminal Ordinances of the City of Dallas as amended by Ordinance No. 5238, enacted by the City Council on August 28, 1951, and as thereafter amended, by permitting the following described property, which is presently zoned Residential-7,500 Square Feet, to-wit: A Tract of Land being part of City Block 4567 fronting 29 feet on the north line of Twelfth Street beginning at a point 200.0 feet west of the west line of Hampton Road and having a depth of 169.5 feet, to be used under a special permit for Commercial-1 Uses; That a special permit shall be granted for Commercial-1 Uses with reference to the herein described proper.., subject, however, to the special conditions hereinafter more fully expressed; That the property shall be improved according to the plans and specifications submitted therefor and shall be approved by the City Plan Commission and The City Council; Providing for a penalty; and Declaring an Emergency.

WHEREAS, the City Plan Commission of the City of Dallas and the Governing Body of the City of Dallas in compliance with the Charter of the City of Dallas and the State law with reference to the granting of special permits under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and other wise and after holding due hearings and affording a full and fair hearing to all the property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof, the Governing Body of the City of Dallas is of the opinion that said special permit should be granted, subject to the conditions set out herein; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 165, Title XLIII, of the 1941 Code of Civil and Criminal Ordinances of the City of Dallas as amended by Ordinance No. 5238, enacted by the City Council on August 28, 1951, and as thereafter amended, be, and is hereby amended insofar as the property hereinafter described, which is presently zoned Residential-7,500 Square Feet, shall be used under a special permit for Commercial-1 Uses, subject to the special conditions contained herein:

> A TRACT OF LAND being part of City Block 4567 fronting 29 feet on the north line of Twelfth Street beginning at a point 200.0 feet west of the west line of Hampton Road and having a depth of 169.5 feet.

SECTION 2. That this special permit for Commercial-1 Uses with reference to the hereinabove described property is approved and granted upon the following express conditions, and in accordance with Article 165-22, Section 22, of the Zoning Ordinance:

(1) That development shall be generally in conformance with a site plan as approved by the City Plan Commission;
(2) That all means of ingress and egress shall be approved by the Director of Planning;
(3) That all service drives, entrances and parking areas shall have a minimum surfacing of six inches compacted gravel and two coats penetration asphalt; that all curbs and drainage structures shall be installed in accordance with the requirements and specifications of the Public Works Department, and the developer shall bear the total cost of all such improvements;
(4) That off street parking shall be provided per use as required in the Zoning Ordinance;
(5) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold therein shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type. No signs or billboards shall be permitted of a flashing or intermittently lighted type.

SECTION 3. That the site plan for these improvements and as approved by the City Plan Commission is attached hereto and made a part hereof for all purposes. A true copy of the site plan shall be retained by the Director of Planning and another copy thereof shall be authenticated by the Director of Planning and furnished to the Building Inspector for use in connection with these improvements. That all paved areas, parking, service drives, streets and drainage structures, if any, shall be constructed in accordance with standard City of Dallas specifications adopted for such purpose, and the same shall be done to the satisfaction of the Director of Public Works.

SECTION 4. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to the same penalties provided for in Ordinance No. 5238, particularly Article 165-30.

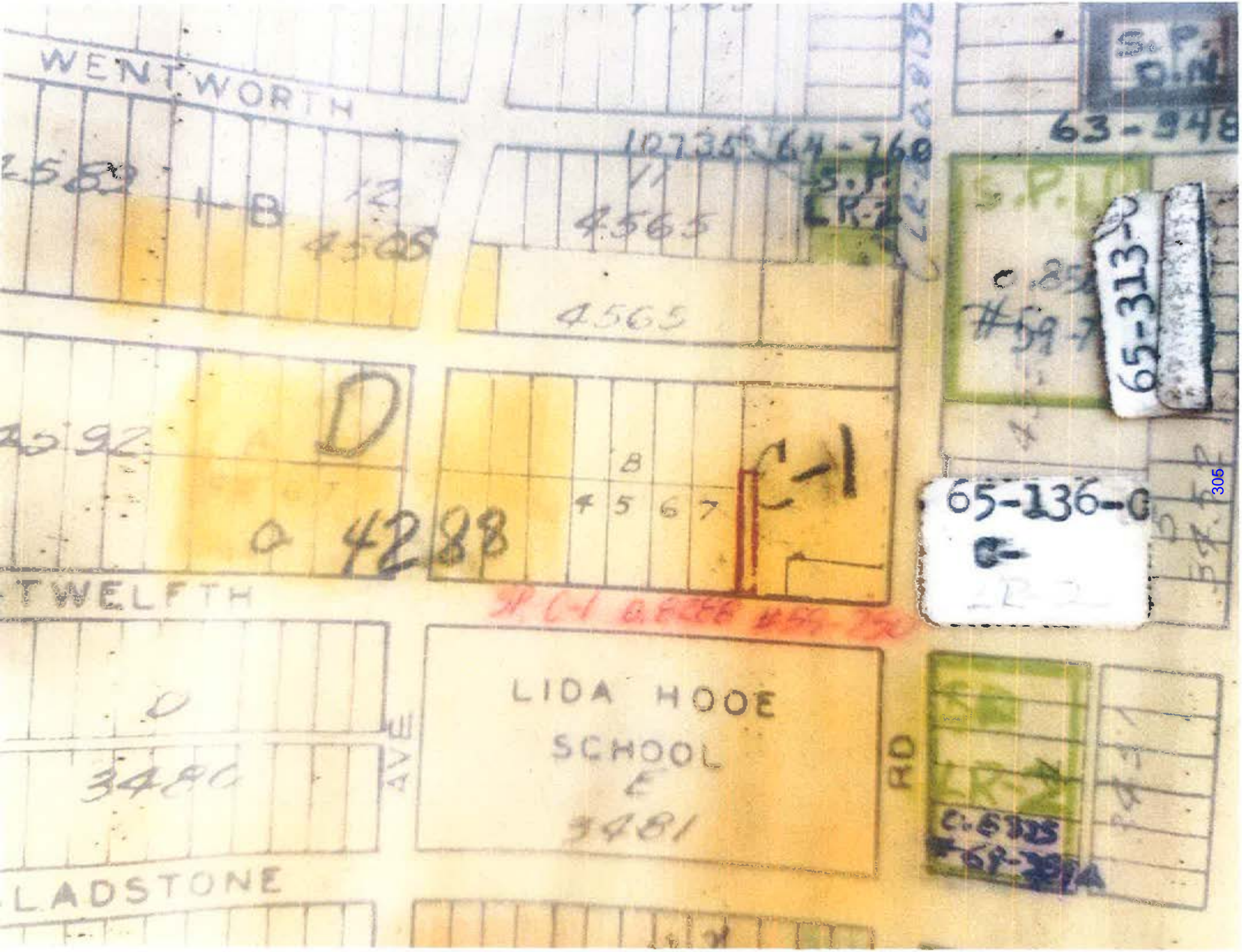
SECTION 5. WHEREAS, it appears that the subject property of this ordinance is to be used under a special permit for Commercial-1 Uses and will serve the public interest, comfort and general welfare, creates an urgency and an emergency in the preservation of the public peace, comfort and general welfare and requires that this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

APPROVED AS TO FORM:
H. P. KIERA City Attorney

PASSED: December 7, 1959
CORRECTLY ENROLLED: December 7, 1959

APPROVED H P Kiera
City Attorney

ATTEST:
Harold G. Clark
City Secretary


WENTWORTH
TWELFTH
LADSTONE
LIDA HOOE
SCHOOL
E
3481
3480
4288
4565
4505
4567
C-1
C-2
S.P.U.D.
63-948
65-313-
65-136-C
C.6135
61-38A
305

M^c Clintock

VALID ONLY WHEN ACCOMPANIED BY FEE RECEIPT

DIVISION OF BUILDING INSPECTION
PUBLIC WORKS DEPARTMENT
CITY OF DALLAS, TEXAS
PERMIT

For the Erection, Remodeling, Repairing, Demolition of Buildings or Parts thereof as provided in the Dallas Building Ordinances

Zoning C-1 & SPD 8288
Fire Limits —
Occupancy E
Type Const. III
San. Map Page 539

Block No. B-4567
Lot No. Tr. at 12th St & Hampton Rd 119.50' x 139.06' & 5/1 199.6' x 169.50' & 225
Plats Sub. ✓
Inspector 16
Permit No. 20679
Application No.

Location 2417 W. 12th Street
Use Auto Repair
Permit for Bld 1 Sty Masonry repr. & gar. bldg & 6' high Redwood solid fence

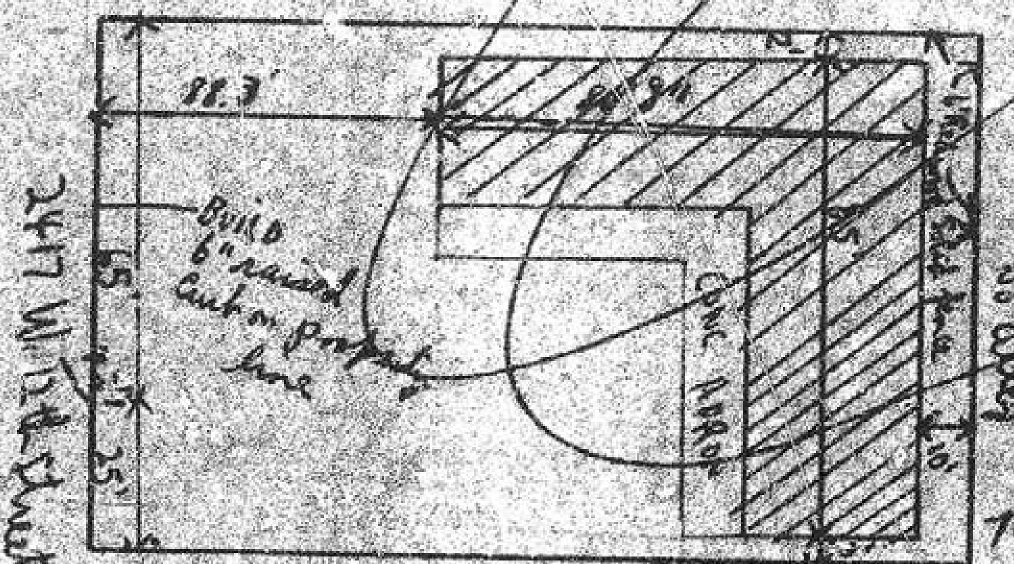
Owner of Land Jim Caldwell 421 S. Hampton
Owner of Improvements
Contractor C.D. Berry 1334 El Patio
Plans by
Remarks This appl. replaces Per# 17331, 6 off street PKG. space.

Fnd. Bsmt. Bldg. Ht. 1 Ext. W. Mas. Roof
Int. F. Source of W.S.: City of Dallas ✓ Private Well
Other Have Lot Lines Been Sur. ✓ Elec. $ 1,500.00
Is Septic Tank to be used? No Elevator $ — Fl.
Heating: $ — Air Cond.: $ — Spkr. Sys. $ —
Estimate Total Cost: $ 16,500.00 Butane No

PLBG. FIXT. INCLUDED
W. Cl. 2 Baths
Htr. Gr. T.
Lav. 2 Shower
H. Bibb URINAL
Sinks
Value of Plbg. $ 900

Checked and approved subject to provisions of "A" below.

Chief of Building Inspection
By
Date
Total cu. ft.
Total sq. ft.
Sq. ft. add.
Val. cu. ft.
Val. sq. ft.
Total Val.
Add. Val.
3-23-60
10 Dallas 9-27
Zoning-Layout
Fence OK



Note A: This permit issued on the basis of information furnished in the application noted by number hereon, and is subject to property restrictions, provisions of the Building Code, Zoning Ordinances and all other governing ordinances which must be complied with, whether or not herein specified. This permit is subject to cancellation upon notice as provided in the Building Code. This permit covers only work on private property and other work as specifically mentioned and does not include the installation of signs, gasoline tanks, street gutters and paving for which a separate permit is required. Permission is hereby granted to enter premises and make all inspections.

