SUPPLEMENTAL DECLARATION OF DAVID A. DEAN IN SUPPORT OF BARBARA McDANIEL'S APPLICATION TO THE BOARD OF ADJUSTMENT TO SET A COMPLIANCE DATE FOR THE NONCONFORMING USE

THE STATE OF TEXAS §

COUNTY OF DALLAS §

- 1. My name is David A. Dean. I am over the age of 18 years old, and I am competent to give this supplemental declaration. I have never been convicted of a felony.
- 2. My wife and I have owned the residence located at 5420 Swiss Avenue, Dallas, Texas 75214 since June 2000.
- 3. The home was unoccupied and in very poor condition when we acquired it. For a number of years over two hundred pigeons had made their home in the attic and the basement flooded up to three feet of water every time it rained.
- 4. We have made our home and lived at 5420 Swiss Avenue continuously since our major restoration of the property was completed in late 2003.
- 5. We live next to 5500 Swiss Avenue which has come to be known as the Aldredge House.
- 6. The Aldredge House is owned by the DCMSA and is leased by DCMSA to Culinaire pursuant to an exclusive agreement that allows Culinaire and its catering division Food Glorious Food to be the exclusive occupant of the property and to handle Culinaire's for profit, catering, and events venue at the property and to operate the commercial parking lot owned by DCMSA on 5436 Gaston Avenue, Dallas, Texas in furtherance of the commercial, for profit operations occurring at 5500 Swiss Avenue.
- 7. On Saturday September 5, 2015 throughout the day I heard commercial delivery trucks idling and the beeping as those trucks were put into reverse gear and observed that the trucks were so large as to block the alley in the rear of the Aldredge House from passage of other vehicles including fire trucks and emergency vehicles. I also observed other trucks and much activity as they began to set up for an event that evening. To my knowledge there was not a member of the DCMSA on site as these trucks arrived, idled and created a huge amount of noise in my residential neighborhood.

- 8. The wedding that occurred at 5500 Swiss Avenue on the evening of Saturday September 5, 2015, was quite loud and raucous with lots of amplified announcements and music and crowd noises and outbursts and horns honking being heard throughout the neighborhood.
- 9. My wife Jean Dean and I took the video attached as exhibit 1 on September 5, 2015, at approximately 9:26 PM. We were standing in the back yard of Nick McCune, 5514 Swiss Avenue. On the video, cars honking their horns can clearly be heard and were extremely disruptive to our quiet residential neighborhood.
- 10. My wife Jean Dean and I took the video attached as exhibit 2 on September 5, 2015, at approximately 9:17 PM. We were standing in the back yard of Nick McCune, 5514 Swiss Avenue. On this video, the emcee can be heard screaming to announce the wedding party and the bride and groom outside, and the very loud cheers from the partygoers can be clearly heard. This is also extremely disruptive to our quiet residential neighborhood.
- 11. On Saturday September 19, 2015 I had occasioned to be disturbed by the loud noises and fumes of delivery trucks once again idling and blocking the alley behind the Aldredge House. What appeared to be a small army of caterers, servers and setup vehicles and personnel started arriving early with continuous activity and loud noises well into the night.
- 12. On Saturday October 3, 2015 in preparation for a large wedding at the Aldredge House the delivery and set up crews arrived shortly after 12:00PM NOON. The delivery trucks idling and the noise of tables clanking was clearly audible inside my home with the TV on. These trucks blocked the alley and caused way too much commotion for an otherwise quiet residential neighborhood.
- 13. On Saturday October 3, 2015 later that afternoon, a little after 4:00PM from the front part of the inside of my home I heard extremely loud amplified music coming from the direction of the Aldredge House. Upon exiting my front door, I could clearly see and hear the source of the problem. There were a number of large pickup trucks and other vehicles in the circular driveway of the Aldredge House facing Parkmont Street. There was a souped up pickup truck closest to Swiss Avenue that had both of its doors open with music blaring and its motor running. The truck was surrounded by several guys who had obviously arrived early for the party and in their mind the party and the drinking had already begun. They were smoking and were very loud, and the pickup truck was idling and putting out a lot of unpleasant odors. I walked along the sidewalk to the Aldredge House and asked the obvious leader if that was his pickup truck with the intention of asking him to turn the music down and turn his vehicle off; however, he couldn't hear me given the loud noise they were making. He finally walked over toward the sidewalk close enough for us to communicate and again I asked him if that was his pickup, and he said that it was and then I asked him to please turn the music down and turn his vehicle off because of the noise and fumes. He started smirking and said "what was it to [me]." Then

I told him that I live next door and that the music was so loud that it was disturbing my peace and that this is a residential neighborhood and that there are rules against smoking and idling vehicles at the Aldredge House. He said that he could probably do that. While he was ambling over to his truck to turn down the music one of his colleague's shouted to me "what is it to you? You are not even paying for his gas." Then after a pause another of their colleagues called these two down and told them to be quiet and said to me "don't worry mister, we will take care of this and thanks for calling this to our attention."

14. What was amazing is that there was no Aldredge House owner no homeowner on site supervising the arrival, set up, behavior of Culinaire and Food Glorious Food personnel, the guests, or other vendors. This is typical of what we have come to expect with the absentee ownership and mismanagement of this residential home turned into a commercial for profit entertainment venue. The DCMSA representatives arrived well after the party had begun and were dressed to enjoy the party and left well before the final takedown had been completed after the party ended late that night.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: October 12, 2015

David A. Dean

Exhibit 1 – Video taken on September 5, 2015 at approximately 9:26 pm

Exhibit 2 – Video taken on September 5, 2015 at approximately 9:17 pm