I HEREBY ACCEPT ALL CONDITIONS HEREIN ABOVE MENTIONED AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME ARE TRUE.

Inspector

Signed appl.
Permit Clerk C. H. Anderson
By
Date 3-16-60

Form 217

CERTIFICATE OF OCCUPANCY IS REQUIRED FOR ALL BUILDINGS OR CHANGE IN USE THEREOF

McClintock

VALID ONLY WHEN ACCOMPANIED BY FEE RECEIPT

Zoning C-1 & SUP 8288 — DIVISION OF BUILDING INSPECTION — Block No. B-4567

Fire Limits — — PUBLIC WORKS DEPARTMENT — Lot No. Tr. 2 & 2A R.R.

Occupancy E — CITY OF DALLAS, TEXAS — Plat Sub. Cor Hampton Rd. 119.50' x 139.06' 50.00' x 167.50' R 228

Type Const. III — **PERMIT** — Inspector 16

San. Map Page 539 — For the Erection, Remodeling, Repairing, Demolition of Buildings or Parts thereof as provided in the Dallas Building Ordinances — Permit No. 20679

Location 2417 W. 12th Street — Application No.

Use Auto Repair

Permit for Bld 1 Sty Masonry repr. & gar. bldg & 6' high Redwood solid fence

Owner of Land Jim Caldwell 421 S. Hampton

Owner of Improvements

#Contractor C. D. Berry 1334 El Patio

Plans by

Remarks this appl. replaces Perm # 17331, 6 Off street PKG. Space.

Fnd. Bstm. Bldg. Ht. 1 Ext. W Mas. Roof

Int. F. Source of W.S.: City of Dallas ✓ Private Well

Other Have Lot Lines Been Sur. ✓ Elec. $ 1,500.00

Is Septic Tank to be used? No Elevator $ — Fl.

Heating: $ — Air. Cond.: $ — Spkr. Sys. $ —

Estimate Total Cost: $ 16,500.00 Butane No

PLBG. FIXT. INCLUDED

W. Cl. 2 Baths

Htr. Gr. T.

Lav. 2 Shower

H. Bibb URINAL

Sinks

Value of Plbg. $ 900.00

Checked and approved subject to provisions of "A" below.

(Asst. of Building Inspr.)

By

Date

Total cu. ft.

Total sq. ft.

Sq. ft. add.

Val. cu. ft.

Val. sq. ft.

Total Val.

Add. Val.

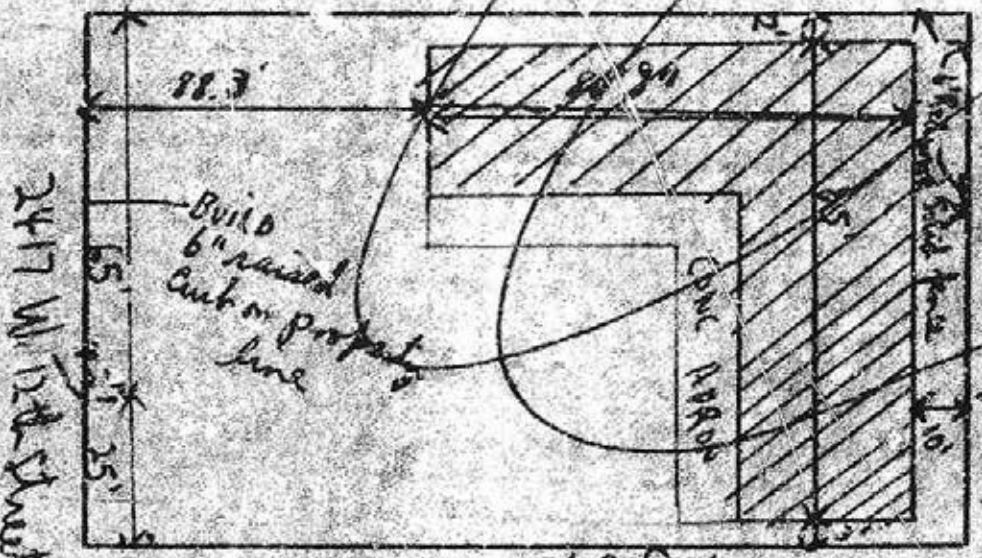
3-23-60 ✓

To Parties 3-23

Zoning-Layout

Final Insp.

Inspector



Note A: This permit issued on the basis of information furnished in the application noted by number hereon, and is subject to property restrictions, provisions of the Building Code, Zoning Ordinances and all other governing ordinances which must be complied with, whether or not herein specified. This permit is subject to cancellation upon notice as provided in the Building Code. This permit covers only work on private property and other work as specifically mentioned and does not include the installation of signs, gasoline tanks, street gutters and paving for which a separate permit is required. Permission is hereby granted to enter premises and make all inspections.

I HEREBY ACCEPT ALL CONDITIONS HEREIN ABOVE MENTIONED AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME ARE TRUE.

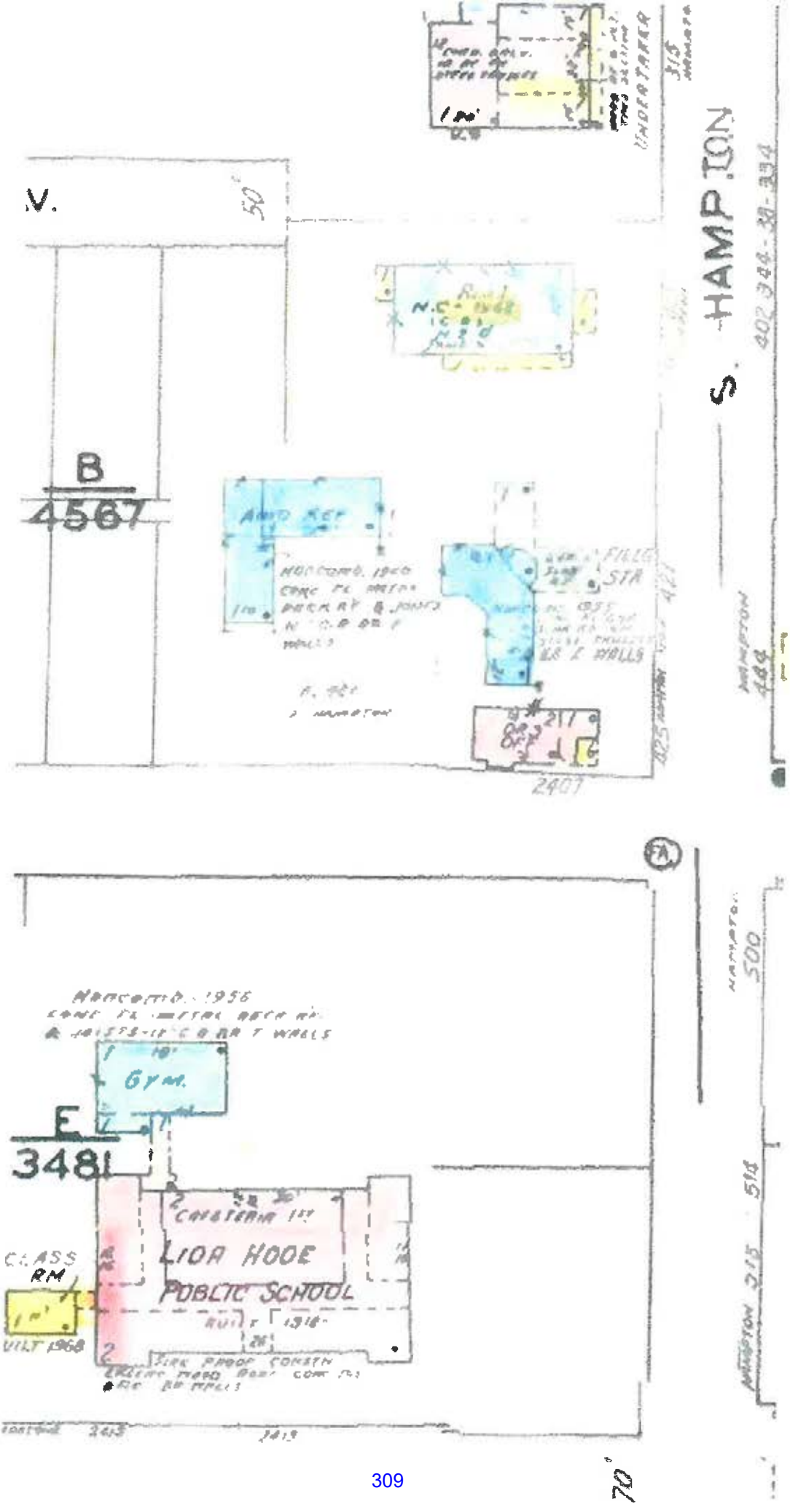
Signed appl. — Permit Clerk C. H. Anderson

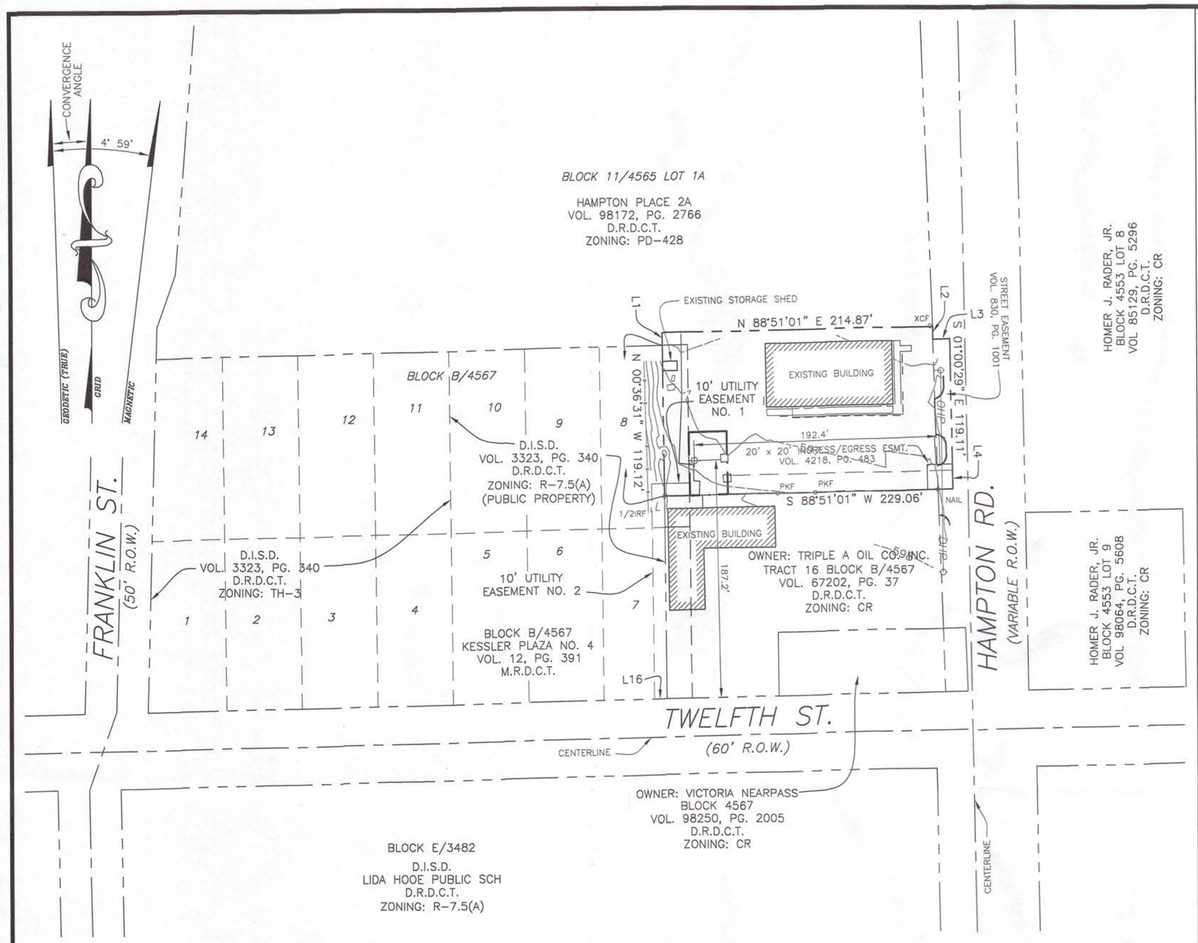
By — Date 3-16-60

CERTIFICATE OF OCCUPANCY IS REQUIRED FOR ALL BUILDINGS OR CHANGE IN USE THEREOF

Form BI 1


539
599
543
WADDY AV.
WENTWORTH
ALDEN AV.
HAMPTON
HOLLYWOOD AV.
S. MONTCLAIR AV.
W. 12TH ST.
S. OAK CLIFF BLVD.
541
538
GLADSTONE DRIVE
FRANKLIN AV.
W. BROOKLYN AV.
540


S. HAMPTON
V.
50'
B
4567
N.C. Road
Gym.
E
3481
CAFETERIA
LIDA HOOE
PUBLIC SCHOOL
CLASS RM
BUILT 1968
BUILT 1916
FIRE PROOF CONSTR
2407
2413
70'

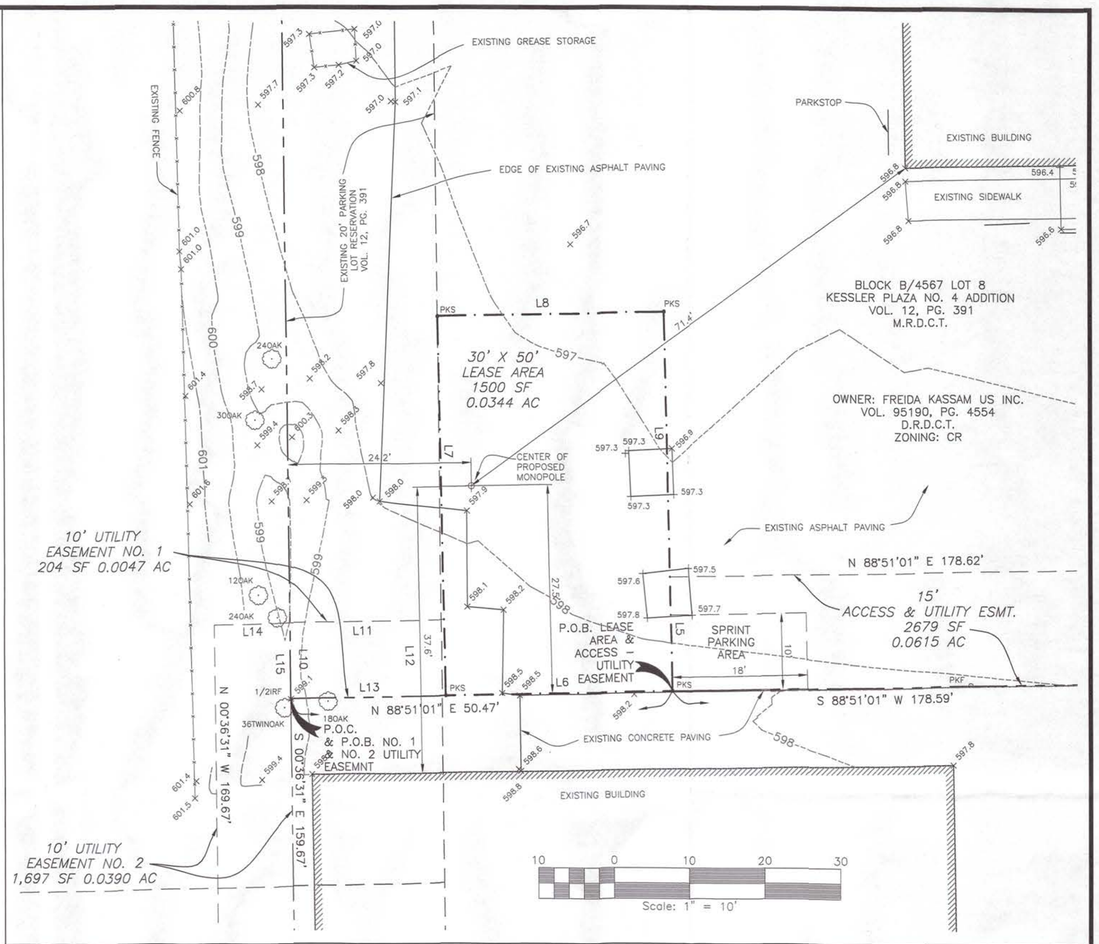


SITE PLAN SCALE: 1" = 60'

NUMBER	DIRECTION	DISTANCE
L1	N 01°08'59" W	10.00'
L2	S 00°01'53" E	10.00'
L3	N 88°51'01" E	13.55'
L4	S 01°00'29" E	15.00'
L5	N 01°08'59" W	15.00'
L6	S 88°51'01" W	30.00'
L7	N 01°08'59" W	50.00'
L8	N 88°51'01" E	30.00'
L9	S 01°08'59" E	50.00'
L10	N 00°36'31" W	10.00'
L11	N 88°51'01" E	20.38'
L12	S 01°08'59" E	10.00'
L13	S 88°51'01" W	20.47'
L14	N 88°51'01" E	10.00'
L15	S 00°36'31" E	10.00'
L16	S 88°51'01" W	10.00'

NOTE: The instrument recorded in Volume 3075, Page 42, DRDCT, lies with the existing R.O.W. of Hampton Road.

The 20' R.O.W. dedication by plat recorded in Volume 12, Page 391, lies within the existing R.O.W. of Hampton Road.



ENLARGED SITE PLAN SCALE: 1" = 10'

PROJECT INFORMATION

CENTER OF PROPOSED TOWER COORDINATES:

NAD27:
LAT 32° 44' 30.41"
LONG 96° 51' 26.38"
ELEV. 597.8 (AMSL NGVD29)

NAD83:
LAT 32° 44' 30.88"
LONG 96° 51' 27.39"
ELEV. 597.8 (AMSL NAVD88)

NOTES:

INGRESS/EGRESS IN COMMON WITH LESSOR.

LATITUDE AND LONGITUDE SHOWN HEREON ARE BASED ON NAD83 AND ELEVATIONS NAVD 1988.

MAGNETIC DECLINATION INFORMATION TAKEN FROM NOAA WEB SITE AND IS APPROXIMATE.

LATITUDE AND LONGITUDE FROM GPS OBSERVATIONS PERFORMED COINCIDENT WITH SURVEY, 1983 NORTH AMERICAN DATUM.

BASIS OF ELEVATION: GPS OBSERVATIONS PERFORMED COINCIDENT WITH SURVEY.

BASIS OF BEARINGS: GRID BEARINGS BASED ON GPS OBSERVATIONS PERFORMED COINCIDENT WITH SURVEY.

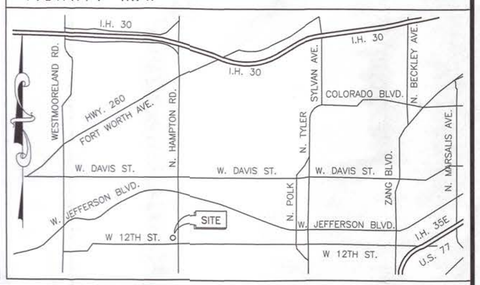
CONVERGENCE ANGLE: 00° 53' 44.7"

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS WITHIN ZONE "X", AREAS OUTSIDE OF A 100 YR. FLOOD PLAIN AS SHOWN BY FIRM MAP COMMUNITY-PANEL NUMBER 48113C0480J, DATED 08/23/2001. NO SURVEYING WAS DONE TO DETERMINE THIS FLOOD ZONE.

LEGEND

- POWER POLE
- GUY ANCHOR
- TELEPHONE RISER
- WATER VALVE
- FIRE HYDRANT
- TOWER CENTROID
- LIGHT POLE
- IRS IRON ROD SET
- TBM BENCH MARK
- BUILDING LINES
- ACCESS EASEMENT
- UTILITY EASEMENT
- AZIMUTH LINE
- FENCE LINE
- OHP POWER LINE
- LEASE AREA
- SETBACK LINE

VICINITY MAP



SURVEYOR'S CERTIFICATE}

The undersigned does hereby certify that a survey was made on the ground of the property legally described hereon prepared by the undersigned and is true and correct to the best of my knowledge; the survey correctly shows the location of all buildings, structures and other improvements situated on the property; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way except as shown on the plat hereon; that subject property has access to a public roadway; and the plat hereon is a true, correct and accurate representation of the property described hereinabove. This survey reflects the Title Report prepared by US Title Search, Inc. dated January 27, 2004, and, as stated in the legal description hereon, the Sprint lease area, access easement and utility easement lie within the parent tract. Furthermore, the undersigned hereby certifies that he has calculated the quantity of land or acreage contained within the tract shown on this plat of survey and described hereon and certifies that the quantity of land shown hereon is correct. This survey meets the applicable requirements for land surveys as defined by the "Texas Society of Professional Surveyors Manual of Practice for Land Surveying in Texas".

Kurtis R. Webb
R.P.L.S. #4125

KRW JOB NO: 204-220

Webb Surveying, Inc.
3400 Silverstone Drive
Suite 124
Plano, TX 75023
Land Surveyors
Phone: (972) 964-1737
Fax: (972) 596-4638
mail@webbsurveying.com

SURVEY

SITE NAME: HAMPTON RD.
SITE NUMBER: DA60XC916D
401 S. HAMPTON
DALLAS, TX 75208

Sprint PCS™
Sprint Personal Communication Services™

STATE OF TEXAS REGISTERED KURTIS R. WEBB 4125 PROFESSIONAL LAND SURVEYOR

DRWN KRW
CK KRW

NO:	DATE:	DESCRIPTION:
1	03/18/04	DATE OF SURVEY
2	03/31/04	ISSUED
3	06/14/04	TITLE REVIEW REVISIONS
4	10/05/04	REVISED
5	11/12/04	ADDED UTILITY EASEMENT
6		
7		

SV-1

FRI, NOV 12, 2004 05:28 P G:\AA-JOBS\BLACK-YEATCH\SPRINT\HAMPTON RD\DA60XC916DSV1.DWG X-REFS: DA60XC916DDET.DWG

CITY OF DALLAS
BUILDING INSPECTION
320 E. JEFFERSON BLVD.

PERMIT

VALIDATION NUMBER
8903211096

TYPE OF PERMIT
CO APPLICATION

ISSUE DATE
03-21-89

USE CODE
6411

USE DESCRIPTION
AUTO REPAIR

STREET NUMBER MOD DIR
2417- W

SUITE NUMBERS
B-

STREET NAME
12TH

TYPE SUF
ST

LAST UPDATE
03/21/89

DESCRIPTION
AUTO REAPIR INSIDE ONLY

OWNER OR TENANT
KENNETH WYNN

ADDRESS
000421 HAMPTON

TOTAL VALUE OF WORK

CONTRACTOR
SAME

BUSINESS ADDRESS
421 S HAMPTON DLS TX 75208

BLOCK	LOT	DIST	ZONING	EXST UNTS	TYPE CONST	OCC	USE CODE	ACT COD	OWN COD	STORIES	PERMIT FEE
B/04567.0/	7-8	16	/GR			B1	6411	B	A		160.00

BLDING AREA	PRO PRK	REQ PRK	LOT AREA	DEPT.	CENSUS TRACT	BED RMS	BATH RMS	LIV UNTS	TYPE HTG	SPRINKLER
				P	45					

REMARKS

AUTO REPAIR INSIDE ONLY

FOR INSPECTION CALL 670-5313, 24 HOURS. YOU WILL NEED YOUR VALIDATION NUMBER AND THE APPROPRIATE INSPECTION TYPE FROM THE LIST BELOW.

BUILDING PERMIT

110 SIDEWALK/DRIVE-APPROACH
112 SWIMMING POOL
115 LIQUOR LICENSE
120 PIER/FOUNDATION
130 FRAMING
140 FINAL

ELECTRICAL PERMIT

310 ELECTRICAL SERVICE
311 LANDSCAPE LIGHTING
312 SWIMMING POOL
313 CLEAN & SHOW
320 ROUGH BELOW FLOOR
330 ROUGH ABOVE FLOOR
331 ELEVATOR
340 FINAL

MECHANICAL PERMIT

420 ROUGH BELOW FLOOR
430 ROUGH ABOVE FLOOR
431 COMMERCIAL KITCHEN EXHAUST SYSTEM
440 FINAL

PLUMBING PERMIT

210 YARD SERVICE
211 BACKFLOW PREVENTOR
212 SWIMMING POOL
220 ROUGH BELOW FLOOR
230 ROUGH ABOVE FLOOR
240 FINAL

****
*FOR SPECIAL REQUESTS OR *
*ASSISTANCE CALL 670-6800 *
* 8:00AM TO 4:00PM *
* *
*NOTE:*7AM CUT-OFF FOR *
*SAME DAY INSPECTIONS. *
REINSPECTION FEES IF WORK
NOT READY OR DOOR LOCKED.
****

SIGN PERMIT

530 SIGN INSPECTION
540 FINAL

CO APPLICATION REQUEST INSPECTION TYPE(S): 150 & 250 & 350.

THIS PERMIT IS ISSUED ON THE BASIS OF INFORMATION FURNISHED IN THE APPLICATION AND IS SUBJECT TO THE PROVISIONS OF ALL GOVERNING ORDINANCES WHICH MUST BE COMPLIED WITH, WHETHER OR NOT HEREIN SPECIFIED.
THIS PERMIT IS SUBJECT TO CANCELLATION UPON NOTICE.

CERTIFICATE OF OCCUPANCY

Zoning GR

Fire Limits

Occupancy

Type Const.

San. Map Page

Location 2417 W. Twelfth

Use Repair of Autos & Trucks (Inside only)

Owner of Land Triple A Oil Company Address 8115 Sovereign Row

Owner of Improvements Same Address Same

Tenant Tom F. Hopkin

Remarks

Building Height Stories

Maximum allowable floor load per sq. ft.

№ 54194

DIVISION OF BUILDING INSPECTION

CITY OF DALLAS, TEXAS

Block No. B/4562

Lot No. Part of 7 & 8

Inspector 16

Permit No.

Date 4-21-77

Basement

J. Tom Travis

BUILDING INSPECTION DIVISION

By Earnest Davis

Form 08-2/21

CERTIFICATE OF OCCUPANCY

Zoning GR

Fire Limits

Occupancy

Type Const.

San. Map Page

No 55904

DIVISION OF BUILDING INSPECTION

CITY OF DALLAS, TEXAS

Block No. B/4567

Lot No. Part of 7 & 8

Inspector 16

Permit No.

Location 2417 W. Twelfth Street

Date 9-9-77

Use Sales of New Tires and Auto Repairs (Inside Only)

Owner of Land Tripie A Oil Co., ay

Address 8115 Sovereign Row

Owner of Improvements Same

Address Same

Tenant Corinth Tire Service, Inc.

Remarks

Building Height Stories

Basement

Maximum allowable floor load per sq. ft.

J. Tom Jones

BUILDING INSPECTION DIVISION

By Ernest Dafft

Form 64-2221

313

Certificate of Occupancy

69245

CITY OF DALLAS

NAME FLOYD RUTLEDGE JR DATE ISSUED 12/11/80

USE RADIATOR AUTO REPAIR

ADDRESS 2417 W 12TH ST

BLOCK		LOT	DISTRICT	ZONING		FIRE ZONE	TYPE CONST.	OCCUPANCY	USE CODE
B/4567		7-8	16	GR		3		B-2	6411
OWN. CODE	STORIES	OCCUPANCY AREA		PRO. PARK	REQ. PARK.	LOT AREA		REHAB.	CENSUS TR.
A									45.
LIV. UNITS	SPRINKLER	FIRE DET. SYS.	EXP. DATE	EXITS	REST RMS	STATUS CODE	PREV. CODE	LICENSE	FEE
NA						AA			20.00
REMARKS									
INSIDE USE ONLY									

THIS CERTIFICATE SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

FORM BBA-2274

CITY OF DALLAS
BUILDING INSPECTION
320 E. JEFFERSON BLVD.

PERMIT

TYPE OF PERMIT
CO APPLICATION

VALIDATION NUMBER
8903211096

ISSUE DATE 03-21-89
USE CODE 6411
USE DESCRIPTION AUTO REPAIR

STREET NUMBER	MOD	DIR	SUITE NUMBERS	STREET NAME	TYPE	SUF
2417-		W	B-	12TH	ST	

LAST UPDATE 03/21/89
DESCRIPTION AUTO REAPIR INSIDE ONLY

OWNER OR TENANT KENNETH WYNN
ADDRESS 000421 HAMPTON
TOTAL VALUE OF WORK

CONTRACTOR SAME
BUSINESS ADDRESS 421 S HAMPTON DLS TX 75208

BLOCK	LOT	DIST	ZONING	EXST UNTS	TYPE CONST	OCC	USE CODE	ACT COD	OWN COD	STORIES	PERMIT FEE
B/04567.0/	7-8	16	/3R			B1	6411	B	A		160.00

BLDING AREA	PRO PRK	REQ PRK	LOT AREA	DEPT.	CENSUS TRACT	BED RMS	BATH RMS	LIV UNTS	TYPE HTG	SPRINKLER
				P	45					

REMARKS

AUTO REPAIR INSIDE ONLY

FOR INSPECTION CALL 670-5313, 24 HOURS. YOU WILL NEED YOUR VALIDATION NUMBER AND THE APPROPRIATE INSPECTION TYPE FROM THE LIST BELOW.

BUILDING PERMIT

110 SIDEWALK/DRIVE-APPROACH
112 SWIMMING POOL
115 LIQUOR LICENSE
120 PIER/FOUNDATION
130 FRAMING
140 FINAL

ELECTRICAL PERMIT

310 ELECTRICAL SERVICE
311 LANDSCAPE LIGHTING
312 SWIMMING POOL
313 CLEAN & SHOW
320 ROUGH BELOW FLOOR
330 ROUGH ABOVE FLOOR
331 ELEVATOR
340 FINAL

MECHANICAL PERMIT

420 ROUGH BELOW FLOOR
430 ROUGH ABOVE FLOOR
431 COMMERCIAL KITCHEN EXHAUST SYSTEM
440 FINAL

PLUMBING PERMIT

210 YARD SERVICE
211 BACKFLOW PREVENTOR
212 SWIMMING POOL
220 ROUGH BELOW FLOOR
230 ROUGH ABOVE FLOOR
240 FINAL

****
*FOR SPECIAL REQUESTS OR *
*ASSISTANCE CALL 670-6800 *
* 8:00AM TO 4:00PM *
* *
*NOTE:*7AM CUT-OFF FOR *
*SAME DAY INSPECTIONS. *
REINSPECTION FEES IF WORK
NOT READY OR DOOR LOCKED.
****

SIGN PERMIT

530 SIGN INSPECTION
540 FINAL

CO APPLICATION REQUEST INSPECTION TYPE(S): 150 & 250 & 350.

THIS PERMIT IS ISSUED ON THE BASIS OF INFORMATION FURNISHED IN THE APPLICATION AND IS SUBJECT TO THE PROVISIONS OF ALL GOVERNING ORDINANCES WHICH MUST BE COMPLIED WITH, WHETHER OR NOT HEREIN SPECIFIED.

THIS PERMIT IS SUBJECT TO CANCELLATION UPON NOTICE.

Address:	2417 W 12TH ST 75211
Owner:	RIDGLEY MATTHEW 000922 SIMON CEDAR HILL TX 75104
DBA:	MATT'S AIR CONDITIONING RADIAT
Land Use:	(6411) AUTO SERVICE CENTER
Occupied Portion:	
C.O.#:	0305011083

Issued: 05/05/2003

Lot:		Block:		Zoning:	CR	PDD:	0	SUP:	
Historic Dist:		Consv Dist:		Pro Park:	0	Req Park:	0	Park Agrmt:	N
Dwlg Units:	0	Stories:	1	Occ Code:		Lot Area:	0	Total Area:	0
Type Const:		Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

Andrew Espinoza, CBO, MCP, CFM, CC

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

Sustainable Development and Construction | Building Inspection Division | 214/948-4480 www.dallascityhall.com

Harris, Jim (DAL - X61102)

From: Munoz, Jennifer <jennifer.munoz@dallas.gov>
Sent: Friday, August 9, 2024 11:55 AM
To: Harris, Jim (DAL - X61102)
Cc: Udrea, Andreea
Subject: Fw: Zoning map issue at 12th and Hampton
Attachments: CustomerZoningMap.pdf; Pages from ORD_20180_89-0402_Southwest Quadrant_CC-1-25-1989.pdf; 2-16-2023_CPC_FINAL_Minutes_CSO_Filed.pdf; Memorandum.pdf

[External email]
Good Afternoon,

Please see the response attached regarding your zoning map inquiry. We're here if you have any further questions. Thank you!

Sincerely,

Jennifer Muñoz
Chief Planner
City of Dallas | www.dallascityhall.com
Planning and Development Department
Current Planning
1500 Marilla Street, 5BN
Dallas, TX 75201
Working Remotely, please call or text:
Google Voice: 972-926-3691
jennifer.munoz@dallas.gov

How am I doing? Please contact my supervisor at megan.wimer@dallas.gov.



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

EXHIBIT E

Memorandum

CITY OF DALLAS

DATE July 24, 2024

TO Distribution

SUBJECT 12th and Hampton - Mapping Error

Regarding the letter and exhibits provided by James B. Harris on behalf of Hampton & 12th, L.P., the decision was made by staff not to edit the disputed zoning district boundaries on a particular tract of land described in Mr. Harris' letter as the "Rader Tract," the same being the subject site of zoning file # Z212-345.

It is the decision of staff to enforce the current boundaries as shown on the official City of Dallas Zoning Map, attached.

The most recent ordinance amending the zoning district boundaries on this site is Ordinance 19455, which adopted Chapter 51A - Dallas Development Code ("the Code"), and established new zoning districts city-wide, and replaced all previous zoning district definitions and boundaries. The boundaries established for the Chapter 51A districts were adopted as shown on Exhibit B of Ordinance 20180, a page of which is attached that shows the subject property. SEC. 51A-4.104 established the rules for interpreting these zoning district boundaries. There have been no subsequent ordinances amending this particular zoning district boundary since the Code's effective date on July 18, 1989, thus all amendments to-date for this boundary have been correctly recorded on the official zoning map.

Staff's interpretation of the zoning district boundary is further outlined below:

SEC. 51A-4.104(a)(2) provides that "Boundaries indicated as approximately following platted lot lines are construed as following those lot lines." The boundary of R-7.5(A) and CR zoning districts follow the platted lot lines of Lot 8 in City Block B/4567, as determined by the scaling of the map and the property description that was provided as part of the zoning application.

SEC. 51A-4.104(a)(8) provides that "Boundaries indicated as dividing a lot or tract are construed to be located as shown on the zoning district map." Zoning district boundaries are not required to follow the same boundaries as those of property ownership and amendments to the surrounding zoning district boundaries are applied independently without regard to property ownership. Though the majority of the original R-7.5(A) zoning district was removed by Ordinance 27942 on August 11, 2010, the portion on the Rader Tract was not part of the area of request and remained in place on the remainder of Lot 8 Block B/4567.

The most crucial justification for denying this request is that there is no basis in the Code which would permit City staff to overturn the City Plan Commission recommendation for Z212-345.

February 2, 2023, Z212-345 was presented to the City Plan Commission requesting a zoning change on the 20'x20' portion of the Rader Tract from R-7.5(A) to CR. The Commission moved to deny the application without prejudice, per the attached minutes. The GIS staff (under the supervision of the department director) does not have the authority to overturn the recommendation of the City Plan Commission. Appeal of CPC's recommendation should have been made to the department director in writing per the provisions in SEC. 51A-4.701.

The Code does however provide means to request that the Board of Adjustment determine the zoning district boundary through SEC. 51A-4.104 (d). When there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections (a) through (c), the board of adjustment shall determine the boundary by interpreting the official zoning district map and ordinances amending the map. Again, this is not a decision that can be made by City staff but by the Board of Adjustment at a public hearing.

To summarize, the zoning district boundaries are correct by following the rules in SEC. 51A-4.104, and by following City Plan Commission recommendation in accordance with the rules of SEC. 51A-4.701, and will not be adjusted outside of the methods prescribed in the Code, which would be an ordinance amending the boundaries or Board of Adjustment determination.

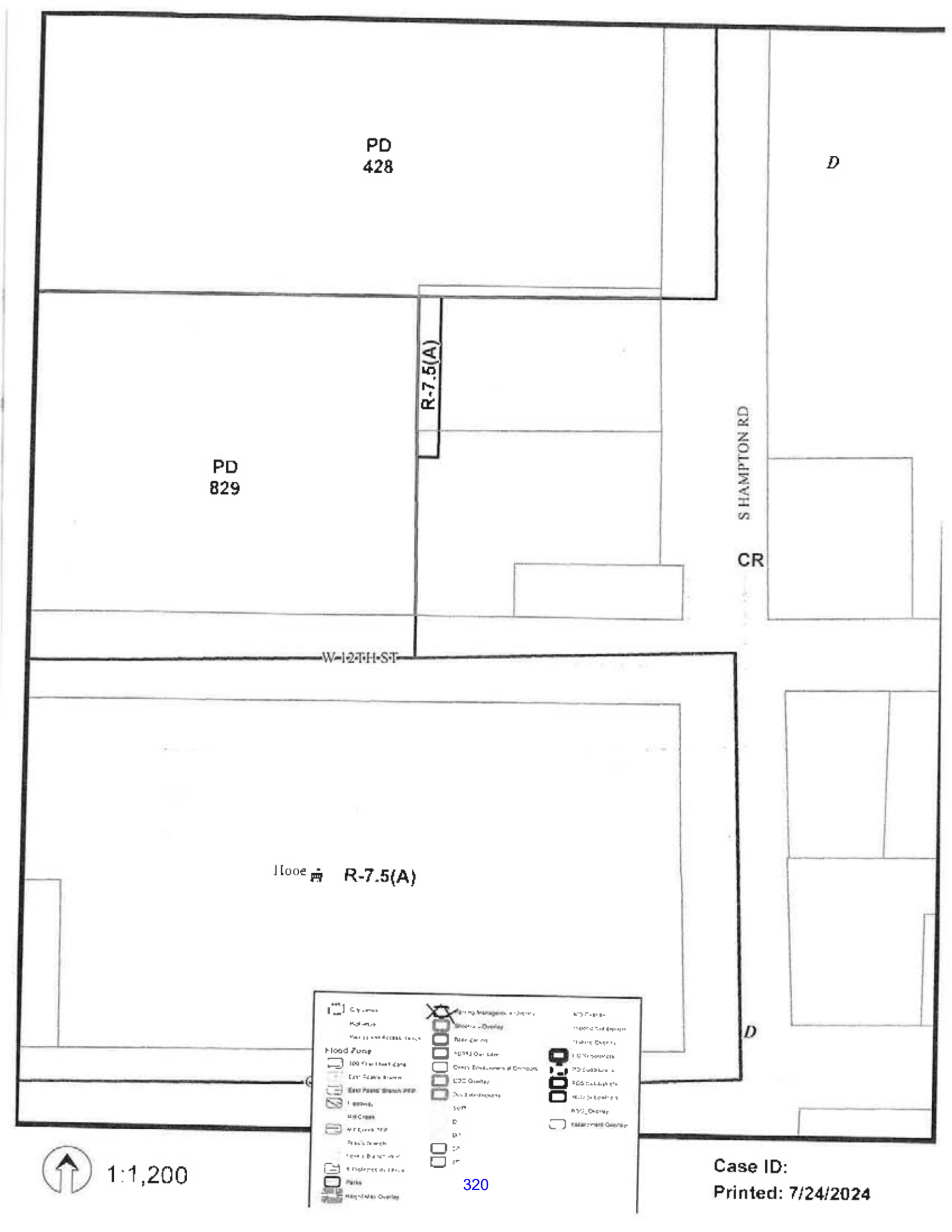
Brittany Burkhalter
GIS Analyst III
City of Dallas | dallascityhall.com
Planning and Development
1500 Marilla Street 5CN
Dallas, TX 75201
Ph: 469-540-0512
brittany.burkhalter@dallas.gov

Attachments:

1) Official Zoning Map, printed July 24, 2024
2) Page from Exhibit B of Ordinance 20180, passed by Dallas City Council January 25, 1989
3) Minutes from the February 2, 2023 City Plan Commission

Distribution:

Casey Burgess, Executive Assistant City Attorney
Ali Baqi, GIS and Technology Manager
Ronda Kemp, GIS Analyst III
Brittany Burkhalter, GIS Analyst III
Elham Elbadawi, Senior GIS Technician


PD
428
D
R-7.5(A)
PD
829
S HAMPTON RD
CR
W-12TH-ST
Hooe
R-7.5(A)
D
Flood Zone
1:1,200
320
Case ID:
Printed: 7/24/2024

RECEIVED
2023 MAR 22 PM 3:03
CITY SECRETARY
DALLAS, TEXAS

CITY PLAN COMMISSION

Briefing & Public Hearing Meeting Minutes

Thursday, February 16, 2023

DALLAS CITY HALL, COUNCIL CHAMBER/VIDEO CONFERENCE
CISCO WEBEX LINK, https://bit.ly/CPC021623, Call-In #: 2488 304 7987
CHAIR TONY SHIDID, PRESIDING

PRESENT: [14]

Tony Shidid, Chair, District 5	P. Michael Jung, District 9
Amanda Popken, District 1	Tipton Housewright, District 10
Joanna Hampton, District 2 (**)	Brandy Treadway, District 11 (**)
Jasmond Anderson, District 4	Aaliyah Haqq, District 12 (*) (**)
Deborah Carpenter, District 6	Claire Stanard, District 13
Tabitha Wheeler-Reagan, District 7 (**)	Melissa Kingston, District 14
Lorie Blair, District 8	Brent Rubin, Vice-Chair, Place 15

ABSENT: [0]

VACANCY: [1]

District 3	

**Note: Members of the City Plan Commission participated in this meeting by video conference.*
***Note: Indicates arrival time after meeting called to order/reconvened*

The Briefing meeting was called to order at 9:10 a.m. with a quorum of the City Plan Commission present. The Public Hearing was called to order at 12:58 p.m. with a quorum of the City Plan Commission present.

The meeting agenda, posted in accordance with Chapter 551, "OPEN MEETINGS" of the Texas Government Code, was presented.

The City Plan Commission was briefed by staff on each item on the agenda and a question and answer period followed each briefing.

A variety of dockets, requests and briefings were presented to the Commission during the open public hearing. The applicants or their representatives presented their arguments, citizen comments were heard, and using the information and staff recommendations in the hearing dockets, the Commission took the following actions:

CITY PLAN COMMISSION MEETING MINUTES
OF FEBRUARY 16, 2023

NOTE: For more detailed information on discussion on any issue heard during this briefing and public hearing refer to the tape recording retained on file in the Planning and Urban Design Department. Briefing and public hearing recordings are retained on file for 90 days after approval of CPC minutes

BRIEFINGS:

1. 23-497 Ethics

City Attorney's Office

Briefing item #1, ID 23-497 was not briefed and was postponed to a future City Plan Commission meeting.

2. 23 498 ForwardDallas - Planning and Urban Design Department to provide an update on the ForwardDallas Comprehensive Land Use Plan Update, including a review of engagement efforts to date, an initial draft land use framework for discussion and feedback, and project next steps.

Andrea Gilles, Assistant Director, Community Planning Group, Planning & Urban Design
Lawrence Agu III, Chief Planner, Technology, Innovation & Policy, Planning & Urban Design
Brian Price, Supervising Area Planning, Planning & Urban Design
Arturo De Castillo, Chief Planner, Urban Design, Planning & Urban Design
Chalonda Mangwiro-Johnson, Supervisor, Engagement, Planning & Urban Design
Patrick Blaydes, Senior Planner, Neighborhood Planning, Planning & Urban Design
Asma Shaikh, Senior Planner, Technology, Innovation & Policy, Planning & Urban Design

Briefing item #2, ID 23-498 was not briefed and was postponed to a future City Plan Commission meeting.

The Commission was briefed on Zoning agenda items. The Commission recessed for a short break at 10:52 a.m. and reconvened at 11:09 a.m. and continued with the briefing of the Zoning agenda items.

The City Plan Commission opened the public hearing at 12:57 p.m.

PUBLIC TESTIMONY: None

APPROVAL OF MINUTES:

Minutes Approval of Minutes of the January 19, 2023 City Plan Commission Hearing.

Motion: It was moved to approve the January 19, 2023, City Plan Commission meeting minutes, as revised.

Maker: Jung
Second: Anderson
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Stanard, Treadway
Vacancy: 1 - District 3

Speakers: None

Note: The Commission recessed for a short break at 8:20 p.m., and reconvened at 8:32 p.m. The Commission heard agenda item #23. ID 23-556; Apportionment of Exaction Appeal (S178-288) next.

ACTION ITEMS:

Zoning Cases – Consent:

3. 23-499 Z212-280(JM) Planner: Jennifer Muñoz

Note: The Commission considered this item individually.

Motion: In considering an application for an MF-1(A) Multifamily District on property zoned an R-7.5(A) Single Family District, at the southwest corner of North Jim Miller Road and Elam Road, it was moved to hold this case under advisement until March 23, 2023.

Maker: Blair
Second: Hampton
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 200 Mailed: 11
Replies: For: 0 Against: 0

Speakers: None

Note: The Commission heard Zoning Case – Consent agenda item #4, ID 23-500; Z212 322(MP) next.

4. 23-500 Z212-322(MP) Planner: Michael Pepe

Note: The Commission considered this item individually.

Motion: In considering an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned Subdistrict 3 within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west line of Cadiz Street, north of Botham Jean Boulevard, it was moved to **hold** this case under advisement until March 2, 2023

Maker: Hampton
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 District 3

Notices: Area: 500 Mailed 19
Replies: For 0 Against 0

Speakers: For: Vincent Gerard, 1705 Carlotta Ln., Austin, TX, 78733
Against: None

Note: The Commission heard Zoning Case – Consent agenda item #8, ID 23-506; Z212-336(MP) next.

5 23-503 Z212-330(RM) Planner: Ryan Mulkey

Motion: It was moved to recommend approval of the renewal of Specific Use Permit No. 2398 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to revised conditions on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay at the northwest corner of Lake June Road and North Masters Drive.

Maker: Anderson
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler Reagan, Blair, Jung, Housewright, Treadway, Haqq*, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 74
Replies: For: 0 Against: 1

Speakers: For: None
For (Did not speak): Catherine Chamblee, 511 W. 7th St., Austin, TX, 78701
Rodney Lee, 2843 Cripple Creek Trl., Grapevine, TX, 76051
Ricardo Gonzales, 1300 E. Pioneer Parkway, Arlington, TX, 76054
Against: None

6. 23-504 Z212-331(JM) Planner: Jennifer Muñoz

Motion: It was moved to recommend approval of an MU-1 Mixed Use District with deed restrictions volunteered by the applicant subject to deed restrictions volunteered by the applicant, revised as briefed on property zoned an IR Industrial Research District on the west line of Dennis Road at the terminus of Sundial Drive between Northaven Road and Satsuma Drive.

Maker: Anderson
Second: Carpenter
Result: Carried: 14 to 0

For: 14 Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Haqq*, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices:	Area:	300	Mailed:	37
Replies:	For	1	Against:	1

Speakers For: None
For (did not speak): Karl Crawley, 2201 Main St Dallas, TX, 75201
Against: None

7. 23-505 Z212-334(JM) Planner: Jennifer Muñoz

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern use for a two-year period, subject to a site plan and staff's recommended conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north side of Main Street at the terminus of Pryor Street, between North Good Latimer Expressway and North Crowdus Street

Maker: Anderson
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Stidhd, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Hagg*, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices:	Area:	200	Mailed:	18
Replies:	For:	1	Against:	0

Speakers For: None
For (did not speak): Pamela Craig, 1202 Misty Meadow Dr., Midlothian, TX, 76065
Against: None

Note: The Commission heard Zoning – Consent agenda item #3. ID 23-499, Z212-280(JM), upon the conclusion of the Zoning Consent agenda. The Commission heard Zoning – Consent agenda item #3. ID 23-499 Z212-280(JM) next.

6

8. 23-506 Z212-336(MP)

Planner: Michael Pepe

Note: The Commission considered this item individually.

Motion: It was moved to recommend approval of a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/elevation plan and conditions on property zoned Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the west line of Conner Drive, between Bruton Road and Stonehurst Street.

Maker: Shidid
Second: Blair
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler-Reagan, Blair, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3
Conflict: 1 Jung**

**out of the room when vote taken

Notices: Area: 500 Mailed: 56
Replies: For: 3 Against: 2

Speakers: For: None
For (Did not speak): Alan Scivally, 4 Country Place Cir., Arlington, TX, 76020
Against: None

Note: The Commission heard Zoning Case -- Consent Agenda item #9. ID 23-507: Z212-340(JM) next.

9. 23-507 Z212-340(JM)

Planner: Jennifer Muñoz

Note: The Commission considered this item individually. Staff corrected the Representative to Audra Buckley for the record.

Motion: It was moved to recommend approval of an amendment to Planned Development District No. 103, subject to conditions on property on the east line of Pastor Bailey Drive, north of West Camp Wisdom Road.

Maker: Rubin
Second: Hampton
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler-Reagan, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3
Conflict: 1 - Blair**

**out of the room when vote taken

Notices: Area: 500 Mailed: 26
Replies: For: 6 Against: 0

Speakers: None

The Commission continued with the regular order of the agenda and heard the Zoning Cases -- Under Advisement agenda items next. The Commission heard Zoning Cases -- Under Advisement agenda item #10. ID 23-509; Z212-187(RM) next.

Zoning Cases -- Under Advisement:

10. 23-509 Z212-187(RM) Planner: Ryan Mulkey

Motion: It was moved to recommend **approval** of a Planned Development District for TH-2(A) Townhouse District and R-5(A) Single Family District uses, subject to a conceptual plan and conditions with the following changes: 1) **SEC. 51P-___.107. MAIN USES PERMITTED.** Subarea B only main uses permitted are Handicap group dwelling units, Local utilities, Retirement housing and Single Family. 2) **SEC. 51P-___.109. YARD, LOT, AND SPACE REGULATIONS.** Subarea A. 1) minimum front yard is 10 feet, 2) minimum rear yard is five feet, 3) maximum number of dwelling units is 190, 4) minimum lot size is 2000 sq. ft., and 5) maximum number of stories above grade is 2; 3) **SEC. 51P-___.109. YARD, LOT, AND SPACE REGULATIONS.** Subarea B 1) maximum height is 30 ft., 2) maximum lot coverage is 60 percent, 3) minimum lot size is 3,200 sq. ft. and 4) maximum number of stories above grade is 1, and 4) **SEC. 51P-___.114. URBAN DESIGN STANDARDS.** 1) recaptioned as **DESIGN STANDARDS.**, 2) delete Subsection (b), 3) Subsection (c), In general, (1) amended to read as follows: Sidewalks. A minimum 5 foot wide unobstructed sidewalk with a minimum five-foot-wide buffer is required along all public streets, 4) delete paragraph (c) (3), 5) Detention ponds must be surrounded by the

required walking trail 6) at least 15 percent of the district must reserve as open space, 7) Subsection (d) Subarea A, (1) amended to read: All lots must have a rear loading garage with alley access, 8) Subsection (d) Subarea A (3) Fencing (A) is amended to read: Maximum fence height is eight feet, 9) delete romanette (i). 10) in romanette (iii) delete Garden Grove or Edd Road, 11) Subsection (e) Subarea B, (1) amended to read: All lots must have a rear loading garage with alley access, 12) Subsection (e) Subarea B, (2) (ii) delete "along an open space or walking trail", and 13) renumber all subsections, paragraphs, subparagraphs and romanettes when appropriate on property zoned an R-7.5(A) Single Family District, on the southeast line of Edd Road, between Garden Grove Drive and Sullivan Road.

Maker: Blair
Second: Anderson
Result: Carried 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler-Reagan, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 500 Mailed: 60
Replies: For: 0 Against: 4

Speakers: For: Shafiqul Abed, 4440 Lafite Ln., Colleyville, TX, 76034
Correen Robertson, 4532 Lodestone Ln., Fort Worth, TX, 76123
Against: None
Against (Did not speak): Richard Marcus, 9030 Vantage Point Dr., Dallas, TX, 75243

11. 23-519 Z212-304(JM) Planner: Jennifer Muñoz

Motion: It was moved to recommend **approval** of a new subdistrict, subject to a revised overall site plan (1B), a revised development plan (1E), a revised landscape plan (1D), and conditions, as briefed, to include the applicant request of **SEC. 51P-1.119. GARBAGE REMOVAL.** "No person may remove, cause to be remove, or permit the removal of garbage in Subdistrict 1, between the hours of 10:00 p.m. and 7:00 a.m." within Planned Development District No. 1, on the south line of Forest Lane, west of Eastern Avenue.

Maker: Stanard
Second: Housewright
Result: Carried 14 to 0

For:	14	Popken, Hampton, Anderson, Shidid, Carpenter, Wheeler-Ruagan, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin
Against:	0	
Absent:	0	
Vacancy:	1	District 3

Notices:	Area:	500	Mailed:	47	
Replies:	For:	0	Against:	15	

Speakers: For: Andrew Ruegg, 2201 Main St., Dallas, TX, 75201
Richard Dobson, 17440 Dallas Parkway, Dallas, TX, 75287
Against: David Jones, 6510 Clubhouse Cir., Dallas, TX, 75240
Against (Information only): Anilkumar Gokani, 5319 Northmoor Dr., Dallas, TX, 75229

Note: The Commission recessed for a short break at 2:03 p.m. and reconvened at 2:18 p.m. The Commission continued with the regular order of the agenda and heard the Zoning Cases – Individual agenda items. The Commission heard Zoning Cases – Individual agenda item: #12, ID 23-511; Z212-186(JA) next.

12. **23-511** Z212-186(JA) Planner: Jennifer A Igaier

Motion: It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses and office, general merchandise or food store 3,500 square feet or less, restaurant without drive-in or drive-through service, and personal service uses [Tract 1], CH Clustered Housing District uses [Tract 2] and a tree preservation area [Tract 3], subject to a revised tract map, a revised development plan, a revised residential proximity slope illustration, revised street sections for all three street abutting the property, and applicant's recommended conditions, as briefed, with the following changes: 1) **SEC. 51P-___.103. DEFINITIONS AND INTERPRETATIONS.** add definition for Live Work Unit as follows: Live Work Unit means an interior space with street level access that combines residential with office or retail and personnel service uses. A Live Work Unit is considered a non-residential use; 2) **SEC. 51P-___.106. MAIN USES PERMITTED.** (b) add Live Work as an allowed use (MUR?); 3) allow Personnel services uses with the except of bail bond establishments, tattoo parlors, and massage establishments; 4) **SEC. 51P-___.114. DESIGN STANDARDS.** (j) staff's recommendation and add the following sentence: A solid fence is permitted along Neal Street within Tract 2; and 5) **SEC. 51P-___.114. DESIGN STANDARDS.** (d) (4) strike items (F) Change in color and (H) Change in texture on property zoned an IR Industrial Research District and an IM Industrial Manufacturing District on the southeast corner of West Commerce Street and Neal Street

Maker: Rubin
Second: Hampton
Result: Carried 13 to 0

For: 13 - Popken, Hampton, Anderson, Shidid, Wheeler, Reagan, Blair, Jung, Housewright, Treadway, Hagg, Stanard, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3
Conflict: 1 - Carpenter**

**out of the room when vote taken

Notices: Area: 500 Mailed: 82
Replies: For: 1 Against: 2

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
John Snyder, 2401 N. Harwood St., Dallas, TX, 75201
Marie Morin, 1602 Seale St., Dallas, TX, 75208
Ryan Patterson, 1215 Stafford St., Dallas, TX, 75208
For (did not speak): Daniel Smith, 2501 N. Harwood St., Dallas, TX, 75201
Andrew Ramler, 1923 N. Edgefield, Dallas, TX, 75208
Against: None
Staff: Phil Erwin, Chief Arborist, Development Services

Note: The Commission recessed for a short break at 3:45 p.m. and reconvened at 3:50 p.m. The Commission continued with the regular order of the agenda and heard the Zoning Cases – Individual agenda items. The Commission heard Zoning Cases – Individual agenda item #13. ID 23-512; Z212-236(MP) next.

13. 23-512 Z212-236(MP) Planner: Michael Pepe

Note: Staff briefed this item before the public hearing was opened.

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 633, subject to a revised development plan (to show two story portion of new building), a traffic management plan, and conditions with the following added provisions: 1) add a minimum of one electric vehicle off-street install parking space provided final location determined at the time of permitting and 2) to include a minimum of two charging stations for micro-mobility on the north line of Northaven Road, east of Dennis Road.

Maker: Stanard
Second: Kingston
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Wheeler-Reagan
Vacancy: 1 - District 3

Notices: Area: 500 Mailed: 93
Replies: For: 0 Against: 4

Speakers: For: Karl Crawley, 2201 Main St., Dallas, TX, 75201
Kathleen Lenihan, 9400 Central Expressway, Dallas, TX, 75241
Against: None

14. 23-513 Z212-238(JA) Planner: Jennifer Allgaier

Note: Staff briefed this item before the public hearing was opened.

Motion: It was moved to recommend **approval** of a Specific Use Permit for a public school other than an open-enrollment charter school, subject to a site plan, a traffic management plan, and conditions with the following changes: 1) add SUP condition #12. Height is limited to 36 feet, and 2) add SUP condition #13. Provide one electric vehicle parking space and two micro-mobility charging locations to be located at the applicant's choosing on property zoned an R-7.5(A) Single Family District bounded by Raydell Place, Schooldell Drive, Cuba Avenue, and South Barnett Avenue.

Maker: Popken
Second: Anderson
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Wheeler-Reagan
Vacancy: 1 - District 3

Notices:	Area:	300	Mailed:	64
Replies:	For:	3	Against	1

Speakers For: Karl Crawley, 2201 Main St., Dallas, TX, 75201
Kathleen Lenihan, 9400 Central Expressway, Dallas, TX, 75241
Against: None
Staff: David Nevarez, Sr. Traffic Engineer, Development Services
Phil Erwin, Chief Arborist, Development Services

Note: Chairman Shidid announced a change to the order of the agenda to move agenda item #15, ID 23-514; Z212-270(JM) after agenda item #17, ID 23-516; Z212-348(MP). The Commission heard Zoning Cases - Individual agenda item #16, ID 23-515; Z212-275(JM) next.

15. 23-514 Z212-270(JM) Planner: Jennifer Muñoz

Note: Staff briefed this item before the public hearing was opened.

Motion: It was moved to recommend **approval** of a Specific Use Permit for a public school other than an open-enrollment charter school for a permanent time period, subject to a site plan, a traffic management plan, and conditions with the following changes: 1) provide one electric vehicle charger and 2) provide two micro-mobility charging stations on property zoned an R-7.5(A) Single Family District on property bound by South Polk Street, Reynoldston Lane, Regatta Drive, and Drury Drive.

Maker: Haqq
Second: Anderson
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Notices:	Area	400	Mailed:	151
Replies:	For:	8	Against:	3

Speakers For: Karl Crawley, 2201 Main St., Dallas, TX, 75201
Against: None

Note: The Commission returned to the regular order of the agenda and heard Subdivision Docket agenda items next.

16. 23-515 Z212-275(JM) Planner: Jennifer Muñoz

Motion: In considering an application for a Specific Use Permit for a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District at the southwest corner of Drury Drive and South Polk Street, it was moved to **hold** this case under advisement until April 20, 2023.

Maker: Haqq
Second: Hampton
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Treadway, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Wheeler-Reagan
Vacancy: 1 - District 3

Notices: Area: 400 Mailed: 55
Replies: For: 2 Against: 2

Speakers: For: None
For (Did not speak): Karl Crawley, 2201 Main St., Dallas, TX 75201
Against: None

Note: The Commission recessed for a short break at 5:52 p.m. and reconvened at 6:33 p.m. The Commission heard Zoning Cases – Individual agenda item #17, ID 23-516: Z212-345(MP) next.

17. 23-516 Z212-345(MP) Planner: Michael Pepe

Note: Staff briefed this item before the public hearing was opened.

Motion: It was moved to recommend **denial without prejudice** of a CR Community Retail District on property zoned an R-7.5(A) Single Family District, on the north line of 12th Street, between South Hampton Road and South Franklin Street.

Maker: Popken
Second: Stanard
Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 2 - Wheeler-Reagan, Treadway
Vacancy: 1 - District 3

Notices: Area: 200 Mailed: 6
Replies: For: 0 Against: 1

Speakers. For: Victoria Morris, 2323 Ross Ave., Dallas, TX 75201
Against: Christine Hopkins, 1118 Elmwood Blvd., Dallas, TX, 75224
Billy Rangel, 2702 Kellogg Ave. Dallas, TX 75216
Gerardo Figueroa, 2220 W. Clarendon Dr., Dallas, TX, 75208
Victoria Ferrell Ortiz, 1215 Hoke Smith Dr., Dallas, TX 75224
Albert Mata, 105 S. Bishop Ave., Dallas, TX, 75208
Francisco Gonzalez, 2126 W. Clarendon Dr., Dallas, TX, 75208
Edwin Guano, 421 S. Hampton Rd., Dallas, TX 75208
Mario Martinez, Address not given
Arelo Rico, 1135 McCommas Blvd., Dallas, TX 75206
Daniel Leyva, 2003 W. Illinois Ave., Dallas, TX, 75224
Joel Ruiz, 3845 Mt. Royal St., Dallas, TX 75211
Against (did not speak): Abdullah Karcem, 421 S. Hampton Rd., Dallas, TX, 75208
Fahad Alfadel, 421 S. Hampton Rd., Dallas, TX, 75208
Johana Sifuentes, 421 S. Hampton Rd., Dallas, TX, 75208
Anselmo Sifuentes, 421 S. Hampton Rd., Dallas, TX, 75208
Victoria Susan Nearpass, 2407 W. 12th St., Dallas, TX, 75208
Lucy Bocanegra, 914 Hartsdale Dr., Dallas, TX 75211
Vanessa Saidaña, 410 N. Clinton Ave., Dallas, TX 75208
Jorge Parra, 1022 S. Hampton Rd., Dallas, TX, 75208
Juan Morales, 2800 W. Clarendon Dr., Dallas, TX 75211
Carlos Rivera, 2126 W. Clarendon Dr., Dallas, TX, 75208
Martha Elisa Cerda, 421 S. Hampton Rd., Dallas, TX, 75208
Vicente Lopez, Address Not given
Yolanda Alameda, 1607 S. Tyler St., Dallas, TX 75224

Note: The Commission returned to the regular order of the agenda and heard Zoning Cases – Individual agenda item #15, ID 23-514 Z212-270(JM) next.

SUBDIVISION DOCKET: Planner: Mohammad Bordbar

Note: Subdivision - Consent agenda items #18, ID 23-551; S223-063, #19, ID 23-552; S223-064, #20, ID 23-553; S223-065, #21, ID 23-554; S223-066, and #22, ID 23-555; S223-067 were read into the record and heard together

Consent Items:

18 23-551 S223-063

Motion: It was moved to approve an application to create one 10,500 square foot lot from a tract of land in City Block A/6761 on property located on Namur Street, south of Scyene Road, subject to compliance with the conditions listed in the docket

Maker: Anderson
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Speakers: None

19 23-552 S223-064

Motion: It was moved to approve an application to create one 4.389-acre lot from a tract of land in City Block 8310 on property located on Cedardale Road at Old Cleveland Road, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Anderson
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Speakers: None

20. 23-553 S223-065

Motion: It was moved to approve an application to create two 18,848 square feet lots from a 0.87-acre tract of land in City Block 6297 on property located on Hilburn Drive, south of Dell Garden Avenue, subject to compliance with the conditions listed in the docket.

Maker: Anderson
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Speakers: None

21. 23-554 S223-066

Motion: It was moved to approve an application to replat a 0.3087-acre tract of land containing portion of Lots 13 and 14 in City Block A/2017 on property located on McKinney Avenue at Harvard Avenue, north corner, subject to compliance with the conditions listed in the docket with the removal of Condition #15.

Maker: Anderson
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Speakers: None

22. 23-555 S223-067

Motion: It was moved to approve an application to replat a 0.8620-acre tract of land containing all of Lots 31 through 35 in City Block 10/2257 to create two 18,774 square foot lot on property located on Hondo Avenue north of Harry Hines Boulevard, subject to compliance with the conditions listed in the docket.

Maker: Anderson
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Popken, Hampton Anderson, Shidid, Carpenter, Blair Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Speakers: None

Note: Chairman Shidid announced a change to the order of the agenda. The Commission heard Authorization of a Hearing agenda item #24. ID 23-557 next.

Apportionment of Exaction Appeal:

23. 23-556

Motion: In considering an appeal to the director's apportionment determination associated with Plat No. S178-288 to improve Los Angeles Boulevard on the property located at Los Angeles Boulevard if extended south of Blue Ridge Boulevard with an approved all weather paving material to a width of 20 feet, dedication of an alley easement; construction of a detention pond that will serve the drainage needs of the development; and construction of new off-site water and wastewater extensions that are necessary to adequately serve the development, it was moved to hold this matter under advisement until March 2 2023.

Maker: Jung
Second: Anderson
Result: Carried: 9 to 0

For: 9 - Popken, Hampton Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq

Against: 0
Absent 5 Wheeler-Reagan, Treadway, Stanard, Kingston, Rubin
Vacancy: 1 District 3

Speakers Appellant Representative: Adrian Cole, 2217 Yaupon Dr, Irving, TX, 75063
Appellant's Witness (did not speak): Jeremy Dixion, Engineer, 2711 N. Haskell Ave, Dallas, TX, 75204
City's Witness: Sam Eskander, Assist. Director Engineering, City of Dallas
City's Attorney: Cary Powell, Assistant City Attorney, City of Dallas

Note: The Commission returned to the regular order of the agenda and Chairman Shidid announced appointments to CPC Committees.

Authorization of a Hearing:

24. 23-557 Planner: Megan Wimer

Motion: It was moved to authorize a public hearing for the consideration of an amendment to the boundary of Authorized Hearing No. 7189-349 which was authorized for a public hearing to determine proper zoning on September 5, 2019. The property is zoned a CR Community Retail District, a CS Commercial Service District, a MU-1 Mixed Use District, and a P(A) Parking District in an area generally located along both sides of Hampton Road between Burlington Boulevard to the north and Brandon Street to the south and along both sides of West Clarendon Drive between the alley parallel to Hampton Road and Marlborough Avenue and containing approximately 17.4 acres. This is a hearing to consider the request to authorize the hearing and not the rezoning of property at this time.

Maker: Popken
Second: Hampton
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 District 3

Speakers: None

Note: The Commission heard OTHER MATTERS, Items for Reconsideration agenda item #25. ID 23-558; Authorization of a Hearing next.

OTHER MATTERS:

Items for Reconsideration:

25. 23-558 Authorization of a Hearing Planner: Megan Wimer

1. Suspension of CPC Rules of Procedure Section 4(c)(2) to allow consideration of Authorization of a Hearing "Consideration of authorizing a public hearing to determine the proper zoning on property zoned an R-7.5 Single Family District within Planned Development District No. 193, the Oak Lawn Special Purpose District generally east of Turtle Creek Greenbelt, south of Avondale Avenue, south of Fitzhugh Avenue, west of Katy Trail, and north of Blackburn Street and being approximately 23.31 acres with consideration being given to appropriate zoning for the area to include but not limited to use, development standards and other appropriate regulations."

Motion: It was moved to approve Suspension of CPC Rules of Procedure Section 4(c)(2) to allow consideration of Authorization of a Hearing "Consideration of authorizing a public hearing to determine the proper zoning on property zoned an R-7.5 Single Family District within Planned Development District No. 193, the Oak Lawn Special Purpose District; generally east of Turtle Creek Greenbelt, south of Avondale Avenue, south of Fitzhugh Avenue, west of Katy Trail, and north of Blackburn Street and being approximately 23.31 acres with consideration being given to appropriate zoning for the area to include but not limited to use, development standards and other appropriate regulations."

Maker: Kingston
Second: Blair
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Hagg, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Reconsideration

1. Motion to Reconsider It was moved to approve reconsideration of the previous action taken today February 16, 2023, which was to suspend the CPC Rules of Procedure Section 4(c)(2) to allow consideration of Authorization of a Hearing "Consideration of authorizing a public hearing to determine the proper zoning on property zoned an R-7.5 Single Family District within Planned

Development District No. 193, the Oak Lawn Special Purpose District generally east of Turtle Creek Greenbelt, south of Avondale Avenue, south of Fitzhugh Avenue, west of Katy Trail, and north of Blackburn Street and being approximately 23.31 acres with consideration being given to appropriate zoning for the area to include but not limited to use, development standards, and other appropriate regulations."

Maker: Kingston
Second: Blair
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Rubin

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

2. Suspension of CPC Rules of Procedure Section 4(c)(2) to allow consideration of Authorization of a Hearing "Consideration of authorizing a public hearing to determine the proper zoning on property zoned an R-7.5 Single Family District within Planned Development District No. 193, the Oak Lawn Special Purpose District, generally east of Turtle Creek Greenbelt, south of Avondale Avenue, south of Fitzhugh Avenue, west of Katy Trail, and north of Blackburn Street and being approximately 23.31 acres with consideration being given to appropriate zoning for the area to include but not limited to use, development standards and other appropriate regulations."

Motion: In considering Suspension of CPC Rules of Procedure Section 4(c)(2) to allow consideration of Authorization of a Hearing "Consideration of authorizing a public hearing to determine the proper zoning on property zoned an R-7.5 Single Family District within Planned Development District No. 193, the Oak Lawn Special Purpose District; generally east of Turtle Creek Greenbelt, south of Avondale Avenue, south of Fitzhugh Avenue, west of Katy Trail, and north of Blackburn Street and being approximately 23.31 acres with consideration being given to appropriate zoning for the area to include but not limited to use, development standards, and other appropriate regulations.", it was moved to hold this matter under advisement until March 23, 2023.

Maker: Kingston
Second: Blair
Result: Carried: 11 to 0

2

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair, Jung, Housewright, Haqq, Kingston, Kubiu

Against: 0
Absent: 3 - Wheeler-Reagan, Treadway, Stanard
Vacancy: 1 - District 3

Note: The Commission did not vote on the following two items, due to the Suspension of CPC Rules of Procedure item being held until March 23, 2023.

2. Reconsideration of action taken on September 5, 2018 which was to recommend approval of authorizing a public hearing to determine the proper zoning on property zoned an R-7.5 Single Family District within Planned Development District No. 193, the Oak Lawn Special Purpose District; generally east of Turtle Creek Greenbelt, south of Avondale Avenue, south of Fitzhugh Avenue, west of Katy Trail, and north of Blackburn Street and being approximately 23.31 acres with the area amended to include the area bounded by Turtle Creek Greenbelt on the west, Avondale Avenue and North Fitzhugh Avenue on the north, Katy Trail on the east and including the southernmost lot on Stonebridge Drive on the south with consideration being given to appropriate zoning for the area to include but not limited to use, development standards, and other appropriate regulations. **This is a hearing to consider the request to authorize the hearing and not the rezoning of property at this time.**

3. Consideration of authorizing a public hearing to determine the proper zoning on property zoned an R-7.5 Single Family District within Planned Development District No. 193, the Oak Lawn Special Purpose District; generally east of Turtle Creek Greenbelt, south of Avondale Avenue, south of Fitzhugh Avenue, west of Katy Trail, and north of Blackburn Street and being approximately 23.31 acres with consideration being given to appropriate zoning for the area to include but not limited to use, development standards, and other appropriate regulations. **This is a hearing to consider the request to authorize the hearing and not the rezoning of property at this time.**
Postpone From: February 2, 2023
Planner: Megan Wimer
Council District: 14

Note:
The Commission considered APPROVAL OF MINUTES agenda item next.

Consideration of Appointments to CPC Committees:

Comprehensive Land Use Plan Committee (CLUP):
Jasmond Anderson

ADJOURNMENT:

Motion: It was moved to **adjourn** the February 16, 2023, City Plan Commission meeting at 10 10 p.m

Maker: Blair
Second: Anderson
Result: Carried: 9 to 0

For: 9 - Popken, Hampton, Anderson, Shidid Carpenter, Blair, Jung, Housewright, Haqq

Against: 0
Absent: 5 - Wheeler-Reagan, Treadway, Stanard, Kingston, Rubin
Vacancy: 1 - District 3

Yolanda Pesina

Drafted by:
Yolanda Pesina, CPC Secretary
Planning & Urban Design / Current Planning

3/1/2023
Date

Tony Shidid

Approved by:
Tony Shidid, Chair
City Plan Commission

3/2/23
Date

Attachments:
Disclosure of Conflict Statement - Z212-336(MP)
Disclosure of Conflict Statement - Z212-340(JM)
Disclosure of Conflict Statement - Z212-186(JA)

Video Links:
Briefing/Public Hearing:
https://cityhall.webex.com/dallascityhall/ldr.php?RCID=06bee590[illegible]8cd7496[illegible]

CITY OF DALLAS

RECEIVED
2023 FEB 15 AM 10:42
CITY SECRETARY
DALLAS, TEXAS

DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One (Check the appropriate box below)

	Elected Official	Office Held	
✓	Appointed Official	Board or Commission Title	City Plan + Zoning Commission / Member
	City Employee	Title/Department	

1. Name of Employee/Official: P. Michael Jung

I P. Michael Jung have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Z 212-336 (MP)

OFFICE OF THE CITY SECRETARY 1 DALLAS, TEXAS

Nature of Conflict:

ownership of common stock of Verizon Communications Inc., parent company of the applicant

As a result of this conflict I will not take any official action in regard to the matter stated above.

P. Michael Jung — 2-16-22

Signature of Employee/Official — Date

BEFORE ME the undersigned authority, on this day personally appeared

P. Michael (Mike) Jung who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 16th day of February, 2022, to certify which, witness my hand and seal.

YOLANDA PESINA
Notary Public, State of Texas
Comm. Expires 04-11-2026
Notary ID 125095532-3

Yolanda Pesina — Yolanda Pesina — CPC Secretary

Signature of officer administering oath — Printed name of officer administering oath — Title of officer administering oath

CITY OF DALLAS

RECEIVED
2023 FEB 16 AM 10:43
CITY SECRETARY
DALLAS, TEXAS

DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One		Fill in Appropriate Name(s)
Elected Official	Office Held	
✓ Appointed Official	Board or Commission Title	City Planning Commission
City Employee	Title/Department	

1. Name of Employee/Official Lorie Blair

I Lorie Blair have a conflict as defined in Chapter 12A Article II, of the Dallas City Code in the following matter:

I am a member of this Church

Z212-340

Nature of Conflict

I am a member of Parkland MPC.

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Signature of Employee/Official

February 16, 2023
Date

BEFORE ME, the undersigned authority, on this day personally appeared Lorie Blair, who on oath stated that the above facts are within her personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 16th day of February, 2023, to certify which, witness my hand and seal.

YOLANDA PESINA
Notary Public, State of Texas
Comm. Expires 04-11-2026
Notary ID 12509532-3

Yolanda Pesina — Yolanda Pesina — CPC Secretary

Signature of officer administering oath — Printed name of officer administering oath — Title of officer administering oath

CITY OF DALLAS

RECEIVED
2023 FEB 16 AM 10:43
CITY SECRETARY
DALLAS, TEXAS

DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One		For Appropriate Individual
	Elected Official	Office Held
✓	Appointed Official	Board or Commission Title: City Plan Commission District 6
	City Employee	Title/Department:

1. Name of Employee/Official: Deborah Carpenter

I Deborah Carpenter have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Z212-106

I own property within the notification area.

Nature of Conflict:

I'm a employee within the administration area.

As a result of this conflict I will not take any official action in regard to the matter stated above.

Signature of Employee/Official

2-14-23
Date

BEFORE ME, the undersigned authority, on this day personally appeared

Deborah Carpenter, who on oath stated that the above facts are within her personal knowledge and are true and correct.

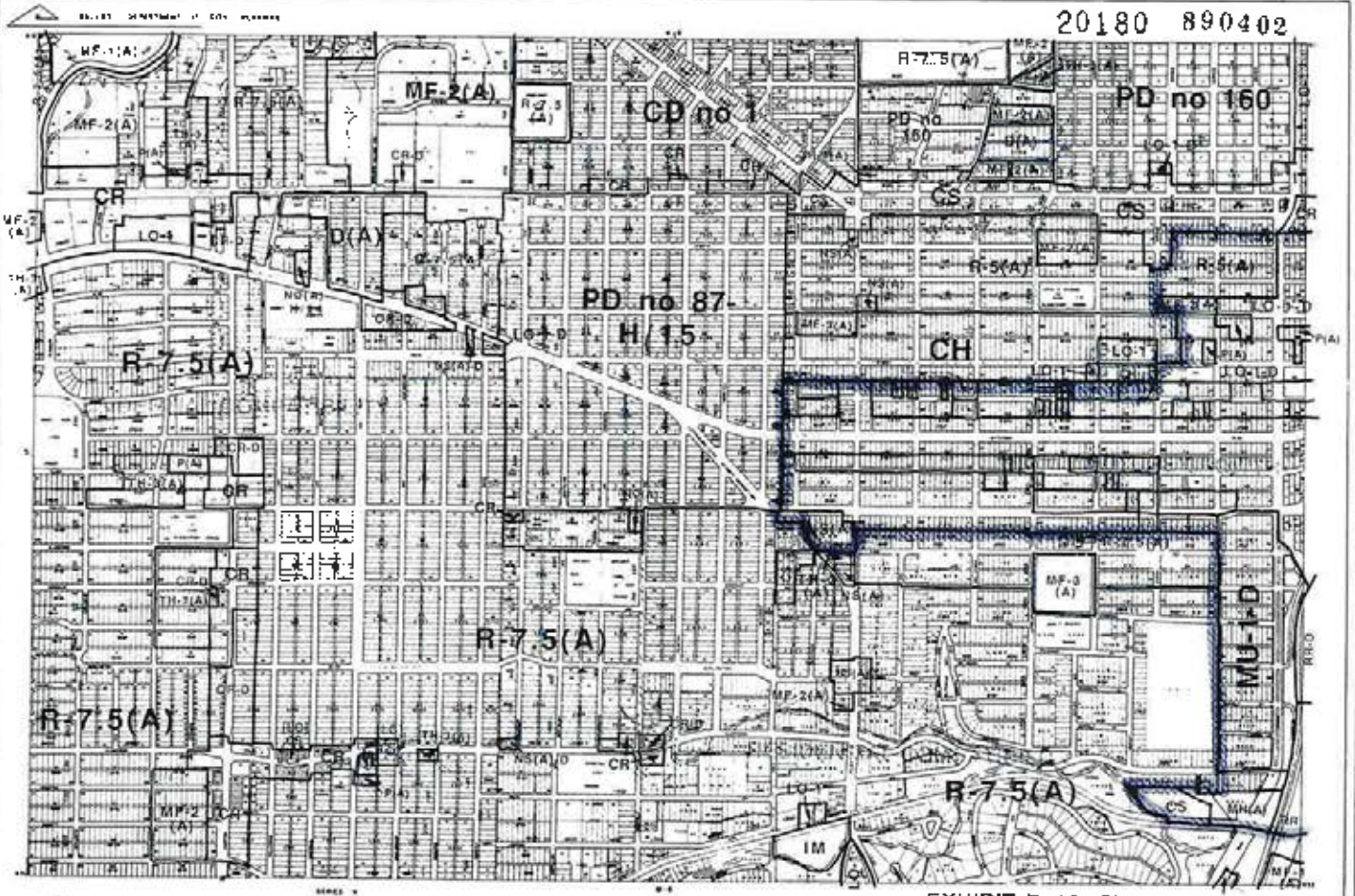
SWORN TO AND SUBSCRIBED BEFORE ME on this 14th day of February

2023 to certify which, witness my hand and seal.

YOLANDA PESINA
Notary Public, State of Texas
Comm. Expires 04-11-2026
Notary ID 12509532-3

Yolanda Pesina — Yolanda Pesina — CPC Secretary

Signature of Officer Administering Oath — Printed name of officer administering oath — Title of office administering oath


20180 890402
L-6
MF-2(A)
CD no 1
PD no 160
CR
LO-1
D(A)
PD no 87
H/15
R-7.5(A)
CH
CS
R-5(A)
MF-3 (A)
MU-1D
IM
EXHIBIT B 16 OF 48
L-6